

IN THE CIRCUIT COURT OF CONWAY COUNTY, ARKANSAS
CIVIL DIVISION

ELMER PHILPOT

PLAINTIFFS

VS.

CASE NO. 15 CV 2012-114

HANKOOK TIRE CO., LTD; and HANKOOK TIRE
AMERICA CORP., a subsidiary of HANKOOK TIRE
CO., LTD; and KENNETH R. HEDRICK d/b/a
TRANSPORT, INC.; STILL KICK'N, INC.;
and TOMMY NEW

DEFENDANTS

JUDGMENT

On the 29th day of August, 2016, the Complaint of Elmer Philpot was presented for a Jury Trial. Based on the proof presented, the Court finds:

1. Beginning on the 29th day of August, 2016, the Plaintiff's Complaint came on to be tried by a Jury. That the issues were duly tried and the claim of the Plaintiff was submitted to the Jury.
2. On September 8, 2016, the Jury returned the following verdicts by Interrogatory, to wit:

1. With regard to Hankook Tire Co., Ltd.:

a. Do you find from a preponderance of the evidence that a defective product was manufactured or assembled or sold or otherwise distributed by Hankook Tire co., Ltd. which was a proximate cause of any damages sustained by Elmer Philpot?

ANSWER: Yes

SIGNATURES:

Brian Freyaldenhoven
 Alice Dixon
 Bernadette Welcher
 Rickey Gilley
 Tekila Cornett
 Donna Burgener
 Delores Gangluff
 Jennifer Foster
 James W. Moore
 Mark McQuain

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 DARLENE MASSINGILL
 CIRCUIT CLERK
 CONWAY COUNTY

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b. Do you find from a preponderance of the evidence that there was negligence on the part of Hankook Tire co., Ltd. which was a proximate cause of any damages sustained by Elmer Philpot?

9/22/16

ANSWER: No

SIGNATURES:

**Brian Freyaldenhoven
Alice Dixon
Phyllis Frasier
Donna Burgener
Delores Gangluff
Lee Foster
Jennifer Foster
James W. Moore
Mark McQuain**

2. With regard to Hankook tire America Corp.:

a. Do you find from a preponderance of the evidence that a defective product was manufactured or assembled or sold or otherwise distributed by Hankook Tire America Corp. which was a proximate cause of any damages sustained by Elmer Philpot.

ANSWER: Yes

SIGNATURES:

**Brian Freyaldenhoven
Alice Dixon
Bernadette Welcher
Rickey Gilley
Tekila Cornett
Donna Burgener
Delores Gangluff
Jennifer Foster
James W. Moore
Mark McQuain**

b. Do you find from a preponderance of the evidence that there was negligence on the part of Hankook Tire America Corp. which was a proximate cause of any damages sustained by Elmer Philpot?

ANSWER: No

SIGNATURES:

**Brian Freyaldenhoven
Alice Dixon
Phyllis Frasier
Donna Burgener
Delores Gangluff
Lee Foster
Jennifer Foster**

James W. Moore
Mark McQuain

3. Do you find from a preponderance of the evidence that there was negligence on the part of Tommy New which was a proximate cause of any damages sustained by Elmer Philpot?

ANSWER: No

SIGNATURES: Brian Freyaldenhoven- Foreman

4. Answer this interrogatory only if you have answered "Yes" to one or more Interrogatories 1 through 3 or their subparts:

Do you find from a preponderance of the evidence that Elmer Philpot was at fault and that such fault was a proximate cause of any damages he may have sustained?

ANSWER: No

SIGNATURES: Brian Freyaldenhoven-Foreman

5. If you have answered more than one of Interrogatories 1 through 4, including their subparts, "Yes," then answer this Interrogatory:

Using 100% to represent the total responsibility for the occurrence and for any injuries or damages resulting from it, apportion the responsibility between the persons whom you have found to be responsible.

To assign a percentage of fault to Hankook Tire Co., Ltd., you must have answered yes to Question 1; otherwise its percentage of fault is zero. To assign a percentage of fault to Hankook Tire America Corp., you must have answered yes to Question 2; otherwise, its percentage of fault is zero. To assign a percentage of fault to Tommy New, you must have answered yes to Question 3; otherwise, his percentage of fault is zero. To assign a percentage of fault to Elmer Philpot, you must have answered yes to Question 4; otherwise, his percentage of fault is zero.

ANSWER:

Hankook Tire Co., Ltd.	% <u>90</u>
Hankook Tire America Corp.	% <u>10</u>
Tommy New	% <u> </u>
Plaintiff	% <u> </u>
Total:	100%

SIGNATURES:

Brian Freyaldenhoven
Alice Dixon
Bernadette Welcher
Rickey Gilley

Phyllis Frasier
Tekila Cornett
Donna Burgener
Delores Gangluff
Jennifer Foster
James W. Moore
Mark McQuain

6. State the amount of any damages that you find from a preponderance of the evidence were sustained by Elmer Philpot as a result of the occurrence. Do not reduce those damages by any percentage of fault you may have assigned to Elmer Philpot.

ANSWER: \$1,200,000.

SIGNATURES:

Brian Freyaldenhoven
Alice Dixon
Bernadette Welcher
Rickey Gilley
Phyllis Frasier
Tekila Cornett
Delores Gangluff
Mark McQuain
James W. Moore
Jennifer Foster

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that the Plaintiff is hereby awarded Judgment against the Defendant, Hankook Tire Co., Ltd. in the amount of \$1,080,000.00 bearing interest from the date of entry of this Judgment at ten percent (10%) as provided by law and the Plaintiff is hereby awarded Judgment against the Defendant, Hankook Tire America Corp. in the amount of \$120,000.00 bearing interest from the date of entry of this Judgment at ten percent (10%) as provided by law, that the Complaint and Crossclaims against the Separate Defendant, Tommy New, are hereby denied.

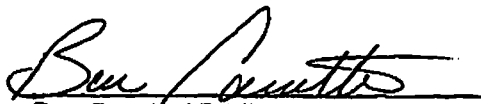
IT IS FURTHER ORDERED AND ADJUDGED that the Court's previous Order filed July 23rd, 2015 granting the award of attorney's fees in the amount of \$43,025.00 against the Defendants, Hankook Tire Co. Ltd. and Hankook Tire America, Corp. shall be a Judgment against

those Defendants which shall be joint and severable bearing interest from the date of entry of this Judgment at ten percent (10%) as provided by law.

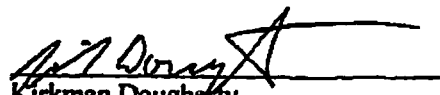
IT IS SO ORDERED this 22 day of Sept, 2016.


TERRY SULLIVAN, CIRCUIT JUDGE

Prepared by:


Ben Caruth, ABA# 81030
Gordon & Caruth, PLC

Approved as to form:


Kirkman Dougherty
HARDIN, JESSON & TERRY
P. O. Box 10127 Fort Smith, AR 72917
Dougherty@hardinlaw.com

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

MEMORANDUM FOR THE DIRECTOR

RE: [Illegible]

[Illegible]

[Illegible]

[Illegible]

SCANNED