

# K&D TIRE WHOLESALERS, LLC

U.S. Department of Transportation  
National Highway Traffic Safety Administration

July 5, 2007

Dear NHTSA:

Provided are the responses to your questions in the form of R1, R2, etc.

If you have any questions, please do not hesitate to call us at 866-739-0822. Thank you.

Best Regards,

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1. Please identify by brand, model name and size all light truck radial tires produced by HZR that are the same size as any of the tires identified on page 1 of this letter, and which were imported into the United States by your company between January 2001 to the present, that your company sold or otherwise distributed in the United States. These tires are referred hereinafter as “similar tires.”

**R1. K&D TIRE WHOLESALERS, LLC, HAS NEVER SOLD OR IMPORTED THE TIRES MENTIONED IN CONNECTION WITH THIS LETTER OR FTS’S LETTER, INCLUDING “SIMILAR TIRES.” FURTHERMORE, K&D TIRE WHOLESALERS, LLC, HAS NEVER IMPORTED TIRES FROM CHINA AT ALL. K&D TIRE WHOLESALERS HAS FORMALLY REQUESTED FROM FTS ATTORNEYS TO RETRACT THEIR STATEMENT THAT K&D TIRE WHOLESALERS SOLD THESE PRODUCTS.**

2. If your company does not agree with the statement made in the enclosed report by FTS that your company imported tires manufactured by HZR that are similarly constructed and of the same size as those identified by FTS, and if your company does not believe that those similar tires contain a safety-related defect, please provide an explanation for your company’s position.

**R2. PLEASE SEE ABOVE ANSWER TO #1**

3. Separately, for each tire line identified as similar tires above, state quantity of, and the range of TINs, for those tires that your company sold to wholesalers, retail distributors or dealers, or to the general public through individual sales.

**R3. N/A**

4. As to all similar tires that you have identified in response to Request No. 1 above, please provide the following information:
  - a. Identify by contact name, address and phone number each wholesaler, retail distributor or dealer, and individual member of the general public to whom your company directly sold or otherwise distributed any of the similar tires. Provide the number of tires sold or otherwise distributed to each, separately identified by brand name and size.
  - b. Provide a copy of each tire registration form (see 49 C.F.R. part 574) and comparable information (e.g., data bases and files with names of tire purchasers (not for resale)).

**R4. N/A**

5. State whether or not your company imported and sold tires bearing the manufacturing code “FTS” in the TIN.

**R5. N/A**

6. State, with respect to the tires identified in response to Request No. 1 above, by tire brand name, model, tire size and year of manufacture, the number of each of the following, received by your company, or of which your company is otherwise aware, which relate to, or may relate to tread separation, blowout or belt to belt separation in the similar tires that you imported:
- a. Reports involving a crash, injury, or fatality, based on claims against your company and/or HZR involving a death or injury, notices received by your company or HZR alleging or proving that a death or injury was caused by a possible defect in a subject vehicle;
  - b. Property damage claims;
  - c. Warranty adjustments;
  - d. Complaints, including those from fleet operators;
  - e. Third-party arbitration proceedings where your company is or was a party to the arbitration; and
  - f. Lawsuits, both pending and closed, in which your company is or was a defendant or codefendant.

For subparts “a” through “f,” state the total number of each item (e.g., fatality reports, property damage claims, warranty adjustments, etc.) separately. Multiple incidents involving the same tire are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a property damage claim and warranty adjustment involving the same incident in which a crash occurred are to be counted as a property damage claim and a warranty adjustment).

In addition, for items “a” through “f,” provide a summary description of the alleged problem and causal and contributing factors and your company’s assessment of the problem, with a summary of the significant underlying facts and evidence. For items “e” and “f,” identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

**R6. N/A**

7. Produce copies of all documents related to each item within the scope of your response to Request No. 6, including, but not limited to, received complaints and warranty adjustment claims. Describe the search method used by your company in identifying these documents. Organize the documents separately by category (i.e., fatality, property damage claims, warranty adjustments, etc.) and describe the method your company used for organizing the documents.

**R7. N/A**

8. Describe all testing that your company conducted, arranged to have conducted (e.g., by a test laboratory) and/or that your company otherwise relied on in certifying that each of the subject tires were in compliance with the Federal Motor Vehicle Safety Standards. For each test, state the date of the test, describe the tire tested including model, size, and production date, describe the test (e.g., FMVSS No. 119 with "S" paragraph number) and state the test results. This information request covers a period prior to 2001 if the certification testing occurred before 2001.

**R8. N/A**

9. Describe all testing that your company conducted, arranged to have conducted (e.g., by a test laboratory) and/or about which your company otherwise had information on the subject tires, other than certification tests identified in your answer to Number 8 above. For each test, state the date of the test, describe the tire tested including model, size, and production date, describe the test and state the test results. This information request covers a period prior to 2001 if for subject tires designed and tested before 2001.

**R9. N/A**

10. Provide copies of all communications with HZR related to durability and performance of the subject tires.

Pursuant to Federal law, manufacturers, which includes fabricators and importers, of tires must notify NHTSA whenever they decide that tires contain a safety related defect or fail to comply with a Federal Motor Vehicle Safety Standard, must notify owners, purchasers, dealers, and distributors about that defect or noncompliance, and must provide a free remedy to owners of those defective or noncompliant tires. [49 CFR §§ 573.5, 573.6, 577.5 and 577.13] As an importer of tires, your company is defined to be the manufacturer of tires under Federal law and has the legal responsibility to conduct any recall that may be required. As of this date, we have not received notification of the above-described defect from your company. This letter serves to remind you of your company's responsibilities, and if appropriate to request that you supply a Defect Information Report, containing the information required by 49 CFR 573.6 and to conduct a recall campaign of any defective tires.

**R10. N/A**