

# Judge declares mistrial in Ford, Firestone civil suit

By **PETER JOHNSON**  
Tribune Staff Writer

State District Court Judge Julie Macek on Monday declared a mistrial in a major civil lawsuit and dismissed jurors 2½ weeks into what was expected to be at least a six-week trial.

Attorneys for local resident Bryan Mizenko were suing Firestone Tires, Ford Motors and Pete's Auto, alleging that a faulty tire, poorly designed Ford Bronco II and poor practices by the local used car dealership led to a car wreck in September 2003 that left

Mizenko brain injured and paralyzed.

More than 10 attorneys, representing the plaintiff and three defendants, lined the courtroom for two days during juror selection before the formal trial got under way June 9.

Max Davis, a local attorney for Firestone, said Macek ruled for a mistrial late Monday morning after pondering a motion by Scott Edwards, Firestone's national legal counsel, and by Ford.

Edwards sought the mistrial after Mizenko's attorney, Richard Denney, in interviewing an

expert witness, apparently asked a question that violated the judge's pretrial ruling limiting discussion of how many previous cases had involved Firestone tires.

Edwards argued that it wouldn't be enough for the judge to merely ask the jury to disregard the question and answer, according to the transcript because Denney "has thrown the skunk in the jury box. He was told not to do what he just did. This is severely prejudicial to Firestone and we move for a mistrial."

According to Davis, Macek

said she was very reluctant to grant the mistrial, but felt she had no choice, given the gravity of what happened Monday and earlier occurrences in the trial.

"All lawyers in the case would agree the judge has worked incredibly hard in the case," taking home transcripts and motions to read at night, Davis said.

"The defendants are disappointed the trial had to end on this basis," he said. "We all wanted a fair trial, if we couldn't resolve the case otherwise, but

See **MISTRIAL, 5A**



TRIBUNE FILE PHOTO/RION SANDERS

State District Court Judge Julie Macek declared a mistrial Monday in a civil lawsuit brought by Bryan Mizenko against Bridgestone Tires, Ford Motor Co., and Pete's Auto. The trial started June 9 and was expected to last at least six weeks.

## Great Falls forecast

High: 89° - Low: 57°

Partly sunny, chance of thunderstorms



Full weather report on back page

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# Mistrial: It's unclear when and if case will be retried

## FROM 1A

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we felt that Firestone's rights were violated and couldn't be ignored at this point."

It's not clear if and when the case will be re-tried, he said, noting that it takes time to schedule such lengthy trial with so many attorneys and for the judge to clear four to six weeks on her calendar.

Dennis Conner, a Great Falls attorney representing Mizenko, confirmed the mistrial had been declared and said the plaintiffs had resisted the motion. In the transcript, Denney said the

opposing attorney may have misunderstood what he was asking the expert witness and that his question may not have been clear enough.

Conner said he feels it is inappropriate for him to say more because the case is still pending before the judge, including a defense motion that the plaintiff pay the cost of the trial and related expenses.

"Eventually the case will have to start over again," Conner said.

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