

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 07-15729

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT DEC 16, 2008 THOMAS K. KAHN CLERK

D. C. Docket No. 05-02102 CV-T-26-TGW

LISA KEENE-MCPETERS,

Plaintiff-Appellant,

versus

COOPER TIRE & RUBBER COMPANY,
SEARS ROEBUCK AND COMPANY,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida

(December 16, 2008)

Before EDMONDSON, Chief Judge, ANDERSON, Circuit Judge, and COHILL,*
District Judge.

PER CURIAM:

*Honorable Maurice B. Cohill, Jr., United States District Judge for the Western District of
Pennsylvania, sitting by designation.

After oral argument and careful consideration, we conclude that the judgment of the district court is due to be affirmed. We readily conclude that the evidence amply justified the jury instruction submitting to the jury the issue of the government standard defense. The express language of the federal standard indicates that it was designed to prevent the type of harm that allegedly occurred – i.e., tread separation. Moreover, the express language of the federal standard indicates that it was intended to apply as well to radial tires. We also conclude that the district court did not abuse its discretion in declining to admit into evidence the 2002 bulletin concerning the federal standard and the 2007 revision thereof.

We also conclude that the district court did not abuse its discretion with respect to the scope of discovery. With respect to the district court’s decision declining to admit into evidence the “adjustment data,” we conclude that the plaintiff did not preserve that issue for appeal. Alternatively, we conclude that the district court did not abuse its discretion.

Other arguments raised on appeal are rejected without need for further discussion. Accordingly, the judgment of the district court is

AFFIRMED.