

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE THE GOODYEAR TIRE & RUBBER
COMPANY ERISA LITIGATION**

**Case No. 5:03CV02182
JUDGE JOHN R. ADAMS**

**JOINT STATUS REPORT REGARDING SETTLEMENT ADMINISTRATION
AND MOTION TO STAY SETTLEMENT SCHEDULE**

The parties hereby submit this status report in order to inform the Court of additional delays in recovering the Class data necessary to distribute notice of the Settlement to the Class pursuant to the July 29, 2008 deadline set out in the Court's June 9, 2008 Order. In addition, the parties also move to stay the Settlement schedule for thirty days for the reasons described forthwith and submit a proposed order to that effect for the Court's approval.

I. Status Report

As the Court is well aware from the parties' previous submissions, Hewitt, the former record keeper for the Plans, has undertaken to recover monthly Plan data for the period January 1, 1998 to August 1, 2005. As was reflected in our June 6, 2008 submission to the Court, Hewitt initially believed that it could complete the recovery process for the entire time period by the end of June. (Doc. 177). However, due to previously unforeseen technical difficulties, Hewitt has

only completed restoration of data for approximately half of the time period for which it has relevant data: 2002-2005. The recovery of Plan data for years 1998-2001 remains outstanding.¹

Prior to its commencement of the recovery effort, Hewitt informed the parties that the recovery process was potentially fraught with technical difficulties. Of particular concern to Hewitt was the restoration of Plan data from the early part of the Class Period, 1998-2000, as Hewitt would need to restore archived data from outdated recordkeeping systems that it no longer supports and maintains. However, Hewitt has experienced unexpected technical difficulties with restoration of years 2002 and 2003 which have severely slowed its progress and prevented it from completing the recovery process by the end of June as planned.

What is more, the technical difficulties Hewitt is having in recovering data from years 2002 and 2003, a time period previously thought to be unproblematic, has raised several concerns amongst the parties about whether the recovery of the remainder of the data for the Class Period will be successful and the amount of time that it will take to complete the project. The parties have consulted with Hewitt regarding these concerns and asked that Hewitt begin an effort immediately to recover data for the year 1998 such that Hewitt can assess whether recovery is even possible, how long it will take, and at what cost. Hewitt began the process of attempting to recover data for the year 1998 on Monday, July 21, and will provide a status report to the parties within the next ten days. Upon receipt of the Hewitt report, the parties will in turn provide an updated status report to the Court setting out the parties' proposed course of action to fulfill the terms of the Amended Settlement Agreement and the Court's Preliminary Approval Order.

¹ Attached as Exhibit 1 to this Joint Status Report is the Declaration of Mary Rogovin, the Hewitt employee who is in charge of the Goodyear data recovery project. The Declaration explains in greater detail the technical problems that Hewitt has encountered in recovering the data.

In the event that Hewitt is not successful, the parties have also begun inquiries as to whether there are alternative sources for the requisite Plan data. The parties have also sought advice from the Independent Fiduciary regarding alternative bases for distribution of the Settlement.

II. Stay of Settlement Schedule

Under the revised schedule issued on June 9, 2008, the deadline for mailing individual notice to members of the Settlement Class is July 29, 2008. (Doc. 178). As explained above, the Class Counsel will not be able to conform to this deadline as they do not yet have in their possession all of the data needed to perform the mailing. The parties hereby jointly move that the Settlement schedule be stayed for thirty days pending the report by Hewitt regarding the recovery of data for the year 1998, as well as new time and cost projections. Based on the information provided by Hewitt, the parties will be in a better position to provide the Court with a proposed course of action and to seek an amended settlement schedule from the Court.

III. Relief Requested

The parties ask the Court to issue an Order staying the Settlement schedule set forth in the Court's June 9, 2008 Order for thirty days, and submit herewith as Exhibit 2 a proposed Order for the Court's consideration.

Should the Court desire additional information regarding this matter, the parties welcomes the opportunity to provide the Court with any information it requires.

Dated this 29th day of July, 2008.

Respectfully submitted,

s/ Derek W. Loeser

Lynn Lincoln Sarko
Derek W. Loeser
Cari Campen Laufenberg
KELLER ROHRBACK, L.L.P.
1201 Third Avenue, Suite 3200

Seattle, WA 98101
Telephone: (206) 623-1900
Facsimile: (206) 623-3384
lsarko@kellerrohrback.com
dloeser@kellerrohrback.com
claufenberg@kellerrohrback.com
Lead ERISA Counsel

Donald S. Varian, Jr.
Ohio Supreme Court No. 0013027
195 South Main Street, Suite 400
Akron, OH 44308
Telephone: (330) 434-4100
Facsimile: (330) 434-4110
varianlaw@aol.com

Liaison ERISA Counsel

s/ Gregory C. Braden

Gregory C. Braden
Donald L. Havermann
Christopher A. Weals
MORGAN LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Telephone: (202) 739-5217
Facsimile: (202) 739-3001
gbraden@morganlewis.com
dhavermann@morganlewis.com
cweals@morganlewis.com

Thomas R. Houlihan
Jack Morrison, Jr.
AMER CUNNINGHAM
159 South Main Street, Suite 1100
Akron, OH 44308
houlihan@amer-law.com
jmorrison@amer-law.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2008, a copy of the Joint Status Report Regarding Settlement Administration and Motion to Stay Settlement Schedule was filed electronically, and is being served electronically this date upon all involved parties participating in the Court's electronic filing system or first-class mail, postage pre-paid.

s/Gregory C. Braden
Gregory C. Braden, Esq.

Exhibit 1

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE THE GOODYEAR TIRE & RUBBER
COMPANY ERISA LITIGATION**

**Case No. 5:03CV02182
JUDGE JOHN R. ADAMS**

DECLARATION OF MARY ROGOVIN

1. I am Benefits Delivery Manager with Hewitt Associates (“Hewitt”). I am providing this statement in connection with the parties’ Joint Status Report Regarding Settlement Administration and Motion to Stay Settlement Schedule.

2. Prior to 2005, Northern Trust Retirement Consultants (“NTRC”) or its successor was the record keeper of The Goodyear Tire & Rubber Company Savings Plan for Salaried Employees and The Goodyear Tire & Rubber Company Employee Savings Plan for Bargaining Unit Employees (collectively, the “Plans”). Records for the Plans were maintained on NTRC’s proprietary record keeping system.

3. Hewitt purchased NTRC in 2003 and announced to clients that it would be transitioning away from the NTRC system at the end of their contracts. In 2005, Goodyear ended its record keeping arrangement with Hewitt, having never converted to Hewitt’s TBA system.

4. In April 2008, Hewitt was retained by the parties to this litigation to recover and provide from the NTRC record keeping system certain information relating to participant transactions in the Goodyear Stock Fund during the period January 1, 1998 to August 1, 2005.

5. Hewitt informed the parties at the outset of the project that it might encounter technical problems recovering and furnishing the requested information. The potential problems included:

(a) the record keeping system used by NTRC during the period record keeping services were provided to Goodyear, ran on hardware and operating systems that are now obsolete;

(b) upgrades to the record keeping system during that time were not backwards compatible, such that data from prior version of the system cannot be read or accessed with the upgraded versions of the system;

(c) Hewitt would have to recover multiple versions of the record keeping system as well as six to eight data archives;

(d) The data archives and the version of the record keeping system used at the time the data was archived may be corrupt or incomplete; and

(e) Hewitt has no technical support for the hardware, operating systems, record keeping systems, or archival software to be used in the project.

6. Hewitt began work on the project on about May 20, 2008 and estimated it would take four to six weeks to complete the project.

7. Shortly after the project began, Hewitt encountered significant issues with the data recovery. First, the data recoveries for individual years took much longer than anticipated. Data restorations that were expected to take several hours to complete instead took several days,

and Hewitt had to restart the jobs in order to get them to complete successfully. Second, Hewitt had issues accessing the recovered data through the archived system in order to generate reports. Third, the magnetic media for certain years was corrupt; requiring Hewitt to find alternative backup copies of the data and attempt to restore those.

8. The data recovery project calls for Hewitt to provide annual summaries of Goodyear Stock Fund activity from January 1, 1998 to August 1, 2005. Because of the manner in which records were maintained, twenty summaries must be produced. The following chart shows the current status of the summaries:

| Year | Plan 1 (Union) | Plan 2 (Salaried) | Plan 3 (Hourly) |
|-------------|-----------------------|--------------------------|-----------------------------|
| 2005 | complete | complete | n/a (part of salaried plan) |
| 2004 | complete | complete | n/a (part of salaried plan) |
| 2003 | complete | complete | n/a (part of salaried plan) |
| 2002 | complete | complete | n/a (part of salaried plan) |
| 2001 | not started | not started | not started |
| 2000 | not started | not started | not started |
| (OS/2) | | | |
| 1999 | not started | not started | not started |
| (OS/2) | | | |
| 1998 | not started | not started | not started |
| (OS/2) | | | |

9. As noted in the chart, the 1998-2000 record keeping system ran on an operating system (OS/2) that is no longer used. Because the operating system is out of date and the record keeping software is multiple versions old, Hewitt expects the OS/2 recoveries (1998-2000) will be more challenging. At the request of the parties, Hewitt is currently looking at the data from 1998 to try to determine if the recovery process will present any significant problems. Hewitt expects that assessment will be complete within approximately ten days.

Under penalty of perjury, I declare the foregoing is true and correct to the best of my knowledge.

Wang S. Rogers

Date:

7.29.2008

Exhibit 2

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE THE GOODYEAR TIRE & RUBBER
COMPANY ERISA LITIGATION**

**Case No. 5:03CV02182
JUDGE JOHN R. ADAMS**

ORDER APPROVING MOTION TO STAY SETTLEMENT SCHEDULE

Upon consideration of the parties' Joint Status Report and Motion to Stay Settlement Schedule, the Court finds good cause to stay the settlement schedule and hereby orders all existing dates relating to the settlement suspended and furthermore vacates the Fairness Hearing date of September 11, 2008 for a period of 30 days. The parties will submit an additional status report and a proposed revised Settlement schedule to the Court no later than August 28, 2008.

All other terms of the Order Granting Preliminary Approval of Settlement, Conditional Certification of Settlement Class, Approving Form and Method of Notice and Setting a Date and Time for a Fairness Hearing (Doc. 175) and Order Approving Amendment to Settlement Agreement (Doc. 178) not related to the Settlement schedule shall remain in effect.

SO ORDERED this _____ day of _____, 2008

John R. Adams
United States District Judge