

1LNHM97V8YY

Date Purchased
10-APR-02Dealer's Name and Telephone Number
Best Ford

LINCOLN

CONTINENTAL

2000

Original Owner
☐Dealer's City
MilwaukeeEngine:
No. Cylinders 8Fuel Type:
GasTransmission Type
AUTOMATIC☒ Anti-lock Brakes☒ Cruise Control

Powertrain

FRONT WHEEL DRIVE

State
WIZip Code
53226

Vehicle Component Code

221700 SEATS: FRONT ASSEMBLY: SEAT HEATER/COOLER

Multiple Failure: 1

Incident Date(s)

DEC-2000
2002Failure Mileage
69000

Failure Speed

FAILED COMPONENT(S)/PART(S) INFORMATION

#10091703

Tire Make

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

DOT No. (Example: DOTM19ABC036)

Tire Model (Name or Number)

☐ Original Equipment
☐ Prior Repair

Tire Size (Example P275/65R15)

Tire Component Code

Failure Location:

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make:

Tire Failure Type

Seat Type:

Date Manufactured:

Installation System:

Model No./Name:

Child Seat Component Code:

Failed Part:

add on



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

DOT Auto Safety Hotline
Vehicle Owner's Questionnaire
To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET:www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 241

Date Received

08-SEP-2004

Repository ☐

Reference No.
10081703

OWNER INFORMATION (Type or Print)

Name [REDACTED]
Address [REDACTED]
City MILWAUKEE State WI Zip Code [REDACTED]

Daytime Telephone Number

E-mail Address

Evening Telephone Number

Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? ☒ YES ☒ NO
In the absence of an authorized signature, please print the name or address to the vehicle manufacturer.
Signature of Owner [REDACTED] Date 10/8/04

VEHICLE INFORMATION

17 digit Vehicle Identification Number located at bottom of windshield on driver's side
1LNHM97V8YY [REDACTED] Make LINCOLN Model CONTINENTAL Model Year 2000
Date Purchased 10-APR-02 Dealer's Name and Telephone Number Best Ford
Original Owner ☐ Dealer's City Milwaukee State WI Zip Code 53226
Engine: No. Cylinders 8 Fuel Type: Gas
Transmission Type AUTOMATIC ☒ Antilock Brakes ☒ Cruise Control Powertrain FRONT WHEEL DRIVE
Vehicle Component Code 221700 SEATS:FRONT ASSEMBLY:SEAT HEATER/COOLER
Multiple Failure: 1

FAILED COMPONENT(S)/PART(S) INFORMATION

Incident Date(s) ~~DEC-2000~~ 8000 Failure Mileage 8000 Failure Speed [REDACTED]

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make [REDACTED] Tire Model (Name or Number) [REDACTED] Tire Size (Example P215/65R15)
DOT No. (Example: DOTM18ABC038) ☐ Original Equipment ☐ Prior Repair Failure Location:
Tire Component Code [REDACTED] Tire Failure Type

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make: [REDACTED] Date Manufactured: [REDACTED] Model No./Name:
Seat Type: [REDACTED] Installation System:
Child Seat Component Code: [REDACTED] Failed Part:

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the incident(s), failure(s), crash(es), and injury(ies).)

Crash ☐ Yes ☒ No Fire ☐ Yes ☒ No Number of Persons Injured 1 Number of Deaths 0 Reported to Police N

Narrative Description of Incident(s), Crash(es), and Injury(ies).

Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure:
i.e. parts repaired or replaced (and if old part is available).

CONSUMER RECEIVED BURNS FROM THE HEATER LOCATED IN THE DRIVER'S SEAT. DEALER WAS NOTIFIED. *AK

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice.

ATTACH ADDITIONAL SHEETS IF NECESSARY

The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

10/08/04

U.S. Department of Transportation
National Highway Traffic Safety Administration
400 Seventh St., S.W.
Washington, D.C. 20590

To All Interested Parties:

The following is an accurate representation of actual events that happened to me during December 2002.

My name is [REDACTED] and I live in Milwaukee, Wisconsin. Leading up to the Holiday season of 2002 my daughter Kate and me decided to travel to New York City to see our family. During the trip we stopped to gas up and eat at varying intervals. During one stop in Pennsylvania, Kate noticed that the back of my shirt was wet. Upon closer examination we discovered it was stuck to my lower back. We went to a local store and purchased ointment and bandages. Upon our arrival in New York I experienced a slight fever, chills and nausea. My sister drove me to Long Island Jewish Hospital where I was treated for severe burns. (Pictures enclosed)

I notified Ford Motor Company about the problem when I returned to Milwaukee. They told me to get it checked out, which I did. (Item 2 enclosed)

I spoke with Marquis Morris, Consumer Affairs at the Ford Motor Company. I told him, all I wanted was the hospital bill paid (item 3), and the seat repaired or replaced.

In item 4 & 5, you can read their decision!

We filed suit in February 2004, in Small Claims Court (item 6), seeking the grand sum of \$5,000.

I contend to this day, initially all I wanted was the hospital bill paid, and the seats repaired or replaced.

Then things got interesting, Ford unloaded the big guns.

Law Firms in Chicago and Milwaukee descended upon us. They were claiming that the malfunctioning seat did not cause my injuries. (Item 7)

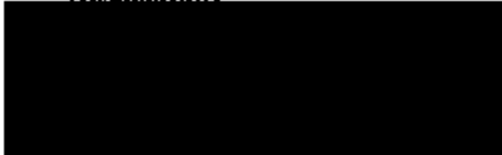
Then things really heated up...see items, 8, 9, 10, and 11! Makes for some interesting reading.

When I think of the thousands upon thousands of dollars spent, and the time wasted by the Ford Motor Company, it angers me. As a customer of Ford I placed my faith in them as a company making a reliable, safe product. If a problem arises, meet it head on and fix the problem. This would have been the right thing to do!

I started doing research and soon found numerous hits on the Internet, regarding the actions of the Ford Motor Company. I have an additional 35 hits on file, and am still counting. I've enclosed one such correspondence showing that my situation is not an isolated incident. (Item 12)

In closing I've also attached an article reprinted from the Center for Auto Safety's web site at www.autosafety.org (Item 13). Please read, as it will make you aware how Ford has operated in the past, and is still operating today!

Respectfully



Ford Motor Company

Consumer Affairs

Item 4

July 8, 2003

Mr. Michael Cohn, Attorney at Law
324 E. Wisconsin Avenue
Suite 1400
Milwaukee, WI 53202

RE: 2000 Lincoln Continental
VIN: ILNHM97V8Y [REDACTED]

Dear Mr. Cohn:

Thank you for contacting Ford Motor Company regarding your client's vehicle.

Your client's concern has been thoroughly reviewed by the service manager at Best Ford. The service manager was not able to verify a manufacturer's defect, Ford Motor Company is unable to offer your client assistance.

Thank you for the opportunity to review this concern.

Respectfully yours,

MM

Marquis Morris
Consumer Affairs



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Consumer Affairs

PO Box 6248, MD 3NE-B
Dearborn, MI 48126 USA

November 19, 2003

Judith Paulick, Attorney at Law
1120 Elm Grove Street
PO Box 5105
Elm Grove, WI 53122

Item 5

RE: 2000 Lincoln Continental
VIN: 1LNHM97V8YY [REDACTED]

Dear Mrs. Paulick:

This letter is in response to your correspondence regarding your client's 2000 Continental.

Customer satisfaction is one of the primary objectives of Ford Motor Company. We commit substantial resources and diligent efforts in a sincere attempt to address the concerns of our customers. We regret not being able to assist you further; our review indicates that the previous determination is appropriate. Therefore, we will not make any adjustments or revisions to our earlier decision.

Thank you for the opportunity to consider your request.

Respectfully yours,

Marquis Morris
Consumer Affairs

COUNTY OF WAYNE
OFFICE OF THE SHERIFF

WARREN C. EVANS, Sheriff



SHERIFF'S COURT DIVISION

AFFIDAVIT OF SERVICE

State of Michigan)
)ss
County of Wayne)

Item 6

EDWARD DRAKE, being first duly sworn, deposes and states: That he is a Deputy Sheriff for the County of Wayne, State of Michigan, and not a party to the within action;

That on the 4th DAY OF FEBRUARY, 2004, at 9:45 p.m. he served the within SUMMONS AND COMPLAINT upon AMY LANCE (LEGAL DEPT.), FORD MOTOR COMPANY, 1 AUTO CLUB DR., DEARBORN, MI and there at the place on the above-mentioned, personally delivered to AMY LANCE, a true copy of the afore said documents (s).

Further, deponent sayeth not.

EDWARD DRAKE
WAYNE COUNTY DEPUTY SHERIFF

Subscribed and sworn to before me this
16th day of FEBRUARY 2004

657-495

YOLANDA DIAZ
Notary Public, Wayne County Michigan
Commission expires 08-20-2006

1711 COLEMAN A. YOUNG MUNICIPAL CENTER
DETROIT MI 48226
Phone: (313)224-2280
Fax: (313)224-2433

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*Law office of
Judith M. Paulick*

ATTORNEY AT LAW
AND
COUNSELOR



1120 ELM GROVE STREET
P.O. BOX 5105
ELM GROVE, WI 53122-5105
TEL. (262) 797-3030
FAX (262) 821-0551

March 24, 2004

GARY D. SHULTS
ASSOCIATE

[REDACTED]
Wauwatosa, Wisconsin [REDACTED]

Re: [REDACTED] vs. Ford Motor Company
Case No.: [REDACTED]

Dear Mr. [REDACTED]

On March 22, 2004, I spoke to Attorney Jim Sloan who is the Chicago attorney handling this matter. He informed me that Ford Motor Company at this time is not willing to make an offer due to the fact that they want proof that the malfunctioning of the heating system was the cause of your injuries. He wanted to know whether or not there was an investigation done at the dealership that you took the vehicle to, and if so, they are requesting a copy of the report of same. Accordingly, please obtain this additional information from the dealership and forward it to me at your earliest convenience. This matter was originally scheduled for March 23, 2004 as a Status date in Small Claims Court in Milwaukee and has now been rescheduled to April 27, 2004 at 8:30 a.m. Hopefully, prior to that date we will have everything that they need and they will propose a settlement offer so that this matter can be settled once and for all.

Should you have any questions with regards to anything I have stated in this letter, kindly contact me.

Sincerely,

Judith M. Paulick

Judith M. Paulick
Attorney at Law

JMP/cmk

Hen?

Set I

040171

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

[REDACTED]
Milwaukee Wisconsin [REDACTED]

Plaintiff(s),

v.

No. Case No.: [REDACTED]

FORD MOTOR COMPANY
P.O. Box 6248 MD-3NE-B
Dearborn, MI 48126,

Item 8

Defendant(s).

**DEFENDANT FORD MOTOR COMPANY'S
FIRST REQUEST FOR PRODUCTION TO PLAINTIFF**

Defendant Ford Motor Company, by and through its undersigned counsel, hereby requests Plaintiff to produce the following documents and items within thirty (30) days from the date of service hereof:

1. Copies of any and all documents, writings, photographs, videotapes, films, memoranda and/or correspondence in your possession, originally created by the defendant, agent of the defendant, or on behalf of the defendant regarding any facts, circumstances, allegations, issues or contentions in this litigation, which have not been produced to plaintiff by the defendant in this action which you contend support any allegation in your complaint against any defendant herein.
2. Copies of any and all written advertisements or product brochures, transcripts of audio or video advertisements, and any other promotional materials in your possession, authored by the defendant corporation and not produced in this litigation, which you contend are relevant to any issue in this case.
3. Copies of any and all documents and writings relating to the purchase or lease of the subject vehicle including, but not limited to, invoice, bill of sale, financing agreements, or any other related documentation.
4. Any and all placards, warranties and owner's manuals received at the time of purchase or lease of the subject vehicle.

5. Any and all maintenance records, repair records, inspection records, receipts or any other documentation relevant to any mechanical or other type work, repairs, modification, etc., done to the vehicle from the date of manufacture to the date of the incident, including but not limited to service or repairs to the seat components used at any time on the subject vehicle.

6. Copies of any and all photographs, film or videotapes in the possession of you or your attorney, which depict or purport to depict the vehicle(s) (or any part, component or assembly thereof) in question, the incident scene or any aspect of the incident scene in this case.

7. All medical and hospital records or, in the alternative, duly executed medical record authorizations permitting the defendant's attorneys to obtain copies of medical records, from every doctor, hospital, clinic, rescue or emergency medical personnel or any other medical or health care institution which treated or examined you from the time of the incident to the present.

8. All medical and hospital records or, in the alternative, duly executed medical record authorizations permitting the defendant's attorneys to obtain copies of medical records, from every doctor, hospital, clinic, rescue or emergency medical personnel or any other medical or health care institution which treated or examined you during the ten (10) year period prior to the date of the incident.

9. All reports, notes, correspondence, records, findings and/or recommendations and other written or transcribed documents prepared by or directed to any rehabilitation counselor regarding any examination and/or treatment provided to you with respect to any disability, injuries or damages claimed by you as a result of the incident.

10. Copies of any and all photographs, slides, films or videotapes in the possession of you or your attorney which depict or purport to depict any aspect of plaintiff's injuries sustained as a result of the incident.

11. Copies of any and all photographs, slides, films or videotapes which were made by you or by any person, firm or corporation acting on your behalf, which depict any allegedly defectively

designed or unreasonably dangerous condition existing with respect to the vehicle or any part, component or assembly thereof.

12. Copies of Federal Income Tax Returns (including all schedules and W-2 forms) filed by you for the last five (5) years together with evidence of income for the current year to date.

13. Copies of all medical bills, hospital bills, and all other bills, receipts or invoices for treatment of injuries and damages (whether physical or mental) which you claim to have sustained as a result of the subject incident.

14. All invoices, summaries, correspondence, schedules and the like evidencing or relating to all damages claimed by you in your Complaint.

15. All notes, reports, correspondence, diagrams, charts, memoranda, and any other documentation prepared by the police officer or investigating officer, who has examined the incident scene or the subject vehicle or any component thereof.

16. Fire Rescue, paramedic or medical examiner reports relating to the Plaintiff following the subject incident.

17. Copies of any and all witness statements in your possession which relate to or concern this lawsuit or any event relevant thereto.

18. The subject vehicle and all component parts at the time of the incident, including the seat and any components.

19. Copies of all employment applications completed by or on behalf of the Plaintiff within the two (2) year period preceding the incident through present.

20. Copies of any and all newspaper articles or media reports regarding the subject incident.

21. Any and all documents, including memoranda, correspondence and communications from any federal, state, local governmental organization or consumer groups which relate to the plaintiff's claims in this suit.

22. All other documents or things identified in the responses by the plaintiff to Ford Motor Company's interrogatories.

23. Any and all documents reflecting settlements, covenants not to sue, releases, loan agreements, stipulations of non-heirship, or any other stipulations or agreements between the plaintiffs herein and any person or entity against whom plaintiff had has a claim arising from the subject incident.

DONOHUE BROWN MATHEWSON & SMYTH

By:



One of the Attorneys for Ford Motor Company

I.D. #32878

DONOHUE BROWN MATHEWSON & SMYTH

James D. Sloan

140 South Dearborn Street, Suite 700

Chicago, Illinois 60603

Telephone: (312) 422-0900

Facsimile: (312) 422-0909

QUALE, FELDBRUEGGE, CALVELLI, THOM & CROKE, S.C.

Andy Frank

710 N. Plankinton Avenue

Milwaukee WI 53203

(414) 271-2266

Set II

JDS/CMK 040171

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

[REDACTED]
Milwaukee Wisconsin [REDACTED]

Plaintiff(s),

v.

No. Case No.: [REDACTED]

FORD MOTOR COMPANY
P.O. Box 6248 MD-3NE-B
Dearborn, MI 48126,

Defendant(s).

Item 9

**DEFENDANT FORD MOTOR COMPANY'S
FIRST SET OF INTERROGATORIES TO PLAINTIFF**

Defendant Ford Motor Company, by and through its undersigned counsel, propounds the following Interrogatories to the Plaintiff to be answered in writing, under oath, and within the next 30 days, as to each plaintiff:

1. Please provide the following personal background information
 - (a) Please list for each plaintiff and/or decedent each and every name which you have been known by and identify the dates when you were known by each name.
 - (b) State all addresses where you have lived for the past ten years, the dates you lived at each address.
 - (c) Your social security number, driver's license number, and date of birth.
 - (d) If you are or have ever been married, state the name of your spouse or spouses, the dates you were married to each and identify whether you have any children as well as the name, address, telephone number and date of birth of each child.
2. Have the plaintiffs or any other party in the name of the plaintiffs made any claim against any other person or organization other than those named in the Complaint at for damages as a result of the injuries or damages arising from the underlying occurrence. If so, state the nature of the claim, against whom it was made and the status of the claim.

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3. State the name and address of your employers for the past ten (10) years to present, giving the status of employment, monthly or annual wages or salary received, positions held, names of supervisors and a description of the work performed.

4. Describe in detail how and where the incident described in the Complaint occurred, including all actions taken by you to prevent the incident.

5. Please provide the following information concerning the vehicle.

(a) Identify the vehicle's model type and year; VIN number; and license plate number at the time of the incident.

(b) Was the vehicle a four wheel drive or two wheel drive?

(c) What was the odometer reading on the vehicle at the time of the incident?

(d) Identify the name, address, telephone number and dates of ownership or lease of all owners or lessors of the subject vehicle from the date of the incident through present.

(e) Please provide the address where the subject vehicle is located as well as the name and telephone number of the person or entity who is in custody of the vehicle from the date of the incident through present.

(f) Are you aware of any photographs which show the scene of the incident, the damage to the vehicle and/or the seat either before or after the incident? If your answer is yes, please provide the following information:

(i) The name and address of the photographer;

(ii) Whether your attorney is in possession of a copy of the photographs.

6. If the subject vehicle has ever been serviced, repaired or modified for any reason, please identify the following for each service, repair or modification.

(a) the nature of the repair, service or modification;

(b) the date(s) of repair, service or modification;

(c) the name of the place(s) where the repair, service or modification was performed;

(d) the reason(s) the repair, service or modification was made;

(e) the cost of the repair, service or modification;

- (f) whether the repair, service or modification was covered by any warranty and/or insurance claim.

7. If the subject vehicle has ever been involved in a collision or incident, please provide:

- (a) the date(s) of the incident;
- (b) the name, address, and telephone number of the person(s) involved in the incident;
- (c) the location and city where the incident occurred;
- (d) whether a police report was generated;
- (e) whether you filed an insurance claim as a result of the incident;
- (f) the dollar amount of damage the subject vehicle incurred as a result of the incident;
- (g) describe the nature and extent of any damage on the subject vehicle;
- (h) the name, address and telephone number of the person or entity which repaired the vehicle;
- (i) the name(s), address(es) and telephone number(s) of the insurance companies, if any, which were involved as a result of the incident;
- (j) whether you made any claim or lawsuit as a result of the incident.

8. Please state the name, address and telephone number of each person who has examined, inspected or tested the vehicle, the seat (or any part, component or assembly thereof) or the incident scene in this litigation and provide the date of each such examination, inspection or test and the name and address of every person present at the time of each examination, inspection or test.

9. Do you contend that you have lost any income, benefits, or earning capacity in the past or in the future as a result of the incident? If so, state the nature of the income, benefits or earning capacity, the amount and the method that you used in computing the amount and state the amount paid, or to be paid, by any other source, including, but not limited to, workers' compensation, insurance, other tortfeasors or government benefits, including the name, address and telephone number of each person or entity who paid, or is expected to pay, such amounts.

10. Describe each injury for which you are claiming damages in this case, specifying the part of your body that was injured, the nature of the injury and, as to any injuries you contend are permanent, the effects on you that you claim are permanent, including any scars, aggravation of pre-existing conditions, disfigurements, disabilities or discomfort as well as describe any unusual skills, talents, abilities or activities which you contend you can no longer perform as a result of your alleged injury.

11. List the name, business address and date(s) of treatment for all physicians, medical and/or health care facilities or hospitals who have examined, treated or attended to you during the ten (10) year period prior to the incident as well as from the date of the incident to the present and identify the medical condition for which each such treatment was sought, including treatment for use of alcohol, drugs, marijuana or narcotics and any condition(s) related thereto.

12. List each item of expense or damage, other than loss of income or earning capacity, that you claim to have incurred as a result of the incident described in the complaint, giving for each item the date incurred, the name and business address of the person or entity to whom each was paid or is owed, and the goods or services for which each was incurred.

13. Have any benefits been paid, or are any payable for the expenses listed in your answer to the preceding interrogatory? If so:

- (k) What is the name of the insurance company providing coverage;
- (l) What is the extent of the coverage provided in the policy or policies of insurance, including coverage for both personal injury and property damage;
- (m) What is the policy number of each policy;
- (n) What are amounts and dates of any payments made, or to be made, under such coverage; and
- (o) Does the insurance company have or claim a right to subrogation.

14. If the vehicle or any part, component or assembly thereof, including but not limited to the driver's side front seat, has been removed or altered, provide the name, business address and telephone number of the person(s) who removed or altered the vehicle or any part, component or assembly thereof; provide the date the item was removed or altered; describe the nature of the removal or alteration; and state whether there were any written reports prepared relating to the removal or alteration.

15. Describe any physical or mental infirmity, disability or sickness from which you were suffering at the time of the occurrence of the incident described in the Complaint.

16. Identify any alcoholic beverages, drugs or medications which you consumed within twenty-four (24) hours before the incident as well as the amount, when and where they were consumed.

17. Please state if you have ever been a party, either plaintiff or defendant, in a lawsuit other than the present matter, and, if so, state whether you were the plaintiff or the defendant, the nature of the action, and the date and court in which the lawsuit was filed.

18. Have you ever been convicted of a crime, other than any juvenile adjudication, which under the law under which you were convicted was punishable by death or imprisonment in excess of 1 year, or that involved dishonesty or a false statement regardless of the punishment? If so, state as to each conviction the specific crime and the date and place of conviction.

19. List the names, addresses and telephone numbers of all persons believed or known by you, your agents or attorneys who have any knowledge concerning any of the issues raised by the pleadings, including but not limited to the subject incident and specify the subject matter about which the witness has knowledge.

20. Were you charged with any violation of law (including any regulations or ordinances) arising out of the incident described in the complaint? If so, what was the nature of the charge; what plea or answer, if any, did you enter to the charge; what court or agency heard the charge; was any written report prepared by anyone regarding this charge, and, if so, what is the name and address of the person or entity that prepared the report; do you have a copy of the report; and was the testimony at any trial, hearing, or other proceeding on the charge recorded in any manner, and, if so, what is the name and address of the person who recorded the testimony?

21. Identify any statements, information and/or documents requested by any of the foregoing interrogatories and accompanying production request which you claim to be work product or subject to any common law or statutory privilege.

22. State the identity of any lien holders and the amount of any liens to which any settlement or judgment would be subject.

23. Please provide the identity and location of any expert witnesses and further state:

- a. The subject matter on which the witness is expected to testify;
- b. The conclusions and opinions of the witness and the bases therefore;
- c. The qualifications of the witness; and
- d. Provide all reports of the witness.

By:

Andy Frank
One of the Attorneys for Ford Motor Company

I.D. #32878
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James D. Sloan
140 South Dearborn Street, Suite 700
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September 21, 2004

Ms. Judith M. Paulick
Law Offices of Judith M. Paulick
1120 Elm Grove Street
P.O. Box 5105
Elm Grove, WI 53122

Re: O'Connell Peter vs. Ford Motor Company
Court No.: 04 SC 002424
Our File: 040171

Item 10

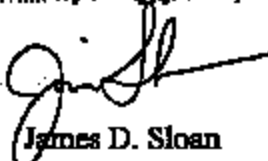
Dear Ms. Paulick:

I am in receipt of your letter dated September 13, 2004. As you will recall, I asked for the identity of any and all physicians who have treated your client's lower back. In response to my request, you referred me to plaintiff's answer to interrogatory number 11. I had requested in interrogatory number 11 the names, addresses and dates of treatment for all physicians and/or healthcare providers who examined, treated or attended to your client during the ten years preceding the event in question. Plaintiff's answer to this interrogatory was simply that "this documentation has already been provided to Maurice Morris at Ford Motor Company." However, there is no Maurice Morris at Ford, and I ask that you fully answer this interrogatory.

I would like to send out a subpoena for any and all records to any physicians and healthcare providers whom your client has seen. Your interrogatory answer gives me no information for me to do that. Please answer the interrogatory so that we can move forward with this litigation.

Thank you for your anticipated cooperation.

Very truly yours,


James D. Sloan

JDS/tml/31

Item 11

9-21-2004 Tuesday

1) Jeff Pike - Ford Engineer

Ford Motor Company

2)

Orrin B. West
Design Analysis Engineer
Design Analysis Department

Parklane Towers West, Suite 628 West
Three Parklane Boulevard, Dearborn, Michigan 48126 USA
313 837 1348 • Fax: 313 594 4022
owest@ford.com

Examined Car and Seats. Took extensive photos.

Atty for Ford
present! 3)

QUALE FELD BRUEGGE CALVELLI
THOM & CROKE S.C.

ANDREW G. FRANK
Attorney at Law

Ninth Floor
710 N. Plankinton Avenue
Milwaukee, WI 53203

W: (414) 271-2266
C: (414) 688-9731
Fax: (414) 276-0417

[REDACTED] present for the five (5) hours it
took to complete!

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From: ktbjeb [ktbjeb@chartermi.net]
Sent: Monday, May 17, 2004 1:39 PM
To: Superview Network
Subject: Re:

I just tried to call you and didn't get an answer. I contacted Ford a few years ago when I was burned the first time. They immediately sent a letter from their legal team. At the time I wrote back and said "hey guess what, I don't want to sue, I just want you to know that you have a potential problem out there." I never heard back and kind of put it behind me. With this newest development I am wondering how much of a problem is out there. If it happened to me twice it has to have happened to other people. My first burning was on a long trip but this latest was only three hours.

would love to hear your story.

Item 12

— Original Message —
From: Superview Network
To: [REDACTED]
Sent: Monday, May 17, 2004 7:38 AM
Subject: RE:

YES!

Please contact me [REDACTED]
 Have started legal proceedings and the crap FORD is throwing at us is unbelievable!

— Original Message —

From: [REDACTED]
Sent: Monday, May 17, 2004 9:51 AM
To: snetwork@wi.rr.com
Subject:

Hi,

I had the same problem happen twice! I have a Ford Expedition and I have blisters this morning from a three hour drive. Did you follow up with anything?

Thanks,

Hello Ms Paulick.

Her Name is [REDACTED] Her phone #
is [REDACTED]

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The Center for
Auto Safety

Ford Stonewalls on Evidence, Judges Say

Ford has dragged its feet, misled plaintiffs and lied in a number of lawsuits, jurists in those cases contend. The automaker calls the incidents 'honest mistakes.'

By Myron Levin, Los Angeles Times

Tough is a word that Ford Motor Co. likes to use in marketing its popular pickup trucks, as in "Built Ford Tough." The term could also be applied to Ford's take-no-prisoners style in defending itself against product liability suits.

Some judges who have heard cases involving Ford from Mississippi to Michigan to California have used far stronger language to describe the automaker's courtroom conduct:

"Totally reprehensible."

"Disgusting."

"Blatantly lied."

"Almost borders on the criminal."

In recent years, Dearborn, Mich.-based Ford has been painted in courtroom after courtroom as something of a renegade, accused by judges of hiding or misrepresenting evidence.

Ford is hardly the only big company to be cited for such behavior. Others, from automotive rival General Motors Corp. to British American Tobacco, also have been sanctioned for failing to produce relevant documents. Yet Ford appears to have a special knack for antagonizing judges.

"Why is it that Ford has this attitude that they don't have to comply with a clear order" to give up certain documents? U.S. District Court Judge T. John Ward asked at a July 2001 hearing in Texas. "You can take it back to Dearborn: This court is not impressed with the ... lack of candor that I find from Ford's counsel."

Early last year, Ford was forced to pay more than \$700,000 in Michigan after exhausting its appeals of sanctions for failing to produce test reports in the case of a seat belt failure that left the victim a quadriplegic.

Last summer, a Mississippi judge tossed out a verdict in Ford's favor and ordered a new trial in the case of two students killed in the fiery wreck of a Ford Explorer. Ford had waited until the trial began to turn over thousands of pages of documents — a "willful and blatant" violation of court rules, said Hinds County Circuit Court Judge Winston L. Kidd. For good measure, he ordered Ford to reimburse more than \$200,000 in plaintiffs' trial expenses. Ford has appealed.

Ford's problems in this area aren't new. In the early 1980s, prior to introduction of the Bronco II SUV, Ford's office of general counsel took the unprecedented step of collecting documents on the handling characteristics of the rollover-prone vehicle. Court cases later revealed that 53 of 118 crucial documents snagged in the roundup were lost or destroyed.

Call left message
4-19-04

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is on Evidence, Judges Say

Marion County Circuit Court Judge David L. Rimstidt in Indiana called the clearance of the records a "sanitization" at best, and "at worst ... an outright

company spokeswoman Kathleen Vokes said Ford "makes a good-faith effort to cooperate" with judges and opponents.

"Like other major companies, we have been sued tens of thousands of times ... and have produced millions of documents," Vokes said. "With this volume of litigation involving a company as large and complex as ours, it is inevitable that we ... will make some infrequent and honest mistakes."

As John F. Murphy, an outside attorney for Ford, argued at a sanctions hearing in Missouri: "There's been this misimpression that somehow all Ford needs to do is touch a button on the computer and every document that has been produced in the last 40 years at Ford suddenly appears."

Court sanctions against Ford typically have come in cases in which judges found that the company abused the discovery process, in which parties in a lawsuit are supposed to exchange relevant information before trial. 

Plaintiffs in automotive cases try to sift through documents for evidence that manufacturers may have cut corners to shave costs, or ignored safety recommendations of engineers. Yet corporate defendants often balk at handing over documents for months or years on grounds that they can't be located or would expose trade secrets. A certain amount of resistance is regarded as a normal part of the litigation game — but Ford has been accused of going to extremes.

Frank Branson, a Texas lawyer who has often tangled with the company, said he "can't remember encountering a defendant who set about in a more orchestrated way to conceal evidence from the public's eye and from disclosure in courtrooms." 

Critics say Ford stonewalls not only in court but also in its dealings with regulators. The company has been cited repeatedly by federal officials and judges for withholding information from the National Highway Traffic Safety Administration.

The Environmental Working Group, a Washington-based advocacy organization, recently asked the Justice Department to investigate what it called Ford's "practice of willfully concealing safety-related data from courts, regulators and consumers" — a charge Ford called false and irresponsible.

It isn't clear why Ford approaches litigation the way it does. At a deposition in January, Ford Chairman William Clay Ford Jr. was questioned about a string of cases in which judges had savaged Ford for its conduct. He testified that he was unfamiliar with each of the cases, and said he relied on Ford's office of general counsel to alert him to matters requiring his personal attention. He described the office's lawyers as people of "the utmost integrity."

Lawyers currently or formerly in Ford's general counsel office didn't respond to requests for interviews.

To some, it seems obvious what lies behind Ford's strategy: saving money.

Although sanctions have proven costly to Ford in isolated cases, company critics say its tactics have reduced lawsuits; many plaintiffs' lawyers are scared off by the prospect of exhausting discovery battles.

Though Ford isn't unique in embracing this strategy, "they've been an outstanding practitioner of it," said Tom Feaheny, a Ford vice president in the 1970s and '80s who now testifies as an expert witness against the company. As a result, "an awful lot of plaintiffs go away." 

Ford and other automakers have denounced product litigation as a money grab that tries to shift blame away from people who didn't wear seat belts or drove while drowsy or drunk. "That's why we think things are stacked against us," said a former Ford official who would not speak for attribution.

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Alts on Evidence, Judges Say

Galvin, a San Jose lawyer who has defended Ford and other automakers, says that plaintiffs often contrive discovery disputes to distract from the weakness of their cases. It's "a ruse ... to get a sanctions order to try to pressure the defendant to settle," he said.

That indeed may occur, said Stephen Gillers, vice dean of the New York University School of Law. But when it comes to Ford, he's skeptical. "Once you have five, six or seven incidents of failure to produce documents," Gillers said, "it's hard to explain it as purely the machinations of a devious plaintiffs lawyer."

In the mid-1990s, Ford announced a more pugnacious litigation strategy, vowing to try more cases and offer settlements on a take-it-or-leave-it basis.

"If the plaintiff doesn't settle, it doesn't matter to us," former Assistant General Counsel James Brown told the National Law Journal in 1996. "We tell them, 'We're coming after you.'"

That didn't mean Ford wouldn't cooperate with judges and opponents, Brown said. "Ford wants to have the reputation that we're open and honest in the discovery process."

At the time, Ford was having its reputation shredded by a judge in its home state of Michigan. The suit was filed by the parents of Sarah Traxler, who suffered severe brain damage when she was 2 months old. Sarah was riding in her car seat in the back when the family's Ford Tempo was rear-ended, causing her mother's seat back to collapse on the baby. The suit claimed the seat was defective because it wasn't designed to withstand a routine collision.

Kent County Circuit Judge Dennis C. Kolenda issued a default judgment against Ford in January 1997, citing its "disgusting" failure to cooperate in discovery.

In a default judgment, the judge ends the trial and issues a verdict against one party for failing to meet its obligations.

Ford had perpetrated "an outrageous fraud," according to the ruling. The company had "concealed very significant documents and ... worse, had blatantly lied about those documents," Kolenda said. "Any word other than 'lied' would understate what Ford did."

Among other things, the judge found, documents showed that Ford had concealed safety tests and the existence of hundreds of similar lawsuits, and had developed — but not used — a seat capable of withstanding much greater rear-end impacts. Ford appealed and eventually settled.

Another default judgment was issued against Ford in October 2001 in a New Mexico case filed by the widow of John F. Sturdevant, who died when his F-350 pickup rolled over and the roof collapsed.

Sturdevant's lawyers knew Ford had considered reducing the thickness of steel in the roofs of its trucks to save money. Ford lawyers insisted there were no records showing whether the change had ever been implemented.

However, the supposedly nonexistent documents turned up in another fatal roof-crush case in Missouri. The Sturdevant lawyers eventually got the records by getting in touch with plaintiffs in the Missouri case. One of the documents appeared to show that Ford had thinned the roofs for a savings of about 66 cents per vehicle.

District Judge Art Encinas issued a default judgment against Ford, and the case was eventually settled.

In October, discovery abuse figured prominently in a \$45.4-million verdict against Ford and two trucking firms in Los Angeles County Superior Court in Chatsworth.

The suit stemmed from the paralyzing injuries suffered by 5-year-old Johan Karlsson of Orange County in the crash of his family's '96 Windstar minivan. The minivan struck a roll of steel that had fallen onto Interstate 5 near Gorman after two big-rig trucks collided. Johan, whose rear-center seat was equipped with a lap belt only, suffered a severed spine when the minivan slammed to a stop. Six family members wearing



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and lap belts sustained lesser injuries.

Johan's parents and the insurer for one of the trucking firms sued Ford, claiming the belt-only design was defective.

A bitter, nearly four-year discovery battle ensued. Ford had created reading rooms at its Dearborn headquarters to store records pertinent to certain categories of lawsuits. The company told the Karlsson lawyers that seat-belt-related documents could be found in one of those rooms.

But after months spent reviewing thousands of records, it became clear that the most crucial ones — on the design of rear restraints in the Windstar — were missing from the collection.

It was "a classic case of giving too many documents to overwhelm an adversary," complained Thomas F. Nuss, a retired judge serving as discovery referee. If Ford did not know what was in the reading room, he said, it should not have sent the plaintiffs there.

Most of the review was done by Gregory Scott, a paralegal. By sheer accident, Scott discovered some of the missing papers in another reading room about two years later while reviewing records for a different case. The papers showed that a Ford contractor had built a prototype restraint system of the kind the plaintiffs said could have prevented Johan's injuries.

But when asked for the prototypes, Ford said it was unable to produce them.

"They're trying to bury the attorneys who are fighting them on these cases," Agneta Karlsson, Johan's mother, said in an interview. It's "scary for a big corporation to behave like that."

Los Angeles County Superior Court Judge Howard J. Schwab instructed jurors to accept as proven that the lap-belt-only design was inadequate and that Ford had not warned owners of this fact.

The jury awarded \$30.4 million in compensatory damages and \$15 million in punitive damages against Ford and the trucking companies. Ford has appealed, contending that the sanctions were unwarranted and had "severely prejudiced" its defense.

In February 2003, Ford came under scathing attack by a federal judge in Chicago for misrepresenting evidence in the case of a rollover of a 15-passenger van.

Two people died and several others were seriously injured when the driver dozed off and grazed a guardrail. The van then flipped as the driver tried to steer back onto the highway. One of the dead was Julia Whitley, a foster mother of 10 children.

The plaintiffs claimed that Ford knew its large passenger vans were unusually prone to flipping over in sudden steering maneuvers. As it had done in previous cases, Ford asserted that computerized stability tests used in analyzing other Ford vehicles had not been performed on the vans. The company further claimed that it had never experienced a rollover of the vans in handling tests.

It turned out Ford had done the computer analysis, and a Ford test driver acknowledged that he had rolled a van while driving a slalom course at about 40 miles per hour. He testified that he had been told not to file a report on the incident — and that the instruction came from a Ford engineer who already had testified that no rollovers took place.

Defense lawyers said Ford had made an "honest mistake" in interpreting the questions.

U.S. District Judge Robert W. Gettleman would have none of it, indicating that he would instruct the jury that Ford had concealed test data showing the vans were "unsafe in handling and stability."

"It almost borders on the criminal," Gettleman said. "Somebody is committing perjury ... or at least may be committing perjury."

...On Evidence, 112
"I don't want to believe a corporation like Ford does stuff like this," Gettlaman added.
"I'm being convinced against my own instincts."

Ford paid a confidential settlement just before trial.

About the Center for Auto Safety | Privacy Policy

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To protect the privacy of individuals, NHTSA does not make medical records available to the public without authorization. For this reason, documents falling into this category have not been included in this complaint record.