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Paula Lynn Gustafson
Attorney at Law
4130 Irving Street, No. 2
San Francisco, California 94122
Tel/Fax 415-753-5414
E-Mail paulagustaf@aol.com

October 8, 2005

Technical Information Services (NAD-40)
National Highway Traffic Safety Administration
400 - 7th Street, SW, Room 2336
Washington, DC 20590

Re: Freedom of Information Act Request
Interested Party Request

Dear Technical Information Services:

Attached and for your reference is the October 2004 Ford Motor Company Notice sent to Blue Shield of California in accordance with the National Traffic and Motor Vehicle Safety Act. The Notice references Safety Recall 04S22 and Safety Recall 04S23.

I represent Gerald Saner in litigation against Ford Motor Company. In May of 2003, [REDACTED] a Blue Shield employee, was driving the Blue Shield 2003 Econoline on the freeway when he heard a loud pop in the engine compartment, and shortly thereafter the Econoline lost power. After he managed to coast the Econoline to a stop on an off-ramp he noticed the Econoline was on fire. He and San Francisco Fire Department personnel were injured when they tried to extinguish the fire. I am attaching the Complaint in [REDACTED] action against Ford for your review.

Ford Motor Company through its attorneys has stalled in discovery, and treated plaintiff's requests for information as if a joke. For instance, Ford, under oath, and its attorneys say, that "Ford has no reason to believe the subject 2003 Econoline was defectively designed" and that "Ford has no reason to believe the subject 2003 Econoline was defectively manufactured." This is despite the fact that Safety Recall 04S22 and Safety Recall 04S23 apply to the Econoline which caused [REDACTED] injuries.¹ Given these shocking averments of Ford and its attorneys, [REDACTED] and I have come to you for help to prove his case.

We believe that based on this litigation that he, and I, as his representative, are interested parties as that term is used in 49 USCS §30118.² So, when responding to this request please keep in mind that I am

¹The Econoline Mr. Saner was driving and the subject of the litigation bears VIN 1FTSS34LX3HA27785.

²The section provides: (a) Notification by Secretary. The Secretary of Transportation shall notify the manufacturer of a motor vehicle or replacement equipment immediately after making an initial decision (through testing, inspection, investigation, or research carried out under this chapter 49 USCS §§ 30101 et seq.), examining communications under section 30166(f) of this title, or otherwise) that the vehicle or equipment contains a defect related to motor vehicle safety or does not comply with an

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writing not just as member of the public under the Freedom of Information Act, but also as an interested party, trying to reduce traffic accidents and deaths and injuries resulting from traffic accidents through the deterrence of civil litigation and to find the truth for [REDACTED] as to the cause of his injuries resulting from traffic accidents.

Request is made for:

1. All documents associated with and pertaining to Safety Recall 04S22. This request includes, but is not limited to:
 - A. Pursuant to 49 USCS § 30118, the Secretary of Transportation's notification, with its decision information, to Ford Motor Company.
 - B. ODI preliminary evaluation and investigation.
 - C. ODI engineering analysis / EA.
 - D. Formal investigation documents.
 - E. All data collected by ODI.
 - F. Recall Query.
 - G. Defect petitioner.
 - H. Audit of recall campaign.
 - L. Notification by Ford Motor Company to the Secretary of Transportation, pursuant to 49 USCS § 30118(c). ("A manufacturer of a motor vehicle or replacement equipment shall notify the Secretary by certified mail, and the owners, purchasers, and dealers of the vehicle or equipment as provided in section 30119(d) of this section, if the manufacturer—
 - (1) learns the vehicle or equipment contains a defect and decides in good faith that the defect is related to motor vehicle safety; or
 - (2) decides in good faith that the vehicle or equipment does not comply with an applicable motor vehicle safety standard prescribed under this chapter [49 USCS §§ 30101 et seq.]
2. All documents associated with and pertaining to Safety Recall 04S23. This request includes, but is not limited to:
 - A. Pursuant to 49 USCS § 30118, the Secretary of Transportation's notification, with its decision information, to Ford Motor Company.
 - B. ODI preliminary evaluation and investigation.
 - C. ODI engineering analysis / EA.
 - D. Formal investigation documents.
 - E. All data collected by ODI.
 - F. Recall Query.

applicable motor vehicle safety standard prescribed under this chapter [49 USCS §§ 30101 et seq.]. The notification shall include the information on which the decision is based. The Secretary shall publish a notice of each decision under this subsection in the Federal Register. Subject to section 30167(a) of the title, the notification and information are available to any interested party.

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- G. Defect petitioner.
- H. Audit of recall campaign.
- I. Notification by Ford Motor Company to the Secretary of Transportation, pursuant to 49 USCS § 30118(c). ("A manufacturer of a motor vehicle or replacement equipment shall notify the Secretary by certified mail, and the owners, purchasers, and dealers of the vehicle or equipment as provided in section 30119(d) of this section, if the manufacturer—
 - (1) learns the vehicle or equipment contains a defect and decides in good faith that the defect is related to motor vehicle safety; or
 - (2) decides in good faith that the vehicle or equipment does not comply with an applicable motor vehicle safety standard prescribed under this chapter [40 USCS §§ 30101 et seq.]

Last, I understand that on September 22, 2005, ODI opened an investigation regarding the ejection of spark plugs from "Triton" V-8 and V-10 engines built from 1997 - 2004, in response to a California law firm's petition. According to the ODI website, the petitioner alleges that cylinder heads incorporate too few threads and inappropriate metallurgy to retain the spark plugs; that numerous reports of spark plug ejection have been filed with NHTSA, the state of California, and Ford; and that spark plug ejections may lead to vehicle fires, stalling, engine damage, and in some case, puncture the hood. On October 8, 2005, I requested information pertaining to this investigation using your website. However, please incorporate the email request into this request.

Please let me know should you need additional information. I can be reached at [REDACTED]

Last, by this letter I am authorizing fees of up to \$400 associated with the retrieval, copying, and provision of the documents. Should the amount exceed \$400 please let me know as soon as possible.

I am humbly grateful for your assistance.

Very truly yours

Penia Lynn Gustafson

cc: H. Grant Law, Shook, Hardy & Bacon LLP (counsel for Ford Motor Company; w/out enclosures)



U.S. Department
Of Transportation

National Highway
Traffic Safety
Administration
(www.nhtsa.dot.gov)

400 Seventh Street, SW.
Washington, D.C. 20590
(Mail Stop #: NPO-405)

E-Mail: tsa@nhtsa.dot.gov
FAX #: (202) 483-2833

Paula Lynn Gustafson, Attorney at Law
4150 Irving Street, No.2
San Francisco, CA 94122
Attn: Paula Lynn Gustafson

Freedom of Information Act
ES Invoice/Request # 05-008267
Analyst Initials: WNM

November 16, 2005

Subject: All Information Regarding Recalls 04S22 & 04S23 As Of 11/16/2005

Dear FOIA Requester:

This correspondence is my response to your Freedom of Information Act (FOIA) request. There is a charge of \$ 193.00 for this service.

FOIA Search Results:

The enclosed search results summarize the available documents that were located from our documents database search. See attached on how to order copies of these documents.

Enclosed are document summaries of:

- | | |
|---|--|
| ☐ Vehicle Owner Reports/Complaints | ☐ Defect Investigations |
| ☐ Compliance Test Reports | ☐ Recalls |
| ☐ Technical Service Bulletins | |

Actual Documents:

- ☒ The specific document(s) you requested are enclosed.
☐ Requested information has been withheld.
☐ No requested information or documents were located.
☒ Other: There was no closing resume and/or closing report for DP05-005 because it is still open. Once the petition has been closed I will forward the information to you.
☐ The information requested is currently being sanitized; it will be released shortly.

I am the person responsible for the conduct of this search. If you wish to appeal, you may do so by writing to:

The Chief Counsel
Office of the Chief Counsel
NHTSA, NCC-110
400 Seventh Street, SW.
Washington, DC. 20590

An appeal must be submitted within 30 days after you receive this determination. It should contain any information and argument upon which you rely. The decision of the Associate Administrator will be administratively final.



If a fee is due, please enclose these Pages with your Payment.

To clear your account with your name/your company's name, please pay this bill within 30 days from the date of this invoice. To avoid late fees, please pay promptly. If paying by check, please write on your check your Invoice/Request Number(s). Please enclose payment pages for each invoice that you received. Thank you.

Payment Options:

You may send a check, made payable to Treasury of the United States, to:

Attn: Jamie Cottrill
DOT/FAAMMAC
6500 S. MacArthur Blvd., HQ Room 181 (AMZ-300)
Oklahoma City, OK 73159

To ensure proper credit, please write on your check your 8-digit FOIA Invoice/Request number indicated above, and enclose these Payment Pages with your payment. (Note: If you wish to pay by credit card online, please see the information below.) Please pay within 30 days from the date of this invoice to avoid late fees, penalties and interest charges. Thank you.

ONLINE PAYMENT Using a (Visa/MC/Discover/AmEx) Credit Card: Go to the NHTSA website at: <http://www.nhtsa.gov> and type in the left search field "E-Payment." Then click "Laws/Regulations/National Highway Traffic Safety..." click "Do It Yourself E-Payment Page" and click "OK." Next click "Technical Information Services Payments" and click "OK." Then type in your 8-digit Invoice/Request Number (located above) in the Invoice Number field and complete the other fields. Then click "Continue."

Sincerely,



William N. Montague Jr.
Information Specialist
Technical Information Services

OPI

JAN 31 2006

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Paula Lynn Gustafson
Attorney at Law
4150 Irving Street, No. 2
San Francisco, California 94122

RE: Freedom of Information Act Appeal

Dear Ms. Gustafson:

This responds to your two facsimile messages dated November 23, 2005 and December 6, 2005, in which you appeal the agency's November 16, 2005 response to your Freedom of Information Act (FOIA) request dated October 8, 2005. Your original FOIA request sought all documents associated with and pertaining to Safety Recall 04S22 and Safety Recall 04S23.

The agency responded to this request by providing you with all responsive documents that had been produced on or before the date of your original FOIA request.

You did not specify the grounds upon which your appeal is based. After reviewing the agency's response, I have determined that the agency produced all responsive documents generated as of the date of your FOIA request. We have, however, located a disc entitled "Ford Production Data with Attachments", dated November 11, 2005 and an Office of Defects Investigation resume, dated January 4, 2006. Because of their later dates, these documents are outside the scope of your initial request. However, at my discretion, I have enclosed these documents for your convenience.

You will not be charged for search time and copying costs.

I am the person responsible for this decision. It is administratively final. If you wish to seek review of my decision, you may do so in the U.S. District Court for the District of Columbia or in the district where you reside, have your principal place of business, or where the records are located. 5 U.S.C. § 552(a)(4)(B).

Sincerely,

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Stephen P. Wood
Acting Chief Counsel

Enclosures

NHTSA:NCC-113:MUN:pll:61834:ES05-009154 and NCC05-009464
NCC-113:Subj/Chron
Info:NPO-400; NVS-200; ODI
S://generallaw/foia/app/Gustafson.tn.doc