CC-10225545-9182

2008 MAY -2 AM 7:31

[redacted]
San Juan, PR [redacted]

April 23, 2008

Office of Defects Investigations/CRD
NVS-216
1200 New Jersey Ave. SE
Washington, DC 20590

RE: ODI #10225545

Dear Sir or Madam:

On November 29, 2004, my son die after a tragic accident caused by a design defect of a 1987 Mercedes-Benz 300SDL which was not manufactured with a transmission shift selector release button, ignition switch shift interlock, and/or a brake transmission shift interlock ("BTSI").

On April 23, 2008, I filed complaint ODI #10225545 via the internet. The description field of the complaint did not provide sufficient space to include the needed information. Enclosed you will find copies of the complaint file in the U.S. District Court of Puerto Rico against Mercedes-Benz, and Experts Opinions. These documents describe the facts and circumstances related to complaint ODI #10225545.

Please share these documents with the public, policy and law makers in an attempt to prevent the loss of additional lives.

Sincerely,

[redacted]

NM
05/02/08
9:30
KB

OFFICE OF DEFECTS INVESTIGATION (ODI)

VOQ CONFIRMATION

Your Complaint Information is successfully submitted.
Your Confirmation number (ODI Number) is: **10225545**

Your Complaint Information

Consumer Information

Name: [redacted]
Org. Name:
Address: [redacted]
City, State, Zip: San Juan, PR [redacted]
Country: USA
Daytime Phone: [redacted] **Ext:**
Evening Phone: [redacted] **Fax:**
E-mail: [redacted]

top

Complaint Information

Description: Additional space is needed to provide a copy of the complaint and experts' opinions which contain the requested information. Please provide me an e-mail address, a mailing address and/or a fax number. Thank you

Incident Date: 11/29/2004
Num. Failures: 3
Num. Deaths: 1
Num. Injured:
Referral Source: LIBRARY

Fire: No
Property Damage: No
Crash: No
Police Report: Yes

top

Vehicle Information

VIN: WDBCB25D0HA[redacted]
Manufacturer: MERCEDES-BENZ USA, LLC.
Year, Make and Model: 1987/MERCEDES BENZ/300
# of Cylinders:
Engine Size:
Cruise Control: Yes
Current Mileage:

Purchase Date:
Original Owner: No
Trans. Type: AUTOMATIC
Vehicle Details Usage: RECREATIONAL
Antilock Brakes: Yes
Speed: 0

Failure Mileage:

Powertrain: REAR WHEEL DRIVE

Body Style: 4-DOOR

Fuel System: TURBO

Fuel Type: DIESEL

Vehicle Type:

top

Vehicle Component Information

Component 1: POWER TRAIN:AUTOMATIC TRANSMISSION:LEVER AND LINKAGE:FLOOR SHIFT

OEM: Yes

Component 2: POWER TRAIN:AUTOMATIC TRANSMISSION:PARK/NEUTRAL START SWITCH

OEM: Yes

Vehicle Dealer Information

Dealer: 1

Name:

Dealer Type: SALES DEALER

Address:

Dealer Phone:

Dealer Fax:

E-mail:

top

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

[redacted] **THE CONJUGAL PARTNERSHIP** [redacted] **and** [redacted]

Plaintiffs,

v.

DAIMLERCHRYSLER AG, MERCEDES-BENZ USA L.L.C., INSURANCE COMPANY ABC, INSURANCE COMPANY DEF, and any other joint tortfeasors and their respective insurance companies,

Defendants.

CIVIL NO. 05 - 2162 (JAF)

TORT LIABILITY FOR DAMAGES; NEGLIGENCE IN VIOLATION OF 31 L.P.R.A. 5141; PRODUCTS LIABILITY DESIGN DEFECT; PRODUCTS LIABILITY FAILURE TO WARN

TRIAL BY JURY DEMANDED

SECOND AMENDED COMPLAINT

TO THE HONORABLE COURT:

NOW APPEAR, [redacted] the conjugal partnership [redacted], and [redacted] (hereinafter, "Plaintiffs"), through the undersigned counsel, very respectfully allege, state and demand judgment as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction to hear this action pursuant to 28 U.S.C. sec. 1332, since there is complete diversity between the parties and the amount in controversy exceeds Seventy-Five Thousand Dollars ($75,000.00).

2. Venue is proper in the District of Puerto Rico pursuant to 28 U.S.C. sec. 1391 since the

events that gave rise to this cause of action occurred in this district.

THE PARTIES

3. Plaintiff [redacted] (hereinafter [redacted]) is of legal age, the mother of [redacted] and the deceased [redacted] (hereinafter [redacted]), the wife of [redacted], and is domiciled in San Juan, Puerto Rico.

4. Plaintiff [redacted] (hereinafter [redacted]) is of legal age, the father of [redacted] and the deceased [redacted], the husband of [redacted], and is domiciled in San Juan, Puerto Rico.

5. Plaintiff conjugal partnership [redacted] is comprised of [redacted] and [redacted]

6. Plaintiff [redacted] (hereinafter [redacted]) is a minor, represented by his parents [redacted] and [redacted], and is domiciled in San Juan, Puerto Rico.

7. Plaintiff [redacted] (hereinafter [redacted]) is of legal age, the father of [redacted] the grandfather of [redacted] and the deceased [redacted] and is domiciled in Aguas Buenas, Puerto Rico.

8. Defendant DaimlerChrysler AG is an automobile company incorporated, operated, and with its principal place of business in a state other than Puerto Rico.

9. Defendant Mercedes-Benz USA, L.L.C. is the distributor of Mercedes-Benz automobiles in Puerto Rico and is incorporated, operated, and with its principal place of business in a state other than Puerto Rico.

10. Defendant ABC Insurance Company is an insurance company incorporated and operated

in a state other than Puerto Rico which has issued an insurance policy on behalf of Defendant DaimlerChrysler AG, which cover the actions object of this Second Amended Complaint, and is therefore liable to Plaintiffs, in whole or in part, for the actions herein described and the damages suffered by Plaintiffs.

11. Defendant DEF Insurance Company is an insurance company incorporated and operated in a state other than Puerto Rico which has issued an insurance policy on behalf of Defendant Mercedes-Benz USA, L.L.C., which covers the actions object of this Second Amended Complaint, and is therefore liable to Plaintiffs, in whole or in part, for the actions herein described and the damages suffered by Plaintiffs.

FACTS PERTINENT TO THIS CASE

12. Plaintiffs [redacted] and [redacted] gave birth to their second child, [redacted], on May 15, 2004.

13. [redacted] was a healthy baby and a [redacted] addition to the [redacted] family.

14. On November 29, 2004, Plaintiff [redacted] and Plaintiff [redacted] were unloading Christmas presents from an Isuzu Trooper in front of the [redacted] family home in the Los Paseos development of San Juan, Puerto Rico.

15. The Isuzu Trooper was parked in the driveway of the home.

16. A 1987 Mercedes-Benz 300SDL, designed and manufactured by what is now Defendant DaimlerChrysler AG, and owned by Plaintiff [redacted] was parked in the street in front of the Román home on a slight grade.

17. So that the interior cargo area of the Isuzu Trooper could be reassembled after the gifts

were removed, [redacted] unlocked his Mercedes-Benz and obtained a screwdriver from the trunk.

18. Because he anticipated that the reassembly would be completed quickly, he left his car unlocked.

19. During the time in which the Christmas gifts were being unloaded from the Isuzu Trooper to the side storage area of the house, [redacted] was tending to her children, [redacted] and [redacted], inside the house.

20. So that the children would not see the Christmas presents, [redacted] was careful to not let [redacted] go outside.

21. At approximately 5:15 p.m. on November 29, 2004, once the presents were completely unloaded and [redacted] and [redacted] had begun reassembling the cargo area of the Isuzu Trooper, [redacted] opened the front door of the house.

22. [redacted] opened the front door of the house because [redacted] wanted to go outside and [redacted] knew that [redacted] and [redacted] were in the front yard.

23. [redacted], who was only four years old, quickly ran outside.

24. From inside the house, [redacted] saw [redacted] inside his grandfather's Mercedes-Benz.

25. [redacted], while holding [redacted] in her right arm, exited the house to remove [redacted] from the vehicle.

26. When [redacted] arrived at the Mercedes-Benz, she opened the front passenger door to physically remove [redacted] from the automobile.

27. As [redacted] was removing [redacted] from the Mercedes-Benz, [redacted]

inadvertently contacted the center automatic transmission shift selector lever.

28. [redacted]' inadvertent contact of the center automatic transmission shift selector lever caused the automobile to shift from park mode to another gear selection.

29. As soon as the Mercedes-Benz shifted out of park mode, the automobile began to roll backwards.

30. The open front passenger door of the Mercedes-Benz hit [redacted] and caused her to lose control of [redacted].

31. [redacted] fell to the floor, partially underneath the automobile.

32. [redacted] yelled and [redacted] and [redacted] immediately attempted to stop the rolling car.

33. [redacted], who was recovering from surgery on both wrists, ran to the rear of the car to put his body weight against the car.

34. [redacted] ran to the driver's seat to stop the car and put the automobile back into park mode.

35. [redacted] and [redacted] were unable to stop the Mercedes-Benz before the front right tire had rolled sufficiently to pinch [redacted] between the road and the tire.

36. [redacted] then placed himself by the right front fender and lifted up on the vehicle as much as he could until assistance arrived, ultimately injuring his back.

37. So that [redacted] would not be further injured, [redacted] and several neighbors carefully moved the automobile by hand, lifting it away from [redacted]

38. [redacted] remained at the rear of the car to try to keep the vehicle from rolling further.

39. At approximately 5:25 p.m. on November 29, 2004, [redacted] and [redacted] arrived with

[redacted] at the University of Puerto Rico Medical Center (hereinafter "Centro Medico").

40. [redacted] was admitted to Centro Medico's trauma unit.

41. [redacted] experienced difficulty breathing and eventually had a respiratory failure.

42. [redacted] died at approximately 9:20 p.m. on November 29, 2004.

43. At the time of [redacted] untimely death, he was six months old.

44. The 1987 Mercedes-Benz 300SDL in question was designed and manufactured by Daimler-Benz AG which upon information and belief has merged into DaimlerChrysler AG.

45. The 1987 Mercedes-Benz 300SDL in question was distributed and marketed for DaimlerChrysler AG by Defendant Mercedes-Benz USA, L.L.C., which was formerly known as Mercedes-Benz USA, Inc. and Mercedes-Benz of North America, Inc.

46. The vehicle identification number ("vin") for the 1987 Mercedes-Benz is WDBCB25D0HA[redacted].

47. At the time of the incident, the keys to the Mercedes-Benz were **NOT** in the ignition and the automobile was in park mode.

48. The 1987 Mercedes-Benz 300SDL does not require a shift selector lever release button to be depressed before the shift selector lever can be moved from park mode to any other gear selection.

49. The failure to incorporate a transmission shift selector lever release button which must be depressed prior to changing gears from park mode to any other gear selection constitutes

a design defect in the 1987 Mercedes-Benz 300SDL, manufactured by Defendant DaimlerChrysler AG, which is inherently dangerous and the proximate cause of [redacted] death and Plaintiffs' damages.

50. The 1987 Mercedes-Benz 300SDL does not require the ignition switch to be in the "on" position before the shift selector lever can be moved from park mode to any other gear selection.

51. The failure to incorporate an ignition switch shift interlock device, which would require the key to put the ignition switch in the "on" position before changing gears from park mode to any other gear selection, constitutes a design defect in the 1987 Mercedes-Benz 300SDL, manufactured by Defendant DaimlerChrysler AG, which is inherently dangerous and the proximate cause of death and Plaintiffs' damages.

52. The 1987 Mercedes-Benz 300SDL does not require the service brake pedal to be applied before the transmission shift selector lever can be moved from park mode to any other gear selection.

53. The failure to incorporate a brake transmission shift interlock ("BTSI") device, which would require the service brake pedal to be applied before the transmission shift selector lever can change gears from park mode to any other gear selection, constitutes a design defect in the 1987 Mercedes-Benz 300SDL, manufactured by Defendant DaimlerChrysler AG, which is inherently dangerous and the proximate cause of [redacted] death and Plaintiffs' damages.

54. The design of the 1987 Mercedes-Benz 300SDLis unreasonably dangerous and creates a

substantial risk to the vehicle's operator and/or general public when being utilized in a manner foreseeable to the manufacturer.

55. The design defect in the 1987 Mercedes-Benz 300SDL manifests itself in a sudden, unexpected, and potentially catastrophic manner without prior warning to the vehicle's operators and/or others in the proximity of the vehicle.

56. If the 1987 Mercedes-Benz 300SDL had a transmission shift selector release button, ignition switch shift interlock, and/or a brake transmission shift interlock ("BTSI"), the gears on the automobile would not have been inadvertently changed from park mode to another gear selection, [redacted] would not have been struck by the moving vehicle, [redacted] would not have been killed, and Plaintiffs would not have suffered damages.

57. Defendant DaimlerChrysler AG has failed to adequately warn the user that the 1987 Mercedes-Benz 300SDL is inherently dangerous and that the gears could be inadvertently changed from park mode to any other gear selection with little or no effort.

58. [redacted] purchased the 1987 Mercedes-Benz 300SDL in question on or about March 9, 2002 from MP Motor Sports in Carolina, Puerto Rico.

59. Plaintiff [redacted] has retained ownership and possession of the 1987 Mercedes-Benz since the date of the incident.

60. The shift mechanism, ignition mechanism, and brake mechanism have not been substantially altered since the vehicle was originally manufactured and sold by Defendant DaimlerChrysler AG.

FIRST CAUSE OF ACTION
NEGLIGENCE AGAINST DAIMLERCHRYSLER AG

61. Plaintiffs reallege and incorporate herein by reference all paragraphs as though fully set forth herein.

62. Defendant DaimlerChrysler AG, through its acts or omissions caused damage to Plaintiffs through fault or negligence in violation of 31 L.P.R.A. §5141.

63. Defendant DaimlerChrysler AG owed a duty to Plaintiffs to conform to a reasonable standard of conduct when designing and manufacturing the 1987 Mercedes-Benz 300SDL.

64. Defendant DaimlerChrysler AG breached that duty of care through its negligent acts or omissions during the design and manufacturing of the 1987 Mercedes-Benz 300SDL.

65. At all times mentioned herein, Defendant DaimlerChrysler AG negligently and carelessly manufactured, designed, fabricated, labeled, sold, distributed, supplied, packaged, advertised, marketed, warranted, tested, failed to test, failed to disclose testing results, failed to recall or correct, researched, failed to research, assembled, bought, serviced, inspected, failed to warn of defects, failed to provide adequate safety devices, and made representations to the general public in such a manner that the automobile was safe, when in reality the automobile was defective, dangerous, and hazardous, greatly increasing the risk of injury to persons using or in the proximity of the vehicle, in that the automobile was capable of causing, and did in fact cause, personal injuries to the Plaintiffs while being used or operated in a reasonably foreseeable manner, thereby rendering the same defective, unsafe and dangerous for use by its users, operators, or others in the proximity, including Plaintiffs.

66. The negligent acts or omissions of Defendant DaimlerChrysler AG were a direct and proximate cause of [redacted] death and Plaintiffs' injuries, alleged more fully herein.

SECOND CAUSE OF ACTION
STRICT LIABILITY DESIGN DEFECT AGAINST DAIMLERCHRYSLER AG

67. Plaintiffs reallege and incorporate herein by reference all paragraphs as though fully set forth herein.

68. Defendant DaimlerChrysler AG designed, manufactured, and placed the 1987 Mercedes-Benz 300SDL on the market and continues to be engaged in the business of selling automobiles.

69. It is expected that automobiles designed, manufactured, and placed on the market will reach the consumer without substantial change in the condition in which the product is sold.

70. Defendant DaimlerChrysler AG knew or should have known that the automobile was to be used without inspection for design defects.

71. Defendant DaimlerChrysler AG knew or should have known that the 1987 Mercedes-Benz 300SDL contained design defects which cause injuries.

72. The 1987 Mercedes-Benz 300SDL is an unsafe product and unreasonably dangerous.

73. Defendant DaimlerChrysler AG is strictly liable for [redacted] death and the associated injuries suffered by Plaintiffs, alleged more fully herein.

THIRD CAUSE OF ACTION
PRODUCTS LIABILITY FAILURE TO WARN AGAINST DAIMLERCHRYSLER AG

74. Plaintiffs reallege and incorporate herein by reference all paragraphs as though fully set

forth herein.

75. Defendant DaimlerChrysler AG knew or should have known of the substantial risk inherent in the 1987 Mercedes-Benz 300SDL resulting from the failure to incorporate a transmission shift selector release button, an ignition switch shift interlock devise, and/or a brake transmission shift interlock devise.

76. There were no, or inadequate, warnings and/or instructions regarding the substantial risks inherent in the unreasonably dangerous 1987 Mercedes-Benz 300SDL.

77. The absence of, or inadequacy of, the warnings made the 1987 Mercedes-Benz 300SDL inherently dangerous.

78. The absence or inadequacy of the warnings and/or instructions were a proximate cause of [redacted] death and Plaintiffs' injuries, described more fully herein.

79. The omitted or inadequate warnings do not concern a danger of which the public is well aware.

FOURTH CAUSE OF ACTION
NEGLIGENCE AGAINST MERCEDES-BENZ USA, LLC

80. Plaintiffs reallege and incorporate herein by reference all paragraphs as though fully set forth herein.

81. Defendant Mercedes-Benz USA, L.L.C., through its acts or omissions caused damage to Plaintiffs through fault or negligence in violation of 31 L.P.R.A. §5141.

82. Defendant Mercedes-Benz USA, L.L.C. owed a duty to Plaintiffs to conform to a reasonable standard of care when distributing and marketing products, including the 1987 Mercedes-Benz 300SDL.

83. Defendant Mercedes-Benz USA, L.L.C. breached that duty of care through its negligent acts or omissions by negligently distributing and/or marketing the 1987 Mercedes-Benz 300SDL, a product which was defective.

84. At all times mentioned herein, Defendant Mercedes-Benz USA, L.L.C. negligently and carelessly sold, distributed, packaged, advertised, marketed, warranted, tested, failed to test, failed to disclose testing results, failed to recall or correct, researched, failed to research, assembled, bought, serviced, inspected, failed to warn of defects, failed to provide adequate safety devices, and made representations to the general public in such a manner that the automobile was safe, when in reality the automobile was defective, dangerous, and hazardous, greatly increasing the risk of injury to persons using or in the proximity of the vehicle, in that the automobile was capable of causing, and did in fact cause, personal injuries to the Plaintiffs while being used or operated in a reasonably foreseeable manner, thereby rendering the same defective, unsafe and dangerous for use by its users, operators, or others in the proximity, including Plaintiffs.

85. The negligent acts or omissions of Defendant Mercedes-Benz USA, L.L.C. were a direct and proximate cause of [redacted] death and Plaintiffs' injuries, alleged more fully herein.

FIFTH CAUSE OF ACTION
STRICT LIABILITY DESIGN DEFECT AGAINST MERCEDES-BENZ USA, L.L.C.

86. Plaintiffs reallege and incorporate herein by reference all paragraphs as though fully set forth herein.

87. Defendant Mercedes-Benz USA, L.L.C. distributed and marketed the defective 1987

Mercedes-Benz 300SDL and continues to be engaged in the business of distributing and marketing automobiles.

88. It is expected that automobiles designed, manufactured, and placed on the market will reach the consumer without substantial change in the condition in which the product is sold.

89. Defendant Mercedes-Benz USA, L.L.C. knew or should have known that the automobile was to be used without inspection for design defects.

90. Defendant Mercedes-Benz USA, L.L.C. knew or should have known that the 1987 Mercedes-Benz 300SDL contained design defects which cause injuries.

91. The 1987 Mercedes-Benz 300SDL is an unsafe product and unreasonably dangerous.

92. Defendant Mercedes-Benz USA, L.L.C. is strictly liable for [redacted] death and the associated injuries suffered by Plaintiffs, alleged more fully herein.

SIXTH CAUSE OF ACTION
PRODUCT LIABILITY FAILURE TO WARN AGAINST MERCEDES-BENZ USA, LLC

93. Plaintiffs reallege and incorporate herein by reference all paragraphs as though fully set forth herein.

94. Defendant Mercedes-Benz USA, L.L.C. knew or should have known of the substantial risk inherent in the 1987 Mercedes-Benz 300SDL resulting from the failure to incorporate a transmission shift selector release button, an ignition switch shift interlock devise, and/or a brake transmission shift interlock devise.

95. There were no, or inadequate, warnings and/or instructions regarding the substantial risks inherent in the unreasonably dangerous 1987 Mercedes-Benz 300SDL.

96. The absence of, or inadequacy of, the warnings made the 1987 Mercedes-Benz 300SDL inherently dangerous.

97. The absence or inadequacy of the warnings and/or instructions were a proximate cause of [redacted] death and Plaintiffs' injuries, described more fully herein.

98. The omitted or inadequate warnings do not concern a danger of which the public is well aware.

SEVENTH CAUSE OF ACTION
DIRECT INSURER LIABILITY

99. Plaintiffs reallege and incorporate herein by reference all paragraphs as though fully set forth herein.

100. Pursuant to 26 P.R. Laws Ann. § 2001, an insurance company is liable for the negligence or fault of its insured.

101. Pursuant to 26 P.R. Laws Ann. § 2003, an action against an insurer may be brought separately or may be joined together with an action against its insured.

102. Defendants ABC Insurance Company and DEF Insurance Company are jointly and severally liable to Plaintiffs for those damages directly and proximately caused by Defendant DaimlerChrysler AG and/or Mercedes-Benz USA, L.L.C., including but not limited to [redacted] death.

DAMAGES

103. Plaintiffs reallege and incorporate herein by reference all paragraphs as though fully set forth herein.

104. As heirs to [redacted], Plaintiffs [redacted] and [redacted] inherit

[redacted] cause of action for physical, emotional, mental, and economic damages sustained as a result of his death.

105. The physical pain and suffering, as well as the fright experienced by [redacted] in the hours preceding his death, which are inherited by his parents, is in an amount not less than **FIVE MILLION DOLLARS ($5,000,000).**

106. As a result of the incident and [redacted] death, [redacted] and [redacted] have experienced their own mental and emotional pain and suffering, loss of companionship, love, affection, and the permanent loss of their child, and other emotional and mental damages in an amount not less than **SIX MILLION DOLLARS ($6,000,000).**

107. As a result of the incident and [redacted] death, [redacted] has experienced mental and emotional pain and suffering, loss of companionship, love, affection, and the permanent loss of his brother, and other emotional and mental damages in an amount not less than **TWO MILLION FIVE HUNDRED THOUSAND DOLLARS ($2,500,000).**

108. As a result of the incident and [redacted] death, [redacted] has experienced physical, mental and emotional pain and suffering, loss of companionship, love, affection, and the permanent loss of his grandson, and other physical, emotional and mental damages in an amount not less than **TWO MILLION FIVE HUNDRED THOUSAND DOLLARS ($2,500,000).**

TRIAL BY JURY

109. Plaintiffs hereby demand trial by jury.

WHEREFORE, Plaintiffs respectfully demand judgment against Defendants, jointly and

severally, in an amount not less than sixteen million dollars ($16,000,000), plus an award for punitive damages allowed by law in an amount deemed necessary and just by this Honorable Court, as well as costs incurred, reasonable attorneys' fees, and such other relief as this Honorable Court may deem just and proper under the circumstances.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 5th of June, 2006.

INDIANO & WILLIAMS, P.S.C.
207 del Parque Street, 3d Floor
San Juan, P. R. 00912
Tel: 787-641-4545/ Fax: 787-641-4544

s/ David C. Indiano
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s/ Seth A. Erbe
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Williams Engineering Services, Inc.
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(810) 750-8137

May 29, 2007

David C. Indiano
Attorney at Law
Indiano & Williams, PSC
207 Del Parque Street
San Juan, Puerto Rico, 00912

Re: [redacted] et al vs. DCAG

Dear Mr. Indiano,

As per your request, this report summarizes the opinions the writer is prepared to provide in the subject case.

Basis for Opinions
The writer's opinions primarily relate to the engineering and related process requirements used by the auto industry as currently documented in ISO/TS 16949. Most major automobile companies now are complying with ISO/TS 16949 which was authored by the International Automotive Task Force (IATF). The IATF consolidated and documented automotive process requirements reflecting processes that have been in place by the individual automotive companies for many years. Major contributors include DaimlerChrysler, General Motors and Ford Motor Company.

Additional sources for opinions include NHTSA, NHTSA ODI complaints and recalls, the "Letter of Findings" and supporting documentation from Automotive Consulting Services (ACS), review of the depositions of [redacted], and [redacted] the 1987 Mercedes Benz Owner's Manual, information from Safety Research including "FMVSS 114, NHTSA Rulemaking..." and Mercedes inadvertent activation of shift lever complaints and the Society of Automotive Engineers (SAE) seminar "Product Liability and the Engineer."

Lastly, the writer's 42 years in the automotive industry, including engineering and management positions with North American (GM), European (VW) and Asian (Nissan) automobile manufacturers plus domestically and internationally based suppliers was an additional basis for opinions expressed. Not noted in the CV, but also important is that the writer had many business trips to Europe (80-90) which included much driving and exposure to European driving habits and vehicles.

Experience also includes ensuring his departments complied with QS 9000 (preceded ISO/TS 16949) and ISO/TS 16949 process requirements and being a trained ISO/TS 16949 auditor.

Discussion
The writer's findings in this case were developed after review of the information noted in "Basis for Opinions" and reflect the attention to detail and availability of information the writer normally used in his previous career positions. The writer is not aware of previous opinions based on his field of expertise (i.e. – Engineering Processes) other than the writer's experience in his first trial. (Mraz et al vs. DaimlerChrysler)

The preparation of the opinions is based on an audit of information which was known or should have been known by DCAG. Auditing is a normal and required aspect of evaluating process effectiveness as per ISO/TS 16949 and previously QS 9000.

Findings
Part I – Product Analysis to identify foreseeable safety issue
The manufacturer of any product has the responsibility to analyze the product with respect to how it could be misused, either accidentally or intentionally, which could result in damage, injury or even death. Upon discovery of the possible misuse, it is then the manufacturer's responsibility to modify the design of the product to prevent the misuse. If redesign is not feasible, it is the manufacturer's responsibility to adequately warn the user.

The source for the above information is a training seminar titled "Product Liability and the Engineer" the writer attended that was and still is offered by the Society of Automotive Engineers (SAE).

Furthermore, it is the manufacturer's responsibility to provide training to all personnel designing the product so they have the adequate knowledge to properly execute their tasks. This should include training such as the referenced SAE seminar. (Ref. ISO/TS 16949, Section 6.2.2.2 "Training")

In this particular case, the shift lever was inadvertently moved out of the "park" position by a child that then resulted in vehicle movement. This inadvertent movement ultimately caused the death of [redacted] (Ref. ACS Letter of Findings)

A robust engineering analysis of the initial shift linkage system design used on this vehicle should have revealed that the shift lever could have been inadvertently knocked out of the "park" position resulting in unexpected vehicle movement. The analysis should have also shown that customers do not always apply their parking brake, which might prevent vehicle movement.

Lastly, DCAG should have known that in the North American market, automatic transmissions were by far the norm, not manual transmissions as is the case in Europe. This was very important in that North American customers were accustomed to using the "park" position to hold vehicles in place while parking them, not the parking brake. For North American customers the parking brake was a *supplemental* device to hold the vehicle in place, not the primary method, as was the case in Europe. (Ref. Ref. Mercedes Benz Owner's Manual P.55)

The reason this is important is that for North American customers, ensuring that the shift lever is placed in "park" and remains in that position is much more critical than in Europe, where the parking brake is the primary method of ensuring the vehicle remains stationary when parked.

The complaint vehicle shift linkage design was such that it could easily be moved. There was no ignition interlock nor was there any pushbutton or similar device on the lever that would prevent accidental movement out of the "park" position. (Ref. ACS Letter of Findings)

Lastly, there was no Owner's Manual warning of the fact that the shift lever could be moved out of the "park" position, even with the key out of the ignition. Although there were warnings of the need to apply the parking brake and not allowing unattended children in the vehicle, (Ref. Owner's Manual P. 17, 40), the rationale for the importance of this was not explained. (i.e. – the shift lever was not locked in the "park" position, even with the key removed).

In summary, DCAG was negligent in not conducting a robust analysis of the shift system with respect to possible misuse, not taking the necessary design actions to prevent the misuse and failing to adequately warn the user of the fact the shift lever is not locked in the "park" position, even with the key out of the ignition.

Part II -- Benchmarking (Competitive analysis) – Establishes "State of the art"
In order to ensure that products are competitive and the latest and best technology is being used, especially in areas related to product safety, automotive manufacturers should conduct regular and robust analyses of competitive products in the markets in which they compete. (Ref. ISO/TS 16949, Section 7.3.2.1 "Product Design Input")

DCAG testimony indicated some level of competitive analysis was done (Ref. Siegel deposition P. 40/1). However, the process was not robust in that it did not identify safety-related features in the shift mechanism that the vast majority of vehicles sold in the U.S.A. had at the time the complaint vehicle was being designed. Similar technology was also being used by some European manufacturers, but these vehicles were not evaluated and/or the information was ignored by DCAG (Ref. ACS Letter of Findings).

The specific features being used on most vehicles sold in the U.S.A. and some European vehicles that prevented accidental movement of the shift lever were the shift interlock and/or a pushbutton or similar feature on the shift lever. These features, if incorporated in the DCAG design, would have prevented the shift lever of the complaint vehicle from being inadvertently moved out of the "park" position and the subsequent death of [redacted]

More difficult to understand is that Mercedes claims to be a "pioneer" and leader in automotive safety (Ref.Siegel depo. P. 60/1), yet they failed to address a clearly obvious shift system failure mode that had been addressed by most American manufacturers many years before the complaint vehicle was designed and built. (Ref. ACS Letter of Findings)

In summary, DCAG was negligent in not conducting robust competitive vehicle analyses, especially of safety features and failing to incorporate these features in their vehicles. As noted earlier, if either a shift interlock or a shift lever pushbutton or similar device had been featured on the complaint vehicle, [redacted] would not have been killed.

Part III – Retrofit of shift interlock

FMVSS 114 was amended in 1990 to add a requirement for a transmission/shift interlock. (Ref. ACS Letter of Findings) DCAG had already incorporated this feature, which also included a brake interlock, in calendar year 1989. However, DCAG did not retrofit any vehicles manufactured prior to that year even though the failure mode existed on –pre-1989 model year cars. The reason stated was that there "…was no need for it." (Ref. Siegel deposition P. 86-6)

However, NHTSA was aware of 46 accidents, 8 injuries and 5 fatalities caused by shift lever actuation with the engine off and key removed, 27 rollaway accidents resulting in 6 injuries that did not specify whether the key was removed resulting in 6 injuries and another 325 accidents that did not specify whether the key was removed and the engine was off. In addition, during the years from 1990 until the 2004 accident, DCAG received at least (4) ODI complaints and had at least (3) lawsuits, all of which related to lack of a shift interlock or a device that restricts inadvertent movement of the shift lever. Data from Safety Research indicates at least 14 complaints involving DCAG vehicles.

Despite all of these complaints, DCAG did not conduct any retrofit. Their reason was that "…the vehicle had a properly functioning parking brake, was technically okay, and also had door locks to prevent children from getting into the vehicle." (Ref. Siegel deposition P. 87 -15) This reasoning ignores the fact that customers can and do make mistakes (i.e. – misuse the product) that should have been foreseen and addressed by DCAG. (Ref. Part I)

DCAG's conduct was not consistent with a responsible manufacturer in that once it was clear that incidents of inadvertent movement *did* occur due to lack of a shift interlock and damage, injury or death could be a result, pre-1989 Mercedes Benz vehicles not incorporating this device should have been retrofitted.

There are many cases where corporations conduct "voluntary" recalls (i.e. – those not forced due to non-compliance to a safety or emissions standard) to ensure safety of their customers. For example, Audi retrofitted all 1978 – 1986 Audi 5000's with a "Brake/Transmission/Ignition/Shift Interlock (BTSI)" to address an "unexpected sudden acceleration" condition. Over 250,000 vehicles were recalled. (Source: NHTSA)

Daimler Chrysler retrofitted over (1) million 1984 - 1995 Jeep Cherokees and Grand Cherokees to install the "BTSI." (Source: NHTSA)

Nissan retrofitted over 183,000 1979-1987 Nissan 280Z and 300ZX vehicles to install a "BTSI." (Source: NHTSA)

The writer also personally participated in a voluntary recall in which the group he managed designed a product that later proved to have a deficiency that might have caused injury. (Ref. VW experience).

Lastly, from an engineering process standpoint, there is a requirement in ISO/TS 16949, Section. 8.5.2.3 "Corrective Action impact," that states: *The organization shall apply to other similar processes or products the corrective action and controls implemented to eliminate the cause of the nonconformity.*" In layman's terms, this means that if a problem or deficiency has been

identified (i.e. – no shift interlock that resulted in accidents, injuries and/or death), the solution should be applied to *all* other products that have this deficiency.

In summary, DCAG was negligent by not retrofitting pre-1989 vehicles which did not incorporate an ignition interlock, a pushbutton on the shift lever and/or a "BTSI." Had they done so, [redacted] would not have died.

Part IV – Communication, Documentation (Control of Records)
Mr. Siegel testified that he should receive all complaints from ODI through MBUSA or MBNA. (Ref. Siegle deposition P. 39; 20 – 25). He also testified that he had no knowledge of ODI complaints (Ref. Siegel deposition P. 38; 15-18; P. 40; 9-11), yet there were three ODI complaints related to this issue that he should have known about. DCAG is negligent in not having a process in place that ensures key information from NHTSA is forwarded to the responsible party/parties, is thoroughly reviewed and the necessary corrective action is taken.

Mr. Siegel was also questioned as to why some documents were available, but not others. (Ref. Siegel deposition P. 41; 2-5) When Mr. Siegel, the nominated *DCAG corporate* representative, was asked if there was a document retention policy, he said there was none. (Ref. Siegel deposition P. 41-9; P. 43-10) ISO/TS 16949 states in Section 4.2.4 "Control of Records" that "A documented procedure shall be established to define the controls needed for the identification, storage, protection, **retrieval, retention time (highlight is author's)** and disposition of records." This section of ISO/ TS16949 was part of the original ISO 9000, the basis for TS 16949, initially issued in 1987.

In addition, the writer's experience, which predates the formalization of ISO/TS 16949, was that all of the automotive companies for which he was employed had document retention policies. The reason is that automobile manufacturers generate thousands of documents; some are important and need to be saved for future reference and use; others are not. It is impractical and unnecessary to retain all documents, but imperative that others be saved and retrievable for future use, so a document retention policy is required.

If a robust information system process was in place that ensured all Mercedes Benz vehicle NHTSA ODI complaints were routed to the responsible personnel within DCAG for thorough review and action and a robust "Control of Records" process was in place so that all historical records were retrievable to be reviewed, the responsible personnel would have become aware of the customer issues. With this information, corrective actions could and should have been taken to address the problem by retrofitting pre-1989 vehicles as noted in Part III. This action would have prevented the incident that resulted in the death of [redacted]

In summary, DCAG is negligent in not having had a robust communication and information flow process from NHTSA to its responsible personnel in place for review and corrective action and for not having a "Control of Records" process.

Summary

In view of the total findings, it is clear that DCAG was negligent in several areas. If any one of these deficiencies had not existed, [redacted] need not have died. These deficiencies were:

1) DCAG was negligent in not conducting a robust analysis of the shift system with respect to possible misuse, not taking the necessary design actions to prevent the misuse and failing to adequately warn the user of the fact the shift lever can be moved out of park with the ignition key removed.
2) DCAG was negligent in not conducting robust competitive vehicle analyses, especially of shift system safety features used by manufacturers selling vehicles in North America, and failing to incorporate these features in their vehicles.
3) DCAG was negligent by not retrofitting pre-1989 vehicles with a shift system device that would prevent inadvertent shift out of the park position such as an ignition interlock, a pushbutton on the shift lever and/or a "BTSI."
4) DCAG was negligent in not having a robust communication and information flow and "Control of records" processes in place to ensure that customer complaints from NHTSA and other sources were documented and retrievable as well as forwarded to the responsible personnel for review and corrective action.

If you have any questions regarding the above, please contact the writer.

Sincerely,

James L. Williams
President
Williams Engineering Services, Inc.

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May 29, 2007

Mr. David C. Indiano
Attorney at Law
Indiano & Williams, PSC
207 Del Parque Street
San Juan, Puerto Rico 00912

Re: [redacted] v DCAG
File:

Dear Mr. Indiano:

LETTER OF FINDINGS

Pursuant to your request, please be advised that the subject vehicle involved in the above-referenced matter, a 1987 Mercedes-Benz Model 300 SDL Turbo Diesel 4 Door Sedan, was preliminarily inspected on November 30, 2005, February 21, 2007 and April 30, 2007. The subject vehicle examinations were conducted both at the accident scene for purposes of performance characteristics and a Mercedes-Benz service facility for purposes of mechanical evaluation. In addition, a 1991 MY Mercedes-Benz Model 300 E 4 Door Sedan [beginning line manufacture of 08/89] exemplar vehicle incorporating alternative design interlock devices was examined at the accident scene and utilized to perform a comparative analysis of selected system functions of critical transmission related safety interlock devices on April 30, 2007. Additionally, a surrogate occupant analysis was performed utilizing the subject vehicle in order to establish probable occupant kinematic-component interface and motor skill capabilities. Finally, a chronologically sensitive comparative manufacturer Transmission Shift Interlock Device Application Analysis Survey was conducted to establish "State of the Art" and "Standard of the Industry" practices as well as technological and economic feasibilities. These inspections, examinations, testing and comparative manufacturer analysis were for the purpose of determining the existence of potential defects or elemental principle conditions that could be considered a proximate cause(s) or significant factor(s) relative to accident causation

and/or the resultant occupant/pedestrian injury mechanisms per the event as documented in the Puerto Rico Police Officer's Accident Report and depositions of [redacted] and [redacted], describing the above incident that occurred on Monday, November 29, 2004, in front of the [redacted] residence.

SUBJECT VEHICLE IDENTIFICATION

MANUFACTURER: ... DAIMLER – BENZ AG STUTTGART, GERMANY.....
DIVISION: ..... MERCEDES - BENZ → PASSENGER CAR .....
MODEL: ..... 126 CHASSIS .. 300 SDL – PASSENGER CAR 4 DOOR SEDAN.....
DOM: ..... 11/86 → 1987 MY .....
VIN: ..... WDBCB25D0HA[redacted].....
LIC: ..... [redacted].....
ODO: ..... 087,113 ... TRIP: 731.9 .....
CLR: ..... LIGHT BROWN.....
ENG: ..... 3.0L/ I-6 TURBO DIESEL.....
TRN: .....AUTOMATIC → P-R-N-D-3-2 → CONSOLE SELECTOR.....
ACC: ..... P/S, P/B, C/C, P/W, P/DL, T/W, P/STS, SRS D .....

MATERIALS REVIEWED [referenced and/or relied upon in support of conclusions/opinions]

Please see Exhibit "C"

DISCUSSION

The depositions of [redacted] mother, [redacted], of his father, [redacted] and of his grandfather, [redacted], provide the basis for our understanding of how the accident occurred. This understanding is supplemented by the applicable police report documentation.

[redacted] had arrived at the [redacted] house [redacted] San Juan, Puerto Rico] at about 7:30-8:00 AM on the morning of November 29, 2004. He parked his 1987 Mercedes Benz 300 SDL in the street in front of the house, locked the doors and applied the parking brake. [redacted] deposition at p. 82, lines 7-14. Later on, he unlocked the car door so he could unlock the trunk and retrieve a screw driver he needed to

help[redacted] with assembly of a Christmas gift for the children. [redacted] deposition at p. 87, lines 18-23; page 88, lines 1-16. Prior to the accident, [redacted] and [redacted] were outside of the house assembling and hiding a set of swings which were to be Christmas gifts, which [redacted] and [redacted] did not want the children to see. [redacted] deposition at p. 108, lines 15-22. [redacted] was inside the house with her two sons, [redacted] and [redacted], until [redacted] told [redacted] that they had finished and [redacted] could go out. [redacted] deposition at p. 108, lines 22-24. Approximately that point in time on the morning of November 29, 2004, [redacted] opened the front door of the house so [redacted] could go out. [redacted] deposition at p. 52, lines 9-15. [redacted] stayed in the house. [redacted] deposition, p. 52, lines 15-16. The next time [redacted] saw [redacted] was when she looked out the window and saw [redacted] in the grandfather's car. [redacted] deposition at p. 52, lines 19-22. She noticed he was behind the steering wheel and automatically continued walking and went outside to remove him from the vehicle. [redacted] deposition at p. 54, lines 17-19. [redacted] walked to the vehicle with her baby, [redacted], in her hands. [redacted] deposition at p. 55, line 9. She held [redacted] in her right arm. [redacted] deposition at p. 55, lines 22-24. [redacted] approached the passenger side of the vehicle, observing the door was closed. [redacted] deposition at p. 58, lines 6-18. After she opened the door, she noticed that the car was moving. [redacted] deposition at p. 58, lines 20-21. The door of the moving vehicle hit her on the forearm. [redacted] deposition at p. 64, line 3-20. The next thing [redacted] remembers is that [redacted] was on the floor [ground] and [redacted] was out of the car. [redacted] deposition at p. 58, lines 22-24. When [redacted] first came out to get [redacted] out of the car, [redacted] saw her but he had casts on both hands so he believed [redacted] could handle the situation by herself. [redacted] deposition at p. 109, lines 1-6. After that, he heard [redacted] scream, "the car is running backwards", and he ran towards the car to help. [redacted] deposition at p. 109, lines 6-7. The police reports of the incident state that the Mercedes-Benz began moving in reverse while [redacted] was removing [redacted] from the vehicle. Police Report of November 30, 2004, p. 2-4. Though the reports indicate that [redacted] was placed on the adjacent grass, they confirm that the Mercedes-Benz struck [redacted] head and after being taken to the Medical Center Hospital for treatment and observation, [redacted] died from the injury. Police Report of November 30, 2004, p. 4-8.

The initial subject vehicle examination included an inspection and review relative to the vehicle's operating systems, specifically including, but not necessarily limited to, suspension, powertrain, drivetrain and body foundational component systems that could be considered contributory elements relative to the accident causation given the understanding of the incident facts at this time. The subject vehicle foundational systems appeared to be observationally consistent relative to vehicle performance in the incident at issue with respect to OEM pre-accident design, manufacture, assembly, application, installation and maintenance inclusive of statically observable qualitative and selected quantitative functional service properties and characteristics with the exception of the safety interlock device(s) design elements relative to the transmission gear shift selector control assembly mechanism. The subject vehicle did not experience any significant impact to generate observable body component plastic deformation and/or displacement.

USDOT NHTSA originally promulgated FMVSS 114 [49 CFR Ch V §571.114] as a remedy to address vehicles with primary anti-theft devices; however, the evolution of section S.1 recognizes the additional benefits of an interlock system as follows: "Purpose and Scope. This standard specifies requirements primarily for theft protection to reduce the incidence of crashes resulting from unauthorized operation of a motor vehicle. It also specifies requirements to reduce the incidence of crashes resulting from the rollaway of parked vehicles with automatic transmissions as a result of children moving the shift mechanism out of the "park" position." Further, section S4.2 states "Each vehicle shall have a key-locking system which, whenever the key is removed, prevents: (a) The normal activation of the vehicle's engine or motor; and (b) Either steering or forward mobility of the vehicle or both." Additionally, section S4.2.1 states "(a) Except as provided in S4.2.2 (a) and (b) the key-locking system required by S4.2 in each vehicle, which has an automatic transmission with a "park" position shall, when tested under procedures in S5.2, prevent removal of the key unless the transmission shift lever is locked in "park" or becomes locked in "park" as the direct result of removing the key. (b) Each vehicle shall not move more than 150mm on a 10% grade when the transmission or transmission shift lever is locked in "park."'

CONCLUSIONS/OPINIONS

1. The subject vehicle's transmission gear shift selector control mechanism failed to incorporate one or more interlock device(s) capable of preventing an unintended vehicle movement event. The failure to incorporate one or more transmission gear shift selector control assembly interlock device(s) renders the subject vehicle defective with respect to design elements, creating an unreasonably dangerous condition of inadvertent and unintended rollaway motion which results in a substantial risk of personal injury when utilized in a manner foreseeable to a motor vehicle manufacturer as the event relates to one or more of the following factors:

    a) Failure to comply with "State of the Art" industry technology
    b) Failure to comply with "Standard of the Industry" practices
    c) Failure to meet "an ordinary consumer expectation"
    d) Failure to conform to "fitness for the purpose intended"
    e) Failure to adequately warn of an impending dangerous condition
    f) Failure to retrofit pre August 1989 DCAG manufactured vehicles with an interlock device

2. The subject vehicle failure to incorporate one or more transmission gear shift selector control assembly interlock device(s) renders the subject vehicle defective with respect to design elements, creating an unreasonably dangerous condition of inadvertent and unintended vehicle rollaway motion, which results in a substantial risk of personal injury when the vehicle is utilized in a manner foreseeable to a motor vehicle manufacturer as the issue relates to the following technologically and economically feasible alternative designs :

    a) Ignition-Transmission Gear Shift Selector Interlock Device
    b) Brake-Transmission Gear Shift Selector Interlock Device [BTSI]
    c) Transmission Gear Shift Selector Park Release Button Interlock

d) Transmission Gear Shift Selector Park left release spring loaded modified Z gate design with a Release Button Interlock

e) The subject vehicle only incorporates a low force spring loaded right release Z gate design without an interlock device

3. The above stated opinions inclusive of subject vehicle examination, exemplar vehicle examination, quasi-dynamic/quasi-static test qualitative detail and quantitative data in addition to comparative manufacturer equipment survey data support the defective nature of the failure to incorporate one or more transmission gear shift selector control assembly interlock device(s) renders the subject vehicle defective with respect to the reasonable probability of a transmission neutral occurring in a sudden, unexpected and catastrophic manner without prior warning to the subject vehicle occupants and/or pedestrians thus compromising the critical fundamental safety elements of motor vehicle function foreseeable to a manufacturer and recognized in the motor vehicle industry.

4. The recommended and recognized alternative design(s) were addressed by governmental agencies such as the United States Department of Transportation's National Highway Safety Administration [NHTSA] and the NHTSA Office of Defect Investigation [ODI] as well as the United Nations Economic Commission for Europe [UNECE] regulatory body. In addition, organizations such as Public Citizen and the Center for Auto Safety have proffered papers and endorsed the critical need with respect to transmission gear shift selector safety interlock device(s). These organizations as well as DCAG and other manufacturers were provided notice of the industry wide transmission inadvertent gear shifting and resultant unintended rollaway or vehicle movement issue through the reporting of "Other Similar Incidents" [OSIs].

5. The United States Department of Transportation's National Highway Safety Administration [NHTSA] reviewed multiple vehicle manufacturer submissions relative to the consumer cost of a transmission gear shift selector interlock device and

concluded that cost would be in the range of $5.75 – $14.00 dollars [US] per vehicle; therefore, the economic feasibility is confirmed by an independent source.

6. Recognizing the gravity of the dangerous condition, competitive manufacturers incorporated effective transmission gear shift interlock devices in the 1987 and prior model years which prevent inadvertent vehicle rollaway as represented in exhibit "D" of this report. Additionally, Audi, which is a sister German automotive manufacturer, incorporated an interlock device in the 1987+ model year and recalled the 5000 [Type 43] series models from 1978-1986 for the purpose of retrofitting an interlock device [BTSI], but this device did not serve the function of an ignition interlock with the key removed. DCAG further confirmed the necessity of an interlock safety transmission shift selector [BTSI] device by retrofitting 1984 – 1995 Jeep Cherokee and 1993 – 1995 Jeep Grand Cherokee models. Additionally, Rolls–Royce has incorporated such an interlock device on vehicles produced since the early 1970's.

The above stated opinions have been derived through the valid application of the appropriate research as well as scientific principled methodology analytical techniques and are therefore held within a reasonable degree of scientific and technological certainty with respect to event sequence probable causative and resultant factors as they relate to the design and performance of the transmission gear shift selector control system assembly.

This Letter of Findings covers the most significant points of the general investigation and mechanical evaluation to date. This is not intended to be an annotated technical report and, as such, comprehensive field notes, inclusive of diagrams/digitizations reflecting relevant qualitative and quantitative statistical data and measurements will be kept on file at Automotive Consulting Services, Inc. and are available pursuant to your request. Based on the scope and nature of this report and ongoing investigation [including, but not necessarily limited to, discovery interrogatories and production of documents as well as defense expert reports and depositions], this writer reserves the right to modify and

amend any opinions stated herein should additional information become available that would have an effect on the basis of the opinions stated at this time.

In the event further clarification or investigation is deemed necessary in this matter with respect to the conclusions and opinions as stated herein, please do not hesitate to contact this office at your earliest convenience.

Very truly yours,

Gerald Rosenbluth
For the firm

GR/pls

Attachments:
"A" – Curriculum Vitae of Mr. Gerald Rosenbluth
"B" – Deposition/Trial Index for the Past 4 Years
"C" – ACS, Inc. Case File Index dated May 29, 2007
"D" – ACS Comparative Manufacturer Transmission Interlock Application Survey

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CURRICULUM VITAE

Mr. Gerald Rosenbluth has had a combination of over 40 years experience in the various facets of the automotive industry ranging from the practice of the auto mechanics trade to post-graduate university study. The emphasis of university study was in the division of Industrial Design and Technology with a specialization in Automotive Technology and a minor in Physical Sciences. Mr. Rosenbluth's expert witness courtroom testimony has been a significant factor in numerous cases dealing with the mechanical elements of automotive consumer fraud and product liability including but not limited to trade practice, industry comparative theoretical function, static and dynamic testing failure analysis. Mr. Rosenbluth has consulted and/or testified on behalf of both plaintiffs and defendants with representative clients being insurance companies, automobile dealerships, automobile manufacturers, private attorneys, federal and state governmental agencies such as the National Highway Traffic Safety Administration, the Federal Trade Commission, the Arizona Attorney General's Office [Criminal, Consumer Fraud, Racketeering and Organized Crime Divisions] and the Arizona Department of Public Safety.

EDUCATION BACKGROUND

• Northern Arizona University	Flagstaff, AZ	1976	Graduate Study
• Arizona State University	Tempe, AZ	1967-72	Graduate Study
• Arizona State University	Tempe, AZ	1965-67	Master of Arts
• Arizona State University	Tempe, AZ	1963-65	Bachelor of Arts
• New York University	New York, NY	1960-62	Undergrad Study

INDUSTRY TECHNICAL SCHOOLS

• General Motors Corporation	Engine Tune-up	1967
• Volkswagen of America	Multiple Carburetion	1967
• Ford Motor Company	Drivetrain Diagnosis	1968
• Chrysler Corporation	Emission Control	1972
• Ford Motor Company	Air Conditioning Seminar	1977
• Dana Corporation	Internal Comb. Eng. Theory	1978
• State of Arizona	Vehicle Emission Seminar	1978
• General Motors Corporation	Emission Control Systems	1979
• General Motors Corporation	Fuel Injection Systems	1979
• General Motors Corporation	Ignition System [HEI]	1979
• General Motors Corporation	Carburetion Systems	1979
• Robert Bosch Corporation	Fuel Injection Systems	1980
• Robert Bosch Corporation	Fuel Injection "K" Systems	1983
• Robert Bosch Corporation	Fuel Injection "L" Systems	1983
• Society of Automotive Engineers	Truck Braking Systems	1986
• Az Auto Theft Investigators Assn	Vehicle Theft Investigation	1986

PROFESSIONAL AFFILIATIONS

- Society of Automotive Engineers----------Active Membership
- American Arbitration Association----------National Panel of Arbitrators
- Nat'l Assoc. of University Automotive Instructors----------Membership
- Maricopa Technical College--------Auto. Technology Program Adv. Committee
- National Center for Auto Safety----------Membership
- Insurance Institute for Highway Safety----------Membership
- Automotive Service Council of Arizona----------Membership
- International Association of Arson Investigators----------Membership
- Arizona Association of Arson and Theft Investigators----------Membership
- Nat'l Fire Protection Association-Engineering Section----------Membership
- American Board of Forensic Examiners-Board Certified----------Membership

Rev. 03/07

EXHIBIT "A"

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PROFESSIONAL RECORD

Automotive Consulting Services, Inc. Tempe, Arizona	POSITION: President; Expert Consultant DATE: 1979 to Present
American Arbitration Association New York, New York	POSITION: National Panel of Arbitrators DATE: 1978 to Present
Arizona Attorney General's Office Phoenix, Arizona	POSITION: Automotive Expert Consultant DATE: 1977 to Present
Technical Advisory Service for Attorneys Ft. Washington, PA./Phoenix, AZ	POSITION: Automotive Expert Consultant DATE: 1977 to Present
Center for Auto Safety Washington, D.C.	POSITION: Automotive Expert Consultant DATE: 1981 to Present
Technical Advisory Bureau, Inc. Washington, D.C.	POSITION: Automotive Expert Consultant DATE: 1980 to Present
Alliance Import Automotive Supply, Ltd. Mesa, Arizona	POSITION: Corporation President DATE: 1982 to 1987
Machine Engineering, Inc. Mesa, Arizona	POSITION: Corporate Vice-President DATE: 1982 to 1985
Mesa Community College Mesa, Arizona	POSITION: Automotive Instructor DATE: 1982 to 1983
Automotive Technical Services, Inc. Mesa, Arizona	POSITION: CVP; Service Advisor; Mechanic DATE: 1979 to 1982
Northern Arizona University Flagstaff, Arizona	POSITION: Automotive Seminar Director DATE: 1976 to 1982
Maricopa Technical College Phoenix, Arizona	POSITION: Automotive Instructor DATE: 1974 to 1978
East Phoenix High School Phoenix, Arizona	POSITION: Automotive Instructor DATE: 1967 to 1982
Armstrong Automotive Service Scottsdale, Arizona	POSITION: Mechanic; Service Manager DATE: 1967 to 1969
Howard's Texaco Service Santa Ana, California	POSITION: Mechanic; Service Manager DATE: 1965 to 1967
Santa Ana Valley High School Santa Ana, California	POSITION: Automotive/Metals Instructor DATE: 1965 to 1967
Harris Tempe Shell Service Tempe, Arizona	POSITION: Mechanic DATE: 1963 to 1965
Broward Chevrolet Ft. Lauderdale, Florida	POSITION: Service Advisor; Mechanic; Sales DATE: 1962 to 1963
Sports Car Company Pompano Beach, Florida	POSITION: Mechanic DATE: 1962

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DEPOSITION/TRIAL TESTIMONY INDEX

CASE	D/T	DATE
HAFSTIENN V BMW	D	05/08/03
PLATTE V FORD	D	05/20/03
REEL V HAMMERBLOW	D	05/23/03
MATTER OF MARC CENTERS	D	06/02/03
POLLESCHE V FORD MOTOR CO.	D	06/23/03
GRIGORIAN V GOODYEAR	D	07/08/03
GILLEY V FORD MOTOR CO.	D	07/19/03
OH V CHRYSLER CORPORATION	D	07/29/03
DOLAN V UGLY DUCKLING	T	08/14/03
PETTIT V FORD MOTOR CO.	D	08/15/03
PETTIT V FORD MOTOR CO.	D	08/25/03
LINDSEY V YALE/CHASE	T	09/08-09/03
POLLESCHE V FORD MOTOR CO.	D	09/22/03
HERNANDEZ V ORACLE ROAD RENT-ALL	D	10/24/03
MATTER OF BERTHLEY	D	11/18/03
MATTER OF ORR	D	12/15/03
NICHOLS V MESA AUTO X-CHANGE	D	12/22/03
LAFAVE V SUBARU	D	03/02/04
CRONK V FORD MOTOR CO.	T	03/30/04
ROSEN V GMC	D	04/11/04
VEROS V MANTZIARIS	T	05/21/04
PILLADO V FORD	D	06/07/04
MALONE V J. Q. TEX/ATWOOD	D	06/14/04
TILLMAN V FREIGHTLINER	D	07/15/04
NICHOLS V MESA AUTO X-CHANGE	D	07/16/04
MATTER OF EL-KHISHIN	D	07/21/04
GARCIA V DAIMLERCHRYSLER	D	07/27/04

EXHIBIT "B"

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DEPOSITION/TRIAL TESTIMONY INDEX

CASE	D/T	DATE
ROD V FORD MOTOR CO.	D	08/03/04
DORRI V WASTE MANAGEMENT	D	08/17/04
BAKER V FOUR WINDS	T	08/18/04
MCLELLAN V CHRYSLER CORP.	D	08/23/04
BOLLING V ALTEC INDUSTRIES	D	08/26/04
GATTUSO V NISSAN	D	08/30/04
DUAN V GENERAL MOTORS CORP.	D	09/03/04
MATTER OF BOSS	D	09/08/04
BONILLA V CHRYSLER MOTORS	D	09/10/04
ROSEN V GENERAL MOTORS CORP.	T	09/21/04
MATTER OF BOSS	D	09/28/04
JANSEN V SUPERSTITION SPRINGS	D	10/01/04
RAUSCHKOLB V NISSAN	D	10/02/04
WINTER V WINKEL	D	10/18/04
GERMANO V THOMPSON, ET AL	D	11/02/04
LUMPKIN V FREIGHTLINER	D	11/03/04
DUAN V GENERAL MOTORS CORP.	D/T	11/10/04
LARA/PENA V FORD/ALVARADO	D	11/24/04
GOBERT V FORD MOTOR CO.	D	12/03/04
YNIGUEZ V CHRYSLER CORP.	D	12/21/04
MATTER OF ALVAREZ	D	01/04/05
IRVING V FREIGHTLINER	D	01/21/05
FRANK V SAN DIEGO VOLVO	D	01/28/05
LETZER V U-HAUL	D	01/31/05
HAFSTIENN V BMW	D	02/22/05
CONE V FORD MOTOR CO.	D	02/28/05
IRVING V FREIGHTLINER	T	03/15-16/05

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DEPOSITION/TRIAL TESTIMONY INDEX

CASE	D/T	DATE
POLLESCHE V FORD MOTOR CO.	T	04/11/05
LETZER V U-HAUL	D	04/19/05
CURRY V GENERAL MOTORS CORP.	T	05/03/05
REYNOSO V FORD MOTOR CO.	D	05/09/05
CLEVELAND V GMC	D	06/10/05
GALLAGHER V CHRYSLER CORP.	D	06/14/05
EVANS V TOYOTA	D	06/17/05
TADDEO-SMITH V FORD MOTOR CO.	D	06/26/05
CRUMP V NISSAN	D	07/18/05
JOHNSON V CHRYSLER CORP.	D	07/21/05
CAMERON V CHRYSLER CORP.	D	08/04/05
ADAIR V LAND ROVER	D	08/05/05
BAILEY V TOYOTA	D	08/12/05
LARA/PENA V FORD	T	08/18/05
ADAIR V LAND ROVER	D	08/29/05
GIFFORD V FORD	D	09/26/05
HARTFORD [UTILITY CONTRACTORS]	D	10/04/05
VETTERS V DAIMLERCHRYSLER CORP	D	10/21/05
GALLAGHER V CHRYSLER CORP.	T	11/07-09/05
MINKIN V FORD MOTOR CO.	D	11/23/05
DEVINE V FMC/BELL FORD	D	12/05/05

AUTOMOTIVE CONSULTING SERVICES, INC.

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FACSIMILE (480) 838-4198

DEPOSITION/TRIAL TESTIMONY INDEX

CASE	D/T	DATE
FORCE V FORD MOTOR CO.	D	12/14/05
CASTRO V FORD MOTOR CO.	D	12/30/05
FORCE V FORD MOTOR CO.	T	01/12/06
HARLOW V CHRYSLER CORP.	D	01/26/06
GIFFORD V FORD MOTOR CO.	D	02/02/06
GIFFORD V FORD MOTOR CO.	T	02/21-22/06
MALAM V TOYOTA MOTOR CORP.	D	02/23/06
GIFFORD V FORD MOTOR CO.	T	02/27/06
HORSH V FORD MOTOR CO.	D	03/14/06
FRANKLIN V SUZUKI	D	04/05/06
MALAM V TOYOTA MOTOR CORP.	T	04/10/06
RYVKIN V LAND ROVER	D	07/18/06
LASCANO V LEE/HINO MOTORS	T/H	07/25/06
PETERSON V DCC	D	07/26/06
FAULKNER V MACLEAN ENGIN.	D	08/07/06
PILLADO V FORD MOTOR CO.	T	08/15-18/06
KHOPERIA V CHRYSLER CORP.	D	08/21/06
MRAZ V DAIMLERCHRYSLER CORP.	D	09/05/06
KHOPERIA V CHRYSLER CORP.	T	09/06-08/06
OSINA/LEE V NISSAN	D	09/27/06

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DEPOSITION/TRIAL TESTIMONY INDEX

CASE	D/T	DATE
MRAZ V DAIMLERCHRYSLER CORP.	D	09/28/06
FORCE V FORD MOTOR CO.	D	10/03/06
MRAZ V DAIMLERCHRYSLER CORP.	D	10/04/06
DEARING V PERRY/FMC	D	10/17/06
SERRANO V CATERPILLAR	D	11/21/06
MCMILLAN V HONDA	D	11/29/06
HORSCH V FORD MOTOR CO.	T	12/06/06
CARDENAS V FORD MOTOR CO.	D	12/08/06
MRAZ V DAIMLERCHRYSLER CORP.	T	02/01-09/07
ADAIR V LAND ROVER	D	03/23/07
PIERCE V YAMAHA	D	03/28/07

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(480) 890-1000
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CASE FILE INDEX
[redacted] V MERCEDES BENZ
ACS 05-0928A
05/29/07

CASE TIME LOG

ATTORNEY CORRESPONDENCE

LEGAL DOCUMENTATION

1. Notice of Deposition Re: Transmission Person Most Knowledgeable – 03/02/07
2. Notice of Deposition Re: Parking Brake Person Most Knowledgeable – 03/02/07
3. District Court Appeal – 01/08/97 [Bogosian v Mercedes]
4. Joint Motion Submitting Stipulations on Various Discovery and Deadline Matters; Request for a Status Conference and Request to Set Trial Date – 03/21/07
5. Stipulated Protective Order – 12/18/06
6. Tort Liability For Damages, Negligence in Violation of 31 L.P.R.A. 5141; Products Liability Design Defect; Products Liability Failure to Warn – 11/05

INTERROGATORIES/PRODUCTION OF DOCUMENTS

1. DaimlerChrysler AG Supplemental Responses to other Incidents Discovery Demand Post 04/16/07 Conference with Counsel for Plaintiffs – 04/18/07
2. Responses to First Set of Interrogatories and Requests for Admissions – 12/13/06
3. Responses to First Set of Requests for Production – 12/13/06
4. First Set of Requests for Production of Documents – 10/06
5. First Set of Interrogatories and Requests for Admissions – 10/06

POLICE/ADJUSTER/EXPERT DOCUMENTATION

1. ACS, Inc. Storyboard – Subject Vehicle Inadvertent Transmission Gear Shift Lever Actuation Dynamic Testing – 04/03/07
2. ACS, Inc. Storyboard – Exemplar Vehicle Inadvertent Transmission Gear Shift Lever Actuation Dynamic Testing – 04/03/07
3. Stipulated Protocol for Car and Site Inspection on February 21, 2007 – 02/07
4. ACS Exemplar Exhibits – Animated/Descriptive Information/Notes
5. Puerto Rico Police Incident Report – Incident # 2004-1-262-9461 – 11/29/04
6. Medical Records Re:
   a) [redacted]

INVESTIGATIVE TECHNICAL NOTES

1. Case File Index – 05/29/07

EXHIBIT "C"

2. Investigative Technical Notes – Exemplar Vehicle/Accident Site Surrogate Analysis Examination – 04/30/07
3. Investigative Technical Notes – Subject Vehicle/Accident Site Surrogate Analysis Examination – 04/30/07
4. Case File Index – 04/05/07
5. Investigative Technical Notes – Subject Vehicle Examination – 02/21/07
6. Investigative Technical Notes – Subject Vehicle Examination – 11/30/05
7. AUTOSTATS – 1987 Mercedes Benz 300 SDL
8. VINASSIST – 1987 Mercedes Benz 300 SDL
9. VINPOWER – 1987 Mercedes Benz 300 SDL
10. Case Intake Data Sheet – Conf: S. Erbe – 09/28/05
11. Deposition Summaries
    a) [redacted] – Subject Vehicle Owner/Accident Witness
    b) [redacted] – [redacted]/Accident Witness
    c) [redacted] – [redacted] Father/Accident Witness
    d) Wolfgang Siegel – Mercedes-Benz Person Most Knowledgeable

EVIDENCE RETENTION RECORD

1. DVD – Exemplar Vehicle Accident Site/Surrogate Analysis/Exam – Raw Footage – By ACS, Inc – [1 of 2] – 04/30/07
2. DVD – Exemplar Vehicle Accident Site/Surrogate Analysis/Exam – Raw Footage – By ACS, Inc – [2 of 2] – 04/30/07
3. Exemplar Vehicle A/T Shift Selector/Console – Sectioned – 1983 BMW 633 CSI
4. Exemplar Vehicle A/T Shift Selector/Console – Sectioned – 1984 Porsche 944
5. Exemplar Vehicle A/T Shift Selector/Console – Sectioned – 1986 Volkswagen Vanagon
6. Exemplar Vehicle A/T Shift Selector/Ignition/Console – Sectioned – 1985 Saab 900S
7. Exemplar Vehicle A/T Shift Selector – Sectioned – 1987 Ford Aerostar
8. Exemplar Vehicle Shift Selector/Steering Column – Sectioned – 1984 Chevrolet Cavalier
9. Exemplar Vehicle Shift Selector/Steering Column – Sectioned – 1987 Pontiac Grand Am
10. Microcassette – Exemplar Vehicle Accident Site/SOA/Exam – Raw Footage – By ACS, Inc. – 04/30/07
11. Microcassette – Subject Vehicle Accident Site/SOA/Exam – Raw Footage – By ACS, Inc. – 04/30/07
12. DVD – Caso[redacted]
13. Exemplar Vehicle Floor Console/Shift Selector – 1986 Honda Accord
14. Exemplar Shift Selector/Brake Pedal/Ignition Assembly with Interlocks – 1990 M-B 300 SEL
15. Exemplar Shift Selector/Brake Pedal/Ignition Assembly – 1987 M-B 300 SDL
16. Exemplar Shift Selector with Brake/Shift Interlock – 1991 M-B 300 SE

SUBJECT VEHICLE MAINTENANCE REPAIR/RECORDS

1. Subject Vehicle Registration

TECHNICAL DATA OEM

1. Promotional Literature – 1987 Mercedes Benz S-Class
2. Owner's Manual – 1987 Mercedes Benz 300 SDL Turbo
3. Service Manual Library on CD – Mercedes Benz [1981 to 1991] – Various Models – Version 2.1 – Selected Excerpts
    a) Section 00 – General, Technical Data
    b) Section 43 – Brakes, Pneumatic System

TECHNICAL DATA SUPPLEMENTAL

1. Internet Searches
   a) Chrysler to Retrofit Older Jeep Cherokee and Grand Cherokee Vehicles with 'Brake-Park' Shift Interlock – From www.theautochannel.com – Run 05/02/07
   b) FMVSS 114 /Final Rule – From http://web2.westlaw.com – Run 04/11/07
   c) Vehicle Safety for Children – Testimony of Mr. W. Packy Campbell, Former Representative State of New Hampshire – From http://commerce.senate.gov – Run 04/11/07
2. Consumer Complaints – Mercedes Transmission Problems – Inadvertent Activation of Shift Lever Problems – SRS, Inc. – 05/23/07
3. NHTSA Office of Defects Investigation – Recalls Database Re: 1979-87 Nissan 280Z & 300ZX – Run 05/02/07
4. NHTSA Office of Defects Investigation – Recalls Database Re: 1984-95 Jeep Grand Cherokee – Run 05/02/07
5. NHTSA Office of Defects Investigation – Recalls Database Re: 1978-86 Audi 5000 – Run 05/02/07
6. USDOT Docket Management System Index – Run 05/02/07
   a) Docket NHTSA-2006-25669-1 – Auto Industry Brake Shift Interlock
   b) Docket NHTSA-2006-25669-2 – Auto Industry Brake Shift Interlock
   c) Docket NHTSA-2006-25669-3 – Auto Industry Brake Shift Interlock
   d) Docket NHTSA-2006-25669-4 – Auto Industry Brake Shift Interlock
   e) Docket NHTSA-2006-25669-5 – Auto Industry Brake Shift Interlock
   f) Docket NHTSA-2006-25669-6 – Auto Industry Brake Shift Interlock
   g) Docket NHTSA-2006-25669-7 – Auto Industry Brake Shift Interlock
   h) Docket NHTSA-2006-25669-8 – Auto Industry Brake Shift Interlock
   i) Docket NHTSA-2006-25669-9 – Auto Industry Brake Shift Interlock
   j) Docket NHTSA-2006-25669-10 – Auto Industry Brake Shift Interlock
   k) Docket NHTSA-2006-25669-11 – Auto Industry Brake Shift Interlock
   l) Docket NHTSA-2006-25669-12 – Auto Industry Brake Shift Interlock
   m) Docket NHTSA-2006-25669-13 – Auto Industry Brake Shift Interlock
   n) Docket NHTSA-2006-25669-14 – Auto Industry Brake Shift Interlock
   o) Docket NHTSA-2006-25669-15 – Auto Industry Brake Shift Interlock
   p) Docket NHTSA-2006-25669-16 – Auto Industry Brake Shift Interlock
   q) Docket NHTSA-2006-25669-17 – Auto Industry Brake Shift Interlock
   r) Docket NHTSA-2006-25669-18 – Auto Industry Brake Shift Interlock
   s) Docket NHTSA-2006-25669-19 – Auto Industry Brake Shift Interlock
   t) Docket NHTSA-2006-25669-20 – Auto Industry Brake Shift Interlock
   u) Docket NHTSA-2006-25669-21 – Auto Industry Brake Shift Interlock
   v) Docket NHTSA-2006-25669-22 – Auto Industry Brake Shift Interlock
   w) Docket NHTSA-2006-25669-23 – Auto Industry Brake Shift Interlock
   x) Docket NHTSA-2006-25669-24 – Auto Industry Brake Shift Interlock
   y) Docket NHTSA-2006-25669-25 – Auto Industry Brake Shift Interlock
7. Cars, Crawling Kids Intersect All Too Often – By Matt White – 04/28/07
8. NHTSA Office of Defects Investigation – Complaints Database Re: 1986 Mercedes-Benz 300 E – Run 04/21/07
   a) Vehicle Owner's Questionnaire – Reference #838879
9. NHTSA Office of Defects Investigation – Complaints Database Re: 1986 Mercedes-Benz 190 – Run 04/21/07
10. NHTSA Office of Defects Investigation – Recalls Database Re: 1995-98 Chrysler Corporation 98V183000 – Run 04/21/07
11. NHTSA Office of Defects Investigation – Recalls Database Re: 1997-2002 Honda 05V025000 – 04/21/07
12. NHTSA Office of Defects Investigation – Recalls Database Re: 1996-1999 DCC 04V021000 – Run 04/21/07

13. NHTSA Office of Defects Investigations – Recall Database Re: 1996-1999 DCC 04V021000 – Run 03/08/07
14. NHTSA Office of Defects Investigation – Defects Investigation Database Re: DCC EA03011/04V02100 – Run 03/08/07
15. 2007 Model Year Vehicles Without Brake Transmission Shift Interlock [BTSI] – By NHTSA
16. Federal Jury Finds DaimlerChrysler Failed to Warn of Dangers Related to Minivans – 03/03/06 – From Harris, Penn & Lowry
17. Automakers Agree to Add Brake to Shift Interlocks – Safety Research & Strategies – 2006
18. NHTSA Office of Defects Investigations – Recall Database – Run 10/18/05
19. NHTSA Office of Defects Investigations – Technical Service Bulletins Database – Run 10/18/05
20. NHTSA Office of Defects Investigations – Defects Investigations Database – Run 10/18/05
21. NHTSA Office of Defects Investigations – Consumer Complaints Database – Run 10/18/05
22. ECE 18 – Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts Which Can Be Fitted And/Or Be Used On Wheeled Vehicles and the Conditions For Reciprocal Recognition of Approvals Granted on the Basis of These Prescriptions – 07/11/05
23. Code of Federal Regulations – 49 Transportation, Parts 400-999 – 10/01/04 [Selected Excerpts]
    a) Standard No. 114 – Theft Protection
24. Code of Federal Regulations – 49 Transportation, Parts 400-999 – 10/01/02 [Selected Excerpts]
    b) Standard No. 102 – Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect
    c) Standard No. 114 – Theft Protection
25. Daimler Chrysler Corporation Customer Notification #733 Re: Transmission Park Shift Interlock Retrofit – 1997
26. Steering Column Locks and Motor Vehicle Theft: Evaluations From Three Countries – By B. Webb – 1994
27. Nissan Recall Campaign 87V-098 Re: Unintended Acceleration – 1987
28. Audi Safety Recall Notice Re: Sudden Acceleration – 1987
29. Owner's Manual – 1986 Honda Accord – Selected Excerpts
30. FMVSS 114 Preambles – 04/27/68-06/22/81
31. Code of Federal Regulations – 49 Transportation, Parts 400-999 [Selected Excerpts]
    a) Standard No. 114 – Theft Protection – Passenger Cars – 12/29/80
32. Owner's Manual – 1967 Ford Mustang – Selected Excerpts
33. Press Release Re: Minivans – 03/03/06
34. Steering Column Locks and Motor Vehicle Theft: Evaluations From Three Countries – By B. Webb
35. NHTSA 07V-008 Documentation
    a) Volkswagen Letter to NHTSA Re: 1978-86 Model Audi 5000 – 01/14/87
    b) Audi Agrees to Recall 5000 Model: Automatic Shift Lock Seen as Best Preventive for Unintended Acceleration – 01/15/87
    c) Audi Letter Re: 1978-88 Model Audi 5000 Recall Campaign
    d) Idle System Checking Procedure
    e) Accounting Procedure/Campaign Completion Report – Recall
36. U. S. Patents
    a) U. S. Patent # 6,592,492 – Brake Transmission Shift Interlock and Park Lock System – Assg: Pontiac – 07/15/03
    b) U. S. Patent # 6,059,687 – Automotive Vehicle Incorporating A Transmission Equipped With an Actuating Logic Performing the "Shift-Lock" and "Key-Lock" Functions – Assg: AP – 05/09/00
    c) U. S. Patent # 5,902,209 – Shifter Interlock For An Automatic Transmission – Assg: Pontiac – 05/11/99
    d) U. S. Patent # 5,853,348 – Park Position Locking System for Steering Column Transmission Shifter – Assg: Navistar – 12/29/98
    e) U. S. Patent # 5,759,132 – Vehicle Park/Lock Mechanism w/Control Module Having a Locking Mechanism and a Control Switch Actuated by the Locking Mechanism – Assg: Grand Haven – 06/02/98

f) U. S. Patent # 5,738,562 – Apparatus and Method for Planar End-Point Detection During Chemical-Mechanical Polishing – Assg: Micron – 04/14/98
g) U. S. Patent # 5,729,187 – Transmission Shift Interlock – Assg: Pontiac – 03/17/98
h) U. S. Patent # 5,647,818 – Shifter Interlock for an Automatic Transmission – Assg: Pontiac – 07/15/97
i) U. S. Patent # 5,647,465 – Transmission Shift Lever and Brake Interlock Control Assembly – Assg: GMC – 07/15/97
j) U. S. Patent # 5,562,568 – Brake-Transmission-Ignition Key Interlock System – Assg: Dura – 10/08/96
k) U. S. Patent # 5,489,246 – Electronic Park Lock – Assg: Pontiac Coil Inc. – 02/06/96
l) U. S. Patent # 5,076,114 – Electromagnetic Interlock – Assg: Pontiac Coil Inc. – 12/31/91
m) U. S. Patent # 5,036,962 – Shift Lock System for Automatic Transmission of a Motor Vehicle – 08/06/91
n) U. S. Patent # 4,473,141 – Shift Lever and Parking Brake Control – Assg: Nissan – 09/25/84
o) U. S. Patent # 3,912,050 – Transmission Parking Lock Mechanism – Assg: Nissan – 10/14/75
p) U. S. Patent # 3,690,416 – Parking Brake for Automatic Transmission – Assg: Nissan – 09/12/72
q) U. S. Patent # 3,601,230 – Parking Brake for a Vehicle Driveline – Assg: FMC – 08/24/71
r) U. S. Patent # 3,386,532 – Parking Brake for Use in a Driveline – Asgnr: FMC – 06/04/68
s) U. S. Patent # 3,213,968 – Transversely Movable, Positive Lock Brake – Asgnr: FMC – 10/26/65
t) U. S. Patent # 3,187,846 – Pivoted Pawl Parking Brake Mechanism – Asgnr: FMC – 06/08/65
u) U. S. Patent # 3,119,477 – Automatic Parking Brake Release System – Asgnr: S-W Corp. – 01/28/64
v) U. S. Patent # 3,110,355 – Parking Brake Release – Asgnr: GMC – 11/12/63
w) U. S. Patent # 2,875,856 – Parking Lock for Transmission – Asgnr: GMC – 03/03/59
x) U. S. Patent # 2,860,731 – Positive Parking Brake – Asgnr: GMC – 11/18/58
y) U. S. Patent # 2,814,361 – Motor Vehicle Parking Lock Device – Asgnr: IHC – 11/26/57

DEPOSITIONS/WITNESS STATEMENTS

1. [redacted] – Subject Vehicle Owner/Accident Witness
2. [redacted] r/Accident Witness
3. [redacted] Father/Accident Witness
4. Wolfgang Siegel – Mercedes-Benz Person Most Knowledgeable

PHOTOGRAPHIC DOCUMENTATION

1. ACS Photographic Sequence – Exemplar Alternative Design – Shift Selector Exhibits – 05/22/07 – #1001-#1091
2. ACS Photographic Sequence – Exemplar Vehicle/Accident Site/Surrogate Analysis Examination – 04/30/07 – #1001-#1051
3. ACS Photographic Sequence – Subject Vehicle/Accident Site/Surrogate Analysis Examination – 04/30/07 – #1001-#1121
4. ACS Photographic Sequence – Subject Vehicle: 1987 Mercedes Benz – 300 SDL – 02/21/07 – #1001-#1081
5. ACS Photographic Sequence – Exemplar Vehicle Accord Shifter – 05/25/06 – #1001-#1009
6. ACS Photographic Sequence – Exemplar Vehicle Alternative Design Exhibits – Set B – 12/27/05 – #1001-#1006
7. ACS Photographic Sequence – Exemplar Vehicle Alternative Design Exhibits – Set A – 12/15/05 – #1001-#1026
8. ACS Photographic Sequence – Subject Vehicle: 1987 Mercedes Benz – 300 SDL – 11/30/05 – #1001-#1202
9. Photographic Sequence – Subject Vehicle: By J. Roman – 09/05

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COMPARATIVE IGNITION/SHIFT INTERLOCK FIELD STUDY ANALYSIS
ROMAN V MERCEDES-BENZ
ACS 05-0928A

GERMAN MANUFACTURERS

VEHICLE MFR.	VEHICLE MODEL	DATE OF MFR.	MODEL YEAR	VEHICLE IDENTIFICATION NUMBER	SHIFT SELECTOR LOCATION		IGN/SHIFT INTERLOCK		SHIFT INTERLOCK PUSH BUTTON/ COLUMN GATE	STEERING LOCK (POS/NEG)	SHIFT SELECTOR GATE DESIGN[1]
					COLUMN	CONSOLE	POS	NEG			
MERCEDES-BENZ	240D	07/76	1976	115117121[redacted]		X		X	NEG-PB	POS	ZG-R
PORSCHE	928	05/79	1979	92892[redacted]		X		X	POS-PB	POS	IG
BMW	633CSI	04/83	1983	WBAEB8401D6[redacted]		X		X	POS-PB	POS	IG
BMW	733I	04/84	1984	WBAFF8405E94[redacted]		X		X	POS-PB	POS	IG
VOLKSWAGEN	RABBIT	04/84	1984	WVWCA0156EK[redacted]		X		X	POS-PB	POS	IG
PORSCHE	944	05/84	1984	WP0AA0940EN[redacted]		X		X	POS-PB	POS	IG
AUDI	4000 CS	01/86	1986	WAUFB0818GA[redacted]		X		X	POS-PB	POS	IG
AUDI	5000CS	02/86	1986	WAUFB044SGN[redacted]		X		X	POS-PB	POS	IG
BMW	528E	02/86	1986	WBADK8306G9[redacted]		X		X	NEG-PB[2]	POS	IG
VOLKSWAGEN	VANAGON	02/86	1986	WV2YB0254GH[redacted]		X		X	POS-PB	POS	IG
AUDI	5000S	07/86	1987	WAUFB0448HN[redacted]		X		X	POS-PB	POS	IG
PORSCHE	928S4	12/86	1987	WP0JB092XHS[redacted]		X		X	POS-PB	POS	IG
MERCEDES-BENZ	560SL	04/87	1987	WDBBA48D5HA[redacted]		X		X	NEG-PB	POS	ZG-R
MERCEDES-BENZ	300SDL	05/87	1987	WDBCB25D5HA[redacted]		X		X	NEG-PB	POS	ZG-R
MERCEDES-BENZ	190E	06/87	1987	WDBDA28D0HF[redacted]		X		X	NEG-PB	POS	ZG-R
MERCEDES-BENZ	300E	07/87	1987	WDBEA300XHA[redacted]		X		X	NEG-PB	POS	ZG-R
MERCEDES-BENZ	420SEL	08/87	1987	WDBCA3508HA[redacted]		X		X	NEG-PB	POS	ZG-R

[1] = ZG = Z GATE; MZG = MODIFIED Z GATE; IG = INLINE GATE; IGP = INSERT GATE PLATE (COLUMN SHIFT SELECTOR)

[2] = PUSH BUTTON NEED NOT BE ACTUATED TO SHIFT FROM PARK; MUST BE ACTUATED TO SHIFT FROM DRIVE ONCE SELECTOR IS IN DRIVE POSITION.

COMPARATIVE IGNITION/SHIFT INTERLOCK FIELD STUDY ANALYSIS
ROMAN V MERCEDES-BENZ
ACS 05-0928A

VEHICLE MFR.	VEHICLE MODEL	DATE OF MFR.	MODEL YEAR	VEHICLE IDENTIFICATION NUMBER	SHIFT SELECTOR LOCATION		IGN/SHIFT INTERLOCK		SHIFT INTERLOCK PUSH BUTTON/ COLUMN GATE	STEERING LOCK (POS/NEG)	SHIFT SELECTOR GATE DESIGN[1]
					COLUMN	CONSOLE	POS	NEG			
FORD	MUSTANG	12/64	1965	5F09C2[redacted]		X		X	POS-PB	NEG	IG
FORD	LTD	04/70	1970	0G62H2[redacted]	X		X		POS-CG	POS	IGP
PONTIAC	LE MANS	07/74	1974	2G37M4P[redacted]		X		X	POS-PB	POS	IG
OLDSMOBILE	NINETY EIGHT	10/75	1976	3X39T6M[redacted]	X		X		POS-CG	POS	IGP
TOYOTA	COROLLA	10/75	1976	TE3110[redacted]		X		X	POS-PB	POS	IG
VOLVO	244DL	12/75	1976	VC244451[redacted]		X		X	POS-PB	POS	IG
PLYMOUTH	VOLARE	02/76	1976	HL29C68[redacted]	X		X		POS-CG	POS	IGP
DATSUN	510	08/78	1978	WHLA1[redacted]		X		X	POS-PB	POS	IG
PLYMOUTH	SAPPORO	03/80	1980	3H29FA[redacted]		X		X	POS-PB	POS	IG
NISSAN	280ZX	09/80	1981	JN1HZ06S5BX[redacted]		X		X	POS-PB	POS	IG
TOYOTA	CELICA	10/80	1981	JT2MA47L8B[redacted]		X		X	POS-PB	POS	IG
HONDA	CIVIC	03/82	1982	JHMSR3323C[redacted]		X		X	POS-PB	POS	IG
VOLVO	DL	04/84	1984	YV1AX8843F1[redacted]		X		X	POS-PB	POS	IG
CHEVROLET	CAVALIER	07/84	1984	1G1AC69P4E[redacted]		X	X		POS-PB	POS	IG
SAAB	900S	08/84	1985	YS3AH46J5F1[redacted]		X	X		POS-PB	NEG	IG
BUICK	SKYHAWK	03/85	1985	1G4JS69P1FK[redacted]		X	X		POS-PB	POS	IG
JAGUAR	XJ6	04/85	1985	SAJAV1342FC4[redacted]		X		X	NEG-PB	POS	ZG-R
SUBARU	XT COUPE	04/85	1985	JF2AX75B5FF[redacted]		X		X	POS-PB	POS	IG
FORD	CROWN VIC.	05/85	1985	2FABP43F2FX[redacted]	X		X		POS-CG	POS	IGP
NISSAN	SENTRA	01/86*	1987	JN1PB25S3HU[redacted]		X		X	POS-PB	POS	IG
MITSUBISHI	GALANT	04/86	1986	JA3BB46L5G[redacted]		X		X	POS-PB	POS	IG
PONTIAC	TRANS AM	11/86	1987	1G2FW21F8HW[redacted]		X	X		POS-PB	POS	IG
GMC	CABALLERO	12/86	1987	3GTCW80H2HS[redacted]	X		X		POS-CG	POS	IGP
BUICK	CENTURY	01/87	1987	1G4AL8I38HD[redacted]	X		X		POS-CG	POS	IGP
SAAB	900 TURBO	01/87	1987	YS3AT36L1H7[redacted]		X	X		POS-PB	NEG	IG
TOYOTA	COROLLA	01/87	1987	JT2AE86S5H0[redacted]		X		X	POS-PB	POS	IG
NISSAN	MAXIMA	02/87	1987	JN1HU11P6HT[redacted]		X		X	POS-PB	POS	IG
FORD	ESCORT	03/87	1987	1FAPP2596HW[redacted]		X		X	POS-PB	POS	IG
PONTIAC	GRAN PRIX	03/87	1987	2G2GK11H0H2[redacted]	X		X		POS-CG	POS	IGP
CHRYSLER	FIFTH AVENUE	04/87	1987	1CEBF66P1HW[redacted]	X		X		POS-CG	POS	IGP
FORD	BRONCO	04/87	1987	1FMEU15H0HLA[redacted]	X		X		POS-CG	POS	IGP
HONDA	ACCORD	04/87	1987	1HGCA5622HA[redacted]		X		X	POS-PB	POS	IG
PONTIAC	BONNEVILLE	04/87	1987	1G2HZ5430HW[redacted]		X	X		POS-PB	POS	IG
CHEVROLET	S BLAZER	05/87	1987	1GNCT18R8H8[redacted]	X		X		POS-CG	POS	IGP
FORD	AEROSTAR	05/87	1987	1FMCA11U5HZ[redacted]		X		X	POS-PB	POS	MZG-L
PONTIAC	GRAND AM	07/87	1987	1G2NW54L9HC[redacted]		X	X		POS-PB	POS	IG
CHRYSLER	LEBARON	09/86	1987	1C3BH48KXHN[redacted]		X		X	POS-PB	POS	IG

[1] = ZG = Z GATE; MZG = MODIFIED Z GATE; IG = INLINE GATE; IGP = INSERT GATE PLATE (COLUMN SHIFT SELECTOR)
*= CORRECT DATE OF MANUFACTURE