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C1-10335943-8205

Printed: 12/9/2011

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NHTSA #: ES11-007535

XREF #:

Delivery: EXP

Rec'd Date: 12/9/2011

Doc Type: GEN

Address To: NOA010

Referred By: NPO-011

Doc Date: 12/5/2011

Due Date:

S10 #:

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RMP #:

**Subject: LETTER TO THE ADMINISTRATOR FROM MR. PAUL V. SHERIDAN RE DEATH/SEVERE INJURY
ACCIDENT OF NOVEMBER 16, 2011 IN ORLANDO FLORIDA INVOLVING 1997 JEEP GRANT CHEROKEE
(ZJ-BODY)**

Ack Date:

Sign Office: ENFORCEMENT

Cleared Date:

File Loc:

Added By: BMILLINGS x65470

Ack By:

Signature: AS APPROPRIATE

Cleared By:

XREF File:

Modified By:

BERNADETTE.MILLINGS

Signed For:

Cleared For:

Closed Date: 12/9/2011

Most Recent Comment:

Author:

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DDM CONSULTANTS
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2011 DEC -9 A 9 37

EXECUTIVE SECRETARIAT

DEC 12 2011

12-13-11
DW

Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-200	APPROPRIATE	12/9/2011		12/9/2011

To: Mr. David L. Strickland *
NHTSA Headquarters
West Building
1200 New Jersey Avenue, SE
Washington, DC 20590
888-327-4236

Date: 5 December 2011

VIA FEDEX 8696 6728 3768

From: Mr. Paul V. Sheridan
DDM Consultants
22357 Columbia Street
Dearborn, MI 48124-3431
313-277-5095
pvs6@Cornell.edu

Subject : Death / Severe Injury Accident of 16 November 2011 in Orlando, Florida Involving
1997 Jeep Grand Cherokee (ZJ-Body)

References : (1) NHTSA Action Number PE10031 – File Update (Jeep Grand Cherokee Fuel
System Crashworthiness Defect Investigation)

(2) My Letter to You, Dr. Dieter Zetsche, et al. of 9 February 2011

Courtesy Copy List

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973-243-2099

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Morgan & Meyers, PLLC / Suite 320
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Dearborn, MI 48120
313-961-0130

Mr. Clarence Dittlow, Director **
Center for Auto Safety - Suite 330
1825 Connecticut Ave, NW
Washington, DC 20009-5708
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Senator John Rockefeller IV **
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Dr. Dieter Zetsche ***
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Corporate Headquarters
Mercedesstr. 137
70327 Stuttgart, Germany
011-49-711-17-0

Mr. Richard D. Lawrence, P.E. **
Crash Data Research Center
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4455 Genesee Street
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716-631-6988

* Available with hyperlinks here: <http://links.veronicachapman.com/Sheridan2Strickland-3.pdf>

** By email

*** Via FedEx 8327 2778 7986

DDM Consultants
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5 December 2011

VIA FEDEX AIRBILL # 8696 6728 3768

Mr. David L. Strickland, Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
Washington, DC 20590
888-327-4236

Subject : **Death / Severe Injury Accident of 16 November 2011 in Orlando, Florida
Involving 1997 Jeep Grand Cherokee (ZJ-Body)**

References : **(1) NHTSA Action Number PE10031 – File Update (Jeep Grand Cherokee
Fuel System Crashworthiness Defect Investigation)**

(2) My Letter to You, Dr. Dieter Zetsche, et al. of 9 February 2011

Dear Mr. Strickland:

I am confident that you have been informed of the subject accident.

I have just returned from Orlando, Florida where I examined and photographed the subject vehicle, a 1997 Jeep Grand Cherokee (VIN: 1J4FX58SXVC[REDACTED]). My preliminary examination included discovery of the following salient physical facts relating to this vehicle/accident:

1. Did not have a trailer tow hitch device,
2. Did not have a "brush guard" device mounted near or upon the rear-mounted fuel tank,
3. Did not have a skid plate encapsulating the rear-mounted fuel tank,
4. Did include a left-side rear frame "reinforcing bracket"; a device that was not included in pre-1997 ZJ-Body vehicles (or any other vehicle that I am familiar with),
5. A majority of the collision crush/intrusion occurred on the passenger/right side of the vehicle,
6. The driver/left side of the vehicle displayed a crush dimension that would not have impacted a left-side mid-mounted fuel tank, such as that offered beginning with the 2005 WK-Body version of the Jeep Grand Cherokee, then originally offered by DaimlerChrysler.

Most importantly, it is also clear from this preliminary physical examination, as well as discussions that I have had with both the Florida Highway Patrol and the technicians at Cortes Towing Service, that the two victims in the subject vehicle survived the collision event. Indeed, not only were both victims conscious post-collision, but the non-fire related driver injuries (if any) were so minor that he was observed escaping from the driver's compartment, while on-fire, under his own physical ability. If there is any doubt on this point, please review <http://www.youtube.com/watch?v=gQp6MG7w--s>, while listening carefully to 1:20 and again beginning at 1:50.

Specifically, the horrific death and injury inflicted upon the two victims occurred as a direct result of the breach of the defective rear-mounted unprotected ZJ-Body fuel tank system.

5 December 2011

Mr. David L. Strickland, Administrator
Page 2 of 3

Reference 2 : My Letter to You, Dr. Dieter Zetsche, et al. of 9 February 2011

As of the date above I have not received a response or NHTSA action on my letter of 9 February 2011. In the context of physical fact #6, I am reiterating 'Concern 3' from that letter, in its entirety, which stated:

"I was shocked to learn that only four original equipment manufacturers (OEM) were solicited for comment under PE10031. The most relevant OEM was not included: Daimler AG. This error is serious.

The 1993 ZJ-Body formed the engineering basis of the 1999 to 2004 WJ-Body Jeep Grand Cherokee. However, the WJ-Body was tooled prior to the 1998 "merger" of Daimler-Benz and Chrysler. This timing obviated the feasibility that the fuel system crashworthiness defect issue could be rectified by Daimler-Benz engineers. The WK-Body program was approved by post-merger DaimlerChrysler in late 2000.

The earliest post-merger timing which allowed for Daimler-Benz engineering design practices to correct the original fuel system crashworthiness defect issue of the ZJ-Body occurred with the 2005 WK-Body. At the time of the "merger," it was recognized that none of the decades-old Mercedes-Benz SUV vehicles located an unprotected fuel tank behind the rear axle and below the bumper. Mercedes-Benz M-Class SUVs are well-known examples. Daimler-Benz engineering design inputs and commonized components with the Grand Cherokee are also boasted in Jeep media reviews and technical journals.

NHTSA data confirms that since introduction of the Daimler-Benz influenced WK-Body, no fuel system related deaths have occurred. In my opinion, this is typical of the results we can expect from a "real world" approach to engineering design. It is well-known that the 2005 WK-Body and 2011 WL-Body Jeep Grand Cherokee fuel system design occurred as a direct result of Daimler influence. On this basis alone it is a serious error, if not an outright breach of the public trust, that PE10031 has not yet solicited the comments of the very managerial and engineering personnel who are directly responsible for this laudable real world 'zero deaths' statistic.

Also included in my letter to you of 9 February 2011 were the following four requests:

1) I hereby request that NHTSA PE10031 openly solicit comments from Daimler AG.* 2) Please update the PE10031 file to correctly reflect Fiat S.p.A. as the "manufacturer" of the 1993 to 1998 ZJ-Body and the 1999 to 2004 WJ-Body Jeep Grand Cherokee vehicles. **3)** Please add this letter and all enclosures to the PE10031 public file. **4)** Please feel free to contact me at any time.

My cover letter (only) of 9 February 2011 is enclosed as Attachment 1 for your current reference.

* Bolding added.

5 December 2011

Mr. David L. Strickland, Administrator
Page 3 of 3

Update

As you are aware, Mr. Richard D. Lawrence of Calspan Corporation, under contract with NHTSA, has made contact with the Florida Highway Patrol and the staff/owner at Cortes Towing of Longwood, Florida (the current storage location of the subject vehicle) for the purposes of arranging an inspection, presumably, similar to mine of last Thursday, 1 December 2011. I emphasize 'similar to mine' in view of the historical fact that spoliation of these accident vehicles has occurred via defense experts in other existing death case litigation. I emphasize 'similar to mine' relating to the fact that, consistent with my standard practices and expertise, the subject vehicle was not touched, merely photographed (a sampling of the latter is enclosed as Attachment 2). It is my understanding that Mr. Lawrence is scheduling a subject vehicle examination for the week of 12 December 2011.

Conclusion

I am attaching for inclusion in the NHTSA PE10031 file the FedEx SPOD for the courtesy copy to Dr. Dieter Zetsche of my 9 February 2011 letter, which was signed by Daimler AG staff upon its arrival in Stuttgart, Germany on 16 February 2011 (Attachment 3).

Most importantly, in light of the subject accident of 16 November 2011, my preliminary examination of the subject vehicle on 1 December 2011, and physical fact #6, I reiterate my request of 9 February 2011 *"that NHTSA PE10031 openly solicit comments from Daimler AG"* per the ordinary and customary NHTSA investigation procedures, but also regarding their reasons for revising the 2005 Jeep Grand Cherokee WK-Body fuel system design to that very similar to pre-existing and then-existing Mercedes-Benz SUVs.

Respectfully yours,



Paul V. Sheridan

Attachments

Attachment 1

To: Mr. David L. Strickland *
NHTSA Headquarters
West Building
1200 New Jersey Avenue, SE
Washington, DC 20590
888-327-4236

Date: 9 February 2011

VIA FEDEX 8696-6728-3908

From: Mr. Paul V. Sheridan
DDM Consultants
22357 Columbia Street
Dearborn, MI 48124-3431
313-277-5095
pvs6@Cornell.edu

Reference : NHTSA Action Number PE10031 – File Update
(Jeep Grand Cherokee Fuel System Crashworthiness Defect Investigation)

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* Available with hyperlinks here: <http://links.veronicachapman.com/Sheridan2Strickland-1.pdf>

** By email.

*** Via FedEx 8696-6728-3919

**** Via FedEx 7944-2034-9759

DDM Consultants
22357 Columbia Street
Dearborn, MI 48124-3431
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9 February 2011

VIA FEDEX AIRBILL # 8696-6728-3908

Mr. David L. Strickland, Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
Washington, DC 20590
888-327-4236

**Reference : NHTSA Action Number PE10031 – File Update
(Jeep Grand Cherokee Fuel System Crashworthiness Defect Investigation)**

Dear Mr. Strickland:

I am writing to share with you my perspective, and the concerns I have regarding PE10031. These are qualified by experience-with and ongoing knowledge-of the defect investigation process/history of the National Highway Traffic Safety Administration (NHTSA).^A My perspective is partially documented by the enclosures. My concerns and related requests relative to the reference are also offered.

Enclosure 1

My Letter/Binder of 27 October 1999 to Attorney General Janet Reno, Subject: Department of Justice Assistance to Special Interests – Chrysler Corporation: FOIA Lawsuits and the NHTSA Defect Investigation Conspiracy

The setting of this enclosure is a defect investigation (EA94-005) conducted by NHTSA regarding a safety standard that was deemed ineffective in the real world. FMVSS-206 did not and could not protect occupants during minor collisions in minivans. Enclosure 1 documents NHTSA cooperation with Chrysler Corporation which ensured that crash test results would not be made public under the ruse of an "ongoing investigation" (which in-truth had concluded during a secret NHTSA/Chrysler meeting of November 17, 1994).^B I also detail the number of injuries/fatalities that were inflicted upon minivan passengers during NHTSA's "ongoing investigation." The essence of the ruse, and confirmation of the agency's direct participation, is presented under the colored tab. Please note that former Chrysler Vice Chairman Robert A. Lutz and former Chrysler Chairman Robert J. Eaton both confirmed these basic facts while under-oath.

During the NHTSA/Chrysler ruse, I was falsely accused of wrong-doing by Chrysler defense attorneys, fired on that basis during Christmas holidays, and sued in a Michigan court session, all ex parte, in late December 1994. However, completely unaware of NHTSA's conduct and perhaps naively, it was during this period that I was attempting to inform the agency of my concerns regarding the very same "safety defect" that was secretly presented/quoted as-such to Chrysler.^C

Enclosure 2

Gala reception invitation of March 2002, provided by Washington-based product liability defense firm Hogan & Hartson L.L.P., held for former Chrysler product liability defense lawyer, and then recently appointed Chief Counsel of NHTSA, Ms. Jacqueline Glassman.

The taxpayer is not aware of the practice of selected NHTSA officials attending gala celebrations which are funded by auto companies and/or their defense counsel. Given that influence-upon or corruption-of the overall regulatory process by special interests remains a major political/social issue, it is reasonable for the taxpayer to assume that their real world safety interests are not prioritized. ^D

To the best of my knowledge no plaintiffs or plaintiffs' law firms have offered or funded similar galas for high-level NHTSA officials. To the best of my knowledge no auto company, other than Chrysler/DaimlerChrysler, has offered and funded a similar gala for a high-level NHTSA official. ^E

Enclosure 3

Eight-minute excerpt (DVD) of deposition testimony of former Chrysler Executive Vice President of Engineering and Jeep Products Executive, Mr. Francois J. Castaing, in the Jeep crashworthiness litigation of Tenaglia versus Chrysler Corporation, March 14, 1996.

Chrysler Corporation acquired American Motors in 1987. The specific theme of that transaction, per Chairman Lee A. Iacocca, was acquisition of the Jeep product line. Executive management approved the new Jeep Grand Cherokee program (ZJ-Body), with a planned introduction for model-year 1993. ^F

In September 1987 I was promoted from Dodge Truck Operations into Jeep & Truck Engineering (JTE). I worked at JTE until January 1991 when I was assigned to Minivan Operations. During this four-year period I attended, as participant and presenter, numerous 'Engineering Program Review' meetings (EPR) where both Dodge truck and Jeep products were discussed. EPRs were held by direction-of JTE Vice President, Mr. Francois Castaing. He later assumed the position of Executive Vice President of Engineering, and became the Jeep Products Executive. ^G As Executive VP of Engineering, Mr. Castaing was also a key participant in the discussions of Enclosure 1. ^H

Enclosure 3 highlights examination by plaintiff attorney Mr. Larry Coben regarding Mr. Castaing's engineering knowledge of Jeep product crashworthiness:

Coben: What does the term crashworthiness mean in terms of design of a product?

Castaing: I don't know. Tell me.

Coben: You don't know the phrase?!

Castaing: No.

Coben: Well, let me make sure I'm clear on this. As the chief engineer of the company, are you at all familiar with the use of the phrase crashworthiness by the engineers of the company?

Castaing: Crashworthiness is so vague that you have to tell me what you intend by that.

It should be emphasized that by the time of this sworn testimony Mr. Castaing was Executive Vice President of Engineering, and Product Executive responsible for all aspects of the Jeep product. Enclosure 3 should be viewed in the context of its historical and general implications for PE10031.

Concern 1

During our introduction at the Russell Senate Office Building in May 2010, prior to your testimony before Senate Commerce Chairman John Rockefeller, I discussed and you cordially agreed to receive documents that would assist NHTSA with DP09005. Of particular interest/relevance was the internal Chrysler letter referred to as the "Baker memo." This August 24, 1978 memo states in-part:

"Chrysler is investigating fuel tank relocation ahead of the rear wheels for vans and multipurpose vehicles, but present plans for pickups through 1983 and for MPV's and vans through 1985 have the fuel tank located behind the rear wheels. In vehicles both with and without bumpers there is a concern with vertical height differences that create a mismatch with passenger car bumpers. Where fuel tank location behind the rear axle is all that is feasible, a protective impact deflection structure may have to be provided whether or not a bumper is provided. An investigation whether to relocate the fuel tank or to provide impact deflecting structures is presently underway."

I had forwarded this material under cover of 1 June 2010 to Mr. Clarence Ditlow, Director at the Center for Auto Safety (CAS). This material was received by your office on 4 June 2010. My concern involves the fact that this material was only-recently entered into the public file, and only at the prompting of Mr. Ditlow. I am unsure why this part of the investigation process took nearly one year (Enclosure 4).

Concern 2

Although I agree with your decision to elevate DP09005 to the referenced preliminary evaluation, I am concerned with some historically familiar NHTSA rhetoric. Upon opening a defect investigation NHTSA typically pursues "preliminary examination of available data."

In contrast, as chairman of the Chrysler Safety Leadership Team (SLT), my priority involved Failure Mode Effects Analysis (FMEA) as the basis of preliminary and ongoing examination of a safety concern. In my role it did not matter that only one person may be affected during vehicle service life. What mattered was that a failure mode existed, and when provoked would cause serious harm. Hypothetically, the fact that a vehicle service life was statistically "lucky," and a failure mode was provoked "only once," was not gala. Such an approach would merely confirm incompetence as a safety manager.^I

For perspective, I have testified in litigation wherein defense counsel has deployed two themes:

1) "compliance with all government safety standards" and 2) various NHTSA statistics. However, when the jury in *Jimenez v Chrysler* learned of the latter's foreknowledge that FMVSS-206 failed to address the failure mode that was responsible for the death of an 8-year-old boy, that standard and related NHTSA statistics were rendered legally and morally worthless.^J Similarly, when the jury in *Flax v Chrysler* learned that FMVSS-207 did not address the failure mode that was responsible for the death of an infant, that standard and related statistics were deemed irrelevant.^K

Regarding PE10031, it appears that NHTSA is evoking FMVSS-301 and various statistics. It further appears that the agency is misrepresenting the FMEA in question when it declares that CAS has "defined . . . vehicle being struck at the 5, 6 or 7 o'clock positions." This error needs to be clarified. A central part of the FMEA that we have long-defined, and one that FMVSS-301 has never addressed, is the issue of collision override. Specifically, this failure mode involves direct collision impact with the unprotected Jeep Grand Cherokee fuel tank and associated components. In no uncertain terms, and despite compliance with FMVSS-301, the "Baker memo" confirms Chrysler foreknowledge of this direct collision impact issue via its "impact deflection structure" and "vertical height differences" verbiage.^L

9 February 2011

Mr. David L. Strickland, Administrator

Page 4 of 5

Concern 3

I was shocked to learn that only four original equipment manufacturers (OEM) were solicited for comment under PE10031. The most relevant OEM was not included: Daimler AG. This error is serious.

The 1993 ZJ-Body formed the engineering basis of the 1999 to 2004 WJ-Body Jeep Grand Cherokee. ^M However, the WJ-Body was tooled prior to the 1998 "merger" of Daimler-Benz and Chrysler. This timing obviated the feasibility that the fuel system crashworthiness defect issue could be rectified by Daimler-Benz engineers. The WK-Body program was approved by post-merger DaimlerChrysler in late 2000.

The earliest post-merger timing which allowed for Daimler-Benz engineering design practices to correct the original fuel system crashworthiness defect issue of the ZJ-Body occurred with the 2005 WK-Body. At the time of the "merger," it was recognized that none of the decades-old Mercedes-Benz SUV vehicles located an unprotected fuel tank behind the rear axle and below the bumper. ^N Mercedes-Benz M-Class SUVs are well-known examples. Daimler-Benz engineering design inputs and commonized components with the Grand Cherokee are also boasted in Jeep media reviews and technical journals. ^O

NHTSA data confirms that since introduction of the Daimler-Benz influenced WK-Body, no fuel system related deaths have occurred. In my opinion, this is typical of the results we can expect from a "real world" approach to engineering design. It is well-known that the 2005 WK-Body and 2011 WL-Body Jeep Grand Cherokee fuel system design occurred as a direct result of Daimler influence. On this basis alone it is a serious error, if not an outright breach of the public trust, that PE10031 has not yet solicited the comments of the very managerial and engineering personnel who are directly responsible for this laudable real world 'zero deaths' statistic.

Requests (4)

1) I hereby request that NHTSA PE10031 openly solicit comments from Daimler AG. 2) Please update the PE10031 file to correctly reflect Fiat S.p.A. as the "manufacturer" of the 1993 to 1998 ZJ-Body and the 1999 to 2004 WJ-Body Jeep Grand Cherokee vehicles. 3) Please add this letter and all enclosures to the PE10031 public file. 4) Please feel free to contact me at any time.

Respectfully yours,

Paul V. Sheridan

Enclosures (4)

Endnotes

- ^A Some of this discussion will be new/unknown to you, and intrinsically unassociated with your good efforts.
- ^B Please review Tab 4 of Enclosure 1.
- ^C Please review Tabs 15 and 27 of Enclosure 1.
- ^D For an introduction to the impression my safety priorities made please see Tab 27 of Enclosure 1.
- ^E To the best of my knowledge Enclosure 2 was arranged in-part by former internal Chrysler Corporation lead product liability attorney Mr. Lewis H. Goldfarb (Please see Page 2-of-10 and Tab 16 of Enclosure 1).
- ^F Formal ZJ-Body program approval occurred at the Product Planning Committee in late 1987.
- ^G Please see Tab 20 of Enclosure 1.
- ^H Please review Tabs 14 and 16 of Enclosure 1.
- ^I A dramatic demonstration of the validity of the FMEA prioritization approach occurred on the morning of Tuesday, January 28, 1986.
- ^J Please see Tab 12 of Enclosure 1.
- ^K Please see Page 6-of-10 and Tab 21 of Enclosure 1.
- ^L In at least one prior fuel system defect investigation, NHTSA has been made fully aware of the inherent dangers of direct collision impact with an unprotected fuel tank and associated components. The automotive insurance industry also recognizes the underride collision event, showing this event in several television advertisements.
- ^M Proclamations about the "numbers of new parts" comprising the "all new" WJ-Body in-fact relate primarily to cosmetic revisions and as-such have no relevance to the referenced discussion which focuses on the placement and resulting/ongoing defective crash performance of the ZJ/WJ fuel system.
- ^N During 2009, Chrysler statements alleged that the re-positioning/re-engineering of the 2005 WK-Body Jeep Grand Cherokee fuel tank (forward of the rear axle and shielded by an "impact deflecting structure) occurred to accommodate "interior luggage space." On several levels this is absurd, especially when reviewing the well-known fact that a 1980's version of the Jeep platform had already moved the fuel tank forward of the axle, and "interior luggage space" was not a consideration for that re-positioning. At the time of the MJ-Body, the primary justification for the re-positioning was ease of access to the spare tire.
- ^O Recent 2011 WL-Body Jeep Grand Cherokee television advertisements ostensibly declare the importance of "impact deflection structure," referred to in the ad as a skid plate. Such has been standard equipment on Mercedes-Benz SUV vehicles for decades.

Attachment 2











Attachment 3



FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
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February 17, 2011

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Tracking number:	794420349759	Ship date:	Feb 14, 2011
		Weight:	5.2 lbs/2.4 kg
Recipient:	Shipper:		
DR. DIETER ZETSCHKE	PAUL SHERIDAN		
DAIMLER AG	DDM		
CORPORATE HEADQUARTERS	22357 COLUMBIA STREET		
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Delivery: EXP	Doc Type: IND	Doc Date: 2/9/2011
	Address To:	Due Date:
S10 #:	DOT/I #:	RMP #:
Subject: NHTSA ACTION NUMBER PE10031 - FILE UPDATE (JEEP GRAND CHEROKEE FUEL SYSTEM CRASHWORTHINESS DEFECT INVESTIGATION); ENCLOSURES NOT IMAGED		
Ack Date:	Ack By:	Signed For:
Sign Office: ENFORCEMENT	Signature: NRN	Cleared For:
Cleared Date:	Cleared By:	Closed Date: 2/11/2011
File Loc:	XREF File:	
Added By: TMAPP x62870	Modified By: RANDY.REID	

COMPLETE CONTACT INFO:

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COMPLETE COMMENT INFO:

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Comment Details

2/11/2011

12:58:45 PM

Entered By: ETHEL.HAYDEN

Comment By: Ethel Hayden on 2/11/2011

Comment: FWD TO NVS210/ODI FOR APPROPRIATE HANDLING 2/11/11. EH

2/14/2011

09:55:22 AM

Entered By: RANDY.REID

Comment By: Randy Reid on 2/14/2011

Comment: 2/14/2011 R. Reid CRD delivered binder and incoming letter to PE-10-031 investigator Larry Hershman.
RR

Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-200	APPROPRIATE	2/11/2011		2/11/2011
NVS-010	INFORMATION	2/11/2011		2/11/2011

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Date & Time

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22357 Columbia Street
Dearborn, MI 48124-3431
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9 February 2011

VIA FEDEX AIRBILL # 8696-6728-3908

Mr. David L. Strickland, Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
Washington, DC 20590
888-327-4236

**Reference : NHTSA Action Number PE10031 – File Update
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The setting of this enclosure is a defect investigation (EA94-005) conducted by NHTSA regarding a safety standard that was deemed ineffective in the real world. FMVSS-206 did not and could not protect occupants during minor collisions in minivans. Enclosure 1 documents NHTSA cooperation with Chrysler Corporation which ensured that crash test results would not be made public under the ruse of an "ongoing investigation" (which in-truth had concluded during a secret NHTSA/Chrysler meeting of November 17, 1994).^B I also detail the number of injuries/fatalities that were inflicted upon minivan passengers during NHTSA's "ongoing investigation." The essence of the ruse, and confirmation of the agency's direct participation, is presented under the colored tab. Please note that former Chrysler Vice Chairman Robert A. Lutz and former Chrysler Chairman Robert J. Eaton both confirmed these basic facts while under-oath.

During the NHTSA/Chrysler ruse, I was falsely accused of wrong-doing by Chrysler defense attorneys, fired on that basis during Christmas holidays, and sued in a Michigan court session, all ex parte, in late December 1994. However, completely unaware of NHTSA's conduct and perhaps naively, it was during this period that I was attempting to inform the agency of my concerns regarding the very same "safety defect" that was secretly presented/quoted as-such to Chrysler.^C

ES11-000962

Enclosure 2

Gala reception invitation of March 2002, provided by Washington-based product liability defense firm Hogan & Hartson L.L.P., held for former Chrysler product liability defense lawyer, and then recently appointed Chief Counsel of NHTSA, Ms. Jacqueline Glassman.

The taxpayer is not aware of the practice of selected NHTSA officials attending gala celebrations which are funded by auto companies and/or their defense counsel. Given that influence-upon or corruption-of the overall regulatory process by special interests remains a major political/social issue, it is reasonable for the taxpayer to assume that their real world safety interests are not prioritized. ^D

To the best of my knowledge no plaintiffs or plaintiffs' law firms have offered or funded similar galas for high-level NHTSA officials. To the best of my knowledge no auto company, other than Chrysler/DaimlerChrysler, has offered and funded a similar gala for a high-level NHTSA official. ^E

Enclosure 3

Eight-minute excerpt (DVD) of deposition testimony of former Chrysler Executive Vice President of Engineering and Jeep Products Executive, Mr. Francois J. Castaing, in the Jeep crashworthiness litigation of Tenaglia versus Chrysler Corporation, March 14, 1996.

Chrysler Corporation acquired American Motors in 1987. The specific theme of that transaction, per Chairman Lee A. Iacocca, was acquisition of the Jeep product line. Executive management approved the new Jeep Grand Cherokee program (ZJ-Body), with a planned introduction for model-year 1993. ^F

In September 1987 I was promoted from Dodge Truck Operations into Jeep & Truck Engineering (JTE). I worked at JTE until January 1991 when I was assigned to Minivan Operations. During this four-year period I attended, as participant and presenter, numerous 'Engineering Program Review' meetings (EPR) where both Dodge truck and Jeep products were discussed. EPRs were held by direction-of JTE Vice President, Mr. Francois Castaing. He later assumed the position of Executive Vice President of Engineering, and became the Jeep Products Executive. ^G As Executive VP of Engineering, Mr. Castaing was also a key participant in the discussions of Enclosure 1. ^H

Enclosure 3 highlights examination by plaintiff attorney Mr. Larry Coben regarding Mr. Castaing's engineering knowledge of Jeep product crashworthiness:

Coben: What does the term crashworthiness mean in terms of design of a product?

Castaing: I don't know. Tell me.

Coben: You don't know the phrase?!

Castaing: No.

Coben: Well, let me make sure I'm clear on this. As the chief engineer of the company, are you at all familiar with the use of the phrase crashworthiness by the engineers of the company?

Castaing: Crashworthiness is so vague that you have to tell me what you intend by that.

It should be emphasized that by the time of this sworn testimony Mr. Castaing was Executive Vice President of Engineering, and Product Executive responsible for all aspects of the Jeep product. Enclosure 3 should be viewed in the context of its historical and general implications for PE10031.

Concern 1

During our introduction at the Russell Senate Office Building in May 2010, prior to your testimony before Senate Commerce Chairman John Rockefeller, I discussed and you cordially agreed to receive documents that would assist NHTSA with DP09005. Of particular interest/relevance was the internal Chrysler letter referred to as the "Baker memo." This August 24, 1978 memo states in-part:

"Chrysler is investigating fuel tank relocation ahead of the rear wheels for vans and multipurpose vehicles, but present plans for pickups through 1983 and for MPV's and vans through 1985 have the fuel tank located behind the rear wheels. In vehicles both with and without bumpers there is a concern with vertical height differences that create a mismatch with passenger car bumpers. Where fuel tank location behind the rear axle is all that is feasible, a protective impact deflection structure may have to be provided whether or not a bumper is provided. An investigation whether to relocate the fuel tank or to provide impact deflecting structures is presently underway."

I had forwarded this material under cover of 1 June 2010 to Mr. Clarence Ditlow, Director at the Center for Auto Safety (CAS). This material was received by your office on 4 June 2010. My concern involves the fact that this material was only-recently entered into the public file, and only at the prompting of Mr. Ditlow. I am unsure why this part of the investigation process took nearly one year (Enclosure 4).

Concern 2

Although I agree with your decision to elevate DP09005 to the referenced preliminary evaluation, I am concerned with some historically familiar NHTSA rhetoric. Upon opening a defect investigation NHTSA typically pursues "preliminary examination of available data."

In contrast, as chairman of the Chrysler Safety Leadership Team (SLT), my priority involved Failure Mode Effects Analysis (FMEA) as the basis of preliminary and ongoing examination of a safety concern. In my role it did not matter that only one person may be affected during vehicle service life. What mattered was that a failure mode existed, and when provoked would cause serious harm. Hypothetically, the fact that a vehicle service life was statistically "lucky," and a failure mode was provoked "only once," was not gala. Such an approach would merely confirm incompetence as a safety manager.¹

For perspective, I have testified in litigation wherein defense counsel has deployed two themes: 1) "compliance with all government safety standards" and 2) various NHTSA statistics. However, when the jury in *Jimenez v Chrysler* learned of the latter's foreknowledge that FMVSS-206 failed to address the failure mode that was responsible for the death of an 8-year-old boy, that standard and related NHTSA statistics were rendered legally and morally worthless.² Similarly, when the jury in *Flax v Chrysler* learned that FMVSS-207 did not address the failure mode that was responsible for the death of an infant, that standard and related statistics were deemed irrelevant.³

Regarding PE10031, it appears that NHTSA is evoking FMVSS-301 and various statistics. It further appears that the agency is misrepresenting the FMEA in question when it declares that CAS has "defined . . . vehicle being struck at the 5, 6 or 7 o'clock positions." This error needs to be clarified. A central part of the FMEA that we have long-defined, and one that FMVSS-301 has never addressed, is the issue of collision override. Specifically, this failure mode involves direct collision impact with the unprotected Jeep Grand Cherokee fuel tank and associated components. In no uncertain terms, and despite compliance with FMVSS-301, the "Baker memo" confirms Chrysler foreknowledge of this direct collision impact issue via its "impact deflection structure" and "vertical height differences" verbiage.⁴

9 February 2011

Mr. David L. Strickland, Administrator
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Concern 3

I was shocked to learn that only four original equipment manufacturers (OEM) were solicited for comment under PE10031. The most relevant OEM was not included: Daimler AG. This error is serious.

The 1993 ZJ-Body formed the engineering basis of the 1999 to 2004 WJ-Body Jeep Grand Cherokee.^M However, the WJ-Body was tooled prior to the 1998 "merger" of Daimler-Benz and Chrysler. This timing obviated the feasibility that the fuel system crashworthiness defect issue could be rectified by Daimler-Benz engineers. The WK-Body program was approved by post-merger DaimlerChrysler in late 2000.

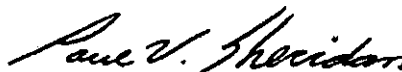
The earliest post-merger timing which allowed for Daimler-Benz engineering design practices to correct the original fuel system crashworthiness defect issue of the ZJ-Body occurred with the 2005 WK-Body. At the time of the "merger," it was recognized that none of the decades-old Mercedes-Benz SUV vehicles located an unprotected fuel tank behind the rear axle and below the bumper.^N Mercedes-Benz M-Class SUVs are well-known examples. Daimler-Benz engineering design inputs and commonized components with the Grand Cherokee are also boasted in Jeep media reviews and technical journals.^O

NHTSA data confirms that since introduction of the Daimler-Benz influenced WK-Body, no fuel system related deaths have occurred. In my opinion, this is typical of the results we can expect from a "real world" approach to engineering design. It is well-known that the 2005 WK-Body and 2011 WL-Body Jeep Grand Cherokee fuel system design occurred as a direct result of Daimler influence. On this basis alone it is a serious error, if not an outright breach of the public trust, that PE10031 has not yet solicited the comments of the very managerial and engineering personnel who are directly responsible for this laudable real world 'zero deaths' statistic.

Requests (4)

1) I hereby request that NHTSA PE10031 openly solicit comments from Daimler AG. 2) Please update the PE10031 file to correctly reflect Fiat S.p.A. as the "manufacturer" of the 1993 to 1998 ZJ-Body and the 1999 to 2004 WJ-Body Jeep Grand Cherokee vehicles. 3) Please add this letter and all enclosures to the PE10031 public file. 4) Please feel free to contact me at any time.

Respectfully yours,



Paul V. Sheridan

Enclosures (4)

Endnotes

- ^A Some of this discussion will be new/unknown to you, and intrinsically unassociated with your good efforts.
- ^B Please review Tab 4 of Enclosure 1.
- ^C Please review Tabs 15 and 27 of Enclosure 1.
- ^D For an introduction to the impression my safety priorities made please see Tab 27 of Enclosure 1.
- ^E To the best of my knowledge Enclosure 2 was arranged in-part by former internal Chrysler Corporation lead product liability attorney Mr. Lewis H. Goldfarb (Please see Page 2-of-10 and Tab 16 of Enclosure 1).
- ^F Formal ZJ-Body program approval occurred at the Product Planning Committee in late 1987.
- ^G Please see Tab 20 of Enclosure 1.
- ^H Please review Tabs 14 and 16 of Enclosure 1.
- ^I A dramatic demonstration of the validity of the FMEA prioritization approach occurred on the morning of Tuesday, January 28, 1986.
- ^J Please see Tab 12 of Enclosure 1.
- ^K Please see Page 6-of-10 and Tab 21 of Enclosure 1.
- ^L In at least one prior fuel system defect investigation, NHTSA has been made fully aware of the inherent dangers of direct collision impact with an unprotected fuel tank and associated components. The automotive insurance industry also recognizes the underride collision event, showing this event in several television advertisements.
- ^M Proclamations about the "numbers of new parts" comprising the "all new" WJ-Body in-fact relate primarily to cosmetic revisions and as-such have no relevance to the referenced discussion which focuses on the placement and resulting/ongoing defective crash performance of the ZJ/WJ fuel system.
- ^N During 2009, Chrysler statements alleged that the re-positioning/re-engineering of the 2005 WK-Body Jeep Grand Cherokee fuel tank (forward of the rear axle and shielded by an "impact deflecting structure) occurred to accommodate "interior luggage space." On several levels this is absurd, especially when reviewing the well-known fact that a 1980's version of the Jeep platform had already moved the fuel tank forward of the axle, and "interior luggage space" was the not a consideration for that re-positioning. At the time of the MJ-Body, the primary justification for the re-positioning was ease of access to the spare tire.
- ^O Recent 2011 WL-Body Jeep Grand Cherokee television advertisements ostensibly declare the importance of "impact deflection structure," referred to in the ad as a skid plate. Such has been standard equipment on Mercedes-Benz SUV vehicles for decades.

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52

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