

EA02-025

TEXAS INSTRUMENTS, INC.'S

9/10/03

REQUEST NO. 7

BOX 10

PART A – I

PART A

txt

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI
PLAINTIFFS

VERSUS

CASE NO. CI-99-0211(3)

FORD MOTOR COMPANY, D&L, INC. OF COLLINS
F/K/A D&L FORD, INC., WOOLWINE FORD LINCOLN-
MERCURY, INC., SUCCESSOR IN INTEREST TO D&L
FORD, INC., E.I. DU PONT DE NEMOURS AND
COMPANY, AND TEXAS INSTRUMENTS
INCORPORATED

DEPENDANTS

{Bon}ORAL DEPOSITION OF{Boff}
P.E.{Bon}{Boff}
DECEMBER 20, 2000
Volume 1
{UOn}

{UOff}

THE ORIGINAL OF THIS TRANSCRIPT
WILL BE IN THE CUSTODY OF:

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ORAL DEPOSITION of [REDACTED] produced as a witness at th
e instance of the Plaintiffs, and duly sworn, was taken in the above-
tyled and numbered cause on the 20th day of December, 2000, before C.
Lee Parks, Certified Shorthand Reporter in and for the State of Texas,
reported by computerized stenotype machine, at the offices of Susan,
Godfrey, 1000 Louisiana Street, Suite 5100, Houston, Texas 77002, pur
suant to the Mississippi Rules of Civil Procedure and the provisions s
tated on the record or attached hereto.

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[REDACTED].txt

{ION}Q{IOff}. What do you do as a Professional Engineer?
 {ION}A{IOff}. I am currently President of a forensic engineering company.
 {ION}Q{IOff}. A forensic engineer. Do you do cause and origin in investigations into fires?
 {ION}A{IOff}. I do some of that, yes.
 {ION}Q{IOff}. You do some of that. Have you done it before?
 {ION}A{IOff}. Yes.
 {ION}Q{IOff}. How many times?
 {ION}A{IOff}. I've been involved with about 2,000 fire cases.
 {ION}Q{IOff}. Car fires?
 {ION}A{IOff}. No.
 {ION}Q{IOff}. How many --
 {ION}A{IOff}. Just fires, generally.
 {ION}Q{IOff}. House fires, car fires?
 {ION}A{IOff}. Industrial.
 {ION}Q{IOff}. How many car fires?
 {ION}A{IOff}. Maybe a hundred.
 {ION}Q{IOff}. Were any of them other than this one a Panther platform vehicle?
 {ION}A{IOff}. About a dozen.
 {ION}Q{IOff}. A dozen?
 {ION}A{IOff}. Yes. Ten to -- Ten to twelve.
 {ION}MR. BURROW:{IOff} Wait a minute. Are you saying ten to twelve Panther platform fires or only twelve were not Panther platform fires?
 {ION}THE WITNESS:{IOff} Ten to twelve Panther platform fires.
 {ION}MR. BURROW:{IOff} Okay.
 {ION}MR. TAYLOR:{IOff} Okay.
 {ION}MR. BURROW:{IOff} I didn't think you understood his question.
 {ION}Q{IOff}. And you're an engineer?
 {ION}A{IOff}. Yes.
 {ION}Q{IOff}. You've been an engineer since 1969?
 {ION}A{IOff}. '69 really.
 {ION}Q{IOff}. When -- Where did you get your degree?
 {ION}A{IOff}. North Carolina State University.
 {ION}Q{IOff}. Then you went to the Navy?
 {ION}A{IOff}. I was in the Navy on a National Science Scholarship while I was at North Carolina State.
 {ION}Q{IOff}. Okay. I'm not going to go through this C.V. with a fine tooth comb. What did -- Did you get any training in college on fire cause and origin?
 {ION}A{IOff}. No. Except for the University of Maryland. I took a couple of courses at the University of Maryland in fire sciences and fire dynamics. And they're listed in there.
 {ION}Q{IOff}. Yes. Other than those --

[REDACTED] txt

{ION}A{IOff}. Six hours.
 {ION}Q{IOff}. Six hours?
 {ION}A{IOff}. Yeah.
 {ION}Q{IOff}. Other than those, have you had any training in cause and -- fire cause and origin investigation?
 {ION}A{IOff}. Yes.
 {ION}Q{IOff}. Is it on here too?
 {ION}A{IOff}. Some of it is. Some of it isn't.
 {ION}Q{IOff}. How --
 {ION}A{IOff}. I'm not real specific on that because I was chief engineer at McDowell-Owens for 15 years and I oversaw all the fire testing and all the fire sciences.
 {ION}Q{IOff}. Okay.
 {ION}A{IOff}. So we burned things and taught things and everything else.
 {ION}Q{IOff}. Did you burn any Town Cars?
 {ION}A{IOff}. No, we didn't burn Town Cars. Burnt some Land Rovers and some other vehicles, some station wagons, but not any Town Cars.
 {ION}Q{IOff}. Got any plans to burn any Town Cars?
 {ION}A{IOff}. No, sir.
 {ION}Q{IOff}. How did you come to be involved in this case, Mr. Owens?
 {ION}A{IOff}. Mr. Burrow called me back in April.
 {ION}Q{IOff}. Stephen did?
 {ION}A{IOff}. Yes. And asked me if I would participate in this case.
 {ION}Q{IOff}. And you agreed?
 {ION}A{IOff}. Yes.
 {ION}Q{IOff}. And you're serving as an expert witness for Texas Instruments, right?
 {ION}A{IOff}. That's correct.
 {ION}Q{IOff}. Have you ever worked for Texas Instruments before?
 {ION}A{IOff}. I don't believe so.
 {ION}Q{IOff}. I noticed in your C.V. you've got a lot of -- you've been involved in civil litigation for a while, apparently, on the plaintiff and defense side, huh?
 {ION}A{IOff}. That's correct.
 {ION}Q{IOff}. Any more for defendants than for plaintiffs or vice-versa?
 {ION}A{IOff}. Probably closer to 70 percent defendant.
 {ION}Q{IOff}. Thirty percent for the plaintiff?
 {ION}A{IOff}. At this point in my career, yes.
 {ION}Q{IOff}. And how long have you been -- How long have you made yourself available as an expert witness in civil litigation? Since when did you start, I guess, is a better question.
 {ION}A{IOff}. Primarily, since 1986.

[REDACTED].txt

{ION}Q{IOff}. Have you ever worked for Ford before?

{ION}A{IOff}. I don't recall working for Ford before.

{ION}Q{IOff}. Have you ever worked for any automobile manufacturers before?

{ION}A{IOff}. Land Rover.

{ION}Q{IOff}. Land Rover? What were you hired to do in this case?

{ION}A{IOff}. Specifically, to evaluate the vehicle fire and determine if the switch was involved --

{ION}Q{IOff}. Okay. What did you do --

{ION}A{IOff}. -- to put it simply.

{ION}Q{IOff}. Yes, sir. What did you do to -- Did -- Did you arrive at some conclusions, opinions?

{ION}A{IOff}. Yes.

{ION}Q{IOff}. What did you do to arrive at those conclusions or opinions?

{ION}A{IOff}. I spent some early time in the matter reviewing the information that I provided to you regarding the switch design and manufacture installation, including the system analysis, then I looked at several vehicles where there was an allegation that the switch may potentially be involved. And then in particular in this matter I looked at Campbell vehicle itself --

{ION}Q{IOff}. Uh-huh.

{ION}A{IOff}. -- over in Pascagoula. I was also provided a list of discovery information, including the depositions of the [REDACTED] the reports of the fire investigators and of Mr. Hanson, his deposition. I participated, as you know, or sat in on the deposition of Charlie Miller --

{ION}Q{IOff}. Uh-huh.

{ION}A{IOff}. -- in Jackson. I think it was last week or week before, recently.

{ION}Q{IOff}. Uh-huh.

{ION}A{IOff}. And I was here this morning for Mr. Newell's testimony.

{ION}Q{IOff}. The documents -- I'm sorry.

{ION}A{IOff}. That's all right.

{ION}Q{IOff}. I'm terrible about interrupting and I apologize for that. The documents that you said that you looked at, are they on this list that you give me?

{ION}A{IOff}. Yes.

{ION}Q{IOff}. Is everything that you've looked at on this list that you gave me?

{ION}A{IOff}. I attempted to do that, yes.

{ION}MR. BURROW:{IOff} Scott, just so there's no misunderstanding, I think, the Campbells, I noticed. The Campbells' depositions were not on the list.

{ION}THE WITNESS:{IOff} Right.

{ION}MR. TAYLOR:{IOff} Yeah. He mentioned that though.

[REDACTED] txt
(ION)MR. BURROW:(IOff) Okay. Yeah. I understand.
(ION)Q:(IOff). Well --
(ION)A:(IOff). Some of it was -- Some of what's on that list
-- And I included it in the [REDACTED] matter because I think it's all r
eference material to these issues.
(ION)Q:(IOff). Uh-huh.
(ION)A:(IOff). Some of that was general information regarding
the switch and the circuitry itself for the Panther platforms rather
than specific to the [REDACTED] issue.
(ION)Q:(IOff). Okay. I've marked as Exhibit 1 a two-page doc
ument. And that's the document -- that's a list of the documents that
you're telling me that you looked at?
(ION)A:(IOff). Correct.
(ION)Q:(IOff). Item No. 3 -- And I'll show this to you -- it
says: 77PS Overview-Proprietary Information. What's that?
(ION)A:(IOff). I don't know if I'll recognize it by that titl
e or not. And I don't.
(ION)Q:(IOff). Is that a title of a document?
(ION)A:(IOff). That was a title of a -- of a group of documen
ts that I was provided about the switch information.
(ION)Q:(IOff). Okay.
(ION)A:(IOff). Each one of those is a stack of documents or a
group of documents, like test -- That looks like test information.
(ION)Q:(IOff). Uh-huh. You were telling me earlier what you
did in preparing -- or preparing to arrive at your opinions. Is there
anything else that you did that we didn't talk about a minute ago?
(ION)A:(IOff). I think that's it.
(ION)Q:(IOff). Okay. In -- In developing or coming to these
opinions, what did you rely upon?
(ION)A:(IOff). Primarily, I relied on the examination of the
hardware. And to me, that's the vehicle, the Lincoln Town Car. I did
n't go to the scene. I did have the opportunity to review some photog
raphs of the scene, some of these are the ones we discussed -- that we
re discussed this morning. But primarily, I got a chance to look at t
he vehicle.
(ION)Q:(IOff). The designation that Texas Instruments filed i
n this case says that you think this fire started on the right front p
assenger side of the vehicle?
(ION)A:(IOff). Correct.
(ION)Q:(IOff). Why do you think it started there?
(ION)A:(IOff). Well, for similar reasons that were discussed
this morning. I think that all the -- I think that all the remaining
pointers in the Town Car point to that quadrant of the car as the igni
tion area.
(ION)Q:(IOff). Pointers. Mr. Newell talked about indicators.
Is that what you mean by pointers, the indicators?
(ION)A:(IOff). It's a similar thing, yes.
(ION)Q:(IOff). What pointers did you find?

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(ION)A(IOff). I was intrigued that the left front wheel remained, post-fire, particularly with the bass boat sitting adjacent to it.

(ION)Q(IOff). What significance does that have to it?

(ION)A(IOff). Well, the bass boat's a pretty heavy fuel load

(ION)Q(IOff). Uh-huh.

(ION)A(IOff). There's not as much oxidation on the fender well above the left front wheel area than is on the remaining part of the vehicle. I would've expected -- And it is an indicator or a pointer only. I would've expected more damage to that area if, indeed, the fire starts there -- first vents there.

(ION)Q(IOff). The fire -- Are you saying that fires cost the most -- cause the most damage where they start and vent?

(ION)A(IOff). I didn't say that.

(ION)Q(IOff). I'm sorry. I misunderstood you then. Would you explain that to me?

(ION)A(IOff). I said that that can happen. But usually, when the vent -- first venting occurs, you'd probably get the most damage.

(ION)Q(IOff). So not necessarily where the fire started, but where the first venting occurred?

(ION)A(IOff). Yes. And -- And in truth, usually -- And we're talking generally here -- generally, the fire will vent nearest the origin area.

(ION)Q(IOff). But not always?

(ION)A(IOff). Not always because it may be contained by something that's noncombustible.

(ION)Q(IOff). Uh-huh. Something like an engine block, maybe?

(ION)A(IOff). Could be an engine block.

(ION)Q(IOff). Uh-huh.

(ION)A(IOff). Could be a concrete floor.

(ION)Q(IOff). Uh-huh.

(ION)A(IOff). Could be a steel box. Could be a fender well. Could be anything that doesn't combust.

(ION)Q(IOff). What percent of the time --

(ION)A(IOff). So that's only one pointer.

(ION)Q(IOff). Okay. So the fire doesn't always vent closest to where it starts?

(ION)A(IOff). That's true.

(ION)Q(IOff). That would be the case because fires can migrate fairly quickly after they start, can't they?

(ION)A(IOff). I don't understand the question.

(ION)Q(IOff). Well --

(ION)A(IOff). I wouldn't use the terms, migrate fairly quickly after they start in an unknown geometric environment.

(ION)Q(IOff). Well, you -- you --

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{ION}A{IOff}. So if you describe the environment, I'll talk about the fire.

{ION}Q{IOff}. Okay. Good point. I apologize. The environment's the front end of the 1992 Lincoln Town Car. There's a wiring harness directly above the speed control deactivation switch; is it not?

{ION}A{IOff}. Yes.

{ION}Q{IOff}. And from the wiring harness there's wires that go to the passenger side of the vehicle in the right front quadrant where you say the fire started, right?

{ION}A{IOff}. That's true. That's the way it transverses.

{ION}Q{IOff}. Uh-huh. So if something caught that wiring harness on fire directly above the speed control deactivation switch, the fire can move via the wires to the passenger side of the car, can't it?

{ION}A{IOff}. Yes.

{ION}Q{IOff}. You don't think that happened here though?

{ION}A{IOff}. No.

{ION}Q{IOff}. Okay. What are the other pointers that you say you -- that you're talking about?

{ION}A{IOff}. The valve covers that were discussed in some length this morning, the damage to the front end assembly, total destruction of the battery.

{ION}Q{IOff}. Did you -- Did you --

{ION}A{IOff}. Those --

{ION}Q{IOff}. Are you finished? I apologize.

{ION}A{IOff}. Those in particular are the key pointers, because the fire was so intense.

{ION}Q{IOff}. Uh-huh. Did you investigate these -- the fire at the scene of the ████████ home?

{ION}A{IOff}. No. As I stated earlier, I did not see the scene; only the vehicles.

{ION}Q{IOff}. Only the vehicles. What did you find left of the truck battery?

{ION}A{IOff}. Well, when you told me there was snakes back there, I stopped about the door on the driver's side.

{ION}Q{IOff}. Yeah. I wasn't making that --

{ION}A{IOff}. If you recall, I was headed back there and I needed your warning.

{ION}Q{IOff}. I was -- I was not making that up.

{ION}A{IOff}. As you noticed, I didn't challenge it.

{ION}Q{IOff}. So you don't know what was left of the truck battery?

{ION}A{IOff}. No. I was interested in those photos this morning.

{ION}Q{IOff}. Uh-huh. If truck battery is totally gone, would that indicate to you that the fire started in the vicinity of the truck battery?

{ION}A{IOff}. No. It would be just very unusual.

[REDACTED].txt

{ION}Q{IOff}. It would be unusual?

{ION}A{IOff}. It would be very unusual, yes.

{ION}Q{IOff}. Well, let's look at the photographs. And I do n't want to keep marking these things as exhibits, so we'll -- we'll refer to this Exhibit Newell No. 11. Will you take a look at? Did you get a chance to look at that earlier?

{ION}A{IOff}. Yes.

{ION}Q{IOff}. Now, that top photograph is where the truck battery used to be, isn't it?

{ION}A{IOff}. That's with a it looks like.

{ION}Q{IOff}. And the bottom photograph is where the car battery used to be, isn't it?

{ION}A{IOff}. That's -- That's correct.

{ION}Q{IOff}. What -- What -- What differences do you see there, if any?

{ION}A{IOff}. Well, I see portions of the conductors that we're talked about in the -- in the lower one. And I'm familiar with that because I looked at that visual.

{ION}Q{IOff}. Is that the car battery then?

{ION}A{IOff}. The -- The lower one, yes, is the car battery.

{ION}Q{IOff}. There's portions of conductors left there?

{ION}A{IOff}. There's some portion of some conductors. They're down beneath where the battery was.

{ION}Q{IOff}. Is a -- Is a conductor part of the battery?

{ION}A{IOff}. No.

{ION}Q{IOff}. What is it?

{ION}A{IOff}. It's just a -- a cable.

{ION}Q{IOff}. Okay.

{ION}A{IOff}. And the truck battery, it looks like it's -- This is not a real good photograph, but --

{ION}Q{IOff}. No.

{ION}A{IOff}. -- but there's some lead there, it looks like. But that's all I can tell.

{ION}Q{IOff}. But the truck battery's totally burned away to do?

{ION}A{IOff}. Well, I -- It's not there.

{ION}Q{IOff}. It's not there?

{ION}A{IOff}. Right.

{ION}Q{IOff}. What do you think happened to that truck battery?

{ION}A{IOff}. Well, Mr. Newell stated it was down beneath the fender well, the plates of that battery. So that's all I know.

{ION}MR. JOLLY:{IOff} Object to the responsiveness.

{ION}A{IOff}. I think I answered your question.

{ION}Q{IOff}. Uh-huh. So given -- You -- You think the fire started in the vicinity of the battery because the battery -- of the car because the battery's burned away?

{ION}A{IOff}. No, sir.

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(ION)Q(IOff). All right. Will you explain that to us?
(ION)A(IOff). My testimony was, I think the fire started in the vicinity of the battery, for a bunch of different reasons.
(ION)Q(IOff). That being the --
(ION)A(IOff). That is only one of them.
(ION)Q(IOff). Yes, sir. Okay.
(ION)A(IOff). Because it's unique for the battery to be totally destroyed --
(ION)Q(IOff). Uh-huh.
(ION)A(IOff). -- in -- in all types of vehicles.
(ION)Q(IOff). Uh-huh. Do you think that a fire also started in the vicinity of the battery of the pickup truck?
(ION)A(IOff). No.
(ION)Q(IOff). Okay. What are the other pointers or -- or in dicators?
(ION)A(IOff). I think we talked about the valve covers. I think we talked about the wheel, the front end of the vehicle, the aluminum melt underneath the valve cover on the passenger side of the vehicle showing more damage, the damage to the exhilarates (sic.) in the front of the vehicle, the total oxidation of the vehicle and the lack thereof of any kind of patterns around the canister above the switch. There was a certain amount of ductility left to the wire harness directly above the switch that was an indicator that the fire probably didn't start there. I think, the fact that you have quite a bit of the retaining ring around the switch left and it was enough that you could even read the date codes on the switch is indicative that it didn't start there.
(ION)Q(IOff). To -- I'm sorry. Go ahead.
(ION)A(IOff). I think those are the key items.
(ION)Q(IOff). So if the fire had started there, you wouldn't be able to read the date on it?
(ION)A(IOff). Usually, that aluminum ring would melt and be gone --
(ION)Q(IOff). Why would --
(ION)A(IOff). -- the outer ring.
(ION)Q(IOff). Yes. Why would it melt and be gone if this fire started there as opposed to starting somewhere else and moving there?
(ION)A(IOff). Well, because in the early stages of the fire you would have all of the heat concentrated right at the switch area. And usually, as that plastic burns the fire rolls up on that and melts that to the point that it would separate and drop.
(ION)Q(IOff). So -- So then later on in the fire when there's other fuel loads like the house burning down on top of it, that didn't have any effect on it and won't cause to happen what you just described?
(ION)A(IOff). It's a -- Now you have a symmetric radiated heat transfer --

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{ION}Q{IOff}. Uh-huh.
{ION}A{IOff}. -- which is a little bit different from a very concentrated localized heat the insipient stages of the fire. That's the difference.
{ION}Q{IOff}. Okay.
{ION}A{IOff}. And it's just one pointer.
{ION}Q{IOff}. One pointer?
{ION}A{IOff}. One of the ones that we've discussed, yes.
{ION}Q{IOff}. Are there any other pointers?
{ION}A{IOff}. I think that's the ones I -- right off the top of my head, yes.
{ION}Q{IOff}. That's -- That's about it?
{ION}A{IOff}. Yeah.
{ION}Q{IOff}. Should the eyewitness accounts of what happened be a pointer?
{ION}A{IOff}. Yes.
{ION}Q{IOff}. Okay. Do you know what the eyewitnesses to the early stages of this fire state?
{ION}A{IOff}. Only what they -- what I understand Mrs. Campbell said. I don't know of any other witnesses that talked about the fire at any given time in the chronology of the fire.
{ION}Q{IOff}. Uh-huh. So if there was -- if there was an eyewitness -- another eyewitness to the early stages of this fire, then you wouldn't have complete information to develop your opinions, would you?
{ION}A{IOff}. I would have to get that information and put it in the fire time line.
{ION}Q{IOff}. Uh-huh.
{ION}A{IOff}. So if you provide that information and I can put that in the time line of the fire, I can explain to you what it means --
{ION}Q{IOff}. Okay.
{ION}A{IOff}. -- and how it fits in the fire.
{ION}Q{IOff}. Okay. Are -- Is eyewitness accounts of what happened important when you're doing a cause and origin investigation of a fire?
{ION}A{IOff}. I think they have to be considered, yes.
{ION}Q{IOff}. You said that you had some statement from Mrs. Campbell?
{ION}A{IOff}. I've read Mr. Hanson's reports and I've also read ████████ deposition.
{ION}Q{IOff}. Is that -- Is what ████████ says in her deposition consistent with what Art Hanson says she said?
{ION}A{IOff}. I think his is more exact. Her's is similar in that it's in front of the vehicle in her deposition in which she refers to fire across the fronts of the vehicle.
{ION}Q{IOff}. Have you read ████████ deposition?
{ION}A{IOff}. Yes.

[REDACTED] txt

{ION}Q{IOff}. What does he say about where the fire was when he first noticed it?

{ION}A{IOff}. Similar testimony, it's my understanding.

{ION}Q{IOff}. The entire front of the car was engulfed?

{ION}A{IOff}. Red. I think they transcribed it as red.

{ION}Q{IOff}. Yeah. They didn't say that the fire was only on the right front of the car during their depositions, did they?

{ION}A{IOff}. They did not.

{ION}Q{IOff}. So you're relying on Mr. Hanson's reports and his deposition -- or in his testimony in arriving and coming to your opinions?

{ION}A{IOff}. No. It's consistent with my opinions, but I didn't know about Mr. Hanson's testimony or any of that prior to examining the vehicle.

{ION}Q{IOff}. Well, you said that you were -- one of the things or one of the pointers was what Mr. Hanson said [REDACTED] said?

{ION}A{IOff}. Yes. But I -- I obtained that pointer -- that confirmation and that information after examining the vehicle.

{ION}Q{IOff}. Okay.

{ION}A{IOff}. So, you know, I reached my own conclusions by looking at the vehicle.

{ION}Q{IOff}. Okay. If Mr. Hanson told the jury that the right valve cover was melted away, would that be an accurate statement?

{ION}A{IOff}. No.

{ION}Q{IOff}. If Mr. Hanson said that one of the wheels was melted away and three of them were intact, would that be an accurate statement?

{ION}A{IOff}. I think he has that -- that's in the inverse. I think there's one wheel remaining and three gone.

{ION}Q{IOff}. So that wouldn't be correct, if he -- if he were to tell the jury that?

{ION}A{IOff}. I don't believe it would be.

{ION}Q{IOff}. If he were to tell the jury that there was rubber left on the truck tires, would that be an accurate statement?

{ION}A{IOff}. I didn't see any in the -- in the yard there.

{ION}Q{IOff}. So if Mr. Hanson was wrong about those things, he could be wrong about what [REDACTED] told him, couldn't he?

{ION}A{IOff}. I think those are questions for Mr. Hanson.

{ION}Q{IOff}. Okay. Have you ever you talked to Mr. Hanson?

{ION}A{IOff}. No.

{ION}Q{IOff}. Have you ever talked to anybody else other than Texas Instruments folks about this fire?

{ION}A{IOff}. No.

{ION}Q{IOff}. Have you ever talked to anybody about Ford -- and Ford about the fire?

{ION}A{IOff}. No.

{ION}Q{IOff}. You mentioned earlier investigating other Pant

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her platform fires?

{ION}A{IOff}. Yes.

you -- {ION}Q{IOff}. And I'm sorry. How many did you tell me that

{ION}A{IOff}. That's about ten or twelve.

{ION}Q{IOff}. Ten or twelve. In any of those investigations, have you concluded that the speed deactivation control switch caught on fire?

{ION}A{IOff}. Possible.

{ION}Q{IOff}. Possible?

{ION}A{IOff}. Yes.

{ION}Q{IOff}. So you have not concluded that?

{ION}A{IOff}. Those investigations have not been completed.

{ION}Q{IOff}. Have you completed any of those investigations

?

{ION}A{IOff}. Only this one.

{ION}Q{IOff}. You've got 12 others?

{ION}A{IOff}. Yes. Ten or twelve.

{ION}Q{IOff}. Have you looked at the ██████ vehicle?

{ION}A{IOff}. The ██████

{ION}Q{IOff}. Yeah. ██████ I think.

{ION}A{IOff}. Where is it?

{ION}Q{IOff}. I don't know.

{ION}A{IOff}. I don't recognize the name that way. Interestingly enough, I don't always get the name of the vehicle by what -- by what the litigation is. You know, I may get a -- there's a vehicle in New Jersey, go look at it, blah, blah, blah, blah.

{ION}Q{IOff}. You don't particularly --

{ION}A{IOff}. So I don't know if I have the ██████ vehicle.

I don't recognize that name.

{ION}Q{IOff}. You don't particularly connect the vehicle with the people then, I mean?

{ION}A{IOff}. I mean, I -- I do. But I haven't -- Like I stated earlier, I haven't finished these other matters.

{ION}Q{IOff}. What about ██████ the ██████ vehicle?

{ION}A{IOff}. Have not looked at it yet.

{ION}Q{IOff}. ██████

{ION}A{IOff}. I don't think I've looked at that either.

{ION}A{IOff}. ██████

{ION}A{IOff}. I don't think so.

{ION}Q{IOff}. ██████

{ION}A{IOff}. ██████ or something?

{ION}Q{IOff}. I don't recognize that either.

{ION}Q{IOff}. ██████

{ION}A{IOff}. I don't think so.

{ION}Q{IOff}. ██████

{ION}A{IOff}. Yes, I know that one.

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{ION}Q{IOff}. You've looked at that one?
{ION}A{IOff}. Yes.
{ION}Q{IOff}. Is that one of the ones you're currently investigating?
{ION}A{IOff}. I just remember the name, yes. I think it's in the Corpus area of South Texas.
{ION}Q{IOff}. Have -- What have you done on your investigation in the Ramos vehicle?
{ION}A{IOff}. I think I've looked at the vehicle.
{ION}Q{IOff}. Have you reached any conclusions as to the cause and origin of the fire?
{ION}A{IOff}. No.
{ION}Q{IOff}. ██████████
{ION}A{IOff}. I'm not -- I'm not sure.
{ION}Q{IOff}. ██████████
{ION}A{IOff}. No.
{ION}Q{IOff}. ██████████
{ION}A{IOff}. No. Is that our half hour, do you think?
{ION}Q{IOff}. Almost. I'm close. I'm telling you, I am. What is ductibility? You talked about ductibility with regard to some wires.
{ION}A{IOff}. It's a term regarding the elasticity of the materials. Duct -- Ductility is the ability to -- to reform back to the original position when you put some sort of forces on it.
{ION}Q{IOff}. All right. So you said that the ductibility in some of those wires above the speed deactivation control switch -- or those wires still had ductility?
{ION}A{IOff}. Some.
{ION}Q{IOff}. How much?
{ION}A{IOff}. Well, I've been looking at electrical fires and failures for 40 years. And when you -- when you touch them -- There was a lot of brittleness in them because of the fire. It was obviously a severe fire. But there was more ductility there than I would've expected if I had the origination point immediately below that.
{ION}Q{IOff}. Do you know what part of the hood burned first on the Campbell's car?
{ION}A{IOff}. Where it vented?
{ION}Q{IOff}. Yeah. I guess that would be vented, makes a hole and flames come out?
{ION}A{IOff}. No.
{ION}Q{IOff}. You don't know what I'm talking about?
{ION}A{IOff}. No.
{ION}Q{IOff}. If you -- If you knew that, would that help you arrive at some opinion as to the cause or origin of this fire?
{ION}A{IOff}. No.
{ION}Q{IOff}. Why not?
{ION}A{IOff}. I would have to factor it in and determine why it vented there rather than some other place. But I don't have that

information.

{ION}Q{IOff}. Would that be a pointer?
 {ION}A{IOff}. It would be a pointer, yes.
 {ION}Q{IOff}. But it wouldn't be conclusive of anything?
 {ION}A{IOff}. Not by itself.
 {ION}Q{IOff}. None of them are, are they?
 {ION}A{IOff}. No.
 {ION}Q{IOff}. We -- I asked Mr. Newell about this document that I've marked Exhibit No. 13 to his deposition. That's the recall notice that ██████ got. Have you ever seen that before?
 {ION}A{IOff}. I've seen the -- I've seen the recall. I don't -- I don't remember seeing the one addressed to the Campbells.
 {ION}Q{IOff}. Is that a pointer?
 {ION}A{IOff}. No.
 {ION}Q{IOff}. Recalls don't burn cars down, do they?
 {ION}A{IOff}. I didn't say that. I just said it's not a pointer.
 {ION}Q{IOff}. Why is that not a pointer?
 {ION}A{IOff}. It just tells me an information that there's -- that Ford has considered that there's some exposure or hazard in regards to this switch --
 {ION}Q{IOff}. Uh-huh.
 {ION}A{IOff}. -- in certain model cars and it needs to be attended to.
 {ION}Q{IOff}. It says: Some speed control deactivation switches on the affected vehicles may develop a resistive short in the electrical circuit and may potentially result in an under hood fire. And that is not a pointer to you in an under hood fire?
 {ION}A{IOff}. No.
 {ION}Q{IOff}. Okay.
 {ION}A{IOff}. No. I think you have to look at that if you know now that --
 {ION}Q{IOff}. Uh-huh.
 {ION}A{IOff}. -- but that's if.
 {ION}Q{IOff}. Any of these other Panther platform fires that you're investigating, did they involve a house burning down on top of a vehicle?
 {ION}A{IOff}. Yes.
 {ION}Q{IOff}. How many of them?
 {ION}A{IOff}. Several.
 {ION}Q{IOff}. Several?
 {ION}A{IOff}. Several.
 {ION}Q{IOff}. Were these cars that were parked in garages, caught on fire and burned the house down?
 {ION}MR. BURROW:{IOff} Object to the form of the question.
 {ION}A{IOff}. There was -- I'm trying to remember the numbers. There are at least two --
 {ION}Q{IOff}. Uh-huh.

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(ION)A(IOff). -- additional ones where a fire occurred in a structure and it was alleged that the car caused the fire.

(ION)Q(IOff). And in any of those cases, regardless of whether a structure was involved, as we sit it here today, you can't tell me whether or not you have an opinion as to whether the speed control deactivation switch burned any of those cars?

(ION)A(IOff). Would you ask that again?

(ION)Q(IOff). Yeah. As he sit here today, you can't tell me that in all these other cases that you've investigated, you can't tell me that you have an opinion whether or not the speed control deactivation switch burned any of those cars?

(ION)A(IOff). I said earlier when you asked me that that I thought there were two that were possible.

(ION)Q(IOff). Two that were possible?

(ION)A(IOff). I think the others all remote. And the answer is no. I think there are two that's possible.

(ION)Q(IOff). But it wasn't possible that this speed control deactivation switch in ██████████ car burnt this car and this house? That's not possible?

(ION)A(IOff). That's -- I do not think it is.

(ION)Q(IOff). Okay.

(ION)A(IOff). I do not think it caused the fire.

(ION)Q(IOff). Have we talked about all the pointers or indicators that -- that you could think of? Have you thought of any more?

(ION)A(IOff). No. I think we covered them.

(ION)Q(IOff). And those indicators or those pointers tell you that the fire started on the front right-hand side of the car?

(ION)A(IOff). Yes.

(ION)Q(IOff). All right. That's the origin part. What about the cause? What burnt ██████████ car?

(ION)A(IOff). I think you had a fire at the battery.

(ION)Q(IOff). Why do you think that?

(ION)A(IOff). One, you have the -- the conductor that's welded and adhered to the battery compartment bracket.

(ION)Q(IOff). Uh-huh.

(ION)A(IOff). And two, you have the total destruction of the battery. Three, the fire patterns that we discussed --

(ION)Q(IOff). Uh-huh.

(ION)A(IOff). -- look like they start in that area and move away from that area in all directions.

(ION)Q(IOff). Uh-huh.

(ION)A(IOff). Four, with exception of gas fires, it's the number one cause of under the hood fires.

(ION)Q(IOff). A battery?

(ION)A(IOff). Electrical fire.

(ION)Q(IOff). Electrical fire?

(ION)A(IOff). Yes.

(ION)Q(IOff). This was an electrical fire?

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{ION}A{IOff}. Yes. Most of the energy is in the battery are
a --

{ION}Q{IOff}. Uh-huh.
{ION}A{IOff}. -- when you're sitting in the garage.
{ION}Q{IOff}. Do you --
{ION}A{IOff}. If you have an internal fault in this battery,
you can certainly have a fire and you can certainly burn the car up.
{ION}Q{IOff}. Do you have an opinion whether or not -- Do yo
u know whether or not there was any -- anything after market on this c
ar, any after market wire?
{ION}A{IOff}. The cable remains on the bracket looks after m
arket.
{ION}Q{IOff}. Do you think --
{ION}A{IOff}. That's all I can say about it.
{ION}Q{IOff}. Do you think that had anything to do with this
fire?
{ION}A{IOff}. Oh, I think it could've initiated fire.
{ION}Q{IOff}. So the speed control deactivation switch could
've initiated the fire, right?
{ION}A{IOff}. I don't think so.
{ION}Q{IOff}. You don't think --
{ION}A{IOff}. I don't think there are any indicators that th
e speed control activator switch failed or the fire started in that ar
ea.
{ION}Q{IOff}. That couldn't --
{ION}A{IOff}. This --
{ION}Q{IOff}. I'm sorry.
{ION}A{IOff}. Thanks.
{ION}Q{IOff}. I'm sorry. Go ahead.
{ION}A{IOff}. This failed cable that we're talking about tha
t's after market is right in the middle of the origin area and it is f
ailed.
{ION}Q{IOff}. How do you know it's failed?
{ION}A{IOff}. Because I examined it on the site.
{ION}Q{IOff}. It's burned up. That means it's failed?
{ION}A{IOff}. It's -- It's -- Yeah. But it's attached and a
dhered to the bracket under the battery.
{ION}Q{IOff}. Uh-huh. How many --
{ION}A{IOff}. So it's failed in service.
{ION}Q{IOff}. How -- How large in diameter was this wire tha
t you're talking about?
{ION}A{IOff}. It's looked like it might be about a No. 14.
{ION}Q{IOff}. How big in diameter is that to a guy like me t
hat's not an engineer?
{ION}A{IOff}. About an eighth of an inch, the copper portion
s, stranded conductors.
{ION}Q{IOff}. And you think that's enough to catch a battery
on fire?

{ION}A{IOff}. That kind of failed conductor starts fires everywhere, battery --
 {ION}Q{IOff}. Uh-huh.
 {ION}A{IOff}. -- in cars, in houses, in industrial complexes. It can cause a fire. It is a known fire cause. It's well documented.

{ION}Q{IOff}. Uh-huh.
 {ION}A{IOff}. This just happens to be failed right in the middle of the origin area.

{ION}Q{IOff}. If that was a wire that powered the cell phone, would the cell phone work after it failed?

{ION}A{IOff}. Well, no.

{ION}Q{IOff}. It wouldn't work? The cell phone would quit when -- when the failure that you observed in that wire happened?

{ION}A{IOff}. Yes.

{ION}Q{IOff}. Okay. Do you know whether or not Mrs. Campbell had a cell phone in her car?

{ION}A{IOff}. I didn't say anything about a cell phone. I don't know anything about a cell phone.

{ION}Q{IOff}. You don't know whether there was one or not?

{ION}A{IOff}. No. I could only tell you that that was an ex-hilarate conductor and it was energized at the time of the fire. Where it went, I don't know.

{ION}Q{IOff}. Okay. Have you ever investigated any car fires where the allegations or proof was that a cell phone caused the fire?

{ION}A{IOff}. No.

{ION}Q{IOff}. And how many vehicle fires have you investigated?

{ION}A{IOff}. Probably about a hundred over the years.

{ION}Q{IOff}. Getting back to Exhibit No. 13 to Mr. Newell's deposition, that's the recall notice --

{ION}A{IOff}. Yes.

{ION}Q{IOff}. -- it said -- it says here that Ford Motor Company has decided that a defect which relates to motor vehicle safety exists in these -- in these cars. What is that defect?

{ION}A{IOff}. I think you're going to have to ask Ford. It's their -- their literature and their wording. I don't --

{ION}Q{IOff}. Well, you're an engineer --

{ION}A{IOff}. Yes. Yes, sir.

{ION}Q{IOff}. -- and you know a lot about electrical stuff, don't you?

{ION}A{IOff}. Quite a bit.

{ION}Q{IOff}. Yeah. You've seen a lot of documents that -- that talk about how the -- the switch diagrams and things like that, so you know how it was set up in this Town Car, don't you?

{ION}A{IOff}. Yes.

{ION}Q{IOff}. Well then, what was the defect, in your opinion?

n?

{ION}A{IOff}. I think the defect was in the use of this particular design of switch in the system as designed by Ford Motor Company.

{ION}Q{IOff}. Will you explain that to me a little bit? And I apologize. I realize I'm a little slow, but --

{ION}A{IOff}. You're --

{ION}Q{IOff}. -- just explain that.

{ION}A{IOff}. That's the second time today you've said that and no one's agreed with you so far and I'm not going to either.

{ION}Q{IOff}. Well, I --

{ION}A{IOff}. You need to be very specific on that question.

That's a very broad-based question and we could go on a for quite a while answering it.

{ION}Q{IOff}. Yes.

{ION}A{IOff}. So what exactly is the question?

{ION}Q{IOff}. What's the defect? You -- And you told me what the defect was. But I would like for you to explain that for me a bit if you would, please.

{ION}MR. BURROW:{IOff} You'd like for him to explain what Ford considers to be the defect?

{ION}MR. TAYLOR:{IOff} No. What -- What ████████ considers to be the defect.

{ION}MR. BURROW:{IOff} Well, that assumes he has an opinion about it.

{ION}MR. TAYLOR:{IOff} Well, he just told me what his opinion was.

{ION}MR. BURROW:{IOff} I mean --

{ION}MR. TAYLOR:{IOff} He just told me what his opinion was.

{ION}MR. BURROW:{IOff} Well, you're asking him, Scott, about a letter and then switching gears and saying what his opinion about the defect is. I mean --

{ION}MR. TAYLOR:{IOff} All right.

{ION}Q{IOff}. Didn't you just --

{ION}MR. BURROW:{IOff} His testimony is going to be limited to the expert designation, so --

{ION}Q{IOff}. Didn't -- Didn't you just tell me what you thought the defect was?

{ION}A{IOff}. I don't think I did.

{ION}Q{IOff}. Where have I been? Where was I a few minutes ago?

{ION}A{IOff}. I don't think I explained what I thought might be defective in -- only in general terms. I said --

{ION}Q{IOff}. Yeah. You said, what the --

{ION}A{IOff}. In general terms, I said the use of this particular design switch, long term in this particular electrical system, can under certain circumstances -- And I'll -- I'll finish my statement

(ION)Q(IOff). Uh-huh.
 (ION)A(IOff). I agreed that it can, under very limited circumstances, unique circumstances, cause a fire.
 (ION)Q(IOff). Do you know how many fires it's caused, in fact?
 (ION)A(IOff). No. But I don't think anybody does.
 (ION)Q(IOff). Why is that?
 (ION)A(IOff). Well, I've looked a dozen where there's an allegation. There's two that I think may be even possible.
 (ION)Q(IOff). Okay.
 (ION)A(IOff). I mean, I know they didn't cause fires. Some of them, I found the switch.
 (ION)Q(IOff). Uh-huh. You've -- You've said that --
 (ION)A(IOff). I found the electrical part of the switch, to make that clear. Because during these round of depositions, I noticed that the switch is referred to as just the hydraulic portion of the switch.
 (ION)Q(IOff). Uh-huh. You said that this switch in this system could cause a fire. Why could it cause a fire?
 (ION)MR. BURROW:(IOff) That's not what he said.
 But go ahead and answer the question.
 if you can.
 (ION)Q(IOff). That was probably a poor job of paraphrasing.
 But you -- do you understand the question?
 (ION)A(IOff). Well, I -- I can -- I can attempt to answer the question.
 (ION)Q(IOff). Thank you.
 (ION)A(IOff). I think that, long term, in this particular switch, after many, many cycles, you can have corrosion at the 90-degree angle arm of the contact arm. Under certain conditions it can corrode to such a point that it can drop down and cause a failure to ground. If it's enough resistance in there during that failure mode and during that precise drop-down scenario that you do not exceed the fuse rating, then you can have heat build up in that area. That could potentially lead to a fire --
 (ION)Q(IOff). Uh-huh.
 (ION)A(IOff). -- fire of the switch cavity. If the conditions are right, that fire can ensue from that point on.
 (ION)Q(IOff). And where would it -- where would it ensue to?
 (ION)A(IOff). It depends on what's going on in the area. But the -- I would say that the wire harness rack, the -- the body of the switch itself is the procedure fuel.
 (ION)Q(IOff). All right.
 (ION)A(IOff). If the fuse blows or the electrical circuit fails at any time during that scenario or it becomes decoupled, the fire drops and ceases.
 (ION)Q(IOff). Right.
 (ION)A(IOff). If for some reason it is sustained to the point

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t that the harness is -- it catches on fire and you have other electric failures in the harness as a result of that because it's still energized, then you have the potential for a sustained fire. I happen to think that you would also find failures in the harness as an adjunct to that initiation.

{ION}Q{IOff}. Uh-huh.

{ION}A{IOff}. That's what I think can happen under very unique circumstances.

{ION}Q{IOff}. And that, in fact, has happened, hasn't it?

{ION}A{IOff}. Well, I don't know that it's happened for sure. I'm haven't seen one where I'm convinced that that's exactly what happened. I've only seen two that I think it's possible.

{ION}Q{IOff}. Do you know whether or not Ford has acknowledged that that, in fact, has happened?

{ION}A{IOff}. I don't know if Ford used that -- that terminology. I think Ford has gone -- I mean, it's a hazard and they had a recall to minimize the hazard or whether --

{ION}Q{IOff}. Yeah. So --

{ION}A{IOff}. I don't see anything where Ford says, this switch caused a fire and did such and such. I have not seen that document. It may be there.

{ION}Q{IOff}. That was a poor question. Let me -- Let me rephrase it. As we sit here today, you can't tell the -- you can't tell the jury that a single one of these switches ever caught on fire and burnt a car?

{ION}A{IOff}. I can only say that I've seen a couple of situations where I think it's possible. I know about a situation where the fire was extinguished, where you had a failure of the switch and there was a fire potential. That's all I know.

{ION}Q{IOff}. Thank you. You're talking -- You said earlier, one of your reasons for -- for -- when you were explaining to me what you thought the defect to be, you said it could be a long term problem with -- when there's a lot of cycles. What does that mean, a lot of cycles?

{ION}A{IOff}. Well, every electrical apparatus has a life history or a life expectancy attached to it in the design parameters of the switch.

{ION}Q{IOff}. Uh-huh.

{ION}A{IOff}. The data that I've seen indicates that these switches are prone to failure somewhere in the neighborhood of a million life cycles -- a million cycles; or at the end of the normal -- much, much past the design end of the life of the switch.

{ION}Q{IOff}. Do you know where Mrs. Campbell's car was in there --

{ION}A{IOff}. I beg your pardon.

{ION}Q{IOff}. -- in the cycle life? Do you know how -- It was as a 1992, wasn't it --

{ION}A{IOff}. Oh.

{IOon}Q{IOff}. -- [REDACTED] txt car?
 {IOon}A{IOff}. Yeah. But I didn't quite understand your ques-
 tion.
 {IOon}Q{IOff}. That's because it was a poorly phrased questio-
 n. How old was [REDACTED] car when it burned?
 {IOon}A{IOff}. Well, it was a 1992. I -- I think her testimo-
 ny was, about 90,000 thousand miles on it, if I recall.
 {IOon}Q{IOff}. Would that give you any indication about how m-
 any cycles this switch would've experienced?
 {IOon}A{IOff}. Yes.
 {IOon}Q{IOff}. How many? Or what would that indicate?
 {IOon}A{IOff}. It was high.
 {IOon}Q{IOff}. High?
 {IOon}A{IOff}. Yes.
 {IOon}Q{IOff}. Close to a million, would you think?
 {IOon}A{IOff}. Possibly, depending on her techniques, driving
 techniques.
 {IOon}Q{IOff}. You mentioned life expectancy. Is it normal -
 - Well, that -- that was going to be a terrible question. An electric
 al component on a car when it reaches the end of its' life expectancy,
 are they expected to fail by catching on fire?
 {IOon}A{IOff}. No. That's why the recall.
 {IOon}Q{IOff}. Thank you.
 {IOon}MR. TAYLOR:{IOff} Could y'all give us just a minute.

(Proceedings concluded.)

CHANGES AND SIGNATURE

PAGE LINE

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b). {UOn}{UOff} I, [REDACTED] have read the foregoing deposition and here by affix my signature that same is true and correct, except as noted above.

1. *Journal of the American Medical Association*, 1997; 278: 1039-1044.

{DOFF} }

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ath of _____ or through _____ (description of identity card or other document)) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this {UOn} {UOff} day of {UOn} {UOff}, {UOn} {UOff}. {UOn} {UOff}

{UOn} {UOff}
NOTARY PUBLIC IN AND FOR
THE STATE OF {UOn} {UOff}
IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI
QUIDA CAMPBELL AND JAMES R. CAMPBELL PLAINTIFFS

VERSUS CASE NO. CI-99-0211(3)

FORD MOTOR COMPANY, D&L, INC. OF COLLINS
F/K/A D&L FORD, INC., WOLWINE FORD LINCOLN-
MERCURY, INC., SUCCESSOR IN INTEREST TO D&L
FORD, INC., E.I. DU PONT DE NEMOURS AND
COMPANY, AND TEXAS INSTRUMENTS
INCORPORATED DEFENDANTS
{BOn}REPORTER'S CERTIFICATION{BOff}
{BOn}ORAL DEPOSITION OF ROGER L. OWENS{BOff}
DECEMBER 20{BOn}, 2000{BOff}

I, C. Lee Parks, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, _____, was duly sworn by the officer and that the transcript of the deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted on _____ to the witness or to the attorney for the witness for examination, signature, and return to me by _____;

I further certify that I am neither counsel for, related to, nor employed by any of the parties in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of this action.

Certified to by me this _____ day of _____, 2000.

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19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

CASE NO. 470797

DIVISION "N"

VERSUS

FORD MOTOR COMPANY,
ET AL.

COPY

Deposition of [REDACTED] HOUSTON, TEXAS
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Suite 5100, Houston, Texas 77002-5096,
commencing at 9:15 a.m., on the 3rd day of
June, 2003.

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13 I N D E X

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15 EXAMINATION BY MR. PIPES:

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TLNHTSA 015050

S T I P U L A T I O N

It is stipulated and agreed by and between counsel for the parties hereto that the deposition of the aforementioned witness is hereby being taken under the Louisiana Code of Civil Procedure, Article 1421, et seq., for all purposes, in accordance with law;

That the formalities of reading and signing are specifically not waived;

That the formalities of filing, sealing and certification are specifically waived;

That all objections, save those as to the form of the question and the responsiveness of the answer, are hereby reserved until such time as this deposition, or any part thereof, may be used or sought to be used in evidence.

* * * *

KELLY S. WALLACE, Certified Court Reporter, Registered Professional Reporter, in and for the Parish of Orleans, State of Louisiana, officiated in administering the oath to the witness.

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1 ROGER OWENS,

2 after having been first duly sworn by the
3 above-mentioned Certified Court Reporter,
4 did testify as follows:

5 EXAMINATION BY MR. PIPES:

6 Q. Okay. [REDACTED] although we
7 already know each other from a past case, I
8 would like to go over some background
9 information with you. Do you have a copy
10 of a current CV?

11 A. I do.

12 Q. Okay. It's more of a book, but
13 rather than attach this due to its size,
14 we'll go ahead and just refer to it. But
15 you have handed me a pamphlet that has a
16 copy of your CV, your rate agreement,
17 deposition summary and trial summary; is
18 that correct?

19 A. Correct.

20 Q. Okay. And it is current?

21 A. Within a month or so.

22 Q. I believe the trial summary is
23 dated March 3rd of 2003.

24 A. Yes.

25 Q. Have you testified in trial since

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1 that time in any cases involving
2 automobiles?

3 A. No.

4 Q. Okay. In your deposition
5 summary, it too has a date of 3/3/2003.
6 Any depositions involving automobile fires
7 since that time?

8 A. No.

9 Q. In the deposition summary how far
10 back did you go?

11 A. I try to keep it four years for
12 the federal rules, but it may be four and a
13 half or five.

14 Q. Same for trial summary?

15 A. Right.

16 Q. And can you tell me if you have
17 ever been retained by Texas Instruments
18 prior to this particular claim?

19 A. I have.

20 Q. On how many occasions?

21 A. Maybe about three dozen or so,
22 all having to do with this switch.

23 Q. Three times perhaps?

24 A. Three dozen I said.

25 Q. Three dozen. And all of those

1 cases, they involve the speed control
2 deactivation switch?

3 A. That was the issue, yes.

4 Q. The issue in those three dozen or
5 or so cases was whether or not there was a
6 defective switch that caused some failure
7 or fire?

8 A. Basically, yes.

9 Q. Okay. Can you tell me the time
10 frame in which you've been handling these
11 three dozen or so cases? When were you
12 first contacted by Texas Instruments?

13 A. It's been about two and a half
14 years.

15 Q. Same question regarding Ford
16 Motor Company. Have you ever been retained
17 by them?

18 A. No.

19 Q. Okay. Are you on an hourly fee
20 basis with Texas Instruments for the work
21 you've performed for them?

22 A. Yes.

23 Q. The CV is also current within a
24 few months?

25 A. Yes.

1 Q. Have you ever attended or
2 lectured Texas Instruments employees
3 regarding any type of fire-related issues?

4 A. No.

5 Q. Have you ever had the occasion or
6 opportunity to attend any inspections or
7 meetings at Texas Instruments' laboratories
8 or headquarters?

9 A. No.

10 Q. Did you bring a file with you in
11 connection with this particular claim?

12 A. Yes.

13 Q. And that would be Dinecola?

14 A. Yes.

15 Q. What did you bring with you?

16 A. First off, everything that's in
17 front of me. These are the photographs I
18 took at the examination of the vehicle.
19 These being in this folder on this side
20 over here. I have [REDACTED]
21 information and --

22 Q. What would be [REDACTED]
23 information?

24 A. Included in that would be a
25 deposition he gave, U.S. District Court

1 Western Louisiana. Let's see, what's the
2 date of this? December the 12th, 2002.

3 Q. What's the caption on that
4 deposition?

5 A. [REDACTED]

6 MR. SEELY:

7 I think it's [REDACTED]

8 EXAMINATION BY MR. PIPES:

9 Q. Is it [REDACTED]

10 A. It's examination of [REDACTED]
11 [REDACTED]

12 Q. Okay.

13 A. The cause is kind of blanked out.
14 They have got something over it. I'm not
15 really sure what that is.

16 Q. Who provided you with a copy of
17 this deposition?

18 A. Mr. Seely.

19 Q. When did that occur?

20 A. In the last ten days.

21 Q. Okay. What else do you have?

22 A. And there's a date on there.

23 Q. May 16?

24 A. May 16.

25 Q. Was that the date it was faxed to

1. you?

2. A. Yes. Then I have [REDACTED]
3. report dated June the 18th.

4. Q. That is in connection with which
5. claim?

6. A. That's in connection with
7. Dinecola.

8. Q. With a date of loss of 3/25/99?

9. A. Correct.

10. Q. Okay.

11. A. I have a copy of the photographs
12. that go with that report, same report.

13. Q. Okay. And you have a copy of
14. [REDACTED] deposition in this matter
15. taken May the 28th, 2003. Have you had an
16. opportunity to review that yet?

17. A. Yes.

18. Q. In its entirety?

19. A. Yes.

20. Q. When did you receive that?

21. A. Yesterday.

22. Q. Okay.

23. A. Contact report, a couple of pages
24. of notes. I have a letter from a
25. Mr. Leonard Quick, Liberty Mutual Company

1 dated April 30, '99. Then I have some
2 documents related to timing of the
3 deposition.

4 Q. Okay. Just legal correspondence
5 regarding the deposition?

6 A. Yeah. Then I have some excerpts
7 from NFPA 921 that I forwarded to
8 [REDACTED] in Baton Rouge.

9 Q. When were those sent to
10 Mr. Sellers?

11 A. It was the 17th.

12 Q. Okay.

13 A. That's it. Are we finished?

14 Q. Thank you for coming.

15 A. Nice to see you again.

16 Q. Do your notes reflect or do you
17 recall when you were retained in this
18 particular matter?

19 A. No, they don't, other than it
20 was -- I would guess it was January or
21 February of 2001 because I forwarded the
22 photographs to Mr. Sellers on February the
23 16th, 2001. I usually do that within a few
24 days of going over there.

25 Q. Can you tell me exactly why you

1 were retained and by whom?

2 A. I was retained by Susman and
3 Godfrey. And they represent Texas
4 Instruments. Because there was an
5 allegation that the switch may have been
6 involved with the initiation of the fire,
7 the switch being the brake switch.

8 Q. Were you asked to do analysis on
9 the switch itself or were you asked to go
10 out and do some type of fire investigation
11 or what exactly, if you know, what exactly
12 were you retained to do?

13 A. They asked me to see if I could
14 make a determination of the cause in the
15 fire, which would normally include a
16 laboratory examination of the switch. As
17 it turns out, the switch wasn't retained or
18 made available for us for that.

19 Q. To date you have never had the
20 opportunity of actually inspecting the
21 switch involved in this fire?

22 A. Correct.

23 Q. What is your understanding of
24 what happened to the switch?

25 A. I can only assume based on the

1 testimony that it wasn't collected.

2 Q. Okay. It's your understanding
3 that it was never located or found at the
4 fire scene?

5 A. Well, I'm not even sure it was
6 looked for, but I don't, you know, I don't
7 know the answer. It didn't accompany the
8 vehicle. At least it wasn't there when I
9 got there and I don't know what happened to
10 it.

11 Q. In viewing the photographs taken
12 by Mr. Stringer or anyone else involved in
13 this particular fire, have you ever seen a
14 photograph that might contain the switch in
15 that photograph?

16 A. Neither the switch nor the
17 contacts.

18 Q. Okay. Your original retention
19 was to look at the switch and possibly do
20 some analysis and determine if it failed.
21 The switch was never located. Was that the
22 extent of your involvement in this case or
23 have you been asked to do anything else?

24 A. Well, no, that wasn't my
25 testimony. My testimony was I was asked to

1 look at the vehicle and see if I could
2 determine the cause of the fire and that
3 included an analysis of the switch if it
4 was available. But then we got off on the
5 switch, but I still looked at the vehicle.

6 Q. Okay. When did that take place?

7 A. Probably the first week in
8 February of 2001, almost two years after
9 the fire.

10 Q. At that time it was located at
11 Coparts?

12 A. In Baton Rouge, yes.

13 Q. Who was present during your
14 inspection?

15 A. Drew Sellers was, my
16 recollection.

17 Q. Anyone else?

18 A. I don't believe so.

19 Q. How many photographs did you
20 take?

21 A. Two rolls.

22 Q. Was that rolls of 12, 24?

23 A. Twenty-four. I took a total of
24 48 photos.

25 Q. You have today another pamphlet

1 and it's marked Series 0647 and 0646, is
2 that correct?

3 A. Correct.

4 Q. Are those the two rolls of film
5 that have been developed and placed in this
6 booklet, the prints?

7 A. Yes. And the series is a
8 designation for the number on the
9 negatives.

10 Q. Okay. May I see this?

11 A. Sure. (Complies).

12 Q. Is there anything in here other
13 than the photographs?

14 A. There's an index of the company's
15 photographs but that's it.

16 Q. All 24 photographs came out in
17 each roll?

18 A. Well, there's one blurry of the
19 passenger side door, but it is in there.

20 Q. Did you take any video?

21 A. No.

22 Q. Other than visually inspecting
23 the vehicle and taking these photographs,
24 what else did you do?

25 A. That's it.

1 Q. At the scene were any parts or
2 components taken from the scene by you or
3 Mr. Sellers?

4 A. No.

5 Q. Did you see anything that you
6 would have liked to have taken for further
7 examination or analysis?

8 A. No.

9 Q. Other than the vehicle inspection
10 in early February of 2001 what else have
11 you done in this matter?

12 A. Well, didn't do anything until
13 about ten days ago. And then I got a copy
14 of Stringer's report and the deposition
15 we've already talked about. And I reviewed
16 those and here I am.

17 Q. And the purpose of the request
18 for you to read Mr. Stringer's deposition,
19 do you know what that was?

20 A. Well, it wasn't -- I wasn't
21 directed specifically, but as I understand
22 it, there's going to be a trial in this
23 matter and Mr. Stringer has certain
24 allegations. They asked me to form my
25 independent opinions about his observations

1 and conclusions and be prepared to testify
2 in front of the judge. So here I am.

3 Q. There's been no written response
4 or comment to that deposition?

5 A. No.

6 Q. What about verbally?

7 A. I don't understand. You mean
8 to --

9 Q. Have you contacted anyone to say,
10 "Okay, I have read [REDACTED]
11 deposition, let me tell you what I take
12 issue with"?

13 A. I have talked to my client, yes,
14 Mr. Seely.

15 Q. Okay. And I believe you received
16 his deposition yesterday, so that
17 conversation took place either yesterday or
18 this morning?

19 A. Correct.

20 Q. Do you have any notes that
21 reflect the actual testimony, whether it be
22 page number or the testimony itself that
23 you take issue with?

24 A. No. I don't believe I do.

25 Q. I'm going to come back to that.

1 But you, I would assume --

2 A. Only because of the late date.

3 Q. Okay. Did you do the same thing
4 with the earlier deposition provided to you
5 in the Putman matter?

6 A. Yes.

7 Q. Did you have any notes that
8 reflected or highlighted or anything that
9 would reflect what you took issue with in
10 his testimony in the Putman matter?

11 A. I understand your question. I
12 have some brief notes. I read that on the
13 early Saturday morning, whether they are
14 what I take issue with or not, I'm not sure
15 about that. I have some notes on things
16 that I thought worthy of writing something
17 down. But certainly they are not all
18 inclusive of what I got out of that
19 deposition. The particular deposition was
20 to provide me with a flow of his
21 anticipated testimony in this matter.

22 Q. Rather than attempt to read your
23 writing, can you read it for me from the
24 top to the bottom and tell me what your
25 thoughts were when you made those comments

1 or wrote those things on that page?

2 A. Yes. And this has -- these were
3 comments in regard to the other matter.

4 Q. Putman?

5 A. Yes.

6 Q. Okay.

7 A. I wrote down Stringer leveling
8 compressor, Page 12 Line 9. And he is
9 talking about 45 is a view of the wiring
10 connector, which I didn't have the photos,
11 by the way, talks about numerous other
12 fires and I can't recall whether it's in
13 this testimony or the other, the newer
14 testimony where he says he looked at 50 of
15 these, which is a lot of cars. On Page 23
16 he says, "Burn so bad there's no fire
17 patterns".

18 Q. Why did you think that was
19 significant?

20 A. Because he finds very definite
21 fire patterns in this particular matter and
22 this engine compartment is burned real bad,
23 so I thought that was a little interesting.

24 Q. You thought it conflicted with
25 the fact that he found patterns in the

1 Dinecola fire?

2 A. Possible, yes. You gotta
3 understand that I didn't have the photo to
4 compare with.

5 Q. Okay.

6 A. But I have seen the Dinecola
7 vehicle.

8 Q. But you wrote it down just in
9 case there was a potential conflict in his
10 testimony?

11 A. Because I thought I might get a
12 copy of the photos at some point. And I
13 had my photos of the Dinecola vehicle with
14 me at the time. So, yeah, I did write it
15 down for that reason.

16 Q. To date have you seen any of his
17 photographs in Putman?

18 A. No.

19 Q. Okay. Keep going through your
20 notes, if you could.

21 A. Put "witness front vehicle not on
22 fire - on fire to fire wall at the rear of
23 the engine compartment, thinks leveling
24 compressor can't cause a fire." So he
25 discounted it, which is, of course, wrong.

1 Q. The notes before that, "the
2 witness front of the vehicle not on fire",
3 do you have any reason to believe that that
4 witness' statement was inaccurate?

5 A. No. The reason I wrote that down
6 is the testimony to me wasn't very clear
7 about what his interpretation of what the
8 witness described --

9 Q. Okay.

10 A. -- as far as the front of the
11 vehicle.

12 Q. What does he mean about the front
13 of the vehicle? Is that the bumper or the
14 entire --

15 A. Right. It just wasn't clear.

16 Q. Okay. What about the statement
17 about the fire near the fire wall, same
18 thing?

19 A. Yes. Apparently the dash did
20 catch on fire at some point during the fire
21 which is certainly not unusual. Then I
22 have a note that says the switch didn't
23 even remain.

24 Q. Didn't remain?

25 A. Didn't remain.

1 Q. What does that mean?

2 A. I don't know. I don't remember
3 now. It may be that I was thinking about
4 this case.

5 Q. What else?

6 A. Then I have some notes down here
7 or phone numbers, et cetera, that I
8 don't -- for Mr. Sellers. And I have about
9 eight items that I discussed with
10 Mr. Sellers and Mr. Seely in regard to
11 things you should normally look at when
12 you're doing a vehicle fire.

13 Q. That being whether it involves
14 allegedly a speed control deactivation
15 switch or any vehicle fire?

16 A. Well, you know, if you think it's
17 the deactivation switch when you go to the
18 fire, it's probably going to be the
19 deactivation switch. This has to do what
20 you should be thinking before you go look
21 at a vehicle fire.

22 Q. Tell me what those things are.

23 A. You should look at maintenance,
24 should look at repair history, the wiring,
25 the battery, the leveler on the

1 Continental.

2 Q. When you refer to it --

3 A. How long it was sit --

4 Q. When you refer to the leveler,
5 are you talking about the air suspension
6 system?

7 A. Yes, the leveling system,
8 electrical system, how long was it sitting
9 before the fire, smoking materials. And I
10 told him some other things too, I didn't
11 write them down, like add-ons and extra
12 equipment added to the vehicles,
13 modifications, changes, all of those types
14 of things.

15 Q. Okay. Anything else that may or
16 may not be on that list that you generally
17 look for in an auto fire investigation?

18 A. That may not be on here?

19 Q. Yes.

20 A. Well, I think you should look at
21 all the potential ignition sources,
22 particularly if you have an engine
23 compartment fire, which we had in the
24 Dinicola matter. You should look at the
25 fuse system. And you should also look at

1 recalls. So recalls is part of the
2 investigation as well.

3 Q. Okay. I was asking you earlier,
4 I wanted to know everything that you've
5 done so far in connection with Dinecola.
6 And there was the early February
7 inspection, you have recently reviewed
8 Mr. Stringer's deposition taken in the
9 Dinecola matter sometime between May 16 and
10 to date, you reviewed his deposition in
11 Putman, anything else that you've done?

12 A. No.

13 Q. Have you had an opportunity to
14 review Mr. Stringer's photographs in
15 Dinecola?

16 A. Yes, it's part of his report.

17 Q. Okay. Is that the report you
18 have here today?

19 A. Yes.

20 Q. Okay. You have black and white
21 copies of the photographs or color copies?

22 A. I actually have colored xeroxes,
23 I guess.

24 Q. When did you obtain those?

25 A. Got those yesterday.

1 Q. Do you have any notes regarding
2 your examination of his photographs?

3 A. No.

4 Q. Before we go through it in
5 detail, let me just ask you when you
6 reviewed the photographs that came to you
7 yesterday, was there anything that just
8 jumped out at you that was reflected in one
9 of his photographs that you had not seen or
10 thought about before?

11 A. I don't think so. The only thing
12 I did yesterday was the arrows and
13 everything that gave me a more specific
14 idea of some of his comments in his
15 deposition about areas he was pointing to,
16 but I had already seen those on the
17 vehicle.

18 Q. You have reviewed his
19 photographs, his report, two depositions,
20 you've inspected the vehicle. What else
21 have you done?

22 A. That's it.

23 And I did do the limited research
24 on 921 for Mr. Sellers.

25 Q. What were the specific issues

1 involving NFPA 921 that you researched and
2 forwarded to Mr. Sellers?

3 A. I talked to him about the
4 Chapters 13 and 16 on origin/cause
5 determination. I also talked to him
6 specifically about the vehicle section,
7 vehicle examination.

8 Q. Did you sit on any of the
9 committees that drafted NFPA 921?

10 A. No.

11 Q. Did you contribute any part of
12 921 or make comment regarding 921?

13 A. No. My involvement was I wrote
14 the ASTM standards that are referenced for
15 evidence and reports, things of that
16 nature, as chairman of E30.05.

17 Q. What year?

18 A. From about 1992 until last
19 February I was chairman of 05 and 11.

20 Q. And what specifically does 30.05
21 and 11 refer to?

22 A. Well, 05 was the engineering
23 forensic subsection and there was -- E30 is
24 the forensic committee, 30.05 is the
25 engineering section of that. And then I

1 got duped into taking interdisciplinary
2 committee, which is the one that oversees
3 standards that are common to all forensic
4 disciplines.

5 Q. Okay. Did you copy Chapters 15
6 and 16 in their entirety?

7 A. No, the only one I copied in the
8 entirety was the automobiles.

9 Q. Do you recall if there were
10 particular sections within those pages that
11 you copied that were specifically pointed
12 out for consideration or review?

13 A. Well, we discussed them generally
14 on the phone.

15 Q. Okay. Do you recall the purpose
16 of providing that information to
17 Mr. Sellers? Was it for his own
18 edification to assist him in taking the
19 depositions or was it to point out some
20 shortcomings in investigations performed by
21 others?

22 A. By who?

23 Q. Others, whether it be
24 [REDACTED] or [REDACTED] or whomever.

25 A. Both, the answer's both.

1 Q. Okay.

2 A. And my answer was correct, I only
3 copied its automotive sections. It's not
4 really automotive, it's vehicles, it
5 includes RVs and trucks.

6 Q. Which sections of Chapters 15 and
7 16 did you copy?

8 A. I didn't, I just talked to him
9 about them.

10 Q. Okay. So the only thing sent was
11 the section on vehicle fire investigation?

12 A. Yes.

13 Q. Can you tell me what parts of the
14 investigation performed by Mr. Stringer
15 that you felt may have conflicted with the
16 guidelines set forth in NFPA 921?

17 A. Would you do that again?

18 Q. Sure. It was my understanding
19 from your earlier testimony that one of the
20 reasons that you made copies and also
21 commented on NFPA 921 provisions with
22 Mr. Sellers was that perhaps there were
23 some shortcomings in [REDACTED] or
24 someone else's investigation. If you
25 recall, what were some of the concerns that

1 you had with someone else's investigation
2 in the Dinecola matter?

3 A. Well, certainly I could try to do
4 that and there are basically four areas
5 that you have to make observations in to
6 determine the origin or the point of
7 origin. Three of those were clearly not
8 done by Mr. Stringer by his own testimony
9 in his reports for whatever reasons and the
10 fourth one which has to do with the
11 analysis of fire patterns, I felt that his
12 fire pattern analysis was inaccurate.

13 Q. Tell me what those four areas
14 are. Then we'll discuss each one. If you
15 could go ahead and follow through with
16 your -- I interrupted you. You were about
17 to say something else.

18 A. Well, for example, why don't we
19 just get it out --

20 Q. Okay.

21 A. -- then we won't be having to
22 memorize it. Generally, according to the
23 guidelines that are accepted for fire
24 investigation if you cannot rule out
25 potential ignition sources, then you cannot

1 make a determination for the cause of the
2 fire, number one.

3 Number two, if you cannot narrow
4 down the origin area globally to a point of
5 origin, you cannot make a determination.
6 In this case, clearly you have a very
7 unique thing because you have basically an
8 isolated compartment fire. The automobile
9 has three compartments. You basically have
10 an engine fire. I agree with that
11 completely.

12 Q. Let me just stop you there real
13 quick.

14 You did state earlier that you
15 referred to the Dinecola fire, I believe,
16 as an engine compartment fire?

17 A. Yes, it is a compartment fire.

18 Q. So when you refer to the engine
19 compartment, you are referring to in
20 layman's terms, I guess everything under
21 the hood?

22 A. Right.

23 Q. Between the fire wall and the
24 front bumper?

25 A. Right.

1 Q. It is your opinion in the
2 Dinecola matter that the fire originated
3 somewhere in the engine compartment area?

4 A. Either in or under.

5 Q. All right. I interrupted you.
6 You had listed two things before the
7 determining the cause or origin of a fire.
8 One should be able to rule out all of the
9 potential ignition sources. You feel like
10 Mr. Stringer was unable to do that?

11 A. Yes, I was as well due to the
12 damage. And if you go by these guidelines,
13 the fire should be indeterminate, in other
14 words, you don't go out and say the fire
15 was caused by something you don't even
16 have, don't even look at, just simply
17 because there's a recall out there, that's
18 inappropriate.

19 Q. The second matter you said that
20 the fire should be deemed undetermined as
21 to cause or origin if you're unable to
22 pinpoint a specific point of origin?

23 A. Right.

24 Q. Okay. And you feel like in this
25 matter, although there's a general area of

1 origin, i.e., an engine compartment fire,
2 there was no specific point of origin
3 identified by [REDACTED]

4 A. Yes.

5 Q. Were you able to further pinpoint
6 the area of origin within the engine
7 compartment?

8 A. I think that -- not a point, I
9 have a small area that I think that is
10 where you have considerably more damage
11 than the area back by the switch. But it's
12 not -- it's not -- I don't have a
13 confidence level high enough to say that's
14 where the fire started for the same reasons
15 I'm quoting.

16 Q. What area did you see more severe
17 damage that might indicate a more specific
18 area of origin within the engine
19 compartment?

20 A. The front near the battery. But
21 there's extreme heavy damage to the front
22 of this vehicle.

23 Q. Near the --

24 A. Ninety-five percent of the
25 battery is gone. The whole front -- the

1 front of the engine has the most damage.
2 The aluminum has heavy melt throughout.

3 Q. On this --

4 A. Basically everything that was on
5 this vehicle is gone. But 95 percent of
6 the battery was done. That's extremely
7 unusual.

8 Q. Let me back up while we're on
9 this particular issue for a second.

10 Were you able to ever perform a
11 fire investigation at the scene, actually
12 where the fire was located or where the car
13 was located at the time of the fire?

14 A. I don't understand that at all.
15 I don't have a clue where the car was when
16 the fire started.

17 Q. Okay. You have seen no
18 photographs or diagrams or information that
19 would reflect the fire scene itself?

20 A. Right. That's why I couldn't
21 even figure out what the wind was doing. I
22 don't know which way the car was pointing.
23 I can find out which way the wind came
24 from, I don't know which way the car was.

25 Q. So you're unable really to do any

1 meaningful analysis as to the damage to the
2 front of the vehicle without knowing the
3 fuel loads around the car, whether it was a
4 carport, a garage, what was, you know, all
5 of the factors that one would look at to
6 try to analyze why there is certain degrees
7 of damage in various areas of an
8 automobile?

9 A. No, that's not exactly accurate.
10 It's my understanding that the car was
11 independent and there was not other outside
12 fuels involved in the fire. So if that's
13 inaccurate, then the hypothesis may be
14 inaccurate. It's my understanding the
15 vehicle was isolated.

16 Q. Were there any other vehicles
17 around it?

18 A. That burned and contributed to
19 the fire? Not that I am aware of.

20 Q. Or that may have changed the
21 weather pattern, wind or whatnot in the
22 area?

23 A. Don't know.

24 Q. Have you ever been able to
25 analyze the fluids that may have

1 contributed to this fire after its
2 origination?

3 A. You mean by spectrograph analysis
4 or something? I don't understand the
5 question.

6 Q. Either from information gained
7 about the fire scene itself or from an
8 inspection of the automobile itself, did
9 any of the vehicle fluids contribute to the
10 burn patterns or degree of burn, whether it
11 be brake fluid, hydraulic fluid, fuel?

12 A. Minimum.

13 Q. Okay. In this particular
14 automobile, was the battery located on the
15 driver's side front or the passenger side?

16 A. Passenger side front.

17 Q. And did [REDACTED] have an
18 opinion as to a point of origin within the
19 engine compartment?

20 A. I think so.

21 Q. Where was that, if you recall?

22 A. I think he thinks it's near the
23 fire wall on the driver's side.

24 Q. And the speed control
25 deactivation switch is located in that

1 area?

2 A. If it had one, it should be.

3 Q. Okay. Have you done any research
4 to determine if this particular vehicle had
5 a speed control deactivation switch?

6 A. It did when it left the factory.

7 Q. Okay. Do you have an opinion as
8 to whether or not the vehicle had a speed
9 control deactivation switch at the time of
10 the fire?

11 A. You know, I just don't know. It
12 certainly could have, certainly should
13 have. Obviously, wasn't recovered, so I
14 just can't comment.

15 Q. Other than the fact that the
16 speed control deactivation switch was not
17 located after the fire, do you have any
18 reason to believe that that switch would
19 not have been on this particular vehicle at
20 the time of the fire?

21 A. No.

22 Q. In other words, you haven't seen
23 any repair history or maintenance records
24 that reflect it was ever removed or not
25 reinstalled or replaced?

1 A. I haven't.

2 Q. Do you have an opinion as to the
3 effects, if any, on the operation of the
4 vehicle that the removal of the speed
5 control deactivation switch would have?

6 A. Depends on how you did it. If
7 you plugged it, shorted the wires out, you
8 could probably operate the vehicle without
9 speed control.

10 Q. Okay. Would it have any symptoms
11 that one might see different than if the
12 speed control deactivation switch were
13 normally installed?

14 A. Not necessarily.

15 Q. Okay. Has anyone ever asked you
16 for an opinion as to whether or not the
17 vehicle did or did not have the switch
18 installed at the time of this fire?

19 A. No. I've been operating off the
20 assumption it was there and simply not
21 recovered.

22 Q. In the 36 approximate claims that
23 you have investigated on behalf of Texas
24 Instruments have you had the opportunity to
25 do an inspection of each automobile?

1 A. Most of them.

2 Q. Okay. Could you estimate that
3 for me, of the 36 you have maybe looked at,
4 30 automobiles?

5 A. Possibly.

6 Q. Is there anyone else at your
7 office that also investigates these
8 potential fires for Texas Instruments? I
9 say potential fires, potential switch
10 fires.

11 A. Yes.

12 Q. Who is that?

13 A. Joe Stanton has covered a few for
14 me, a couple of inspections.

15 Q. Are those --

16 A. But he's only working with me,
17 not independent.

18 Q. So those would be included in the
19 36 approximate --

20 A. Yes.

21 Q. -- number?

22 A. Yeah.

23 Q. You think you've looked at all
24 but how many?

25 A. Randy, that's a tough question.

1 Because at one point I had these to go look
2 at, it looked like they got resolved or
3 something. I think there was a number I
4 never did get to go see. But I think it
5 was only a handful. I think I probably
6 have looked at about 30 over the three-year
7 period.

8 Q. Of those that you are unable to
9 see, were you provided photographs?

10 A. I don't remember.

11 Q. Of those that you didn't see, did
12 you ever express an opinion as to whether
13 or not the switch was or was not the cause
14 of the fire?

15 A. Not hardly. If I didn't see the
16 vehicle and the photographs, I sure didn't
17 form any opinions.

18 Q. Of the 30 approximately that you
19 did -- well, let me not make an assumption.

20 Of those that you were able to
21 inspect, how many of those did you actually
22 formulate an opinion as to whether or not
23 the switch was or was not the cause of the
24 fire?

25 A. About four or five, maybe a half

1 a dozen.

2 Q. Okay. Four or five or six that
3 you were able to formulate an opinion or
4 were not able to?

5 A. That was not your question. Your
6 question was: Did I form an opinion where
7 the switch may have caused a fire? I said
8 maybe half a dozen.

9 Q. Out of the 30?

10 A. Yeah.

11 Q. The remaining two dozen
12 approximately, why were you unable or why
13 did you not form an opinion as to those?

14 A. I formed the opinion. My opinion
15 was the switch didn't cause the fire.

16 Q. Okay. So four or five or six?

17 A. Or it was totally indeterminate.

18 Q. That's what I am trying to get
19 from you. Out of the 30 that you did have
20 an opinion, I want to know how many you
21 felt, yes, the switch failed and caused
22 this fire; no, it didn't fail and cause
23 this fire and then how many were just
24 undetermined, "I couldn't tell" or, "I
25 don't know"?

1 A. I didn't keep that kind of
2 record. But I think the five or six is a
3 realistic number. I think it's probably
4 four or five on the other end that I
5 thought was just burned so bad you can't
6 tell one way or the other. The rest of
7 them, I have an opinion on and the switch
8 didn't cause the fire.

9 Q. Okay.

10 A. I mean, there are lots of things
11 that can cause a fire.

12 Q. Have you formed an opinion as to
13 this particular matter, the Dinecola fire?

14 A. Yes.

15 Q. What is your opinion on this?

16 A. I don't think there's any
17 evidence to suggest that the switch caused
18 the fire, whatsoever, zero. I do think the
19 fire should be determined an indeterminate,
20 accidental fire. And I do think there's a
21 whole lot more damage within the engine
22 compartment than the battery area, but the
23 destruction there was so bad I couldn't
24 find the failure. That's all of my
25 opinions.

1 Q. Would it be your opinion in this
2 fire you would have to rule it
3 undetermined?

4 A. Yes, according to these
5 guidelines, yes.

6 Q. Okay. When you say that there is
7 zero evidence in this particular matter to
8 indicate that it was a switch failure that
9 caused the fire, have you completely
10 discounted the fact that the fire occurred
11 within the engine compartment after the
12 vehicle was turned off?

13 A. No.

14 Q. Okay. Is it --

15 A. I don't discount it. I
16 understand that to be the fact -- the facts
17 of the case.

18 Q. Have you assumed that to be true,
19 that the vehicle was turned off when the
20 fire started in the engine compartment?

21 A. Sure.

22 Q. How long a time after the car was
23 turned off in your opinion did this fire
24 originate?

25 A. I recollect seven or eight hours.

1 The fire was noticed around 3:00 a.m. in
2 the morning.

3 Q. Okay. If you have accepted that
4 as true and that this fire started within
5 the engine compartment, is it then your
6 opinion that this fire was not caused by
7 any -- I'm sorry -- is it your opinion that
8 this fire's ignition source, the heat
9 source was not just the heat of the engine
10 itself from operation?

11 A. I think I understood your
12 question. I suspect the engine would be
13 pretty cool in eight hours even in Baton
14 Rouge.

15 Q. Okay. So your answer would be,
16 "I do not feel that this fire was started
17 by temperatures of the engine itself from
18 normal operating conditions"?

19 A. I suspect you had an electrical
20 fire, if that helps cut this short.

21 Q. That would help. So you feel
22 that some electrical -- that this fire was
23 electrical in nature?

24 A. Yes, because of the factual
25 circumstances surrounding the fire.

1 Q. Okay.

2 A. The car's not being driven,
3 parked for seven or eight hours, absent
4 some outside forces that, obviously, we
5 don't know about, that's the most probable
6 scenario.

7 Q. And again, in trying to determine
8 whether this is or is not a switch fire,
9 the fact that it was within the engine
10 compartment where the switch is located and
11 the fact that it is in all likelihood an
12 electrical fire, that is some evidence that
13 it could be a switch fire, correct?

14 A. No.

15 Q. No?

16 A. I don't call that evidence. I
17 don't call that evidence at all. Those are
18 circumstances, but not evidence.

19 Q. Those are the circumstances that
20 would have to be true for it to be a switch
21 fire, correct? It would have to be in the
22 engine compartment. It would have to be
23 electrical in nature.

24 A. Well, I agree with that.

25 Q. Okay. And it would also be true

1 that for the fire to be electrical in
2 nature and to have originated at a time
3 when the vehicle had been turned off for
4 seven or eight hours, it would have to be
5 an electrical component that was still
6 energized after the vehicle had been turned
7 off, correct?

8 A. Well, I wouldn't use the word
9 "still", but energized I would say yes.

10 Q. Do you have an opinion as to what
11 electrical components or wiring are
12 energized with sufficient amperage or
13 voltage -- and you can explain later which
14 one you want -- to actually cause a fire
15 within the engine compartment after the
16 vehicle is turned off?

17 A. There could be a host of things.
18 For one thing, we don't know anything about
19 add-ons. We don't know anything about
20 modifications. We know very, very little
21 about repairs. We do know that the battery
22 system in all the plus sides of the
23 battery, the B-plus wiring and all for the
24 engine compartment and auxillary is hot,
25 including the ignition system. But the

1 damage is so severe in the wiring, most of
2 the wiring wasn't retained at all. What
3 wiring, I did get to see was up near the
4 fire wall, somebody had -- looked like they
5 had raked it. It was the least damaged
6 wiring up near the fire wall driver's side.
7 But the battery, like I said before, was
8 totally gone, five or ten percent left of
9 the battery and all of that wiring. I
10 cannot tell you. I couldn't identify a
11 fault. There are lots of opportunities for
12 faults. If you -- absent the fuel scenario
13 you asked me about and you assume it's not
14 an intentional fire, you know, that's the
15 number one cause of fires in vehicles.

16 Q. What is?

17 A. Electrical fires.

18 Q. Okay.

19 A. Absent those things.

20 Q. I see. You have absolutely no
21 evidence or reason to believe that this
22 fire was incendiary?

23 A. Yeah, I discounted that. I have
24 no --

25 Q. And do you have any evidence to

1 indicate that this fire resulted from any
2 type of add-on or modification?

3 A. I don't know one way or the
4 other. At the vehicle's age, it wouldn't
5 surprise me if there had been modifications
6 or add-ons, but there's nothing in the file
7 that identifies that.

8 Q. Okay. You have not spoken to
9 anyone, read anyone's statement, anyone's
10 deposition, seen any photographs or seen
11 anything in your personal inspection that
12 would indicate that this fire was caused by
13 a modification or add-on; is that correct?

14 A. Yeah. My statement was all
15 inclusive, nothing in my file to suggest
16 that.

17 Q. Or nothing outside your file?

18 A. Well, if it's not -- you know, if
19 it's not in this file, it doesn't have
20 anything to do with this vehicle.

21 Q. Okay.

22 A. I mean, I know of nothing. But
23 at the same time, it would not be unusual
24 for a vehicle seven years old to have had
25 some of those things.

1 Q. Okay.

2 A. Hadn't been looked at.

3 Q. You know of nothing inside or
4 outside of your file that would indicate
5 this fire was caused by improper repair or
6 lack of maintenance?

7 A. No.

8 Q. No, that's true?

9 A. No, I don't have -- I don't have
10 that. I don't have a complete repair
11 history or maintenance history in the
12 vehicle.

13 Q. Okay. So you have -- and I just
14 want to clear up the record -- so you have
15 nothing to indicate that faulty maintenance
16 or repair was the cause of this fire?

17 A. No, I can't -- can't say that I
18 do.

19 Q. Okay. Have you done any research
20 through any means to determine other known
21 or potential causes of fire in this
22 particular model vehicle?

23 A. Well, I've been involved in about
24 three dozen cases. I've read a lot of
25 information. And I've studied the

1 electrical diagrams and all for the
2 vehicle. There are lots of potential
3 causes of vehicle in this vehicle and this
4 vehicle being similar vehicles. So I don't
5 quite understand. If, for example, the
6 leveling system -- let's be specific then,
7 Mr. Stringer says they don't happen. It's
8 tragically wrong. They had -- they did
9 have some problems with the leveling
10 system, it did cause some fires. For
11 example, battery systems, though, power
12 systems, alternators are the number one
13 causes of electrical systems, if you
14 exclude modifications and faulty repair.

15 Q. What were they, again, alternator
16 and --

17 A. Your B-plus systems, your
18 energized cabling from the battery to the
19 alternator to the power systems, if you
20 exclude improper repairs and modifications.

21 Q. That's your number one?

22 A. Number one electrical, yes.

23 Q. Okay. And I want to get into the
24 air suspension system. But my question
25 is -- it doesn't have to be specific to

1 Dinecola -- in all of these investigations
2 that you have performed, did they all
3 involve '92 or '93 model Ford or Lincoln
4 vehicles involved in the recall?

5 A. No.

6 Q. Okay. You've investigated fires
7 that allegedly involved speed control
8 deactivation switches that were outside the
9 recall?

10 A. Yes. Let me clarify that.
11 There's been a few that, you know, I went
12 to the scene, come to find out it's a '96
13 vehicle and doesn't even have a switch and
14 things of that nature. Generally, I was
15 asked by Susman Godfrey to go look at
16 vehicles that had been identified as within
17 the recall.

18 Q. I see.

19 A. And they were Marquis and
20 Lincolns.

21 Q. The vast majority then, almost
22 all of the three dozen or so that you've
23 been retained to inspect did in fact
24 involve vehicles within the recall?

25 A. Yes. There were some that were

1 right outside of the recall, but they were
2 basically -- let's go back and do it this
3 way. They are basically '92, '93 Lincolns
4 and Marquis that I have looked at.

5 Q. Were you told or do you have an
6 opinion as to whether or not the Dinacola
7 vehicle was or was not within the recall
8 population?

9 A. I don't know that for absolute
10 certain. But I'm under the impression that
11 it was.

12 Q. Okay. The fact that this was an
13 engine compartment fire that occurred
14 outside in an isolated area, as you said,
15 away from the house or whatever at that
16 time frame where the car had been turned
17 off for eight plus hours, and it was
18 electrical in nature, and that it was so --
19 and that the electrical component on the
20 car was subject to the recall, to you that
21 is zero evidence that this is a switch
22 fire?

23 A. Yeah, I think there's zero
24 evidence. That's suggestive.

25 Q. That's all circumstantial.

1 A. But that's all it is to me as an
2 engineer who looks at hardware, all it is
3 is suggestive. I'm not suggesting, Randy,
4 that you don't become not aware of that or
5 you don't look into that or you don't look
6 at recalls. I'm suggesting that the fact
7 that I see what we've all done, I don't see
8 it in this case.

9 Q. But that --

10 A. It defies the guidelines.

11 Q. Well, I'm trying to determine
12 when you say that there's zero evidence,
13 whether you mean there's zero evidence or
14 zero visible evidence or what you meant by
15 that and I don't want to put legal terms
16 out here on the table.

17 A. But that's what you are doing.

18 Q. Okay. I want to clarify that now
19 then.

20 A. I'll do it for you.

21 Q. These are all circumstantial type
22 evidence, but not direct evidence that
23 you're looking for as an investigator?

24 A. Those are circumstantial, I guess
25 if that's the right words for it, but I

1 also allude to the fact my observation on
2 the vehicle itself and we talked about I
3 disagree with Mr. Stringer's observations
4 of fire patterns. In fact, I dramatically
5 disagree.

6 Q. In fact, we've gone off for a
7 while now on a tangent. Let me get you to
8 go ahead and finish the four areas that one
9 looks for and those that you disagree with
10 and then we'll come back to it. You had
11 mentioned --

12 A. Well, I marked it in the book, so
13 we could find it.

14 Q. Okay.

15 A. Thought maybe we would come back
16 to it. Okay. The first one is
17 basically -- this is under "Origin
18 Determination" right out of the book, "The
19 determination of origin of fire frequently
20 involves a coordination of information
21 from, number one, physical marks or fire
22 patterns left by the fire." Now that's
23 subjective in that I am assuming that we
24 are going to discuss [REDACTED] has his
25 interpretation and I have mine.

1 Number two, observations reported
2 by persons who witnessed the fire or who
3 were aware of the conditions present. Now,
4 Mr. Stringer testified he didn't talk to
5 the witnesses. So we have to discount
6 that. Noting the location where electrical
7 arking has caused damage and the electrical
8 circuits involved, that wasn't identified
9 so we have to discount that.

10 And the fourth one is the
11 analysis of the physics and chemistry of
12 fire initiation development and growth as
13 an instrument to related or hypothesized
14 fire conditions capable of producing those
15 conditions. And that hasn't been
16 addressed. So my comment earlier was of
17 the four items, three of them are not
18 pertinent to this discussion for whatever
19 reasons. And there's only one of the four
20 that we can even discuss.

21 Q. Which is?

22 A. Which is the physical marks. And
23 then it goes on to say, you know, the part
24 that I told you about, if you can't
25 identify a point of origin then you can't

1 go to causation. If you go into the
2 causation chapter you don't have the
3 evidence that failed, you know, you have a
4 real hard time saying it caused the fire,
5 which we don't have the evidence in this
6 case. But certainly the most controversial
7 of the four -- in other words, and since he
8 can't do these, the fire's indeterminate.
9 That's my argument.

10 Q. All right. Of the four things
11 that we just referenced out of NFPA 921,
12 you feel that the only one actually present
13 or relied upon by [REDACTED] was the fire
14 pattern analysis?

15 A. Well, that's not my real opinion,
16 but that's what, you know, that is what he
17 alludes to. I think he -- I think he knew
18 about the recall when he got there.

19 Q. Sure. So did you.

20 A. I did.

21 Q. Okay. But without making any
22 assumptions as to the impact that prior
23 knowledge may have had on you or
24 Mr. Stringer, he does photograph and
25 discuss burn pattern analysis, correct?

1 A. To some extent.

2 Q. Okay.

3 A. We certainly disagree.

4 Q. Y'all would disagree on that, but
5 of the four, that was performed by
6 Mr. Stringer?

7 A. Yes.

8 Q. To whatever extent?

9 A. Absolutely.

10 Q. The next thing is you said to
11 totally discount witnesses and observations
12 of the scene because you said he apparently
13 had not done that; is that correct?

14 A. That's what his testimony was.

15 Q. Okay. Yet, his report and his
16 testimony does indicate the time frame,
17 knowledge of the time frame that the
18 Dinecolas stated that they had last used
19 the vehicle until the fire was discovered,
20 correct?

21 A. Yeah, I'm not going to disagree
22 with the timing. I mean, I have agreed to
23 that all morning.

24 Q. That is the information that you
25 would seek from witnesses, "When did you

1 last use the vehicle, when was the fire
2 discovered?"

3 A. That's one thing. Maintenance
4 history, repair history, problems with the
5 vehicle, all of those other things you
6 would also ask.

7 Q. Okay. But as far as information
8 he may have had in rendering an opinion,
9 Mr. Stringer was obviously aware of when
10 the car was last used and when the fire
11 started or was discovered, correct?

12 A. I think so.

13 Q. Okay. And you know as well as
14 Mr. Stringer, the location of the car at
15 the time of the fire, in the driveway?

16 A. That's my understanding, front of
17 the house.

18 Q. And [REDACTED] made comment in
19 his report and in his testimony regarding
20 the witness who first discovered the fire
21 stating where the fire was seen in the
22 front of the car near the fire wall?

23 A. I didn't get that out of the
24 testimony. If you would like to show me,
25 I'll revisit that. That wasn't my

1 interpretation of it.

2 Q. It was addressed in his report.

3 A. I can't remember which one it was
4 in. I don't see it in his report.

5 Q. Okay. I don't either. And I
6 know that it was discussed. You don't
7 recall seeing that in his deposition?

8 A. Well, I think you asked me about
9 that earlier and I read it. And it was,
10 you know, some interpretation, I couldn't
11 figure out exactly what his interpretation
12 of that information was or where he got
13 that information.

14 Q. Okay.

15 A. I mean, certainly it appeared to
16 be in the engine compartment. But other
17 than that --

18 Q. If you had the opportunity to
19 conduct a full investigation, what would
20 you have obtained within this section that
21 we're discussing now, the witnesses and
22 observations, what additional information
23 do you think Mr. Stringer needed to fulfill
24 that section of fire -- or that portion of
25 his fire investigation?

1 A. Normally, he would have talked to
2 the owners of the vehicle about the other
3 issues that we talked about, you know, if
4 you had any problems with the vehicle, what
5 are the repairs, who is doing your repair,
6 did you purchase it new, did you purchase
7 it used, did you have a fuzz buster, did
8 you change the stereo, did you have
9 anything like that in there. Those would
10 be the first topics. And then that may
11 cause him to visit repair shops or previous
12 owner or whatever to do historical work.
13 That type of analysis is referenced in the
14 automotive section that I've provided --

15 Q. Okay.

16 A. -- and was the motivation for
17 some of those listings I had on the first
18 sheet that I mentioned that I talked to
19 Mr. Sellers about. I had not read his
20 deposition at that point in time, so you
21 know, part of that was okay. Ask
22 Mr. Stringer these questions, you'll
23 probably know the answer. I was
24 actually -- I was a little surprised that
25 Bud Stringer didn't know the answer to some

1 of those.

2 Q. Were you aware that Mr. Stringer
3 had prepared for the deposition in another
4 matter accidentally, thinking the
5 deposition was in a different matter before
6 we started that deposition?

7 A. I am aware it started that way.
8 I didn't know if he prepared for that one
9 or not.

10 Q. Okay.

11 A. I do know that happened. I can't
12 imagine it but --

13 Q. Well, in any event --

14 A. I guess if you got 50 vehicles
15 that you're worried about, you can get
16 confused.

17 Q. You wanted to rule out the
18 purpose of wanting to discuss with
19 witnesses and others, perhaps the owners,
20 the maintenance and repair history to rule
21 out improper repair or maintenance,
22 correct?

23 A. Not necessarily. One of --

24 Q. Or to rule it in?

25 A. One of the major reasons to give

1 you some assistance in looking for
2 different wiring systems underneath the
3 hood after a fire incident where it is more
4 difficult to find those things, someone
5 tells you, "I had work done on the
6 alternator," or, "I had this added," or,
7 "that added," that directs you to certain
8 things under the hood.

9 Make no mistake about it, an
10 engine compartment fire specifically one as
11 bad as this is very, very difficult to
12 ascertain the exact cause to start with.
13 So you want to endeavor to find or identify
14 any of the tools that assist you, including
15 recalls and looking at all of those
16 components. By the time I got there, I
17 certainly couldn't do it.

18 Q. Do you have any opinion as to how
19 long this particular fire burned before it
20 was extinguished?

21 A. A long time. I don't have a
22 time, but it burned -- I agree with
23 Mr. Stringer -- it burned almost every
24 combustible under the hood.

25 Q. Do you have any information that

1 would reflect the time from discovery until
2 extinguishment?

3 A. No.

4 Q. Would that be something that
5 would be important to your investigation to
6 determine or analyze the fire patterns that
7 you do see?

8 A. No.

9 Q. So it doesn't matter to you
10 whether the fire burned 15 minutes or an
11 hour and a half?

12 A. It really doesn't because it is
13 what it is when you get to see it. You
14 have to work with what you have left. It's
15 a total burn.

16 Q. But based on the components
17 within the engine compartment that are
18 combustible and their location and the
19 degree that you see after the fire, the
20 extent of damage after the fire, is it not
21 very important to know how long the fire
22 burned under the hood?

23 A. Well, I don't know how you
24 determine that unless you have a witness
25 there when it first ignited. Or when it

1 first started smoldering, then you have a
2 witness at the other end of the spectrum
3 that knows when it went out, which we can
4 probably get from the fire department. But
5 I don't think the first one is known.

6 Q. Okay.

7 A. But I don't know the answer.

8 Q. Do you know what time the fire
9 was discovered?

10 A. Around five.

11 Q. Okay. But you don't know how
12 long it was before the fire department
13 arrived and actually extinguished the fire?

14 A. I don't know that specifically.
15 But I also don't know what time the fire
16 started. There's a difference between
17 discovered and started.

18 Q. Okay. Sure. But based on the
19 witnesses' testimony, we know to some
20 extent the degree of fire at the time of
21 discovery. It hadn't, for example, had not
22 entered the passenger compartment of the
23 vehicle.

24 MR. SEELY:

25 Object to the form. What

1 Witness? [REDACTED] is the one that
2 discovered the fire at 5:00 a.m.; is
3 that correct?

4 THE WITNESS:

5 That is my understanding.

6 EXAMINATION BY MR. PIPES:

7 Q. Okay. Well, if we assume that he
8 was correct around 5:00 a.m. he discovered
9 the fire, at that point we know that the
10 fire had not entered the passenger
11 compartment of the vehicle, correct?

12 A. I agree that's probably correct,
13 got very limited damage in there at the end
14 of the day, so --

15 Q. Do you know if either the
16 driver's side tire or passenger's side tire
17 had blown out or melted at that point?

18 A. No.

19 Q. Those type of things, would that
20 indicate how long the fire had been burning
21 at the time of discovery?

22 A. Not necessarily.

23 Q. In the 30 or so fires that you've
24 investigated for Texas Instruments, have
25 you seen any type of trend in the time it

1 takes from the start of the fire until
2 perhaps one of the tires blows out from the
3 heat or --

4 A. No.

5 Q. No?

6 A. Uh-uh (indicating negatively).

7 Q. Is that something that is very
8 common that they say we heard a loud
9 explosion or bang, that you have related to
10 one of the tires blowing out?

11 A. No.

12 Q. Have all of the fires that you
13 have been associated with --

14 A. I answered that way because you
15 said common. I mean, I have had situations
16 where somebody said, yeah, we heard an
17 explosion and I attribute it to a tire.

18 Q. It's not uncommon. You haven't
19 seen a trend that it occurs more often than
20 not?

21 A. Right. Right.

22 Q. Is that accurate?

23 A. Depending on what is going on
24 around it, like you mentioned early on.

25 Q. The reason I asked that, you had

1 mentioned the battery was 95 percent
2 burned, obviously, if the fire had been
3 extinguished within 15 minutes of
4 discovery, the battery would be less burned
5 than had it been extinguished an hour and
6 15 minutes after discovery, correct?

7 A. Possibly.

8 Q. Okay.

9 A. Depending on if the battery
10 caused the fire.

11 Q. What are the combustible
12 components of that vehicle that are around
13 or near the battery?

14 A. I would classify almost
15 everything in the engine compartment, I
16 mean, you got a closed compartment and a
17 whole lot of plastic, a whole lot of rubber
18 fuels including the battery case, the
19 insulation, it's not an unusual fire.

20 Q. It's not unusual to see damage to
21 a battery, correct?

22 A. Yes. My observation was and I
23 looked at -- I'm an electrical engineer, I
24 look at electrical fires -- the damage to
25 this battery is extremely unusual, even

1 with the severity of the burn to the engine
2 compartment, but I can't really say any
3 more than that.

4 Q. Okay. And I guess what I was
5 trying to point out, it's not unusual for
6 the battery to be burned to some extent.
7 What is unusual in the Dinecola fire is the
8 severity of or the extent of damage to the
9 battery, correct?

10 A. Yes. What's the most important
11 thing about the battery observation is you
12 cannot rule out the battery as a cause of
13 the fire. And by NFPA 921, if you cannot
14 rule it out, the fire is indeterminate.
15 You can't blame it on something else.

16 Q. And I asked this earlier and you
17 mentioned the air suspension system, but I
18 want to know what research you have done or
19 what research or information has been given
20 to you that would indicate potential fire
21 causes within this model vehicle. We know
22 about the recall involving --

23 A. The switch.

24 I think I got most of that
25 information from Ford.

1 Q. What information is that?

2 A. That it had been a problem area
3 in these vehicles on occasion and they had
4 had some problems with it.

5 Q. What, the switch?

6 A. No, the leveling system, the
7 leveling compressor.

8 Q. You think you got that
9 information directly from Ford Motor
10 Company?

11 A. Their experts in the field

12 Q. Who would that have been?

13 A. I can't remember their names
14 right now. I have worked with several of
15 them. Something you always look at on
16 these vehicles.

17 Q. Would this have been some of the
18 Ford personnel that investigates the fires
19 that you've been involved with?

20 A. Yes.

21 Q. Okay. Would it have been Mark
22 Hoffman?

23 A. I don't think Mark -- I don't
24 think it was Mark. I think it was Larry.

25 Q. Ralph Newell?