

EA02-025
FORD 10/27/03
APPENDIX M
BOOK 21 OF 22
PART A-D
PART B

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

AUTO CLUB INSURANCE ASSOCIATION,
as Subrogee of [REDACTED]
Plaintiff,

-vs-

Case No. 96-624-126

FORD MOTOR COMPANY, a
Delaware Corporation,
Defendant.

The deposition of TRACY MUNCY, witness in the
above-entitled matter before Marilyn E. Dillard,
CSR-0006, RFR, Certified Shorthand Reporter and Notary
Public, Wayne County, State of Michigan, on Thursday, May
1, 1997 at 1500 Parklane Towers West, Dearborn,
Michigan, at/or about the hour of 9:00 a.m., pursuant to
Notice.

APPEARANCES:

EDWARD L. JOHNSON (P-54646),
Attorney-at-Law
1200 Buhl Building
Detroit, Michigan 48226
Appearing on behalf of Plaintiff

TIMOTHY A. DEVINE (P-53601),
Attorney-at-Law
1500 Parklane Towers West
Dearborn, Michigan 48126
Appearing on behalf of Defendant

ALSO PRESENT:

RAPHAEL RICHMOND, Attorney at Law

I N D E X

May 1, 1997

WITNESS:

TRACY MUNCY

Examination by Mr. Devine

3

E X H I B I T S

1 May 1, 1997

2 Dearborn, Michigan

3 9:00 a.m.

4 MR. DEVINE: Let the record reflect this is
5 the deposition Tracy Muncey, taken pursuant to notice for
6 all purposes under the Michigan Court Rules.

7 That it is a Notice of Taking Deposition
8 Duces Tecum. The witness was requested to bring her
9 entire claims file as well as any and all documents
10 related to the subject claim.

11 MR. JOHNSON: For the record, Edward Johnson
12 appearing on behalf of the Auto Club.

13 TRACY MUNCEY

14 having been first duly sworn, was examined, and
15 testified on her oath as follows:

16 EXAMINATION

17 BY MR. DEVINE:

18 Q Will you state your name and current business address for
19 the record?

20 A Tracy Muncey. 17383 North Laurel Park Drive, Livonia
21 Michigan, 48152.

22 Q Thank you.

23 How many years have you been with the Auto
24 Club?

25 A Ten.

- 1 Q What is your current position?
- 2 A Claims Representative-Subrogation.
- 3 Q Is that two different departments that you report to or
- 4 is it the same function?
- 5 A Same function.
- 6 Q Who is your current superior?
- 7 A Verne Kirby.
- 8 Q K-i-r-b-y?
- 9 A Yes.
- 10 Q Great. What is his title?
- 11 A Unit Manager of the Recovery Unit.
- 12 Q What is your function as Claims
- 13 Representative-Subrogation?
- 14 A Well, several. For one I am a custodian of the
- 15 subrogation records. I handle product liability cases
- 16 and also homeowner cases, and company arbitration, and
- 17 some other miscellaneous tasks.
- 18 Q When you say product liability, would you expand on that
- 19 a little, please?
- 20 A Cases such as this, the automobile cases against
- 21 manufacturers of items, or say in homes, for instance,
- 22 and so forth.
- 23 Q What do you do when you handle a file like that?
- 24 A Naturally I look it over, see if it is something I can
- 25 resolve on my own or if I need to enlist some legal aid.

- 1 Q What is the purpose of your action with regard to a
2 product liability file?
- 3 A Ultimately to recover the monies we have expended on the
4 claim.
- 5 Q How long have you been in the current position?
- 6 A Since June of '95.
- 7 Q Did you receive any training for the position?
- 8 A I did in the Claims Representative Training Program and
9 also in my job as a Claim Representative.
- 10 Q When was that training in the Claim Representative
11 Program?
- 12 A Claim Representative Training Program was October of '87
13 through October of '88 and then I was a Claims
14 Representative from '88 to '95.
- 15 Q Okay. Now, let me ask you this: In the course of doing
16 your work in the -- are you assigned to the Recovery
17 Unit?
- 18 A Yes.
- 19 Q In the course of your work for the Recovery Unit, do you
20 refer to any procedure manuals or policy manuals or
21 guidelines, anything that gives you direction and
22 procedure in performing your job?
- 23 A There used to be some. But with the recent changes in
24 the product liability laws, we are the process of
25 rewriting them. And with those, we are learning as we go

1 along using old procedures, and when we get the new
2 information then incorporating that.

3 Q Do you have a copy with you of any of that today?

4 A No.

5 Q What would the documents be called, the old one that is
6 sort of being revised?

7 A There was information in the Claims Representative
8 Training Manual, I think at one time. I think there was
9 a manual on subrogation. I have not seen one in years.

10 Q Who would have a copy of either one of those?

11 A I have got the training manuals still, but my copy is
12 obviously nine years old, so it is outdated. I could
13 check with the supervisor.

14 MR. JOHNSON: The majority of the material is
15 privileged, and will not be produced.

16 MR. DEVINE: Let me explore the bounds of
17 the privilege.

18 BY MR. DEVINE:

19 Q Was that material prepared at the direction of counsel?

20 A I would have to check into that.

21 Q But you don't know that it was?

22 A Not at this point, no.

23 Q Is the focus of the Claims Representative Training Manual
24 related to litigation?

25 A It relates to all aspects of the Claims Representative

- 1 Training.
- 2 Q Are some of the aspects of the training non-related to
3 litigation?
- 4 A Yes.
- 5 Q So parts of the training manual are not related to
6 litigation?
- 7 A Correct.
- 8 Q What documents do you collect as a matter of course in
9 investigating a claim of a vehicle fire?
- 10 A Normally, we have an independent firm to investigate the
11 loss and examine the vehicle and attempt to determine the
12 cause of the fire.
- 13 Q Do you mean the cause and origin firm?
- 14 A Yes.
- 15 Q Herndon and Associates, for example?
- 16 A Yes.
- 17 Q I am talking, what documents you collect in investigating
18 a claim when a claim of loss is reported to you on a
19 vehicle?
- 20 A For something like this, normally there is a fire loss
21 questionnaire filled out. I don't know if there was one
22 on this case. We normally obtain a fire report,
23 photographs from our adjuster, adjuster's report.
- 24 Q What else?
- 25 A Cause and origin report.

1 Q Those are the Herndon and Associates reports, for
2 example?

3 A For example, yes.

4 Q What else?

5 A There isn't much else.

6 Q Do you do a credit check of the claimant?

7 MR. JOHNSON: Objection; relevancy.

8 You can answer. I am placing an objection
9 for the record.

10 THE WITNESS: That is not normally the
11 process on a type of claim like this.

12 BY MR. DEVINE:

13 Q What type of claim would cause you to take a credit
14 check?

15 MR. JOHNSON: Objection; relevancy.

16 THE WITNESS: Something that we feel is
17 suspicious.

18 BY MR. DEVINE:

19 Q Have you, in the past done a credit check of a claimant
20 in this type of fire subrogation, vehicle fire loss?

21 A Not in a case of product liability.

22 Q Okay. How about a title history of the vehicle involved:
23 Do you order a certified title history?

24 A That would depend on the loss.

25 Q In what kind of loss would you?

- 1 A If the car was a recent purchase from an individual or a
2 dealership, we try to identify prior problems that the
3 vehicle may have had.
- 4 Q A recent purchase would be the type of file in which you
5 would order a certified title history?
- 6 A Correct.
- 7 Q Why would that be?
- 8 A To find if the old owner knew of problems and so forth,
9 or had they done work on the car.
- 10 Q How would you find out based on the history whether the
11 old owners knew of problems and so forth?
- 12 A Normally through contact with them.
- 13 Q What form of contact would that take?
- 14 A Depends on how easily we are able to locate them, phone
15 calls or letters.
- 16 Q How about the documents relating to the salvage sale:
17 Are they included in the claims and subrogation file?
- 18 A Yes, they are.
- 19 Q What documents would be included there?
- 20 A Normally a copy of the agreement, the salvage or sale
21 agreement, the copy of the title, odometer statement and
22 so forth.
- 23 Q Would you have a copy of the check if the vehicle was
24 sold for salvage, and recovered a check for it?
- 25 A Normally they don't take a copy of the actual check. W

1 get a receipt stating the amount.

2 Q May I have a look please at your claims file?

3 MR. JOHNSON: Would you take all of the
4 privileged materials out.

5 Let me glance at it before you hand it over

6 MR. DEVINE: Sure.

7 BY MR. DEVINE:

8 Q Do you have a check list for the documents that you
9 discussed that you may or may not have collected in the
10 subrogation type case?

11 A Not in our department.

12 Q How do you know which documents to collect or not
13 collect?

14 A To me, after I have handled so many of them, I recognize
15 if something is missing or necessary.

16 Q I see.

17 MR. JOHNSON: You should have all of those
18 materials already, Tim.

19 MR. DEVINE: I bet we do.

20 BY MR. DEVINE:

21 Q Do you obtain a copy of the insurance policy in the
22 course of investigating a claim of loss on a vehicle
23 fire?

24 A Normally when the claim is reported to us and the report
25 is generated off of the computers, the coverages will

1 show-up on the screen.

2 Q So, you don't obtain an insurance policy, copy of the
3 insurance policy itself?

4 A I will have copies of the physical policy.

5 If you are talking the specific coverage that
6 the insured has, that is what will show up on the claim
7 file.

8 Q Do you have a copy of the insurance policy that covered
9 the insured today?

10 A No, I do not.

11 MR. JOHNSON: If you need a copy of it, give
12 me a buzz, I will get you a copy.

13 MR. DEVINE: I will call you today.

14 Well, why don't you go ahead and have it sent
15 to me.

16 BY MR. DEVINE:

17 Q Let's get into some specifics. What is this document?

18 A That is the subrogation instruction document.

19 Q What is that?

20 A That basically tells us who our insured is, the claim
21 number, the date of loss, whom we are going to attempt to
22 subrogate, the dollar amount paid out, and any salvage
23 recovery or deductible interest.

24 Q What does that tell you about the case, you are talking
25 about right now, looking at that.

1 A Tells me the insured Rochelle Wright. Loss occurred on
2 February 3rd, '94. Date of birth, 3-7-48. The person
3 that filled this out is asking that we attempt to
4 subrogate Star Lincoln-Mercury or Ford Motor Company.
5 Tells me we paid out: \$22,910.24 on the vehicle and
6 recovered \$5,102.00 in salvage. Leaving a subrogation
7 total of \$16,808.24. Our insureds incurred a \$250.00
8 deductible. Total amount subrogated, \$17,058.24.

9 Q Does it indicate anything else to you?

10 A No.

11 Q Okay. Now, how was the decision made to attempt to
12 subrogate Star Lincoln-Mercury or Ford Motor Company in
13 this case?

14 A Our inspector looked at the vehicle and determined the
15 fire to be electrical in origin. He was not a cause and
16 origin expert. So we obtained an expert's opinion, and
17 based on that information, we decided to go ahead with
18 the subrogation.

19 MR. JOHNSON: Just to clarify the record the
20 subrogation instructions has Star Lincoln-Mercury and
21 Ford Motor Company. You left that out Tim.

22 BY MR. DEVINE:

23 Q Okay. The subrogation was attempted against Ford. Was a
24 claim also made on Star Lincoln-Mercury?

25 A I would have to check my records on that. I read them.

1 over and --

2 Q Sure.

3 A My understanding of the file is that we decided to go
4 against Ford Motor Company because the fire was
5 electrical in origin. And I believe it was not related
6 to an alarm that had been installed by the dealership.

7 Q Who made that decision?

8 MR. JOHNSON: Just like to place an objection
9 on the record. If you know who made the decision; if it
10 was your decision, answer it. If you don't know who made
11 the ultimate decision or how it came about, you don't
12 have to answer.

13 THE WITNESS: I am not sure who actually
14 decided that. It was not me.

15 BY MR. DEVINE:

16 Q How would we find that out?

17 A The person that initiated the subrogation action placed
18 both companies on notice, Ford Motor Company and Star
19 Lincoln-Mercury.

20 Q Who was that person?

21 A Kathy Wash (ps), her name is Pompo currently.
22 I believe I wrote what we are referring to in one of the
23 two experts' report. Okay. The gentleman from
24 mechanical evaluation indicated that the alarm system
25 only showed signs of fire damage and did not show signs

1 of shortage.

2 Q Who is that?

3 A Conley Ray (ps).

4 Q Did you have a chance to review the fire report in this
5 case?

6 A There is a copy of it in the file.

7 Q Did you review the probability or omission --

8 MR. JOHNSON: I will object. Clarification,
9 what kind of line of questioning are we doing?

10 She can not testify as to why the information
11 was placed there or the reason behind it. She is just a
12 collector of the records. That is her only scope of
13 knowledge.

14 THE WITNESS: It says suspicious.

15 BY MR. DEVINE:

16 Q Okay. Did that figure in the decision of whether or not
17 to pay the claim originally?

18 MR. JOHNSON: We stated for the record she
19 does not make the decision. The decision was made by
20 Cathy Pompo.

21 BY MR. DEVINE:

22 Q Talking the payment of the original claim?

23 A We had someone from our Claims Investigative Unit to
24 inspect the vehicle, and he determined it was not a
25 suspicious or set fire.

- 1 Q Do you know on what date the vehicle was transferred from
2 Rochelle Wright to the Auto Club?
- 3 A March the 3rd of 1994.
- 4 Q Okay. So on 3-3-94, Auto Club took title to the vehicle,
5 is that right?
- 6 A Yes.
- 7 Q Okay. Do you know on what date the Auto Club transferred
8 title to another party?
- 9 A I don't know the actual date they transferred the title.
- 10 Q Do you know what date the vehicle was sold for salvage?
- 11 A July 7th of 1995.
- 12 Q Where do you see that?
- 13 A That is in our claims memo information.
- 14 Q Exactly what does it say there?
- 15 A Salvage -- deposit salvage check. It is dated. It is
16 from MASP. Salvage sold. 6-16-95 to Auto Salvage in Mo.
17 I don't know what MO is for, \$7,000, check received,
18 7-05-95.
- 19 Q So the salvage sale was 6-16-95?
- 20 A Yes.
- 21 Q To South Side Auto Sales in MO?
- 22 A That is the abbreviation.
- 23 Q Do you have any idea who or what South Side Auto Sales
24 is?
- 25 A I can only assume what they are.

1 MR. JOHNSON: I don't want you to assume. If
2 you know, say you know. If you don't know, say you don't
3 know.

4 THE WITNESS: Well, they purchase vehicles
5 to salvage the usable parts.

6 BY MR. DEVINE:

7 Q Let's run through the section of the -- do you know what
8 the total estimated cost of repairs to rebuild or
9 reconstruct the vehicle including parts and labor was
10 after the fire?

11 A I have not seen anything in the file other than the
12 vehicle was a total loss.

13 Q Where would the information be that list the total
14 estimated cost of repairs?

15 A Normally that is located in the salvage jacket.

16 Q Do you have the salvage jacket?

17 A No, I don't have it.

18 Q Is that the salvage jacket?

19 A We have apparently been unable to locate that.

20 Q Tell me this then, let's go back. What did you say about
21 what your records did say in that regard?

22 MR. JOHNSON: Just for the record, we have
23 the information, I will provide it to you as soon as I
24 get them.

25 MR. DEVINE: Okay.

1 MR. DEVINE: Would you please then treat
2 this as a request to produce the salvage jacket?

3 MR. JOHNSON: No problem.

4 BY MR. DEVINE:

5 Q Now, you did say though in regard to my question relating
6 to the total estimated cost to repair, rebuild or
7 reconstruct, your records indicate that your company
8 considered the vehicle a total loss?

9 A That is correct.

10 Q At the time, tell me what you mean by a total loss?

11 A I don't know whether it was a constructive or total loss.
12 Total loss, being where the vehicle is more expensive to
13 repair than it is to replace with like kind and quality
14 materials.

15 Q What is a constructive total loss?

16 A After considering the salvage amount, if the vehicle, we
17 if we stand to pay less out after receiving salvage than
18 we would to repair the vehicle, that is what we call a
19 constructive total.

20 Q In both of those cases, the total estimated cost of
21 repairs to rebuild or reconstruct is higher than the
22 actual cash value of the vehicle in its predamaged
23 condition?

24 A The total loss, yes.

25 Constructive total, we take into account the

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- 1 salvage, what we receive back from what we have paid out.
- 2 Q So let's take an example to help to understand the
- 3 constructive total. Your records don't indicate whether
- 4 it was a constructive or total loss?
- 5 A It says total, but sometimes that word is used
- 6 interchangeably. I would have to see the paperwork.
- 7 Q Where would that be?
- 8 A The branch offices have moved several times, so it could
- 9 be at any one of several places.
- 10 Q Would that be included in the salvage jacket?
- 11 A Yes.
- 12 Q Let's take an example, say a vehicle is worth \$22,000 for
- 13 its a Crown Victoria, predamaged Crown Victoria is
- 14 \$22,000?
- 15 A Yes.
- 16 Q And let's say that you stand to recover approximately
- 17 \$6,000; okay. As you can see I am paralleling in very
- 18 rough terms this case from a salvage sale?
- 19 A (Um-hum).
- 20 Q What estimated costs of repair including parts and labor
- 21 would justify calling this a total loss?
- 22 A Anything over \$16,000 in repairs total or constructive
- 23 loss.
- 24 Q Do you have any record available on this file of what the
- 25 estimated cost of repair was?

- 1 A If there is one, it would be in the salvage jacket.
- 2 Q Based on what you have told me, the estimated costs of
3 repairs was in the example that I gave you, anything over
4 \$16,000?
- 5 A That is correct.
- 6 Q So in this case, do you have any record of what a Crown
7 Victoria in a predamaged condition was?
- 8 A I, from what I understand from the memos, they paid Miss
9 Wright what she paid for the vehicle because it was, it
10 only had 344 miles on it.
- 11 Q Do you have a record of what they paid her?
12 Is that in Exhibit 1? Could be in Exhibit 1?
- 13 A The \$22,910.24.
- 14 Q Okay. And, do you have any record on this file of the
15 estimated costs of repair including parts and labor?
- 16 A Not on this file, no.
- 17 Q But that would be in the salvage jacket, if we can find
18 the salvage jacket?
- 19 A That is correct.
- 20 Q Based on your knowledge and the information you just told
21 me, what is the minimum estimated cost of repair on this
22 vehicle?
- 23 A I would say a minimum of \$16,000 to repair.
- 24 Q The Auto Club Insurance Associates acquired ownership of
25 the vehicle through the payment of the claim?

1 A That is right.

2 Q And Rochelle Wright signed a Certificate of Ownership to
3 the Auto Club?

4 A That's right.

5 Q Did the Auto Club apply for the salvage certificate of
6 title?

7 A Yes, they did.

8 MR. JOHNSON: For the record, anything
9 regarding salvage would be in the salvage jacket.

10 MR. DEVINE: Okay.

11 THE WITNESS: Looks like around May 31st.

12 BY MR. DEVINE:

13 Q Of?

14 A 1995.

15 Q And would you point to where you are finding this
16 information?

17 A In the Claim Memo information screen sent from May 31,
18 1995 where they sent the reg title to MASP.

19 Q What is a reg title?

20 A That is something, I can only guess at, it is an
21 abbreviation.

22 Q Is there anything else you show that the Auto Club
23 applied for a certificate of title.

24 Can we hold this out?

25 A The other memo screens indicate they were waiting to hear

1 from our Department before they registered or applied for
2 the salvage title.

3 Q But to me, you would only be able to guess, sent reg
4 title means that the Auto Club applied for the salvage
5 certificate?

6 MR. JOHNSON: Anything, any document
7 regarding the salvage of this vehicle would be in the
8 salvage jacket.

9 These memos are just memos of the claims
10 adjusters discussing the activity regarding this
11 particular file. The actual documents are contained in
12 the salvage jacket.

13 BY MR. DEVINE:

14 Q Do you have any record here in this page, that you
15 referred to from the Claim Memo information --

16 MR. JOHNSON: I would place an objection.
17 This is not a record. This is a summary of
18 conversations, and it is not a record.

19 BY MR. DEVINE:

20 Q Do you have any record in the claim record, claim memo
21 information page 009, that says that the Auto Club
22 applied for a salvage certificate of title?

23 Let's start on 009?

24 A Not on this page.

25 Q On any other page.

1 A I don't have the information.

2 Q Just to be clear, then your testimony is today, on the
3 basis of the information that you brought you have no
4 record of the Auto Club applying for a salvage
5 certificate of title?

6 MR. JOHNSON: Just to place an objection, she
7 has the claim folder. The information requested right
8 now is contained in the salvage jacket. I have stated
9 once we obtain the copy of the salvage jacket, we will
10 forward the same to you.

11 MR. DEVINE: The Notice requested that she
12 bring or produce the entire claims file as well as any
13 and all other documents related to the subject claim.
14 Is this all that you brought today?

15 THE WITNESS: Yes, it is.

16 MR. JOHNSON: I have no objection to the
17 Notice. I am stating that the salvage jacket is not here
18 present. We are not trying to hide the information.

19 MR. DEVINE: Then, we will reserve the right
20 to resume the deposition on production of the salvage
21 folder.

22 MR. JOHNSON: That is fine.

23 BY MR. DEVINE:

24 Q Do you have any record, in any of the material that you
25 brought today or any personal knowledge that the Auto

1 Club applied for the salvage certificate of title or
2 scrap certificate of title?

3 A I know that they applied for one, yes.

4 Q How do you know that?

5 A They had to do so in order to sell the vehicle, which
6 they sold.

7 Q Now, you are assuming that they -- why do you say they
8 had to do that?

9 A They wouldn't have been able to sell the vehicle without
10 having it titled to the Auto Club.

11 Q Why do you say that they wouldn't have been able to --

12 A That is my understanding of how the salvage works or
13 proceeds is we have to have the vehicle registered to us
14 before we can sell it.

15 Q We may be miscommunicating. I understand from my review
16 of the certified title history of the vehicle that Auto
17 Club Insurance Association did take title to the vehicle
18 on 12-29-94.

19 What I am asking is whether you applied for a
20 salvage certificate or scrap certificate of title?

21 A This does not state that we did or did not.

22 Q Do you know whether the Auto Club did or did not?

23 A I believe so, but that is all I can say.

24 Q You have no record of the Auto Club having done so in
25 this case?

1 MR. JOHNSON: I would like to place a
2 standing objection to the entire line of questions as to
3 relevancy.

4 BY MR. DEVINE:

5 Q The next question is: Is there a policy with regard to
6 application of scrap or salvage title for burned vehicles
7 through which it gets title through a claim?

8 A I am not familiar with that.

9 Q In your capacity as Claims Rep and Subrogation
10 Specialist, you are not familiar with Auto Club policy
11 with regard to application for salvage or scrap title in
12 this context?

13 A That is handled by the Salvage Department.

14 Q Who would handle this in this case, who would have
15 handled this?

16 A In this particular case a person by the name of Donna
17 Kaechele handled this file.

18 Q Kaechele?

19 A That is correct.

20 Q Do you know Donna Kaechele?

21 A Yes, I do.

22 Q Do you know her to follow the policy of Auto Club with
23 regard to application for scrap and salvage title?

24 A I don't know, in that fashion.

25 MR. JOHNSON: I would like to place an

1 objection. Miss Muncey stated for the record that she
2 does not work in the Salvage Department. Miss Kaechele
3 would be the person to ask the question, and not this
4 particular witness.

5 BY MR. DEVINE:

6 Q Are you familiar with the statutory requirements
7 regarding the application for salvage or scrap title
8 wherein the vehicle is deemed destroyed?

9 A I am not.

10 Q How about total loss?

11 A No.

12 Q How about constructive total loss?

13 A No.

14 MR. JOHNSON: I would like a standing
15 objection to relevance.

16 BY MR. DEVINE:

17 Q Do you know whether the Auto Club followed the statutory
18 requirements in this case?

19 A No, I do not.

20 Q On what do you base Auto Clubs' right to recover anything
21 on the basis of Rochelle Wright's loss?

22 A We base that on the fact that the fire was electrical in
23 origin on a brand new car.

24 Q Let me be more clear. I am asking on what do you base
25 Auto Clubs' right to recover?

- 1 A This appears to be a product liability case.
- 2 Q But the owner of the vehicle at the time of the fire was
- 3 Rochelle Wright, is that correct?
- 4 A Yes, it is.
- 5 Q Auto Club did not own the vehicle; is that correct, at
- 6 the time of the fire?
- 7 A Her policy states that once a claim is settled, we obtain
- 8 all rights of recovery.
- 9 Q You don't have the policy with you?
- 10 A No, I do not.
- 11 Q Do you know where that is located?
- 12 A Yes, I do.
- 13 Q Where is it located?
- 14 A As to the page, I am not sure.
- 15 Q The section or title or clause number --
- 16 MR. JOHNSON: Just for the record, we will
- 17 provide the policy.
- 18 THE WITNESS: It is called our rights of
- 19 recovery.
- 20 BY MR. DEVINE:
- 21 Q I am not -- it is called our Rights of Recovery?
- 22 A That is correct.
- 23 Q Is there any other basis on which you base Auto Clubs'
- 24 right to recover?
- 25 MR. JOHNSON: I will place an objection. It

1 seems to me, counsel, is asking a legal question and the
2 witness is not qualified to answer any legal question.

3 BY MR. DEVINE:

4 Q Is there any other basis on which you base Auto Clubs'
5 right to recover in this case?

6 A As Mr. Johnson said, if you are asking me a legal
7 question, I have no way of answering that.

8 Q But you have testified that the section as to our rights
9 of recovery is one area?

10 A Yes.

11 Q Are there any other areas?

12 MR. JOHNSON: Same objection. There may be
13 other areas that this particular witness is not familiar
14 with based on the legal ramifications of the contract,
15 and the policy of insurance.

16 THE WITNESS: We do have a form called a
17 subrogation agreement and assignment.

18 BY MR. DEVINE:

19 Q Was one of those executed in this case?

20 A Not that I am aware of.

21 Q What is the subrogation agreement
22 and assignment: What is the purpose of that form?

23 A That allows our insured to assign rights of recovery to
24 the Auto Club.

25 Q Why do you need that, if you have in your policy, a

1 section entitled Our Rights of Recovery, which does the
2 same thing?

3 MR. JOHNSON: Once again, same objection.
4 Now we are really into the legal questions.
5 She has no foundation to answer.

6 THE WITNESS: I stand on that.

7 BY MR. DEVINE:

8 Q Okay. What is the purpose of the subrogation agreement
9 and assignment?

10 MR. JOHNSON: Once again, same objection.

11 THE WITNESS: I have been told that the
12 policy gives us complete right to recover, the policy
13 language, some people like to get them signed.

14 BY MR. DEVINE:

15 Q Do you, in the course of handling cases, get subrogation
16 agreement and assignment signed?

17 A I don't handle cases at that point. I get them after
18 they are closed. Some people do get them signed and
19 others do not.

20 Q Does it depend on the person, the preference of the
21 individual?

22 A There are some procedures involving them, which I can not
23 testify to what they are any more.

24 Q Would you be able to locate a subrogation and assignment
25 form?

1 A A blank one?

2 Q Yes.

3 A Yes.

4 Q Would you treat that as a formal request to produce?

5 MR. JOHNSON: (Um-hum).

6 BY MR. DEVINE:

7 Q Are you aware of whether or not one was filled out in
8 this case and executed by Miss Wright?

9 A I am not aware of that.

10 Q Would your records show if it that had been done?

11 A Our records don't indicate that.

12 Q In other words, if she had filled one out, would it be
13 included in your records?

14 A The file I have is what we call a dummy file, and there
15 is not one in here.

16 Q Let's finish up on that, and then we will see what we
17 mean by dummy file.

18 If Rochelle Wright in this case did fill out
19 a subrogation agreement and assignment form, would it be
20 included in your records?

21 A It would be included in the original claim file.

22 Q Where is the original claim file?

23 A Mr. Johnson has that.

24 Q What is the difference between the dummy file and the
25 original claim file?

1 A The dummy file is basically copies of information. It is
2 not all inclusive. It is also some place to store
3 correspondence related to the claim.

4 Q So in fire claims file is different from the dummy claims
5 file?

6 MR. JOHNSON: Through the course of discovery
7 plaintiff has provided defense with entire copies of the
8 claims file minus any privileged information.

9 MR. DEVINE: Is that true?

10 MR. JOHNSON: Objection. For one, she
11 doesn't know what privileged information is. That is a
12 legal term. She is not qualified to answer.

13 BY MR. DEVINE:

14 Q Have you examined the original claims file?

15 A Not in any great detail.

16 Q Would you like to examine it at this point and have Mr.
17 Johnson take out the privileged documents and then
18 compare it, the claims file with the original?

19 MR. JOHNSON: You have it there.

20 MR. DEVINE: The witness testified this is a
21 dummy that may differ from the original claims file.

22 THE WITNESS: That is correct.

23 MR. DEVINE: I requested the original claims
24 file.

25 MR. JOHNSON: It is everything that is in

1 there except privileged information.

2 MR. DEVINE: You have not been sworn to tell
3 the truth. The only person who has taken the oath is
4 sitting right here.

5 I need for the record the person who has
6 taken the oath telling me this is the complete claims
7 file minus the privileged documents.

8 MR. JOHNSON: You want to waste time.

9 For the record this is everything that I
10 provided to counsel, that he has already.

11 BY MR. DEVINE:

12 Q Now, reviewing for the purpose of clarity in the record I
13 am reviewing a red jacket file.

14 Would you identify that file for the record?

15 A This is the original claims time of DB 31748.

16 Q Related to the vehicle loss of Rochelle Wright?

17 A That is correct.

18 Q Does that file differ from the dummy file that you
19 brought with you today?

20 A Yes, it does.

21 MR. JOHNSON: Asked and answered. She
22 stated it does, for the record.

23 BY MR. DEVINE:

24 Q What documents are contained in the original claims file
25 that are not contained in the dummy file?

1 A I don't have a copy of a letter from Helsman (ps)
2 Management Services.

3 MR. JOHNSON: For the record, state who
4 Helsman Management Services is, if you know?

5 THE WITNESS: I believe that is Ford Motor
6 Company's insurer. I don't have a copy of this letter
7 either.

8 MR. JOHNSON: Which letter is that?

9 THE WITNESS: A letter from Helsman
10 Management Services dated January 18th, 1994.

11 MR. JOHNSON: Who is that?

12 THE WITNESS: I believe that to be Ford
13 Motor Company's insurer, handles the product liability
14 cases on behalf of Ford.

15 The file does not contain this material, the
16 damage or the salvage folder.

17 BY MR. DEVINE:

18 Q If you would please take a moment with the original file
19 that you are now reviewing, and see if that contains any
20 of the information that we previously requested regarding
21 estimated cost of repairs or actual cash value prior to
22 sale or any document which shows whether or not the Auto
23 Club applied for the salvage certificate of title in the
24 case?

25 MR. JOHNSON: For the record that is not the

1 salvage jacket.

2 MR. DEVINE: Okay.

3 THE WITNESS: I don't see any of the
4 information you are asking for.

5 BY MR. DEVINE:

6 Q Have you fully reviewed the original claims file?

7 A This document I have, I have not seen copies of the
8 Owner's Manual. I have not seen copies of the vehicle
9 inspection document, although this is stated in the
10 claims information memo screen, claim memo information,
11 the rest of the information, I have viewed.

12 Q Based on your review of the original claims file, do you
13 have any greater ability now than you had previously to
14 answer questions that have been asked with regard to
15 estimated cash cost of repair of a Crown Victoria in the
16 previous pre-damaged condition and whether or not the
17 Auto Club applied for the --

18 MR. JOHNSON: She stated that the information
19 is not in here. It is in the salvage jacket, and will be
20 provided.

21 THE WITNESS: No, I can't testify any
22 differently. It is everything that you have. There is
23 nothing in here --

24 MR. DEVINE: Do you have a problem with
25 Raphael Richmond looking at it?

ENG2-020 28787

1 MR. JOHNSON: This is mine. I do have a
2 problem with that; this is mine.

3 BY MR. DEVINE:

4 Q Can you pull the documents from there that are not in the
5 dummy file?

6 MR. JOHNSON: Everything, because you have
7 them already. And they are my only documents. I don't
8 want these out of my hands or view. I have stated on the
9 record under oath, I have provided these to you. If you
10 have objection to that or if you think I did not provide
11 them, bring a Motion. But these are not leaving my
12 hands.

13 BY MR. DEVINE:

14 Q Do you know where the vehicle was located on April 26th
15 of 1995?

16 A The only information I have to that fact was that it was
17 at the Michigan Auto Salvage Pool, 19845 Telegraph in
18 Romulus, Michigan. It had been there in January. And I
19 see no records that it was ever moved.

20 Q January of 1995?

21 A Yes.

22 Q You testified earlier that on March 3rd of 1994 Auto Club
23 took title to the vehicle?

24 A That is correct.

25 Q In other words, at that point Rochelle Wright no longer

1 had any ownership interest in the vehicle?

2 A That is correct.

3 Q And your records also indicate that as of that date
4 Rochelle Wright was no longer in physical possession of
5 the vehicle?

6 A That is correct.

7 Q It is your understanding that the Auto Club determined
8 that this vehicle was a total loss?

9 A Yes.

10 Q Does the Auto Club have any record of the vehicles'
11 current whereabouts?

12 A The vehicle was sold, so currently we have no idea.

13 Q Did Auto Club have any parts -- strike that.

14 Does Auto Club at this time have any part or
15 parts of the vehicle in its possession or know of the
16 whereabouts of any parts of the vehicle?

17 A No.

18 Q Are you aware that Miss Rochelle Wright purchased an
19 Extended Service Plan on this vehicle on April 26th of
20 1995?

21 A No.

22 Q Some fourteen months after Auto Club took title to the
23 vehicle?

24 A No.

25 Q Would you have any explanation in your experience in the

1 insurance industry for Miss Wright who had transferred
2 title to Auto Club some fourteen months previously buying
3 from Ford an Extended Service Plan on that vehicle?

4 MR. JOHNSON: I would like to place an
5 objection on the record. The witness has no foundation,
6 and you are asking her to testify that the file contains
7 documents she doesn't keep. She is not qualified to
8 answer that question.

9 BY MR. DEVINE:

10 Q Do you have any idea in your experience in the insurance
11 industry why this insured some fourteen months would
12 purchase an Extended Service Plan on the vehicle?

13 A The Auto Club took title to the vehicle.

14 MR. JOHNSON: Objection. You are asking her
15 to testify what is in the minds of a third party, that is
16 totally inappropriate. She is not qualified to answer
17 something like that.

18 THE WITNESS: I have no idea.

19 BY MR. DEVINE:

20 Q Are you or have you ever come across fraudulent
21 activities on the part of your insured in the course of
22 your work at the Auto Club?

23 A Yes.

24 Q And, have they ever been involved with auto insurance?

25 A Yes.

1 Q Is Rochelle Wright currently a customer of Auto Club?
2 Does she insure anything through the Auto
3 Club?

4 A I believe I checked into this on behalf or upon the
5 request from Mr. Johnson, and I was unable to locate
6 anything, no current insurance.

7 Q Okay. Have you attempted to locate Miss Wright?

8 A I have not, personally.

9 Q Have you been requested to attempt to locate her?

10 A No.

11 MR. JOHNSON: For the record, this witness
12 has not been requested to locate Miss Wright. I have
13 attempted to locate Miss Wright, and to this day have
14 been able to locate her.

15 BY MR. DEVINE:

16 Q Are you aware that this vehicle was repaired and is
17 currently on the road?

18 A No.

19 MR. JOHNSON: For the record, if counsel has
20 documentation to that, I would like to have that.

21 MR. DEVINE: You have it.

22 MR. JOHNSON: Do I?

23 MR. DEVINE: Yes. If Auto Club paid this
24 claim as a total loss, then --

25 MR. JOHNSON: Can I see what you are

1 referring to, Tim?

2 BY MR. DEVINE:

3 Q If the Auto Club paid this claim as a total loss, what if
4 any steps would have to be taken in order for this
5 vehicle to be put back on the road?

6 A I can't testify to that. I am not sure how that works.

7 Q Are you aware of the Auto Club's policy with regard to
8 the vehicles that it deems a total loss?

9 A That is something that the Salvage Department handles, so
10 no.

11 Q You don't know what Auto Clubs' policy is with regard to
12 disposition of vehicles that it pays off as a total loss
13 and takes title to?

14 A No, I don't.

15 Q Who would know that?

16 A I -- I can only tell you what I think. I think the
17 Salvage Department would be aware of that, but, I could
18 be wrong.

19 MR. JOHNSON: For the record I don't have
20 this information.

21 MR. DEVINE: It was served on your office.

22 MR. JOHNSON: I am not questioning this. I
23 am saying I don't have it in my file. I would like to
24 have a copy of this today.

25 MR. DEVINE: Sure. We can make you a copy.

1 BY MR. DEVINE:

2 Q Who in the Salvage Department on this case would I talk
3 to about that to find out more?

4 A I am sorry, they recently changed supervisors, I don't
5 recall the name of the new gentleman.

6 MR. JOHNSON: For the record, if you want to
7 take the person's deposition, I will find out who it is
8 and provide it to you.

9 MR. DEVINE: Okay. Let's do that.

10 MR. JOHNSON: Just for the record, your
11 questions may be answered once you get the file, and you
12 may not want to go through the cast of characters.

13 MR. DEVINE: Can you get us that today?

14 MR. JOHNSON: I will be out. I will have to
15 go up to Grand Rapids.

16 THE WITNESS: I will have to hunt that down
17 I can guarantee it will not be today or tomorrow.

18 MR. DEVINE: If you will pledge to hunt it
19 down, and get it into our hands as soon as you can, I
20 would appreciate it.

21 THE WITNESS: Certainly.

22 MR. DEVINE: I don't have anything else.

23 Okay now let's say this: We will officially
24 reserve the right to continue the deposition upon the
25 receipt and review of the Salvage Folder and also Notice

1 of whoever at that time would be the proper person to
2 discuss details with, with regard to anything from the
3 review of that file in conjunction with what we have
4 learned today.

5 MR. JOHNSON: For the record, upon counsel
6 receiving the salvage jacket, I think it would be a waste
7 of time to have Miss Muncey come out here once again.
8 And, I would place a formal objection to that procedure.

9 MR. DEVINE: Fair enough.

10 MR. JOHNSON: I have no further questions
11 for you.

12 (Deposition concluded at 10:07 a.m.)
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CERTIFICATE OF COURT REPORTER

1 STATE OF MICHIGAN)
 2) - SS
 3 COUNTY OF WAYNE)

4 I, MARILYNN E. DILLARD, a Notary Public and
 5 Certified Court Reporter in and for the County of Wayne,
 6 State of Michigan do hereby certify that I conducted the
 7 examination of the deponent in the foregoing deposition;
 8 that prior to the taking of said deposition, the said
 9 deponent was duly sworn to tell the truth, the whole
 10 truth and nothing but the truth; that she was carefully
 11 examined upon her oath; and her examination was reduced
 12 to typewritten form by means of Computer-assited
 13 Transcription; and the foregoing pages constitute a true
 14 record of the testimony given by the aforesaid witness.

15 I FURTHER CERTIFY that I am not a relative,
 16 employee, attorney or counsel of any of the parties; or
 17 am financially interested in the transaction.

18 I FURTHER CERTIFY that no request was made that the
 19 foregoing deposition be submitted to the said deponent
 20 for examination and correction by her or that she sign
 21 the same.

22 IN WITNESS WHEREOF I have hereunto set my hand this
 23 1st day of June, 1997

Marilynn E. Dillard
 24 MARILYNN E. DILLARD, CSR-0006
 25 Registered Professional Reporter

Notary Public, Wayne County, Michigan
 My Commission Expires: November 8, 2000.

DEALER

VIN

ELABORATED RETAIL PRICE

AMOUNT

L.S.

K/c

BATCH-ID S80E052649 D TC AA

PRICE LEVEL 41D030M75
REQUESTOR: D. FAJACK

VIN: 2NE1M75W5RX631976
CASE: [REDACTED]

95-0320

P-064460-06

THIS INVOICE MAY NOT REFLECT THE FINAL COST OF THE VEHICLE IN VIEW OF THE POSSIBILITY OF FUTURE REBATE, ALLOWANCE, DISCOUNTS AND INCENTIVE AWARDS FROM FORD MOTOR COMPANY TO THE DEALER.
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PERSONAL/DEALER ADVERTISING *	INVOICE TOTAL	LESS INCENTIVE FOR DEALER ACCOUNT	LESS FORD COMPANY COST FOR DEALER ACCOUNT	LESS FORD MOTOR COMPANY REBATE & FPL COST	A PLAN

FINANCE - 880 - 466FA (8/92)

SOLD TO STAR LINCOLN-MERCURY INC P.O. BOX 2142 SOUTHFIELD		64K080	FURTHER TERMS ON REVERSE SIDE		PLT RLSE DTE 11/17/93 CC44
		MI 48037	EA	MI	
SHIP TO (IF OTHER THAN ABOVE)		64080	DATE PREPARED 11 09 93	ITEM NUMBER 6412069	SHIP THROUGH HC 10
		SHIP THROUGH			

INVOICE UNIT IDENTIFICATION # 2NE1M75W5RX631976
FORD ASSEMBLY POINT ST. THOMAS
PURCHASE COMPANY CREDIT 000001
THIS INVOICE TO BE USED FOR THE BILLING OF VEHICLES ONLY
DEALER COPY

EMD-625 28775

DEALER 644 00 VIN ZMELW75W5RX631976

	SUGGESTED RETAIL PRICE	AMOUNT
EE 1994 GRAND MARQUIS LS 4DR SDN	21500 00	19852 00
HC GARNET RED C/C METALLIC		
HC GARNET LEATHER		
68G PREFERRED EQUIPMENT PKG '72A	1670 00	1521 00
68G .GROUP 1:		
.ELEC REAR WINDOW DEFROSTER		
.FRONT CARPET FLOOR MATS		
.REAR CARPET FLOOR MATS		
65R .GROUP 2:		
.POWER LOCK GROUP		
.FINGERTIP SPEED CONTROL		
67N .GROUP 3:		
.POWER RADIO ANTENNA		
.ILLUMINATED ENTRY		
.FRONT CORNERING LAMPS		
.REAR LICENSE PLATE FRAME		
.LUXURY LIGHT GROUP		
.BODYSIDE PAINT STRIPE		
.LEATHER WRAP STEERING WHEEL		
.CAST ALUMINUM WHEELS		
99W .4.6L OHC SEFI V8 ENGINE	NC	NC
44P .ELECTRONIC AUTO O/D TRANS	NC	NC
T3P .P215/70R15 WSW TIRES	NC	NC
144 RECENT KEYLESS ENTRY	215 00	191 00
21J DUAL 6-WAY POWER SEATS	385 00	343 00
50B CONVENTIONAL SPARE TIRE	185 00	165 00
55B ANTI-LOCK BRAKES W/TRAC ASST	665 00	592 00
664 REAR AIR SUSPENSION	270 00	240 00
H LEATHER THIN COMFORT SEATS	530 00	472 00
TOTAL VEHICLE & OPTIONS	25420 00	23876 00
DESTINATION & DELIVERY	575 00	575 00
TOTAL BEFORE DISCOUNTS	25995 00	23951 00
**SPECIAL ADDED DISCOUNTS*	615 00-	555 00-
SPECIAL-VALUE DISCOUNT	1140 00-	1034 00-
TOTAL SAVINGS	1755 00-	1589 00-

TOTAL FOR VEHICLE 24240 00

10 U.S. GAL GAS FACTORY 14 50
 BATCH-ID S805052649 D TC AA
 SCHEDULE-B LEVEL 00000
 PRICE LEVEL 410030M75 VIN: ZMELW75W5RX631976
 SHIPPING WEIGHT 3641 LBS.

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NET PRICE EXCLUDING ADVERTISEMENTS	INVOICE TOTAL	LESS ADVERTISING COSTS	LESS FINANCIAL INCENTIVE CREDIT	NET PRICE LESS ADVERTISING & INCENTIVE	A PLAN
231.00	22,607.50	711.00	190.00	21,706.50	21,710.50
711.00	66.00	1935.00	.00	645.00	19662.00

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 P.O. BOX 2142 MI 48037
 SOUTHFIELD

FURTHER TERMS
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DATE BY PROCESSED 11 09 93

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ST. THOMAS FORD MOTOR CREDIT 000001
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EM2-025 2877

000005

99

ZNE1W7 545206 51976

ZNE1W7 545206 51976

K631976

1994 LS 4-DOOR SEDAN
 4-PASSENGER FULL SIZE
 4.6L 16V V6 ENGINE
 ELECTRONIC 4-SPEED AUTO TRANS.

OPTIONAL
 CABINET WED C/C METALLIC
 CABINET LEATHER

STANDARD EQUIPMENT INCLUDED AT NO EXTRA CHARGE

- 4.6L 16V V6 ENGINE
- SEQUENTIAL MULTI-PORT ELECTRONIC FUEL INJECTION
- ELECTRONIC AUTOMATIC OVERDRIVE TRANSMISSION
- SPEED SENSITIVE VARIABLE ASSIST POWER STEERING
- SLA FRT/4-BAR LINK RR COIL SPRING SUSPENSION
- FRT/REAR STABILIZER BARS
- POWER 4-WHEEL DISC BRAKES
- NITROGEN GAS-PRESSURIZED SHOCK ABSORBERS
- ALL SEASON WHM STEEL BELTED RADIAL TIRES
- NON-CFC A/C CONDITIONER
- TINTED GLASS
- TILT STEERING WHEEL
- INTERVAL WINDSHIELD WIPERS
- AUTO PARKING BRAKE RELEASE

- DRIVER AND PASSENGER SIDE AIR BAGS-3RS
- FRT/REAR 3-PT SAFETY BELTS
- CHILDPROOF REAR DOOR LOCKS
- REAR SEAT HEADRESTS
- THIN COMFORT SEATS W/6-WAY POWER, PWR LUMBAR, & PWR RECLINE ON DRIVER SEAT
- FRT/REAR CENTER ARMRESTS
- MP3/CD STEREO CASSETTE
- AUTOLAMP & DIGITAL CLOCK
- MAINTENANCE FREE BATTERY
- POWER MIRRORS AND HORNERS
- REAR SEAT ASSIST HANDLE
- REMOTE FUEL BUNKER RELEASE
- 20.9 GAL. FUEL TANK
- LUN LIFT W/CK 21.6 CU.-FT. LUGGAGE AREA W/CARGO NET
- CLEARCOAT PAINT
- DUAL CUPHOLDERS

PRICE INFORMATION

Manufacturer's
 Suggested Retail Price

STANDARD VEHICLE PRICE \$21504.04
 OPTIONAL EQUIPMENT 1678.00

PREFERRED EQUIPMENT Pkg.172A 1678.00
 .ELEC REAR WINDOW DEFROSTER
 .FRONT CARPET FLOOR MATS
 .REAR CARPET FLOOR MATS
 .POWER LOCK GROUP
 .FINGER TIP SPEED CONTROL
 .POWER RADIO ANTENNA
 .ILLUMINATED ENTRY
 .FRONT CORNERING LAMPS
 .REAR LICENSE PLATE FRAME
 .LADDER LIGHT GROUP
 .BODYSIDE PAINT STRIPE
 .LEATHER MOLD STEERING WHEEL
 .CAST ALUMINUM WHEELS
 .REMOTE KEYLESS ENTRY 215.00
 .DUAL 6-WAY POWER SEATS 385.00
 .CONVENTIONAL SPARE TIRE 185.00
 .ANTI-LOCK BRAKES W/TRAC ASST 645.00
 .REAR AIR SUSPENSION 278.00
 .LEATHER THIN COMFORT SEATS 538.00

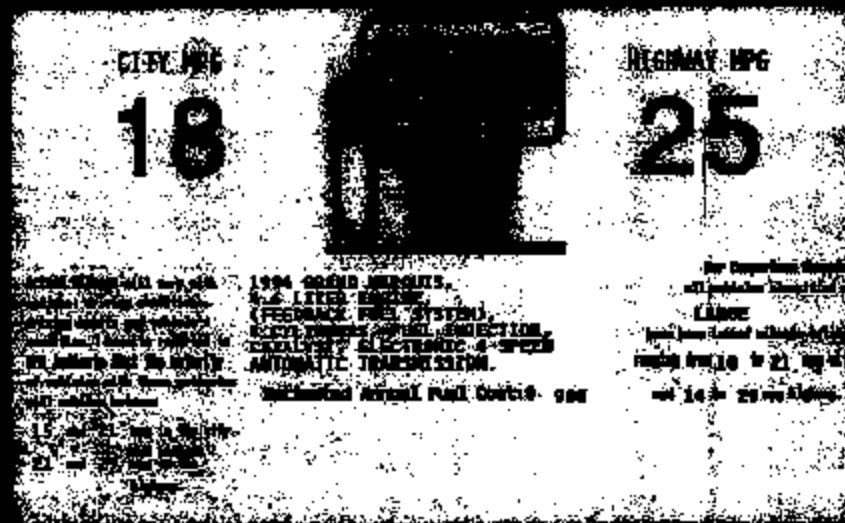
TOTAL VEHICLE & OPTIONS 25425.87
 DESTINATION & DELIVERY 375.00

TOTAL BEFORE DISCOUNTS 25995.00

OPTION PACKAGE SAVINGS
 COMPARED WITH BUYING
 THESE OPTIONS SEPARATELY - 615.00

SPECIAL-VALUE DISCOUNT - 1164.00

TOTAL SAVINGS - 1755.00



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 P.O. BOX 2142
 SCOTTSVILLE
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3805 D TC AA 418 080085

800-625-2878

AAA Michigan
17380 N. Laurel Park Drive
Livonia, Michigan 48150

November 30, 1994



FORD MOTOR COMPANY
CUSTOMER ASSISTANCE DEPARTMENT
PO BOX 2142
DEARBORN MI 48121

AND

STAR LINCOLN-MERCURY INC
PO BOX 2142
SOUTHFIELD MI 48037

RE: OUR CLAIM NO.: DE-317148
OUR INSURED/VEHICLE OWNER: [REDACTED]
DATE OF LOSS: 2-3-94
TYPE OF LOSS: ELECTRICAL FIRE
VEHICLE: 1994 MERCURY GR MARQUIS
V.I.N.: 2ME1M75W5R2631976

To Whom it May Concern:

Please be advised that we are conducting an investigation to determine the cause and origin of the fire that destroyed the above captioned vehicle. At this time, our findings indicate a probable product liability claim. Upon completion of our claim handling, we will forward our findings to you.

The vehicle is currently stored at the Michigan Auto Salvage Pool (MASP) which is located at:

19845 Telegraph
Romulus MI 48174
(313) 479-2500

The vehicle is located in row #1 and the MASP office file is identified by the v.i.n. or our claim number. The vehicle will remain on hold for forty-five (45) days from the date of this letter so that you may inspect the vehicle also.

If you have any questions, please feel free to contact me.

Sincerely,

Cathy Mich

Cathy Mich
Lead Claim Representative

Automobile Club of Michigan • Auto Club Insurance Association • Auto Club Group Insurance Company
Credit Insurance Company • Auto Club Life Insurance Company • Auto Club Service Corporation • Auto Club Travel Agency Inc.

ERS2-825 28778



EP02-025 29760

AAA Michigan
17200 N. Laurel Park Drive
Livonia, Michigan 48152-2532

January 6, 1995



FORD MOTOR COMPANY
OFFICE OF GENERAL COUNSEL / CLAIMS AREA
PARK LANE TOWERS WEST SUITE 300
3 PARK LANE BLVD
DEARBORN MI 48126



RE: VEHICLE OWNER/INSURED: [REDACTED]
V.I.N.: 2NHELM75W5RX631976
VEHICLE: 1994 MERCURY GR MARQUIS
DATE OF LOSS: 2-3-94
TYPE OF LOSS: VEHICLE FIRE
OUR CLAIM NO.: DE-317148

To Whom it May Concern:

We have conducted an investigation into the cause and origin of the vehicle fire that damaged the above captioned vehicle. Enclosed, please find our reports which identify the cause of the fire to be electrical.

We have paid a total of \$22,910.24 to our insured to compensate her damages. She had a \$250.00 deductible loss also. The vehicle is in storage currently so we have not reduced our claim for salvage recovery as of yet.

The vehicle will be made available to you for 45 days from the date of this letter should you desire to inspect it. It is located at:

Michigan Auto Salvage Pool (MASP) (313) 479-2500
19845 Telegraph
Romulus MI 48174

The vehicle is located in row #1 and the MASP file is identified by the v.i.n. or our claim number. Please call MASP in advance of your inspection to make arrangements.

REDACTED

8902-029 29781 N

Page 2

If you have any questions, please contact me.

Sincerely

Cathy Mich

Cathy Mich
Lead Claim Representative
AUTO CLUB INSURANCE ASSOCIATION
(313) 462-7407

ENCLOSURES



April 1, 1994

**PRODUCT LIABILITY FIRE INVESTIGATION
OF CLAIM DB-317148**

Investigation of the vehicle took place on two or more occasions at Scrapbusters Salvage Yard, 39223 Maple, Wayne, MI 48184 and at the burn location of 77 Pingree, Detroit, MI.

FIRE RESPONSE

The Detroit Fire Department responded to and extinguished a fire in a 1994 Mercury, Grand Marquis, located at 77 Pingree, in the city of Detroit on February 3, 1994 at 0524 hours. Lt. William Fairweather in charge of Engine 35 made the cause of the fire suspicious and originating in wire insulation.

FIRE ORIGINE AND EXTENSIONS

The fire originated in wiring (plastic covering) right front section of the vehicle at and about the right front parking light, the fire extended to charring and melting of the light assembly, extending across and into the engine compartment to charring, melting and consuming of the external wiring, exterior engine components, rubber and plastic parts, to charring and blistering of the exterior paint on the hood and was there confined.

WITNESSES

██████████, insured and titled owner of the vehicle, will testify to purchase of the vehicle from Star Lincoln Mercury, to having them install an alarm system on the vehicle prior to taking possession. To not having any other service or additions put on the vehicle, to driving and parking the vehicle on February 2, 1994 at 8:30 P.M. to the mileage of the vehicle. To being awakened by her neighbor and alerted of the fire and to notification of the fire department.

5982-825 28784

April 1, 1994
page 2

Reginald Hunter, neighbor of the above, will testify to smelling the fire, to location of fire, to notification of [REDACTED] and the fire department.

Lt. William Fairweather, to response and extinguishment of the fire and to being the author of the fire report determining that the fire originated in wiring.

Conley Ray, will testify to doing a mechanical inspection of the vehicle, to checking out the electric system, location of alarm, finding the burnt fuse, to photos of and comparison photos of another 1994 Mercury Grand Marquis.

Guy Beauregard, Senior Claim Adjuster, Fire Investigator will testify to fire investigation and inspection, to witness statements and to being the author of this report.

INVESTIGATION

Investigation of the fire took place at Scrapbustlers Salvage Yard in Wayne, Mi. The first investigation was on 02/24/94 at that time it was observed that the fire originated in wiring at the right front of the vehicle. The fire extensions were all from this point. Photos were taken at the time of this inspection, and an interview was conducted with the owner insured who stated that she had parked the vehicle at 9:30 On February 2, 1994. A neighbor Reginald Hunter had smelled the fire for a long time prior to discovery and notification of the fire department. On February 28, 1994 a further examination of the vehicle took place with Conley Ray, mechanic in attendance, at that time the wiring was traced, the alarm system, horn, and wiring was traced and found not to be involved in the origin of the fire, the horn had fire extension damage. The number nine fuse was found to be blown, this fuse was a 15 amp blue fuse. The fuse description was auto lamps (park), instrument panel illumination, keyless entry module, license plate lamp, parking lamps, tail lamps. The positive post of the battery was consumed by the fire and that the negative battery cable had melted into the battery case. The plastic radiator tank in close proximity to the battery was consumed by the fire. The hood was down and in a locked position during the origin and extensions of the fire. There was no evidence of incendiaries during this fire investigation.

ER92-625 28785

April 1, 1994
page 3

OPINION

It is this writers opinion that the fire was accidental in origin, originating in wiring which was caused by a malfunction or overheating of the electrical wiring of the vehicle.

WARRANTY TRANSACTIONS

This vehicle was under warranty a recent purchase with 344 miles on it and would be covered by manufacturer of the vehicle.

SUBROGATION OR PRODUCE LIABILITY

It is this writers opinion that this loss should be pursued through subrogation channels to the Ford Motor Car Corporation or its insurance carrier.

Photos, fire report, mechanical report in file.

Guy Beuregard
Claim Investigator
Claim Investigation Unit

GB/bw

APPROVAL _____
SUPERVISOR/MANAGER-DATE

MESSAGE:
 ROLL-EZC REPORT OF LOSS - EZEE COMP 02/23/94 07:57:41
 CLAIM NO: DB 317148 DOL: 02 03 94
 LOCATION: 87 PINGREE DETROIT * STAT * ST: MI
 INS NAME: [REDACTED] TIME OF LOSS: 05 00 A P
 ADDRESS: [REDACTED] DETROIT MI
 ZIP: [REDACTED] RES: [REDACTED] EXT:
 INS VEH YR: 94 MK: MERC MDL: 4D GD MARO LS VIN: 2MELM75W5RX631976
 ACC VEH YR: 94 MK: MERC MDL: GRAND MARO VIN: 2MELM75W5RSG31976
 COLOR: RED LIC: 519YKE ST: MI DAMAGE ADDED:
 DAMAGE: FIRE DRIV? Y
 DETAILS: INS SAID THAT HER NEIGHBOR CALLED HER AND TOLD HER THAT HER
 VEH WAS ON FIRE.
 POL NO: 1 8376403 61 001 CP: 250D CL: B 500D CR: NOT COV
 CODES: LINE 03 KIND: 31 SPEC: LINE 12 KIND: SPEC: DS: WR:
 CAT: * JUA * AUTH? Y PEND? BY: QUIROZ P
 INSP LOC: 87 PINGREE, DET/BETWEEN WOODWARD/K YOUNG INSP BR: DB DT: 02 08 94
 TOWED BY: REASSIGNED TO: DT:
 AUTH TO: AMT: BY: DT:
 AUTH TO: AMT: BY: DT:
 ADD INFO: CLAIM NOW AUTHORIZED
 DATE REPORTED: 02 07 94 TIME: 09:59 REPORT TAKER: C HAYNES
 MENU:

MESSAGE:
 ROLL-COV COVERAGE INFORMATION 02/23/94 07:57:50
 CLAIM NO: DB 317148 SECURED? DOL: 02 03 94
 RECORD ONLY? SUB? GS: UR? CAT: LC: 000
 TLC: 000
 POLICY NO: 1 8376403 61 001 EFF DATE: 01 25 94 COMPANY: JUA
 NAMED INS: [REDACTED] TITLEHOLDER:
 PRIN DRIV: [REDACTED] 2MELM75W5RX631976
 VEH DESC: 94 MERC 4D GD MARO LS LIEN: FMCC
 PD BOX 5466
 ROME GA
 30162
 ATD: 00
 CP: 250D
 CL: B 500D
 CR: NAT COV
 INCL DR 1:
 2:
 * ATU *
 COV ENT: 02/11/94 BY: QUIROZ P * STAT * ERROR CODES:
 COV MEMO: JUA POLICY PROCESSED ; [REDACTED] CLAIM:
 ADD INFO:
 MENU: C-EZC: C-DET: C-MEM:

REDACTED

ACOV DB-317148 AUTO 02.23.94 07.58.36
DATE OF LOSS 02-03-94 EFFECTIVE-DATE 01-25-94 CATASTROPHE CODE 00
POLICY NUMBER 1-008374403-41-001 INCOME GROUP 31 COMPANY 07 AGE 9 REP 98-00
CLASS 14521 GROUP-TERR-RATE-ZONE 00019-4310 PIP 000 C-SYM 10 SURCHARGE 00040
STAT CREATED BY: CPS ANTI-THEFT DEV: 00 KEYS W/VEH: AIR BAG: 0
CLID KIND STATUS INJURY ENTRY
NO LINE SPEC ORIG RES NET RES SURV CODE DATE
NO RESERVES HAVE BEEN SET

APAY DB-317148
NO PAYMENTS EXIST FOR REQUEST

AUTO

02.23.94 07.58.33

REDACTED

0002-025 28788 H

AAA Michigan
17800 N. Laurel Park Drive
Livonia, Michigan 48150-2630

DATE 11-2-95



JAMES F HEWSON
HEWSON & VAN BELLEMONT PC
1200 BURL BUILDING
DETROIT MI 48226

NEW SUBROGATION/LITIGATION ASSIGNMENT

Our Insured: [REDACTED]
Our Claim No.: [REDACTED]
Date of Loss: 2-3-94
Statute Date: 2-3-97
Our Payment/Loss: \$ 16,058.24 (NET) > #17,058.24
Insured's Deductible: \$ 250.00

RESPONSIBLE PARTY/CLAIMANT:

Ford MOTOR CO.

Phone: () _____

INSURER: HELMSTMAN TRUST SERVICES
PO Box 4001
NOVI MI 48270
Phone: (800) 367-3007
Claim No.: 440-024460-0

Dear Mr. Hewson:

Please find attached our claim information as captioned above. Please review the same for pursual of our subrogation claim. If you find that additional documentation or investigation is necessary to substantiate our file, please advise me as soon as possible.

Please provide me with at status updates on a quarterly basis.

Sincerely,
Cathy Pomgo
Claim Representative
Central Recovery Unit
(313) 462-7407

FILE SUMMARY: CAR FIRE. GUY BEAUREGARD & MECHANIC LOOKED AT VEHICLE FOR CRO. FORD NOT PUT ON NOTICE TIMELY BUT WERE GIVEN OPPORTUNITY TO INSPECT. THEY APPARENTLY DID NOT AS WE DID NOT "FILL OUT THEIR FORMS." I HIRED AN ELEC. ENGINEER WHO ALSO INSPECTED VEHICLE.
CAUSE: WIRING HARNESS SHORT.

Automobile Club of Michigan • Auto Club Insurance Association • Auto Club Group Insurance Company
Castle Insurance Company • Auto Club Life Insurance Company • Auto Club Service Corporation • Auto Club Travel Agency Inc.

CS0N140

VEHICLE DATA

95/02/06 12:02:45

==>

ENTER VIN ==> 2MBLM75WSRX631976

NAME ==> [REDACTED] ZIP ==> [REDACTED] MODEL YR ==>

OWNER NAME : [REDACTED]
STREET ADDR : [REDACTED]

CITY : DETROIT

ST/PRV: MI CTRY:

ZIP/POSTAL CODE: [REDACTED] N/A DATE: 94-12-06
N/A SOURCE: R

MODEL YEAR : 94 PLANT: X

SALE DATE: 94-01-17

BODY STYLE DESC: 4 DOOR SEDAN LS

PRODUCTION DATE: 93-11-16

VEHICLE DESC : 1994 GRAND MARQUIS

	DIVISION	DISTRICT	ZONE	DEALER	PDC CODE	FCSD REGION
SHIP-TO	3	64		080	34	48
FACING	3	64		080		
RESPONSIBLE	3	64		080		

CA EMISSION : ENGINE TAG CODE : EG806AA

CAMPAIGN COUNTS

NAVIS STATUS : 800 COMPANY CAR IND :

TOTAL CAMPAIGNS : 01

DSO DISTRICT : FLEET CODE :

OPEN : 01 CLOSED : 00

DSO NUMBER : FLEET STATUS :

ACTIVE: 01 HISTORY: 00

F1-INQUIRY F3=EXIT F4=G160 F5=G150 F8=CONTINUE SEARCH F9=G130

OGDBA98

ENTER CAMPAIGN NUMBER=> 94B58 VIN=> 2MELM75W5RK631976 HIST.SUM. IND: _
 1864 DESC : OWNER GUIDE BODY STYLE DESC: 4 DOOR SEDAN LS
 REPAIR TYPE : - MODEL YEAR : 94
 REPAIR DATE : - CAMPAIGN DIVISION : 6
 MICRO REFERENCE NUMBER : - SUPPLEMENT CODE :
 REPAIR DEALER P/A CODE : - VENDOR N/A INDICATOR :
 GOVT UNDELIVERABLE CODE: - N/A SYSTEM EXTRACT DATE: 94-11-21
 RESPONSIBLE DEALER : 3 64 080 VENDOR N/A MATCH CODE : 4
 RESP DEALER ASSIGN DATE: 94-12-06 OASIS SENT DATE :
 RESP DEALER SOURCE : PK KIT CODE : AA

STATUS			REPAIR	CLAIM	MICRO REF	CLAIM
CODE	STATUS DESCRIPTION	STATUS DATE	TYPE	NUMBER	NUMBER	SOURCE
M	RELEASED FOR MAILING	94-11-29				
H	AWAITING MAILING	94-11-09				

F1=INQUIRY F2=G140 F3=EXIT F4=QUIT F5=G130 F7=FIRST PAGE F8=NEXT CAMP
 F9=MORE STATUS F11=REVISE F12=DELETE

OGDBA98

ENTER CAMPAIGN NBR ==> 94B58 VIN ==> 2MELM75W5RX631976
 DEFECT : OWNER GUIDE BODY STYLE DESC: 4 DOOR SEDAN LS
 RESP DEALER : 364080 BEGINNING MAILED DATE: 94-12-23
 RELEASE DESC : NEW ISSUE TOTAL ENDING MAILED DATE : 94-12-23
 CAMPAIGN DIV : 6 FLEET CODE: FLEET MGMT LOC CODE:
 LAST NAME : INITIALS: RR
 STREET ADDR1 : ST/PRV: MI
 ADDR2 : CTRY:
 CITY : DETROIT N-A SOURCE: R N-A EFF DATE: 94-12-06
 ZIP/POSTAL CODE: *****

 RESP DEALER : BEGINNING MAILED DATE:
 RELEASE DESC : ENDING MAILED DATE :
 CAMPAIGN DIV : FLEET CODE: FLEET MGMT LOC CODE:
 LAST NAME : INITIALS:
 STREET ADDR1 : ST/PRV:
 ADDR2 : CTRY:
 CITY : N-A SOURCE: N-A EFF DATE:
 ZIP/POSTAL CODE: F1=INQUIRY F3=EXIT F4=QUIT F5=G150 F7=FIRST PAGE F8=NEXT PAGE F9=G140
 I048-LAST PAGE CGDBA98

MFIRS-A
INCIDENT REPORT

1. P.D. No.	2. Incident No.	3. Loc. No.	4. Loc. No.	5. Day	6. Year	7. Day of Week	8. Alarm Time	9. Time Arr.	10. Time Out.	11. No.	
0207	08928	00	0203	94	03	THURS	0524	0527	0550	E35	
12. Name of Property							13. Name of Owner	14. Name of Occupant	15. Other		
[REDACTED]							[REDACTED]	[REDACTED]	5324		
16. Description of Incident							17. Cause of Incident		18. Other		
13. Vehicle Make							14. Vehicle Model		15. Other		
963 DRIVEWAY							21. Occupants		16. Other		
7. Telephone							SEE BACK OF REPORT		E35112 01		
4. No. of Persons Injured							5. No. of Persons Killed		6. Other		
0							0		0		

1. Status of Persons Injured	2. Fire Service	3. Property Damage	4. Amount of Destruction	5. Fire Cause	6. Other

1. No. of Property Not Damaged	2. Make of Property	3. Equipment Involved in Incident
96 DRIVEWAY	11. AUTO	
81. [REDACTED]	100. [REDACTED]	43. [REDACTED]
90. [REDACTED]	16. [REDACTED]	6. [REDACTED]
1. Amount of Insurance	2. Amt. Property Value	3. Amt. Property Loss
	23,000	5,000
1. Amount of Insurance	2. Amt. Contents Value	3. Amt. Contents Loss
	10,500	1,000

1. No. Starts	2. Construction Type	3. Extent of Floor Damage	4. Extent of Smoke Damage
1. Type Auto. Extinguishing System	2. Extinguishing System Performance		
1. Detector Type	2. Detector Power Supply	3. Detector Performance	
1. IF BRIDGE SPREAD BEYOND ROOM OR CORNER	2. Type of Floor in Connection With Smoke	3. Part of Material Generating Most Smoke	4. Areas of Smoke Travel

1. IF MOBILE PROPERTY	2. Year	3. Make	4. Model	5. License Number	6. License State
94 FORD	94	FORD	MARQUIS	2RMLT256R63198	519YKG
1. IF EQUIPMENT INVOLVED	2. Year	3. Brand Name	4. Model	5. Serial Number	

1. No. of Cal. of Water Lines	2. No. and Amt. of Loss		3. No. and Amt. of Loss		4. No. and Amt. of Loss		5. No. and Amt. of Loss		6. No. and Amt. of Loss		7. No. and Amt. of Loss	
	No.	Per.	No.	Per.	No.	Per.	No.	Per.	No.	Per.	No.	Per.
50		1,250										
70		1,96	3									

PROPERTY DAMAGE
PROPERTY DAMAGE
PROPERTY DAMAGE

The above data is the opinion of the undersigned based on information available at the time of the report.

William [Signature]
Name and Rank of Officer in Charge of Incident

Raymond R. Sandlin
Date

77 Dinoree
 94
 94
 94

[REDACTED] SAID SHE WARMED UP CAR
AT 2130 2-2-94 FOR 5 MINUTES AND DROVE
Home ^{FROM WORK} AND PARKED CAR IN DRIVEWAY, AND
DIDNT DRIVE AGAIN.

THE NEIGHBOR NEXT DOOR SAID
(EAST)
HE SMELLED THE SMOKE AND TRIED TO
EXTINGUISH THE FIRE.

LT William J. [Signature]

RECEIVED
JAN 18 1995
HELSMAN

ERG2-825 28787

[REDACTED] SAID SHE WARMED UP CAR
AT 2130 2-2-94 FOR 5 MINUTES AND DROVE
Home ^{FROM WORK} AND PARKED CAR IN DRIVEWAY, AND
DIDNT DRIVE AGAIN.

THE NEIGHBOR NEXT DOOR SAID
(EAST)
HE SMELLED THE SMOKE AND TRIED TO
EXTINGUISH THE FIRE.

LT William J. [Signature]

CSOF0004

MOBILE II Contact History Summary by VIN

11/14/1995 14:17:08

VIN: 2MELM75N5RX631975

Year: 94

Model: GRAND MARQUIS

To TRANSFER contact information: Type a "T" in the "A" column and Press ENTER
To VIEW contact information: Type a "X" in the "A" column and Press ENTER

Contact A Number	Form/ File Type	Open Date	Close Date	Last Hdly Date	Status	O.R. Customer
x 105782013	INFO	07/21/1995	07/21/1995	07/21/1995	CLOSED	WRIGHT

F1=HELP F3=EXIT F7=FIRST F8=NEXT
1020 FIRST VIN SUMMARY SCREEN DISPLAYED

OGDB191

CSOR0013

HOME II Information Contact

11/14/1996 14:17:23

DETROIT 48 Zn/Tr: E1 M/A: CONTACT NBR: 105782013 Opened: 07/21/1995
 VIN: 2N6LN75W5RX631976 Closed: 07/21/1995
 Last Name: [REDACTED] Status: CLOSED
 Title: [REDACTED] MI: [REDACTED]
 Address: [REDACTED] First Name: [REDACTED]
 City: DETROIT ST/PV: MI Zip/PC: [REDACTED] CC: USA
 Home Phone: [REDACTED] Business Phone: [REDACTED] Ext: [REDACTED]
 Year: 94 Model: GRAND MARQUIS
 Mileage/Km: 10000 WSD: 01/17/1994
 Dealer Name: STAR LINCOLN-MERCURY I Sales Code: 345080 P&A: 10940
 Causal Code: 12E Symptoms: 801000
 Origin: GO
 Serv Sales: 1 (1 or 2)
 Follow Up?: N Asslt Code: Award Amt:
 Build Date: 11/16/1993 Calibration: 418GR00
 ESP:NO ESP FOR THIS VEHICLE DED:00000 EMP:000000
 Open Recall: NONE Owner Notif: 0
 F1=HELP F3=EXIT F4=CMIS F5=ADD F6=UPD F9=CLOSE F10=CRN UP F11=REG UPG PF12=CAN
 I053 REQUESTED CONTACT DISPLAYED OGDB191

CSOR0010

MODEL II Contact Comments

11/14/1996 14:17:32

Last Name: [REDACTED]
Home Phone: [REDACTED]
Dealer: STAR LINCOLN-MERCURY I

Bus. Phone: [REDACTED]

VIN: 2MELM75W5RX631976
Ext:
Dist/Reg: 48

CONTACT NBR: 105782013
File Type: INFO
Comm Type: P PHONE

Date: 07/21/1995
Time: 10:09:43
Micro:

Analyst Code: 3306BZ
Analyst Name: ZEFF
Letter Code:

Comments:

More?: Y

CUSTOMER SAYS:

-OBTAINED 800 # FROM ESP CONFIRMATION LETTER
-WHEN PURCHASED ESP PLAN, ADVISED DEALERSHIP SHE WANTED 0 DEDUCTIBLE AND WOULD BE WILLING TO PAY MORE FOR THIS

PER CUSTOMER, DEALERSHIP SAYS:

-HAS NOT BEEN CONTACTED

CUSTOMER SEEKS:

-ESP CONTRACT TO HAVE 0 DEDUCTIBLE

F1=HELP F3=EXIT F5=ADD F7=PREV F8=NEXT F11=CANC LTR F12=BASIC INFO

1196 FIRST COMMENTS FOR CONTACT

OGDB191

8082-028 28082

CSOR0010

MORS II Contact Comments

11/14/1995 14:17:40

Last Name:
Home Phone:
Dealer:

[REDACTED]
[REDACTED]
STAR LINCOLN-MERCURY I

Bus. Phone:

VIN: 2MELM75W5RX631976
Ext:
Dist/Reg: 48

CONTACT NBR: 105782013
File Type: INFO
Comm Type: U UPDATE

Date: 07/21/1995
Time: 10:10:55
Micro:

Analyst Code: 3306BZ
Analyst Name: ZEFF
Letter Code:

Comments:

More?: N

-CONTRACT SHOULD BE WRITTEN UP WITH 0 DEDUCTIBLE

*

CAC ADVISED:

-CONTACT TIM CAREY(F/I MNGR) WITHIN TWO BUSINESS DAYS TO REVIEW ESP SALES
ISSUE

F1=HELP F3=EXIT F5=ADD F7=PREV F8=NEXT F11=CANC L/TR F12=BASIC INFO
1002 REQUESTED INFORMATION DISPLAYED

OGDB191

8002-025 29001

CSOR0021

NORS II Recall Inquiry

11/14/1996 14:17:54

VIN: 2MELM75W5RX631976
Year: 94 Model: GRAND MARQUIS

Build Date: 11/16/1993
WSD: 01/17/1994

Campaign Number	Campaign Type	1864 Description	Campaign Status	Status Date	Dealer Code
94B58	0	OWNER GUIDE	FORCED COMPLETION	03/04/1996	AUTO

F3=EXIT
I002 REQUESTED INFORMATION DISPLAYED

OGDB191

CSOR0023

MORE II MSP Inquiry

11/14/1996 14:18:07

VIN: 2MELM75W5RX631976 Year: 94 Model: GRAND MARQUIS

Contract Selling Dealer P&A Code: 10940 Name: STAR LINCOLN-MERCURY INC

Contract Owner	Street	City	Zip/PC
R. WRIGHT	87 PINGREE	DETROIT	48202

ESP INFORMATION:	Plan	Option	Expiration	Signature					
	YR	Code	Date	Mi/Km	Date	Rent	Days	Tow	Ded
	95	ZD	01/17/2000	75000	04/24/1995	25	5	45	0

CANCELLED

COVERAGE DESCRIPTION: E1995 NEW 72/75,000 PREMIUMCARE

Cancel	Processing	Dealership Credited	W&P	Percentage of
Date	Date	Name	Statement	Refund
-----	-----	-----	-----	-----
1996-04-08				

F3=EXIT F7=FIRST F8=NEXT
I100 MORE MSP CONTRACTS EXIST

OGDB191

CSCOR0024

MOSES II CASIS Inquiry

11/14/96 14:18:15

VIN: 2MELM75W5RX631976

Year: 94

Model: GRAND MARQUIS

Name:

Calib: 418GR00

Build Date: 11/16/1993

Recall Description

Axle: NOT AVAILABLE

WSD: 01/17/1994

NO RECALLS

Engine: 4.6L SOHC (MODULAR)

Trans: AODE 4 SPEED OD

ONP Count: 0

Message:

ESP INFORMATION:		Plan	Option	Expiration	Signature				
YR	Code	Date	Mi/Km	Date	Rent	Days	Tow	Ded	
--									

COVERAGE DESCRIPTION: NO ESP DATA

P3-EKIT

1002 REQUESTED INFORMATION DISPLAYED

OGDB191

VIN: 2MELM75W5RX631976
 Name:

Year: 94

Model: GRAND MARQUIS

P&A Code	Repairing Dealer Name	Repair Date	R.O. Number	Mi/Km	Cond Code	Part Number	Labor Operation
12835	DICK JONES LINCOLN-M	07/31/1996	083487	16559	42	5461018 5461019 5465530 5465501 5465500	OSL
12835	DICK JONES LINCOLN-M	07/31/1996	083487	16559	77	OSP 6701 5N30 6584	6007D 6584AR 6701A
12835	DICK JONES LINCOLN-M	07/31/1996	083487	16559	02	13A565	M1
12835	DICK JONES LINCOLN-M	07/31/1996	083487	16559	42	14A701	64416A

F3=EXIT F7=FIRST F8=NEXT

1124 MORE WARRANTY INFORMATION AVAILABLE - PRESS F8

OGDE191

CSOR0026

MORS II Warranty Inquiry

11/14/1996 14:18:34

VIN: 2MBLM75W5R1631976
Name:

Year: 94

Model: GRAND MARQUIS

P&A Code	Repairing Dealer Name	Repair Date	R.O. Number	Mi/Km	Cond Code	Part Number	Labor Operation
12835	DICK JONES LINCOLN-M	07/31/1996	083487	16559	42	5461018	MI

F3=EXIT F7=FIRST F8=NEXT

K214 NO ADDITIONAL INFORMATION FOR THIS SELECTION

OGDB191

CSOR0027

MOB II Dealer Personnel Information

11/14/1996 14:18:51

Name: DICK JONES LINCOLN-MERCURY INC
Street: 4760 NORTH SERVICE ROAD
City: ST PETERS
State: MO
Zip/PC: 63376 CC: USA

P&A Code: 12835
Sales Code: 363197
SRV/SLS ZN: D1 / B MA: A
FCSD Region: 53
KANSAS CIT

Dealer Phone: 314 441 4400 Service Phone: 000 000 0000

Service Hours: 8:00 AM 5:00 PM MERKUR DEALER

Dealer Principal: RICHARD JONES

Dealer Principal (Co-Owner)

General Manager: TERRY WATKINS

Sales Manager: TERRY WATKINS

F and I Manager: JIM SERINO

Customer Relations Manager: DICK JONES

Parts and Service Manager:

Service Manager: GARY BROWN

Parts Manager: STEVE RUSNACK

Special Comments:
LSG ENROLLED

F3=EXIT F6=UPDATE
I065 PRESS "ENTER" TO VERIFY DEALER SELECTION

OGDB191

CSOR0003

MORS II Basic Information

11/14/1996 14:19:01

File Type: _____ CONTACT NBR: _____
 VIN: 2MBLM75W5RX631976
 LAST NAME: _____
 Title: _____ First Name: _____
 Address: _____
 City: _____ ST/PV: _____ CC: USA
 Home Phone: _____ Business Phone: _____ Ext: _____
 Year: 94 Model: GRAND MARQUIS
 Mileage/Km: _____
 Dealer Name: DICK JONES LINCOLN-MER SALES CODE: 363197
 Causal Code: _____ Symptoms: _____
 Inquiry Code: _____
 Serv Sales: _ (1 of 2)
 Ack Code: _
 Comm Type: _ Micro Nbr: _____

FKEYS: 1=HLP 2=VLC 3=EXT 4=CDB 5=ADD 7=CST 8=RCLL 9=ESP 10=OASIS 11=WTY 12=DLR
 OGD8191

ME MECHANICAL EVALUATION

P.O. Box 3037 • Melvindale, Michigan 48122
Telephone: (313) 628-8913 • Fax: (313) 628-5848
Fire • Theft • Vandalism • Accidents • Product Liability

March 14, 1994

IN RE: A.C.I.A. CLAIM NO. DE-317148
M.E. FILE NO. 0228-6794F
[REDACTED]

BACKGROUND:

This mechanical report has been prepared at the request of Mr. Guy Beauregard, Claims Representative for AAA Insurance Company, with special reference to the mechanical condition of the insured's 1994 Mercury, Grand Marquis LS, Vehicle Identification Number 2MELM75W5-RX631976.

INSPECTION:

On February 28, 1994, Operative responded to Scrap Busters in Wayne, Michigan, to conduct a mechanical inspection of a 1994 Mercury, Grand Marquis LS.

Prior to leaving the scene, several 35mm color photographs were taken and are enclosed.

MECHANICAL INSPECTION

TYPE OF ENGINE:

This vehicle is equipped with a 4.6 liter, V-8 engine.

ODOMETER READINGS:

The odometer reading on the vehicle at the time of this inspection was 344 miles.

FLUID LEVELS:

In checking the crank case oil, the oil was found to have been within the safe range. Automatic transmission fluid within the safe range. Radiator coolant low; fire damage to the radiator. Brake fluid within the safe range. Power steering fluid within the safe range.

8982-828 28511

IN RE: A.C.I.A. CLAIM NO. DB-317148
M.E. FILE NO. 0228-6794F

March 14, 1994
Page 2.

MECHANICAL OBSERVATIONS

During the course of this mechanical inspection, Operative assisted Mr. Guy Beauregard of the AAA Claims Investigation Unit. During the inspection, Operative identified various parts for Mr. Beauregard and assisted in tracing down various electrical connections of the wiring harness.

Upon initial approach to the vehicle, Operative observed that the vehicle had been involved in a fire, with the heaviest fire damage to the front portion of the vehicle.

Upon gaining entry to the engine compartment, Operative found that the fire had extended into the engine compartment. Operative further noted that the heaviest fire damage was on the right front portion of the engine compartment. This area is where the battery and current fuse box/power distribution box is located.

Operative found that the positive battery cable was not connected to the battery, further observing that the positive battery post had been consumed during the course of the fire. Operative noted that a portion of the negative battery cable had melted into the battery case on the side of the battery where the positive battery post was once connected. Operative further observed that a section of the plastic radiator tank located to the left of the battery had melted during the course of the fire.

At this time, Operative observed that the high current fuse box/power distribution box was heavily damaged as a result of the fire, that the plastic inner fender well on the right fender had been consumed during the fire, and that the right turn signal lens had also been consumed. Operative further noted that the air conditioning lines had melted during the course of the fire and that the valve cover on the right side of the engine had also suffered heavy fire damage, resulting in a hole burning through the front portion of the valve cover.

Additionally, Operative observed that the insulation of all of the wiring that connected to the high current fuse box/power distribution box was consumed during the course of the fire. Operative also observed that there was a length of wire which connected to the positive battery cable and then was connected to the high current fuse box/power distribution box with a studded type terminal block. Operative further observed that there was a second length of wire connected to this terminal block that led to the alternator.

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Further, during the course of the inspection, Operative observed that the vehicle had been equipped with an alarm system and that there had been a siren attached to the left firewall in the engine compartment. The horn of the siren had been heavily damaged during the course of the fire; however, an inspection of the wiring connecting to the siren horn, then entering the passenger compartment, showed no evidence of shortage. The insulation was still present.

Operative then gained entry to the passenger compartment and performed an inspection of the instrument panel fuse panel. Operative found that one of the fuses in the panel was blown. This fuse was located in the number nine slot of the fuse panel. This was a blue 15 amp fuse. The fuse description was "autolamps (park), instrument panel illumination, keyless entry module, license plate lamp, parking lamps, tail lamps."

SUMMARY:

After speaking with Mr. Guy Beauregard of the AAA Claims Investigation Unit, who has ruled out the possibility of an arson fire, it is Operative's opinion that there has been an electrical failure that has contributed to said fire.



Conley A. Ray
STATE OF MICHIGAN
MECHANICAL CERTIFICATION NO. M182260

CAR/bp



April 1, 1994

**PRODUCT LIABILITY FIRE INVESTIGATION
OF CLAIM DB-317148**

Investigation of the vehicle took place on two or more occasions at Sorepbusters Salvage Yard, 39223 Maple, Wayne, MI 48184 and at the burn location of 77 Pingree, Detroit, MI.

FIRE RESPONSE

The Detroit Fire Department responded to and extinguished a fire in a 1994 Mercury, Grand Marquis, located at 77 Pingree, in the city of Detroit on February 3, 1994 at 0524 hours. Lt. William Fairweather in charge of Engine 35 made the cause of the fire suspicious and originating in wire insulation.

FIRE ORIGIN AND EXTENSIONS

The fire originated in wiring (plastic covering) right front section of the vehicle at and about the right front parking light, the fire extended to charring and melting of the light assembly, extending across and into the engine compartment to charring, melting and consuming of the external wiring, exterior engine components, rubber and plastic parts, to charring and blistering of the exterior paint on the hood and was there confined.

WITNESSES

██████████ insured and titled owner of the vehicle, will testify to purchase of the vehicle from Star Lincoln Mercury, to having them install an alarm system on the vehicle prior to taking possession. To not having any other service or additions put on the vehicle, to driving and parking the vehicle on February 2, 1994 at 9:30 P.M. to the mileage of the vehicle. To being awakened by her neighbor and alerted of the fire and to notification of the fire department.

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Reginald Hunter, neighbor of the above, will testify to smelling the fire, to location of fire, to notification of [REDACTED] and the fire department.

Lt. William Fairweather, to response and extinguishment of the fire and to being the author of the fire report determining that the fire originated in wiring.

Conley Ray, will testify to doing a mechanical inspection of the vehicle, to checking out the electric system, location of alarm, finding the burnt fuse, to photos of and comparison photos of another 1994 Mercury Grand Marquis.

Guy Beaugard, Senior Claim Adjuster, Fire Investigator will testify to fire investigation and inspection, to witness statements and to being the author of this report.

INVESTIGATION

Investigation of the fire took place at Scrapbusters Salvage Yard in Wayne, Mi. The first investigation was on 02/24/94 at that time it was observed that the fire originated in wiring at the right front of the vehicle. The fire extensions were all from this point. Photos were taken at the time of this inspection, and an interview was conducted with the owner insured who stated that she had parked the vehicle at 9:30 On February 2, 1994. A neighbor Reginald Hunter had smelled the fire for a long time prior to discovery and notification of the fire department. On February 28, 1994 a further examination of the vehicle took place with Conley Ray, mechanic in attendance, at that time the wiring was traced, the alarm system, horn, and wiring was traced and found not to be involved in the origin of the fire, the horn had fire extension damage. The number nine fuse was found to be blown, this fuse was a 15 amp blue fuse. The fuse description was auto lamps (park), instrument panel illumination, keyless entry module, license plate lamp, parking lamps, tail lamps. The positive post of the battery was consumed by the fire and that the negative battery cable had melted into the battery case. The plastic radiator tank in close proximity to the battery was consumed by the fire. The hood was down and in a locked position during the origin and extensions of the fire. There was no evidence of incendiaries during this fire investigation.

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OPINION

It is this writers opinion that the fire was accidental in origin, originating in wiring which was caused by a malfunction or overheating of the electrical wiring of the vehicle.

WARRANTY TRANSACTIONS

This vehicle was under warranty a recent purchase with 344 miles on it and would be covered by manufacturer of the vehicle.

SUBROGATION OR PRODUCE LIABILITY

It is this writers opinion that this loss should be pursued through subrogation channels to the Ford Motor Car Corporation or its insurance carrier.

Photos, fire report, mechanical report in file.

Guy Beaugard
Claim Investigator
Claim Investigation Unit

GB/dw

APPROVAL _____
SUPERVISOR/MANAGER-DATE

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SUMMARY:

After speaking with Mr. Guy Beauregard of the AAA Claims Investigation Unit, who has ruled out the possibility of an arson fire, it is Operative's opinion that there has been an electrical failure that has contributed to said fire.



Conley A. Ray
STATE OF MICHIGAN
MECHANICAL CERTIFICATION NO. M1B2260

CAR/bp