

EA02-025

FORD 10/27/03

APPENDIX N

BOOK 33 OF 61

PART 4 OF 6

CLARKE AUTOMOTIVE CONSULTANTS, INC.

Richard A. Clarke

3955 Highway 53 • Hoehnton, Georgia 30548 • (706) 654-4830 • Fax (706) 654-2188

Email: cacinc@mindspring.com

**SPEED CONTROL
DEACTIVATION SWITCH**

EXEMPLAR COMPONENT

11/15/01

CLARKE AUTOMOTIVE CONSULTANTS, INC.

Richard A. Clarke

3955 Highway 53 • Roschton, Georgia 30548 • (706) 654-4630 • Fax (706) 654-2188

Email: cacinc@mindspring.com

November 19, 2001

Mark Hoffman
Ford Motor Company
528 Parklane Towers West
Three Parklane Blvd.
Dearborn, MI 48126

EXPERT/ATTORNEY WORK PRODUCT-PRIVILEGED
RE: Exemplar Component

Dear Mr. Hoffman:

Please find enclosed three copies of the photographs as requested. I have also included an invoice for your convenience.

If you have any question or concerns, please feel free to call.

Sincerely,


Mary A. Clarke

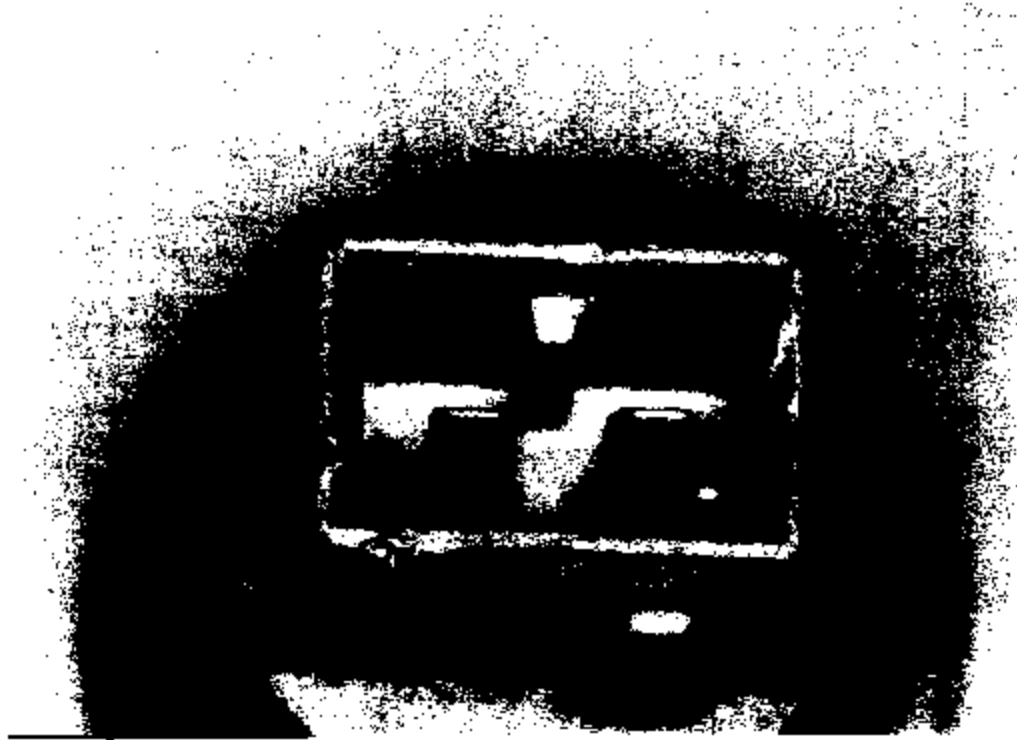


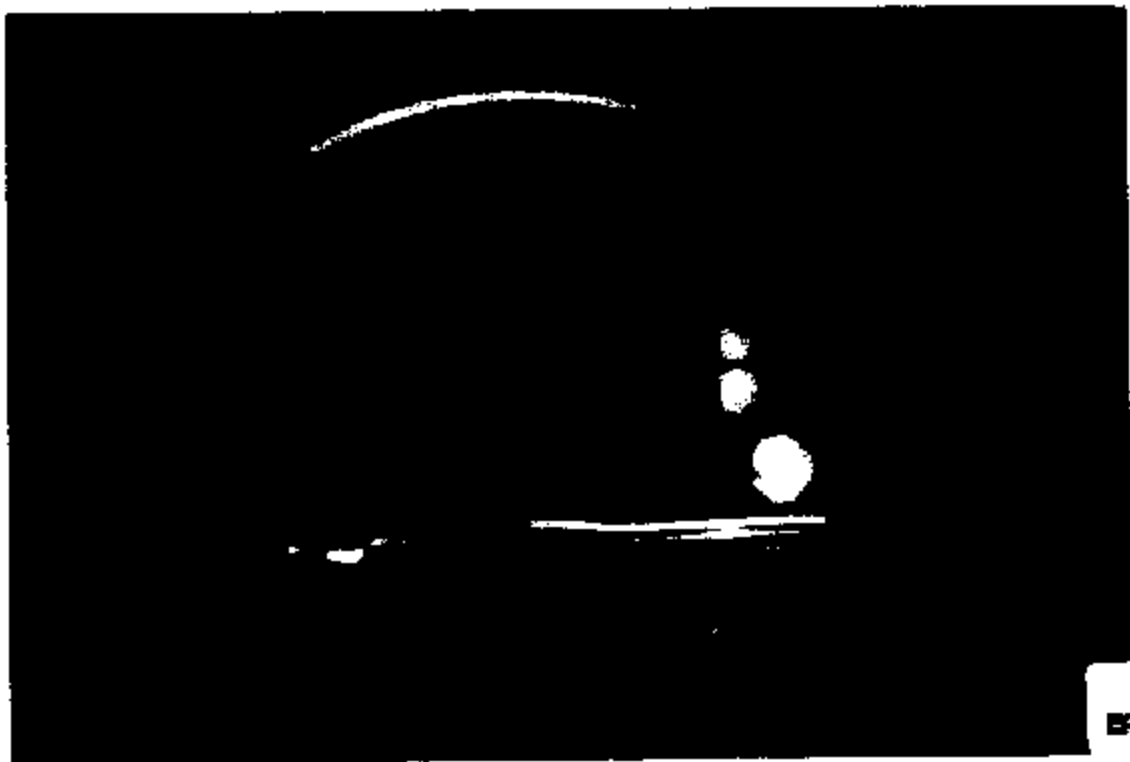
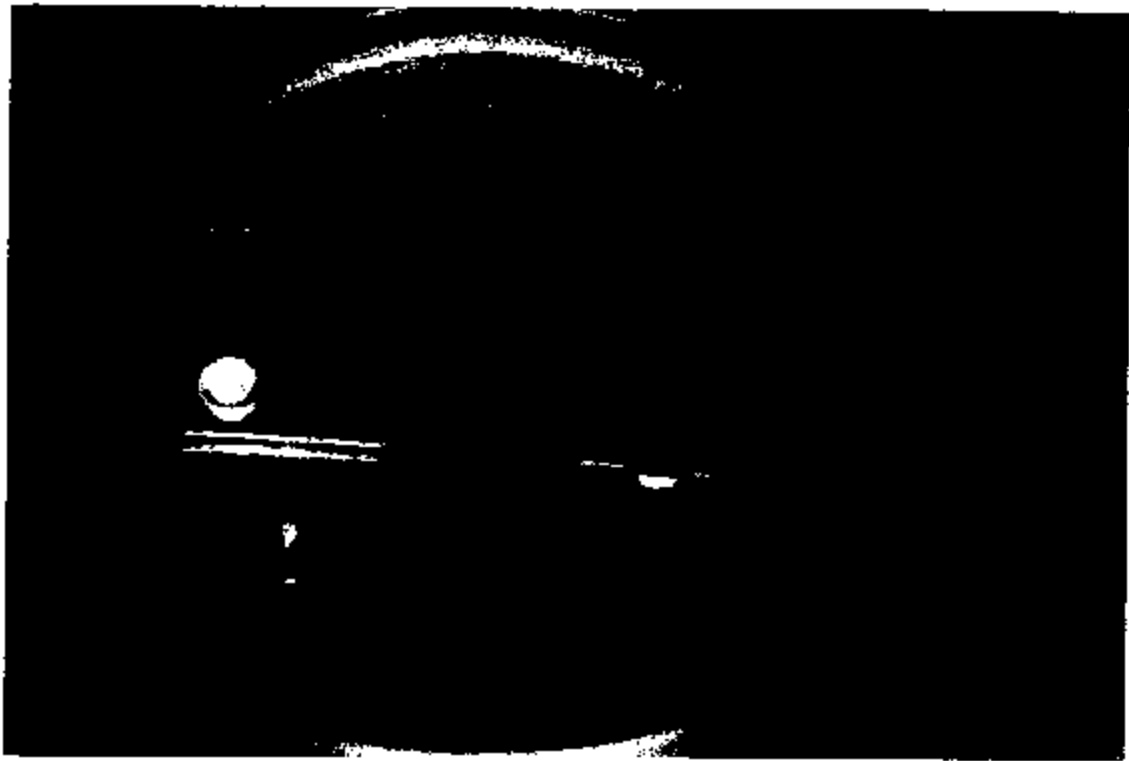
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Clarke Automotive Consultants
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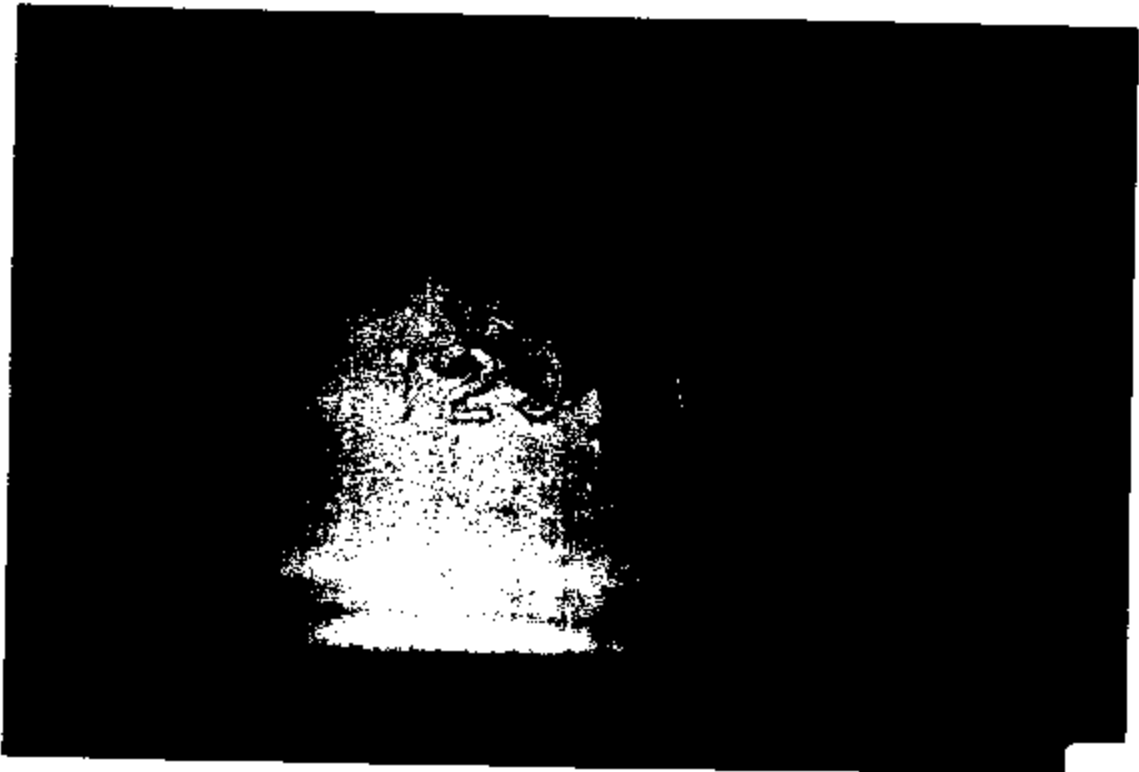


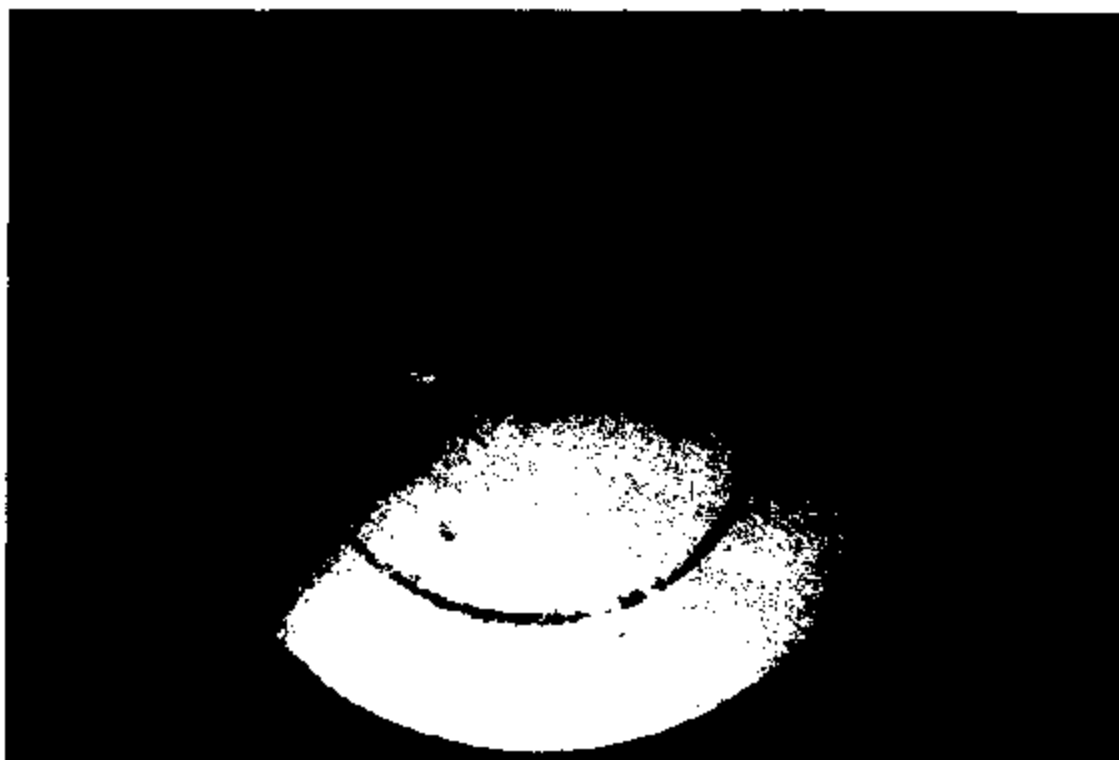
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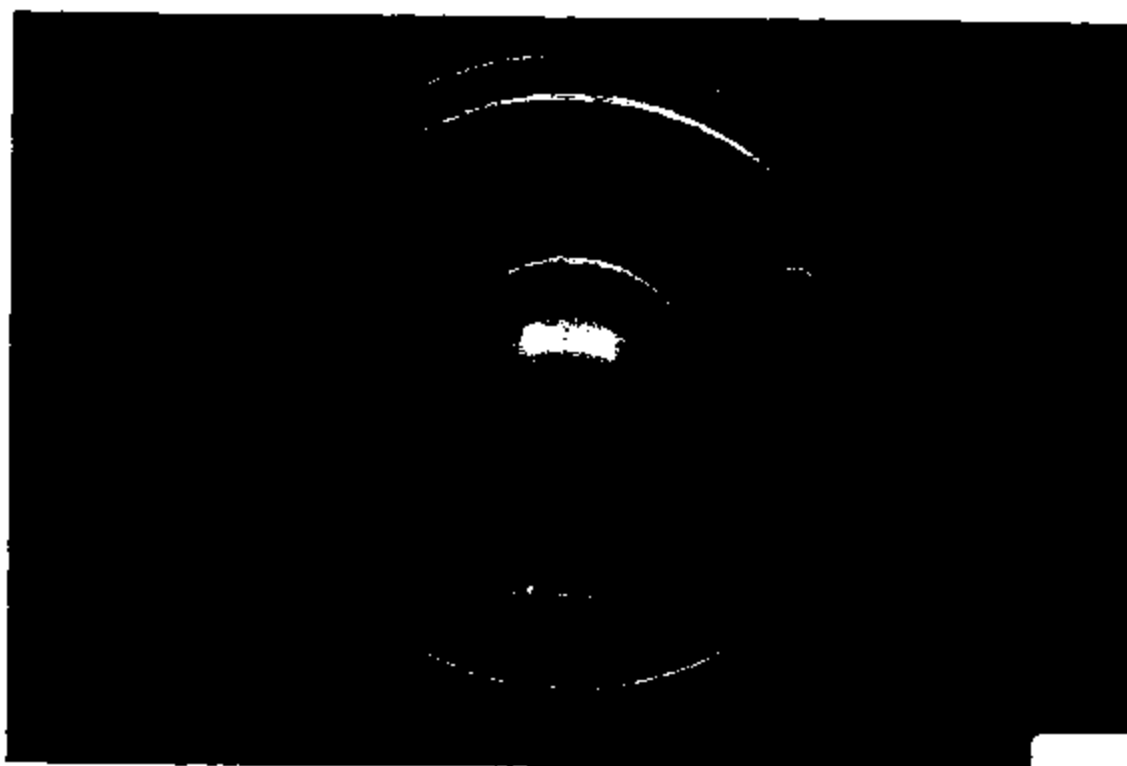




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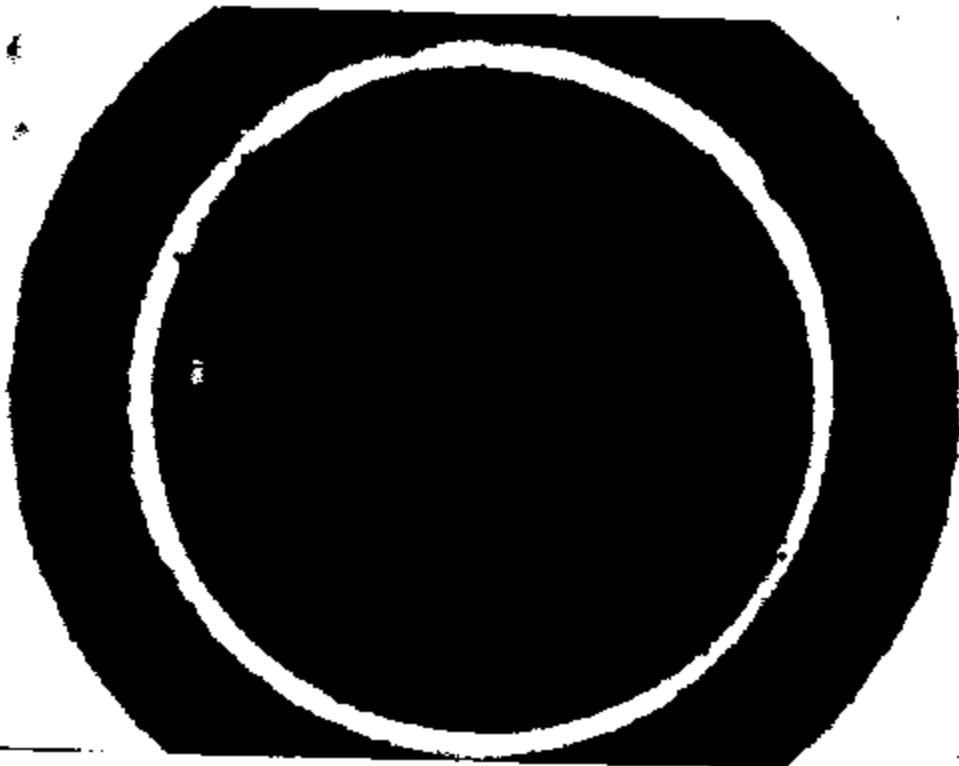
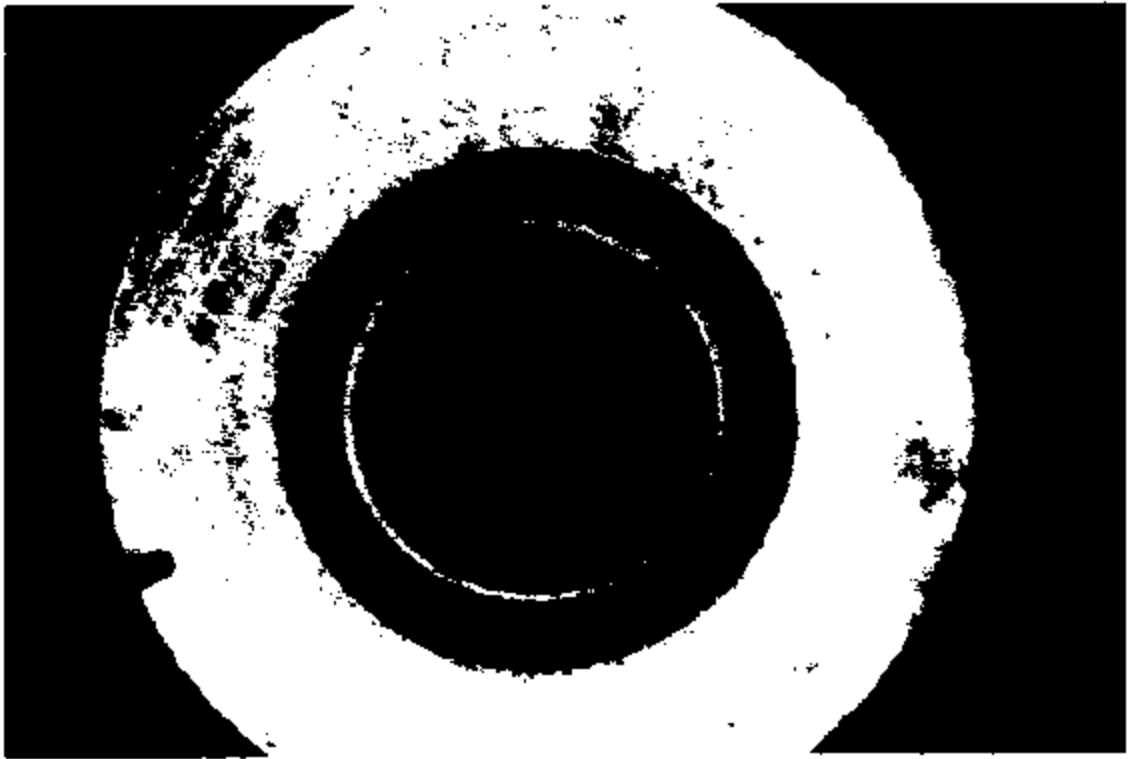


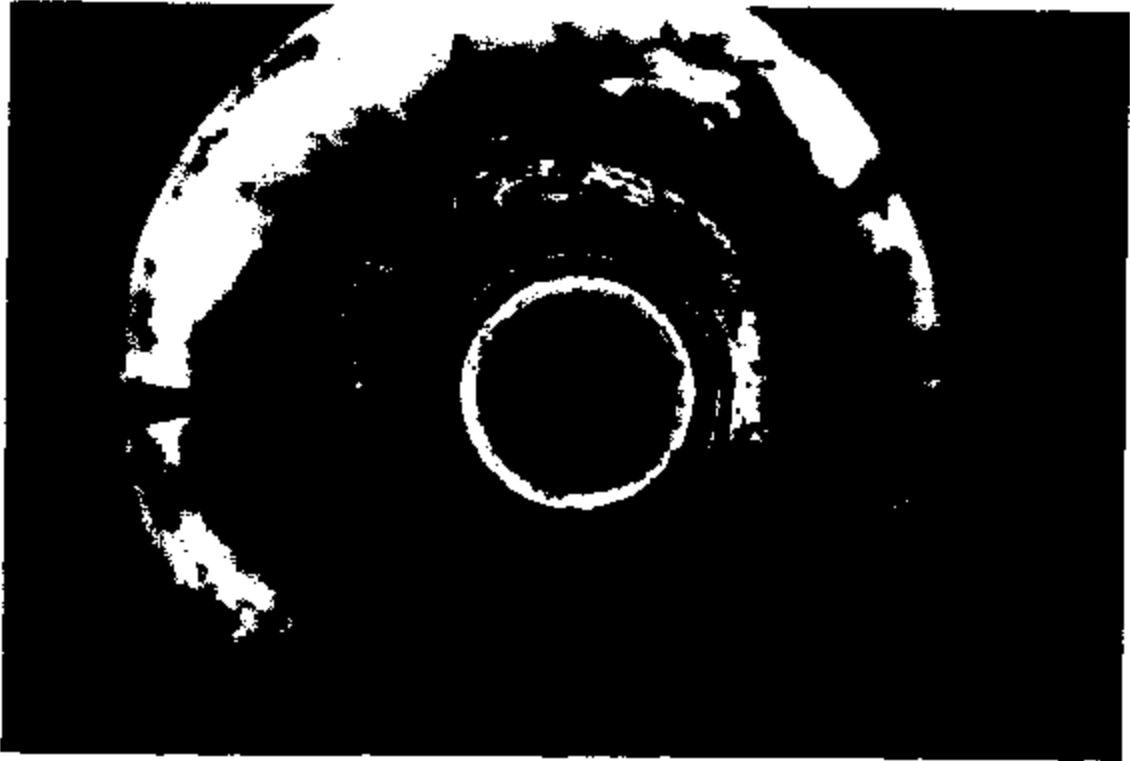




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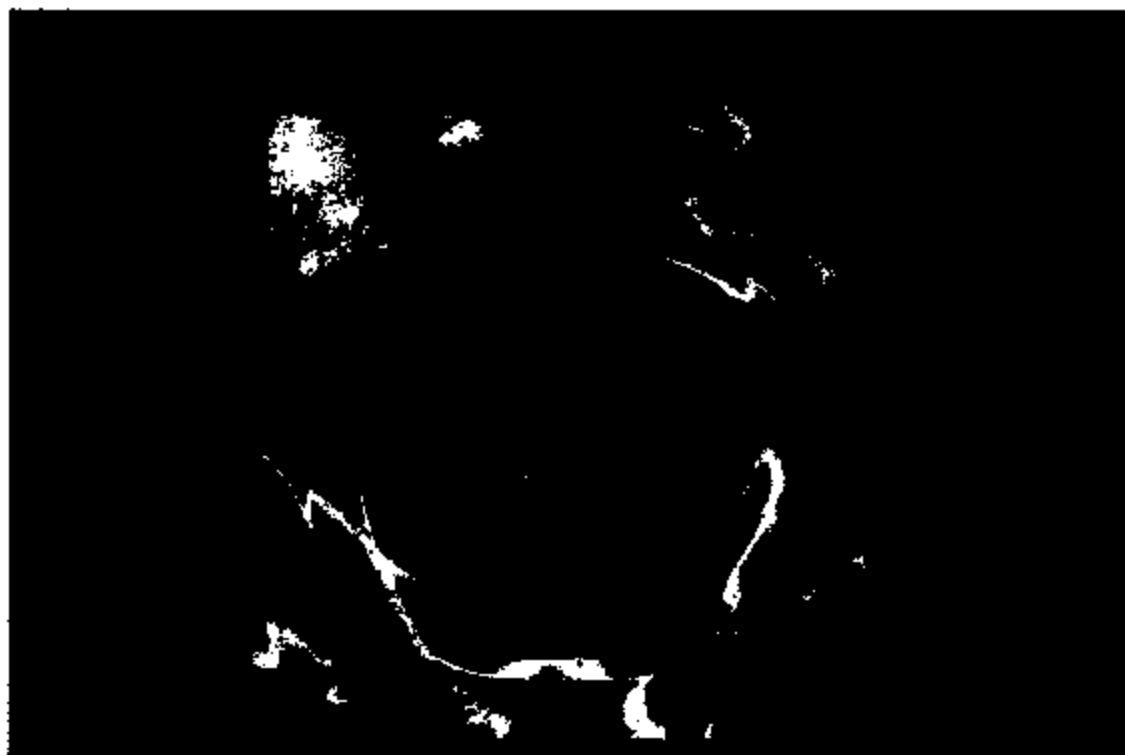
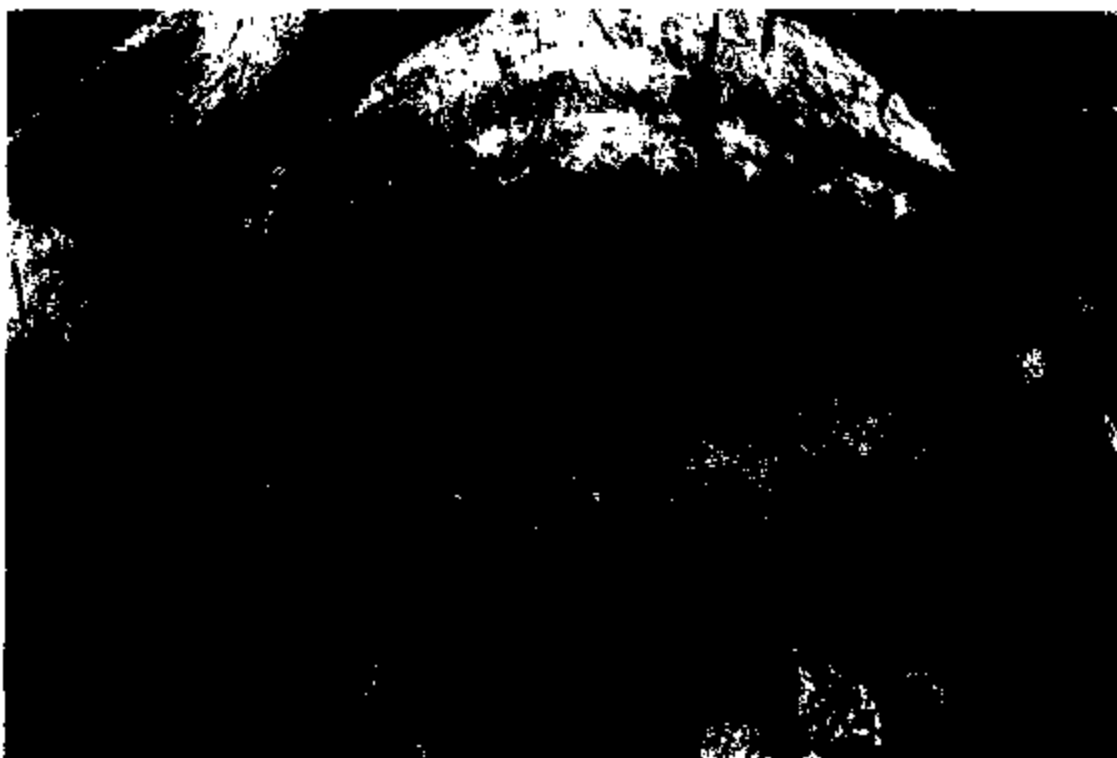


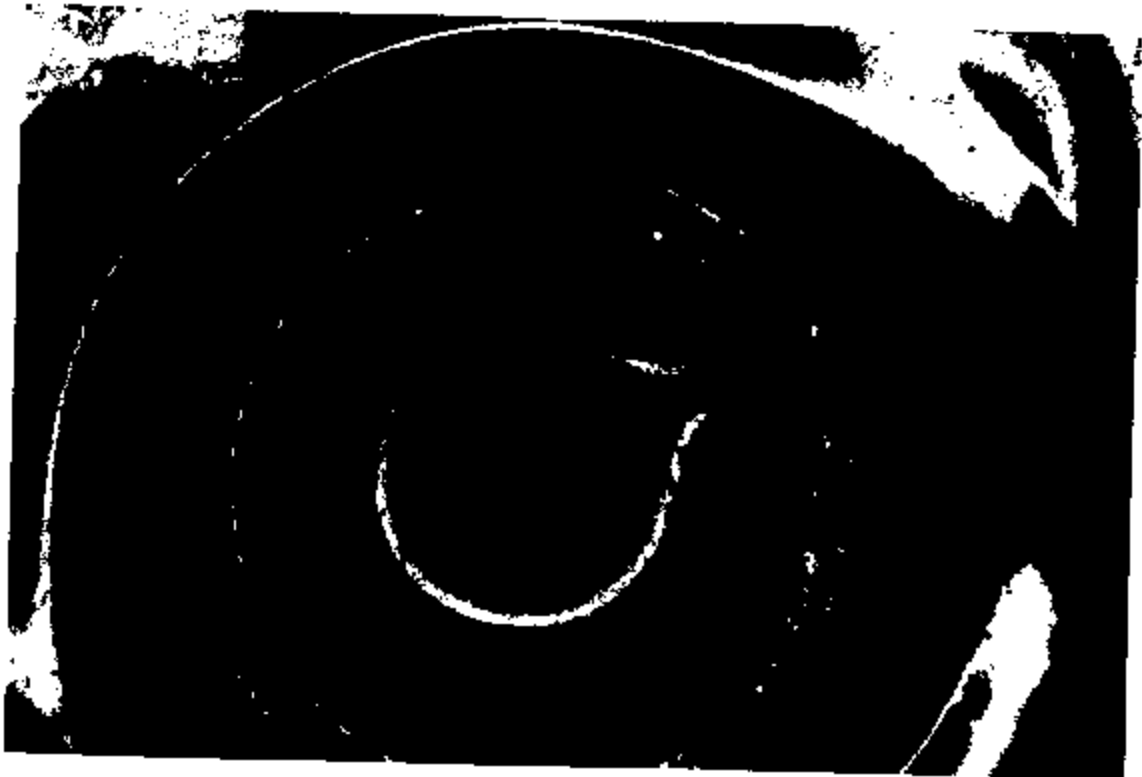






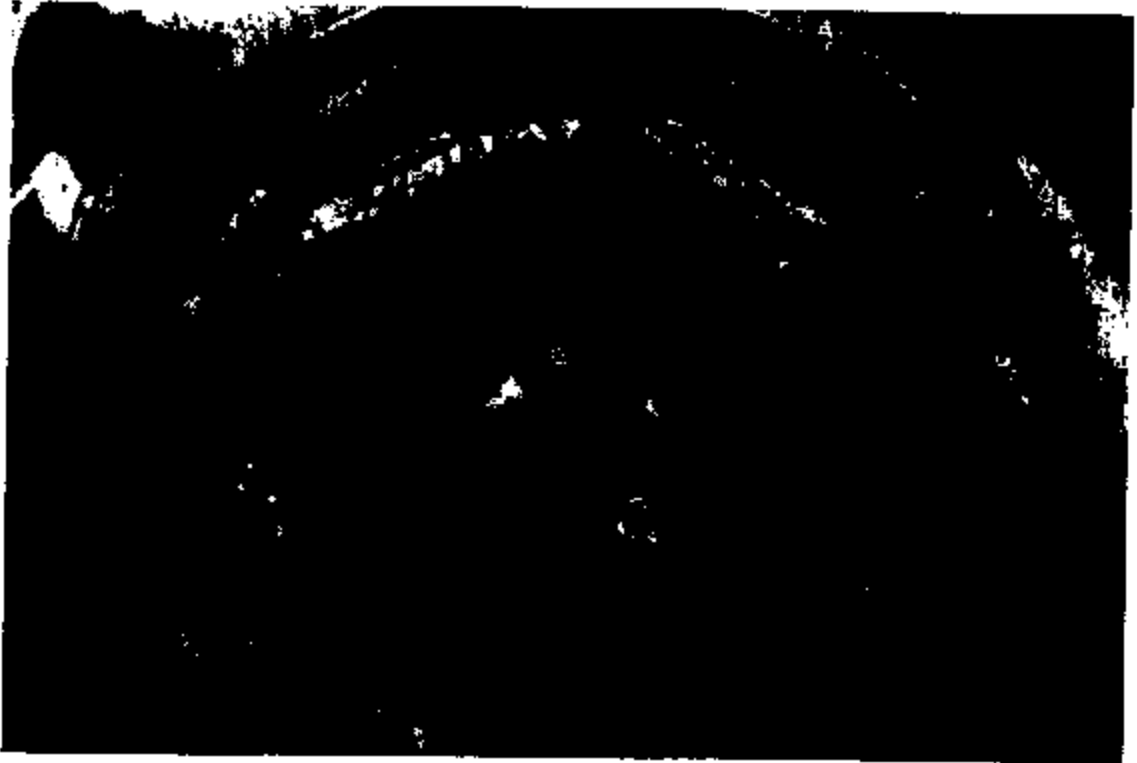




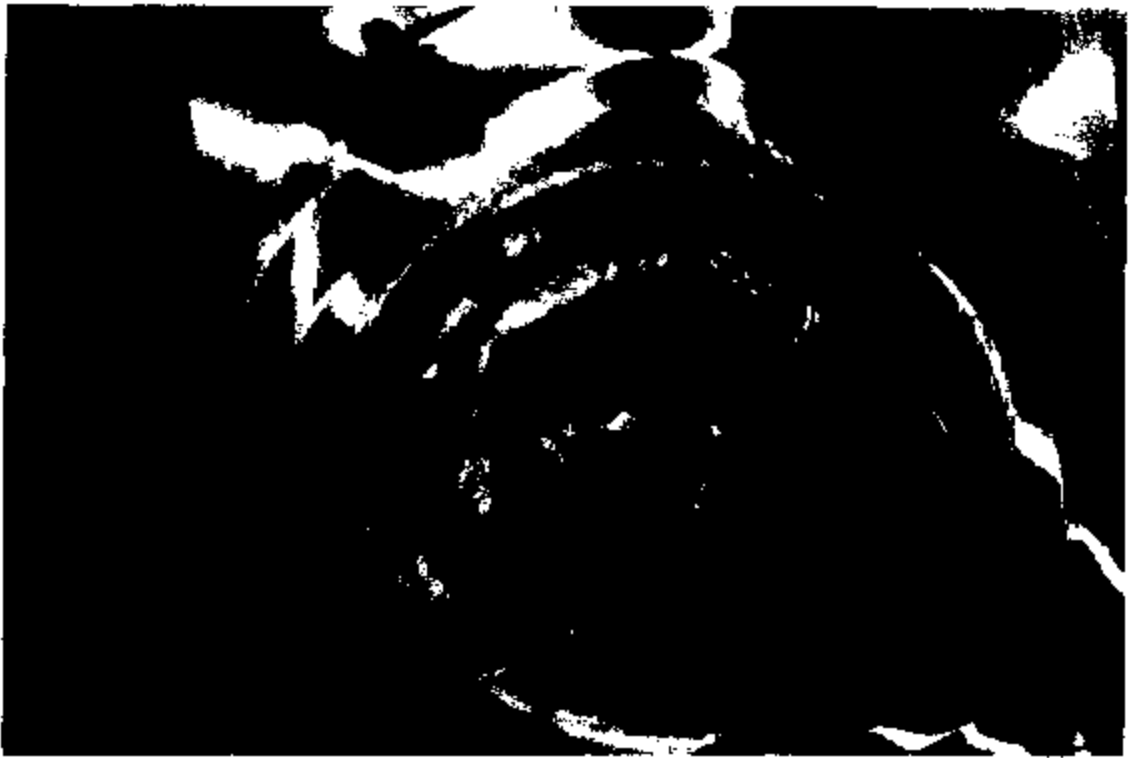


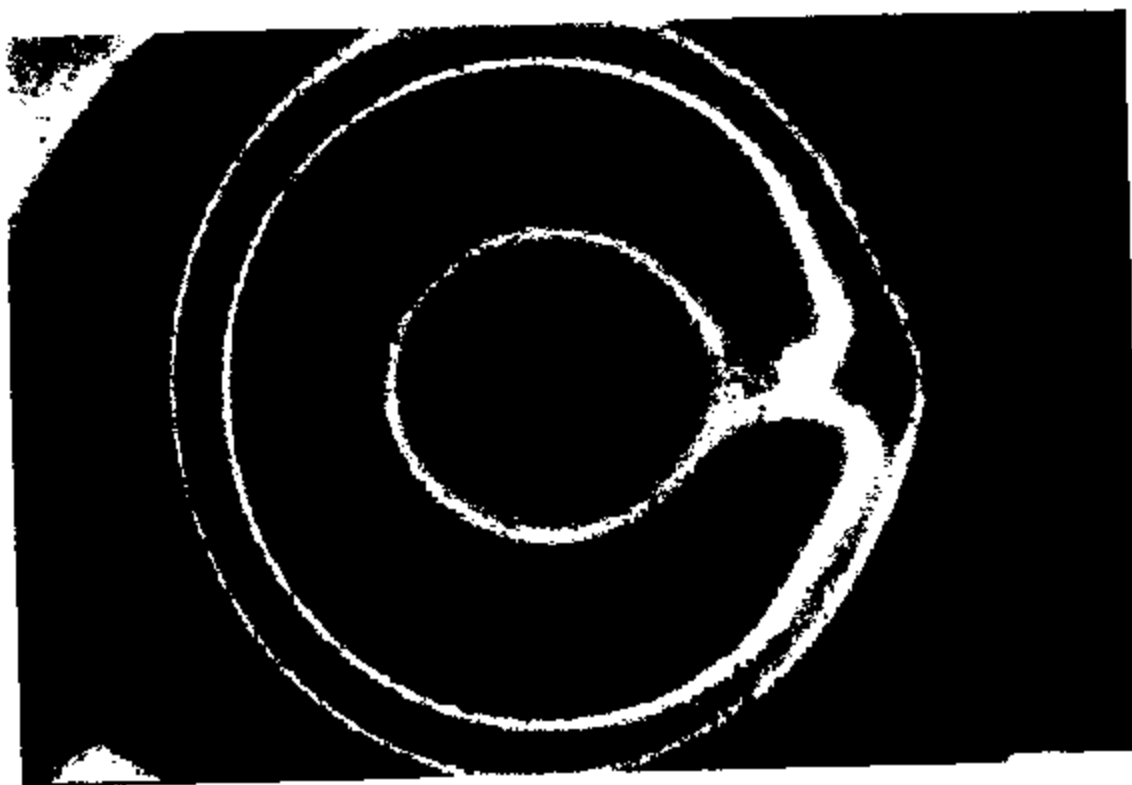
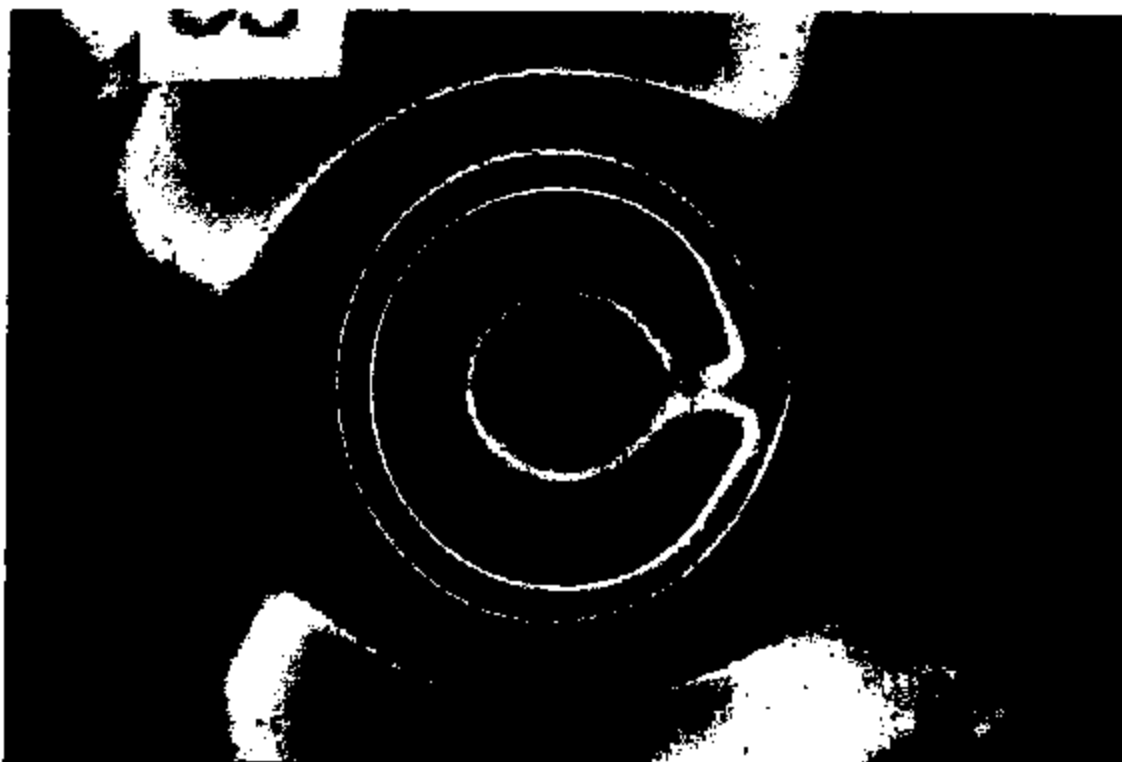
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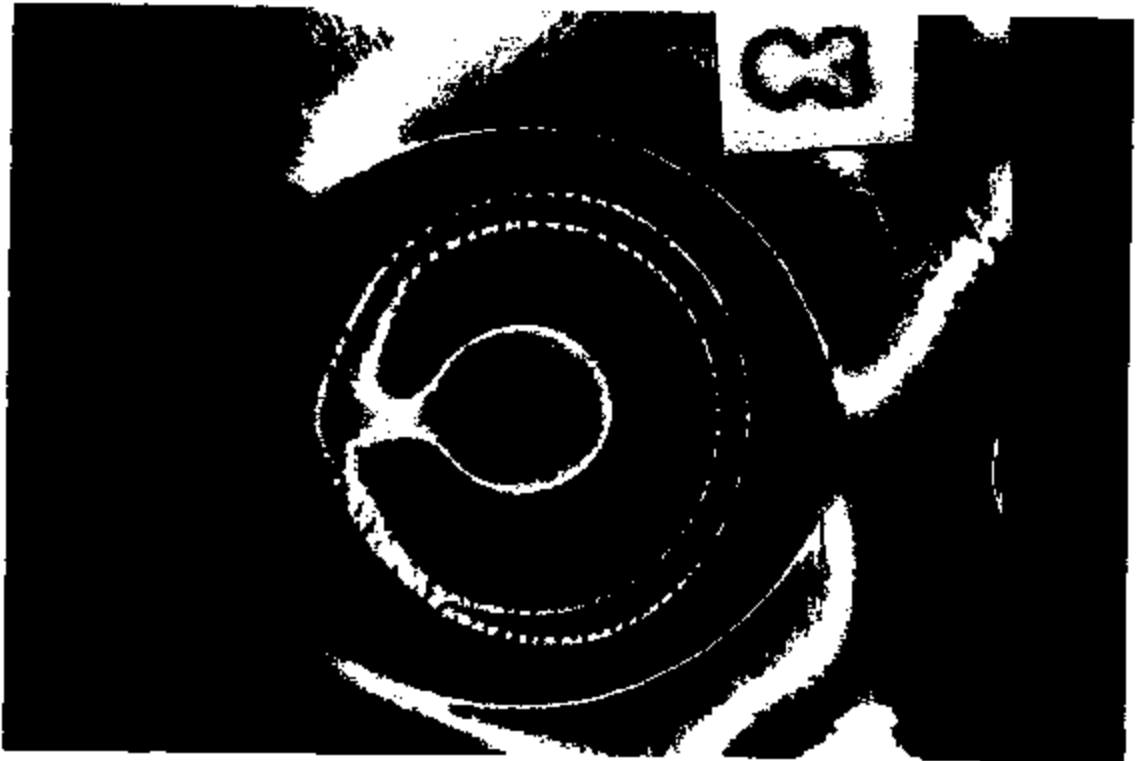
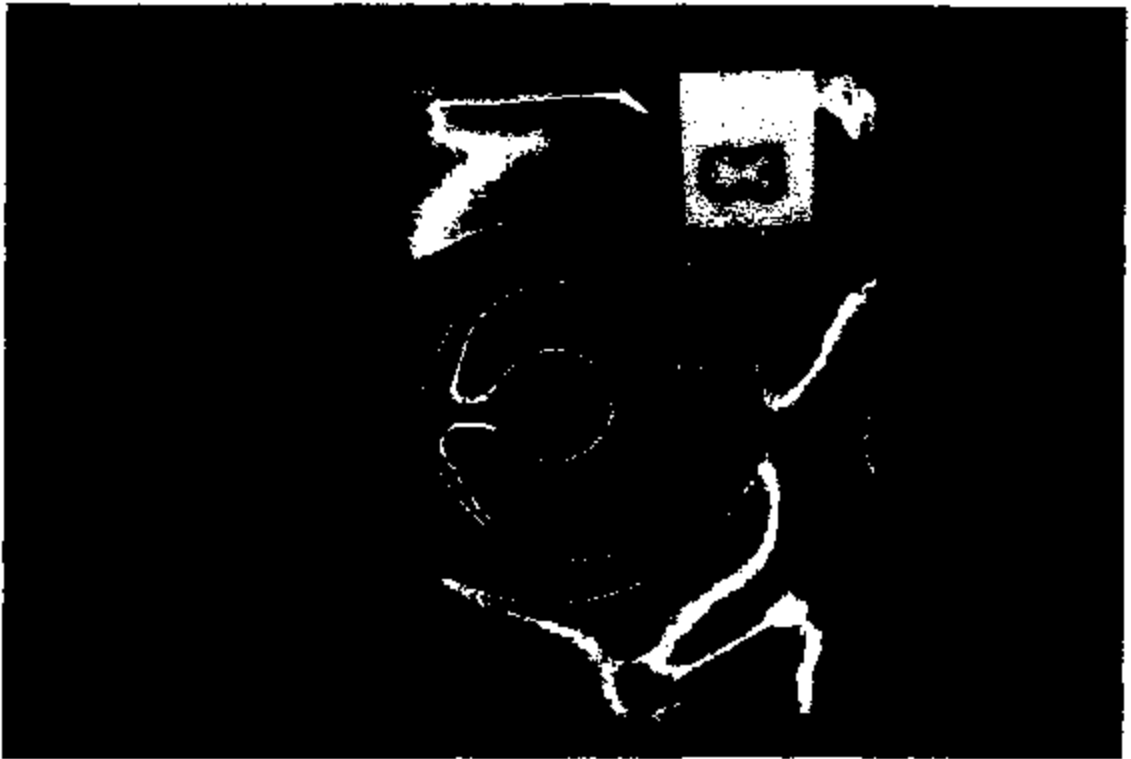


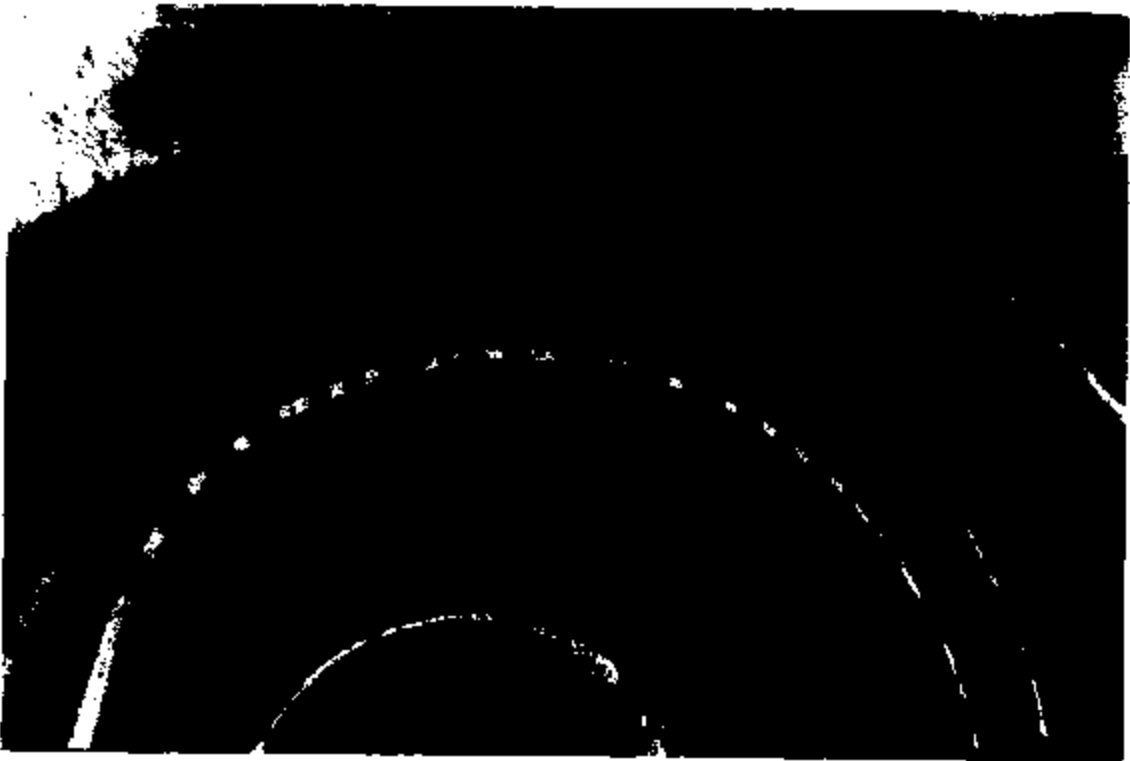






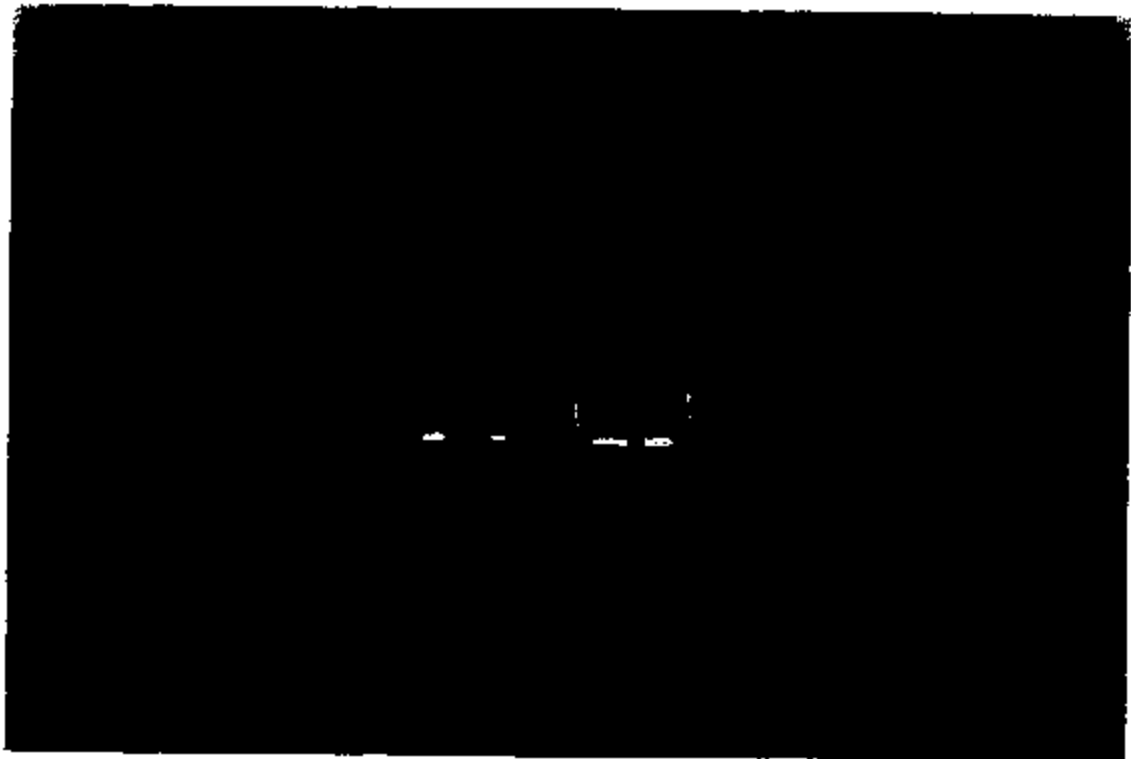
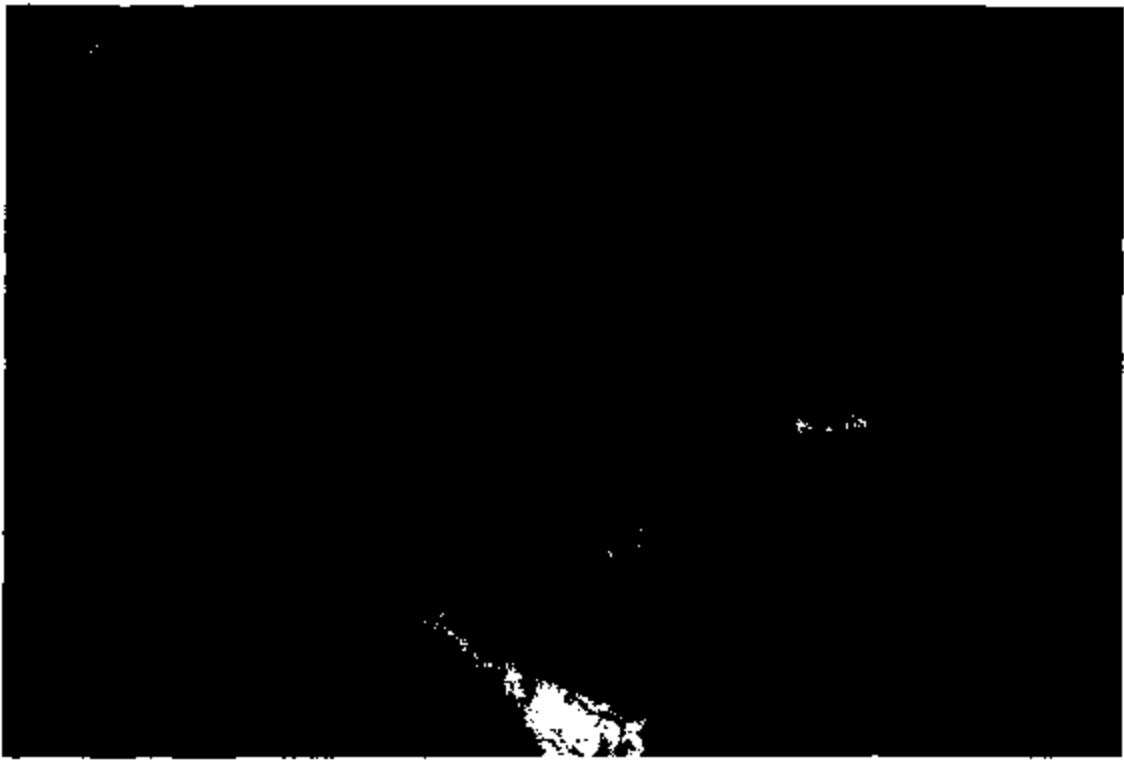


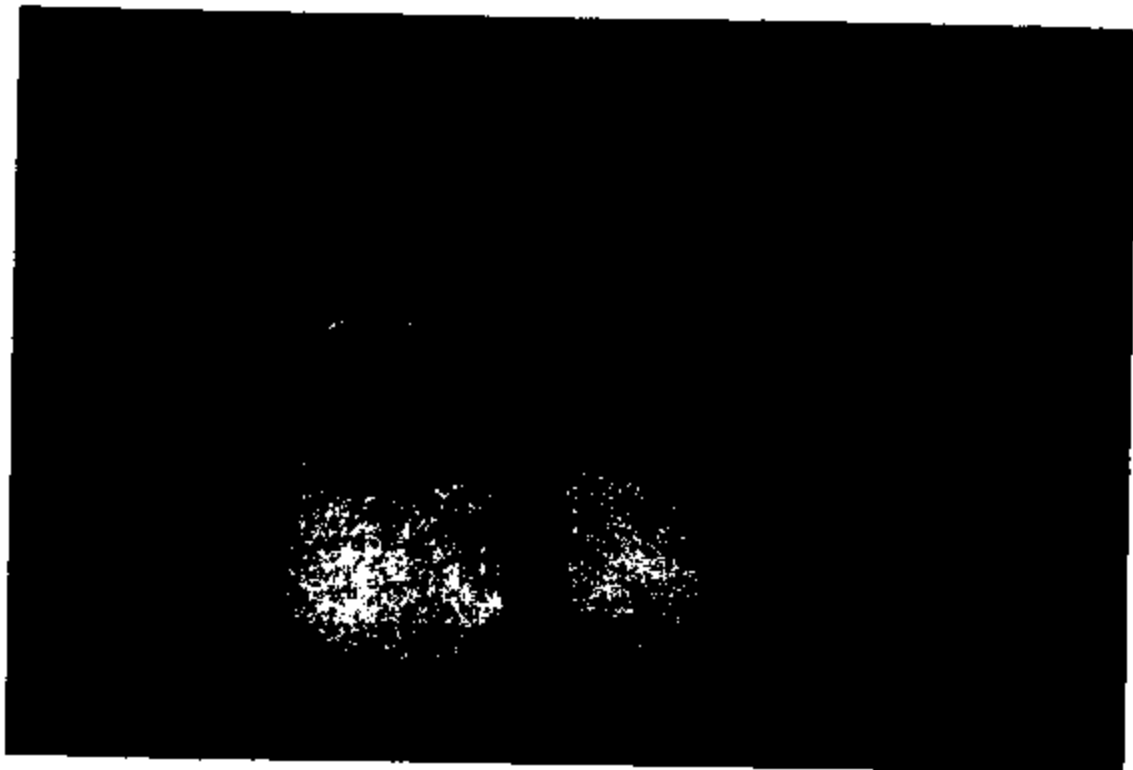
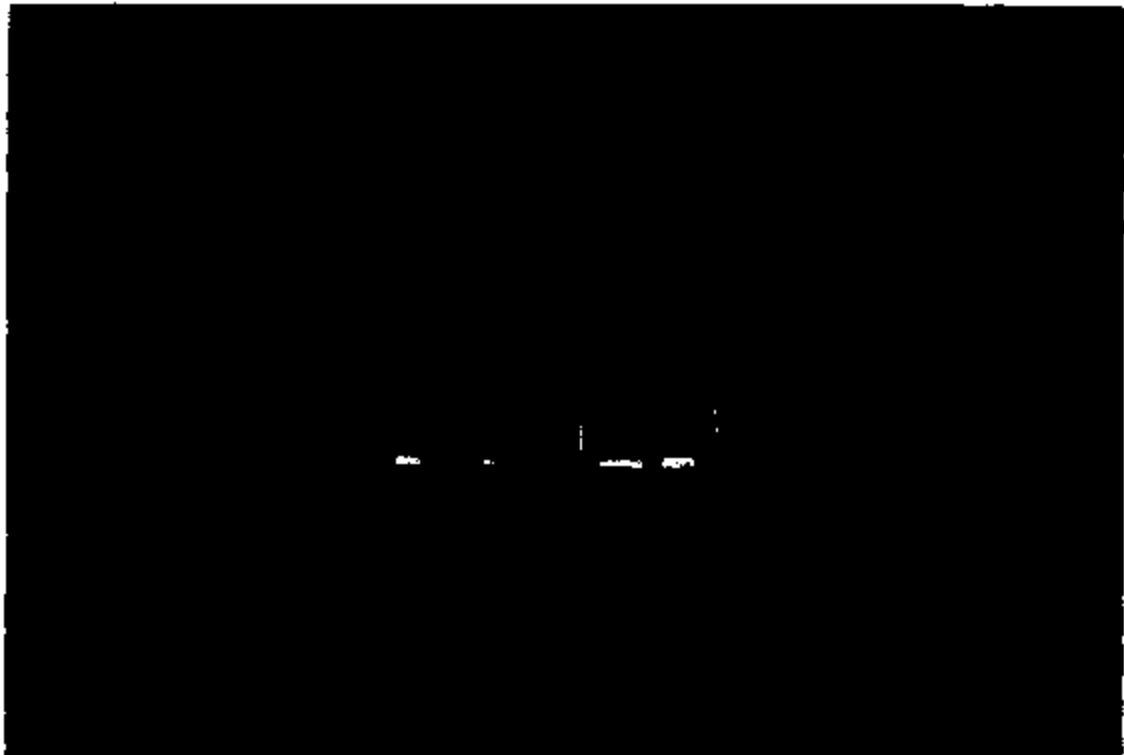


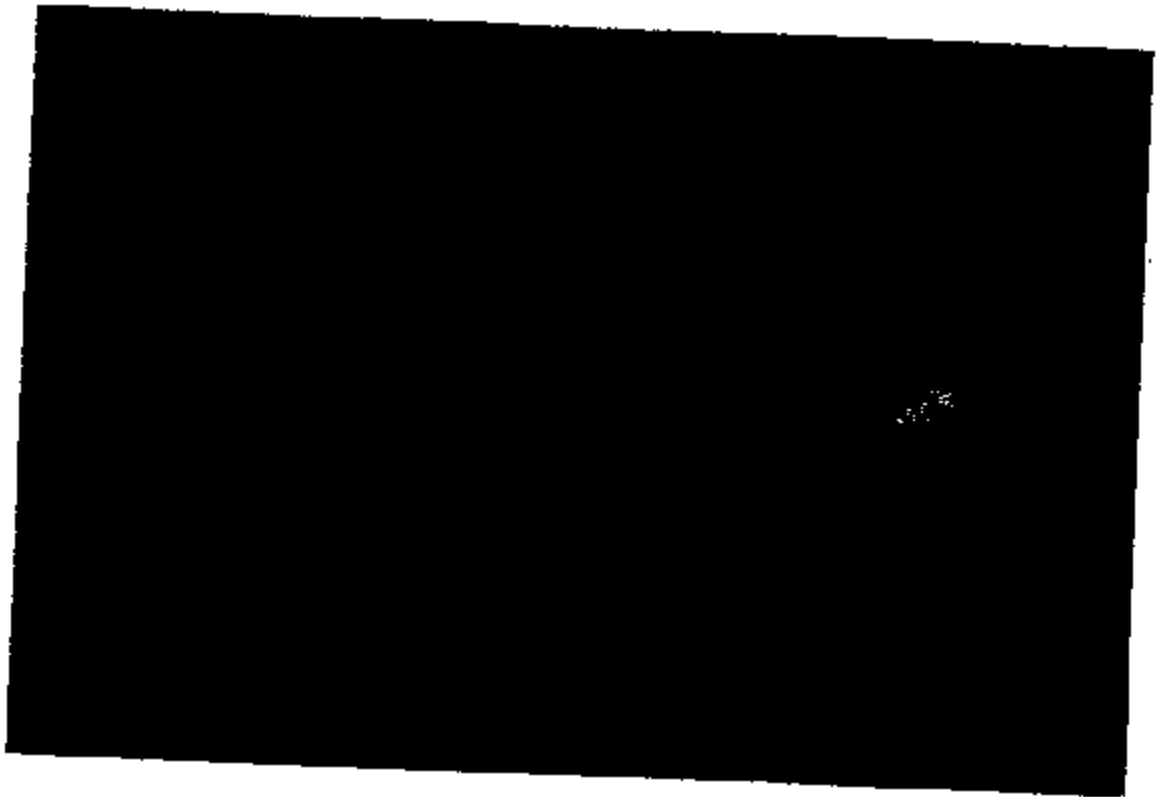


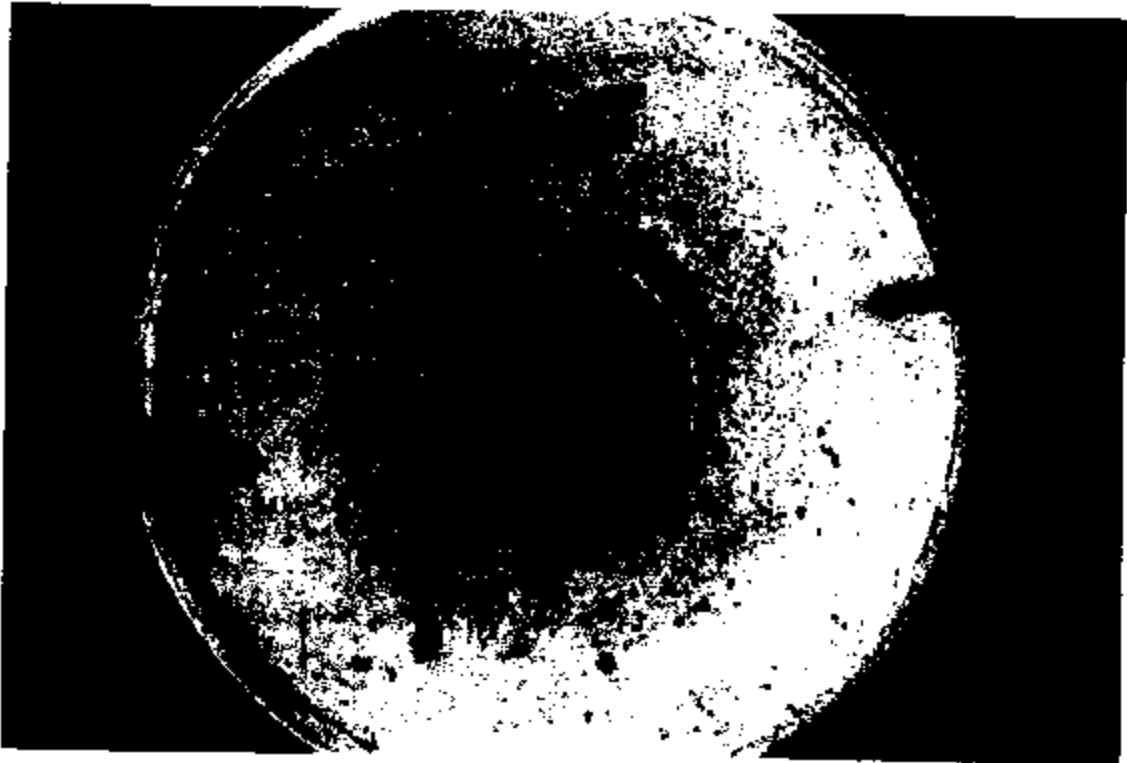
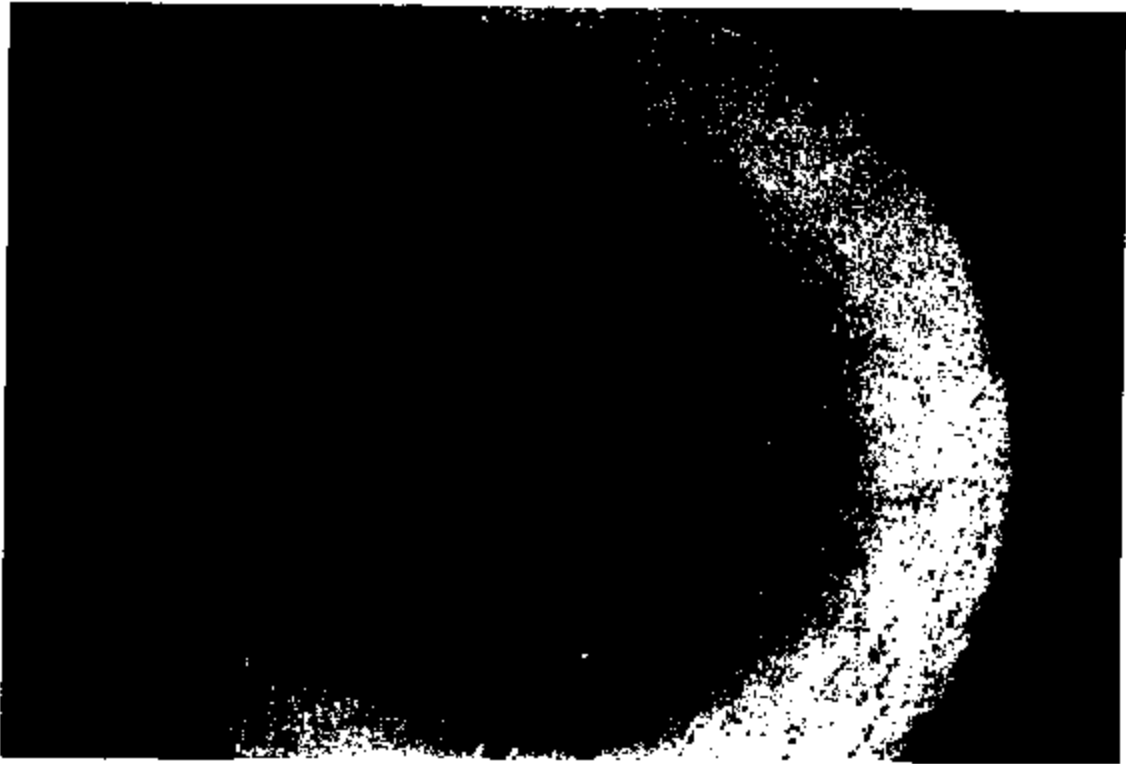




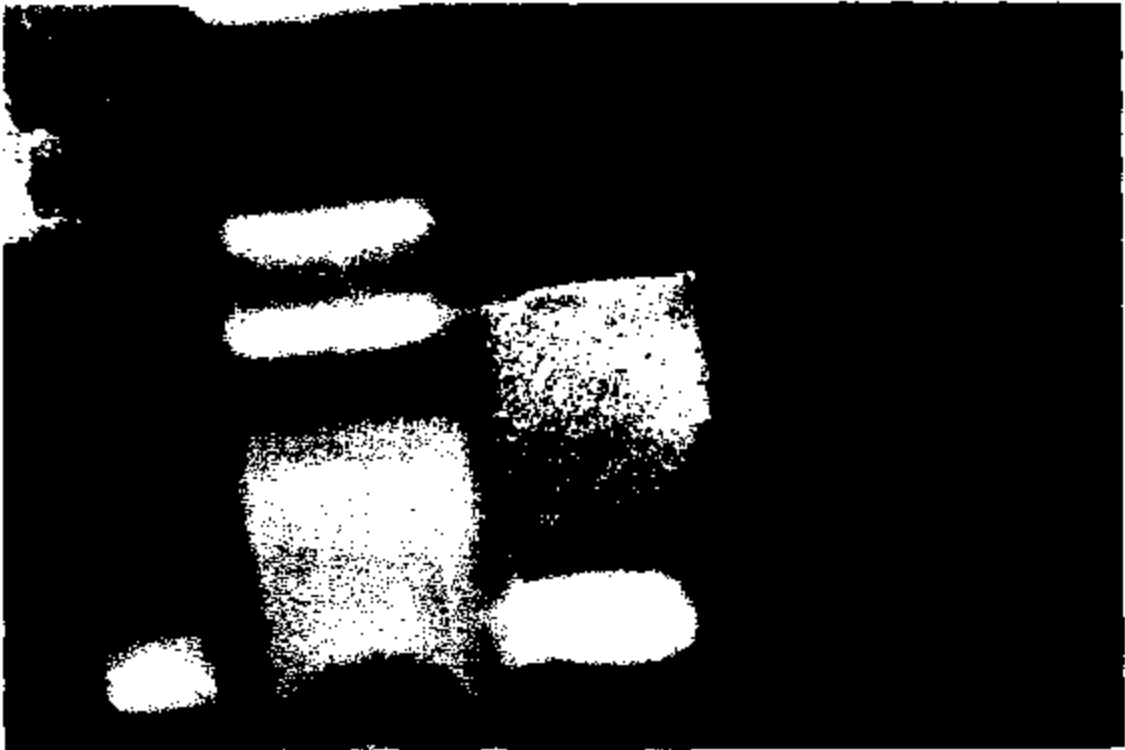
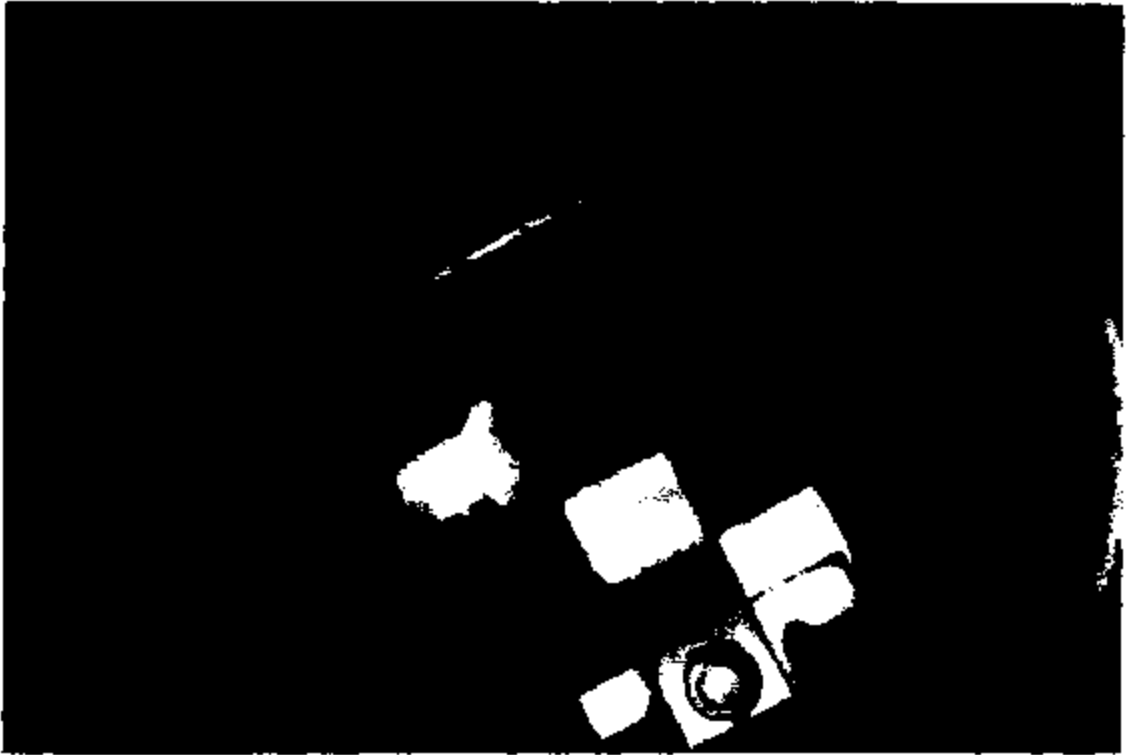














IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI
OUIDA CAMPBELL AND JAMES R. CAMPBELL PLAINTIFFS
VERSUS CASE NO. CI-99-0211(3)
FORD MOTOR COMPANY, D&L, INC. OF COLLINS
F/K/A D&L FORD, INC., WOOLWINE FORD LINCOLN-
MERCURY, INC., SUCCESSOR IN INTEREST TO D&L
FORD, INC., E.I. DU PONT DE NEMOURS AND
COMPANY, AND TEXAS INSTRUMENTS
INCORPORATED DEFENDANTS

ORAL AND VIDEO DEPOSITION OF

FREDERICK JAMES PORTER

NOVEMBER 16, 2000

Volume 2

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

MICHAEL JOLLY, ESQUIRE
1018 PRESTON
4TH FLOOR
HOUSTON, TEXAS 77002
TEXAS BAR NO. 10856910

COPY

1 ORAL AND VIDEO DEPOSITION of FREDERICK JAMES
 2 PORTER, produced as a witness at the instance of the
 3 Plaintiffs, and duly sworn, was taken in the
 4 above-styled and numbered cause on the 16th day of
 5 November, 2000, before C. Lee Parks, Certified
 6 Shorthand Reporter in and for the State of Texas,
 7 reported by computerized stenotype machine, at the
 8 offices of Feeney, Kallett, Wiener & Bush, P.C.,
 9 35980 Woodward Avenue, Bloomfield Hills, Michigan
 10 48304-0934, pursuant to the Mississippi Rules of
 11 Civil Procedure and the provisions stated on the
 12 record or attached hereto.

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ER02-023-A 12507

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24 VIDEOGRAPHER: Gerald P. Hanson

25

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1 **FREDERICK JAMES PORTER,**

2 having been first duly sworn previously on
3 Wednesday, November 15, 2000 continued his
4 deposition and testified as follows:

5 **EXAMINATION**

6 Q. (BY MR. MAYER) Mr. Porter, we're going to
7 continue the deposition from yesterday. You
8 understand you're still under oath?

9 A. That's correct.

10 Q. I looked back over my notes from
11 yesterday's session and I want to try to tie up some
12 loose ends. Did you say that the field returns that
13 you were aware of as head of this investigation
14 showed no signs of water entry through the canal?

15 A. The field returns that we received back
16 that were anomalous showed that the brake fluid had
17 leaked through the Kapton in all cases.

18 Q. Okay. Did any of the field returns that
19 you looked at or your group looked at show that
20 there was entry of water through the connector?

21 A. Not that were involved with a thermal
22 event.

23 Q. Okay. But did some of the field returns
24 have water in the connector and corrosion on the
25 electrical side?

1 A. They all had corrosion on the electrical
2 side due to brake fluid. There was some water in
3 the chemical analysis of those parts that would've
4 come in, possibly, with the brake fluid.

5 Q. What I'm trying to find out is, were there
6 any switches that were reviewed by Ford or its
7 people working for Ford that indicated that water
8 had gotten into the electrical side of the switch
9 and had caused corrosion and there was no brake
10 fluid in that side of the switch?

11 A. There were two switches that had been
12 retrieved from junk yards that were looked at that
13 did have corrosion in them, but the hoods were off
14 of those vehicles and the case of what those
15 switches had been through was unknown. Those
16 switches were corroded and non-operative, so they
17 would not have caused a fire.

18 Q. Okay. With the exception of those two,
19 were there any others?

20 A. No, sir.

21 Q. Now, I would ask that you give me an
22 explanation. Why is the brake pressure switch wired
23 hot at all times, if you could give me that kind of
24 in layman's terms?

25 A. Okay. During our investigation as to why

1 the brake switch started fires in the Town Cars,
2 Fred Kohl in our team meetings explained that the
3 brake pressure switch was wired to disable power to
4 the cruise control clutch coil in the event that
5 brake pressure was applied and the other mode of
6 switching off speed control would be deact -- or was
7 inoperative. In order make sure that this happened,
8 it was fused in the same circuit as the other input
9 for the deactivation and that, due to common method
10 of doing it in the industry, is using the brake lamp
11 fuse.

12 Q. Okay. Would you do me a favor? Would you
13 draw the circuitry as you understand it, the brake
14 pressure switch and then the brake -- I think it's
15 called the boost switch. Do you have a pen?

16 A. Yes, I do.

17 (Exhibit No. 8 marked.)

18 Q. I've handed you what's been marked as
19 Exhibit 8, correct? You're going to draw on that
20 document?

21 A. That's correct.

22 Q. Thank you.

23 A. You're welcome.

24 Q. Okay. Now, as I understand the schematic,
25 you've drawn the brake pressure switch is normally a

1 closed switch and the brake on/off switch is
2 normally an open switch?

3 A. Correct.

4 Q. And when one opens, the other one closes?

5 A. They are not connected to each other.

6 There is meant to be a time between the opening and
7 the closing of the new switch and the brake pressure
8 switch.

9 Q. Now, I don't know, but while one's open,
10 the other one's closed and typically opposite each
11 other?

12 A. Not all the time.

13 Q. Not all the time. When would they be
14 open?

15 A. They would both be closed during a period
16 of time when the brake pedal has first been stepped
17 on, but before significant pressure or enough
18 pressure has been built up in the brake system to
19 trip the brake pressure switch.

20 Q. And how long in terms of time, seconds or
21 whatever, would that typically last?

22 A. That's something that's determined by how
23 hard and how quickly the operator pushes on the
24 pedal.

25 Q. Less than a couple of seconds?

1 A. In normal cases it probably would be less
2 than seconds, but there would be cases where the
3 brake pressure switch is never activated. Under
4 normal operations, they would not.

5 Q. And why is it that the brake pressure
6 switch should be energized at all times? Explain
7 that to me.

8 A. Because if it was energized at all time --
9 or I should say, if it -- if it wasn't attached to
10 the brake lamp switch or the B00 switch had a
11 failure mode that caused it not to operate, then
12 the -- the brake pressure switch wouldn't be able to
13 do its job of -- of disconnecting the clutch coil.
14 Also, the fuse for the -- from the brake lamps are
15 also used to power the clutch coil so that in the
16 event that fuse blows, that the speed control cannot
17 inadvertently be deactivated.

18 Q. Okay. Anything else that you can think
19 of?

20 A. Those are the major reasons.

21 Q. When did you first learn than that the
22 brake pressure switch was energized at all times
23 directly to the battery?

24 A. I believe it was in November or December
25 of 1998.

1 Q. And how did you learn this?

2 A. Charlie Douglas told me.

3 Q. Charlie Douglas is a gentleman that works
4 for Texas Instruments?

5 A. That's correct.

6 Q. Before that, you had not known that?

7 A. I did not know that before that.

8 Q. And when you started your investigation,
9 did you go to people at Ford and ask why this was
10 the architectural design?

11 A. Not when we started the investigation.
12 But as we got the investigation rolling we included
13 people from the next generation speed control and
14 asked them. But that was not the purpose of the
15 investigation. The purpose of the investigation was
16 to understand why the brake pressure switch was
17 burning.

18 Q. And did you determine why the switch was
19 energized at all times?

20 A. Certainly, what I just told you; and they
21 told the rest of the team, excluding T.I. members.

22 Q. And who told you that? What was the name
23 of the individual?

24 A. Fred Kohl.

25 Q. Fred Kohl. Anybody else that would've

1 said that.

2 A. I'm not sure who else may have come to the
3 meeting from that group, but he would have been the
4 primary contact for that information.

5 Q. And did T.I. ever ask why this was the
6 architectural design?

7 A. They did not ask us that because they
8 knew.

9 Q. And did Fred Kohl explain to anybody from
10 T.I. that that was this was the architectural
11 design?

12 A. Yes.

13 Q. Who did he explain that to?

14 A. Andy McGuirk, Steve Beringhouse and other
15 people that were on the phone during team meetings.

16 Q. So that would have been is late '98, early
17 1999?

18 A. It wasn't early 1999.

19 Q. What other opportunities exist for the
20 circuitry of this switch that would still satisfy
21 Ford's requirements?

22 A. I don't understand what you mean by that.

23 Q. Well, did you look at other ways to
24 energize the switch and still meet Ford's
25 requirements during the investigation?

1 A. We looked at other methods of energizing
2 the switch, but no other methods would meet Ford's
3 requirements.

4 Q. Why is that?

5 A. Why is that? Because other methods would
6 reduce the failure modes that were possible that
7 would subject our customers to possible failures in
8 the speed control system.

9 Q. Explain how they would do that.

10 A. Explain how they would do that?

11 Q. Uh-huh.

12 A. Other methods would disable the ability
13 for the brake pedal to disable speed control, so
14 that --

15 Q. What method would do that?

16 A. Huh?

17 Q. What method would lead to that result?

18 A. If you try -- If you put that on a
19 different fuse --

20 Q. If you put it on a different fuse than the
21 break on/off switch?

22 A. If you put it on a different fuse and the
23 fuse on the brake's on/off switch blows, then the
24 speed control would not be activated.

25 Q. Was there some Ford requirement that the

1 brake pressure switch and the break on/off switch
2 had to be on the same fuse?

3 A. Yes.

4 Q. Who at Ford was responsible for that
5 requirement?

6 A. That requirement was developed as part for
7 the speed control system, again, in response to the
8 failure modes and effects and analysis that they had
9 done for the system; which we were looking out for
10 the customers that were going to utilize this
11 vehicle.

12 Q. And was this a group at Ford or Visteon?

13 A. At the time the system was being
14 developed, there was no Visteon; as we spoke
15 yesterday.

16 Q. So there would be no Visteon involvement?

17 A. That's correct.

18 Q. Okay. You were telling me that the
19 reasons the architecture wouldn't work, one of these
20 them was if somebody stepped on the brake pedal and
21 it was not on the same fuse as the brake on/off
22 switch, then the brake pressure switch could not
23 perform it's intended purpose?

24 A. That's a fair statement.

25 Q. Is there anything else you had to rule out

1 during the course of your investigation?

2 A. We looked at putting a relay in that
3 circuit.

4 Q. Okay. And was there a particular reason
5 why the relay was not something that would satisfy
6 the Ford requirement?

7 A. The relay was unnecessary due to the
8 information that we had from our other vehicle lines
9 that were not experiencing fires in the brake
10 pressure switch. Given that the issue was a defect
11 in the brake pressure switch that allowed brake
12 fluid into the circuit on these vehicles, a relay
13 would've been a touchup to this specific group of
14 vehicles; and in doing so in the field would've
15 subjected our customers to multiple other failure
16 modes, problems caused by service technicians who
17 were going to have to cut into the wires to hook in
18 a relay. Since the relay was not part of the
19 original design, where it's got mounted was going to
20 be unknown, there was not going to be able to be
21 sufficient vehicle testing to prove out the relay
22 circuit to -- to assure that it would not also catch
23 fire, because it certainly was in the same situation
24 of having battery and ground in it at all times.

25 Q. Okay. Anything else on the relay that

1 made it something that Ford did not think was the
2 correct solution?

3 A. Those are the basic reasons.

4 Q. Is Ford today using a relay in any of its
5 Explorer models?

6 A. Ford uses as part of its design relays
7 from there original design specifications that were
8 built into the system. The relay that we're
9 speaking about here would be something that came
10 after that the fact and would be imposed -- or
11 implemented by service people.

12 Q. Back to my question: Is Ford using a
13 relay in any of its Explorer vehicle lines?

14 A. What does that have to do with anything?

15 Q. Would you please answer my question?

16 A. Ford uses relays in Explorers, in Town
17 Cars, in all of their vehicle lined that are
18 designed as part of the original system.

19 Q. Is it -- Is Ford using a relay in its
20 Explorer model to limit the power that goes to the
21 brake pressure switch, in any Explorer model?

22 A. Not that I'm aware of.

23 Q. Is Ford using a relay in any of its
24 vehicle lines to limit the amount of power going to
25 the brake pressure switch?

1 A. Not that I'm aware of.

2 Q. Do you know if there are plans at Ford to
3 implement that?

4 A. Not that I'm aware of.

5 Q. As I understood your testimony yesterday,
6 that during the course of the investigation you had
7 a fair number of meetings and you did not take notes
8 at any of these meetings. Did I get that right?

9 A. That's correct.

10 Q. All right. Why did you not take notes?

11 A. Because the people who were getting
12 assignments at the meetings were taking notes
13 themselves.

14 Q. Yesterday we talked about the 500,000
15 cycle specification that's contained in the Ford
16 specs for this part. Do you know how many miles
17 that is equal to?

18 A. That works out to approximately 252,000
19 miles.

20 Q. All right. Can you tell me how you do
21 that calculation?

22 A. That calculation was done based on
23 customer usage data that was collected on the 1992
24 Crown Victoria, where various brake applications
25 were collected from customer usage data and applied

1 the energy levels that -- that those brake
2 applications would have against the brake pressure
3 pulse test which was 500,000 cycles at 1450 psi at
4 an elevated temperature of 135 degrees C.

5 Q. Is it Ford's position that any brake
6 pressure switch leaks prior to 252,000 miles would
7 be defective?

8 A. It's Ford's contention that Texas
9 Instrument did not expect or tell Ford that they
10 expected those switches to leak. And, in fact, T.I.
11 went out of there way to show Ford that they did --
12 that it would not leak under any circumstances.

13 MR. MAYER: Object, nonresponsive.
14 Would you read my question back.
15 please?

16 (The record was read as requested.)

17 Q. Is it Ford's -- I'll ask the question
18 again. Is it Ford's contention that any brake
19 pressure switch that leaks through the Kapton prior
20 to 252,000 miles is a defective switch?

21 A. Ford doesn't have a correlation from
22 the -- I shouldn't say that. It's not that we don't
23 have a correlation. We have a correlation from the
24 500,000 cycles to 252,000 miles of usage. What --
25 What we -- What I'm having difficult with -- And

1 I -- I'm not sure what -- how to answer that. But
2 you know, yeah, if it fails before 252,000 miles
3 it's a defective switch.

4 Q. Have you communicated that to Texas
5 Instruments?

6 A. We have communicated to Texas Instruments
7 very little because we've been involved in a lot of
8 litigation.

9 MR. FEENEY: I think he just did
10 communicate it to Texas Instruments.

11 MR. MAYER: Yeah, just now in this
12 deposition. I'm asking, has he communicated it
13 before this date. And the answer, I gather, is no.

14 MR. FEENEY: Well, how -- how could
15 he do that with litigation pending?

16 Q. Is that correct?

17 A. With litigation pending, I could not do
18 that.

19 Q. Is the 252,000-mile figure that you gave
20 us referenced anywhere in the specifications
21 provided to Texas Instruments for this part?

22 A. No.

23 Q. Is there any reference --

24 A. What's referenced in the specifications is
25 500,000 cycles, which T.I., in their own

1 documentation, admits is an excellent test and is an
2 over -- an overamplification of anything that the
3 vehicle would see in its lifetime.

4 Q. Is there any reference to 252,000 miles in
5 the specifications?

6 A. I do not believe that the specifications
7 reference 252,000 miles specifically, no.

8 Q. Did they reference any amount of miles?

9 A. I would have to review the specifications.

10 Q. Do you recall sitting here that they did?

11 A. I don't -- I can't answer that.

12 Q. You would defer to the specifications?

13 A. I would defer to the specification.

14 Q. Okay. Is the brake pressure switch in
15 this '92, '93 Lincoln down car a Delta V part?

16 A. Yes, it is.

17 Q. And explain to the jury what that means?

18 A. A Delta V part in Ford terminology is a
19 part that's related with a safety system and is
20 either -- I shouldn't say a safety system, but an
21 FMVSS system or considered to be a potential hazard.

22 Q. Did -- Is the brake on/off switch a Delta
23 V part?

24 A. I don't know.

25 Q. How would you determine that, Mr. Porter?

1 A. I would look at the drawing for it.

2 Q. And what would tell you that it's a Delta
3 V part from the drawing?

4 A. Delta V would appear on the drawing.

5 Q. You mentioned yesterday there were some
6 parts that you reviewed in late 1999 with damaged
7 faces, some type of thermal anomaly at the Ford
8 Central Labs. Do you recall That testimony
9 yesterday?

10 A. Vaguely, yes.

11 Q. Okay. And I think you mentioned that
12 there was -- in your analysis there was brake fluid
13 inside the if switch; is that right?

14 A. Yes.

15 Q. Do you know where those parts are today?

16 A. I guess I'm not sure exactly which parts
17 we're speaking of. We talked about a lot of parts
18 yesterday..

19 Q. These were parts that were examined at
20 Ford Central Labs in late 1999. I believe they were
21 parts that were collected by Ford personnel from the
22 field. And --

23 A. Are these -- Are these --

24 Q. -- and you mentioned yesterday that they
25 all had brake fluid in them.

1 A. Are these -- Are these the ones that we
2 spoke of, the representative from Du Pont looking
3 at?

4 Q. No. I don't think -- This is late '99.

5 A. Okay. At this point I don't know where
6 those parts are at.

7 Q. Did you tell Mr. Beringhouse when you saw
8 him at Exponent that those parts had been lost?

9 A. I don't know if we said they were lost.
10 We don't know where they're at.

11 Q. Were they all Town Car parts?

12 A. Yes. Let's see. I think -- I think they
13 are -- most of them were Town Car parts. One may
14 not have been.

15 Q. The one that was not a Town Car part, do
16 you recall what part it was?

17 A. I'd have to look at the report to refer to
18 that.

19 Q. So there was an actual report that was
20 issued by Central Labs on these parts?

21 A. Yes.

22 Q. Would that be the best evidence of what
23 type of parts they were?

24 A. That would be, yes.

25 Q. You would defer to that?

1 A. Correct.

2 Q. And as far as you know, Ford cannot locate
3 those parts today?

4 A. At this point they cannot locate those
5 parts.

6 Q. Have you ever traveled to Texas
7 Instruments -- a Texas instruments facility in
8 Attleboro, Massachusetts?

9 A. Yes, I have.

10 Q. When were you there?

11 A. I can't remember the dates. Several years
12 ago.

13 Q. And what was the purpose of your trip?

14 A. I was considering Texas Instrument for
15 sourcing of a new part.

16 Q. What was the new part?

17 A. An accelerometer.

18 Q. And did Texas Instruments get the
19 business?

20 A. Yes, they did.

21 Q. What vehicle does that go into?

22 A. It goes into the Lincoln LS.

23 Q. And just briefly, what's in that
24 accelerometer?

25 A. The accelerometer is a method -- is a

1 device used for measuring acceleration of whatever
2 it's attached to.

3 Q. Did -- Did you meet with people at Texas
4 Instruments?

5 A. Yes, I did.

6 Q. And who did you meet with?

7 A. I don't remember exactly look it was, but
8 I believe Charlie Douglas was involved.

9 Q. During the investigation into the under
10 hood fires in the '92, '93 Town Cars and Crown Vics,
11 did you go to Attleboro?

12 A. No, I did not.

13 Q. Did you send people on your staff to
14 Attleboro?

15 A. Yes.

16 Q. Who did you send?

17 A. Norm LaPointe.

18 Q. During the years that Texas Instruments
19 manufactured brake pressure switches for Ford, did
20 Ford have a regular procedure where inspectors would
21 go to Texas Instruments' facilities?

22 A. I'm not sure exactly what the process is
23 that Ford with dealing with its suppliers.

24 Q. During your investigation, Mr. Porter, did
25 you investigate whether people from Ford had visited

1 Texas Instruments during the period in question as
2 well as time periods after that to examine the line
3 and see how the product was being produced?

4 A. No, we did not.

5 Q. Would it be fair to say that you did not
6 talk to any of the people that did visit Texas
7 Instruments during this time period during the
8 investigation?

9 A. During our investigation, what we were
10 trying to understand is why the brake pressure
11 switches were burning; and so no, we did not ask
12 them about -- about people who were visiting there.

13 Q. You didn't look and see who from Ford had
14 been out to Texas Instruments to inspect production
15 in the 1991, '92 time period, did you?

16 A. No, we did not.

17 Q. Do you know how many times Ford inspectors
18 have visited Texas Instruments to review this line,
19 the brake pressure switch line?

20 A. No, I do not.

21 Q. Was that something that people on your
22 staff looked into as far as you know?

23 A. That is something that would be part of
24 Ford's standard procedure and we were not looking
25 into that because we were concerned about burning

1 brake pressure switches.

2 Q. You mentioned yesterday there was some
3 switches that Ford is considering purchasing from
4 Hi-Stat. Do you recall that general discussion with
5 me?

6 A. Yes.

7 Q. Are those switches -- do they contain
8 Kapton in them?

9 A. Yes, they do.

10 Q. What type of Kapton?

11 A. I don't know,

12 Q. Do you know if it's teflon coated?

13 A. I don't know.

14 Q. Do you know how many layers?

15 A. No, I don't.

16 Q. Do you know what purpose the Kapton
17 serves?

18 A. The Kapton serves the purpose of -- of
19 separating the brake fluid from the switch
20 components.

21 Q. And what are the specifications for that
22 parts in terms of cycle life?

23 A. The specifications that we would be
24 looking at are the same as what the T.I. switch has.

25 Q. 500,000 cycles spec'd similar to the T.I.

1 spec?

2 A. 1450 psi at 135 degrees C.

3 Q. And has Hi-Stat indicated that they're
4 going to use a diaphragm other than Kapton or in
5 addition to Kapton?

6 A. We have yet to completely define the
7 design that Hi-Stat would use on any switch that
8 might be -- that they might provide in that respect.

9 Q. Does -- Is Kapton in any other
10 applications in the Ford vehicle line? Do you know?

11 A. I believe Kapton is commonly used in flex
12 circuits.

13 Q. What else?

14 A. I'm not sure.

15 Q. During your investigation, did you look
16 into what other uses of Kapton were being applied in
17 the Ford vehicle line?

18 A. We were interested in knowing why the
19 brake pressure switches burned, and so no, we were
20 not looking at other applications of Kapton.

21 Q. When you saw Kapton that you believed had
22 failed, did you look at what other applications
23 Kapton was being applied in Ford vehicles to see if
24 they had similar stress or wear?

25 A. What we did was, we looked at T.I.'s FMEA

1 with regards to the Kapton in which they did not
2 identify the kapton wearing at all. Again, we were
3 focusing on the brake pressure switch and not other
4 applications.

5 Q. Your understanding is that the FMEA
6 provided by Texas Instruments indicated there was no
7 reference to leakage in the diaphragm?

8 A. No. There's no reference to the Kapton
9 wearing out.

10 Q. Is there a reference to a leakage through
11 the --

12 A. Yes, there is.

13 Q. -- through the diaphragm?

14 A. Yes, there is.

15 Q. Did you understand that would be the
16 Kapton?

17 A. I do, yes.

18 Q. So it is referred to?

19 A. What's referred to is leakage through
20 the -- through the diaphragm. There is no reference
21 to the diaphragm wearing out.

22 Q. During the investigation, did Texas
23 Instruments send Ford samples of Kapton that had
24 been through 100,000 cycles, 200,000 cycles, 300,000
25 cycles, 400,000 cycles and 500,000 cycles?

1 A. I don't recall that, but they may have. I
2 would --

3 Q. Do you -- Do you have any basis to deny
4 that?

5 A. I would defer to anything that you have.

6 Q. Is the air suspension compressor motor and
7 vents solenoid that you highlighted on Exhibit 7, is
8 that a component that receives continuous power?

9 A. The device that's highlighted on -- that
10 you -- you highlighted on Exhibit 7 --

11 Q. Yes, you're correct?

12 A. -- I don't know off the top of my head if
13 that is or not.

14 Q. Is that something you looked at during
15 your investigation?

16 A. No, it is not.

17 Q. If there was a fire in that location,
18 would it exhibit similar burn patterns to a fire
19 that would originate at or near the brake pressure
20 switch?

21 A. I'm not a fire expert. I would not know
22 that.

23 Q. You would say defer to fire experts --

24 A. Yes, sir.

25 Q. -- on that?

1 Q. Did you look at what conditions existed at
2 the Wixom plant from November of '91 to November of
3 '92?

4 A. I don't understand what you mean by the
5 "conditions."

6 Q. Did you see if there was a strike at that
7 facility?

8 A. No, we did not.

9 Q. Did you make any effort to look and see
10 what was going on at the Wixom plant where the
11 Lincoln Town Cars were built during this time
12 period?

13 A. No, we did not, because the Wixom plant
14 would not have had anything to do that would've
15 caused the life of the Kapton to be reduced. They
16 didn't open the part, they didn't do anything with
17 the part that would reduce the life of the Kapton.

18 Q. They did pull a vacuum on the part though?

19 A. I believe, that as part of the brake fill
20 system, that -- that vacuum is included. There is a
21 vacuum specification also in the -- in the pressure
22 switch test -- or specification.

23 Q. Does an electric motor run your air
24 leveling system in the '92, '93 Lincoln Town Car
25 platform?

1 A. According to Exhibit 7, it says: Air
2 suspension compressor motor. I believe that would
3 be an electric motor.

4 Q. The answer's yes?

5 A. Correct.

6 Q. Mr. Porter, did you speak with anybody
7 from NHTSA?

8 A. With regards to this investigation?

9 Q. Yes.

10 A. No, sir.

11 Q. Have you spoken with anyone from NHTSA at
12 any point in time?

13 A. In regards to this investigation?

14 Q. In regards to anything.

15 A. From time to time people from NHTSA do
16 come to Ford Motor Company and I've been involved in
17 some meetings.

18 Q. But unrelated to this issue?

19 A. Unrelated to this issue.

20 Q. There is a reference to a January 11th,
21 1999 -- I'm sorry -- January 21, 1999 telephone
22 conversation between Ford Automotive Safety Office
23 personnel and two individuals from NHTSA. Do you
24 know who the Ford Automotive Safety Office personnel
25 was that communicated with NHTSA?

1 A. May I see that document?

2 Q. Sure. I'll get the date.

3 MR. MAYER: We'll go ahead and mark
4 this.

5 (Exhibit No. 9 marked.)

6 Q. And the reference is Ford's answer to
7 Request No. 3. See in accordance with the agency
8 letter from the January 21 telephone conversation
9 between Ford?

10 MR. FEENEY: The pending question
11 is --

12 MR. MAYER: Who -- Does he know
13 who --

14 MR. FEENEY: Does he know --

15 MR. MAYER: Does he know who that
16 refers to? Yeah. It's not him, but does he know
17 who that refers to, who the Ford Automotive Safety
18 personnel was.

19 A. No, I do not.

20 Q. Did -- Were you involved in very reviewing
21 responses that Ford sent to NHTSA during this
22 investigation?

23 A. No, I was not. I -- No. I need to -- I
24 did not review what was sent to NHTSA, no.

25 Q. Did you work with Mr. Camp, the person who

1 was responding on behalf of the Ford Motor Company
2 to NHTSA's request?

3 A. No, I did not.

4 Q. Do you know who did from your team?

5 A. The connection from my team to the
6 Automotive Safety Office would've been Bill
7 Abramczyk.

8 Q. Now, why was it, as you as leader of the
9 team, weren't working with Mr. Camp, who is
10 responding to NHTSA?

11 A. We were working with Mr. Camp through
12 Mr. Abramczyk.

13 Q. Okay. He was your designated
14 representative on that issue?

15 A. Well, he was their designated
16 representative to us.

17 (Exhibit No. 10 marked.)

18 Q. Okay. Okay. I don't know whether these
19 (Indicating) have been previously marked and if they
20 have, I apologize for adding additional documents.
21 Would you take look at Exhibit 10 and confirm that
22 these are the engineering specifications for the
23 part, the Texas Instruments brake pressure switch?

24 MR. MAYER: I'm sorry. Jim, I have a
25 copy for you.

1 MR. FEENEY: Okay.

2 MR. MAYER: On some stuff I have made
3 extra copies.

4 MR. FEENEY: My only comment about
5 this is that I -- I mean, if you can do it, fine. I
6 mean --

7 MR. MAYER: Yeah. I --

8 MR. FEENEY: -- I imagine there's
9 plenty of drafts of this. Do you know -- Do you
10 believe it to be --

11 MR. MAYER: I don't know. That's why
12 I'm asking him.

13 MR. FEENEY: -- the final final?

14 MR. MAYER: I don't know. That's why
15 I'm asking him the question.

16 MR. FEENEY: Okay. Well, let's see
17 if he can tell us.

18 A. I can't tell you.

19 Q. What would you -- What is it about it that
20 prevents you from telling me whether this is the
21 engineering specs that were provided to T.I. for
22 this part?

23 A. There's -- Front cover sheet is missing.

24 Q. Okay. Anything else?

25 A. That's the first thing. I'm --

1 Q. Look through it, if you would, and see if
2 it appears to you, absent the front cover sheet, to
3 be the specifications that you reviewed during the
4 course of your investigation.

5 MR. FEENEY: Well, that's a different
6 question.

7 MR. MAYER: It is a different
8 question. That's why I asked him.

9 MR. FEENEY: Okay.

10 A. It looks similar to the specification,
11 yes.

12 Q. All right. And when you asked to see the
13 specification during your investigation, where did
14 you go to obtain it?

15 A. I'm not sure exactly where we went to get
16 it. There would be two methods. In the course of a
17 team meeting I probably would've asked Texas
18 Instrument for it first since they were producing
19 the part and should have it handy. There's also
20 systems in Ford that -- that collect our
21 specifications and that might have been another
22 place to get it.

23 Q. Am I correct that when these
24 specifications were prepared, you were not involved?

25 A. That's correct.

1 Q. You don't have any firsthand knowledge on
2 what was done in order to come up with these
3 engineering specifications?

4 A. I don't have firsthand knowledge, only
5 information that was provided to us from discovery
6 for these cases.

7 Q. All right. And did you talk with anyone
8 at Ford who was responsible for the creation of
9 these specifications?

10 A. We spoke with --

11 Q. You gave me a name yesterday, I think.

12 A. Well, I -- Yes. There was Gary Klingler
13 was involved.

14 Q. Okay. And there was the another fellow
15 whose name you gave me.

16 A. There was Bruce Pease was involved, also
17 Niru Modi.

18 Q. Okay. Anybody else?

19 A. Those would be the only ones that -- that
20 I recall at this point that were -- would've been
21 directly involved.

22 Q. Okay. I don't want to rehash anything.
23 Is there anything that you discussed with any of
24 these individuals about the engineering
25 specifications that we did not discuss yesterday?

1 A. I don't recall at this point anything
2 else, except --

3 Q. Okay. That's why I asked you.

4 A. Yeah. -- that -- that T.I. was an integral
5 part of developing these specifications.

6 Q. And that's what people have told you and
7 that's what you've read in documents?

8 A. That's correct.

9 Q. You don't have firsthand knowledge of
10 that?

11 A. That's correct.

12 Q. Okay. There is a -- one third paragraph
13 that says: The engineering test sample sizes and
14 test frequencies contained within this engineering
15 specification reflect the minimum requirements
16 established to provide a regular evaluation of
17 conformance to design intent. What does that mean,
18 of conformance to design intent?

19 A. That means that if it -- if is run, this
20 is the minimum that's required to show that the
21 parts will meet how they're going to be applied in
22 the vehicle. This is a minimum. If there's
23 anything that the supplier understands to be an
24 extra issue, it's on -- on their responsibility to,
25 one, identify to Ford and to run tests pursuant to

1 that.

2 Q. Do you know exactly what Ford did to
3 determine whether this is a proxy for conformance to
4 design intent? Do you know from your discussions
5 with either Pease, Klingler or Modi?

6 A. That these tests --

7 Q. Are a proxy for conformance to design
8 intent.

9 A. I'm -- I guess I don't understand.

10 Q. What exactly did Ford do to make sure that
11 these engineering tests, sample sizes, test
12 frequencies, were the tests that were going to be
13 adequate to conform to its design intent for the
14 vehicle? That's what I'm asking. Do you know?

15 A. The temperature requirements, the impulse
16 requirements, the -- the list of tests that are in
17 this are a carry-over from -- by and large, from a
18 previous specification that T.I. developed for this
19 part. There are a variety of vehicle tests that
20 Ford Motor Company runs on final product, but the
21 specifics of this specification were really lobbied
22 for, negotiated by, pushed by Texas Instruments.

23 MR. MAYER: Object, nonresponsive.

24 Q. Do you know what the vehicle tests that
25 you referred to were?

1 A. I can't speak of any specific vehicle
2 tests.

3 Q. Because you -- you weren't involved in
4 the --

5 A. Correct.

6 Q. -- creation of the spec?

7 A. Correct.

8 Q. During the investigation, did you go back
9 and ask anyone, what exact vehicle testing did we do
10 in connection with these specifications, Exhibit 10?

11 A. Our concern was why the brake pressure
12 switches were burning. And, no, we did not ask what
13 vehicle tests were done.

14 Q. Would it be fair to say then, as to
15 individuals tests like the burst tests, you would
16 not know what vehicle testing was done to
17 substantial that? Would that be a fair statement?

18 A. I cannot tell you what that is at this
19 point.

20 Q. And that was not something you looked at
21 during your investigation, correct?

22 A. Correct.

23 (Exhibit No. 11 marked.)

24 Q. I hand you what's been marked as Exhibit
25 11 and ask you if this is a document that you have

1 -seen before?

2 A. I've looked at a lot of documents that
3 I -- over time. I don't recall having seen this one
4 specifically.

5 Q. Okay. It says: Kickoff meeting, list of
6 attendees. Do you see that at the bottom, 12-1-98,
7 Kickoff list, meeting of attendees?

8 A. Yes, sir.

9 Q. Okay. And this is the NHTSA inquiry
10 kickoff meeting. The reason I'm asking, I don't see
11 your name on there. And I'm just wondering, is that
12 a mistake or did you not attend this meeting?

13 A. I was not at this meeting.

14 Q. And there's a name from somebody at
15 Visteon, a guy named Mike Jett. Do you see that?
16 He's about two-thirds of the way down on the
17 left-hand side?

18 A. Yes.

19 Q. Okay. Did you -- That -- That's an new
20 name to me. Did you have any dealings with anybody
21 from Visteon by the name of Mike Jett?

22 A. I don't who he is.

23 Q. That name does not ring a bell to you?

24 A. Not at all.

25 Q. Now, with the exception of Mr. Jett, are

1 all the people listed Ford people?

2 A. I don't know that.

3 Q. What are some of the abbreviations?

4 What's ASO stand for?

5 A. I believe ASO stands for Automotive Safety
6 Office.

7 Q. PCSD, what does that stand for?

8 A. I believe that stands for Ford Customer
9 Service Division.

10 Q. OGC?

11 A. That stands for the Office of the General
12 Counsel.

13 Q. That's Ford's legal department?

14 A. That's Ford's legal department.

15 Q. PVT?

16 A. I believe that stands for Product Vehicle
17 Team.

18 Q. And what is that? What's the Product
19 Vehicle Team?

20 A. That -- Those are -- It's group of
21 engineers that are working on the product.

22 Q. Would those be people working on the
23 Lincoln Town Cars in that time frame?

24 A. In which time frame?

25 Q. In 1998.

1 Q. Let me hand you what's been marked as
2 Exhibit 12. I'm really just trying to find out, do
3 you know whose handwriting that is?

4 MR. FEENEY: Sure you do.

5 MR. MANSKE: You do.

6 Q. All right. This is some handwritten notes
7 produced by Ford. The date on it is 12-10-98. Do
8 you see?

9 A. That's correct.

10 Q. Okay. Do you know whose notes those are?

11 A. I'm not sure that -- whose notes they are.

12 Q. Does the handwriting look familiar to you
13 on Page 1?

14 A. On Page 1, some of that does look a bit
15 like my handwriting.

16 Q. All right. And look at Page 2 of the
17 exhibit. Whose handwriting is that?

18 A. I don't know.

19 Q. Do you know whose -- It looks like some
20 kind of diary. Do you know whose diary that is?

21 A. No, I do not.

22 Q. Is there any of the handwriting on -- on
23 Page 2 that you recognize? Some of it's printed and
24 some of it's written out.

25 A. I guess I'm not sure. You know, the

1 printing -- actually, the last line looks a little
2 bit like mine.

3 Q. Yeah. All right. And that's in the form
4 of a question; isn't it?

5 A. Yes, it is.

6 Q. And would you read that to the jury?

7 A. "Is speed control switch hot on all
8 vehicles?"

9 Q. And was that something that you looked
10 into during your investigation?

11 A. Yes, we did.

12 Q. Now, above that there are some -- there's
13 some entries and your name appears, if you look
14 right at the top of Page 2 of this exhibit.

15 A. Yes.

16 Q. '92 Town Car Meeting - Brake Pressure
17 Switch. Jim -- Looks like Greg -- Is that Gregory?

18 A. I'm not sure. But that's what it looks
19 like.

20 Q. Tom Masters, Joe Evans, Mike-sombody. Can
21 you read his last name?

22 A. I believe that says Fodera.

23 Q. Okay. And Fred Porter?

24 A. Correct.

25 Q. All right. Was there a meeting that you

1 can recall attending on or about December the 10th,
2 1998 where those individuals were present?

3 A. Yes.

4 Q. And can you read what's below your name,
5 that next line?

6 A. I think that says -- There's a little
7 scribble and then I think it's E-g-e-n.

8 Q. Is that an abbreviation for something?

9 A. I don't think so.

10 Q. Do you know what it refers to?

11 A. It looks like the name of another person.

12 Q. Okay. All right. The next line says,
13 Preferred on brake-something and EVTm. Did I read
14 that right?

15 A. I think so, yes.

16 Q. I mean, can you read that word I skipped?
17 I can't --

18 A. It looks like maybe it's "in."

19 Q. And what does EVTm stand for?

20 A. I believe that's referring to one of
21 the -- the manuals for the electrical vacuum. I
22 forget what the "T" would stands for. But "M" would
23 be Manual.

24 Q. Do you know what that is referring to?

25 A. That's one of the service documents.

1 Q. And do you recall somebody looking at one
2 of the service documents on or about this time?

3 A. I think early on in the investigation we
4 started looking at trying to find service documents
5 from that time period.

6 Q. To find out what the service history these
7 vehicle had or --

8 A. No. To understand what -- what the
9 circuitry was in the these vehicles.

10 Q. Because you were not familiar with the
11 circuitry prior to this?

12 A. That's correct.

13 Q. There's something that says -- The next
14 line says, "Brake Pressure Switch called Speed
15 Control Deactivation Switch comes in PIA to
16 proportional -- or prop valve." What is PIA?

17 A. That's an abbreviation for Purchased In
18 Assembly.

19 Q. Okay. And we talked about that yesterday,
20 when a component is shipped in from Highlight. Is
21 that what that refers to?

22 A. That's correct.

23 Q. And assembled to other components?

24 A. That's correct.

25 Q. And then it says, "Supplier = Surfaces.

1 Do you see that?

2 A. Yes.

3 Q. Okay. That's a new name to me. Who are
4 they?

5 A. I believe Surface is another name for
6 Highlight.

7 Q. Oh. Okay. All right. Then there's a
8 series of questions there. Were those questions
9 that were posed at the meeting in December of 1998?

10 A. I believe those were questions that were
11 asked at the meeting, yes.

12 Q. Okay. And then the last one, you believe,
13 would be something that would be attributable to
14 you, the last note on Page 2?

15 A. Yes.

16 Q. And did you --

17 A. That's a possibility.

18 Q. Okay. And did you receive answers for all
19 these questions?

20 A. I don't know if I can answer that without
21 going through each of the questions.

22 Q. Okay. Now, the previous page -- if you
23 look at the previous page, it's also dated 12-10-98.
24 Is it possible that these are some notes that you
25 took at this meeting, Mr. Porter?

1 A. It's possible.

2 Q. Okay. And this would be kind of an
3 exception where you typically did not take notes,
4 right?

5 A. At this point, this was the first meeting.
6 We didn't know where we were going, who was going to
7 be involved.

8 Q. Okay. All right. There's a couple of
9 thoughts -- a couple of questions you have written
10 out. The first one on the left-hand side is Switch
11 Current. Do you know what that refers to?

12 A. I believe the question there is, what is
13 the switch current?

14 Q. Did you find that out?

15 A. Yes, we did.

16 Q. And what was the switch current?

17 A. The -- The current used to allow the speed
18 control clutch coil to engage is a maximum of
19 three-quarters of an amp during normal operation.

20 Q. Then across from that is Speed Control
21 Deactivation Switch. Do you know what that refers
22 to?

23 A. I believe that refers to the product that
24 we're talking about.

25 Q. Okay. Okay. As I understand it, the --

1 when you got into this meeting, the speed control
2 deactivation switch was already a candidate for the
3 likely cause of this fire?

4 A. I understand that the NHTSA had identified
5 the speed control deactivation switch as a likely
6 candidate.

7 Q. Okay. Brake fluid ignition, what's does
8 that refer to?

9 A. I believe that's wondering if brake fluid
10 can start a fire.

11 Q. Did you get an answer to that?

12 A. Yes, we did.

13 Q. Okay. And what was the answer?

14 A. Yes.

15 Q. All right. And what temperature? Do you
16 recall?

17 A. We didn't have that information.

18 Q. And how did you find out, could brake
19 fluid start a fire? Who did you go to?

20 A. We put a match on it.

21 Q. All right. And saw it ignite?

22 A. Yes.

23 Q. Now, brake fluid was something that was
24 used, obviously, in a lot of different vehicle lines
25 at Ford?

1 A. Yes. Brake fluid is commonly used in
2 vehicles.

3 Q. The next reference is, Are Service Parts
4 Involved. Did I read that right?

5 A. That's correct.

6 Q. And did you get an answer to that?

7 A. I'm not exactly sure what the context of
8 that question means at this point.

9 Q. Do you remember why you were posing it?

10 A. I don't know that I was posing that
11 question. That question may have been posed in
12 the -- in the meeting.

13 Q. Next entry, Was cruise control standard on
14 Town Car, do you see that?

15 A. Yes.

16 Q. Did you get an answer to that?

17 A. Yes, we did.

18 Q. And what was the answer?

19 A. Yes.

20 Q. Reports are ambiguous, is the next note
21 written. Do you know what that refers to?

22 A. I can't recall for sure. But it may have
23 referred to the NHTSA reports that were identified.

24 Q. Your understanding then would be that the
25 NHTSA reports were ambiguous as to cause; or at

1 least some people thought that?

2 A. At that point in time people didn't
3 understand exactly what they meant. There was not a
4 lot of information.

5 Q. The next entry, Is speed control standard
6 option on CVGM. Did I read that right?

7 A. Yes.

8 Q. And what does that refer to?

9 A. I believe that's referring to the Crown
10 Vic, Grand Marquis.

11 Q. All right. Was it standard or optional?

12 A. It's optional.

13 Q. Okay. The next entry is, Contact for
14 future NHTSA meetings. Do you see that?

15 A. Yes.

16 Q. And what was that in reference to?

17 A. I believe that we were looking to see who
18 we needed to make sure was involved, essentially
19 with the Automotive Safety Office.

20 Q. All right. And was a decision made that
21 Mr. Abramczyk would be the person to do that?

22 A. Well, we certainly didn't make that
23 decision. But ultimately Mr. Abramczyk was a member
24 of the team.

25 Q. Who made that decision?

1 A. I don't know.

2 Q. Was that something that Ford Office of
3 General Counsel handled, typically?

4 A. I believe that's something the Automotive
5 Safety Office would've handled themselves.

6 Q. All right. Then there's a couple of other
7 notes. There's something on the left-hand side,
8 looks like -- looks like somebody's E-Mail address,
9 Do you see that?

10 A. Yes.

11 Q. Can you read that for us?

12 A. Not really.

13 Q. Do you know what it refers to?

14 A. Looks like somebody's E-Mail address. I
15 agree.

16 Q. Then it says, Cars on the Road, Warm
17 States. Do you know what that's in reference to?

18 A. I think, you know, again, it's speculation
19 because I don't really recall at this time. But I
20 think there was some questions as far as, was there
21 a higher probability in warm states than cold
22 states.

23 Q. All right. And do you know if that was
24 ever resolved?

25 A. Ultimately, no.

1 Q. Then there's something, looks like a
2 little box around it and it says, Test. And I can't
3 read what the next thing is. Can you help me out
4 there?

5 A. Well, looks like maybe "squirrel."

6 Q. Is it "sequence" maybe?

7 A. Maybe.

8 Q. Okay. Does that ring a bell? Does it
9 refresh your memory on what you were referring to
10 there?

11 A. No, it doesn't.

12 Q. What BCE and MIS message? Are those --

13 A. I don't know what that refers to.

14 Q. Okay. Now, other than this document, are
15 you aware of any other notes that you took during
16 the investigation?

17 A. I think that there were a couple of early
18 meetings that I -- I produced notes on.

19 Q. And have you reviewed those notes in
20 preparation for this deposition?

21 A. Yes.

22 Q. What did you do to prepare for this
23 deposition? Did you meet with the attorneys?

24 A. I met for a couple of hours with the
25 attorneys, yes.

- 1 Q. Did you review your notes?
- 2 A. At that point in time, no.
- 3 Q. Did you review documents?
- 4 A. No. They asked me questions.
- 5 Q. And who did you meet with?
- 6 A. Mr. Manske and Mr. Feeney.
- 7 Q. Anybody else present?
- 8 A. Mr. Lampe came in once or twice.
- 9 Q. Who is Mr. Lampe?
- 10 A. Mr. Lampe is Ford's Office of the General
11 Counsel on this.
- 12 Q. He's an attorney; is he not?
- 13 A. Yes.
- 14 Q. Other than that, nobody else present?
- 15 A. There were a lot of people that came in
16 and out. I'm not -- You know, to answer that yes or
17 no, I mean --
- 18 Q. Were all the people that came in and out
19 lawyers?
- 20 A. I think so.
- 21 Q. Okay. Did the meeting happen here or over
22 at Ford?
- 23 A. Happened at Ford.
- 24 MR. MAYER: If nobody has an
25 objection, I wouldn't mind taking just a short

1 break.

2 MR. FEENEY: I was just going to
3 suggest that.

4 MR. MAYER: Okay.

5 (Recess taken.)

6 (At this time a video tape of the
7 witness was begun.)

8 THE VIDEOGRAPHER: Going on the video
9 record, 10:43:12.

10 MR. MAYER: Do you want to make an
11 object, Mr. Feeney?

12 MR. FEENEY: Yeah. You want to
13 introduce the fact that you've got a videographer
14 here?

15 MR. MAYER: Yeah. We've started the
16 video deposition. Mr. Porter is being deposed.
17 He's been Noticed by Video Deposition by me and
18 Mr. Jolly's original Deposition Notice contains a
19 Video Tape Deposition Notice. Mr. Feeney's
20 indicated he objects to us beginning the deposition
21 on the stenographic record and then adding a video
22 component later and you've agreed to reserve those
23 objections until trial.

24 MR. FEENEY: We -- That is -- That is
25 correct. And I don't dispute that the deposition

1 was originally Noticed as Video Tape. We just
2 haven't been doing it. My basis for my objection is
3 having a partial video record and a partial
4 non-video record and use of the video portion of
5 that record. Obviously, we have a record. But in
6 the spirit of cooperation, we're reserving all of
7 that for a later date.

8 MR. MAYER: Appreciate that.

9 Q. In preparing for your deposition today,
10 Mr. Porter, did you review the responses that were
11 sent to NHTSA by Ford Motor Company?

12 A. No, I did not.

13 Q. Have you at any time looked over those to
14 make sure they're accurate and complete?

15 A. I -- I don't recall looking at those
16 specifically.

17 Q. And I think you told me earlier in the
18 deposition today that you were not directly involved
19 in preparing responses to NHTSA?

20 A. That's correct.

21 Q. Did you provide information to
22 Mr. Abramczyk so that he could give accurate and
23 timely information as to NHTSA?

24 A. As a member of the team Mr. Abramczyk
25 collected information as it was produced by the

1 team.

2 Q. If you look at that exhibit -- I think
3 it's -- it's the March 11th, '99 letter --

4 MR. FEENEY: Here it is right there.
5 Take a look at that.

6 Have you got an extra copy of that
7 one?

8 MR. MAYER: We should. No. I have
9 a -- I don't have any problem, if you want to take a
10 break and make a quick copy.

11 MR. FEENEY: Are you going to ask
12 him -- Are you going to be a while?

13 MR. MAYER: No. I have one --
14 There's something in here I need to ask him about.

15 MR. FEENEY: I mean, if you only have
16 one question, let's see what happens.

17 MR. MAYER: That's all right.
18 It's -- Here's a whole extra set.

19 MR. FEENEY: It's a different letter.

20 MR. MAYER: It's a different letter.
21 I haven't marked it yet. It's this (indicating)
22 letter. And I don't have an extra copy, but I'm
23 happy to stop and make a quick copy. Number 13.

24 (Exhibit No. 13 marked.)

25 MR. FEENEY: Well, same question:

1 Have you got one questions or --

2 MR. MAYER: Yeah.

3 MR. FEENEY: -- a few questions?

4 MR. MAYER: Yeah. It's one question.

5 Q. Do you recall, Mr. Abramczyk -- I'm
6 sorry -- Mr. Porter -- I can't find it. Let me move
7 on and I'll get my act together in a little bit.
8 Sorry. I apologize. Okay.

9 MR. MAYER: What's the next exhibit?

10 THE COURT REPORTER: 14.

11 (Exhibit No. 14 marked.)

12 Q. Would you take a look at Exhibit 14? Have
13 you seen Exhibit 14 before?

14 A. Yes, I have.

15 Q. Okay. It's an E-mail from you to a
16 variety of people at Ford. Am I right?

17 A. That's correct.

18 Q. Okay. And then this is -- relates to the
19 investigation that we're here talking about that
20 you're the -- that you were the project leader on,
21 correct?

22 A. Correct.

23 Q. If you go the second page, there's some
24 questions that have been posed. Do you see those?

25 A. Yes.

1 Q. Okay. And there's a reference to No. 7
2 which reads: What fault codes are stored if the
3 brake pressure switch fails? Did I read that
4 correctly?

5 A. That's correct.

6 Q. Okay. And what answer did you get to that
7 question when you posed it?

8 A. At that time that was a question that was
9 left open for further investigation.

10 Q. What are fault codes? What is that?

11 A. Fault codes are codes that are found in a
12 control module looking for -- that are -- that are
13 stored when the control module identifies a problem.

14 Q. Okay. And did you think at the time that
15 there was a control module that controlled the brake
16 pressure switch and if the switch failed some fault
17 codes would -- would be generated?

18 A. We didn't know what might -- the -- the
19 situation may be on this module. We were still
20 learning what the system was and generating a list
21 of questions in general, generically, that -- that
22 we wanted to ask.

23 Q. Now that the investigation is almost two
24 years into -- two years from the date of this
25 E-mail, what is the answer? What fault codes are

1 stored if the brake pressure switch fails in the
2 '92, '93 Lincoln Town Car?

3 A. On the '92, '93 Town Car, there are no
4 fault codes stored for any failure mode.

5 Q. Of the brake pressure switch?

6 A. Correct.

7 Q. Are there fault codes or diagnostics in
8 the '92, '93 Lincoln Town Cars for other things?

9 A. I can't -- I don't know.

10 Q. Would the owners manual be the best guide
11 for that?

12 A. No, it would not.

13 Q. What would be a better guide?

14 A. Service manual would be better.

15 Q. Thank you. Would you defer to the service
16 manual for what the diagnostics are in that that
17 Panther platform?

18 A. Yes.

19 Q. Do you know if there are fault codes today
20 in any of the Ford vehicle lines that are generated
21 if the brake pressure switch fails?

22 A. No, I do not.

23 Q. Did you look into that after the
24 investigation was completed?

25 A. Our investigation was, why did the 1992,

1 '93 Town Car brake pressure switches were burning.
2 We were not interested in fault codes on other
3 vehicles.

4 Q. You were interested in fault codes on this
5 vehicle line though, correct, that's why it's in
6 this E-Mail?

7 A. Generically, it was a question that we
8 were asking to see if there was something that might
9 help us understand why there were fires in the brake
10 pressure switch.

11 Q. And did you -- did you have anybody in
12 particular that tracked down the information on this
13 inquiry, on the fault codes?

14 A. I don't recall.

15 (Exhibit No. 15 marked.)

16 Q. Okay. Let me ask you to take a look at
17 Exhibit 15 --

18 MR. MAYER: Mr. Feeney.

19 MR. FEENEY: Uh-huh.

20 Q. -- and ask you if this is a document --
21 Well, first of all, is it a Ford document?

22 A. It appears to be a Ford document.

23 Q. Okay. This appears to be a request for
24 some type of Central Lab analysis. Would you agree
25 with me?

1 A. It's what it appears to be, yes.

2 Q. Okay. And where it says -- About halfway
3 down: Additional sample information testing
4 requirements, do you see that.

5 A. Yes.

6 Q. It says, Sample I.D., burned connector and
7 pressure actuator (Reddick), is that sometimes also
8 referred to as the Memphis switch?

9 A. That's correct.

10 Q. That's the little packet of material that
11 you have next to you, minus one missing layer of
12 Kapton?

13 A. That's correct.

14 Q. Okay. Is the connector in that little
15 packet that you've brought with you?

16 A. I believe remnants of the connector
17 that -- that there were -- from burn -- after the
18 burn are also there, yes.

19 Q. Okay. Would you pass it -- or at least,
20 why don't you open the bag and identify what the
21 connector portion is that you referred to?

22 A. These three bags contain what
23 remnants -- what the remnants are of the connector.

24 Q. Okay. And that was the material that was
25 sent to Ford Central Labs?

1 A. This --

2 Q. Yeah. And in Exhibit 15, that's what I'm
3 trying to find out. Is that -- Is that the material
4 that was sent to Ford Central Labs in Exhibit 15?

5 A. All of these pieces were Ford -- sent to
6 Central Labs.

7 Q. Okay. For analysis?

8 A. For analysis.

9 Q. Okay. And there is a note on the
10 document, Exhibit 15, where it says: High
11 Priority - Possible Legal. Do you see that?

12 A. Yes, sir.

13 Q. Had -- Had someone lodged a claim against
14 Ford at this point for the Reddick vehicle?

15 A. I don't know what the status was on the
16 Reddick vehicle.

17 Q. Do you know what that reference is,
18 Possible Legal? Do you know how that came about?

19 A. Since there was a fire with respect to
20 this, that always leaves room for possible legal
21 action.

22 Q. Okay. Thank you.

23 MR. MAYER: Do we have a -- Jim, do
24 you have any objection if we mark that portion of
25 the -- the three pieces he identified as have gone

1 to the Central Lab for analysis?

2 MR. FEENEY: Well, is it everything
3 or -- I don't have any objection --

4 MR. MAYER: Okay.

5 MR. FEENEY: -- to marking --

6 MR. MAYER: Let's mark them. Let's
7 put them -- 16 --

8 Q. Three bags there? Is that how many there
9 are?

10 A. Yes. What's -- What's involved with --
11 that went to Central Lab is everything and T.I. also
12 had a material collected from these parts.

13 Q. I know. What I'm asking you is, the burn
14 connector that's what I was -- My question was,
15 what -- identify from the bag of material that you
16 have the burn connector material that was provided
17 to Ford Central Lab for analysis. That's all I want
18 to identify. Is that -- those three bags the burn
19 connector or did we have a misconnect?

20 A. I believe that's what's involved with the
21 burn connector, yes.

22 Q. Okay. All right.

23 MR. MAYER: Do you have any objection
24 to me marking them 16-A, B and C?

25 MR. FEENEY: No. We'll have to talk

1 about what happens to the bags once they're marked
2 as exhibits.

3 MR. MAYER: Okay.

4 MR. FEENEY: I would not want to
5 surrender possession of the bags to the court
6 reporter.

7 MR. MAYER: Okay. I don't have any
8 problem with that.

9 THE COURT REPORTER: Nor do I.

10 Q. Why don't you just -- I'll hand you the --
11 the exhibit labels and if you'd just put 16-A, B and
12 C on those three bags so we have a clear record.

13 MS. WEINER: And could you just tell
14 me the date of those, Exhibit 15 that you just
15 referenced?

16 MR. MAYER: The date of the exhibit
17 is 12-17-98. And it has a Bates number if you want
18 it.

19 MS. WEINER: That's all right. Thank
20 you.

21 (Exhibit 16-A, 16-B & 16-C marked.)

22 Q. Okay. Mr. Porter, in your investigation,
23 did you look at how the brake pressure switch was
24 mounted on the various vehicle lines that used the
25 switch?

1 A. Yes, we did.

2 Q. I see reference to something called
3 booster mount, prop valve and line mount. Can we
4 take them one at a time and can you explain, where
5 it says Booster mount, what does that mean?

6 A. Can I look at that document?

7 Q. Sure.

8 A. Do you want to mark this?

9 Q. Sure. Sorry. It's dated December 18th,
10 1998, E-mailed from Charlie Douglas to Fred Porter.

11 MR. FEENEY: Do you have an extra one
12 there?

13 MR. MAYER: Yes, I do.

14 MR. FEENEY: Thank you.

15 MR. MAYER: No. 17, right?

16 THE COURT REPORTER: Correct.

17 (Exhibit No. 17 marked.)

18 Q. You see there's some notations talking
19 about Booster Mount, Prop Valve and Line Mount?

20 A. Yes.

21 Q. I'm just trying to find out, what does
22 that mean?

23 A. Well, those aren't my notations. I would
24 think that those are Charlie Douglas's notations.

25 Q. Okay. When it says, Line Mount, does that

1 mean -- do you know what that means, what that's
2 referring to?

3 A. Not exactly, no.

4 Q. Okay. Prop Valve, do you know what that
5 refers to?

6 A. That one of the components of a vehicle is
7 a prop valve.

8 Q. Proportional valve?

9 A. Proportional valve.

10 Q. Okay. Let's just take an example. Go and
11 look at the model year '94 Econoline, do you see
12 that?

13 A. Yes, sir.

14 Q. He's got a "B" next to it for booster
15 mount. Do you know if that's accurate, that the
16 brake pressure switch is mounted at the booster?

17 A. I'd have to refer back to the service
18 manual.

19 Q. Okay. Do you -- Did you ask him for this
20 information?

21 A. I don't know that I asked him for this.

22 Q. Do you recall discussing this with him at
23 any time?

24 A. It may have been part of the discussion.
25 I don't recall any specific discussion about that.

1 Q. Okay. And is there any significant to
2 the -- In your view as head of the investigation,
3 is there any significant to the different mounts,
4 the booster mounts, the prop valve and the line
5 mount?

6 A. It would be an indication that these were
7 mounted in different parts of the vehicle, if that's
8 what that's referring to.

9 Q. Okay. Now, you mentioned to me early in
10 the deposition Charlie Douglas told you the part was
11 wired hot at all times.

12 A. Yes, sir.

13 Q. Is this the E-Mail you were referring to,
14 if you at the second to the last paragraph?

15 A. Yes, sir.

16 Q. Okay. And did Mr. Douglas discuss -- It
17 says, The issue can be discussed further on Tuesday,
18 as we will be prepared to provide a brief overview
19 of our understanding of how the switch is
20 electrically plumbed into the system. And did that
21 occur?

22 A. I don't know that for sure, but --

23 Q. Do -- Do you have recollection one way or
24 the other?

25 A. No.

1 Q. Would you defer to someone who had notes
2 of that meeting?

3 A. Yes.

4 (Exhibit No. 18 marked.)

5 Q. Let me hand you what's been marked as
6 Exhibit 18.

7 MR. MAYER: Mr. Feeney.

8 MR. FEENEY: Thank you.

9 Q. This is an E-Mail from you, Mr. Porter, to
10 a group of people; is that correct?

11 A. That's correct.

12 Q. Authored December the 23rd, 1998?

13 A. That's correct.

14 Q. All right. Now, are all of the -- the
15 recipients, are all those Ford people?

16 A. I don't know that for sure, but my guess
17 would be yes.

18 Q. Okay. And this references an invitation
19 from Texas Instruments for somebody from Ford to
20 travel to Texas Instruments for a full day of
21 analysis. Is that referring to the Reddick switch?

22 A. I believe so.

23 Q. And did you accept Texas Instruments'
24 invitation and send someone?

25 A. Yes, we did.

1 Q. Who went?

2 A. Norm LaPointe.

3 Q. All right. There's something at the
4 bottom that says, It would be helpful to understand
5 the weather conditions at the time of the event. I
6 don't have a date and dealership for this -- from
7 this part. Did you get that information?

8 A. No, we did not.

9 Q. Why not?

10 A. It became less important after the switch
11 was disassembled.

12 (Exhibit No. 19 marked.)

13 Q. Okay. I pass you what's been marked
14 Exhibit 19. This is an E-Mail to you from Ken -- I
15 think it's Gribble, sent January 22nd, 1999. Do you
16 see that?

17 A. Yes.

18 Q. Okay. And it looks like it's answering a
19 question that you posed to him in earlier E-mail, or
20 you posed to somebody in an earlier E-mail that's
21 about -- on the 21st of January. Do you see that?

22 A. Yes.

23 Q. Okay. And the questions you asked: Is
24 brake fluid conductive? How much? Will brake fluid
25 react with copper and brass? Will an electric field

1 or current cause a reaction? Okay. What were you
2 asking -- Who were you asking that of?

3 A. My -- My E-mail, it says here, was sent to
4 CThomas5 and GSteven1.

5 Q. Are those people Ford employees?

6 A. Yes, sir.

7 Q. All right. And it looks like Clark Thomas
8 was CThomas?

9 A. Yes.

10 A. All right. And he's with the AVT
11 Materials, Plastics and Elastomers division of Ford,
12 right?

13 A. He's with the Advanced Vehicle
14 Technologies area of Ford.

15 Q. Okay. And then you got -- Eventually you
16 got an answer back from this fellow, on Ken Gribble,
17 right?

18 A. That's correct.

19 Q. And his -- his answer was that copper and
20 brass have been used in brake systems for years and
21 I'm not aware of any concerns. Did I read that
22 correctly?

23 A. That's what his answer is.

24 Q. Okay. And what is his title?

25 A. It says, Chassis Engineering, Materials

1 and Corrosion Engineering Section.

2 Q. Would that be at Ford Motor Company?

3 A. Yes, sir.

4 Q. Did you have additional conversations with
5 either Mr. Clark or Mr. Gribble concerning the
6 information contained in this E-Mail?

7 A. No, not with them. We did have
8 conversations with the brake fluid supplier who
9 indicated differently than what Mr. Gribble did.

10 Q. So you talked to a brake fluid supplier
11 who disagreed with what the Ford people told you?

12 A. He -- Yes. In fact, he said that brake
13 fluid would be quite corrosive.

14 Q. And that was an individual from Dow
15 Chemical?

16 A. Yes, sir.

17 Q. Did you give that information back to
18 Mr. Gribble telling him that, hey, you're off the
19 mark; the guys at Dow said it is a problem?

20 A. I'm not sure where Mr. Gribble is right
21 now.

22 Q. The answer to my question is, you did not
23 do that?

24 A. No, we did not.

25 Q. Why not.

1 A. I'm not sure where Mr. Gribble is right
2 now.

3 Q. Did you give the information to
4 Mr. Thomas?

5 A. No, I did not.

6 Q. Why not?

7 A. Mr. Thomas was probably in the meeting at
8 the time.

9 Q. What meeting was that? Do you recall?

10 A. Would've been one of the team meetings.
11 T.I. was also present at that time.

12 (Exhibit No. 20 marked.)

13 Q. Let me hand you a copy of Exhibit 20 and
14 just get you to identify some people for us, if you
15 would. This is from somebody by the name of Deepak
16 Goel. Did I read that right?

17 A. That's correct.

18 Q. Is that how you pronounce it?

19 A. Deepuck Goel.

20 Q. And who -- At this time, what was his
21 position?

22 A. He was my manager.

23 Q. That was your boss?

24 A. Yes, sir.

25 Q. And what was his title?

1 A. Manager.

2 Q. All right. It's got Manager Restraints,
3 Power Supply, Chassis & EMC. Is that -- I assume
4 that's probably a more accurate recitation?

5 A. That's correct.

6 Q. And who is Sam Cole?

7 A. Sam Cole is another manager. I believe he
8 was in the Vehicle Center.

9 Q. Okay. Did -- Would he been over you,
10 adjacent to you? In the chain of command, how would
11 that work?

12 A. He would've been in a different chain of
13 command.

14 Q. Would you do me a favor? Would you sketch
15 out the org chart for the investigation?

16 (Exhibit No. 21 marked.)

17 Q. I pass you what's been marked as 21.

18 A. I'm unable to do that at this point.

19 Q. Okay. Why don't you just start with your
20 direct reports. We'll do that -- work that way;
21 your direct report, Mr. Goel, then who you reported
22 to.

23 A. At this point in time this (Indicating) is
24 all I can recall for sure.

25 Q. Okay. So you reported to Mr. Goel and

1 -Mr. Goel reported to somebody named Cary Wilson?

2 A. That's correct.

3 Q. There are a bunch -- On this same exhibit
4 there are a bunch of other names that -- some of
5 whom we've talked about. Let me give this back to
6 you and see if you're able to show me where they
7 would fit into the -- to the org chart. For
8 example, Mr. Abramczyk, we've talked about him.
9 Where would he fit in the org chart?

10 A. He would be on a different leg of the org
11 chart.

12 Q. Okay. Because he worked for a different
13 division?

14 A. Yes.

15 Q. What about Ray Nevi?

16 A. Yes.

17 Q. Where would he fit in?

18 A. He was in a different leg of the
19 organization.

20 Q. Would -- Would -- Would you be able to
21 draw a line below you and -- and just put the
22 investigatory group and the names of people that you
23 can recall that worked on your team?

24 A. I guess I'd really like to refer back to
25 what I said yesterday as to who the team members

1 were.

2 Q. Take a look at that -- that initial
3 kickoff meeting. That may help you. See, it's all
4 the way at the bottom.

5 A. The -- The initial kickoff team -- This
6 (Indicating)?

7 Q. Yeah.

8 A. This -- That -- That would -- does not
9 reflect many people, if any, that were on the actual
10 team working on it.

11 Q. Okay. Okay. Well, why don't you just do
12 the best you can, understanding that you may loose
13 some people. Eric, before we -- Let's not mix
14 apples and oranges. I mean, the exhibit he's done
15 is, as I understood it, an org chart of his direct
16 reports. Why don't we do a separate one in which he
17 lists the team, the investigation team?

18 MR. MAYER: But I want to -- I want
19 to establish that he was leader of the team.

20 MR. FEENEY: Well, I think you've
21 done that about 25 times during the course of
22 this -- of the deposition.

23 MR. MAYER: I don't want any
24 interruption of that.

25 MR. FEENEY: Why don't we just take a

1 separate document?

2 MR. MAYER: That's fine.

3 Q. What exhibit is that last one I handed
4 you?

5 A. 21.

6 Q. This one (indicating) is 22.

7 (Exhibit No. 22 marked.)

8 A. This (indicating) is who I remember at
9 this point.

10 Q. Okay. Okay. And were -- did
11 Mr. Abramczyk, was he on your team?

12 A. Yes, he was. I neglected to put him on
13 that.

14 Q. Okay. Why don't you add him there.

15 A. (Witness complies.)

16 Q. Okay. And let me just quickly -- R. Nevi,
17 was that person than on your team?

18 A. No, he was not.

19 Q. And C. Teske?

20 A. No, he was not.

21 Q. J. Neme?

22 A. Joe Neme was on the team also.

23 Q. Is he on there?

24 A. No, he's not.

25 Q. Okay. Why don't you go ahead and add him?

- 1 A. (Witness complies.)
- 2 Q. S. Cole?
- 3 A. No, he was not.
- 4 Q. Okay. Abramczyk, we did. Z. Deering?
- 5 A. No, she was not.
- 6 Q. T. Donovan?
- 7 A. No, he was not.
- 8 Q. Thank you. Were there any individuals
- 9 from United Technologies that were on the team?
- 10 A. Not as standing members.
- 11 Q. Did some of the United Technologies people
- 12 attend meetings?
- 13 A. I don't recall whether they actually
- 14 attended the meetings or not.
- 15 Q. And how about Highlight, did anybody from
- 16 Highlight attend the meetings?
- 17 A. No, they did not.
- 18 Q. So as far as you sitting here today,
- 19 exhibit 22 is the best -- your best recollection of
- 20 the investigative team that you ran?
- 21 A. Sitting here today. There may be some
- 22 other documents that --
- 23 Q. Right?
- 24 A. -- refresh --
- 25 Q. If we see another name and it is somebody

1 that you believe we ought to add, just let me know?

2 Okay?

3 A. Okay.

4 Q. Okay. Let's go back to Exhibit 20.

5 There's a reference in there about halfway down,
6 looks like it's from Sam Cole, an E-Mail from Sam
7 Cole to Deepak Goel. It says, Joe, the point person
8 for EESE. What does that stand for?

9 A. Electrical Electronics Systems
10 Engineering.

11 Q. Are you a brake -- Are you in the Ford
12 brake division?

13 A. No, I'm not.

14 Q. All right. So this brake pressure switch
15 is not in -- it's not part of the brake system on
16 this Panther platform?

17 A. It screws into the brake system, the
18 proportioning valve with the -- that the brake
19 pressure switch that burning is part of the brake
20 pressure.

21 Q. But responsibility, does it fall in
22 electrical for this switch? That's what I'm trying
23 the find out.

24 A. Responsibility generally falls with the
25 organization releases the component that goes into

1 the vehicle. So the switch for the -- the Panther
2 platform in 1992 came as part of the proportioning
3 valve assembly, which would've been part fo the
4 brake system.

5 Q. Which is -- That -- That you're not --
6 Have you ever worked in brake system in the Ford
7 organization?

8 A. Not direct -- Well, not directly, no.

9 Q. All right. Anyway, it says: Joe, the
10 point person for EESE is Fred Porter. He works for
11 Deepak Goel, the manager in EESE for our CCRG. Now,
12 what is that? What does CCRG mean?

13 A. I'm not sure what CCRG stands for.

14 Q. Okay. Process is Tim Donovan. I'm sorry.
15 What was Mr. Donovan doing? He wasn't part of your
16 team. Do you know what he was doing?

17 A. He was Mr. Masters' manager.

18 Q. All right. And CCRG, it's not an
19 abbreviation you're familiar with?

20 A. It's not one that I deal with regularly,
21 no.

22 Q. "I have talked to Deepak and he confirms
23 that Fred has started a 14-D. The tech review
24 should be set up with Fred, Deepak and Tim." Is
25 that Tim Donovan?

1 A. I believe so.

2 Q. Okay. And on February the 3rd, 1999, is
3 that correct, you had started is the 14-D?

4 A. We had started a report and we had looked
5 at putting it in the form of the 14-D.

6 Q. So when -- when Mr. Cole said you'd started
7 the 14-D, that really wasn't accurate. You had
8 started something, but it really wasn't the 14-D?

9 A. We had put it from the form of the 14-D
10 because this was dealing with fires and 14-Ds are
11 required for issues that -- that may result in a
12 recall. So we thought it would be better to do the
13 report in that format; if in the eventuality of a
14 recall, that -- that we'd have -- be prepared for
15 that.

16 MR. MAYER: I have not seen any --
17 any production of any drafts of a 14-D or similar
18 document that would go back that far. So I'll --
19 I'll make a request that Ford look for it and see if
20 you can find it. I have not seen it.

21 Q. If you were looking for that document,
22 Mr. Porter, where would you to try to go to find it?

23 A. I would try to go and look at the
24 documents that Ford has produced.

25 Q. Okay. Have you seen that documents, your

1 February draft of a 14-D in preparing for the
2 deposition or in this litigation?

3 A. No, sir.

4 Q. I have not seen it either.

5 MR. MAYER: Ford, if you can produce
6 it, we would request it.

7 MR. FEENEY: Just -- Eric, just so,
8 as we go along, I'll make notes of this. But just
9 as kind of a belt and suspenders, would you just
10 file off a --

11 MR. MAYER: Mr. Melton can send you a
12 letter. That's what he's --

13 MR. FEENEY: -- just kind of a
14 one-sentence or a two-sentence -- some kind of
15 request?

16 Q. Okay. If you look at the bottom of this
17 same exhibit, this is an E-Mail, it looks like, from
18 Joe Neme.

19 A. Joe Neme?

20 Q. Joe Neme to a bunch of people, Nevi,
21 Teske, Cole, Abramczyk and Deering. Is that -- Am I
22 reading that correctly?

23 A. That looks to be correct.

24 Q. Okay. And it's says: Chuck -- Who is
25 Chuck?

1 A. I'm not sure who that would be there.

2 Q. All right. "Joe Bradley and I discussed
3 the Town Car Under Hood Tech Review. We agreed to
4 hold a kickoff strategy type meeting that I will
5 lead, then we will hand the 14-D to the appropriate
6 activity." Do you know what that refers to?

7 A. No, I do not.

8 Q. Do you have any idea what, hand off the
9 14-D to the appropriate activity? Is that a
10 division, maybe, or it's electrical or brakes?

11 A. I'm not sure what he meant by that.

12 Q. Did at some point somebody say: You're
13 now in charge of the 14-D, Fred?

14 A. There was not any handover of a 14-D to
15 me. The 14-D was -- was generated through our
16 working group.

17 Q. Okay.

18 A. They may have been generically talking
19 about that as a device.

20 Q. Now, Joe is on your team, right, the
21 fellow that sent this?

22 A. Joe became a member of the team, yes.

23 Q. On this date, was he part of your team,
24 February 3rd?

25 A. I don't know if he was or not.

1 Q. You're not sure exactly what he's
2 referring to about this hand off the 14-D to the
3 appropriate activity; is that right?

4 A. That's correct.

5 Q. And he says, I need the following facts.
6 I think your discovery people have the answers. He
7 lists a series of questions: How many '92, '93
8 under hood Town Cars are there? I assume you
9 eventually got a response to that?

10 A. That information was provided.

11 Q. Do you know, just ballpark off the top of
12 your head, what that number was?

13 A. No, I do not.

14 Q. Okay. How many occurred while the vehicle
15 was parked, running or unknown? And that
16 information was collected, was it not?

17 A. That eventually was collected by
18 Mr. Masters in his trend data.

19 Q. All right. How many of the fires start
20 LHS? Is that left-hand side?

21 A. I don't know if that's what that is, but
22 that would be an interesting guess.

23 Q. All right. You think that's probably
24 right?

25 A. Yes.

1 Q. All right. How many Crown Vic, Grand
2 Marquis fires are there for '92, '94, vehicles?
3 Include similar info as the TC stuff. That must be
4 Town Car stuff, right?

5 A. I would think so.

6 Q. Now, is this something that Mr. Masters'
7 group would've collected information on?

8 A. Yes, it would've.

9 Q. Do you know what the -- the information
10 that they collected showed?

11 A. It would've been in their trend data.

12 Q. Okay. Do you recall sitting here today it
13 showed?

14 A. No, I don't.

15 Q. Okay. How many have claims from either
16 dealer, insurance, NHTSA, etcetera that are fire
17 initiated was the pressure switch? So there's a
18 particular inquiry on how many of the claims
19 referenced the pressure switch. That's Texas
20 Instruments' brake pressure switch, correct?

21 A. That is what he's asking for, yes.

22 Q. And then, (60): Anything else you think
23 well be useful to put a "box" around the concern so
24 that we can have a meaningful discussion. What does
25 that refer to?

1 A. I'm not sure.

2 Q. Have you ever asked him?

3 A. No, I haven't.

4 Q. Do you know what "put a box " around the
5 concern refers to at Ford?

6 A. No, I don't.

7 Q. Has anybody suggested to you at any time
8 during this investigation that Ford needed to try to
9 limit the number of vehicles it recalled?

10 A. No, they did not.

11 Q. And that's not what that refers to,
12 correct?

13 A. That's correct. At least, I don't think
14 it is.

15 Q. You don't know because you haven't really
16 discussed it with Joe?

17 A. That's correct.

18 Q. You'd be surprised if that's what it
19 meant, right?

20 A. Right.

21 (Exhibit No. 23 marked.)

22 Q. Okay. Let me hand you Exhibit 23, which
23 is an E-Mail, I think, of the same day, February the
24 3rd. And this looks like an E-Mail from
25 Mr. Masters?