

EA02-025

FORD 10/27/03

APPENDIX N

BOOK 33 OF 61

PART 5 OF 6

1 A. Yes.

2 Q. Okay. And you're one of the recipients
3 here, correct?

4 A. That's correct.

5 Q. And Rob English, is he on your list?

6 A. No, he's not.

7 Q. Okay. Where did he fit in?

8 A. I believe he was a regular attendee to
9 some of the other meetings that -- that Ford has.

10 Q. Was he -- Was there some other
11 investigative team that was working while you were
12 working on this problem, on this problem?

13 A. Not that I'm aware of.

14 Q. All right. This is -- looks like it's to
15 you from Mr. Masters. Am I reading that right?

16 A. That's correct.

17 Q. Fred, we need an internal meeting with you
18 and your appropriate engineers along with AVT-EESE
19 engineers, English -- is that Gregory?

20 A. It could be.

21 Q. Okay. Is that -- Was that person on your
22 team?

23 A. No, he was not.

24 Q. And Mr. Masters, to consolidate, would --
25 I'm sorry. Meeting would consolidate AVT-EESE

1 position per role that brake pressure switch plays
2 in regards to possible root cause for the Town Car
3 under hood fires. Did I read that right?

4 A. That appears to be what's written.

5 Q. And was there, in fact, a meeting that was
6 held either February 3rd or February 4th to
7 consolidate AVT-ESESE position for the role that the
8 brake pressure switch would play in regards to a
9 possible root cause?

10 A. I don't recall that.

11 Q. Okay. Do you have recollection one way or
12 the other whether such a meeting occurred?

13 A. No, I don't.

14 Q. At this point in time, February 3rd, 1999,
15 was it the AVT-ESESE position that the brake pressure
16 switch was a likely candidate of the cause of these
17 fires?

18 A. I believe that AVT-ESESE's position for the
19 brake pressure switch was that the -- it was a
20 possible cause of these fires based on the NHTSA
21 inquiry.

22 Q. Okay. Can you tell me anything further
23 that you recall about any meeting to consolidate the
24 position on the brake pressure switch held on or
25 about February 3rd or 4th?

1 A. No, I can't.

2 (Exhibit No. 24 marked.)

3 Q. Okay. I hand you what's been marked as
4 Exhibit 4 -- 24. I'm sorry. This looks like an
5 E-Mail from Charlie Douglas to some people at Texas
6 Instruments and it is including an E-Mail from
7 somebody by the name ever Rob Sharpe? Do you see
8 that?

9 A. Yes, I do.

10 Q. Do you recall attending a meeting on
11 February the 4th with Rob Sharpe and others at Ford
12 to discuss the Lincoln Town Car fire issue?

13 A. Not specifically.

14 Q. Do you have notes of that meeting?

15 A. I don't believe that I do.

16 Q. Do you know if anyone took notes of the
17 meeting?

18 A. It appears that somebody did.

19 Q. All right. Mr. Sharpe took notes?

20 A. That's correct.

21 Q. Have you reviewed this E-Mail in
22 preparation for your deposition?

23 A. I think I have looked at this since T.I.
24 produced it, but I haven't looked at it specifically
25 for information on it.

1 Q. Who is Paul Stokes? Did he attend the
2 meeting?

3 A. According to this E-Mail he did.

4 Q. Is there anybody who's listed as the
5 attendees that you believe did not attend?

6 A. I have no reason to believe one way or
7 another.

8 Q. Okay. Mr. Douglas reports that the issue
9 is one of Ford's top priorities and is gaining
10 executive level exposure. Was that correct as of
11 February 5th, 1999?

12 A. That's correct.

13 Q. Ford does not have a root cause to reply
14 to the NHTSA inquiry. Was that correct as of
15 February 5th, 1999?

16 A. That's correct.

17 Q. Strong perception that the fires have
18 originated at the pressure switch, based on NHTSA's
19 internal investigation, reports from insurance
20 investigators, incident at Memphis where the vehicle
21 fire started in front of the mechanic and the
22 mechanic noted that the switch was "burning" (switch
23 was replaced and vehicle returned to owner - same
24 switch was analyzed in TI-A). I think that means
25 Attleboro. So far, is that correct?

1 A. It sounds correct, yes.

2 Q. Okay. Ford stated that the pressure
3 should be considered "guilty" until proven
4 innocence -- innocent. Is that correct? That was
5 the attitude at Ford at this time?

6 A. Yes.

7 Q. To this point T.I. has been viewed as
8 "cooperative" but not "proactive". Ford is looking
9 for our help as they consider T.I. the experts in
10 regards to the swishes (sic.) -- switch issues. Did
11 he report that correctly?

12 A. I believe so, Yes.

13 Q. All right. Ford is concerned that in
14 absence of the root cause response to NHTSA, NHTSA
15 will pick the brake pressure switch and demand that
16 all Town Cars with cruise control be grounded or
17 recalled. Did he report that correct?

18 A. Yes, sir.

19 Q. Without a root cause, containment action
20 is unclear. Did he report that correctly?

21 A. That's correct.

22 Q. Okay. Possible containment includes:
23 disengage cruise/speed control option (high impact
24 to the customer). Did he report that correctly?

25 MR. FEENEY: Wait a minute. Time

1 out. I don't mind sentence by sentence or some
2 thought by thought, but let's -- let's try to get a
3 whole sentence anyway on the question. All right?

4 Q. Did he report that correctly?

5 MR. FEENEY: I object to the form of
6 the question. I think it's improper to break up
7 sentences and phrases in that fashion.

8 Q. Did he report that correctly, Mr. Porter?

9 A. Disengaging speed control from the
10 vehicles would be a high negative impact to customer
11 satisfaction, that is correct.

12 Q. If I understand what he's saying is, he's
13 saying there were some containment options that were
14 discussed at this meeting that he attended. Is that
15 correct, to the best of your recollection?

16 A. If the brake pressure switch was indeed
17 the cause of the fires, those would be
18 possibilities, yes.

19 Q. Okay. And -- And he says, no. 2: Rewire
20 the brake switch to an ignition feed. Did he report
21 that correctly, from your understanding of what
22 occurred at the meeting?

23 A. If that were possible, that was something
24 that -- that was discussed.

25 Q. Okay. You don't dispute that? That is an

1 accurate depiction of what was discussed, correct?

2 A. That's correct.

3 Q. Okay. How would rewiring the brake switch
4 to an ignition feed be a possible containment?
5 Explain that to me.

6 A. Given a brake switch that we now know had
7 brake fluid leaking into it that would cause a fire,
8 running the wire to through the ignition switch
9 would remove the period of time from when the switch
10 could catch fire to -- of when the vehicle was off
11 to only when the vehicle was running.

12 Q. Okay. And that was one of the possible
13 containments that was discussed at this meeting held
14 on February 5th?

15 A. Correct.

16 Q. Okay. It was confirmed by the cruise
17 control -- I'm sorry. Let me continue. It was
18 confirmed by the cruise control group that there is
19 no necessity to have the brake switch "hot" (12
20 volts) at all times. Did he report that correctly?

21 A. I'm not sure that he did.

22 Q. Okay. Well, Paul Stokes was the
23 individual at the meeting, correct?

24 A. That's correct.

25 Q. You don't have any notes of the meeting.

1 do you, Mr. Porter?

2 A. No, I do not.

3 Q. Okay. Everything I've read so far has
4 been accurate, hasn't it, Mr. Porter?

5 A. Everything you have read so far has been
6 accurate as far as speculation of what Ford might do
7 if the NHTSA said we had to do something to the
8 brake pressure switch. At that point in time we did
9 not know what the brake pressure switch situation
10 was.

11 Q. Are you finished?

12 A. Yes.

13 Q. Is it your sworn testimony that at this
14 meeting Ford's Cruise Control Group indicated
15 something other than Mr. Douglas has written --
16 Mr. Sharpe has written in this E-Mail?

17 A. It is my sworn testimony that the
18 cruise -- Speed Control Group was consistent in
19 their concerns of any effort that would take the
20 brake -- brake deactivation switch out of the
21 circuit that was the same as the brake on/off
22 switch.

23 Q. Was it confirmed by Mr. Stokes at this
24 meeting that there's no necessity to have the brake
25 switch hot, 12 volts at all times?

1 MR. FEENEY: Asked and answered.

2 Q. Did he say that at the meeting, sir?

3 MR. FEENEY: Asked and answered.

4 A. I don't know.

5 Q. You don't have a recollection one way or
6 the other, do you, Mr. Porter?

7 A. No, I do not.

8 Q. You would defer to these notes, wouldn't
9 you, Mr. Porter?

10 MR. FEENEY: Objection. That's
11 not -- The notes don't even quote anything. Object
12 to form.

13 MR. MAYER: And he's answered the
14 question.

15 MR. FEENEY: And he's answered the
16 question. Three times he's answered this question.

17 Q. You would defer to these notes, wouldn't
18 you, Mr. Porter?

19 A. No, sir.

20 Q. Why not?

21 A. These don't identify who said anything.

22 Q. Well, do you have any basis to dispute
23 that Ford's Cruise Control Group tested -- stated at
24 this meeting there was no necessity to have the
25 brake switch hot at all times on this date at this

1 meeting?

2 MR. FEENEY: Objection. Asked and
3 amendments.

4 Q. Do you have any basis to dispute that?

5 MR. FEENEY: Asked and answered.

6 A. That was not consistent with their other
7 communications.

8 Q. Do you have any basis to dispute at this
9 meeting, this what happened?

10 MR. FEENEY: Objection.

11 Q. That's all I'm asking.

12 MR. FEENEY: Objection. Asked and
13 answered.

14 A. My basis is that that information is not
15 consistent with other communications from that
16 group.

17 Q. What other communications from that group
18 were not consistent with the fact that there was no
19 necessity to have the brake switch hot at all times?

20 A. During team meetings the -- when asked
21 about the brake pressure switch, it was reiterated
22 over and over again that the brake pressure switch
23 needed to be part of the brake lamp circuit.

24 Q. All right. I don't think that's
25 inconsistent with the fact that the Cruise Control

1 Group is saying there's no necessary to have the
2 switch hot, 12 volts, at all times. Is that
3 inconsistent?

4 A. Yes, it is.

5 MR. FEENEY: Objection. Object to
6 form. Now you're arguing with him.

7 Q. All right. Does Mr. Stokes still work for
8 Ford?

9 A. No, he does not.

10 Q. Do you know where he works?

11 A. I believe he works for Visteon.

12 Q. Have you spoken to him?

13 A. No, I have not.

14 Q. Was there anyone else from the Speed
15 Control Group that attended the meeting other than
16 Mr. Stokes?

17 A. I don't know. I'd have to refer to this
18 list.

19 Q. It doesn't indicate anyone?

20 A. Doesn't indicate any.

21 Q. Okay. Thank you. That is -- Oh, I left
22 one other thing out. I'm sorry. Go back to that
23 exhibit. It says, Both options are under
24 consideration. Is that accurate? At this time, was
25 both Options 1 and 2 under consideration?

1 A. I don't know if they were. Given our
2 previous discussion, the -- the second option
3 doesn't sound like it was under consideration. I
4 can tell you at this point in time that if it was
5 considered, it was ruled out because that would've
6 meant a massive wiring to the Town Car system to
7 take care of the problem, the brake pressure
8 switches that were burning. Again, going to the
9 service people would have to be involved in putting
10 that into place, leaving open a lot of opportunity
11 for mistakes and problems with our customers.

12 Q. Mr. Sharpe's reporting on February 5th
13 that the options were under discussion at this time.
14 I understand you didn't go that way. But I'm asking
15 you, is it accurate, were those options under
16 discussion on February the 5th, 1999?

17 A. Again, I don't know about the -- that
18 other option because it's not consistent with other
19 messages that go we got from the speed control
20 people.

21 Q. Who is John McInerny? Do you see the next
22 sentence, it says: Although there is high attention
23 on the brake switch, John McInerny stated that other
24 components must be investigated as well. Now, he
25 was at the meeting, was he not?

1 A. It says that he was.

2 Q. Okay. And you don't have any basis to
3 dispute that statement Mr. Sharpe has reported, do
4 you, sir?

5 A. No, I'm not.

6 Q. Okay. And did Mr. McInerny say other
7 components ought to be looked at?

8 A. It says here that Mr. McInerny stated that
9 other components must be investigated as well. And
10 I believe it guess on to say that it was based on
11 the NHTSA initial request to look at other
12 components.

13 Q. Okay. All I'm asking is, is that
14 accurate? Did he say something to that effect at
15 the meeting?

16 A. What he was saying is that we need to
17 address the NHTSA concern.

18 Q. Okay. Now, look at the next page of the
19 exhibit.

20 A. Yes.

21 Q. It says, Database search of all model year
22 '92, '93 Lincoln Town Car fires show approximately
23 132 incidents. Do you see that?

24 A. Yes, sir.

25 Q. Then it say, Database search of all model

1 year '92 and '93 Town Car fires with brake switch
2 identified shows 32 incidents, right?

3 A. That's correct.

4 Q. So that tells -- There's a -- There's a
5 hundred incidents for '92, '93 Lincoln Town Car
6 fires that have not been categorized yet. Would
7 that be a fair statement?

8 A. What says is that there were 32 incidences
9 that specifically called out the brake pressure
10 switch. The other -- the other incidents may not
11 have specifically called out the brake pressure
12 switch, but may not have called out any other thing
13 either.

14 Q. Okay. And then it says, NHTSA has
15 requested Ford to investigate and respond to the
16 following components: Brake pressure switch; 42 way
17 connector (beneath the brake fluid fill reservoir).
18 Would you that schematic that we've marked as an
19 exhibit and show us --

20 MR. MAYER: Somebody have a
21 highlighter?

22 Q. -- where that component is?

23 MR. MAYER: Thank you.

24 Q. It's in one of your exhibits?

25 A. Right there (Indicating).

1 Q. I see it. 42 way connector, it says,
2 (beneath the brake fluid fill reservoir).

3 A. I don't know where that is exactly.

4 Q. All right. How about the EEC controller
5 wire harness?

6 A. Our investigation was focused on the brake
7 pressure switch. Somebody else was looking at that.
8 I'm not sure where that is exactly.

9 Q. I'm just asking you if you know where it
10 is located in the vehicle on the exhibit that you
11 have in front of you.

12 A. Based on the description in this sheet I
13 can't find it, no.

14 Q. Okay. How about the relay pack, contains
15 three relays, (Ac Cut off, EEC, fuel pump) and the
16 EEC diode), where is that?

17 A. I can't identify this on that sheet.

18 Q. Do you know where the location of any of
19 those other components are, Mr. Porter?

20 A. No, sir. I don't.

21 Q. Now, its says, Ford is now investigating
22 to verify if other fires, similar in nature, have
23 occurred on other vehicle lines that use this
24 switch. Focus is on model year '92, '93 Crown Vic,
25 Grand Marquis as they have identical systems. Did

1 Mr. Sharpe report that correctly, there was a focus
2 at this time on those vehicle lines since they have
3 identical systems?

4 A. That is correct.

5 Q. And there is information on the number of
6 Lincoln Town Car fires above -- We talked about a
7 132 incidents. Did you get similar information on
8 the Crown Vic, Grand Marquis --

9 A. I'm not --

10 Q. -- at this meeting?

11 A. I don't believe there was.

12 Q. Ford is requesting an on site T.I.
13 representative familiar with the specific brake
14 switch application. Was that accurate? Did that
15 request get made at the meeting?

16 A. It -- We did make a request. If it was at
17 that meeting, I'm not sure.

18 Q. And Texas Instruments sent Aziz Rahman?

19 A. That's correct.

20 Q. Do you know how soon after this request
21 was made Mr. Rahman went to Ford?

22 A. I believe there was about a week.

23 Q. Okay. And did you -- Is he listed on your
24 team?

25 A. Yes, he is.

1 Q. Okay. Look at the bottom. It says, 12
2 additional switches from Houston, high mileage, no
3 fire, were given to Fred Porter. Do you see that?

4 A. Yes.

5 Q. Under "Action."

6 A. Yes.

7 Q. Okay. Where are those switches?

8 A. Those switches -- I'm not sure where those
9 switches are today.

10 Q. It next says, Ford support meeting with
11 UTA. That stands for United Technologies, does it
12 not?

13 A. I believe so.

14 Q. Okay. On 2-12-99. So that would be
15 February 12th, to discuss the wiring and connector
16 issues. Did he report that correctly?

17 A. I don't know if he did or not.

18 Q. Okay. Was a meeting held with you UTA or
19 or about 2-12-99 to discuss the wiring and connector
20 issues?

21 A. There could've been.

22 Q. Do you know who from UTA attended that
23 meeting?

24 A. No, I do not.

25 Q. Did you attend it?

1 A. No, sir.

2 Q. Do you know who on your team attended?

3 A. It probably was UTA -- I mean, it was
4 probably Norm LaPointe.

5 Q. Okay. Thank you.

6 A. Norm LaPointe was our contact with a UTA
7 on the team.

8 Q. Okay. Next action item, Ford -- Ford is
9 monitor testing of brake switches at Building S,
10 injected with brake fluid in a 24-volt supply across
11 terminals ongoing. Now, on February 5th of 1999,
12 was Mr. Sharpe correct that Ford was monitoring
13 brake pressure switches injected with brake fluid
14 with a 24-volt supply across the terminals?

15 A. That may have been an experiment we were
16 running then, yes.

17 Q. So that was some testing that Ford was
18 doing with brake fluid and switches in February of
19 1999, correct?

20 A. That's correct.

21 Q. Okay. Mr. Sharpe has got that reported
22 accurately, does he not?

23 A. He probably does.

24 Q. What did those tests show?

25 A. Those tests showed that, you know, one

1 week period, corrosive material generated on the
2 metal components inside the brake switch.

3 Q. Did Ford do the tests more than one week?

4 A. No.

5 Q. Why did Ford stop the tests?

6 A. Because what we were interested in finding
7 out from that test was if brake fluid was corrosive
8 have.

9 Q. All right. And your conclusion was?

10 A. Yes.

11 Q. All right. Than did you -- After doing
12 this the test, did you go back and tell the fellow
13 in your brake division that it was corrosive?

14 A. He -- There is not a brake division. But,
15 no, we did not go back and tell them.

16 Q. Did you share the report with him?

17 A. We shared the information in the team
18 meeting.

19 Q. Did you do any other testing? By the way,
20 how many brake switches were injected with brake
21 fluid?

22 A. I think, one or two.

23 Q. Did you do any additional testing of brake
24 switches injected with brake fluid?

25 A. Not at that time.

1 Q. Is the next test that Ford did the one
2 that was produced to us and has been marketed as
3 Exhibit 17

4 A. Yes, the one that was showing that,
5 despite T.I.'s previous statements that brake fluid
6 wouldn't cause a fire in the switch, that we were
7 able to make that happen.

8 MR. MAYER: Object, nonresponsive.

9 Q. Okay. Now, is there anything about
10 Mr. Sharpe's detail of the meeting other than that
11 we've talked about that you think is inaccurate?

12 A. I wouldn't be able to say one way or
13 another.

14 Q. Okay. That last document was dated
15 February the 5th.

16 (Exhibit No. 25 marked.)

17 Q. Let me hand you what's been marked as
18 Exhibit 25. This is a fax to you from Steve
19 Beringhouse, who is here today at the deposition; is
20 he not?

21 A. Yes, sir.

22 Q. Okay. This fax is dated February the 8th,
23 1999. Do you see that on the fax cover sheet?

24 A. Yes, I do.

25 Q. Okay. Did you receive this?

1 A. I believe that I did.

2 Q. Was this the first time you had worked
3 with Mr. Beringhouse or had you spoken to him before
4 this point?

5 A. I don't know if we had spoken prior this
6 or -- to this or not.

7 Q. Okay. Well, let's take a look at the
8 letter. It's the next page. It's dated February
9 8th, 1999. Fred, as we discussed over the phone
10 Friday, per your request we looked at the
11 possibility of adding a fuse in line with the
12 pressure switch. Did you talk with him on the phone
13 Friday, as reported in this letter?

14 A. Yes.

15 Q. Did you request that T.I. look into the
16 possibilities of adding a fuse in line with the
17 pressure switch?

18 A. I don't believe we did.

19 Q. Okay. Did -- Does Mr. Beringhouse just
20 have it wrong here?

21 A. No. I believe that they looked into it
22 themselves.

23 Q. Okay. It was not a Ford request?

24 A. I'm not sure that it was.

25 Q. Do you know one way or the other,

1 Mr. Porter?

2 A. I don't recall it being a Ford request.

3 Q. Okay. We think a more appropriate
4 solution might be, use a relay circuit, schematic
5 attached. And is there a schematic attached to
6 this?

7 A. Yes, there is.

8 Q. Okay. Did Mr. Beringhouse talk with you
9 about why he thought it was more appropriate to use
10 a relay circuits as opposed to an in-line fuse?

11 A. Yes, he did.

12 Q. Okay. Our understanding of the
13 application is that the brake pressure switch is a
14 failsafe component to shut off the cruise control if
15 the standard brake light switch fails. Is that
16 correct --

17 A. That's --

18 Q. -- his understanding correct?

19 A. That's Correct.

20 Q. All right. By -- The brake switch,
21 therefore, only needs to be powered when the cruise
22 control is on. Is that correct?

23 A. That's correct.

24 Q. By placing a normally open relay in the
25 circuit and only closing the relay when the cruise

1 control is activated, the switch will only be
2 powered when it needs to be, when the cruise control
3 is enabled. Is that correct?

4 A. That's correct.

5 Q. Okay. If you are correct that the high
6 current draw is the source of ignition, a relay
7 would be a better solution than an in-line fuse
8 because the relay prevents the high current
9 situation from happening rather than reacting once
10 it does occur. Did I read that right?

11 A. That's what it says.

12 Q. Okay. Did you tell Mr. Beringhouse that
13 you believed in February of 1990 -- I'm sorry --
14 February 8th of 19 -- Let me start again. Did you
15 tell Mr. Beringhouse in February of 1999 that you
16 believed the high current draw was the source of
17 ignition?

18 A. I believe, what I told Mr. Beringhouse in
19 1999, that failed switches with brake fluid inside
20 them were the cause of the fires and that current
21 provided to that was -- was the ignition source. We
22 also know that the trend data from other vehicles
23 shows that that design did not have a problem in our
24 other vehicles lines or in later model years of the
25 19 -- of the Town Car, Crown Vic and Grand Marquis.

1 Q. Do you admit telling him in this time
2 frame, February, 1999 that you believe high current
3 draw was the source of the ignition?

4 MR. FEENEY: Object. Asked and
5 answered.

6 Q. You can answer.

7 A. You know, there's a lot of things that I
8 may have said at that point in time because we
9 under -- were under a stressful investigation. And
10 I now know that we were being stonewalled by Texas
11 instrument in that investigation.

12 MR. MAYER: Object, nonresponsive.

13 Q. Did you tell Mr. Beringhouse in February
14 of 1999 that high current draw was, in your opinion,
15 at that time the source of ignition?

16 A. That may have been one thing that I said,
17 along with a lot of other things --

18 Q. Okay.

19 A. -- under the frustration of not being able
20 to work on this program. Things were not coming
21 together like they should've been.

22 Q. You were under a lot of pressure to find a
23 root cause to this problem, were you not,
24 Mr. Porter?

25 A. Yes, sir.

1 Q. If you are correct that a high current
2 draw is the source of ignition, a relay would be a
3 better solution than an in-line fuse because the
4 relay prevents the high current situation from
5 happening rather than reacting once it does occur.
6 Do you agree with that?

7 A. A relay would be better than an in-line
8 fuse, correct.

9 Q. Okay. If you have questions, give me a
10 call; and it lists his phone number. And attached
11 to it is a schematic that he sent to you that
12 explains the relay that he's talking about; is that
13 correct?

14 A. I believe so, yes.

15 Q. What did you do when you got this
16 information? Did you assign it to one of your team
17 members to review?

18 A. We had -- I believe we took it into the
19 team to review.

20 Q. All right. Was --

21 A. I don't know that it was a individual.

22 Q. All right.

23 A. I think there were various people that had
24 their input into it. One of one of big concerns
25 with this, again, as I stated before, is to put this

1 into the Town Cars in the '92, '93 time frame would
2 require service people to cut into the wiring
3 harnesses, there could be mistakes in cutting those
4 wiring harnesses, hooking into the wrong parts.
5 There would be the possibility of packaging it in a
6 dangerous position; and on further review, of the
7 relay becoming the part that ignites.

8 Q. Did you sent this schematic to anyone in
9 Ford or Visteon's Cruise Control Group?

10 A. I didn't send it to them. Mr. Kohl was --
11 would've come to one of the meetings and reviewed it
12 also.

13 Q. And that's Fred Kohl?

14 A. That's correct.

15 Q. Do you have a specific recollection of
16 whether Mr. Kohl and you discussed this proposal?

17 A. Mr. Kohl was a member -- or part of the
18 group that discussed it and in finally determining
19 that it was not a good idea.

20 Q. So you do have a recollection of
21 discussing it with Mr. Kohl?

22 A. Yes.

23 Q. Okay.

24 (Exhibit No. 26 marked.)

25 Q. Exhibit 26. Exhibit 26 is a E-Mail from

1 Aziz Rahman to a series of people, including Robert
2 Sharpe, who looks like he printed it out, dated
3 February 12th, 1999. Is that consistent with your
4 reading of the top portion of the document?

5 A. Yes.

6 Q. Okay. Mr. Rahman was at this time
7 resident at -- at Ford, was he not?

8 A. I believe so.

9 Q. Okay. And he's reporting on what happened
10 in his day. The date referenced is February the
11 11th, 1999; is that right?

12 A. Yes.

13 Q. Okay. Main event of the day was a
14 technical review. Key participants were -- And he
15 lists a series of people. Some are new names. Was
16 Jack Pasques, was he on your group?

17 A. No, he was not.

18 Q. Okay. And Chuck Pash -- Paske? Did I
19 pronounce that right?

20 A. I don't know what that --

21 Q. Okay. Do you know what -- Well, did you
22 go to the technical review meeting?

23 A. I probably did.

24 Q. Do you have a recollection one way or the
25 other of what transpired at the tech meeting --

1 A. I believe --

2 Q. -- without notes?

3 A. I -- I believe that we reviewed what was
4 in the version of the 8 -- 14-D at that time.

5 Q. Ann O'Neill, who is that?

6 A. It says that she's the Quality Director
7 for Luxury VC.

8 Q. And did you deal with her when you were
9 working on your investigation?

10 A. She was in -- in the meeting, the
11 management meetings.

12 Q. Was the way it worked, that from time to
13 time there were these technical review meetings and
14 you would come to the meeting and present the
15 findings of your group?

16 A. Ford people would go to that meeting.

17 Q. Okay. And -- And Were you asked to report
18 periodically to a -- to a technical review meeting?

19 A. Yes.

20 Q. Okay. There's some references on your
21 calendar, I think, Tech review meeting. Did other
22 people besides you from your team go and -- and
23 report to the Tech Review Committee?

24 A. Yes.

25 Q. Okay. Who would that have been?

- 1 A. Joe Neme.
- 2 Q. Okay.
- 3 A. Tom Masters.
- 4 Q. All right. Here. I've got the list of
5 that.
- 6 A. Bill Abramczyk may have been there.
- 7 Q. And the -- the -- the members of the
8 Technical Review Committee, how are they selected?
9 Do you know?
- 10 A. I'm not sure how that's done.
- 11 Q. Okay. Are they typically officers at
12 Ford, they're higher up?
- 13 A. I don't know what the positions would be
14 exactly.
- 15 Q. And it says, Next tech review every
16 Thursday. And during this time period, do you
17 recall if there was a technical review meeting every
18 Thursday?
- 19 A. I recall that were having a weekly tech
20 review and that Thursday was probably the day.
- 21 Q. And Mr. Rahman has written, Implies core
22 team prep meeting every Wednesday. And is that --
23 The core team, is that the reference to the team
24 you've identified here on Exhibit 22?
- 25 A. Yes.

1 Q. Okay. So the way it worked is, your core
2 team met on Wednesdays and then some members of your
3 core team would attend the technical review meeting
4 on Thursday?

5 A. That's correct.

6 Q. Okay. And was everyone -- Well, there's a
7 very -- He's reporting on what happened at the
8 meeting. There is a -- By the way, did Mr. Rahman
9 attend a technical review meeting or the core team
10 meeting?

11 A. He would attend the core team meeting.

12 Q. All right. He wouldn't be permitted in
13 the technical review meeting; it was Ford only,
14 correct?

15 A. Under certain circumstances suppliers
16 might be involved.

17 Q. Okay. But was he ever invited to attend
18 the technical review, to your knowledge?

19 A. I don't believe he was.

20 Q. Was anyone from Texas Instruments ever
21 invited to attend the Ford Technical Review
22 Committee meetings on this problem?

23 A. No, I do not believe they were.

24 Q. Did you suggest to anybody that they ought
25 to invite people from T.I.?

- 1 A. We discussed that.
- 2 Q. Who did you discuss that with?
- 3 A. I believe I discussed it with Joe Neme.
- 4 Q. And were you in favor of it or against it?
- 5 A. I was neutral.
- 6 Q. Okay. What did Mr. Neme say?
- 7 A. He was neutral also.
- 8 Q. Who else discussed it --
- 9 A. We --
- 10 Q. -- besides you two?
- 11 A. We took it to the meeting and discussed it
- 12 there.
- 13 Q. All right. And what was the discussion at
- 14 the meeting?
- 15 A. The consensus was not to invite.
- 16 Q. Why?
- 17 A. I don't know. Other than --
- 18 Q. Did you object? I'm sorry. Go ahead.
- 19 A. Other -- Other than it was really not
- 20 something that T.I. needed to be involved with.
- 21 Q. Why?
- 22 A. Because this was Ford's business, not
- 23 Texas Instruments'.
- 24 Q. Did you object to that decision?
- 25 A. No, I did not.

1 Q. Did anyone?

2 A. No, sir.

3 Q. Unanimous?

4 A. I believe so.

5 Q. Okay. So Mr. Aziz would be recalling
6 events that occurred at the core team meeting; is
7 that right?

8 A. Or what he heard in the hallway.

9 Q. Okay. There's a very urgent need to
10 recreate ignition in the lab. That coming back --
11 They kept coming back to this again and again. Did
12 that occur at a core team meeting held on or about
13 February 11th, 1999?

14 A. I -- I believe that we did want to be able
15 to show if a brake pressure switch could ignite. At
16 that period of time Texas Instrument was skeptical
17 that brake pressure switches could ignite at all,
18 even though we had the Reddick switch in hand that
19 we knew had burned. We were asking them to look at
20 what would be involved in causing the brake pressure
21 switch to ignite. Speculation and -- and
22 brainstorming had concluded that certainly if a
23 contamination had gotten inside the brake pressure
24 switch, that that could happen. As we showed -- Or
25 as was he discussed previously, we are finding that

1 a brake fluid could cause corrosion of the parts
2 which would result in possibly metal materials
3 forming inside.

4 Q. By the way, I forgot to ask you: That
5 test that was done at Ford to determine whether
6 brake fluid was corrosive, that test that was
7 stopped after a week, did you send the results of
8 that test to Texas Instruments?

9 A. No, we did not. We reported it in the
10 team meetings.

11 Q. You say that Texas Instruments was
12 skeptical that a switch could burn. Who at Texas
13 Instruments are you attributing those sentiments to?

14 A. Charlie Douglas, for one.

15 Q. Anybody else?

16 A. I don't recall who was in attendance of
17 the meetings in -- in December and early January.

18 Q. So that's referring to -- to the reaction
19 of T.I. people in December and early January?

20 A. Yes.

21 Q. T.I. people were skeptical and the person
22 that you've identified is Mr. Douglas --

23 A. Correct.

24 Q. -- right? And he said to you, I don't
25 believe the switch could burn or words to that

1 effect?

2 A. Yes.

3 Q. And you replied, I assume that somebody
4 had seen it burning in Memphis?

5 A. Yes.

6 Q. And what was his response?

7 A. There was no responses.

8 Q. Is that what you draw your in conclusion
9 that he was skeptical about; the ability of the
10 switch the catch on a fire?

11 A. Other people from T.I -- And don't
12 remember their names -- reiterated that same
13 thought.

14 Q. You can't recall any of the names of those
15 people here today in this deposition?

16 A. Not specifically.

17 Q. All right. They kept -- There was
18 considerable concern that the field data set is not
19 complete and Joe Neme has been tapped to get a
20 clearer picture of events breakdown. Is Mr. Rahman
21 reporting that correctly? Was there a concern at
22 the core team meeting and was Joe Neme asked to go
23 get a clearer picture?

24 A. We were trying to get more information as
25 we could.

1 Q. Okay. There was strong feelings that --
2 got to do more. Is that an accurate reporting of
3 the -- your concern and the team's concern at the
4 time?

5 A. The investigation was not going quickly
6 enough, correct.

7 Q. Okay. Fred's statement, "That T.I.
8 Engineering is resident here" elicited as a "Good"
9 response. First, did you make such a statement?

10 A. Yes, I did.

11 Q. Okay. Did it elicit a good response?

12 A. I believe it did. And that -- And with
13 that line --

14 Q. Yes, sir.

15 A. -- Okay -- What he -- What he's reporting
16 on is what he heard that happened at the technical
17 design review, this is not firsthand knowledge that
18 he's reporting on.

19 Q. Okay. All right. So you made the
20 statement: T.I. Engineering is resident here in the
21 Technical Review Committee?

22 A. And they said "Good."

23 Q. Okay. And somebody told him that and
24 that's why he's reporting that back to his
25 management?

1 A. That's right.

2 Q. Okay. I met with Fred on February 12th in
3 the morning to capture his thoughts on following
4 up -- on follow up actions. Did you meet with
5 Mr. Rahman on February 12th in the morning?

6 A. I probably did.

7 Q. Do you have any notes of that meeting?

8 A. No, I don't.

9 Q. Do you have a specific recollection of
10 what occurred at that meeting?

11 A. No, I don't.

12 Q. Would you defer to Mr. Rahman and his
13 notes?

14 A. I may.

15 Q. Okay. I met with Fred to capture his
16 thoughts on follow up actions. Needing "raft" of
17 experiments to accelerate Captain (sic.) -- Kapton
18 wear. Was that one of your concerns?

19 A. Our concern was that we knew that brake
20 fluid had gotten through the Kapton layer and we
21 needed to understand what -- what that -- how that
22 could happen.

23 Q. All right.

24 A. It did not make sense on the Memphis
25 switch that had somewhere in the order of 50- to

1 60,000 miles that it was going to leak brake fluid
2 prematurely, given the tests that these switches
3 were purported to have passed.

4 Q. The references to "raft", what -- what
5 does -- does that mean a lot of tests?

6 A. I think that's his word.

7 Q. Okay. Is that the way you understand it?

8 A. That's the way I would read it, but it's
9 his --

10 Q. Okay.

11 A. -- thought. .

12 Q. All right. And did you at the core
13 meeting say, we need -- we need more experiments to
14 accelerate Kapton wear?

15 A. Yes.

16 Q. Okay. Need to design and execute a DOE.
17 What is DOE?

18 A. I believe the initials DOE stand for
19 Design Of Experiments.

20 Q. With temperature, moisture, disk energy,
21 contaminants (soap, detergent) number of Kapton
22 layers, etcetera as factors. Did he report that
23 correctly?

24 A. Yes, he did.

25 Q. Okay. I will close with Bryan on this.

1 Is that -- This design and execute, was that
2 something you wanted Texas Instruments to do?

3 A. Yes, it is.

4 Q. We need a plan with timing next Wednesday.
5 Is that the deadline you asked him to work under?

6 A. I believe we were asking it for the next
7 core team meeting.

8 Q. Okay. And did he provide it?

9 A. No, he did not.

10 Q. Did he give you an explanation on why it
11 wasn't being provided?

12 A. I believe that what he answered was that
13 T.I. thought it was too complex of an experiment.

14 Q. For their technical capability?

15 A. No. Just that they didn't want to do it.

16 Q. He told you that at the next core team
17 meeting, as best as you can recall?

18 A. As best as I can recalling.

19 Q. Did he say anything else?

20 A. No.

21 Q. Did you then try to find someone else to
22 do this test?

23 A. There was nobody else that we had that
24 could do this test.

25 Q. Why is that?

1 A. Because it's a unique switch that's
2 provided by T.I. Other people don't have the
3 equipment to do these kinds of tests. We relied on
4 T.I. to do the specification testings and to report
5 on that information to us.

6 Q. Well, this is talking about something
7 different. This is saying, we need to design and
8 execute some experiments to examine moisture, disk
9 energy, contaminants, number of Kapton layers as
10 factors. And my question is: Did you ask anyone
11 else either at Ford or Hi-Stat or any other company
12 to do those tests?

13 A. Again, T.I. would be the only people that
14 would have the equipment that would be able to run
15 those kinds of tests and the knowledge to be able to
16 draw those conclusions.

17 MR. MAYER: Object, responsive.

18 Q. The answer's, you --

19 MR. FEENEY: I object to your
20 objection.

21 Q. You didn't answer --

22 MR. FEENEY: It is responsive. You
23 just don't like the fact that it was T.I.'s
24 responsibility, do you?

25 Q. You did not ask anyone else to go and run

1 the tests that you have outlined here, did you, sir?

2 A. We asked T.I. to run them and T.I. did --
3 asked -- or said they wouldn't do it and there was
4 nobody else to ask.

5 Q. Okay. Did you investigate what other
6 companies may be possible, can institute testing?

7 A. I know --

8 MR. FEENEY: A T.I. switch you're
9 talking about here?

10 MR. MAYER: No. He's talking about
11 Kapton layers.

12 MR. FEENEY: Okay. Okay.

13 Go ahead, Mr. Porter.

14 Q. Just, did you investigate any other
15 companies? You say there were none.

16 A. Azis -- Azis is talking about Kapton
17 layers and the various components. What we were
18 looking for was a comprehensive test of the com --
19 of -- of the brake pressure switch and all the
20 variables that might be involved with that.

21 Q. Well, was this -- was this testing
22 something that Ford had designed?

23 A. No, sir. We were under an investigation
24 for fires, under hood fires of Town Cars. We were
25 trying to understand why the brake pressure switches

1 could even be considered to be an under hood Town
2 Car problem and we were looking at what mechanisms
3 that might produce. We would've have hoped that
4 Texas Instrument would be understanding of how to --
5 and interested in knowing that also.

6 Q. All right. And your testimony is that you
7 asked for a raft of experiments to be done to
8 accelerate Kapton wear, but Texas Instruments said
9 that the experiments that you asked for were too
10 complex and they could not do it?

11 A. That's correct.

12 Q. And at that point the matter ended?

13 A. Yes.

14 Q. Looks like we may need two to three times
15 life. We will need to establish a real application
16 requirement for ten-year, 150,000 miles, 500K is not
17 enough. What solutions can T.I. evaluate and put
18 into place in two months. Did he report that
19 correctly?

20 A. Yes.

21 Q. No potential solution should be eliminated
22 for cost reasons. Did he report that correctly?

23 A. That's correct.

24 Q. Having the switch hot at all times is not
25 a good practice and Ford will be internally working

1 on a solution for this. Did he report that
2 correctly?

3 A. Yes. Again, I was frustrated at the --
4 what was going on. And without understanding what
5 our different options were and that, in fact, these
6 switch was -- switches were failing pre --
7 prematurely in the vehicle, causing fires, you know,
8 I said that that was not a good idea. Of course,
9 our design practice was that with expectation that
10 the switches would live the life of the vehicle.

11 Q. Why did you say it wasn't a good idea,
12 Mr. Porter?

13 A. Because I was frustrated. You know,
14 under -- under the -- under the pressure again of
15 the investigation, we were looking at, what can we
16 do quickly. That was one of the thoughts that had
17 been brought out previously, we talked about in
18 Mr. Beringhouse's memo me. It was something that
19 was on the front of my mind that would be an
20 interesting way of doing it. But at the end of the
21 day it was the brake pressure switches themselves
22 that were having the failure mode.

23 Q. Didn't you say --

24 THE COURT REPORTER: Can we go off
25 the record, please --

1 MR. MAYER: Okay.

2 THE COURT REPORTER: -- to change
3 paper.

4 THE VIDEOGRAPHER: Off the record,
5 12:07:48.

6 (Lunch recess taken.)

7 THE VIDEOGRAPHER: Back on the
8 record, 1:24:30, beginning of Tape 2.

9 Q. Mr. Porter, before lunch we were talking
10 about Exhibit 26. If you still have that handy, I
11 wanted to ask you one or two more questions about
12 that. That is the Azis Rahman E-mail that Robert
13 Sharpe had sent out. Do you have that?

14 A. Yes.

15 Q. Mr. Rahman reports in the one, two, third
16 paragraph, he has a meeting with Central Lab folks
17 at 1:00 o'clock to look at Kapton from non-fire,
18 non-leak switches with varying mileage. The Central
19 Labs, cap C and cap L, is that Ford Central Lab
20 people?

21 A. I don't know for sure. This is his -- his
22 statement. That would be my guess.

23 Q. Okay. Do you know if he had a meeting
24 with the Ford Central Low (sic.) -- Central Lab
25 people at 1:00 o'clock --

1 A. No, I do not.

2 Q. -- to look at Kapton? Would you defer to
3 him on that?

4 A. I'd defer to the Central Lab people on
5 that.

6 Q. All right. Is there any reason you have
7 to believe that he did not have that meeting?

8 A. I have no reason to believe it one way or
9 the other.

10 Q. Okay. And did you ask for him to work
11 with Ford Central Lab people to look at Kapton?

12 A. I believe, as a -- as a part of the
13 investigation. I don't know that I asked him
14 specifically to go talk to the Central Lab people.
15 That may have been something that he took on on his
16 own.

17 Q. Did you ask Mr. Aziz Rahman to do anything
18 that he did not do while he was resident at Ford?

19 A. I -- I don't know that he didn't do them.
20 I know that there were several questions that --
21 that had been raised over time that he was not
22 necessarily able to answer himself, that may not
23 have been answered.

24 Q. Do you have any criticism of him as an
25 engineer and what he did at the Ford facility during

1 this time period?

2 A. I don't have any criticism of him doing
3 that investigation at that point.

4 Q. Can you think of anything that -- that you
5 asked him to do or that he was unable to do when he
6 was there?

7 A. Again, I think there were some questions
8 that -- that were going back to the home office, so
9 to speak, that maybe weren't answered.

10 Q. Can you tell us what those questions were?

11 A. I can't tell you that at this point.

12 Q. The last point: There's a last paragraph.
13 It says, With Fred out next week, Steve Reimers will
14 be the main T.I liaison. When you were out on
15 vacation, was Steve Reimers in -- in charge of the
16 group?

17 A. Steve Reimers would've been the --
18 standing in for me then.

19 Q. And my recollection from your calendar, at
20 some point around here you had a planned vacation
21 which you took, correct?

22 A. I believe so.

23 (Exhibit No. 27 marked.)

24 Q. The next document is Exhibit 27 which
25 looks to me to be an E-mail from Steve Beringhouse

1 to you dated February the 12th, 1999, with some
2 attachments. My question is: Do you recall
3 receiving an E-Mail from Mr. Beringhouse on or about
4 February 12th, 1999 with the attachments that have
5 been marked as Exhibit 27?

6 A. I -- I recall receiving a document similar
7 to this.

8 Q. When you got this, did you review the
9 material?

10 A. I believe I read through it, yes.

11 Q. All right. And would you have delegated
12 this to somebody or would this have been information
13 that you kept?

14 A. I may have passed it on to other people
15 also.

16 Q. Do you know who you would've sent it to?

17 A. I may have sent it to Steve Reimers.

18 Q. Okay. All right. Look at -- No. I don't
19 have any more questions on that.

20 (Exhibit No. 28 marked.)

21 Q. Let me hand you what's been marked as
22 Exhibit 28. These appear to be -- The first page
23 appears to be notes of a meeting held on February
24 the 12th, 1999 with UTA. That's United
25 Technologies?

1 A. Again, we said that that was probably who
2 that was before.

3 Q. And this references a meeting held at 1:00
4 o'clock at Central Laboratories' small conference
5 room and you're listed as one of the attendees: is
6 that right?

7 A. I'm not sure what that list is at the top.

8 Q. Okay. Do you have any recollection,
9 Mr. Porter, of attending a meeting on or about
10 February 12th with representatives of United
11 Technologies?

12 A. Right now I don't recall that, no.

13 Q. Okay. There are two names given of
14 individuals from United Technologies, a Dan
15 Kulkarni. Do you know Mr. Kulkarni?

16 A. I may have met him, but I wouldn't know
17 him today.

18 Q. And Dick Ratke, R-a -- R-a-t-k-e, do you
19 know him?

20 A. Same answer.

21 Q. When's the last time you spoke to either
22 one of those individuals, if ever?

23 A. If I ever spoke to them and if I was at
24 this meeting, this is probably it.

25 Q. Okay. Do you have any reason to doubt

1 that you were in attendance at this meeting?

2 A. I'm not sure what this meeting is exactly.

3 Q. The reference is, Connector F2AB 14A464

4 ADA. Is that a Ford part number?

5 A. It appears to be a Ford part number.

6 Q. Do you know if that is the connector that
7 was placed on the brake pressure switch in the '92,
8 '93 Lincoln Town Cars?

9 A. I'd have to defer to the Ford
10 documentation.

11 Q. Do you recall how this meeting got set up?

12 A. No, I do not. I don't really recall this
13 meeting.

14 Q. Do you have any reason to doubt that the
15 subject agenda that's listed here was, in fact, the
16 agenda that was used at the meeting?

17 A. No, I don't.

18 Q. Do you know who prepared this document?

19 A. No, I do not.

20 Q. This was a document that was produced by
21 Ford and there's some -- If you look under File,
22 right under No. 8 it says, File/14a464/nrl. Is
23 that -- Is that initials?

24 A. I don't know.

25 Q. Do you know what Mr. Norm LaPointe's

1 initials are?

2 A. No, I do not.

3 Q. Is that a format that you're familiar
4 with, that little -- I call it header, but whatever,
5 you know.

6 A. That looks like a normal Microsoft file
7 description.

8 Q. Okay. At the -- One of the agenda items
9 was: Obtain and discuss FMEA. Did you obtain an
10 FMEA from United Technologies during your
11 investigation into the under hood fires in '92, '93
12 Lincolns?

13 A. At this point I don't recall whether we
14 did that. Mr. LaPointe was leading that part of the
15 investigation with United Technologies.

16 Q. What -- What would be the purpose of
17 obtaining such a document from United Technologies
18 Mr. Porter?

19 A. To understand what kind of failure modes
20 they would've identified in the component.

21 Q. Now, I can tell you, I have not seen that
22 produced in the material that Ford produced in this
23 case and I don't purport to know ever single
24 document. Have you seen it in the last -- I don't
25 know -- year-and-a-half?

1 A. I guess I -- I don't know that I have seen
2 it in the last year-and-a-half.

3 Q. Do you recall ever seeing it?

4 A. I don't recall having seen it or not
5 either way.

6 Q. There is an Item No. 4 on the agenda:
7 Discuss sealing details and the history of the above
8 connector. Do you know what sealing details are?

9 A. I don't know what that is exactly. What
10 that question sounds to me like, very similar
11 questions we were asking Texas Instrument as to what
12 kind of changes may have occurred to the component
13 during the time frame. That -- That was one of the
14 questions that we were asking in general everybody.

15 Q. Okay. Do you recall receiving any written
16 material from United Technologies about the history
17 of their -- of their connector?

18 A. Again, I don't recall receiving anything.
19 I think they would've sent that to Norm LaPointe.

20 Q. Now, look at the second page and tell me
21 if you recognize the handwriting on this document.

22 A. No, I do not.

23 Q. It's not yours?

24 A. It's definitely not mine.

25 Q. Is it the handwriting of anyone at Ford on

1 your team that you can recognize?

2 A. I -- I don't recognize other people's
3 handwriting.

4 Q. There's a -- a first item: Will silicon
5 sponge pass moisture? Do you recall that being a
6 topic of discussion when you were in charge of the
7 Ford investigation?

8 A. That specific description, I don't recall
9 that topic of discussion.

10 Q. No. 2: Both seals are sub -- I guess it's
11 some abbreviation -- CONT or COST, red in gray. Do
12 you know what that refers to?

13 A. No, I do not.

14 Q. Do you know what -- Do you know whether
15 there were two seals involved in the connectors in
16 the '92, '93 Lincoln Town Car?

17 A. I don't know if there were or not.

18 Q. And then: Housing is UTA molded. That
19 means United Technologies, correct?

20 A. Again, that seems to be what we've been
21 agreeing on.

22 Q. And was UTA the sole supplier for the
23 connectors for the '92 '93 Lincoln Town Car?

24 A. I don't know that for sure.

25 Q. Do you have any reason to believe it's

1 not?

2 A. I have no reason to believe one way or the
3 other.

4 Q. A gray seal -- No. 5: Gray seal,
5 lubricated for X-time, do you know what that refers
6 to?

7 A. No, I do not.

8 (Exhibit No. 29 marked.)

9 Q. Let me hand you Exhibit 29 which appears
10 to be an E-Mail from Deepak Goel. Is that how you
11 pronounce it?

12 A. Deepak Goel.

13 Q. Deepak Goel to you, this one dated
14 February the 12th, 1999. Am I correct that, at
15 least, from the header, that's what that is?

16 A. Yes.

17 Q. Who is Jack Paskus? He's referred to down
18 there about halfway down the page.

19 A. He's -- He's a person in Ford's
20 management.

21 Q. What role did he have in the
22 investigation?

23 A. He was in some of the management meetings.

24 Q. Do you know what his role was in the
25 management meetings?

1 A. No, I do not recall that.

2 Q. The previous sentence which appears to be
3 an E-Mail from Sam Cole to Deepak Goel says: I just
4 left the tech review for the Town Car NHTSA
5 investigation. This is viewed as a serious issue
6 and Ford is late in responding to NHTSA's viewpoint.
7 Were you told, Mr. Porter, during your investigation
8 that NHTSA considered Ford late in responding to its
9 inquiries?

10 A. Not other than this memo.

11 Q. This -- This is the time that you became
12 aware of it?

13 A. Yes, I guess.

14 Q. And there's also a reference to Rob
15 English down about three paragraphs from the bottom.
16 I have asked Rob English to take the lead on looking
17 at the connector to determine if there are any
18 potential leakage path to ground. Did that happen?
19 Did Mr. English take that portion of the
20 investigation?

21 A. You'd have to ask him.

22 Q. Do you know yourself?

23 A. I believe the -- the -- I believe that his
24 response was that, no, there was not a leakage path
25 through the connector by itself.

1 Q. Did he -- Did he take over that job from
2 you, looking at the connector? Was that part of
3 your group and then it was farmed out to someone
4 else? That's what I'm asking.

5 A. He was -- No, it would not be farmed out
6 as to somebody else. He just had contacts with --
7 with the wiring group.

8 Q. Okay. And then it says: Fred has the
9 lead on internal switch investigation. That's you,
10 Fred Porter. Am I right?

11 A. That's correct.

12 Q. And then it says: Tom has the lead on the
13 overall systems look. That is Tom Donovan?

14 A. No. I believe that they would be
15 referring to Tom Masters.

16 Q. Okay. And I guess what I'm asking is, was
17 Mr. Kohl superior to you so that he had authority
18 over this investigation, was able to instruct Rob
19 English to take a portion and -- and Tom Masters to
20 take a portion?

21 A. He was in a different part of the company.

22 Q. But did he have the authority to do that,
23 I guess, is what I'm asking?

24 A. In -- In something like this, anybody who
25 has an idea has the authority to try and make things

1 happen so as to bring a conclusion to the
2 investigation as quickly as possible.

3 Q. Okay. And you said you didn't -- you
4 weren't really sure whether Rob English took the
5 lead at looking at the connector. Did Mr. Masters
6 take the lead on overall systems?

7 A. What is meant by Mr. Masters taking the
8 lead on the overall systems is looking at the other
9 three components on the NHTSA, plus other components
10 under hood on the left-hand side of the vehicle that
11 are powered at all times that could've been a result
12 of the fires that the NHTSA was asking about.

13 Q. Okay. And to your knowledge, did he do
14 that?

15 A. Yes, he did.

16 Q. Did he involve any of your team members in
17 that work?

18 A. Joe Kafadi would've been working with him
19 on that.

20 Q. Okay. Anybody else from your team?

21 A. No.

22 Q. Okay. Attached to this exhibit is a Work
23 Plan - Brake Pressure Switch? Do you see that?

24 A. Yes.

25 Q. The next page? Is that something that

1 Ford created?

2 A. I believe that it is.

3 Q. Okay. Do you know who on your team
4 would've been the scribe on this?

5 A. No, I'm not sure who it was.

6 Q. Okay. The next page is Steve Reimers. It
7 says: Root Cause Investigation Tests. But if you
8 look at the bottom left, it's to Steve Reimers.

9 A. That's correct.

10 Q. Is that consistent with your
11 understanding, that this was material put together
12 by Steve Reimers?

13 A. These pages would be, yes.

14 Q. Now, as of this date there are some things
15 that T.I.'s -- looks like, being asked to do on this
16 Work Plan. Page 2 of 7, if you look at that,
17 there's a -- What is the difference in the base
18 materials that look different? T.I., by, then
19 there's a note: Completed. But there's no date in
20 there. Is that something that you recall your
21 people asking Texas Instruments to look into?

22 A. I believe so.

23 Q. Okay. And the material call-outs for '92,
24 '93, again, something you asked T.I. to look into?

25 A. Yes.

1 Q. Okay. Now I'm going down the page.
2 Analysis of the Memphis parts (crease marks in the
3 diaphragm). What does that refer to?

4 A. That's asking T.I. what could result in
5 causing the crease marks that were found in the
6 Memphis part, the crease marks that -- that the
7 cracks that allowed the brake fluid to come through,
8 to understand if T.I. understood what could cause
9 those -- those cracks; if there was anything that
10 was part of there process that would be a cause for
11 that.

12 Q. All right. And there's a date in there,
13 2-18-99. Do you know if T.I. responded to the
14 inquiry to them?

15 A. I don't believe they responded then.

16 Q. Did they respond at some point in time?

17 A. Eventually Mr. Beringhouse responded over
18 a telephone call. He said that they weren't aware
19 of how they could create those creases in the
20 manufacturing process.

21 Q. And the other items on this list assigned
22 to T.I., were they completed by T.I. at some point
23 in time?

24 A. I'd have to review each one of them.

25 Q. There are some that -- that don't have

1 anybody assigned to them. Were those tasks that
2 Ford was going to do at Central Labs?

3 A. I don't know. We'd have to look at that
4 specifically.

5 Q. Okay. If you go look at three pages from
6 the back, there's something that says
7 Containment/Corrective Action Tasks. Do you see
8 that?

9 A. Yes.

10 Q. Okay. And again, this is still on
11 Mr. Rainers' Work Plan documents; is it not?

12 A. It appears to be, yes.

13 Q. There's a date on this of -- of February
14 the 10th, 1999, correct?

15 A. That's correct.

16 Q. Okay. And there's a list of questions
17 about competitive vehicles: How is the switch
18 packaged? Is it always powered hot at all times?
19 Are the contacts open when pressure applied? What
20 is the fuse limit? What is being switched? Is it a
21 redundant switch? And that's assigned to AVT EESE
22 Competitive Analysis. Is AVT EESE, is that Ford
23 Automotive Electrical?

24 A. Yes.

25 Q. Okay. And was that done timely?

1 A. Yes, it was.

2 Q. There's a question about: What does
3 speeds control FMEA say about brake switch? And
4 that's been assigned to Visteon Speed Control?

5 A. That's correct.

6 Q. Okay. And was that completed timely?

7 A. It says it was completed there.

8 Q. And this is the information you got from
9 Visteon about the brake pressure switch?

10 A. That's correct.

11 Q. Okay. And it says: Speed Control FMEA.
12 What does that refer to? What does the speed
13 control refer to there?

14 A. That would be the speed control failure
15 modes and effect analysis.

16 Q. And at this time, was that over at
17 Visteon?

18 A. At this time, that would be at Visteon,
19 yes.

20 Q. Okay. And were you satisfied with the
21 information that you got back from the Visteon
22 people on that task item?

23 A. Yes.

24 Q. Did you see the FMEA? And it's listed,
25 the Automatic Deactivation as a current design

1 control for 66 different potential cause/mechanical
2 failures.

3 A. I didn't see that personally, no.

4 Q. Was the -- the speed control, Visteon's
5 speed control FMEA, shared with Texas Instruments?

6 A. I don't know if it was or not.

7 Q. If I wanted to find that out, who should I
8 ask at Ford? That would be Mr. Kohl?

9 A. I think that would probably be somebody at
10 Texas Instrument that would be able to say that for
11 sure.

12 Q. Would you defer to Texas Instruments on
13 whether or not they were provided that by Ford?

14 A. I -- In fact, I'm not sure whether that
15 would be something that would be provided to Texas
16 Instruments since they were a component supplier.

17 Q. Why wouldn't you provide that to Texas
18 Instruments as a component supplier? Is it
19 proprietary?

20 A. It would be considered proprietary.

21 Q. And Ford policy prohibited sharing that
22 with Texas Instruments, did it not?

23 A. I'm not sure that Ford policy prohibits
24 sharing that information. But information that's
25 proprietary is considered before it's handed over to

1 anybody.

2 Q. All right. It's typically not done.

3 Am -- Am I correct about that?

4 A. It's typically not done.

5 Q. And you don't know of any reason why that
6 would've been parted from in this case, do you?

7 A. That's correct.

8 Q. Now, there's another task on the next page
9 about one-third way down. It says: Do all Ford
10 applications have switch connected to hot at all
11 times? And this is again assigned to AVT ERSE. And
12 was this completed timely?

13 A. Yes, it was.

14 Q. Okay. And do you recall what the response
15 was, what the answer was?

16 A. The answer is yes.

17 Q. And who at -- on your group did the actual
18 investigation of that?

19 A. That probably would've been Mr. Masters'
20 group.

21 Q. Now, if you look at the bottom there's
22 a -- a question on the same page: Why is this
23 switch connected to hot at all times? That's
24 assigned to Visteon. Am I right?

25 A. That's correct.

1 Q. Okay. And it's been completed. They
2 respond: Because the SDS. Now, what is (sic.) SDS
3 stand for?

4 A. System Design Specifications.

5 Q. And what is that document?

6 A. It's a documents that says what
7 specifications the system must be designed to.

8 Q. Have you seen that documents? Did you see
9 it during your investigation?

10 A. No, I did not.

11 Q. Have you ever seen it?

12 A. I don't believe that I have.

13 Q. Do you know whether it was provided to
14 Texas Instruments?

15 A. I don't know that it was.

16 Q. Is this something that would be considered
17 proprietary?

18 A. No, it would not be.

19 Q. Do you know, in preparing for the
20 deposition, have you seen a copy of it?

21 A. No, I have not.

22 MR. MAYER: Mr. Feeney, I don't
23 believe that's been produced to us. So that would
24 be another documents I would request and we'll send
25 you a letter requesting that.

1 Q. And who is responsible for preparing the
2 SDS for the '91, '92 Panther platform? Who would be
3 responsible for preparing that document?

4 A. It would've been -- I'm not sure who that
5 would be for the -- for that time period.

6 Q. It would've been Ford though, because
7 there was no Visteon at that time?

8 A. That's correct.

9 Q. Do you know whether it would've been in
10 Chassis or would it have been Electrical or would it
11 be Brakes?

12 A. I don't know where that would be
13 necessarily, no.

14 Q. And if you turn the page, it says: SDS
15 (C-0068) states: The stop lamp switch and redundant
16 deactivator switch must be on the same fused
17 circuit. Is that a reference to a portion of the
18 SDS?

19 A. Yes, it is.

20 Q. Okay. Did you see that portion of the SDS
21 in your investigation?

22 A. No, I did not. I believe what Visteon was
23 telling us when they reported back on these facts,
24 like we tried to believe all of our other team
25 members.

1 Q. Okay. Look further down the page. It
2 says: Is it acceptable to jumper out the switch as
3 an immediate containment. What does jumper out the
4 switch mean?

5 A. I'm not exactly sure as far as the
6 terminology there. But I believe the idea was to
7 unplug the switch from the circuit and put a wire
8 across the terminals of the connector so that the
9 switch would be out of the circuit.

10 Q. All right. And Visteon responds: That's
11 not possible and the cite the SDS that prohibits
12 that?

13 A. That's correct.

14 Q. Then it says underneath that: Elimination
15 of this feature requires the concurrence of the OGC.
16 Is that Ford's Office of General Counsel?

17 A. That's correct.

18 Q. Do you know why that required?

19 A. Because this is a safety issue that we
20 would be dealing with. Eliminating the redundant
21 switch would open up an FMEA issue that had
22 previously been defined as critical to customer
23 safety and taking that switch out would then open
24 ourselves up to customer safety issues.

25 Q. Did -- Did your team's consideration of

1 jumpering out the switch go to the Office of General
2 Counsel or it never got that far?

3 A. We didn't find it necessary to go to them
4 for a obvious answer.

5 Q. And then it's says: Other recommendations
6 for immediate containment, add a fuse between the
7 stop lamp fuse and the brake pressure switch. And
8 that's listed as ongoing. When was that completed?

9 A. Certainly, it was completed by the time we
10 did the recall.

11 Q. Okay. Now, a couple of times in the
12 deposition you've said that you were not able to
13 share information with Texas Instruments because
14 there was litigation between the two companies.
15 Were you instructed not to give information to Texas
16 Instruments by anybody?

17 A. I've been instructed to cease
18 communications with Texas Instruments except in the
19 presence of my counsel.

20 Q. And when was that instruction given to
21 you?

22 A. When we first became involved with the
23 Gonzales case.

24 Q. Do you remember whether that was in the
25 year 2000?

1 A. No. That was in 1999.

2 Q. And do you recall when in 1999 you got
3 that instruction?

4 A. It would've been mid to early 1999.

5 Q. Okay. And who gave you the instruction,
6 just their name?

7 A. I believe --

8 Q. Was that Mr. Lampe or was that --

9 A. I believe it was Mr. Manske.

10 Q. Okay.

11 (Exhibit No. 30 marked.)

12 Q. Let me hand you what's been marked as
13 Exhibit 30 and ask you if you have seen this
14 document before? This looks like it's E-mail from
15 somebody named J. Joyce to Steve Reimers with a copy
16 to you and it's dated the 18th of February, 1999.

17 A. Yes.

18 Q. Okay. And looks like from the header you
19 actually printed off this E-Mail on February 22nd,
20 1999.

21 A. That's correct.

22 Q. Okay. Who is Mr. Joyce?

23 A. He's another engineer at Ford Motor
24 Company.

25 Q. Okay.

1 A. Works on brake systems.

2 Q. All right. And what was his involvement
3 in the investigation?

4 A. He was a resource to understand
5 information about the brake system.

6 Q. In particular, he was asked to calculate
7 what pressures would be at various parts of the
8 brake line, correct?

9 A. Yes, he was.

10 Q. Okay. And he was a specialist at Ford who
11 Ford felt had the technical knowledge to assist the
12 team in that inquiry, correct?

13 A. That's what we thought, yes.

14 Q. Okay. Did you later learn that he did not
15 have that technical expertise?

16 A. I'm not sure that his expertise really is
17 in fluid dynamics and what the pressures are going
18 through a -- through a line.

19 Q. Why do you say that?

20 A. Because that's not what his degree is in.

21 Q. Did you know that at the time you asked
22 him or somebody on your team asked him to assist?

23 A. No, I did not.

24 Q. Have you had somebody else from Ford's
25 Brake Department look at the same things you asked

1 Mr. Joyce to look at to see if he was correct?

2 A. No, we did not.

3 Q. Do you know sitting here today whether the
4 information contained in this exhibit is, in fact,
5 correct?

6 A. I believe what's contained is Mr. Joyce's
7 speculation.

8 Q. And have you had any technical training in
9 brake or brake systems?

10 A. No, sir.

11 Q. Has Mr. Joyce?

12 A. Mr. Joyce has had some experience with
13 brake systems.

14 Q. Okay. What is it about the information in
15 here that you believe is -- Well, let me withdraw.
16 Have you told Mr. Joyce you don't believe the
17 information contained in this exhibit is accurate?

18 A. Mr. Joyce has told me that this is
19 information that he had gathered from various
20 sources and that -- that in -- that there isn't any
21 real data that back (sic.) -- that backs this up.

22 Q. Okay. So this would be discussion as
23 opposed to data, like we talked about yesterday?

24 A. That's correct.

25 Q. And when you learned that, did you then

1 ask someone from Ford to go and gather some data on
2 this issue?

3 A. No, we did not.

4 Q. Why not?

5 A. Because we subsequently learned that brake
6 fluid did break into the brake pressure switch and
7 that that could cause fires.

8 Q. Has Ford concluded that pressures in it's
9 ABS and traction control system have no effect
10 whatsoever on the wear of the Kapton in the switch?

11 A. It's our understanding that that's the
12 case based on the trend data from other Town Cars
13 through -- through other years and other vehicle
14 lines that also use the ABS system along with
15 traction control.

16 Q. Is that based entirely on the trend data
17 that we talked about yesterday?

18 A. Yes, sir.

19 Q. Has Ford done any testing to substantiate
20 that, to your knowledge?

21 A. The trend data speaks for itself.

22 Q. So the answers is: Ford's done no brake
23 testing or no analysis to substantiate its belief
24 that the ABS pressures and traction control
25 pressures have any effect on the life of the Kapton?

1 A. The analysis of the trend data says that
2 those things do not have an effect on the life of
3 the Kapton.

4 Q. What is it about the analysis of the trend
5 data that tells you that?

6 A. The fact that Town Cars, Crown Vic, Grand
7 Marquis that are using the same ABS traction control
8 system in subsequent model years are not having
9 fires under hood --

10 Q. Any --

11 A. -- the brake pressure switch.

12 Q. Anything else?

13 A. All the other vehicle lines are not
14 experiencing the same problem either.

15 Q. But you told me yesterday, Mr. Porter,
16 that even between the Crown Vic and the Town Car
17 they're different weights and, therefore, different
18 pressures in the braking system. Do you recall
19 that?

20 A. I said those were possibilities of what
21 would explain the difference between the Town Car
22 and the Crown Vic, Grand Marquis.

23 Q. Is the parts spec the same despite the
24 fact that there are different weights involved in
25 the two vehicles?

1 A. Yes, they are.

2 Q. Is your belief that the ABS and traction
3 control pressures have nothing to do with life of
4 the Kapton based on anything other than the trend
5 data, as we've discussed here today?

6 A. I believe that the ABS and traction
7 control effects are contained within the life as
8 specified in the part for the -- in the
9 specification.

10 Q. Explain that to me, if you would.

11 A. I'm saying that the specification of
12 500,000 cycles at 1450-psi at a range temperature of
13 135 degrees C is substantially enough for ABS and
14 traction control.

15 Q. What --

16 A. That is what was also part of the system
17 that was tested on the Crown Vic, Grand Marquis from
18 which that data was concluded that brought up
19 252,000 miles as the life on that -- for that test.

20 Q. You anticipated my next question. I was
21 going to ask you: What tests did Ford run to
22 substantiate that? And I understand it, it's the
23 Crown Vic study that you and I have talked about
24 before?

25 A. Yes.

1 Q. Okay. And that study is dated when?

2 A. 1992.

3 Q. Are you aware of any other studies on that
4 topic?

5 A. No.

6 Q. All right. And the information that you
7 were provided by Mr. Joyce, what did you do with it?

8 A. I reviewed it.

9 Q. You discussed it with him?

10 A. Discussed it with him.

11 Q. And you -- you found out that he wasn't --
12 he wasn't all that confident in it; is that --

13 A. I found out that there were issues with it
14 that -- that we -- that -- that were, again, not
15 based necessarily on data; but what -- what his --
16 his thoughts were.

17 Q. Okay. Is the -- Is traction control
18 and -- Well, let's do them one at a time. Is
19 traction control standard in the Crown Vic?

20 A. I don't recall that at this moment.

21 Q. Is traction control standard in the
22 Lincoln Town Car?

23 A. At the very moment, --

24 Q. No. I mean, in the '91, '92.

25 A. I understand. And right now I'm drawing a

1 blank on that.

2 Q. Okay. You would defer to the documents?

3 A. I'd defer to the documents.

4 Q. All right. Now, one of Mr. Joyce's
5 statements in this E-Mail is, he's talking about;
6 Since I'm not sure which -- the third paragraph --
7 Since I am not sure of where the pressure witch is
8 hydraulically connected, I'll give you pressures at
9 nodes. And states: I do know. What is a node?

10 A. I believe that what he's talking about are
11 points in the system.

12 Q. Okay. The worst case for the switch would
13 be the -- would be to be connected between the HCU.
14 What does HCU stand for?

15 A. In a ABS system, that would be a hydraulic
16 control unit.

17 Q. And was that on the '92, '93 Lincoln Town
18 Car?

19 A. That would be with an ABS -- if they had
20 ABS units, yes.

21 Q. Would that be something that would be
22 shown on that schematic?

23 A. No, it is not.

24 Q. Is it under hood?

25 A. It is under hood.

1 Q. Okay. Would you look at the schematic and
2 see if you could take a highlighter and mark where
3 it is?

4 MR. FEENEY: I'm sorry. I missed
5 this. What are you asking him to do right now?

6 MR. MAYER: To show me where the HCU
7 is in the vehicle that he's testified is present.

8 MR. FEENEY: In the 1992?

9 MR. MAYER: Yes, sir.

10 A. I don't see a call-out for that in the
11 schematic.

12 Q. Do you know from your general knowledge of
13 the vehicle where it would be? And if you do, just
14 take a pen and mark it?

15 A. I -- I -- I really can't. I mean, they --

16 Q. That's not an area you're familiar with?

17 A. Not really. And these drawings don't
18 necessarily have all the -- all the pieces that are
19 under hood in them either.

20 Q. Okay. I'll go back to his sentence. The
21 worst case for the switches would be to be connected
22 between the HCU and the prop valve. I take that's
23 proportional valve?

24 A. Yes.

25 Q. -- which is where I think it is. Did I

1 read the correctly?

2 A. I need to catch up with your here. I'm
3 sorry. Which paragraph were we on?

4 Q. It's one, two, three, four paragraphs. It
5 begins with a: Since I'm not sure.

6 A. Okay.

7 Q. See? And his last sentence says: The
8 worst case for the switch would be -- would be to be
9 connected between the HCU --

10 A. Uh-huh.

11 Q. -- and the prop valve, which is where I
12 think it is. Okay?

13 A. Okay.

14 Q. Did you discuss that with Mr. Joyce?

15 A. Not before he wrote this.

16 Q. I know. But afterwards, did you discuss
17 it with him?

18 A. I mentioned that it was not between those
19 two locations.

20 Q. Okay. Where is it?

21 A. It's on the other side of the prop valve
22 from there.

23 Q. And so you determined that the analysis
24 that he had done here was not really relevant?

25 A. Correct.

1 Q. Does he give you the pressures at nodes
2 and states on the other side of the proportional
3 valve that would relate to where the brake pressure
4 switch is connected?

5 A. No, he did not.

6 Q. Did you ask him to do that?

7 A. Yes.

8 Q. And did he provide that to you?

9 A. He was unable to do that.

10 Q. Why was he unable to do it?

11 A. Because again, this wasn't based on data.
12 This was based on -- on knowledge he had collected
13 and, therefore, the specific vehicle would not be
14 applicable to what his decisions -- or what his
15 knowledge would be.

16 Q. And did you ask him to see if he could
17 collect that data through testing?

18 A. No, we did not.

19 Q. And why not?

20 A. Because he doesn't have vehicles available
21 to him to do that.

22 Q. Well, you had vehicles available to you,
23 did you not, sir?

24 A. We had a vehicle that we had.

25 Q. Well, I thought we read earlier that the

1 marching orders for Ford were to spare no cost. And
2 we --

3 A. Cost was not an issue.

4 Q. So are you telling us you only had one
5 vehicle to look at for this entire investigation?

6 A. No. We only had one vehicle that we
7 needed to look -- to use for this investigation.

8 Q. The reality is, you made a decision it
9 wasn't really that relevant and you didn't ask
10 anybody to do the test, right?

11 MR. FEENEY: Argumentative.

12 Q. You can answer.

13 A. This -- This was not really test
14 information. Again, this was gathering background
15 to see if we could see understand what it was that
16 was happening in the system that may have resulted
17 in brake pressure switches ultimately leaking and
18 starting fires.

19 Q. So the answer to my question was: It
20 really wasn't that relevant to you, so you didn't
21 ask him to go out and create a test to measure the
22 pressures at the various nodes and states where the
23 break pressure switch was connected. Am I right
24 about that?

25 A. It is not -- was not relevant to us,

1 especially in light of the trend data which shows
2 that the Town -- the Town Car, Crown Victoria do not
3 have the problem in subsequent years.

4 MR. MAYER: Object, nonresponsive.

5 Q. Did you ask anyone to do the test,
6 Mr. Porter?

7 A. I believe I answered your question.

8 Q. And the answer is no, correct; you didn't
9 think it was necessary?

10 A. I did not think it was in necessary which
11 shows that subsequent vehicles using the same ABS
12 and traction control systems did not have a problem.

13 Q. When you learned that Mr. Joyce's
14 information here was more of a discussion as opposed
15 to data, did you ask anyone else at Ford whether in
16 the entire Ford Motor Company somebody had gone out
17 and measured ABS and traction control pressures
18 throughout a brake system to determine what those
19 pressures were?

20 A. It was not necessary.

21 Q. The answer is: You never asked anyone,
22 correct?

23 A. We did not ask anybody because it was not
24 relevant on the trend data that we have collected.

25 Q. Well, you're not a brake expert. You've

1 already admitted that. Why do you believe it wasn't
2 necessary, Mr. Porter?

3 A. Because 1994 Town Cars do not have a
4 problem with brake pressures switches catching fire.

5 Q. Now, how did Mr. Joyce get the initial
6 request? Who is the one that asked him to look up
7 this information that he provided?

8 A. I believe Steve Reimers did.

9 Q. And did you tell Mr. Reimers that you did
10 not believe the information you received from
11 Mr. Joyce was, in fact, reliable information?

12 A. I don't know what my discussion was with
13 Mr. Reimers on that.

14 Q. Do you recall one way or the other?

15 A. I don't recall one way or the other.

16 Q. Did you provide any of this information in
17 there exhibit to Texas Instruments?

18 A. I don't know whether we gave this to Texas
19 Instruments or not.

20 Q. Would you defer to Texas Instruments
21 whether you provided this to them?

22 A. Certainly, if they came up with a copy of
23 it.

24 Q. During the entire investigation that you
25 were in charge of, are you aware of any information

1 other than this exhibit that discusses what the
2 pressures are at various places in the brake system?

3 A. There is a document that shows what the
4 brake pressures were measured on the Town Car that
5 we had.

6 Q. All right.

7 A. And that was measured at the brake
8 pressure switch.

9 Q. And when was that done?

10 A. That was done sometime in 1999.

11 Q. And where -- where was that done, at Ford?

12 A. It was done in Dearborn.

13 Q. One of the Ford laboratories did that?

14 A. I think it was done on a test track.

15 Q. Okay. And did you ask that that be done?

16 A. Yes, we did.

17 Q. And was there a formal report issued that
18 detailed what the pressures were at the brake
19 pressure switch?

20 A. There were charts that were presented,
21 yes.

22 Q. And did you provide that information to in
23 Mr. Joyce?

24 A. I believe we showed Mr. Joyce that
25 information.

1 Q. And what did the inform -- what did the
2 test reveal?

3 A. The test revealed that various braking
4 pressures, braking characteristics, that the
5 pressures that were being experienced at the brake
6 pressure switch were well within those that were
7 identified in the specification.

8 Q. Anything else?

9 A. No.

10 Q. And did you provide that test to Texas
11 Instruments?

12 A. I believe those charts were provided to
13 Texas Instrument.

14 Q. Did you provide them or somebody on your
15 team did?

16 A. I believe Steve provided those -- Steve
17 Reimers provided those to Texas Instrument.

18 Q. What is that last number, Mr. Porter?

19 A. 30.

20 (Exhibit No. 31 marked.)

21 Q. Let me hand you what's been marked as
22 Exhibit 31 and ask you if you've seen this document
23 before? This appears to be an E-Mail that you
24 printed out on March 4th, 1999. Am I right?

25 A. That would be correct.

1 Q. Okay. Do you recall receiving this
2 E-Mail?

3 A. Not at the time, but certainly reviewing
4 it here, yes.

5 Q. Do you have any reason to doubt the report
6 that Mr. LaRouche is making concerning this
7 investigation?

8 A. No, we did not.

9 Q. And am I correct, these were switches that
10 somebody asked him to cut open and analyze?

11 A. Yes.

12 Q. Do you know where those switches came
13 from?

14 A. I believe these switches may have come
15 from junk yards.

16 Q. But you mentioned earlier today where you
17 knew there were some junk yard switches that were
18 examined?

19 A. Correct.

20 Q. And do you know what parts they were?

21 A. I believe these would've been Town Car
22 parts.

23 Q. Okay. Was there an actual report that was
24 issued other than this on the dissection?

25 A. I don't recall if there was or not.

1 Q. Have you seen one?

2 A. I don't remember seeing a report.

3 Q. And in these -- on these three switches,
4 am I correct that Mr. LaRouche determined that there
5 was corrosion in the switches, but none of the
6 switches showed evidence of diaphragm leakage on the
7 test sample?

8 A. That's correct.

9 Q. Okay. Now, when he says: None of these
10 switches showed evidence of diaphragm leakage on the
11 test stand, do you know what he's referring to
12 there, what the test stand is?

13 A. I believe there was a piece of equipment
14 that Texas Instrument loaned us that was used for
15 doing leak tests that Texas Instrument had designed.

16 Q. And was Mr. LaRouche somebody that was on
17 your team?

18 A. He was. Did I put him there?

19 Q. I don't think you put him on that --

20 A. Yes. He's the first one after Texas
21 Instruments there.

22 Q. Yeah. Okay. And his specialty is
23 Metallurgy Section?

24 A. He's in the Metallurgy Section at Central
25 Labs.

1 Q. Did you share this information with Texas
2 Instruments?

3 A. I believe we talked about it, yes.

4 Q. With whom at Texas instruments?

5 A. It would've been during a team meeting.

6 Q. So probably as Aziz Rahman?

7 A. Aziz Rahman or Andy McGuirk.

8 (Exhibit No. 32 marked.)

9 Q. Let me hand you what's been marked as
10 Exhibit 32 and ask you if this is a copy of an
11 E-Mail sent to you in -- on May the 8th of 1999?

12 A. That's what it's says, yes.

13 Q. Okay. And it's a -- It's really a
14 collection of E-Mails, looks like from Steve Reimers
15 at the bottom and then from Steve Reimers to a group
16 of people on the top. Have I read that correctly?

17 A. That appears to be the case, why.

18 Q. I want to direct your -- your attention to
19 something in the middle of the -- of the page where
20 it reads: I just FTP 27 test files to you and one
21 excel spread sheet describing the test runs. MPG
22 will try to perform the low mu testing on Tuesday
23 morning? Do you know what that refers to,
24 Mr. Porter?

25 A. Which part of that?

1 Q. I just FTP 27 test files.

2 A. I believe FTP is a computer term for
3 transferring files to people.

4 Q. Okay. And then MPG, is that Michigan
5 Proving Grounds?

6 A. I believe that's Michigan Proving Grounds,
7 yes.

8 Q. What is the -- perform the low mu testing
9 on Tuesday morning?

10 A. That is, perform brake testing on a low mu
11 surface.

12 Q. What is a low mu surface?

13 A. That's a surface that you would find in
14 a -- when you're braking on ice or water that would
15 cause an ABS event.

16 Q. Okay. Is this something that you asked
17 the Michigan Proving Ground people to work on?

18 A. Well, I asked Steve Reimers to work on it.

19 Q. And was the purpose? What were you asking
20 him to try to figure out?

21 A. To generate the charts that we've
22 previously discussed.

23 Q. The ABS -- The pressures that the switch
24 ran in the ABS event?

25 A. That's correct.

1 Q. Okay. And so this fellow, John Morris at
2 the Michigan Proving Ground, was he the one that
3 actually did the work?

4 A. I don't know if he is or not.

5 Q. Okay. There's a reference in here to a
6 brake cleaning fluid, that they should be checked to
7 see if it can harm a brake pressure switch. Why did
8 you want that done?

9 A. Again, during the investigation we were
10 going through, what are all the possibilities of
11 what -- what could cause a problem. We didn't know
12 what problems that there might've been with the
13 switch and we were looking at all the different
14 aspects of what we could think of that might've had
15 an effect on the Kapton life.

16 Q. Okay. And what did you think brake
17 cleaning fluid -- What -- What was your -- I guess,
18 theory?

19 A. We had no specific theory, just that we
20 knew that that was something that could be bought in
21 the aftermarket.

22 Q. There's a reference at the bottom of the
23 first paragraph to an oxylate source, o-x-y-l-a-t-e
24 source. Do you see that?

25 A. Yes.

1 Q. Okay. Was there some concern that some
2 oxylate may be getting in the brake pressure
3 switches?

4 A. We -- During some of the analysis, the
5 chemical analysis, there was material that was
6 described as an oxylate that nobody could understand
7 where that came from.

8 Q. Okay. Did you eventually find out what
9 that was?

10 A. We don't know what that is.

11 Q. Not even today?

12 A. Correct.

13 Q. Okay. Now, there's a reference here in
14 this -- in the E-Mail and I think it's from
15 Mr. Reimers. It says: At MPG last week -- Michigan
16 Proving Ground last week I observed the mechanic
17 using it to clean the master cylinder reservoir
18 exterior in the area around the BP -- Which I assume
19 is brake pressure switch -- where the brake fluid
20 had been dripping. Did he talk to you about seeing
21 that mechanic cleaning the area around the brake
22 pressure switch?

23 A. He may have mentioned that to me.

24 Q. Do you have any recollection of it today?

25 A. Not really, no.

1 Q. Okay. You -- You're -- It's based on what
2 you're reading?

3 A. That's correct.

4 Q. Okay. And do you know exactly what the --
5 how the -- how the mu testing was set up?

6 A. No, I do not.

7 Q. Mr. Reimers would be best person to ask
8 about that?

9 A. Mr. Morris may be the best person to ask
10 about that.

11 (Exhibit No. 33 marked.)

12 Q. Okay. Let me hand you what's been marked
13 as Exhibit 33 which appears to be a Summary document
14 created on or about the 8th of March, 1999. I'm
15 getting the date from the bottom of the document.
16 Do you see that?

17 A. Yes.

18 Q. Okay. And it indicates that the Summary
19 was prepared by somebody name J. Kafadi and I think
20 you've listed him as somebody on your team; is that
21 correct?

22 A. That's correct.

23 Q. This document is part of the trend data
24 that you were talking about earlier in the
25 deposition?

1 A. This document would be a -- some summary
2 of the early trend analysis that was being done.

3 Q. Okay. And there are notes, handwritten
4 notes, on this in the upper right. Is that your
5 handwriting, Mr. Porter?

6 A. It could be.

7 Q. Does it look like your handwriting?

8 A. It looks like it.

9 Q. And these are notes that you were writing
10 in a meeting?

11 A. That's correct.

12 Q. Okay. And I guess Mr. Kafadi was bringing
13 you some of the trend data and you were asking him
14 questions about it?

15 A. Correct.

16 Q. And one of two -- You had two questions
17 that are written on the page: One, do all these
18 have speed control?

19 A. That's correct.

20 Q. Why did you want to know that?

21 A. We wanted to know if they had speed
22 control and, therefore, was the brake pressure
23 switch one of the candidates for the cause of a
24 fire.

25 Q. And what response did you get back from

1 him on the data contained on Exhibit 33?

2 A. I -- I recall -- Or I don't recall
3 specifically, but I think the answer from the
4 results are that -- that we did the recall on these
5 parts is that yes, they did.

6 Q. Okay. Am I correct, what you wanted to
7 know from him was, of the 46 reports that are listed
8 here, for example, how many of these vehicles had
9 speed control on them?

10 A. Correct.

11 Q. Okay. And do you recall being told they
12 all did or you -- you don't have a recollection?

13 A. I don't have a recollection.

14 Q. Okay. And then I assume those same
15 questions would be -- that -- that same question
16 would be questions asked about some of the other
17 data. He says that 30 vehicles reported engine
18 unknown and he gives -- he does a breakdown. Same
19 question: You wanted to know whether those had
20 speed control?

21 A. We probably wouldn't do it in that format.
22 It was probably a more generic question of --

23 Q. Okay.

24 A. -- do you know how many of these pieces
25 have speed control?

1 Q. And you've also written -- your second
2 note is: Air suspension. Am I right, you wanted to
3 know whether the vehicles that he was reporting with
4 car fires had air suspension on them?

5 A. That's correct.

6 Q. Okay. In March of 1999?

7 A. That's correct.

8 Q. And what information did you get back from
9 him about whether these had air suspension on them?

10 A. Most of them did not.

11 Q. And when you say air suspension, is that
12 the air suspension motor and relay that we have been
13 talking about that you marked on the exhibit?

14 A. That's -- I didn't mark -- Well, yeah, I
15 guess I did.

16 Q. It's that same --

17 A. Yes.

18 Q. -- component?

19 A. Correct.

20 Q. Who manufactures that component?

21 A. I believe that's manufactured by a company
22 name Tokiko.

23 Q. And is it purchased in assembly?

24 A. Yes.

25 Q. From whom?

1 A. From Tokiko.

2 THE COURT REPORTER: Spell it,
3 please.

4 Q. Can you spell that for him?

5 THE WITNESS: T-o-k-i-k-o.

6 Q. And have you ever become aware of
7 complaints by Ford customers that that Tokiko
8 equipment is susceptible to fire?

9 A. Not on the 1992 -- or '90 -- yeah, '92,
10 '93 Town Car, no.

11 Q. Have you heard it on other vehicle lines?

12 A. As I explained earlier, on the 1984
13 Mark VII.

14 Q. Other than that --

15 A. Other than that, no.

16 Q. -- haven't heard about it? Okay. Why did
17 you pose the question, Mr. Porter, about speed
18 control and air suspension? Were those two of the
19 leading candidates at this time in your mind for the
20 cause of these fires?

21 A. Clearly, our investigation was concerned
22 about speed control. That's what our task force was
23 put together to identify. So obviously, if speed
24 control was not on these vehicles, then that would
25 be a reason to help rule out the speed control

1 switch as being part of the problem. I'm not sure
2 why I asked about air suspension other than
3 remembering the experience from the 1987 -- or at
4 the 1984 vehicles and just making sure that that was
5 not part of the cause.

6 Q. Okay. And as I recall, what you said is
7 Mr. Kafadi, you believe, at some point in time got
8 back to you on air suspension and indicated that
9 most of the vehicles involved did not have it?

10 A. Correct.

11 Q. But they were '92, '93 Lincoln Town Cars,
12 were they not?

13 A. No. These are Crown Vic, Grand Marquis.

14 Q. Okay. And it's -- it's not on the Crown
15 Vic?

16 A. It's an option.

17 Q. Is it on the Lincoln Town Cars?

18 A. Yes, it is.

19 Q. So one difference between the Crown Vics
20 and Grand Marquis and the Lincolns are, the Crown
21 Vics don't have air suspension and the Lincolns do?

22 A. That's true.

23 Q. In the 1992, '93 Panther platform?

24 A. Correct.

25 (Exhibit NO. 34 marked.)

1 Q. Let me hand you a document that's been
2 marked Exhibit 34. And it has a -- some
3 handwriting. It says: Delivery to Andy M. Which I
4 is Andy McGuirk, 3-10-99 by Ford. Do you see that?

5 A. Yes.

6 Q. Do you recall a document like this being
7 in existence at Ford in March of 1999?

8 A. Yes.

9 Q. Okay. It says: Potential actions, does
10 it not?

11 A. It does.

12 Q. Okay. Is this a document somebody in
13 your -- on your team put together?

14 A. Yes.

15 Q. Okay. Do you know who on your team would
16 be responsible for this?

17 A. No, I'm not sure who it was.

18 Q. And do you see that there's a key at the
19 bottom, a black box means it's fixed; and a white
20 box meaning it's improved?

21 A. Yes, I do.

22 Q. Okay. Do you know what those refer to
23 when it says "fixed"?

24 A. Yes. "Fixed" --

25 Q. Can you tell us?

1 A. "Fixed" means that in the presence of a
2 faulty brake pressure switch, a fire will be
3 eliminated.

4 Q. Okay. And improved means --

5 A. That in the -- in the presence of a faulty
6 brake switch, the fire may not -- or be less chance
7 of a fire, but may not been totally eliminated.

8 Q. And were you satisfied that the
9 information contained on Exhibit 34 was accurate?

10 A. Given the information we had at the time,
11 yes.

12 Q. And did you revise Exhibit 34 at some
13 point in time that you're aware of?

14 A. No, we did not.

15 Q. Did --

16 A. It was not necessary. Again, we did
17 finally come to the conclusion that the brake
18 pressure switches were causing the fire and this was
19 not needed to back up that inform -- that
20 information. This was just looking at a variety
21 of -- of potential actions that we could take and
22 comparing them against what we had been led to
23 believe were the potential causes for -- for the
24 fires.

25 Q. I -- I thought you told me this was a

1 document that assumed the brake pressure switch was
2 failing and there were either an improvement or a
3 fix that was going to be assigned to it, correct?

4 A. That's true.

5 Q. Okay. So this documents assumes that the
6 brake pressure switch is failing; it's not something
7 you learned later. When you created this document
8 you knew the brake pressure switch or thought the
9 brake pressure wimp was already failing; these are
10 ways to protect from that?

11 A. That's correct.

12 Q. Okay.

13 A. If the brake pressure switch is not
14 meeting the life --

15 Q. Right.

16 A. -- expectation, then this would be
17 something that you could do.

18 Q. Okay. This is something similar that you
19 would do in a D-FMEA, right?

20 A. No, I don't think so.

21 Q. How is it different?

22 A. This is something that you would do in a
23 8-D or 14-D problem investigation.

24 Q. How -- How is that different than what you
25 would for a D-FMEA?

1 A. A D-FMEA takes items -- assigns severity
2 to those items, assigns a probability to those
3 items, assigns a potential for detecting what those
4 problems are and helps to balance or weigh what
5 those issues are for the design overall and guides
6 the engineers as to what they need to do to fix it.

7 Q. Aren't you also supposed to look at
8 potential solutions to those problems that arise?

9 A. No. You're supposed to come up with
10 solutions to those problems that arise.

11 Q. And evaluate them?

12 A. You're supposed to implement them.

13 Q. And so how is this different? Isn't
14 this -- Don't you have solutions here on the top
15 that are either going to be fixes or improvements if
16 they're implemented? Isn't that what this chart is?

17 A. This is the results -- what the results
18 would be if those things were implemented, but this
19 is not an FMEA.

20 Q. Okay. I -- I know. I didn't say it was.
21 I said, isn't it like an FMEA?

22 A. It's not like an FMEA either.

23 Q. Okay.

24 (Exhibit No. 35 marked.)

25 Q. Let me hand you what's been marked as

1 Exhibit 35. This appears to be an E-Mail from
2 someone named Shaun McCarthy to you and others at
3 Ford dated March 15th, 1999; is that right?

4 A. No.

5 Q. Okay.

6 A. This is E-Mail from Shaun McCarthy, I
7 think, probably to himself.

8 Q. Okay. Forwarding note to -- And then --
9 Or forwarding note from. Did you receive a copy of
10 this? Let's --

11 A. I received a copy of the lower portion.

12 Q. All right. My question is: What is SIT?
13 What is that?

14 A. That's probably the initials for
15 Structured Inventive Thinking.

16 Q. What is that?

17 A. That's a methodology for brainstorming
18 ideas.

19 Q. Is that a division at Ford or a group at
20 Ford?

21 A. No.

22 Q. Okay. Are these people Ford employees?

23 A. They may be.

24 Q. Okay. Did -- Was there a Structured
25 Inventive Thinking meeting that was held in

1 connection with the under hood fires in the '92, '93
2 Lincoln Town Cars?

3 A. Yes, there was.

4 Q. And did you attends it?

5 A. Yes.

6 Q. And do you recall who else attended from
7 your team?

8 A. Steve Reimers.

9 Q. And was it held on or about March of 1990?

10 A. I don't remember exactly when it was held.
11 It was sometime before the recall.

12 Q. And what was the purpose of involving this
13 Structured Inventive Thinking in the group in the
14 investigation?

15 A. We were confronted with the problem that
16 we were having brake pressure switches fail,
17 start -- ignite. We were being told that there was
18 no problem with these brake pressure switches; that
19 they -- they had always passed testing; that there
20 was no reason to believe there was any issue with
21 those. So we needed -- we were looking for some new
22 ideas as to what we might be able to do in the event
23 that we had to implement a -- a fix for NHTSA, given
24 that we had no solution at that point in time that
25 would resolve all the requirements that we had for

1 the system.

2 Q. Well, you certainly had a bunch of fixes,
3 because if the you look back at Exhibit 34, a few
4 days before this March 15th, SIT meeting, you had
5 identified at least one, two, three, four fixes; by
6 your own records, correct, Mr. Porter?

7 A. We had identified those four ideas. Those
8 were not necessarily feasible to be implemented in
9 customer vehicles.

10 Q. But they would've fixed whatever problem
11 you were faced with?

12 A. If it was possible to do them, they may
13 have fixed the problems.

14 Q. Now, did you ask for the Structured
15 Inventive Thinking group to assist? Was that
16 something you asked for or was that thrust upon you?

17 A. I asked for it.

18 Q. Okay. And who did you go to to request
19 that assistance?

20 A. I believe that it was -- I believe it was
21 Craig Stephen.

22 Q. And did -- Were there more than just one
23 meeting?

24 A. I believe there was really only one
25 meeting.

1 Q. And did the issue any kind of report or
2 conclusions?

3 A. I don't know that they did, no.

4 Q. Do you recall them making any
5 recommendations to you or your team?

6 A. They recommended that it was a hard
7 problem and they'd go back and think about it.

8 Q. Did you get anything else from them
9 besides that?

10 A. No.

11 Q. Did you -- Did you meet with people other
12 than Craig Stephens? I mean, was it a whole group?

13 A. I believe there were -- there were two
14 people from the -- the SIT, including Craig.

15 Q. Do you know why it is that they only had
16 one meeting and did not provide any additional
17 information for you?

18 A. Didn't come up with any good ideas.

19 Q. Did anyone from Texas Instruments
20 participate in the SIT brainstorming group?

21 A. No, they did not.

22 Q. Did you invite anyone from T.I. to
23 participate?

24 A. No, we did not.

25 Q. Why not?

1 A. Because we looked at this as a system
2 issue for the vehicle and not necessarily one
3 specifically for the brake pressure switch itself;
4 but what could we do overall with the vehicle
5 that -- that we could help in the event that we had
6 a defective brake pressure switch.

7 Q. And it was your feeling that Texas
8 Instruments didn't need to be involved in that type
9 of discussion?

10 A. That's correct. They had pretty much
11 expressed all of their ideas in the team meetings.

12 Q. What's was the last exhibit number?

13 A. 35.

14 (Exhibit No. 36 marked.)

15 Q. Let me hand you what's been marked as
16 Exhibit 36, which looks like an E-Mail from you to
17 Andy McGuirk.

18 A. It looks like it's from Andy McGuirk to
19 Steve Beringhouse, Bryan Dague, Russ Baumann.

20 Q. Yeah. It's for -- You're correct. It's
21 forwarding an E-Mail that you sent. Look down right
22 below the --

23 A. Okay.

24 Q. Do you see that?

25 A. Yes.

1 Q. Do you recall sending Mr. McGuirk a E-Mail
2 entitled Brainstorming on or about March 12th, 1999?

3 A. This looks familiar, yes.

4 Q. Are these the ideas that were -- that came
5 out of the SIT group or is this something different?

6 A. I think some of the these ideas were what
7 came from the SIT group, yes.

8 Q. And you were sending them to Mr. McGuirk
9 and asking for his feedback on them?

10 A. Correct.

11 Q. Okay. And did he respond?

12 A. I don't know that he responded in -- in --
13 in writing. In general, the response was that this
14 was not something they could do on this -- in the
15 things that were associated with the speed control
16 switch; they were things that they could not do.

17 Q. Did he specify which ones that were going
18 to be problems to be -- to implement?

19 A. It was my understanding that they were all
20 going to be problems.

21 Q. Did you have any discussions with
22 Mr. McGuirk that you can recall here today
23 specifically about any of the suggestions that you
24 sent him?

25 A. Again, just going down the list, the first

1 one says: Cup -- Or coat cup with plastic or
2 nonconductive coating, like anodizing. I seem to
3 recall that there was some discussion about that and
4 that T.I. may have looked at that and said, no, they
5 couldn't do that; and that Item No. 2, make the cup
6 of nonconductive material, was kind of included in
7 that first item's discussion. Add a plastic
8 diaphragm between the cup transfer pin and the
9 spring contact arm cavity, again, that was something
10 they was said they could not do that. Place plastic
11 insulator disk on the cup with a hole only for the
12 transfer pin, they said that was the same problem as
13 the previous parts -- or the previous suggestion.
14 Replace the Kapton membrane with pure Teflon
15 membranes, they said that the Kapton was the
16 strength material behind -- behind the Teflon, so
17 that wasn't practical. Replace the Kapton seal with
18 the sliding piston seal, that was something that
19 they could not implement in a short time period.
20 Change the cup converter topology, again, that was
21 something that they would not be able to do without
22 changing their manufacturing line and incurring
23 expense. Replace switch with a pressure transducer
24 and semiconductors -- and a semiconductor switch,
25 this was not something they could -- they could do a

1 one-for-one replacement in their switch; it would
2 require a change to the speed control module which
3 would've extended the time period that a fix could
4 be put into place. Design a thermal link in the
5 power supply side of the switch that opens at
6 elevated temperature, it -- it looked at that and
7 there wasn't a good place to put where that thermal
8 link would be. Reverse polarity on the switch
9 contacts, that's one that it's not clear exactly
10 what that would do since it still would have power
11 in the switch. Insulate the plastic coat spring,
12 except the contact area, that was something, again,
13 that we were told would be something difficult to
14 do. Goldplate the spring contacts, that was
15 something they could do, but that was going to take
16 time and it wasn't clear what that would result in
17 either. Fill the air cap in the switch housing with
18 potting material to seal connector opening, that was
19 something where T.I. expected the switch to be able
20 to breathe; and so that would restrict the --
21 component from operating. Change the switch housing
22 material for improved ignition parameters, that was
23 something that was looked at. A variety of plastic
24 materials were -- were brought, but even though they
25 had varying parameters as far as what their burn

1 characteristics were, at the end of the day they all
2 lit with a match. Add another layer of the Kapton
3 seal, T.I. didn't believe that they could contain
4 that in the sandwich; that would change their --
5 their part configuration. Add a ground fault
6 interrupter circuit to the switch, and again, that
7 was going to be a long term time consuming project.

8 Q. You left one off.

9 A. Which one was that?

10 Q. Turn off power if ground path to case is
11 detected.

12 A. Which one is that?

13 Q. Sixteen?

14 A. Sixteen. That says: Add ground fault
15 interrupter circuit to the switch. What it would do
16 is turn off the power if the ground path to the case
17 was detected. What that was going to require, in a
18 complicated circuit that was going to take time
19 and -- and we didn't have the time to be able to put
20 something like that into effect. That would be
21 several years to implement something like that.

22 Q. So it sounds to me like Texas Instruments,
23 when they got this list of brainstorming ideas from
24 you on March the 12th, did get back to you about
25 each and every one of them and explain to you why

1 they either could not be implemented, didn't make
2 sense or would not comport with the requirements
3 that Ford had for the switch?

4 A. And I would say that their --

5 Q. Is that right? Did they get back to you?

6 A. Their investigation into that was about
7 as -- as -- as long as my reading through that list.

8 Q. What do you base that on?

9 A. Because I don't believe that all of those
10 were as impossible as they proclaim that they are.

11 Q. Did you ask them in a follow-up meeting to
12 go through each one in more detail with you?

13 A. That's -- That was discussed in one of the
14 team meetings where we went through those lists.

15 Q. Who did you discuss that with?

16 A. I believe Andy McGuirk was at the meeting.
17 I believe there were people from T.I. on the
18 telephone line on the other end.

19 Q. Did you tell Mr. McGuirk that you wanted
20 more detail on the various brainstorming that had been
21 sent?

22 A. No, as a matter of fact, because I was
23 starting to feel like I was being sand --
24 sandbagged.

25 Q. So the answer to my question is: You

1 didn't ask -- If you felt that the information you
2 the from Texas Instruments was inadequate, you never
3 asked them to sit down with you and go through in
4 more detail why each one of the brainstorm ideas was
5 something that perhaps they could not implement?

6 A. Well, the discussions that they had really
7 surrounded that they were making the part this way
8 and any changes to that would be something that they
9 really couldn't handle.

10 Q. Did you discuss that with others at T.I.,
11 like Mr. Beringhouse?

12 A. I think Mr. Beringhouse may have been on
13 the phone line at the time.

14 Q. Have you asked for Texas Instruments since
15 then to implement any of the suggestions that are
16 contained on the brainstorming list?

17 A. No, we did not.

18 Q. Are they continuing to sell Ford brake
19 pressure switches?

20 A. Yes, they are.

21 Q. And to your knowledge, has Ford changed
22 the specifications to incorporate any of the ideas
23 on brainstorming?

24 A. No, we have not.

25 Q. Is it because -- Well, after you heard

1 from Texas Instruments, did you provide this
2 information to your purchasing group?

3 A. Which Information?

4 Q. The information contained on your
5 brainstorming.

6 A. This list? No, we did not. We didn't
7 find that it was necessary, because again, the
8 switches that we were receiving in 1994 and beyond
9 on the Town Car were not experiencing the problem.

10 Q. Do you recall if Mr. McGuirk responded to
11 the list in writing at any time?

12 A. I don't recall that he responded in
13 writing.

14 (Exhibit No. 37 marked.)

15 Q. I'm looking at Exhibit 37. Exhibit 37 is
16 a response from Mr. McGuirk to you dated March the
17 13th.

18 A. I stands corrected.

19 Q. Okay. He did respond and he said, Fred
20 and team really like the last one. It may be a very
21 good solution as it deals with a method of
22 depowering, which is near to our long-term input to
23 Ford, turn off the power. This is done if a fault
24 is detected. Did I read that right?

25 A. Well, that's what's written. But again,

1 this notes actually to me. This note is internal to
2 T.I. This -- This note talks to the T.I. people to
3 do that. And it's quite interesting that turning
4 off the power to a defective switch is something
5 that T.I. would recommend because it takes the --
6 the vision away from their part.

7 Q. Did you receive a response from
8 Mr. McGuirk?

9 A. Again, I don't recall that.

10 Q. You don't recall one way or the other?

11 A. I don't recall one way or another, but
12 this clearly is not that response.

13 Q. Do you recall discussing with Mr. McGuirk
14 the last item on the list: Add a ground fault
15 interrupter circuit to the switch circuit?

16 A. That was one of the things that we
17 identi -- that we the talk about. And as I said
18 before, when we looked at what it would take to add
19 a ground fault detection the to the circuit, it was
20 not the trivial matter that just coming up with the
21 idea would make it sound.

22 Q. And that is an item that would've had to
23 have been implemented by Ford?

24 A. Not necessarily. That's an item that
25 could've been implemented by Texas Instrument. I

1 fact, that would've been the best place for it
2 because it was a -- a problem with the Texas
3 Instrument part that that would be solving.

4 Q. How would you add the grand (sic) --
5 ground fault interrupter to the circuit, where on
6 your diaphragm? Show me where that would go.

7 A. You mean, on the schematic?

8 Q. Yes, sir.

9 A. Back on Exhibit 8?

10 Q. Yes.

11 A. In fact, it would be best placed inside --
12 inside -- in -- inside the switch going to the
13 ground case of -- of the switch (Indicating).

14 Q. Just sketch it out on how it would work?
15 Add ground fault interrupter --

16 A. I -- I -- To tell you the truth, I don't
17 know what the inside of the ground fault detector
18 (sic.) looks like at or how it's operates. It would
19 just be something that would -- would be in --
20 inside the switch. There is a complicated set of
21 either mechanical or electronic designs that would
22 go with that and I certainly can't provide that kind
23 of solution for you right now today.

24 Q. You don't know what the circuit would
25 like?

1 A. I do not know what that circuit would look
2 like.

3 Q. Have you ever designed one?

4 A. No, I have not.

5 (Exhibit No. 38 marked.)

6 Q. Let me hand you Exhibit 38 which looks
7 like an E-Mail from somebody, B. Pease. And I
8 believe you're copied on it. Do you see that --

9 A. Yes.

10 Q. Okay. In March -- This is dated
11 March 16th, 1999. Was Bruce Pease working for
12 Texas -- I mean, working for Ford at this time?

13 A. I believe he is.

14 Q. And do you know what his title was?

15 A. I believe he was an engineer.

16 Q. Okay. Now, as I understood it, he was not
17 on your team?

18 A. Correct.

19 Q. Engineer in what department?

20 A. I believe he was in the AVT Chassis
21 Controls Department.

22 Q. Okay. And did you have someone from AVT
23 Chassis Control on your team?

24 A. No, we did not.

25 Q. What type of engineer is Mr. Pease?

1 A. I'm not sure what type of engineer he is.

2 Q. Do you know if he's an electrical
3 engineer?

4 A. I don't know that.

5 Q. Did you receive this E-Mail?

6 A. Looks like I did.

7 Q. And he writes: In reviewing the speed
8 control switch issue, it occurs to me that the
9 switch might be isolated (not grounded) to the
10 proportional valve if we were to put an insulating
11 spacer between the switch and valve in the form of a
12 double threaded bushing. Did I read that correctly?

13 A. Yes.

14 Q. How old this help, if at all? Did you
15 investigate this?

16 A. In the event that there's a fault in the
17 speed control system that causes a short to the case
18 of the -- in the -- the speed control deactivation
19 that was a short to the case of the -- of the
20 switch, if that was not connected to ground and
21 floating, then there wouldn't be on a current path
22 for -- for heat to build up.

23 Q. So if the switch failed, this was a way of
24 preventing current so that you wouldn't have a fire?

25 A. That's correct.