

EA02-025

FORD 10/27/03

APPENDIX N

BOOK 42

PART 1 OF 6

OHIO FIRE INCIDENT
REPORTING SYSTEM

INCIDENT REPORT

DELETE
 CHANGE

Fire Department Wyandot East Fire District

INCIDENT NO	EXP	MO	DAY	YEAR	DAY OF WEEK	1. Building 2. Motor Vehicle 3. Vehicle 4. Death, injury 5. Train 6. Aircraft 7. Ground spot with fire	8. Water 9. Other 10. Animal Rescue	11. Power line down 12. Arming alarms 13. Search 14. Rescue 15. Explosive device removal 16. Excavator 17. Downed tree	18. Alarm failure 19. Unauthorized entry 20. Move-up 21. Chemical spill 22. Liquefied gas leak 23. Smoke odor removal 24. Animal rescue	25. Alarm cancel 26. Unauthorized removal 27. Move-up 28. Other alarms 29. Smoke alarm 30. Confined burn 31. Steam gas release for smoke 32. Miscellaneous fire	33. Other:	1/	ALARM TIME	ARRIVAL TIME	TIME IN SERVICE
8101090001105	016	17	17	17								1/55	1/16/01	1/16/01	

SITUATION FOUND

- 1. Structure Fire
- 2. Emergency Medical call
- 3. Vehicle fire
- 4. Death, injury, injuries
- 5. Train Rescues
- 6. Aircraft
- 7. Ground spot with fire
- 8. Water
- 9. Other
- 10. Animal Rescue

- 11. Power line down
- 12. Arming alarms
- 13. Search
- 14. Rescue
- 15. Explosive device removal
- 16. Excavator
- 17. Downed tree
- 18. Alarm failure
- 19. Unauthorized entry
- 20. Move-up
- 21. Chemical spill
- 22. Liquefied gas leak
- 23. Smoke odor removal
- 24. Animal rescue

- 25. Alarm cancel
- 26. Unauthorized removal
- 27. Move-up
- 28. Other alarms
- 29. Smoke alarm
- 30. Confined burn
- 31. Steam gas release for smoke
- 32. Miscellaneous fire

Other: Fire page 17-18

13

ACTION TAKEN

- 1. Evacuation
- 2. Rescue or Assistance
- 3. Investigation only
- 4. Removal Hazard
- 5. Stand by
- 6. Salvage
- 7. Ambulance
- 8. Fall in. Move up
- 9. Not responded
- 10. Uninformed

MUTUAL AID

1-Rec'd

2-Given

N/A

N/A

FIXED PROPERTY USE (Occupancy) Pg 23-43

1916

IGNITION FACTOR Pg 44-45

1514

COMPLETE ADDRESS (Up to maximum of 25 characters)

Neuville, OH.

ZIP CODE

CENSUS TRACT

OCCUPANT NAME: MARY ANN HUBBELL

TELEPHONE

ROOM or APT.

OWNER NAME: MARY ANN HUBBELL

TELEPHONE

METHOD OF ALARM

- 1. Telephone direct
- 2. Municipal alarm system
- 3. Private alarm system
- 4. Radio
- 5. Verbal
- 6. No alarm made
- 7. Tie-line (911)
- 8. Voice signal municipal alarm system
- 9. Not described above
- 10. Uninformed or not reported

CO. INSPECTION DISTRICT

7

SHIFT

NO. ALARMS

NO. FIRE SERVICE PERSONNEL RESPONDED

18

NO. ENGINES RESPONDED

1

NO. APPARATUS RESPONDED

1

NO. OTHER VEHICLES RESPONDED

1000

NUMBER OF INJURIES

1

OTHER

0

FIRE SERVICE

COMPLEX Pg 51-82

NUMBER OF FATALITIES

1

FIRE SERVICE

0

OTHER

10

MOBILE PROPERTY TYPE Pg. 63-88 (Complete Line 6)

NA = 08

015

AREA OF FIRE ORIGIN Pg G7-68

EQUIPMENT INVOLVED IN IGNITION Pg 71-72 (Complete Line 7) 98

1916

FORM OF HEAT IGNITION Pg 74-75

124

TYPE OF MATERIAL IGNITED Pg 78-79

132

FORM OF MATERIAL IGNITED Pg 80-81

1611

METHOD OF EXTINGUISHMENT

- 1. Self extinguished
- 2. Manual effort
- 3. Portable extinguisher
- 4. Automatic ext. system
- 5. Pre-connected hose/back yard
- 6. Pre-connected hose/rapid attack hose/pumper
- 7. Hand held nozzles
- 8. Master stream nozzles
- 9. Not described above
- 10. Uninformed or not reported

LEVEL OF FIRE ORIGIN

- 1. Grade level to 8 ft
- 2. 8 to 16 feet
- 3. 16 to 24 feet
- 4. 24 to 48 feet
- 5. 50 to 70+ feet

ESTIMATED TOTAL DOLLAR LOSS

- 1. Under 70 feet
- 2. 70+ feet
- 3. Below ground level
- 4. Not Estimated above
- 5. Uninformed

Number of Stories

- 1. 1 story
- 2. 2 stories
- 3. 3 to 4 stories
- 4. 5 to 8 stories
- 5. 9 to 12 stories
- 6. 13 to 24 stories
- 7. More than 24 stories
- 8. Undetermined or not reported

CONSTRUCTION TYPE

- 1. Pre-existing
- 2. Newer timber
- 3. Protected noncombustible

8. Unprotected wood frame

- 9. Not described above
- 10. Uninformed or not reported

EXTENT OF DAMAGE

- 1. Confined to the exterior of origin
- 2. Confined to part of room or area of origin
- 3. Confined to room of origin
- 4. Confined to the interior of room of origin
- 5. Confined to floor of origin
- 6. Extended beyond structure of origin
- 7. No damage of this type (NA)
- 8. Undetermined or not reported

- 1. Few spots
- 2. 2 to 5 spots
- 3. 6 to 10 spots
- 4. 11 to 20 spots
- 5. 21 to 50 spots
- 6. 51 to 100 spots
- 7. 101 to 200 spots
- 8. 201 to 500 spots
- 9. Not described above
- 10. Uninformed or not reported
- 11. Not described origin (NA)

SPRINKLER PERFORMANCE

- 1. Equipment operating
- 2. Equipment started (but did not operate)
- 3. Equipment present but has either stopped or did not start
- 4. Not described above
- 5. Uninformed or not reported

TYPE OF MATERIAL GENERATING MOST SMOKE Pg 103-104

SMOKE SPREAD

1. Ground

2. Ceiling

AVENUE OF SMOKE TRAVEL

- 1. Air handling duct
- 2. Ceiling
- 3. Elevator shaft
- 4. Stairwell
- 5. Wall
- 6. Floor
- 7. Uninformed or not reported
- 8. Uninformed ceiling
- 9. Uninformed wall
- 10. Uninformed floor

9

FORM OF MATERIAL GENERATING MOST SMOKE Pg 103-108

MOBILE PROPERTY

YEAR

MAKE

MODEL

SERIAL NO

LICENSE NO

EQUIPMENT INVOLVED

YEAR

MAKE

MODEL

SERIAL NO

EMBER MAKING REPORT

DATE

OFFICER IN CHARGE (if different)

DATE

Lisa Benson

7-01

REMARKS

REMARKS continued on back

ER02-025-A 10784

BARR ENGINEERING, INC.

INVESTIGATIVE DIVISION



July 2, 2001

Subject: 1993 Lincoln Town Car Fire
Origin and Cause Investigation
Claim number: 3-561-474
BIE Job Number: MOT101 - 3-561-474

Dear Ms. Parker,

In accordance with your request, Barr Investigative Engineering, Inc. (BIE) made an on-site inspection and evaluation to determine the cause and origin of the fire that destroyed a 1993 Lincoln Town Car owned by [REDACTED]. The following describes our investigation and the results of our findings.

BACKGROUND INFORMATION

It is understood that on June 17, 2001, [REDACTED] (the claimant) wife drove their 1993 Lincoln Town car into Bucyrus, Ohio from their residence at [REDACTED] in Nevada, Ohio, and back. The approximate distance of the round trip is 30 miles. Upon her return, the claimant's wife parked the car in their gravel driveway, which is situated on the north side of their residence. The claimant reported that approximately 30 to 45 minutes after his wife's return she told him she smelled smoke. The claimant went outside and discovered their 1993 Lincoln Town Car had caught on fire. The claimant reported that they used a fire extinguisher and hose to control the fire until the Wyandot fire department arrived. The claimant stated that approximately two weeks prior to the fire, he received a recall letter from Ford that described a problem with the cruise control for 1993 Lincoln Town Cars. At issue was the potential, when activated, for the cruise control to remain stuck in the on position. The claimant also stated that approximately one week later the cruise control in his car ceased to work.

Ford recalled certain Lincoln Town cars manufactured at the Wixom Assembly Plant from November 4, 1991 to November 30, 1992 because of a defective Speed Control Deactivation Switch. The switch can develop a resistive short in the electrical circuit that could result in an under hood fire, even if the vehicle engine is off. Based on the Vehicle Identification Number (1LNLM82W4PY [REDACTED]), it was determined that the automobile involved in this claim was manufactured at the Wixom Assembly Plant. A copy of Ford's recall announcement sent to the National Highway Traffic Safety Administration (NHTSA), as well as the actual NHTSA recall announcement, campaign number 99V124000 is available in the Photographs and Other Attachments Section of this report.

Following the fire, the automobile in question was taken to Auto Disposal Systems, 420 Stimmel Road, Columbus, Ohio. During the transport of the car, the cruise control box fell off and landed in the claimant's driveway.

PURPOSE AND SCOPE

The purpose of the investigation was to determine the origin and cause of the fire that destroyed [REDACTED] 1993 Lincoln Town Car. The scope of our investigation included the following:

1. A discussion with Ms. Jenna Parker on June 20, 2001 for instructions with respect to the scope of the investigation, and to gather background information from the file.
2. Inspection of the vehicle that is stored at Automotive Disposal Systems, 420 Stimmel Road, Columbus, Ohio.
3. A discussion with Mr. Spriggs to gather further information about the incident.
4. Inspection at the location of the fire - 207 Main Street, Nevada, Ohio.
5. Collected evidence from the claimant at his place of business located in Bucyrus, Ohio.
6. Photographic documentation.
7. Engineering assessment of the site conditions.
8. Product research.
9. Preparation of a written report to present results of findings and provide a professional opinion.

RESULTS OF INVESTIGATION

On June 21, 2001 we conducted our investigation of the 1993 model year Lincoln Town car stored at Auto Disposal Systems (ADS), 420 Stimmel Road, Columbus, Ohio. The vehicle was identified using the ADS stock number 2124050, and VIN number 1LNLM82W4PY [REDACTED]. On June 22, 2001 we conducted an investigation at the fire location, [REDACTED] Nevada, Ohio, and collected the cruise control component that had fallen out of the car when it was brought down from Nevada to Columbus, Ohio. In the course of our investigation we made the following pertinent observations:

1. Above the left front tire, there is noticeable paint damage to the engine compartment hood. See photograph A.
2. Above the left front tire, the underside of the engine compartment hood sustained severe damage from extreme heat. See photograph B.
3. There is a fire pattern inside the engine compartment, on the front left panel, that is indicative of the fire origin. See photograph C.
4. The fire melted the coating of electrical wires, but did not cause the wires themselves to be welded or fused together. See photograph's D & E.
5. The positive terminal side of the battery was melted. See photograph F.
6. The fire did not damage the inside of the vehicle. See photograph G.

7. The fuel line was intact and not damaged.
8. The front left tire that was on the vehicle at the time of the fire was severely damaged and was later placed in the trunk of the car. See photograph H.
9. Photograph I provides an example of an undamaged cruise control assembly of a 2000 Lincoln Town Car.

DISCUSSION OF RESULTS

The most severely damaged sections of paint, metal, plastic and rubber components of the vehicle were found above the front left tire. The extent of the damage, and the fire pattern, is evidence that this area not only sustained the fire for the greatest amount of time, but was also subject to the highest temperatures. Combined, this evidence is indicative of the original location of the fire. Based on the information above, we believe this to be the place of origin and subsequently focused our investigation on this area.

As described above, the fire pattern indicates that the fire began in a component located in the left corner of the engine compartment. Though electrical wires in and adjacent to the suspect area were exposed because their plastic casing was melted off, the wires themselves show no sign of damage that could be attributed to the cause of the fire and were therefore eliminated as a possible source of the fire.

Photograph C shows the remains of the mounting bracket for this automobile's cruise control housing box. The box was mounted on the inside of the front left panel just above the left front tire. Photograph J shows that the severely damaged plastic electrical adaptor to the cruise control is no longer attached to the cruise control assembly. This is because the damage to the cruise control switch and casing was so severe that it broke off and fell onto the ground at the scene of the fire. We retrieved the damaged assembly so that we could inspect it at our lab.

CONCLUSIONS

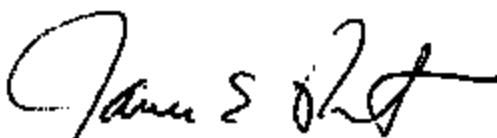
The fire patterns and physical damage indicate that the fire originated from the cruise control component of the vehicle. The cruise control in [REDACTED] Lincoln Town Car stopped working about one week prior to the fire, exhibiting one of the symptoms of the faulty switch as described in the recall. We believe this was an indication that the cruise control switch in question had developed a short. The conductive path was probably established sometime between the onset of the cruise control dysfunction, and the time of the fire.

Based on our investigation of the 1993 Lincoln Town Car in question and the recall history of the 1993 model year for this make, it is our professional opinion that the cause and origin of this fire was an electrical short in the cruise control housing unit that is located under the hood of the vehicle and above the left front tire. This opinion concurs with the results and conclusions reached by Ford Motor Company in their own investigation of Lincoln Town Cars manufactured at the Wixom Assembly plant between November 1991 and November 1992.

If Motorists Insurance wishes to investigate this claim further by testing for the use of an accelerant, BIE has retained samples of burned material from both the vehicle and the location of the fire. The defective cruise control component that fell out of the vehicle during the fire is being stored by BIE, and is also available for further testing if deemed appropriate. BIE will store said part for one year, at which time Motorists Insurance will be notified by letter requesting permission to dispose of the evidence.

Barr Investigative Engineering, Inc. reserves the right to amend and or modify this report upon the discovery of additional information. Should any additional information be discovered, it should be forwarded to our office for further review and comment. This report is based on visual inspection and investigation. If you have any questions about the conclusion contained in this report, please feel free to call.

Respectfully,



James E. Prevost, P.E.
Senior Engineer



OHIO CERTIFICATE OF TITLE

VOID IF ALTERED

VOID IF ALTERED

EXACT COPY AND OFFICIAL NUMBER

043661571



* 2 0 4 3 6 6 1 5 7 1 *

DO NOT ACCEPT TITLE SHOWING ANY ERASURES, ALTERATIONS OR MUTILATIONS.

MOTORISTS
MUTUAL
INSURANCE
CO.

Vehicle Information Report

GENERAL VEHICLE INFORMATION: (Related Claims)

VIN:	1LNLM2W4P#	Veh Line:	C/VB - TOWN CAR (PN0GPNI1G) (91-97)	Eng Serial No:	W
Model Year:	1993	Market Derivat:	C/M - L-N DIVISION DERIVATIVE	Body Style:	*
Veh Type:	C	Drive Codes:	C/B - 2 WHE. LH REAR DRIVE	Engines:	CVN - R-M 4.6L V8NC EFI NA CIVIC NP
Inv. Dealer:	10928	Body Cab Style:	C/F/C - 4 DOOR SEDAN-4 LT8	Transmissions:	CDE - 4 SPD AUTO TRANS NAAO AGDE
		Version/Series:	CBR - SIGNATURE VERSION		

BUILD INFORMATION:

Region: NA - ##### Plant: BA - WIXOM PLANT BUILD
Country: USA - ##### Prod Date: 01-SEP-1992

SALE INFORMATION:

Region: NA - ##### Selling Dealer: 345175 - *
Country: USA - ##### Selling Dir Inv/Prcv: M#
Buyer St/Prcv: M#
Arrival Date: 02-SEP-1992 End Carpet Lease: *
Sale Date: 09-SEP-1992 Fleet/Retail/Co. Lease: R
Warranty Start Date: 09-SEP-1992 Modified Vehicle: *
Orig Warranty Dates: 09-SEP-1992 Recipient Vehicle: * Vehicle Export Flag: N

VOC/EOC:

-----1-----2-----3-----4-----5-----6-----7-----8-----9-----
M22PV519077 45 2 9187032 TX 3 INT 3PM 4 2 60 76 458175 3 TDY 3 1 10
11004 4 D 6 755A 707 8

INSTALLED OPTION INFORMATION:

Air Conditioning:	C/C - ATC AIR CONDITIONER	GVW Code:	*
Alternator Amp Rating:	* - [N/A]	GVW Class Code:	L
Axis Drive:	* - [N/A]	Instrumentation:	AC - ELECTRONIC INSTRUMENTATION
Axis Ratio:	EGIACC - 3.08 FINAL DRIVE RATIO	Mirror(Driver Side):	* - [N/A]
Axis Type:	EGIAC - LIMITED SLIP REAR AXLE	Mirror(Passenger Side):	* - [N/A]
Battery Amp Rating:	72	Paint:	TMUAA - EBONY SOLID C/C
Brake Code:	PEAAB - 4 WHL ANTI-LOCK BRAKES	Power Antenna:	* - [N/A]
Brake Code(Service):	* - [N/A]	Radio:	AQ - ELECTR PREMIUM AM/FM STEROCSTE
Calibration Code:	318DR10A	Sound System:	* - [N/A]
Color(Accent):	* - [N/A]	Super Traction Axle:	* - [N/A]
Color(Tinted):	000ZH -	Tire Brand:	AJ - MICHELIN - RECYCLABLE
Delivery Type:	A	Tire Size:	235/70R15 WSW
Drivetrain Code:	*	Traction Control:	* - [N/A]
Front Seat:	C/V - SEAT-SPLIT BENCH	Wheel Base:	* - [N/A]
Fuel Type:	* - [N/A]		

TIRE DOT INFORMATION:

LF:	* - RF1	*
LR:	* - RR1	*
LR:	* - RL1	*
SPARE:	*	

ESP INFORMATION; EMISSIONS INFORMATION:

ESP Code:	* - Emission Code:	C/B - CR
ESP Coverage(Miles):	* - Emission Cont Type:	F
ESP Coverage(States):	* - Emission Dose Statis:	JY
ESP Fwd Year:	* - Engine Family:	PFM46VSEDR2
ESP Signature Date:		

Any comments? You can contact



[webmaster](#)

Vehicle Inquiry

VEHICLE ID: 1LPPY (WWYPBBBBBB) Vin: 1LNLM82W4P Div: 3 Status: 800
 Vehicle Line: CVB Convoy Deliv: 090292 Orig P-Lvl: 301 Selling Dlr: 45B175
 Order Recpt: 082092 ShipTo Stat: Curr P-Lvl: 301 Sale Date: 090992
 Orig Sched: 083192 Rls-To Stat: MI Order Dlr/Reg: 45175/45 Demo Dt:
 Inv Prep: 082592 Orig Int St: 090292 Orig Rls Dlr: 45175 Deliv Type: A
 Prod Date: 090192 Curr Int St: 090292 Rls Dlr P&A: 10923 Sales Prd: 092091
 Rls Date: 090192 Dlrfin Ext: 101092 Warr Start: 090992 Cancel Sl:
 Memo Consgn: P&C Ext: 101092 WarrS-Ind: Sale Status: G
 Orig Pltbus: 090192 Advert Ext: 101092 -Date- -Dealer- -Region-
 Curr Pltbus: 090192 Slspsn SS#: 1268 Shipped: 090292
 T/Name: 1 Curr Stock: 090192 45B175 45
 Addr: State: MI 1st-Prior:
 City: DETROIT N/A-Rcpt: 091192 2nd-Prior:
 Zip: Warr-Ins-Ind: 3rd-Prior:
 V.O.: 1 2 3 4 5 6 7 8
 12345234567890123456789012345678901234567890123456789012345678901234
 M82PY 45 2 31H7022 KH E P1 3P8 4 2 L6 P8 45B175 3 UA
 8 9 0 1 2 3 4 5 6
 5678901234567890123456789012345678901234567890123456789012345678901234567890
 DJ H WILNL4 4 D 6 755A 9WP
 F1=Help F3=Exit F4=Primary Menu F5=Financial Screen F9=Screen #3

OGDB427

=> VEHICLE ID: 1LPY (WWYPBBBBBB) Vin: 1LNLM82W4PY Div: 3 Status: 800

Financial Data

Orig Totl Inv:	31813.70	A-Plan Price:	30364.70	Predel Invoic:	.00
Curr Totl Inv:	31813.70	Total Adj:	.00	Sched-A QST:	.00
Base Vehicle:	29815.00	Base Adj:	.00	FDC GST:	.00
Options:	669.00	Option Adj:	.00	Price Protect:	.00
Base Holdback:	1065.00	Base Hb Adj:	.00	Chargebck Amt:	.00
Optn Holdback:	24.00	Option Hb Adj:	.00	30-Day FP Amt:	.00
Misc Charges:	.50	Gas Amt:	18.20	Floor Plan:	.00
Finance Chrge:	360.00	Sched-B Amt:	590.00	P&C Charge:	125.00
FDAF/LMDA:	361.00	Mktng Contrib:	361.00	Pre-Dlvry Amt:	.00

Financing Data

Finance Source:	0000001	O-Warr Start:	090992	Release Date:	090192
Orig Int St-Sw:	N	Co Tag Number:		Transit Time:	3
Ret Draft Ind:		Pre-del Date:		Rls Plus Trans:	090492
Floor Pln Date:		PrdIvry S.Code:		Ramp Code:	
Advt Comm Code:	F	Lease Code:		Method Shipped:	5
Upfront PP Ind:		Invoic In-Proc:		Memo Cons Loc:	

F1=Help F3=Exit F4=Primary Menu F6=Screen #1 F9=Screen #3

OGDB427

==> VEHICLE ID: 1LPY [REDACTED] (WWYPBBBBBB) Vin: 1LNLM82W4PY [REDACTED] Div: 3 Status: 800
 Vehicle Line: CVB Convoy Deliv: 090292 Orig P-Lvl: 301 Selling Dlr: 458175
 Order Recpt: 082092 Shipto Stat: Curr P-Lvl: 301 Sale Date: 090992
 Orig Sched: 083192 Rls-To Stat: MI Order Dlr/Reg: 45175/45 Demo Dt:
 Inv Prep: 082592 Orig Int St: 090292 Orig Rls Dlr: 45175 Deliv Type: A
 Prod Date: 090192 Curr Int St: 090292 Rls Dlr P&A: 10923 Sales Prd: 092091
 Rls Date: 090192 Dlrfin Ext: 101092 Warr Start: 090992 Cancel Sl:
 Memo Consn: P&C Ext: 101092 WarrS-Ind: Sale Status: G
 Orig Pltbus: 090192 Advert Ext: 101092 -Date- -Dealer- -Region-
 Curr Pltbus: 090192 Slspsn SS#: 1268 Shipped: 090292
 T/Name: 1 Curr Stock: 090192 45B175 45
 Addr: [REDACTED] State: MI 1st-Prior:
 City: DETROIT N/A-Rcpt: 091192 2nd-Prior:
 Zip: [REDACTED] Warr-Ins-Ind: 3rd-Prior:
 V.O.: 1 2 3 4 5 6 7 8
 12345234567890123456789012345678901234567890123456789012345678901234
 M82PY 45 2 31H7022 KH E P1 3P8 4 2 L6 P8 45B175 3 UA
 8 9 0 1 2 3 4 5 6
 5678901234567890123456789012345678901234567890123456789012345678901234567890
 DJ H WLLNL4 4 D 6 755A 9WP

F1=Help F3=Exit F4=Primary Menu F5=Financial Screen F9=Screen #3

OGDB427

→ VEHICLE ID: 1LPY (WYYPBBBBBB) Vin: 1LNLM82W4PY Div: 3 Status: 800

Ordering Name:
Secondary Name:
Ordering FIN:
Order-For FIN:
Orig Ordr Type: 2

Selling FIN:
Sold-To Fin:

Distr Status: P
Last NAVIS St: 091492
Distr Stat Dt: 090292
Last Activity: 121092
Serialzd Dte: 082192
Scheduled Dte: 083192
Mexico Status:

Component Data - - - - -

Dr Post/Calib: HDJ Tire Brand: A
Early Cntl Lbl: JJY EEC:
Engine Tag Cd: 3G812AA
Engine Serial: W
Driver Airbag:
Pssngr Airbag: 13238C444 Axle: JY

F1=Help F3=Exit F4=Primary Menu F5=Financial Screen F6=Screen #1

OGDB427

REQUEST DATE: 02/16/92

PAGE 2

MASTER FILE REPORT VIN: 1LNLM62N4PT619077

	N/A RECEIPT DATE 920911	CURR OWN EFT DATE 920911	VEH CODE F	POST MOD CERT CODE	POST SALE CODE	POST RELEASE DATE	PSC CHARGE 125.00	FL PLN ALLOW 0.00	EXTRACT DATE 921010	DEALER FIN EXT DATE 921010	PB SC	ADM CNT CDE F	ABV EXTRACT DATE 921010	PRE- DELIVERY AMT 0.00	PRE- DELIVERY CENTER 8.00	FLOOR PLAN DATE	PRE- DELIVERY DATE		
INE 11	---ORDERING NAME																		
INE 12	ENGINE CALIBRAT 318BR1KA	SOLD TO FIN CODE	KTP PPA	HWT TRK LN SET DATE	HT SR	CENTRAL IN PROC DATE	CEN PRC CDE	MET SD CTR	OPT REQ 1	IND Y	SPC REQ 2	SPC REQ K	WIN 1LNLM62N4PT619077						
INE 13	STK DEALERS & DATES 5TH PRIOR	4TH PRIOR	5TH PRIOR	POC TAX 00000.00	S P 3 1	ABV 1PC 00361	TRANSMISSION SERIAL NBR	FT PR CB	DRIVER-AIR-BAG SERIAL NBR		PASSENGER-AIR-BAG SERIAL NBR								
INE 14	BUSINESS PHONE NOT AVAILABLE	DRIVER SIDE PRETENSIONER CODE	SIDE PASSENGER CODE	ENGINE FAMILY PPW4.6V5FDFF2			SALES PRSH CTY L T CO CAR LESSEE SS 9 CNE 1 L FIRST NAME 1268 1 R												
INE 15	DEPT ADDRESS 18703 STOEPOL	GARAGE		CITY DETROIT	SOC														
INE 16	SELLING L FIN CDE T	1 FIRST NAME		SECONDARY NAME MI LAST NAME															

HARR H D ENI
STAY S U CON ORDER 4TH
CODE D R IND FIN-CODE PRIOR
JY

CUSTOMER
PHONE
NOT-AVAILA

TAG NUMBER REP
NAME ROBINSON

COUNTRY P.O. BOX
ST - ZIP / APPY #
MI 48223

STANDARD CLAIMS LIST

AWS Online Report

Run Date: 19-FEB-2002

Note: All Costs are in US Dollars

VIN	AWS VL	WEBS VL	MKT	BODY	VER	DRIVE	PLANT	TRANS	ENG	PROD	WARR	SELLING DEALER	SELL CNT	TIS	QRT	WOC	PREP	BASE	SUPP	VMT	VPO	CCC	CD	
JLNLM82W4PY██████████	VB	C/VB	CM	C/P/C	CBR	CB	BA	C/DK	C/VN	01-09-92	09-09-92	345175	USA	1	Q11	GR01	*	20878	*	807	V75	B63	33	
AWS Claim Key:	2821931	Doc #:	071841	Tra Code:	1	Labor Hrs:	.5	Labor Cost:					25	Material Cost:	0	Total Cost:	25							
Dir Cd-Sub Cd:	10923-* Name: PARK MOTOR SALES CO	Plc:	313-8695000	St: MI	Ctry Cd:	USA								Reg Cd:	NA	Repr Date:08-OCT-1992		DIST(0Ma):1131						
Tech Comments:	REPAIR MLDG																							
JLNLM82W4PY██████████	VB	C/VB	CM	C/P/C	CBR	CB	BA	C/DK	C/VN	01-09-92	09-09-92	345175	USA	1	Q21	GR02	F2VY	54611B09-B	506	V03	S25	41		
AWS Claim Key:	2821930	Doc #:	071841	Tra Code:	1	Labor Hrs:	.9	Labor Cost:					43	Material Cost:	51.41	Total Cost:	95.41							
Dir Cd-Sub Cd:	10923-* Name: PARK MOTOR SALES CO	Plc:	313-8695000	St: MI	Ctry Cd:	USA								Reg Cd:	NA	Repr Date:08-OCT-1992		DIST(0Ma):1131						
JLNLM82W4PY██████████	VB	C/VB	CM	C/P/C	CBR	CB	BA	C/DK	C/VN	01-09-92	09-09-92	345175	USA	5	Q23	TK04	F2VY	546771E-A	506	V03	S15	33		
AWS Claim Key:	2821932	Doc #:	073844	Tra Code:	1	Labor Hrs:	.9	Labor Cost:					45	Material Cost:	218.06	Total Cost:	263.06							
Dir Cd-Sub Cd:	10923-* Name: PARK MOTOR SALES CO	Plc:	313-8695000	St: MI	Ctry Cd:	USA								Reg Cd:	NA	Repr Date:18-JAN-1993		DIST(0Ma):2628						
JLNLM82W4PY██████████	VB	C/VB	CM	C/P/C	CBR	CB	BA	C/DK	C/VN	01-09-92	09-09-92	345175	USA	8	Q23	TK04	F2VY	5461710-A	506	V03	S03	33		
AWS Claim Key:	2821933	Doc #:	076258	Tra Code:	1	Labor Hrs:	.9	Labor Cost:					49.3	Material Cost:	177.56	Total Cost:	227.16							
Dir Cd-Sub Cd:	10923-* Name: PARK MOTOR SALES CO	Plc:	313-8695000	St: MI	Ctry Cd:	USA								Reg Cd:	NA	Repr Date:20-APR-1993		DIST(0Ma):4417						
JLNLM82W4PY██████████	VB	C/VB	CM	C/P/C	CBR	CB	BA	C/DK	C/VN	01-09-92	09-09-92	345175	USA	8	Q23	TK04	*	761711	*	506	V03	S03	33	
AWS Claim Key:	2821934	Doc #:	076308	Tra Code:	1	Labor Hrs:	.1	Labor Cost:					13	Material Cost:	8	Total Cost:	11							
Dir Cd-Sub Cd:	10923-* Name: PARK MOTOR SALES CO	Plc:	313-8695000	St: MI	Ctry Cd:	USA								Reg Cd:	NA	Repr Date:04-MAY-1993		DIST(0Ma):4706						
Cost Comments:	SBATT RACK COVER																							
Tech Comments:	REINST LOOSE COVERS																							
JLNLM82W4PY██████████	VB	C/VB	CM	C/P/C	CBR	CB	BA	C/DK	C/VN	01-09-92	09-09-92	345175	USA	12	Q23	6D04	*	42900	*	2XX	V99	A99	PP	
AWS Claim Key:	2821935	Doc #:	076399	Tra Code:	1	Labor Hrs:	0	Labor Cost:					0	Material Cost:	0	Total Cost:	150							

Any comments? You can contact

webmaster

FCSD REGION: MARKET: ISSUE STATUS: P&A CODE: VIN: 1LNLM82W4PY CASE NUMBER: SALES REGION: SALES ZONE: ISSUE TYPE:

A	LAST HND/	Customer Phone Number/	Reason/	Stat,
C	P&A LAO	Trmt Customer Name	Year Model	Type
-	-	-	-	-
07/02/01	[REDACTED]	[REDACTED]	REDIRECTED CALL - REDIRECT	C
06/28/01	[REDACTED]	[REDACTED]	1993 TOWN CAR	01
			RECALL/ONP - DUPLICATE LETTER	C
			1993 TOWN CAR	01

F1=Help

F2=AddAction

F5=CustomerList

F6=DealerInfo

F7=Prev

F8=Next

F10=IssueDetail

F11=Menu

F12=Return

NO MORE RECORDS AVAILABLE

OGDB427

VIN: 1LNLM82W4PY [REDACTED] Year: 1993 Model: TOWN CAR
Owner Status: SUBSEQUENT WSD: 09/09/92 Mileage: 85000
Name: [REDACTED] Hm Ph: [REDACTED]
Trmt: Case: 422321791 Day Ph: [REDACTED]
Symptom:
Reason: REDIRECTED CALL - REDIRECT
Dealer:
Issue Type: 01 INQUIRY CAN Court: Legal Issue Type:
Issue Status: C CLOSED CAN Award: MORSII Contact: N

A/C DATE Origin Description

07/02/01 CACI09 OFFICE OF GENERAL COUNSEL: ADDRESS AVAILABLE IN PHRASEOLOGY

F1=Help F2=AddAction F4=ActionDetail F6=DealerInfo
F7=Prev F8=Next F9=ViewMORSII F11=Menu F12=Return

NO MORE RECORDS AVAILABLE

OGDB427

VIN: 1LNLM82W4PY Year: 1993 Model: TOWN CAR
Owner Status: SUBSEQUENT WSD: 09/09/92
Name: Case: 422321791 Hm Ph:
Trmt: Day Ph:
Symptom Desc:
Reason Desc: REDIRECTED CALL - REDIRECT
Dealer:
Issue Type: 01 INQUIRY Issue Status: C CLOSED
Comm Type: PH PHONE Odometer Reading: 85000 MI
Analyst: AROBER27 ALMARIE ROBERTS Document Number:
Action Date: 07/02/01 Action Data: Action Time: 11:19:08 EST
Origin Desc: US REDIRECT CASE BASE
Action Desc: OFFICE OF GENERAL COUNSEL: ADDRESS AVAILABLE IN PHRASEOLOGY
Comments: CUSTOMER SAYS: - CALLING FROM THE INSURANCE COMPANY - WOULD LIKE TO KNOW WHAT PLANT THE VEHICLE WAS BUILT ON PER CUSTOMER, DEALER SAYS: CAC ADVISED: ALL REQUESTS MUST BE SUBMITTED IN WRITING TO: FORD MOTOR COMPANY; OFFICE OF THE GENERAL COUNSEL; PARKLANE TOWERS WEST, SUITE 400; 3 PARKLANE BLVD.; DEARBORN, MI 48126 - ADVISED THE VEH WAS BUILT ON
F1=Help F2=AddAction F4=PrevAction F5=NextAction F6=ActionData
F9=PrevComments F10=NextComments F11=Menu F12=Return F13=ESP
MORE COMMENTS AVAILABLE

OGDB427

VIN: 1LNLM82W4PY Year: 1993 Model: TOWN CAR
Owner Status: SUBSEQUENT WSD: 09/09/92
Name: [REDACTED] Hm Ph: [REDACTED]
Trmt: Case: 422321791 Day Ph: [REDACTED]
Symptom Desc:
Reason Desc: REDIRECTED CALL - REDIRECT
Dealer:
Issue Type: 01 INQUIRY Issue Status: C CLOSED
Comm Type: PH PHONE Odometer Reading: 85000 MI
Analyst: AROBER27 ALMARIE ROBERTS Document Number:
Action Date: 07/02/01 Action Data: Action Time: 11:19:08 EST
Origin Desc: US REDIRECT CASE BASE
Action Desc: OFFICE OF GENERAL COUNSEL: ADDRESS AVAILABLE IN PHRASEOLOGY
Comments: E BLVD.; DEARBORN, MI 48126 - ADVISED THE VEH WAS BUILT ON THE WIXOM ASSEMBLY PLANT INFERENC CASE ID: 72

F1=Help F2=AddAction F4=PrevAction F5=NextAction F6=ActionData
F9=PrevComments F10=NextComments F11=Menu F12=Return F13=ESP
NO MORE COMMENTS AVAILABLE

OGDB427

> VIN: 1LNLM82W4PY [REDACTED] Year: 1993 Model: TOWN CAR
Owner Status: SUBSEQUENT WSD: 09/09/92 Mileage: 85000
Name: [REDACTED] Hm Ph: [REDACTED]
Trmt: Case: 422321791 Day Ph: [REDACTED]
Symptom:
Reason: RECALL/ONP - DUPLICATE LETTER REQUEST
Dealer:
Issue Type: 01 INQUIRY CAN Court: Legal Issue Type:
Issue Status: C CLOSED CAN Award: MORSII Contact: N

A/C DATE Origin Description

- - - - -
06/28/01 CACI08 ADVISE CUSTOMER UNABLE TO PROVIDE DUPLICATE RECALL/ONP LETTE

F1=Help F2=AddAction F4=ActionDetail F6=DealerInfo
F7=Prev F8=Next F9=viewMORSII F11=Menu F12=Return
NO MORE RECORDS AVAILABLE OGDB427

VIN: 1LNLM82W4PV Year: 1993 Model: TOWN CAR
Owner Status: SUBSEQUENT WSD: 09/09/92
Name: [REDACTED] Hm Ph: [REDACTED]
Trmt: Case: 422321791 Day Ph: [REDACTED]
Symptom Desc:
Reason Desc: RECALL/ONP - DUPLICATE LETTER REQUEST
Dealer:
Issue Type: 01 INQUIRY Issue Status: C CLOSED
Comm Type: PH PHONE Odometer Reading: 85000 MI
Analyst: SWATKIS SONIA WATKIS Document Number:
Action Date: 06/28/01 Action Data: Action Time: 11:43:10 EST
Origin Desc: US INQUIRY CASE BASE
Action Desc: ADVISE CUSTOMER UNABLE TO PROVIDE DUPLICATE RECALL/ONP LETTER
Comments: CUSTOMER SAYS: - THE VEH CAUGHT FIRE --- THE CUST RECEIVED
A RECALL ON THE CRUISE CONTROL - THE VEH WAS TOTALLED -
SHE WOULD LIKE A COPY OF A RECALL NOTICE PER CUSTOMER, DE
ALER SAYS: NONE CAC ADVISED: - FORD IS UNABLE TO PROVIDE
DUPLICATE RECALL/ONP LETTERS - THE RECALL/ONP CAN BE COMPLETED WITHOUT THE LETTER AT A FORD/L-M DEALERSHIP INFERENC
F1=Help F2=AddAction F4=PrevAction F5=NextAction F6=ActionData
F9=PrevComments F10=NextComments F11=Menu F12=Return F13=ESP
MORE COMMENTS AVAILABLE

OGDB427

=====
VIN: 1LNLM82W4PY Year: 1993 Model: TOWN CAR
Owner Status: SUBSEQUENT WSD: 09/09/92
Name: [REDACTED] Hm Ph:
Trmt: Case: 422321791 Day Ph: [REDACTED]
Symptom Desc:
Reason Desc: RECALL/ONP - DUPLICATE LETTER REQUEST
Dealer:
Issue Type: 01 INQUIRY Issue Status: C CLOSED
Comm Type: PH PHONE Odometer Reading: 85000 MI
Analyst: SWATKIS SONIA WATKIS Document Number:
Action Date: 06/28/01 Action Data: Action Time: 11:43:10 EST
Origin Desc: US INQUIRY CASE BASE
Action Desc: ADVISE CUSTOMER UNABLE TO PROVIDE DUPLICATE RECALL/ONP LETTER
Comments: LETED WITHOUT THE LETTER AT A FORD/L-M DEALERSHIP INFERENCE
CASE ID: 696

F1=Help F2=AddAction F4=PrevAction F5=NextAction F6=ActionData
F9=PrevComments F10=NextComments F11=Menu F12=Return F13=ESP
NO MORE COMMENTS AVAILABLE

OGDB427

VIN: 1LNLM82W4PY
WSD: 09/09/92

Year: 1993

Model: TOWN CAR
Build Date: 09/01/92

Campaign					Status	Dealer Code
A	Number	Type	Description	Status	Date	-----
	96L12	L	PASS AIR BAG	FORCED COMPLETION	01/22/98	AUTOC
	99S15	S	SPD CNTRL DE	RELEASED FOR MAILING	03/26/01	345334

F1=Help F7=Prev F8=Next F11=Menu F12=Return
MORE RECORDS AVAILABLE

OGDB427

ENTER CAMPAIGN NUMBER=> 95B64

VIN=> 1LNLM82W4P

TYPE OF SEARCH: H

MODEL YEAR: DEFECT:

BODY STYLE:

NEW STATUS CODE: _____

CAMP DIV : _____

REPAIR INFORMATION: TYPE CODE: _____

SUPP CODE : _____

REPAIR DATE: _____ DEALER P/A: _____

KIT CODE : _____

MICRO REF: _____ CLAIM NUM: _____

OASIS DATE : _____

DELETE REASON: _____

VENDOR N/A INFORMATION:

RESP DEALER INFORMATION: NEW: _____

IND: MATCH CODE: _____

CURRENT: ASSIGNED: SOURCE: EXTRACT DATE: _____

***** STATUS INFORMATION: ***** * REPAIR INFORMATION: *****

CODE DESCRIPTION

DATE

TYPE

DATE

P/A

CLAIM#

MICRO#

CL

SRC

C COMPLETE

B 96-03-18

021152

WI7ND6C

AC

DELETE REASON:

F1=INQUIRY F2=G140 F3=EXIT F5=G130 F7-FIRST F8=NEXT F9=MORE STATUS

F10=ADD STATUS F11=REVISE (ALL DATA FIELD DATES YY-MM-DD)

I037=NO MORE DATA TO DISPLAY

OGDB427

ENTER CAMPAIGN NUMBER=> 96L12 VIN=> 1LNLM82W4PV [REDACTED] TYPE OF SEARCH: A
MODEL YEAR: 93 DEFECT: PASS AIR BAG BODY STYLE: 4 DR SEDAN SIGNATURE

NEW STATUS CODE: _____ CAMP DIV : 6
REPAIR INFORMATION: TYPE CODE: _____ SUPP CODE :
REPAIR DATE: _____ DEALER P/A: _____ KIT CODE : CI
MICRO REF: _____ CLAIM NUM: _____ OASIS DATE :
DELETE REASON: _____ VENDOR N/A INFORMATION:

RESP DEALER INFORMATION: NEW: _____ IND: MATCH CODE: 1
CURRENT: 3 45 334 ASSIGNED: 01-03-23 SOURCE: PX EXTRACT DATE: 01-03-23

***** STATUS INFORMATION: ***** ***** REPAIR INFORMATION: *****

CODE DESCRIPTION	DATE	TYPE	DATE	P/A	CLAIM#	MICRO#	CL SRC
F FORCED COMPLETION	98-01-22	B	98-01-22				OL
M RELEASED FOR MAILING	97-02-25						
H AWAITING MAILING	96-11-22						

DELETE REASON:

F1=INQUIRY F2=G140 F3=EXIT F5=G130 F7=FIRST F8=NEXT F9=MORE STATUS
F10=ADD STATUS F11=REVISE (ALL DATA FIELD DATES YY-MM-DD)

I037=NO MORE DATA TO DISPLAY

OGDB427

ENTER CAMPAIGN NBR ==> 96L12 VIN ==> 1LNLM82W4PY [REDACTED]
DEFECT : PASS AIR BAG BODY STYLE DESC: 4 DR SEDAN SIGNATURE
RESP DEALER : 345175 BEGINNING MAILED DATE: 97-03-08 YY-MM-DD
RELEASE DESC : NI PART KIT CODE ENDING MAILED DATE : 97-03-21 YY-MM-DD
CAMPAIGN DIV : 6 FLEET CODE: FLEET MGMT LOC CODE:
LAST NAME : [REDACTED] INITIALS: R
STREET ADDR1 : [REDACTED]
ADDR2 : [REDACTED] ST/PRV: MI
CITY : DETROTT CTRY:
ZIP/POSTAL CODE: [REDACTED] N-A SOURCE: R N-A EFF DATE: 95-10-06 YY-MM-DD

RESP DEALER : BEGINNING MAILED DATE: YY-MM-DD
RELEASE DESC : ENDING MAILED DATE : YY-MM-DD
CAMPAIGN DIV : FLEET CODE: FLEET MGMT LOC CODE:
LAST NAME : INITIALS:
STREET ADDR1 :
ADDR2 :
CITY :
ZIP/POSTAL CODE: N-A SOURCE: N-A EFF DATE: YY-MM-DD
F1=INQUIRY F3=EXIT F4=QUIT F5=G150 F7=FIRST PAGE F8=NEXT PAGE F9=G140
I048-LAST PAGE OGDB427

ENTER CAMPAIGN NUMBER=> 99S15 VIN=> 1LNLM82W4PY TYPE OF SEARCH: A
MODEL YEAR: 93 DEFECT: SPD CNTRL DE BODY STYLE: 4 DR SEDAN SIGNATURE
NEW STATUS CODE: _____ CAMP DIV : 6
REPAIR INFORMATION: TYPE CODE: _____ SUPP CODE :
REPAIR DATE: _____ DEALER P/A: _____ KIT CODE : AA
MICRO REF: _____ CLAIM NUM: _____ OASIS DATE : 99-04-30
DELETE REASON: _____ VENDOR N/A INFORMATION:
RESP DEALER INFORMATION: NEW: IND: MATCH CODE: 1
CURRENT: 3 45 334 ASSIGNED: 01-03-23 SOURCE: PX EXTRACT DATE: 01-03-23
***** STATUS INFORMATION: ***** * REPAIR INFORMATION: *****

CODE DESCRIPTION	DATE	TYPE	DATE	P/A	CLAIM#	MICRO#	CL SRC
M RELEASED FOR MAILING	01-03-26						
M RELEASED FOR MAILING	00-10-05						
M RELEASED FOR MAILING	99-09-27						
M RELEASED FOR MAILING	99-06-25						
M RELEASED FOR MAILING	99-05-18						
H AWAITING MAILING	99-04-29						

DELETE REASON:

F1=INQUIRY F2=G140 F3=EXIT F5=G130 F7=FIRST F8=NEXT F9=MORE STATUS
F10=ADD STATUS F11=REVISE (ALL DATA FIELD DATES YY-MM-DD)
I037=NO MORE DATA TO DISPLAY

OGDB427

-->

ENTER CAMPAIGN NBR ==> 99515 VIN ==> 1LNLM82W4PY [REDACTED]
DEFECT : SPD CNTRL DE BODY STYLE DESC: 4 DR SEDAN SIGNATURE
RESP DEALER : 345334 BEGINNING MAILED DATE: 01-04-04 YY-MM-DD
RELEASE DESC : ALL OSU FOLLOWUP ENDING MAILED DATE : 01-04-09 YY-MM-DD
CAMPAIGN DIV : 6 FLEET CODE: FLEET MGMT LOC CODE:
LAST NAME : [REDACTED] INITIALS: G
STREET ADDR1 : [REDACTED]
ADDR2 : [REDACTED] ST/PRV: OH
CITY : NEVADA CTRY:
ZIP/POSTAL CODE: [REDACTED] N-A SOURCE: P N-A EFF DATE: 00-04-28 YY-MM-DD

RESP DEALER : 345334 BEGINNING MAILED DATE: 00-10-16 YY-MM-DD
RELEASE DESC : ALL OSU FOLLOWUP ENDING MAILED DATE : 00-10-23 YY-MM-DD
CAMPAIGN DIV : 6 FLEET CODE: FLEET MGMT LOC CODE:
LAST NAME : [REDACTED] INITIALS: G
STREET ADDR1 : [REDACTED]
ADDR2 : [REDACTED] ST/PRV: OH
CITY : NEVADA CTRY:
ZIP/POSTAL CODE: [REDACTED] N-A SOURCE: P N-A EFF DATE: 00-04-28 YY-MM-DD
F1=INQUIRY F3=EXIT F4=QUIT F5=G150 F7=FIRST PAGE F8=NEXT PAGE F9=G140
I032-PRESS F8 FOR MORE DATA OGDB427

ENTER CAMPAIGN NBR => 99S15 VIN => 1LNLM82W4PY [REDACTED]
DEFECT : SPD CNTRL DE BODY STYLE DESC: 4 DR SEDAN SIGNATURE
RESP DEALER : OSU FOLLOW UP MAILED ENDING MAILED DATE : 99-09-27 YY-MM-DD
RELEASE DESC : BEGINNING MAILED DATE: 99-09-27 YY-MM-DD
CAMPAIGN DIV : 6 FLEET CODE: FLEET MGMT LOC CODE:
LAST NAME : [REDACTED]
STREET ADDR1 : [REDACTED]
ADDR2 :
CITY : TOLEDO ST/PRV: OH
ZIP/POSTAL CODE: [REDACTED] N-A SOURCE: P N-A EFF DATE: 98-11-20 YY-MM-DD

RESP DEALER : 345175 BEGINNING MAILED DATE: 99-07-22 YY-MM-DD
RELEASE DESC : POSTCARD FOLLOWUP ENDING MAILED DATE : 99-07-22 YY-MM-DD
CAMPAIGN DIV : 6 FLEET CODE: FLEET MGMT LOC CODE:
LAST NAME : [REDACTED]
STREET ADDR1 : [REDACTED]
ADDR2 :
CITY : TOLEDO ST/PRV: OH

ZIP/POSTAL CODE: [REDACTED] N-A SOURCE: P N-A EFF DATE: 98-11-20 YY-MM-DD
F1=INQUIRY F3=EXIT F4=QUIT F5=G150 F7=FIRST PAGE F8=NEXT PAGE F9=G140
I032-PRESS F8 FOR MORE DATA OGDB427

ENTER CAMPAIGN NBR => 99S15 VIN => 1LNLM82W4P[REDACTED]

DEFECT : SPD CNTRL DE BODY STYLE DESC: 4 DR SEDAN SIGNATURE
RESP DEALER : 345175 BEGINNING MAILED DATE: 99-05-20 YY-MM-DD
RELEASE DESC : NEW ISSUE TOTAL ENDING MAILED DATE : 99-05-21 YY-MM-DD
CAMPAIGN DIV : 6 FLEET CODE: FLEET MGMT LOC CODE:
LAST NAME : [REDACTED] INITIALS:
STREET ADDR1 : [REDACTED]
ADDR2 : [REDACTED] ST/PRV: OH
CITY : TOLEDO CTRY:
ZIP/POSTAL CODE: [REDACTED] N-A SOURCE: P N-A EFF DATE: 98-11-20 YY-MM-DD

RESP DEALER : BEGINNING MAILED DATE: YY-MM-DD
RELEASE DESC : ENDING MAILED DATE : YY-MM-DD
CAMPAIGN DIV : FLEET CODE: FLEET MGMT LOC CODE:
LAST NAME : INITIALS:
STREET ADDR1 : [REDACTED]
ADDR2 : [REDACTED] ST/PRV:
CITY : [REDACTED] CTRY:
ZIP/POSTAL CODE: [REDACTED] N-A SOURCE: N-A EFF DATE: YY-MM-DD
F1=INQUIRY F3=EXIT F4=QUIT F5=G150 F7=FIRST PAGE F8=NEXT PAGE F9=G140
I048-LAST PAGE OGDB427

14 SEP 1981 202-262-0001

REDACTED

oral

7-24-00

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI

OUIDA CAMPBELL and JAMES R. CAMPBELL

PLAINTIFFS

VERSUS

CASE NO. CI-99-0211(3)

FORD MOTOR COMPANY, D & L, INC. OF
COLLINS f/k/a D & L, FORD, INC., WOOLWINE
FORD LINCOLN-MERCURY, INC., Successor in
Interest to D&L FORD, INC., E.I. DU PONT DE
NEMOURS AND COMPANY, AND TEXAS
INSTRUMENTS INCORPORATED

DEFENDANTS

PLAINTIFFS' RE-NOTICE OF INTENTION TO TAKE ORAL AND
VIDEOTAPED DEPOSITION OF FORD MOTOR COMPANY

TO: Ford Motor Company
c/o Philip W. Thomas, Esquire
Baker, Donelson, Bearman & Caldwell
Post Office Box 14167
Jackson, MS 39236

PLEASE TAKE NOTICE that pursuant to the Mississippi Rules of Civil Procedure,
Plaintiffs will take under oath and before a qualified court reporter, the oral deposition of Ford
Motor Company's corporate representative(s) on Monday, August 14, 2000 at 9:00 o'clock a.m.
at the Hyatt Regency Dearborn, Fairlane Town Center in Dearborn, Michigan.

Definition: "Lincoln" shall include any and all substantially similar platforms
including but not limited to Crown Victorias, Grand Marquis and/or Lincoln
Towncars or any other "substantially similar" vehicle as that term is defined by the
protective order herein.

The Corporate Representative(s) shall have knowledge of the following subject matters:

1. The identity of every lawsuit, claim and/or incident in which it is alleged that a
1992-1995 Lincoln, Grand Marquis, Crown Victoria caught fire under the hood.
2. All internal memorandum and documents generated and authored by or for Ford or
any of its agents, employees, representatives, and attorneys which have been produced by Ford in
response to NHTSA ODI PE 98-055 and EA 99-006.

3. The identity of all Ford employees who are in any way assisting in, responsible to or whose work and/or names were included in the response and to NHTSA ODI PE 98-055 and EA 99-006.
4. The identity of any and all memorandum and documents which in any way discuss the cause or causes of any under the hood fires in Lincoln Towncars, Crown Victorias, or Grand Marquis.
5. The identity of all meeting minutes which relate to under hood fires in Lincoln Towncars, Crown Victorias, or Grand Marquis.
6. The identity of the supplier, manufacturer, and distributor of the "brake pressure switch" and "speed control deactivation switch" installed on Lincolns.
7. The full basis for Ford limiting a recall of Lincolns produced at the Wixom plant and Mercury Grand Marquis and Crown Victorias manufactured at the St. Thomas plant.
8. The identity of all vehicles by year, make, and model which use the same brake switch as the Lincoln involved in this case.
9. The full basis for not recalling the vehicles identified in number 8.
10. The identity of every under the hood fire involving any of the vehicles identified in response to number 8 above.
11. The recall notice effectiveness rate for campaign no. 99S15, which rate Ford considered successful, and which rate was anticipated.
12. All recall notices and forms considered or suggested for recall campaign no. 99S15.
13. The total costs incurred by Ford Motor Company for all of Ford's efforts associated with recall campaign no. 99S15.

14. The identity of all forms of recall notices to vehicle owners considered or suggested by Ford for recall campaign no. 99S15.
15. The identity of all documents at the "litigation prevention" division of Ford concerning all claims, suits, and incidents involving "Panther" under the hood fires from 1992 to present.
16. The identity of all documents at the "litigation prevention" division of Ford concerning all claims, suits, and incidents involving every under the hood fire involving any Lincoln Towncar, Grand Marquis, or Crown Victoria.
17. The identity of all operating guidelines, procedures, handbooks, and documents used by the "litigation prevention" division of the Ford Motor Company.
18. The identity of all persons and entities responsible for selecting the material specifications for the "kapton" used on the deactivation switch in question.
19. The identity of all persons and entities responsible for the design of the "kapton" used on the deactivation switch in question.
20. The identity of all persons and entities responsible for manufacturing the deactivation switch in question including the "crimping" process.
21. The identity of all policies, procedures, and documents governing the handling of matters referred to or evaluated by the litigation prevention division.
22. The identity of all document retention policies and procedures used by the "litigation prevention" division.
23. The identity of all data entry and information storage systems utilized by the "litigation prevention" division.

24. The identity of all policies, procedures, and documents which govern hiring outside personnel or subcontractors for the investigation of claims, lawsuits, or incidents involving 1992-1993 "Panther" under the hood fires performed for or on behalf of the litigation prevention division.
25. The identity of all personnel or subcontractors for the investigation of claims, lawsuits, or incidents involving 1992-1993 "Panther" under the hood fires performed for or on behalf of the "litigation prevention" division.
26. The date the "litigation prevention" division first began investigating 1992-1993 "Panther Platform" under the hood fires.
27. The date the "litigation prevention" division first began investigating under the hood fires for all Lincoln Towncars, Grand Marquis, and Crown Victorias.
28. The identity of all documents obtained from the "litigation prevention" division relied upon to limit the scope of recall no. 99515, concerning under the hood fires to 1992-1993 "Panther" vehicles.
29. The identity of all documents obtained from the "litigation prevention" division relied, concerning under the hood fires for the vehicles identified on Exhibit "A"
30. The identity of all personnel in charge of and with supervisory control over the "litigation prevention" division from 1992 to the present.
31. The identity of all policies, procedures, and documents relied upon for monitoring litigation, claims, and incidents.
32. The identity of all policies, procedures, and documents relied upon to determine if documents and information possessed by Ford are allegedly privileged to avoid production of same.

33. All issues related to the specific design and method of manufacturing the 77PS2-1 switch.
34. All issues related to alternative designs considered by Ford for the 77PS2-1 switch and other brake pressure switches.
35. The identity of all claims and lawsuits which allege that any under the hood vehicle fire was caused by a brake pressure switch manufactured by Texas Instruments.
36. All issues related to Ford's investigations into and conclusions regarding the cause and/or origin of any under the hood vehicle fire.
37. The date and form of notice received by Ford regarding any under the hood vehicle fire.
38. Any aspect of Ford's communication with Texas Instruments, Dupont, or any other person or entity about the design and manufacture of hydraulic switches, the investigation of alleged under the hood fires, the recall of Ford vehicles, and any other issue related to the above referenced cases.
39. The identity of every photograph, document, and report in the custody of Ford relating to any under the hood vehicle fire.
40. The gathering and production of documents in response to the Plaintiffs' discovery requests.
41. Ford's document retention and data storage policies.
42. All issues related to the process of crimping Kapton onto Texas Instruments' hydraulic pressure switches.
43. All issues related to the identity of other Ford employees with knowledge related to the above referenced lawsuits.

44. The identity of all other lawsuits or claims of any kind regarding fires in Ford products including, but not limited to, the Pinto line of Ford vehicles.

The witness(es) shall produce the following documents at said deposition.

1. Any and all documents referred to or relevant to the areas of inquiry stated above.
2. The "bean counter" documents which show Ford's analysis of the cost of defense versus the cost of recall of Ford Pinto vehicles due to defects which could result in fire.
3. Any and all documents responsive to NHTSA requests in NHTSA ODI PE 98-055 and EA 99-006.
4. All original copies of every photo of any Lincoln which caught fire under the hood and for the vehicles identified in response to number 10 above.
5. All fire department reports and police reports which correspond with the photos of all Lincoln under hood fires and for the vehicles identified in response to number 10 above.
6. All documents which could conceivably establish that the subject fire and/or the resulting damages to the Plaintiffs' property was proximately caused in whole or in part by an unidentified source.
7. Any and all documents which could conceivably establish that the Plaintiffs' vehicle was repaired, modified, or improperly maintained.
8. The full and complete file of Burgess Young and every Lincoln Towncar, Grand Marquis, and Crown Victoria under the hood fire in which he is involved in any way, excluding any privileged communications contained therein.
7. All documents showing the recall notice effectiveness rate for campaign no. 99S15, which rate Ford would consider successful, and which rate was anticipated.
8. All recall notices and forms considered for recall campaign no. 99S15.

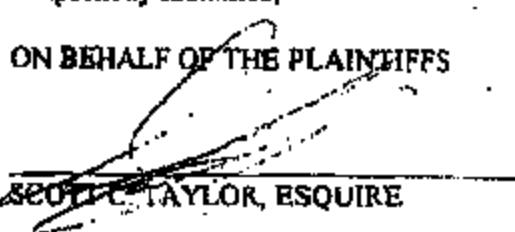
9. All documents showing the total costs incurred by Ford Motor Company for all efforts associated with recall campaign no. 99S15.
10. All documents and forms of recall notices considered or suggested by Ford for recall campaign no. 99S15.
11. All documents retained by the "litigation prevention" division of Ford concerning all claims, suits, and incidents involving "Panther" under the hood fires from 1992 to present.
12. All documents retained by the "litigation prevention" division of Ford concerning all claim, suits, and incidents involving under the hood fires for the vehicles identified on Exhibit "A"
13. All operating guidelines, procedures, handbooks, and documents used by the "litigation prevention" division of the Ford Motor Company.
14. All documents which show the identity of all persons and entities responsible for the material specifications for the "kapton" used on the deactivation switch in question.
15. All documents which show the identity of all persons and entities responsible for the design of the "kapton" used on the deactivation switch in question.
16. All documents which show the identity of all persons and entities responsible for the manufacturing process used to assemble the deactivation switch in question, including the "crimping" process.
17. All policies, procedures, and guidelines which govern the handling of matters referred to, or evaluated by, the "litigation prevention" division.
18. All document retention policies and procedures used by the litigation prevention division

19. Full and complete readable backups of all data entries made by the "litigation prevention" division for every claim, suit, and incident involving a 1992-1993 "Panther" under the hood fire.
20. All policies, procedures, and documents which govern hiring outside personnel or subcontractors for any investigation of claims, lawsuits, or incidents involving 1992-1993 "Panther" under the hood fires performed for or on behalf of the "litigation prevention" division.
21. All policies, procedures, and documents which govern hiring outside personnel or subcontractors for any investigation of claims, lawsuits, or incidents involving under the hood fires performed for all vehicles identified on Exhibit "A"
22. All documents showing the date the "litigation prevention" division first began investigating 1992-1993 "Panther Platform" under the hood fires.
23. All documents showing the date the "litigation prevention" division first began investigating under the hood fires for the vehicles identified on Exhibit "A"

Dated: July 24 2000.

Respectfully submitted,

ON BEHALF OF THE PLAINTIFFS


SCOTT C. TAYLOR, ESQUIRE

OF COUNSEL FOR THE PLAINTIFFS:

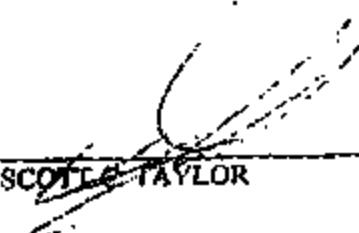
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Tel: (228) 762-2272
Fax: (228) 762-3223

CERTIFICATE OF SERVICE

I, Scott C. Taylor, do hereby certify that I have this day sent by U.S. Mail, postage prepaid
a true and correct copy of the above and foregoing pleading to all counsel of record.

This the 21 day of July, 2000.


SCOTT C. TAYLOR

scottc@doganlaw.com

TI - Russ Sauman (508) 236-3324
 TI - Charlie Douglas (508) 236-3637

Function: The brake pressure switch is a redundant switch for turning off the speed control function.

X-Rays: Taken by Steve LaRouche, Norm LaPointe & Clark Thomas on 12/17/1998. Original photographs and part are in Steve LaRouche's possession.

ON-GOING ACTIVITY:

2 service parts have been ordered from Fairlane Ford for X-ray and other testing by Central Lab Services.

Meeting with representatives of TI is planned for 12/22/1998 to discuss intended operation of the switch. The meeting will be at the Central Laboratory Conference room off of the lobby.

QUESTIONS: (in no particular order)

1) What is the normal current in the brake pressure switch?

2) Was cruise control standard on Town Car in 1992 and 1993?

3) Under what circumstances is brake fluid flammable?

According to Clark Thomas & Mary Raga, brake fluid is flammable at approximately 300 degrees F.

4) What is the repair history for vehicles that have exhibited a problem? Repair history for the two CQIS vehicles are being gathered by Fred Vorter.

5) What other vehicles use this brake pressure switch? What are their electrical configurations?

MODEL YEAR	92	93	94	95	96	97	98
Town Car	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	
Crown Vic	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	
Grand Marquis	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	
Econoline	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	
Club Wagon,	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	
F-Series	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	
Bronco	xxxx	xxxx	xxxx	xxxx	xxxx		
Taurus SHO	xxxx	xxxx	----				
Capri		xxxx	xxxx	----			
Windstar		xxxx	xxxx	xxxx	xxxx	xxxx	
Falcon			xxxx	xxxx	xxxx	xxxx	
Explorer,				----	xxxx	xxxx	
Ranger				----	xxxx	xxxx	
Expedition					xxxx	xxxx	
Navigator					xxxx	xxxx	

xxxx = used in model year

---- = may have been used in model year

EXHIBIT

"A"

Ora)

7-24-00

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI

OUIDA CAMPBELL and JAMES R. CAMPBELL

PLAINTIFFS

VERSUS

CASE NO. CI-99-0211(3)

FORD MOTOR COMPANY, D & L, INC. OF
COLLINS (f/k/a D & L), FORD, INC., WOOLWINE
FORD LINCOLN-MERCURY, INC., Successor in
Interest to D&L FORD, INC., E.I. DU PONT DE
NEMOURS AND COMPANY, AND TEXAS
INSTRUMENTS INCORPORATED

DEFENDANTS

PLAINTIFFS' RE: NOTICE OF INTENTION TO TAKE ORAL AND
VIDEOTAPED DEPOSITION OF FORD MOTOR COMPANY

TO: Ford Motor Company
c/o Philip W. Thomas, Esquire
Baker, Donelson, Bearman & Caldwell
Post Office Box 14167
Jackson, MS 39226

PLEASE TAKE NOTICE that pursuant to the Mississippi Rules of Civil Procedure,
Plaintiffs will take under oath and before a qualified court reporter, the oral deposition of Ford
Motor Company's corporate representative(s) on Monday, August 14, 2000 at 9:00 o'clock a.m.
at the Hyatt Regency Dearborn, Fairlane Town Center in Dearborn, Michigan.

Definition: "Lincoln" shall include any and all substantially similar platforms
including but not limited to Crown Victorias, Grand Marquis and/or Lincoln
Towncars or any other "substantially similar" vehicle as that term is defined by the
protective order herein.

The Corporate Representative(s) shall have knowledge of the following subject matters:

1. The identity of every lawsuit, claim and/or incident in which it is alleged that a
1992-1995 Lincoln, Grand Marquis, Crown Victoria caught fire under the hood.
2. All internal memorandum and documents generated and authored by or for Ford or
any of its agents, employees, representatives, and attorneys which have been produced by Ford in
response to NHTSA ODI PE 98-055 and EA 99-006.

3. The identity of all Ford employees who are in any way assisting in, responsible to or whose work and/or names were included in the response and to NHTSA ODI PE 98-055 and EA 99-006.
4. The identity of any and all memorandums and documents which in any way discuss the cause or causes of any under the hood fires in Lincoln Towncars, Crown Victorias, or Grand Marquis.
5. The identity of all meeting minutes which relate to under hood fires in Lincoln Towncars, Crown Victorias, or Grand Marquis.
6. The identity of the supplier, manufacturer, and distributor of the "brake pressure switch" and "speed control deactivation switch" installed on Lincolns.
7. The full basis for Ford limiting a recall of Lincolns produced at the Wixom plant and Mercury Grand Marquis and Crown Victorias manufactured at the St. Thomas plant.
8. The identity of all vehicles by year, make, and model which use the same brake switch as the Lincoln involved in this case.
9. The full basis for not recalling the vehicles identified in number 8.
10. The identity of every under the hood fire involving any of the vehicles identified in response to number 8 above.
11. The recall notice effectiveness rate for campaign no. 99S15, which rate Ford considered successful, and which rate was anticipated.
12. All recall notices and forms considered or suggested for recall campaign no. 99S15.
13. The total costs incurred by Ford Motor Company for all of Ford's efforts associated with recall campaign no. 99S15.

14. The identity of all forms of recall notices to vehicle owners considered or suggested by Ford for recall campaign no. 99S15.
15. The identity of all documents at the "litigation prevention" division of Ford concerning all claims, suits, and incidents involving "Panther" under the hood fires from 1992 to present.
16. The identity of all documents at the "litigation prevention" division of Ford concerning all claims, suits, and incidents involving every under the hood fire involving any Lincoln Towncar, Grand Marquis, or Crown Victoria.
17. The identity of all operating guidelines, procedures, handbooks, and documents used by the "litigation prevention" division of the Ford Motor Company.
18. The identity of all persons and entities responsible for selecting the material specifications for the "kapton" used on the deactivation switch in question.
19. The identity of all persons and entities responsible for the design of the "kapton" used on the deactivation switch in question.
20. The identity of all persons and entities responsible for manufacturing the deactivation switch in question including the "crimping" process.
21. The identity of all policies, procedures, and documents governing the handling of matters referred to or evaluated by the litigation prevention division.
22. The identity of all document retention policies and procedures used by the "litigation prevention" division.
23. The identity of all data entry and information storage systems utilized by the "litigation prevention" division.

24. The identity of all policies, procedures, and documents which govern hiring outside personnel or subcontractors for the investigation of claims, lawsuits, or incidents involving 1992-1993 "Panther" under the hood fires performed for or on behalf of the litigation prevention division.
25. The identity of all personnel or subcontractors for the investigation of claims, lawsuits, or incidents involving 1992-1993 "Panther" under the hood fires performed for or on behalf of the "litigation prevention" division.
26. The date the "litigation prevention" division first began investigating 1992-1993 "Panther Platform" under the hood fires.
27. The date the "litigation prevention" division first began investigating under the hood fires for all Lincoln Towncars, Grand Marquis, and Crown Victorias.
28. The identity of all documents obtained from the "litigation prevention" division relied upon to limit the scope of recall no. 99S15, concerning under the hood fires to 1992-1993 "Panther" vehicles.
29. The identity of all documents obtained from the "litigation prevention" division relied, concerning under the hood fires for the vehicles identified on Exhibit "A"
30. The identity of all personnel in charge of and with supervisory control over the "litigation prevention" division from 1992 to the present.
31. The identity of all policies, procedures, and documents relied upon for monitoring litigation, claims, and incidents.
32. The identity of all policies, procedures, and documents relied upon to determine if documents and information possessed by Ford are allegedly privileged to avoid production of same.

33. All issues related to the specific design and method of manufacturing the 77PS2-1 switch.
34. All issues related to alternative designs considered by Ford for the 77PS2-1 switch and other brake pressure switches.
35. The identity of all claims and lawsuits which allege that any under the hood vehicle fire was caused by a brake pressure switch manufactured by Texas Instruments.
36. All issues related to Ford's investigations into and conclusions regarding the cause and/or origin of any under the hood vehicle fire.
37. The date and form of notice received by Ford regarding any under the hood vehicle fire.
38. Any aspect of Ford's communication with Texas Instruments, Dupont, or any other person or entity about the design and manufacture of hydraulic switches, the investigation of alleged under the hood fires, the recall of Ford vehicles, and any other issue related to the above referenced cases.
39. The identity of every photograph, document, and report in the custody of Ford relating to any under the hood vehicle fire.
40. The gathering and production of documents in response to the Plaintiffs' discovery requests.
41. Ford's document retention and data storage policies.
42. All issues related to the process of crimping Kapton onto Texas Instruments' hydraulic pressure switches.
43. All issues related to the identity of other Ford employees with knowledge related to the above referenced lawsuits.

44. The identity of all other lawsuits or claims of any kind regarding fires in Ford products including, but not limited to, the Pinto line of Ford vehicles.

The witness(es) shall produce the following documents at said deposition:

1. Any and all documents referred to or relevant to the areas of inquiry stated above.
2. The "bean counter" documents which show Ford's analysis of the cost of defense versus the cost of recall of Ford Pinto vehicles due to defects which could result in fire.
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6. All documents which could conceivably establish that the subject fire and/or the resulting damages to the Plaintiffs' property was proximately caused in whole or in part by an unidentified source.
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23. All documents showing the date the "litigation prevention" division first began investigating under the hood fires for the vehicles identified on Exhibit "A"

Dated: July 24, 2000.

Respectfully submitted,

ON BEHALF OF THE PLAINTIFFS

SCOTT C. TAYLOR, ESQUIRE

OF COUNSEL FOR THE PLAINTIFFS:

Scott C. Taylor, Esquire
SCOTT C. TAYLOR, P.A.
P.O. Drawer 1729
Pascagoula, MS 39568-1729
Tel: (228)769-8338
Fax: (228)769-2975

Robert W. Wilkinson, MS Bar #7215
DOGAN & WILKINSON, PLLC
P.O. Box 1618
Pascagoula, MS 39568-1618
Tel: (228) 762-2272
Fax: (228) 762-3223

CERTIFICATE OF SERVICE

I, Scott C. Taylor, do hereby certify that I have this day sent by U.S. Mail, postage prepaid a true and correct copy of the above and foregoing pleading to all counsel of record.

This the 24 day of July, 2000.


SCOTT C. TAYLOR

scottc@doganlaw.com

TI - Russ Baumann (508) 226-3314
 TI - Charlie Douglas (508) 226-1667

Function: The brake pressure switch is a redundant switch for turning off the speed control function.

X-Rays: Taken by Steve LaRouche, Norm LaPointe & Clark Thomas on 12/17/1998. Original photographs and part are in Steve LaRouche's possession.

ON-GOING ACTIVITY:

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- 5) What other vehicles use this brake pressure switch? What are their electrical configurations?

MODEL YEAR	92	93	94	95	96	97	98
Town Car	xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	
Crown Vic	xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	
Grand Marquis	xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	
Econoline	xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	
Club Wagon	xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	
F-Series		xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	
Bronco		xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	
Taurus SHO	xxxxx	xxxxx	----				
Capri		xxxxx	xxxxx	----			
Windstar		xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	
Falcon			xxxxx	xxxxx	xxxxx	xxxxx	
Explorer				----	xxxxx	xxxxx	
Ranger				----	xxxxx	xxxxx	
Expedition					xxxxx	xxxxx	
Navigator						xxxxx	

xxxxx = used in model year

---- = may have been used in model year

EXHIBIT

Page 170

Page 171

PAGE LINE	CHANGE	REASON
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1 I, RANDALL WARREN MCCLURE, have read the
 2 foregoing deposition and certify that my deposition
 3 is true and correct, except as noted
 4 above.
 5
 6 RANDALL WARREN MCCLURE
 7
 8
 9 THE STATE OF)
 10 COUNTY OF)
 11
 12 Before me, on this day
 13 personally appeared RANDALL WARREN MCCLURE, known to
 14 me by previous acquaintance, and who,
 15 after being duly sworn, did depose and state:
 16 I am a citizen of the United States and
 17 acknowledged to me that he is entitled to the same for the
 18 purpose and consideration herein expressed.
 19 (Signed) Please seal my hand and seal of office
 20 this day of
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Page 174

1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2 The original deposition was/was not returned to
3 the deposition officer on4 If returned, the attached Changes and Signature
5 page(s) contain(s) any changes and the reasons
6 therefor;7 If returned, the original deposition was
8 delivered to Mr. Norman Jolly, Custodial Attorney;9 That S is the deposition officer's
10 charges to the Plaintiffs for preparing the original
11 deposition transcript and any copies of exhibits;12 That the deposition was delivered in accordance
13 with Rule 203.3, and that a copy of this certificate
14 was served on all parties shown herein and filed
15 with the Clerk.16 Certified to by me this _____ day of
17 _____, 1999.18
19
20 G. Lee Park
21 Texas State Bar
22 #200 Court Reporter
23 2007 Main Street
24 Houston, Texas 77003
25 (713) 466-9325

#	20:24 29:24 30:11 37:10 37:16 51:19,22 52:3 63:18 63:23 80:1,8 82:2 150:3,5 150:5,12,19,35	1996 (p) 143:15 144:15 1997 (n) 125:24 1998 (n) 13:12,21,22 36:15,19 38:23 41:2 59:10 113:22 150:8 160:6	3rd (p) 94:2,3 121:11 -4-	-8-	
-\$	1-800 (p) 130:13 144:6 10 (n) 34:17 36:12,15,21 51:14,16 57:10,23 58:15 87:11 136:19	1999 (p) 1:14 2:5 59:9 42:22 93:13 99:21 172:9 173:16 174:8 184 (p) 147:1	4 (p) 4:14 23:1,2,4 24:7 24:20 28:11,19 34:13 37:3 37:9,14,15,18,22 58:6,15 64:11 88:3	\$ (p) 1:14 122:9 8287BB (p) 123:22 860-1600 (p) 1:22 860-1699 (p) 1:22 8th (p) 2:4 143:15	
\$	\$ (p) 174:10 \$1,200 (p) 140:22 \$10,000 (n) 8:6,9,18,24 9:4,17,24 10:10 24:24 25:2,14 58:6 166:2,6 \$2,000 (p) 146:9,17 \$6,400 (p) 93:25 98:13 \$6400 (p) 92:22	10,000 (p) 10:12 25:20 26:2 27:1 47:20 88:18 1000 (p) 3:17 1018 (p) 1:19 3:5 105216953 (p) 146:1 10856920 (p) 1:21 10:22 (p) 2:5 10th (p) 99:20 129:23 11 (p) 4:13 5:9,16,18 28:15 34:22,23 101:3 11a (p) 28:16,18,23 11b (p) 28:18 11th (p) 144:15 147:14 12 (p) 5:9,16 29:1 12,000 (p) 143:14 12/31/1999 (p) 173:20 174:21 1201 (p) 3:9 1235 (p) 173:20 174:21 13 (p) 5:9,12,14,16 64:21 64:24 134 (p) 3:13 14 (p) 5:9,17 35:17,22,24 35:24,24 36:12 54:23 58:19 59:7,8 1400 (p) 2:10 14a (p) 35:24 36:12 58:20 59:9 14b (p) 35:24 59:10,11 14c (p) 35:25 15 (p) 5:9,17 35:2,24 34:23 59:11 150 (p) 4:4 151 (p) 4:5 154 (p) 4:5,6 155 (p) 4:6 15a (p) 36:1,4,13 58:20 59:11 16 (p) 5:9,17 54:23 160 (p) 4:7 16:49:52 (p) 83:7 16th (p) 99:10 121:24 17 (p) 5:9,17 18:20 19:7 171 (p) 4:8 173 (p) 4:9 18 (p) 5:9,17 113:18 119:14 129:24 131:5 19 (p) 5:9,17 1990 (p) 36:21 61:6,9 1995 (p) 17:15 37:1 38:10,14 57:16,22,25 58:1 65:10 72:10,11 139:6,23 146:4 147:14	2 (p) 4:13 11:15,16 14:18 14:19,24 15:20 16:17 17:1 17:16 19:6 20:18,24 28:15 29:25 30:11 37:10,16 31:19,23 32:9 43:18,22 50:1,8 82:2 88:7 92:11,13 92:12 150:3,5,12,19,25 20 (p) 4:13 5:9,17 132:18 203 (p) 173:13 174:1 203.3 (p) 174:14 20th (p) 36:14,19 59:10 82:22 21 (p) 5:9,17,18 2150 (p) 3:21 21st (p) 59:9 122:21 141:4 23 (p) 4:14 237-8383 (p) 3:6 237-8385 (p) 3:6 24th (p) 147:19 25 (p) 62:15 26th (p) 123:2 27 (p) 12:31,13 14:24 48:22 49:1,3,7 50:7 160:5 50:9 51:2 2727 (p) 2:9 27th (p) 135:25 136:2 146:4 28th (p) 125:24 129:21 139:7 29 (p) 4:14 29,000 (p) 139:5 2:00 (p) 121:11 167:16 2:04 (p) 2:5 2nd (p) 102:13	45 (p) 99:11 100:2,7,18 450 (p) 1:19 3:5 466-9325 (p) 173:22 174:23 48,000 (p) 136:1 4:00 (p) 167:11 48 (p) 4:14 29:7,8,10,16 29:19 30:1 126:16	9/14/1998 (p) 84:5 94 (p) 16:5 18:16 29:24 131:18 151:1,9 956 (p) 3:10,10,14,14 9597 (p) 173:21 174:22 97 (p) 112:13 9754QL (p) 142:25 99,999 (p) 146:6 99815 (p) 93:22 94:20
-	1 (p) 122:18 '90 (p) 36:23 '92 (p) 14:14,21 31:10 37:12,14,14 39:14 40:16 42:4 51:8,8 93:6 94:8 101:21,24 102:11 109:7 119:9,11 120:16,16 123:20 124:15 125:8,17 125:22-129:2,20 133:9 136:1,13 138:24 139:3 142:9,18 143:13 150:9,18 '93 (p) 31:10 39:14 101:24 109:7 129:2 '94 (p) 20:18 22:3 74:14 '95 (p) 37:2,5,20,22 38:2 56:21 57:7,12 65:13 74:15 139:8 140:12 141:4 147:1 147:19 '96 (p) 74:15 120:17 123:2 '97 (p) 14:15,21 102:13 102:14,23 109:11 111:13 113:23 118:1 129:21,23 133:9 134:13 150:9,19 '98 (p) 13:19,23 14:18 14:19 40:9,17 41:3 47:2 47:18 48:18,24 49:3 50:7 55:10 57:19,22 58:5,17 113:17,19,24 114:5 118:1 134:1,11 135:4,25 136:3 136:20 150:9 '99 (p) 44:1 54:2,3 59:10 'til (p) 13:20	5 (p) 4:15 5:8,16 66:13 66:16,18 5/30 (p) 111:9 5100 (p) 3:17 541-2170 (p) 3:10 542-7441 (p) 3:10 59,000-some-odd (p) 49:2	-5-	-A-	
-	1400 (p) 2:10 14a (p) 35:24 36:12 58:20 59:9 14b (p) 35:24 59:10,11 14c (p) 35:25 15 (p) 5:9,17 35:2,24 34:23 59:11 150 (p) 4:4 151 (p) 4:5 154 (p) 4:5,6 155 (p) 4:6 15a (p) 36:1,4,13 58:20 59:11 16 (p) 5:9,17 54:23 160 (p) 4:7 16:49:52 (p) 83:7 16th (p) 99:10 121:24 17 (p) 5:9,17 18:20 19:7 171 (p) 4:8 173 (p) 4:9 18 (p) 5:9,17 113:18 119:14 129:24 131:5 19 (p) 5:9,17 1990 (p) 36:21 61:6,9 1995 (p) 17:15 37:1 38:10,14 57:16,22,25 58:1 65:10 72:10,11 139:6,23 146:4 147:14	6 (p) 4:15 5:8,16 68:9,10 68:11 69:4,7 60,000 (p) 125:23 64,000 (p) 120:17 651-9366 (p) 3:18 66 (p) 4:13 6682JB (p) 82:15 83:10 95:2 68 (p) 4:15 68,000 (p) 119:10	acceptance (p) 100:1 access (p) 17:16 18:2 21:16 50:12,16 52:9,12 53:23 57:3 79:13 116:11 129:9 134:6 accident (p) 66:13 70:14 121:4 144:25 145:22,25 151:6,14,15 accordance (p) 174:13 according (p) 123:14 accordingly (p) 7:25 69:23 acknowledge (p) 106:13 acknowledged (p) 33:19 91:10 171:15 acquisition (p) 146:18 acronym (p) 83:5 act (p) 166:10 action (p) 16:9,10 20:2 141:18 157:22 173:9,11 actions (p) 141:14 activities (p) 46:13 49:12 65:7 129:9 activity (p) 9:2 11:1 13:16 25:4 26:17 31:8 38:15 44:15,16 45:2 83:14 85:17 103:13 107:12 113:24 116:9 132:4,6,7 add-ons (p) 107:2,16 added (p) 141:4,5		
-	16 (p) 5:9,17 54:23 160 (p) 4:7 16:49:52 (p) 83:7 16th (p) 99:10 121:24 17 (p) 5:9,17 18:20 19:7 171 (p) 4:8 173 (p) 4:9 18 (p) 5:9,17 113:18 119:14 129:24 131:5 19 (p) 5:9,17 1990 (p) 36:21 61:6,9 1995 (p) 17:15 37:1 38:10,14 57:16,22,25 58:1 65:10 72:10,11 139:6,23 146:4 147:14	3 (p) 4:13 20:12,13 35:17 36:12 58:20 64:21,24 92:12 3/1/95 (p) 147:11 3/11/96 (p) 144:19 3/22/99 (p) 99:2 3/5/96 (p) 143:16 3/7/96 (p) 144:1 30 (p) 62:15 102:23 132:18 30th (p) 102:14,21 139:6 31st (p) 141:7 332ND (p) 1:21 172:6 3:16 (p) 173:1	-3-	7 (p) 4:16 5:8,16 71:11,12 71:18 7/20/96 (p) 119:13 7020RH (p) 136:8,16 704145 (p) 24:23 704245 (p) 24:23 704345 (p) 74:23 71 (p) 4:16 711 (p) 3:21 713 (p) 3:6,6,18,22,22 173:22 174:23 77002 (p) 1:20 3:3,17,21 77065 (p) 173:22 174:23 78522 (p) 3:9 78550 (p) 3:13	
-	1 (p) 1:15 4:13 11:6,16 13:23 14:13,14,22 15:20 16:17 17:1,13 19:6 20:18			Index Page 1	

additional [p] 100:19 145:1	alterations [p] 126:4 always [p] 35:3	arrange [p] 18:6 63:16 arranged [p] 18:1	B2 [p] 84:3 Bachelor's [p] 152:4	better [p] 49:23 bottom [p] 20:15
address [p] 68:25 89:10	amateur [p] 105:2	arrangement [p] 64:21	background [p] 42:23 73:25 127:21	bought [p] 93:7 127:21
addressee [p] 50:5 108:6	amount [p] 25:15 93:25 166:17,23 172:24	arrived [p] 9:17 81:11,16	box [p] 34:18	box [p] 34:18
adjourned [p] 169:3	analysis [p] 10:24 60:22 107:4 112:23 129:15 140:12 166:13,16	assist [p] 124:17 126:23	boy [p] 52:19	boy [p] 52:19
adjuster [p] 144:24	analyst [p] 4:8 22:4 83:23 94:23,24,25 95:2,6 96:9 98:4 99:15,18,23	assistance [p] 66:6 111:6,9 122:16,18 124:19 124:24,24 125:9,12,16	Baker [p] 120:3	Boyce [p] 111:6
adjustment [p] 126:19	111:5 113:2 114:4,25	126:14 127:2,4,5,9,25	balance [p] 70:7	brake [p] 109:19,25 110:2 111:15 113:2 118:4 144:22
adjustments [p] 66:9 126:21	128:10 123:20 136:7,8 137:13 138:15,18 142:24	130:12,19 133:8 135:19	balancing [p] 166:10	brakes [p] 143:23 145:3 145:11 151:5,17
administrator [p] 67:2	144:15,20 145:2,6,7,12 145:14 152:2,25	136:13 138:12,14,24 139:15 142:2,5,11,14 147:17,21	bank [p] 79:14	break [p] 41:18 64:15 118:18,20 119:1,3,3
Administration [p] 130:9	Associate [p] 60:22	Associates [p] 144:1	Bankston [p] 144:1	breather [p] 119:18
advance [p] 40:7	assume [p] 109:7,19 78:11 106:20 135:16	assuming [p] 9:19 40:5 40:16 153:20,24	bar [p] 121:4,13 11:21,22 11:23 74:10 150:22	Brevard [p] 130:1
advise [p] 25:3,17,19 69:18	assumed [p] 135:10	attached [p] 2:12 12:1	barely [p] 160:4	Brian [p] 143:24
advised [p] 40:18,18 99:15,23 115:17,19 122:17 130:14 134:2 138:16 140:25 143:6,12 143:14 146:22 147:3,7,18	assumption [p] 124:8	130:23 174:3	based [p] 9:14 10:19 14:4,6,6,10 56:12 63:3	briefly [p] 155:10
advising [p] 56:3 141:16	assuming [p] 9:19 40:5 40:16 153:20,24	attachment [p] 37:19 35:25 74:11 80:9	74:25 95:10 111:25 124:5 128:10 129:7 132:13	bring [p] 16:22 19:8 21:22 22:16 28:7 35:12 58:14,18 64:3 65:19 70:21 100:17 167:5
advisor [p] 143:25 144:1	attacked [p] 120:2	Attatched [p] 2:12 12:1	brash [p] 7:25 17:1,12 31:18 19:6 20:24 23:9,14 24:16 43:15 113:23	broaden [p] 71:23
Aetna [p] 139:9	attempted [p] 97:14	160:10	brave [p] 120:15 141:9 buy [p] 129:22	brought [p] 19:8,23 21:25 70:23 71:13 78:22
affaire [p] 7:7,9 24:7	attempting [p] 97:14	because [p] 36:11	Brown [p] 2:8	Brownfield [p] 121:17
affix [p] 171:1	attempted [p] 120:2	begin [p] 18:10 19:10 22:4	Brownsville [p] 3:9	Brownsville [p] 3:9
after-market [p] 104:6 104:25 107:2,8,17	attorneys [p] 7:12	beginning [p] 35:23	build [p] 23:23	building [p] 81:22
after-warranty [p] 68:8 126:19	Augustine [p] 94:2,3 121:1 121:24 122:21 123:2	behind [p] 91:1 157:23	Business [p] 10:14 90:13	Business [p] 3:9,13
again [p] 22:13 24:10 34:7 43:1 46:24 47:5,14 48:1,13,25 50:11 53:23 66:24 70:4 72:20 73:17 74:6,23 83:12,16 84:2,7 91:7 96:21 97:12 104:18 106:8 107:11 116:9 134:25 144:19 146:3 149:3 153:5 155:10 157:12,24 158:3,11,15	author [p] 27:11 28:2,4	belief [p] 154:3	Burgess [p] 63:6	Burkley [p] 1:7 3:11 148:16,21 149:7 172:4 173:4
against [p] 7:11 31:5 158:4	authority [p] 12:10 26:1 42:14 48:17 127:4,8 166:7	benefit [p] 97:1,13	Burke [p] 7:21 10:12 31:4 70:12 88:10 93:10	burned [p] 15:25 92:21
agent's [p] 102:19	Authorization [p] 93:24	Bernard [p] 94:5	93:23 95:11,16 97:19 138:25 139:10 141:10 142:19	burning [p] 38:8 109:11 160:14 161:16 163:25
ago [p] 45:3 72:20 73:13 73:20 106:19 117:23	authorized [p] 111:1	best [p] 26:10 70:1,2,3,6 152:15 157:4,21 159:2 160:24 161:6	burns [p] 31:12 88:12 103:14	burnt [p] 9:23 10:2,8 42:15,16
agree [p] 17:11 42:8	auto [p] 112:9	bet [p] 39:20 112:11	business [p] 23:5 74:1 98:15 160:20 161:8,22	business [p] 23:5 74:1 98:15 160:20 161:8,22
agreed [p] 42:9 103:15	automated [p] 32:18	between [p] 44:16 57:21	162:15 163:24 164:6 165:15	busy [p] 137:2
agreeing [p] 167:7,10	automatically [p] 27:18	Beyer [p] 143:13	buy [p] 126:12 127:15,22 158:3	buying [p] 126:25
abead [p] 13:7 31:15 41:17 58:25 89:6 90:3 103:16 120:1	AUTOMOTIVE [p] 1:11 172:6	beyond [p] 25:23 26:4,5 34:7 49:17 68:1 89:2 127:18 164:7	buys [p] 126:6,9	buys [p] 126:6,9
air [p] 109:13,22,24 119:18	available [p] 108:13	bid [p] 73:24	Byknylo [p] 52:15 53:21 54:2,11 75:2,9 79:21 86:10 87:20	Byknylo [p] 52:15 53:21 54:2,11 75:2,9 79:21 86:10 87:20
AJAMIE [p] 3:20	average [p] 62:15	blaze [p] 166:13	-C-	-C-
Allison [p] 3:8 173:2	avoid [p] 8:3,8 163:25 164:5	blowing [p] 110:2 115:7 115:20	C [p] 2:6 3:1 172:10	C [p] 2:6 3:1 172:10
alleged [p] 14:15	appreciate [p] 148:13	blown [p] 109:24 115:10		
alleging [p] 25:2 144:22	appraise [p] 118:3	board [p] 24:2 66:9 156:1		
Allen [p] 2:9	approaches [p] 66:12	Bob [p] 61:1,3 62:4 73:14 73:19		
allow [p] 9:11 89:6 90:14	appropriate [p] 9:2 16:15 25:4 26:17 38:15 46:13,25 49:12 67:23 79:12 144:11 159:24	Bob's [p] 61:5 73:17		
allowed [p] 168:19,20	apply [p] 57:10 59:10 71:21 79:15	body [p] 111:1 144:16,21 164:21,24 149:10		
allows [p] 73:8	Appreciate [p] 148:13	book [p] 67:1 76:15		
almost [p] 43:20 44:3	appraise [p] 118:3	booklet [p] 68:13,17,20 68:23 69:12		
alone [p] 6:23	approaches [p] 66:12	boss [p] 59:15		
	appropriate [p] 9:2 16:15 25:4 26:17 38:15 46:13,25 49:12 67:23 79:12 144:11 159:24	Boston [p] 35:13		

173:19 174:20	causal [p] 67:20 70:4,6	circuitry [p] 112:21	color [p] 64:6	complicates [i] 70:17
C-4178-98-F pg 1:1	78:10,11,14,18 79:23,25	circumstance [p] 49:16	column [p] 82:6	complied [i] 173:13
172:1	80:4,17,19,21,24 81:1,4	Civil [p] 2:11	Colvin [p] 3:8	comply [p] 70:9
CAC [p] 130:14	81:19 83:20,22,24 86:1,3	claim [p] 7:24 9:1,3,7	combination [p] 98:18	component [i] 13:12
calls [p] 13:17 119:22	86:9 87:9,21,23 88:1,7	12:6 16:12 24:23 25:1,20	coming [p] 131:5	83:19 90:1 98:24 109:20
152:14	91:18,25 92:8	26:8,16,22 29:7,18 28:1	140:17 144:24 151:3,16	106:21 108:19 116:18
cannot [p] 99:19 147:21	caused [p] 9:22 15:7,11	30:1,4,12,13,15,22 30:9	117:6,10,19 132:5 156:19	117:6
168:11	20:19 80:22 93:19,19	31:5,13 42:11 47:6 48:8	159:13	159:13
cap [p] 8:5	97:17 98:21 104:2,10,23	49:13 61:16 62:2 67:18	components [p] 97:10	105:3 112:18 116:6 121:5
capability [p] 129:6	107:8 123:5,13,16 146:13	68:14 89:7 90:13 99:4	computer [p] 11:18	122:23 131:21 132:13
carp [p] 8:10 31:4 35:20	149:1,6,16,16 151:6	103:23 108:16 109:10	133:6	133:6
41:4 43:13 45:7 49:3,21	causees [p] 12:25 38:9	111:23 113:23 115:23	computerized [i] 2:7	134:9
50:6,15,19 67:15 70:12	67:15 115:16 156:19	119:15 120:7 124:15	concentration [i] 41:19	135:10
83:23 88:10 92:21 93:4,6	159:13	130:20 136:19 141:11,15	concern [p] 33:17,19	136:19
93:7 94:9,9,12,17 97:3,19	causing [p] 70:12 112:5	141:17 157:2,7,8 158:14	34:9 50:1,3 68:5,5,7,10	137:21 69:23 89:4,10 90:9
101:12,22 103:14,15	114:19 116:19 117:15	165:24 166:12	97:2,15 103:6 214:22	97:2,15 103:6 214:22
112:6 113:14,20 114:25	122:5 143:4	claimed [p] 101:2 165:18	116:12 120:6 122:18	116:12 120:6 122:18
116:5,6 118:3 119:8,9,11	cc [p] 138:19	claims [p] 7:11,25 8:1	127:22 132:10 144:13	148:25 147:5 158:22,23
119:14 130:16,17,25	CCR [p] 132:10 161:19	10:18 11:2 12:11,16 13:20	concerned [p] 23:25 48:3	16:14 68:5 71:17 73:9
124:16 125:23 127:1,1,23	163:6	13:22 16:6 20:16 22:15	16:21 152:13 153:2	16:21 152:13 153:2
128:7 130:3 131:20 136:1	CD [p] 99:14 100:23	22:24,25,25 23:13 24:17	communicated [p] 163:9	16:21 152:13 153:2
136:4,21 138:7,25 139:5	104:2,5 107:1,16	24:23 25:6 26:23 27:16	communication [p] 33:15 40:8 152:5,21 153:6	16:21 152:13 153:2
141:21,25 142:18 143:14	CD's [p] 92:23 99:9,13	29:24 31:18 32:8,13,22	communications [p] 154:19,23	16:21 152:13 153:2
162:23 163:12,25	100:9,24	33:2,4,13 37:9,11,13,14	company [p] 15:8	16:21 152:13 153:2
card [p] 171:14	center [p] 13:16,17	37:17,24,25 38:1,14 41:23	70:15 90:21 106:8,9	16:21 152:13 153:2
care [p] 90:24 97:18 106:9	23:23,24 39:23 40:23,24	42:12,13 43:2 43:22,23	108:9 110:22 111:23	16:21 152:13 153:2
106:13 139:21,22 160:14	41:4 42:24 43:13 45:7,11	46:18,23 47:19 48:7,18	110:4 112:23 113:22	16:21 152:13 153:2
160:17	52:11,14,25 54:1 56:6	48:22 49:5,22 50:7,8,13	114:17 124:24 130:22	16:21 152:13 153:2
career [p] 35:6 78:19	50:5 52:22 53:3,12 54:2	56:21 57:7 78:8,19 80:6	131:17,18 134:11,12	16:21 152:13 153:2
Carmen [p] 101:20	54:12 116:10 117:23	81:1,6 86:13 91:17 92:15	135:2,4,11,16 137:6	16:21 152:13 153:2
102:10 109:10	118:3 122:16,17,21 125:3	103:2,5 105:24 107:22,24	139:21 150:7,8 156:25	16:21 152:13 153:2
Carmen's [p] 111:23	130:12 132:9 134:4	108:4 112:23 113:22	160:9 169:17 170:20	16:21 152:13 153:2
113:14 114:3 115:23	139:16 140:23 143:4	114:17 124:24 130:22	110:25 111:3,9,24 112:3	16:21 152:13 153:2
116:5	144:4,7,10 147:2,17,21	131:17,18 134:11,12	112:9 121:20 123:11,20	16:21 152:13 153:2
Carolina [p] 94:6	152:13,16,22 155:23,25	135:2,4,11,16 137:6	122:22,24 123:1 124:1,4	16:21 152:13 153:2
carrier [p] 120:6	156:1	139:21 150:7,8 156:25	124:8 125:3,5,7,12,17	16:21 152:13 153:2
care [p] 7:21 38:7 39:14	certain [p] 122:9	160:3,4,5	126:10 127:14 130:3,11	16:21 152:13 153:2
39:15 40:16 42:4 45:20	certificate [p] 4:9	clear [p] 24:10 158:18	130:19 131:5 133:4,8	16:21 152:13 153:2
51:8 56:6 108:21 118:6	174:14	Clark [p] 174:16	135:19 136:4,12 138:7,23	16:21 152:13 153:2
130:2 131:10 160:6,14	certification [p] 172:8	close [p] 27:21 141:20	139:9 141:2,10,14,17	16:21 152:13 153:2
Carter [p] 3:16 4:3	173:12 174:1	147:11,12	142:4 144:5,12,13,23	16:21 152:13 153:2
118:19 154:4,15 173:3	Certified [p] 2:6 172:10	closed [p] 22:5 72:2,2,4	143:1,16 147:10 156:9	16:21 152:13 153:2
Cartier [p] 94:3	173:15 174:17	72:14 84:15,16,17,20	157:1,3,10,12,16,19,25	16:21 152:13 153:2
case [p] 10:2,19 16:23	certify [p] 172:11 173:7	141:13	158:7,13,15,19 159:1,4,7	16:21 152:13 153:2
17:5 23:9 26:10 27:22	chances [p] 108:12	closedly [p] 27:16	159:7,10,20 160:14,22,25	16:21 152:13 153:2
29:15 34:18 35:18 63:15	Chamoy [p] 3:8	closet [p] 63:4	161:2 162:3,17 164:13,17	16:21 152:13 153:2
65:10 72:1,3 83:14 87:11	change [p] 57:19 170:2	clocking [p] 120:5 122:25	165:20 172:5 173:2	16:21 152:13 153:2
89:16 106:23 107:1	changes [p] 57:17,21	130:17 138:9 141:12,19	company [p] 15:8,22	16:21 152:13 153:2
111:24 115:14 116:16,17	170:1 174:5,6	143:13 147:9,12	157:3 158:13 164:16	16:21 152:13 153:2
117:1,8 125:1 130:25	chapter [p] 28:15 35:17	co-workers [p] 154:19	16:21 162:12 163:17	16:21 152:13 153:2
135:25 138:10 148:24	36:12 58:20 64:21,23,24	Coast [p] 138:3	company's [p] 90:22	16:21 152:13 153:2
149:4,17,22 159:9,24	66:7 92:11,12	code [p] 74:22 75:4,7,16	157:3 158:13 164:16	16:21 152:13 153:2
163:11 165:3,19	charge [p] 38:4	75:16,19,20 76:1,11,25	16:21 162:12 163:17	16:21 152:13 153:2
case:s [p] 8:5 24:1 30:23	charges [p] 174:11	77:25 78:3,4,5,6,10 79:6	165:20 172:5 173:2	16:21 152:13 153:2
30:25 43:7 52:5 106:10	chart [p] 34:17	79:25 80:16,17,21,24 81:1	complaint [p] 37:1 72:5	16:10,13 60:25 63:2 70:14
116:21 117:8 118:9	check [p] 12:12 28:17	81:4 84:13 85:20,21,25	79:13 81:14 86:17 87:1	73:6 81:13 82:21,21 84:6
130:10 164:10,14	30:3 64:13 101:3 135:13	86:1,3,5,13,18,19,23,24	84:16 106:12 120:2	84:16 106:12 120:2
catch [p] 119:17 148:11	checked [p] 109:13,23	87:3,9,16 95:1,3 151:20	121:23 122:15,17,22,23	123:5,6 139:16 141:13,19,
catches [p] 3:10 10	Chicago [p] 83:17,20,22	95:14,18,23 96:14,22,23	144:5,12,13 145:18 146:8	144:5,12,13 145:18 146:8
catching [p] 45:20 133:9	83:24 84:3	97:24 98:1,3,7 99:18,19	146:24 147:12	146:24 147:12
categories [p] 3:8,11	chooses [p] 157:4	91:25 92:9,11 109:14,23	contacted [p] 130:5,8	146:24 147:12
29:2	Chrysler [p] 44:20 74:3	150:18 151:10	138:16 139:8,13 143:21	146:24 147:12
caught [p] 93:8 102:15	circle [p] 5:15	Collinsville [p] 11 146:3	144:16,20,24 145:1,2,7	146:24 147:5
116:5 119:6,17 121:11,16	circled [p] 20:8		contacting [p] 26:20	146:24 147:5
124:16 135:20 136:14			147:4	146:24 147:5
138:25 139:7 142:11			contacts [p] 13:15,18	146:24 147:5

context [n] 12:5	covered [n] 70:2 88:18	153:4 154:24 155:17,19	104:10 105:14 110:4	23:22 24:12,18 31:21,23
continue [n] 110:14	90:25 157:21	155:20,22,23,25 156:11	111:18 112:15 115:3,15	35:4,7 40:1 41:22 47:4
122:19 125:2 138:13	court [n] 1:2 5:3 6:13,21	156:25 157:9,15 158:8,19	116:24 166:19	56:20,22 57:2 58:5 60:11
157:2 158:13 159:3	30:18 66:18 81:22 134:18	158:21,24 159:3,5,6,8,9	60:12,14,17 61:4,8,9	
160:25	172:2 173:21 174:22	160:23,24 161:7 162:16	69:13 71:19 72:18,11 92:4	
contract [n] 60:18 61:17	courtesy [n] 43:6	164:9 166:4	92:13 107:16 111:14	
contracted [n] 61:14	cover [n] 158:4	customer's [n] 34:9	112:19 113:21 115:1	
72:20 140:2	coverage [n] 120:20	67:21 67:15 69:19 100:1	116:15 121:17 122:8	
contractor [n] 61:13	157:17,19,25	100:22 101:13 103:14	129:24 130:1 131:10	
control [n] 9:22 10:15	covered [n] 67:5,5,8,13	119:13 127:20 128:16	143:20,21 144:12 149:31	
12:18 15:8 20:19 24:7	67:17,18,24 68:18,22 69:9	130:3 141:10,14 144:23	153:24 163:2,12	
31:11 38:8 80:22 95:8,18	69:14,19,20 85:1,15,19	147:4,8 158:23 161:8,22	department [n] 55:22	
96:11 97:8 98:6 102:3	88:13 89:11,12,14 100:10	162:15 163:23 164:5	133:1 162:10,11	
104:10 105:14 110:4	103:17,21 104:17 113:13	165:14	dependent [n] 12:7	
111:18 112:15 115:3,15	120:9	customer's [n] 7:10	depending [n] 69:25	
116:24 166:19	create [n] 17:13	19:15 22:8 24:22 25:11	depo [n] 56:7	
controls [n] 23:4	created [n] 37:6 57:16	26:7 55:10 68:20 69:7	deposition [n] 1:12 2:1	
conversation [n] 41:19	57:22,25 58:27 59:16,20	70:18 88:23 101:18 103:3	5:7:1 11:25 12:1,22	
conversations [n]	121:18,23	104:12 119:24 126:22	19:19 35:16 71:2 74:12	
149:20 154:18	creation [n] 58:4	127:5 128:2 139:22	80:10 150:23 171:1 172:8	
cooperative [n] 22:12	credentials [n] 63:9	160:17 162:17	172:15,17,22,25 174:3,4	
copies [n] 16:29 174:12	Crime [n] 16:14 90:13	-D-	174:5,10,12,13	
copy [n] 17:3 28:7 58:10	Critical [n] 132:10	D [n] 3:8 173:2	depositions [n] 106:22	
76:21,31 147:16 174:14	Crown [n] 14:20 108:22	daily [n] 113:25	describe [n] 75:15	
corner [n] 34:19 119:18	102:11 109:10 130:9	Dallas [n] 149:13	described [n] 79:15	
corporate [n] 5:6 7:2	CSR [n] 147:19 173:20	damaging [n] 82,6,9,19	description [n] 4:12	
71:17	174:21	8:25 10:12 23:3 42:14	177:14	
corporation [n] 155:16	enab [n] 54:21,21	47:19 111:2 121:5 130:1	Design [n] 129:15 149:12	
155:16	current [n] 128:15,18	130:7,14 136:6 138:9	designation [n] 34:13	
correct [n] 3:19 6:14	Custodial [n] 174:9	166:2,6,17,23	83:18	
14:25 20:9,21 24:19,21	custodian [n] 20:22	damaged [n] 100:24	details [n] 144:4 163:1	
25:10,11 28:20 29:23 36:5	CUSTODY [n] 1:17	101:3,11,12 102:16 136:5	determination [n] 10:18	
39:20 44:24 52:21 56:8	emulator [n] 4:14,15	138:15	26:10 73:24 94:22 96:2	
59:14 61:23 64:1,4 65:4	7:7,8 13:15 15:18,23	damages [n] 8:5 24:24	153:15	
65:11 72:6 76:24 83:9	16:10 17:21,22 18:15,21	23:14 147:16	determine [n] 13:1,24	
87:18 92:1 93:17 94:7	19:10 23:16,20,21,22,23	damaging [n] 105:4	14:3 15:10,24 16:2,3 34:8	
97:22 98:1 113:18 115:16	23:24,25 25:2,19 27:21	data [n] 17:1,2,13 18:25	34:21 47:1 48:16 49:3,8	
115:21,22 118:5 120:8	27:24 28:24 29:11,17 31:9	19:23 21:23 30:13 52:7,9	49:13 50:3,13 54:15 57:7	
123:19 125:8 133:10,11	32:8 33:8 35:6 36:25	57:5 67:1 77:22,23 79:14	59:8 60:12,14 63:15,17	
142:2,12,20 150:13	38:23,24 39:23 41:10 44:9	82:2,3 116:11 128:11,14	67:20,20 69:21 89:10,17	
153:1,25 161:23 162:13	44:10,11 45:2 49:25	129:1 132:14	89:25 91:6 93:5,15 96:9	
166:4 171:2	52:14,24 53:25 65:25 66:8	database [n] 13:14 16:9	97:7 98:11 105:7,19	
correspond [n] 75:12,17	66:4,4,6,12 67:11,12,25	30:13 49:10,13 50:12,16	106:18 108:19 109:2	
112:21	68:2,11,21 69:3,14,23	52:6,13 53:14 134:6	116:4,8,16,20,22,25 117:2	
correspondence [n]	70:5,6,7,17 71:17,24 72:5	date [n] 18:9 19:9 22:3,4	117:5,12,15,18 121:21	
17:20,23	73:9 78:4 83:25 84:4 87:8	36:10 37:11,23 49:7 58:6	123:1,9 133:2 134:5 153:1	
corresponds [n] 1:15:3	88:23 89:1,7,23 90:9,14	72:3,4 82:22,24 84:24 84:5	154:19 157:17 162:5,21	
costing [n] 13:16,17 146:11	90:23 93:25 96:25 97:13	84:15,15:21 99:1 102:10	163:8	
146:12,16	97:11 98:18 99:5,12,17	102:20 139:17 141:19,24	determined [n] 12:9	
coats [n] 93:24	100:2,9 101:2 103:15,24	173:20 174:21	29:12 34:25 94:21,25	
commeil [n] 8:12 9:6,11	103:25 104:7 105:17	dated [n] 147:11	30:7:13 151:4,4 163:13	
21:1,19,20 25:8 26:18,24	111:1 115:2 119:19,21	dates [n] 22:2,2 39:18	determines [n] 72:23	
27:2,8,17,19,23 28:1,6	120:5 121:10,15,19,22	82:8	92:14 105:13	
29:5,16 30:9,16 31:20	122:2,4,7,9,10,11,15,15	dating [n] 37:13	determining [n] 25:24	
32:3 33:1 38:3,11,14	122:16,16,18,18,21,23	David [n] 109:23	31:2,11 127:24 153:10	
56:20,23 57:6,12 65:13	123:1,4,9 124:19,23 125:2	day-to-day [n] 18:18	159:12 163:10	
65:17 68:8 88:21 91:16	125:4,6 126:7 127:18	20:14 24:16 160:10	differ [n] 34:1	
97:21,24 140:7 149:13	128:9 129:6 130:10,11,12	days [n] 73:6 92:16,17	difference [n] 146:9,11	
166:14,24 173:7	130:13,18 131:6 136:3,5	93:2 99:11 100:2,7,18	146:16	
country [n] 46:22 61:18	138:8,13,19 139:7,12,13	129:24 131:5 140:20	different [n] 22:8 36:6	
73:3 74:7 129:4	139:15 140:10,22,24	De [n] 3:19 173:5	58:14 59:22 64:9 65:7,8	
County [n] 1:3 130:1	141:15,16 143:15,23,24	deactivation [n] 9:22	66:3 71:23 86:15 91:3	
171:10 172:3	144:2,3,4,5,6,7,8,10,12,22	10:13 12:18 15:8 20:20	98:22 104:3,24 137:23	
couple [n] 39:4 40:16	145:2,2,9,13,14 146:7,13	31:11 38:9 80:22 93:5,18	differently [n] 103:3	
41:10 73:6 86:15 99:3	146:15,17,20,21,22,22	96:11 97:8 98:6 102:4	126:10,25	
122:6	147:1,3,5,8,9,14,17,20,21	10:15,16 10:7 16:15 21:17	difficult [n] 13:1 105:7	

direction (s) 144:14 145:16	DuPont (p) 3:19 154:18 154:19,23 173:5	56:24 11:15 113:16 114:4 114:14 120:12,13 123:23 130:17,22 133:22 134:16 134:24 136:10,16,17,21 137:2,8 138:10,21,22 139:17,23 163:8	exist (p) 36:23 37:1,2,5 37:22 61:9 111:1	113:3 134:22
directions (s) 33:25	during (u) 152:21	ent (u) 49:24	figured (p) 65:22,24 113:8	figured (p) 65:22,24 113:8
directive (u) 131:10	 -B-	escalated (p) 23:23 66:7 66:10	filed (p) 51:4,6,7,18 130:20 133:12 141:5 147:8	filed (p) 51:4,6,7,18 130:20 133:12 141:5 147:8
directly (p) 23:13 52:9 63:3 72:24 87:7,8 125:19	E (p) 3:1,1,13 9:20 148:14 150:2,2 154:3,16 155:4 160:12,12	especially (p) 105:8	expedited (p) 156:11 158:12	files (p) 16:23 17:5 19:2 19:4,15,23,23 21:3,16 64:2 78:22 79:2,4 163:11
director (u) 145:8	E.J (p) 3:19 173:5	essentially (p) 5:10 165:15	expeditiously (p) 156:16 158:23	final (u) 66:11
discrews (p) 168:23	BAA (p) 61:3,14 62:1,3 62:4 63:7,10,19 65:1,6,6 65:9,15,16 72:15,17,18 73:1,2,16 139:23 140:9 143:7	established (u) 9:19	experience (p) 62:16	financially (p) 173:10
discussion (r) 136:24	early (u) 13:12,19 40:17 150:8	estimate (p) 93:23 95:11	experienced (u) 62:14	finding (p) 79:18
dispute (p) 24:1 66:9 156:1	East (u) 3:9	etcetera (u) 140:21	expert (p) 14:12 162:24	fine (p) 138:23 149:23
district (p) 1:2,11 139:12 139:14,16 146:7,24 172:2 172:6	editions (p) 58:24 59:24	eval (p) 7:23	expertise (p) 79:18 153:19,22,23 163:9	finished (p) 28:24 111:11
division (as) 7:7 10:3 18:10 19:9 21:15,23 22:15 23:6,15,16,18,19,20,21 24:8,11 29:11 30:14 31:13 33:7 33:15,6 37:10,25 39:24 44:8,9,10,11,11 49:5,21 50:6,15,19 116:22 149:11 151:9 154:22,24 155:11,17,18,19,22	Edwards (p) 41:6 44:17 45:6,18 111:5 138:10	evaluated (u) 10:6	Expiration (p) 173:20 174:3	fire (p) 3:9 12:19 13:1,2,25
divisionn (p) 132:20 155:17	Edwards' (p) 130:18,22	evaluates (p) 72:22	explain (p) 137:18 153:9	14:6,12,17 16:15 18:3,3 20:19 30:23 31:11,12 34:4 35:18,19,20 36:1 38:9
Dixie (u) 6:12	EEA (u) 139:24	evaluating (p) 23:13 24:17 126:3 157:7	expressed (p) 171:16	43:20 57:11 59:6 60:16
document (p) 22:21,23 24:14 34:17 36:23 37:6,7 37:15,25 38:1,4 65:23,25 66:1,2,23,25,25 71:13 96:6 171:14	effect (p) 39:13 116:3	evaluation (p) 92:14 10:20 16:4	extended (p) 84:23 85:14 85:16,17	63:1 64:13 67:17 70:14 72:18 75:4 77:24 78:4 81:4,6 84:20 88:15,16
documented (p) 140:25	effective (p) 36:11	eventually (p) 43:15	executive (p) 152:23 153:4	89:2,20 90:1 93:8,12,19 93:22 94:19 95:7,14,16 96:12,15,22 97:16,17 98:8
documents (p) 11:17 13:13 18:9 19:8 20:21 21:7 27:20 51:1,3 76:19 167:15,25 168:12,24	effort (p) 98:22	everybody (p) 64:9 148:9	extreme (p) 30:24 94:9	98:16,21 99:1,6 101:10 103:11 102:10,11,13,15 102:16,19 103:13 105:8
doesn't (p) 10:11 26:25 27:4,5 34:22 35:25 48:3 77:17 86:1 87:1 91:20 98:19 103:15 126:12 154:14,18	efforts (p) 70:17	everyday (p) 115:7	-F-	105:14,20 106:20 107:12
dollar\$ (p) 21:2 25:23,25	eight (p) 79:1 104:3 118:7	evidence (p) 101:9 115:20 140:20,25 149:15	F (p) 150:2 160:12	109:2 110:6,16 111:5
dollars (p) 12:8 101:6	either (p) 17:16 26:7 28:10 121:23 125:12	evolved (p) 37:8	F-150 (p) 111:2	112:12 114:3 115:5,11,20
down (p) 21:13 40:23 53:22 57:3 65:16 84:19 108:15 131:13 159:1 167:2,4,4	employ (p) 137:5,6	Ex (p) 73:11	facility (p) 17:17	116:5,19 119:6,11,13,17 121:11,17,17,18,23 122:5
double (p) 12:11	employed (p) 45:2 173:8	exact (p) 103:7 161:10	fact (p) 12:25 27:1 40:1,5 42:3 46:21 50:10 73:1 90:20 163:8	122:9 123:5,10,14,21 124:16 125:9,18,20 129:22,24 130:1 133:9,21 133:24 133:20 136:4,14 138:25 139:7,9,19,20
doubt (p) 33:6 97:1,13	employee (p) 62:5 154:5 154:10	exactly (p) 42:20,21 79:3 132:11 161:13	failed (p) 145:4 149:1	141:9 142:11,15 143:20
downs (p) 7:21 9:23 10:2 10:8,12 15:25 20:3 31:5 31:13 38:8 42:15,16 70:12 83:9,16 84:7 88:11,12 93:10 97:19 111:23	engineering (p) 34:18 38:19 60:12	examination (p) 4:4,4,5 45,5,6,7 172:19	failure (p) 111:18 117:6	143:21,22 145:23 146:1,8
draft (p) 58:7,9	engaged (p) 164:13	example (p) 76:19 92:16 92:20 114:25 126:4 128:9	146:10,12,13,18 148:22	146:10,12,13,18 148:22
drink (p) 134:23	engine (p) 84:12,14 102:15 129:22 139:10	except (p) 171:2	fair (p) 100:8	149:1,16 150:17 153:11
driving (p) 143:15	engineer (p) 107:5	excess (p) 42:14	fairly (p) 73:4	154:20 160:4 162:10,22
dropping (p) 83:9,15 84:7	engineering (p) 34:18 38:19 60:12	Excess (p) 19:22 119:21 145:11	fall (p) 155:24	162:24 163:1,2,3,5,6,10 163:20 164:16 165:12,23
drove (p) 143:16	entitled (p) 35:17	executed (p) 171:15	familiar (p) 67:2 42:13 76:12	166:3,19,21
due (p) 130:14 146:18	entries (p) 82:18	executive (p) 94:12 136:3	fires (p) 9:21 10:13	11:25 12:20 14:3,11,14 14:16,20 18:11,14,22
duly (p) 2:3 5:2 172:14	entry (p) 94:15	exhibit (p) 4:12 11:6,15 11:16 13:23 14:13,14,18 14:19,22,24 15:20 19:19	Farm (p) 102:17 109:14 110:17,22 130:3	19:11,17 33:4 36:1 37:17 38:17 41:11 42:4 47:3
	equivalent (p) 73:11	20:8,10,12,13,15 23:2 24:7,20 28:11,19 29:3 34:13 37:2 56:7 57:9,14 57:15,18,22 58:6,15 63:22	Farms (p) 60:24	48:23 54:17 55:11,23
	exhibit (p) 4:12 11:6,15 11:16 13:23 14:13,14,18 14:19,22,24 15:20 19:19 20:8,10,12,13,15 23:2 24:7,20 28:11,19 29:3 34:13 37:2 56:7 57:9,14 57:15,18,22 58:6,15 63:22	64:13,14 65:1 66:10 65:3 65:6 67:5,8,12,15 68:17 68:22 69:8,14,19 74:13		
	exhibits (p) 4:11 17:13 20:18 29:24 37:10,18	fax (p) 3:6,10,14,22 17:21 119:12 136:2 138:20	February (p) 135:25	74:13,21 75:2,7,15 80:10 80:11,15,21 104:2,2,10
	44:17 45:6,18 50:18,24 51:9,18 54:3,15,19 55:1	faxed (p) 102:12 139:17	104:23 105:6 106:12,18 107:4,8,18 108:11 111:2,5	107:4,8,18 108:11 111:2,5
	51:19,22 52:3 63:18 82:2 150:3,5 174:12	February (p) 135:25	112:14 113:4 114:19	112:14 113:4 114:19
		felt (p) 134:8	felt (p) 134:8	115:16,18 116:2,8 117:15
		fenceted (p) 150:15	few (p) 40:11 117:22	132:11,14,15,21 132:3,17
		fewer (p) 40:11 117:22	148:19 155:6	137:9 140:11 150:12,16
		Figure (p) 9:17 30:4 84:23	figure (p) 9:17 30:4 84:23	150:18,25 151:3,11 134:6 154:11 163:14,16 164:24 165:4,7
				firm (p) 60:15 62:10 139:19 140:1

first [p] 5:2 6:1,14 17:7 17:8 18:10 19:9 51:3 57:22 58:7,9 59:16 70:13 74:14 81:13 141:5 148:20	47:23 50:9 51:14 53:5 68:23 69:5,10 70:10 78:17 79:24 79:8 88:13 89:15 90:5,18 91:4 93:19 98:9	32:2 33:1 38:3,11,14 42:5 43:25 56:20,25 57:6,12 65:12,17 68:4 74:3 86:14 86:17 87:5 88:21 91:15 97:21,24 140:7 149:13 166:14,24	guys [p] 22:14 23:4 33:12 61:12 63:25 71:24 109:9 114:16 119:24 129:2 133:3	hire [p] 7:11 60:15,18 72:24 151:20,24
flabbergast [p] 138:16		generally [p] 62:14 64:10	-H-	hired [p] 73:12,19 85:13 152:13
fit [p] 155:13 158:20		general [p] 156:4	H [p] 150:3 160:12	hiring [p] 64:12 72:17
five [p] 7:12 25:7 27:13,4 92:16,17 93:2 104:4 121:3 137:6 138:5		generated [p] 11:24 27:18,24	habit [p] 128:12	history [p] 17:24,24 74:1
five-day [p] 100:5		generates [p] 81:25	half [p] 167:17	Hobby [p] 167:11
five-year [p] 18:17 131:19		gentleman [p] 39:21 50:20 52:13 61:1 74:25 129:15 149:9	hand [p] 102:22 171:17	Hockenberry [p] 139:4 142:2,3,18
flame [p] 121:15 143:22		gentlewoman [p] 34:39,3 50:20 52:5 57:6 84:5 163:14	handbook [p] 44:6	Hockeyberry's [p] 141:21,25 142:9
flight [p] 167:11,12		geography [p] 63:3	handing [p] 20:8	Hodge [p] 3:12
Florida [p] 40:21 101:21 113:13 125:22 137:15,16 137:17		given [p] 35:16 54:13,23 92:3 112:19 113:24 124:19 131:9 180:3 171:17 172:16,21	handle [p] 7:25 8:1 9:11 10:19 12:15 15:14 16:24 18:15 21:21 24:23 25:6,9 25:21 26:9 29:12 31:18 33:13,22 34:5 47:6 48:13 66:2 69:22 131:17 138:17 137:5,6 160:9 166:7	Hoffmann [p] 71:2 129:13 129:14 149:10
flow [p] 34:7		giving [p] 77:19 97:13	handled [p] 12:7 17:15 38:3 46:19,23 72:9,13,14 82:5 83:13 103:3 114:4 114:14 137:24 138:5 166:23	hole [p] 145:4
focus [p] 70:4 108:19		Godfrey [p] 3:16	handles [p] 23:25 41:9 43:22 91:16 137:17 138:1	Hollingsworth [p] 32:6 32:14 38:4 140:6
focusing [p] 135:1		goes [p] 26:21 28:24 29:3 29:11,17,19 30:14 31:9 105:2 118:2 119:1	handing [p] 4:15 9:6	home [p] 97:20 119:13 168:23
foggiest [p] 112:14		goon [p] 39:9 49:5 50:7 90:10,15 106:5 150:14	23:3 26:8,19 33:8,16 34:4 34:12 35:18,19 36:2 37:1	homocowowner's [p] 31:6 31:15 112:8 130:6
folks [p] 24:18 30:1 31:14 45:5 55:14 92:14		Gonzales' [p] 17:8	handy [p] 7:21 38:8 160:14 161:16	homocowowners' [p] 31:6
follow [p] 34:16		GONZALEZ [p] 12:3 3:2,2 17:2,2	handicapped [p] 9:16 56:10 homely [p] 48:18 49:32 104:3 151:15	homeless [p] 7:21 38:8
following [p] 17:2,12,23		good [p] 67:9,10,12 64:8 66:9 68:23 126:22 152:4 153:5,17,18,19,20,20	hood [p] 31:12 38:9 41:11 48:23 78:5 119:17 121:16 143:18	hooking [p] 101:14
follows [p] 5:2		Grand [p] 14:20 101:24 150:10	hopefully [p] 162:16	hopefully [p] 162:16
food [p] 140:21		green [p] 4:13 11:21,22 11:23 74:10 190:22	horse [p] 46:7	horse [p] 46:7
forces [p] 131:24		Greenville [p] 94:6	hour [p] 110:16 167:18	hour [p] 110:16 167:18
ford [p] 2:8 3:7 5:7 7:6 7:6,11,17 8:13 9:13 13:15 16:17,20,23 24:11 25:5 25:11,16 28:23 29:21 31:24 35:1 37:24 38:17 39:8 41:13 44:21,23 51:19 51:22 52:4 55:9,14 61:6 62:4 63:3,5,7,7 66:2 67:15 68:12 70:11,12 72:20 73:12 75:18,22 84:24 90:2 90:15,17,19,19,20 91:9 93:8 98:2,2 103:15 105:13 103:16 107:1,10,15 108:4 109:17 110:21 111:4,13 112:6 115:13,19 116:4,6 117:14,18 122:11,17 123:10 124:2,3,6,13 125:17 126:10,19 127:12 127:21 129:9 130:11 131:21 132:6 133:1,8 135:19 136:12 138:12,23 141:18 142:2,10,19 145:17 149:5,14 153:1,3 153:10 154:6 155:14,16 155:17,18 156:8,17	GHL [p] 138:17,18,19 140:3,13,15 141:7 143:6 143:8	happening [p] 119:20 119:23	hours [p] 119:14	house [p] 9:22,23 10:1,8 10:8,11 15:25 32:4,12 42:15,16,17 70:12 88:11 88:12 93:10 121:16 122:1 122:3,4 143:17 145:3 164:1
foregoing [p] 171:1,15		grocery [p] 6:6	hated [p] 118:24	housed [p] 155:18
form [p] 7:23 8:21 13:5 18:12 19:13 20:24 21:24 22:9 24:9 27:13 31:16 38:12 39:6 43:21 47:11		group [p] 7:10 23:25 24:3 27:10 32:13,23,25	head [p] 78:14	houses [p] 10:9
Ford's [p] 66:23 67:2 89:13 90:3 91:2 92:15 98:12,16 106:11 165:17		33:2,3 37:1,7 38:18,19 39:24 51:18 132:9,10 155:7,11,13 156:6 161:19 162:6 165:21	headed [p] 3:6,8	Houston [p] 1:20 2:10 3:5,17,21 131:2,2 173:22 174:23
foregoing [p] 171:1,15		Group's [p] 159:15	heart [p] 44:25 139:12 154:12	hundred [p] 62:23
form [p] 7:23 8:21 13:5 18:12 19:13 20:24 21:24 22:9 24:9 27:13 31:16 38:12 39:6 43:21 47:11		guess [p] 6:25 8:19 10:24 18:24 21:20,25 24:10,25 39:9 41:13 43:15 43:16 64:18 75:22 77:18 102:21 129:12,18 133:3 134:13	heard [p] 171:1 172:1	hurry [p] 30:21
gather [p] 43:2		guideline [p] 71:17	hereinafter [p] 174:15	husband [p] 143:15
gathered [p] 41:15		guidelines [p] 4:16 22:14 34:14 35:19 36:1	hereunto [p] 2:12	Hyundai [p] 74:4
general [p] 8:11 9:5,11 21:1,18 25:7 26:11,24 27:2,8,17,19,23,25 28:5 29:4,16 30:9,16 31:20		57:10 71:14,16,23,23 126:20,21 127:19	Hernandez [p] 3:12	-I-
guy [p] 13:17 98:12		Gulf [p] 138:3	hereby [p] 171:1 172:1	I-N-T-R-A [p] 76:7
		guy [p] 13:17 98:12	heyday [p] 174:15	I.D. [p] 82:11 83:17
			heyday [p] 174:15	idea [p] 89:21 97:5 112:14 140:4 164:23 165:10
			Hey [p] 99:6	identical [p] 102:1
			HIDALGO [p] 1:3 172:3	identification [p] 42:2 42:22 84:8
			high [p] 137:15	identified [p] 20:7,18 29:24 37:18 56:6 63:18 79:25
			Highway [p] 130:3	
			himself [p] 118:25	

identifies [p] 77:17 79:14	inform [p] 130:11 131:6 136:22,25	113:13 154:5,10,13,14 173:3	involvement [p] 157:16 involving [p] 8:2 19:11 37:17 38:17 47:3 95:7 150:16 165:24	JUDICIAL [p] 1:11 172:6
identify [p] 132:22 133:4 161:20	information [p] 16:20 16:24 17:12,18 22:11 27:20 28:3 29:1 30:10 32:9 38:19 40:22 41:4,13 41:15,25 42:1,2,19,23 43:3,4,9,12,18 45:6,11 46:14 49:18 50:1,18,24 52:3 53:12 54:1,17 56:25 56:22 77:14,16,19 79:17 95:20 96:18 107:21 111:21 112:20 113:20 119:23 128:9,15,24 130:15 132:35 133:17,19 134:7 144:11 145:16 149:5 172:21	insurance [p] 16:14 70:8,10,13,15,19 89:5,6 90:7,11,12,16,19,20,22,25 102:18,19 106:5,6,7,9,16 108:8,9 109:16 110:20,23 110:25 111:3,8,24 112:3 112:5,8,9,19 120:6 121:19 122:19,22,24 123:1 124:1 124:3,4,8 125:3,5,7,12 130:3,5,19,20 131:4,5	jumpa [p] 132:18 June [p] 4:1 23 47:2 93:12,13 102:14,21,23 109:11 111:13 112:13 113:19 114:3 118:1 134:1 134:11 135:4 136:20 139:6	July [p] 102:13 111:19 141:4,7 147:13,19
identifying [p] 51:16 139:23 161:18	II [p] 13:12,21 150:7 III [p] 13:13,22 19:23 30:13 81:13 83:4,5 88:4 150:8	issue-type [p] 86:4	issue-type [p] 86:4	-X-
Illinois [p] 146:4	informed [p] 99:18 165:21	issued [p] 33:18 14:11	K [p] 87:16	
imagine [p] 30:7	initial [p] 15:20 16:10 34:19	issues [q] 36:6 132:4,5	keep [p] 37:10,24,24 63:12,13 71:24 74:7 75:24 98:15 121:12 122:14	
immediately [p] 6:18 16:11	injured [p] 15:24 139:11 173:11	item [p] 18:20 19:7 66:17	keeping [p] 17:9	
implicated [p] 107:17	informed [p] 16:14,17 142:4 144:3,13,23 145:15,16	items [p] 99:16 100:19	Keith [p] 145:8	
implies [p] 156:13	initial [p] 15:20 16:10	itself [p] 35:22 67:17	Keinnerup [p] 3:8 4:6	
important [p] 107:20 111:21 112:2 133:17,20	informed [p] 99:18 165:21	160:7	5:5,13,16,19 6:17 7:23 8:21 11:11 13:9 17:4 18:12 19:13 21:8,24 22:9 22:18 24:9 31:16 38:12 39:6 43:21 47:11,23 50:9 51:10,14,24 60:7 64:14 68:23 69:1,10 70:22 71:1 71:3,9 75:14 77:10 78:17 78:24 79:8 80:13 89:15	
imports [u] 74:4	injury [p] 8:2 129:21:2 23:3 166:23	interest [p] 160:24	Keinnerup [p] 3:8 4:6	
in-depth [p] 166:13,16	inner [p] 114:24	interested [p] 161:15,18	5:5,13,16,19 6:17 7:23 8:21 11:11 13:9 17:4 18:12 19:13 21:8,24 22:9 22:18 24:9 31:16 38:12 39:6 43:21 47:11,23 50:9 51:10,14,24 60:7 64:14 68:23 69:1,10 70:22 71:1 71:3,9 75:14 77:10 78:17 78:24 79:8 80:13 89:15	
Inc [p] 1:8,11 3:11 172:5 172:6 173:4	input [p] 16:21 72:25 77:23,23 82:3	interim [p] 44:16	Keinnerup [p] 3:8 4:6	
incident [p] 129:25	inputs [p] 16:17	internet [p] 78:4	Keinnerup [p] 3:8 4:6	
incidental [p] 140:19 142:6,15,17,22	inspected [p] 17:13 82:2	interpreted [p] 23:10	Keinnerup [p] 3:8 4:6	
incidents [p] 10:17 136:20	inquiries [p] 119:19	Interrogatorica [p] 12:8	Keinnerup [p] 3:8 4:6	
includes [p] 17:19,20,31 17:23,25 18:1 37:17 40:13 45:5,1	inspected [p] 17:13 82:2	interrupt [p] 304:15 307:10	Keinnerup [p] 3:8 4:6	
included [p] 11:25 68:14	inspected [p] 84:23 85:10,13,18 108:21 109:1 109:6 157:6	interrupting [p] 104:13	Keinnerup [p] 3:8 4:6	
includes [p] 128:18 155:23 156:1 172:23	inspection [p] 18:1,6 62:3 63:16,19 64:4 73:5,7 108:18 144:1 162:1,3,9 162:11,13	intervention [p] 156:3	Keinnerup [p] 3:8 4:6	
including [p] 12:2 13:16 24:1 66:4 140:20	inspections [p] 60:16 64:22 72:21 153:14	Internet [p] 76:2,5,6,16 78:20 79:13	Keinnerup [p] 3:8 4:6	
inconsistent [p] 158:17	inspector [p] 43:8,10 62:23 63:4 84:24 85:13 146:12 153:23,24	invade [p] 127:18	Keinnerup [p] 3:8 4:6	
incorrectly [p] 136:14	inspector's [p] 18:2	investigate [p] 22:24	Keinnerup [p] 3:8 4:6	
incurred [p] 140:19	inspectors [p] 16:16 18:7 33:1,21,25 61:17 62:13 62:19,22 63:2,14,16 73:2 73:4 74:7 112:10 153:19	34:7 43:2 50:4 62:1 63:1 67:18 69:21 70:16 80:16 89:4,8 108:13 111:4 116:13 122:24 123:17 131:7,24 132:3,4,15 133:1	Keinnerup [p] 3:8 4:6	
indefinitely [p] 92:19	instructions [p] 22:22 23:7 24:15,15 28:10 34:2 91:21,22	134:3 135:16,17 17 145:6 163:8,20 164:15	Keinnerup [p] 3:8 4:6	
indemnify [p] 149:6	instances [p] 45:15,19	investigated [p] 15:21 63:10 68:20 103:12 131:1 134:8	Keinnerup [p] 3:8 4:6	
INDEX [i] 4:1	inspector's [p] 18:2	investigating [p] 18:10 18:14 19:10 22:15 28:17 37:11 112:23 140:11	Keinnerup [p] 3:8 4:6	
indicates [p] 45:9	instructions [p] 22:22 23:7 24:15,15 28:10 34:2 91:21,22	investigation [p] 15:22	Jolly [q] 1:18 3:1,4 4:4 4:5,7 5:12,14,18,21 6:10 6:15,19,23 11:5,9 13:4 14:17 17:10 20:14 28:21 29:6 30:17 51:13 56:15 64:16 78:21,25 105:10 118:12,16 119:2 124:10 125:14 134:17,19 142:7 145:21 148:4,7,12 150:1	
indicates [p] 34:19 83:13 84:12 132:14 143:8	instead [p] 133:25	investigations [p] 34:10 35:19 60:16 61:10 72:18 139:20,20	Keinnerup [p] 3:8 4:6	
indicating [p] 11:4 12:5 13:20,21 16:8 19:21 22:21 24:14 27:22 37:15 43:25 51:5 60:8 65:20,25 66:15 70:22,25 71:15 74:9 82:7 82:10 86:21 87:13,25 92:9 150:17,20	instruction [p] 4:15 67:1 68:16	investigator [p] 89:9 141:7 143:8	Jolly [q] 1:18 3:1,4 4:4 4:5,7 5:12,14,18,21 6:10 6:15,19,23 11:5,9 13:4 14:17 17:10 20:14 28:21 29:6 30:17 51:13 56:15 64:16 78:21,25 105:10 118:12,16 119:2 124:10 125:14 134:17,19 142:7 145:21 148:4,7,12 150:1	
indication [p] 86:16	instructions [p] 22:22 23:7 24:15,15 28:10 34:2 91:21,22	investigators [p] 14:7	Keinnerup [p] 3:8 4:6	
indicative [p] 115:4,13	instrument [p] 98:6 171:15	involved [p] 20:19 41:9 42:13 55:22 62:25 90:22 102:18 106:6 131:5	Jones [p] 173:21 174:22	
individual [p] 7:25 10:19 13:8 16:15 23:9 32:19 34:9 45:22 47:5 53:35 63:15 82:4 128:15 129:6 130:5	Instruments [p] 3:15 95:8,17 96:11 102:4 110:3	134:13 154:14 157:13 158:13 162:15 163:23 164:5 166:14,17	JOSE [p] 1:3 32 172:2	
individual's [p] 32:5			judgment [p] 70:1 89:4 89:16	
individuals [p] 23:12				
industry [p] 74:6				

52:11,22 93:7 116:9 117:23 132:9 134:4 137:6 137:7 166:12 last [p] 5:25 40:2 50:21 57:19 59:7,9 73:17 121:2 130:21 145:25	125:20 129:2,20 133:9 135:20 136:13 138:25 139:15 140:24 141:2 142:10,11,19 144:4,6 146:22 147:1,15,17,20 150:5	42:23 43:13 44:15 45:7 45:11 49:5,21 50:6,15,19 51:7 58:19 113:20 118:3 136:21 143:12	139:7 141:1,23 143:22,23 145:15,16 151:5 153:12 163:5 164:20 168:7 Mayberry [p] 146:3	night [p] 11:11 30:24 31:24 74:17 88:3 97:15 99:6 110:3 115:4,20 142:1 163:11
Law [p] 22:25 156:5 law [p] 7:12 66:10 156:12 lawsuit [p] 61:13,20,22 62:1	Lincolns [p] 121:2 line [p] 75:25 83:10,16 84:7 105:4,5 170:2 line's [p] 137:10 list [p] 79:23,24 88:7 92:4 92:8	-M-	M [p] 52:0 148:14 150:2 154:3,16 155:4 160:12 M-C-C-L-U-R-E-B [p] 68	M [p] 1:1,23 6:5,8,24 11:14 20:13 23:2 29:9 66:16 68:10 71:12 148:13 154:4 155:5 168:23 171:1,5,12 172:8,13
lawuits [p] 12:13,14,15 lawyers [p] 8:13 22:8 25:9,16,20 31:34 152:4 166:3	listed [p] 74:14 129:25 Liston [p] 96:2	M-c-i-a-e-r-r-y [p] 50:22	McClure's [p] 5:6	McClure's [p] 5:6
LCAC [p] 144:3 leader [p] 32:12 leaders [p] 27:15 32:23 least [p] 48:24 58:7 61:6 72:20 105:21 118:25 121:2 148:2 167:17 leave [p] 4:22 leaving [p] 76:25 led [p] 149:1	litigation [p] 4:14 5:10 7:1,4,10,14,19 8:4,8 9:9 10:3,14 15:1,5,16 18:9 19:9 21:14 22:22 23:5,17 23:19 24:2,5,8 25:6 36:25 37:21 51:17 65:9 82:4 87:14 88:18 94:23 98:7 99:14,18,23 115:1 116:15 139:14,21 146:9 152:12 153:8 154:9 159:7,13,24 156:5,7,14,15,18 157:1,4 158:6,20 159:14,15 160:3	Magnus [p] 22:25 makeover [p] 72:5 75:3 85:9 main [p] 7:15,16,18 8:19 main's [p] 96:3	McDonald's [p] 140:16	McDonald's [p] 140:16
Lee [p] 2:6 172:10 173:19 174:20 left [p] 82:19 83:16 84:6 119:18 120:4	managed [p] 10:13 113:2	management [p] 7:5 23:11 36:24 43:4 48:4 59:17 67:14 69:24 70:10 77:21 78:13 82:7,18 84:17 86:11,13 86:18 87:1,6,11 91:25 95:12 98:12 121:2 124:18 151:8 163:24 164:18	McInerney [p] 30:20 machines [p] 39:11 40:20 machinery [p] 39:12 40:1	McInerney [p] 30:20 machines [p] 39:11 40:20
left-hand [p] 82:6	located [p] 61:18 84:4 119:18	manner [p] 152:19	macro [p] 7:5 23:11 36:24 43:4 48:4 59:17 67:14 69:24 70:10 77:21 78:13 82:7,18 84:17 86:11,13 86:18 87:1,6,11 91:25 95:12 98:12 121:2 124:18 151:8 163:24 164:18	macro [p] 7:5 23:11 36:24 43:4 48:4 59:17 67:14 69:24 70:10 77:21 78:13 82:7,18 84:17 86:11,13 86:18 87:1,6,11 91:25 95:12 98:12 121:2 124:18 151:8 163:24 164:18
legal [p] 12:5 13:18 22:23 41:5,21 66:1 83:11 83:12 86:4 92:8 94:23,25 95:2 122:22 130:16 138:15,18 142:25 144:15 144:20 145:2,6,7,12,13 153:7	Lofton [p] 120:15 121:9 122:4,25 124:6,11 125:16	manual [p] 4:14,15 22:22 46:6 66:24 68:9,15,16 127:3	macro [p] 7:5 23:11 36:24 43:4 48:4 59:17 67:14 69:24 70:10 77:21 78:13 82:7,18 84:17 86:11,13 86:18 87:1,6,11 91:25 95:12 98:12 121:2 124:18 151:8 163:24 164:18	macro [p] 7:5 23:11 36:24 43:4 48:4 59:17 67:14 69:24 70:10 77:21 78:13 82:7,18 84:17 86:11,13 86:18 87:1,6,11 91:25 95:12 98:12 121:2 124:18 151:8 163:24 164:18
Lemon [p] 7:12 22:25 66:10 130:4	Lofton's [p] 123:14,20 125:8	Map [p] 4:15 66:1	macro [p] 7:5 23:11 36:24 43:4 48:4 59:17 67:14 69:24 70:10 77:21 78:13 82:7,18 84:17 86:11,13 86:18 87:1,6,11 91:25 95:12 98:12 121:2 124:18 151:8 163:24 164:18	macro [p] 7:5 23:11 36:24 43:4 48:4 59:17 67:14 69:24 70:10 77:21 78:13 82:7,18 84:17 86:11,13 86:18 87:1,6,11 91:25 95:12 98:12 121:2 124:18 151:8 163:24 164:18
less [p] 9:24 10:12 130:7 151:8	longer [p] 108:12	March [p] 13:20,22,23 14:18,19 48:24 49:3 143:15 144:13 147:1	meant [p] 134:20	meant [p] 134:20
lets [p] 27:6	look [p] 11:11 33:21 44:7 44:12 49:15 58:21 59:3 65:1 75:17 76:10,11 77:13 88:4 105:24 108:20 115:25 117:10 121:20 122:11,13 127:24 131:16 144:18 162:22 165:22	150:9 160:6	mechanic [p] 97:6	mechanic [p] 97:6
letter [p] 4:14 28:11,13 26:15,16,21 27:4,6,10,12 27:13,17,19,23 28:2,9,22 29:11,25 30:24 31:6,9,13 31:24 32:6,18,18,19,20 51:17 122:13,25 129:6 130:18 138:19 141:16,18 147:10,19	looked [p] 46:9,10 117:8 143:23 164:10	Map [p] 4:15 66:1	Mechanics [p] 36:8	Mechanics [p] 36:8
letters [p] 28:8 31:3 32:7	looking [p] 22:1,10 59:4 64:15 74:8,10 76:13 82:14 82:20 85:23 88:8 91:18 92:20 98:10 104:6 105:22 107:11 129:6 131:6 135:8 150:21 151:3	marked [p] 11:16 17:1 20:13 23:2 29:9,25 66:16 69:10 71:12 80:1	meant [p] 134:20	meant [p] 134:20
level [p] 10:3 12:10 13:22 25:23,25 26:1 31:19 42:14 68:17 166:7	loss [p] 138:14	marking [p] 11:14,17	meant [p] 134:20	meant [p] 134:20
leveling [p] 97:4	Louis [p] 140:7	Marquis [p] 14:20 40:1,24 150:10	memorandum [p] 31:1	memorandum [p] 31:1
liability [p] 34:18	Louisiana [p] 3:17,21 120:16 140:21 141:9	Massachusetts [p] 35:13	memory [p] 75:8 134:12	memory [p] 75:8 134:12
liaison [p] 156:2	loyal [p] 126:7	Master [p] 83:4	memories [p] 33:12,15	memories [p] 33:12,15
light [p] 109:13,19,23 110:2 111:15 118:4	loyalties [p] 128:2	matrix [p] 4:13 12:1 20:2 20:4,7 50:2,5 74:24	mention [p] 135:4,8	mention [p] 135:4,8
likewise [p] 132:24	loyalty [p] 7:8 23:24 70:5 126:6 127:14,16	34:9 41:2,3 43:6,7,8 44:1	mentioned [p] 31:1	mentioned [p] 31:1
limit [p] 80:17 100:5 104:9	LPA [p] 94:23	46:20 47:2,18 48:18	36:5 40:14 45:8 77:2	36:5 40:14 45:8 77:2
limit's [p] 26:2	lunch [p] 118:20 119:1,3 119:3	50:7,13 55:10,22 59:22	117:22 132:21 140:10	117:22 132:21 140:10
Lincoln [p] 94:8 101:24 123:21 124:16 125:9,18	luxury [p] 40:23,24 41:4	59:22 65:8 78:7 81:7 83:18 87:24 88:2 89:3	155:6 158:11,11	mostly [p] 51:7

Motor(s) [p] 1:7 3:11 74:3 148:17,21 149:7 172:4 173:4 move (s) 35:12 122:2 Ms.(ss) 3:8 4:6 5:5,13,16 5:19 6:17 7:23 8:21 11:11 13:9 17:4 18:12 19:13 21:8,24 22:9,18 24:9 31:16 38:12 39:6 43:21 47:11,23 50:9 51:10,14 51:24 60:7 64:14 68:23 69:5,10 70:22 71:1,5,9 75:14 77:10 78:17,24 79:8 88:13 89:15 90:3,18 91:4 95:19,24 98:9 104:12 105:18 106:17 107:6 108:5,24 110:8 113:7 117:16 118:17,21,24 125:21 131:23 134:14 135:13,21 136:24 142:13 142:21 145:19 155:5 160:11,16,21 161:9,17,24 164:2,7 165:18 167:2,6 167:16,20 168:2,7,14,18 169:22 169:1 173:2 must (s) 6:13 35:25	138:6,24 Nelson (p) 143:25 Nemours (p) 3:19 173:5 never (p) 13:3 15:10 18:13 31:13 99:24 110:10 147:14 166:20 168:20 new (p) 29:23 126:6,9,12 127:1,11,15,22,23 128:7 139:4 144:19 146:9,18,19 146:20 Newell (p) 63:6 next (p) 16:12 20:10 35:2 36:2 66:23 118:10 119:5 120:14 173:24 175:20 135:18 139:3 140:18 141:11 146:2 147:24 NHTSA (p) 31:15,17 51:20,23 52:4,9,10 75:16 75:18 77:4,13,14,16,20 131:24 NHTSA's (p) 75:19 night (p) 160:15 nine (p) 72:20 73:13,19 Nipper (p) 119:7 nobody (p) 7:18 10:23 46:22 52:5 116:1 169:1 131:24 noise (p) 121:14 none (p) 10:6 108:21,25 nonresponsive (p) 124:11 125:15 142:8 161:3 162:20 165:9 168:20 noir (p) 173:8 normal (p) 49:17 90:8 106:4 normally (p) 126:15 Norman (p) 1:18 3:3 4:4 4:5,7 5:14,18 6:10,15,19 6:22 11:5,9 13:4 14:8 17:10 28:21 29:6 30:17 31:13 36:15 64:16 78:21 78:25 105:10 118:16 119:2 124:10 125:14 134:17,19 142:7 145:20 145:21 148:4,7,12 149:25 150:1,3 151:23 154:1 156:22 158:9 160:13 161:1,4 162:19 165:8 167:3,9,14,19,23 168:4 168:10,16,21,25 173:1 174:9 Nos (p) 4:13 11:16 note (p) 157:10 160:19 161:7 NOTARY (p) 171:20 note (p) 40:7 51:1,4 noted (p) 93:25 171:2 notes (p) 51:8 55:8 60:1 nothing (p) 79:2 107:25 132:2,24 notice (p) 5:8 19:20 28:25 40:15 56:7 88:12 99:5 noticeable (p) 160:9	noticed (p) 114:1 159:25 notices (p) 162:4 22:7 notification (p) 34:6,10 34:21 55:12 67:19 103:18 111:20 157:20 notified (p) 99:7 107:15 111:13 notify (p) 49:21 55:9 159:24 noting (p) 100:1 now (p) 8:1 12:16 29:15 29:15 30:23 44:19,21 79:1 110:1,1 114:3 129:17 130:22 144:9 167:13,17 130:22 144:9 167:13,17 144:6 146:20 160:7 165:3 165:5 numbered (p) 2:4 28:14 94:15 numbers (p) 42:2,22 43:5 74:22 75:7 76:25 79:6 81:11 82:7 92:1 numerical (p) 83:18	173:14 occurrence (p) 113:7 occurrences (p) 39:14 46:16 47:9 49:10 55:11 55:21 158:4 occurring (p) 112:14 115:21 131:11 October (p) 1:14 2:5 17:2 173:15 off (p) 70:17 76:1,1,25 78:13 84:10 92:4 96:6 124:18 150:6 157:8 offer (p) 92:15,18 98:3 99:8,11,13 20:24 100:3,6 100:16,18 101:3 112:9 126:14,22 127:4,5,9,25 offer-after (p) 136:21 offered (p) 92:22 offering (p) 98:12 offers (p) 97:21,35 office (p) 8:11 9:1,10 17:16,17 21:1 25:7 26:16 26:23 27:2,16,19,23,25 28:5 29:4,16 30:9,16 31:20 32:2 33:1 38:2,13 38:14 40:23 52:11,23 56:19,24 57:6,12,13 58:11 60:2 64:3 65:12,17 68:7 79:11 81:20 86:14,17 87:5 87:8 88:20 91:13 97:20 97:23 139:12,14,16 140:6 143:3 146:7,24 147:3,11 147:20 149:13 164:14,24 171:17 officer (p) 172:14,22 174:4 officer's (p) 174:10 offices (p) 2:4 often (p) 164:22 OGC (p) 12:16 29:5 32:13 71:21 129:16 old (p) 93:14,15 104:3 107:22 108:3 older (p) 104:4,24 105:6 once (p) 163:30:12 33:17 90:22 one (p) 20:3 22:2,18,20 28:3,7,24 32:11,23,24 41:9 42:16 43:6,7 45:1 51:14,15 60:11,19 61:17 70:24 77:13 82:14,17 83:15 86:1,1 89:18,19 92:1,20 93:9 94:11,15 106:23 108:3 111:17 113:2,10,14,23 114:4,10 114:13,18 115:13,17,19 115:24 116:6 118:2 120:14 123:24 126:13 127:16 128:2 132:20,25 136:10 137:12 139:11 143:24 145:25 146:2 147:24 148:20 151:4,25 153:20 159:13 160:18 164:9 once (p) 11:12 21:18 150:15,15	-N-	-O-	-P-
--	---	---	--	-----	-----	-----

36:15,20 57:18,23 58:15 58:19,20 59:7,8,10 64:21 64:21,24,25 65:20,21 88:7 92:10,11,12 94:15 140:16 170:2 174:6 Page/Corrections [1] 4:8 pages [1] 28:23 29:10 36:11 39:12 80:1 paid [1]:1 9:16 29:25 30:8 92:23 99:9 103:6,9 141:1 146:8,17 164:16 pairs [1] 101:3 Panther [1] 9:21 10:14 12:2,17 14:15 16:11,14 19:11 31:10,10 33:4 38:18 47:3 54:16 55:19 63:9 89:20 107:18 109:7 110:7 112:15 113:4 119:6 129:2 137:8,14 150:1,18 24 164:24 165:4,8,24 166:3 Panthers [1] 11:13 36:1 56:2 60:9 114:19 132:17 150:16 pants [1] 101:3,5,7,8,9,11 101:14 paper [1] 11:23 19:24 paralegals [1] 152:6 paraphrasing [1] 26:18 Paradox [1] 148:4 parked [1] 130:2 Parker [1] 3:4 parking [1] 110:16 Park [1] 2:6 172:10 173:19 174:20 Parkway [1] 2:9 part [1] 21:13 36:7 39:25 40:1 44:16 50:11 61:15 67:20 69:17 70:4 73:23 81:12 84:24 109:18 112:21 138:25 152:13 159:21 156:17,19 159:13 159:14 162:8 participants [1] 40:18 particular [1] 10:16,17 15:12 32:21 33:17 38:25 46:5 63:1 77:24 79:15 83:15 84:6,9,20 96:13 106:21 108:19 109:4,5 114:22,24 117:6 131:20 132:5,16 148:24 149:22 153:17 156:8 165:3,22,23 particularly [1] 45:17 parties [1] 172:23 173:8 174:15 parts [1] 73:2 97:17 149:8 party [1] 172:24 pass [1] 8:10 149:23 151:23 154:1 160:11 passing [1] 167:7 past [1] 108:1 pattern [1] 49:9 127:16 patterns [1] 49:13,15 128:16	Paul [1] 139:4 PAULINE [1] 1:2 3:2 172:2 Pawalek [1] 137:23,25 pay [1] 9:4,8,12,14,15 29:12,21 42:11 92:24 103:25 114:17 146:10 159:8,9 paying [1] 27:7 70:16 157:8 163:25 164:19,20 165:16 pays [1] 70:11 pears [1] 48:1 pears [1] 48:1 Pending [1] 141:3 penetration [1] 137:13 people [1] 7:20 31:4 46:25 48:13 50:3 53:25 55:16 65:1 82:14 106:5 108:8 127:15 137:5,23 152:16,17,22 people's [1] 70:13 160:14 161:16 perf [1] 122:7 130:10 139:12 141:5 143:24 146:15 147:18 performed [1] 54:3 performs [1] 117:24 perhaps [1] 32:3 41:12 49:19 period [1] 18:17 34:8 58:3 116:20 131:19 132:18 person [1] 49:18 50:23 52:5 78:1 79:12 85:7,9 91:3 113:10 119:5 121:20 135:18 139:3 140:23 143:11 157:2 159:24 171:14 person's [1] 111:11 personal [1] 8:2 12:8 14:4,10 21:2 23:3 130:6 166:23 personally [1] 21:6 76:9 171:12 pertain [1] 74:20 pertinent [1] 61:23 phenomenon [1] 154:20 philosophy [1] 157:23 158:2 164:4 phone [1] 102:19 145:19 152:17,18 photograph [1] 63:24 123:15 photographic [1] 44:9 photographs [1] 18:5,7 93:13 96:15 100:25 photos [1] 42:25 43:1,6 64:6,8 98:10 113:9 140:7,10 pharmacology [1] 67:4 picked [1] 121:19,22 131:11 pictures [1] 93:23 95:11 95:16 96:20	Pittsburgh [1] 141:12 143:4 place [1] 117:14 plaintiff's [1] 148:21 Plaintiffs [1] 2:3 3:2 173:3 174:11 plan [1] 84:24 93:14,16 95:17 plane [1] 148:11 platform [1] 10:14 12:3 14:15 30:18,25 48:23 89:20 112:16 137:9,13,14 150:18 platforms [1] 47:4 play [1] 65:24 player [1] 99:14 100:23 104:3 players [1] 104:25 107:2 107:16 point [1] 27:24 29:19 33:21 40:19 43:16,17 61:24 90:22 101:12 106:4 108:14 121:6 157:9,11,14 157:21 160:23 162:16 164:17 166:15,20 points [1] 34:16 police [1] 121:21,23 143:20 162:11 163:2,6 policees [1] 87:3 112:6 153:3 policy [1] 31:6,15 63:3 66:24 68:9,13 88:9 127:3 Folk [1] 128:10,13,16 129:8 popping [1] 111:15 115:4 116:4 portion [1] 11:4 18:18 71:2 96:23,24 position [1] 9:20 147:15 positions [1] 152:14 possession [1] 130:18 possible [1] 16:11,16,16 93:14 possibly [1] 143:18 168:11 potential [1] 50:1 98:24 117:19 120:23 158:1 power [1] 105:4 pre [1] 56:21 57:7 preceded [1] 58:17 precipitating [1] 110:6 precise [1] 13:1 26:19 62:24 precisely [1] 15:10 43:24 62:8 89:17 predecessors [1] 59:12 59:15 prefer [1] 50:2 prepared [1] 55:7 preparing [1] 174:11 presented [1] 5:6 president [1] 61:5 73:16 147:7	Preston [1] 1:19 3:5 presumably [1] 28:5 32:7 pretty [1] 56:13 137:2 prevails [1] 159:10 prevent [1] 10:13 156:13 156:15 preventing [1] 165:14 prevention [1] 4:14 5:10 7:1,4,10,20 9:13 10:3 11:16 19:22 20:13 21:13 22:23 24:14 25:15 26:16 27:17 28:18 29:19 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1 150:1 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1 159:1 160:1 161:1 162:1 163:1 164:1 165:1 166:1 167:1 168:1 169:1 170:1 171:1 172:1 173:1 174:1 175:1 176:1 177:1 178:1 179:1 180:1 181:1 182:1 183:1 184:1 185:1 186:1 187:1 188:1 189:1 190:1 191:1 192:1 193:1 194:1 195:1 196:1 197:1 198:1 199:1 200:1 201:1 202:1 203:1 204:1 205:1 206:1 207:1 208:1 209:1 210:1 211:1 212:1 213:1 214:1 215:1 216:1 217:1 218:1 219:1 220:1 221:1 222:1 223:1 224:1 225:1 226:1 227:1 228:1 229:1 230:1 231:1 232:1 233:1 234:1 235:1 236:1 237:1 238:1 239:1 240:1 241:1 242:1 243:1 244:1 245:1 246:1 247:1 248:1 249:1 250:1 251:1 252:1 253:1 254:1 255:1 256:1 257:1 258:1 259:1 260:1 261:1 262:1 263:1 264:1 265:1 266:1 267:1 268:1 269:1 270:1 271:1 272:1 273:1 274:1 275:1 276:1 277:1 278:1 279:1 280:1 281:1 282:1 283:1 284:1 285:1 286:1 287:1 288:1 289:1 290:1 291:1 292:1 293:1 294:1 295:1 296:1 297:1 298:1 299:1 300:1 301:1 302:1 303:1 304:1 305:1 306:1 307:1 308:1 309:1 310:1 311:1 312:1 313:1 314:1 315:1 316:1 317:1 318:1 319:1 320:1 321:1 322:1 323:1 324:1 325:1 326:1 327:1 328:1 329:1 330:1 331:1 332:1 333:1 334:1 335:1 336:1 337:1 338:1 339:1 340:1 341:1 342:1 343:1 344:1 345:1 346:1 347:1 348:1 349:1 350:1 351:1 352:1 353:1 354:1 355:1 356:1 357:1 358:1 359:1 360:1 361:1 362:1 363:1 364:1 365:1 366:1 367:1 368:1 369:1 370:1 371:1 372:1 373:1 374:1 375:1 376:1 377:1 378:1 379:1 380:1 381:1 382:1 383:1 384:1 385:1 386:1 387:1 388:1 389:1 390:1 391:1 392:1 393:1 394:1 395:1 396:1 397:1 398:1 399:1 400:1 401:1 402:1 403:1 404:1 405:1 406:1 407:1 408:1 409:1 410:1 411:1 412:1 413:1 414:1 415:1 416:1 417:1 418:1 419:1 420:1 421:1 422:1 423:1 424:1 425:1 426:1 427:1 428:1 429:1 430:1 431:1 432:1 433:1 434:1 435:1 436:1 437:1 438:1 439:1 440:1 441:1 442:1 443:1 444:1 445:1 446:1 447:1 448:1 449:1 450:1 451:1 452:1 453:1 454:1 455:1 456:1 457:1 458:1 459:1 460:1 461:1 462:1 463:1 464:1 465:1 466:1 467:1 468:1 469:1 470:1 471:1 472:1 473:1 474:1 475:1 476:1 477:1 478:1 479:1 480:1 481:1 482:1 483:1 484:1 485:1 486:1 487:1 488:1 489:1 490:1 491:1 492:1 493:1 494:1 495:1 496:1 497:1 498:1 499:1 500:1 5
--	--	---	--

quickest [n] 90:23	refer [n] 8:11 9:5,10 25:4	report [v] 11:21,22 18:2	14:9 56:16 105:11	Roman [n] 31:16
quickly [n] 73:4,9 156:16	23:7 27:18 68:7 97:20,23	18:1,4 63:21 73:7,10	rest [n] 17:6 46:22 48:14	Rosenburg [n] 125:21
quite [n] 46:18 48:13	120:5 157:18 166:2	74:11,11 80:10 82:25 83:6	104:19,21	133:7
56:10 101:1 104:3 131:15	referential [n] 158:7	121:18,19,22,23 141:8	restored [n] 159:9	Rosenburg's [n] 129:20
 -R-	referrals [n] 156:3	143:6,9,10 146:8 163:2,3	resubmit [n] 147:18	130:23 133:12
R [n] 3:1 150:2,2 160:12	referred [n] 21:1 27:2	163:6	result [n] 125:13 146:9	Rouge [n] 120:15 141:9
160:12	27:22 29:4,5,16 111:8	reported [n] 2:7 55:21	resulted [n] 144:22	Rule [n] 173:13 174:1,14
R-A-N-D-A-L-L [n]	124:1 147:10 157:2	reporter [n] 2:6 5:3 6:13	remain [n] 13:14 141:1	Rules [n] 2:10 5:5
6:3	referring [n] 9:1 25:17	6:21 30:18 66:16 134:18	remaining [n] 88:23	run [n] 75:3,9 80:10 82:24
R-L [n] 128:10,13,16	27:8 66:20 123:1 158:19	172:10	retention [n] 4:16 71:4	83:7 90:25 92:4
129:8	reflect [n] 161:11	Reporter's [n] 4:9 172:8	71:14,16	running [n] 151:20
radio [n] 92:23	refund [n] 67:23 93:25	Reporters [n] 173:21	runs [n] 129:9 133:23	 -S-
ran [n] 151:19	refused [n] 149:6	174:22		
Randall [n] 1:13 2:1 4:3	regard [n] 153:11 154:18	reporting [n] 9:2:14 53:1	#30 3:1 174:6,6	
5:1,23,25 171:1,5,12	regarding [n] 64:21	reports [n] 4:13 19:20	safe [n] 10:9	
172:8,13	147:15 154:6,10,19	16:15 53:24 54:1 63:24	safety [n] 52:10,22 111:7	
rarely [n] 105:19	regards [n] 29:21 57:23	63:23 73:1,10 82:1 102:19	130:9	
rather [n] 49:24 118:25	125:17 130:6	119:19,22 130:22 162:1,4	sales [n] 46:18,19,23,23	
145:25	region [n] 41:9 81:21	162:10,11,13	137:13 155:21	
reached [n] 46:10 147:6	83:16,19 84:4 138:2	representative [n] 5:7	satisfaction [n] 7:9	
reaction [n] 70:13	141:13	73:12:14,17 140:24	23:23 49:23 67:25 68:2	
read [n] 84:9,22 93:21	regional [n] 143:4 147:3	147:17	70:6 164:10 166:11	
106:22 110:11 171:1	147:11,20	representing [n] 148:16	satisfy [n] 70:18	
reading [n] 96:6 110:14	regions [n] 83:17	request [n] s 11:24 17:9	say [n] 89:18 101:9	
121:12 122:14 123:8	registration [n] 128:11	73:19 100:11 134:4	121:15	
realized [n] 45:18 163:10	128:14	139:17 140:19,25 142:5	sayin [n] 7:20 26:16 30:3	
really [n] 14:4 43:16	registrations [n] 128:19	142:17,22 147:16,18	43:25 68:19 75:22 78:4	
66:25 105:6 149:4,19	regularly [n] 165:6	requesting [n] 27:20	83:3,7,16 84:2,7 93:22	
163:24	regulations [n] 70:8	28:3	96:20 97:11 102:14,24	
reason [n] 108:14 115:10	rehash [n] 107:23 108:3	requests [n] 29:1 81:16	115:2 119:17,22 120:2	
115:12,12 116:12 117:9	rehashing [n] 107:22	require [n] 152:7	122:7 127:7 139:7 140:18	
122:4 131:7 133:14	reimbursed [n] 99:13	required [n] 63:4 127:19	143:15,24 144:17,21	
151:11 157:3 170:2	99:16	141:14	145:2,6 146:7,15 147:6	
reasonable [n] 100:4	neighbors [n] 14	requirement [n] 128:1	147:14	
reasons [n] 174:6	136:9 138:8 140:22	requirements [n] 72:9	access [n] 9:1:1	
recalls [n] 111:8 120:6	146:17	173:12	scheduled [n] 1:4:9:10	
165:7	related [n] 7:1 34:10	rendez [n] 147:21	Schinnerle [n] 3:20	
recalls/ONPS [n]	73:4 89:3 93:22 94:20,21	resent [n] 147:16	3:20 4:6 154:17 155:3	
138:11	93:7,14,17 95:6,1,5,10	resolution [n] 66:5	173:1	
receipts [n] 92:25 99:17	98:25 99:6 108:11 132:5	resolve [n] 7:13 67:21	scope [n] 160:9	
99:19 100:9,13 103:4	142:14 171:8	82:3 69:22 73:8 97:1,14	Scratch [n] 34:22	
141:1	related [n] 120:19	98:22 147:4	screen [n] 34:20	
receive [n] 86:14 88:11	reliable [n] 56:13	resolved [n] 158:23	seal [n] 171:17,17	
152:9	relied [n] 46:6	resolving [n] 156:10	searched [n] 75:18	
received [n] 18:2 22:7	rely [n] 24:20 153:19,22	159:2	seed [n] 102:3	
28:23 63:18 93:24 95:12	relying [n] 75:9	respond [n] 166:19,19	second [n] 28:9 82:20,21	
125:11 133:7 147:14	remember [n] 31:6 45:13	response [n] 5:2:4 74:11	110:1 118:13	
receiving [n] 16:12	51:15 64:19 88:22 104:19	75:17,19 77:3	Secondly [n] 108:10	
recent [n] 36:15	133:7,9	responses [n] 17:8 51:15	section [n] 24:12 35:23	
recently [n] 101:6	remembering [n] 4:8:7	75:15	34:2,9 44:10 52:11,12	
Recess [n] 64:17 119:4	rep [n] 144:12	responsibilities [n] 1	39:8,16 84:20 74:14 154:9	
recognize [n] 63:8	repair [n] 67:21 81:17	23:9	155:1	
recollection [n] 48:3	93:24 111:3	responsibility [n] 91:10	see [n] 19:5 21:7,13 36:3	
recontact [n] 145:7,12	repeat [n] 134:21 164:3	110:24 116:10 145:17	49:19 54:13 66:20 71:6	
record [n] s 2:12 4:16 5:4	replace [n] 67:22 89:19	135:19 157:11 158:16	83:18,18 88:7 90:13 93:1	
13:10 71:4,14,16 126:18	replaced [n] 87:15 90:2	165:17	93:3 96:17 99:2,10 101:17	
158:18 161:11 172:15,23	109:24 164:14	responsible [n] 27:11	102:9 109:12 120:11	
records [n] 13:14 20:23	replacement [n] 87:14	89:13 90:4,15 91:2,3,6,8	121:10 124:21,21,22	
74:16 123:14 132:19	87:17 89:22	98:16 106:11 108:4	125:21 129:21 130:10	
133:25		126:15 146:16 169:17	133:5 139:13 141:4,23	
recovering [n] 138:14		responsive [n] 98:18	143:12 146:8 151:18	
		responsiveness [n]	158:6,17 159:20 167:23	

seeing [p] 36:3 129:7	shy [p] 90:21 106:8	32:12 39:13 68:19 72:17	subcontractor [p] 140:8	symptom [p] 74:19,20
seeking [p] 136:5 145:9	sic [p] 134:10	74:5 117:25	subcontractors [p]	75:4,7,12,14,23 76:11,14
seeks [p] 122:11 130:11	side [p] 49:24 130:2	speed [p] 32:18 15:7	64:12	76:24 77:3,6,8,17,25 78:3
139:13 140:22 144:8	sign [p] 32:16,19 109:14	20:19 31:11 38:8 40:22	79:3 79:6,14,19 80:13,16	
146:17	110:7	95:2,10 96:11 97:8 98:6	81:8 89:5 91:19,23 150:17	
seem [p] 31:3 56:13	signature [p] 4:8 94:8	102:3 104:10 105:13	151:10,20	
selecting [p] 73:18	94:12 170:1 171:1 172:19	110:9 111:18 112:15	symptomatic [p] 110:3	
selections [p] 72:25	174:5	115:15 116:24 168:19	symptom [p] 111:17	
send [p] 12:10 16:16	significant [p] 8:1 25:2	spell [p] 5:25 40:2 50:21	systems [p] 36:14,21	
42:19 50:18 89:9 100:29	115:11	73:17	82:12 83:4,11 135:12	
128:6	signs [p] 32:6	spelling [p] 6:1	150:7	
sending [p] 45:6 122:25	similar [p] 114:2 131:12	spend [p] 127:18	-T-	
138:19 141:8 143:9	132:23	spent [p] 78:20	T [p] 3:20 148:14 150:2,2	
woods [p] 26:13	sit [p] 6:11	splicing [p] 105:1	154:3,16 155:4 160:12,12	
sense [p] 46:3,7 113:3	sitting [p] 102:16 110:15	split [p] 137:23	Tab [p] 31:14	
143:9 184:15	119:14	spoke [p] 6:18 111:5	tabbed [p] 31:16	
sent [p] 42:21 43:4,6,8	situation [p] 7:13 12:4	147:6	taking [p] 9:19 60:3	
43:13 51:5 113:20 121:20	25:1 65:22 88:14 90:24	stack [p] 12:4 19:24 37:15	135:3	
122:23 125:6 130:18	97:14 98:17,23 130:10	stage [p] 29:20	team [p] 27:15 32:11	
141:16,19 163:11	138:6	stamps [p] 32:16	tear-away [p] 11:19	
separated [p] 150:4,6	situations [p] 12:4 66:3	standing [p] 100:7	technical [p] 153:12	
September [p] 82:23	104:6 164:11,12	stands [p] 132:11 140:13	TECHNOLOGIES [x]	
99:10,20 140:12	six [p] 18:16 104:9	start [p] 92:16 141:23	1:10 172:6	
seriously [p] 33:6	Sixty-seven [p] 14:23	143:22 158:15	Tel [p] 174:23	
serve [p] 186:8	silk [p] 193:17	started [p] 18:14 96:24	Telephone [p] 3:6,10,14	
served [p] 174:15	skills [p] 64:10 152:5,5	109:21 119:13 139:9	3:18,22	
service [p] 7:7 17:24	152:17,18,20,21 153:6,7	143:17	telling [p] 17:24 19:7	
23:16,20,21 35:6 44:9,11	skip [p] 109:16	staircase [p] 122:5	72:16 75:13 77:1 79:7	
44:11 84:24 85:14,16,17	small [p] 18:18 36:7	Starting [p] 82:19	91:24 102:12	
99:24 120:2 122:8 128:2	smoke [p] 143:17,19	shorts [p] 28:23 31:12	tells [p] 23:8 27:25 68:11	
138:16 140:24 143:25	151:5,13,14,16,20,21	state [p] 2:7 40:17,20,21	73:11	
144:1 145:8 154:24	software [p] 13:12,19,19	98:20 102:17 110:14	terms [p] 11:20 29:21	
155:17,19,21,22 158:8,21	sold [p] 86:25 87:2	110:17,22 129:4 130:3	126:3	
serviced [p] 109:12,22	somebody [p] 7:19 38:10	137:15 171:5,20 172:11	testified [p] 3:2 99:25	
services [p] 60:18 61:14	50:15 65:6 92:17 93:7	standing [p] 31:14 122:23	107:1	
61:22	126:9,11,23 148:1 152:1	125:6	testimony [p] 95:25	
set [p] 33:3 109:5	159:16	statistic [p] 10:16	172:15,22	
settled [p] 89:7 92:15	something's [p] 41:14	status [p] 145:9	Texas [p] 1:5,20 2:7,10	
103:23	sometime [p] 58:2	stay [p] 140:21 145:14	2:10 3:5,9,13,15,17,21	
settling [p] 160:23	sometimes [p] 52:13	167:12	95:8,17 96:10 98:5 102:4	
seven [p] 93:13,15 104:5	somewhere [p] 76:13	staying [p] 165:14	110:3 115:15 137:21,22	
118:7	soon [p] 16:11	steering [p] 10:3:5	137:24 138:3 140:13	
seven-year-old [p]	Sorry [p] 6:19 8:22 13:6	stereotype [p] 2:8	154:5,10,13,14 172:3,11	
98:20	20:3 30:19 35:24 43:7	steps [p] 16:12	173:3,20,22 174:21,23	
several [p] 45:2 155:17	52:10 59:8 68:25 104:15	stick [p] 157:9 160:19	Thank [p] 12:20 149:25	
share [p] 137:10	104:17 109:18,20 113:19	161:7	151:24 154:1,15 155:3	
sharp [p] 101:15	146:12	sticker [p] 11:10 20:15	Thanks [p] 147:12	
sheets [p] 11:19	sort [p] 119:23 143:7	still [p] 44:17 45:1 69:20	therefor [p] 174:7	
shop [p] 111:1 144:16,21	series [p] 115:24	69:20 91:2 103:12 138:5	therefore [p] 17:20	
144:21,23 145:10	bounded [p] 145:25	141:31 142:1,10 166:2	therein [p] 171:16	
Shortbread [p] 2:6	source [p] 128:17	Stipulations [p] 9:3	they've [p] 11:1 48:14 74:1	
172:10	South [p] 94:6	storage [p] 17:17	89:5 90:10,15 106:8,13	
shortly [p] 26:20	speak [p] 4:17 112:11	store [p] 6:6	128:7 129:7 157:6 159:17	
show [p] 11:7 74:8 86:19	146:21	straight [p] 24:22	thinks [p] 143:23	
87:12 100:25 128:10,11	special [p] 31:3,16 34:17	Street [p] 3:13	third [p] 45:24	
showed [p] 75:18	94:9 156:2	stress [p] 136:6 138:9	thought [p] 6:20 22:1	
showing [p] 18:9 19:8	specific [p] 27:20,20	structure [p] 155:9	39:16 41:12 45:25 46:12	
shown [p] 174:15	48:7,8 76:13 78:5 103:20	stuff [p] 36:3	46:15,16,24 49:16 96:8	
	116:22 132:23 131:2	specifically [p] 25:23		
	156:19 159:12			

100:8 110:23 112:3 134:3 163:17 tbody and [n] 101:6 three [n] 40:20 41:24 42:3 43:19 46:19 48:12 48:18 49:4 86:15 94:11 114:2 133:13 140:20 threshold [n] 26:8 thresholds [n] 12:8 through [n] 9:18 9:8 11:2,2 13:2,15 14:15,21 24:1 30:2 36:12 58:20 70:18 78:22 81:16 84:22 113:2,3,8 114:11 118:23 139:10 150:9,14,18 152:24 157:3 158:14,14 158:24 171:13 throughout [n] 159:20 164:8 timely [n] 156:11 times [n] 15:9 36:20 82:8 137:22 157:8 title [n] 32:12 today [n] 45:3 58:25 59:1,13 63:19 144:25 154:13 159:18 164:11 167:8,21,22 168:8,9,15 169:2 today's [n] 5:8 together [n] 30:23 too [n] 6:20 38:5 59:25 78:6 88:4 118:23 134:23 took [n] 16:8 100:2 134:1 135:10 143:6 152:14 tools [n] 163:7 top [n] 11:3 78:14 82:16 82:19,23 114:23 155:15 total [n] 151:1 totaled [n] 136:4 138:7 touch [n] 143:15 towed [n] 143:25 town [n] 39:14,15 40:16 42:4 45:20 51:8 92:6 94:9 94:9,11 119:9,11 120:16 120:16 124:16 125:22 136:1 139:5 143:14 150:10 160:6 Towncar [n] 14:19 track [n] 37:9,11,24,24 37:25 63:12,13 Traffic [n] 130:9 training [n] 132:7,9,23 152:25 153:3,3,4,4,18 transcript [n] 1:16 172:14,17 174:12 transmission [n] 146:13 151:4,11 TRCP [n] 173:13 174:1 treat [n] 126:25 treated [n] 126:10 trends [n] 49:13,15 true [n] 48:19 123:3 162:23 171:2 172:15	trunk [n] 139:10 trust [n] 62:9,10,12 try [n] 7:13 30:19 68:4 69:22 70:6 89:4,9 97:1,16 98:15 108:14 112:22 116:4 159:23 164:15 trying [n] 49:18 70:18 79:5 95:4 134:22 156:14 156:15 164:19 turn [n] 111:23 132:19,25 turned [n] 42:12 123:23 124:2,6,12 turns [n] 70:1 Twenty-five [n] 35:9 Twenty-seven [n] 12:13 twice [n] 95:25 two [n] 28:8,23 29:10 30:25 39:3 40:20 41:24 42:3,13 45:4,19,22 46:19 47:3 48:12,17 49:4,6,21 50:8 55:5 57:8 80:25 94:3 106:19 113:14,16,24 114:1,3 121:3,4 130:24 133:25 134:2,10 135:3,10 148:3 163:11,14 two-digit [n] 83:17 typical [n] 11:18 17:18 33:17 35:20,20 48:8 84:14 87:11 124:23 150:4 typed [n] 125:1,6,4 types [n] 22:24 30:25 68:3 92:15 typically [n] 12:6 68:1 69:17 73:5,8 89:9 124:23	understand [n] 22:6 49:2 49:20 74:18 112:24 133:10 167:6 168:6 understood [n] 18:24 Underwriters [n] 110:21 unexpected [n] 158:4 UNITED [n] 19 172:5 universal [n] 109:4 110:20 unknown [n] 41:11 unless [n] 68:6 92:24 131:24 162:2 167:11 173:4 upload [n] 89:22 upper [n] 34:19 used [n] 46:2,6 65:13,15 80:5,25 126:7 127:1,5,9 127:10 138:3 141:6 172:24 user [n] 82:11 83:11 uses [n] 62:1 usually [n] 12:25 90:12 151:21	wants [p] 99:16 111:4 138:8 146:21 148:7 warning [n] 40:7 warrantied [n] 46:12 warranties [n] 67:2 warranty [p] 17:24 34:5 34:8,21 66:24 67:8,16,19 67:24 68:3,9,13,15,17,20 68:25 69:9,12,14,19,20 78:8,19 80:6 81:2,6,17 85:1,15 89:2 93:16 103:12 103:18,21 104:1 105:15 108:22 111:7 116:19 120:8,20 126:11,21,23 127:2,3,19,19 131:8 138:12 141:22,23 142:1 142:10,20 157:19 WARREN [p] 1:13 2:1 4:3 5:1 171:1,5,12 172:8 172:13 was/were [p] 174:1 water [p] 118:15 134:23 Watson [p] 109:23 ways [p] 81:15 86:15 162:4,12 wear [p] 104:24 105:2 120:20 weeks [p] 121:24 weighs [n] 126:13 welcome [n] 150:1 whatever [p] 7:12 73:25 Whelan [p] 39:22 40:4 45:4 wherever [n] 11:10 whistle [p] 6:12 whole [n] 35:6 36:6 42:17 46:22 48:14 59:8 159:6 William [p] 146:3 wire [p] 105:1 wish [p] 111:10 130:20 withdrew [n] 100:10 within [n] 7:6,9 129: 13:18 23:21,24 24:12 32:13 34:5,14,17 37:15 41:13 44:4 45:25 58:2 65:7 66:10 73:7 83:13 84:3 88:16 91:15 129:9 132:6 133:14,16,22 156:8 without [n] 7:14 97:15 163:9 168:12 witnesses [n] 2:2 6:11 20:16 21:12 22:19 30:19 51:12 55:4 56:17 60:5 71:7,10 104:13 105:12 118:14,22,23 149:9,24 151:24 154:1 160:11 167:5,8,10,13,22,24 168:8 168:12 172:13,16,18,19 witnesses' [p] 4:8 95:25 witnesses [p] 168:18 WJC [p] 141:20 woke [p] 121:14 walked [p] 54:21 wall [p] 143:5 wanting [p] 77:7
--	---	--	--

words [p] 19:10 26:19
47:17 101:13 161:10
worked [p] 35:1 39:8
working [u] 21:24
workmanship [u] 112:3
works [p] 52:22,24 60:10
60:12,13,15
worth [p] 9:13 10:10
would've [p] 94:22
wrote [p] 31:24 63:24
124:18,20
writing [p] 99:25,25
112:5
written [s] 126:24 147:15
152:3,21 153:6
wrong [p] 18:20 67:14
wrote [p] 27:10 31:13
101:5 124:21 143:6

-X-

X [p] 5:20 148:14 150:2
154:3,16 155:4 160:12

-Y-

y'all [p] 6:22 10:2 24:22
42:12 44:7 69:8 92:21,24
123:27 126:17
year [p] 37:14 43:20 44:3
44:5 45:24 72:21 75:3
135:24 137:6
year-and-a-half [p]
118:2
years [p] 14:21 18:17
35:2 62:15 71:25 72:1,3,4
72:20 73:13,20 93:13,15
104:5 106:19 118:8
120:25 121:3 130:24
138:5
yet [p] 105:17 121:19
157:16
York [u] 129:4

-Z-

Zaidman [p] 94:5 99:8
Zaidman's [p] 94:16,20
95:1 96:12 97:19 98:8,15
99:1
Zone [u] 84:2

NO. C-4178-98-F

PAULINE G. GONZALEZ AND) IN THE DISTRICT COURT
JOSE NOE GONZALEZ, SR.)
VS.) HIDALGO COUNTY, TEXAS
VAN BURKLEO MOTORS,)
INC., FORD MOTOR)
COMPANY AND UNITED)
TECHNOLOGIES)
AUTOMOTIVE, INC.) 332ND JUDICIAL DISTRICT

ORAL DEPOSITION OF

RANDALL WARREN MCCLURE

OCTOBER 8, 1999

Volume 1

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MR. NORMAN JOLLY
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HOUSTON, TEXAS 77002
BAR NO. 10856920

Page 2	Page 3
1 OVAL DEPOSITION OF RANDALL WARREN MCCLURE, 2 produced as a witness at the instance of the 3 plaintiffs, and duly sworn, was taken in the 4 above-styled and numbered cause on the 6th day of 5 October, 1998, from 10:30 a.m. to 1:45 p.m., before 6 C. Lee Parks, Certified Courtroom Reporter in and 7 for the State of Texas, reported by computerized 8 stenotype machine, at the offices of Burns, 9 McFarland & Duke Attorneys, 2731 Allen Parkway, Suite 10 1600, Houston, Texas, pursuant to the Texas Rules of 11 Civil Procedure and the provisions stated on the 12 record or attached hereto.	1 A P P E A R A N C E S 2 FOR THE PLAINTIFFS: MOLINE G. GONZALEZ AND JOSE JOE 3 GONZALEZ, JR.; 4 Mr. Norman Jolly, 5 Mr. Michael Jolly, 6 Mr. James J. Farley 7 1010 Prentiss, Suite 1000 8 Houston, Texas 77002 9 Telephone: 713 227-0283 - Fax: 713 227-0283 10 FOR DEFENDANT, FORD MOTOR COMPANY: 11 Mr. Allison D. KENNAMER 12 Rodriguez, Civil & Chappell, L.L.P. 13 1501 East Van Buren 14 Phoenixville, Texas 75071 15 Telephone: 409 832-1161 - Fax: 409 832-1161 16 FOR DEFENDANT, VAN ARKLEO MOTORS, INC.: 17 Mr. Christopher J. Burns 18 Burns, McFarland & Duke, L.L.P. 19 1601 Louisiana, Suite 1600 20 Houston, Texas 77002 21 Telephone: 713 650-1600 - Fax: 713 650-1600 22 23 24 25
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18	
19	
20	
21	
22	
23	
24	
25	

Page 4	Page 5
1 INDEX	
2	PAGE
3 RANDALL WARREN MCCLURE	
4 Summoned by Mr. Nathan Jolly.....	1
5 Examination by Mr. Burns.....	2
6 Further Examination by Mr. Jolly.....	3
7 Examination by Mr. Nathan Jolly.....	4
8 Further Examination by Mr. Nathan Jolly.....	5
9 Witness' Signature Page/Instructions.....	111
10 Reporter's Certificate.....	112
11 EXHIBITS	
12 EXHIBIT DESCRIPTION	PAGE
13 No. 1 Crown Bar Receipts	1
14 No. 2 Receipt	2
15 No. 3 Litigation Prevention Manual	3
16 No. 4 Letter to Plaintiff	4
17 No. 5 Circular Regarding Hand App	5
18 No. 6 Circular Regarding Removal	6
19 No. 7 Record Retention Guidelines	7
20	
21	
22	
23	
24	
25	

Page 6	Page 7
1 A. I'll give you a spelling of my first name 2 because you made a mistake there. It's 3 R-A-N-D-A-L-L.	1 deposition related to litigation prevention. 2 Q. Okay. And why are you the corporate 3 representative to do that?
4 Q. Okay.	4 A. I am the Litigation Prevention Manager.
5 A. McClure.	5 Q. What's that mean?
6 Q. Like the grocery store.	6 A. Well, within Ford I'm -- I work for Ford
7 A. I don't know. I'm not familiar with that.	7 Customer Service Division, Consumer Affairs. Our
8 McClure, M-C-C-L-U-R-E.	8 role is to enhance customer loyalty and
9 Q. Okay.	9 satisfaction. And within Consumer Affairs, we have
10 MR. NORMAN JOLLY: You going to swear 11 that witness or you going to just sit there and 12 whistle Dixie?	10 a group called Litigation Prevention. Customers who 11 have claims against Ford Motor Company or hire 12 attorneys under Lemon Laws and whatnot contact us 13 and our role is to try to resolve their situation 14 without the need for litigation.
13 THE COURT REPORTER: You must have 14 missed something. That was the first thing I did.	15 Q. So you're not the "no man"?
15 MR. NORMAN JOLLY: Oh, it is, because 16 he didn't think you swore him in.	16 A. I'm not the "no man."
17 MS. KENNAMER: He did get sworn in 18 immediately before I spoke.	17 Q. Okay. Who over at Ford is?
19 MR. NORMAN JOLLY: Okay. I'm sorry. 20 I thought he was too.	18 A. There's nobody that's a "no man."
21 THE COURT REPORTER: Wake up.	19 Q. There's not someone in the Litigation
22 MR. NORMAN JOLLY: Y'all leave me 23 alone.	20 Prevention Department that says no to these people 21 whose cars burn their homes down?
24 Q. Okay. Mr. McClure, why are you here?	22 A. We eval --
25 A. I guess, to answer the questions in the	23 MS. KENNAMER: Objection, form.
	24 A. We evaluate each and every claim on an 25 individual basis and handle the claims accordingly.

Page 8	Page 9
1 Now, we don't handle claims involving significant 2 property damage or personal injury.	1 A. We would say, "We are referring your claim 2 to the appropriate activity for proper evaluation."
3 Q. Oh. Okay. So when you said "avoid 4 litigation," you're just talking about what's the 5 cap on damages on cases where --	3 Q. You wouldn't necessarily deny their claim, 4 you just wouldn't pay it if it was over \$10,000?
6 A. \$10,000 in property damage above the value 7 of the vehicle.	5 A. We would refer it to the office of general 6 counsel for handling. We're not making a decision 7 on the claim.
8 Q. So when you said "avoid litigation," if 9 someone's got \$10,000 in property damage above the 10 value of the car, then you just pass it on to who?	8 Q. So you just wouldn't pay it through the 9 Litigation Prevention Department?
11 A. We would refer it to our Office of General 12 Counsel.	10 A. We would -- We would refer to the Office 11 of General Counsel and allow them to handle it.
13 Q. The lawyers for Ford?	12 Q. Which means you wouldn't pay it, right?
14 A. Correct.	13 A. I don't know. Ford Motor Company may or 14 may not pay it based on their evaluation.
15 Q. And then what happens over there? You 16 don't know?	15 Q. Well, your department wouldn't pay it?
17 A. I -- I can't speak to what they do.	16 A. It wouldn't be paid out of our department.
18 Q. Okay. So anyone who's got \$10,000 in 19 property damage, I guess you are the no man then, 20 aren't you?	17 Q. Who arrived at that figure, \$10,000?
21 MS. KENNAMER: Objection, form.	18 A. To be honest with you, I don't know. It 19 was established prior to my taking -- assuming this 20 position.
22 A. I'm sorry?	21 Q. Have you had any Panther vehicle fires 22 caused by the deactivation control switch where 23 someone's house burnt down and the house was worth 24 less than \$10,000?
23 Q. You say, "No, I can't help you" is what 24 you would say to the consumer if they have \$10,000 25 in property damage or more?	25 A. I'm not aware of any.

Page 10

1 Q. Have you had any where someone's house
 2 burn down and y'all settled the case at the
 3 Litigation Prevention Division level?
 4 A. No. We wouldn't -- wouldn't evaluate
 5 those.
 6 Q. Okay. So none of those are evaluated by
 7 your department?
 8 A. If the house -- If the house burnt down,
 9 since I think it's safe for us to assume that houses
 10 are worth over \$10,000, we wouldn't evaluate them.
 11 Q. Okay. Same question, the house doesn't
 12 burn down when property damage is 10,000 or less,
 13 how many of those have you managed to prevent
 14 litigation when it comes to the Panther platform
 15 deactivation control switch fires?
 16 A. I don't have statistics on particular
 17 vehicles and particular incidents. We would -- We
 18 would evaluate those claims and make a determination
 19 how we handle them based on each individual case
 20 evaluation.
 21 Q. Okay. So who knows the answer to that
 22 question?
 23 A. Nobody. We would have to -- We have to do
 24 some analysis, I guess.
 25 Q. Who?

Page 11

1 A. My activity. We could -- We could go
 2 through -- We can go through the claims that have
 3 been filed on -- which is, I think, the top little
 4 portion here (Indicating).
 5 MR. NORMAN JOLLY: Let's mark that
 6 Exhibit 1.
 7 Q. Show me what you're talking about.
 8 A. Okay.
 9 MR. NORMAN JOLLY: Just put the
 10 sticker wherever you want.
 11 MS. KENNAMER: You might want to look
 12 at these and make sure you've got all the ones on
 13 the Panthers.
 14 Q. Okay. You're marking --
 15 A. Exhibit 2.
 16 (McClure Exhibit Nos. 1 & 2 marked.)
 17 Q. Okay. You're marking some documents that
 18 appear to be some type of a computer printout,
 19 tear-away sheets maybe. Is that what they are?
 20 A. I don't know if that's the term, but it's
 21 a green bar report.
 22 Q. Green bar report?
 23 A. Yeah, because it's on green bar paper,
 24 which we've generated pursuant to your request in
 25 the deposition of all fires that you included in the

Page 12

1 matrix attached to the definition -- or deposition
 2 for -- for various vehicles, including the Panther
 3 platform and other vehicles. These are -- These are
 4 situations -- any situation in this stock here
 5 (Indicating) were opened as legal context, which
 6 means we get the claim initially. We may or may not
 7 have handled them, dependent on whether or not they
 8 met our thresholds in terms of dollars and personal
 9 injury. If we determined that they weren't within
 10 our authority level, we would send them over to OGC.
 11 So there were 27 of those. And let me just double
 12 check to make sure I'm not missing any others.
 13 Q. Twenty-seven claims or 27 lawsuits?
 14 A. These would not be lawsuits. We do not
 15 handle lawsuits.
 16 Q. Okay. Now, these claims that you're
 17 talking about, they were all Panther vehicles where
 18 the speed control deactivation switch was the
 19 suspected cause of the fire?
 20 A. No. These were say under-hood fires on
 21 any of the vehicles that you asked for in the
 22 deposition.
 23 Q. Okay.
 24 A. And some -- Well, there -- there could be
 25 a number of causes. In fact, usually it's very

1 difficult to determine precise cause of a fire. If
 2 you've seen vehicles that have been through a fire,
 3 you never know for sure.
 4 MR. NORMAN JOLLY: Object to the
 5 form.
 6 A. I'm sorry?
 7 Q. Go ahead.
 8 A. Okay.
 9 MS. KENNAMER: He's just making a
 10 record. He does that from time to time.
 11 A. These are also -- What happened is, we
 12 switched software in early 1998 from MORS II to
 13 MORS III. If you've seen any of the documents, this
 14 is the database where we retain all records of
 15 customer contacts with Ford Motor Company through
 16 our cost center activity. So -- Including, you
 17 know, calls to the cost center and everything else.
 18 Legal contacts happened to be opened within those
 19 software. In early '98 we switched software. So
 20 these (Indicating) are all the claims up 'till March
 21 of 1998 in MORS II. These (Indicating) are all the
 22 claims since March of 1998 from MORS III. And
 23 that's Exhibit 1 since March of '98.
 24 Q. You don't know how to determine what the
 25 cause of a fire is, do you?

Page 14

Page 15

1 A. No.
 2 Q. Okay. Earlier when you said, it's hard to
 3 determine what the cause of these fires is, you
 4 don't really know that based on your own personal
 5 knowledge, do you?
 6 A. Based on -- Based on talking to fire
 7 investigators, that is my understanding.
 8 MR. NORMAN JOLLY: Object to the
 9 responsiveness.
 10 Q. You don't know based on your own personal
 11 knowledge what the cause of these fires is, do you?
 12 A. I'm not a fire expert, no.
 13 Q. Okay. Okay. So Exhibit 1 is what?
 14 A. Exhibit 1 are say under-hood fires on '92
 15 through '97 Panther platform vehicles of -- alleged
 16 under-hood fires. They're open whether we know for
 17 sure whether there's a fire or not. And then
 18 Exhibit 2 -- this is from March of '98 on --
 19 Exhibit 2 is prior to March of '98, any Towncar,
 20 Crown Vic or Grand Marquis fires for the same model
 21 years, '92 through '97.
 22 Q. How many are on Exhibit 1?
 23 A. Sixty-seven.
 24 Q. And 27 on Exhibit 2?
 25 A. Correct.

1 Q. How many of those went to litigation? Do
 2 you know?
 3 A. I do not know.
 4 Q. How many of those were settled before they
 5 went to litigation?
 6 A. I don't know.
 7 Q. How many of those were caused by the speed
 8 control deactivation switch?
 9 A. I don't know that. Yeah. A lot of times
 10 we never ultimately can determine precisely what the
 11 cause is, but I don't know how many were caused by
 12 any particular component.
 13 Q. Okay. So you didn't have anything to do
 14 with the recall?
 15 A. No.
 16 Q. You're mainly the litigation prevention
 17 guy?
 18 A. We handle individual customer complaints,
 19 yes.
 20 Q. Of all these reports on Exhibit 1 and 2,
 21 were they investigated?
 22 A. There was some level of investigation.
 23 Whether it's an initial contact with the customer to
 24 determine, you know, if they were injured or their
 25 house burned down, we -- we did something --

Page 16

Page 17

1 Q. Okay.
 2 A. -- to determine whether we should handle
 3 it or not. And then once we determine we should
 4 handle it, then we do further evaluation.
 5 Q. So where is the investigation on these 94
 6 claims?
 7 A. The comments are entered in here
 8 (Indicating), basically. Any time we took an
 9 action, it's entered into the database. So the
 10 initial action would be to contact the customer or
 11 their attorney immediately -- as soon as possible
 12 after receiving the claim and then the next steps
 13 would be, you know, do an investigation, contact
 14 National Insurance Crime Bureau, you know, whatever
 15 is appropriate, fire department reports, if
 16 possible, send out inspectors, if possible.
 17 Q. So 1 and 2 is what Ford inputs into their
 18 system?
 19 A. That's -- This is what -- Yes.
 20 Q. Okay. Where is the information that Ford
 21 gets in order to input that into the system? Did
 22 you bring that with you?
 23 A. The case files?
 24 Q. Yeah. The notices, the information that
 25 Ford was provided that I asked for that forms the

1 basis for this data that we've marked 1 and 2?
 2 A. I believe you asked for the data. I -- I
 3 don't have a copy of that in front of me.
 4 MS. KENNAMER: Well, a number of the
 5 case files were previously produced to you and we're
 6 working on getting the rest of them. But a large
 7 number of them were produced in the first -- the
 8 responses to Joe Noe Gonzales' First Interrogatories
 9 and Request for Production.
 10 MR. NORMAN JOLLY: Well, I'm not
 11 going to agree with that. We've asked for the
 12 information provided before that forms the basis for
 13 the data that was inputted to create Exhibits 1 and
 14 2 and you're telling me that's where --
 15 A. If they were handled since 1995, we would
 16 have access to them either in our office or at a
 17 storage facility near our office.
 18 Q. Okay. So what type of information would
 19 that include?
 20 A. They would include any correspondence to
 21 and from the customer, they would include any fax
 22 confirmations to and from the customer or their
 23 attorney. They would include any correspondence
 24 from dealership, warranty history, service history
 25 on the vehicle. They would include -- If we

Page 18

1 arranged an inspection, they would include the
 2 inspector's report. If we had access and received a
 3 fire report, it would have the fire investigation
 4 report as well.

5 Q. Photographs?

6 A. Typically, if we arrange an inspection, we
 7 do ask our inspectors to get photographs.

8 Q. Okay. So you have not brought with you
 9 all documents showing the date that the Litigation
 10 Prevention Division first began investigating
 11 under-the-hood fires for Panther vehicles, have you?

12 MS. KENNAMER: Objection, form.

13 A. Well, we -- You know, we never actually
 14 started investigating Panther under-hood fires. We
 15 handle individual customer complaints. And, you
 16 know, these -- these 94 complaints over six model
 17 years over a five-year period are -- are a very
 18 small portion of what we do on a day-to-day basis.

19 Q. So are you saying I asked the question
 20 wrong on Item No. 17? I should have said "for
 21 investigation of customer complaints for
 22 under-the-hood fires" and then you would have
 23 brought everything that I asked for?

24 A. I guess I understood you to be asking for
 25 data.

Page 19

1 Q. What we want --
 2 A. We can provide you files. I'm not -- You
 3 know, I don't have a problem with that. We can pull
 4 files.

5 Q. See, what we want, we want everything that
 6 forms the basis for 1 and 2. And I asked for that
 7 in Item No. 17 and you're telling me you didn't
 8 bring them. And that was "All documents showing the
 9 date that the Litigation Prevention Division first
 10 began investigating" -- in your words, "customer
 11 complaints involving under-the-hood fires of Panther
 12 vehicles."

13 MS. KENNAMER: Objection, form.

14 Q. And you can go get that, right?

15 A. I can get you files on customers who
 16 complained to us about their under-hood vehicle
 17 fires on those vehicles.

18 Q. Okay. And then how about the other
 19 vehicles that were on Exhibit A to the Deposition
 20 Notice?

21 A. That's those right here (Indicating).

22 Q. Excuse me?

23 A. The data -- The files, the MADS ID files
 24 on all the other vehicles are in this stack of paper
 25 right here.

Page 20

1 Q. For the vehicles that were on --

2 A. On your matrix, yes.

3 Q. Okay. He can only take down one voice at
 4 a time.

5 A. Okay. I'm sorry.

6 Q. When you say, the matrix, you're talking
 7 about the vehicles identified in this matrix on
 8 Exhibit A that I'm handing to you that I've circled?

9 A. That's correct.

10 Q. Mark that the next exhibit number, would
 11 you?

12 A. It's Exhibit 3.

13 (McClure Exhibit No. 3 marked.)

14 MR. MICHAEL JOLLY: Why don't you put
 15 it over that Exhibit A sticker at the bottom.

16 THE WITNESS: Okay.

17 Q. Okay. So you can't tell us which of the
 18 '94 claims that are identified in Exhibits 1 and 2
 19 involved a fire caused by the speed control
 20 deactivation switch?

21 A. That's correct.

22 Q. And do you know who's the custodian of the
 23 records or the documents -- Would that be you --
 24 which form the basis for 1 and 2?

25 A. Many of them, we would have. If we

Page 21

1 referred them to the Office of General Counsel
 2 because of the dollar value or personal injury,
 3 they -- they would have those files.

4 Q. So can you go get those?

5 A. We can get them, yes.

6 Q. You personally, can you go get them and
 7 see to it that I get those documents?

8 MS. KENNAMER: Objection. That's not
 9 his job to do. He'll give them to me and I'll get
 10 them to you.

11 Do not answer that question.

12 THE WITNESS: Okay.

13 Q. Well, can you see that it's done as part
 14 of your job as the Manager of the Litigation
 15 Prevention Division?

16 A. I can get the files that I have access to
 17 in any department.

18 Q. You can't get the ones from the general
 19 counsel?

20 A. I guess I'll let my counsel handle -- got
 21 that from them.

22 Q. Okay. Why didn't you bring what you have
 23 in your division with you?

24 MS. KENNAMER: Objection, form.

25 A. I -- We brought the data and I guess we

1 thought this was what you were looking for. It does
 2 have dates on it. It has dates -- Every one of
 3 these '94 contacts has a date that it was opened and
 4 we began our investigation and the date it was
 5 closed.

6 Q. Okay. So you didn't understand that I was
 7 also asking for all the notices that you received
 8 from the different customers and lawyers?

9 MS. KENNAMER: Objection, form.

10 A. I -- I interpreted it as you were looking
 11 for this information that we've provided. But
 12 again, we can get it. I want to be cooperative.

13 Q. Okay. All right. And then I also asked
 14 for the procedures and guidelines that you guys use
 15 in your division for investigating these claims.

16 Did you bring that?

17 A. Yes, we did.

18 MS. KENNAMER: He's got one of them.

19 THE WITNESS: Okay. It's the primary
 20 one, it looks like.

21 A. This document (Indicating) is -- is our
 22 litigation prevention manual, work instructions.
 23 This is the document by which our legal analysts
 24 investigate claims of all types, not just product
 25 claims, Lemon Law claims, Magnus & Meiss, whatever.

1 Q. We'll call that No. 4.
 2 (McClure Exhibit No. 4 marked.)

3 A. Okay.

4 Q. So No. 4 also controls the way you guys
 5 conduct your business there in the Litigation
 6 Prevention Division?

7 A. These are the work instructions for our
 8 analysts. So it basically tells them on an
 9 individual case basis what their responsibilities
 10 are.

11 Q. What do you mean "our analysts"?

12 A. The analysts are the individuals that
 13 actually work directly in evaluating claims on a
 14 day-to-day basis.

15 Q. What division do they work in?

16 A. They work in Customer Service Division.

17 Q. Is that the same as the Litigation

18 Prevention Division?

19 A. Litigation Prevention is not a division.

20 Customer Service Division is the umbrella
 21 organization. Within Customer Service Division,
 22 there is a department called the Customer Support
 23 Center whose role is customer satisfaction and build
 24 loyalty. Within the Customer Support Center is a
 25 group that handles escalated customer concerns,

1 including arbitration cases through our Dispute
 2 Settlement Board mechanism and Litigation
 3 prevention, which is the group that we're talking
 4 about here.

5 Q. Okay. Well, you're the Litigation
 6 Prevention Manager. And my question was: Does
 7 Exhibit 4 control the way you conduct your affairs
 8 in the Litigation Prevention Division?

9 MS. KENNAMER: Objection, form.

10 A. Again, I guess I just want to be clear
 11 that we're not a division of Ford Motor Company.
 12 We're a section within a department.

13 Q. Okay.

14 A. Okay. This document (Indicating) are our
 15 work instructions. This is the work instructions
 16 that our analysts follow on a day-to-day basis in
 17 evaluating claims.

18 Q. The folks working in your department --

19 A. Correct.

20 Q. -- rely on Exhibit 4?

21 A. Correct.

22 Q. Do y'all just tell customers straight up
 23 when they make a claim, we don't handle claims where
 24 the property damages exceed \$10,000?

25 A. Tell the -- If -- I guess, if the

1 situation arises where we get a claim and the
 2 customer is alleging significant -- over \$10,000 in
 3 property damage or personal injury, we would advise
 4 them that we would refer to the appropriate attorney
 5 for handling. When you say "we don't," Ford Motor
 6 Company does handle those claims. Litigation
 7 Prevention would refer them to the Office of General
 8 Counsel.

9 Q. Right. For the lawyers to handle?

10 A. That's correct.

11 Q. Okay. But do you tell the Ford customers
 12 that --

13 A. We tell them.

14 Q. -- If their damages are more than \$10,000,
 15 and give them the amount, that you can't help them,
 16 it has to go to the Ford lawyers?

17 A. We advise them who we are referring it to,
 18 that's correct.

19 Q. So you advise the customer that if their
 20 claim is more than 10,000, that the lawyers have to
 21 handle it?

22 A. I don't -- I don't know that we
 23 specifically would tell them what the dollar level
 24 is. We would -- After determining what they think
 25 the dollar level is, we would tell them it's beyond

Page 26

Page 27

1 our authority level. I don't know that we ever
 2 said, "Our limit's 10,000."
 3 Q. Why not?
 4 A. It's irrelevant. If it's beyond, it's
 5 beyond.
 6 Q. Why is that irrelevant?
 7 A. Our customers don't need to know what the
 8 threshold is for us handling the claim. What they
 9 need to know is who's going to handle it and who's
 10 going to make the best determination on their case.
 11 Q. So then does a letter go on out?
 12 A. Yes.
 13 Q. Who sends that letter?
 14 A. We do.
 15 Q. What's that letter say?
 16 A. The letter basically says that your claim
 17 is being forwarded to the appropriate activity, our
 18 Office of General Counsel -- I'm paraphrasing. I
 19 don't know the precise words -- for handling and
 20 they'll be contacting you shortly.
 21 Q. Okay. So the same letter goes out on
 22 every claim, basically?
 23 A. On claims that we forward to the Office of
 24 General Counsel, yes.
 25 Q. And then doesn't say anything about the

1 fact that if it's more than 10,000, that's why it's
 2 being referred to the Office of General Counsel?
 3 A. No.
 4 Q. The letter doesn't say that?
 5 A. Doesn't say that.
 6 Q. The letter just basically lets them know
 7 that you're not paying their claim and you're
 8 referring it to the general counsel?
 9 A. Right.
 10 Q. And then who wrote that letter? Who is
 11 responsible as the author?
 12 A. Of the letter?
 13 Q. Form letter.
 14 A. Ultimately, I am. Obviously, you know, I
 15 have team leaders that work for me; and we work
 16 closely with the Claims Group and the Office of
 17 General Counsel. There is another letter that's
 18 automatically generated when we refer a claim to the
 19 Office of General Counsel, and that's a letter
 20 requesting specific documents, specific information
 21 from the customer. And that's -- When we close the
 22 case in MARS indicating that it's being referred to
 23 the Office of General Counsel, that letter is
 24 generated to the customer at that point as well and
 25 tells them, basically, what the Office of General

Page 28

Page 29

1 Counsel needs to evaluate their claim.
 2 Q. Okay. Who's the author of that letter,
 3 the one requesting the information?
 4 A. I don't know who the author, but it's
 5 somebody, presumably, with our Office of General
 6 Counsel.
 7 Q. Did you bring a copy of either one of
 8 these two letters?
 9 A. I know the second letter is in our work
 10 instructions.
 11 Q. Can you find that for me in Exhibit 4,
 12 please?
 13 A. Sure. It's going to take me a minute.
 14 Q. Sure. Okay. Are these page numbered?
 15 A. Yes. That's Chapter 2, Page 11.
 16 Q. Page 11a?
 17 A. Let me just check here. Yeah, you have
 18 it, 11a and 11b.
 19 MR. GARZA: Those are to Exhibit 4,
 20 correct?
 21 MR. NORMAN JOLLY: Yeah.
 22 Q. Okay. So this letter you're talking
 23 about, it's two pages and it starts with Page 11a.
 24 And this is the one that goes out to the customer
 25 after you've -- after Ford has received notice of

1 their claim and it requests information in 12
 2 categories, right?
 3 A. That's -- That's -- Goes out at the time
 4 that the claim is referred to the Office of General
 5 Counsel, if it needs to be referred to OGC.
 6 MR. NORMAN JOLLY: Okay. Let's mark
 7 that. I'm going to mark it 4A. We're going to call
 8 this 4A.
 9 (MCCLURE Exhibit 4A MARKED.)
 10 Q. Okay. So the two pages of 4A, that's the
 11 letter that goes to the customer after your division
 12 has determined that it can't handle the claim or pay
 13 the claim?
 14 A. Yes.
 15 Q. And the case is now -- or claim is now
 16 referred to the Office of General Counsel, so 4A
 17 goes out to the customer?
 18 A. Right.
 19 Q. So at the point that 4A goes out, a
 20 decision has not been made at that stage with
 21 regards to whether Ford would actually pay the
 22 claim?
 23 A. That's correct.
 24 Q. Of the 94 claims identified in Exhibits 1
 25 and 2, how many were paid before this letter marked

1 4A went out to those folks?
 2 A. I don't know. I'd have to go through it
 3 and check what it says in the comments. We can
 4 figure it out.
 5 Q. Were any?
 6 A. I don't know. But I would -- I would
 7 imagine that there were some, yes.
 8 Q. All right. How many were paid after the
 9 Office of General Counsel got the claim?
 10 A. I don't have that information.
 11 Q. Is that in 1 or 2?
 12 A. No. No. Once they get it, it's -- they
 13 don't enter their data into the MOSS III database.
 14 Our division does that.
 15 Q. They, meaning --
 16 A. Office of General Counsel.
 17 MR. NORMAN JOLLY: Did you get that?
 18 THE COURT REPORTER: Yes.
 19 THE WITNESS: I'm sorry. I'll try to
 20 answer and wait.
 21 Q. Yeah. We're not in any hurry.
 22 Okay. You can put that back
 23 together. Now, on these fire cases, is there an
 24 extra letter that goes out that might not go out on
 25 other types of cases other than the two that you've

Page 30

Page 31

1 mentioned?
 2 A. Not that I can think of.
 3 Q. We seem to recall some letters that go out
 4 to people who have had their car burn their house
 5 down which mentions making the claim against their
 6 homeowner's policy. Do you remember a letter like
 7 that?
 8 A. No, not from -- not from our activity.
 9 Q. So if a letter goes to a customer who owns
 10 a Panther vehicle, a '92 or '93 Panther that catches
 11 fire because the speed control deactivation switch
 12 starts a fire under the hood and burns their house
 13 down, your division never wrote a letter to any of
 14 those folks stating that they should just go on
 15 ahead and make a claim on their homeowner's policy?
 16 MS. KENNAMER: Objection, form.
 17 A. I don't know that. We -- It's not our
 18 role to handle those claims when they get to that
 19 level.
 20 Q. That would be Office of General Counsel or
 21 some other department?
 22 A. Right.
 23 Q. Would it be any other department other
 24 than the lawyers at Ford that might write a letter
 25 like that?

Page 32

Page 33

1 A. Not that I can think of.
 2 Q. Who over there at the Office of General
 3 Counsel would know the most about that, do you
 4 think?
 5 A. Perhaps -- Well, the individual's name who
 6 signs the letter is Jessie Hollingsworth, so she --
 7 her name's on those letters. So, presumably, those
 8 claims come back to her when the customer gets all
 9 their information.
 10 Q. Who is she?
 11 A. She's one of the -- I think she's a team
 12 leader. I don't know specifically what her title is
 13 within the OGC Product Claims Group.
 14 Q. Is Jessie Hollingsworth an attorney?
 15 A. I don't know.
 16 Q. Does she sign the name or just stamp her
 17 name on?
 18 A. That letter is an automated letter, so she
 19 does not sign each individual letter.
 20 Q. Do you know why her name is on that letter
 21 in particular?
 22 A. Because she -- she gets those claims back
 23 in and -- and as one of the leaders in that group,
 24 she'd be the one it would come back to.
 25 Q. That group being?

1 A. The Office of General Counsel Products
 2 Claims Group.
 3 Q. Is there a special group set up just for
 4 the Panther fires?
 5 A. I don't know the answer to that, but I
 6 would be -- I seriously doubt it.
 7 Q. How about in your division?
 8 A. In terms of handling customer claims on
 9 those vehicles?
 10 Q. Yeah.
 11 A. No.
 12 Q. Do you guys get any memos from anyone
 13 about how to handle those claims?
 14 A. No.
 15 Q. Memos or any kind of communication?
 16 A. No. There's no special handling for a
 17 particular type of concern. Once a recall is
 18 issued, then we know that we have -- we've
 19 acknowledged that we have a product concern and as
 20 we evaluate them, that's something that we ask our
 21 inspectors to look for. But up to the point there's
 22 a recall, you know, we handle them as we would
 23 anything else.
 24 Q. Okay. So after the recall, then what were
 25 the directions to the product inspectors? How do

Page 34

Page 35

1 they differ?
 2 A. The instructions to them, which is
 3 contained -- basically contained here under "Recall
 4 Handling," any time there's a fire and the vehicle
 5 has -- is within warranty, has an open recall or an
 6 owner notification program, that would cause us to
 7 investigate, even -- again, even if it's beyond the
 8 warranty period, because we want to determine if
 9 that individual customer's concern may have been
 10 related to a recall owner notification program that
 11 we issued.

12 Q. Okay, you said recall handling as a -- a
 13 special designation in Exhibit 4?

14 A. Right. It's within our guidelines.

15 Q. Where is that in there?

16 A. Well, there's various points, I think,
 17 within the document. Page 10 is a flow chart of our
 18 product liability case process and the box in the
 19 upper right-hand corner indicates that initial
 20 investigations, screen for eligibility review,
 21 determine recall owner notification warranty.
 22 Page 11 -- Scratch that. Page 11 doesn't have
 23 anything to do with it.

24 Q. Are you an attorney?

25 A. No, I'm not.

1 Q. How long have you worked for Ford?

2 A. Be 15 years next month.

3 Q. Have you always been in this same
 4 department?

5 A. No. I've been in the same division,
 6 Customer Service Division, for my whole career, but
 7 not in this department.

8 Q. How long have you been the manager?

9 A. Twenty-five months.

10 Q. Was that a promotion?

11 A. No.

12 Q. Where did you move from?

13 A. Boston, Massachusetts.

14 Q. What were you doing there?

15 A. I was a dealer operations manager.

16 Q. Have you ever given a deposition before?

17 A. No. Okay. Page 14, Chapter 3 is entitled
 18 "Case Handling, Fire." And it basically gives our
 19 guidelines for handling fire investigations.

20 Q. For any type of car or any type of fire?

21 A. Right.

22 Q. Okay. Page 14 by itself or any --

23 A. No. That's the beginning of the section.

24 So it's 14, 15 -- I'm sorry -- 14, 14a, 14b, 14 --

25 This page doesn't have a number on it. Must be 14c,

Page 36

Page 37

1 15a. Those are guidelines on fire investigation
 2 handling. And the next section gets into other
 3 stuff. See if there's anything else.

4 Q. Ending at 15a?

5 A. That's correct. We handle, as I mentioned
 6 before, a whole variety of different issues; and
 7 fires are a small part of what we do. That's all
 8 just -- headed "Mechanics." That's -- That's the
 9 section that I think answers your question.

10 Q. Okay. So what was the date that -- that
 11 the pages that you just gave us became effective,
 12 Page 10 and Page 14, Chapter 3, Page 14a through
 13 15a?

14 A. Well, we revise -- This is April 20th of
 15 1998, was the most recent revision to Page 10.

16 Q. What was revised?

17 A. I don't know.

18 Q. When was it revised?

19 A. April 20th, 1998.

20 Q. Okay. Where is -- How many times has Page
 21 10 been revised since January, 1990?

22 A. I don't know the answer to that. This
 23 document didn't exist in January of '90.

24 Q. What do you mean?

25 A. Litigation Prevention as a customer

1 complaint handling group didn't exist until 1995.

2 Q. Okay. Did Exhibit 4 exist before '95?

3 A. No.

4 Q. Okay.

5 A. It didn't -- It didn't exist in '95
 6 initially. This was a document created after the
 7 formation of the group, living document. It's
 8 evolved.

9 Q. Well, who's keeping track of these claims
 10 on Exhibits 1 and 2 if there's no division to keep
 11 track of the claims that you said date back as far
 12 as '92?

13 A. I -- I didn't say there were claims dating
 14 back to '92. There are claims on '92 model year
 15 vehicles within this stack (Indicating).

16 Q. All right. So Exhibits 1 and 2 then don't
 17 include any claims involving under-the-hood fires of
 18 the vehicles identified on --

19 A. Attachment A?

20 Q. Right. Prior to '95?

21 A. No. Because Litigation Prevention didn't
 22 exist prior to '95.

23 Q. Okay. So prior to that date, how did you
 24 keep track of the claims or how did Ford keep track
 25 of the claims or what division kept track of the

Page 38

Page 39

1 claims?
 2 A. They wouldn't -- Prior to '95 they would
 3 have been handled by our Office of General Counsel.
 4 Q. Was Jessie Hollingsworth in charge of that
 5 at that time too?
 6 A. I don't know.
 7 Q. So in order to find out how many cars are
 8 burning homes down because the speed control
 9 deactivation switch causes a fire under the hood,
 10 prior to 1995, we need to talk to someone at the
 11 Ford Office of General Counsel, right?
 12 MS. KENNAMER: Objection, form.
 13 A. In order to find out, yeah, if there were
 14 claims prior to 1995, the Office of General Counsel
 15 would be the appropriate activity.
 16 Q. Did you ever meet with anyone who was
 17 investigating under-the-hood fires involving the
 18 Panther platform in engineering group -- an
 19 engineering group or provide them any information?
 20 A. Did I ever meet with them on this subject?
 21 Q. Yeah.
 22 A. I was called into a meeting in December of
 23 1998 to ask if we knew or had seen any customer
 24 complaints, unusual customer complaints, on these
 25 particular -- this platform in these vehicles.

1 Q. Okay.
 2 A. And I was called into the meeting. There
 3 were two gentlemen there whose name I didn't get.
 4 Q. Couple of engineers in the committee?
 5 A. I -- I would --
 6 MS. KENNAMER: Objection, form.
 7 A. I don't know who they were.
 8 Q. Well, you know they worked for Ford or you
 9 wouldn't have gone and talked to them, I guess?
 10 A. Right. My manager -- I was in another
 11 meeting. My manager came and got me out of that
 12 meeting, asked me to come in; and the question that
 13 I was asked was something to the effect, have you
 14 seen any unusual occurrences in '92, '93 Town Cars?
 15 I think it was Town Cars specifically.
 16 Q. I thought you were the manager.
 17 A. I have a manager.
 18 Q. Even though you're the manager, there's
 19 another manager who manages you?
 20 A. Correct.
 21 Q. Okay. Who is that?
 22 A. That gentleman was John Whelan. He's the
 23 manager of the Customer Support Center.
 24 Q. That's the division that your group is a
 25 part of?

Page 40

1 A. It's the department that we're part of.
 2 Q. Spell John's last name, please.
 3 A. W-H-E-L-A-N.
 4 Q. All right. So Mr. Whelan came to you and
 5 said --
 6 A. "Can you join us in a meeting?" I came --
 7 Q. No warning in advance, didn't get a note
 8 or a memo or any communication, he just came to you
 9 in December '98 and said, "Come with us to a
 10 meeting"?
 11 A. Yes.
 12 Q. So what did you say?
 13 A. I went into the meeting for a few minutes,
 14 and I was asked the question that I mentioned. I
 15 said that, "As a matter of fact, we did notice" --
 16 we had a couple of complaints on '92 Town Cars at
 17 about the same time in the same state early in '98.
 18 I advised -- I advised the participants in the
 19 meeting that at that point in time, because it was
 20 unusual that we had two or three in the same state
 21 at about the same time -- The state was Florida, by
 22 the way -- that we forwarded that information to
 23 Large and Luxury Vehicles office -- Center. It's
 24 Large Luxury Vehicle Center.
 25 Q. You had already done that or you did that

Page 41

1 after the meeting?
 2 A. No. We did that in May or June of 1998.
 3 Q. May or June of '98. Who forwarded this
 4 information to the Luxury Car Center?
 5 A. One of my legal analysts. Her name is
 6 Ericka Edwards.
 7 Q. Why did Ericka do that?
 8 A. She was -- She was the analyst that
 9 handles our Orlando region and she was involved in a
 10 couple of customer complaints on the same vehicle
 11 that had fires of unknown origin under the hood; but
 12 she thought that perhaps we should get this
 13 information to somebody within Ford, just, I guess,
 14 like anybody would if they think something's
 15 unusual. So she -- she gathered information. She
 16 actually surveyed --
 17 Q. Go ahead.
 18 A. I don't want to break your
 19 concentration -- a conversation going on.
 20 Q. You're not.
 21 A. She surveyed the other legal analysts in
 22 the department to ask if they had seen any unusual
 23 claims. I don't believe she got any from anybody
 24 else, but she had her two or three. So she
 25 forwarded that information on.

Page 42	Page 43
<p>1 Q. What information? 2 A. Information -- Vehicle identification 3 numbers and the fact that we had two or three 4 under-hood fires on '92 Town Cars at about the same 5 time in the same general geographic area. 6 Q. Did she talk with you about this? 7 A. Yes. 8 Q. Did you agree with her? 9 A. I agreed that it should be forwarded on to 10 somebody, yes. 11 Q. Did y'all pay the claim? 12 A. No. The claims -- It turned out that the 13 two claims that I'm familiar with both involved 14 property damage in excess of our authority level. 15 Q. Their house burnt down? 16 A. One was a house burnt down. 17 Q. The whole house? 18 A. I don't know. 19 Q. Okay. So what information did Ericka send 20 exactly? 21 A. I don't know exactly what she sent. I 22 know she provided vehicle identification numbers and 23 some background information to the Large and Luxury 24 Vehicle Center for investigation. 25 Q. Photos?</p>	<p>1 A. We didn't have photos. Again, we didn't 2 investigate the claims other than gather 3 information. 4 Q. What information? I mean, you sent more 5 than just the VIN numbers? 6 A. We may have sent photos on one. I'm 7 sorry. I may have misspoke. On one of the cases, 8 as a courtesy, I think we may have sent an inspector 9 out so that we could forward that information. 10 Q. Who was that inspector? 11 A. I don't know. 12 Q. Okay. So what came of that information 13 that was sent to the Luxury Car Center? Did -- What 14 did they do? 15 A. I don't know. I guess, eventually there 16 was a recall and at some point -- I guess. I really 17 don't know for sure what they did at that point. We 18 gave them the information. Later on a recall came 19 out. 20 Q. Later on, meaning almost a year later? 21 MS. KENNAMER: Objection, form. 22 Q. Right? 23 A. I don't know when the recall came out 24 precisely. 25 Q. Well, here it is (Indicating). It says</p>
Page 44	Page 45
<p>1 May, '99 on it, right? 2 A. Okay. 3 Q. So almost a year later the recall 4 happened. Do you know what happened within the 5 year? 6 A. No. 7 Q. So did y'all look into any more in your 8 division? 9 A. In our division, Customer Service 10 Division? The recall section is part of Customer 11 Service Division, so, yes, Customer Service Division 12 did look into it. 13 Q. What else did you do? 14 A. I don't know what -- I don't know what the 15 recall activity or the Large and Luxury Vehicle or 16 the recall activity did in the interim in between. 17 Q. Is Ericka Edwards still working with you? 18 A. No. 19 Q. Where is she now? 20 A. She went to work for Chrysler for some 21 time. And I've heard that she is now in Ford 22 Purchasing, but I don't know. 23 Q. Ford Purchasing? 24 A. Correct. 25 Q. Where did you hear that?</p>	<p>1 A. From one of her friends that still is 2 employed in our activity. This was several months 3 ago. So I don't know today where she's at. 4 Q. Okay. Did you tell Mr. Wheine and the two 5 folks that you met with whose names you don't know 6 about Ericka Edwards sending this information to 7 Luxury Car Center? 8 A. I don't know that I mentioned Ericka's 9 name, but I did indicate that we, as an 10 organization, forwarded the support of that 11 information to the Large Luxury Vehicle Center. 12 Q. So what did they say about that? 13 A. I don't remember them saying anything 14 other than, you know, they just wanted to know if we 15 had seen unusual instances and I said, "Yes." I 16 don't -- I don't recall if they said anything 17 particularly. 18 Q. How was it that Ericka Edwards realized 19 that there were two or three unusual instances of 20 Town Cars catching fire? 21 A. Just anecdotal observation. She -- She 22 handles individual customer claims and had two 23 claims about the same time -- and then, I think, a 24 third that were same make and model year vehicles 25 within the same general area and thought it was</p>

Page 46

Page 47

1 unusual.
 2 Q. So she just basically used her common
 3 sense?
 4 A. I would say so.
 5 Q. There wasn't any particular procedure,
 6 manual or handbook that she relied on, she just used
 7 her horse sense, basically?
 8 A. That's right.
 9 Q. And then you looked at the same thing she
 10 looked at and you reached the same conclusion that
 11 she did?
 12 A. I thought that this warranted further
 13 investigation by the appropriate activities. I
 14 wanted to make sure we got the information to them.
 15 Q. You thought there was a problem?
 16 A. I thought it was unusual, the occurrences.
 17 I have no way of knowing problem -- whether it was a
 18 problem. Quite honestly, with the number of claims
 19 we handled, to get two or three of the same thing,
 20 may or may not be a problem, you know. And then the
 21 fact that she surveyed all the other analysts that
 22 handled the whole rest of the country and nobody
 23 else had knowledge of any such claims, actually I
 24 thought there probably wasn't a problem. But again,
 25 we needed to get it to the appropriate people to

1 determine that. That's not my role.
 2 Q. All right. So on May or June, '98, there
 3 were only two under-the-hood fires involving Panther
 4 platforms that your department was aware of?
 5 A. There -- Again, we don't know -- I can't
 6 know each individual claim that we handle.
 7 Q. Well, you just said that you surveyed all
 8 the other analysts and there were no other
 9 occurrences?
 10 A. They knew --
 11 MS. KENNAMER: Objection, form.
 12 Q. Didn't you say that?
 13 A. What I said is, they didn't know of any
 14 other that they were currently handling. But again,
 15 it's --
 16 Q. Oh. They didn't know of any others that
 17 they were currently handling? In other words, they
 18 may have had some previous to '98, but they probably
 19 just denied those claims if the property damage was
 20 over 10,000 and so, therefore, you didn't deem that
 21 unusual and that's why you didn't deem it to be a
 22 problem?
 23 MS. KENNAMER: Objection, form.
 24 Q. Isn't that what you just said?
 25 A. No, that's not what I said. They --

Page 48

1 When -- Again, she went to all her peers and asked
 2 the question, something like, Did you -- "Are you
 3 aware of other concerns like this?" That doesn't
 4 mean they were handling them that very day, but that
 5 they would have recollection of them. And she
 6 didn't -- As I recall, she didn't get anybody else
 7 remembering handling those specific claims, that
 8 specific type of claim.
 9 Q. And that's why you didn't think it was a
 10 problem?
 11 A. I didn't think it was a problem just
 12 because, quite honestly, two or three of a same
 13 claim can happen, and when we ask people that handle
 14 the whole rest of the nation if they've seen any and
 15 they say no. But again, it's not my role to
 16 determine whether it is a problem or not.
 17 Q. Okay. Well, there were more than two or
 18 three claims that had occurred prior to May of '98;
 19 isn't that true?
 20 A. Yes.
 21 Q. How many more?
 22 A. Well, we have 27 that we know of, claims
 23 on -- that platform vehicle for fires under the hood
 24 prior to March of '98. So we know of at least
 25 those. But again, we don't know what the cause of

1 those 27 were.
 2 Q. Okay. I don't understand why you're able
 3 to determine that there's 27 prior to March, '98,
 4 but at the time that you forwarded the two or three
 5 claims to the Luxury Car Division, you're assuming
 6 there's no problem because you only know of two.
 7 How come you didn't know there was 27 at that date?
 8 A. It's not role to determine whether
 9 vehicles have problems or there's a pattern of
 10 occurrences. This is all entered into the database.
 11 There are -- There are mechanisms for the
 12 appropriate activities to evaluate what we enter
 13 into the database to determine trends or patterns.
 14 That's not our role. So we wouldn't -- we don't
 15 look for trends or patterns, necessarily. This was
 16 kind of an unusual circumstance that we thought we
 17 were going above and beyond our normal handling in
 18 trying to get this information to the right person
 19 just to see if, perhaps, there was an issue.
 20 Q. Well, I don't understand why you would
 21 notify the Luxury Car Division if there's only two
 22 claims and you don't know it's a problem. Why
 23 bother them?
 24 A. Because I'd rather err on the side of
 25 customer satisfaction. That's our role. And if

Page 50

1 there's a potential that there is a concern with any
2 vehicle, we prefer to get the information to the
3 right people and let them determine whether or not
4 they have to investigate and ultimately whether or
5 not there is a concern that needs to be addressed.

6 Q. Why didn't you let the Luxury Car Division
7 know in May, '98 about the 27 claims and only let
8 them know about the two claims?

9 MS. KENNAMER: Objection, form.

10 A. We let them know what we knew about. And
11 again, as part of their investigation, they have
12 access to the database. They can go in and
13 determine any other claims that may have been filed
14 on those vehicles.

15 Q. So someone at the Luxury Car Division has
16 access to your database?

17 A. I believe so.

18 Q. Who did Ericka send the information to at
19 the Luxury Car Division?

20 A. A gentleman named John McInerny.

21 Q. Spell his last name.

22 A. I believe it's M-c-I-n-e-r-n-y.

23 Q. How did you know that that's the person
24 that Ericka forwarded the information to?

25 A. Well, she told me at the time. And

Page 51

1 there's a note in some of the documents, I think,
2 that we've already seen.

3 Q. What documents?

4 A. There's a -- There's a note on the file
5 indicating that she had sent that over.

6 Q. What file?

7 A. It's Ericka's file, mostly handwritten
8 notes on '92 -- '92 Town Cars.

9 Q. Is that here?

10 MS. KENNAMER: That's been previously
11 produced to you.

12 THE WITNESS: You should have it.

13 MR. NORMAN JOLLY: Oh, okay.

14 MS. KENNAMER: It's Tab 10 to one of
15 the responses to NHTSA. I don't remember which one.
16 But it's tabbed Roman 10, and it's identifying the
17 letter to NHTSA as being the Litigation Prevention
18 Group file.

19 Q. Did Ford produce Exhibits 1 and 2 to
20 NHTSA?

21 A. I don't know.

22 Q. Why would Ford not produce Exhibits 1 and
23 2 to NHTSA? Do you know?

24 MS. KENNAMER: Objection, form.

25 A. We don't know that they didn't. It's not

Page 52

1 my role, I don't know.

2 Q. Okay. Did anybody come to you and ask you
3 for this information in Exhibits 1 and 2 to provide
4 in the Ford response to the NHTSA investigation?

5 A. Nobody asked me, but I'm not the person
6 that would go into the database and retrieve the
7 data.

8 Q. Who is?

9 A. NHTSA has access to the data directly.

10 Not NHTSA. I'm sorry. The Large Vehicle Safety
11 Office Recall Section, Large Vehicle Center, I
12 should say. Recall Section has access to the
13 database. But sometimes they'll come to a gentleman
14 who does reporting for the Customer Support Center,
15 and his name is Frank Bykaylo, B-Y-K-A-Y-L-O.

16 Q. V-Y-K?

17 A. B-Y-K.

18 Q. B or V?

19 A. B. B as in boy. B-Y-K-A-Y-L-O.

20 Q. Frank?

21 A. Correct.

22 Q. He works for the Large Vehicle Safety
23 Office?

24 A. No. He works for the Customer Support
25 Center. He does -- He's a computer programmer, does

Page 53

1 reporting.

2 Q. Did you give us a name of -- Yeah,
3 McInerny, Mr. McInerny?

4 A. McInerny.

5 Q. McInerny. What's his first name?

6 A. John.

7 Q. Okay. Did you meet with him?

8 A. No.

9 Q. Did Ericka meet with them?

10 A. Not that I'm aware of.

11 Q. Mr. McInerny ask for any other
12 information?

13 A. I don't know.

14 Q. Do you know if he asked the database?

15 A. I don't know.

16 Q. What did he do? Do you know?

17 A. I don't know.

18 Q. Did Ericka do anything else?

19 A. Not that I'm aware of.

20 Q. And then what do you know about Frank
21 Bykaylo? What did he do?

22 A. I'm not aware that he has done anything.

23 But again, if -- You -- You had asked who had access
24 or who could get these reports. Frank is an
individual who sometimes people out of the Customer

Page 54

Page 55

1 Support Center come to get reports like this.
 2 Q. Did you go to Frank Bykaylo before you and
 3 Erick provided the information to John McInerny?
 4 A. McInerny.
 5 Q. McInerny. Okay.
 6 A. McInerny.
 7 Q. McInerny?
 8 A. Right.
 9 Q. Okay.
 10 A. No.
 11 Q. Did John McInerny go to Frank Bykaylo --
 12 A. I don't know.
 13 Q. -- to see if you'd given him everything?
 14 A. I don't know.
 15 Q. How did you and Ericka determine what the
 16 other analysts knew about Panther under-the-hood
 17 fires when you provided the information to John
 18 McInerny that you provided?
 19 A. Ericka surveyed her co-workers.
 20 Q. How did she do that?
 21 A. I believe she walked from cube to cube.
 22 Q. How many are there?
 23 A. About 15. Be 14 to 16 at any given time.
 24 Q. Were you there?
 25 A. Was I --

1 Q. Were you there when Ericka --
 2 A. When she did the survey?
 3 Q. Yes.
 4 A. No, I didn't witness her doing the survey.
 5 Q. Did she have a form?
 6 A. No, not that I'm aware of. I think she
 7 probably just went and asked them and was prepared
 8 to take some notes if they had any.
 9 Q. Okay. Did Ford notify any of its
 10 customers in May, '98 about these unusual
 11 occurrences of under-the-hood fires?
 12 A. I'm not aware of any notification.
 13 Q. Okay. Did you have any other meetings
 14 with any other engineers or folks at Ford after the
 15 meeting that you had with your boss and the two
 16 people that you didn't know?
 17 A. No, not on this subject.
 18 Q. How about the other vehicles other than
 19 Panther?
 20 A. Okay.
 21 Q. Any unusual occurrences that were reported
 22 to their departments that may have involved
 23 under-the-hood fires?
 24 A. When you say "other vehicles," are you
 25 talking about the other vehicles in Attachment A?

Page 56

1 Q. Other than Panthers.
 2 A. Other than Panthers. On your matrix, I'm
 3 not aware of us seeing anything unusual or advising
 4 anybody of anything.
 5 Q. When you say "on your matrix," you're
 6 talking about the cars that are identified on
 7 Exhibit A to the depo notice?
 8 A. That is correct, yeah.
 9 Q. Okay. I don't --
 10 A. In fact, I'd be -- Quite honest with you,
 11 I'd be very surprised if there was any, because
 12 those -- I think those vehicles, based on my
 13 anecdotal observation, seem to be pretty reliable;
 14 and we haven't had any concerns like that.
 15 MR. NORMAN JOLLY: Object to the
 16 responsiveness.
 17 THE WITNESS: Okay.
 18 Q. I think you've already answered this
 19 question, but did you tell us that the Office of
 20 General Counsel was the department who would know
 21 about pre-'95 claims?
 22 A. I believe they would be the department
 23 that would, yes.
 24 Q. Did Ericka make a survey of the Office of
 25 General Counsel before she forwarded the information

Page 57

1 that she forwarded to John McInerny?
 2 A. I don't believe so.
 3 Q. Could she have done that?
 4 A. She could have.
 5 Q. You don't have access to the data at the
 6 Office of General Counsel from your department to
 7 determine what claims had occurred pre-'95?
 8 A. No.
 9 Q. Do you know whether or not Exhibit 4
 10 applies to the procedures and guidelines that apply
 11 to investigating an under-the-hood fire at the
 12 Office of General Counsel before '95?
 13 A. I don't --
 14 Q. Is it Exhibit 4?
 15 A. It is not Exhibit 4. That's a document
 16 created since 1995.
 17 Q. Okay. And we talked about the changes
 18 that were made on Page 10 of Exhibit 4. You said
 19 the last change was in April, '98?
 20 A. Right.
 21 Q. How many changes were there between April,
 22 '98 and 1995 when Exhibit 4 was first created with
 23 regards to Page 10?
 24 A. I have no way of knowing that. I didn't
 25 say that the document was created in 1995. Our

Page 58	Page 59
1 organization was formed in 1995. The document was 2 created subsequent to that. So sometime within that 3 period. But I don't know how many revisions there 4 were from the original creation of the document 5 until April of '98.	1 A. With me today. 2 Q. Were there any? 3 A. Let me just look it up.
6 Q. So what was the date that Exhibit 4 was 7 created or at least the first draft of it?	4 Q. While you're looking at that, is there 5 anybody working in your department who knows how to 6 determine what the cause of the fire is?
8 A. I don't know.	7 A. No. The last revision to Page 14 -- Looks 8 like this whole section -- I'm sorry -- page 14 and 9 14a was April 21st of 1999. The last revision to 10 page 14b was April 20th, 1998. And that would apply 11 to 14b, 15 and 15a.
9 Q. And then where would that first draft be, 10 a copy of it?	12 Q. Okay. So the predecessors to those pages 13 aren't here today?
11 A. We would have it at our office.	14 A. Yes, you're correct. There are 15 predecessors. I don't -- I don't believe that's the 16 first time we created that section, but it could be.
12 Q. You didn't bring that with you?	17 Q. Well, I mean, you said they were revised 18 on those dates. So if they were revised, then 19 there's --
13 A. No.	20 A. Revised or created is probably a better 21 term.
14 Q. Did you bring the different revisions of 15 Page 10 to Exhibit 4?	22 Q. So there may or may not be a different 23 version?
16 A. No.	24 A. I believe there were previous editions.
17 Q. That preceded April, '98?	25 Q. And you have those too?

Page 60	Page 61
1 A. We would have those. Not with me, but at 2 our office.	1 A. A gentleman by the name of Bob Jackman, 2 J-A-C-K-M-A-N.
3 Q. And you can get those for me also?	3 Q. And how long has Bob been working for your 4 department?
4 A. Yes.	5 A. Well, Bob's a vice president at BAA. He 6 has been doing work for Ford at least since 1990.
5 THE WITNESS: Are you taking notes on 6 what I have to have?	7 Q. So --
7 MS. KENNAMER: Yeah.	8 A. Not all for our department. Our 9 department didn't exist in 1990.
8 Q. So is he (Indicating).	10 Q. Okay. So these investigations that are 11 made by this outside contractor, they're made before 12 you guys are ever made aware that there's going to 13 be a lawsuit?
9 A. Okay.	14 A. His -- The services of BAA are contracted 15 as part of our investigation. So somehow or another 16 we have to know of a claim and -- and basically 17 contract one of the inspectors that they have 18 located around the country. Did I answer your 19 question?
10 Q. Is there anyone that works for your 11 department -- You already said there's no one that 12 works in your department that can determine the 13 cause of fires. Is there anyone that works for your 14 department that can determine the cause of fires?	20 Q. Yeah. Prior to lawsuit, that's what 21 happens?
15 A. When you say "works," we hire a firm to do 16 fire investigations, inspections for us. They don't 17 work for us or in our department, but they -- but we 18 do hire out. We contract their services.	22 A. We use their services prior to lawsuit, 23 correct.
19 Q. Same one?	24 Q. And prior to the point in time where 25 you're aware that there's even going to be a
20 A. Yes.	
21 Q. Who is that?	
22 A. Engineering Analysis Associates.	
23 Q. Out of?	
24 A. Bingham Farms, Michigan.	
25 Q. Who over there is your contact?	

Page 62	Page 63
1 lawsuit, you uses EAA to investigate these fires?	1 is going to investigate a particular fire?
2 A. Yeah. When we have a claim that we need	2 A. Yes. We -- We contact inspectors directly
3 inspection on, we would use EAA.	3 based on geography. Our policy is to use the
4 Q. Is Bob over there at EAA a former Ford	4 closest inspector that has, you know, the required
5 employee?	5 credentials.
6 A. No, he's not.	6 Q. Does Mr. Burgess or Mr. Newell work for
7 Q. What are his qualifications, if you know?	7 EAA?
8 A. I don't know precisely.	8 A. I don't recognize those names.
9 Q. Do you trust them to do a good job?	9 Q. Do you -- Okay. How many Panther
10 A. I trust that firm. I think they do good	10 under-the-hood fires has EAA investigated?
11 work for us.	11 A. I don't know.
12 Q. Why do you trust them to do good work?	12 Q. How do you keep track of that?
13 A. They -- You know, their inspectors are	13 A. We don't keep track of which -- which
14 generally very experienced. Many of them, on	14 vehicles, which inspectors inspect. What we do is,
15 average, I think they have 25 or 30 years of	15 on an individual case basis, determine the need for
16 experience.	16 inspectors and arrange for an inspection.
17 Q. How do you know that?	17 Q. How would you determine which vehicles
18 A. They give us a profile on all the	18 that are identified on Exhibits 1 and 2 received an
19 inspectors that they have.	19 EAA inspection?
20 Q. Do you have that?	20 A. Comments would be entered into the
21 A. I can get it.	21 computer, so it would appear on the report in
22 Q. How many inspectors do they have?	22 Exhibit 1 and 2.
23 A. Well over a hundred. I'm not sure of a	23 Q. And then what do they do, go out and
24 precise number.	24 inspect, photograph and write reports and give those
25 Q. So do you get involved in which inspector	25 reports back to you guys?

Page 64	Page 65
1 A. That's correct.	1 getting people like EAA out there to look at --
2 Q. So that would be in the files back at the	2 A. Right.
3 office that you did not bring?	3 Q. -- Ford fires?
4 A. That's correct, if we had an inspection	4 A. Correct.
5 performed on those vehicles.	5 Q. Do -- Did Ford use anyone else other than
6 Q. Do they take color photos?	6 EAA or someone working for EAA to inspect the fires?
7 A. Yes.	7 A. Ford -- Different activities within Ford
8 Q. Good quality photos?	8 may use different companies. I don't know. In
9 A. Well, everybody has different photographic	9 Litigation Prevention we use EAA.
10 skills, but generally they do a decent job.	10 Q. And that's been the case since 1995?
11 Q. Does Exhibit 4 have anything in it that	11 A. That's correct.
12 has to do with hiring these outside subcontractors?	12 Q. Do you know who the Office of General
13 A. I believe so. Let me check.	13 Counsel used prior to '95?
14 MS. KENNAMER: Let's take a quick	14 A. No, I don't.
15 break while he's looking.	15 Q. Do you know if they used EAA?
16 MR. NORMAN JOLLY: Sure.	16 A. I don't know. I know EAA has done work
17 (Recess taken.)	17 for the Office of General Counsel over time. I
18 A. You had asked me a question, I guess.	18 don't know at that time if they would have or not.
19 Q. Yeah. Do you remember it?	19 Q. Okay. What else did you bring today?
20 A. Yes, I do. The -- There's a section on	20 A. These (Indicating) are kind of -- You
21 Page -- Chapter 3, Page 13 regarding arrangement of	21 know, I don't even know if they're all that
22 vehicle inspections.	22 pertinent to this situation; but I figured, if it's
23 Q. What chapter did you say?	23 a document that we use in any way or, you know,
24 A. What did I say? Chapter 3, Page 13.	24 comes into play, I figured we'd get it for you.
25 Q. Okay. And that's the page that applies to	25 This (Indicating) document is called the Customer

Page 66

Page 67

1 Handling Road Map. It's a dealer document -- It's a
 2 document Ford provides to dealers on how to handle
 3 all different types of customer situations,
 4 including proactive customer -- customer handling,
 5 concern prevention, concern resolution, what the
 6 role of the Customer Assistance Center is, the
 7 handling -- There's a chapter on escalated concern
 8 handling, such things as doing after-warranty
 9 adjustments, good will, dispute settlement board
 10 arbitration, Lemon Laws and within escalated concern
 11 the final item is legal contacts. So it tells
 12 dealers what to do if a customer approaches them
 13 with a fire or accident or something like that.

14 Q. Okay.

15 A. And this (Indicating) is Exhibit 5.
 (McClure Exhibit 5 marked.)

16 Q. Did we get the issue revolved with the
 17 court reporter about Exhibit 5 earlier?

18 A. I don't know that there was an issue.

19 Q. I see him nodding "Yes."

20 A. Okay.

21 Q. Okay.

22 A. All right. The next document is Ford's
 23 warranty and policy manual. And again, it's not
 24 really a document for us. It's a document for

1 dealer -- It's kind of the instruction book for
 2 dealers on how to administer Ford's warranties and
 3 policies. And there are some -- there's some
 4 phrasology in here about what to do, whether or not
 5 fires are covered or not covered and things like
 6 that.

7 Q. Are they?

8 A. Fires are not covered by our warranty.

9 Q. Why not?

10 A. I don't know.

11 Q. How is the customer supposed to know that?

12 A. How's the customer supposed to know fires
 13 aren't covered?

14 Q. Right. I mean, if something is wrong with
 15 a Ford car that causes fire, you're saying that's
 16 not in the warranty?

17 A. The fire itself isn't covered. If we
 18 investigate a claim on a vehicle that's covered by a
 19 warranty or recall owner notification program and
 20 determine -- and can determine a causal part, we
 21 will resolve that customer's concern. We'll repair
 22 the vehicle, we'll replace the vehicle, we'll give
 23 them a refund, if that's appropriate. So although
 24 it's not covered by warranty, as a matter of
 25 customer satisfaction, that's something that we

Page 68

Page 69

1 would do above and beyond, typically.

2 Q. As a matter of customer satisfaction, you
 3 tell them there's no warranty or you tell them --
 4 A. No. We'd do what I said. We'd try to
 5 resolve their concerns.

6 Q. Unless it's over \$10,000?

7 A. Right. Then we refer it to the Office of
 8 General Counsel.

9 Exhibit 6, warranty and policy manual.
 (McClure Exhibit 6 marked.)

10 Q. Does the customer get an Exhibit 6 when
 11 they get a Ford?

12 A. They get a warranty booklet. It's
 13 included in their vehicle. They do not get a
 14 warranty and policy manual. This is a dealer
 15 instruction manual, basically.

16 Q. Does the warranty booklet say that fires
 17 aren't covered?

18 A. I don't know what it says specifically in
 19 the warranty booklet that dealers -- customers get.

20 Q. How is the customer supposed to know that
 21 fires aren't covered?

22 MS. KENNAMER: Objection, form.

23 A. I don't know. If it's -- If it's in the
 24 warranty booklet, that would address that issue. I

1 don't -- I don't know that it's there or not.
 2 Q. Okay. If it's not, then there's no way
 3 for the customer to know because they didn't get
 4 Exhibit 6?

5 MS. KENNAMER: Objection, form.

6 Q. Right?

7 A. Customers don't get Exhibit 6.

8 Q. Well, do y'all tell them, "Fires aren't
 9 covered by the warranty"?

10 MS. KENNAMER: Objection, form.

11 A. I don't know what we tell them. I don't
 12 know if it's in the warranty booklet or not.

13 Q. Do -- Does your department tell the
 14 customer why fires aren't covered by the warranty?

15 A. Yes, we do.

16 Q. How do you tell them that?

17 A. Typically, as part of the investigation,
 18 when we begin the investigation, we advise them that
 19 fires aren't covered by warranty. If the vehicle is
 20 still covered by warranty, we will still tell them
 21 that we're going to investigate and determine the
 22 cause and -- and handle -- and try to resolve the
 23 customer concern accordingly.

24 Q. What do you mean?

25 A. Well, it -- depending on what our

Page 70		Page 71
1 investigation turns up, we use our best judgment as	2 to what the best course of action is.	1 MS. KENNAMER: That's what
3 Q. Best for who?	2 Mr. Hoffman has for his portion of the deposition.	3 Q. Oh. Do you know about that?
4 A. Well, our focus, again, as part of the	4 A. A record retention. I don't know.	5 MS. KENNAMER: I take that back. Let
5 Customer Support Center is owner loyalty and	6 me see.	7 THE WITNESS: There it is. Yeah,
6 customer satisfaction, so we try to do what's best	8 Okay.	9 MS. KENNAMER: That's right.
7 for the customer. We have to balance that with, you	10 THE WITNESS: Would this be	11 Exhibit 7?
8 know, insurance companies, various regulations that	12 (McClure Exhibit 7 marked.)	13 A. Okay. The other document I brought with
9 we have to comply with, so --	14 me was a -- is our record retention guidelines you	15 had asked for. So this (indicating) is -- this is
10 Q. What do you mean? What does an insurance	16 basically the record retention guidelines for	17 customer concerns. It's a corporate guideline.
11 company have to do with whether or not Ford pays for	17	18 Q. Okay. Exhibit 7 applies to your
12 a Ford car causing someone's house to burn down?	19 department?	20 A. Yes.
13 A. Well, sometimes people's first reaction	21 Q. Does it apply to the OGC?	22 A. I don't know. I don't know if they have
14 when they have a fire accident is to contact the	22 broader guidelines or different guidelines.	23 Q. So you guys keep the customer complaints
15 insurance company, insurance companies already	23	24 for five years?
16 investigate, they're in the process of paying the		
17 customer off. It gets -- It complicates our efforts		
18 to satisfy customers, trying to work through		
19 something an insurance company is doing at the same		
20 time, so --		
21 Q. All right. What else did you bring?		
22 MS. KENNAMER: That's (indicating)		
23 all he brought.		
24 A. There was one other --		
25 Q. What is that (indicating)?		

Page 72		Page 73
1 A. Five years after -- after the case is	2 closed, the issue is closed.	1 The primary thing with EAA is the fact that they
2	3	2 have a lot of inspectors in most parts of the
3 Q. Five years from the date the case is	4 closed, not five years from the date that the	3 country, so we can get -- we can -- we can get those
4 closed, not five years from the date that the	5 customer makes the complaint?	4 inspectors out to these vehicles fairly quickly.
6 A. Correct.	5 Typically, they can do a vehicle inspection in a	6 matter of a couple of days from the time we contact
7 Q. So you should have everything?	6 them. We get an inspection report within a day or	7 two after that, typically. It allows us to resolve
8 A. Everything -- Everything that meets those	8 our customer concerns more quickly.	9
9 requirements that we handled, yes.	10 Q. How do they get the report to you?	10
10 Q. Since 1995, you should have everything in	11 A. Fed Ex or the equivalent.	11
11 your department since your department was organized?	12 Q. How do you know that EAA was hired by Ford	12
12 A. We should have -- Yeah, we should have	13 nine years ago?	13
13 everything that we handled since 1995 that was	14 A. Bob Jackman told me.	14
14 handled and closed, yes.	15 Q. Who is he?	15
15 Q. All right. We were talking about EAA	16 A. He is the vice president of -- from EAA.	16
16 earlier and I don't recall you telling me	17 Q. Oh, okay. Spell Bob's last name again.	17
17 specifically how you went about hiring EAA or	18 A. J-A-C-K-M-A-N.	18
18 selecting EAA to do the fire investigations.	19 Q. Oh, okay. And what was Bob hired for nine	19
19 A. Well, they were -- Yeah. They were	20 years ago?	20
20 contracted again, at least, nine years ago by Ford	21 A. I'm not sure.	21
21 to do inspections for us and each year we do a	22 Q. How did that come up?	22
22 review. Purchasing evaluates, you know, a proposal	23 A. Part of -- When we do the annual	23
23 and determine whether or not we put it out for	24 determination whether or not to put this out for bid	24
24 bids. So it's -- I don't directly hire them,	25 and whatnot, you know, we get kind of the background	25
25 although I do have input into the selection process.		

1 and history of how long they've been doing business
 2 with us and the job they do. They do work for
 3 General Motors, they do work for Chrysler, they do
 4 work for a number of imports; I know, Hyundai,
 5 specifically. So they're very well known in the
 6 industry and again, they have an awful lot of
 7 inspectors and keep them all over the country.

8 Q. Show me what we're looking at here
 9 (Indicating).

10 A. Okay. You're looking at a green bar
 11 report. The report is in response to Attachment A
 12 to the deposition in which you had asked for any
 13 fires on vehicles -- under-hood fires on vehicles
 14 listed on that matrix. The first section here, '94,
 15 '95, '96 -- I believe this is -- What model is this?
 16 There are no records with -- on that vehicle,
 17 whatever it might have been.

18 Q. How am I supposed to understand what these
 19 symptom codes are?

20 A. The symptom codes all pertain to
 21 under-hood fires.

22 Q. Tell us what those code numbers are.

23 A. 704145, 704245, 704345.

24 Q. How do you know that?

25 A. Well, based on -- Again, this gentleman

1 that I went to get these reports from, Frank
 2 Bykayla, I told him to run all vehicle fires on the
 3 makes and model year vehicles that you had requested
 4 with any fire related symptom code. So that's what
 5 he gave me.

6 Q. And how do you know that those are the
 7 symptom code numbers for under-the-hood fires?
 8 A. I don't have those committed to memory. I
 9 don't know. I'm relying on Frank Bykayla to run the
 10 reports that I requested.

11 Q. Is there something that tells us what
 12 those symptom codes correspond with other than Frank
 13 telling you?

14 MS. KENNAMER: The symptom codes that
 15 describe fires we all described in the responses to
 16 NHTSA and are laid out code by code and what they
 17 correspond to. If you look at the response to
 18 NHTSA, it showed all the codes that Ford searched in
 19 response to NHTSA's request. It has a code number
 20 and code name.

21 Q. Right. So there's probably something over
 22 there at Ford, I guess, that says --

23 A. We have a list of symptom codes.

24 Q. Where do you keep that list?

25 A. I -- I believe it's on line. We'd have

1 to -- We just retrieve it off our data -- or off the
 2 intranet.

3 Q. Okay. So anyone can just get on the
 4 internet and get it or do you --

5 A. Intranet.

6 Q. Intranet. Okay.

7 A. I-N-T-R-A.

8 Q. Okay. So, how would you do that?

9 A. Well, I don't personally, as you can tell.

10 Our analysts, you know, would -- would look -- if
 11 they needed a symptom code, they would look it up,
 12 whatever means they have. I'm not that familiar
 13 with what specific process they use for looking up
 14 symptom codes.

15 Q. There's not a book somewhere? It's only
 16 on the intranet?

17 A. I don't know.

18 Q. Who would know the answer to that, Frank?

19 A. All these documents, for example, are on
 20 the intranet, our work construction. There is no
 21 hard copy. We printed a hard copy for you because
 22 that was the only way to give you the information.

23 Q. Right. What we want to do is, we want to
 24 make sure that these symptom codes are the correct
 25 code numbers and that we're not leaving any off.

1 And what you're telling me is, you don't know?

2 A. We've provided -- As mentioned, we
 3 provided all the symptom codes in our response to
 4 NHTSA.

5 Q. Well, right. But what we want to know is,
 6 we want to make sure that we've got all the symptom
 7 codes. And I'm wanting to know, how can we find out
 8 where these symptom codes came from and make sure
 9 that we've got them all?

10 MS. KENNAMER: Objection, form.
 11 Objection, asked and answered.

12 Q. Talk to Frank?

13 A. That's one means. Or look at the NHTSA --
 14 information provided to NHTSA previously, which you
 15 already have.

16 Q. Yeah. The information provided to NHTSA
 17 just identifies the same symptom codes, doesn't it?

18 A. Well, then -- then I guess you have to
 19 assume that we're -- we're just giving information
 20 to NHTSA that was requested.

21 Q. Right. But I mean, somebody had to input
 22 that data, right?

23 A. Input which data?

24 Q. Whatever happened on this particular fire,
 25 somebody had to conclude which symptom code applied.

Page 78	Page 79
1 And what I'm asking you is, how would that person 2 conclude that?	1 asking for over eight months now.
3 A. The symptom code is a symptom as opposed 4 to a causal code. So if a customer says "fire under 5 hood," there would be a specific code.	2 A. The codes have nothing to do with files.
6 Q. And there's a causal code too?	3 Q. Exactly. But what we want to do is, we 4 want to make sure that we have all the files that we 5 have a right to get. And I'm trying to find out if 6 these symptom codes are the right code numbers. And 7 you're telling me you don't know how to find out?
8 A. I believe there may be, that engineers 9 use -- or dealers use in submitting warranty claims.	8 MS. KENNAMER: Objection, form.
10 Q. How did you know that, that there was a 11 causal code --	9 A. I know I can find out.
12 A. I said, I assume. I don't know causal 13 codes.	10 Q. How?
14 Q. I mean, you just didn't make that up off 15 the top of your head. You know there's causal 16 codes?	11 A. I would go back to my office and find the 17 appropriate person to ask. I --
17 A. Okay. Dealers --	12 Q. Can you get on the intranet and access a 13 data bank that identifies the symptom codes and what 14 particular complaint they apply to?
18 MS. KENNAMER: Objection, form.	15 A. I am not completely sure that that's the 16 way for me to find that information. I would have 17 to ask somebody who has some expertise in finding 18 the symptom codes.
19 A. Dealers use causal codes to submit 20 warranty claims. Much of my career has been 21 spent --	20 Q. Like who?
22 MR. NORMAN JOLLY: We wouldn't be 23 going through this if he had brought all the files. 24 Okay?	21 A. Like any -- Frank Bykaylo.
25 MS. KENNAMER: Objection, form.	22 Q. And then who would you talk to about the 23 causal codes?
MR. NORMAN JOLLY: And what I've been	24 A. I don't know.
	25 Q. Is there a causal code identified on any

Page 80	Page 81
1 of the pages marked 1 and 2?	1 A. Dealers use causal code when submitting 2 warranty claims.
2 A. I don't believe so.	3 Q. Okay. Are you saying that there would not 4 be a causal code for a fire?
3 Q. And why not?	5 A. I don't know whether there is or isn't.
4 A. I don't know that causal codes are entered 5 into MOTS. I know causal codes are used for dealers 6 to submit warranty claims.	6 Dealers can't submit fire claims under warranty, so 7 there may very well not be.
7 Q. Did you -- Tell us what you said to Frank 8 when you asked him to print out 1 and 2.	8 Q. Well, these symptom codes, they're not 9 submitted by dealers, are they?
9 A. I gave him the attachment to your 10 deposition, asked him to run a report of all fires, 11 under-hood fires, on any of those vehicles of any 12 cause.	10 A. No.
13 Q. Did you tell him to include the symptom 14 codes?	11 Q. How are those numbers arrived at?
15 A. No. That's the way he would find fires, 16 it is by the symptom code entered.	12 A. They're entered as part of the opening of 13 the -- of MOTS III contact when we first get the 14 complaint.
17 Q. Why not do it by the causal code and limit 18 it to --	15 Q. And in what other ways are the causal 16 codes arrived at other than through dealer requests 17 for warranty repair?
19 A. I don't know that there are causal codes 20 for --	18 A. I don't know. I don't know that there is 19 any other way.
21 Q. Have you seen a causal code for fires 22 caused by the speed control deactivation switch?	20 Q. Where is Frank's office?
23 A. No, I haven't.	21 A. It's in Dearborn, Michigan, the Region 22 Court Building.
24 Q. Where have you heard "causal code," those 25 two terms used before?	23 Q. And how long has he had that job?
	24 A. I don't know. He's been there for some 25 time. He's a computer programmer, generates

1 reports.
 2 Q. Who inputted the data on Exhibits 1 and 2?
 3 A. Most of the data would have been input by
 4 the Litigation Prevention analyst as the individual
 5 handled the cases.
 6 Q. What is in the left-hand column? What do
 7 these numbers (Indicating) mean?
 8 A. Those are dates and times.
 9 Q. Okay. What is the number right here
 10 (Indicating)?
 11 A. This would be an analyst's user I.D. for
 12 the MORS system.
 13 Q. What is that number?
 14 A. The one that we're looking at here is
 15 6682JB.
 16 Q. Why don't you just start at the top all
 17 the way across and tell us what each one of these
 18 entries mean when we come to a number?
 19 A. Okay. Starting at the top left, what
 20 you're looking at here is the second page of a
 21 contact. On the second page of the contact it has a
 22 date, September 20th, 1999. In the center of the
 23 top --
 24 Q. What is that date, the run date for this
 25 report?

Page 82

Page 83

1 A. Yes.
 2 Q. Okay.
 3 A. Then there's -- In the center it says
 4 "Master Owner Relations System III," which we use
 5 the acronym, MORS III. And then to the right is a
 6 time, which I believe to be the time that the report
 7 was run. It says 16:49:32.
 8 Q. That's military time?
 9 A. Correct? Then you have -- Dropping down a
 10 line you have the 6682JB, which I believe to be the
 11 legal analyst's user I.D. for the MORS system. And
 12 in the center, again, you have "Legal Issue," which
 13 is -- basically indicates that it's handled within
 14 Litigation Prevention. And you have a case number.
 15 On this particular one it's 0423802578. Dropping
 16 down a line to the left again, it says, "Region 41,
 17 Chicago." Each of our regions has a two-digit
 18 numerical designation.
 19 Q. What region is that?
 20 A. Chicago.
 21 Q. Is that --
 22 A. 41 is Chicago.
 23 Q. -- where the car is, where the analyst is?
 24 Where's in Chicago?
 25 A. That would be where the customer is.

1 Q. Okay.
 2 A. Then in the center, again, it says, "Zone
 3 B2." That's the geographic area within the Chicago
 4 region in which this customer is located. Then over
 5 on the right it has an opened date, 9/14/1998, on
 6 this particular contact. Going back to the left
 7 again, dropping down a line, it says "VIN," and it
 8 has the vehicle identification number for this
 9 particular vehicle. Do you want me to read that
 10 off?
 11 Q. No.
 12 A. Then in the center it has "Engine P,"
 13 which I'm not sure; but I believe that to be a code
 14 for the type of engine in the vehicle. And then on
 15 the right it has the closed date, the date that this
 16 contact was subsequently closed.
 17 Q. What does that mean "closed"?
 18 A. Basically we, in Litigation Prevention,
 19 were done entering it.
 20 Q. Why was this particular file closed and
 21 opened on the same date?
 22 A. Well, I'd have to read through this and
 23 figure that out. It was inspected by an extended
 24 service plan inspector, which is part of Ford Motor
 25 Company, and determined that there was no defect.

Page 84

Page 85

1 The vehicle was out -- was not covered by warranty
 2 because it had 59,000-some-odd miles on it.
 3 Q. That's it?
 4 A. Uh-huh.
 5 Q. Yes?
 6 A. You.
 7 Q. Where is that person that --
 8 A. You want me to go back to that?
 9 Q. Yeah. Where is that person that makes
 10 that decision who inspected the vehicle, at the
 11 dealership?
 12 A. No. It's -- It would be somebody that --
 13 Whoever inspected the vehicle was an inspector hired
 14 by our extended service plan activity. The vehicle
 15 wasn't covered by warranty. They did have an
 16 extended service plan on the vehicle and the
 17 extended service plan activity had the vehicle
 18 inspected to see if -- to see if it may have been a
 19 covered component.
 20 Q. What's Causal Code 0709?
 21 A. No idea.
 22 Q. What's the causal code on that vehicle
 23 that you're looking at?
 24 A. You'll have to help me find the causal
 25 code.

Page 86

Page 87

1 Q. This one doesn't have one. What is Causal
2 Code 02?
3 A. There's -- I don't know of a causal code
4 02. But 02 is a legal issue-type in MORS III.
5 Q. Okay. So what is Causal Code 02?
6 A. I don't know.
7 Q. You don't know what 0709 is?
8 A. No.
9 Q. Who would know?
10 A. Frank Byksylo.
11 Q. What's "origin" mean?
12 A. We --
13 Q. Origin Code GO, what does that mean?
14 A. General office. We receive complaints --
15 These claims, a couple -- three different ways.
16 And, basically, that's an indication of where the
17 complaint came from. So GO is General Office.
18 Q. What does the sales code mean?
19 A. Show me the sales code that you're
20 referring to.
21 Q. (Indicating).
22 A. That's the dealers -- dealer -- Every
23 dealer has a sales code. That's the dealer sales
24 code that tell us which dealer it is -- which dealer had
25 sold the vehicle or -- I'm sorry -- which dealer had

1 this complaint entered. Doesn't mean they
2 necessarily sold the vehicle.
3 Q. Can you tell us what the origin code "GO"
4 means?
5 A. General Office. I did tell you.
6 Q. What's that mean though?
7 A. Basically, that it came directly in --
8 probably directly from a customer to our office.
9 Q. What's Causal Code 0721?
10 A. I don't know.
11 Q. What's Case Type 10 mean?
12 A. Show me that.
13 Q. (Indicating).
14 A. Vehicle replacement. That means we
15 replaced that customer's vehicle for them.
16 Q. Okay. And then Means Code K, Vehicle
17 Replacement, is that what you're talking about?
18 A. Correct.
19 Q. Okay. So what are the other means codes?
20 A. I don't know. Frank Byksylo would know.
21 Q. Do you know of any other causal codes
22 other than 0709 or 0721 or 02?
23 A. I don't -- I don't know of any causal
24 codes. You know, I -- it may be in here
25 (Indicating).

Page 88

Page 89

1 Q. The causal codes?
2 A. They may be.
3 Q. Might be in Exhibit 4?
4 A. Yes. I will take a look.
5 Q. And the symptom codes too, while you're
6 looking, please.
7 A. See Page 2 for a list of causal codes.
8 Here we are.
9 Q. What's the policy on Panthers that are
10 subject to the recall that burn, either the car or
11 someone's house down, if they don't receive their
12 recall notice before their house burns down?
13 MS. KENNAMER: Objection, form.
14 A. We -- In a situation where we got a claim
15 of a vehicle fire that's covered by a recall, we
16 would investigate that fire, assuming it's within
17 our authority level.
18 Q. Of course, if it's more than 10,000,
19 then --
20 A. It would be investigated by the Office of
21 General Counsel.
22 Q. Okay. Remember earlier, you were talking
23 about customer good will and retaining customers?
24 A. Right. Okay. Well, I wasn't finished.
25 Q. Okay. Go ahead.

1 A. If a customer had an open recall and the
2 vehicle was beyond warranty and there was a fire
3 that may have been related to that recall, we would
4 try to use judgment and investigate that concern.
5 If they've already gone to their insurance company,
6 we would allow the insurance company to go ahead and
7 settle the claim with the customer and subrogate to.
8 If they haven't, we would investigate it. We would
9 send out an investigator, typically, and try to
10 address that concern if we determine the cause to be
11 something that's covered by a recall or probable
12 cause to be something that's covered by a recall.
13 Q. Okay. So Ford's responsible if it's
14 covered by the recall, is that what you're saying?
15 MS. KENNAMER: Objection, form.
16 A. We use judgment in each case. A lot of
17 time we don't -- we can't determine precisely the
18 cause. But we do -- As you saw the one vehicle, we
19 did replace a customer's vehicle on a -- on one of
20 those Panther platform vehicles that had a fire. I
21 don't know what the cause was on that vehicle, but
22 we did upload a vehicle replacement and put the
23 customer in a new vehicle.
24 Q. Okay. So if it's subject to the recall
25 and you determine in an investigation that the cause

Page 90

Page 91

1 of the fire was because of the recall, a component
 2 that needed to be replaced in the recall, then Ford
 3 would go ahead and make things right because Ford's
 4 responsible?

5 MS. KENNAMER: Objection, form.

6 Q. Right?

7 A. If they haven't gone to their insurance
 8 company already, that's our normal process for
 9 handling that customer concern.

10 Q. How do you find out if they've gone to
 11 their insurance company?

12 A. Well, we usually go to National Insurance
 13 Crime Bureau and see if there's been a claim filed.
 14 We also ask the customer.

15 Q. So is Ford not responsible if they've gone
 16 to their insurance company?

17 A. Ford may --

18 MS. KENNAMER: Objection, form.

19 A. Ford -- Ford -- The insurance company may
 20 very well subrogate Ford. In fact, insurance
 21 companies aren't shy about subrogating. At that
 22 point, once the insurance company's been involved,
 23 the quickest way for the customer to get their
 24 vehicle situation taken care of is to allow the
 25 insurance company to run its course and then

1 subrogate us behind the scenes.

2 Q. So Ford's still responsible, they're just
 3 responsible to a different person?

4 MS. KENNAMER: Objection, form.

5 Q. Is that what you're saying?

6 A. I can't determine if we're responsible or
 7 not. Again, they can subrogate us if they think
 8 we're responsible.

9 Q. How many of those have occurred where Ford
 10 acknowledged responsibility?

11 A. After subrogation?

12 Q. Yeah.

13 A. I don't know.

14 Q. Who would know the answer to that?

15 A. Somebody within our Office of General
 16 Counsel. I don't know who handles subrogation
 17 claims.

18 Q. We're looking for the causal codes and the
 19 symptom codes, right?

20 A. Yes. It doesn't appear that it's in our
 21 work instructions. It's not in our work
 22 instructions.

23 Q. Okay. So the only other option you can
 24 think of when it comes to telling me what the
 25 symptom and causal codes mean and to confirm that

Page 92

Page 93

1 we've got the correct numbers on these printouts
 2 that you've given us, we need to talk to Frank?

3 A. That's one means. I can get somebody else
 4 in our department to -- to run off a list for you as
 5 well.

6 Q. Who?

7 A. Well, any of my -- I believe any of my
 8 legal analysts could do it. Here's a list of causal
 9 codes (Indicating). Do you want these or --

10 Q. Yeah. What page is that?

11 A. Chapter 2, Page 2. Means codes are on
 12 Chapter 2, Page 3.

13 Q. Who is it at your department who gives
 14 people deadlines and determines that folks ought to
 15 accept Ford's offer to settle these types of claims,
 16 for example, in five days? Why would you do that?
 17 Why would you give someone five days?

18 A. Because we don't want an open-ended offer
 19 out there indefinitely.

20 Q. Well, for example, we're looking at one
 21 over here where some guy's car burned up and y'all
 22 offered him \$6400. He wanted to take it but he
 23 wanted to be paid for his CD's and his radio and
 24 y'all decided not to pay him unless he could come up
 25 with some receipts?

1 A. Can I see it?

2 Q. And you gave him five days.

3 A. Can I see what you're talking about?

4 Q. What kind of car are we talking about here
 5 on that one?

6 A. This is a '92 Town Car.

7 Q. And someone bought a large luxury car from
 8 the Ford Motor Company and it caught fire, right?

9 A. Right.

10 Q. Didn't burn down their house though, did
 11 it?

12 A. Fire happened in June. This was opened in
 13 June of 1999. So the vehicle was seven model years
 14 old.

15 Q. Seven years old. Why -- It's not in
 16 warranty, is it?

17 A. That's correct. There was -- Apparently
 18 there was a recall.

19 Q. So what caused this fire? Was it caused
 20 by the recall product?

21 A. Let me read it. The comments entered here
 22 says, "Fire appears to be related to Recall 99S15."

23 Pictures of the burned vehicle and an estimate of
 24 the repair costs have been received. Authorization
 25 noted for customer refund in the amount of \$6,400."

<p style="text-align: right;">Page 94</p> <p>1 And that was on -- looks like -- 2 Q. August the 3rd, '99? 3 A. August 3rd, '99. So this was about two 4 months after it was initially opened. 5 Q. This is Bernard Zaidman. He lives up in 6 Greenville, South Carolina, right? 7 A. Correct. 8 Q. And he's got him a '92 Signature Lincoln 9 Town Car. So that's like an extra special Town Car, 10 isn't it? 11 A. It's one of three versions of the town 12 car. There's an Executive, a Signature and a 13 Cartier. 14 Q. Okay. And so let me ask you something 15 here about this one entry. Are these page numbered? 16 Well, we're talking about Mr. Zaidman's 17 car. Okay? 18 A. Okay. 19 Q. Who was it that decided that the fire to 20 Mr. Zaidman's vehicle was related to Recall 99315? 21 A. They determined it appears to be related 22 to it. It would've been the determination of our 23 legal analyst, "LPA Comments," is Litigation 24 Prevention Analyst Comments. 25 Q. Who's the legal analyst that determined</p>	<p style="text-align: right;">Page 95</p> <p>t that with Mr. Zaidman's vehicle? 2 A. The code for that legal analyst is 6682JB. 3 Q. Who is that? 4 A. Trying to think. I don't know. I don't 5 know which of our analysts has that code. 6 Q. How did that analyst determine that the 7 fire appeared to be related to the recall involving 8 the Texas Instruments speed control deactivation 9 switch? 10 A. Based on the comment just before that, 11 "Pictures of the burned vehicle and an estimate have 12 been received," I -- I take that to mean that there 13 was an investigation and photographs supported 14 possible recall related fire. 15 Q. Okay. How can your analysis determine 16 from pictures of the burned vehicle that the fire 17 was related to the recall of the Texas Instruments 18 speed control deactivation switch? 19 MS. KENNAMER: Objection, form. 20 A. They would use other information. 21 Q. Hang on just a minute. 22 A. Okay. 23 Q. How so? 24 MS. KENNAMER: Objection. Misstates. 25 the witness' prior testimony. He's testified twice.</p>
<p style="text-align: right;">Page 96</p> <p>1 that it appears to be related, which is not the same 2 thing as making a determination. Listen to the 3 man's answer, please. 4 Q. Did I misquote you, sir? 5 A. I did say it appears to be related to the 6 recall, and I'm reading off the document. 7 Q. Okay. Well, let's just make sure I say it 8 the same way because I thought I did. How is it 9 that your analyst is able to determine that it 10 appears to be related to the recall of the Texas 11 Instruments speed control deactivation switch, 12 Mr. Zaidman's fire? 13 A. On this particular vehicle, I can't tell 14 you. We know we have a recall. We know we have an 15 under-hood fire. And we have photographs. The 16 vehicle is at a dealership, so the dealership has an 17 opportunity to see the vehicle and give us some 18 information. 19 Q. Right. But this doesn't say anything 20 about that. It just says "Pictures." 21 A. You know, again, if we know we have a 22 recall, we know we have an under-hood fire and if 23 it's in the portion that -- it appears that it 24 started in the portion of the vehicle where the 25 switch was, we're going to give the customer the</p>	<p style="text-align: right;">Page 97</p> <p>1 benefit of the doubt and try to resolve that 2 concern. 3 Q. What else is in that area of the car? Is 4 the leveling pump in the same area? 5 A. I have no idea. I don't know. I'm not a 6 mechanic. 7 Q. Well, how are you going to determine that 8 it's the speed control deactivation switch that's 9 the subject of the recall if there's other 10 components in the same area? 11 A. Well, that's why it says it appears to be. 12 We can't -- We can't be sure. But again, we're 13 giving the customer the benefit of the doubt. And 14 in this situation like this, attempting to resolve 15 the concern without getting into, well, it might not 16 have actually been the cause of the fire; and try to 17 find other parts that may have caused the fire, 18 let's take care of our customer. 19 Q. So if Mr. Zaidman's car had burned down 20 his home, then you would just refer to the Office of 21 General Counsel and you would make him no offers, 22 correct? 23 A. We would refer it to the office of the 24 general counsel for their review. And when you say 25 "you would make them no offers," you being</p>

Page 98	Page 99
1 Litigation Prevention, you're correct. You being 2 Ford Motor Company, I don't know. Ford Motor 3 Company may very well make him an offer. 4 Q. Okay. So how is it that the analyst is 5 supposed to decide whether or not that the Texas 6 Instrument speed control deactivation switch that is 7 the subject of that recall number was the cause of 8 Mr. Zaidman's fire? 9 MS. KENNAMER: Objection, form. 10 Q. By looking at photos. Anything else? 11 A. They can't determine for sure. 12 Q. But I mean, Ford's offering this guy 13 \$6,400, right? 14 A. Right. 15 Q. To try to keep Mr. Zaidman's business or 16 because Ford's responsible for the fire? 17 A. In a situation like this, it's a 18 combination of being responsive to our customer. 19 It's an owner -- He is an owner of a luxury vehicle, 20 as you state, even if it is a seven-year-old 21 vehicle, and the fire could be caused by a lot of 22 different things and our effort to resolve a 23 situation where there is a recall and there is the 24 potential that that recall component could be 25 related to this, but we don't know.	1 Q. What's the date of Mr. Zaidman's fire? 2 A. Let's see. 3/22/99, it appears. 3 Q. A couple of months before the recall? 4 A. Right. And we got the claim after the 5 recall. Probably, the customer got a recall notice 6 and said, "Hey, my fire might be related to this." 7 And that's when we got notified. 8 Q. So did Mr. Zaidman accept your offer or 9 does he want to get paid for his CD's? 10 A. Let me see. On September 16th of '99, 11 about 45 days or so after we had made the offer, the 12 customer called to say that he wanted to accept the 13 offer, but he wanted to be reimbursed for his CD's 14 and CD player as well. The Litigation Prevention 15 analyst made an outbound call to him and advised him 16 that if wants to be reimbursed for these items, we 17 will need receipts. The customer called back and 18 informed the Litigation Prevention analyst that he 19 cannot find the receipts and he will accept the 20 offer anyway. That occurred on September 16th, 21 1999. 22 Q. Okay. 23 A. Litigation Prevention analyst advised the 24 dealer service manager that the offer was never put 25 in writing and it will need to be put in writing.

Page 100	Page 101
1 prior to noting the customer's acceptance of it. So 2 it took the customer about 45 days to make a 3 decision whether or not to accept the offer. 4 And getting back to your question 5 initially was why did we put a five-day time limit 6 on it, basically, because this thing -- this offer 7 had been standing out there for 45 days and we 8 thought it was fair and reasonable and we -- if the 9 customer had provided us receipts for his CD's, we 10 would have covered those. But he withdrew that 11 request. 12 Q. Because he couldn't come up with some 13 receipts? 14 A. Right. 15 Q. Why can't you just take his word for it? 16 A. Well, we made him an offer on the value of 17 the vehicle and he didn't bring this up until after 18 the offer had been out there for 45 days. Suddenly 19 there were some additional items that he wanted 20 compensation for. 21 Q. How do your analysts know when and when 22 they should not just take a customer's word that the 23 vehicle had a CD player in it? 24 A. If there were CD's, damaged CD's that he 25 could show us, send us photographs of them even, we	1 would take his word. And we do that quite 2 frequently. We had a customer who claimed to have 3 damaged 11 pair of pants on a seat and, you know, 4 couldn't produce receipts, couldn't even produce the 5 pants. We wrote him a check or made him an offer 6 just recently of a thousand dollars. 7 Q. For the pants? 8 A. For the pants. 9 Q. Because you saw evidence of pants inside 10 the fire? 11 A. It wasn't a fire. It was damaged -- pants 12 damaged getting in and out of a car. My point is 13 that we do take customer's words. 14 Q. He was hooking his pants on something 15 sharp? 16 A. Right. 17 Q. Oh, I see. 18 A. So we take -- we take customers for their 19 word all the time. 20 Q. Okay. What happened here with Carmen 21 DePalco of Miami, Florida, who appears to own a '92 22 Crown Victoria? That's the same car, isn't it? 23 A. Same as what? 24 Q. Lincoln and a Grand Marquis, '92, '93, 25 they're all the same, right?

Page 102	Page 103
1 A. Well, they're not -- they're not identical 2 vehicles, no. 3 Q. Well, when it comes to the speed control 4 deactivation switch made by Texas Instruments, it's 5 the same; isn't it? 6 A. I don't know that. They're all subject to 7 the same recall. 8 Q. Okay. 9 A. Let's see here. 10 Q. What was the date of Carmen DePalco's fire 11 on her '92 Crown Vic? 12 A. The dealer faxed us telling us there was a 13 fire on July 2nd of '97. Apparently the fire 14 occurred on June 30th of '97. Comment says: 15 "Vehicle caught fire in the engine compartment while 16 sitting in the dealer's lot. The fire also damaged 17 some other vehicles on the lot. State Farm 18 Insurance has been involved," has the insurance 19 agent's name and phone number. "Fire reports have 20 been provided by the dealer," so the date was 21 June 30th. I guess I answered way more than the 22 question at hand. 23 Q. June 30 of '97? 24 A. That's what it says here, yes. 25 Q. Before the recall?	1 A. Yes. 2 Q. Did -- Were the claims that were made by 3 customers handled differently before the recall than 4 they were after the recall? 5 A. Claims on these -- these vehicles with 6 this concern? 7 Q. Yes, sir. 8 A. Yes. And that applies to any vehicle with 9 a recall. 10 Q. And why is that? 11 A. If there's a recall, then the vehicle 12 outside of the warranty will still be investigated, 13 fire activity. 14 Q. So when a customer's car burns up before 15 Ford has agreed to recall that car, that customer 16 may not get paid? 17 A. If the vehicle's not covered by a 18 warranty, a recall or an owner notification program, 19 that may not get paid. 20 Q. Okay. 21 A. But if they're covered by warranty, even 22 before a recall we, you know, will evaluate the 23 claim and we may very well settle it with the 24 customer. 25 Q. Okay. Why not pay the customer before the

Page 104	Page 105
1 recall if the vehicle's out of warranty? 2 A. Well, fires -- fires can be caused by a 3 lot of different things. And quite honestly, on an 4 older vehicle, we talk about a vehicle that's five, 5 six, seven, eight years old like a lot of these are, 6 you're looking at situations where after-market 7 modifications, getting back to the customer with the 8 CD player -- 9 Q. Well, let's just limit that question just 10 to fires caused by the speed control deactivation 11 switch. 12 MS. KENNAMER: Objection, form. And 13 objection to interrupting the witness in the middle 14 of his answer. 15 Q. Oh, I'm sorry. Did I interrupt you? 16 A. Yes, you did. 17 Q. Sorry. 18 A. The -- Ask the question again. 19 Q. Well, you can't remember what the rest of 20 your answer was? 21 A. No. Well, actually, back to the rest of 22 the answer that I was in the middle of, you know, 23 vehicle -- vehicle fires can be caused by a lot of 24 different things. Older vehicles have wear and tear 25 on them. Vehicles with after-market CD players	1 installed, frequently there's wire splicing that 2 goes on by amateurs and that could be a cause, wear 3 and tear on components, you know, somebody working 4 on a vehicle damaging a fuel line or a power 5 steering line or something like that can cause 6 vehicle fires. So we -- we really don't -- You 7 know, it's very difficult to determine the exact 8 cause of a vehicle fire, especially on those older 9 vehicles. 10 MR. NORMAN JOLLY: Object to the 11 responsiveness. 12 THE WITNESS: Okay. 13 Q. When Ford determines that the speed 14 control deactivation switch is the cause of a fire 15 of a vehicle that's not in warranty, why doesn't 16 Ford go ahead and make things right with the 17 customer even though there's not a recall yet? 18 MS. KENNAMER: Objection, form. 19 A. We -- We very rarely determine that a 20 specific component is the cause of the fire. If 21 there's a recall, then we know that at least there's 22 something that we need to be looking at. 23 Q. Okay. Did you go back after the recall 24 and look at these claims that you denied to make 25 things right after the recall?

Page 106

1 A. No.
 2 Q. Why not?
 3 A. That's not -- That's not, you know, our
 4 normal way of handling these at this point. Most of
 5 these people have gone to their insurance company
 6 and have had their insurance companies involved.
 7 Their insurance company subsequently will subrogate
 8 us. Again, they're not shy about it, and they've
 9 been taken care of by their insurance companies in
 10 most cases.
 11 Q. So even though Ford's responsible for the
 12 fires, you're not going to contact the customers and
 13 acknowledge that because they've been taken care of
 14 by --
 15 A. Well, we can't --
 16 Q. -- an insurance company?
 17 MS. KENNAMER: Objection, form.
 18 A. We can't determine the cause of fires that
 19 happened two years ago before we had a recall and we
 20 can't assume that just because they had a fire, that
 21 it was because of any particular component.
 22 Q. Have you read any of the other depositions
 23 in this case?
 24 A. No.
 25 Q. Are you aware that one of the previous

Page 107

1 Ford engineers that's testified in this case said
 2 that add-ons like CD players and after-market
 3 modifications were not the cause of any of the
 4 under-the-hood fires as far as the analysis that
 5 that engineer made?

6 MS. KENNAMER: Objection, form.
 7 A. I'm not aware of that, but we do know that
 8 under-hood fires can be caused by after-market
 9 modifications.

10 Q. Has anyone at Ford -- Did I interrupt?
 11 A. Yes. And again, we're looking at every
 12 vehicle fire that comes to our activity. And there
 13 are occasions where that's determined to be the
 14 cause.

15 Q. Has anyone at Ford notified you or your
 16 department that add-ons like CD players and
 17 after-market modifications have not been implicated
 18 in Panther under-the-hood fires?

19 A. No.
 20 Q. Wouldn't that be some important
 21 information for you to have when it comes to going
 22 back and rehashing some of these old claims?
 23 A. Well, we don't need to go back and rehash
 24 them, but we do need to evaluate claims as they come
 25 to us. And nothing to say that vehicles, because it

Page 108

1 didn't happen in the past, it's not going to happen
 2 in the future, so --
 3 Q. Why not go back and rehash these old
 4 claims that Ford is responsible?
 5 MS. KENNAMER: Objection, form.
 6 A. Well, I think I've kind of addressed that
 7 already with your previous questions. But I think
 8 one thing is, people have been to their insurance
 9 company, insurance companies have settled and they
 10 subrogate us. Secondly, these vehicles had
 11 under-hood fires that could be related to anything
 12 else and chances are these vehicles are no longer
 13 around or available for us to investigate. There's
 14 no reason for us to try to go do that at that point.
 15 Q. You would have already done that before
 16 you denied the claim, wouldn't you?
 17 A. Not necessarily. If it wasn't covered by
 18 a recall, we don't necessarily do an inspection or
 19 determine the -- focus on a particular component to
 20 look at.
 21 Q. So none of these cars were inspected if
 22 they were out of warranty prior to the recall?
 23 A. I didn't say --
 24 MS. KENNAMER: Objection, form.
 25 A. I didn't say none.

Page 109

1 Q. Most of them weren't inspected to
 2 determine the cause of the fire prior to the recall?
 3 A. When you say "these vehicles," I don't
 4 know if you're talking about a particular universal
 5 vehicle or a particular set. I don't know if most
 6 or all or any have been inspected.
 7 Q. Panther, '92, '93?
 8 A. I don't know.
 9 Q. Okay. So what did you guys decide to do
 10 so with Carmen and her claim for her Crown Victoria
 11 burning up back in June, '97 prior to the recall?
 12 A. Let's see. Said dealer had serviced the
 13 air bags because the SRS light was on, checked the
 14 codes. State Farm dealer to sign a release to take
 15 the vehicle away from the dealership. The
 16 dealership declined because the dealer's insurance
 17 company and Ford could inspect.
 18 Q. I'm sorry. Why did you skip the part
 19 about the brake light fuse, sir?
 20 A. Oh. I'm sorry. Let me go back. I --
 21 I -- I just started kind of in the middle here.
 22 Dealer had serviced the vehicle because the air bag
 23 SRS light was on. David Watson checked the codes
 24 and replaced the air bag module and a blown fuse for
 25 the brake switch."

1 Q. Hang on just a second. Now, you know now
 2 that the brake light switch fuse blowing is
 3 symptomatic of a Texas Instruments speed
 4 deactivation control switch --
 5 A. I don't know --
 6 Q. -- precipitating an under-the-hood fire of
 7 a Panther. Did you know that?
 8 MS. KENNAMER: Objection, form.
 9 A. I don't know that. And I didn't know
 10 that. I've never heard that before.
 11 Q. You haven't read that in the -- in the
 12 recall?
 13 A. No, I didn't.
 14 Q. Okay. Continue reading.
 15 A. "The vehicle had been sitting in the
 16 parking lot for an hour before the fire occurred.
 17 State Farm wanted the dealer to sign a release so
 18 they could take the vehicle away from the
 19 dealership, but the dealership declined so that the
 20 dealership's insurance company (Universal
 21 Underwriters) and Ford could inspect if necessary.
 22 Expect State Farm to subrogate the dealer's
 23 insurance company." Apparently they thought it was
 24 the dealer's responsibility.
 25 *Mr. O'Brian's insurance company,

1 (Progressive) has authorized dealer's body shop to
 2 repair damage of the F-150 and will subrogate the
 3 dealer's insurance company.
 4 Customer wants Ford to investigate the
 5 fire. Our analyst, Ericka Edwards, spoke to John
 6 Boyce. No assistance will be provided because
 7 vehicle is out of 5/50 safety warranty, and no
 8 recalls exist on the vehicle. Referred to insurance
 9 company for assistance. They can subrogate if they
 10 wish to pursue the matter."
 11 Q. I have a question. Are you finished?
 12 A. Yes.
 13 Q. In June, '97, had anyone at Ford notified
 14 your department that there was a problem with the
 15 brake light fuse popping or opening --
 16 A. Not that I'm --
 17 Q. -- and that that was one of the symptoms
 18 of this failure of the speed control deactivation
 19 switch?
 20 A. I'm not aware of any such notification.
 21 Q. Would that have been important information
 22 for you to have when it comes to your decision to
 23 turn down Carmen's claim?
 24 A. In this case, since the insurance company
 25 seems to think that the dealer was at fault, based

1 At the comments here, I don't think it would have
 2 been important. It appears that the insurance
 3 company thought it was a dealer workmanship issue.
 4 Q. Well, who knows the most about what's
 5 causing these fires, insurance companies writing
 6 homeowners' policies or Ford?
 7 A. Well, it's -- Obviously, if they have
 8 insurance on a car, they're not a homeowner's
 9 insurance company. They do offer auto insurance.
 10 They do have inspectors. I don't know. I can't
 11 speak to who's better at determining the cause of a
 12 fire.
 13 Q. Okay. So as of June, '97, you don't have
 14 the foggiest idea that there are fires occurring in
 15 the speed control deactivation switch on the Panther
 16 platform?
 17 A. We -- We had no knowledge of -- of a --
 18 anything unusual with those components.
 19 Q. And is anyone in your department given any
 20 information about the fuses and which fuses
 21 correspond with which part of the circuitry of a
 22 vehicle so that you can try and make some kind of
 23 analysis when you're investigating these claims?
 24 A. I'm not sure I understand what you're
 25 asking me.

1 Q. Well, of all your analysts, you've told us
 2 of one analyst who managed, through her common
 3 sense, to figure out through photos that there might
 4 be a problem with Panther under-the-hood fires,
 5 right?
 6 A. I didn't say --
 7 MS. KENNAMER: Objection, form.
 8 A. I didn't say she figured out through
 9 photos. But I think --
 10 Q. She's the same person that did this one;
 11 isn't she?
 12 A. Yes, she is. It just happens to be
 13 Florida, which is the area that she covered.
 14 Q. Is Carmen's car one of the two?
 15 A. No.
 16 Q. Right. Because the two that Ericka had
 17 later, you're talking about December, '98, right?
 18 A. Correct. So -- Yeah, 18 months later.
 19 Q. No. I'm sorry. June, July, '98 is when
 20 she sent the information to the Luxury Car
 21 Department.
 22 A. No. She had the claims earlier in 1998.
 23 So, yeah, she had one claim in '97, apparently;
 24 maybe two in '98. Given the volume of activity that
 25 she would have on a daily basis, it's actually

Page 114

Page 115

1 surprising that abc may have noticed that two or
 2 three were similar.
 3 Q. Now, how do you know that Carmen's fire is
 4 the only other one that Ericka handled as an analyst
 5 other than the two in June, '98?
 6 A. I don't.
 7 Q. Okay.
 8 A. It's in here. You can find it if you need
 9 to.
 10 Q. Well, if we happen to come across one --
 11 Because we're going to go through these.
 12 A. Okay.
 13 Q. If we happen to come across one that
 14 Ericka handled, please let me know.
 15 A. Okay.
 16 Q. Okay. So you guys are over there deciding
 17 whether or not to pay on these claims and basically
 18 no one has told you anything about what may be
 19 causing these under-the-hood fires in the Panthers,
 20 right?
 21 A. Yeah. We had -- We had no knowledge of
 22 any particular concerns with these vehicles.
 23 Q. And on top of that, you don't know
 24 anything in particular about the inner workings of
 25 the car. You don't know, for example, as an analyst

1 working at the Litigation Prevention Department, if
 2 a customer says that they had a brake fuse -- a fuse
 3 that corresponds with the deactivation control
 4 switch popping, that that might have been indicative
 5 of a fire occurring in the future? You didn't know
 6 that, did you?
 7 A. Fuses blowing is an everyday occurrence on
 8 vehicles.
 9 Q. Sure.
 10 A. There's no reason to suspect that a blown
 11 fuse is indicative of any significant risk of fire.
 12 Q. The reason that there's no reason for you
 13 to think that is because no one at Ford ever told
 14 you that that was the case when it came to this
 15 Texas Instruments speed control deactivation switch
 16 causes fires, correct?
 17 A. No one advised us that there was a risk of
 18 fires on these vehicles.
 19 Q. And no one at Ford ever advised you that
 20 this fuse blowing might be evidence of a fire
 21 occurring in the future, correct?
 22 A. That's correct.
 23 Q. When it came to denying Carmen's claim, no
 24 one ever made you aware of those sorts of symptoms
 25 to look for?

Page 116

Page 117

1 A. No -- Yeah, nobody made us aware that
 2 there was any risks of fires to these vehicles.
 3 Q. And there's no method or process in effect
 4 at Ford for you to go out and try to determine if --
 5 if Carmen's car caught fire because of a defect in
 6 one of the components in her Ford car?
 7 A. I don't know whether there's a mechanism
 8 to determine cause of fires if there's a suspected
 9 issue. I -- Again, there is an activity, Large
 10 Vehicle Center, that has responsibility for this.
 11 They have access to the data here. If for some
 12 reason they suspect that there is a concern, they
 13 would investigate it.
 14 Q. But as far as your call is made at the
 15 Litigation Prevention Department, there's no way for
 16 you to determine if that's the case?
 17 A. If what's the case?
 18 Q. If a component in her vehicle is defective
 19 and it's causing the fire outside the warranty
 20 period, there's no way for you to determine that?
 21 A. We -- There may be cases where we can
 22 inspect a vehicle and determine a specific cause.
 23 Q. Okay. And how would that be when it comes
 24 to the speed control deactivation switch?
 25 A. Well, we obviously didn't determine that

1 to be the cause in a case like this.
 2 Q. So there was no way for you to determine
 3 that until the recall?
 4 A. There would have been a way. If we
 5 inspect a vehicle and determine that there's a
 6 particular component failure, we would know that
 7 that -- you know, that that was the cause. But in
 8 this case and the other cases we looked at, at that
 9 time we didn't know. We had no reason to suspect
 10 there was a problem with that component to look for.
 11 Q. And my question -- Back to my question.
 12 And so there was no way for you to determine if
 13 there was a problem with the switch because there
 14 was no procedure in place at Ford for you to
 15 determine that the switch was causing the fires?
 16 MS. KENNAMER: Objection, form.
 17 A. There is a -- I believe there is a
 18 procedure at Ford to determine if we have a
 19 potential issue with a component. So the answer is
 20 no.
 21 Q. Okay. And what is that procedure?
 22 A. Well, it's what I mentioned a few
 23 questions ago, that our Large Vehicle Center
 24 performs their investigation. I'm not sure
 25 specifically how they go about their investigation.

Page 118	Page 119
1 Q. So from June, '97 until December, '98, a 2 year-and-a-half goes by and no one from the Luxury 3 Car Center apprises you of this problem with the 4 brake light fuse popping? 5 A. That's correct. 6 Q. And we're talking about cars that have 7 been on the road for a long time, seven, eight 8 years? 9 A. In many cases. 10 Q. All right. So what's -- what's the next 11 person's name. 12 MR. MICHAEL JOLLY: Hang on just a 13 second. 14 THE WITNESS: Can I get some more 15 water? 16 MR. NORMAN JOLLY: Sure. 17 MS. KENNAMER: Let's take a quick 18 break. 19 MR. CARTER: Are we going to take a 20 lunch break? 21 MS. KENNAMER: Well, that's what I'm 22 about to ask the witness. 23 THE WITNESS: I'm fine too. 24 MS. KENNAMER: I think he'd probably 25 rather at least get through himself and then we can	1 take a lunch break before Mark goes. 2 MR. NORMAN JOLLY: You want to take a 3 lunch break, we'll take a lunch break. 4 (Recess taken.) 5 Q. Okay. Who's this next person whose 6 Panther vehicle caught fire? 7 A. Looks like Mr. Nippes, N-I-P-P-E-S. 8 Q. What kind of car did he have? 9 A. Looks like a '92 Town Car with 10 68,000 miles on it. 11 Q. And when did his '92 Town Car catch fire? 12 A. Looks like fax from the dealer indicates 13 that a fire started on 7/20/96 at customer's home 14 after car had been sitting 18 hours. 15 Q. And then what happened to the claim that 16 he made? 17 A. It says here, "Caught fire under hood on 18 left front corner where air breather is located. 19 Customer is inquiring as to any other reports of 20 this happening." 21 Q. Excuse me just a minute. When a customer 22 calls and says, "I want to know about other reports 23 of this happening," is that the sort of information 24 that you guys would give customers? 25 A. No.

Page 120	Page 121
1 Q. Okay. Go ahead. 2 A. It says, "Attempted to contact service 3 manager, Mark Baker; however he was unavailable. 4 Left message for him." 5 This is clearing comment: "Refer customer 6 to insurance carrier. No recalls for this concern." 7 Q. And so his claim was denied, right? 8 A. Correct. It was out of warranty and not 9 covered by a recall. 10 Q. Who's the analyst? 11 A. Let's see. 0080EP. 12 Q. It's not Erick? 13 A. Not Erick. 14 Q. Okay. Next one? 15 A. Lofton, Sr., Mr. John. Baton Rouge, 16 Louisiana. He has a '92 Town Car or had a '92 Town 17 Car back in '96 that had 64,000 miles on it at that 18 time. 19 Q. What is the mileage relevant to? 20 A. Warranty coverage and wear and tear on the 21 vehicle -- 22 Q. Okay? 23 A. -- which is a potential for other 24 concerns. 25 Q. Well, he's had his car four years?	1 A. Approximately. 2 Q. I mean, Lincolns ought to last at least 3 four or five years, shouldn't they? 4 A. Well, you can get in an accident, you can 5 damage components. There's a lot of things that can 6 happen to a vehicle -- 7 Q. Yeah. 8 A. -- at any point. 9 Q. Okay. So what happened to Mr. Lofton? 10 A. Let's see here. "The customer said on 11 August 3rd at 2:00 a.m. the vehicle caught fire." 12 Do you want me to just keep reading? 13 Q. Yeah. 14 A. "The noise of the vehicle woke everyone, 15 and the customer saw the flames coming out from 16 under the hood. The vehicle caught the house on 17 fire also. The Brownfield Volunteer Fire Department 18 was called. A fire report was created. The 19 customer hasn't picked the report up yet. Insurance 20 company sent out a person to look at the vehicle but 21 couldn't determine much. There was also a police 22 report created. The customer had not picked up the 23 police report either." This -- This contact was 24 opened on August 16th, about two weeks after the 25 fire occurred.

Page 122	Page 123
1 "The vehicle is currently at the house, 2 but the customer will need to move the vehicle from 3 the house because on Monday they will be working on 4 the house. Customer has reason to believe that the 5 starter jammed on the vehicle causing the fire, 6 because he knows a couple of other vehicles where 7 that has happened. Per customer, dealer says 8 service department at the dealership told the 9 customer that if he wasn't certain where the fire 10 came from, they couldn't help the customer. 11 Customer seeks to have Ford Motor Company come look 12 at the vehicle."	1 customer referring them to their insurance company," 2 August 26th, '96. 3 Q. Is that true, what the dealer said to 4 Mr. Lofton, that it's the customer who has to 5 determine what caused the fire? 6 A. The dealer didn't say that. 7 Q. Okay. Who said that? 8 A. I didn't -- I don't recall reading that. 9 Q. Okay. Does the customer have to determine 10 the cause of fire in order to get -- talk Ford into 11 making things right? 12 A. No. 13 Q. And so we don't know what caused 14 Mr. Lofton's fire according to the records you have 15 here? 16 A. We don't know what caused it. 17 Q. And y'all didn't even investigate it or 18 photograph it? 19 A. That's correct -- 20 Q. Who is the analyst from Mr. Lofton's '92 21 Lincoln fire? 22 A. S237BS. 23 Q. Is that Ericka? 24 A. No. Go to the next one? 25 Q. Okay. So, Mr. Lofton was turned down?
1 Q. Did you go look at it? 2 A. Let me keep reading. "A representative 3 will contact the customer. This customer called the 4 Customer Assistance Center. The Customer Assistance 5 Center advised, A Ford representative will contact 6 the customer to review their concern." Customer 7 should continue to work with their insurance 8 company."	
1 On August 21st, comment concur, "Customer 2 needs to contact their insurance company. Legal 3 sent the customer a letter stating to contact their 4 insurance company." We did not investigate. 5 Closing comments, "Scadding letter to	

Page 124	Page 125
1 A. He was referred to his insurance company. 2 Q. He was turned down by Ford, wasn't he? 3 A. I don't know what the insurance -- in 4 subrogation whether the insurance company pursued 5 Ford or not. 6 Q. Well, Mr. Lofton was turned down by Ford, 7 wasn't he? 8 A. Well, the insurance company assumes his -- 9 whatever -- whatever rights he has. 10 MR. NORMAN JOLLY: Objection, 11 nonresponsive. 12 Q. Was Mr. John Lofton was turned down by 13 Ford -- 14 A. We did not -- 15 Q. -- when it comes to his claim that his '92 16 Lincoln Town Car caught fire? 17 A. We did not assist him at that time. 18 Q. I mean, that's what you write in there, 19 "No assistance given to customer." Isn't that what 20 you write in there? 21 A. Let's see. Let's see what we wrote. I 22 don't see that. 23 Q. Isn't that what you typically type in on 24 these claims, "Assistance provided" or "Assistance 25 not provided to customer"?	1 A. Not necessarily. In this case we typed 2 in, "Customer should continue to work with their 3 insurance company." That's what the Call Center 4 typed in. What our analysts typed in "Customer 5 needs to contact their insurance company," and we 6 send the customer a letter stating to contact their 7 insurance company. 8 Q. So when it comes to John Lofton's '92 9 Lincoln fire, no assistance was provided to him, 10 correct? 11 A. I don't know if subsequently he received 12 assistance either from his insurance company or as a 13 result of subrogation. 14 MR. NORMAN JOLLY: Objection, 15 nonresponsive. 16 Q. Was any assistance provided to John Lofton 17 by the Ford Motor Company with regards to his '92 18 Lincoln fire? 19 A. Not directly to him. 20 Q. Thank you. Next Lincoln fire, please. 21 A. Ms. Priscilla Roachburg. And let's see. 22 She has -- She was in Melbourne, Florida, a '92 Town 23 Car, 60,000 miles on it at the time. This was 24 opened on January 28th of 1997. She was a 25 subsequent owner of the vehicle. She wasn't the

<p style="text-align: right;">Page 126</p> <p>1 original owner. 2 Q. Does that matter? 3 A. It may in terms of modifications or 4 alterations made to a vehicle, for example. And 5 also in evaluating when we make decisions based on 6 owner loyalty, somebody buys new vehicles from us is 7 probably a more loyal customer to us than a used 8 vehicle. 9 Q. So someone who buys a new vehicle may get 10 treated differently by the Ford Motor Company when 11 it comes to something out of warranty than someone 12 who doesn't buy a new vehicle? 13 A. That's one of the factors that weighs into 14 a decision to offer assistance for something that 15 we're not normally responsible for, yet. 16 Q. Is that in Exhibit 4A or is that just 17 something that y'all kind of talk about, you know, 18 off the record? 19 A. Ford has after-warranty adjustment 20 guidelines. Actually, I shouldn't even say 21 guidelines. We offer after warranty adjustments. 22 We offer good will funds to assist customers outside 23 of warranty. 24 Q. And my question was: Where is it written 25 that you treat someone differently if they're buying</p>	<p style="text-align: right;">Page 127</p> <p>1 a used car as opposed to a new car when it comes to 2 out of warranty assistance? 3 A. It's in the warranty and policy manual. 4 Dealers have authority to offer assistance. They 5 can't offer assistance to customers with used 6 vehicles as on -- 7 Q. It says that? 8 A. Yes. Dealers don't have authority to 9 offer assistance on used vehicles. 10 Q. On used vehicle purchases? 11 A. On vehicles that were not purchased new 12 from Ford. 13 Q. Why is that? 14 A. Well, loyalty - Basically, the company 15 feels that people who buy new vehicles from us 16 and -- and have a pattern of loyalty, that's one of 17 the factors that we consider when we're going to 18 spend - invest money in that customer beyond what's 19 required by our warranty and warranty guidelines. 20 Q. And you don't go into this customer's 21 background and find out if they bought other Ford 22 products new? Your only concern is, did they buy 23 this car new? 24 A. No. We look at -- In determining whether 25 to offer assistance outside of any other</p>
<p style="text-align: right;">Page 128</p> <p>1 requirement, we will consider the purchase and 2 service loyalties of customers as one of the 3 factors. 4 Q. So you -- 5 A. We do -- 6 Q. What, send out a questionnaire to find out 7 what other new car purchases they've made? 8 A. No. We -- When you go into MCALS, for 9 example, put customer information into MCALS, it will 10 show their vehicle, and based on R.L. Polk 11 registration data, show their vehicle ownership 12 habit. 13 Q. The MCALS program has R.L. Polk 14 registration data in it? 15 A. It has current information on individual 16 customer's ownership patterns and R.L. Polk is 17 the -- is the source for that. 18 Q. And that includes current vehicle 19 registrations? 20 A. Yes. 21 Q. And that's right there on MCALS? 22 A. Yes. 23 Q. How long would it take to get that 24 information, to find out -- 25 A. How -- What do you need?</p>	<p style="text-align: right;">Page 129</p> <p>1 Q. Well, you want to find out who owns a 2 Lincoln, who all owns a '91, '93 Panther, you guys 3 have got that right there on your computer for every 4 state in the country, right? 5 A. We don't -- We don't have -- We have the 6 capability of looking up an individual customer in 7 MCALS and seeing what vehicles they've owned based on 8 that R.L. Polk data. I don't know if other 9 activities within Ford have access to runs of 10 vehicles ownership by make and model or by VIN or 11 anything like that. 12 Q. Frank would probably know that, I guess? 13 A. Frank may. Mark Hoffman may. 14 Q. Mark Hoffman, who's that? 15 A. He's a gentleman from Design Analysis with 16 OOC. 17 Q. Is he out here right now? 18 A. Yes. You'll be talking to him, I guess. 19 Q. Okay. So what happened to Priscilla 20 Rosenberg's '92 Lincoln? 21 A. Let's see here. January 28th of '97, 22 "There was a fire in the engine bay," is the opening 23 comment. This happened on January 10th of '97, so 24 about 18 days prior. "The fire department was 25 called." There's an incident number listed.</p>

Page 130	Page 131
1 "Brevard County Fire Department. Property damage to 2 cars parked on either side of the vehicle. The 3 customer's car insurance company, State Farm, stated 4 that the other vehicles had to go to their 5 individual insurance companies. Has not contacted 6 their homeowner's in regards to personal items in 7 the vehicle because the damage was less than the 8 deductible. Has contacted the National Highway 9 Traffic Safety Administration to let them know of 10 the situation. Per customer" -- Let's see -- 11 "Customer seeks to inform Ford Motor Company." 12 Customer Assistance Center. So this was a call the 13 customer made to our 1-800 number. 14 "CAC advised due to property damage to 15 other vehicles, will forward this information the 16 legal analysts for further review."	
17 This is a closing comment. This is Ericka 18 Edwards' comment: "Sent letter to customer denying 19 assistance. Insurance company is handling the 20 claim. Insurance can file subrogation if they wish 21 to pursue the matter." That's the last comment. 22 Q. So that's four Ericka Edwards' claims now; 23 isn't it? 24 A. Yeah, in about two years. 25 Q. So was Priscilla Rosenberg's case	1 investigated? 2 A. Not by us. 3 Q. Why not? 4 A. The -- Their insurance had already -- The 5 insurance company had already been involved 18 days 6 prior. The customer was looking just to inform us 7 of this. There was no reason for us to investigate. 8 It was out of warranty and no recall. 9 Q. Has anyone ever told -- given your 10 department a directive that after so many 11 under-the-hood fires that appear to be occurring in 12 a -- in a similar manner, that something needs to be 13 done? 14 A. No. Under-hood fires are under-hood 15 fires. And quite honestly, the number we're talking 16 about here is minuscule when you look at all the 17 claims that we handle. 18 Q. 94 claims are minuscule? 19 A. Over -- Over a five-year period, yeah. 20 Q. So there's no particular number of car 21 fires that have to occur before Ford will do 22 something about it? 23 MS. KENNAMER: Objection, form. 24 Q. To investigate it, unless NHTSA forces 25 them to, is that what you're saying?

Page 132	Page 133
1 A. I'm not saying that. 2 Q. Okay. So you have nothing motivating you 3 to investigate these fires? 4 A. My activity does not investigate issues 5 related to particular component issues. That's up 6 to another activity within Ford. 7 Q. What activity is that? 8 A. Well, that would be like the vehicle -- 9 Large Vehicle Center. I believe there's a group 10 called the CCRG, Critical Concern Review Group, I 11 think. I don't know exactly what that stands for. 12 Q. Okay. 13 A. And they review concerns based on whatever 14 data they have that indicates that they need to 15 investigate. 16 Q. Okay. So there's no particular number of 17 under-the-hood fires of Panthers that, in your mind, 18 jumps out over a time period, 20, 30, 40, which 19 would motivate you to take those records and turn 20 them in to one of those divisions that you just 21 mentioned? 22 A. There's no way for us to identify a 23 specific number of vehicles with similar concerns. 24 Q. And so, likewise, there's nothing 25 motivating you to turn over this information to one	1 of the departments at Ford so they can investigate 2 it and determine if there's a problem? 3 A. Well, I guess -- I'm very motivated to 4 help the company identify issues with vehicles and 5 if we see something that we think is unusual, we 6 will forward it to them. 7 Q. So Priscilla Rosenberg received no 8 assistance from the Ford Motor Company when it comes 9 to her '92 Lincoln catching fire January, '97, 10 correct? 11 A. That's correct. 12 Q. And was Priscilla Rosenberg's file 13 forwarded to John McInerny with the other three? 14 A. I don't know. I -- I have no reason to 15 believe it was. 16 Q. All right. That's probably some 17 information that would have been important to 18 Mr. McInerny, right? 19 A. Any information we could have provided 20 could be construed as important. I don't know is 21 the end what the cause of this fire was. 22 Q. Well, why didn't you and Ericka go talk to 23 Frank and have Frank make these same runs that you 24 made for me so that you could give all of these fire 25 records to Mr. McInerny instead of just the two that

Page 134	Page 135
1 you took over there around June of '98?	1 was focusing on whether Priscilla said something.
2 A. When we advised him of the two that we	2 Q. Well, did any of these previous claims
3 thought were unusual, it's our belief that it's	3 come to her mind when you guys were taking the two
4 their role, the Large Vehicle Center, to request and	4 June, '98 claims over to Mr. McInerny?
5 investigate and determine, based on what's in the	5 A. I don't know what came to her mind.
6 database. He had complete access to this	6 Q. She didn't mention them?
7 information, he could get it. And they should have	7 A. Not that I remember.
8 investigated it if -- if they felt there was a need	8 Q. She didn't mention going and looking back?
9 to.	9 A. I don't remember her doing that.
10 Q. When Priscilla (sic.) mentioned these two	10 Q. So you just assumed, when you took the two
11 claims around the June, '98 time frame, did it	11 claims over to Mr. McInerny, that he would know to
12 joggle her memory about all these other claims that	12 go check the MORS system?
13 she was involved in in the '97 time frame?	13 MS. KENNAMER: Objection, form.
14 MS. KENNAMER: Objection, form.	14 Q. Is that what you're saying?
15 A. Priscilla --	15 A. I don't know what he does or what they do
16 Q. Ericka.	16 to investigate claims. We assume that they would
17 MR. NORMAN JOLLY: What's that?	17 investigate.
18 THE COURT REPORTER: Jog or joggle?	18 Q. Okay. Who's the next person who was
19 MR. NORMAN JOLLY: Yeah, that's what	19 denied assistance by the Ford Motor Company when
20 I meant.	20 their Lincoln caught fire?
21 A. Could you repeat the question? When you	21 A. Ms. Nell Mort.
22 said Priscilla, I was trying to figure out --	22 Q. Mort?
23 Q. I probably need a drink of water too.	23 A. M-O-R-T.
24 Ericka.	24 Q. What year was hers?
25 A. Okay. Ask the question again, because I	25 A. This was February 27th of '98, this case

Page 136	Page 137
1 was opened. It was a '92 Town Car, 48,000 miles on	1 Mr. McInerny.
2 it. There was fax from the dealer on February 27th	2 Q. She appears to be pretty busy, Ericka.
3 of '98 saying, "Customer had -- had an under-hood	3 A. No.
4 fire, insurance company has totaled the car.	4 Q. Is she --
5 Damaged garage, customer seeking reimbursement for	5 A. I don't -- I don't employ people to handle
6 the vehicle. Other damage and stress."	6 five claims a year. I employ them to handle large,
7 Q. Who is the analyst?	7 large volumes.
8 A. We have Analyst 7020RH. I don't know who	8 Q. Why is Ericka getting all these Panther
9 that is.	9 platform under-the-hood fires? Seems like she's
10 Q. Is that Ericka?	10 getting the lion's share of them.
11 A. No, it's not.	11 A. Well, I don't know -- I don't know why
12 Q. So did the Ford Motor Company provide	12 she's getting most of them. The one thing I can
13 assistance to Nell Mort when his or her '92 Lincoln	13 tell you is, our sales penetration of platform --
14 caught fire?	14 those Panther platform vehicles is probably
15 A. I just answered your question incorrectly.	15 relatively high in a state like Florida.
16 7020RH is not Ericka. That's who opened this one.	16 Q. Does she have Florida?
17 Ericka did handle it.	17 A. She handles Florida, yes.
18 Q. Okay.	18 Q. Okay. That would explain that, I think,
19 A. So we have another claim here, 10 --	19 don't you?
20 actually, four months before the June, '98 incidents	20 A. Yeah, I think so.
21 that motivated Ericka to go to the Luxury Car	21 Q. Who has Texas?
22 Division that she neglected to inform Mr. McInerny	22 A. We have Texas split. At various times,
23 about, right?	23 different people; but Maureen Pawalek is the analyst
24 MS. KENNAMER: Objection, form.	24 that handles Texas.
25 A. We don't know that she neglected to inform	25 Q. Maureen Pawalek?

Page 138	Page 139
1 A. P-A-W-A-L-E-K. And she handles the 2 Houston -- what used to be our Houston region of 3 Texas, basically the Gulf Coast, where -- Well, it 4 was this area. She's handles it -- I believe she's 5 handled this area for about five years, still does. 6 Back to this Nell Mort situation. So the 7 insurance -- insurance company has totaled the car, 8 customer wants reimbursement for vehicle, other 9 damage and stress. This is a closing comment: 10 "Ericka Edwards reviewed case. There are no 11 recalls/CRIPS on this vehicle. Vehicle is outside of 12 warranty. Ford will not provide any assistance. 13 Customer should continue working with Nationwide 14 Insurance for assistance in recovering loss of 15 vehicle and damaged garage. The legal analyst 16 contacted Marie Fisher, service manager, and advised 17 the same. The dealer has not seen this vehicle. 18 Insurance has possession of it. The legal analyst 19 sending denial letter to customer with cc to the 20 dealer by fax."	1 of his garage? 2 A. No. 3 Q. All right. Next person? 4 A. Mr. Paul Hockenberry, Rochester, New York. 5 He has a '92 Town Car with 29,000 miles on it. This 6 was optioned June 30th, 1995, VMI unavailable, 7 "Customer says that the vehicle caught fire May 28th 8 of '95," which is over a month before they contacted 9 us. Insurance company is Actua. Fire started in 10 the engine. Burned all the way through the trunk, 11 no one was injured. Has been waiting a month to 12 hear from district office. Per customer" -- Let's 13 see -- "Customer seeks when will they be contacted 14 by district office." This was before Litigation 15 Prevention existed. The Lincoln Customer Assistance 16 Center said they would contact the district office. 17 "Investigation request faxed to GRI this date." 18 Q. I have a question. What is GRI? 19 A. GRI is a firm that did fire 20 investigations -- I believe, did fire investigations 21 prior to Litigation Prevention handling claims. 22 Q. Prior to -- 23 A. 1995. 24 Q. To EAA? 25 A. EAA. Prior to and probably concurrent.
21 Q. That would be Ericka? 22 A. That would be Ericka. 23 Q. All right. So did the Ford Motor Company 24 provide Nell Mort with any assistance when his '92 25 Lincoln caught fire and burned up his car and part	
1 with. They were just another firm. I'm not sure 2 who contracted them. 3 Q. Where is GRI? 4 A. I have no idea. 5 Q. Who would know? 6 A. Probably Jessie Bellingsworth from Office 7 of General Counsel. 8 Q. Okay. So there was another subcontractor 9 other than EAA -- 10 A. Prior to. 11 Q. -- investigating under-the-hood fires? 12 A. Prior to September of '95. 13 Q. Do you know what GRI stands for? 14 A. No, I don't. 15 Q. You don't know anyone from GRI? 16 A. I don't believe I do. 17 Q. Okay. 18 A. Next page: "Customer says, would like to 19 submit request for incidental expenses he incurred 20 while the vehicle was down, including three days he 21 had to stay in Louisiana; food, etcetera, was 22 approximately \$1,200. Customer seeks reimbursement 23 consideration." The person at the Call Center, the 24 Lincoln customer service representative, said -- 25 advised the request "would be documented, need to	1 retain original receipts, may be paid by insurance 2 company of Lincoln." I don't know what that means. 3 "Pending investigation at this time." 4 Let's see. July 21st of '95, "VMI added 5 to file. First name added. Per dealership, the 6 vehicle was purchased used." 7 July 31st, Jack Rived, GRI investigator, 8 will be sending his report. He found out that the 9 fire occurred in Baton Rouge, Louisiana. Vehicle 10 was completely burned. Customer's insurance company 11 settled the claim and he purchased another vehicle." 12 There is the closing comment: Pittsburgh 13 region considers this contact closed. No further 14 actions required. Customer's insurance company 15 settled the claim and customer has purchased another 16 vehicle. Letter sent to customer advising his 17 insurance company has settled the claim. No further 18 action will be taken by Ford at this time. Letter 19 sent this date. Contact closing approved. Okay to 20 close. WJC. 21 Q. So Mr. Hockenberry's car is still in 22 warranty, isn't it? 23 A. It may be. I don't see a warranty start 24 date on this. 25 Q. And even though Mr. Hockenberry's car

Page 142	Page 143
<p>1 might still be in warranty, Ford denies 2 Mr. Hockenberry any assistance, correct? 3 A. Mr. Hockenberry had settled with his 4 insurance company prior to contacting us, based on 5 this. But there was no request for assistance other 6 than for the incidental expenses.</p> <p>7 MR. NORMAN JOLLY: Objection, 8 nonresponsive.</p> <p>9 Q. So even though Mr. Hockenberry's '92 10 Lincoln is probably still in warranty, Ford denied 11 him any assistance when his Lincoln caught fire, 12 correct?</p> <p>13 MS. KENNAMER: Objection, form.</p> <p>14 A. He didn't ask us for assistance related to 15 his vehicle fire. He asked us for incidental 16 expenses.</p> <p>17 Q. And that request for incidental expenses 18 that Mr. Hockenberry made because his car, his '92 19 Lincoln burned up, was denied by Ford even though 20 his vehicle was in warranty, correct?</p> <p>21 MS. KENNAMER: Objection, form.</p> <p>22 A. We denied his request for incidental 23 expenses.</p> <p>24 Q. Who was the analyst on that one?</p> <p>25 A. 9754QL. And there were no legal analysts</p>	<p>1 at that time. 2 Q. Okay. 3 A. So this was -- this was comments entered 4 by our Call Center and by the Pittsburgh regional 5 office at that time. 6 Q. So you probably wrote a report, took 7 photos and that sort of thing just like EAA did? 8 A. It indicates that GM investigator will be 9 sending his report. So, yeah, he wrote some kind of 10 a report. I don't know if there's photos or not. 11 Q. Okay. Who's the next person? 12 A. Let's see here. Mr. Orrica, O-R-R-I-E-N, 13 Beyer, B-E-Y-E-R, of Dallas, Texas. He owns a '92 14 Town Car, 12,000 miles on it. This was opened 15 March 8th, 1996. "Customer says husband was driving 16 vehicle to McDonald's on 3/5/96. After he drove the 17 vehicle back to the house, smoke started coming out 18 of the vehicle from underneath the hood, (possibly). 19 Does not know if there was smoke inside of the 20 vehicle. Neither the fire department or the police 21 department was contacted. There was no fire or 22 flames. It looked as though a fire may start. 23 Customer thinks it may have been the brakes. 24 Per customer, the dealer says, (Brian 25 Nelson, service advisor), vehicle was towed to W.O.</p>
Page 144	Page 145
<p>1 Reservation for inspection on 3/7/96. Service advisor 2 told the customer that they can proceed no further 3 until customer contacts the LCAC, which is the 4 Lincoln Customer Assistance Center, "with details. 5 Customer also needs to contact insurance company. 6 Gave customer the 1-800 number to the Lincoln 7 Customer Assistance Center.</p> <p>8 Customer wants to know what she should do 9 now."</p> <p>10 The Customer Assistance Center said, 11 "Forwarded information to the appropriate 12 department. Company rep will contact customer to 13 review concern. Contact insurance company for 14 direction."</p> <p>15 The March 11th of 1996. "Legal analyst 16 contacted the dealership. Gary Riley, body shop 17 manager, says, will call back when he has had an 18 opportunity to look into it."</p> <p>19 Again, new comments on 3/11/96. 20 "Dealership contacted legal analyst. Gary Riley, 21 body shop manager, says, vehicle is at body shop. 22 Customer is alleging that the brake failure resulted 23 in an accident. Customer's insurance company has 24 been contacted and an adjuster is coming to the body 25 shop today."</p>	<p>1 Additional comments: "LA contacted," 2 legal analyst contacted customer. "Customer says, 3 while pulling the vehicle into the garage, brakes 4 failed, causing the vehicle to punch a hole in the 5 garage in a wall of the house. 6 Legal analyst advised, "Will investigate 7 and recontact. Dealership contacted legal analyst. 8 John Keith, parts and service director, says, 9 customer called seeking update on status. Richard 10 Molina, body shop, has verified that the vehicle 11 does have brakes." 12 Legal analyst advised, "Will recontact the 13 customer --" This is the closing comment: "Legal 14 analyst contacted customer and advised to stay in 15 touch with his insurance company for any further 16 information or direction. If the insurance company 17 feels there is any Ford responsibility, they will 18 contact us."</p> <p>19 MS. KENNAMER: That phone is for you. 20 Norman.</p> <p>21 MR. NORMAN JOLLY: Excuse me. 22 A. So this looks more like an accident than a 23 fire. 24 Q. Yeah. 25 A. Last one sounded like an accident rather</p>

Page 146

1 than a fire.
 2 Q. Okay. Next one.
 3 A. Mr. William Mayberry of Calhounville,
 4 Illinois. This was opened on February 27th, 1995.
 5 Again, before Litigation Prevention was in
 6 existence. The mileage entered here is 99,999.
 7 "Customer says, called St. Louis district office to
 8 report fire, (see Contact No. 105216953). Paid
 9 \$2,000 for difference in new vehicle as a result of
 10 vehicle fire. Does not feel he should pay
 11 difference if vehicle cost -- -- is vehicle
 12 cost." I'm sorry. Fire inspector (AAA Insurance)
 13 verified fire was caused by transmission
 14 overheating."

15 "Per customer; "Dealer says customer is
 16 responsible for the difference in cost of vehicles.
 17 Customer seeks reimbursement of \$2,000 paid for the
 18 acquisition of a new vehicle due to vehicle fire."

19 And it has new vehicle. It has the vin
 20 number for the new vehicle customer purchased.

21 "Customer wants to speak to supervisor.
 22 The Lincoln customer assistance advised customer the
 23 supervisor was unavailable. Will return his call.
 24 The district office will contact him to review his
 25 concern."

Page 147

1 On March 1st of '95, the Lincoln Customer
 2 Assistance Center made an outbound call to the
 3 customer. "Advised regional office will work in
 4 conjunction with dealership to resolve customer's
 5 concern. Customer will be contacted when a decision
 6 has been reached. Customer says he spoke with the
 7 president at the dealership who advised he would
 8 review the customer's file."

9 This is the closing comment; "Customer
 10 referred to his insurance company by letter from
 11 regional office dated 3/1/95. Please close."

12 Thanks. Contact closing approved. Okay to close."

13 Then there's comments entered on July
 14 11th, 1995. "Customer says he never received a
 15 written verification from Lincoln regarding position
 16 on damages request. Would like copy resent." The
 17 Lincoln Customer Assistance Center representative
 18 advised; "Will resubmit per his request." On
 19 July 24th of '95, "Returning to CSR original letter
 20 to customer came from regional office. Lincoln
 21 Customer Assistance Center cannot resend." That's
 22 it.

23 Q. Okay.

24 A. Neal one?

25 Q. I'm going to ask a question out of order

Page 148

1 for someone.

2 MR. GARZA: Or at least let me ask
 3 him.

4 MR. NORMAN JOLLY: Pardon me?

5 MR. GARZA: If I could ask those two
 6 questions.

7 MR. NORMAN JOLLY: He wants to ask
 8 some questions out of order. Is that okay with
 9 everybody?

10 MR. GARZA: Because I'm going to get
 11 out of here and catch a plane back.

12 MR. NORMAN JOLLY: Okay.

13 MR. GARZA: Appreciate it.

E X A M I N A T I O N

14 Q. (BY MR. GARZA) Mr. McClure, my name is
 15 Frank Garza and I'm here representing Van Burkley
 16 Motors, the local dealer.

17 A. Uh-huh.

18 Q. And I have just a few questions for you.

19 The first one is: What evidence do you know of that
 20 Defendant, Van Burkley Motors, did anything to cause
 21 the under-the-hood fire to this plaintiff's vehicle?

22 A. I have no knowledge of -- I don't even
 23 know anything about this particular case.

24 Q. Okay. Do you have any evidence that they

Page 149

1 failed to do anything that led or caused the fire to
 2 this vehicle?

3 A. Again, I don't have any knowledge of
 4 anything to do with this case. I really don't know.

5 Q. Do you have any information as to why Ford
 6 has refused to defend and indemnify Defendant, Van
 7 Burkley Motors, in the cause?

8 A. No, I don't know.

9 Q. The other gentleman, the other witness
 10 that's scheduled after this, Mr. Hoffman, what
 11 department is he with, or division?

12 A. He's with Design Analysis, which I believe
 13 to be a function of the Office of General Counsel
 14 for Ford.

15 Q. Do you believe he may have some evidence
 16 as to what may have caused or not caused the fire in
 17 this case?

18 A. I don't know -- I don't know what he has.
 19 I really don't.

20 Q. You haven't had any conversations with
 21 him?

22 A. Not about this particular case, no.

23 MR. GARZA: Okay. That's fine. Pass
 24 the witness.

25 Thank you, Norman.

Page 150	Page 151
1 MR. NORMAN JOLLY: You're welcome.	1 A. Well, we had a total of 94. Of those, I
2 FURTHER EXAMINATION	2 don't know how many of them are specific under-hood
3 Q. (BY MR. NORMAN JOLLY) Are Exhibits 1 and 2,	3 fires, because looking at some of these we
4 separated by vehicle type?	4 determined the transmission -- we determined one,
5 A. Exhibits 1 and 2, let me just make sure.	5 there was smoke coming from the brakes, which may
6 Yeah. No. They're separated by -- Exhibit 1 is off	6 have caused an accident.
7 of the MOTS II system, which would have been claims	7 Q. Okay.
8 filed prior to early 1998. MOTS III is claims filed	8 A. So I mean, out of -- It's something less
9 since March of '98 on the '92 through '97 Crown	9 than 94, obviously.
10 Vics, Grand Marquis and Town Cars, in both cases.	10 Q. So Frank -- Frank's symptom codes, for
11 Q. Okay. So there's going to be some Panther	11 some reason, picked up some transmission fires and
12 under-the-hood fires in 1 and 2?	12 some --
13 A. That's correct.	13 A. Smoke.
14 Q. You haven't gone through there and	14 Q. -- some smoke and no accident?
15 ferreted out which ones are and which ones aren't	15 A. Well, the accident was opened originally
16 under-the-hood fires involving Panthers?	16 because the customer said there was smoke coming
17 A. These (indicating) are all fire symptom	17 from the brakes.
18 codes on the Panther platform fires from '92 through	18 Q. Oh, I see.
19 '97 on both Exhibit 1 and Exhibit 2.	19 A. So I know that he can -- he told me he was
20 Q. Okay. And what is this (indicating)?	20 running the symptom code for smoke. Because
21 A. These are -- What you're looking at is	21 usually, where there's smoke --
22 other green bar reports on other vehicles that were	22 Q. Yeah, as they say?
23 attached to your deposition.	23 MR. NORMAN JOLLY: Okay. Pass the
24 Q. Okay. So how many under-the-hood Panther	24 witness. Thank you, sir.
25 fires are there in 1 and 2, customer complaints?	25 Q. Uh. I have one more question. What do
Page 152	
1 you -- What are the qualifications that someone has	1 determine if there's a defect in a Ford product?
2 to have before they can be an analyst?	2 A. Well, that's not their role. But
3 A. They have to -- They have to have a	3 training -- training on Ford policies and
4 Bachelor's degree, good analytical and organization	4 procedures, training on customer handling, training
5 skills and good written communication skills.	5 on decision making. You know, again, very
6 They're not lawyers, they're not paralegals. We	6 extensive, computer skills, written communication
7 don't require any legal training or anything like	7 skills.
8 that.	8 Q. So the analysts at the Litigation
9 Q. Do the analysts receive any training	9 Prevention Division don't have any skills when it
10 before they get their jobs?	10 comes to determining whether or not a Ford product
11 A. They -- Most of the analysts, sad -- and	11 is at fault in an under-the-hood fire?
12 when Litigation Prevention was formed originally,	12 A. Some -- Some may have more technical
13 were hired in as part of our Call Center. So they	13 ability than others, but their role is not to do
14 took customer calls and, basically, those positions	14 vehicle inspections and make that ultimate
15 were promotional opportunities for the best of the	15 determination.
16 people in the Call Center.	16 Q. Okay. So that not only is that not their
17 Q. People who have good phone skills?	17 role, but they don't have any particular skill or
18 A. Good phone skills.	18 training in that regard either, correct?
19 Q. Good manners?	19 A. They rely on the expertise of inspectors.
20 A. Yeah. Good organizational skills, good	20 Q. Assuming they hire one?
21 written communication skills. And during that time	21 A. Right.
22 that they were Call Center people, there's a very,	22 Q. So they rely on the expertise of an
23 very extensive training program that they went	23 inspector since they don't have any expertise in
24 through.	24 that area, assuming they hire an inspector?
25 Q. Training that would enable the analyst to	25 A. Correct.

Page 154

1 MR. NORMAN JOLLY: Thank you. Pass
 2 the witness.

3 **E X A M I N A T I O N**

4 Q. (BY MR. CARTER) Mr. McClure, have you ever
 5 communicated with any employee of Texas Instruments
 6 regarding the Ford under-the-hood fires?

7 A. No, I haven't.

8 Q. To your knowledge, has anyone in the
 9 Litigation Prevention Section ever communicated with
 10 an employee of Texas Instruments regarding
 11 under-the-hood fires?

12 A. No. I was surprised to hear somebody from
 13 Texas Instruments was here today. I didn't know
 14 Texas Instruments was involved.

15 MR. CARTER: Okay. Thank you.

16 **E X A M I N A T I O N**

17 Q. (BY MR. SCHIRRMEISTER) Same questions with
 18 regard to DuPont. Have you had any conversations or
 19 communications with DuPont regarding the under-hood
 20 fire phenomena in these vehicles?

21 A. No.

22 Q. Do you know if anyone from your division
 23 has had communications with DuPont?

24 A. From Customer Service Division?

25 Q. Yes, sir.

Page 155

1 A. Which would include our recall section. I
 2 don't have knowledge of it, no.

3 MR. SCHIRRMEISTER: Thank you.

4 **E X A M I N A T I O N**

5 Q. (BY MS. KENNAMER) Mr. McClure, I have a
 6 few questions for you. You mentioned that you're
 7 the manager of the Litigation Prevention Group?

8 A. Uh-huh.

9 Q. Could you explain the structure, very
 10 briefly again, so that we'll understand what's a
 11 group, what's a division, so forth?

12 A. Okay.

13 Q. Where does Litigation Prevention Group fit
 14 within Ford?

15 A. Okay. I'll start at the top. There's
 16 Ford Corporation. Within the corporation, we have
 17 several divisions. Ford Customer Service Division
 18 is the division in which it is housed. Ford
 19 Customer Service Division has responsibility for all
 20 kinds of -- you know, anything to do with customer
 21 handling, service, part sales, supporting dealership
 22 operations. Within Customer Service Division
 23 there's the Customer Support Center, which is the
 24 department in which Litigation Prevention falls.
 25 The Customer Support Center includes our Call

Page 156

1 Center, includes the Dispute Settlement Board
 2 arbitration process, special liaison that handles
 3 executive referrals, consumer intervention, which
 4 handles complaints from attorney general and Lawyer
 5 Law demands and Litigation prevention, which is the
 6 group we're talking about here.

7 Q. Does Litigation Prevention have what you
 8 consider to be a particular purpose within Ford
 9 Motor Company?

10 A. Well, our primary mission is resolving
 11 customer concerns in a timely, expeditious manner,
 12 compliance with laws and, basically, that's it.
 13 And, I guess, as the name implies, we prevent
 14 litigation. We view that as we're trying -- you
 15 know, we're trying -- the way to prevent litigation
 16 is to resolve concerns quickly and expeditiously.

17 Q. Do you consider or does Ford consider part
 18 of Litigation Prevention's mission to be to
 19 determine specific component part causes of
 20 complaints?

21 A. No.

22 MR. NORMAN JOLLY: Object to the form
 23 of the question.

24 Q. There has been some discussion about
 25 claims in which a customer was dealing with his or

Page 157

1 her insurance company and Litigation Prevention
 2 referred that person to continue pursuing that claim
 3 through their insurance company. Is there a reason
 4 why litigation prevention chooses to do that?

5 A. Well, when the insurance company's in the
 6 process of -- they've inspected a vehicle, they're
 7 in the process of evaluating a claim, a lot of
 8 times, paying off the claim, the best thing for the
 9 customer at that point is not to have us stick our
 10 nose in the middle. If the insurance company feels
 11 that Ford has any responsibility, at that point,
 12 again, the insurance company can subrogate us. So
 13 that's basically why we don't get involved at that
 14 point.

15 Q. Do you sometimes do that when a customer
 16 has not yet had insurance company involvement, but
 17 you determine that there is insurance coverage?

18 A. We would refer them to the insurance
 19 company if there was no warranty coverage or recall
 20 owner notification program applicable to their
 21 vehicle. At that point we'd say, your best course
 22 of action is to work with insurance.

23 Q. Is there a philosophy behind doing that?

24 A. Well, again, they have -- they have no
 25 coverage from Ford Motor Company and we haven't --

Page 158

1 in the form of a recall, have knowledge that there
 2 could be a potential issue. So the philosophy,
 3 again, is insurance — that's why you buy insurance,
 4 is to cover you against unexpected occurrences like
 5 that.

6 Q. Does Litigation Prevention see that
 7 referral to the insurance company as consistent with
 8 its mission to provide customer service?
 9 MR. NORMAN JOLLY: Object to the form
 10 of the question.

11 A. Again, as I mentioned — as I mentioned in
 12 answer to another question, it's most expeditious if
 13 an insurance company's involved to continue to work
 14 through that thing — through the claim with the
 15 insurance company. And again, the insurance company
 16 can subrogate if they feel responsibility. So I --
 17 I don't see that it's inconsistent.

18 Q. Just to clear up the record, how does
 19 referring a customer to his or her insurance company
 20 fit in with the mission of Litigation Prevention to
 21 provide customer service?

22 A. We -- We want the concerns — We want a
 23 customer's concerns to be resolved expeditiously. We
 24 want the customer not to have to go through any kind
 25 of protracted investigation. If an insurance

Page 159

1 company has already done an investigation and is in
 2 the process of resolving an issue, it's the best
 3 thing for the customer to continue to work with
 4 their insurance company. If insurance companies
 5 subrogate us, my understanding is, the customer
 6 would -- customer is being made whole by the
 7 insurance company and the insurance company would
 8 even pay the deductible that the customer had to
 9 pay. In that case the customer is restored, if the
 10 insurance company prevails in the subrogation
 11 process.

12 Q. We talked about determining specific
 13 causes of problems as to one component part or
 14 another not being part of the Litigation Prevention
 15 Group's mission. Why would anyone in Litigation
 16 Prevention then go to someone else with something
 17 that they've seen like we've talked about Ericka
 18 doing today?

19 A. Well, it's not uncommon for employees
 20 throughout Ford Motor Company, if they see something
 21 they think is unusual, you know, we -- we do care
 22 about our customers and we also care about getting
 23 these — identifying concerns to try to find the
 24 appropriate person to notify. And in the case of
 25 what Ericka did, you know, she noticed something

Page 160

1 unusual and wanted to make sure it got into the
 2 right hands.

3 Q. Given the volume of claims that Litigation
 4 Prevention has and the volume of fire claims that it
 5 has, would you consider the 27 claims on Lincoln
 6 Town Cars prior to March of 1998 to be unusual in
 7 and of itself, that number?

8 A. No. I -- It's -- It's -- It's barely
 9 noticeable in the scope of what we handle on a
 10 day-to-day basis.

11 MS. KENNAMER: I'll pass the witness.
 12 FURTHER EXAMINATION

13 Q. (BY MR. NORMAN JOLLY) Does the Ford Motor
 14 Company care if its cars are burning people's homes
 15 down in the middle of the night?

16 MS. KENNAMER: Objection, form.

17 A. We care about our customers.

18 Q. Wait a minute. You're the one who said
 19 that you're not going to stick your nose in
 20 someone's business. You said that, didn't you?

21 MS. KENNAMER: Objection, form.

22 A. We -- If an insurance company is in the
 23 process of settling with a customer, at that point
 24 it's in the best interest of the customer to
 25 continue to work with their insurance company --

Page 161

1 MR. NORMAN JOLLY: Objection.

2 A. -- and let the insurance company subrogate
 3 us.

4 MR. NORMAN JOLLY: Objection,
 5 nonresponsive.

6 Q. Didn't you say that it was best for the
 7 customer for Ford not to stick its nose in the
 8 customer's business?

9 MS. KENNAMER: Objection, form.

10 A. I don't believe those were my exact words.

11 Q. Well, the record will reflect exactly what
 12 you said.

13 A. Okay.

14 Q. And my question then is: Isn't Ford
 15 interested in knowing if defects in its products are
 16 burning people's homes down, yes or no?

17 MS. KENNAMER: Objection, form.

18 A. Ford is interested in identifying those
 19 concerns. That's why we have a CCRG group, to
 20 identify concerns with vehicles.

21 Q. And the only way to do that is to get out
 22 there and get in the customer's business and inspect
 23 the vehicle; isn't that correct?

24 MS. KENNAMER: Objection, form.

25 A. I don't know if that's the only way.

Page 162

1 Q. Well, you don't get inspection reports
 2 unless you order them, do you?
 3 A. Ford Motor Company can get inspection
 4 reports other ways.

5 Q. How?
 6 A. Well, the OCRG group can determine that
 7 they want to inspect vehicles. They can -- You
 8 know, whatever they do is part of their
 9 investigation. They can get copies of inspection
 10 reports from fire departments, they can get
 11 inspection reports from police departments, from
 12 insurance companies. So there are ways to get
 13 inspection reports.

14 Q. Right. And the only way to do that is to
 15 get involved with the customer's business, correct?

16 A. At that point the customer -- hopefully,
 17 the customers and their insurance company have
 18 settled up.

19 MR. NORMAN JOLLY: Objection,
 20 nonresponsive.

21 Q. The only way to determine the cause of the
 22 fire is to go out and look at the car; isn't that
 23 true?

24 A. I don't know. I'm not a fire expert.

25 Q. Well, you know that the only way that

Page 163

1 anyone can find out any of the details of the fire
 2 is to get the fire department report, the police
 3 report and go out and inspect the fire. You know
 4 that, don't you?

5 A. They may not need to get the fire or
 6 police report to determine the cause of the fire.
 7 Those are tools that they could use.

8 Q. In fact, Ericka made a decision based on
 9 her common sense without having any expertise in
 10 determining the cause of a fire and realized there
 11 might be a problem and sent two case files to the
 12 Luxury Car Department, right?

13 A. She determined that it was unusual that
 14 she had two fires in the same geographic area at
 15 about the same time on the same vehicles. She
 16 didn't know what the cause of those fires were, but
 17 thought that somebody in Ford would want to
 18 investigate them.

19 Q. Okay. And the only way to find out what
 20 the cause of the fire is is to investigate?

21 A. Sure.

22 Q. Okay. And so when you said earlier that
 23 you're not going to get involved in your customer's
 24 business, what you really mean is is that's just a
 25 way for Ford to avoid paying for a Ford car burning

Page 164

1 down someone's house?

2 MS. KENNAMER: Objection, form.

3 A. Repeat it.

4 Q. Well, you said that it's the philosophy at
 5 Ford to avoid getting involved in a customer's
 6 business, right?

7 MS. KENNAMER: Objection, form.

8 A. No. I think, throughout I've said that
 9 our -- one of our primary missions here is customer
 10 satisfaction. Most of the cases that we looked at
 11 today were situations where Ford -- you know, Ford
 12 was made aware of these situations after the
 13 insurance company had already been engaged and in
 14 some cases already replaced the vehicle. It doesn't
 15 make sense for us to go out and try to investigate a
 16 fire when the insurance company's paid up. The
 17 insurance company at that point can subrogate Ford
 18 and they do subrogate Ford. And that doesn't mean
 19 that we're trying to get out of paying. It means we
 20 may very well end up paying in the subrogation
 21 process.

22 Q. And how often has that occurred?

23 A. I have no idea.

24 Q. For the Panther under-the-hood fires?

25 A. I don't know.

Page 165

1 Q. So you're just saying that the insurance
 2 companies subrogate even though you don't even know
 3 that that's the case on any particular number of
 4 Panther under-the-hood fires?

5 A. I -- I don't know the number. I do know
 6 that insurance companies subrogate us regularly on
 7 fires on vehicles that we issue recalls on.

8 MR. NORMAN JOLLY: Objection,

9 nonresponsive.

10 Q. You have no idea how many insurance
 11 companies have claimed a subrogation right for a
 12 Panther under-the-hood fire, do you?

13 A. No, I don't.

14 Q. So by staying out of the customer's
 15 business, essentially, what you're doing is
 16 preventing or, basically, Ford is avoiding paying
 17 for its responsibility if Ford's responsible?

18 MS. KENNAMER: Objection, form.

19 A. I don't believe that to be the case.

20 Q. Has anybody at the Ford Motor Company ever
 21 informed anyone in your group since the recall that
 22 you need to look for particular -- anything in
 23 particular when it comes to an under-the-hood fire
 24 claim involving a Panther?

25 A. No.

Page 166

1 Q. And so even since the recall then, if the
 2 property damage exceeds \$10,000, do you still refer
 3 the under-the-hood Panther fire to the Ford lawyers?
 4 A. That's correct.
 5 Q. And why is that?
 6 A. Because \$10,000 in property damage is
 7 beyond our authority level to handle.
 8 Q. And how does that serve customer
 9 satisfaction?
 10 A. Well, I think there was a balancing act.
 11 In satisfaction, we also have to consider, when we
 12 have a large claim like that, that we have to have a
 13 little bit more in-depth analysis; and that's why
 14 the Office of General Counsel would get involved at
 15 that point.
 16 Q. The in-depth analysis is needed because of
 17 the amount of money involved in the property damage,
 18 not because you've concluded that the cause of the
 19 fire was the speed control deactivation switch?
 20 A. Well, we never get to the point of
 21 concluding the cause of the fire before forwarding
 22 it over. So the amount of money in question and the
 23 property damage or personal injury is to be handled
 24 by our Office of General Counsel.
 25 Q. Anything else?

Page 167

1 A. Am I supposed to ask questions?
 2 MS. KENNAMER: Are you done?
 3 MR. NORMAN JOLLY: Well, when you
 4 say, are you done, I'm done for the day, since this
 5 witness didn't bring everything that we asked for.
 6 MS. KENNAMER: I understand you're
 7 not agreeing to anything. Are you passing the
 8 witness today?
 9 MR. NORMAN JOLLY: No. No. We're
 10 agreeing that you said that this witness has a
 11 flight out of Hobby at 4:00 o'clock and unless you
 12 want to stay and miss your flight -
 13 THE WITNESS: What time is it now?
 14 MR. NORMAN JOLLY: - and get those
 15 documents to me.
 16 MS. KENNAMER: Well, it's 2:00
 17 o'clock now. You have at least another half an
 18 hour.
 19 MR. NORMAN JOLLY: No, no.
 20 MS. KENNAMER: Do you have any more
 21 questions today? That's my question. Do you have
 22 any more questions for this witness today?
 23 MR. NORMAN JOLLY: No. You see, I
 24 have more questions for this witness or whomever can
 25 answer the questions when it comes to the documents.

Page 168

1 that haven't been produced.
 2 MS. KENNAMER: That was not my
 3 question to you. My question -
 4 MR. NORMAN JOLLY: Well, I'm not
 5 going to answer your question because I don't
 6 understand it.
 7 MS. KENNAMER: Well, may I let the
 8 witness go today or do you have more questions for
 9 him today?
 10 MR. NORMAN JOLLY: You can do
 11 whatever you want. I cannot possibly ask this
 12 witness more questions without the documents that
 13 Ford neglected to produce.
 14 MS. KENNAMER: All I asked is if you
 15 have any more questions today.
 16 MR. NORMAN JOLLY: Well, I answered
 17 you.
 18 MS. KENNAMER: If my witnesses were
 19 allowed to respond the way you respond, you would
 20 never be allowed to say nonresponsive.
 21 MR. NORMAN JOLLY: Yeah.
 22 MS. KENNAMER: I'm going to let
 23 Mr. McClure go home. You and I can discuss the
 24 issue about the documents some other time.
 25 MR. NORMAN JOLLY: Okay.

Page 169

1 MS. KENNAMER: Nobody else has any
 2 other questions for him today?
 3 (Proceedings adjourned.)