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1 APPEARANCES (continued)

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 For State Farm.

6 ---

7 TRUSS

8 WITNESS: [REDACTED] FROM

9 Examination by Mr. Davis 3

10 Re-examination by Mr. Carlson 32

11 Re-direct examination by Mr. Davis 39

12 ---

13 EXHIBITS

14 (Marked)

Deposition Exhibit	Description	Page Marked
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15 ---

16 EXHIBITS

17 (Marked)

STATE Deposition Exhibit	Description	Page Marked
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1 assume is electrical engineering, if I recall, as an

2 origin, if I am speaking of a term that may be somewhat

3 ambiguous or you may use it in a different way because

4 of your employment, please let me know so that we can

5 accurately define the term.

6 A Certainly.

7 Q What is your current address?

8 [REDACTED] in Cincinnati, Ohio. And I

9 also have an office at [REDACTED] in Dearborn

10 Heights, Michigan.

11 Q The address that you gave in Cincinnati, is that a

12 business or home address?

13 A Well, it is home and office.

14 Q Are you married?

15 A Yes.

16 Q What is your wife's name?

17 A [REDACTED], like the open.

18 Q Where were you born?

19 A Brooklyn, New York.

20 Q Do you have any relatives in Mississippi?

21 A Not that I'm aware of.

22 Q What kind of vehicles do you and your wife own?

23 A A 1993 Ford Taurus Station Wagon. A 1995 full-sized

24 Chevrolet Conversion Van.

25 Q Who drives the Ford Taurus?

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1 Dearborn, Michigan

2 Thursday, June 25, 1998

3 About 12:25 p.m.

4 ---

5 MR. DAVIS: This deposition is taken pursuant

6 to notice in accordance with the Federal Rules of Civil

7 Procedure for all purposes allowable.

8 ---

9 [REDACTED]

10 an Expert Witness herein, having been first duly sworn,

11 testified as follows:

12 EXAMINATION

13 BY MR. DAVIS:

14 Q Would you state your full name?

15 A [REDACTED]

16 Q [REDACTED] from looking at some materials, I

17 understand you have given depositions before?

18 A Oh, a couple of times.

19 Q Then I won't go over the procedures with you because you

20 are pretty familiar with them. And also if, because of

21 the way I speak or the terms I use, you don't understand

22 or don't hear me, you can please stop me and ask me to

23 repeat or rephrase it.

24 A Certainly.

25 Q And because we will be talking about your area, which I

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1 A The wife.

2 Q Have you made any modifications to the Taurus? ✓

3 A No.

4 Q Who insures your vehicles?

5 A State Farm.

6 Q I understand you are currently employed by

7 Pyro-Technical Investigations, Inc.?

8 A That's correct.

9 Q That is a corporation?

10 A Yes, it is.

11 Q What is the state of incorporation?

12 A Ohio.

13 Q Who are the shareholders?

14 A Myself and the wife.

15 Q Who are the employees of that corporation?

16 A Well, I am the one full-time employee. I have one

17 part-time clerical person and two part-time technical

18 people.

19 Q The technical people, are they students or what type -

20 A No. One is a retired engineer. The other is an

21 engineer who is available for part-time work.

22 Q The retired engineer, where did he work prior to his

23 retirement?

24 A Siemens's Electric.

25 Q He's an electrical engineer?

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1 A Yes, he is.
 2 Q And the other person who is available for part-time
 3 work, is he currently employed somewhere now, other than
 4 with you?
 5 A He has some self-employment.
 6 Q What is his name?
 7 A [REDACTED]
 8 Q And the retired engineer, what is his name?
 9 A [REDACTED]
 10 Q How long has [REDACTED] been working with
 11 you?
 12 [REDACTED] for about a month and a half, two months.
 13 [REDACTED] has been doing work for me on and off for a
 14 little over a year, I think.
 15 Q Did [REDACTED] assist you with the investigation or form
 16 any opinions in the case that we're here today about,
 17 Bible versus Ford Motor Company?
 18 A No.
 19 Q Did any other engineer assist you with the investigation
 20 or form any opinions?
 21 A No.
 22 Q You say [REDACTED] has some other employment?
 23 A Yes.
 24 Q Is that with a company, or is he self-employed?
 25 A Self-employed.

1 then transfer directly to Johns Hopkins University or
 2 did you work?
 3 A I started employment.
 4 Q Where did you work?
 5 A Department of Defense, National Security Agency.
 6 Q What did you do with the Department of Defense?
 7 A I was an electronics engineer working on secure
 8 communication systems.
 9 Q When you say "secure communications systems," what are
 10 those?
 11 A Those are, I can talk to you and hopefully on one else
 12 can understand what we're talking about.
 13 Q And that employment was from 1975 to 1977?
 14 A That's correct.
 15 Q After you left the Department of Defense, where did you
 16 work next?
 17 A A firm called AAI Corporation in Baltimore, Maryland.
 18 Q What did you do for AAI Corporation?
 19 A I was an engineer working on electronic warfare
 20 simulators.
 21 Q The letters AAI, are they abbreviations for something?
 22 A Not as of that time, no.
 23 Q During your work for AAI Corporation, is that when you
 24 went back to Johns Hopkins?
 25 A That's correct. Well, actually I started going back

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1 Q What is the date of incorporation of Pym-Technical
 2 Investigations?
 3 A 10-1-96.
 4 Q Your resume indicates that you were working with
 5 Pym-Technical Investigations, Inc. from 1992 to the
 6 present.
 7 Can you tell me what the situation was in that
 8 you were working there prior to 10-1-96? Was it just
 9 not incorporated at that time?
 10 A It was started in February 1992 as a sole proprietorship
 11 and then incorporated in October 1996; and rather than
 12 make it confusing on the CV and put down two different
 13 lines, I consolidated.
 14 Q Did you bring a current resume with you?
 15 A What you have is probably current.
 16 Q Let me hand it to you.
 17 A (Whose reviewed document.) Yes, this is the most
 18 current.
 19 Q Just to briefly go through some of the information on
 20 your CV, you received a bachelor's degree from Rutgers
 21 University in 1975?
 22 A That's correct.
 23 Q And that was in Electrical Engineering?
 24 A That's correct.
 25 Q After you received your bachelor's from Rutgers, did you

1 when I was still with the government and completed the
 2 program when I was with AAI.
 3 Q When did you start Johns Hopkins?
 4 A Lets see, I took a year off, so it would have been
 5 September '76.
 6 Q And you completed Johns Hopkins in 1980?
 7 A That's correct.
 8 Q What month?
 9 A May, June.
 10 Q Your degree at Johns Hopkins was in Computer Science?
 11 A That's correct.
 12 Q After leaving AAI Corporation, you went to 330
 13 Enterprises, Inc.?
 14 A That's correct.
 15 Q What type of business is 330 Enterprises, Inc.?
 16 A Consulting engineering firm dealing in computers,
 17 information systems, things of that nature.
 18 Q What did you do?
 19 A I was working - we were doing support activities out of
 20 Wright-Patterson Air Force Base. Basically whatever
 21 contracts we could get with the base. Mainly things
 22 involving computers, information systems, studies,
 23 things of that nature.
 24 Q During the time you worked with 330 Enterprises, AAI
 25 Corporation, and the Department of Defense, did those

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1 jobs have anything to do with the design or manufacture
2 of automobiles?
3 A No.
4 Q What was the reason you left the Department of Defense?
5 A Looking for better opportunities, if you will.
6 Q Was it voluntary?
7 A Yes.
8 Q What was the reason you left AAI Corporation?
9 A It was put up or shut up time. I had encouraged the
10 wife to take a new position. She was offered a
11 transfer, and time for me to put up or shut up.
12 Q When you say "put up or shut up," what do you mean?
13 A Well, since I had encouraged her to take the position to
14 begin with, I guess I was sort of obligated to accept
15 the consequences of that.
16 Q The job with the Department of Defense, where were you
17 living then?
18 A In the corridor between Baltimore and Washington.
19 Q AAI Corporation, where were you living when you took
20 that job?
21 A In around the Baltimore area.
22 Q NO Enterprises, Inc., where were you living then?
23 A Cincinnati.
24 Q So when you were working with AAI Corporation, your wife
25 accepted a job in Cincinnati, Ohio?

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1 A She had taken a job in Baltimore and then that job
2 offered her a promotion and transfer.
3 Q To Cincinnati?
4 A Well, that was the opportunity that we decided on, yes.
5 Q Why did you leave NO Enterprises, Inc.?
6 A I was laid off.
7 Q And that would have been in 1988?
8 A Yes.
9 Q When you say "laid off," was it a general layoff of more
10 than one person, or was it just you at that time?
11 A That one was just me.
12 Q What was the reason for the layoff?
13 A I don't honestly remember the official reason given.
14 Q What reason do you remember?
15 A Oh, I suspect in large part, for lack of a better
16 phrasing, I will say office politics.
17 Q When you say "office politics," what happened?
18 A I didn't fit the good ole boy network there.
19 Q In 1988 to 1992 you worked for P.A.C.E., Inc.?
20 A That's correct.
21 Q What does P.A.C.E. stand for?
22 A Professional Analytical and Consulting Engineers.
23 Q How many persons were employed at P.A.C.E., Inc.?
24 A At what period in time?
25 Q When you began.

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1 A When I began there was the boss, another engineer,
2 myself, and then there were two or three clerical
3 people.
4 Q Was the boss an engineer?
5 A Yes.
6 Q So it would have been three engineers and a couple of
7 clerical people?
8 A That's correct.
9 Q When you left in 1992, how many persons were employed
10 there?
11 A There was four engineers, and I believe three clerical.
12 Q During the time that you were there between 1988 and
13 1992, was the most engineers ever somewhere in the range
14 of four to five engineers?
15 A It was four.
16 Q Who were the other engineers?
17 A There was Russell Lindsay, L-i-n-d-s-a-y. Dan Acroni,
18 A-c-r-o-n-i. And then the boss, Frederick, he goes by
19 Rick, Franklin.
20 Q What was your job at P.A.C.E., Inc.?
21 A I was - well, official title, I guess, would be
22 forensic engineer. I was an engineer on staff who
23 conducted all sorts of investigations, fires,
24 automobiles, accident reconstruction.
25 Q And on your work history it indicates that you testified

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1 as an expert witness at trials and through depositions?
2 A That's correct.
3 Q Did P.A.C.E., Inc. perform any work for any vehicle
4 manufacturers?
5 A Not that I'm aware of.
6 Q Who would be the clients that hired P.A.C.E., Inc.?
7 A Predominantly insurance companies and attorneys.
8 Q Why did you leave P.A.C.E., Inc.?
9 A Well, two things came together at the same time. I was
10 planning on striking out on my own, and while I was
11 making my plans, the boss accelerated my time schedule.
12 I was let go.
13 Q Terminated?
14 A Yes.
15 Q By the boss?
16 A Yes.
17 Q That would have been Frederick Franklin?
18 A Yes.
19 Q What was the reason he terminated you?
20 A I'm not trying to avoid your question, but to be
21 perfectly honest, I don't remember. I didn't dwell back
22 on it, I just moved forward.
23 Q Did he give you a letter or anything?
24 A There wasn't a letter, no. There was a conversation we
25 had in his office.

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- 1 Q Did your termination from P.A.C.E., Inc. have to do with
2 your job performance?
3 A As I recall, there were some issues he had, but I don't
4 remember the detail of any of it.
5 Q Thus in 1992 you started Pyro-Technical Investigations?
6 A That's correct.
7 Q Going back to P.A.C.E., Inc., where was that office
8 located?
9 A It's in Cincinnati.
10 Q The only full-time engineer who has worked at
11 Pyro-Technical Investigations from 1992 until now is
12 you; is that correct?
13 A No.
14 Q Who was the other full-time engineer that worked there?
15 A I had a fellow for a little over a year, Jeff
16 Lukiewicz, L-u-k-i-e-w-i-c-z.
17 Q When was that that Mr. Lukiewicz worked for you?
18 A Let's work our way backwards. From, I believe it was
19 maybe the summer of '95 through about November of '96,
20 if I have my years correct.
21 Q When he started working for you, had he had any prior
22 employment, or was he just out of school?
23 A No, he had prior employment.
24 Q Prior employment with whom?
25 A Let's see, I believe the last employment he had before

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- 1 coming with me was with Allied Signal. He was working
2 on, I believe, air bags.
3 Q What kind of engineer was he?
4 A I believe mechanical.
5 Q While working for P.A.C.E., Inc., you mentioned that you
6 performed over 600 investigations of fires and other
7 accidents.
8 Of those, how much do you remember about the
9 600 investigations?
10 A If you want a breakout as to how much was in what
11 category, I couldn't tell you by memory what that was.
12 Q Do you have any documents to show the 600 investigations
13 of fires and accidents, as far as what type fires?
14 House fires? Vehicle fires?
15 A I don't have anything that would give you a good - I
16 mean, as far as the firm go, it was everything. House
17 fires, commercial, industrial, vehicles; vehicles
18 covered from passenger cars up through heavy trucks. I
19 don't believe I have anything that would give you any
20 type of reasonable breakout.
21 Q During the work with P.A.C.E., Inc., were you ever or
22 the company ever retained by a vehicle manufacturer or
23 component manufacturer?
24 A Well, I can speak to myself and say I was never involved
25 in one for a vehicle manufacturer or a component

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- 1 manufacturer that I'm aware of. As far as the company
2 in general, I don't have any recollection of it, but I
3 can't say for sure that it didn't happen.
4 Q Since 1992 and beginning Pyro-Technical Investigations,
5 have you been hired by a vehicle manufacturer or vehicle
6 component manufacturer to investigate an accident or
7 incident?
8 A Not that I can recall, no.
9 Q Regarding your education, did you study any specific
10 area of electrical engineering, or was it just
11 electrical engineering?
12 A Well, electrical engineering is sort of a broad
13 curriculum. In terms of the elective courses that I
14 took, that was more in the area of electronics; but you
15 know, you get exposed to a little bit of everything.
16 Q Did you take any specific courses regarding the design
17 or manufacture of vehicles?
18 A No.
19 Q Have you ever worked for a business that designed
20 automobiles?
21 A No.
22 Q Have you ever worked for a business that designed
23 components for automobiles?
24 A No.
25 Q Have you ever worked for a business that manufactured

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- 1 automobiles or automobile components?
2 A Well, the closest that would fall, and I'll let you
3 decide how it fits your question, AAI did manufacture
4 some specialty vehicles, including some tanks and
5 several vehicle type items; and I know in their history
6 they had also done one or two other off-the-wall
7 specialty vehicles.
8 Q While you were at AAI did you specifically work on any
9 of the projects where the components for the tanks or
10 specialty vehicles were manufactured?
11 A I myself didn't have any involvement in it.
12 Q Have you taken any courses, including any seminars,
13 regarding the design or manufacture of automobiles?
14 A Other than what might be addressed in a fire
15 investigation seminar, but nothing that is specifically
16 geared towards the automotive manufacturers.
17 Q You said other than what may have been in the above
18 seminars?
19 A Or in a fire seminar related to vehicles, but not like I
20 took a seminar that was intended primarily for people
21 within the automotive industry.
22 Q Do you have a list of the fire seminars you may have
23 attended?
24 A No.
25 Q What fire seminars have you attended?

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1 A Let's see, I believe this was a one-day seminar put on
2 by one of the local community colleges on vehicle fires
3 that involved about a half-day of live burn exercises.
4 We actually got to burn them all up.
5 Q What kind of vehicle was it?
6 A Oh, we had an assortment of them at this one. I
7 specifically remember, I think it was an Acrostar Mini
8 Van. There was a Volvo Station Wagon. Those two I
9 specifically remember, and there were about eight or ten
10 vehicles that were burnt altogether that afternoon.
11 Q Is it a one-day seminar, you had lecture in the morning?
12 A Well, actually, this was all done sort of out in the
13 field, quite literally. There was some, I'll call it
14 more lecturing type to start with, and then they went
15 through and the vehicles were burned in fires set in
16 various fashions and then put out and we were allowed to
17 examine the vehicles after the fact to see the damage
18 done.
19 Q And the fires that were set were started in the
20 afternoon?
21 A They may have even started in the morning on that. I
22 just remember it was a one-day seminar.
23 Q What junior college was that?
24 A It was sponsored through Macomb Community College.
25 Q Where was the seminar held?

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1 A Up around Mt. Clemens, Michigan.
2 Q When was that seminar?
3 A That particular seminar was back in '90, '91, something
4 like that is when I attended that one, but I believe
5 they put that one on every year.
6 Q Other than the seminar you attended in 1990 or 1991,
7 what other seminars have you attended regarding fire
8 investigations or arson investigations?
9 A In 1989 there was a one-week course by the State of Ohio
10 Fire Marshal's Office. In '86 or '89 there was a
11 two-day seminar, this was through the City of Evrosdale,
12 Ohio, Fire Department, I think it was co-sponsored by
13 the IAAI or some other organization. I attended, in
14 '92, '93, the Michigan Chapter of the IAAI does an
15 annual meeting/seminar, usually in May, I remember I
16 attended the majority of that program.
17 Q How many days was that program in '92, '93?
18 A I think it ran four or five days altogether.
19 Q And you say you attended the majority of it?
20 A Yeah, I got called off to do some work in the middle of
21 some of it, but I remember attending as much as I could.
22 There was a seminar in Canada, it was a one-
23 or a two-day, I think it was at least a two-day seminar
24 back in, when was that one, '93, maybe, maybe '94,
25 somewhere in that time period.

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1 There may have been some others in there, but
2 those are the ones that I can specifically recall.
3 Q If I've got this correct, the ones you specifically
4 recall was a two-day seminar in Canada in 1993 or 1994,
5 a four- or five-day seminar in which you got called away
6 to do some work at some point, but that was in 1992 or
7 1993. In 1990 or 1991, a one-day seminar at
8 Mt. Clemens, Michigan at the junior college, Macomb
9 Community College. And in 1989, a one-week course.
10 Who was that one-week course done by in '89?
11 A That was the State of Ohio, Fire Marshal's Office.
12 Q Those are the ones that I have down.
13 Are there any others you can remember?
14 A As it relates to fire investigation, no.
15 Q Other than seminars regarding fire investigations, have
16 you attended any seminars that involved motor vehicle
17 design or manufacture?
18 Surely that question. Let me ask you a better
19 question.
20 Have you attended any seminars regarding the
21 design of motor vehicles or the manufacture of motor
22 vehicles?
23 A Not that I can recall, no.
24 Q The seminars that we talked about with the Michigan
25 Chapter of the IAAI, the State Fire Marshal, those would

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1 have involved all type fires? Home fires? Vehicle
2 fires? Arson?
3 A Yes.
4 Q Your resume indicates that you have certifications as a
5 registered professional engineer?
6 A That's correct.
7 Q Those are the states of Michigan, Ohio, Kentucky,
8 Indiana, Pennsylvania, and Maryland?
9 A That's correct.
10 Q In order to be a registered professional engineer in
11 those states, did you have to take any type test?
12 A For Ohio I did take a test, yes.
13 Q How were you registered in the other states?
14 A Reciprocity.
15 Q Do you hold any special professional licenses?
16 A I'm not sure exactly what you mean by that, but I don't
17 think so.
18 Q Have you obtained any - I mean, you have certifications
19 as a professional engineer. Have you received any type
20 licenses, anything else that would have to do with your
21 employment as Pyro-Technical Investigations, Inc.?
22 A No.
23 Q What organizations do you hold membership in that relate
24 to your employment with Pyro-Technical Investigations,
25 Inc.?

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1 A Well, I'm a member of the International Association of
2 Arson Investigators, the National Ohio and Michigan
3 Chapters. I'm a member of the National Fire Protection
4 Association. Those are probably the two that most
5 directly relate to fire investigations. And then I'm
6 also a member of a number of engineering-related
7 organizations.
8 Q Would these be the Institute of Electrical and
9 Electronics Engineers?
10 A That's one of them.
11 Q The Society of Automotive Engineers?
12 A Yes.
13 Q National Society of Professional Engineers?
14 A Yes.
15 Q Do you hold any positions in either of these three
16 organizations?
17 A No.
18 Q Have you held any positions in the National Fire
19 Protection Association or the IAAT?
20 A No.
21 Q With respect to the Society of Automotive Engineers,
22 what is the extent of your professional affiliation?
23 A I'm a member of the organization.
24 Q Have you attended any seminars?
25 A I can't specifically remember attending any of their

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1 seminars. I know I have been to one or two of their big
2 annual meetings that they hold in Detroit in February.
3 Q Would that be the national organization or the state
4 organization?
5 A That's the national.
6 Q When you say you have been to the event, did you
7 register as a conference attendee?
8 A I don't know that I registered in advance. I believe I
9 took advantage of the time and went down -- they had a
10 lot of exhibits, probably one of the largest shows in
11 that area and I know I went down and checked out the
12 various displays, exhibits, the book stores, things of
13 that nature.
14 Q Did you purchase any books?
15 A I don't recall.
16 Q Have you published any articles or books?
17 A No.
18 Q Do you have any articles that are pending right now for
19 publication?
20 A No.
21 Q Have you given any lectures regarding the investigation
22 or cause of fires?
23 A Yes.
24 Q When was that?
25 A A couple of years ago I did a couple of presentations

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1 for Allstate Insurance Company.
2 Q When was that?
3 A I believe there were two of them. One in Lansing,
4 Michigan and the other in Canton, Michigan.
5 Q Who was present or who were the invitees to the
6 presentation?
7 A Well, managers and adjusters from All State from the
8 representative -- oh, they were more like regional
9 events, or it was not necessarily people strictly from
10 that office, but I believe from the general area.
11 Q You say you did two presentations?
12 A That's my recollection, yes.
13 Q Was it the same presentation at different locations?
14 A I think they were essentially, if it wasn't a hundred
15 percent identical, they were essentially the same.
16 And then there was another -- I did do a
17 presentation down in Toledo.
18 Q Who did you do that presentation for?
19 A That was for the Toledo Claims Association.
20 Q The presentation you did for the Toledo Claims
21 Association, what was the subject of the presentation?
22 A It had to do with fire investigation. I think there was
23 a concentration more on appliance fires on that one.
24 Q Appliance fires, like stoves? Toasters?
25 A Dryers, yeah, that type of stuff.

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1 Q And the presentation with All State Insurance Company,
2 what was the subject of that presentation?
3 A That was generally dealing with subrogation, products
4 liability issues.
5 Q Do you remember the year of the All State presentation?
6 A '94, '93, somewhere in that time period.
7 Q When you say "subrogation" and "products liability,"
8 does that have to do with motor vehicles?
9 A That one didn't have anything to do with motor vehicles.
10 Q Did it have to do with appliances?
11 A Appliances was one of the areas covered, yes.
12 Q When was the Toledo presentation?
13 A Let's say '96, '97, somewhere in there.
14 Q Have you ever done any presentations to State Farm?
15 A I guess I did an informal -- one informal presentation
16 that I can recall for State Farm, yes.
17 Q When was that, and where?
18 A Cincinnati, Ohio, for one of their automotive units;
19 that would have been in '94, '93, somewhere in that time
20 period, if my poor memory is serving me right.
21 Q Can you remember what the subject was of your informal
22 presentation?
23 A That one was dealing specifically with vehicles and
24 vehicle fires.
25 Q Any specific vehicles?

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1 A No, just general.
2 Q How long have you consulted or done work for State Farm?
3 A Well, see you saying under Pyro-Technical
4 Investigations, or since I have been in this line of
5 work?
6 Q Since you have been a forensic engineer.
7 A Probably going back to '88 or '89. I believe State Farm
8 was a client of P.A.C.E. and I'm sure I did work for
9 State Farm during that time period and I've done work
10 for State Farm since.
11 Q So when you first started Pyro-Technical Investigations,
12 State Farm was a client?
13 A Not necessarily from day one, but certainly there has
14 been work from State Farm on and off over the six years.
15 Q Do you know how many assignments you have received from
16 State Farm?
17 A No.
18 Q Do you keep any type of record of that?
19 A I do have records, but I don't keep a running total in
20 my head.
21 Q Is it over a hundred?
22 A I suspect not.
23 [REDACTED] We're talking about from
24 1988; is that your question?
25 BY MR. DAVIS;

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1 Q I was talking from 1992, now, when you began
2 Pyro-Technical Investigations.
3 A I don't know for sure, but I suspect it is under a
4 hundred.
5 Q So you would say since 1992 you have investigated less
6 than a hundred claims of State Farm as a consultant?
7 A To the best of my recollection, yes.
8 Q Do you have any type of yearly contract with State Farm
9 or a contract with State Farm, or is it a case-by-case
10 basis?
11 A I don't have a contract with any of my clients. It's
12 all case by case.
13 Q What is your rate of pay?
14 A My current billing rate is \$115 an hour.
15 Q How many open files do you have at the present time
16 regarding investigations for State Farm?
17 A For State Farm -- including the two that we're going to
18 be discussing today?
19 Q Yes, sir.
20 A I think the answer is two.
21 Q So currently the only open cases that you have regarding
22 State Farm would be Billow versus Ford Motor Company and
23 Bible versus Ford Motor Company?
24 A That's correct. All the others are -- things were --
25 either they have been resolved one way or another or

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1 I've sent my report in and I haven't heard anything
2 further on. So as far as I know, they are inactive.
3 Q So as far as when I say an "open case," to you that is a
4 case where you have done an investigation and you are
5 aware that the claim has not been resolved?
6 A That's correct.
7 Q So there could be cases where you have done a report and
8 you don't know whether State Farm has pursued a
9 subrogation claim or State Farm has resolved the claim
10 with its policyholder?
11 A In most cases, unless I become made aware of pending
12 litigation, I don't know what happens to the claim once
13 I send my report in.
14 Q So once you send your report in, you consider it closed?
15 A That's correct.
16 Q Other than those two cases, have you investigated any
17 other fires or accidents that occurred in the State of
18 Mississippi?
19 A No.
20 Q Have you worked on any cases in which Ralph Newell was
21 involved as an expert?
22 A I believe so.
23 Q What case was that?
24 A The one that I can recollect was [REDACTED] Ford Motor
25 Company, I believe Mr. Newell was involved in that one.

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1 Q In the [REDACTED] case, what opinion did you have?
2 A This was involving a Ford, maybe a Grand Marquis, I'm
3 thinking, and I don't remember all of it, but I was of
4 the opinion that the fire started in the engine
5 compartment due to an electrical problem. I'm going to
6 be hard pressed to give you any more details than that
7 from memory.
8 Q Did you make a determination as to what component
9 started the fire?
10 A I honestly don't recollect on that one.
11 Q Did you give a deposition in that case?
12 A Yes.
13 Q Did that case go to trial?
14 A Yes.
15 Q What was the result of the trial?
16 A Ford prevailed at trial.
17 Q Where was that case held?
18 A Fort Wayne, Indiana.
19 Q Were you present when [REDACTED] testified?
20 A Well, I certainly wasn't in the courtroom when he
21 testified. Whether I was in Fort Wayne that day or not,
22 I don't know.
23 Q Do you remember any other cases in which [REDACTED]
24 was a witness and you consulted on?
25 A The best I can say is I don't specifically recollect. I

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1 know of [redacted] name. I don't know if there's been
 2 anything else, other than this matter and [redacted] where
 3 I have some across him.
 4 Q How do you know of his name?
 5 A I actually remember it from [redacted] can't remember
 6 if I have also come across his name in other matters
 7 involving Ford vehicles or not.
 8 Q Have you ever worked on a case where Burgess Young was
 9 an expert?
 10 A I don't recall his name, other than through this matter.
 11 Q Are you familiar with any other engineer employed by
 12 Ford Motor Company?
 13 A I may have come across some others, but I don't remember
 14 their names.
 15 Q [redacted] I have two documents stapled together.
 16 One is Deposition Summary for [redacted] and
 17 Trial Summary for [redacted]
 18 Can you take a look at that and tell me if
 19 that is a current listing of the trial summary and
 20 deposition summary?
 21 A Well, that's probably correct as of or approaching --
 22 this was printed in 12 of '97, so it's not all-inclusive
 23 through June of '98.
 24 Q When was the last time it was updated?
 25 A Oh, I suspect right around the time this one was

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1 printed.
 2 Q Since this one, have you updated your list?
 3 A No, not that I'm aware of. I probably need to, but I
 4 haven't.
 5 Q What depositions or trials have you given or testified
 6 in since December 2, 1997?
 7 A Well, there's probably been a number of them.
 8 [redacted] We're talking about depositions at
 9 this point?
 10 MR. DAVIS: Depositions or trials.
 11 BY MR. DAVIS:
 12 Q Let's do trials first.
 13 A Okay. I was at a criminal trial yesterday.
 14 Q Did you testify?
 15 A Sure did.
 16 Q What was the name of the case?
 17 A People versus McIntire, M-o-capital-[redacted]-r-o.
 18 Q Where was that case?
 19 A Midland Circuit Court.
 20 Q Other trials?
 21 A Let's see, Motley, M-o-t-l-e-y, v State Farm.
 22 Q Where was that case at?
 23 A That was down in Detroit; that would have been Federal
 24 Court.
 25 Q What was involved in Motley versus State Farm?

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1 A That was a house fire. The policyholder was using the
 2 insurance carrier for coverage under the policy.
 3 Q Who were you hired by in that case?
 4 A [redacted]
 5 Q So you testified against State Farm?
 6 A Sure did.
 7 Q What was the result of the trial?
 8 A They didn't think he set the fire, but they did think
 9 there were some irregularities, apparently, in some of
 10 the paperwork, so State Farm prevailed.
 11 Q What was your opinion in that case?
 12 A That the fire was not an incendiary fire.
 13 Q If I understand correctly, State Farm failed to pay a
 14 claim where a house burned because they alleged that the
 15 policyholder set the fire?
 16 A That's correct.
 17 Q When did you testify in the [redacted] versus State Farm
 18 case?
 19 A That was about six weeks ago, I think, give or take.
 20 Q Since you testified in that case, has State Farm hired
 21 you to do any investigation for them?
 22 A I think so.
 23 Q Where?
 24 A Down in Cincinnati.
 25 Q Other than the Motley versus State Farm case, have you

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1 ever testified in a case where you were on the opposite
 2 side of State Farm?
 3 A Not that I can specifically recall.
 4 Q In Motley versus State Farm, who actually retained you?
 5 A I was retained by counsel for Mr. Motley.
 6 Q Who was that?
 7 A I guess originally I was retained by Attorney Duncan
 8 Szymaniak, S-z-y-m-a-n-i-a-k-i.
 9 Q Had you ever been retained by [redacted] before?
 10 A That was the first case he had retained me on.
 11 Q Had anyone in his firm retained you before?
 12 A No.
 13 Q Did you know [redacted] prior to this case?
 14 A No.
 15 Q What other cases have you testified in this year?
 16 A I think it was this year [redacted] Allstate. I can't
 17 remember if [redacted]
 18 Q Is that trial were you retained by All State?
 19 A No.
 20 Q [redacted]
 21 A Yes.
 22 Q What was your opinion in that case?
 23 A That this was not a fire set by the homeowner.
 24 Q Where was that case at?
 25 A Ann Arbor, Michigan. Circuit Court, I think.

1 Q What was the result of that trial?
 2 A All State prevailed on that case.
 3 Q When was the trial held?
 4 A Without going back and looking at my good old daytimer,
 5 I don't remember. It has been at least a couple of
 6 months back.
 7 Q Sometime early 1998?
 8 A That's my recollection; possibly even late '97.
 9 Q Other than [redacted] and [redacted]
 10 have you testified at any other trials this year?
 11 A I'm going to have to go back and look at my daytimer to
 12 tell you for sure.
 13 Q Do you have your daytimer with you?
 14 A It's out in the van.
 15 Q With respect to depositions, can you remember the
 16 depositions that you have given before today that are
 17 not listed on your deposition summary?
 18 A Once again, I would have to go back and look at the old
 19 daytimer and see what is on there. I know there have
 20 been a number of them.
 21 Q A number of them this year?
 22 A Yes.
 23 Q Did any of them involve vehicle fires?
 24 A Yes.
 25 Q Can you remember those?

1 A I can remember one of them to some extent.
 2 Q What was that?
 3 A It's a funny caption because of the different insurance
 4 carriers involved. It's something like Potomac Club
 5 Condominiums, they are insured through Travelers. I had
 6 been retained by AAA. Their insured was [redacted]
 7 [redacted] who was involved in a fire - well,
 8 we believed originated, I think it was something like a
 9 1992 or '94 Mercury Sable parked in the garage in the
 10 condo.
 11 Q Did you reach an opinion in that case?
 12 A Yes.
 13 Q What was your opinion?
 14 A That the fire had originated in the engine compartment
 15 of the vehicle.
 16 Q Did you have an opinion as to the specific component or
 17 cause of that fire?
 18 A My recollection is, once again, an electrical problem,
 19 but the exact electrical problem just off the top of my
 20 head, I don't recall.
 21 Q Do you know the names of any of the other experts who
 22 were involved in that case?
 23 A No. I don't know that I ever know.
 24 Q Who were the defendants in that case?
 25 A I'm assuming Ford was a defendant, but I'm not sure who

1 also may have been, if anyone else.
 2 Q Do you know the name of the attorney who took your
 3 deposition?
 4 A Let's see, I know who noticed it.
 5 Q Who noticed it?
 6 A That was Lisa Anderson at Clawson Miller, but they
 7 represented - they were not for Ford, they were for
 8 Travelers, which had the condominium. Just off the top
 9 of my head, I don't remember who was there for any of
 10 the defendants.
 11 Q Where was that case filed?
 12 A It's here in Michigan. I don't remember which courtroom
 13 that was.
 14 Q Could I just ask if you can locate the name of that case
 15 and provide it to [redacted]
 16 [redacted] We'll get you that.
 17 BY MR. DAVIS:
 18 Q I just want to briefly go over some of your trial
 19 summary.
 20 [redacted] on your Trial Summary, and I
 21 briefly want to go through some of this, and can we go
 22 through - I see the first one was a supermarket fire?
 23 A Yes.
 24 Q Let's do this. Earlier I was talking about your
 25 qualifications, and I have a document.

1 In this a document that you created which has
 2 your information regarding your client list and also
 3 some qualifications or your work history and education?
 4 A Yes.
 5 Q It is a resume?
 6 A Yes.
 7 MR. DAVIS: We'll attach this as Exhibit 1 to
 8 the deposition.
 9 (Defendant's Deposition Exhibit 1 was marked
 10 for identification; attached hereto.)
 11 BY MR. DAVIS:
 12 Q [redacted], the document that you have in front of
 13 you, is that document your Trial Summary and Deposition
 14 Summary?
 15 A Yes, it is.
 16 MR. DAVIS: I'd like to attach that as
 17 Exhibit 2 to the deposition.
 18 (Defendant's Deposition Exhibit 2 was marked
 19 for identification; attached hereto.)
 20 BY MR. DAVIS:
 21 Q On some of those, as far as the case caption, for
 22 example, the second one, John Craig versus Spring Grove
 23 Care Center, I'm trying to find out - the caption may
 24 not list the entire name of all plaintiffs or all
 25 defendants; correct?

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1 A That's correct.
 2 Q As we go through these, can you point out any to me
 3 where there's a caption where Ford Motor Company may
 4 have been a defendant but it is not listed in the case
 5 captions on your Trial or Deposition Summary?
 6 A If my memory serves well enough, certainly.
 7 Q The first one on here is Great Midwest versus Malin
 8 Craft?
 9 A Yes.
 10 Q Is this case, that was a supermarket fire?
 11 A Yes, it was.
 12 Q A vehicle was not involved, correct?
 13 A It was a floor cleaner, motorized, electric motor.
 14 Q The next case, that was [redacted] versus Spring Grove
 15 Care Center, it has "electric shocks, antenna
 16 installations"?
 17 A Yes.
 18 Q Was a person shocked?
 19 A Yes. Well, actually I think he was officially
 20 electrocuted.
 21 Q Did he die?
 22 A I think so.
 23 Q On your Trial Summary you have "Trial date" listed, you
 24 have "Representing: D" and, in some places, "P"; that
 25 would mean you would be hired by the defendant or the

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1 plaintiff?
 2 A That's correct.
 3 Q And the "Result" is "W" or "L," meaning that the side
 4 that you were hired -
 5 A - won or lost. Or if there's no indication, then it
 6 means I don't know.
 7 Q The last one on the page indicates Astor Casualty versus
 8 Woody Pontiac, that was a car/home fire?
 9 A Yes.
 10 Q You were representing the plaintiff which, in this case,
 11 was Astor Casualty & Surety?
 12 A That's correct.
 13 [redacted] Testifying for, not
 14 representing.
 15 MR. DAVIS: I'm just going by what his Trial
 16 Summary indicates.
 17 BY MR. DAVIS:
 18 Q And in this case you did a fire cause and origin?
 19 A Yes.
 20 Q What did you give an opinion as in the cause of the
 21 fire?
 22 A This was, we believed it to be an engine compartment
 23 fire involving - it was an electrical problem and I
 24 don't remember the exact nature of the electrical
 25 problem.

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1 Q Do you remember the kind of car it was?
 2 A General Motors. Specific model, no.
 3 Q And you don't remember what component was involved, as
 4 far as your opinion was concerned?
 5 A Not specifically, no.
 6 Q Just going through page 2, the first one is a house
 7 fire. The second one you have "electrical shocks." The
 8 third one you have "garage door analysis"?
 9 A Yes.
 10 Q What type opinion did you provide in that case?
 11 A This actually had to do with some, for lack of a better
 12 term, I'll say installation issues related to the garage
 13 door and some problems therein whereby an installer got
 14 an arm fairly well beat up by the torsion springs.
 15 Q You have "mechanical analysis" here, so were you not -
 16 based on that same area of testimony, "mechanical
 17 analysis," is it my understanding that you were not
 18 giving opinions regarding the electrical operation of
 19 the garage door?
 20 A That's correct.
 21 Q The last one on the page, UNAC versus Pyrom, vehicle
 22 fire, what kind of vehicle was involved in this case?
 23 A Pickup truck. I honestly don't remember if it was a
 24 Ford or a General Motors.
 25 Q Do you remember what your opinion was?

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1 A I thought that this one was possibly a transmission
 2 fire.
 3 Q The transmission of the vehicle -
 4 A - overheated to start the fire is my recollection.
 5 Q On page 3, just going through some of the list, you have
 6 a shopping mall fire. The next one is a fire loss,
 7 which is [redacted] versus [redacted]
 8 Was this a criminal prosecution where they
 9 thought [redacted] had committed arson?
 10 A Yes.
 11 Q A modular home fire. And the last one is an incendiary
 12 fire?
 13 A Yes.
 14 Q Going on page 4, State Farm Fire & [redacted] versus [redacted]
 15 [redacted] the third case on the list -
 16 A Okay.
 17 Q - do you remember what opinions you gave in that case?
 18 A I honestly don't. I remember a little bit about it, but
 19 not enough to answer your question.
 20 Q It indicates you are representing a defendant. Would that
 21 be you were retained by [redacted]
 22 A Yes.
 23 Q State Farm, do you know why they sued [redacted]
 24 A If memory serves me correct, [redacted] may have been
 25 the prior owner of this residence, he sold it and there

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1 was a fire loss, and I believe the allegation was that
2 some repairs or some work done on the house by
3 [redacted] was what caused the fire, something along
4 those lines.
5 Q On page 5, the first case is [redacted] versus
6 [redacted] which indicates you were retained by [redacted]
7 [redacted] is that correct?
8 A That's correct.
9 Q The next case is a slip and fall?
10 A Yes.
11 Q What opinions did you give in the slip and fall case?
12 A In that particular case there were some very obvious
13 problems with the construction of a staircase.
14 Q Did it have anything to do with electrical?
15 A That particular one, no.
16 Q Did it have anything to do with fires?
17 A No.
18 Q The last case on the page is a house fire [redacted]
19 Fire [redacted] versus [redacted] it doesn't have
20 who retained you.
21 A Hold on, one of them is out of place. How did that
22 happen? One of those should be a deposition and one
23 should be a trial. Let's see what happened here.
24 (Witness reviewed document.)
25 Well, anyhow, that first one probably should

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1 be the deposition in that matter and then the second one
2 would have been the trial.
3 Q Do you know who you were retained by in that case?
4 A I had been retained by [redacted]
5 Q With [redacted]
6 A No.
7 Q The attorney for Mr. Miller?
8 A Yes, or Mr. Miller's car insurance carrier, yes.
9 Q So Mr. Miller's insurance carrier provided a defense for
10 him?
11 A Yes.
12 Q Do you know who his insurance carrier was?
13 A I believe that was Pioneer State Mutual.
14 Q At the top of the next page it has Chieftain Insurance
15 Company versus, and it has a blank. Who was the
16 defendant in that case?
17 A That's Ford Motor Company. That's the [redacted] matter
18 that we had previously mentioned.
19 Q So this is [redacted]
20 A Yes.
21 Q Can you spell [redacted] for me?
22 A Hopefully, [redacted] Hopefully I have the right
23 number of Zs and Ns.
24 Q And this is the trial in which [redacted] was
25 involved?

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1 A To the best of my recollection, yes.
2 Q Do you remember what kind of a vehicle that was?
3 A I said I thought it was like a Grand Marquis or a - the
4 Grand Marquis is the Mercury side, what's the Ford
5 counterpart - LTD. I think it was the LTD and not
6 the - the Ford version, not the Mercury.
7 Q Do you recall the opinion you gave in that case as far
8 as anything wrong with the vehicle?
9 A I believe the opinion was that it was an electrical
10 malfunction in the engine compartment. The exact
11 malfunction I don't recall.
12 Q Going over to page 7, the third one, AAA Michigan versus
13 Ford Motor Company, in this case you were retained by
14 AAA Michigan?
15 A Yes.
16 Q Is this the case you were speaking of earlier involving
17 a condo, or something?
18 A No.
19 Q In this case, what kind of vehicle was involved?
20 [redacted] if you remember.
21 A It was a Ford product. But no, the exact model I don't
22 remember.
23 BY MR. DAVIS:
24 Q Do you remember what your opinion was?
25 A Not specifically on that one, no.

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1 Q And at trial, Ford prevailed on that case?
2 A Yes, they did.
3 Q In your Deposition Summary, Number 2 has "Title:
4 Vehicle defect - truck door," and your area of testimony
5 was "mechanical analysis" ?
6 A Yes.
7 Q What opinions were you providing in that case?
8 A That was involving an 18-wheeler with a sleeper cab and
9 there had been someone - there was like a side entry
10 door to that - or exit door from that sleeper cab.
11 Someone fell out the door while the vehicle was in
12 motion. And there was some analysis on that door to
13 determine if it was human error or otherwise, why the
14 door opened.
15 Q And that had nothing to do with the electrical operation
16 of the door?
17 A No.
18 Q The third deposition on this paper indicates "accident
19 reconstruction" ?
20 A Yes.
21 Q Do you hold yourself out as a motor vehicle accident
22 reconstructionist?
23 A I did do that type of work while I was with P.A.C.E. I
24 don't really get involved in that much anymore. But
25 yes, I have done that.

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1 Q So this is back in 1989?

2 A Yes.

3 Q So at the present time you do not consider yourself an
4 accident reconstructionist?

5 A I don't advertise for that type of work, no.

6 Q On page 2 there is a camper fire/explosion?

7 A Yes.

8 Q Can you tell me a little bit about that?

9 A That was one of those pop-up tent campers. There had
10 been a propane explosion and fire. There were
11 allegations being made about the odorant in the propane
12 and some other issues.

13 Q At the bottom of that page you have a boat fire?

14 A Yes.

15 Q Did that have anything to do with the electrical
16 operation of the boat?

17 A In some indirect ways.

18 Q I want to go to page 3. You have a vehicle fire at the
19 bottom. [redacted] versus [redacted] What type of
20 vehicle was involved in that case?

21 A I honestly don't remember.

22 Q Going over to page 6 at the top, [redacted] versus
23 [redacted] was Ford Motor Company a
24 defendant in that case, also?

25 A Possibly.

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1 Q Do you remember the vehicle involved in that case?

2 A Not specifically.

3 Q Do you remember the opinion you gave?

4 A Not from memory, no.

5 Q The last one on the case is [redacted] versus [redacted]
6 Were you retained by [redacted]?

7 A Yes.

8 Q Do you remember the vehicle involved in that case?

9 A No. Not from memory, no.

10 Q Going over to page 10, the second one, "CO
11 Asphyxiation"?

12 A Carbon monoxide.

13 Q What opinion did you provide in that case?

14 A We were looking into issues of operation of the space
15 heater and how, if, and why it contributed or caused the
16 carbon-monoxide death.

17 Q What opinion did you give in that case?

18 A I don't remember the specific opinions.

19 Q Was that space heater gas?

20 A It was a propane fired heater, yes.

21 Q The next case listed on there is [redacted]
22 [redacted] versus [redacted] Is that the one we
23 spoke of on the trial list?

24 A Yes.

25 Q On page 16 there's a case, the third one on the list,

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1 [redacted] versus [redacted]

2 do you see it?

3 A Yes.

4 Q It has you were representing the defendant?

5 A Well, one of a gun. See, I have been in your court
6 before.

7 Q In the [redacted] versus [redacted]
8 case, were you retained by Ford Motor Company?

9 A I was retained by the law firm which I think was
10 actually representing one of the dealerships.

11 Q So in addition to Ford, there were some dealers involved
12 in this case?

13 A Yes.

14 Q Do you remember what your opinion was?

15 A Not from memory, no.

16 Q It has you gave a deposition February 26, 1997; is that
17 correct?

18 A Sounds right.

19 Q And the defendant attorney is David Mostera?

20 A Yes, he was my client.

21 Q Did David Mostera represent a dealer or did he represent
22 Ford Motor Company?

23 A My recollection is he represented a local dealership.

24 Q Do you know the name of the dealership?

25 A I believe, if memory serves me correct, it was Stu Evans

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1 Lincoln Mercury.

2 Q What was the allegation in this case?

3 A I don't remember.

4 Q What type of vehicle was involved in this case?

5 A Without looking back to the file, I don't remember the
6 specific model.

7 Q Do you remember the name of any Ford Motor Company
8 expert involved in that case?

9 A Sure don't.

10 Q Do you know if that case is set for trial or is it
11 resolved?

12 A I believe it is resolved, but I'm not a hundred percent
13 sure on that.

14 Q Have you done any other work for David Mostera?

15 A I have done some other work for that office, yes.

16 Q Which attorney?

17 A I can picture him, but for the life of me I'm drawing a
18 blank on his name.

19 Q In this case, do you know if you gave an opinion as to
20 whether a vehicle was the cause or origin of the fire?

21 A Just as I sit here I don't remember that case well
22 enough to tell you what my opinions were.

23 Q On page 17, the second one was a garage door opener
24 fire?

25 A Yes.

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1 Q You have representing State Farm here?
2 A That's correct.
3 Q Did you give an opinion that a garage door opener was
4 the cause of a fire?
5 A Yes.
6 Q Was that electrical in nature?
7 A Yes.
8 Q And the last one on this page is a home fire, is it?
9 A Yes.
10 A Yes.
11 Q And you represented the defendant --
12 A Yes.
13 Q -- which is [redacted]
14 A Actually, I believe I was representing one of the other
15 defendants. It was one of those options that go on
16 forever.
17 Q How many cases have you been involved in where a vehicle
18 and a structure, say a house or a condominium, have
19 burned?
20 A A number of them. I have no way from memory to --
21 Q Are you familiar with any in which you have been
22 involved where a car and a house burned and you gave the
23 opinion that the car was not the cause of the fire?
24 A Yes.
25 Q Which one?

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1 A Well, I know I just recently did one in the Toledo area.
2 This one isn't in Elgin.
3 Q Just a claim?
4 A It was just a claim. The fire started in the garage and
5 I concluded it was not the car.
6 Q Did you find out what was the cause of the fire?
7 A Not conclusively, no.
8 Q Any others?
9 A I know that there have been others with
10 car-in-the-garage scenarios, but as far as being able to
11 say was it the car, was it the garage, I can't tell you
12 now how the numbers would work out in terms of how those
13 calls went.
14 Q Has any court ever refused to allow you to testify as an
15 expert?
16 A No.
17 Q Has your testimony ever been excluded or limited by a
18 judge?
19 A Not that I'm aware of.
20 Q In what area do you consider yourself an expert with
21 respect to the case we're here on today?
22 A Certainly origin and cause. Electrical matters.
23 Electrical fires. Those would be certainly the
24 predominant areas.
25 Q You don't consider yourself an expert in the manufacture

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1 of vehicles, do you?
2 A Not the specifics of the manufacturing, no.
3 Q And you don't consider yourself an expert in the design
4 of automobiles, do you?
5 A Not the specifics of the design, no.
6 MEL DAVIS: At this time, those are the
7 questions that I have regarding qualification. I'll let
8 Mark ask his.
9 ---
10 EXAMINATION
11 BY MEL CARLSON:
12 Q [redacted], we met earlier. I'm Mark Carlson. I
13 represent [redacted] the dealership in this
14 case and I've just got a few follow-up background
15 questions for you.
16 Since 1988, how many of your fire
17 investigations covered passenger automobiles and not
18 trucks?
19 A It would be in the hundreds, but the exact number, I
20 couldn't tell you.
21 Q You state in your CV that you have investigated over 600
22 fires and other accidents. So let's relate it to those
23 600 -- is that still a good number?
24 A No, that 600 applied to my tenure at P.A.C.E.
25 Since starting this company, I've probably

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1 opened somewhere 1200, 1300, 1400 files.
2 Q So that would be in addition to the 600 you did for
3 P.A.C.E.?
4 A Yes.
5 Q So we're talking in the range of 1800?
6 A 1800 to 2000, maybe.
7 Q How many of those involved passenger automobiles and not
8 trucks? I'm talking about passenger automobiles.
9 A We're probably talking a couple of hundred. An exact
10 number, I couldn't tell you.
11 Q How many of those involved a Ford product?
12 A I have no idea.
13 Q No idea whatsoever?
14 A More than one or two; but beyond that, I couldn't tell
15 you what proportion of all of that was Ford products
16 versus the Chrysler, or any of the imports.
17 Q Would you say that any one car manufacturer predominates
18 in your investigations?
19 A Not that I'm aware of.
20 Q So you just don't remember how many?
21 A No, I don't keep track of it to that level.
22 Q Since you worked for P.A.C.E. through the present time,
23 you have essentially worked as a forensic engineer; that
24 is, a person who investigates those things that you have
25 been talking to us about with a view towards testifying

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1 in court?

2 A Well, there's always that potential. In a matter like

3 this, when I was retained, I know, going in, we were in

4 litigation. A lot of the matters I do I have no idea if

5 there is going to be litigation at the time I receive

6 the assignment.

7 Q But are you aware that there's always that potential?

8 A There's always the potential.

9 Q Since 1992, since you started your company, how much

10 work have you done - what percentage of the work that

11 you have done has been for insurance companies in

12 subrogation matters?

13 A Well, we'll split your question in half. In terms of it

14 being for insurance companies, probably directly or

15 indirectly it's 90, 95 percent of it because I'm either

16 working for the insurance carrier directly or for an

17 attorney who is working on behalf of the carrier.

18 Q Or an insured?

19 A Or an insured.

20 Q In terms of subrogation work, how much?

21 A That, I have no idea because, once again, some of these,

22 going in, you don't know if there's going to be

23 subrogation or not, that's part of what you are trying

24 to find out. So some going in, I have no idea as to

25 where they are going to go once I start.

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1 Q Let me break it down even further, then.

2 In those matters in which you have given sworn

3 testimony, whether that be in a deposition or in open

4 court, how many of those involved or what percentage of

5 those cases in which you have given sworn testimony have

6 been subrogation matters for the insurance company or

7 its insured?

8 A The majority.

9 Q Are you saying greater than 50 percent, or are you

10 saying 90 percent?

11 A Definitely greater than 50. I don't know if it goes

12 quite up to 90.

13 Q Seventy-five percent, are you comfortable with that

14 figure?

15 A As long as you don't write it in stone.

16 Q Well, you are under oath. I might ask you about it

17 later. I want you to be comfortable with it.

18 A If you want me to be comfortable with it, then we'll

19 have to go through page by page and try to figure out

20 the numbers. If you are happy with an estimate -

21 Q I'm not sure that we have all of that information here

22 today. I want you to give me a percentage that you are

23 comfortable with. And if that is between 50 and

24 90 percent -

25 A Well, between 50 and 90. More than 50, probably less

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1 than 90.

2 Q Now, there's a little bit of a follow up on Mr. Davis's

3 question about your expert qualifications.

4 Have you been qualified in both State and

5 Federal Court?

6 A Yes.

7 Q Have you ever testified in State or Federal Court in

8 Mississippi?

9 A No.

10 Q And I understand in this particular case you made a

11 visit to Jackson to examine the automobile?

12 A That's correct.

13 Q How many times have you been to Jackson?

14 A Once.

15 Q Can you tell us and the jury what areas that you have

16 been admitted as an expert in; do you understand my

17 question?

18 A Yes. Certainly fire, origin and cause. Electrical

19 matters. Accident reconstruction. Well, let me back

20 off on that one. I don't know if I have actually

21 testified at trial on that. There have been other cases

22 of engineering evaluations that have not involved fires

23 or electrical matters.

24 Q For instance?

25 A Well, let's see, there was that slip and fall case down

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1 in Kentucky where we were dealing with some building

2 code issues. And there was that garage door incident,

3 that was an Ohio case; that was more a mechanical issue.

4 But those two I specifically remember being outside the

5 normal envelope, if you will.

6 Q Have you been asked to testify live at the trial in this

7 case?

8 A I don't know that there's been any discussion one way or

9 the other that I specifically recall.

10 Q Have you ever worked with [redacted] or his firm on

11 a case before [redacted]?

12 A No.

13 Q How do you get to be a member of the National Fire

14 Protection Association?

15 A There's a membership application one fills out; sends

16 money, of course. I don't remember all of the specific

17 qualifications that are on that membership form.

18 Q But you do recall there are some qualifications, other

19 than filling out the membership form and submitting the

20 membership fee?

21 A I don't recall the specifics of what they ask on that

22 application.

23 Q I understand your answer.

24 Do you recall whether or not it requires any

25 particular educational degree?

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1 A I'm not aware of it requiring any specific educational
2 degree.
3 Q Do you recall whether it requires any level of
4 experience in terms of fire investigations?
5 A Not that I recall, no.
6 Q Or attending seminars on fire cause and origin?
7 A Not that I recall.
8 Q How does one get to be a member of the International
9 Association of Arson Investigators?
10 A Once again, one fills out the application, sends the
11 appropriate money. You must get a recommendation or
12 endorsement from a current member. Obviously, you must
13 be doing some work in or related to the field of fire
14 investigation.
15 Q When did you become a member of, I believe you referred
16 to it as the IAAT?
17 A I think it was somewhere around 1989, if I remember
18 correctly.
19 Q Do you recall how many fires you had investigated at the
20 time you applied for membership in IAAT?
21 A I sure don't.
22 Q Prior to 1989 had you ever investigated a fire for the
23 purpose of determining cause and origin?
24 A No.
25 Q Prior to 1989 have you ever investigated any type of

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1 automobile fire?
2 A No.
3 Q I'm going to follow up on one question that Mr. Davis
4 had, and then I'll be finished.
5 He asked you about how many car-hours burn
6 fires you had investigated, and I believe you said you
7 didn't recall?
8 A I couldn't put an exact number on it, no.
9 Q What about less than a hundred?
10 A Probably, but I wouldn't swear to it.
11 Q So you are comfortable with a figure of around a
12 hundred? Possibly less? Possibly more?
13 A As I said, I don't know - I don't even know what the
14 approximate number is, and that's why I know we're not
15 up around a thousand of them, or so. I know it's more
16 than a handful, but where in between, without reviewing
17 a whole bunch of records, I would have no way to tell
18 you.
19 [REDACTED] That's all I have right now.
20 ---
21 RE-EXAMINATION
22 BY MR. DAVIS:
23 Q Let me just ask one other question.
24 On the Deposition Summary, on page 10, the
25 second one, at the end it has "Arrest of testimony,"

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1 "warning labels"?
2 A Yes.
3 Q Do you hold yourself out as a warnings expert?
4 A Not specifically, but we did get into some nominal
5 issues on warning labels on that matter, yes.
6 Q Did you provide opinions regarding the adequacy of the
7 warning labels?
8 A I know we got into that issue, but I don't remember the
9 details of what level we got into it is on that case.
10 MR. DAVIS: All right.
11 OFF the record.
12 (Discussion held off the record.)
13 (Short recess.)
14 ---
15 BY MR. DAVIS:
16 Q [REDACTED] in front of you you have your file; is
17 that correct?
18 A That is correct.
19 Q And certain documents were removed from your file which
20 I believe certain claims are privileged?
21 A That's my understanding.
22 Q Other than those documents and what is before you, is
23 that your entire file?
24 A Yes, it is.
25 MR. DAVIS: Could you identify the documents

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1 on which privilege is claimed?
2 [REDACTED] What we are claiming is
3 privileged is a handwritten note summarizing a telephone
4 conversation [REDACTED] and I had on November 5, 1997.
5 A second handwritten note from [REDACTED]
6 summarizing a second conversation we had on November 6,
7 1997.
8 A letter from myself to [REDACTED] in both
9 the Hillow and Hibbs lawsuits dated November 11, 1997.
10 A second letter from myself to [REDACTED]
11 dated November 23, 1997 in both the [REDACTED]
12 lawsuits.
13 A fax cover sheet to myself from [REDACTED]
14 dated December 7, 1997.
15 A second fax cover sheet from [REDACTED] to
16 myself dated February 1, 1998.
17 A letter from myself to [REDACTED] dated
18 March 4, 1998 regarding the [REDACTED] lawsuit.
19 A second letter from myself to [REDACTED]
20 regarding the [REDACTED] lawsuit dated May 15, 1998.
21 If you file a motion, we'll provide those in
22 camera to the Court.
23 BY MR. DAVIS:
24 Q [REDACTED] did you receive a copy of the Notice of
25 Deposition?

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1 A Yes, I did.
 2 Q [REDACTED], I'm going to hand you certain documents
 3 and tell me, can you identify what those documents are?
 4 A The top document looks like my report to [REDACTED]
 5 dated December 8, 1997.
 6 It looks like we have four pages of text with
 7 40 attached photographs.
 8 And then the next group you have, let's see,
 9 we have I don't know how many pages of laser copies of
 10 photographs. These would be the additional photographs
 11 that I took while down in Mississippi, but they were not
 12 referenced in the report.
 13 We then have a couple of pages of schematic
 14 and component layout information from the '93 Crown Vic
 15 Grand Marquis, and a page from like a service manual
 16 talking about the air suspension circuit. It looks like
 17 that is two pages.
 18 Q Are those documents part of your file?
 19 A I believe so.
 20 Q Can you identify this document?
 21 A It looks like [REDACTED] report on the subject loss.
 22 Well, I've got a couple more pages that you do.
 23 Q How many pages of [REDACTED] report do you have?
 24 A I have through page 49. Our good friend [REDACTED]
 25 represents the difference.

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1 Q How many pages do you have of [REDACTED]
 2 A It appears that I have -- it looks like two pages.
 3 Well, one page that has a reference number, page 50.
 4 Another page that is not numbered. And then two pages
 5 of excerpts from a schematic of diagrams. Then it looks
 6 like a fax cover sheet with four sheets, including the
 7 cover sheet giving [REDACTED] CV.
 8 Q So different from the documents that I have, as I correct
 9 in saying that you have nine pages?
 10 A I thought I had eight, but let me double-check.
 11 Q All right.
 12 A Eight.
 13 Q You have eight pages?
 14 A Yes.
 15 Q And those eight pages relate to an inspection by
 16 [REDACTED] and report of [REDACTED]
 17 A Yes.
 18 MR. DAVIS: Do you object to producing those
 19 eight pages?
 20 [REDACTED] Yes, we object to that.
 21 That's the subject of a pending motion.
 22 BY MR. DAVIS:
 23 Q Did you review the eight pages of [REDACTED]
 24 A I would have reviewed that, yes.
 25 Q I'd like to mark, as Exhibit 1, the Notice of

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1 Deposition. Exhibit 2, the Fire Cause Determination of
 2 Mr. Vickens, which includes a cover sheet page and
 3 pages 1 through 49. And as Exhibit 3, your report dated
 4 December 8, 1997 with photographs and with two separate
 5 schematics; would that be correct?
 6 A Was that included as part of my report? Hold on.
 7 I knew that those schematics were part of my
 8 file. I'm just double-checking to make sure if they
 9 were actually referenced in the report. I don't know
 10 that those were necessarily an attachment to the report,
 11 but they were certainly part of my file.
 12 MR. DAVIS: Well, we will identify the
 13 schematics as Exhibit 4.
 14 (Defendant's Deposition Exhibits 1 - 4 were
 15 marked for identification; attached hereto.)
 16 BY MR. DAVIS:
 17 Q Mr. Kowensky, can you go through your file and tell me
 18 what other documents you have in it?
 19 A Let's see, I have a copy of a recorded statement taken
 20 by Malinda Houston of State Farm. This was taken of
 21 Mr. and Mrs. Billow on December 7, 1995. I have Johnny
 22 Mansour, it's a recorded statement from Mr. Billow on
 23 12-7 of '95.
 24 I have it in here, just a copy of some of the
 25 Federal Discovery Rules that were sent to me. Hopefully

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1 you are familiar with that.
 2 MR. McALLISTER: For purposes of
 3 clarification, Greg, he was actually provided with three
 4 statements; two of those are taped together. The
 5 statements -- the second statement that is dated
 6 December 7th has a second page dating it as
 7 December 18th. Attached to that is a third statement
 8 from Malinda Houston dated December 11, 1995, and you
 9 have been provided with copies of all three of those.
 10 MR. DAVIS: Right, I have those.
 11 A I think we talked about those, with the component views
 12 and all of that.
 13 Two pages of handwritten notes regarding my
 14 inspection of the evidence in Mr. Vickens' office.
 15 A copy of an invoice.
 16 BY MR. DAVIS:
 17 Q What is the total amount of your invoice?
 18 A \$2,091.00.
 19 A copy of Mr. Newell's report dated
 20 February 16, 1998. Attached to that we have a CV and a
 21 whole bunch of other little goodies. And I believe,
 22 yes, I also have attached to that the letter from a
 23 gentleman from Ford, Burgess Young, and some
 24 supplemental information on Mr. Young.
 25 The next package is some material from the

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1 State Farm claim file regarding an automobile accident
2 that the [redacted] vehicle was involved in.
3 And I also have a deposition transcript, I
4 believe this is [redacted]
5 And I have the photo jacket with the negatives
6 and the photographs that were not in the report.
7 Q And those photographs are photographs which we have
8 laser copies of?
9 A It appears that way.
10 Q Did you read [redacted] deposition?
11 A Yes, I did.
12 Q What is your understanding as to when the car was
13 purchased, how many miles they had on it when they
14 purchased it and the mileage at the time of the fire?
15 MR. McALLISTER: Why don't we break that down
16 one at a time and let him go through the deposition and
17 pull out -- do you want him to go through the deposition
18 and pull out that information?
19 BY MR. DAVIS:
20 Q Without going through the deposition, do you know that?
21 A Well, hold on. Let me see. We'll take them in the
22 order I find the info.
23 My understanding is it was purchased as a
24 demonstrator. It had about 25,000 miles on it at the
25 time of sale. And that there were approximately 70,000

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1 miles on the vehicle at the time of the fire.
2 What were the other parts of the question?
3 Q The date the vehicle was purchased?
4 A That, I don't recall, but hold on.
5 I'm not sure. I'd have to look.
6 Q It's your understanding that this vehicle is a 1992
7 Mercury Grand Marquis?
8 A Hold on, '92.
9 Q And the date of the incident being December 6, 1993?
10 A That's my understanding.
11 Q So as far as the number of years the vehicle has been
12 used, do you have any understanding as to what that is?
13 A Well, it looks like it could have been on the road for
14 somewhere between two and three years. Exact number, I
15 couldn't tell you.
16 Q So to go 70,000 miles, they were putting approximately
17 somewhere between 15,000 to 20,000 miles on the vehicle
18 a year?
19 A I think it would have been somewhere between 15,000 to
20 20,000 miles in a year, just depending on when the dates
21 of purchase and everything were, which I don't know just
22 offhand.
23 Q Do you know where this vehicle was manufactured?
24 A I do not know which specific factory it was manufactured
25 at, sir.

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1 Q Do you know when it was manufactured?
2 A No.
3 Q With respect to the document that you produced out of
4 your file, which is two pages of, I guess, maybe like
5 five-by-eight sheets of paper?
6 A Yes.
7 MR. DAVIS: We're going to attach this as
8 Exhibit Number 5 to your deposition.
9 (Defendant's Deposition Exhibit 5 was marked
10 for identification; attached hereto.)
11 BY MR. DAVIS:
12 Q Could you read what is on Exhibit Number 5?
13 A It has, [redacted] 2-3-97."
14 The next line says, [redacted] We have " 9
15 bags/items of evidence."
16 Number 1 says, "Remains of 2 relays, 1 short
17 section of wire fused at center approximately 2 1/2
18 inches long, 14 gauge wire."
19 Number 2 we have some metal mesh, a small DC
20 motor, a solenoid with two wires approximately 7 inches
21 in length. There's a marking on the bottom that looked
22 like OLOM or it could be more instead of Os. We had
23 one wire that showed bending. It was about a 16-gauge
24 wire. All the other wires I saw appeared to be
25 14-gauge.

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1 Bag Number 3 had a printed circuit board
2 approximately 2 inches by 3 inches. A 12 position
3 connector. Two lengths of multi-conductor type cable.
4 Two, I call them, in quotes, blobs. It was probably
5 some melted masses of plastic or metal. And we had one
6 loose piece.
7 And then we go to the next page where it says
8 [redacted] with two circles on it, meaning the second
9 page.
10 We now have Bag Number 4 that contains 9
11 pieces of wire, 2 of them are solid, the others are
12 stranded.
13 Bag 5 has a large DC motor. The air pump
14 motor, there is shorting on the leads to the pump.
15 There is nothing to pump on the side closest to leads.
16 Bag 6 is a large assortment of wiring.
17 Bag 7 we have a large connector.
18 Bag 8 is assorted wiring. We have one harness
19 secured with masking tape and it's a miscellaneous
20 piece.
21 And Number 9 was just basically miscellaneous
22 wiring and everything that had accumulated at, I
23 believe, the bottom of a storage bin that all the other
24 evidence was being kept in.
25 Q Other than these handwritten notes, did you make any

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1 other handwritten notes?

2 A No.

3 Q Can you tell me what you did in your investigation into

4 the fire regarding the [redacted]

5 A After making contact with [redacted] and making

6 arrangements to come down to Jackson, I had been sent

7 [redacted] report. I believe I was also given at

8 that time, the recorded statements from the [redacted]

9 And I did review those materials prior to coming down to

10 Jackson.

11 On December 3rd I went to [redacted] office

12 where I reviewed the physical evidence he had retained.

13 And on December 4th we went out to the salvage yard

14 where the vehicle was being stored and I examined the

15 vehicle.

16 Q And after you examined the vehicle, did you do anything

17 else?

18 A Came back home and eventually prepared a written report

19 of my findings.

20 Q Did you visit the home site?

21 A No.

22 Q Did you reach any conclusions regarding the cause or

23 origin of the fire?

24 A Yes, I did.

25 Q What conclusion did you reach?

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1 A Basically that the fire originated at the left front

2 corner of the engine compartment, specifically at the

3 air suspension compressor motor; that the fire was

4 caused by short-circuiting of wires associated with the

5 air suspension compressor motor and solenoid, and that

6 the damage to the wiring that led to the

7 short-circuiting was most probably the result of a

8 latent defect in the vehicle.

9 Q When you say "latent defect," what do you mean?

10 A A defect in the vehicle as it came from the factory.

11 Q Is it correct that you have an opinion that the design

12 of the vehicle was a cause of the fire?

13 A I have no reason to suspect any design problems.

14 Q Is it your opinion that the manufacture of the vehicle

15 caused the fire?

16 [redacted] Wait a minute. Let me make

17 sure. What is your question?

18 MR. DAVIS: Does he have an opinion that the

19 cause of the fire was related to the manufacture of the

20 vehicle?

21 [redacted] The manufacturing process, is

22 that what your question is?

23 MR. DAVIS: Yes.

24 A Well, the best way to answer it is that it would be my

25 opinion that that wiring was damaged somewhere in the

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1 manufacturing stream, but that does not necessarily mean

2 that I believe that there's an inherent problem in the

3 manufacturing process.

4 BY MR. DAVIS:

5 Q With respect to the manufacturing stream of a 1992

6 Mercury Grand Marquis, what knowledge do you have about

7 the manufacturing process?

8 A I don't have a lot of intimate information about the

9 details of the process in terms of how, what sequence

10 the parts are put together, or things of that nature. I

11 know that they use parts that come both from outside

12 suppliers and inside suppliers.

13 I will acknowledge that I do not know if this

14 particular wiring assembly is something that is produced

15 by an in-house source or comes from an outside vendor.

16 Q With respect to the damage that you allege the wire had,

17 when did that damage occur?

18 A In my opinion, it occurred sometime before heading out

19 the factory door. Exactly when in the process, I can't

20 say.

21 Q What do you base that on?

22 A Well, the fact that absent a problem with the wiring, it

23 wouldn't have shorted out to cause the fire. This is an

24 area where it would not be subject to casual contact, so

25 I would not expect this to be the result of inadvertent

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1 contact once it has left the factory; absent any

2 specific service work in that area, there's no reason

3 that I have been made aware of of any service work on

4 this vehicle involving this particular assembly.

5 So it leads me to conclude that the problem

6 existed as delivered from the factory.

7 Q Isn't it true that during service work on a vehicle,

8 that a screwdriver or a wrench can be dropped by a

9 mechanic and cause damage to the wiring in the vehicle?

10 [redacted] Are you asking him to

11 speculate about that?

12 MR. DAVIS: I'm asking him to testify about

13 that is his opinion as he has given his opinion

14 regarding the damage to the wire.

15 A Are you asking me the general hypothetical, or whether

16 or not I think it is possible in this particular vehicle

17 as relates to this particular set of circumstances?

18 BY MR. DAVIS:

19 Q A general hypothetical.

20 A As a general hypothetical, yes.

21 Q Let me ask the question again.

22 During the maintenance of a vehicle, is it

23 possible that a wrench or a screwdriver could drop and

24 cause damage to a wire?

25 A As a general hypothetical, yes, that is a possibility.

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1 As relates to this incident and where this particular
2 malfunction occurred, I'd say so.
3 Q Why so?
4 A I don't know how familiar you are with this particular
5 component, but where it is located in the vehicle is a
6 fairly inaccessible location. You don't just
7 accidentally drop something and make contact with this
8 unit. To get into that unit, you take a lot of
9 deliberate actions to get to it.
10 Q Have you done any mechanic work before?
11 A Well, have I ever been employed as a mechanic?
12 Q Yes, sir.
13 A No. Have I done work on cars before, yes.
14 Q Have you ever removed the leveling pump from a vehicle?
15 A I personally have not removed it, but I did examine, for
16 purposes of this case, an exemplar vehicle; and yes, I
17 did have to remove components to gain access to the
18 leveling pump.
19 Q What components did you remove?
20 A Specifically, the air filter housing, and then there's
21 another shield, if you will, that is below the air
22 filter housing and above the air compressor motor.
23 Q So is it my understanding that your opinion is that
24 there was a wire that was damaged on this vehicle?
25 A Yes.

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1 Q Which wire was that?
2 A This would be one of the wires that appears to be
3 associated with the compressor motor - I believe that's
4 the compressor motor, possibly the solenoid for the
5 compressor motor.
6 Q When you say "one of the wires," do you know
7 specifically which wire?
8 A I showed two wires in particular from that area of the
9 vehicle where I did see evidence of shorting. More
10 probably it's the - it could be either of those at this
11 point. I can't distinguish between the two.
12 Q Can you show me, in the photographs, which two wires you
13 are speaking of?
14 A Sure. Let's see. From my report, we would be
15 looking - you can see it in Figures 5 and 6 and
16 Figures 16 through 18.
17 Q Figures 16, 17, and 18, are they of the same wire?
18 A Yes.
19 Q Is the wire that is shown in Figure 6 a close-up of one
20 of the wires that is shown in Figure 5?
21 A Yes.
22 Q I take it that Figures 16, 17, and 18 are different
23 wires than shown in Figures 5 and 6?
24 A Yes.
25 Q Let's go to Figures 5 and 6.

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1 What, in Figures 5 and 6, indicate to you that
2 one of these wires may have been the cause of the fire?
3 A Well, we'll look at Figure 6 as the indicator. We can
4 see the lower part of that figure, we have some very -
5 some stranded cable. We then have an area of what
6 appears to be some melted copper where we are then going
7 into some additional - and it appears to be, let me
8 see - and there's just evidence of overall melting of
9 that wire.
10 That's a copper conductor. That wire would
11 not have melted just from the normal heat of the fire.
12 That tells me that the damage I am seeing here is the
13 result of some electrical activity with that wire.
14 Q You say it's a copper conductor that would not have
15 melted from the normal heat of the fire?
16 A That's correct.
17 Q At what temperature would it be required for that copper
18 to melt?
19 A Oh, depending on what book you want to read, right
20 around 2,000 degree Fahrenheit.
21 Q What is your opinion as to the temperature of the fire
22 that occurred at the [redacted] home?
23 A Within the engine compartment I would say we had some
24 temperatures in excess of 1,200 degree, but less than
25 2,000. Exactly where in between, I didn't have a

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1 that indicator out there at the time, so I can't tell you.
2 Q As a matter of fact, you weren't there at the time;
3 right?
4 A No.
5 Q If we can, would you use Exhibit 3 to look at Figure 5
6 for me?
7 A Okay.
8 Q Could you take a red pen for me and on Figure 5 can you
9 circle the wire that is shown in Figure 6?
10 A (Witness complied.)
11 Q Can you just draw an arrow to the top and write -
12 however you want to identify it there.
13 A (Witness complied.)
14 Q So what you have circled in Figure 5 is what is shown in
15 the close-up in Figure 6; correct?
16 A That's correct.
17 Q Now, let's go to Figures 16, 17, and 18.
18 In 16, 17, and 18, these are different wires
19 than are shown in Figures 5 and 6?
20 A That's correct.
21 Q These wires that you have are attached to the compressor
22 motor?
23 A That's correct.
24 Q Can you circle - well, you have little arrows, red
25 arrows - do those arrows point to certain significant

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1 things in the photograph?
 2 A Yes.
 3 Q What is significant about them?
 4 A It is showing the areas where we have melted and beaded
 5 copper at the end of the conductors, which is indicating
 6 the electrical short-circuiting activity.
 7 Q And Figures 16, 17, and 18 all show the same two wires?
 8 A Yes, just different angles, different levels of
 9 close-up.
 10 Q So let me see if I've got this right. As far as the
 11 cause of the fire, you can't tell whether the fire was
 12 caused by what is shown in Figures 5 and 6 or what was
 13 shown in Figures 16, 17, and 18?
 14 A I can't tell you conclusively which one of the two it
 15 is, but they are both within the same area of the
 16 vehicle.
 17 Q These are different wires, right?
 18 A Sixteen and 17 from 5 and 6, yes.
 19 Q With respect to your opinion, is it your opinion that
 20 both wires were damaged during the manufacture of the
 21 vehicle?
 22 A No.
 23 Q It's not?
 24 A No.
 25 Q Well, which one was damaged during the manufacture of

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1 the vehicle?
 2 A Without trying to sound like a wise guy, obviously the
 3 one that started the fire.
 4 Q Which one caused the fire?
 5 A That one, unfortunately, I can't tell you which of the
 6 two actually caused the fire and which one was damaged
 7 by exposure to the fire.
 8 Q So if I understand your testimony correctly, you can't
 9 tell whether the wire shown in Figures 5 and 6 or the
 10 wire shown in Figures 16, 17, and 18 was the wire that
 11 was damaged, that you allege was damaged during
 12 manufacture of the vehicle?
 13 A That is correct.
 14 Q Tell me about what happens to cause the beading that you
 15 have shown.
 16 A Basically you are getting a short-circuiting of a live
 17 conductor, and that gives you a very large current. The
 18 large current generates heat. The heat is sufficient to
 19 melt the conductor apart. And then as the conductor is
 20 melting, you get copper being thrown off and
 21 re-solidifying, and that gives you your classical
 22 beading.
 23 Q Have you attempted to draw any diagrams showing how
 24 short-circuiting could have occurred in this case?
 25 A No.

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1 Q Isn't it true that short-circuiting of wires can occur
 2 as a result of the fire to a vehicle?
 3 A It can.
 4 Q How does that happen?
 5 A Some combustion, is essentially similar, the only difference
 6 being is that it is now the fire attacks the insulation
 7 on the wires; and when enough insulation has been
 8 damaged, the conductors come into contact or we have
 9 enough of a conductive path through the charred
 10 insulation to generate a short circuit.
 11 Q And actually, in this case, isn't it true that certain
 12 wires may have shorted as a result of the fire?
 13 A That is entirely possible.
 14 Q As a matter of fact, it is probable that that happened
 15 in this case; isn't that true?
 16 A That some wires shorted as a result of the fire
 17 exposure, yes.
 18 Q Did you make a determination as to the origin of the
 19 fire?
 20 A Yes.
 21 Q How did you make that determination?
 22 A A couple of different ways. First, we happen to have
 23 some very good witnesses who were right there in the
 24 early stages of the fire and they clearly see the fire
 25 originating at the -- within the engine compartment

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1 around the left front wheel area.
 2 Q Isn't it true that the hood was not open?
 3 A The hood was not open, that's my understanding.
 4 Q And isn't it true that when the witnesses saw the
 5 vehicle, the fire had already started?
 6 A The fire -- there was already open flames, yes.
 7 Q Do you know how long the fire had been burning before
 8 they actually saw the vehicle?
 9 A The exact time, no.
 10 Q Approximate time?
 11 A Given the size of the fire when they got there, it
 12 couldn't have been that long. I mean, it hadn't been
 13 going for an hour. It probably had been more than just
 14 a minute or two. Where in that continuum I wouldn't
 15 want to hazard anything I would say would be pure
 16 speculation.
 17 Q Were you aware that at the location where the car was
 18 parked that there was also a lawn mower parked there?
 19 A I believe I was aware of that, yes.
 20 Q What did you know about the lawn mower?
 21 A Let's see. I believe [redacted] had a little diagram.
 22 The mower was located in the -- well, it looks
 23 like that's the northwest corner of the garage off the
 24 left front corner of the vehicle is where the mower had
 25 been located.

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1 Q It's your opinion that the fire originated in the left
2 front corner of the vehicle, correct?
3 A Correct.
4 Q With respect to a wire being damaged on a vehicle, how
5 much force is required to damage a wire?
6 A It can vary. It does not necessarily take an excessive
7 amount of force to cause enough damage to insulation to
8 result in the eventual breakdown of the insulation.
9 Q What you say to result in the breakdown, are you saying
10 that it is something that could progress?
11 A Yes.
12 Q Tell me how.
13 A Basically it's a degenerative type process. You get a
14 little nick in the insulation. As you draw current
15 through the wire, that causes some heating. You also
16 get some amount of the current passing through the
17 damaged area.
18 The heat that is generated by the current flow
19 basically causes a decomposition of the insulation into
20 a carbon like material. And then once we start getting
21 a little carbon there, then we get additional heat
22 building based on the current flow, and the process keeps
23 building on itself. Eventually we have enough
24 degradation of the insulation to get a fault path and
25 we're off in the races.

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1 Q With respect to that event occurring, how much time
2 would it take that to occur?
3 A It can vary. I've seen instances in residences where it
4 has taken 15, 20 years for that to develop.
5 Q Can it be as short as a few weeks?
6 A It could be.
7 Q So it just depends on the extent of the damage to the
8 wire?
9 A That's one factor amongst many, yes.
10 Q What are the other factors?
11 A It would also depend on the usage of the circuit, both
12 frequency and current load; and also other environmental
13 factors, such as humidity.
14 Q Would humidity increase the amount -- I'm sorry, would
15 humidity lessen the amount of time that it would take
16 for the eventual fault to occur?
17 A I would expect humidity to lessen the time.
18 Q So according to your opinion, this could actually have
19 been a small nick to a wire?
20 A Yes.
21 Q Could that nick occur in an accident?
22 A It could if the accident had caused sufficient damage in
23 and around the wire, yes.
24 Q How would one determine whether sufficient damage was
25 caused in and around certain wiring?

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1 A Without having an opportunity to inspect the vehicle
2 firsthand after the accident, just judging by the amount
3 of damage and trying to determine whether or not what is
4 the likelihood of the amount of damage present, having
5 done something that would be transmitted back to the
6 area where the wires were.
7 Q So it is likely that [redacted] could have damaged a
8 wire when she had a collision with the rear end of a
9 truck?
10 MR. McALLISTER: I object. That's a
11 mischaracterization.
12 A No. I've looked at the photographs of her vehicle from
13 that collision and I've seen the repair invoices and, in
14 my opinion, that accident didn't inflict anywhere near
15 enough damage to have caused the damage to the wiring.
16 BY MR. DAVIS:
17 Q Let's see the photographs that you looked at.
18 What you are showing me are some photocopies
19 of a claims transmittal -- claims photo transmittal page
20 with two photographs on it, correct?
21 A That's correct.
22 Q From those photocopies of photographs can you tell how
23 much damage was done to that vehicle?
24 A Based on looking at these photos and also I do have
25 copies of two estimates that were also prepared, this is

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1 what I would put in the category of more cosmetic damage
2 than true structural damage.
3 I don't see any buckling of the hood. The
4 front grille is intact. When I look at the estimates,
5 they are looking at a little bit of, let's see, I have
6 right and left headlights.
7 Q Can you tell me if these are the same documents that you
8 are looking at?
9 A (Witness reviewed document.) It appears to be.
10 (Defendant's Deposition Exhibit 6 was marked
11 for identification; attached hereto.)
12 BY MR. DAVIS:
13 Q Here is what has been marked as Exhibit Number 6 and on
14 Exhibit Number 6 the last page is the claims photo
15 transmittal page?
16 A Yes.
17 Q And that is the same photocopy that you have in your
18 file, correct?
19 A That's correct.
20 Q Now, you were telling me about the repairs that were
21 done to this vehicle.
22 A Well, I have the two estimates that are in the file.
23 Q Which one are you referring to?
24 A There is one from Randy Harrison's dated April 15, 1993
25 and one from J & R Paint & Body dated April 1993.

1 And in looking these over, by today's
2 standards this certainly isn't a lot of repair work and
3 certainly nothing -- nothing that even approaches it
4 being anywhere near serious structural damage to the
5 vehicle of any sort.
6 Q When you say "by today's standards," what do you mean?
7 A Well, I guess ten or 20 years ago if someone told you
8 that you had \$1,100 worth of damage to a car, you would
9 think it would be time to total it. With today's
10 vehicles, it doesn't take a whole lot to rack up \$1,100
11 worth of the charges at the body shop.
12 Q Isn't it also true with today's vehicles that some
13 bumpers can come into contact with certain barriers and
14 there not be any damage at all?
15 A Some are better at that than others. Some can hit that
16 barrier and do \$700 worth of damage.
17 Q Do you have any information as far as 1992 Mercury Grand
18 Marquis' performance regarding colliding with any
19 barrier?
20 A Just off the top of my head I don't, no.
21 Q What repairs were actually done to this vehicle?
22 A Well, I don't know what was actually done. I just
23 have -- I believe all I have are the two invoices
24 showing what was -- well, let's see. It looks like they
25 had the work done at Randy Harrison's.

1 Q Is this your first time realizing that?
2 A I don't know that I ever looked that closely to see
3 which shop they actually used to get the work done.
4 Q So as we speak today, now is the first time realizing
5 that Randy Harrison actually did the work to repair the
6 vehicle?
7 A Yes.
8 Q What did Randy Harrison do?
9 A He basically did some, it looks like, as I read this, he
10 did some refinishing on the front bumper. Replaced the
11 headlights. It looks like he did some work on the front
12 grille; then did some painting and touchup work on the
13 hood, radiator support. And then there's just the
14 painting and the various paint work that was done to put
15 it back and get it looking good.
16 Q Did he replace both headlights?
17 A It appears that he is saying right and left headlight.
18 Q So would that indicate to you that the damage was across
19 the entire front of the vehicle?
20 A What it would suggest to me is more of an override type
21 hit where we probably missed the bumper and hit a little
22 bit of the headlights.
23 Q How can you tell that?
24 A From the pictures themselves, it is not clear, but I
25 don't see any real strong damage to the bumper, per se.

1 And if you are talking with a trunk, that is certainly
2 not unusual for there to be bumper height mismatch.
3 Q So one of the possibilities in this case is that a wire
4 could have been damaged during the accident [REDACTED]
5 had?
6 [REDACTED] Object to the form.
7 A If we get into possibilities, the world is full of
8 possibilities.
9 MR. DAVID:
10 Q Is that one?
11 [REDACTED] Object to the form.
12 A Anything is possible. But in my opinion, I don't
13 believe that that -- my opinion would be that no, that
14 did not happen that way.
15 MR. DAVID:
16 Q With respect to the repairs Randy Harrison did, would he
17 have had to open the hood of the vehicle?
18 A He probably would have had the hood open.
19 Q Would he remove the grille?
20 A I'd have to check with him specifically, but there's a
21 possibility he may have removed the grille to do those
22 repairs.
23 Q In your opinion did he remove the grille?
24 A If I am reading him about correctly, it looks like he
25 may have.

1 Let's see. Yeah, it looks like he replaced
2 the grille.
3 Q In this case you reviewed the report of [REDACTED]
4 A Yes, I did.
5 Q Can you take a look at what we have marked as Exhibit
6 Number 2.
7 In Mr. Vickers' conclusion, the last sentence
8 states, "The most probable cause for the fire was an
9 electrical failure, possibly around the alternator
10 terminal."
11 A Well, that gets back to the same issue we were
12 discussing earlier. You are going to have to ask
13 Mr. Vickers about Mr. Vickers' opinion, but I know that
14 that is an opinion based upon information provided in
15 his by others and I am not sure that that is necessarily
16 an opinion that he arrived at independently.
17 Q Well, with respect to the alternator terminal being the
18 origin of the fire, do you agree or disagree with that?
19 A Disagree.
20 Q Attached as pages 48 and 49 to Mr. Vickers' report is an
21 Electrical Evaluation of [REDACTED].
22 A Yes.
23 Q Do you understand the, I guess, notation or employment
24 at [REDACTED] excuse me.
25 A To be perfectly honest, no.

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1 Q Do you know if he's an engineer?

2 A Well, there's a "P.E." after his name, so he better be.

3 Q Do you know what type of engineer he is?

4 A Not specifically, no.

5 Q Have you read his report?

6 A Yes.

7 Q Do you agree with his report?

8 A Which part of it?

9 Q The entire report.

10 A I can't say that I agree with it all, no.

11 Q What do you disagree with?

12 A Well, in my opinion there's some clear evidence that the

13 fire was caused by an electrical fault. And I know that

14 Doctor Owens suggests or implies that it's certainly a

15 possibility that he can't rule out. He just can't find

16 anything that he can point to to say that it was and I

17 don't see it the same way.

18 Q Can you read for me the specific statement of Doctor

19 Owens that you disagree with?

20 [REDACTED] Do you want him to read the

21 conclusion?

22 MR. DAVIS: No, the statement that he

23 disagrees with. He's making reference to a statement he

24 doesn't agree with. I want to know which one it is.

25 A I would say the entire conclusion.

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1 BY MR. DAVIS:

2 Q His conclusion is that it is his "professional opinion

3 that there is no evidence which conclusively indicates

4 the ignition source of the fire was associated with the

5 electrical system."

6 [REDACTED] That's not an entire reading

7 of his conclusion. I request that you read his entire

8 conclusion into the record, then. If you are going to

9 read portions of it, then you need to read the entire

10 conclusion.

11 MR. DAVIS: You can redirect.

12 [REDACTED] request that the witness

13 read the entire conclusion.

14 A It says:

15 "After a close inspection of the burned

16 vehicle and samples from the burned vehicle,

17 it is my professional opinion that there is no

18 evidence which conclusively indicates the

19 ignition source of the fire was associated

20 with the electrical system. The damage was so

21 extensive that evidence of electrical

22 involvement could have been obscured by the

23 fire."

24 Now, I have no doubt that that's his

25 conclusion. I just, based upon my review of the

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1 physical evidence, the reports, and all that other

2 stuff, I reach a conclusion different than [REDACTED]

3 BY MR. DAVIS:

4 Q And in your opinion, and the conclusion that you reach,

5 you cannot conclusively identify the specific wire that

6 was the cause of the fire; is that correct?

7 A The specific wire, no. I have it down to what appears

8 to be one of about two wires; but right now, I can't

9 locate the tie.

10 Q In this case, the house burned and the vehicle burned;

11 correct?

12 A Yes.

13 Q With respect to any other wires that may have been in

14 this vehicle, do you know whether any other wires

15 remained at the scene or were lost in transport,

16 anything to that effect?

17 A I have no knowledge one way or the other.

18 Q Do you have any opinion as to whether the wiring that

19 you saw at Mr. Vickers' office and the wiring that is on

20 the vehicle is the totality of the wiring that was on

21 this vehicle prior to the fire?

22 A As far as saying anything that is conclusive, no. There

23 is certainly a good possibility that not all of the

24 wires that came with this vehicle from the factory are

25 still out there between what is in Mr. Vickers'

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1 possession and what is still remaining on the vehicle.

2 Q In looking at Photographs 1 and 2, particularly

3 Photograph 2 of Mr. Vickers' report - I've got a better

4 one.

5 Do you see Photograph 5?

6 A Yes.

7 Q Do you see the vehicle?

8 A Sure do.

9 Q In this photograph is it your understanding and your

10 interpretation of it that parts of the house fell onto

11 the vehicle?

12 A It would look that way.

13 Q Did you make a determination as to the origin of the

14 fire?

15 A Yes.

16 Q Can you show me, with photographs, how you made that

17 determination? I mean, you can tell me, but I think you

18 would probably refer to photographs to show me what you

19 are talking about.

20 A Number 1, first and foremost is the statements of the

21 Hillows themselves. Early on they see the fire, it is

22 relatively small and confined. It's in the engine

23 compartment in or around the left front wheel. Their

24 statements by themselves, as a very minimum, tell me we

25 have an engine compartment fire.

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1 In examining the engine compartment and in
2 examining the artifacts that have been taken from the
3 engine compartment, we have shorting at the air
4 suspension compressor motor and an associated solenoid;
5 that evidence right there tells me that those wires were
6 live at the time that the fire got there.
7 So that gets me with the fire originating more
8 towards the left side of the vehicle than the right side
9 of the vehicle; because if it started on the right side,
10 we would have hit the battery and all associated wiring
11 early on. We never would have had power down by the air
12 suspension compressor motor by the time the fire
13 progressed that far.
14 Q And that's only if the battery is damaged; correct?
15 A If the battery is going to get damaged and we're going
16 to short wiring out at some point in the fire --
17 Q That's what I'm saying, and that's only if the battery
18 is damaged?
19 A No. Even if we short out the wires, we short out the
20 main battery cables from exposure to the fire, we're not
21 going to have any electricity at that suspension
22 compressor by the time the fire gets there.
23 Q Where do the main battery cables travel in the vehicle?
24 How are they routed?
25 A Exact routing, I don't know. I know that the battery is

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1 at the right front corner of the engine. We're going to
2 have a wire pitting down to the starter solenoid area.
3 I don't remember if the Mercury also has the fuse panel
4 in the engine compartment or not, but they would be
5 routing it in such a way that if we have a fire on the
6 right side, it is going to hit those wires long before
7 it gets to that compressor motor.
8 Then we have the alternator. The alternator
9 shows some slight heat melting, but otherwise is fairly
10 much unremarkable; that, once again, tells me that the
11 fire didn't start at the alternator or around the
12 alternator.
13 I then got down around the air suspension
14 compressor. Aside from the shorting that we have seen,
15 I also have some fairly good melting of aluminum
16 components down there, which is telling me we're having
17 some pretty good heat down in this area.
18 Q Do you have a photograph of that?
19 A Sure. We'll go to my report.
20 Let's see, 10, 11, and 12 you can see a lot of
21 melted aluminum, warped aluminum -- 13, 14.
22 Q More melted aluminum?
23 A A lot of melted aluminum, which says we had a lot of hot
24 temperatures down around this unit. But if we look at
25 the alternator, we are not seeing damage anywhere near

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1 compatible. And we also have a cast aluminum housing on
2 the alternator.
3 Q At what temperature does the aluminum melt?
4 A Depending on the specific alloy, somewhere around 1100,
5 1200 degrees Fahrenheit.
6 Q With respect to the air suspension compressor motor
7 itself, which is shown in Figures 10 and 11, you do not
8 find any fault with that motor, did you?
9 A Not with the motor itself, no.
10 Going back to where we were, if I look at
11 all of this evidence, both the physical evidence that I
12 have, the witness statements from the [redacted] and
13 everything, it is putting the fire right at that left
14 front corner of the engine compartment in and around the
15 air suspension compressor motor.
16 Q Wouldn't you expect more damage on the left-hand side of
17 this vehicle, considering that the house burned, too?
18 [redacted] object. I'm not sure I'm
19 following you.
20 A I'm not sure I follow it, either.
21 BY MR. DAVIS:
22 Q The house burned?
23 A Yes.
24 Q With respect to the airport, where is the house?
25 A The house is to the left of the airport.

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1 Q Wouldn't you expect that there would be more heat or
2 fire damage on the left side of the car?
3 A No. Just because of exposure and everything else, no,
4 not that dramatic a difference in that small area just
5 from a general exposure fire, no.
6 Q So if the house is on the left, the vehicle is in the
7 airport, and to the right there is nothing that is
8 actually burning, you would expect the damage to be the
9 same on both sides?
10 A I didn't say necessarily the same on both sides, but I'm
11 saying the damage that I'm seeing, to me, is not a
12 result of exposure differences. It points to the origin
13 of the fire.
14 Q With respect to a fire that occurs where an individual
15 or lay person notices this fire in the vehicle, have you
16 ever had instances where they say that the fire occurred
17 in one location, but you determined that it originated
18 somewhere else?
19 A I have certainly had some instances like that, though it
20 also depends, to some extent, on the vantage point of
21 the witness in what they are seeing.
22 In cases where the witness has gotten
23 literally close enough to touch the fire, no, I found
24 those to be fairly reliable.
25 Q So you are telling me that you have never had a case

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1 where a person was close enough to touch the fire that
 2 you made a determination that the origin of the fire was
 3 in a different location?
 4 A None that I can recall. I've had cases where I have had
 5 some witnesses who may be looking from across a room,
 6 across several rooms, and under those circumstances I
 7 have had cases where we may agree on the room where the
 8 fire originated, but what I find in terms of a precise
 9 location may differ from what they saw; but not when I
 10 have had a witness that is that close to what has
 11 happened.
 12 Q With respect in a situation where the hood of the
 13 vehicle is down, a person doesn't get a true view of
 14 what is going on under the hood, do they?
 15 [REDACTED] Object to the form, that
 16 mischaracterizes what the witnesses stated in their
 17 statements.
 18 MR. DAVIS: Let me rephrase the question.
 19 BY MR. DAVIS:
 20 Q When the hood of a vehicle is down, a person who looks
 21 at that vehicle does not get a true picture of the fire
 22 that is under the hood; is that correct?
 23 [REDACTED] Are you asking him
 24 hypothetically or what the witnesses saw in this case?
 25 MR. DAVIS: I'm asking him as an expert. I

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1 didn't mention [REDACTED] name, so as an expert,
 2 [REDACTED] Hypothetically?
 3 MR. DAVIS: As an expert, in a situation where
 4 a person looks at a vehicle and the hood is down -
 5 [REDACTED] Are we talking about looking
 6 at a vehicle standing up on top looking down, as opposed
 7 to getting on the ground and looking up?
 8 MR. DAVIS: However he wants to put it.
 9 BY MR. DAVIS:
 10 Q As a fire cause and origin expert, a person who looks at
 11 a vehicle with the hood down, is that person able to
 12 tell everything that is going on under the hood?
 13 [REDACTED] Object to the form of the
 14 question.
 15 A There is certainly a possibility that they will not be
 16 able to determine everything that is going on, depending
 17 on their vantage point and a number of other variables.
 18 On the other hand, once again, depending on vantage
 19 point and what else is going on, they can also get a
 20 fairly reliable indication of, if not all the intricate
 21 details of what is going on, at least where it is going
 22 on.
 23 BY MR. DAVIS:
 24 Q [REDACTED] have you ever done any testing with regard
 25 to damaging a wire on a vehicle and making a

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1 determination of when and how a fire can be caused?
 2 A I personally have never done any independent testing
 3 like that, no.
 4 Q Are you aware of any testing that has been done?
 5 A I can't say I know of any specifically that have been
 6 done, no.
 7 Q In forming your opinion, did you rely upon any books,
 8 manuals, or articles?
 9 A Not explicitly, no.
 10 Q When you say "not explicitly" -
 11 A All the books and articles and everything that I have
 12 read sort of form some body of my knowledge. So
 13 implicitly it's there somewhere, but no, I did not go
 14 and pick a book up off the shelf and reference it
 15 specific to this instance.
 16 Q It's my understanding you have not written any articles
 17 regarding the cause and origin of fires?
 18 A Certainly nothing that has been published by a
 19 professional magazine, no.
 20 Q In the photographs that we have, and in your report, is
 21 there anything else, any other significant photographs
 22 that we have not gone over which deal with your opinion
 23 as to the cause and origin of this fire?
 24 [REDACTED] Object to the form of the
 25 question. Vague. If you want to ask him about a photo,

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1 you can ask him about any photo you want to.
 2 A (Witness reviewed documents.) Certainly we've covered
 3 what I would consider to be the more important points.
 4 If you have a specific question that you want to
 5 address, we can address it, but I think we have covered
 6 the biggies.
 7 BY MR. DAVIS:
 8 Q Okay. Other than in your report, Photographs 5 and 6,
 9 and Photographs 16, 17, and 18, are there any other
 10 photographs that specifically relate to the cause of the
 11 fire?
 12 A In terms of the photos, I suspect those are the biggies
 13 that get us on cause.
 14 Q Are there any photographs in Mr. Vickers' report that
 15 you relied upon for determining the cause of the fire?
 16 A No.
 17 MR. DAVIS: Let me go off the record for one
 18 minute.
 19 (Discussion held off the record.)
 20 MR. DAVIS: That's all we have.
 21 [REDACTED] That's all.
 22 (Deposition concluded at about 1:45 p.m.)
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FURTHER DISCOVERY MATTER NOT:

RICHARD W. KOVASKY, P.E.

Subscribed and sworn to before me,
this ____ day of _____, 1998.

Notary Public, _____ County, Michigan
My Commission expires: _____

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STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

CERTIFICATE OF NOTARY PUBLIC

I, **Harri L. Mycha**, a duly commissioned and qualified Notary Public within and for the County of Wayne, State of Michigan, and Registered Professional Reporter, do hereby certify that the witness, whose attached testimony was taken by me in the captioned cause on Thursday, June 25, 1998, was by me first duly sworn to testify the whole truth in the aforesaid cause and the testimony contained herein was taken down by me in machine shorthand transcribed upon a computer under my personal supervision, and is a true and correct transcript of the whole of the testimony given by said witness.

I do further certify that upon reading and signing by the witness, I will deliver the original transcript into the possession of **ROBERT W. SMITH, Esq.** for filing at the time of trial.

I do further certify that I am not connected by blood or marriage with any of the parties thereto and that I am not an employee of any of them nor interested directly or indirectly in the matter in controversy, as counsel, attorney, or otherwise.

IN WITNESS WHEREOF, I have hereunto set my hand at Dearborn, County of Wayne, State of Michigan, this 25th day of July, 1998.

Harri L. Mycha, CM-1018
Registered Professional Reporter
Notary Public, Wayne County, Michigan
My Commission expires: September 6, 1999

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37:3	42:2	43:23
46:5	49:14	49:15
51:12	54:10	54:10
54:20	58:13	73:2
73:3	73:7	74:10
74:13	86:2	86:25
87:3	87:5	87:11
87:12	87:14	
worked (n)		9:24
11:19	14:10	14:14
14:17	16:19	16:22
18:23	28:20	30:8
33:22	33:23	37:10
working (n)		6:10
7:4	7:8	8:7
8:19	9:19	10:24
14:21	15:1	15:5
54:16	54:17	
world (n)	85:7	
worth (n)	86:8	86:11
86:16		
wrench (n)	73:8	73:23
Wright-Patterson (n)		9:20
written (n)	55:15	77:11
written (n)	78:13	100:16
wrong (n)	44:8	
-Y-		
yard (n)	70:13	
year (n)	6:14	9:4
14:15	19:5	25:5
33:15	33:16	34:10
34:21	67:14	67:20
yearly (n)	27:8	
years (n)	14:20	23:25
28:14	67:11	67:14
33:4	86:7	
Years (n)	50:9	50:13
yesterday (n)		31:13
Young (n)	30:8	65:23
65:24		
-Z-		
zeros (n)	68:22	
Zs (n)	43:23	



Figure 1
View of evidence presented for examination at office of James Vickers

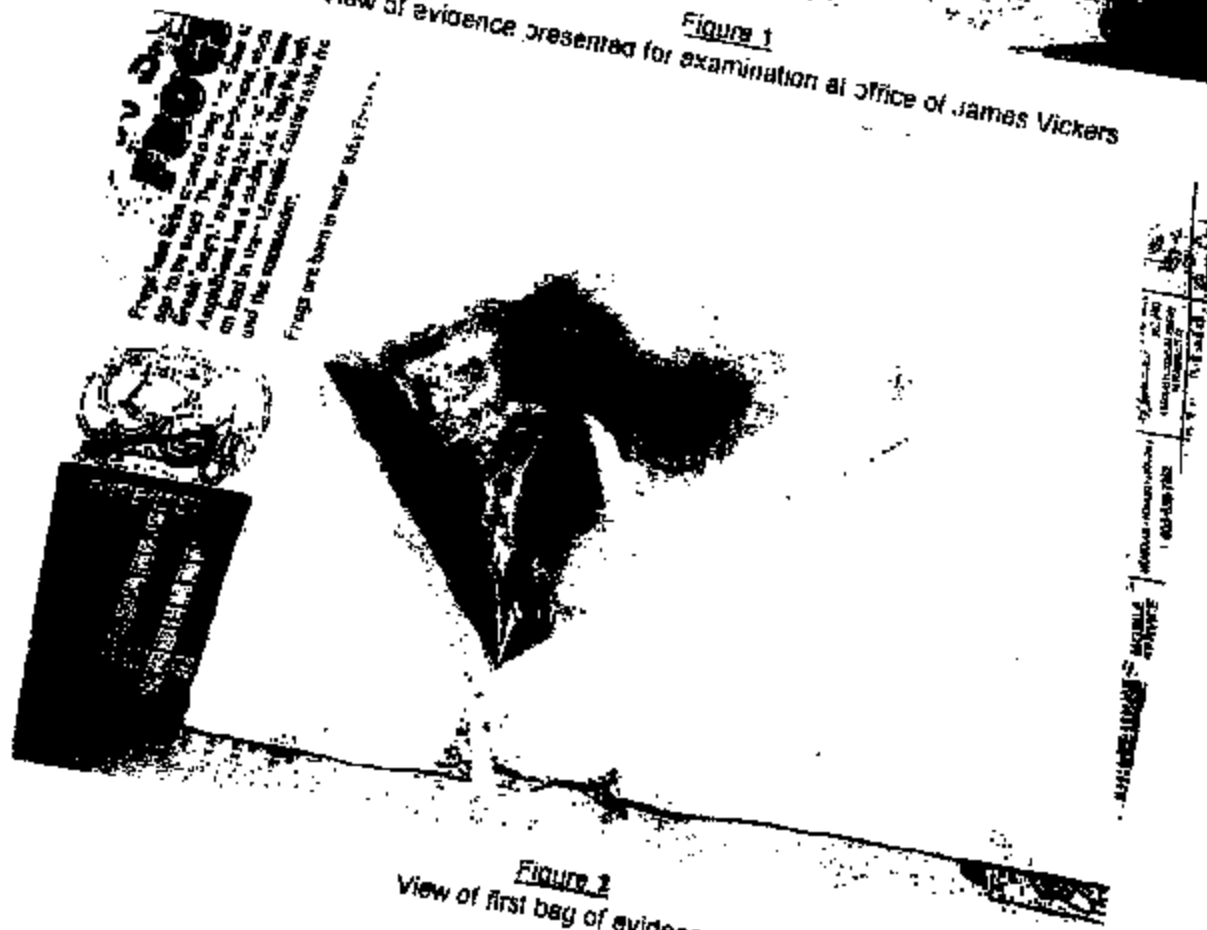


FIGURE 2
View of first bag of evidence

Fingerprints were found on the bag of evidence. The fingerprints were identified as belonging to James Vickers. The fingerprints were found on the bag of evidence and the surrounding area.

Fingerprints were found on the bag of evidence. The fingerprints were identified as belonging to James Vickers. The fingerprints were found on the bag of evidence and the surrounding area.

SEARCHED INDEXED
SERIALIZED FILED
FBI - MEMPHIS
DEC 11 1997
JAMES VICKERS



Figure 3
View of relay components contained in first bag of evidence

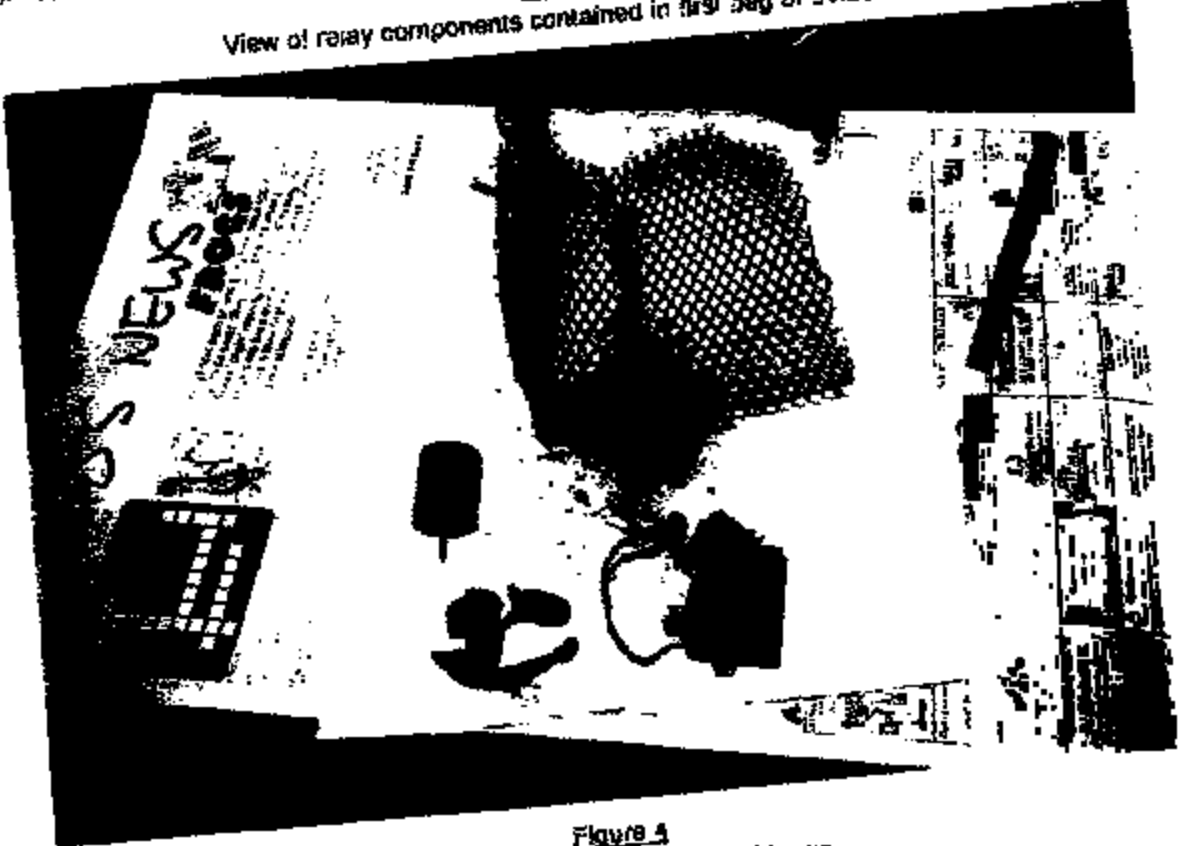


Figure 4
Contents of second bag of evidence



Figure 5
View of air suspension compressor motor solenoid



Figure 6
Close-up view of wire showing evidence of short circuiting



Figure 7
Contents of third bag of evidence



Figure 8
Contents of fourth bag of evidence

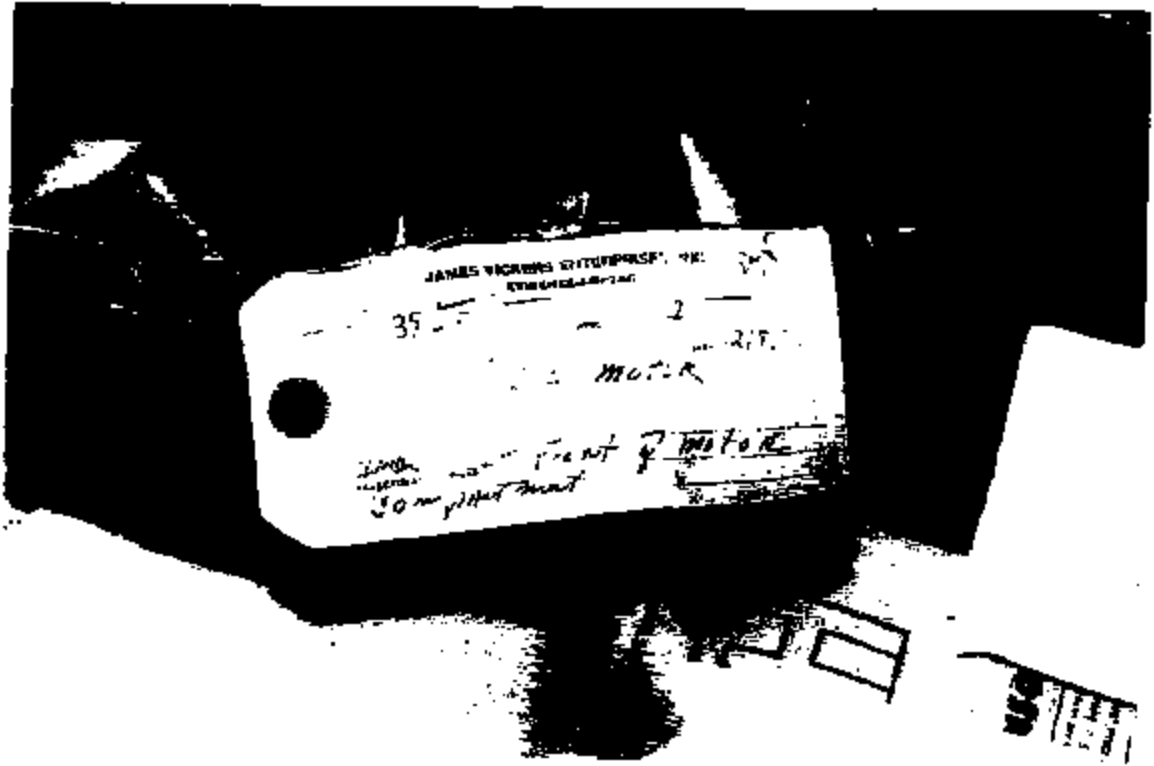


Figure 9
View of evidence bag containing air suspension compressor motor



Figure 10
View of air suspension compressor motor and associated components



Figure 11

Left side of air suspension compressor motor



Figure 12

Left rear corner of compressor motor



Figure 13
Rear view (end cap) of compressor motor



Figure 14
Right rear corner of compressor motor



Figure 15
Right side of compressor motor



Figure 16
View of wires attached to compressor motor



Figure 17
Close-up view of wires showing evidence of short circuiting



Figure 18
Close-up view of wires showing evidence of short circuiting



Figure 19
View of compressor motor rotor



Figure 20
Contents of sixth bag of evidence



Figure 21

View of connector found in seventh bag of evidence



Figure 22

View of contents of eighth bag of evidence



Figure 23
View of contents of eighth bag of evidence

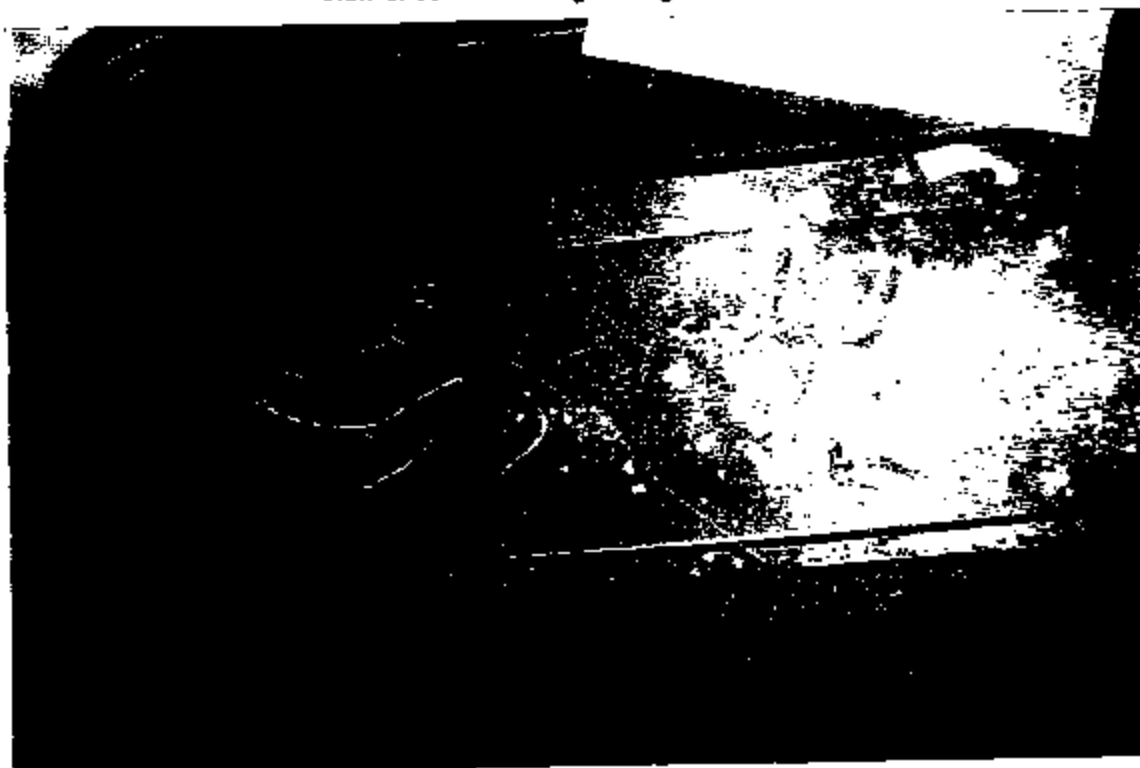


Figure 24
View of materials found at bottom of bag of evidence



Figure 25
Right side of vehicle



Figure 26
Front view of vehicle



Figure 27
Left side of vehicle



Figure 28
Rear view of vehicle



Figure 29
Right side of dashboard



Figure 30
Left side of dashboard



Figure 31
View of left front wheel



Figure 32
View of right front wheel



Figure 33
View of right side of engine



Figure 34
View of right side of engine compartment



Figure 35
View of engine



Figure 36
View of left side of engine compartment



Figure 37
View of left side of engine

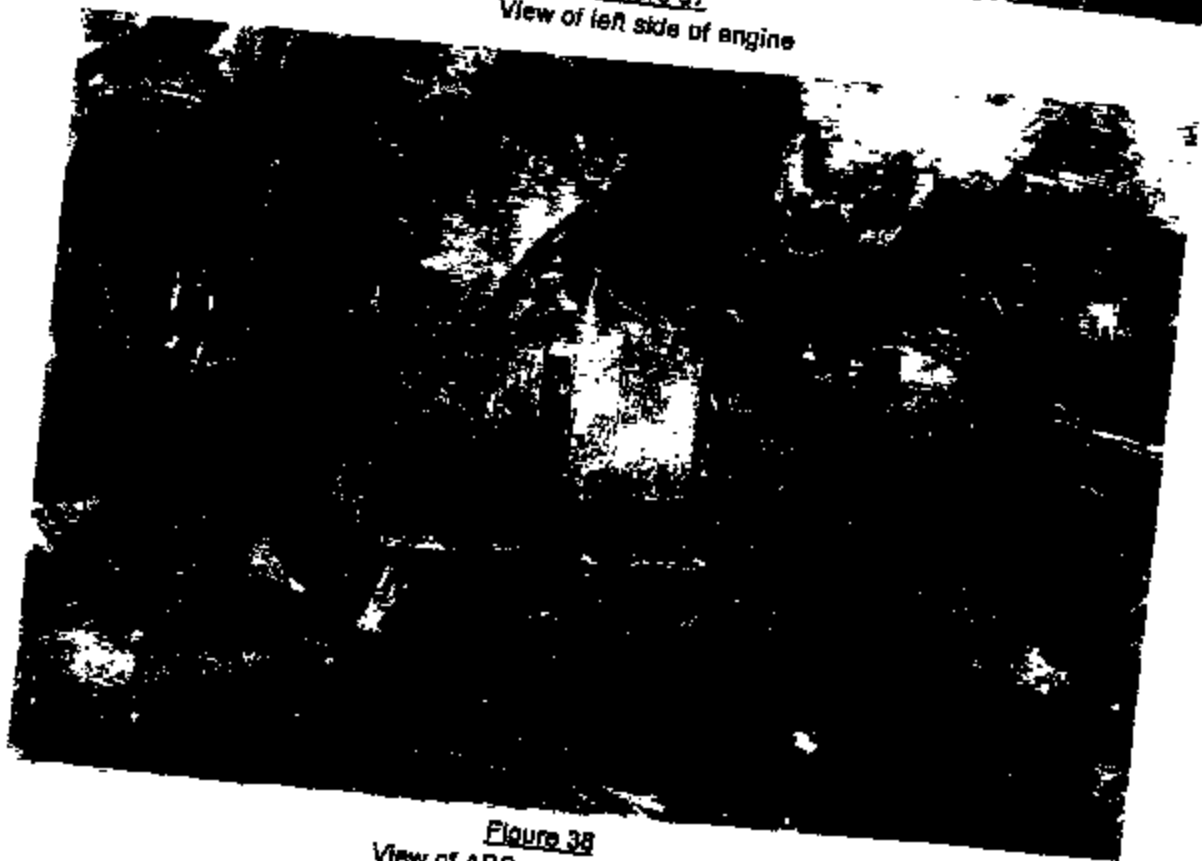


Figure 38
View of ABS pump (left side)



Figure 39
View of ABS pump (right side)



Figure 40
View of alternator

Name: [Redacted] Phone: [Redacted]

Address: [Redacted] 301 N. [Redacted]

Business Phone: [Redacted] Home Phone: [Redacted]

Date: 1/11/14

Lubrication	
Change Oil	
Change Trans	
Change Diff	
Inspect End Axles	
Inspect Wheel Bearings	
Adjust Brakes	
Adjust Clutch	
Rotate Tires	
Wash	
Polish	
Mile Inspection	
Other	
Call When Ready <input type="checkbox"/> Yes <input type="checkbox"/> No	

ESTIMATE:

464	Pass	26
4134	AC Filter	10.50
309	Tyres full	13.00

91	AMC LINCOLN	4.8
	CR with 500cc	
	Leak in engine / Valve, replace all valves, set spec	6000
	R/R fuel filter	22.00
	Adjusted Magneto - Valve 14.00	14.00
	injectors	

P.O. No. [Redacted]

Special Rep. [Redacted]

2/11/14

Ch. Major Oil

Pis. Trans Oil

COMPRESSION (1) (2) (3) (4) (5) (6) (7) (8)

Service Address OK

Quality Control OK

NOT RESPONSIBLE FOR ANY PERSONAL ITEMS LEFT IN VEHICLE
I hereby authorize the above repair work to be done along with the
necessary materials. You and your employees may operate the above
VEHICLE for purposes of testing, inspection or delivery at my risk. An
express mechanic's lien is acknowledged on the above vehicle to secure
the amount of repairs thereon. You will not be held responsible for loss or
damage to vehicle or articles left in vehicle in case of fire, theft, accident or
any other cause beyond your control. STORAGE WILL BE CHARGED
FORTY-EIGHT HOURS AFTER REPAIRS ARE COMPLETED. IN THE
EVENT LEGAL ACTION IS NECESSARY TO ENFORCE THIS
CONTRACT, I WILL PAY REASONABLE ATTORNEY'S FEES AND
COURT COSTS.

SIGNED: X _____

Term: STRICTLY CASH Unless Arrangements Made.

DESCRIPTION	AMOUNT
Mech Labor & Labor	140.00
Other Shop Labor & Mat.	5.00
Parts & Access.	26.75
Gas, Oil, Grease	
Taxes	
Subtotal	
Sales Tax	1.88
Total Charge Sales	
Total Cash Sales	214.25

BOB'S AUTO SERVICE

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1811 - 11th Street
 Meridian, MS 39301
 Phone (601) 683-7888

We Recommend The Following Repairs

Name: [Redacted] Date: 7/18/14
 Address: [Redacted] City: [Redacted]
 Business Phone: [Redacted]
 921 210 1121 1121 1121 1121 1121 1121

Lubrication	
Change Oil	
Change Trans	
Change Diff	
Front End Align	
Pack Wheel Bearings	
Adjust Brakes	
Adjust Clutch	
Rotate Tires	
Wash	
Polish	
Mile Inspection	
Other	
Call When Ready <input type="checkbox"/> Yes <input type="checkbox"/> No	

ESTIMATE:

Part No.	Description	Amount
57422AH	Parts	47.00
86235	Parts	82.97
	Grease	4.00
91	ATF	3.25
		137.22

OPERATOR	TIME IN/OUT	DESCRIPTION
		Oil, front & rear
		Brake pads, tires & grease in place
		Wash - complete vehicle

800-828-3728

P.O. No. [Redacted] Shop Repair [Redacted]
 [Signature]
 [Signature]
 [Signature]

Chg. Motor Oil
 Fla. Trans Oil

COMPRESSION (1) (2) (3) (4) (5) (6) (7) (8)

Service Advisor: [Redacted]
 Quality Control: [Redacted]

NOT RESPONSIBLE FOR ANY PERSONAL ITEMS LEFT IN VEHICLE
 I hereby authorize the above repair work to be done along with the necessary materials. You and your employees may operate the above vehicle for purpose of testing, inspection or delivery at my risk. An express mechanic's lien is acknowledged on the above vehicle to secure the amount of repairs thereto. You will not be held responsible for use or damage to vehicle or articles left in vehicle in case of fire, theft, accident or any other cause beyond your control. STORAGE WILL BE CHARGED FORTY-EIGHT HOURS AFTER REPAIRS ARE COMPLETED. IN THE EVENT LEGAL ACTION IS NECESSARY TO ENFORCE THIS CONTRACT, I WILL PAY REASONABLE ATTORNEY'S FEES AND COURT COSTS.

SIGNED BY: _____
 TERMS: STRICTLY CASH Unless Arrangements Made.

DESCRIPTION	SALES
Shop Lube & Labor	50.00
Other Shop Labor & Mat.	60.97
Parts & Access.	137.22
Gas. Oil, Grease	
Sales Tax	15.77
Total Charge Sales	303.96
Total Cash Sales	207.38

Pyro-Technical Investigations, Inc.

1364 Covered Bridge Road
Cincinnati, OH 45231
(513) 742-2990
(800) 377-1352
Fax (513) 742-3114

24500 Ford Road
Dearborn Hq., MI 48127
(313) 274-1613
(800) 432-7898
Fax (313) 274-2074

December 8, 1997

Mr. Pat McAllister
Williford, McAllister & Jacobus
248 E. Capitol Street, #537
Jackson, Mississippi 38201-2506

Re: [REDACTED] v Ford Motor Company
Case No: 251-97-360-CIV
Your File No: 24-F022-406/24-1018-188
DL: 12/8/95
PTI Project No: 87-3035

Dear Mr. McAllister:

At your request, I traveled to Jackson, Mississippi on December 3 & 4, 1997 to examine a 1992 Mercury Grand Marquis belonging to the [REDACTED] along with evidence removed from the vehicle by Mr. James Vickers. In addition, I reviewed an investigative report prepared by James Vickers on the above referenced loss, dated April 29, 1996; a recorded statement of the [REDACTED] taken by Malcolm Houston of State Farm; and a recorded statement of the [REDACTED] taken by Johnny Masoner of State Farm. You requested that I attempt to determine the cause of the subject fire and specifically if the fire was of an electrical cause, to identify the specific failure that caused the fire.

On December 3, 1997 I traveled to the offices of Mr. James Vickers to examine the artifacts that he had retained during his investigation of this loss. The materials in Mr. Vickers' possession included 9 bags of assorted electrical components from the [REDACTED] 1992 Grand Marquis (see Figure 1).

The first bag contained pieces of 2 small relays (see Figures 2 and 3). There was nothing remarkable about this material as relates to the origin and/or cause of the fire.

The second bag contained a piece of metal mesh, a small DC motor, a solenoid with 2 wires attached and some melted aluminum (see Figure 4). The metal mesh was part of the vehicle's air filter. I did not determine the original location of the small motor. The damage to the motor was indicative of the motor having been damaged as a result of exposure to the fire. The solenoid was examined and determined to have been damaged as a result of external fire exposure (see Figure 5). I determined the solenoid to be the Air Suspension Compressor Motor and Vent Solenoid. An examination of the 2 wires attached to the solenoid found them to be approximately 7 inches in overall length. I found melted and beaded copper at the end of one of the conductors (see Figure 6). The melted and beaded copper is indicative of electrical short circuiting involving this conductor.

The third bag contained a small printed circuit board, a connector, 1 loose piece of wire, 2 "bundles" of wire and other melted debris (see Figure 7). There was nothing remarkable about these materials.

The fourth bag contained 9 pieces of wire (see Figure 8). Two of the pieces were solid copper wire, while the remainder were stranded wire. The solid wire was not part of the vehicle, but was most

probable part of the residence's wiring system. There was nothing remarkable about the condition of any of this wiring.

The fifth bag contained a large DC motor (see Figures 9 and 10). This was determined to be the air pump motor. Also in the bag were some assorted mechanical components, including what appeared to be a piston from the air compressor. I noted melting to the cast aluminum end cap for the motor. The melting was heaviest at the upper left corner of the end cap (see Figures 11 through 15). Two wires entered the end cap on the left side of the cap. I examined this wiring and found beaded and melted copper at the ends of these conductors (see Figures 16 through 18). I examined the motor windings and found them to be damaged as a result of external heat exposure (see Figure 19).

The sixth bag contained an assortment of electrical wiring (see Figure 20). There was nothing remarkable about this wiring.

The seventh bag contained a multi-conductor connector (see Figure 21). There was nothing remarkable about this connector.

The eighth bag contained an assortment of electrical wiring (see Figures 22 and 23). There was nothing remarkable about the condition of this wiring.

The last item examined was some miscellaneous wiring that had been located at the bottom of a bag used to store some of the evidence (see Figure 24). There was nothing remarkable about this wiring.

On December 4, 1997 I traveled to Copart Auto Salvage near the Jackson Airport to examine the remains of the Grand Marquis. The vehicle was heavily oxidized, and showed evidence of degradation due to exposure to the elements. Despite the vehicle's current condition, it was apparent that the vehicle had been involved in an extensive fire loss, with nearly all combustible materials in the vehicle having been consumed (see Figures 25 through 30). I noted that the left front cast aluminum wheel had melted during the course of the fire (see Figure 31). There was a partial melting of the cast aluminum wheel at the right front of the vehicle (see Figure 32).

There was evidence of fire damage throughout the engine compartment (see Figures 33 through 37). I noted evidence of melting of cast aluminum components at the front of the engine, with the most extensive melting occurring on the left side of the engine. I examined the remaining wiring within the engine compartment and found no evidence of electrical short circuiting.

A pump/control unit for the anti-lock brakes (ABS) was located on top of the left side frame rail, near the left front corner of the engine. An examination of this unit found evidence of melted aluminum, with the heaviest melting of aluminum occurring on the left side of the pump (see Figures 38 and 39).

The vehicle's alternator was located at the top front of the engine, at the center of the engine (see Figure 40). I noted evidence of some softening or deformation of the cast aluminum housing of the alternator. The terminal and connector contacts at the rear of the alternator showed no evidence of any unusual or abnormal conditions.

I reviewed Mr. Vickers' report on this loss. I noted the following relevant information: the fire occurred at approximately 1 A.M.; the fire was discovered by Mrs. Billow, who found the left front

tire of the vehicle on fire; [redacted] attempted to extinguish the fire but was unsuccessful - he also noted burning in the area of the left front tire; the car was last driven the day before the fire and was parked in the garage at approximately 1:30 P.M.; other than routine maintenance, the only other repair was the replacement of an air conditioning compressor; the car was purchased as a demonstrator, with approximately 25,000 miles on it at the time of sale; there were approximately 70,000 miles on the vehicle at the time of the fire.

A review of the recorded statements taken by Malcolm Houston provided additional details regarding [redacted] initial observations of the vehicle immediately after discovering the fire. The only new information provided by these statements was an indication of some ignition related repairs, possibly involving the replacement of spark plug wires. This repair occurred in 1984.

A review of the recorded statement taken by Johnny Masoner provided no new information. This statement reconfirmed the observations of [redacted] of seeing the fire initially at the area of the left front tire of the vehicle.

The statements of [redacted] place the origin of the fire at the left front corner of the engine compartment, near the left front tire. The air suspension compressor motor and the ABS pump were both located in this general area of the vehicle. The fire damage to both of these components was consistent with a fire originating near the front of the left front tire and progressing outward from that location. I noted that there was evidence of electrical short circuiting on wires associated with the air suspension compressor motor and solenoid. The vehicle's battery was located at the right front corner of the engine compartment. The fact that there was short circuiting on wires by the air suspension compressor indicates that the fire was on the left side of the vehicle and had progressed to the right side. Had the fire originated on the right side of the engine compartment, the fire would have attacked the battery prior to the fire reaching the air suspension compressor. This would have caused an interruption in the electric power to the air suspension compressor. The short circuiting by the air suspension compressor is clear evidence that the fire was in this area of the vehicle prior to progressing to the location of the battery.

The fire was discovered after the vehicle had been parked for almost 12 hours. With this time frame a mechanical malfunction within the engine compartment can be eliminated as the cause of the fire. The only viable ignition sources consistent with this time frame are an electrical malfunction or a fire caused by a human act. No evidence has been presented to me to indicate that this fire was other than accidental, nor that any human act, accidental or deliberate, may have been the cause of the fire. Therefore, the most probable cause of the fire is an electrical malfunction within the engine compartment, in my opinion.

The physical evidence, combined with the witness statements place the area of origin within the engine compartment, at the left front corner of the vehicle. An examination of wiring and electrical components from this area of the vehicle found evidence of electrical short circuiting on wires associated with the air suspension compressor motor and its associated solenoid. A review of electrical schematic diagrams for this vehicle determined that there is a constant "hot" feed to the compressor motor solenoid. Based upon these facts, it is my opinion that the short circuiting noted at the air suspension compressor motor and solenoid represent the most probable cause of the fire.

An examination of an exemplar vehicle revealed that the air suspension compressor motor was located at the left front corner of the engine compartment, below the air filter housing and windshield washer fluid reservoir. A plastic cover was found beneath the air filter housing and above the air suspension compressor. Given the location of the air suspension compressor motor, it

is well protected from casual contact which might occur during normal maintenance activities within the engine compartment. The location of this unit actually requires a significant amount of deliberate action to uncover and gain access to this motor. Therefore, there is no reason to believe that the air suspension compressor motor and associated wiring would have been damaged, either deliberately or inadvertently, during the course of normal maintenance activities within the engine compartment. Accordingly, it is my further opinion that the most probable cause of the short circuiting which caused this fire was damage to the wiring's insulation that occurred during the manufacturing of the vehicle.

Based upon my examination of a 1982 Mercury Grand Marquis belonging to [REDACTED] and a review of other pertinent information, I have reached the following conclusions regarding a fire loss which occurred on December 8, 1985:

- The fire originated at the left front corner of the engine compartment. The specific area of origin was at or near the air suspension compressor motor.
- The fire was accidental.
- The fire was caused by electrical short circuiting of wires associated with the air suspension compressor motor and associated solenoid.
- The short circuiting was the result of damage to the wiring's insulation. This damage occurred during the original manufacturing of the vehicle.

Enclosed with this report are additional photographs taken during the course of the investigation, but not referenced in this report. Should you have any questions regarding this report, or the investigation in general, please do not hesitate to contact me. I appreciate this opportunity to have been of service.

Sincerely,



Richard W. Kovarsky, P.E.
President/Forensic Engineer



ERRATA SHEET

CORRECTIONS OR CHANGES BY THE DEPONENT:

PAGE NO. LINE NO.

see exhibit "A" attached hereto

OR NO CHANGES

SIGNED 

Deposition Corrections

deposition was taken on January 9, 1998 by Gregory Davis, Counsel for Ford. asked several questions concerning service and maintenance on the 1992 Grand Marquis, including the following:

PAGE 13 LINE 12 Through PAGE 16 LINE 12
PAGE 26 LINE 4 Through PAGE 28 LINE 13
PAGE 35 LINE 23 Through PAGE 36 LINE 2
PAGE 65 LINE 21 Through PAGE 66 LINE 10

Following post-deposition ruminations, now recalls that she had a motor vehicle collision in the Grand Marquis where the front end of the Grand Marquis hit the back of a truck. did not see any damage to the vehicle but discovered some type of front end damage effecting the headlights and took the vehicle to a body shop. It was repaired by Randy Harrison 2001 Highway 39 North 1-800-482-1924.

also recalls that did install the battery referred to on pages 26 & 27 of her deposition.

The purchased the Toyota in 1995.

Signed, this the 17th day of February 1998.

Margie Billow
Margie Billow

Exhibit "A" to Errata Sheet

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

REDACTED

PLAINTIFFS

VS.

NO. 3:97CV310WS

FORD MOTOR COMPANY,

DEFENDANT

10:00 a.m.

Friday, January 9, 1998
at the offices of Diaz, Lewis & Giddens
Jackson, Mississippi

By the Plaintiffs

APPEARANCES:

FOR THE PLAINTIFF:

KEVIN LEWIS, ESQ.
125 S. Congress St., Suite 1218
Jackson, MS 39201

FOR THE PLAINTIFF:

PATRICK P. McALLISTER, ESQ.
537 Trustmark Building
248 E. Capitol St.
Jackson, MS 39201

FOR THE DEFENDANT:

GREGORY K. DAVIS, ESQ.
188 E. Capitol St., Suite 725
Jackson, MS 39201

Reported By:
Penny Redd, CSR-1275

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MARGIE KATHERINE BILLOW.

having first been sworn by the court reporter,
the witness was examined and testified as follows:

EXAMINATION

BY MR. DAVIS:

Q Would you state your full name?

A [REDACTED]

Q [REDACTED] my name is Gregory Davis, and I represent Ford Motor Company in a lawsuit that has been filed against Ford by you, State Farm Fire and Casualty Company, and State Farm Mutual Insurance Company.

Have you ever given a deposition before?

A No, I haven't.

Q I am going to ask you some questions about your background and about some of the allegations in the complaint that has been filed. The court reporter is going to be transcribing it. And I'm sure your attorneys have probably told you, but I'll go over it. If you don't hear me or understand a question, just ask me to repeat it. If at any time you need to take a break, we can take a break. When you do answer, if you could, give a yes or no instead of uh-huh, so that the court reporter can make sure she gets it down — also, instead of a nod of the head.

What is your current address?

A [REDACTED]

1 Meridian, 39307.

2 Q How long have you lived at that address?

3 A Since July the 1st of '96.

4 Q Prior to July 1st of '96, where did you live?

5 A We lived in an apartment after our house burned

6 for about six months. That was at [REDACTED]

7 Apartments.

8 Q Prior to living in the apartment at [REDACTED]

9 [REDACTED] you lived in a house in Collinsville?

10 A Yes.

11 Q What is your Social Security number?

12 A [REDACTED]

13 Q What is your current marital status?

14 A I'm not married.

15 Q At the time of the incident, which I will say is

16 December 6th of 1995; is that correct?

17 A Right.

18 Q On that day were you married to [REDACTED]

19 [REDACTED]

20 A Yes.

21 Q I understand [REDACTED] is now deceased?

22 A Yes.

23 Q What was his date of death?

24 A June 6th, '96.

25 Q Do you have any children?

1 A Yes.

2 Q What are their names?

3 A Just one. [REDACTED]

4 Q How old is she?

5 A She's [REDACTED]

6 Q Where does she live?

7 A In Collinsville.

8 Q Her last name?

9 A [REDACTED]

10 Q Where were you born?

11 A In Newton County.

12 Q What's your maiden name?

13 A [REDACTED]

14 Q Are your parents living now?

15 A No.

16 Q Do you have any brothers and sisters who live in

17 Newton County or Lauderdale County?

18 A Yes.

19 Q What are their names?

20 A I have a brother and a sister that live in

21 Newton County. [REDACTED]. First name is my

22 father's. And my sister is [REDACTED]

23 Q Do you have any relatives that live in the Hinds

24 County area?

25 A No. I have a sister that lives in Brandon, but

- 1 not in Hinds County.
- 2 Q What is her name?
- 3 A [REDACTED]
- 4 Q Do you have any other brothers and sisters?
- 5 A I have a brother that lives in Morton.
- 6 Q What is his name?
- 7 A [REDACTED]
- 8 Q [REDACTED]
- 9 A Uh-huh.
- 10 Q Can you just briefly tell me what your
11 educational background is?
- 12 A I went through and finished high school.
- 13 Q Where?
- 14 A In [REDACTED] in Little Rock.
- 15 Q Arkansas?
- 16 A No. Mississippi.
- 17 Q [REDACTED] do you have normal vision?
- 18 A Well, up close. When I go to read something, I
19 have to have my reading glasses. Anything far off I can
20 see, but reading I have to have my reading glasses in.
- 21 Q Do you have normal hearing?
- 22 A Yes.
- 23 Q Are you currently employed?
- 24 A No.
- 25 Q In December 1995, were you employed?

1 A No.

2 Q At any time within, say, the past five years,
3 have you been employed outside the home?

4 A No.

5 Q Have you ever been arrested or convicted of a
6 crime?

7 A No.

8 Q Do you have a background in auto mechanics?

9 A No.

10 Q I have ask these questions because some things I
11 don't know.

12 A I know.

13 Q Do you have any background in building
14 construction?

15 A No.

16 Q Do you have any background in appraising real
17 estate?

18 A No.

19 Q Do you have any background in appraising
20 personal property?

21 A No.

22 Q It's my understanding that your husband was a
23 computer technician?

24 A Right.

25 Q How long had he been a computer technician

1 before the fire in December?

2 A Well, he had been at Peevey's since '88, but he
3 hadn't been working with the computer in the computer
4 department but a few years. I don't remember exactly how
5 long it was.

6 Q Did he have an education or special training in
7 computers?

8 A He took a little bit of some courses at Meridian
9 Junior College and did a lot of it on his own. And he was
10 real good at learning stuff like that.

11 Q On December the 5th of 1995, how many vehicles
12 did you and your husband own?

13 A We had three.

14 Q Can you give me a make, model, and year of each
15 one?

16 A The car in the carport was a '92 Mercury Grand
17 Marquis, and then we had a '87 Buick LeSabre, and I think
18 an '86 Toyota Cressida.

19 Q In December of 1996, who was living in the house
20 on Pierce Road?

21 A Just me and my husband.

22 Q Who drove each of the vehicles?

23 A We both did, but I was the one that drove it the
24 5th. Just like a block and a half from the house.

25 Q That being the Mercury Grand Marquis?

1 A Yes.

2 Q Did your husband also drive the Mercury Grand
3 Marquis?

4 A Yes, but he hadn't drove it in a while. He
5 drove the Cressida to work.

6 Q Who would drive the Buick LaSabre?

7 A I drove it mostly, whenever it was driven.

8 Q How many cars could fit under your carport?

9 A Two.

10 Q Where did you normally park the Mercury Grand
11 Marquis?

12 A In the carport.

13 Q Where did you normally park the Buick LaSabre?

14 A We parked it outside the carport.

15 Q Where was the Toyota Cressida parked?

16 A Parked beside the Buick outside.

17 Q Outside of the carport?

18 A Yes. We just had the Mercury in the carport.
19 We didn't put both of them in there. We had some stuff on
20 the side. We really didn't have room for both of them in
21 there at that time.

22 Q Two cars would fit on the carport --

23 A It would fit, but we just kept one in there.

24 Q So the Cressida would be parked outside of the
25 carport, but next to the Buick?

1 A Right.

2 Q And the LeSabre would be parked where?

3 A It was parked next to the -- they were both --
4 the Toyota and Buick were parked side by side outside the
5 carport.

6 Q So first you had the Grand Marquis on the
7 carport and the next vehicle was a Toyota, and then the
8 LeSabre?

9 A Yes: See, like the carport was here, and the
10 Grand Marquis was here. Right here at the end of the
11 carport, we had -- the Buick was here, and the Toyota was
12 to the left of the Buick just outside the carport
13 (indicating).

14 Q When was the Buick purchased?

15 A I think it was -- I believe it was '85 -- I
16 mean, '89, '90.

17 Q It was an '87 Buick?

18 A It was two years old when we bought it.

19 Q The Toyota Cressida, when was that one
20 purchased?

21 A I'm not sure on that one.

22 Q When was the 1992 Mercury Grand Marquis
23 purchased?

24 A It was purchased in, I think it was July of '92,
25 I believe, because we just paid it off in July of '95.

1 Just not long before the fire.

2 Q Who was the owner of the 1992 Grand Marquis on
3 the title?

4 A It was in [REDACTED] name.

5 Q Who owned the 1987 Buick LeSabre?

6 A I think all three of them was in Rick's name --
7 my husband's name.

8 Q So as far as you know, you weren't the owner of
9 either of those three vehicles?

10 A No, not in my name. I don't believe. If I
11 recall, I think they were all in his name.

12 Q Would you happen to still have the vehicle
13 identification number for the Buick LeSabre and Toyota
14 Cressida?

15 A No, I don't.

16 Q Where was the '92 Grand Marquis purchased?

17 A It was Etheridge Brothers, I think, at the time
18 in Meridian. Etheridge something. Maybe just Etheridge
19 now. Anyway, they are still in business.

20 Q Who actually went to the dealership to purchase
21 that vehicle?

22 A Well, we both looked, and then my husband --
23 they let him drive it home the night before for us to check
24 it out. And he was actually down there when we decided to
25 buy it, and then we both went back and bought it.

- 1 Q Did you test drive it before you purchased it?
- 2 A Yeah.
- 3 Q And y'all kept it an entire day?
- 4 A Yes. They let us keep it overnight.
- 5 Q When you kept it, did anyone take it to a
6 mechanic to have it checked?
- 7 A No.
- 8 Q Did your husband do anything to check the
9 condition of it?
- 10 A Yeah, he looked it over and everything. It
11 looked in good condition and all. It drove good.
- 12 Q What color was the car?
- 13 A It was a gray, I think. I think it was kind of
14 a dark gray.
- 15 Q What was the mileage when y'all purchased it?
- 16 A When we purchased it?
- 17 Q Yes.
- 18 A I think it was around 26,000 or 20,000.
19 Something. I forget exactly. 20 to 26,000. I'm not sure.
20 I thought it had a good many miles on it.
- 21 Q What was the price y'all paid for it?
- 22 A That I'm not positive on. I think at that time
23 in '92 the prices were very high. I think it was between
24 18, 19,000 on that.
- 25 Q Was it financed by a bank?

1 A Yeah. I think it was -- we've had People's
2 Bank. It's gone through -- it's Union Planters Bank now, I
3 think. I think that's where we had it. They went from
4 People's to another bank, another name, and then they
5 change every time you turn around.

6 Q On that car when y'all purchased it, did you pay
7 the price they asked for or did y'all negotiate the price?

8 A No, we negotiated.

9 Q Do you know how much they reduced the asking
10 price?

11 A I don't remember.

12 Q Who performed service on the vehicle after y'all
13 purchased it?

14 A They did, and then there was one other place.
15 Bob's Auto Service that did some work. They charged us too
16 much, and [REDACTED] took it back to Etheridge Brothers. And it
17 turned out to be spark plug wires. That's all it was. He
18 was charging us a bunch for stuff that didn't need to be
19 done. That was the only two that worked on the car.

20 Q Do you know what work was done by Etheridge?

21 A The last work they did was on the air
22 conditioner. The last work was on the air conditioner that
23 they did. That was, I think, about either six months to a
24 year before the fire.

25 MR. LEWIS: Somebody from our office or

1 [REDACTED] went and got some records from Etheridge.

2 MR. DAVIS CONTINUED:

3 Q So six months prior to the fire would have been
4 somewhere in --

5 A That's just a guess. I'm not exactly sure when
6 it was.

7 Q Other than from the work that was done on the
8 air conditioner by Etheridge six months approximately prior
9 to the fire, was any other maintenance or service work done
10 on the vehicle after that time?

11 A No, didn't have anymore problems. That was the
12 -- the air condition wasn't cooling, so we took it and had
13 it fixed. We didn't have anymore problem.

14 Q What else can you remember Etheridge working on,
15 other the air conditioner?

16 A [REDACTED] took it there a time or two, but I don't
17 know what it was. I don't remember what it was.

18 Q When it was taken to Bob's Auto?

19 What was the reason?

20 A It was running rough. And [REDACTED] was taking it in
21 there for a tuneup, and he was saying all kind of things
22 was wrong with it. And it still was doing about the same
23 thing after we took it there, and [REDACTED] took it back to
24 Etheridge Brothers. And they just replaced spark plug
25 wires. He said that's all it was.

1 Q When you say it was running rough, what is that?

2 A Just like it needed a tuneup or something. It
3 was just kind of --

4 Q Was it making a noise?

5 A No. I don't know how to describe it. Just
6 didn't seem like it was running right. Not a smooth
7 engine, you know.

8 Q When you applied the gas, it wasn't --

9 A It just didn't seem exactly right.

10 Q So Bob's Auto did some work on the vehicle?

11 A Uh-huh. That was probably about '93, '94. I'm
12 not sure when that was.

13 Q Did your husband ever perform any service on the
14 vehicle?

15 A No.

16 Q Was any equipment added to the vehicle?

17 A No.

18 Q CD players, telephones?

19 A No.

20 Q Was the service on the vehicle completed in
21 accordance with the recommendations in the owner's manual?

22 A What do you mean?

23 Q The owner's manual has information about service
24 that should be done to the vehicle at certain intervals.

25 A Well, we kept up the oil changes and all that

1 like we're supposed to.

2 Q Who did that?

3 A We just took that to a regular place that did
4 oil changes. We didn't take it back to Etheridge Brothers.

5 Q Was that some place in Meridian?

6 A Yeah.

7 Q Where was that?

8 A We've done different places in Meridian. I
9 don't remember where they were. But just regular upkeep,
10 you know, like oil changes and stuff. I think we had the
11 brake pads done. I believe it was done at Etheridge, I
12 think.

13 Q How many miles was on the vehicle on December
14 the 5th of 1995?

15 A I think it was around 76,000. That's just a
16 guess. I believe somewhere around there.

17 Q Earlier you said the mileage may have been 20 to
18 26,000 when you purchased it?

19 A In '92.

20 Q So in '95, 76,000, which indicates y'all drove
21 it approximately 50,000?

22 A Yes. A long way to work everyday to Meridian.
23 He used to drive it all the time.

24 Q How many miles is it from your home to where
25 your husband worked?

1 A It was about 20 miles. Of course, we had a few
2 vacations on it, too.

3 Q Where did you go on those vacations?

4 A Florida and to the Smokey Mountains. There was
5 a few trips to both places.

6 Q Where in Florida?

7 A We went to his mother's a couple of times. Two
8 or three times. Palm Harbor, Florida. Not too far from
9 Tampa. I don't know exactly how far it is from Tampa.
10 Close to Clear Water.

11 Q Y'all made that trip in the Grand Marquis a
12 number of times?

13 A Two times I know. Possibly three. I'm not
14 positive. I think it was three.

15 Q How many times did you go to the Smokey
16 Mountains?

17 A Twice.

18 Q In the Grand Marquis?

19 A Uh-huh.

20 Q What speeds did you or your husband normally
21 drive the vehicle?

22 A Regular speed limit.

23 Q So when y'all want to Florida in the vehicle,
24 you drove it --

25 A -- the speed limit on the interstate. I always

1 drive the speed limit.

2 Q When you got the 1992 Mercury Grand Marquis did
3 you replace another vehicle?

4 A No, we bought it outright.

5 Q After the Marquis was damaged in the fire on
6 December 6th of '95, did you purchase another vehicle?

7 A Yeah. We bought a '94 Oldsmobile Cutlass.

8 Q Do you still have it?

9 A Yes, I do.

10 Q So at this time, how many vehicles do you own?

11 A I just own the one. We hadn't never replaced
12 another one.

13 Q In December of 1995, you were living at [REDACTED]
14 [REDACTED]

15 A Right.

16 Q Is that road named after your family?

17 A After my father.

18 Q Did any relatives live on the same road?

19 A My brother [REDACTED]. See my father's name is
20 [REDACTED] and my brother's name is [REDACTED]

21 Q Was the area where the house was located was
22 that a rural area or was it in a subdivision?

23 A Rural.

24 Q How many acres was your house on?

25 A Ten acres.

1 Q Where there any lakes, creeks, or ponds nearby?
2 A We had a little pond a little ways from the back
3 of my house. Wasn't very big.
4 Q In December of 1995, did y'all own any pets?
5 A No.
6 Q Did y'all have any farm animals?
7 A No.
8 Q Had you ever seen any rodents in the area such
9 as mice, rats?
10 A Occasionally you would see one, but not very
11 often.
12 Q Where would you see them? In the house?
13 A Yeah. In the utility room. We didn't see it
14 very much.
15 Q Did you ever see them outside in the yard?
16 A No.
17 Q Were there anything particular kept in the
18 utility room that attracted them?
19 A No. I didn't keep any foods or anything out
20 there. No bird seed or anything like that. Just figured
21 they come in the winter time to get warm. I didn't see
22 them much thank goodness because I can't stand them.
23 Q December 6th of 1995, do you remember what day
24 of the week that was?
25 A I think it was on a Wednesday.

1 Q So December 5th would have been that Tuesday?

2 A Yes.

3 Q What did you do on that Tuesday the 5th?

4 A I drove up to my father's house, which is about
5 a block and a half, two city blocks, from my house, and
6 back. That's as far as I went that day.

7 Q What time did you get back to your house?

8 A Well, my father was dead, but I went up there to
9 check on something. I was probably gone about 10, 15
10 minutes.

11 Q Did you also go to the store in the vehicle?

12 A No, the day before I did. On Monday I went to
13 Meridian and got groceries and filled the car with gas.

14 Q So on the 4th, you drove the vehicle to
15 Meridian?

16 A Right. That's the only place it had been driven
17 since before the fire.

18 Q Then the next day on the 5th, you drove it to
19 your father's house?

20 A Right.

21 Q You brought it back home and parked it in the
22 carport?

23 A Right.

24 Q What time was that that you got out of the car?

25 A It was somewhere around 1:30.

- 1 Q 1:30 in the afternoon?
- 2 A Yes.
- 3 Q If you can remember, from 1:30 in the afternoon
4 until that night about 1:00 a.m., what did you do?
- 5 A Fixed supper and watched TV.
- 6 Q Did you wash any clothes?
- 7 A No.
- 8 Q On December the 5th of '95, who was at your
9 house?
- 10 A Myself and my husband.
- 11 Q Did anyone else come by that day?
- 12 A My daughter came by and left about 11 that
13 night. She said if she had stayed she might have noticed
14 something. I said, "No, you probably wouldn't have noticed
15 it." We was watching TV when she was there.
- 16 Q When you say "we," you mean you and your
17 daughter?
- 18 A Yes. My husband was on the computer.
- 19 Q On the night of December 5th, 1995, were you
20 taking any kind of prescription medication?
- 21 A No. I don't take anything now either.
- 22 Q On that night had you or your husband had
23 anything to drink?
- 24 A No, I don't drink at all.
- 25 Q No alcoholic beverages?

1 A No. Wasn't any in the house.

2 Q Was your husband on any type medication?

3 A Yes.

4 Q What type medication?

5 A I don't remember the kind he was on. He was on
6 several. He had allergies, and he was on -- I can't
7 remember the name of it, but he was taking allergy shots
8 and all. And he had had heart surgery five weeks before
9 that, and he had to have a pacemaker.

10 Q So sometime at the end of October, early
11 November?

12 A It was about the end of October. He had went
13 through two surgeries. They had to go back in and redo a
14 lead two days later to his pacemaker.

15 Q So during this time, from when he had the
16 surgery up until this date, December 6th, had he gone back
17 to work?

18 A Yes, he went back to work. He went back to
19 work, I think, about two weeks after surgery. About the
20 middle. Somewhere around the middle of November he went
21 back to work and probably should not have went back as soon
22 as he did. But they didn't give him any heavy-duty work.

23 Q Can you tell me what happened when you first
24 noticed something unusual happening at the house after that
25 night on December 6th?

1 A I was sitting there watching a Christmas movie.
2 My daughter left about 11:00, and a Christmas movie came
3 on, and I was watching it. And just before it went off, I
4 heard a frying sound, and I didn't think much about it.
5 And I first thought it might have been a heater I had
6 sitting by my feet down there. It cuts off at a certain
7 temperature. And then I heard it again, and I thought it
8 was rain. So I didn't really pay much attention to it.

9 About that time the movie went off, and I
10 decided I better check because it sounded like it was
11 coming from toward the carport. And I went to the door,
12 and I was afraid to open the door because I was in there by
13 myself. My husband had been asleep since about 10:00. And
14 I put my ear to the door, and I could hear it. So I just
15 turned the light on, open the door real quick, and the
16 first thing I saw was smoke. And I saw flames under the
17 left front tire.

18 Q When you say "left front tire," is that driver
19 side or passenger side?

20 A Driver side. There was a door that came in
21 right beside where the car was. The left-hand side of the
22 door came in the den. And we had one in the kitchen on the
23 end of the carport. We had two doors coming out of the
24 carport, one toward the kitchen and one in the den. That's
25 where I was, in the den.

1 Q Let me see if I can get this right. If the car
2 is parked in the carport. There are two doors that lead
3 into the house?

4 A Right.

5 Q Is there one door that also leads to the utility
6 room?

7 A Actually, you go through the utility room to get
8 in the kitchen. The door right in front of the car,
9 driver's side, was a door that went into the den. And
10 that's where I was in the den watching TV when I heard the
11 sound.

12 Q So if you went straight, as the way the car is
13 parked, and you went straight in that door, that would take
14 you into the --

15 A In the utility room straight in the kitchen.

16 Q The door to the left would take you into the
17 den?

18 A Right.

19 Q You were in the den watching TV?

20 A Right.

21 Q When you say you heard a frying sound, did you
22 hear the sound and it stopped and then hear it again?

23 A The TV was on, and I could just kind of -- out
24 of my left side of my face I could hear just kind -- it
25 wasn't real loud with the TV on. I just didn't pay much

1 attention to it. I didn't have any idea it was a fire or
2 anything. And, finally, when I checked it, it was like
3 something frying.

4 Q You say you saw fire on the left front of the
5 car?

6 A Under the left -- right around the tire. Under
7 -- there was smoke and everything coming from around the
8 tire. I could see some flames around the tire, and it was
9 coming from the left-hand side.

10 Q So where the wheel is?

11 A Right in that area.

12 Q What color was the smoke?

13 A I think it was black looking. I don't recall
14 all that. Gray-ish, black, something like that.

15 Q At this time you didn't go up to the vehicle,
16 did you?

17 A No. When I discovered it, I ran in and wasn't
18 even thinking. My husband had surgery not long before
19 that. And I told him the car was on fire. And he jumped
20 from the bed and ran in there and got water. He went out
21 there and tried to put it out. And then he went in and
22 called 911.

23 Q When he went out to attempt to put out the fire,
24 did you go out on the carport with him?

25 A Yes.

1 Q What did he do?

2 A He poured it on it. And I told him I didn't
3 think that was going to do any good, and it didn't.

4 Q Where did he pour it? On the wheel?

5 A Try to pour it under there. Of course, he
6 couldn't. I'm glad he didn't try to open the hood because
7 we had just put a battery in it not too long -- a few
8 months before then, and it was very difficult opening that
9 hood.

10 Q What was difficult about opening the hood?

11 A It was hard to -- you had to get your hand just
12 right under there to know where to open it. We had a time
13 opening it at one time.

14 Q Where was this battery put in the vehicle?

15 A Where or when?

16 Q Well, both.

17 When was it put in?

18 A I think it was just a few months before the
19 fire.

20 Q Who put it in?

21 A I'm not sure whether Rick did or somebody else.
22 I don't remember on that.

23 Q What happened that y'all needed a new battery?

24 A It wouldn't start one day, and it was the
25 battery. Just like I had to replace a battery yesterday on

1 my Oldsmobile. I started to come down here, and it click,
2 click, click. I had to get me a battery.

3 Q Who found out that the battery wouldn't start in
4 the Mercury Grand Marquis?

5 Was it when you got in the vehicle?

6 A I'm not sure on that.

7 Q You don't know if it was taken to a shop or a
8 place like Sears or Bob's Auto?

9 A I don't remember. No, it wasn't taken to Bob's
10 Auto. I don't remember.

11 Q When the battery went dead, did anybody boost it
12 off to get it?

13 A No.

14 Q The battery was brought to the house and put in,
15 or was the car taken in?

16 A I don't remember.

17 Q So I guess your husband did that?

18 A He may have done it. I just don't know for
19 sure.

20 Q At the time that the battery was replaced, was
21 anything else done to the vehicle?

22 A No.

23 Q Before the person made a determination that it
24 was the battery, was anything else checked on the vehicle?

25 A No.

1 Q When you say the battery was changed a few
2 months before the fire, this was in December, so would it
3 have been sometime in 1995?

4 A Yes.

5 Q But you don't know the month?

6 A No.

7 Q Do you know if the alternator had ever been
8 changed on the vehicle?

9 A No, it hadn't as far as I know.

10 Q Do you know if anybody checked it when the
11 battery went out?

12 A I don't know. All I know is after we replaced
13 the battery, we didn't have a problem. It worked fine.

14 Q Did anyone, to your knowledge, ever boost that
15 vehicle off?

16 A No. [REDACTED] didn't believe in that. He didn't
17 like doing that.

18 Q When the other vehicles wouldn't start, he
19 wouldn't use another vehicle to boost it off?

20 A No. No, he never did do that.

21 Q Did you at any time physically touch the 1992
22 Mercury that night?

23 [REDACTED] I'm not sure I
24 understand your question. You mean during the
25 fire?

1 MR. DAVIS CONTINUED:

2 Q After you noticed there was a fire, did you
3 actually touch the vehicle?

4 A I don't believe I did. I think I looked in the,
5 you know, in the inside of the car, but I don't think I
6 touch it.

7 Q Windows up or down?

8 A They were up.

9 Q So you didn't open any doors?

10 A No.

11 Q You didn't lift the hood?

12 A No.

13 Q Did your husband open any doors?

14 A No.

15 Q Did he lift the hood?

16 A No. It was too hot, and he burnt his hand.

17 Q What did he burn his hand on?

18 A On the car.

19 Q Which part of the car?

20 A On the hood. He was trying to determine where
21 the fire was coming from.

22 Q So he touched the top of the hood?

23 A He touched it and didn't realize it until an
24 hour or so later after the fire department got there. He
25 didn't realize his hand was burned.

1 Q Your husband came back out and put water on the
2 vehicle?

3 A Yes.

4 Q What was he carrying the water in?

5 A Some kind of small container. He was so
6 excited, he didn't know what he was doing.

7 Q Was it larger than a gallon milk jug?

8 A It wasn't very big. He was so excited. I told
9 him that wouldn't do any good. We tried to put water on it
10 and it wouldn't do any good. We tried to hook up our hose.
11 It was winter time. We had to get it out and uncoil it,
12 and we was all thumbs. I just it wouldn't -- wasn't
13 nothing working. If you've ever been through a fire, you
14 think about putting a fire out and nothing else.

15 Q So did you ever get the hose operating?

16 A No. I couldn't even get it on. I was all
17 thumbs. Wasn't nothing working.

18 Q So how much water did your husband attempt to
19 put on it with the container he had?

20 Was it one time or more than one?

21 A I think a couple of times.

22 Q After that what happened?

23 A Well, the flames was getting bigger and more.
24 And Rick said, "We better get away from here." He was
25 expecting something to explode because we had just got gas

1 in the car. And I was going to go back in, and he told me
2 not to. He said if I went back in, I would be trying to
3 get this, get that, and I would end up trapped in there.

4 So we ended up going down the driveway. And
5 about halfway down the driveway, we heard an explosion. I
6 don't know what exploded, but we looked back and the whole
7 front of the house was, you know, covered in -- we had to
8 go around the back to come in our carport. So in the
9 front, you couldn't see the back of the carport from the
10 driveway. Because you would come around and come back in
11 the back side of the house.

12 So we were at the front of the house, and we
13 heard an explosion. And I looked back, and I saw flames
14 come up and go all the way to the other end of the house on
15 the back side of the house when that explosion happened. I
16 don't know what it was that exploded. Something did. And
17 it caught the grass on fire in behind on the bank behind
18 the driveway that comes around the carport. It caught it
19 on fire. And when the fire department got there, they put
20 it out and turned our gas tank off.

21 Q You said the flames were getting larger?

22 A Yes.

23 Q Where were the flames coming from before you and
24 your husband decided to leave and walk down the driveway?

25 A All around the left front tire and coming back

1 underneath the car toward the back.

2 Q On the left-hand side?

3 A Left-hand side.

4 Q Did you at any time see fire anywhere else on
5 the vehicle, other than the left-side front and the left
6 side as it was coming up?

7 A Just the left-hand side.

8 Q What else was on the carport where the car was
9 parked?

10 A There was a riding lawn mower on the left-hand
11 side, and there was odds and ends stuff on the sides of the
12 carport, but it wasn't nothing that would -- well, we had a
13 gas tank on the right-hand side. It was a little can.

14 Q How many gallons did that can hold?

15 A Couple of gallons, I think. I had anywhere from
16 a half gallon to gallon in it. That was for the lawn
17 mower.

18 Q When you said a riding mower was on the
19 left-hand side, would it be between the car and the door to
20 the den?

21 A It was up in a corner. Like the car was here,
22 and the door was here. Well, the lawn mower was up in the
23 corner there.

24 Q Up towards the front of the car?

25 A Yes. You could get around the car good with it.

Q After the explosion occurred, what do you

1 remember happening next?

2 A Well, my husband went to the neighbor's. He was
3 going to call State Farm. I said, "You can't get State
4 Farm this time of the night." And we got the neighbors up.
5 She didn't know the house was on fire until, of course, our
6 car started blowing the horn -- started blowing and woke
7 the people up across the road, but she hadn't woke up. He
8 went up there to try to use the phone and didn't get
9 anybody, and then he came back.

10 Q Was anybody home?

11 A Yes. Her husband worked at night, but she was
12 at home. The lady opened the door and gave him a shirt.
13 He didn't have a shirt on.

14 Q She let him use the phone to contact somebody?

15 A Yes.

16 Q But he was unable to contact somebody?

17 A No.

18 Q Did someone call 911?

19 A He did. My husband.

20 Q Was that at your house?

21 A Yes.

22 Q You say you heard a horn blowing?

23 A Yes.

24 Q On which car?

25 A It was a little while after the fire was

1 burning. The horn started blowing.

2 Q On which car?

3 A On the Mercury.

4 Q The other two cars, the '87 Buick LeSabre, and
5 '86 Toyota, they were parked next to the carport; is that
6 correct?

7 A Yeah, kind of to the -- you know, the carport
8 coming here in this way, and right here they were parked
9 just outside side by side.

10 Q Were they in the direction of the road?

11 A No.

12 Q After your husband returned from attempting to
13 make a phone call, what happened?

14 A He came back to where I was down there. The
15 fire department was already there, and there was more
16 people coming up, volunteers and all was there. And he
17 came back to where I was sitting in a truck down there.

18 Q Do you know any of the firemen who came to the
19 scene?

20 A No.

21 Q How much time was it between when the phone call
22 was made to 911 and the fire department arrived?

23 A It wasn't very long. It seemed like it was
24 forever, but it wasn't very long. Somebody said we had two
25 or three more that came. I don't know who all came, but

1 several came up there.

2 Q Other than you and your husband, do you know the
3 names of any witnesses or persons who were there that night
4 either before the fire occurred or afterwards?

5 A My brother came down. I think [REDACTED] called my
6 brother from the neighbor's house. He lived right up the
7 road. And he said he heard something, some popping sounds
8 going on, but he couldn't see the house from where he
9 lived. And he came down after the fire was already burning
10 after the fire department got there.

11 Q What did your brother do for a living?

12 A He works at Marshall Ford at Union. Works on
13 trucks. I think he used to do front-end alignment.

14 Q Is he an auto mechanic?

15 A No. He just did alignments. I don't know
16 whether you call that auto mechanic or not.

17 Q Was he working at Marshall Ford in 1995?

18 A No. I think -- he used to work at Simmons. I
19 think Simmons Alignment Service on 8th Street in Meridian.
20 And he sold -- the guy sold the business. He sold the
21 building, and some other place opened up -- another
22 business. So I don't think he was working at the time.

23 Q Had your brother ever done any work on the
24 Mercury Marquis?

25 A No. No, we never had -- no, just Etheridge

1 Brothers and Bob's Auto Service is the only ones I know of
2 that worked on it.

3 Q So the only witnesses would have been your
4 brother came after the fire department was there and the
5 fire department?

6 A Some neighbors came around there, but they were
7 down at the road. And the house was a little piece from
8 the road. They were just watching the fire is all they
9 seen.

10 Q How far was your driveway -- in terms of
11 distance, how far is it from the road to the carport?

12 A Probably about like a city block. I'm not
13 exactly sure. It's a pretty long driveway.

14 Q If you were putting it in terms of the distance
15 of a football field, being a hundred yards, is it the
16 distance of a football field?

17 A I'm not too good on distances.

18 Q Well, I don't want you to guess.

19 A I would say somewhere maybe in between a little
20 bit. Not quite as big as a football field. I'm not sure
21 on distance, though. It's a pretty long driveway, though.

22 Q The neighbors who came out, what were their
23 names?

24 A Well, Aultmans that lived across the road, and I
25 don't remember the names of the ones that live directly

1 across. They said they heard the horn blowing and came
2 out. I don't remember all of their names. A bunch of
3 people came up after they -- a lot of them was volunteer
4 fire people.

5 Q Since the time of the fire, has anyone told you
6 that they witnessed anything that occurred prior to the
7 horn blowing?

8 A No. My daughter was there, and she said she
9 wished she would have stayed later and maybe she would have
10 noticed something.

11 Q Where did she park her vehicle when she came in?

12 A It was out on the driveway before you come into
13 the carport.

14 Q So when she left, did she leave through the door
15 in the den?

16 A In the den.

17 Q So she walked right by the Mercury Marquis?

18 A Yeah.

19 Q She left at 11 o'clock?

20 A Yeah. And I was standing at the door when she
21 left. There was nothing going on then. I didn't hear a
22 thing.

23 Q Didn't smell anything?

24 A No.

25 Q Who is [REDACTED]

1 A ██████████

2 Q Yes, ma'am.

3 A I don't know. I can't think of the name right

4 now. Is it somebody I'm supposed to know?

5 Q That is a name of an expert that was provided to

6 me by one of your attorneys, and I didn't know if you knew

7 the person.

8 Q Do you know of any expert that's been hired in

9 this case to provide an opinion on behalf of you or State

10 Farm?

11 A State Farm hired an expert to check out the car

12 is all I know. I never did -- I never seen him. He was an

13 engineer, I think, with them.

14 ██████████ Let's make sure we're

15 correct on the record. I believe you did talk

16 to Mr. Vickers.

17 A We went up to the house while he checked --

18 determined where the fire came from. I saw him, Mr.

19 Vickers.

20 Q Anybody else?

21 A No, not, you know, other than a State Farm guy.

22 That was Malcolm Houston, but, I mean, he was just taking

23 care of our insurance part of it.

24 Q Are you related to Mr. Vickers in any way?

25 A No.

1 Q Are you related to anybody that works for State
2 Farn?

3 A No.

4 Q [REDACTED] what damages are you claiming from
5 Ford Motor Company?

6 A What damages am I claiming?

7 Q Yes, ma'am.

8 [REDACTED] Why don't you just testify
9 about your personal knowledge. Do you know what
10 the word "damages" means? Maybe you should
11 define that for her.

12 MR. DAVIS CONTINUED:

13 Q You have sued Ford Motor Company claiming that
14 because of the fire Ford Motor Company should compensate
15 you in money damages, correct?

16 A Right.

17 Q I'm trying to find out what damages you feel
18 Ford should compensate you for.

19 A I think we determined about \$80,000, wasn't it?

20 [REDACTED] He's not asking for a
21 monetary amount. He wants to know what you lost
22 as a result of the fire.

23 A I lost a lot. Believe you me. I don't have
24 pictures.

25 Q When you say you lost a lot, let's first talk

1 about the house.

2 Okay. When was the house purchased?

3 A It was in -- we bought it from National -- it's
4 called Dennison. It was a place of business. The house
5 was on their property, and they were going to expand. And
6 we purchased it for around \$200. And we had to cut it
7 twice and move it in three sections. So it cost us about
8 16 -- I think 16,500 to have it moved and set up. And then
9 we did a lot. We just about gutted the whole house and
10 remodeled it.

11 Q How much did it cost to remodel the house?

12 A We borrowed some money from the bank and sold
13 the house in Pearl, and we borrowed 10,000 from [REDACTED]
14 mother. We did stuff not all at once. And then we did
15 stuff with -- you know, I don't know exactly the total
16 amount we put in it.

17 Q As far as paying Dennison, though, you only paid
18 them \$200?

19 A Right.

20 Q How did y'all find out the house on the Dennison
21 property was for sale?

22 A My husband worked there at the time, and it was
23 a nice house in real good condition.

24 Q As far as paying Dennison, you only paid them
25 \$200, how much time did it take to move it and for y'all to

1 move in?

2 A We moved in it in 1980, but it wasn't finished.
3 We just moved it in, and they did -- we just did things
4 alone. We didn't have all the furniture in there, but we
5 moved in.

6 Q Did you ever have the house appraised?

7 A No.

8 Q You say a loan was made to a bank, correct?

9 A Right.

10 A '79. We paid it off in '89. I think it was
11 18,000 we borrowed. I think at the time we borrowed it, it
12 was People's Bank, but now it's Union Planters. They
13 changed names. Eastover, and then to Union Planters.

14 Q So when People's Bank loaned you all the
15 \$18,000, did they take a deed of trust on the property?

16 A I don't remember. I'm not for sure.

17 Q Do you know if they had the property appraised?

18 A I don't think so because they knew it was a lot
19 worth a lot more than 18,000.

20 Q From the time of purchase up to the time of the
21 fire, no one had ever appraised the house?

22 A No.

23 Q Can you give me a description of the house, how
24 many bedrooms, bathrooms, and other rooms in it?

25 A Three bedrooms, two full baths, and 18 by 25 den

1 with a fireplace, and big living room, dining room,
2 kitchen, two utility rooms, double-wide carport. And I
3 think they got it figured 2800 square feet. I never did
4 measure it. I know it took 40 square of shingles to roof
5 it, because we just had that done, I think, in '93.

6 Q New shingles in 1993?

7 A Right.

8 Q So as far as you know, no one ever measured the
9 space at the house?

10 A Not that I know of.

11 Q You said it had two utility rooms?

12 A Right.

13 Q Where were they located?

14 A As you come in from the carport, there was a
15 utility room that had the washer and dryer and double sink.
16 And to the left of that was a utility room that had my
17 water heater. Two water heaters. One at the other end of
18 the house next to the bedroom and bath. We had two water
19 heaters, but this one water heater was in a separate
20 utility room by itself.

21 Q Was this a one-level house?

22 A Yes. Central system was in the same area as the
23 hot water heater.

24 Q Which?

25 A The one at the end of the carport.

1 Q The one near the carport?

2 A Yes. See, we had one on this side and one on
3 this side. And then you went to the middle of it into the
4 kitchen.

5 (Off the record)

6 Q This is a diagram.

7 Do you know who prepared the diagram?

8 A No.

9 Q By looking at this diagram, does that appear to
10 be the floor plan of the house you were living in?

11 A I'm not much on that kind of stuff. This is
12 coming in -- yeah, that looks --

13 [REDACTED] Have you ever seen that
14 before?

15 A Yeah, that looks like it.

16 (Off the record)

17 MR. DAVIS CONTINUED:

18 Q [REDACTED] you just looked at a floor sketch,
19 which is dated 12/8/1995, and it has a signature that
20 appears to be that of James Vickers.

21 After looking at this, does this appear to be
22 what the floor plan of your house was?

23 A Yes.

24 Q After the fire, what happened with the remains
25 of the house?

1 A The remains of the house? It's still up there.
2 They told me here we should leave it like it was until
3 things got settled.

4 Q So the house as it ended up is still there?

5 A Right, a mess.

6 Q Do you still own the land where the house is?

7 A Yes.

8 Q So after the fire, you did not attempt to
9 rebuild anything or go back to that location?

10 A No. [REDACTED] wanted us to move closer to Meridian,
11 closer to where he worked.

12 Q Before December 5, 1995, had you or your husband
13 considered moving from that location?

14 A We thought about it, but we never really thought
15 seriously about it because we didn't figure we could -- you
16 know, it might take a while to sell our house. We didn't
17 think seriously about it.

18 Q So you never actually put the house up for sale?

19 A No.

20 Q Did you ever talk to a real estate person about
21 it?

22 A No.

23 Q In December 1995, did you or your husband own
24 any other land?

25 A No.

1 Q Did you own any other houses?

2 A No.

3 Q You mentioned you had a house in Brandon that
4 you sold?

5 A Pearl. Sold that in -- I think it was somewhere
6 around '79 or '80. I don't remember. We used our money
7 from the sale of the house to put on the house.

8 Q Did you and your husband live in Pearl?

9 A Yes.

10 Q So after December the 6th of 1995, you and your
11 husband lived in an apartment, right?

12 A Right.

13 Q In?

14 A Meridian.

15 Q And y'all stayed there?

16 A We was there until he died, and I stayed three
17 weeks after he died. About the first of July.

18 Q And then you moved into the house where you
19 currently live?

20 A Yeah. We bought the house before he died, but
21 we weren't going to move in until the last day of June, but
22 he died before we got in the house.

23 Q I'm going to ask you some questions about some
24 payments that were made. I've got some payments that were
25 made, and I'm going to ask if you can tell me what some of

1 these are as we go through them.

2 A State Farm paid for the rental. We had an
3 apartment with no furniture in it. And since our house
4 burned and we didn't have any house payments, they paid our
5 rental on the apartment, and they paid for the rental on
6 our furniture. And since we had a satellite system, they
7 paid the rental on cable.

8 [REDACTED] Let me mark this as an
9 exhibit.

10 (Exhibit No. 1 was marked for the record.)

11 A All we paid was electricity.

12 Q On Exhibit 1, there are some copies of checks
13 from State Farm. The first one is payable to Ideal TV
14 Rentals?

15 Was that for furniture?

16 A Yes.

17 Q What furniture did y'all rent?

18 A We rented a living room, two bedrooms, -- well,
19 actually, it wasn't two full bedrooms -- washer and dryer
20 and dining room table. And we also rented a microwave, but
21 it was so small. We ended up buying one and giving that
22 one back shortly after we moved there. And that was all I
23 believe it was.

24 Q The apartment you moved into, how many bedrooms
25 was it?

1 A Two. That was all they had available at the
2 time. It was upstairs. We wanted one downstairs, but that
3 was all they had available.

4 Q Did you all stay in that apartment all the time,
5 until July, or did you move to another apartment?

6 A No, we stayed at the same one.

7 Q Then there's payments to Pueblo Group, Inc.

8 A That's the apartment.

9 Q Did you sign a lease at the apartment?

10 A Yes.

11 Q How many months was the lease?

12 A I think it was like -- we told them we weren't
13 sure how long we was going to be there. I don't remember
14 now.

15 Q Do you remember what the monthly rent was?

16 A I think it was 500 and something dollars a
17 month. I forget now. They charged us more because we
18 wasn't going to be there a year. We just wasn't sure
19 exactly how long we were going to be.

20 Q I'm going to turn the page. I see those. The
21 next one is to Ideal TV Rentals for furniture and another
22 payment to James Vickers Enterprises, and then there's
23 another check to Ideal TV Rental and Pueblo Group, Inc.

24 A That's the apartment.

25 Q Pueblo Group, Inc. and then [REDACTED] and

1 [REDACTED], a check for \$45,680.

2 A That was on our contents.

3 Q How much were your contents insured for?

4 A I don't remember. I guess it was somewhere
5 around that price. See, I had reduced our insurance a few
6 months before then because I was trying to reduce our
7 premium, and I had reduced it. My husband didn't know it,
8 but a year or so before then I reduced it. And he was
9 upset with me because I done that and didn't tell him. So
10 I reduced it, and we ended up getting less on our house
11 than we would have if I hadn't reduced it, but I wasn't
12 expecting a fire either.

13 Q So you met with your insurance agent?

14 A I just called him on the phone.

15 Q After talking with the agent on the phone, were
16 the limits for fire and contents both reduced?

17 A I don't think -- it was just the house, I
18 believe.

19 Q Just on the value of the house?

20 A I think so.

21 Q How many times was it reduced one time or twice?

22 A One time, that I recall, over a number of years.
23 But I had just reduced it. I think it was like four months
24 or so before the fire. About \$7,000 it was reduced.

25 Q Do you remember what the highest amount the

1 insurance coverage was?

2 A I don't recall.

3 Q The next check is to [REDACTED]
4 for \$159. I assume this is for -- it says food. Another
5 one for \$236.

6 Do you remember what that was for?

7 A No. No, I'm not sure. I know they paid -- we
8 stayed in a motel a couple of nights before we got an
9 apartment, and they paid for food during that time. I
10 don't know exactly what that is.

11 Q Another check to Pueblo Group, Idean TV Rental.

12 A Pueblo Group was the people who owned it, and
13 now they have [REDACTED] down there. That
14 was what she told me was Pueblo Group.

15 Q Another check to [REDACTED], and
16 then there's a check to [REDACTED]
17 [REDACTED] for \$86,500.

18 A That was on the house.

19 Q That was all from Exhibit One. I have marked as
20 Exhibit 2 Personal Property Inventory Forms.

21 Are you familiar with these forms?

22 A Yes.

23 Q Whose handwriting is that?

24 A That's mine.

25 Q I assume these forms are provided to you by

1 State Form?

2 A Yes.

3 Q They requested that you complete them regarding
4 items of personal property that you had in the house?

5 A Yes.

6 Q Did your husband assist you with these forms?

7 A Yes.

8 Q Did anybody else assist you?

9 A No.

10 Q There are some amounts in here, replacement,
11 repair, or restoration costs.

12 A Yes.

13 Q And today's value, actual cash value, who came
14 up with those figures?

15 A We did, and that was just guessing. That's hard
16 to do.

17 Q I understand. I'm not going to go through all
18 of them. This is a home built computer system with add-on
19 hardware, the quantity is three; is that correct?

20 A Yes.

21 Q They have been purchased between 1992 and 1995?

22 A Yes. That's what he was saying. I didn't know
23 exactly when he purchased it. He did a lot of computer
24 stuff.

25 Q He has the amount as \$12,000?

1 A Right.

2 Q Do you know how much he paid for it?

3 A Around that price, I guess. Because the one he
4 purchased to replace, cost -- the stuff was almost \$7,000
5 when he replaced it. The one he replaced it with was the
6 one system.

7 Q Do you still have it now?

8 A Yeah.

9 Q Can you tell me are you familiar with what type
10 of computer it is?

11 A Pentium. I don't know.

12 Q Is it Compact? Is it Dell? Gateway? IBM?

13 A I don't know about a name. I just know Pentium,
14 or whatever you call it. It was one of the best. He liked
15 good quality.

16 Q This says home-built computer.

17 Did he build the computer himself?

18 A He would get them and put them together.

19 Q So these three computers that are listed from
20 1992 to '95, do you know how many he built per year or when
21 either of those three were built?

22 A I don't know exactly when. He was always
23 fooling with computers. I didn't know what all he did with
24 them.

25 Q As far as the three that were involved in the

1 fire, do you know the names of those computers, the type
2 microprocessor they had in them?

3 A No.

4 Q The size of the screen?

5 A No. I don't know much about computers.

6 Q The next item on the second page of this exhibit
7 has computer modems and indicates the numbers for modems.
8 Date of purchase is '94, '95.

9 A Some of that was guessing on dates, you know.
10 We weren't too sure on some of that, but he was always --
11 he would try this modem out and get another one. I told
12 him he spent too much money on computers.

13 Q This amount of \$765 that was a guess by your
14 husband?

15 A Yes. All that computer stuff was guesses by
16 him. I didn't know that much about what went on.

17 Q He has down here, number eight, the quantity is
18 a lot.

19 A Yeah. He had lots, and he had some that he said
20 was would be a collector's item later.

21 Q And that's computer software?

22 A Yes. He had one closet of mine filled up with
23 computer stuff.

24 Q He put the amount as \$6,000 for replacing it
25 with today's value of \$5,000; is that correct?

1 A Yes.

2 Q As far as the type software, you're not familiar
3 with that?

4 A No. He had a whole bunch of stuff. He said he
5 had some he couldn't replace.

6 Q Can you tell me what this last item right here
7 is?

8 A Freezer full of food.

9 Q What size freezer was it?

10 A 15-foot upright. It was full of stuff.

11 Q Who put the value of \$1,000?

12 A Ms. We had a lot of meats and vegetables.

13 Q When was that freezer purchased?

14 A It was, I think, about the same time that my
15 washer and dryer were. I think in '71 or '72. Something
16 like that. I don't remember. Somewhere around there. It
17 was an old one but still worked good.

18 Q This freezer right here has '94, '95 as the date
19 or age of purchase.

20 Did you have a freezer that was purchased in '94
21 '95?

22 A No. I must have made a mistake.

23 Q So the freezer was purchased in '71, '72?

24 A Somewhere around there.

25 Q What other item was purchased?

1 A It was a washer and dryer at the same time.
2 Yeah, I guess I made a mistake on the date on that one. I
3 tried to go over everything, but I guess I missed that, but
4 I would say there was \$1,000 worth of food in the freezer.
5 That's what I was counting. I wasn't counting the freezer.
6 I was counting the food. That was the food. The food was
7 bought in '94, '95.

8 Q So freezer food was about \$1,000?

9 A That's right.

10 Q But the freezer itself was 1970 or '71?

11 A Yeah, but it was still working good.

12 Q This on one of the later pages, the room -- at
13 the top -- den, couch, chair, and love seat purchased in
14 1986.

15 A Right.

16 Q Do you remember what the purchase cost was?

17 A No.

18 Q Did you purchase that or your husband?

19 A We both did.

20 Q You don't remember how much you paid for it?

21 A No. Some of those places we bought was out of
22 business.

23 Q Four-head VCR, video recorder?

24 A Yes.

25 Q That was purchased in '90, '91?

1 A Yes. It was two of them. Hitachi and Magnavox.

2 Q On the page that says "bedroom," you have
3 wedding band, wedding ring set, quantity is two.

4 A We both had one. And both had gained weight
5 wait and couldn't wear them. They was in a drawer. We
6 hadn't worn them in years. We had them in a drawer.

7 Q These were purchased in 1964?

8 A Yeah, we got married New Year's Eve 1964.

9 Q And the value appears to be \$1200?

10 A Yes.

11 Q Do you remember how much they were when you
12 purchased them?

13 A No.

14 Q Each of you had a band?

15 A I had a wedding ring set with a diamond, and it
16 fit together. And his was just a wedding band with some
17 little stones on it, but I don't remember what kind of
18 stones.

19 Q The diamond that you had in your wedding ring
20 and also on the ring guards -- is that what you call it?

21 A You know, the type ring that fits together?
22 That's the type it was.

23 Q What were the carat weight of the diamonds?

24 A I don't know.

25 Q This is another item I'm going to ask you if you

1 are familiar with this one. It says utility room, number
2 eight, has reload and equipment reload and supplies and
3 ammunition.

4 A He made his own shells for guns, and he had the
5 equipment to do all that.

6 Q Are you familiar with how much it costs?

7 A No. He would get the lead and stuff and make
8 his own bullet.

9 Q It has pocket watch, antique crystal.

10 A Yes. He had a whole bunch of those. He was
11 into collecting antique pocket watches, and he had boxes of
12 those. I probably not -- he probably had a lot more than I
13 claimed on there.

14 Q He has a thousand.

15 A Probably more than that. I mean, it was just
16 loads of them.

17 Q Do you know where he got them from?

18 A Somebody in Meridian. I don't know who it was.

19 Q Do you know how much he paid for them?

20 A No. We kind of estimated what it would be worth
21 if, you know, put one on each one -- what it would cost.

22 Q This is something else that says antique
23 pocket/wrist watches, jeweler's desk, parts and tools.

24 A That was his hobby. He was working on them,
25 too.

1 Q He has \$12,000.

2 A Yeah. He had a desk for it and had lots of
3 antique watches and some of his watches, also.

4 Q Do you know if he had any of that appraised?

5 A No. He was just guessing. He figured it was
6 worth that much.

7 Q Had he ever tried to sale any of them?

8 A No.

9 Q Do you know how much he paid for it when he
10 bought it?

11 A No. He had his grandfather's gold antique watch
12 that was lost in the fire.

13 [REDACTED] I'm going to attach this as
14 Exhibit 2.

15 (Exhibit No. 2 was marked for the record.)

16 [REDACTED]

17 Q Other than the checks that we saw on Exhibit 1,
18 which State Farm made payments to you, to Ideal TV, and
19 Okatibbee Apartments, did you or your husband receive any
20 other money as a result of the fire?

21 A They paid us for the car. I didn't notice --
22 was it on there?

23 Q It was not in those set of checks.

24 A They paid us for the car.

25 Q Did you and your husband have any other

1 insurance coverage?

2 A No.

3 Q Did you have any warranty coverage on computers
4 or any appliances?

5 A No.

6 Q Did you have any coverage through any credit
7 card companies?

8 A No.

9 Q Today it was produced to me a statement,
10 actually, three statements. One statement is dated
11 December 11th where your husband and you were present.
12 There's another statement dated December 7th of 1995 with
13 both you and your husband present. And there is a third
14 statement dated December 7th, 1995, which appears to be
15 your husband's statement.

16 Do you remember giving statements?

17 A Yes.

18 Q Other than the statements given to Malcolm
19 Houston and Johnny Mason, are you aware of any other
20 statements that you or your husband has given to anyone
21 regarding the incident on December 6th?

22 A Lawyer. That was all.

23 Q Are you aware of any other person who has given
24 a statement to State Farm?

25 A No.

1 Q I'm going to come back to the question we
2 started on about damages. You had a 1986 Toyota Cressida,
3 correct?

4 A Right.

5 Q What was the mileage on that Cressida on the day
6 of the fire?

7 A I think somewhere around 86,000.

8 Q Now, what did the Cressida have in it as far as
9 equipment?

10 A It didn't have any. Radio and all that was just
11 normal stuff on a car. Didn't have no extra stereo or
12 anything like that.

13 Q Power windows?

14 A Yeah, I believe it had power windows.

15 Q Power seats?

16 A Yeah.

17 Q What else?

18 A I think so. I can't remember all that right
19 now.

20 Q The 1987 Buick LaSabre, how many miles did it
21 have on it on December 6th of 1995?

22 A I'm guessing it was pretty close to about the
23 same, I think. I'm not sure.

24 Q 86,000 miles?

25 A Somewhere around there. I'm not sure on that.

1 Q What happened to the Toyota Cressida and Buick
2 LeSabre?

3 A They are still up there with the house. Still
4 sitting where they were.

5 Q Did either of those vehicles have insurance on
6 it?

7 A Had insurance on the Toyota, but I didn't have
8 any on the LeSabre. I didn't ride it very much. Just
9 right around the house. I didn't drive it much. I just
10 drove the other two.

11 Q Was the Buick LeSabre operational?

12 A Yes.

13 Q How often would it be driven?

14 A Very seldom. It wasn't driven very much.

15 Q Once a week?

16 A Probably something like that. I just didn't go
17 very far with it.

18 Q What options or equipment did the LeSabre have
19 on it as far as power windows, power seats?

20 A I'm just don't remember for sure if it had power
21 windows or not. I don't remember on that.

22 Q Who insured the 1986 Cressida?

23 A I think I did.

24 Q What company did you get the insurance with?

25 A I think I had liability, I believe. I guess it

1 was State Farm. I don't recall on that because we had
2 State Farm with the Mercury. I think it was the same
3 thing.

4 Q As far as the Toyota Cressida, Buick LeSabre,
5 did any insurance company make any payments to you for the
6 damage of the vehicles?

7 A No. We didn't get any payment on the two
8 outside the carport from State Farm.

9 Q All right. Let me ask you a couple of
10 questions.

11 There's an amended complaint that your attorney
12 filed, and it has some damages listed. It has gross
13 dwelling loss \$161,792.62.

14 Are you familiar with that?

15 A I think they told me something about it, but I
16 don't know.

17 Q That's not a figure that you gave them?

18 A No.

19 Q It has gross contents loss 93,690.27.

20 A I guess that was what my contents I had figured.
21 I don't remember the exact amount that we had. They only
22 paid us a percentage of what we claimed, but I don't
23 remember the exact amount.

24 Q It has amounts for a 1992 Mercury Grand Marquis,
25 \$12,159.

1 A Yeah.

2 Q It has the amount for a 1986 Toyota Cressida,
3 \$5,4750.

4 A They come to that figure. I don't know what
5 they was worth.

6 Q There's another figure, \$4,725 for a 1987 Buick
7 LeSabre. Is that a figure that --

8 A That's a figure they gave. I don't know how to
9 figure all that.

10 Q Then there's a gross resultant loss, \$6,740.
11 Do you know what that is for?

12 A I don't know.

13 Q It says in addition to the foregoing you
14 sustained general damage, including inconvenience.

15 A Lots of that.

16 Q Can you describe it?

17 A Well, I mean just losing everything you have.

18 Pictures is the worse since my husband has died. I don't
19 have any pictures. We've been married from '64, New Year's
20 Eve '64, and my daughter don't have baby pictures. All of
21 those are gone.

22 Q Did you have to seek any medical treatment as a
23 result of the fire?

24 A No. Sometimes I think I should have, but I
25 didn't.

1 Q As far as you know, what did Ford Motor Company
2 do to cause the fire?

3 A Well, it was -- to me it was negligent in
4 recalling the cars after they knew they had a problem with
5 them. Ignition problems. They just didn't recall them
6 soon enough.

7 Q Are you saying that there was a defect in the
8 ignition of the 1992 Mercury Grand Marquis?

9 A Yeah. It was sitting there and started a fire.
10 There was a defect somewhere.

11 Q How did you find out about that?

12 A From the engineer that State Farm hired.

13 Q Mr. Vickers?

14 A No. It was another guy that they hired to go
15 over the car, check out what caused the fire.

16 Q When was that done?

17 A Mr. Vickers determined that the car caused the
18 fire.

19 Q This other engineer, do you know his name?

20 A No, I don't remember his name.

21 Q Did you ever meet him?

22 A No. I just know State Farm sent me information
23 from who checked it out and all. And I never -- it was
24 checked out down here in Jackson. The car was brought to
25 Jackson, and it was checked out.

1 Q How long ago was that that State Farm sent you
2 the information about it?

3 A It's been a good while, but I don't know exactly
4 when.

5 Q When you say State Farm, you're not talking
6 about State Farm's attorney?

7 A No.

8 Q One of the adjusters?

9 A Yes -- no, let's see. It was the lawyer sent me
10 -- I think it was Mr. Diaz sent me the, you know, paperwork
11 that he had got.

12 Q So, other than the ignition, is there anything
13 else you feel Ford Motor Company did or did not do that
14 caused the fire?

15 A I just think it was a defect in the system and
16 it should have been recalled. Because my sister had seen
17 something on TV right after our house burned in Canada that
18 they were having problems. They were having recalls in
19 Canada. And so the way I see it, they knew for a good
20 while before our's caught fire, and they didn't have a
21 recall on it.

22 Q Did you ever receive a recall notice from Ford?

23 A No.

24 Q Did you ever contact anyone at Ford Motor
25 Company to discuss what happened in the fire?

1 A No.

2 (Off the record)

3 MR. DAVIS CONTINUED:

4 Q Today it was provided to me by your attorney
5 some documents that I understand were created on a computer
6 by your husband.

7 A Yeah. I don't know anything about that.

8 Q What I'll do is maybe can we use this one as an
9 exhibit?

10 A He fooled with that kind of stuff, and it's all
11 Greek to me.

12 Q Is it your understanding the information I have
13 before me, which will be Exhibit No. 3, was a product of
14 some computer work done by your husband?

15 A As far as I know. I don't know about that.

16 Q On the second page it has a picture of a three
17 bedroom, two bath house, but the house in the picture is
18 not the house you all lived in?

19 A No. He was setting up some kind of system and
20 had that house in there as an example.

21 Q Also, I received today what appears to be a
22 repair order from Bob's Auto Service.

23 Are you familiar -- two repair orders.

24 A My husband took it in. It was still doing the
25 same thing, so he ended up taking it to Etheridge, and they

1 put spark plug wires on it.

2 Q As far as what this document says, you're not
3 familiar with it?

4 A No. He took the car in.

5 Q You never went to Bob's Auto yourself to have it
6 repaired?

7 A No.

8 Q Other than Bob's and Etheridge, those were the
9 only ones that did work?

10 A Only ones that I know of.

11 Q Do you know anybody who works at Bob's Auto?

12 A No.

13 Q Do you know the name of the person who actually
14 did the work on the car?

15 A No.

16 [REDACTED] That's all I have.

17 Thank you very much.

18

19 (The deposition concluded at approximately 11:45 a.m.)

20

21

22

23

24

25

Return to: Meridian

Claim #: [REDACTED]

Insured: [REDACTED]

This is Johnny Masoner taking a recorded statement from [REDACTED] spelling last name B I L L O, (beep), W. Today's date is 12/7 of 1996, and the time is approximately 1:10 p.m. I'm taking this statement by telephone from [REDACTED]

Q. [REDACTED] would you state your full name, please?

A. [REDACTED]

Q. Are you aware that I am recording this statement?

A. Yes, I'm aware.

Q. Are you giving this statement (beep) freely?

A. Yes.

Q. What is your age?

A. [REDACTED]

Q. Are you married?

A. Married.

Q. Your wife's name?

A. [REDACTED]

Q. Your home address?

A. [REDACTED] Collinsville, Mississippi (beep).

Q. Your home phone number?

A. [REDACTED]

Q. Do you work anywhere, [REDACTED] uh, [REDACTED]

A. [REDACTED]

Q. And your position there?

A. Uh, computer technician.

Q. (Beep.) What type of car was, uh, or vehicle was involved in the fire at your residence?

A. 1992 Mercury Grand Marque.

Q. Who is the registered owner?

A. [REDACTED]

Q. And when did the fire occur?

A. Uh, approximately 1 a.m., 12/4/96. What? (Beep.) I mean, 12/5/96. I'm sorry. Six? Today's the 7th.

Q. It occurred yesterday morning, real...

A. Yesterday...

Claim #: [REDACTED]

2

Q. ...early?

A. ...morning. Yes.

Q. Uh, did, can you tell me in your own words exactly what you know that happened?

A. It, as, (beep) as I know it, I was woke up by my wife, approximately 1:00 telling, stating that the, uh, that the, the car was on fire and in the carport or garage, rather, and, uh, I, I, I, I ran straight out from the bed to the car and saw it was in flames, then I went into the utility room and got a container (beep) full of water and attempted to extinguish the flames with two containers full of water. My wife tried a third container and all it did was spread the fire. Uh, we then went to the rear of the house to connect the garden hose which was rotten and didn't work, uh, then I told my wife that the spread, that the (beep) flames were spread too high, I knew it was going to catch the house on fire at any moment. I also knew that it was going to spread to the rear of the ar(?), car where the gasoline tank was which was completely full of gas and, uh, I warned her that we needed to leave immediately. She was reluctant to leave and, and wanted to go back in and try to retain some of the contents of the house (beep) so I tol-- I forbid her to go and told her to come right now that it wasn't safe, um, I didn't think about salvaging anything else, other than my personal lives and he-- and hers. And proceeded around to the right-hand end of the house, down the driveway and got almost down to the bottom of the hill (beep) to the, to the dirt road that we live on and just before we got to the dirt road, we heard the gas tank explode and, um, then the flames went high into the air and all across the back. And about, about, uh, 15 feet away from that Mercury were two other automobiles a (beep) Buick and a Toyota Cressida, '85 Cressida. And it caught the grass on fire behind the house and not, I don't know the, uh, circumstances or the events after that, because I was too far away.

Q. Who was in the house when the fire started?

A. Myself and my wife, only.

Q. Uh, when you went out and looked at the, the fire, (beep) where was the fire coming out?

A. It was coming up from underneath the hood, mostly, on the left-hand side, with, uh, molten burning plastic dripping down on the left front tire. The tire was already ignited.

Q. What color was the smoke?

A. Black.

Q. Have you had the car worked on in recent time?

Claim #: [REDACTED]

A. Yes, (beep) we had the worked on and I'm not sure of the dates, either spring or summer, uh, had the ne-- had the air conditioner compressor rebuilt at, uh, Ethridge(?) Brothers Lincoln and Mercury in Meridian.

Q. Have you had (beep) any work done to the alternator or, or any other electrical part?

A. No.

Q. You owe anything on the car right now?

A. No. It was paid for.

Q. And, (beep) um, you have any idea how the ca-- the fire might have started in the car, have you, (inaudible)...

A. Yes, I have, just is just my theory. I don't, I do not have any proof, of course, I wasn't there, when it started. But my personal opinion is, and I'm an electronic technician, but I'm not an automobile technician, but my personal (beep) opinion is it had an electrical short, uh, the power to st-- ignite the flames was supplied by the internal battery of the car and, uh, the flash material around it was plastic, which helped it to spread and then originally the fuel lines ruptured and, uh, the car had, is fuel-injected, (beep) so, uh, the pressure from the, uh, uh, fuel injection and the pressure of the gas tank continued to feed the flames while it burned underneath and then spread to the left front tire and then from the left front tire spread everywhere. And, uh, eventually, the gas, the uh, the gas strank(?), the rear gas (beep) tank ruptured and spewed approximately 20 gallons of gasoline, uh, in all directions.

Q. Have you had any, any, uh, problems with the car that has not been worked on, dealing with the electrical system?

A. None at all.

Q. Have you had any recall notices for anything on it that where you went in, took it in and had it (beep) serviced?

A. No, I have not.

Q. How long have you had the car?

A. Uh, since late 1992.

Q. You bought it new?

A. No, it was not new. It was used.

Q. Where did you buy it at?

A. Uh, at Ethridge Brothers.

Q. Uh, is there, (beep), any other time that you might have had it worked on beside, um...

Claim #: [REDACTED]

4

- A. Yes, uh, we had a ignition problems at Bob's Auto Service, uh, 1994. I, I, they would have a record on file as to wh-- as to the date. That's, uh, Bob's Auto Service off of 14th Street. I don't (beep) remember their exact address, but they worked on the, uh, ignition system, uh, at that time, uh, it was misfiring and running rough. And they were unable to complete the repairs and it still had the problem, uh, and, and, they, uh, said it would, uh, run, uh, x-amount (beep) of dollars and some other circumstances, I can't remember, and I decided to take it back over to Ethridge Brothers and, uh, oh, Ethridge Brothers, uh, finished the repairs on the car by replacing some spark plug wires and that's all it took. And that's the only other work on it that I know of, uh, there's some (beep) miscellaneous brake work at one time and, at, at, at Ethridge Brothers. But Ethridge Brothers and Bob's Auto Service is the only two, uh, uh, service companies that has, had touched the car.
- Q. Was there, did you notice if there was any fire on the inside of the car, when you first looked at it?
- A. Yes, I did notice. There was not.
- Q. (Beep.) No fire on the interior?
- A. Nope, no fire on the interior. (Pause.) It was con-- it was con-- confined strictly to under the hood and the left front tire, when I noticed.
- Q. I noticed, yo-- yo-- with all the smoke and everything under your carport, um...
- A. Uh, it wasn't bad.
- Q. It wasn't bad? (Beep).
- A. It wasn't...
- Q. Did you...
- A. ...bad.
- Q. ...smell anything that smelled unusual?
- A. No, sir, just burning rubber.
- Q. Have you had any problems with any vandalism or anything at your house?
- A. None. Not ever.
- Q. [REDACTED] has everything you've told me been your true version to the best of your knowledge?
- A. Yes, it has.
- Q. Is there anything you'd like to add (beep) that I haven't asked you?

Claim #: [REDACTED]

5

A. I can't think of anything at the moment.

Q. Again, has this statement been of your free will?

A. Yes, it has.

Q. Have I cut the recorder off at any time to your knowledge?

A. Not to my knowledge.

Q. Show this statement concluding at 1:18 p.m. on 12/7 of 1995,
by Johnny Masoner.

013/A0909013.5

This is Malcolm Houston with State Farm Insurance. Today's date is December 7, 1995. It is approximately 10:08 in the morning. I'm speaking with [REDACTED]

QUESTION: Whichever one of you wants to tell the story is O.K.
ANSWER: I'm the one that.

Q: O.K.

A: Discovered it.

Q: I'm going to be talking first of all with [REDACTED] and anytime you say something I'm going to say this is [REDACTED] and keep saying so you may want to introduce yourself so that for the record we can get that on there. [REDACTED]

A: [REDACTED] would you please state your name for the record

Q: O.K., and your residence?

A: [REDACTED] Collinsville.

Q: [REDACTED] would you please state your name for the record?

A: [REDACTED] Collinsville, Mississippi.

Q: Are you both aware this is being recorded and it is being recorded with your permission?

A1: Yes, we are.

A: Yes, we are.

Q: [REDACTED] can you go ahead and start and tell me from the time that you first smelled smoke or whatever that you did?

A: I didn't smell any smoke.

Q: O.K.

A: I was watching a movie and it just it was just going off and about 1 a.m. and I thought I heard something like a frying like sound. First, I thought it was, uh my little heater I had a little heater that cuts off when it gets to a certain temperature and then I, I thought I heard it again and, uh I thought, uh well it rain and I finally got up and went to the door and put my ear to the door and I could hear it and I was, I was a little afraid to open the door, because I was I was there by myself my husband was asleep and I finally opened the door and when I opened the door the smoke was out all out there and, uh the tire was on fire and I ran and told my husband that the car was on fire and he jumped up and we run out there and he burned his hand in fooling with it. We was trying to put water on it and everything got the hose hooked up and it was burning pretty good by that time and smoke everywhere and my husband said we better get out of her before that tank blows, the car I had just put a tank full of gas in it the day before and, uh by the time we got to the road, it blew and fire went way up in the in the air and the back of the house there was a (inaudible) and a

little bit I looked down at the other end of the house and it had went all the way to the other end of the house to the back and the grass on the back part of the house was on fire, so I guess the impact from that burning the grass back there and then it set the other two vehicles on fire and that's that's what I discovered.

A1: The period of time between when we discovered the fire or when I went out and saw it and the tag blown was probably somewhere in the neighborhood of about ten minutes.

A: Of course, we called the fire department.

A1: (inaudible).

A: And you know after discovering it called the fire department.

A1: All we had time for is for me to go in and dial 911 once 911, grab a pair of pants, and that's all I had anytime to do (inaudible) children or anything.

A: Well, we did try to pour a little water on it.

A1: Yeah.

A: But it wasn't doing any good it was just seemed like it was getting worse and it was.

Q: Do you know about what time you called 911?

A: It was right after.

A1: Did they have, uh it was probably five minutes after she got me up. So we.

A: I'd say it was around 1 I'm not exactly sure about the time I, but the movie was going off so I think it was around 1 o'clock.

A1: Yeah, we're talking a half hour either way

Q: And you opened the door to the carport?

A: Garage.

Q: To the garage?

A: Yes.

Q: O.K., was that garage enclosed or was it a carport?

A: It was a car.

A1: It was in the garage.

A: It was enclosed, but it didn't have no.

A1: Door to the outside.

A: Door on the end uh uh.

Q: O.K.

A: I mean it was on each side and the end to go in the kitchen in the utility room that part was.

Q: And what kind of car was it?

A: A '92 Grand Marquis regular Grand Marquis.

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Q: When was the last time that you had driven the car that day?

A: I had driven it that day around 1 or 1:30 a couple of houses down and came back to the house and that was it.

Q: 1 or 1:30 in the afternoon?

A: Uh huh, and it really didn't even have time to get warm, you know warm it up well, that just I had drove it the day before to Meridian and drove it to the grocery store and I filled it with gas.

Q: How often do you have it checked maintenance done on it how do you have a regular maintenance schedule on it?

A1: No, not a regular maintenance schedule.

A: No.

Q: When was the last time somebody had actually worked on it?

A: When was.

A1: Oh, after.

A: I don't know what the, uh.

A1: I don't remember.

A: Problem that we had with it we had something done to it down there at the, uh..

A1: Etheridge.

A: Uh huh.

A1: Talking about when it was jerking and they put wires on it and everything.

A: What was it you had done now I don't know what it was.

A1: I don't know we can check the maintenance schedule of that because they.

Q: O.K., so Etheridge.

A: Uh huh.

Q: O.K., Etheridge is the last person?

A1: Yes.

Q: How soon did the fire department arrive after you made the call?

A: It seemed forever, but it wasn't really very long, uh.

A1: It was probably about 45 minutes wouldn't you say.

A: No, it wasn't that.

A1: You don't think it was that long.

A: No, it wasn't.

A1: It was a good while.

A: I mean it seems you know it seems longer than I mean it seems like it taken forever, but it actually wasn't, wasn't that long, but I mean it was going the fire was going pretty good back there when they got there.

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Q: Is that the Collinsville Fire Department.

A: No, it was the Duffie, but the Duffie Fire Department came up there, the Collinsville.

A1: (inaudible).

A: [REDACTED]

A1: [REDACTED]

A: I think it was about three or four fire departments came up there.

Q: It was [REDACTED]

A1: Duffie was the.

A: The first one that got there.

A1: Yeah.

Q: O.K., when they arrived did they have any chance at all to save it no chance with the.

A: I.

A1: Didn't look like it.

A: The way it looked it, uh I thought possibly they might save one end of it, but I mean like I told him when that fire blew and the fire was going up and the next thing I knew it was all the way at the end to the back of the house it went to the back.

A1: This is just my opinion, 'cause I believe that 20 gallons of gas just spread all over the back of the house and spread the fire instantly.

A: (inaudible).

A1: It didn't engulf the entire house after the after the tank ruptured. 20 gallons of gas on the ground burning is a lot of gas.

Q: When you came out and first saw the car where did you did you remember where you saw the fire coming from?

A: Under the hood dripping down looks like it was dripping down on the tire.

A1: Left front tire.

A: The tire on the left front was burning.

Q: O.K., so it was coming from under the hood?

A: Underneath the car, uh huh.

Q: O.K., you can tell it was coming from the engine?

A: Uh huh.

Q: Or in some.

A: Yeah, in.

A1: Engine.

A: And when we were trying to pour some water on it and stuff, I could see through the crack of the hood the car was too

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hot and he actually touched it and burned his hand and didn't realize (inaudible). I could see cracking and I could fire burning under the hood and of course evidentially it's been burning for a while and got down on that tire. It takes a, you know a little bit for that tire to be burning like and that was a frying sound I guess that was on that tire that I heard.

Q: So then you went and woke him.

A: Uh huh.

Q: And he tried and burned his hand.

A: Uh huh.

Q: I see where he burned his hand on the car.

A: Yeah.

Q: And then you said we need to get out of here.

A: Rick said he said we cannot we cannot be able to do and he had already called the fire department.

A1: When I said is we got to get out of here flames were already rolling over the ceilings.

A: Yeah, they was rolling, rolling.

A1: The left front tire was completely consumed.

A: The hot the horn started blowing.

A1: And flames were underneath the car over halfway back, so I knew they were going to reach that tank within minutes and they did. It was probably by the time I told her let's leave was less than three minutes before the tank blew.

A: I thought well maybe we should have tried to push it out, but it was.

A1: Yeah.

A: Too hot.

Q: Uh

A: But I mean we got all we lost every, you know all them memories and stuff you got over 30 years.

Q: Yeah, that's the worst part of it. What what about your neighbors did you have any have any neighbors. Are you close to your neighbors or know them fairly well?

A: Their:

A1: No, we're not close.

A: They were I don't they didn't even realize it until the fire department started coming, I mean they started coming down, I mean the horns started blowing I'm sure that some people probably heard that and wondered about it.

A1: I went next door while it was burning and woke the next door neighbor lady up her name is, uh.

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A: [REDACTED]
A1: [REDACTED]
A: Her husband was working.
A1: And her husband was at work and I got her out of bed she was asleep and she didn't realize it until she looked out the front door and saw the house ablazing and everything. I asked to use the phone I and we both looked in the telephone directory to see if there was a State Farm emergency number or something.
A: (inaudible).
A1: Couldn't get no answer.
A: I told him wasn't any need to call them if nobody.
A1: Well, some of them have night numbers some of them companies have night numbers.
A: He was we was.

Q: Yeah, we.
A: We were just.

Q: Do have a.
A: Panic stricken.

Q: Right, we do have an emergency number in there it is the 1 (800) number.
A1: But we didn't see it.

Q: You didn't?
A1: No.

Q: O.K., before you leave I want to show that to you in the phone book I hope you'll never have to use it, but.
A: Yeah.

Q: It would be yeah, it is in there I'll show you.
A: Well, this is our first fire.

Q: Yeah.
A: We have been through.

Q: You don't think or do you know of anybody who might want to have done something, you know mentioned this to you or anything like that want to set this.
A: Uh uh.

Q: Thing on fire?
A1: It is my honest opinion that there was an electrical short in that Mercury that got the wires hot until they caught the plastic, you know these cars are full of plastic caught the plastic on fire it dripped down on the tire ignited the tire

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and the tire ignited everything else. I really do believe it started from electrical short under the hood of that car.

A: We looked under the hood, because.

A1: That car is fuel injected and once it got the wire hot and melted it continually fed gas and everything into the and just ran away.

Q: And you.

A: Hadn't nobody nobody had been to the house that day.

Q: O.K.

A: Or anything that day.

A1: And I had been in bed two hours when she woke me up.

A: And I was home all day except for just going to two doors down for just a little bit and I was back home.

Q: Have you had any problem with as long as you had it have you had any problems with.

A: Not with the electrical system.

Q: The electrical system?

A: Uh uh.

A1: No.

Q: O.K., well, is there anything else that you all would like to say or anything?

A: No, that's that's all I know is it started with the car.

Q: This is Malcolm Houston with State Farm, uh [REDACTED] would you please state your name?

A: My name is [REDACTED]

Q: O.K., and [REDACTED] would you please state.

A: [REDACTED]

Q: And you both are aware this was recorded and was recorded with your full knowledge and consent?

A: Yes, it was.

A1: Yes.

22/1218010

This is Malcolm Houston State Farm Insurance. Today's date is December 11, 1995. I'm speaking with [REDACTED]

QUESTION: [REDACTED] would you please state your name for the record please?

ANSWER: This is Lawrence [REDACTED]

Q: And [REDACTED]

A1: I am [REDACTED]

Q: O.K., are you both aware that it is this statement is being recorded?

A: Yes.

A1: Yes.

A: Yes.

A1: We are.

Q: And is it being recorded with your full knowledge and consent?

A: Yes, I can see the recorder.

A1: Yes.

Q: What I wanted to do is I wanted to get your, uh a little more detailed statement about where the fire was actually coming from when you first came out and saw it. So if you would start from where you heard the fire, but really what I'm interested in now is what you did when you opened the door where you saw what did you see when you opened the door

A1: When I opened the door first I saw smoke and then I saw fire was coming from around the tire. I didn't look real close, 'cause when I saw it I just ran and told my husband that our car was on fire.

Q: O.K., were there any lights on outside where the.

A1: Uh uh.

Q: Porch light on. All you could see then when you opened the door was.

A1: Well, I turned the porch the carport light on.

Q: O.K.

A: And I seen the smoke and, uh and, uh well, I turned the light on and the first thing I seen was just noticed the car and the smoke.

Q: Where did the fire appear to be coming from when you saw it?

A1: It was around the top part of the tire that I saw that was, uh a little bit of flame was some flame up there and then when I got my husband he looked under it was coming from under the hood and we could see flames under the hood from the crack under the hood.

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Q: O.K., the fire that you saw was contained to the car had not spread yet.

A1: Uh uh, it was just on the the it was on the car and the top it was on dripping on the tire.

Q: O.K.

A1: It was smoke coming from the tire.

Q: O.K.

A1: So it was burning some it wasn't burning real bad when we first saw it, but it was burning.

Q: When I, when I go out and took a look at the scene the second time the first time I went I really couldn't take a close look, because it was still burning, but the second time I noticed that there was a lawn mower.

A1: Uh huh.

Q: Parked beside the car.

A1: Uh huh.

Q: And there was also.

A1: Uh huh.

Q: A gas can on the other side.

A1: On the other side.

Q: Could you tell from what you saw where the fire was coming from?

A1: It was coming directly from the car. There was nothing not coming anywhere else. It was on the left-hand side on the front left tire.

Q: All right.

A1: The lawn mower we walked right by it several times. There was nothing on the lawn mower.

Q: O.K., you walked.

A1: It didn't even start it was not running at all.

Q: You walked by the lawn mower while you were trying.

A1: Uh huh, while I was trying to put out the, uh the fire.

Q: So the minute that you saw it you turned the light on the porch and you saw it then.

A1: Well, I turned the light on first before I opened the door.

Q: O.K.

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A1: And then I saw smoke just the instance I opened the door saw smoke and then I saw on the tire that it was burning around the tire, but I didn't look that close I just saw smoke and I ran and told him the car was on fire.

Q: O.K.

A1: It was definitely from the car.

Q: [REDACTED], what did you see when you first stepped out there?

A: Well, I remember a little bit more than I did the last time that we had this recording about this (inaudible), uh I woke up instantly when she told me the car was on fire and I jumped up out of bed. I did not have any clothes on at all and I went out the den door, which is on the same side as the left front tire of the car and the very first thing I saw was something dripping down and on fire and there was a puddle of material that was on fire beside the left front tire. That's the first thing I saw. Then I saw a glow coming out from underneath the fender wheel and that's when I realized there was fire up underneath it. Then I went out to the fender wheel and I must have placed my left-hand on top of the hood as I bent down and looked up underneath the fire I got right up to it and looked up underneath the left front fender well and I could see up under the hood in that back area back there was all ablaze and that there was plastic material I assume it was plastic material dripping moulton and on fire down there on the tire and there was about an 8" x 4" patch on the tire that was on fire and what moulton rubber was running down on the pavement.

Q: O.K., so you saw something dripping from the tire wheel onto the tire?

A: Onto the tire and also saw, uh moulton rubber running down the tire that was on fire.

Q: O.K., did you see anything on the concrete itself?

A: Yes.

Q: O.K., what did you see?

A: Some kind of material burning it was moulton and burning.

A1: Dripping down in the car.

A: I don't know if it was.

Q: Did it appear to be.

A: Whether plastic or rubber or both.

Q: Appear to be the same thing that was on the tire?

A: It had the same color of the fire orangeish yellow.

December 18, 1995

Q: But you noticed a separation that the fire which you saw was definitely coming from the car?

A: I saw fire in three places from the puddle of material on the concrete, the tire itself, and up underneath the engine compartment back through the fender wheel. Also, then I ran into the house and got a small pitcher of water and came out through the, uh, uh utility room door, which is squarely in front of the car and there was no fire anywhere else, the gas can was to the left, nothing was on fire to the left, nothing was on fire to the right of the car just the car itself. There was no fire around it anywhere, but in that area of the left front fender of the car and I attempted to put out the flames with water and it did no good.

A1: Seemed like I did too we both was putting water on it. Seemed like the more you poured it it just.

A: When we were in the front of the car we could tell on both sides of the car that it was only confined to one corner at that time.

Q: O.K.

A: At that time.

A1: On the left hand side.

Q: When you poured the water on it.

A1: It seemed like it was just making it more.

A: Spreading.

A1: More.

A: Yeah.

Q: But it was definitely under the hood?

A: Under the hood.

Q: There was nothing on top of the hood?

A: Nothing on top.

A1: Uh uh, no it wasn't burning on top the top was fine.

A: We caught this fire at its very very early stages.

A1: Underneath I don't know about underneath.

A: Well, it hadn't been there long it couldn't have been.

A1: Oh, I just heard the frying sound and that's what.

Q: Is there a lot of smoke when you opened the door?

A1: Quite a bit.

A: I'd say there was didn't seem like there was to me.

A1: Well, it did to me.

A: It didn't it just seemed like.

A1: (inaudible) I mean I was.

A: (inaudible).

A1: I was so excited when I fire saw it I just saw the smoke.

A: But then again I never looked at the smoke.

Page 5
December 18, 1995

A1: And then.

A: I was looking at the fire, but it didn't seem like a lot to me.

A1: I turned the the carport light was on, but when we came back it was out so the heat had got the bulb and I lit the switch again and it wouldn't come on and I saw well its out. So it didn't take long for the after I turned the light on that the light bulb went out.

Q: I saw that.

A1: I mean when you're excited like that you just notice smoke you not really noticing how much it was.

A: (inaudible).

A1: To me there was a good bit of smoke.

Q: I think any amount of smoke would seem like a lot to her?

A1: Yeah, it was a good bit of smoke.

A: But to me for the kind of fire it was in the beginning I think there was very little amount of smoke.

Q: O.K., that's all that I have, uh I wanted to ask one more thing you're car is normally serviced by yourself or by someone else?

A: (inaudible) Brothers (inaudible) my car.

Q: O.K., they service your car so they would have records of any everything that has been done to it since you've had it.

A: Right.

Q: O.K., this is Malcolm Houston with State Farm Insurance. [REDACTED] would you please state your name one more time [REDACTED]

A: [REDACTED]

Q: And [REDACTED]

A: [REDACTED]

Q: Are you both aware that this was recorded and was it recorded with your full knowledge and consent?

A: Completely.

A1: Yes, it was.

Q: Thank you.

22/1218004

COPY

Form FM-4
(Revised 1/91)

Month of January 1996

STATE OF MISSISSIPPI
DEPARTMENT OF INSURANCE
OFFICE OF THE FIRE MARSHAL

FIRE DAMAGE REGISTRY REPORTING FORM FOR INSURANCE COMPANIES

To be completed by all Licensed Insurance Companies operating in the State of Mississippi for: "Fires causing Ten Thousand Dollars (\$10,000) or more in property damage or in which any person is injured or loses his life."
(Section 45-11-2, MS Code 1991, effective January 1, 1992)

1. Insurance Company: State Farm Fire and Casualty Company
Address: P. O. Box 3810, Meridian, MS 39303 Telephone#: 693-2788
Policy Number: [REDACTED] Date of Loss: 12-06-95
Amount of Policy: Building \$ 86,500 Contents \$ 47,575
Estimated Loss: Building \$ 86,500 Contents \$ 47,575
Estimated Vehicular Loss: \$ N/A
Type of Fire: Residential Commercial Vehicular Other
2. Name of Insured: [REDACTED] Social Security # [REDACTED]
Address: [REDACTED] Collinsville, MS 39325 Telephone #: [REDACTED]
3. Deaths: YES NO If YES, List Names _____
4. Injuries: YES NO If YES, List Names _____
(Report ONLY injuries that require medical attention)
5. Fire Investigation: Local Agencies State Fire Marshal
Insurance Company or Other
6. Classification: Accidental Incendiary Undetermined
7. Name & Title of Person Filing Report: Malcolm Houston, Claim Representative
8. Mail to: State Fire Marshal's Office Phone: (601) 359-1061
P.O. Box 22542
Jackson, Ms 39225-2542

THIS REPORT IS SUBMITTED TO THE STATE FIRE MARSHAL'S OFFICE AT ITS REQUEST UNDER THE PROVISIONS OF 83-13-21 OF THE MISSISSIPPI CODE OF 1972

Meridian

IF TWO ENVELOPES ARE NEEDED REMOVE FLAP ON THE DOTTED LINE FOR CONVENIENT FILING

INSURED

CLAIM NO.

DATE OF LOSS

[Redacted]
[Redacted]
12.6.95

DEC 14 1995

NAME

STATUS

DATE TAKEN

BY WHOM

[Redacted]
P/H
12-7-95
Malcolm
P/H states the fire
occurred around 1:00 am
Total loss they were
home ~~the~~ the fire
started from the
C20 parked in garage.

12/18/95

NAME

STATUS

DATE TAKEN

BY WHOM

[Redacted]
P/H
12-11-95
T/Mc
Details - at Fire

12/18/95
T/Mc

STANDARD INCIDENT REPORT

NO	DAY	YR	DAY OF WEEK		ALARM TIME	JURISDICTION	1106
2	06	95	TH	FR	0152	0303	1106
DISPATCH TIME					0158	IN SERVICE	0322

TYPE OF SITUATION FOUND

<input checked="" type="checkbox"/> 11. Structure Fire	<input type="checkbox"/> 32. Emergency Medical Call	<input type="checkbox"/> 44. Electrical Arcing
<input type="checkbox"/> 12. Mobile Home	<input type="checkbox"/> 35. Explosion/Release	<input type="checkbox"/> 53. Smoke Seals
<input type="checkbox"/> 14. Vehicle Fire	<input type="checkbox"/> 38. Drowning	<input type="checkbox"/> 58. Service Call
<input type="checkbox"/> 15. Tree, Brush, or Grass Fire	<input type="checkbox"/> 39. Eyes, Medical Call/Personnel	<input type="checkbox"/> 71. Malicious False Alarm
<input type="checkbox"/> 18. Train/Platform Fire	<input type="checkbox"/> 41. Spill/Leak (see 87)	<input type="checkbox"/> 74. Unintentional False Alarm
<input type="checkbox"/> 19. Explosion (see other fire)	<input type="checkbox"/> 42. Hazardous/Toxic Material	<input type="checkbox"/> 88. National Disaster

TYPE OF ACTION TAKEN (primary)

<input checked="" type="checkbox"/> 13. Extinguishment	<input type="checkbox"/> 43. Removed Hazard
<input type="checkbox"/> 16. Ventilation	<input type="checkbox"/> 52. Stairity
<input type="checkbox"/> 17. Established Fire Lines	<input type="checkbox"/> 71. Investigate
<input type="checkbox"/> 31. Rescue	<input type="checkbox"/> 80. Undetermined
<input type="checkbox"/> 32. Extrication	
<input type="checkbox"/> 33. Emergency Medical Services	

SMOKE DETECTOR
 YES NO
 ELECTRIC BATTERY
 OPERATIONAL: YES NO

MUTUAL AID
 1. Mutual Aid Received
 4. Mutual Aid Given
 N/A (no code)
 AID TO DUFFE & MARTIN

USED PROPERTY USE

<input type="checkbox"/> 100. Assembly	<input type="checkbox"/> 910. Release/Dump
<input type="checkbox"/> 200. Educational Building	<input type="checkbox"/> 931. Open Lairds
<input type="checkbox"/> 300. Health Care Facility	<input type="checkbox"/> 981. Interstate Highway
<input type="checkbox"/> 410. Single Family Dwelling	<input type="checkbox"/> 992. State/City/County Road
<input type="checkbox"/> 420. Apartments	<input type="checkbox"/> Other
<input type="checkbox"/> 500. Commercial Property	
<input type="checkbox"/> 600. Forest/Woodlands	
<input type="checkbox"/> 700. Industrial	

IGNITION FACTOR

<input type="checkbox"/> 14. Smokers	<input type="checkbox"/> 57. Slickies
<input type="checkbox"/> 21. Cigarettes/Smoking Materials	<input type="checkbox"/> 60. Design Deficiency
<input type="checkbox"/> 22. Falling Asleep	<input type="checkbox"/> 70. Operational Deficiency
<input type="checkbox"/> 34. Unattended Fires	<input type="checkbox"/> 80. Natural Condition
<input type="checkbox"/> 36. Children Playing	<input type="checkbox"/> 82. Reckless
<input type="checkbox"/> 37. Alcohol/Drug Impairment	<input type="checkbox"/> 88. Undetermined
<input type="checkbox"/> 40. Carelessness too close	<input type="checkbox"/> Other
<input type="checkbox"/> 58. Mechanical Failure	

IF	YR	MAKE	MODEL	VIN	LICENSE
VEHICLE					

DIRECT ADDRESS

CITY LITTLE ROCK STATE MS ZIP _____ APTS _____

OCCUPANT

PHONE NA

OWNER ADDRESS

CITY LITTLE ROCK STATE MS ZIP _____

METHOD OF ALARM

<input type="checkbox"/> 1. Telephone Direct	<input type="checkbox"/> 4. Radio
<input type="checkbox"/> 2. Municipal Alarm System	<input type="checkbox"/> 5. Vestal
<input type="checkbox"/> 3. Private Alarm System	<input type="checkbox"/> 6. Th-Line (P11)
	<input type="checkbox"/> 9. Undetermined

NO. OF ENGINES 01 **NO. OF AERIALS** _____
NO. OF TANKERS 01 **NO. OF OTHER VEH.** _____

IDENT INJURIES FD 0 **INCIDENT FATALITIES** FD 0 **NO. OF FD PERSONNEL RESPONDING** 07

AREA OF ORIGIN

<input type="checkbox"/> 14. Den/Living Room	<input type="checkbox"/> 38. Laundry	<input type="checkbox"/> 65. Service Areas	<input type="checkbox"/> 94. Open Field/Yard
<input type="checkbox"/> 21. Bedroom	<input type="checkbox"/> 42. Closet	<input type="checkbox"/> 66. Equipment Areas	<input type="checkbox"/> 95. Woodland
<input type="checkbox"/> 34. Kitchen	<input type="checkbox"/> 46. Trash Area	<input type="checkbox"/> 81. Vehicle Passenger Area	<input type="checkbox"/> 99. Undetermined
<input type="checkbox"/> 34. Bath	<input type="checkbox"/> 47. Garage	<input type="checkbox"/> 82. Vehicle Trunk	
	<input type="checkbox"/> 48. Storage Areas	<input type="checkbox"/> 83. Vehicle Engine Area	

* FLEX CONTAINERS

EQUIPMENT INVOLVED IN IGNITION

<input type="checkbox"/> 01. Vehicles	<input type="checkbox"/> 70. Manufacturing Equipment
<input type="checkbox"/> 10. Heating System	<input type="checkbox"/> 80. Service Equipment
<input type="checkbox"/> 20. Cooling Equipment	<input type="checkbox"/> 90. Other
<input type="checkbox"/> 30. AC/Refrigeration	
<input type="checkbox"/> 40. Electrical Distribution	
<input type="checkbox"/> 50. Appliances	

FORM OF IGNITION

<input type="checkbox"/> 08. Open Outside Fire
<input type="checkbox"/> 20. Heat from Faulted Equipment
<input type="checkbox"/> 30. Electrical Arcing
<input type="checkbox"/> 40. Heat/Hal Objects
<input type="checkbox"/> 50. Open Flame
<input type="checkbox"/> Other

IGNITED MATERIAL

<input type="checkbox"/> 01. Structural Components
<input type="checkbox"/> 20. Furniture
<input type="checkbox"/> 30. Clothing/Accessories
<input type="checkbox"/> 40. Electrical Equip.
<input type="checkbox"/> 50. Flammable Liquids
<input type="checkbox"/> Other

IN CHARGE Clayde Walker **DATE** 11-6-95

DID										STANDARD INCIDENT REPORT										INCIDENTS					
1106																				1106					
IO	DAY	YR	DAY OF WEEK		H M		ALARM TIME		0 1 5 2		ONSCENE		0 2 0 3		V										
12	06	95	TH	FR	TH	FR	TH	FR	TH	FR	TH	FR	TH	FR	TH	FR	TH	FR	TH	FR					
TYPE OF SITUATION FOUND										DISPATCH TIME										INSERVICE					
<input checked="" type="checkbox"/> 11. Structure Fire <input type="checkbox"/> 12. Mobile Home <input type="checkbox"/> 14. Vehicle Fire <input type="checkbox"/> 15. Tree, Brush, or Grass Fire <input type="checkbox"/> 16. Trash/Waste Fire <input type="checkbox"/> 18. Explosion (no after fire)										<input type="checkbox"/> 32. Emergency Medical Call <input type="checkbox"/> 38. Eviction/Evictee <input type="checkbox"/> 39. Drowning <input type="checkbox"/> 39. Emer. Medical Call/Injury <input type="checkbox"/> 41. Spill/Leak (no fire) <input type="checkbox"/> 42. Hazardous/Toxic Material										<input type="checkbox"/> 44. Electrical Arcing <input type="checkbox"/> 51. Smoke Sours <input type="checkbox"/> 58. Service Call <input type="checkbox"/> 71. Malicious False Alarm <input type="checkbox"/> 74. Unintentional False Alarm <input type="checkbox"/> 88. Natural Disaster					
TYPE OF ACTION TAKEN (primary)										SMOKE DETECTOR				MUTUAL AID											
<input checked="" type="checkbox"/> 15. Extinguishment <input type="checkbox"/> 16. Ventilation <input type="checkbox"/> 17. Established Fire Lines <input type="checkbox"/> 31. Rescue <input type="checkbox"/> 32. Eviction <input type="checkbox"/> 33. Emergency Medical Services										<input type="checkbox"/> 41. Reserved Hazard <input type="checkbox"/> 53. Standby <input type="checkbox"/> 71. Investigate <input type="checkbox"/> 88. Undetermined				YES _____ NO _____ ELECTRIC _____ BATTERY _____ OPERATIONAL: YES _____ NO _____				<input checked="" type="checkbox"/> 1. Mutual Aid Received <input checked="" type="checkbox"/> 4. Mutual Aid Given N/A (no code) AID TO DUFFEE & MARTIN							
TYPED PROPERTY USE										IGNITION FACTOR															
<input type="checkbox"/> 100. Assembly <input type="checkbox"/> 200. Educational Building <input type="checkbox"/> 300. Health Care Facility <input type="checkbox"/> 410. Single Family Dwelling <input type="checkbox"/> 420. Apartments <input type="checkbox"/> 600. Commercial Property <input type="checkbox"/> 680. Forest/Woodlands <input type="checkbox"/> 700. Industrial										<input type="checkbox"/> 810. Release Dump <input type="checkbox"/> 831. Open Lamps <input type="checkbox"/> 881. Interstate Highway <input type="checkbox"/> 882. State/County/City Road <input type="checkbox"/> Other				<input type="checkbox"/> 14. Suspicious <input type="checkbox"/> 21. Cigarette/Smoking Material <input type="checkbox"/> 23. Falling Asleep <input type="checkbox"/> 24. Unattended Fire <input type="checkbox"/> 26. Children Playing <input type="checkbox"/> 27. Alcohol/Drug Impairment <input type="checkbox"/> 45. Combustibles too close <input type="checkbox"/> 83. Mechanical Failure											
IF	YR	MAKE	MODEL		VIN		DISCERN																		
VEHICLE																									
CORRECT ADDRESS																									
CITY										STATE										ZIP		APT#			
LITTLE ROCK										MISS															
OCCUPANT										PHONE															
										CH															
OWNER										PHONE															
										N/A															
OWNER ADDRESS																									
CITY										STATE										ZIP					
LITTLE ROCK										MISS															
METHOD OF ALARM										NO. OF ENGINES				0 1		NO. OF AERIALS									
<input type="checkbox"/> 1. Telephone Direct <input type="checkbox"/> 2. Municipal Alarm System <input type="checkbox"/> 3. Private Alarm System										<input type="checkbox"/> 4. Radio <input type="checkbox"/> 5. Verbal <input type="checkbox"/> 6. Tie Line (11) <input type="checkbox"/> 8. Undetermined						<input type="checkbox"/> NO. OF TANKERS <input type="checkbox"/> 0 1 <input type="checkbox"/> NO. OF OTHER VEH.									
INCIDENT INJURIES		FD 0		CIVILIAN 0		INCIDENT FATALITIES		FD 0		EMPH 0		NO. OF FD PERSONNEL RESPONDING										07			
AREA OF ORIGIN										NO. OF ENGINES				0 1		NO. OF AERIALS									
<input type="checkbox"/> 14. Den/Living Room <input type="checkbox"/> 21. Bedroom <input type="checkbox"/> 24. Kitchen <input type="checkbox"/> 25. Bath										<input type="checkbox"/> 35. Laundry <input type="checkbox"/> 42. Closet <input type="checkbox"/> 45. Trash Area <input type="checkbox"/> 47. Garage <input type="checkbox"/> 48. Storage Areas						<input type="checkbox"/> 58. Service Area <input type="checkbox"/> 59. Equipment Areas <input type="checkbox"/> 61. Vehicle Passenger Area <input type="checkbox"/> 62. Vehicle Trunk <input type="checkbox"/> 63. Vehicle Engine Area				<input type="checkbox"/> 84. Open Field/Hard <input type="checkbox"/> 85. Woodland <input type="checkbox"/> 88. Undetermined					
EQUIPMENT INVOLVED IN IGNITION										FORM OF IGNITION				IGNITED MATERIAL											
<input type="checkbox"/> 01. Vehicles <input type="checkbox"/> 10. Heating System <input type="checkbox"/> 20. Cooking Equipment <input type="checkbox"/> 30. AC/Refrigeration <input type="checkbox"/> 40. Electrical Distribution <input type="checkbox"/> 50. Appliances										<input type="checkbox"/> 70. Manufacturing Equipment <input type="checkbox"/> 80. Service Equipment <input type="checkbox"/> 99. Other				<input type="checkbox"/> 08. Open Outside Fire <input type="checkbox"/> 20. Heat from Fueled Equipment <input type="checkbox"/> 30. Electrical Arcing <input type="checkbox"/> 40. Heat from Objects <input type="checkbox"/> 50. Open Flame <input type="checkbox"/> Other				<input type="checkbox"/> 10. Structural Components <input type="checkbox"/> 20. Furniture <input type="checkbox"/> 30. Clothing/linens <input type="checkbox"/> 40. Electrical Equip. <input type="checkbox"/> 55. Flammable Liq/Gas <input type="checkbox"/> Other							
OFFICER IN CHARGE										DATE															
Clyde Walker										11-6-95															

CURRENT DATE 12/06/95

PILR INITIAL FIRE REPORT

Claim number: [redacted] Policy number: [redacted]

INSURED INFORMATION

Insured 1 first: [redacted] M: R Last: [redacted] Age: Sex:
AKA first: [redacted] M: Last: [redacted] Type:
Business:
AKA business:

Insured 2 first: [redacted] M: K Last: [redacted] Age: Sex:
AKA first: [redacted] M: Last: [redacted] Type:
Business:
AKA business:

ADDRESS INFORMATION

Current: Number Street Type Apt City COLLINSVILLE St MS ZIP
Previous: [redacted]
Location: SAME

POLICY LOSS INFORMATION

Policy amount: Building Contents Stock Use/Des Other
Total insurance: 86500 47575
Replacement cost:
Actual cash value:
Estimated loss: 86500 47575

Date of loss: 12/06/95 Time of loss: 01:00 AM

FIRE LOSS INFORMATION

Cause of loss: VEHICLE IN GARAGE CAUGHT ON FIRE
Report reviewed: N

PROPERTY INFORMATION

Dwelling: X Multiple dwelling: Commercial: Industrial:
Vacant: Under construction: Other:
Number fire losses last 5 years: Business type:

Claim Representative
First: [redacted] M: Last: [redacted]

FIRE
claim number
24-FO22-406

PERSONAL INFORMATION

Named Insured					
name:	[REDACTED]				
street:	[REDACTED]				
city:	COLLINSVILLE	state/prov:	MS	zip/postal:	[REDACTED]
phone: home:	[REDACTED]	cell:	[REDACTED]	age:	[REDACTED]
sex or title:	[REDACTED]	occupation:	[REDACTED]	dob:	[REDACTED]
other insurance:	[REDACTED]	policy number:	[REDACTED]	tax state:	[REDACTED]

CLAIM INFORMATION

owning office/code:	MERIDIAN 09-027	owning region:	Al-Miss
claim status/date:	OPENED 12-06-95	data reported to agent:	12-06-95
maintain date:	[REDACTED]	date/time recorded:	12-06-95 08:33 AM
recovery line unit:	[REDACTED]	substation-status/date:	[REDACTED]
date/time assigned:	12-06-95 09:09 AM	date/time reviewed:	12-06-95 09:09 AM

CHANGES

						total messages:
date	time	entered by	office	region	no	
12-06-95	08:33 AM	GARRETT, C	Agency	Al-Miss	0001	0001
Remarks						
[REDACTED] PHONE AT RELATIVES						

CHANGES

						total documented changes:
date	time	changed by	office	region	no	
12-06-95	09:09 AM	Houston, Malcolm	MERIDIAN	Al-Miss	0001	0001
Owning office Unit/Facility/Rep changed from " " to " NB4"						



RB11A011
date: 12-06-95

page:

~~ROUTE 100, GARRETT, MISSISSIPPI~~

STATE FARM FIRE AND CASUALTY COMPANY

FIRE CLAIM REPORT

claim number
[REDACTED]

policy number
[REDACTED]

type of file
HOMEOWNERS - 3

claim rep: phone:	[REDACTED]
reporting agent: GARRETT	st & agent: 24-1315 phone: 601-482-7131
agent of record: GARRETT, CHARLES M	agent: 1315 phone: 601-482-7131

~~INSURED~~

name:	[REDACTED]
street:	[REDACTED]
city: COLLINSVILLE	state/prov: MS zip/postal: [REDACTED]
contact:	[REDACTED]
phone: home: [REDACTED]	ext: [REDACTED]
insured location	[REDACTED]
street:	[REDACTED]
city:	state/prov: zip/postal:
occurrence location	[REDACTED]
street:	[REDACTED]
city:	state/prov: zip/postal:

~~DESCRIPTION~~

INS VEH CAUGHT FIRE DURING NIGHT & TOTALLY BURNED HOUSE.

date and time of loss	cause of loss	amount of loss	severity
[REDACTED] 01:00 AM	FIRE- TOTAL LOSS		UNINHABITABLE
date reported to police	department	case number	

~~OTHER INSURANCES~~

Named Insured

name:	[REDACTED]	age:	[REDACTED]
street:	[REDACTED]	dob:	[REDACTED]
city: COLLINSVILLE	state/prov: MS zip/postal: [REDACTED]	occupation:	[REDACTED]
phone: home: [REDACTED]	ext: [REDACTED]	other insurance:	[REDACTED]
emp or tin: [REDACTED]	policy number:	[REDACTED]	[REDACTED]

FIRE
date number

GENERAL INFORMATION

col	col	col	col	col	col	col	col	col	col			
cin rep	unit	facility	rep code	cat	amt	sub ind	salv ind	trans	cause	lim	amount	amt
JIVER	F				MC	Y		A	*	33	01	\$10,504
FRA								A	*	34	01	17% 47,975
								A	*	69	01	\$7,242
												\$4,472

COLLINSVILLE MS

off date 08-05-95 exp date 08-05-96
cancel/expiration

cancel dt

yr hit	trans	crty	yr las
65	BBB-	051	85
1315-24		serv agt	acctg mgr
agt name	CHARLES GARRETT, CHARLES M	agt phone	601-482-7111
page P	122.8 IV 8	co-ins	483-9357
last iv inspection		insured phone	R 601-986-5479

deductible A-0100

loan no:	claim history	del	ca	amt
(00)		05-25-93	57	
element		x-ref policy		
regional messages	cdq: 06-09-93			
	agmt date:			
	reins			
	sal/ inv rets			

policy type	form	title	limits	amt	rb	trans	stat
HOMEOWNERS - 3	FP -7923-	SPECIAL FORM 3	LS ASMT DWEL EXT CONTENTS ALE LIAB MPC/PER MPC/OCC	86,500	1		8650 47575 ACTUAL 100000 1000
ftop class	scapa	description					
01	HO 163	HOMEOWNERS		86,500	1		st

AUTO
claim number

[REDACTED]

COVERAGE INFORMATION

claim rep: JMASC unit: 207 loss codes: 311 501
claim rep: unit: loss codes:
claim rep: unit: loss codes:

Initial loss code(s) requested from CSR on 12-06-95 by JMASC. Access View Payments for current status.

Open:
Open & C/P: 311/501
No Claims:
C/P:
Reopen:
O/E:

cat code:

policy number car no division number date of loss
[REDACTED] 2 12-06-95

policyholder name and address
[REDACTED]
COLLINSVILLE MS [REDACTED]

vehicle 92 MERCURY GR MARQUIS 4DR
vehicle identification number: ZMECM75W6N [REDACTED]

coverage in force
A 25/50/25.C 5,000.D100.G250.H.R1.U1 10/20/5.S

agent policy form prior damage on term basic policy county
1315 [REDACTED] 0 038

additional coverage information
liabilityholder
BANK OF MISSISSIPPI
PO BOX 789
TUPELO MS 38802-0789

claim history
claim number dol type claim number dol type
[REDACTED] 04-14-93 2

exceptions and endorsements
***** S, T, & Z COVERAGES *****
NAME [REDACTED] COVERAGES/LIMITS
S-5000
S-5000

***** HOUSEHOLD POLICY HISTORY *****
POLICY CAR
NO NO NAME COVERAGES
C039447 [REDACTED] A, C, H, U1
D IS \$100 DED COMP; R1 IS \$16 PER DAY - \$400 MAXIMUM; U1 IS U-BI/U-PD WITH 200 DED AND INCLUDES UNDERINSURED MOTORIST COVERAGE; 6069FF AMENDMENT OF CANCELLATION CONDITION; 6271W AMENDMENT OF PHYSICAL DAMAGE COVERAGES; 6082B AMENDATORY ENDORSEMENT: CHANGES-DEFINED WORDS; INSURED'S DUTIES; COVERAGES; 6093 AMENDMENT OF DEFINED WORDS AND MEDICAL PAYMENTS COVERAGE; 6083U AMENDMENT OF UNINSURED MOTOR VEHICLE COVERAGES; MULTICAR DISCOUNT, OTHER POLICIES EXIST; CLASS CODE=6E302; POLICY INCEPTION DATE - 072092;

Dean Pabst
 General Claims Staff Specialist
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Tracking Impaired
 Products Program
 (T.I.P.P.)

Fax

To: John Iverson From: Dean Pabst
 Fax: 601-455-8138 Pages: 2
 Phone: 601-683-3785 Date: November 25, 1998
 Re: 24-F022-458 Ford / Mercury Marquis fire loss

Urgent For Review Please Comment Please Reply Please Recycle

• Comments

John,

Below is some research that I have completed regarding the Auto Claim file. The Auto file was reported to our Auto Tech. here at Corporate. Your auto claim representative was given a PACdot of information which cover your alternator questions. If you do not find this information in the auto claim file, let me know and I will send you another copy.

Claim Number	Contact Name	Phone/FAX Number	Taken By
[REDACTED]	[REDACTED]	[REDACTED]	JCM
Date Taken 12/08/95 Model Year 1982	CS Owner Insured Manufacturer	Location MERIDIAN,MS Make MERCURY	Assigned To JCM Model GRAND MARQUIS

Dean R Pabst

November 25, 1986

VIN	Mileage	Type of Call	Engine/Transmission:
-----	---------	--------------	----------------------

2MECM73W6N 0

X [REDACTED]

Description of Loss

Complete Burn While Parked in Garage For Several Hours. House Also Burned

Secondary:

[REDACTED]

Status

12-07-85 (Jam) Advised Johnny Of Cpe, Pac 3 And 4, 12-07-85

(Jid) Fixed, Clery To 3-7-86

T.I.P.P. is an in-house program. Any information concerning T.I.P.P. or T.I.P.P. data to be shared outside of State Farm personnel should only be done with the prior consent of T.I.P.P. management. The T.I.P.P. name is intended only to be used within the company as an expression of a business opinion regarding subrogation. When speaking to insureds, claimants, or other members of the public, claim personnel should not characterize products tracked by T.I.P.P. as defective based solely on T.I.P.P. data.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

Civil Action No.
3:97cv310WS



Plaintiffs,

vs.

FORD MOTOR COMPANY,

Defendant.

The Deposition of BURGESS O. YOUNG, an Expert Witness herein, taken pursuant to Notice of Taking Deposition before Shari L. Blythe, CSR-3910, Registered Professional Reporter and Notary Public within and for the County of Wayne, State of Michigan, at 24626 Michigan Avenue, Dearborn, Michigan, on Friday, June 26, 1998, commencing at about 2:30 p.m.

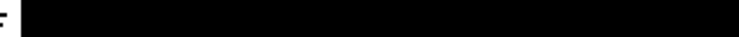
APPEARANCES:

GREGORY K. DAVIS, ESQ.
Davis, Goss & Williams
188 East Capitol Street, Suite 925
Jackson, Mississippi 39201

For Ford Motor Company.

KEVIN LEWIS, ESQ.
Diaz, Lewis & Giddens, PLLC
Post Office Drawer 24268
Jackson, Mississippi 39225-2468

For



(Appearances continued on page 2.)

Page 2

1 ASSURANCE (Continued)

2 [REDACTED]

3 For State Farm.

4

5 WITNESS: Richard E. Swerdy, F.R.

6

7

8

9 WITNESS: [REDACTED] PAGE

10 Examination by [REDACTED] 2

11 Recross-examination by [REDACTED] 118

12 Re-examination by [REDACTED] 132

13

EXHIBIT	DESCRIPTION (Attached)	Page Marked
1	Section of Deposition	3
2	2-17-98 Jones Report	62
3	2-page NHTSA Service Bulletin Report	69
4	3-page NHTSA Owner Report	71
5	2-page Technical Service Bulletin	78
6	Witnessed document	78
7	Statement	87
8	Printout of computer screen	102

EXHIBIT	DESCRIPTION (Attached)	Page Marked
1	Section of Deposition	4
2	Personal History	5
3	pages & trials listing	28

Page 4

1 A Yes.

2 MR. McALLISTER: We're going to, by agreement

3 of counsel, incorporate that section of [REDACTED]

4 deposition into the deposition in this case, the [REDACTED]

5 matter.

6 Is that your agreement, Greg?

7 MR. DAVIS: Yes, it is.

8 BY MR. McALLISTER:

9 Q Have you had your deposition taken before?

10 A Yes, I have.

11 Q Will you tell me if you don't understand any of my

12 questions?

13 A Yes, I will.

14 Let's mark this as Exhibit Number 1.

15 (Plaintiff's Deposition Exhibit 1 was marked

16 for identification; attached hereto.)

17 BY MR. McALLISTER:

18 Q Mr. Young, let me hand you a document that has been

19 provided in the marked Personal History and ask you to

20 identify that.

21 A Yes.

22 Q That is your CV?

23 A Yes.

24 MR. McALLISTER: Let's mark this as the next

25 exhibit.

Page 3

1 Dearborn, Michigan

2 Friday, June 26, 1998

3 About 2:30 p.m.

4 [REDACTED]

5

6 an Expert Witness herein, having been first duly sworn,

7 testified as follows:

8 EXAMINATION

9 BY [REDACTED]:

10 Q [REDACTED] my name is Pat McAllister. We've met earlier

11 today. I represent State Farm Mutual Automobile

12 Insurance Company, State Farm Fire & Casualty Company in

13 a lawsuit filed in Federal Court in Jackson, versus Ford

14 Motor Company.

15 Let me offer into evidence Exhibit Number 1,

16 which is your Notice of Deposition in this case.

17 (Plaintiff's Deposition Exhibit 1 was marked

18 for identification; attached hereto.)

19 BY MR. McALLISTER:

20 Q By agreement of counsel, I am not going to review or ask

21 you again about your CV, your prior testimony,

22 experience, or about the general steps you take in

23 conducting an examination of a vehicle fire that we

24 discussed at some length in the Bible lawsuit; is that

25 with your agreement?

Page 5

1 (Plaintiff's Deposition Exhibit 2 was marked

2 for identification; attached hereto.)

3 BY MR. McALLISTER:

4 Q Where do you reside, [REDACTED]

5 A I reside at [REDACTED] in the City of

6 Royal Oak, State of Michigan.

7 Q How long have you resided there?

8 A Approximately 28 years.

9 Q Are you married?

10 A Yes, I am.

11 Q And you have children?

12 A Yes, I do.

13 Q How many children do you have?

14 A Two.

15 Q How old are they?

16 A Thirty-five and 33.

17 Q Where do they work?

18 A One works for Magna Corporation, my oldest son, Burgess.

19 And my youngest son is general manager of a restaurant

20 we own.

21 Q Is that here in the Detroit area?

22 A It is out in Farmington, which is north.

23 Q It is my understanding you went to work for Ford Motor

24 Company on September 15, 1966; is that right?

25 A Yes.

Page 6

1 Q And you've been employed by Ford continuously from 1966?

2 A Yes.

3 Q Is it correct to say that you have a Bachelor of Science

4 Degree in Mathematics from the University of Detroit?

5 A Yes.

6 Q Do you have any professional training as an electrical

7 engineer?

8 A I have had courses identified in a seminar. I have had

9 courses from the University of Wisconsin and I think

10 there was one earlier from the University of Michigan;

11 but not as a degreed engineer, no.

12 Q You don't consider yourself to be a licensed engineer?

13 A No.

14 Q Is that a licensed profession in the State of Michigan?

15 A Pardon?

16 Q Is that a licensed profession in the State of Michigan,

17 engineering?

18 A You can become a licensed engineer, but you don't need

19 to be a licensed engineer to perform as an engineer.

20 Q So you are not a licensed engineer, is that right?

21 A That's right.

22 Q In the CV that I have been provided with, there are a

23 number of seminars and courses and they seem to be

24 broken down pre-1992, 1992, 1993, and 1994 through 1997;

25 is that right?

Page 7

1 A Yes.

2 Q And you first had a fire investigation course in 1991;

3 is that correct?

4 A Are you talking about the Michigan State Fire Symposium?

5 Q That's right, 1990; that would be correct?

6 A Yes.

7 Q Was that your first training in fire investigations?

8 A Yes, it was. First formal training.

9 Q Did you have informal training?

10 A Yes.

11 Q What was the informal training?

12 A As the CV shows, I was supervisor from 1988 through '91

13 in fuel system development. So that meant that if there

14 were fires related to fuel systems, either myself or

15 part of my staff would investigate those fires, also, as

16 a fuel system issue.

17 Q I'm not going to go through each one of those seminars

18 that you have attended, but it appears that you were a

19 guest presenter at sometime in 1997; is that right, for

20 the IAAI Training Seminar?

21 A Right, that's the International Association of Arson

22 Investigators.

23 Q And that would be for South Carolina Fire Investigators

24 Association; is that right?

25 A That's who the host of the session was, yes.

Page 8

1 Q What did you present at that time?

2 A We had presented a number of cars with instrumentation

3 at various locations in the vehicle; and each vehicle

4 was deliberately set on fire out of sight of the rest of

5 the class so that they would be able to review the

6 following day the results of the fire. I think there

7 were a total of five vehicles, so that each had a

8 different source and origin, and the class would then

9 present their findings afterwards as to what they

10 observed.

11 Q What were the different sources for those five vehicles?

12 A I don't recall at this point in time.

13 Q Have you done that before?

14 A We did it before down in -- there will be another one

15 roughly 1995, if I can find it in there. I believe it

16 would be the other International Association of Arson

17 Investigators, 1995, and that would have been at Myrtle

18 Beach.

19 Q Were you a presenter in that, 1995?

20 A Again, we did the instrumentation and did the

21 behind-the-scenes fire, yes, so that they would then ask

22 us questions afterwards.

23 Q So you were considered a presenter of the 1995

24 symposium?

25 A Myself and Dave Boos, yes, an associate of mine.

Page 9

1 Q He's also a Ford employee?

2 A Yes.

3 Q It's my understanding you are a member of the Society of

4 Automotive Engineers; is that right?

5 A That is correct.

6 Q And you joined that in 1991?

7 A Yes.

8 Q Why did you join it in 1991?

9 A It's coincidental with becoming a design analysis

10 engineer.

11 Q Explain to me what a design analysis engineer is.

12 A From my particular case, I have a varied background in

13 vehicle construction, manufacture, and design that would

14 be able to relate to field situations. In this case, my

15 specialty is fire analysis.

16 As a design analysis engineer, in some

17 instances I'm assigned case files such as the one we are

18 talking about today with an allegation against a product

19 or system of Ford Motor Company, and I investigate that

20 situation as far as determining, in my opinion, the

21 validity of the allegation.

22 Q Do you investigate it with an intent towards defending

23 Ford Motor Company?

24 A I investigate it with the intent of finding out the

25 truth, as I see it, and sometimes they end up in

Page 10

1 litigation. A lot of times they end up being resolved
2 without litigation.
3 Q You also joined the Georgia Association of Arson
4 Investigators in 1991; is that correct?
5 A That is correct.
6 Q Are you a member of the Michigan Association?
7 A No.
8 Q Why did you join the Georgia Association?
9 A Well, to become a member of the Association, you need a
10 sponsor. And in my assignments prior, I had become
11 familiar with a member of the Georgia Association and
12 they sponsored me in Georgia.
13 Q Who is that?
14 A [REDACTED]
15 Q Are you and [REDACTED] friends?
16 A We work on many cases together, yes.
17 Q How many cases have you all worked on together?
18 A Oh, I would say maybe a hundred.
19 Q A hundred cases.
20 Do you know if the majority of [REDACTED]
21 work is for Ford Motor Company?
22 A I don't know that.
23 Q But he sponsored you into the Georgia Association; is
24 that correct?
25 A Correct.

Page 11

1 Q What is your current salary with Ford?
2 MR. DAVIS: Object to the form of the
3 question. I don't know if his salary is relevant.
4 BY MR. McALLISTER:
5 Q You can answer it.
6 A I believe it is \$95,000.
7 Q Do you participate in a Ford retirement program?
8 A Yes.
9 Q Do you know what the vested value of that retirement
10 program is now?
11 A Last year it was valued at \$1,900 a month.
12 Q So it is not a lump sum, it's a monthly amount?
13 A Correct.
14 Q Do you have any stock in Ford?
15 A Yes, I do.
16 Q How much stock do you own?
17 A I haven't got a fixed number on that. I would imagine
18 it's 4,000 or 5,000 shares.
19 Q What is that worth? What is Ford trading for these
20 days?
21 A I think it is in excess of \$300,000.
22 Q You have \$300,000 worth of stock in Ford; is that right?
23 A I think so.
24 Q Do you have stock in other companies other than Ford?
25 A Yes, I do.

Page 12

1 Q I notice in 1992 you participated in Successful Defense
2 of a Product Liability Lawsuit; is that correct?
3 A You are picking that up where?
4 Q The 1992 training.
5 A That was a course at the University of Wisconsin, yes.
6 Q Why did you attend that course?
7 A I was still relatively fresh in the design analysis and
8 I wasn't sure what was expected of a liability lawsuit.
9 This appeared to be an informative course.
10 Q Explain to me the relationship between a product
11 liability lawsuit and design analysis.
12 A Design analysis, in one part, defends product liability
13 lawsuits. Another part, design analysis reviews future
14 designs such that the engineering staff can benefit by
15 our experiences. And another situation, the same
16 reviews for the design team are forwarded to Ford
17 management so that they can evaluate two independent
18 inputs on design approaches.
19 Q Do you consider part of your duties as a design analysis
20 engineer to be the defense of product liability
21 lawsuits, part of your job duties -
22 MR. DAVIS: Object to the form of the
23 question. It's vague.
24 BY MR. McALLISTER:
25 Q - as you have just described it?

Page 13

1 A I don't defend - I'm not a lawyer. I supply input to
2 the lawyers.
3 Q You do that - that is part of your routine job duties,
4 though?
5 A Yes.
6 Q You mentioned earlier, as a guest presenter, that you
7 burned five vehicles for different causation purposes;
8 is that right?
9 A Yes.
10 Q And you don't recall what were the different causes
11 involved?
12 A Not the specifics. I know there was an engine
13 compartment, a passenger compartment, a ground fire, a
14 trunk fire.
15 Q And you've tested other vehicles before for cause and
16 origin of fires?
17 A Yes.
18 Q What would you look for in determining whether or not a
19 vehicle was an electrical fire, caused by an electrical
20 fire?
21 A Well, there's many, many aspects. That's a very broad
22 question. I wouldn't know how to start with that. You
23 have to be more specific.
24 Q Why don't you tell me the steps that you would follow in
25 evaluating a fire for electrical origin.

1 MR. DAVIS: Object to the form of the
 2 question. It's vague.
 3 A Well, if I were called in to investigate an allegation
 4 of electrical fire in the backseat of an automobile, I
 5 would look to where the wires are running. I would look
 6 to see if there were any modifications to those wires.
 7 I would look to the status of those wires. I would look
 8 to see if there were other items that may have
 9 contributed or confused the allegation.

10 BY MR. McALLISTER:

11 Q Let's say you were going to burn a test vehicle for an
 12 electrical fire under the hood, what would you be
 13 looking for under that scenario?
 14 A Again, your question is compound, as I heard it. As I
 15 don't investigate vehicles in order to do a burn on
 16 them, I investigate vehicles against an allegation. In
 17 some cases, later on we'll do test burns that would be
 18 an accumulation of a number of issues such that --
 19 Q Let me rephrase my question for you, then.
 20 When you are deliberately burning a vehicle
 21 for examination purposes and for seminar purposes, and
 22 one of the things that you are trying to get across in
 23 the seminar is an electrical fire under the hood, and
 24 the follow-up investigation or the follow-up report for
 25 the seminar participants, what are the steps that you

1 was an engine compartment fire, they would hopefully all
 2 end up at the engine compartment.
 3 Again, the same thing. The engine compartment
 4 is a large area. They would look for the area of most
 5 fire effect or heat effect and work towards that area,
 6 again, looking for other clues.
 7 Q How would they determine most fire effect and least fire
 8 effect in the engine compartment?
 9 A Again, it depends on the vehicle, the size of the engine
 10 compartment, generally. The engine compartment is
 11 composed of a number of wires covered with vinyl which
 12 is combustible. The engine compartment has a number of
 13 containers holding hydrocarbon materials, such as brake
 14 fluid or alcohol, in the case of a radiator, fuel lines.
 15 There are also a number of rubber components
 16 for vacuum lines, transmission fluids. There are
 17 plastic components for the air cleaner, for the fuse
 18 box. In some cases even plastic fender liners.
 19 There are a number of combustible materials in
 20 an engine compartment, all of a different rate of
 21 combustion, all tightly packaged so that, again, the
 22 observation would determine what they see, rather than
 23 pre-determining.
 24 Q If there is more burning in one section of the engine
 25 compartment as opposed to less burning in another

1 would advise those participants to take in investigating
 2 such a fire?
 3 A We would use the approach that the announcement of the
 4 allegation isn't necessarily the true root cause; that
 5 they should investigate the vehicle totally to establish
 6 that, in their own mind, it was an engine compartment
 7 fire. I don't want to have an investigator have a
 8 preconceived notion of what the fire is all about and
 9 miss something that he wouldn't be searching for.
 10 So they are admonished to use the skills they
 11 have been taught in analyzing a fire, approach the
 12 vehicle from afar, analyze the vehicle in total, working
 13 from the area of least fire effect to the area of most
 14 fire effect and, of course, that would be in their
 15 determination.
 16 Q Explain to me what you mean by "least fire effect" and
 17 "most fire effect."
 18 A Well, if we had an engine compartment fire, I would
 19 expect the turn signals on the front of the vehicle to
 20 be affected by some amount of heat and I would not
 21 expect the rear turn signals to be affected.
 22 Q What would be the next step?
 23 A After they've gone through and documented the total
 24 vehicle and worked from the area of least to the area of
 25 most, and if this were a test fire demonstration, that

1 section of the engine compartment?
 2 A That would be the theory of less heat damage or less
 3 heat effect to the area of most heat effect.
 4 Q What would be the next step?
 5 A Well, they would keep working closer to that point.
 6 This makes an assumption that it is something we call
 7 clues to read. That is, if we have a hundred percent
 8 consumption of combustible materials, there are very,
 9 very, very few clues to read. If you've had a fire
 10 where only one area of the engine compartment we're
 11 discussing was affected, then you would have a lot of
 12 combustible material remaining in the vehicle, having a
 13 lesser effect of the heat. So you would be able to move
 14 to an area that has more and more.
 15 Again, this is an assumption, this whole
 16 discussion. We're talking about an accidental fire and
 17 not arson.
 18 Q An accidental fire, that's correct.
 19 A So that's what I have been relating, and I'll continue
 20 to relate that way, that that in an accidental fire you
 21 generally only have one source. There's always the
 22 potential of having two sources of fire, but that would
 23 be highly improbable.
 24 Q What would be the next step you would follow?
 25 A Once you get down in it, you just keep working closer

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1 and closer and closer. You are zeroing in on a spiral.
2 Sooner or later you run out of clues and you have an
3 answer or you don't.
4 Q What is at the bottom of the spiral for an electrical
5 fire?
6 A Well, it depends, again, on how far it went. It could
7 be nothing. It could be a component that shows partial
8 damage.
9 Q What sort of partial damage?
10 A Well, again, it depends on what the component is. If
11 it's a bare wire, then it won't show you anything. If
12 it's a device of some sort, a relay or a switch, unless
13 it has been fully consumed, there will be evidence there
14 of partial consumption and a potential source for
15 recognition for the fire.
16 Q What about melted wiring, is that evidence of an
17 electrical fire or is it not evidence of an electrical
18 fire?
19 A Melted wiring, by itself, is not conclusive. You don't
20 have enough evidence there. Wiring used in Ford Motor
21 products is copper, an alloy of copper. Copper will
22 melt in a range of 1900 degrees Fahrenheit, give or take
23 a few degrees if it's an alloy. It is covered with a
24 vinyl that will burn at roughly 350 degrees. Rubber in
25 a vehicle will burn at 500 degrees. Gasoline, if it's

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1 breached, will burn at 1200, 1400.
2 So you have a fire in an engine compartment
3 that will range up to 1500 degrees; that, in itself, is
4 not hot enough to melt any wires. You will go into an
5 engine compartment fire and find all the wires with the
6 insulation burned off, and that's the tricky part. You
7 can have an engine compartment fire that burns off the
8 insulation off of two circuits while there is still
9 power in the battery and end up with a short, and then
10 you will have bending or melting of the wires. That is
11 not indicative of the source of a fire.
12 Q What is it indicative of?
13 A Well, you would have to analyze it again. For an
14 electrical fire to occur, you have to have some sort of
15 an overheating condition, and that's a linkless supply,
16 anywhere from an overload condition or modification to
17 the system by person or persons not associated with the
18 vehicle, a mechanic, prior owner. Could be incidental
19 damage, somebody is working on a component and drops a
20 wrench, cracks a housing, causing more resistance so
21 that the thing overheats.
22 Q Let's go back to the seminar examples that you have used
23 before when you burned automobiles, and some of those
24 you've burned them for electrical fire purposes?
25 A Yes.

Page 20

1 Q Those that you have burned for electrical fire purposes
2 where it has been an under-the-hood fire, what do you
3 tell the seminar participants to look for or what
4 significance do you tell them they should attribute to
5 melted copper wiring, if anything?
6 A You have to look at it in the context to the physical
7 environment; that is, a potential wire going from this
8 point to this point. A twelve-inch space all by itself
9 with nothing around it would have one heck of a
10 difficult time to be shorted. Five or six wires running
11 parallel in a bundle could well be shorted.
12 So they have to try - try and understand when
13 the shorting occurred. If the shorting occurred after
14 the fire started, that's what they have to try and
15 determine.
16 Q Whether the shorting was the cause of the fire or
17 whether shorting occurred after the fire?
18 A Correct.
19 Q How would you determine whether the shorting caused the
20 fire?
21 A Examples that we have had where some modifications were
22 done to the electrical systems, maybe they have added a
23 CB radio or maybe they have added some other type of
24 electrical device. Even an auxiliary battery and they
25 run a power line back into the engine compartment and

Page 21

1 they don't fuse it, or they don't protect it with a
2 grommet such that in time the wire will be chafed as it
3 runs over a sharp edge. And at that point in time you
4 will generally find arcing on not just the wire, but the
5 adjacent component.
6 Q What if there is no accessory equipment? What if there
7 is no accessory equipment? You related that to the
8 add-ons, as I understand it; correct?
9 A True.
10 Q What if there were no add-ons? What difference would
11 that make?
12 A Then it becomes more difficult to find the location.
13 I'm not bragging or anything else, but all the
14 automotive manufacturers take considerable pains to make
15 sure that their wires are protected as they are routed
16 throughout the vehicle.
17 A wire, in order to short, would have to be
18 either overloaded or come in contact with an undesigned
19 circuit; that is, one case that is chafing and coming
20 into contact with a rough edge. But a wire by itself
21 won't overheat. It has to have some modification to it.
22 Q And the modification could take place at the factory?
23 It could take place after the factory; is that correct?
24 MR. DAVIS: Object to the form of the
25 question.

Page 22

1 A Depends on the modification you are talking about.
 2 Modification is a change in the original design.
 3 BY MR. McALLISTER:
 4 Q Yes mentioned dropping a wrench, and that would take
 5 place at the factory; correct?
 6 A No. Most of the factory -- in fact, almost all of the
 7 power wrenches and tools in the factory are on hydraulic
 8 lifts.
 9 Q Let me just ask you again, then: Is it your testimony
 10 that nothing could occur at the factory that could cause
 11 a wire to somehow become damaged to the extent it could
 12 short after it has been delivered?
 13 MR. DAVIS: Object to the form of the
 14 question. It's vague.
 15 A Well, no. If we're dealing with humans, and we are in a
 16 factory situation, given enough situations, there's
 17 always a possibility. The probability is low, but the
 18 possibility is there.
 19 BY MR. McALLISTER:
 20 Q Has it happened before?
 21 A Has what happened before?
 22 Q Has that happened before, in a case that you have
 23 investigated, where a Ford automobile has been damaged
 24 somehow at the factory, subsequently delivered, and an
 25 electrical fire resulted sometime after the delivery of

Page 23

1 the automobile?
 2 A No, not to my knowledge.
 3 Q That's never happened?
 4 A Not to my knowledge.
 5 Q Let's go back to the original one more time.
 6 Can you eliminate mechanical sources of
 7 ignition if an automobile has been sitting for at least
 8 eight hours?
 9 A I'm not sure what you mean by "mechanical sources" of
 10 ignition.
 11 Q Can you eliminate a non-electrical source?
 12 A If the vehicle has been sitting for, say, twelve
 13 hours --
 14 Q Eight to twelve hours.
 15 A -- and we've already eliminated arson, I can't think of
 16 anything other than electrical.
 17 Q So it would have to be an electrical fire?
 18 A Right, if we rule out arson.
 19 Q Would you agree with me that a Ford automobile should
 20 not burst into flames if it has been sitting cold for
 21 eight to twelve hours, regardless of the miles on the
 22 automobile?
 23 MR. DAVIS: Object to the question. It's
 24 vague. Speculation. No details what he means by "burst
 25 into flames."

Page 24

1 [REDACTED] job in the objectives.
 2 BY MR. McALLISTER:
 3 Q Can you answer my question for me?
 4 A Well, I'm not sure. I wouldn't expect any car to catch
 5 in flames spontaneously.
 6 Q Have you written any publications?
 7 A Yes.
 8 Q What are those?
 9 A Early on in my career, it would be back in '74, I was in
 10 the automotive safety activity, we were developing the
 11 National Highway Traffic Safety Authority test
 12 guidelines for safety FMVSS01, FMVSS04, 212, 219, all
 13 the barrier crash and interior occupant protections.
 14 At that point in time there was not a
 15 standardized test dummy. We could use whatever we
 16 wanted. Myself and three other engineers had the
 17 assignment to develop a homogeneous test dummy that could
 18 be used in the industry.
 19 The outcome of that project was what, at that
 20 point in time, was called the Hybrid 3 test dummy. We
 21 wrote a SA test paper signifying what our intentions and
 22 results were. And I think that was used in the -- in
 23 fact, I know it was used in the 1978 through '81 time
 24 frame.
 25 Q Is that your only publication?

Page 25

1 A Yes.
 2 Q So you don't have any publications in the area of fire
 3 origin or automotive fires; is that correct?
 4 A That's correct.
 5 Q How many automotive fires have you investigated?
 6 A I'd say over 300.
 7 Q Would those all be for Ford?
 8 A Yes.
 9 Q What percentage of those did you determine was caused by
 10 a defect in the automobile attributable to Ford?
 11 A I don't have any particular numbers I could quote or
 12 even guess at in that situation. I could state that I
 13 was part of the recall, the resulting recall on fuel-fed
 14 fires due to dual tanks, as part of our analysis.
 15 Q Fuel tanks?
 16 A Fuel tanks, gasoline.
 17 Q Ford F150s, is that what you are talking about?
 18 A No. Pickup trucks. Two tanks.
 19 There were two different recalls in that
 20 respect, but as a result of our investigation, some
 21 verifications. The ignition switch recall, there were a
 22 number of vehicles that I investigated there that were
 23 part of the ignition switch and there were a number that
 24 weren't. I don't have a running score type of idea.
 25 But in those two instances I definitely

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1 reported back the number of cases that were attributable
2 to the design.
3 Q Other than the fuel tank in which you found some defect
4 in Ford automobiles, and other than the ignition switch
5 which you found some defect in Ford automobiles, have
6 there been any other areas where you have concluded that
7 the Ford product was defectively manufactured or
8 released defectively?
9 MR. DAVIS: Object to the form of the
10 question. Vague.
11 A I don't recall any that would be as-built and design was
12 at issue. They always had some sort of modification.
13 BY MR. McALLISTER:
14 Q What percentage of the fires that you have investigated,
15 and let's exclude the ignition switch fires and the dual
16 tank fires, what percentage of the remaining fires
17 you've investigated were you not able to make a
18 determination as to the cause and origin of the fire?
19 A That would be a guess, again, but there were a number of
20 fires.
21 Q Would it be more than 50 percent?
22 A No, it would be less than 50 percent.
23 Q More than 25 percent?
24 A Maybe close to that, or less.
25 Q Twenty to 25 percent?

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1 A I would be satisfied with 15 to 20.
2 Q Okay. How many of the fires that you have investigated
3 have involved a damage to the structure or to a
4 structure, as opposed to the automobile?
5 A Actually there was only one, because I don't do
6 structures. If there is a structure involved, then
7 someone else will handle that aspect of it and I will
8 only look at the vehicle.
9 Q So you only look at the automobile itself; correct?
10 A As far as evaluating causal factors; right. If I'm able
11 to determine that it was an external source, i.e., a
12 garage or something else, then someone else will go from
13 there.
14 Q So you limit your investigation to a determination of
15 whether or not the fire - or a fire originated in an
16 automobile or originated somewhere else? Either it's an
17 automobile or you don't know where it originated; is
18 that a fair statement?
19 A Well, if we include trucks as automobiles, and a lot of
20 people don't, that's why we make the distinction, my
21 intent would be to find out whether the vehicle involved
22 was the source or not, yes.
23 Q What percentage of the fires that you have investigated
24 have you determined that the fire was not - or that the
25 automobile was not the source of the fire?

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1 A It would be back in that undetermined grouping.
2 Q Fifteen to 20 percent?
3 A Right.
4 MR. McALLISTER: Let's mark this as the next
5 exhibit.
6 (Plaintiff's Deposition Exhibit 3 was marked
7 for identification; attached hereto.)
8 BY MR. McALLISTER:
9 Q I'll hand you what has been marked as Exhibit Number 3
10 to your testimony.
11 Is that a listing of the depositions and trial
12 testimony that you have given?
13 A Through 5-11, yes.
14 Q Have there been additional ones since - well, this
15 would be through March of '98?
16 A Well, I gave a deposition last week.
17 Q But what I'm asking, is Exhibit Number 3, is that
18 accurate through March of '98?
19 A I thought I answered that as yes, it should be.
20 Q Since that time, can you describe for me the depositions
21 you've given?
22 A Well, I had another deposition on Dang just last week,
23 that is already identified case. I have had a trial in
24 a case called [REDACTED] which was in California,
25 State Court.

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1 I believe that will update it.
2 Q Do you have a complete listing of the case number, the
3 full case name, and the jurisdiction where those cases
4 were actually heard? Do you understand my question?
5 A No.
6 Q You've seen deposition notices before; correct?
7 A Yes.
8 Q The style of the case would be at the top of the
9 deposition notice. Do you keep copies of all of the
10 deposition notices?
11 A No, I don't, only during their active stages.
12 Q Do you keep a listing of the case numbers?
13 A No. This is my list.
14 Q That's the only record you have?
15 A Right.
16 Q Do you keep a list of the attorneys that either have
17 deposed you or that have retained you or that you are
18 working with for and on behalf of Ford?
19 A No.
20 Q Let's talk about [REDACTED] What was the [REDACTED] case about?
21 A [REDACTED] was an ignition switch allegation.
22 Q What was your conclusion in that case?
23 A That the ignition switch was the origin of the fire, but
24 the fact that the owner had wired in what was called a
25 pre-lock anti-theft device, they wired directly from the

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1 installation to the hot side of the ignition switch
2 without using a fuse.
3 Q How did you determine that the ignition switch was the
4 origin of the fire?
5 A In this particular case, I tried to describe earlier,
6 you go from the area of least damage to the area of most
7 and you end up generally in the area. In this
8 particular case, the ignition switch was only half
9 involved; that is, the area where the A2 contact was at
10 was severely overheated, melted the plastic from the
11 inside of the ignition switch to the outside.
12 Q Going to your list, Exhibit Number 3, starting at the
13 top of the trials, you've got Stanfield. What was the
14 Stanfield case about?
15 A Stanfield was a punctured fuel tank.
16 Q What area were you qualified as an expert in in
17 Stanfield?
18 A Automotive design, cause and origin, fuel system design,
19 vehicle design.
20 Q I notice in most of the cases you've got listed, with
21 the exception of Robinson, you've testified both as the
22 company representative and an expert witness?
23 A Yes.
24 Q Is that how you customarily testify, then, at trial?
25 A Well, it depends on the attorney team, whether they want

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1 a fact witness and an expert witness or not.
2 Q Well, you testify as a company representative; correct?
3 A Yes.
4 Q The next case: [redacted]
5 A I don't recall what that one was about.
6 Q You don't recall the area of expertise that you
7 testified in?
8 A I'd have to see if I can pull up the files. I don't
9 know this one.
10 Q Stafford?
11 A Stafford was an electrical switch, ignition switch.
12 Q What was the determination you made in that case?
13 A Again, it was origin at the ignition switch and in this
14 particular case the CB radio was spliced in again and
15 the splice was where the fire actually originated.
16 Q What led you to conclude that the splice was the point
17 of origin?
18 A Again, working from area of least damage to area of most
19 damage, you end up in the area of the origin. And then
20 investigating all the components that are remaining, you
21 end up with a damaged component. A damaged component,
22 when all the other components in the area are undamaged,
23 is generally your culprit.
24 Q I thought it was the area of the splice?
25 A Well, a splice is a component. It's an unusual

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1 design.
2 Q Was there any melting of the copper wires in the area of
3 the splice?
4 A No. There was overheating and melting of the
5 insulation.
6 Q The next case is Brown?
7 A Brown was a collision fuel fire.
8 Q Farmers Insurance?
9 A Farmers Insurance was a motor home overheating and the
10 hydraulic fluid expanding.
11 Q Ford makes motor homes?
12 A No. Ford sells engines to people who make motor homes.
13 Q That was a Ford-manufactured engine?
14 A Yes.
15 Q Sooner Freight?
16 A Sooner Freight, this was a dual tank - we called it a
17 crum-fool.
18 Q Fuel tank fire?
19 A Two fuel tanks, yes; fuel system fire.
20 Q Stearns?
21 A That was an ignition switch on an Aerostar. Again, the
22 ignition switch was the cause and origin on this one.
23 Q What was the conclusion you reached there?
24 A That it was the ignition switch.
25 Q But it was a Ford defect?

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1 A Yes.
2 Q Pepler?
3 A Pepler was an allegation of ignition switch. My opinion
4 was that it was an engine compartment fire. The damage
5 didn't support ignition switch.
6 Q You couldn't determine what was the cause and origin of
7 that fire?
8 A No. We got to an area on the front of the engine that
9 was severely melted down compared to the other
10 components in the engine compartment. The fact that the
11 engine compartment was basically 95 percent consumed,
12 and the instrument panel was just melted down, but not
13 consumed.
14 Q Was there an opposing expert witness in that case?
15 A Yes, there was.
16 Q What was the opinion reached by the opposing expert
17 witness?
18 A That it was an ignition switch.
19 Q What did he rely on for his opinion?
20 A The fact that Mr. Pepler received a notification after
21 the fire.
22 Q No proof, as far as you are concerned?
23 A No.
24 Q And you couldn't trace it to the area of the ignition
25 switch?

1 A No. Like I say, there was no fire within the instrument
2 panel. There was only heat meltdown.
3 Q Schaefer versus Ford?
4 A I'm drawing a blank on that one.
5 Q [redacted] versus [redacted]
6 A Grounds was an engine compartment fire, fuel system
7 disconnect.
8 Q Help me a little bit on that. What do you mean by "fuel
9 system disconnect"?
10 A The fuel has to be delivered from a fuel tank to the
11 engine. It goes through a fuel filter and it goes
12 through a selector valve and it goes from the frame to
13 the engine. And for each of those components you need a
14 connector for the line.
15 Their allegation was that one or more of the
16 lines disconnected while in use. And we were able to
17 show that they were connected even after the fire.
18 Q What was your conclusion as to the cause and origin of
19 the fire in that case?
20 A That would be one of the undetermined ones.
21 Q The seat case is [redacted] versus [redacted]
22 A This was a transmission fluid expulsion case.
23 Q What was the allegation against Ford?
24 A A transmission system leaked fluid onto the catalytic
25 converter and/or muffler, resulting in a fire.

1 Q What was your conclusion?
2 A Our conclusion was that [redacted] had inspected his
3 fluid level incorrectly, according to his statement,
4 inspected it with the engine off. He made a
5 determination it was low on fluid, took it to a dealer
6 and told him to put fluid in. The dealer said it was
7 okay. And he strongly requested that fluid be put in,
8 so the dealer did. And it ended up being overfull.
9 Q What sort of importance do you place on witness
10 statements in investigating fires?
11 A Less than my own. They truly believe what they think
12 they see, but they don't always see that when you get a
13 chance to question them or when it comes up in further
14 discussion. They are reporting what they remember.
15 They are not engineers. They are not test drivers.
16 They are not human evaluators, whichever the
17 terminology are. They misinterpret facts.
18 Q So is it fair to say that you put minimal importance on
19 what the witnesses might see, the lay witnesses?
20 A I wouldn't say "minimal." If they said the fire started
21 at nine o'clock, I think they could tell what nine
22 o'clock is. If a lay witness says the fire erupted as a
23 result of component XYZ being improperly installed, and
24 they are not a mechanic, I would doubt that.
25 Q If the lay witness said the fire was burning in the

1 engine compartment of the car and it was not burning on
2 the adjoining house, what sort of importance would you
3 give a statement like that?
4 A I guess the follow-up question, did he go and review the
5 other side of the house, or did he make a decision based
6 on one position observation. I would ask that question.
7 Q And if the witness informs you that he looked at it from
8 more than one position, what differences would it make?
9 A Then I would look at if some other witnesses and the
10 fire marshal or a firefighter made a similar statement,
11 then I would be more inclined to raise that opinion. If
12 the firefighter got there and said no, he contradicted
13 the lay witness, I would downgrade the lay witness.
14 Q What if the firefighter, by the time the firefighter
15 got to the scene, both the vehicle and the structure
16 were in flames?
17 A Then the firefighter would generally make that note and
18 he wouldn't have any opinion as to the start of the
19 fire.
20 Q Then you would be talk with the lay witness?
21 A Correct.
22 Q The next case you have got listed is [redacted] versus
23 [redacted]
24 A That was a fuel system fire, engine compartment, on an
25 Aerostar.

1 Q What was the allegation?
2 A Their allegation was that a steel tube bolted to the
3 engine in four places somehow got bent and punctured.
4 Q And your conclusion was an evidence of that?
5 A Well, when we took the component that they had that had
6 been punctured, it wouldn't fit back on the engine
7 block.
8 Q Which indicated what?
9 A Which indicated that it was bent after it was took off
10 the engine block.
11 Q [redacted] versus [redacted]
12 A This was an electrical fire due to - Reliance is a
13 corporation owning a number of Holiday Inns in the
14 Washington DC - Arlington area. [redacted] is a modifier,
15 that is, he takes Econoline vehicles and creates them
16 into buses.
17 On the first inspection - well, after my
18 deposition, Ford was in the case up until my deposition
19 and then I was able to go through the routine that we
20 were talking about earlier, how an analysis gets
21 performed and was able to show them that the battery
22 cable that ran from the engine compartment through the
23 dash panel to a series of the six additional batteries
24 that they had installed had a shorted, had frayed through,
25 and actually, in this case, the battery cable was an

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1 upgraded number 6, which is about a half-inch in
2 diameter, welded itself to the dash panel as a result of
3 the short.
4 Q What was the evidence of the shorting?
5 A The wire welded to the dash panel.
6 Q So the wire had melted?
7 A Welded to the dash panel.
8 Q Help me under what you mean by "welded to the dash
9 panel."
10 A Welding is a fusion and a bonding of metals.
11 Q Would the wiring have had to melt for it to fuse?
12 A Definitely.
13 Q Was the melting and the subsequent fusing the evidence
14 of the short?
15 A Definitely.
16 Q And you consider that an aftermarket problem?
17 A Definitely. They dropped Ford and had permission for me
18 to testify for Radianos.
19 Q What about [redacted] versus [redacted] is that a similar
20 case?
21 A That's the same case. For some reason, they had two
22 cases in that.
23 Q You've actually given two depositions in Dang, D-a-a-g;
24 is that right?
25 A Right. And it is continued, there will be a third.

1 zone the heat was sufficient to vaporize whatever
2 material was on there; that ring is a transition zone
3 and generally it is white, at all; that leaves a very
4 definitive ring around that area. And outside that
5 area, obviously, you are back to whatever the coating
6 is.
7 Q You are talking about the bracket?
8 A Correct.
9 Q Was there evidence of arcing on the wiring, as well?
10 A No.
11 Q If there was, what would you look for for evidence of
12 arcing on the wiring?
13 A Well, if the wire is still there with a full vinyl
14 protective coat, that would immediately rule it out. In
15 this particular case, the wire was exposed, once we got
16 the valance panel, and an area of only six inches or so
17 was heated enough to melt the wiring off, that is,
18 either side of the contact area, roughly three inches
19 either side of it, we got back to full vinyl coating on
20 the wire in both directions, indicating that was no
21 overheat condition.
22 Q Is the melting and beading of copper evidence of arcing?
23 A True.
24 Q The next case you have listed is Stalcor. What was your
25 deposition about in Stalcor?

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1 Q It sounds like an interesting case. What's it all
2 about?
3 A The ignition switch and modifications.
4 Q Were there modifications made by the automobile owner?
5 A In this particular case, the prior automobile owner made
6 over 30 wire circuit changes.
7 Q Himself?
8 A Had it done at some small shop.
9 Q What was your conclusion in the Dang case?
10 A Well, the conclusion is that two of the wires that were
11 added to the vehicle were routed incorrectly and
12 inappropriately such that they routed over a sharp edge;
13 that sharp edge being a bracket that holds the steering
14 column to the vehicle, which is within three inches of
15 the ignition switch. And that the shorting evidenced on
16 the bracket and the wiring was the source of the fire
17 that caused a meltdown of the ignition switch.
18 Q What was the evidence of the shorting in that case?
19 A The arcing between the bracket and the wire.
20 Q What was the evidence of the arcing?
21 A When you put an arc to a metal - generally you don't
22 have clean metal anywhere, you have some sort of oil or
23 protective coating on the metal so they don't rust.
24 When you apply a localized high hot heat, you will end
25 up with a ring, a transition zone where inside of that

1 A I don't recall that one.
2 Q The next case you have listed is Moses?
3 A Moses is a rollover case with an ejection through the
4 rear lights.
5 Q Are you testifying as a design analysis on that for the
6 rollover purposes?
7 A Back in my earlier design, I was in charge of the
8 Bruce if structure design and my name was on reports at
9 that point in time.
10 Q What percentage of your time is involved in testifying
11 for Ford and preparing cases for Ford and examining
12 facts for Ford? Do you understand my question?
13 A I think if you could rephrase it, it might make it
14 clearer.
15 Q As I understand it, you are a design analysis; correct?
16 A Correct.
17 Q What I'm trying to find out is what percentage of your
18 employment time is spent in legal-related matters, be
19 they examining automobiles that someone has alleged was
20 a fire caused by a Ford defect, working with attorneys
21 hired by Ford, testifying for Ford, preparing cases for
22 trial on behalf of Ford, what percentage of your time is
23 involved in those matters?
24 A Currently it's at a higher end. Currently it's around
25 80 percent.

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1 Q How long has it been at about 80 percent?
 2 A For the last year, year and a half.
 3 Q What percentage of your time was spent on these matters
 4 prior to that?
 5 A Less than 40 percent.
 6 Q What caused it to jump up to 80 percent?
 7 A We have had a number of retirees without retire, so we
 8 are all sharing a bigger load.
 9 Q How many people do that for Ford?
 10 A Do fires? Five of us.
 11 Q How do you get assigned a particular case?
 12 A My immediate supervisor is given the cases as they come
 13 in from the Office of General Counsel. He makes the
 14 determination.
 15 Q I believe our next one is [REDACTED].
 16 A That was an ignition switch case, an allegation of an
 17 ignition switch. I agreed with them. I think it
 18 settled.
 19 Q You agreed that it was an ignition switch fire?
 20 A Right.
 21 Q Did Mr. Nowell work with you on that case?
 22 A Yes.
 23 Q Do you know what his conclusion was?
 24 A I think it was similar.
 25 Q The next case we have listed is Layton. Do you recall

1 what that case was about?
 2 A This one was electrical in nature. A pickup truck
 3 pulling a large trailer, electric brakes, ran into the
 4 trailer and a modification to the main wiring loom was
 5 installed in the pickup box. They actually cut a hole
 6 in the pickup box sidewall and put a large six-pin
 7 connector in there and then ran the wires down inside
 8 the wall of the pickup box and spliced into the wiring
 9 harness in the vicinity of the middle of the vehicle.
 10 They ran the wires from the six-pin connector
 11 rearward to the trailer. The pickup box had been
 12 modified for a fifth-wheel installation; that is,
 13 instead of a small ball like you have on a boat trailer,
 14 this had a fifth-wheel installation similar to a --
 15 Q To the bed of the pickup truck?
 16 A To the bed of the pickup truck.
 17 By the time I looked at the vehicle, whoever
 18 made that installation didn't do any reinforcement to
 19 the pickup box; didn't tie the fifth wheel to the frame
 20 such that the whole mechanism basically self-destructed.
 21 The welds were broken. The sheet metal was defective.
 22 And the wire was pinched down in one of the broken
 23 welds.
 24 Q What evidence did you find to pinpoint the fire to those
 25 particular wires that you are talking about?

1 A Again, if you have a short in a wire, you are going to
 2 overheat the wire from the point of the short back to
 3 the power source. There is an immediate demeritation.
 4 Where the short is back to the battery it will be
 5 overheated, depending on the state. From the short
 6 rearward, it is like brand new.
 7 Q Would you find evidence of arcing at the point of the
 8 short?
 9 A This is welded again.
 10 Q It was welded?
 11 A Fused.
 12 Q So it would arc and then it would weld?
 13 A Yeah, initially.
 14 Q Hall is the next case you have listed here. What is
 15 Hall about?
 16 A Hall is -- I remember the vehicle, but I don't remember
 17 the allegation.
 18 Q All right. That's fine.
 19 Palmer, do you recall that case?
 20 A Palmer was an Explorer, electrical fire in the driver's
 21 door.
 22 Q What was your conclusion in the Palmer case?
 23 A Conclusion there, after talking with the owner and
 24 reviewing the service records, she had had an accident
 25 roughly four months or some short time frame prior where

1 she was in a collision in an intersection and the
 2 driver's door was damaged. She had opted not to have it
 3 repaired.
 4 And my opinion, after reviewing and taking the
 5 door apart, the control wafers, I don't know if you are
 6 familiar with the four-way electric mirrors, it's a
 7 four-way button, and that wafers was cracked such that it
 8 resembled a short, as we just described, the coating to
 9 the board, the mylar or contact film was eroded and we
 10 could see the line where it was cracked and it was
 11 allowed to displace over and contact another part of the
 12 circuit and there was an indication of arcing and
 13 heating.
 14 Q And the indication would have been melting?
 15 A In this case it was plastic.
 16 Q What do you mean by that?
 17 A It's the another board they sometimes are called. I
 18 don't know the chemical nature, but it is an inner board
 19 that has a circuit applied to it instead of wires --
 20 printed circuit board.
 21 Q The next case you have listed is [REDACTED].
 22 A Menet was a fuel system cross-feed fire.
 23 Q Stanfield?
 24 A That's the one we discussed above.
 25 Brown was above.

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1 Farmers Insurance was above.
2 Sooner Freight is above.
3 Ferris was a pickup truck, loss of control on
4 a curve, ended up impacting a house and having a
5 fuel-fed fire.
6 Q Brook?
7 A I don't remember that one.
8 Q Sooner Freight we have already discussed that.
9 [REDACTED]
10 A [REDACTED]
11 Q We've already discussed [REDACTED] that's the same thing as
12 the [REDACTED] above?
13 A Yes.
14 Q [REDACTED]?
15 A [REDACTED] is a pickup truck, a couple of young men out
16 drinking, joy riding, dark country road. The road
17 curved and they didn't, ended upside down in the ditch.
18 Q Are you an accident reconstructionist?
19 A No. The fuel leaked out of the car - it was an older
20 carburetor unit - fuel leaked out of the carburetor and
21 caught fire.
22 Q The TV station WFLA-TV?
23 A This goes back to another recall, which is more known in
24 the vernacular as the ambulance recall; that is,
25 Econoline type vehicles overheating to the point that

1 conclude that it was not a cross-feed fire?
2 A Well, no, the reverse of that. Her statements did not
3 match any of the criteria for a cross-feed fire. So
4 that's all I had to go on. I think that just settled
5 out and I did not go to trial, obviously.
6 Q [REDACTED]
7 A [REDACTED] was a pickup truck sitting at a light, got hit
8 with an 18-wheeler carrying a load of steel.
9 Q Are these all the cases that you have either testified
10 live at trial or given a deposition in?
11 A Yes, sir.
12 Q So the first time you gave a deposition was in March of
13 1994?
14 A No, no, no. Okay, I didn't understand your question.
15 This is only since 1994.
16 Q Do you have a separate listing for cases before 1994?
17 A No. There was no requirement prior to that.
18 Q Do you know if there was a requirement to maintain the
19 cases by cause number?
20 MR. DAVIS: Object to the form of the
21 question. Requirement by whom?
22 BY MR. McALLISTER:
23 Q Not to your knowledge?
24 A Not to my knowledge. Otherwise, I would do it, if it
25 was required of me.

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1 fuel is expelled because it gets heated up, fuel is
2 expelled out of the vehicle through the vent valve
3 underneath the vehicle. The vapor cloud catches fire as
4 a result of the exhaust system.
5 Q What was the allegation in that case? That was it, that
6 was the allegation?
7 A Right.
8 Q [REDACTED]
9 A [REDACTED] is a head-on collision, two pickup trucks,
10 resulting in an engine compartment fuel-fed fire.
11 Q American?
12 A That's the one I described with Balance-American above.
13 Q [REDACTED]
14 A [REDACTED] I don't recall that one.
15 [REDACTED]?
16 [REDACTED] is one of the recalls on that food. This
17 particular case, [REDACTED] was driving along the highway,
18 switches the fuel tank and somehow or another the
19 vehicle caught fire while she was driving on the
20 expressway.
21 Q Were you able to make a conclusion as to the cause of
22 the fire?
23 A No, but her description and reactions did not support
24 the cross-feed issue.
25 Q So in that case you relied on the witness's statement to

1 Q Who requires you to maintain them in the form that you
2 do?
3 A I would say my boss. He is the one that instructed me
4 on that.
5 Q Who is that?
6 A Mr. Bill Puffer.
7 Q Is he an engineer or is he an attorney?
8 A He's an engineer.
9 MR. McALLISTER: Those are all the questions
10 that I have that would be applicable to both
11 depositions.
12 BY MR. McALLISTER:
13 Q Did you conduct an investigation into the cause and
14 origin of an automobile fire that occurred on
15 December 6, 1995 at the residence of Lawrence Billow and
16 Marge Billow?
17 A I inspected the vehicle, yes.
18 Q And that is a 1992 Mercury Grand Marquis?
19 A Yes.
20 Q Tell me, if you would, what your investigation consisted
21 of.
22 A It was a two-part investigation. The first part was a
23 review of various wiring segments and components. I
24 believe it was at Mr. Vickary's office, or wherever it
25 was at; and then a vehicle inspection at the second

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1 wto.
2 Q Do you have your photographs with you?
3 A Yes.
4 Q Photograph Number 37, that's B-37; is that correct?
5 A That's correct.
6 Q That would just be an indication that these photographs
7 were taken in connection with the [redacted] matter?
8 A Yes.
9 Q Photograph Numbers 38 through 43 appear to be
10 miscellaneous wires that you have photographed; is that
11 correct?
12 A Yes.
13 Q Did they provide you any insight into the cause or
14 origin of the [redacted] fire?
15 A No.
16 Q Photograph Numbers 44 through 47 are photos of a bundled
17 wire; is that correct?
18 A And 48.
19 Q What do these photographs indicate?
20 A These are documentation of a bundle of wires that were
21 presented to me on the day of the inspection.
22 Q Did they provide you any insight into the cause or
23 origin of the [redacted] fire?
24 A No.
25 Q Photographs 49 through 51 appear to be photographs of

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1 five pieces of copper wiring; is that correct?
2 A Well, through 53, also.
3 Q Do these photographs provide you with -- the materials
4 in these photographs provide you with any insight into
5 the cause or origin of the [redacted] fire?
6 A No.
7 Q Did you find any evidence of short-circuiting on those
8 strands of wire?
9 A I found evidence of beading, copper beading on the wire.
10 Q Which photograph indicates copper beading on the wire?
11 A Forty-nine is an overview of 53, but 53 shows two of the
12 circuits that have beading.
13 Q Would Photograph 53 -- and what we are looking at are
14 actually four pieces of copper wiring?
15 A Correct.
16 Q And the middle two have evidence of beading; is that
17 correct?
18 A Well, I would say the right two.
19 Q The right two have evidence of beading?
20 A Right.
21 Q What does that indicate to you?
22 A That the copper wires exceeded 1900 degrees in
23 temperature at some time during the fire.
24 Q Would that be evidence of a short circuit?
25 A It could be.

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1 Q Would a short circuit get above 1900 degrees?
2 A Yes.
3 Q Then it would be your testimony in Photograph Number 53
4 that the ends of the right two copper wires exceeded
5 1900 degrees?
6 A Correct.
7 Q Would it only have exceeded 1900 degrees at the very end
8 of the wire?
9 A Rephrase that. At some point that was a continuous wire
10 and some segment of that wire got to about 1900 degrees,
11 yes. And it ended up -- we don't have both pieces of
12 all of the wires in any point, so we have the termination
13 of one segment of that wire that has a bead on it.
14 Q And the other segment of that wire may also have a bead
15 on it?
16 A It should.
17 Q That would indicate that the wire where those two beads
18 were indicated reached 1900 degrees?
19 A And the area in between them, also, yes.
20 Q And the area in between them.
21 You can't determine where those wires
22 originated?
23 A Correct.
24 Q Photograph Numbers 54 and 55, what do they indicate?
25 A Again, they are documentation of wire segments.

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1 Q Any indication of melting or beading on those
2 photographs?
3 A Yes. The larger of the two bundles has two circuits
4 showing some fusion.
5 Q Would you point that out to me?
6 A Photograph 55, the wires look like -- a little small
7 black triangle on there, they have fusing together there
8 without a bead, and then the wire down below has fused
9 metal without a bead.
10 Q Photographs 56 through 59 appear to be photographs of
11 additional wiring; is that correct?
12 A Yes.
13 Q Is there any evidence of short-circuiting in those
14 photographs?
15 A No.
16 Q Were you able to determine where those wires were
17 originally located on the vehicle?
18 A No.
19 Q Would you explain to me what Photographs 60 through 63
20 depict?
21 A They were an electrical device that was in the bag of
22 components preserved. It appears to be a connector of
23 multi-pin construction and it is partially consumed.
24 Q Is there any evidence that those connectors played a
25 role in either the point of origin of the fire or the

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1 cause of the fire?
 2 A Not for me, no.
 3 Q Photographs 64 through 67, would you describe to me what
 4 are depicted in those photographs?
 5 A Again, those are various components. Photograph 64
 6 shows a wire that has been crumpled in recrystallized
 7 aluminum, captured. Doesn't offer anything to an
 8 opinion or a solution.
 9 Q Would that indicate that an area where that aluminum was
 10 originally found, that the temperature would have
 11 exceeded the melting point of aluminum but not exceeded
 12 the melting point of the embedded copper wiring?
 13 A Correct.
 14 Q And the remaining photographs?
 15 A Sixty-five is remnants of a circuit board, could come
 16 from a number of issues, but it shows that the exterior
 17 portion plastic component has been burned away and the
 18 wiring components are still there, and there are some
 19 brass components. Again, the fire was below the 1900
 20 degree level for melting of copper.
 21 Q Any evidence in those photographs, 64 through 67, that
 22 they played a role in the cause or origin of the fire?
 23 A No.
 24 Sixty-six is, again, a series of components,
 25 as was 67, not contributing to any of my opinions.

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1 Q Sixty-eight through 71, what do those photographs
 2 depict?
 3 A Sixty-eight, I believe, is unrelated to the other
 4 series. It's a component with a number of brass
 5 connectors and copper wires that has been described.
 6 Q What do 69, 70, and 71 depict? Seventy-two and 73 are
 7 all depictions of the same component?
 8 A Those four, if you can cross-reference them, are one
 9 component.
 10 Q You've handed me four photographs that appear to be 70,
 11 71, 72, and 73; is that correct?
 12 A Right.
 13 Q What do those photographs depict?
 14 A This would be the remnants of the air ride pump, air
 15 suspension.
 16 Q Is there anything in those photographs that leads you to
 17 believe that the air ride suspension pump played a role
 18 in the cause or origin of the fire?
 19 A No. Again, this was a victim of the fire.
 20 Q Did you find any evidence of fraying or bending in your
 21 examination of the air suspension pump?
 22 A Not of the copper wires. There's evidence of the
 23 aluminum rotor internal component melting down, depicted
 24 in the photographs, indicating the heat is above 1100.
 25 Q Would the fact that the aluminum melted inside the

1 component lead you to believe that the fire would have
 2 originated at or near the air suspension compression
 3 pump?
 4 A Not necessarily. It just states that the component
 5 received 1100 degree temperature for a duration long
 6 enough to raise that component to above 1100.
 7 Q Did those photographs conclude your inspection of the
 8 components at Mr. Vickers' office?
 9 A No. There's one more photograph.
 10 Q What photograph would that be?
 11 A That may be the one, 69, that we didn't have.
 12 Q Is that Photograph Number 69? They are your
 13 photographs.
 14 A I don't have my reading glasses with me. I apologize
 15 for that.
 16 MR. DAVIS: This appears to be 73.
 17 [REDACTED] at some point will you
 18 get me, and I'll be happy to send you a photocopy of
 19 these, but I just want to make sure that we're working
 20 off of the same numbers.
 21 MR. DAVIS: The same numbers, yeah.
 22 BY MR. MCALLISTER:
 23 Q What you have handed me, which we believe is Photograph
 24 Number 73, is a photograph that has "Cowboys Dominate"
 25 on the photo off of newspaper, correct?

1 A I think you will find that they all have that. That was
 2 just a piece of paper.
 3 Q Describe for me what that photograph is, please.
 4 A It has an electric motor with a rotor or shaft, maybe
 5 me, coming out of it, centered just to the left of
 6 center and slightly below center with wires connecting
 7 it to a coil.
 8 Q Is that part of the air suspension pump?
 9 A No. I think we had that out before we had the rotor
 10 out.
 11 Q So is that part of the air suspension pump?
 12 A I don't believe so.
 13 Q That would be a different component?
 14 A Different component.
 15 Q Do you know what component that is?
 16 A No, I don't.
 17 Q Any evidence of short-circuiting in that photograph?
 18 A I think there is bending to the wire coming out and
 19 proceeding to the left side of the photograph on the
 20 back side of the arm.
 21 Q Would that be the solenoid attached to the lowering
 22 pump?
 23 A It most probably should be. I just haven't verified it.
 24 Q How would you make that verification?
 25 A Again, I would have to get an exemplar part and

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1 partially disassemble it to make a comparison.
 2 Q Did that complete Photograph Number -
 3 MR. DAVIS: That is 73. I found 69 somewhere,
 4 but that was Photograph 73 we were talking about.
 5 BY MR. McALLISTER:
 6 Q So Photograph Number 73 would complete your examination
 7 of the components stored by Mr. Vickers; is that
 8 correct?
 9 A Correct.
 10 Q What did you begin to do after examining the components
 11 at Mr. Vickers' office?
 12 A The next day we went out to the storage yard and
 13 reviewed the vehicle, or the remnants of the vehicle.
 14 Q Did your examination of the vehicle, the remnants of the
 15 vehicle, provide you with any information relating to
 16 the cause or origin of the fire?
 17 A No. The state of the vehicle and the very few remaining
 18 components precluded me from forming a cause and origin
 19 opinion.
 20 Q Were there any combustibles remaining in the engine
 21 compartment?
 22 A There may have been miscellaneous portions. There were no
 23 components, as such.
 24 Q Were you able to determine a pattern of travel for the
 25 fire that occurred, from your examination of the engine

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1 compartment?
 2 A No, sir. I wasn't even sure if it was the engine
 3 compartment or the passenger compartment. I'm not sure
 4 to this day, by the evidence.
 5 Q Are you saying you are uncertain of whether the fire
 6 originated in the passenger compartment or the engine
 7 compartment?
 8 A Yes.
 9 Q Why are you uncertain of that?
 10 A There are no indications, no paths, as you were trying to
 11 ask, from one segment of the vehicle to the other.
 12 Normally you will have a path indicating an engine
 13 compartment into a passenger compartment, or vice versa.
 14 This is a near total burn.
 15 Q Did you examine Mr. Vickers' report as part of the
 16 investigation you conducted?
 17 A Yes.
 18 Q Did you inspect his photographs?
 19 A Yes. They were very contrasting, you.
 20 Q What do you mean by that?
 21 A Shadow detail is not present. It is one side extreme or
 22 the other.
 23 Q Were you able to determine, from his photographs, any
 24 pattern of travel of the fire?
 25 A No.

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1 Q Were you able to determine, from his photographs,
 2 whether the fire originated in the engine compartment or
 3 whether the fire originated in the passenger
 4 compartment?
 5 A No.
 6 Q Is that because the fire totally consumed the vehicle?
 7 A Well, I'm not sure - well, let me look.
 8 Well, Vickers' were in black and white.
 9 Q No. Vickers' are in color.
 10 A Maybe the ones that you have.
 11 Q Have you not examined Mr. Vickers' color photographs
 12 before?
 13 A No. This is all I have.
 14 Q You weren't provided those by counsel?
 15 A No.
 16 Q Examine the color photographs, if you would.
 17 A (Witness reviewed photographs.) Okay.
 18 Q After your examination of those photographs, do
 19 Mr. Vickers' photographs provide you with any
 20 information relating to either the cause of the fire,
 21 the origin of the fire, or the direction of travel of
 22 the fire?
 23 A No.
 24 Q Let me hand you Figures 31 and 32, depicting the left
 25 front wheel and the right front wheel taken by

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1 [REDACTED] report.
 2 Does that indicate that all of the aluminum on
 3 the left front wheel driver's side was totally consumed
 4 by the fire?
 5 A I would have to look at it closer. I see a white star
 6 pattern. I'm not sure what I am looking at in
 7 Photograph 31.
 8 I will make a statement that Photograph 32
 9 shows a portion of the aluminum rim still; however, in
 10 neither photograph do I see a puddling or a slag or any
 11 terminology that would say that the aluminum melted and
 12 formed a puddle on the ground. I don't see that
 13 anywhere.
 14 Q There's no puddling underneath?
 15 A Other than whatever that is on 32.
 16 Q Well, these photographs were taken at the salvage yard
 17 where you took your photographs; correct?
 18 A Yes.
 19 Q Would you believe that there would be a puddling at the
 20 salvage yard?
 21 A No. My point is that those are not the side
 22 photographs. Whether or not there was originally a
 23 remnant on another photograph that got displaced during
 24 transportation, I have no way of commenting on it.
 25 Q If, in fact, there was remnants of the aluminum rim on

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1 the passenger side and that was gone on the driver's
2 side, it was consumed on the driver's side, would that
3 be an indication of direction of travel of the fire?
4 A In the absence of any prevailing wind. Again, the wind
5 could make another reading.
6 Q If it was in a carport?
7 A If there was no wind pattern, then you would be able to
8 say that the side with the remains had a sustained
9 temperature less than the other side, yes.
10 Q Did you also review statements taken from the [redacted]
11 immediately following the fire?
12 A Their observations - the claim report is the only thing
13 I have.
14 Q The recorded statements taken by State Farm of the
15 [redacted]
16 A I don't think so. I don't recall those.
17 Q You haven't been provided with that information?
18 A I don't have it in my file.
19 Q What impact would you give to a statement by [redacted]
20 immediately following the fire that he personally
21 observed the fire, bent down on the ground, looked up
22 underneath the front tire on the driver's side, and saw
23 burning fibers and melting plastic?
24 A That would describe the wheel well, plastic wheel well
25 being on fire.

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1 Q If his statement indicated he walked around the vehicle
2 looking for other indications of fire and saw no other
3 indication of fire, what impact would you give that?
4 MR. DAVIS: Object to the form of the
5 question.
6 A If it were my questioning, I would ask him whether he
7 noticed smoke or other heat coming out of there.
8 BY MR. McALLISTER:
9 Q And if he indicated that there was no other smoke or
10 heat, what would that indicate to you?
11 A That he didn't see any other fire, except the fender
12 well - wheel well, excuse me.
13 Q Would that be an indication as to the point of origin of
14 the fire?
15 A Not necessarily. Again, the wheel well is a plastic
16 component, ABS plastic, combustible in the range of 300
17 to 500 degrees. It covers the tire, front to rear, of
18 the wheel opening.
19 Depending on where that fire is at, I would
20 say it was an engine compartment fire only; that would
21 be the information gathered from that statement.
22 Q Were you aware that the vehicle had been parked for
23 twelve hours prior to the fire?
24 A Yes.
25 Q Would that indicate that the fire was electrical in

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1 origin?
2 A Yes.
3 Q There have been a number of questions raised in this
4 lawsuit about a lawn mower.
5 Do you have any reason to believe a lawn mower
6 had anything to do with the cause or origin of this
7 fire?
8 A The lawn mower itself? I don't think the lawn mower
9 itself would have a contribution to the fire twelve
10 hours after the vehicle was put in the garage or
11 carport.
12 Q Do you have any reason to believe that this was not an
13 under-the-hood fire of electrical origin?
14 A Only on the statement that it occurred twelve hours, and
15 if we accept that it was a vehicle fire, then we go
16 along with that. There's not enough evidence remaining
17 with the vehicle to make that opinion.
18 Q Well, if I understand it, there's evidence that the
19 vehicle was parked for twelve hours.
20 A Okay.
21 Q And evidence from eyewitnesses that it originated under
22 the hood of the car.
23 MR. DAVIS: Object to the form of the
24 question.
25 BY MR. McALLISTER:

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1 Q That would limit it to an electrical fire; is that safe
2 to say, if those observations were correct?
3 MR. DAVIS: Objection. Form. Foundation.
4 A If the statements are true and accurate that the only
5 fire, and that's what I haven't heard, the only fire was
6 within the vehicle, then it would be a vehicle fire.
7 BY MR. McALLISTER:
8 Q Have you heard that there was any fire anywhere else?
9 A No.
10 Q Any reason to believe that there was a fire originating
11 somewhere other than the vehicle, under the hood of the
12 vehicle?
13 A Every time a vehicle is parked inside of an enclosed
14 building there is that possibility, yes, and a
15 reasonable probability to go along with the possibility.
16 Q Are you aware of any evidence that would indicate that
17 that's what occurred in this case?
18 A No.
19 Q Would that be consistent with the testimony of the
20 eyewitnesses to the fire, that the fire originated
21 anywhere other than under the hood of the automobile?
22 A It could have a fire inside the dash panel of electrical
23 nature going on, and if the person isn't aware of it,
24 one of the first stages of a passenger compartment fire
25 is to deposit soot on all of the glass, and you won't

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1 see it, it will be a carbon curtain. Potentially, that
2 could have had happened and burned through the openings
3 in the dash panel and spread to the passenger
4 compartment; that's a possibility.
5 Q Any indication of that occurring in this case?
6 A There is no way to read fire travel in this vehicle.
7 Q Well, other than the wheels that we've already
8 discussed?
9 A Correct.
10 (Plaintiff's Deposition Exhibit 2 was marked
11 for identification; attached hereto.)
12 BY MR. McALLISTER:
13 Q Let me hand you what has been marked as Exhibit Number 2
14 to your testimony in this case.
15 Is that a report that you prepared in this
16 case?
17 A Yes, it is.
18 Q We've already discussed the observations you obtained
19 during the vehicle inspection; is that correct?
20 A Yes.
21 Q Are there any other observations that we haven't already
22 discussed that would be relevant to determine the cause
23 or origin of the fire?
24 MR. DAVIS: Object to the form of the
25 question. Overly broad and vague.

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1 A I think we have covered all of my input in forming my
2 opinion.
3 BY MR. McALLISTER:
4 Q Number 2 is the analysis of your photographs, and we've
5 already covered that in your testimony here today; is
6 that correct?
7 A Right.
8 Q Number 3 is a [redacted] report; is that correct?
9 A Yes.
10 Q Do you have [redacted] report there with you?
11 A I have [redacted]
12 yes.
13 Q [redacted] report indicates that the fire involved
14 a Lincoln Continental, would that be an accurate
15 statement?
16 MR. DAVIS: Object to the form of the
17 questions. [redacted] report has been amended and the
18 correct vehicle, which was a 1992 Mercury Grand Marquis,
19 was added to it.
20 MR. McALLISTER: I don't have a copy of that.
21 When was that done?
22 MR. DAVIS: It should have been sent to you.
23 BY MR. McALLISTER:
24 Q It's your understanding that he made a mistake in the
25 initial one, based on what Counsel just told you?

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1 A I can see he mentions "Lincoln."
2 Q Is there anything in [redacted] report that leads you
3 to believe that you can determine the cause and origin
4 of the fire?
5 A I don't think he adds anything to my opinion.
6 Q Item Number 4 is a letter from K. Lewis dated March 4,
7 1998; do you have a copy of that?
8 A No, I don't have it with me.
9 MR. McALLISTER: Do you have that, Greg?
10 MR. DAVIS: I have it back in Jackson. I
11 don't have it with me.
12 MR. McALLISTER: Do you know what the letter
13 refers to?
14 MR. DAVIS: Yeah, Kevin said that he was
15 making an amendment to [redacted] deposition with
16 respect to an accident that occurred that she didn't
17 mention in deposition.
18 BY MR. McALLISTER:
19 Q Did you review [redacted] deposition?
20 A I don't think so.
21 Q You also list, Number 5, Summary of NHTSA Recalls of
22 1992 Mercury Grand Marquis?
23 A Right.
24 Q Do you have those recalls with you today?
25 A No, that's the computer listing we talked about earlier

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1 today.
2 MR. DAVIS: I'm sorry, we do have the letter
3 of Kevin Lewis which is dated -
4 Let's go off the record.
5 (Discussion held off the record.)
6 BY MR. McALLISTER:
7 Q It's my understanding from your prior testimony that
8 there were no recalls of the 1992 Mercury Grand Marquis,
9 at least as they relate to an electrical problem?
10 A Correct.
11 Q And there were no defect investigations of 1992 Mercury
12 Grand Marquis as they involve an electrical problem?
13 A Correct.
14 Q Did you look to determine whether there were any service
15 bulletins?
16 A At this point in time I would say no.
17 (Plaintiff's Deposition Exhibit 3 was marked
18 for identification; attached hereto.)
19 BY MR. McALLISTER:
20 Q Let me hand you what has been marked as Exhibit
21 Number 3.
22 Is it correct to say that is a Service
23 Bulletin Report for 1992 Mercury Grand Marquis?
24 A Yes.
25 Q And the second page of that report, the second Service

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1 Bulletin Report is "1992 Grand Marquis wiring concerns -
2 contact Dealers whenever find a wiring problem."

3 MR. DAVIS: Pal, with respect to this
4 document, is it one that was produced to me?

5 MR. McALLISTER: I don't know if we produced
6 it or not, to be honest with you.

7 MR. DAVIS: We would object based on its
8 introduction at this point because it has not been
9 produced in discovery. I don't know if I have it,
10 I'll have to look.

11 MR. McALLISTER: That's fine. I'm going to
12 ask about it anyway.

13 BY MR. McALLISTER:

14 Q Do you know what that Service Bulletin Report refers to?

15 A The one-liner says that if any "Grand Marquis wiring
16 concerns - contact Dealers whenever find a wiring
17 problem," but I have -

18 Q Do you know why Ford included this Service Bulletin
19 Report or issued this Service Bulletin Report?

20 A Obviously there was something they wanted to find
21 information out about, but I have no idea what it is.

22 Q Do you know if there were problems being experienced in
23 the 1992 Grand Marquis wiring system?

24 A There were concerns.

25 Q Do you know what the nature of those concerns were?

1 wiring harness that shorted out; is that correct?

2 A Correct.

3 Q Would that have any impact at all on your conducting an
4 investigation?

5 A I'd find out which wiring harness we're talking about.

6 Q Would you attempt to do that?

7 A Yes.

8 Q Would the fact that Ford, in the Service Bulletin
9 Report, indicated that there was some sort of concern or
10 problem with the wiring system lead you to determine
11 whether or not there had been Owner Reports concerning
12 wiring problems to the NHTSA?

13 MR. DAVIS: Object to the form of the
14 question.

15 A It wasn't clear.

16 BY MR. McALLISTER:

17 Q It wasn't a very good question. I apologize.

18 Would the fact that the Service Bulletin
19 Report indicates that there is some problem or concern
20 by Ford with the 1992 Grand Marquis wiring system, if
21 you were aware of that, would you have then gone to
22 review the Owner Reports issued by the Office of Defects
23 Investigation of the National Highway Traffic Safety
24 Administration as part of your investigation in this
25 case?

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1 A No, I do not.

2 Q As part of your investigation did you also look to
3 determine whether there had been any owner reports to
4 the National Highway Traffic Safety Administration?

5 A That's not something I normally do, no.

6 Q You wouldn't have done that anyway?

7 A No. Normally, I do the three that we talked about
8 earlier. A tech service pull normally is one of those,
9 but I didn't.

10 Q And you don't know why you didn't?

11 A No.

12 (Plaintiff's Deposition Exhibit 4 was marked
13 for identification; attached hereto.)

14 BY MR. McALLISTER:

15 Q Let me hand you what has been marked as Exhibit
16 Number 4.

17 MR. DAVIS: Has that been provided in
18 discovery?

19 MR. McALLISTER: I don't know. If it hasn't
20 been, I'll get you a copy.

21 MR. DAVIS: All right. Let me just note an
22 objection to the document.

23 MR. McALLISTER: That's fine.

24 BY MR. McALLISTER:

25 Q Now, the very first Owner Report indicates there was a

1 A Not necessarily.

2 Q Why not?

3 A Well, what I would do is if I had found that part out,
4 is I would get a copy of the bulletin. The bulletin
5 itself would be much more descriptive than the
6 one-liner.

7 Q Will you provide us with a copy of that bulletin?

8 A If it exists. That's what I'm saying, it's an
9 unsubstantiated document to me. It's not a Ford
10 document.

11 Q Whose document is it?

12 A Who supplied it, I don't know. I meant if it was a Ford
13 document and there was a Tech Service Bulletin out, and
14 I definitely would look it up. Whether that is a Ford
15 document or not, if there's a Tech Service Bulletin out,
16 I certainly will look into it and supply -

17 Q Let's back up. I want to make sure I understand what
18 you are telling me.

19 Exhibit Number 3 is a document that appears to
20 be reports of service bulletins issued by the Office of
21 Defects Investigation of the National Highway Traffic
22 Safety Administration; is that correct?

23 A That's what the label is.

24 Q Who prepares these service bulletins listed by the
25 Office of Defects Investigation?

1 A I don't know.
 2 Q Could be Ford Motor Company? Could be someone else?
 3 A Correct. Ford does have a list of Tech Service
 4 Bulletins, that's not at issue here. I'm not sure what
 5 that list refers to.
 6 Q It would not be unusual for Ford Motor Company to issue
 7 service bulletins on vehicles?
 8 A Not unusual at all. It's a mode of operation.
 9 Q And those would be reported by the Office of Defects
 10 Investigation?
 11 A Now we're crossing over the bridge I don't have an
 12 answer for.
 13 Q All right. That's fine.
 14 In Exhibit Number 4 there are some specific
 15 Owner Reports that have been stated.
 16 A Yes. And again, this is a document labeled National
 17 Highway Traffic Safety Administration, but I don't know
 18 how it was generated.
 19 Q Do you have any reason to dispute the authenticity of
 20 this document?
 21 A If you are affirming that it's a document from NHTSA,
 22 I'll believe you.
 23 Q I believe it is.
 24 A Okay.
 25 Q Would the fact that there were several reports of wiring

1 statement, there was a burn noise associated with '92
 2 through '94 Crown Vics.
 3 Q And that would include '92 through '94 Grand Marquises,
 4 as well; correct?
 5 A Correct.
 6 Q Are the leveling pumps the same for all of these models
 7 for those model years; do you understand my question?
 8 A Was it the same part number for all three model years?
 9 Q Same component, yes.
 10 A Well, there's a difference. The same component, they
 11 all had an air leveler, yes. Was it the same, you've
 12 got to check the diagrams and the build list. They are
 13 constantly improving components.
 14 Q Are you aware of any change after the 1994 model year
 15 for the vehicles listed?
 16 A Again, you would have to go back and look at the drawing
 17 for the air leveler system, and that would tell you what
 18 the changes are.
 19 Q Under the "Issues" portion of Exhibit Number 5, it states
 20 that:
 21 "Some vehicles may exhibit a 'trun' noise
 22 from the engine compartment when the Air
 23 Suspension System is leveling the vehicle
 24 after it becomes occupied. This condition may
 25 be caused by the compressor isolators not

1 defects, including fires in 1992 Mercury Grand
 2 Marquises, have any input into your investigation into
 3 the [redacted] matter?
 4 A Again, not knowing how the Owner Reports are generated,
 5 my answer would be, initially, no. After having
 6 reviewed my version of the NHTSA reports, which were the
 7 recalls and defect investigations in which case there
 8 were none, again, this is a layman report input.
 9 (Plaintiff's Deposition Exhibits 5 - 6 were
 10 marked for identification; attached hereto.)
 11 BY MR. McALLISTER:
 12 Q I'm handing you what has been marked as Exhibit Number 5
 13 and I'll ask you to identify that for me.
 14 MR. DAVIS: Let me object to this, again, if
 15 it hasn't been produced in discovery.
 16 MR. McALLISTER: I just got this myself
 17 yesterday.
 18 MR. DAVIS: We would object as it was not
 19 produced prior to Mr. Young's deposition.
 20 BY MR. McALLISTER:
 21 Q Is it correct to say that this is a Technical Service
 22 Bulletin for the Air Suspension - Hum Noise?
 23 A Really, the only thing I hesitate in answering is that
 24 there is no identification that this is a Ford document,
 25 although it follows the Ford format. And since with that

1 suspending the compressor properly, resulting
 2 in a "ground out" condition."
 3 What is meant by a "ground out condition"?
 4 A In this particular case it is not referring to
 5 electrical.
 6 Q What is it referring to?
 7 A It is referring to the case being metal against metal
 8 and it could sit there and because of the frequency,
 9 they are calling it a hum. We call it a rattle. The
 10 fact that they put in new isolators to eliminate that is
 11 the action is why I make that difference.
 12 Q Down towards the bottom of that front page under "All
 13 Other Subject Vehicles," Item Number 1 states:
 14 "Check air compressor assembly to
 15 determine if any object or harness (wiring or
 16 vacuum harness) is interfering with the free
 17 movement of the air compressor."
 18 Could a wiring harness rubbing against the
 19 assembly cause a short-out condition?
 20 MR. DAVIS: Object to the form of the
 21 question. Vague.
 22 A If there were a wiring circuitry next to the compressor
 23 and the compressor is vibrating in operation, so -
 24 BY MR. McALLISTER:
 25 Q So that would be a problem that Ford would be aware of,

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1 assuming that Ford issued the Technical Service Bulletin
2 that has been marked as Exhibit Number 9?
3 A No.
4 MR. DAVIS: Object to the form of the
5 question.
6 A No, it doesn't say that at all.
7 It says that there's a hum noise, meaning that
8 the ground was insufficient to stop metal to metal. It
9 says how to correct that action, what to replace.
10 As good practice, it says to check the area to
11 make sure that there is nothing else that would inhibit
12 the movement of the air compressor. It doesn't say that
13 there is a problem or could be a problem, they are just
14 saying to check and make sure that there isn't a
15 problem.
16 BY MR. McALLISTER:
17 Q Well, there is some sort of a problem, that's why they
18 issued the Technical Service Bulletin; correct?
19 A There is a noise problem, yes.
20 Q And the noise problem, according to this document, may
21 result from a wiring harness interfering with the free
22 movement of the air compressor; correct?
23 A No.
24 Q You disagree with that?
25 A I disagree that it is tied to the problem. The problem

1 A No.
2 Q What did the option content indicate to you?
3 A That it was a Grand Marquis.
4 Q Anything else?
5 A Nothing unusual.
6 Q Build date?
7 A The invoice gives me the build date.
8 Q What was the build date; do you know?
9 A No.
10 Q Is there any reason to indicate that this vehicle was
11 not manufactured by Ford Motor Company?
12 A No. Did I say that? Did I infer this?
13 Q There were questions earlier and I just wanted to make
14 sure I understood that. That's my belief.
15 A I believe it was a Ford product, yes.
16 Q That's fine. I think we all believe it was a Ford
17 product.
18 Number 8 on your list is 30 plus years of
19 extensive automotive design and testing experience.
20 Would that just be the sum total of your
21 knowledge?
22 A Correct.
23 Q Nothing specific relating to this fire?
24 A Nothing unique to this particular case.
25 Q And that would be true for Item Number 9, as well?

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1 is a grounding out and the solution is, as stated,
2 replacing the insulators with a new series compressor
3 insulator; that's the problem.
4 Q And you are saying that the problem is not the wiring
5 harness interfering with the free movement of the air
6 compressor?
7 A That's not the topic of the problem described, no.
8 Q But that's exactly what they tell you to determine when
9 making the correction; correct?
10 MR. DAVIS: Object to the form of the
11 question.
12 A No.
13 BY MR. McALLISTER:
14 Q You disagree with that, all right.
15 A I disagree with your interpretation.
16 Q Item Number 7 on your report states that your report was
17 based, in part, upon interpretations of the pertinent
18 vehicle data regarding this vehicle; is that correct?
19 A Correct.
20 Q What vehicle data are we referring to here?
21 A The build date of the vehicle. Its option content -
22 description of the vehicle and its option content and
23 whether or not this vehicle, at one point in time, was
24 involved in the ignition switch recall or not.
25 Q Was it?

1 A Correct.
2 Q Under your Statement of Opinions your first conclusion
3 was that the automobile at issue was not defective or
4 unreasonably dangerous as designed or manufactured by
5 Ford Motor Company?
6 A Correct.
7 Q What is the basis for that conclusion?
8 A The extensive testing and development program that Ford
9 Motor Company goes through in order to bring a new
10 product to market, plus the fact that this is an ongoing
11 vehicle that was not introduced in 1992, so we have all
12 the prior years of experience in verifying that the
13 vehicle meets all of the design criteria.
14 Q Now, in reaching that conclusion, you did not take into
15 consideration the wiring service bulletin reflected by
16 the Office of Defects Investigation; is that correct?
17 A That's correct, but I did take into the NHTSA recall and
18 defect investigation summaries.
19 Q Your next conclusion is that the fuel system was
20 breached by a prior existing fire?
21 A Correct.
22 Q Fair that we agree that that was an electrical fire?
23 A Yes, based on the time involvement.
24 Q The next item is that other combustible fluid systems
25 were contained by a prior existing fire?

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1 A Correct.

2 Q And that would be the same cause of the fire?

3 A Same time delay factor.

4 Q The cause of the fire is electrical; point of origin is

5 a question that you are not able to resolve?

6 A Correct.

7 Q The next item is:

8 "The totality of the vehicle fire and

9 loss of on-site evidence precludes the

10 possibility of making an accurate fire

11 causation and origin determination for this

12 vehicle fire"; correct?

13 A Correct.

14 Q Fair to say that the causation is electrical in nature?

15 A Correct.

16 Q So that the question is not causation, the question is

17 point of origin?

18 MR. DAVIS: Object to the form of the

19 question.

20 A Well, the causation would be electrical in nature, but

21 is it due to modifications or is it due to defect or is

22 it due to other outside forces? I agree it's

23 electrical, but why did that electrical component fail.

24 I don't know.

25 BY MR. McALLISTER:

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1 Q What outside sources could cause an electrical failure?

2 A Again, dropping a wrench, pushing things. Again, the

3 history of the vehicle.

4 Q Were you provided with any information that would lead

5 you to believe an outside source contributed to the

6 origin of this fire?

7 A I have no information that it's the outside source, and

8 that's why I made the statement.

9 Q And that would be true for modifications, as well?

10 A True.

11 Q If you could not determine the origin of the fire, how

12 have you determined that the automobile was not

13 defective or unreasonably dangerous?

14 A Like I said a few minutes ago, we can read it back, but

15 it's an extensive testing program and many years of

16 in-service that says that the designs of this vehicle

17 are not defective.

18 Q So you are assuming that not based upon any examination

19 of this vehicle, but just your knowledge of Ford Motor

20 products in general; is that fair?

21 MR. DAVIS: Object to the form.

22 A No, that's not a true characterization. I did look at

23 the vehicle. I did try to make a determination.

24 There was no information on this vehicle that

25 there was any defect associated with that vehicle. It's

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1 a fact that the vehicle went through a fire.

2 BY MR. McALLISTER:

3 Q An electrical fire?

4 A That's not a fact, that's that assumption, and a highly

5 probable assumption, based on the time delay and the

6 fact that we're ruling out arson.

7 Q On the second page of your report, the second paragraph

8 of the third bulleted item, states that:

9 "Combined, these varied experiences," and

10 that's referring to your background, "have

11 significantly contributed to my ability to

12 assess vehicle reactions and deformations in a

13 given fire/accident scenario."

14 I wasn't quite sure what you meant by that.

15 Could you explain that to me?

16 A If you want to look at Photograph 10 from Vickers, as an

17 example. In that photograph we see both the roof and

18 trunk totally covered in as a result of collapsing

19 material from the structure itself; that's one example.

20 I can go through different items and different

21 components, but it showed the vehicle -- my photograph

22 of the vehicle shows the main thing without the debris

23 and without the environment around it, but that would

24 still be the same conclusion that a vehicle going

25 through a fire does not experience a deep V-pattern

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1 downward in its roof or any panel structure; that's an

2 experience factor that says this was inside a building

3 or something dropped upon it; that's what that is

4 referring to there, but you have to have some clues to

5 work with in my point.

6 Q Do any of those deformities that you observe affect your

7 conclusions in this case as to the cause and origin of

8 the fire?

9 A Well, they don't add to it. As far as giving me

10 someplace to start and a definitive approach to finding

11 a solution, they tell me it was in a fire. They tell me

12 that it was in a structure fire. They tell me the

13 vehicle was moved after the fire.

14 That's a simplistic response and not intended

15 to be superficial at all. It's just that there is no

16 information there, other than very gross deformations.

17 Q Did you examine [redacted] report?

18 A Yes.

19 [redacted] report has been previously introduced

20 into evidence as Exhibit 3 to his [redacted] deposition.

21 Do you have a copy?

22 A Yes.

23 [redacted] found melted and beaded copper at the end

24 of a conductor reflected on Figure Number 6, and he

25 determined that to be the solder joint to the air suspension

1 compressor motor and vent solenoid.
2 Do you agree or disagree with that finding of
3 his?
4 A I disagree that that wire exhibits evidence of
5 short-circuiting, yes.
6 Q Do you agree that that's the vent solenoid to the air
7 suspension compressor motor?
8 A On the basis of Figure 6, no.
9 Q Would you examine Figure 5?
10 A Okay.
11 Q Would that change your opinion?
12 A I don't find that beaded wire on 5, unless I'm missing
13 it.
14 Q Is Figure 5 a view of the air suspension compressor
15 motor solenoid?
16 A I believe that's the -- yes.
17 Q It's my understanding that you do not agree that
18 Figure 6 is evidence of short-circuiting?
19 A Correct.
20 Q Why not?
21 A Well, in the short-circuiting that we talked about
22 briefly, a short circuit would cause very intense heat
23 as it grounds out to the point that it would raise the
24 temperature well above the melting point. And that area
25 that has taken the severe heat would melt. As it cools,

1 to your deposition and ask if you can identify that for
2 me.
3 A This is a schematic of a 1993 Crown Victoria air
4 suspension.
5 Q Is there any reason to believe that the 1992 version
6 would be any different?
7 A For purposes of our discussion today, I don't think so.
8 I would have to verify it, but we'll take it at face
9 today.
10 And on the air compressor solenoid, we see
11 that --
12 Q Would you circle that for me, on the exhibit, and mark
13 it "solenoid"?
14 A We see that coming off the compressor relay there should
15 be a red wire moving into the compressor motor or the --
16 I said that wrong. The relay is over here.
17 Q The solenoid -- mark it "solenoid."
18 A (Witness complied.)
19 Q And the "M" is actually the motor?
20 A Right. So the solenoid has -- we'll have to look at the
21 book, it would be a dark blue or dark brown wire coming
22 into it with a dark green coming out of it. So
23 whichever one of those were originally, then it would
24 correspond to that drawing.
25 But again, without having the color coding on

1 it would collect into a ball or a bead.
2 In our earlier discussion, you said two pieces
3 of wire, for one thing, we established that. If you
4 have one, it is intuitive that the other was there. The
5 problem is, you don't know what the distance between the
6 two of them were at the time of the fire.
7 In this particular photograph, Number 6, we
8 don't see the bead at the termination of the wire at
9 all. As a matter of fact, I'm not sure of the scale
10 there, but we see a pencil point, if you want to call it
11 that, proceeding past the bead from the main body of the
12 wire.
13 Q What would that indicate to you?
14 A Well, it could mean a couple of things. My first
15 impression is that it was heat applied to a copper wire
16 above this particular wire, and it dropped down and
17 encased it like a raindrop.
18 Q Where would the wires for the solenoid depicted in
19 Figure Number 5 go to?
20 A Well, if we have that schematic, we can point that out
21 right away.
22 (Plaintiff's Deposition Exhibit 7 was marked
23 for identification; attached hereto.)
24 BY MEL McALLISTER:
25 Q Let me hand you what has been marked as Exhibit Number 7

1 it, we're not sure whether it's the downside or the
2 upside wire that we're talking about in Photograph 6, if
3 that is connected to that wire.
4 Q Is the air suspension compressor motor and solenoid
5 energized or hot at all times?
6 A The motor goes through a relay, which says no, it is not
7 hot at all times.
8 Q Where is that indicated?
9 A On the switch right here, through the compressor relay.
10 The solenoid by its nature is hot to the
11 solenoid, but it has a switch, also, on the vent output
12 they call it, okay, but it has a switch, also.
13 Q So if I understand your testimony, then, the solenoid
14 would be hot, but the motor itself would not be hot or
15 energized --
16 A -- at all times.
17 Q -- energized at all times?
18 A Right.
19 Q So based upon Exhibit Number 7, it's my understanding
20 that you cannot determine where the wires in Figure
21 Number 5 are going, whether they are going up or down?
22 A Well, Number 5 you can't, but more specifically Number 6
23 you can't tell whether that's associated with 5 or not.
24 Q Do you recall examining that particular component in
25 Mr. Vickers' office?

1 A That would be probably our Photograph 73, as I see the
2 solenoid in this particular photograph, if that is the
3 same.
4 Q What photograph number is that?
5 A I believe that is 73.
6 Q All right.
7 A If that is the same solenoid as [redacted] is talking
8 about, I don't see the termination he's depicting.
9 Q Do you know whether that is or is not the same solenoid?
10 A No, I don't, that's the open issue; that's why I can't
11 agree.
12 C [redacted] Photographs 33 through 37 in his report,
13 he states that:
14 "I noted evidence of melting of cast
15 aluminum components at the front of the
16 engine, with the most extensive melting
17 occurring on the left side of the engine."
18 Is that consistent with your examination?
19 A I have no idea what he is referring to there.
20 We went through our Photographs 27 and 28. I
21 see equal, if not - I see equal, if he is referring to
22 the front of the block. If he is referring to something
23 else, then he should be more specific.
24 Q You are just not sure what he is referring to?
25 A I looked at the aluminum components as depicted in my

1 photographs and I think my photographs show that there
2 is no left side/right side differentiation in heat
3 content.
4 Q [redacted] in his Figure Numbers 38 and 39 - do you
5 have those?
6 A Yes.
7 Q - says:
8 "An examination of this unit found
9 evidence of melted aluminum, with the heaviest
10 melting of aluminum occurring on the left side
11 of the pump."
12 Do you agree with that?
13 A I would say it is gone on both sides.
14 Q You disagree with his conclusion?
15 A Yes.
16 Q On page 3 of [redacted] report he states that:
17 "I noted that there was evidence of
18 electrical short circuiting on wires
19 associated with the air suspension compressor
20 motor and solenoid."
21 I believe he is referring to Photograph 6,
22 which we have already discussed, going to the solenoid,
23 and Photographs 16, 17, and 18.
24 Let's start with Photographs 16 through 18.
25 A Okay.

1 Q Would you agree that that set of photographs,
2 Photographs 16, 17, and 18, evidence short-circuiting of
3 the wires attached to the air compressor motor?
4 A Again, as we see each and every case there, and I'll
5 talk specifically Number 18, the bending occurs with
6 wire extending on both sides still.
7 Q I'm sorry. I'm not following you there.
8 A Well, he has two arrows, as I'm looking at them, and
9 we'll start at the left arrow pointing at a bead that
10 has at least a quarter inch of wire on both sides of the
11 bead. Below that he has a smaller strand of wire with
12 no arrow on it, but a smaller strand of wire coming down
13 and going to the right with a bead, and we can see an
14 extension of the metal on the other side of that bead,
15 also.
16 Q Could the melted copper from the beads located on the
17 right-hand arrow have melted and dropped onto that wire?
18 A If, in original position, they were directly below it,
19 as far as gravity is concerned, yes.
20 Q So that, in and of itself, the fact that there is wiring
21 extending is simply an indication that there was melted
22 copper at that particular point?
23 A Right. It does not support evidence of
24 short-circuiting. It just shows evidence of melted
25 copper dropping down.

1 Q Could this be evidence of short-circuiting, or do you
2 just completely discount that?
3 A I'm discounting this. There is no doubt that there was
4 copper melting somewhere. My statement is that this
5 wire here that we're talking about did not exhibit a
6 short-circuiting. Somewhere a wire short-circuited.
7 We've already agreed on that. I don't know where it
8 was. Was it this wire? No, it was not.
9 Q It was definitely not this wire?
10 A Right.
11 Q None of the wires is 16, 17, and 18, as far as you are
12 concerned, short-circuited?
13 A Well, I think they are the same wire, are they not?
14 Q They are the same wire.
15 A Just different views of the same wire.
16 Q Different views of the same wire.
17 A Right.
18 Q And he has different arrows pointing at different items;
19 correct?
20 A But in each case you see wire protruding past the melt
21 point, or we'll call it a melt point, or melted ball or
22 whatever it is.
23 Q Do the wires protrude past the melt point in Figure 18
24 on the right-hand arrow?
25 A If we had a better photograph, I could answer that. But

1 I would say at this point in time, that's just a black
2 shadow.
3 Q So if we viewed the copper wiring itself, that would
4 provide a definitive answer?
5 A That's possible. But if you look at Photograph 17
6 directly above it, I interpret that as a different view
7 of the same termination and I see continuation farther
8 forward than the melt point.
9 Q Assume for me that there is no continuation; would that
10 be evidence of short-circuiting?
11 A If a wire terminates in a ball of its own melt, that's a
12 good indication of short-circuiting.
13 Q It's my understanding that your contention is that the
14 air suspension compressor motor is not an energized
15 circuit with the automobile off?
16 A It's not hot all the time.
17 Q And by that you mean energized, right?
18 A It has to be energized by some device.
19 Q But the solenoid is energized or hot?
20 A Not schematically, right.
21 Q [REDACTED] states that:
22 "Given the location of the air compressor
23 motor, it is well protected from casual
24 contact which might occur during normal
25 maintenance activities within the engine

1 MR. DAVIS: Object to the form.
2 A I don't know. That's the air filter and we're talking
3 about an arm up in here.
4 This is the rad support.
5 Q I'm sorry?
6 A This is the rad support, radiator. The headlight is
7 right in there.
8 Q What you are referring to is Bible Photograph Number --
9 well a Bible photograph attached to Mr. Kovarsky's
10 report; correct?
11 A Correct.
12 MR. McALLISTER: Let's stop for a minute.
13 (Short recess.)
14 ---
15 BY MR. McALLISTER:
16 [REDACTED] we're back on the record and we are looking
17 at [REDACTED] Number 5 of the report that [REDACTED] did
18 in the Bible lawsuit that you are also involved in; is
19 that correct? We're looking at Figures 31, 32, 33, 34,
20 35, and 36.
21 A All right.
22 Q Do those figures appear to be a progression of
23 components that would have to be removed in order to get
24 down to the air suspension pump?
25 A Yes.

1 compartment. The location of this unit
2 actually requires a significant amount of
3 deliberate action to uncover and gain access
4 to this motor."
5 Do you agree with that?
6 A Okay.
7 Q Now, that's an exemplar of a Town Car, as I understand
8 it. Would the layout be the same for a Grand Marquis?
9 A Not the same, no. Similar, yes.
10 Q Would there be substantial differences or minor
11 differences?
12 A They are a different engine compartment, so there is
13 less clearance. It's different radiators. It's
14 different fenders. What we're looking at here is a
15 fender, a radiator, and this is seated in that front
16 corner in this vehicle.
17 Q In both vehicles do you have to take off the air filter
18 in the air filter compartment to get down to where the
19 ABS pump is and the air compressor motor?
20 A I would have to look at the package. This doesn't give
21 the information.
22 Q Let's look at what we have got here.
23 In the Lincoln Town Car, is it fair to say
24 that you would have to remove the air filter and
25 housing?

1 Q Do you know whether or not they would be equally --
2 these photographs would be equally applicable to a 1992
3 Mercury Grand Marquis?
4 A I think they are similar, but to say that are the same,
5 I don't believe so. The operation of when you take off
6 the air cleaner or when you take off the water bottle,
7 when you get down to it, it's all -- there's a component
8 on top; so whether the sequence is the same or not is
9 what I'm really objecting to.
10 Q In the Town Car you would remove the air filter housing;
11 correct?
12 A Correct.
13 Q You would remove the air filter?
14 A Right.
15 Q You would remove the bottom of the air filter housing?
16 A The lower bracket.
17 Q Then there appears to be three studs to which the air
18 filter housing bolt into?
19 A Right.
20 Q And that would be reflected on Figure Number 34?
21 A Thirty-four and 35.
22 Q And you would remove the windshield wiper fluid
23 container?
24 A Correct.
25 Q The material that the three studs are protruding from,

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1 would that be plastic?
2 A An embossment, yes.
3 Q I'm sorry?
4 A Embossed. A raised surface.
5 Q Once you remove that piece of embossed plastic, you
6 would then be able to have access to the air suspension
7 compressor motor, as well as the ABS?
8 A I think I may have answered a different question,
9 though.
10 When I was talking about the embossments, I
11 was talking about 34 and 35. This is the embossments I
12 was talking about.
13 Q You are looking at Photograph Number 35?
14 A Right.
15 Q Photograph Number 35 has what appear to be three metal
16 studs, threaded studs, in a roughly triangular shape;
17 correct?
18 A Correct.
19 Q Is that piece of material that those studs are
20 protruding from, all within that triangle, is that a
21 plastic piece?
22 A I think it is different pieces. This is the fender well
23 here, the embossments, and this is a shield off the
24 reservoir, I believe; that's why they are spanning.
25 Q Are they both plastic?

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1 A Yes.
2 Q How would those items be removed?
3 A That's where you lost me. You don't take this off to
4 see that.
5 Q You don't?
6 A No. That's the fender liner.
7 Q How do you get down to the ABS pump and the air
8 compressor motor pump reflected in Photograph Number 36?
9 A There's a little attachment here, and this is a separate
10 piece that covers that.
11 Q So there would be a small piece of plastic?
12 A Right.
13 Q You wouldn't remove --
14 A The fender liner, no.
15 Q The fender liner is just a small piece of plastic
16 immediately over those two items?
17 A Correct.
18 Q All those are combustible materials? That plastic is a
19 noncombustible material?
20 A Correct.
21 Q Returning to [redacted]'s report in this case, the
22 [redacted] matter, he has four separate conclusions on
23 page 4 of his report; is that correct?
24 A Yes.
25 Q The first conclusion is that, "The fire originated at

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1 the left front corner of the engine compartment."
2 Do you agree or disagree with that?
3 A Disagree.
4 Q Why do you disagree?
5 A Again, I see no differentiation between the left side or
6 the right side of the engine compartment, or the front
7 or the back of the engine compartment, for that matter,
8 as far as heat, from any evidence left.
9 Q So you could not determine where the fire originated?
10 A Correct.
11 Q It may have originated in the left front corner, it may
12 not have?
13 A Right. I just don't agree with the statement that it
14 did.
15 Q Do you agree or disagree with his conclusion that, "The
16 specific area of origin was at or near the air
17 suspension compressor motor"?
18 A I disagree, again, for the same reasons.
19 Q It could have originated there; but, in your
20 investigations, there was not sufficient information to
21 make that determination?
22 A Correct.
23 Q "The fire was accidental"?
24 A Correct.
25 Q You would agree with that?

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1 A Correct.
2 Q "The fire was caused by electrical short circuiting of
3 wires," let's just stop there. I realize that's not the
4 whole sentence.
5 Would you agree that the fire was caused by
6 electrical short-circuiting of wires?
7 A Again, I make the suggestion that the fire was
8 electrical in nature of an undetermined cause.
9 Short-circuiting is one factor.
10 Q What other electrical source could cause the fire?
11 A A connector could be broken.
12 Q Would that cause a short circuit?
13 A Well, it wouldn't be the cause, though. The cause would
14 be the broken connector. The short circuit would then
15 be a result.
16 Q According to [redacted] "The fire was caused by
17 electrical short circuiting of wires associated with the
18 air suspension compressor motor and associated
19 solenoid."
20 Do you disagree with that conclusion?
21 A I disagree with that conclusion.
22 Q The basis of your disagreement is what?
23 A There's no evidence to support that opinion.
24 Q No evidence that you found?
25 A No evidence that he supplied, either.

1 Q [redacted] concludes that, "The short circuiting was
 2 the result of damage to the wiring's insulation."
 3 Do you agree or disagree with that conclusion?
 4 A Disagree for what we said above.
 5 Q Could damage to the wiring's insulation have caused
 6 short-circuiting?
 7 A That's one probability, yes.
 8 Q And you disagree with his conclusion that, "This damage
 9 occurred during the original manufacturing of the
 10 vehicle?"
 11 A Yes.
 12 Q Could the damage, as [redacted] has concluded,
 13 occurred during the original manufacturing of the
 14 vehicle?
 15 MR. DAVIS: Object to the form.
 16 A Again, that's a possibility, but the probability is
 17 quite low.
 18 BY MR. McALLISTER:
 19 Q Based upon your experience as a Ford employee for 30
 20 years and your involvement in working with Ford on their
 21 vehicles; is that right?
 22 A Yes, and the history of the vehicle itself.
 23 (Plaintiff's Deposition Exhibit 8 was marked
 24 for identification; attached hereto.)
 25 BY MR. McALLISTER:

1 A I can rephrase it.
 2 Q Please do.
 3 A Almost anything is possible, but it's not probable that
 4 everything is going to happen.
 5 Q Is it fair to say that if you eliminate all other
 6 possibilities, the remaining possibility, regardless of
 7 how remote it may be, that's what you are left with as a
 8 cause?
 9 MR. DAVIS: Object to the form of the
 10 question.
 11 BY MR. McALLISTER:
 12 Q In general terms, talking about probabilities and
 13 possibilities.
 14 MR. DAVIS: Object to the form. No
 15 foundation, and vague.
 16 A If you eliminated all of the possibilities except for
 17 one, then that one is no longer a possibility. That is
 18 a fact.
 19 BY MR. McALLISTER:
 20 Q Were you aware that [redacted] had a minor automobile
 21 accident involving this car?
 22 A Yes, sir.
 23 Q Did you examine any records in connection with that
 24 automobile accident?
 25 A It was a minor accident to the right front, I believe.

1 Q Let me hand you what has been marked as Exhibit Number
 2 and ask if you can identify that for me?
 3 MR. DAVIS: I would object to Exhibit Number 8
 4 as a document not being produced prior to the
 5 deposition.
 6 A Document Number 8 appears to be a screen printed off of
 7 a computer off of a program called CFD 2000 for Windows,
 8 but I have no idea as to its origin. There are no
 9 logs.
 10 BY MR. McALLISTER:
 11 Q Do you know what CFD 2000 is?
 12 A Not in this context, no.
 13 Q Does Ford publish repair items by CD - repair
 14 instructions by CD ROM or over the net?
 15 A Not over the net, no. Repair instructions go to the
 16 dealers. And training dealers have training programs.
 17 Q In a down-loadable fashion?
 18 A They mostly them videos, enhanced.
 19 Q [redacted] you've talked about probabilities and
 20 possibilities throughout your deposition and you
 21 indicated on the damage to the wiring through the
 22 manufacturing process to be a possibility, as opposed to
 23 a probability.
 24 Can you put that into a law of averages or a
 25 mathematical calculation for me?

1 Q Is there anything that would lead you to believe that
 2 that accident played any role in the cause or origin of
 3 this fire?
 4 A If I had an area of cause and origin, I might be able to
 5 answer that, but I don't have an area of cause and
 6 origin to even relate to how that could possibly affect
 7 it.
 8 Q So as far as you can tell, you have no basis for
 9 believing that that minor accident had any impact at all
 10 on the origin of the electrical fire at issue in this
 11 lawsuit?
 12 A Well, without going through the damages and repairs, I
 13 think there was nothing involving the engine
 14 compartment, unless I have -
 15 Q Let me hand you what has been marked as [redacted]
 16 Number 6 and ask you to identify those documents for me.
 17 A This is a State Farm packet of information. There is
 18 nothing in here describing the work done. There are two
 19 estimates of something that should be done.
 20 Q Well, the work was performed, I'll represent to you, by
 21 Randy Harrison. He does have a repair estimate within
 22 Exhibit Number -
 23 A He has an estimate, but that doesn't say that that's
 24 what he did. I think that somebody would say that this
 25 was done, rather than estimated would be what we would

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1 have to talk about.

2 Q If you would assume that the items that Mr. Harrison has
3 listed on his estimate are, in fact, the repairs that
4 were made to the vehicle --

5 A Okay. Item 1 was refinish the front corner, which is a
6 paint operation. He replaced a headlight -- a right and
7 left headlight. He replaced a grille. He replaced a
8 grille emblem. He repaired a hood. He repaired a rad
9 support.

10 Q What is a rad support?

11 A That's the radiator support, that's the cross-piece on
12 the back of the grille.

13 One right-hand inner bracket on the header.

14 Q Do you know what that refers to?

15 A Well, the header would be inside the passenger
16 compartment above the windshield.

17 The left inside bracket on the header. And
18 then he clear coat and paints it.

19 This is all parts replacement items.

20 Q Would any of those items require access to the
21 compartment that enclosed the air suspension compressor
22 motor and related solenoid?

23 A It depends on what the repair to the rad support is.
24 Like I say, the header stuff is inside the passenger
25 compartment. The hood is a bolt-on. The grille is a

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1 bolt-on. Headlight replacement, you don't need to do
2 that. And then the paint job, you don't paint the
3 inside, you paint the outside.

4 So the only possible item would be that entry
5 call "Repair rad support."

6 Q Do you have any reason to believe that it would require
7 access to the compartment containing the air suspension
8 compressor motor?

9 A I would say no, in the fact that he did a straight
10 bolt-on of the grille and replaced the headlamps without
11 any other effect. That's a six-and-bolt operation down
12 the line, other than painting.

13 Q Would the repair of these items have affected the wiring
14 harness at all?

15 A If you disconnected the headlamps.

16 Q That's a plug?

17 A That's a plug, both sides.

18 Q Other than plugging in the new headlamps, would it have
19 affected the wiring harness?

20 A Well, again, without the description of what he did on
21 the rad support, the rad support carries the wiring
22 harness, left side to right side, or vice versa.

23 But again, the paint job would have nothing to
24 do with electrical. We talked about plugging in
25 headlamps, left and right. The grille would have

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1 nothing to do with electrical. The emblems would have
2 nothing to do with electrical. The hood, unless -- I'm
3 not sure what he did there. He repaired the hood.

4 Unless he disconnected the hood lamp, that would not be
5 anything electrical. The rad support, like I say, you
6 do attach the wiring harness, left to right, but that is
7 way up high. It is above the engine in that effect, not
8 down low.

9 And then the other stuff is passenger
10 compartment. I can't see how that would affect the
11 electrical devices there.

12 Q It's my understanding that you have limited your
13 investigation to inspection of the vehicle itself; is
14 that right, and the items at Mr. Vickers', as opposed to
15 travelling to the [redacted] evidence?

16 A Correct.

17 Q Did you examine [redacted] report that was attached
18 to Mr. Vickers' opinion?

19 A I have seen it, yes, and reviewed it before.

20 Q [redacted] states in here, in his report, that the
21 inspection of the interior of the vehicle indicated that
22 the fire came from the engine compartment; would you
23 agree with that?

24 A I don't disagree.

25 Q He also states that there was melted copper noted in the

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1 interior in the engine compartment.

2 A We've reviewed that already.

3 Q And then in the engine compartment, intense bluing of
4 metal on the driver's side wheel well was noted. The
5 intense bluing indicates intense heat in the area where
6 the air compression system compressor and its motor are
7 mounted.

8 Did you find evidence of intense bluing in
9 that area?

10 A No, I did not.

11 Q Did you look for it?

12 A I didn't look for bluing because bluing, in the normal
13 investigation of fires, indicates a chromed or brightly
14 polished surface. Bluing there is like when you take a
15 screwdriver or a chisel on your grinder and you heat it
16 all up too fast, you end up what is called bluing the
17 metal because you have overheated it.

18 On a cast block or cast manifold, you don't
19 get that indication. So I'm not sure what he was
20 looking for, on a rough surface like that, to get
21 bluing, and I noticed nothing of that nature there.

22 Q Would you agree that intense bluing on the driver's side
23 wheel well would be an indication of intense heat?

24 MR. DAVIS: Object to the form of the
25 question. No foundation.

1 A I would indicate that on a polished surface, because I
 2 have never seen it on a rough surface, excessive heat
 3 would turn metal blue; that's a true statement. I don't
 4 normally associate it with the casting of a block.
 5 BY MR. McALLISTER:
 6 Q I don't think he is referring to the casting of a block.
 7 I think he is referring to the wheel well.
 8 A Well, the wheel well is plastic, so there's no wheel
 9 well there.
 10 Q None of the metal on the curved side of the wheel well,
 11 or the fender?
 12 A If you are talking about the external fender, then
 13 definitely I did not notice any bluing. Again, like I
 14 tried to describe, bluing is a localized effect.
 15 Now, if he's indicating that the entire fender
 16 experienced a heat source that turned the whole fender
 17 blue, I would say then that the whole car was blued.
 18 There's no differentiation on the left front fender
 19 external views to any other part of the car.
 20 Q You didn't find any indications of the bluing that
 21 [redacted] noted in his report?
 22 A No.
 23 Q I think we've probably covered this, but I just want to
 24 make sure.
 25 Are you aware of anything that was done to

1 this fire, occurred through a cause other than what was
 2 on the vehicle as it was manufactured?
 3 MR. DAVIS: Objection to the form of the
 4 question.
 5 A I have no knowledge of the modifications, if any
 6 existed, on the vehicle. My understanding of the
 7 vehicle is as originally built.
 8 MR. McALLISTER: That's all I have.
 9 ---
 10 EXAMINATION
 11 BY MR. LEWIS:
 12 Q Mr. Young, I'm Kevin Lewis. I represent [redacted]
 13 I don't have much more to ask you, but as we have
 14 gone - Pat has done a very thorough job and whenever I
 15 had a question, I'd relay it to him to try to save time.
 16 A Thank you.
 17 Q But I do want to ask you just a couple of things.
 18 This morning you went through some cases
 19 involving allegations of an ignition switch defect?
 20 A Yes.
 21 Q And this may not be complete, but one of them was [redacted]
 22 one of them was [redacted] one of them was [redacted] and
 23 one of them was [redacted] believe. I didn't have your
 24 list in front of me, so I wrote it down and I may gotten
 25 it all wrong, but do those ring a bell to you?

1 this car, other than the manufacture of the vehicle
 2 itself, that could have caused the electrical fire in
 3 this case?
 4 MR. DAVIS: Objection to the form of the
 5 question. No foundation. Mischaracterization of the
 6 prior testimony.
 7 A Well, like we said, earlier questions and answered, I
 8 don't have a cause and origin opinion on this fire.
 9 BY MR. McALLISTER:
 10 Q You don't have an origin opinion. You have a cause
 11 opinion, as I understand it; is that fair?
 12 A I was leading to that.
 13 Based on the time delay on the vehicle, and
 14 eliminating arson, that would lead us to believe that it
 15 was accidental in nature. Twelve hours or ten hours or
 16 even three hours after use would indicate that it would
 17 have to be electrical.
 18 So we are backing into that opinion based on
 19 all the facts known. We haven't described or agreed
 20 upon what electrical component was involved initially.
 21 They all were, eventually.
 22 There's no other way to state it, I think.
 23 Q Let me ask it again, then.
 24 Are you aware of any evidence that would
 25 indicate that this fire, the electrical origination of

1 A Yes, they do.
 2 Q Now, I believe, in at least one of those, you and/or
 3 Ford made a finding that it was either a manufacturing
 4 or a design defect in the ignition switch; is that
 5 right?
 6 A Yes.
 7 Q Was that [redacted]
 8 A Yes.
 9 Q What type of vehicle was that?
 10 A It was a pickup truck. I believe an F-150. It might
 11 have been an F-250.
 12 Q In the [redacted] case, what kind of vehicle was that?
 13 A That was an Aerostar.
 14 Q In the [redacted] case?
 15 A I'm not sure.
 16 Q In the [redacted] case?
 17 A [redacted] was a Thunderbird.
 18 Q Was it the opinion that there were design defects or
 19 manufacturing defects? Excuse me, only one of those, I
 20 understand, is [redacted] Was that a manufacturing or a
 21 design defect?
 22 A Well, they were tried as allegations of a design defect.
 23 They were assembled correctly and manufactured to print.
 24 Q Have you ever given an opinion that a Ford vehicle of
 25 any kind had a manufacturing defect?

1 A Pardon?

2 Q I don't mean a design defect. I'm trying to distinguish

3 these two, something that happened in the process of

4 manufacturing that particular vehicle.

5 Have you ever given an opinion that a Ford

6 vehicle had a manufacturing defect?

7 A No, I've never been asked to.

8 Q You have given opinions that a Ford had a design defect?

9 A Correct.

10 Q The ignition switches, what was wrong with them? The

11 one in the [REDACTED] case, what was wrong with the

12 design?

13 A The design was the second-stage manufacturer, a company

14 other than Ford, builds and manufactures the switches to

15 Ford's specifications. Ford has a program of

16 self-certification in order to improve quality and the

17 vendor status relationships. It allowed the vendor to

18 make some changes that deteriorated the molding at the

19 dell rim plastic. They took out a plasticizer that

20 inhibited carbonization. They went from a manual

21 operation to a mechanical operation, which cut down the

22 variation in the low end of a bell-shaped curve and

23 separation of two contacts. They changed a process of a

24 grounding hole from a spherical insert to a flat plate

25 insert.

1 A United Technologies.

2 Q Is that the same company that manufactured the switch in

3 the Astrostar?

4 A Yes.

5 Q And the same one for the Thunderbird?

6 A Yes.

7 Q Presumably they made the same compromises in quality in

8 the Thunderbird and the Astrostar?

9 MR. DAVIS: Object to form.

10 A They made the same design changes.

11 BY MR. LEWIS:

12 Q So the thing that was defective about the ignition

13 switch in the [REDACTED] case, for all we know, should

14 have been just as defective in the Astrostar and the

15 Thunderbird?

16 A Well, they should have had the same results, but they

17 didn't.

18 Q Even though that is true, Ford still tried to blame it

19 on something else, some modifications, right? Even when

20 they know it's a defect, they still try to blame it on

21 some modification?

22 MR. DAVIS: Object to the form.

23 A No. Those cases, when you go out and you look at the

24 vehicle and there are no modifications, then you look at

25 that and note that as a population, the total sum

1 The combination of these over a period of four

2 years caused a deterioration that could end up in a

3 fire.

4 Q So basically Ford allowed the subcontractor, if you

5 will, that's not the right term, I know, but allowed

6 them to make changes so that the end result was the

7 switch couldn't take the heat?

8 A Well, it wasn't an allowed situation. They were

9 unauthorized changes that went into the design of the

10 ignition switch housing. It was no longer the same

11 quality level.

12 Q Can you tell me whether or not the ignition switch that

13 was in the vehicle involved in the [REDACTED] case was the

14 same switch that was in the Thunderbird in the Ford

15 case?

16 A Well, they are not the same switch.

17 Q Were they manufactured by the same people?

18 A Yes.

19 Q What about the Astrostars?

20 A They are all unique switches, depending on a lot of

21 factors. Manual shift versus an automatic shift versus

22 a tilt wheel. They are unique, they are different.

23 They are all separate from each other.

24 Q Tell me the name of the company that manufactured the

25 [REDACTED]

1 vehicles were less than a quarter of a percent of

2 vehicles built that ended up in a fire. So the fact

3 that you have an ignition switch that has the potential

4 for a fire is different than saying you have an ignition

5 switch that will be on fire.

6 BY MR. LEWIS:

7 Q I understand. It is a causation question.

8 In each of these cases, in the [REDACTED] case and

9 the Stearns case and the Stafford case, too, for that

10 matter, I know we don't know which vehicle that was, but

11 Ford has some other explanation for the cases of that

12 fire which was a modification, right?

13 A Well, they had a causal change, right.

14 Q In each of these cases, those vehicles still had a

15 defective switch, right?

16 MR. DAVIS: Object to the form.

17 A No. They had the same potential for a fire. That

18 doesn't make them defective. They were recalled as a

19 potential for safety.

20 BY MR. LEWIS:

21 Q Well, in the [REDACTED] case, was the switch defective?

22 A To our knowledge, it was the same situation. They

23 claimed that there was no modifications to the vehicle.

24 And without information to counter that, it's the same

25 situation as I said today, if there's no changes in the

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1 original equipment.
 2 Q If there's no changes in the [redacted] equipment, then it
 3 is defective and it left the factory that way; is that
 4 right?
 5 MR. DAVIS: Object to the form of the
 6 question. No foundation.
 7 A That's a probability statement, again. Possibility and
 8 probability.
 9 BY MR. LEWIS:
 10 Q So you agree, then?
 11 A No, I don't.
 12 Q If there had been no modifications to the [redacted]
 13 vehicle, isn't it true that it is probable that a defect
 14 in the vehicle caused this fire?
 15 MR. DAVIS: Object to the form.
 16 A I have agreed that this vehicle had a fire electrical in
 17 nature. I don't understand your question.
 18 BY MR. McALLISTER:
 19 Q My question is: If no modifications have been made to
 20 the electrical system in the [redacted] vehicle in this
 21 case, that means that the fire was caused by a defect
 22 from the Ford factory?
 23 MR. DAVIS: Object.
 24 BY MR. LEWIS:
 25 Q Agreed?

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1 A Is that a question?
 2 Q Yes.
 3 A What is the question, now? Do I agree to what? You are
 4 giving me a story and I'm listening to you.
 5 BY MR. LEWIS:
 6 Q Is it true that if there had been no modifications to
 7 the electrical system of the [redacted] vehicle, isn't it
 8 true that the fire was caused by a defect in the
 9 vehicle?
 10 MR. DAVIS: Object to the form of the
 11 question. The term "modifications" is vague.
 12 A I have no idea what the vehicle history was. I can't
 13 answer your question. If you are asking me for a guess,
 14 I can guess, but I don't want to.
 15 BY MR. LEWIS:
 16 Q I'm asking you to make an assumption, and that
 17 assumption is: If there has been no modifications to
 18 the electrical system of the [redacted] vehicle up to the
 19 time of the fire, isn't it true that the fire is a
 20 result of a defect, a latent defect that was present
 21 when the vehicle left the Ford factory?
 22 MR. DAVIS: Object to the form of the
 23 question. It's vague as to the term "modifications" and
 24 it is also vague as to what defect he's speaking of.
 25 BY MR. LEWIS:

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1 Q Isn't it true?
 2 A I don't know how to answer your question, in all
 3 seriousness.
 4 If there were no modifications to the vehicle
 5 and it had a fire, we have agreed on a process of
 6 elimination that it was most probably electrical in
 7 nature. To say that anything past that point that it
 8 was defective, without knowing the cause, is
 9 guesswork.
 10 Q If a vehicle catches on fire and it is in the same
 11 condition, basically, as it was when it left the
 12 factory, except it's been used, doesn't that mean it's
 13 defective?
 14 MR. DAVIS: Object to the form of the
 15 question.
 16 A I would say so. If it was defective when it left the
 17 factory, it would have had a fire when it left the
 18 factory, if that's your conjecture.
 19 BY MR. LEWIS:
 20 Q But isn't it possible for a latent defect to take time
 21 for it to cause to fruition?
 22 A Describe the latent defect for me so that I can evaluate
 23 it.
 24 Q A defect in the insulation of a wire.
 25 A What defect in the insulation of a wire?

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1 Q Maybe a nick or maybe a wire rubbing up against
 2 something that is vibrating, something like that.
 3 A How deep of a nick?
 4 Q I don't know. The deepness would only affect how long
 5 it would take, though; right?
 6 A I don't know. What is the width of the defect?
 7 I mean, I can't play "what-if" games. I can
 8 answer your questions to the best of my ability, but I
 9 can't guess and play "what if."
 10 Q All right.
 11 You agree with the process - I'll change
 12 subjects, then - you agree with the basic fire
 13 investigation process that you look for where the heat
 14 damage is. And wherever the greatest heat damage is is
 15 probably where the fire started; is that true?
 16 A I think I quoted that earlier. I agree with that.
 17 Q And in this particular vehicle, you can't find any
 18 evidence to say that the heat damage is more in one
 19 place than another?
 20 A I think that's my statement, also, yes.
 21 MR. LEWIS: Okay. That's all I've got.
 22 MR. DAVIS: No questions.
 23 MR. McALLISTER: I've just got one more
 24 question.
 25 ---

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1 RE-EXAMINATION
 2 BY MR. McALLISTER:
 3 Q I didn't quite understand what you said when Mr. Lewis
 4 was asking you some questions.
 5 You said that less than one quarter of one
 6 percent of vehicles manufactured and up in a vehicle
 7 fire?
 8 A That was the statistics as compiled by NHTSA in the
 9 recall. All vehicles that were involved in that model
 10 year, model applications of the suspect switches, less
 11 than a quarter of one percent actually resulted in
 12 fires.
 13 Q You are just referring to the fires involving the
 14 ignition switches?
 15 A That was the question.
 16 Q Okay. So, if I understand your testimony, Ford has
 17 conceded some liability relating to ignition switches
 18 for automobiles that are not modified; is that true?
 19 MR. DAVIS: Object to the form of the
 20 question.
 21 A They have recalled all the vehicles within that
 22 population for inspection and replacement.
 23 BY MR. McALLISTER:
 24 Q That's not my question.
 25 A Well, I don't understand the question.

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1 Q In the cases that Ford has been sued where Ford has
 2 concluded there's been no modification to the vehicle,
 3 has Ford acknowledged liability for those fires?
 4 MR. DAVIS: Object to the form of the
 5 question.
 6 A You'd have to ask a lawyer.
 7 BY MR. McALLISTER:
 8 Q Let's talk about the cases that you have been involved
 9 in.
 10 A Okay.
 11 Q What about the cases where you have been involved in
 12 where there has been no modification to the vehicle, has
 13 Ford acknowledged liability for those fires?
 14 MR. DAVIS: Object to the form. It doesn't
 15 take into fact all of the circumstances of the
 16 individual cases that you are speaking of, whether it
 17 was actually an ignition switch fire or caused by
 18 something other than the ignition switch.
 19 BY MR. McALLISTER:
 20 Q Let's limit it to the ignition switch fires, where you
 21 made that determination, can you answer my question?
 22 THE WITNESS: Off the record?
 23 MR. DAVIS: When you say "determination," do
 24 you mean -
 25 MR. McALLISTER: No, no, we're not going off

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1 the record.
 2 MR. DAVIS: When you say "determination," are
 3 you saying in cases where he has made a determination
 4 that the fire was caused by the ignition switch?
 5 BY MR. McALLISTER:
 6 Q Let me ask you my question again, Mr. Young.
 7 It's my understanding, based upon your
 8 testimony throughout today, that you have concluded, on
 9 at least two occasions, that a fire in a Ford vehicle
 10 originated at an ignition switch; that the ignition
 11 switch was defective, and that Ford acknowledged
 12 liability for that fire; is that true?
 13 A No.
 14 Q What is incorrect about that?
 15 A In the [redacted] case, which I think you are trying to
 16 paraphrase, the vehicle was part of the population that
 17 was in the recall. I was not able to determine any
 18 modifications to the vehicle that would affect the
 19 electrical system and/or the ignition switch.
 20 I relied that information back to the Office
 21 of General Counsel and they took it from there. I don't
 22 know the status.
 23 Q What happened?
 24 A The case is closed, as far as I know.
 25 Q Was the case settled?

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1 A That's what I'm telling you, I don't know. The case was
 2 closed.
 3 Q Let me ask you this -
 4 A You are asking me a lawyer question, and I'm not a
 5 lawyer.
 6 MR. LEWIS: I apologize. I really thought
 7 that you said it was settled, earlier in your testimony.
 8 A Well, I may have used the wrong term, "settled" versus
 9 "closed," but it didn't go to trial is my point.
 10 BY MR. McALLISTER:
 11 Q Do you have any reason to believe it wasn't settled?
 12 MR. DAVIS: Object to the form of the
 13 question. Asked and answered. Repetitive.
 14 BY MR. McALLISTER:
 15 Q Do you have any reason to believe it wasn't settled?
 16 A It didn't go to trial and it was closed.
 17 Q That wasn't my question. I know it didn't go to trial.
 18 Do you have any reason to believe it wasn't
 19 settled?
 20 A I have no reason not to believe that.
 21 Q Thank you.
 22 So if I understand it, in those categories of
 23 cases, it would be less - well, less than one quarter
 24 of one percent of that category of automobiles that
 25 actually had a fire result, correct?

Friday, June 26, 1998

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1 A I don't know what you said.
 2 Out of all of the vehicles in the population,
 3 which is over 20 million, less than a quarter of a
 4 percent actually had a fire.
 5 Q So when you have talked, all throughout this deposition,
 6 about possibilities and probabilities, that would fall
 7 into the possibility category; correct?
 8 MR. DAVIS: Object to the form of the
 9 question. Vague.
 10 A Would what fall into the category of possibility?
 11 BY MR. McALLISTER:
 12 Q Less than one-fourth of one percent of the vehicles.
 13 MR. DAVIS: Object to the form of the
 14 question.
 15 A That's a fact. That's the same thing as saying we have
 16 eliminated everything but one statement here.
 17 Less than a quarter of a percent did
 18 experience a fire. That's a fact; that's not a
 19 probability or a possibility. It's a fact.
 20 BY MR. McALLISTER:
 21 Q And when Mr. Lewis was asking you questions relating to
 22 the damage, a manufacturing defect causing the fire in
 23 the Willow case, you referred to that as a possibility;
 24 correct?
 25 A That's a possibility, yes.

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1 Q It could be a lot higher than one-fourth of one percent;
 2 isn't that true?
 3 A I didn't put any numbers on that.
 4 Q Isn't it true that it could be much higher than
 5 one-fourth of one percent?
 6 A On the basis of one vehicle, I don't know.
 7 Q You don't deny that, though, do you?
 8 A I can't refute it, no.
 9 MR. McALLISTER: That's all I have.
 10 MR. DAVIS: No questions.
 11 (Deposition concluded at about 4:45 p.m.)
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1 STATE OF MICHIGAN
 2 COUNTY OF WAYNE
 3
 4 CERTIFICATE OF SOLEMN SWORN
 5 I, Shari L. Slybo, a duly commissioned and
 6 qualified Notary Public within and for the County of
 7 Wayne, State of Michigan, and Registered Professional
 8 Reporter, do hereby certify that the witness, whose
 9 attached testimony was taken by me in the entitled cause
 10 on Friday, June 18, 1998, was by me first duly sworn to
 11 testify the above truth in the aforesaid cause; that the
 12 testimony contained herein was taken down by me in
 13 machine shorthand; transmitted upon a computer under my
 14 personal supervision, and is a true and correct
 15 transcript of the whole of the testimony given by said
 16 witness.
 17 I do further certify that upon reading and
 18 signing by the witness, I will deliver the original
 19 transcript into the possession of FREDERICK F. McALLISTER,
 20 Esq., for filing at the time of trial.
 21 I do further certify that I am not connected
 22 by blood or marriage with any of the parties; that
 23 I am not an employee of any of them; nor
 24 interested directly or indirectly in the matter in
 25 controversy, as counsel, attorney, or otherwise.
 26
 27 IN WITNESS WHEREOF, I have hereunto set my
 28 hand at Dearborn, County of Wayne, State of Michigan,
 29 this 10th day of July, 1998.
 30
 31
 32
 33
 34
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-5-			-2-			500 (D)			58:8		
\$1,900 (D)	11:11		2 (D)	5:1	66:10	51 (D)	50:25		58:8	88:24	87:16
\$300,000 (D)	11:21		66:13	67:4		51 (D)	51:2	51:11	94:5	102:4	106:16
\$95,000 (D)	11:5		20 (D)	5:8	27:1	53 (D)	51:2	51:13	108:7		
			28:2	126:3		54 (D)	51:13	52:3	ABS (D)	63:16	93:19
			2000 (D)	103:7	103:11	55 (D)	52:24		94:7	99:7	
			212 (D)	24:12		56 (D)	52:24	33:6	absence (D)		62:4
			219 (D)	24:12		59 (D)	53:10		accept (D)	64:15	
'74 (D)	24:9		25 (D)	26:23	26:23				access (D)	95:3	98:6
'81 (D)	24:23		26 (D)	129:6					106:20	107:7	
'91 (D)	7:12		27 (D)	90:20					accessory (D)		21:6
'92 (D)	76:1	76:3	28 (D)	90:20					21:7		
'94 (D)	76:2	76:3							accident (D)	44:24	
'98 (D)	28:15	28:18							46:18	68:16	104:21
'ground (D)		77:2							104:24	104:25	103:2
'hum' (D)	76:21								105:9		
									accidental (D)	17:16	
									17:18	17:20	100:23
									111:15		
									according (D)		33:3
									78:20	101:16	
									accumulation (D)		14:18
									accurate (D)		28:18
									63:4	67:14	82:10
									acknowledged (D)		123:3
									123:13	124:11	
									across (D)	14:22	
									action (D)	77:11	78:9
									95:3		
									active (D)	29:11	
									activities (D)		94:25
									activity (D)	24:10	
									actually (D)		27:5
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