

Ford Motor Company

James P. Vondale, Director
Automotive Safety Office
Environmental & Safety Engineering

November 20, 2003

Ms. Kathleen C. DeMeter, Director
Office of Defects Investigation Safety Assurance
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, DC 20590

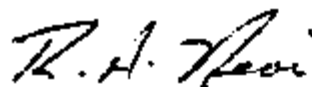
Dear Ms. DeMeter:

Subject: EA02-025:NVS-213bby

As noted in our response to Request 10 of your letter dated July 30, 2003 requesting information concerning the speed control deactivation switch on certain 1993-1995 model year Lincoln Town Car, Mercury Grand Marquis, and Ford Crown Victoria vehicles, certain documents responsive to the request contain information protected by the attorney-client privilege and/or work-product doctrine. Such documents are described in a privilege log and are provided as Appendix O on the enclosed CD (file: 2003-10-24_Appendix_O).

Ford is also providing two copies of additional documents as supplements to Appendices M, N, and P of our September 26, 2003 response. The documents that are supplemental to Appendix P are being submitted to the agency with the understanding that they are covered by the same request for confidential treatment as the original information in Appendix P.

Sincerely,



James P. Vondale

Attachment



Attachment



KEMP LYDICK

Attorneys and Counselors

Campbell Centre II, Suite 875
8150 North Central Expressway
Dallas, Texas 75206

Telephone 214.987.0033
Fax 214.987.0182

www.kemplydick.com
www.kemplydick.com

David O. Kemp
David O. Kemp, J.D., LL.M.


June 28, 2002 JUL - 1 2002

VIA C.M.R.R.R. 7002 0510 0003 9981 3938
and FAX 313.845.4082


Ford Motor Company
c/o Shawn L. Norton, Claims Analyst
Parklane Towers West, Suite 1500
Dearborn, Michigan 48126-2568





OFFICE OF THE
GENERAL COUNSEL

FOR SHAWN

Re: Company : Shelter Mutual Insurance Company
Our Claim Number : 23-71-46951005-1
Our Insured : 
Date of Loss : 06/12/02
Vehicle I.D. : 1993 Mercury Lincoln Town Car
Our File Number : 70000.004.026

Dear Mrs. Norton:

Please be advised that this firm has been retained to protect the interests of Shelter Insurance Company (Shelter), subrogee of  (Insureds), in the above referenced matter. All future contact with Shelter or the insureds should be directed through me.

My understanding of the facts to date are as follows: At approximately 2:50 am Mrs.  was awakened by the sound of a smoke alarm. As she approached the kitchen, she saw a glow and immediately ran back and got Mr. . Mr.  made his way toward the kitchen and observed the glow. The  awakened their son and they all exited out of the window of a bedroom. Subsequently the garage and all of its contents were completely consumed by fire and extensive damage occurred in the kitchen, breakfast area, and the laundry room. It took the firemen approximately 35 to 45 minutes to extinguish the fire.

Two experts have examined the evidence and the fire scene, a fire cause and origin expert, and an electrical engineer. Inspection of the fire scene indicates that the fire began in and around a parked 1993 Lincoln Town Car (hereinafter referred to as the "subject vehicle.") The fire spread from the subject vehicle in the garage area and into the house. When the inspectors reached conclusions as to origin, it was felt no further inspection should proceed until a proper protocol is adopted, approved and all interested parties notified. This is the purpose of this letter to you.

There seems to be general consensus on the part of all who have made an inspection of the fire scene that the area of origin is the subject vehicle. Your product, the subject vehicle, in our view, is responsible for the fire. We are certainly open to any arguments and supporting data to the contrary. If any other potential causes other than your product, the subject vehicle, are, in your view, the correct area of origin, then they should be identified and addressed now. We are not producing an expert report at this time. I will pass along relevant information regarding the forensics investigation to date, as I have already done in this letter.

Your product, the subject vehicle, in our view, has proximately caused the following damages to the insured, including, but are not necessarily limited to, the following:

1. Costs to repair the subject property;
2. The difference in the value of the property, both real and personal, at the above location immediately before and immediately after the described loss;
3. Loss of use damages;
4. Engineering costs and costs of other experts needed to evaluate the effect of and any repairs that are necessary;
5. Reasonable and necessary attorney's fees incurred in enforcing the rights of our client(s) associated with this claim.

We believe the damages in this case may reach \$150,000.00. We reserve the right to assert a claim for the full damages our clients have and will suffer as a result of the defects and failure of the subject vehicle, asserted herein, and your acts of omission and/or commission against our clients. Accordingly, the purpose of this letter is to provide you with formal notice of our client's claim against you and to provide you with opportunity to resolve the claim in a fair and equitable manner without need for further legal action.

If you have insurance which you believe may cover all or any part of this claim, you are requested to notify your insurance company immediately so that they can take

June 28, 2002

Page 3

whatever action they may deem necessary to protect your interests.

Shelter has preserved the area of origin in the subject residence in its post fire condition, as well as the subject vehicle which allegedly caused this fire loss so that you or your insurer can inspect it, if you or your carrier so desire. This is done in a spirit of fairness, so you and your insurer can evaluate our position and/or prepare any defenses which you may think you have in this case. As you well know, the homeowner is eager to begin repairs to his residence as soon as possible. Time is certainly of the essence to this homeowner in getting back into the residence as soon as possible. Consequently, neither Shelter nor the insured's will commence repairs in the area of origin, nor disturb the fire scene, until July 20, 2002, and will make the premises and vehicle available for you or your insurer's non-destructive inspection up to and including July 20, 2002. Please call me at 214.987.0003 ext. 1 to arrange such inspection. One of our representatives will want to be available. After July 20, 2002, such repairs will commence. If you or your insurance company need additional time to inspect the residence in its present condition, beyond July 20, 2002, then notify me in writing as soon as possible.

If you dispute that you are responsible for this claim, as my client alleges, or if you are aware of any facts or circumstances which indicate you are not at fault in this matter, please notify this office in writing that the claim is disputed and state your reasons therefore. If I do not hear from you within twenty (20) days from your inspection or within thirty days from the receipt of this notice, if you elect not to inspect the fire scene and evidence, I will assume the claim to be valid and will proceed in accordance with that assumption. Your failure to so respond will necessitate our filing suit in this matter.

We look forward to your prompt response.

Sincerely,

David O. Kemp
David O. Kemp

DOK:cah

cc: Mr. Les Bryant
Via Fax: 601.524.9791

M. A. STRINGER & ASSOCIATES, INC.

2805 Division Street • Suite 101 • Metairie, Louisiana • 70002

(504) 454-0466 • FAX (504) 454-0458

June 18, 2002

Ms. Kyle Riemer, Claim Representative
State Farm Insurance Company
2435 West Congress
Lafayette, Louisiana 70506

LISA

RE: Fire Analysis Report

Insured: [REDACTED]
Address [REDACTED]

Washington [REDACTED]

Date of Loss: 03-28-02

Claim Number: 18-A132-721

MASA Contract Number: 03024062M

0695-105

Dear Ms. Riemer:

In response to the March 29, 2002 request of [REDACTED] Claim Representative, State Farm Insurance Company, Lafayette, Louisiana, [REDACTED] and Associates, Inc. (MASA) has examined and analyzed the above captioned fire loss. The fire scene was carefully examined on April 1, 2002 by [REDACTED] MASA Chief Fire Specialist, at which time photographs were taken, some of which are included at the end of this report with the remainder being retained in the MASA file. Also at the time of this site visit, the remains of the speed control deactivation switch was removed from the debris in the left rear area of the engine compartment of the 1994 Mercury Grand Marquis vehicle that was parked in the left side of the garage at the time of the fire. It was at this vehicle that the insured, Mr. [REDACTED], reported that the fire originated. These remains are being maintained in the MASA North Shore evidence storage facility and will not be disposed of until we have been authorized to do so in writing.

It was reported to MASA that the fire at the the [REDACTED] residence occurred at approximately 7:00 p.m. and that the fire was initially seen under the 1994 Mercury Grand Marquis, which had not been driven on the day of the fire. It was also reported that they had experienced problems with the speed control system on this vehicle. It was additionally reported

RECEIVED
JUN 19 2002
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/10/2009 BY 60322/UC/STP

all home claims

Attachment

N

FIRE CAUSE DETERMINATION

FOR

**SAFECO INSURANCE COMPANY
1030 NORTHPARK DR., SUITE, B
RIDGELAND, MS 39157**

OF

**VEHICLE FIRE
1994 LINCOLN TOWN CAR**



BY

**JAMES VICKERS, DBA
FIRE LOSS SERVICES
215 INDUSTRIAL COVE
RIDGELAND, MS 39157**

**CASE #FLS11-01
CLAIM #05A003323868
JANUARY 15, 2001**

**JAMES VICKERS, DBA
FIRE LOSS SERVICES
215 INDUSTRIAL COVE
RIDGELAND, MISSISSIPPI 39157
TELEPHONE (601) 856-6903**

REDACTED

January 31, 2001

Client: Safeco Insurance Co.
1030 Northpark Dr., Suite B
Ridgeland, MS 39157

re: Vehicle Fire
1994 Lincoln Towncar
[REDACTED]

Attn: Mr. Dave Perkins

Case #FLS 11-01
Claim #05A003323868

VEHICLE INSPECTION/CONCLUSION

On January 15, 2001, at the request of Ms. Shirlee [REDACTED] [REDACTED] an ASE Certified Auto Technician and I examined the referenced loss at CoPart Salvage, in Florence, Mississippi, under Stock #7160620. Information given indicated the loss occurred November 27, 2000, at 2:44 p.m., while parked under the insured's carport.

An examination revealed a very localized area of burning, at the left fender and left rear of the motor compartment. There was no evidence of extension of the fire into the passenger compartment. A closer examination of the motor compartment revealed the origin of the fire was around the left rear, below the master cylinder and brake booster. This is in the general vicinity of the deactivation switch for the speed control. The fire spread up to the wiring harness, fuel lines and brake master cylinder. Although there was some spread of fire into the remaining part of the motor compartment, this was minimal.

REDACTED

Safeco Insurance Company
Case #11-01

January 31, 2001

Conclusion
Page 2

CONCLUSION

Based on my examination of the loss, and considering the information given, and the report of Mr. [REDACTED] that is attached, it is my opinion the referenced fire was accidental, with an origin in and around the left rear of the motor compartment, at the speed control deactivation switch. The more probable cause is the failure of the deactivation switch, as outlined in Mr. Miller's report.

Respectfully submitted,

James Vickers
JAMES VICKERS
CERTIFIED FIRE INVESTIGATOR

/pv

EA02-025-B 2563 H
EXPERT RPT.

2

City of Gainesville

WO# 0000022881 - EQ:G2080

Date In: 06/24/2002 Time In: 08:18
Status: C Shop: 02
Priority: 5 Track Downtime: Y

Unit #: G2080 Year: 1996
License: 107793 Engine Size: 4.6L
Tire Size 1: P225/70R15 Tire Size 2: P225/70R15
Class: POLI :POLICE SEDAN
Department: 181400 :GPD-SOUTHERN DISTRICT
Meter: M: 68621
Oil Capacity: 10.00 Fuel Capacity 50.00
PM: B: 09/07/2002 C: 05/07/2003

Make: FORD
Transmission: AOD
Fuel Type 1: U
Monitor Group:
Company: 001
EAC: 4
Fuel Capacity 50.00
Warranty: :

Model: CROWN VIC
Color: WHT
Fuel Type 2:
Serial #: 2FALP71W3TX1501E3
SIC: A
GVW: 5362
Operator: awg

Comment 1:
Comment 3:
Comment 2: FORD CROWN VIC-POLICE CRUISER
Last WO #: 000022881 Last WO Date: 06/24/2002

NOTES

TRANS PROBLEM _____
AT 30 TO 45MPH _____ NO SHIFT ENG REVELS UP _____
CHECK TIRES

TEST DRIVE ,TRANS SLIPS BETWEEN 1st AND 2nd. TAKE TO TRANS SHOP.
233 / 224 PICK UP FROM TRANS SHOP

DEFERRED REPAIRS

Repair Type Repair Description

Estimated
Status Technician Labor Time

CURRENT REPAIRS

Repair Type Repair Description

Estimated
Status Technician Labor Time

REDACTED

ENG-028-A 15131M

REDACTED

Ford Motor Company

Clipsheet

27-Aug-2001

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REDACTED

Fire Department: Ford fires start in parked cars

Associated Press 26-Aug-2001

BATON ROUGE, La. (AP) -- Fires broke out last week in trucks that had been parked for hours, and in seven Ford cars over Baton Rouge Fire Department says.

A man sleeping in a 1992 Mercury Grand Marquis that caught fire last week escaped injury only because "someone walked by and said, 'Your car's on fire,'" department spokesman Barry Mounce said.

Ford spokesman Mike Vaughn said there is no pattern to the fires, which broke out in the front left-hand side of the cars. The models involved were 1992, 1993 or 1994 Lincoln Town Cars, Mercury Grand Marquis or Ford Crown Victorias.

"We have looked and investigated statistically into this issue, and the data did not indicate there is a problem," Vaughn said Friday. "The investigation is ongoing."

No one has been injured in the Baton Rouge fires, the first of which occurred in June.

All seven cars had been parked for several hours when the fires broke out, and most of the resulting fires damaged homes or other cars, Mounce said.

The Fire Department began investigating the car fires in June. The latest fire broke out Thursday in a 1993 Lincoln Town Car in a Mall of Louisiana parking lot and damaged four other cars.

Mounce said he believes a pattern has developed and that he hopes Ford's investigation produces information that may save lives and property. "Since it happens when the car is parked, it's a higher potential for someone to be in a house next door and get hurt," Mounce said.

Ford recalled 1992 Lincoln Town Cars, Mercury Grand Marquis and Ford Crown Victorias in 1999 after receiving 147 reports of the cars spontaneously igniting because of an allegedly faulty switch.

The recall urged owners of 279,000 vehicles to take the cars to a dealership to get the switch replaced.

Six of cars that burned this year in Baton Rouge were not part of the recall. Ford sent investigators in June to look at two 1993 Lincoln Town Cars that caught fire. One of those cars was part of the 1999 recall, Vaughn said.

**OASIS RESULT:
2MELM75W2NX708099**

REDACTED

09/28/2001
16:24:18

▶ **VEHICLE INFORMATION**

VEHICLE DESCRIPTION
1992 GRAND MARQUIS
TRANSMISSION
4 SPD OD AODE

BODY STYLE
4 DR SEDAN LS
AXLE CODE
Y8

ENGINE
4.6L SOHC (ROMEO)

ENGINE CALIBRATION
216FR00A

▶ **GENERAL WARRANTY INFORMATION**

WARRANTY START DATE
05/07/1992

BUILD DATE
03/13/1992

START ODOM

▶ **WARNING MESSAGES**

LESS THAN TWO DEALER APPROVED AWA REPAIR VISITS PAID TO DATE

▶ **FIELD SERVICE ACTIONS**

98S15 SPEED CONTROL DEACTIVATION SWITCH

▶ ***EXTENDED COVERAGES**

NO ESP INFORMATION AVAILABLE

▶ **REPAIR HISTORY**

NO REPAIR HISTORY ON VEHICLE

END OF OASIS REPORT FOR 2MELM75W2NX708099

0902-020-01 14789 IN

ANALYTICAL WARRANTY SYSTEM

Vehicle Information Report

REDACTED

GENERAL VEHICLE INFORMATION:

(Related Claims)

VIN: 1L1ALMBW4FY723230 Veh Line: CVB - TOWN CAR (F0667N116) (91-97) Eng Serial No: W
 Model Year: 1993 Market Derived: CM - L-M DIVISION DERIVATIVE Body Style: *
 Veh Type: C Drive Code: C9 - 3 WHL LH REAR DRIVE Engine: CVN - R-M 4.0L SOHC EFI NA CIV6 G-HP
 Inv. Dealer: 12294 Body Csh Style: CFC - 4 DOOR SEDAN-6 LITE Transmission: CDE - 4 SPD AUTO TRANS NAAD AODH
 Version/Series: CYS - CARRIER VERSION

BUILD INFORMATION:

Region: NA - #00000000 Plant: BA - WIXOM PLANT BUILD
 Country: USA - #00000000 Prod Date: 19-MAR-1993

SALE INFORMATION:

Region: NA - #00000000 Selling Dealer: 322408 - *
 Country: USA - #00000000 Selling Div/Prov: LA
 Buyer Div/Prov: LA
 Arrival Date: 05-APR-1993 Mod Cargo Lease: *
 Sale Date: 30-APR-1993 Fleet/Retail/Co. Lease: R
 Warranty Start Date: 30-APR-1993 Modified Vehicle: *
 Orig Warranty Date: 30-APR-1993 Recaptured Vehicle: * Vehicle Export Flag: N

VOC/EOC:

-----1-----2-----3-----4-----5-----6-----7-----8-----9-----
 00399723230 4L 2 08C9001 40 0 RTY 398 6 0 LE A 00 220408 0 00 08 0 0 0
 1L1ALMBW 760A3900

FR82-025-0 14798 M

INSTALLED OPTION INFORMATION:

Air Conditioning:	CC - A/C AIR CONDITIONER	GVW Code:	-
Alternator Amp Rating:	*	GVW Class Code:	L
Audio Disk:	* - [N/A]	Instrumentation:	AC - ELECTRONIC INSTRUMENTATION
Axle Ratio:	EQACC - 3.08 FINAL DRIVE RATIO	Mirror(Driver Side):	* - [N/A]
Axle Type:	EGJAC - LIMITED SLIP REAR AXLE	Mirror(Passg Side):	* - [N/A]
Battery Amp Rating:	72	Paint:	PHYCK - OPAL OPALESCENT TRICOAT
Brake Code:	FEAAB - 4 WHL ANTI-LOCK BRAKES	Power Antenna:	* - [N/A]
Brake Code(Service):	* - [N/A]	Radio:	AQ - SLETR PREMIUM AM/FM STEREO
Calibration Code:	316J21A	Sound System:	* - [N/A]
Color(Accent):	* - [N/A]	Stays Traction Axle:	* - [N/A]
Color(Trim):	000YD -	Tire Brand:	AJ - MICHELIN - RECYCLABLE
Delivery Type:	0	Tire Size:	D90EP - P215/70R15 WSW
Driveshaft Code:	*	Traction Control:	* - [N/A]
Front Seat:	* - [N/A]	Wheel Base:	* - [N/A]
Fuel Type:	* - [N/A]		

TIRE DOT INFORMATION:

LF:	* RH	*
LR:	* RL	*
LT:	* RL	*
SPARE:	*	

ESP INFORMATION: EMISSIONS INFORMATION:

ESP Code:	* Emission Code:	CB - CB
ESP Coverage(Mile):	* Emission Cert Type:	F
ESP Coverage(Year):	* Emission Regn Suffix:	JY
ESP Plan Year:	* Engine Family:	FFM46V5H0F2
ESP Signature Date:		

Any comments?

ESP2-025-R 14701

REDACTED

Sheffield, Drew (D.L.)

From: Sheffield, Drew (D.L.)
Sent: Friday, December 07, 2001 9:46 AM
To: Jurecki, Raymond (R.)
Co: Drew Sheffield
Subject: FW: Texas Instruments Brake Switch UPDATE

Ray,
fyi we have little choice, but to go ahead and sign a forward looking Indemnity Agreement with TI covering production and service. Just wanted to give you a heads up. Although you buy direct from TI so have a p.o. covering your parts, they ship millions of these T2 and will not ship into 02 without an Indemnity Agreement covering production and service parts.

-----Original Message-----

From: Lampe, Douglas (D.B.)
Sent: Wednesday, December 05, 2001 4:52 PM
To: Sheffield, Drew (D.L.)
Subject: RE: Texas Instruments Brake Switch UPDATE

.....
REDACTED

Regards,
Doug Lampe
dlampe@ford.com
313 594 4111

-----Original Message-----

From: Sheffield, Drew (D.L.)
Sent: Wednesday, December 05, 2001 4:30 PM
To: Lampe, Douglas (D.B.)
Subject: RE: Texas Instruments Brake Switch UPDATE

-----Original Message-----

From: Lampe, Douglas (D.B.)
Sent: Wednesday, December 05, 2001 4:27 PM
To: Sheffield, Drew (D.L.); Shepard, Scott (S.A.); Engel, Jeff (J.R.)
Cc: Porter, Fred (F.J.)
Subject: RE: Texas Instruments Brake Switch UPDATE

Regards,
Doug Lampe
dlampe@ford.com
313 594 4111

-----Original Message-----

From: Sheffield, Drew (D.L.)
Sent: Wednesday, December 05, 2001 4:22 PM
To: Engal, Jeff (J.R.); Scott Shepherd
Cc: Porter, Fred (F.J.); Lampe, Douglass (D.B.); Drew Sheffield
Subject: Texas Instruments' Brake Switch UPDATE

Scott/Jeff:

Texas Instruments sent me a letter today with their interpretation of the agreement made during our 11/29/01 conference call. Their letter confirms our agreement to review the performance data and states "Texas Instruments agreed to continue shipping beyond Dec 31, 2001 based on:

- a. Ford's current plan to accelerate resourcing of this product to another supplier and,
- b. Ford granting TI indemnity for switches manufactured from January 1, 2002 forward, in line with the wording of TI's November 8, 2001 letter

... In the event that Texas Instruments' interpretation of the field/safety data is not consistent with Ford's conclusion that the switch application is safe for all applications, we will need to revisit the backward looking indemnity requested in our November 8, 2001 letter and forward looking supply of the switch."

I mentioned Ford's previous offer to sign forward looking indemnity early in our phone conference, but TI never brought the topic up later in the discussion. Based on this letter, I recommend we proceed with granting the forward looking indemnity as previously discussed.

I would like to get back to Texas Instruments ASAP.

Thank you.

REDACTED

