

GREENE LAW FIRM

ATTORNEYS AT LAW
WEDGE INTERNATIONAL TOWER
1415 LOUISIANA, SUITE 3200
HOUSTON, TEXAS 77002



BRANCH OFFICE:
ATHENS, TEXAS
903-675-1161

2004 JAN 16 PM 1:58

TELEPHONE: 713-547-0500
FACSIMILE: 713-547-0506
E-MAIL: GREENELAW1@ACL.COM

December 11, 2003

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

Add # 10026462

Re: PE03-044 - Accelerator Pedal Assembly Units in Ford Super Duty Trucks

Dear Ms. DeMeter:

I am representing the family of Johnny Hudson in a wrongful death case against Ford Motor Company based on a defective accelerator assembly unit in a 2001 year model Ford Super Duty truck with a 7.3l diesel engine. The style of the case is: Cause No. 02-137; *Sandy Hudson, et al, vs. Joseph Todd Pearah, et al*; In the 3rd Judicial District Court; Henderson County, Texas.

As part of the discover in the case, Ford has produced multiple boxes of documents that they have produced to you in response to your PE03-044 investigation. Additionally, Ford produced a copy of its response to your letter requesting information from Ford, which was written by James P. Vondale, Director, on December 2, 2003.

Although I have not had the opportunity to completely review all of the documents and material produced by Ford, I would like to point-out a few glaring oversights in Ford's response. First and foremost, Ford refers to my particular litigation on page 16 of their response. Ford conveniently omitted the fact that the driver of the vehicle gave a sworn statement on the day of the accident that when he attempted to make the left hand turn, the truck would not respond when pressure was applied to the accelerator. Rather than going forward, the truck only "eased" into the oncoming lane and caused the accident. I am attaching the driver's statement to this letter for your file, as well as the service invoice from a Ford dealership that discovered the defective accelerator.

A brief perusal of Ford's response reveals that Ford is attempting to minimize the overall breadth of the inquiry and limit the focus to only "adjustable accelerators" because Ford has discovered a problem with adjustable pedals. However, I would ask that your agency conduct a thorough investigation into the fixed accelerators as well and not allow Ford to hoodwink your agency into limiting the scope. In my case, the 2001 Ford truck had a "fixed" accelerator that was unquestionably discovered to be defective. Whether it was

GREENE LAW FIRM, P.C.

ATTORNEYS AT LAW

December 11, 2003

Page #2 of 2

because of some component or sensor failure or whether it was because of an improper installation, the end result was an unreasonably dangerous situation. In addition to the Ford truck in my case, I accidentally discovered another truck that had the same occurrence (lack of throttle response) that was discovered by a Ford dealership about a month prior to the accident in my case. The truck had a fixed pedal as well. I am attaching the service ticket hereto for your file. It certainly does not appear that the issues with the accelerators are limited to the "adjustable pedals".

In addition, I also discovered on the Internet that Ford has acknowledged a similar problem in Ford vans built during June and July of 2003 with 7.3l diesel engines. The web-site where I noticed the issue is: <http://www.intellidog.com/dieselmenn/bulletin.htm>. I printed the information from the web-site and am attaching it hereto. It appears that Ford has not limited the scope with the vans to only "adjustable" pedals. Did Ford disclose this fact to you in their disclosure statement?

Finally, I find it totally irresponsible for Ford Motor Company to make the representation that a vehicle that does not respond when a driver attempts to accelerate is not an "unreasonable risk to motor vehicle safety". Any situation in which a driver is unable to accelerate poses an unreasonably risk to injury not only to the driver of that vehicle, but to other motorists as well. The situation is akin to a vehicle that is stalled on the highway. Every day, motorists throughout the county encounter driving scenarios in which a vehicle that does not respond would create an very unreasonably risk. For instance, if a motorist is attempting to enter a freeway here in Houston and the vehicle fails to respond, that motorist is in danger of getting hit from behind. There are many highways throughout the Country in which there are absolutely no shoulders in which a motorists could go to get out of the way of danger. Further, any vehicle that is stranded on a shoulder creates an unreasonable risk itself. While I was reading the Houston Chronicle this morning, I noticed where a person was killed when his vehicle stalled. The article is attached hereto. Finally, it is obvious that an unreasonable risk is created when a motorist attempts to make a left-hand turn and the vehicle only idles forward (rather than proceeding as usual). However, Ford takes the contrary and unfathomable position that a defective accelerator does not pose a danger or unreasonable risk to motor safety.

I appreciate your time and attention to this matter. If you need any additional information from me, please do not hesitate to contact me directly.

Very truly yours,
GREENE LAW FIRM, P.C.


Troy L. Greene

JUVENILE STATEMENT FORM

State of Texas § In the Justice Court
County of Henderson § Precinct No. 4 Place 1

My name is [redacted] and I am [redacted] years of age. I live at [redacted] in the city of LaPlake in Henderson County, Texas. I have 12 years of education and do read, write and understand the English language. I have been warned of my juvenile rights, pursuant to Section 51.09, Texas Family Code, by Magistrate, Sue Tarant JPH 4 in the city of Athens, Henderson County, Texas at 4:40 o'clock P.M., on the 7th day of June, 2002

I UNDERSTAND MY RIGHTS AS THEY HAVE BEEN EXPLAINED TO ME AND I DO HEREBY FREELY, KNOWINGLY AND VOLUNTARILY, WITHOUT BEING INDUCED BY ANY COMPULSION, THREATS, PROMISES OR PERSUASION, MAKE THE FOLLOWING STATEMENTS IN WRITING:

I was coming from work in my boss's truck going to his house. I was on HWY 178 turning on to Michael's Cove Road, and I looked to see if any one was turning onto the HWY and there was a car waiting to turn then I looked forward into the oncoming lane and there was a Red van about 15 car lengths ahead so I tried to proceed and when I

Sue Tarant
Signature of Magistrate

6/7/02
Date Signed

[redacted]
Signature of Juvenile

6/7/02
Date Signed

Sue Tarant
Name of Magistrate (Print or Type)
Justice of the Peace, Pct. 4, Place 1
Athens, Henderson County, Texas

I felt a "my breaks and had to accel
for the fear the truck just sped
into the other lane and would not go
The the van struck my truck and spun me around
in a circle then to a complete stop.

~~_____

_____~~

Sue Tarant
Signature of Magistrate

6/7/02
Date Signed

Sue Tarant
Judge Milton

Name of Magistrate (Print or Type)
Justice of the Peace, Pct. 6, Place 1
Athens, Henderson County, Texas

~~_____~~
Signature of Juvenile

~~6/7/02~~
Date Signed

Man killed after stalled car hit

A Houston man was killed when a pickup hit his car, which was stalled in a moving lane on the West Loop North.

Zeng Gao, 38, of the 6800 block of Stroud was sitting in the front right passenger seat in the freeway's 1800 block near Hempstead late Tuesday.

Another Houston man, 43, also in the car, was taken to Memorial Hermann Hospital. The pickup was driven by a Richmond man, 22.

State

Officials look into body mix-up

AUSTIN — Travis County officials are investigating how the medical examiner's office accidentally released the wrong body to a funeral home, which cremated the remains.

The mix-up occurred last week, when funeral home officials went to pick up the body of Paul Williams, 36, of Cedar Park, who had been hit by a train. They were mistakenly given the body of Rayford Floyd, 36, who died in a car wreck. The funeral home then cremated Floyd's

body, thinking it was the body of Williams.

In 1986, a similar mistake generated new protocols at the medical examiner's office. This is the first mix-up since.

The mistake was recognized Saturday morning, when workers from a mortuary service hired to pick up Floyd's body for a Burnet County funeral home arrived and asked for his remains.

UT-Arlington on probation

FORT WORTH — The University of Texas at Arlington has been placed on probation because its revised mission statement was submitted late.

Interim UT-Arlington President Charles Sorber called the situation "a bureaucratic nightmare" and criticized the Atlanta-based Southern Association of Colleges and Schools, which accredits schools in 11 states.

An official with the Texas Higher Education Coordinating Board, which was supposed to submit the mission statement, said he found it Tuesday morning before the association's afternoon vote.

Despite the probation, UT-Arlington remains accredited.

From staff and wire reports

HARDWOOD FLOORING 99¢

1-800-451-9993

14 days until...

she sees her gift in your hand. It's a little box with a pretty bow. And inside is a velvety jewelry box. And her heart starts to race...



The Diamond Jewelry Factory
www.diamondjewelryfactory.com

6682 Westheimer, Houston, TX 77061
713.789.0110
Holiday Hours: #F 10-6:30 • Sat 10-6 • Sun 12-4

JIM BASS *Ford* HONDA-MAZDA

2901 Sherwood Way - P.O. Box 3488
SAN ANGELO, TEXAS 76902
(915) 949-4621

VIN: FOC578096	
20166	
MASON, TX	
NAME	PHONE
LARRY W. GREGORY	1353 2295
ADDRESS	CITY
35177	38.668
01/FORD TRUCK/HEAVY TRUCK/F250 CREW	
1ETNM21FB1EA94412	
DATE	TIME
06/01/02	06/01/02
SALES	SALES
SALES	SALES

LABOR & PARTS
 W-1 0402 DRIVE DRIVEABILITY (TECHS) 1221
 NOT ACC. AT TIMES
 FROM MES TESTS BTC P1221 & P0222 PUMP/POINT TEST FE-1 NO FE-2 Y
 ES FE-3 YES REPLACED ACCELERATOR PEDAL ASY 42 IDES NOT OPERATE
 PROPERLY CLEANED COILS & RETEST P1111 ROAD TESTED

PARTS	QTY	FP NUMBER	DESCRIPTION	UNIT PRICE	WARRANTY
JOB # 1	1	3532-9F838-0A	FIL & SRS ASY		
JOB # 1 TOTAL PARTS				9.00	
JOB # 1 TOTAL LABOR & PARTS				9.00	

MISC	CODE	DESCRIPTION	WARRANTY	WARRANTY
JOB # 1		NEW WARRANTY DEDUCTIBLE - WARRANTY	78096	WARRANTY
JOB # 1		NO WARRANTY DEDUCTIBLE - CUSTOMER	78096	100.00
TOTAL - MISC				100.00

TECHNICIAN CERTIFICATION
 1221 JAMES E. HICKMAN 6107

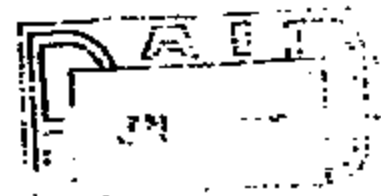
TOTALS

TOTAL LABOR...	9.00
TOTAL PARTS...	9.00
TOTAL SALES...	9.00
TOTAL G.O.G....	9.00
TOTAL MISC CHG...	100.00
TOTAL MISC DISC...	9.00
TOTAL TAX.....	0.00
TOTAL INVOICE \$	100.00

YOUR OPINION IS IMPORTANT TO THE BASS BRANCH
 YOU MAY RECEIVE A SURVEY FROM FORD OR HONDA CONCERNING
 THIS SERVICE VISIT. PLEASE TAKE THE TIME TO ANSWER IT.
 SO WE MAY BETTER SERVE YOU. WE WANT YOU TO BE 100%
 SATISFIED. IF FOR ANY REASON YOU ARE NOT, "PLEASE" GIVE
 US A CALL @ 949-4621.

FORD HONDA & MAZDA NEW PARTS INSTALLED BY JIM BASS FORD
 HONDA MAZDA ARE GUARANTEED 12 MONTHS OR 12,000 MILES,
 WHICHEVER COMES FIRST. PARTS & LABOR. NO GUARANTEE ON USED
 PARTS. LABOR ONLY REPAIRS ARE GUARANTEED 90 DAYS OR 2,000
 MILES, WHICHEVER COMES FIRST. DRIVEABILITY REPAIRS ARE
 GUARANTEED ONLY ON THE PARTS THAT ARE REPLACED.

CUSTOMER SIGNATURE



SALES & SERVICE TO BE MADE BY THE SALES PERSONNEL

2003 Econoline Remains at Idle and/or Trouble Code P0221:

Some vans built during June and July 2003 with the 7.3 engine may remain at idle regardless of accelerator pedal position. This condition may be intermittent and the check engine light may be illuminated. If a P221 trouble code is in the computer, replace the accelerator pedal assembly with P/N XC2Z-9F836-AA. If there is no code, or the condition persists after pedal replacement, follow normal diagnostics. Use a scan tool to monitor AP voltage and IVS mode/state. IVS should switch from OFF to ON before AP reaches 1.6 volts. Broadcast Message 0999.