NHTSA ccmMercury Routing Slip

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Printed: 9/30/2004

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NHTSA #: ES04-007211	Rec'd Date: 9/30/2004	Referred By: NEC-110
XREF #:	Doc Type: PET	Doc Date: 9/5/2004
Delivery: MESSENGER ENV.	Address To: NVS200	**Due Date: 1/31/2005**
S10 #:	DOT/I #:	RMP #:

Subject: PETITION FOR THE INVESTIGATION OF A 1996 CHRYSLER LHS RE DEFECTIVE FUEL RAILS, ABS BRAKES AND THE FRAME CONSTRUCTION/ALIGNMENT, ENCL NOT IMAGED FWD TO NVS-200

Ack Date:	Ack By:	
Sign Office: ENFORCEMENT	Signature: WEINSTEIN	Signed For:
Cleared Date:	Cleared By:	Cleared For:
File Loc:	XREF File:	**Closed Date:**
Added By: SHARRIS x62534	Modified By: SHARRIS	

Most Recent Comment:

Author:

[redacted]

ISELIN, NJ [redacted]

Tel: [redacted] *Fax:* *E-mail:*

Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-200	REPLY	9/30/2004	1/31/2005	
NVS-010	INFORMATION	9/30/2004		9/30/2004

Petition

Assigned to Jon White 10/1/04

SDH

[redacted]
Iselin , N. J. [redacted]

[redacted]

September 5,2004

A Petition of Investigation
Office Of Defects Investigation C/O
National Highway Trafic Safety Administration
Room 5319 , NVS-215
400 7th Street SW
Washington , D C 20590

For public safety and to perform a citizen's duty , I Robert Galanty hereby petition the National Highway Trafic Safety Administration for the following reasons pertaining to the 1992-1997 Chrysler LHS family of vehicles namely initiating with VIN number 2B3HD56F3TH306742 which exploded on July 2,1996 with 250 miles on the odometer (Note: This vehicle is beleived as per Chrysler / U S Customs records to have been a Canadian gray Market vehicle) to conduct an investigation into the left and right fuel rail subject to Chrysler recal number 790 , ABS brakes subject to earlier recall number unknown at this time and the frame construction / allignment.

POINT I

On July 2,1996 with 250 miles on the odometer there was an explosion in the subject vehicle. A hole about three and a half inchs in diameter was blown out from the center inner layer of the windshield on the drivers side below the windshield wipper. There was a red residue deeply embedded into the glass (Exhibit A Picture of incident , exhibit B Picture of odometer) (Note: As per Exhibit C , a report by expert witness Terry Shaw the same red residue was found on the fuel rail . The car was flat bedded to the dealer Dayton Dodge , Dayton New Jersey where it stayed for almost one month. When I picked up the car It had the wrong type windshield installed and the windshield wipers were replaced with another type. The tint band on the windshield is so low I went through red lights. The dark blue tint blocks out red light. I was forced to pay for the windshield and demanded the old one back so it could be sent to a foresnic lab.Dayton / Chrysler refused to return the windshield. They also claimed no other parts were changed. During litigation a document showed the cowl to have been repaired/replaced (Exhibit - D) . On February 3,1999 at about 5:45 AM the right fuel rail split open. The car was taken to Mauro motors , Woodbridge , New Jersey as per Exhibit E. Notice should be taken of the dates of exhibits c and e . On November 14,2000 I was car napped by Dayton Dodge's expert witness later named as Chrysler's expert witness. The car was returned to me destroyed. The car with 7685 miles on the odometer has been preserved as evidence. At the time of this incident the fuel rails still seeped gasoline and could not stay sealed as per exhibit c.

POINT II

Within about month of ownership of this vehicle I started noticing contamination of the brake fluid in the master cylinder. Chrysler representitive Gary Zener called the contaminants speckles. He claimed this was a lubricant from the cylinders getting into the fluid system. Fluid pressure should force fluid to the outside world rather then against pressure allow a external lubricant into the fluid system (Exhibit F Zener report) This vehicle experienced brake failure, the pedal went to the floor without stopping. Until the day it was destroyed by Chrysler's expert the car suffered from prolonged stopping as well as brake failure. Chrysler's expert Michael Glaser boiled the fluid for the purpose of determining the boiling point. (Exhibits G Glaser's deposition , Exhibit H photo) In doing so he boiled away the lighter contaminating fluids making complete identification impossible as per Exhibit I the EMSL lab report. The gas chromatograph test was for both a standard sample from a brand new container of Chrysler DOT 3 brake fluid as well as the subject sample drawn from the master cylinder. The test showed a cluster of points in the standard sample not found in the subject sample. This is believed to be alchohol based dryers which either evaporated with time or were destroyed when the fluid was boiled by Chrysler's expert. The cluster of points found in the subject sample not found in the standard sample were considered contaminants. The Mass Spectrometer test was to define the contaminant. The results were defined only as unknowns. Lab director Gerold Miller Ph.D. stated there was not enough contaminant levels to go forward with more testing. Exhibits J and K are pages 5-19 and 5-86 of the 1996 Chrysler Service Manual for the New Yorker , LHS , Concord , Intrepid and Vision. This shows Chrysler was aware of the problem but has refused to admit it. (Note : Dr. Miller was expert for Robert Galanty) . The samples have been preserved as evidence.

POINT III

On February 14,2000 Robert Galanty was car napped by Micheal Glaser expert for Chrysler in what was to have been yet another inspection of the vehicle. I was warned of Chrysler stealing cars in litigation so I refused to allow Chrysler to simply tow the car to a dealer without my being permitted along. They thereafter changed their gameplan and had Mr. Glaser come to my home at which time he was told the car does not leave the driveway without me or a representitive for purposes of ensuring the security of the vehicle which was evidence. Shortly thereafter Mr. Glaser made off with my car. I received it back destroyed. The car was never driven again. Experts on both sides agree the damage was caused by a tow truck. Chrysler is arguing their tow truck damaged the car a week later when they wanted to inspect the damage. The damage was noted before their tow truck was ever called. This prompted further expert witness who in addition to finding the recent damage conducted a frame alignment test with a laser frame alignment measuring machine and found front and rear right rotation of the frame. The front has been termed as being severely rotated to the right while the rear is less so but still out of spec. This has been described as being responsible for a multitude of difficulties with the car. The frame rotation is negligent manufacturing. All welds were intact and there was no signs of damage or rework. Mr Van Arsdale testified about the dynamic problems created by the rotation of the frame including unpredictable response especially in pending time of an accident. Improperly supported weight of

the engine is also of prime concern especially in a vehicle which suffered two fuel rail failures within 6053 miles. Experts claim frame misalignment is not uncommon in the Chryaler Vehicles. (Exhibit L George Van Arsdale Report). Exhibit M Is the vehicle summary report showing a milage desrepency on date of purchase , June 15,1996. Exhibit N is a group of reports by expert Erik Carlsson.

For the sake of public safety an investigation should be conducted. The car has been preserved as evidence and is available to you. Chrysler should be held liable for these defects and must be forced to buy back these cars and pay all costs incurred by owners of these vehicles.

Please return the enclosed copy marked filed (and dated) in the self addressed , stamped envelope.

Sincerely,

[redacted]

EXHIBIT INDEX

Exhibit - A	**Windshield Pictures July 2,1996**
Exhibit - B	**Odometer Picture July 2,1996**
Exhibit - C	**C-1 Terry Shaw Report April 4,1997** **C-2 Terry Shaw Report December 15,2000**
Exhibit - D	**Work Order Dayton Dodge July 11,1998**
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Exhibit - F	**Chrysler Report Gary Zener September 24,1996**
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EXECUTIVE SECRETARIAT

2004 SEP 30 A 11: 18

[redacted]

Iselin , N. J. [redacted]

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EA04-007211

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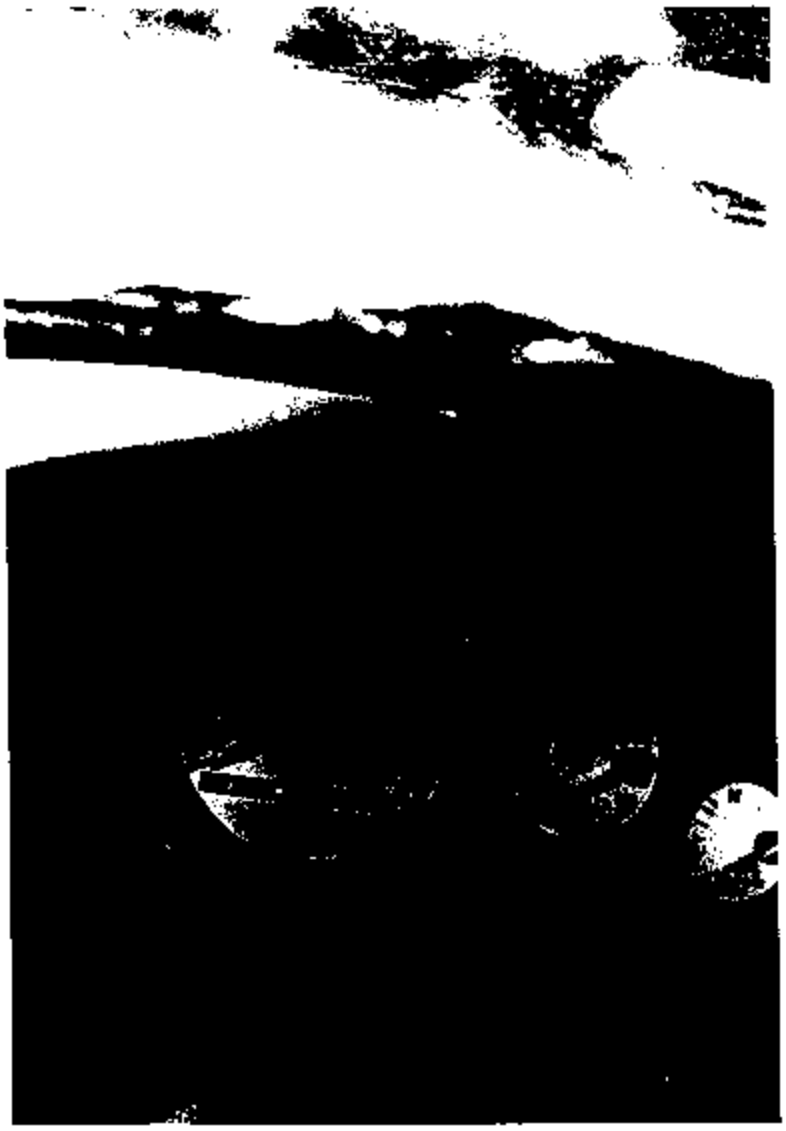
6 97



Automotive Legal Service, Inc.
P.O. Box 628, Dresher, PA 19025
Phone 1-800-467-1947 • 215-659-4947
FAX 1-215-657-5843
Terry Shaw, Sr
& Associates

Automotive Appraisal Specialists
Accident Investigations
Automotive Product/Service Disputes
Insurance Claim Dispute Specialists
Litigation Opinions/Testimony
Qualified Expert Witness
Arbitration/Umpire Services
Pre Loss Evaluations/Appraisals
Lemon Law, Warranty
Evaluations, Opinions
Lease Termination Disputes
Custom Collision Repair Estimates
Automotive [redacted]

PA State Licensed
(Registered USA)
Member S.A.E.
Regional Director
National Muscle Car Assn
Member N.A.T.O.R.I.
Graduate Vale Automotive
Technical Institute
ASE Certified
Advisory Board
N.A.D.A. Appraisal Guides
Collector Car & Truck
Value Guides

April 4, 1997
Page 1

[redacted]
Tsalin, NJ [redacted]

RE: Condition/Operable Evaluation
SUBJECT VEHICLE : 1996 Dodge Intrepid ES - VIN 2B3HD56F3TH[redacted]
DATE of EXAMINATION 3/22/97 - ODOMETER- 2,454 Miles

BACKGROUND -

The above identified subject vehicle was purchased by [redacted] from Dayton Dodge, [redacted], Dayton, NJ [redacted] on June 6, 1996.

On August 19, 1996 and other dates the subject vehicle was returned to the selling dealer for repairs including the repeated complaint of a hard 3 to 2 downshift originating from the subject vehicles transaxle.

Prior to my "hands on" evaluation of the subject vehicle I reviewed 125 pages of case relative documents including NJ Lemon Law Application, Dayton Dodge Service Invoices, NHTSA Complaint/ Service Bulletins including Chrysler/ALLDATA regarding the subject vehicles transaxle.

EXAMINATION:

On 3/22/96 I traveled to Mr. Galantys home and interviewed him as to his experiences with the subject vehicle.

Prior to test driving the subject vehicle I visually checked the subject vehicles fluid levels and tire pressures.

The vehicle started correctly and I waited several minutes for it to initially "set its' self up diagnostically and generate some heat to its driveline componets.

I drove the subject vehicle for 59 miles through various traffic conditions over a period of 2 hours.

[redacted] vs. Dodge
April 4, 1997
Page 3

CONCLUSION: Continued

According to their invoices it would appear they relied soley on Chryslers OBD (On Board Diagnostics) which evidently did not exibit any fault codes.

I have driven numerous Chrysler Corporation Concords/Intrepids New Yorkers and Visions which share the same transaxle series.

The subject vehicle definately exibits a downshifting non-conformity, not unheard of, but certainly non characteristic of the majority of similarly transaxle equipped Chrysler products.

OPINION -

It is with the highest degree of professional certainty, beyond a reasonable doubt I state the following professional opinion -

At the time of my examination the subject vehicle definately exhibits a non-characteristic nonconformity in the form of a inconsistant, random variation in the downshifting timing and harshness when it does occur.

This nonconformity constitutes a safety hazard in that the owner/driver of the subject vehicle, in the event of a immediately needed response to a unexpected traffic hazard, would not be sure of his vehicles immediately needed quality of acceleration.

It is my professional opinion the problem exists within the manufacturers electronic engine management and transmission control processing units.

While the vehicles engine and transmission sensors might fall within servicable parameters, a combination of border line inputs or possibly a non diagnostic fault or a combination thereof would reasonably be suspected.

Respectfully submitted,

Terry Shaw

Terry Shaw

CERTIFICATION OF TERRY SHAW B6

Terry Shaw, of full age, being duly sworn in, according to law, upon his oath, deposes and says:

1: The following is a breakdown of the time expended on Gaianty vs. Chrysler Motor Company (Dodge)

DATE	DESCRIPTION OF SERVICES	TIME	HOURLY FEE
03/10/97	Review letter from Attorney Glasner, re: retaining services/CV and fee schedule	.10	$125.00
03/12/97	Review documents relative to Lemon Law claim for subject vehicle	1.00	$125.00
03/15/97	Contact plaintiff, schedule appointment	.10	$125.00
03/22/97	Travel to and from Ivalin, NJ from Dresher PA to examine subject vehicle	3.50	$50.00
03/22/97	Interview plaintiff, review repair orders examine vehicle	3.50	$125.00
03/26/97	Phone call to Attorney Glasner relative to findings of examination outlined on 03/22/97.	.15	$125.00
03/23-29/97	Prepared report	3.00	$125.00
04/01/97	Prepare affadavit of services rendered	1.00	$125.00
04/17/97	Travel to/from OAL hearing, Mercerville from Dresher, PA	2.00	$50.00
04/17/97	Pre trial prep, ready to testify as expert witness in court for all proceedings this date	4.00	$125.00

2: The total billable time expended in this matter is:

	11.85 hours @ $125.00 -	$1481.25
	5.50 hours @ $ 50.00 -	275.00
TOTALS ----------	17.35 hours ---------	$1756.25

3: I have significant experience providing expert witness testimony involving Lemon Law, Quality of Merchantable Services, Insurance Claim, Warranty, Lease, Accident Investigations, Reconstructions etc.

My clients include, but are not limited to: Allstate, State Farm, Nationwide, American Reliance, Crawford and Co, U.S. Marshalls Service (Eastern PA, Southern NJ Region), Lehigh County (PA) Public Defenders Office, CitiCorp N.A., Bank of New Jersey, Hudson Bank, Bank of Mid Ohio, Essex Credit Corporation.

Automotive Legal Service, Inc.

P.O. Box 626, Dresher, PA 19025
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Terry Shaw, Sr.
& Associates

Automotive Appraisal Specialists
Accident Investigations
Automotive Product/Service Disputes
Insurance Claim Dispute Specialists
Litigation Opinions/Testimony
Qualified Expert Witness
Arbitration/Umpire Services
Pre-Loss Evaluations/Appraisals
Lemon Law, Warranty
Evaluations, Opinions
Lease Termination Disputes
Custom Collision Repair Estimates
Automotive Consumer Advocates

PA State Licensed
(Reciprocal USA)
Member S.A.E.
Regional Director
National Muscle Car Assn.
Member N.A.T.O.R.I.
Graduate Vale Automotive
Technical Institute
ASE Certified
Advisory Board
N.A.D.A. Appraisal Guides
Collector Car & Truck
Value Guides

Laurie Rush-Masuret, Esquire
75 Claremont Road
Bernardsville, NJ 07924

December 15, 2000
ALS 00-058
Page 1

RE: Conditional/Operable Mechanical Evaluation
SUBJECT VEHICLE: 1996 Dodge Intrepid CS - VIN 2B3HD56F3TH306742
DATE of EXAMINATION 9/29/99 - ODOMETER 6,885 Miles

BACKGROUND -

I, Terry Shaw. t/a Automotive Legal Service have been retained to examine the above identifed subject vehicle for various problems.

The disputed problems include infrequent computer controlled hydro electric driveline assembly operable quality malfunctions, a problem with contaminated brake fluid (visible in the master cylinder), a spongy brake pedal responce/low pedal when cold, cracks in the rear window C pillar moulding areas, fuel leakage and a miss-shapen headliner/broken interior sun roof panel.

Prior to the evaluation I reviewed 29 pages of service related documents.

EXAMINATION -

On 9/29/99 I traveled to Mr. Galantys home and reviewed his complaints relative to the subject vehicle.

As always I visually checked the subject vehicles fluid levels/tire pressures etc.

I also examined the vehicles cosmetics, particularly the upper areas of the subject vehicles rear window as well as the cars headliner.

I drova the subject vehicle for 33 miles through various traffic conditions over a period of 75 minutes.

OBSERVATIONS -

In checking the master cylinder, I noticed numerous brown/black particles suspended in the master cylinders brake fluid reservoir.

I observed a reddish gell/liquid on the intake manifold where the fuel rails feed the injectors

In checking the vehicles external cosmetics, I observed stress cracks in the corners of the roof panel ajacent to the upper corners of the rear window glass.

I checked the sun roof and noticed a visual missalignment of the interior headliner in the area of the sunroof.

The sliding interior panel was off and in the vehicles trunk.

The driveline hydro electric assembly exibited an infrequent shuttering which occurred in traffic at speeds below 40 mph. (Both 3 & 4 speed modes were used).

CONCLUSION -

At the time of my examination the subject vehicle exibits several infrequent non-conformity in operable qualities.

The contaminated brake fluid documents a problem with the manufacture of the fluid or a deteriation of rubber goods in the cars ABS brake system.

This is not a normal condition.

When similar conditions are experienced by GM & Ford, it has been my professional observation such conditions result in a complete replacement/refurbish of the vehicles brake system

The reddish gell around the fuel injectors substanciates a fuel seepage problem where the fuel rails connect to the fuel injectors.

There is a Chrysler TSB/Recall which substanciates this problem.

The stress cracks around the upper rear window roof structure indicate a stress related flexing of the vehicles exterior sheet metal which also indicates a more severe internal structural flaw.

The headliner is visably lower on the drivers side than on the

CONCLUSION - Continued

passengers side indicating an improper reassembly relative to wind/deflector/sun roof repairs or an attachment or headliner material problem.

The inner panel became inoperative due to component missalignment also becoming loose and is now stored in the vehicles trunk.

OPINION -

It is with the highest degree of professional certainty I state the following opinion -

At the time of my examination the subject vehicle exibited several operable conditions which diminish its' use, safety and value.

The safety hazard is in the lack of uniformity of the hyro electrical driveline assemblies shifting responce in a time of emergency acceleration or manuvering.

An additional safety concern is the contaminated brake fluid. which can cause a lack of uniform braking responce.

It is obvious this is not a normal condition and is reasonable to assume since the some orfices in the ABS brake system are no larger than a seamstress pin these particles are causing the spongy, low brake pedal when the car is initially operated.

Another issue is where these particules are coming from.

It is reasonable to assume some rubber components in the vehicles ABS brake system are deteriorating and would, without notice fail, causing the driver to experiance an unexpected total loss of braking control.

A possible fire hazard is the semi liquid fuel residue around the fuel injectors (which are electrically powered).

The value is diminished by the visible stress cracks in the vehicles rear window moulding.

Additionally, the interior headliner/ inner sunroof panel problems would be immediately noticable to any prospective buyer who would reasonably think the car had been in a collision and improperly repaired, therefore deminishing the cars marketability and value.

It is most obvious the owners reasonable expectation of use has

DAYTON CP..E + DODGE
Route 130 30-42118
So. BRUNSWICK, N.J.
08810

283HW56F3TH [redacted]

ZONE: 32 | DEALER CODE: 68450

TRANSIENT: ✓ MAKE: DODGE | MODEL: INTREPID

OWNER OR CARRIER & LOC OF VEHICLE: [redacted]
ISELIN | STATE: NJ [redacted]

DATE OF INSPECTION: 9/24/96

VEHICLE INSPECTION REPORT

DAMAGE CLASS (CHECK ONE)
A SELL
B COMPANY USE
C DONATE
D SCRAP

DESCRIPTION OF
MECH. FAILURE
QUALITY REPORT
☒ COMPLAINT
MAJOR DAMAGE
OTHER
(NOTE: IF PRIOR REPAIRS, DESCRIBE)

MDH	ODOMETER		ENGINE	TRANS.				CAR NO.
06-06-44	1,136		V-6 3.5L	Auto 4SPD				36698

Writer inspected Vehicle @ Mauro Motors, 611 Amboy Ave, Woodbridge N.J. 07095 (as per owners Req.) ① Writer inspected Windshield - Correct Windshield for Vehicle (Safeguard Glass), writer showed owner like Intrepid for verification. ② Road tested vehicle with owner for transmission Compl. of Harsh 3-2 Downshifts. Owner drives vehicle in "D (Drive) (Overdrive)" which will Permit Stiffer Downshift and Delayed upshift. ③ Brake Master cylinder had small brownish tinted Particles in it However, Fluid was clear with no Evidence of Contamination. ④ Wiper Blades/Arms are set to low, need adjustment. ⑤ Hood latch needs adjustment, when closed Hood moves up + down approx 1/4"-3/8". ⑥ Sliding Interior Moonroof Cover was missing, found in Trunk - needs Replacement And Headliner near Moonroof opening is Slightly Damaged.

#1, 2 + 3 = All these are No Problem Found - No Repairs Performed

#4, 5 + 6 = All these are Related to Either Vandalism in which Insurance Company, Body Shop + Dealer were involved, or Dealer comeback which should be taken up with Dealer Management By the owner

☒ TESTED WITH OWNER BEFORE REPAIRS ☐ AFTER REPAIRS ☐ NEITHER

CORRECTIVE REPAIRS WERE COMPLETED:

BE SURE TO DESCRIBE ABOVE
• ANY PREVIOUS CORRESPONDENCE
• ANY OWNER DISSATISFACTION

SERVICING DEALER IF DIFFERENT FROM ABOVE: [redacted]

REPRESENTATIVE'S SIGNATURE & DATE

DISTRIBUTION COPY 1 — DIVISION OFFICE
2 — ZONE OFFICE
3 — REPRESENTATIVE'S FILE
4 — EXTRA COPY

CHRYSLER CORPORATION

SEE REVERSE SIDE FOR INSTRUCTIONS AND CODES FOR MAJOR DAMAGE

COPY 1

is not based upon, necessarily, your own observation, it could be based upon the documents attached to the report; is that right?
A. Wrong. Observation has a lot to do with it as well. If you have no damage around it or no previous repairs around it, then you would have to -- then it would have to be just a misalignment of installing that little hood latch with two bolts on it to couple it to that sheet metal, which is very, very small.
Q. Did you test the brake fluid?
A. I did.
Q. What did you do to test the brake fluid?
A. Visual inspection, I used some equipment to test it.
Q. Did you take a sample of it?
A. I did.
Q. Okay. And how did you do that?
A. With the equipment of a brake fluid tester.
Q. What did you do with the sample that you took?
A. Put it in a vial.
Q. And did you bring it somewhere?
A. It was brought back to the forensic lab.
Q. Is that something you tested in your mobile lab?

A. No, that was -- well, it sat in the mobile lab for a period of time but then, ultimately, it was brung back to the regular lab.
Q. Do you take the finid from the top or the bottom?
A. Well, when you say "the top," you can't actually just take it from the top unless you have some kind of skimming device, which I don't.
Q. Okay.
A. So --
Q. How did you do this, then? Explain how you took the sample.
A. The brake fluid tester, which gets submerged in the reservoir, when it operates and it does its testing, it actually will agitate the finid, in the way that it works, it actually heats up the fluid and it takes readings of the fluid in various states. As it's doing that, it will agitate the fluid and mix it.
Q. Now, you're talking about -- I think you're talking about two different things. I think you're talking about testing fluid that's in the reservoir in the car.
A. Well, led up to me taking the sample that was tested.

Q. Okay. And then there's a second part to this where you take a sample; am I right?
A. Correct.
Q. Okay, so let's start with the first part. Did you test the fluid at different temperature levels?
A. Well, the computer does, it just gives me a final reading.
Q. Okay. What kind of instrument were you using?
A. A Wagner brake fluid test analyzer.
Q. Is there different versions of that for different years?
A. No.
Q. Okay. Did you have to bring the brake fluid to a boiling point?
A. Yes.
Q. Did it do that?
A. It did.
Q. Did you get some kind of a readout or a printout of what those results were?
A. Yes, I did.
Q. Is that attached to your report?
A. It is.
MS. COLIN: It's about three from the

back.
MS. RUSH-MASURET: Oh, okay. It's in a picture form?
MS. COLIN: Yeah.
THE WITNESS: Yeah, it's in the report and it's in picture form.
MS. COLIN: It's 56.
THE WITNESS: What picture is it?
MS. COLIN: 56.
MS. RUSH-MASURET: And 57?
MS. COLIN: Yeah.
MS. RUSH-MASURET: Well, my 56 looks like this.
MS. COLIN: The next one.
MS. RUSH-MASURET: That's 57.
(Off-the-record discussion)
MS. RUSH-MASURET: I'm going to need a copy of picture 56 --
MS. COLIN: Sure.
MS. RUSH-MASURET: -- because that's the boiling point result.
MS. COLIN: Um-hum. Do you have that one, 57?
MS. RUSH-MASURET: I do.
MS. COLIN: The computer analysis? Okay.

so you're just missing a picture.
MS. RUSH-MASURET: Yes.
(Witness reviewed report)
Q. It's at the end.
A. No, I know where it's at. I'm waiting for you.
Q. Oh, okay. Can you explain the printout -- explain what we're looking at in photo No. 56 and 57? And I don't have number 56 but...
A. 56 is the boiling point, it tested as 376 degrees Fahrenheit.
Q. Okay.
A. And in 57, it just says "within specifications, retest in X amount of months."
Q. What does that mean?
A. Well, that's fine, it was within specifications, there was no problems with it.
Q. Okay. Now, picture 58, can you tell us what that is?
A. Picture 58 is a sample of that fluid. As you could see, in that fluid, there's no separation between its color and the fluid's uniform. If it had any contamination such as an oil in it, they would have separated it within, you know, really seconds or minutes.
Q. How long was that fluid sitting before

you took the picture?
A. Hours.
Q. What happened to the fluid that was in this picture?
A. That fluid may still be in the lab preserved.
Q. What kind of tests did you run on that sample?
A. I just told you. Those two tests that we just talked about.
Q. On the sample that you took?
A. Well, it's a visual test.
Q. Oh, it's just a visual test.
A. Yeah, again, if you have oil in there as contamination, mineral oil, any oil, it will separate and you'll have two different levels, one being the contamination, one being the brake fluid.
Q. And you're saying -- see, my picture's not in color, so --
A. Here, would you like to see mine?
Q. -- I'm referring to another one.
A. Here, let me show you mine.
Q. Is that clear in the bottom of this sample? Is that fluid or is that just the bottom of the test tube or whatever?
A. No, that's just different light. It's clear.

Q. Is that fluid that's clear or is that glass? I can't tell.
A. No, it's a reflection. It's just a reflection of, basically, the vial.
Q. So the fluid is amber in its entirety?
A. Yes, it is.
Q. And what does that represent to you?
A. Pure brake fluid.
Q. And why is that?
A. Why is that?
Q. Um-hum. If it was --
A. Because I guess that's what Chrysler wanted put in the vehicle, pure brake fluid.
Q. If there was a problem, you're saying that it would separate and it would look like oil and water?
A. It would look like brake fluid and oil, two different levels.
Q. Two different colors?
A. Well, two different fluids. One level would be one and the other would be the oil, the contamination, so you'd be able to identify it because half of it would be one and the other half would be the other or three quarters would be one and a quarter would be the other.

Q. How do you distinguish between the two, is what I'm asking you, is it a color thing or --
A. Well, you'd be able to identify two different materials being in there, you know, by eyesight, two different colors, yeah, sure. You'd see a line.
Q. Is this sample still in your car?
A. In my what?
Q. I mean in your lab?
A. I answered that already.
Q. You're not sure?
A. I think it is preserved.
Q. Can you check on that and let us know?
A. I can.
Q. What kind of a machine did you use to draw the fluid out?
A. It was a suction piece of equipment that was with the -- that's supplied with the Wagner brake product analyzer.
Q. Can you use that on any kind of car or does it matter what kind of vehicle it is?
A. As far as -- what do you mean?
Q. Different types of vehicles. Would it be used for any type of vehicle or do you need to use a specific type of device to extract brake fluid from this car?

105

A. No, this would be for this type of brake fluid for this type of car.
Q. And you're calling that "pure brake fluid"?
A. Yeah, it looks like pure brake fluid, didn't see any separation whatsoever.
Q. How large a sample did you take?
A. You could see it right here in the picture.
Q. Is that the full extent of the brake fluid that you took out of the car?
A. Yeah. I also did a visual, which, you know, between the visual on the site and the test with the brake tester analyzer, I really didn't need to do this but, obviously, for forensic reasons for today's deposition and for next week's court case, you know, it was probably good to have.
Q. Did you take the temperature of the fluid?
A. What do you mean by "the temperature of the fluid"?
Q. The temperature of the fluid in the test tube that we're looking at. Did you determine what temperature that is?
A. I didn't take it but the building's at 70 degrees so it would be 70 degrees.

106

Q. Okay. Any other testing done on the brake fluid, to your knowledge?
A. No.
Q. Are you aware of any – well, in your opinion, how would mineral oil or other petroleum products get into the braking system?
A. Humans introducing it into the system.
Q. Humans?
A. Yeah, they would have to be introduced into the system by, I would imagine, a human doing it.
Q. And what would be the effect of mineral oil, for example, getting into the braking system?
A. It would immediately attack the rubber components of the braking system, causing total brake failure.
Q. And how do you know that?
A. I've seen it, I've repaired it.
Q. Where have you seen it and repaired it?
A. A-1 Auto Resort.
Q. On what type of vehicle?
A. It's not just on one type, it's happened several times throughout my 20-plus years of repairing vehicles.
Q. Do you remember what vehicles this occurred on?

107

A. And it didn't have to just be mineral oil, it could have been engine oil, it could have been air-conditioning oil.
Q. So that would be different types of petroleum products?
A. They all have the same effect, but also mineral oil as well.
Q. What vehicles did you personally observe that on?
A. I don't recall. I've worked on 300 cars a month for many, many years, sometimes more than 300 and not too much less than that.
Q. So you don't have a specific recollection of observing this?
A. Well, rubber is rubber, though, in the brake component, so it's going to happen. Again, I also have extensive – even if I didn't observe it, I have extensive training in it.
Q. I'm asking you about your observations, because you said it was experience over years.
A. Yeah, I've already told you that, I've already answered that.
Q. Right, and that's what I'm asking you. What specific experience can you relate to me?
A. Okay. It was introduced into the system and

108

total brake failure occurred, the brake pedal went to the floor, no stopping ability. Callpers leaking fluid, master cylinder not working properly, rear wheel cylinder is not working properly, brake lines need to be changed, the gasket on the brake filler cap falling apart, being distorted, soft instead of firm.
Q. And my question was: Can you tell me specifically what cars you observed this on?
A. Oh, I already – I answered that three times for you.
Q. No, you said you didn't have any – your answer was something like "I've worked on 300 cars for the last 20 years."
A. My answer was that I don't have a specific recollection. I've worked on so many different cars over the years that I don't recall each and every thing that I do because I've done so much over the years. I've had an opportunity to work on something last month, several things, I don't know what they were at this point anymore, it's not important to me.
Q. So you couldn't say "In a Ford Explorer, for example, this is what occurred because I saw it"?
A. It's possible but not probable.
Q. Are you aware of any technical service

bulletins that deal with the presence of petroleum products in the braking system?
A. I've reviewed documentation, I don't know if it was a TSB or not, but even that assurance, that guideline document that I showed you, I think has something in it as well as contaminations and also as well as oils. There also may be a TSB. There also may be something in -- maybe in owners' manuals. I know there could be stuff in repair shop manuals. So, again, anything specific, I don't recall, but no, I've reviewed data on that many times.
Q. If the mineral oil got into the braking system, would there be brake fluid leaking out from any places?
A. You would see fluid leaking from wheel cylinders, calipers, you'd have internal leaks from seals in the master cylinder, you would have brake --
Q. What about the filler cap?
A. The filler cap would probably start leaking as well because that seal there would be destroyed. So, yeah, you would, at some point in time, see leaking there if you drove the vehicle and that gasket was destroyed. If you weren't driving the vehicle and the fluid was stationary, it would have no reason to jump over on top and out.

Q. Do you have an explanation for the color of that brake fluid?
A. It's the color that it's supposed to be. That's my explanation.
Q. You don't think it's dark or light in color?
A. I think it's normal for a vehicle that has 7,000 miles on it.
Q. Okay. What would happen to it if it had 10,000 miles on it?
A. I don't know if it'd look any different than that.
Q. How about 180,000 miles on it?
A. Being properly serviced?
Q. Um-hum.
A. And being properly serviced?
Q. Yes.
A. When was the last service? How many miles into it?
Q. Are you saying if you change the brake fluid, is that what you mean by being serviced?
A. Well, you said periodic brake flushes. Every two years or 30,000 miles is recommended.
Q. Okay. So if you periodically flush it, it wouldn't matter how many miles are on the car,

it'd still have the same color?
A. Well, right at the end of 30,000 miles or so, it would darken. Let's say if you have the vehicle sit over a period of time and it starts taking in moisture and contamination, it will darken.
Q. Okay.
A. So it doesn't have to just be a mileage issue, it could be service and maintenance related as well.
Q. Could it be a contamination issue that the brake fluid would darken?
A. What kind of contamination?
Q. I'm asking you. Is there any type of contamination issue that would cause it to darken?
A. As in the pictures here?
Q. Darker than that.
A. Well, if you had oil in there, it would be black. It'd be black black, you wouldn't see through it. That would actually be the rubber and so forth decaying and just breaking down in the fluids.
Q. Okay. With regard to the fuel line, you say "fuel rail and lines performed" --
A. Excuse me, what page are you on?
Q. I'm sorry, 15. "Performed to factory design and intent. Components may have been updated as per technical service bulletin within this

report." Can you explain that, what you mean by that?
A. I didn't see any problems with it.
Q. Okay. When you say that the components may have been updated as per technical service bulletin, did you inspect for that to see if they were updated?
A. I didn't see any problems with it at my inspection so I didn't further go on to do anything else. There was no problems with it, it worked to its design and intent, so I think that's where I just left it.
Q. Then why did you say the components may have been updated? What does that mean then?
A. I think at one point there may have been a technical service bulletin for the Intrepids. I don't know if it actually pertained to this vehicle or not, as we sit here today.
Q. On page 17, you talk about this damage from the -- that you -- it should be from the towing damage, the stabilizer bar. Do you know how you would correct that damage?
A. Just replace the bent part.
Q. Replace the part?
A. Replace the bent part.

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10/16/03

The following report covers the analysis performed on samples submitted to EMSL Analytical on 10/2/03. The results are tabulated on the attached data pages for the following client designated project:

Project ID: MOPAR Brake Fluid

The reference number for these samples is EMSL Order #010302519. Please use this reference when calling about these samples.

If you have any questions, please do not hesitate to contact me at (856) 858-4800.

Reviewed and Approved By:

Gerald J. Miller, Ph.D.
Laboratory Director
NJ-NELAP accredited: 04653

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EMSL

Attn: [redacted]
Iselin, NJ
Fax: [redacted] Phone: [redacted]

Customer ID: [redacted]
Customer PO:
Received: 10/02/03 12:21 PM
EMSL Order: 010302519
EMSL Project ID: MOPAR Brake Fluid

Fingerprint by GC-FID

By Method:8015

Client Sample Description	*Lab ID*	*Parameter*	*Concentration*	*Units*	*Analysis Date/Time*	*Notes*
Chrysler	0001	See Attached				
Sample	0002	See Attached				

Project 010302519

Fingerprint by GC-FID (Method 8015 Mod)

Two samples were submitted for analysis and comparison by GC-FID (-1 & -2). Sample 010302519-1 is new brake fluid and sample 010302519-2 is used brake fluid.

Both samples were analyzed at two dilutions, 50:1 and 250:1, and a comparison of the two made. The comparison found two notable differences in the materials.

First, the peaks in sample –1 present after 14 minutes are absent in sample –2. Typically, aging of materials of this nature result in a loss of lighter, hence early eluting peaks. Without knowledge of the materials a cause for this difference can not be explained.

Second, there is a broad bi-nodal peak in sample –2 in the 6 to 8 minute retention time window. This peak not being present in sample –1 represents a probable source of contamination. The source of the contamination remains undetermined at this time.

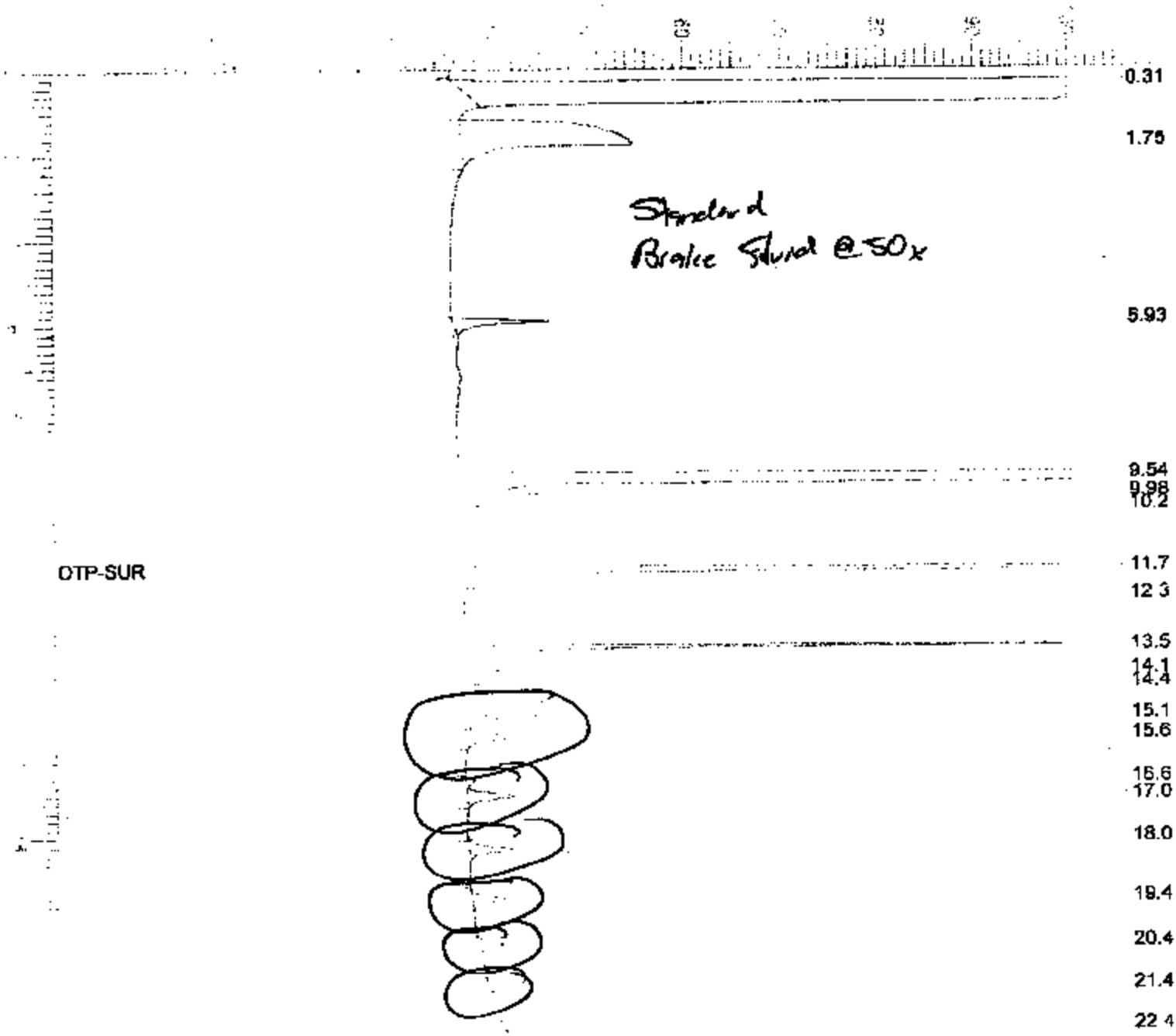
Further study of the material would be required to narrow the possibilities for the contamination. In particular, GC-MS might be able to determine if the contamination contained sulfur compounds. Sulfur and sulfur containing compounds could be indicative of rubber contamination.

Chromatogram

[redacted] Name :
Name : C:\TC4\HP-FID_F\DATA\F447003.RAW
Method : C440910.MTH
Start Time : 0.00 min End Time : 29.90 min
Scale Factor: 0.0 Plot Offset: 5 mV

Sample #: 3
Date : 10/14/2003 03:18 PM
Time of Injection: 10/10/2003 01:26 PM
Low Point : 5.00 mV High Point : 105.00 mV
Plot Scale: 100.0 mV

Response [mV]



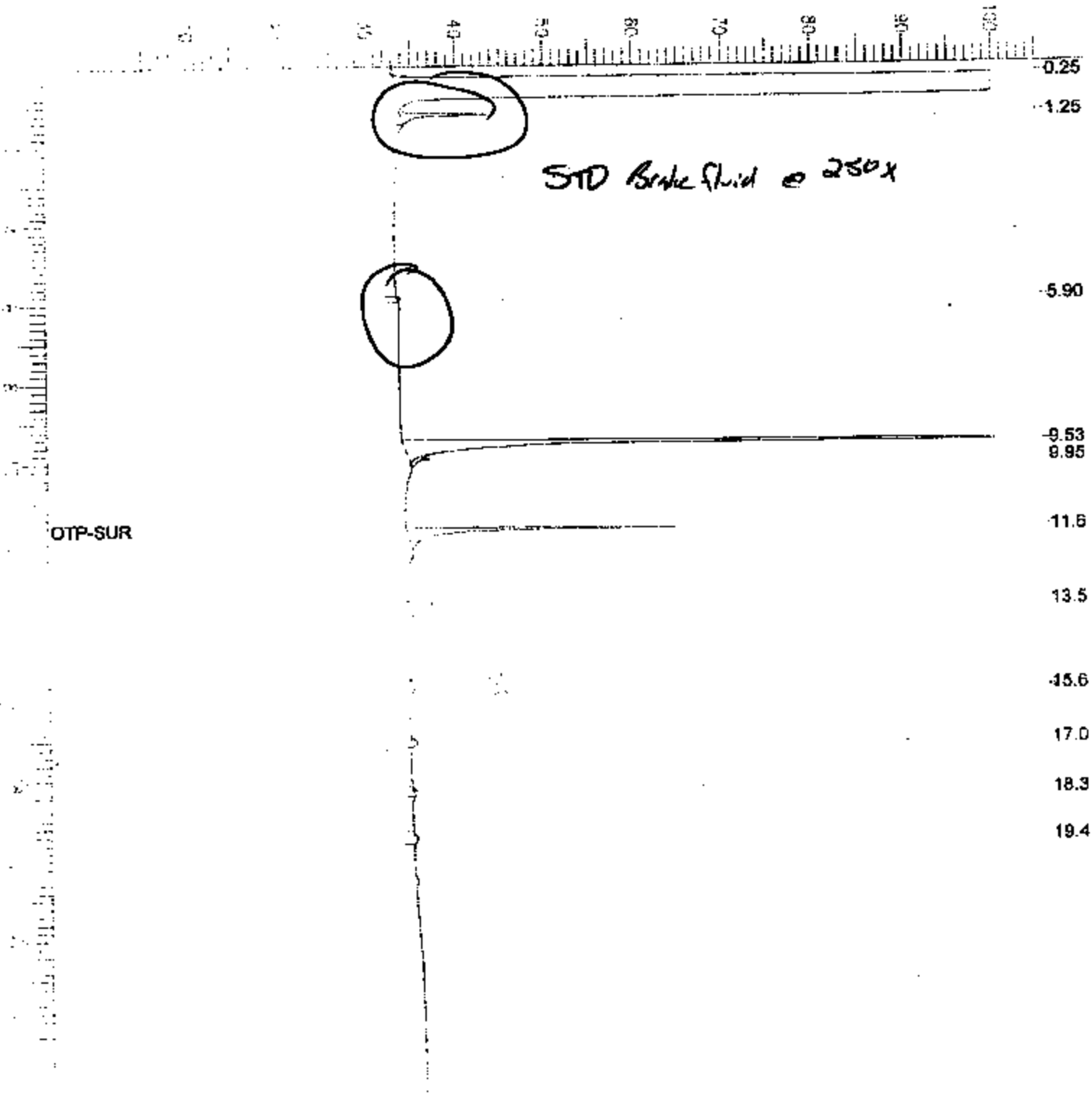
0.31
1.75
5.93
9.54
9.98
10.2
11.7
12.3
13.5
14.1
14.4
15.1
15.6
16.6
17.0
18.0
19.4
20.4
21.4
22.4

Chromatogram

[redacted]
: C:\TC4\HP-FID_F\DATA\F449018.RAW
: C440910.MTH
: 0.00 min End Time : 29.90 min
Scale Factor: 0.0 Plot Offset: 5 mV

Sample #: 21
Date : 10/14/2003 03:16 PM
Time of Injection: 10/14/2003 01:54 AM
Low Point : 5.00 mV High Point : 105.00 mV
Plot Scale: 100.0 mV

Response [mV]

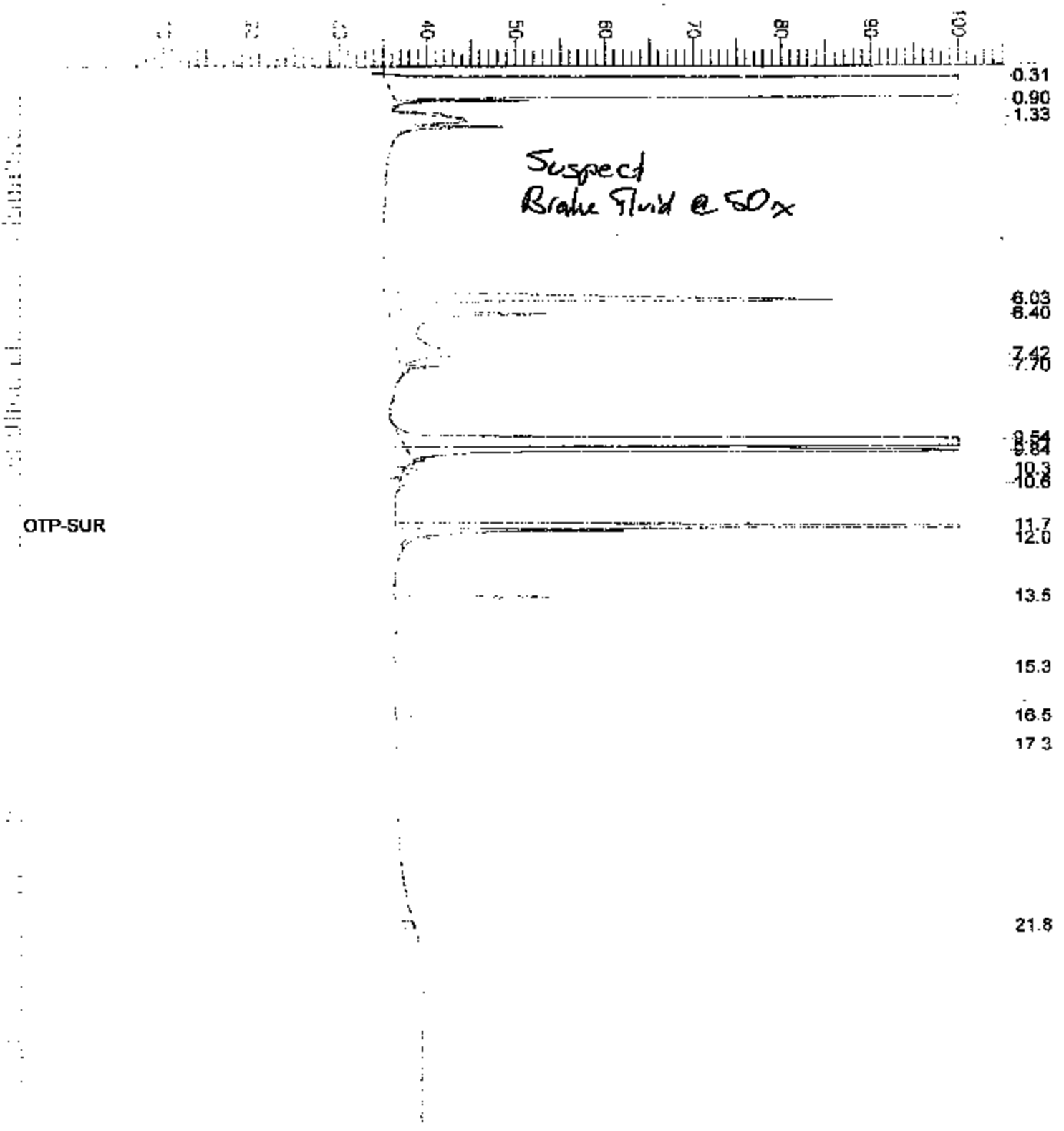


Chromatogram

[redacted]
: C:\TC4\HP-FID_F\DATA\F447004.RAW
: C440910.MTH
Time : 0.00 min End Time : 29.90 min
e Factor: 0.0 Plot Offset: 5 mV

Sample #: 4 Page 1 of 1
Date : 10/14/2003 03:18 PM
Time of Injection: 10/10/2003 02:09 PM
Low Point : 5.00 mV High Point : 105.00 mV
Plot Scale: 100.0 mV

Response [mV]



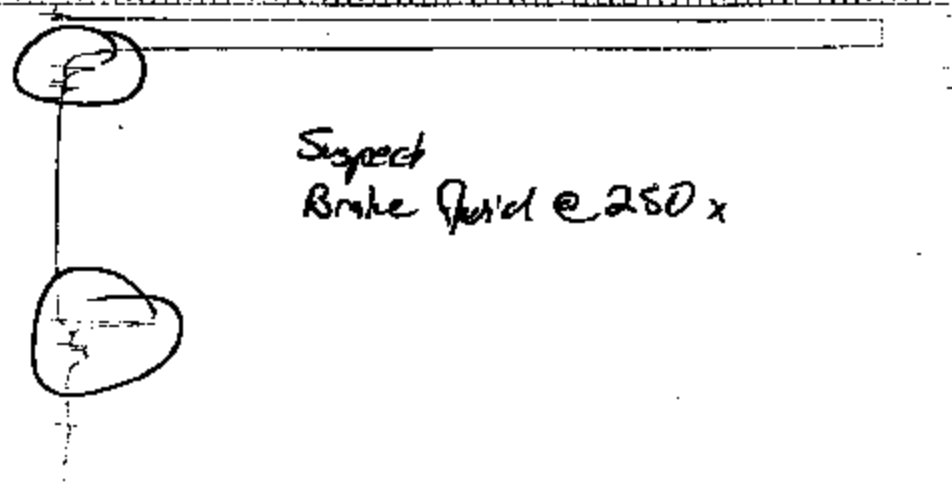
Chromatogram

[redacted]

: C:\TC4\HP-FID_F\DATA\F449019.RAW
: C440910.MTH
: 0.00 min End Time : 29.90 min
Factor: 0.0 Plot Offset: 5 mV

Sample #: 22 Page 1 of 1
Date : 10/14/2003 03:17 PM
Time of Injection: 10/14/2003 02:30 AM
Low Point : 5.00 mV High Point : 105.00 mV
Plot Scale: 100.0 mV

Response [mV]



0.25
1.21
1.55
5.88
6.30
7.71
9.54
OTP-SUR
11.7
13.6
18.5

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Iselin, NJ [redacted]
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Fax: [redacted]

11/14/03

The following report covers the analysis performed on samples submitted to EMSL Analytical on 11/6/03. The results are tabulated on the attached data pages for the following client designated project:

The reference number for these samples is EMSL Order [redacted] Please use this reference when calling about these samples.

If you have any questions, please do not hesitate to contact me at [redacted]

Reviewed and Approved By:

Gerold J. Miller, Ph.D.
Laboratory Director
NJ-NELAP accredited: 04653

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EMSL

Attn: [redacted]
Iselin, NJ
Fax: [redacted] Phone: [redacted]

Customer ID: [redacted]
Customer PO:
Received: 11/06/03 5:03 PM
EMSL Order: 010302944
EMSL Project ID:

Client Sample Description The Sample *Lab ID:* 0001

Test	*Method*	*Parameter*	*Concentration*	*Units*	*Analysis Date/Time*	*Notes*
SVOA	8270C + 25	See Attached				

1B

SEMIVOLATILE ORGANICS ANALYSIS DATA SHEET

SAMPLE NO.

2944-1

Lab Name: EMSL ANALYTICAL Contract:

Project No.: Site: Location: Group:

Matrix: (soil/water) Organic Lab Sample ID: 2944-1

Sample wt/vol: 1.0 (g/mL G Lab File ID: C3143.D

Level: (low/med) LOW Date Received:

% Moisture: 0 decanted: (Y/N): N Date Extracted: 11/12/03

Concentrated Extract Volume: 10000 (uL) Date Analyzed: 11/13/03

Injection Volume: 1.0 (uL) Dilution Factor: 10.0

GPC Cleanup: (Y/N) N pH:

CAS No.	Compound	Concentration Units: (ug/L or ug/Kg) ug/Kg	Q
62-75-9	N-nitrosodimethylamine	1000000	U
108-95-2	Phenol	1000000	U
111-44-4	bis(2-Chloroethyl)ether	1000000	U
95-57-8	2-Chlorophenol	1000000	U
541-73-1	1,3-Dichlorobenzene	1000000	U
106-46-7	1,4-Dichlorobenzene	1000000	U
95-50-1	1,2-Dichlorobenzene	1000000	U
108-60-1	bis(2-chloroisopropyl)ether	1000000	U
621-64-7	N-Nitroso-Di-n-propylamine	1000000	U
67-72-1	Hexachloroethane	1000000	U
98-95-3	Nitrobenzene	1000000	U
78-59-1	Isophorone	1000000	U
88-75-5	2-Nitrophenol	1000000	U
105-67-9	2,4-Dimethylphenol	1000000	U
111-91-1	bis(2-Chloroethoxy)methane	1000000	U
120-83-2	2,4-Dichlorophenol	1000000	U
120-82-1	1,2,4-Trichlorobenzene	1000000	U
91-20-3	Naphthalene	1000000	U
87-68-3	Hexachlorobutadiene	1000000	U
59-50-7	4-Chloro-3-methylphenol	1000000	U
77-47-4	Hexachlorocyclopentadiene	1000000	U
88-06-2	2,4,6-Trichlorophenol	1000000	U
91-58-7	2-Chloronaphthalene	1000000	U
131-11-3	Dimethylphthalate	1000000	U
208-96-8	Acenaphthylene	1000000	U
606-20-2	2,6-Dinitrotoluene	1000000	U
83-32-9	Acenaphthene	1000000	U
51-28-5	2,4-Dinitrophenol	2500000	U
100-02-7	4-Nitrophenol	2500000	U
121-14-2	2,4-Dinitrotoluene	1000000	U
84-66-2	Diethylphthalate	1000000	U
86-73-7	Fluorene	1000000	U
7005-72-3	4-Chlorophenyl-phenylether	1000000	U

1B

SEMIVOLATILE ORGANICS ANALYSIS DATA SHEET

SAMPLE NO.

2944-1

Lab Name: EMSL ANALYTICAL Contract:

Project No.: Site: Location: Group:

Matrix: (soil/water) Organic Lab Sample ID [redacted]

Sample wt/vol: 1.0 (g/mL G Lab File ID [redacted]

Level: (low/med) LOW Date Received:

% Moisture: 0 decanted: (Y/N): N Date Extracted: 11/12/03

Concentrated Extract Volume: 10000 (uL) Date Analyzed: 11/13/03

Injection Volume: 1.0 (uL) Dilution Factor: 10.0

GPC Cleanup: (Y/N) N pH:

CAS No.	Compound	Concentration Units: (ug/L or ug/Kg) ug/Kg	Q
534-52-1	4,6-Dinitro-2-methylphenol	2500000	U
86-30-6	n-Nitrosodiphenylamine	1000000	U
122-66-7	1,2-Diphenylhydrazine(as azo)	1000000	U
101-55-3	4-Bromophenyl-phenylether	1000000	U
118-74-1	Hexachlorobenzene	1000000	U
87-86-5	Pentachlorophenol	2500000	U
85-01-08	Phenanthrene	1000000	U
120-12-7	Anthracene	1000000	U
84-74-2	Di-n-butylphthalate	1000000	U
206-44-0	Fluoranthene	1000000	U
92-87-5	Benzidine	5100000	U
129-00-0	Pyrene	1000000	U
85-68-7	Butylbenzylphthalate	1000000	U
56-55-3	Benzo[a]anthracene	1000000	U
91-94-1	3,3'-Dichlorobenzidine	2000000	U
218-01-9	Chrysene	1000000	U
117-81-7	bis(2-Ethylhexyl)phthalate	620000	J
117-84-0	Di-n-octylphthalate	1000000	U
205-99-2	Benzo[b]fluoranthene	1000000	U
207-08-9	Benzo[k]fluoranthene	1000000	U
50-32-8	Benzo[a]pyrene	1000000	U
193-39-5	Indeno[1,2,3-cd]pyrene	1000000	U
53-70-3	Dibenz[a,h]anthracene	1000000	U
191-24-2	Benzo[g,h,i]perylene	1000000	U

1F

SAMPLE NO.

[redacted]

SEMIVOLATILE ORGANICS ANALYSIS DATA SHEET
TENTATIVELY IDENTIFIED COMPOUNDS

Lab Name: EMSL ANALYTICAL Contract: _____

Project No.: _____ Site: _____ Location: _____ Group: _____

Matrix: (soil/water) SOIL Lab Sample ID: [redacted]

Sample wt/vol: 1.0 (g/mL) G Lab File ID: [redacted]

Level: (low/med) LOW Date Received: _____

% Moisture: 0 decanted: (Y/N) N Date Extracted: 11/12/03

Concentrated Extract Volume: 10000 (uL) Date Analyzed: 11/13/03

Injection Volume: 1.0 (uL) Dilution Factor: 10.0

GPC Cleanup: (Y/N) N pH: _____

Number TICs found: 15 Concentration Units: (ug/L or ug/Kg) ug/Kg

CAS Number	Compound Name	RT	Est. Conc.	Q
1.	Unknown	4.98	2200000	J
2.	Unknown	5.37	470000	J
3.	Unknown	5.42	3700000	J
4.	Unknown	5.70	3800000	J
5.	Unknown	7.23	19000000	J
6.	Unknown	7.48	14000000	J
7.	Unknown	7.57	3700000	J
8.	Unknown	8.28	1500000	J
9.	Unknown	9.93	16000000	J
10.	Unknown	10.13	810000	J
11.	Unknown	12.48	32000000	J
12.	Unknown	12.71	880000	J
13.	Unknown	12.85	15000000	J
14.	Unknown	14.79	11000000	J
15.	Unknown	16.87	2400000	J
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EMSL Analytical, Inc.
Chemistry Lab
3 Cooper St., Westmont, NJ 08108
TEL: (856) 858-4800 FAX: (856) 858-4571

Chain of Custody / Analysis Request Form

Print ALL Information. Put N/A in blanks not applicable

EMSL Project # 041352.1
Account Rep:
Indicate State where samples collected:

REPORT RESULTS TO:	SEND INVOICE TO:	TURNAROUND TIME
Name: [redacted]	Name: PO#:	Date Results needed by:
Company	Company	Standard Turnaround Time is 10 working days ☐
Address	Address	The following turnaround times require lab approval:
City	City	☑ 4-5 days ☐ 72 Hrs ☐ 48 Hrs
State ZIP	State ZIP	☐ 24 Hrs Approved by
TEL: FAX:	TEL: FAX:	
Sampled by: (Signature)	# of Samples in Shipment:	Date of Sample Shipment:

Failure to complete shaded areas will hinder processing of samples.

	Sample Number	Station Location /Sample ID	COMP	GRAB	MATRIX: WATER	SOIL	AIR	SLUDGE	OTHER	Method Preserved: HCL	HNO3	H2SO4	ICE	OTHER	Sampling: DATE	TIME	List Test Needed						
1.	-01	Trip							X								X	8260	625				
2.																							
3.																							
4.																							
5.																							
6.																							
7.																							
8.																							
9.																							
10.																							

Released By Signature	Date & Time Released	Delivery Metho [redacted]	Agency	Date & Time Received	Condition Noted
				11:6:03	4:54P

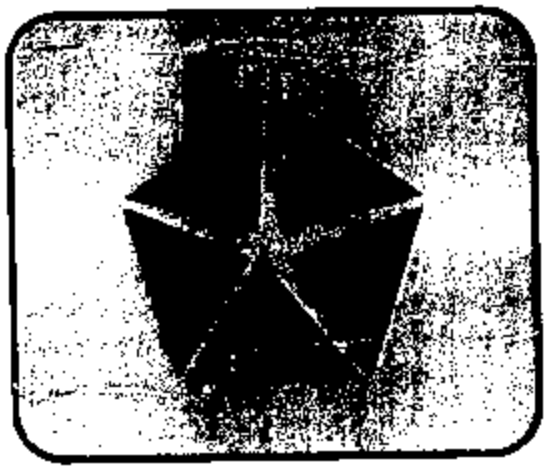
Comments:

Please indicate reporting requirements: ☐ 1. Results Only ☐ 2. Results and QC ☐ 3. Reduced Deliverables ☐ 4. Disk Deliverable

1 9 9 6

SERVICE MANUAL

NEW YORKER, LHS, CONCORDE, INTREPID and VISION



CHRYSLER CORPORATION

DIAGNOSIS AND TESTING (Continued)

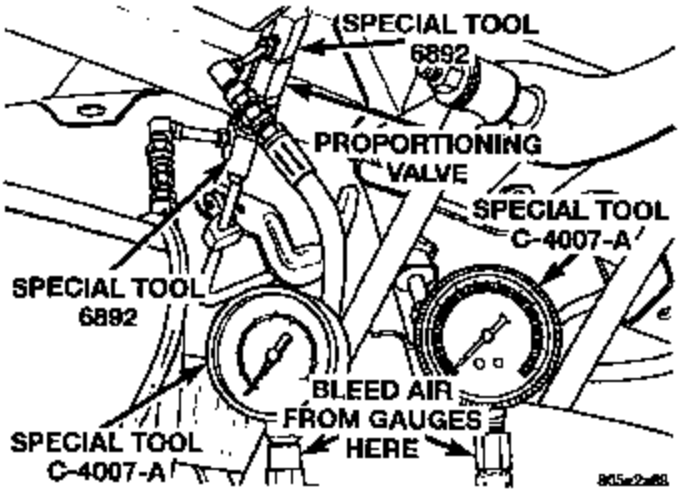


Fig. 23 Pressure Gauges Installed

outlet pressure does not agree with value shown on the following chart, when inlet pressure shown on chart is obtained, replace the proportioning valve. If proportioning valve is within pressure specifications do not replace proportioning valve.

(8) Remove the pressure gauges from the pressure test fittings.

(9) Remove the proportioning valve and the Pressure Test Fittings. Special Tool 6892 from the chassis brake tube.

(10) Install the bracket (Fig. 21) attaching the brake flex hose to the side of the frame rail. Also, install routing bracket attaching brake tube to bottom of frame rail.

(11) Install the proportioning valve in the chassis brake tube and hand tighten tube nuts until fully seated into proportioning valve. Tighten the tube nuts to a torque of 17 N-m (145 in-lbs.).

(12) Bleed the affected brake line. See Bleeding Brake System in the Service Adjustments section of the manual for proper bleeding procedure.

(13) Repeat steps 2 thru 14 for the other proportioning valve.

(14) Check rear wheel brake shoe linings for contamination or for replacement brake shoes not meeting OEM brake lining material specifications. These conditions can also be a possible cause for a premature rear wheel skid.

BRAKE FLUID CONTAMINATION

Indications of fluid contamination are swollen or deteriorated rubber parts.

Swollen rubber parts indicate the presence of petroleum in the brake fluid.

To test for contamination, put a small amount of drained brake fluid in clear glass jar. If fluid separates into layers, there is mineral oil or other fluid contamination of the brake fluid.

If brake fluid is contaminated, drain and thoroughly flush system. Replace master cylinder, proportioning valve, caliper seals, wheel cylinder seals, Antilock Brakes hydraulic unit and all hydraulic fluid hoses.

RED BRAKE WARNING LAMP TEST

For diagnosis of specific problems with the red brake warning lamp system, refer to Brake System Diagnostics Chart 2, located in the Diagnosis And Testing section in this group of the service manual.

STOP LAMP SWITCH TEST PROCEDURE

The required procedure for testing the stop lamp switch is covered in Group 8H, Vehicle Speed Control System in this service manual. The electrical circuit tests for stop lamps is covered in Group 8W Rear Lighting in this service manual.

SERVICE PROCEDURES

MASTER CYLINDER FLUID LEVEL

Check master cylinder reservoir brake fluid level a minimum of twice a year.

The master cylinder brake fluid reservoir used on this vehicle includes a brake fluid level sensor. The brake fluid level sensor location is in the body of the brake fluid reservoir (Fig. 24). In the event of low brake fluid level in the brake fluid reservoir, the RED brake warning light in the instrument panel will turn on.

Sales Code	Brake System Type	Split Point	Slope	Identification	Inlet Pressure	Outlet Pressure
BRA	14" Disc/Drum	500 psi	0.43	Bar Code Label	1000 psi	600-700 psi
BRB	15" Disc/Drum	500 psi	0.43	Bar Code Label	1000 psi	600-700 psi
BRJ	14" Disc/Drum W/ABS	500 psi	0.43	Bar Code Label	1000 psi	600-700 psi
BRK	15" Disc/Drum W/ABS	500 psi	0.43	Bar Code Label	1000 psi	600-700 psi

Prestige Auto Body

Expert Body & Collision Repairs • Auto Painting Center

908-789-2020 • FAX: 908-789-8457

February 16, 2001

REPORT OF DAMAGE INSPECTION **1996 Dodge Intrepid ES**
VIN: 2B3HD66F3TH[redacted]

Prepared for: [redacted] vehicle owner

Prepared by: George Van Arsdall, Manager
Prestige Auto Body

On February 14, 2001, I personally examined the above referenced vehicle here at Prestige Auto Body. A structural damage analysis using the Genesis Computerized Laser System had previously been performed at Prestige Auto Body on January 10, 2001. There was no disassembly of the vehicle during my examination. I observed the following unusual/abnormal conditions on this vehicle:

Windshield: The windshield glass is "Safeguard" brand and contains a Chrysler Corporation "pentastar" logo, indicating this is a Chrysler supplied glass. Paint is peeling from the left side windshield wiper arm.

Front Fenders: The 2 right front fender upper front mounting bolts have tool marks with chipped paint indicating they may have been loosened or removed after painting. At the front edge of the upper fender mounting flange there is a visible line or crack in the paint at the joint between the fender upper mounting flange and the top of the radiator support upper tie bar. The presence of the crack in combination with the tool marks on the bolts indicates the fender may have been repositioned slightly outward after painting. There were no marks observed on the left fender.

Left Rear Door: A small dent was observed near the middle of the door, and paint is peeling from the filler or trim panel at the rear of the window.

Roof & Back Glass: The black plastic mouldings or covers on the sail panels are both cracked at the upper rear corner where they contact the upper reveal moulding of the back glass. This appears to be a result of the pressure of the mouldings on the upper reveal moulding and does not appear to be related to any structural misalignment.

Rear Lamps: The tail lamps do not align correctly with the lower rear portion of the trunk lid. The gaps between the tail lamps and the trunk lid are very narrow, and the trunk lid has been contacting the right side lamp. No evidence of any type of repair or previous collision damage was observed which could account for this misalignment.

Underhood, Radiator Support, and Front Inner Structure: One upper strut mount nut on the left side is extensively damaged, apparently from a slipping wrench or socket. Tool marks on other strut mount nuts are less severe, and in some cases barely visible. Tool marks are also visible on the bolts for the radiator support upper tie bar. Minor surface rust has begun on some of these bolts and nuts where the oxide coating has been damaged by tools. There are no visible marks around any of the fasteners to indicate they have been repositioned.

Underbody, Structural Members, and Suspension: The radiator support lower tie bar is damaged in two places approximately equally distant from the center of the tie bar. The damage consists of several small dents and a slight distortion of the rear lower edge of the tie bar. Dents on each side are along an imaginary line pointing towards the tie-down holes in the front lower unibody rails. The dents are of the type caused by tow chains connected in a "V" configuration being forced against the lower tie bar with a great deal of force. The tie-down hole in the left lower unibody rail has slight damage of the type caused by a "T" hook commonly used for attaching a chain to these tie-down holes. There is only a slight amount of dirt accumulation and light surface corrosion in

,ose areas, indicating this damage is reletively recent

Also on the lower tie bar, two small holes near the center have paint "silhouettes" around them, indicating something was installed in those holes at the time the car was painted. The holes are now empty.

The left unibody rail outrigger, which extends underneath the front floor laterally from the left lower unibody rail to beneath the left front hinge pillar, is damaged. Although not serious, this damage was apparently caused by a jack or lift used to raise or support the vehicle.

The sway bar link bushings on the rear suspension are deteriorated and literally falling apart. There is no evidence of any external cause for this deterioration. These bushings must be replaced.

The most serious damage observed is to the left rear suspension. Even before raising the vehicle for underbody inspection, it is obvious that the left rear wheel is seriously misaligned. The front of the wheel/tire is much closer to the vehicle centerline than the rear, creating an excessive toe-in condition. The cause of this condition is damage to the front link of the lower control arm. The front link of the left side rear lower control arm is severely kinked near its midpoint, and there is an impression from a "J" hook or similar device having been in forcible contact with this link. "J" hooks are also commonly used in towing and tie-down operations. This damage will affect vehicle handling and will result in excessive and unusual tire wear in only a very few miles. It may also cause tire noise which may be more severe when turning towards one side than the other.

Transmission: At the request of the vehicle owner, the transmission serial number was recorded during the underbody inspection. The number observed stamped on the rear face of the transmission housing, just above the transmission oil pan, is: 2K479971127319736.

Wheels & Tires: There are several scrapes on the edge of the tire retaining lip on the right front wheel. This type of damage is commonly caused by curb contact. No damage was observed on any other wheel. There were no unusual tire wear patterns observed.

Structural Damage Analysis: In examining the Genesis structural damage analysis readings, it is clear that the structure of this vehicle is not correctly aligned, primarily at the front. In the center section of the vehicle, there is no significant misalignment. Length, width, and height measurements in the center section are within acceptable tolerance*.

The rear section is slightly misaligned towards the left side but within acceptable tolerance, and the length measurements are also within acceptable tolerance. The height at the rear is not within acceptable tolerance, however. The right side is 9mm above specification, and the left side is 4mm above specification.

The most serious misalignment is in the front section. The lower front unibody rails are misaligned towards the right side by 5mm (right) and 6mm (left), and misaligned upward by 3mm (left) and 8mm (right). Length of the front lower unibody rails is acceptable. The left strut tower is misaligned inboard (towards the right) by 7mm, and the right strut tower is misaligned upward by 5mm, and rearward by 4mm. Misalignment of the strut towers will affect front wheel alignment, specifically Steering Axis Inclination ("SAI") and Caster, which can affect vehicle handling. The position of the lower ball joints is acceptable. Measurement of actual wheel alignment angles is a separate operation which uses different equipment and was not performed during this examination.

There was no evidence found of any previous accident or repair which could account for the misalignment observed.

Road Test: Due to the severe misalignment of the left rear wheel, this vehicle was not road tested.

Conclusion:

There are two significant areas of concern observed during this examination and a review of the structural damage analysis. The underbody/suspension damage and the structural misalignment. When transporting a vehicle such as this on a flatbed tow truck it is common procedure to connect tow chains to the front of the vehicle in a "V"

configuration with one hook on each side of the vehicle and the center of the "V" attached to the tow truck's winch cable. It is also common procedure to attach an additional chain with a "J" hook at the rear of the vehicle and sometimes it is incorrectly attached to suspension components. The front chains are then tightened using the tow truck winch to secure the vehicle on the flatbed. Excessive tightening of the chains will damage areas of the vehicle to which the chains are attached and/or areas that the chains contact. In my opinion, the underbody/suspension damage was caused by improper and agressive tie-down procedures while transporting this vehicle on a flatbed tow truck, or while preparing to transport the vehicle. The absence of unusual tire wear patterns and the absence of significant buildup of road debris and corrosion on the damaged areas indicates the vehicle has not been driven more than a very short distance since this damage was sustained. The serious misalignment of the left rear wheel would have created an unusual wear pattern within a very few miles and would have worn the tread completely away if it had been driven any significant distance.

The structural misalignment does not appear to be related to the underbody/suspension damage. If improper and agressive tie-down procedures were the cause, the damage to the suspension would be more severe and structural misalignment would be in different directions. There is no evidence of any previous collision damage or structural repair. If the structural damage were the result of a collision or any other incident after vehicle assembly, it would have been necessary to realign the exterior body panels to obtain correct panel alignment. Exterior body panels in the front and on both sides are correctly aligned to each other and there is no evidence of any attempt to realign the panels, with the possible exception of the right front fender. In my opinion, the structural misalignment is a factory defect in which the components were welded together in the wrong position.

Misalignment of the tail lamps to the trunk lid is also a factory defect, in my opinion. Since there is no evidence of any damage or repair and the tail lamps are bolted in, they appear to have been bolted in incorrectly. Defects such as this should be detected by factory or dealer quality control procedures and corrected prior to the vehicle being delivered to the customer. By unbolting and realigning the tail lamps, the trunk lid gaps should be corrected.

Tool marks observed on fasteners under the hood, other than the right fender, may also be factory defects. Although new fasteners and proper tools are normally used during vehicle assembly, wrenches and sockets do wear out and can still slip or be incorrectly positioned by the assembly technician. Defects such as this should also be detected by factory or dealer quality control procedures. If these fasteners had been removed during a post-assembly repair, it is highly unlikely that they would be reinstalled in exactly the same position with no visible marks around the fasteners.

Other defects observed such as deterioration of the rear sway bar link bushings, paint peeling from wiper arm and door filler, and cracking of the sail panel mouldings appear to be defects in the design or manufacture of those components.

In summary, my opinion of this vehicle is that it was not correctly assembled at the factory, that certain defects slipped past factory quality control procedures, and that it has sustained relatively recent damage from incorrect and aggressive towing procedures.

Please contact the undersigned if there are any questions about this report or if additional information is needed.

George Van Arsdall
Manager, Prestige Auto Body
ASE Certified Master Collision Repair/Refinish Technician
ASE Certified Damage Analysis and Estimating Specialist
I-CAR Certified Instructor of collision repair technology

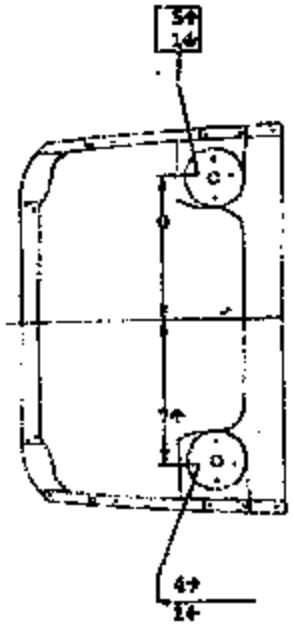
Notes:

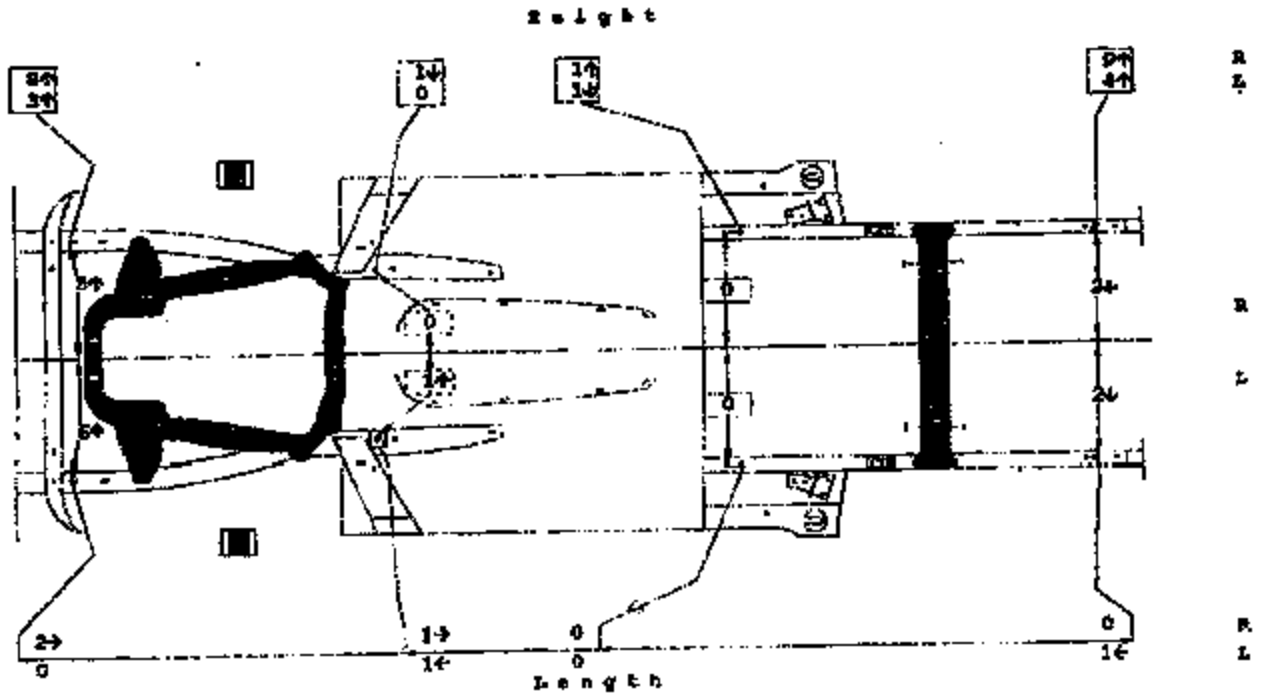
* The generally accepted tolerance for dimensional accuracy on a unitized body vehicle such as this is plus or minus 3mm or 1/8". Some vehicles have closer tolerances

PRESTIGE AUTO BODY
7 South Avenue
Garwood, NJ 07027
Phone - 908/789-2020
Fax - 908/789-8457

INITIAL INSPECTION REPORT

Customer....: [redacted]
Vehicle.....: [redacted]
VIN.....: 2B3HD56F3TH[redacted]
Work Order #: [redacted]
Technician..: Al
Odometer ...: [redacted]



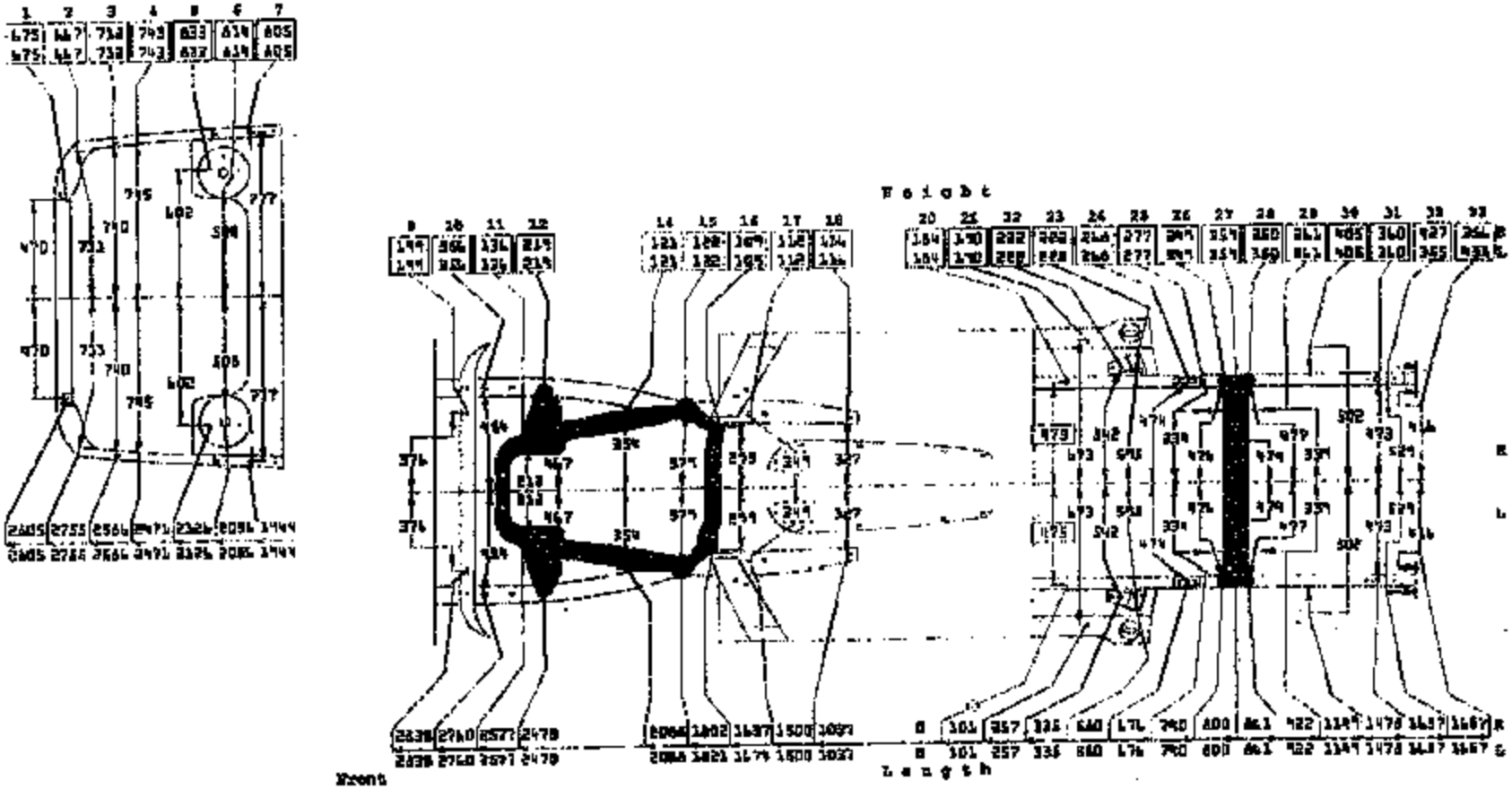


Note: Due to structural reference point tolerances and/or manufacturing procedures, the vehicle's measurements may vary from the specifications listed and still be aligned correctly. See Genesis Owners Manual for more details and disclaimer of warranties.

3.0i (175.ESF 4.54)

PRESTIGE AUTO BODY
7 South Avenue
Garwood, NJ 07027
Phone - 908/789-2020
Fax - 908/789-8457

Customer....: [redacted]
Vehicle.....: 1996-DODGE-INTREPID-4DR
VIN.........: 2B3HD56F3TH[redacted]
Work Order #: [redacted]
Technician..: AL
Odometer ...: [redacted]



Note: Due to structural reference point tolerance and/or manufacturing procedures, the vehicle's measurements may vary from the specifications listed and still be aligned correctly. See Genesis Owners Manual for more details and disclaimer of warranties.

1.00 [C75.ESP 4.54]

TOTAL P.02

VEHICLE INFORMATION PLUS SUMMARY REPORT

12/27/1995 14:57 DAYTON CHRYSLER/PLYMOUTH J-E PAGE 1

VIN: 2B3HD56F3TH[redacted] WCC: 336 Current Odometer: 2000 Miles
Yr/Model: 1996 DODGE INTREPID ES FOUR-DOOR SEDAN In-Serv Date: 06/15/1996

VEHICLE SUMMARY

BodyStyle: [redacted] Build Date: 06/06/1996 Hour: 14
Color 1: PHC - CANDY APPLE RED C/C (LRF BASE) - RHC
2: QHCS - CANDY APPLE RED MET. CC SEC PNT - RHC
Engine: Engine - 3.5L V6 SOHC 24V MPI BOOK: F
Trans: Transmission - 4-Speed Automatic CARLINE: H
Seller: 43118 DAYTON DODGE Zone: 32
Address: ROUTE 130 & ROUTE 522
City: DAYTON
State/Province: NJ Desc: NEW JERSEY
Postal Code: 08810
Country: USA Desc: UNITED STATES
Phone: 732.329.3400
Sale Type: 1-DIRECT RETAIL Last Odometer: 10164 Miles on 05/18/1999
WARNING: CURRENT ODOMETER (2000) LOWER THAN THE LAST ODOMETER (10164).

CUSTOMER NAME AND ADDRESS

*** CURRENT OWNER NAME ****
Title Code: [redacted]
First Name:
Preferred Name:
Middle Initial:
Last Name:
Address:
City: ISELIN
Province/State: NJ NEW JERSEY
Postal Code:
Phones - Home: [redacted] Bus:
Fax:
Language Pref: 010 ENGLISH
Country: USA UNITED STATES

ORIGINAL OWNER NAME

First Name: [redacted]
Middle Initial:
Last Name:

SERVICE HISTORY (ALL HISTORY)

Repair Date	Dealer/Payee	Claim #	Transaction Type
05/18/1999	05977-MAURO MOTORS INC	018536	WARRANTY REPAIR
LOP:	07500112 WATER PUMP		
02/03/1998	05977-MAURO MOTORS INC	017849	RECALL REPAIR
LOP:	14790185 RECALL		
08/19/1996	68430-	038749	WARRANTY REPAIR
LOP:	23033501 W/S WIPER ARM		
LOP:	23103001 SUNROOF SHADE		
07/03/1996	68430-DAYTON CHRYSLER PLYMOUTH	035826	WARRANTY REPAIR
LOP:	23020801 PLASTIC COWL PANEL		
06/15/1996	68430-DAYTON CHRYSLER PLYMOUTH	034656	WARRANTY REPAIR

E N D O F P A G E

A&C AUTOMOTIVE CONSULTING
29 COOPER LANE [ANNEX]
CHESTER NJ 07930-2637
PHONE 908-879-9600 erikcarlsson@worldnet.att.net **FAX 908-879-9601**

July 11, 2000.

[redacted]

ISELIN NJ [redacted]

[redacted]

Dear Mr. [redacted]

The condition of your 1996 Dodge Intrepid, as observed during the examination of the vehicle on June 19, 2000 indicates that the vehicle has been damaged and subsequently repaired at some time in the past. If no body work has been done to the vehicle since it was delivered to you by Dayton Dodge, it must be concluded that the vehicle was damaged while still owned by Chrysler, or after that the vehicle was delivered to Dayton Dodge. In fact, your vehicle may have been one of the many vehicles Chrysler used as company cars, and later sold as "brand new" to unsuspecting customers. [The odometers on these cars were deliberately set at a mileage a few thousand miles short of the 999,999 reading. The vehicles were used as company cars until the odometer turned over to the 000,000 reading, after which the vehicles were sold as new. This practice eventually became known to National Highway Traffic Safety Administration, and Chrysler subsequently was fined for this fraudulent act.]

I include ten photos, with captures, that show problems with the vehicle I observed:

Photo #1: There is an inconsistency between the odometer reading in the car and the records about the mileage in Chrysler's data base, which I obtained through a Chrysler Dealer[1]. The vehicle's on-board computer registers the mileage. If the computer, or the speedometer, has been replaced at some time, there would naturally be a discrepancy in the mileage recording between the computer and the odometer. Chrysler Corporation, or DaimlerChrysler Corporation, as the company now is called, should be able to determine and explain the cause of this inconsistency, as any replacement of the on-board computer or the speedometer presumably would have been done at a Chrysler's dealership.

Photo #2: The headliner in the vehicle is partially loose, and is askew, leaving a gap between the headliner and a plastic

[1] *While Chrysler's data base shows the number of times the subject vehicle has been worked on by their dealers, the information in the data base does not show what work has been done.*

molding on the driver side of the vehicle, while overlapping on the other side. This indicates that there has been damaged to the vehicle's roof at some time, and that the subsequent repair is substandard.

Photos #3-#4: The shade for the sunroof had fallen off, and was badly damaged along one of the edges. This is evidence that the tracks, along which the shade is supposed to slide, are misaligned, causing the shade to jam, and break when forced to open or close.

Photo #5: The cover over the passenger side air bag is misaligned. This suggests that the originally installed air bag may have deployed, requiring replacement of the air bag. The new air bag with cover was either not correctly installed or did not fit correctly.

Photos #6-#7: These two photos show very obvious signs of earlier repairs. The difference between the mud guards on the left and right side of the vehicle cannot be explained as the result of a very sloppy assembly of the vehicle. The exposed paint on the sheet metal inside the left side rear fender well shows that a different type of mud guard was installed on the vehicle when a layer of under-coating was applied to the vehicle.

Photo #8: The hood latch had been repositioned at some time, evidently because the hood latch was overly tight, making the hood difficult to close. This in turn suggests that there had been some damage to the vehicle's front at some time, and which necessitated repair or realignment of the hood or the radiator support where the hood latch is located.

Photo #9: When the new windshield wipers were installed by the Chrysler dealer at the time the fractured windshield was replaced, the wipers were not correctly aligned. Notice that the driver side windshield wiper contacts the passenger side wiper.

SUGGESTION. Because of the evidence of damage to the vehicle body, and the subsequent bad repairs, it may be of value to have a vehicle body shop that is equipped for frame measurements measure the frame of the vehicle to determine the extent to which the vehicle may deviate from Chrysler's specifications.

Photo #10: The brake fluid is contaminated with what appears to be mineral oil, and which is why the color is black, as seen in the photo. (Pure brake fluid is colorless.) Mineral oil destroys all rubber parts, such as the rubber seals and rubber hoses in the hydraulic systems. For this reason, extensive overhaul of the braking system should be done. If the vehicle is being used

without replacement of the brake fluid and replacement of rubber parts that have started to deteriorate, the vehicle's braking ability performance may eventually be lost.

Chrysler obviously is aware of a problem with mineral oil in their braking system. This can be deduced from the instructions in the SERVICE MANUAL, section BRAKE FLUID CONTAMINATION, which addresses problem with mineral oil in the braking system, and the need to replace a large part of the braking system when mineral oil is observed in the master cylinder.

PERFORMANCE OF THE ELECTRONICALLY-CONTROLLED AUTOMATIC TRANSMISSION.

In the handwritten notes that evidently were written by a Chrysler representative on 9/24/96 after an examination of the subject vehicle, it is said regarding harsh 3-2 downshifts, that *"Owner drives vehicle in "3" instead of "(Drive/Over- drive.)"* The notation "... *instead of D(Drive/Over drive)*" implies that drivers of the Dodge Intrepid should not use any other position of the gear selector than the D(Drive/Overdrive) position when driving forward. If that were so, than there should obviously be only one forward position for the gear selector, just as on the DAF (a small Dutch car), that many years ago had a gear selector with only 3 positions (Reverse, Neutral, Forward). The very fact that there is more than one forward position of the gear selector makes it obvious that the designers of the vehicle intended the drivers to some extent be able to control the gear shifting of the vehicle. [It may be of interest to note that Mercedes-Benz, which now owns Chrysler, may have been the first auto maker to use 4-speed automatic transmissions. Their cars had four forward gear selector positions, obviously in order to make the drivers having full control of the automatic transmission's gear shifting.]

While the Chrysler representative dismissed the gear shifting problems with the vehicle as merely being the result of the gear selector being in the "3" position, the fact is that Chrysler has had numerous problems with the transmission. Of the more than 70 Service Bulletins for the 1996 Dodge Intrepid I studied, the following 14 dealt with the transmission:

Service Bulletin No: 180997, 181796, 181796B, 181996, 210298, 210499, 210596, 210597, 210798, 210896, 210997, 211196, 211196A, and 211796.

[illegible] of the vehicle as observed on June 19, 2000 [illegible] that the vehicle has been damaged at some [illegible] ly repaired, with the repair being substan- [illegible].

[illegible] is contaminated with what appears to be [illegible]. For this reason, the braking system should be [illegible] as outlined in Chrysler's SERVICE MANUAL.

[illegible] is well aware of problems associated with the [illegible] controlled transmission in the 1996 Dodge In- [illegible] and has issued at least 14 Service Bulletins for its [illegible] regarding such problems.

Yours sincerely,

A&C AUTOMOTIVE CONSULTING

[redacted]

[illegible] of the Society of Automotive Engineers (SAE); the American Society of Safety Engineers (ASSE); the American College of Forensic Examiners (ACFE), the National [illegible] Investigation and Accident Reconstruction Specialists (NAPAR); and the [illegible] Safety Engineers (ASSE).

PHOTO #1. The odometer showed on June 19, 2000 a reading of 7,442 miles, while according to Chrysler's data base the on-board computer had registered 10,164 miles when the car was at a Chrysler dealer for service on May 18, 1999, and registered 2,000 miles on December 27, 1999.

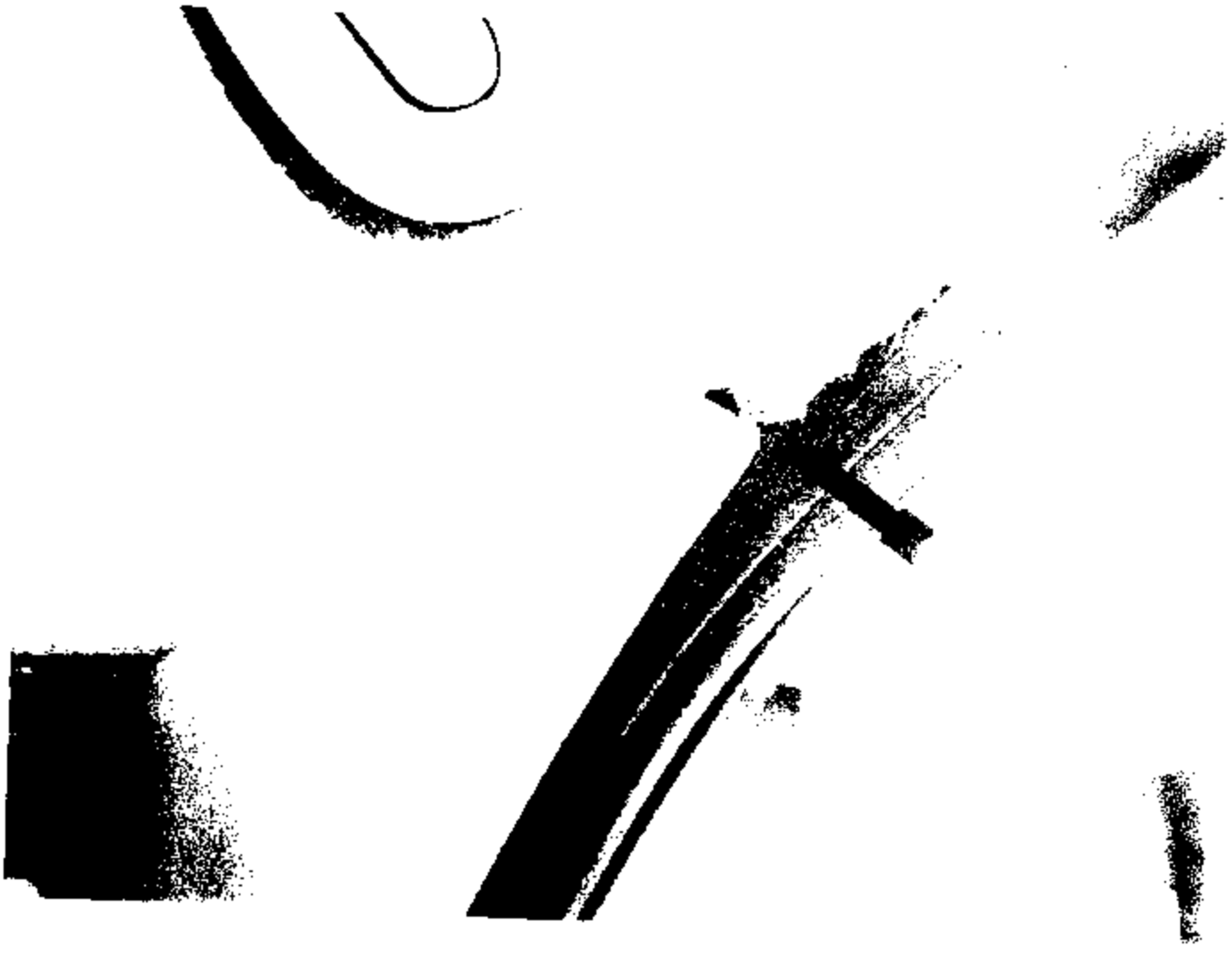
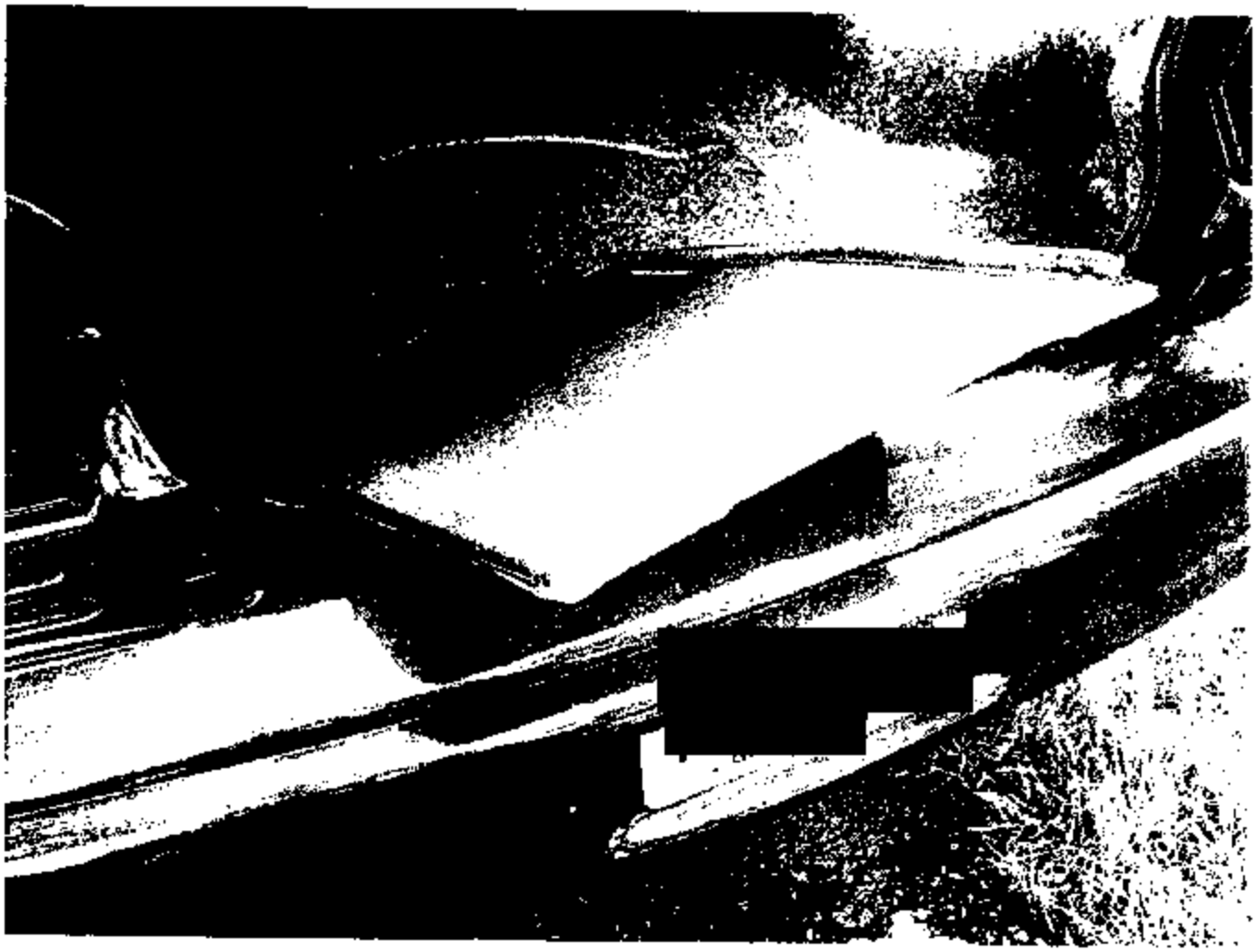


PHOTO # 2. The headliner was partially loose at the examination of the vehicle on June 19, 2000, and was off center, and which explains the unsightly gap between the headliner and a plastic molding on the driver side of the vehicle, pointed out by the arrow in the photo.

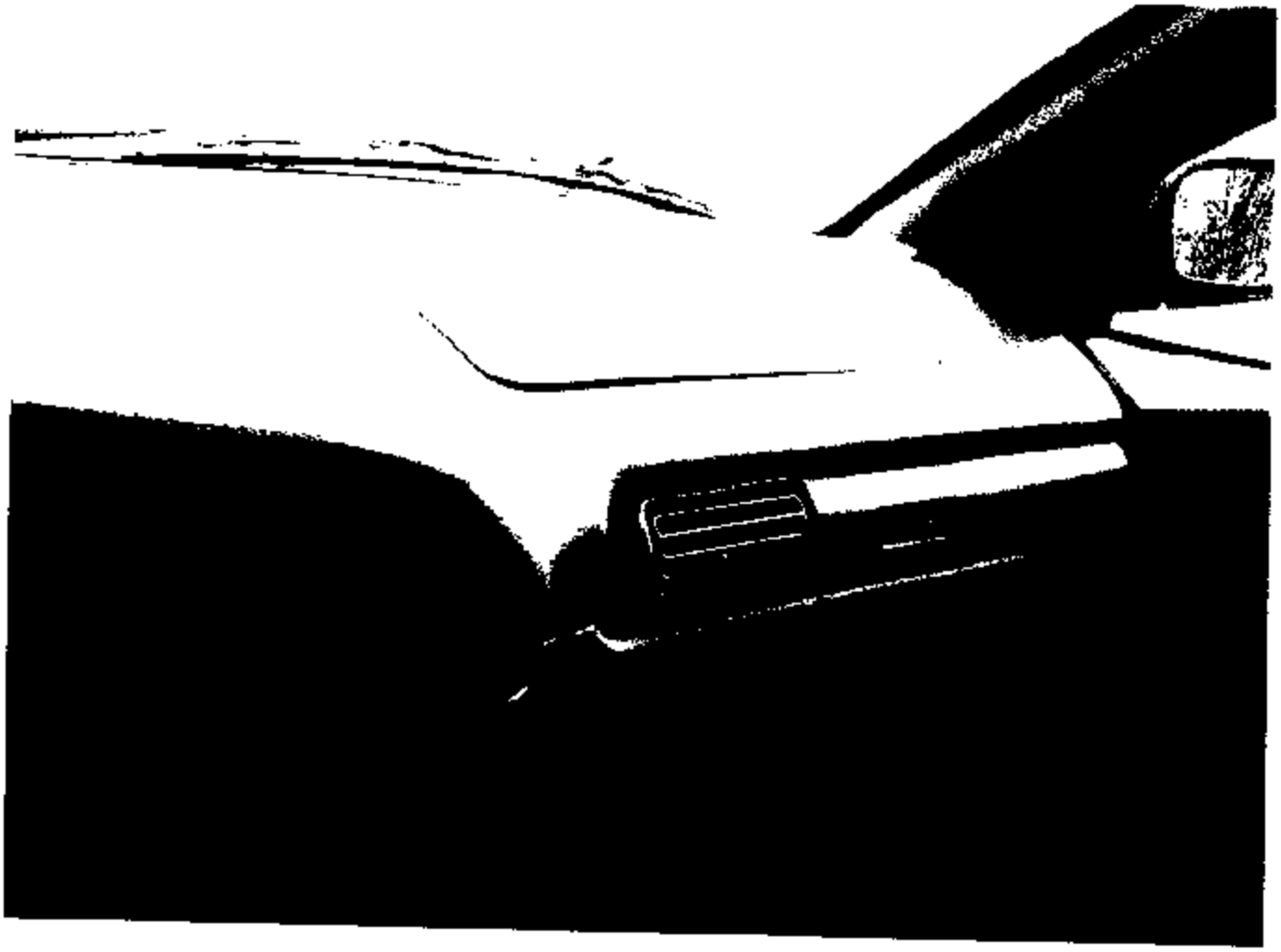


6/19/00

PHOTO # 3 This photo shows the moon roof shade, which had been placed in the trunk after it fell off from its position in the ceiling.

6/19/00

PHOTO # 4. This photo shows that the sun roof shade has been badly damaged. It was obviously misaligned with the sun roof tracks, and got jammed when the power-operated sun roof was opened, causing the shade to break

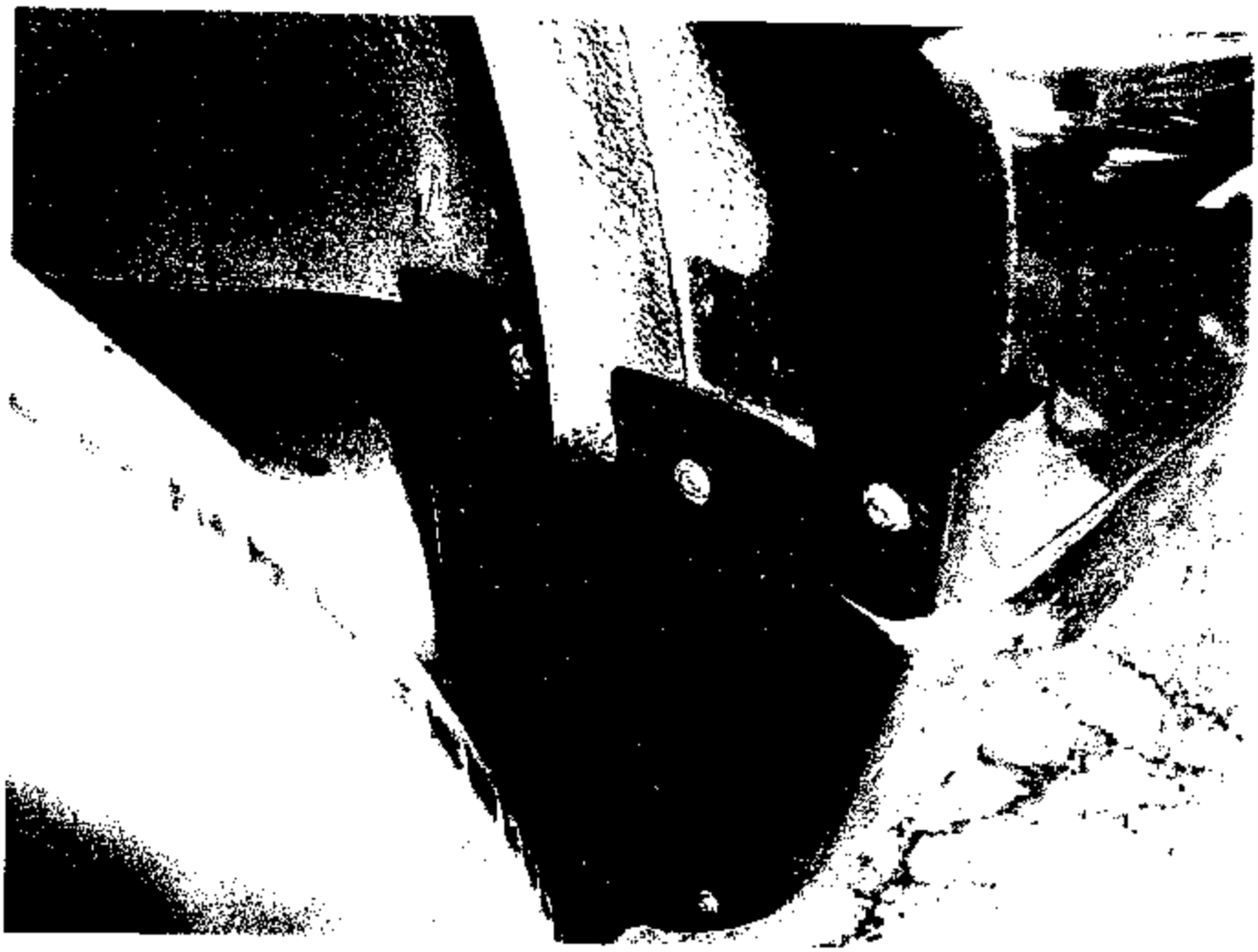


6/19/00

PHOTO # 5 The cover over the passenger side air bag is misaligned. A probable explanation is that the air bag has been replaced at some time, and that the replacement airbag's cover did not fit correctly.

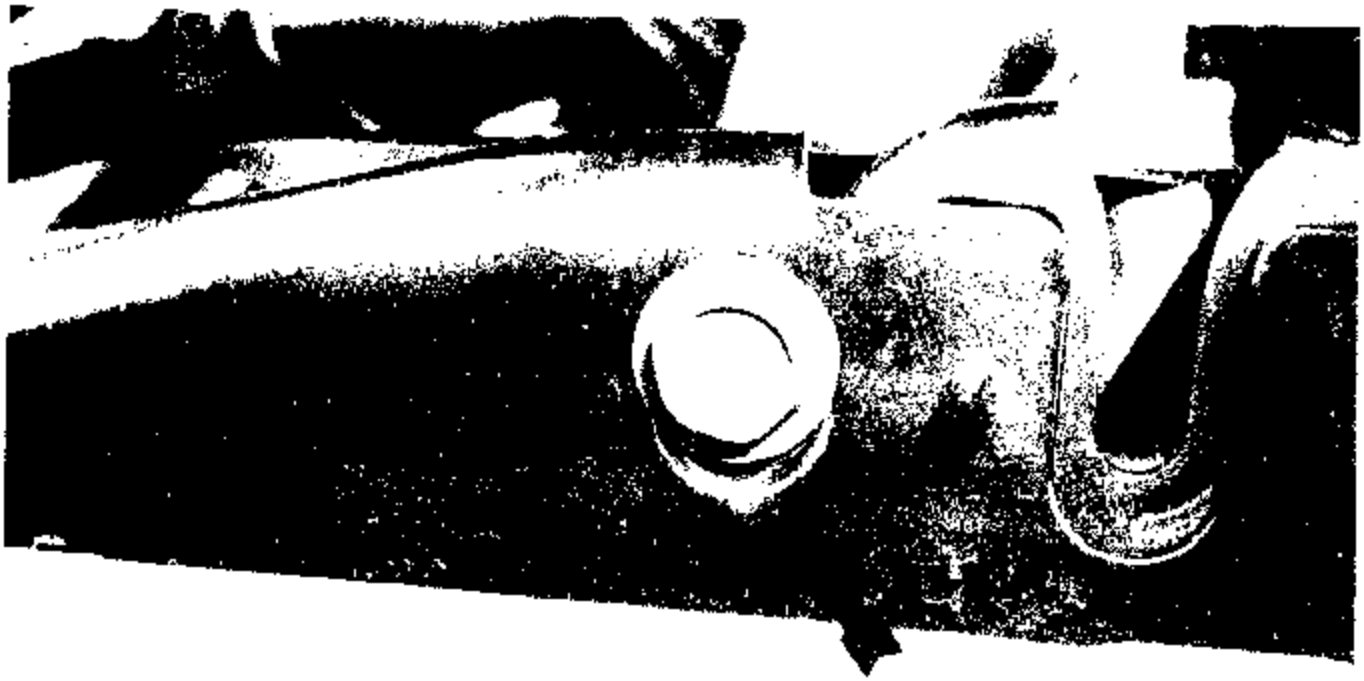
6/19/00

PHOTO # 6 To protect the sheet metal inside the fender wells from being sprayed with sand and salt on wintry roads, mud guards of rubber are placed between the wheels and the sheet metal. The photo shows the mud guard behind the right rear wheel.



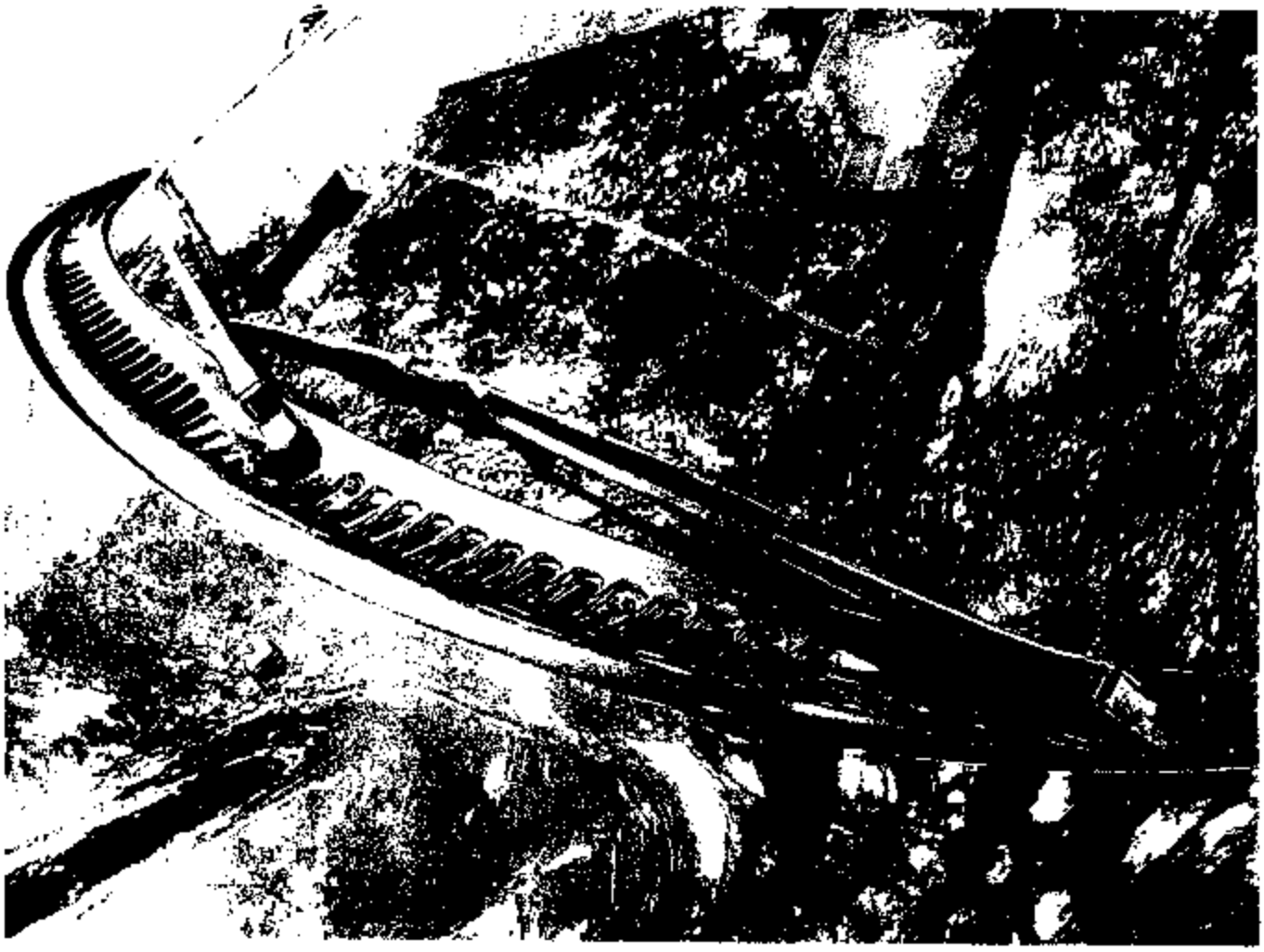
8/19/00

PHOTO # 7. This photo shows the mud guard behind the left rear wheel. Compare this photo with photo #6! Not only are the mud guards very different, it is also obvious that the initially installed mud guard was different from the one seen in photo #6. The shape of the initially installed mud guard can be deduced from the border between the exposed red paint and the protective under-coating. Notice also that the screw pointed out by the arrow does not fit right.



6/19/00

PHOTO # 8. The hood latch had been re-adjusted at some time in the past. The adjustment has been loosened, as indicated by the arrow. This raises the probability that the front end of the vehicle has been repaired after damage, just as the roof and the left side of the vehicle show evidence of repairs.



6/19/00

PHOTO # 9 When Chrysler's dealer repaired the vehicle after that its windshield burst, the windshield wipers were replaced for unknown reason. The new wipers do not follow the curvature of the windshield. Furthermore, they are misaligned. The driver side wiper strikes the passenger side wiper before they are in the fully down position, as the arrow shows.

6/19/00

PHOTO # 10. The black color of there brake fluid shows that the brake fluid has been contaminated with mineral oil. This, obviously, is a typical problem for Chrysler, and which Chrysler is well aware of. That such is the case can be deduced by Chrysler's Service Manual, which specifically addresses problems with mineral oil in the brake fluid. Mineral oil in the brake fluid destroys rubber seals and rubber hoses. For this reason, Chrysler advises that the master cylinder, proportioning valves, caliper seals, wheel cylinder seals, the ABS hydraulic unit, and all rubber hoses should be replaced whenever mineral oil has been found in the braking system.

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December 13, 2000.

[redacted]

ISELIN NJ [redacted]

[redacted]

MEMO.

Dear Mr. [redacted]

The following is a brief summary of my observations on November 21, 2000 when representatives for Daimler-Chrysler and Dayton Dodge inspected your car.

The inspection of the your car was cursory. Both Chrysler's representative, and the person who together with an assistant came late to the scheduled inspection, and who I understand represented Dayton Dodge, took a large number of photos of selected areas of the car. It was obvious that the photographed areas displayed some imperfections, such as misalignment or tool marks, as it would be completely meaningless to take a large number of photos of selected areas that look the way they are supposed to look on an undamaged vehicle. DaimlerChrysler's representative used a copy of my 7/11/00 report as a check list, and photographed all areas I mentioned in that report.

No testing of the vehicle took place. No sample of the contaminated brake fluid was taken.

The underside of the vehicle was observed and photographed. The representative for Dayton Dodge used an electronic measuring device, by which he and his assistant measured a number of points under the vehicle for symmetry. However, they did not have the electronic system turned on, and thus did not measure the distances between the selected points. What they measured was whether the distance between pairs of symmetrically located bolts were equal.

For such measurements, as taken by the Dayton Dodge representatives, however, a regular **string**, with a not tied close to one end, is often more precise. [When a

string is being used, one person places the knot onto the bolt head, while the other person marks off the length of the string with his fingers on the other bolt to be measured, keeping the string tight. They then switch to the other pair of bolts that are to be measured for comparison. The reason a string is often more precise than the tool used by Dayton Dodge's representatives is that a string will not flex when pulled the way the measuring tool did. When the Dayton Dodge person who appeared to be in charge pulled at the top of the vertical pin at his end of the measuring tool, the telescopic horizontal part of the tool bent to some extent. Because of this, the distance between the pointed ends of the two vertical pins changed. This is how they managed to line up the vertical pins "perfect" although there were some deviations in distance between some of the symmetrically located bolts, or points, at the rear of the vehicle[1].

The large misalignment of the left rear wheel was photographed from several angles. This misalignment, however, was not part of the initial evidence of repair of the vehicle, as the vehicle appeared on June 19, 2000 when I inspected it. The vehicle was evidently damaged either during the test drive by Dayton Dodge's representative prior to the 11/21/00 inspection when you were not present, or during the handling of the vehicle when it was transported to the dealership for the 11/21/00 inspection.

I include four photos, three of which taken at the 11/21/00 inspection, and one taken at the 6/19/00. A comparison between the photos, especially those marked Exhibits #2 and #4 makes it obvious that the left rear wheel was lined up with the left side of the vehicle on 6/19/00, but not on 11/21/00. The large misalignment of the left rear wheel seen in Exhibits #1 and #2 causes substantial scrubbing of the rear wheels when the vehicle is driven, and would in addition to a very strange behavior of the vehicle cause an excessive tire wear. Had the misalignment existed from the time the vehicle was delivered to you, the rear tire would have worn out

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[1] *The person who appeared to be in charge called out "perfect" for every measurement he took, which was videotaped by the person I believe was Dayton Dodge's attorney. (She did not introduce herself.)*

in a far shorter distance than the 7442 miles registered on the odometer on 6/19/00.

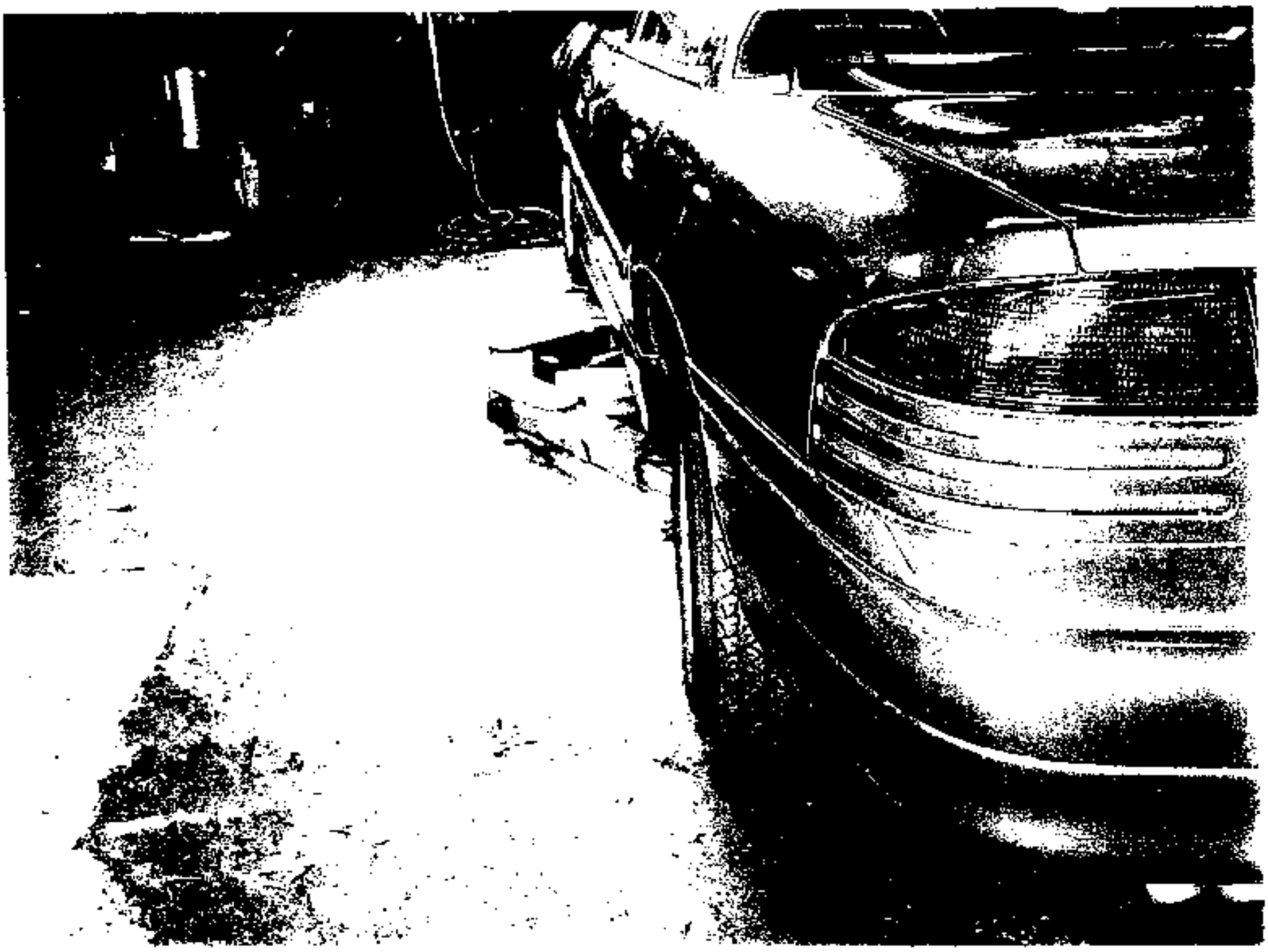
In summary, my impression is that the representative for DaimlerChrysler already knew that the vehicle had been subject to vehicle body repair at some time in the past, and simply wanted DaimlerChrysler to have internal documentation of the evidence that you as a plaintiff can produce in case of trial. This could indicate that DaimlerChrysler may not feel responsible for the damage to the vehicle, suggesting that the vehicle had been damaged after it left DaimlerChrysler, for example during the transportation to the dealer, or after that the dealer took delivery of the vehicle.

Yours sincerely,

A&C AUTOMOTIVE CONSULTING

[redacted]

Member of the Society of Automotive Engineers (SAE); the American Society of Safety Engineers (ASSE); the American College of Forensic Examiners (ACFE); the National Association of Professional Accident Reconstruction Specialists (NAPAR); and the American Society of Swedish Engineers (ASSE).

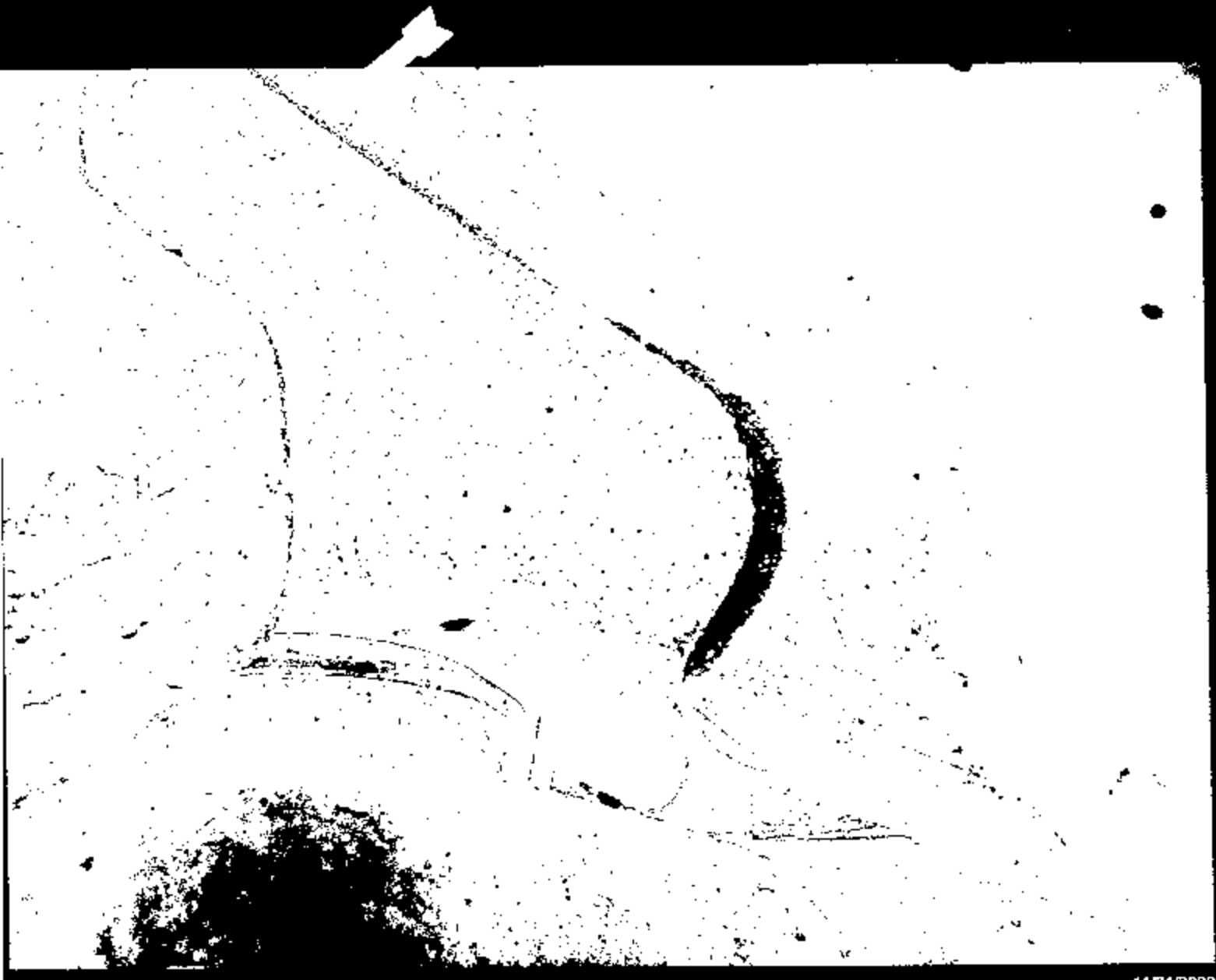


11/21/2003

EXHIBIT 1 This is the subject vehicle. Notice how the left rear wheel is misaligned, pointing to the right relative to the direction in which the vehicle is pointing. Because the wheel points to the right, the rear wheels will move to the right when the car is moving forward, causing the car to turn left. To counter this, the front wheels have to be turned to right. This will make the car move continuously at angle, passenger side first.

11/21/2000

EXHIBIT 2. This is another view of the left rear wheel. That the wheel is not parallel with the side of the car, but points to the right (as seen from behind the car), can readily be seen.



11/21/2000

EXHIBIT 3. This photo shows a section of the left side rail of the "frame" at the front end of the vehicle. The "strip" pointed out by the arrows has not been covered by the under-coating that has been applied to the vehicle's underside. This indicates that the vehicle has been subject to repair of the frame at some time as it is not plausible that the coating could have been applied in such a way as to leave the "strip" uncovered.

6/19/2006

EXHIBIT 4 Notice in this photo, in contrast to Exhibit # 2, that the left rear wheel is lined up with the left side of the vehicle Notice in particular that a part of the side wall of the rear tire can be seen in the entire "9-o'clock" to the "12-o'clock" position even though the camera was positioned closer to the vehicle's front in this photo than when the photo shown in Exhibit # 2 was taken

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December 29, 2000.

LAURIE RUSH-MASURET, P.A.
COUNSELLOR AT LAW
75 CLAREMOUNT ROAD
BERNARDSVILLE NJ 07924

908-953-0042

Re: [redacted] v. Chrysler Corporation, et al
Docket No. [redacted]
Your file No:
Our Ref. No. [redacted]

Dear Ms. Rush-Masuret:

I have read the reports written by Anthony Martino, of the former Chrysler Corporation, dated 11-22-00, (Chrysler Report) and Michael Glaser, of Automotive Forensics Lab, Jackson, New Jersey, dated 12-20-00, (AFL Report) regarding their observations at the cursory inspection of Mr. Galanty's 1996 Dodge Intrepid on 11-21-00.

THE CHRYSLER REPORT:

While it is not actually denied in the Chrysler Report that Mr. Galanty's vehicle has been damaged at some time, with subsequent repairs, it is stated in the report that there are no evidence of repairs to "*body panels.*" The implied explanation for the appearance of the vehicle is that the former Chrysler Corporation assembled their vehicles so sloppily that the vehicles looked as having been involved in accidents and then hastily repaired. I am skeptical to such a claim, and suggest, as I did in my 7-11-00 report, that the subject vehicle is examined by a vehicle body shop in order to determine the extent to which the vehicle may deviate from Chrysler's own specifications.

The Chrysler Report next reads: "*Introduction of letter alleges that odometer may have been turned back a few thousand miles less than zero miles and the vehicle used as a company car until the odometer reached zero miles.*" It is next said in the Chrysler Report that an attempt to turn back the odometer would result in the miles numerals being turned red by an ink pad in the speedometer.

Comments: The point made in the last paragraph above may be of value in this case as it makes it unlikely that the defense attorneys will try to allege that the reason for the large discrepancy between the mileage initially shown on the odometer and the vehicle's ECM is that

Mr. [redacted] had the odometer turned back[1]. Regarding the reference to my 7-11-00 report, it appears that Mr. Martino has misinterpreted the report. I did not say that the Chrysler Corporation "*turned back*" or "*tampered*" with the odometers on the used vehicles the company sold as "brand new" to unsuspecting customers. What I said was that the odometers had been deliberately set (at the assembly) to read a few thousands miles less than the turn-over point. I can add that the information I have is that the former Chrysler Corporation, when caught red-handed, argued that the company had not violated any governmental standards regarding the odometers - there is no requirement that the odometers must be set to read zero when they are assembled, Chrysler's attorneys argued!

Next item addressed in the Chrysler Report: The vehicle's ECM read between 7634 and 7734 miles, while the odometer read 7680 miles, at the 11-21-00 inspection. The large difference in readings by the dealership is explained in the Chrysler Report as the dealership having listed the mileage incorrectly.

Comments: The explanation in the Chrysler Report is not convincing! For example, the mileage shown on the Repair Order dated 8-19-96 is 7993 miles (some 300 miles more than on 11-21-00), while the Repair Order dated 5-18-99 shows 10164 miles. Thus the argument has to be that the dealership listed the mileage wrong at these two occasions, both times with a too high mileage, and with the mileage erroneously increased by some 2166 miles between these two occasions, which seems to be the approximate distance Mr. Galanty may have driven the vehicle during that period!

Another explanation of the large discrepancy between the odometer reading and that of the ECM, not addressed in the Chrysler Report, is that the vehicle's ECM was replaced, or possibly reprogrammed, when the vehicle was at the dealership for warranty work, at which time the large discrepancy may have flagged a warning. According to Chrysler Corporation's database, the dealership has performed warranty work on the vehicle. However, some of the specifics of the work done is not shown in the database (or considered confidential). If the subject vehicle is among the vehicles Chrysler Corporation fraudulently sold as new although they were used, the initial discrepancy of several thousands of miles between the vehicle's odometer reading and that of its ECM may simply be that the ECM reading was overlooked when the vehicle was prepared for delivery to the dealership. If so, the "mistake" was naturally "corrected" when it was discovered during the warranty work with the vehicle. The explanation given in the Chrysler Report thus may not be the correct one.

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[1] *In the Chrysler Report, the ECM is said to stand for "Engine Control Module." The ECM is probably better known as the "Electronic Control Module," or perhaps most commonly, the "computer."*

Next item addressed in the Chrysler Report: The headliner is manufactured of *"hardboard material,"* it is said, and does not have a *"precision fit."*

Comments: While Chrysler vehicles to my knowledge have never been known to have a *"precision fit,"* I believe that a bad assembly of Chrysler vehicles does not in any way preclude that the subject vehicle has been damaged and improperly repaired at some time. For this reason, the vehicle should, as said earlier, be examined by an independent vehicle body shop.

It is of interest to note that in the Chrysler Report it is said that the purpose of the headliner is *"to be attractive in appearance."* As the included photos of the headliner show, *"attractive in appearance"* can hardly be considered the correct term to describe the headliner on the subject vehicle. Please see the photos marked Exhibits 1 and 2.

Next item: The sunroof shade. It is acknowledged in the Chrysler Report that the sunroof shade was not in its proper position (it was actually in the trunk), and that it was damaged. This condition of the sunroof shade is known to Chrysler Corporation, it is said in the report, and has been addressed in Technical Bulletin #23-61-96.

Comments: The statement in the Chrysler Report does not in any way contradict that the vehicle's roof has been damaged at some time. Exhibit 3 shows the sunroof shade as it appeared at the inspection on 6-19-00.

Next item: The misalignment of the passenger side air bag cover is not evidence of replacement of the air bag, it is said in the Chrysler Report. The distortion of the air bag cover is addressed in a technical bulletin, it is explained.

Comments: It is implied that the distortion of the air bag cover seen in photo #5 in the 7-11-00 report is normal for the vehicle model. However, the reference in the Chrysler Report to a technical bulletin does not in any way contradict that there may have been a replacement of the air bag. An independent vehicle body shop that examines the vehicle may be able to determine whether the originally installed air bag has been replaced.

Next item: The mud guards. The difference between the left and the right side rear mud guards, it is said in the Chrysler Report, is because the right side mud guard is intended to protect the fuel filler hose from road debris. The reason the left side is smaller in size, it is said, is to allow clearance for the exhaust system component routing.

Comments: The explanation given in the Chrysler Report misses the point I made in my 7-11-00 report! The point I made was that the exposed paint on the sheet metal inside the left rear fender well shows

that a different type of mud guard was installed on the vehicle when a layer of under-coating was applied to the vehicle. In the photo I included with the 7-11-00 report I wrote the following: "*The shape of the initially installed mud guard can be deduced from the border between the exposed red paint and the under-coating. Notice also that the screw pointed out by the arrow does not fit right.*" I include as Exhibit 4 another print of the said photo.

Next item: "*The hood latch is adjustable by design to allow for fender alignment both during and after production,*" it is said in the Chrysler Report.

Comments: What is not addressed in the Chrysler Report is the fact that he hood latch was misaligned, and was in **need of adjustment** after having been repositioned at some time in the past! The explanation in the Chrysler Report does not contradict that the vehicle had sustained front end damage before delivery to Mr. Galanty.

Next item: In the Chrysler Report it is said that the windshield wipers "*… are operating normally at this time.*"

Comments: There is no mentioning in the Chrysler Report about the observations addressed in my 7-11-00 report, or about Mr. Galanty's complaint.

Next item: "*The vehicle unibody was measurements were made with a Tram Bar and no deviation were noted indicating the vehicle is square to specification,*" it is said in the Chrysler Report[2,3].

Comments: The reference in the Chrysler Report to a Tram Bar is very misleading. The tool used on 11/21/00 by the two people I presume represented the defendant dealership was **not even turned on** during the "measuring" of the vehicle.[4] Furthermore, the tool was used incorrectly, permitting the device to flex, thereby affecting the measurements that were supposed to be taken.

Next item: "*The brake discoloration is a normal occurrence due* [to] *very slight brake dust entry,*" it is said in the Chrysler Report.

Comments: If brake dust accumulates in the brake fluid reservoir of Chrysler vehicles, Chrysler Corporation has a much more serious problem than publicly known! The brake dust (created when the material of which the brake pads are made gradually wears away) is not expected to find its way into the hydraulic circuits! The hydraulic circuits at

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[2] *The copy I have received, which is a copy of a fax, is not very legible. The quotation may therefore not be entirely correct.*
[3] *In the absence of a more descriptive word in the English language, the term "square" is often used to denote the opposite to "skewed" or "crooked."*
[4] *The used tool was a mechanical/electronic device with a battery-operated digital display. Without the display turned on, no measurements can be taken or read.*

the wheel brakes are sealed through rubber seals, called "cups, designed to prevent the hydraulic fluid from escaping when the brake are applied and the fluid under high pressure.[5] There are also rubber "boots" that prevent dirt and dust and water from entering the wheel brake cylinders from the outside of the cylinders in the brake calipers. If the seals are leaking, the brake fluid will escape during brake application, and no brake dust can be expected to enter the wheel brake cylinders by moving **against** the escaping brake fluid.

It should be noted that as the brake pads gradually becomes thinner and thinner due to wear, the pistons in the brake calipers move gradually further and further outward. Because of this, there is a gradual transfer of brake fluid from the brake fluid reservoir (located above the brake master cylinder) to the wheel brake cylinders. (Consequently, as the brake pads wear thinner, the brake fluid level in the reservoir will gradually go down.) This means that if any dust from the brake pads could reach the master cylinder, the dust would have to pass the rubber boots and the seals at the wheel brakes cylinders, and move **upstream**, against the **net transfer** of brake fluid from the reservoir to the wheel brake cylinders through the narrow brake lines. This is so unlikely that I believe Mr. Martino is mistaken about his explanation that the black color of the brake fluid shown in Photo #10 included with my 7-11-00 report is brake dust that has found its way into the brake fluid reservoir.

Note: Some people representing the former Chrysler Corporation might argue that the rubber boots that are designed to protect the wheel brake cylinders from dirt and dust and water on the Dodge Intrepid are not 100% effective in preventing dust from entering the wheel brake cylinders outside of the rubber seals. The argument would then have to be that when the brake pads have worn out and are replaced, the pistons in the wheel brake cylinders (calipers) have moved outward a greater distance than the thickness of the rubber seals, and that this may cause some brake dust that had stuck to the surface of the wheel cylinders to enter the interior of the cylinders. When the brake pads then are replaced and the pistons pushed back to their initial position, the brake fluid that had gradually been transferred from the brake fluid reservoir to the wheel brake cylinders is pushed back through the brake lines, into the brake fluid reservoir. The brake fluid could then carry some dust particles with it back into the reservoir, it would be argued.

If the above argument is attempted by Chrysler Corporation, the obvious question to Chrysler would be: Had the originally installed brake pads already been replaced on Mr. Galanty's vehicle, even though the odometer reading on 11-21-00 according to the Chrysler Report was only 7,680 miles? This would be an unusually short distance for a set of brake pads to wear out. This is especially so considering that the contamination of the brake fluid was observed at least as early as 6-

[5] *The hydraulic pressure in the braking circuits may reach or exceed 2,000 PSI during hard brake application.*

13-97, when the vehicle's odometer reading was only 2,990 miles! The question can be rephrased: Had the vehicle prior to the delivery to Mr. Galanty already worn out a set, or more, of brake pads? Since most people no doubt expect to get at least 20,000 miles out of their brake pads, the question can also be asked: How many miles had this vehicle accumulated before it was sold to Mr. Galanty as a new vehicle?

It should be added that Chrysler Corporation does indeed have a problem with contamination of the brake fluid, which is very unusual among other car makes. As I said in my 7-11-00 report, Chrysler has in its SERVICE MANUAL addressed the issue of brake fluid contamination, and writes that if there is evidence of a contamination of a petroleum product in the brake fluid, all rubber components in the braking system, as well as the master cylinder and the ABS hydraulic unit, should be replaced.

I include as Exhibit 5 another print of the photo included with my 7-11-00 report showing the black color of the brake fluid in the subject vehicle. I suggest that a company that specializes in braking system re-manufacturing (such as Cardone Industries in Philadelphia, Pennsylvania) is retained to examine the brake fluid in Mr. Galanty's vehicle.

Next item: "*A&C Consultant compares the subject vehicle transmission operation to that of Mercedes and a small Dutch car.*"

Comments: No, I did not compare the transmission operation of the subject vehicle with that of the Mercedes, or the DAF, which would have been an insult to Daimler-Benz, and perhaps also to VAN DORNE. What I did was to mention that Mercedes-Benz, perhaps the first maker of 4-speed automatic car transmissions, like most other vehicle makers that followed Mercedes-Benz, realized that many vehicle buyers prefer to be able to have control of the operation of the transmission. Car makers therefore make manual gear selection possible. My comment in my 7-11-00 report was in response to the opinion presented by the Chrysler representative, who wrote that Mr. Galanty used the 3rd gear position **instead** of the OD (Overdrive) gear position. The Chrysler representative apparently was of the opinion that drivers should not use any other forward gear position than the OD, which, if shared by Chrysler Corporation, would raise the question as to why Chrysler did not simply copy the arrangement used on the small DAF[6]?

Other items: It is admitted in the Chrysler Report that the windshield has been replaced with a different type of windshield than the type with which the vehicle was delivered to Mr. Galanty. Mr.Martino says in the report that an addendum to his report will be added when he has

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[6] *Although the drivers of the DAF had no direct control of the operation of the transmission, the transmission did indeed downshift itself for increased engine braking and reduced brake lining wear when the driver applied the brakes. Thus, even though considered rather primitive, the vehicle was in this respect more advanced than the 1995 Dodge Intrepid.*

received the necessary information. As of this writing, I am not aware of any addendum to the Chrysler report.

THE AFL REPORT.

The AFL report does not meet minimum standard for an engineering report, or any type of report, in which an opinion of relevance to a legal matter is presented as being based on quantitative facts[7]. The AFL Report is therefore in its present form not of significance.

A report, that expresses an opinion that is supposed to be of significance in a legal dispute must include the quantitative facts on which the opinion is based (if the opinion is said to be based on such facts) so that other parties of the legal dispute may be able to determine the accuracy of the claimed facts. It is of course important that all parties in a legal dispute, especially in this country, have opportunity to review the information that is available to the other parties.

The AFL Report contains three references to quantitative facts, but without giving such details as would be necessary in order to determine the accuracy of the claimed facts. [I have found that whenever the author of a report presents an opinion said to be based on quantitative facts, but declines to reveal what those facts are, more often than not, no "facts" that support the expressed opinion can be determined to exist.] The three references are:

1) On page 10 in the AFL Report it is said that "*The vehicle's front end was measured in several different areas utilizing a tram gauge. A tram gauge is a precision measuring device for body and frame repair facilities to X out uni-bodies, frames and engine compartments of vehicles.*[8]"

Comments: At the AFL's cursory inspection of the subject vehicle on 11-21-00, which I observed, the tram gauge used was not **turned on**[9]! The reference to a "*tram gauge,*" and its being a "*precision measuring device,*" is therefore very misleading. In addition to not being turned on, the gauge was improperly being used, permitting the gauge to flex, with the result that observed similar distances may have appeared identical distances. No actual measurements were made at the 11-21-00 inspection, and no comparison with Chrysler's specifications was made, nor could any have been made without proper use of the *precision measuring device*.

As I suggested in my 7-11-00 report, and earlier in this report, the subject vehicle should be examined by an independent vehicle body

[7] "*Quantitative*" *is here defined as relating to, or susceptible of measurement. [From American Heritage Dictionary.]*

[8] Please *see footnote 2.*

[9] *Please see footnote 4.*

shop that knows how to correctly use equipment for measuring vehicle body damage. It is of interest to note that there is no mentioning in the AFL Report about the gap in the under-coating on the vehicle' frame rail, depicted in the photo I include as Exhibit 6. The gap is easier explained as the result of frame repair than improper application of the under-coating.

2) On page 11 in the AFL Report it is said, or implied, that an analysis has been made of the brake fluid from a sample taken from the subject vehicle. There is no account in the AFL Report of what the analysis, if any, showed. The description in the AFL Report of the brake fluid's "*wet boiling point*" is of no significance, as it does not describe the contamination of the brake fluid.

3) On pages 16-17 in the AFL Report, Mr. Glaser states that *he utilized an instrument which measures the paint finish and found that the finish did not deviate in thickness throughout the entire body.*" There is no information in the AFL Report about where on the vehicle body the measurements were taken, or what the measurements were. At the 11-21-00 inspection, no measurements of the uniformity of the paint finish were made "*throughout the entire body*". Only a few randomly selected points were measured "*for uniformity.*"

MISCELLANEOUS.

On page 7 in the AFL Report, Mr. Glaser writes that "*From the date this vehicle was ordered to the date it was built, transported, and dealer prepped, as to the time that Mr. Galanty took possession of the vehicle, there is absolutely no time for a) any extensive mileage to be put on the vehicle b) any type of body work or paint work to be performed on the vehicle. Mr. Eric Carlsson's above-mentioned statement is not credible.*"

Comments: It appears that Mr. Glaser has managed to overlook what should be obvious to anyone. Chrysler Corporation did of course not expect to be caught red-handed for selling used company cars as brand new cars to unsuspecting car buyers! The company expected of course the buyers to believe that the cars came "fresh off the assembly line." It can therefore not reasonably be assumed that Chrysler Corporation would show the vehicles as having been manufactured **prior** to the vehicles being placed in service as company cars. In its attempt to prevent the buyers from being suspicious about the true mileage of their "new" cars, Chrysler would of course show the vehicles as having been manufactured **after** that they had been used as company cars. This could easily be done "legally."

On page 7 in the AFL report Mr. Glaser further states that that "*The dashboard and its cluster shown no evidence of being removed from the vehicle and/or being tampered with. For example, chipped or flaked paint or distorted screw heads while utilizing a screwdriver, which is consistent with removal of the screws (note photographs 19-21).*"

Comments: The second quoted sentenc appears to be unfinished. In any case, Mr. Glaser is wrong in his assumption that an absence of tool marks is evidence that there has been no removal of the dashboard. It is possible to remove and reinstall screws without leaving any such marks as chipped or flaked paints or distorted screw heads.

On page 13 in the AFL Report Mr. Glaser states that "*In fact, fluid* [if mineral oil or other petroleum products enter the brake system] *would leak out of the following: master cylinder, calipers, and all rubber parts.*"

Comments: The claim in the AFL Report is not based on real life experience. The fact is that there can be a considerable amount of petroleum products in the braking system for a substantial period of time, without any external leakage, or indication of incorrect fluid being used. The brakes may function very well for an extended period of time. The danger of petroleum products in the braking system is that the system becomes very unpredictable. The brakes may fail unexpectedly, even if there is no external leak.

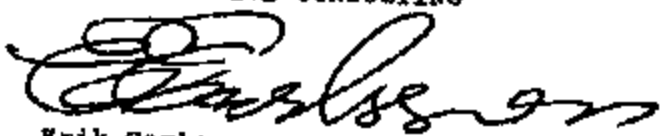
SUMMARY.

What Mr. Martino writes in the CHRYSLER REPORT does not in any way contradict that Mr. Galanty's vehicle has been damaged, and subsequently repaired, prior to June 15, 1996, the date the vehicle is shown to have been placed in service. Nor does the statement in the Chrysler Report contradict that the subject vehicle may have been one of the vehicles Chrysler Corporation used as a company car for a period of time, and then sold as "brand new" to unsuspecting buyers.

The AFL Report in its present form is of no significance since it does not meet the minimum standards for a report intended to be used as basis for claims in a legal dispute.

Yours sincerely,

A&C AUTOMOTIVE CONSULTING



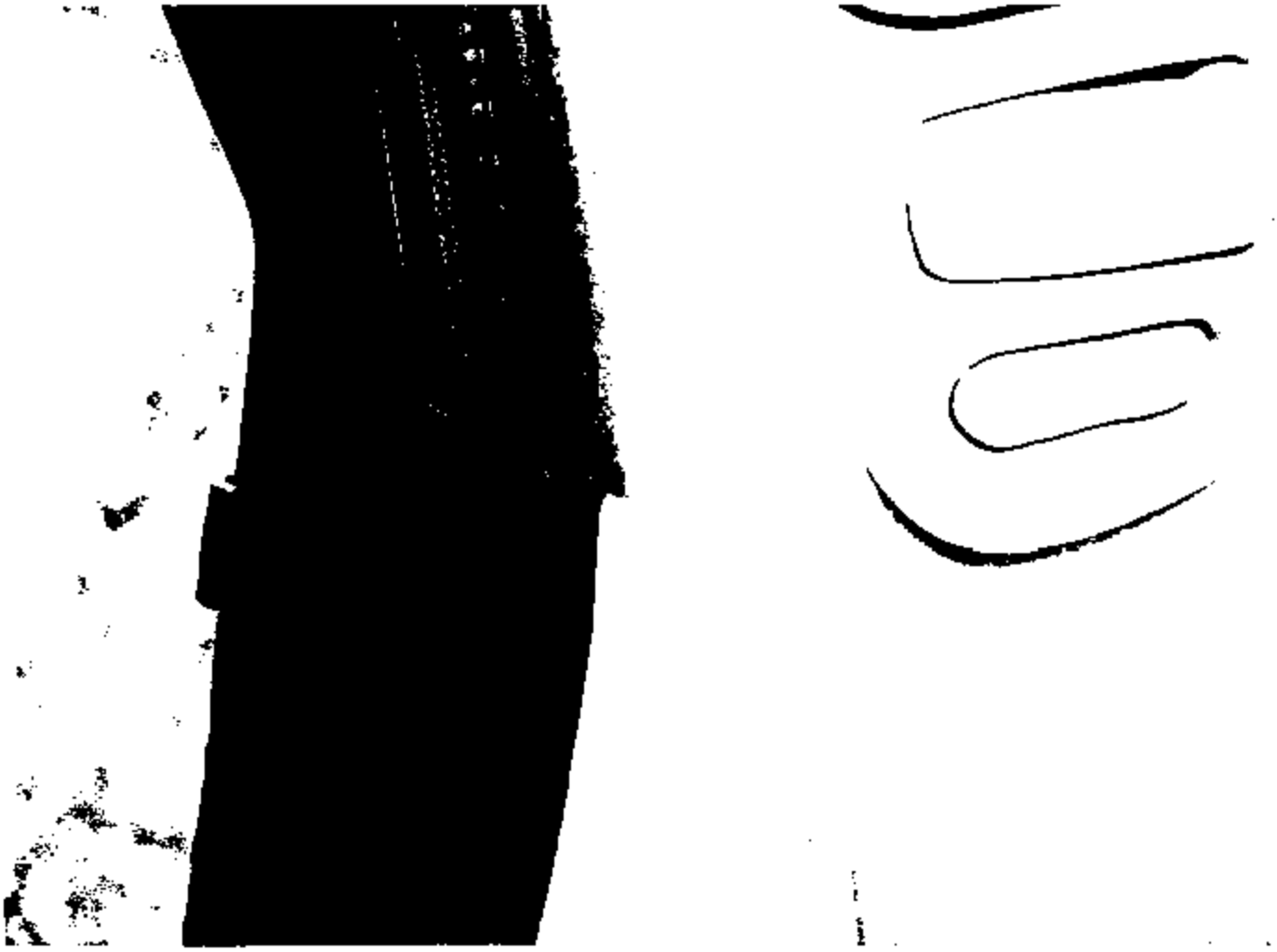
Erik Carlsson

Member of the Society of Automotive Engineers (SAE); the American Society of Safety Engineers (ASSE); the American College of Forensic Examiners (ACFE); the National Association of Professional Accident Reconstruction Specialists (NAPAR); and the American Society of Swedish Engineers (ASSE).

cc. Mr. Robert Galanty, 284 Kennedy Street, Iselin, NJ 08830

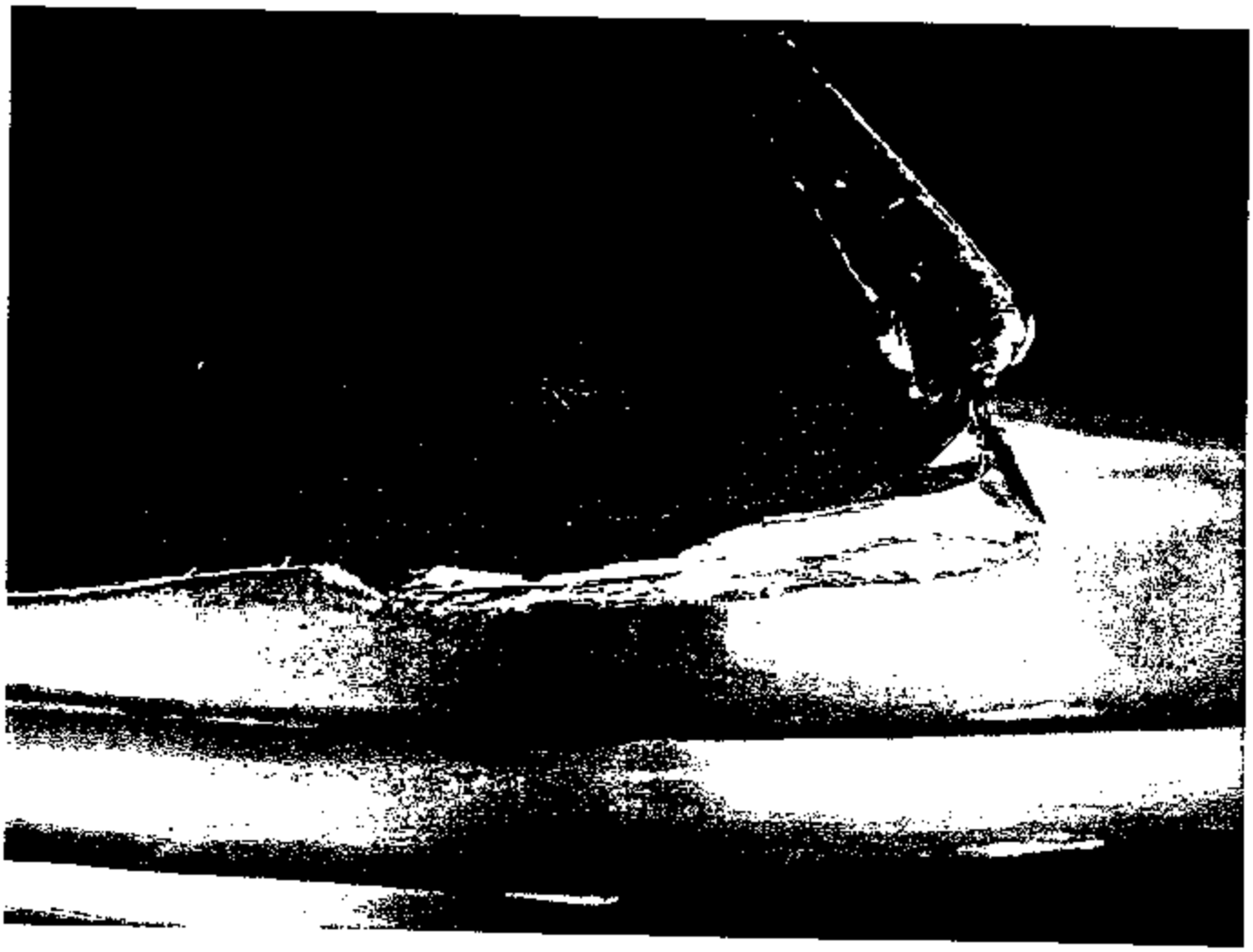
6/19/2000

EXHIBIT 1. The arrow points to an unsightly gap between the headliner and a plastic molding on the driver side of the vehicle.



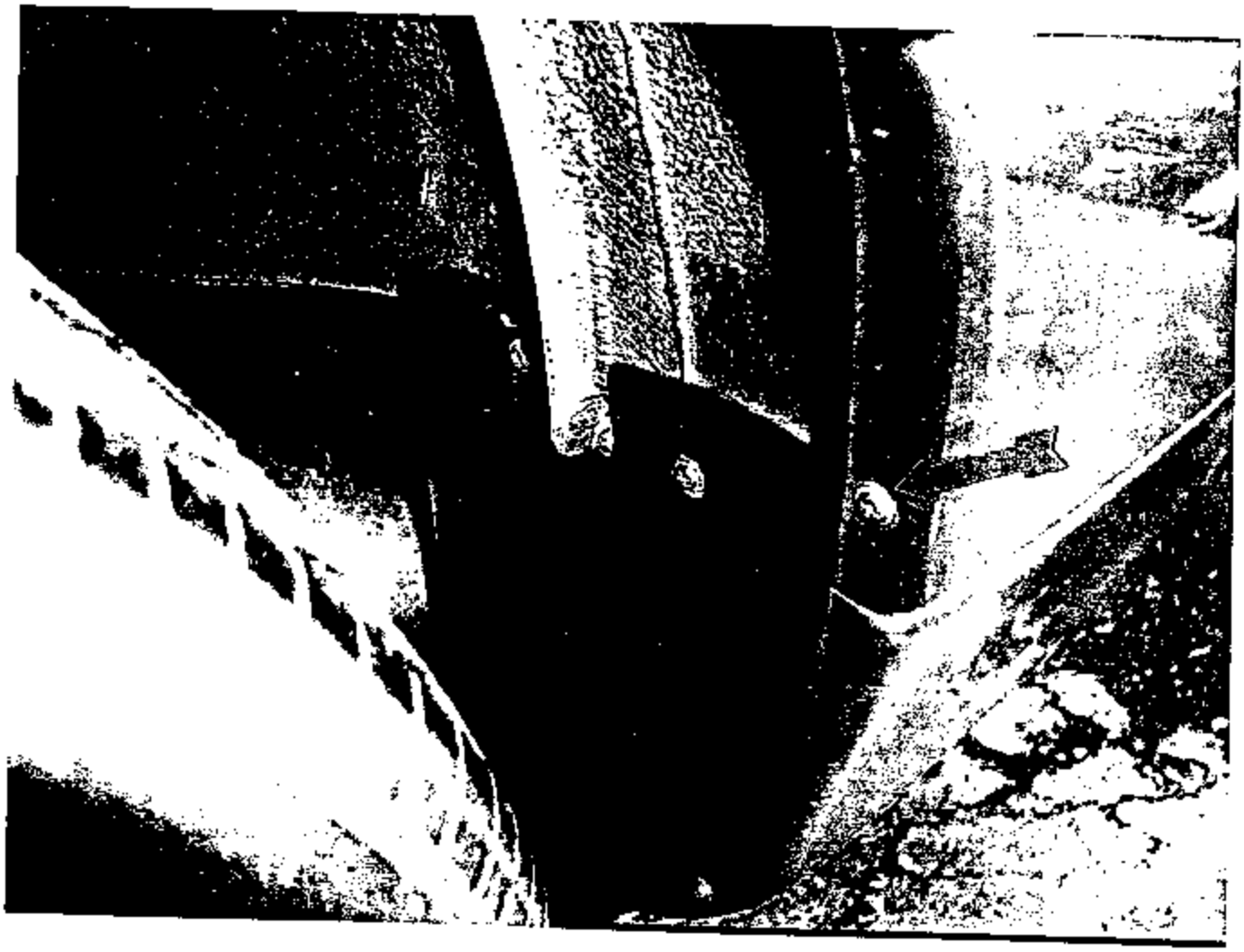
6/19/2000

EXHIBIT 2. Compare this Exhibit with Exhibit 1. On the passenger side, the plastic molding extends to the outside of the headliner.



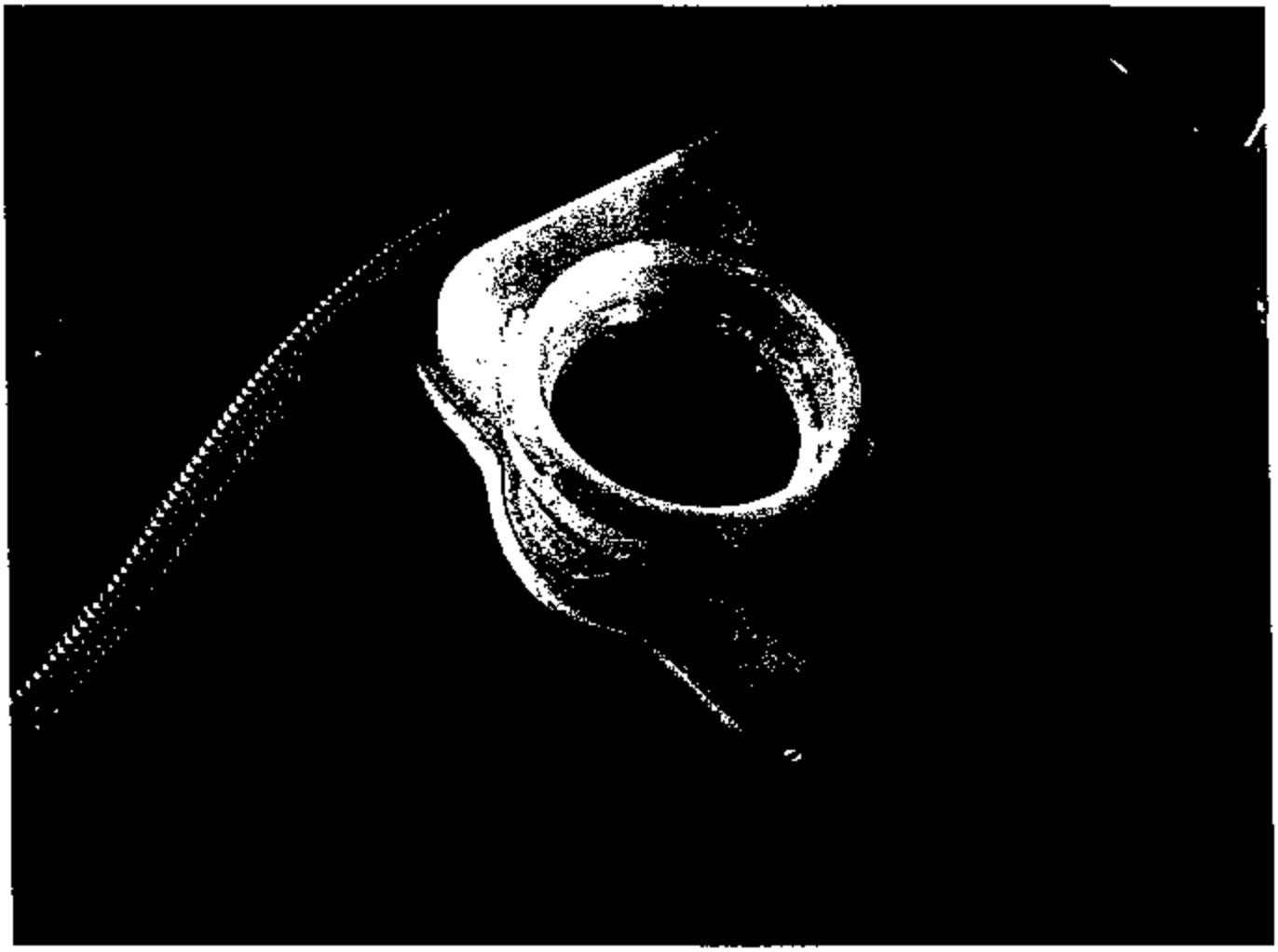
6/19/2000

EXHIBIT 3. This is the sunroof shade of Mr [redacted] 1996 Dodge Intrepid.



6/19/2000

EXHIBIT 4. A different mud guard was obviously on the vehicle when the under-coating was applied, or there would not have been an uncovered area above the mud guard. The arrow points to a gap between the screw and the screw hole.



6/19/2000

EXHIBIT 5. Chrysler Corporation has, for some reason, a problem with contamination of the brake fluid, as can be deduced from Chrysler's Service manual that addresses such problems. In its pure state, brake fluid is colorless.

11/21/2000

EXHIBIT 5. The arrows point to a gap in the under-coating on a frame rail of the subject vehicle. No attempt to explain how it was possible to leave such a gap when the under-coating was applied has been given by either of the authors of the Chrysler Report and the AFL Report.