

PE04-078

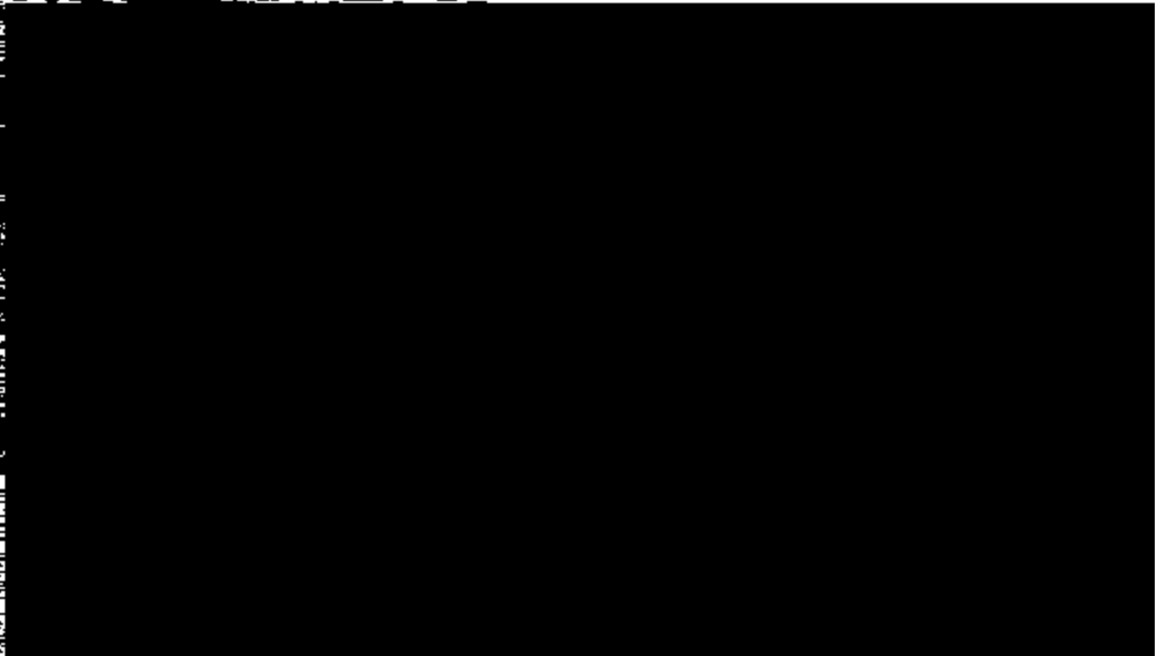
FORD

1/28/2005

BOOK 5 OF 12

ATTACHMENT F

PART 1 OF 6



PE04-078 C 1466

CAUSE NO. 29,754 M

[REDACTED]

VS.

FORD MOTOR COMPANY

§
201
202
203
204
205

IN THE COUNTY COURT

AT LAW NUMBER 1

BRAZORIA COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, [REDACTED], hereinafter referred to as Plaintiff, complaining of FORD MOTOR COMPANY, hereinafter referred to as Defendant, and for cause of action would show to the Court and jury:

I.

Plaintiff [REDACTED] is an individual residing in Brazoria County, Texas.

Defendant, FORD MOTOR COMPANY, is a corporation doing business in the State of Texas, and may be served with process by serving its registered agent for service of process: CT Corporation Systems, 350 North St. Paul Street, Dallas, Texas 75201.

II.

On or about May 21, 2001, Plaintiff's 2000 Ford F150, V.I.N.#1FTRF17W8YN [REDACTED] was being driven in Angleton, Brazoria County, Texas when smoke and flames erupted in the engine compartment, specifically in the area between the left valve cover, the right face of under hood fuse relay block, and the ABS control module/hydraulic unit. The fire is consistent with a resistant short that occurred within the brake master cylinder causing the switch to overheat and ignite the plastic composite material of the brake fluid reservoir.

III.

Plaintiff brings this lawsuit to recover damages arising out of the above referenced incident. Due to the incident Plaintiff's vehicle was damaged.

FILED FOR RECORD
COUNTY CLERK
2001 JUL 25 11 25 AM
GOPY
CLERK'S OFFICE

IV.

Defendant by and through the sale of the product in question, expressly and impliedly warranted to the public generally, and to the Plaintiff specifically, that the vehicle was fit for the purposes for which it was intended.

Plaintiff made use of the product as alleged herein, and relied on the express and implied warranties. Contrary thereto, the 2000 Ford F150, was not fit for its intended use, rendering the product in question unreasonably dangerous.

Defendant's breach of warranties and the above mentioned defects rendered the product unreasonably dangerous and a proximate cause and a producing cause of the occurrence in question and the resulting damages suffered by Plaintiff. Further, Defendant's conduct was done knowingly.

V.

By reason of the above and foregoing, Plaintiff has been damaged in a sum within the jurisdictional limits of the Court.

IX.

Therefore, Plaintiff [REDACTED] sues Defendant, FORD MOTOR COMPANY, for breach of implied warranty and/or breach of express warranty for an amount in excess of the minimum jurisdictional limits of the Court.

X.

All conditions precedent have been met.

XI.

By an instrument in writing, Plaintiff assigned to State Farm County Mutual Insurance Company of Texas, a corporation authorized to do business in the State of Texas, that portion of this cause of action herewith asserted which does not exceed, which is in excess of the minimum jurisdictional limits of the Court. This assignment was in writing and took place before the filing of

Plaintiff's petition. Under the terms of assignment of this cause of action, State Farm County Mutual Insurance Company of Texas received the right to file suit in the name of the Plaintiff. State Farm County Mutual Insurance Company of Texas has elected to prosecute this cause of action which was assigned to it in the name of Plaintiff, thus said insurance company is the real Plaintiff in this cause of action. This paragraph is not to be read to the jury, nor is the fact of this assignment to be known to the jury.

WHEREFORE, Plaintiff prays that Defendant be duly cited to appear and answer herein and that upon final trial of this cause, and Plaintiff recover:

1. Judgment against the Defendant for Plaintiff's damages as set forth above, in an amount within the jurisdictional limits of this Court;
2. Prejudgment interest on Plaintiff's damages as allowed by law;
3. Interest on said judgment at the legal rate from the date of judgment;
4. Costs of Court; and
5. Such other and further relief to which Plaintiff may be entitled.

Respectfully Submitted,



STEPHEN E. GARNER, P.C.
Stephen E. Garner
TBA #07677450
Suzanne K. Rose
TBA #00791043
Cory L. Chandler
TBA #24012410
7680 Woodway, Suite 465
Houston, Texas 77063
(713) 952-0122
(713) 952-1660 FAX
ATTORNEYS FOR PLAINTIFF

INCIDENT REPORT

COPY

INTE 2001-0146 DATE 05/21/01
DEPT TIME 1740 ARRIVAL TIME 1746 DISPATCH TIME 1813

TYPE CALL CAR FIRE LOCATION 6245 Bohar YES + 208B

OCCUPANT NAME [REDACTED] PHONE N [REDACTED]

OWNER NAME [REDACTED] ADDRESS [REDACTED]

OWNER PHONE N [REDACTED] INSURANCE X YES NO COMPANY State Farm

INFORMATION FURNISHED BY: [REDACTED] PHOTOGRAPHER YES X NO

SMOKE DETECTORS: YES NO DO THEY WORK: YES NO Where? _____
Electrical Service? YES NO Shut Off? YES NO By Whose? FD Other _____
Gas Service? YES NO Shut Off? YES NO By Whose? FD Other _____
FORCIBLE ENTRY: YES NO Where? Front Back Door Window Other _____

NUMBER FIREMEN ON SCENE 7 NUMBER ENGINES ON SCENE 1 NUMBER AERIALS ON SCENE 0 NUMBER OTHERS 3

UNITS RESPONDING 001 002 003 004 005 007 008 009 010 011 012 013 014 015 016 017 018

OTHER UNITS RESPONDING _____

HOSES USED - 1" 2" 1 1/2" 1" Other _____ HYDRANT? YES NO

PROPERTY USE: Hwy STRUCTURE TYPE: N/A BRICK WOOD METAL OTHER

EXPLAIN _____

FIRE INVESTIGATION

RECEIVED

FIREMEN ON FIRST ENTRY TEAM: DUNAWAN/COLE

AREA OF FIRE ORIGIN: Engine

JUN 04 2001

APPARENT CAUSE: Unknown

Lake Jackson GSO

WHAT AIDED FIRE BREATH: Composites Materials

TYPE MATERIAL BURNED: _____

IGNITION SOURCE: Unknown

EXTENT OF DAMAGE: TOTAL

METHOD OF EXTINGUISHMENT: STAND 4 STANDARD SUPPRESSION METHODS EST. DOLLAR LOSS: TOTAL

MUTUAL AID: N/A RECEIVED DEPARTMENT: _____

VEHICLE INFORMATION: 91 YEAR Ford MAKE F150 MODEL LICENSE: 4LP-M71

V.I.C.# 1KTRF1W8YN [REDACTED]

APPLIANCE: N/A MAKE _____ MODEL _____

WEATHER CONDITIONS: CLEAR CLOUDY OVERCAST RAIN THUNDERSTORM WINDY FOG HOT COLD WARM COOL
FREEZING CONDITIONS OTHER (IF OTHER, EXPLAIN) _____

OFFICER IN CHARGE: AL - AT [REDACTED]

PE84-878 C 1478

FORM MAKING REPORT 10-774

PLEASE PRINT...NO RED INK
DESCRIPTION OF CALL

COPY

OWNER SAID TRUCK STARTED ^{Running} ~~Running~~ BAD

PULLED OVER. SMOKE CAME FROM UNDER HOOD ~~under~~
ENGINE

UPON ARRIVAL FOUND FORD PICKUP TRUCK TOTALLY
INVOLVED. USED 1 3/4" FRONT LINE FROM UNIT 601 TO
EXTINGUISH FIRE. ENGINE & INTERIOR COMPLETELY BURNED

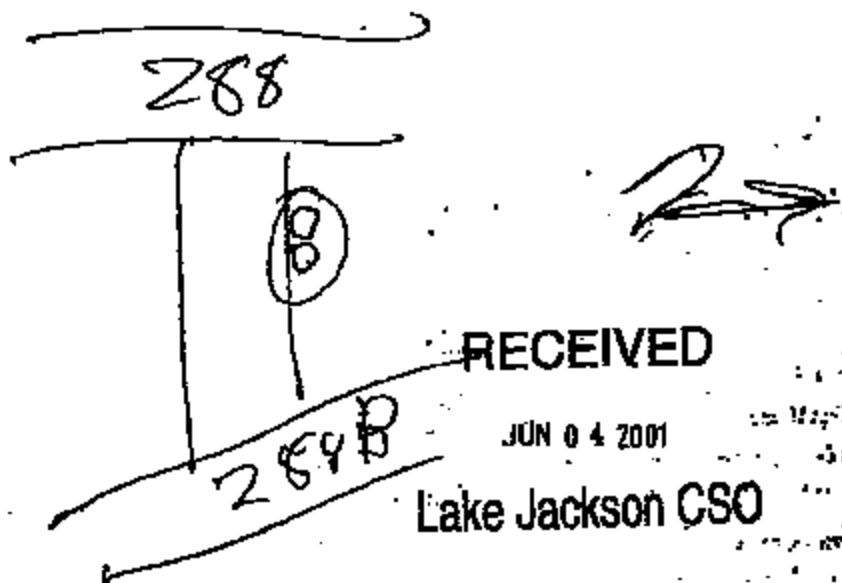
OWNER STATED TRUCK WAS RUNNING BAD WHILE
DRIVING DOWN ROAD AND HE PULLED OVER AND OPENED
HOOD AND ENGINE COMPARTMENT WAS ON FIRE.

HOOD WAS COMPLETELY GONE AFTER EXTINGUISHMENT OF FIRE.

N 29 14 53.5

W 95 26 53.1

Sketch of Scene



RECEIVED

JUN 04 2001

Lake Jackson CSO

FORM-078 C 1471

State Farm County Mutual Insurance Company of Texas



October 9, 2001

Ford Motor Co.
Parklane Towers West Ste 400
3 Parklane Blvd
Dearborn, MI 48126-2568



LAKE JACKSON CSO
AUTO COMPANY
450 THIS WAY
LAKE JACKSON, TEXAS 77566-5
979-299-5300

RE: Claim Number: [REDACTED]
Date of Loss: May 21, 2001
Our Insured: [REDACTED]

Dear Sir or Madam:

This is in regard to the total loss of a 2000 Ford F-150 (vin 1FTRF17W8YK [REDACTED]) from a fire originating in the engine compartment. We would like to give you an opportunity to inspect this vehicle and give you advance notice of our potential subrogation claim.

Please contact me at 979-299-5323 to set up a time for your inspection.

Sincerely,

Katherine A. Koehl
Claim Specialist
(979) 299-5323

State Farm County Mutual Insurance Company of Texas

- 5/21/01
- 100-F150
- VIN



RECEIVED DEC 14 2004



Office of the General Counsel

O 502

PRIVILEGED & CONFIDENTIAL

Ford Motor Company
Parklane Towers West
Suite 300
Three Parklane Boulevard
Dearborn, Michigan 48120-2558

October 8, 2004

Allstate Insurance
16700 East Hardy, Suite A
Houston, TX 77032
ATTENTION: CHERYL LEROY

Re: Claimant: [Redacted]
D/O/E: 09-23-2004
Your Claim #: [Redacted]

Dear Ms. LaFoy:

We acknowledge your recently submitted subrogation claim. In order to assist us in evaluating your claim, we request that you provide us with the following information: (Please note that the information requested is in regard to the Ford manufactured vehicle.)

- 1. Attach statement with a complete description of the incident, including events that occurred prior to and subsequent to the loss. ✓
- 2. A copy of the police and/or fire report. *NONE*
- 3. Original color photographs of the vehicle's collision/fire damage & the alleged defective parts, from several different angles. ✓
- 4. Original color photographs of the inside of the vehicle showing the steering wheel, dash and roof areas.
- 5. Original color photographs of the accident / fire scene from several different angles.
- 6. Attach a copy of your expert's report and the expert's original photographs. ✓
- 7. Attach the repair estimate, repair order, or your total loss worksheet for the vehicle's damage and any losses associated with this incident, and copies of draft payments. ✓
- 8. Attach the complete service history for the subject vehicle, including any tune-ups or oil changes. ✓

Please answer the following in the space provided. If you need additional space, please use the back of the form.

- 9. What was the city and state of occurrence: TEXASNA
- 10. The 17 digit vehicle identification number: NA 1PTZEX172LYK [Redacted]
- 11. What was the mileage at time of occurrence: 68,277
- 12. What is the alleged defect: Cruise control deactivation switch

ESP 60/60,000
EX 4/18/05

WSD - 4/18/00
UCC + BOW SOL TX - 4YRS.
- 68,277
- TX

PERM-078 C 1074

13. Has the alleged defective part been repaired or replaced? (circle one) Yes or No
14. What is the current location of the vehicle, and the alleged defective part(s)?
owner is operating
15. List all after market additions or modifications that were made to the vehicle:
N/A
16. Was the engine running? (circle one) Yes or No
17. Were the keys in the ignition? (circle one) Yes or No
18. Was this vehicle purchased new or used: new
If purchased used, provide the date of purchase, mileage at the time of purchase, and from whom the vehicle was purchased:

Once we are in receipt of the requested information, it will be reviewed and you will be notified of our decision concerning your claim. Should you not send all of the requested information and materials, we will assume that you are not interested in pursuing a claim and we will close our file. Please note that your vehicle will not be inspected until all the above information has been submitted and a determination has been made as to whether an inspection is warranted.

Please be advised that all necessary steps should be taken to ensure that the subject vehicle and all of its component parts are maintained and preserved for trial. Ford Motor Company has the right to inspect the vehicle and remove and test any component part that you claim to be defective, and to be presented with the vehicle and the subject component part(s) at the time of trial, should litigation ensue from this informal claim.

Please Note: If you propose to repair the vehicle for continued usage, such repairs may not be performed until after Ford Motor Company has inspected the vehicle and removed and tested any component part you claim to be defective or advised you in writing that it does not intend to perform such inspection and/or testing at this time. But even in that event, Ford Motor Company will insist that all components claimed to be defective are maintained and preserved for trial.

Sincerely,



Shawn L. Norton
Claims Analyst /
Litigation Assistant

RECORDED STATEMENT OF LOUIS SEGUNDO

1540802293

Tape476005-1

THIS IS CHERYL LA ROY WITH ALLSTATE INSURANCE COMPANY AND
I'M INT--INTERVIEWING LOUIS SEGUNDO REGARDING CLAIM NUMBER:

██████████ TODAY'S DATE IS SEPTEMBER 30, 2004, AND THE
TIME IS NOW 1:50 P.M.

Q. SIR, ARE YOU AWARE THAT I AM RECORDING OUR CONVERSATION?

A. YES.

Q. AND DO I HAVE YOUR PERMISSION TO DO SO?

A. YES.

Q. WOULD YOU PLEASE STATE YOUR FULL NAME, SIR?

A. ██████████

Q. OKAY. AND JUST FOR VERIFICATION PURPOSES, SIR, WOULD
YOU STATE YOUR HOME ADDRESS?

A. ██████████, TEXAS ██████████

Q. OH, GREAT. AND DO YOU KNOW THE VEHICLE IDENTIFICATION
NUMBER ON YOUR VEHICLE THAT WAS INVOLVED IN THIS CLAIM?

A. UM, YES. IT'S, UM, ██████████ "B," AS IN "BOY,"
██████████

Q. OKAY. GREAT. AND WHAT IS THE YEAR, MAKE AND MODEL OF
YOUR VEHICLE, SIR?

A. IT'S A 2000 FORD TRUCK F-150.

Q. IS THAT A SHORT OR A LONG BED?

A. UH, IT'S AN EXTENDED CAB.

Q. EXTENDED CAB?

A. YES.

- Q. IS IT FOUR-DOOR?
- A. IT'S A--IT'S A FOUR-DOOR BUT IT'S AN XL--X--XLT SERIES.
- Q. OKAY. WHAT COLOR IS IT?
- A. IT'S SILVER.
- Q. AND DO YOU HAPPEN TO KNOW YOUR TEXAS LICENSE PLATE NUMBER?
- A. IT'S, UH, [REDACTED] AS IN "VICTOR," [REDACTED]
- Q. OKAY. HAVE YOU ADDED ANY OPTIONS TO YOUR VEHICLE SINCE YOU PURCHASED IT, SIR?
- A. AS FAR AS, UH--
- Q. UPGRADING ANY EQUIPMENT ON YOUR VEHICLE?
- A. UH, YES. I'VE PUT ON, UH, THEM, UH, STEP--STEP GUARDS, UH, SIDE STEPS ON--ON EACH SIDE. AND OF COURSE, TOOL BOX, UH, A FRONT, UH, BUG--BUG SHIELD. UM, I'M SPORTING NEW TIRES.
- Q. OKAY. AND WHAT IS THE, UM, MILEAGE ON YOUR VEHICLE, SIR?
- A. UH, IT'S 68--IT'S OVER 68,000, PROBABLY ABOUT 68, 200.
- Q. OKAY. UM, AND WHEN DID YOU PURCHASE THIS VEHICLE?
- A. APRIL OF 2000.
- Q. DID YOU BUY IT BRAND-NEW?
- A. YES.
- Q. AND WHAT DEALER DID YOU BUY IT AT?
- A. MC CREE FORD.
- Q. AND THEY'RE HERE IN HOUSTON OR ARE THEY--

A. YES.

Q. --HERE--

A. NO. THEY'RE IN DICKENSON--DICKENSON.

Q. DICK--DICKENSON?

A. YES.

Q. DO YOU REMEMBER WHAT YOU PAID FOR IT WHEN YOU BOUGHT IT,
BEFORE TAXES AND EVERYTHING?

A. MA'AM, IT'S HARD TO SAY, PROBABLY ABOUT 17, 18,000.

Q. OKAY. IS IT FINANCED OR IS IT PAID FOR?

A. IT'S PAID FOR. AND I'M--I'M PAYING--WELL, I'M STILL
PAYING ON IT, BUT I--YOU KNOW, AS FAR AS THE DEALER
ITSELF, THE ACTUAL CONTRACT, THAT'S BEEN PAID FOR.

Q. OKAY. SO IT WAS FINANCED, BUT IT--IT'S PAID OFF, DID
YOU RE-FINANCE IT?

A. RIGHT. RIGHT, I HAD IT RE-FINANCED WITH MY CREDIT
UNION.

Q. UM, HAVE YOU EVER HAD ANY WORK DONE ON THE ENGINE OR
TRANSMISSION?

A. I'VE HAD WORK DONE ON THE ENGINE ITSELF. UM--

Q. UNDER WARRANTY OR OTHERWISE?

A. UNDER WARRANTY. EVERYTHING HAS BEEN UNDER WARRANTY.
WHATEVER DEFECT I HAD WAS--WAS, UM, DONE UNDER WARRANTY.

Q. AND WHAT--AND WHERE WAS THE WORK DONE AT?

A. AT MC CREE FORD.

Q. MC CREE FORD?

A. YES.

Q. HOW LONG AGO DID YOU HAVE THAT WORK PERFORMED ON THE VEHICLE?

A. THE LAST VEHICLE I HAD DONE WAS IN, I BELIEVE IT WAS JUNE OF 2003.

Q. OKAY. HAS YOUR VEHICLE BEEN OFFERED FOR, UH, FOR SALE OR TRADE?

A. NO.

Q. OKAY. TELL ME WHEN WAS YOUR FIRST KNOWLEDGE OF THE FIRE?

A. UM, AS I WAS PULLING INTO THE SHOP AT MY JOB.

Q. UM-HUM.

A. BUT--THAT'S WHAT I TOLD THE GUY THERE AT MC CREE FORD, THAT VEHICLE EVENTUALLY I HAD PROBLEMS, LIKE, IT WAS PARKED IN MY GARAGE.

Q. UM-HUM.

A. BECAUSE I SMELLED SOMETHING BURNING, LIKE, RUBBER, PLASTIC, SOMETHING LIKE THAT.

Q. UM-HUM.

A. AS SOON AS I WALKED OUT MY DOOR TO GET IN TO GO TO WORK I SMELLED SOMETHING. AND I STARTED LOOKING AROUND OUTSIDE TO SEE IF--HOW EVERYBODY'S HOUSE WAS.

Q. UM-HUM.

A. AND I DROVE OFF.

Q. SO YOU SMELLED SOMETHING--

A. I--

Q. (INAUDIBLE) BEFORE YOU EVER GOT IN THE CAR.

A. I SMELLED SOMETHING BEFORE I EVEN TURNED THAT VEHICLE ON.

Q. OKAY.

A. BEFORE THAT VEHICLE WAS--THE KEY WAS PUT IN THE IGNITION I HAD ALREADY SMELLED SOMETHING.

Q. AND WHEN WAS THIS, WAS THIS YESTERDAY?

A. THIS WAS YESTERDAY MORNING AROUND 6:00.

Q. 6:00 A.M.?

A. RIGHT.

Q. OKAY. SO YOU LEFT, UM, YOUR HOME AT 6:00 A.M. AND ABOUT HOW LONG DID YOU DRIVE IT BEFORE YOU--YOU--YOU SAID YOU PULLED IN AT YOUR WORK.

A. OKAY. I--I LIVE--I--I WORK--I LIVE PROBABLY A FEW MILES FROM MY SHOP, SO WITHIN TEN MINUTES I'M THERE AT THAT SHOP.

Q. TEN MINUTES?

A. YES. NINE--TEN TO FIFTEEN MINUTES, I'M THERE AT THE SHOP.

Q. OKAY. UM, AND WHERE DID THE FIRE START, COULD YOU TELL?

A. UH, IT WAS UNDERNEATH THE HOOD AROUND WHERE THE MASTER-- THE BRAKE MASTER CYLINDER IS LOCATED.

Q. OKAY. SO DID YOU ACTUALLY SEE ANY KIND OF FLAMES BEFORE YOU EVER GOT OUT OF THE VEHICLE?

A. NO, I DID NOT. THE ONLY INDICATION THAT I HAD--REALLY I DIDN'T SEE AN--NO FLAMES AT ALL. WHAT--WHAT THE DEAL WAS IS I WAS GOING DOWN TO THE SHOP, MY EMERGENCY BRAKE LIGHT CAME ON. AND I STARTED LOOKING AND I SAID WAIT A MINUTE, YOU KNOW, I ALWAYS RELEASE MY BRAKES. THE VEHICLE DOES NOT MOVE BECAUSE I ALWAYS HAVE--I ALWAYS APPLY MY EMERGENCY BRAKES TO IT.

Q. UM-HUM.

A. AND THE LIGHT WAS ON AND I KEPT CHECKING MY, UH, THE EMERGENCY BRAKE RELEASE.

Q. UM-HUM.

A. AS I WAS--AS I WAS DRIVING TO WORK.

Q. UM-HUM.

A. AND ROUGHLY, I'D SAY WITHIN ABOUT A QUARTER MILE FROM THE SHOP, THE LIGHT WENT OUT. IT STOPPED. AND, I'M, LIKE, WAIT A MINUTE, IT'S STOPPED AND IT TURNED OFF NOW, BUT AT THAT TIME I DECIDED TO APPLY THE BRAKES.

Q. UM-HUM.

A. AND I DIDN'T--I DIDN'T HAVE ANY BRAKES. IT STARTED JUST, YOU KNOW, IN OTHER WORDS, THERE WERE ALMOST GONE. SO I COASTED TO THE SHOP.

Q. WOW. SO YOU JUST COASTED UP TO THE SHOP.

A. UP TO THE SHOP, RIGHT.

Q. AND THEN--AND THEN YOU GOT OUT, IMMEDIATELY?

A. AND THEN I GOT OUT IMMEDIATELY AND I STARTED LOOKING AT

MY BACK BRAKES, YOU KNOW, TRYING TO SEE IF I COULD FEEL ANY HEAT OFF OF THEM.

Q. UM-HUM.

A. AND, UH, AND AT THAT TIME WAS BY THE TIME I STARTED WALKING TO THE FRONT BRAKES, 'CAUSE USUALLY IT'S BACK BRAKES WILL BE THE FIRST ONE TO START HEATING UP.

Q. YES.

A. UH, BECAUSE IT WAS AN EMERGENCY BRAKE LIGHT. AND AS I WALKED TO THE FRONT I NOTICED SMOKE COMING OUT OF THE HOOD.

Q. UM-HUM.

A. SO I IMMEDIATELY POPPED IT OPEN AND THAT'S WHEN I SEEN THE FIRE UNDERNEATH THERE.

Q. WHAT COLOR WAS THE SMOKE? WAS IT--WAS IT, LIKE, LIGHT GRAY OR WAS IT--

A. IT WAS A LIGHT--LIGHT GRAY, WHITE--LIGHT GRAY, WHITE.

Q. AND WHO PUT OUT THE FIRE?

A. I DID.

Q. AND HOW DID YOU PUT THE FIRE OUT?

A. TRYING TO--WITH MY HANDS AND A RAG, WHATEVER I COULD FIND. YOU SEE, I WORK IN A PROPANE COMPANY.

Q. UM-HUM.

A. SO IT WAS KIND OF DUMB OF ME TO DRIVE IN THERE WITH MY TRUCK AT--WHICH, I DIDN'T KNOW IT WAS ON FIRE.

Q. RIGHT, RIGHT.

- A. NOT ANYWAY, WHERE I HAD PARKED IT, IT'S UNDER A BIG CARPORT, SO I MEAN, UH, ONCE I SEEN THAT I WAS PRETTY-- PRETTY MUCH RUNNING ALL OVER THE PLACE TRYING TO--
- Q. OH, MY GOSH. UM, SO HOW LONG DO YOU THINK THE FIRE MIGHT HAVE BURNED?
- A. UH, THAT'S--THAT'S HARD TO SAY, MA'AM. I--I COULDN'T TELL YOU. I COULDN'T TELL YOU. IT WAS ALREADY IGNITED, I KNOW, AS I WAS GOING DOWN THE--DOWN THE--
- Q. AND IT SOUNDS LIKE YOU WERE ABLE TO GET IT OUT BEFORE IT--IT REALLY CAUGHT--
- A. YEAH, YEAH, YEAH, YEAH. YOU KNOW, IT--IT--I MEAN, IT BURNED A LOT OF WIRES AND STUFF, UH, THE FIREWALL, BUT I MEAN, IT--IT DIDN'T COMPLETELY BURN THE WHOLE ENGINE AND EVERYTHING.
- Q. RIGHT, RIGHT.
- A. AND I--AND I--AND LIKE I SAID, I--IT'S A GOOD THING I CAUGHT IT 'CAUSE MAYBE--
- Q. DID YOU TAKE ANY PICTURES?
- A. OH, YEAH. YEAH. ONE OF THE GUYS THERE TOOK PICTURES OF IT.
- Q. ONE OF THE GUYS DID?
- A. YEAH, YEAH, 'CAUSE AFTER I TOLD THEM WHAT HAD HAPPENED THEY ALL WENT--THEY, YOU KNOW, 'CAUSE EVERYBODY--WE ALL DRIVE FORD TRUCKS.
- Q. RIGHT.

- A. AND THEY'RE, LIKE, WAIT A MINUTE, WE WANT TO KNOW WHAT'S GOING ON. AND I SHOWED THEM AND I SAID I DON'T KNOW WHAT TO TELL--
- Q. WHAT DO YOU THINK MIGHT HAVE CAUSED THE FIRE?
- A. I--IT'S ELECTRICAL. SOMEWHERE'S A SHORT IN THE ELECTRICAL. IT HAS--IT HAD TO BE.
- Q. OKAY. UM, PRIOR TO THIS HAPPENING, I MEAN, BEFORE THIS DAY, DID YOU HAVE ANY PROBLEMS WITH THE VEHICLE?
- A. NO, NOT THAT I CAN THINK OF.
- Q. WAS YOUR CRUISE CONTROL WORKING?
- A. UH, IT HAD BEEN WORKING UP TO THAT TIME. UM, I NEVER USED IT. I MEAN, THEY SAID THAT THE CRUISE CONTROL IS GONE, TOO, SO--UP UNTIL THAT TIME--I MEAN, 'CAUSE SEE-- WE--WE GO TO ROCKPORT A LOT, WHICH IS ABOUT 100 AND SOME MILES FROM ME. AND SO I MEAN, I'VE NEVER HAD PROBLEMS WITH IT. I--I RARELY USED IT.
- Q. RIGHT. WELL, YOU SAID SOMEBODY SAID THE CRUISE CONTROL WAS GONE. WHO--WHO WAS THAT THAT SAID THAT?
- A. THE--THE GUY AT THE--THE--AT THE FORD DEALER.
- Q. OH, AT THE FORD DEALER?
- A. YEAH.
- Q. SO IT'S AT THE FORD DEALER NOW?
- A. OH, YEAH. I HAD IT TOWED UP THERE THIS, UH, YESTERDAY MORNING.
- Q. OKAY. DID THE POLICE OR FIRE DEPARTMENT COME?

A. NO.

Q. DO YOU KNOW WHETHER OR NOT THE VEHICLE HAS BEEN RECALL FOR ANY REASON?

A. I DO NOT KNOW, MA'AM. AND HONESTLY I DO NOT KNOW. BECAUSE AFTER TALKING TO A FEW MECHANICS, UM, NOBODY KNOWS WHAT WOULD'VE CAUSED THAT AS FAR AS THEY'VE NEVER HEARD OF THAT HAPPENING.

Q. OKAY. HAS ANYTHING SIMILAR TO THIS EVER OCCURRED TO THIS VEHICLE BEFORE?

A. OH, NO.

Q. AND HAVE YOU HAD ANY RECENT WORK DONE ON THE VEHICLE?

A. (INAUDIBLE) 'CAUSE THE LIGHT--OTHER THAN OIL CHANGES, UH, THE LAST DEAL THAT I HAD THE VEHICLE TOWED--I MEAN, UH, NOT TOWED, BUT I TOOK IT OVER THERE TO THE FORD DEALER, UH, IT WAS THE WINDOW, I WAS HAVING PROBLEMS WITH THE WINDOWS.

Q. UM-HUM.

A. THEY KEPT BLOWING OUT THE FUSE.

Q. HOW ABOUT, UM, HAVE YOU HAD ANY TROUBLE PUT--UH, PUTTING YOUR VEHICLE FROM, UH, PARK INTO REVERSE?

A. NO.

Q. ANY BLOWN FUSES OR ANYTHING?

A. WELL, THAT TIME WHEN I HAD THE WINDOW, UH, THE WINDOWS DAMAGED ON ME, YES. IT WAS BLOWING THEM OUT EVERY-- WELL, WITHIN EVERY ONE TO TWO HOURS.

- Q. DO YOU KNOW WHAT FUSES THEY REPLACED?
- A. THAT I DO NOT KNOW.
- Q. OKAY.
- A. BECAUSE IT HAD SOMETHING TO DO WITH THE WINDOWS. THAT SWITCH ON MY--ON MY DRIVER'S SIDE, THE WINDOW WAS JUST-- THE TRUCK IS ALL ELECTRONIC.
- Q. RIGHT. DO YOU HAVE, UM, ALL YOUR MAINTENANCE RECORDS? OR RECEIPTS FOR ANY WORK THAT THEY'VE DONE ON IT?
- A. OH, YEAH, YEAH, YEAH, I KEEP EVERYTHING.
- Q. CAN WE HAVE THOSE IF WE NEED THEM?
- A. I CAN GIVE YOU COPIES.
- Q. OKAY.
- A. 'CAUSE I USUALLY KEEP THEM FOR MY RECORDS.
- Q. OKAY. HAS ANY WORK BEEN RECOMMENDED, UH, BY A MECHANIC THAT HASN'T BEEN COMPLETED ON THE VEHICLE?
- A. AS FAR AS, LIKE, UH, IN OTHER WORDS HAS ANY WORK BEEN DONE TO THE TRUCK THAT'S NOT A MECHANIC, UH--
- Q. WELL, NO. HAS A MECHANIC, UH, TOLD YOU THAT YOU NEEDED TO HAVE SOME WORK DONE ON IT THAT YOU DIDN'T--ELECTED NOT TO DO?
- A. OH, NO. NO. OH, NO. NO.
- Q. OKAY. UM, HAVE YOU UNDERSTOOD ALL THE QUESTIONS THAT I'VE ASKED, SIR?
- A. I GUESS.
- Q. DO YOU HAVE ANYTHING ELSE YOU'D LIKE TO ADD TO THIS

RECORDED STATEMENT?

A. UH, NO. NOT THAT I CAN THINK OF. OTHER THAN I'D LIKE
TO HAVE MY TRUCK BACK.

Q. YEAH. AND WE'LL TALK ABOUT THAT IN JUST A MOMENT. DO--
THEN DO I HAVE YOUR PERMISSION TO GO AHEAD AND END THIS
RECORDED STATEMENT?

A. THAT'S FINE WITH ME.

Q. OKAY. THANK YOU.

END OF RECORDED STATEMENT

BISON

ENGINEERING, INC.

Vehicle Examination
Case: Louis Seguendo
Claim No.: [REDACTED]
Date of Loss: September 29, 2004
Bison File No. : 1080402

FEB4-076 C 1488



DO. Box 5129
Kingwood, Texas 77325
Phone: 281-359-2476
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Vehicle Examination

Case: [REDACTED]

Claim No.: [REDACTED]

Date of Loss: September 29, 2004

Bison File No.: 1080402

Vehicle Examination *(Preliminary Report)*

Case: Louis Seguendo (Claim No.: 154 080 2293)

Scope

On September 29, 2004, Bison Engineering was contacted concerning a vehicle fire involving a 2000 Ford F150 owned by [REDACTED]. The fire was limited to the engine compartment of the vehicle and occurred while the vehicle was in use. Bison Engineering was requested to examine the subject vehicle and determine, if possible, the cause of the subject fire.

Background

The subject fire occurred on Wednesday, September 29th while [REDACTED] was driving to work. [REDACTED] reported that when he first entered the car in the morning he smelled a slight odor but could not identify the source. While he was driving to work the brake light became illuminated, but later went out when the brake was depressed. When he arrived at work, smoke was observed and a small fire had developed at the area of the master cylinder. The fire was suppressed and the vehicle was transported to McKree Ford in Dickinson for repair.

Examination

On October 1st, Bison Engineering performed an examination of the vehicle at McKree Ford in Dickinson. The vehicle was identified as a 2000 Ford F150 with the VIN 1FTZX1721YK [REDACTED] and the Texas license plate [REDACTED]. The exterior of the vehicle displayed no evidence of fire damage except for some slight heat stress to the hood above the master cylinder. The hood was raised revealing a small, localized, area of fire damage at the master cylinder reservoir and cruise control deactivation switch. Beading and melted copper was observed on the top surface of the switch. One lead (conductor) to the switch was identified and the connector end to the switch also exhibited melting and beading of the copper conductor and spade terminal.

On October 4th, the removal and repair to the vehicle was scheduled. Mathew Bird, EIT, with Bison Engineering acquired and secured the subject master cylinder and all removed components from the vehicle. The recovered items are identified in Figures 31 through 60. Figures 38 through 41 identify the recovered terminal and portion of conductor to the cruise control deactivation switch. Figures 42 through 47 are images of a portion of the internal switch mechanisms exhibiting copper/ brass melting and arcing affects. The base of the cruise control deactivation switch, still attached to the master cylinder, is depicted in Figures 48 through 60. Melting and arc affects are also observed within the switch's base remains. X-ray images of the subject switch and an exemplar switch were made which clearly identify an internal arcing type failure and cause of the subject fire. (Figures 61 through 74)

Conclusions

Based on the vehicle examination and the information provided [REDACTED] Engineering, Inc. is able to provide the following opinions:

- The localized fire originated within the cruise control deactivation switch of [REDACTED] 2000 Ford F150.
- An internal failure within the cruise control deactivation switch was the cause of the fire and resulting damage to the vehicle.

The conclusions are based upon, but not limited to, the examination, statements by witnesses, documents provided, engineering references, and general engineering knowledge and experience. Additional information may warrant modifying or augmenting these conclusions.

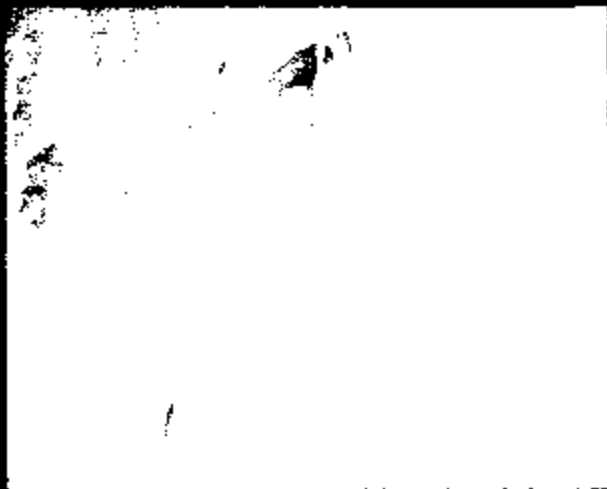
Respectfully submitted,

[REDACTED]

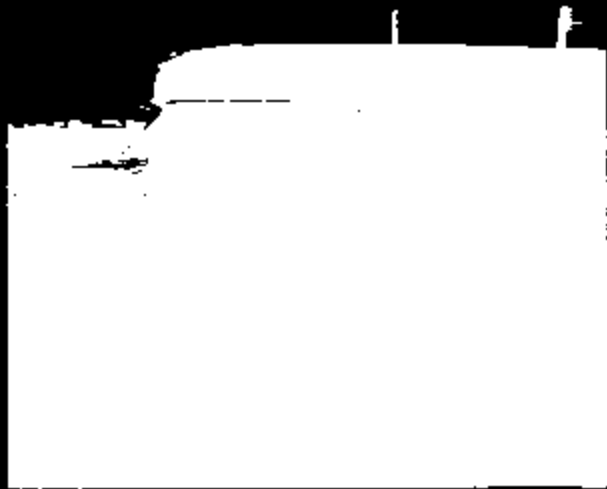


Jeffrey Hartman, P.E.
Electrical Engineer

Figures



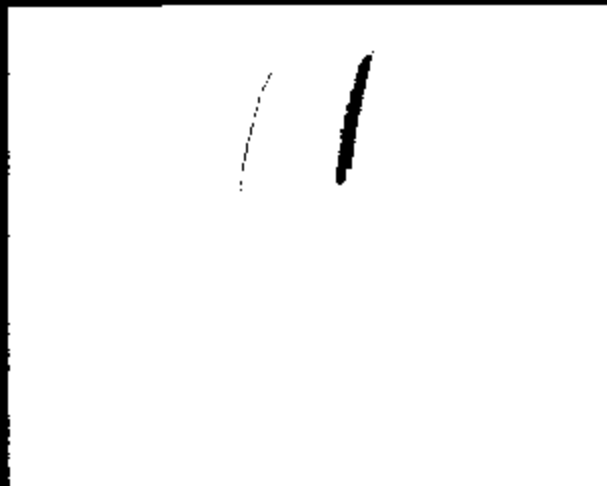
JWH 001



JWH 002



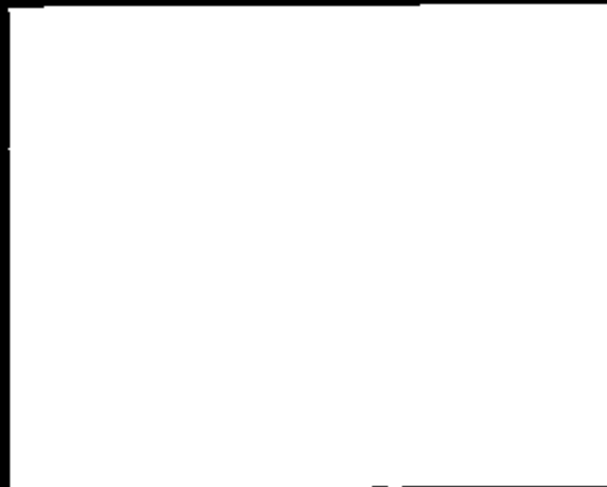
JWH 003



JWH 004



JWH 005



JWH 006

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JWH 007



JWH 008



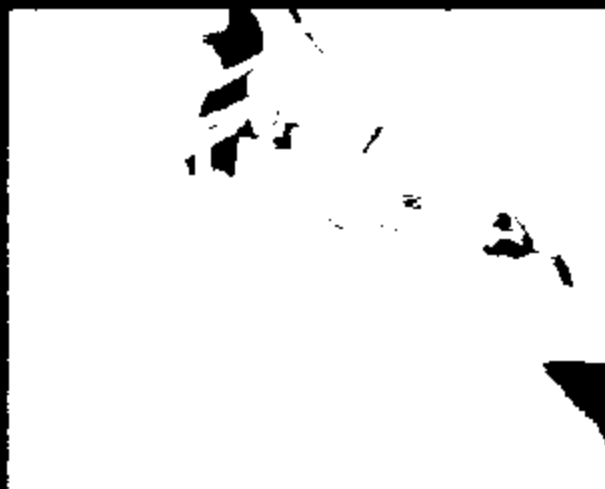
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JWH 010



JWH 011



JWH 012



JWH 013



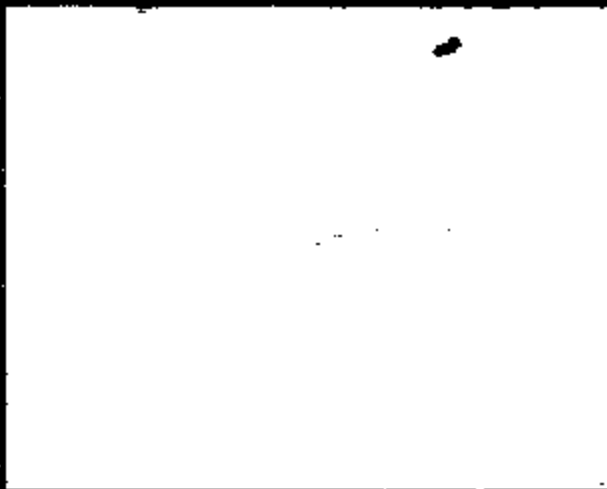
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JWH 015



JWH 016



JWH 017



JWH 018



JWH 019



JWH 020



JWH 021



JWH 022



JWH 023



JWH 024



JWH 025



JWH 026



JWH 027



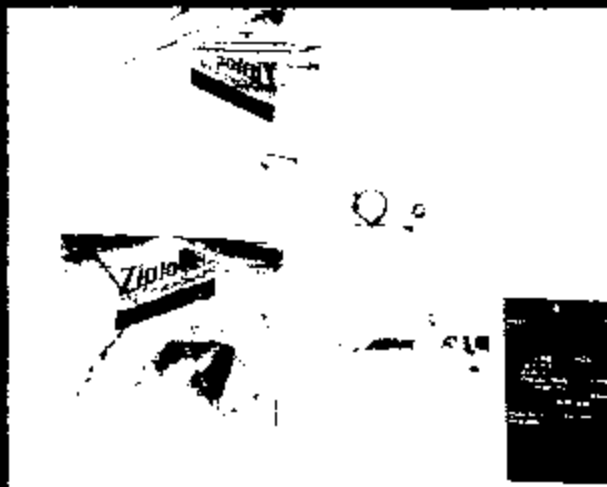
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JWH 029



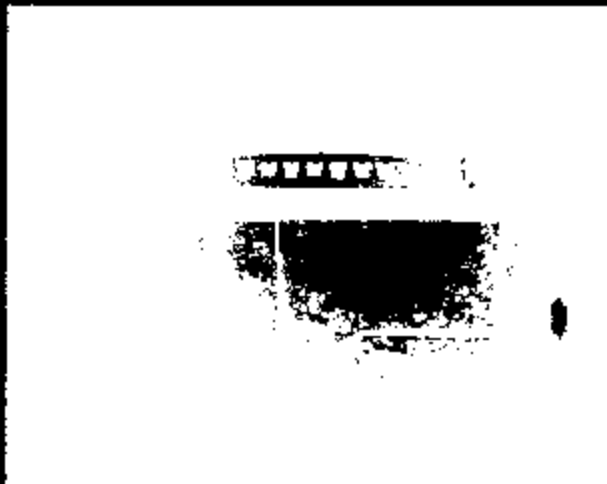
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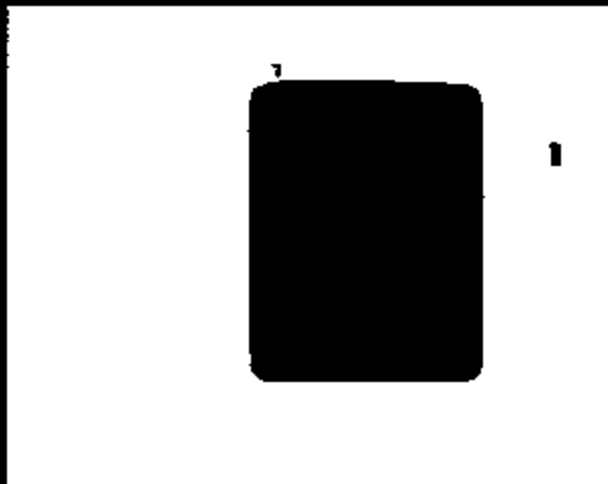
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JWH 032



JWH 033



JWH 034



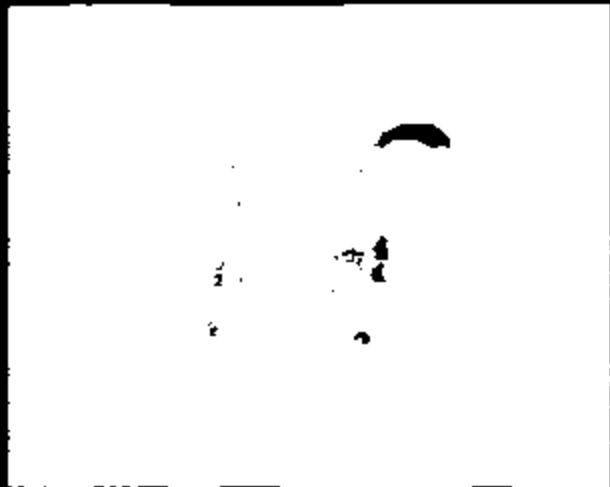
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JWH 036



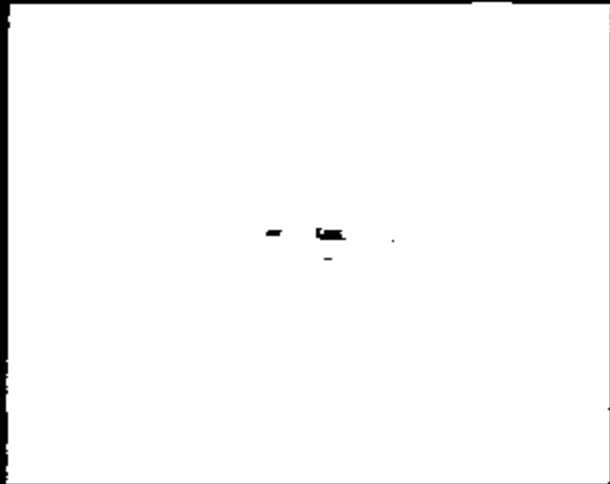
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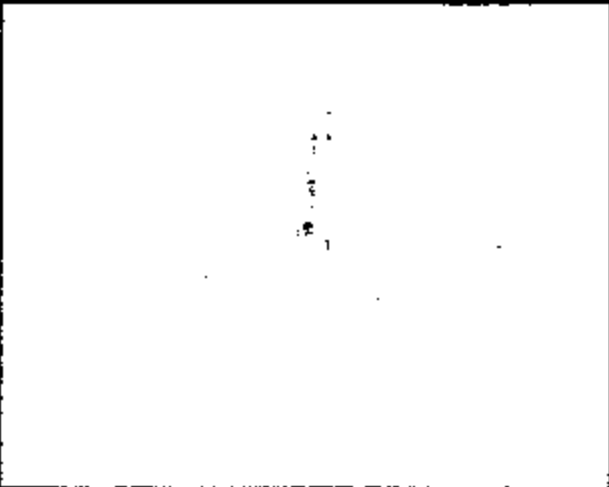
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JWH 039



JWH 040



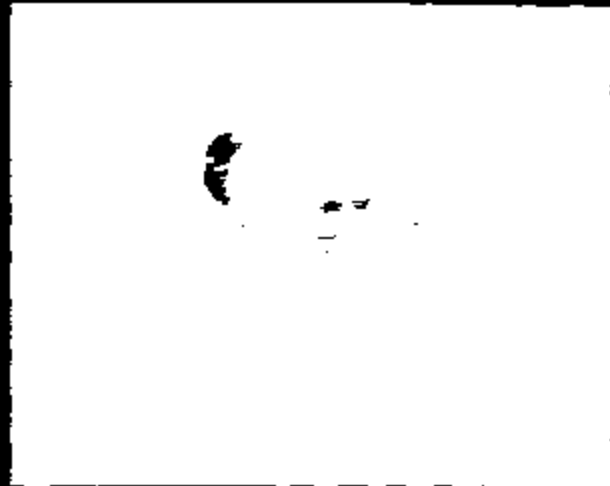
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JWH 042



JWH 043



JWH 044



JWH 045



JWH 046



JWH 047



JWH 048



JWH 049



JWH 050



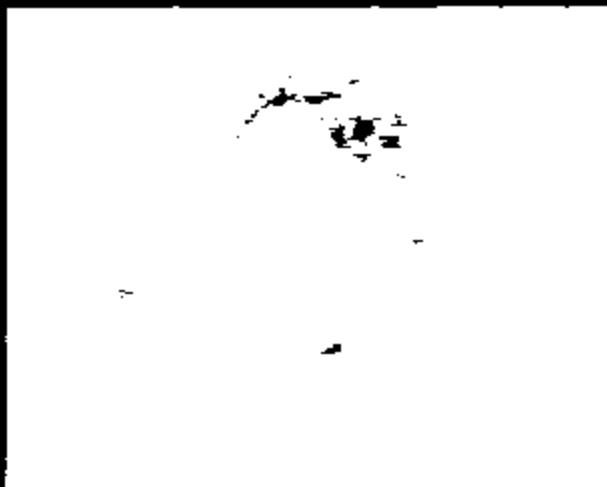
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JWH 052



JWH 053



JWH 054



JWH 055



JWH 056



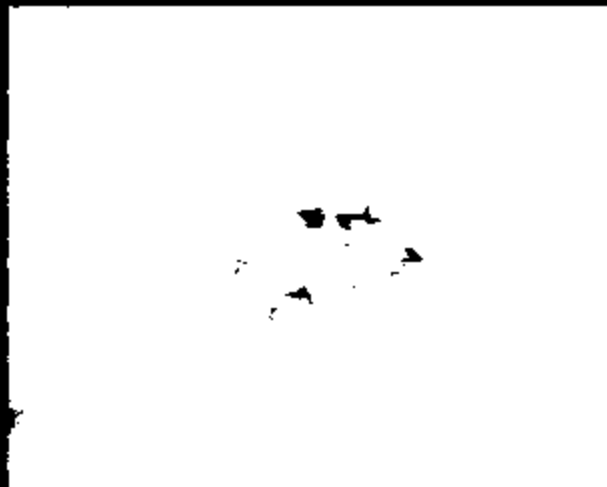
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JWH 058



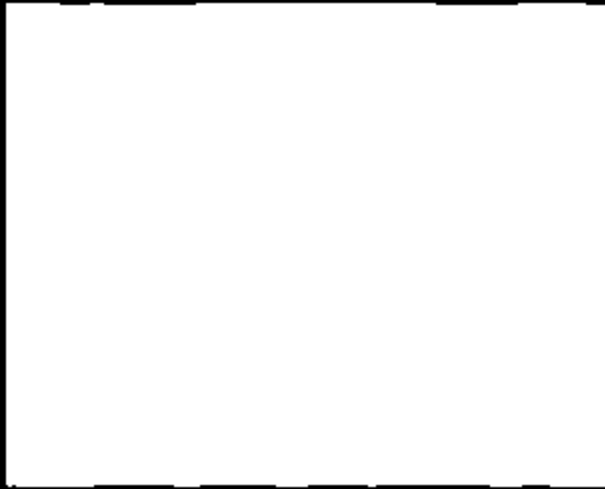
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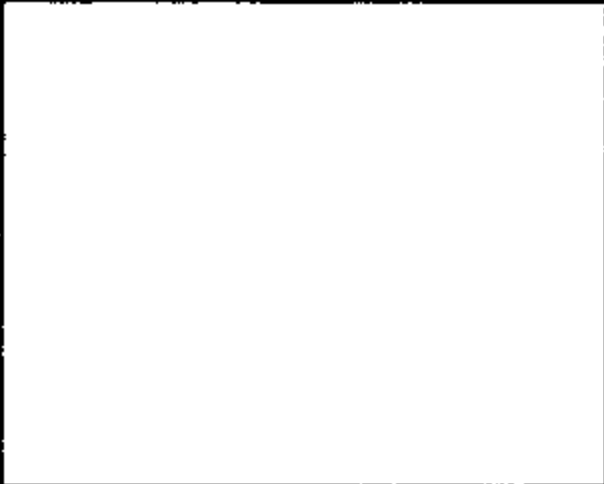
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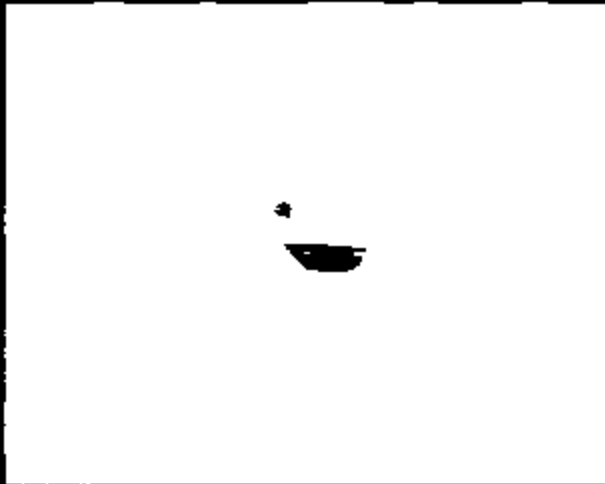
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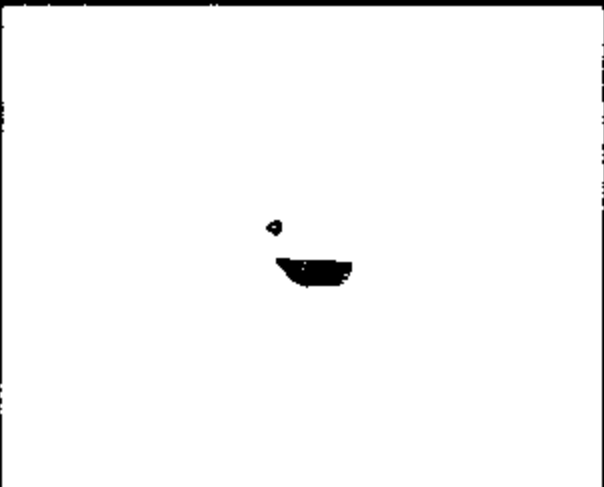
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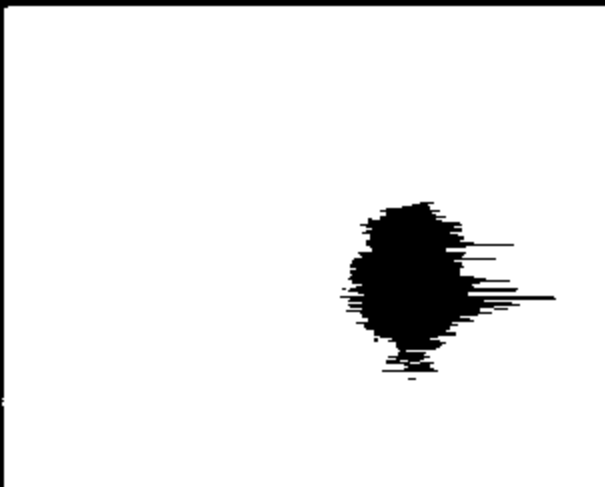
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JWH 064



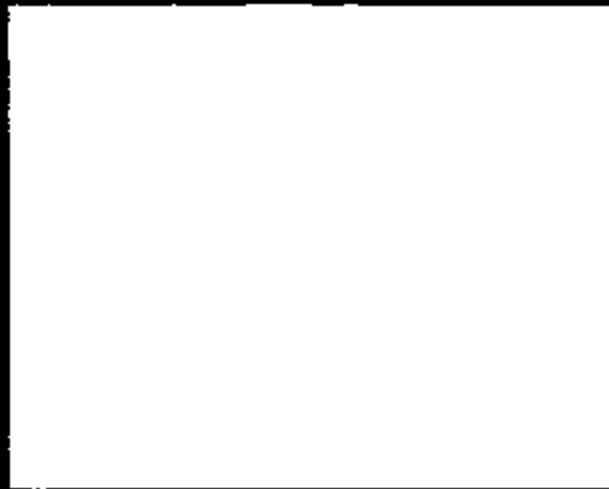
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JWH 066



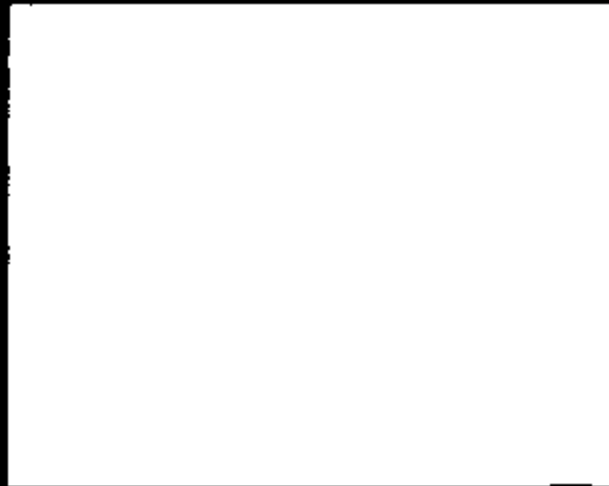
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JWH 068



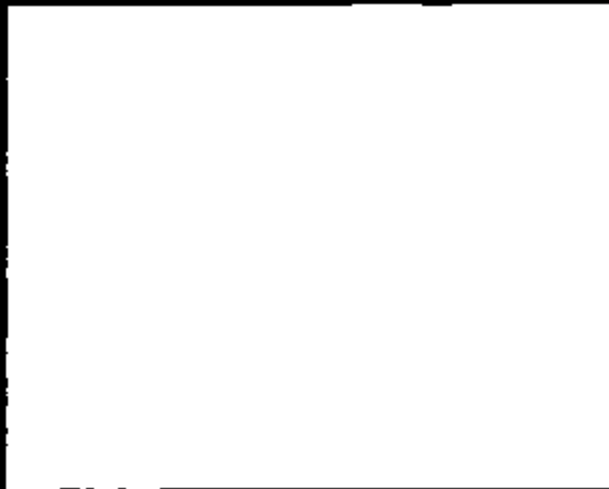
JWH 069



JWH 070



JWH 071



JWH 072



JWH 073



JWH 074

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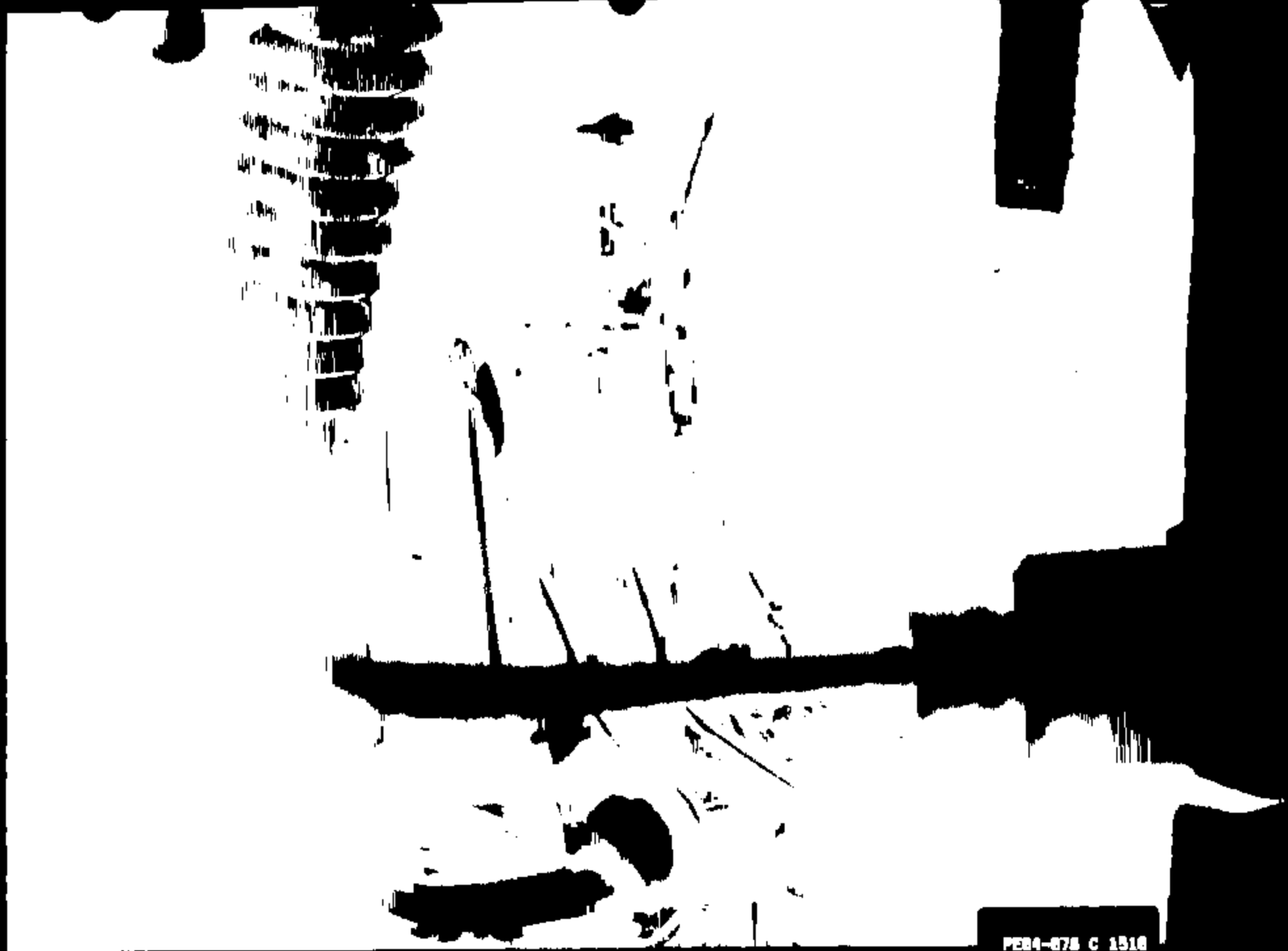
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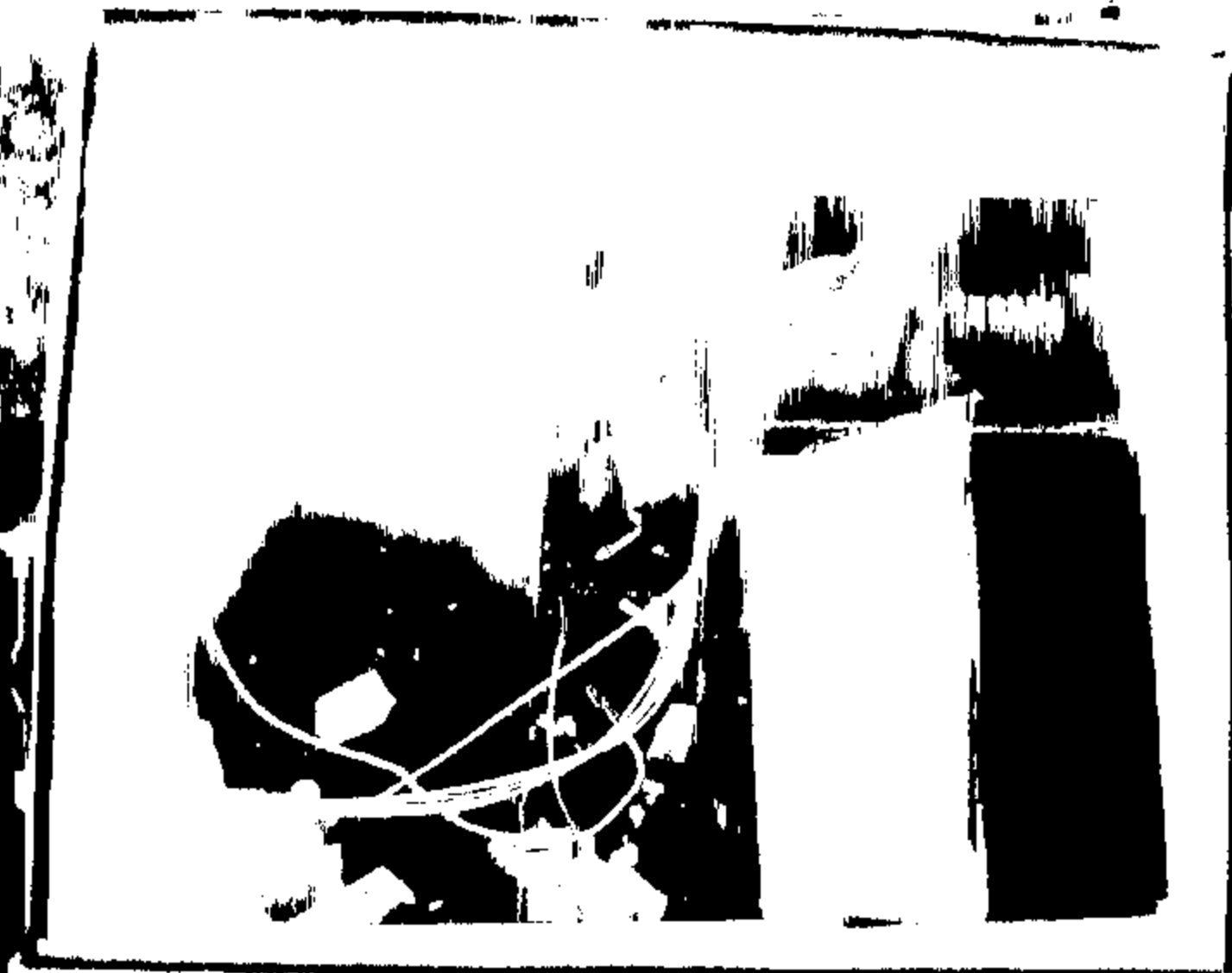
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FE84-078 C 1514

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FE84-878 C 1515

DO NOT OPEN HOT
ENGINE COOLANT
1K 251
1.70 LPA
NE PAS OUVRIER
QUAND A CHAUD

FORM-878 C 1516

1080402 Mhd 01















