

PE04-078

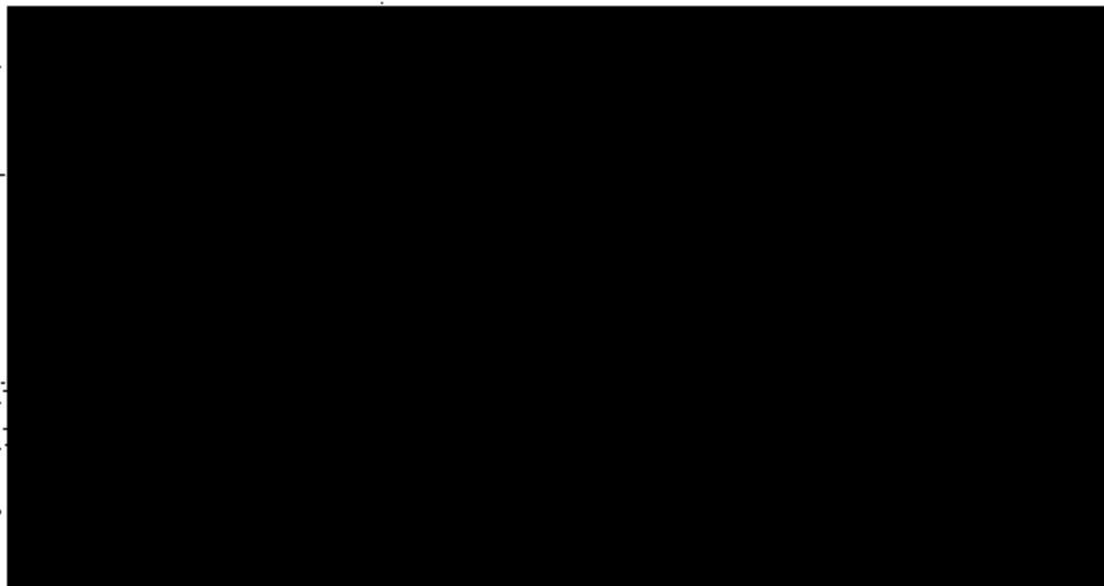
FORD

1/28/2005

BOOK 6 OF 12

ATTACHMENT F

PART 3 OF 6



FE84-878 C 2172



Allstate.

Years in good hands.

Certified Mail # 7003 2260 0007 1524 0746

October 5, 2004

Ford Motor Company
Parlane Towers West, Suite 300
3 Parlane Blvd
Dearborn, MI 48126-2568

P
497622
Clerg/04

RECEIVED OCT 18 2004

RE: Claim #: [REDACTED]
Our Insured: [REDACTED]
Loss Date: 4/2/04
Amt. of Claim: [REDACTED]

Attention Shawn Norton:

The above noted subrogation claim has been identified as a product liability loss. We paid our Insured for their loss and are looking to you for reimbursement. Should you or your carrier need more information, please call or write me. Please remit payment to Allstate Payment Processing Center, Attn: Subro Cash, PO Box 227257, Dallas, TX 75222-7257. Please include our claim number.

Complete description of the incident: Vehicle caught on fire due to ignition of transmission fluid leaking from the front transmission seal.
Our statement of defect: Strict Liability
Location of evidence: Copart, 12850 W 27th Ave, Miami, FL 33054, lot # 03142494
Manufacturer: Ford
Model: Expedition
Year: 2001
VIN: 1FMRU17W01[REDACTED]

The following information is attached:

- Check copies
- Payment supporting paperwork
- C&O report and photos

- EXP
- PHOTOS

Please acknowledge receipt of this claim and your position regarding payment of our damages within 30 days.

Sincerely,

David Laughlin, SCLA
Subrogation Senior Service Representative

SAW
LEC 7/24/04
ELO - YES
NSP - 4/24/04
ESP - NO

PERA-B7B C 2178

Roanoke National Subrogation Claims Center
3800 Electric Road, Suite 301, PO Box 21188, Roanoke, VA 24018
Phone: 1-800-776-2815 or (540) 989-2800 Fax: (540) 989-2840 or (540) 776-3803
Hours: 8:00 AM - 4:30 PM EST Monday - Friday



NATIONWIDE

ARBITRATIONS & INSPECTIONS

INSURED

:



CLAIM NUMBER

:



PREPARED FOR

:

Angela Brandford

COMPANY

:

Allstate

Claim Number:

Purpose of the Assignment:

The purpose of this assignment was to determine the origin and cause of a fire in the below referenced 2001 Ford Expedition, hereafter referred to as the subject vehicle, that reportedly occurred shortly after the vehicle had been parked.

Preliminary Remarks:

Master ASE certified technician and Certified Vehicle Fire Investigator, Richard Metzger, Florida Investigator license [REDACTED] arrived at Copart, [REDACTED] Avenue, Opa-Locks, Florida, on April 6, 2004, at approximately 1:30 PM, to commence the field inspection of the subject vehicle. The receptionist informed the inspector that control number 3142494 had been assigned to a 2001 Ford Expedition, which had been placed in the viewing area at the north end of the main storage lot for the inspection.

The following are results of the inspection.

Description of the Vehicle:

The subject vehicle was a white-colored, four-door, 2001 Ford Expedition and was positively identified by the V.I.N. 1FMRU17W01 [REDACTED] found at the base of the left B-pillar. The subject vehicle did not carry a license plate at the time of the inspection and the current in-service mileage could not be established because the odometer in the dashboard instrument cluster had been consumed by fire.

Inspection of the Exterior:

The exterior of the subject vehicle was examined to determine the extent of the total damage and to identify the specific area(s) of the most intense or severe damages including an examination of the vehicle's undercarriage. The subject vehicle sustained severe fire damages. The right side body panels, along with the entire roof panel, were fire-scorched and void of paint. The grille, hood panel and both headlight assemblies had melted. The front chrome bumper was discolored and had turned a shade of blue. Both of the tires mounted on the right side wheels had been mostly consumed with only the metal cords and residual bead materials remaining on the fire scorched wheels. The wheels mounted on the right side had been exposed to intense heat, which had obliterated their chrome plating. The left side of the vehicle sustained only moderate fire damages. There was some of the residual white paint remaining on the lower portion of the left front door and most of the left rear door. The front portion of the quarter panel remained intact, as well. Both of the tires mounted on the left side wheels were deflated, but their chrome wheels remained intact and showed minimal discoloring. The left front fender was void of paint; however, it retained a layer of primer. The rear of the vehicle had sustained severe fire damages. The rear chrome bumper was heat-discolored, and the tailgate was fire-scorched and void of paint. Both



taillight assemblies had melted, with the most severe damages sustained at the right side. The subject vehicle was equipped with a frame mounted receiver trailer hitch. The inspector noted the inner surfaces inside receiver portion of the hitch had no soot on them indicating the insert was removed subsequent to this fire's occurrence. All of the glass in the vehicle had melted, shattered or been broken while extinguishing the fire.

Inspection of the Passenger Compartment:

The components mounted in the passenger compartment had sustained severe fire damages. Most of the combustible materials had been consumed. Some of the carpet along the transmission tunnel and in the center area of the cargo floor had been consumed, which exposed the fire-scorched floor pan. The fire-scorched floor pan would suggest this fire originated from the under the vehicle, somewhere on its undercarriage.

Inspection of the Engine Compartment:

All of the mechanical, electrical, fuel and fluid components in the engine compartment and on the engine were examined for evidence of electrical shorting, fuel or fluid leaks, physical damages or pre-fire damages. The subject vehicle was equipped with a 4.8-liter, fuel-injected, V8 engine and an automatic four speed overdrive 4R70W transmission. The components mounted in the engine compartment had sustained severe fire damages, as well. The radiator and air conditioning condenser had melted and/or fallen out of the vehicle because they were missing. All of the insulation on the wires routed throughout the engine compartment had been consumed. Most of all combustible materials in the engine compartment had been consumed as well. The cowl and both inner fenders were fire-scorched and mostly void of paint. The fire melted the upper portions of the front cover on the engine, which exposed the camshaft, drive chain and sprockets. The fire partially consumed the composite valve cover material on both sides of the engine. The battery and its mounting tray, normally affixed to the right inner fender, were missing. The battery cables and cable ends remained intact. The two fusible links on the positive battery cable were melted and fused, consistent with the type of electrical melting normally caused by excessive amounts of heat, like an electrical short to ground normally produces. Examination of the wiring and the other power feed cables revealed the alternator power supply cable had come in contact with the end of the fuel rail on the right side and was fused to it. This contact appeared to have been secondary to the initial fire, in the absence of heat discoloring of the fuel rail, arc marks and/or a perforation in the rail at the contact point that would have released fuel. The dashboard support panel behind the engine was fire-scorched and void of paint, which suggested this fire originated from the under the vehicle.



Inspection of the Undercarriage:

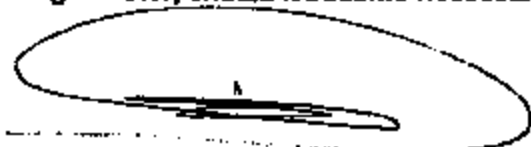
The subject vehicle was raised in the air with the aid of a forklift to facilitate an inspection of the undercarriage. The undercarriage was fire-scorched from the transmission rearward. Most of the paint on the body panels on the underside of the vehicle had been consumed. The transmission case was fire-scorched and the lower portion of the bellhousing had melted and exposed the torque converter, which was discolored black. There was residual burnt fluid on the torque converter and the inspector noted there was an active fluid leak emanating from behind the torque converter and ATF was dripping onto the ground. There was also burnt fluid and gray soot on the right side catalytic converter, mounted adjacent to the transmission bellhousing. The gray soot on the catalytic converter would normally be consistent with the type residual material that remains after a hydrocarbon-based fluid such as the transmission fluid, burned on it.

Conclusion:

It is the opinion of the Inspector that the fire in the above referenced vehicle originated on the right catalytic converter and was caused by the ignition of transmission fluid. The transmission fluid had been leaking from the front transmission seal due to an internal torque converter and/or transmission problem. The fluid made contact with, and ignited on, the hot exhaust components to become the origin of this fire loss.

Comments and Recommendations:

Nationwide Inspections, Inc., recommends that Ford Motor Corporation be placed on notice for potential liability for damages sustained as a result of this fire loss since the fire resulted from a flawed torque converter, and the fluid that was expelled from the converter caused a fire. Nationwide Inspections, Inc., reserves the right to review any additional information, evidence, etc. as it becomes available and to amend this report and its findings further, should it become necessary.



Supervisor

Attachments.





#1 - Left front 3/4 view



#2 - Front view





#3 - Right front 3/4 view



#4 - Right rear 3/4 view





#5 - Trailer hitch



#6 - Left rear 3/4 view





#7 - Left side view



#8 - The passenger compartment damages as viewed through the windshield opening



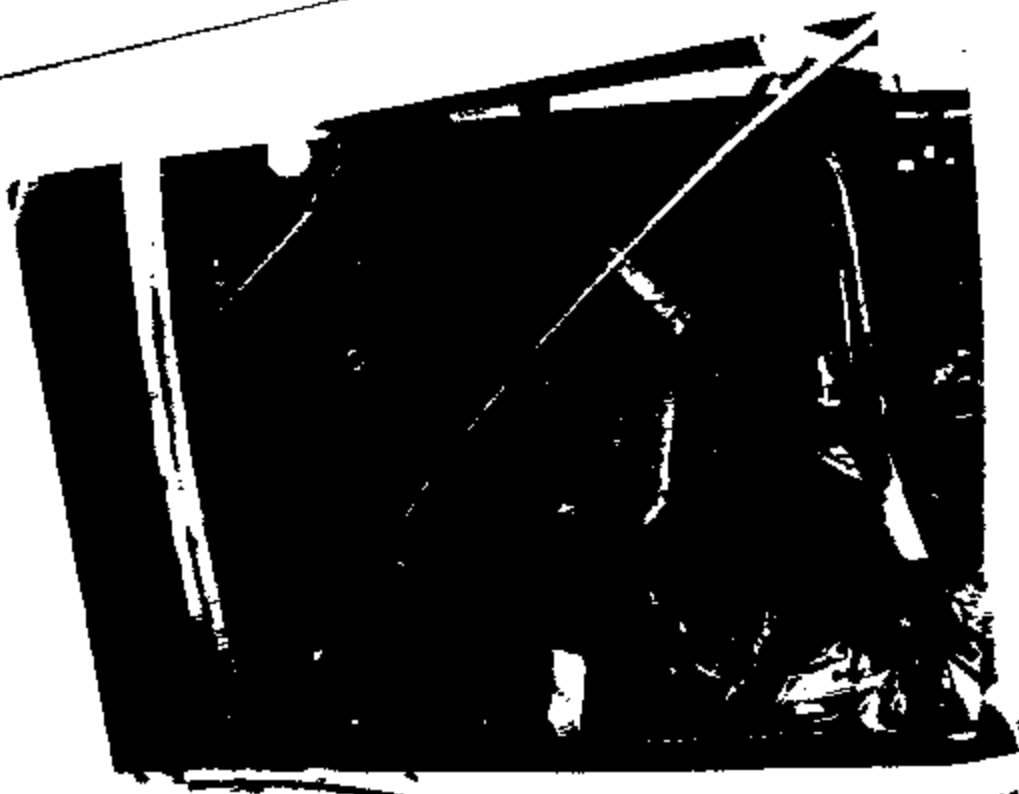


#9 - View of the left side of the dash



#10 - View of the right side of the dash





#11 - View of the rear seat area showing the exposed metal on the transmission tunnel



#12 - View of the rear cargo area showing the exposed floor panel





#13 - The tailgate was fire scorched



#14 - Overall engine compartment view



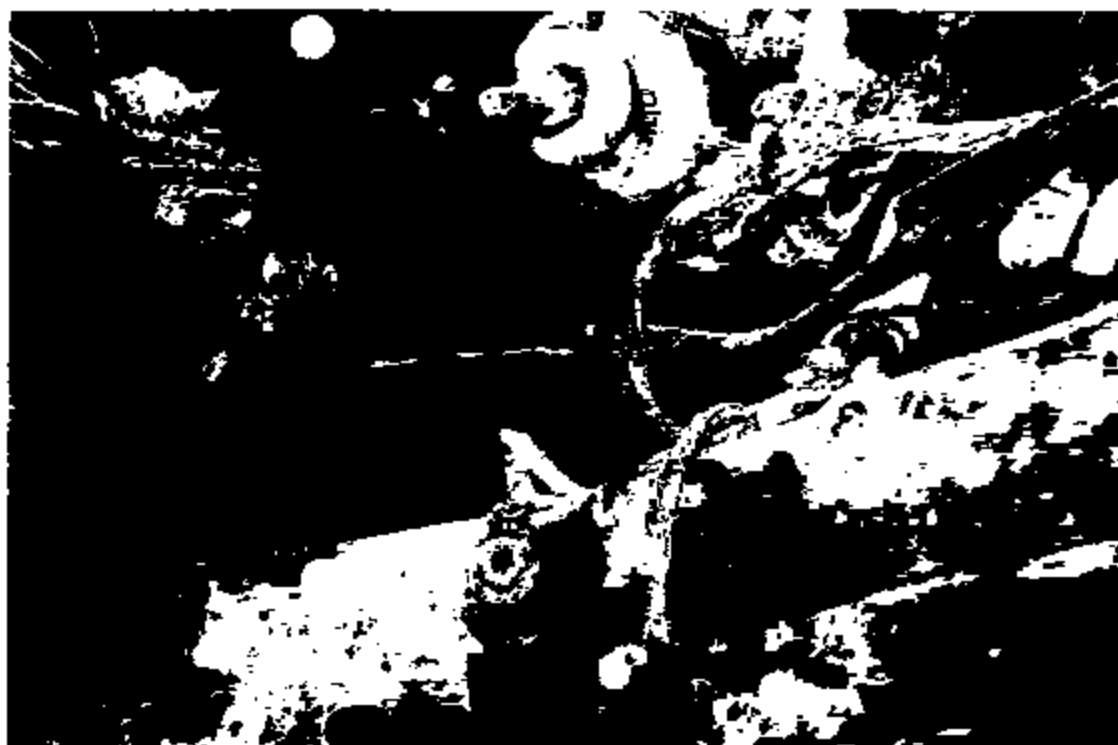


#15 - A view of the right side of the engine - the battery and its support tray were missing

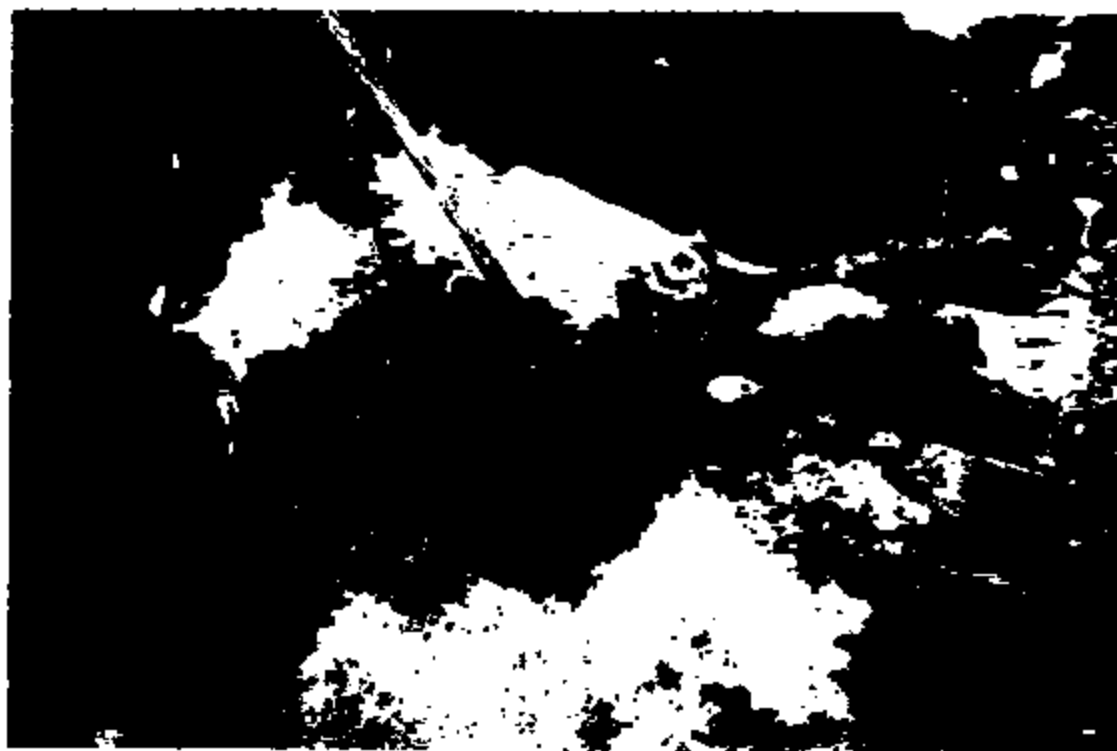


#16 - The wires routed throughout engine compartment wires were mostly void of insulation





#17 - The battery cable ends remained intact

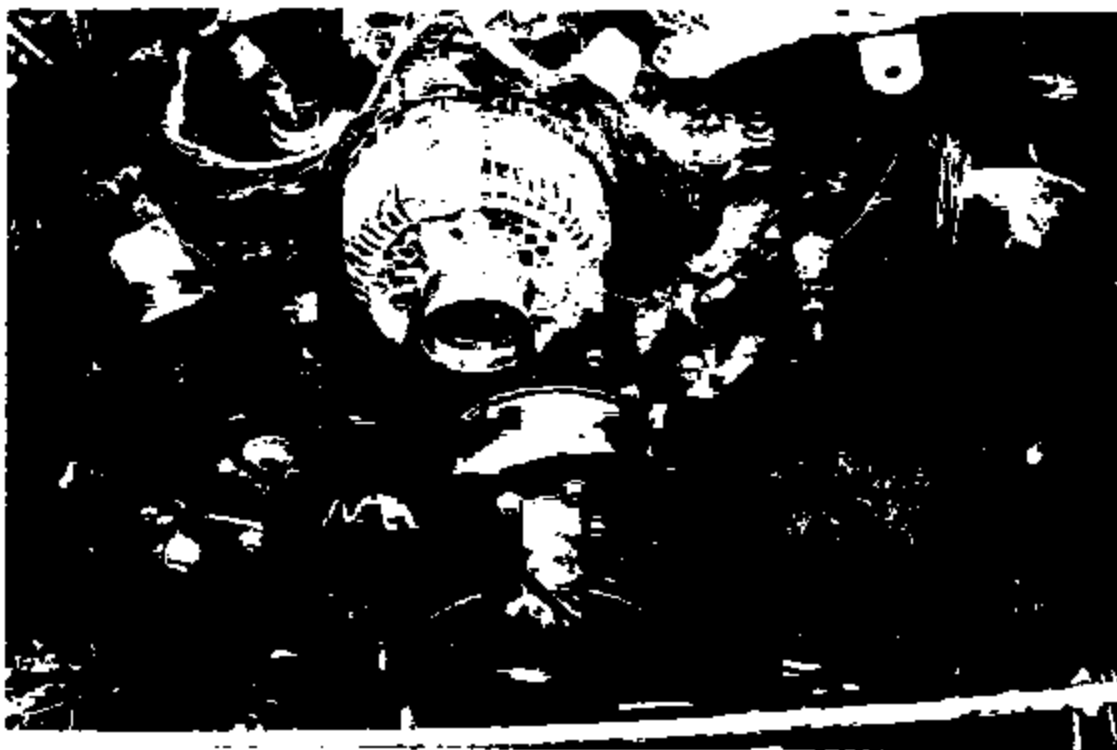


#18 - The fusible link had melted





#19 - No melted, beaded or fused wires at the solenoid junction to indicate irregular electrical activity had occurred



#20 - The front engine cover had melted





#21 - View of the components mounted to the left side of the engine compartment

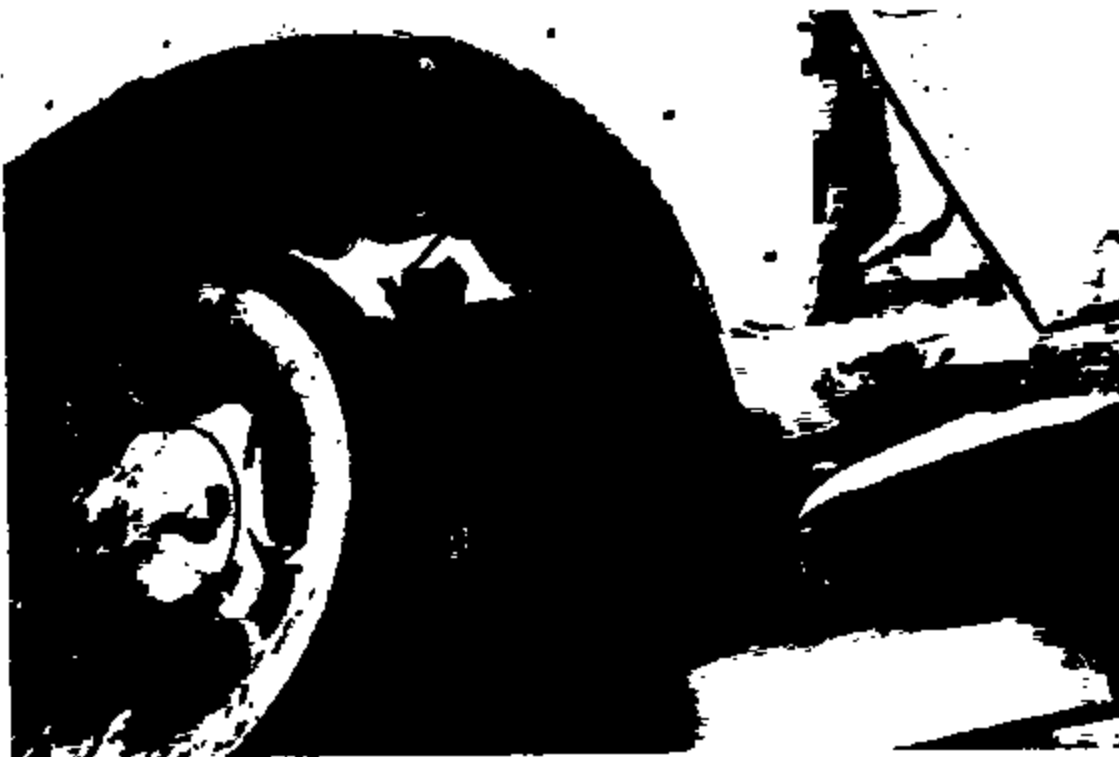


#22 - The right front inner fender was fire-scorched





#23 - The left front inner fender was fire-scorched



#24 - Rear portion of the left inner fender





#28 - The right rear lower fender was fire-scorched



#29 - The engine as viewed from under the vehicle





#27 - The transmission bell housing was partially melted



#28 - View of the right side of the transmission - note gray spot on the exhaust pipe





#29 - A different view of the right side of the transmission



#30 - View of the right exhaust manifold



PE24-878 C 2192



#31 - A view of the left side of the transmission



#32 - Most of the left portion of the bell housing was melted or had been consumed





#33 - Another view of the left side of the exhaust and transmission

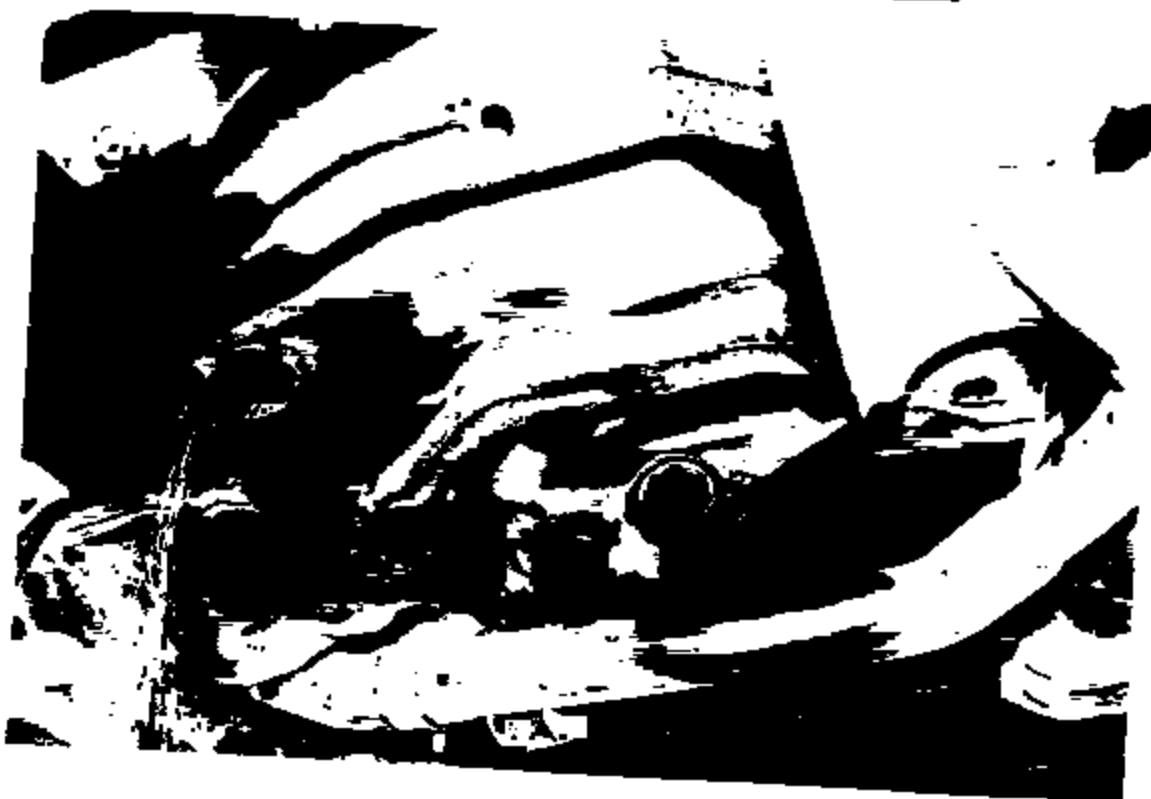


#34 - The torque converter was heat-discolored





#35 - The transmission as viewed from the rear of the vehicle



#36 - The underbody panels were fire scorched and the drive shaft had fallen out





#37 – The drive shaft split from the intense heat generated by this fire



#38 – The drive shaft remained connected to the rear differential – note the fire scorching sustained at the underbody





#38 - Another view showing the fire-scorched underbody panels



Allstate®

ALLSTATE INDEMNITY COMPANY
P.O. BOX 148288
IRVING TX 75016

05/14/04

(800) 374-4246

CONSUMER AID
SECTION

4 MAY 25 10:10

FORD MOTOR COMPANY
P.O. BOX 6248
DEARBORN MI 48126



OUR INVESTIGATION INDICATES THAT YOUR INSURED WAS RESPONSIBLE FOR THIS LOSS.

SINCE WE HAVE ALREADY MADE A SETTLEMENT WITH OUR POLICYHOLDER, THE CLAIM HAS BEEN ASSIGNED TO US. COPIES OF THE FINAL PAPERS RELATING TO THE LOSS ARE ENCLOSED.

PLEASE ACCEPT THIS LETTER AS NOTICE OF OUR SUBROGATION CLAIM. PLEASE FORWARD YOUR PAYMENT WITH OUR CLAIM NUMBER TO:

ALLSTATE PAYMENT PROCESSING CENTER
P.O. BOX 227257
DALLAS, TX, 75222-7257

DIRECT ANY OTHER CORRESPONDENCE TO THE ADDRESS AT THE TOP OF THIS LETTER.

SINCERELY,

SUBROGATION CLAIM REP

ALLSTATE INDEMNITY COMPANY

YOUR FILE NO. : SELF INSURED
YOUR INSURED : [REDACTED]
ADDRESS : [REDACTED]
DEARBORN MI

OUR CLAIM NO. : [REDACTED]
OUR INSURED : [REDACTED]
LOSS DATE : 04/02/04

LOCATION :
GULF STREAM RACE TRACK

AMOUNT OF LOSS: \$20,346.57

F100
WSD - 4/24/01
4/2/04
Hallendale FL
\$20,346.57
75065
VIN
'01 Exped.
CBF:O

HALLENDALE FL



RECEIVED NOV 1 2004



Law Offices
of
Rubén R. Peña P.C.

October 25, 2004

Attn: Shawn L. Norton
Claims Analyst
Litigation Assistant
Ford Motor Company
Parklane Towers West
Suite 300
P.O. Box 6248
Dearborn, MI 48126

501929
O

RE: Claimant: [REDACTED]
D/O/E: 05/07/2004

Dear Mr. Norton: .

Pursuant to your request on your letter of October 7, 2004, please find the following:

1. See copy of State Fire Marshal's Office Investigation Report dated 5/12/04.
2. N/A.
3. See enclosed color photographs.
4. N/A.
5. N/A.
6. See copy of State Fire Marshal's Office Investigation Report dated 5/12/04.
7. See copy of letter from Allstate Insurance Company.
8. Claimant has none. No tune-ups done. However, oil change receipts were in the glove compartment at the time of the fire. Therefore, they were burned along with the vehicle.
- 9-18 See form attached.

Sincerely,

Ruben R. Pena
Attorney for Ediberto Guerra

RRP:nez
Enclosures

222 W. Harrison Harlingen, TX 78550
(956) 412-8200 1-800-807-1879 Fax (956) 412-8282 Riolan1@aol.com
Plaza 700, 700 Furedes Ave., Brownsville, TX 78520 (956) 544-6000 Riolan2@aol.com

FE04-076 C 2200



Office of the General Counsel

PRIVILEGED & CONFIDENTIAL

Ford Motor Company
Parklane Towers West
Suite 300
Three Parklane Boulevard
Dearborn, Michigan 48126-2668

October 7, 2004

Ruben R. Pena P.C.
222 W Harrison Suite A
Harlingen, TX 78550
ATTENTION: RUBEN PENA

RECEIVED
OCT 15 2004
LAW OFFICES - RUBEN R. PENA, P.C.

Re: Claimant: [REDACTED]
DATE: 05-07-2004
Your Claim #: NA

Dear Mr. Pena:

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.
- 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: NAK Harlingen, Texas
- 10. The 17 digit vehicle identification number: XNA 1FTRX17W7YB [REDACTED]
- 11. What was the mileage at time of occurrence: Unknown
- 12. What is the alleged defect: Unknown; See State Fire Marshal's Office Report Report states that the fire started around the engine area of the vehicle.

PE04-878 C 2281

13. Has the alleged defective part been repaired or replaced? (circle one) Yes or **No** Total Loss

14. What is the current location of the vehicle, and the alleged defective part(s)?

Vehicle is in the possession of Allstate Ins. Co.

15. List all after market additions or modifications that were made to the vehicle:

Tool Box

New Tires

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: USED

If purchased used, provide the date of purchase, mileage at the time of purchase, and from whom the vehicle was purchased: Purchased: 6/29/01; Mileage: 33411;

Purchased from : Charlie Clark Nissan, 3500 West Expressway 83, Harlingen, Texas 78552

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



STATE FIRE MARSHAL'S OFFICE

INVESTIGATION REPORT
TEXAS DEPARTMENT OF INSURANCE

SENSITIVE



Case #	04-333-05	Priority	1	Investigator	Ramon Garcia Jr.	Status	Closed
Day of Fire	Friday	Date of Fire	05-07-04	Time of Fire	3:00 pm	Cause of Fire	Undetermined
Date of Request	05-11-04	Date Case Assigned	05-11-04	Date of Investigation	05-12-04		
City of Fire	Primm, Texas	County of Fire	Cameron				
Location of Fire	18446 Roosevelt Street Harlingen, Texas (Primm) 78550						
Type of Fire Investigation	Accidental		Injuries (No #)	Deaths (No #)			

OWNER

Full Name	[REDACTED]						Phone #	[REDACTED]
Address	La Porte, Tex [REDACTED]							
Race	White	Other	Hispanic	Sex	Female	Age	[REDACTED]	
Date of Birth	[REDACTED]							
Social Security #	[REDACTED]			Driver's License #	[REDACTED]			
Insurance	No	Insurance Company Name						
Policy #	No	Effective Dates			To			
Amount of Policy:	Structural	Contents						
Adjusters Name				Adjusters Phone #	()	-		
Agents Name				Agents Phone #	()	-		
Agents Address								

OCCUPANT

Full Name	[REDACTED]						Phone #	[REDACTED]
Address	Harlingen, Texas (Primm) [REDACTED]							
Race	White	Other	Hispanic	Sex	Male	Age	[REDACTED]	
Date of Birth	[REDACTED]							
Social Security #	[REDACTED]			Driver's License #	[REDACTED]			
Insurance	No	Insurance Company Name						
Policy #		Effective Dates			To			
Amount of Policy:	Structural	Contents						
Adjusters Name				Adjusters Phone #	()	-		
Agents Name				Agents Phone #	()	-		
Agents Address								

DISCOVERED FIRE

Full Name	Unknown Caller						Phone #	() -
Address								
Race		Other		Sex		Age		
Date of Birth								
Social Security #	-	-	-	Driver's License #				

REPORTED FIRE

Full Name	Unknown Caller						Phone #	() -
Address								
Race		Other		Sex		Age		
Date of Birth								
Social Security #	-	-	-	Driver's License #				

MOTOR VEHICLE

Type of Vehicle	Pick-Up	Year	2000	Make	Ford	Model	F-150
Vehicle Use	Private	Color	White	V.L.N. #	[REDACTED]	L.P.#	5YR-N72

OTHER INFORMATION

Other Investigating Agencies	Cameron County Sheriff Department						
Responding Fire Departments	Harlingen Fire Department						
Weather Conditions	Mostly Cloudy		Wind Direction	East To Southeast		Velocity	17.3 mph

ADMINISTRATIVE SECTION

Arson Lab Utilized	No	K-9 Utilized	Yes
Approved By		Date	

Form BEPI, Rev 5/22/03



STATE FIRE MARSHAL'S OFFICE

INVESTIGATION REPORT
TEXAS DEPARTMENT OF INSURANCE

SENSITIVE



Case # 04-333-05 Investigator : Ramon Garcia Jr. Date of Report: 05-12-04

Continuation:

REQUEST AND ASSIGNMENT

On Friday, May 07, 2004 at approximately 1:45 p.m. the Harlingen Fire Department responded to [REDACTED] in Harlingen (Primera) Texas [REDACTED] in Cameron County for a structure fire. The structure involved was a single family wood dwelling which sits on concrete blocks. Cameron County Sheriff Investigator Jose Ledesma contacted the Texas State Fire Marshal's Office and requested assistance in the investigation of the cause of the fire. Deputy State Fire Marshal Chief Investigator Dean Shirley assigned the case to Deputy State Fire Marshal Ramon Garcia Jr. to conduct an origin and cause examination of the scene.

DISCOVERY OF THE FIRE

An unknown caller who was passing by observed the structure on fire and dialed 911. No further information was obtained.

CONTACT WITH REQUESTOR

On Tuesday, May 11, 2004 I made contact with Cameron County Sheriff Investigator Jose Ledesma who stated that upon the fire department's arrival they observed the carport, living room and kitchen areas fully involved. Investigator Ledesma also stated that there were no occupants in the residence at the time of the fire.

CONSENT TO SEARCH

On Tuesday, May 11, 2004 I made contact with the occupant [REDACTED] I explained the consent to search form [REDACTED] and he signed it.

INTERVIEWS

On Tuesday, May 11, 2004 I interviewed the occupant Ediberto Guerra. [REDACTED] stated that he was on his way home from physical therapy when he arrived at his residence and observed the fire department extinguishing the fire. [REDACTED] stated his 2000 white Ford F-150 pick up truck was parked underneath the carport that is located on the northwest section of the structure. He also stated that Cameron County Sheriff's Investigator Jose Ledesma made contact with him and told him he was going to call the State Fire Marshal's Office for assistance.



STATE FIRE MARSHAL'S OFFICE

INVESTIGATION REPORT
TEXAS DEPARTMENT OF INSURANCE

SENSITIVE



Case # 04-333-05 Investigator : [REDACTED] Date of Report: 05-12-04

Continuation:

DESCRIPTION OF PROPERTY

The property is located at [REDACTED] which is outside the Harlingen City Limits in Cameron County, Texas. The structure was located on the south side of Roosevelt Road and it faced north. The structure was a single story family dwelling. The structure is a wood frame building approximately 1600 square feet with a composition shingle roof and sits on concrete blocks. The ceiling joists were constructed of 2" x 6"s. The walls were constructed of 2" x 4" wall supports with sheetrock panel and wood floors.

There was one entry door on the northwest side of the structure. There was another entry door on the west side of the structure. The circuit breaker and electric meter box were located on the east side of the structure. A 150 gallon LP propane tank was located on the south side of the structure and was serviced by Lone Star Propane in Harlingen, Texas. The electricity was serviced by Magic Valley Electric Service in Harlingen, Texas.

FIRE SCENE EXAMINATION

The exterior examination was conducted from the north side of the structure in a clockwise direction. Upon examination, a 2000 Ford F-150 pickup truck displaying Texas LP 5YR-N72 was parked in front of the residence underneath the carport. The vehicle and carport were completely damaged by the fire.

The exterior examination of the vehicle started in the front of the vehicle. The front of the vehicle was severely fire and heat damaged causing the plastic components such as the front light covers, head light to melt and be consumed. The front left and right fender sustained severe fire and heat damage causing the paint to burn away leaving a discoloration of the metal surface. The front windshield sustained heat and fire damage causing it to collapse toward the interior of the vehicle. The bottom portion of the windshield frame sustained the most heat and fire damage indicating that the fire came from the engine compartment. Both left and right tires were consumed by the fire. The front left and right aluminum rims sustained extensive fire damage.

The top of the vehicle sustained extensive fire and heat damage causing the paint to burn away and oxidation of the metal to occur. The center of the roof sustained a severe indentation. This indicates the carport roof frame collapsed onto the vehicle roof.

The left and right doors sustained severe fire and heat damage. Both side mirrors were damaged and consumed by the fire. The burn patterns on both doors indicate that fire traveled from the front of the vehicle to the rear. The bed of the truck also sustained fire and heat damage. The rear left tire was consumed by the fire. The left rear aluminum rim is less damaged than the front of the vehicle. The right rear aluminum rim was severely damaged by the fire. I observed a lot of fire debris in this area. This was caused by the collapse of the carport.



STATE FIRE MARSHAL'S OFFICE

INVESTIGATION REPORT
TEXAS DEPARTMENT OF INSURANCE

SENSITIVE



Case # 04-333-05 Investigator : [REDACTED] Date of Report: 05-12-04

Continuation:

The front of the engine faces toward the front bumper and the rear transmission faces toward the rear of the vehicle. The most damaged area of the engine was the left side in front of the master cylinder close to the fire wall panel. The battery and battery cable insulation were consumed by the fire. The A/C compressor was intact and sustained outer fire damage. The fuel lines were intact and showed no signs of malfunction.

The interior examination started in the front of the vehicle. The dashboard and control switches of the fan and radio were consumed by the fire. The dashboard covered most of the gauges, controls and part of the glove box on the passenger side of the front. The steering column brackets collapsed causing the steering column to fall down on the floor consuming most of the column. The front seats sustained fire damage and were consumed by the fire exposing the metal frames. The ABS door panel sustained fire damage and was consumed by the fire. The carpet was consumed by the fire. The interior ceiling sustained fire and heat damage exposing the metal frame.

Overall the fire appeared to have started in the area of the front of the vehicle. The fire then spread toward the structure consuming the north and west exterior walls. The fire then spread toward the south causing severe fire damage to the kitchen, weight room, and utility room. The fire also spread toward the east causing severe fire damage to the living room area. The bedrooms were the least damaged but did sustain heavy heat and smoke damage.

CANINE EXAMINATION

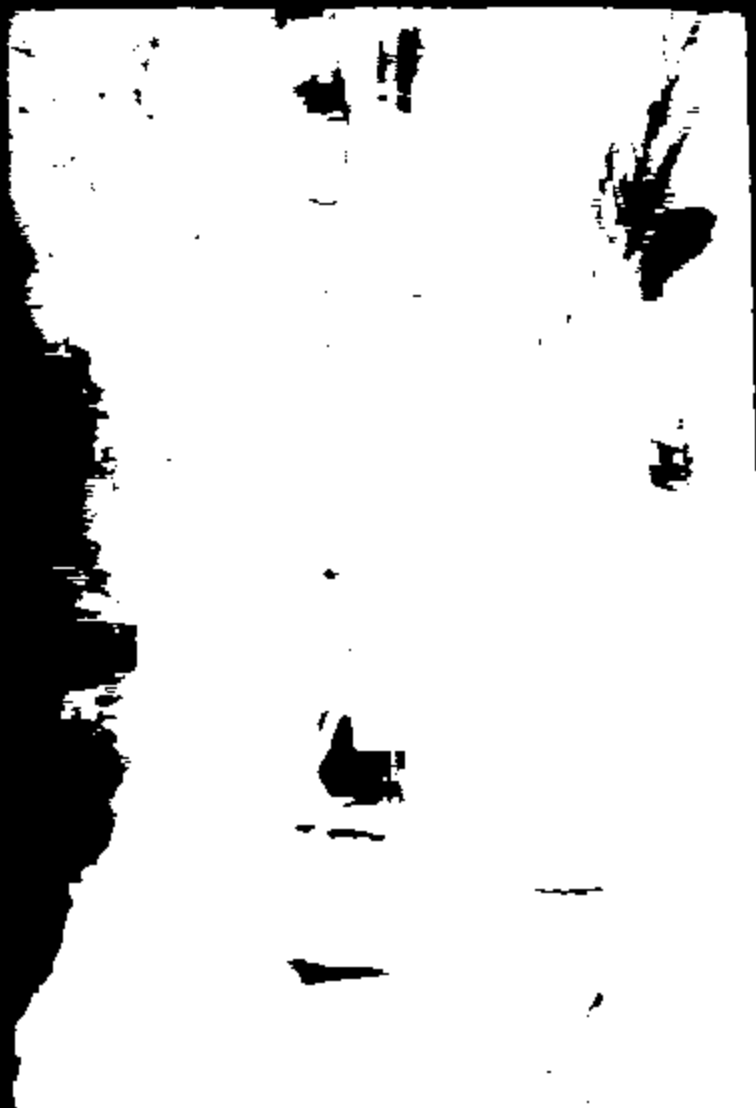
Deputy State Fire Marshal Canine Handler Tommy Pleasant along with Canine Tess conducted a fire scene examination. The canine did not detect the presence of accelerants in the area. For further information refer to canine report.

ORIGIN AND CAUSE SUMMARY

By observing the fire scene from the least damaged to the most damaged area it was determined that the Area of Origin was in the car port around where the vehicle was parked. By the continued examination of the area of origin in a systematic method and identifying the least damaged and the most damaged area it was determined that the fire started on or around the engine area of the vehicle.

**THE CAUSE OF THIS FIRE IS UNDETERMINED AND THIS CASE SHOULD BE CLOSED
PENDING FURTHER DEVELOPMENT OF RELEVANT INFORMATION.**





PE04-878 C 2200





Law Offices
of
Rubén R. Peña P.C.

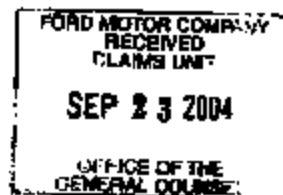
July 21, 2004

CONSUMER AFFAIRS
SECTION

CMRRR# 7002 3150 0006 5704 9492
Ford Customer Relations Center
P.O. Box 6248
Dearborn, MI 48126

4 JUL 27 09:54

RE: COMPLAINT OF ENGINE FIRE
OWNER: [REDACTED]
VEHICLE: 2000 Ford F150
VIN: 1FTRX17W7YK [REDACTED]



Dear Sir or Madam:

Please be advised that this firm represents Ediberto Guerra who purchased a used 2000 Ford F-150 from a reseller in Harlingen, Texas. On or about May 7, 2004 [REDACTED] parked his Ford pickup in the garage in his home. Shortly after 3:00 p.m. the truck ignited without the intervention of any person or device. The fire marshal's report attached hereto indicates that the engine was the source of the fire.

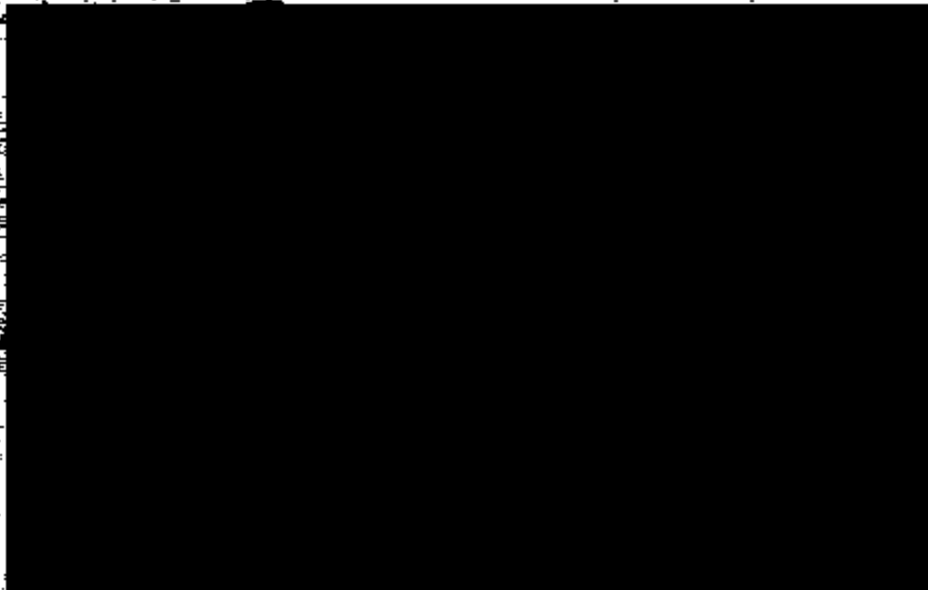
[REDACTED]'s have sustained serious damage to the vehicle, i.e. it is a total loss as well as to their home. Please advise your legal department to contact me within the next 10 days to discuss and settle this matter. I am also attaching the letter from Allstate, the [REDACTED] insurance carrier which now has or will shortly have possession of the vehicle. If you wish to examine the vehicle I suggest you contact them immediately.

Sincerely,

Rubén R. Peña
Attorney for Ediberto Guerra

222 W. Harrison Harlingen, TX 78550 P.O. Box 530160
(956) 412-8200 1-800-807-1879 Fax (956) 412-8282 Rrpa1@aol.com
Plaza 700, 700 Pineda Ave., Brownsville, TX 78520 (956) 544-6000 Rrpa2@aol.com

PEB4-678 C 2218



PE84-878 C 2211

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October 29, 2004

Mr. Shawn L. Norton
Claims Analyst/Litigation Assistant
Office of the General Counsel
Ford Motor Company
Parklan Towers West
Three Parklan Boulevard, Suite 300
Dearborn, Michigan 48126-2568

Re: [REDACTED], Ford Motor Company
Claimant: [REDACTED]
Your Claim No.: [REDACTED]
D/Loss: 3/12/03
Our File: 1055-22

494828

CO 7/04
- Wellington, FL
- 100 F-150
- WSD 12/22/09
- ESP-NO
- vic
- 57000
- (2-103)

Dear Mr. Norton:

This will respond to your letter of October 13, 2004. I note that this document is identical to your correspondence of June 15, 2004, except that it contains the notation which marks "Final Request." My file reflects that I responded to your first letter on July 29, 2004, by, among other things, providing you with a copy of the Cause and Origin Report commissioned by my client and prepared by Nationwide Arbitrations and Inspections. Included in that report were photographs obtained of the involved vehicle.

You responded to my letter on August 10, 2004, in which, among other things, you claim that the materials submitted did not sufficiently support the allegation that Ford Motor Company was responsible for this loss. Your letter made no reference to the specific information which you claim to have been omitted. Nonetheless, in an effort to assist you in evaluating this matter, I made arrangements to provide you with a color copy of the complete original report, including color

photocopies of the damages sustained as a result of this incident. If you have not received these materials, please let me know and I will send you a second set.

I believe that the foregoing should be sufficient to enable you to evaluate this matter. These materials confirm that the fire in the subject vehicle originated in the engine compartment and was caused by a leaking vapor control valve. This is either a design defect in the vehicle or resulted from a manufacturing defect. Either way, the loss is Ford's responsibility. Please note that in addition to the principal amount paid of \$18,600, my client is entitled to recover prejudgment interest which, through November 9, 2004, totals \$1,863.46. Accordingly, my client's claim presently totals \$20,463.46. Please note that interest continues to accrue at the rate of \$3.57 per day.

Notwithstanding the fact that I believe you have sufficient information in your possession with which to respond to this Complaint, as I do not wish to become involved in a battle which unnecessarily prolongs this dispute, I offer the following additional information:

1. **Description of Incident:** According to [REDACTED] he arrived at his home on March 12, 2003, and parked his 2000 F-150 pick-up truck in his driveway. A short time later, the exact amount is presently unknown, he heard an explosion. Upon investigating, he found the pick-up truck on fire in his driveway. He evacuated everyone from his home and called the Fire Department. The fire was ultimately extinguished by the City of Wellington Fire Department.
2. **Copy of Fire Report:** This has been requested from the Department and will be provided to you upon receipt.
3. **Repair Estimate:** The vehicle was considered a total loss. The vehicle was valued at \$18,600, which is the amount paid by Sentry to its insured, as well as the applicable lienholder. I do not have a copy of the instrument of payment.
4. **Service History:** This documentation is not available to me.
5. **Location of Occurrence:** City of Wellington, Florida.
6. **Mileage:** Unknown to me at this time.
7. **Current Location:** The vehicle remains in storage at the Sadisco facility in West Palm Beach. Please contact this office to make arrangements to inspect the vehicle, should you wish to do so. As indicated above, the fire resulted from a leaking vapor control valve.
8. **After Market Additional Modifications:** None are known to me.
9. **Engine Status:** The engine was not running.

October 29, 2004

Page 3

10. Keys in the Ignition: My understanding is that they were not.

11. Vehicle Purchase: This information is unknown to me.

I believe that you now have sufficient information in your possession from which to evaluate this matter. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,



BRIAN D. STOKES
For the Firm

BDS:gpj

Enclosures

cc: Elizabeth A. Co, Esq.

PEB4-878 C 2214

IF TRX17L6YN
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September 29, 2004

Mr. Shawn L. Norton
Claims Analyst/Litigation Assistant
Ford Motor Company
Parklane Towers West
Three Parklane Boulevard, Suite 300
Dearborn, Michigan 48126-2568

RECEIVED OCT - 8 2004

P

Re: [REDACTED] v. Ford Motor Company
Insured: [REDACTED]
Adverse Party: Ford Motor Company
Your Claim No.: [REDACTED]
D/Loss: 3/12/03
Our File: 1055-22

494 820 CP
7/04

Dear Mr. Norton:

This will respond to your letter of August 10, 2004.

To further assist you in the evaluation of this matter, enclosed is a color copy of the complete original report from Nationwide Arbitrations & Inspections. This document includes color photocopies of the damages sustained as a result of this incident.

It is my understanding that the vehicle remains in storage at Sadiaco of West Palm Beach. Please contact this office to make arrangements to inspect the vehicle.

I believe that a review of these materials will again confirm that the fire in the subject vehicle originated in the engine compartment as the result of a leaking vapor control valve. This is either a design defect in the vehicle or resulted from a manufacturing defect. Either way, the loss is Ford's

Mr. Shawn L. Norton
September 29, 2004
Page 2

responsibility. Please note that in addition to the principal amount paid of \$18,600, my client is entitled to recover prejudgment interest which totals, through October 1, 2004, \$1,720.66. Please note that interest continues to accrue at the rate of \$3.57 per day. Accordingly, my client's claim presently totals \$20,320.66.

Thank you for your prompt attention to these matters. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,



BRIAN D. STOKES
For the Firm

BDS:pjp
Enclosures
cc: Elizabeth A. Co, Esq.



NATIONWIDE

ARBITRATIONS & INSPECTIONS

INSURED

:



CLAIM NUMBER

:



PREPARED FOR

:

Fay Trust

COMPANY

:

Sentry Claims

Claim Number:



Purpose of the Assignment:

The purpose of this assignment was to determine the origin and cause of a fire in the below referenced 2000 Ford F150 pickup truck, hereafter referred to as the subject vehicle.

Preliminary Remarks:

Master ASE certified technician and Certified Vehicle Fire Investigator, Richard Metzger, Florida Investigator license number C2001024, arrived at Sadisco, 375 Kelly Drive, West Palm Beach, Florida on March 24, 2003 at approximately 3:30 PM to commence the field inspection of the subject vehicle. The receptionist informed the inspector that control number WP220781 had been assigned to a 2000 Ford pickup, which had been placed in row 27, stall 35 in the yard.

The following are results of the inspection.

Description of the Vehicle:

The subject vehicle was a white-colored, two-door, 2000 Ford F150 Lariat edition, extended-cab pickup and was positively identified by the V.I.N. 1FTRX17L6YN[REDACTED]. The subject vehicle did not carry a license plate at the time of the inspection and the current in-service mileage could not be verified due to the lack of battery power to the digital odometer in the dashboard instrument cluster.

Inspection of the Exterior:

The exterior of the vehicle was examined to determine the extent of the total damage and to identify the specific area(s) of the most intense or severe damages including an examination of the vehicle's undercarriage. The front of the vehicle had sustained severe fire damage. Most of the aluminum hood had melted due to the intense heat generated by this engine compartment fire. The left front fender was scorched. The grille and both headlight assemblies had melted. The left side of the windshield was melted, which created an easy access hole that allowed this fire to migrate into the passenger compartment. The left front tire showed moderate fire damage and was no longer inflated. The other three tires were not damaged. The paint along the top of the right front fender was heat discolored, but remained intact.



Inspection of the Interior:

The fire migrated into the passenger compartment through the hole melted in the windshield and discolored the left side of the dashboard pad. The fire also passed through access holes in the dashboard support panel on the driver's side and melted some of the insulation and the carpeting, evidenced by the debris accumulated on the floor directly below. The inspector noted that the headlight switch was in the "off" position and there did not appear to be any aftermarket accessories installed in the vehicle. The fuse block, located at the bottom left corner of the dashboard, was intact and undamaged. All of the fuses were in their proper locations and were the correct size for the circuits they were designed to protect. The inspector verified that three of the fuses were blown, numbers two, thirteen and fourteen. The number two fuse protects the instrument cluster and PCM circuits. The number thirteen fuse protects the circuits for the brake pedal position switch, flasher relay and the brake pressure switch. The number fourteen fuse protects the battery-saver and interior light relays. The inspector reviewed the service manual and noted that these fuses are redundant and that several of the circuits are protected by more than one fuse.

Inspection of the Engine Compartment:

All of the mechanical, electrical, fuel and fluid components in the engine compartment and on the engine were examined for evidence of electrical shorting, fuel or fluid leaks, physical damages or pre-fire damages. The subject vehicle was equipped with a 4.6-liter, fuel-injected, V8 engine with an automatic transmission. The components mounted in the engine compartment sustained heavy fire damage. All of the wires that had been routed along the cowl panel were void of insulation. Most of the cowl panel on the left side of the engine compartment was heavily fire scorched as was the brake booster and the left side inner fender. The fire did not pass below the frame rail on either side of the engine. There was undamaged paint remaining on the left side lower section of the dashboard support. The paint below the brake booster was charred, but it remained intact, which would suggest that the fire originated above the brake booster. The aluminum from the melted hood panel covered most of the top of the engine and was clinging to some of the exposed wires. The top of the battery case had melted, exposing the wet inner cell plates. The insulation had been consumed off of the battery cables but the cable ends and exposed inner wire strands that make up the cables remained intact and showed no melted, beaded or fused inner wire strands. The components mounted in the right side of the engine, including the composite valve cover, had sustained only moderate fire damages while the components and brackets mounted in the left side of the engine compartment had sustained severe fire damages and scorching. The



center of the left valve cover was deeply fire scorched while the rear portion of the valve cover and the dashboard support panel directly behind it were undamaged. The flexible fuel hoses had been routed up from the frame rail behind the engine and were connected to the backside of the fuel rail on the left side of the engine. Both fuel hoses and their respective fittings were intact and were virtually undamaged by the fire, indicating the subject fire originated on the outside of the overhanging cowl panel and in the vicinity of the center of the left valve cover. The main fuel vapor control valve, hereafter referred to as the subject valve, is normally mounted directly above the left valve cover. This valve was designed to operate when an excessive amount of fuel and/or vapors have accumulated in the fuel tank vent system. The valve was designed to send the excess fuel and/or vapors to the charcoal canister, mounted at the left rear corner of the frame, under the bed. According to the vehicle's service manual electrical schematic, the vapor control valve only operates when the key is on or in the run position. The remains of the vapor control valve were found lying wedged between the oil dipstick tube and the left valve cover. There were short sections of electrical wiring that remained attached to the valve and though the insulation had been consumed off of the wires, none of the wires were beaded, fused or heat-discolored to indicate irregular electrical activity. The main body of the subject valve was charred and it crumbled when touched. The area where the vapor control valve is normally mounted on the cowl panel showed an intense spot of fire scorching that was not evident on any other section of the cowl panel. The rubber hoses normally attached to the subject valve had been mostly consumed. The ends of the metal fuel vapor lines were heavily fire scorched, but the spring hose clamps remained on their ends with charred remnants of hose material. The flame patterns and upper engine compartment component fire damages sustained at the point where the vapor control valve is normally mounted would suggest the control valve had been leaking. The inspector examined a similarly equipped vehicle for comparison at a local dealership and verified that the only energized circuit in close proximity to the vapor control valve was the under hood light assembly. With the hood closed this light was approximately three inches from where the vapor control valve was mounted. The light was mounted in a section of the hood between two frame support ribs, which would have created a pocket for the leaking fuel and vapors to accumulate in. The inspector found two wires hanging down along the front of the power brake booster. The ends of the wires were heat discolored and brittle consistent with exposure to intense heat.

Inspection of the Undercarriage:

The inspector verified that there was insufficient damage sustained to the undercarriage and components mounted on the vehicle's undercarriage to indicate the fire had originated from under the vehicle.



Conclusion:

Based on the damages sustained and the flame patterns present, it is the opinion of the lead investigator that the fire in the subject vehicle originated in the engine compartment and was caused by a leaking vapor control valve. The subject valve is only a switching device and was not designed to vent or leak fuel vapors. It is suspected that the excessive fuel vapors were created from the leaking subject valve a short time after the after the vehicle had been filled with fuel. It is suspected that the vapors intruded into the under hood light assembly and were subsequently ignited by the under hood light circuit, which remains energized at all times.

Comments and Recommendations:

Nationwide Inspections, Inc., recommends that Ford Motor Co. be put on notice for potential liability for damages sustained as a result of this fire loss since the cause of the fire appeared to have been related to a failed fuel vapor control valve, that was not designed to leak fuel or fuel vapors. Nationwide Inspections, Inc., reserves the right to review any additional information, evidence, etc. as it becomes available and to amend this report and its findings further, should it become necessary.



Supervisor

Attachments.





#1 - Left front 3/4 view



#2 - Engine compartment view showing most of the hood had been consumed





23 - V.I.N.



24 - Front view





#5 - Right front 3/4 view - minimal damage on right side



#6 - The section of the hood remaining was on the right side



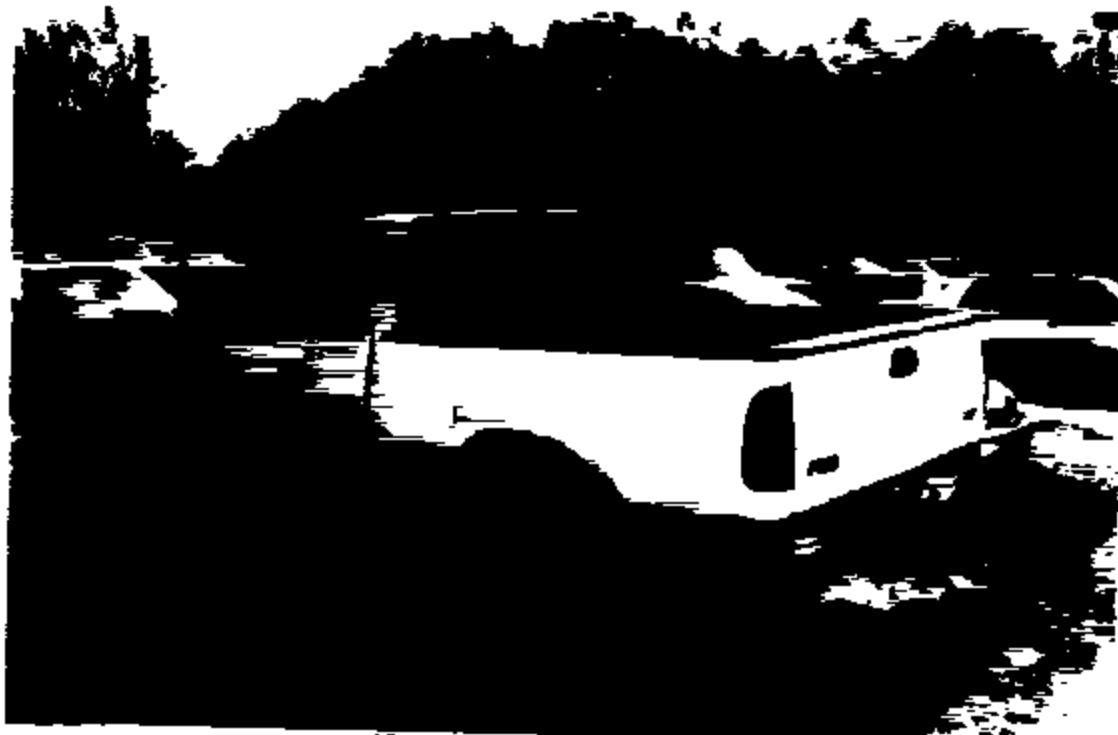


#7 - Right rear 3/4 view



#8 - Rear view





#9 - Left rear 3/4 view



#10 - The fuel filler cap remained in place and intact



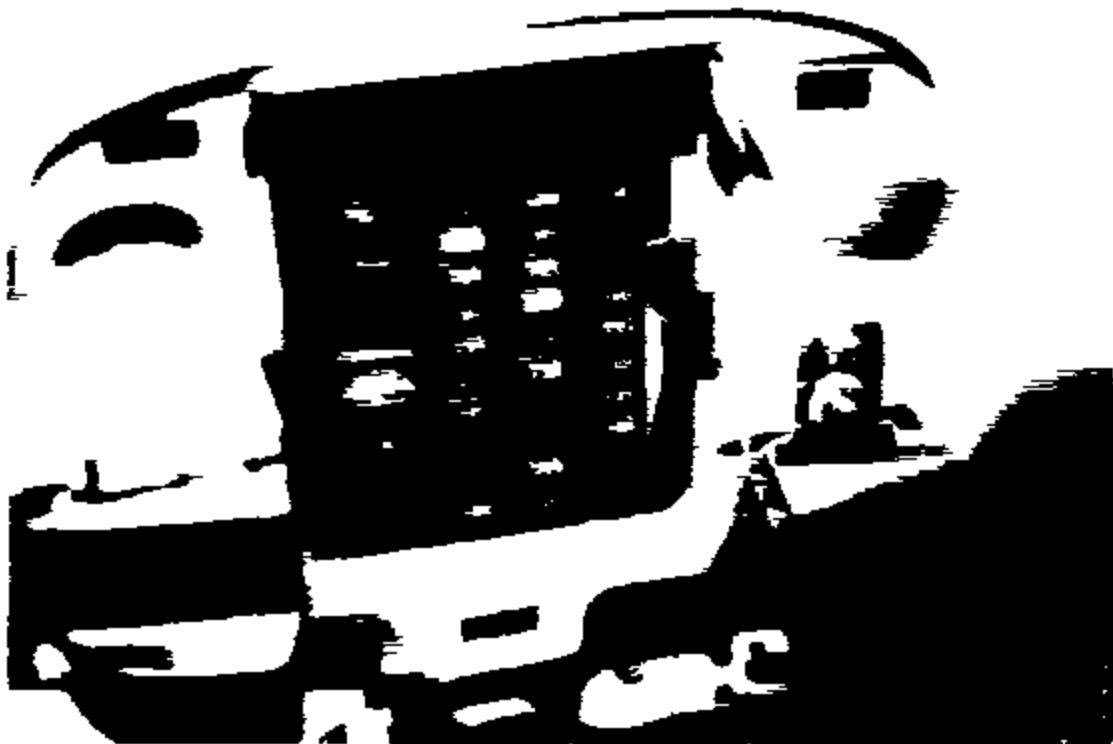


#11 - Interior as viewed through the driver's door opening



#12 - The top of the dashboard pad was deformed





#16 - Three fuses were blown

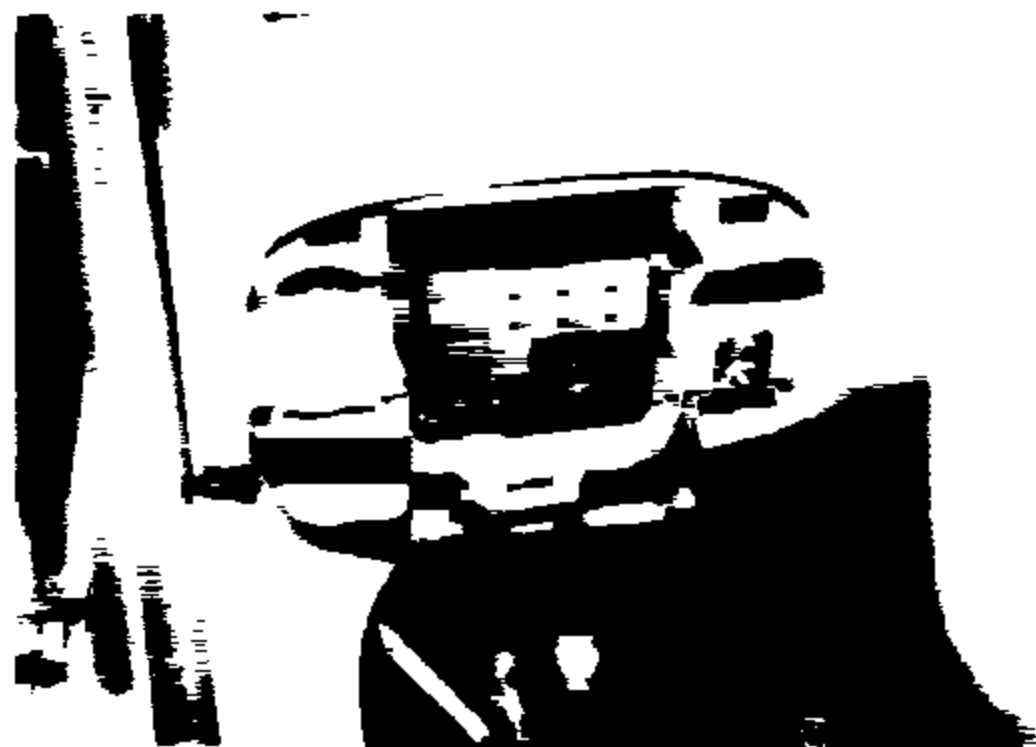


#16 - Overall engine compartment view





#13 - View of the debris that dropped down on the floor

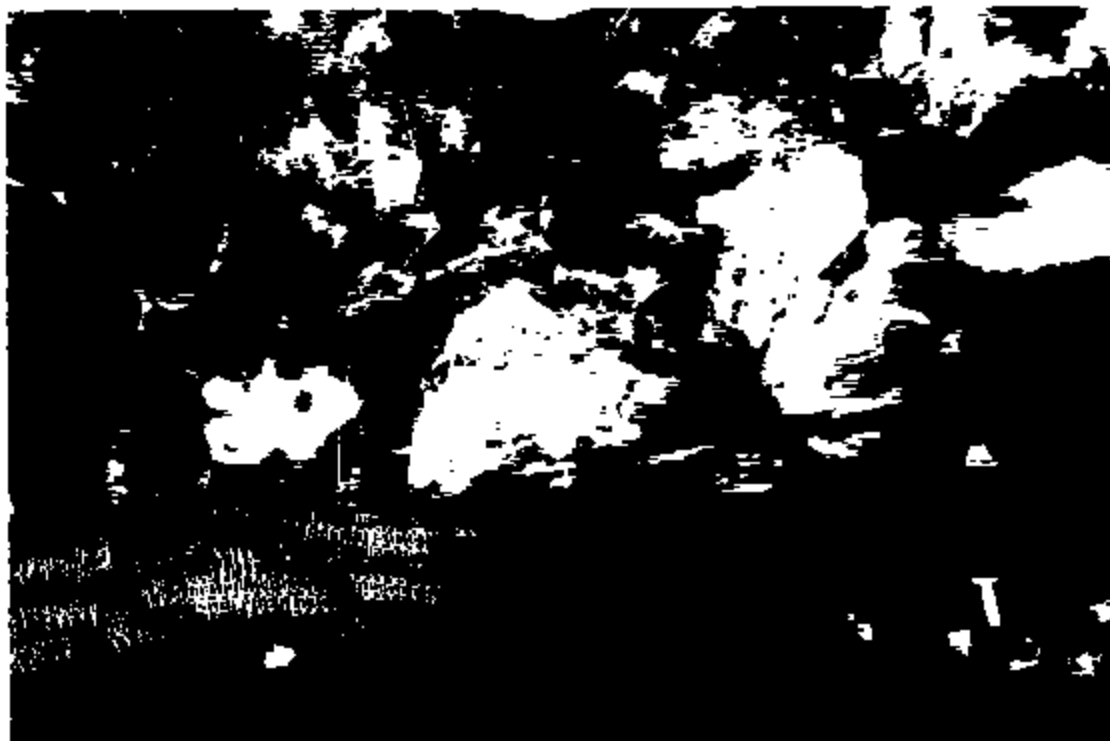


#14 - The fuse block remained intact





#17 - The air inlet box, hoses and air cleaner assembly had been consumed

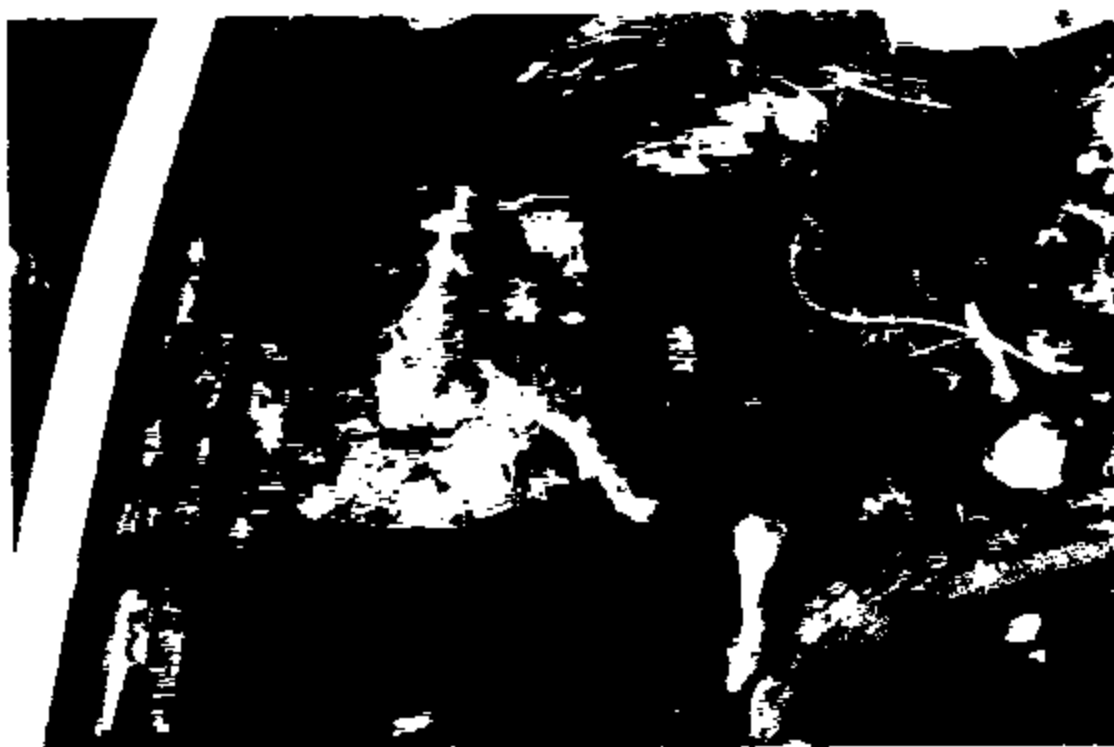


#18 - The alternator remained intact





#19 - View of the engine compartment from the right side



#20 - The plastic battery case was partially melted





#21 - View of the battery from above



#22 - The positive battery cable and cable end remained intact



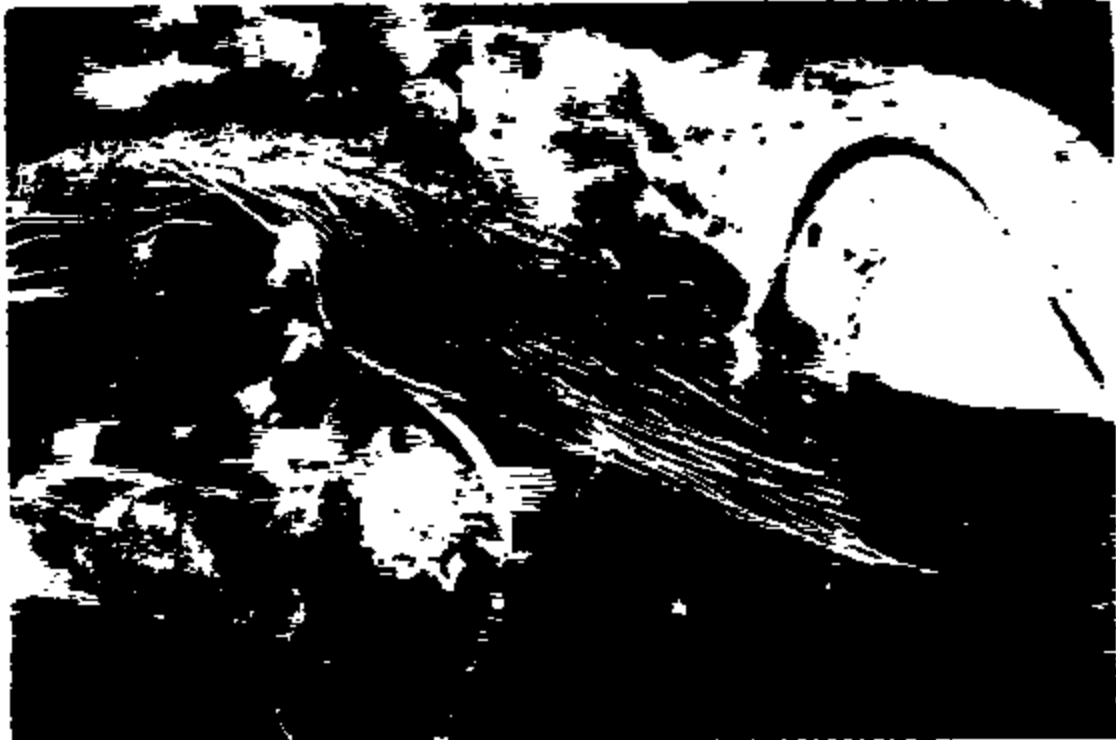


#24 - The negative battery cable remained intact



#24 - The wires were void of insulation





#25 - None of the exposed inner wire strands were melted, banded or fused together



#26 - Engine compartment as viewed from the left side





#27 - View of the damaged windshield



#28 - The wiper motor showed minimal damage





#79 - Closer view of the labor motor



#80 - All of the metal in this area was fire scorched





#81 - There was undamaged paint remaining on underside of the brake booster.



#82 - Area where the vapor control valve is normally mounted





#33 - The firewall and fuel lines remained intact



#34 - View of the wires routed to the wiper motor





#30 - View of the wiring routed to the vapor control valve



#31 - The power distribution center





287 - Some of the insulation remained on the wires routed from the power distribution center to the lower fender



288 - The arrow points to the wiring for the under hood light showing the ends were discolored



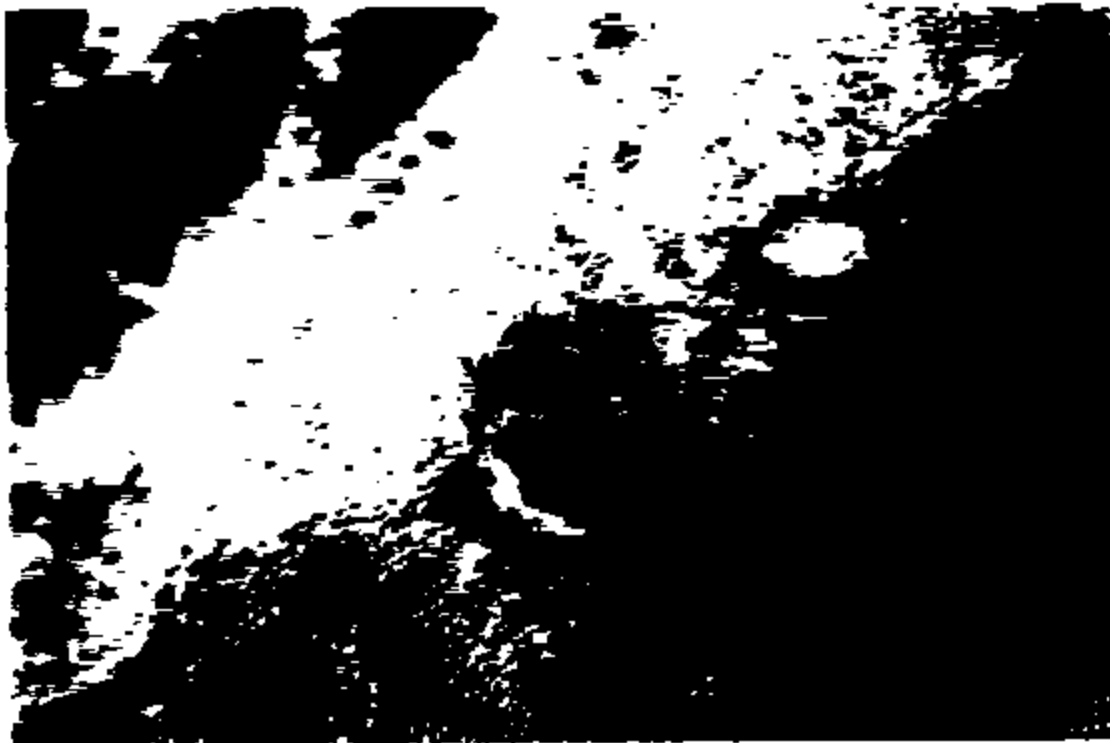


#39 - View of a similar vehicle to show location of the under hood light



#40 - The remains of the subject vapor control valve were found wedged against the valve cover and oil dipstick tube





#41 - View of the charred section of the subject valve



#49 - View of the subject valve's wiring and terminal end

