

PE04-078

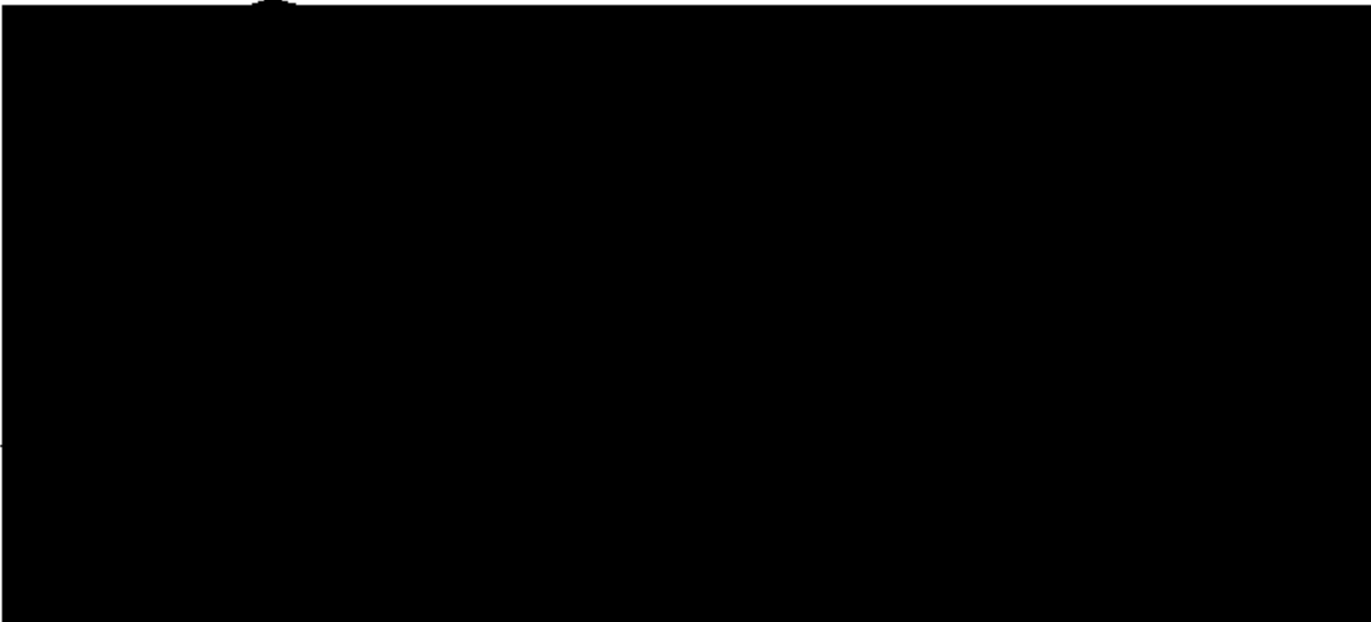
FORD

1/28/2005

ATTACHMENT F

BOOK 8 OF 12

PART 4 OF 6



NO. 921580

[REDACTED]

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§

IN THE COUNTY COURT

O.C.C.L. #2

Plaintiffs,

VS.

AT LAW NUMBER

FORD MOTOR COMPANY,

Defendant,

HARRIS COUNTY, TEXAS.

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Come now [REDACTED] Plaintiffs in the above entitled and numbered cause, and file this their Original Petition complaining of FORD MOTOR COMPANY, Defendant herein, and for such cause of action would respectfully show the Court as follows:

I.

Discovery Control Plan

Discovery is intended to be conducted under Level 2 of Rule 190, Texas Rules of Civil Procedure.

II.

Parties

Plaintiffs are residents of Harris County, Texas.

Defendant FORD MOTOR COMPANY ("Ford") is a corporation authorized to transact business in the State of Texas, and may be served with process by serving its registered agent, CT Corporation, at 350 North St. Paul, Dallas, Texas 75201.

III.

Jurisdiction; Venue

The Court has jurisdiction over the parties and the subject matter of this suit; venue is proper in Harris County, Texas, the county in which the incident occurred and the county in which the Plaintiffs reside.

IV.

Background Facts

This action arises out of a fire which occurred on March 1, 2002, in Harris County, Texas. Plaintiffs were at all material times involved herein, the owners of a 2001 Ford F-150 XLT extended cab pickup truck, bearing VIN #1FTZX17211N [REDACTED] which truck is the subject matter of this lawsuit ("the vehicle"). The vehicle which is the subject matter of this lawsuit was manufactured and sold by Defendant Ford Motor Company. Heretofore prior to March of 2002, the Plaintiffs, as consumers, purchased the 2001 pickup truck. The vehicle was in the same condition at the time of the fire as it was when it was originally manufactured and at the time it was purchased by the Plaintiff. On or about March 1, 2002,

an electrical fault occurred in the multi-wiring engine wiring harness connectors, causing the vehicle to catch on fire. The fire completely destroyed the vehicle, all to the Plaintiffs' damage as more particularly set out hereinafter.

V.

Negligence and Breach of Warranties

Plaintiff incorporates all of the allegations contained in paragraphs I through IV as fully as though set out herein.

Plaintiff would show that the Defendant Ford was negligent in designing the cruise control deactivation switch in that the switch was defective and would cause an electrical fault causing a fire, which negligence was the proximate cause of the occurrence and Plaintiff's damages. Defendant was negligent in manufacturing the cruise control deactivation switch as well.

Plaintiff would further show that Ford impliedly warranted that the cruise control switch was of merchantable quality, reasonably fit for the purposes intended, when, in fact said cruise control switch was not as warranted in that it malfunctioned, which breaches of warranty were proximate causes of the occurrence and Plaintiff's damages.

Plaintiff relied on these express and implied warranties and suffered the damages that occurred as a proximate result of the Defendant's breach of these warranties.

VI.

Strict Liability of Ford Motor Company

Plaintiffs would show that at all material times involved herein, the engine wiring was unreasonably dangerous in that its design permitted the electrical malfunction, which condition was a producing cause of the fire and Plaintiffs' damages.

Plaintiffs would show that the product in question, namely the 2001 Ford F-150 pickup truck was defective and unsafe for its intended purposes at the time it left the control of the Defendant manufacturer. In this connection, the automobile was defectively designed, defectively manufactured and unreasonably dangerous to Plaintiffs in that its design and manufacture permitted the electric short, such condition being a producing cause of the fire and of the resulting damages to the Plaintiffs. Accordingly, the Defendant is strictly liable pursuant to §402A, *Restatement of the Law of Torts 2nd*, and as adopted by the Supreme Court of Texas.

VII.

Damages

Plaintiffs would show that as a direct and proximate result of Defendant's negligence, breach of warranties and strict liability, their 2001 Ford F-150 pickup truck sustained damages in an amount exceeding the minimum jurisdictional limits of the Court. Such amount represents the difference in fair market value of Plaintiffs' truck immediately

before and immediately after the fire in Harris County, Texas, and the surrounding area. Such amount is also the reasonable and necessary, usual and customary cost of repair to restore Plaintiffs' vehicle to the condition it was in immediately before the fire in Harris County, Texas, and the surrounding area at the time.

VIII.

Attorney's Fees

Plaintiffs would further show that it has become necessary to employ the undersigned attorney to file this suit and prosecute this claim, and Plaintiffs are entitled to recover, in addition to their actual damages, reasonable and necessary attorney's fees in the amount of at least \$10,000.00 for one trial or hearing hereof, and an additional sum of \$5,000.00 if appealed to the Court of Appeals and the further sum of \$7,500.00 if an appeal or writ of certiorari is filed with the Supreme Court of Texas, all to Plaintiff's damage in such further amounts.

IX.

(Not to be Read to the Jury)

Plaintiffs would show that Charter County Mutual Insurance Company ("Charter") is entitled to this recovery against Defendant, and is the real party in interest, and is authorized to pursue this claim in the name of the Plaintiffs, and the Plaintiffs have subrogated their rights in this cause of action to Charter, to the extent of payment thereof.

WHEREFORE, PREMISES CONSIDERED Plaintiffs pray that Defendant FORD MOTOR COMPANY be cited to appear and answer herein, and that upon final hearing hereof, Plaintiffs have and recover judgment against the Defendant for all of their damages, pre-judgment interest as allowed by law, interest on the judgment at the highest lawful rate, reasonable attorney's fees with conditional awards as alleged, all court costs, and for such other and further relief, general or special, at law or in equity, to which they may be justly entitled.

Respectfully submitted,

LAW OFFICE OF RICHARD ELLIOTT



Richard H. Elliott
P.O. Box 1515
Fredericksburg, Texas 78624
Telephone: (830) 997-7715
Facsimile: (830) 997-7013
Bar Card No. 06549500
ATTORNEY FOR PLAINTIFFS

UNITRIN

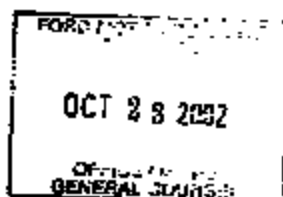
SPECIALTY LINES INSURANCE

October 23, 2002

Ford Motor Company
P.O. Box 6248
Dearborn, MI 48126
Attention: Claim Dept.

UNITRIN CLAIMS
SECTION

2 OCT 29 41 51



RE: Your Insured : Ford Motor Company
Your Claim Number : Unknown
Our Insured : [REDACTED]
Our Claim Number : [REDACTED]
Date of Loss : 03-01-2002
Damages : \$19,374.19
Salvage : Pending
Deductible : \$ 499.00
Total Demand : Pending

To Whom It May Concern:

We have been notified that you are the liability carrier for the person who is responsible for this accident. The damages paid in the accident are shown above. We have also attached documentation to support our claim.

Since your insured was the proximate cause of this accident, we are hereby requesting reimbursement of the damages. Our investigation shows the fire damage to our insured vehicle was caused by a resistive type electric short that occurred within the multi-wire electrical wiring connectors. Please make your check or draft payable to: Charter County Mutual Insurance as Subrogee for Rosaura Coronado. The payment should be for the "Total Demand" amount referenced above.

If you would like to discuss this claim contact our office at 1-800-456-1919 ext. 2428.

We appreciate your consideration of this subrogation claim.

Respectfully,

Rachelle Bowens
Subrogation Representative
Charter County Mutual Insurance Co.

3/1/02
- \$ 19,873.12



RECEIVED NOV 15 2004

CABORN & BUTAUSKI CO., L.P.A.

ATTORNEYS AT LAW
765 SOUTH HIGH STREET
COLUMBUS, OHIO 43206

TELEPHONE 614-445-6265
FAX 614-445-6295

November 10, 2004

JOSEPH A. BUTAUSKI
DAVID A. CABORN

Shawn L. Norton
Claims Analyst/Litigation Assistant
FORD MOTOR COMPANY
Parklane Towers West, Suite 300
Three Parklane Blvd.
Dearborn, MI 48128-2568

502130
O

RE: Claimant [REDACTED]
My Client [REDACTED]
Erie Claim # [REDACTED]
Date of Loss - 09/07/2004
Location - 1326 Wild Oats Drive, Columbus, OH
Firm File No. - 30-110

Dear Ms. Norton:

Please be advised that I have been retained to represent the interests of [REDACTED] Insurance Company as it relates to the above-referenced loss.

I am in receipt of your correspondence directed to Mr. Rick Spencer of Spencer Consulting Services dated October 8, 2004. In response, we will see that you are provided with a copy of the report prepared by Spencer Consulting Services, as well as the report of Mr. Doug Kristof. This will serve as a response to items 1, 3, 4, 5, and 6 of your request for information.

I will also see that you are provided with a copy of any report generated by any investigative governmental agency in relation to the loss. However, prior to releasing this information, Ford would need to agree to compensate Spencer Consulting Services for each individual photograph, a copy of the report with photographs mounted, and reasonable clerical service fees incurred in preparation of the requested report and information.

With regard to item No. 7, [REDACTED] will be amenable to providing you with the proof of loss from submitted by its Insured in relation to this particular loss. Copies of any draft payments made thus far will also be included.

As to item No. 8, we are in the process of attempting to obtain the complete service history for the subject vehicle, including any tune-ups or oil changes.

In response to item Nos. 9 through 12, the city and state of the occurrence was Columbus, Ohio. The 17-digit vehicle identification number is 2FTZX0727Y [REDACTED]. The mileage has yet to be exactly determined, as the odometer was destroyed by the fire which is the subject matter of the occurrence.

- Columbus, OH
- VIN

Shawn L. Norton
Claims Analyst/Litigation Assistant
FORD MOTOR COMPANY
November 10, 2004
Page 2 of 2

In general, the alleged defect involves an electrical fault at the junction box in the engine compartment.

As to Item Nos. 13 through 18, we can provide the following response. The alleged defective part has not been repaired or replaced. The current location of the vehicle is [REDACTED] Consulting Services, [REDACTED] S., Marion, OH [REDACTED]. Our current information would indicate there were no aftermarket additions or modification to the vehicle in question. The engine was not running at the time of the fire, nor were the keys in the ignition. This vehicle was purchased used by [REDACTED] and we are in the process of obtaining information regarding the date of purchase, mileage at the time of purchase, and the seller of the vehicle.

I understand Ford is taking the position that the vehicle in question will not be inspected by Ford until all of the information Ford has requested has been submitted and a determination has been made as to whether an inspection is warranted. Please let me know as soon as possible as to whether Ford is agreeable to reimbursing Spencer Consulting Services for its reasonable fees and costs as outlined above. Assuming Ford is agreeable, I will then see that you are promptly provided with all information. However, once this information has been provided, I believe it will be incumbent upon Ford Motor Company to inspect the vehicle in as timely a manner as possible, i.e., within a month after receipt of the information requested. Erie Insurance should not be required to bear the cost of maintaining the vehicle as requested by Ford for an inordinate amount of time.

I look forward to hearing from you concerning Ford's agreement to pay for the reasonable expenses and costs incurred by Spencer Consulting Services so that I can proceed with forwarding the information.

My thanks for your consideration, and I look forward to hearing from you.

Very truly yours,

CABORN & BUTAUSKI CO., LPA

David A. Caborn

DAC/km

CABORN & BUTAUSKI CO., L.P.A.

ATTORNEYS AT LAW
765 SOUTH HIGH STREET
COLUMBUS, OHIO 43206

TELEPHONE 614-445-6265
FAX 614-445-6295

October 14, 2004

SPENCER
RELATIONSHIP
CENTER

2004 OCT 18 P 1:06

JOSEPH A. BUTAUSKI
DAVID A. CABORN

FORD MOTOR COMPANY
Consumer Affairs
P.O. Box 6248 MD-3NE-B
Dearborn MI 48126

Via Regular and Certified Mail

RE: My Client [REDACTED]
Subject - Vehicle/Dwelling Fire, 2000 Ford F-150
Location - 1326 Wild Oats Drive, Columbus, OH
Erie Insured [REDACTED]
Erie Claim # [REDACTED]
Date of Loss - 09/07/2004
Firm File No. - 30-110

Dear Sir or Madam:

Please be advised that I have been retained to represent the interests of [REDACTED] Insurance Company in reference to a fire loss which occurred on September 7, 2004, and which involves a 2000 Ford F-150 pickup truck, VIN No. 2FTZX0727 [REDACTED]

As part of [REDACTED] Insurance Company's ongoing investigation, for evidentiary purposes it has secured the pickup truck in question, and the truck is available for inspection at this time. No destructive testing has been conducted at this juncture. However, [REDACTED] Insurance Company needs to proceed with its investigation, and the potential for other testing may be necessitated.

While the pickup truck has been secured for the time being so as to protect [REDACTED] subrogated interests against Ford Motor Company arising out of the fire loss, [REDACTED] is incurring ongoing costs related to securing the pickup truck, and therefore, as set forth in the letters which were issued by Mr. Rick Spencer of Spencer Consulting Services dated September 20, 2004 and October 12, 2004, I would renew the request that Ford Motor Company and its experts respond to this inquiry so that a date can be scheduled for any inspection Ford Motor Company desires to conduct.

The vehicle remains located at Spencer Consulting Services, Storage/Examination Facility, [REDACTED] Marion, OH [REDACTED]. I would ask that you contact Mr. Spencer directly at 740/389-3817 so that the inspection can be scheduled, and Mr. Spencer will coordinate the available date on my calendar.

FORD MOTOR COMPANY
October 14, 2004
Page 2 of 2

I look forward to your timely response to this inquiry.

Very truly yours,

~~CABORN & BUTAUSKI CO., LPA~~

David A. Caborn

DAC/km

cc: [REDACTED] INSURANCE
Rick Spencer, SPENCER CONSULTING SERVICES (SCS File No. 04-2821)



SPENCER CONSULTING SERVICES

P.O. BOX 797, Marion, Ohio 43301
Telephone 1-800-686-8837 (614) 389-3817

2004 OCT 19 A 8:11

October 12, 2004

Ford Motor Company
Consumer Affairs
P.O. Box 6248 MD-3NE-B
Dearborn, MI 48126

RE: Vehicle/Dwelling Fire
2000 Ford F-150

Columbus, Ohio

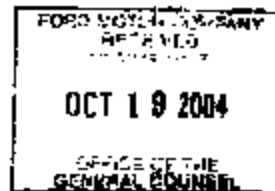
Insured:

Erie Insurance Company

SCS File: 04-2821

Date of Occurrence: September 4, 2004

Reported at Approximately: 6:30 A.M.



Dear Sir or Madam:

The Erie Insurance Company is currently investigating the captioned fire loss. Said fire involves a 2000 Ford F-150 pick-up truck, VIN: 2FTZX0727Y. As a result of the subject fire occurrence, Spencer Consulting Services was requested to conduct an investigation into the origin and cause of the subject fire. Subsequently, a systematic examination was conducted on September 7, 2004. No destructive testing has been conducted and the subject F-150 pick-up truck remains secure pending further inspection.

In my prior correspondence dated September 20, 2004, Ford Motor Company was notified that Erie Insurance Company will retain its right to pursue subrogation against Ford Motor Company. A request for a timely response as to Ford Motor Company's interest in this claim was made. No response was received from Ford Motor Company as to their desire to examine the subject F-150 Ford pick-up truck. Again, we are requesting that Ford Motor Company and its experts respond timely as to scheduling a date for inspection. The vehicle is located at Spencer Consulting Services' storage/examination facility, Ohio. You may contact Mr. Rick Spencer at (740) 389-3817 to schedule the inspection.

We are requesting a response to this letter of notice no later than October 30, 2004.

Thanking you again in advance for your anticipated cooperation.

Sincerely,



Rick Spencer, CFI, CFEI
Spencer Consulting Services

RDS/s

cc:


David Caborn - Caborn & Butzaki
2821.04



SPENCER CONSULTING SERVICES

P.O. BOX 797, Marion, Ohio 43301

Telephone 1-800-686-8837 (614) 389-3817 Fax (614) 389-3818

September 20, 2004

4 11 20 12 49

Ford Motor Company
Consumer Affairs
P.O. Box 6248 MD-3NE-B
Dearborn, MI 48126

RE: Vehicle/Dwelling Fire
2000 Ford F-150

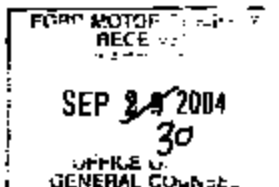
[REDACTED]
Columbus, Ohio

Insured: [REDACTED]
[REDACTED]

SCS FILE: 04-2821

Date of Occurrence: September 7, 2004

Reported at Approximately: 6:30 A.M.



Dear Sir or Madam:

The Erie Insurance Company is currently investigating the captioned fire loss. Said fire involves a 2000 Ford F-150 pick-up truck, VIN: 2F1ZKX0727Y [REDACTED]. As a result of the subject fire occurrence, Mr. Rick Spencer, CFI, CFEI was requested to conduct an investigation into the origin and cause of the subject fire. Subsequently, a systematic examination was conducted on September 7, 2004. No destructive testing was been conducted and the subject F-150 pick-up truck has been secured pending further inspection.

Erie Insurance Company will retain its right to pursue subrogation against Ford Motor Company. Please respond as to Ford Motor Company's interest in this claim and indicate your desire to examine the subject F-150 Ford pick-up truck. We would request Ford Motor Company and its experts respond timely as to scheduling a date for inspection. The vehicle is located at Spencer Consulting Services storage/examination facility [REDACTED] Ohio [REDACTED]. You may contact Mr. Rick Spencer at (740)-389-3817 to schedule the inspection.

At this time we are asking you to respond to this letter of notice no later than September 30, 2004.

Thanking you in advance for your anticipated and timely cooperation.

Sincerely,



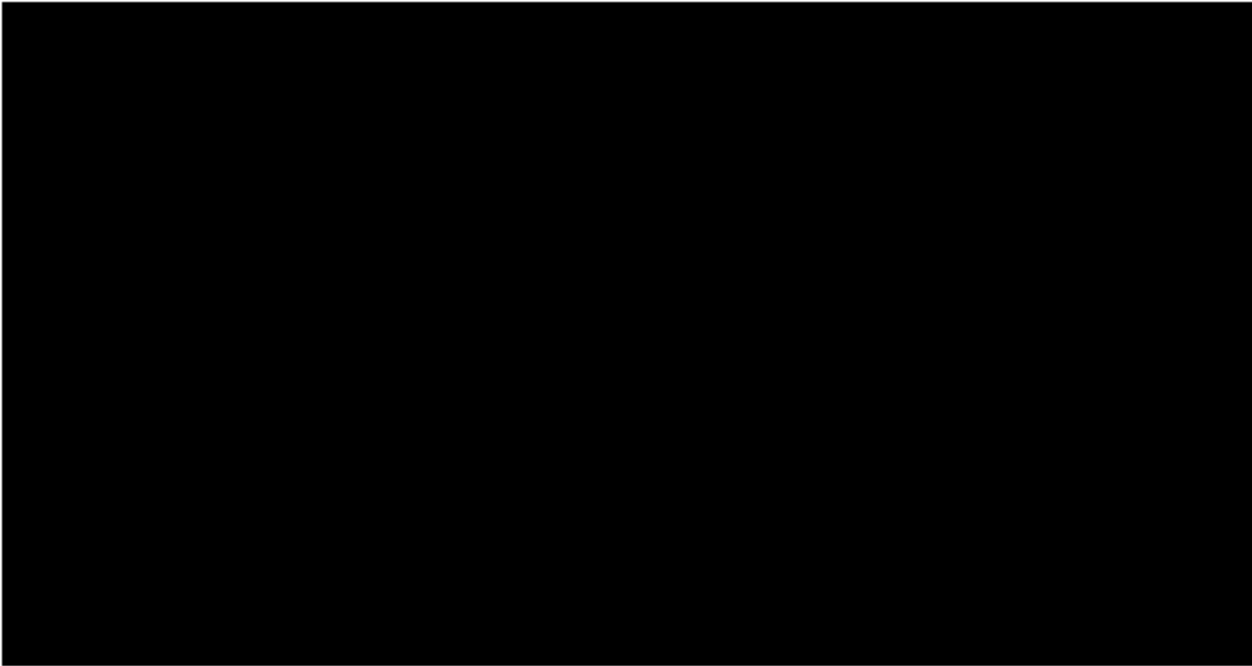
Rick Spencer, CFI, CFEI
Spencer Consulting Services

RDS/s

cc:



2821.04





www.sunalliance.com
 Audra Sivas
 Subrogation Specialist
 2805 Front St. NE
 PO Box 7138
 Salem, OR 97303-0028

audra_sivas@rsausa.com
 Phone
 503-585-5313 ext. 4295
 Fax
 503-382-6203

March 15, 2002

Ford Motor Company
 Parklane Towers West
 Suite 300
 Three Parklane Boulevard
 Dearborn, Michigan 48126-2568

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

459513
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Dear Mr. Norton:

In response to your February 4, 2002 letter.

1. The accident occurred on May 21, 2001 at [REDACTED], Merritt, NC.
2. [REDACTED] vehicle, 2001 Ford F150, was parked in his driveway. The horn began honking and Mr. [REDACTED] looked out his window to see the vehicle in flames. [REDACTED] had just gotten back from the beach and was unloading the vehicle.
3. Fire report not received
4. N/a
5. N/a
6. N/a
7. Color copies of original photos.
8. N/a
9. N/a
10. Wiring in the passenger/engine compartment.
11. The vehicle can be viewed at Sadisco in Clayton, NC. Color copies of original photos enclosed.
12. No.
13. The complete vehicle is at Sadisco in Clayton, NC.
14. N/a
15. None - NO VEH (\$,000^(M))
16. Unknown
17. The vehicle can be viewed at Sadisco in Clayton, NC.

Merritt, NC

PERM-018 C 3282

- American States Company of America
 - American States Property Insurance Company
 - American States Indemnity Company
 - Atlantic Safety Indemnity Company
 - Continental American Insurance Company
 - The Cooper Indemnity Company
 - Commercial Specialty Insurance Company
 - Energy Performance Insurance Company
 - ERI Indemnity Company

- Employee Benefit Insurance Company
 - Fidelity Investments Insurance Company
 - The Fidelity and Guaranty Insurance Company of Connecticut
 - Fidelity Indemnity Company
 - Fidelity Assurance Company
 - General Accident Insurance Company
 - General Accident Insurance Company of Connecticut
 - General Accident Insurance Company of Connecticut
 - The General Insurance Company of America

- General Indemnity Insurance Company of America
 - First Fidelity and Guaranty Insurance Company
 - First Fidelity Insurance Company
 - Fidelity Assurance Company of New York
 - Royal & Sun Alliance Property Insurance Company
 - Royal Indemnity Company
 - Royal Insurance Company of America
 - Royal Insurance Company of America

- Royal General Indemnity Insurance Company
 - Royal Indemnity Insurance Company
 - Royal Indemnity Company
 - The Sun Insurance Company of America
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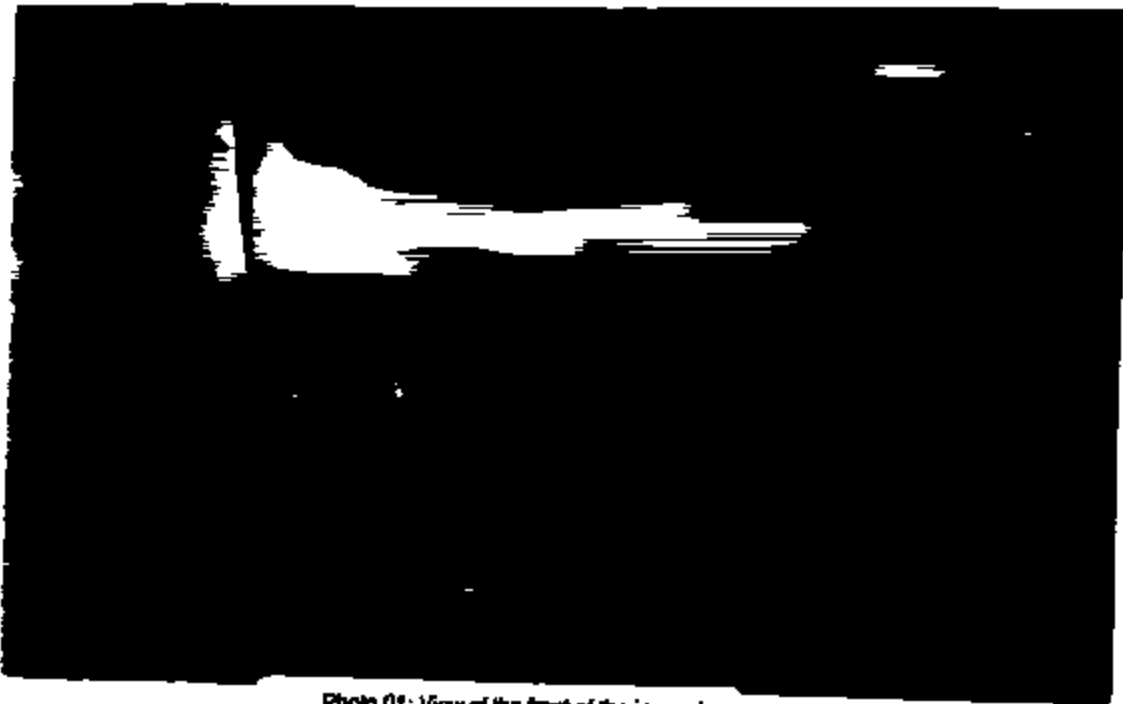


Photo 01: View of the front of the insured vehicle shows hole burned through hood



Photo 02: View of underside of hood shows fire moved from firewall to the front



Photo 03: View into engine compartment shows damage is high.



Photo 04: View of melted edge of hood shows it is made of different material

PE04-B7B C 3285



Photo 05: Side view of engine compartment shows more damage on passenger side



Photo 06: Another side view shows lowest and most severe damage in engine compartment.

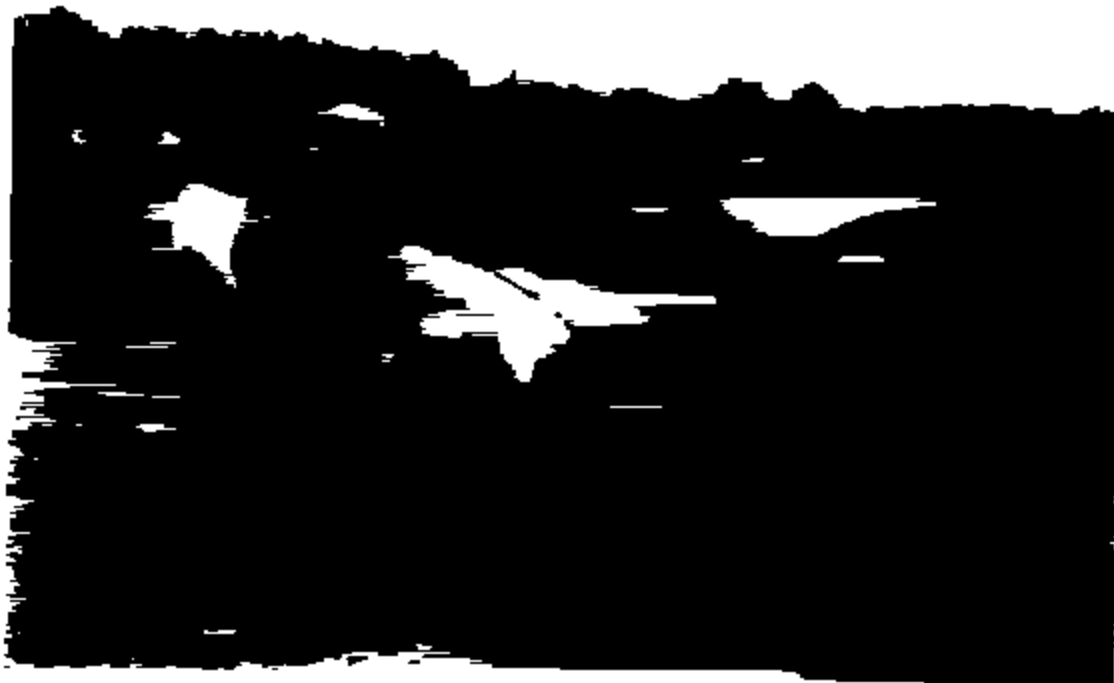


Photo 07: View of right front corner.

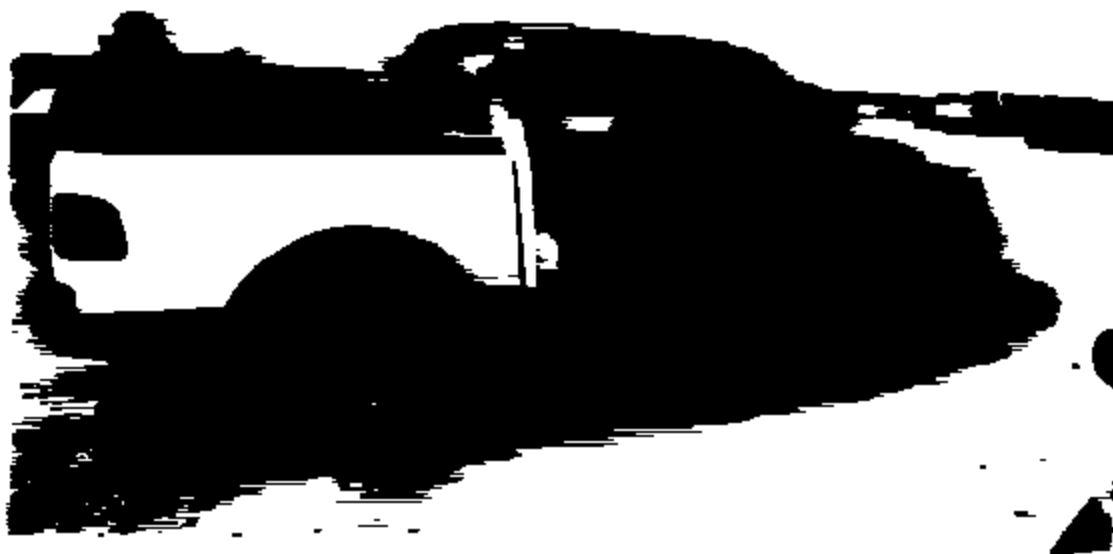


Photo 08 View of passenger side shows low oxidation patterns in passenger compartment



Photo 09 View under right front wheel well
shows eng damage is high

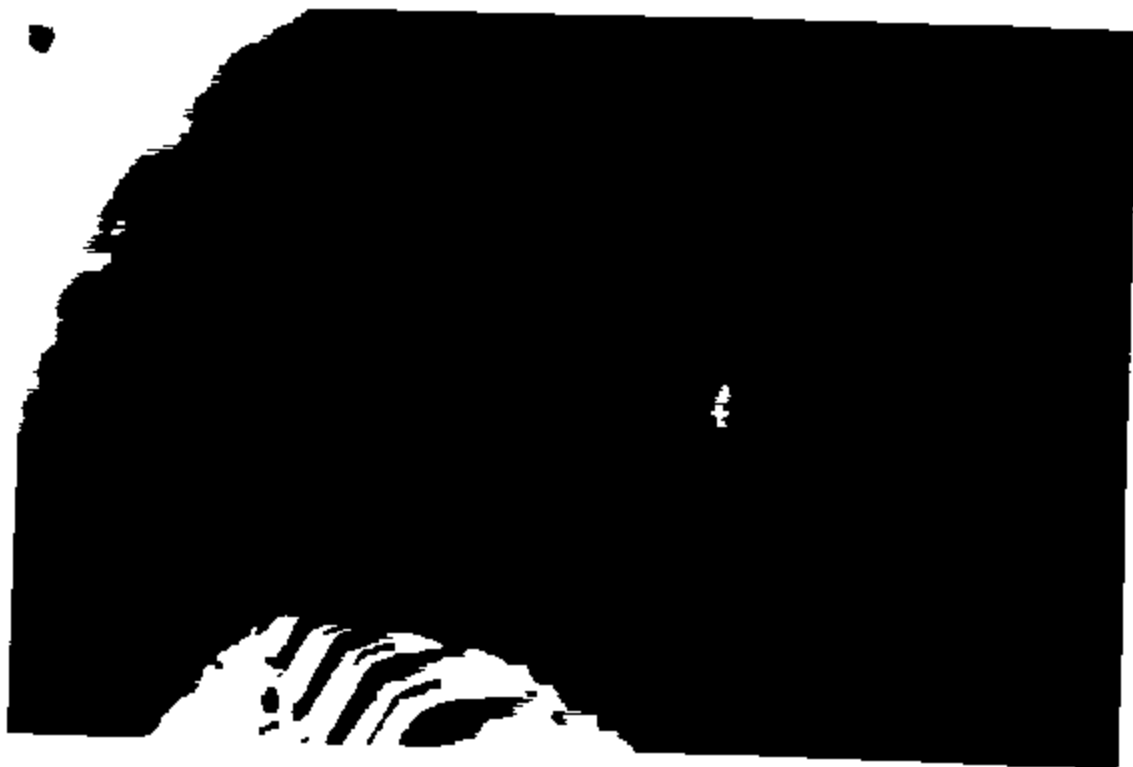


Photo 10 View of heat damage to fender
near firewall where fire extended
from pass compartment

Photo 11: View of passenger door with low damage to step and rocker.



Photo 12: View of damage to rocker and step

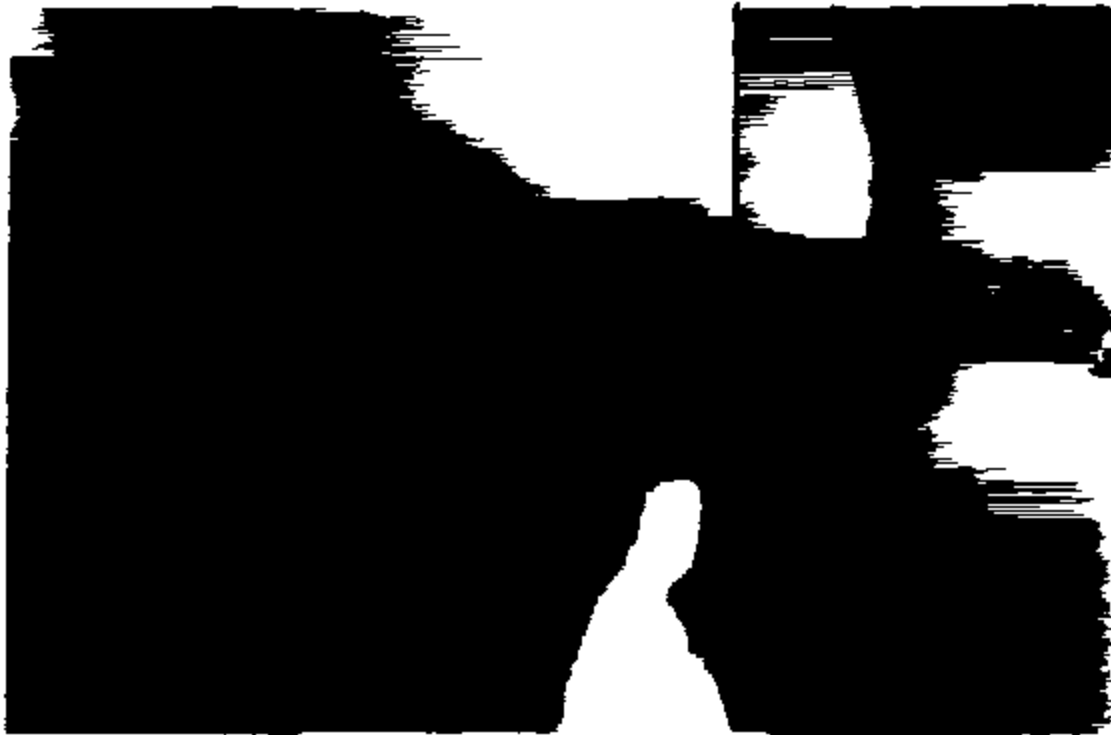


Photo 13: View of mirror from passg side.
Dripping plastic ignited step and
rocker below.

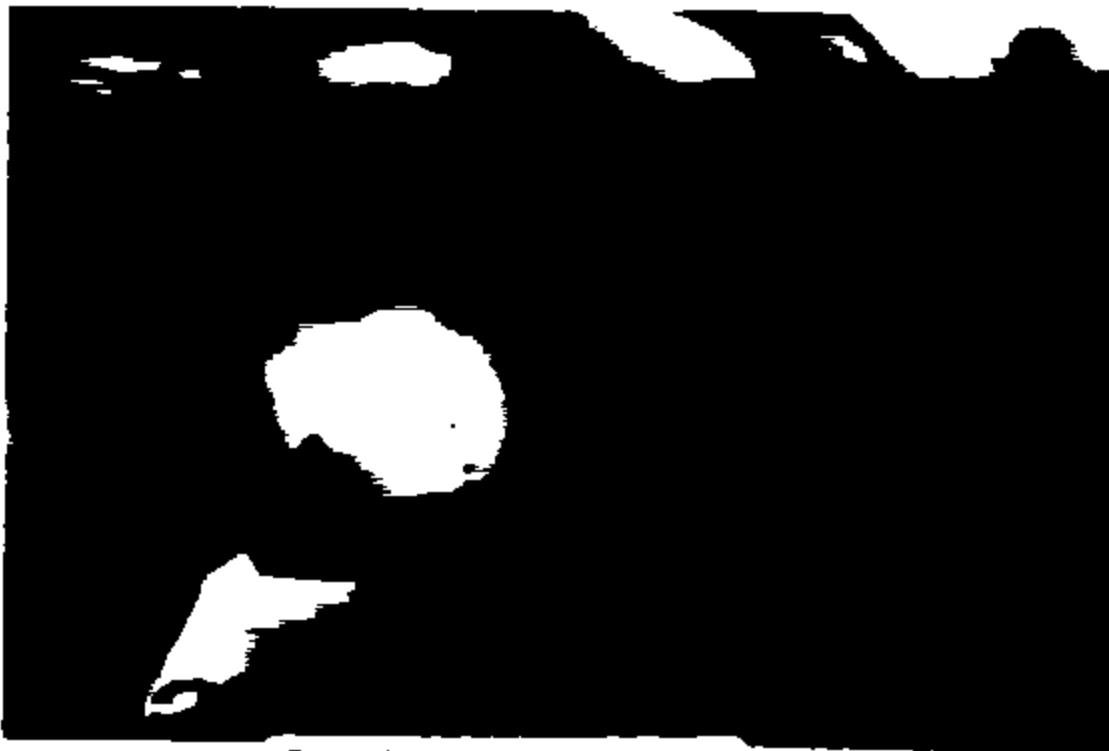


Photo 14 View of back of mirror shows fire
came out of passenger
compartment



Photo 15: View of passenger side
doorframes and what's left of
train

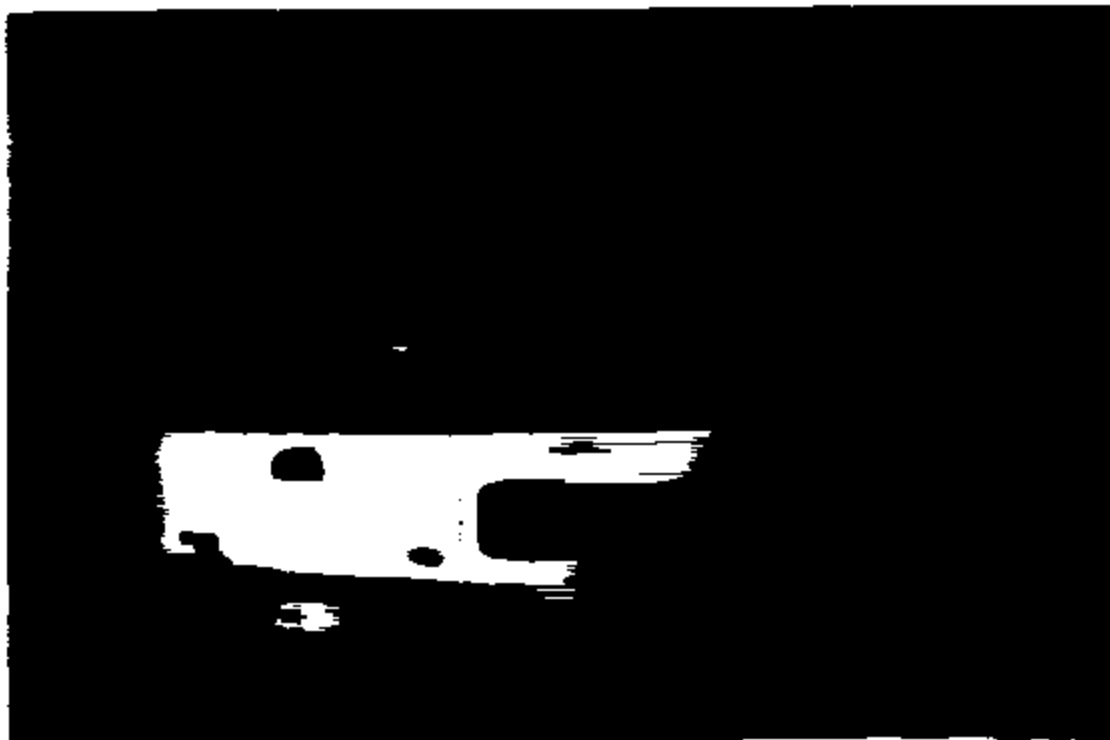


Photo 16: View of passenger rear corner

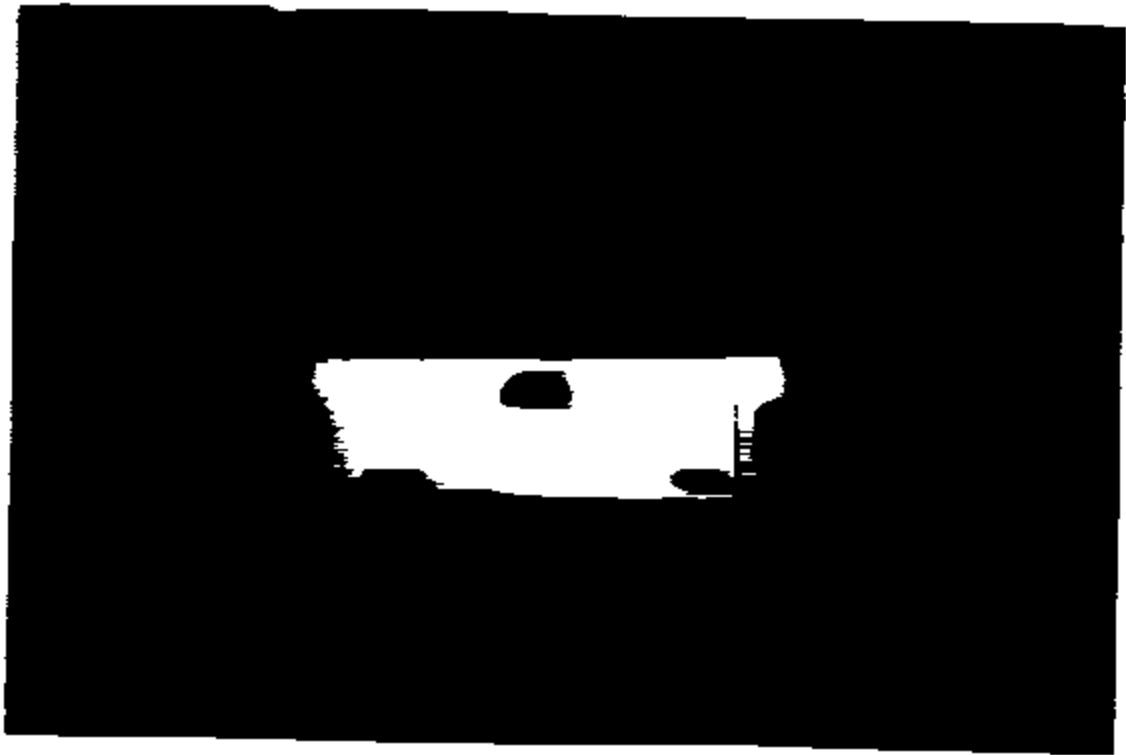


Photo 17: View of rear of vehicle.



Photo 18: View of rear window

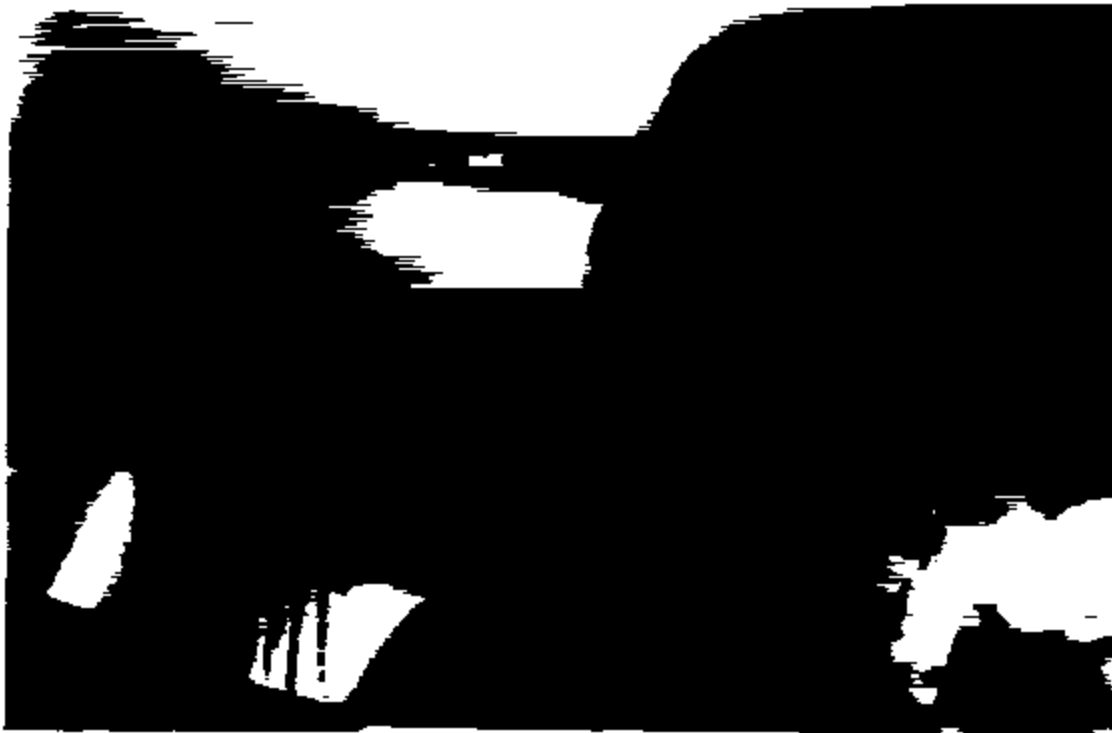


Photo 19. View of driver side of bed shows
remains of plastic toolbox.



Photo 20. View of passenger side of bed
shows remains of plastic toolbox.

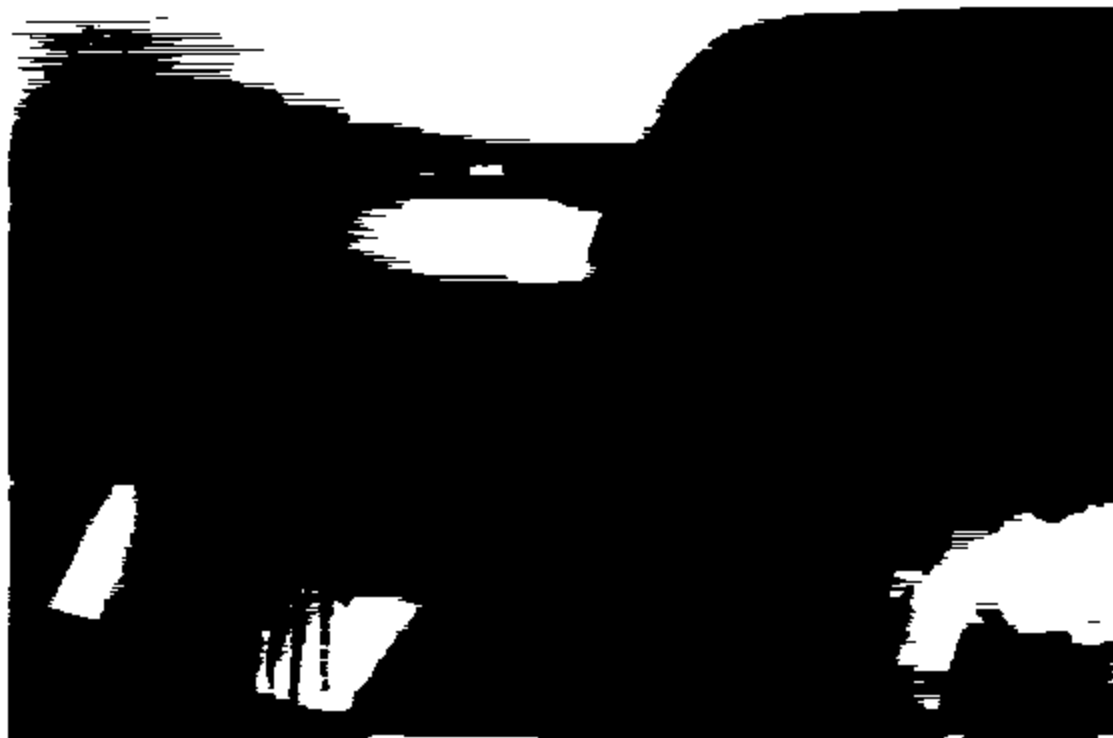


Photo 18: View of driver side of bed shows
remains of plastic toolbox



Photo 20: View of passenger side of bed
shows remains of plastic toolbox



Photo 21: View of only tools found in bed of truck.

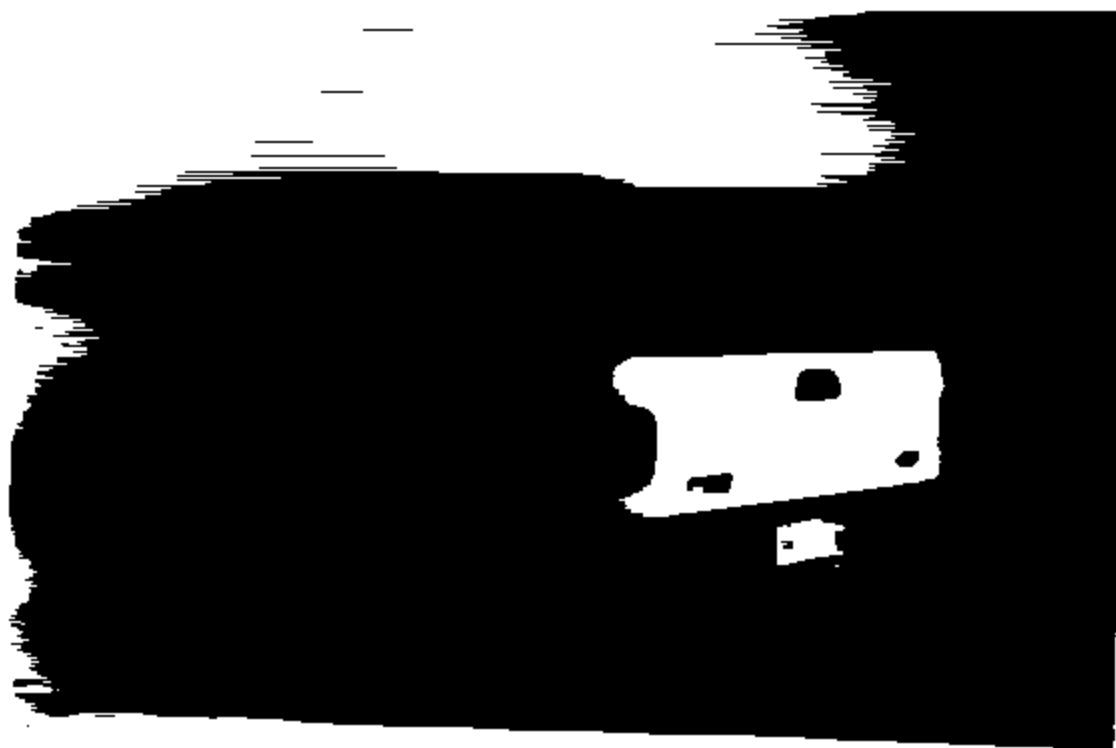


Photo 22: View of driver side rear corner



Photo 23: View of gas tank filler cap still intact

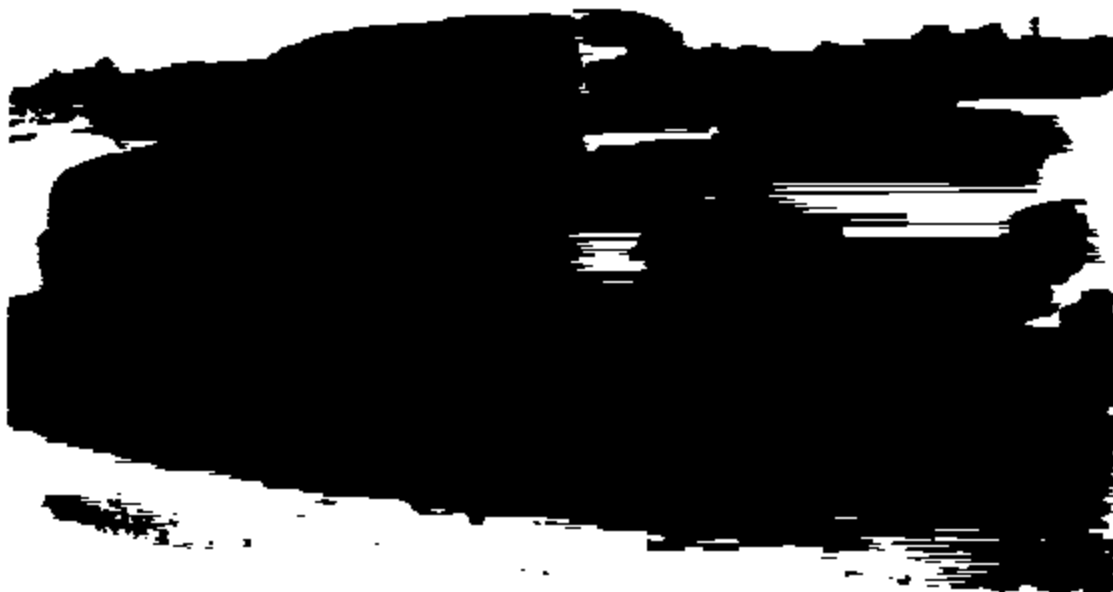


Photo 24: View of driver side shows more severe patterns in passenger compartment



Photo 23. View of gas tank filler cap still intact.

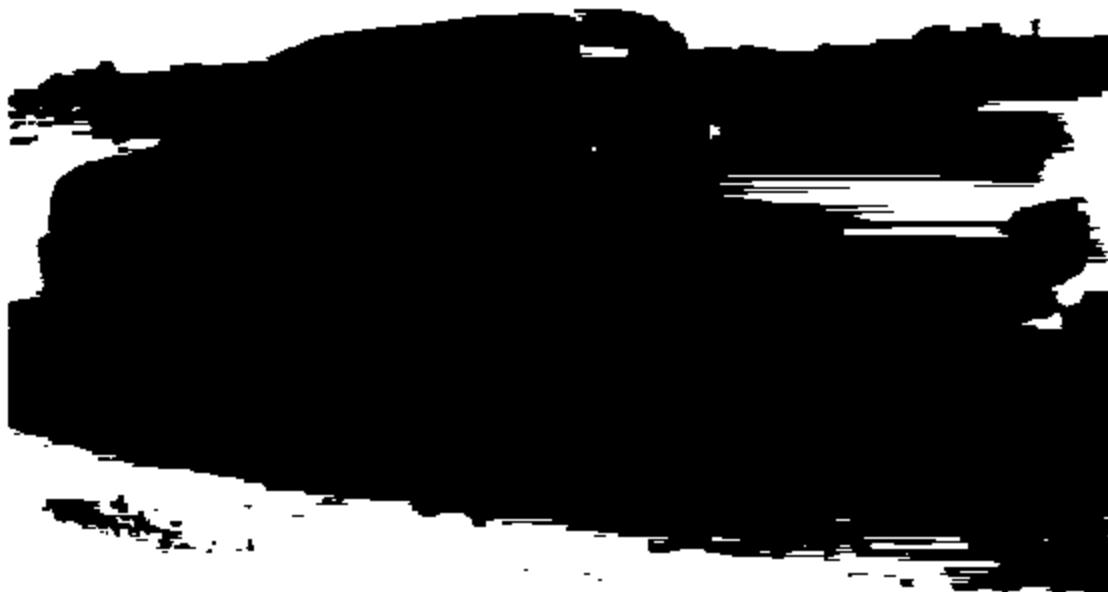


Photo 24. View of driver side shows more severe patterns in passenger compartment.

Photo 27: View of rear seat area shows
most comburebles were
consumed.



Photo 28: View of can of nuts, shotgun
shells and other found in debris
in rear seat.





Photo 31: View of dashboard area shows
severe fire damage



Photo 32: View of dash shows top burned
clean. Carpet was still intact on
floor

PEBA-678 C 3279



Photo 33. View of steering column area
and wiring harness. Fuse box
was destroyed



Photo 34. View of exterior surface of dash
around steering column. Note
less oxidation



Photo 35: View of interior surface of dash
around column shows more
severe oxidation.



Photo 36: View of section of wiring harness
devoid of insulation and very
brittle.



Photo 37: View of center of dash and
console area.

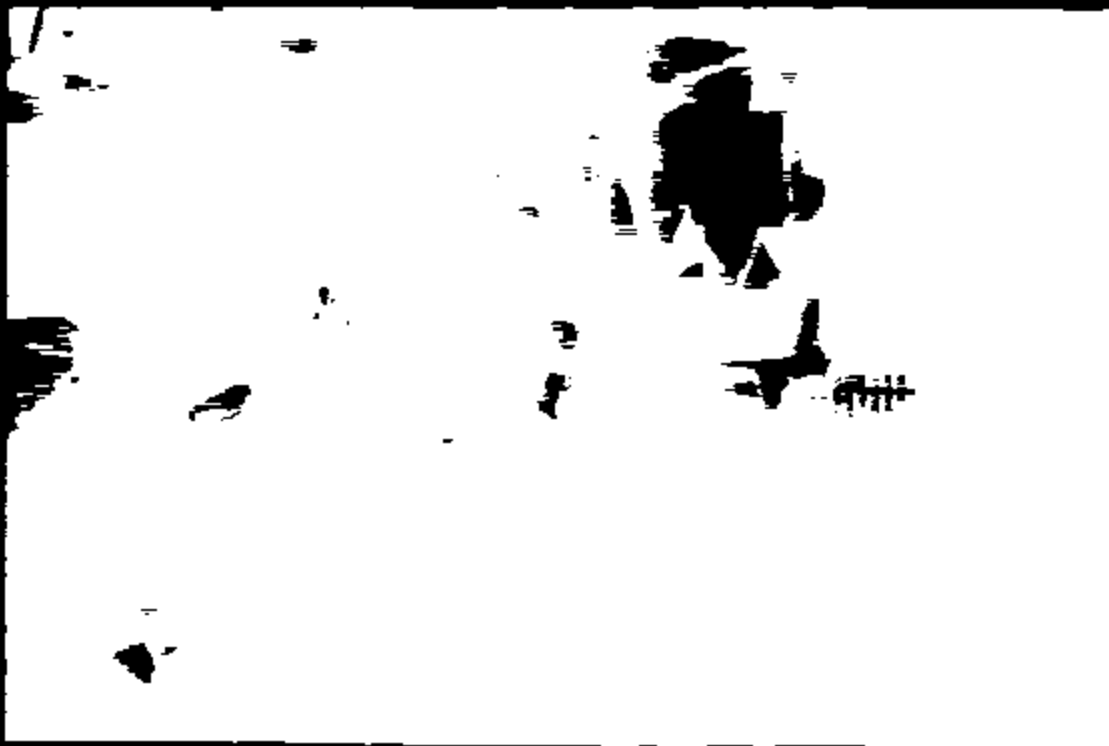


Photo 38: Another view of center of dash
and console area



Photo 39: View of passenger side of dash
and glove box.

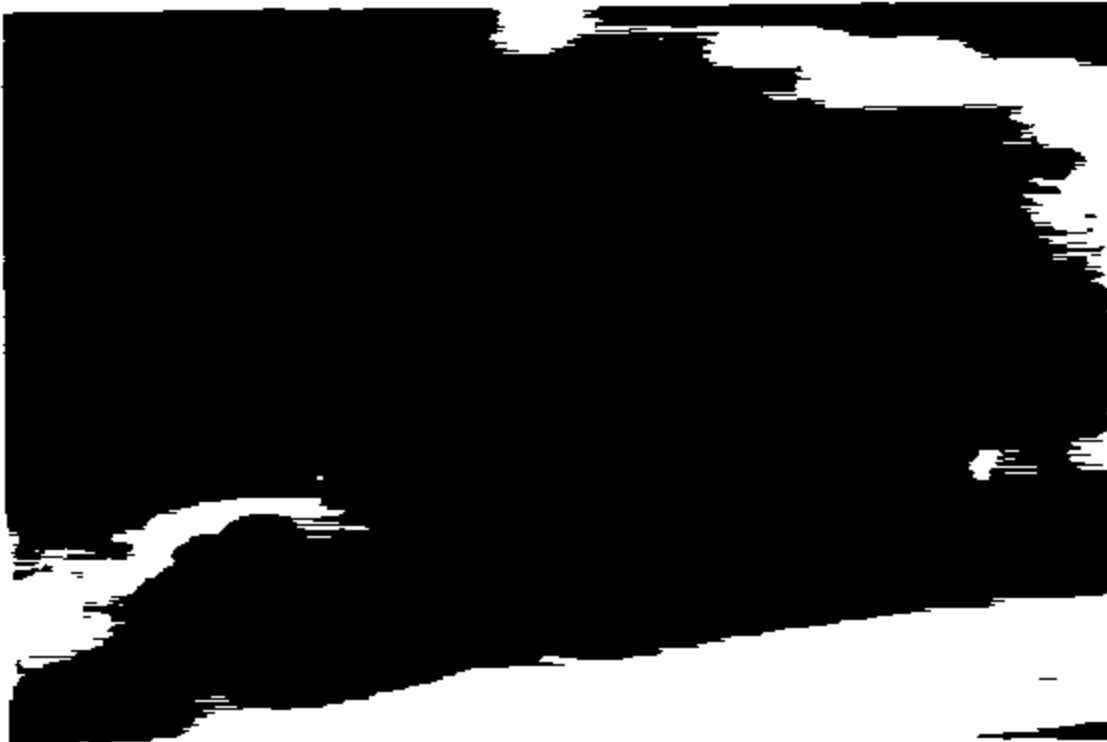


Photo 40: View of windshield wiper motor
shows no patterns of origin

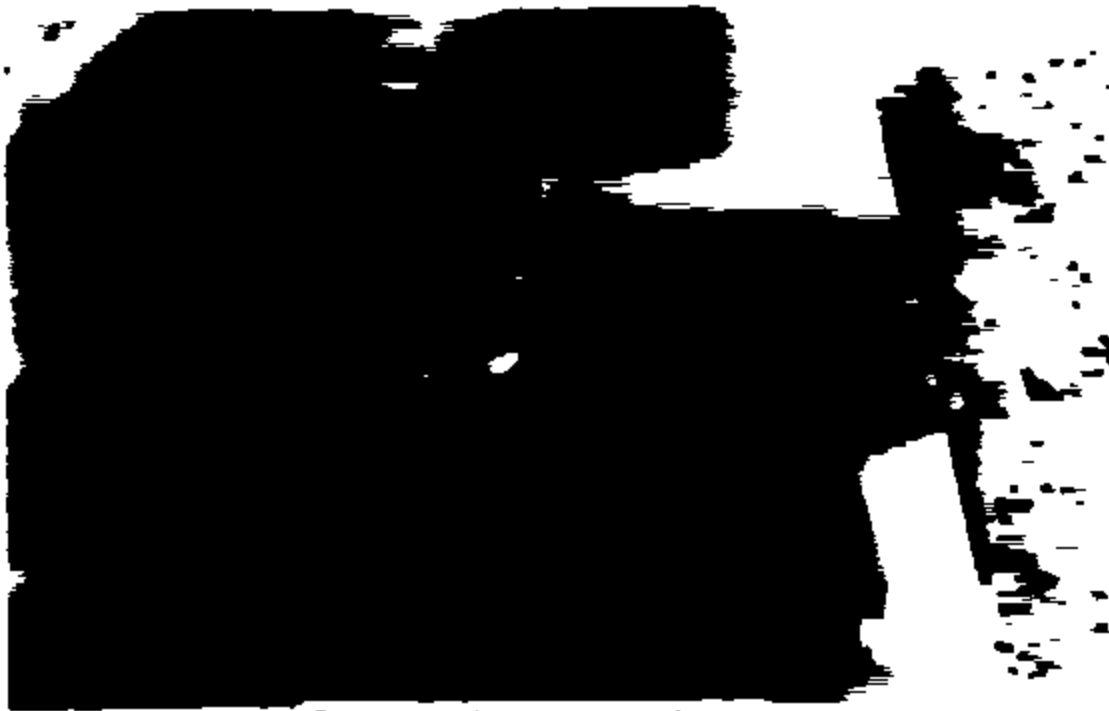


Photo 41: View of wiper motor removed
from gutter.



Photo 42: View of underside of wiper motor
shows no patterns of origination

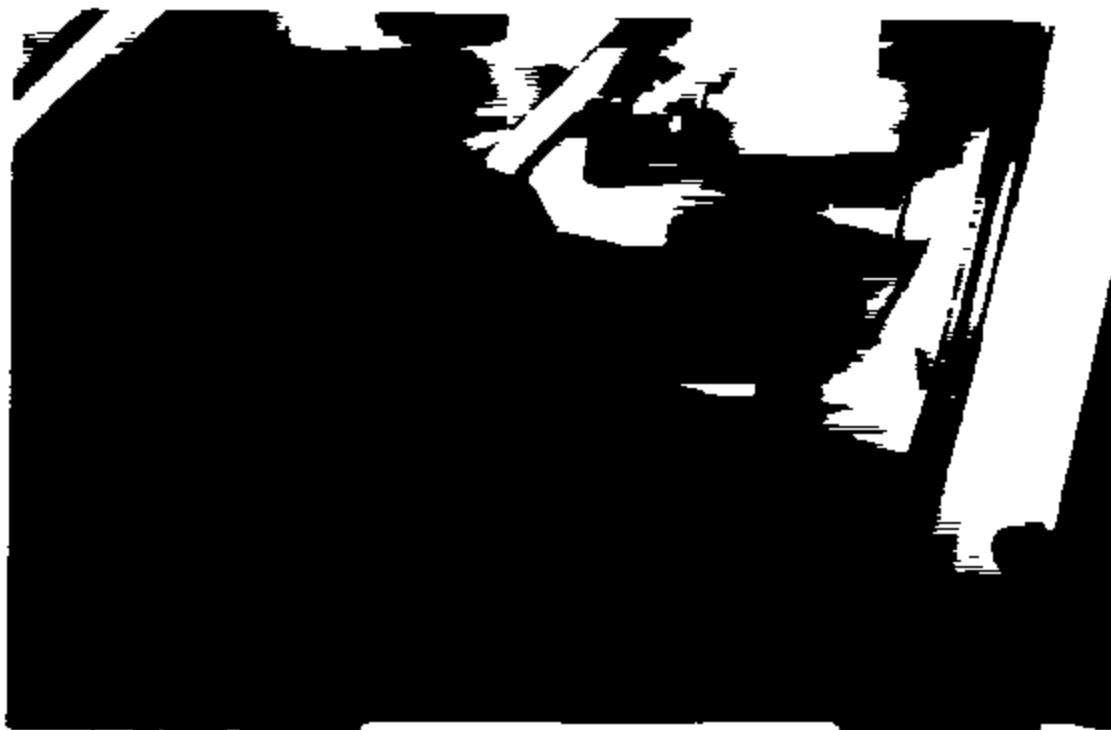


Photo 43: View of exemplar vehicle interior.



Photo 44: View of exemplar dash area



Photo 45: View of instrument cluster in exemplar.



Photo 46: View of underside of exemplar dash.



Photo 47: View of engine compartment in
exemplar vehicle.



Treva

PROOF OF LOSS

(Please Print)

Insured Name: [REDACTED]

Claim Number: [REDACTED] Date of Loss: 10/08/2003 Time of Loss: 05:40 AM

Mail Address: [REDACTED]
HOUSTON TX [REDACTED]

Address of Loss: [REDACTED] Houston, Tx [REDACTED]

Telephone Number: [REDACTED] / [REDACTED] [REDACTED]
House Work Other

Policy Information

Liberty Mutual Policy Numbers	Effective Date	Expiration Date	Type
[REDACTED]	<u>08/16/2003</u>	<u>08/16/2004</u>	

Is there any other insurance which may cover this loss? Yes No

If "Yes,"
Name of Insurance Company

Address

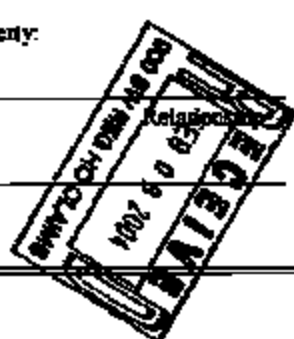
Policy Number

Are you the sole owner of the property involved in this loss? Yes No

If "No," give name of any other party with an interest in this property:

Name

Address



(over)

Description of Loss	
Location of Loss:	<u>Houston, Texas</u>
For all homeowner losses, please describe what happened:	
<u>I WAS AWAKEN BY MY DAUGHTER ABOUT 5:30 AM SAYING DADDY "SOMETHING IS BURNING". WE CHECK THE HOUSE AND DISCOVERED THE SOURCE OF FIRE WAS IN THE GARAGE. WE CALLED THE FIRE DEPT & EXITED THE HOUSE.</u>	
Was the Police Department notified?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If "Yes," when? _____
Police Department	_____
Investigating Officer	_____ Incident Number _____
Was the Fire Department notified?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If "Yes," when? <u>10-8-03 5:40 AM</u>
Fire Department	<u>CLOVERLEAF FIRE DEPT. PH (713) 450-1218</u>
Investigating Officer	<u>ARMANDO HERNANDEZ</u> Incident Number <u>0324828</u>

This loss did not originate by any act or plan of the insured. Nothing has been done by or with the knowledge or consent of the insured to violate the conditions of this policy or render it void. No attempt to deceive the Company has in any way been made, and all material facts have been provided to the Company. All of the property claimed as part of the loss was destroyed or damaged at the time of the loss, and no property saved from or not damaged in the loss has been hidden. Any other information which may be required will be furnished on demand and considered part of this Proof of Loss.

The furnishing of this form or the preparation of proofs by a representative of the Company is not a waiver of any of its rights.

All statements included anywhere on this form or on attachments have been carefully read to or by the insured and are warranted by the insured to be full, complete and true.

WARNING: ANY PERSON WHO KNOWINGLY, WITH THE INTENT TO INJURE, DEFRAUD OR DECEIVE AN INSURER, FILES A CLAIM CONTAINING ANY FALSE, INCOMPLETE OR MISLEADING INFORMATION IS GUILTY OF A CRIME.

Paula R. Christie
P. P. Christie
 Signature of Insured

1/25/04

01-25-04
 Date

PLEASE COMPLETE THE ATTACHED FORM TO DESCRIBE NATURE AND EXTENT OF LOSS OR DAMAGE

LAW OFFICES OF FRANK J. WEBB

Frank J. Webb
Attorney at Law
Direct Dial (214) 969-9829

A Professional Corporation
3131 McKinney Avenue
Suite 700
Dallas, Texas 75204
(214) 969-9829
(214) 953-8583 (Fax)

August 25, 2004

4978250

SENT VIA CMRRR NO. 7003 1680 0002 3414 6034

Office of General Counsel
Ford Motor Company
3 Parklane Boulevard
Parklane Towers West, Suite 400
Dearborn, Michigan 48126-2568

August 25, 2004

Re: Insured: [REDACTED]
Claim No.: [REDACTED]
Loss Location: 12453 Orleans, Houston

Dear Counsel:

Please be advised that this firm has been retained by Liberty Mutual Insurance Company regarding the above-referenced matter. Currently, Liberty Mutual's preliminary investigation of this matter has determined that a 2000 Ford Expedition caught fire while in the garage of our insured's residence, causing this loss. The total amount of damages as a result of this fire are estimated at \$40,000.00.

At this point, our experts have examined the fire scene and determined that the 2000 Expedition was the cause of the fire. No destructive testing has been performed on the vehicle in order to allow Ford a chance to examine the vehicle and perform any necessary testing. Should you or your designated representative and/or experts wish to examine either the vehicle or any portion of our file in regards to this loss, please notify me immediately so that the necessary arrangements can be made. If your representative does not wish to examine the evidence, we will be more than happy to share our photographs and reports with your company or designated representative.

If your corporation has a liability carrier in reference to claims of this nature, please notify them immediately. Once you have had the opportunity to perform your investigation into this matter, Liberty Mutual will make a demand upon your company for the funds they expend in regards to this loss. Liberty Mutual is willing, however, to negotiate a settlement in this matter before any formal litigation becomes necessary.

\$ 40,000

Should you need any further documentation concerning this loss, or should you have any questions, please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank Webb', written over the word 'Sincerely,'.

Frank Webb



PE04-078 C 3283

8/20/02/8





PE04-078 C 3284

8/27/2014





PE04-078 C 3295

8/20/2004



Case Identifiers

Case Number: [REDACTED] Date of Report: 10/14/03
 Date Received: 10/9/03 Date of Examination: 10/10/03
 Day /Date of Loss: Wednesday, 10/8/03
 Prepared for: Liberty Mutual
 Requested by: Mike Turner/Treva Jones
 Claim Number: [REDACTED]
 Insured: [REDACTED]
 Houston Texas [REDACTED]

ASSIGNMENT

The task of investigating the origin and cause of the fire in the below listed and referenced vehicle was assigned to this investigative unit by the above listed requestor. The case number was assigned and the appropriate information was gathered to assist in this investigation.

The data was collected, recorded and photographed from the available sources. This data was analyzed for impact on the conclusions and/or opinions that are listed within this report. The vehicle was examined and recorded as found within the body of this report.

The various theories as to fire origin, cause, spread and/or responsibility for the fire were, and/or have been, analyzed and tested against known (published) principles of the fire science community.

Those principles of burn damage, heat stress, smoke production and other factors are commonly used in the design process and construction of appliances, buildings/structures and/or other entities for the purpose of life safety and/or fire prevention.

VEHICLE DESCRIPTION

The insured vehicle involved was a 2000 Ford Expedition vehicle with four (4) doors (Photo 3). The Vehicle Identification Number (VIN) was observed on the front driver's side hood area of the vehicle as being 39701209 [REDACTED] and the license number [REDACTED] was [REDACTED].



Photo 3

All four (4) tires and or wheel assemblies were found in place, and there was no stripping of the vehicle.

PE04-076 C 3298





Case Number: 03192V
Day/Date of Loss: Wednesday, 10/8/03
Prepared for: Liberty Mutual
Requested by: Mike Turner &/or Treva Jones
Claim Number: [REDACTED]
Insured: [REDACTED]
Page: 2

VEHICLE EXAMINATION

Prior to examination of the vehicle a series of exterior photographs were taken. The overall exterior view of the vehicle revealed that a fire had occurred and penetrated to the exterior atmosphere from the areas of the vehicle's engine compartment (Photo 1).

Prior to this fire scene examination, this vehicle had been removed from the garage and placed within the front yard area. During the examination, this investigator observed the interior portion of the garage and found exposure type damage and/or no indicators of fire causation within any of the structural electrical wiring or heat producers within the garage area. This should be construed to mean that the single area of origin was located within the engine compartment of the vehicle.



Within the engine compartment of the vehicle, this investigator observed the most severe amount of fire damage at the driver side portion of the engine compartment, as will be discussed more fully within the section of the report entitled **AREA OF ORIGIN**.

Within the area of the passenger compartment, this investigator observed varying degrees of smoke, soot and/or heat type damage that was considered as being normal and/or acceptable when considering the area of origin for the fire.

PE94-878 C 3297





Case Number: 03192V
Day/Date of Loss: Wednesday, 10/8/03
Prepared for: Liberty Mutual
Requested by: Mike Turner &/or Treva Jones
Claim Number: [REDACTED]
Insured: [REDACTED]
Page: 3

AREA OF ORIGIN

The area of origin as listed below was established during the systematic fire scene examination as described within this report and viewed in the photographs that were taken.

The area of origin was identified by the tracing of smoke and/or fire burn patterns. This method of tracing burn patterns and the analysis conducted during the investigation was based on methodology that is generally accepted by credible fire investigators.

The effect of heat, smoke and/or flames on materials found in a fire scene cause directional type burn patterns. These burn patterns were observed, analyzed and photographically preserved for the reader of this report.



Photo 26

The area of origin for the fire was located along the driver side portion of the engine compartment. Within that area this investigator observed directional and/or intensity type burn patterns that extended upward and outward in the area within close proximity to the power booster/brake master cylinder (Photo 26). This investigator would suggest to the reader of this report that an electrical engineer be retained to fully identify the specific short, arc or (mode of) failure within that area.

AVENUES OF FIRE/SMOKE SPREAD

The fire, smoke, soot and/or heat spread was observed to be more severe at and/or from the area of origin. As the fire progressed, the combustible materials in close proximity were damaged to a point of char and/or ignition. The spread of the fire continued in a normal and natural manner from the area of origin as described within the body of this report.

The fire travel was documented photographically and in narrative portions of this report. There was observed no other source(s) of heat or ignition for this loss.

PE04-078 C 3288





PERM-079 C 3289

5511 PINEMONT

HOUSTON, TEXAS 77092

(713) 686-3226

FAX (713) 686-2666



MAGNIFYING DATA

ESTABLISHING FACTS



PERA-076 C 3300

5511 PINEMONT

HOUSTON, TEXAS 77002

(713) 686-3228

FAX (713) 686-2606



MAGNIFYING DATA

ESTABLISHING FACTS

✓



PERM-078 C 3381

5511 PINEMONT
MAGNIFYING DATA

HOUSTON, TEXAS 77092

(713) 686-3228

FAX (713) 686-2866



ESTABLISHING FACTS





Case Number: 03192V
Day/Date of Loss: Wednesday, 10/8/03
Prepared for: Liberty Mutual
Requested by: Mike Turner &/or Treva Jones
Claim Number: [REDACTED]
Insured: [REDACTED]
Page: 4

OPINIONS/CONCLUSIONS

This vehicle examination was conducted in accordance with (or exceeds) guidelines that are established and recognized by credible fire investigators. The systematic investigation of this vehicle applied the appropriate recommended practices and procedures. These procedures led to the following findings, conclusions and/or opinions.

Based on observations of this loss and experience of this investigator, it was the conclusion of this investigator that the cause of the above captioned loss should be considered as most probably, accidental due to a failure within the electrical system within the engine compartment of the vehicle.

The observations contained in this report are limited to our site inspection and/or interviews as noted and/or described within. Should additional information become available, we reserve the right to determine the impact, if any, and at that point revise our opinions and/or conclusions if necessary.

This report has been formulated expressly and confidentially for the named recipient. Distribution or use by any other individual or entity is strictly prohibited. Should you require any assistance or further information, contact me at your convenience.

Respectfully,

Johnny Thornton,
MAGNIFACTS, INC.

PE04-07M C 2003





Liberty Mutual
Mike Turner
6575 Snowdrift Road Suite 101
Allentown, PA 18106

Policy/File/Claim Number: 400-7133
Magnifacts File Number: 03192V
Insured

[Redacted]
Houston, Texas

Treva,

As per your request an examination as to the cause and origin of a fire that occurred was conducted on the 2000, Ford insured vehicle.

Enclosed you will find a detailed written report with photos and plots. Should you require more information please contact me at your convenience.

The total cost for this investigation is as follows:

4	Site man-hours @ \$85.00 per hour	\$	
4	Site man-hours @ \$42.50 per hour	\$	170.00
2	Plot work man-hours @ \$42.50 per hour	\$	85.00
2	Photo doc man-hours @ \$42.50 per hour	\$	85.00
2	Proofing test man-hours @ \$85.00 per hour	\$	170.00
2	Case prep man-hours @ \$25.00 per hour	\$	50.00
40	Miles @ .40 per mile	\$	16.00
3#	Documented photos @ \$2.80 each	\$	76.00
	Shipping, handling and case prep	\$	12.00
			<hr/>
	Subtotal	\$	1004.00
			<hr/>
	State sales tax @ 8.25%	\$	81.84
	TOTAL DUE UPON RECEIPT	\$	1085.84

Thank you very much for this opportunity to serve you. Please make checks payable to Magnifacts, Inc., Employer Identification Number 76-0200920. All invoices are due upon receipt and payable in US Currency.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY A DATE AND AUTHORITY.

Respectfully,

Johnny Thomson,
Magnifacts, Inc.

PH204-878 C 2384



PHOTO #1

Front exterior view of vehicle showing overall fire damage extending from engine compartment.



PHOTO #2

Close up of fire damage on hood area.





PHOTO #3

Sequential exterior view of vehicle showing overall fire damage.



PHOTO #4

Sequential exterior view of vehicle.





PHOTO #5

Sequential exterior
view of vehicle.

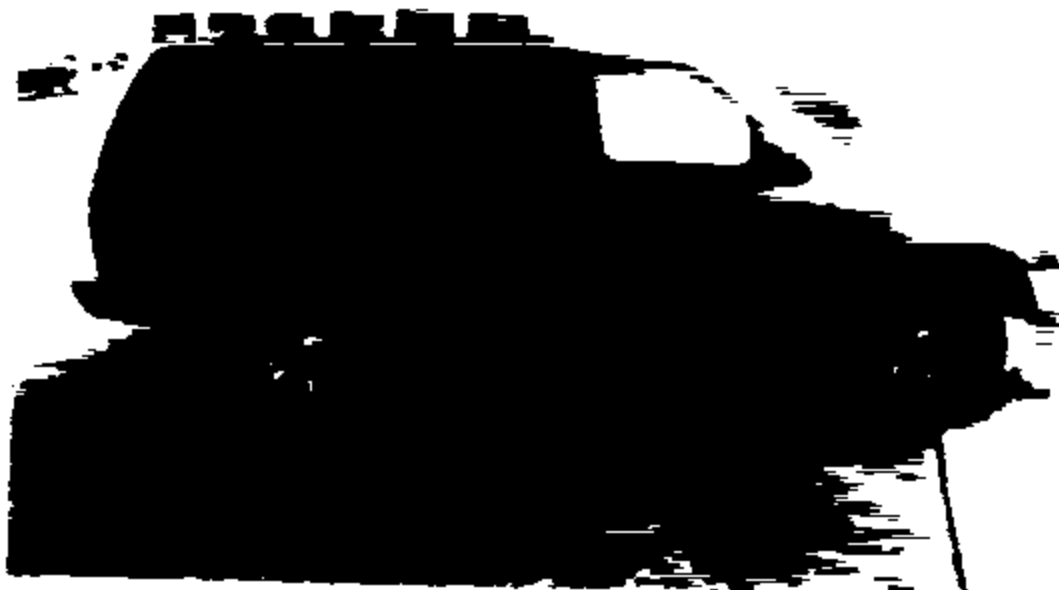


PHOTO #6

Sequential exterior
view of vehicle.



5511 PINEMONT

HOUSTON, TEXAS 77092

(713) 686-3226

FAX (713) 686-2866



MAGNIFYING DATA

ESTABLISHING FACTS

FED-876 C 3387



PHOTO #9

Close up of wiring
welded to the fuse
distribution block.



PHOTO #10

Close up of electrical
wiring fused to metal
box, as indicated by
arrow.

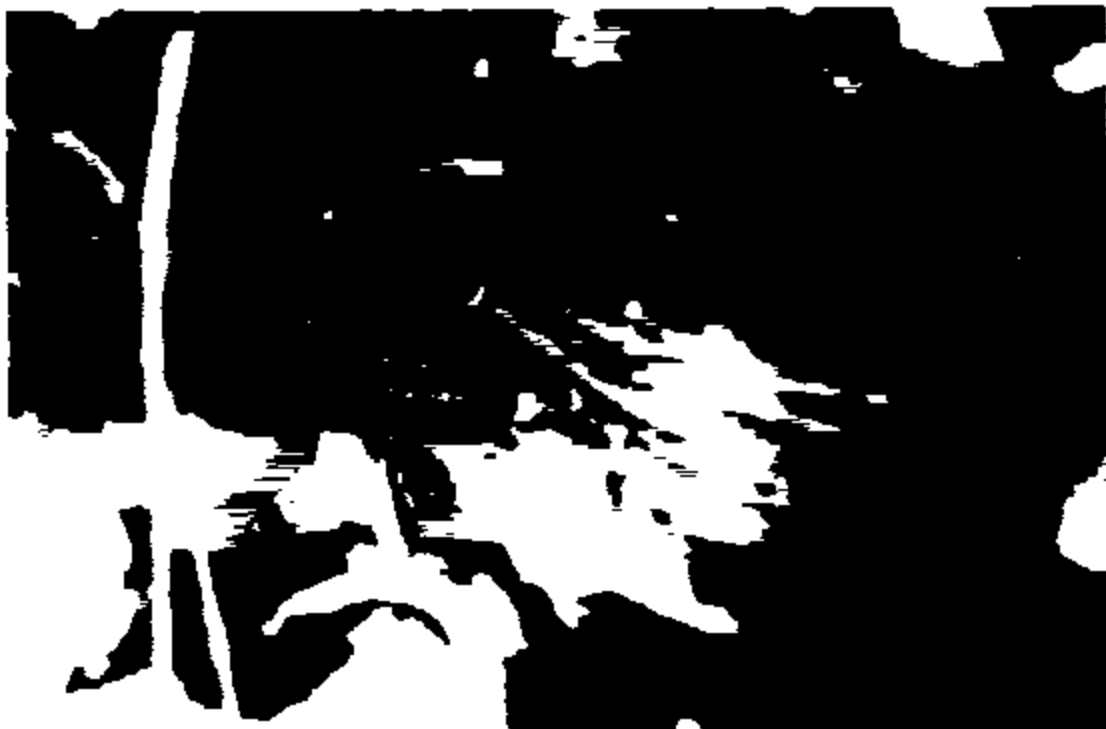




PHOTO #11

Overall view of garage area where vehicle was located prior to the fire scene examination.



PHOTO #12

Sequential view of garage area showing overall fire damage.





PHOTO #13

Garage area ceiling
showing overall fire
damage.



PHOTO #14

Engine compartment,
as shown after lifting
of hood.





PHOTO #15

Sequential view of engine compartment, as seen on the day of the vehicle examination.



PHOTO #16

Sequential view of engine compartment, as seen on the day of the vehicle examination.

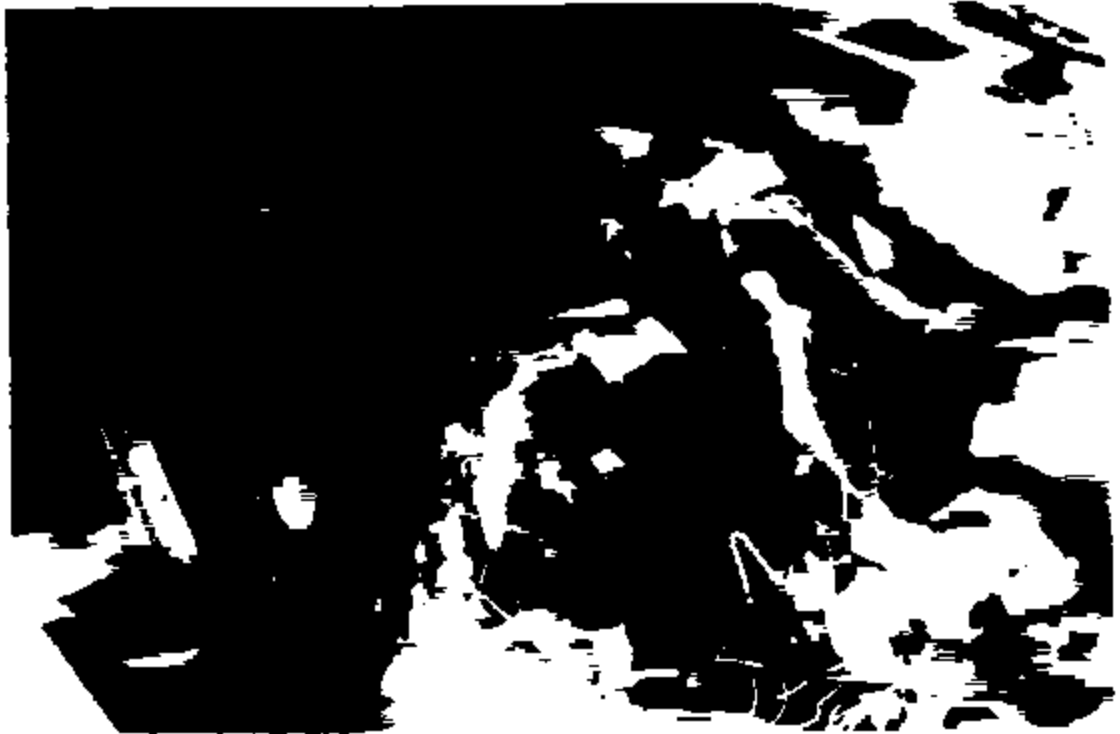




PHOTO #7

Engine compartment showing heat stress and/or fire damage.



PHOTO #8

Fuse distribution block showing electrical wire welded to the metal frame.





PHOTO #17

Sequential view of engine compartment, as seen on the day of the vehicle examination.



PHOTO #18

Hood liter, as observed on the day of the vehicle examination.

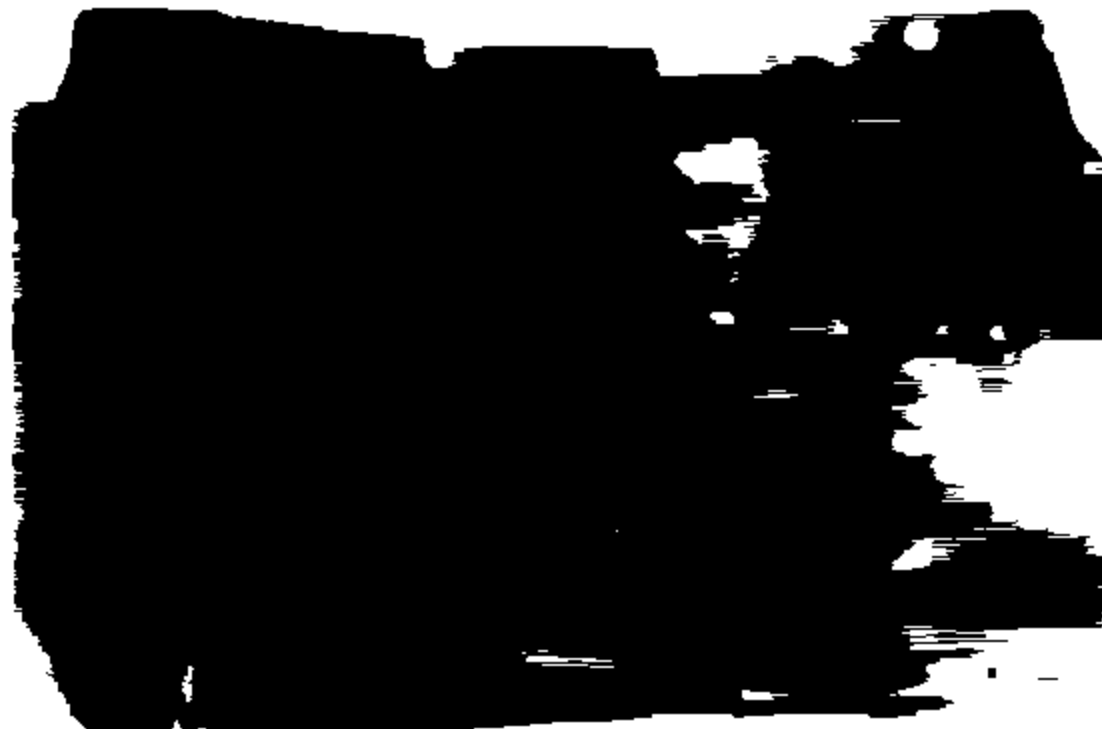




PHOTO #19

Hood liner, as
observed on the day of
the vehicle
examination.



PHOTO #20

Overall view of master
cylinder showing
overall fire damage
and/or heat stress.





PHOTO #21

Close up of cruise control deactivator switch showing nomenclature.



PHOTO #22

Underside of hood showing overall heat stress.

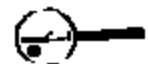




PHOTO #23

Overall view of engine compartment, as seen on the day of the vehicle examination.



PHOTO #24

Sequential view of cruise control deactivator switch.





PHOTO #25

Sequential view of
cruise control
deactivator switch.



PHOTO #26

Overall view of right
side engine
compartment showing
overall fire damage to
the master cylinder.





PHOTO #27

Electrical outlet and/or switch in garage area, as seen on the day of the fire scene examination.



PER-878 C 3318





PHOTO #28

Light switch in garage area, as observed on the day of the fire examination.



PHOTO-078 C 3318





PHOTO #29

Close up of electrical in garage area showing overall fire damage and/or heat stress.



PHOTO #30

Overall view of garage door opener.



FE84-878 C 3328





PHOTO #31

Florescent light fixture,
as observed on the day
of the fire scene
examination.



PHOTO #32

Overall view of
florescent light fixture
showing no evidence of
fire causation.



PC94-079 C 3321





PHOTO #33

Electrical outlet and/or switch showing no evidence of fire causation.



PHOTO #34

Close up of Vehicle Identification Number (VIN).



PER-878 C 3322





PHOTO #35

Driver side passenger compartment area showing no indicators of low burning or an area of origin.



PHOTO #36

Sequential interior view of passengers compartment showing no indicators of an area of origin.



PE84-878 C 3323





PHOTO #37

Sequential interior view of passenger compartment showing no indicators of fire causation.



PHOTO #38

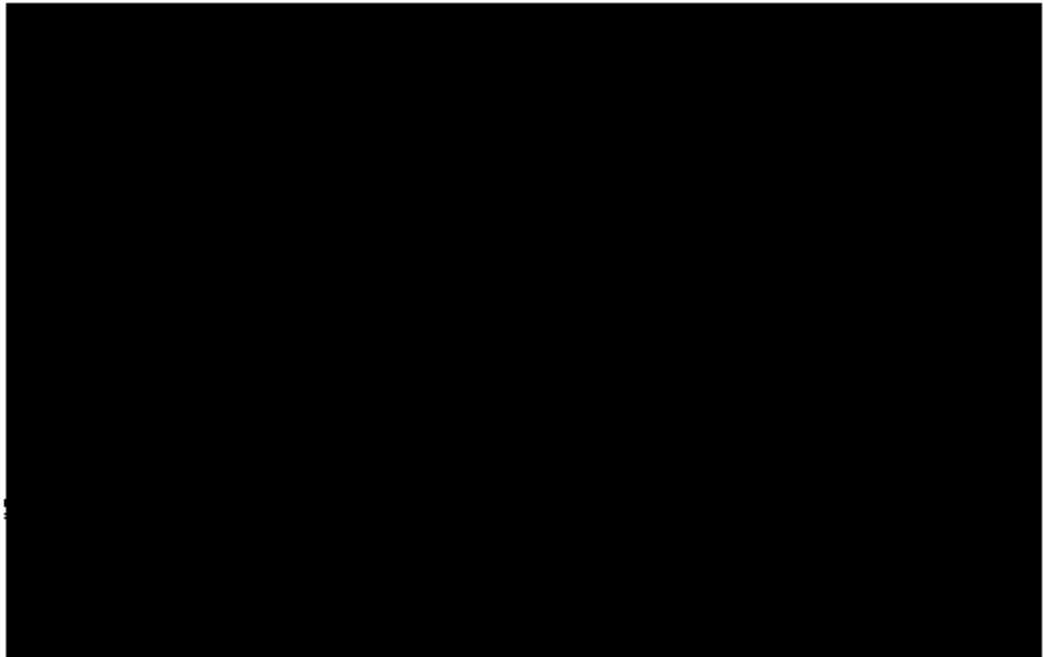
Sequential interior view of passenger compartment showing no indicators of fire causation.













Allstate.
You're in good hands.

10/18/04

Certified Mail # 7003 2260 0007 1523 444B

October 18, 2004

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

RE: Claim #: [REDACTED]
Our Insured: [REDACTED]
Loss Date: 3/23/04
Amt. of Claim: \$20204.06

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 after being parked overnight. The heaviest damage was in the engine compartment on the left side in the area of the windshield wiper motor. There were no after market parts added and no work done on the vehicle since purchased used in June 2002 except for oil changes done by Walmart. There is a companion claim # [REDACTED] for damage done to 1997 Chevy Silverado parked next to the Expedition. The supports for that claim is also included with this paperwork.

Our statement of defect: Strict Liability
Location of evidence: Copart in Abilene, TX. Stock # 3544874.
Manufacturer: Ford
Model: Expedition
Year: 2000
VIN: 1FMRU1762Y [REDACTED]

The following information is attached:
Check copies
Payment supporting paperwork

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

Sincerely,

David Laughlin, SGA
Subrogation Senior Service Representative

*NO EVIDENCE
NO PHOTOS
NO STATEMENT
- in File Dept. 10/18/04*

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

Allstate

ALLSTATE INDEMNITY COMPANY
P.O. BOX 29500
ROANOKE VA 24018

06/18/04

(540) 987-2600

FORD MOTOR
3 PARKLANE BLVD 300
DEARBORN MI 481262568

FORD MOTOR COMPANY
RECEIVED
CLAIMS UNIT
JUN 22 2004
OFFICE OF THE
GENERAL COUNSEL

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. :
YOUR INSURED : FORD MOTOR CO
ADDRESS : 3 PARKLANE BLVD STE
DEARBORN MI 48126

OUR CLAIM NO. : [REDACTED]
OUR INSURED : [REDACTED]
LOSS DATE : 03/23/04

LOCATION :
UNK IN UDESSA, TX

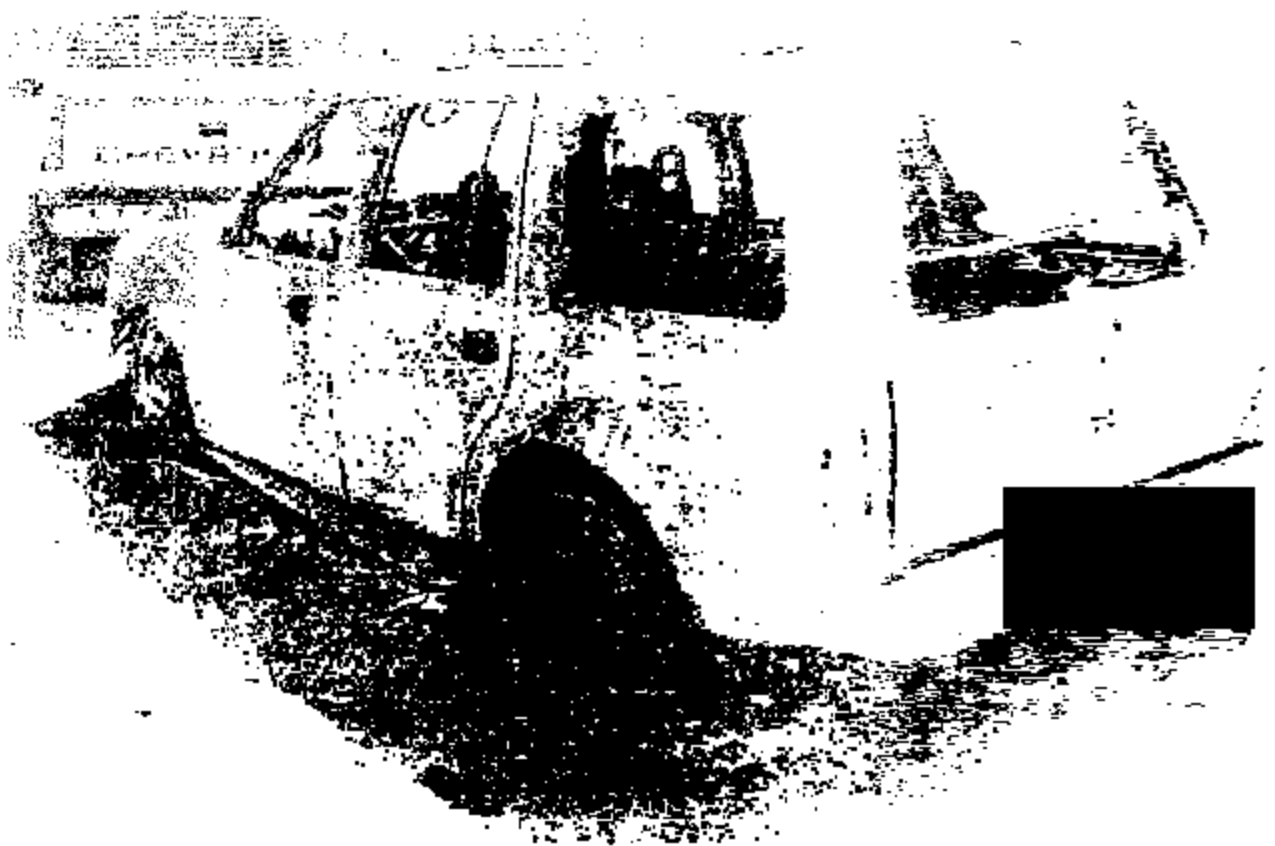
AMOUNT OF LOSS: \$20,204.06

496474
498659
C. [Signature]

CBP:G

PECOS

VA 48126
-76,000 (2)



FEB4-078 C 3331



PE04-078 C 3332



PE04-078 C 3333



FE24-878 C 3334



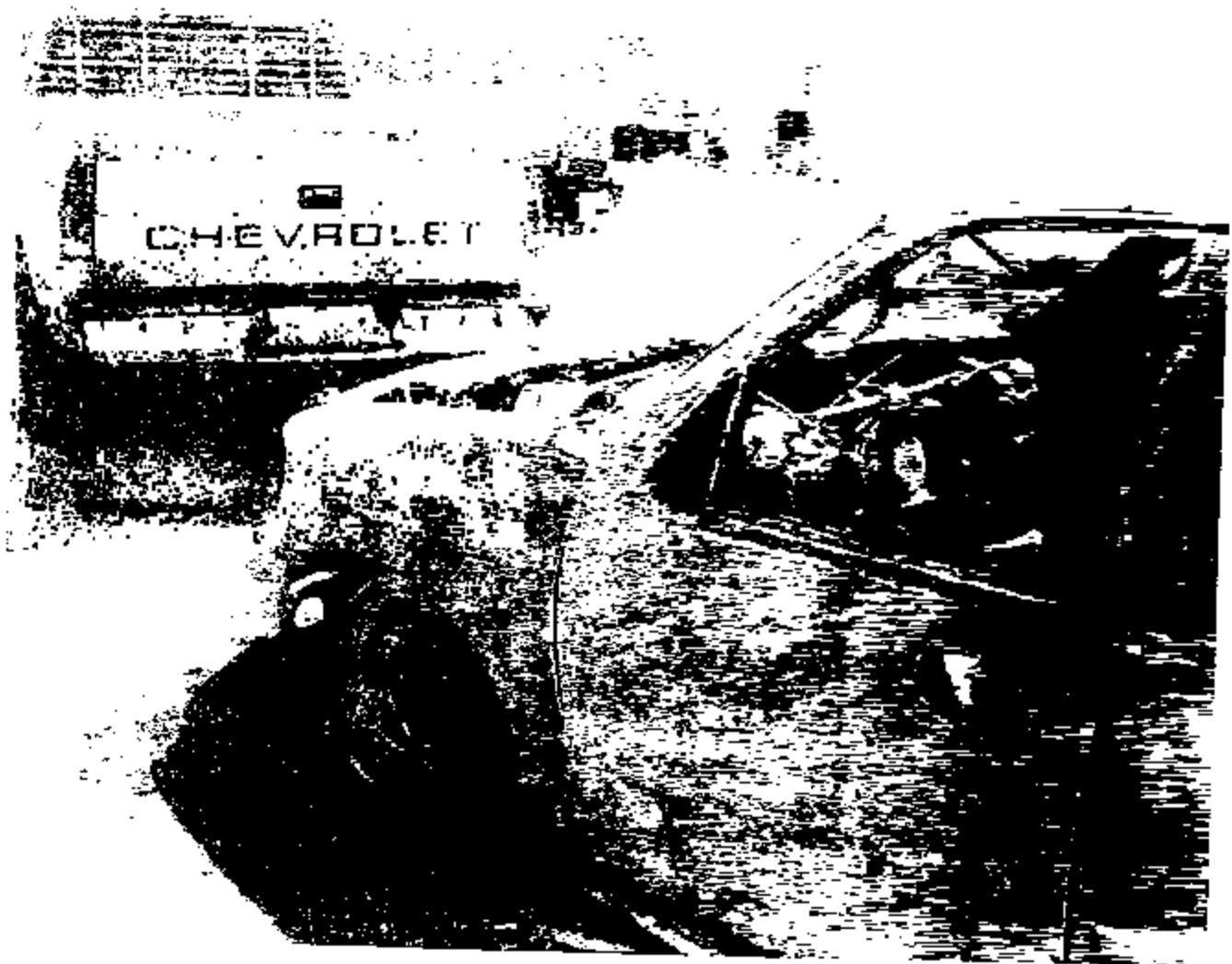
PEB4-078 C 3335



PE04-078 C 3336



FE04-078 C 3337



PE04-076 C 3338

FIRE LOSS ANALYSIS, INC.

P.O. BOX 180317
SAN ANTONIO, TEXAS 78201

TELEPHONE
(210) 344-2701

TELECOPIER
(210) 344-1705

April 27, 2004

*Called
4/28/04*

Ms. Shawn Norton
3 Parklane Blvd.
Suite PTW 300
Dearborn, Mi 48126

*need: Claimant
name
3
DOL
Brief Description*

Re: 2000 Ford Expedition
VIN: 1FMRU1762Y [REDACTED]

Dear Ms. Norton:

This letter is to put you on notice and advise you of a potential subrogation claim by Allstate against Ford Motor for damages that Allstate is called upon to pay.

Please contact Mr. John Gonzales with Allstate, 4717 S. Loop 289 in Lubbock, Texas 79424 (1-800-669-7599 extension 2123) and make arrangements for your experts to attend a joint inspection of the above mentioned vehicle. At present, we are attempting to schedule a follow-up inspection with Electrical Engineer David Reiser of Verite Engineering.

Thank you for your prompt attention on this matter.

Respectfully submitted,

Alfred Martinez
Mr. Alfred G. Martinez
CFEI, CFII, CPVI

CC: Mr. John Gonzales
Allstate Insurance
4717 S. Loop 289
Lubbock, Texas 79424

PE04-078 C 3338

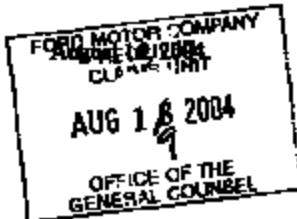


VANCE, LOTANE & BOOKHARDT, P.A.
ATTORNEYS AT LAW
1980 Michigan Avenue
Cocoa, Florida 32922

L. Alexander Vance
Troy R. Lotane
Samuel Bookhardt, III
Brett A. Hyde
Michael R. Cook

Telephone: (321) 636-4861
Facsimile: (321) 636-4865

Ford Motor Company
One American Road
Dearborn, MI 48126



04 AUG 19 P 1:50

OFFICE OF THE GENERAL COUNSEL
PETER J. SULLIVAN

Re: State Farm Mutual Automobile Insurance Company Claim No 55-Y545-894
State Farm Mutual Automobile Insurance Company Insured: Pamela A. Brucher
Date of Loss: October 6, 2003
Amount of Loss: \$16,250.00

Sir or Madam:

Please be advised that the above-captioned account has been turned over to this office for the institution of suit. As you are aware, as a result of the loss which occurred on the above date, State Farm Mutual Automobile Insurance Company and its insured incurred a property damage. Since our information indicates that you were either at fault, or vicariously liable, it is the position of State Farm Mutual Automobile Insurance Company that you are legally responsible for reimbursement of this debt. If you had insurance coverage, but the damage exceeded your limits, then you are responsible for the remaining balance.

The purpose of this letter is to advise you that payment of this amount must be made to this office within thirty (30) days of the date of this letter or other suitable arrangements made with the undersigned in order to avoid suit being filed against you.

I would urge you to get in touch with the undersigned within the time limit prescribed in order to pay this amount or make suitable arrangements in order to avoid additional costs of litigation. You may contact us toll free at 1-800-807-3334. You may also choose to submit an online payment arrangement application at www.vancelotane.com. I would also urge you to contact your Insurance Agent immediately. Please govern yourself accordingly.

Yours very truly,

A handwritten signature in black ink, appearing to read "Troy R. Lotane".

Troy R. Lotane

In compliance with Federal Law you are advised this is an attempt to collect a debt and any information obtained will be used for that purpose.

TRL/jcm
2004126