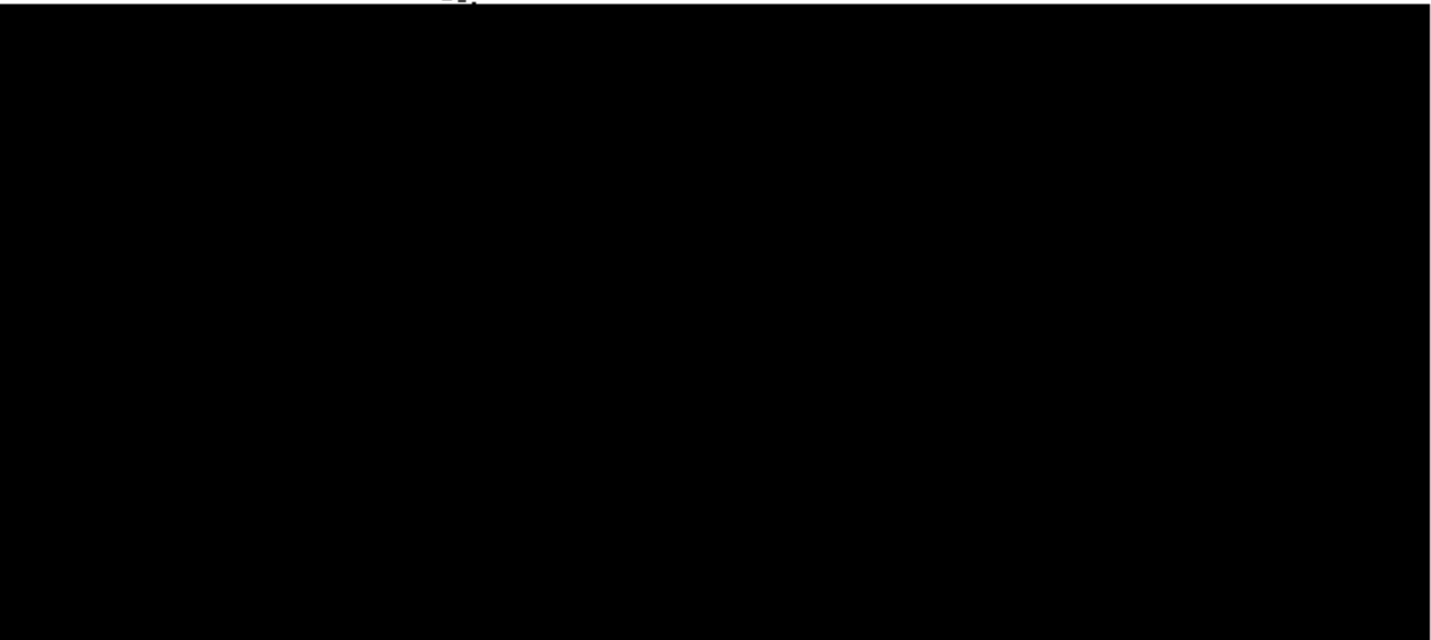
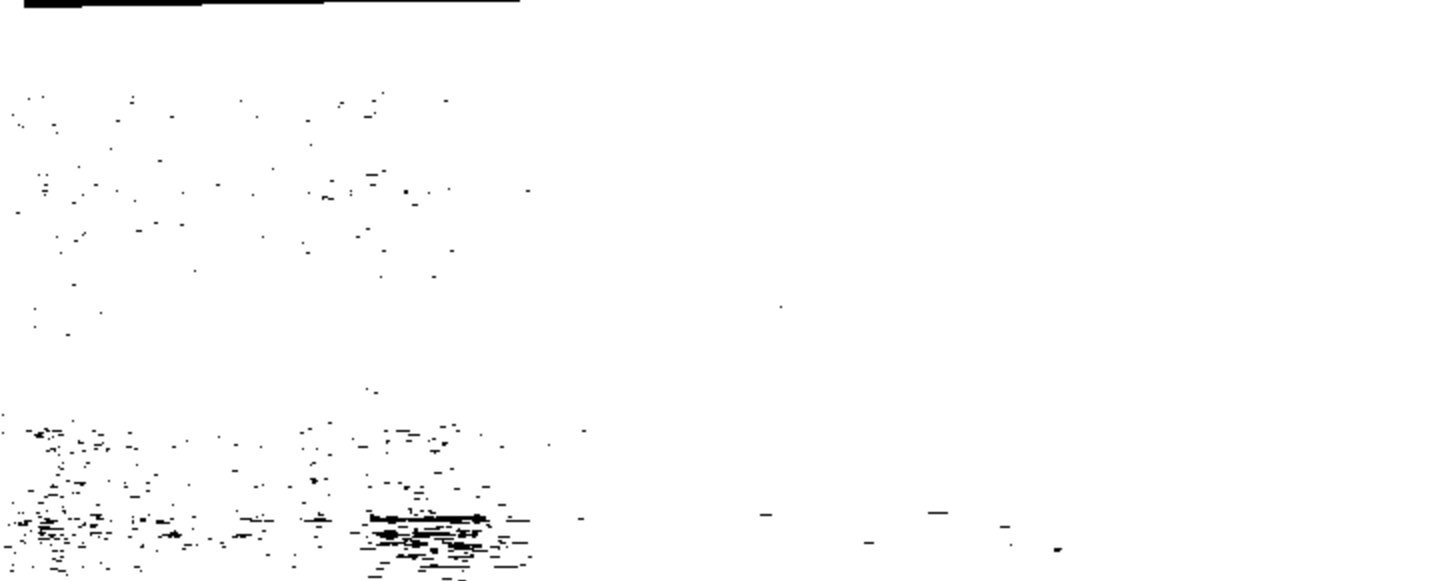


PE04-078
FORD
1/28/2005
ATTACHMENT F
BOOK 9 OF 12
PART 2 OF 6





United Automobile Insurance Company

P.O. Box 600580 • Miami, FL 33160
305-940-7299 • 954-462-6803

October 12, 2004

RECEIVED OCT 19 2004

Ford Motor Company
Attn: Shawn L. Norton
Parklane Towers West
Suite 300
Three Parklane Blvd.
Dearborn, Michigan 48126-2568

501778
0

Re: Insured: [REDACTED]
Claim Number: [REDACTED]
Date of Loss: 2/12/04
Policy Number: LEP 000361796

Dear Mr. Norton:

I am in receipt of your letter dated 9/29/04 and will attempt to provide as much information as possible.

In reviewing our records, we have no record of any service history for the subject vehicle. Our insured advises that he never serviced the vehicle, unless he performed all the oil changes and tune-ups on his own. An expert was not called to inspect the vehicle after the fire. The photographs that are in your possession, although black and white, are the only pictures we have available. Our appraisers took pictures of the subject vehicle using a digital camera and all information is downloaded onto an estimating program. Unfortunately, I am unable to produce any color photographs as per your request.

I do enclose a copy of the fire affidavit, which our insured completed. In addition, we do no longer have possession of the subject vehicle as it was sold as salvage.

Should you have any questions, please do not hesitate to contact the undersigned at 305-940-7299, ext.2214.

Sincerely,

Marcos Herrera
Claim Adjuster
Extension 2214

- NO VRET
- NO Color photos
- NO EXP



UNITED AUTOMOBILE INSURANCE COMPANY

NEW ADDRESS... 0 • MIAMI, FLORIDA 33180
United Automobile Insurance Co.
3909 NE 163rd St. Suite 200 7-6803 • 1-800-344-2150
North Miami Beach, FL 33180

PLEASE FILL IN COMPLETELY AND RETURN IMMEDIATELY

VEHICLE FIRE DAMAGE AFFIDAVIT

(ALL QUESTIONS MUST BE ANSWERED)

Date: 02-20-04
Insured:
Claim No.:
Date of Loss: 02-12-04

PLEASE SUBMIT YOUR ITEMIZED BILL OF SALE LISTING EQUIPMENT ON YOUR VEHICLE, WITH THIS FORM.

Instructions: In order to service your claim as promptly and efficiently as possible, this Affidavit must be completed, signed, notarized and returned within five days of receipt. All questions, blanks or statements must be answered. Enter NA for not applicable and UNK for unknown. We may also require, or have already obtained, a recorded statement, a signed statement and/or an examination under oath. Failure to comply with these requests will result in delay in handling your claim.

ANY FALSE INFORMATION MAY LEAD TO A DENIAL OF YOUR CLAIM!

I / WE STATE THAT I / WE AM / ARE THE OWNER(S) OF THE VEHICLE DESCRIBED BELOW:

Insured's Name(s):
Policy Number:
Insured's Address (Street, City, State, Zip): N. Miami, Fla
License Plate Number & State:
Expiration Date of DMV Tag Registration Sticker (Mo. & Yr.): 04/04
YEAR: 2001 MAKE: Ford MODEL: F150 XL4 BODY STYLE: COLOR: White
VEHICLE IDENTIFICATION NUMBER: 1FTRW08L31... -T... ODOMETER READING: 45200

ACCESSORIES AND OPTIONAL EQUIPMENT
(Check off if applicable to your vehicle)

ALL VEHICLES INCLUDING VANS

<input type="checkbox"/> CD PLAYER - BRAND <u>Ford</u>	<input checked="" type="checkbox"/> REMOTE REAR VIEW MIRRORS
<input type="checkbox"/> FACTORY INSTALLED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> AIR BAG(S)
<input type="checkbox"/> OR INSTALLED AFTER PURCHASE <input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> ANTI-LOCK BRAKES
<input type="checkbox"/> RADIO/AM/FM STEREO - BRAND <u>Ford</u>	<input checked="" type="checkbox"/> FOG LAMPS
<input type="checkbox"/> CASSETTE PLAYER - BRAND <u>Ford</u>	<input type="checkbox"/> SUN ROOF
<input type="checkbox"/> PERMANENTLY INSTALLED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> POWER WINDOWS
<input type="checkbox"/> DUAL AIR-CONDITIONER	<input checked="" type="checkbox"/> POWER SEATS
<input checked="" type="checkbox"/> AIR CONDITIONER	<input type="checkbox"/> VINYL ROOF
<input checked="" type="checkbox"/> AUTOMATIC TRANSMISSION	<input type="checkbox"/> SPECIAL ROOF-TYPE _____
<input type="checkbox"/> ANTI-THEFT DEVICE/BRAND <u>Eclipse</u>	<input type="checkbox"/> ALLOY WHEELS
<input type="checkbox"/> MODEL _____	<input checked="" type="checkbox"/> CUSTOM WHEELS
<input checked="" type="checkbox"/> POWER STEERING	<input checked="" type="checkbox"/> SPARE TIRE
<input checked="" type="checkbox"/> CRUISE CONTROL	<input type="checkbox"/> SPECIAL TIRES - TYPE _____

LIST ADDITIONAL ITEMS
(both factory installed and installed after purchase)

side bar - light cover by factory

COMPLETE THE FOLLOWING:

2. The above described vehicle is itled to (name(s), address(es), telephone number(s)):

[Redacted] - [Redacted] N.H. 70 [Redacted]
[Redacted]

3. The above described vehicle is registered to (name(s), address(es), telephone number(s)):

same address

Explain if different from person titled to: _____

* 4. When was the car purchased? 27 NOV 2001 (month-day-year) Now Used

5. If purchased used, approximate number of miles when purchased: 110 MILES (0)

6. From whom was the vehicle purchased (name(s), address(es), telephone number(s))?

PHONE 305-822-3211
GUS MACHADO FORD 1200 W 49 ST
MIAMI FL 33019

Vehicle Fire Damage Affidavit

7. What was the purchase price of the car? \$36035²⁵

How was it paid for (i.e. - loan, cash, other)? LOAN

ATTACH A COPY OF THE BILL OF SALE / ORIGINAL PURCHASE INVOICE TO THIS FORM

8. Status of Lien / Lease (if any and amount): ---

Name, address, telephone number of lienholder / leaseholder: ---

Total amount of lien/lease \$ --- Paid off? --- If so, when? ---

If not, how much are your monthly payments? \$ 571⁰⁹ How many payments remain? ---

Have you ever been late on your payments? NO

Has your vehicle ever been repossessed? Yes No

9. How many sets of keys were available at the time of purchase? 2

How many sets of keys are presently available? 2

10. How many people are permitted to drive the car? 2

11. List the names and dates of birth (month, day, year) of all persons permitted to drive your car:

[REDACTED]

LIST FULL NAMES OF ALL PERSONS RESIDING WITH YOU AT YOUR ADDRESS AND PERCENTAGE OF USE

DRIVER	DOB	RESIDENT OF HOUSEHOLD		PERCENT OF USE	HAS KEYS
		Yes	No		
[REDACTED]	___/___/___	<input checked="" type="checkbox"/>	<input type="checkbox"/>	100%	YES
[REDACTED]	___/___/___	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10%	YES
_____	___/___/___	<input type="checkbox"/>	<input type="checkbox"/>	___%	_____
_____	___/___/___	<input type="checkbox"/>	<input type="checkbox"/>	___%	_____
_____	___/___/___	<input type="checkbox"/>	<input type="checkbox"/>	___%	_____
_____	___/___/___	<input type="checkbox"/>	<input type="checkbox"/>	___%	_____

Vehicle Fire Damage Affidavit

12. What is your occupation? _____ name, address, telephone number of employer: _____

How long employed? 18 YEARS

13. Is the vehicle normally garaged? NO If so, where? _____

14. Where is the vehicle normally serviced (name(s), address(es), telephone number(s))? FORD

Serviced for? _____

Where last serviced? _____

When last serviced? NO REPAIRS (Attach a copy of last repair / service bill)

15. Was vehicle stolen and burned? NO

16. Describe fire: IN FRONT OF THE CAR
IN THE MIDDLE OF THE HORN.

17. What did you do? I WASN'T THERE

18. If appropriate, how did you / vehicle operator get home after theft / burn? TOWING TRUCK

19. Name, address and telephone number of the person who drove you home: _____

Vehicle Fire Damage Affidavit

20. Which fire department was called? MIAMI BEACH

21. When were they called? I DON'T KNOW

Report number: POLICE - 04-6526

22. What was their opinion? ELECTRICAL - THEY ARE NOT SURE.

23. What is your opinion? I DON'T KNOW

24. Was the car locked at the time of the damage / burn? YES Who had the keys? (NAME); I

25. Were there any witnesses to the damage / burn? (If so, give names, addresses, telephone numbers and circumstances) YES SECURITY OF BUILDING

26. What was the name of the insurance company that insured your car prior to United Automobile Insurance Company? The Guaraco Company

If new, by whom was your previous car insured? _____

Policy no. _____ Date issued: 04-01-2003 Date terminated: 02-01-2003

Reason for termination: _____

27. Have you ever had a vehicle stolen before? NO If so, when? _____

Year, Make, Model of Car Stolen: _____

28. Has any member of your household ever had a vehicle stolen before? NO

If so, give details: _____

Vehicle Fire Damage Affidavit

Was it recovered? What condition was it in when recovered?

Name of insurance company at that time:

Amount of settlement: \$

29. Has the vehicle described been involved in any accident(s) since purchased? YES

If Yes, explain: LIGHT - 5 CRACKS - (IN SIGNIFICANT)

Prior to your purchase had the vehicle been involved in any accident(s) that you know of? NO

If the answer is "yes" to either of the above be sure to include the name of insurance carrier, claim number, cost of repairs and name of repair shop. Please attach a paid receipt if possible. NO

Was there any existing damage to your vehicle prior to it's theft and/or burn? NO

30. Has the vehicle described in question number (1) of this Form been recovered?

If recovered, when (date / time / location) and by whom?

31. Any valuables / property in car when stolen / burned? NO Describe:

32. What is the name of your homeowners / renters insurance company?

33. Are you presently renting a vehicle? NO From whom?

34. Was your vehicle equipped with any anti-theft devices? If so, type:

Model number: Date purchased:

Was it factory installed? YES If not, where installed? When?

Was device activated at time of theft?

**PLEASE ATTACH THE FOLLOWING DOCUMENTS TO THIS FORM
(FAILURE TO DO SO COULD SERIOUSLY DELAY PROCESSING OF YOUR CLAIM)**

- Original Title Certificate - Not Signed (If there is no Lienholder)
- Keys (all sets)
- Copy of Bill of Sale / Purchase Invoice
- Odometer Mileage Statement
- Copy of last Repair / Service Bill

NOTICE: Sending an insurance claim form containing fraudulent information through the mail is a violation of Federal Law - Vol. 18, United States Code Section 1341.

WARNING: As per Florida Statute: §17.234 (1) (b) "Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete or misleading information is guilty of a felony of the third degree." It is a felony to file a false Vehicle Theft Report with Police, punishable by three to seven years in prison and a fine of up to \$10,000.

(Insured: [Redacted]) (Insured: [Redacted])

STATE OF FLORIDA)
) ss
COUNTY OF _____)

BEFORE ME the undersigned authority authorized to administer oaths and take acknowledgments personally appeared _____ who is / are (personally known to me) (was / were identified by Florida driver's license no(s): _____ which expire(s) on _____) [indicate method of identification] on this _____ day of _____, 199____, who upon being duly sworn, certifies that the information furnished by him / her as incorporated in the foregoing Affidavit is true and correct and that he / she has voluntarily executed same in my presence.

Notary Public (signature)
State of Florida at Large

[Redacted Signature] (Insured (signature))

[Redacted Name] (typed or printed name)

[Redacted Signature] (Insured (signature))

My commission expires:

Please complete all questions or Affidavit will be returned to you and will delay the handling of your claim.



UNITED AUTOMOBILE INSURANCE COMPANY
P.O. BOX 600580 • NORTH MIAMI, FL 33140
305-940-7299 • 954-462-6803

September 14, 2004

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

4 SEP 21 AM:41

Re: Our Insured: [REDACTED]
Claim No.: [REDACTED]
Policy No.: [REDACTED]
Date of Loss: 2/12/04
Company Payment: \$14,910.00 (salvage deduction already taken)
Deductible Amount: \$500.00

FORD MOTOR COMPANY
RECEIVED
CLAIM
SEP 21 2004
OFFICE OF THE
GENERAL COUNSEL


Dear Sir or Madam:

We have been informed that you are the manufacturer for the vehicle that our insured owned. Said vehicle was a 2001 Ford F150-XLT 4DR Crew Cab which was involved in a fire loss. As a result of this loss, we have paid our insured, and our insured has paid his/her deductible interest, in the amounts stated in the caption of this letter.

Our investigation establishes that your company may carry liability under a product defect. Therefore, under our right of subrogation, we request reimbursement for both the company payment and deductible amount shown above. Enclosed are our supporting documents for your review.

We have dialed our files for (15) fifteen days. Your prompt attention to this matter will be appreciated.

Sincerely,


Marcos Herrera
Subrogation Department
(305) 940-7299, ext. 2214

Enclosure: Supporting Documents

OCUIS DAYS

FEB4-078 C 3580

CL-# [REDACTED] DEPARTMENT

DEPT: [REDACTED] INCIDENT NUMBER: 402151 DATE: 2/13/2004 ZONE: 1

ADDRESS: [REDACTED]
OCCUPANT: South Point Park

ARRIVED TO: 2 DISPATCHED: 1817 1ST UNIT ARRIVAL: 1821 SECURED: 1408

OWNER ADDRESS: [REDACTED] MIAMI BEACH, FL

TYPE: F13 ACTION TAKEN: 1G PROPERTY CLASS: 991 TOTAL FIRE UNITS: 1 UNIT REPORTING: E-1

NAME OF PERSONNEL PRESENT: RUDOLPH JAY (F-4), CHRISTINA ROBERTO (F-2), WILSON TAYLOR (F-1), GARYN STANLEY (F-1)

FIRE CLASSIFICATION: Unburned
WORK TIME: 0:25 RESPONSE DISTANCE: -3

ADDITIONAL REPORTS: 0 CAR: 0 MULTI UNIT: 0 MULTI FIRE: 0 FIRE DEPT PERSONNEL: 0 PRESENT: 0 INJURE: 0 DEAD: 0 OCCUPANTS: 0 FROZEN: 0 DEAD: 0 INJURE: 0

METHOD OF EXTINGUISH: 2 H2O SUPPLY TYPE: B DISTANCE: 0 WATER VOL TO CONTROL: 80 NUMBER OF STREAMS USED TO CONTROL: 3M -1: 0, 1 1/2": 1, 2 1/2": 0, WASTE: 0

FEET OF HOSE USED: 3M -1": 0, 1 1/2": 90, 2 1/2": 0, 3" FLU: 0 TOTAL WATER USED: 80 AERIAL LADDER NO.: 0 AERIAL LADDER: 0

EQUIPMENT USED: AMT 1 TYPE 1: 3, 99; AMT 2 TYPE 2: 3, 91; AMT 3 TYPE 3: 0, 0; AMT 4 TYPE 4: 0, 0; AMT 5 TYPE 5: 0, 0

ESTIMATED STRUCTURE VALUE: 0 STRUCTURE LOSS: 0 CONTENT VALUE: 0 CONTENT LOSS: 0

MOBILE VEHICLE: YEAR: 2001 MAKE: Ford Pick-Up MODEL: E150-4d LICENSE: 1J33VY2

TYPE VEHIC INVOLVED: 99 FORM OF HERT: 2d TYPE OF HERT: 99 FORM OF HERT: 99 ACT ON DIVISION: 51

AREA OF CORNERS: 0 EXTENT OF FLAME DAMAGE: 0 EXTENT OF OTHER DAMAGE: 0 LEVEL OF ORIGIN: 0 TYPE CONSTRUCTION: 0 BLDG HEIGHT: 0 SPREAD: 0 OBSTACLE: 0

SPRINKLER: 0 STANDPIPE: 0 ALARM SYSTEM: 0 PRIVATE BRIGADE: 0 DETECT EQUIPMENT: 0

NARRATIVE: On 2-13-04 at 1817, Engine #1 was dispatched to [REDACTED] South Point Park for a reported vehicle on fire. At 1821 Engine #1 arrived on the scene and found a white Ford Pick-Up with the engine compartment fully involved. Engine #1 deployed an 1 1/2" jump line and extinguished the vehicle fire with water from the pumper unit. The electrical wiring was secured and disconnected at the battery. The fire and damage was confined to the engine compartment, no passenger compartment damage. The engine and wiring appeared to be a total loss. No obvious signs of source of ignition. The owner of the vehicle arrived on the scene shortly afterwards and stated the vehicle had been parked two hours ago. The owner was working on the building north of the parking lot. The owner stated he had no previous problems with the vehicle. MSPD Officer Martinez #14 responded to make out the vehicle fire report.

Vehicle: 2001 White Ford F-150 Super Crew Cab 4x4, Vtc. 1FTYV0E21H [REDACTED]
PREPARED BY: D.L.C. Lt. Jay R. Rudolph Log# 102409 DATE: 2/13/2004 PRINT DATE: 2/13/2004
REVIEWED BY: [Signature] DATE: 2/15

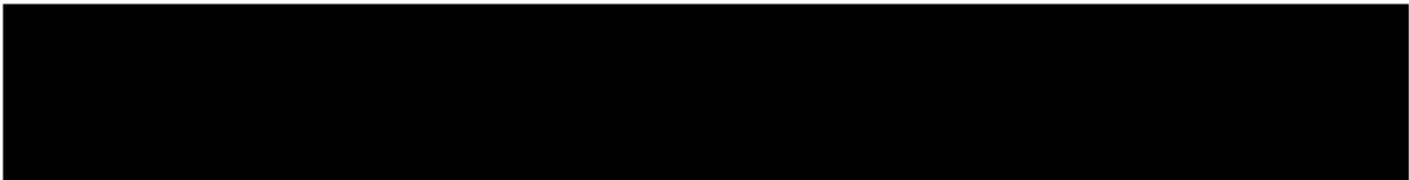


FE24-578 C 3591





PE04-079 C 3092





MEM-876 C 3593



PC04-070 C 2504





PE04-078 C 2595





FD-302 (Rev. 11-27-70) C 3588





PERA-078 C 3507

07/14/04

DAVID H. SMITH & ASSOCIATES
FIRE INVESTIGATION / ANALYSIS / CONSULTING
1524 BERRY ROAD
BIRMINGHAM, ALABAMA 35226
OFFICE: 1-888-965-FIRE
FAX: 1-888-819-FIRE

**REPORT
OF
FIRE INVESTIGATION**

RECEIVED

NOV 8 3 2004

TO:
NATIONWIDE INSURANCE COMPANY
ATTN: MS. MARLA SINGLETON

LOSS DATA

Insured:



50151
CL
11/04

Vehicle:

2000 FORD F-150 XL

VIN: 1FTRX17L2YN



Loss Date:

JULY 13, 2004

Client File No:

7710N903890

Our File No:

14-319

Issue Date:

OCTOBER 22, 2004

Clarkston, GA
87490

THIS REPORT IS FURNISHED AS PRIVILEGED AND CONFIDENTIAL TO ADDRESSEE.
RELEASE TO ANY OTHER COMPANY, CONCERN OR INDIVIDUAL IS THE SOLE
RESPONSIBILITY OF THE ADDRESSEE.

LCC - 2415 - 4/22/03
BOW - 2415 - 4/22/01
WSD - 1/22/99
- ELD - gas

FD-904 (Rev. 11-15-83)

David H. Smith & Associates


At this time David H. Smith & Associates, Inc. recommends Ford Motor Company be present for further analysis, removal and/or testing of the vehicle or components associated to the vehicle. No further analysis should take place until a joint examination can be conducted with Ford representatives present.

If you have any questions or need additional information, please do not hesitate to contact our office at (888) 965-3473.

Report prepared and
Submitted by:


Jeffrey M. Tanski, C.F.I., C.F.E.I.
Fire Investigator

Report reviewed by:


David H. Smith, C.F.I.
Fire Investigator

PRELIMINARY REPORT

On July 13, 2004 the Dekalb County Fire Department responded to a reported vehicle fire at [REDACTED]. Upon arrival the fire department observed a truck on fire which was located in front of the house underneath a tree.

On August 3, 2004 David H. Smith & Associates, Inc. was requested by Ms. Marla Singleton of Nationwide Insurance Company to conduct an origin and cause investigation of the subject vehicle. The investigation began on August 4, 2004 at which time the following tasks were conducted in order to determine the area of fire origin and cause of the fire:

The vehicle was examined at 1045 Atlanta Highway Southeast in Winder, Georgia.

The vehicle was confirmed to be a 2000 Ford F-150 XL with VIN number 1FTRX17L2Y [REDACTED]

Burn patterns were examined and analyzed within and throughout the vehicle.

Analysis and documentation of the vehicle's electrical and mechanical systems was undertaken.

On August 4, 2004 Jeffrey M. Tanski, C.F.I., C.F.E.I. of David H. Smith & Associates, Inc. conducted an origin and cause investigation of the fire damaged vehicle. Burn pattern analysis revealed that the fire originated within the engine compartment along the drivers side. According to information obtained, the vehicle was parked at approximately 6:45 p.m. on the evening of the fire and the fire was discovered at approximately 11:25 p.m. that same evening. Reportedly, [REDACTED] leased the vehicle for 4 years and then purchased it. [REDACTED] has made no repairs or had work performed on the vehicle since purchasing it. [REDACTED] stated that he is not a smoker and the keys were removed from the ignition after he parked it at approximately 6:45 p.m. the evening of the fire.



Nationwide Insurance Company

OCT. 18, 04 2nd request
August 26, 2004

Lou Sobh Ford
1665 Scott Blvd
Decatur, Ga 30033

Ford Motor Company
PO Box 6248
MD-3NE-B
Dearborn, MI 48126

RE: [REDACTED]

Date of Loss: 07-13-04
Claim No. [REDACTED]

To Whom It May Concern:

Nationwide Insurance is currently investigating a potential subrogation interest as a result of a fire loss which damaged a 2000 Ford F 150 XL, owned by [REDACTED] an insured of Nationwide. The fire originated in the engine compartment. The fire was contained to this area. We understand that Ford manufactured this vehicle which [REDACTED] purchased new from Banner Ford now Lou Sobh Ford 11/1999.

The vehicle was parked and unoccupied for several hours when the fire ignited in the engine compartment area.

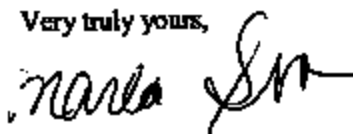
A preliminary fire examination of the subject auto was conducted by Origin and Cause Fire Investigator David Smith. This was a non-destructive examination and nothing was removed from the auto. The auto is secured at the storage facility pending any required additional examination(s).

I have included a copy of the responding Fire Department incident report.

Upon your receipt of this letter please call me at 770-225-5420 or 770-403-4774 so that we may discuss this matter further. I feel sure that you will want to have a representative inspect the vehicle.

Nationwide will schedule an examination of the vehicle by a fire origin and cause expert within the next thirty days, NLT September 25, 2004. I look forward to hearing from you to discuss the matters presented above.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marla SM". The signature is written in a cursive style with a large, stylized "M" at the end.

Marla Singleton
Special Investigator
Nationwide Insurance Company

Encl:
DeKalb County Fire Report, dated 07/13/04



Nationwide Insurance Company

August 26, 2004

4 SEP -1 46:52

Lou Sobh Ford
1665 Scott Blvd
Decatur, Ga 30033

Ford Motor Company
PO Box 6248
MD-3NE-B
Dearborn, MI 48126

FORD MOTOR COMPANY
RECEIVED
SEP 01 2004
OFFICE OF THE
GENERAL COUNSEL

RE: [REDACTED]
Date of Loss: 07-13-04
Claim No. [REDACTED]

To Whom It May Concern:

Nationwide Insurance is currently investigating a potential subrogation interest as a result of a fire loss which damaged a 2000 Ford F 150 XL, owned by [REDACTED] an insured of Nationwide. The fire originated in the engine compartment. The fire was contained to this area. We understand that Ford manufactured this vehicle which [REDACTED] purchased new from Banner Ford now Lou Sobh Ford 11/1999.

The vehicle was parked and unoccupied for several hours when the fire ignited in the engine compartment area.

A preliminary fire examination of the subject auto was conducted by Origin and Cause Fire Investigator David Smith. This was a non-destructive examination and nothing was removed from the auto. The auto is secured at the storage facility pending any required additional examination(s).

I have included a copy of the responding Fire Department incident report.

Upon your receipt of this letter please call me at 770-225-5420 or 770-403-4774 so that we may discuss this matter further. I feel sure that you will want to have a representative inspect the vehicle.

Nationwide will schedule an examination of the vehicle by a fire origin and cause expert within the next thirty days, NLT September 25, 2004. I look forward to hearing from you to discuss the matters presented above.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marla Singleton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Marla Singleton
Special Investigator
Nationwide Insurance Company

Encl:
DeKalb County Fire Report, dated 07/13/04

INCIDENT HISTORY DETAIL: D041950270 DeKalb County Fire

INITIATE: 07/13/04 23:25:35 CALL NUMBER: D00270
ENTRY: 23:25:59 CURRENT STATUS: CLOSED
DISPATCH: 23:26:06 ALARM LEVEL: 1
ONSCENE: 23:32:06 CASE NUMBER: DP0400040488
CLOSE: 00:38:06 07/14/04 DISPOSITION: 10-65

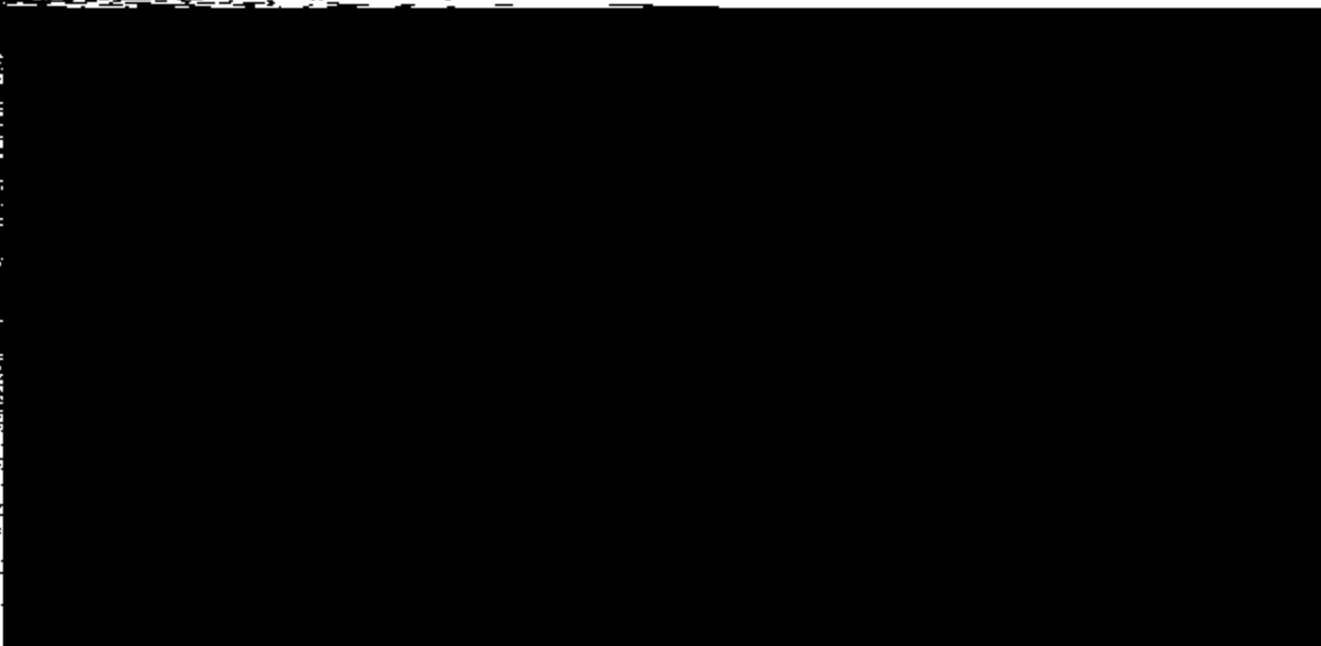
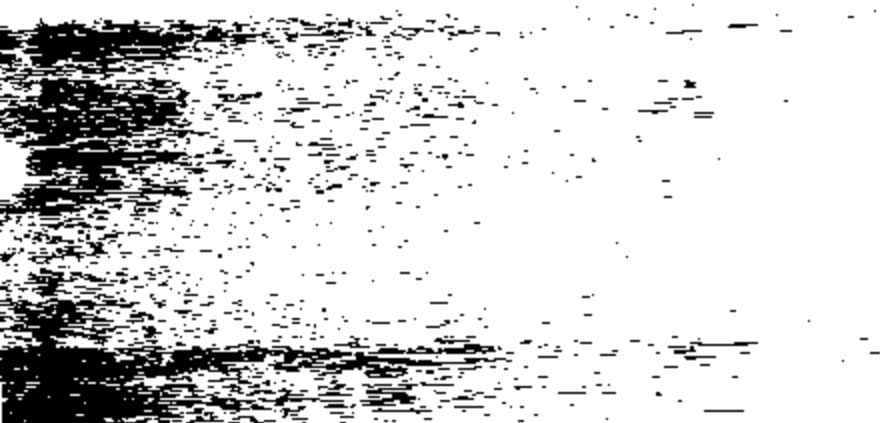
AW CALL: DP/ 041952539

LOCATION: [REDACTED] DC (Near DENISON DR)
LOCATION COMMENTS:
AREA: NFD
STATION: F23 TYPE: F10V FIRE-VEHICLE
ID: F23007 PRIORITY: 1
MIN CARD: R23007 COUR

13:25:59 CT04 ENTRY TEXT:TRUCK ON FIRE AT LOC...VEH IN FRONT OF HOUSE
UNDERNEATH TREE \NAME:GABE \SOURCE:REGD
13:25:59 CT04 E911 LOCATION [REDACTED], DC \PHONE: [REDACTED]
COMP:HORRISBERGER, GABE
13:26:06 FD01 DISPATCH L23
13:26:58 FD01 BACKUP #041950270 E11
13:27:00 FD01 STATION L23
13:28:51 FD01 PHERMPT E11
13:28:51 FD01 EXCHANGE E11 E23
13:28:51 FD01 ID E23 <E23>ENGINE 23
23:32:06 FD01 ONSCENE E23, WELL INVOLVED VEH FIRE
23:38:01 FD01 MISC E23, REQ ONCALL FIRE INV ON TACS
23:39:09 FD01 MISC E23, F505 CLR
23:39:20 FD01 MISC E23, F505 CLR .. INV BULL CLR

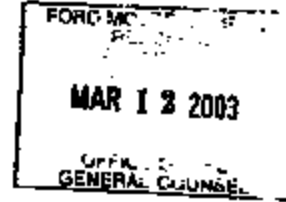
07/14/04
00:38:06 FD01 CLOSE E23 10-65

OPERATOR ASSIGNMENTS: CT04 CO12 EVANS, L
FD01 SC22 CHERRY, L A
AS OF 23:38:01: FD01 CO04 HOWARD, S



March 10, 2003

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



CERTIFIED RETURN RECEIPT REQUESTED

RE: State Farm Claims #: [REDACTED]
Our Insured: [REDACTED]
Date of Loss: 03/07/03
Vehicle involved: '01 Ford F150
VIN: 1FTRW07W1 [REDACTED]

The identified 2001 Ford F150 is insured by State Farm Fire and Casualty Co.
This vehicle experienced a fire and may be a total loss.

State Farm would like to give you an opportunity to inspect this 2001 Ford F150
And give you advanced notice of our potential subrogation claim.

Please contact me at 423 855-6780 for more information regarding this loss.

Sincerely,

A handwritten signature in black ink that appears to read "Terry Siler".

Terry Siler
Claim Specialist
(423) 855-6780

PO 24448
Chate TN 37422

- 3/7/03
- '01 F-150
- VIN
- 906

State Farm Insurance Companies



April 8, 2003

Ford Motor Co.
3 Parklane Blvd. Ste. 300
Dearborn, MI 48126

FORD MOTOR COMPANY
RECEIVED
CLAIMS UNIT

APR 10 2003

OFFICE OF THE
GENERAL COUNSEL

CLAIM OFFICE
5145 LEE HIGHWAY
P.O. BOX 24448
CHATTANOOGA, TN 37422-4448

RE: Claim Number: [REDACTED]
Date of Loss: March 7, 2003
Insured: [REDACTED]

Dear Sirs:

Here are the answers to your questions: 1. March 7, 2003 Knox County, TN. 2. See attached statement from our insured. 3. Fire Dept. report is attached. 6.10150 (estimated). 7. Copies of State Farm's pictures are attached. Defective parts are not known. 10. Engine fire. 11. No expert's report was made. 13. Verastar-Knoxville [REDACTED] 14. Record of payments is attached. 15. Not available. 16. Unknown. 21. Engine was running. 22. Keys were in ignition.

25. Vehicle was leased new.

Please call me, if you have any questions.

Sincerely,

Terry Siler
Terry Siler
Claim Representative
(423) 855-6780

State Farm Fire and Casualty Company

PEAK-878 C 3889

*- Knox County, TN
- 101150 (2)
- NO PHOTOS
- NO EXPT.
- NO VEH (warranty)
- 23,392*

A FD# 47832 State TN Incident Date 03/07/2003 Station # 26 Incident Number 03-0392731 Dispatch # 000

B Location
 Street Address
 Interconnection
 In front of
 West of
 Adjacent to
 Directions
 Knoxville TN 37912

C Incident Type
 134 Messenger Vehicle Fire
 135
 136
 137
 138
 139
 140

E1 Date & Times
 Month Year Hr Min Sec
 Alarm # 03/07/2003 14:36:00
 Arrival # 03/07/2003 14:41:00
 Controlled 03/07/2003 14:47:00
 Cleared 03/07/2003 15:59:00

E2 Shift & Alarm
 Local Alarm
 Shift or Alarm
 Station

D Aid Given or Received
 1 Medical aid received
 2 Ambulance aid receiv.
 3 Mutual aid given
 4 Ambulance aid given
 5 Other aid given
 6 None

G1 Resources
 Check this box and skip this section if an apparatus or personnel were not used.
 State Farm Insurance Company
 MAR 21 2003
 CHATTANOOGA, TN

G2 Estimated Dollar Losses & Values
 PROPERTY \$ 000.000
 CONTRACTS \$ 000.000
 NON-STRUCTURE VALUE: optional
 PROPERTY \$ 000.000
 CONTRACTS \$ 000.000

Completed Modules
 1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11

H1 Casualties
 Deaths Injuries
 1 2
 3 4
 5 6

H2 Hazardous Materials Release
 1 None
 2 Release
 3 Release
 4 Release
 5 Release
 6 Release
 7 Release
 8 Release
 9 Release
 0 Release

I Mixed Use Property
 01 Other mixed use
 02 Assembly use
 03 Education use
 04 Medical use
 05 Residential apt
 06 Shop of storage
 07 School use
 08 Bus. & Residential
 09 Office use
 10 Industrial use
 11 Military use
 12 Farm use
 13 Other mixed use

J Property Use Structures
 131 Church, place of worship
 161 Restaurant or cafeteria
 182 Bar/ Tavern or nightclub
 213 Elementary school or kindergarten
 215 High school or junior high
 241 College, adult education
 311 Care facility for the aged
 331 Hospital
 341 Clinic, clinic type infirmary
 342 Doctor/dentist office
 343 Prison or jail, not juvenile
 419 1-or 2-family dwelling
 428 Multi-family dwelling
 439 Nursing/boarding house
 449 Commercial hotel or motel
 459 Residential, board and care
 464 Daycare/nursery
 519 Food and beverage sales
 936 vacant lot
 938 Graded/clear for plot of land
 948 Lake, river, stream
 951 Railcross right of way
 960 Other street
 962 Highway/divided highway
 982 Residential street/driveway

K Household goods, sales, repairs
 539 Household goods, sales, repairs
 578 Motor vehicle/bike sales/repair
 571 Gas or service station
 599 Business office
 615 Electric generating plant
 629 Laboratory/research lab
 700 Manufacturing plant
 819 Livestock/poultry storage/barn
 892 Non-residential parking garage
 897 Warehouse
 981 Construction site
 984 Industrial plant yard
 Property Use 962
 Residential street, road or
 03/21/2003 03/11/99

K1 Person/Entity Involved

Local Option: _____ Business name (if applicable): _____ Agency Code: _____ Phone Number: _____

Check this box if you desire an alternate location. Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name: _____ MI: _____ Last Name: _____ Office: _____

Number: _____ Prefix: _____ Street or Highway: _____ Street Type: _____ Office: _____

Post Office Box: _____ Apt./Suite/Room: _____ City: _____

State: _____ Zip Code: _____

Does person/entity have a valid Tennessee Departmental License (DL) as necessary

K2 Operator

Same as person involved? Then check this box and skip the rest of this section. Business name (if applicable): _____ Agency Code: _____ Phone Number: _____

Local Option: _____

Check this box if you desire to assign location. Then skip the three duplicate address lines.

Mr., Ms., Mrs. First Name: _____ MI: _____ Last Name: _____ Office: _____

Number: _____ Prefix: _____ Street or Highway: _____ Street Type: _____ Office: _____

Post Office Box: _____ Apt./Suite/Room: _____ City: _____

State: _____ Zip Code: _____

I. Remarks

Local Option: _____

E-226 dispatched emergency for a vehicle fire. E-226 arrived on the scene to find a late model Ford truck with flames visible, both in the engine and passenger compartment. E-226 deployed an 1 3/4 attack hose to the drivers front corner and donned SCEA and began extinguishing the fire. The fire was knocked down and the passenger compartment inspected finding no other occupants other than the owner that was nearby. E-226 cancelled E-227 and placed them to standby the response area while overhaul continued. No other fire was found and the vehicle was left cold for the wrecker service to remove. E-226 returned to service..

L Authorization

Officer in charge ID: _____ No Staff ID: _____ Position or rank: _____ Assignment: _____ Month: _____ Day: _____ Year: _____

Signature: _____

Check box if _____ No Staff ID: _____ Position or rank: _____ Assignment: _____ Month: _____ Day: _____ Year: _____

Signature: _____



- STATE FARM FIRE & CASUALTY COMPANY
- STATE FARM INDEMNITY COMPANY
- STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY
- STATE FARM COUNTY MUTUAL INSURANCE COMPANY OF TEXAS

Barcode Only

Claim Number [REDACTED]

AFFIDAVIT OF VEHICLE FIRE (All Questions Must Be Completed In Ink)

1. Name of Insured [REDACTED] Name of Owner [REDACTED]
 Address [REDACTED] Home Phone [REDACTED]
 Date of Birth [REDACTED] Marital Status: Married Single No. of Dependents _____
 Social Security No. [REDACTED] Driver's License No. [REDACTED]
 Occupation RETIRED 1915 Employer's Name _____
 Address _____ Phone _____

2. Date of Fire 03-07-2003 Time BETWEEN 2-3:00 A.M. P.M.
 Make of Vehicle FORD Year 2001 Model F150 ^{CREW} Body Type CREW CAB Color MAROON
 Vehicle ID # VIN 1F8047WIKL License Plate [REDACTED] State TN
 Certificate of Title # _____ If none, why? LEASED-CUNNINGHAM FORD
 Number of cylinders 8 ^{MAR 17 2003} H.P. or C.I. or Liter _____ Odometer reading 10150?

Was vehicle locked? Yes No ^{Chattanooga, TN S/C} Were windows rolled up? Yes No
 When did you last see your vehicle? Date 03-07-2003 Time 3:00 P.M. A.M. P.M.
 Specific location where vehicle burned on Smokey Row Road near 7925 Home (RURAL FORD)
 Reason vehicle was left at this location FIRE CREW CALLED FOR WRECKER SERVICE LEAKS
 Name and address of person who left auto at this location WRECKER SERVICE ON Strawberry Plains Pike
 Their driver's license no. _____

When was the fire discovered? Date on same day as listed above Time 3:00 A.M. approximately A.M. P.M.
 Who made the discovery? I did

When was fire reported to fire department? Date 03-07-2003 Time Approx 3:00 A.M. P.M.
 Name and Location of Fire Station Rural Motor Fire on Strawberry Pike

Describe fire (where, color of smoke, cause): When I stopped and looked, black smoke of engine came out of hood and I first saw a brown spot appeared on hood and get larger and tipped.
 Was vehicle being driven? Yes No Describe exactly what happened prior to noticing smoke _____

or fire (electrical or mechanical malfunction): ? I drove past where gas station was - not home
 Were you carrying a container of flammable liquid in the vehicle at the time of fire? Yes No

If yes, give type of liquid _____, amount _____, size and type of container _____, location of container at time of fire _____

Did you smell smoke or see flames first? Smoke

Have you had similar problems prior to fire? Yes No If yes, explain ONE ERROR
ERROR

Has vehicle been damaged during the past three years? Yes No If so, give location _____, type of damage _____, amount of damage \$ _____, and date _____

Were repairs made? Yes No Partial If so, were they completed? Yes No

Who made the repairs? _____

Name and address of insurance company who paid claim damages, if any: _____

Any other claims in the last three years on this or any other auto? Yes No
Any other vehicles in your household? Yes No MOTOR HOME SIDE, STATE FARM INS. PAID

Name of insurance company and agent on other vehicles STATE FARM - JACQUE TOWNSEND AGENT

Your prior insurance company and agent TOO LONG TO REMEMBER

Any homeowners claims within the past 6 months with State Farm? Yes No

With any other carrier? NO

3. Vehicle Equipment (Check if vehicle had any of the following)

- | | | | | | |
|-----------------------------------------------|---------------------------------------------------|---------------------------------------------------------|----------------------------------------------------|--------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Radio AM | <input checked="" type="checkbox"/> Power Steer | <input type="checkbox"/> Vinyl Roof | <input checked="" type="checkbox"/> Cruise Control | Tires | Transmission: |
| <input checked="" type="checkbox"/> AM/FM | <input checked="" type="checkbox"/> Power Brakes | <input checked="" type="checkbox"/> Tinted Glass | <input checked="" type="checkbox"/> Compact Disc | <input type="checkbox"/> W/W | <input checked="" type="checkbox"/> Automatic |
| <input checked="" type="checkbox"/> Stereo | <input checked="" type="checkbox"/> Power Locks | <input checked="" type="checkbox"/> Mag Wheels | <input checked="" type="checkbox"/> Sun/Moon Roof | <input checked="" type="checkbox"/> Radial | <input type="checkbox"/> Standard |
| <input checked="" type="checkbox"/> Tape Deck | <input checked="" type="checkbox"/> Power Windows | <input type="checkbox"/> T-Tops | | <input type="checkbox"/> Special | <input type="checkbox"/> Console |
| <input checked="" type="checkbox"/> Air Cond. | <input checked="" type="checkbox"/> Power Seats | <input checked="" type="checkbox"/> Tilt Steering Wheel | | | <input type="checkbox"/> AutoStick |

Other: SEE PAGE 2
 CB Radio Type _____ Cost \$ _____ Date Installed _____

Purchased From: LANCE CUNNINGHAM FORD

4. Vehicle Condition

- | | | | |
|--------------|-------------------------------|-------------------------------|-----------------------------------------------|
| Paint | <input type="checkbox"/> Fair | <input type="checkbox"/> Good | <input checked="" type="checkbox"/> Excellent |
| Transmission | <input type="checkbox"/> Fair | <input type="checkbox"/> Good | <input checked="" type="checkbox"/> Excellent |
| Engine | <input type="checkbox"/> Fair | <input type="checkbox"/> Good | <input checked="" type="checkbox"/> Excellent |
| Body | <input type="checkbox"/> Fair | <input type="checkbox"/> Good | <input checked="" type="checkbox"/> Excellent |

Other distinguishing features: (Dents, decals, trailer hitch, interior, etc.)

two dents under 25¢ each
Engine used in other vehicle
everything excellent on interior

5. Name and address of service station/garage: Myself and CUNNINGHAM FORD Co

Who performs routine maintenance service? Lance Cunningham Date last serviced 2000 Mues Ago

Who performs State MV inspection? _____ Date last inspected _____

6. Data car purchased LEASED APRIL 2001 New Used Purchase Price \$ 1000⁰⁰ Cash \$497⁰⁰ Mo

Trade-in NA Allowance _____

Seller Dealer/Individual Name and Address Fane Cunningham Ford

How did you learn the car was for sale? _____

How was the car paid for? Cash Check LEASED

If financed, name and address of finance company FORD MOTOR COMPANY

Account # _____ Balance Due \$ _____ Loan Terms _____ Months _____

Is account past due? Yes No How Long? _____

Are keys in your possession? Yes No Ignition key # 150124 Trunk key # P.U.

Do you have other theft insurance? Yes No Policy# _____

Name of insurance company STATE FARM INSURANCE CO.

Was this a rebuilt wreck? Yes No If yes, name of rebuilder _____

Was it a recovered theft? Yes No If yes, date of theft _____

7. Amount for which you are making claim \$ ALL

8. Are the answers you have given true to the best of your knowledge and belief? Yes No

It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits.

Witness _____ Policyholder _____

Address _____

Strawberry Plains

SUBSCRIBED AND SWORN TO BEFORE ME this 13th day of MARCH, (year) 2003

in Knoxville, Knox County, Knox

Notary Public Daphne M. Gray My commission expires: Dec. 4, 2006

To whom it may concern

This is a history of the Ford F150 with a super crew cab leased by me [REDACTED]
[REDACTED] Knoxville, TN [REDACTED] Phone [REDACTED] from Lance
Cunningham Ford Co on March 29, 2001 with a down payment of \$1000.00 and a
monthly payment of \$497.42.

After using this P.U. for several months, I discovered that it was using more gasoline than
than it should, I checked the miles per gallon that I was getting and after several checks I
found that I was getting eight to ten miles per gallon, so I took the P.U. back to
Cunningham Ford place. I took P.U. to have the oil, etc. changed, and was told that they
could not find out any problems. Later when they were correcting a Recall, I was told that
they could not find anything to cause the P.U. to use so much fuel. Later I called
Cunningham Ford Co. and was told the company would try to correct the problem.

I drove this Pick-Up for approximately 10,150 miles, and on 03-07-2003 it caught on fire
and burned up, totaled. I was driving this vehicle, and I noticed a brown spot that
appeared to be getting larger, so I stopped to check out the problem and discovered that
black smoke was coming out both sides of the engine compartment and decided that the
P.U. was on fire. I ran to the next house and asked the lady to call the Fire Department
which she did and we both went toward the Pick Up and by this time the P.U. was flaming.
Because of fear of an explosion we did not get any closer to the burning vehicle. By the
time the fire crew arrived at P.U. it had burned back to the P.U. bed.

[REDACTED]



U.S. Department of Transportation
National Highway Traffic Safety Administration

DOT Auto Safety Hotline
Vehicle Owner's Questionnaire
To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4238)
INTERNET:www.nhtsa.dot.gov/hotline

FDR AGENCY USE ONLY 100192

Date Received: 2005 JAN 05 2:45
Repository:
Reference No.: 10106815

OWNER INFORMATION (Type or Print)

Name: [REDACTED]
Address: [REDACTED]
City: **HAMDEN** State: **CT** Zip Code: [REDACTED]

Daytime Telephone Number: [REDACTED] Email Address: [REDACTED]
Evening Telephone Number: [REDACTED]

Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? YES NO
In the absence of an authorized address to the vehicle manufacturer.
Signature of Owner: [REDACTED] Date: **1/10/05**

VEHICLE INFORMATION

17 digit Vehicle Identification Number (located at bottom of windshield on driver's side): **3C3EL55H7W**
Make: **CHRYSLER** Model: **SEBRING CONVERTIBL** Model Year: **1998**
Date Purchased: **5/04/01** Dealer's Name and Telephone Number: **EXECUTIVE JEEP N-9220** Engine: No. Cylinders: **6** Fuel Type: **Gas**
Original Owner: Dealer's City: **HAMDEN** State: **CT** Zip Code: **06317**
Transmission Type: **AUTOMATIC** Antilock Brakes Cruise Control Powertrain: **FRONT WHEEL DRIVE**
Vehicle Component Code: **118100 ELECTRICAL SYSTEM:IGNITION:SWITCH**
Multiple Feature: **4**

FAILED COMPONENT(S)/PART(S) INFORMATION

Incident Date(s): **05-JAN-2005** Failure Mileage: **28000** Failure Speed: [REDACTED]

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make: [REDACTED] Tire Model (Name or Number): [REDACTED] Tire Size (Example P216/66R15): [REDACTED]
DOT No. (Example: DOTM19ABC036): [REDACTED] Original Equipment Prior Repair Failure Location: [REDACTED]
Tire Component Code: [REDACTED] Tire Failure Type: [REDACTED]

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make: [REDACTED] Date Manufactured: [REDACTED] Model No./Name: [REDACTED]
Seat Type: [REDACTED] Installation System: [REDACTED]
Child Seat Component Code: [REDACTED] Failed Part: [REDACTED]

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the incident(s), failure(s), crash(es), and injury(ies).)

Crash: Yes No Fire: Yes No
Number of Persons Injured: [REDACTED] Number of Deaths: [REDACTED] Reported to Police: **N**

Narrative Description of Incident(s), Crash(es), and Injury(ies).
Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e., parts repaired or replaced (and if old part is available).

CONSUMER COMPLAINED ABOUT AN IGNITION PROBLEM. IN THE LAST 4 YEARS CONSUMER REPLACED THE KEY CYLINDER 4 TIMES. CONSUMER CONTACTED THE MANUFACTURER ON SEVEN DIFFERENT TIMES. AND WAS TOLD THAT HIS CUSTOMER CARE COMPLAINT FILE WAS CLOSED. THEY WILL NOT HELP CONSUMER. *AK
Vehicle's ignition cylinder will freeze after approx. 12-14 mos, EACH yr for 4 yrs. CAR HAS BEEN TOWED 3x from the place of PART FAILURE. You try to turn the ignition and it will NOT TURN left or right at any given moment. The Chrysler mechanic told me the cylinder wears down and

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF NECESSARY.

The Privacy Act of 1974 (Public Law 93-579) This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

FILED

03 JAN -8 AM 10:44

JEANNE MILLS APD. CLERK

PAMELA EDWARDS

DEPUTY

1 PATRICK CURRY(158067)
2 CURRY & WESTGATE, INC.
3 5637 N. PERSHING AVE.,
4 SUITE A-1
5 STOCKTON, CA 95207
6 209-473-0394

7 Attorney for Plaintiff

8 THIS CASE HAS BEEN ASSIGNED TO
9 PETER SAJERS IN DEPARTMENT 13
10 FOR ALL PURPOSES, INCLUDING TRIAL

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SAN JOAQUIN

13 Plaintiff,

14 vs.

15 FORD MOTOR COMPANY,
16 DOES 1-10, INCLUSIVE
17 Defendants.

18 Case No. **CV 019614**
19 COMPLAINT FOR BREACH
20 OF EXPRESS WARRANTY
21 AND VIOLATION
22 OF CONSUMER
23 WARRANTY ACT
24 [CC §1794, CC §1793.]

25 Plaintiff alleges:

26 1. Plaintiff [REDACTED] is an individual and is now, and at all times mentioned in this
27 complaint was, a resident of San Joaquin County, California.

28 2. Defendants, Ford Motor Company, ("Defendants corporation") is now, and at all times
mentioned in this complaint were, a corporation doing business under the laws of the State of
California.

3. At all times mentioned in this complaint, Defendants corporation was in the business of
manufacturing automobiles.

4. On May 7, 2001, plaintiff purchased a 2001 Ford F150 from a retail seller as defined in
Civil Code section 1791(f): Manteca Ford ("retail seller") located at Manteca, California. As
part of a written lease agreement entered into between plaintiff and the retail seller, plaintiff
financed the truck with Ford Motor Credit Company.

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5. The truck purchased by plaintiff was manufactured by Defendants corporation on an unknown date at its manufacturing plant. Defendants corporation made an express warranty which accompanied the truck and warranted that the truck would perform properly for a period of 36 months or 30,000.00 miles.

6. After plaintiff purchased the truck, plaintiff used the truck for a short period of time in accordance with the normal operation of the truck and did not mishandle or otherwise damage the truck. On or about July 2001, plaintiff discovered that the truck failed to perform properly, and since that time the truck have failed to conform to the terms of the express warranty in that the truck's transmission and engine malfunctioned and was repaired by the local dealer. In addition, the air conditioner and seats were repaired. In August 2002, the truck caught fire and was severely damaged.

7. Pursuant to Civil Code section 1793.2(b), plaintiff delivered the truck to the ⁷Criss-Defendants corporation's service and repair facility(Manteca Ford) within California. Defendant inspected said truck and was unable to determine the cause of the fire. Defendant has not been able to repair or unwilling and defendant's local dealer is unable to repair the truck.

8. Defendants corporation has committed a willful violation of the Song-Beverly Consumer Warranty Act and Tenner Consumer Protection Act and has breached the express warranty described in this complaint in that the defects in the truck were not remedied after a reasonable number of attempts to do so and the Defendants corporation refused to replace the truck or reimburse plaintiff as required under Civil Code section 1793.2(d)].

9. Plaintiff justifiably revoked acceptance of the truck by attempting to deliver the truck to Manteca Ford and contacting Defendant in which plaintiff demanded that Defendants

1 corporation either replace the truck or reimburse plaintiff in an amount equal to the purchase
2 price paid, less the amount directly attributable to use by plaintiff.

3 10. Plaintiff has incurred and will continue to incur damages and costs and expenses,
4 including attorney fees, as a result of Defendants's breach of express warranty and violation
5 of the Song-Beverly Consumer Warranty Act and Tanner Consumer Protection Act.

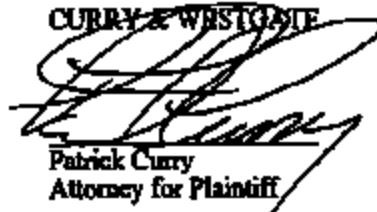
6 11. Plaintiff is entitled to a civil penalty against Defendants corporation of two times the
7 amount of actual damages for its willful violation of the Song-Beverly Consumer Warranty
8 Act and Tanner Consumer Protection Act.

9 WHEREFORE, Plaintiff demands judgment against Defendants corporation for the
10 following:
11

- 12 1. damages in the amount in amount to be proven at trial;
- 13 2. incidental and consequential damages, if appropriate;
- 14 3. A civil penalty of two times the amount of actual damages;
- 15 4. Costs and expenses of suit, including attorney fees according to proof; and
- 16 5. Any other and further relief the court considers proper.

17 Dated 1-2-03.

CURRY & WESTGATE



Patrick Curry
Attorney for Plaintiff

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SPCHNAMA

Add Action

08/30/02 15:52:57

VIN: 1PTRK17L01K [REDACTED] Year: 2001 Model: F-SERIES
 Name: [REDACTED]
 Trnt: [REDACTED] Case: 759762641
 Issue Type: 07 LEGAL Issue Status: C INVESTIGAT
 Comm Type: PH PRONE Odometer Reading: 30000
 Dealer: 01412 MANTECA FORD-MERCURY Odometer Type: MI
 Symptom Desc: BACKFIRES ACCELERATION ALL ENG Document Number: _____
 Reason Desc: LEGAL - ACCIDENT / FIRE Legal Issue Type: _____
 Origin Desc: CONSUMER AFFAIRS - LITIGATION CAN Court Code: _____
 Action Desc: FINAL CASE DISPOSITION CAN Award Code: _____
 Comments: LPA HAS RECEIVED FAXED INSPECTION REPORT. LPA HAS ADVISED
 CUSTOMER VIA VOICEMAIL ON HIS CELL PHONE THAT MATTER NEEDS
 TO GO THROUGH HIS INSURANCE COMPANY AND EXPLAINED SUBROGATIO
 N PROCESS.

F1=Help F2=ActionList F5=Add F6=DealerInfo
 F9=PrevComments F10=NextComments F11=Menu F12=Return F13=DealerList
 UPDATE SUCCESSFUL LPRELA3

SFCHADMA

Action Detail

08/20/02 16:05:30

==>
VIN: 1PTRX17L01K Year: 2001 Model: F-SERIES
Owner Status: SUBSEQUENT WSD: 05/07/02
Name: Hm Ph:
Trmt: Case: 759762641 Day Ph:
Symptom Desc: BACKFIRES ACCELERATION ALL ENGINE TEMP
Reason Desc: LEGAL - ACCIDENT / FIRE
Dealer: MANTECA FORD-MERCURY, INC.
Issue Type: 07 LEGAL Issue Status: O OPEN
Comm Type: PH PHONE Odometer Reading: 30000 MI
Analyst: RWILLIAM ROXANNA WILLIAMS Document Number:
Action Date: 08/19/02 Action Data: Y Action Time: 14:18:47 EST
Origin Desc: US CONCERN CASE BASE
Action Desc: ADVISE CUST INFORMATION WILL BE SENT TO CONSUMER AFFAIRS
Comments: CUSTOMER SAYS: -AUGUST 17 2002 -THE VEH IS AT MY HOUSE NO
W -THERE WAS A BACKFIRE IN THE ENGINE WHENI WAS ACCELLERA
TING AND THEN THE ENGINE CAUGHT FIRE WHILE I WAS DRIVING =
THE WHOLE ENGINE WAS BURNT UP AND IT MADE A LOUD BOOM NOISE,
THE ENGINE IN THE VEH IS NOT THE ORIGINIAL , IT WAS A REPLA
CEMENT BY FORD DLR -I HAD TO PUT THE FIRE OUT WITH A NEIGHB

F1=Help F2=AddAction F4=PrevAction F5=NextAction F6=ActionData
F9=PrevComments F10=NextComments F11=Menu F12=Return F13=ESP
MORE COMMENTS AVAILABLE

LPRELA3

SFCHADMA

Action Detail

08/20/02 18:05:33

==>
 VIN: 1FTRX17L01K [REDACTED] Year: 2001 Model: F-SERIES
 Owner Status: SUBSEQUENT WSD: 05/07/01
 Name: [REDACTED] Hm Ph: [REDACTED]
 Trmt: Case: 759762641 Day Ph: [REDACTED]
 Symptom Desc: BACKFIRES ACCELERATION ALL ENGINE TEMP
 Reason Desc: LEGAL - ACCIDENT / FIRE
 Dealer: MANTECA FORD-MERCURY, INC.
 Issue Type: 07 LEGAL Issue Status: O OPEN
 Comm Type: PH PHONE Odometer Reading: 30000 MI
 Analyst: RWILLIAM ROXANNA WILLIAMS Document Number:
 Action Date: 08/19/02 Action Data: Y Action Time: 14:18:47 EST
 Origin Desc: US CONCERN CASE BASE
 Action Desc: ADVISE CUST INFORMATION WILL BE SENT TO CONSUMER AFFAIRS
 Comments: CEMENT BY FORD DLR =I HAD TO PUT THE FIRE OUT WITH A NEIGHB
 OURS HOSE, AND SOMEONE CALLED THE FIRE AND POLICE =I FILED
 A FIRE REPORT AND IT WOULD BE COMPLETE IN A FEW DAYS =I WAS
 DRIVING ON MAINE STREET =I HAVE NOT CALLE DTHE INSURANCE
 =I DO NOT WANT TO FIX THE VEH, I WANT THE VEH BAUGHT BACK F
 ROM FORD PER CUSTOMER, DEALER SAYS: NONE CAC ADVISED:

F1=Help F2=AddAction F4=PrevAction F5=NextAction F6=ActionData
 F9=PrevComments F10=NextComments F11=Menu F12=Return F13=ESP
 MORE COMMENTS AVAILABLE

LPRELA3

SPCHADMA

Action Detail

08/20/02 18:05:34

==>
 VIN: 1FTRX17L01K [REDACTED] Year: 2001 Model: F-SERIES
 Owner Status: SUBSEQUENT WSD: 05/07/01
 Name: [REDACTED] Hm Ph: [REDACTED]
 Trmt: [REDACTED] Case: 759762641 Day Ph: [REDACTED]
 Symptom Desc: BACKFIRES ACCELERATION ALL ENGINE TEMP
 Reason Desc: LEGAL - ACCIDENT / FIRE
 Dealer: MANTECA FORD-MERCURY, INC.
 Issue Type: 07 LEGAL Issue Status: O OPEN
 Comm Type: PH PHONE Odometer Reading: 30000 MI
 Analyst: RWILLIAM ROXANNA WILLIAMS Document Number:
 Action Date: 08/19/02 Action Data: Y Action Time: 14:18:47 EST
 Origin Desc: US CONCERN CASE BASE
 Action Desc: ADVISE CUST INFORMATION WILL BE SENT TO CONSUMER AFFAIRS
 Comments: ROM FORD PER CUSTOMER, DEALER SAYS: NONE CAC ADVISED:
 - I WILL FORWARD THIS INFORMATION TO OUR CONSUMER AFFAIRS GR
 OUP. SOMEBODY FROM CONSUMER AFFAIRS WILL CONTACT YOU IN 2 B
 USINESS DAYS. PLEASE NOTIFY YOUR INSURANCE CARRIER AND REPO
 RT THIS INCIDENT. INFERENCE CASE ID: 5349

F1=Help F2=AddAction F4=PrevAction F5=NextAction F6=ActionData
 F9=PrevComments F10=NextComments F11=Menu F12=Return F13=ESP
 NO MORE COMMENTS AVAILABLE

LPRELA3

CURRY & WESTGATE

A Professional Corporation
Attorneys at Law

5637 N. Pershing Avenue
Suite A-1

Stockton, California 95207
E-Mail: patcurry@earthlink.net

Patrick Curry
Darla Westgate

[Redacted] fax

January 7, 2003

Erika Smith
Ford Motor Company
P.O. Box 6248
Dearborn, MI48126

VIA US MAIL and FAX 313-845-5669

RE: [Redacted]

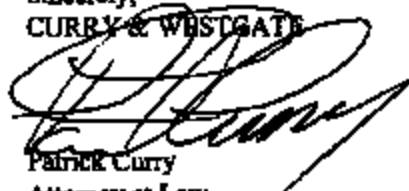
Dear Ms. Smith:

I am in receipt of your denial of my client's claim for damage to his new truck. Ford has a history of electrical fires. I tried one several years ago and prevailed.

I have filed a complaint in San Joaquin Superior Court. Your agent of process will be served soon.

I was hoping to work this problem out, but once again the consumer is ignored by the manufacturer. Please contact this office to resolve this matter without court supervision.

Sincerely,
CURRY & WESTGATE


Patrick Curry
Attorney at Law

2003 JAN 13 PM 2:01
MAIL ROOM

Action Detail

VIN: 1FTRX17L01K [REDACTED] Year: 2001 Model: F-SERIES Case: 759762641
Name: [REDACTED] Owner Status: Subsequent WSD: 2001-05-07
Symptom Desc: ENGINE GENERAL CONCERN MECH FAILURE Primary Phone: [REDACTED]
Reason Desc: LEGAL - OTHER ATTORNEY DEMAND Secondary Phone: [REDACTED]
Issue Type: 07 LEGAL Issue Status: CLOSED Dealer: MANTECA FORD-MERCDYR, INC.
Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION P & A Code: 01412
Action Desc: DENY ASSISTANCE - REFER TO INSURANCE CARRIER
Odometer: 25000 MI Comm Type: OTHER
Action Date: 01/06/2003 Action Time: 12:12:05:780 Action Data: No
Analyst Name: SMITH,ERIK (EL) Analyst: ESMITH88

COMMENTS: PER DECISION AND INSPECTION MADE IN 08/02, VEH HAD AFTERMARKET CONNECTORS FROM THE O2 SENSORS AND AN AFTERMARKET CHIP FOR THE POWER TRAIN CONTROL MODULE. PER THE INSPECTION REPORT, THE VEH COULD NOT PASS CA SMOG INSPECTION AND IS NOT LEGAL TO BE OPERATED THIS WAY. WILL SEND RESPONSE REFERRING CUST TO INS CARRIER.

PE04-070 C 2625



959762641

CURRY & WESTGATE

A Professional Corporation
Attorneys at Law

Patrick Curry
Darla Westgate

5637 N. Pershing Avenue
Suite A-1
Stockton, California 95207
E-Mail: patecurry@earthlink.net

(209)473-0394
(209)473-4108 fax

November 11, 2002 2 NOV 18 12 03

Ford Motor Company
Customer Assistance Center
P.O. Box 6248
Dearborn, MI 48121

RE: Lemon Law
My Client: Jorge Toscano
Date of purchase: 5-7-01
Mileage: 29000

LET RX 17 L 21 K [REDACTED]

Dear Ford:

This letter is to inform you that this firm represents [REDACTED] regarding a 2001 Ford F150 pickup he purchase from Manteca Ford in Manteca, California on 5-7-2001. Please note the following:


Within a few weeks, the engine and transmission was replaced by the dealer. The air conditioner has experienced problems and the seats were replaced. In August 2002, the truck caught on fire was severely damaged. The dealer is at a loss. Ford sent an engineer to inspect the truck, but was unable to determine the reason for the fire. My client has telephoned Ford warranty and they refer back to the dealer and later denied the claim before the Dispute Settlement Board.

My client has attempted to resolve the problem with the local dealer, but they inform him that they do not honor the Lemon Law and would not replace his truck.

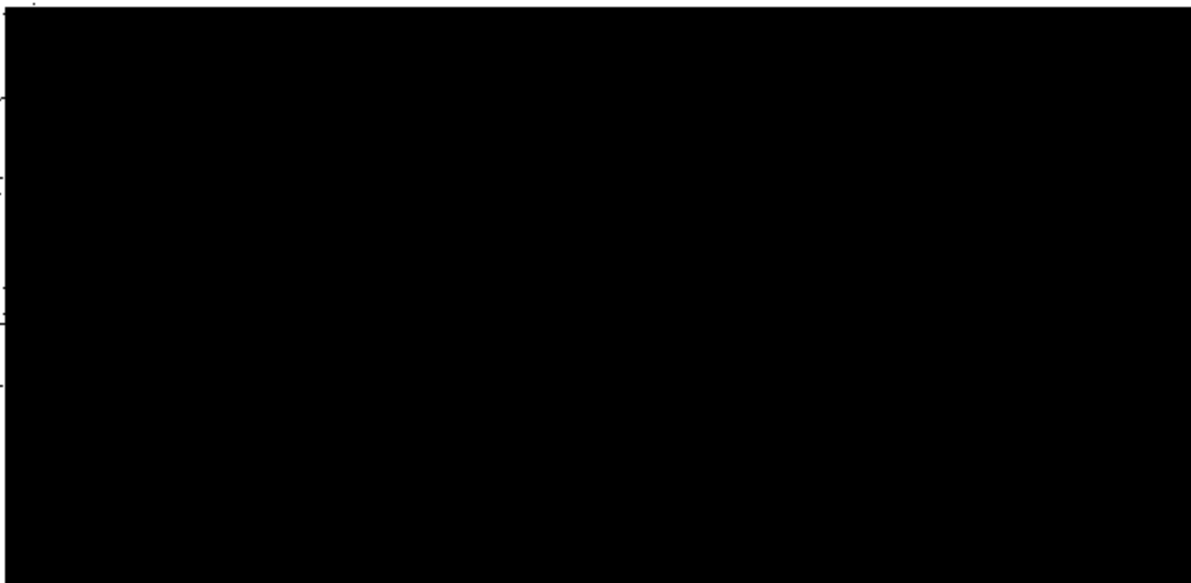
My client hereby demands satisfaction under the Song-Beverly Consumer Warranty (Lemon Law) Civil Code § 1793.2 which states in part that the manufacturer shall either replace or reimburse the buyer under the expressed warranty. The warranty is for three years or 36000 miles.

Please contact this office to set up the transaction requested above. Failure to do so by December 6, 2002 will result in legal action.

Sincerely,
CURRY & WESTGATE


Patrick Curry
Attorney at Law

2 4 9 11 11 - 72



SECRET

LAW OFFICES
FRANCIS R. GARTNER & ASSOCIATES
BY: DANIEL M. BROWN, ESQUIRE
ATTORNEY ID. NO. 59838
UNION MEETING, III, SUITE 215
980-B HARVEST DRIVE
BLUE BELL, PA 19422
(215) 619-4348

Attorney for Plaintiff

[REDACTED]
Hartford, C

COURT OF COMMON PLEAS
BUCKS COUNTY

v.

Ford Motor Co.
Three Parkland Boulevard
Dearborn, MI 48126
And
McCafferty Ford Sales, Inc.
1939 E. Lincoln Highway
Langhorne, PA 19047

NO.

CIVIL ACTION COMPLAINT

The plaintiff, by and through its counsel, hereby complains of the defendant and avers as follows:

1. Plaintiff, [REDACTED], is a corporation qualified to do business in the Commonwealth of Pennsylvania and which maintains its address at [REDACTED] Connecticut [REDACTED]

2. Timby, Haft, Kopil, Fanning & Sac is a law firm that conducts business at 330 South State Road, Newtown, Pennsylvania 18940.

3. Defendant, Ford Motor Co., is a corporation qualified to do business in the Commonwealth of Pennsylvania and which maintains its address at Three Parkland Boulevard, Dearborn, Michigan 48126.

4. Defendant, McCafferty Ford Sales, Inc., is a corporation qualified to do business in the Commonwealth of Pennsylvania and which maintains its address at 1939 E. Lincoln Highway, Langhorne, PA 19047.

5. At all times relevant hereto, Timby, Haft, Kopil, Fanning & Sac (hereinafter referred to as "Timby Haft") owned a 1999 Ford Expedition which was insured by Travelers Property Casualty Company of America.

6. Defendant, Ford Motor Co., designed, tested, manufactured, supplied and/or otherwise placed into the stream of commerce the 1999 Ford Expedition owned by plaintiff, Timby Haft.

7. Defendant, McCafferty Ford Sales, Inc., sold, repaired, inspected, serviced and maintained the 1999 Ford Expedition owned by Timby Haft.

8. On April 16, 2002, Larry Haft had parked the subject vehicle at the Trevoze train station, Boundbrook Avenue, Trevoze, Pennsylvania 19053 to board a train.

9. The 1999 Ford Expedition, while parked at the Trevoze train station, ignited on fire, causing damage to the subject vehicle.

10. The fire originated in the engine of subject vehicle.

11. As a result of the aforementioned fire, the vehicle of plaintiff Timby, Haft sustained substantial damage.

12. At all times relevant hereto [REDACTED] Company of America provided insurance coverage to the vehicle of Timby Haft.

13. Due to the damages sustained, Timby Haft submitted a claim to its insurer, and the plaintiff, pursuant to the terms of the applicable insurance policy, paid \$24,418.97. The plaintiff is subrogated to the rights of its insured.

**COUNT I
BREACH OF EXPRESS WARRANTY
PLAINTIFF V. DEFENDANTS**

14. Plaintiff hereby incorporates by reference paragraphs 1 through 13 as if same were fully set forth at length.

15. When the subject Ford 1999 Expedition was purchased, the defendants provided an express warranty pertaining to this vehicle.

16. At the time that Timby Haft purchased the subject Ford 1999 Expedition, the engine and/or its components were defective.

17. The defendants have breached the terms of the express warranty by refusing to honor and/or abide by the terms.

18. The defendants have breached the warranty provisions covering the Ford 1999 Expedition.

19. As a result of the fire and resulting damages, Timby Haft submitted a claim to its insurer, and the plaintiff, pursuant to the terms of the applicable insurance policy, paid \$24,418.97.

20. The defendants are liable to the plaintiff for the damages, losses and/or expenses the plaintiff has suffered.

WHEREFORE, the plaintiff respectfully requests this Honorable Court to enter judgment in its favor and against the defendants in the amount of \$24,418.97, plus interest, costs and attorney's fees.

**COUNT II
BREACH OF IMPLIED WARRANTIES
PLAINTIFF V. DEFENDANTS**

21. The plaintiff hereby incorporates by reference its allegations in paragraphs 1 through 20 as if same were fully set forth at length herein.

22. When Timby Haft purchased the subject 1999 Ford Expedition, the defendants provided an implied warranty of merchantability and/or fitness for a particular purpose.

23. The defendants breached its implied warranty of merchantability and/or fitness for a particular purpose as the subject 1999 Ford Expedition caught fire on April 16, 2002 causing the damages previously described.

24. As a direct and proximate result of the breach of the implied warranty of merchantability or fitness for a particular purpose, the subject vehicle was damaged. Due to the damage sustained, Timby Haft submitted a claim to its insurer, and the plaintiff, pursuant to the terms of the applicable insurance policy, paid \$24,418.97.

25. As a direct and proximate result of their breach of implied warranty of merchantability or fitness for a particular purpose, the defendants are liable to the plaintiff for the damages incurred as a result of said fire.

WHEREFORE, the plaintiff respectfully requests this Honorable Court to enter judgment in its favor and against the defendants in the amount of \$24,418.97, plus interest, costs and attorney's fees.

**COUNT III
BREACH OF WARRANTY
PLAINTIFF V. MCCAFFERTY FORD SALES, INC.**

26. The plaintiff hereby incorporates by reference its allegations in paragraphs 1 through 25 as if same were fully set forth at length herein.

27. Prior to the subject fire, Timby Haft had entered into a service contract with defendant, McCafferty Ford Sales, Inc., for any and all repairs, inspections, service and/or maintenance that needed to be performed on the subject vehicle.

28. Defendant, McCafferty Ford Sales, Inc., was the only entity which had performed mechanical services on the subject vehicle from the time that Timby Haft had obtained said vehicle.

29. Defendant, McCafferty Ford Sales, Inc., by and through its agents, servants, workmen and/or employees, warranted that its services would be performed in a professional and competent manner.

30. The defendant, McCafferty Ford Sales, by and through its agents, servants, workmen and/or employees, have breached the warranties it provided.

31. The breach by the defendant, McCafferty Ford Sales, by and through its agents, servants, workmen and/or employees, caused in whole or in part the damages to the subject vehicle of Timby Haft, which damages

approximate \$24,418.97, and which damages were paid by [REDACTED]

32. Due to its breach, the defendant, McCafferty Ford Sales, is liable to the plaintiffs for the damages, losses and/or expenses incurred as a result of said fire.

WHEREFORE, the plaintiff respectfully requests this Honorable Court to enter judgment in its favor and against the defendant in the amount of \$24,418.97, plus interest, costs and attorney's fees.

FRANCIS R. GARTNER & ASSOCIATES

By 

Daniel M. Brown
Attorney for Plaintiff

VERIFICATION

I, [REDACTED] hereby state that the facts set forth in the foregoing complaint are true and correct to the best of my knowledge, information and belief.

I understand that any false statements herein made are subject to the penalties of 18 Pa.C.S.A. section 4904 relating to unsworn falsification to authorities.

[REDACTED]

SULLIVAN & SULLIVAN

*A Professional Corporation
Attorneys at Law*

LUXEMBOURG CORPORATE CENTER
485 EXECUTIVE DRIVE
LANCASHIRE, PA 19047

FRANCIS J. SULLIVAN
DIRECT DIAL: 215-579-9247
E-MAIL: fjs@suallvsnlegal.com

TEL: 215-579-7708
FAX: 215-579-9248

File No: 8931-005

June 5, 2002

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

RE: Claimant: [REDACTED]
D/E: 04-16-2002

Dear Mr. Norton:

Please be advised this firm represents McCafferty Ford Sales, Inc., an authorized dealer of Ford Motor Company. On April 24, 2002, I sent a notice to your office of a claim being asserted by one, [REDACTED] Esq., in connection with a fire loss which was occasioned to [REDACTED] 1999 Ford Expedition. The purpose of my letter was to advise you that my client had been placed on notice of [REDACTED] claim.

Please be advised that McCafferty Ford Sales, Inc. is not making a claim but rather is notifying you solely of [REDACTED] claim. Accordingly, your letter to me of May 7, 2002 should really be addressed to [REDACTED]. For your record [REDACTED] is an attorney in Bucks County, Pennsylvania. His office address is "The Barclay Building, 330 South State Street, P. O. Box 99, Newtown, PA 18940". His telephone number is 215-968-6886. You may want to redirect your letter to [REDACTED] and request from him all the information you are seeking.

Should you have any questions concerning any of the above, please do not hesitate to contact me. Your courtesy and cooperation in this matter is appreciated.

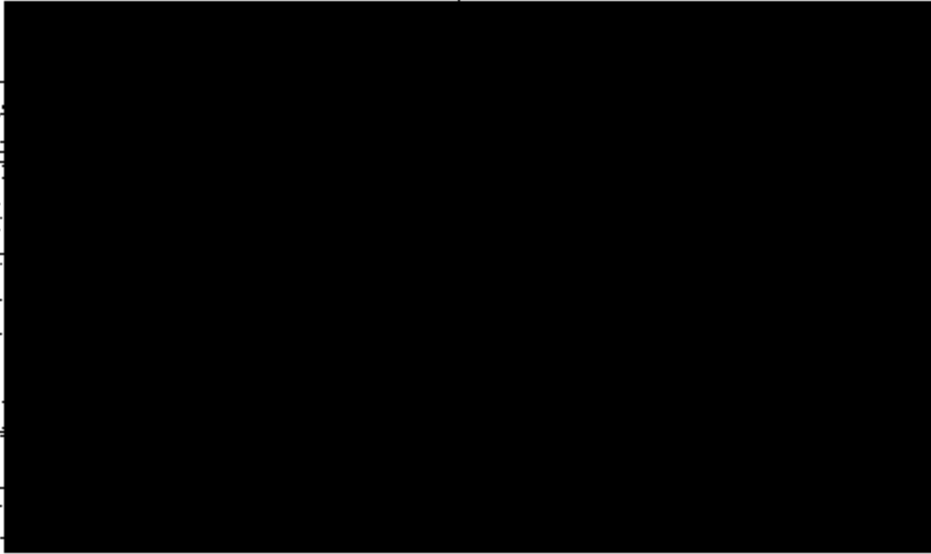
Very truly yours,


Francis J. Sullivan

FJS:cmog
cc: Todd Buch
Mike McMenamin

C:\Working\8931\8931005.Lep

PE84-878 C 3639



Cause No. 03-10178-G12-11

COPY

[REDACTED]
Plaintiffs,

vs.

FORD MOTOR COMPANY,
Defendant.

§
§
§
§
§
§

IN THE DISTRICT COURT

MADISON COUNTY, TEXAS

1274
61 JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, STATE FARM MUTUAL AUTO AS SUBROGEE OF [REDACTED]

[REDACTED] hereinafter referred to as "Plaintiff," and complains of FORD MOTOR COMPANY, a Delaware Corporation, hereinafter referred to as "Defendant," and for cause of action would respectfully show the Court as follows:

I. DISCOVERY

Discovery in this suit is intended to be conducted under Level One of the Texas Rules of Civil Procedure unless otherwise ordered by the Court.

II. PARTIES AND VENUE

1. Plaintiff is an insurance company doing business in the State of Texas.
2. Defendant, FORD MOTOR COMPANY, is a Delaware Corporation doing business in the State of Texas that may be duly served with citation by serving its registered agent, *CT Corporation Systems*, 350 N. St. Paul Street, Dallas, Dallas County, Texas 75201.
3. The "Vehicle" referenced in this lawsuit refers to a 1999 Ford Pick up, bearing Vehicle Identification number 1FTRX08L3XK [REDACTED]
4. [REDACTED] are individuals residing at [REDACTED] Red Oak, Ellis County, Texas.

5. Venue of this suit is proper in Madison County, Texas, pursuant to Section 15.002 of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to the claims made herein occurred in Madison County.
6. The Court has jurisdiction over Defendant because Defendant is qualified to do business in the State of Texas, and, at the time this cause of action accrued, was conducting business in this state. The Court has jurisdiction over the controversy because the damages sued for are within the jurisdictional limits of this Court.

III. NOT TO BE DISSEMINATED TO THE JURY

This is a subrogation matter. Plaintiff would show that State Farm Mutual Auto Insurance Company, an insurance company doing business in the State of Texas, has paid the named Plaintiffs for a portion of the damages which they incurred and which resulted from the events described herein. Therefore, State Farm is entitled to seek recovery for such damages against Defendant as a real party in interest. The named Plaintiffs have subrogated their rights to State Farm Mutual Auto Insurance Company to the extent of such benefits paid in this matter.

V. FACTUAL BACKGROUND

On or about September 25, 2001, [REDACTED] vehicle was severely damaged by fire.

Specifically, on the date in question [REDACTED] was returning home from his son's football game in Houston. [REDACTED] noticed smoke emitting from the vehicle, so he pulled to the shoulder of the highway and opened the hood of the vehicle. [REDACTED] noticed fire in the engine compartment toward the back of the engine. The vehicle was shortly thereafter consumed by flames.

VI. CAUSE OF ACTION

Breach of Express and Implied Warranties

Plaintiff incorporates by reference the foregoing paragraphs as though fully set forth herein.

Defendant FORD, by and through the sale of the Vehicle, held out to the general public, and to [REDACTED] specifically, that its Vehicle would conform with the qualities of same or similar vehicles and was fit for the ordinary purposes for which it was intended.

[REDACTED] made use of the Vehicle in its ordinary manner, in reliance on the express and implied warranties made by Ford. As set forth above, the Vehicle burst into flames unexpectedly and without warning, destroying itself, and was therefore not fit for its ordinary purpose.

Defendant's breach of warranties caused the fire within the Vehicle and caused the damages sustained by Plaintiff.

VII. DAMAGES

As a result of Defendant FORD's breach of express and implied warranties, [REDACTED] sustained damage to their vehicle in the amount of \$23,236.80. Plaintiff hereby asserts its claim for reimbursement of the damages sustained by it against Defendant FORD.

VIII. REQUEST FOR DISCLOSURE

Under the authority of Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose, within fifty (50) days of the service of this petition and request, the information or material described in Rule 194.2

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, [REDACTED]

[REDACTED] requests that Defendant FORD

MOTOR COMPANY be cited to appear and answer herein; and that on final hearing, Plaintiff recover:

1. A judgment against Defendant for actual damages in the amounts stated herein;
2. A judgment against Defendant for pre- and post-judgment interest as allowed by law;
3. A judgment against Defendant for attorney's fees;
4. A judgment against Defendant for court costs incurred by Plaintiff; and

5. A judgment for such other and further relief, both general and specific, at law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

CARPENTER LAW FIRM, P.C.

By: 

N. Scott Carpenter

State Bar No. 00790428

Jay E. Stoenke

State Bar No. 24003019

Lakeside Commons

5045 Lorimar, Suite 280

Plano, Texas 75093

(972) 403-1133

Fax (972) 403-0311

ATTORNEYS FOR PLAINTIFF



COPY

Cause No. 03-10178 = 012-10

[Redacted]

Plaintiffs,

vs.

FORD MOTOR COMPANY,
Defendant.

§
§
§
§
§
§

IN THE DISTRICT COURT

MADISON COUNTY, TEXAS

12th JUDICIAL DISTRICT

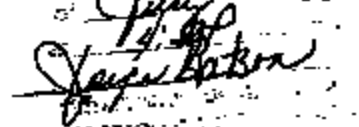
ORDER AUTHORIZING SERVICE UNDER RULE 103

On the 21st July day of March, 2003, the court found, for good cause shown, Ford Motor Company, may be served with any process issued in this cause by Lloyd Johnson, who is over the age of eighteen (18) years and not a party to or interested in the outcome of this cause.

21st July
SIGNED this ___ day of March, 2003.



JUDGE PRESIDING

21st July 03

LLOYD JOHNSON

CARPENTER LAW FIRM, P.C.

Attorneys and Counselors at Law

N. SCOTT CARPENTER*

ncarpenter@subrogatelaw.com

JAMES F. ACOSTA

jacosta@subrogatelaw.com

J. DAVID JOYCE

djoyce@subrogatelaw.com

*Qualified Mediator

Lakeside Commons
5045 Lorimar, Suite 280
Plano, Texas 75093
(972) 403-1133
Fax (972) 403-0311

LEGAL ASSISTANTS:

SHIRLEY M. WEAVER

srmweaver@subrogatelaw.com

ANNEMARIE DUTKO

andutko@subrogatelaw.com

May 30, 2002

VIA REGULAR MAIL

Ms. Shawn Norton, Claims Analyst
Ford Motor Company
3 Parklane Boulevard
Parklane Towers West
Suite 300
Dearborn, Michigan 48126-2568

Re: My Client: [REDACTED]
Vehicle: 1999 Ford Pick-up (the "Vehicle")
VIN#: 1FTRX08L3X [REDACTED]
Date of Loss: September 25, 2001
Auto Claim #: [REDACTED]

Dear Ms. Norton:

I am writing in response to your May 15, 2002, request for additional information. Specifically, State Farm responds to each request as follows:

1. The date of incident and the city and state in which it occurred.
 - The fire at issue occurred on September 25, 2001, northbound on I-45 near Madisonville, Texas.
2. A complete description of the incident, including events which occurred prior to and subsequent to the loss.
 - [REDACTED] was returning from Houston, Texas, where he had been watching his son play football, when he noticed smoke emitting from the vehicle. He then pulled to the shoulder of the highway and opened the hood of the vehicle. At that time, [REDACTED] noticed fire in the engine compartment toward the back of the engine.
3. A copy of the police and/or fire report.
 - State Farm does not possess any responsive documents.
6. The mileage on the vehicle at the time of the incident.

PEBA-078 C 2642

approx. 15,000(M)
- NO EXP
- NO Color Photos

- The vehicle's exact mileage is not known as the vehicle was completely destroyed by fire. However, upon information and belief, the mileage was approximately 15,000 at the time of the fire.
- 7. Experts original color photographs of the vehicle's collision/fire damage & the alleged defective part(s), from several different angles.
 - ~~State Farm will not produce its expert report at this time. Once Ford has inspected the vehicle, State Farm will gladly exchange expert analysis.~~
- 10. What is the alleged defect?
 - State Farm contends that there was a defect in the lower portion of the vehicle's motor at the rear of the engine compartment.
- 11. Documentation to substantiate your defect allegation, including a copy of your expert's report and the expert's original color photographs.
 - ~~State Farm will not produce its expert report at this time. Once Ford has inspected the vehicle, State Farm will gladly exchange expert analysis.~~
- 12. Has the alleged defective part been repaired or replaced?
 - No.
- 13. The present location of the alleged defective part and the vehicle.
 - The vehicle is currently being stored at Bayou City Auction Pool, Inc., 16602 E. Hardy Rd., Houston, Texas 77032.
- 15. A complete service history for the subject vehicle, including any tune-ups or oil changes.
 - Upon information and belief, all service documents were in the vehicle at the time of the fire.
- 16. List any after market additions or modifications that were made to the vehicle.
 - State Farm is not aware of any after market additions or modifications.
- 21. Was the engine running?
 - Yes.
- 22. Were the keys in the ignition?
 - Yes.
- 25. If this vehicle was purchased as used by the insured please provide: the date of purchase, mileage at the time of purchase, and from whom the vehicle was purchased.
 - The vehicle was purchased new from IrvTex Automotive Sales, Irving, Texas, on August 12, 1999. When the vehicle was purchased, it had twenty-four (24) miles on the odometer.

Please review the foregoing additional information and advise of your position in this matter.

Until such time as I hear from you, I remain,

Ford letter
May 30, 2002
Page 3

Very truly yours,



J. David Joyce

JDM/mdl
c:\state farm auto\250.132\corr\ford2.tr

cc: Tosya Bedell-State Farm Auto (Via Facsimile)

CARPENTER LAW FIRM, P.C.

Attorneys and Counselors at Law

N. SCOTT CARPENTER*
ncarpenter@subrogatelaw.com
JAMES P. ACOSTA
jacosta@subrogatelaw.com
J. DAVID JOYCE
djoyce@subrogatelaw.com

*Qualified Mediator

Lakeside Commons
5045 Lorimar, Suite 280
Plano, Texas 75093
(972) 403-1133
Fax (972) 403-0311

LEGAL ASSISTANTS:

SHIRLEY M. WEAVER
smweaver@subrogatelaw.com
ANNEMARIE DUTKO
andutko@subrogatelaw.com

May 10, 2002

VIA CM-RRE NO. 7800 1670 6091 0516 5696

Ms. Shawn Norton, Claims Analyst
Ford Motor Company
3 Parklane Boulevard
Parklane Towers West
Suite 300
Dearborn, Michigan 48126-2568

Re: My Client: [REDACTED]
Vehicle: 1999 Ford Pick-up (the "Vehicle")
VIN#: 1FTRX08L3XK [REDACTED]
Date of Loss: September 25, 2001
Auto Claim [REDACTED]

Dear Ms. Norton:

Please be advised that the undersigned attorney has been retained by [REDACTED] ("State Farm Auto") to pursue collection of all damages incurred by State Farm in connection with the fire that damaged the 1999 Ford Pick-up owned by [REDACTED]

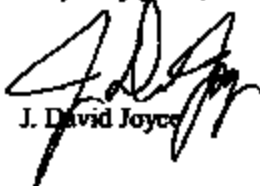
According to our information, the fire originated at the bottom portion of the motor, near the rear of the engine compartment. The fire spread upward and outward, extending into the passenger compartment.

State Farm's subrogation claim amounts to \$23,236.80.

If you desire to settle this claim without resort to litigation, please contact me within twenty (20) days of your receipt of this letter. Failing such, I have been authorized to file suit.

Ford demand letter
May 10, 2002
Page 2

Very truly yours,



J. David Joyce

JDJ/kmd
c:\state farm auto\250.132\cor'demand1.hr

cc: Tonya Bedell-State Farm Auto (Via Facsimile)
Corey and Kelley Wallace (Via regular mail)