

PE04-078

FORD

1/28/2005

ATTACHMENT F

BOOK 9 OF 12

PART 3 OF 6

State Farm Insurance Companies



P. O. Box 799013
Dallas, TX 75379-9013

February 1, 2002

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

RE: Claim Number: [REDACTED]
Date of Loss: September 25, 2001
Our Insured: [REDACTED]
Make/Model/Year: 1999 Ford P/u
VIN: 1FTRX08L3XX [REDACTED]



Dear Ford:

This vehicle was insured by State Farm and involved in a comprehensive loss. The claim settled for \$23,236.80, which includes our insured's deductible.

Our investigation establishes the cause of loss was due to engine compartment fire.

Enclosed is our documentation. We will retain the evidence until we conclude this matter with your company. You may contact me to arrange for inspection of the vehicle.

Please consider this notice as our demand for reimbursement.

Sincerely,

Tonya Bedell
Tonya Bedell
Claim Specialist
Subrogation Unit/Team 40
(972) 732-4842

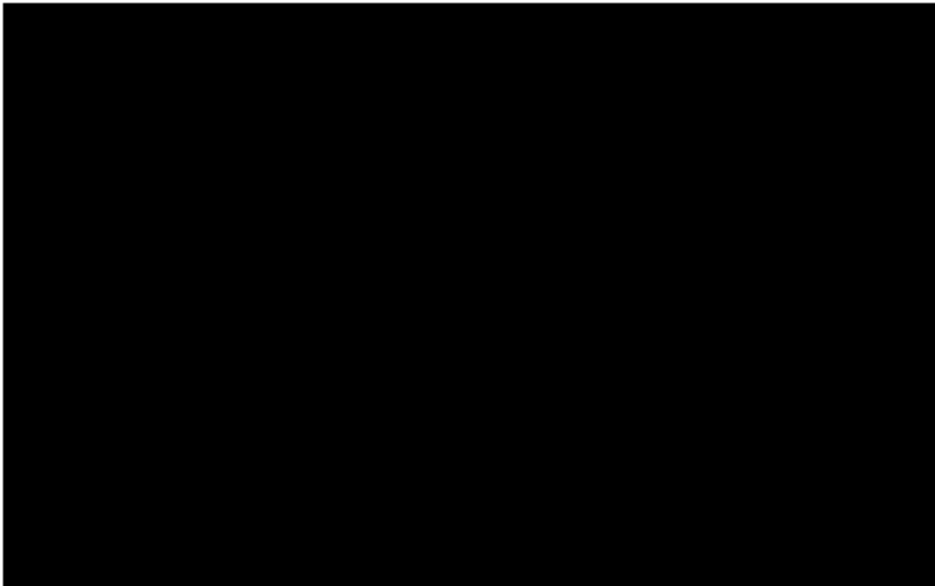
State Farm Mutual Automobile Insurance Company

Your acceptance of our request for your services and your performance of those services are expressly conditioned on and subject to your agreement that: (1) you will not use customer information we provide for any purpose other than the specific services we are asking you to perform, and (2) you will disclose

- F12F
- 9/25/01
- '99 F-
- VIN
- 23,237-

Page 2
February 1, 2002

or share customer information we provide only to the extent
necessary to accomplish the services that we request.



491077 Andrew

BEGINNING OF CONTACT
12/19/2003

MASTER OWNER RELATIONS SYSTEM III

04.46.20

REGION: 52 SOUTHWEST	INQUIRY ISSUE	CASE NBR: 1400133523
VIN: 1FTRX17W2Y	ZONE: B2	OPENED: 12/18/2003
	ENGINE: W	VEH TYPE: T
		CLOSED: 12/18/2003

LAST NAME:		STATUS: CLOSED
TITLE:	FIRST NAME:	MI:
ADDRESS:		
CITY: HOUSTON	STATE: TX	ZIP:
HOME PHONE:		
MODEL YEAR: 2000	MODEL: F150 SUPERCAR 4X2 STYLESIDE	
MILEAGE: 1		
DEALER NAME: MAC HAIR FORD	SALES CODE: F52031	P & A: 04511
REASON CODE: 0703 LEGAL - ALLEGED SERIOUS INJURY		
SYMPTOMS: 704145 FIRE/SMOKE VISIBLE FLAME UNDERHOOD		

ORIGIN: CACI38 - US CONCERN CASE BASE COMMUNICATION: PHONE

ACTION: 705 - CONTACT ADVANCED TO OGC

DOCUMENT: ANALYST: GRUTTLELL HOTLER GAVIN

ACTION DATA/COMMENTS:

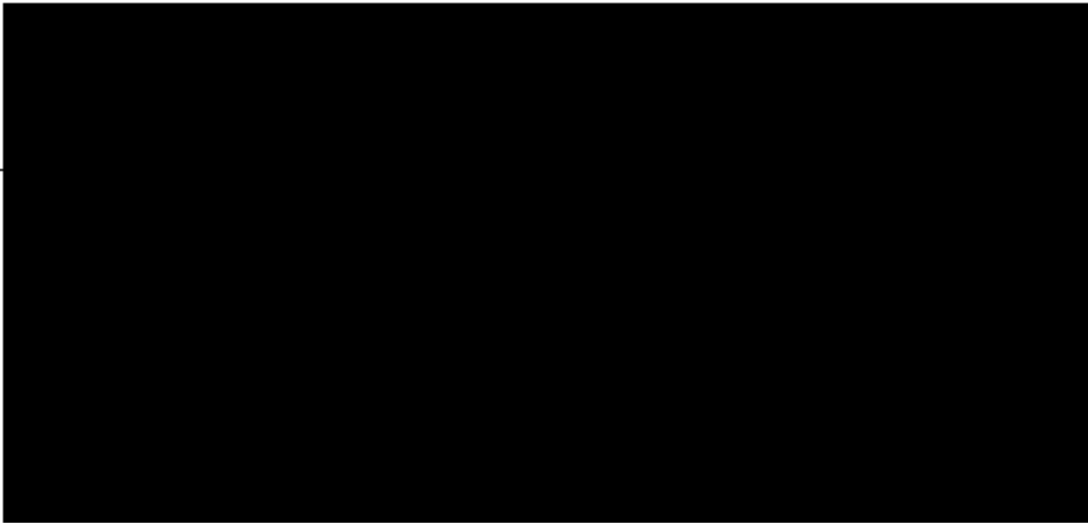
2003/12/18

11.06.51 CUSTOMER SAID: - CUSTOMER SAYS THAT THERE WAS A FIRE IN THE VEHICLE LAST WEDNESDAY DECEMBER 10TH. - THE VEHICLE WAS SITTING IN FRONT OF THE CUSTOMER'S APARTMENT BUILDING AT THE TIME. - CUSTOMER TRIED TO PUT THE FIRE OUT BUT COULD NOT DO SO. - FIRE DEPT. CAME OUT. - CUSTOMER WAS INJURED DURING THE FIRE. HE SAYS IT WAS DUE TO AN EXPLOSION UNDER THE HOOD. HE SAYS THAT HE WAS INJURED ON THE ARM. - CUSTOMER SAYS THAT FIRE DEPT. SAYS IT WAS A DEFECT WITH THE VEHICLE. - CUSTOMER SAYS IT STARTED IN THE ENGINE COMPARTMENT. - PRIOR TO FIRE, HORN WAS BLOWING AND WIPERS WERE GOING. - INSURANCE COMPANY HAS TOWED VEHICLE TO STORAGE LOT. VEHICLE IS NOT REPAIRABLE. - CUSTOMER DOES NOT KNOW THE STATUS OF THE CLAIM WITH THE INSURANCE COMPANY. HE HAS NOT BEEN ABLE TO GET HOLD OF THEM. - CUSTOMER WANTS THE TRUCK REPLACED. DEALER SAID: MAC HAIR CRC ADVISED: - I WILL FORWARD THIS INFORMATION TO OUR FORD LEGAL DEPARTMENT. SOMEBODY WILL CONTACT YOU IN 7- 10 BUSINESS DAYS.

DEC 23 2003

CONSUMER AFFAIRS

12/19/2003 MMFAKPRG



RECEIVED

SEP 15 2003



Certified - Return Receipt Requested and
Regular Mail

September 5, 2003

Ford Motor Company
Office of General Counsel
Parkland Towers West, Suite 300
Three Parkland Boulevard
Dearborn, MI 48126-2568



RE: Our Insured: [REDACTED]
Policy Number: [REDACTED]
Date of Loss: 07/21/2003

Dear Sir or Madame,

This letter is to advise you that our above Insured suffered a fire loss to their 2001 Ford Expedition. Our Insured advised Nationwide he was travelling down a roadway when the vehicle caught on fire in the engine compartment. Our initial investigation has indicated the fire originated in the engine compartment. Our Insured has further advised the vehicle was purchased new and is still under warranty by Ford Motor Company. This letter will serve to place you on notice that Nationwide may pursue a subrogation claim against Ford Motor Company should the cause be determined to be the responsibility of Ford Motor Company.

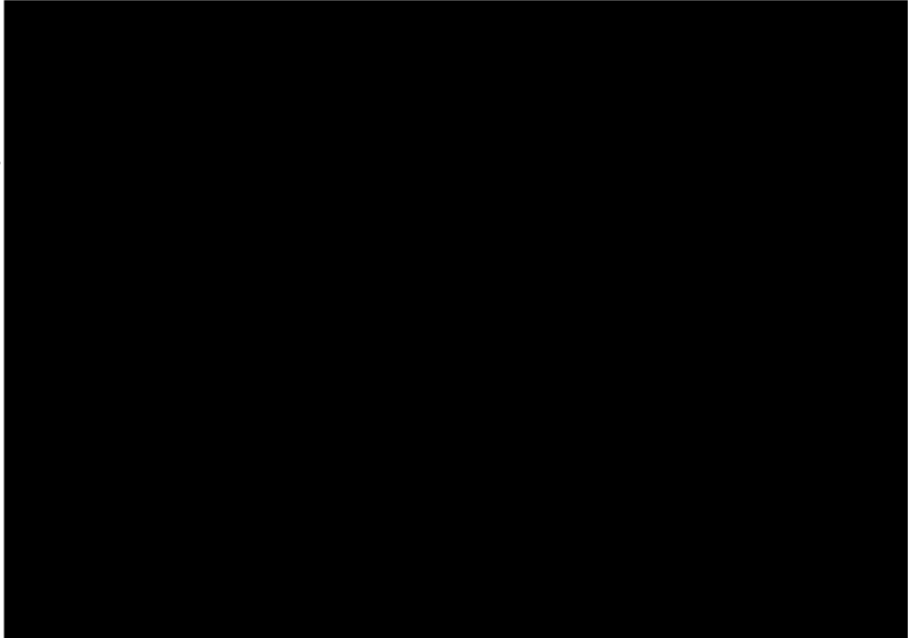
This letter will confirm Nationwide's intent to conduct a full Cause and Origin investigation on the subject vehicle. While we do not intend to cause any damage to the vehicle during our investigation, there is potential for damage. I would like to extend the opportunity for Ford Motor Company to have a representative present to participate in the examination.

A date and time for the examination have not been set. The vehicle is currently located at a secure salvage facility called Verastar which is located in Winder, GA. Please have your representative contact me and we will set a date and time mutually convenient for all parties to be present for the examination.

If you have any questions, please call me at 478-987-8153.

Sincerely,

Michael Smith
Special Investigator
Nationwide Insurance Company



RECEIVED NOV - 3 2004

P



110 Elwood Davis Road * No. Syracuse, NY 13212-4310 **

October 27, 2004

Ford Motor Co Office of General Counsel
Shawn Norton
Parklane Towers West - Suite 300
Three Parklane Blvd
Dearborn, MI 48126

495105

OUR INSURED : [REDACTED]
OUR CLAIM NUMBER : [REDACTED]
DATE OF LOSS :

Dear Ms. Norton:

Please be advised that Nationwide is the insurance carrier for the above-named insured, who sustained fire damage to his automobile on the above date of loss. Our preliminary investigation reveals that this fire may have resulted from a defect in the automobile, and that you were placed on notice of a potential claim against you, as well as providing you with the opportunity to inspect the vehicle. To date there has been no contact to schedule any inspection by your office.

This letter is to inform you that on Wednesday, December 1, 2004 at 10:00 AM we will conduct an inspection, photograph and testing of the 2000 Expedition involved in this matter. This inspection will take place at SEA, Ltd., 7349 Worthington-Galena Rd., Columbus, OH 43085. Should you, or someone on behalf of Ford, like to be present and take part in this inspection please contact the undersigned and/or Mr. Richard Marzola of SEA, Ltd. and advise same. If we have had no contact from you prior to, our inspection will commence as scheduled.

Thank you for your prompt attention to this matter.

NATIONWIDE MUTUAL INSURANCE COMPANY
Kathleen Styer
Claims Department
(315)453-3587

cc:
FTI SEA CONSULTING USE 521261113

No EXP
No Color Photos
NO VERH

ZIEGLER, METZGER & MILLER LLP

ATTORNEYS AT LAW

THE HUNTINGTON BUILDING

925 E. 14TH AVENUE, SUITE 2020

CLEVELAND, OHIO 44115-1441

(216) 781-8470

FAX (216) 781-0714

May 25, 2004

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

RECEIVED JUN - 1 2004

Re: **Nationwide Insured:** [REDACTED]
Nationwide Claim No: [REDACTED]
Date of Loss: December 30, 2003

Dear Ms. Norton:

This office represents Nationwide Insurance with the above-referenced claim. I have enclosed responses to your April 13, 2004 request for additional information. Further, I have enclosed copies of recorded interviews, affidavit of vehicle fire, fire incident report, black & white photographs, and Nationwide's claim checks. You will note that a cause and origin report was not yet prepared. Please advise within ten days if you would like to schedule a joint vehicle inspection; otherwise, I will have Nationwide's expert inspect the vehicle without a Ford representative present.

Please call me if you have any questions.

Very truly yours,

Glen H. Garrett

GHG/smy

Enclosures

cc: Sarah Wells (without Nationwide enclosures)

Handwritten notes:
- ELD - yes
- NO PHOTOS
- NO VEH
- NO CAPT
- KANONKA, WV
- 85,000 (circled)
- WSD 2/16/00
- UCC - AXIS
- BOW - AXIS

PER4-078 C 3655



PRIVILEGED & CONFIDENTIAL

Office of the General Counsel

Ford Motor Company
Parsons Towers West
Suite 300
Three Parklane Boulevard
Dearborn, Michigan 48128-2558

April 13, 2004

Nationwide Insurance
4200 Hoover Rd., Suite B
OH 20 GROV
Grove City, OH 43123
ATTENTION: KIM ARNETT

RECEIVED MAY 10 2004

RE: Claimant: [REDACTED]
Your Claim #: [REDACTED]
DOL: 12-30-2003

Dear Ms. Arnett:

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

- 1. Attach your insured's statement with a complete description of the incident, including events that occurred prior to and subsequent to the loss.
- 2. A copy of the police and/or fire report.
- 3. Original color photographs of the vehicle's collision/fire damage & the alleged defective parts, from several different angles.
- 4. Original color photographs of the inside of the vehicle showing the steering wheel, dash and roof areas.
- 5. Original color photographs of the accident / fire scene from several different angles.
- 6. Attach a copy of your expert's report and the expert's original photographs.
- 7. Attach the repair estimate, repair order, or your total loss worksheet for the vehicle's damage and any losses associated with this incident, and copies of draft payments.
- 8. Attach the complete service history for the subject vehicle, including any tune-ups or oil changes.

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

- 9. What was the city and state of occurrence: Kenova, West Virginia
- 10. The 17 digit vehicle identification number:
1FMPU16L4Y [REDACTED]
- 11. What was the mileage at time of occurrence: approximately 88,000 miles
- 12. What is the alleged defect: _____

13. Has the alleged defective part been repaired or replaced? (circle one) ~~Yes~~ or No
14. What is the current location of the vehicle? ADS, Inc., 123 Fourwheel Drive, Ashland, KY 41102-9422
15. List all after market additions or modifications that were made to the vehicle:

16. Was the engine running? (circle one) Yes or ~~Yes~~
17. Were the keys in the ignition? (circle one) Yes or ~~Yes~~
18. Was this vehicle purchased new or used: Used.

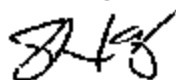
If purchased used, provide the date of purchase, mileage at the time of purchase, and from whom the vehicle was purchased: November 2002, 81,000 miles, Big Blue Auto.

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

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

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

Sincerely,



Shawn L. Norton
Claims Analyst /
Litigation Assistant

Fire Det. Rpt.

FROM :KUPD

FRN NO. 74534153

Jan. 22 2004 11:27AM P1

WEST VIRGINIA FIRE INCIDENT REPORT

FD Name: Kevin VEO
Address: 1101 Pine St

COPY

LINE	INCIDENT NO.	EXP	MM	DD	YY	HR	MIN	SEC	ALARM TIME	ARRIVAL TIME	TIME OF SERVICE
501	020031		12	30	03	3	15	18	15:21	15:57	
Type of Structure (circle one) <input checked="" type="radio"/> Single Family <input type="radio"/> Multi-Family <input type="radio"/> Commercial <input type="radio"/> Industrial <input type="radio"/> Other (Specify: _____)											
11. Structure Use <input checked="" type="radio"/> Residential <input type="radio"/> Commercial <input type="radio"/> Industrial <input type="radio"/> Other (Specify: _____)											
Type of Vehicle (circle one) <input checked="" type="radio"/> Passenger <input type="radio"/> Commercial <input type="radio"/> Heavy <input type="radio"/> Other (Specify: _____)											
12. Vehicle Use <input checked="" type="radio"/> Personal <input type="radio"/> Business <input type="radio"/> Rental <input type="radio"/> Other (Specify: _____)											
13. Location of Fire (circle one) <input checked="" type="radio"/> Interior <input type="radio"/> Exterior <input type="radio"/> Other (Specify: _____)											
14. Fire Origin (circle one) <input checked="" type="radio"/> Living Room <input type="radio"/> Kitchen <input type="radio"/> Bedroom <input type="radio"/> Bathroom <input type="radio"/> Hallway <input type="radio"/> Stairway <input type="radio"/> Garage <input type="radio"/> Other (Specify: _____)											
15. Cause of Fire (circle one) <input checked="" type="radio"/> Electrical <input type="radio"/> Heating Equipment <input type="radio"/> Gas <input type="radio"/> Candles <input type="radio"/> Smoking <input type="radio"/> Open Flame <input type="radio"/> Other (Specify: _____)											
16. Extinction Method (circle one) <input checked="" type="radio"/> Fire Department <input type="radio"/> Fire Extinguisher <input type="radio"/> Fire Alarm <input type="radio"/> Other (Specify: _____)											
17. Name of Fire Department											
18. Address of Fire (circle one) <input checked="" type="radio"/> Residential <input type="radio"/> Commercial <input type="radio"/> Industrial <input type="radio"/> Other (Specify: _____)											
19. Name of Fire Department											
20. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
21. Type of Alarm (circle one) <input checked="" type="radio"/> Fire Alarm <input type="radio"/> Smoke Alarm <input type="radio"/> Other (Specify: _____)											
22. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
23. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
24. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
25. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
26. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
27. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
28. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
29. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
30. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
31. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
32. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
33. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
34. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
35. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
36. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
37. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
38. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
39. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
40. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
41. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
42. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
43. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
44. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
45. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
46. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
47. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
48. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
49. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											
50. Fire Report (circle one) <input checked="" type="radio"/> Fire <input type="radio"/> Smoke <input type="radio"/> Alarm <input type="radio"/> Other (Specify: _____)											

16
4
19
07
05

owner of vehicle was present at time of fire. no info on vehicle make or model for fire report.

PERA-RTS C 3658

COPY

AUTO FIRE RECORDED INTERVIEW GUIDELINE

Auto Theft Recorded Interview Guideline

Policyholder: [REDACTED]
Nationwide Insurance

Date of interview: 12/31/03 11:22am

This is Kim Arnett for Nationwide Insurance recording a conversation between myself and () from my office in Gahanna OH on () at () concerning and auto theft, which occurred on ().

(), do you understand this interview is being recorded? YES
Do I have your permission to record this interview? YES

Name: [REDACTED]
Address: SAME
How long have lived there? 7 YRS
Do you Rent/Own/Live w/parents? OWN
Date of Birth: [REDACTED]
SS#: [REDACTED]
Marital Status: [REDACTED]
Your Employer (name/address): STILL OF WV
How long have you worked there?: 3-4 YRS
Job Title: [REDACTED]
Salary: 17.33/HR
Do you have any other income: VA BENEFITS
Does anyone else live in your household? YES, WIFE AND 2 CHILDREN - AGES 10 AND 4
Does anyone else have permission to use your vehicle? NOT ON A REGULAR BASIS

VEHICLE INFORMATION

YEAR/MAKE/MODEL: 00 FORD EXPEDITION
Exterior Color: BLUE
Mileage: NOT SURE, THINK DUE FOR OIL CHG AROUND 85 OR 86,000
Prior damage to body: NO
Prior damage to interior: NO

Body style: 2DR XX4DR Hatchback Convertible Wagon Van Utility
Pickups: 1/2 ton 3/4 ton 1 ton short bed long bed extended cab
Engine: Cylinders: 4 6 8 12 Size: Turbo Diesel
Transmission: XAutomatic 4 speed 5 speed 6 speed XX4WD Overdrive

Power Opts Radio Convenience Wheels Truck/Van/SUV

W.D. - Thomas Redman

Brakes	X AM	X AC	X Aluminum	X Running Boards
Steering	X FM	X Rear Defogger	Styled Steel WH	X Trailering Package
X Windows	X Stereo	X Tilt Wheel	Mag Wheels	Toneau Cover
X Locks	X Cassette	X Cruise Control	Wire Wheels	Rear Sliding Window
X Driver Seat	X CD/Stack - 10 DISC CHGER	Leather Int.	Wire WH Cover	Truck cap
X Pass Seat	Equalizer	Sunroof (m or c)	Alloy Wheels	Bed Liner
Antenna	Amp	X Alarm	Rally Wheels	X Luggage Rack
X Mirrors		X Keyless Remote	Deluxe WH Covers	Permanent Toolbox
Trunk		X Tinted Windows FACTORY		X Rear wiper
		Rear Spoiler		Paint

ANY OTHER OPTIONS: NO

When was vehicle purchased? NOV LAST YR - USED

BOUGHT OFF MY FRIEND THAT OWNS CAR LOT AND IT WAS HIS WIFES - BELIEVES SHE WAS ORIGINAL OWNER

How much did you pay? 18 OR 19000

Where was vehicle purchased? BIG BLUE AUTO

Was it NEW OR USED? USED

Who is vehicle titled to? MINE AND WIFE

Is the vehicle financed? YES

Lienholder name and address: HERITAGE BANK

Phone: 606-920-7300

Account #: [REDACTED]

Monthly payment: [REDACTED]

Is your account current? YES

Have you ever missed any payments? NO

HAVE YOU TRIED TO SELL/TRADE RECENTLY? NOT WITHIN LAST 4-5 MO'S, WE LOOKED AT SOME OF THE 2003'S, BECAUSE A FRIEND GOT A REAL GOOD DEAL AND WE WERE SEEING IF WE COULD GET SAME DEAL

How many sets of keys are there? JUST ONE

Are all keys accounted for? WITH THE VEHICLE

FIRE INFORMATION

Date and time of Fire: HAVENT SEEN REPORT YET, AROUND 330PM
YESTERDAY

Location of Fire: [REDACTED] KENOVA EXIT

What fire dept responded? KENOVA

Where is the vehicle at now? DUCKYS' TOWING

What are the damages to the vehicle? NO HOOD AND ENTIRE FRONT MELTED,
SEATS STILL SMOLDERING, EITHER SMOKE OR STEAM, WINDOWS BLOWN
OUT

Was vehicle unoccupied or being operated at the time of the fire? [REDACTED] FRIEND OF
FAMILY - DOES WORK ON FAMILY VEHICLES AS A FAVOR TO FATHER IN
LAW, UNK LAST NAME

WAS TAKEN TO HIM, ABOUT A WEEK AGO, NOT SURE IF HE'S DONE ANY
WORK ON IT, HE HAD THE FLU WHEN WE TOOK IT THERE
LIVES ON 4TH AVE IN HUNTINGTON

UNK PHONE - DON'T THINK HE HAS A PHONE

WILL HAVE TO GET AHOLD OF FATHERINLAW TO GET AHOLD OF TOM

Who was operator/last person to drive vehicle? [REDACTED] UNK LAST NAME

How long being driven/parked immediately before the fire occurred? NOT SURE
HAVENT TALKED TO HIM (TOM)

I CAME HOME LAST NIGHT AROUND 630 OR 7PM AND SEVERAL MSGS
FROM FATHERINLAW THAT SOMETHING WAS WRONG WITH MY CAR
FATHERINLAW? [REDACTED]

Was anyone else present? DON'T THINK SO (PH WAS NOT PRESENT)

Was anyone injured?

Did you notice smoke or flames first?

What color was smoke?

Where was smoke/flames coming from?

Have you had any trouble with the vehicle in the past 24 hrs? CUTTING OUT WHEN
HE REACHED 60-65 MPH

Have you had any recent work done on the vehicle? NOT THAT HE IS AWARE OF
BRAKES PUT ON IT

WHEN HE WOULD GET UP TO ABOUT 60-65 MPH, IT WAS MISSING, CUTTING
BACK, THAT'S WHY IT WAS TAKEN TO TOM

SHOP HE WORKS AT? NO

Where do you normally have vehicle serviced? I'VE NEVER HAD A LOT OF
TROUBLE BEFORE, BRAKES AT THE FORD PLACE

OIL CHGS? FORD

MAINT RECORD? NO

When did you last have vehicle serviced? UNK

Oil change? UNK

Were there known mechanical or electrical defects with the vehicle? NO, OTHER
THAN CUTTING OUT

RECALL NOTICES? NO

Were there any other problems with the vehicle? NO

Have you had any problems with anyone or anyone making threats against you? NO
If yes, nature of threat?

Do you or your spouse smoke? NO
TOM SMOKES? NOT SURE
Do you keep any flammable materials or liquids in the vehicle? NO
Do you have any other insurance? NO
Have you had any other insurance claims? NO
Did you have any personal property in the vehicle? NOT SURE, PROBABLY CDS,
TAPES
Do you know how the fire started? NO
TALKED WITH FIRE DEPT? NO
WILL GET A COPY OF THE REPORT
LEAVING TOWN UNTIL SAT.
Do you believe the fire to be accidental? YES

COPY

AFFIDAVIT OF VEHICLE FIRE
(All Questions Must Be Answered)

Claim Number: [redacted] Name of Insured: [redacted]
Address: [redacted] Huntington, WV
Home Phone: [redacted] (000) Occupation: *mechanic*
Name/Address of Employer: [redacted] Huntington, WV
Driver's License #: [redacted] Social Security #: [redacted] Marital Status: *Married*

Date Of Fire: *12-30-03* Time: *3:30* AM: PM: Location: *I 64 E*
Was the vehicle occupied immediately prior to the fire? Yes No Was the vehicle locked? Yes No
Were the windows rolled up tightly? Yes No
What was the temperature outside when the fire occurred? *40°* What color was the smoke? *White*
In what area of the car did the fire start? *Engine compartment*

If Occupied
Did you smell or see the fire first? *Yes* Which side of the vehicle did you exit from? *Driver*
Did you leave the door open? Yes No Did you remove the key from the ignition? Yes No
Did you raise the hood? Yes No Was the gas cap removed? Yes No
How long did you remain at the scene? *1 hour* How did you get home? *Walter Dr. W*

Name/Address of Witness(es): *ADME Kavan*
Was the fire reported to the police? Yes No Date: _____ Time: _____ AM PM By Whom? _____
Name/Address of Fire Dept.: *Kerova Fire Dept*
Did they make a report? Yes No Telephone Number: *301-253-1601*
If repairable, do you wish to have the vehicle repaired? Yes No

VEHICLE EQUIPMENT (Check if vehicle had any of the following.)
[] Power Windows [] Tilt Wheel [] 4 Wheel Drive [] Automatic Trans [] 6 Cylinder
[] Power Steering [] Leather Seats [] AM [] 3 Speed [] 8 Cylinder
[] Power Brakes [] Vinyl Seats [] AM/FM [] 4 Speed [] Other
[] Power Locks [] Velour Seats [] AM/FM Stereo [] 5 Speed []
[] Power Seats [] Mag Wheels [] AM/FM Stereo Tape [] Customized (self) []
[] Cruise Control [] T-top/Sun roof [] Customized (self) [] Customized factory []
[] Air Conditioning [] Vinyl Roof [] Custom factory [] 4 Cylinder []

VEHICLE CONDITION (Fair F, Good G, Excellent E) Paint: *E* Transmission: *E* OTHER DISTINGUISHING FEATURES (Dents, decals, trailer hitch, interior)
Engine: *E* Body: *E* Other: *Chilly interior, trailer hitch*
Name/Address of Service Station Garage: *Two Cities Ford, Deale work*
Who performs routine maintenance service? *Self only* Date last serviced: ?
Who performs State MV Inspection? *Two Cities Ford* Date last inspected: ?

Date car purchased: *10/02* New: Used: Purchase Price: \$ *18,900* (including new tax, title)
Trade-In Car: *Damage* Allowance \$ *Amount 19,200*
Seller Dealer/Individual (include address):
How did you learn car was for sale? *Friend*
Mileage at time of purchase: *3400* Mileage at time of loss (fire): *around 88,000*
How was car paid for? Cash: Check: If financed, name and address of Finance Company:

Account #: *430709090* Balance Due: \$ *15,493.38* Loan Terms: *McBays Bank PO Box 7247 Highland NY 1145* Months at \$ *463.43*


Initials of Insured: [redacted] Date: *1-15-04*
Initials of Notary: *[Signature]* Date: *1/15/04*

Date of last loan payment made: 1-4-04 Is account past due? Yes [] No []
How long? Are keys in your possession? Yes [] No []

Do you have any other auto insurance? Yes [] No [] If yes, Policy #:

Name of Insurance Company: Nationwide

I swear that the information contained in the above statement is complete, true and correct under the penalty of perjury.

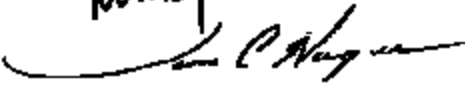
Date: 1-15-04 Signature of Insured: 

State of West Virginia)

) SS

County of Cabell)

Subscribed and sworn to in my presence this 15 day of January, 20 04.

Notary

COMMISSION EXPIRES AUGUST 13, 2013



COPY



FED-878 C 3655



PEBA-078 C 3887



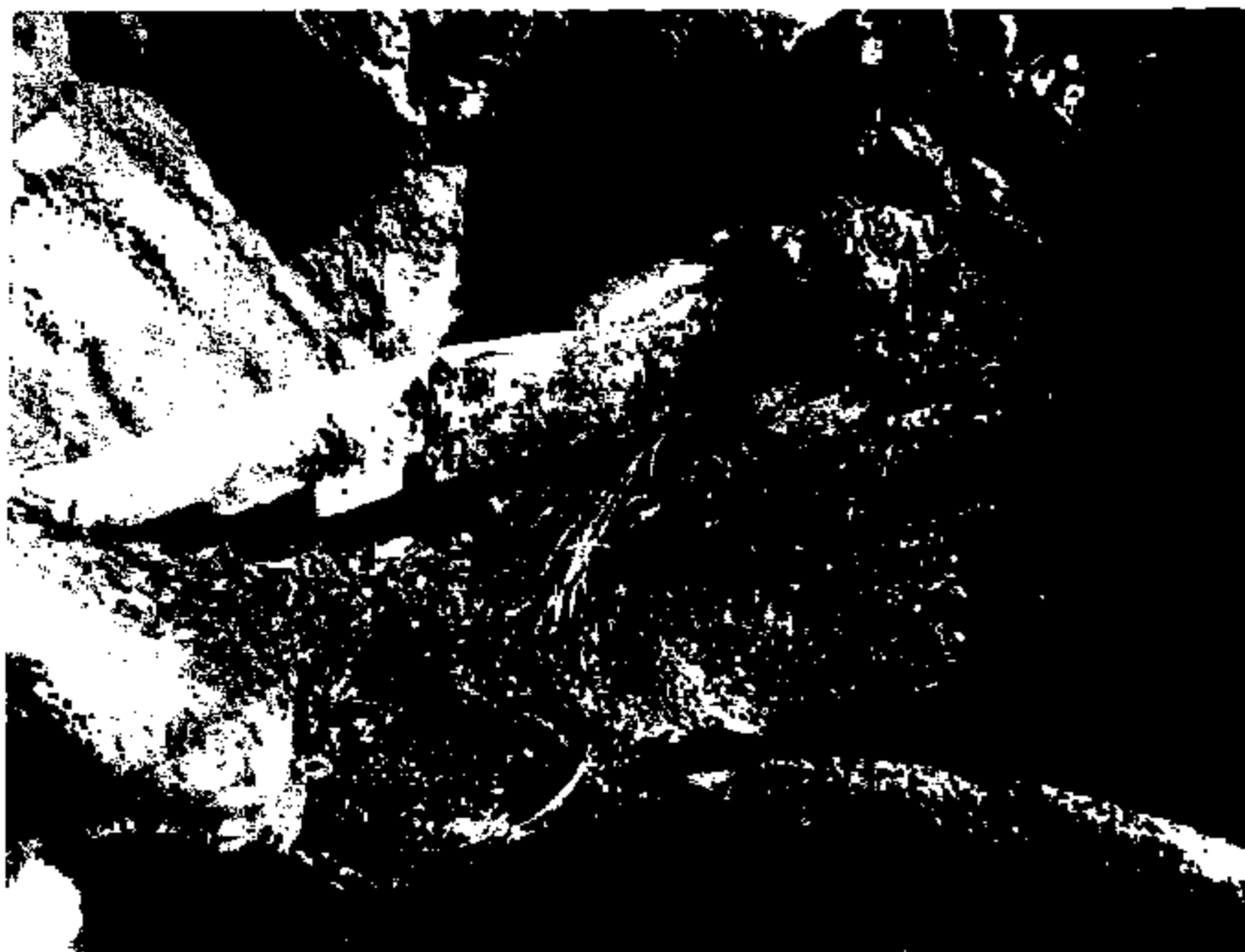
PE04-076 C 3668



PE84-678 C 3588



PE04-078 C 3878



PE04-078 C 3871

RECEIVED APR 2 2004



4280 Hoover Road, Suite B * OH 20 GROV * Grove City, OH 43123

March 30, 2004

FORD MOTOR CREDIT ATTN: SHAWN NORTON
PARKLANE TOWERS WEST
PARKLANE BLVD SUITE 300
DEARBORN, MI 48126-2568

445105

OUR INSURED : [REDACTED]
OUR CLAIM NUMBER : [REDACTED]
DATE OF ACCIDENT : 12-30-2003
AMOUNT : \$19095.00
PENDING COVERAGES : undetermined

Our insured's property was damaged by fire on the above date. Our investigation indicates that your company may be responsible for these damages.

Nationwide has paid for these damages, which gives us the right to recover the full amount of the loss from the responsible party.

The vehicle involved in the loss is a 2000 Ford Expedition, VIN #1FMPU16L4Y1[REDACTED]. The vehicle is currently being held at our salvage yard. We would like to give you the opportunity to inspect these damages and will hold the salvage for 10 days to allow you to do so.

Please contact our Special Investigator, Bob Sullivan, at 304-562-1684 for more details and to schedule and appointment to meet and inspect the vehicle.

If you have automobile, homeowner, or any other insurance that will cover this claim, please give us the name of your insurance company and we will make our claim to them. We consider the amount listed above to be payment in full, but will promptly notify you if we incur any additional expenses.

Please complete the bottom portion of this letter and return it within (10) days. If you have automobile insurance we will make our claim directly to them. If you do not have any insurance, please check the appropriate box below. If full payment is not enclosed you will be contacted.

Thank you for your immediate attention in this matter.

NATIONWIDE MUTUAL INSURANCE COMPANY
Kim Arnett
Claims Department
1-(800)303-0939 Ext. 6963

Please provide us with the information below and return this letter.

Name of insurance company _____ Phone No _____
Address _____ Agent Name _____
Policyholder's Name _____ Policy Number _____

- I am not insured, my full payment is enclosed.
- I am not insured. My social security number is _____ Phone No _____

Signed: _____ Date: _____



RECEIVED REC - 3 2004

504588



November 26, 2004

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

Handwritten circle

RECEIVED

DEC 02 2004

RE: Claim Number: [Redacted]
Date of Loss: October 24, 2004
Our Insured: [Redacted]
Loss Location: McKinney, TX [Redacted]

Dear Sirs:

The Hartford is currently investigating a claim for damages at our insured's home. This investigation indicates the cause is due to a vehicle fire. The nature of the fire:

Handwritten circle around the following text:
The insured's truck was parked in the garage. It ignited under the hood causing fire damage to the garage and smoke damage throughout the home.

The Hartford is placing your company on notice of this vehicle defect and we are asserting our legal right to seek reimbursement from your company.

If you have any questions, you may contact me at the telephone number listed below.

Sincerely,

Jamie Ochoa
Claim Representative
972-238-5633
P.O. Box 830126
Richardson, TX 75083-0126

Handwritten notes:
- 10/24/04
- McKinney TX
- 100 F-150

The Hartford

San Antonio Personal Lines
Claims Service Center
P.O. Box 17511
San Antonio, TX 78267
Toll Free 800 236 0398

PEBA-878 C 3675

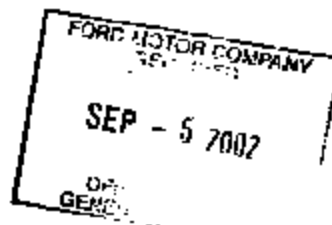
VINCENT N. MELCHIORRE
ATTORNEY AT LAW

1518 WALNUT STREET
SUITE 806
PHILADELPHIA, PA 19102

(215) 985-1414
FAX: (215) 985-9477

September 3, 2002

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



ATTN: Andrew Chabot
Claims Analyst

RE: Our Client: [REDACTED]
Your Product: 2000 Ford F-Series
Date of Accident: 7/30/02

Dear Mr. Chabot:

This office represents [REDACTED] in connection with injuries he suffered on the above referenced date, as a result of a fire in the engine compartment of Ford F 150 truck owned by [REDACTED], which occurred on the above referenced date. It is our understanding that you are handling this file. Should this information be incorrect, please advise of the adjuster who is now assigned to this claim.

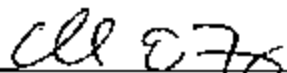
We are currently gathering information concerning [REDACTED] injuries. When the same are received we will forward a copy to you.

Should you have any questions, please do not hesitate to contact us.

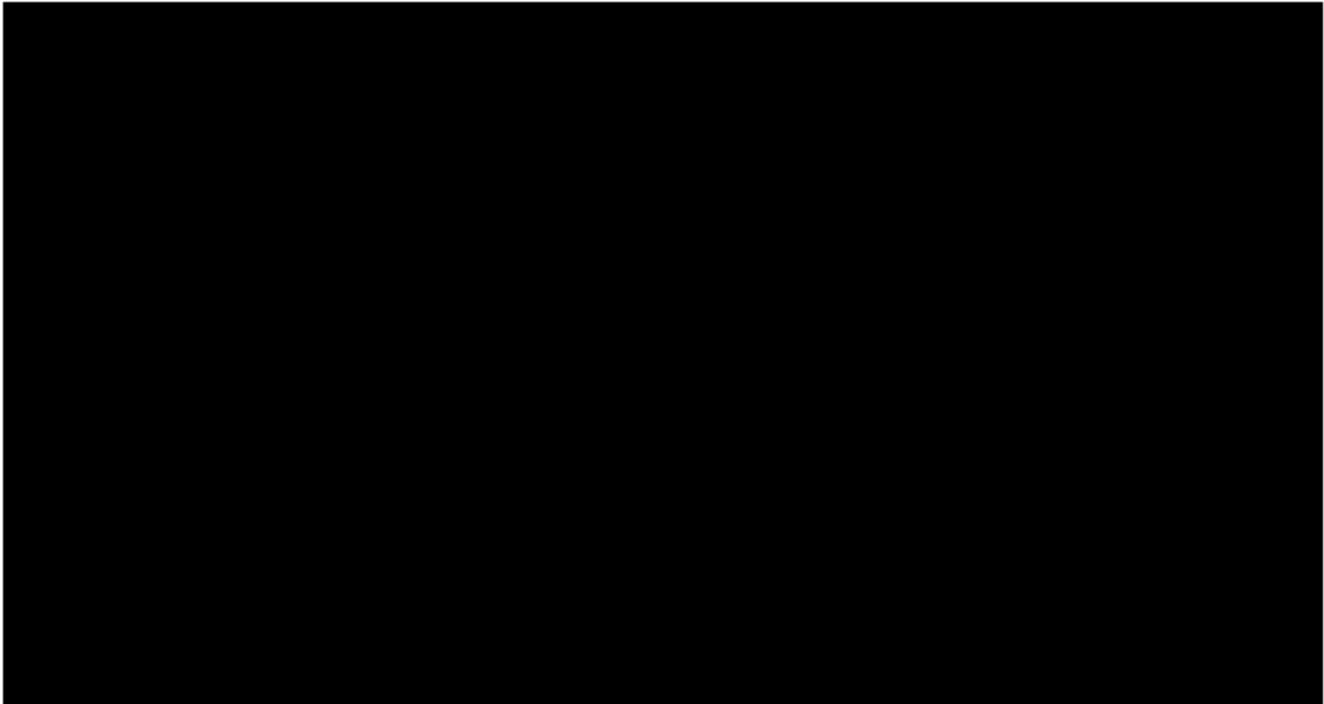
Very truly yours,

LAW OFFICE OF VINCENT N. MELCHIORRE

By:


Charles A. DiFazio

PE04-078 C 3576



BUTRUS KHOSHBIN WILSON VOGT, LLP

PARK CREEK PLACE
3625 NORTH HALL STREET, SUITE 740
DALLAS, TEXAS 75219

TELEPHONE (214) 219-1176 • FACSIMILE (214) 219-1171

SHAIN KHOSHBIN
DIRECT DIAL (214) 219-1161
DIRECT E-MAIL: skhoshbin@btwlaw.com

CHARLOTTE OFFICE
11520 N. Community House Road
Charlotte, NC 28277

October 17, 2002

VIA FACSIMILE (313) 845-9229
AND CMRRR 7001 0320 0004 4285 1528

Ford Motor Company
ATTENTION: Office of the General Counsel
Parklane Towers West
Suite 300
Three Parklane Boulevard
Dearborn, Michigan 48126-2568



RE: Fire at the residence of [REDACTED]

Dear Sir or Madam:

Butrus Khoshbin Wilson Vogt, LLP is investigating the fire which occurred at [REDACTED] Jonesboro, Arkansas ("the premises"), on or about October 1, 2002. The fire originated in [REDACTED] 2000 Ford F-150 truck (VIN 1FTRX18L7Y[REDACTED]) Ford Motor Company ("Ford" or "you") manufactured and designed the truck, which caught fire in the garage. This caused damage to the home and to [REDACTED] personal belongings.

If you have liability insurance, please notify your insurance agent or broker of this matter immediately. If you do not have liability insurance, or if any insurance carrier is operating under a reservation of rights, please notify the undersigned in writing of that fact immediately. Moreover, if you know of anyone else that we should put on notice, please let us know immediately.

Please be advised that on Friday, November 1, 2002, beginning at 10:00 a.m., you and/or your representatives or investigators are invited to inspect the loss, photograph same, take physical measurements and make recommendations as to the preservation of evidence. On or soon after November 1, 2002, the building and/or any portions or contents thereof, which are not preserved, may be demolished and/or discarded. If you do not plan to attend the inspection on November 1, 2002, please advise me in writing before 2:00 p.m. CST on October 24, 2002.

Thank you for your immediate attention to this matter.

Sincerely,

BUTRUS KHOSHBIN WILSON VOGT, LLP



S. A. KHOSHBIN

SAK/ee

NATIONWIDE INSURANCE

October 4, 2002

Ford Motor Company
Attn: General Counsel
Park Lane Towers West, Suite 300
3 Park Lane Blvd
Dearborn, MI 48126-2568

OCT 8 2002

RE: Nationwide Insurance Claim [REDACTED]

To Whom It May Concern:

On 10/01/02, [REDACTED] Jonesboro AR [REDACTED] parked his 2000 Ford F150, VIN 1FTRX18L7YN [REDACTED] in the garage at his residence. About one hour later he smelled something burning, looked in his garage and saw flames coming from the front wheel well and hood of the vehicle. The vehicle appears to be a total loss and there is approximately \$60,000 additional damage to [REDACTED] property.

Preliminary observations indicate that the vehicle engine compartment is the origin of the fire. Therefore, a Cause and Origin Investigation has been scheduled for 10:00 AM, 10/15/02, at the above cited residence.

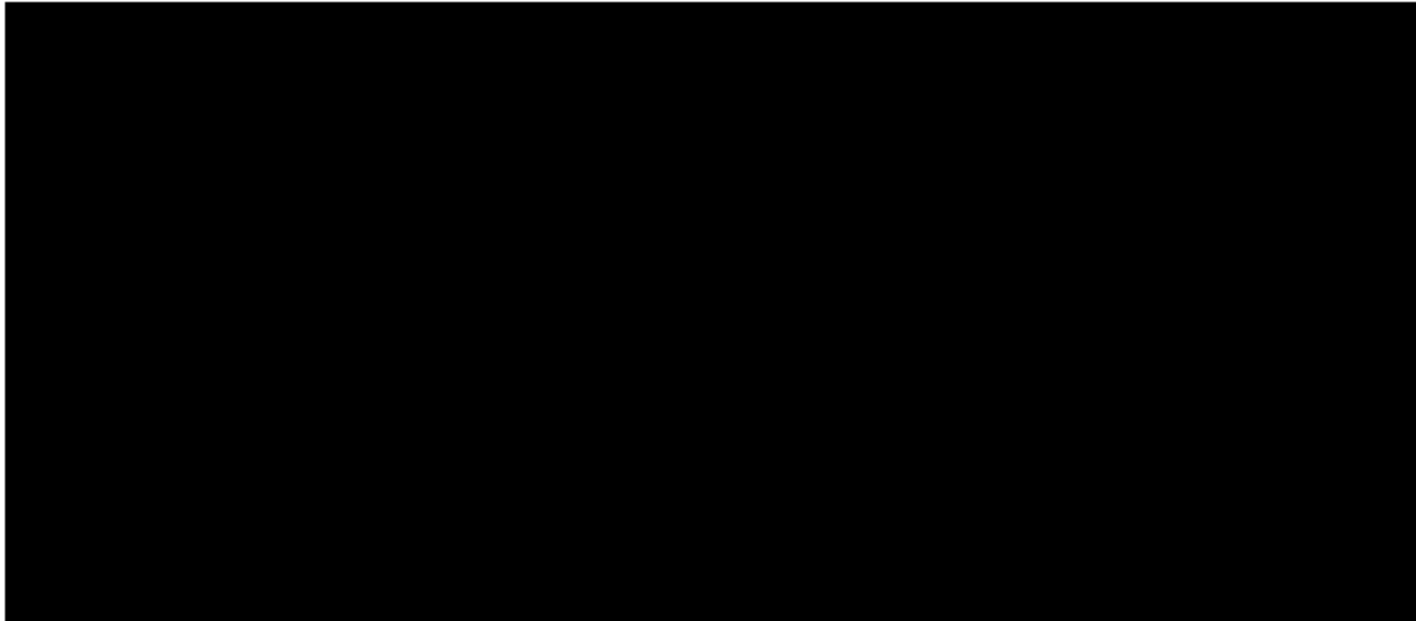
Please advise if you wish to participate in this examination. You can contact me at the below listed telephone number or my cellular telephone number, 901-277-3280.

Sincerely,


Don Patterson
Special Investigative Unit

- F128
- 10/1/02
- 100 F150
- VIN [REDACTED]
- \$60,000

13000 CANTREL RD • LITTLE ROCK, AR • 72223
PHONE: 800-276 6380, EXT. 719 • FAX: 501-223-1749



PE04-078 C 3681

State Farm Insurance Companies

February 1, 2001

*Rec'd
438600
S.N.*



Ford Motor Company
Consumer Affairs Department
16800 Executive Plaza Drive, MD#3NE-B
Dearborn, Michigan 48126-4207



State Farm Insurance Claim Office
1800 Cliff Cookin Boulevard
P.O. Box 2247
Tupelo, Mississippi 38803-2247
Phone: 662-680-3000

RE: Claim Number [REDACTED]
Our Insured [REDACTED]
Date of Loss October 29, 2000
Vehicle Involved 2000 Ford F150 Pickup
Veh. ID# 1FTRF17W8Y [REDACTED]

This State Farm insured vehicle was involved in a total fire loss on the date listed above. We settled a claim with our insured in the amount of \$21,101.00 which includes our insured's deductible.

Our investigation revealed the cause of the loss was due to the manufacturers defect under the hood of the vehicle resulting in a fire. The vehicle evidence is located at Southern Auto Salvage in Memphis, TN and is set to be disposed of by auction. You may reach them at (800)722-2858. The stock number is 33,361.

Enclosed is proof of our payments to the insured and to Ford Motor Credit of which we are seeking reimbursement. You may contact me at (662)680-3047 for any additional questions you might have.

Please consider this letter as our demand to Ford Motor Company for reimbursement of \$21,101.00.

Sincerely,

Tonya Smith
Claim Specialist
Tupelo Claim Specialist
(662) 680-3047

2001 FEB - 9 P 4: 11
REPORT



December 27



Ford Motors Corp
Office of the General Counsel
Parklane Towers West, Suite 400
3 Parklane Blvd
Dearborn, Michigan 48126

Claim number : [REDACTED]
Insured : [REDACTED]
Claimant: Ford Motors -engine fire
Your claim number : [REDACTED]
Subro amount : \$ total loss -figures pending
Date of loss : 11/14/01

Dear Sirs:

This letter will serve to put you on notice of a subrogation claim on behalf of our insured, [REDACTED]

She purchased the 2001 Ford F150 pickup on 11/12/01 and had an engine fire on 1/14/01 which totaled the vehicle out. Earlier that day, the "check engine" light did come on and the vehicle was serviced by Tri-County Ford-Mercury in Arcade, New York.

Please call to discuss this claim as I was advised that a representative from Ford Motors also inspected the vehicle as well.

I can be reached at 315-445-5259 Monday to Friday, 8:30am to 4:45pm.

Thank you for your prompt reply to this request.

Sincerely,

Teresa Songer
Sr Claims Representative



Allstate Insurance Company
16700 East Hardy, Suite A
Houston, TX 77802



Phone Number: 281-618-5322
Office Hours: Monday-Friday 8:00-4:30

New

June 23, 2004

Ford Motor Company - General Counsel's Office
3 Parklane Blvd, Ste PTW300
Dearborn, MI 48126
Attn: Shawn Norton

RECEIVED JUN 24 2004

RE: Our Claim Number: [REDACTED]
Our Insured: [REDACTED]
Vehicle: 2000 Ford F-150 Super Cab Truck
VIN: 1FTZX1723Y [REDACTED]
Date of Loss: 06/16/04
Loss Location: [REDACTED] Tx
Amount of loss: Pending

FORD MOTOR COMPANY
RECEIVED
JUN 25 2004
OFFICE OF THE
GENERAL COUNSEL

Dear Ms. Norton:

Please accept this letter as notice to your company of a claim for subrogation. Our policyholder sustained fire damage to the above referenced vehicle. The damages are possibly linked to the speed control deactivation switch.

Paul Carper of Verity Forensic Engineering, LLC, has completed initial inspection. Please contact him at 281-548-3561 to make arrangements for a joint inspection. The vehicle is currently located at [REDACTED] TX [REDACTED]

If any further information is needed, I can be reached at 281-618-5322.

Sincerely,

Pat Gonzales
Pat Gonzales
Staff Claim Service Adjuster
Allstate Insurance Claim Service Organization

*- 6/16/04
- '00 F150
- VIN
- HOUSTON, TX*

PE04-078 C 3605

STUTMAN
LAW OFFICES OF ROBERT A. STUTMAN, P.C.

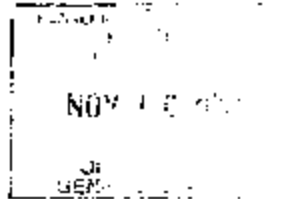
Sarah K. Armstrong
sarmstrong@stutmanlaw.com

SM
Reply to: 301 Office Center Drive
Suite 300
Ft. Washington
Pennsylvania 19034
p: (215) 281-1111
f: (215) 281-1188
Office in:
Ft. Washington, PA
West Berlin, NJ
New York, NY
(609) 397-1111

(New for Shawn)

November 10, 2004

Shawn L. Norton
Ford Motor Company
Parklane Towers West, Suite 300
Three Parklane Boulevard
Dearborn, MI 48126-2568



- F1
- 10/27/04
- Winter Park, FL
- 160 EXPERT
- awaiting
- # 53,000

Re: **Lititz Mutual Insured: Clinton E. Spurlin**
Lititz Mutual Claim No.: [REDACTED]
Date of Loss: October 27, 2004
Loss Location: 639 Overspin Drive, Winter Park, FL.

Dear Ms. Norton:

Please be advised that we have been retained by Lititz Mutual Insurance Company, the property insurer for [REDACTED] in connection with the above referenced matter. On October 27, 2004, a fire damaged the insured's vehicle and residence while parked in the driveway of his residence. According to our investigation, this fire originated within the engine compartment of a 2000 Ford Expedition. Under the circumstances, Ford may be responsible for the damages suffered by Lititz's insured. As such, we are placing you on notice of this potential claim.

State Farm Insurance Company, the insurance company for the vehicle, is maintaining the vehicle in question in order to provide your company and/or representatives an opportunity to inspect the scene. You should immediately notify your company's liability insurance carrier of this loss. If a representative of your company and/or a representative of its liability insurance company wish to inspect the scene, please immediately give us a call so that such an inspection can be arranged.

We look forward to hearing from a representative of your company with respect to inspecting the fire scene.

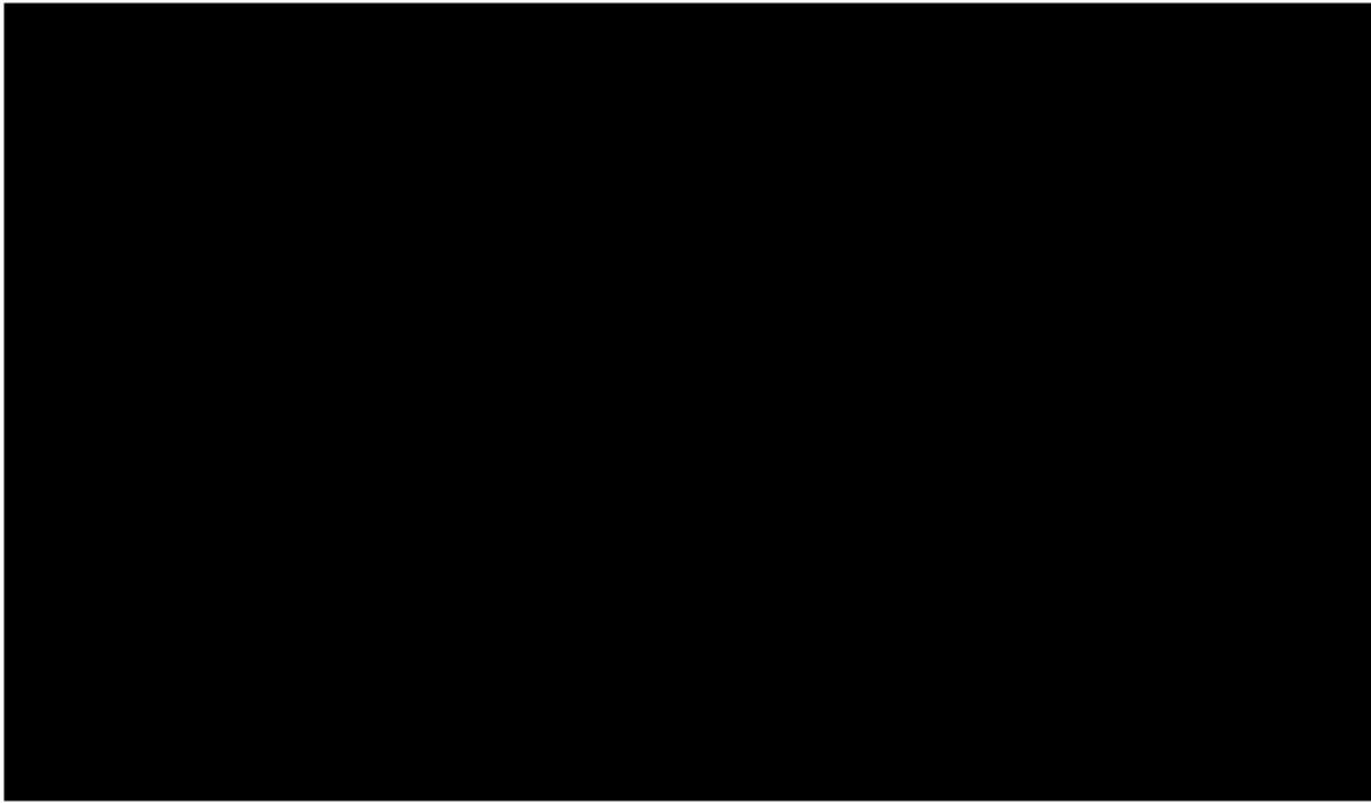
Very truly yours,

Sarah K. Armstrong

SKA:jda

cc: Harry Wagner, Claims Administrator (Via Email Only)

VIN #
- \$53,000 -
- still available
- car is at ST. PETERS salvage lot



September 28, 2004

FORD CUSTOMER RELATIONSHIP CENTER
P.O. BOX 6248
DEARBORN, MI 48126CONSUMER AFFAIRS
SECTION

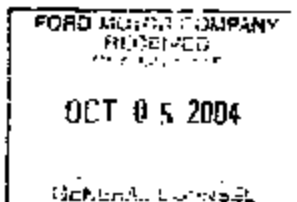
4 OCT -5 AM '04

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

ARTICLE NUMBER: 7003 3110 0005 5028 5684

September 28, 2004

NOTICE OF SUBROGATIONInsured: [REDACTED]
Policy Number: [REDACTED]
Claim Number: [REDACTED]
Date of Loss: 8/21/04

Dear Sirs,

We are the authorized representatives of NEW HAMPSHIRE INSURANCE COMPANY in the above-captioned matter.

Our investigation indicates that you may be responsible for damages to the insured property, which we have been called upon to pay on our insured's behalf under the above-referenced policy. Damages are a direct result of fire from within the engine compartment the 2000 Ford F-150, VIN#2FTRX07L740 [REDACTED]

We are placing you on notice of our subrogation rights. Please preserved the vehicle until all subrogation claims are exhausted. We request that you do not destroy the physical evidence.

Under the terms of this policy, we have the right of subrogation.

Please be advised that *Florida Statute 627.7264* require that you provide us with information concerning your liability insurance coverage upon written request from us. This information is to include the following: (a) the name of your insurance carrier; (b) the name of each insured on your policy; (c) the limits of liability coverage, and (d) a copy of the insurance policy and the declarations page. The statute requires that this information be provided to us within 30 days of this written request.

Sincerely,

Bill Harbour, Claims Adjuster

CC:

JEANCIUS PIERRE



PE04-078 C 3891

IN THE COURT OF COMMON PLEAS OF HAMILTON COUNTY, OHIO

[REDACTED])
[REDACTED])
Sardina, Ohio)
[REDACTED])
Plaintiff.)
vs.)
FORD MOTOR COMPANY)
c/a CT Corporation Systems, Reg. Agent)
1300 East 9th Street)
Cleveland, Ohio 44114)
Defendant)

COPY FILED
CLERK OF COURTS
HAMILTON COUNTY
OCT 23 2000
JAMES CHESTNUT
CLERK

No. A0005660

JURY DEMAND ENDORSED HEREON

COMPLAINT

NOW COMES the Plaintiff [REDACTED] by and through her attorneys, KROHN & MOSS, LTD., and for her complaint against Defendant, FORD MOTOR COMPANY, alleges and affirmatively states as follows:

PARTIES

1. Plaintiff [REDACTED] Plaintiff), is an individual who was at all times relevant hereto residing in the State of Ohio.
2. Defendant, FORD MOTOR COMPANY ("Manufacturer"), is a foreign corporation authorized to do business in the State of Ohio, County of Hamilton, and is engaged in the manufacture, sale, and distribution of the Plaintiff's motor vehicle and related equipment and services. Manufacturer is also in the business of marketing, supplying and selling written warranties to the public at large through a system of authorized dealerships, including Beechmont Ford, Inc. ("Dealer"). Manufacturer does business in all counties of the State of Ohio including Hamilton County.

BACKGROUND

3. On or about December 13, 1999, Plaintiff leased from Seller a 2000 Ford F150 Pickup ("Pickup"), manufactured and/or distributed by Manufacturer, Vehicle Identification Number 1FTZX1727Y1 [REDACTED] as reflected in the document(s) attached hereto as Exhibit A.

4. The price of the Pickup, including certain collateral charges, such as registration charges, document fees, sales tax, and finance charges, totaled more than \$10,000.00.

5. Plaintiff avers that as a result of manufacturing defects, the Pickup cannot be utilized for personal, family and household use as was intended by Plaintiff at the time of its acquisition.

6. In consideration for the lease of the Pickup, Manufacturer issued and supplied to Plaintiff several written warranties, including a three (3) year or thirty-six thousand (36,000) mile "bumper-to-bumper" warranty.

7. On or about December 13, 1999, Plaintiff took possession of the Pickup and shortly thereafter experienced the defect listed below which substantially impaired the use, value and/or safety of the Pickup.

8. The nonconformity described below violated the implied warranties issued to Plaintiff by Manufacturer.

9. The Pickup's defect and nonconformity, included but were not limited to:

- a. A defective ignition system which caused the vehicle to catch fire and become completely destroyed.

10. Plaintiff has justifiably lost confidence in the Pickup's safety and reliability, and said nonconformity has substantially impaired the use, value and/or safety of the Pickup to

Plaintiff.

11. Said nonconformity could not reasonably have been discovered by Plaintiff prior to Plaintiff's acceptance of the Pickup.

12. As a result of this defect, Plaintiff revoked her acceptance of the Pickup in writing on September 25, 2000. A copy of the revocation of acceptance letter is attached and labeled as Plaintiff's Exhibit B.

13. At the time of revocation, the Pickup was in substantially the same condition as at delivery except for damage caused by its own nonconformity and ordinary wear and tear.

14. Manufacturer has refused Plaintiff's revocation of acceptance, and has refused to provide Plaintiff with the remedies to which Plaintiff is entitled.

15. The Pickup remains in a defective and unmerchantable condition, and continues to exhibit the above mentioned defect which substantially impairs its use, value and/or safety.

16. Plaintiff has been and will continue to be financially damaged due to Manufacturer's failure to comply with its warranty.

COUNT I
BREACH OF IMPLIED WARRANTY
PURSUANT TO THE MAGNUSON-MOSS WARRANTY ACT

17. Plaintiff re-alleges and incorporates by reference as though fully set forth herein, all paragraphs of this Complaint set forth above.

18. The Pickup leased by Plaintiff was subject to an implied warranty of merchantability as defined in 15 U.S.C. §2301(7) running from the Manufacturer to Plaintiff herein.

19. Manufacturer is a supplier of consumer goods as a "person" engaged in the

business of making a consumer product directly or indirectly available to Plaintiff.

19. Manufacturer is a warrantor of consumer goods as a "person" who is or may be obligated under an implied warranty.

20. Manufacturer is prohibited from disclaiming or modifying any implied warranty when making a written warranty to the consumer.

21. Plaintiff's Pickup was impliedly warranted to be substantially free of defects and nonconformities in both material and workmanship, and thereby fit for the ordinary purpose for which the Pickup was intended.

22. The above-described defect and nonconformity present in the Pickup render the Pickup unmerchantable, unsafe, and thereby not fit for the ordinary and essential purpose for which the Pickup was intended, as represented by Manufacturer.

23. As a result of the breaches of implied warranty by Manufacturer, Plaintiff is without the reasonable value of the Pickup and Plaintiff has suffered and continues to suffer various damages, including attorneys' fees incurred in connection with this action.

WHEREFORE, Plaintiff, [REDACTED] prays for judgment against Manufacturer as follows:


- a. Return of all monies paid or diminution in value of the Pickup, and all incidental and consequential damages incurred, including, but not limited to, all finance charges incurred;
- b. All reasonable attorneys' fees, witness fees, court costs and other fees incurred by Plaintiff; and
- c. Such other and further relief that this Court deems just and appropriate.

JURY DEMAND

Plaintiff demands trial by jury on all issues in this action, except for any issues relating to

the amount of attorneys' fees and litigation costs awarded should Plaintiff prevail in this action.

Respectfully Submitted,
REBECCA BERRY

By: 

Attorney for Plaintiff

David B. Levin
Ohio Registration No. 0059340
Ronna Lucas
Ohio Registration No. 0063304
Herbert Nussle
Ohio Registration No. 0063551
Attorneys for Plaintiff

Krohn & Moss, Ltd.
4403 St. Clair Avenue
Cleveland Ohio 44103

Mailing Address:
120 W. Madison Street, 10th Floor
Chicago, Illinois 60602
(312) 578-9428
(888) 695-3666

KROHN & MOSS, LTD.

ILLINOIS ♦ OHIO ♦ INDIANA

www.consumerlawcenter.net

Adam J. Krohn +
Gregory H. Mann +

David B. Levin +
Scott M. Cohen +
Atanin P. Littleton +
Ranna Lucas +
Larry P. Smith +
Julia L. Thomas +
Kerry Cohen Turner +

Of Counsel
Herbert L. Nivens +
Steven L. August +
Stuart L. Richards +

+ Licensed in Illinois
+ Licensed in Ohio and Illinois
+ Licensed in Indiana and Illinois
+ Licensed in Ohio

MAIN OFFICE:
120 West Madison Street
10th Floor
Chicago, Illinois 60602

OHIO OFFICE:
803 N.ale Drive
Branzburg, Ohio 44212

**PLEASE FORWARD ALL
CORRESPONDENCE
AND PLEADINGS TO
CHICAGO OFFICE ONLY**

(312) 578-9428
Fax: (312) 578-9433

Ohio, Indiana Dial: (800) 695-3666
Ohio, Indiana Fax: (800) 935-2593

Writer's Direct Extension: 225

Writer's E-Mail Address:
akmoss@consumerlawcenter.net

September 25, 2000

Ms. Michelle K. Hull
Ford Motor Company
16800 Executive Plaza Drive
MD# 3NE-B
Dearborn, Michigan 48126-4207
via facsimile (313) 845-5555

RE: Rebecca A. Berry v. Ford Motor Company
Vehicle: 2000 Ford F150 Pickup
VIN: 1FT7X1727YN [REDACTED]
Our File No.: [REDACTED]

Dear Ms. Hull:

Please be advised that this office represents the above-named individual regarding claims against your company pursuant to the Ohio Lemon Law (Motor Vehicles with Warranty Nonconformities Act) and/or the Federal Magnuson-Moss Warranty Act with regard to the above-listed vehicle. Please direct all future contacts and correspondence to the office listed above.

HAVING BEEN FORMALLY NOTIFIED OF OUR REPRESENTATION, YOU ARE INSTRUCTED NOT TO CONTACT OUR CLIENT UNDER ANY CIRCUMSTANCES. DIRECT ALL INQUIRIES TO THIS OFFICE. IF YOU FAIL TO ACT IN CONFORMITY WITH THIS DIRECTIVE, INJUNCTIVE RELIEF WILL BE SOUGHT AGAINST YOU.

IN ADDITION, YOU ARE HEREBY NOTIFIED OF OUR ATTORNEYS' LIEN.

There are numerous defects and nonconformities present in my client's automobile for which relief is sought, and numerous attempts to repair the vehicle have been unsuccessful. There were also numerous violations of both Federal and State law in connection with the delivery and/or repair of the aforementioned vehicle. The primary nonconformities and violations include, but are not limited to a

defective ignition as evidenced by a fire that destroyed the vehicle and any additional complaints actually made, whether contained on your company's invoices or otherwise.

The nonconformities listed above constitute a substantial impairment of the use, value and safety of the vehicle. Because of the inordinate amount of repairs within the applicable warranty period, my client has justifiably lost confidence in the vehicle. As one court has stated:

For a majority of people the purchase of a new car is a major investment, rationalized by the peace of mind that flows from its dependability and safety. Once their faith is shaken, the vehicle loses not only its real value in their eyes, but becomes an instrument whose integrity is substantially impaired and whose operation is fraught with apprehension.
Zabrickis Chevrolet, Inc. v. Smith

Concerning the amount of grief a person need take with a vehicle, one court expressed the consumers lament in the following manner:

There comes a time when enough is enough - when an automobile purchaser, after having to take his car into the shop for repairs an inordinate number of times and experiencing all of the attendant inconveniences, is entitled to say, "That's all," and revoke, notwithstanding the seller's repeated good faith efforts to fix the car. Restex v. Morrow.

My client's repair history clearly shows there was a breach of the written warranty "based upon the generally accepted rule that an unsuccessful effort to remedy defects found to exist renders the warrantor liable; the buyer is not bound to allow him the opportunity or permit him to tinker with the article indefinitely in the hope that it may ultimately be made to comply with the warranty."
Kura v. Chevrolet Motor Division.

Therefore, you are hereby notified that my client is revoking her acceptance of this vehicle. She has directed us to demand the cancellation of the contracts and the return of all funds paid towards this vehicle, including all collateral charges, finance charges, and incidental damages, pursuant to Section 1345.72(B) of the Ohio Revised Code.

To avoid any litigation, my client merely requests a refund for the defective product, plus payment of her attorneys fees pursuant to the fee-shifting provisions of the Ohio Lemon Law and the Magnuson-Moss Warranty Act. Our attorneys' fees are minimal at this stage and we would prefer to resolve this matter without the need for any more time spent on our part or on the part of your attorneys. A great deal of time, money and effort could be saved by all parties involved with a quick resolution of this claim.

Accordingly, if you wish to resolve this matter amicably, please feel free to contact my office. If the matter has not been resolved within 21 days from the date of this letter, suit will be filed.

Sincerely,



Ronna Lucas
Attorney at Law

RSL/jls

cc: Ms. Rebecca A. Berry

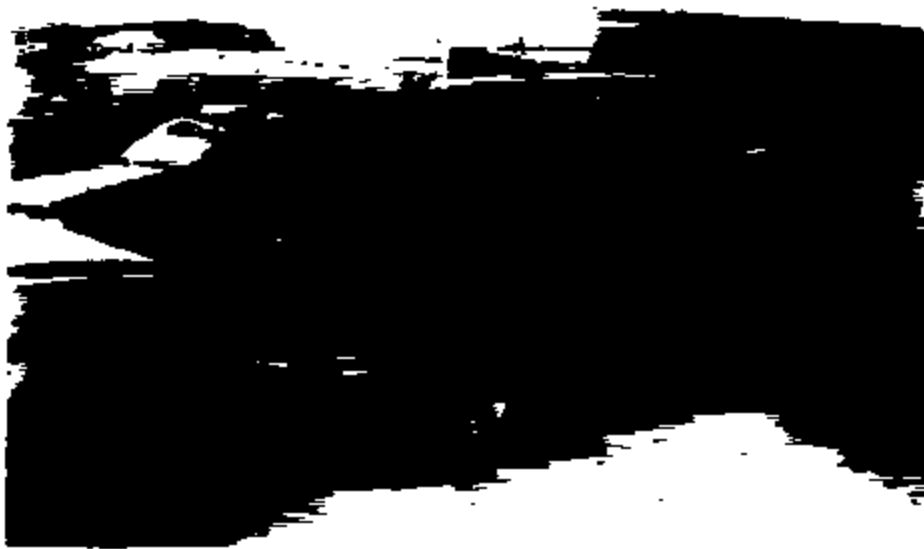


FIGURE #1

Figure No. 2 shows a view of the left side of the subject vehicle as seen from the rear. Fire damage mitigated toward the rear of the vehicle, and was much more concentrated toward the passenger compartment. The front tires were involved in the fire, while the rear tires were predominantly intact with little sign of fire damage.

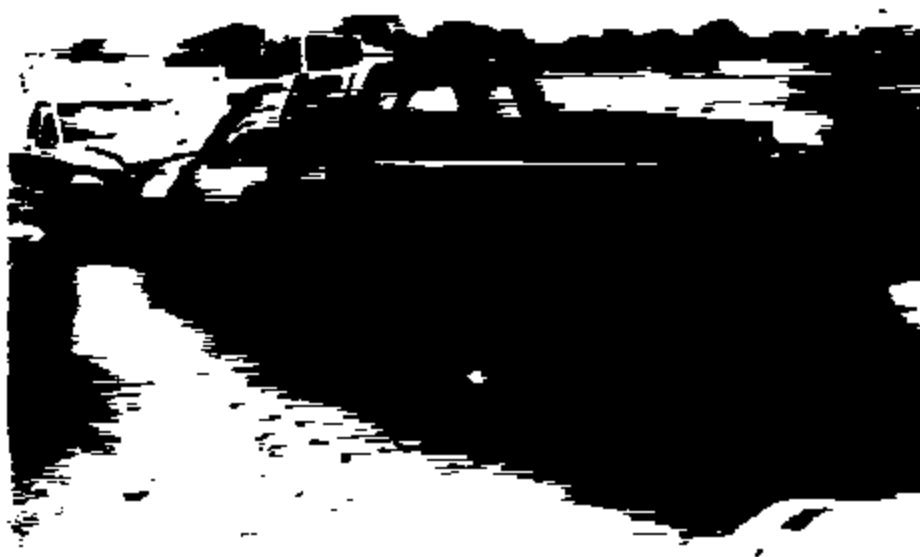


FIGURE #2

Figures No. 3 and 4 show right side views of the subject vehicle. Examination of the right side revealed similar burn patterns to that of the left side of the vehicle. All indications were that both doors were closed at the time of the fire. This was confirmed by the fall-down debris that was found on the floor near the door edge and rocker panel. The fall-down debris was concentrated with a clear barrier where the door contacted it. This showed that both doors were closed. During my examination, I found substantial glass fragments at and around the interior of the vehicle on both the left and right sides. The glass fragments were carboned on one side, giving indication that they were up and in place at the time the fire erupted.

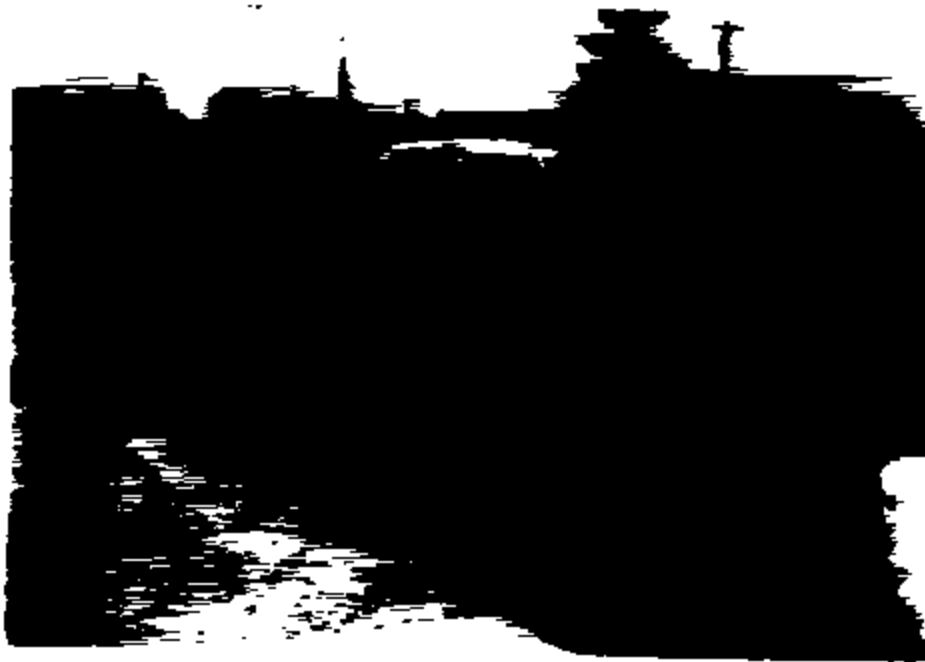


FIGURE #3



FIGURE #4

Figure No. 5 shows a forward view of the subject vehicle. Examination of the forward portion of the vehicle, as well as the engine compartment revealed directional burn patterns emitting from the passenger compartment into the engine compartment. It should be noted that both front tires became involved in the fire. This normally takes place during combustible debris falldown during the fire's progression, as well as the ignition of liquid combustibles in the engine compartment, such as coolant, power steering fluid, transmission fluid and/or motor oil, in some cases.



FIGURE #5

Figure No. 6 shows a view of the right side of the vehicle at and around the rear bed area. Once again, the right rear tire was still inflated, showing minimal damage as a result of the fire. Examination of the rear cab area revealed directional burning patterns consistent with a fire breaching the rear window, and traveling in a typical upward and outward fashion. The fire damage in the cab area mitigated toward the rear of the vehicle, which would be consistent with a passenger compartment fire.



FIGURE #6

Figure No. 7 shows a view of the rear tail gate area. Minimal damage from the fire was present on the rear tail gate. The left light was still completely intact, while the right light did show some signs of melting, although was still in place. License Plate No. CEG 7622 can be used as a secondary source of identification.

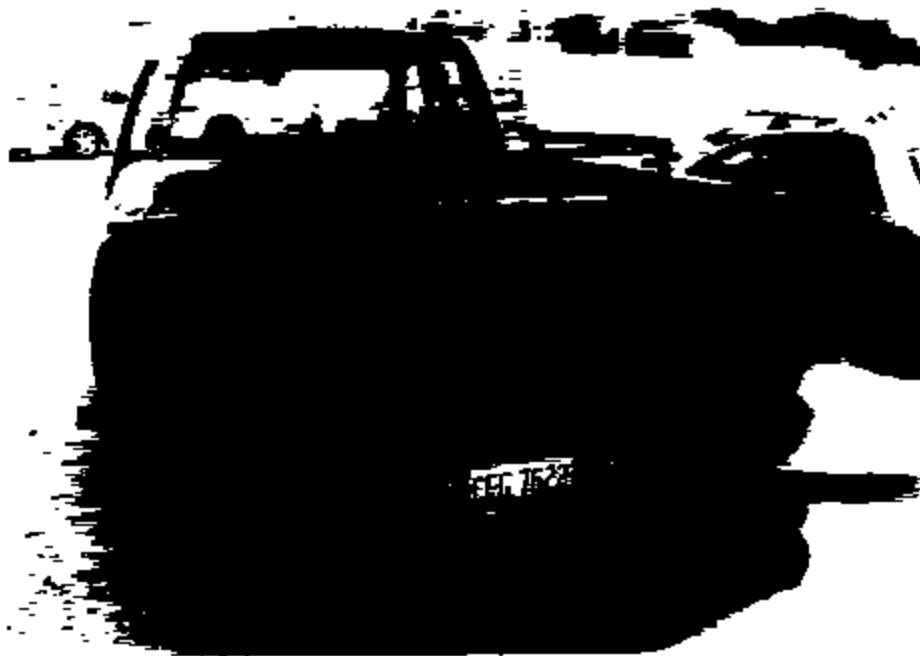


FIGURE #7

Figures No. 8 and 9 show views of the bed of the vehicle. Examination of the interior bed revealed patterns consistent with fire breaching from the passenger compartment into the bed of the truck.

FIGURE #8



FIGURE #9



Figures No. 10, 11, 12, 13, 14 and 15 show various views of the engine and engine compartment. Examination of the engine compartment revealed soft metal melting from the rear portion of the engine toward the front. The soft metal upper intake was uniformly burned in the mid and front portions, while substantially more burned and destroyed in the rear portion. All examination of the engine compartment indicated the fire erupted within the passenger compartment, breaching the bulkhead, and traveling into the engine compartment of the vehicle. Also note the rocker cover on the right side of the engine was destroyed as a result of the fire. This would show a higher fuel load and heat concentration was present on the right side of the engine for a longer period of time as compared to the left side of the engine. Areas available for bulkhead breach are also more significant in this area as compared to the left side of the vehicle.



FIGURE #10

Page 11



FIGURE #11



FIGURE #12



FIGURE #13



FIGURE #14



FIGURE #15

Figure No. 16 shows a view of the right side engine compartment destruction as seen from the front of the vehicle toward the bulkhead. Once again, the burn pattern indicates much more significant melting in the rear portion of the engine and mitigating toward the forward portion of the vehicle. This leaves a bulkhead toward the front of the vehicle direction of burn. All indications are that the fire originated in the passenger compartment, traveling into the engine compartment.

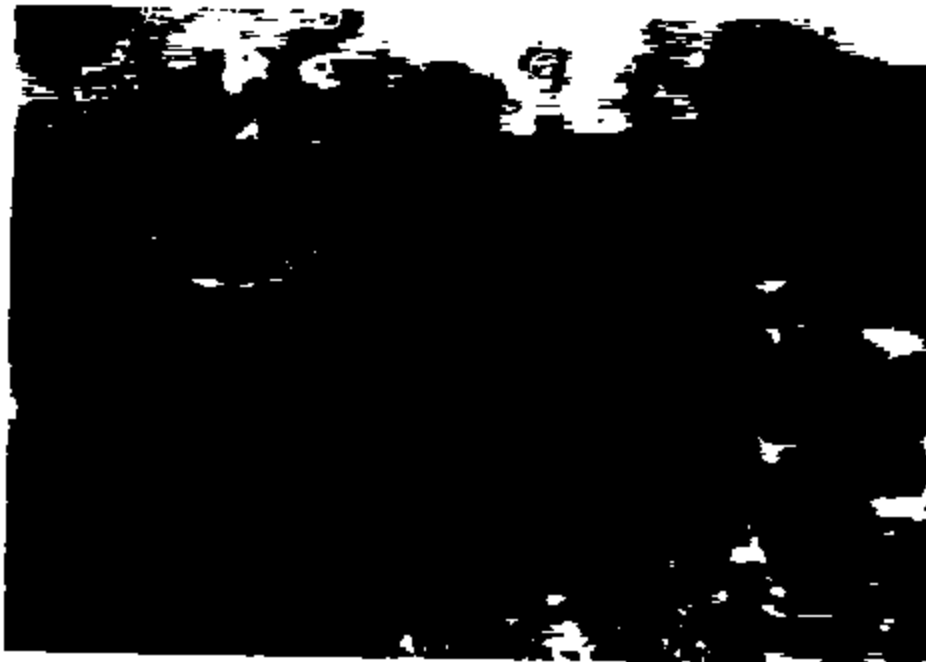


FIGURE #16

At this time, I began an examination of the passenger compartment of the vehicle. The passenger compartment suffered the worst devastation resulting from the fire. Examination of the passenger compartment revealed the seats were totally consumed, as was the dashboard of the vehicle. Heavy damage in the mid and lower sections of the compartment, including that of some of the carpeting, was also present. During my examination of the passenger compartment, I did note glass fragments consistent with the windows being in the upright position at the incipient stages of the fire. This could be determined by the carbon on the one side of the glass as it fell to the ground. I found no evidence that the vehicle was tampered with in any way to intentionally set the fire. No evidence of an incendiary fire being set in the passenger compartment, engine compartment or bed of the truck was present. Figure No. 17 shows a view of the forward passenger compartment as seen from the right door opening. Examination revealed no evidence of aftermarket component installation. Factory components, such as the radio, were still found, although in a damaged state.



FIGURE #17

Figures No. 18 and 19 show the left side door in the open position, as well as the rocker molding. Once again, the door was closed at the time of the fire's eruption. The rocker molding was still primarily intact. A clear line of demarcation of melted material was present at the area in which the door was stationary and the floorboard of the vehicle.

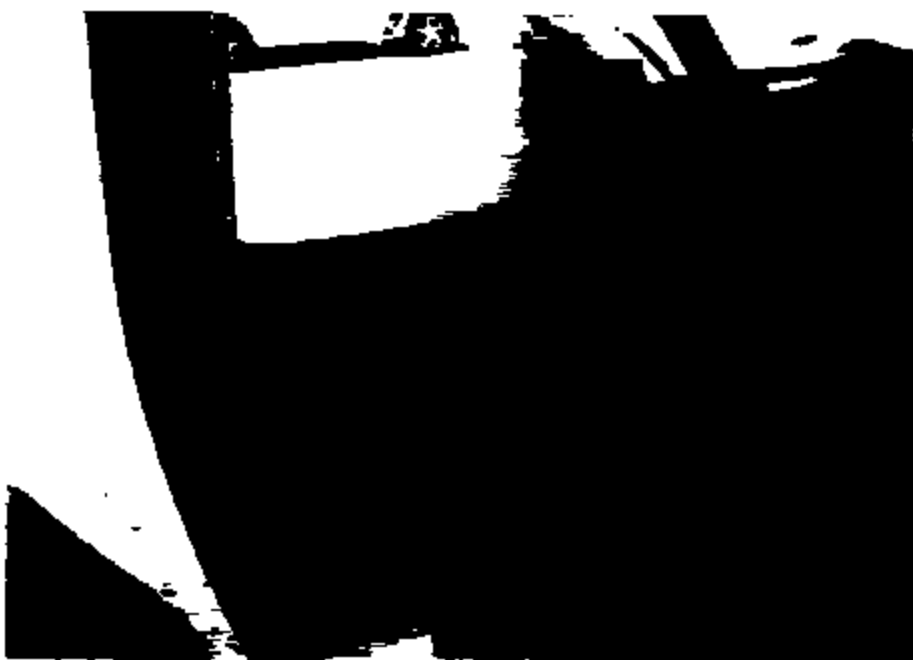


FIGURE #18



FIGURE #19

Figure No. 20 shows a view of the left forward passenger compartment. The dashboard in the compartment was completely destroyed. Many of the destroyed remnants were situated on the floorboard in both driver and passenger sides of the vehicle.

Taking into the consideration that the vehicle was not in operation for several hours, the possibility of a fluid leak contacting a hot surface in the engine compartment causing the fire was eliminated. No surfaces would sustain heat for that prolonged amount of time to initiate a fire. The possible cause of the fire being a fuel leak was also eliminated due to the lack of available ignition sources. During the examination of the vehicle, it was determined that the fire originated in the passenger compartment and spread into the engine and bed of the truck. Components that were suspect of this fire should be considered electrical components. During the examination of the passenger compartment of the vehicle, electrical components were examined carefully for signs of beading and/or discoloration that may be consistent with an electrical failure, which, in turn, caused the fire. Examination of the electrical components in the engine compartment was also performed. During this examination, I did find the positive battery cable lying directly against a portion of the engine, which was grounded. The battery and cable did not bead or melt through at the point of contact. This would give indication that the battery was either substantially drained or fire damaged prior to this cable coming in contact with the grounded engine. This would further indicate that the fire erupted in the passenger compartment, and that if an electrical fire had taken place, the battery was significantly discharged prior to the cable coming in contact with the grounded engine.



FIGURE #20

Figure No. 21 shows a view of the forward passenger compartment as seen from the left door opening. The front seats and padding were completely destroyed in the fire. Directional burn patterns found on some of the soft metal that remained, as well as some of the combustible components that remained, indicated the fire was more significant in the left forward passenger compartment and spread to the right.



FIGURE #21

Figure No. 22 shows a view of the dashboard area as seen from the right door opening. Burn patterns found on the metal indicated the fire to have traveled from the left side of the vehicle toward the right.



FIGURE #22

Figure No. 23, again, shows a view of the right side dashboard area at and around the air bag and glove box. Burn patterns were consistent in this area, traveling from left to right.



FIGURE #23

Figure No. 24 shows a view of the passenger compartment as viewed from the right side windshield opening. Examination of the passenger compartment revealed heavy burn damage throughout the compartment, although it was much more substantial on the left side as compared to the right. This was indicated by burn patterns that were found throughout the passenger compartment, as well as some of the soft metal melting.



FIGURE #24

Figure No. 25 shows a view of the seat backs. The right side seat back was angled toward the left side of the vehicle, indicating substantially more heat was present on the left side of the vehicle than on the right side near the door. This, once again, gives a directional burn pattern of left to right.



FIGURE #25

Figure No. 26 shows a view of the right side seat back and rear portion of the vehicle. During my examination of the rear cab area, I found no evidence of aftermarket component installation.



FIGURE #26

Figure No. 27 shows a view of the right side seat back and rear cab area. Examination of this area revealed no evidence of aftermarket component installation. Directional burning patterns found on the seat back indicate a left to right fire progression.



FIGURE #27

Figure No. 28 shows a view of the left side of the passenger compartment as seen from the right front windshield area. The destruction on the left side of the vehicle was slightly more significant than that of the right side of the vehicle. Roof distension was also present at and around this area.



FIGURE #28

Figure No. 29 shows the cowl of the vehicle. Examination of the cowl revealed a more significant burn pattern toward the left side of the vehicle as compared to the right.



FIGURE #29

Figure No. 30 shows a view of the forward dashboard area at and around the steering column and center console. During my examination of the this area, I noted that the lower steering column shroud was separated from the dashboard. I also noted an irregular burn pattern on the steering column shroud.

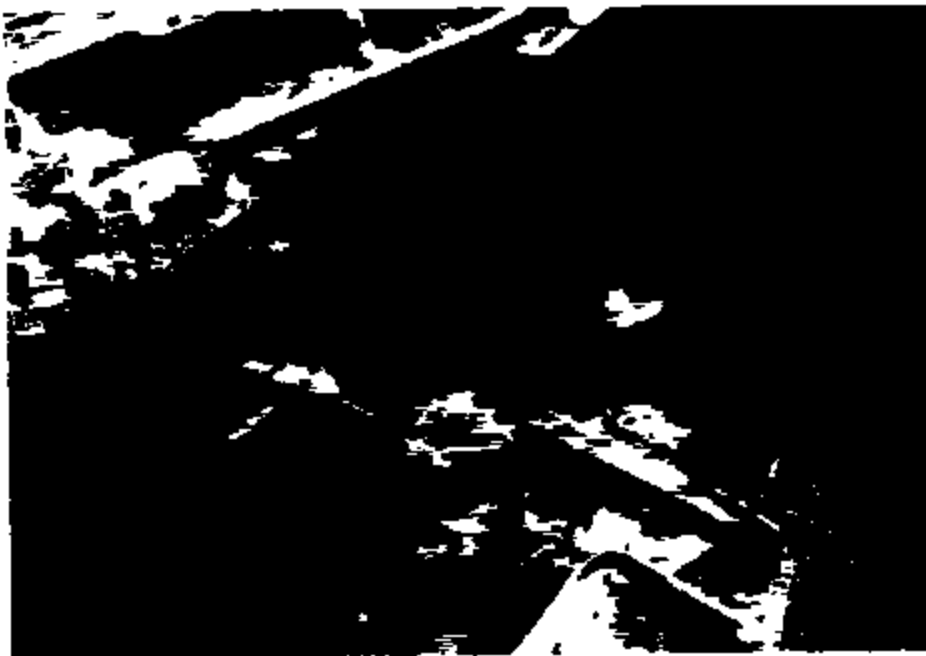


FIGURE #30

Figure No. 31 shows a view of the steering column shroud that was separated from the column area. An irregular burn pattern was found on this shroud, on both the inner and outer surfaces. The burn pattern was in the approximate area of the ignition switch. The irregular discoloration in this one significant area of the shroud would give indication an electrical failure had taken place at and around the ignition switch area causing this discoloration and burn pattern.



FIGURE #31

Figure No. 32 shows the shroud in the upright position.



FIGURE #32

Figure No. 33 shows the remainder of the ignition switch wiring. The ignition switch was not located. The ignition switch wiring was located and found to be heavily beaded with some discoloration at and around the beads. This would give indication that extreme electrical activity consistent with an electrical failure and/or short circuit.



FIGURE #33



FIGURE #34



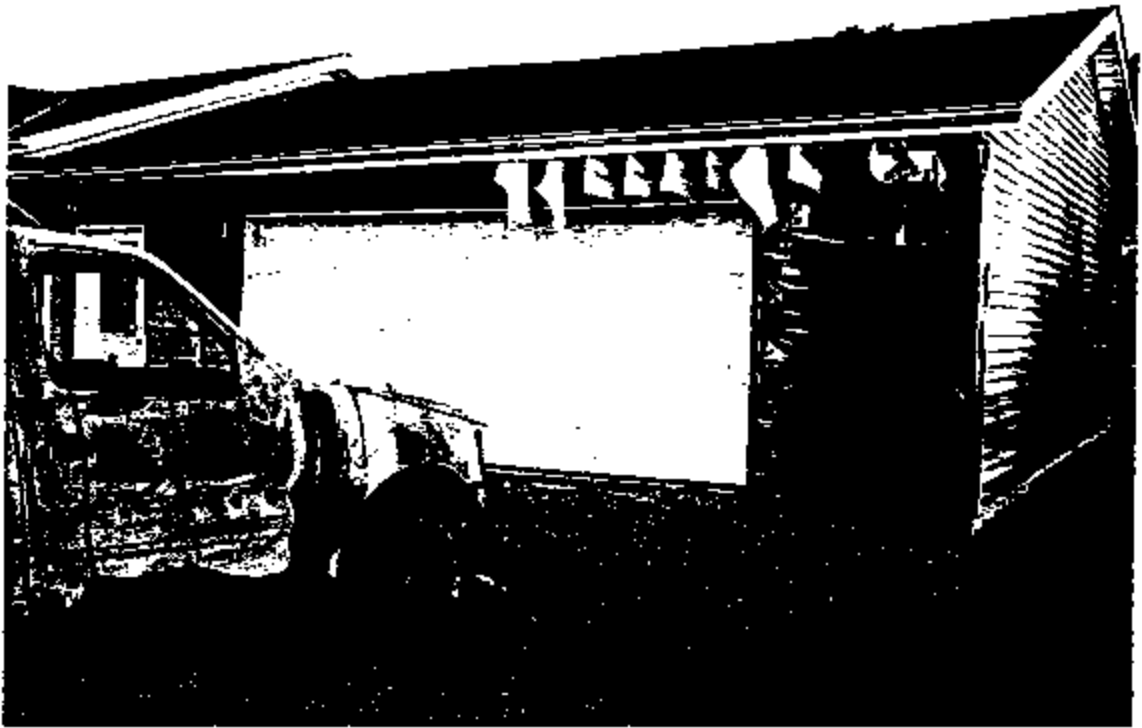
FIGURE #35



PE84-078 C 3728



PE84-878 C 3730



PERG-078 C 3731



PEB4-878 C 3732



PE84-878 C 3733

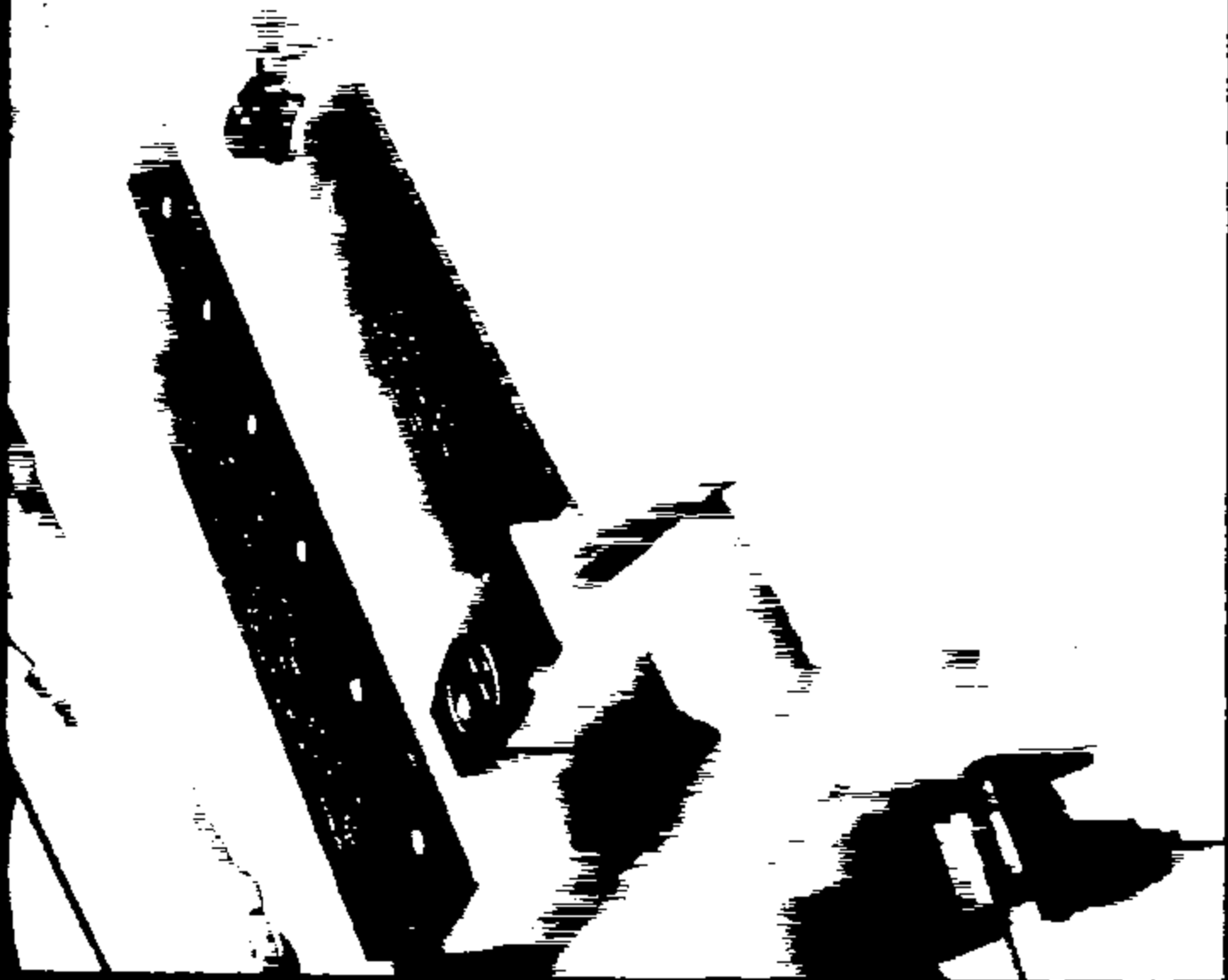


PE04-678 C 3734

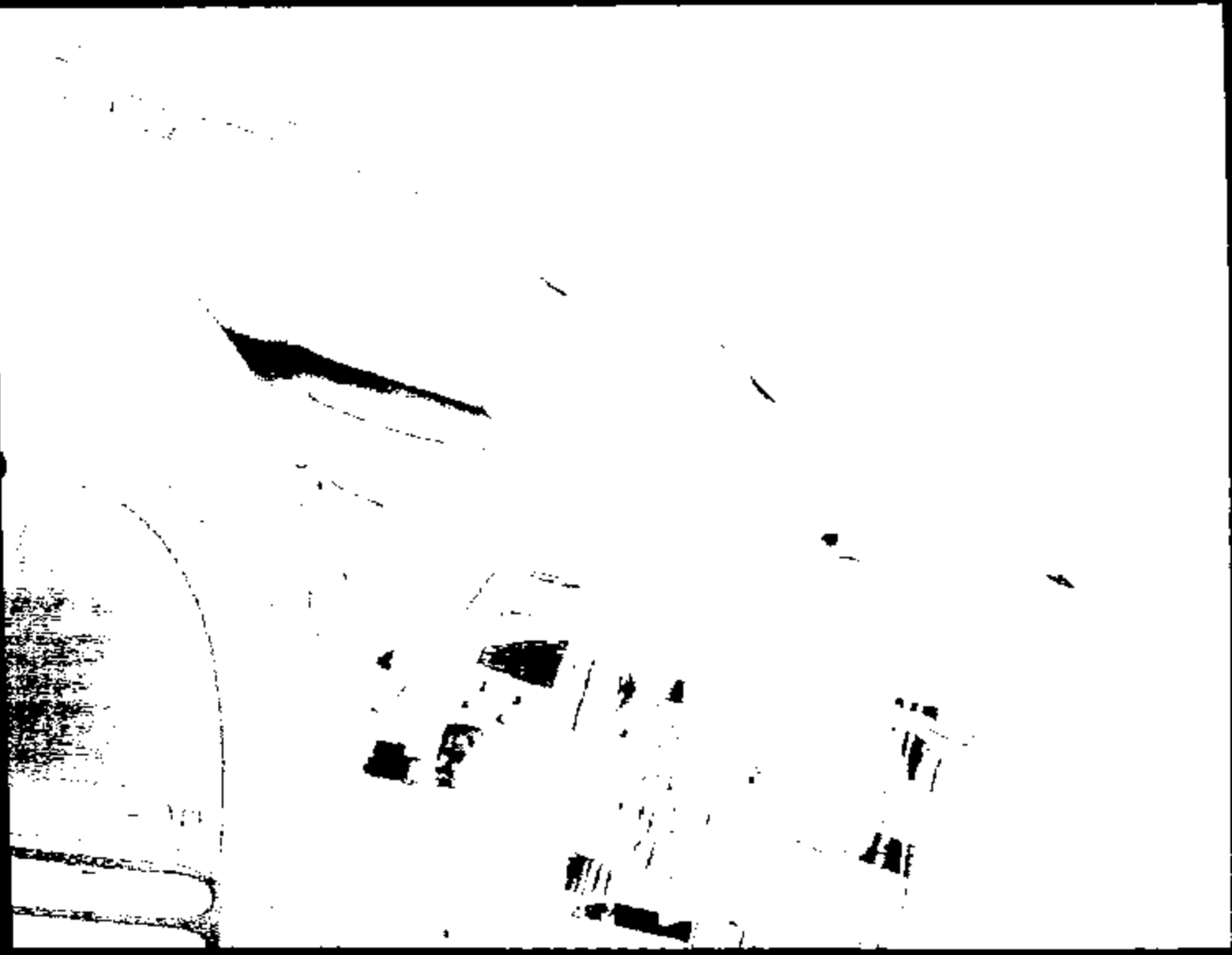






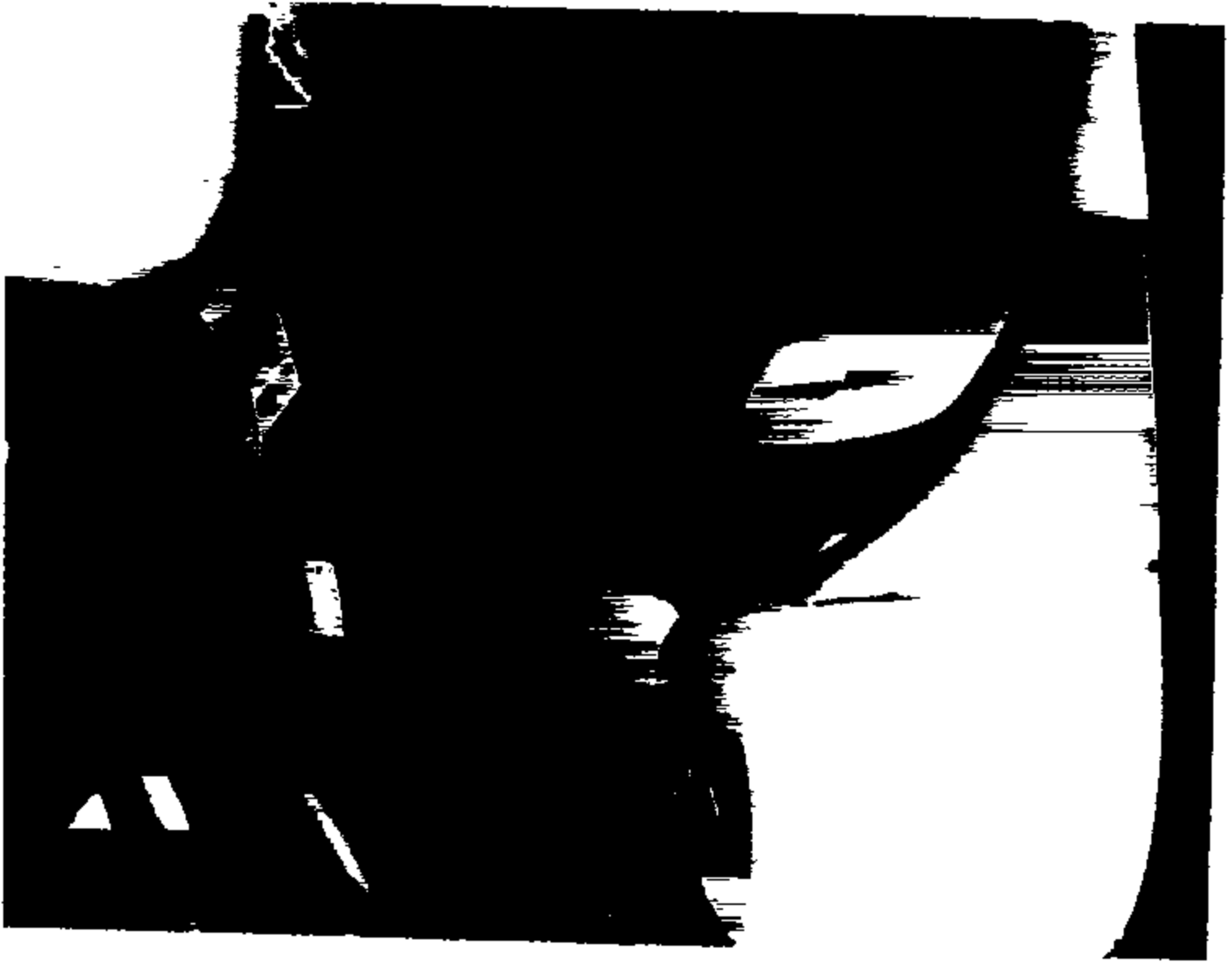








FD-304-878 C 3741





FE04-878 C 3743





PEM-878 C 3748



PEBA-878 C 3748



FEB4-878 C 3747

