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617 GOLDEN ROAD • TYLER, TX 75701 • (903) 592-6900

INVESTIGATIONS

REPORT NUMBER: ONE

DATE: September 27, 2004

Farmers insurance Group

PO Box 487 Nash, TX 75566

Mr. Randy Richardson

Delete TX

(vehicle examination)

DATE OF LOSS:

Tuesday, September 21, 2004

Approximately 7:90 a.m.

POLICY NUMBER:

CLÄIN HUMBER:

HANDER:

04-SEP-3918

Tueeday, September 21, 2004

Thursday, September 23, 2004

PRIVILEGED AND CONFIDENTIAL

3017 GOLDEN ROAD • TYLER, TX 75701 • (803) 592-6900

DATE: September 27, 2004 INSURED CLAIM NUMBER:

FILE NUMBER: 04-SEP-3918

ASSIGNMENT

The assignment was received Tuesday, September 21, 2004, from Mr. Randy Richardson with instructions to conduct an origin and cause fire investigation. The five occurred Tuesday, September 21, 2004, at approximately 7:00 s.m. The investigation into the origin and cause of this fire commenced Thursday, September 23, 2004.

DESCRIPTION OF VEHICLE

The risk was a 2002 Ford F150 pickup. The truck was brown and had an extended cab. This Ford F150 was identified with VIN 1FTRX17W02N and Texas (higher picks) number 6JK F43. The pickup was powered with a V-8 engine with an automatic principlesion. When the insured purchased this vehicle it had approximately 1,000 miles and at the time the fire occurred it had approximately 75,000 miles.

YEHICLE EXAMINATION

The burned vehicle was examined Thursday, September 23, 2004, starting at 11:15 in This Brimed pickup was systematically photographed during the process of this existing the pickup did not appear to have received any alterations afroe the discounted, therefore, enabling an accurate fire cause determination. The insured byte with his elater and this is the location where the vehicle was parted. The pickup was examined in this location which is in DeKalb. TX.

A survey of the demage revealed the entire engine compariment had been completely guited by the fire. The eluminum hood had melted and the paint was builded of of both front fenders. The grill, redistor end both front tires had also been destroyed by the fire. The windshield was totally destroyed due to the interne heat. The firewall and windshield opening into the flatters that extended flatough the firewall and windshield opening into the presence of the strong transfer of the strong transfer of the fire and heat the firewall that the most severe demage on the left side. The remainder of the strong transfer had not been demaged by the heat, soot and smoke. The bed of the truck and the grock that had not been demaged by the fire.

This production to extract the origin and cause of this fire. A comparative of this is the heat and burning within the post of the vehicle where the fire had been negligible to the longest period of time. The most extensive fire destruction was to the secret shall be engine compartment. It was established the deepest seated burning wants shall young the power distribution box. This is the fuse and relay pages which is posted in the engine compartment. This electrical component had received near about pastruction from the fire and heat. Based on all of the evallable evidence it is my produced opinion a talture or meltunction occurred within this component. This heat which was produced by the electrical multuration ignited the component.

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EXPERT PUT.

DATE: September 27, 2004 INSURED:

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CLAIM NUMBER

FILE NUMBER: 04-8EP-3918

materials within and around the power distribution box. The ensuing fire eventually appeal throughout the engine compartment and entered the cab through the openings in the firewell, as well as, the windshield opening. The complete extending of this burned Ford F150 did not establish any other reasonable cause for this fire. There was no evidence established which would prove the cause of this fire was incendiary in neture.

SUMMARY REPORT

It was established, he had returned frome at accomplished the tips of the had the proportionally 10:30 or 1130 p.m. on September 20, 2004. He indicated he had temphed attention for pricine and then went to bed. He was awaitened at approximately 7:00 a.m. This day, September 21, 2004. His nicce had discovered by pricing burgles, knowing out the bedroom door and told him about the fire. He called a provinced and thing public to the burning plakup. At that time, he saw fire distributed and the pricing out from unique the left front fender well and burning on top of the time. He provided the him the pricing was an an an analysis of the alternation hood had maked and flames were experiently unwant from this area. They notified the Dekalb Volunteer Fire Department and told their the pricing was on fire.

The training and told them the pricing was on fire. He related, he did not have any water continues and his efforts wing unsuccessful. A short time later, mambers of the Dekalb Volunteer Fire Department arrived on the scene. At that time, the engine of pricing training and training the engine of the flames had spread into the cab area. This responding training training on controlled and extinguished the fire. By this time, the application applies extensive fire destruction. Members of the Dekalb Volunteer Fire Department did not conduct an official investigation into the origin and cause of this time.

t was established, he had not had any recent process of the pickup. Approximately 8 or 10 months ago, he had replaced the state and dispery. He hather indicated, he had not instalted any effer market the market on this 2002 Ford F (50 pickup. He said, prior to the occurrence of the said pickup was running took and the find not experienced any problems.

The first property of the property of the policy of the first that the was caused by a fature or the first property of the policy of the polic

DATE: September 27, 2004 INSURED CLAIM NUMBER: 04-SEP-3918

COMMENTS

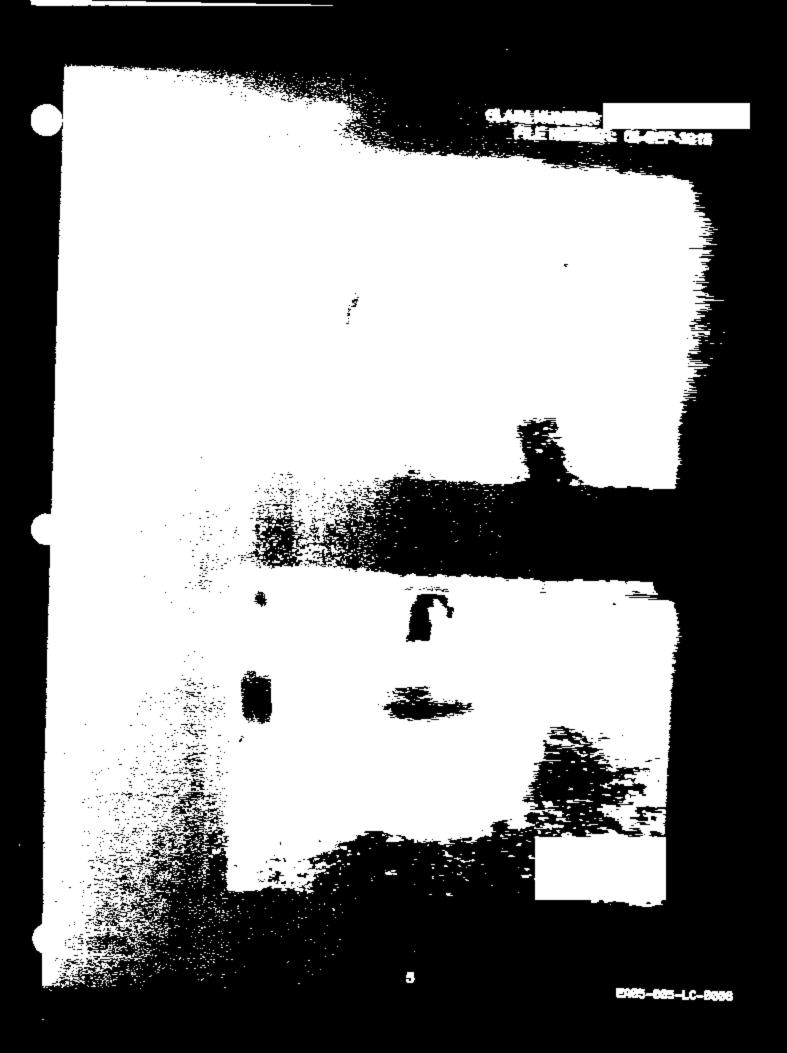
I recommend this report be evaluated by your subrogation department for the constraint of this loss from the manufacturer and their sufficient representatives.

If the subject figure any questions regarding this, or any other matter, pleases do not the subject to bordect us.

M. Dannis

B RVESTIGATIONS

PHOTOGRAPH8



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GANALITY; RENEWALL FOR THE PARTY

GLAM NUMBER: GLASP-201

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security of the power distribution box



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CLAM NUMBER: FILE NUMBER: 04-8EP-3018

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GLAIM NUMBER: 04-SEP-3218

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National Document Center P.O. Box 268992

Oklahoma City, OK. 73126-8992

claimsdocument@farmersiosurance.com

Fax: 877-217-1389

10/13/2004

 Ford Motor Company Arta: Shawn Norton P.O. Box 6248 - Md-3ne-B Dearborn, MI 48126

Re

Our Insuged: Loss Date:

Claim Number:

Total Amount Owed: \$15,470.50

09/21/2004 099 SUB

FORD MOTOR COMPANY

Dear Ms. Martin,

A review of the facts of the above loss indicates that your product failed and caused damage to our insured's property. We have made payment to our insured for these damages, and now seek reimbursement from you. WE RESPECIFULLY ASK THAT YOU NOT RESPOND TO OUR REQUEST WITH A FORM LETTER.

You will find this correspondence and its enclosures contain substantive information and support adequate for your firm to make a decision concerning your liability. This vehicle will be available to you for its pection during the next 60 days. Afterwards, we will be required to attempt to sell saluage.

The entities in the stream of commerce, such as you, a manufacturer, are liable in both negligence and product liability. As you know, your obligation is to properly design and test, manufacture, and give appropriate instructions for installation and use of your product.

Your product did not meet the expectations of my insured, the consumer. Your product failed and caused the loss resulting in damages of 15,470.50. Attached are documents substantiating payment.

It is our desire to sende this claim without causing you the additional time and cost of hispation or arbitration. After reviewing the enclosed, please call me to discuss resolving this matter.

Sincerely,

Mid-Century Insurance Company of Texas

Sale Shell

Scott Sheffield Auto Subrogation Representative 512-238-5739

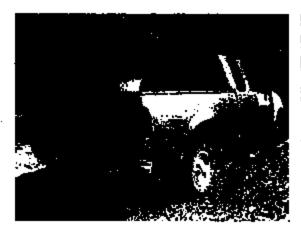
ENCLOSURES

















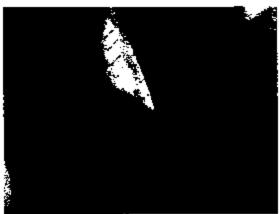
















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LAW OFFICES

HOFFMAN, LARIN AND AGNETTI, P.A.

JOHN B. AGNETTI MARTIN L. HOPPMAN FASS JAPON WHICH PERSONNELLA DAVID L. PERKINS ALBOMANIES NEW YORK SAR

PETER M. ROOGERWOEDD

OF COLINER.

RUBEN N. GOTLINE HAROLD M. HOFFMAN MINIOUS NEW YORK Also AND ARREST WAS CIVE Y BICHARD L. LARIN LUCY MORTLE

NORTH MIAMI BEACH OFFICE 909 NORTH MIAMI BEACH BOULEVARD **BUITE 201** MIAMI, PLORIDA 33162-3712

TELEPHONE (305) 653-5555 TELEFAX (305) 940-0090

PLEASE REPLY TO: NORTH MIAMI BEACH OFFICE

BROWARD COUNTY OFFICE 1900 W. COMMERCIAL BLVD SUITE 100 FORT LAUDERDALE, FL 30304 (954) 764-2388

MONROE COUNTY OFFICES

81641 OVERSEAS HIGHWAY ISLAMORADA, FL 33036

422 FLEMING STREET KEY WEST, FL 33040 (800) 808-5555

VIA CERTIFIED MAIL R/R/R# 70042510000207946164 <u>VIA REGULAR US MAIL</u>

April 20, 2005

Ford Motor Company c/o CT Corporation System, Registered Agent 1200 S. Pine Island Road Plantation, Florida 33324

Purchase of 2001 Ford Expedition

VIN #: 1FMRU15281

Our File No.: 05-14154

Dear Sir/Madam:

Please he advised that our office has been retained to represent and and							
with regard to the purchase of a 2001 Ford Expedition at Gus Machado Ford on or							
about February 10, 2005. Please be advised that we are placing you on notice that Ford Motor Company							
is in the chain of privity for products liability purposes with regard to this 2001 Ford Expedition.							
Furthermore, you are being placed on notice regarding the incidents that occurred following the purchase							
of said automobile.							
·							
On or about February 10, 2005 Expedition at							
Gus Machado Ford, Inc. On or about March 2005, and returned said vehicle to Gus Machado							
1 Parties 2 and 2							
· · · · · · · · · · · · · · · · · · ·							
Used Cars in order to repair said vehicle's electrical problems, specifically, the vehicle's "reverse", power windows, and interior lights which were not operational specifically spoke to Yadira at Gus							
Used Cars in order to repair said vehicle's electrical problems, specifically, the vehicle's "reverse",							

On or about April 7, 2005, the 2001 Ford Expedition was parked behind business, At approximately 3:00 p.m., the vehicle was engulfed in flames while the vehicle was off. The fire from said vehicle apread to the Bakery's cooler that is behind business. The cooler's motors, evaporators, including all of the motors on top of the cooler were destroyed by the fire that was spread by the 2001 Ford Expedition. The fire destroyed all merchandise of the breaker box, the air conditioning motor, the walls inside of the bakery in the kitchen, the roof above the cooler and the surrounding areas of the bakery's cooler. Moreover, the bakery lost approximately five (5) days of profits and lost wages during that period. The bakery's cooler is necessary for the operation of said business in that the pastries and other goods that are used in the bakery business have to be at a certain temperature. This has prevented Los Angelitos from continuing their day to day operations.

Hislesh Police Department arrived at the scene and drafted a report. Furthermore, Hislesh Fire Department arrived at the scene and stopped the blaze from spreading throughout the building and throughout Los Angelitos Bakery.

Please be aware that this vehicle was not on or running at the time that the blaze began. Furthermore, please be aware that the blaze began as a direct and proximate result of the fire caused by the 2001 Ford Expedition sold by Gus Machado Ford, Inc. Again, this letter is placing you on notice of your company being in the chain of privity for products liability purposes with regard to the purchase of the purchase of Expedition at Gus Machado Ford, Inc.

Should you have any questions or comments regarding the foregoing, please feel free to contact me.

Respectfully submitted,

HOFFM<u>an,</u> Larin & Agnetti, P.A.

John B. Agnetti For the Firm

Client

AR/mds

CC:

Gus Machado Ford, inc.

1985-065-1C-0628

ISSUE LIST

Last Handling Date/ Issue Status	Name/ Reason Desc	Vin/ Case No.	Model Year and Vehicle Line	issue Type
4/13/2005	ROBERTO MORALES	1FMRU15L81	001 EXPEDITION	02
CLOSED	CAC RELATED - F/M CSR FOLLOWING CONTACT	1615611015		
4/11/2005	ROBERTO MORALES	1FMRU15L81U	2001 EXPEDITION	10
CLOSED	LEGAL - ACCIDENT / FIRE	1815611015		
4/11/2005	ROBERTO MORALES	1FMRU15L81	001 EXPEDITION	02
CLOSED	LEGAL - INSURANCE COMPANY SETTLEMENT	1615611015		~=

All Action Details for Issue

Print

VINE 1FMRU15LB1

Year: 2001

Model: EXPEDITION Case: 1615611015

Name:

Owner Status: Subsequent

WSD: 2001-08-08

Symptom Deec: GENERAL INQUIRIES RECKIESTINON-VEHICLE RELATED

Primary Phone:

Reason Dasc: CAC RELATED - F/M CSR FOLLOWING CONTACT Issue Type: 02 INFORMATION

lesue Statue: CLOSEO

Secondary Phone:

Action: CALLBACK ADD ADDITIONAL COMMENTS

Dealer: 04931 GUS MACHADO FORD INC

Origin Desc: US CONCERN CASE BASE

Odometer: 63900 Mf Analyst Name:

Action Date: 04/13/2005

Comm Type: PHONE

Analyst DVALENCI Action Time: 09.58.13.461

Action Date: No

Comments CUSTOMER SAID: -FOUR DAYS AGO WITH CALLED YOUR CENTER, THE YEH CAUGHT ON FIRE, THE INSURANCE COMPANY SENDED AN ADJUSTOR TO PAY FOR THE VEH, I THINK THEY ALREADY PAY TO MY FINANCIAL INSTITUTION -THIS CAR HAS A RECALL AND THEY CAUGHT UNFIRE-THERE ARE DAMAGED IN MY PROPERTY OF ABOUT \$8000.00 AND I WANT TO KNOW WHAT FORD IS GOING TO DO ABOUT IT-MY SISTER WAS THE ONE THAT CALLED YOU GUYS AND I WAS LINDER THE IMPRESSION THAT A FORD ADJUSTOR WAS COMING TO TAKE A LOOK AT MY VEH -SEEKING TO KNOW WHAT IS FORD GOING TO DO WITH REGARDS TO MY ISSUE AS MY SISTER WAS ADVISED THAT AN ADJUSTOR WILL TAKE A LOOK AT MY VEH TUESDAYDEALER SAID: -GUS MACHADO FORD 1200 WEST 49TH STREET HIALEAH, FL-NONECRO ADVISED: PLEASE ALLOW THE REQUESTED TIME FOR THE FOLLOW UP TO OCCUR SO THAT YOUR ISSUE MAY BE PROPERLY ADDRESSED, REVISED INFORMATION WITH LCSR PETER -SUPPORTED STATEMENTS AND ADVISED CUST THAT HE WILL BE CONTACTED WITHIN \$-5 BUSINESS DAYS SINCE HE CALLED

All Action Details for Issue

Print

VIN: 1FMRU15L818

Year: 2001

Model: EXPEDITION WSD: 2001-06-08

Owner Status: Subsequent Symptom Desc: FIRE/SMCKE SCORCHED/BURNT UNDERHOOD

Cose: 1615611015

Reason Desc: LEGAL - ACCIDENT / FIRE

Primary Phone:

Isaue Type: 10 OGC

Issue Status: CLOSED

Secondary Phone

Action: CONTACT ADVANCED TO OBC Dealer: 04931 GUS MACHADO FORD INC

Comm Type: PHONE

Octometer: 55000 Mi Analyst Name: PEREZ DANIELA Action Date: 04/11/2005

Analyst DPEREZ27 Action Time: 19.44.39.568

Action Data: No

Caller Information if Different From Vehicle Dames:

First Name

Micidle Initial

Last Name Day Phone

Origin Desc: US CONCERN CASE BASE

Relationship SEELING

Comments CUSTOMER SAID: DATE OF FIRE 4/7/2006STARTED BLUE SMOKE THEN FIRE IN FRONT OF DRIVER UNDER THE HOOD THROUGH THE VENTVEHICLE IS BEHIND MY BUSINESSINSURANCE IS COMING TOMORROW FOR APPRAISALFIRE DEPT WAS CONTACTED HALAELA L'ELCUST HAS FILED A CLAIM FOR THE INSURANCEINSURANCE WILL ONLY PAY FOR THE VEHICLE THERE IS DAMAGE TO THE BUILDING WALKIN COOLER, NOTORS OUTSIDE THE BAKERYVEHICLE IS A TOTAL LOSSVEHICLE WAS NOT RUNNING WAS PARKED BEHIND MY BUSINESS-MY INSURANCE COMPANY WILL ONLY REPAIR AND PAY FOR THE VEH WANT FORD TO SE RESPONSIBLE FOR THE DAMAGE THE VEH CAUSED TO MY BUSINESS AND THE BAKERY NEXT TO MY BUSSINESS-VEH WAS AT THE DURSHP AND NEVER TOLD ME THAT THE VEH WAS INVOVILED IN A RECALL-WE JUST BOUIGHT THIS VEH-FIRE DEPT. TOLD ME THAT ALL EXPEDITIONS ARE INVOLVED. IN THE CRUISE CONTROL RECALLS THEREFORE THIS IS FORD RESPONSIBILITY-WHAT'S FORD GOING TO DO?-FIRE DEPT. ADVISED THAT THE FIRE ORIGINATED WHERE THE CRUISE CONTROL IS THE FIRE DEPT. TOLD ME THAT THIS ISSUE IS OCCURING WITH 1999-2001 EXPEDITIONS-THEY TOLD ME THAT THIS WAS LIKE THE 9TH VEH WHICH HAS ALREADY CAUGHT ON FIREDEALER SAID: -NONEGUS NACHADO FORD1200 WEST 49TH STREETHIALEAH, FL 33012TEL: (305) 822-3211 FAX: (305) 819-8880 CRC ADVISED: I WILL FORWARD THIS INFORMATION TO THE FORD OGC DEPARTMENT. YOU WILL BE CONTACTED WITHIN 3-5 BUSINESS DAYS.-BEST NUMBER TO REACH CUST (EXPLAINED TO CUST THAT THE VEN IS NOT INVOLVED IN THE CRUISE CONTROL RECALL 05828-ADVISED CUST TO WAIT LINTER THE INFO IS BEING INVESTIGATED AND THEY CALL HER OR HER BROTHER BACK.

All Action Details for Issue

Print

VIN: 1FMRU15L81

Year: 2001

Owner Status: Subsequent

Model: EXPEDITION WSD: 2001-06-08

Case: 1615611015

Name

Symptom Docc: FIRE/SMOKE VISIBLE FLAME UNDERHOOD

Primary Phone:

Reason Desc: LEGAL - INSURANCE COMPANY SETTLEMENT

Issue Type: 02 INFORMATION

Issue Statue: CLOSED

Secondary Phone:

Origin Deec: US CONCERN CASE BASE

Action: ADVISE CUSTOMER TO CONTACT THEIR INSURANCE COMPANY FOR ASSISTANCE

Declar:

Comm Type: PHONE

Odometer: 55000 MI Analyst Name: STONE SHELLY

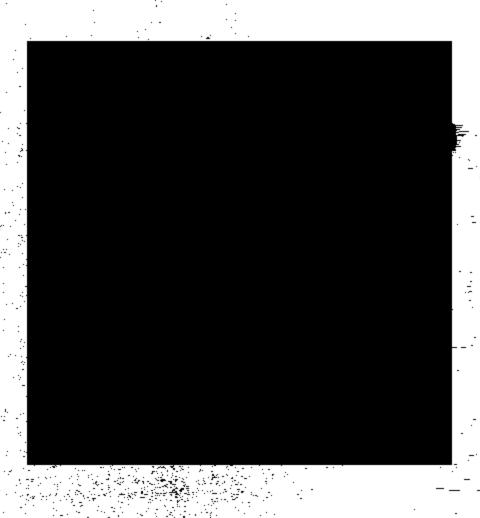
Analyst: SSTONE22

Action Date: 04/11/2005

Action Time: 17.06.00.739

Action Date: No

Comments CUSTOMER SAID: DATE OF FIRE 47/2006STARTED BLUE SMOKE THEN FIRE IN FRONT OF DRIVER UNDER THE HOOD THROUGH THE VENTVEHICLE IS BEHIND MY BUSINESSINSURANCE IS COMING TOMORROW FOR APPRAISALFIRE DEPT WAS CONTACTED HALAELA ,FLCUST HAS FILED A CLAIM FOR THE INSURANCEINSURANCE WILL ONLY PAY FOR THE VEHICLE THEREIS DAMAGE TO THE BUILDING WALKIN COOLER, MOTORS OUTSIDE THE BAKERYVEHICLE IS A TOTAL LOSSYEHICLE WAS NOT RUNNING WAS PARKED BEHIND MY BUSINESSDEALER SAID; GUS MACHADO FORD(200 WEST 49TH STREETHIALEAH, FL 33012TEL: (305) 822-3211CRC ADVISED: YOUR INSURANCE COMPANY HAS THE RIGHT TO PURSUE CLAIMS FOR REIMBURSEMENT AGAINST FORD. HOWEVER, FORD WILL BE UNABLE TO INVESTIGATE YOUR CLAIM AS REPAIRS TO YOUR VEHICLE HAVE BEEN PERFORMED AND YOU ARE CURRENTLY IN THE PROCESS OF PURSUING A CLAIM WITH YOUR INSURANCE COMPANY.



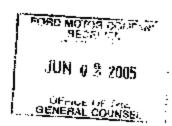




JUN 6 1 2005

Date: May 20, 2005

FORD MOTOR COMPANY CONSUMER AFFAIRS DEPT P.O. BOX 6248 MD-3NE-B DEARBORN, MI 48126



Rc:

Named Insured:

Vehicle Info:

V.LN.: Claim #:

Policy #:

Date of Loss:

Date Reported:

1998 Ford F-150

IFTZX17W8WN

05/17/2005 05/20/2005

To Whom It May Concern:

In the investigation of the above reference claim, it appears the fire was caused by an electrical short in the engine compartment of the truck. The vehicle had been parked for several hours at the insured's place of residence at the time of the fire.

Due to the nature of this fire and it's similarities to your recent recall of newer model vehicles. Assurance America Insurance request that you complete an inspection of this loss.

We will hold the vehicle at the following salvage yard for your inspection for 30 days:

Copart 2568 Old Alabama Road Austell, GA 30168 Phone # (770) 941-9775 Fax # (770) 944-7289 Lot#

I will need to know when you would be sending someone to inspect this vahicle so I can call Copart and give authorization for your inspection.

Kevin Edwards

Claims Specialist

Assurance America Insurance. 888-952-2902 Ext #225 (Toll Free)

888-579-8801 (Toll Free Fax)

kedwards@aniclaims.com

Cc:

Luis Cortez Nieves J & B Auto Sales

> PO Box 723128 Atlanta, GA 31139 678-996-0110 fax 770-984-0170 claims@azielaims.com

ER05-005-LC-0038

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License Manager

28041 11/15/2004

04-0000823

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K2 Commer	pearens involved? seek BAAr bon and ship to of this section. Boalance name (if Applicable) Acqu Code Mand Reply:
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RIMKUS

Costelling Group, Inc.

File Number: 0116553 Invoice Number: 6104286 January 14, 2005

Page 2

DETAILS OF CURRENT CHARGES

PROFESSIONAL SERVICES

Date	Init.	Title	Description of Services	Hours	Rate	Amount
11/24/04	TWY	FIRE CONSULTANT	TRAVEL AND PROFORMA SFIE INSPECTION	5.70	125.00	712.50
12/21/04	TWY	FIRE CONSULTANT	DRAFT, FINALIZE AND REVIEW REPORT	3.00	125.00	375.00
12/30/04	LIM	FIRE CONSULTANT	VERIFICATION OF FINDINGS	0.50	125.00	62.50
			Total Fees:	9.20		\$1,150.00

TIME SUMMARY

Tide	Ношя	Fees
FIRE CONSULTANT	9.20	1,150.00
· -	9.20	\$ 1.150.00

EXPENSE SUMMARY

Expense	Amount
AUTOMOBILE MILEAGE	12.50
PHOTOGRAPHS	47.50
COLOR COPIES	21.00

Total Expenses: <u>\$ 81.00</u>

Total Amount Due: <u>\$ 1.231,00</u>



Rimkus Consulting Group, Inc. 101 S. Hoover Blvd., Suite 101 Tampa, Florida 33809 (813) 289-3060 Telephone (613) 289-5440 Facsimile Certificate of Authorization No. 8301

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Report of Findings

PECORA VEHICLE
FIRE CAUSE AND ORIGIN
Claim No:

RCG File No: 116553

Prepared For:

GEICO INSURANCE COMPANY 3535 WEST PIPKIN ROAD LAKELAND, FLORIDA 33811

Attention:

MS, BRENDA BROOKS

Thomas W. Young, C.F.I., .C.F.E.I., C.F.I.I. Eastern Regional Fire Manager

M.L. "Buddy' Jenkins, C.F.I., C.F.E.I.

Fire Consultant

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l.	Introduction
II.	Summary and Conclusions
III.	Discussion
IV.	Basis Of Report 6
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	A. Photographs
	B. Vin Power Verification
	C. CVs

Section I INTRODUCTION

On November 15, 2004, a fire occurred to a 1998 Ford Expedition (Vehicle Identification Number 1FMRU17L5WL handfacturing date October 1997). This was an Eddle Bauer XLT V8 5.4L, manufactured in Wayne, Michigan. Production sequence number A42068. The fire originated within the motor compartment and was electrical in nature.

Ms. Brenda Brooks of GEICO Direct Insurance Company retained Rimkus Consulting Group, Inc., on November 19, 2004, for the purpose of determining the fire cause and origin. Mr. Thomas W. Young, C.F.L., C.F.L., C.F.L., Eastern Regional Fire Manager, performed that inspection and related work.

This report was prepared for the exclusive use of GEiCO Direct Insurance Company, and is not intended for any other purpose. Our report is based on the information available to us at this time as described in **Section IV**, **BASIS OF REPORT**. Should additional information become available, we reserve the right to determine the impact, if any, of the new information on our opinions and conclusions, and to revise our opinions and conclusions if necessary and warranted by the discovery of additional information.

1980-083-LC-6837

Section II SUMMARY AND CONCLUSIONS

- 1. The fire originated within the motor compartment.
- The fire was a result of an electrical event originating at the brake booster/speed deactivation device and/or related wiring harness.

201-000-LC-0030

Section III DISCUSSION

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We performed our inspection of the fire-damaged vehicle at Greater Tampa Bay Auto Auction located at Cone Road in Tampa, Florida. The exact mileage was undetermined, however, we noted a Lube Express oil change sticker which reflected that the next oil change was due on 4/18/03 at 143,552 miles (based on 1,000 miles per month the vehicle may have had approximately 160,000 miles at the time of the fire). No additional service records were made available or were recovered from the interior of the vehicle. It was reported that the vehicle was having problems with shifting into reverse. The vehicle reportedly was sitting in parked when it caught on fire.

We began our exterior inspection at the rear of the vehicle. We noted soot on the exterior paint finish closest to the front, the roofline was in good condition, and the fuel cap was in place. The passenger side was intact with all trims and finishes undamaged. All passenger side window glass was intact. The front grille portion sustained limited fire damage and melting of related soft plastic trim pieces. The predominant gross fire damage was noted to the driver side.

The driver side front fender wall had sustained damage to the finish at the area above the tire, which was partially fire damaged on the inner bead portion. The observable fire pattern damage consisted of the driver's side inner front tire, fender and hood and is consistent with the fire origin being in the motor compartment on the driver side nearest the brake booster. The passenger compartment sustained a moderate spread of fire travel through the firewall design openings. The primary spread of heat and smoke to the interior was through the incipient windshield failure on the driver side beginning at the windshield cradle area.

January 8, 2005 RCG File No. 116553

\$2000

We noted that the interior fuse box had the following fuses in failure mode:

- # 13 listed 15 ampere, brake pressure switch (it appears that a 25 ampere fuse was in place which is an improper sized fuse).
- # 14 listed 15 ampere, battery saver.

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- # 26 listed 10 ampere, headlamps running lamps.
- # 27 listed 5 ampere, fog lamps etc. main light switch.

The motor compartment sustained localized damage in the driver's side area near the brake booster. The plastic components, neoprene hoses and related components, that remained intact on the passenger side displayed distinct directional damages on the side nearest to the brake booster. The composite air breather and related components were consumed by fire with a distinct directional fire travel originating at the brake booster. The braided fuel supply lines on the driver side near the firewall were intact with the related neoprene hoses on the driver side. All motor and related fluids were within normal range (with the exception of the brake and power steering fluids).

The plastic brake fluid reservoir and the power steering fluid reservoir were both consumed by fire. We were unable to locate the related wiring connector shell to neither the speed deactivation switch nor the remains of the switch. The distal end of the brake booster was recovered lying on the driver's side dash. Apparently, this portion of the brake component had fallen off of the vehicle and had been thrown back into the vehicle by the tow driver or other unidentified person(s). We noted no significant damage during our undercamage inspection.

It is our opinion based on physical and observable evidence that the fire was accidental in nature and originated within the motor compartment. The specific area of origin was at the distal end of the brake booster on the driver side. We noted a distinct directional fire pattern along the firewall, originating at the brake booster. The damage observed is consistent with a high resistive failure originating at the speed deactivation switch

Jenuary 6, 2005 RCG File No. 116553 connector shell causing the outer insulation of the wiring to overheat, and eventually ignite adjacent combustibles. The reported reverse/brake shifting issue are a problem commonly noted with the onset of the failure listed above.

The National Highway Traffic Safety Administration (NHTSA) has issued a recall (Campaign ID No. 99V124000) on the 1992-93 Crown Victoria, Town Car, and Grand Marquis vehicles concerning the speed deactivation device. While the recall does not appear to address the vehicle described in this inspection, the damage to the vehicle and fire origin is consistent with the damage that has been historically caused by the fallure of this device. The NHTSA web site also listed 688 consumer complaints whereby we perused approximately ½ of those listed. We noted case numbers 832737, 745805 and 723166 with motor compartment fires. Two of these cases were Eddie Bauer 1998 models and listed that they were manufactured in Wayne, Michigan with production sequence AO7115 and A80140.

Section IV BASIS OF REPORT

- 1. Performed the inspection, photography and documented findings.
- 2. Performed an online review for recall and/or defect data.

2464-11-1589-1584Z

B. CVs

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905-005-CC-0043

Section V ATTACHMENT A

Photographs

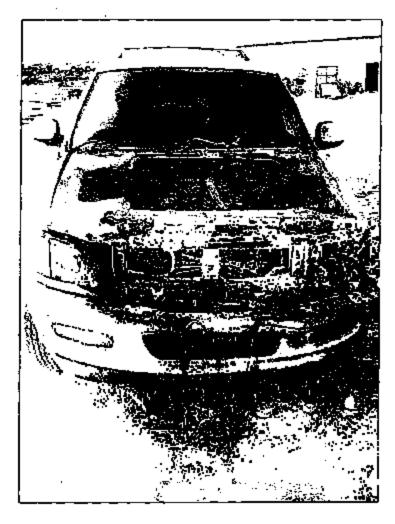
Photographs taken during our inspection that are not included in this report are retained in our files and are available to you upon request.

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Photograph 1 Front view

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Photograph 2 Rear view

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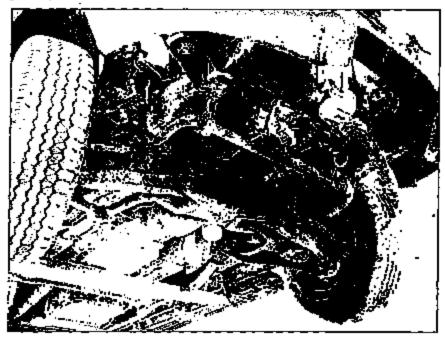


385-085-LC-2847

Photograph 3 Undercarriage inspection.

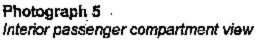
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Photograph 4
Rear portion of the undercarriage.







Photograph 6
Front drivers 1/2 view



January 6, 2005 RCG File No. 116553

Photograph 7 Damages originating at the brake booster



Photograph 8
Area of identified fire origin (note where the distal end of the master cylinder sive was located).



Photograph 9
Wide view of the area of fire origin.



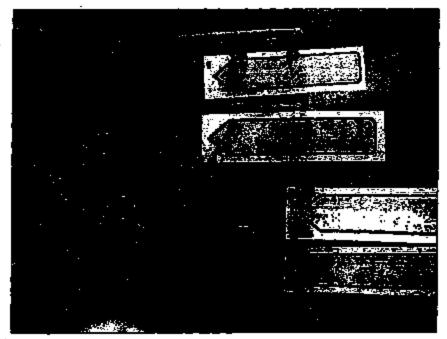
Photograph 10
Exemplar expedition motor compartment (note the location of the speed deactivation switch



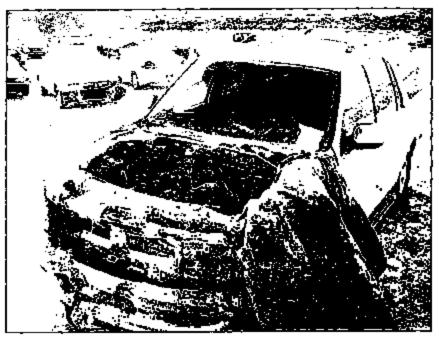
January 6, 2005 RCG File No. 116553

Photograph 11 Arrows indicated the blown interior fuses

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Photograph 12
Wide view of the damages (note directional fire damages moving away from the brake booster).





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Keller and Associates P. O. Box 1239 Sanger, TX 76266 (972) 434-3809 or (214) 384-9357

March 25, 2005

FILE #K0503059

Report One

CLIENT:

Ms. Pandora Dysart

Farmers Insurance Group 200 Chisholm Place #100

Plano, TX 75075

INSURED:

INSURED VEHICLE: 1998 Ford Expedition

VIN #1FMRU1762W

DATE OF FIRE:

3/22/05

POLICY #:

Not Reported

CLAIM #:

This report is prepared for the above named client.

Release to any other persons, company or agency MUST
be approved by the client.

Tredeed 624

This assignment was received on 3/23/05. Instructions were to conduct a vehicle fire origin and cause investigation. The investigation began on 3/24/05.

RECLOSURE

- 45 vehicle photographs with explanation sheet
- repair history printout provided by Bankston Ford

IMSURED VEHICLE

The insured vehicle is a 1998 Ford Expedition Eddie Bauer Edition. The manufacturer's data tag indicates that the vehicle was built in 2/1998. The vehicle is identified by VIN 1FMRU1762WI The vehicle displays a Texas license plate with a validation sticker expiring 5/05. The vehicle displays a Texas MVI sticker expiring 12/05. The odometer indicates the mileage is 113,449 miles.

The vehicle is powered by a 4.6L fuel injected engine. The vehicle has an automatic transmission.

The vehicle is equipped with power steering, power brakes, power windows, power door locks, power mirrors, power seats, tilt steering, cruise control, AM/FM/cassotto/CD radio with CD changer, front and rear air conditioning, rear windshield wiper and defogger, roof rack, running boards, leather interior, and stock alloy wheels with tire that are in good condition.

VERICLE BEAMINATION

This vehicle was photographed and examined at Bankston Ford in Frisco, TX. No other parties were present and there were no apparent alterations to the vehicle.

An inspection was made of the vehicle exterior. I found that there is fire damage to the hood, front fender on the driver's side, and exterior components along the driver's side of the vehicle. The windshield is damaged but it is still in place. All other windows are still present. All tires and whoels are present. The front driver's tire is fire damaged.

An inspection was made of the vehicle interior. There is no fire damage in the vehicle interior.

A closer inspection was made of the front-end assembly. Burn patterns on the hood indicate that the fire spread from the engine compartment along the back corner of the engine compartment on the driver's side. There is heavy damage to the hood along the back side of the hood on the driver's side and around the brake booster and master cylinder assembly components.

The hood was raised on the vehicle. I found that part of the metal for the hood was burned away above the master cylinder and brake booster assembly.

An inspection of the engine compartment indicates that damage is much heavier along the inner fender and bulkhead on the driver's side of the vehicle than the remainder of the engine compartment. I found that insulation is burned from some of the wiring along the driver's side of the vehicle; however, the components are intact on the passenger side of the engine compartment.

A visual inspection of the fuel lines and fuel delivery system components provided no evidence of a failure of the fuel delivery system. The fuel lines were still connected to the fuel rail. There was no visible damage around the fuel injectors.

Nonmetallic components along the top side of the engine are partially melted or burned.

Observations of the damage indicate that the heaviest damage is along the brake booster and master cylinder assembly which is mounted on the bulkhead on the driver's side of the vehicle. There is moderate damage to the cruise control deactivation switch and the master cylinder reservoir has been consumed by the fire. The plug assembly is not attached to the top of the cruise deactivation switch assembly.

Damage to the vehicle is consistent with a fire originating due to a failure of the cruise control deactivation switch assembly which is mounted on the end of the master cylinder assembly. A closer inspection of the switch assembly indicates that the nonmetablic component resting on top of the switch was still present but was not attached. Upon moving the nonmetablic components I saw beads of copper material resting on top of the switch assembly. This is indicative of the findings present when this switch assembly fails.

An inspection of the wiring harness along the bulkhead in the engine compartment and observations of wiring under the dash indicates that there is some nonfactory wiring present in the vehicle; however, there is no evidence to indicate that this wiring is involved in the fire incident. There is no damage to the wiring underneath the dash and damage to the wiring underneath the hood consists of some minor melting of the insulation on the wiring.

The remains of the master cylinder assembly and cruise deactivation switch were wrapped with plastic materials and secured with tape to avoid any further damage or destruction. A tag was placed on the equipment indicating that it is potential evidence and should not be disturbed.

A visual inspection was made of the fuse block on the interior of the vehicle. I found that fuse #13 was a 30amp fuse. It was in an open condition. Fuse #14 was a 15amp fuse. It was also open. Further review of materials would indicate that both of these fuses should be 15amp fuses. The #13 fuse which was a 30amp fuse is associated with the components that have failed in this vehicle.

I learned that the technician that worked on this vehicle is Eugene. His last name was not obtained. Eugene showed me what work he performed on the vehicle. I learned that he found a chaffed wire underneath the dash by the steering column. He repaired the chaffed wire underneath the dash. He indicated that he replaced a connector portion of the wiring harness and replaced a fuse in the fuse block. He indicated that the parts are not listed on the repair order because he had the items in his tool box and used items that he already had available. He indicated that the only fuse he replaced was a samp fuse. There is no damage around the components underneath the dash where he worked on the vehicle.

K0503059 4 Fearlman

INVESTIGATION

I talked with the insured. I learned that he bought this vehicle when it had approximately 8,000 miles on it. There have been no major problems with the vehicle that he recalls.

I learned that the vehicle was in the shop because his wifs had gone out to drive the vehicle and could not get the vehicle out of park. They called the dealer and the dealership told them how to get around the safety mechanisms and get the vehicle out of park and get it started. Upon doing so, they took it to the dealer for repair. The insured indicates that he had received a call from the dealership indicating that the vehicle was ready to be picked up. He went to the dealership to pick up the vehicle and saw fire trucks there. He learned that his vehicle had burned between the time he was called to pick it up from the dealership and the time he arrived at the dealership.

I asked the insured if they have ever had problems in the past getting the vehicle out of park. He stated that there had never been any such problems. I asked if he had ever changed any fuses in the fuse block or if he knew of any fuses being changed. He stated that to his knowledge there had never been any fuses changed in the fuse block.

I talked with service writer Jimmy Foster and service director Alan Pierce at Benkston Ford. They provided copies of the work order relating to the repair made prior to the fire and a printout of vehicle repair histories that was present on the computer system they had available. No records were found to indicate any previous problems that would relate to the vehicle not coming out of park. No notes were found related to the replacement of any fuses.

Information obtained from Mr. Pierce indicates that the vehicle repairs were completed at about 11:30am on the day of the fire. The vehicle sat on their parking lot until about 5pm when the fire was discovered. Mr. Pierce states that an employee was on the lot and saw smoke coming from the vehicle. He notified other personnel and they fought the fire with fire extinguishers while waiting for the fire department to arrive.

As indicated, I talked with the service technician that worked on the vehicle. He was identified as Eugene. Eugene indicated that he ropaired a portion of the wiring herness underneath the dash. He also indicated that he replaced a connector component and a fuse with items he had in his tool box because he did not went to get the items from parts and he was trying to help the

customer out by not having to charge for the components. He indicated that he did replace a fuse in the fuse block. He indicated that that fuse was a Samp fuse. That fuse was located in the lower section of the fuse block on the side nearest the kick panel on the driver's side. I saked Eugene if he noticed the other fuses. He denied noticing anything about the other fuses in the fuse block and denies placing the 30amp fuse in the fuse block.

No other information has been received. Per discussion, no other action will be taken at this time. The components underneath the hood that contributed to the fire were wrapped and a tag was placed on the items indicated that they should not be tampered with. A second notice was placed on the driver's window of the vehicle so that it was readable through the window.

DETERMINATION OF CRIGIN AND CAUSE

Based on my examination of the vehicle and available information, it is my opinion that this fire is accidental in nature.

The fire originated in the engine compartment. The fire originated along the bulkhead area on the driver's side of the engine compartment. The fire originated at the control switch for the cruise control deactivation and braking system.

Damage to the vehicle is consistent with the fire spreading from the switch assembly. Beaded copper material was found in the top of the switch assembly.

COMMENTS

No additional investigation is anticipated. If you have any questions, comments, or additional instructions please contact me. I may be reached at 972/434-3809, 940/458-4533, or via my mobile number at 214/384-9357.

Respectfully submitted,

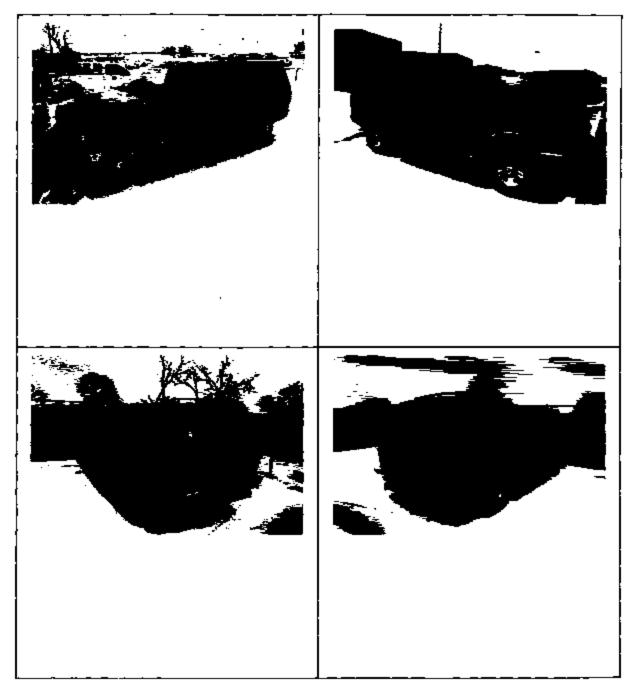
Mike Keller, CFI/CFEI, CFII, CVFI

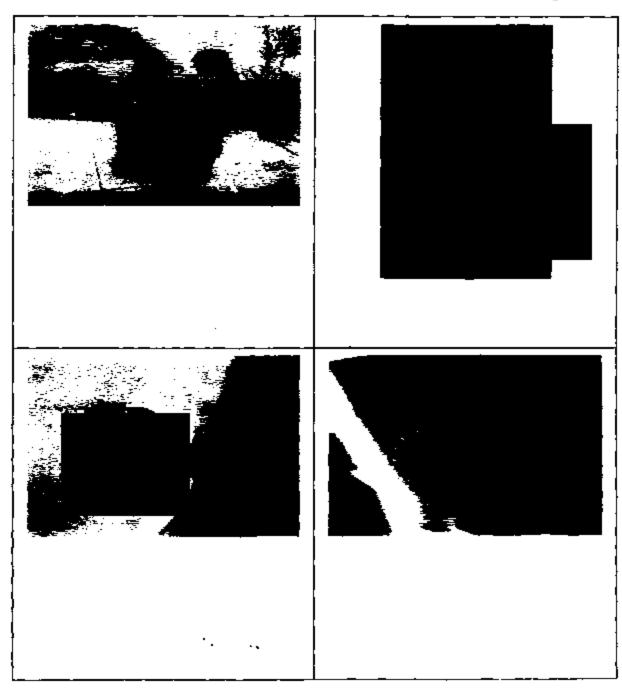
For The Firm

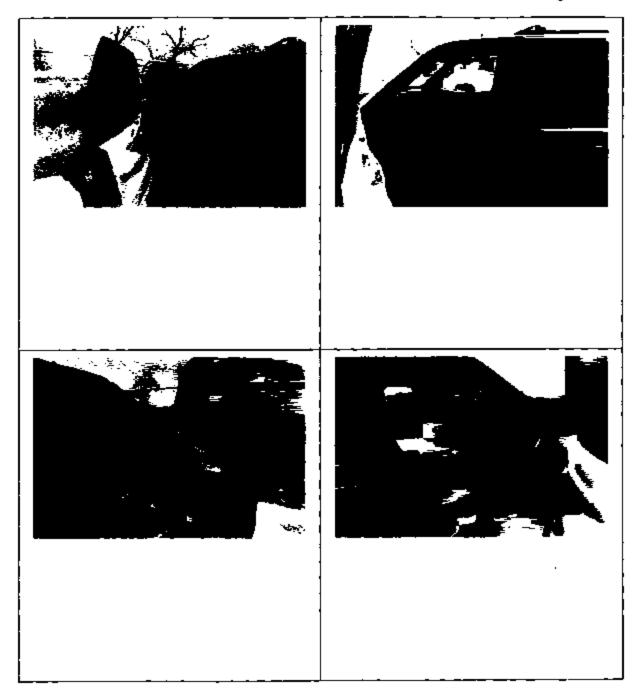
K0503059 Pearlmen PHOTOGRAPH EXPLANATION SHEET 1 - 5 vehicle exterior manufacturer's data tag MVI sticker and license validation sticker odometer reading 9 - 14 vehicle interior 15 damage to the front-end of the vehicle 15 damage to the driver's side fender 17 overall view of the damage across the front-end assembly 18 burn pattern on the hood 19 fire damage to the bottom side of the houd (note the hood is melted away immediately above the brake booster and master cylinder assembly) 20 - 22overall view of the engine compartment 23 passenger side of the engine compartment 24 fuel rail on the passenger side of the engine compartment 25 driver's side of the engine 26 fuel rail on the driver's side of the engine 27, 28 fuel lines indicating that they are still intact 29 overall view of the area of fire origin along the inner fender on the driver's side and bulkhead on the driver's side 30 - 32 closer view of the area of fire origin around the master cylinder and brake booster assembly 33 - 35 view of the remains of the cruise control deactivation

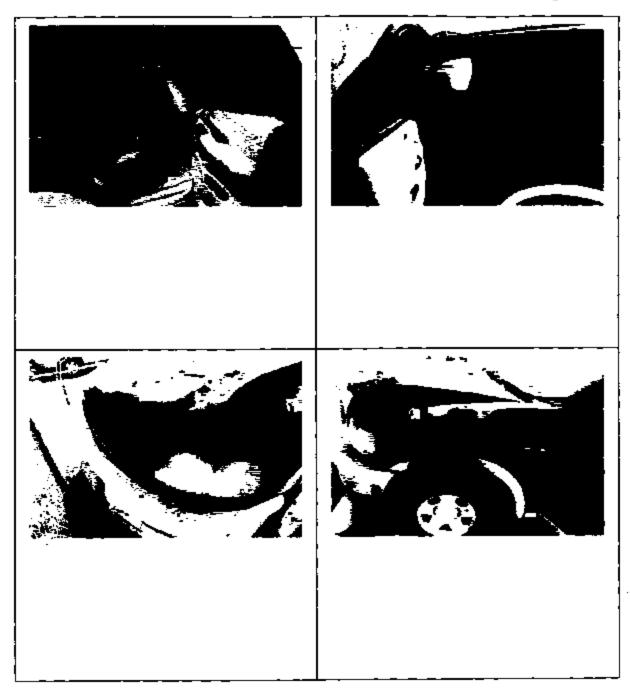
switch mounted on the master cylinder assembly

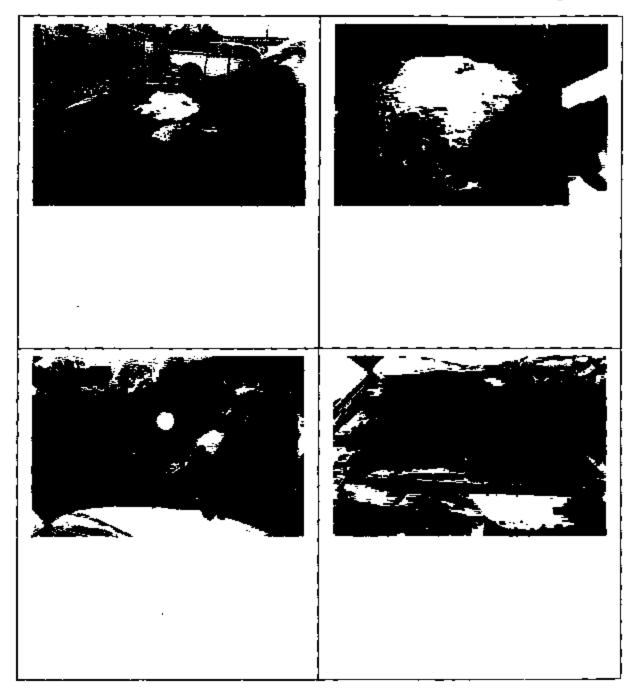
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36	wiring around the inner fender near the master cylinder assembly
37	view of the top of the cruise desctivation switch
38	close up view of the switch top indicating small molten copper balls or beads in the top of the switch assembly
39, 40	markings placed on the vehicle so that the evidence would not be disturbed
41	fuse legend for the interior fuse block
42	interior fuse block
43	fuses in the upper section of the interior fuse block indicating fuse size
44	open 30amp fuse found in the fuse block
45	open 15amp fuse found in the fuse block

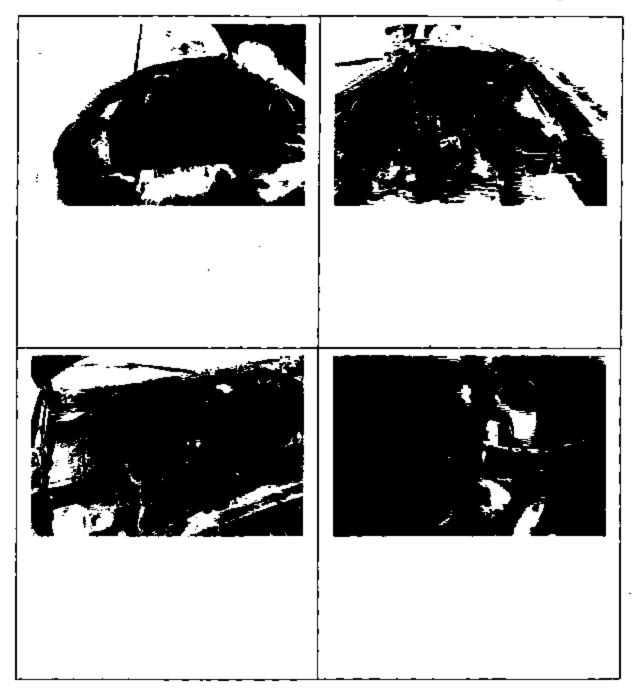


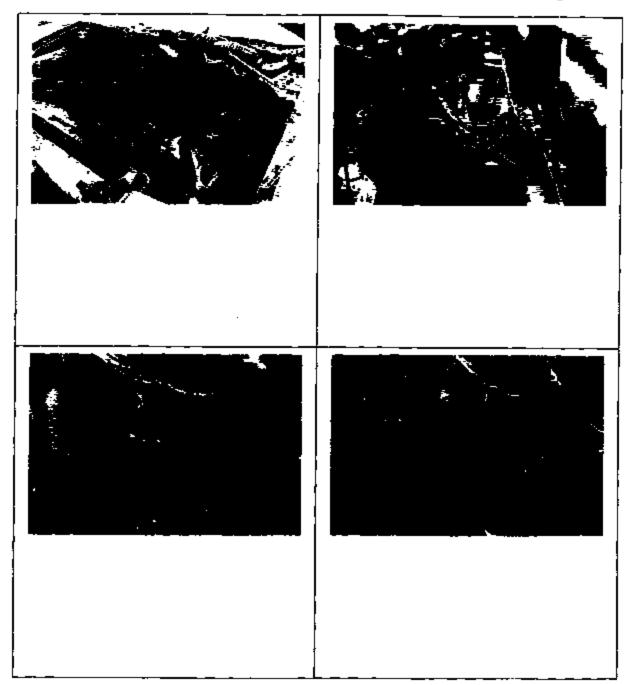


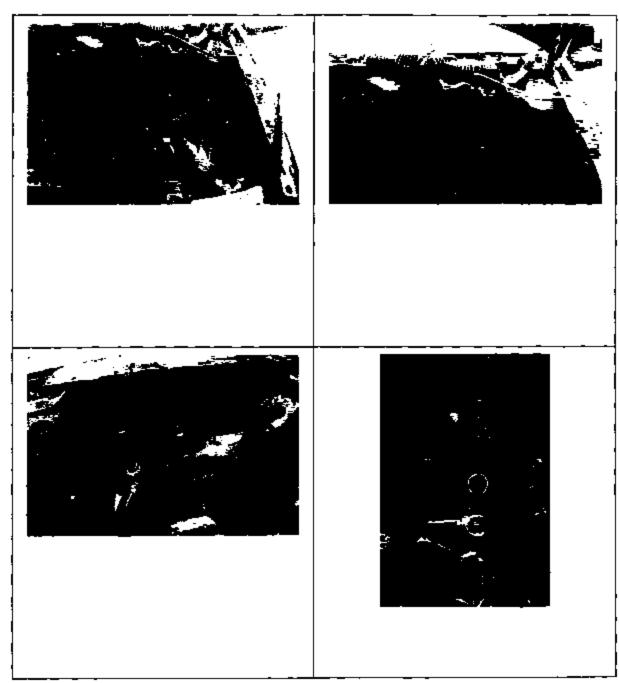




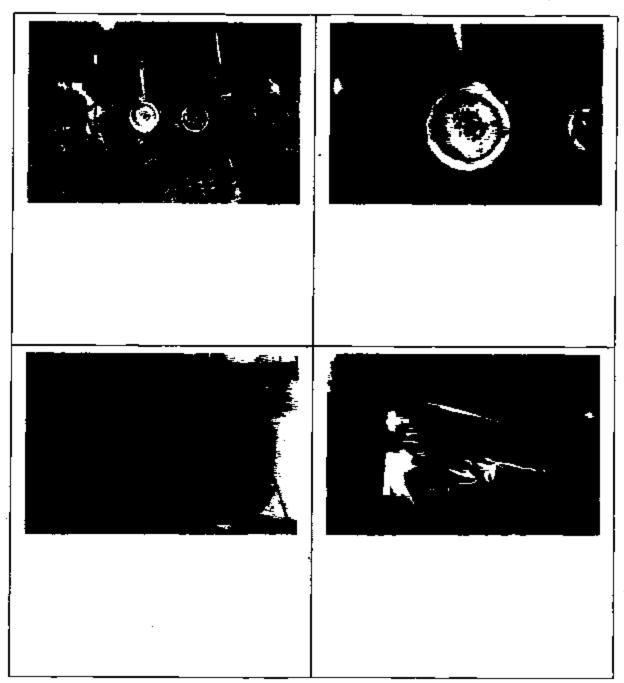


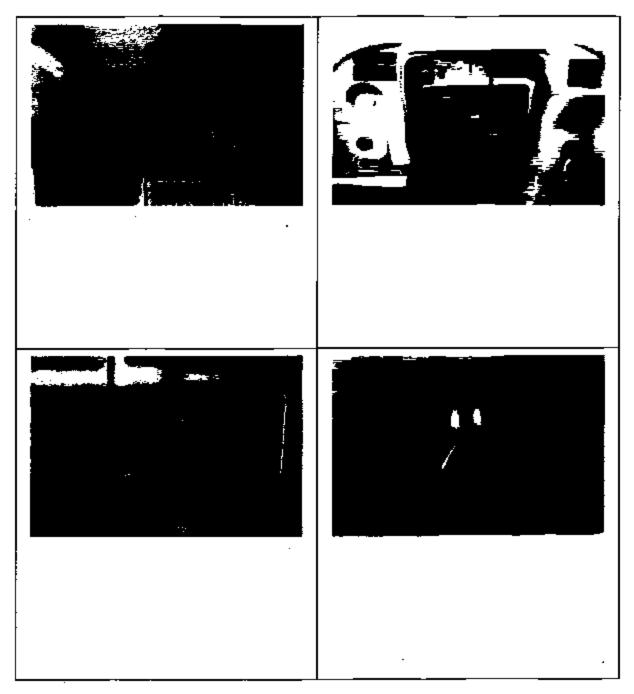


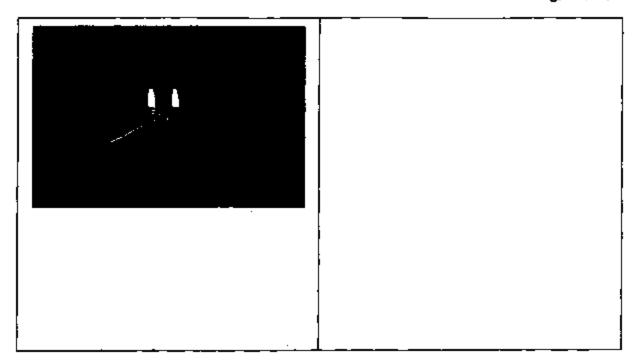












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		ISSUE LIST		
Last Handling Date/	Name/	Vin/	Model Year and Vehicle Line	leave Yees
Issue Status	Reason Deac	Case No.	MODEL 1671 SUD ACINCIS FIUS	lasue Type
6/6/2005	LARRY A PERLMAN	1FMRU1782WI	1998 EXPEDITION	07
CLOSED	LEGAL - FIRE CLAIM	1589091945		

AR Action Details for Issue

Print

VIN: 15<u>MBU1762W</u>

Year: 1998 Owner Status: Subsequent Model: EXPEDITION WSD: 1998-03-17

Case: 1562031245

Name:

Symptom Desc: FIRE/SMOKE VISIBLE FLAME

Reason Deec: LEGAL - FIRE CLAIM

Justie Type: 07 LEGAL

issue Status: CLOSED

Primary Phone: Secondary Phor

Action: OPEN LEGAL CONTACT - PRODUCT LIABILITY - FIRE

Dealer: 02441 BANKSTON FORD OF FRISCO, LTD, CO. Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION-FD

Odometer: 113449 M

Comm Type: MAIL Analyst Name: LEICH CHERIE Analyst: CLEICH

Action Date: 05/04/2005

Action Time: 15.38.42.972 Action Data: Yes

PIERCE, CUSTOMER ALLEGES HIS VEHICLE CAUGHT ON FIRE. INSURANCE COMPANY CLAIMS THAT CRUISE CONTROL DEACTIVATION SWITCH CAUSED FIRE CUSTOMER REQUESTS CONTACT FROM FORD REPRESENTATIVE.

Data Element Name

Date Value

ANALYST ED

LFONSEGA

Action: MAKE OUTBOUND CALL TO DEALER

Dealer: 02441 BANKSTON FORD OF FRISCO, LTD, CO.

Origin Desc: CONSUMER AFFAIRS - LITIGATION

PREVENTION

Odometer: 113449 Mil

Action Date: 05/08/2005

Comm Type: PHONE

Amalyst Name: FONSECA, LOURDES

Analyst: LFONSECA

NEARON (LC.)

Action Time: 09.33.41.030

Action Data: No

COMMENTS DUR STATES THAT INSURANCE COMPANY IS MAKING THE CLAIM, DEALERSHIP HAS REC'D SUBPOGATION CLAIM FROM INSURANCE, LPA PROVIDED OGC'S ADDRESS. NO FURTHER ACTION.

Action: REDIRECT TO OTHER

Dealer: 02441 BANKSTON FORD OF FRISCO, LTD, CO.

Origin Desc: CONSUMER AFFAIRS - LITIGATION

PREVENTION

Odometer: 113449 Mi

Comm Type: PHONE

Analyst Name: FONSECA, LOURDES

Analyst: LFONSECA

NEARON (L.C.)

Action Time:

Action Date: 05/06/2005

09.34.32.235

Action Data: No

Comments DLP STATES THAT INSURANCE COMPANY IS MAKING THE CLAIM, DEALERSHIP HAS REC'D SUBROGATION CLAIM FROM INSURANCE, LPA PROVIDED OGC'S ADDRESS, NO FURTHER ACTION.

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May 10, 2002

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

RE: Our Insured:

Loss Date: 10/5/2001

Claim No.: GC

Amount Owed: \$6638.89 (include: \$500 deductible)

Recall #: 00522

Our investigation has established that the above loss was caused by a defective part.

We have made payments to our insured for the damage. By virtue of our subrogation rights this is to advise you that we shall seek reimbursement from you for the amount of the damages.

Our name should appear on any check made payable to our insured in settlement of his or her damages. If you have already made a settlement with our insured, please advise us immediately.

Please be aware that so payment that is less than the full amount claimed herein will be considered in any way an acceptance of benefits, a novation or an accord and satisfaction of this claim without an express written release of our claim executed by an individual who identifies himself/herself as a member of our subrogation department. Therefore, our legal rights to enforce collection on the remaining amount of the claim shall not be waived or estopped due to a partial payment by you or someone acting on your behalf.

Your prompt consideration of our claim will be appreciated.

Sincerely,

Subrogation Claim Representative

(630) 907-6923

Parmers Aurora Subrogation Center

P.O. Box 2093 Aurora, IL 60507

Telgy (630) 907-2925 Fox (51436) 907-6192

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THE LARRY PIPES COMPANY, INC.

Specializing in Automotive Diagnosis, Design, Restoration, Repairing Consultation, and Accident Investigations.

Sember, Society of Automotion Seciences

"Since 1965"

Morber, Hatterial Academy of Sciences (1974-20)

Today is Dec. 31, 2001.

Mr. Ken Holf. Farmers Insurance Company 721 Emerson Road, S. 600 St. Louis, MO 63141

Re: Insured: Claim No.:

Date/Loss Vehicles

V.L.N.; Odometer: Inspected: GC

1997 Ford F-150 olekup truck

1FTDX1727V) 080,288 10-29-2001 @

Valley Ford Body Shop 4 Industrial Lane

Hazelwood, MO

INSPECTION REPORT

On the above referenced data, at the request of Mr. Ken Bult, an inspection trip was made to Hazelwood, MO, by Mr. Larry A. Pipes, Automotive Specialist, The Larry Pipes Co., Inc., to examine the above vehicle.

The purpose of this inspection was to determine the cause and origin of a fine the vehicle had sustained.

A. BACKGROUND

According to information provided by Mr. Ken Holt, the subject vehicle had been driven to work by its owner. About 2 & 1/2 hours after it had been parked on the lot, a friend had advised him that it was "smoking out on the lot".

He had gone out to the lot, had opened its hood, and had discovered a fire reportedly somewhere around the wiper motor. He had extinguished it and had subsequently reported it to this policy carrier.

The vehicle had been taken to Valley Ford Body Shop, where its electrical and mechanical repairs had already been executed. The damaged components had been boxed and put in its load bed. This assignment request had included this photo report on findings.

314.355.6600 • 618.624.4466 • Inx 618.624.4409 www.lapco.org • smokey@lapco.org P.O. Box 38488 St.Louis, MO 63138-4488

B. OBSERVATIONS, PROTOGRAPHS, DISCUSSION.

Twenty six negatives were exposed during this inspection to document findings, and their prints are enclosed in duplicate with this report, each labeled on their backs with their unique Roll (R) number, Negative (N) frame number and date.

Examination of the vehicle revealed that it had sustained a fire under its hood with a heat-damaged spot still unfinished on its hood (RLN1), yet to be done by this body shop.

Inspection of the electrical harness to it and the windshield wiper motor nevealed that the wiper motor had nothing indicative of electrical heating on its extendor (RLN7, 8 & 9). Its harness exhibited a short section that had external heat applied to it after the fire had started (RLNI) & 11).

The plastic inner splash shield/fender had been melted through, adjacent to and below the master cylinder (RINI2, 13 & I4) where some brake fluid had been spilled onto it when the plastic reservoir had been compromised by the fire. The fire had been concentrated at the master cylinder, and had started from a resistive short in the brake pressure switch that threaded into a hole drilled in the top of its bore end (RINI5, 16 & 17).

Adjacent power distribution panel and a junction/control box (RLM18, damaged, RLM19, replacements) had sustained radiant besting from brake fluid combustion, but their fuse elements, wires and covers revealed no constrint faults inside.

The brake pressure switch showed shorting of its dual conductors with stranded copper beading from arc-off of the hot conductor after ignition (RLN20, 21, 22 & 23). Its phenolic body was loose in its crimped base, apparently from internal shorting generated heat.

A burglar alarm had been reinstalled by this deals can't mechanic on the buildhead because although it had some heat deforming of its plastic, its wires and functional parts showed no involvement in this fire cause (RINIS).

All other potential systems with causative capability were checked and revealed no indications of involvement.

C. SCHKARY)

Findings considered most pertinent to this inspection were:

- fire reportedly occurred well past heat soak from engine shutdown
- no evidence of any fuel system involvement.
- 3) no cooling system involvement.

314-355-6600 The Larry Pipes Co., Inc. P.O. Box 38488 St. Louis, MQ 63138-0488Today is Dec. 31, 2001,

- no firiction-best sources involved:
- 5) no fluid loss causes present, brake fluid ignited after reservoir melted.
- 6) damaged components already resoved for good examination
 7) damaged components recommended to be saved indefinitely
 8) may be Texas Instruments brake pressure switch
 9) resistive short in brake pressure switch caused fire

D. CONCLUSION:

According to information provided plus that collected during this inspection/investigation, physical evidence observed, photographed and described above showed that number 9 was the cause of this fire.

Respectfully Submitted,

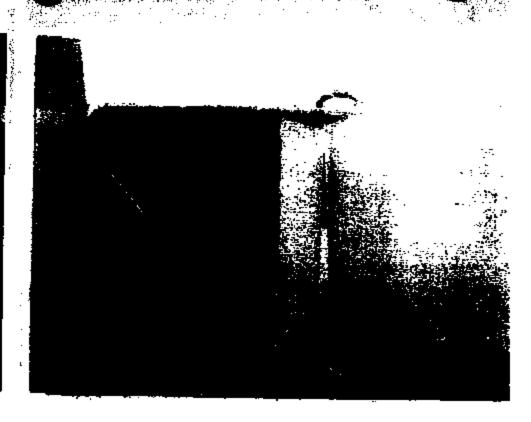
THE LARRY PIPES CO., INC.

Larry A. Pipes, Member-6.

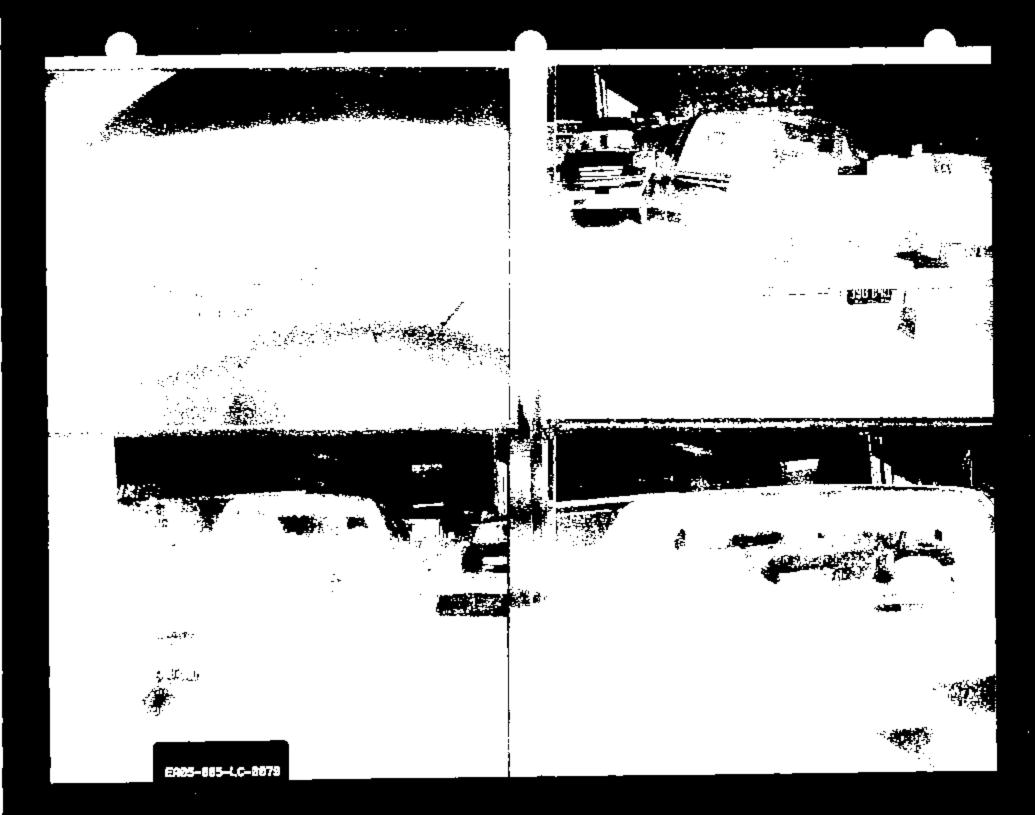
President.

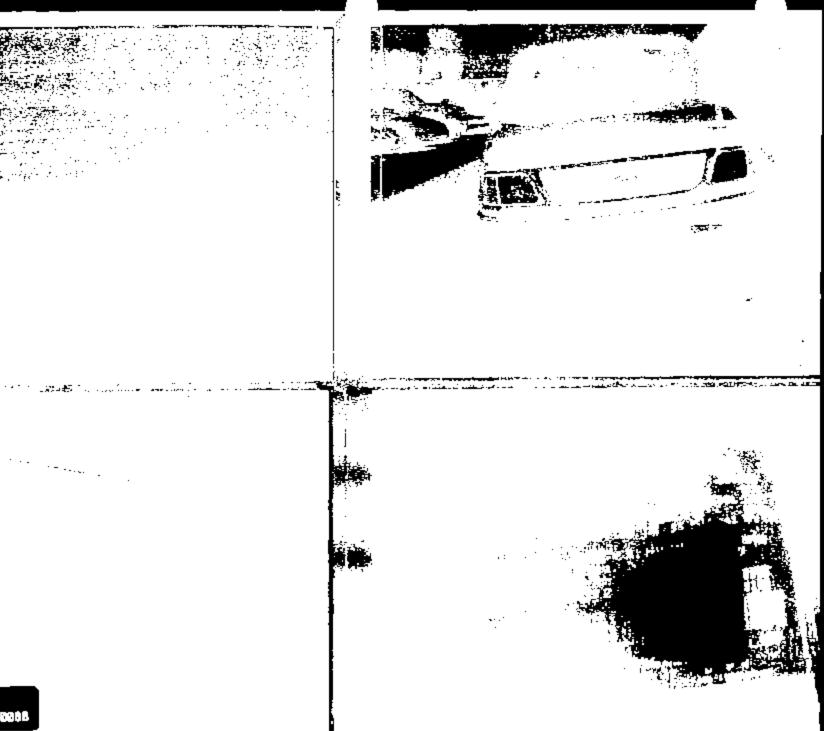
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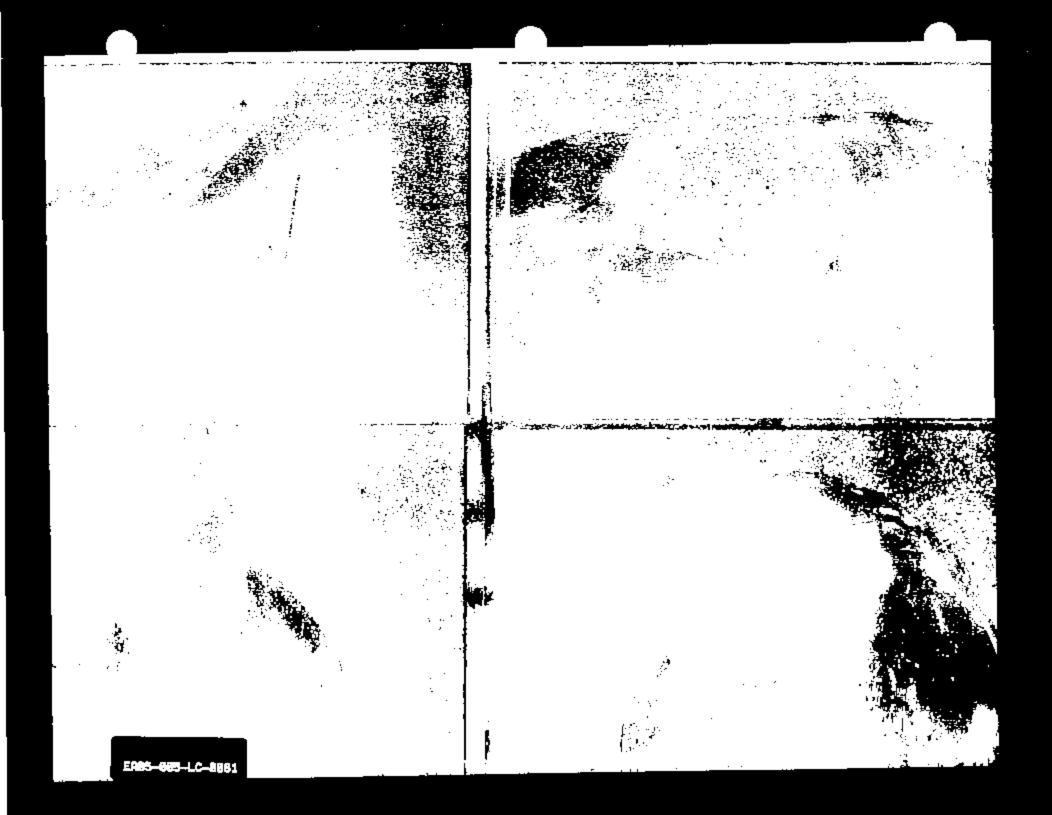
314-355-6600 The Larry Pipes Co., Inc. P.O. Box 38489 St. Louis, MO. 63138-0488

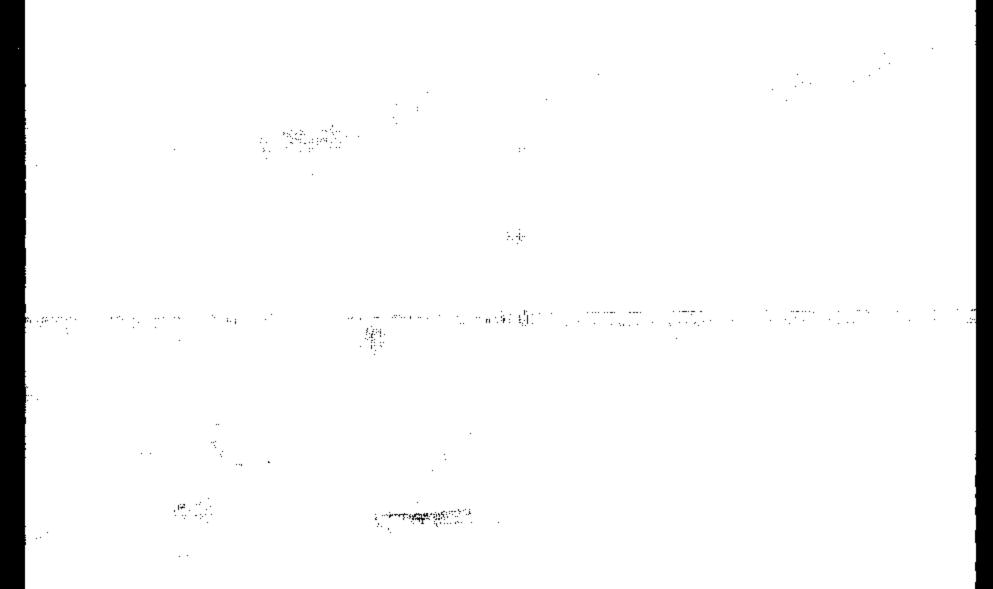


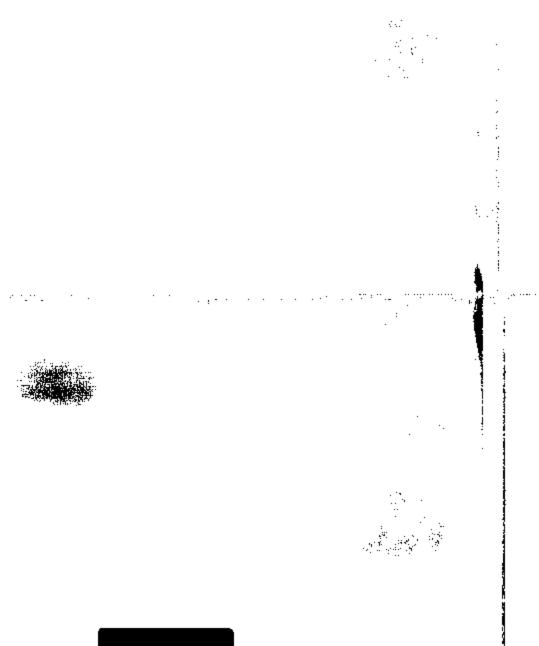
Standard Color

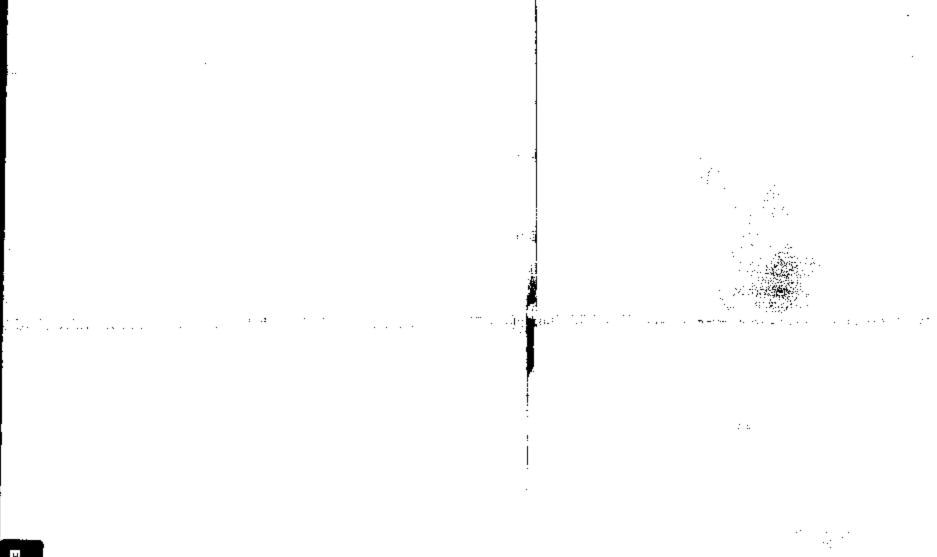














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CAUSE # 05-4016

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IN THE DISTRICT COURT

OF DALLAS COUNTY

JUDICIAL DISTRICT

FORD MOTOR COMPANY

VS.

PLAINTIFF'S ORIGINAL PETITION

NOW COMES Plaintiff herein and makes and files this his Original Petition complaining of FORD MOTOR COMPANY, Defendant and for cause of action shows:

I. Discovery

Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil Procedure 109.2. Plaintiff reserves the right to modify such discovery plan in the interest of justice.

II. Parties

Plaintification of the state of

Defendant, FORD MOTOR COMPANY, a foreign corporation organized and existing under the laws of the State of Delaware, whose principal office is located at One American Road, Dearborn, Michigan 48126, is authorized to do business in Texas and may be served with process by serving its registered agent for service of process CT Corporation System, 350 North St. Paul, Dallas, Texas 75201.

III. Venue and Jurisdiction

Venue is proper in this county under general venue rules because all of the events occurred in this county.

The court has personal jurisdiction over Defendant because Defendant actively transacts business in the State of Texas. This Court has subject matter jurisdiction over the dispute because Plaintiff's damages exceed the minimum jurisdictional limits of the Court.

IV. Facts

This lawsuit is relative to a motor vehicle fire which occurred on or about November 26, 2004 in Plaintiff's 2001 Ford F150. The fire was caused by a faulty cruise control deactivation switch.

V. Strict Liability

Plaintiff will show that the vehicle was used in a manner that was or could have been easily anticipated by Defendant, and serious damages resulted. The damages were caused by a defect or defects in the design, manufacturing and/or its component parts.

Plaintiff will further show that the defect or defects of the vehicle in question and/or its component parts made the vehicle unreasonably dangerous and that such defect or defects were a producing cause of Plaintiff's damages. Defendant is liable under the doctrine of strict liability or products liability.

VI. Fraud

Defendant committed fraud. Defendant made material representations about the vehicle and/or its component parts. Defendant knew that there were material problems with the vehicle and/or its component parts. Defendant made representations about the safety of the vehicle and/or its component parts with knowledge of its falsity or recklessly without any knowledge of the truth and as a positive assertion of fact. Defendant had special knowledge of the vehicle and/or its component parts. This misrepresentation was made with the intention that it should be relied upon by Plaintiff. Plaintiff relied upon the misrepresentation and thereby suffered injury.

VII. Breach of Warranty

Alternatively, Plaintiff would show this Court that Defendants designed, manufactured, assembled, fabricated, repaired, sold, leased, serviced and/or distributed the vehicle or its component parts in a defective condition and therefore breached an implied warranty of fitness and breached an implied warranty of merchantability. Such breach or breaches of such warranties by Defendant were a producing cause, or in the alternative, a proximate cause, of the damages sustained by Plaintiff.

VIII. Negligence

In the alternative, Plaintiff would show that Defendant was negligent in designing, manufacturing, assembling, fabricating, repairing, installing, servicing

and/or distributing the vehicle, and/or its component parts, and that such negligence proximately caused the resulting injuries and damages to Plaintiff.

IX. Deceptive Trade Practices Act

Plaintiff will show that Defendant used or employed false, misleading or deceptive acts or practices in the sale or marketing of the subject vehicle or its component parts. In addition, Defendant breached its express and/or implied warranties. Further, the conduct of Defendant amounted to unconscionable action or course of action, and was committed knowingly. Moreover, Plaintiff is entitled to recover court costs and reasonable and necessary attorney's fees as a result of this action.

X. TO THE COURT ONLY

By an instrument in writing, Plaintiff assigned to Mid-Century Insurance Company, a company authorized to do business in the state of Texas, that portion of this cause of action herewith asserted that does not exceed \$16,331.33. This assignment took place before the filing of Plaintiff's petition. Under the terms of the assignment of this cause of action, Mid-Century Insurance Company received the right to file suit in the name of the Plaintiff. Mid-Century Insurance Company has elected to prosecute this cause of action which was assigned to it in the name of Plaintiff, thus said insurance company is the Plaintiff in this cause of action. This paragraph is not to be read to the jury nor is the fact of this assignment to be known to the jury.

XI. Prayer

WHEREFORE, Plaintiff requests that Defendant be cited to appear and answer, and that upon final trial Plaintiff has judgment against Defendant for actual damages, damages permitted under the Texas Deceptive Trade Practices Act, court costs, prejudgment and post-judgment interest at the legal rate, attorney's fees under the Deceptive Trade Practices Act, and for such other relief to which law and equity may allow.

Respectfully submitted

By:

DON W. KOTHMANN State Bar No. 11693500 AMY C. WELBORN State Bar No. 24012853

CHAMBERLAIN MCHANEY 301 Congress, 21st Floor Austin, Texas 78701 (512) 474-9124 (512) 474-8582 (fax)

ATTORNEYS FOR PLAINTIFF



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Nationwide®On Your Side®

New

Nationwide Insurance • 110 Elwood Davis Road, North Syracuse, N.Y. 13212 • 315-453-3594

May 6, 2005

Ford Motor Company Parkiane Towers West – Suite 300 Three Parkiane Boulevard Dearborn, MI 48126-2568

Attn: Shawn Norton

Re: 63 claims relating to cruise control recall

Dear Ms. Norton:

As you will recall you and I spoke 4 weeks ago. I am the manager of a centralized unit that has been handling subrogation claims Nationwide has involving automobile fires and possible defects since September, 2004. We also have been handling these claims for our affiliate company Allied since February, 2005. You have had discussions on several claims with my associates Kathio Styer, Lynn Ellis and Lynn Koenck. Our goal has been to establish a positive working relationship with your company, and to only submit claims to your company having merit.

Enclosed you will find supporting materials regarding 63 of our claims relating to the cruise control recall. We have provided a list of these claims, and supporting documents for each claim which are separated and in the same order as they appear on the list. These claims are for the eastern states in our operation. We are waiting for a report on our western states handled by Allied, and as soon as it is available I will send those to you for review. As we discussed during our phone call many of these claims were handled and closed prior to us being aware there was an issue with the cruise control. Therefore, on some of those claims we did not secure a cause an origin report, and the vehicles are no longer available. On all claims we have provided photographs and estimates that clearly document the area where the fire started.

I would appreciate discussing this with you or someone at Ford once you have received this and have had an opportunity to review. Please contact me by phone at 315-453-3594, by fax at 614-961-3180 or by EMAIL at mabbetc@nationwide.com. We look forward to continue working with you and your team, building a strong working relationship, and working towards cost effective resolutions of claims for both of our companies.

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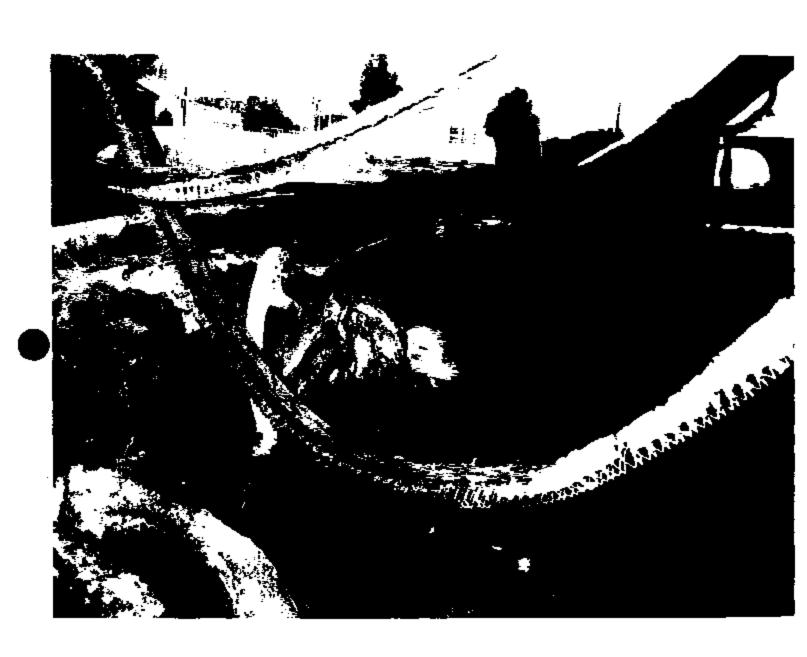
Catig Mabbett Subrogation Manager PORD MOTOR COREANS

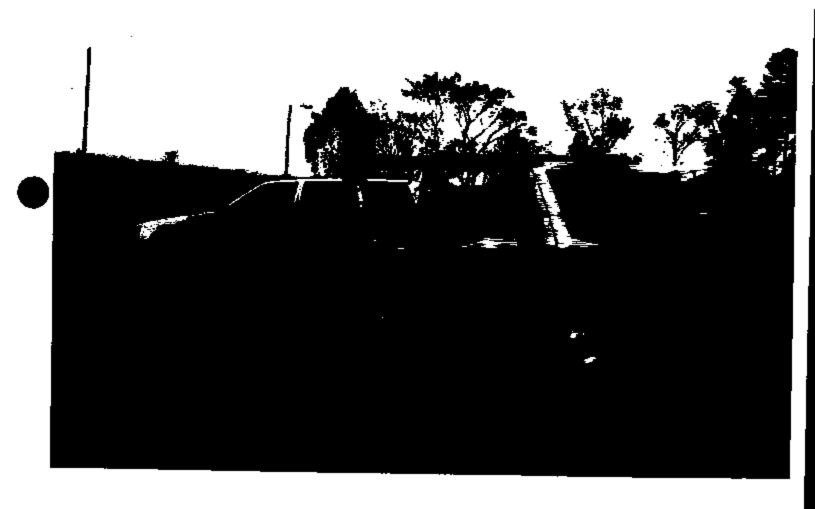
MAY 1 5 2005

SENERAL COURSE













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Allstate Insurance Company Market Claim Office 1500 City West, Suite 800 Houston, TX 77042

Phone Number: 713-435-2600

Office Hours: Monday-Friday 8:00-4:30

April 5, 2005

Ford Motor Company
3 Parklane Bivd. Ste PTW 300
Dearborn, MI 48126
Attn: Legal Department: Shawn Norton





RE: Our Claim Number

Occontents)

(vehicle)

Our Insured:

Date of Loss:

03/18/05

Loss Location:

33834 PALOMA DRIVE, SAN BENITO,TX.

To Whom It May Concern:

Please accept this letter as notice to your company of a potential claim for subrogation. Our policyholder sustained fire damage to their Ford f-150 Truck and contents contained in the vehicle on the above date of loss. Initial analysis by cause and origin experts along with assistance from Verite' Forensic Engineering has indicated that arching was possible at the cruise Control deactivation switch in the 1997 Ford 150 Vin. Number of 2FTDX07WXV

We are proposing a joint inspection of all the evidence involved in this loss and would like to give you the opportunity to participate.

Currently, the Vehicle is located at Copart auction Pool in San Antonio Texas. The switch is located with Verite' Forensic Engineering in Houston, Texas. Please contact Mr. Dave Reiter for examination of this switch. Dave's phone number is,1-936-756-2201. You may speak to Andre Brown, total loss adjuster, handling the file in San Antonio Texas of 1767996827. Andre Brown's phone number is 1-800-733-8910 ext 4244.

Please contact me at 713-435-2754 to acknowledge receipt of this letter. You may contact Mr. Reiter at Verite', 936-756-2201 directly regarding the evidence inspection as well as Mr. Brown, at 1-800-733-8910 ext 4244.

Jones, Pat McGrath /(S.Texas Property)

From: jeffrey abrama (jeffrey_sbrams@hotmail.com)

Sent: Tuesday, April 05, 2005 9:47 AM

To: Brown, Andre(SA MCO); Jones, Pat McGrath /(S.Texas Property)

Subject: Conclusion for FAI 3849, claim # Insured Torres

Hi, Mr. Brown & Mr. Jones,

820401838

The hard copy of the report will follow in a few weeks, but if it is needed sooner; please do not hesitate to contact me.

In conclusion, based on our observations and the findings as noted in this report, it is our opinion that this 1997 Ford F-150 vehicle fire originated within the engine compartment, and was most intense in the left-rear corner of the engine compartment at, and immediately surrounding, the consumed brake master cylinder. The fire intensification in this area was specific to that originating around the consumed brake master cylinder, but the effects of the wind, which were blowing primarily from the front toward the rear of the vehicle, as well as the near-total consumption of combustible materials surrounding the area of most intense burn, prevented a more definitive determination as to an exact area of fire origination.

Due to the widespread documented Ford F-150 fires relating to brake pedal deactivation switches, we proceeded to search for, inspect, and remove the burned remains of the front portion of the brake master cylinder and the brake pedal deactivation switch, should an analysis be desired of this brake pedal deactivation switch. This was the area of most intense burn in the left-rear corner of the engine compartment. As all combustible materials were consumed, and all aluminum alloy materials were primarily consumed, melted, and resolidified, below the left-rear third portion of the engine compartment, a definitive determination as to the exact cause of the fire could not be made at this point in time.

Burned fire debris that was taken into our possession will be stored at the office of Forensic Analysts, pending further instruction from Allstate Insurance Company.

All fire born patterns are consistent with a fire traveling from the left toward the right side, across the top of the engine, but the effects of wind on the exterior of this vehicle were intense, and very intensifying, within the engine compartment, as well as generating a very widespread fine even toward

4/5/2005

the rest of the vehicle. During our inspection, there were substantial front-to-rear wind currents that migrated from the left to the right.

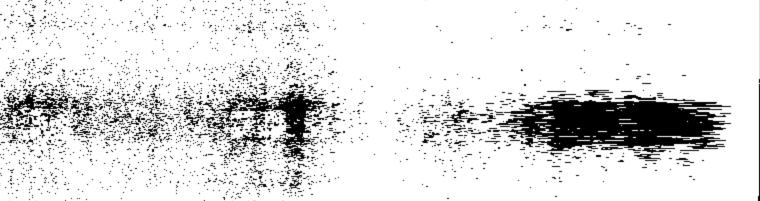
As this vehicle had been parked since nine of clock in the evening (9:00 p.m.) the evening before the unset of this fire, and there is no evidence to substantiate any type of incendiary burn associated with this vehicle, or any type of vandalism on the vehicle exterior, all evidence is purely consistent with an electrically generated, accidental fire, likely, the result of failed electronics at, and immediately surrounding, the consumed brake master cylinder in the left-rear corner of the engine compartment. We recommend that Ford Motor Corporation be placed on notice relating to the onset of this vehicle fire, and be given the opportunity to inspect this vehicle, due to the widespread documented fires that have been associated with Ford F-150 vehicles at, and immediately surrounding, the brake master cylinders.

Please let me know if you have any questions or transmission problems.

Regards,

Jeffrey Abroms
FORENSIC ANALYSTS, INC.
281-558-9396, FAX 281-558-9339







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May 6, 2005

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

Attn: Shawn Norton

Re: 63 claims relating to cruise control recall

Dear Ms. Norton:

PORG MOTOR COMPANY RECEIVED

MAY 1 9 2005

OFFICE OF THE GENERAL COUNSEL

As you will recall you and I spoke 4 weeks ago. I am the manager of a centralized unit that has been handling subrogation claims Nationwide has involving automobile fires and possible defects since September, 2004. We also have been handling these claims for our affiliate company Allied since February, 2005. You have had discussions on several claims with my associates Kathie Styer, Lynn Ellis and Lynn Koenck. Our goal has been to establish a positive working relationship with your company, and to only submit claims to your company having merit.

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Ur Mal

Calig Mabbett Subrogation Manager

ISSUE LIST

Last Handling Date/ Name/ Vin/ Model Year and Vehicle Linelesue Type
Issue Status Reason Desc Case No.

6/18/2000 FF-SERIES 03

CLOSED AWA - WITHIN CRITERIA, REQUESTING AWA 749240410

All Action Details for Issue

Print

VINE TETEXTRESV

Year: 1997

Model: F-SERIES

Cups: 749240410

Owner Status: Subsequent Symptom Desc: LOCKS/SECURITY DOOR AJAR INDICATOR:

WSD: 1996-12-17 Primary Phone:

Reason Docc: AWA - WITHIN CRITERIA, REQUESTING AWA lesue Type: 03 CONCERN

Jesus Status: CLOSED

Secondary Pho

Initial Customer Contact:

Action: ADVISE CUST INFO WILL BE SENT TO DLR; CONTACT CRM

Dealer: 09908 BIGNDI PARKWAY FORD

Origin Deec: US CONCERN CASE BASE

Odometer: 97000 MI

Comm Type: PHONE

Analyst Name: DARAPHONE PHENGPHET

Analyst: DPHENG

Action Date: No.

Action Date: 02/10/2000

Action Date: 06/18/2000

Action Time: 20,48.30.659

Comments CUSTOMER SAYS: -INTERIOR LIGHTS ARE ON. DOOR AJAR LIGHT STAYS ON WHEN DOORS ARE CLOSED. SEEKING ASSIST, PER CUSTOMER, DEALER SAYS: NONE CAC ADVISED: - WARRANTY MAS EXPIRED - FORWARDED INFORMATION TO THE DEALERSHIP FOR POSSIBLE FINANCIAL CONSIDERATION - REQUESTED CRIM/SERV MGR

CONTACT CUSTOMER WITHIN 2 BUSINESS DAYS INFERENCE CASE ID: 2365

Action: UNABLE TO CONTACT CUSTOMER S TIMES

Dealar: 09908 BIONDI PARKWAY FORD

Analyst Name: PARKWAY EAST FOR

Odometer: 37000 Mil

Comm Type: PHONE Analyst: F44013

Action Time: 11.08.57.343

Origin Desc: DEALER

Action Date: No

Comments NUMEROUS PHONE CALLS MADE NO RESPONSE PROMICONSUMER

