

Unified Investigations & Sciences, Inc.

INSURED: Emelando Martinez

UIS FILE #: TX01-05928



Photo #

13



Photo #

14

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Photo #

15



Photo #

16

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Photo #

17



Photo #

18

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Photo #

19



Photo #

20

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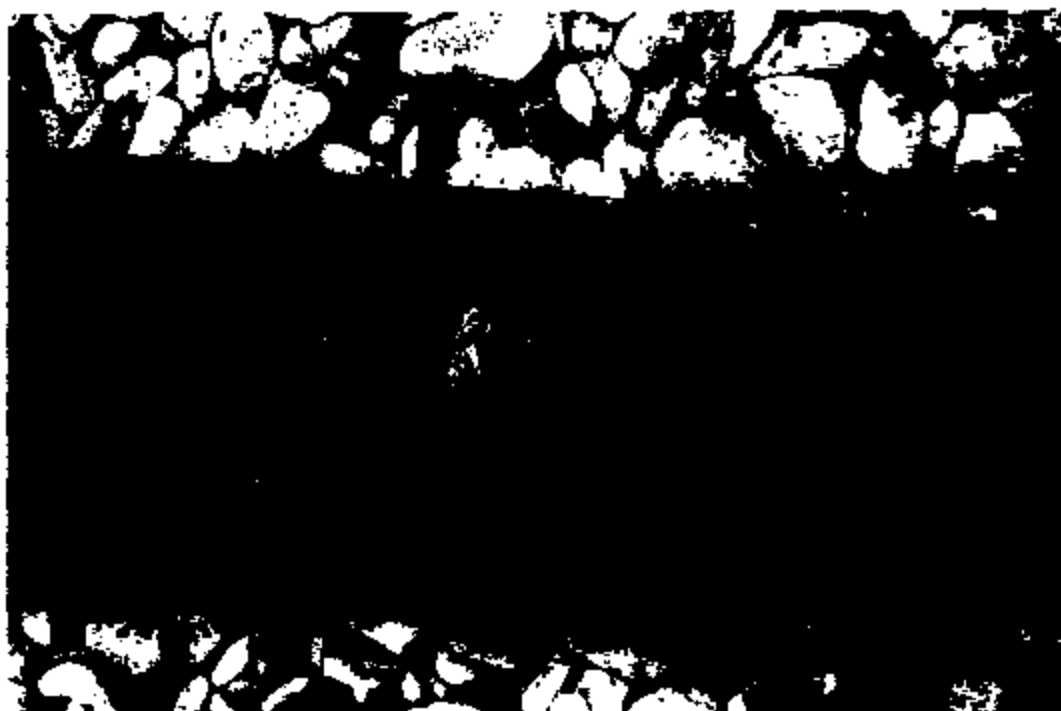


Photo #

21



Photo #

22

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INSURED: [REDACTED]

UIS FILE #: TX01-05929



Photo #

23

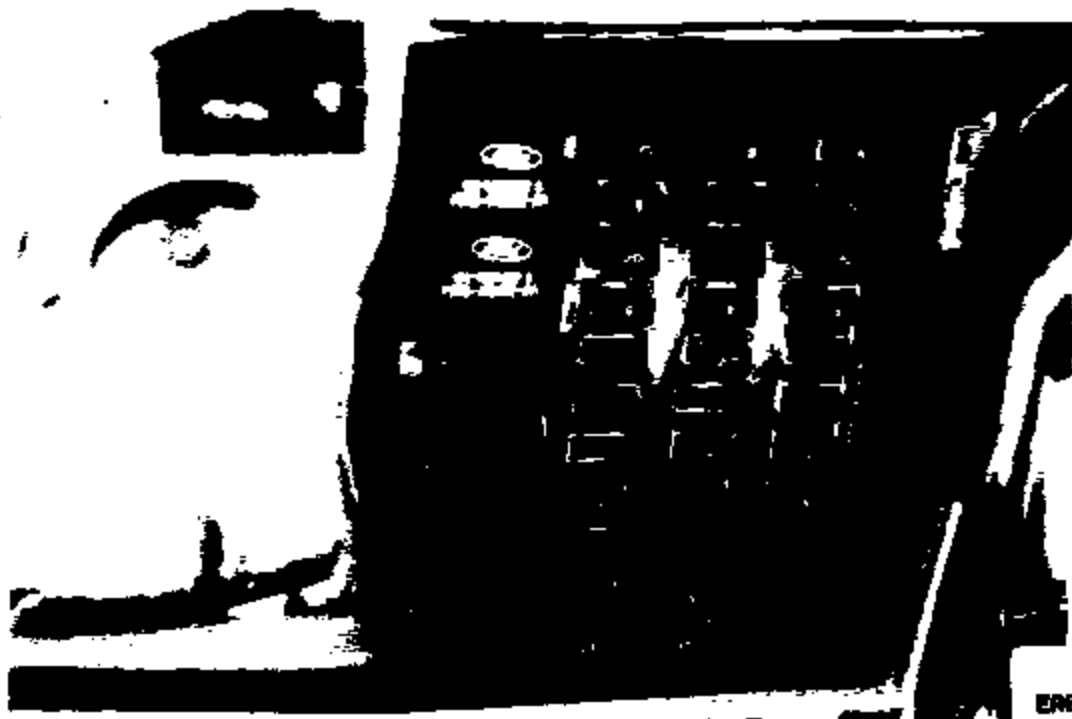


Photo #

24

**Unified Investigations & Sciences, Inc.**

**INSURED:****UIS FILE #:** TX01-05829**Photo #**

25



Color	Color
Black	Black
Red	Red
Blue	Blue
Yellow	Yellow
Light green	Light green
Dark green	Dark green
Orange	Orange
Pink	Pink
White	White
Grey	Grey
Light blue	Light blue
Dark blue	Dark blue
Light pink	Light pink
Dark pink	Dark pink
Light yellow	Light yellow
Dark yellow	Dark yellow
Light orange	Light orange
Dark orange	Dark orange
Light purple	Light purple
Dark purple	Dark purple
Light brown	Light brown
Dark brown	Dark brown
Light grey	Light grey
Dark grey	Dark grey
Light black	Light black
Dark black	Dark black

**2. General Review**

the entire time with  
that has the potential  
to be a very good  
way to go.

[illegible]**Photo #**

26

Unified Investigations & Sciences, Inc.

INSURED: [REDACTED]

UIS FILE #: TX01-05829

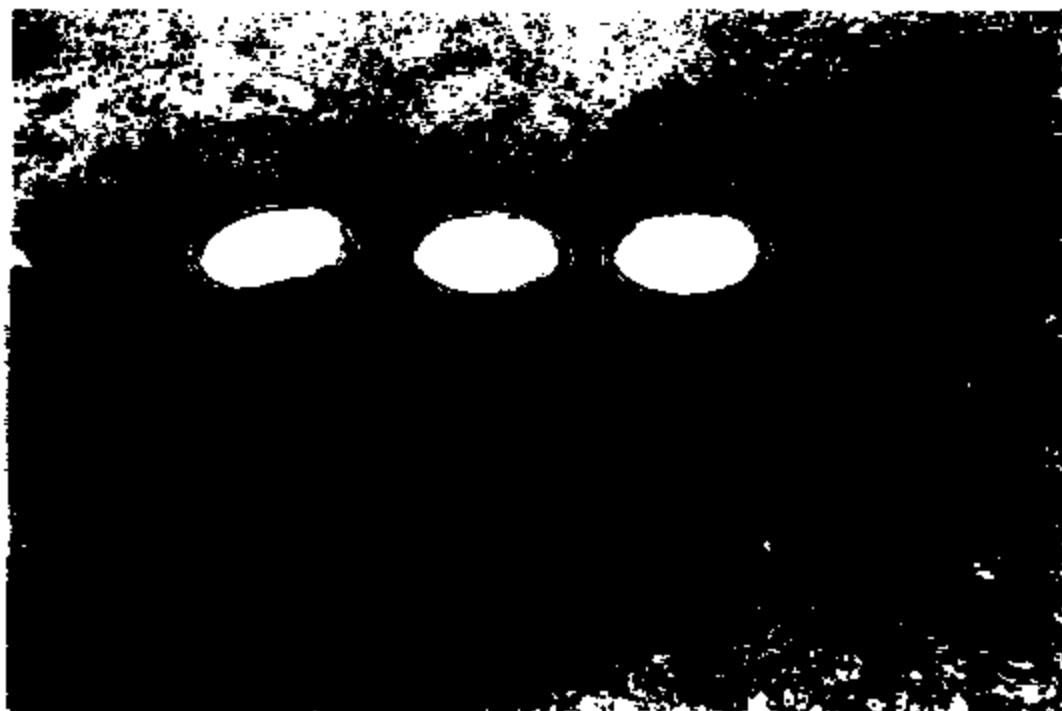


Photo #

27



Photo #

2-E

ERG-005-LC-2784



# Unified Investigations & Sciences, Inc.

Exhibit 1

## Vehicle Inspection Report

Owner <span style="background-color: black; color: black;">[REDACTED]</span>		UIS File Number <u>TA0105929</u>	
Manufacturer <u>Ford</u>	Year <u>1992</u>	Model <u>FISC</u>	Body Style <u>EXTRA CAB SUPER DUTY PICKUP</u>
State Inspection <u>State</u>	Date <u>UNREADABLE</u>	Odometer	
Displayed on Vehicle	Year	State	VIN No.
Tag Number <u>Y28 770</u>	<u>---</u>	<u>TEXAS</u>	<u>1FTDX1724VK</u>
Vehicle Examination Date <u>5-15-04</u>		Examination Location <u>1118 S. JEFFERSON McKEESPORT TX</u>	
Fire Damaged Areas		<input checked="" type="checkbox"/> Exterior <input checked="" type="checkbox"/> Interior <input checked="" type="checkbox"/> Engine Compartment	

	Burned	Distorted/Melted	Accelerant Patterns	Collision Damage
Bumper and Grill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hood	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Left Front	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right Front	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roof	<input checked="" type="checkbox"/> SUBST	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E Left Door(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right Door(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
X Trunk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Left Rear	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
T Right Rear	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rear Bumper Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E Underside	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

R Remarks SOME PAINT BLISTERING ON ROOF

I TIRES

	Burned		Unusual Tread Wear		
	Yes	No	Yes	No	
O Left Front	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tires indicate signs of recent removal or exchange? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
R Right Front	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Wheels or wheel covers indicate recent removal/exchange? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Left Rear	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Indicate areas of forced entry <input type="checkbox"/> Door(s) <input type="checkbox"/> Hood <input type="checkbox"/> Trunk <input type="checkbox"/> Glass
Right Rear	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Spars	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

GLASS

	Smoked	Cracked	Distorted/Melted	Broken
Windshield	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Left Door(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right Door(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rear	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sunroof	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Remarks \_\_\_\_\_

	Yes	No	Remarks
After market electrical accessories	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>AFTER MARKET RADIO</u>
Door(s) open during fire	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Window(s) open during fire	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Was key in the ignition/floor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Have any accessories been removed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Any unusual burn patterns	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Any abnormal melting	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Any unusual objects in vehicle	<input type="checkbox"/>	<input type="checkbox"/>	
Was trunk open during fire	<input type="checkbox"/>	<input type="checkbox"/>	
Any unusual objects in trunk	<input type="checkbox"/>	<input type="checkbox"/>	

		Yes	No		Yes	No
<b>C</b>						
<b>O</b>	Hood open during fire	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Oil below lowest mark on dipstick	<input type="checkbox"/>	<input type="checkbox"/>
<b>E M</b>	Radiator soaked	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Evidence of excessive fluid leakage	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>N P</b>	Upper radiator hose burned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Unusual odor/color motor oil	<input type="checkbox"/>	<input type="checkbox"/>
<b>C A</b>	Lower radiator hose burned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Holes or cracks in transmission case	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>I R</b>	Drive belts burned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Transmission case burned/smoked	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>N T</b>	Other hoses burned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Transmission has inadequate lubrication	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>E M</b>	Pen and shroud burned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Unusual odor/color transmission fluid	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>E</b>	Igniter feeders burned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any problems with drive-train/suspension	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>N</b>	Heating system burned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Motor mounts burned	<input type="checkbox"/>	<input type="checkbox"/>
<b>T</b>						

Remarks ENGINE 2nd check 4/2

		Missing	Burned/Discolored	Brittle/Melted	Shorted/Arched
<b>E</b>					
<b>L</b>	Battery	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>E</b>	Battery connections	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>C</b>	Battery cables	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>T</b>	Starter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>R</b>	Alternator/generator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>I</b>	Ignition system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>C</b>	Fuse panel	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>A</b>	Wiring harness	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>L</b>	After market accessories	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Remarks \_\_\_\_\_

		Missing	Burned	Distorted/Melted			
<b>E</b>	Filler cap	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>M</b>	Filler assembly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>I</b>	Fuel tank assembly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>S</b>	Fuel lines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>F S</b>	Fuel pump(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>U I</b>	Fuel filter(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>E O</b>	Carburetor/ injectors/ turbine	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
<b>L N</b>	Air intake filters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
	Fuel vapor recovery system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>A S</b>	Exhaust and tail pipes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>N Y</b>	Muffler and catalytic converter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
<b>D S</b>							
<b>T</b>	Any loose fuel line connections?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No				
<b>E</b>	Any evidence of tampering?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No				
<b>M</b>	Fuel tank	<input type="checkbox"/> Unknown	<input type="checkbox"/> Empty	<input type="checkbox"/> 1/4	<input type="checkbox"/> 1/2	<input type="checkbox"/> 3/4	<input type="checkbox"/> Full

Remarks \_\_\_\_\_

Evidence of any explosion or rupture ☐ Yes ☒ No

Was an oil sample obtained? ☐ Yes ☒ No Laboratory \_\_\_\_\_

Was a fuel sample obtained? ☐ Yes ☒ No Laboratory \_\_\_\_\_

Were debris samples obtained? ☐ Yes ☒ No Laboratory \_\_\_\_\_

Comments \_\_\_\_\_

Investigator H. B. JONES Date 5-15-2004

DATE 5-13-76 PAGE 1 AM 10-76 104 AM 10-23 105 AM 10-08 135 AM

LOCATION [REDACTED] ADDRESS Same

OWNER'S NAME [REDACTED] ADDRESS [REDACTED]

CHECK FIREFIGHTER WHO RESPONDED

Exhibit 2

D. ANDERSON S. BERRY R. BISHOP H. BOSWELL  
L. A. CAUFELD L. DAVIS III D. EVANS K. ERWIN P. FOX  
N. HAMMONS W. HEATH B. LEE J. MEADORS J. MCINIS  
D. MIRAMONTEZ L. MIRAMONTEZ E. NELSON J. D. NELSON  
K. NEAL B. POGUE C. POLASEK R. RIDLING B. RUSS R. SKELTON  
V. SMITH R. SMOLINSKY M. SPRADLEY

TYPE OF CALL:

1. STRUCTURE

2. GRASS

3. CAR/TRUCK

4. TRASH

5. MEDICAL ASST

II. RESCUE

1. EXTRICATION

2. AIR BAGS

3. OTHER

III. MUTUAL AID CALL

1. FIRE

2. MVC/WRECK

3. OTHER

IV. ACTION TAKEN

1. EXTINGUISHMENT

2. INVESTIGATION

3. CANCELLED

4. CONTACTED OTHER AGENCY

V. UNITS USED ON SCENE

Unit # 5-7-9

VI. NATURE OF FIRE

Flames showing At Hood

VII. TYPE OF MATERIAL

Hood, tires, wire

VIII. EXTINGUISHMENT

1. WATER 2. FOAM

3. FIRE EXTINGUISHER

IX. STANDBY

1. POWER LINE DOWN

2. SPILL/LEAK

3. SERVICE CALL

X. MUTUAL AID

1. GIVEN BY

2. GIVEN TO

COMMENTS:

CHED. Pick-up

NOTES: OWNER SAID Pick-up WAS PARKED

AT ABOUT 11 O'CLOCK & ALARM STARTED

GOING OFF ABOUT 1 AM & THEN EXPLOSION

WAS HEARD. LOOKS LIKE FROM BUMP

PATCHED BATTERY EXPLODED.



# Unified

Investigations & Sciences, Inc.

PRIVILEGED AND CONFIDENTIAL

## ENGINEERING REPORT

July 22, 2004

PREPARED FOR: John Gonzalez  
Allstate Insurance  
4717 South Loop 289  
Lubbock, Texas  
79424

INSURED: [REDACTED]

DATE OF LOSS: May 13, 2004

LOSS LOCATION: 1118 S. Jefferson  
McGregor, Texas

POLICY NUMBER: Not Specified

CLAIM NUMBER: [REDACTED]

UIS FILE NUMBER: TX01-06159

UIS REFERENCE: TX01-05929

### SUBJECT VEHICLE INFORMATION

YEAR: 1997

MAKE: FORD

MODEL: F-150

VIN: 1FTDX1724VH [REDACTED]

LICENSE #: [REDACTED] (Texas Truck)

PURCHASED: March 2003, individual

MILEAGE: ~ 120,000 miles

OPEN FUSES: #14 & #15

HISTORY: No Known History

REPAIRS: Maintenance since 3/03

I hereby certify that this engineering document was prepared by me and that I am a duly Licensed Professional Engineer under the laws of Texas. This seal covers pages 1 through the ending of this document.



*Richard H. Schulze, Jr.*  
Richard H. Schulze, P. E.

Date: 7/22/04 Reg. No. 91988  
My registration expires March 31, 2005.

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

223 E. Greenbriar Lane • Dallas, Texas 75203 • 214-946-8989 • Fax: 214-946-8586

ENG-005-LC-2788

Insured: [REDACTED]  
UIS File #: EX01-06159

### ASSIGNMENT

The assignment was received on May 14, 2004 from Mr. John Gonzalez of Allstate Insurance Company. The instructions were to evaluate the evidence collected by Mr. Mike Beres of Unified Investigations and Sciences, Inc. from subject vehicle to determine the cause of the fire.

### EXHIBITS

1. 81 Photographs with Photograph Explanation Sheet
2. X-Ray image of Brake Pressure switch from subject vehicle
3. Dealer recall letter for Town Car, Crown Victoria, and Grand Marquis
4. Owner letter recall for Town Car, Crown Victoria, and Grand Marquis
5. Image of brake pressure switch and sectioned view of switch
6. Image of the parts of the brake pressure switch
7. X-ray images of good and bad switch
8. Technical information on Dupont™ Kapton®

### BACKGROUND

Mr. Beres conducted a fire investigation of the subject vehicle. Following his investigation, he requested that I review the evidence and make a determination of cause.

My understanding of the circumstances of the incident, based on my initial conversation with Mr. Beres is as follows:

On May 12, 2004 [REDACTED] drove the subject vehicle from McGregor, Texas to Waco, Texas and back. He arrived at his home and parked the vehicle at about 10:30 to 11:00 pm. The fire was discovered at about 1:00 a.m. on the morning of May 13, 2004.

[REDACTED] stated that he did not use the cruise control and did not know if it was working at the time of the fire.

### INVESTIGATION

On May 17, 2004, I consulted with Mr. Mike Beres and examined the evidence, photographs, and x-ray film from the subject vehicle examination.

### OBSERVATIONS & ANALYSIS

#### *• Burn Patterns*

The subject vehicle was heavily burned in the engine compartment; however, there was paint remaining on all of the body panels from the leading edge of the front doors to the back of the vehicle. The locations of the remaining paint on the body indicates that the fire origin was on the

Insured: [REDACTED]  
UIS File #: TX01-06159

driver's side of the engine compartment and progressed toward the passenger side of the engine compartment and to the passenger compartment. There was evidence that the fire entered the passenger compartment through the windshield, which was breached due to fire venting from the rear of the hood. The breach occurred on the driver's side of the windshield. There was some windshield glass remaining on the passenger side of the windshield frame.

Both rear tires were intact and still holding air. The front driver's side tire was heavily damaged. The passenger side front tire was much less damaged than the driver's side front tire. The condition of the tires also supports a fire origin near the driver's side of the engine compartment.

There were remnants of the aluminum hood along in the passenger side fender and across the core support of the engine compartment. A small amount of the aluminum hood was found on the driver side hood hinge. The quantity and location of the remnants of the hood support an origin in the right rear engine compartment.

Almost all of the combustible material in the engine compartment was consumed, but most of the combustible material in the passenger compartment of the vehicle survived the fire. The difference in the amount of consumed combustibles in the engine compartment versus the passenger compartment was evidence that the origin was in the engine compartment, and the fire progressed towards the passenger compartment.

There were lines of demarcation on the driver's side front fender that indicated early fire venting and growth from the driver's side wheel well. The passenger side front fender had less well developed lines of demarcation, which indicates venting from that fender later in the fire. The lines of demarcation are evidence of an origin on the driver's side engine compartment.

I have investigated several Ford engine compartment fires in which the origin of the fire was placed at the upper rear driver's side of the engine compartment. The burn patterns and lines of demarcation on the subject vehicle are consistent with the burn patterns and lines of demarcation found on other vehicles that I have examined with the same area of origin.

• *Vehicle examination*

Mr. Beres performed a vehicle examination to determine the origin and cause of the fire. He checked the condition of the fuses during his investigation and found that fuse #13, & #14 were open (blown). We observed that the burn patterns were consistent with many previous vehicles that we have investigated in which the cause was found to be the brake pressure switch. Mr. Beres found the remains of the switch and collected it as evidence.

Mr. Beres had the brake pressure switch X-Rayed at Bonded Inspections in Garland, Texas. My examination of the x-ray was conclusive that the switch had experienced a catastrophic failure that created a heat release of well over 2000° F. The area affected by this heat was isolated to the inside of the brake pressure switch. We did not observe any evidence of other fire damage in this heat range and have concluded that the failure was caused by a ground fault inside the switch.

Insured: [REDACTED]  
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Mr. Beres did not find other evidence of electrical activity near the area of origin. He also did not observe or find any evidence of a cause due to natural or incendiary means.

• *Brake Pressure Switch Research*

My research has found that the brake pressure switch used on the subject vehicle is a derivative design of the brake pressure switch used in the 1992 and 1993 Lincoln Town Cars, of which the brake pressure switch was the subject of a recall campaign (NHTSA Recall #99V124 and Ford Recall #99815).

I have found that this type of brake pressure switch was used on Panther chassis cars from about 1992 until about 1997, which included the Lincoln Town Car, Mercury Marquis, and Ford Crown Victoria. The pressure switch was also used on F-series Ford pickup trucks from about 1993 through 2002 and Ford Expeditions from about 1997 through 2002. The use of the switch is not limited to these vehicles, but these are the models that we have observed to have engine compartment fires due to the switch failure.

According to the above-mentioned recall campaign, the brake pressure switch, which is used as a secondary cruise control deactivation switch, could develop a resistive short in the electrical circuit that could potentially result in an under-the-hood fire. The recall campaign also stated that a fire could start while the vehicle was being operated or when the vehicle had been shut off. The short-circuit could disable the speed control system and/or blow the brake light fuse.

In all of the above-mentioned vehicles, the brake pressure switch has the following conditions imposed on it:

- 1) It is powered by a 12-volt power supply at all times
- 2) It is "Normally Closed"
- 3) It is used as a secondary cruise control deactivation switch
- 4) The internal seal is exposed to brake fluid
- 5) The switch is exposed to engine compartment temperatures
- 6) Power is supplied by a 15 or 20 amp fuse (depending on model)

The recall of the early model Panther chassis cars was in response to an unusually high occurrence of fires that statistically stood out. There was never a determination as to why the recalled cars had such a high failure rate, but Texas Instruments submitted a report finding that a machine that placed the seals in the assembly may have had an alignment problem. The net result could be the introduction of brake fluid into the electrical portion of the switch.

The seals used in these switches were constructed of three small squares of a plastic film material. The material is known as Kapton 500 FN, which is a Dupont product. The material is weakened by heat, moisture, and fatigue bending, all of which it is exposed to in this application. The failure of the seal allows brake fluid to enter the electrical portion of the switch.

Brake fluid is hygroscopic, which means that it absorbs moisture from the atmosphere. The moisture in the brake fluid can be sufficient to cause corrosion to metal surfaces that it comes in contact with. Once the seal fails, brake fluid can enter the area where the electrical contacts are and begin corrosion. The corrosion by-products can then create a conductive path to ground through the steel portion of the switch body. This conductive path can develop even after the switch can no longer provide power to the cruise control module. As long as the circuit has a good fuse, the potential for a heat generating failure exists. The fuse is usually identified and replaced when it fails because it provides power for the brake lights, which are required to function for state inspection and on some models provides power to the shifter interlock, which will prevent moving the gear selector lever from park if the fuse is blown.

The ground fault can cause resistance heating of the conductive path, which can result in an electrical overload of the contact material and corrosion by-products. The result is a release of heat that is sufficient to melt steel, which is evidenced by the presence of small steel spheres found in the remnants of recovered switches. This current draw is usually sufficient to blow the 15 or 20-amp fuse that protects the circuit and the heat release is sufficient to ignite the thermostat plastic material that makes up the body of the electrical portion of the switch. The second fuel ignited is the nylon brake fluid reservoir that is less than an inch away from the brake pressure switch.

• *Summary*

The following is a list of facts that was used in the formulation of my conclusion:

- 1) The vehicle was parked in front of the insured's house, which is inconsistent with most arson fires that I have investigated.
- 2) The fire investigator, Mr. Mike Beres, found the origin to be in the driver's side rear engine compartment of the subject Ford.
- 3) I found that the origin of the fire was the upper rear portion of the driver's engine compartment.
- 4) The fire began in the engine compartment after the vehicle had been parked for a long period of time, which is evidence that the fire was electrical and not caused by ignitable liquids coming in contact with hot surfaces.
- 5) The burn patterns and area of origin are consistent with those I have found on vehicles that have burned due to a failure in the brake pressure switch.
- 6) The circuit, in which the brake pressure switch exists, is provided with a 12 volt power supply that is energized at all times.
- 7) The subject vehicle was equipped with the brake pressure switch that is of the type that it is known to cause engine compartment fires.
- 8) The brake pressure switch used in the subject vehicle is a design derivative of the brake pressure switch that was the subject of a recall campaign in the 1992 to 1993 Lincoln Town Car, Mercury Grand Marquis, and Ford Crown Victoria models.
- 9) The X-ray of the brake pressure switch was conclusive that the switch had suffered a catastrophic failure, which released heat in excess of 2000° F.
- 10) The fuse for the brake pressure switch was blown.



Insured: [REDACTED]  
UIS File #: TX01-06159

This year, make, and model of vehicle is being considered for investigation by NHTSA for a possible recall campaign of the brake pressures switch.

### CONCLUSIONS

Based on the information available at this time, it is my professional opinion that:

1. The cause of the fire was the catastrophic failure of the brake pressure switch.
2. The first fuel was the thermoset plastic material that made up the body of the electrical portion of the switch.

These conclusions may be reconsidered and revised if new evidence or information becomes available that merits such consideration.

### COMMENTS

The requested scope of inquiry has been completed with the submittal of this report. All photographs taken during the course of the investigation have been included in this report or have been enclosed with this report.

Respectfully submitted,

Richard H. Schulze, P. E.

Insured: [REDACTED]  
UIS File #: TX01-06159

### PHOTOGRAPH EXPLANATION SHEET

- 1) Case identification card, UIS file number TX01-05929
- 2) Front view of subject vehicle
- 3) Right side view
- 4) Rear view
- 5) Left side view
- 6) Close-up of oil change sticker
- 7) Close-up of Vehicle Identification Number (VIN) in driver door jamb
- 8) Passenger compartment viewed through driver door opening
- 9) Passenger compartment viewed through driver door opening
- 10) Passenger compartment viewed through driver door opening
- 11) Close-up view of Vehicle Identification Number (VIN) tag
- 12) Front license plate
- 13) Front license plate, Texas truck, YZ8-770
- 14) Front view of engine compartment
- 15) Close-up of passenger-side headlight assembly
- 16) Close-up of driver's side headlight assembly
- 17) Remains of aluminum hood along passenger-side fender
- 18) View of driver's side rear engine compartment
- 19) View of passenger-side front engine compartment
- 20) View of driver's side front engine compartment
- 21) Close-up of remains of battery
- 22) Close-up of engine assembly
- 23) Close-up of electrical wiring at passenger-side rear of engine compartment
- 24) View of driver's side front engine compartment
- 25) Close-up of remains of windshield and dashboard material on passenger-side
- 26) View of burn patterns on cowl and firewall on driver's side
- 27) Close-up of remains of windshield on passenger-side
- 28) Close-up of driver side windshield frame
- 29) View of passenger door in passenger-side rear view mirror
- 30) View of driver side door and in driver side rear view mirror
- 31) View of right front tire
- 32) View of right rear tire
- 33) View of left rear tire
- 34) View of left front tire
- 35) Close-up of fuse box and cruise control module on driver side front fender
- 36) View of core support from driver side front fender
- 37) Remains of aluminum fan blades
- 38) Remains of wiring harness and brake lines on driver side upper control arm
- 39) Close-up of combustible material remaining on wiring harness
- 40) View of remains of upper portion of brake pressure switch
- 41) View of remains of lower portion of brake pressure switch
- 42) View of passenger-side rear engine compartment
- 43) Close-up of remains of cover on passenger-side engine compartment

Insured: [REDACTED]  
UIS File #: TX01-06159

- 44) Front view of subject vehicle raised and supported by jack stands
- 45) Close-up view of remains of upper portion of brake pressure switch
- 46) View of tape used to mark debris quadrants under engine compartment
- 47) View of aftermarket radio
- 48) View of driver side wheel well with tire in wheel removed
- 49) Debris on driver side rear debris quadrant
- 50) Debris on driver side front suspension
- 51) Debris on driver side front suspension
- 52) Close-up of remains of anti-locking brake system module
- 53) Debris on driver side front engine debris quadrant
- 54) Debris on driver side front suspension
- 55) Debris on driver side front suspension
- 56) Lower portion of brake pressure switch
- 57) Lower portion of brake pressure switch
- 58) Remains of battery
- 59) Remains of battery
- 60) Battery terminal clamp
- 61) Remains on driver side front fender
- 62) Remains of debris at the lower portion of the driver side engine compartment
- 63) Close-up of electrical connector at driver side front of engine
- 64) Oil dipstick tube
- 65) Oil dipstick tube
- 66) Transmission dipstick and dipstick tube
- 67) Transmission dipstick and dipstick tube
- 68) Automatic transmission fluid dipstick
- 69) View of debris collected and placed in evidence cans
- 70) View of debris collected and placed in evidence bags
- 71) View of truck following debris removal under engine compartment
- 72) View of truck following debris removal under engine compartment
- 73) View of truck following debris removal under engine compartment
- 74) View of truck following debris removal under engine compartment
- 75) Remains of battery
- 76) View of fuse box on driver side passenger compartment
- 77) View of fuse and relay diagram in owner's manual
- 78) View of fuse and relay identification table in owner's manual
- 79) Fuse number 13, shows 15 amp rating
- 80) Close-up of fuse number 13, shows blown fuse element
- 81) Close-up of fuse box

CASE NUMBER: TX01-05929

INSURED: [REDACTED]

DATE OF LOSS: 5-13-04

INVESTIGATOR: BERES

DATE OF EXAM: 5-15-04

CLIENT:

ALLSTATE  
GONZALEZ

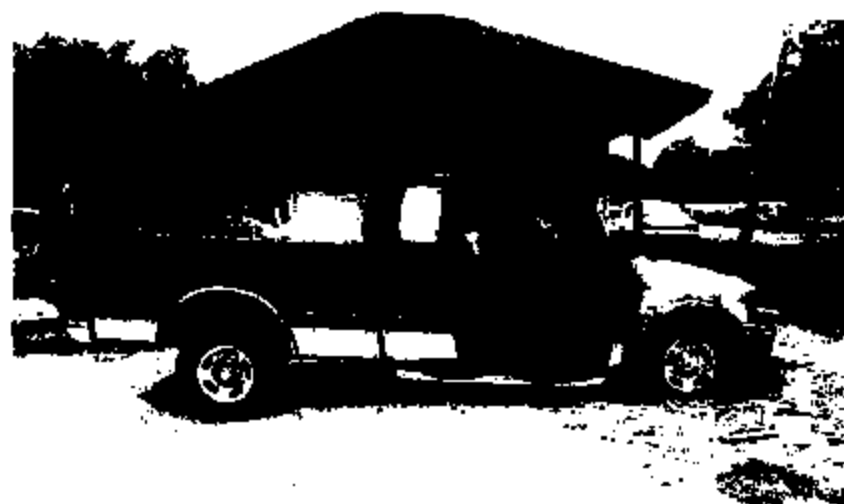
ENR-605-LC-2718

Martinez-001.jpg

Exhibit 1



02.jpg



03.jpg

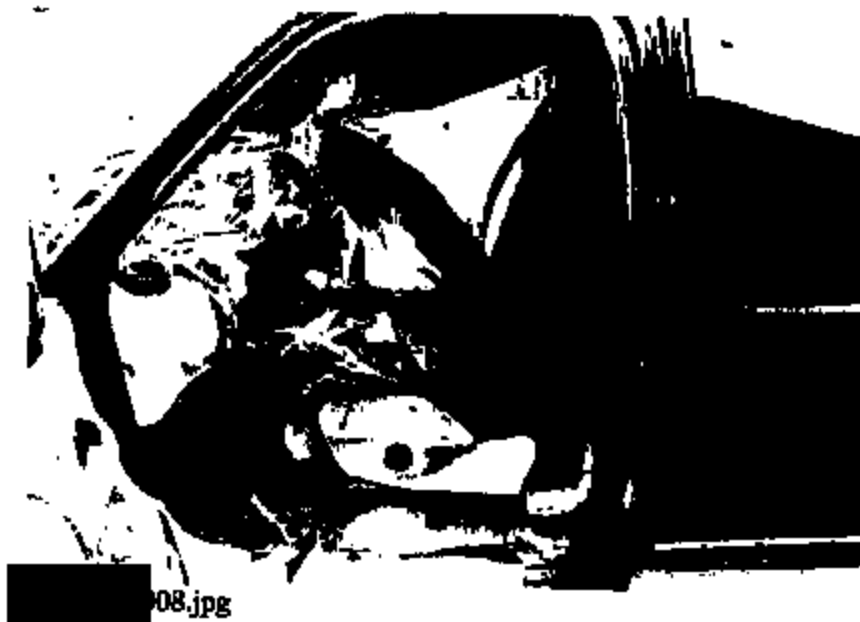
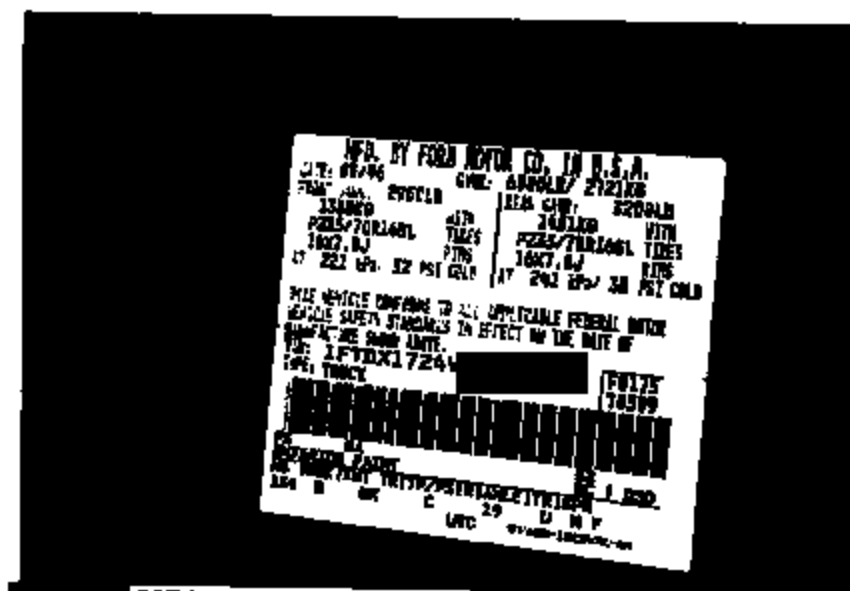
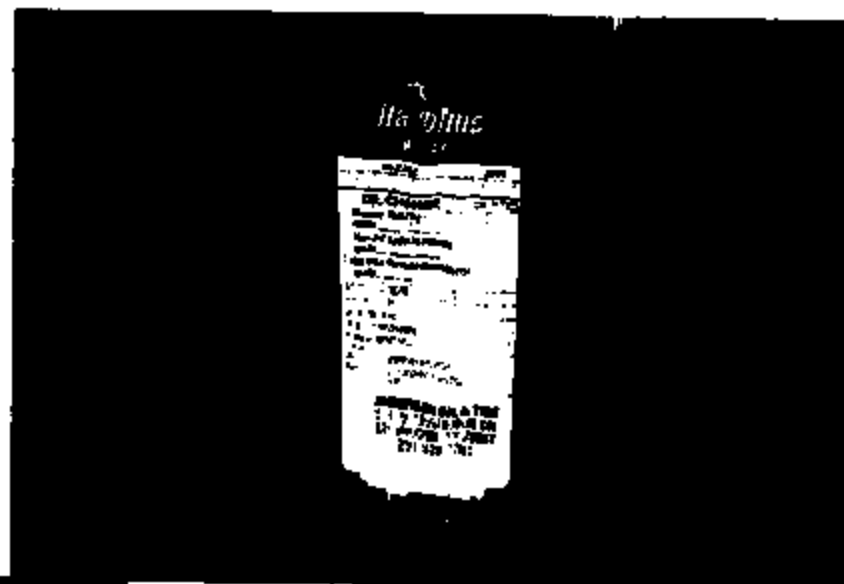


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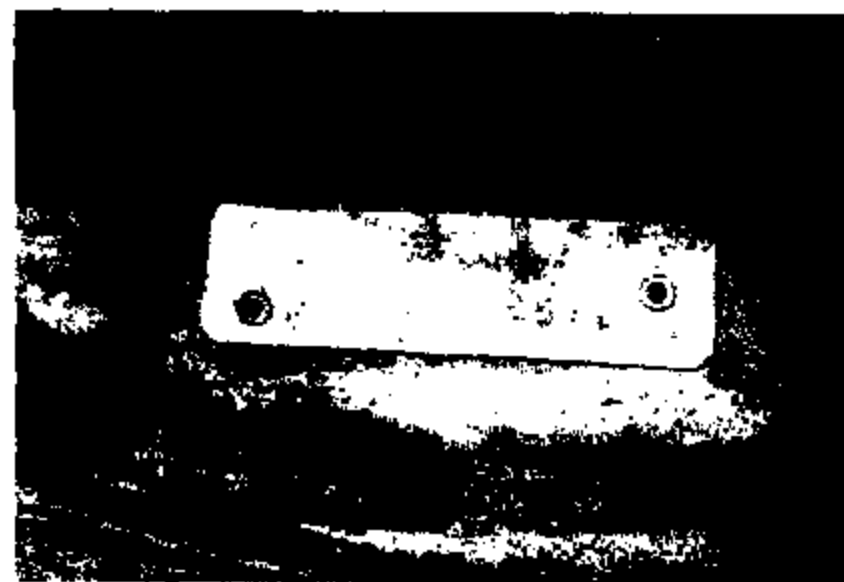
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023.jpg

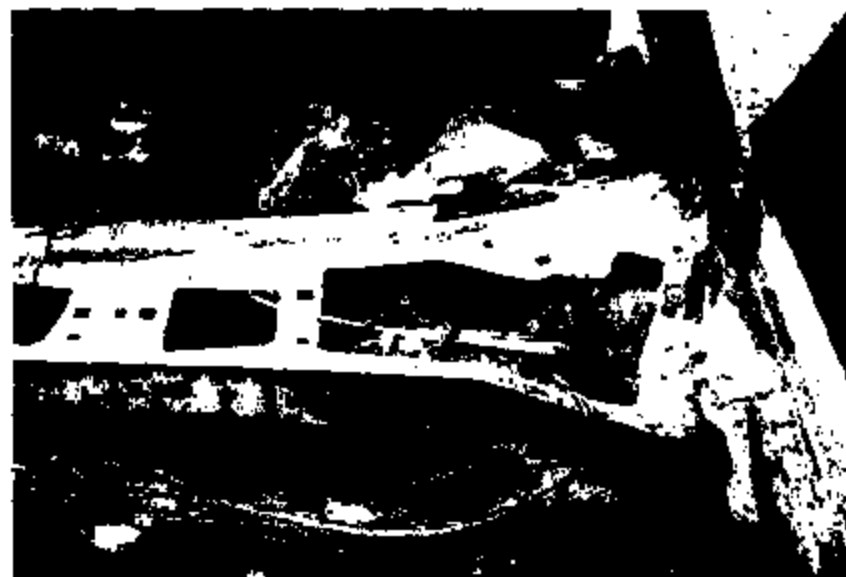


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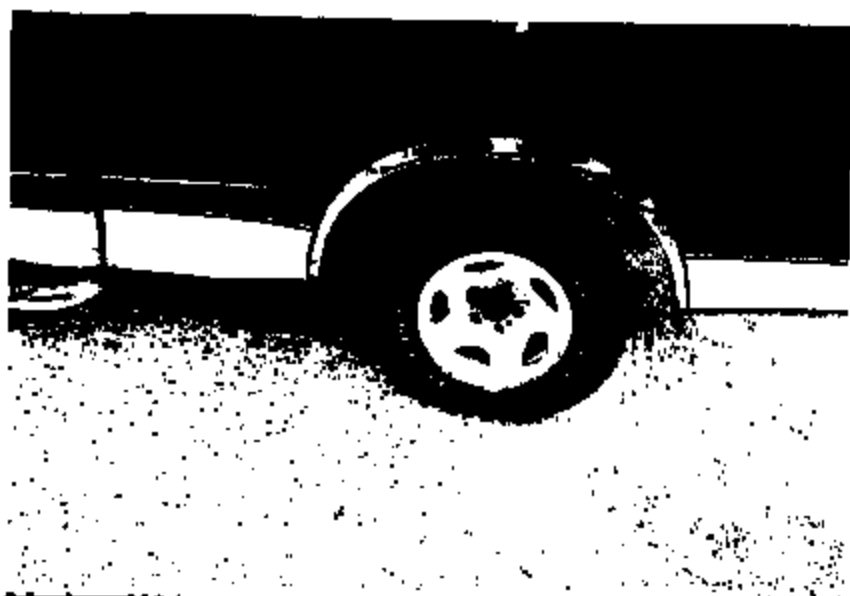
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040.jpg

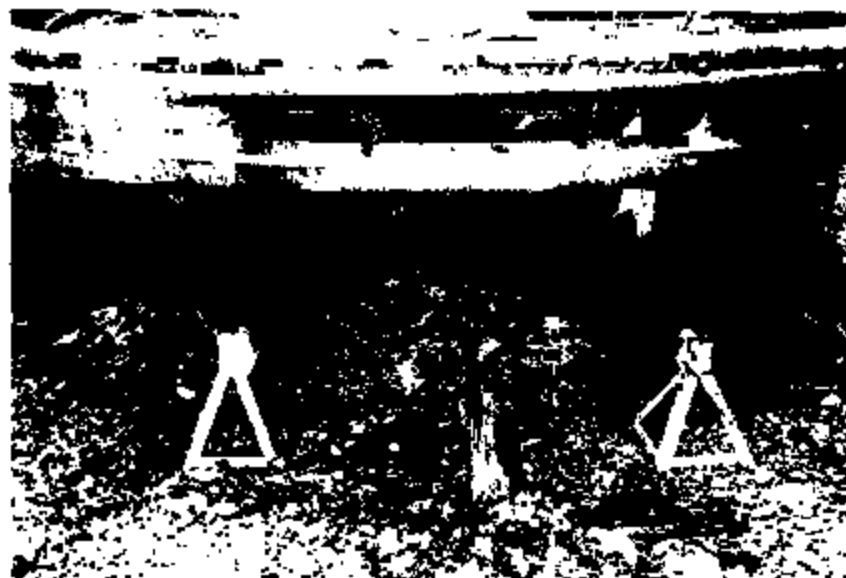


041.jpg

EXOS-005-10-2720



EA05-082-LC-2727



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047.jpg



048.jpg



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2005-005-1C-2728





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BRB-005-LC-2728



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2005-000-LC-2730



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062.jpg



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064.jpg



065.jpg

ENG-005-LC-2732



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068.jpg



069.jpg

ENR-005-10-2733



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071.jpg



072.jpg



073.jpg

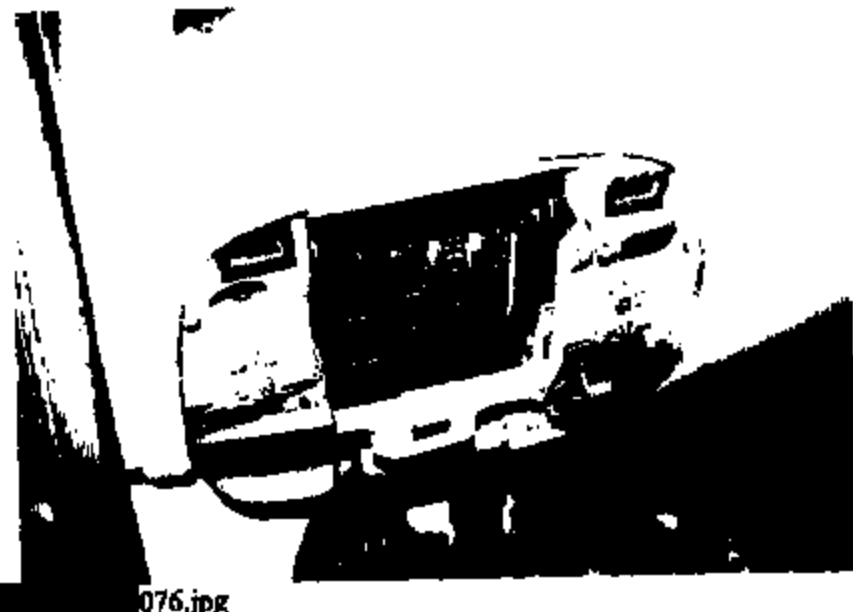
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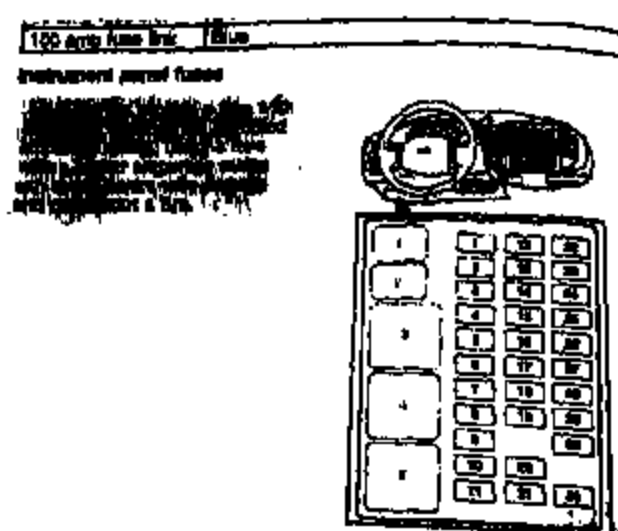
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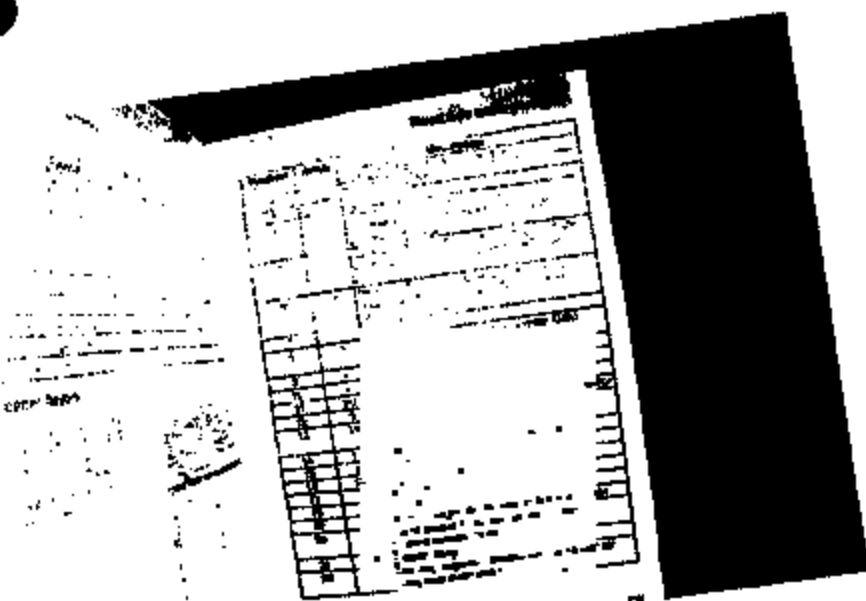


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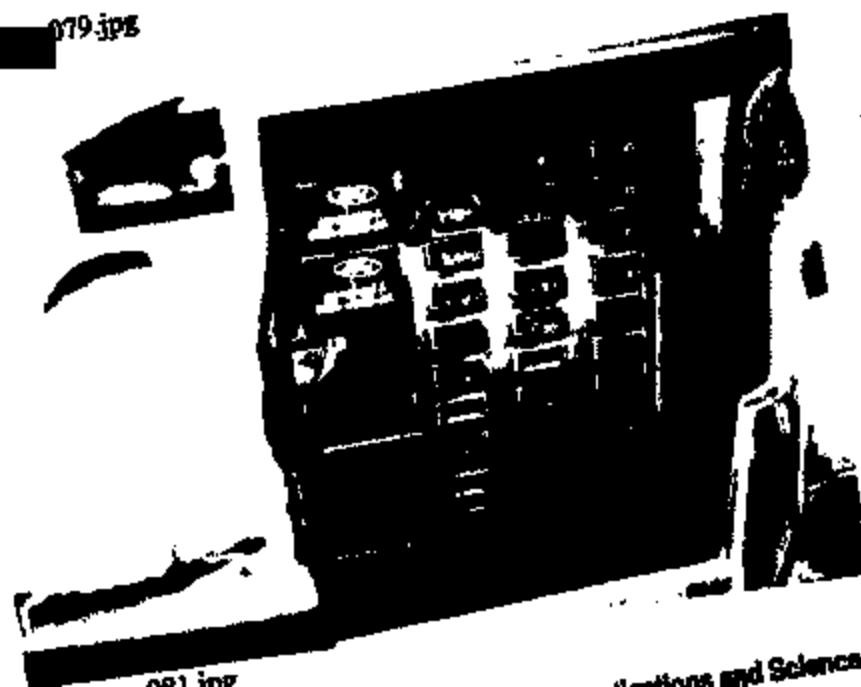
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Operations and Sciences, Inc.

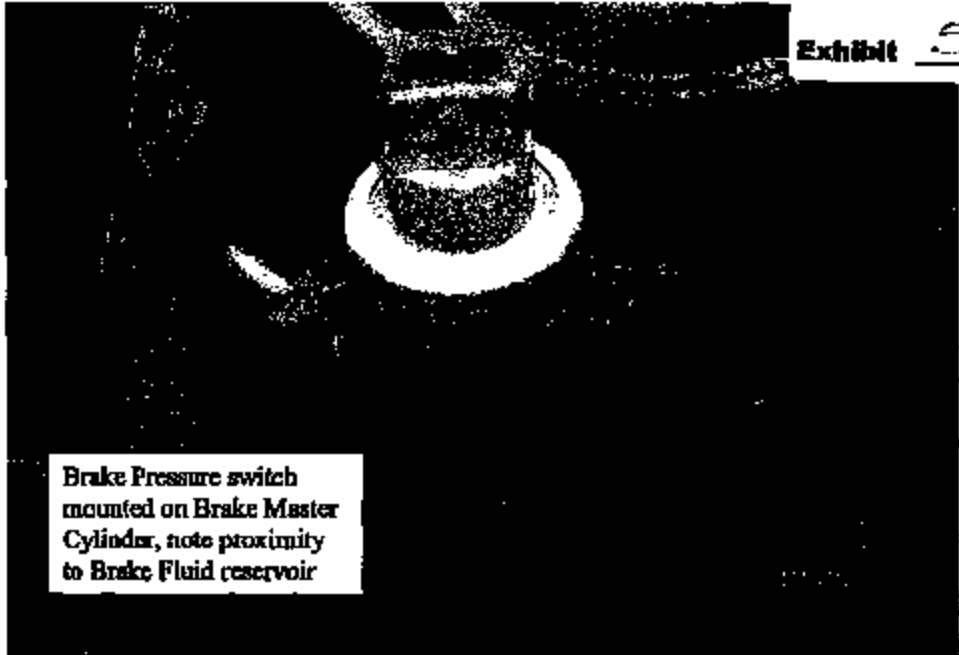


TX 01 05929

Please Print in Blue

Exhibit

5



Brake Pressure switch  
mounted on Brake Master  
Cylinder, note proximity  
to Brake Fluid reservoir

Please Print in Color

Exhibit 10

Brake pressure switch  
seal as installed

The three layers of  
the brake pressure  
switch seal

ER05-005-LC-2739



97 FISO 77, 747 <sup>10/15/85</sup>  
 20KV, 3mA, 10seconds 2586



97 FISO 77, 747 <sup>10/15/85</sup>

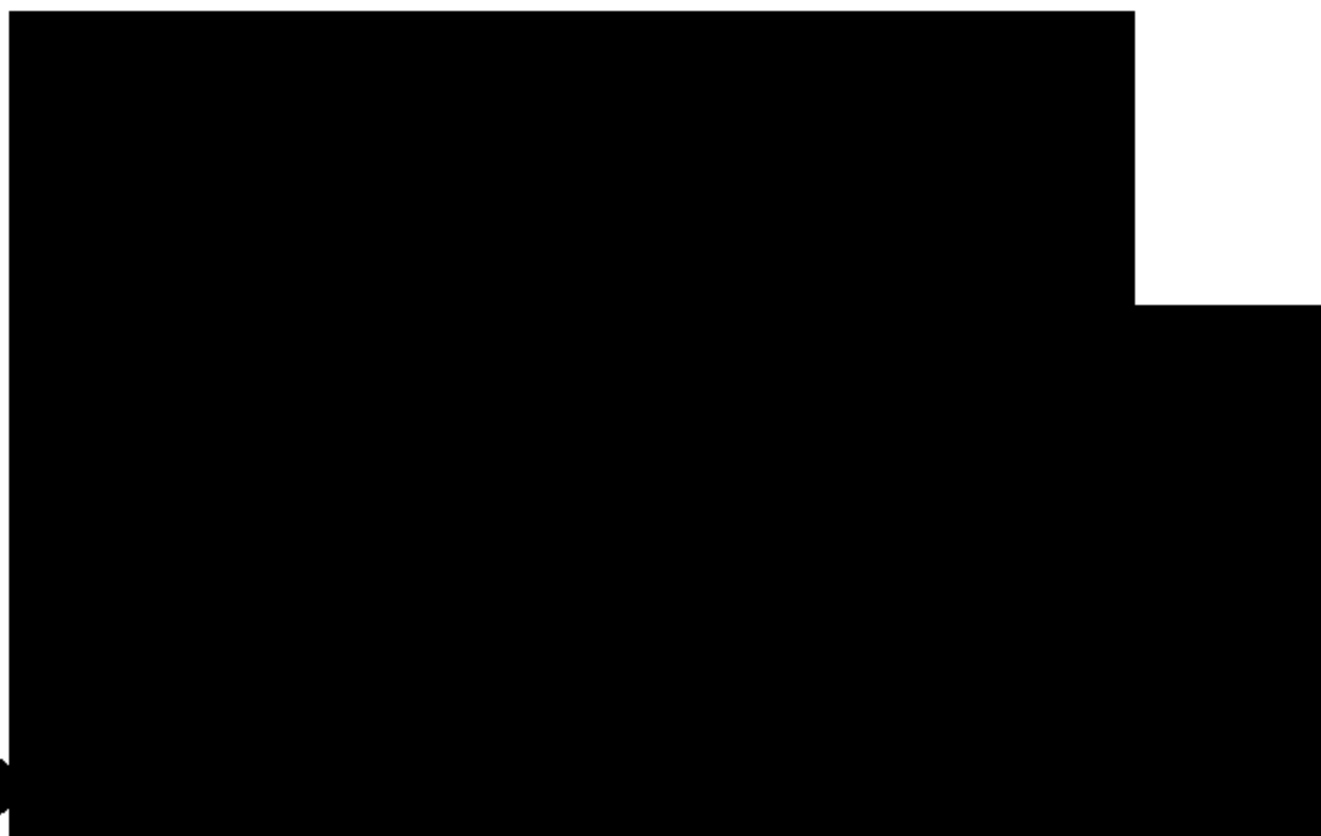


94 FISO  
 20KV, 3mA, 10seconds 2586



94 FISO  
 20KV, 3mA, 10seconds 2586

X-Ray images of a good brake pressure switch and a bad switch that caused a fire





# Unified

Investigations & Sciences, Inc.

PRIVILEGED AND CONFIDENTIAL

## ENGINEERING REPORT

April 13, 2004

PREPARED FOR: Mr. Michael Molinar  
Allstate Insurance Company  
4717 South Loop 289  
Lubbock, Texas 79424

INSURED: [REDACTED]

DATE OF LOSS: February 11, 2004

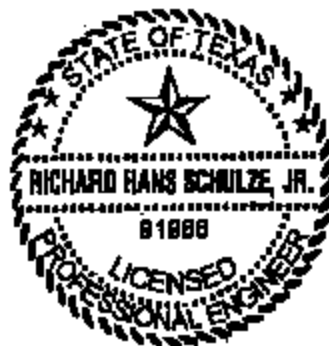
LOSS LOCATION: 300 North West Avenue Holiday, Texas

POLICY NUMBER: 048110545

CLAIM NUMBER: [REDACTED]

UIS FILE NUMBER: TX01-05839

I hereby certify that this engineering document was prepared by me and that I am a duly Licensed Professional Engineer under the laws of Texas. This seal covers pages 1 through 12 of this document.



*Richard H. Schulze*  
Richard H. Schulze, P. E.

Date: 4/13/04 Reg. No. 91886  
My registration expires March 31, 2005.

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223 E. Greenbriar Lane • Dallas, Texas 75203 • 214-946-8989 • Fax: 214-946-8586

ENG-005-LC-2741

Insured: [REDACTED]  
UIS File No.: TX01-05839

### ASSIGNMENT

The assignment was received from Mr. Mike Beres, CFBI of Unified Investigations and Sciences, Inc. The instructions were to evaluate the evidence from the subject vehicle and determine the cause of the fire.

### EXHIBITS

1. 13 Photographs with Photograph Explanations

### BACKGROUND

My understanding of the circumstances of the incident, based on my initial conversation with Mr. Beres, is as follows: The subject vehicle, a 1997 Ford F-150 pickup truck, was parked at [REDACTED] home when a fire began in the engine compartment. At about 1:30 a.m. on the morning of February 11, 2004, [REDACTED] was awakened by a loud bang outside of their bedroom window. She got up and looked out the window and discovered the vehicle on fire. [REDACTED] got up and moved other vehicles away from the burning Ford, and his son attempted to extinguish the fire with a garden hose.

The Ford is a company vehicle for [REDACTED] who has been driving the vehicle for the past two and one-half years. The only known problem with the vehicle was a nonfunctioning speed control, which failed during a trip to Killeen, Texas, on November 27, 2003.

### INVESTIGATION

On February 17, 2004, Mike Beres traveled to Wichita Falls, Texas, and examined the subject vehicle bearing Vehicle Identification Number (VIN) (FTDX1765VK [REDACTED]) and Texas License Plate Number [REDACTED]. Following the examination, the car was moved to Insurance Auto Auction in Austin, Texas.

On February 19, 2004, I reviewed the photographs of Mr. Beres' examination. The photographs contained sufficient evidence to justify further examination of the brake fluid pressure switch.

On March 5, 2004, Mike Beres and I traveled to Grand Prairie, Texas, and videotaped the removal of the brake fluid pressure switch. The switch and videotape were stored as evidence.

On March 8, 2004, I examined the brake pressure switch at Unified Investigations & Sciences laboratory in Dallas, Texas.

On March 10, 2004, I traveled to Bonded Inspections Inc. in Garland, Texas and had the brake fluid pressure switch x-rayed.

Insured: [REDACTED]  
UIS File No.: TX01-05839

### OBSERVATIONS

The fire in the subject vehicle was extinguished very early, and most of the damage was confined to the driver's side of the engine compartment. Mr. Mike Beres indicated in his report that the origin of the fire was on the driver's side of the engine compartment in the vicinity of the brake master cylinder.

The combustible material of the brake fluid pressure switch was heavily fire damaged but remained in one piece with the wiring still attached. The plastic brake fluid reservoir was also consumed, but the brake booster vacuum supply hose remained in place. The fire had begun to spread to nearby combustible fuel loads, such as the battery junction box, air cleaner, electrical wiring, and emission control hoses.

The fire had vented out of the hood onto the windshield near where the Vehicle Identification Number (VIN) tag is located. The fire had begun to deposit soot on the windshield in that area. The fire also vented out of the driver's side front wheel well. All of the visual fire damage indicators in the engine compartment pointed to the left central area of the engine compartment as the area of origin.

During [REDACTED] interview, he stated that the cruise control was not working and had not worked since it failed during a trip to Killeen, Texas, on November 27, 2003.

Mr. Beres found no blown fuses during his examination of the vehicle.

My research has found that the brake fluid pressure switch used on the subject vehicle is the same type of brake pressure switch used in the 1992 and 1993 Lincoln Town Cars of which the brake fluid pressure switch was the subject of a recall campaign (NHTSA recall # 99V124 and Ford recall # 99S15).

I have found that this type of brake fluid pressure switch was used on Panther chassis cars from about 1990 until about 1997, which includes the Lincoln Town Car, Mercury Marquis, and Ford Crown Victoria. The pressure switch was also used on F-series Ford pickup trucks from about 1990 through 2002 and Ford Expeditions from about 1997 through 2002. In all of the above mentioned vehicles, the brake fluid pressure switch is supplied with a 12-volt power supply at all times.

According to the above mentioned recall campaign, the brake fluid pressure switch, which is used as a secondary cruise control deactivation switch, could develop a resistive short in the electrical circuit that could potentially result in an under the hood fire. The recall campaign also stated that a fire could start while the vehicle was being operated or when the vehicle had been shut off. The short-circuit could disable the speed control system and/or blow the brake light fuse, which was the finding on this vehicle.

The x-ray of the switch shows that a catastrophic electrical event had occurred internally.



Insured: [REDACTED]  
UIS File No.: TX01-05839

### ANALYSIS

The vehicle was unattended and completely cooled off from the day's driving activity when the fire was discovered. I eliminated ignitable liquids coming in contact with hot surfaces as a possible cause of the fire because the vehicle had been parked for 6 1/2 hours, and all of the hot surfaces had cooled off by that time. There was also no evidence of a smoldering fire.

Many of the wiring harnesses close to the area of origin had sections where the insulation was burned off due to flame impingement. However, examination of the same wiring harnesses in areas where they were shielded from flame impingement revealed no signs of electrical overload or short-circuit. Examination of the battery junction box revealed that it suffered damage from flame impingement from the outside and showed no signs of electrical damage or heat coming from the inside.

This vehicle was equipped with a brake fluid pressure switch that was used as a secondary cruise control cancellation switch. The same type of switch was used on the 1992-1993 Lincoln Town Cars, for which there is a recall campaign. The cruise control was inoperable, which is one of the signs of a switch failure.

The brake pressure switch is in the middle of the area of origin, as defined by Mr. Beres. From my examination of the switch, the x-ray, and the photos of the surrounding fire damage, it is my opinion that a fault or defect in the brake pressure switch caused the fire.

We have been in communication with NHTSA regarding their investigation of the Ford Panther chassis vehicles and the Ford trucks, which use this switch and circuit design. They have provided us x-rays of a good brake pressure switch, which was involved in a fire that was not caused by the switch and an x-ray of a switch that was known to have started a fire when it failed. These file x-rays were taken by the FBI lab for NHTSA, and I have included images of these x-rays for comparison with the image of the x-ray taken of the switch from the subject vehicle.

Insured: [REDACTED]

UIS File No.: TX01-05839

### CONCLUSIONS

Based on the information available at this time, it is my professional opinion that:

1. The cause of the fire was a defect in the brake fluid pressure switch, which was mounted on the front of the brake master cylinder.
2. Although there is no recall for this switch on this vehicle, the type of switch and the characteristics of the circuit that it is used in are almost identical to the 1992-1993 Lincoln Town Car for which there is a recall.

These conclusions may be reconsidered and revised if new evidence or information becomes available that merits such consideration.

### COMMENTS

The requested scope of inquiry has been completed with the submittal of this report. All photographs taken during the course of the investigation have been included in this report or have been enclosed with this report.

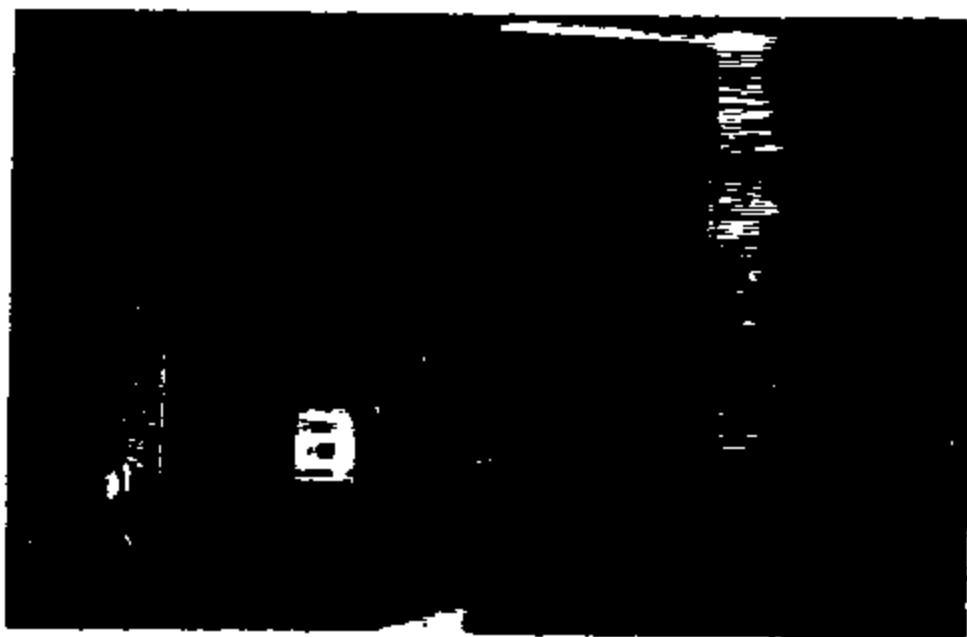
Respectfully submitted,

Richard H. Schulze, P. E.

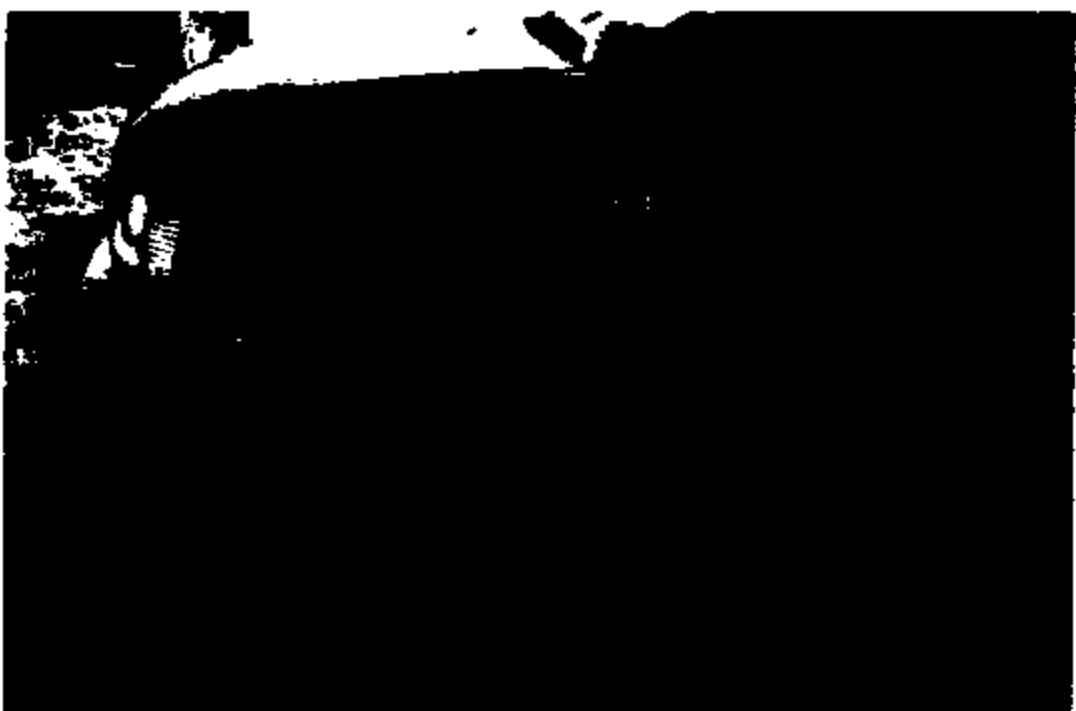
Insured: [REDACTED]  
UIS File No.: TX01-03839

Exhibit 1

**PHOTOGRAPHS**



Insured: [REDACTED]  
UIS File No.: TX01-05839

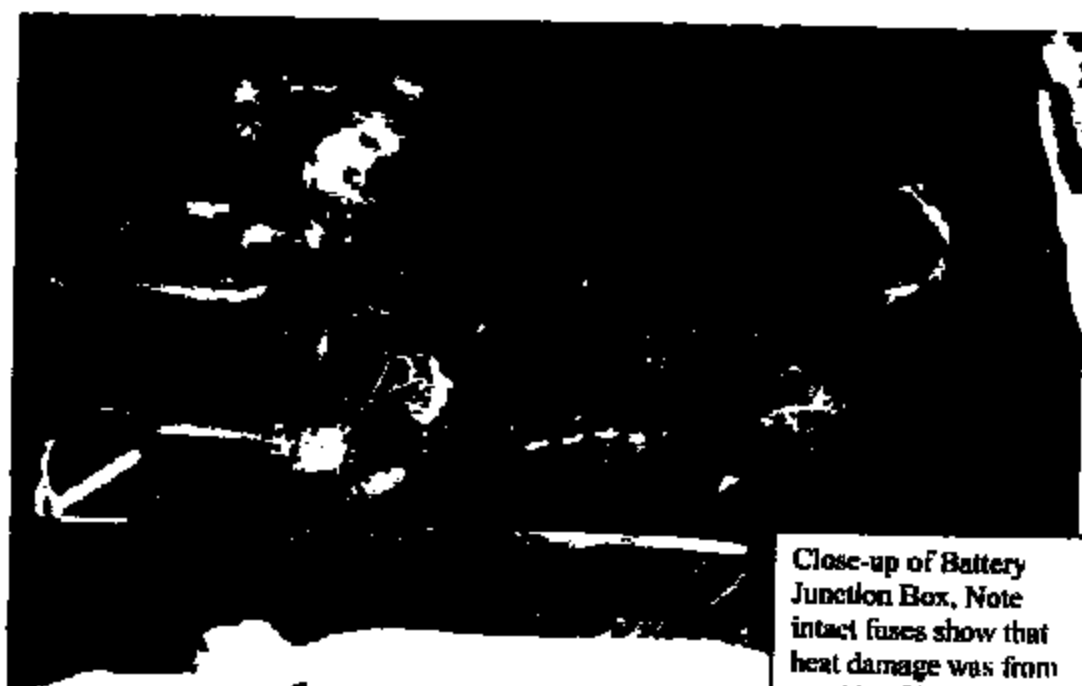


ERG-005-LC-2747

Insured: [REDACTED]  
UIS File No.: TX01-05839



Close-up of  
Brake Pressure  
switch with  
cruise control  
cable routed  
near by



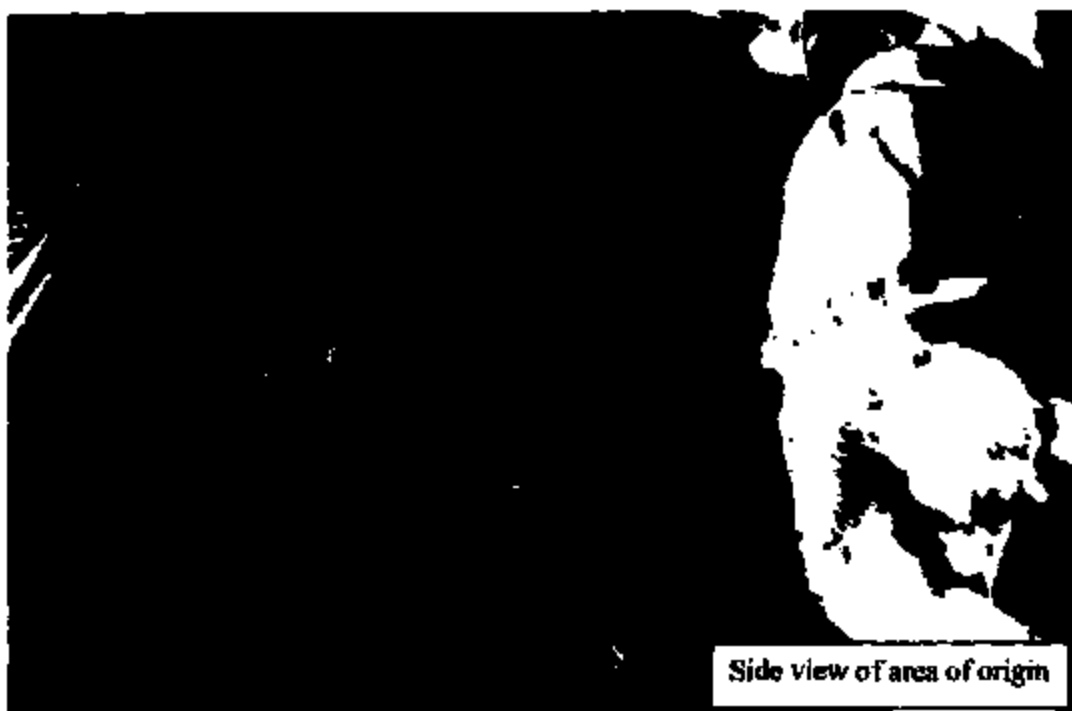
Close-up of Battery  
Junction Box, Note  
intact fuses show that  
heat damage was from  
outside of box

ER85-805-LC-2748

Insured: [REDACTED]  
UIS File No.: TX01-05839



Top view of the area  
of origin



Side view of area of origin

Insured:

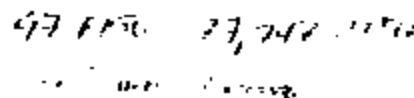
UIS File No.: TX01-05639



\_\_\_\_\_



These are front and side views of a failed switch that was known to have caused a fire



These are front and side views of a switch from the same make and model as the above switch, but this switch was in a fire that was not caused by the switch

$\rho_{11} = \frac{1}{2} \left( \frac{1}{2} + \frac{1}{2} \right) = \frac{1}{2}$



Insured: [REDACTED]  
UIS File No.: TX01-05839

Cross-section view of brake  
pressure switch

Note the  
missing  
portion of the  
contact



Image of x-ray of  
switch from subject  
vehicle. Note the  
switch had a  
catastrophic internal  
failure and has an  
almost identical  
appearance as the file  
image on the previous  
page.

EA05-005-LC-2752

## Unified Investigations &amp; Sciences, Inc.

File Name

Maintenance

File No.

TR01-05778



Photograph

1



Photograph

2

**Unified Investigations & Sciences, Inc.**

File Name

XXXXXXXXXX Maintenance

File No.

TJ001-03776



Photograph

3



Photograph

4

**Unified Investigations & Sciences, Inc.**

File Name

██████████ Maintenance

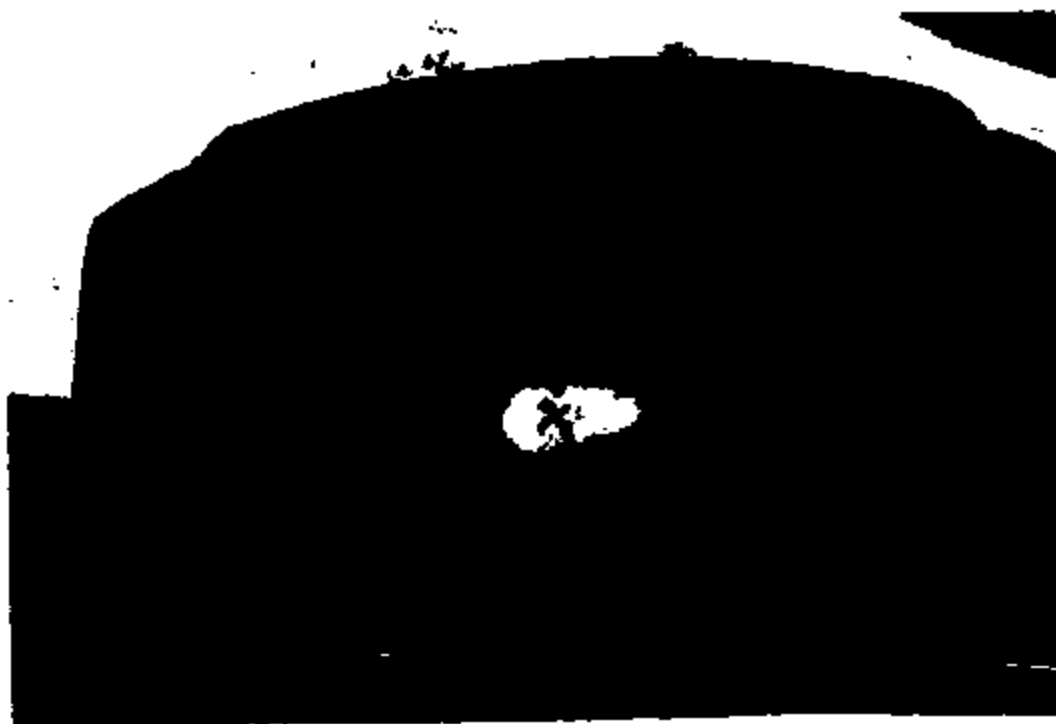
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TX01-05770



Photograph

5



Photograph

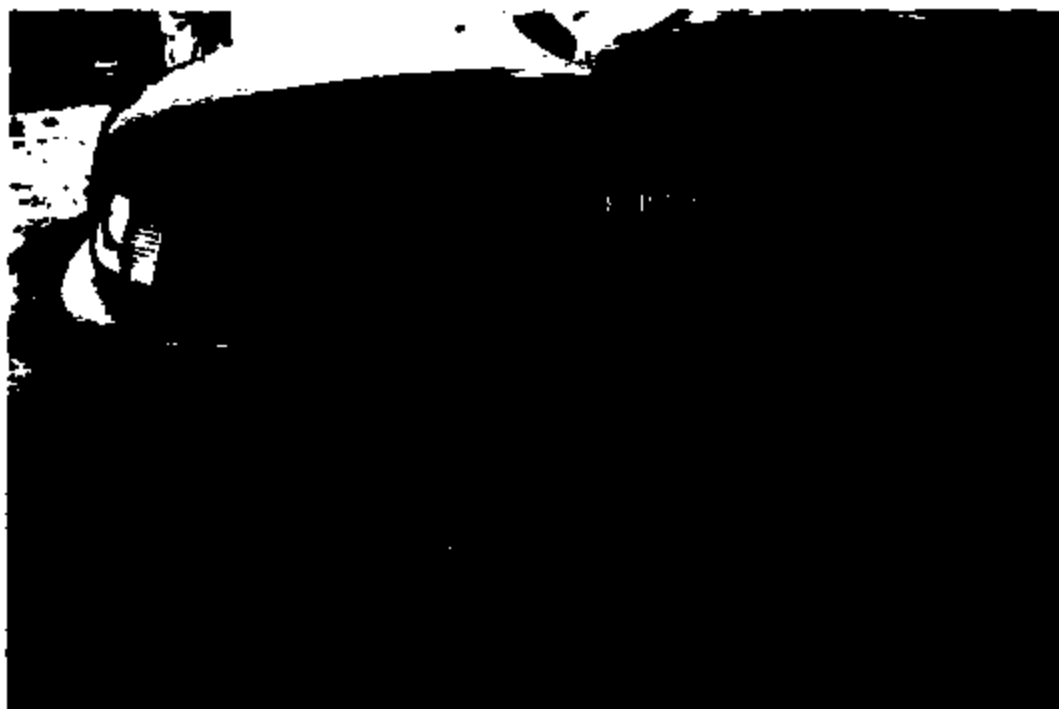
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**Unified Investigations & Sciences, Inc.**

File Name

File No.

TX01-85778



Photograph

7



Photograph

8

**Unified Investigations & Sciences, Inc.**

File Name

File No.

T7001-485776



Photograph

10

Photograph

**Unified Investigations & Sciences, Inc.**

File Name

File No.

TX01-05778



Photograph

9

Photograph

**Unified Investigations & Sciences, Inc.**

File Name

File No.

TX01-45778

Photograph

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Photograph

EA05-005-LC-2758



**Unified Investigations & Sciences, Inc.**

File Name

File No.

TX81-68770



Photograph

12



Photograph

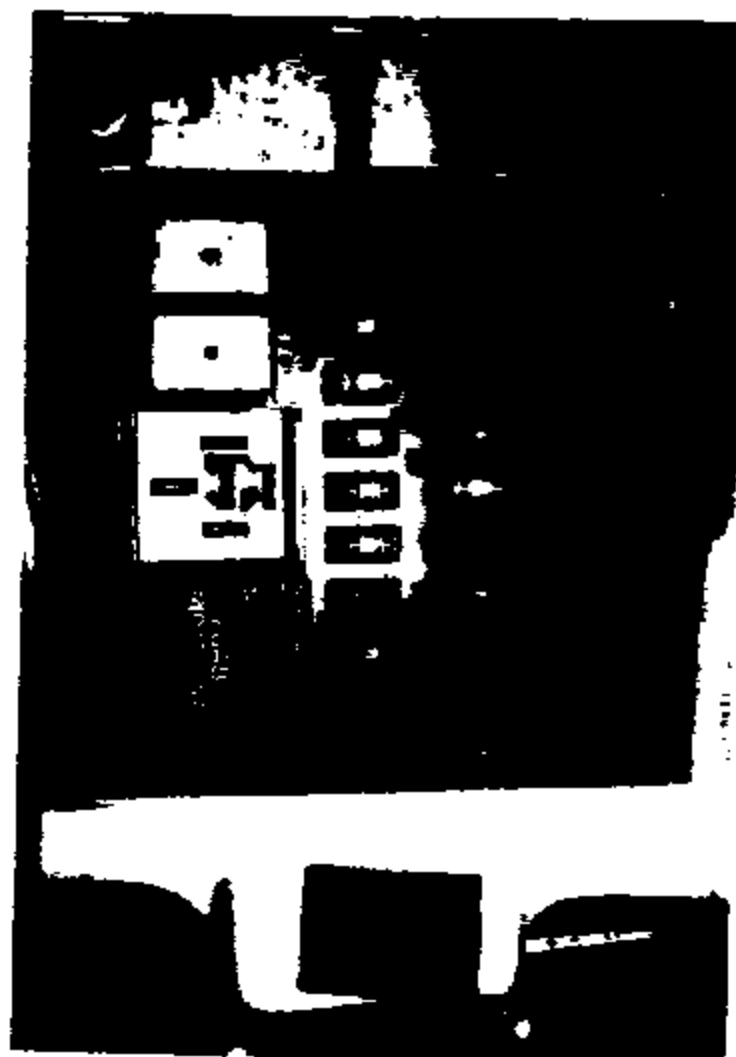
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**Unified Investigations & Sciences, Inc.**

File Name

File No.

T7001-06770



Photograph

14

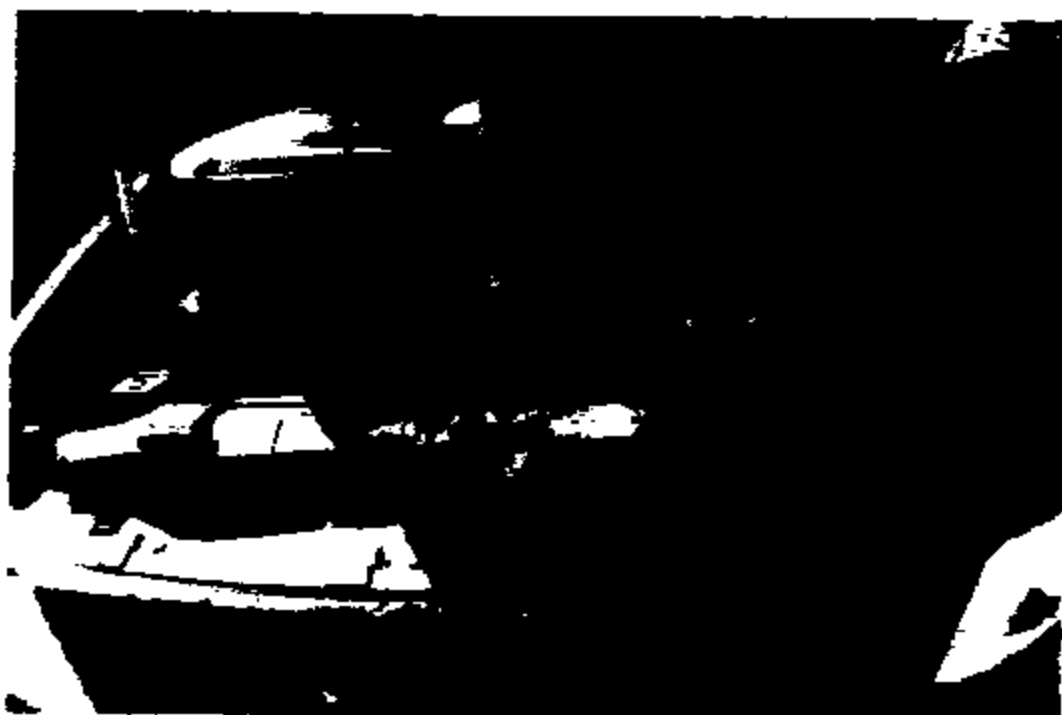
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**Unified Investigations & Sciences, Inc.**

File Name

File No.

TX01-08778



Photograph  
15



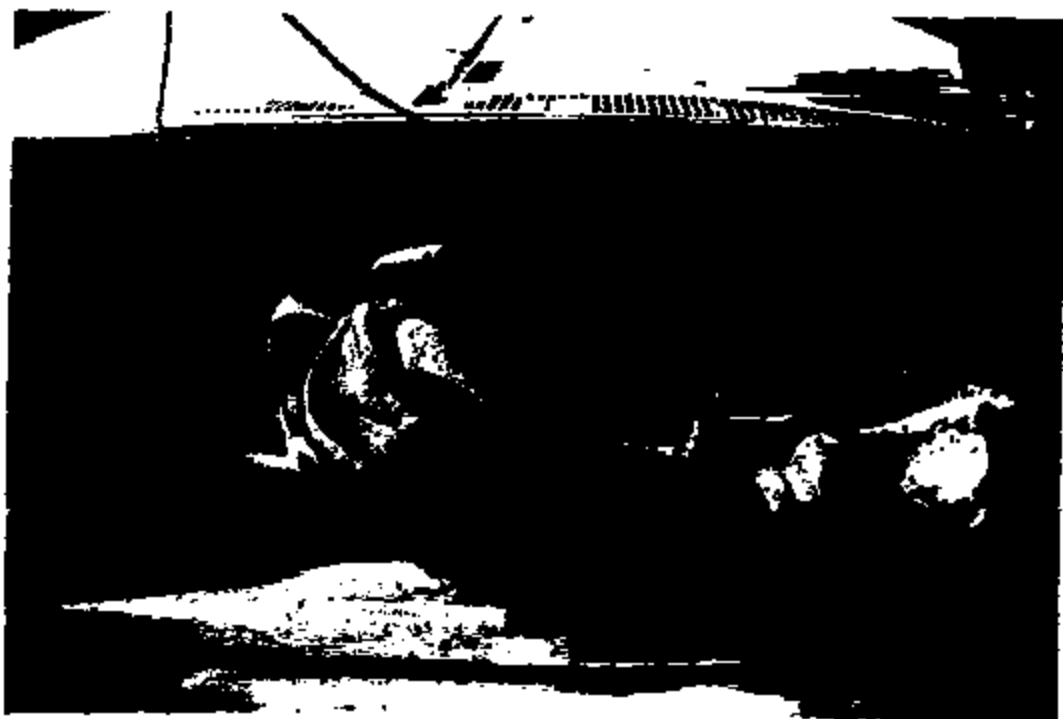
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**Unified Investigations & Sciences, Inc.**

File Name

File No.

TX01-05778



Photograph

17



Photograph

18

**Unified Investigations & Sciences, Inc.**

File Name

File No.

TX81-88778



Photograph

19



Photograph

20

**Unified Investigations & Sciences, Inc.**

File Name

File No.

TX01-00770



Photograph

21



Photograph

22

**Unified Investigations & Sciences, Inc.**

File Name

File No.

TX01-08770



Photograph  
23



Photograph  
24

**Unified Investigations & Sciences, Inc.**

File Name

File No.

TX01-08778



Photograph  
25



Photograph  
26



**Unified Investigations & Sciences, Inc.**

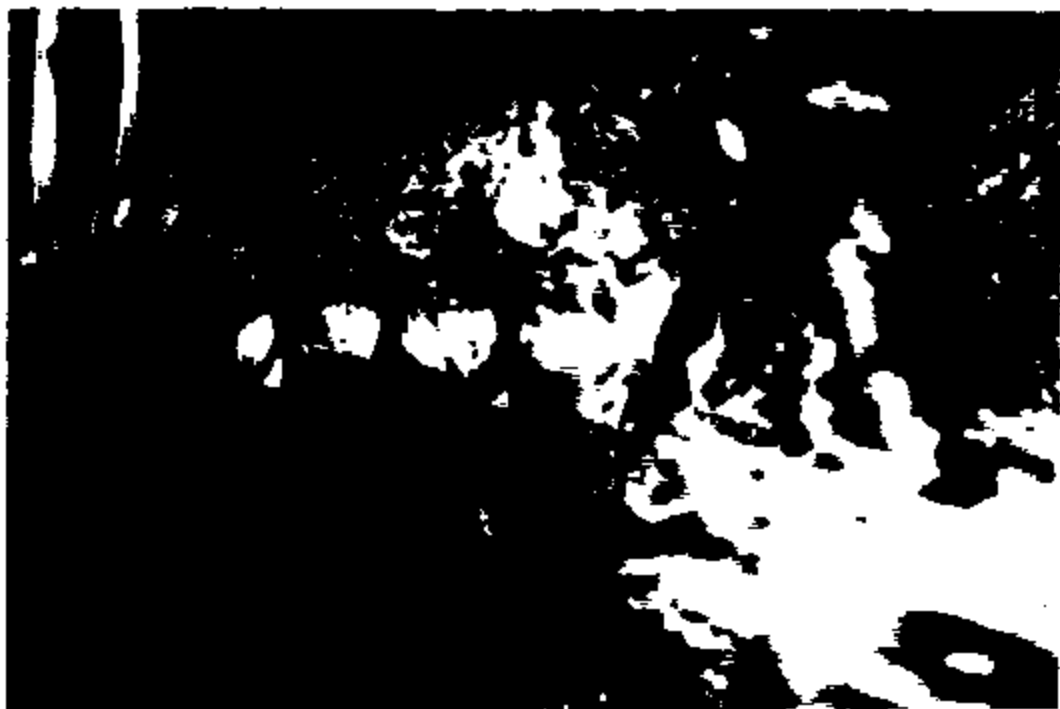
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File No.

TX01-08778



Photograph  
27



Photograph  
28

**Unified Investigations & Sciences, Inc.**

File Name

File No.

TX01-05776



Photograph  
29



Photograph  
30

**Unified Investigations & Sciences, Inc.**

File Name

File No.

T7021-46778



Photograph  
31



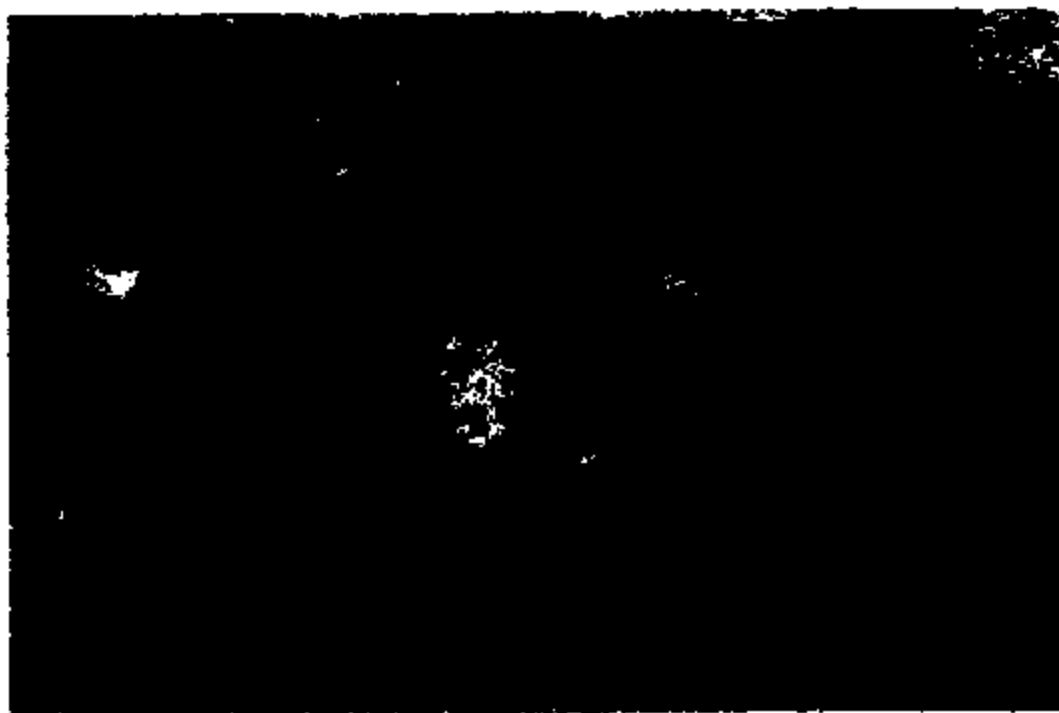
Photograph  
32

**Unified Investigations & Sciences, Inc.**

File Name

File No.

TX01-08778



Photograph

33

Photograph



**Unified**  
Investigations & Sciences, Inc.

223 E. Greenbriar Lane  
Dallas, Texas 75203-1013  
214-946-8989  
Fax 214-946-8586

**PRIVILEGED AND CONFIDENTIAL**

February 27, 2004

Report Number One

PREPARED FOR: Allstate Insurance Company  
4717 S. Loop 289  
Lubbock, Texas 79424

ATTENTION: Mr. Michael Molinar

INSURED: [REDACTED]

DATE OF LOSS: February 11, 2004

LOSS LOCATION: 300 North West Street      Holliday, Texas

POLICY NUMBER: [REDACTED]

CLAIM NUMBER: [REDACTED]

UIS FILE NUMBER: TX01-05778

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

ER05-005-LC-2772

Insured: [REDACTED]  
UIS File No.: TX01-05778

The engine compartment sustained heavy fire damage that was concentrated in the area of the master cylinder assembly. The melting of plastic parts and other burn patterns were consistent with early fire development in the area of the master cylinder assembly. The plastic brake fluid reservoir was burned away and the brake pressure switch was heavily burned. Two electrical conductors extending out of the top end of the brake pressure switch were heavily burned and the contacts remained in the switch. I did not see any evidence of electrical arcing or other malfunction, although I cannot conclusively eliminate a heat-producing malfunction in this component that caused or contributed to the cause of this fire. Other electrical components, including the power distribution box adjacent to the master cylinder assembly exhibited invasive damage only.

There was no evidence of a fire originating low in the engine compartment or of fire extension from elsewhere, either inside or outside the vehicle.

There was no evidence of an incendiary fire.

A search of the National Highway Transportation Safety Administration (NHTSA) database showed no recalls concerning the master cylinder assembly; however, the brake pressure switch (secondary speed control cancellation device) is currently under investigation.

Additional examination of the brake pressure switch and possibly other engine components will be necessary to further this investigation and to identify the heat source.

#### **INVESTIGATION**

##### ***• Discovery and Reporting***

The fire was discovered by Mrs. Rena Russell when she heard a loud bang outside of their bedroom. She looked out their bedroom window and saw that the truck in the driveway was on fire.

##### ***• Fire Officials***

The Holliday Fire Department received a 9-1-1 call at 1:29 a.m. The first unit arrived on the scene at 1:36 a.m. and extinguished the fire.

##### ***• Witness-Charles Russell***

[REDACTED], Holliday, Texas, [REDACTED] is an employee of [REDACTED] and is the main operator of the vehicle. On February 10, 2004, he left home for work at 7:00 a.m. The vehicle was driven approximately 100 miles during the day. He was in and out of the vehicle all day and may have started and stopped the vehicle as many as twenty times. He arrived home around 4:30 p.m. and parked the truck in the driveway. At approximately 6:30 p.m., he drove to a gasoline station, filled the fuel tank with gasoline. He then returned home and parked the vehicle in the driveway before 7:00 p.m. At approximately 1:30

# Unified Investigations & Sciences, Inc.

Exhibit 1

## Vehicle Inspection Report

Owner			UIS File Number		
			TX21-05778		
Manufacturer	Year	Model	Body Style		
FORD	1997	F50	EXCAB SHORT BOX PICKUP		
State Inspection	Date	Odometer			
State TEXAS	MARCH 2004	164123			
Displayed on Vehicle	Year	State	VIN No.		
Tag Number	October 2004 TX		1FDDX1765VK		
Vehicle Examination Date			Examination Location		
2-17-04			1156 Highway 281 S. WICHITA FALLS TX		
Fire Damaged Areas			Engine Compartment		
			<input checked="" type="checkbox"/> Exterior <input type="checkbox"/> Interior		

	Burned	Distorted/Melted	Accelerant Patterns	Collision Damage
Bumper and Grill	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hood	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Left Front	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right Front	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roof	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
X Left Door(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right Door(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
X Trunk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Left Rear	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
T Right Rear	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rear Bumper Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
X Underside	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Remarks FIRE DAMAGE MARK ON DRIVERS SIDE IN ENGINE COMPARTMENT

	Burned		Unusual Tread Wear		Tires indicate signs of recent removal or exchange?	Wheel or wheel covers indicate recent removal/exchange?	Indicate areas of forced entry
	Yes	No	Yes	No			
O Left Front	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
X Right Front	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Left Rear	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right Rear	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Spare	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Remarks

	Smoked	Cracked	Distorted/Melted	Broken
Windshield	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Left Door(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right Door(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rear	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sunroof	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Remarks SLIGHT SMOKE PRESENT ON LOWER LEFT EXTERIOR CORNER OF WINDSHIELD

	Yes	No	Remarks
I After market electrical accessories	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
N Door(s) open during fire	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
T Window(s) open during fire	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
E Was key in the ignition/door	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
R Have any accessories been removed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
I Any unusual burn patterns	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
O Any abnormal melting	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
R Any unusual objects in vehicle	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Was trunk open during fire	<input type="checkbox"/>	<input type="checkbox"/>	
Any unusual objects in trunk	<input type="checkbox"/>	<input type="checkbox"/>	

	Yes	No		Yes	No
C					
O	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Oil below lowest mark on dipstick	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E M	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Evidence of excessive oil leakage	<input type="checkbox"/>	<input checked="" type="checkbox"/>
N F	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Unusual odor/color motor oil	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Holes or cracks in transmission case	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I R	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Transmission case burned/melted	<input type="checkbox"/>	<input checked="" type="checkbox"/>
N T	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Transmission has inadequate lubrication	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E M	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Unusual odor/color transmission fluid	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any problems with drive-train/suspension	<input type="checkbox"/>	<input checked="" type="checkbox"/>
N	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Motor mounts burned	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T					

Remarks \_\_\_\_\_

	Missing	Burned/Discolored	Brittle/Melted	Shorted/Arched
E				
L	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
T	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
R	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
L	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Remarks SMALL MELTING ON TOP OF BATTERY. SOME INSULATION ON WIRING HARNESS. NO ARCING DISCOVERED

	Missing	Burned	Distorted/Melted
E	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F S	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
U I	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E O	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L N	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A S	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N Y	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D S			
T	Any loose fuel line connections? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
E	Any evidence of tampering? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
M	Fuel tank <input checked="" type="checkbox"/> Unknown <input type="checkbox"/> Empty <input type="checkbox"/> 1/4 <input type="checkbox"/> 1/2 <input type="checkbox"/> 3/4 <input checked="" type="checkbox"/> Full		

Remarks TOLD BY DRIVER OF VEHICLE THE FUEL TANK WAS FULL

Evidence of any explosion or rupture ☐ Yes ☒ No

Was an oil sample obtained? ☐ Yes ☒ No Laboratory \_\_\_\_\_

Was a fuel sample obtained? ☐ Yes ☒ No Laboratory \_\_\_\_\_

Were debris samples obtained? ☐ Yes ☒ No Laboratory \_\_\_\_\_

Comments \_\_\_\_\_

Investigator \_\_\_\_\_

Date \_\_\_\_\_



**Holliday Volunteer Fire Department**

400 South Main / PO Box 703

Holliday, Texas 76366

940-586-0057

**Incident / Call Report**

Personnel

Driver	<input checked="" type="checkbox"/> J. Hargis	<input checked="" type="checkbox"/> C. Myers	<u>M. Fowler</u>
Engineer	<u>S. Kryder</u>	<u>E. Myers</u>	
Operator	<u>C. Lincoln</u>	<u>L. Myers</u>	
Attendant	<u>G. Meeks</u>	<u>B. Turbeville</u>	
Inspector	<u>J. Monroe</u>	<u>D. Stover</u>	
Recorder	<u>Joe Monroe</u>	<u>S. Hargis</u>	

## Type of Incident/Nature of Call

Fire VIN# Tag# 1F1D71265VA 23462  
 Accident/MVA MINOR MAJOR FATALITY  
 Fire Control Burn  
 Property Damage Minor Major Detectors Yes/No  
 Call AMR Trans Star Archer EMS Baylar EMS Ak-EVAC

Alarm/Type-Out 1134 10-8/10-17(EN-Route) 1134  
 10-23(On-Scene) 1157 10-8 (Clear of Scene) 1159 Back at Station

Location of Call-Address 300 N. 14th

Owner-Contact Person [Redacted] Phone [Redacted]  
 Property Value Loss Contents Value Loss

Info: AM- GIVEN RECEIVED

## Trucks Responding

Engine Driver C. Myers #20 DRIVER [Redacted] #41 DRIVER [Redacted]  
 Engine Driver [Redacted] #34 DRIVER [Redacted]  
 Engine Driver [Redacted] #40 DRIVER [Redacted]

## EQUIPMENT SERVICED AFTER CALL

NO FUEL TRUCK # [Redacted] WATER FILLED [Redacted]

SPATCHED BY: ☒ ARCHER S.O. CHIEF OTHER

## EQUIPMENT USED:

RAM LADDERS JAWS GENERATOR BARS BACKHOES ( )  
 SPECIAL EQUIPMENT: [Redacted]

REPORT FILED BY: D. Turbeville Rank FFDate: 2-11-04 Incident # 040201-01On-Scene Signatures: Branch Turbeville John HargisNote: Truck is owned by B&B MaintenancePhone # 731-2837



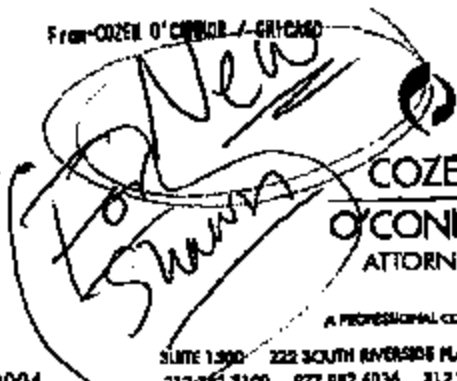
20-Jun-2004 13:54

From: COZEN O'CONNOR / CHICAGO

312 382 8918

1-800 7-526706 7-118

PHILADELPHIA  
ATLANTA  
CHICAGO  
CHICAGO  
CHICAGO  
CHICAGO  
DALLAS  
LAS VEGAS  
LONDON  
LOS ANGELES



COZEN  
O'CONNOR  
ATTORNEYS

A PROFESSIONAL CORPORATION

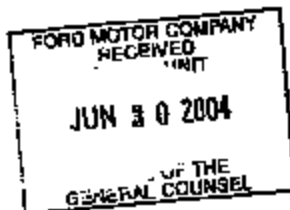
SUITE 1300 222 SOUTH RIVERSIDE PLAZA CHICAGO, IL 60604-6000  
312-382-3100 877-992-6036 312-382-8918 FAX www.cozen.com

June 29, 2004

Marc A. Polansky  
Direct Phone 312.382.3165  
mpolansky@cozen.com

VIA CERTIFIED MAIL  
VIA E-MAIL SNORTON1@FORD.COM  
VIA FACSIMILE 313-390-2107

Ms. Shawn L. Norton  
Office of the General Counsel  
Ford Motor Company  
Suite 300  
3 Parklane Blvd  
Dearborn, MI 48126-2568



6/23/04  
197 F-150  
Independence, MO

Re: Insured: [REDACTED]  
DOL: 6/23/04  
Loss Location: 17907 Fall Drive, Independence, MO  
Our File No: TBD

Dear Ms. Norton:

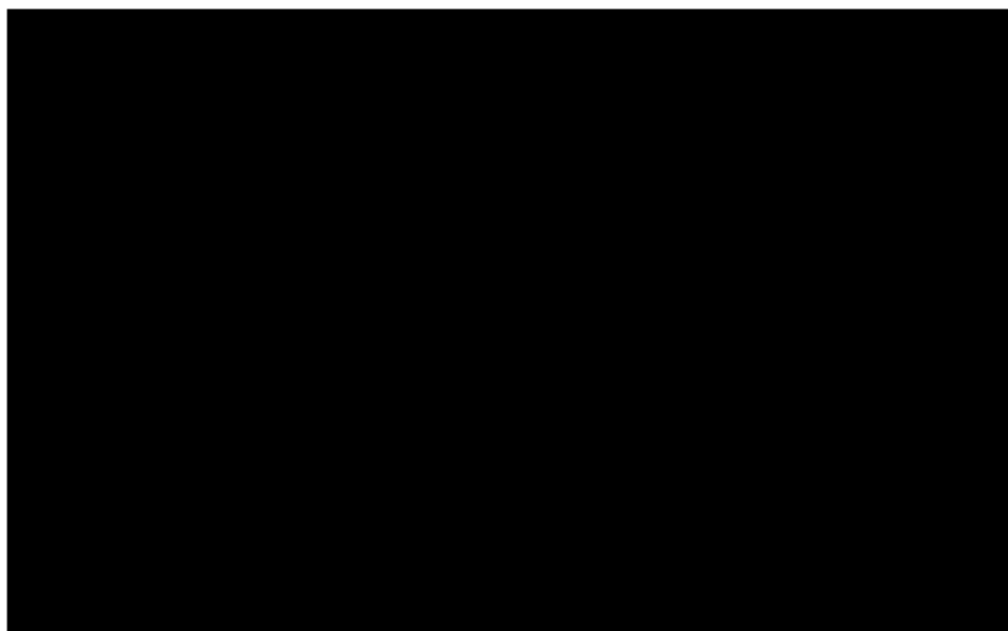
Please be advised that my firm has been retained by Chubb Insurance Companies to represent its possible subrogation interests arising out of a fire at 17907 Fall Drive, Independence, Missouri, the residence of their insureds, [REDACTED]. Our preliminary investigation has revealed that the fire seems to have started at or around the master cylinder break switch in a 1997 Ford F150 pick-up. We are presently maintaining the scene, but cannot promise that the scene will be maintained for more than two weeks. Accordingly, upon receipt of this correspondence please contact me to schedule an inspection of the fire scene. Thank you for your anticipated cooperation.

Very truly yours,  
COZEN O'CONNOR

By: Marc A. Polansky

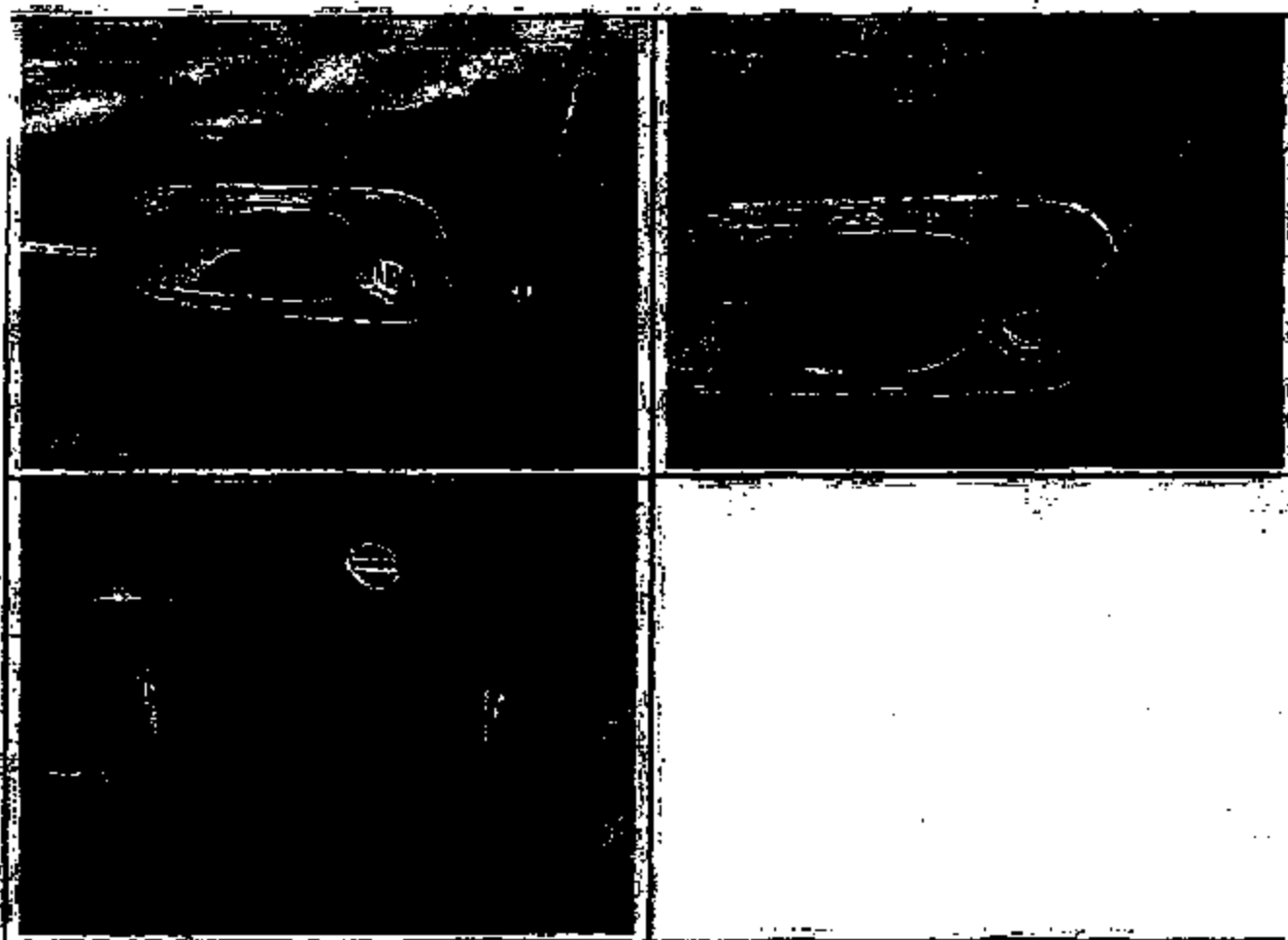
MAP/arj CHICAGO010180161 059994.000

EN85-885-1C-2777



**DTG OPERATIONS, INC. - OAHU**

CAR NUMBER	DATE & INITIALS
398235	11/17/2003 4:04 PM



Rental Location		Vehicle Information		Rental Dates	
875 UNIVERSITY AVE. BILLY REH. H. CAR 2892 KALAKUA HONOLULU, HI 96815 (808) 952-4254		VEHICLE: 2000 CHRYSLER PT CRUISER LIC. # 1A1234 STALL # 101 MAKE: CHRYSLER MODEL: PT CRUISER FUEL LEVEL OUT: FULL MILEAGE OUT: 1000		11/14/2003 11/14/2003 11/14/2003 11/14/2003	
Car To Be Returned To Above Unless Stated Below		CUSTOMER DECLINES LIAISON IS RESPONSIBLE FOR DAMAGE TO VEHICLE PER TERMS OF THE RENTAL AGREEMENT.		TIME OUT 10/21/2003 10:00 10/21/2003 10:00 10/21/2003 10:00 10/21/2003 10:00	
KALAKUA		CUSTOMER INFORMATION NAME: KRILLY HARADA PHONE: 808-239-240 ADDRESS: 1001 KALAKUA AVE. HONOLULU, HI 96815 DATE: 11/14/2003 DRIVER: KRILLY HARADA		EST. 210 10/21/2003 10:00 10/21/2003 10:00 10/21/2003 10:00 10/21/2003 10:00	
1001 KALAKUA AVE. HONOLULU, HI 96815 DATE: 11/14/2003 DRIVER: KRILLY HARADA		VEHICLE INFORMATION 11/14/2003 10:00 11/14/2003 10:00 11/14/2003 10:00 11/14/2003 10:00		10/21/2003 10:00 10/21/2003 10:00 10/21/2003 10:00 10/21/2003 10:00	

A per hour rate for late return is charged after the start of the Rental Day. 3.11/HR. excludes named insureds/family members.  
 AWAII - OPTIONAL DAMAGE WAIVER, LATE FEES, AND ESTIMATED CHARGES.

**Optional Damage Waiver** - By entering into this rental agreement, you are liable for any damage to or loss of the rental vehicle resulting from a collision or other peril. The Rental Company offers, for an additional charge, an optional damage waiver to cover our responsibility for damage to or loss of the rental vehicle. You are responsible for determining whether to purchase the damage waiver; you should determine whether your own vehicle insurance affords coverage to you for damage to or loss of the rental vehicle and the amount of the deductible.

The damage waiver does not apply to any damage to or loss of the vehicle if the vehicle is used: (1) to carry persons or property for hire; (2) to push or tow anything; (3) in a race or similar event; (4) for driver's training; (5) for any illegal purpose, or in the commission of a crime that could be charged as a felony; (6) while the driver is under the influence of alcohol or drugs; (7) outside the United States without the prior written consent of the Rental Company; (8) if the driver intentionally causes damage to the vehicle by willful, reckless or wanton misconduct; (9) by anyone other than an authorized driver; (10) if it was obtained by fraud or misrepresentation; (11) on other than regularly maintained hard surface (highways, private driveways, or parking lots) without the Rental Company's prior written permission; or (12) to carry persons in the baggage cargo area of the vehicle.

**Trading Fees** - You are responsible for fines or fees related to parking citations plus an administrative fee of \$20 for each citation if you fail to pay directly. If you pay the fine or fee directly and when due, you will avoid the administrative fee.

**Estimated Charges** - You authorize the Rental Company to process or submit a charge to your credit card only for the estimated charges for the rental. The charges are due when the vehicle is returned.

These terms supersede any conflicting terms stated elsewhere.

This Rental Agreement is between the undersigned and the company identified above ("Rental Company") by signature below. The undersigned acknowledge and represent that they are legally authorized to execute this rental agreement on behalf of the Rental Company and that they have read and understand the terms, conditions and policies, both printed and written, including damage waiver information, that appear on this Rental Agreement and on the separate card, which is incorporated herein. THE UNDERSIGNED AUTHORIZES RENTAL COMPANY TO PROCESS A CHARGE TO THEIR CREDIT CARD OR CHARGE CARD IN THE AMOUNT SPECIFIED ABOVE FOR THIS RENTAL OF THE VEHICLE. An additional driver is permitted without Rental Company's approval.

ENTER X

ADDITIONAL RENTAL

## Accident / Damage Report

JTG Operations, Inc.

## Location &amp; Vehicle

Case Number: 940007	City: TX/L	Zip: 79903	Phone: 812-355	State: TX
Year/Make/Model: 11/03/NISSAN/DRIVEN	Agent/Designation: JTG	Damage/Status: [ ] Yes [ ] No	Other: [ ] Yes [ ] No	

## Driver Information

Name: [REDACTED]	Address: [REDACTED]	City/State: [REDACTED]
State Farm	Insurance Company / Phone #: [REDACTED]	Policy # / Claim #: [REDACTED]
Other Policy / Company / Phone #: [REDACTED]	Policy # / Claim #: [REDACTED]	

## Facts of Loss

Date of Loss: [REDACTED]	Time: [REDACTED]	Location of Accident: [REDACTED]	City / State: [REDACTED]
Police Report Filed: [ ] Yes [ ] No	Police Report #: 03439652	Police Dept: [REDACTED]	Occupants in Vehicle: [REDACTED]
Describe How Accident Happened: [REDACTED]			

## Other Party

Name: [REDACTED]	Phone #: [REDACTED]	Address / City / State / Zip: [REDACTED]
Driver's License # / State: [REDACTED]	Social Security #: [REDACTED]	Date of Birth: [REDACTED]
Vehicle or Property: [REDACTED]	Year / Make / Model: [REDACTED]	Plate # / State: [REDACTED]
Insurance Company / Agent Phone #: [REDACTED]	Policy # / Claim #: [REDACTED]	Charges Injured: [ ] Yes [ ] No

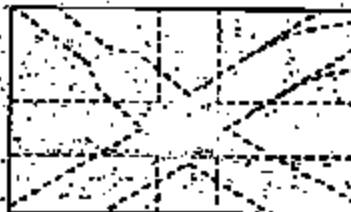
## Indicate Damaged Area of Rental Vehicle

## Please Complete Diagram



- ☐ No Damage  
☐ Light Damage  
☐ Heavy Damage  
☐ Other

Indicate Damaged Area: [ ] Yes [ ] No



Use [ ] for Vehicles.  
Indicate the Rental Car by [ ]

Indicate Other Vehicle (Circle One)

## Additional Information

Name: [REDACTED]	Phone #: [REDACTED]	Address: [REDACTED]
Signature (Reporting Employee): [REDACTED]		

## Documents Received

Accident Report: [ ]	Estimate: [ ]	Other Bill: [ ]	Check-in / Out Slip: [ ]
OPEN RA - Signed: [ ]	Phone: [ ]	Appraisal Bill: [ ]	Police Report: [ ]

Questions or concerns with your Accident or Damage Event can be sent via email to [claimservice@jtg.com](mailto:claimservice@jtg.com) or mailed to DTG Operations, Inc., Subrogation 5330 East 31st Street Tulsa, OK 74155. PAYMENTS SHOULD BE SENT to Dept 927 Tulsa, OK 74162. The phone and fax number for the Claim Service Center is 800-434-2226 ext. 4 - FAX 918-609-3733.

©2003 JTG Operations, Inc. All Rights Reserved.

W002 - For A Location, 00000 - For B Location, 00000 - For C Location

## Accident / Damage Report

DTG Operations, Inc.

## Location &amp; Vehicle

Policy #	City / State	Year / Make / Model	Year / Make / Model	Damage / Body / Sil	Damage / Body / Sil	Damage / Body / Sil	Damage / Body / Sil	Damage / Body / Sil	Damage / Body / Sil
740007	HA/L	1990	1990						

## Driver Information

Driver's Name	Driver's License #	Driver's License State	Driver's License Expiration	Driver's License Class	Driver's License Class	Driver's License Class	Driver's License Class	Driver's License Class	Driver's License Class

Insurance Company / Policy #	Insurance Company / Policy #	Insurance Company / Policy #	Insurance Company / Policy #	Insurance Company / Policy #	Insurance Company / Policy #	Insurance Company / Policy #	Insurance Company / Policy #	Insurance Company / Policy #	Insurance Company / Policy #

Circle Appropriate Type: Regular / Star / Corporate / Government / Employee	Circle Appropriate Type: Regular / Star / Corporate / Government / Employee	Circle Appropriate Type: Regular / Star / Corporate / Government / Employee	Circle Appropriate Type: Regular / Star / Corporate / Government / Employee	Circle Appropriate Type: Regular / Star / Corporate / Government / Employee	Circle Appropriate Type: Regular / Star / Corporate / Government / Employee	Circle Appropriate Type: Regular / Star / Corporate / Government / Employee	Circle Appropriate Type: Regular / Star / Corporate / Government / Employee	Circle Appropriate Type: Regular / Star / Corporate / Government / Employee	Circle Appropriate Type: Regular / Star / Corporate / Government / Employee

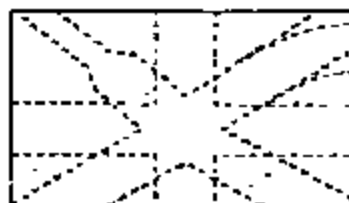
Other Party	Other Party	Other Party	Other Party	Other Party	Other Party	Other Party	Other Party	Other Party	Other Party

## Indicate Damaged Area of Rental Vehicle



- Indicate Damaged Area of Rental Vehicle
- ☐ No Damage  
☐ Light Damage  
☐ Heavy Damage  
☐ Other
- Indicate Damage "X"  
 Drivable ☐ Yes ☐ No

## Please Complete Diagram



Use ( ) for Vehicles.  
 Indicate the Rental Car by (R)  
 Rental Vehicle  
 Other Vehicle  
 (Circle One)

Additional Information	Additional Information	Additional Information	Additional Information	Additional Information	Additional Information	Additional Information	Additional Information	Additional Information	Additional Information

Signature Reporting Employee:

Accident Report	Accident Report	Accident Report	Accident Report	Accident Report	Accident Report	Accident Report	Accident Report	Accident Report	Accident Report

Questions or concerns with your Accident or Damage Event can be sent via email to [dtgoperations@dtg.com](mailto:dtgoperations@dtg.com) or mailed to DTG Operations Inc., Substation 5330 East 31st Street Tulsa, OK 74125. PAYMENTS SHOULD BE SENT to Dept. 927 Tulsa, OK 74125.





EXOS-000-LC-2712



FMCS-005-LC-2703



Among

01-0000-000

0000-000-1-C-2784

ER80-003-LC-2765





DWTS-808-LO-2786

2025-003-1C-2787





PHOTO-205-10-27800



EX-105-005-LC-2789



2025 RELEASE UNDER E.O. 14176



ENCLOSURE-2791



ENCLOSURE-10-2782

\_\_\_\_\_



**GMAC  
Insurance**

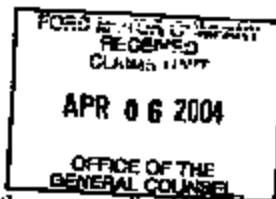
April 2, 2004

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

CONSUMER AFFAIRS  
SECTION

4 APR -6 AIO:10

Re: Company Name- Integon National Insurance Co.  
Insured- [REDACTED]  
Policy Number- SFL 5947145  
Claim Number- [REDACTED]  
Date of Loss- 02/28/2004



To Whom It May Concern:

I am writing you today concerning one of my customers who is the owner of a 1998 Ford F-150, involved in a fire on the date listed above. The claim was investigated by our SIU department, and it was determined that the fire was caused by a constantly charged cruise control wire near the master cylinder. The heat/brake fluid eventually wears away at the insulation, exposing the wire to petroleum based brake fluid which ignites. It should also be noted that this is the second such claim our SIU department has handled in which a Ford F-150 caught fire under the identical circumstances.

The purpose of this letter is to not only advise Ford of this problem w/ their F-150's, but to make a claim w/ the Loss Control Department at Ford.

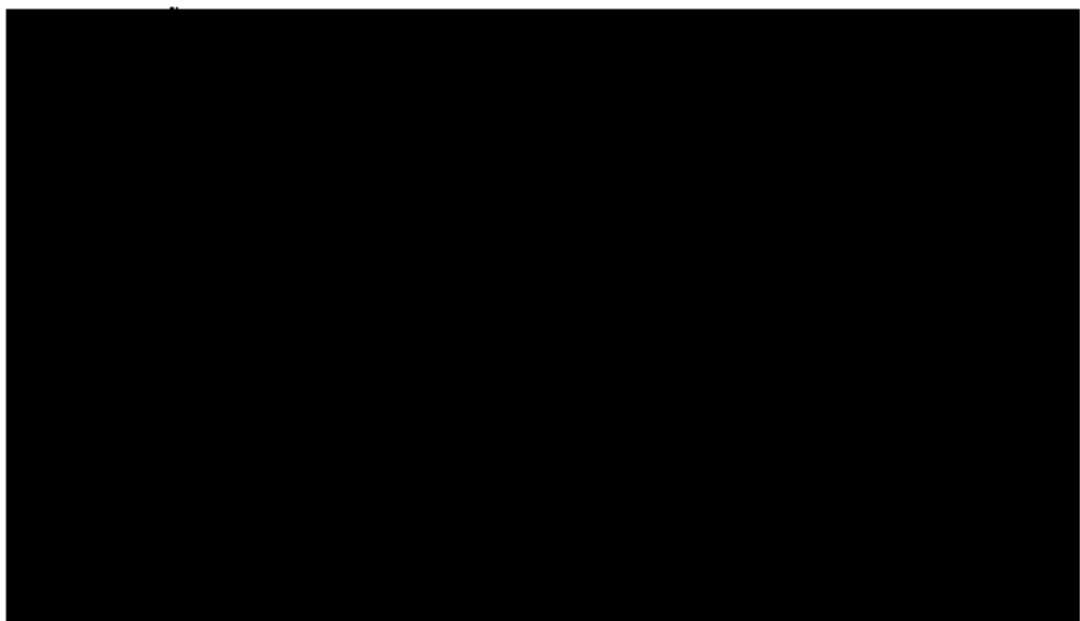
I will be looking forward to hearing from someone at the Consumer Affairs Department in a timely manner. I can be reached at 561-712-5560 or toll free 888-233-4575 ext.5560

Sincerely,

A handwritten signature in dark ink, appearing to read "Guy Blanco".

Guy Blanco  
Claims Representative  
GMAC Insurance

- 2/28/04  
- 198 F-150  
-





**Allstate.**  
You're in good hands.

*New*

December 17, 2003

CERTIFIED MAIL #7001 0320 0005 0854 6139

Ford Motor Co.  
168000 Executive  
Dearborn, MI 48121

RE: Claim #: [REDACTED]  
Our Insured: [REDACTED]  
Loss Date: 01/16/03  
Amt. of Claim: \$3487.63

JAN 16 2003  
OFF THE  
SQUAD

To Whom It May Concern:

The above noted subrogation claim has been identified as a product liability loss. In order to facilitate your handling, the information checked below is attached.

- ☒ Complete description of the incident: INSRD DROVE VEH TO WORK AND PARKED AT APPROX 6:15 A.M. AROUND 2P.M. SMOKE WAS OBSERVED COMING FROM UNDER THE CLOSED HOOD BY INDIVIDUAL AT FIRE STATION WHICH IS WHERE VEH WAS PARKED.
- ☒ Our statement of defect: STRICT LIABILITY FOR PRODUCT DEFECT LIES W/MFG
- ☒ Manufacturer: Ford
- ☒ Model #: Expedition Vin#: 1FMEU17LXVI [REDACTED]
- ☒ Year: 1997

The following information is enclosed for your review and information:

- Houston Fire Incident Report
- Cause and Origin Report (Forensic Analysts, Inc.)
- Black and White Photos (included in cause and origin report)
- Drafts and support estimates

If you require information not listed above, please advise me promptly. If a tender is made to another manufacturer, please notify me of the name and address of the manufacturer or

*1/16/03*  
*A 3487.63*  
*197 Exped*  
*VIN*  
*Houston, TX*  
*EXPT*  
*1/15/03*

Roanoke National Subrogation Claims Center  
3800 Electric Road, Suite 301, PO Box 21188, Roanoke, VA 24018  
Phone: 1-800-776-2816 or (540) 989-2800 Fax: (540) 989-2840 or (540) 776-3803  
Hours: 8:00 AM - 4:30 PM EST Monday - Friday

ER05-005-LC-2789

distributor, as well as the contact person. Otherwise, please acknowledge receipt of this claim and your position regarding payment of our damages within 30 days.

Thank you very much,

*Law A. Corlies*

A. Gayle Hildreth, SCLA  
Claim Associate  
Roanoke National Subrogation Claims Center

Enclosures



HOUSTON FIRE DEPARTMENT  
FIRE INCIDENT REPORT

DISTRICT 020 STAT 023 C  
CODPER TERRY  
CAPTAIN - 80945

LINE

A- INCIDENT NUMBER: 30116306 SUPP: 0 INCIDENT DATE: 01/16/2003 INCIDENT TIME: 14:02  
B- NUMBER OF PERSONNEL: 4 MUTUAL AID: NONE ARSON RADIO? / FIRE PREV?  
C- ADDRESS: 8005 LAWNDALE APT/SUITE: CENSUS TRACT: 32101  
D- TYPE OF SITUATION FOUND (13): VEHICLE FIRE TYPE OF ACTION TAKEN (1): EXTINGUISHMENT  
E- FIXED PROPERTY USE (943): PAVED PRIVATE STREET WAY IGNITION FACTOR (54): SHORT CIR. GROUND FAULT  
F- OCCUPANTS NAME: [REDACTED] TELEPHONE: [REDACTED]  
G- OWNERS NAME: [REDACTED] TELEPHONE: ( ) -  
H- OWNERS ADDRESS: [REDACTED] ALVIN TX [REDACTED]  
I- COMPLEX (94): NO COMPLEX MOBILE PROPERTY TYPE (22): GENERAL TRUCK <1 TON  
J- AREA OF FIRE ORIGIN (83): ENGINE AREA, RUNNING GEAR EQUIPMENT INVOLVED (55): INTERNAL COMBUST ENGINE  
K- FORM OF HEAT OF IGNITION (24): UNSPECIFIED SHORT CIRCUIT TYPE OF MATERIAL (40): PLASTIC INSUFF  
L- FORM OF MATERIAL (61): ELECTRICAL WIRE METHOD OF EXTINGUISHMENT (2): MAKE-SHIFT AIDS  
M- LEVEL OF FIRE ORIGIN (1): GRADE LEVEL TO 9 FT ABOVE ESTIMATED DOLLAR LOSS: \$700  
N- NUMBER OF STORIES ( ) CONSTRUCTION TYPE ( )  
O- EXTENT OF FLAME DAMAGE ( ) EXTENT OF SMOKE DAMAGE ( )  
P- DETECTOR PERFORMANCE ( ) SPRINKLER PERFORMANCE ( )  
Q- MATERIAL GENERATING SMOKE ( ) AVENUE OF SMOKE TRAVEL ( )  
R- FORM MATERIAL GEN MOST SMOKE ( )  
S- MOBILE PROPERTY YR: 97 MAKE: FORD MODEL: EXPLORER LIC# UNK SER# 1FMEU17LXVL [REDACTED]  
T- EQUIP INVOLVED YR: MAKE: MODEL: SER#  
UNIT ESTABLISHED M PATROLLA UNIT#

COMMENTS: FIRE BEGAN IN ELECTRICAL EQUIP IN ENGINE AREA. EXTINGUISHED W/ WATER HOSE.

7:3805450

8-24-03:11:03AM; FIRE RECORDS OFFICE

EA05-005-LC-2797

Forensic Analysts, Inc.

**PRELIMINARY  
REPORT OF FINDINGS**

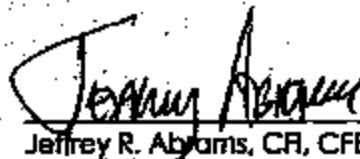
**CLAIM NO:** [REDACTED]

**INSURED:** [REDACTED]

Prepared for:

**ALLSTATE INSURANCE COMPANY  
1500 CITY WEST BLVD., SUITE 700  
HOUSTON, TEXAS 77042**

**ATTN: MR. HUGO BENAVIDES**



Jeffrey R. Abrams, CF, CFEI, ASE, CVFI  
President

January 31, 2003

FAI File No. 2666

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## I. INTRODUCTION

Reportedly, on January 16, 2003, a fire occurred, involving 1997 Ford Expedition vehicle. On January 18, 2003, Forensic Analysts, Inc. was retained by Mr. Hugo Benavides of Allstate Insurance Company to inspect the vehicle and determine the origin and cause of the fire.

On January 18, 2003, Mr. Jeffrey Abrams, CH, CFEI, ASE, CVR, of Forensic Analysts, Inc., inspected and photographed the Ford Expedition vehicle, located at Joe Myers Ford, 16634 Northwest Freeway, Houston, Texas 77040.

Samples of the engine oil and automatic transmission were taken, should an oil analysis be desired to help determine pre-fire condition of the engine and/or transmission. The samples are being stored at the office of Forensic Analysts, Inc., pending further instructions from Allstate Insurance Company.

This report is based upon information available to us at this time, and is not necessarily final. Should additional information be presented or discovered, we reserve the right to review and, if necessary, revise this report and our conclusions in light of that information.

## II. CONCLUSION

Forensic Analysis, Inc., inspected and photographed the Ford Expedition vehicle and interview the insured.

In conclusion, based on our observations and the findings as noted in this report, it is our opinion that this 1997 Ford Expedition engine compartment vehicle fire was the result of ignition of combustible material at and immediately surrounding the brake master cylinder pressure switch. The fire then naturally spread up and out, severely burning and partially consuming the brake master cylinder reservoir, as well as mildly deforming the components immediately surrounding the brake master cylinder pressure switch. This fire was very short-lived, as the fire and heat involved components were completely contained within just a few inches of the brake master cylinder. It is further our opinion that fire should not generate in this location and an avoidable need should be the full and complete expansion of the Ford Motor Corporation.

### III. DISCUSSION

The scope of our inspection was to perform a fire origin and cause on this vehicle.

#### INTERVIEW WITH THE INSURED

An interview with the insured helped construct an order of events immediately preceding the onset of this vehicle fire:

1. He stated he drove the vehicle to work that morning at 5:30 a.m.
2. Even though he has been experiencing no operational problems with the vehicle at all, he said that his cruise control has always been working. However, he tried to set his cruise control two (2) times that morning, and the cruise control did not work.
3. He said that he has had no recent repairs on the vehicle, whatsoever, and the vehicle had been performing quite well.
4. He said that when he got to work, the vehicle was parked at 6:15 a.m.
5. He said that the fire started at 1400 (2:00 p.m.), approximately eight (8) hours later.
6. Apparently, smoke was observed coming out from under the closed vehicle hood by an individual at the fire station, where the

vehicle was parked.

7. The fire was then extinguished with water without significantly compromising anything on the exterior of the vehicle.

#### FORD VEHICLE IDENTIFICATION

The vehicle was identified as a blue, four door, 1997 Ford Expedition vehicle, bearing Texas license plate number [REDACTED] and vehicle identification number 1FMEU17LXV [REDACTED]. The vehicle was manufactured August of 1996. At the time of our inspection, the odometer read 151,903 miles. The vehicle was equipped with an automatic transmission. The Texas Department of Public Safety inspection sticker number H19111746 expires in April of the year 2003. The vehicle registration sticker number 15239688WD expires in November of 2003.

#### FORD VEHICLE INSPECTION

Our inspection of the vehicle exterior revealed no effects of a vehicle fire whatsoever. Specifically, there was no indication of any paint discoloration or bubbling nor was there any indication of any unusual soot buildup on the exterior of the vehicle, at all. This fire is required to be described as extraordinarily mild, to not even compromise the exterior painted surface.

Our inspection of the vehicle interior, consistent with our observations of the lack of fire observation effects on the exterior, also contained no effects of a vehicle fire. Specifically, there was no evidence of smoke or heat damage of any of the components within the interior. Also, all instrumentation and plastic

composite components were intact, attached, and undeformed. Additionally, there was no indication of any compromise of the wiring on the underside of the dash, to indicate any type of overcurrent situation, which would have contributed to the onset of a vehicle fire.

Our inspection of the engine compartment revealed that this vehicle was equipped with a V8, distributorless, multiport fuel-injected engine, and an automatic transmission. Specifically:

1. The fire was very well localized, surrounding the brake master cylinder in the left rear corner of the engine compartment, as this was the only area of any significant melting, or distortion, of components.
2. The right side-mounted battery had been disconnected, presumably, by the fire department, to prevent any spread of an electrical fire.
3. There was absolutely no evidence of burn, whatsoever, in the entire right half of the engine compartment. This included the plastic composite battery cover, the windshield washer reservoir, all wiring harness sheathing, rubber and plastic composite hoses, or even on the rubber windshield washer hose that was affixed to the underside of the closed vehicle.
4. The plastic composite air intake plumbing contained no evidence of fire, at all, on the front and top sides, as it was routed to, and immediately above, the top of the center of the engine.
5. Even the fiberglass composite right side and left side engine valve covers were in excellent condition, showed no evidence of any



violation, distortion, or even significant soot deposits, as a result of this mild engine compartment fire.

6. The left front engine compartment-mounted, plastic composite cooling bottle was also completely unaffected by this fire. This was situated immediately in front of the unaffected air filter housing.
7. The power steering pump reservoir, which was a plastic composite container, situated immediately above the front, top, and left sides of the left side engine valve cover, also showed no evidence of any contact, or violation as a result of heat exposure. This power steering pump reservoir was approximately six inches (6") to the right of the mildly burned brake master cylinder.
8. The accelerator cable, which was routed on the left side of the power steering pump reservoir, and was situated between three and five inches (3"-5") away from the master cylinder, contained no evidence of exposure to a fire, or even exposure to excessive heat loads. The plastic composite sheathing on this accelerator cable was in excellent condition at the time of our inspection.
9. The cable that was routed immediately in front of the brake master cylinder, and immediately in front of a brake master cylinder pressure switch, that was mounted to the top front portion of the brake master cylinder assembly, was also sheathed with a plastic composite material. This material was unaffected by the vehicle fire, with the exception of the approximately three-inch (3") wide area, immediately in front of, and above, this brake master cylinder pressure switch.
10. Immediately to the left of the brake master cylinder was a power

distribution box. This box was situated near the very left rear corner of the engine compartment, and was composed of a high-density plastic material. This power distribution box, which was situated approximately two inches (2") to the left of the left side of the brake master cylinder, was relatively unaffected by this fire, but was, indeed, coated with a relatively thick layer of soot on the right side. Additionally, the wiring harness run that was routed to the bottom of this power distribution box, which also was situated approximately two inches (2") to the left of the brake master cylinder, was mildly discolored, and soot coated, but there was no indication of any significant damage, or violation, of the wiring harness wires. This, again, is consistent with a wiring harness run that did not contribute to the onset of this vehicle fire, at all.

11. The brake power booster, to which the brake master cylinder was secured, was also only covered with a thick layer of soot on the very front. This black painted brake power booster contained no area of bubbled up paint that would be consistent with either communicated damage, as a result of heat generation, or the result of any contact with a leaking brake master cylinder. More specifically, brake fluid is an excellent paint thinner, and can easily dissolve the black paint on the front of the brake power booster, and can be a definite indication of compromise of the brake master cylinder seals. At the time of our inspection, there was no indication of this, immediately prior to the onset of the fire.
12. Consistent with the lack of compromise to the windshield washer rubber hose that was affixed to the underside of the closed vehicle hood on the right side of the engine compartment, there was no compromise of this easily deformed rubber hose on the left half of the engine compartment.

13. There was a wire routed to the light bulb that was affixed to the hood of the vehicle. This wire was sheathed in a plastic composite material, and appeared to be wrapped with some sort of plastic tape. This sheathing and tape were routed immediately above the brake master cylinder, approximately two to four inches (2"-4") in front of the front of the brake power booster. This plastic composite sheathing was mildly burned, deformed, and distorted across an approximately seven-inch (7") width, immediately above the burned brake master cylinder below it.
14. There were no effects of the vehicle fire below the brake master cylinder, with the exception of fire fall-down from dripping, and burning, pieces of plastic, as well as, likely, burning, and dripping, brake fluid.
15. As previously stated, the greatest effects of this very mild engine compartment fire were around the brake master cylinder. But, it must be noted that the aluminum brake master cylinder housing was relatively unaffected by this fire, with the exception of fire fall-down, from the nearly consumed brake master cylinder plastic composite reservoir. Only the plastic composite reservoir was nearly consumed, as a result of this fire.
16. There was a pressure switch secured to, and screwed into a boss on the top front portion of, the brake master cylinder assembly. This pressure switch was severely burned, and partially consumed, as a result of this mild fire surrounding the brake master cylinder. There were two (2) wires that were previously routed to the top of this pressure switch. One of these two (2) wires had separated. This switch was vertically oriented. The threads on the bottom and the top half of this pressure switch were encased in a plastic composite

housing. This is the housing that contained the electronics of the pressure switch. It must be noted that the entire circumference of this plastic composite housing was severely burned, and partially consumed, as a result of the fire.

A closer inspection of the burn surrounding the brake master cylinder assembly, reservoir and pressure switch revealed:

1. Even though the fire was very localized, surrounding the top of the brake master cylinder, it must be noted that there was still a significant amount of plastic composite reservoir material that lay on top of the master cylinder, resolidified as a result of the fire.
2. There was no indication, whatsoever, of any significant burn experienced by the aluminum brake master cylinder assembly, immediately below the nearly consumed brake master cylinder reservoir.
3. As previously stated, the pressure switch on the front of the brake master cylinder contained a plastic composite housing on the top half. This housing was burned surrounding the entire circumference of the pressure switch. To rephrase this, not only was the portion of the pressure switch, immediately in front of the nearly consumed brake master cylinder reservoir, severely burned, but the portion of the pressure switch that was immediately behind the air filter housing, away from the burning brake master cylinder, was equally, and as intensely burned, and partially consumed.
4. As previously stated, one of the wires was separated that was routed to the top of this brake master cylinder pressure switch. As

we traced these two (2) wires that were routed to the top of the brake master cylinder pressure switch, toward the wiring harness, it must be noted that these two wires were insulation-void within approximately four inches (4") of this pressure switch. These two wires were also insulation-void immediately behind a burned section of wiring insulation that was in front of it, between the insulation-void wires and the brake master cylinder pressure switch. All evidence is purely consistent with the area of most intense heat, and origination of this mild engine compartment fire, to be at, and immediately surrounding, the brake master cylinder pressure switch and/or attached wiring.

The burn within the plastic housing, on the top half of the brake master cylinder pressure switch, was definitely intense, and partially consuming, within the interior. The only way a fire can originate, and burn in the fashion observed, in a very short-lived fire, within the area surrounding the brake master cylinder, and partially consuming the plastic composite components within the internals of the brake master cylinder pressure switch, is for the fire to originate within this component.

Our inspection of the fluids within the engine compartment revealed that both the automatic transmission fluid and the engine oil were near translucent in nature, near their normal operating level, and consistent with this year, make, model, and mileage vehicle. They also appeared to show no evidence of any contaminants, or excessive internal component wear. Specifically, oil fluids were consistent with those that did not contribute in any way, shape, or form to the onset of this very mild engine compartment fire that originated immediately surrounding the brake master cylinder pressure switch. Samples of the engine oil and automatic transmission were taken, should an oil analysis be desired to help determine pre-fire condition of the engine and/or transmission.

#### RESEARCH RECALL INFORMATION

We contacted the National Highway Traffic Safety Administration (NHTSA) to identify any preliminary evaluations, engineering analyses, or recalls on 1997 Ford Expedition vehicles.

At this time, a search of their records, as well as technical service bulletins, indicated no information relating to the engine compartment fires as described.

#### RECOMMENDATIONS

We recommend that the 1997 Ford Expedition vehicle be retained, secured, and protected regarding any further testing or inspection by other interested parties. We also reserve the right to be present and observe any and all inspections or testing of the Ford Expedition vehicle by any other concerned parties.

#### IV. BASIS OF REPORT

This report is based upon the following:

1. Inspection of the involving 1997 Ford Expedition vehicle.
2. Interview with the insured.
3. Information and observations as noted in this report.

## V. ATTACHMENTS

### PHOTOGRAPHS



1. View of the front of the Ford vehicle.



2. View of the left side of the Ford vehicle.



January 31, 2003

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ERG-085-LC-2813

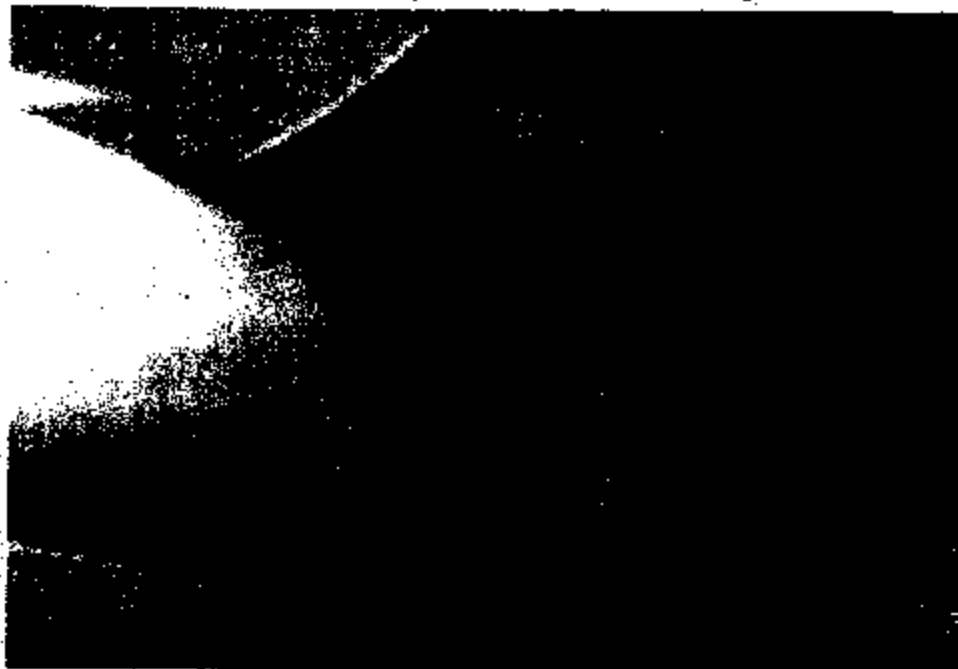
3. View of the right side of the Ford vehicle.



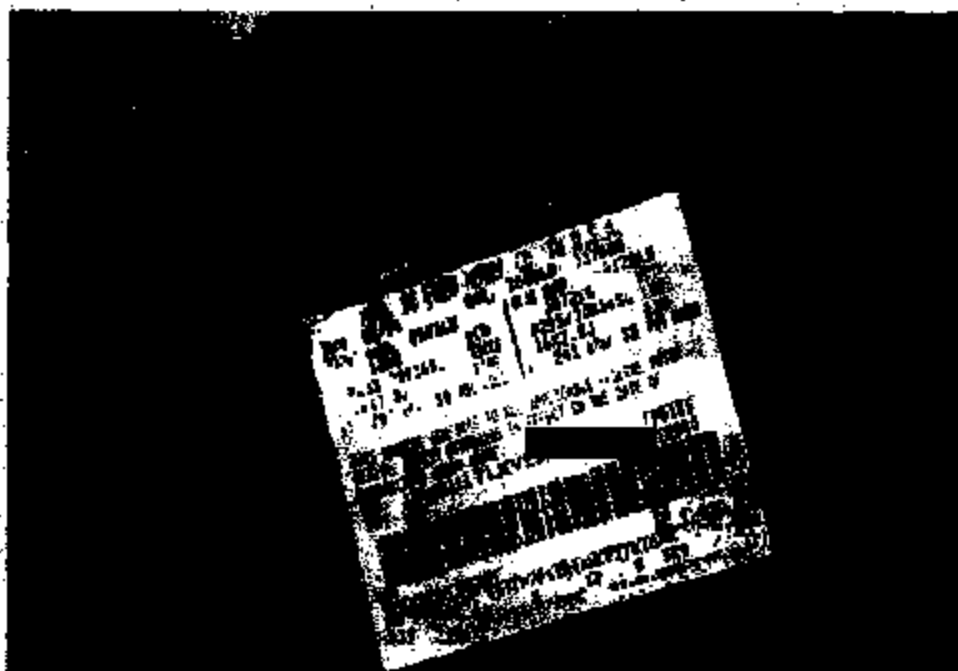
4. View of the rear of the Ford vehicle.



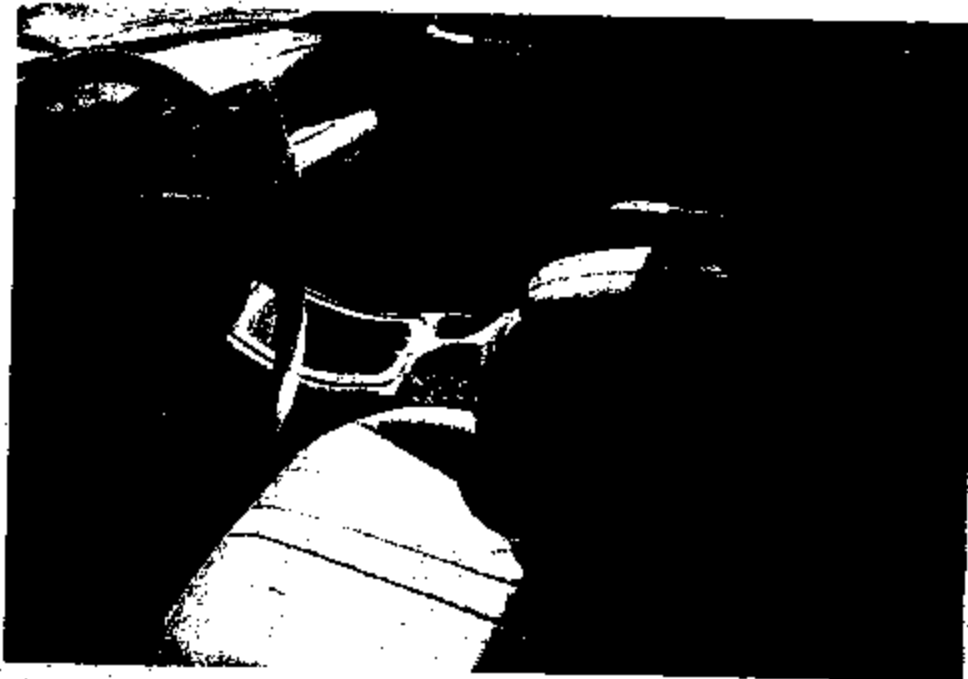
5. View of the Texas Department of Public Safety inspection sticker and vehicle registration stickers.



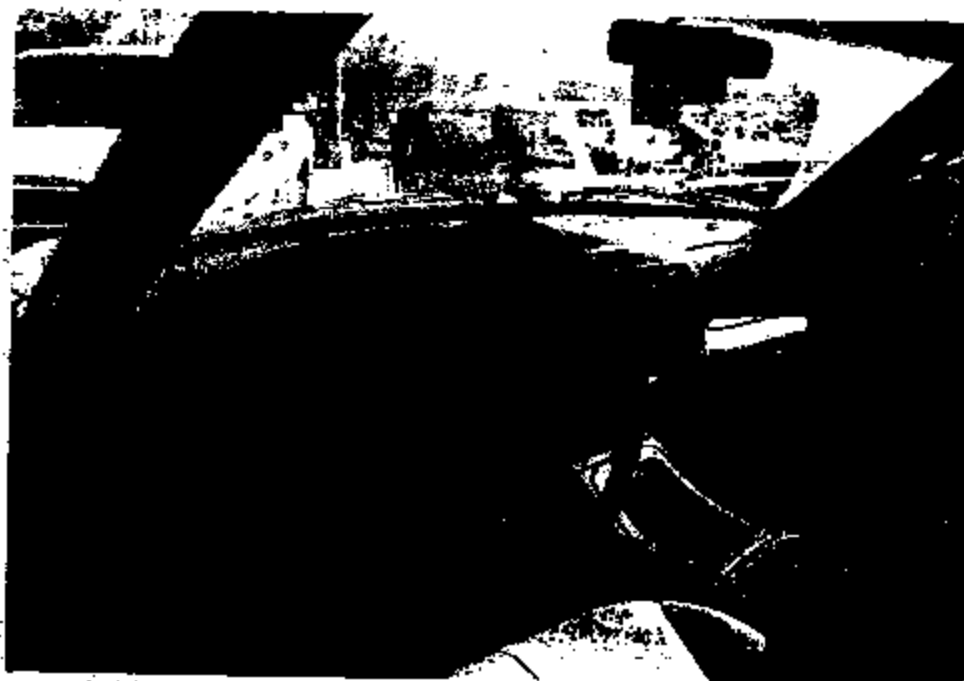
6. View of the vehicle identification tag.



7. View of the unburned interior front bucket seats.



8. Overview of the unburned vehicle dash.



9. Overview of the uncompromised area surrounding the fuse box within the interior of the vehicle.



10. Overview of the engine compartment.



11. View of the engine compartment as viewed from the left.



12. View of the engine compartment as viewed from the right.



13. View of the unbowed front portion right half of the engine compartment as viewed from the front.



14. View of the left half of the engine compartment as viewed from the front.



15. View of the left half of the engine compartment as viewed from the left.



16. View of the area immediately to the right of the brake master cylinder.





17. View of the area immediately surrounding the brake master cylinder as viewed from the front.



18. Top view of the master cylinder as viewed from the left.



January 30, 2003

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EROS-885-LC-2821

19. View of the front half of the brake master cylinder.



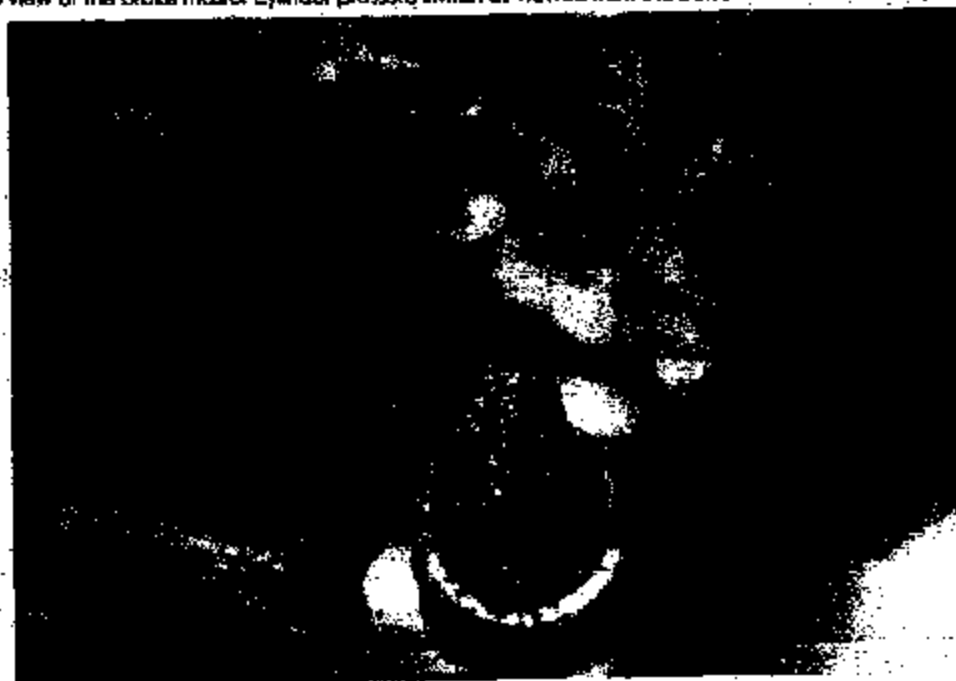
20. View of the burned wiring immediately in front of the brake master cylinder.



21. View of the insulation void wiring that was previously routed to the brake master cylinder pressure switch.



22. Top view of the brake master cylinder pressure switch as viewed from the front.



23. Top view of the brake master cylinder pressure switch as viewed from the rear.



24. Views of the intense burn and partial consumption of the area at and immediately surrounding the brake master cylinder pressure switch.



25. Views of the intense burn and partial consumption of the area of and immediately surrounding the brake master cylinder pressure switch.



26. Views of the intense burn and partial consumption of the area of and immediately surrounding the brake master cylinder pressure switch.



27. Views of the intense burn and partial consumption of the area of and immediately surrounding the brake master cylinder pressure switch.



28. Views of the intense burn and partial consumption of the area of and immediately surrounding the brake master cylinder pressure switch.



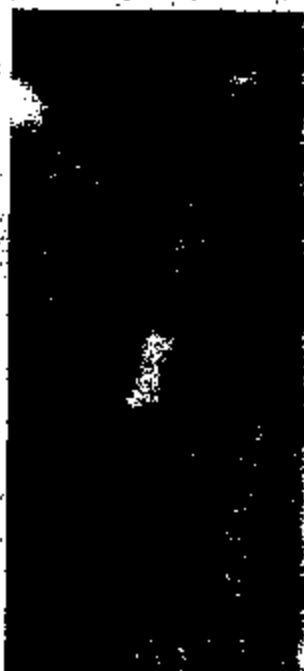
27. Views of the interior burn and port  
brake master cylinder pressure swi



ending the



30. Views of the interior burn and port  
brake master cylinder pressure swi



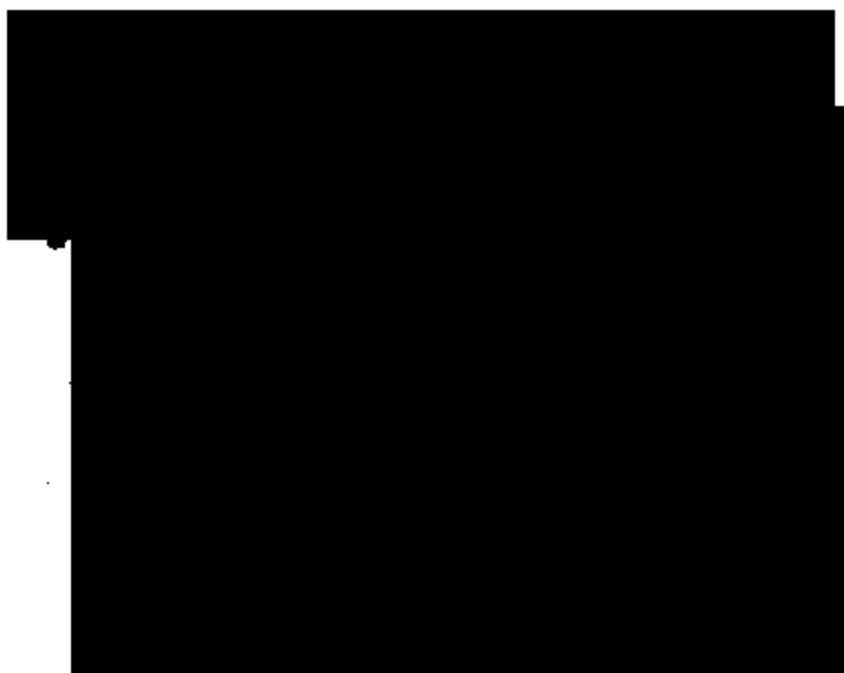
ending the



August 30, 2003

2004

003-LC-2527





172048

CAUSE NO. \_\_\_\_\_

VS.

FORD MOTOR COMPANY, TEXAS  
INSTRUMENTS, INC., E.I. DUPONT DE  
NEMOURS AND COMPANY and  
DAVID O. OLSEN

§ IN THE DISTRICT COURT OF  
§  
§  
§ JEFFERSON COUNTY, TEXAS  
§  
§  
§ \_\_\_\_\_ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Plaintiffs [REDACTED] complaining of Ford Motor Company ("Ford"), Texas Instruments, Inc. ("TI"), David O. Olsen ("Olsen"), and E. I. DuPont De Nemours and Company ("DP") and would show unto the court as follows:

1. Parties & Venue:

Plaintiffs are residents of Port Neches, Jefferson County, Texas.

Defendant, Ford Motor Company, is a Delaware Corporation with its principal place of business in Michigan and may be served with process, by certified mail, return receipt requested, by serving its registered agent, CT Corp System, 350 N. St. Paul Street, Dallas, Texas 75201.

Defendant, Texas Instruments, Inc., is doing business in Texas and may be served with process, by certified mail, return receipt requested, by serving its registered agent, Richard J. Agrich, 7639 Church Hill Way, MS 3996, Dallas, Texas 75251.

Defendant, E.I. Du Pont De Nemours and Company, is a Delaware corporation and may be served process, by certified mail, return receipt requested, by serving E.I. Du Pont De Nemours and Company, Room 8042, Du Pont Building, 1007 Market Street, Wilmington, Delaware 19898.

Defendant, David O. Olsen is an individual residing in Jefferson County, Texas and may be served

served citation by private service at 725 W. Round Bunch, Bridge City, Texas 77611-2433.

Venue is proper in Jefferson County, Texas because all or part of the conduct complained of herein took place in Jefferson County, Texas, and because a Defendant resides there.

## **2. Discovery Control Plan**

The Plaintiffs move the court to enter a discovery control plan pursuant to TRCP §190.4 which includes two sets of interrogatories of no more than 30 written interrogatories, excluding interrogatories asking a party only to identify or authenticate specific documents. Plaintiffs will submit a proposed discovery control plan after conversing with Defendants' counsel.

## **3. Facts and Background**

On or about June 2003, David O. Olsen consigned for sale to Plaintiff, [REDACTED] a 1997 Ford F150 pickup truck manufactured and designed by Ford and equipped with a defective speed control deactivation switch, manufactured and marketed by TI which utilized defective components manufactured by DP known as "KAPTON<sub>®</sub>". The truck VIN was 1FTDX1769V1 [REDACTED]

On or about June 20, 2003, [REDACTED] parked the Ford pickup in his garage connected to his residence at [REDACTED] Port Neches, Texas. The defective speed control deactivation switch either solely or in combination with the "KAPTON<sub>®</sub>" and/or other defective electrical components, wiring and/or circuits on the truck, was the ignition source for the fire which originated in the truck and completely destroyed Plaintiffs' residence, personal property, family photographs and other irreplaceable memorabilia.

## **4. Negligence**

The Defendants were negligent in one or more of the following particulars and such negligence was a proximate cause of Plaintiffs' damages:

As to Defendant, Olsen:

- a. In failing to notify Plaintiffs of the defective condition of the truck when Defendant knew or should have known of such condition;
- b. In failing to timely remedy the defective condition;
- c. In failing to remedy the defective condition when the truck was presented to an authorized Ford dealer for service;
- d. In failing to timely or properly notify Plaintiffs to present the vehicle for service at an authorized Ford dealer;
- e. In failing to advise Plaintiffs not to park the truck in a garage, carports, or other items capable of catching fire;
- f. In failing to properly repair and/or maintain the truck;
- g. In failing to remedy defects in the truck as needed;
- h. In failing to replace the defective speed control deactivation switch and/or circuit fuse; and
- i. In other respects as may be shown at trial.

As to Defendants, Ford, TI and DP:

- a. In failing to timely and properly notify Plaintiffs of the defective condition of the vehicle;
- b. In failing to remedy the defective condition;
- c. In failing to advise authorized Ford dealerships to remedy the defective condition;
- d. In failing to properly monitor and locate vehicle registrations to identify and locate customers, such as Plaintiffs, who possess defective vehicles;
- e. In failing to advise Plaintiffs not to park the automobile in a garage, carport or items capable of catching fire;
- f. In manufacturing and distributing the vehicle without correcting defects;
- g. In failing to adequately investigate fires occurring in the subject vehicle line which included a similar cause and origin of the fires in question;
- h. In failing to institute a timely or effective vehicle recall campaign;
- i. By negligently designing the electrical circuit which controls the vehicles' cruise control;
- j. By designing an electrical circuit that supplies continuous electrical power to the speed control switch when the vehicle is parked, not running with the ignition key off, thereby providing an ignition source for the fire;
- k. By failing to provide adequate engineering design specifications to TI and/or DP concerning the number of cycles the speed control deactivation switch would encounter over the subject vehicles' foreseeable life. Additionally, Ford failed to consider or provide switch cycle data created by the vehicles' anti-lock brake, suspension leveling and traction control systems;

- l. By failing to provide adequate engineering design specifications to TI;
- m. By failing to include an adequate electrical current limiting device in the electrical circuit which supplies power to the switch;
- n. By instituting an unreasonable date of production to achieve "Job One;"
- o. In failing to adequately manufacture, investigate, engineer and/or test the speed control switch prior to distribution to Ford for inclusion into the subject vehicles;
- p. In failing to design a speed control switch which does not allow the intrusion of corrosive substances in contact with the electrical components of the switch;
- q. In failing to test the speed control switch prior to distribution based on foreseeable electrical, thermal, cyclical, and environmental conditions the switch would encounter during the expected life of the vehicle and/or speed control switch;
- r. In failing to consider previous failure and/or engineering problems associated with the use of "KAPTON<sub>®</sub>" in similar hydraulic pressure switches where chemical attack, mechanical forces, and/or manufacturing processes were suspected but not considered during the design, manufacture and/or marketing of the speed control deactivation switch installed on Plaintiffs' vehicles;
- s. In failing to advise Ford and/or DP and/or the Plaintiffs that "KAPTON<sub>®</sub>" failures had occurred in other similarly designed pressure switches;
- t. In supplying and/or distributing defective components for installation in vehicles such as Plaintiffs without correcting such defects;
- u. By failing to design and manufacture the switch with electrical components which would not corrode and cause an electrical short and fire; and
- v. In such other respects as may be shown by the discovery or at trial.

#### 5. Gross Negligence

The Plaintiffs' resulting damages, injuries and losses were caused by the gross negligence, fraud and malice of the Defendants. The conduct of Defendants Ford and TI constitutes gross negligence, fraud and malice as those terms are understood under Texas law and as defined by Section 41.001 Tex. Civ. Prac. and Rem. Code, in that it constituted a conscious indifference to the rights and welfare of persons affected by it. The Defendants' fraud and deceit will, in one way, be shown by Ford's and TI's spoliation of evidence that has been uncovered during the course of this lawsuit. As a result, Plaintiffs seek to recover exemplary damages from Defendants, Ford and TI as a result of their gross negligence, fraud,

deceit and malice. Plaintiffs intend to show that the factors the jury may consider in determining the amount of exemplary damages which should be awarded include :

1. the nature of the wrong committed by Ford and TI;
2. the character of Ford's and TI's conduct;
3. the degree of culpability of Ford and TI;
4. the situation and sensibilities of the parties concerned; and
5. the extent to which Ford's and TI's conduct offends a public sense of justice and propriety.

The Plaintiffs believe that exemplary damages should not exceed Three Million Dollars (\$3,000,000.00).

#### **6. Damages**

Plaintiffs would show that their damages, injuries and/or losses are within the jurisdictional limits of this Court, and include property damages, loss of their vehicle(s), home, home contents, loss of use of vehicle and home, mental anguish, costs to repair or replace their property, and any other consequential damages foreseeably arising from the incident in question.

Plaintiffs would show that they are entitled to reasonable and necessary attorney fees and costs of prosecuting this matter.

Plaintiffs would show that they are entitled to pre-judgment and postjudgment interest at the maximum rate allowed by law.

#### **REQUEST FOR RELIEF**

- (a) Plaintiffs request that Defendants be cited according to law to appear and answer;
- (b) Plaintiffs demand judgment against Defendants for all actual damages within the jurisdictional limits of the Court and for attorneys' fees, and all statutory additional for

exemplary] damages as set forth above, costs of court, and prejudgment and post judgment interest at the highest lawful rates;

(c) Plaintiffs also ask for such other relief to which they may be entitled

Respectfully submitted:

By: 

Norman Jolly  
TBA# 10856920  
Michael Jolly  
TBA# 10856910  
1018 Preston, 4th Floor  
Houston, Texas 77002  
(713) 237-8383  
Fax (713) 237-8385

## State Farm Insurance Companies®



State Farm Insurance  
P.O. Box 680167  
Houston, TX 77268-0167

July 2, 2003

Shawn Norton  
Ford Motor Company  
3 Parklane Boulevard, PTW, Suite 300  
Dearborn, MI 48126

*New  
(For Shawn)*

Re: Our Insured: [REDACTED]  
Date of Loss: June 20, 2003  
Claim Number: 63-Q730-262

Dear Ms. Norton:

This letter will serve as notice of our request for Ford Motor Company to view and inspect a 1997 Ford F150 pickup. This vehicle is owned by David O. Olson and was involved in a fire on June 20, 2003.

The facts of this loss are:

On or about June 20, 2003, the 1997 F150 was being driven by [REDACTED]. At approximately 6 p.m., [REDACTED] parked the vehicle in his three-car garage. At approximately 8 p.m., [REDACTED]'s smoke alarm was activated in his home. [REDACTED] went to the garage and noticed the truck was on fire. [REDACTED] ran downstairs to move the vehicle. It could not be pushed. [REDACTED] got into the vehicle and tried to turn the key to put the vehicle in neutral so it could be pushed out of the garage. He was not successful. [REDACTED] and his neighbor, Mr. Kerr, stated the flames could be seen coming out of the left side of the vehicle, near the driver's side firewall, and the left front tire area. Mr. Kerr came to their assistance approximately five minutes after the discovery of the vehicle burning.

The [REDACTED] home is approximately 6,000 square feet in size and is a total loss.

The vehicle is a 1997 Ford F150 extended cab, vehicle identification number 1FTDX1789V1 [REDACTED] and is currently located at:

Airport Golf Wrecker  
824 Highway 69  
Nederland, Texas  
(409) 727-3599

*Bought  
Vehicle from  
Consignment  
parked*

*- F121  
- 197 F150  
- VIN  
- 6/20/03*

*Kearpel  
by vehicle*

JUL 02 2003 11:53

*moved + cleaned/sifted  
area where fire was*

281 586 1553

PAGE 02

Shawn Norton  
53-Q730-262  
Page 2  
July 2, 2003

The vehicle is currently indoors.

Please contact me as soon as possible to arrange a representative from Ford Motor Company to inspect the Olson vehicle. You can also contact Jeff Abrams, the origin and cause expert for State Farm®, at (281) 385-9157.

Sincerely,

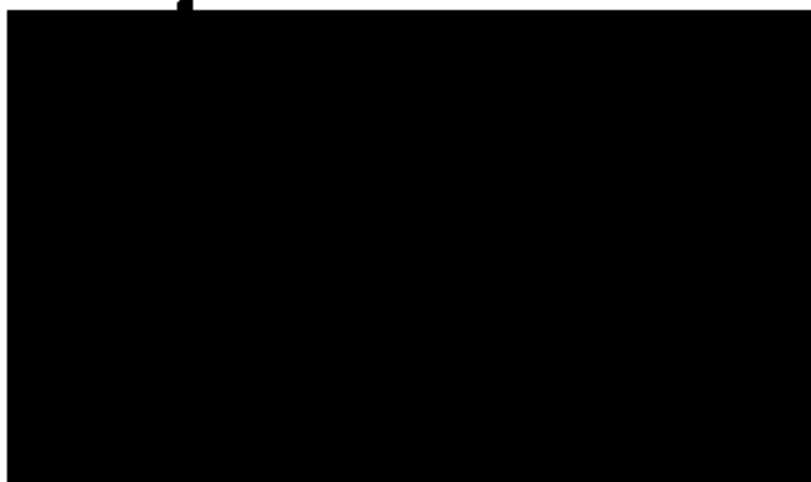


Ronald Lopez  
Claims Representative  
(281) 586-1627

State Farm Lloyds

#A026/0702007r





22<sup>ND</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. TAMMANY

STATE OF LOUISIANA

NO: 04-10764

DIVISION "I"

VERSUS

FORD MOTOR COMPANY  
S/CONNIE GENNARO

FILED: FEB 19 2004

DEPUTY CLERK

PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes plaintiff, [REDACTED]

[REDACTED], a corporation organized under the laws of the State of Louisiana and doing business within this parish and state, with respect, represents:

I.

Made defendant is Ford Motor Company, a corporation which upon information and belief is organized and existing under the laws of another State, but registered to do business within this Parish and State.

II.

On or about May 14, 2003, [REDACTED] owned a 1997 Ford Expedition SW.

III.

At all times pertinent hereto, the 1997 Ford Expedition SW owned by [REDACTED] was parked and unoccupied when it caught on fire due to an electrical failure under the hood of the vehicle. The fire that followed consumed much of the engine, the hood, the drivers side front corner panel and much of the dash. The fire damage to the vehicle was caused by a defect in the construction, composition, or design of the brake master cylinder and/or the cruise control which was caused by an electrical failure.

IV.

The fire caused the total loss of the 1997 Ford Expedition SW vehicle owned by [REDACTED]

V.

Pursuant to Louisiana Revised Statutes 9:2800.51, et. seq., Ford Motor Company is liable unto the plaintiffs for all reasonable damages caused by the defective engine parts.

VI.

In accordance with the terms and conditions of an automobile insurance policy issued by [REDACTED] made payments totaling \$16,661.44 to or on behalf of [REDACTED] for the repairs to his vehicle and substitute transportation expenses.

VII.

[REDACTED] is subrogated to this amount pursuant to the terms of the insurance policy issued by [REDACTED]

VIII.

The loss caused by the defective engine parts was due to an fault or neglect of [REDACTED] but was caused solely by the fault and neglect of Ford Motor Company.


IX.

As a result of the negligence and/or fault and/or strict liability of Ford Motor Company plaintiffs are entitled to recover all damages provided by law including all special damages, property losses, insurance payments and deductibles.

WHEREFORE, plaintiffs, [REDACTED] prays that its Petition be deemed good and sufficient and that a summons and citation be issued to defendant, Ford Motor Company, ordering it to answer and appear in this proceeding and that after due proceedings there be judgment enter herein in favor of plaintiffs, Progressive Security Insurance Company, for the full amount of the property loss referred to herein and for all other damages, together with interest thereon from the date of judicial demand and for all costs of these proceedings.

Respectfully submitted,

Moran, McGinty, Berdine & Caster



JENNIFER A. MARCUM (#29135)

2450 Seven Avenue, Suite 420

Metairie, Louisiana 70001

Telephone: (504) 832-4838

Counsel for plaintiff, Progressive Security  
Insurance Company

**PLEASE SERVE THROUGH THE  
LOUISIANA LONG ARM STATUTE:**

**FORD MOTOR COMPANY**  
Through the Louisiana Long Arm Statute  
3 Parklane Blvd. Suite 300  
Dearborn, MI 48126

**PROGRESSIVE**

P.O. Box 43258  
Richmond Heights, OH 44143  
progressive.com

June 15, 2003

RECEIVED

JUL 21 2003

Ford Motor Company  
Office of General Counsel  
Parklane Towers West, Suite 300  
3 Parklane Blvd.  
Dearborn, MI 48126-2568

JUL 22 2003

OFFICE OF THE  
GENERAL COUNSEL

Re: Defect caused fire and damages

VIN: 1FMEU17L8VL [REDACTED]

Year: 1997

Make: Ford

Model: Expedition SW

Our Insured:

Address: [REDACTED], Mandeville, LA [REDACTED]

Phone No.: Home [REDACTED] Work [REDACTED]

Our Claim No:

Date of Loss: 5-14-03

Damages: \$10,661.44

Please accept this letter as formal notice of our subrogation rights in regard to the above-captioned claim. Demand is hereby made upon you for payment of [REDACTED] damages and those of [REDACTED].

Our investigation indicates damages to our insured's vehicle was a direct result of a manufacturer's defect or negligence on your behalf. Enclosed please find all supporting documentation.

Please acknowledge receipt of my subrogation demand and forward your payment of \$10,661.44 to my attention, payable to [REDACTED] as subrogee of [REDACTED], and mail to my attention at [REDACTED] Richmond Hts., [REDACTED].

You can contact me at the number listed below should you need additional documentation or care to discuss this claim.

Thank you for your anticipated cooperation.

William P. Kienzl  
Subrogation Representative  
(440) 603-5339

Enclosures

Handwritten notes:  
Purch 4-01-129,000 (2)  
- F105  
- 197 Exped  
- VIN  
- 5/15/03  
- \$10,661.44

## SOS Investigations, Inc.

Walter L. Oliveaux, C.F.E.I.  
President / Chief Investigator  
PO Box 2787  
6353 Joe Daniel Rd.  
St. Francisville, La. 70775

Toll Free 888-331-8861  
Telephone 225-635-3589  
Fax 225-635-4795  
E-mail [sos@stfrancisville.com](mailto:sos@stfrancisville.com)  
<http://www.stfrancisville.com>

Saturday, May 31, 2003

[REDACTED]  
Mandeville, Louisiana [REDACTED]

Claim No: [REDACTED]  
Date of Loss: 05/14/2003  
Insured: [REDACTED]  
SOS File No: 2003-C132

Dear [REDACTED]:

Please accept this letter as our report resulting from the origin and cause investigation conducted at your request in the above referenced matter. We hope this report meets with your approval. If you require a more detailed report of this matter please contact us and we will provide one.

On Friday, May 30, 2003 we traveled to Insurer's Auto Auction, Livingston, Louisiana and conducted the examination of the 1997 Ford Expedition bearing VIN: 1FMEU17L8VL [REDACTED]. The vehicle had just arrived at the facility and was found in the receiving area where it had been proceeded into the facility.

The examination of the exterior of the vehicle found that fire damage was confined to the engine compartment of the vehicle with limited extension into the dash in the passenger compartment of the vehicle. The driver's side front door window was broken while the bottom of the driver's side of the windshield had been damaged by the fire. The driver's side front quarter panel had fire damage as did the hood. The melting of the hood was located on the driver's side of the hood with the melting patterns indicating that the fire originated in the engine compartment near the firewall on the driver's side of the compartment. The investigator found and photographed the remains of the front edge of the hood and the passenger side of the hood from about the middle of the engine to the passenger side. The investigator noted that the damage to the plastic piece between the windshield and the rear edge of the hood was damaged on the driver's side with burn patterns indicating that the fire spread from the driver's side to the passenger side in this area. The investigator found damage to the grill, but no evidence of the fire originating in the front of the engine compartment. The examination found no evidence that indicated that the fire originated on the exterior of the vehicle.

The examination of the interior compartments of the vehicle found fire damage in the passenger compartment limited to the dash. The investigator found no fire damage to the front seats or the rear of the passenger compartment. The investigator found that the burn patterns in the dash

indicated that the fire entered the passenger compartment and the dash as the fire spread from the engine compartment. There was no evidence that indicated that the fire originated in the passenger compartment of the vehicle.

The examination of the engine compartment found burn patterns on rubber hoses in the compartment that indicated that the fire spread from the driver's side rear of the engine compartment and the area of the brake master cylinder to the other areas of the compartment. The investigator found the remains of the insulation on electrical conductors below the brake master cylinder that indicated that the fire originated at the level of the brake master cylinder. The examination found the remains of other combustible items in front of the brake master cylinder. These items along with items located along the inside of the driver's side front quarter panel all indicated both the level and the area in which the fire originated. All burn patterns indicated that the fire originated in the area of the brake master cylinder.

The investigator was advised that the vehicle had been parked and not running for an hour and a half prior to the fire. This eliminated heat from the engine as a possible source of ignition. The investigator found that the only sources of ignition present in the engine compartment were electrical items. The investigator found that the fire originated in the area of the brake switch for the cruise control. This item is a recall item on another Ford Vehicle. The investigator has examined several other Ford Vehicles using a very similar brake switch and found that the switch had failed as in the recalled switch and caused a fire, many after the vehicle had been parked for longer than this vehicle.

The examination determined that the fire originated in the area of the brake switch for the cruise control on the brake master cylinder. The examination determined that the fire was caused by an electrical failure in the same area. The examination determined that the fire was most likely caused by a failure of the brake master cylinder.

The following photographs were taken during the examination and illustrated our findings:

1. Photo showing the rear of the vehicle.
2. Photo showing the passenger side of the vehicle.
3. Photo showing the front of the vehicle.
4. Photo showing the driver's side of the vehicle.
5. Photo showing the windshield.
6. Photo showing the remains of the hood.
7. Photo showing the remains of the grill.
8. Photo showing the rear of passenger compartment of the vehicle.

SOS Investigations, Inc.

P.O. BOX 2787 - ST. FRANCISVILLE - LOUISIANA 70775

Page 2

Claim No. [REDACTED]  
DOL: 05/14/2003

Policy No. [REDACTED]  
Insured: [REDACTED]

9. Photo showing the back seat of the passenger compartment from the driver's side of the vehicle.
10. Photo showing the front seats of the passenger compartment from the driver's side of the vehicle.
11. Photo showing the dash of the vehicle from the driver's side front door.
12. Photo showing the VIN on the driver's side front door.
13. Photo showing the bottom of the hood.
14. Photo showing the engine compartment from the passenger side of the vehicle.
15. Photo showing the engine compartment from the front of the vehicle.
16. Photo showing the engine compartment from the driver's side of the vehicle.
17. Photo showing the driver's side of the engine compartment from the front of the vehicle.
18. Photo showing the wiring below the brake master cylinder that was not damaged by the fire showing the level at which the fire originated.
19. Photo showing a close-up of the front of the brake master cylinder.
20. Photo showing a wide view of the brake master cylinder.
21. Photo showing the remains of the wiring harness above the master cylinder.
22. Photo showing the items below the master cylinder.
23. Photo showing the remains of plastic items on the driver's side front quarter panel.
24. Photo showing the remains of some electrical items from the driver's side rear corner of the engine compartment.
25. Photo showing a close-up of the switch including some numbers on the switch.
26. Photo showing the remains of hoses around the fuel line connections.
27. Photo showing the wiring in the driver's side rear corner of the engine compartment.



Claim No: [REDACTED]  
DOL: 05/14/2003

Policy No: [REDACTED]  
Insured: [REDACTED]

We suggest that Ford Motor Company be notified of the loss and provided an opportunity to examine the vehicle while we are present.

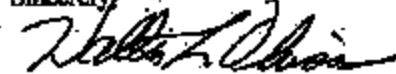
We have included the recall information for this year and model as well as the 1993 Lincoln Towncar, which lists the recall on the component in question.

Please find enclosed our invoice for services to date in this matter. If you have any questions please contact me.

The conclusions and opinions stated herein are based on work and evidence reviewed to date. Should further evidence develop indicating a need for continued analysis, we reserve the right to expand or modify our opinion as dictated by such developments.

Thank you for putting your trust in SOS Investigations, Inc. We hope the next time you need the services of an origin and cause expert you again choose SOS Investigations.

Sincerely,



Walter L. Oliveaux, C.F.E.I.  
President / Chief Investigator

Enclosures

SOS Investigations, Inc.

P.O. BOX 2787 - ST. FRANCISVILLE - LOUISIANA 70775

Page 4

ENC5-885-LC-2843

Claim No [REDACTED]  
DOL: 05/14/2003

Policy No [REDACTED]  
Insured [REDACTED]

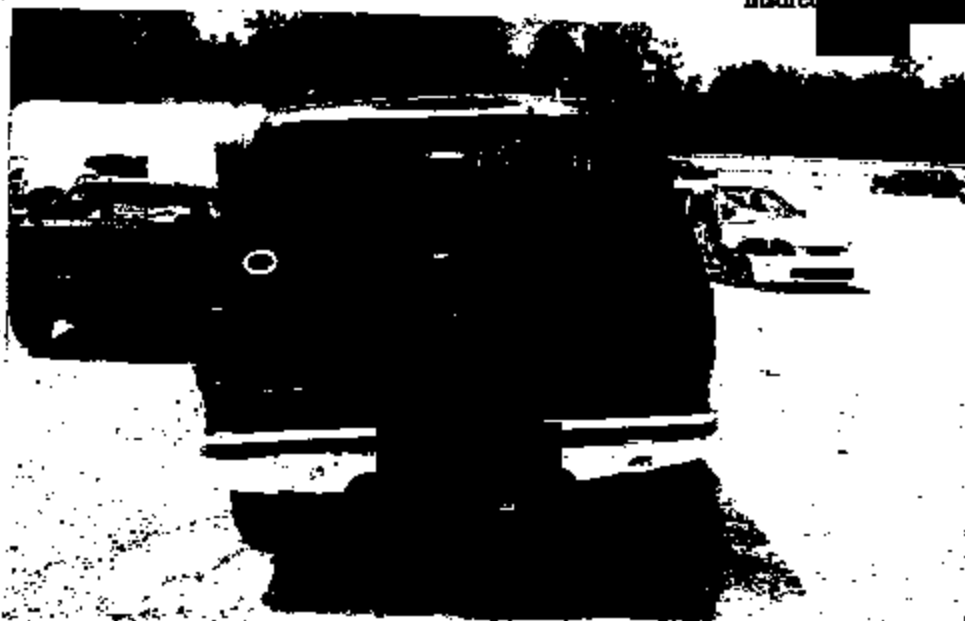


Photo Number 1



Photo Number 2

SOS Investigations, Inc.

Claim No. [REDACTED]  
DOI: 05/14/2003

Policy No. [REDACTED]  
Insured: [REDACTED]



Photo Number 2



Photo Number 4

SOS Investigations, Inc.

ER05-805-LC-2845

Claim No. [REDACTED]  
DXL: 05/14/2003

Policy No. [REDACTED]  
Insured [REDACTED]



Photo Number 5



Photo Number 6

SOS Investigations, Inc.

EA85-005-LC-2848

Claim No: [REDACTED]  
DOL: 05/14/2003

Policy No: [REDACTED]  
Insured: [REDACTED]



Photo Number 7



Photo Number 8

SOS Investigations, Inc.

Claim No. [REDACTED]  
DOL: 05/14/2003

Policy No: [REDACTED]  
Insured: [REDACTED]



Photo Number 9



Photo Number 10

SOS Investigations, Inc.

ERG-883-LC-2848

Claim No: [REDACTED]  
DOL: 05/14/2003

Policy No [REDACTED]  
Insured [REDACTED]



Photo Number 11

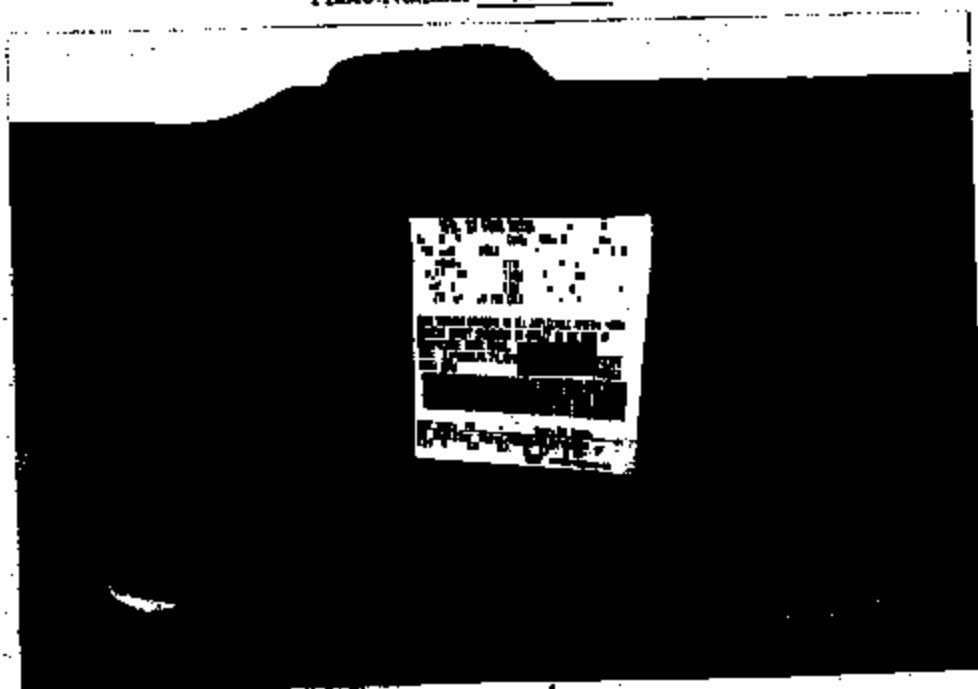


Photo Number 12

SOS Investigations, Inc.

E005-005-LC-2849

Claim No: [REDACTED]  
DOL: 05/14/2003

Policy No [REDACTED]  
Insure [REDACTED]



Photo Number 13



Photo Number 14

SOS Investigations, Inc.



Claim No: [REDACTED]  
DOL: 05/14/2003

Policy No: [REDACTED]  
Insured: [REDACTED]



Photo Number 15



Photo Number 16

SOS Investigations, Inc.

EQ85-005-LC-2851

Claim No. [REDACTED]  
DOL: 05/14/2003

Policy No: [REDACTED]  
Insured: [REDACTED]



Photo Number 17



Photo Number 18

SOS Investigations, Inc.

2005-005-LC-2852

Claim No: [REDACTED]  
DOL: 05/14/2003

Policy No: [REDACTED]  
Insured: [REDACTED]



Photo Number 19

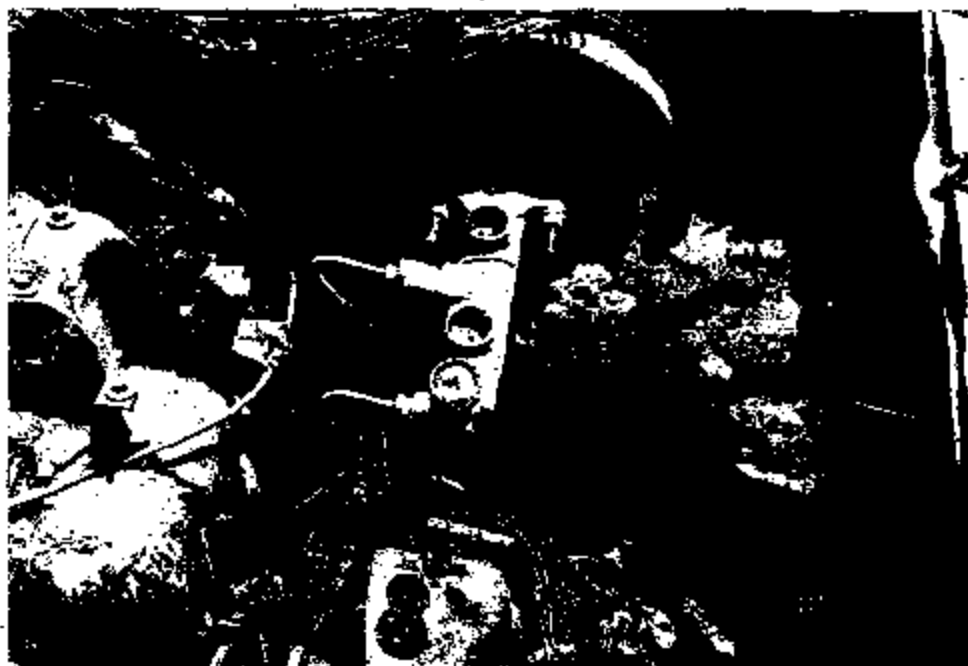


Photo Number 20

SOS Investigations, Inc.

Claim No. [REDACTED]  
DOL: 05/14/2003

Policy No. [REDACTED]  
Insured [REDACTED]



Photo Number 21



Photo Number 22

SOS Investigations, Inc.

Claim No: [REDACTED]  
DOL: 05/14/2003

Policy No: [REDACTED]  
Insured: [REDACTED]



Photo Number 23



Photo Number 24

SOS Investigations, Inc.

EA05-005-LC-2855

Claim No: [REDACTED]  
DOL: 05/14/2003

Policy No [REDACTED]  
Insured [REDACTED]



Photo Number 25



Photo Number 26

SOS Investigations, Inc.

Claim No: [REDACTED]  
DOL: 05/14/2003

Policy No: [REDACTED]  
Insured: [REDACTED]



Photo Number 21

**SOS Investigations, Inc.**

ERG-805-LC-2857