

STATE OF MICHIGAN
IN THE 33TH DISTRICT COURT

[REDACTED]

Plaintiffs,

vs.

Case No.

6-L

FORD MOTOR COMPANY

Defendant.

EDWARD L. JOHNSON P54646
Attorneys for Plaintiffs
1274 Library Street, Suite 304
Detroit, Michigan 48226
(313) 961-7705

COMPLAINT

NOW COME Plaintiffs [REDACTED]

[REDACTED], by and through its attorney, Edward L. Johnson, and for its Complaint against the Defendant Ford Motor Company, states as follows:

COUNT 1

1. Plaintiffs is a foreign corporation conducting business in the City of Trenton he County of Wayne, State of Michigan.
2. Defendant Ford Motor Company, is a foreign corporation, conducting business in the City of Trenton, County of Wayne, State of Michigan.
3. Defendant manufactured, designed, sold and/or supplied a 2000 Ford Ranger VIN 1FTZR15X8Y [REDACTED] to [REDACTED]

4. On May 19, 2001 Plaintiff's insured [REDACTED] was driving her 2000 Ranger on Van Horn and Fort, in the City of Trenton, when the subject vehicle bursted into flames

5. Defendant being the manufacturer, designer, and/or supplier of 2000 Ford Ranger, knew or should have known that porperty damages and injuries concerning the 2000 Ford Ranger could occurred during operation. Notwithstanding said knowledge, Defendant failed to act as a reasonable manufacturer, designer and/or supplier of the 2000 Ford Ranger, and failed to take adequate precautions to guard against such foreseeable and unreasonable risks of injury.

6. Defendant was negligent and such negligence was a proximate cause of Plaintiff's injuries, and consisted of, but were not limited to the following:

- A. Failure to properly and adequately design, manufacture, and sell the 2000 Ranger so as to protect against foreseeable and unreasonable risks of harm, such as occurred to Plaintiff.
- B. Failure to properly and adequately inspect and test its product to insure against foreseeable an unreasonable risks of harm by its users, specifically Plaintiff's insured [REDACTED]
- C. In manufacturing, designing and supplying a 2000 Ranger with a faulty cable between the battery and starter.
- D. Failure to warn of the hazards of the cable between the battery and starter contrary to ANSI Standard B71.3-1975.
- E. Failure to provide adequate warning in a manner sufficient to advise the operator of the dangers associated with the cable between the battery and starter, contrary to ANSI Standard B71.3-1975.
- F. In manufacturing, supplying and designing a cable which could start a fire, and in failing to warn of this condition.

8. As a direct and proximate result of the negligence of the Defendant as aforesaid, Plaintiff has been damaged in the amount of \$19,69400 Dollars.

WHEREFORE, Plaintiffs demand Judgment against Defendant Ford Motor Company, in an amount of \$19,694.00 Dollars, plus costs, interest and attorney fees.

COUNT II

9. Plaintiffs reallege and incorporate by reference each and every allegation as contained in Count I as if set forth fully herein, and for Count II state as follows.

10. At the time the Defendant Ford Motor Company, designed and manufactured and/or sold and supplied its 2000 Ranger as previously described, it warranted expressly and impliedly that said Ranger was safe and fit for the purposes and uses reasonably foreseeable and intended when it left Defendant's control, but contrary to said warranties, said Ranger was not reasonably fit for the purposes and uses reasonably foreseeable, but was defective in the following, but not limited to the following particulars:

- A. The Defendant failed to properly and adequately design, manufacture and sell the subject Ranger so as to protect against foreseeable and unreasonable risks of harm, such as occurred to Plaintiff
- B. The Defendant failed to properly and adequately inspect and test its product to insure against foreseeable and unreasonable risks of harm by its users, specifically Plaintiff's insured [REDACTED]
- C. Defendant knew and recognized that the cable between the battery and starter could start a fire.
- D. In manufacturing, designing and supplying a vehicle with an cable could start a fire.
- B. The Defendant failed to warn of the hazards of the cable between the battery and starter, starting a fire, contrary to ANSI Standard B71.3-1975.

F. The Defendant failed to provide adequate warning in a manner sufficient to advise the operator of the dangers associated with the cable between the battery and the starter, contrary to ANSI Standard B71.3-1975.

11. As a direct and proximate result of the above described breaches of implied and express warranties by the Defendant, said 2000 Ranger was defective and caused Plaintiff suffer damages in the amount of \$19,694 Dollars.

WHEREFORE, Plaintiffs demand Judgment against Defendant Ford Motor Company in the amount of \$19,694.00 Dollars, plus costs, interest and attorney fees.

Respectfully submitted,

BY: 

Edward M. Johnson
Attorney for Plaintiff
1274 Library Street Ste. 304
Detroit, MI 48226

September 18, 2001

IN RE: State Farm Claim No. [REDACTED]
H&A File No. 01-1862VF
[REDACTED]

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M
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ASSOCIATES

Investigators/Consultants

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Ohio, Illinois and Arizona

www.hemdon-assoc.com

PREDICATION:

This report is predicated upon the request of Ms. Janet Pike, State Farm Claims Representative, to conduct an investigation into a [REDACTED] with special reference to the fire loss of a 2000 Ford, Ranger.

SECRETARY OF STATE:

Through the Secretary of State, the following information was obtained:

SALVAGE VEHICLE

2000 FORD	1FTZR15X8YT [REDACTED]
19 PICKUP	TRANSFER SALVAGE
06/18/2001	298M1660342 RANGER 16500 B

COLOR - GRN

*NON-SALVAGEABLE PARTS

FRONT BUMPER - HOOD - R FENDER - L FENDER -

STATE FARM INS
22 V545 641
PO BOX 4080
KALAMAZOO 49003-4080

NO SECURED INTEREST ON RECORD

INSPECTION:

On September 11, 2001 at 12:00 noon, this Investigator arrived at Copart, in Brownstown, to conduct an investigation into the fire loss of a 2000 Ford, Ranger.

EA25-095-LC-8831

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Once at the scene, a close inspection provided the following information:

SEE ENCLOSED INVESTIGATION REPORT

Prior to leaving the scene, several 35mm color photographs were taken and are enclosed.

ORIGIN AND CAUSE INVESTIGATION:

On September 11, 2001 at 12:00 noon, this Investigator arrived at Copart in Brownstown to conduct an origin and cause investigation into the fire loss of a 2000 Ford, Ranger, green in color, Vehicle Identification Number 1FTZR15X8Y1 [REDACTED]

Upon arriving at the facility, the vehicle has been brought forward and is identified by its Vehicle Identification Number located on the federal manufacturers label on the driver's door.

Initial observations reveal evidence of a fire to have originated within the engine compartment that extended to the first stages of melting and cracking of the windshield, more pronounced on the left or driver's side. Further, the right rear stationary window has been broken in. Also, blistering is present to the painted surfaces of the driver door, left fender, front bumper, cowl, and right fender.

The examination of the fuel tank, fill tube and gas cap reveals all are intact with no evidence of any fuel leakage. The examination of the underside reveals it is free of any fire origin. At this time, the examination is focused to the bed of the truck, where there remains of the aluminum hood and other fire debris has been placed into the bed of the truck after the fire.

At this time, entry is gained into the passenger compartment, whereupon examining same, exposure fire damage is present to the dashboard on the driver's side, where the fire penetrated the windshield, causing the damage present. Further examination reveals that the fire has penetrated openings within the firewall, in the lower section on the driver's side, causing partial consumption of the carpeted floor area. At this time, the plastic is broken over the odometer and it reads 16,112 actual miles. After completing an inspection of the passenger compartment, no evidence of any fire origin could be found.

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At this time, the examination is focused to the engine compartment, where the aluminum hood is reconstructed, and it is determined that a fire has originated within the engine compartment, on the driver's side.

The examination continues, and a tremendous amount of combustibles remain on the right or passenger side of the engine compartment, to include wiring insulation, rubber hoses, plastic plug connections, the air filter canister and paper element, and there is no evidence of any fire origin.

The examination of the alternator, located in the right front, reveals it is basically intact, the wiring reveals exposure fire damage only and no evidence of any electrical failure could be found and attributed to the cause of the fire.

At this time, the examination is focused to the front section of the engine compartment, where again, both the upper and lower radiator hoses are basically intact, the cooling fan blades reveal a tremendous amount remaining and there is no evidence of any fire origin. The examination continues, and both transmission cooler lines are basically intact and there is no evidence of any fire origin.

At this time, the examination is focused to the top of the engine, where a tremendous amount of combustibles remain, to include the coil pack with the spark plug boots and wires. Further, the fuel rail and fuel line that connects into the fuel rail in the very front reveals it is intact at this point and no evidence of any fuel leakage could be found and attributed to the cause of the fire.

At this time, the examination is focused to the rear of the engine, where the silencer pad is basically intact along the entire length of the bulkhead, and there is no evidence of any fire origin. Further, the wiring harness traveling along the bulkhead reveals charred wiring insulation present, as well as insulation intact, and there is no evidence of any electrical failure that could be found and attributed to the cause of the fire.

At this time, the examination is focused to the valve cover on the driver's side, where it is basically intact, the three spark plug boots and wires reveal a tremendous amount remaining and no oil leakage could be found and attributed to the cause of the fire.

The examination is now focused to the inner left fender, where the battery is fire damaged, exposing the plates. The fire damage present to the battery is more pronounced in the rear and right side. Both battery cables reveal they are partially void of insulation. Insulation does

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remain for the negative battery cable, closest the terminal, however, as you trace same, the cable becomes void of insulation, and as it travels through a bracket in the left front lower section of the engine compartment, the insulation once again becomes intact. The positive battery cable is void of insulation, all the way from the terminal as well as where it passes through the metal bracket. Upon tracing this cable, a close examination reveals evidence of electrical faulting to include arcing and fusing.

At this time, the examination is focused to the remains of the power distribution center, located directly behind the battery, where exposure fire damage is present. The examination reveals a tremendous amount of combustibles present and no evidence of any electrical failure could be found and attributed to the cause of the fire.

At this time, the examination is focused to the power steering fluid reservoir, where the remains of the reservoir itself is present, and partial consumption of the power steering lines is noted. The examination of all compression fittings reveals hose material remaining in each.

At this time, the examination is focused to the fuel line and connection in the lower section of the engine compartment, on the driver's side, directly behind the power steering fluid reservoir, and the retaining clip is intact, however, the combustible section of hose traveling between each fitting has been consumed by the fire.

At this time, a subsequent check of the fluid levels reveal the oil is overfull and mixed with water, the transmission fluid level is full and clean, with all remaining fluids to have drained during the course of the fire. It should be noted that no remains of the radiator cap could be found.

At this time, after completing the above inspection and examination, it is the opinion of this Investigator that the fire was accidental in nature. It is further the opinion of this Investigator that the fire originated within the engine compartment, on the driver's side, and at this time, the investigation continues.

TITLE INFORMATION:

A review of the title information indicates a transfer of salvage in the name of State Farm Insurance, P.O. Box 4080, Kalamazoo, on June 18, 2001 with a non-actual odometer reading of 16,500. There is no secured interest listed on record and no Michigan license plate registered to

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the vehicle. The vehicle is identified as a 2000 Ford, Ranger, bearing Vehicle Identification Number 1FTZR15X8YT [REDACTED]

NICB VINASSIST:

A review of the NICB Vinassist indicates that the 2000 Ford, Ranger XL 4x4 pick-up truck super cab is equipped with a 4.0 liter, V6 engine and was assembled in Edison, New Jersey.

ALLDATA SYSTEM:

A search of the Alldata System Recall Database produced four recalls pertaining to the vehicle in question. Upon reviewing same, none were found to pertain to the fire in question.

A further search was conducted of the Technical Service Bulletins, producing a number of bulletins pertaining to the vehicle in question. Upon reviewing same, none were found to pertain to the fire in question.

INTERVIEW (GLENDA VAJEN):

On September 7, 2001 at 8:50 a.m., Investigator Gregory Makarewicz conducted an interview with Glenda Vajen, who is the title holder, named insured and operator of the vehicle prior to the fire. It was learned that the fire occurred on May 19, 2001 between 2:00 and 3:00 p.m. with the weather conditions listed as clear. The location of the fire is listed as Van Horn and Fort in the City of Trenton. Subsequently, Paula Jackson, a neighbor and a passenger in the vehicle, contacted 911 and the Trenton Fire Department responded in under five minutes and extinguished the fire involving the 2000 Ford, Ranger, equipped with a six cylinder engine.

Further questioning revealed that the vehicle was leased new in December of 1999 from Superior Ford in Flat Rock. A three year, 36,000 mile warranty was issued and no extended warranty was purchased.

Since ownership, no warranty work had been completed and the only service work completed included routine maintenance, specifically oil changes.

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The last person to have entered the engine compartment was Valvoline Quick Lube to change the oil. Oil changes are secured every 3,000 miles and no oil or other fluids are ever added. No mechanical or electrical problems have been experienced since ownership.

The mileage at the time of the lease inception was new and the mileage at the time of the fire loss was approximately 16,500 miles.

When questioned regarding receiving any recall notices, it was learned that one had been received, pertaining to the wipers, and was satisfied at Superior Ford in Flat Rock.

Since ownership, no aftermarket accessories have been added to the vehicle and it has not been involved in an accident. At the time of the fire, the vehicle had been in operation for approximately five minutes with the radio and air conditioning on. All accessories worked. Prior to the fire, there were no operability problems, no warning lights illuminated and there were no changes in any of the gauges. Further, no fluid leaks had been observed.

The first smoke was observed emanating from under the hood on the left or driver's side. The color of the flames were orange, observed in the lower section of the engine compartment, on the driver's side. During the course of the fire, no doors were left open and all windows were secured.

In a short scenario, [REDACTED] stated she had been operating the vehicle approximately five minutes, stopped for a traffic light and observed smoke and subsequent flames emanating from under the hood on the driver's side. The firemen did not apprise [REDACTED] as to the probable cause and she has no idea as to the cause of the fire. At this time, no further information could be obtained and the interview was terminated.

TRENTON FIRE DEPARTMENT:

At this time, the Trenton Fire Department report is being secured, and upon receipt, will be forwarded to the Claims Representative.

A 09245 MI 05 19 2001 001 01-0000404 000

Report # State # Incident Date # Station Incident Number # Suppressor #

Delete Change No Activity **NRMS -1 Basic**

B Location*

Street address Intersection In front of Rear of Adjacent to Directions

Other (Specify in Remarks that the address for this incident is provided on the Wildland fire incident to Section 8 "Alternative Location Specifications". Use only for Wildland fires.

Fort St Trenton MI 48183

Van Horn (w. bound)

C Incident Type * 131 Passenger vehicle fire

E1 Date & Times **Midnight in 0000**

Check boxes if dates are other than alarm date

Alarm # 05 19 2001 12:25:00

Arrived # 05 19 2001 12:30:00

Controlled 05 19 2001 12:55:00

Last Unit Cleared 05 19 2001 13:04:00

E2 Shift & Alarm

Local Option 2 001

Shift or Alarm District

E3 Special Studies

Special Study ID# 001

Special Study Value

D Aid Given or Received*

1 Medical aid received Automatic aid received Medical aid given Automatic aid given Other aid given None

Year: Month: Day: State: Incident Number:

F Actions Taken *

11 Extinguish

Primary Action Taken (1)

Additional Action Taken (2)

Additional Action Taken (3)

G1 Resources *

Check this box and skip G2 section if an apparatus or personnel form is used.

Apparatus 0002 0007

Personnel 0002 0007

Other

Check box if resources coming include aid received resources.

G2 Estimated Dollar Losses & Values

LOSSES: Required for all fires if known. Optional for non-fires.

Property \$ 014 000

Contents \$ 000 000

Property \$ 014 000

Contents \$ 000 000

Completed Modules

Fire-2 Structure-3 Civil Fire Cas.-4 Fire Serv. Cas.-5 EMS-6 Hazmat-7 Wildland Fire-8 Apparatus-9 Personnel-10 Inspec-11

H1 Casualties

Deaths 0 Injuries 0

Victim Service 0 Civilian 0

H2 Detector

Required for Confined Fire.

1 Detector alerted occupants Detector did not alert them Unknown

H3 Hazardous Materials Release

None

1 Natural Gas: also look for ammonia or kerosene odors

2 Propane gas: all 10. look for its heavy 000 grill

3 Acetylene: volatile flammable gas

4 Benzene: not highly volatile or portable storage

5 Diesel fuel/oil: volatile fuel tank or portable

6 Household solvents: flammable gases, vapors only

7 Motor oil: non-volatile or portable containers

8 Paint: from paint cans including 1 lb gallons

9 Other: specify hazard material released or spill - specify

I Mixed Use Property

Not Mixed

10 Assembly use

20 Educational use

33 Medical use

40 Residential use

51 Saw of stores

53 Enclosed wall

58 Bus. & Residential

59 Office use

60 Industrial use

63 Military use

65 Farm use

00 Other mixed use

Property Use*

Structures

1 Church, place of worship

2 Restaurant or cafeteria

3 Bar/Tavern or nightclub

4 Elementary school or kindergarten

5 High school or junior high

6 College, adult education

7 Care facility for the aged

8 Hospital

Outside

9 Playground or park

10 Crops or orchard

11 Forest (timberland)

12 Outdoor storage area

13 Dump or sanitary landfill

14 Open land or field

141 Clinic, clinic type facility

342 Doctor/dentist office

351 Prison or jail, not juvenile

419 1- or 2-family dwelling

429 Multi-family dwelling

439 Nursing/nursing home

449 Commercial hotel or motel

459 Residential, board and care

464 Daycare/nursery

519 Food and beverage sales

539 Household goods, sales, repairs

579 Motor vehicle/boat sales/repairs

571 Gas or service station

599 Business office

615 Electric generating plant

629 Laboratory/science lab

700 Manufacturing plant

819 Livestock/poultry storage (barn)

882 Non-residential parking garage

891 Warehouse

981 Construction site

984 Industrial plant yard

936 Vacant lot

938 Graded/care for plot of land

946 Lake, river, stream

951 Railroad right of way

950 Other street

961 Highway/divided highway

962 Residential street/driveway

Losses and other: Property Use code only if you have not checked a Property Use box.

Property Use 961

Highway or divided highway

NRMS-1 Revision 03/11/99

A <input type="text" value="06245"/> <input type="text" value="MI"/> <input type="text" value="05"/> <input type="text" value="19"/> <input type="text" value="2001"/> <input type="text" value="001"/> <input type="text" value="01-000604"/> <input type="text" value="000"/>		<input type="checkbox"/> Delete <input type="checkbox"/> Change <input type="checkbox"/> By Activity	NRING -1 Basic
B Location* <input type="checkbox"/> Street address <input checked="" type="checkbox"/> Intersection <input type="text" value="Fort St"/> <input type="text" value="MI"/> <input type="text" value="48163"/> <input type="checkbox"/> In front of <input type="checkbox"/> Rear of <input type="checkbox"/> Adjacent to <input type="checkbox"/> Directions <input type="checkbox"/> Check this box to indicate that the location is provided on the Midland File. <input type="checkbox"/> Route to location is "Mapquest" StreetView, MapQuest, etc. See only for Mapquest StreetView.			
C Incident Type * <input type="text" value="131"/> Passenger vehicle fire Incident Type		E1 Date & Times Midnight is 0000 Check boxes if dates are the same as Alarm Alarm always required Date: Alarm * <input type="text" value="05"/> <input type="text" value="19"/> <input type="text" value="2001"/> <input type="text" value="12:25:00"/> Arrival * <input checked="" type="checkbox"/> <input type="text" value="05"/> <input type="text" value="19"/> <input type="text" value="2001"/> <input type="text" value="12:30:00"/> Controlled * <input checked="" type="checkbox"/> <input type="text" value="05"/> <input type="text" value="19"/> <input type="text" value="2001"/> <input type="text" value="12:55:00"/> Last Unit Cleared * <input checked="" type="checkbox"/> <input type="text" value="05"/> <input type="text" value="19"/> <input type="text" value="2001"/> <input type="text" value="13:04:00"/>	
D Aid Given or Received* 1 <input type="checkbox"/> Manual aid received 2 <input type="checkbox"/> Automatic aid recvd. 3 <input type="checkbox"/> Manual aid given 4 <input type="checkbox"/> Automatic aid given 5 <input type="checkbox"/> Other aid given 6 <input checked="" type="checkbox"/> None		E2 Shift & Alarm Local option <input type="text" value="2"/> <input type="text" value="001"/> Shift or Alarm District Platform	
F Actions Taken * <input type="text" value="11"/> Extinguish Primary Action Taken (1) Additional Action Taken (2) Additional Action Taken (3)		E3 Special Studies Local option Special Study Dist Special Study Value	
G1 Resources * <input checked="" type="checkbox"/> Check this box and skip this section if an Apparatus or Personnel form is used. Apparatus Personnel Apparatus <input type="text" value="0002"/> <input type="text" value="0007"/> Other <input type="checkbox"/> Check box if resource name includes aid received resources.		G2 Estimated Dollar Losses & Values LOSSES: Required for all fires if known. Optional for non fires. Property \$ <input type="text" value="014"/> <input type="text" value="000"/> Contents \$ <input type="text" value="000"/> <input type="text" value="000"/> NON-STRUCTURE VALUE: Optional Property \$ <input type="text" value="014"/> <input type="text" value="000"/> Contents \$ <input type="text" value="000"/> <input type="text" value="000"/>	
Completed Modules <input checked="" type="checkbox"/> Fire-2 <input type="checkbox"/> Structure-3 <input type="checkbox"/> Civil Fire Cas.-4 <input type="checkbox"/> Fire Supv. Cas.-5 <input type="checkbox"/> EMT-6 <input type="checkbox"/> HazMat-7 <input type="checkbox"/> Wildland Fire-8 <input type="checkbox"/> Apparatus-9 <input checked="" type="checkbox"/> Personnel-10 <input type="checkbox"/> Arson-11	H1 Casualties/None Deaths Injuries Fire Service <input type="text"/> <input type="text"/> Civilian <input type="text"/> <input type="text"/> H2 Detectors Required for Confined Fires. 1 <input type="checkbox"/> Detector alerted occupants 2 <input type="checkbox"/> Detector did not alert them 0 <input type="checkbox"/> Unknown	H3 Hazardous Materials Release <input type="checkbox"/> None 1 <input type="checkbox"/> Natural Gas: gas leak, no combustion or partial combustion 2 <input type="checkbox"/> Propane gas: gas leak (no to some H2 gas) 3 <input type="checkbox"/> Gasoline: vehicle fuel tank or portable container 4 <input type="checkbox"/> Kerosene: fuel heating equipment or portable storage 5 <input type="checkbox"/> Diesel fuel/Diesel oil: vehicle fuel tank or portable 6 <input type="checkbox"/> Household solvents: household spill, cleanup only 7 <input type="checkbox"/> Motor oil: from engine or portable container 8 <input type="checkbox"/> Paint: from paint cans totaling < 15 gallons 0 <input type="checkbox"/> Other: specify hazard material reported on SPAL 3 report. Do not include the HAZMAT form.	I Mixed Use Property <input type="checkbox"/> Not Mixed 10 <input type="checkbox"/> Assembly use 20 <input type="checkbox"/> Education use 33 <input type="checkbox"/> Medical use 40 <input type="checkbox"/> Residential use 51 <input type="checkbox"/> Bar or tavern 53 <input type="checkbox"/> Enclosed mall 58 <input type="checkbox"/> Bus & Residential 59 <input type="checkbox"/> Office use 60 <input type="checkbox"/> Industrial use 63 <input type="checkbox"/> Military use 65 <input type="checkbox"/> Farm use 00 <input type="checkbox"/> Other mixed use

A <input type="text" value="38245"/> <input type="text" value="MI"/> <input type="text" value="08"/> <input type="text" value="19"/> <input type="text" value="2001"/> <input type="text" value="001"/> <input type="text" value="01-0000604"/> <input type="text" value="000"/>		<input type="checkbox"/> Delete <input type="checkbox"/> Change <input type="checkbox"/> No Activity	MFIRE -2 Form
B Property Details B1 <input type="text"/> <input checked="" type="checkbox"/> Not Residential Estimated Number of residential living units in building of origin whether or not all units became involved		C On-site Materials <input type="checkbox"/> None Complete if there were any significant amounts of commercial, industrial, energy or agricultural products or materials on the property, whether or not they became involved. Enter up to three codes. Check one or more boxes for each code entered. On-site material (1) <input type="text"/>	
B2 <input type="text"/> <input checked="" type="checkbox"/> Buildings not involved Number of buildings involved		On-site material (2) <input type="text"/>	
B3 <input type="text"/> <input checked="" type="checkbox"/> None Acres burned (outside lines) <input type="checkbox"/> Less than one acre		On-site material (3) <input type="text"/>	
D Ignition D1 <input type="text" value="03"/> <input type="text" value="Engine area, running"/> Area of fire origin		E1 Cause of Ignition <input type="checkbox"/> Check box if this is an expert report. Skip to section 6. 1 <input type="checkbox"/> Intentional 2 <input type="checkbox"/> Unintentional 3 <input type="checkbox"/> Failure of equipment or heat source 4 <input type="checkbox"/> Act of nature 5 <input type="checkbox"/> Cause under investigation U <input checked="" type="checkbox"/> Cause undetermined after investigation	
D2 <input type="text" value="00"/> <input type="text" value="Undetermined"/> Heat source		E2 Factors Contributing To Ignition <input type="checkbox"/> None Factor contributing to ignition (1) <input type="text"/>	
D3 <input type="text" value="00"/> <input type="text" value="Undetermined"/> Item first ignited		Factor contributing to ignition (2) <input type="text"/>	
D4 <input type="text"/> <input type="text"/> Type of material first ignited		E3 Human Factors Contributing To Ignition Check all applicable boxes. 1 <input type="checkbox"/> Asleep <input type="checkbox"/> None 2 <input type="checkbox"/> Possibly impaired by alcohol or drugs 3 <input type="checkbox"/> Unattended person 4 <input type="checkbox"/> Possibly mental disabled 5 <input type="checkbox"/> Physically disabled 6 <input type="checkbox"/> Multiple persons involved 7 <input type="checkbox"/> Age was a factor Estimated age of person involved <input type="text"/>	
E1 Equipment Involved In Ignition <input type="checkbox"/> Note if equipment was not involved, skip to Section 6. Equipment involved <input type="text"/> Brand <input type="text"/> Model <input type="text"/> Serial # <input type="text"/> Year <input type="text"/>		G Fire Suppression Factors Enter up to three codes. <input type="checkbox"/> None Fire suppression factor (1) <input type="text"/> Fire suppression factor (2) <input type="text"/> Fire suppression factor (3) <input type="text"/>	
E2 Equipment Power <input type="text"/> <input type="text"/> Equipment power source		F3 Equipment Portability 1 <input type="checkbox"/> Portable 2 <input type="checkbox"/> Stationary Portable equipment normally can be moved by one person, is designed to be used in multiple locations, and equipped w/ tools to install.	
H1 Mobile Property Involved <input type="checkbox"/> None 1 <input type="checkbox"/> Not involved in ignition, but burned 2 <input type="checkbox"/> Involved in ignition, but did not burn 3 <input checked="" type="checkbox"/> Involved in ignition and burned		H2 Mobile Property Type & Make <input type="text" value="11"/> <input type="text" value="Passenger car"/> Mobile property type <input type="text" value="FO"/> <input type="text" value="Ford"/> Mobile property make	
<input type="text" value="Ranger"/> <input type="text" value="2000"/> Mobile property model <input type="text"/> <input type="text" value="MI"/> <input type="text" value="15tar158y"/> <input type="text" value="0000"/> Mobile property VIN Number State VIN Number		Local Use <input type="checkbox"/> Fire-Alarm Plan Available Some of the information provided in this report may be based upon reports from other agencies. <input type="checkbox"/> ARO report attached <input type="checkbox"/> Police report attached <input type="checkbox"/> Coroner report attached <input type="checkbox"/> Other reports attached	

IN RE: State Farm Claim N [REDACTED]
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CONCLUSION:

Having completed an examination of the vehicle, interviewed the insured, who was operating the vehicle at the time of the fire, conducted research pertaining to the vehicle in question, and based upon all of the information known at the time of the preparation of this report, it is the opinion of this Investigator that the fire was accidental in nature. It is further the opinion of this Investigator that the fire originated within the engine compartment, on the driver's side, in the cable traveling from the battery to the starter, where there is evidence of electrical faulting, as it is also void of insulation, sufficient to ignite the wiring insulation and immediate combustibles into open flame, with the fire extending upward and outward from that location, causing the damage present. The fire is deemed to be an accidental fire, electrical in nature.

At this time, all requests for services have been completed, we are closing our file and forwarding our report and photographs for your review.



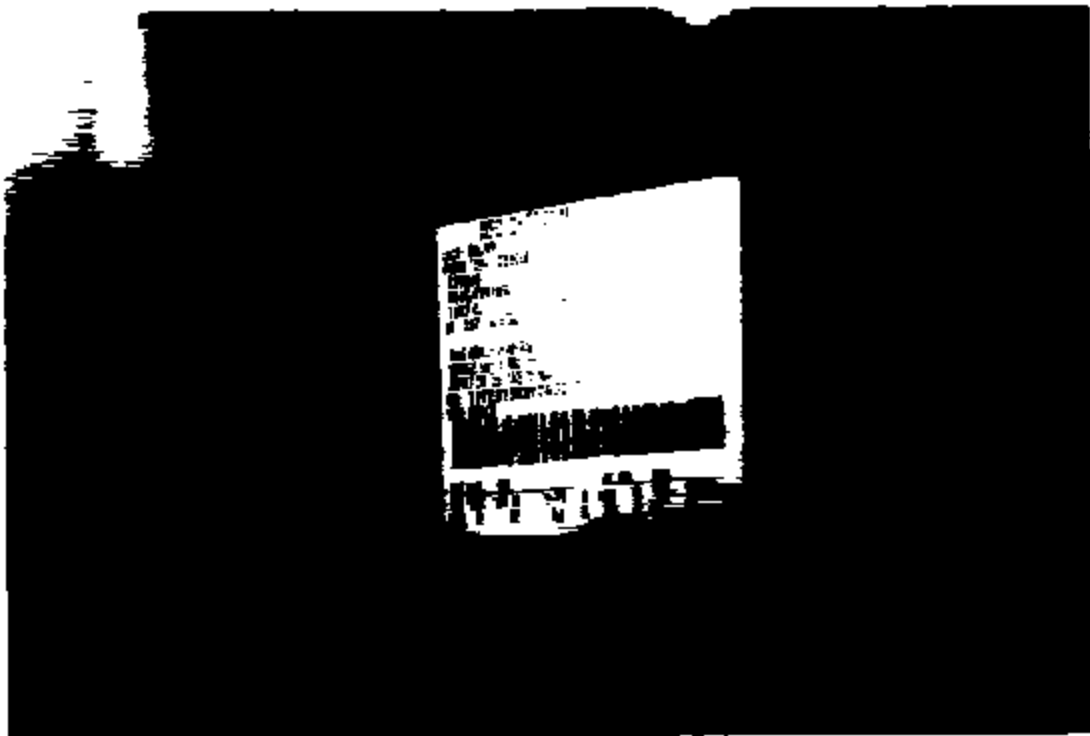
Timothy P. Herndon



Walter O. Herndon, Jr.
(Concurring)

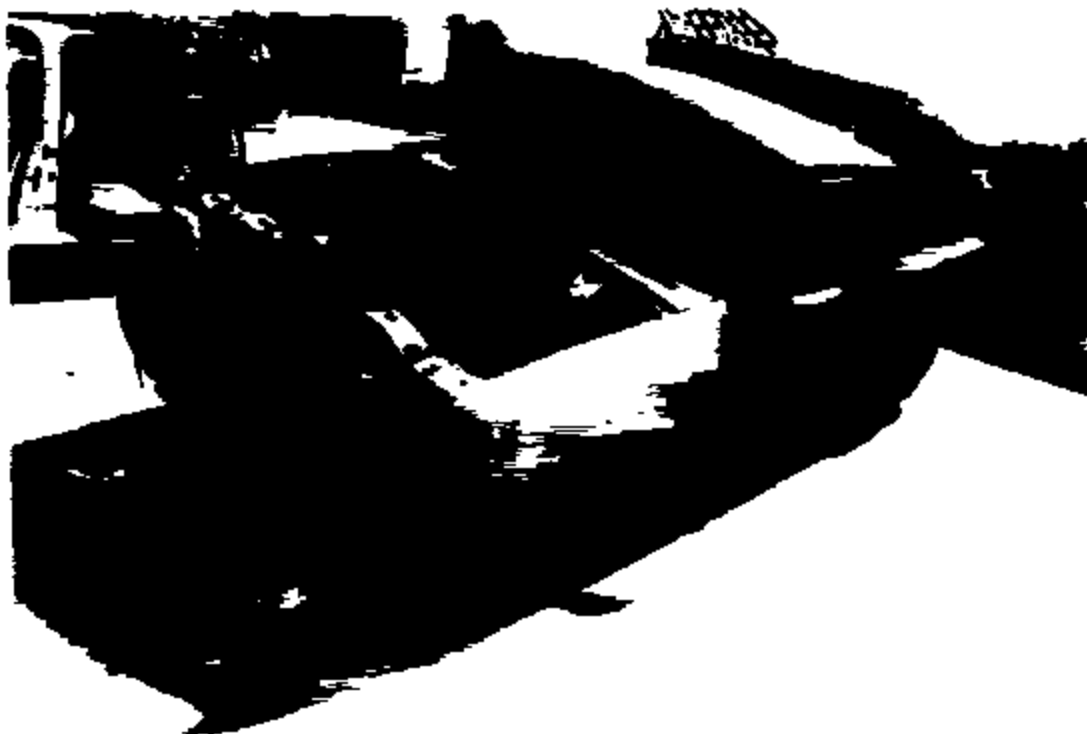
TPH/jam

01-1862VF



1. A close-up view of the Federal Manufacturers Label identifying the 2000 Ford, Ranger.

.....
2. An overall view of the left front.

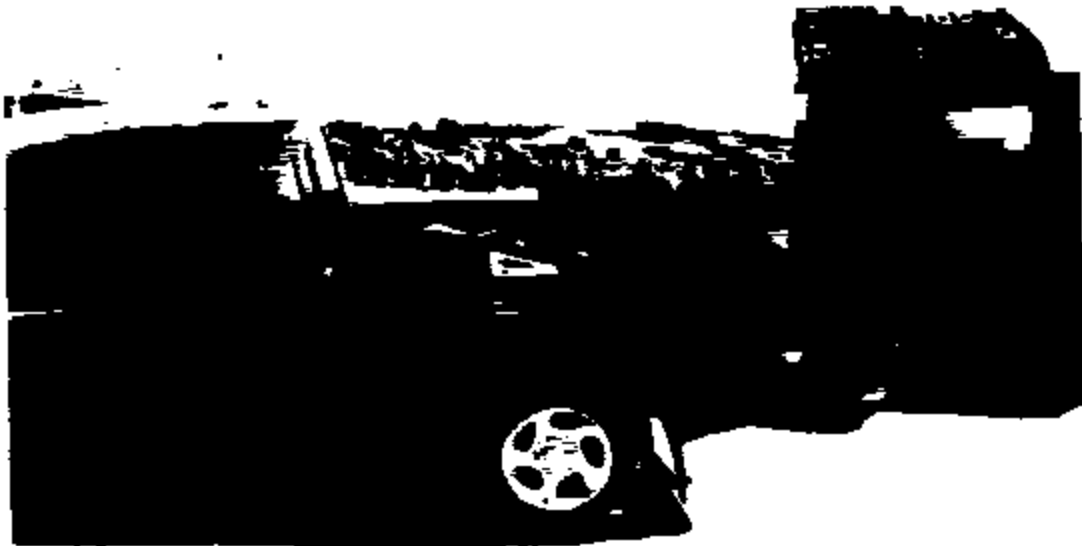


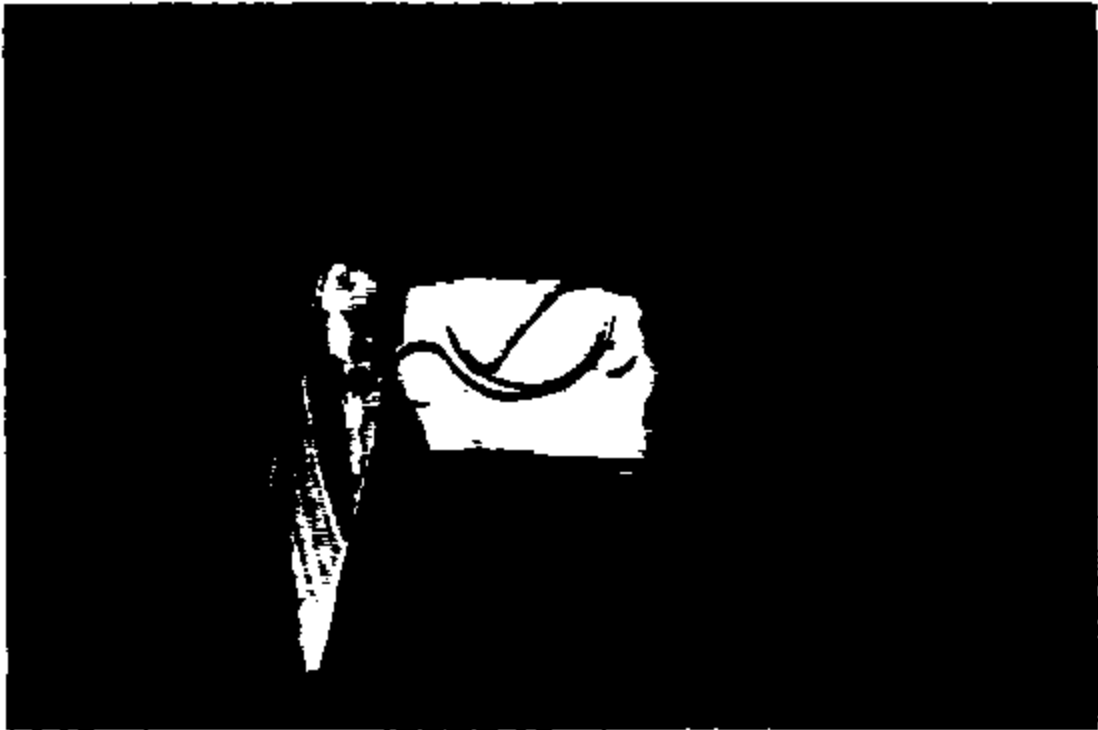
ENG-885-LC-8841



3. Another overall view of the left front.

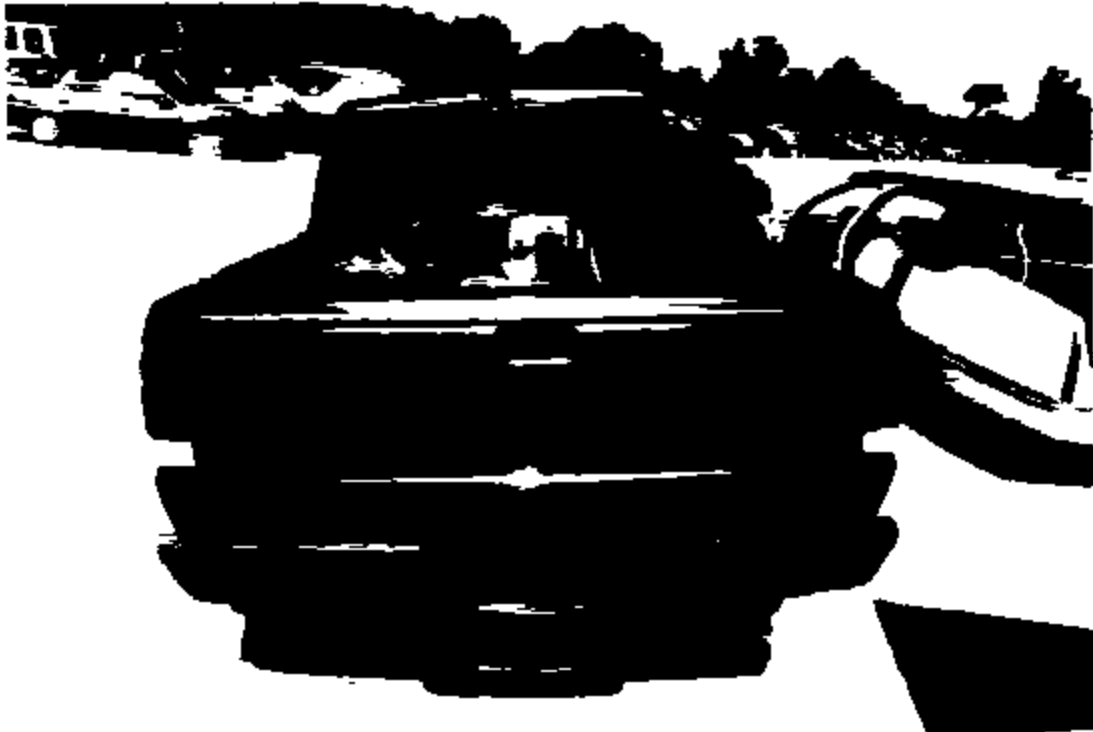
4. An overall view of the left rear.

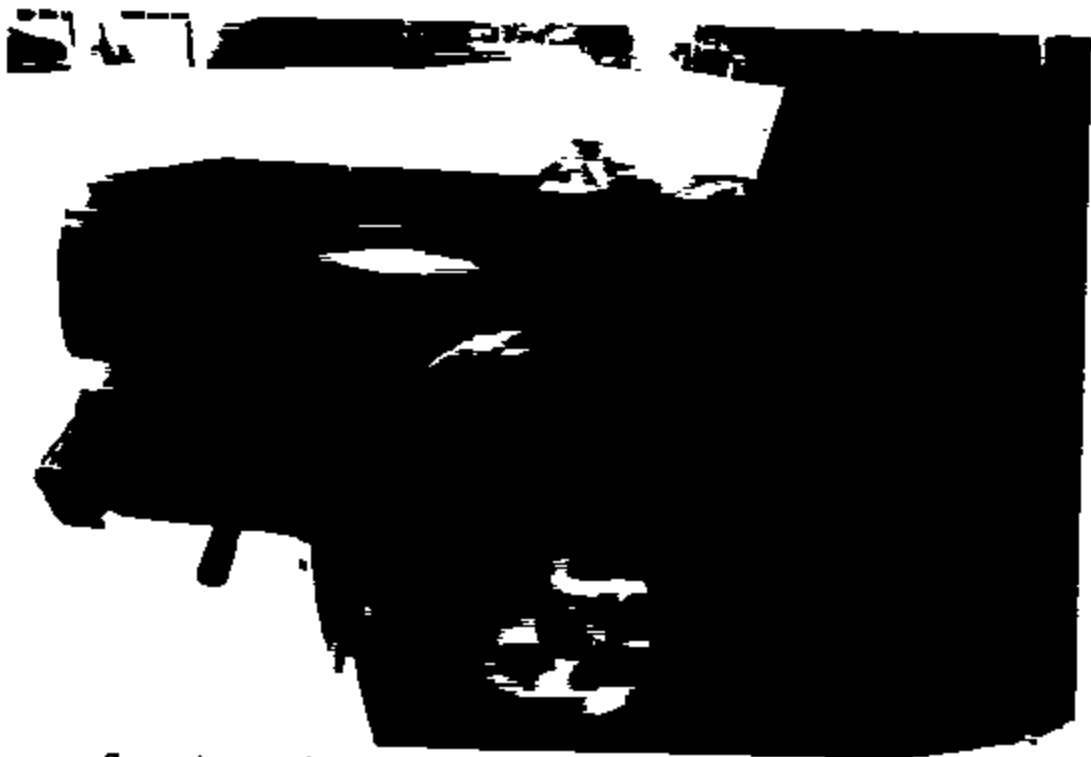




5. A close-up view of the fuel cap intact.

6. An overall view of the rear.





7. An overall view of the right rear.

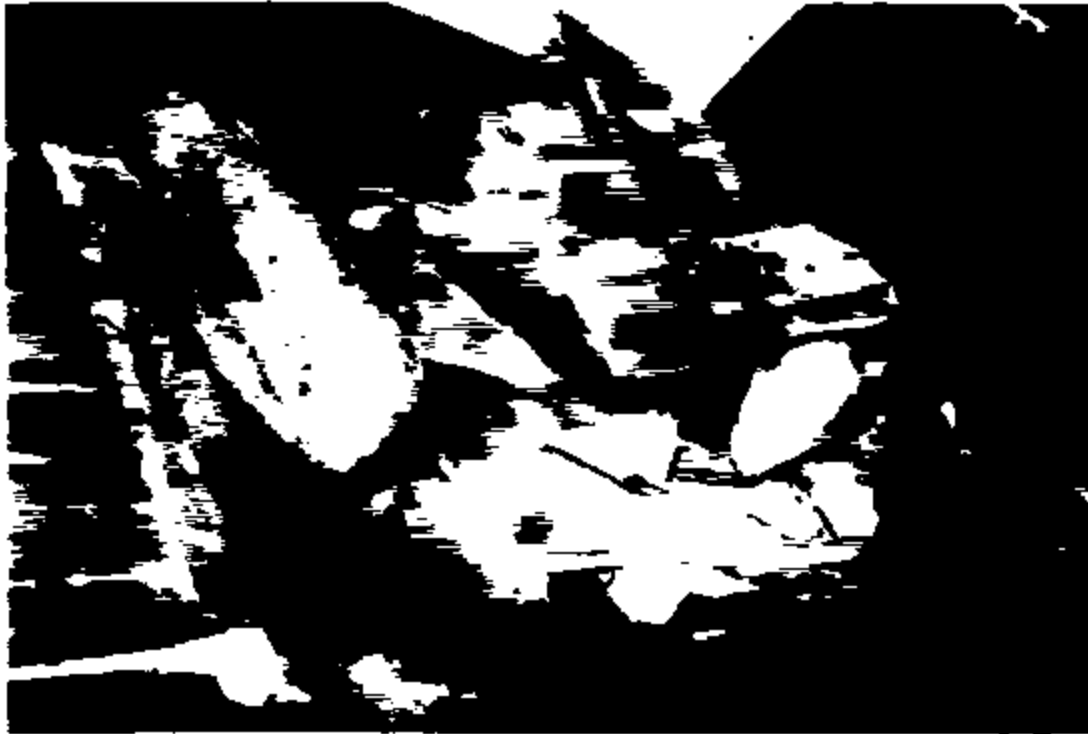
8. An overall view of the passenger's side.

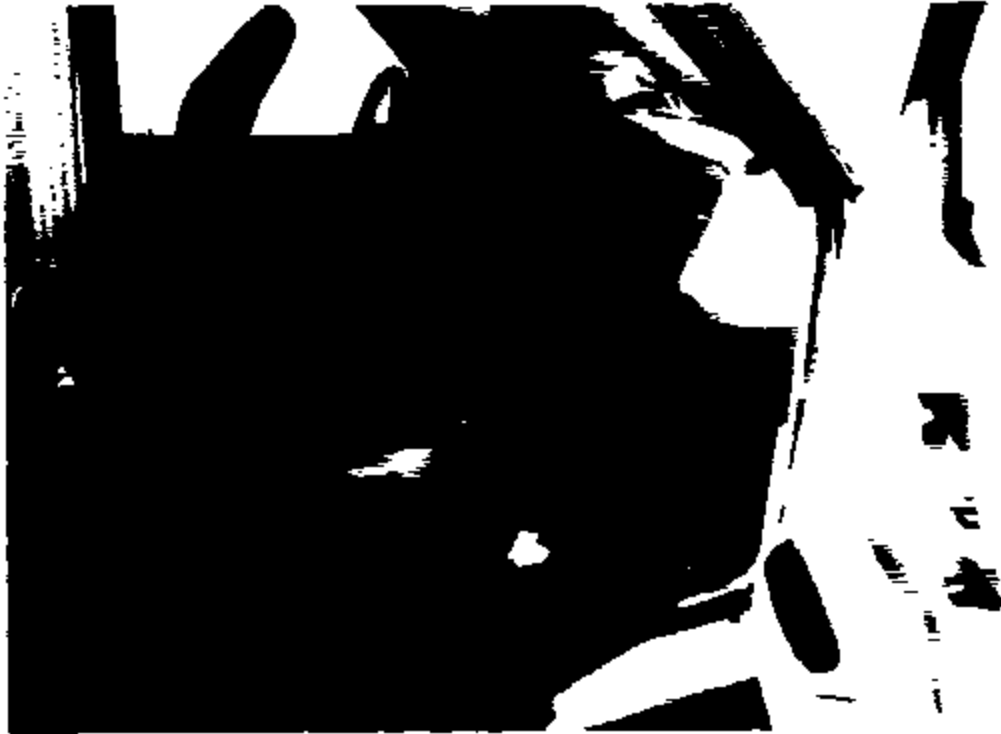




9. An overall view of the right front.

10. An overall view of the bed of the truck with fire debris present.





11. An overall view of the front passenger compartment from the passenger's side.

.....
12. An overall view of the passenger compartment from the driver's side.





13. A close-up view of the odometer reading 16,112 actual miles.

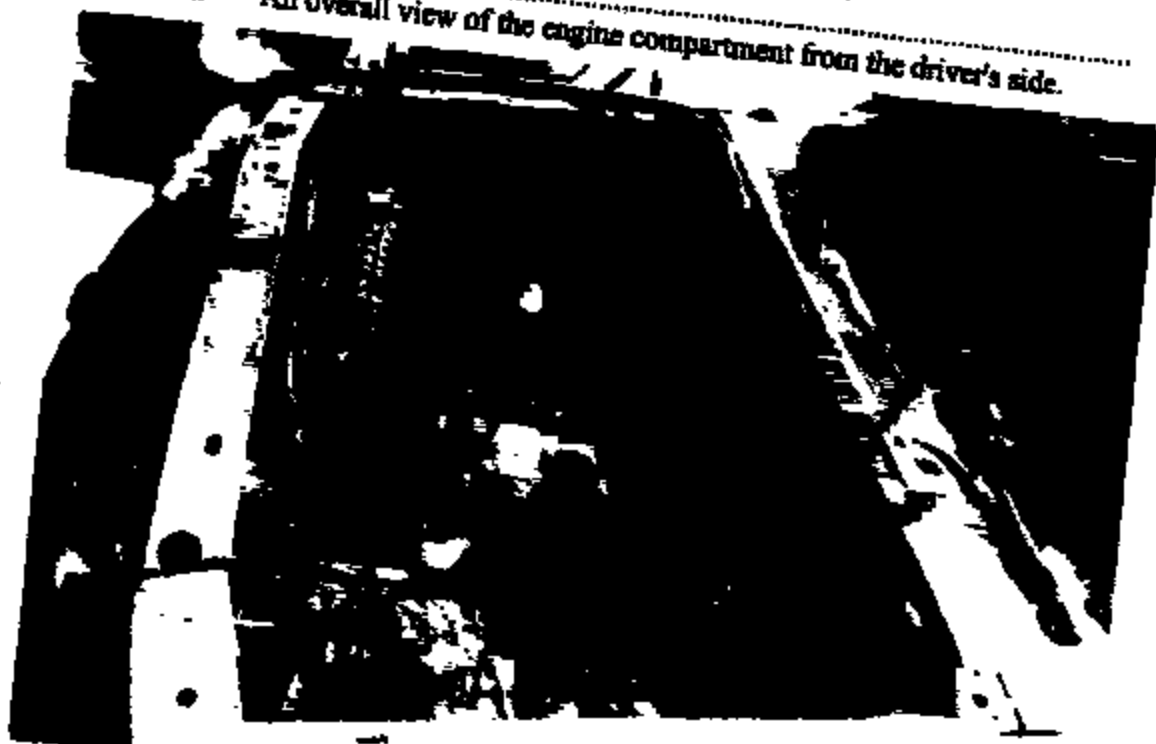
14. An overall view of the hood reconstructed.





15. Another overall view of the hood reconstructed.

16. An overall view of the engine compartment from the driver's side.





17. An overall view of the engine compartment on the driver's side from the front.

.....
18. An overall view of the engine compartment on the passenger's side from the front.





19. An overall view of the engine compartment from the passenger's side.

20. An overall view of the left front of the engine compartment with exposure fire damage present to the power steering lines.





21. An overall view of the spark plug boots and wires.

22. A close-up view of the fuel line connection with the combustible hose traveling between the fittings, consumed with hose material still present within both fittings.





23. Another close-up view of exposure fire damage present to the fuel lines.

24. A close-up view of the cable traveling from the battery to the starter.





25. A close-up view of this cable traveling from the battery to the starter with electrical faulting.

-
26. Another close-up view of the electrical faulting within the cable traveling from the battery to the starter.





FARMERS

December 5, 2001



SAN DIEGO SOUTH
BRANCH CLAIMS OFFICE
1000 S. Euclid Avenue
Nation City CA 91900
Bus 619.472.7339
Fax 619.267.0476
www.farmersinsurance.com

Ford Motor Co.
Office of the General Counsel
Parklane Towers West, #400
Dearborn, MI 48126

Insured [REDACTED]
Date of Loss : 9-21-2001
Claim Number [REDACTED]

PIERSON, Charlene
POB 699
Marino Valley CA 92556

Dear Ford Motor Company,

This correspondence is being sent to you as a result of a loss to our captioned policyholders 2001 Ford Sport Trac Truck consumed by fire as a probable result of a manufacturer's defect.

We have had an expert view this vehicle and the findings indicate we will be seeking reimbursement from you in the amount of \$23591.25.

We will place our policyholder's vehicle on a 30-day hold so that you, or your hired expert, can view his vehicle. Please call the undersigned so that we can advise you of its location and arrange access for inspection. Please do not remove or destroy anything that would be perceived as evidence.

If we do not hear from you within 30 days we will assume you waived your interest in inspecting this vehicle and we will dispose of the vehicle and forward a subrogation demand to you. If 30 days is insufficient for you to arrange for an inspection, please advise and we will do our best to reasonably accommodate your request.

Please forward this to your insurance carrier or internal department for immediate processing.

Sincerely,
FARMERS INSURANCE EXCHANGE

Chris Weston
Chris Weston, FCLS
San Diego South BCO MI

STEVEN R. MACKAIG & ASSOCIATES, INC.

FIRE INVESTIGATIONS

LICENSE NO. 18349 CA
LICENSE NO. 61362963 AZ

382 FRONT STREET, SUITE A, EL CAJON, CA 92020 • (619) 878-1772 • FAX (619) 879-7137 • Email: mackaig@earthlink.net
www.mackaig.com

FIRE INVESTIGATION REPORT

Farmers Insurance

Claim # [REDACTED]

Vehicle Fire Investigation

2001 Ford Sport Trac Truck

Insured: [REDACTED]

Date of loss: September 21, 2001

OCT 22 2001

EA65-005-LC-9835

STEVEN R. MACKAIG & ASSOCIATES, INC.

FIRE INVESTIGATIONS

LICENSE NO. 18889 CA
LICENSE NO. 01302883 AZ

382 FRONT STREET, SUITE A, EL CAJON, CA 92020 • (619) 579-1772 • FAX (619) 579-7137 • Email: mackaig@earthlink.net

October 19, 2001

www.mackaig.com

Ms. Chris Weston
Farmers Insurance
1000 South Euclid Ave.
National City, CA 91950

Re: Claim # [REDACTED]
SRM Report #01K312
Vehicle Fire Investigation
2001 Ford Sport Trac
Insured: [REDACTED]
Date of Loss: 9-21-2001

FIRE INVESTIGATION REPORT

Assignment

On September 27, 2001, our office was requested by Farmers Claims Representative Chris Weston to conduct a fire origin and cause investigation of a 2001 Ford Sport Trac pick-up truck. The vehicle was inspected at Insurance Auto Auction, in Spring Valley, CA. Arrangements were made to inspect the loss vehicle on September 28, 2001.

Fire Cause

My investigation identified the fire originating inside the engine compartment, in the area of the right side inner fender. It appears that a vehicle related electrical system failure occurred, resulting in plastic ignition with subsequent fire.

The fire severely damaged the engine compartment, body and passenger compartments.

Opinions & Recommendations

Burn patterns and fire behavior indicators locate the area of fire origin. Components within the area of origin are related to the electrical system. Remaining area of origin wiring is discolored and heat damaged in a manner that indicates severe internal overheating. Fire has destroyed most of the fire origin components to the point that the

OCT 22 2001

specific mechanism or event that caused the electrical failure is obscured. Fire severely damaged the remaining electrical system components.

The loss vehicle is new with only 14,699 estimated miles of operation at the time of the fire. Component failure with subsequent fire in a new vehicle with no aftermarket modifications is not considered a condition of component wear and tear. Failure is typically related to defective components that result in premature failure or component damage that occurs during vehicle assembly.

According to the vehicle operator, the fire developed as smoke coming from inside the engine compartment. Only an unusual odor was detected prior to the discovery of the smoke. The vehicle appeared to operate normally before the fire, with the lights and road lamps operating at the time of fire discovery.

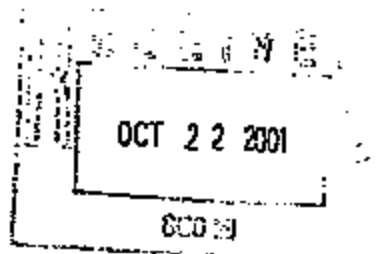
The only repairs prior to the fire were for a malfunctioning horn. According to the insured, Pearson Ford located in San Diego worked on the horn problem. They allegedly determined the horn problem was in the steering column. The horn was disconnected and the new steering column ordered for replacement. The vehicle was returned to the insured for use while the new steering column was on order. It is unclear at this time if repairs conducted by Pearson are related to the fire cause because of severe fire damage.

Research of service bulletins and recall notices did not reveal any information related to the fire cause or problems within the area of fire origin.

If litigation is considered, I recommend the loss vehicle be retained as evidence. All parties should be given written notice to inspect. Inspections should not include component removal or any type of disassembly that would change or alter evidence without all party agreement.

Vehicle Description

Year: 2001
Make: Ford
Model: Sport Trac truck
Color: Green
License: 4ROR142 CA
Vehicle Identification Number: 1FMZU67E91U [REDACTED]
Engine: V-6
Mileage: Estimated 14,699



Fire Origin and Cause Determination

The vehicle inspection occurred at Insurance Auto Auction, Elevator Road, Spring Valley, CA. Stock # 1042202-5.

VEHICLE EXTERIOR

Examination of the vehicle exterior revealed severe fire damage to the engine and passenger compartments. Fire damage is prevalent on the passenger side of the body. Burn patterns are directional, indicating the fire originated at the engine compartment and spread rearward into the passenger compartment.

Passenger side body burn patterns are diagonal and indicate the fire spreading outward from within the engine compartment. The hood surface is heat oxidized with prevalent heat damage on the right side of the hood. This damage indicates that the most severe fire activity occurred within the right, passenger side, of the engine compartment. Severe heat damage to the right front fender correlates with right side hood damage and resulted from right side engine compartment heat exposure.

The windshield, rear window and side windows are fire destroyed. Inspection of the tires and rims revealed they are properly secured and appear to be original equipment. Only the right front tire is severely fire damaged and partially consumed. This damage correlates with the severe right side engine compartment damage.

Inspection of the driveline and chassis reveal they are intact. The only significant fire damage occurred to the right front suspension and resulted from heat exposure that occurred during the fire, originating from inside the engine compartment. The chassis level portion of the fuel system is intact with no evidence of leakage related to the fire cause. Bottom portions of the engine and transmission are not oil stained or reveal evidence of leakage related to the fire cause.

ENGINE COMPARTMENT

The engine in this vehicle is a parallel mounted V-6 with automatic transmission. Inspection of the engine compartment revealed severe fire damage. Engine compartment fire damage is clearly most severe along the right side upper portion of the right inner fender. This is the area of fire origin. Fire damage diminishes below and away from the area of fire origin.

Remaining content within the area of origin is the metal inner fender surface and 2 wiring harnesses. Wiring within both harnesses are burned clean of plastic insulation. Exposed copper conductors are intact but discolored from heating. The center top portion of the metal inner fender surface has one area of unique heat discoloration that was so severe, the metal is discolored white. The wiring that travels through the area of unique surface discoloration is also uniquely heat damaged. The copper wiring is brightly heat discolored pink and appears more rigid than harness wiring located on either side of this location. The unique metal and wiring discoloration along with the rigid wire condition indicates that fire originated from that specific location. Also, of note is that 2 wires branch off the main harness in the area of unique damage and secure to the inner fender surface as ground wires. The ground wires may be related to the fire cause if they became energized during a ground fault condition. It appears

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that the only heat ignition source located within the area of origin is electrical wiring and related components. It appears that some type of electrical failure occurred during vehicle operation. The specific mechanism that caused the failure was not evident with a visual inspection.

Inspection of the engine revealed surface heat damage that occurred during the fire. Engine component fire damage is most severe on right side surfaces closest to and facing the area of origin. Examination of the engine did not reveal any evidence of fuel or oil leakage related to the fire cause. Further, the operator related that the vehicle was operating normally when initial smoke was observed. If the fire cause were related to the fuel system, engine operation would have likely been effected and detected by the operator.

Examination of the charging system including the battery and alternator revealed heat exposure damage.

Under hood fire related heat damage is most severe above the fire origin. The firewall surface is burned diagonally from right to left. The blower motor and relay is subject of failure and fire in some model vehicles and located within a housing mounted to the firewall adjacent to the area of origin. Due to severe fire damage, it is not evident if blower motor assembly is related to the fire cause.

The fuse panel revealed it is in a melted down condition from fire exposure. Fuse condition at the time of fire discovery is not evident.

PASSENGER COMPARTMENT

Examination of the vehicle interior revealed severe damage. The most severe damage occurred at the passenger side of the dashboard assembly. This severe damage correlates with the severe passenger side engine compartment fire damage. Burn patterns are directional indicating the fire burned from front to rear and entered through firewall openings and the windshield opening once the glass failed. Burn patterns on the headliner, seats, door panels and dashboard indicate that fire burned high to low, prevalent on the right side and entered from the engine compartment. I did not observe any evidence that the fire originated from inside the passenger compartment.

During the course of my investigation, I spoke with the insured and her son, the vehicle operator at the time of the fire. According to Mrs. Valencia, the vehicle operated normally since purchase except a failure with the horn mechanism. The vehicle was taken to Person Ford for horn service. Allegedly, Person determined that the steering column was the problem. They disconnected the horn, ordered a new steering column and returned the vehicle to the insured while waiting for a new column to arrive.

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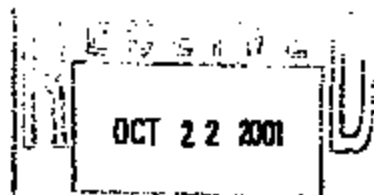
On the morning of the loss, the insured's son was driving the vehicle. He was returning from a friend's house and almost arrived home when he observed smoke expelling from the right side of the hood. The vehicle appeared to operate normally with the headlights and road lamps operating. The smoke increased and he pulled to the roadside. He pulled over in a panic and hit a rock planter as he was heading into a shopping center driveway.

Once stopped, he turned off the engine and removed the keys. He exited and immediately called his parents on his cell phone. The police arrived almost immediately and called the fire department for assistance. The smoke increased to visible flames and the vehicle continued to burn until the fire department arrived.

Conclusion

My opinion is based on a physical examination of the loss vehicle and information obtained during this investigation. It is my opinion that this fire originated inside the engine compartment, along the top portion of the right side inner fender. An electrical failure occurred related to the wiring harness and components located within the area of fire origin. This opinion is supported with the following indicators:

1. Burn patterns on the hood, hood bottom, cowl, right front fender, right inner fender, firewall, right side of the engine, right side of the dashboard and right front wheel assembly identify the area of fire origin.
2. Right side metal inner fender surface is uniquely heat damaged white within the area of origin.
3. Wiring harness and ground wires located within the area of origin is uniquely heat discolored and rigid from internal overheating.
4. The vehicle was operating at the time of fire discovery including lights and road lamps.
5. Fire onset was smoke only with the vehicle appearing to operate normally.
6. No evidence of an intentionally set fire was identified.
7. Charging, fuel, lubrication and emission systems were examined and eliminated as the fire cause.



Evidence

1. Written report.
2. Photographs. Additional photographs were taken that were not included in the report. They are available on file.

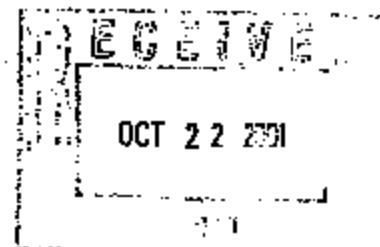
PHYSICAL EVIDENCE OBTAINED DURING THIS INVESTIGATION IS STORED 3 YEARS AND DISCARDED UNLESS OTHERWISE INSTRUCTED. STORAGE FEE INDICATED ON YOUR INVOICE.

STORAGE FEE FOR YOUR EVIDENCE IS \$ NONE PER MONTH BILLED ANNUALLY. THE FIRST YEAR STORAGE IS BILLED IN ADVANCE. EVIDENCE DISPOSAL FEE AS APPLICABLE.

PLEASE NOTIFY US IN WRITING IF YOU DO NOT WANT TO RETAIN THIS PHYSICAL EVIDENCE. UPON RECEIPT OF THE LETTER TO DISCARD OR RETURN THE EVIDENCE TO YOU, STEVEN R. MACKAIG & ASSOC., INC. IS HEREBY RELIEVED FROM ANY AND ALL LIABILITY AND/OR RESPONSIBILITY FOR SAME. ALL PARTIES IN CONNECTION HEREWITH ACKNOWLEDGE THE DISCARDING OF THIS EVIDENCE MAY HAVE AN IMPACT ON FUTURE LITIGATION.

Respectfully submitted,

Steven R. Mackaig
Steven R. Mackaig
Steven R. Mackaig & Associates, Inc.



10/02/2001 at 06:24 PM

FARMERS
1000 S. Euclid Ave.
National City, CA 91950
(619)472-7339 FAX: (619)472-7325

PHOTOS

Insured: [REDACTED]

Claim # [REDACTED] 101

Vehicle Owner: [REDACTED]

Policy # [REDACTED] 0

Vehicle: 2001 FORD EXPLORER 4X2 SPORT TRAC 6-4.0L-FI 4D PAJ

Primary Impact: 22. Total Burn

Secondary Impact:

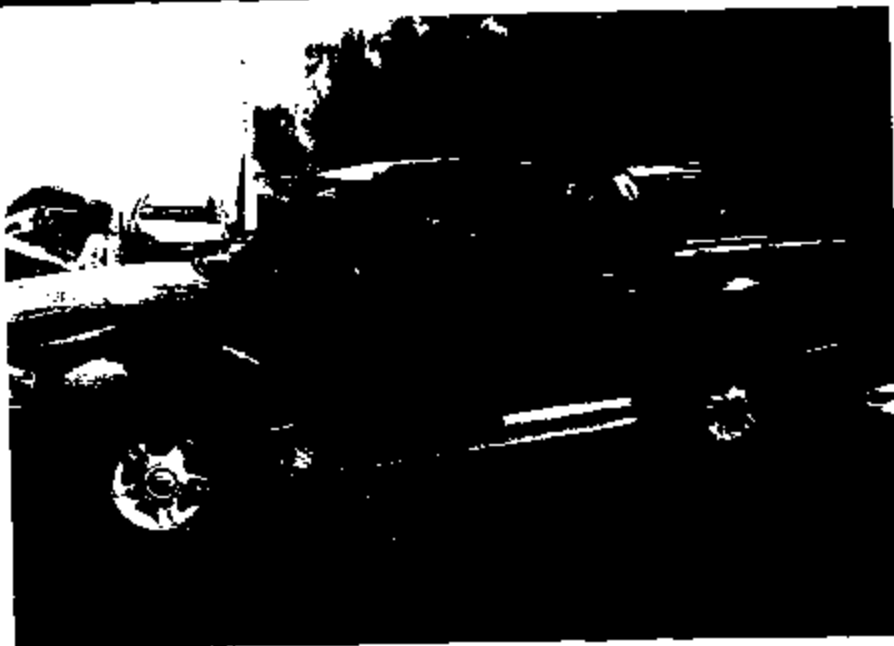


ER05-005-LC-0002

Photographic Log



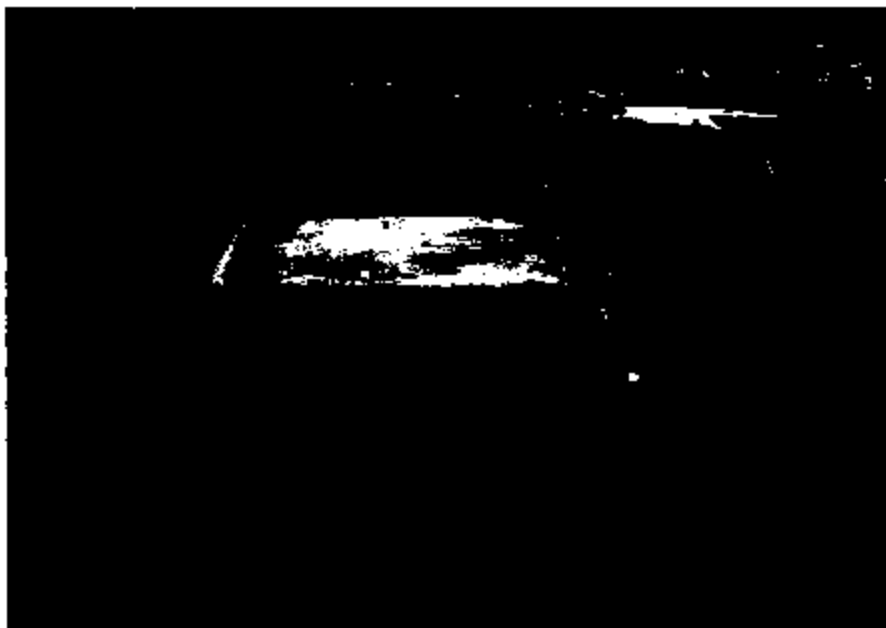
1. Loss vehicle.
Minimal fire damage to
rear of vehicle.



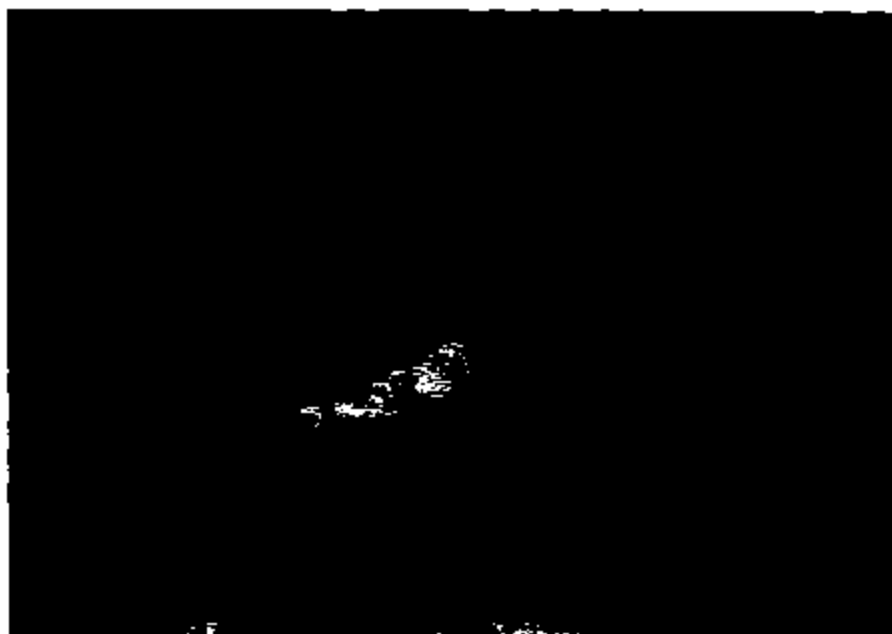
2. Driver's side view.

OCT 22 2001

3. Front view.



4. Prevalent heat damage to right side of hood above the fire origin.



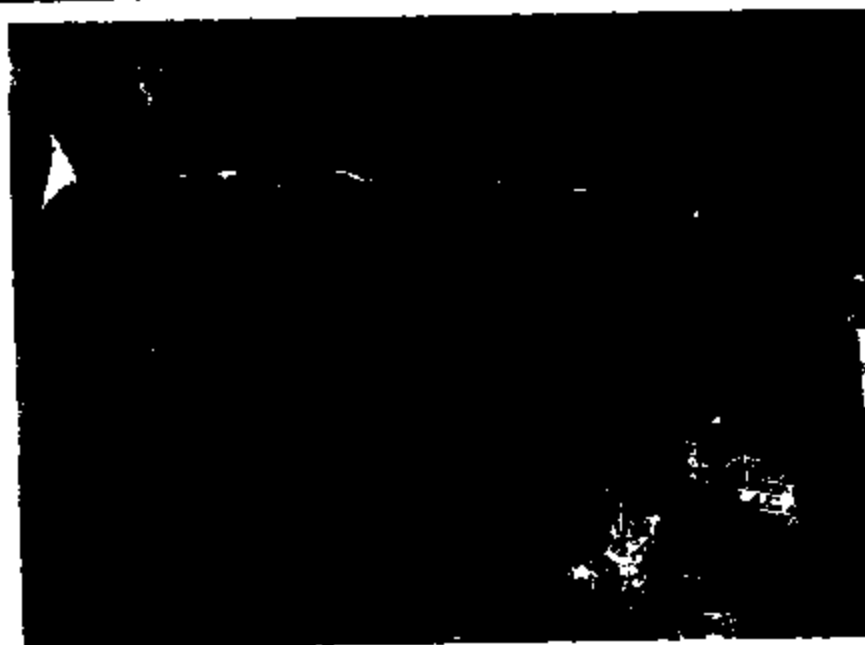
OCT 22 2001

8:12:11

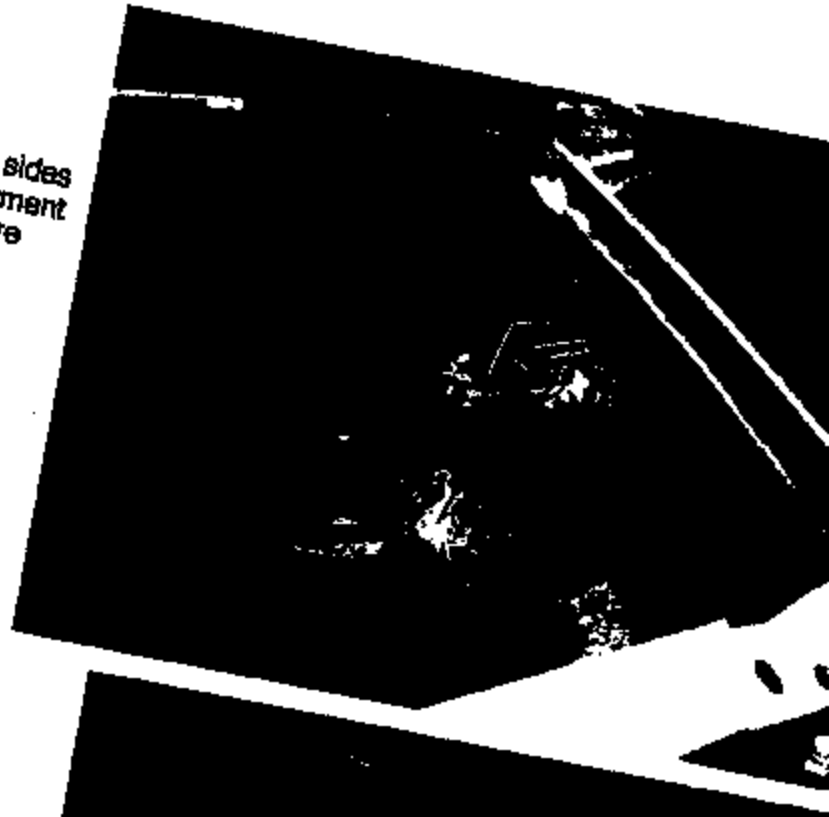
7. Under hood is severely heat oxidized above the fire origin.



8. Most severe engine compartment fire damage occurred along the right upper inner fender. This is the area of fire origin.



9. Center and left sides
of engine compartment
significantly less fire
damaged.



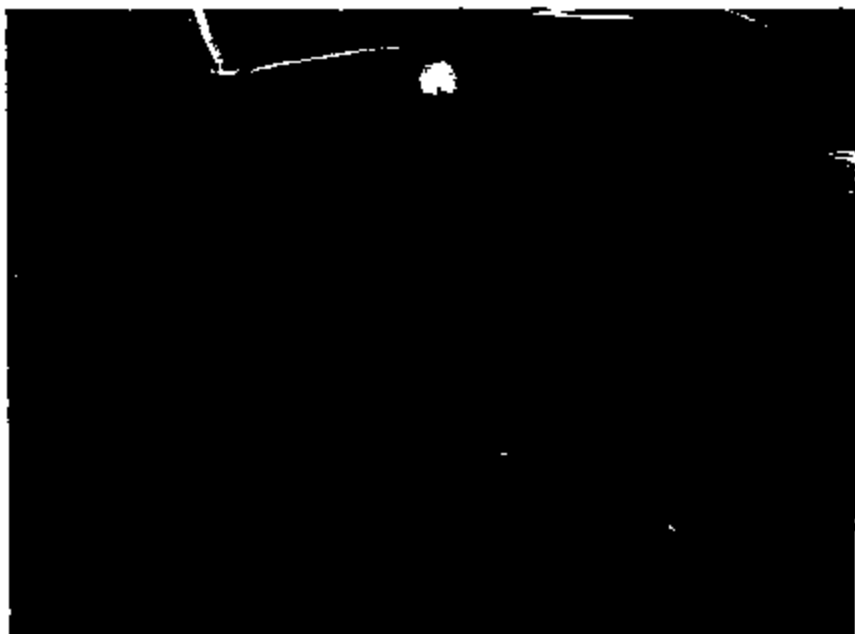
10. Left inner fender
and the area of fire
origin.



5. Passenger side fire damage most severe at front fender area adjacent to the engine compartment area of origin.



6. Most severe body damage located adjacent to the right side of the engine compartment.



11. White, heat
discolored metal within
the area of fire origin.

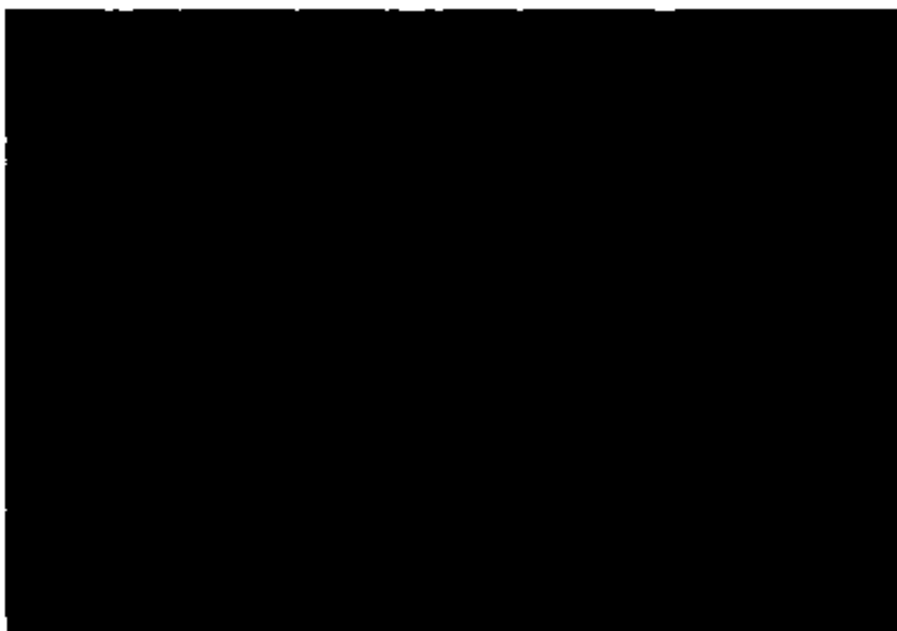


12. Wiring harness
located within the area
of fire origin.



077 2 1 2001

13. Ground wires
located within the area
of origin.



14. Engine is damaged
from heat exposure
rather than evidence of
failure.



15. Inspection of the battery and charging system.



16. Severe passenger compartment fire damage.



17. Inspection of the driver's compartment.



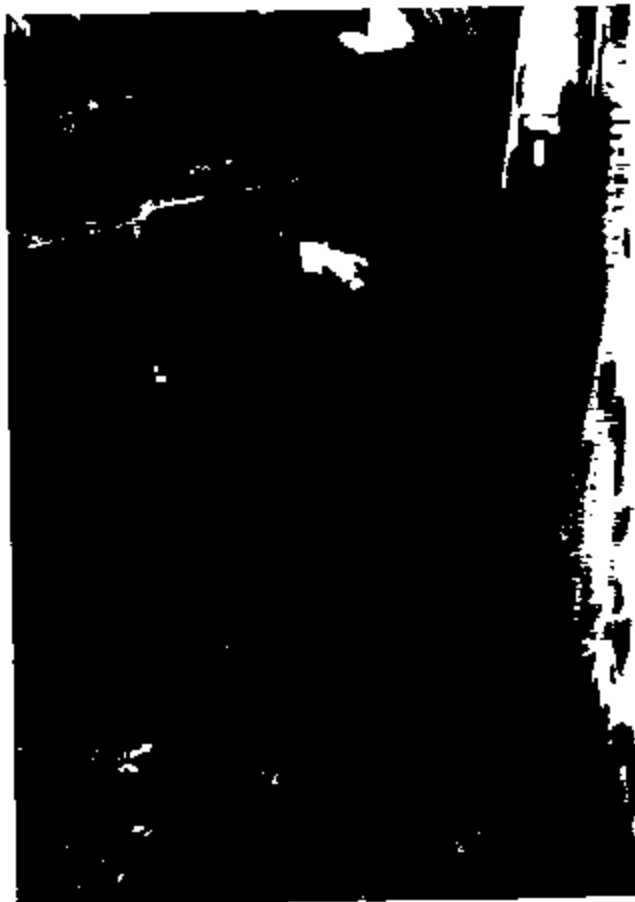
18. Fire debris was inspected and removed to floor surface level.



19. Right side of the dashboard is more fire damaged compared to left side and correlates with the area of fire origin.



20. Fire entered the passenger compartment through firewall openings.



21. Inspection and
removal of the rear
seat area.



22. Remains of
passenger
compartment fuse
panel.

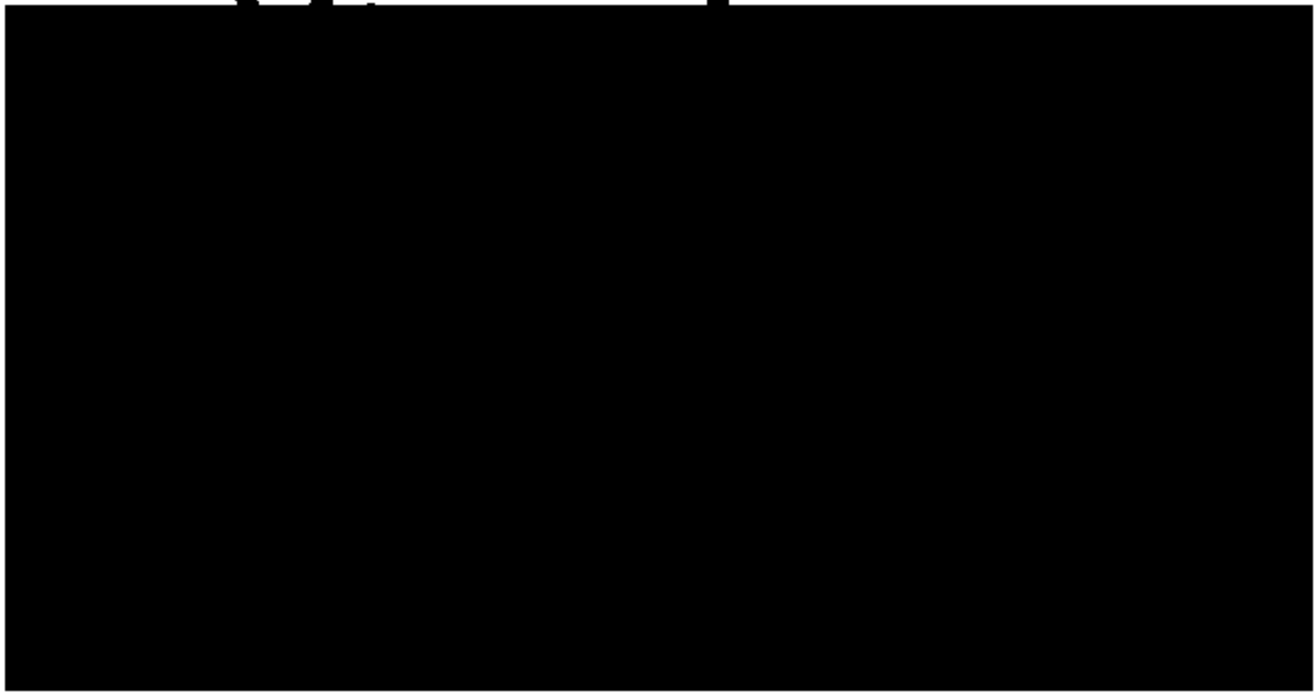


23. Inspection under
the vehicle.



24. Vehicle
identification decal.





MOULTON & MOULTON, PC
Attorneys at Law
Hemlock Plaza, HC-8 Box 8384
Lords Valley, PA 18428
(570) 775-9525 - Fax (570) 775-0676
e-mail: moultonslaw@email.com

Diana S. Moulton*
Mark E. Moulton**

*Admitted Pennsylvania,
Ohio and United Kingdom
**Admitted Pennsylvania, Ohio

August 25, 2003

Ford Customer Relationship Center
P.O. Box 6248
Dearborn, MI 48126

Wayne County Ford
416 Main St
Honesdale, PA 18431-1839

Geico
Claims Department
750 Woodbury Road
Woodbury, NY 11797-2389

B & H Garage
Route 209
Ellenville, NY 12428

Re: Ford Truck VIN#1FTZR15E41T [REDACTED]

Purchase - John Thompson
Tom Vizzini
Langer

Dear Ford Motor Corporation:

The purpose of this letter is to advise you that, while in motion at a rate of sixty five mile an hour rate of speed, the above referenced vehicle suddenly became inoperable and burst into flames, causing the physical injury to the driver. The inspection immediately following these events noted the vehicle's left front tire separated from the axle at the vehicles final point of rest.

Pursuant to further inspection, it is anticipated that this vehicle will be the subject of civil litigation involving defects contained therein. At present the vehicle is located at D&H auto yard. A proper claim has been filed with the insurer of the vehicle who has indicated it will be disposing of the remains of the vehicle for salvage. YOU ARE HEREBY GIVEN NOTICE of this scheduled disposal and the opportunity of seven (7) days from date of this letter to perform your own inspection and review of said vehicle. You are *specifically not authorized* to remove any part of the vehicle from its present location.

CONSUMER AFFAIRS
SECTION

3 AUG 29 P2:15

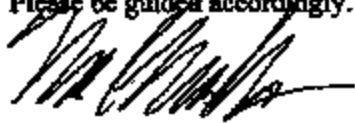


Moulton & Moulton, PC

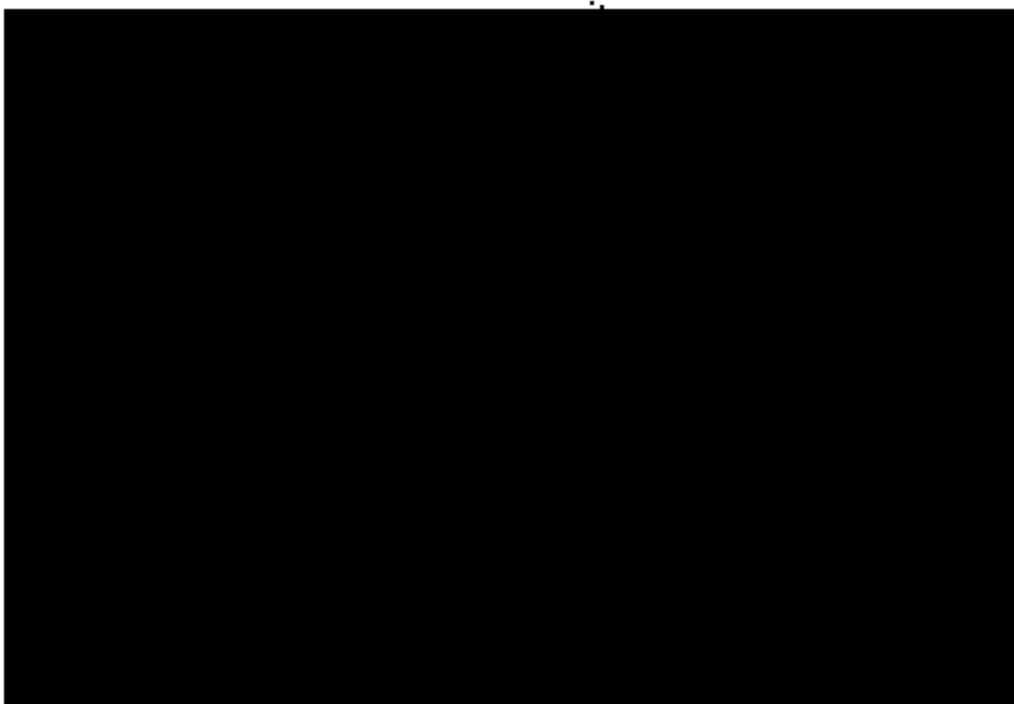
2

At the conclusion of the above referenced seven day period the insurer is authorized to dispose of the vehicle as it sees fit. At the present time the vehicle's owner intends to remove the axle and wheel from the D&H Auto at the close of business on September 3, 2003 for evidentiary purposes.

Please be guided accordingly.




Mark E. Moulton, Esquire



NORTH CAROLINA
CUMBERLAND COUNTY


IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 98 CVS 4564


Plaintiff,
v.
FORD MOTOR COMPANY,
Defendant.

COMPLAINT

FILED
1998 JUL -2 PM 3:00
CUMBERLAND COUNTY, N.C.

The Plaintiff, complaining of the Defendant, alleges and says:

1. The Plaintiff is a citizen and resident of Cumberland County, North Carolina and are neither infants nor incompetents.
2. That Plaintiff was the owner of a 1998 Ford Explorer, VIN # 1FMZU32E3W  hereinafter referred to as "Vehicle".
3. That upon information and belief, the Defendant, Ford Motor Company, (hereinafter "FMC" is a corporation duly incorporated, and is currently doing business in Cumberland County, North Carolina through its authorized dealerships including Patrick Ford, Inc. and Purvis Brothers Ford.
4. That at all times relevant hereto, the Plaintiffs are "Buyers" and "Consumers"; that the Defendant manufacturer is hereto referred as "Sellers" and "Manufacturers" of automobiles, including the 1998 Ford Explorer within the intent and meaning of North Carolina General Statute 25-2-103 and North Carolina General Statute 20-35.1.1, respectively, and that the vehicle is a motor vehicle within the intent and meaning of North Carolina General Statutes 20-351.1.
5. That during the month of November 1997, Plaintiff, for his personal use, entered into a lease agreement with Defendant Manufacturer, through their authorized dealer for the purchase of a new 1998 Ford Explorer for a total purchase price of \$29,920.00. A copy of the lease agreement is attached hereto as Exhibit "A" and incorporated herein by reference.
6. That Defendant Manufacturer, manufactured the vehicle purchased by Plaintiffs and sold vehicles similar to the vehicle through its dealer and authorized agents.

7. That Defendant Manufacturer, FMC maintained its warranties on vehicles sold to and through Patrick Ford, Inc.

**FIRST CAUSE OF ACTION NEW MOTOR VEHICLES
WARRANTIES ACT**

8. Plaintiffs specifically realleges and incorporate paragraphs 1 through 8 as of fully set forth verbatim.

9. That said vehicle was leased to Plaintiffs as a new vehicle with full warranties from Defendant Manufacturer.

10. That said vehicle has experienced repeated breakdowns and failures due to fundamental defects in the design and manufacture of the vehicle.

11. That Plaintiffs have at all times serviced and maintained said vehicle properly and in accordance with the guidelines of the Manufacturer's Owner's Manual for the vehicle.

12. That none of said defects and nonconformities and the result of any abuse, neglect or odometer tampering on the Plaintiff's behalf and there have been no authorized modifications or alterations to the motor vehicle.

13. That said defects occurred within 24 hours or 24,000 miles following original delivery to the Plaintiff.

14. That the Plaintiff has returned the vehicle to the Manufacturer, its agent or the authorized Dealer for repairs more than four (4) times within a twelve (12) month period for repair of these same nonconformities and they continue to exist.

15. That said vehicle was out of service for more than 20 days during the first twelve (12) month period of the warranty.

16. That the Manufacturer has had a reasonable number of attempts to repair these defects and have failed to satisfactorily correct them.

17. That the Plaintiffs have lost faith in the vehicle due to these recurrent defects and these defects have caused substantial impairment to the value of the vehicle to the Plaintiffs. That the Plaintiff ~~has been unable to obtain a replacement vehicle from the Defendant Manufacturer and the Defendant Manufacturer has refused to provide a replacement vehicle.~~

18. Pursuant to the Manufacturer's Owner's Manual, Plaintiffs notified Defendant Manufacturer and Defendant's authorized Dealer of these defects in writing. After the vehicle burned, Plaintiff through counsel notified the Defendant again of the defects and substantial impairment of value pursuant to 20-351.5(b).

28. That Defendants breached said warranty by failing, refusing and otherwise neglecting to repair or replace the defects in Plaintiff's vehicle which appeared within the coverage of the warranty.

29. That said breach of warranty is a direct cause of Plaintiffs' aforementioned damages and Plaintiff is entitled to recover all direct, special, reliance, incidental, and consequential damages.

FOURTH CAUSE OF ACTION
MAGNUSON-MOSS ACT VIOLATION

30. Plaintiffs specifically reallege and incorporate paragraphs 1 through 29 as if fully set forth verbatim.

31. That Manufacturer's failure to comply with its written warranty and implied warranty of merchantability to Plaintiffs violates Section 110 (d) (1) of the Magnuson-Moss Warranty - Federal Trade Commission Act, 15 U.S.C. 2310 (d) (1).

32. That said violation of the Magnuson-Moss Warranty Act is a direct cause of Plaintiffs' aforementioned damages.

FIFTH CAUSE OF ACTION
UNREASONABLE REFUSAL TO COMPLY

33. Plaintiffs specifically reallege and incorporate paragraphs 1 through 32 as if fully set forth verbatim.

34. That the demands of Plaintiffs for a full refund of all lease payments pursuant to North Carolina General Statute 20-351.3 have been ignored and refused by both Manufacturer and Explorer and their authorized dealer.

35. That Manufacturer's and Explorer's willful refusal to repurchase said vehicle frustrated the purpose of said statute.

36. That this refusal to comply with Plaintiffs' demands constitutes an unreasonable refusal to comply with N.C.G.S. 20-351.3 and further constitutes an intentional delay of the resolution of Plaintiff's complaints with the intent of frustrating the purpose of said statute.

37. That said unreasonable and intentional refusal to comply with N.C.G.S. 20-351.3 entitles Plaintiffs to recover treble damages and the costs of reasonable attorney's fees in this action pursuant to N.C.G.S. 20-351.8(2) and (3).

Plaintiffs, through counsel and otherwise, have attempted to settle this matter without legal action but that Defendants have unreasonably failed to replace or repurchase the vehicle pursuant to N.C.G.S. 20-351.B. That Defendant refused to settle the claim and instructed the Plaintiff to pursue his liability insurance for the damage.

SECOND CAUSE OF ACTION
REVOCAION OF ACCEPTANCE

20. Plaintiffs specifically reallege and incorporate paragraphs 1 through 19 as if fully set forth verbatim.
21. That Plaintiff's original acceptance of said vehicle was based on belief that said vehicle conformed to, or pursuant to the assurance of the agent and employees of the Manufacturer and Dealer that the vehicle would be made to conform to; the contract of sale.
22. That, pursuant to North Carolina General Statute 25-2-608, Plaintiffs have revoked their acceptance of said vehicle as a direct and proximate result of the aforesaid defects and the inability or refusal by Manufacturer and Explorer and their agents or authorized dealers to repair the vehicle in a timely manner.
23. That said defect constitutes a substantial impairment of value to the Plaintiffs in that they consist of ~~going on a long drive to the dealer to get the vehicle repaired~~ which resulted in the Plaintiff's shaken faith in said vehicle.
24. That Plaintiffs have revoked their acceptance pursuant to North Carolina General Statute 25-2-608 by giving notice to the manufacturer of that demand.

THIRD CAUSE OF ACTION
BREACK OF WARRANTY

25. Plaintiffs specifically reallege and incorporate paragraphs 1 though 24 as if fully set forth verbatim.
26. In order to induce Plaintiffs to purchase said vehicle and pursuant to Section 20-351.2 of the North Carolina Statutes, Defendants Manufacturer and Explorer provided for one year express warranty to Plaintiffs.
27. That said express warranty promised to repair or replace free of charge any parts found defective in material or workmanship within twelve (12) months or 12, 000 miles.

WHEREFORE, Plaintiffs have and recover of Defendant for violation of N.C.G.S. 20-351 (New Motor Vehicles Warranties Act) as follows:

1. That Plaintiffs have and recover of Defendant for violation of N.C.G.S. 20-351 (New Motor Vehicles Act) as follows:

a. A full refund of all base payments and down payments not limited to charges for undercoating, dealer preparation and transportation, and installed options, plus the non-refundable portions of extended warranties and services contract;

b. All collateral charges incurred by the Plaintiff after the first report of the nonconformities to the Defendants, their agents, or their authorized dealers;

c. All finance charges incurred by the Plaintiff after the first report of the nonconformities to the Defendant, their agents, or their authorized dealers;

d. Treble amount of the above damages due to both Defendants' unreasonable refusal to comply with N.C.G.S. 20-351.3;

e. Reasonable attorney's fees, interest from the date of filing, and the costs of this action.

2. That the Plaintiffs have and recover as a result of Defendants' breach of warranty due to the failure of its essential purposes pursuant to N.C.G.S. 25-2-719 as follows:

a. The difference in value of the vehicle as expressly and implied warranted and the fair market value of the vehicle as actually warranted;

b. That this difference value is equal to the entire actual value of the vehicle.

3. That Plaintiffs have and recover as a result of Defendant violations of Magnuson-Moss Federal Warranty Act as follows:

a. An amount in excess of \$10,000.00 for full refund of the purchase price;

b. Compensatory damages together with incidental expenses;

c. Interest at the legal rate until paid;


d. Reasonable attorney's fees.

4. That Plaintiffs acceptance by revoked pursuant to N.C.G.S. 25-2-608 and further that the credit transaction be rescinded and nullified, and all payments made by Plaintiffs be returned to Plaintiffs by the Defendants.

5. For trial by jury.
6. That the interests and costs of this action be taxed to the Defendant.
7. For such other and further relief as the court may deem just, fit and proper.

THIS the 30th day of June, 1998.

BOOSE & GURNEE


GRAHAM F. GURNEE
Attorney for Plaintiff
Post Office Box 1766
Fayetteville, NC 28303
Telephone No.: (910) 486-9292

NORTH CAROLINA

VERIFICATION

CUMBERLAND COUNTY

I, [REDACTED] being first duly sworn, depose and say that I am the Plaintiff in the foregoing Complaint and know the contents thereof, and the same is true to my knowledge except as those matters and things herein alleged on information and belief, and as to those matter and things, I believe them to be true.

[REDACTED]

Sworn to and subscribed before me
this the 2nd day of July, 1998.

Mia del Carmen Martin
Notary Public

My Commission Expires: 10-4-98





- Government Employees Insurance Company
- GEICO General Insurance Company
- GEICO Indemnity Company
- GEICO Casualty Company
- Criterion Insurance Agency, Inc.
(Colonial County Mutual Ins.)

1-800-841-3000

4811 Spring Valley Road, Dallas TX 75244-3694

April 5, 2005

Ford Motor Credit
Consumer Affairs Department
A@MD - 3NE-B
P.O. Box 6248
Dearborn, MI 48126

Our Claim Number: 0212123090101027
Our Insured: Sheryl Ward
Date of Loss: 02/03/2005
VIN: 1FMZU83PXYZC43093
Year/Make/Model: 2000 FORD EXPLORER XLT
Damage: Fire - Total Loss



GEICO Amount	\$9,697.67
Less Salvage Recovery	-1,584.80
Rental	None
Insured Deductible	1,000.00
Total Subrogation Amount	\$9,113.67

To Whom It May Concern:

We believe this claim was caused by the electrical problem in Ford vehicles detailed in your recall. This loss occurred because mechanical/manufacture failure.

This letter will serve as our notice of our payment recovery claim and constitutes a sincere effort to settle this claim as required by conditions precedent to arbitration as stated by the Automobile and Property Subrogation Arbitration Agreement.

If you have any further questions, please contact me at the number listed below.

Sincerely,

Ruby Campbell
Payment Recovery Examiner
800-841-5432 ext. 1642
Fax # 972-499.9214

Office of the General Counsel

EXEMPTED & CONFIDENTIAL

Ford Motor Company
Parkman Tower West
Suite 300
Three Parkman Boulevard
Dearborn, Michigan 48120-2200

March 11, 2005

GEICO Direct
4201 Spring Valley Rd.
Dallas, TX 75244-3804
ATTENTION: RUBY CAMPBELL

Re: Claimant [REDACTED]

DATE: 3-3-2005
Your Claim # [REDACTED]

Dear Ms. Campbell:

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

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

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

- 9. What was the city and state of occurrence: AMARILLO, TX
- 10. The 17 digit vehicle identification number: NA1FMZU 83PY2 [REDACTED]
- 11. What was the mileage at time of occurrence: 115,742
- 12. What is the alleged defect: Electrical Fire

13. Has the alleged defective part been repaired or replaced? (circle one) Yes or **No**

14. What is the current location of the vehicle, and the alleged defective part(s)?

TOTAL LOSS

15. List all after market additions or modifications that were made to the vehicle:

TOTAL LOSS

16. Was the engine running? (circle one) **Yes** or No

17. Were the keys in the ignition? (circle one) **Yes** or No

18. Was this vehicle purchased new or used:

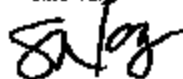
If purchased used, provide the date of purchase, mileage at the time of purchase, and from whom the vehicle was purchased:

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

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

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

Sincerely,



Shawn L. Norton
Claims Analyst /
Litigation Assistant

Incident Report
 2045-000087-000

Amarillo Fire Department

Basic	
Alarm Date and Time	20:18:56 Thursday, February 3, 2005
Arrival Time	20:20:39
Controlled Time	20:23:14
Last Unit Cleared Time	20:43:10
Response Time	0:01:43
Priority Response	Yes
Completed	Yes
Reviewed	Yes
Fire Department Station	05
Shift	C
Incident Type	131 - Passenger vehicle fire
Aid Given or Received	N - None
Action Taken 1	11 - Extinguish
Apparatus - Suppression	1
Personnel - Suppression Personnel	4
Property Loss	\$5,000.00
Contents Loss	\$0.00
Property Value	\$5,000.00
Contents Value	\$0.00
Property Use	962 - Residential street, road or residential driveway
Location Type	Address
Address	37 Oldham Cir
City, State Zip	Amarillo, TX 79109
District	85
Current Tract	204
Directions	32 Oldham Cir
Latitude	35.180144
Longitude	105.373700
Person Involved/Property Owner - WARD, SHERYL	
Owner	Yes
Last Name	[REDACTED]
First Name	[REDACTED]
Street Address	[REDACTED]
City, State Zip	Amarillo, TX [REDACTED]
Person Involved - WARD, AMBER	
Occupies Property	Yes
Involvement Code	DRV
Last Name	[REDACTED]
First Name	[REDACTED]
Street Address	[REDACTED]
City, State Zip	Amarillo, TX [REDACTED]
Phone	[REDACTED] 8063891177
Fire	
Area of Origin	83 - Engine area, running gear, wheel area

Incident Report
 2806-8063887-888

Amarillo Fire Department

Fire	
Heat Source	UU - Undetermined
Item First Ignited	UU - Undetermined
Type of Material	UU - Undetermined
Cause of Ignition	U - Cause undetermined after investigation
Firearm Factors	None
Mobile Equipment Involved	2 - Involved in ignition, but did not itself burn
Mobile Equipment Type	11 - Passenger car.
Mobile Equipment Make	FO - Ford
Mobile Equipment Model	EXPLORER
Mobile Equipment Year	2000
Mobile Equipment VIN	1FMEJUE3PKY[REDACTED]
Mobile Equipment License	M34 XSG
Mobile Equipment State	TX
Apparatus - E5	
Apparatus ID	E5
Response Time	0:00:00
Apparatus Dispatch Date and Time	20:19:03 Thursday, February 3, 2005
En route to scene date and time	20:20:31 Thursday, February 3, 2005
Apparatus Arrival Date and Time	20:20:39 Thursday, February 3, 2005
Apparatus Clear Date and Time	20:43:10 Thursday, February 3, 2005
Apparatus priority response	Yes
Number of People	4
Apparatus Use	1
Apparatus Action Taken 1	11 - Extinguish
Apparatus Type	11 - Engine
Personnel 1	GH4088 - Gutierrez, Johnny P Position: FF
Personnel 2	GR8006 - Grant, Gregory A Position: FF
Personnel 3	PO8386 - Powers, Ronald D Position: DR
Personnel 4	VE3246 - Vest, Michael L Position: LT
Authority	
Reported By	VE3246 - Vest, Michael L 21:06:25 Thursday, February 3, 2005
Officer in Charge	VE3246 - Vest, Michael L 21:06:26 Thursday, February 3, 2005
Reviewer	GA1966 - Gano, Mike 07:29:33 Friday, February 4, 2005
Narratives	
Narrative Name	CAD Narrative
Narrative Type	CAD Narrative
Author	-

Incident Report
 2205-000087-000

Amarillo Fire Department

Narratives	
Narrative Text	CAD Master Incident Number: 2205-000087 Jurisdiction Incident #: AFD-080087 Primary Jurisdiction Inc.#: AFD -000087
Narrative Name	BASIC
Narrative Type	Incident
Narrative Date	21:03:25 Thursday, February 3, 2005
Author	VE3246 - Vest, Michael L.
Author Rank	LT
Author Assignment	1
Narrative Text	<p>At 2016 hours on Thursday February 3, 2005 we were dispatched to a passenger vehicle fire. One task was assigned to this incident. Four personnel responded. We arrived on scene at 2028 hours and cleared at 2043 hours. The incident occurred at 32 Oldham Cr, Amarillo in District 05. The local station is 05. The general description of this property is residential street, road or residential driveway. The primary task(s) performed at the scene by responding personnel was extinguishment. No mutual/automatic aid was given or received.</p> <p>"Engine area, rear end, wheel area" best describes the primary use of the room or space where the fire originated. The cause of ignition is undetermined after investigation.</p> <p>The estimated property loss on this incident was \$5,000. The estimated property value was \$5,000.</p> <p>Alarm number 000087 has been assigned to this incident.</p>
Narrative Name	VEST E-5
Narrative Type	Incident
Narrative Date	21:03:31 Thursday, February 3, 2005
Author	VE3246 - Vest, Michael L.
Author Rank	LT
Author Assignment	1
Narrative Text	<p>██████████ STATED THAT SHE HAD JUST RECEIVED THE VEHICLE FROM A BODY SHOP AND WAS DRIVING HOME WHEN HER BRAKE LIGHT ON THE INSIDE OF THE CAR CAME ON. SHE PULLED OVER AFTER IT STARTED GIVING MORE TROUBLE AND NOTICED FIRE COMING FROM UNDER THE HOOD ON THE DRIVERS SIDE.</p> <p>EXTENSIVE DAMAGE TO THE ENGINE, HOOD, F.R. QUARTER PANEL AND OTHER PARTS IN THE FRONT OF THE VEHICLE.</p> <p>WE TALKED TO THE LADY AT THE HOUSE WHERE THE VEHICLE STOPPED AT AND LET HER KNOW IT WOULD BE TOMORROW UNTIL THE VEHICLE IS MOVED.</p>

End of Report

AD Query

Estimate Photo 01 for Claim Number [REDACTED]

Photo date:07/02/2005 16:51:11:00 Size:28250

Description:

Insured: [REDACTED]

Policy Number [REDACTED]

Vehicle:0, FORD, EXPLORER AWD XLT

VIN:1FMZU83PXYZ [REDACTED]

Loss date:02/03/05

Estimator:CARLOS BRIONES



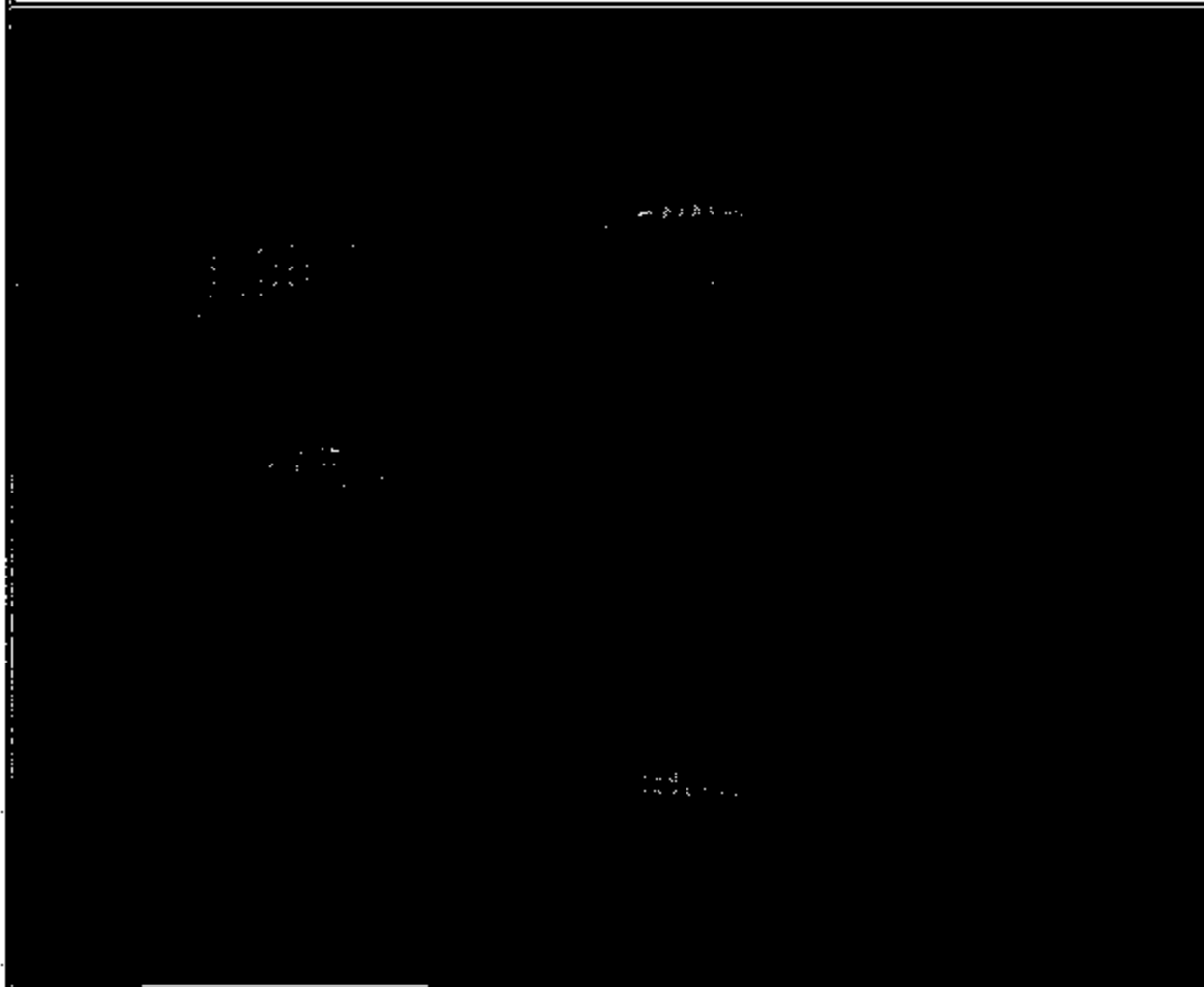
0000-07-02-1-C-0000

Estimate Photo 02 for Claim Number [REDACTED]

[REDACTED] TM

04/08/2005

Photo date:07/02/2005 16:51:11:00 Size:22132
Description:
Insured:
Policy Number:
Vehicle:0, FORD, EXPLORER AWD XLT
VIN:1FMZU83PX
Loss date:02/03/05
Estimator:CARLOS BRIONES



Estimate Photo 03 for Claim Number [REDACTED]

Photo date:07/02/2005 16:51:11:00 Size:32507
Description:
Insured:
Policy Number:

ENC-023-1C-0001

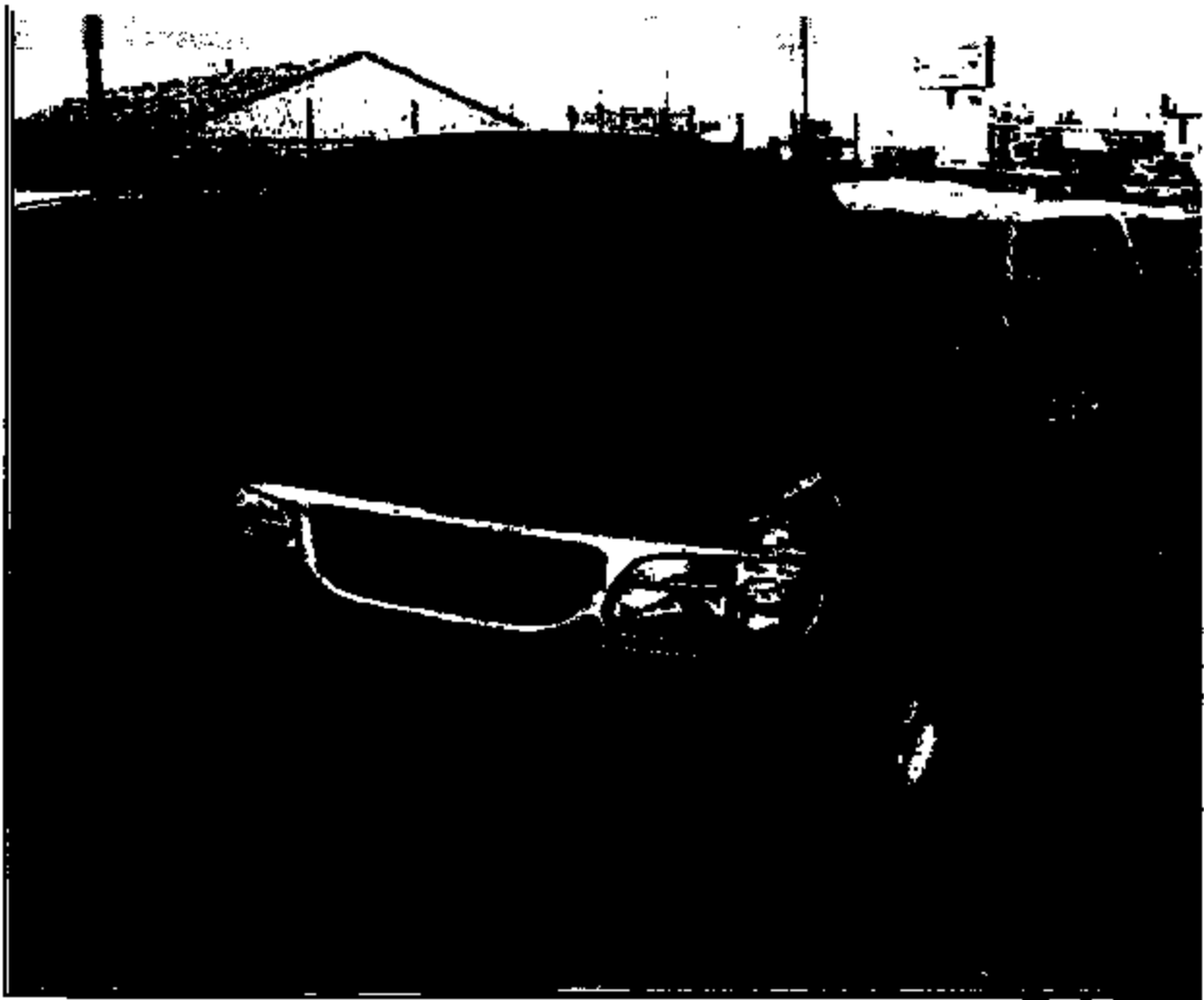
Vehicle:0, FORD, EXPLORER AWD XLT
VIN:1FMZU83PXY [REDACTED]
Loss date:02/03/05
Estimator:CARLOS BRIONES



Estimate Photo 04 for Claim Number [REDACTED]

Photo date:07/02/2005 16:51:11:00 Size:36611
Description:
Insured:[REDACTED]
Policy Number:[REDACTED]
Vehicle:0, FORD, EXPLORER AWD XLT
VIN:1FMZU83PXY [REDACTED]
Loss date:02/03/05
Estimator:CARLOS BRIONES

ENR3-003-L-C-9892



Estimate Photo 05 for Claim Number [REDACTED]

Photo date:07/02/2005 16:51:12:00 Size:28726

Description:

Insured: [REDACTED]

Policy Number [REDACTED]

Vehicle:0, FORD, EXPLORER AWD XLT

VIN:1FMZU83PXYZ [REDACTED]

Loss date:02/03/05

Estimator:CARLOS BRIONES

EMIS-005-LC-0003

[REDACTED]

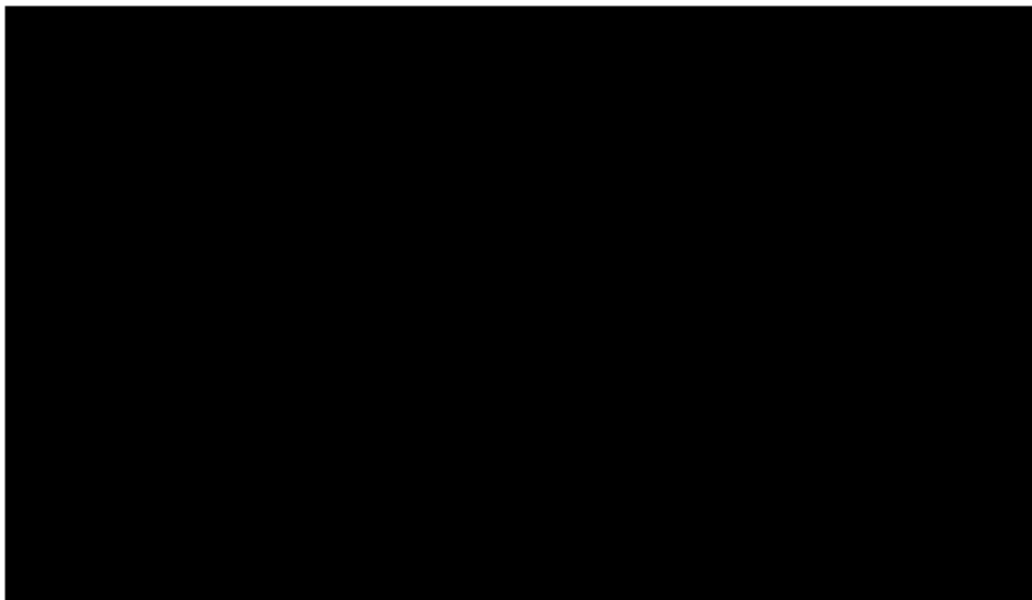
04/08/2005



ENC-005-10-9894

[REDACTED]

04/08/2005



State Farm Insurance Companies*



July 31, 2002

Ford Motor Company
Parklane Towers West, Ste. 300
3 Parklane Blvd.
Dearborn, MI 48126-2588

Attn: Office of the General Council
Maria Quintero-Salvo, Claim Analyst
Fax- 313-448-7727

RE: My Insured:
File Number:

[REDACTED]
D/E 05/02/2002



504 Black Horse Pike
Runnemede, NJ 08078-0800
Phone: Off: (856) 853-8700

Sunil Sharma

Dear Ms. Quintero-Salvo:

I recently left you a message on your voicemail in regards to the above claim. As you are aware due to our correspondence of May 23, 2002 your response for June 5, 2002 and the additional information that I mailed to you on June 19, 2002 we are looking for reimbursement of the expenses incurred by us in regard to a 1996 Ford Bronco, which caught fire destroying the engine compartment. I have not yet heard a response for my June 19 letter, which provided all the information of which you requested. If you can please call me back at your earliest convenience so that we may discuss this issue. This vehicle is costing State Farm \$2.00 a day storage which will be passed along to you in our request for reimbursement for the damages to this vehicle.

The vehicle was totaled in the loss. We have provided an engineering report for your review and we again request that you please come to see this vehicle if you need to confirm the validity of our request. If you are not interested in seeing this vehicle, please notify me immediately so I only have it sold or crush at the salvage yard to reduce the expense that it is incurring.

I look forward to hearing from you shortly.

Sincerely,

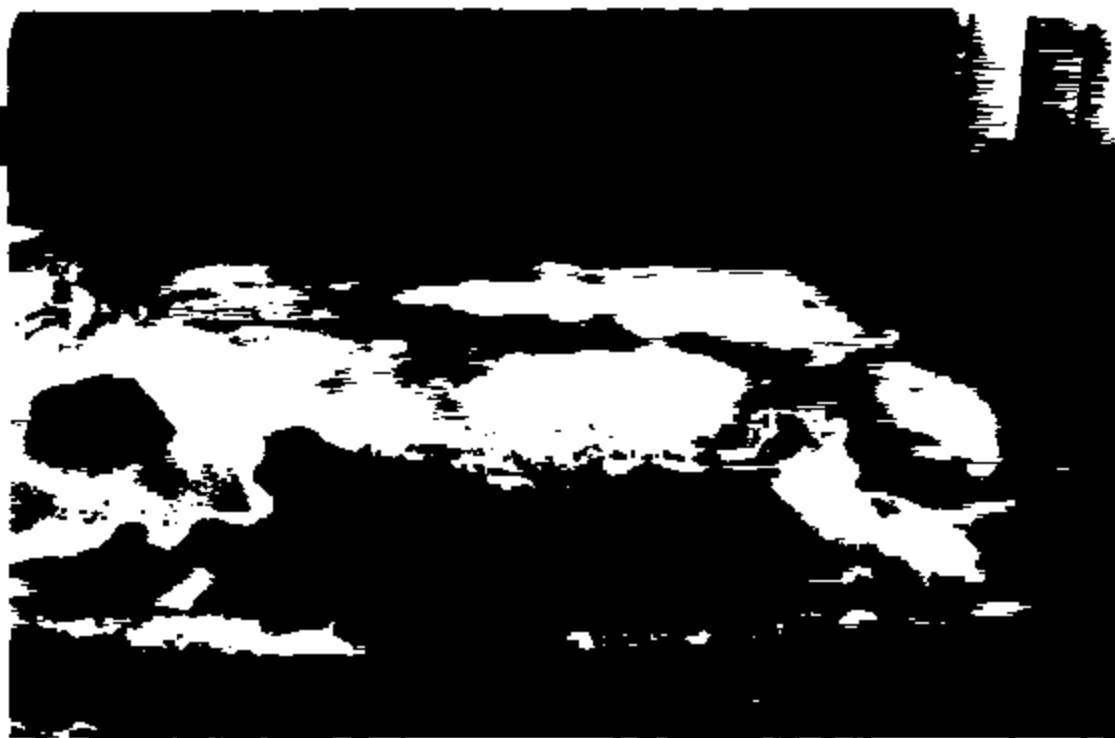
Scott Sedlock
Claim Specialist
State Farm Indemnity Company
(856) 853-8733

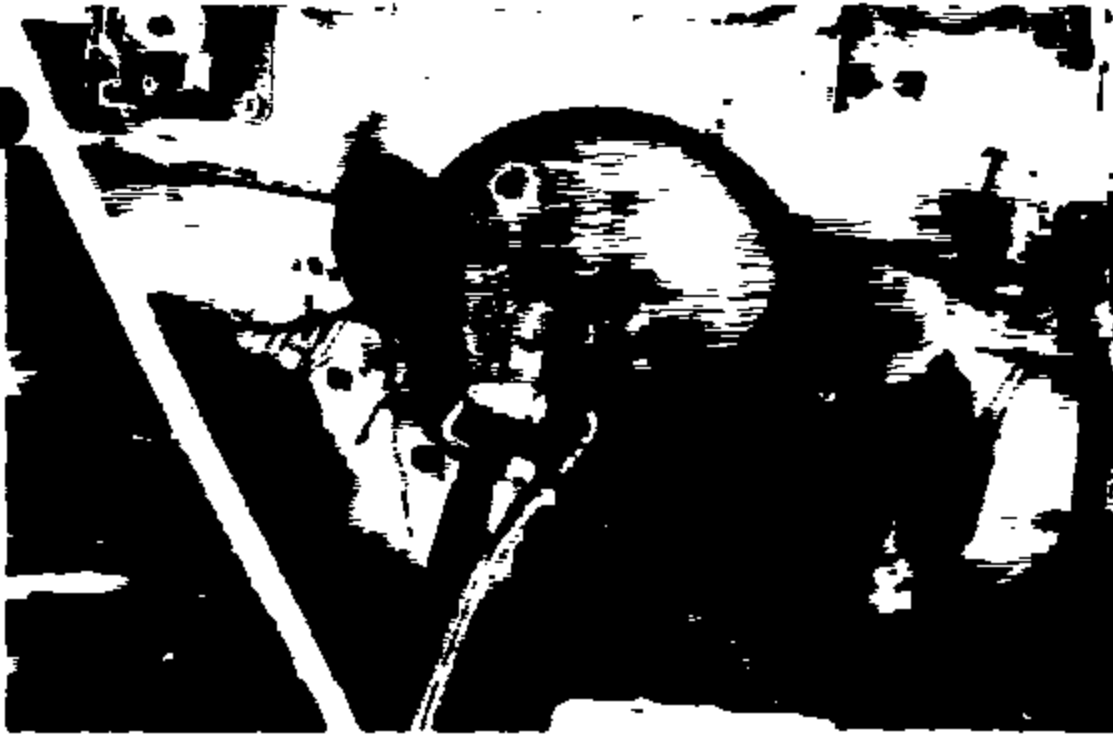
SS/036/0731001





ER65-005-LC-0007







ENC-005-LC-0000



KR05-005-LC-0001





State Farm Insurance Companies*



904 Black Horse Pike
Rumson, NJ 08078-0500
Phone: OF: (856) 833-6700

June 19, 2002

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

Attn: Maria Quintero-Salvo

RE: Insured: [REDACTED]
Claim Number: [REDACTED]
Date of Loss: May 2, 2002

Dear Ms. Quintero-Salvo:

Enclosed you will find a copy of some information that will assist you in your evaluation of the claim. In regard to your itemized request the answers are as follows:

1. Date of incident and city and state in which it occurred: May 2, 2002, Pennsville, 12:00 p.m. on [REDACTED]
2. In the insured's statement, they returned home at about 10:00 p.m. and by 12:00 a.m. he was awoken by the smell of fire coming in his bedroom window. The vehicle was parked in his driveway under his canopy next to his mahogany boat.
3. Copy of fire investigation enclosed.
6. Mileage on the vehicle was unable to be confirmed due to the fact that the odometer was damaged. The insured claimed that the odometer reading should be about 74,000. Please see estimate and total loss evaluation. The title that was issued on November 12, 1999 does verify the mileage at 53,407.
7. Please see a copy of the expert's photos and narrative.

Ford Motor Company
Page 2
June 19, 2002

10. The fire loss is attributable to excessive jvial resistance within the electrical circuits localized within the left front quadrant of the power plant bay area. Please see photos.
11. Enclosed you will find a copy of our expert's report.
12. This vehicle is secured at our salvage yard for the time being. Please contact us immediately to make arrangements to see the vehicle if you so desire. We are being charged a daily storage fee on this vehicle and would like to dispose of it as soon as possible.
13. Same as number 12. The salvage company is Copart, located in Glassboro, New Jersey. Phone number (856) 881-8700. Lot number [REDACTED] *200-20089*
14. Please see enclosed estimate and Total Loss Report with copies of drafts. Please note payments are still pending to the minor damage to the boat and to the insured's canopy.
16. The only after-market addition that we are aware of is a remote starter which was added about two years ago.

If you are in need of any further information please contact me at the phone number below or make arrangements to see the vehicle at the location mentioned in number 13 above.

Sincerely,

Scott AM

Scott Sedlock
Claim Specialist
State Farm Indemnity Company
(866) 853-8733

SS/027/0619011

Enclosure

See Attached Support for 1-16

Final Investigation

ERG-005-LC-0001

INVESTIGATION REPORT

Complaint Number		Mer. Code 1705		Phone Number		LICR		Warrant Number		Department Case Number 2002006272	
Cause/Incident FIRE INVESTIGATION				K/R				Vehicle/ ES No.		Age	
Municipality PENNSVILLE				County SALEM		Code 1705		Date and Time 05/03/2002 08:12		Phone	
DATE AND TIME		Between		Hour		Day		Mo.		Yr.	
XXX		00-12		FRI		05		03		02	
Client/Subject Location						Employer PENNSVILLE TWP. Phone 856-678-3553					
Type of Premises DRIVEWAY		Code 08		Weapons-Tools		Code		PENNSVILLE, NJ		Phone	
Modus Operandi (V) TELEPHONED 911 REPORTING HIS VEHICLE WAS ON FIRE. FIRE DEPT. RESPONDED AND EXTINGUISHED SAME.											
Vehicle		Year		Make		Body Type		Color		Registration Number & State	
KNOWN		1996		FORD		TRK		MRN		FOG-308 NJ	
Serial Number or Identification		VIN		Title		Lien		Accessories		Misc.	
1FMEU15N0TL											
Total Value Stolen		Total Value Recovered		Telephone Alerts		Technical Services		Technical Agency			
List Accused - List and Identify Additional Victims - Identify Perpetrators or Suspects - Action Taken Inside Facility and Observations of Investigators - Physical Evidence Found - Witness by Name - Disposition and Technical Services Performed - Interviews of Victims - Witnesses - Persons Contacted - Accused / Suspected - In addition, Note Property Value - Court Action - Refresh Statements											
No. of Accused		Adult		Juvenile		Status Crown		Status Case		Date Closed	
						ACTIVE		INVESTIGATION			
Name		Age		Sex		Race		DOB			
Narrative ON FRIDAY, MAY 3, 2002 AT APPROXIMATELY 0012 HOURS, THE PENNSVILLE FIRE DEPARTMENT WAS DISPATCHED TO [REDACTED] FOR A VEHICLE FIRE. ONCE THE FIRE WAS EXTINGUISHED, I WAS CONTACTED AT HOME AND REQUESTED TO APPEAR FOR AN INVESTIGATION. UPON MY ARRIVAL, THE VEHICLE WAS OBSERVED TO BE PARKED IN THE DRIVEWAY, ON THE SOUTH SIDE OF [REDACTED]. THE FIRE DEPARTMENT WAS STILL ON THE SCENE AND ASST. CHIEF JERRY BROWN ADVISED ME THAT IT APPEARED THAT THE FIRE STARTED IN THE ENGINE COMPARTMENT. I OBSERVED A 1996 FORD BRONCO, BEARING NEW JERSEY REGISTRATION, FOG308 COLOR BEING MAROON, PARKED UNDER A CANOPY. DIRECTLY IN FRONT OF THE VEHICLE WAS A LARGE (APPROXIMATELY 30') WOODEN BOAT. THE CANOPY HAD BEEN DAMAGED FROM THE FIRE AND A SMALL PORTION OF THE WOODEN BOAT HAD PAINT DAMAGE FROM THE INTENSE HEAT. (CONT)...											
Name DET. ALLEN CUMMINGS				Badge Number 26				Date Report 05/03/2002		Reviewed By	
Signature				Page 1 of 2 Pages							

THE VEHICLE WAS OBSERVED TO HAVE HEAVY DAMAGE TO THE ENGINE COMPARTMENT AND THE EXTERIOR PAINT ALONG WITH THE WINDSHIELD. THE LEFT FRONT TIRE HAD MELTED AND LOST AIR PRESSURE. THE INTERIOR OF THE VEHICLE WAS OBSERVED TO HAVE FIRE DAMAGE TO THE DASH AND UNDER THE DASH.

FOLLOWING A FURTHER CHECK OF THE VEHICLE, IT WAS DETERMINED THAT THE FIRE DID NOT APPEAR TO HAVE BEEN ACCELERATED WITH ANY TYPE OF FLAMMABLE LIQUID. IT APPEARED THAT THE FIRE BURNED HEAVY ON THE DRIVER SIDE OF THE ENGINE COMPARTMENT AND SPREAD THROUGHOUT. IT WAS NOTED THAT A FIRE THAT IS IGNITED IN THE ENGINE COMPARTMENT, USUALLY WILL NOT SPREAD INTO THE INTERIOR OF A VEHICLE. OCCASIONALLY A FIRE CAN AUTOVENTILATE AND COMMUNICATE INTO THE INTERIOR VIA THE FRESH AIR DUCTS, STEERING COLUMN, AND OR THE VENT OPENINGS.

AFTER THE SCENE WAS PROCESSED I HAD THE OPPORTUNITY TO SPEAK WITH [REDACTED] HE ADVISED ME THAT HE ARRIVED HOME AT APPROXIMATELY 2200 HOURS AND PARKED THE VEHICLE WHERE IT STILL SITS. HE WAS IN HIS BEDROOM AND HAD THE WINDOW OPEN AND THE CEILING FAN RUNNING. HE STATED THAT HE STARTED TO SMELL SMOKE AND LOOKED OUT THE WINDOW. ONCE HE OBSERVED HIS VEHICLE WAS ENGULFED IN FLAMES HE EXITED HIS RESIDENCE ONLY WEARING A PAIR OF UNDERWEAR. HE AND THE NEIGHBORS STARTED TO EXTINGUISH THE FIRE WITH A GARDEN HOSE AND BUCKETS OF WATER.

ON FRIDAY, AT APPROXIMATELY 1800 HOURS, DSG. O'BRIEN AND MYSELF PROCEEDED BACK TO THE RESIDENCE AND LOOKED OVER THE VEHICLE ONCE AGAIN. [REDACTED] WAS AT THE SCENE AND WAS ASKED ABOUT ANY ENEMIES. HE STATED THAT HE IS CURRENTLY TESTIFYING AGAINST A CO-EMPLOYEE THAT IS SUSPENDED. NO FURTHER INFO WAS OBTAINED.

NO FURTHER ACTION TAKEN.

TYPE NAME DET. ALLEN CUMMINGS	BADGE NUMBER 28	PAGE 2 OF 2 PAGES	DATE OF REPORT 05/03/2002
STATION PENNSVILLE TOWNSHIP POLICE DEPARTMENT			

Engineering
Report

EA65-883-LC-8008

HARD FACTS

INVESTIGATIVE

ENGINEERING

FAX COVER SHEET

30-0554-684 - Pull

DATE:

5/21/02

To get Ford to Sea Can

TO:

Scott SEDLOCK

FAX

856-853-6767

FROM:

HARD FACTS ENGINEERING

PAGES:

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COMMENTS:

**ORIGINAL REPORT
IN THE MAIL**

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EN85-805-LC-8910

HARD FACTS

INVESTIGATIVE

ENGINEERING

Submitted To:
Scott Sedlock
State Farm Insurance Company
904 Black Horse Pike
Runnemede, New Jersey 08078

AUTOMOTIVE ENGINEERING EXAMINATION OF

Claim # [REDACTED]

Of: May 2, 2002

767
May 21, 2002

ENCLOSURE
ENCLOSURE
Our File #220518

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ER05-885-LC-8811

HARD FACTS

INVESTIGATIVE

ENGINEERING

May 21, 2002

Scott Sedlock
State Farm Insurance Company
904 Black Horse Pike
Runnemede, New Jersey 08078

Re: [REDACTED]
Claim # [REDACTED]
DL: May 2, 2002

Dear Mr. Sedlock:

Dear Mr. Sedlock:

In accordance with your request, a forensic automotive engineering examination was conducted on May 18, 2002. Our field activities were conducted where the vehicle was staged as salvage at CoPart in Glassboro, New Jersey.

It is our understanding that the purpose of the assignment is to determine, within reasonable engineering and scientific certainty the origin of cause of the vehicular fire occurrence.

Your office has disclosed the vehicle was parked at 10 p.m. on May 2, 2002 whereas at approximately 12 p.m. the fire outbreak was discovered. The vehicle's repair service history has disclosed several years earlier the vehicle was repaired for a starter motor problem.

The results and findings of our forensic automotive engineering examination follows.

3030

45 George Road, Fairfield, N.J. 08005 • (732) 482-2674
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ER85-005-LC-0012

DESCRIPTION OF VEHICLE

The subject vehicle is a 1998 Ford Bronco Custom two-door wagon manufactured in Wayne Michigan. During assembly, the vehicle was assigned 17 digit alphanumeric public vehicle identification number 1FMEU15N01[REDACTED]. Computerized scrutiny of this number has validated the vehicle's identity.



At the time of our examination, the vehicle was void of any state license plates. The vehicle is compliant with New Jersey state safety and emissions criteria through December 2003.

The best overall description of the vehicle is a domestically designed and manufactured multipurpose vehicle with an approximate 4,575-pound curb weight. We were unable to ascertain the vehicular mileage due to fire consumption of the odometer assembly.

EXTERIOR EXAMINATION

This vehicle is finished red metallic in color and appointed with two doors and a rear liftgate completing the 184-inch long by 79-inch wide by 74-inch high platform.



Initial exterior examination disclosed clear evidence that the vehicle had sustained a fire event localized to the nose assembly. The front windshield was fractured from heat exposure that was produced during the fire event. All remaining glazing was structurally intact.

A wheelhouse examination disclosed 15-inch cast alloy OEM road wheels coupled to Trailblazer tires sized 31X105R15LT. A bilateral tread depth measurement disclosed the assemblies exhibit an approximate 7/32 of an inch tread. With the exception of the left front tire that is partially fire consumed, all remaining tires are structurally intact.

An examination of the sheet metal panels failed to disclose any evidence of historic unrepaired impact damage.

We observed no evidence consistent with the vehicle being utilized for commercial purposes. An undercarriage examination disclosed the vehicle was seldom used in off-road applications.

The exterior was in excellent condition and cosmetically maintained prior to the fire loss in question.

INTERIOR EXAMINATION

The passenger compartment is appointed with two front bucket seats and a rear articulated bench seat. All seating surfaces and interior trim panels are upholstered in tan leather materials.



For the most part the interior was not damaged by fire impingement. Most of the fire dynamics were banked forward of the interior firewall. An inventory of the interior appointments failed to expose any aftermarket components. Littered throughout the interior were personal artifacts.

The fire loss is best characterized as accidental in nature.

ORIGIN OF CAUSE

Examination of the power plant bay area disclosed evidence that the bulk of the fire dynamics were within this area. Further evaluation of the fire evidence disclosed the inception point was within the left front quadrant of the power plant bay. Please be advised this area is the location of numerous electrically active subwire harnesses, and electronic hardware. The area is substantially damaged however, we eventually caused a dead short to ground incident, hence the fire loss in question.



We did not locate any technical service bulletins or National Highway Traffic and Safety Administration recalls as being applicable to the loss.

ENGINEERING CONCLUSIONS

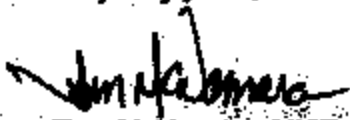
Incorporated within the confines of this forensic automotive engineering report, it is the opinion of this organization that the following facts have been identified for your consideration:

1. The fire loss is attributable to excessive jvial resistance within the electronic circuits localized within the left front quadrant of the power plant bay area.

2. If the vehicle has been maintained to manufacturer scheduled maintenance guidelines, the manufacture and the servicing dealer are contributory parties to the loss in question.

It has been a pleasure serving you in this manner. We appreciate the opportunity to provide forensic engineering insight relative to the claim in question. Should you have any questions regarding the technical content of this report, do not hesitate to contact us.

Very truly yours,



Tom McNamara, MME
Director and Principal of the Firm

Assorted
Photo's



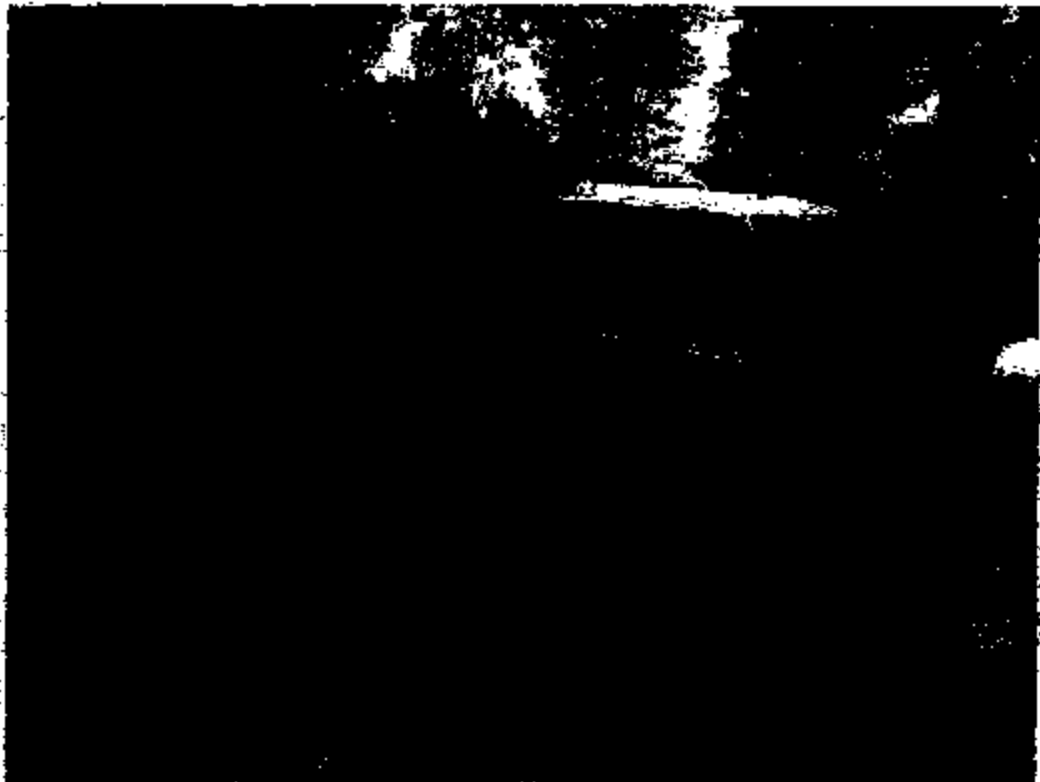
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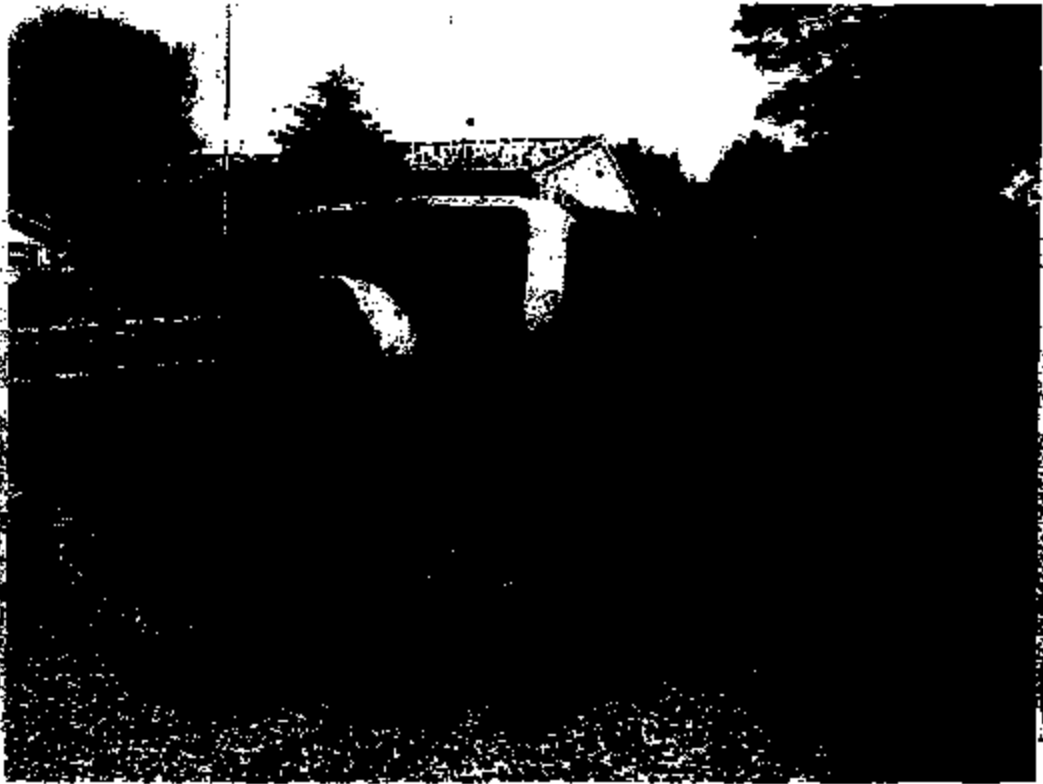
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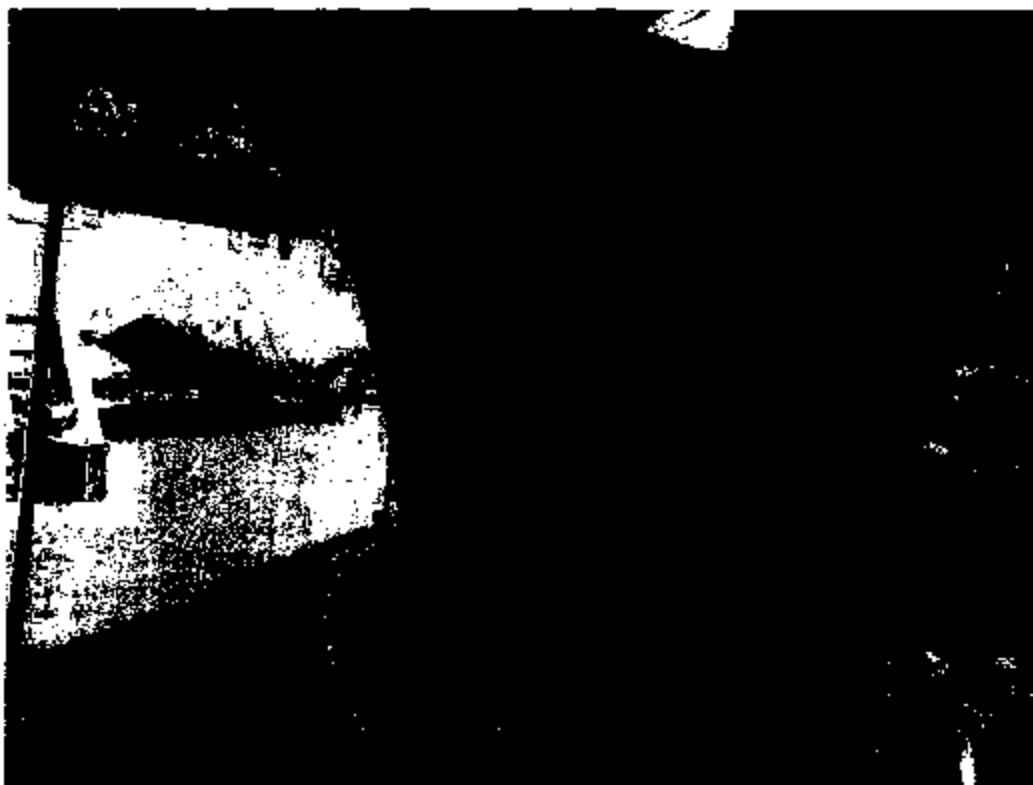
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