2005-175 16-

NO. _____

[redacted] Plaintiffs,	§	IN THE DISTRICT COURT
V.	§	OF HARRIS COUNTY TEXAS
FORD MOTOR COMPANY AND TEXAS INSTRUMENTS, INC. Defendants.	§	55 JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME [redacted] hereinafter called Plaintiffs, complaining of and about FORD MOTOR COMPANY and TEXAS INSTRUMENTS, hereinafter called Defendants, and for cause of action show unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiffs intend that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, [redacted] is an Individual whose address is [redacted] Road, Houston, Texa[redacted]

Plaintiff, [redacted], is an individual whose address is [redacted] Houston, Texas[redacted]

3. Defendant FORD MOTOR COMPANY, a Nonresident Corporation, may be served pursuant to article 2.09 of the Business Corporation Act by serving the registered agent of the corporation, CT CORPORATION SYSTEMS, at 350 North St. Paul, Dallas, Texas 75201, its registered office. Service of said Defendant as described above can be effected by personal delivery.

4. Defendant TEXAS INSTRUMENTS, INCORPORATED, a Nonresident Corporation, may be served pursuant to article 2.09 of the Business Corporation Act by serving the registered agent of the corporation, JOSEPH F. HUBACH, at 7839 Churchill Way, Dallas, Texas 75251, its registered office. Service of said Defendant as described above can be effected by personal delivery.

JURISDICTION AND VENUE

5. The subject matter in controversy is within the jurisdictional limits of this court.

6. This court has jurisdiction over Defendant FORD MOTOR COMPANY, because said Defendant purposefully availed itself of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over ford motor company will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

7. Furthermore, Plaintiff would show that Defendant FORD MOTOR COMPANY engaged in activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendant committed a tort in whole or in part in Texas.

8. The acts complained of occurred in this county.

9. This court has jurisdiction over Defendant TEXAS INSTRUMENTS, INCORPORATED, because said Defendant purposefully availed itself of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over TEXAS INSTRUMENTS, INCORPORATED will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

10. Furthermore, Plaintiff would show that Defendant TEXAS INSTRUMENTS, INCORPORATED engaged in activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendant committed a tort in whole or in part in Texas.

11. The court has jurisdiction over the lawsuit because the cause of action arises in Harris County.

12. Venue in HARRIS County is proper in this cause.

FACTS

13. On or about July 16, 200[redacted] was the owner of, and while using the 2000 FORD EXPLORER for the purpose and in the manner in which it was intended to be used, suddenly and without warning the vehicle's cruise control ignition switch caused the vehicle to erupt in flames and caused plaintiff's home to suffer fire damage, injuring [redacted] as hereinafter described.

14. On or about July 16, 200[redacted] was the owner of, and while using the 2000 FORD EXPLORER for the purpose and in the manner in which it was intended to be used, after being parked at 5023 Kilkenny Drive in Houston, Texas, suddenly and without warning the vehicle's cruise control ignition switch caused the vehicle to erupt in flames and caused plaintiff's home to suffer fire damage, injuring [redacted] as hereinafter described.

LIABILITY OF FORD MOTOR COMPANY

15. While engaged in the manufacture and sale of the 2000 FORD EXPLORER, Defendant, FORD MOTOR COMPANY manufactured and sold a certain 2000 FORD EXPLORER and other like products, to consumers within the stream of commerce. Defendant, FORD MOTOR

COMPANY intended and expected that the 2000 FORD EXPLORER, so introduced and passed on in the course of trade would ultimately reach a consumer or user in the condition in which it was originally sold.

16. Plaintiffs, [redacted] and [redacted] also allege that the product in question, namely the 2000 FORD EXPLORER, was defective and unsafe for its intended purposes at the time it left the control of FORD MOTOR COMPANY and at the time it was sold in that it failed in its design to prevent the ignition from withstanding the constant source of heat which caused the vehicle to ignite while it was not running. Due to the unsafe operation of, but not limited to, the cruise control switch, the product was defectively designed and unreasonably dangerous in that the vehicle was ignited while inoperable.

17. Plaintiffs therefore invoke the doctrine of strict liability in Section 402A, Restatement of the Law of Torts, 2d, and as adopted by the Supreme Court of Texas. Further, in this connection, Plaintiffs would show the court that the defect in design was a producing cause of the injuries and damages set forth below.

18. In addition, Plaintiffs would show the court that the occurrence made the basis of this suit and the resulting injuries and damages set out below were a direct and proximate result of the negligence of FORD MOTOR COMPANY in one or more of the following respects, or by combination thereof:

A. Failure of the cruise control switch or other systems of said 2000 FORD EXPLORER and its attendant equipment

B. Failing to inspect said 2000 FORD EXPLORER and its attendant equipment

C. Failing to properly warn Plaintiff about the condition of said 2000 FORD EXPLORER and its attendant equipment

19. Pleading further, Plaintiffs would show the court that the occurrence made the basis

of this suit and the resulting injuries and damages set out below were a direct and proximate result of negligence attributable to FORD MOTOR COMPANY in one or more of the following respects, or by a combination thereof:

A. Failing to use due care in the manufacture of the 2000 FORD EXPLORER

B. Failing to use due care in the design of the 2000 FORD EXPLORER

C. Failing to use proper materials reasonably suited to the manufacture or design of the 2000 FORD EXPLORER or the component parts thereof

D. Failing to use due care to test and/or inspect the 2000 FORD EXPLORER or the component parts thereof to determine its durability and function ability for the purpose for which it was intended

20. Pleading further, Plaintiffs would show the court that the occurrence made the basis of this suit and the resulting injuries and damages set out below were a direct and proximate result of the negligence of FORD MOTOR COMPANY in one or more of the following respects, or by a combination thereof:

A. Failing to design the 2000 FORD EXPLORER to prevent the ignition from withstanding the constant source of heat which caused the vehicle to ignite while it was not running due to a malfunction

B. Failing to design the 2000 FORD EXPLORER without a guard or shield on it as would have been done by a reasonable and prudent manufacturer under the same or similar circumstances

C. Failing to place the 2000 FORD EXPLORER on the market with a warning to the users of the device that the 2000 FORD EXPLORER might ignite due to a malfunction

All of which Defendant, FORD MOTOR COMPANY knew, or in the exercise of ordinary care, should have known.

21. In addition, Defendant FORD MOTOR COMPANY expressly and impliedly warranted to the public generally, that the 2000 FORD EXPLORER was of merchantable quality and

was safe and fit for the purpose intended when used under ordinary conditions and in an ordinary manner. Plaintiffs relied upon these express and implied warranties and suffered the injuries and damages set forth below as a proximate result of the breach of these warranties.

22. Plaintiffs cannot more specifically allege the act of negligent design on the part of Defendant, FORD MOTOR COMPANY, aside from FORD MOTOR COMPANY's failure to design the 2000 FORD EXPLORER in question in a manner which would have prevented the ignition from withstanding the constant source of heat which caused the vehicle to ignite while it was not running, for the reason that facts in that regard are peculiarly within the knowledge of the Defendant, FORD MOTOR COMPANY, and, in the alternative, in the event Plaintiffs are unable to prove specific acts of negligent design, Plaintiffs rely on the doctrine of Res Ipsa Loquitur.

23. In this connection, Plaintiffs will show the court that the design of the 2000 FORD EXPLORER was within the exclusive control of Defendant, FORD MOTOR COMPANY, Plaintiffs had no means of ascertaining the method or manner in which the product was designed, and it was used by Plaintiffs in the same condition it was in when it left control of Defendant, FORD MOTOR COMPANY.

24. The occurrence causing harm to Plaintiffs, as described above, was one which, in the ordinary course of events, would not have occurred without negligence on the part of Defendant, FORD MOTOR COMPANY. Thus, FORD MOTOR COMPANY was negligent in the design of the 2000 FORD EXPLORER, which negligence was a proximate cause of the injuries and damages sustained by Plaintiffs.

25. At all times material hereto, all of the agents, servants, and/or employees for Defendant, FORD MOTOR COMPANY, who were connected with the occurrence made the subject of this suit, were acting within the course and scope of their employment or official duties and in

furtherance of the duties of their office or employment. Therefore, Defendant, FORD MOTOR COMPANY, is further liable for the negligent acts and omissions of its employees under the doctrine of Respondeat Superior.

26. Defendant's aforementioned conduct constitutes a careless, negligent, and reckless disregard of a duty of care for others.

LIABILITY OF TEXAS INSTRUMENTS, INC.

27. While engaged in the manufacture and sale of the ignition switches, Defendant, TEXAS INSTRUMENTS, INC. manufactured and sold a certain ignition and or cruise control devices, and other like products, to consumers within the stream of commerce. Defendant, TEXAS INSTRUMENTS intended and expected that the devices, so introduced and passed on in the course of trade would ultimately reach a consumer or user in the condition in which it was originally sold.

28. Plaintiffs [redacted], also allege that the product in question, namely the ignition switches or cruise control component, was defective and unsafe for its intended purposes at the time it left the control of TEXAS INSTRUMENTS and at the time it was sold in that it failed in its design to prevent the ignition from withstanding the constant source of heat which caused the vehicle to ignite while it was not running. Due to the unsafe operation of, but not limited to, the cruise control switch, the product was defectively designed and unreasonably dangerous in that the vehicle was ignited while inoperable.

29. Plaintiffs therefore invoke the doctrine of strict liability in Section 402A, Restatement of the Law of Torts, 2d, and as adopted by the Supreme Court of Texas. Further, in this connection, Plaintiffs would show the court that the defect in design was a producing cause of the injuries and damages set forth below.

30. In addition, Plaintiffs would show the court that the occurrence made the basis of this

suit and the resulting injuries and damages set out below were a direct and proximate result of the negligence of TEXAS INSTRUMENTS, INC. in one or more of the following respects, or by combination thereof:

A. Failure of the cruise control switch or other systems of said 2000 FORD EXPLORER and its attendant equipment

B. Failing to inspect said device and its attendant equipment

C. Failing to properly maintain said cruise control ignition switch and its attendant equipment

D. Failing to properly warn Plaintiff about the condition of said device and its attendant equipment

31. Pleading further, Plaintiffs would show the court that the occurrence made the basis of this suit and the resulting injuries and damages set out below were a direct and proximate result of negligence attributable to TEXAS INSTRUMENTS, INC. in one or more of the following respects, or by a combination thereof:

A. Failing to use due care in the manufacture of the switch used in 2000 FORD EXPLORER

B. Failing to use due care in the design of the cruise control ignition switch used in the 2000 FORD EXPLORER

C. Failing to use proper materials reasonably suited to the manufacture or design of the cruise control ignition switch used in the 2000 FORD EXPLORER or the component parts thereof

D. Failing to use due care to test and/or inspect the cruise control ignition switch used in the 2000 FORD EXPLORER or the component parts thereof to determine its durability and function ability for the purpose for which it was intended

32. Pleading further, Plaintiffs would show the court that the occurrence made the basis of this suit and the resulting injuries and damages set out below were a direct and proximate result of the negligence of TEXAS INSTRUMENTS, INC. in one or more of the following respects, or by a

combination thereof:

A. Failing to design the device used in the 2000 FORD EXPLORER to prevent the ignition from withstanding the constant source of heat which caused the vehicle to ignite while it was not running due to a malfunction

B. Failing to design the cruise control component used in the 2000 FORD EXPLORER without a guard or shield on it as would have been done by a reasonable and prudent manufacturer under the same or similar circumstances

All of which Defendant, TEXAS INSTRUMENTS, INC. knew, or in the exercise of ordinary care, should have known.

33. In addition, Defendant TEXAS INSTRUMENTS, INC. expressly and impliedly warranted to the public generally, that the cruise control ignition switch used in the 2000 FORD EXPLORER was of merchantable quality and was safe and fit for the purpose intended when used under ordinary conditions and in an ordinary manner. Plaintiffs relied upon these express and implied warranties and suffered the injuries and damages set forth below as a proximate result of the breach of these warranties.

34. Plaintiffs cannot more specifically allege the act of negligent design on the part of Defendant, TEXAS INSTRUMENTS, INC. aside from TEXAS INSTRUMENTS INC.'s failure to design the cruise control ignition switch used in the 2000 FORD EXPLORER in question in a manner which would have prevented the ignition from withstanding the constant source of heat which caused the vehicle to ignite while it was not running, for the reason that facts in that regard are peculiarly within the knowledge of the Defendant, TEXAS INSTRUMENTS, INC. and, in the alternative, in the event Plaintiffs are unable to prove specific acts of negligent design, Plaintiffs rely on the doctrine of Res Ipsa Loquitur.

35. In this connection, Plaintiffs will show the court that the design of the switch used in

the 2000 FORD EXPLORER was within the exclusive control of Defendant, TEXAS INSTRUMENTS, INC., Plaintiffs had no means of ascertaining the method or manner in which the product was designed, and it was used by Plaintiffs in the same condition it was in when it left control of Defendant, TEXAS INSTRUMENTS, INC.

36. The occurrence causing harm to Plaintiffs, as described above, was one which, in the ordinary course of events, would not have occurred without negligence on the part of Defendant, TEXAS INSTRUMENTS, INC. Thus, TEXAS INSTRUMENTS, INC. was negligent in the design of the cruise control ignition switch used in the 2000 FORD EXPLORER, which negligence was a proximate cause of the injuries and damages sustained by Plaintiffs.

37. At all times material hereto, all of the agents, servants, and/or employees for Defendant, TEXAS INSTRUMENTS, INC., who were connected with the occurrence made the subject of this suit, were acting within the course and scope of their employment or official duties and in furtherance of the duties of their office or employment. Therefore, Defendant, TEXAS INSTRUMENTS, INC., is further liable for the negligent acts and omissions of its employees under the doctrine of Respondeat Superior.

38. Defendant's aforementioned conduct constitutes a careless, negligent, and reckless disregard of a duty of care for others.

EXEMPLARY DAMAGES

39. Defendant FORD MOTOR COMPANY's acts or omissions described above, when viewed from the standpoint of Defendant FORD MOTOR COMPANY at the time of the act or omission, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiffs and others. Defendant FORD MOTOR COMPANY had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless

proceeded with conscious indifference to the rights, safety, or welfare of Plaintiffs and others.

40. Based on the facts stated herein, Plaintiffs request exemplary damages be awarded to Plaintiffs from Defendant FORD MOTOR COMPANY in the amount of $10,000,000.00.

41. Defendant TEXAS INSTRUMENTS INC.'s acts or omissions described above, when viewed from the standpoint of Defendant TEXAS INSTRUMENTS, INC. at the time of the act or omission, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiffs and others. Defendant TEXAS INSTRUMENTS, INC had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiffs and others.

42. Based on the facts stated herein, Plaintiffs request exemplary damages be awarded to Plaintiffs from Defendant TEXAS INSTRUMENTS, INC. in the amount of $10,000,000.00.

DAMAGES FOR PLAINTIFF [redacted]

43 As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, [redacted] was caused to suffer destruction of his vehicle and property damage a[redacted] Houston, Texa[redacted] the amount of $249,000.00.

DAMAGES FOR PLAINTIFF [redacted]

44. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff [redacted] was caused to suffer property damage to the contents of her home.

45. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, [redacted] was caused to suffer personal injuries, and has incurred the following damages:

A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are

reasonable and were usual and customary charges for such services in HARRIS County, Texas;

B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;

C. Physical pain and suffering in the past;

D. Physical pain and suffering in the future;

E. Physical impairment in the past;

F. Physical impairment which, in all reasonable probability, will be suffered in the future;

G. Loss of earnings in the past;

H. Loss of earning capacity which will, in all probability, be incurred in the future;

I. Property damages in the amount of $75,000.00;

J. Mental anguish in the past;

K. Mental anguish in the future;

L. Fear of future disease or condition; and

M. Cost of medical monitoring and prevention in the future.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs [redacted] and [redacted] respectfully pray that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiffs against Defendants, jointly and severally, for damages in an amount within the jurisdictional limits of the Court; exemplary damages, as addressed to each Defendant per Section 41.006, Chapter 41, Texas Civil Practice and Remedies Code, excluding interest, and as allowed by Sec. 41.008, Chapter 41, Texas Civil Practice and Remedies Code; together with pre-judgment interest (from the date of injury

through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

Respectfully submitted,

LAW OFFICE OF TRACIE L. TIPPEN

By:
TRACIE L. TIPPEN
Texas Bar No. 00788891
1306 Rosedale Street
Houston, Texas 77004
Tel. (713)533-0782
Fax. (713)533-0114
Attorney for Plaintiffs
RALEIGH L. WOODARD
and BEATRICE COLLINS

PLAINTIFFS HEREBY DEMAND TRIAL BY JURY

July 12, 2004

Grange INSURANCE

Ford Motor Company Consumer Affairs
P O Box 6248
MD-3NE-B
Dearborn MI 48126

CONSUMER AFFAIRS SECTION

4 JUL 15 A9:47

RE: Insured: [redacted]
Claim No.:
Date of Loss: 05/30/04
Subrogation Amt: $5,393.79

FORD MOTOR COMPANY
RECEIVED
CLAIMS UNIT
JUL 16 2004
OFFICE OF THE
GENERAL COUNSEL

Dear Ford Motor Company Consumer Affairs,

On or about May 30th, 2004, a transmission, recently purchased and installed by Kerry Lincoln Mercury, had caused fire damages to our insured's 2001 Ford Explorer. We have settled with our policyholder and now look to you for reimbursement of $5,393.79. The transmission was purchased and installed on March 30th, 2004.. A copy of the invoice is also enclosed for your review.

If you were covered by insurance merely complete Section 1 of the attached form and return the form to us. We will then deal directly with your insurance company. If you were not covered by insurance, please send us your check for the above amount. If this amount is such that you cannot pay it all at once, please complete Section 2 of the attached form and return the form to us. Failure to pay or to make arrangements for payment may result in revocation of your driving rights by the Financial Responsibility Division of the State. (See Section 3 and complete this.)

Please complete the attached form and return it to us within two weeks.

Thank you.

Sincerely,

Jason F. Baldwin

Jason F. Baldwin
Claim Representative

Enclosure

NTV

A NFIRS-1 Basic

FDID	State	Incident Date (MM DD YYYY)	Station	Incident Number	Exposure
08013	OH	05 30 2004	0P1	04-0004141	000

☐ Delete ☐ Change ☐ No Activity

B Location*

☒ Street address [redacted] | Street type: RD

☐ Intersection ☐ In front of ☐ Rear of ☐ Adjacent to ☐ Directions

City: Mt. Orab | State: OH | Zip Code: [redacted]

Cross street or directions, as applicable

C Incident Type*

131 | Passenger vehicle fire

D Aid Given or Received*

1 ☐ Mutual aid received
2 ☐ Automatic aid recv.
3 ☐ Mutual aid given
4 ☐ Automatic aid given
5 ☐ Other aid given
N ☒ None

E1 Dates & Times (Midnight is 0000)

	Month	Day	Year	Hr Min Sec
Alarm*	05	30	2004	15:46:00
☒ Arrival*	05	30	2004	16:02:00
☐ Controlled				
☒ Last Unit Cleared	05	30	2004	16:20:00

E2 Shift & Alarms

Shift or Platoon: B | Alarms: 01 | District: 04

E3 Special Studies

F Actions Taken*

86 | Investigate — Primary Action Taken (1)

Additional Action Taken (2)

Additional Action Taken (3)

G1 Resources*

☒ Check this box and skip this section if an Apparatus or Personnel form is used.

	Apparatus	Personnel
Suppression	0004	0011
EMS		
Other		

☐ Check box if resource counts include aid received resources.

G2 Estimated Dollar Losses & Values

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

	$			None
Property		005	000	☐
Contents		000	000	☒

PRE-INCIDENT VALUE: Optional

	$			None
Property		030	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
☐ Arson-11

H1* Casualties ☐ None

	Deaths	Injuries
Fire Service		
Civilian		

H2 Detector — Required for Confined Fires.

1 ☐ Detector alerted occupants
2 ☐ Detector did not alert them
U ☐ Unknown

H3 Hazardous Materials Release

N ☒ None
1 ☐ Natural Gas
2 ☐ Propane gas
3 ☐ Gasoline
4 ☐ Kerosene
5 ☐ Diesel fuel/fuel oil
6 ☐ Household solvents
7 ☐ Motor oil
8 ☐ Paint
0 ☐ Other

I Mixed Use Property

NN ☒ Not mixed
10 ☐ Assembly use
20 ☐ Education use
33 ☐ Medical use
40 ☐ Residential use
51 ☐ Row of stores
53 ☐ Enclosed mall
58 ☐ Bus. & Residential
59 ☐ Office use
60 ☐ Industrial use
63 ☐ Military use
65 ☐ Farm use
00 ☐ Other mixed use

J Property Use*

Structures

131 ☐ Church, place of worship
161 ☐ Restaurant or cafeteria
162 ☐ Bar/Tavern or nightclub
213 ☐ Elementary school or kindergarten
215 ☐ High school or junior high
241 ☐ College, adult education
311 ☐ Care facility for the aged
331 ☐ Hospital
341 ☐ Clinic, clinic type infirmary
342 ☐ Doctor/dentist office
361 ☐ Prison or jail, not juvenile
419 ☒ 1-or 2-family dwelling
429 ☐ Multi-family dwelling
439 ☐ Rooming/boarding house
449 ☐ Commercial hotel or motel
459 ☐ Residential, board and care
464 ☐ Dormitory/barracks
519 ☐ Food and beverage sales
539 ☐ Household goods, sales, repairs
579 ☐ Motor vehicle/boat sales/repair
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

Outside

124 ☐ Playground or park
655 ☐ Crops or orchard
669 ☐ Forest (timberland)
807 ☐ Outdoor storage area
919 ☐ Dump or sanitary landfill
931 ☐ Open land or field
936 ☐ Vacant lot
938 ☐ Graded/care for plot of land
946 ☐ Lake, river, stream
951 ☐ Railroad right of way
960 ☐ Other street
961 ☐ Highway/divided highway
962 ☐ Residential street/driveway
981 ☐ Construction site
984 ☐ Industrial plant yard

Look up and enter a Property Use code only if you have NOT checked a Property Use box

Property Use: 419 | 1 or 2 family dwelling

NFIRS-1 Revision 01/19/99

ERDS-006-LC-16696

K1 Person/Entity Involved
Local Option

Business name (if applicable) | Area Code | Phone Number

☐ Check this box if same address as incident location. Then skip the three duplicate address lines.

Mr., Ms., Mrs. | First Name | MI | Last Name | Suffix

Number | Prefix | Street or Highway | Street Type | Suffix

Post Office Box | Apt./Suite/Room | City

State | Zip Code

☐ More people involved? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary

K2 Owner ☐ Same as person involved? Then check this box and skip the rest of this section.
Local Option

Business name (if applicable) | [redacted]
Area Code | Phone Number

☒ Check this box if same address as incident location. Then skip the three duplicate address lines.

Mr., Ms., Mrs. | [redacted]
First Name | MI | Last Name | Suffix

[redacted]
Number | Prefix | Street or Highway | Street Type | Suffix

Post Office Box | Apt./Suite/Room | Mt. Orab
City

OH [redacted] -
State | Zip Code

L Remarks
Local Option

Apon our arrival owner had fire out. Most of the fire damage was near the bottom of the fire wall in engine area. Apon investigate of the fire found what looked to be a trail of transmission fluid coming up for the rear of the vehicle.

L Authorization

KING01	King, Michael S	AC	1M11	06	19	2004
Officer in charge ID	Signature	Position or rank	Assignment	Month	Day	Year
☒ Check box if same as Officer in charge. KING01	King, Michael S	AC	1M11	06	19	2004
Member making report ID	Signature	Position or rank	Assignment	Month	Day	Year

A | 06013 | OH | MM DD YYYY 05 30 2004 | 071 | 04-0006141 | 000 |
FDID ★ | State ★ | Incident Date ★ | Station | Incident Number ★ | Exposure ★
☐ Delete ☐ Change ☐ No Activity

NFIRS -2 Fire

B Property Details

B1 0001 ☐ Not Residential
Estimated Number of residential living units in building of origin whether or not all units became involved

B2 ☒ Buildings not involved
Number of buildings involved

B3 ☒ None
Acres burned (outside fires) ☐ Less than one acre

C On-Site Materials or Products ☒ 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.

000 | None — On-site material (1)
1 ☐ Bulk storage or warehousing
2 ☐ Processing or manufacturing
3 ☐ Packaged goods for sale
4 ☐ Repair or service

On-site material (2)
1 ☐ Bulk storage or warehousing
2 ☐ Processing or manufacturing
3 ☐ Packaged goods for sale
4 ☐ Repair or service

On-site material (3)
1 ☐ Bulk storage or warehousing
2 ☐ Processing or manufacturing
3 ☐ Packaged goods for sale
4 ☐ Repair or service

D Ignition

D1 83 | Engine area, running — Area of fire origin ★

D2 12 | Radiated, conducted — Heat source ★

D3 62 | Flammable liquid/gas - — Item first ignited ★
1 ☐ Check box if fire spread was confined to object of origin

D4 20 | Flammable or — Type of material first ignited; Required only if item first ignited code is 00 or <70

E1 Cause of Ignition

☐ Check box if this is an exposure report. Skip to section G

1 ☐ Intentional
2 ☐ Unintentional
3 ☒ Failure of equipment or heat source
4 ☐ Act of nature
5 ☐ Cause under investigation
U ☐ Cause undetermined after investigation

E2 Factors Contributing To Ignition ☐ None

23 | Leak or break — Factor contributing to ignition (1)

Factor contributing to ignition (2)

E3 Human Factors Contributing To Ignition

Check all applicable boxes ☒ None

1 ☐ Asleep
2 ☐ Possibly impaired by alcohol or drugs
3 ☐ Unattended person
4 ☐ Possibly mental disabled
5 ☐ Physically disabled
6 ☐ Multiple persons involved
7 ☐ Age was a factor

Estimated age of person involved

1 ☐ Male 2 ☐ Female

F1 Equipment Involved In Ignition

☒ None If equipment was not involved, skip to Section G

000 | None — Equipment involved

Brand

Model

Serial #

Year

F2 Equipment Power

Equipment power source

F3 Equipment Portability

1 ☐ Portable
2 ☐ Stationary

Portable equipment normally can be moved by one person, is designed to be use in multiple locations, and requires no tools to install.

G Fire Suppression Factors

Enter up to three codes. ☒ None

000 | None — Fire suppression factor (1)

Fire suppression factor (2)

Fire suppression factor (3)

H1 Mobile Property Involved

☐ None
1 ☐ Not involved in ignition, but burned
2 ☐ Involved in ignition, but did not burn
3 ☒ Involved in ignition and burned

H2 Mobile Property Type & Make

11 | Passenger car — Mobile property type

FO | Ford — Mobile property make

Explorer — Mobile property model | 2001 — Year

[redacted] — License Plate Number | OH — State | 1FMZU70E81[redacted] — VIN Number

Local Use

☐ Pre-Fire Plan Available
Some of the information presented in this report may be based upon reports from other agencies
☐ Arson report attached
☐ Police report attached
☐ Coroner report attached
☐ Other reports attached

NFIRS-2 Revision 01/19/99

June 18, 2004

Mr Jason Baldwin
Grange Insurance Company
PO Box 182320
Columbus, OH 43218-2320

Re: Vehicle Fire Origin & Cause
Williamsburg, OH
Your Insured [redacted]
Your File APV 000238063
Rzesutock Engineering Project No. OH040611A

Dear Mr. Baldwin

At your request, June 12, 2004 I traveled to Chasetown Tractor Sales in Fayetteville, Ohio, and the residence of [redacted] in Williamsburg, Ohio, in order to examine a 2001 Ford Explorer which had burned on May 30, 2004. You requested that I offer an engineering opinion in regard to the circumstances, cause and origin of the fire

According to [redacted] a Ford remanufactured transmission (purchased from Kerry Ford) had been installed in the Explorer on March, 30, 2004. At that time, the mileage of the Explorer was 50,253 The repairs were performed by a technician at Kerry Ford [redacted] stated that the repair was required as the transmission would slip while in overdrive and the overdrive light would flicker off and on Several weeks after the transmission was installed, the same driveability problems re-occurred. The Explorer was returned to Kerry Ford for several weeks The transmission was not repaired and [redacted] stated that the technician told him to drive the Explorer until the transmission failed After the Explorer was returned to [redacted] it was examined by Mt. Orab Ford. Mt Orab Ford reported that the overdrive light was flashing, the transmission was "missing" and that no electrical fault codes were retrieved from the PCM

Mr. Woods stated that on the day of the fire he and his wife drove to a flea market near

Rzesutock Engineering
Forensic Motor Vehicle Engineering

2188 U S Route 50 • Fayetteville, Ohio 45118 • Phone/Fax: 888-875-5204

Franklin, Ohio. While they were returning to their residence, the transmission was not operating properly. When they arrived at their driveway the Explorer would not move forward [redacted] wife walked to their house and [redacted] restarted the Explorer He drove it to the house and then observed smoke was being emitted from the hood He opened the hood, saw flames and extinguished the fire with a garden hose.

Figure 1, in the photograph supplement to this report, is a view of the drive way at the [redacted] residence. [redacted] identified the oil stain shown in Figure 2 as the location where the Explorer first stopped operating. The oil stain pointed out by the arrow added to Figure 3 is the location where he parked the Explorer and extinguished the fire Figure 4 is a closer view of this location

Figures 5 through 9, are general views of the 2001 Ford Explorer. The VIN was 1FMYU70E91U[redacted] and the Ohio license plate was [redacted] The odometer had recorded 52,221 miles. The Explorer featured a V8 engine, a 3 speed automatic transmission with over drive and four wheel drive Over drive is enabled when the overdrive button is depressed by the driver. The automatic transmission featured electronic controls and featured both an external transmission fluid cooler and a radiator fluid cooler

Figures 10 through 12 are views of the engine compartment. The engine compartment featured burn damage where the plastic components had been melted by heat or where the exposed surfaces had sustained superficial direct burn damage. No components had been completely consumed by the fire. All fluid levels were adequate. The automatic transmission fluid (ATF) featured a strong odor consistent with overheating Figures 13 and 14 are views of the ATF filler tube and cap. The position of the ATF dipstick cap at the time of the fire (either tight on the tube or not fully inserted) was not known. No indications of the origin of the fire were observed in the engine compartment

Figures 15 and 16 are views of the interior of the Explorer The interior had sustained no burn damage. Figure 17 is a view of the passenger side carpet under layment; again no burn damage was observed.

Figure 18 is a view of the underside of the Explorer. The underside featured a light coating of fluid consistent in color and odor with ATF No fluid leaks were observed at either ATF cooler or at the conduits leading to the coolers Fluid stains were observed on the underside of the heat shield located adjacent to the cooler line connections and the dip stick tube connection at the passenger side of the transmission housing. The ATF dipstick tube is pointed out by the upper arrow added to Figure 19 and the cooler fluid conduits are pointed out by the lower added to Figure 19. Fluid stains are also visible on the heat shield of the catalytic converter. Figure 20 is a closer view of the fluid stains on the under side of the vehicle at a location adjacent to the transmission.

An examination of the cooling conduits indicated that their connectors were at least hand tight on the transmission housing (it was not possible to place a wrench on the hex

fitting). Fluid stains were present where the filler tube was pressed into the transmission housing. The location of the fluid stains on the filler tube indicated that the fluid did not erupt from the upper opening of the filler tube; there were no stains along the length of the tube or on components adjacent to the tube. All fluid stains were located at the bottom of the tube.

Based on the reports of the incident including the operation of the transmission, the observed burn damage, and the fluid stains, the fire originated when transmission fluid leaked from the bottom fitting of the filler tube and was ignited by the heat of the catalytic converter. Heat and flames then entered the engine compartment.

The exact reason for the fluid eruption is unknown. However, based on the repairs records and the reported driveability problems experienced by the drivers of the Explorer, the transmission was malfunctioning and this malfunction was the cause of the fluid eruption. Furthermore, This malfunction prevented the Explorer from being driven immediately prior to the fire. Thus, the transmission was not operating properly prior to the fire and most likely was damaged prior to the fire.

A search of the National Highway and Transportation Safety Administration (NHTSA) website did not return any recalls, defect investigations or consumer complaints consistent with the reports of the incident.

Based on the foregoing observations and analysis, the following are my opinions, to a reasonable degree of engineering certainty, regarding the origin and cause of the fire in the Ford Explorer. The fire originated at the passenger side catalytic converter; the first material ignited was automatic transmission fluid and the heat of ignition was provided by the catalytic converter. The cause of the fire was an eruption of transmission fluid from the filler tube of the malfunctioning transmission.

As your request, this letter is being sent in order to summarize my findings. If you should have any questions, please feel free to contact me. I appreciate the opportunity to have been of service to you.

Sincerely,

Michael P. Raesutock
Professional Engineer
State of Ohio
Registration E-51954

enclosures

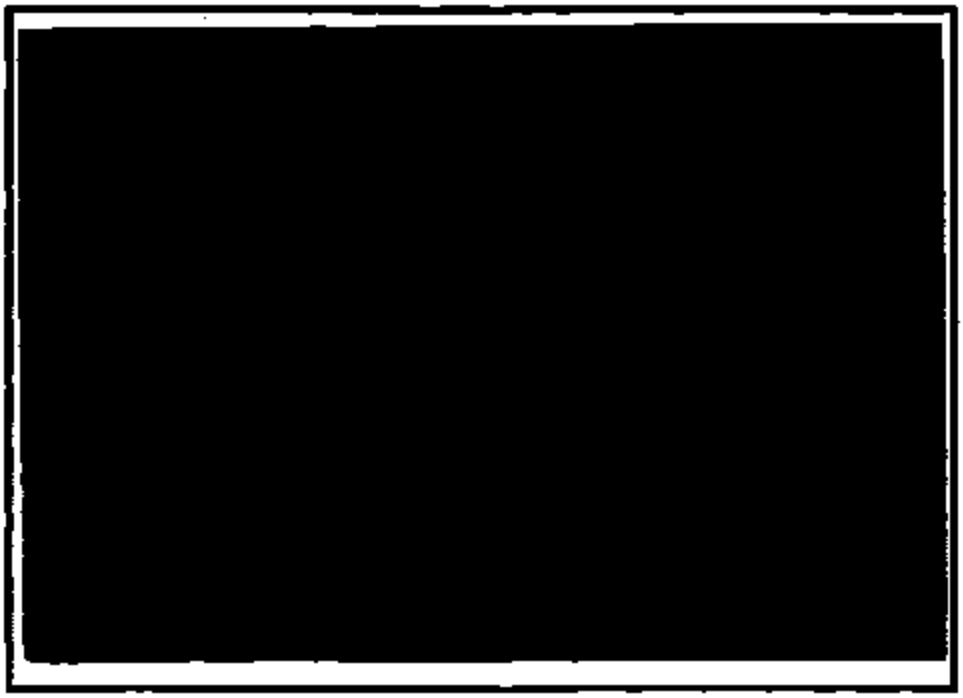

Figure 1. View of Driveway at Woods' Residence

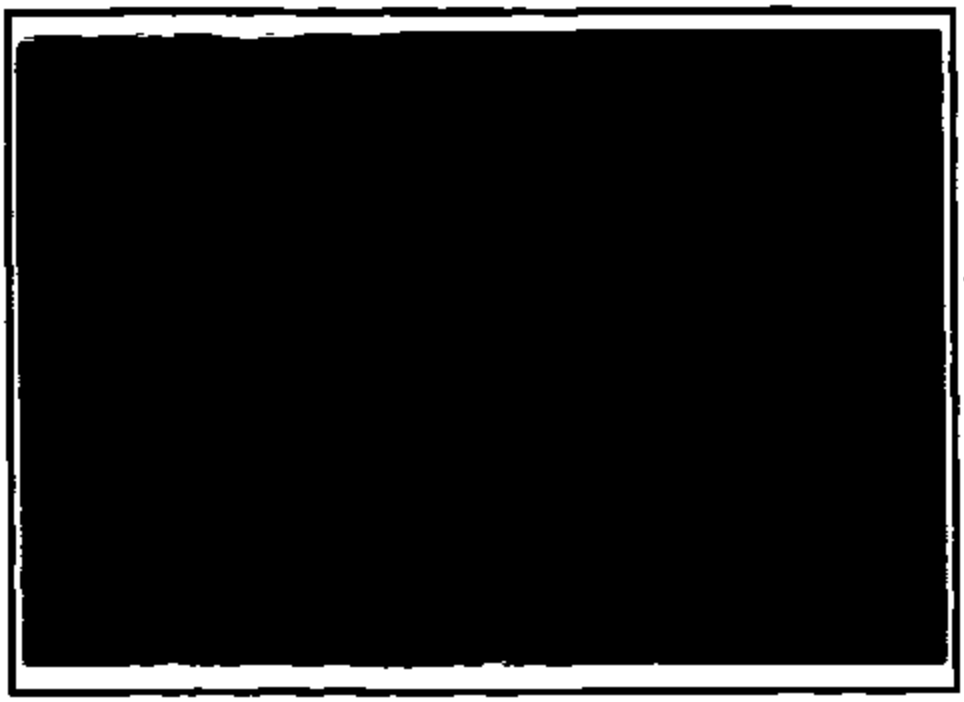

Figure 2. View of Oil Stain at Location Where Explorer Stopped Operating

Figure 3. View of Location of Fire

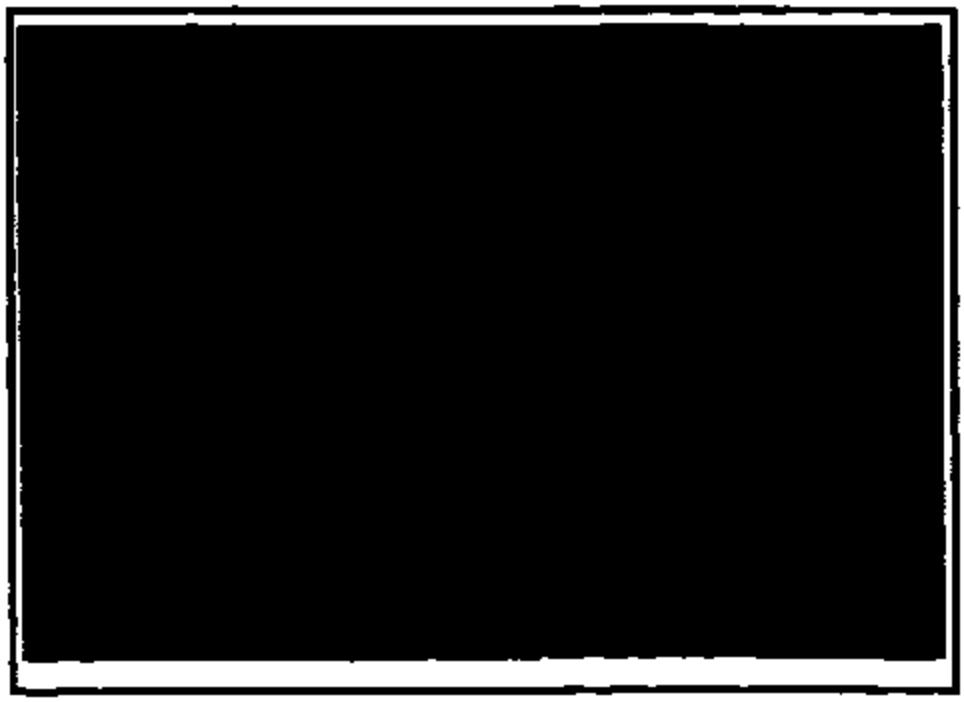

Figure 4. Closer View of Location of Fire

Figure 5. Front View of Explorer

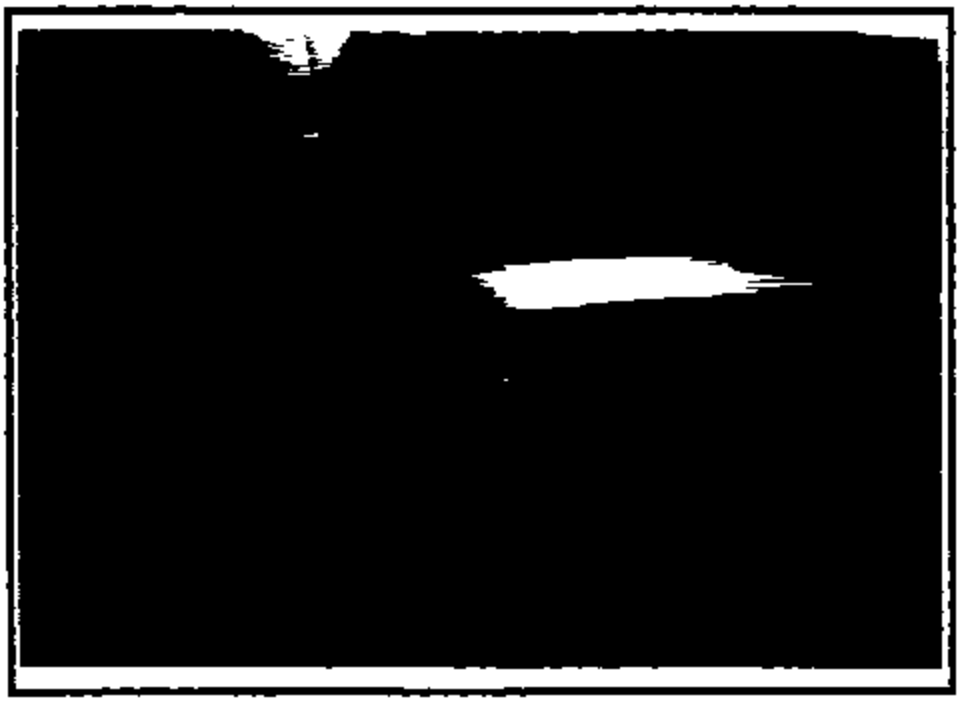

Figure 6. Passenger Side Front View of Explorer

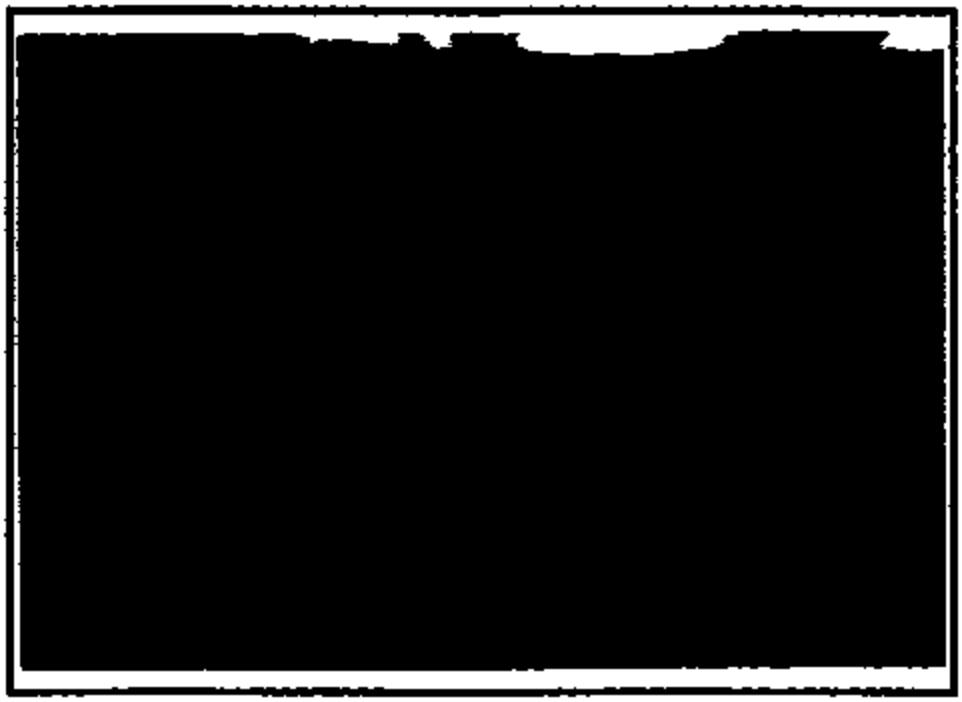

Figure 7. Passenger Side Rear View of Explorer

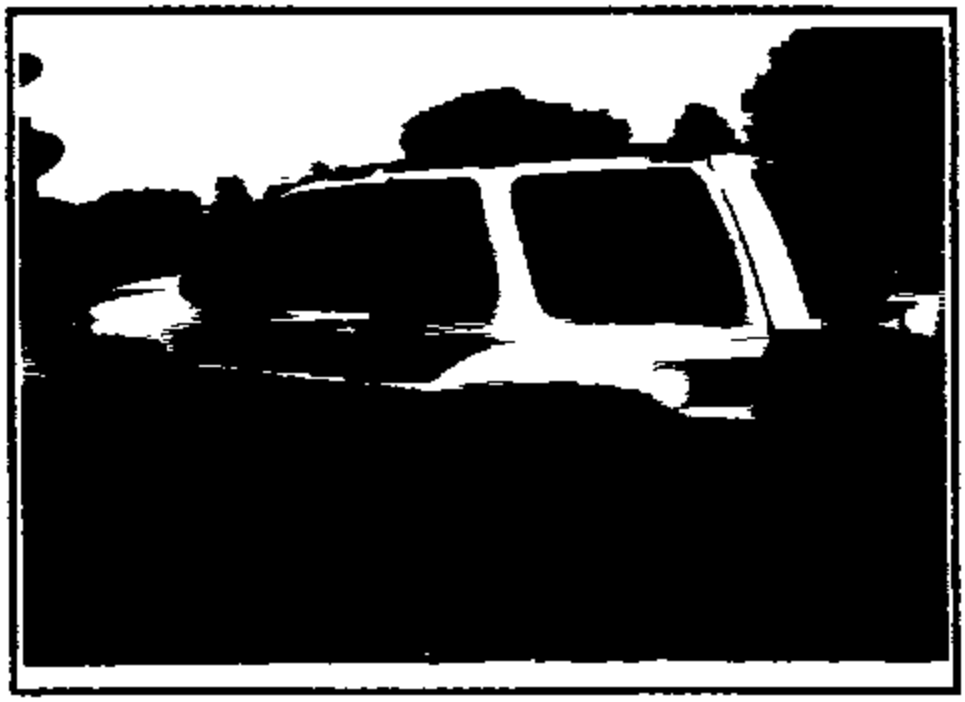

Figure 8. Driver Side Rear View of Explorer

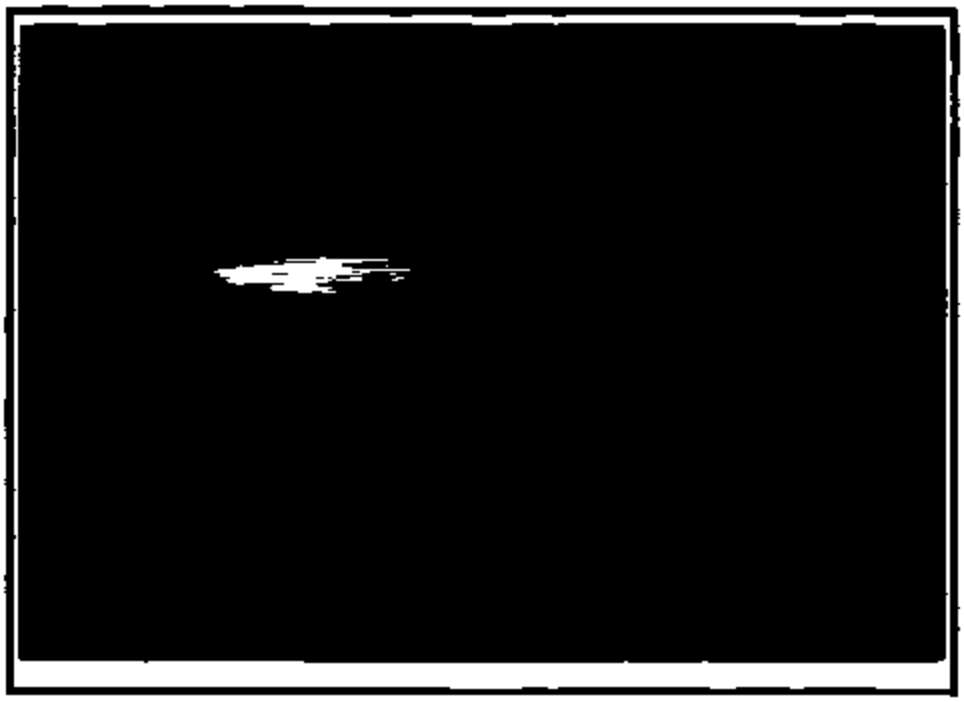

Figure 9. Driver Side Front View of Explorer

Figure 10. View of Engine Compartment

Figure 11. View of Engine Compartment

Figure 12. View of Engine Compartment

Figure 13. View of Automatic Transmission Fluid Dipstick Cap

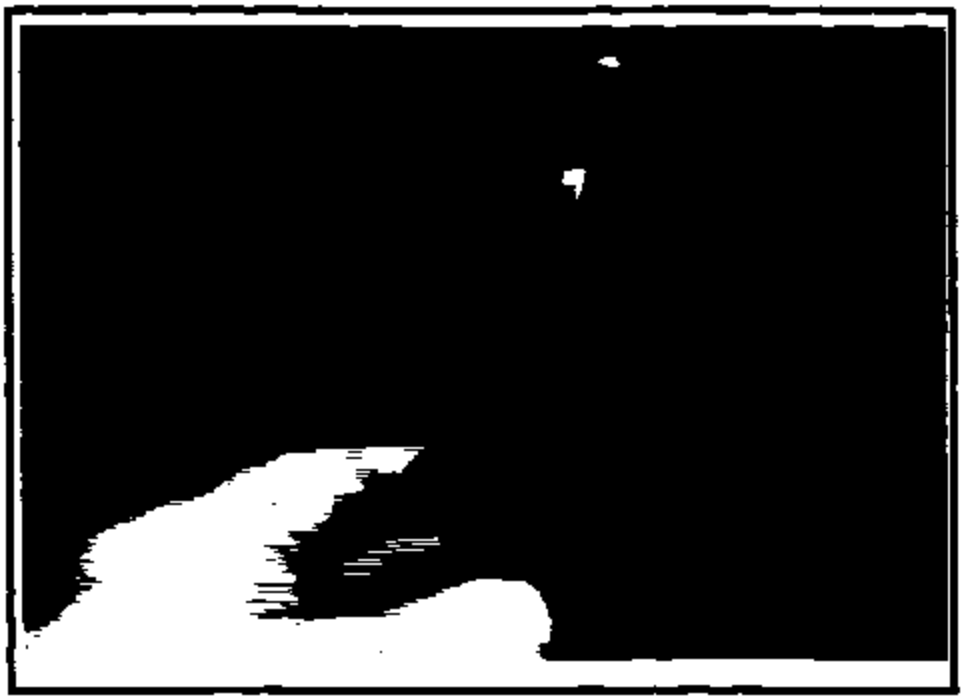

Figure 14. View of Automatic Transmission Fluid Dipstick Cap

Figure 15. View of Driver Side of Interior

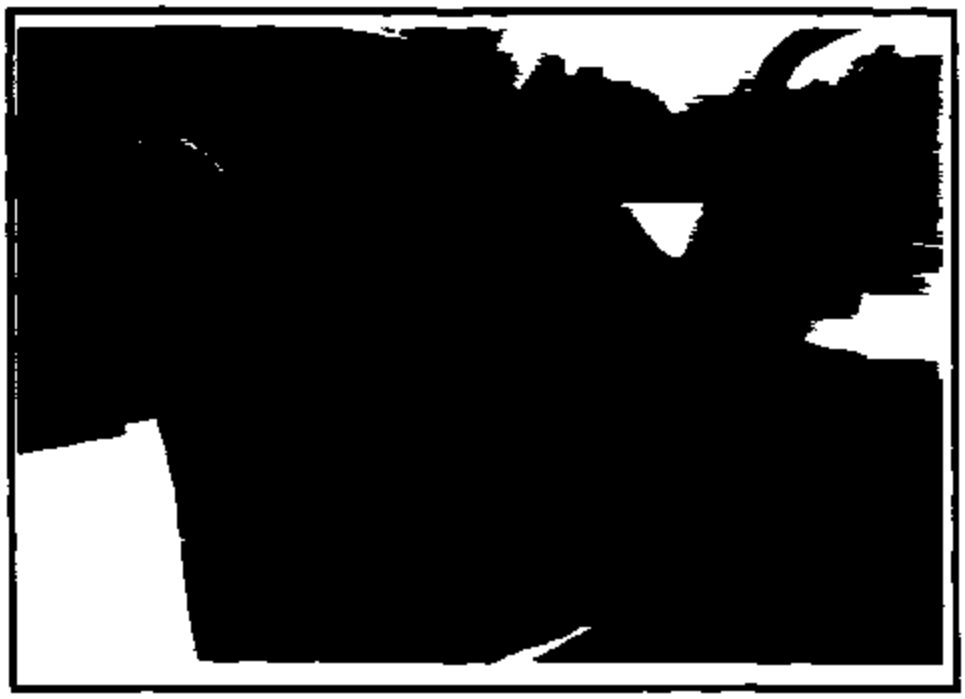

Figure 16. View of Passenger Side of Interior

Figure 17. View of Under Laytment

Figure 18. Passenger Side View of Fluid Stain

APV 2380063

Figure 19. View of Dip Stick Tube, Conduits to Coolers and Catalytic Converter

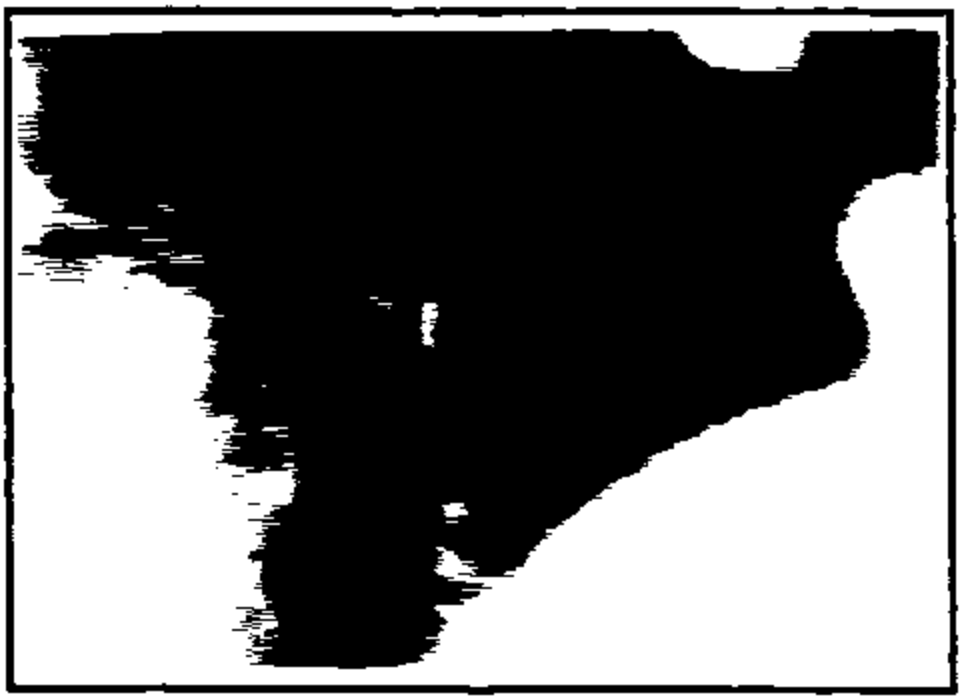

Figure 20. Closer View of Fluid Stain

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File Name PHOTO0

File Date [illegible]

Label

Note Style:1, FORD, EXPLORER 4X4 SPORT} Insured-Woods, Douglas]

Photo Location

Photo Taken By Rick Krause

Estimate Indicator [illegible]

Claim Reference Id [redacted]

File Name PHOTO1

File Date [illegible]

Label

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Photo Taken By Rick Krause

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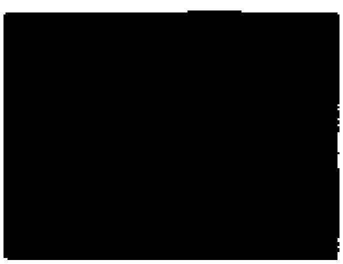

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Photo Taken By Rick Krause

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Photo Taken By Rick Krause

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Estimate Indicator 003

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Estimate Indicator	EST

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Estimate Indicator	EST

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Estimate Indicator	EST

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Estimate Indicator	EST

Claim Reference Id [redacted]

File Name PHOTO5

File Date [illegible]

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Photo Location

Photo Taken By TOM ELLIOTT

Estimate Indicator EP1

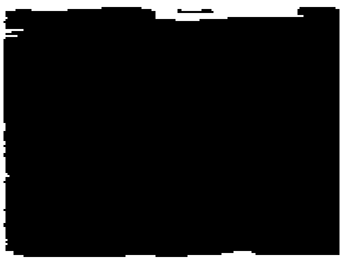

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Photo Location

Photo Taken By TOM ELLIOTT

Estimate Indicator EP1

BR05-005-LC-10115

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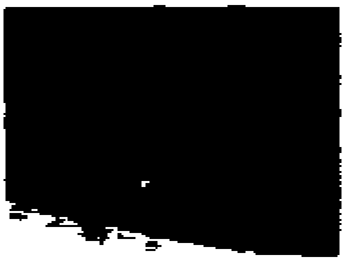

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Estimate Indicator E01

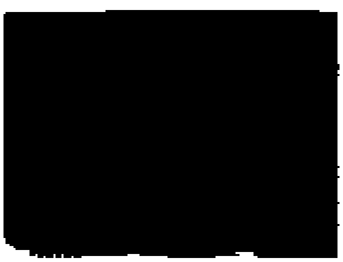

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Photo Taken By Rick Krause
Estimate Indicator E01

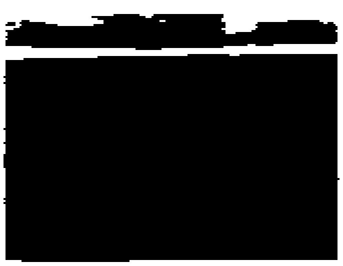

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Photo Location
Photo Taken By Rick Krause
Estimate Indicator E01

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Photo Taken By	Rick Krouse
Estimate Indicator	000

Claim Reference Id	[redacted]
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Photo Taken By	Rick Krouse
Estimate Indicator	000

Claim Reference Id	[redacted]
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Estimate Indicator	000

Claim Reference Id	[redacted]
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Photo Taken By	Rick Krouse
Estimate Indicator	341

Claim Reference Id [redacted]
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File Date [redacted]
Label
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Photo Location
Photo Taken By Rick Krouse
Estimate Indicator 999

Claim Reference Id [redacted]
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File Date [redacted]
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Photo Location
Photo Taken By Rick Krouse
Estimate Indicator 999

Claim Reference Id [redacted]
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Photo Location
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Estimate Indicator 999

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Photo Location
Photo Taken By Rick Krouse
Estimate Indicator 999

RELIANCE
Personal Insurance

2049 Silas Deane Highway, Rocky Hill, CT 06067
Phone: 860-721-8570 Fax: 860-721-1521

CUSTOMER SUPPORT CENTER
2000 JAN 19 A 8:14

FORD MOTOR COMPANY
RECEIVED
CLAIMS UNIT
JAN 19 2000
OFFICE OF THE GENERAL COUNSEL

CERTIFIED AND REGULAR U.S. MAIL

2ND NOTIFICATION

January 10, 2000

Ford Motor Company – Legal Department
P.O. Box 6248
Dearborn, MI 48126

To whom it may concern:

Attached you will find a letter I previously sent to your Ford Dealer in Maine. I have not received a response. I also attempted to reach you via your customer Connection on e-mail. Please contact me as soon as possible if you wish to participate in the examination described in the attached December 22, 1999 letter.

Reliance Personal Insurance Co.
Attn James P. Meehan
2049 Silas Deane Highway
Rocky Hill, CT 06067

Sincerely

James P. Meehan

ER05-005-LC-10113

[redacted]RELIANCE
Personal Insurance

[redacted]
Toll Free [redacted]
Phone: [redacted] Fax: [redacted]

CERTIFIED AND REGULAR U.S. MAIL

December 22, 1999

Ford Customer Assistance
ATTN: Legal Department
Wiscasset Ford Inc.
Box 253
Wiscasset, ME 04578

RE: Vehicle : 1999 Ford Ranger Pickup truck
VIN: 1FTZR15V4XT[redacted]
Owner: [redacted]
NETS#: 001340
CLAIM#: [redacted]

To Whom It May Concern:

I represent Reliance Personal Insurance Company's Special Investigation Unit. The above vehicle was involved in a fire of alleged unknown origin. The loss occurred in New Hampshire.

In order to determine the cause of the fire, including a determination as to whether any defect in the vehicle was in existence at the time of the loss, a representative of North Eastern Technical Services, Inc., will conduct an inspection and testing of the vehicle. This inspection will take place at Auto Placement Center in East Providence, Rhode Island.

As Ford Motor Corporation has an interest in this matter, from both a safety precaution standpoint and as a potential defendant in litigation, you are invited to have an expert attend and participate in the inspection and testing procedures.

To coordinate the inspection date and time, please contact North Eastern Technical Services, Inc., at 508-675-0999. If you have any questions pertaining to this matter, you may contact the undersigned at 1-860-721-0570.

Please note that if you choose not to participate in the inspection, you will forfeit any right to subsequently claim prejudice under Nally Vs. Volkswagen, Inc., 405 Mass 191 (1989)

Sincerely,

James P. Meehan
S.I.U. Investigator

IN THE CIRCUIT COURT FOR
SHELBY COUNTY, ALABAMA

[redacted]

Plaintiffs,

CV-2002-_____

FORD MOTOR COMPANY,

Defendant.

COMPLAINT

PARTIES

1. American National Property and Casualty Company is a corporation with its principal place of business in Missouri doing business by agent in Shelby County, Alabama.
2. [redacted] are husband and wife. They are over the age of nineteen (19) and reside in Shelby County, Alabama.
3. Ford Motor Company is a corporation with its principal place of business in Michigan. At all times relevant to the allegations of this Complaint, Ford Motor Company did business by agent in Shelby County, Alabama.

FACTS

[redacted] purchased a 1997 Ford F-150 Pickup. On February 21, 2002 said truck was parked with the engine off on the property of [redacted]. Said truck caught fire and was destroyed.

5. At the time of said fire [redacted] were insured by American National Property and Casualty Company. As a proximate result of the loss of said truck, American National was caused to expend $9,025.00 for damage to the vehicle and $750.00 for a rental vehicle. Th[redacted]ere caused to lose their deductible, $500.00.

COUNT ONE

BREACH OF WARRANTY

6. Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as if fully set out herein.

7. The truck manufactured by Ford Motor Company failed due to defective materials, design and/or workmanship. Said failure constitutes a breach of warranty, both express and implied on the part of Ford Motor Company.

WHEREFORE, PREMISES CONSIDERED, American National demands judgment in the amount of $9,775.00. [redacted] demand judgment in the amount of their deductible, $500.00.

COUNT TWO

ALABAMA MANUFACTURER'S EXTENDED LIABILITY DOCTRINE

8. Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as if fully set out herein.

9. Ford Motor Company was in the business of selling trucks such as the truck purchased by [redacted] Said truck was expected to reach the user, in this case, [redacted] without substantial

change in condition. Said truck was defective and, as a proximate result of said defect, was destroyed by fire, causing loss on the part of American National and [redacted] Said facts render Defendant liable under the Alabama Manufacturer's Extended Liability Doctrine.

WHEREFORE, PREMISES CONSIDERED, American National demands judgment in the amount of $9,775.00. [redacted] demand judgment in the amount of their deductible, $500.00.

COUNT THREE

FAILURE TO WARN

10. Plaintiffs incorporate by reference all preceding paragraphs of the Complaint as if fully set out herein.

11. Ford Motor Company failed to warn [redacted] that its product could burn and be destroyed by fire. As a proximate result of said failure to warn, the truck was destroyed, causing loss to American National and [redacted]

WHEREFORE, PREMISES CONSIDERED, American National demands judgment in the amount of $9,775.00. [redacted] demand judgment in the amount of their deductible, $500.00.

COUNT FOUR

MAGNUSSON-MOSS ACT

12. Plaintiffs incorporate by reference all preceding paragraphs of the Complaint as if fully set out herein.

13. Defendant placed said defective truck in the stream of commerce. Said truck was intended to reach, and did reach, [redacted] in a condition unchanged from when it left the possession of the Defendant. Plaintiffs were damaged as a proximate result of the defective condition of said truck.

14. Defendant has been notified of said defects and damages by Plaintiffs and has failed or refused to reimburse Plaintiffs for their loss.

15. Defendant's failure or refusal to reimburse Plaintiffs for their loss constitutes a violation of the Magnusson-Moss Warranty-Federal Trade Commission Improvement Act (the Magnusson-Moss Act).

WHEREFORE, PREMISES CONSIDERED, American National demands judgment in the amount of its subrogation interest, $9,775.00. [redacted] demand judgment in the amount of their deductible, $500.00. In addition, Plaintiffs demand costs and attorney's fees incurred in this action.

JEFFREY W. SMITH (SMI086)
Attorney for Plaintiff American National Property and Casualty Company and Larry Wyatt and Mindy Wyatt

OF COUNSEL:
Post Office Box 4486
Montgomery, AL 36103-4486
(334) 264-1640

DEFENDANT MAY BE SERVED AT:
Office of General Counsel
Ford Motor Company
Parklane Towers West, Suite 300
Three Parklane Boulevard
Dearborn, MI 48126-2568

JEFFREY W. SMITH
ATTORNEY AT LAW
(334) 264-1640
FACSIMILE: (334) 264-8640

640 S. McDONOUGH ST.
MONTGOMERY, AL 36104

MAILING ADDRESS:
P.O. BOX 4486
MONTGOMERY, AL 36103-4486

June 25, 2002

Claims Department
Ford Motor Company
Parklane Towers West
3 Parklane Boulevard, Suite 300
Dearborn, MI 48126

ATTN: Shawn Norton

RE: American National Property and Casualty Company
Claim No. : [redacted]
Insured : [redacted]
DOL : 2/21/02

Dear Mr. Norton:

This office represents American National Property and Casualty Company and its insured, [redacted] in relation to a fire which destroyed [redacted] 1997 Ford F-150 Supercab Pickup. The VIN on this vehicle is 1FTDX172XV[redacted]

You are aware of this loss and have been provided a copy of the Fire Cause and Origin Report by Karen Steury of American National. As you know, American National's loss is $9,775.00. This include[redacted] $500.00 deductible and $750.00 for rental expenses.

As you know this vehicle is located at the Sadisco Salvage Pool in Birmingham, AL. I have advised Ms. Steury to pay storage fees for one month from the date of this letter to allow you one final opportunity to investigate this loss. If Ford declines to do that within that time, my advice will be to abandon this total loss rather than continue to pay storage fees. I suggest you consult with Alabama counsel on the law regarding spoliation. A claimant is under no duty to indefinitely preserve evidence in the face of indifference on the part of Ford Motor Company.

If it is Ford's position that there is no responsibility for the fire loss of this vehicle, please notify me to this effect within two weeks. If I do not hear from you within that time, I will advise American National to file suit. I look forward to hearing from you on this matter.

Very truly yours,

Jeffrey W. Smith

JWS/cmc

6930 Honor Keith Road
Trussville, AL 35173

Business (205) 655-5404
Fax (205) 655-7024

PYRTECH, INC.

COMPLETE FIRE AND GENERAL INVESTIGATIONS

PRIVILEGED AND CONFIDENTIAL
REPORT NUMBER ONE
March 25, 2002

PREPARED FOR:	**American National Property & Casualty Insurance Co. 1949 East Sunshine Street Springfield, MO 65899-0001**
ATTENTION:	**Mark Bowers**
INSURED:	[redacted]
VEHICLE DESCRIPTION:	**1997 Ford F-150 4X2 Supercab Styleside**
VEHICLE ID NUMBER:	**1FTDX172XVN**[redacted]
DAY, DATE & TIME OF LOSS:	**Thursday, February 21, 2002 6:00 P.M.**
POLICY NUMBER:	[redacted]
CLAIM NUMBER:	
PYRTECH FILE NUMBER:	**22058**

E-Mail pyrtech@mindspring.com

ENCLOSURES:

1. A vehicle diagram with legend and overlay
2. Twenty-seven mounted color photographs
3. Unmounted photographs and all negatives

ASSIGNMENT:

This assignment was received on February 25, 2002 from Mr. Mark Bowers with specific instructions to conduct an origin and cause examination. This examination was conducted on February 28, 2002 at the incident site and residence of the insured, [redacted] Alabaster, Alabama [redacted]

VEHICLE DESCRIPTION:

This is a black 1997 Ford F-150, 4X2 Supercab Styleside pick-up truck. The manufacturer's data plate indicates the vehicle was manufactured in September 1996 and the odometer registers 127,412 miles. The Alabama license plate reads [redacted] and expires in October 2002. The vehicle is powered by a 4.2-liter V-6, electronically fuel injected gasoline engine and a manual transmission.

All directional references to the vehicle are as if one is seated in the driver's seat.

EXTERIOR EXAMINATION:

The aluminum hood is almost completely melted away, with small areas remaining at the extreme left front and rear corners. The left front tire is deflated due to fire damage and the left front fender has heat damage and paint remaining at the front and the rear edges. The right front tire is also deflated due to fire damage and the right front fender is damaged immediately above. The plastic grill is more extensively damaged at the right side and there is an extensive burn pattern on the right side of the roof that decreases steadily from the windshield channel toward the rear.

The right side of the rear window exhibits slightly more significant fire damage than the left side. Burn patterns indicate this fire originated at the right side of the engine compartment.

INTERIOR EXAMINATION:

Extensive fire damage present throughout increases steadily toward the roof and forward to the right side of the dash. Upper surface burning occurred on children's car seats and other personal items in the rear seat due to heat that extended from the front. The right front seat exhibits more extensive damage than the left front and charring of the dash upholstery is more extensive on the right side. The burn pattern on the underside of the right side of the roof corresponds with damage to the right side of the interior and coincides with the pattern across the top of the roof. Patterns of burning indicate fire extended into the interior from the right side of the engine compartment.

ENGINE COMPARTMENT EXAMINATION:

Fire damage is confined primarily to upper surface burning that decreases steadily toward grade level. The large, plastic air intake and air filter assembly that attaches to the intake manifold at the top center of the engine and extends forward and to the left side is completely burned away. Burning of these components eventually involved the power steering fluid reservoir and the master cylinder brake fluid reservoir, which apparently accounts for the damage to the left side of the engine compartment and the left front fender. Charring of plastic and rubber components increases steadily to the right side of the engine where significant melting of aluminum and light metal components used in the manufacture of the intake manifold and accessory brackets is present. The battery, mounted inside the right side fender, is melted and the lead plates are exposed along its left side and rear. The worst area of burning occurred at the right side of the engine and encompasses a metal bracket, which bolts to the upper right side of the cowl. Components of the power distribution panel are normally attached there.

ORIGIN AREA EXAMINATION:

Components of the power distribution panel are completely destroyed. A cursory examination of wiring between the panel and the alternator mounted to the right front of the engine revealed a number of short, brittle pieces of copper conductors. Arc beading is present on the large gauge conductor that supplies power to the distribution panel from the positive post of the battery. Due to the probability of subrogation, no destructive testing was undertaken.

INVESTIGATION:

[redacted] **husband of the insured** [redacted] **stated he arrived home from work at about 5:00 P.M. and had prepared hotdogs for his two, small children. As he was seated at the dining room table he looked out the window and saw his truck on fire. He immediately called the fire department and went outside where he watched his children while some of his neighbors used a garden hose to keep the fire from spreading to his house.**

Research of the National Highway Traffic Safety Administration Recall Database revealed no recalls pertaining to a problem of this type but I have recently examined four other Ford F-150 pick-up trucks that exhibit similar burn patterns and, in my opinion, those fires originated in this same area. I have notified Ms. Teresa Sweeney of Farmers Insurance Company, 1-800-944-7515, of the possibility of working with you concerning subrogation against the manufacturer.

DETERMINATION OF ORIGIN AREA AND CAUSE:

Origin area and causal hypotheses were formed using factual and witness information and were tested against all known data. Using my skills, knowledge, education, training and experience, I formed the following hypothesis, which withstood all test.

In my opinion, this fire originated at the right rear of the engine compartment and was most likely caused by a malfunction of the compongents of the power distribution panel and its related circuitry. I consider this fire to be accidental in nature. In anticipation of subrogation, no destructive examination was undertaken.

At this time I have completed all assigned investigation. Should you desire further investigation or if you have any questions please do not hesitate to call.

L. Gary Coggins, CFI
Automotive Division, Manager
Senior Investigator

Reviewed by:
Richard J. Keith, CFI, CFPO, CFEI, CET
President

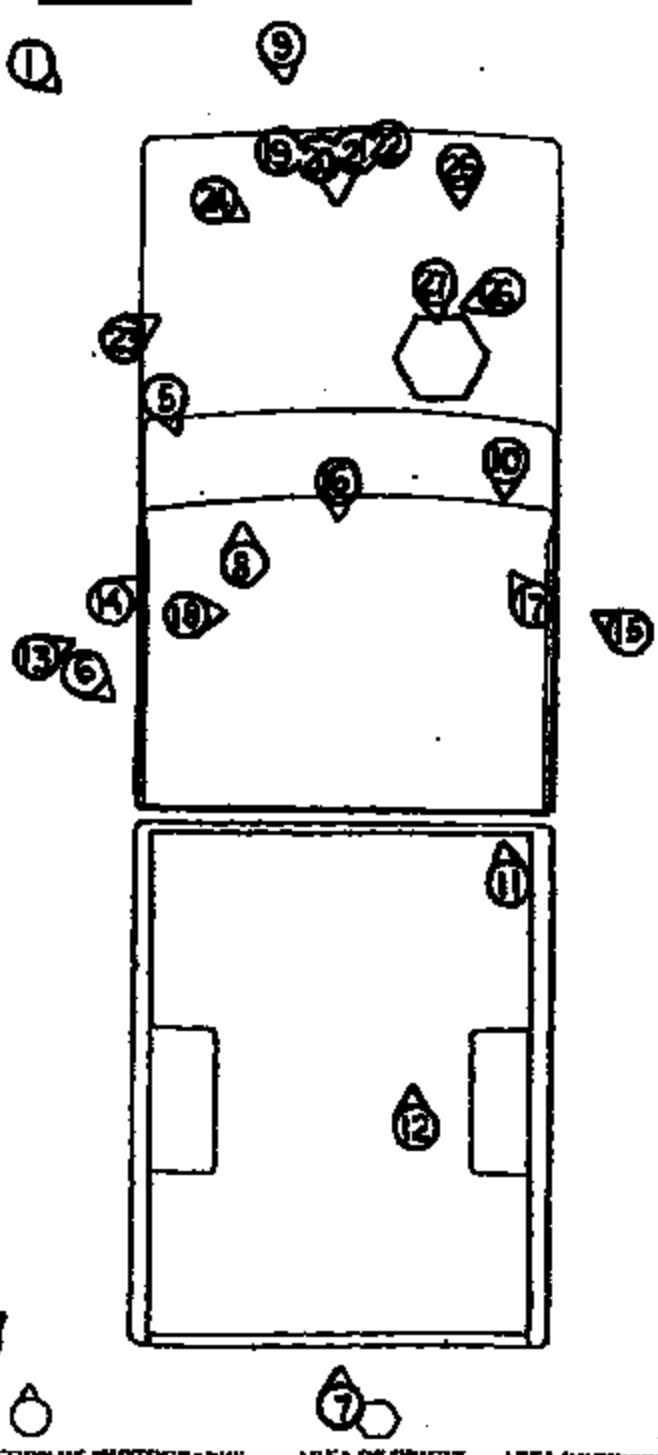
VEHICLE EXAMINATION DIAGRAM

ENCLOSURE: 1

INSURED: [redacted]

MAKE: FORD MODEL: F-150 Year: 1997

VIN#: 1FTDX172XV[redacted] TAG # AND STATE: [redacted] AL



NUMBER AND DIRECTION OF PHOTOGRAPHS AREA OF ORIGIN AREA OF EVIDENCE SAMPLE REMOVAL

EA05-005-LC-18132

OIAO HY788

ALABAMA UNIFORM INCIDENT/OFFENSE REPORT

COPY

[redacted]

Incident: 0 2 0 2 - 0 7 0 4

ORI: 0590400 | Date reported: 0 2 2 1 0 2 | 06 28 | Alabaster Police Department

Victim: [redacted]

Address: [redacted]

Phone: [redacted]

Employer: Shelby Electric | Occupation: Technician | 5209 South Shades Crest Bessemer Al 35022 | (205) 426-7935

Height: 602 | Weight: 225 | DOB: [redacted]

Type incident or offense: Vehicle Fire

Place of offense: 1509 King George Drive Alabaster Al 35007

Occurred on or between: 0 2 2 1 0 2 | Time 06:03

0 2 2 1 0 2 | Time 06:28

Quantity	Stolen, recovered, lost, found or destroyed (include make, model, size, type, serial number, color, etc.)	Stolen	Damaged	Recovered Date	Value
1	1997 Black Ford F150 XLT		$9900.00		

Motor vehicle: $9,900.00

Lic.: [redacted] | AL | 02 | White | VIN: 1 F T D X 1 7 2 X V N [redacted]

97 | Ford | F150 | pu | Bottom: black | burned beyond repair

Other: NCIC

American National 1949 E Sunshine Springfield Mo 65899-0001 | (417) 887-0220

TYPE OR PRINT IN BLACK INK

ACJIC—32 REV. 8/94

ER05-005-LC-10133

COPY

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

INCIDENT/OFFENSE REPORT CONTINUED

Date			Case #
02/21/02	06	28	02002-07704

N/A

111 PROBABLE DESTINATION

114 CLOTHING

126 PROBABLE DESTINATION

131 CLOTHING

WITNESSES

NARRATIVE

On February 21, 2002 at approximately 6:03 p.m., [redacted] stated that he saw a flash of light from his kitchen window. After going outside to the garage area, he stated he saw his 1997 black Ford F150 engulfed in flames. [redacted] stated that he had no explanation as to why the vehicle caught fire but he did state that all equipment in the vehicle as well as the ignition was in the "Off" position. [redacted] had no paperwork to show Officer Betts on the scene but he did state all paperwork such as insurance, payment book, etc., was in the vehicle's console. [redacted] vehicle was badly burned and no paperwork could be retrieved. The Fire Department secured the scene at 6:28 p.m.

CONTINUED ON SUPPLEMENT Y ☐ N ☐

I hereby affirm that I have read this report and that all information given by me is correct to the best of my knowledge. I will assume full responsibility for notifying the agency if any stolen property or missing person hereby reported is returned.

SIGNATURE File Copy- Signature on File

147 CASE STATUS
☐ 1 - PENDING
☐ 2 - INACTIVE
☐ 3 - CLOSED

148 CASE DISPOSITION
☐ 1 - CLEARED BY ARREST (A/A)
☐ 2 - CLEARED BY ARREST (ADULT)
☐ 3 - UNFOUNDED
☒ 4 - ADMINISTRATIVELY CLEARED

☐ 5 - EXCEPTIONALLY CLEARED
☐ A
☐ B
☐ C - EXTRADITION DECLINED
☐ D - LACK OF PROSECUTION
☐ E - JUVENILE, NO REFERRAL
☐ F - DEATH OF VICTIM

149 REPORTING OFFICER: Ptl. Cole Betts — ID # 139

150 ASSISTING OFFICER

EDMS-005-LC-18134

PHOTOGRAPH SHEET

INSURED: [redacted] NO.: 1 OF 27

The front and left side

PHOTOGRAPH SHEET

INSURED: [redacted] NO.: 2 OF 27

Left side and rear

PHOTOGRAPH SHEET

INSURED: [redacted] NO.: 3 OF 22

Rear and right side

PHOTOGRAPH SHEET

INSURED: [redacted] NO.: 4 OF 27

Right side and front

PHOTOGRAPH SHEET

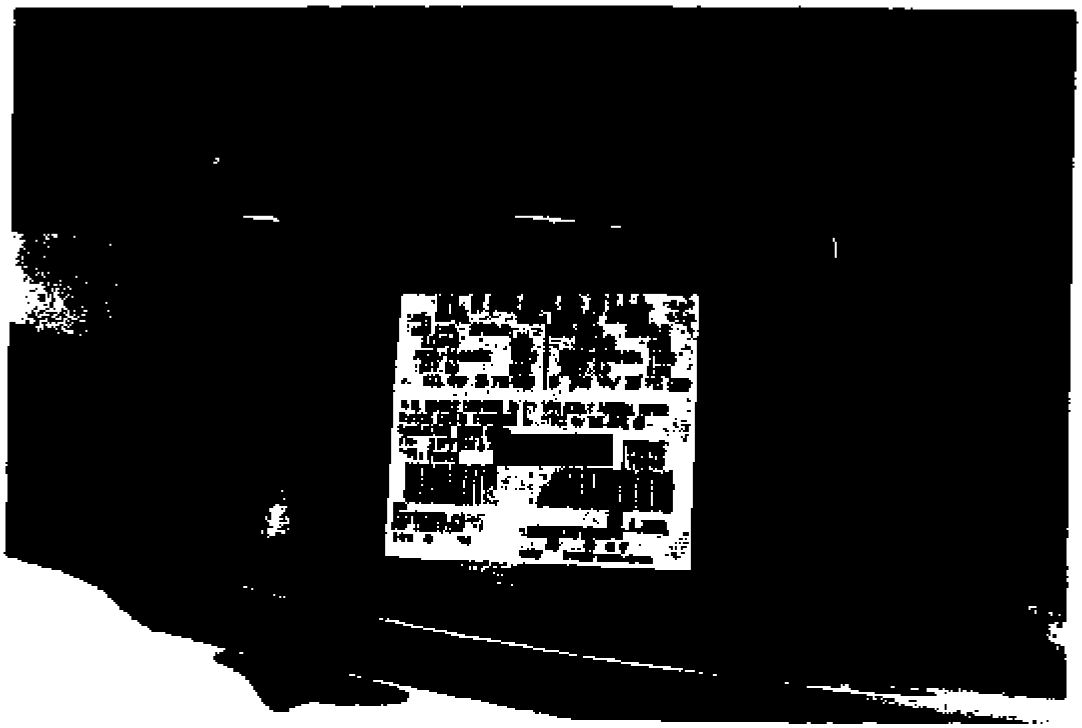
INSURED: [redacted] NO.: 5 OF 27

Vehicle ID number

PHOTOGRAPH SHEET

INSURED: [redacted] **NO.: 6 OF 27**

Manufacturer's data plate



PHOTOGRAPH SHEET

INSURED: [redacted]

License plate [redacted] NO.: 2 OF 27

PHOTOGRAPH SHEET

INSURED: [redacted] NO.: 8 OF 27

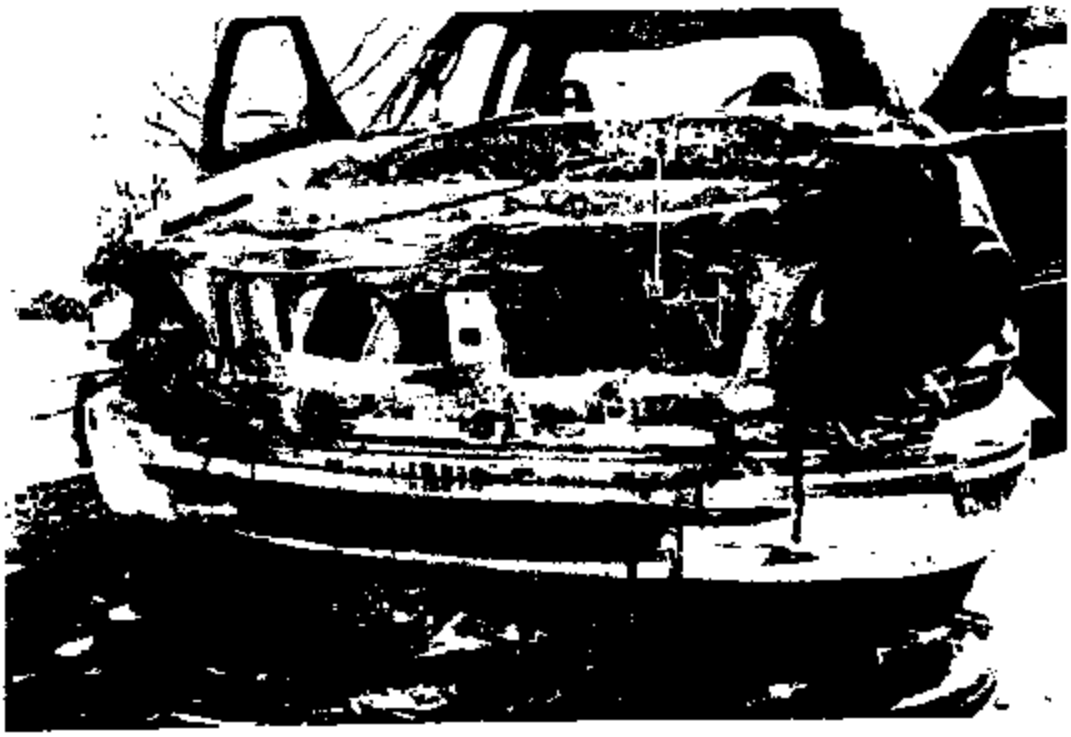
Odometer

ERIE-005-LC-10142

PHOTOGRAPH SHEET

INSURED: [redacted] NO.: 9 OF 27

Fire damage to the front



PHOTOGRAPH SHEET

INSURED: [redacted] NO.: 10 OF 27

The burn patterns on the roof

PHOTOGRAPH SHEET

INSURED: [redacted] NO.: 24 OF 27

The front of the engine

E005-005-LC-10145

PHOTOGRAPH SHEET

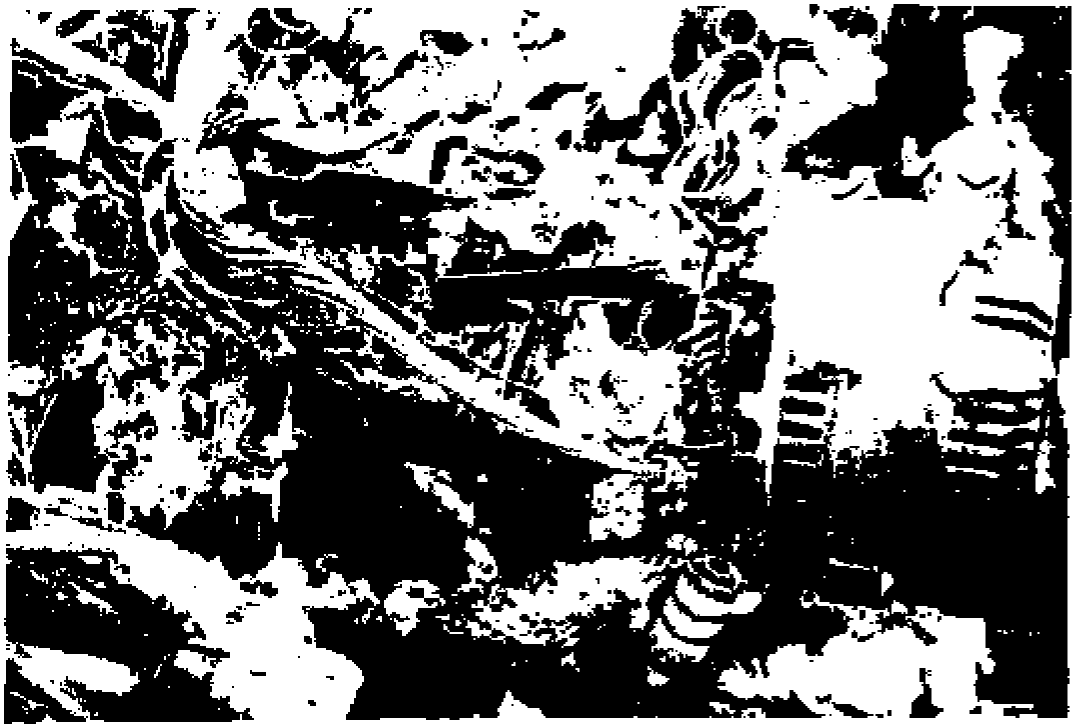
INSURED: [redacted] NO.: 25 OF 27

Right rear of the engine compartment

PHOTOGRAPH SHEET

INSURED: [redacted] NO.: 26 OF 27

Wiring at the right side of the engine



Appendix 1

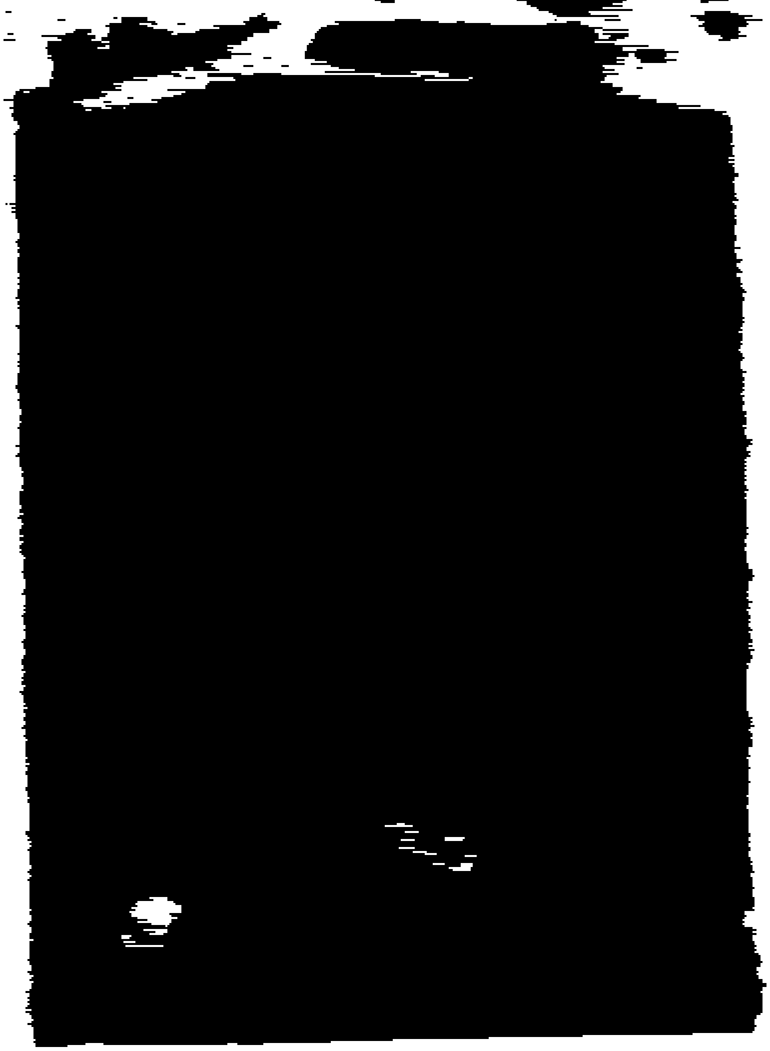
PHOTOGRAPH SHEET

INSURED: [redacted] NO.: 27 OF 27

Power distribution panel mounted to right side of cowl

[illegible]

[redacted]



[redacted]

[redacted]

[redacted]

PRODUCED BY FOR

Zellner Vehicle Inspection, cms 40 9801

Inspection Date;	April 19, 2000
Location;	Nik's Junk Yard, N8309 Harwood Rd, Menasha, Wisconsin
In attendance:	Cal Phillipps – Fire Investigator for the plaintiff
	Myself – Norman LaPointe, Ford Motor Co., DAE
Vehicle:	This is a 1998 Ranger Supercab, XLT, 4x4, 4.0L V6; a dark gray vehicle. I have the factory invoice with me – PA21484 is the last portion of that serie number and it does match the I/P windshield tag.

Vehicle Walk-Around w/ tape recorder.

Missing Components

Starting at the rear corner of the vehicle there is no pickup box.
All the wheels are off, but two are under the vehicle supporting it by the cross members, not sure if these wheels belong to this vehicle.
Both left and right doors have been removed and are missing. There is no door identification tag, but verified the vehicle by the VIN number on the windshield – airbag position.
The front left wheel assembly and lower suspension is gone.
The right front wheel and tire is missing. There are no wheel spindles remaining on either the left or right sides.
The engine has been removed from the vehicle and is not present. The transmission is gone along w/ the cooler lines. The drive shaft is gone.
The engine compartment hood is gone.
The entire rear suspension is gone.

Removed Components but with the vehicle

Exhaust System

Two exhaust pipe assemblies had been removed and were sitting on three of the tires in the back of the vehicle on the frame.
The exhaust pipe assembly had been removed from the engine and there is some damage at the attachment flange –it is outwards in deformation.

Fuel System

The fuel tank doesn't seem to be damaged in anyway. The fuel sender has been removed from the tank and is inside the passenger compartment. The fuel filler hoses are w/ the tank. There doesn't seem to be any fire or accident damage here just behind the cab. Still mounted on the frame is the fuel vapor canister that has no damage to it.

Fuel Line

Cal, who is here w/ me, has a fuel line from the engine and I am going to break off from the vehicle inspection and take a look at it. Cal has brought the alternator and harness wire that we have already seen at the laboratory and the box that we had shipped it back to him in. The only new things in the box are various warranty books and paper work that comes w/ the vehicle. Some of manuals are scorched. I looked through each one but did not find anything of particular interest.
What remains here in the box is the fuel line that I will take some photographs of. The clip that goes over the garter ring housing seems looser than usual – it slips over and off real easily but the fuel line is together in a very secure mode. I cannot pull it apart by pulling on the two ends.
Looking at the opposite end, what is the pressure damper end, it has a green o-ring that is exposed and it looks in good shape.

I have separated the hex-connector that has a tube with a flare on the inside that connects to the valv
Both mating surfaces are marked 360 degrees – i.e. they were in contact – it is not clear to me in ar
way that they were leaking.
Looking at the relief valve side, it is spotted up on the outside. Again, just to re-emphasis, the o-ring i
in good shape, there is no cuts or tears; it is not hard or brittle. The fitting to which the line would hoo
to does not look cross-threaded or anything like that – it looks in good shape. Likewise, w/ the ru
fitting – that is, the mating part of the threads also look good. A flared portion of this seat that is interna
looks like it may have been grooved, that it had a good seat. Basically, the parts appear to b
unremarkable.

Front Suspension
The upper suspension arms remain for both the left and right sides.
The lower suspension arm to the right hand side is still in place
The FR lower arm suspension, has the shock absorber still in place, it's mounted to the frame and to
the lower arm but the portion of the piston rod that attaches to the lower arm is definitely bent – like this
vehicle may have been in an accident and coupled with the damage that I saw on the lower radiator
frame, it looks like it may have been in an accident.
Both ball studs on the right hand side to the upper and lower arms are angled to the forward direction,
more so for the lower arm.
The stabilizer bar has been removed from the vehicle and it was laying in the backseat.
The LF torsion bar was inside the vehicle.
There is a rusty rotor inside the vehicle – unknown OEM location.

Engine Compartment
Looking at the lower right side of the radiator, it is severely bent up – like something struck it and
severely damaged it.

The front right fender has a burn pattern in a v-shape – centered over the wheel. There is no tire here
at the inspection site to view. All the plastic components that are normally on the right hand side are
missing. There is really not much left.
All that remains basically is the master cylinder and brake booster, which is burned, and a small cooler
line and the radiator. The headlights remain. The headlight is burned on the right hand side, burned
through the top. The bulb is melted in place. The cables that lead to the light are bare from the fire but
a couple of inches back, the cable are still in good shape. The convolute is slightly darkened but it is
still in place. Much of the harnesses that survived here have been cut away.
There is a device that is mounted on the right front fender – inboard and it looks like a speed control
servo motor, just the housing and internal gearing, the plastic cover is burned away, the harness that
goes to it is gone. The unit is corroded from the weather.

I found the ground wire of the battery and it is bare of insulation for roughly six inches but the rest of the
insulation is intact for the remaining approximately 18 inches, so the battery cable basically looks pretty
good except for the first couple of inches from the battery connection. The harnesses around the
battery on the driver's side are charred, some portions of the convolute are missing, and the wires are
discolored, they have turned white, but the insulation are still on the wires that run behind the radiator.
It looks like the heat got over here, but did not burn the insulation off.

We have a body ground wire that comes out of the main harness that goes atop of the radiator and th ground wire is burned off for about 3 to 4 inches, but where it goes into the take-off, it still has a coatir of insulation.

Also in the zone, is a rubber hose that is approximately 20 inches long – its identity is 3/8" I.D DF3251. It looks to be a power steering hose. It is in good shape, not damaged at all. The ends of are rusty but the hose itself is in pristine shape. There is no fire damage to it whatsoever.

Looking down on the left hand side of the engine compartment I also see the steering shaft, its boot is in good shape and not fire damaged.

I found a red cable probably the battery B+ cable, cut, approx. 12" long, it looks in good shape on the insulation. The opposite end of it, however, has been burned and the wires are frayed.

Most of the wiring harness over on the driver's side is basically still intact. The outside covering of the harness has been burned and is charred, but the insulation is still on the wires and I can see the wires and the wires have their insulation and you can identify color.

Looking around the engine compartment, the driver's side, I found what appears to be a vacuum line underneath the booster. The line was not burned – it is good shape – but the end of the line has some white fire debris in it – like the line wasn't connected at some time and it is possible that it's a vacuum line that went to some part over here, but the line has this white melt in it which seems like it shouldn't be there had the line been connected. The end of the line is not fire damaged, looks like it is just cut in a normal manufactured fashion. It's possible the vehicle was just running rough because this vacuum line was not connected – strictly speculation.
Most of the combustibles below approx. half way of the engine compartment are intact. The fire seems to have centered on the passenger side of the engine and it has taken out the inner fender well plastic – probably the tire was involved and may have made a hot spot over on that side.
Most of the apron parts are gone on the passenger side. Some of the components seem to be untouched by the fire. The radiator itself has a large gash in it – just a little bit below the Ford oval on the forward side of the passenger side. it has been damaged from the outside.
The smaller finned cooler & line is for the power steering; the hose is unburned – looks like you could reuse it.

The inner fender on the passenger side has been burned and melted down in an arc around the normal tire position. The only thing left above the tire on that fender side is the speed control servomechanism and it is completely fire damaged. I cannot read any part numbers remaining on it.

The heater core does not seem to be melted or damaged which is sitting in a pile of rubble on the passenger side of the firewall. Again, behind the firewall on the cabin side the plastic components around the heater core are melted, but they don't seem to be charred. So, it seems like the fire may have been centered in the engine compartment on the right hand side for causes unknown.

Again, I have picked up the positive cable for the battery, and while the insulation is intact and not melted on one end of this roughly 12-14 inch piece, the wires are frayed and separated, but I don't see any beading or shorts. Likewise, I don't see any shorts on the ground cable to the battery, which still has its round steel connector.

The three small cables that lead to the FR lamp are absent of any insulation, but at the takeout poi the cable is intact and the convolute is still there, but slightly melted. So, the fire seems to be – as said earlier – in the upper portion of the engine and slightly right of center on the top of the firewa looks like the EEC module remains – it's been melted and burned. It's hard to tell much more than tha Basically the right side of the engine compartment is rusted on the frame, inter-fender, and firewal There is rusting in the engine compartment on the firewall where the blower motor and the heater cor sit and those plastic parts are all basically melted and they flowed downward. The left side still has lot of black primer paint. The cowl, just in front of the windshield, has been smoked and has pair damage and it looks like the fire came up through the rear edge of the hood, roughly in the middle, the attacked the glass, melted, and broke the glass.

The transfer differential housing for the 4x4 was in place.

Brakes

The master cylinder reservoir is burned away. The plastic that was mounted above it along w/ the switch is charred but does not seem to have any melting of the aluminum master cylinder itself. The brake lines, to and from, the proportioning valve and the master cylinder still look to be intact, they are secure, and they run down to the frame of the vehicle and across to the other side except where the wheels have been removed and that is where they terminate.
The booster is still in place and its all rusty and the rubber vacuum plug has been melted.
A single brake caliper was found inside the vehicle, its OEM position is unknown.

Interior Components

Moving to the interior, it is piled with parts. The fuel sender is sitting here – harness no. F87UAA looks in good shape. One hose has been cut from it. The connector has been removed from the other side. The driver steering wheel has been partially taken apart. The air bag module has been removed and is missing from the vehicle. The I/P is in pieces laying all over seats and floors. The odometer from the I/P is at 6133 miles. The I/P fuse panel is hanging free. I/P fuse panel looks like fuses 1, 2, 3 and 4 are in place. No. 6 fuse is missing and No. 12 is missing. No. 23 is missing. No. 36 is missing, so is No. 31 and 32 and No. 34.

The key was still in the ignition w/ the key fob. Much of the interior of the vehicle has been torn out on the instrument panel recovering radios and instrument cluster.

The door panel for the right side is in the vehicle. It looks like the left and right hand bezels from the doors are here – they are in good shape. There doesn't seem to be any fire damage at all, nor is the door liner damaged.

And now at the floor of the passenger side, we have a lot of melted plastic. It is not burned but looks like the fire was breaking into the passenger compartment from the engine side. The plastic is not charred, but simply melted and has run down on the floor at the firewall.

The I/P vents are melted – they show melting – like the heat came through the vents. They are not melted badly, but they are deformed and out of shape. The passenger side airbag has been deployed and has been pushed back into the IP and I cannot open the glove box to inspect.

The radio and other center IP instrumentation have all been removed. All that is left here are the w terminals and harnesses.

The heater controls were out of the I/P, but in the vehicle, the three switches are set straight up. Th heater control is in the off position. The temperature control knob in the center is set straight up, whic is a mix of heating and cooling and the fan switch is turned to the lowest off position – that is ful straight up. There is no direct fire damage to I/P. The connectors all look good. No fire damage c melting.

The windshield is cracked – just about mid position – but not all the way up.
The instrument panel on the right hand side – just above the airbag – is melted back, away from the window.
The windshield is cracked and it has begun to fall in.

My inspection is concluded.

File/ZeltnerVehicleInsp.doc – Microsoft Word

PRIVILEGED AND CONFIDENTIAL
PREPARED AT THE REQUEST OF
THE OFFICE OF THE GENERAL COUNSEL

Inter Office

Product Development
March 17, 1999

To: Office of the General Counsel

cc: N. Grabowski

Subject: Claim of: [redacted]
Auburndale, WI
CMS: 409801
DOL: 4/13/98
Vehicle: 1998 Ranger 4x4 Super Cab
VIN: 1FTZR15X7W[redacted]

CLAIM
It is alleged that a failure of the alternator and / or the alternator wiring harness caused a non-collision vehicle fire.

CONCLUSION
Visual inspection and testing revealed the alternator and the alternator wiring harness to be of good manufacture.

PARTS RECEIVED
The alternator assembly (F6PU-10346-LA) and the alternator wiring harness (F6HT-14305-MG) were submitted to Design Analysis.

FINDINGS
Alternator Assembly
The alternator submitted to Design Analysis is burned and soot coated. The top of the alternator shows evidence of exposure to higher temperatures than the bottom. The housing at the top of the alternator is heat deformed and exhibits multiple heat check cracks across the top for 5 inches. The bottom of the alternator is not as heat damaged as the top. The rotor shaft in the alternator is seized, the regulator port contains charred remains of the regulator plug, and the regulator cover is burned away revealing the regulator circuit board.

In order to asses the internal heat damage to the alternator and determine the condition of its electrical circuitry, the rear housing of the alternator was removed. The inner and outer slip rings were found to contain distinct marks where the brushes were positioned during the fire. The bus bar is warped out of position due to heat affects, and the tower nut, stud and flange washer at the B+ terminal are in tact but heat effected.

The stator / rectifier circuitry was checked with a multimeter to determine its condition. This was done by connecting one lead of the voltmeter to ground and the other to the B+ side (taken at the bus bar near the B+ terminal). The resulting voltage reading on the voltmeter was 0.924 Volts. The field coil or rotor circuitry was also checked with a multimeter by measuring the resistance across the inner and outer slip rings. This resistance was found to be 2.5 Ohms.

Alternator Wiring Harness
The insulation is consumed from the wire harness at the fuse box end and the alternator end. At the fuse box end, about 10 inches of insulation is consumed, while at the alternator end, about 16 inches is consumed. The exposed wire at the alternator end of the harness is brittle while the exposed wire at the fuse box end is ductile. About 7 inches of insulation is consumed from the wires leading to the regulator plug. The insulation on the remainder of the harness is only slightly melted. The main copper wire, approximately 8 inches from where it attaches to the B+ terminal of the alternator, is welded to the harness support bracket.

ANALYSIS

Alternator Assembly

The heat deformation present at the top of the alternator housing indicates that the top of the alternator was exposed to higher temperatures than was the bottom. The bus bar was warped out of position during the fire because the plastic insulators used to insulate the rivets connecting the bus bar to the ground portion of the alternator softened in the heat of the fire and allowed the bus bar to be pulled out of position by the weight of the wire connected to the B+ terminal, as well as the weight of the B+ terminal and the bus bar itself. The fact there are distinct marks from the brushes on the inner and outer slip rings indicates that the alternator was not turning during the fire.

The voltage reading of 0.924 Volts that was obtained when checking the ground to B+ side of the circuitry indicates that all of the diodes in the rectifier bridge are functioning properly and that there are no shorts in the stator / rectifier circuitry. The resistance reading of 2.5 Ohms across the inner and outer slip rings indicates that the field coil circuitry is not shorted to housing.

The stator / rectifier circuitry and the field coil or rotor circuitry are electrically in tact. There are no shorts in either of these two circuits, and there is no evidence indicating that either of these two circuits were not operating properly at the time of the fire. Therefore, this alternator is judged to not have been the cause nor origin of this fire.

Alternator Wiring Harness

The short that caused the wire to arc . and weld itself to the support bracket was a result of the fire, not the cause nor origin. The wiring harness is judged to have arced and welded itself to the support bracket after the insulation was burned away from this point of the wire by the fire. Once the wire arced and welded to the bracket, current flowing from the battery towards the arc point blew the 175 Amp fuse located in the engine compartment fuse box. This fuse blew, and thus current stopped flowing, before the wire had time to heat up. If the fuse had not blown, current would have heated up the wire uniformly and melted away the insulation on the entire stretch of wire between the fuse box and the arc point. Since the majority of the insulation is still in tact along this stretch of wire, the fuse must have blown, and the wire did not get hot enough to consume the insulation. A short itself could not have caused this fire because the fuse blew before the wire got hot enough to consume the insulation and start a fire.

The insulation on the wire between the arc point and the alternator was consumed by the fire and could not have been melted away from heat generated by current flow because the alternator was not turning during the fire, and thus no current was flowing through this section of wire. All of the damage to this section of wire is due to the fire.

As with the alternator, the wiring harness is judged to not have been the cause nor origin of this fire.

PART / TAG I.D. / SUPPLIER

Alternator assembly / F6PU-10346-LA /

Alternator wiring harness / F6HT-14305-MG / ..

Concur

N. R. LaPointe
Design Analysis

J. P. Joyce
Design Analysis

AMP/MMB/MAO 00-0215F283

STATE OF WISCONSIN CIRCUIT COURT BRANCH 3 WOOD COUNTY

[redacted]

Auburndale, WI [redacted]

and

[redacted]

Case No. 00-CV-46
Code No. 30301

Plaintiffs,

vs.

FORD MOTOR COMPANY
Parklane Towers West, Suite 300
3 Parklane Boulevard
Dearborn, MI 48126-2568

Defendant.

AFFIDAVIT OF NORMAN LaPOINTE

Your affiant, Norman LaPointe, hereby deposes and states on personal knowledge as follows:

I am a Design Analysis Engineer with Ford Motor Company. A copy of my curriculum vitae is attached and is current and up to date. My education, training and experience, as detailed in the attached curriculum vitae, qualifies me to offer opinions on matters involving vehicle engineering principles as well as the determination of the cause and origin of vehicle fires.

On April 19, 2000, I attended an inspection of the 1998 Ford Ranger at issue in this case. The inspection was also attended by Cal Phillips.

Before the inspection, I reviewed the report authored by Gary Kaufman following his April 17, 1998 inspection. I also reviewed all photographs of the subject vehicle which had been taken to that point.

Available for my inspection were the frame, portions of the body, suspension and fuel system that remained aft of the engine. Also available for inspection were the alternator, a potion of the alternator wiring, and a fuel return line, although they had been previously removed from the vehicle by Gary Kaufman.

Missing from the vehicle at the time of my inspection was the entire engine, the transmission, the drive shaft, the engine compartment hood, portions of the front suspension, the rear suspension, the pick-up box, and both doors.

The seven photographs attached to Ford Motor Company's motion for summary judgment were taken by me at the inspection. The photographs truly and accurately depict the appearance of the vehicle on the date of my inspection.

Based on the facts of this case, it is my opinion to a reasonable degree of engineering certainty that the alternator and associated wiring was not the cause of the vehicle fire. Testing confirmed that the alternator in the vehicle contained no internal defect which caused or contributed to the fire. Additionally, because the vehicle was turned off just prior to the fire, no current was flowing through the wiring alleged by plaintiff to be the cause of the fire. With no current flowing, no heat is generated sufficient to ignite a fire. Had current been flowing from the battery due to the alleged short in the wires, the fuse between the battery and the alternator would have blown, ending any current flow through the alternator wiring alleged by plaintiff to have caused the fire.

Based on the missing engine and other components of the vehicle, as detailed above, I am unable to determine to a reasonable degree of engineering certainty the cause of the vehicle fire.

There is no evidence in this case that there existed a defect in the 1998 Ford Ranger at issue at the time the vehicle left Ford Motor Company's control.

There exist numerous potential causes for a vehicle fire which do not involve any defect which existed at the time the vehicle leaves the control of a manufacturer. Those possible causes include improper maintenance, such as oil changes and vandalism. Both of those potential causes exist in this case.

FURTHER AFFIANT SAYETH NOT.

Norman LaPointe

Norman LaPointe

Dated: 1-26-2001

SUBSCRIBED AND SWORN
to before me this 26 day
of January, 2001.

NOTARY PUBLIC

E980-000-LC-10188

STATE OF WISCONSIN CIRCUIT COURT WOOD COUNTY

[redacted]

and

[redacted]

Plaintiffs,

vs.

FORD MOTOR COMPANY

Defendant.

COMPLAINT

Case No. 00CV46
Code No. 30301

FILED
FEB 16 2000
CLERK OF COURT
WOOD COUNTY, WI

Plaintiffs [redacted] and Heritage Mutual Insurance Company, by their attorneys, Nash, Podvin, Tuchscherer, Huttenburg, Weymouth & Kryshak, S.C., by Robert V. Kryshak, submit the following as their complaint against the above named defendants herein:

1. Plaintiff[s] [redacted] are adult married residents of Wood County whose residence address is [redacted] Auburndale WI [redacted]

2. Heritage Mutual Insurance Company is a Wisconsin insurance corporation duly authorized to engage in the sale of automobile and other types of insurance, whose principal place of business is located at 2800 South Taylor Drive, Sheboygan WI 53082.

3. Ford Motor Company is upon information and belief a Michigan corporation whose primary offices are located at Parklane Towers West, Suite 300, Parklane Boulevard, Dearborn MI 48126-2568, and is in the business of producing, manufacturing and distributing motor vehicles for sale to the general public.

4. In January 1998, plaintiffs [redacted] purchased a new 1998 Ford Ranger from an authorized Ford dealer. After approximately 6,000 miles of use and without any mechanical or repair work being done to the vehicle in the interim, the vehicle caught fire while parked in said plaintiffs' driveway on April 13, 1998, resulting in its destruction.

5. On the day of the fire involving the aforementioned vehicle, Heritage Mutual Insurance Company had in full force and effect a policy of insurance with th[redacted] that covered the loss of that vehicle. Said policy of insurance had a $500.00 comprehensive coverage deductible, and Heritage Mutual Insurance Company paid out a total of $18,110.00 to plaintiffs [redacted] for their loss. Said amount did not include t[redacted] eductible, and ultimately Heritage Mutual Insurance

Company recovered $2,881.00 in salvage for the vehicle, resulting in a net payment by Heritage Mutual Insurance Company to the [redacted] in the amount of $15,729.00.

6. Upon information and belief, the fire was caused due to an electrical/mechanical failure that was not caused or occasioned by any act or omission of plaintiffs. Upon information and belief, Ford Motor Company is be held responsible for said loss under principals of strict liability and/or their breach of express and implied warranties of merchantability and fitness for which the vehicle was manufactured.

7. Demand has been made upon Ford Motor Company for plaintiffs' loss, with said demand being denied.

WHEREFORE, plaintiffs [redacted] demand judgment against Ford Motor Company for their $500.00 deductible, and Heritage Mutual Insurance Company demands judgment against Ford Motor Company in the amount of $15,729.00, plus their costs, disbursements, attorney's fees, and such other and further relief as the Court deems just and equitable.

Dated this 15 day of February, 2000.

NASH, PODVIN, TUCHSCHERER,
HUTTENBURG, WEYMOUTH & KRYSHAK, S.C.

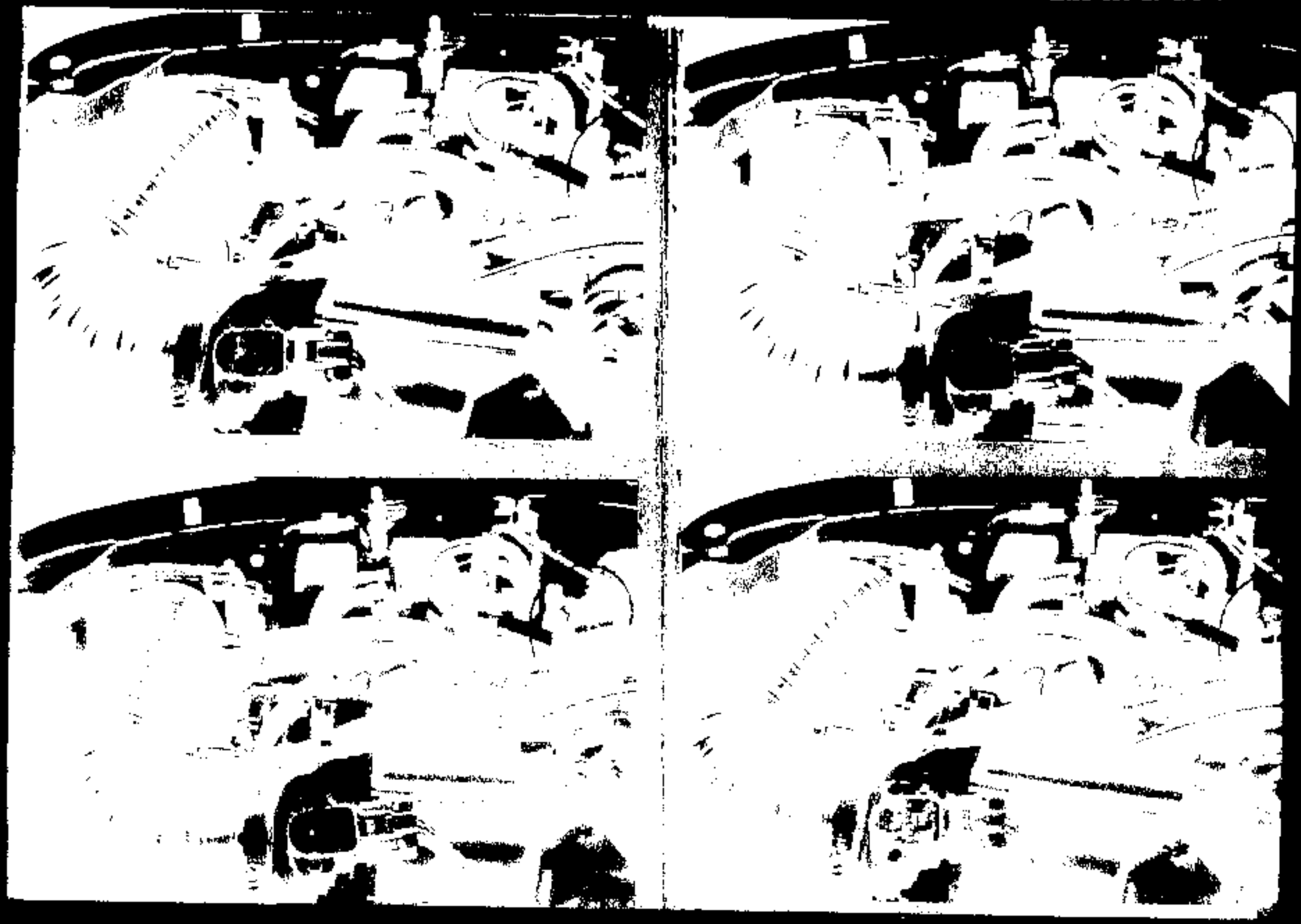
By: Robert V. Kryshak

Robert V. Kryshak (1008286)
Attorneys for Plaintiffs
170 Third Street North
P.O. Box 997
Wisconsin Rapids WI 54495-0997
Telephone: (715) 423-8200

S:\data\DOCS\HHM\COCO\collins\p-complaint.wpd

SERVED ~~PERSONALLY~~ SUBSTITUTE AT 0805 M
THIS 23 DAY OF FEBRUARY 20 00
AT THE CITY OF MADISON
GARY H. HAMBLIN
BY _____ Deputy Sheriff

ER85-085-LC-18171



Ford Motor Company

Product Development
Ford Motor Company

Parklane Towers West
Suite 406
Three Parklane Boulevard
Dearborn, Michigan 48126
FAX: 313-845-1611

April 10, 2001

VIA AIRBORNE EXPRESS

Anthony M. Pinto, Esq.
Donohue Brown Mathewson & Smyth
140 South Dearborn
Suite 700
Chicago, Illinois 60603

Re: [redacted]v. Ford Motor Company
LMMS No. 40-9801
Your File No. 00-0215

Dear Anthony:

Please find enclosed two photographs and two drawings. These items are what I propose we use at trial.

Very truly yours,

Norm LaPointe/ank

Norm LaPointe
Design Analysis

Enclosure

DONOHUE BROWN MATHEWSON & SMYTH
Attorneys at Law
140 South Dearborn
Suite 700
Chicago, Illinois 60603
FAX (312) 422-0909
Telephone (312) 422-0900

Norman J. Barry, Jr.
Mark H. Boyle
Donald J. Brown, Jr.
Mark M. Burden
John T. Coleman
Karen K. DeGrand
Richard H. Donohue
Richard B. Foster
Moira D. Hathcock
John A. Krivicich
J. Kent Mathewson
Robert W. Smyth, Jr.
L. Michael Tarpey

Sherri M. Arrigo
Virginia L. Beach
Eleanor P. Cabenné
John J. Duffy
Charles E. Harper, Jr.
Carrie A. Howard
Timothy M. Kennedy
Julia K. Lynch
Anthony M. Pinto
James D. Sloan

Of Counsel
Louis J. Bancin *

* Admitted in MI and CA

Writer's Direct Line (312) 422-0974
anthony.pinto@dbmslaw.com

February 26, 2001

Mr. Norm LaPointe
Ford Motor Company
Parklane Towers West
Suite 604
Three Parklane Boulevard
Dearborn, Michigan 48126

Re: [redacted]v. Ford Motor Company
CMS No. 409801
Our File No. 00-0215

Dear Norm:

Enclosed for your review please find four exemplar vehicle photographs provided by plaintiff's expert, Mr. Philips.

Very truly yours,

Anthony M. Pinto

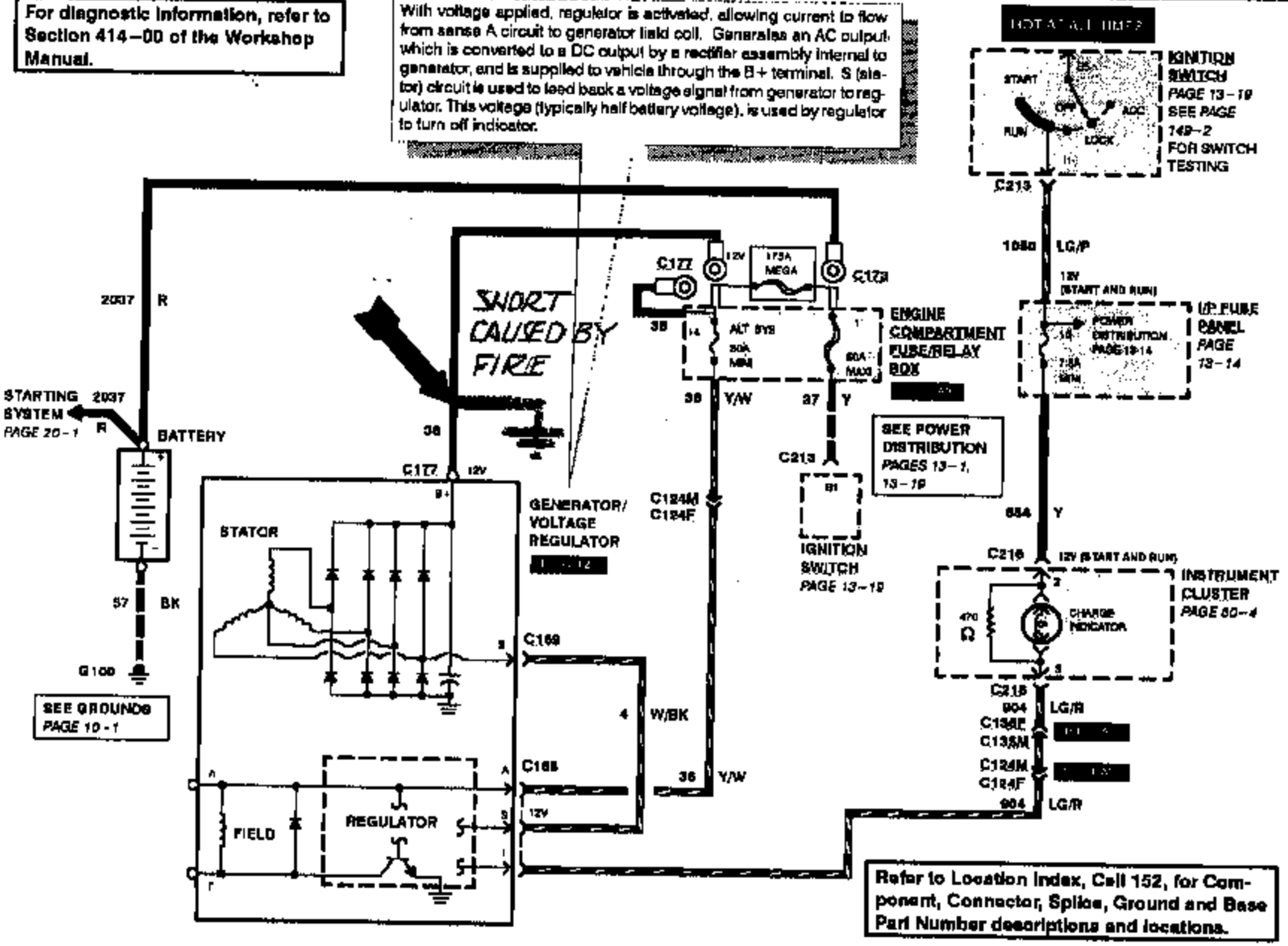
AMP/skw A170.amp

12–1 CHARGING SYSTEM

1998 RANGER

For diagnostic information, refer to Section 414–00 of the Workshop Manual.

With voltage applied, regulator is activated, allowing current to flow from sense A circuit to generator field coil. Generates an AC output which is converted to a DC output by a rectifier assembly internal to generator, and is supplied to vehicle through the B+ terminal. S (stator) circuit is used to feed back a voltage signal from generator to regulator. This voltage (typically half battery voltage), is used by regulator to turn off indicator.



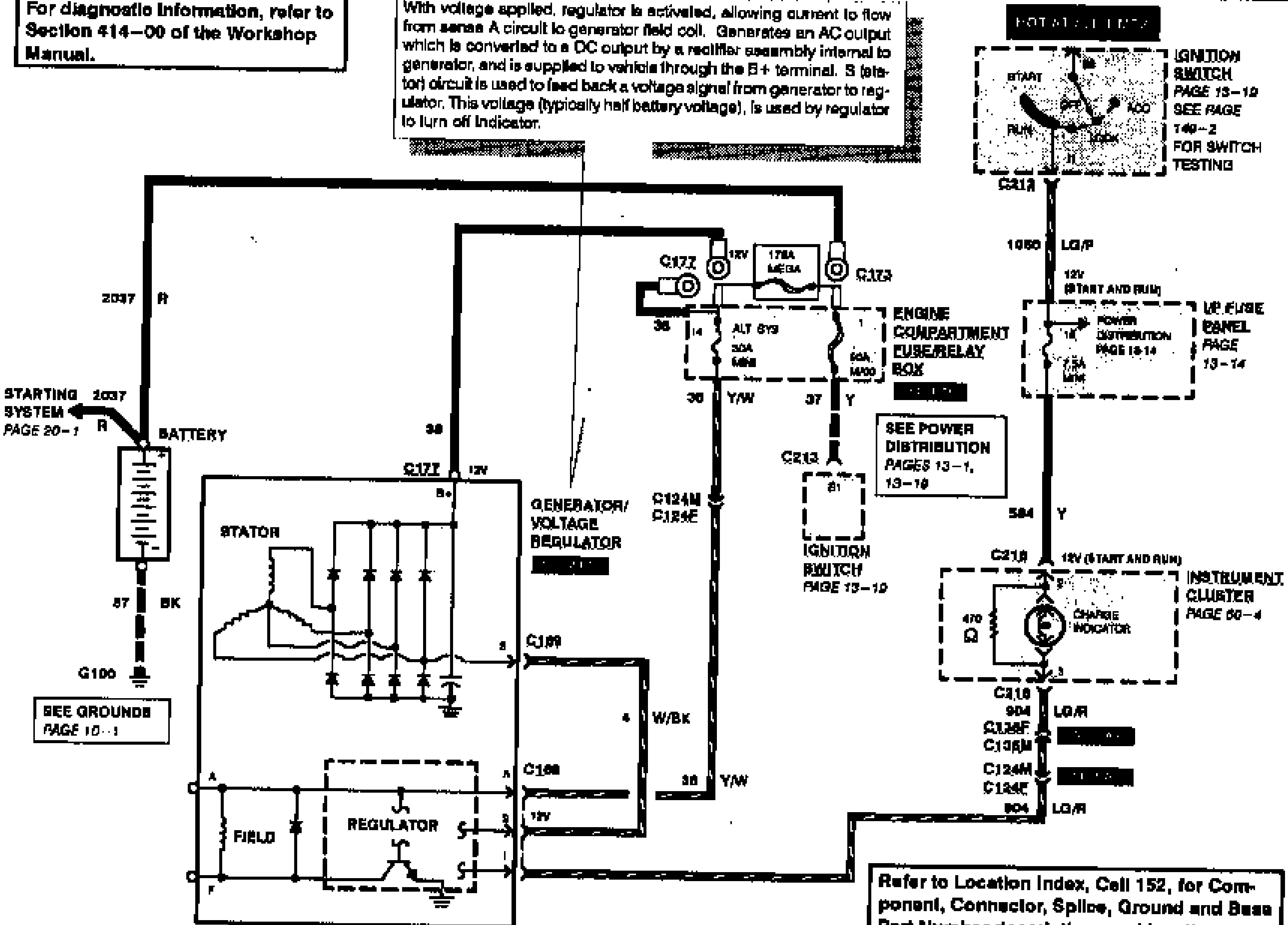
EMS–005–LC–10175

12–1 CHARGING SYSTEM

1990 RANGER

For diagnostic information, refer to Section 414–00 of the Workshop Manual.

With voltage applied, regulator is activated, allowing current to flow from sense A circuit to generator field coil. Generates an AC output which is converted to a DC output by a rectifier assembly internal to generator, and is supplied to vehicle through the B+ terminal. S (stator) circuit is used to feed back a voltage signal from generator to regulator. This voltage (typically half battery voltage), is used by regulator to turn off indicator.



Refer to Location Index, Cell 152, for Component, Connector, Splice, Ground and Base Part Number descriptions and locations.

E925-96-LC-10176

[illegible]-[illegible]-LC-18177

NASH, PODVIN, TUCHSCHERER, HUTTENBURG, WEYMOUTH & KRYSHAK, S.C.

LAWYERS

LIMITED LIABILITY ORGANIZATION
170 THIRD STREET NORTH
P.O. BOX 997
WISCONSIN RAPIDS WI 54495-0997

LAWRENCE R. NASH
FRANCIS J. PODVIN
H. JAMES TUCHSCHERER
JEFFREY L. HUTTENBURG
RICHARD D. WEYMOUTH
ROBERT V. KRYSHAK
R. JOHN SYMONDS
AMY J. BOETTCHER

TELEPHONE [illegible]
FACSIMILE [illegible]

DIRECT E-MAIL
RKryshak
[illegible]

January 25, 2001

Mr. Anthony M. Pinto
Donoohue, Brown, Mathewson & Smyth
1140 South Dearborn
Suite 700
Chicago IL 60603

FEB 0 1 2001
AMP/MMB/[illegible]

RE: [redacted] vs. Ford Motor Company
Your File No. 00-0215

Dear Mr. Pinto:

Enclosed is a copy of Mr. Cal Phillips' file.

Yours very truly,

NASH, PODVIN, TUCHSCHERER,
HUTTENBURG, WEYMOUTH & KRYSHAK, S.C.

By: [signature]
Robert V. Kryshak

BH
enclosures
cc: Mr. Kelly C. Cavanaugh; Claim No. H54124 (letter only)
Mr. Jeffrey T. DeMeuse (letter only)
Mr. Cal Phillips (returning originals)

S:\data\DOCS\H\HMIC\COL-zellner L-Pinto.1.wpd

ER05-005-LC-18179

[redacted] Owner
1998 Ford Ranger
VIN 1FTZR15X7WF[redacted]
Claim Number: [redacted]
Date Of Loss: April 13, 1998

CAL's Photograph List

1. Front of vehicle - Notice missing parts.

2. Passenger side - Vehicle stripped of parts.

3. Passenger side - Note flame pattern from top down on fender.

4. Passenger side - Photo shows interior and lack of fire damage.

5. Driver's side - Photo shows parts missing and lack of interior damage.

6. Driver's side - Note lack of fire damage on fender - fire spread towards passenger side.

7. Driver's side - Note lack of fire damage in the interior.

8. Rear of vehicle - Note box gone as well as rear axle and other parts dismantled

9, 10, 11 & 12. Engine compartment - These four photos show the engine compartment. Note engine missing.. Damage at the fire wall high up. Fire in all photos indicates high burning. No low burning. The radiator still intact. This also indicates fire at high level.

Please review

27 April 2000

Attorney Robert Kryshak
Nash, Podnin, Tuchocherer, Huttenberg, Weymouth & Kryshak
PO Box 997
Wisconsin Rapids, WI 54495-0997

Re: Vehicle Fire
1998 Ford Ranger
VIN: 1FTZR15X7W[redacted]
Date of Loss: 13 April 1998
Owner & Insured: [redacted]
Heritage Insurance
Claim No: [redacted]
Date of Investigation: 17 April 1998
Investigation originally conducted by: Gary Kaufmann of Cal Phillipps & Associates

Basic Information
I met Ford Motor Company's expert, Mr. Norman LaPoint, on 19 April 2000 at Nik's Auto Salvage in Sherwood, Wisconsin. Mr. LaPoint & I were both present during the entire course of the joint examination of the remains of the vehicle.

It is important to note that the at some time after the fire incident and prior to our examination on 19 April 2000, the remains of the vehicle had been hauled to Nik's Auto Salvage and, in the process, received some damage. In addition, the remains of the vehicle had been stripped. At the time of the 19 April 2000 examination, the following includes some of the items missing from the vehicle were: the entire engine and it's components, the engine hood, doors, axles, wheels, tires and rear truck box.

I examined the full remains of the vehicle and photographed fire patterns that were present on the remains.

Conclusions
Based on the data obtained through the examination process, in my opinion, the fire patterns on the remains of the vehicle support the opinions developed from the original investigation conducted by Investigator Gary Kaufmann pertaining to the causation of the vehicle fire. As Investigator Kaufmann states in his report, in his opinion, the point of fire origin was at the alternator, which was located toward the passenger side of the engine compartment. In Investigator Kaufmann's opinion, the heat source of the fire was the main electrical conductor from the alternator.

A complete set of the photographs taken during the course of the 19 April 2000 examination are included.

Thank you for the opportunity to be of service to you. Should there be further questions, please call.

Sincerely,

Cal Phillipps
Certified Fire Investigator - Consultant

Enclosures:
- One Set Examination Photographs
- Statement for Services to date

HERITAGE COMPANIES
Heritage Mutual Insurance Company
Greenway Insurance Company
Heritage Financial Corporation
Claims Office • 2601 Robin Lane • PO Box 846 • Wausau WI 54402-0846 (715) 848-8200

October 1, 1998

Ford Motor Company
Office of the General Counsel
Parklane Towars West, Suite 400
3 Parklane Boulevard
Dearborn, MI 48126-2568

Attention: Nadine Grabowski

RE: Our Insured: [redacted]

Our Claim No. [redacted]
Date of Loss: 04-13-98

Thank you for your letter of August 18, 1998 acknowledging receipt of our subrogation claim. Enclosed with this letter is an Expert's report done by Cal Phillipps & Associates, Inc., along with the photographs taken by them on April 17, 1998. The vehicle involved was a 1998 Ford Ranger Extended Cab 4X4, VIN 1FTZR15X7W[redacted]. We have also included the Total Loss Evaluation sheet regarding the damage to this vehicle, as well as copies of the draft payment. We do not have the complete service history for the vehicle involved, including any tune-ups or oil changes. We do know, however, that the vehicle only had 6,000 miles on it when this incident happened. The parts that you may need to inspect are in storage at Cal Phillipps & Associates in Oshkosh, Wisconsin. You may contact Gary Kaufmann at 920-233-4001 to see these parts. The vehicle itself is located at Nik's Auto Sales at N966 Quality Drive in Greenville, Wisconsin 54912. The person you would need to speak with is Scott at 920-836-2036.

I hope this provides you with the information you need to do your investigation. I apologize for the length of time it has taken me to get you this information.

Thank you for your cooperation in this matter, and certainly feel free to contact me should you have any further questions or need any further information.

Sincerely,

Michelle K. Schoepke

Michelle Klaus-Schoepke
Field Claims Representative
Wausau District Office

MKS/av
Enclosures

CAL PHILLIPPS & ASSOCIATES, INC.
322 Court Street
Oshkosh, Wisconsin 54901
Phone: (920) 233-4001 • Fax: (920) 233-4126
Cal Phillipps - Rich Relien

24 June 1998

Ms. Michelle Schoepke
Heritage Mutual Insurance
PO Box 846
Wausau, WI 54402

Re: Vehicle Fire
1998 Ford Ranger
VIN: 1FTZR15X7W[redacted]
Date of Loss: 13 A[redacted]
Owner & Insured[redacted]
Heritage Mutual Insurance
Claim No[redacted]
Date of Investigation: 17 April 1998

The following is the report of my investigation of the above referenced fire.

BASIC INFORMATION

I was assigned to this case after our office received a telephone call from Ms. Michelle Schoepke of Heritage Mutual Insurance, who requested that an investigation be conducted to determine the causation of the above referenced fire. Ms. Schoepke provided information pertaining to the loss. The vehicle was located at the home of the insured in Auburndale, Wisconsin.

On 17 April I drove to 6106 Railroad Drive in Auburndale and spoke with the insured, [redacted] stated the vehicle was purchased from a local dealership near Thanksgiving of 1997. At a later date, [redacted] heard on the radio there was a recall on Ford trucks and took the vehicle to the same dealership, where he was informed that there was not a recall on this truck model.

[redacted] said there was about 6000 miles on the odometer at the time of the fire. The day of the fire, approximately 70 miles were driven during the course of running errands. [redacted] new the mileage driven as he had just put gas in the truck and had returned the trip odometer to zero. Upon returning home, the truck was parked in the garage.

According to [redacted] the truck was running sluggish on 13 April. He also was not able to get the transmission into fifth gear. He telephoned the dealer and scheduled an appointment with the service department for the next day. [redacted] decided to park the

truck in the driveway overnight rather than leave it in the garage. He stated he saw some fluid, which smelled like gasoline, on the ground under the passenger side of the vehicle. [redacted] proceeded to open the engine hood and look on the passenger side of the engine for the cause of the leakage. Not finding the source of the leak, he returned indoors. At approximately 1445 hours while watching television, his young daughter went to get a drink of water. Using a chair to reach the faucet and being able to see out the kitchen window, she told [redacted] that there was smoke coming out of the truck. Finding the vehicle on fire, [redacted] notified the fire department. The Auburndale Fire Department's report notes the time of the call at 1452 hours.

[redacted] informed me that his house and garage had been the subjects for obscene language graffiti applied by person or persons unknown. During the course of my conversation with [redacted] he was very emotional in regards to the fire incident with the truck. It was the first new vehicle he had ever owned, and he had saved a long time to make the purchase. [redacted] stated he was very careful with the truck; he did not allow anyone else to drive it. He would also lift and place his young children into the seats so they would not accidentally scratch the rocker panels.

Following my investigation, a search was made of the National Highway Transportation Safety Administration Office of Defects Investigation Recall Database for information pertaining to late model Ford Rangers with a 4.0 liter engine. Two recall notices were found. Both of the recalls were on account of non-metallic fuel lines being too close to the exhaust manifold. The fuel lines involved were on the driver's side portion of the engine and did not pertain to this fire incident as the fire clearly originated on the passenger side of the engine compartment in an area not associated with the fuel lines.

INVESTIGATION
EXTERIOR

The exterior of the vehicle was examined and photographed. It was readily apparent the majority of the fire damage was in the engine compartment. The engine hood was severely physically damaged as a consequence of the fire department's activities to access the engine compartment. The hood was not attached to the vehicle at the time of my investigation.

The front passenger side fender contained a large burn pattern and the front passenger side tire was found deflated. The windshield was cracked on the passenger side. A few small burn patterns were noted on the driver's side front fender. See photographs 1 - 4.

The engine hood, which was being stored in teh truck bed, was returned to its original position. The burn patterns on the hood indicated the fire was most intense on the passenger side of the engine compartment.

Fluid samples were not taken from the ground below the vehicle as the truck was not in the position it was at the time of the fire, and rain had fallen since the incident. Examination of the damage on the underside of the truck indicated that the fire traveled to this area from the engine compartment.

INTERIOR

The interior of the vehicle was examined and photographed. The most severe damage was on the passenger side. The fire had caused the inflation of the passenger side air bag device as it began to make entry into the glove compartment. See photograph 5.

The cigarette lighter was in place. The temperature control was set at "warm" for the defroster and floor areas. The fan was on the first setting. See photograph 6. The panel containing the odometer, speedometer and other gauges had been removed by the fire department during overhaul operations.

The fuse panel was located and the following fuses were found "tripped:" 13 (brake pedal position switch), 17 (cigarette lighter), 18 (driver's side door lock relay), 22 (auxiliary power socket) and 35 (RABS test connector). All fuses were of the proper size. See photograph 7. [redacted] also indicated he had not experienced any problems with fuses since owning the vehicle.

The engine compartment was examined. The fuel lines and connections to the engine, located on the driver's side portion of the engine, were intact. The lines came up to the top of the engine and across to the fuel injector. The fuel lines were retained as evidence and are in the possession of Cal Phillipps & Associates, Inc. for further examination/ evaluation at your discretion. See Evidence Tag & Form.

The most severe fire damage was found at the front passenger side of the engine compartment. The damage to the engine in this area extended from the front to the fire wall. The heater core was located next to the fire wall - see photograph 10. Electrical conductors transversing or passing through the fire wall of the vehicle were examined. There was no evidence of any unusual electrical activity or malfunction found.

Located in the area of most damage were the air filter assembly and the engine coolant reservoir adjacent to the windshield wash reservoir. All of these components were made from plastic. Connections were made with either rubber or plastic hoses. The wheel well was also comprised of a plastic material. Most of these combustibles were either consumed or heavily damaged in the fire.

The starter, alternator and air conditioning unit were intact. A visual examination of the starter indicated the fire did not originate at the device. The air conditioning unit sustained damage from exterior fire damage and was not associated with the fire origin. The main electrical conductor from the alternator to the variable electrical assembly had

fused to a metal support bracket on top of the alternator - see photograph 14. Evidence of unusual electrical activity was also found on the copper strands of the same conductor. The alternator and associated conductors were removed from the vehicle, retained as evidence and is in the possession of Cal Phillipps & Associates, Inc. for further examination/evaluation at your discretion. See Evidence Tag & Form.

In photograph 15 the location of the alternator and its main electrical conductor in the engine compartment is seen. Photographs 16 and 17 display the engine hood damage in relation to the location of the alternator.

After my investigation, a vehicle of similar make and vintage was examined at a local dealership in Oshkosh. The main electrical conductor from the alternator, sheathed in a corrugated plastic loom, ran across the top of the unit and was secured to a metal bracket with a plastic fastener as it continued its route to the battery control unit. See photographs 19 -21.

In speaking with a mechanic of this dealership, this main conductor from the alternator would be energized at all times, even when the engine was not operating.

In our office and with an ordinary cigarette lighter, a flammability test was conducted on the insulation of the conductors of the alternator. The insulation was self extinguishing, however, the corrugated plastic loom material in which the conductor was sheathed, was very flammable and burned easily with a minimal amount of heat application.

It was evident in examining the dealership vehicle, a good portion of engine components on the passenger side were made of combustible materials. All of these components in [redacted] vehicle were destroyed in the fire.

As a result of my examination of the vehicle, the evidence found and the information received, the following are my opinions as to the causation of the above referenced fire.

POINT OF ORIGIN

In my opinion, the point of origin was at the alternator in the engine compartment where the main electrical conductor was fused to the metal support bracket. There were no other points or areas of fire origin found within the vehicle.

HEAT SOURCE

In my opinion, the heat source of the fire was the failure of the main electrical conductor from the alternator. The heat source is determined by the process of elimination, either by its examination or by its absence at the origin of the fire. In this case, there were no other possible heat sources present at the point of fire origin. The fusing of the alternator conductor to the metal bracket and the evidence of unusual electrical activity on the

copper strands of the conductor clearly support the conductor being the heat source of this fire.

CATEGORY
In my opinion, this was an accidental fire. At the time of my investigation, I did not find any evidence indicating an incendiary arson fire.

Thank you for the opportunity to be of service to you. Should there be further questions, please do not hesitate to call.

Sincerely,

Gary N. Kaufmann

Gary N. Kaufmann
Fire Investigator

Enclosures:
- 22 Numbered & Identified Investigation Photographs
- Corresponding Photograph List
- Additional Investigation Photographs
- Evidence Tags & Form
- Statement for Services.

CAL PHILLIPPS & ASSOCIATES, INC.

322 Court Street
Oshkosh, Wisconsin 54901
Phone: (920) 233-4001 • Fax: (920) 233-4126
Cal Phillipps • Rich Relien

Vehicle Fire

1998 Ford Ranger

VIN: 1FTZR15X7W[redacted]

Date of Loss: 13 April 1998

Fire Department Dispatch Time: 1452 Hours

Insured: [redacted]

Heritage Mutual Insurance

Claim No: [redacted]

Date of Investigation: 17 April 1998

CAL PHILLIPPS & ASSOCIATES, INC.

322 Court Street
Oshkosh, Wisconsin 54901
Phone: (920) 233-4001 • Fax: (920) 233-4126
Cal Phillipps • Rich Relian

24 June 1998

Ms. Michelle Schoepke
Heritage Mutual Insurance
PO Box 846
Wausau, WI 54402

Re: Vehicle Fire
1998 Ford Ranger
VIN: 1FTZR15X7WL[redacted]
Date of Loss: 13 April 1998
Owner & Insured [redacted]
Heritage Mutual Insurance
Claim No: [redacted]
Date of Investigation: 17 April 1998

PHOTOGRAPH LIST

Number

1. The front of the vehicle. The engine hood had been physically damaged and removed by the fire department to access the engine compartment. At the time of my investigation, the hood was in the bed of the truck and I returned it to its original position for reconstruction purposes.

2. The driver's side of the vehicle. A small burn pattern is seen on top of the front fender.

3. The rear of the truck which did not sustain any fire damage.

4. The front passenger side of the vehicle. The corresponding front tire was found deflated, as shown in photograph 13. Note the large burn pattern on the top of the fender.

5. A view of the interior passenger side of the truck. Note the crack in the windshield and the air bag, which activated when the fire began to access the glove compartment from the engine. The dashboard underwent some warping due to the heat exposure, but note that the fire did not make headway into the passenger compartment of the vehicle.

6. The middle console portion of the interior. Note the lack of fire damage to the area.

7. The fuse panel of the vehicle. All fuses were intact, however, several had "tripped." All fuses were of the proper size.

8. The camera is at the front driver's side of the vehicle and aimed into the engine compartment. Note the minor amount of fire damage on the top of the fender. While damaged from products of combustion, combustible materials remain on the driver's side portion of the engine.

9. The camera is at the front passenger side of the vehicle and is aimed into the engine compartment. Note the absence of the plastic engine coolant reservoir, windshield wash reservoir and other combustible materials in this portion of the engine.

10. The wiring harness as it enters the fire wall of the vehicle. The conductors seen in the photograph were examined. No indications of internal heating or malfunction were found and the conductors of the wiring harness were eliminated as the heat source of the fire.

11. The camera is at the passenger side near the front of the vehicle and is aimed at the front portion of the engine compartment. The air conditioning unit and alternator are seen in the photograph above the red arrow. The damage to the hose below the alternator, see the arrow, indicates the fire attacked the hose at its top surfaces.

12. The arrow marks the valve to the fuel injection system and to which was attached a fuel line. All components of the system and fuel lines were intact.

13. An underside view of the vehicle and the front passenger side tire. The lack of fire damage to the underside indicates the fire originated above in the engine compartment.

14. A view of the alternator's main conductor that was found fused to a metal bracket - see the arrow.

15. A general view of the engine compartment. The arrow marks the fused alternator conductor to the metal bracket.

16. The engine hood has been returned to position. The arrow marks the most severe heat pattern on the hood surface, which is in direct relationship to the location of the alternator.

17. The camera is on top of the truck and is aimed down at the engine hood. Note the heat patterns on the exterior hood surface which correspond to the location of the alternator.

18. The alternator and associated conductors have now been removed from the vehicle and retained as evidence. See enclosed Evidence Tag and Form

19. - 21. General photographs of the location of the main electrical conductor alternator in a 1998 Ford Ranger of similar make. The conductor, sheathed in the corrugated plastic loom, crosses over the alternator and is secured to the metal bracket with a plastic fastener - see the arrows. Note the large amount of combustible materials in the engine compartment, which contributed to the severity of the damage to [redacted] Ranger.

HERITAGE INSURANCE
Heritage Mutual Insurance Company - Sheboygan, Wisconsin 53081

PHOTO INVESTIGATION

Claims Representative: _____ Claim Number: _____ Insured: _____

Description: 1 of 2

Distance-lens to object: _____ Direction taken: _____ Flashbulb: _____

Date: _____ Time: _____ Weather: _____

Description: 2 of 2

Distance-lens to object: _____ Direction taken: _____ Flashbulb: _____

Date: _____ Time: _____ Weather: _____

C-60(5-88)

PRODUCED BY FOR

HERITAGE INSURANCE

Heritage Mutual Insurance Company - Sheboygan, Wisconsin 53081

PHOTO INVESTIGATION

Claims Representative: ~~Illegible handwriting~~ Claim Number: ______ / Insured: ______

Description: ______ 3 of 18

______

Distance-lens to object: ______ Direction taken: ______ Flashbulb: ______

Date: ______ Time: ______ Weather: ______

Description: ______ 4 of 18

______

Distance-lens to object: ______ Direction taken: ______ Flashbulb: ______

Date: ______ Time: ______ Weather: ______

C-60(5-88)

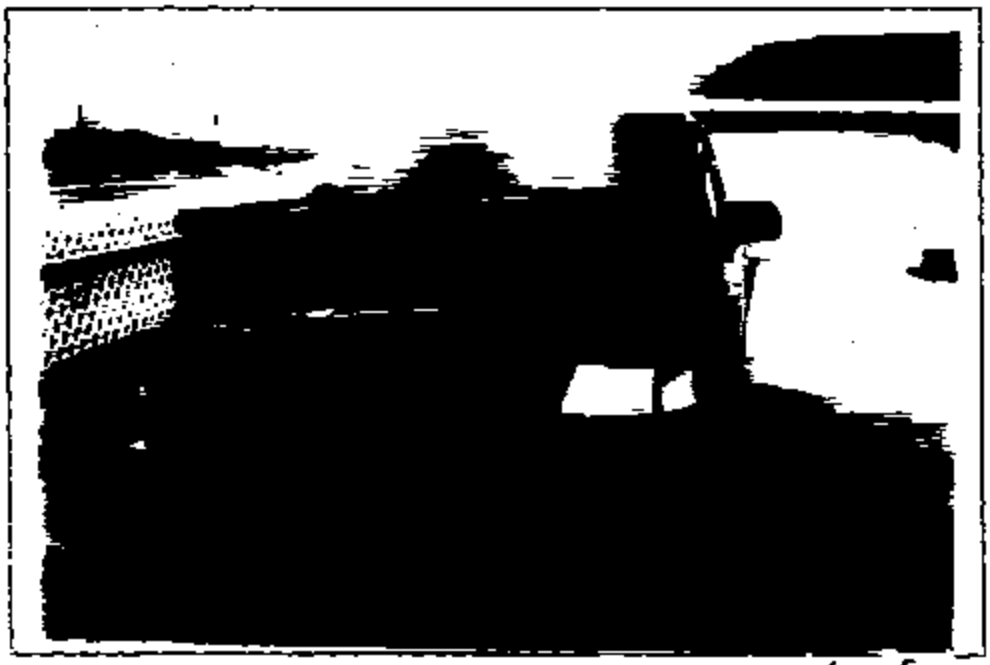
HERITAGE INSURANCE
Heritage Mutual Insurance Company - Sheboygan, Wisconsin 53081

PHOTO INVESTIGATION

Claims Representative: [illegible] Claim Number: [illegible] Insured: _____

Description: Side

Distance-lens to object: _____ Direction taken: _____ Flashbulb: _____
Date: _____ Time: _____ Weather: _____



Description: Front

Distance-lens to object: _____ Direction taken: _____ Flashbulb: _____
Date: _____ Time: _____ Weather: _____

C-80(5-86)

PRODUCED BY FOR

HERITAGE INSURANCE
Heritage Mutual Insurance Company - Sheboygan, Wisconsin 53081

PHOTO INVESTIGATION

Claims Representative: [illegible] Claim Number: [illegible] Insured: _____

Description: Front

Distance-lens to object: _____ Direction taken: _____ Flashbulb: _____

Date: _____ Time: _____ Weather: _____

Description: Rear

Distance-lens to object: _____ Direction taken: _____ Flashbulb: _____

Date: _____ Time: _____ Weather: _____

C-60(5-88)

HERITAGE INSURANCE
Heritage Mutual Insurance Company • Sheboygan, Wisconsin 53081

PHOTO INVESTIGATION

Claims Representative: _____ Claim Number: _____ Insured: _____

C-90(5-88)

PRODUCED BY FORD

INVESTIGATION

Claims Representative:

10.14

10.14

C-6045-86I

PRODUCED BY F

INVESTIGATION

Claims
Representative:

Description:

C-80(8-88)

PRODUCED BY FOR

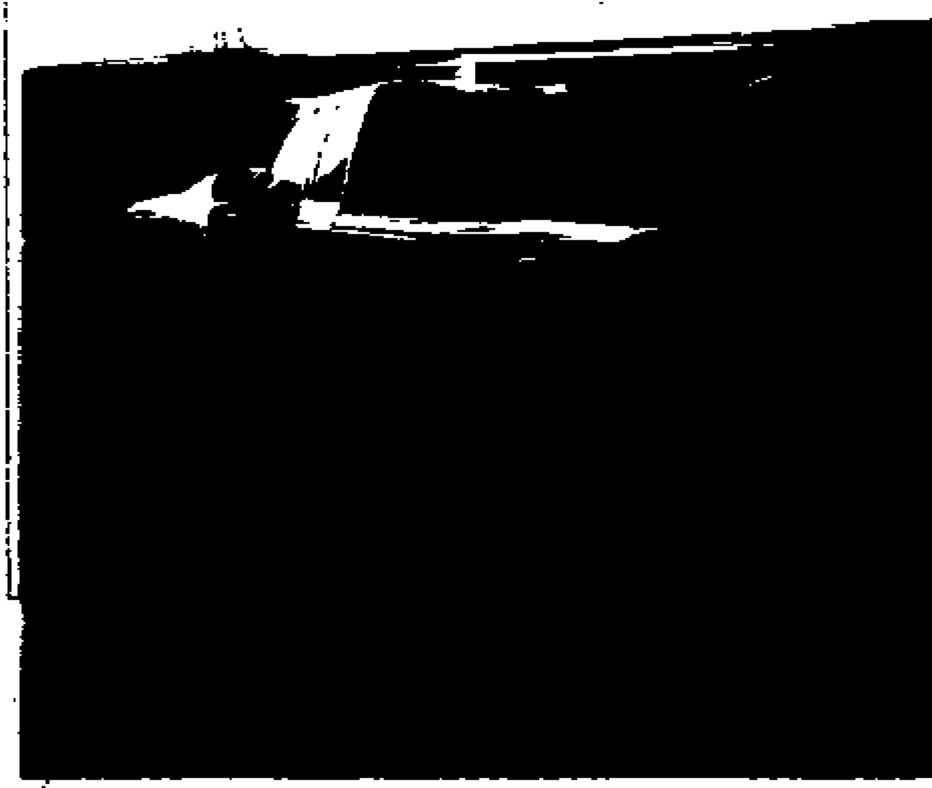
INVESTIGATION

Claims Representative:

Description: ______________________________

Distance-lens to object: ________ Direction taken: ________ Flashbulb: ______

Date: ______________ Time: ________ Weather: ______________

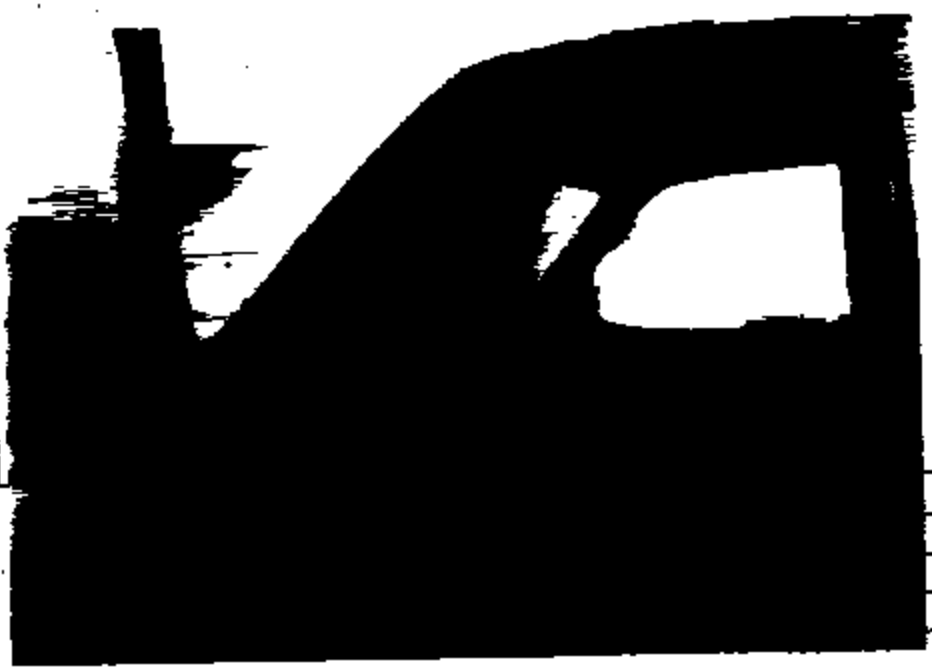


C-60(5-86)

PRODUCED BY FOR

INVESTIGATION

Claims
Representative:



C-60(6-86)

PRODUCED BY FO