



TWENTY-FOURTH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

CLERK OF COURT
RONALD D. BREXHEIMER

[Redacted]

Plaintiff

CIVIL ACTION

NUMBER: 541-958

DIVISION:

vs.

FORD MOTOR COMPANY and
DON BOHN FORD, INC.

Defendant

FILED FOR RECORD
99 MAR 23 AM 8:55
CLERK OF COURT
PARISH OF JEFFERSON, LA

PETITION FOR DAMAGES

The Petitioner, [Redacted] majors domiciled in the Parish of Jefferson, State of Louisiana, with respect represents:

1.

The following parties are made defendant herein:

- A) FORD MOTOR COMPANY, a foreign corporation authorized to do and doing business in the State of Louisiana;
- B) DON BOHN FORD, INC., a domestic corporation, authorized to do and doing business in the State of Louisiana.

2.

Each of the defendants is indebted unto petitioner, [Redacted] jointly and/or in solido, in an amount that is reasonable in the premises, together with legal interest thereon from date of judicial demand until paid and for all costs of these proceedings, for the following reasons:

3.

On or about March 22, 1997, plaintiff, [Redacted] purchased a 1997 Ford F-150 Pickup Truck from DON BOHN FORD, INC.

4.

The 1997 Ford F-150 pick-up truck is more particularly identified as a Green 1997 Ford pick-up truck bearing vehicle identification number: 1FTDX178XV[Redacted] Model F-150. [hereinafter referred to as the "1997 Ford Pickup"].

5.

On or about July 25, 1988, the 1987 Ford pickup truck owned and operated by [REDACTED] [REDACTED] erupted in fire, causing total damage to the vehicle, bumper to bumper.

6.

The 1987 Ford Pickup Truck was manufactured by FORD MOTOR COMPANY and sold to plaintiffs by DON BOHN FORD, INC.

7.

On or about July 25, 1988, [REDACTED] was involved in this incident while driving his 1987 Ford F-150 Pick-up Truck.

8.

On or about July 25, 1988, [REDACTED] was riding as a guest passenger in the 1987 Ford pick-up truck.

9.

A cause of the fire and injuries sustained by [REDACTED] [REDACTED] was the negligence of the defendant, FORD MOTOR COMPANY, pursuant to La. R.S. 9:2800.54, the Louisiana Products Liability Act in the following non-exclusive particulars or as may be seen at the trial on the merits in this case:

- A. Manufacturing a product that is unreasonably defective in design, construction and/or composition;
- B. Designing and constructing the 1987 Ford Pick-up Truck in such a manner that the electrical system would catch fire;
- C. Designing and constructing a product that was unreasonably dangerous for its reasonably anticipated use;
- D. Designing, manufacturing, constructing, assembling and producing the 1987 Ford Pick-up Truck in such a manner as to create a product that was dangerous and hazardous to the life, health and safety of persons using same at the time it left the manufacturer's control;
- E. Placing into the stream of commerce, a product that was improperly designed and/or constructed in that it would catch fire and cause bodily injury to persons using same;
- F. Such other acts and/or omissions as may be shown at the trial on the merits in this matter.

10.

The defendants, FORD MOTOR COMPANY, INC. and DON BOHN FORD, INC., are liable to petitioners for advertising, marketing, selling, brokering or acting as agent for the brokering and/or selling of the 1997 Ford Pick-up Truck that was defective as alleged above.

11.

The defendants, FORD MOTOR COMPANY and DON BOHN FORD, INC., are liable to plaintiffs for failing to warn plaintiffs and all potential users that this vehicle was subject to catching on fire due to its electrical system and that this vehicle could catch fire at any time, especially since it had knowledge of this problem at the time it was sold to petitioners.

12.

The defects in the 1997 Ford Pick-up Truck was a cause of the injuries and damages to plaintiffs [REDACTED] and by reason thereof, the defendants, FORD MOTOR COMPANY and DON BOHN FORD, INC. are liable to plaintiffs for the injuries, losses and damages sustained.

13.

As a direct and proximate result of defendant's negligence [REDACTED] [REDACTED] sustained injuries, including but not limited to smoke inhalation resulting in loss of smell and loss of taste, damages to lungs, headaches, dizziness, impairment of sleep and fatigue.

14.

Petitioners [REDACTED] recognize their damages as follows:

- Pain and suffering
- Emotional and mental anguish
- Medical expenses
- Permanent disability
- Loss of earning capacity
- Loss of enjoyment of life
- Loss of bodily function

15.

Petitioners allege that the injuries and damages in this case exceed \$50,000.

WHEREFORE PETITIONERS PRAY that the defendants be served with a copy of this petition and that after due proceedings, there be judgment in favor of Petitioners [REDACTED] [REDACTED] against the defendants, FORD MOTOR COMPANY,

INC. and DON BOHN FORD, INC., in an amount that is reasonable in the premise, plus legal interest from date of judicial demand until paid and for all costs of these proceedings.

**CARMI LAW FIRM
A LAW CORPORATION**

BY: 

DARRYL J. CARMI, Trial Attorney
Louisiana Bar No: 3878
Fourth Floor Heritage Plaza
111 Veterans Boulevard
Metairie, Louisiana 70005
(504) 831-2841
FAX: (504) 837-7982

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BY: 

DAVID K. BUIE
Louisiana Bar No: 21507
Fourth Floor Heritage Plaza
111 Veterans Boulevard
Metairie, Louisiana 70005
(504) 831-2841
FAX: (504) 837-7982

PLEASE SERVE:

FORD MOTOR COMPANY
Through its registered agent for service of process:
C.T. CORPORATION SYSTEM
8860 United Plaza Boulevard
Baton Rouge, Louisiana 70809

DON BOHN FORD, INC.
Through its registered agent for service of process:
Donald B. Bohn, Jr.
3737 LaPaloo Boulevard
Harvey, Louisiana 70068

A TRUE COPY OF THE ORIGINAL
ON FILE IN THE OFFICE


K. Garland
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

REPORT SUMMARY

On July 29, 1998, at the request of Mr. Kirby Busby, I traveled to K-Mac Towing for an examination of a 1997 Ford F150, owned by [REDACTED]. The vehicle had received fire damage on July 25, 1998 at approximately 2:00 a.m. [REDACTED] was driving the vehicle in Natchitoches, Louisiana at the time the fire occurred. During examination of the vehicle, fire patterns were consistent with the fire originating on the driver's side dash area. All electrical components of the dash and all but small pieces of electrical wiring had been destroyed by the fire. Electrical components of the light switch were not uncovered during debris removal. Based on the evidence as observed, I conclude the fire to be indeterminate due to the amount of destruction of the electrical components of the light switch.

INVESTIGATOR: W. Glenn Bolton, CFEI

FCI FILE NO.: FAI-209-81

CLAIM NO: [REDACTED]

TYPE, DATE, LOCATION OF LOSS: Vehicle Fire, 7/25/98, Natchitoches, LA

COPIES: (2) Mr. Kirby Busby
Allstate Insurance Company
1916 Gus Kaplan Drive
Alexandria, Louisiana 71301

(1) FCI File

**CAUSE AND ORIGIN INVESTIGATION
OF A FIRE TO A 1997 FORD TRUCK
OWNED BY STEPHEN FERRIER
LOCATED IN NATCHITOCHEES, LOUISIANA**

I. INTRODUCTION

On July 28, 1998, Mr. Kirby Busby of Allstate Insurance Company in Alexandria, Louisiana, contacted Fire Cause Investigations, requesting a cause and origin examination of a 1997 Ford truck. The truck, owned by [REDACTED] had received fire damage on July 25, 1998. Authorization was given for Fire Cause Investigations to travel to K-Mac Towing in Natchitoches, Louisiana for an examination of the vehicle and to retrieve evidence pertinent to fire causation.

II. BACKGROUND

According to information received [REDACTED] was driving the vehicle on July 25, 1998 at approximately 2:00 a.m., when he and his wife noticed smoke coming from the driver's side of the dash. After a fire erupted in the dash, he noticed the lights go real bright then dim. He pulled to the side of the road and a passerby contacted the Natchitoches Fire Department. While waiting on the fire department, [REDACTED] tried to extinguish a grass fire that was started by the truck being on fire. Upon arrival of the fire department, the truck was fully involved and the fire department concentrated on the grass fire. The truck was then taken to K-Mac Towing, located on Sabine Street in Natchitoches, Louisiana.

III. ON-SITE EXAMINATION

On July 29, 1998, I traveled to K-Mac Towing for an examination of the vehicle. Upon arrival, photographs were taken for documentation purposes. The vehicle sustained complete burns from bumper to bumper. There were no signs of equipment modification or aftermarket devices. Fire damage was heaviest to the cab area. Fire patterns on the bed and in the engine compartment were consistent with the fire originating within the passenger compartment. Heaviest fire damage was to the driver's side dashboard area. The entire passenger compartment had been heavily damaged by the fire with most of the combustibles completely consumed. Metal components, including seat springs and sheet metal components of the dash showed no signs of an accelerated fire. Portions of the floorboard insulation remained intact throughout the front floorboard area and into the extended cab floorboard. Fire patterns were consistent with the fire moving through the fire wall, into the engine compartment, impinging on the fuel line where the gasoline added fuel load in the engine compartment. The composite engine hood received heaviest damage to the area directly in front of the fire wall. The shadowing patterns in the dashboard area were consistent with the fire originating in the immediate area where the light switch had originally been mounted. During debris removal, no portions of the light switch were retrieved due to the heavy amount of fire damage and long burn time sustained by the vehicle.

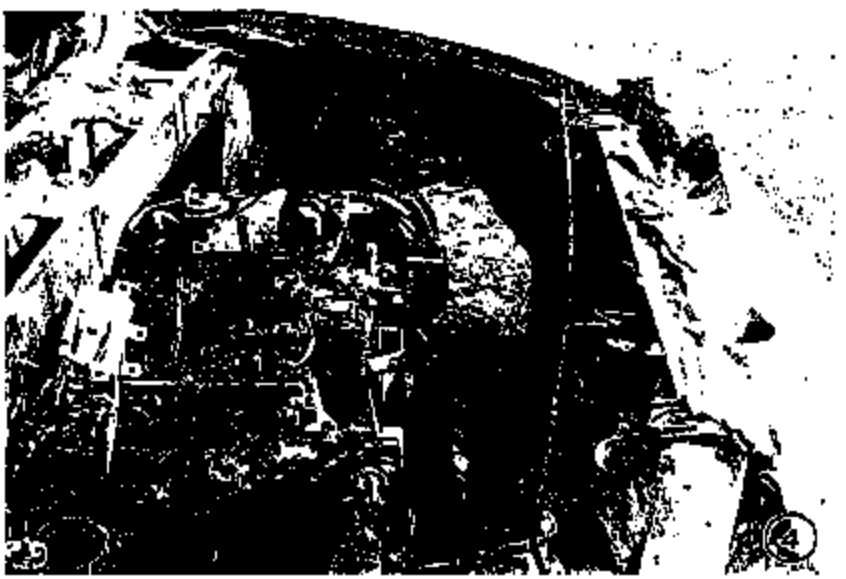
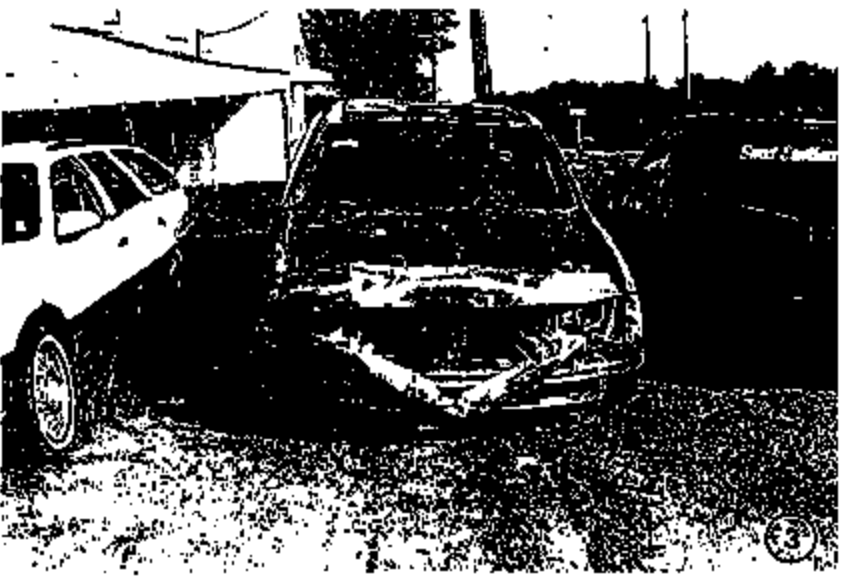
IV. CONCLUSION

Based on the evidence as observed during my examination of the vehicle, I conclude the exact cause of the fire is indeterminate due to the heavy amount of fire destruction. Fire patterns were consistent with the fire being accidental and originating close to the light switch on the left portion of the dash with no signs of being accelerated.



W. Glenn Bolton, CFEI
Managing Investigator
Fire Cause Investigations

1. Driver's side of the vehicle as seen at K-Mac Towing.
2. Passenger side of the vehicle, showing heaviest fire damage to the cab area.
3. View of the front of the vehicle.
4. Overall view of the engine compartment. Fire patterns consistent with the fire entering into the engine compartment through the fire wall.



EP03-009-LC1-4002

5. View of the passenger compartment from the passenger door.
6. View of the passenger compartment from the driver's side door after debris removal.
7. View of the cab floorboard area after debris removal, .45 automatic pistol found on floorboard.
8. View of the area of origin, directly above the fuse panel.







**SHELTER
INSURANCE
COMPANIES**

**SHELTER MUTUAL
SHELTER GENERAL
SHELTER LIFE**

September 8, 2003

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

Dear Ford Motor Company:

1. The date of incident and the city and state in which it occurred.
Pulaski, TN
2. A complete description of the incident, including events which occurred prior to and subsequent to the loss.
See attached note from RJ Hill
3. Copy of police/fire report.
Have not received copy of fire report.
7. Original color photos of the vehicle's collision/fire damage and the alleged defective part(s), from different angles.
See attached report
10. What is the alleged defect?
No clear indication of the cause of the fire was found. Insured stated that lights were dimming once in a while.
11. Documentation to substantiate your defect allegation, including a copy of your expert's report and the expert's original photographs.
See attached report
14. The repair estimate, repair order, of your total loss worksheet for the vehicle's damage and any losses associated with the incident, and copies of draft payments.
See attached report.
15. A complete service history of the subject vehicle, including any tune-ups or oil changes.
No history - new truck with about 4,500 miles
16. List any after market additions or modifications that were made to the vehicle.
None
21. Was the engine running?
No, vehicle parked.

1817 WEST BROADWAY • COLUMBIA, MISSOURI • 65218-0001 • 573-445-8441



**SHELTER
INSURANCE
COMPANIES**

**SHELTER MUTUAL
SHELTER GENERAL
SHELTER LIFE**

September 8, 2003

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

22. Were the keys in the ignition?
No

25. If this vehicle was purchased as used by the insured please provide: the date of purchase, mileage at the time of purchase, and from whom the vehicle was purchased.
Vehicle purchased new.

Thank you for your time and have a great day.

Michael A. Gladden
Nashville Claims
(800) 342.5791

R. J. Hill P.E.

CONSULTING ENGINEER

240 MAYFIELD DRIVE • SUITE 102

SMYRNA, TENNESSEE 37167

PHONE (615) 223-7736 • FAX (615) 223-7768

E-MAIL: r.j.hill@mhdspring.com

DEFECTIVE PRODUCTS
VEHICULAR EXAMINATIONS

LAB SERVICES
EVIDENCE STORAGE

REPORT OF FINDINGS FOR: Sheffter Insurance Company

CONTACT: Mike Gladden

DATE: March 19, 2003

INSURED: [REDACTED]

CLAIM NUMBER: [REDACTED]

DATE OF LOSS: February 10, 2003



Insured
Shelter Insurance Company
Claim # [REDACTED]
March 19, 2003
Page 1 of 1

On February 10 of this year, the insured's 2002 Ford F150 was damaged by fire. At the time that the fire occurred, the truck was parked at the insured's residence. According to the insured [REDACTED] the truck had no history of previous problems other than lights dimming once in a while. In addition, according to [REDACTED] the vehicle had been driven approximately 4,500 miles at the time that this fire occurred. As a result of this fire, an investigation was initiated in order to determine if a malfunction or defect within the vehicle resulted in this fire.

On February 28 of this year, a trip was made to Verastar, Incorporated, located in Nashville, Tennessee, for the purpose of examining the insured's vehicle. The examination was begun by first noting and recording the vehicle identification number as follows: 2FTRX08L92 [REDACTED]. The vehicle that was examined is shown in Photographs 1-4. As shown in these photographs, no external burn damage was noted except as observed on the windshield. The damage to the windshield is shown in Photograph 5. The interior of the vehicle was then examined by first opening the driver's side door and observing the destruction, as documented in Photographs 6-9. The passenger's side door was then opened and the damage documented, as shown in Photographs 10-12. It should be noted that there was an abundance of trash intermingled with melted plastic. Next, the hood was opened in order to inspect the engine compartment. No evidence of burn damage was found on either the interior side of the hood or on any components of the engine. The engine compartment is shown in Photographs 13-15. The fuses located on the driver's side of the cab were then examined. The following fuses were found blown and their respective positions noted: 15 amp - fuse #1, 20 amp - fuse #3, 5 amp - fuse #4, 15 amp - fuse #14, 5 amp - fuse #17, 10 amp - fuse #22. The blown fuses that were found are shown in Photographs 16-21. After completing the examination of the vehicle, no clear indication of the cause of the fire was found. The examination was then terminated.

Technical research was then conducted into determining whether recalls existed for this particular vehicle. The database for the National Highway Traffic Safety Administration was researched, and none were found. Technical Service Bulletins were also researched through NHTSA's database. Several Technical Service Bulletins were found; however, it was not clear which ones would apply. As a result, in order to identify any malfunction or defect within this vehicle, the melted debris and trash would have to be removed in order to expose what appears to be the area of origin. In order to avoid any claims of spoliation, it is therefore recommended that the Ford Motor Company be contacted and requested to provide a representative in order to conduct a joint examination of the vehicle. Until a joint examination can be conducted, no conclusions can be drawn regarding any malfunction or defects that might have been present in this vehicle.



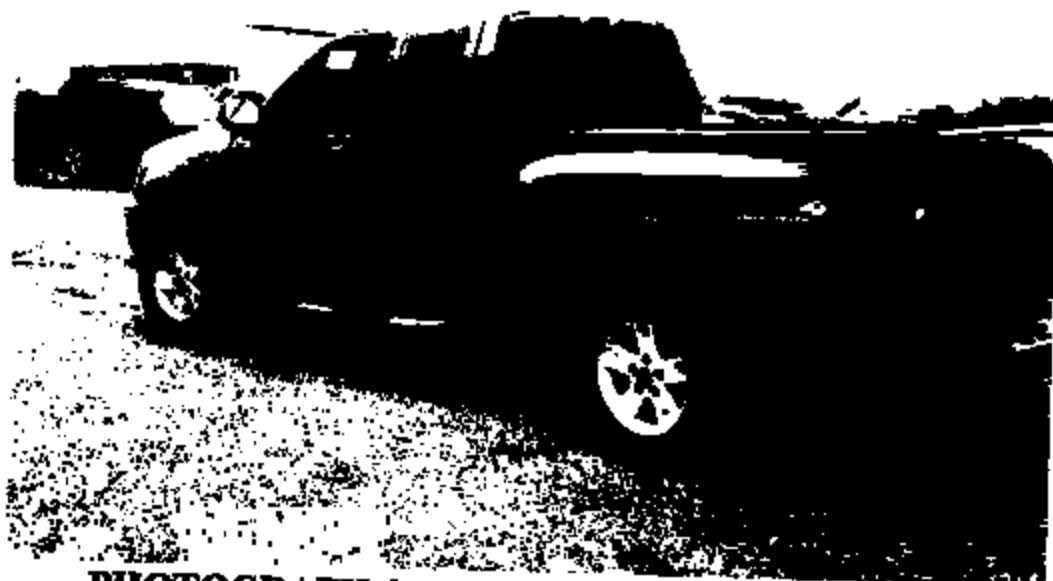
**PHOTOGRAPH 1
VIEW OF VEHICLE FROM RIGHT
FRONT SIDE**



**PHOTOGRAPH 2
VIEW OF VEHICLE FROM RIGHT
REAR SIDE**



**PHOTOGRAPH 3
VIEW OF VEHICLE FROM LEFT
FRONT SIDE**



**PHOTOGRAPH 4
VIEW OF VEHICLE FROM LEFT
REAR SIDE**



**PHOTOGRAPH 5
VIEW OF DAMAGE TO WINDSHIELD**



**PHOTOGRAPH 6
VIEW OF DAMAGE TO CAB AS SEEN
THROUGH DRIVER'S SIDE DOOR**



PHOTOGRAPH 7
VIEW OF DAMAGE TO CAB COMPARTMENT
CEILING



PHOTOGRAPH 8
VIEW OF MELTED DEBRIS FOUND
POSITIONED BETWEEN SEAT AND
CONSOLE



PHOTOGRAPH 9
VIEW OF AREA BENEATH DASHBOARD
ON DRIVER'S SIDE, NO INDICATIONS OF
BURN DAMAGE FOUND



PHOTOGRAPH 10
VIEW OF DAMAGE TO CAB AS SEEN
THROUGH PASSENGER'S SIDE DOOR

2025-005-LC1-4814



PHOTOGRAPH 11
VIEW OF DAMAGE TO CENTER SECTION OF
DASHBOARD

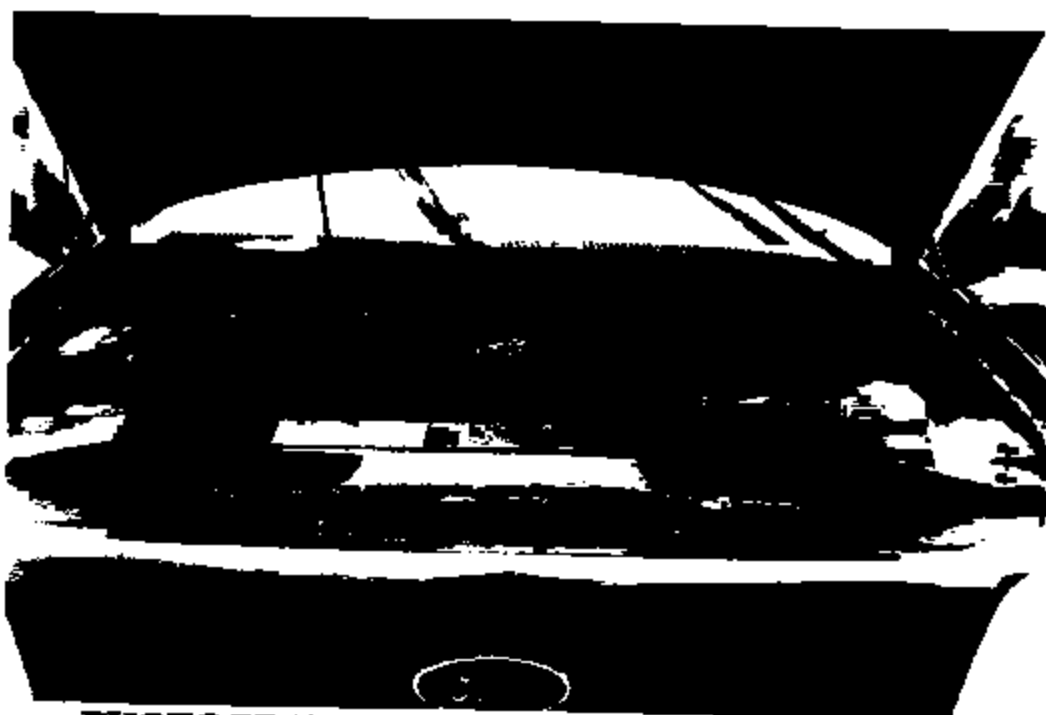


PHOTOGRAPH 12
VIEW OF TRASH FOUND INTERMINGLED
WITH MELTED PLASTIC DEBRIS

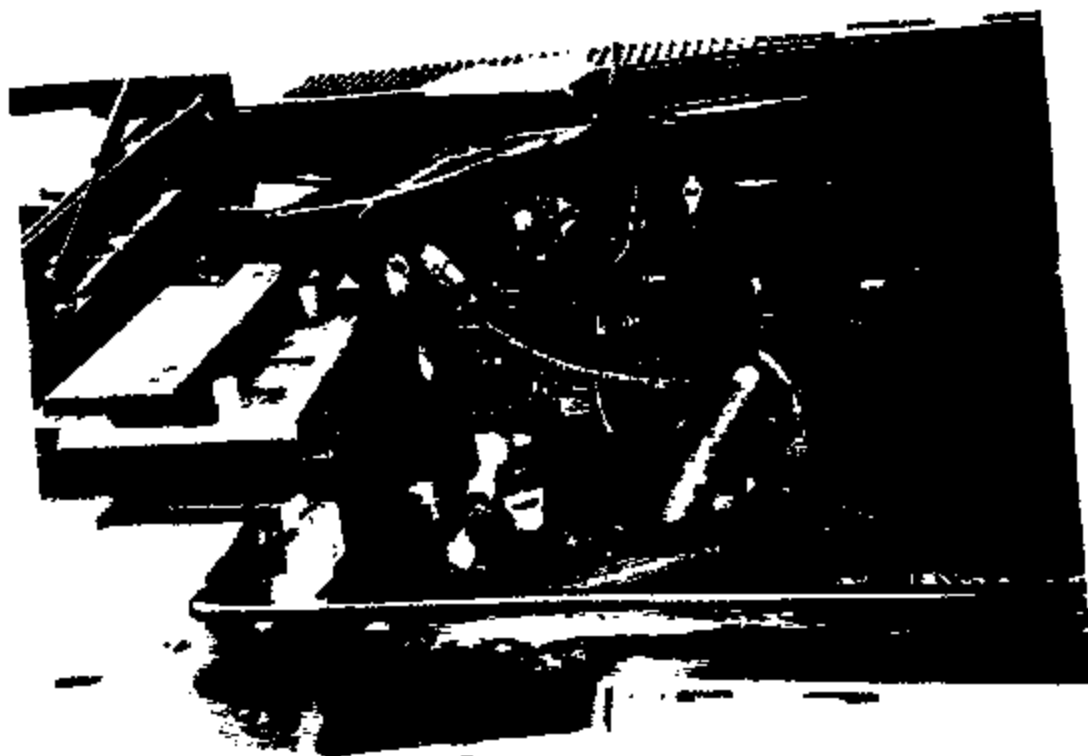
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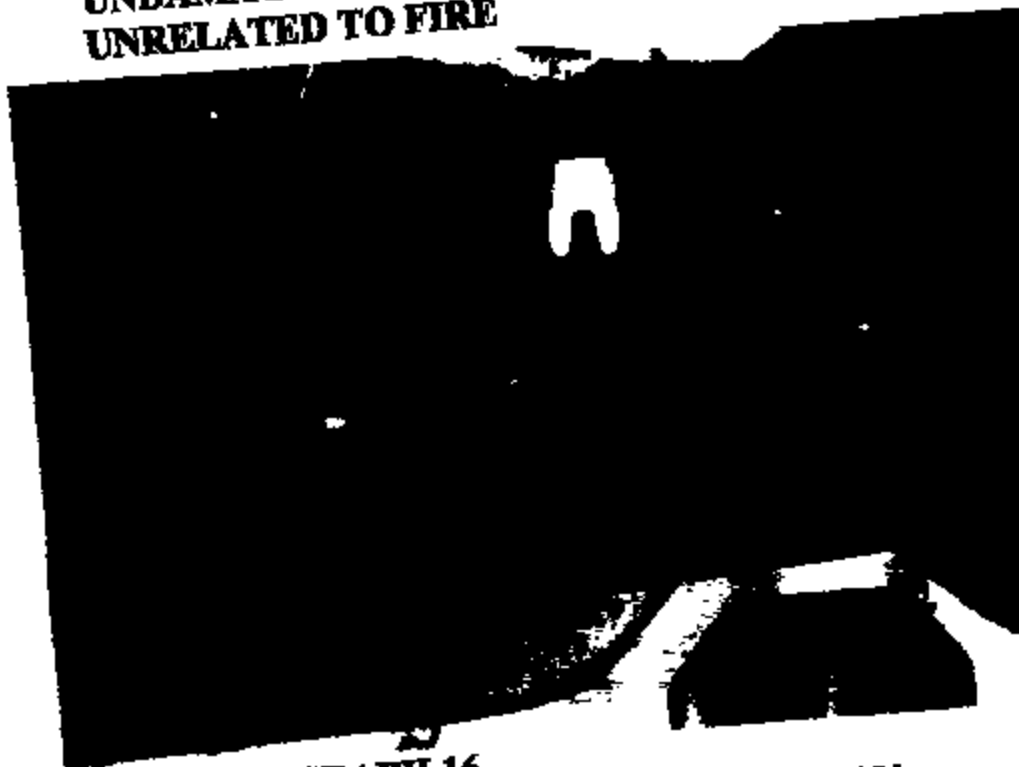
PHOTOGRAPH 13
HOOD OPENED, NO EVIDENCE OF BURN
PATTERNS FOUND ON THE INTERIOR SIDE



PHOTOGRAPH 14
ENGINE COMPARTMENT FOUND IN GOOD
CONDITION AND UNDAMAGED



**PHOTOGRAPH 15
WIRING LOCATED IN RIGHT SIDE OF
ENGINE COMPARTMENT FOUND
UNDAMAGED AND APPEARING TO BE
UNRELATED TO FIRE**



**PHOTOGRAPH 16
15 AMP FUSE FOUND IN FUSE POSITION
#1 AND BLOWN**



PHOTOGRAPH 17
20 AMP FUSE FOUND IN POSITION #3
AND BLOWN



PHOTOGRAPH 18
5 AMP FUSE FOUND IN POSITION #4
AND BLOWN



PHOTOGRAPH 19
15 AMP FUSE FOUND IN POSITION #14
AND BLOWN



PHOTOGRAPH 20
5 AMP FUSE FOUND IN POSITION #17
AND BLOWN



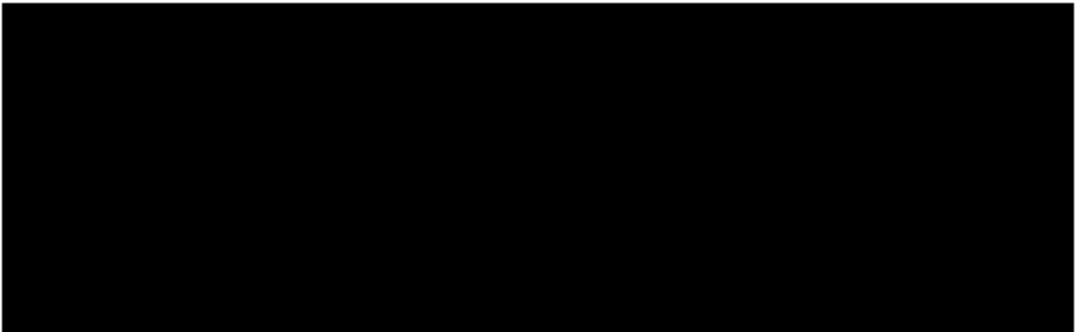
PHOTOGRAPH 21
10 AMP FUSE FOUND IN POSITION #22
AND BLOWN

██████████ Insured
Sheffer Insurance Company
Claim # ██████████
March 19, 2003
Page 1 of 1

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City of Anaheim
POLICE DEPARTMENT

November 13, 2003

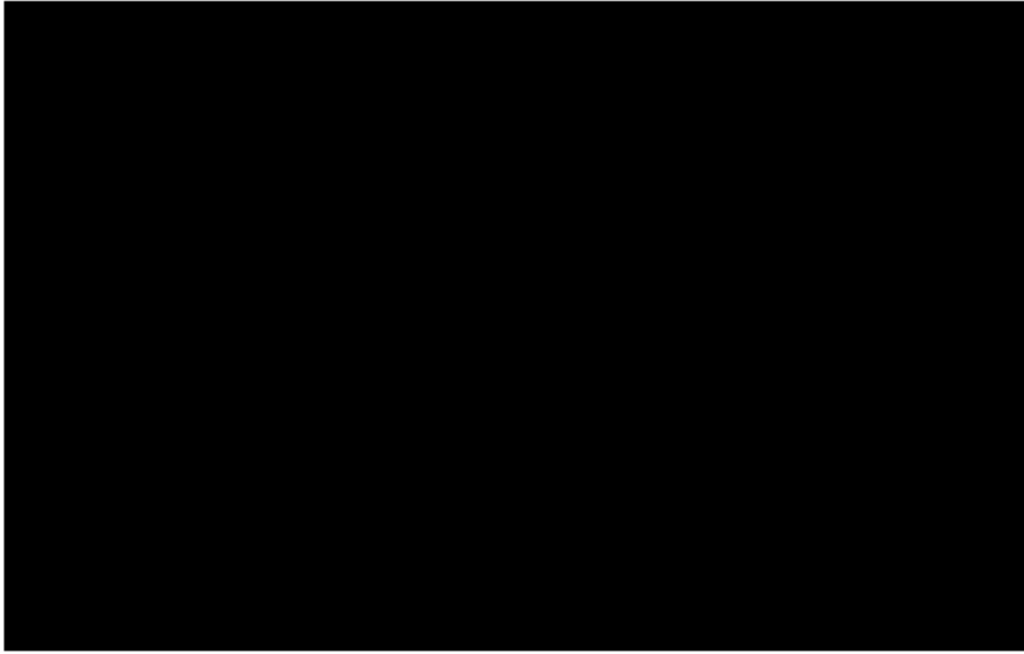
**Danielle Gee
Ford Motor Company
3 Parklane Blvd Suite 1400
Parklane Towers West
Dearborn, MI 48126**

The Anaheim Police Department is investigating a double fatality traffic collision that occurred on October 4, 2003 at the intersection of Harbor Blvd and Convention Way. This collision involved a 2002 Ford F-150 (VIN 1FTRW07372[REDACTED]) and a 2004 Jeep Grand Cherokee. The Ford rear-ended the Jeep, which had been stopped for a red traffic signal. The resulting collision ruptured the fuel tank of the Jeep causing both vehicles to be engulfed in flames. The occupants of the Jeep were unable to exit the vehicle and died. We are aware that the Ford has the capabilities of recording some collision data on the Restraint System module pertaining to the vehicle either prior to impact, at impact or immediately after impact. The Anaheim Police Department is requesting Ford's assistance in retrieving and interpreting this data.

We would appreciate any assistance Ford can give us on this matter.

SINCERELY,

**INV. RICK ALEXANDER #226
TRAFFIC INVESTIGATOR
(714) 765-1861**



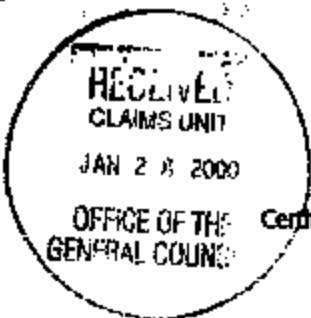


Lake States Insurance Company

A Safe Harbor For Your Protection

Serving Insureds
Since 1915

Ford Motor Company
Legal Department
30 Renaissance Center
P.O. Box 4330
Detroit, Michigan 48243



Certified return receipt requested

January 21, 2000

Re: Ins: [REDACTED]
Claim #: [REDACTED]
Date of Loss: 1-2-2000

Dear Sir or Madam:

We insure a 1997 Ford F150 XL pickup, VIN #1FTDF1724VN [REDACTED] for [REDACTED]. On the above-referenced date [REDACTED] was driving this vehicle and a fire broke out in the dash. The Fire Department was called and the vehicle was towed to Northtown Ford, 455 E. Pershing Road, Decatur, IL 62626. Our insured presented a claim under his comprehensive coverage. Lake States Insurance hired Property Damage Appraisers to view the vehicle and write an estimate of damages. The vehicle was determined to be a total loss. Settlement has recently been made with [REDACTED] and his lien holder.

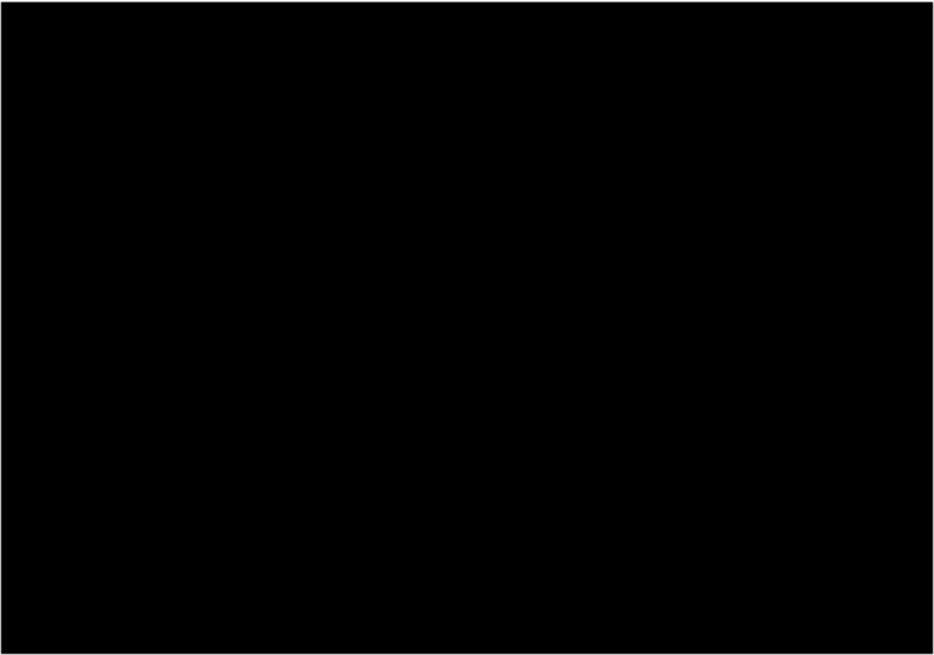
It has been determined that the fire broke out in the radio. [REDACTED] was never had any problems with the radio and the Ford dealer in Decatur, IL has done all work that has been done to the vehicle. Prior to presenting a claim to us, our Insured attempted to have Ford view the vehicle and handle the problem since the truck is still under warranty. He got absolutely no action from your company. Hence the claim to us.

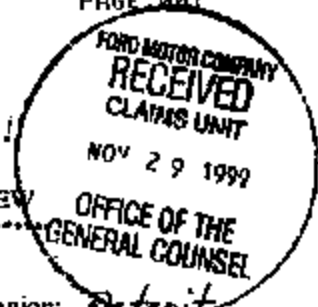
The vehicle has now been towed to a tow yard. If a representative from your company wants to view the vehicle you may have this done any time within the next 60 days. The location of the vehicle can be learned by calling Copart at 1-800-850-9960. The lot number [REDACTED]. It is the intention of Lake States Insurance to pursue subrogation against your company for any monies we have expended.

Should you wish to discuss this matter with me I can be reached at 1-217-629-7705. Thank you for your attention to this matter.

Very truly yours,

Donna Ingersoll
Senior Claims Representative





DEALER REQUEST FOR CONSUMER AFFAIRS REVIEW
***** FOR DEALER USE ONLY *****

Requesting Dealer: Romeo Ford P&A: 02746 Region: Detroit
 Contact Person: Gene Balli Phone Number: 810 752-6521
 New or Used: Date of Purchase: 6/21/97/Model: 97 F150 Mileage: 13254
 VIN: 1FTDX1768VA
 Customer Name: [REDACTED]
 Address: [REDACTED] City: Shelby Twp MI 48316
 Home Phone: [REDACTED] Business Phone: [REDACTED]
 Incident Involves: Accident: Fire: Warranty: Sudden Acc:
 Date of Incident: 8/6/97 12:30PM
 If customer is alleging product defect, what type: No
 Personal Injury? No Was medical attention sought? No
 Was a police report filed (where)? Not Known
 Has the insurance company been contacted? Yes!
 What did the insurance company advise? They will send out an adjuster
I (Gene Balli) advised customer to call his Ins.
 Name and phone of owner's insurance company (agent's name): (Citizens)
810-739-8080 Dave Taylor
 If the vehicle is a conversion unit, name of the body builder: [REDACTED]
 Accident details (date, where, how, etc.): Customer Driving on MS3 Road
MS3 when flames started coming up from between the
bed and cab. Caused by Foreign Material (Cardboard)
trapped by front floor & drive shaft.
 What is the customer requesting? Firemen told customer to contact Ford Motor
He has contacted his Ins. Co.

IF NEEDED, PROVIDE ADDITIONAL COMMENTS ON A SEPARATE SHEET OF PAPER.
Fax to: (313) 446-9471 or (313) 446-9347

PLEASE USE THIS SHEET AS ORIGINAL AND DUPLICATE AS NEEDED.



National Subrogation Services, LLC

500 North Broadway, Suite 167 - Jericho, NY 11753
phone: 516-949-3620 - fax: 516-949-3621

Ford Motor Company
Claim Dept.
MD #3, NE-B
Dearborn MI 48126-4207

OFFICE OF THE SECRETARY

01 SEP -4



August 21, 2001

Regarding: Insured: [REDACTED]
NSS Matter Number: 01-00576
Date of Loss: 4/14/00
Amount of Claim: \$5,678.00
Your Insured: FORD MOTOR COMPANY
1997 Ford F-150, Vin # 1FTDX186XV [REDACTED]

Union Mutual Fire Insurance Company has paid their insured [REDACTED] for damages sustained in an accident on 4/14/00. National Subrogation Services as recovery agent for Union Mutual Fire Insurance Company has investigated the facts and determined the accident was due to your insured's negligence.

Due to the payment to [REDACTED] we are pursuing the subrogation rights of Union Mutual Fire Insurance Company. The amount of claim above includes [REDACTED] deductible.

Please make your settlement check payable to National Subrogation Services A/S/O [REDACTED] and mail it to the address and matter number noted above. We have enclosed documentation to substantiate our claim.

Your prompt attention is appreciated

Sincerely,

Julie Linck
Julie Linck, Recovery Analyst
Direct dial 516-949-3630. E-mail jlinck@nationalsubrogation.com

→ 1/14/01
- 197 F-150
- VIN
- \$5,678.00

*Pending Claim with Travelers Ins.
They Insured the Ford*



BEGINNING OF CONTACT
11/23/2002

MASTER OWNER RELATIONS SYSTEM III

07.34.32

*Sample completed Sunday
Ambrosia*

INQUIRY ISSUE
REGION: 21 ATLANTA ZONE: E1 CASE NBR: 1565753262
VIN: 1FMRU17L7VI ENGINE: L VEH TYPE: T OPENED: 11/22/2002
CLOSED: 11/22/2002

LAST NAME: [REDACTED] STATUS: CLOSED
TITLE: [REDACTED] FIRST NAME: [REDACTED] MI: [REDACTED]
ADDRESS: [REDACTED]
CITY: CONCORD STATE: NC ZIP: [REDACTED]
HOME PHONE: [REDACTED]
MODEL YEAR: 1997 MODEL: EXPEDITION WAGON 4X2
MILEAGE:
DEALER NAME: YOUNG FORD INC SALES CODE: F21208 P & A: 00932
REASON CODE: 0703 LEGAL - ALLEGED SERIOUS INJURY
SYMPTOMS: 704242 FIRE/SMOKE SMOKE PASSENGER AREA

ORIGIN: CACI38 - US CONCERN CASE BASE COMMUNICATION: PHONE
ACTION: 705 - FOR FUTURE USE
DOCUMENT: ANALYST: R HARDING KATHY HARDING
ACTION DATA/COMMENTS:

FORD MOTOR CO
NOV 25 2002

2002/11/22
15.42.15

CUSTOMER SAYS: VEH CONCERN "SEEKING TO DETERMINE WHAT A SPECIFIC PART WAS MADE OF "A PART UNDER THE SEAT HAD CAUGHT FIRE AFTER THE PART WAS REPLACED BY A FORD DLR "IT ENDED UP BURNING THE PLASTIC AND THE SEAT "WAS IN THE VEH WHEN IT CALGT FIRE AND RECEIVED NO BURNS "THE FIRE HAPPENED OCT 26 , 2000 "FEELS THAT IT HAS CAUSED A MEMORY LOSS AND STATES SHE HAS A RARE DISEASE OF THE CENTRAL NERVOUS SYSTEM "SEEKING TO DETERMINE WHAT THE PLASTIC MATERIALS ARE MADE OF TO DETERMINE WHAT TYPE OF TREATMENT DOCTORS CAN DO TO ASSIST WITH THE ILLNESS "FEELS THIS IS RELATED TO THE SMOKE AND WOULD LIKE TO KNOW WHAT CHEMICALS ARE USED IN THE PARTS PER CUSTOMER, DEALER SAYS: NONE CAC ADVISED: - I WILL FORWARD THIS INFO TO OUR FORD LEGAL DEPT. SOMEBODY WILL CONTACT YOU IN 7- 10 BUSINESS DAYS. "ADVISED CUST THAT A REPRESENTATIVE FROM THE LEGAL OFFICE WILL FU WITH HER INFERENCE CASE ID: 5340

*Elect. Seat
Plastic Knob
Tall off -
20 - replaced part
minutes or for dealership replace it.*

*DOT:
October 2000
CONCORD, NC
(CARRISS COUNTY)*

*10-26-00
FL
YOUNG FORD) Dealership
Steve Cox
(704) (598) 2599*

CONSUMER AFFAIRS

11/23/2002



LEGAL

JUN 27 1997

CNA INSURANCE COMPANIES

New England Personal Lines Regional Office
1260 Hancock Street, P.O. Box 1170, Quincy, Massachusetts 02269-0170

Annie Martin
Subrogation Specialist
(617) 984-4888
(800) 262-7235 Ext. 4888
(617) 984-4845 Fax

JUNE 9, 1997

FORD MOTOR COMPANY
PO BOX 1904
DEARBORN, MI. 48121-1904

ATTENTION PRODUCTS LIABILITY CLAIMS DEPARTMENT

RE: OUR INSURED: [REDACTED]
OUR FILE #: [REDACTED]
DATE OF LOSS: 1-25-97
LOCATION: JACKMEN, MAINE
SAFETY RECALL 96559

OWNER RELATIONS OPS/CAC

DEAR SIR OR MADAM:

PLEASE ACCEPT THIS AS NOTICE OF CNA'S INTENT TO PURSUE A SUBROGATION CLAIM AGAINST FORD MOTOR COMPANY FOR DAMAGES TO OUR INSURED'S 1997 FORD F-150 PICKUP TRUCK.

I HAVE ENCLOSED A COPY OF THE RECALL NOTICED OUR INSURED RECEIVED FROM FORD MOTOR COMPANY CONCERNING THE THROTTLE BODY OF THE ENGINE.

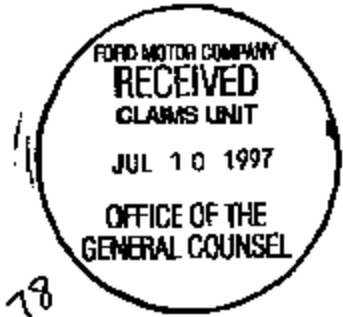
ON JANUARY 25, 1997, OUR INSURED WAS OPERATING HIS VEHICLE WHEN THE THROTTLE STUCK, HE APPLIED HIS BRAKES. WHEN HE DID SO, THE SNOWMOBILE TRAILER HE WAS PULLING JACKKNIFED, CAUSING DAMAGE TO THE TRUCK.

CNA HAS ISSUED PAYMENT IN THE AMOUNT OF \$1508.00 FOR DAMAGES TO THE VEHICLE AND [REDACTED] WAS REQUIRED TO PAY A DEDUCTIBLE OF \$1,000.00 HIMSELF, MAKING OUR TOTAL CLAIM \$1608.00.

PLEASE CONTACT THE UNDERSIGNED AT YOUR EARLIEST CONVIENENCE SO WE MAY DISCUSS THIS MATTER.

THANK YOU FOR YOUR ANTICIPATED COOPERATION.

SINCERELY,



✓
NT
401678

ELAINE H. NAYSMITH

97 JUL -8 P1 51

OFFICE OF THE GENERAL COUNSEL



Arnie Martin

ARNIE MARTIN
CLAIMS DEPARTMENT
1-800-262-7255

ACORD. AUTOMOBILE LOSS NOTICE

DATE REPORTED
1/30/97

PRODUCER
Morgan, Payson & Noyes
P.O. Box 1660
Auburn, ME 04211-1660

PRODUCER PHONE (A/C, no. ext)
207-783-2232

COMPANY
CNA Insurance Companies

POLICY NO. (DATE ACROSS)
18441212

POLICY EFF. DATE (ACROSS)
1/01/97

POLICY EXP. DATE (ACROSS)
1/01/98

DATE OF LOSS
1/25/97

AMOUNT
X

TYPE
NO

INSURED
NAME & ADDRESS
[Redacted]
Leviston, ME

INSURED'S RESIDENCE PHONE (A/C, no.)
[Redacted]

INSURED'S BUSINESS PHONE (A/C, no.)
[Redacted]

PERSON TO CONTACT
[Redacted]

RELATIONSHIP TO CONTACT
OF SON, [Redacted]

CONTACT'S RESIDENCE PHONE (A/C, no.)
[Redacted]

CONTACT'S BUSINESS PHONE (A/C, no.)
[Redacted]

AGENCY OF ACCIDENT (including city & state)
Jackson ME

AGENCY CONTRACT NO. & REPORT NO.
None

DESCRIPTION OF ACCIDENT (See reverse side, if available)
throttle stuck & when A/L brakes were applied, the snowmobile trailer jack-knifed & caused damage to veh.

POLICY INFORMATION

| | | | | | |
|-------------------|-----------------|------------------|----------------|----------------|--|
| COUNTRY OF ORIGIN | INSURANCE CLASS | INSURANCE AMOUNT | INSURANCE RATE | INSURANCE TYPE | INSURANCE COVERAGE & ENDORSEMENTS (See reverse side, if available) |
| | | 500,000 | 5.000PC | | Towing and Labor : 50 Rental Reimbursement: 20 100A Plan 20% Flex Rest |

INSURED VEHICLE

| | | |
|-------------------|------------------------------|------------|
| YEAR, MAKE, MODEL | VIN (Vehicle Identification) | PLATE NO. |
| 97 Ford F150 | 1FTDX1869V | [Redacted] |

INSURED'S NAME & ADDRESS (Check if same as above)
George Langlais
William Langlais, 18 Columbia St., Leviston

RELATIONSHIP TO INSURED (employee, family, etc.)
son

DATE OF BIRTH
[Redacted]

INSURED'S LICENSE NUMBER
[Redacted]

TYPE OF USE
snowmobiling

OTHER TYPE OF USE
[Redacted]

INSURED'S DAMAGE
at rear & left front

INSURED'S DAMAGE TO OTHER VEHICLES OR PROPERTY
N/insured

PROPERTY DAMAGE

INSURED'S NAME & ADDRESS (Check if same as above)
George Langlais

INSURED'S BUSINESS PHONE (A/C, no.)
[Redacted]

INSURED'S RESIDENCE PHONE (A/C, no.)
[Redacted]

INSURED'S DAMAGE TO OTHER VEHICLES OR PROPERTY
[Redacted]

INSURED

| NAME & ADDRESS | PHONE (A/C, no.) | REL. | NO. | TYPE | ACC. | EXCESS | EXCESS | EXCESS | EXCESS |
|----------------|------------------|------|-----|------|------|--------|--------|--------|--------|
| | | | | | | | | | |

WITNESSES OR PASSENGERS

| NAME & ADDRESS | PHONE (A/C, no.) | REL. | NO. | TYPE | ACC. | EXCESS | EXCESS | EXCESS | EXCESS |
|-----------------------|------------------|--------|-----|------|------|--------|--------|--------|--------|
| for attached possible | 508-20 | AGENTS | | | | | | | |
| ford motor | KE | | | | | | | | |

INSURED BY
George & William

APPROVED BY
Monique

SIGNATURE OF AGENT OR BROKER
[Redacted]



All Action Details for Issue

Print

VIN: 1FTWX32F025 Year: 2002 Model: F-SERIES SUPER DUTY Case: 648781343
 Name: Owner Status: Original WSD: 2002-03-18
 Symptom Desc: PARKING BRAKE INOP/INEFFECTIVE Primary Phone:
 Reason Desc: LEGAL - ACCIDENT / FIRE Secondary Phone:
 Issue Type: 07 LEGAL Issue Status: OPEN

Action: ADVISE CUST INFORMATION WILL BE SENT TO CONSUMER AFFAIRS

Dealer: 01818 HILLCREST FORD LINCOLN-MERCURY Origin Desc: US CONCERN
 Odometer: 48000 MI Comm Type: PHONE
 Analyst Name: DONNA GERVAIS Analyst: DGERVAH
 Action Date: 05/14/2003 Action Time: 18.00.42.504 Action Data: Yes

HAMILTON COUNTY
 RECEIVED
 MAY 22 2003

Caller Information if Different From Vehicle Owner:

| First Name | Middle Initial | Last Name | Day Phone | Relationship |
|------------|----------------|-----------|------------|--------------|
| ANGIE | | CURRY | 4096734523 | PARENT |

Comments CUSTOMER SAYS: =SON HAD A WRECK BECAUSE THE BRAKES FAILED=2 PEOPLE IN THE VEH=SON HAS A BROKEN COLLAR BONE AND NECK IS HURTING =HUSBAND HAS A LACERATION ON HIS HEAD AND A BURN ON THE SIDE=AIR BAG DEPLOYED AND CAUGHT ON FIRE AND BURNT BACK TO THE STEERING WHEEL AND ELECTRICUTED SON=ACCIDENT OCCURED ON MAY 8, 2003=POLICE REPORT WAS FILED=UNSURE OF THE FINDINGS=INSURANCE CLAIM WAS FILED=VEH IS TOTALLED=ACCIDENT ON AIRPORT RD=POLICE REPORT FILED IN HAMILTON COUNTY PER CUSTOMER, DEALER SAYS: NONE CAC ADVISED: - I WILL FORWARD THIS INFORMATION TO OUR CONSUMER AFFAIRS GROUP. SOMEBODY FROM CONSUMER AFFAIRS WILL CONTACT YOU IN 2 BUSINESS DAYS. PLEASE NOTIFY YOUR INSURANCE CARRIER AND REPORT THIS INCIDENT. INFERENCE CASE ID: 5349

| Data Element Name | Data Value |
|-------------------|------------|
| FIRE/ACCIDENT | A |



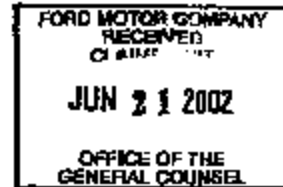
State Farm Insurance Companies



248 Broadhead Road
PO Box 25017
Lehigh Valley, PA 18003-9731

June 18, 2002

FORD MOTOR CO.
Parklane Towers W., Ste. 400
3 Parklane Blvd.
Dearborn, MI 48126-2568

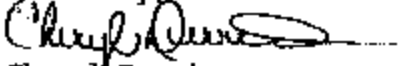


RE: Claim Number: [REDACTED]
Date of Loss: June 14, 2002
Our Insured: [REDACTED]
Claimant Name: (2002 Ford F150)
File Number: VIN#1FTRX18L52E [REDACTED]

Dear Sir:

The identified vehicle is insured by State Farm Insurance Co. This vehicle experienced an interior fire. State Farm would like to give you an opportunity to inspect the vehicle and give you advance notice of our potential subrogation claim. Please contact me at 610-317-7537 to set up a time for your inspection.

Sincerely,

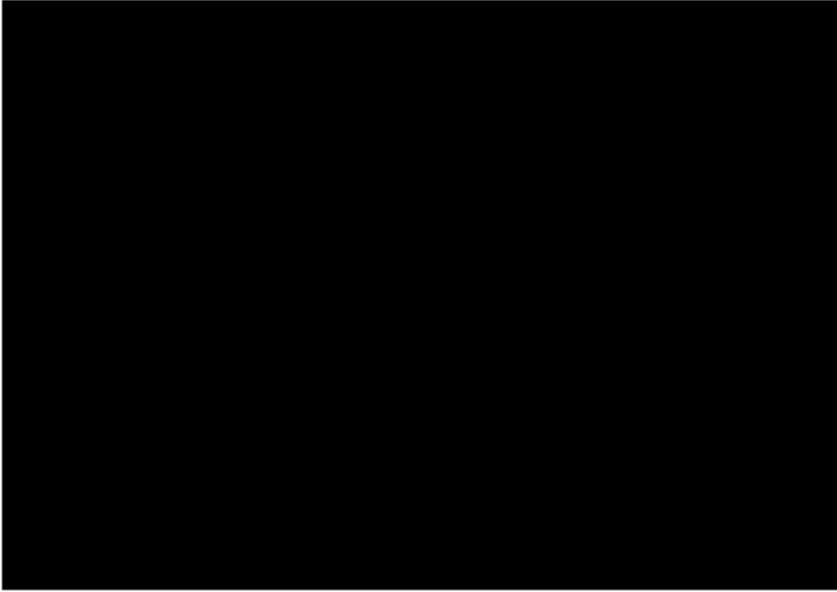

Cheryl Derrico
Claim Specialist
(610) 317-7537

State Farm Mutual Automobile Insurance Company

- F150
- 102
- VIN

HOME OFFICES: BLOOMINGTON, ILLINOIS 61710-0001

EGS-835-LC1-4832



CASUALTY CONSULTANTS inc.

P.O. Box 1237
Lebanon, Pennsylvania 17042
(717) 273-8666
Fax (717) 273-8715

JOHN R. BAINBRIDGE, JR.
President

January 29, 2001

CINCINNATI INSURANCE COMPANY
PO Box 944
Dunmore, PA 18512

Attn: Kevin Klatt/Claims Analyst

RE: Vehicle Fire

Insured: [REDACTED]
Date of Loss: January 4, 2001 (Thursday)
Claim #: [REDACTED]

CCI File #012601024

Dear Mr. Klatt:

DISCLAIMER

THE FOLLOWING INFORMATION CONTAINED IN THIS WRITTEN REPORT CONTAINS THE MENTAL IMPRESSIONS, OPINIONS, AND CONCLUSIONS OF THIS INVESTIGATOR, REGARDING THE INVESTIGATION INTO THE RECENT VEHICLE FIRE CLAIM INVOLVING A 1999 FORD EXPEDITION OWNED BY INSURED ALLIED FOODS, AND OPERATED BY STEVEN MARCELLA.

THIS INFORMATION WILL REMAIN AS CONFIDENTIAL AND PRIVILEGED INFORMATION FOR CINCINNATI INSURANCE COMPANY AND THEIR LEGAL COUNSEL AND MAY ONLY BE RELEASED BY THE ADDRESSEE.

As agreed upon by you, this correspondence will serve to document this cause and origin investigation under Casualty Consultants, Inc. "FAST TRACK PROGRAM". If at any time in the future you have the need for full and

CONFIDENTIAL
ORIGINAL

complete documentation of this file, Casualty Consultants, Inc. has retained all pertinent information for your convenience.

On Monday, January 29, 2001, this investigator traveled to Co-Part Salvage, 2704 Geryville Pike, Pennsburg, PA, and examined the risk vehicle.

During the course of this investigation, Casualty Consultants, Inc. conducted a computerized vehicle identification number inquiry and discovered the following information:

VEHICLE HISTORY REPORT

VEHICLE SPECIFICATIONS:

*Vehicle ID: 1FMPU18LXXL [REDACTED]
Yr/Mfg: 1999 Ford
Model: Expedition
Body: 4D Sp Ut Utility
Engine: 5.4L V8 PFI SOHC 16V
Fuel: Gasoline
Driveline: 4-wheel Drive
Aspiration: Normal
Country Mfg: United States*

TITLE HISTORY:

| | |
|---|---------------------------------------|
| <i>Salvage/Junk Title</i> | <i>Checked/No Problem Title Found</i> |
| <i>Rebuilt/Reconstructed Title</i> | <i>Checked/No Problem Title Found</i> |
| <i>Flood Damage Title</i> | <i>Checked/No Problem Title Found</i> |
| <i>Damage Disclosure Title</i> | <i>Checked/No Problem Title Found</i> |
| <i>Manufacturer Buyback (LEMON) Title</i> | <i>Checked/No Problem Title Found</i> |
| <i>Exceeds Mechanical Limits Title</i> | <i>Checked/No Problem Title Found</i> |
| <i>Not Actual Mileage Title</i> | <i>Checked/No Problem Title Found</i> |

ODOMETER ROLLBACK CHECK:

The VIN submitted for this 1999 Ford was checked to determine if any reported odometer reading is less than a previous reading.

No odometer rollback detected.

VEHICLE HISTORY DETAILS:

| Date Reported | Odometer Reading | Information Source | General Comments |
|----------------------|-------------------------|---|---|
| 01/01/1999 | | Pennsylvania Motor Vehicle Dept. Scranton, PA | Registered as private lease vehicle |
| 02/16/1999 | 11 | Pennsylvania Motor Vehicle Dept. Buffalo, NY Title #52951454 01 HI | Title or registration issued Registered as lease vehicle |

Additionally, a computerized search was conducted on recalls and service bulletins for this year/make vehicle, and a review of that information indicated a distinct possible relationship to the causation factor of this incident. The list of recalls and service bulletins indicated there was a fuel rail problem within the engine compartment of the vehicle, with the potential to leak gasoline on hot engine parts and cause a fire.

***NOTE - ALTHOUGH THIS RECALL AND SERVICE BULLETIN INFORMATION ONLY INVOLVED A CERTAIN FEW VEHICLES, THE EVIDENCE POINTS OUT THIS OCCURRENCE MAY BE AN EXTENSION OF THAT PROBLEM.**

At the conclusion of this investigation, after eliminating all other accidental and incendiary causes, it is my professional opinion, asserted with a reasonable degree of certainty, relying on this investigator's training and experience, the cause of this loss was most likely due to a fuel rail leak at a flex connection point on the rear mount of the engine above the throttle body.

The leaking fuel was ignited by the top exterior portion of the engine, and propagated from that point.

Photographs were taken of the subject vehicle, and will be made a permanent part of this report for your reference and review.

Casualty Consultants, Inc., reserves the absolute right to re-evaluate part or all of this opinionated report, should any new evidence be uncovered which may either prove, disprove, or have any relationship to any theories/opinions developed during this investigation, or any subsequent investigation.

Please do not hesitate to contact me in the event you may have any questions or comments regarding these findings and/or this report.

Respectfully submitted,

Casualty Consultants, Inc.


John R. Bainbridge, Jr., CFE, CFE, BCFI
President

JRB/kt

ER25-025-LC1-4838

February 28, 2001

Policy:

Insured:

Date of Loss:

1/4/01

Okay, this is Kevin Klatt on Tuesday, February 6, 2001, at 2:25 P.M. I'm interviewing [REDACTED] about an incident that occurred with a Ford Expedition that he was driving while making some deliveries for [REDACTED]

Q. [REDACTED] are you aware that I'm going to record the interview over the phone

A. Correct

Q. Okay and I have your permission to record it I have your permission to record it

A. Oh yes I'm sorry

Q. Okay well just state your name and spell your last name

A. First name [REDACTED] last name [REDACTED]

Q. Okay [REDACTED] and your address

A. [REDACTED] (?) Drive East __

Q. Okay and your date of birth and occupation

A. 10/18/88 employed at [REDACTED]

Q. Okay how long have you worked for them for

A. Over two years

Q. All right the date of the incident I have that was reported to us was January 4th 2001

A. I'm not a hundred percent sure on the date

Q. Okay that was a Thursday

A. Thursday I know it was a Thursday

Q. Okay what what time did this did it happen

A. The time 5:30 I believe or 6:00

Q. Okay

A. 5:30 I'm not a hundred percent 5:30 or 6 o'clock

Q. Okay just around in that area

A. Yeah right

- Q. Okay and where where did the where did the incident take place
- A. On on 380 getting of Exit on Gouldsboro
- Q. Okay was it on actually on the interstate or was it as you were getting off the ramp or
- A. No on the interstate on the interstate and I saw the smoke and I got off the exit
- Q. Okay what was the weather like at the time when this had happened
- A. Weather was how was the weather cold
- Q. Do you remember was it snowing or was the roads wet or
- A. No snow at all no snow
- Q. Or
- A. There was snow on the ground
- Q. Okay how the roadways were was there snow on the roadways
- A. No
- Q. No okay like the interstate you were driving on it was clear
- A. Dry
- Q. Okay do you recall around how fast you were traveling when this smoke started to
- A. 55
- Q. Okay
- A. 55 or 65 I'm not 50 I think it's 55 I was going 65
- Q. Okay
- A. I wasn't I wasn't going over the speed limit
- Q. Okay so you were traveling around 65 miles an hour
- A. Yeah _

Q. Okay is that just a guess or had you actually seen the speedometer or anything or

A. I guess it was a gue— estimate I was just going with the flow of traffic

Q. Okay all right and how long when did you leave [REDACTED] that day to go to make the deliveries do you remember what time that was at

A. About 3:30

Q. Okay and how far did you did you where did you make the deliveries at

A. Stroudsburg

Q. Okay

A. Stroudsburg that's it Stroudsburg

Q. Stroudsburg and then you were coming back

A. Coming back home

Q. Okay when it happened okay on the way up to Stroudsburg was there any problems at all with the vehicle

A. No

Q. No smoke didn't seem to be losing

A. No

Q. Power it was

A. Nothing

Q. Okay did you put was there any time during that trip that you had stopped to put gas into the vehicle or anything or

A. No

Q. Okay do you know the last time that it had been fueled

A. No

Q. All right so when you were coming back on 380 was this area like before you had noticed the smoke was were you on like any type of a of a hill like an uphill grade or a downhill grade or anything

A. 380 I don't know if 380 I don't think 380's a I think it's a flat flat road

- Q. Okay you don't recall being on a hill or anything like that
- A. No I don't
- Q. At the time okay what first what kind of brought your attention to this or when did you first realize what was what was happening
- A. Just smoke I saw smoke
- Q. Okay was the smoke like coming out from the top of the vehicle or from underneath it or where was the
- A. I think it was coming out I when I was driving I think it was coming out from by the wheel wells and whatnot
- Q. Okay on on on the front of the vehicle or
- A. The front of the vehicle yeah the front of the vehicle that's where the wheel wells are on the front of the vehicle
- Q. Okay that's when you first noticed the smoke from those areas
- A. Right
- Q. Okay was this like a white smoke or black smoke or
- A. Huh
- Q. Do you recall
- A. No I don't
- Q. Okay
- A. I honestly don't know
- Q. All right and when you first not noticed the smoke was there any problem as far as the vehicle losing power or was it slowing down or anything like that
- A. Actually I felt it bucking a little bit I believe it was bucking
- Q. Okay
- A. That's what made we get off that exit well the smoke actually made me get off the exit but it was right there
- Q. Okay
- A. At that exit so I got off the exit Exit 6 I know that for sure Goulds Gouldsboro

- Q. Okay and you said when you're on 380 when when the smoke did it start bucking first or'd the smoke
- A. No
- Q. And then it started bucking
- A. No no bucking
- Q. Okay but when when did when did the vehicle start doing this as you call it bucking was it after you ___
- A. It felt like it was losing power not buck you know bucking is where there's gas no gas it's like
- Q. Okay
- A. Like you would put your foot on the gas and take it off that's
- Q. Okay
- A. _
- Q. So it it wasn't doing that
- A. Wasn't doing that when
- Q. No I said was or wasn't doing that
- A. When you asking me that
- Q. The the vehicle at any time when
- A. When I got off the exit just when
- Q. When you got off the exit
- A. I got off the exit
- Q. Okay then it was like that when you got off the exit
- A. Bucking
- Q. Yes
- A. Yeah

- Q. Okay and this was after you had noticed the smoke
- A. After I noticed the smoke right right
- Q. Okay
- A. I noticed the smoke and then it just was it got that that like I was running out of gas
- Q. Okay all right did you did after when you got off the exit there did did you pull over to the side of the road or.
- A. Yes
- Q. Okay were you able to steer the vehicle over or was it just
- A. Yeah right to the to the shoulder
- Q. Okay as as you were going was the was the vehicle slowing down by itself or were you applying the brakes
- A. No I think I I applied the brakes
- Q. Okay all right and when you pulled over did you shut the vehicle off or was it left running if you remember
- A. Shit I think it was left running
- Q. Okay
- A. Yeah I think I left it running
- Q. Okay and then what then what did you do after you had pulled over
- A. After what there was a gentleman behind me
- Q. Okay
- A. He pulled over with me he saw the smoke on 380
- Q. Uh-huh
- A. He pulled over with me two actually there was two two gentlemen in in the car I opened up the hood to see what the smoke was
- Q. Yeah
- A. And there was the fire

- Q. Okay
- A. And he said how much gas do you have in the car and I says I know I have half a tank
- Q. Yeah
- A. He says 'cause it was blazing
- Q. Okay
- A. He says it's going to blow up I said fuck it I ran
- Q. Okay when you opened the hood where was the where was the fire concen— could you see where the fire was coming from or what was
- A. Hold on one second Tony (?) someone can can someone help this guy I'm on the phone with this insurance company I didn't get to get his stuff
- ?. Do you have it out
- A. No I I was called to the phone as I was opening up the door I'm sorry go ahead
- Q. Oh that's okay what what part of the engine compartment was the fire concentrated to when you when you popped the hood
- A. It was closer up to towards the windshield
- Q. Okay up by the windshield
- A. Yeah
- Q. Okay would you say like more to the driver side or passenger side or middle or
- A. I saw it to the driver side
- Q. Okay did did it seem like there was any like was the flames shooting out or
- A. Shooting up
- Q. Shooting up
- A. Upwards
- Q. Okay did did it seem to you like there was any type of like there was gas or anything involved with the fire or
- A. I I have I I don't know

- Q. Okay all right and then what'd you do after the guy said the thing might blow up you just took off or
- A. I left the hood up and I fucking ran away
- Q. Okay and the vehicle
- A. Excuse my English
- Q. The vehicle was still running at that time
- A. I don't know if I left it running or not I think I did leave it running I'm not a hundred percent sure
- Q. Okay was there anybody around then that called the fire department or do you know how they were notified or
- A. I called the fire department
- Q. Okay how long was it before they had arrived
- A. I don't know I I I I don't know
- Q. Okay
- A. I don't honestly don't know if I don't know
- Q. Okay when when they by the time they got there was the thing fully
- A. Blazing
- Q. Okay
- A. I mean everybody was stopped you know
- Q. Yeah
- A. A lot of people stopped to see if there was anybody in the vehicle
- Q. Okay
- A. But I was down further when
- Q. All right okay did the fire department they you know say anything what they thought you know caused the fire or anything like that or
- A. They said nothing to me

- Q. Okay what did they do just put it out and then kind of go on their way or
- A. Yeah they put the fire out
- Q. Okay do you know which department it was or
- A. No I guess it was that town whatever the town it was
- Q. Gouldsboro or something or
- A. I assume so
- Q. Okay all right okay [REDACTED] is there any anything else that you can think of about the incident
- A. No not at all
- Q. Okay and then once again I'd just like to ask you that you were aware that I had recorded the interview over the phone
- A. Yes
- Q. Okay I had your permission to record it
- A. Yes
- Q. Okay it is now 2:31 P.M. and I'm turning off the recorder
- A. Your name was what again sir
- Q. Hold on let me just turn the recorder off

Kevin Klatt
Claims Representative

KK/wpc

PHOTOGRAPHS

PHOTOGRAPH IDENTIFICATION

During the course of this investigation, it was necessary to take a series of photographs to document the vehicle involved in this loss.

These photographs will be made a permanent part of this report for future reference.

All photographs were taken using a 35 MM Pentax Single Lens Reflex Camera using 35 MM 200 ASA Kodacolor Gold color negative film.

All negatives associated with this case will be maintained in this file by Casualty Consultants, Inc., for future reference and/or reproduction for court room presentation.



PHOTOGRAPH NUMBER 2



PHOTOGRAPH NUMBER 3



PHOTOGRAPH NUMBER 4

Photographs 1 through 4 are separate and distinct views of the exterior of the vehicle.

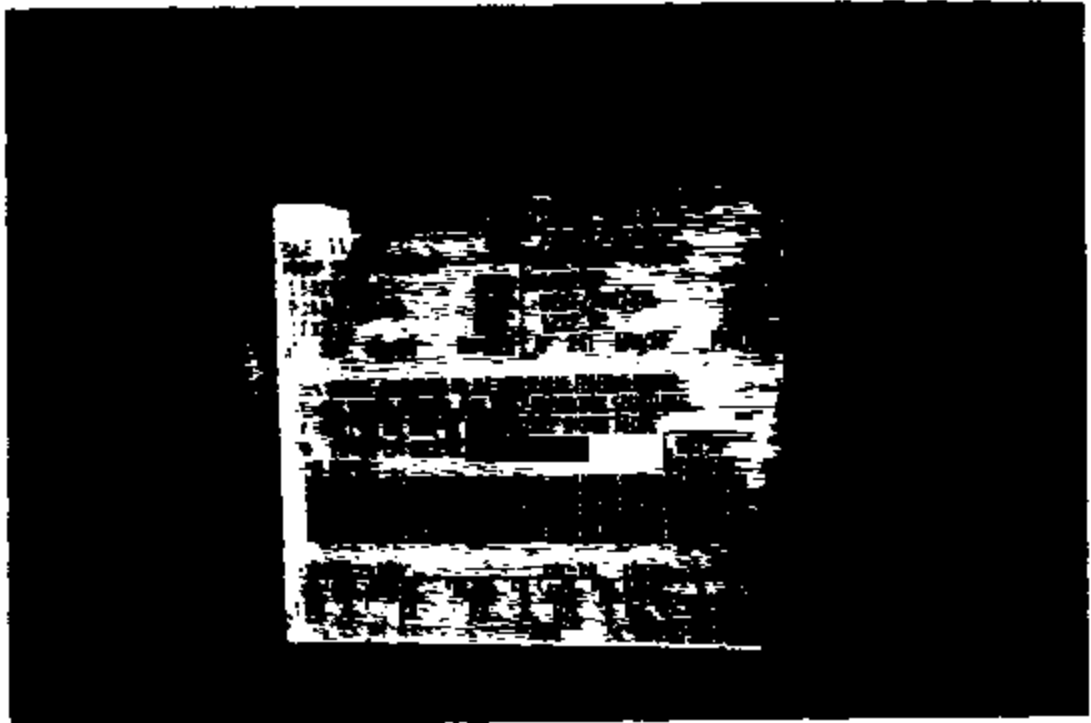
Note the color of this vehicle is metallic blue, and bears a PA registration plate number [REDACTED] expiration 3/01.

All four tires are identified as Goodyear Wrangler RT/S P265/70R17.



PHOTOGRAPH NUMBER 5

This photograph reveals the roofline of the vehicle. The sunroof was closed at the time of this occurrence.



PHOTOGRAPH NUMBER 6

This photograph reveals the manufacturer's identification plate on the left driver's door post.



PHOTOGRAPH NUMBER 7



PHOTOGRAPH NUMBER 12



PHOTOGRAPH NUMBER 1

EROS-685-LC1-4258



PHOTOGRAPH NUMBER 8



PHOTOGRAPH NUMBER 9



PHOTOGRAPH NUMBER 10



PHOTOGRAPH NUMBER 11

Photographs 7 through 11 are separate and distinct views of the interior of the vehicle.

All manufactured component accessories were found intact.

The rear seats were in the down position at the time of this fire occurrence.

A cellular phone was installed in this vehicle.



PHOTOGRAPH NUMBER 13

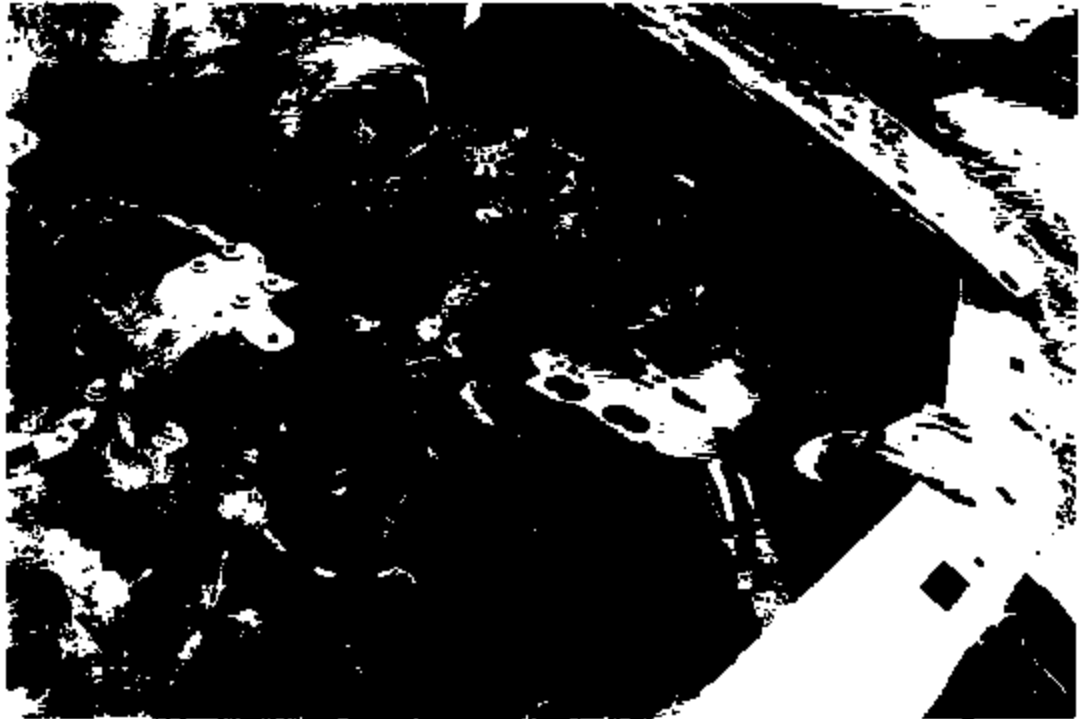


PHOTOGRAPH NUMBER 14

Photographs 12 through 14 are separate and distinct views of the engine compartment.

The hood, front grille assembly, and radiator were consumed during this occurrence.

The motor oil and transmission oil were with OEM standards and level.



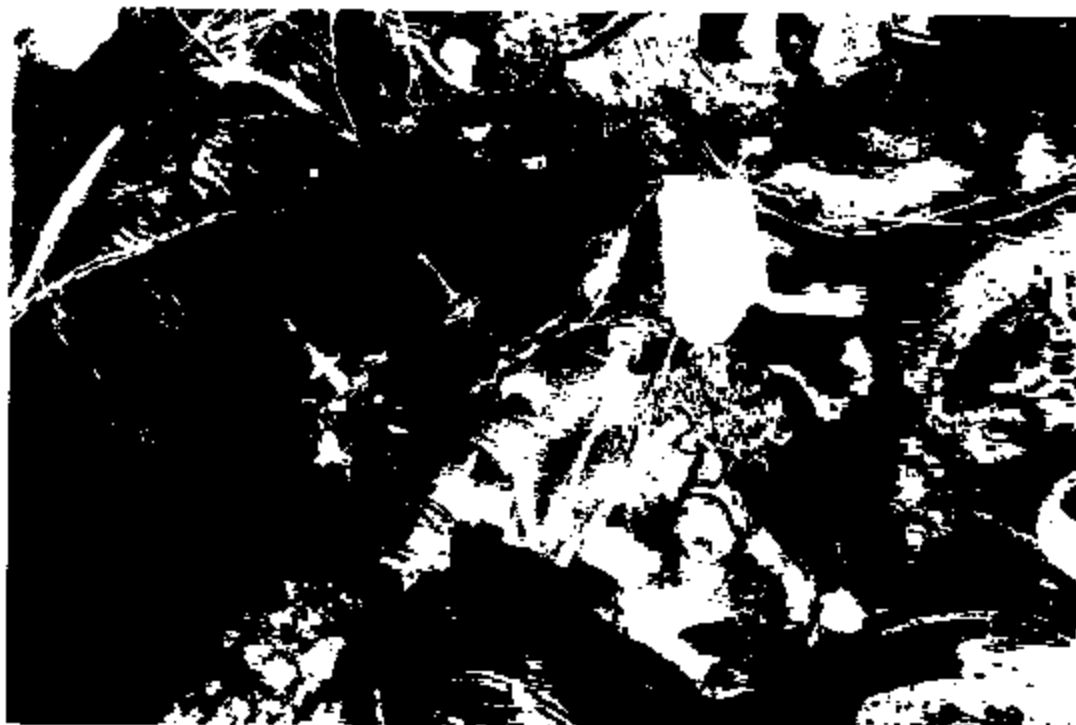
PHOTOGRAPH NUMBER 15

This photograph reveals the electronic power distribution box and brake sensors.



PHOTOGRAPH NUMBER 16

This photograph reveals the battery and cables.



PHOTOGRAPH NUMBER 17

This photograph reveals the timing chain cover melted from the top down.



PHOTOGRAPH NUMBER 18

This photograph reveals the oil sending sensor is intact.



PHOTOGRAPH NUMBER 19



PHOTOGRAPH NUMBER 20

Photographs 19 and 20 depict the topside of the manifold and throttle body are melted and parts are missing.

ERG5-805-LC1-4878

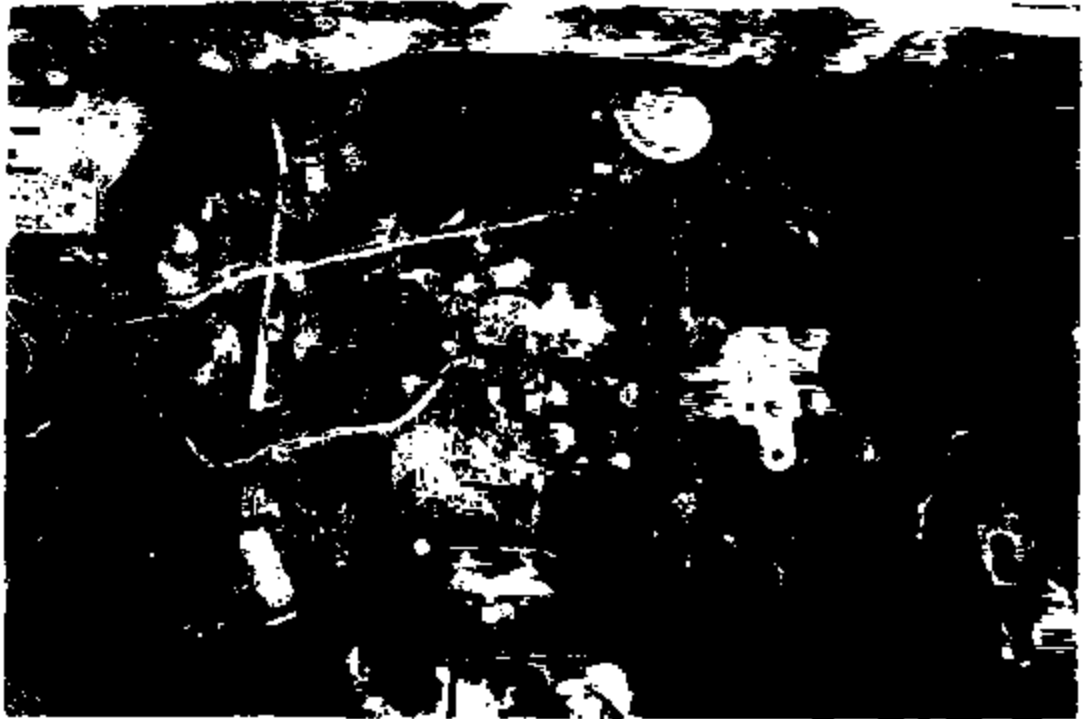


PHOTOGRAPH NUMBER 21



PHOTOGRAPH NUMBER 22

Photographs 21 and 22 depict the portion of the fuel rail which reveals separation of "out" side before "incoming" side.



PHOTOGRAPH NUMBER 23

This photograph reveals the topside of the engine from directly above, and reveals melting of the throttle body area and incoming fuel rail/



PHOTOGRAPH NUMBER 24

This photograph reveals the topside of the engine from the front to the rear, and also reveals the relationship of the throttle body melting to fuel rail.



**THE
CINCINNATI INSURANCE COMPANIES**

CUSTOMER SUPPORT
THE CINCINNATI INSURANCE COMPANY THE CINCINNATI INDEMNITY COMPANY
 THE CINCINNATI CASUALTY COMPANY THE CINCINNATI LIFE INSURANCE COMPANY

2001 FEB 13 A 11: 13

Post Office Box 344
 Dunmore, PA 18512
 Phone (570) 347-2375
 FAX (570) 347-2708

February 8, 2001

SENT VIA CERTIFIED AND REGULAR MAIL

FORD MOTOR COMPANY
 16800 EXECUTIVE PLAZA DRIVE
 PO BOX 6248
 DEARBORN MI 48126



Re: Policyholder [REDACTED]
 Policy Number [REDACTED]
 Date of Loss : 1/4/2001
 Vehicle : 1999 Ford Expedition
 VIN# : 1FMPU18LXXK [REDACTED]

Dear Ford Motor Company,

We are the insurance carrier for the above named policyholder. As a result of an incident on 1/4/2001 involving our insured we were obligated to pay our insured for the damages. Our insured's 1999 Ford Expedition caught fire and was destroyed. Our total payout was \$28,318.75. Our insured also had a \$500.00 deductible and has some personal property in the vehicle that was destroyed during the fire.

Our investigation has disclosed the fact that the fire was a result of your negligence and therefore, we will look to you for reimbursement, in accordance with the subrogation rights under our policy.

The fire was caused by a fuel rail problem within the engine compartment of the vehicle.

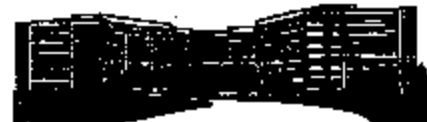
Thank you.

Sincerely:


 Kevin Klatt, AIC
 Claims Representative

Bcc:

cc: FCM.HQ





PROGRESSIVE

18750 South Vermont Ave., Suite 220
Torrance, CA 90502

Telephone: 310 715-7100
Facsimile: 310 685-0964

Progressive.com

CONSUMER AFFAIRS
SECTION

3 SEP 15 AM 1:40

New

September 8, 2003

Ford Motor Company
Consumer Affairs
P.O. Box 6248
M.D. - 3NE - B
Dearborne, Michigan 48126

To Whom It may Concern:

On July 17, 2003, a traffic collision occurred on El Mirage Road in Adelanto, California between a 1985 Ford F 250 and a 1999 Lincoln Navigator. The 1999 Navigator appears to have been struck on the left rear door area. The 1999 Navigator subsequently burned. This vehicle is a total loss, and there were serious injuries as a result of this accident. I have retained a Cause and Origin expert, Mr. Joseph Bloom. We have tentatively set the inspection for October 2, 2003 in Burbank, CA. Will you please send a representative from Lincoln to the Cause & Origin inspection?

Please contact me at 310 629 0356 for additional details.

Sincerely,

Sean Massey
Sean Massey
SIU Special Investigator
Progressive Insurance Company
Torrance, CA

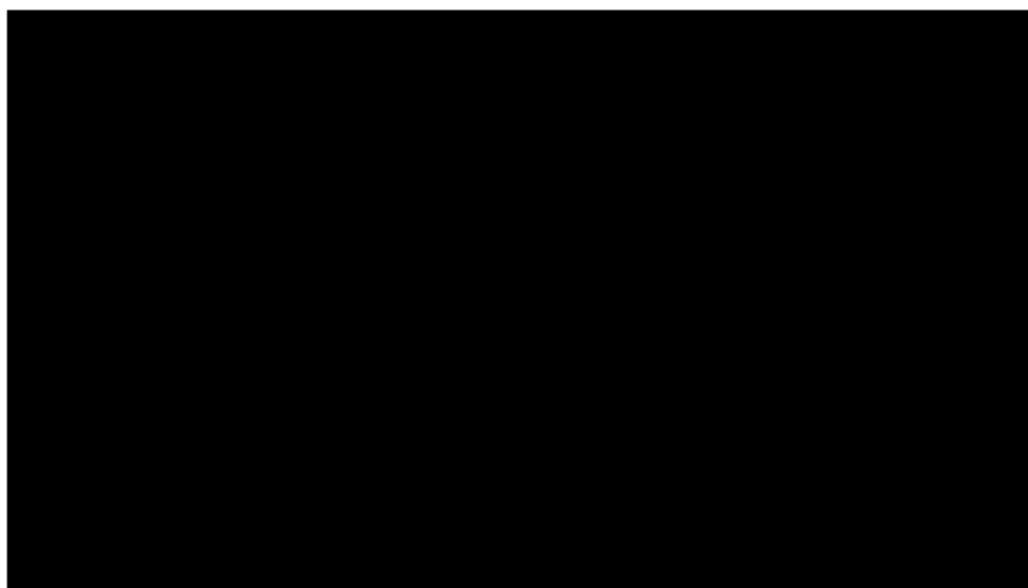
Could call again 9/23/03

Owner June K.
Gist

driver EL MATTHAN, E.
WASHINGTON

FORD MOTOR COMPANY
RECEIVED
SEP 23 2003
OFFICE OF THE
GENERAL COUNSEL

- Sean John
made 1 Navigator
Aftemarket
ALOT of Stereo equipment?



NEW JERSEY POLICE ACCIDENT REPORT

REPORTABLE NON-REPORTABLE

216

10-16212 ACCIDENT OCCURRED ON: ROUTE 34 NORTH

WALL POLICE DEPARTMENT OF COPELAW PATROL

DATE OF COLLISION: 10/20/00 TIME: 2:25 PM MUNICIPALITY: 135201

VEH. NO. 01 POLICY NO. 109358046

DRIVER 1: NAME, ADDRESS, CITY, STATE, ZIP

DRIVER 2: NAME, ADDRESS, CITY, STATE, ZIP

VEHICLE 1: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 2: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 3: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 4: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 5: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 6: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 7: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 8: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 9: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 10: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 11: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 12: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 13: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 14: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 15: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 16: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 17: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 18: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 19: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 20: MAKE, MODEL, COLOR, YEAR, PLATE NO.

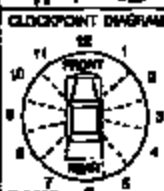
VEHICLE 21: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 22: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 23: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 24: MAKE, MODEL, COLOR, YEAR, PLATE NO.

VEHICLE 25: MAKE, MODEL, COLOR, YEAR, PLATE NO.



Alcohol data and hazardous material sections with checkboxes for various tests and conditions.

Table with columns for damage to other property, charges, and summons numbers.

Officer name: P.L. P. B... Badge number: #138

Table with columns for occupant names and addresses, including 'DRIVER #1'.

DEP CASE NUMBER and other administrative fields.

NUMBER OF VEHICLES

01

9025-875-1-01-4081



Scale:
1"=40'

LEGEND

1. Left rear yaw mark
2. Furrows from front tires
3. Rear tire furrow
4. Uncontrolled rest of vehicle 1

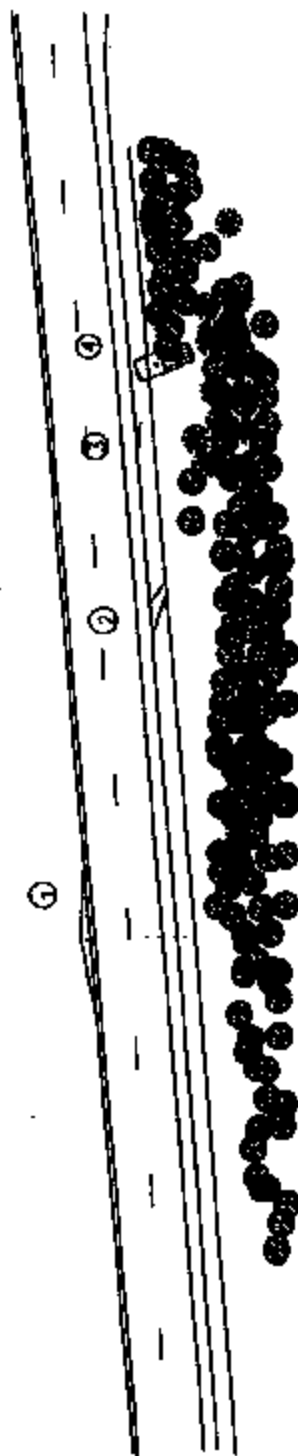
Investigating Agency:
Wall Township Police Department

Investigating Officer:
Ptl. Karaszewsky #129

Case Number:
10-16212

Date:
11/28/88

Sketch prepared by:
Sgt. T. Clayton #91



| | | | |
|--|----------------|-------------------------------|---------------|
| Wall Township Police Department PO Box 1188 Wall, NJ 07719 | | INCIDENT NUMBER 10-16212 | |
| INCIDENT TYPE MVA | | DATE 11-20-00 | |
| INCIDENT LOCATION RT 34 NORTH | | TIME 2258 | |
| VICTIM / | | | |
| ADDRESS | | | |
| CITY / STATE NJ. CAPE MAY (NJ) | | | |
| SOC | | | |
| VICTIM / COMP / ACC / DR | | | |
| ADDRESS | | | |
| CITY / STATE | | PHONE | |
| SOC | DOB | POB | POC |
| STATE NJ | | CITY | |
| MAKE FORD | MODEL TRUCK | YEAR 1996 | COLOUR SLK |
| NARRATIVE [REDACTED] WAS INVOLVED IN A ONE CAR MVA ON RT 34 NORTH. HE LEFT THE ROADWAY, STRUCK A CURB, THE FRONT END OF THE VEHICLE WENT OVER THE GUIDE RAIL, AND THE VEHICLE STOPPED WHEN THE DRIVER'S SIDE DOOR STRUCK A TREE. THE VEHICLE THEN CAUGHT ON FIRE. STEVEN PERISHED IN THE VEHICLE. | | | |
| WALL POLICE, SWFD, WFA, MEDICS JSMC 59-53 MCENERY AND PTEHARD, WTPD TRAFFIC UNIT, D.O.T., DETECTIVE BUREAU, A PLUS TOWING, MONMOUTH COUNTY MEDICAL EXAMINERS OFFICE JACK SPEALING (BODY REMOVAL) AND M.E. DR. JOSEPH SCHAUER III. ALL RESPONDED TO THE MVA. | | | |
| REPORTED BY: [Signature] | | DISPATCHED BY: [Signature] | |
| OFFICER ROEST | | PAGE 138 | |

STEVENSON WAS PRONOUNCED DEAD
AT 2332 HOURS BY DR. McDERMOTT.

M.E. DR. SCHAUER RELEASED THE
BODY FROM THE SCENE TO JACK
SPERLING TO BE TAKEN TO CENTRE
STATE HOSPITAL FOR THE M.E. THE
AUTOPSY WILL BE CONDUCTED BY THE
M.E. IN THE MORNING OF 11-21-00. A
PRESS RELEASE WILL BE MADE BY WAH
POLICE (TRAFFIC UNIT). LOWER P.D. NOTI-
FIED THE DECEASED SPOUSE OF THE
MVA.

A TOW CARD WAS FILED. THE
MCPD WAS NOTIFIED (REGGIE GRANT)
POLICE TOOK STEVENSON'S WALLET
FOR SAFEKEEPING. IT WAS INVENTORIED
AND PLACED IN A LOCKER.

JOEL STEVENSON

INVESTIGATION AT THE SCENE

On November 20, 2000 at approximately 23:40 hours, I was advised by Ptl. Lubischer #136, of the Wall Police Department, to respond to a one-car motor vehicle accident on Rt. 34 in the northbound lane, just south of Atlantic Ave. Ptl. Lubischer advised that the vehicle involved in the crash caught fire and the lone occupant in the vehicle, the driver, was trapped in the vehicle.

Upon arrival at the scene of the crash, I met with Sgt. Clayton #91, who informed me that the condition of the driver was terminal. The temperature at this time was 32 degrees and upon exiting my patrol vehicle, I observed a "black ice" condition on the roadway. I observed several South Wall Fire Trucks on scene with water hoses and extrication equipment lying on the roadway. There were several First Aid responders on scene as well. I observed a black Ford pickup truck lying on top of the guide rail facing in an easterly direction. The roof of the truck was removed by means of extrication. The front tires of the truck were in contact with the ground, the rear right tire was resting on the guide rail, and the rear left tire was suspended in air. Part of the right rear tire's tread was worn off due to the vehicle spinning while in contact with the guide rail, leaving rubber residue on the guide rail and on the ground below. The driver's door of the vehicle was pushed inward and a tree lodged where the vehicle's door was crushed. The front of the vehicle as well as the passenger compartment was severely burned, leaving ashes and smoldering debris. I observed the male buckle portion of the seatbelt still secured in the female buckle portion, but the seatbelt was burnt. There was a body lying in a southerly direction across the front seat of the vehicle with the head and shoulder region lying partially outside of the passenger side door facing down. I noticed severe burns on the head and shoulder area as well as the hands and legs of the passenger. There were also E.K.G. monitors stuck on the back of the victim.

I observed several scratches and scrapes along the guide rail leading to the vehicles place of rest. There were also broken limbs from trees facing toward the vehicle's resting place. I observed a furrow made from the rear left tire. I observed two furrows on the ground south of the area of final rest, made from the front tires. Two tire marks were located on the curb just prior to the furrows. A decelerating sideslip mark was left on a Portland cement surface on the eastern side of the median separating the north and south bound lanes of Rt. 34. As I walked further southward on Rt. 34 near the crest of the bridge that crosses the bike path I slipped on the "black ice" condition.

At this point, Sgt. Clayton took photographs of the scene. Ptl. D'Andrea was taking a formal written statement at Wall Police Headquarters with the lone independent witness (see witness statement). I then utilized the laser and took measurements of the evidence

located as well as the roadway and downloaded all information to the Hewlett Packard calculator. Sgt. Clayton assisted me during the laser technique and drew the sketch of the scene. N.J. Division of Transportation members then arrived on the scene and assisted with traffic. Dr. Tim Watkins of the Medical Examiners Office arrived on scene to remove the body. The vehicle was towed by A-Plus Towing and removed to Jost Garage. The vehicle was covered by a tarpaulin and placed in a fenced in area.

Upon returning to Wall Police Headquarters, the N.J.S.P. Fatal Accident Unit was advised of the situation. Reginald Grant of the Monmouth County Prosecutors Office was contacted as well. A press release was also sent out. The next of kin was notified of the fatality. Larry Kirk, a friend of the deceased, was called and responded to identify the body.

On 11/21/00 at approximately 10:30 hours, Ptl. D'Andrea and I sat in on the autopsy at CentraState, performed by Dr. Peacock. Dr. Peacock explained that the death was caused by smoke inhalation and thermal burns due to a motor vehicle fire, due to a pick-up truck versus tree type motor vehicle accident. He further announced that the deceased suffered fractured ribs 1 through 5 on the left side, and fractured ribs 5 and 6 on the right side. The deceased also suffered a punctured left lung, but, no brain trauma. However, due to the burns suffered in the accident, there were no distinguishing marks on the body to solidify his identity and that dental records needed to be obtained. Dr. Peacock informed me that a toxicology report would be completed. On 11/22/00 I spoke with the widow, Patricia Stevenson. She informed me that the dentist that they utilized is Dr. Gibbons. After speaking with Dr. Gibbons, I drove to Cape May and retrieved the dental records for Joel Stevenson. The dental records were then dropped off at the Medical Examiners Office. Later this date I spoke to Jeff Foster, of A-Plus Towing and scheduled a mechanic's examination of the vehicle. I also scheduled an interview with [REDACTED] a close friend of the deceased, who was with him prior to the fatality.

On 11/27/00, I met with [REDACTED]. His relation to the deceased extends back seventeen years working with him on fishing boats. Joel Stevenson was the Captain of the fishing vessel the [REDACTED] served as a mate for the vessel. [REDACTED] provided me with a boat log stating that Joel Stevenson and the [REDACTED] left the Pt. Pleasant dock on 11/19/00 at approximately 19:30 hrs. and returned at approximately 20:00 hrs. on 11/20/00. [REDACTED] confirmed that he and Joel Stevenson did not leave the boat during the duration while at sea. However, [REDACTED] explained that when they did return to the dock, Joel Stevenson left to get something to eat. [REDACTED] stated that he does not know where Joel went to eat that evening, but that Joel returned around 22:00 hrs. to pick up money, and then left to go home. [REDACTED] further states that this was the last time he spoke to or saw Joel Stevenson alive. After exhausting all options, it was impossible to account for the approximate two hours of Joel Stevenson's whereabouts prior to the collision.

On 11/28/00, Jeff Foster of A-Plus Towing called to inform us of their findings after completing their mechanical investigation of the vehicle. Mr. Foster noted that it appears to him that the inertia switch might possibly have malfunctioned or might not have

activated at all. [REDACTED] explained that when the vehicle is in a collision, the inertia switch is supposed to deactivate the engine, thus disengaging the fuel pump so no more fuel is dispersed. [REDACTED] believes that the inertia switch did not activate do to the fact that on the night of the accident, the vehicle was still running after it collided with the tree. He stated that this type of examination is out of his realm of expertise and that we would have to contact other authorities to examine the vehicle further do understand why and how the vehicle caught fire. He did claim that the brakes appeared to be operational at the time of the crash.

On 11/29/00, Ptl. D'Andrea and I went to Jost Garage were the vehicle was stored. Ptl. D'Andrea took additional photos of the vehicle, focusing on contact damage, the interior passenger compartment, and where the inertia switch was located. I completed the Vehicle Collision Damage Record Report, a General Vehicle Examination Report and tire inspection from the vehicle in the fatal collision. Attached along with that is a printout of the vehicle specifications:

On 11/30/00 at 13:00 hrs., Sgt. Clayton, Ptl. D'Andrea, and I met with Tim Smith and Phil Payne of the Monmouth County Fire Marshal's Office at Jost Garage. They were asked to examine the pick-up truck to determine the cause of the fire, and whether or not the inertia switch would have prevented or lessened the intensity of the fire. After a thorough examination Mr. Payne stated that the gas tank had a hole in it about three (3) inches in diameter. He also stated that gas vapors ignited from the catalytic converter or the transmission at the area of the drive shaft attaching to the transmission. In addition, Mr. Payne concluded that the inertia switch would not have prevented nor lessened the fire.

On 12/1/00, Ptl. D'Andrea and I took additional measurements at the scene of the accident. The curb height at the location where the vehicle drove over the curb was 4 1/4 inches. I spoke with Mike Moran of N.J. Division of Transportation. He advised us that as of right now, the standard height for a curb on S.H. 34 is four (4) inches. The standard apparently changes periodically, but if the road is re-paved, they resurface the road to the current standards. He also stated that the standard height for guide rails is federally regulated. Generally, the height to the top of the guide rail structure ranges from twenty-seven (27) to thirty-two (32) inches. The guide rail at the area of impact was twenty-four (24) inches from the ground.

On 12/6/00, I scheduled a meeting with Phil Payne of the Monmouth County Fire Marshal's Office. I spoke to the widow, Patricia Stevenson, to answer her questions and advise her that the vehicle can be released when proof of insurance is verified. I spoke to Jeff Foster, who stated he would be dropping off the mechanics report of the vehicle. I contacted All State Insurance, who faxed a copy of the insurance coverage on the vehicle.

On 12/7/00, I picked up the mechanic's report of the vehicle from Jeff Foster of A-Plus Towing.

On 12/8/00, I met with Phil Payne from the Monmouth County Fire Marshal's Office.

Mr. Payne submitted his report on the causation of the start of the fire to the vehicle in question.

On 12/11/00 Sgt. Clayton and I completed the photo log and diagram to scale.

JOEL E. STEVENSON

ROADWAY CHARACTERISTICS

State Highway #34 is made of bituminous asphalt, running in a nominally north-south direction. There is a 9% grade and a very slight curve, however, no discernible super-elevation on the roadway in the vicinity of the accident. There are two travel lanes heading in each direction that are ten (10) feet wide. The lanes in each direction of travel are marked by divided white lines, a fog line, and, a solid yellow line bordering the left lanes of travel and the median. The median is edged by a portland cement depressed curb. The median gradually widens from the crest of the bridge traveling northward. The shoulder portion of the roadway also widens from the crest of the bridge northward with a curb approximately four and one-quarter inches in height, also running in a north-south direction. Six feet to the east of the curb is a guide rail structure that is two feet in height from the ground, and also runs in a north-south direction. To the east of the guide rail is a wooded area. The posted speed limit for State Highway #34 is 55 MPH.

JOEL E. STEVENSON

CONCLUSION

On 11/20/00 at approximately 22:58, Joel E. Stevenson was driving northbound on S.H. #34. Joel, a commercial fisherman, was out at sea for approximately twenty-four hours prior driving home that night. After going to eat dinner, Joel decided to return to his home in No. Cape May. He was operating a 1996 black Ford F150 pick-up truck. Subsequent to utilization of the systematic procedure and understanding vehicle dynamics, the following conclusions were made. Joel Stevenson was traveling northbound on S.H. #34 in the right lane, approximately three tenths of a mile south of Atlantic Ave. when he reached the crest of a bridge. As he was traveling down the bridge, the vehicle then skid on a patch of black ice that covered the roadway, causing the vehicle to veer left towards the median. When Joel was able to regain steering of the vehicle on the road surface, he over-corrected, and turned the steering wheel to the right. This was evident by the decelerating sideslip tire mark of the rear left tire created on the Portland cement depressed curb of the median. Mathematical calculation of the sideslip tire mark estimated the speed of the vehicle at this time to be 58 MPH. The vehicle at this time continued to travel from the median across both travel lanes, the opposite shoulder area, and struck the curb edging the eastern portion of the roadway. The vehicle traveled over the curb onto a six-foot wide area of grass. The front of the vehicle then struck a guide rail. The vehicle at this time was traveling in a northerly direction with the front end of the vehicle climbing the guide rail facing in an easterly direction. As the vehicle's rear left tire traveled over the curb, the vehicle's front tires climbed over the guide rail. The vehicle was still traveling in a northerly direction, but facing in an easterly direction. The front tires were on the east side of the guide rail and the rear tires were to the west of the guide rail. At this point a support post for the guide rail ruptured the gas tank, leaving a hole approximately three inches in diameter. The vehicle then struck a tree penetrating the driver's side door, thus disallowing the driver's side door to be opened. Subsequent to the induced damage incurred, the passenger side door was also unable to be opened. The vehicle's engine was still racing. The vehicle was still facing in an easterly direction with the front tires to the east of the guide rail. The rear right tire was spinning and rubbing against the top of the guide rail. The rear left tire was suspended in air. Gas vapors ignited from the catalytic converter or the transmission at the area of the drive shaft attaching to the transmission. The vehicle became engulfed in flames leaving the driver, Joel Stevenson to perish.

**WALL TOWNSHIP POLICE DEPARTMENT
TRAFFIC BUREAU
INVESTIGATION REPORT**

DECEASED

Driver of vehicle 1
Joel B. Stevenson
711 Sheppard Ave.
No. Cape May, New Jersey 08204
D.O.B. 7/12/57
D.L. # S8232 40565 07574
SSN: [REDACTED]

VEHICLE

1996 Ford
Black Pick-up Truck
NJ Reg. [REDACTED]
VIN# 1FTEX15N4TK [REDACTED]
Reg. Owner - Joel B. Stevenson

JOEL STEVENSON

INDEPENDENT WITNESS

[REDACTED]
Tinton Falls, N
[REDACTED]

Refer to witness' formal statement contained in the accident jacket.

age 1 of 2

Daily Log Data Entry Screen

Log Information
 <Case Number> 10-16203 <Type> NOTIFICATION <*UCR Number>
 <Report Date> 11/20/10 Occurrence Date 11/20/10 Weekday SUN
 <Officer ID Number> 543

Time/Location Information

Received 2117 Dispatched 2117 Arrived 2117 Cleared 2117
 <Location> BELMAR BLVD AND COMMUTER LOT *Zone/Area

Name Information

<Last Name Address >
 *Involvement C City WALL *Residence L Phone (732)
 State NJ Zip

Social Security Number

Arrest Information

<Charges> DOB Age 0
 *Case Disposition RA *Ethnic Background *Race Sex
 Arrest Date Arrest Number *Juv. Disp.

UCR Vehicle/Property Information

*Property *Stolen/Recovered Value \$ 0
 *Vehicle

age 2 of 2

Daily Log Data Entry Screen

Narrative Screen

NOTIFIED COUNTY OF ICING CONDITION AT ABOVE

Daily Log Data Entry Screen

<Case Number> 10-16205 <Type> NOTIFICATION <*UCR Number>
<Report Date> 11/20/10 Occurrence Date 11/20/10 Weekday SUN
<Officer ID Number> 543

Time/Location Information

Received 2128 Dispatched 2128 Arrived 2128 Cleared 2128
<Location> HURLEY POND RD E RT 34 *Zone/Area

Name Information

<Last Name WALL DPW First Name Middle >
Address *Residence L Phone (732)
*Involvement C City WALL State NJ Zip

Social Security Number

Arrest Information

<Charges> DOB Age 0
*Case Disposition RA *Ethnic Background *Race Sex
Arrest Date Arrest Number *Juv. Disp.

UCR Vehicle/Property Information

*Property *Stolen/Recovered Value \$ 0
*Vehicle

page 2 of 2

Daily Log Data Entry Screen

Narrative Screen

NOTIFIED DPW ICY ROAD CONDITION AT ABOVE LOCATION

DAILY LOG DATA ENTRY SCREEN

Log Information
 <Case Number> 10-16214 <Type> NOTIFICATION <*UCR Number>
 <Report Date> 11/20/10 Occurrence Date 11/20/10 Weekday SUN
 <Officer ID Number> 343

Time/Location Information
 Received 2304 Dispatched 2304 Arrived 2304 Cleared 2305
 <Location> RT 34 AND ATLANTIC AVE *Zone/Area 8133

Name Information
 <Last Name> NJDOT First Name Middle
 Address *Residence L Phone (732)
 *Involvement C City WALL State NJ Zip

Social Security Number
 Arrest Information
 <Charges> DOB Age 0
 *Case Disposition RA *Ethnic Background *Race Sex
 Arrest Date Arrest Number *Juv. Disp.

UCR Vehicle/Property Information
 *Property *Stolen/Recovered Value \$ 0
 *Vehicle

DAILY LOG DATA ENTRY SCREEN

Narrative Screen

NOTIFIED DOT RRF ICINNG COND.10-16212

Log Data Entry Screen

<Case Number> 10-16216 <Type> NOTIFICATION <*UCR Number>
<Report Date> 11/20/10 Occurrence Date 11/20/10 Weekday SUN
<Officer ID Number> 543

Time/Location Information

Received 2317 Dispatched 2317 Arrived 2317 Cleared 2317
<Location> ALLAIRE RD *Zone/Area C0

Name Information

<Last Name COUNTY RADIO First Name Middle >
Address *Residence L Phone (732)
*Involvement C City WALL State NJ Zip
Social Security Number

Arrest Information

<Charges> DOB Age 0
*Case Disposition RA *Ethnic Background *Race Sex
Arrest Date Arrest Number *Juv. Disp.

UCR Vehicle/Property Information

*Property *Stolen/Recovered Value \$ 0
*Vehicle

Narrative Screen

NOTIFIED COUNTY RADIO OF ICING COND

Daily Log Data Entry Screen

<Case Number> 10-16218 <Type> NOTIFICATION <*UCR Number>
 <Report Date> 11/20/10 Occurrence Date 11/20/10 Weekday SUN
 <Officer ID Number> 543

Time/Location Information

Received 2322 Dispatched 2322 Arrived 2322 Cleared 2322
 <Location> HDT WALL TOWNSHIP POLICE *Zone/Area C029

Name Information

<Last Name WALL DPW First Name Middle
 Address *Residence L Phone (732)
 *Involvement C City WALL State NJ Zip

Social Security Number

Arrest Information

<Charges> DOB Age 0
 *Case Disposition RA *Ethnic Background *Race Sex
 Arrest Date Arrest Number *Juv. Disp.

UCR Vehicle/Property Information

*Property *Stolen/Recovered Value \$ 0
 *Vehicle

Page 2 of 2

Daily Log Data Entry Screen

Narrative Screen

**Wall Township Police Dept
Supplemental Report
Fatal MVA Investigation
Case # 10-16212**

On 11-20-00 at 2258 hrs this Officer along with South Wall Fire Dept and Community First aid were dispatched to a reported MVA on Rt 34 and Paynters Rd. While responding from Police HQ it was reported that the vehicle was on fire and that the occupant was trapped inside the vehicle.

Upon arriving on scene the MVA was found to be on RT 34 NB just south of Atlantic Ave. The vehicle, a Ford Pick Up was observed to be facing East resting on the guide rail on the East side of the roadway. The cab of the vehicle was observed to be fully engulfed in flames. At this time I advised dispatch I was on scene and to expedite the Fire Co. As I was getting out of my Patrol vehicle I was met by a bystander frantically yelling that the driver was stuck in the truck. I retrieved my fire extinguisher from the trunk of the car and ran to the pick up. I approached on the passenger side, as the door was open and proceeded to attempt to extinguish the fire. For only a very brief moment I was able to subdue a small portion of the fire on the passenger side of the cab. It was at this time I observed the right arm and hand of the driver to move slightly. The entire driver's side inside the cab was still fully engulfed in flames. I emptied my extinguisher, threw it to the ground and attempted to lean in the vehicle to attempt to free the driver. Standing approx. 2-3 feet from the vehicle as attempting to lean in, the fire in the passenger side rapidly re-ignited and forced me away from the vehicle. I once again advised dispatch over the radio to expedite the Fire Co and that there was a subject trapped in the vehicle. At this time the South Wall Fire Co arrived on scene and began to extinguish the blaze. As the Fire Co. got the majority of the fire knocked down several Fire Fighters began attempting to pull the subject from the vehicle but could not due to his leg being stuck in the vehicle. The victim appeared severely burned and was unconscious and did not appear to be breathing at this time. Wall Community First Aid and MONOC paramedics arrived on scene and began tending to the subject while still

entrapped in the vehicle. SWFD was actively attempting to extricate the victim while still dousing the vehicle due to the fact the gas tank was still leaking.

At 2332 hrs the Victim, while still in the vehicle, was pronounced by DR Medermott of JSMC via MONOC paramedics. Ptl Borst and the Department Traffic Unit were on scene and conducting the investigation.


Ptl Lakerson #119

STATEMENT

STATEMENT OF:

[REDACTED]
Tinton Falls, NJ [REDACTED]
[REDACTED]

TAKEN AT:

Wall Township Police Department
Traffic Division
Allaire Road
Wall, N. J. 07719

DATE AND TIME:

11-21-00 00:26

QUESTIONED BY:

Ptl. Ross D'Andrea #90
Traffic Division
Wall Township Police Department
Wall, N. J. 07719

WITNESSED BY:

Det. Dean Textor #89
Detective Division
Wall Township Police Department
Wall, N.J. 07719

INTRODUCTION:

[REDACTED], my name is Ptl. Ross D'Andrea #90, I am a member of the Wall Township Police Department and it is my duty to ask you some questions regarding the circumstances surrounding the motor vehicle accident at Rt. 34 North, just north of Paynters Road, at approximately 22:58 p.m., in the Township of Wall, in the County of Monmouth, New Jersey.

Handwritten signature

Q. Do you [REDACTED] voluntarily desire to make a statement regarding this matter of your own free will and accord?

A. Yes.

Q. What is your full name, where do you live, and what is your home telephone number?

A. [REDACTED] Tinton Falls, NJ [REDACTED]

Q. How old are you, what is the date of your birth, and where were you born?

A. [REDACTED] Neptune NJ.

Q. What is your present occupation, where do you work and what is your business telephone number?

A. Construction, Advanced Construction Bellville NJ, I don't know the number.

Q. Tell us in your own words and to the best of your knowledge of the incidents involved in the motor vehicle accident that occurred on Rt. 34 North, North of Paynters Road.

A. We were going 34 north just past the Budweiser plant because I saw the temperature was 32 degrees. They just fixed the thermometer there. We were going over the bridge and he must of hit a little patch of ice, not on top of the bridge but coming down the bridge. He swerved and moved into the fast lane just a little bit. Then he turned back and the ass end went around and he hit the guardrail. The ass end of his truck might have come out twice. I think he hit the guardrail once and the truck rode the guardrail. Long sparks came out, a trail of sparks. I didn't see any fire until I went up to the vehicle. When I got up to the vehicle the tire was spinning on the guardrail. I don't know if he was on the gas but the driver's rear tire was spinning on the guardrail. Then the other guy pulled up in and grabbed a stick to break the glass. You couldn't get in the passenger door. The other guy broke the window with a skate. The other guy went in and he said the guy wouldn't move. He was moaning but he couldn't move him because he thought the wheel collapsed on him. The guy in the white van had a fire extinguisher but it was just too late. That's when the cops and the fire trucks showed up.

Q. Do you have a driver's license?

A. Yes sir.

Q. Where were you located in the vehicle?

Paul G. [unclear]

- A. I was driving.
- Q. Are you familiar with the vehicle you were driving?
- A. Yes.
- Q. How fast do you feel you were going?
- A. I think I was doing about 45, 50 miles an hour approximately.
- Q. Were the headlights lit on your vehicle / in the other vehicle?
- A. Yes, I am not sure about his vehicle but mine were working yes.
- Q. Are you familiar with the area?
- A. Yes.
- Q. Where were you coming from?
- A. Manasquan.
- Q. What was your destination?
- A. Tinton Falls, I take 34 to Belmar Blvd. Then Belmar Blvd. To Schoolhouse to Tinton Falls.
- Q. What was the weather like?
- A. The road was wet because I had to have my wipers on. The stuff was coming off his truck because I had to have my wipers on.
- Q. Was the area lighted by street lamps / direct sun / shadowed?
- A. It had streetlights on.
- Q. Was your vision blocked by anything?
- A. No.
- Q. Did you see any speed signs / traffic lights / stop signs near by?
- A. I saw the Budweiser sign with the time and temperature. The sign said 32.

Food Seperator

- Q. Is there any way that the victim could have avoided this accident?
- A. No.
- Q. Where was your vehicle in relation to the victim's vehicle at the time you perceived the accident?
- A. I was in the left lane. When he started to swerve I slowed down. When he crossed the center lane a little bit he went back. I think he overcorrected and he hit the guardrail.
- Q. Did all this happen in Wall Township, Monmouth County, New Jersey?
- A. Yes.
- Q. What is the extent of your education?
- A. High School graduate.
- Q. Do you have anything else to add to this statement that will aid us in this investigation?
- A. No sir.
- Q. Is this a true and voluntary statement and after you read it, will you sign it?
- A. Yes.
- Q. In giving this statement consisting of 6 pages, have you been mistreated by me or any other person or persons?
- A. No sir.

Free of charge

CONCLUSION: READ THIS STATEMENT AND IF THERE ARE ANY CORRECTIONS YOU DESIRE TO MAKE, PLEASE MAKE THEM IN YOUR OWN HANDWRITING AND PLACE YOUR INITIALS NEXT TO THE CORRECTION.

STATEMENT COMPLETED:

11-21-00 01:08

SIGNATURE:



QUESTIONED BY:

Ross D'Andrea

Ptl. Ross D'Andrea

WITNESSED BY:

Det. Dean Textor

Det. Dean Textor

WILBERT, MONTENEGRO & THOMPSON
531 Burnt Tavern Road/PO Box 1049
Brick, New Jersey 08724
(732) 295-4500
Attorneys for Plaintiff

NOV 19 2000

Plaintiff, : SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
[REDACTED], Admin- : MONMOUTH COUNTY
istratrix of THE ESTATE OF JOEL :
STEVENSON and Administratrix : DOCKET NO. L-5608-02
Ad Prosequendum and [REDACTED] :
[REDACTED] Individually, :
: CIVIL ACTION
v. :
Defendants, :
FORD MOTOR COMPANY, : COMPLAINT, JURY DEMAND &
DAVID BLEWS, KINDLE : DESIGNATION OF TRIAL COUNSEL
FORD LINCOLN MERCURY and :
JOHN DOE (1-15), presently :
fictitious and unknown. :

Plaintiff, [REDACTED] Administratrix of The Estate of Joel Stevenson
and Administratrix Ad Prosequendum and [REDACTED] individually, by way of
Complaint against the defendants, hereby alleges and says:

FIRST COUNT

1. Sometime prior to November 20, 2000, plaintiff's decedent Joel
Stevenson purchased from defendant Kindle Ford Lincoln Mercury (hereinafter
referred to as "Kindle") a 1996 Ford pickup truck manufactured by defendant Ford
Motor Company.

2. Defendant David Blews was the salesperson at defendant Kindle who was involved in the sale aforesaid to plaintiff's decedent, Joel Stevenson.

3. Defendant Ford Motor Company designed and manufactured the aforesaid 1996 Ford pickup truck bought by the plaintiff's decedent, Joel Stevenson.

4. Defendant Ford Motor Company, a body corporate, negligently designed, manufactured, installed, altered, assembled, sold, distributed and/or marketed the 1996 Ford pickup truck which failed and caused the accident in question.

5. By virtue of the facts and circumstances surrounding the negligent design, manufacture, installation, assembly, sale, distribution, marketing, inspection testing, caring for, maintenance, and lack of warning, defendant Ford Motor Company is strictly liable in tort as the product(s) causing the harm was/were not reasonably fit, suitable or safe for its/their intended purpose(s) pursuant to N.J.S.A. 2A:58C-1, et seq.

6. The aforesaid vehicle and/or its component part(s) deviated from the design specifications, formulae or performance standards of the manufacturer or from otherwise identical units manufactured to be the same manufacturing specifications or formulae and/or it/they failed to contain adequate warnings or instructions; and/or it/they was/were designed in a defective manner.

7. As a direct and proximate result of the aforesaid negligent conduct of the defendant, plaintiff's decedent Joel Stevenson was caused to suffer severe conscious pain and suffering and which negligent conduct led to his death as a result of a fire of the vehicle on November 20, 2000.

8. This claim is a claim under the Survivor's Act, N.J.S.A. 2A:15-3, for the Estate of Joel Stevenson and the claim of [REDACTED] individually.

WHEREFORE, plaintiff [REDACTED] Administratrix for The Estate of Joel Stevenson and [REDACTED] individually, demands judgment against the defendant Ford Motor Company for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

SECOND COUNT

1 Plaintiff repeats each and every allegation contained in the First Count of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. Pursuant to the allegations of the First Count, besides the claim under the Survivorship Act, N.J.S.A. 2A:15-3, a claim is also made under the Death By Wrongful Act statute, N.J.S.A. 2A:31-1, et seq.

3. As a result of the negligence of the defendant Ford Motor Company as alleged in the First Count, plaintiff [REDACTED] wife of Joel Stevenson, and Administratrix Ad Prosequendum makes a claim for herself and for the parties three children, [REDACTED] or pursuant to said Death By Wrongful Act statute, for damages.

WHEREFORE, [REDACTED] Administratrix Ad Prosequendum, makes a claim pursuant to the Death By Wrongful Act statute and demands judgment against defendant Ford Motor Company for damages, both compensatory and punitive,

interest, costs of suit, and attorney's fees, and such other relief as the Court may deem equitable and just.

THIRD COUNT

1. Plaintiff repeats each and every allegation contained in the First and Second Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. By virtue of the facts and circumstances surrounding the design, manufacture, installation, alteration, assembly, sale, distribution, marketing, inspecting, testing, and lack of warning, defendant Ford Motor Company breached the implied warranty of merchantability created pursuant to N.J.S.A. 12A:2-314.

3. As a direct and proximate result of the aforesaid negligent conduct of the defendant, plaintiff's decedent Joel Stevenson was caused to suffer severe conscious pain and suffering and which negligent conduct led to his death as a result of a fire of the vehicle on November 20, 2000.

4. This claim is a claim under the Survivor's Act, N.J.S.A. 2A:15-3, for the Estate of Joel Stevenson and the claim of [REDACTED] individually.

WHEREFORE, plaintiff [REDACTED] Administratrix for The Estate of Joel Stevenson and [REDACTED] individually, demands judgment against the defendant Ford Motor Company for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

FOURTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second and Third Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. Pursuant to the allegations of the Third Count, besides the claim under the Survivorship Act, N.J.S.A. 2A:15-3, a claim is also made under the Death By Wrongful statute, N.J.S.A. 2A:31-1, et seq.

3. As a result of the negligence and breach of warranty of the defendant Ford Motor Company as alleged in the Third Count, plaintiff [REDACTED] wife of Joel Stevenson, and Administratrix Ad Prosequendum makes a claim for herself and for the parties three children, [REDACTED] Seither pursuant to said Death By Wrongful Act statute, for damages.

WHEREFORE, [REDACTED] Administratrix Ad Prosequendum, makes a claim pursuant to the Death By Wrongful Act statute and demands judgment against defendant Ford Motor Company for damages, both compensatory and punitive, interest, costs of suit, and attorney's fees, and such other relief as the Court may deem equitable and just.

FIFTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second, Third, and Fourth Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. By virtue of the facts and circumstances surrounding the design, manufacture, installation, alteration, assembly, sale, distribution, marketing,

inspection, testing, caring for, and lack of warning, defendant Ford Motor Company breached the implied warranty of fitness for a particular purpose created pursuant to N.J.S.A. 12A:2-315.

3. As a direct and proximate result of the aforesaid negligent conduct of the defendant, plaintiff's decedent Joel Stevenson was caused to suffer severe conscious pain and suffering and which negligent conduct led to his death as a result of a fire of the vehicle on November 20, 2000.

4. This claim is a claim under the Survivor's Act, N.J.S.A. 2A:15-3, for the Estate of Joel Stevenson and the claim of [REDACTED] individually.

WHEREFORE, plaintiff [REDACTED] Administratrix for The Estate of Joel Stevenson and [REDACTED] individually, demands judgment against the defendant Ford Motor Company for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

SIXTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth, and Fifth Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. Pursuant to the allegations of the Fifth Count, besides the claim under the Survivorship Act, N.J.S.A. 2A:15-3, a claim is also made under the Death By Wrongful Act statute, N.J.S.A. 2A:31-1, et seq.

3. As a result of the negligence and breach of warranty of the defendant Ford Motor Company as alleged in the Fifth Count, plaintiff [REDACTED] wife

of Joel Stevenson, and Administratrix Ad Prosequendum makes a claim for herself and for the parties three children, [REDACTED]

Seither pursuant to said Death By Wrongful Act statute, for damages.

WHEREFORE, [REDACTED], Administratrix Ad Prosequendum, makes a claim pursuant to the Death By Wrongful Act statute and demands judgment against defendant Ford Motor Company for damages, both compensatory and punitive, interest, costs of suit, and attorney's fees, and such other relief as the Court may deem equitable and just.

SEVENTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth, Fifth, and Sixth Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. The foregoing negligent conduct/omissions by defendant Ford Motor Company were done so with knowledge of a high degree of probability of harm and reckless knowledge of a high degree of probability of harm and reckless indifference to the consequences of said conduct/omissions which conduct/omissions resulted in the death of plaintiff's decedent, Joel Stevenson on November 20, 2000.

3. As a direct and proximate result of the aforesaid negligent conduct of the defendant, plaintiff's decedent Joel Stevenson was caused to suffer severe conscious pain and suffering and which negligent conduct led to his death as a result of a fire of the vehicle on November 20, 2000.

4. This claim is a claim under the Survivor's Act, N.J.S.A. 2A:15-3, for

the Estate of Joel Stevenson and the claim of [REDACTED] individually.

WHEREFORE, plaintiff [REDACTED] Administratrix for The Estate of Joel Stevenson and [REDACTED] individually, demands judgment against the defendant Ford Motor Company for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

EIGHTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth Fifth, Sixth, and Seventh Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. Pursuant to the allegations of the Seventh Count, besides the claim under the Survivorship Act, N.J.S.A. 2A:15-3, a claim is also made under the Death By Wrongful statute, N.J.S.A. 2A:31-1, et seq.

3. As a result of the negligence of the defendant Ford Motor Company as alleged in the Seventh Count, plaintiff [REDACTED] wife of Joel Stevenson, and Administratrix Ad Prosequendum makes a claim for herself and for the parties three children, [REDACTED] pursuant to said Death By Wrongful Act statute, for damages.

WHEREFORE [REDACTED] Administratrix Ad Prosequendum, makes a claim pursuant to the Death By Wrongful Act statute and demands judgment against defendant Ford Motor Company for damages, both compensatory and punitive, interest, costs of suit, and attorney's fees, and such other relief as the Court may deem equitable and just.

NINTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, and Eighth Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. The defendant Kindle, a body corporate, is a car dealership with its business located at 525 Stone Harbor Boulevard, Cape May Court House, New Jersey

3. Plaintiff's decedent, Joel Stevenson, purchased the 1996 Ford pickup truck from defendant Kindle sometime prior to November 20, 2000.

4. Defendant Kindle and defendant David Blews negligently distributed, marketed, and sold the aforesaid truck to plaintiff's decedent, Joel Stevenson.

5. By virtue of the facts and circumstances surrounding the sale, distribution, marketing, and lack of warning, defendant Kimble and defendant David Blews are strictly liable in tort as the 1996 Ford pickup truck causing the plaintiff's death was/were not reasonably fit, suitable or safe for its intended purpose(s) pursuant to N.J.S.A. 2A58C-1, et seq.

6. The aforesaid vehicle deviated from the design specifications, formulae or performance standards of the manufacturer or from otherwise identical units manufactured to the same manufacturing specifications or formulae and/or it/they failed to contain adequate warnings or instructions; and/or it was designed in a defective manner.

7. As a direct and proximate result of the aforesaid negligent conduct of the defendant in distributing and selling the aforesaid vehicle, plaintiff's decedent Joel Stevenson was caused to suffer severe conscious pain and suffering and which

negligent conduct led to his death as a result of a fire of the vehicle on November 20, 2000.

8. This claim is a claim under the Survivor's Act, N.J.S.A. 2A:15-3, for the Estate of Joel Stevenson and the claim of [REDACTED] individually.

WHEREFORE, plaintiff [REDACTED] Administratrix for The Estate of Joel Stevenson and [REDACTED] individually, demands judgment against the defendants Kindle Ford Lincoln Mercury and David Blews for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

TENTH COUNT

1 Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. Pursuant to the allegations of the Ninth Count, besides the claim under the Survivorship Act, N.J.S.A. 2A:15-3, a claim is also made under the Death By Wrongful Act statute, N.J.S.A. 2A:31-1, et seq.

3. As a result of the negligence of the defendants Kindle and David Blews as alleged in the Ninth Count, plaintiff [REDACTED], wife of Joel Stevenson, and Administratrix Ad Prosequendum makes a claim for herself and for the parties three children, [REDACTED] pursuant to said Death By Wrongful Act statute, for damages.

WHEREFORE, [REDACTED] Administratrix Ad Prosequendum, makes a claim pursuant to the Death By Wrongful Act statute and demands judgment

against defendant Ford Motor Company for damages, both compensatory and punitive, interest, costs of suit, and attorney's fees, and such other relief as the Court may deem equitable and just.

ELEVENTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. By virtue of the facts and circumstances surrounding the design, manufacture, installation, alteration, assembly, sale, distribution, marketing, inspecting, testing, and lack of warning, defendants Kindle and David Blews breached the implied warranty of merchantability created pursuant to N.J.S.A. 12A:2-314.

3. As a direct and proximate result of the aforesaid negligent conduct of the defendants, plaintiff's decedent Joel Stevenson was caused to suffer severe conscious pain and suffering and which negligent conduct led to his death as a result of a fire of the vehicle on November 20, 2000.

4. This claim is a claim under the Survivor's Act, N.J.S.A. 2A:15-3, for the Estate of Joel Stevenson and the claim of [REDACTED] individually.

WHEREFORE, plaintiff [REDACTED] Administratrix for The Estate of Joel Stevenson and [REDACTED] individually, demands judgment against the defendants Kindle and David Blews for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

TWELFTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. Pursuant to the allegations of the Eleventh Count, besides the claim under the Survivorship Act, N.J.S.A. 2A:15-3, a claim is also made under the Death By Wrongful Act statute, N.J.S.A. 2A:31-1, et seq.

3. As a result of the negligence of the defendants Kindle and David Biewas as alleged in the Eleventh Count, plaintiff [REDACTED] wife of Joel Stevenson, and Administratrix Ad Prosequendum makes a claim for herself and for the parties three children, [REDACTED] pursuant to said Death By Wrongful Act statute, for damages.

WHEREFORE, [REDACTED], Administratrix Ad Prosequendum, makes a claim pursuant to the Death By Wrongful Act statute and demands judgment against defendant Ford Motor Company for damages, both compensatory and punitive, interest, costs of suit, and attorney's fees, and such other relief as the Court may deem equitable and just.

THIRTEENTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, and Twelfth Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. By virtue of the facts and circumstances surrounding the design, manufacture, installation, alteration, assembly, sale, distribution, marketing, inspection, testing, caring for, and lack of warning, defendants Kindle and David Blews breached the implied warranty of fitness for a particular purpose created pursuant to N.J.S.A. 12A:2-315.

3. As a direct and proximate result of the aforesaid negligent conduct of the defendant, plaintiff's decedent Joel Stevenson was caused to suffer severe conscious pain and suffering and which negligent conduct led to his death as a result of a fire of the vehicle on November 20, 2000.

4. This claim is a claim under the Survivor's Act, N.J.S.A. 2A:15-3, for the Estate of Joel Stevenson and the claim of [REDACTED], individually.

WHEREFORE, plaintiff [REDACTED] Administratrix for The Estate of Joel Stevenson and [REDACTED] individually, demands judgment against the defendants Kindle and David Blews for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

FOURTEENTH COUNT

1 Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth and Thirteenth Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. Pursuant to the allegations of the Thirteenth Count, besides the claim under the Survivorship Act, N.J.S.A. 2A:15-3, a claim is also made under the Death By Wrongful Act statute, N.J.S.A. 2A:31-1, et seq.

3. As a result of the negligence of the defendants Kindle and David Blews as alleged in the Thirteenth Count, plaintiff [REDACTED] wife of Joel Stevenson, and Administratrix Ad Prosequendum makes a claim for herself and for the parties three children [REDACTED] pursuant to said Death By Wrongful Act statute, for damages.

WHEREFORE [REDACTED], Administratrix Ad Prosequendum, makes a claim pursuant to the Death By Wrongful Act statute and demands judgment against defendant Ford Motor Company for damages, both compensatory and punitive, interest, costs of suit, and attorney's fees, and such other relief as the Court may deem equitable and just.

FIFTEENTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth Fifth Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. The foregoing negligent conduct/omissions by defendant Kindle and David Blews were done so with knowledge of a high degree of probability of harm and reckless knowledge of a high degree of probability of harm and reckless indifference to the consequences of said conduct/omissions which conduct/omissions resulted in the death of plaintiff's decedent, Joel Stevenson on November 20, 2000.

3. As a direct and proximate result of the aforesaid negligent conduct of the defendant, plaintiff's decedent Joel Stevenson was caused to suffer severe conscious pain and suffering and which negligent conduct led to his death as a result of a fire of the vehicle on November 20, 2000.

4. This claim is a claim under the Survivor's Act, N.J.S.A. 2A:15-3, for the Estate of Joel Stevenson and the claim of [REDACTED] individually.

WHEREFORE, plaintiff [REDACTED] Administratrix for The Estate of Joel Stevenson and [REDACTED] individually, demands judgment against the defendants Kindle and David Blews for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

SIXTEENTH COUNT

1 Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, and Fifteenth Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2 Pursuant to the allegations of the Fifteenth Count, besides the claim under the Survivorship Act, N.J.S.A. 2A:15-3, a claim is also made under the Death By Wrongful Act statute, N.J.S.A. 2A:31-1, et seq.

3. As a result of the negligence of the defendants Kindle and David Blews as alleged in the Fifteenth Count, plaintiff Patricia Stevenson, wife of Joel Stevenson, and Administratrix Ad Prosequendum makes a claim for herself and for

the parties three children, [REDACTED]
pursuant to said Death By Wrongful Act statute, for damages.

WHEREFORE [REDACTED] Administratrix Ad Prosequendum, makes a claim pursuant to the Death By Wrongful Act statute and demands judgment against defendants Kindle and David Blews for damages, both compensatory and punitive, interest, costs of suit, and attorney's fees, and such other relief as the Court may deem equitable and just.

SEVENTEENTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth Fifth Sixth, Seventh, and Eighth Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. Sometime prior to November 20, 2000, plaintiff's decedent Joel Stevenson purchased from defendant Kindle Ford Lincoln Mercury (hereinafter referred to as "Kindle") a 1996 Ford pickup truck manufactured by defendant Ford Motor Company.

2. Defendant David Blews was the salesperson at defendant Kindle who was involved in the sale aforesaid to plaintiff's decedent, Joel Stevenson.

3. Defendant Ford Motor Company manufactured the aforesaid 1996 Ford pickup truck bought by the plaintiff's decedent, Joel Stevenson.

4. Defendant John Doe (1-15), a person, entity or a body corporate, negligently designed, manufactured, installed, altered, assembled, sold, distributed and/or negligently designed or manufactured certain component parts and/or

marketed the 1996 Ford pickup truck which failed and caused the accident in question.

5. By virtue of the facts and circumstances surrounding the negligent design, manufacture, installation, assembly, sale, distribution, marketing, inspection testing, caring for, maintenance, and lack of warning, defendant John Doe (1-15) is strictly liable in tort as the product(s) causing the harm was/were not reasonably fit, suitable or safe for its/their intended purpose(s) pursuant to N.J.S.A. 2A:58C-1, et seq.

6. The aforesaid vehicle and/or its component part(s) deviated from the design specifications, formulae or performance standards of the manufacturer or from otherwise identical units manufactured to be the same manufacturing specifications or formulae and/or it/they failed to contain adequate warnings or instructions; and/or it/they was/were designed in a defective manner.

7. As a direct and proximate result of the aforesaid negligent conduct of the defendant, plaintiff's decedent Joel Stevenson was caused to suffer severe conscious pain and suffering and which negligent conduct led to his death as a result of a fire of the vehicle on November 20, 2000.

8. This claim is a claim under the Survivor's Act, N.J.S.A. 2A:15-3, for the Estate of Joel Stevenson and the claim of [REDACTED] individually.

WHEREFORE, plaintiff [REDACTED] Administratrix for The Estate of Joel Stevenson and [REDACTED] individually, demands judgment against the defendant John Doe (1-15) for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

EIGHTEENTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, and Seventeenth Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. Pursuant to the allegations of the Seventeenth Count, besides the claim under the Survivorship Act, N.J.S.A. 2A:15-3, a claim is also made under the Death By Wrongful Act statute, N.J.S.A. 2A:31-1, et seq.

3. As a result of the negligence of the defendants Kindle and David Blews as alleged in the Seventeenth Count, plaintiff [REDACTED], wife of Joel Stevenson, and Administratrix Ad Prosequendum makes a claim for herself and for the parties three children [REDACTED] pursuant to said Death By Wrongful Act statute, for damages.

WHEREFORE [REDACTED] Administratrix Ad Prosequendum, makes a claim pursuant to the Death By Wrongful Act statute and demands judgment against defendant John Doe (1-15) for damages, both compensatory and punitive, interest, costs of suit, and attorney's fees, and such other relief as the Court may deem equitable and just.

NINETEENTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second Third, Fourth Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth Counts of

this Complaint and makes them a part hereof as if more specifically set forth at length.

2. By virtue of the facts and circumstances surrounding the design, manufacture, installation, alteration, assembly, sale, distribution, marketing, inspecting, testing, and lack of warning, defendant John Doe (1-15) breached the implied warranty of merchantability created pursuant to N.J.S.A. 12A:2-314.

3. As a direct and proximate result of the aforesaid negligent conduct of the defendant, plaintiff's decedent Joel Stevenson was caused to suffer severe conscious pain and suffering and which negligent conduct led to his death as a result of a fire of the vehicle on November 20, 2000.

4. This claim is a claim under the Survivor's Act, N.J.S.A. 2A:15-3, for the Estate of Joel Stevenson and the claim of [REDACTED] individually.

WHEREFORE, plaintiff [REDACTED] Administratrix for The Estate of Joel Stevenson and Patricia Stevenson, individually, demands judgment against the defendant John Doe (1-15) for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

TWENTIETH COUNT

1 Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, and Nineteenth Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. Pursuant to the allegations of the Nineteenth Count, besides the claim under the Survivorship Act, N.J.S.A. 2A:15-3, a claim is also made under the Death By Wrongful Act statute, N.J.S.A. 2A:31-1, et seq.

3. As a result of the negligence of the defendant John Doe (1-10) as alleged in the Nineteenth Count, plaintiff [REDACTED], wife of Joel Stevenson, and Administratrix Ad Prosequendum makes a claim for herself and for the parties three children [REDACTED] pursuant to said Death By Wrongful Act statute, for damages.

WHEREFORE [REDACTED] Administratrix Ad Prosequendum, makes a claim pursuant to the Death By Wrongful Act statute and demands judgment against defendant John Doe (1-15) for damages, both compensatory and punitive, interest, costs of suit, and attorney's fees, and such other relief as the Court may deem equitable and just.

TWENTY-FIRST COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eight, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, and Twentieth Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. By virtue of the facts and circumstances surrounding the design, manufacture, installation, alteration, assembly, sale, distribution, marketing, inspection, testing, caring for, and lack of warning, defendant John Doe (1-15)

breached the implied warranty of fitness for a particular purpose created pursuant to N.J.S.A. 12A:2-315.

3. As a direct and proximate result of the aforesaid negligent conduct of the defendant, plaintiff's decedent Joel Stevenson was caused to suffer severe conscious pain and suffering and which negligent conduct led to his death as a result of a fire of the vehicle on November 20, 2000.

4. This claim is a claim under the Survivor's Act, N.J.S.A. 2A:15-3, for the Estate of Joel Stevenson and the claim of [REDACTED] individually.

WHEREFORE, plaintiff [REDACTED] Administratrix for The Estate of Joel Stevenson and [REDACTED] individually, demands judgment against the defendant John Doe (1-15) for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

TWENTY-SECOND COUNT

1 Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, and Twenty-First Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2 Pursuant to the allegations of the Twenty-First Count, besides the claim under the Survivorship Act, N.J.S.A. 2A:15-3, a claim is also made under the Death By Wrongful Act statute, N.J.S.A. 2A:31-1, et seq.

3. As a result of the negligence of the defendant John Doe (1-10) as alleged in the Twenty-First Count, plaintiff [REDACTED] wife of Joel Stevenson, and Administratrix Ad Prosequendum makes a claim for herself and for the parties three children, [REDACTED] pursuant to said Death By Wrongful Act statute, for damages.

WHEREFORE [REDACTED] Administratrix Ad Prosequendum, makes a claim pursuant to the Death By Wrongful Act statute and demands judgment against defendant John Doe (1-15) for damages, both compensatory and punitive, interest, costs of suit, and attorney's fees, and such other relief as the Court may deem equitable and just.

TWENTY THIRD COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-First and Twenty-Second Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. The foregoing negligent conduct/omissions by defendant John Doe (1-15) were done so with knowledge of a high degree of probability of harm and reckless knowledge of a high degree of probability of harm and reckless indifference to the consequences of said conduct/omissions which conduct/omissions resulted in the death of plaintiff's decedent, Joel Stevenson on November 20, 2000.

3. As a direct and proximate result of the aforesaid negligent conduct of the defendant, plaintiff's decedent Joel Stevenson was caused to suffer severe

conscious pain and suffering and which negligent conduct led to his death as a result of a fire of the vehicle on November 20, 2000.

4. This claim is a claim under the Survivor's Act, N.J.S.A. 2A:15-3, for the Estate of Joel Stevenson and the claim of [REDACTED] individually.

WHEREFORE, plaintiff [REDACTED] Administratrix for The Estate of Joel Stevenson and [REDACTED], individually, demands judgment against the defendant John Doe (1-15) for damages, both compensatory and punitive, interest, costs of suit, attorney's fees, and such other relief as the Court may deem equitable and just.

TWENTY FOURTH COUNT

1 Plaintiff repeats each and every allegation contained in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-First, Twenty-Second, and Twenty-Third Counts of this Complaint and makes them a part hereof as if more specifically set forth at length.

2. Pursuant to the allegations of the Twenty-Third Count, besides the claim under the Survivorship Act, N.J.S.A. 2A:15-3, a claim is also made under the Death By Wrongful Act statute, N.J.S.A. 2A:31-1, et seq.

3. As a result of the negligence of the defendant John Doe (1-10) as alleged in the Twenty-Third Count, plaintiff [REDACTED], wife of Joel Stevenson, and Administratrix Ad Prosequendum makes a claim for herself and for the parties three children, [REDACTED] pursuant to said Death By Wrongful Act statute, for damages.

WHEREFORE, [REDACTED] Administratrix Ad Prosequendum, makes a claim pursuant to the Death By Wrongful Act statute and demands judgment against defendant John Doe (1-15) for damages, both compensatory and punitive, interest, costs of suit, and attorney's fees, and such other relief as the Court may deem equitable and just.

WILBERT, MONTENEGRO & THOMPSON
Attorneys for Plaintiff

BY: 
EDWARD A. GENZ, ESQUIRE
For the Firm

DATE: November 19, 2002

JURY DEMAND

Plaintiff hereby demands trial by jury as to all issues of the within Complaint.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Plaintiff hereby designates EDWARD A. GENZ, ESQUIRE, as trial counsel in the within matter.

CERTIFICATION PURSUANT TO RULE 4:5-1(b)(2)

I hereby certify that the within matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding. No other action or arbitration proceeding is contemplated at this time and there are no other parties who should be joined in this action.

I further certify that I am aware of the continuing obligation during the course of this litigation to file and serve on all other parties and with the Court an amended certification if there is a change in the facts stated herein.

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to Rule 4:17-1(b) (ii), demand is hereby made that the Defendants answer Uniform Interrogatories, Form C, within the time prescribed by the Rules of Court.

DEMAND FOR INSURANCE INFORMATION

Pursuant to Rule 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

WILBERT, MONTENEGRO & THOMPSON
Attorneys for Plaintiff

By: 
EDWARD A. GENZ, ESQUIRE
For the Firm

DATED: November 19, 2002