

RECEIVED  
FEB 17 2005

BEGINNING OF CONTACT  
02/16/2005

VOICE OF THE CUSTOMER TRACKING SYSTEM

19.18.03

REGION: 71 LOS ANGELES OGC ISSUE CASE NBR: 0577480416  
VIN: 1FMDU32E8X [REDACTED] ZONE: D2 OPENED: 02/10/2005  
ENGINE: E VEH TYPE: T CLOSED: 02/10/2005

LAST NAME: [REDACTED] FIRST NAME: [REDACTED] STATUS: CLOSED  
TITLE: [REDACTED] ME: [REDACTED]  
ADDRESS: [REDACTED]  
CITY: REDLANDS STATE: CA ZIP: [REDACTED]  
HOME PHONE: [REDACTED]  
MODEL YEAR: 1999 MODEL: EXPLORER 4X2 4-DOOR  
MILEAGE: 50000  
DEALER NAME: REDLANDS FORD SALES CODE: F71163 P & A: 09169  
REASON CODE: 0792 LEGAL - ACCIDENT / FIRE  
SYMPTOMS: 704245 FIRE/SMOKE SMOKE UNDERHOOD

ORIGIN: CAC138 - US CONCERN CASE BASE COMMUNICATION: PHONE  
ACTION: 705 - CONTACT ADVANCED TO OGC  
DOCUMENT: ANALYST: JMARCELS MARCELLE JOANNE

DATE: 02/10/2005 TIME: 18.02.26:  
ACTION DATA/COMMENTS:

CUSTOMER SAID: -CUST SAYS THE VEH BURNT TO THE GROUND AND THE GARAGE IS ALSO BURNT, ATTACHED OFFICE BURNT AND SMOKE DAMAGE ETC. -CUST SAYS INCURRED LOST AS FAR AS DAMAGE TO THE HOME -CUST SAYS A POLICE REPORT WAS NOT FILED. -CUST SAYS FIRE DEPT WAS CONTACTED AND THEY TOOK REPORTS. -CUST SAYS WAS INSURANCE CO WAS NOTIFIED. -CUST SAYS ON JAN 30TH 2005 THE ACCIDENT. -CUST SAYS THERE WAS VISIBLE FLAMES. -CUST SAYS WAS TO HURT -CUST SAYS THAT CUST SAW SMOKE COMING FROM UNDER THE HOOD AND SISTER SAW FLAMES COMING FROM UNDER THE VEH. -CUST SAYS NEVER HAD ANY TROUBLE OUT OF THE VEH BEFORE. -CUST SAYS VEH WAS TOWED FOR FURTHER INVESTIGATION. -CUST SAYS THIS WAS DUE TO THE DEFECT WITH THE VEH 15D SWITCH THIS INFO WAS GIVEN BY ENGINEERS AND FIRE EXPERT. -CUST SAYS IS SEEKING FORD POSITIVE ON THIS ACCIDENT THAT OCCURED. CRC ADVISED: I WILL FORWARD THIS INFORMATION TO THE FORD OGC DEPARTMENT. YOU WILL BE CONTACTED WITHIN 3-5 BUSINESS DAYS.

FORD MOTOR COMPANY  
RECEIVED  
CLAIMS UNIT  
FEB 17 2005  
OFFICE OF THE  
GENERAL COUNSEL

CONSUMER AFFAIRS

02/16/2005 FAXGIN

ER05-085-LC1-4883





P.O. Box 30000 \* RALEIGH, NC 27622 \* \*

Ford Motor Credit Company  
ATTN: Consumer Affairs  
P.O. Box 6248 MD-3NE-B  
Dearborn, MI 48126  
PH # 800-392-3673

June 6, 2003

RECEIVED JUL 22 2003

FORD MOTOR COMPANY  
RECEIVED  
- BY ALAN J. BRY  
JUL 10 2003  
OFFICE OF THE  
GENERAL COUNSEL

OUR INSURED: [REDACTED]  
OUR CLAIM NUMBER: [REDACTED]  
DATE OF ACCIDENT: 11-24-2002  
AMOUNT: \$14,171.94  
PENDING COVERAGES:

Our insured's vehicle was damaged on the above date due to a fire. Our investigation indicates that a defective part was responsible.

Nationwide is paying for the damages, which gives us the legal right to recover the full amount of the loss from you, the responsible party.

If you have insurance that will cover this claim, please give us the name of your insurance company and we will make our claim to them. We consider the amount listed above to be payment in full, but will promptly notify you if we incur any additional expenses.

VIN # 1FMZU32XIX [REDACTED] 1999 Ford Explorer 4x2 XLS \_\_\_\_\_

Please provide the appropriate information below and return this letter.

Name of insurance company \_\_\_\_\_  
Address \_\_\_\_\_ Agent Name \_\_\_\_\_  
Policyholder's Name \_\_\_\_\_ Policy Number \_\_\_\_\_

I am not insured, my full payment is enclosed.  
 I am not insured. My social security number is \_\_\_\_\_ Phone No \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

NATIONWIDE MUTUAL FIRE INSURANCE COMPANY  
Shawn Millard  
Claims Department  
(919)881-3244

CONSUMER AFFAIRS  
JUL 10 AM 11:16  
57,100 (2)  
Charlotte, NC

MEMO5

11/29/02 12:35:15

CHARLOTTE FIRE DEPARTMENT FIRE REPORT

INCIDENT DATE REPORTING OFFICER COMPANY SITUATION FOUND  
0328937 11/24/2002 D R ANDREWS E22 B MOB PROP OUTSIDE STRUCTURE

PROPERTY USE/MOBIL PROPERTY ADDRESS  
AUTOMOBILE 2927 DERITA AV

TIME RECEIVED: 10:50:39 PM OWNER:  
TIME DISPATCHED: 10:51:05 PM OCCUPANT:  
TIME ARRIVED: 10:54:38 PM

AREA OF ORIGIN: TRANS EQUIP-ENG  
CONDITION ON ARRIVAL: FLAMES SHOWING F/SMALL AREA  
EQUIPMENT INVOLVED IN IGNITION: INTRL COMB ENG  
FORM OF HEAT OF IGNITION: ENGINE BACKFIR  
TYPE OF MATERIAL FIRST IGNITED: FLEXIBL PLASTC  
FORM OF MATERIAL FIRST IGNITED: ELECTRICAL WIRE, CABLE INSL  
IGNITION FACTOR: BACKFIRE  
METHOD OF EXTINGUISHMENT: WATER FROM APPARATUS.....

ESTIMATED PROPERTY LOSS: 12,000 FIRE INJURIES: 0 FIRE INVESTIGATOR  
ESTIMATED CONTENTS LOSS: 50 FIRE DEATHS: 0 NONE

### AFFIDAVIT OF VEHICLE FIRE

(All Questions Must Be Answered)

Claim Number: [REDACTED] Name of Insured: [REDACTED]  
 Address: [REDACTED] Charlotte, NC [REDACTED]  
 Home Phone: [REDACTED] Bus. Phone: [REDACTED] Occupation:  
 Name/Address of Employer:  
 Driver's License #: [REDACTED] DOB: [REDACTED] Social Security #: [REDACTED] Marital Status: Y

Date Of Fire: 12/24/02 Time: 10:30 PM AM: PM: Location:  
 Was the vehicle occupied immediately prior to the fire? Yes [ ] No [ ] Was the vehicle locked? Yes [ ] No [ ]  
 Were the windows rolled up tightly? Yes [ ] No [X]  
 What was the temperature outside when the fire occurred? NA What color was the smoke? NA  
 In what area of the car did the fire start? Engine

If Occupied  
 Did you smell or see the fire first? <sup>heard a POP sound</sup> Which side of the vehicle did you exit from?  
 Did you leave the door open? Yes [ ] No [X] Did you remove the key from the ignition? Yes [X] No [ ]  
 Did you raise the hood? Yes [X] No [ ] Was the gas cap removed? Yes [ ] No [X]  
 How long did you remain at the scene? <sup>not long</sup> How did you get home?  
 Name/Address of Witness(es): NA

Was the fire reported to the police? (Y or N) Date: 12/24/ Time: NA AM [ ] PM [X] By Whom? Fire Dept  
 Name/Address of Fire Dept.: I think 22  
 Did they make a report? Yes [X] No [ ] Telephone Number:  
 If repairable, do you wish to have the vehicle repaired? Yes [X] No [ ]

#### VEHICLE EQUIPMENT (Check if vehicle had any of the following)

<input checked="" type="checkbox"/> Power Windows	<input checked="" type="checkbox"/> Tilt Wheel	<input type="checkbox"/> 4 Wheel Drive	<input checked="" type="checkbox"/> Automatic Trans	<input checked="" type="checkbox"/> 6 Cylinder <i>I think</i>
<input checked="" type="checkbox"/> Power Steering	<input type="checkbox"/> Leather Seats	<input checked="" type="checkbox"/> AM	<input type="checkbox"/> 3 Speed	<input type="checkbox"/> 8 Cylinder
<input checked="" type="checkbox"/> Power Brakes	<input type="checkbox"/> Vinyl Seats	<input checked="" type="checkbox"/> AM/FM	<input type="checkbox"/> 4 Speed	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Power Locks	<input checked="" type="checkbox"/> Velour Seats	<input checked="" type="checkbox"/> AM/FM Stereo	<input type="checkbox"/> 5 Speed	<input type="checkbox"/>
<input type="checkbox"/> Power Seats	<input type="checkbox"/> Mag Wheels	<input checked="" type="checkbox"/> AM/FM Stereo Tape	<input type="checkbox"/> Customized (self)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cruise Control	<input type="checkbox"/> T-top/Sun roof	<input type="checkbox"/> Customized (self)	<input checked="" type="checkbox"/> Customized factory	<input type="checkbox"/>
<input checked="" type="checkbox"/> Air Conditioning	<input type="checkbox"/> Vinyl Roof	<input checked="" type="checkbox"/> Custom factory	<input type="checkbox"/> 4 Cylinder	<input type="checkbox"/>

#### VEHICLE CONDITION

(Fair F, Good G, Excellent E) Paint Transmission Other Distinguishing Features  
 Engine Body Other:

Name/Address of Service Station Garage: Town & County Food  
 Who performs routine maintenance service? NA Date last serviced: NA  
 Who performs State MV Inspection? NA Date last inspected: NA

Date car purchased: New: Used: Purchase Price: \$

Trade-In Car: Allowance \$

Seller Dealer/Individual (include address):

How did you learn car was for sale?

Mileage at time of purchase: NA Mileage at time of loss (fire): NA

How was car paid for? Cash: Check: If financed, name and address of Finance Company:

Account #: NA Balance Due: \$ NA Loan Terms: <sup>ford motor credit</sup> Months at \$

Initials of Insured: *ST* Date: 12-13-02

Initials of Notary: *CR2* Date: 12-13-02

Date of last loan-payment made: NA Is account past due? Yes [ ] No [X]  
How long? Are keys in your possession? Yes [ ] No [X]

Do you have any other auto insurance? Yes [ ] No [X] If yes, Policy #:  
Name of Insurance Company:

I swear that the information contained in the above statement is complete, true and correct under the penalty of perjury.

Date Dec. 13, 2002 Signature of Insured

State of North Carolina

) SS

County of mecklenburg

Subscribed and sworn to in my presence this 13<sup>th</sup> day of Dec., 2002

*Cindy R. Stanton*

My Commission Expires October 20, 2003



**FORENSIC ENGINEERING INCORPORATED**

Professional Engineers / Consultants

JANUARY 13, 2003

**REPORT OF INVESTIGATION TO:**

**MS. SHERRY FLYNN  
NATIONWIDE INSURANCE COMPANY  
266 EXECUTIVE BOULEVARD  
WINSTON-SALEM, NORTH CAROLINA 27203**

**LOSS TYPE: VEHICLE FIRE**  
**INSURED: [REDACTED]**  
**DATE OF LOSS: NOVEMBER 24, 2002**  
**CLAIM NUMBER: [REDACTED]**  
**FEI FILE NUMBER: 5187**

**REPORT PREPARED BY:**

  
**STEVEN G. REED, C.F.I.**

  
**MICHAEL P. LESTER, P.E.**



5118 Departure Drive • Raleigh • North Carolina • 27616-1814  
Tel: 919-790-2217 • Fax: 919-790-2219  
E-mail: fei@ncrbiz.com  
Website: <http://www.feisite.com>

EQS-885-LC1-4978



**ASSIGNMENT:**

This assignment was received on December 18, 2002 from Sherry Flynn who is a Claims Representative with Nationwide Insurance Company in Winston-Salem, North Carolina. The specific request was for a cause and origin investigation into a fire that damaged a 1999 Ford Explorer truck. The insured is [REDACTED]

The examination of the vehicle was conducted on Thursday December 19, 2002. A verbal report was provided to Ms. Flynn on that same day by telephone.

**CONCLUSION:**

The examination revealed that this fire was accidental in nature. The point of origin was on the right side of the engine close to the bulkhead. The physical evidence examined indicated the failure that led to this fire was on top of the engine where rubber the fuel pressure regulator and three fuel injectors are located. Due to the destruction the exact location of the fire-causing leak could not be determined, but it appeared that it occurred at one of the injectors.

No signs of electrical failures, that could have started this fire, could be found. There was no evidence that this was an intentionally set fire.

**BACKGROUND DETAILS AND FIRE SCENE ANALYSIS:**

On Thursday December 19, 2002 an examination of the Jackson vehicle was conducted. The vehicle was located at the Rimer Motors Salvage facility on Merte Road in Concord, North Carolina. The vehicle examination was documented with 35mm photographs. The vehicle examined was a 1999 Ford Explorer truck. The vehicle bore Vehicle Identification Number (VIN) 1FMZU32X1X[REDACTED]. The vehicle was equipped with a 4.0-liter, fuel-injected engine.

The examination revealed that the fire was originated in the engine compartment and spread into the interior on the right side of the vehicle. An inspection of the entire vehicle failed to reveal any fire damage that would indicate another point of origin or other fire cause.

An inspection of the interior wiring failed to reveal signs of shorting or any other type of pre-fire failures. All connections were secure and no signs of shorting were found. All wiring inspected was found to be in good condition with minor melting of insulation present. This is an indicator that there were no electrical wiring failures in the passenger compartment that could have caused this fire.

The examination of the engine compartment confirmed that the fire originated here and extended into the passenger compartment.

The specific point of origin was on the top of the engine block on the right rear side. This location is also where some of the vehicle's six fuel injectors are located. This spot is approximately 4 to 5 inches above a section of the exhaust manifold. The fire damage in this area was very intense. All of the plastic and rubber components here were melted. Due to the fire's intensity only approximately 1/2 of the plastic fuel lines remained. Research indicates that this connection operates at approximately 40 to 45 P.S.I.

JANUARY 23, 2003

All electrical wiring and connections located within the engine compartment were examined. No melting or any signs of pre-fire failure could be found. The lack of electrical failures and intensity of burning at the previously mentioned fuel line connection indicates that this was a gasoline-fueled fire. This finding is consistent with a fuel delivery system failure. The insured has stated that the vehicle was being driven when the fire occurred. This is typical of a fuel leak and not an electrical failure.

Research revealed that there are no Technical Service Bulletins or Recalls involving the fuel delivery system of this vehicle.

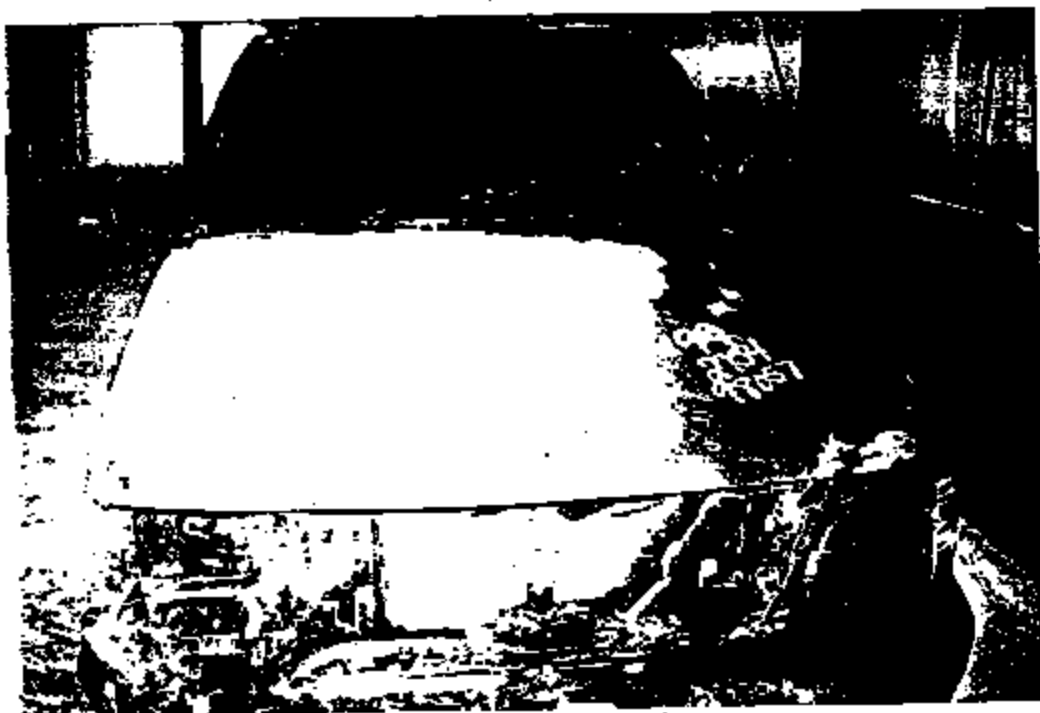
In conclusion, the totality of the above facts indicates that this fire was the result of a fuel leak. The leak most likely involved a fuel injector on the right side of the engine.

INVESTIGATION STATUS:

CLOSED

END

Enclosures: Photographs (14)



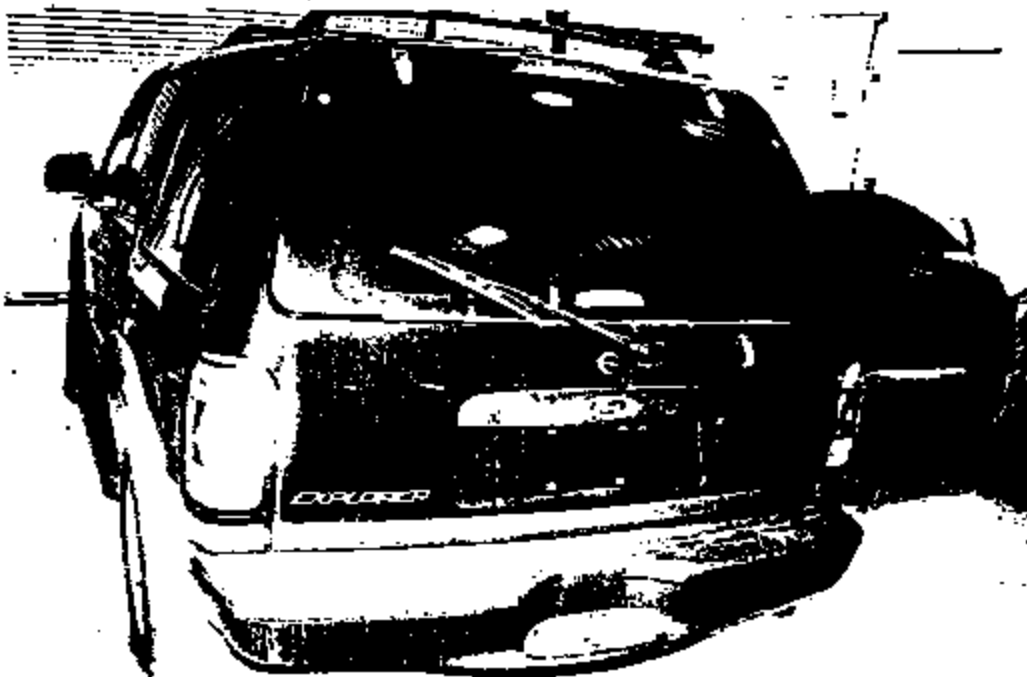
Photograph 1: Photo of the front of the Ford Explorer. Note the fire damage is on the right side of the hood which indicates a possible point of origin.



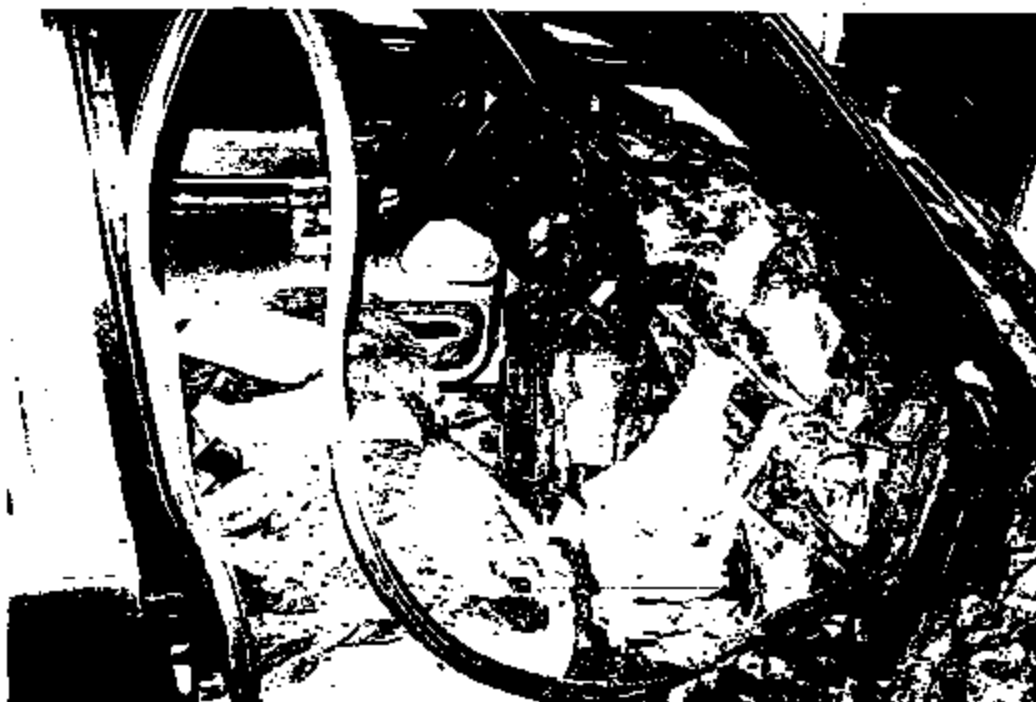
Photograph 2: Photo of the left side of the vehicle. The absence of intense fire damage on this side of the vehicle indicates that the point of origin was on the right side of the vehicle's engine compartment.



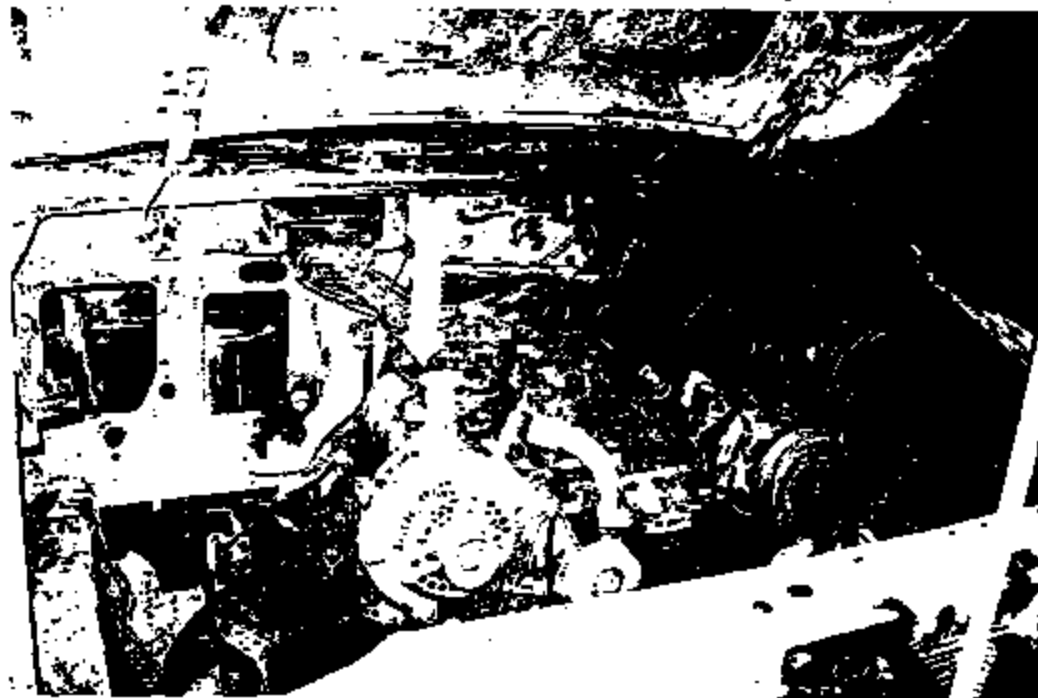
Photograph 3: Photo of the front and right side of the vehicle. Note that the most intense fire damage is on this side of the vehicle.



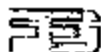
Photograph 4: Photo of the rear of the vehicle.



Photograph 5: Photo of the right side of the vehicle's interior. Note that this side is more heavily fire damaged than the left side. This is an indicator that the fire originated on the right side of the vehicle. The damage in the interior also revealed that the fire did not originate in this area.



Photograph 6: Photo of the engine compartment as it appeared at the time of our examination. The arrow indicates the approximate point of origin.





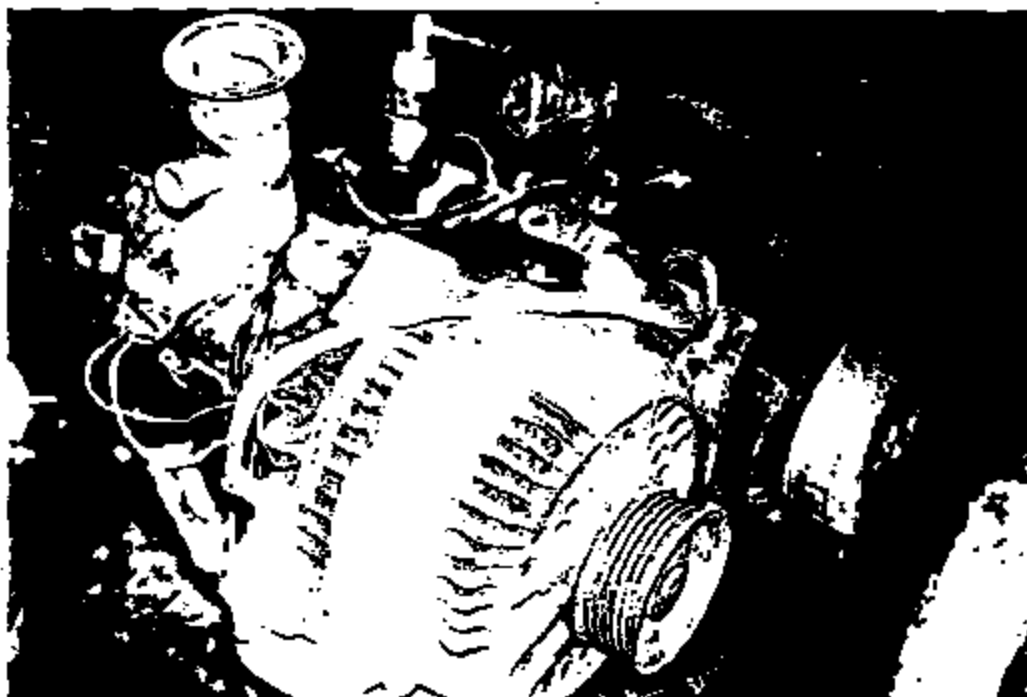
Photograph 7: Photo of brake lines and electrical components located on the left side of the vehicle. The absence of damage here indicates that the fire originated on the right side of the engine.



Photograph 8: Photo of the vehicle's battery. There was no evidence of a fire-causing failure involving this device.



Photograph 9: Photo of one of the vehicle's large wiring harnesses. There was no sign of a fire causing failure involving this or any other electrical devices on the vehicle.

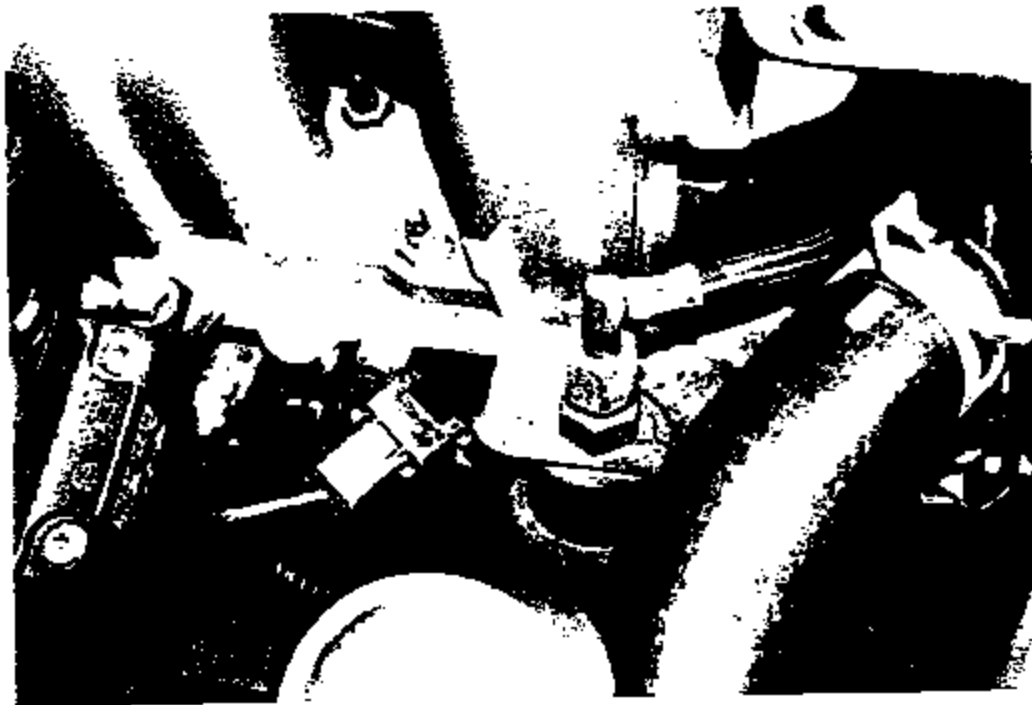


Photograph 10: Photo of the vehicle's alternator. There was no sign of a failure involving this device.





Photograph 11: Photo of the point of origin. The arrow indicates the fuel pressure regulator. Note the white burn pattern beneath the regulator. This is a possible indicator that the fire originated here. This pattern is evidence of a very intense, localized fire.



Photograph 12: Photo of an unburned fuel pressure regulator.







Photograph 13: Photo of an unburned 4.0-liter engine. The arrow indicates the approximate point of origin.



Photograph 14: Photo of one of the electrical connectors for the fuel injector located close to the fuel pressure regulator.



# State Farm Insurance Companies



February 18, 2002

STATE FARM INSURANCE COMPANIES  
P.O. Box 9005  
401 Landing Blvd.  
League City, Texas 77574

Ford Motor Company  
Attn: Shawn Norton  
Parklane Towers West, Suite 300  
Dearborn, MI 48126-2568

RE: Claimant: [REDACTED]  
Date of Accident: 6/29/00  
Vehicle: 2001 Ford Explorer  
Claim Number: [REDACTED]



Dear Mr. Norton:

We are in receipt of your letter of 2/7/02, requesting further information to evaluate this claim.

The incident occurred 6/29/00 in Texas City, Texas.

A description of the incident follows: [REDACTED] was driving to work, and noticed an unusual odor, but did not realize it was coming from the vehicle. She parked the vehicle, and someone later came to her saying the engine in her vehicle was on fire. The dealership where the vehicle was purchased, BJ Ford, came and picked up the vehicle.

No police or fire report was made.

Odometer reading is 3491.

The alleged defect is a component on a passenger's side engine valve cover failed and ignited the plastic housing, plastic parts and electrical conductor covers.

No parts of the vehicle have been repaired or replaced, and the vehicle is being held at Bayou City Auction Pool.

Color photos and Cause & Origin report are included.

We look forward to your attention to this matter. And please advise if you have further questions.

Sincerely,

*Kathy Neely*

Kathy Neely  
Claims Processor  
281/338-7515

State Farm Mutual Automobile Insurance Company.

**CONFIDENTIAL VEHICLE FIRE  
EVALUATION**

**RE:**

2001 Ford Explorer

License plate :

V.I.N.: 1FMYU60E81U

D.O.L.: 06/29/00

T.O.L.: 0615

Claim: #

Policy: #

**VEHICLE LOCATION:**

B.J. Ford

356 Highway 90

Liberty, Texas 77575

**TO:**

Ms. Norma Vasquez

State Farm Insurance Company

Claims Representative

401 Landing Boulevard

League City, Texas 77574

(281) 338-7546

**FROM:**

**INTROSPECT**

License #: C-4800

1023-C 3<sup>rd</sup> Street

League City, Texas 77573

(281) 332-0613 (24-Hours)

Facsimile: (281) 332-0842

**DATE:**

August 8, 2000

## **VEHICLE SUMMARY**

The insured vehicle is a 2001, three-door [3], black in color, Ford Explorer, sport utility type of vehicle. The vehicle is equipped with a 6 cylinder, fuel injected engine. The license number is Texas [REDACTED]. The Vehicle Identification Number [V.I.N.] is 1FMYU60E81 [REDACTED].

The vehicle is presently being stored/located at B.J. Ford, 3560 Highway 90, Liberty, Texas 77575.

**VEHICLE DESCRIPTION:** All vehicle identification and information are observed on the vehicle. The vehicle registration sticker expires April 2001. The vehicle inspection sticker expires May 2002. The license plates were observed on the vehicle. The tires, lug nuts, hubcaps, and grill were observed on the vehicle at the time of the fire evaluation. There are no signs of forced entry. There are no signs of body damage prior to the fire. The steering column is in good condition and there are no signs of ignition tampering.

**TRUNK/HATCHBACK SECTION:** The gas cap and filler neck are intact and in place. The carpet is not burned and is intact. The vehicles' spare tire, tire iron and tire jack are in their designated compartments and are intact.

**EXTERIOR:** There are no signs of body damage prior to the fire. The glass in the doorframes is intact and in good condition. The windows are in the closed position. The windshield is intact and in good condition. The front grill and headlight assembly are intact and in good condition. The sheet metal on the hood and roof is not relaxed. The headlights are intact and in good condition. The Firestone Wilderness H7 tires are intact and in good condition. The tire size is P235/75 R15 105S M+S.

**ENGINE COMPARTMENT:** The engine compartment is not destroyed. The battery is in place and intact. The battery is not melted and appears charged at the time of this inspection. There is no evidence of shorting or faulting on the battery terminals or cables. The radiator and cooling system including the lines are not damaged by the flames. There is no evidence of frictional heating within the air conditioner clutch pulley, alternator, tension pulley or power steering pulley. The oil dipstick is in place and displays clean oil and the casing is at full level. The power steering fluid, brake fluid and power steering fluid are all at full level. All spark plugs are in position and the wiring sustained only smoke damage. The distributor is undamaged by the fire. The air breather is in position and appears clean. The exhaust manifold is attached and appears operational. The fuel injection appears in good condition with only minor smoke damage. The fuel lines, fuel rail and fuel injector ports also appear in good condition. The fuel injectors on the passenger's side appear to have sustained some fire damage.

**PASSENGER COMPARTMENT:** The instrument panel is intact and in good condition. The vehicles' mileage is set at 3,491 miles. The glove compartment is unlocked. The glove compartment contained personal papers and the owner's manual. The shift lever is in the park position. The emergency break is in the off position. The interior door trim panels are intact and in place. The carpet is not burned or melted. The door handles are intact and in place. The vehicle is equipped with electric windows, door locks and seats. The seats are intact and in place. The vehicle is equipped with cloth seats in the middle position. The footpads are intact and in place. The vehicle is equipped with a CD player. The steering column and ignition switch does not appear to be damaged at the time of the vehicle evaluation.

**VEHICLE UNDERSIDE:** The fuel tank is undamaged and intact. The fuel lines appear undamaged and intact along with the fuel filter. No evidence of oily surfaces on the oil casing or transmission casing. There is no evidence of burn on the underside of the vehicle. The U-joints and drive shaft appear operable at the time of this inspection.

# ***CASUALTIES***

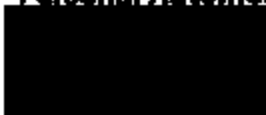
**None reported.**



# ***INSURANCE***

**Type of Policy:**  
**Claim Number:**  
**Policy Number:**

**Personal Automobile**



# ***EVIDENCE***

**July 11, 2000, Tuesday, a series of color photographs were taken by B. Calderon.**

-----  
<<<>>>

**July 11, 2000, Tuesday, a color videotape reproduction of the scene was taken by H. Holmes.**

# **ORIGIN AND CAUSE**

**AREA OF FIRE ORIGIN:** The fire originated in the engine compartment of the vehicle. Burn patterns detail the area of greatest fire damage due to heat intensity and prolonged fire exposure.

Melted plastic engine components such as hoses, wire insulation and other miscellaneous plastic housing materials along with observation of paint blistering on the exterior hood serve as vectors to the fire origin.

**FIRE CAUSE:** The cause of the fire is ACCIDENTAL - unspecified part failure.

Fire ignition resulted when a component on a passenger's side engine valve cover failed and ignited the plastic housing, plastic parts and electrical conductor covers.

Refer to electrical engineer's report for detailed report.

## **IGNITION SEQUENCE:**

**Equipment Involved in Ignition:** Road Transport Vehicle (2001 Ford Explorer).

**Form of Heat of Ignition:** Heat from properly operating electrical equipment.

**Source of Heat of Ignition:** Vehicle's electrical distribution system.

**Ignition Factor:** Accidental - unspecified part failure.

## **Material Identification:**

**Form:** Rigid and viable plastic material

**Type:** electrical conductor covers, miscellaneous engine parts.

**Fire Spread:** The fire damage is contained to the engine compartment.

**Materials:** The fire spread using available combustible materials such plastic engine parts, rubber hoses and conductor covers.

**Avenues:** The fire spread is allowed through existing natural openings in the vehicle design.

**Smoke Spread:** The smoke spread is contained to the engine compartment.

**Materials:** The smoke damage spread using available combustible materials such as plastic engine parts, rubber hoses and conductor covering.

**Avenues:** The smoke spread is allowed through existing natural openings in vehicle design.

**All other natural and incendiary fire causes have been eliminated.**

**A fire canine team was utilized to examine the fire scene. The canine did not alert for residual vapors of ignitable liquids.**

**No fire debris was submitted for forensic evaluation.**

**The authority having jurisdiction was not called out to the fire scene.**

## ***INTRODUCTION***

**July 6, 2000, Thursday, H. Jacobs was contacted by Mr. Josh Dickerson of State Farm Insurance Company, requesting a Fire Origin and Cause Evaluation of the above captioned loss.**

## ***DETAILS***

**July 11, 2000, Tuesday, approximately 1015 hours, B. Calderon and H. Holmes, arrived at the vehicle fire scene.**

**Approximately 1330 hours the vehicle fire evaluation was completed for the day.**

## **METHODOLOGY**

The compilation and analysis of the factual data evaluated in this fire loss has been based on the Scientific Method as prescribed in *The National Fire Protection Association (NFPA) National Fire Codes - NFPA #921 - Guide for Fire and Explosion Investigation*. The professional level of performance required for fire investigators has been adhered to as per *NFPA #1033 - Standard for Professional Qualifications for Fire Investigator*. Additional literature referenced for methodology includes publications of the American Society of Testing Materials, National Fire Protection Association, Curriculums of the National Fire Academy, and Texas Commission on Fire Protection.

This investigation by Introspect is based upon a systematic approach recognized by the relevant scientific fire community. Introspect's methodology and technique has been subjected to peer review.

Fire scene reconstruction has been performed. [NFPA Handbook] Testing to support methodology and technique utilized has been established by the literature of the NFPA. The goal of the {NFPA 921} Committee is to "provide guidance to investigators that is based on accepted scientific principles or scientific research". The material within NFPA 921 and NFPA 1033 is prepared for general use and not directed to any particular judicial action pending. This literature is objective and based on scientific principals, technology, and methodology.

The formation of the above captioned conclusions are based upon the existence, maintenance and utilization of relevant NFPA and ASTM codes, standards, guidelines, or recommended practices when possible. This literature has widespread acceptance in the scientific community.

The hypotheses presented within have withstood all appropriate challenges while all reasonable alternatives to the hypotheses have been considered and eliminated due to their failure to withstand a valid challenge.

The level of confidence for this evaluation is "Conclusive".

# ***FIRE OFFICIALS***

**No fire department or jurisdictional authorities were called to the fire scene.**



## **WEATHER**

According to the Southern Regional Climate Center, Department of Geography and Anthropology, Louisiana State University, Baton Rouge, Louisiana 70803-4105, (504) 388-5021, the meteorological report for the hour of the loss is as follows:

<b>Temperature:</b>	<b>75°F</b>
<b>Dew Point:</b>	<b>72°F</b>
<b>Humidity:</b>	<b>90%</b>
<b>Wind Direction:</b>	<b>270° (Wind out of the West)</b>
<b>Wind Speed:</b>	<b>4 kts. (4.60 mph.)</b>
<b>Barometric Pressure:</b>	<b>1016.2 mb. (30.49" hg.)</b>
<b>Precipitation:</b>	<b>None</b>
<b>Visibility:</b>	<b>9 miles</b>

## **DISPOSITION**

**THIS CONFIDENTIAL REPORT IS DIRECTED SOLELY TO THE CLIENT.**


Any reproduction or distribution of this report or any portion of said report without the written consent of the client is expressly forbidden.

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The original photographs, negatives, compact discs, and video reproductions are enclosed.

The aforementioned client is the owner and custodian of all documents and/or recordation resulting from the above captioned loss. Introspect does not archive documents, photographs, compact discs, negatives, videotapes, invoices, notes, billing files, or any type of recordation without previous written agreement by both parties.

Please verify receipt of a complete report, including all documents and recordation, before rendering payment.

  
Robert Calderon, CFEL, CFII  
Fire Investigator  
**INTROSPECT**  
Texas License # C-4800

**VFE**

**VERITÉ FORENSIC ENGINEERING, LLC.**

September 6, 2000

Ms. Norma Vasquez  
State Farm Insurance  
P.O. Box 9005  
League City, Texas 77574

**Re: Vehicle Inspection - 2001 Ford Explorer Sport**  
State Farm Claim: [REDACTED]  
VFE Reference No.: 000709

Dear Ms. Vasquez:

Enclosed is our final report regarding the above-referenced analysis, and our invoice for professional services. Please review the statement and if it meets with your approval, I would ask that you place it in line for payment at your earliest convenience.

Thank you for allowing VFE to be of service to you. If there is anything further that we may do in this or any other matter, please do not hesitate to contact our office.

Sincerely,



Paul L. Carper, P.E.  
Senior Project Engineer

PLC/mc

Enclosures

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League City Claim

SEP 07 2000

**VFE**

**VERITÉ FORENSIC ENGINEERING, LLC.**

**VEHICLE INSPECTION  
2001 Ford Explorer Sport**

**State Farm Claim: [REDACTED]  
VFE Reference: 000709  
August 14, 2000**

*Prepared for:*  
**Ms. Norma Vasquez  
State Farm Insurance  
P.O. Box 9005  
League City, Texas 77574**

**RECEIVED**  
League City Claim File

**SEP 07 2000**

## **EXECUTIVE SUMMARY**

---

### **BACKGROUND INFORMATION**

On July 13, 2000, Ms. Norma Vasquez of State Farm Insurance in League City, Texas, requested Verité Forensic Engineering (VFE) to inspect a 2001 Ford Explorer Sport that caught on fire in the Houston, Texas area on June 29, 2000. The Ford had recently been purchased new from BJ Ford in Liberty, Texas. It was towed back to that dealership for storage. No repair work had been done on the vehicle since the fire.

Reportedly, the Explorer was being driven to work when the insured noticed a strange odor in the cab, but thought that it was due to one of the nearby chemical plants. She continued on to work, and parked the vehicle in the parking lot. Minutes later she was notified that her vehicle was on fire. A local fire department utilized a dry chemical fire extinguisher to put out the fire.

This project was assigned to Mr. Paul L. Carper, P.E. as VFE project 000709.

### **SCOPE OF WORK**

VFE was asked to examine the subject Ford Explorer and determine if it had any deficiencies that could have contributed to the cause of the fire.

### **CONCLUSIONS**

- The fire originated on the right side of the engine, near the back.
- Laboratory analysis of an electric vacuum switch in that area revealed no abnormalities. No other components were identified as potential causes of the fire that could be nondestructively removed.
- The fuel injection system has several components in close proximity to the fire origin area. Disassembling these and other components could be considered destructive, but will be necessary to attempt to isolate a single component that caused the fire. *This work should be done in the presence of the manufacturer's representatives.* For this reason, VFE did not proceed any further with the disassembly.

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SEP 07 2000

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SEP 07 2000

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## **PROCEDURES AND ACTIVITIES**

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1. A field trip to the BJ Ford dealership was performed on July 14, 2000, to inspect the subject vehicle. Notes and 35mm photographs were taken to document its condition. Some of the photographs are included as part of this report. The remainder will be kept on file at VFE's Humble, Texas office.
2. An electromechanical valve was removed from the fire-affected area and was secured as evidence. Radiographic testing (x-ray) was performed.
3. Research was conducted of the NHTSA database for any potential recalls that might be relevant to the Ford.

## **OBSERVATIONS AND ANALYSIS**

---

### **GENERAL INSPECTION**

The Ford Explorer Sport had VIN 1FMYU60E81U [REDACTED] and was manufactured in March 2000. It showed 3,491 miles on its odometer. The Explorer was equipped with a 4.0-liter displacement V-6 gasoline engine, automatic transmission, and power ABS brakes.

A general view of the Ford is shown in Figure 1. The only visible exterior fire damage was to the hood. The interior is shown in Figure 2. Inspection revealed that no aftermarket electrical products had been installed on the vehicle. The damaged area of the hood is shown in Figure 3. Figure 4 shows the underside of the hood. The arrows coincide with the burned paint pattern on the top surface of the hood. A rather confined area of fire damage was located directly beneath that area, on the engine. This evidence indicates a concentrated origin area, and also indicates that the fire was controlled before it had spread significantly beyond the origin area.

It can be seen that a wire harness connection is located directly behind this area on the firewall. Close examination revealed that plastic and rubber was clearly melted below the connection, but not above it. The rubber weather stripping directly above the wiring harness connection was undamaged. This evidence indicates the wiring harness was probably not a factor in the cause of the fire.

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## RADIOGRAPHIC TESTING

The electric switch removed from the right valve cover was nondestructively tested for evidence of electrical arcing or other abnormalities by utilizing x-ray equipment. Two x-ray tube exposures were made to optimize the image density of various areas of interest. Figure 11 shows the coil and wiring associated with the switch. No abnormalities were detected. Some evidence of internal damage would be expected if the switch had failed electrically.

A resistance reading of the coil was made with a laboratory multimeter. The resistance reading was normal, indicating the coil insulation was still intact.

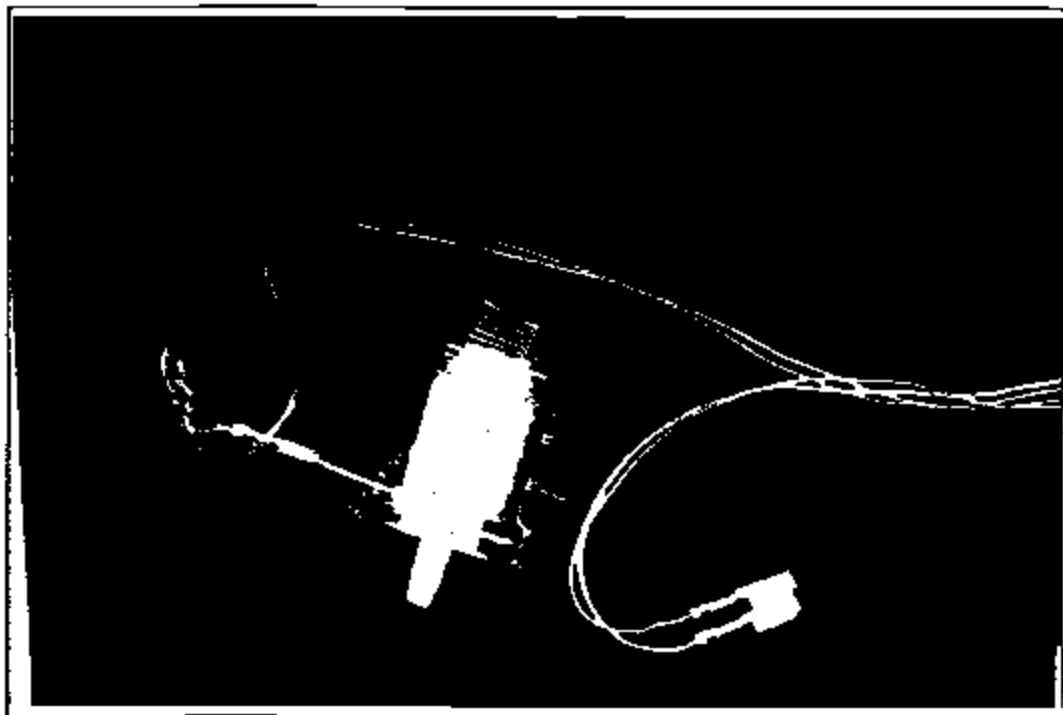
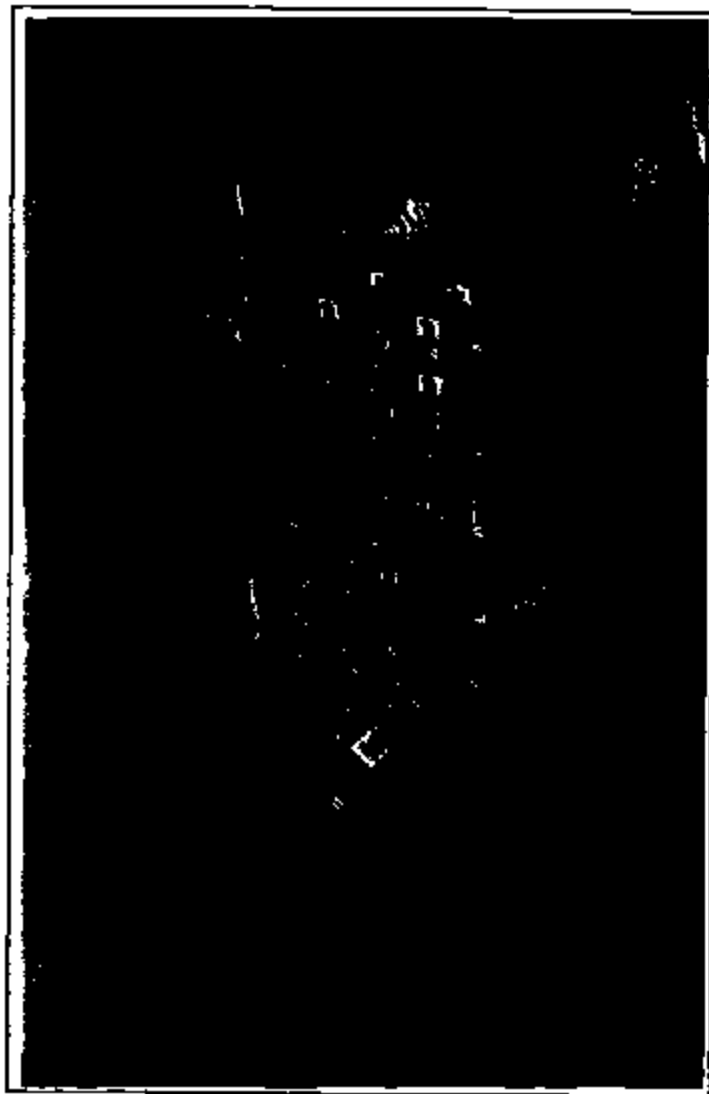


Figure 11: The coil and wiring associated with the switch.

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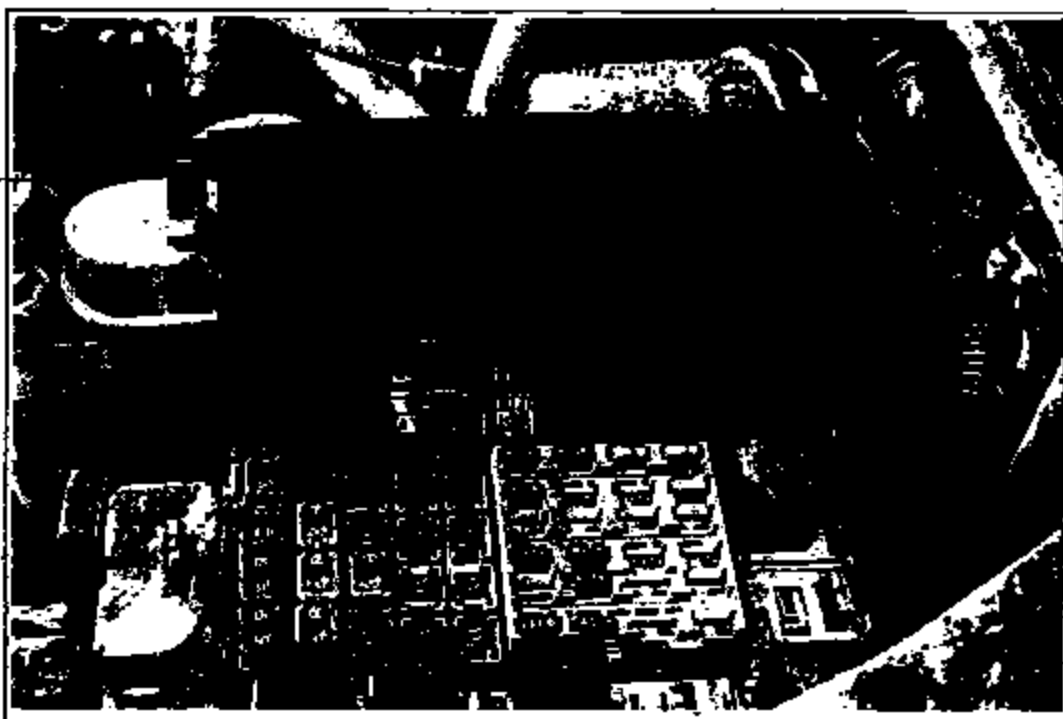


**Figure 10: The interior fuses were located on the left end under dashboard.**

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EP00-005-LC1-5682



**Figure 9: The under hood fuse box.**

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League City Crime

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8

ERG5-005-LC1-5003



**Figure 8: The electrically operated valve that correlates with Figure 6.**

### **PROTECTIVE FUSES**

The Explorer utilized two fuse boxes, one under the hood for power distribution and engine components, and the other in the interior of the vehicle for smaller amperage interior and body components. Not all fuse locations in the fuse boxes are used, as it is dependent upon the equipment and options present on the particular vehicle. The owner's manual was referenced to determine if the fuses present were consistent with the type of equipment present on the subject Explorer. No irregularities were found, and all the appropriate fuses were in place. Figure 9 shows the under hood fuse box. Several relays were also housed here. Close inspection revealed that all fuses were still functional, in other words, none were "blown."

The interior fuses were located on the left end of the dashboard, as shown in Figure 10. All fuses were removed and tested. As with the under hood fuses, none were discovered to be open or "blown." As with the under hood fuses, the owner's manual was used to verify that the interior fuses were consistent with the type of equipment present on the subject Explorer. All of the appropriate fuses were found in place.

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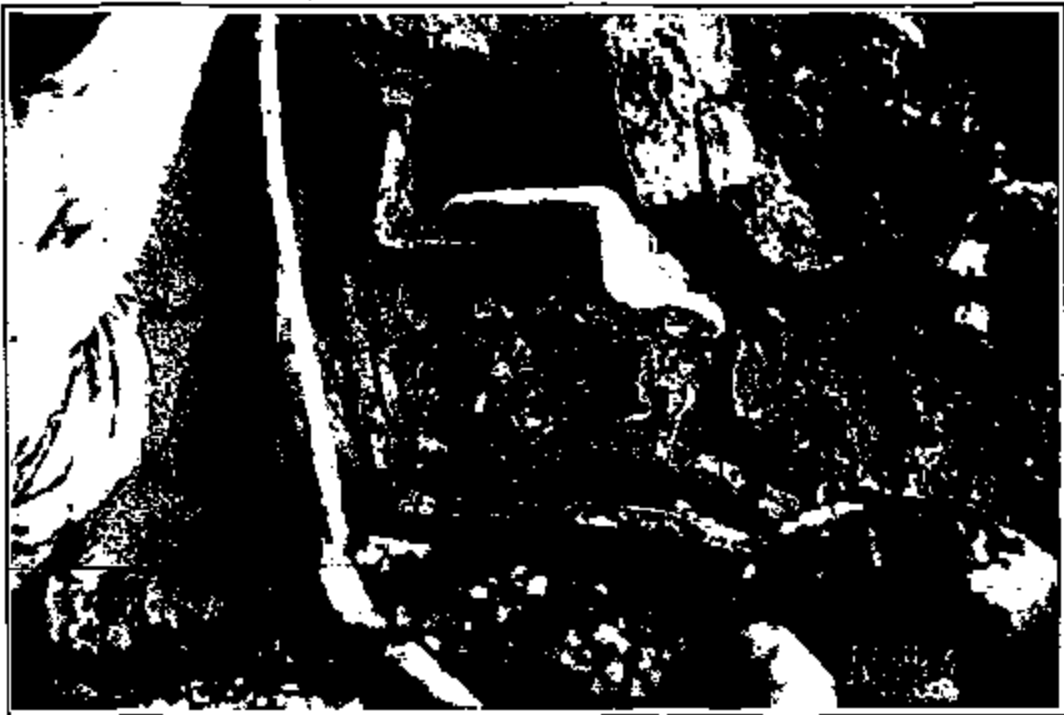


Figure 6: Rear portion of the right valve cover.

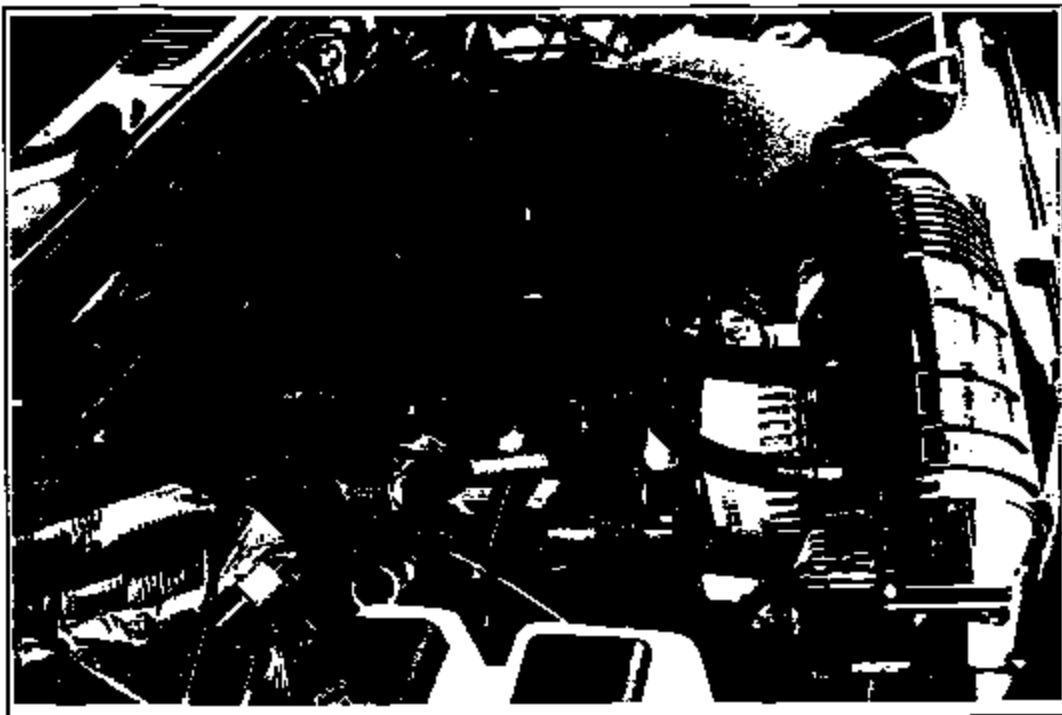


Figure 7: The exemplar vehicle engine compartment.

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ENG-000-LC1-000

## ENGINE COMPARTMENT

The right side of the subject Ford engine compartment is shown in Figure 5. The fire damage was isolated to the area near the right valve cover. Here, rubber hoses and plastic (which the runners of the intake manifold are constructed of) were partially consumed in the fire. Close inspection showed that the tops of these items were damaged more than the bottom surfaces. This indicates that they were probably affected from a flame plume caused by the closed hood directing the flames horizontally. Dry chemical fire extinguishing material was dispensed through the engine compartment by the fire fighters, which makes the fire damaged area more difficult to see.

Figure 6 shows the rear portion of the right valve cover. The remains of an electro-mechanical device that switched vacuum signals with an electric coil are shown at the rear of the valve cover. This component was heavily fire damaged and had fallen from its original position on the metal bracket that remained. The remains of the valve were secured as evidence for nondestructive laboratory examination. The results of that examination are discussed later in this report.

As a comparison, an exemplar Ford Explorer Sport was examined at the dealership, with their permission. Figure 7 shows the exemplar vehicle engine compartment. A large amount of rubber and plastic was in the immediate area of the fire. Figure 8 shows the electrically operated valve that correlates to the one previously shown in Figure 6.



Figure 5: The right side of the engine compartment.

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**Figure 3: View of the damaged top surface of the hood.**

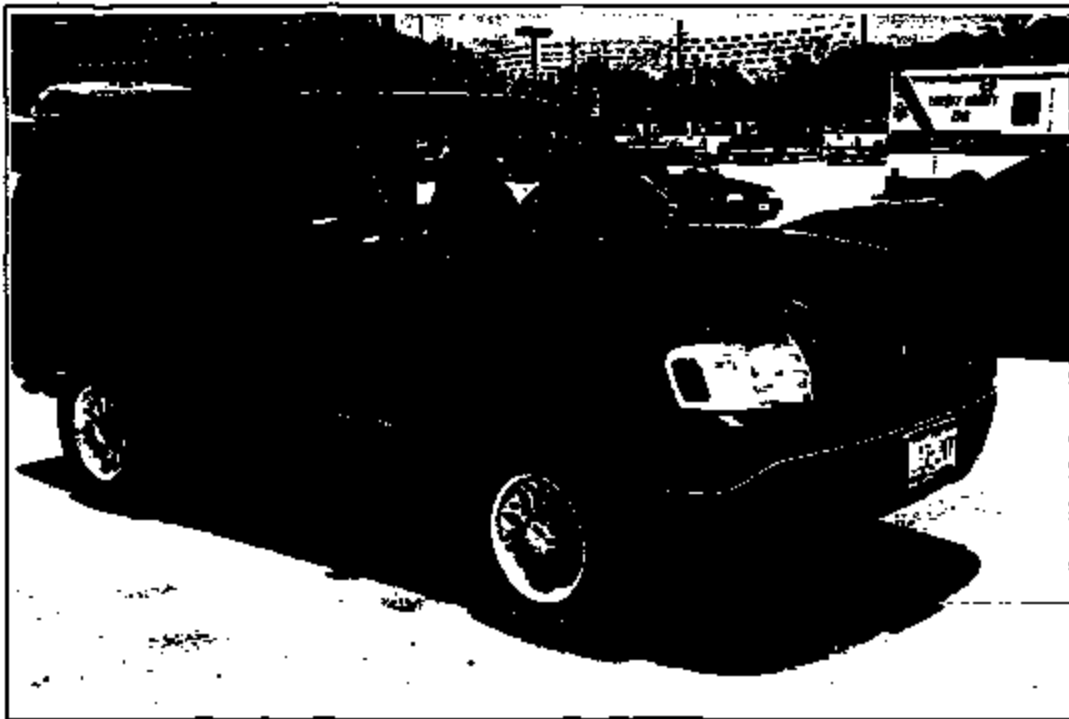


**Figure 4: View of the underside of the hood.**

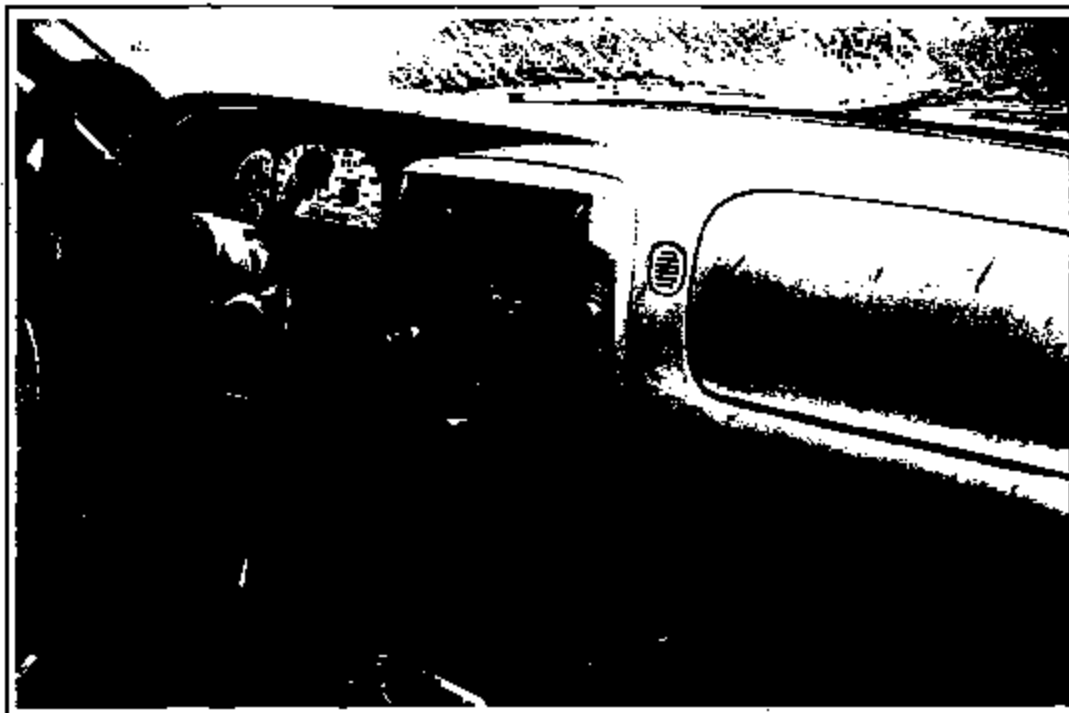
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SEP 07 2000

ER05-065-LC1-5007



**Figure 1: Right front view of Ford Explorer.**



**Figure 2: View of Ford Explorer hood.**

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ER05-005-LC1-5088

## NHTSA DATABASE

Research of the NHTSA database showed no active recalls or defect investigations for the 2001 Ford Explorer Sport. A copy of the NHTSA report for the Ford is enclosed as an Attachment.

## SUMMARY

The subject Ford Explorer had direct fire damage confined to the right side of the engine. This defined the origin of the fire. A number of components are present in this immediate area. The vehicle was not equipped with any aftermarket equipment, and had less than 4,000 miles on its odometer.

An electrically operated valve positioned in the fire-damaged area was removed for nondestructive testing. Film radiography revealed no abnormalities to this component.

A number of other components, including several related to the fuel system, are also located in the direct vicinity of the fire damage. However, further examination to attempt to isolate the cause of the fire would involve disassembly that could potentially be considered destructive. VFE recommends that all potential parties to the matter be properly notified prior to performing any further examination to isolate the cause of the fire.

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ER05-800-LC1-5009



## SIGNATURE AND SEAL

By the signature and seal of the undersigned engineer, Verité Forensic Engineering, LLC., certifies that the opinions forwarded in this report are based on a reasonable degree of engineering certainty, the training, knowledge and experience of the engineer, and are in consideration of all the known facts to date relating to this matter.



Paul L. Carper, P.E.  
Texas Registration No. 75811

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League City Ct

SEP 07 2000

12

# State Farm Insurance Companies



January 21, 2002

Ford Motor Company  
Parklane Towers West  
3 Parklane Blvd, Ste 400  
Dearborn, MI 48126-2568



LEAGUE CITY SERVICE CENTER  
P.O. BOX 9008  
401 LANDING BLVD.  
LEAGUE CITY, TX 77574-9005  
(281) 338-7500  
(800) 272-1880

RE: Claim Number: [REDACTED] VIN#: 1FMYU60E81UA38569  
Date of Loss: June 29, 2000  
Our Insured: [REDACTED]

Dear Sir/Madam:

We sent a letter to you on July 27, 2000 advising our intent to subrogate Ford Motor Company for damage caused by a fire in the engine compartment. Please advise us of the status of your investigation and intention to pay on this claim.

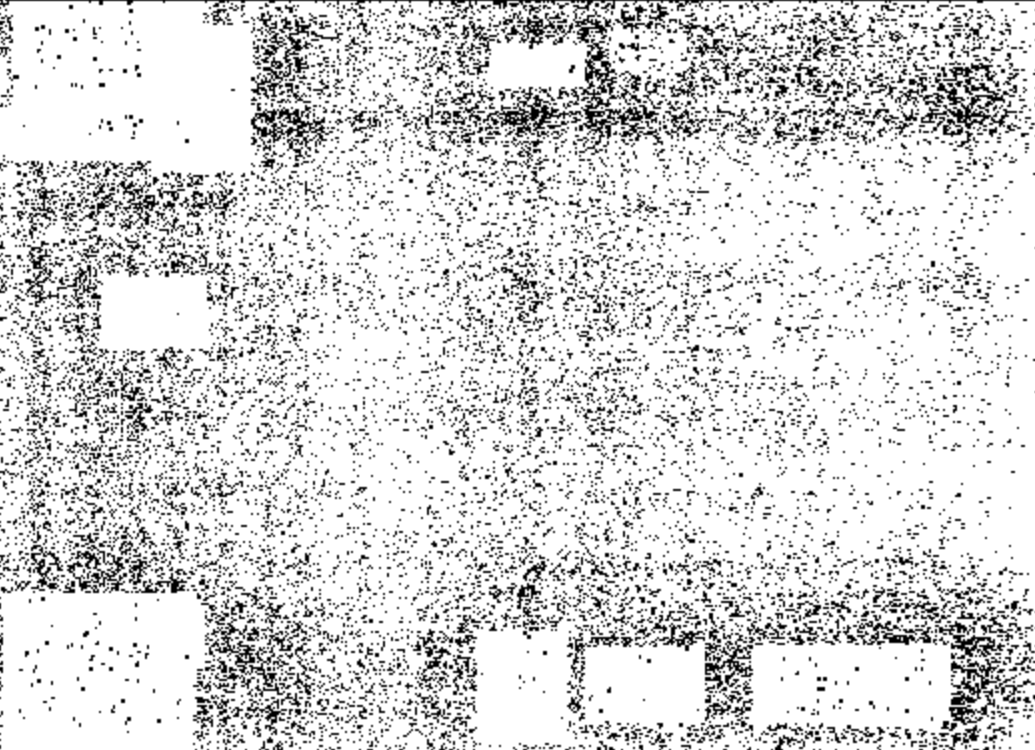
Please contact me if you have any questions.

Sincerely,

Kathy Neely  
Claim Processor  
(281) 338-7515

State Farm Mutual Automobile Insurance Company

- 6/29/00  
- VIN



State Farm Mutual Automobile Insurance Company



February 27, 2004

MAILING ADDRESS:  
PO Box 2340  
Bloomington, IL 61702-2340

Village Ford  
100 Old Chicago Plaza  
Bolingbrook, IL 60440

Steve Davison Claim Representative  
(830) 541-4187  
(830) 531-3477 Cell

*New*

Claim Number: [REDACTED]  
Date of Loss: 01/07/04  
Insured Vehicle: 2000 Ford Explorer  
Amount of Loss: \$12,351.25  
VIN: 1FMZU82X8Y [REDACTED]

FORD MOTOR COMPANY  
RECEIVED  
CLAIMS UNIT  
MAR 08 2004  
OFFICE OF THE  
LEGAL COUNSEL

*C46017  
V6528  
purchased 8/1/03  
purchased ESP+GE*

Dear Sir:

Please accept this letter as notice of a subrogation claim and our formal notice to invite you to be present for a mechanical inspection of the damaged vehicle.

The above vehicle was involved in a fire loss causing the vehicle to be a total loss with damages of \$12,351.25.

Our investigation indicates the origin of the fire was in the area of the transmission and that your facility performed repairs in the area of the fire origin.

I invite and encourage you to contact me if you wish to be present at the mechanical inspection which will take place on Thursday April 8, 2004. Some mechanical disassembly of parts may be necessary during this inspection. Please notify your insurance carrier of our claim immediately and advise them to contact me if they also wish to send representation to the inspection.

The vehicle is being held offsite at a secured location. If you wish to be present for this mechanical inspection, please contact me immediately at (830) 541-4187 or on my cell phone of (830) 531-3477. There is no authorization to inspect this vehicle outside the presence of the State Farm representative. All inspections are by appointment only and any violation of this authorization is not permitted. It is your responsibility to see that anyone assigned to inspect the vehicle complies with these conditions.

Sincerely,  
*Steve Davison*  
Steve Davison  
Claim Representative  
(830) 541-4187  
(830) 531-3477 (cell)

State Farm Mutual Insurance Company

*1/7/04  
- VIN  
- 100 Expl 25  
- \$12,351.*

HOME OFFICE - BLOOMINGTON, ILLINOIS 61702-2340





PO Box 2655 \* Harrisburg Service Center \* Harrisburg, PA 17105-9971

September 28, 2004

Ford Motor Company  
Parklane Towers West  
Suite 300  
Three Parklane Blvd  
Dearborn, MI 48126  
Attn: Shawn Norton

RECEIVED OCT - 5 2004

OUR INSURED : [REDACTED]  
OUR CLAIM NUMBER : [REDACTED]  
DATE OF LOSS : 08-07-2004

Dear Mr Norton

This letter is in reply to your correspondent of 9/21/04.

1. Our insured states she was on her way to Scranton, PA when she noticed a burning smell in the vehicle. Our insured then saw smoke coming from the hood and immediately pulled over. Flames began to come out from under the hood and underneath the vehicle. The insured called 911 from cell phone and the fire dept responded.

2. We do not have a copy of a police and/or fire report.

3. Enclosed are color photos of the vehicle in question.

4. Enclosed is a copy of our expert report.

5. Enclosed is a copy of the total loss evaluation on the vehicle. The vehicle has not been sold for salvage yet. If you wish to look at this vehicle, please let me know, otherwise, the salvage will be sold.

6. There have been no recent repairs to the vehicle.

7. This incident occurred in Scranton, PA.

8. The VIN # is 1FMZU35P6X [REDACTED]

9. The mileage was 123,634.

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such a person to criminal and civil penalties.

*Handwritten notes:*  
- W/D - 7/1/99  
- CSP - NO  
- PS Filed  
- SC Scranton, PA  
- VIN  
- 123,634  
- expert report  
- poor photos  
- 4/15



10. The alleged defect is the power steering hose & fuel line.
11. The defect has not been repaired or replaced.
12. The vehicle is located in our salvage yard. You can contact Michael Buhay at 888-941-9002 ext 2614 to make arrangements to see the vehicle.
13. There were no additions or modifications made the vehicle to our knowledge.
14. The engine was running when our insured smelled smoke.
15. Yes, the keys were in the ignition.
16. The vehicle was purchased used in 2001. Unknown mileage at time of purchase. It was purchased from 28 Corporation in Scranton, PA.

NATIONWIDE MUTUAL INSURANCE COMPANY  
Patricia Hoon, AIC (PA-02-15)  
Claims Department  
(717)657-6581

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such a person to criminal and civil penalties.

### ASSIGNMENT

This assignment was received from Nationwide Insurance representative Mike Krause on August 11, 2004 at approximately 8:30 AM. Instructions were to arrange and conduct an origin and cause analysis of the loss vehicle. This investigator traveled to the loss vehicle on Monday, August 16, 2004, and completed the examination.

### BACKGROUND INFORMATION

The loss vehicle was a 1999 Ford Explorer with a vehicle identification number of 1FMZU35P6X2 [REDACTED] owns the vehicle. The vehicle was located at Copart, Pennsburg, PA. The vehicle stock number was 7176114.

### EXTERIOR OBSERVATIONS

Examination of the exterior revealed that the fire originated in the engine compartment and progressed to the exterior, causing minor fire damage. All window glass was present and in good condition. All tires and wheels were present with fire damage noted to the left front tire. The remainder of the tires was in good condition. The tire tread depth was 6/32. Body damage consistent with fire department operations during this event was noted to the grille. No components were noted as being missing from the exterior of this vehicle. The vehicle identification number was located on the driver's door. The vehicle stock number was located on the windshield.

### INTERIOR OBSERVATIONS

Examination of the interior of this vehicle revealed that the fire, which originated in the engine compartment, caused minor fire damage in the interior. No components were noted as being missing.

### ENGINE COMPARTMENT OBSERVATIONS

Examination of the engine compartment revealed that the fire, which originated in the engine compartment, caused extensive fire damage. Further examination of the engine compartment and the burn pattern found revealed that the point of origin was at the left side of the engine. The owner of this vehicle reported that this vehicle was being driven at the time of this event. Closer examination of the point of origin found that two possible causes for this vehicle fire exist. The first is a leak at the power steering hoses and the second is a possible leak at the fuel lines. Both lines are routed within close proximity of each other. Once a leak occurred at these lines, the fluid would have been ignited by heat from the exhaust system. Careful examination of all other areas, including the electrical system, failed to produce any evidence that any other cause for this fire was present. No components were noted as being missing from the engine compartment.



### **CONCLUSION SUMMARY**

This investigator's examination of this vehicle resulted in the determination that the point of origin was at the left side of the engine. Two possible causes for this fire exist. A leak either at the power steering hoses or at the fuel lines caused this event.

---

Dennis Mignogno  
Forensic Investigator

This report was prepared for Nationwide Insurance who shall be responsible for further distribution. The opinions contained in this report are based on personal observations at the fire scene, the statements of witnesses, as well as depositions and other documents reviewed as of the date on this report and were developed to a reasonable degree of certainty. The author agrees to a reconsideration of the conclusion if new evidence becomes available. This investigation was conducted using NFPA 921 as a guide.



EROS-685-LC1-5617



1971



EROS-003-LC1-5519





EROS-005-LC1-5821

*certified*



PO Box 2655 \* Harrisburg Service Center \* Harrisburg, PA 17105-9971

August 27, 2004

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

OUR INSURED : [REDACTED]  
OUR CLAIM NUMBER [REDACTED]  
YOUR INSURED : [REDACTED]  
YOUR INSURED'S ADDRESS [REDACTED]  
Plains, PA [REDACTED]

YOUR CLAIM NUMBER : unk  
DATE OF ACCIDENT : 08-07-2004  
COMPANY LOSS : \$10,404.06  
LESS (SALVAGE) : \$pending  
DEDUCTIBLE : \$250  
TOTAL AMOUNT DUE : \$10,654.06

Here are the supporting papers and a request for payment of our subrogation claim. We consider the total amount due listed above to be payment in full, but will promptly notify you if we incur any additional costs. No attorney is representing our subrogation interests at this time. Please forward your check to :

P O BOX 2655, HARRISBURG, PA 17105

We appreciate your prompt attention to this matter.

NATIONWIDE MUTUAL INSURANCE COMPANY  
Patricia Hoon, AIC (PA-02-15)  
Claims Department  
(717)657-6581

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such a person to criminal and civil penalties.



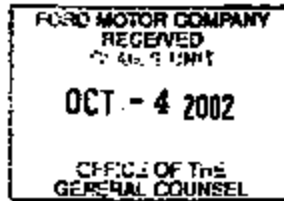
1980



# State Farm Insurance Companies®



September 26, 2002



Florence Claim Office  
130 Dunbarton Drive  
P. O. Drawer 6166 (29502-6166)  
Florence, SC 29501-6166  
(843) 678-4300

Ford Motor Company  
Parklane Towers West, Suite 400  
3 Parklane Boulevard  
Dearborn, MI 48126-2568

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

RE: Claim Number: [REDACTED]  
Our Insured: [REDACTED]  
Date of Loss: September 3, 2002  
Make, Model, Year: 1999 Ford Explorer Sport Wagon  
VIN: 1FMZU32E5X [REDACTED]

**To Whom It May Concern:**

The identified vehicle is insured by State Farm Insurance Companies®. This vehicle experienced an engine 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 (843) 678-4363 to set up a time for your inspection.

Sincerely,

*Michael Hess*  
Michael Hess  
Claim Specialist  
State Farm Mutual Automobile Insurance Company  
(843) 678-4363  
1-800-822-4740

MH/01B/0926005

- 9/3/02  
- 1999 Expl  
- VIN



1998

# State Farm Insurance Companies



February 18, 2003

State Farm Insurance Company  
Subrogation  
PO Box 4078  
Kalenzsoo, MI 49003-4078  
Toll free: 877-782-6424  
Fax: 888-845-8880

Ford Motor Company Parklane Tower West  
3 Parklane Blvd Ste 400  
Dearborn, MI 48126-2568



RE: Claim Number: [REDACTED]  
Our Insured: [REDACTED]  
Date of Loss: April 27, 2002  
Make, Model and Year of Vehicle:  
Serial Number or VIN: 1FMZU34XXWU [REDACTED]

This State Farm insured vehicle was involved in a fire. We settled a claim with our insured in the amount of \$13,619.00, which includes our insured's deductible.

Our investigation revealed the cause of the loss was due to a leaking valve cover gasket.

Enclosed is the documentation of State Farm's claim. The evidence is being held for your inspection. You may contact me at (877) 782-6424 to make arrangements to inspect the vehicle and/or part.

Please consider this letter as our demand to for reimbursement of \$13,619.00.

In order to assist you in evaluating and processing the subrogation claim we are asserting, we may provide nonpublic personal information about our customer. We are sharing this information to effect, administer, or enforce a transaction authorized by the consumer. However, you are neither authorized nor permitted to: (1) use the customer information we provide for any purpose other than to evaluate and process the subrogation claim, or (2) disclose or share the customer information we provide for any purpose other than to evaluate and process the subrogation claim.

- 4/27/02  
- VIN  
- \$13,619.  
- 88,984 (M)  
- 198 EXP

EA83-885-LC1-1524

Page 2  
February 18, 2003

We are enclosing the necessary material to substantiate our subrogation claim in the amount of \$.00.

Sincerely,



Alan Brubaker x8517  
Claim Representative  
(877) 782-6424

State Farm Mutual Automobile Insurance Company

May 30, 2002

IN RE: State Farm Claim No. [REDACTED]  
H&A File No. 02-1092ME  
[REDACTED]

PREDICATION:

This report is predicated upon the request of Ms. Laurel Scudlock, State Farm Claims Representative, to conduct an investigation into [REDACTED] with special reference to a mechanical analysis of a 1998 Ford, Explorer.

SECRETARY OF STATE:

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

1998 FORD 1FMZU34XXWU [REDACTED]  
26 STA-WAGON TRANSFER  
08/31/2000 223L2430198 EXPLORER 53396 A

[REDACTED]  
CENTER LINE [REDACTED]

\*ADDRESS FROM DRIVER LICENSE\*

ONYX ACCEPTANCE CORP.  
27051 TOWNE CTR DR 08/30/2000  
FOOTHILL RANCH CA 92610

REGISTRATION INFORMATION:

QPL99 AUTO COMM PC-RENEWAL  
03/25/2003 R-500-085-385-239

INSPECTION:

On May 13, 2002, this Investigator arrived at Northeastern in New Haven to conduct a mechanical analysis of a 1998 Ford, Explorer.

IN RE: State Farm Claim No. [REDACTED]  
H&A File No. 02-1092ME  
[REDACTED]

May 30, 2002  
Page 2

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

**ODOMETER:**

The odometer reading at the time of this inspection was 88,984 miles.

**ENGINE:**

This vehicle is equipped with a 4.0 liter, V6, fuel injected engine.

**FLUID LEVELS:**

The engine oil is low, the transmission is full, the power steering fluid is empty, the radiator is empty and the brake fluid is empty.

**MECHANICAL EVALUATION:**

Upon initial approach to the vehicle, it was identified by its Vehicle Identification Number, located in the area of the dash and the windshield. This Investigator gained entry to the engine compartment, where the fluid levels were checked, which can be found in the fluid levels section of this report.

Initial observations within the engine compartment reveal the master cylinder, the radiator hoses, and the power steering hoses have been consumed during the course of the fire.

Further examination reveals charring to the left manifold.

The left valve cover was removed for examination of the valve cover gasket, which reveals, with the gasket still in place on the cylinder head, oil leakage on top of the gasket, in the rear portion, the front portion, and the center portion.

Inspection of the valve cover reveals oil bypassing the valve cover gasket in the area of the left rear portion of the valve cover.

IN RE: State Farm Claim No. [REDACTED]  
H&A File No. 02-1092ME  
[REDACTED]

May 30, 2002  
Page 3

Examination of the valve cover gasket reveals the silicone content is barely there at this time. Furthermore, there is evidence of oil leakage by the valve cover gasket.

Inspection of the cylinder head reveals oil leakage in the left rear portion of the cylinder head, by the valve cover gasket and in the left lower front portion of the cylinder head.

The vehicle was elevated for inspection of the undercarriage, which reveals oil on the left side of the engine block, coating the block and partially coating the oil pan. This Investigator removed the oil drain plug, at which time, no water drained from the engine.

**CONCLUSION:**

From the information ascertained during the course of this inspection, it was determined that oil is bypassing the valve cover gasket on the left side, causing charring to the left manifold, and has allowed oil residue on the left side of the engine block. A close examination of the valve cover and valve cover gasket reveals oil is bypassing in the left rear lower section, on top and underneath the valve cover gasket, and in the front and center section. A closer examination of the valve cover gasket reveals very little silicone material still connected to same.

It is this Investigator's opinion that this vehicle was leaking oil from the left valve cover gasket, onto the exhaust manifold.

At this time, we are closing our file and forwarding our report and photographs for your review.



Edward W. Nightingale  
Certified Master Mechanic  
Certification Number M126050

EWN/jam

TW  
 #30

**VEHICLE INSPECTION REPORT / TOTAL LOSS SETTLEMENT REPORT**

Order Number	Client Responsibility Team 7 Red	Client Unit
Phone Number	Phone Number	FAX Number
Loss Date	Date of Loss 4/27/02	Case Reported
Vehicle Make/Model	Phone Number	Station Per Day
Year of Loss	Year of Loss	Year of Loss
Year of Loss	Year of Loss	Year of Loss

**VEHICLE DESCRIPTION**

Vehicle Description 2001 Ford Explorer XLT 4D U11Z WB	License Plate Number OCL08	Business Class	Spec IM
VIN: 1FMZU34XXWU	Exterior Color GREEN	Interior Color GREEN	
Drive Train 4.0L Inj 6 Cyl 4WD	Type REARWAGON	235-75-15	
Make FORD	<input type="checkbox"/> Used <input checked="" type="checkbox"/> New <input type="checkbox"/> New	% of Value LE 00 LN 50 VE 00 SE 50 SP 0	

**EQUIPMENT / ACCESSORIES**

<b>GEOR / BODYSTYLE / TRIM</b> 4-Door	<b>CONVENIENCE OPTIONS</b> Aluminum Wheels Air Conditioning TB Steering Wheel Cruise Control Rear Window Wiper Power Windows Power Door Locks Power Side Mirror Power Side Air Bag	<b>POWER OPTIONS</b> ABS or ABS Power Steering Power Windows Power Door Locks Automatic Transmission Power Side Mirror
<b>ROOF OPTIONS</b>		<b>ELECTRONIC OPTIONS</b> Cassette/CD Player/8-Spe

Use this space to explain or describe equipment/accessories listed above and/or not and specify additional equipment/accessories.

16224 95



22-1748 937

**PRE-LOSS CONDITION**

	Above Avg	Avg	Below Avg
<b>INTERIOR:</b> (Specify if other than average condition for year, make and model vehicle)			
Seats:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carpets:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Glass:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dash:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Headliner:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>EXTERIOR:</b> (Specify if other than average condition for year, make and model vehicle)			
Sheet Metal:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Paint:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Trim:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>MECHANICAL:</b> (Specify if other than average condition for year, make and model vehicle)			
Engine:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transmission:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRIOR DAMAGE:  Yes  No Estimate Written:  Yes  No Amount \_\_\_\_\_ Damage Location: F

OVERALL CONDITION:  Above Avg.  Avg.  Below Avg.

Salvage Will Be:  Repair  Sold for parts  Scraped  
 Reported By: Ronald B. Berger Date: 4/29/02

**TOTAL LOSS SETTLEMENT**

Method used to determine base price: (Check one)  Computerized Evaluation  Comparable Vehicles  Book Value

COMPLETE ONLY IF COMPUTERIZED EVALUATION USED Vendor Name: \_\_\_\_\_ Amount: \_\_\_\_\_

Did you pay the computerized evaluation amount?  Yes  No If no, explain: \_\_\_\_\_  
 Adjusted Amount: \_\_\_\_\_

**COMPLETE ONLY IF COMPARABLE VEHICLES USED**

Source & Telephone Number	Make	Year	Make & Model	Condition	Price
1				No	
2				No	
3				No	

Vehicle number(s) used to determine base price:  1  2  3

Specify any adjustments for differences in condition, equipment, condition, prior damage, etc.  
 Adjusted Amount: \_\_\_\_\_

BOOK VALUE(S) Book(s) used: \_\_\_\_\_ Base Book Price: \_\_\_\_\_

List additions or deductions for equipment, mileage, etc, and prior damage:  
 Adjusted Amount: \_\_\_\_\_

Did you pay this amount?  Yes  No If No, explain: \_\_\_\_\_

Base Price	\$		<b>Salvage Disposition</b>	<b>Purchaser:</b>	<b>Reports:</b>  <b>Disposition of Title:</b>  <b>Date:</b> _____
Tax	+		Date Sold		
Fees	+		Date First/Second Received		
Actual Cash Value	=		Make Offeror Bid	\$	
Owner Retained Salvage	-		Trade-In/Trade		
Deductible	-	500.00	Sample Expense		
Liability Payoff	-		Mileage Expense		
Amount Paid Owner	\$		Net Salvage Return	\$	
Date Settled					
CLAIM REP. SIGNATURE					

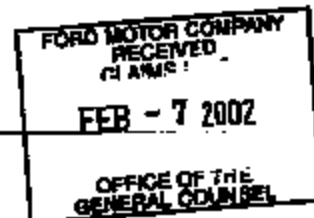




Austin Subrogation COE  
100 Farmers Circle  
P.O. Box 149293  
Austin, Texas 78714-9293  
Telephone: (512) 238-5746  
FAX: (512) 238-7060

January 30, 2002

FORD MOTOR CREDIT  
C/O C.T. CORPORATION SYSTEM  
350 N ST. PAUL STREET  
DALLAS, TX 75201



RE: Our Insured: [REDACTED]  
Policy Number: [REDACTED]  
Loss Date: 1/18/2001  
Claim Number: [REDACTED]  
Amount Owed: \$17,989.09

Our investigation has established that the above loss was caused by your negligence. Our insured's vehicle was classified as a total loss due to a fire. The resulting fire was due to the plastic cover that protects the motor that powers the windshield wipers.

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

Our insured's vehicle was rendered a total loss. When sold, we will forward support for disposition of salvage. Salvage statement is enclosed.

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

Your prompt consideration of our claim will be appreciated.

Sincerely  
MID CENTURY INSURANCE COMPANY

Carmen Rable  
Subrogation Claims Representative

EA25-265-LC1-5831

PHOTO MOUNTING SHEET

INSURED: [REDACTED]

UNIT NAME: [REDACTED]

POLICY NUMBER: [REDACTED]

ADJUSTER: CCD4

SALN NUMBER: [REDACTED]

VEHICLE:

DATE OF LOSS: 1/18/01

DATE TAKEN \_\_\_\_\_



*LT  
F105*



*LT  
F105*

PHOTO MOUNTING SHEET

INSURED: [REDACTED]

UNIT NAME: [REDACTED]

POLICY NUMBER: [REDACTED]

ADJUSTER: CCD4

SALN NUMBER: H1 206138

VEHICLE:

DATE OF LOSS: 1/18/01

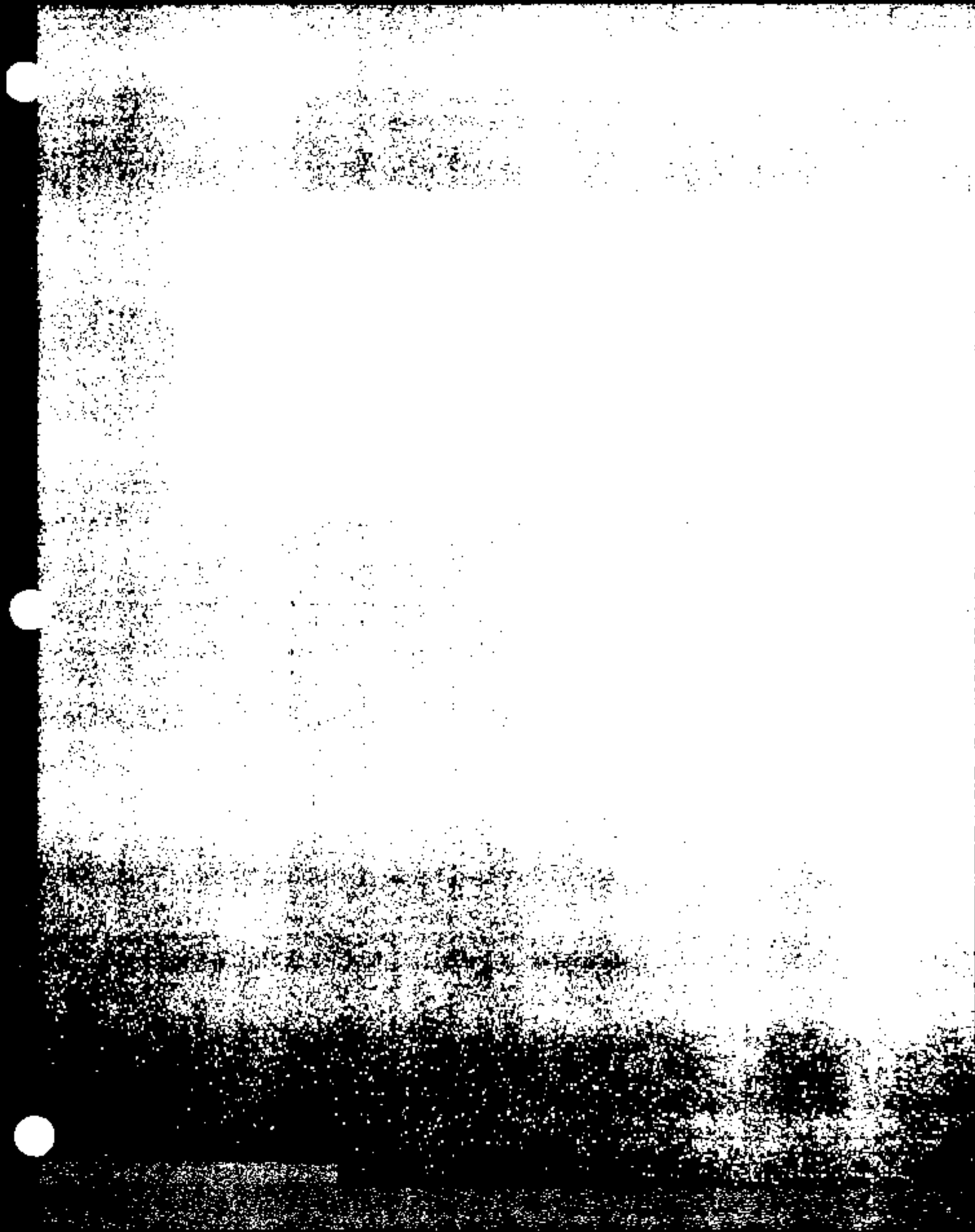
DATE TAKEN: \_\_\_\_\_



CT  
H20AV



RT  
REAR





**ERIE INSURANCE GROUP**

Branch Office • 2200 W. Broad St. • P.O. Box 4288 • Bethlehem, PA 18018-0288 • (610) 885-1911  
Toll Free 1-800-322-9026 • Fax (610) 874-7355 • <http://www.erie-insurance.com>

January 17, 2003

**RECEIVED JAN 29 2003**

Shawn Norton, Claims Analyst  
Ford Motor Company  
Parklane Towers West, Suite 300  
Three Parklane Boulevard  
Dearborn, MI 48128-2588

Re: ERIE Claim  
ERIE Insured:



FORD MOTOR COMPANY  
RECEIVED  
CLAIMS UNIT  
JAN 28 2003  
OFFICE OF THE  
GENERAL COUNSEL

Date of Loss: 11/20/02  
Type of Loss: Fire

Dear Mr. Norton:

This letter is to advise of a potential product liability claim by [redacted] against Ford Motor Company for a vehicle fire that caused damage to our insured's property. A claim for the vehicle itself has already been made by Quality Adjustment Company on behalf of the Auto Insurance carrier who is listed as Claimant Queenstown Holding Company for Mercer Mutual Insurance. Currently, Keith DeMarco of Quality Adjustment Company is in possession of the vehicle in question.

Our expert and the local fire marshal have determined that the fire originated in the engine compartment of our insured's company car which is a 2000 Ford Explorer, VIN 1FMZU73E1Y [redacted]. They believe that a manufacturing defect may be the cause of the fire. We have also put Bill Marsh Ford, Ten North Sycamore Street, Newtown, Pennsylvania 18940, on notice as a potential responsible party, since they had performed relatively minor service on this vehicle on November 19, 2002.

Arrangements for further inspection of the vehicle are made through the Quality Adjustment Company and their adjuster, Keith DeMarco. The address for Quality Adjustment Company and Keith DeMarco is P.O. Box 251, Hampton, New Jersey 08827 and phone (908) 993-8925. Further inspection of the vehicle will probably involve some degree of destructive testing; therefore, we feel the opportunity should be given for you to have your expert there for further inspection.

Please let this letter serve as our notice that if Ford Motor Company is determined to be legally liable and responsible for this fire, Erie Insurance will exercise all of its rights to subrogation for reimbursement of our payment and our insured's deductible. If you need anything further from me at this time, do not hesitate to call or correspond accordingly. Thank you for your attention.

Sincerely,

*Randy Zanchetta / me*

Randy Zanchetta  
Property Claims Specialist  
Allentown/Bethlehem Branch Claims  
(610) 264-4798  
1-800-322-9026

RZ:elr  
cc: File

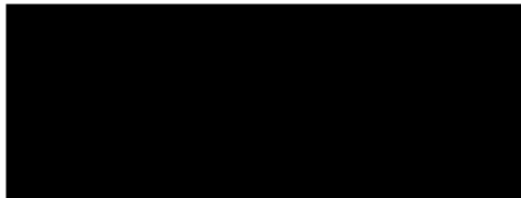
*11/20/02  
related to -*

607827\_1

Weber Gallagher Simpson Stapleton Fires & Newby LLP  
John J. Vatter, Esquire  
I.D. #85504  
1811 Chestnut Street, Suite 600  
Philadelphia, PA 19103  
(215) 825-7216  
Attorney for Plaintiffs



And



Plaintiffs

vs.

FORD MOTOR COMPANY  
c/o CT Corporation Systems  
1515 Market Street, Suite 1210  
Philadelphia, PA 19102

and

BILL MARSH FORD  
10 North Sycamore Street  
Newtown, PA 18940  
Defendants,

RECEIVED  
2004 NOV 10 P 2 36  
PROthonOTARY  
OF BUCKS COUNTY

COURT OF COMMON PLEAS  
COUNTY OF BUCKS

COURT TERM:

DOCKET NO.:

0407504-25-2

**COMPLAINT**

Plaintiffs by and through undersigned counsel, hereby file the following  
complaint against the defendant and aver as follows:



1. [REDACTED] is an adult individual, who at all times relevant hereto, resided at [REDACTED] New Hope, PA.

2. [REDACTED] is a corporation duly authorized to transact business in Pennsylvania, with a principal place of business located at [REDACTED] Pennington, New Jersey.

3. Ford Motor Company is a corporation duly authorized to transact business in the Commonwealth of Pennsylvania with a principal place of business located at PO Box 1904, Dearborn, Michigan.

4. At all times relevant hereto, Defendant Ford Motor Company was engaged in the business of designing, manufacturing, marketing, distributing, and/or selling automobiles.

5. Bill Marsh Ford is a company duly authorized to transact business in the Commonwealth of Pennsylvania, with a principal place of business located at 10 North Sycamore Street, Newtown, PA.

6. At all times relevant hereto, Defendant Bill Marsh Ford was engaged in the business of marketing, distributing, repairing, and/or selling automobiles.

7. Prior to November 20, 2002, [REDACTED] purchased a 2000 Ford Explorer XLT with a vehicle identification number of 1FM2U73E1Y [REDACTED] said vehicle was manufactured by Defendant, Ford Motor Company, and sold to Plaintiff by Defendant, Bill Marsh Ford.

8. Vehicle was then entrusted to Mercer Mutual employee, Paul Ehrhardt.

9. Prior to November 20, 2002, Defendants were aware of a manufacturing defect within the vehicle.

10. On or about November 20, 2002, while the subject vehicle was parked in [REDACTED] the vehicle suddenly and without warning caught fire.

11. The fire was a result was the release of power steering fluid onto the vehicle's engine.

10. The resulting fire, heat, smoke, and fire suppression efforts caused extensive damage to Plaintiffs' vehicle, property, attached garage, and the imposition of additional expenses in an amount in excess of Fifty Thousand (\$50,000.00) Dollars.

**COUNT I – NEGLIGENCE – PLAINTIFFS V. FORD MOTOR COMPANY**

11. Plaintiffs incorporate herein by reference paragraphs 1 through 10 as though the same were fully set forth at length.

12. The aforementioned damages were the direct and proximate result of the negligence, carelessness, recklessness, and/or other liability producing conduct of Defendant Ford Motor Company, more specifically defined as follows:

- a. failing to exercise reasonable care in designing, manufacturing, inspecting, and/or testing the Ehrhardt vehicle and/or the components thereof;
- b. failing to adequately instruct its servants, employees, and agents as to the proper ways to perform the tasks set forth in subparagraph (a) above;

- c. failing to adequately warn plaintiff and others of the defect resulting from the failure to exercise reasonable care as set forth in subparagraph (a) above;
- d. failing to provide, establish, and/or follow proper and adequate controls so as to ensure the proper performance of the tasks set forth in subparagraph (a) above;
- e. failing to provide, establish, implement, and/or follow proper and adequate control so as to provide an automobile that was safe and adequate for the reasons for which it was purchased.
- f. failing to ascertain by appropriate pre-sale and/or post sale testings, the fire hazards, risks, and dangers caused by the Ehrhardt vehicle, and/or components thereof.
- g. failing to recall or withdraw from the market place the Ehrhardt vehicle despite actual or constructive knowledge of its defect and/or dangerous condition.
- h. failing to adequately warn of the defects in the Ehrhardt vehicle, and or components thereof.
- i. failing to properly incorporate, utilize, or otherwise include in, to, and/or for the Ehrhardt vehicle, appropriate devices, components, and/or assemblies for the safe protection of, and reaction to, the failure of hoses which carry flammable liquids in the engine compartment; and/or

j. otherwise manufacturing a vehicle with a defective power steering pump assembly.

13. As a result of the damages proximately caused by the negligence and/or other liability producing conduct of Ford Motor Company, Plaintiffs sustained and incurred the aforementioned damages to their property and imposition of additional expenses in an amount in excess of \$50,000.00.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus interest, costs of suit, attorney fees, delay damages, and such other relief as the Court deems appropriate under the circumstances.

**COUNT II – BREACH OF WARRANTY – PLAINTIFFS V. FORD MOTOR COMPANY**

14. Plaintiffs incorporate herein by reference paragraphs 1 through 13 as though same were fully set forth at length.

15. Defendant Ford Motor Company had expressly and/or impliedly warranted that the subject vehicle and its components were of merchantable quality, fit for ordinary use, and fit for the particular use for which it was purchased by plaintiff.

16. Defendant breached these warranties because Plaintiff's vehicle was not of merchantable quality, fit for ordinary use, and/or was unfit for the particular use for which it was purchased.

17. As a result of the damages proximately caused by Ford Motor Company's breach of the aforementioned warranties, Plaintiff sustained and

incurred damage to their property and the imposition of additional expenses in an amount in excess of \$50,000.00.

18. Plaintiffs had and have performed all conditions precedent to recovery based upon such breach.

**WHEREFORE**, Plaintiffs demand judgment in their favor and against Defendants in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus interest, costs of suit, attorney fees, delay damages, and such other relief as the Court deems appropriate under the circumstances.

**COUNT III – STRICT LIABILITY – PLAINTIFFS VS. FORD**

**MOTOR COMPANY**

19. Plaintiffs incorporate herein by reference paragraphs 1 through 18 as though the same were fully set forth at length.

20. Defendant, Ford Motor Company is engaged and was engaged in the business of designing, manufacturing, marketing, selling, and distributing, *inter alia*, Plaintiff's vehicle.

21. Defendant, Ford Motor Company sold to Plaintiff the aforementioned vehicle in a defective condition, unreasonably dangerous to the Plaintiff and his property.

22. Upon information and belief, Defendant, Ford Motor Company expected the Plaintiff's vehicle to, and the subject automobile did, reach the Plaintiff without substantial change in the condition in which it was sold.

23. The aforementioned defects consisted of

- a. design defects;

- b. manufacturing defects;
- c. a failure by Defendant to warn of the aforesaid design and manufacturing defects; and
- d. a failure by Defendant to properly instruct as to the appropriate installation and operating procedures for the safe use of the subject automobile and its components

24. As a result of the damages proximately caused by Defendant, Ford Motor Company's breach of the aforementioned warranties, Plaintiffs sustained and incurred damage to their property and the imposition of additional expenses in an amount in excess of \$50,000.00.

25. For these reasons, Defendant, Ford Motor Company is strictly liable to Plaintiffs for its damages under section 402A of Restatement (2d) of Torts, Restatement (3d) of Torts, and the applicable case law of the Commonwealth of Pennsylvania.

**WHEREFORE**, Plaintiffs demand judgment in their favor and against Defendants in an amount not in excess of Fifty Thousand Dollars (\$50,000.00), plus interest, costs of suit, attorney fees, delay damages, and such other relief as the Court deems appropriate under the circumstances.

**COUNT IV – NEGLIGENCE – PLAINTIFFS V. BILL MARSH FORD**

26. Plaintiffs incorporates herein by reference paragraphs 1 through 25 as though the same were fully set forth at length.

27. The aforementioned damages were the direct and proximate result of the negligence, carelessness, recklessness, and/or other liability producing conduct of Defendant, Bill Marsh Hord., more specifically defined as follows:

- a. selling to Plaintiff a vehicle with a defective power steering assembly pump;
- b. failing to exercise reasonable care in inspecting and/or testing the Ehrhardt vehicle and/or the components thereof;
- c. failing to adequately instruct its servants, employees, and agents as to the proper ways to perform the tasks set forth in subparagraph (a) above;
- d. failing to provide, establish, implement, and/or follow proper and adequate control so as to provide an automobile that was safe and adequate for the reasons for which it was purchased.
- e. failing to ascertain by appropriate pre-sale and/or post sale testings, the fire hazards, risks, and dangers caused by the Ehrhardt vehicle, and/or components thereof.
- f. failing to exercise reasonable care in repairing and/or servicing the Ehrhardt vehicle and/or the components thereof;
- g. failing to adequately instruct its servants, employees, and agents as to the proper ways to perform the tasks set forth in subparagraph (f) above;

h. failing to adequately warn plaintiff and others of the defect resulting from the failure to exercise reasonable care as set forth in subparagraph (f) above;

i. failing to provide, establish, and/or follow proper and adequate controls so as to ensure the proper performance of the tasks set forth in subparagraph (f) above; and/or

j. failing to provide, establish, implement, and/or follow proper and adequate control so as to provide repairs and maintenance to an automobile that was safe and adequate for the reasons for which it was purchased.

f. repairing Anthony Saraceni's vehicle, and the components thereof, when the Defendant knew or should have known that the subject repairs were inadequate for the reasons purchased.

28. As a result of the damages proximately caused by the negligence and/or other liability producing conduct of Ford Motor Company, Plaintiff sustained and incurred the aforementioned damages to their property and imposition of additional expenses in an amount in excess of \$50,000.00.

**WHEREFORE**, Plaintiffs demand judgment in their favor and against Defendants in an amount not in excess of Fifty Thousand Dollars (\$50,000.00), plus interest, costs of suit, attorney fees, delay damages, and such other relief as the Court deems appropriate under the circumstances.



**COUNT V – BREACH OF WARRANTY – PLAINTIFFS V. BILL MARSH FORD**

29. Plaintiffs incorporate herein by reference paragraphs 1 through 28 as though same were fully set forth at length.

30. Defendant Bill Marsh Ford had expressly and/or impliedly warranted that the subject vehicle and its components were of merchantable quality, fit for ordinary use, and fit for the particular use for which it was purchased by plaintiff.

31. Defendant breached these warranties because Plaintiff's vehicle was not of merchantable quality, fit for ordinary use, and/or was unfit for the particular use for which it was purchased.

32. As a result of the damages proximately caused by Bill Marsh Ford's breach of the aforementioned warranties, Plaintiff sustained and incurred damage to their property and the imposition of additional expenses in an amount in excess of \$50,000.00.

33. Plaintiffs had and have performed all conditions precedent to recovery based upon such breach.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus interest, costs of suit, attorney fees, delay damages, and such other relief as the Court deems appropriate under the circumstances.

**COUNT VI – STRICT LIABILITY – PLAINTIFFS VS. FORD MOTOR**

**COMPANY**

34. Plaintiffs incorporate herein by reference paragraphs 1 through 33 as though the same were fully set forth at length.

35. Defendant, Bill Marsh Ford Motor is engaged and was engaged in the business of marketing, selling, and distributing, *inter alia*, Plaintiff's vehicle.

36. Defendant, Bill Marsh Ford sold to Plaintiff the aforementioned vehicle in a defective condition, unreasonably dangerous to the Plaintiff and his property.

37. Upon information and belief, Defendant, Bill Marsh Ford expected the Plaintiff's vehicle to, and the subject automobile did, reach the Plaintiff without substantial change in the condition in which it was sold.

38. The aforementioned defects consisted of

- a. design defects;
- b. manufacturing defects;
- c. a failure by Defendant to warn of the aforesaid design and manufacturing defects; and
- d. a failure by Defendant to properly instruct as to the appropriate installation and operating procedures for the safe use of the subject automobile and its components

39. As a result of the damages proximately caused by Defendant, Bill Marsh Ford's breach of the aforementioned warranties, Plaintiffs sustained and incurred damage to their property and the imposition of additional expenses in an amount in excess of \$50,000.00.

40. For these reasons, Defendant, Bill Marsh Ford is strictly liable to Plaintiffs for its damages under section 402A of Restatement (2d) of Torts,

Restatement (3d) of Torts, and the applicable case law of the Commonwealth of Pennsylvania.

**WHEREFORE**, Plaintiffs demand judgment in their favor and against Defendants in an amount not in excess of Fifty Thousand Dollars (\$50,000.00), plus interest, costs of suit, attorney fees, delay damages, and such other relief as the Court deems appropriate under the circumstances.

**WEBER GALLAGHER SIMPSON  
STAPLETON FIRES & NEWBY LLP**

BY:

  
\_\_\_\_\_  
**JOHN J. VALTER**  
Attorney for Plaintiffs,  
Paul Ehrhardt & Mercer Mutual Ins. Co.

**VERIFICATION**

I verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities. I sign this verification on behalf of my client as she is presently outside the jurisdiction of the court and is not presently available to sign within the time allowed for the filing of this pleading.

**WEBER GALLAGHER SIMPSON  
STAPLETON FIRES & NEWBY LLP**

By: \_\_\_\_\_

*[Handwritten Signature]*  
John J. Valter,  
Attorney for Plaintiffs,  
Paul Ehrhardt & Mercer Mutual Ins. Co.

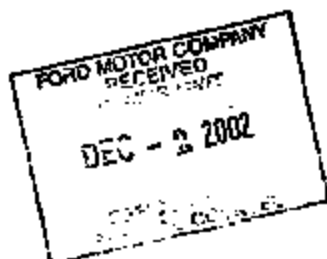
# Quality Adjustment Company

P.O. Box 251  
Hampton, New Jersey 08827

Phone (908) 995-8925  
Fax (908) 995-8926

November 27, 2002

Ford Motor Company  
Consumer Affairs  
P.O. Box 6248 MD-3NE-Bravo  
Dearborn, MI 48126  
Attention: Claims



RE: Claim Number: [REDACTED]  
Policy Number: [REDACTED]  
Insured: [REDACTED]  
Loss Location:  
Insured Vehicle:  
Date of Loss:  
Type of Loss:  
Our File Number:

New Hope, PA  
2000 Ford Explorer XLT,  
VIN 1FMZU73E1Y2 [REDACTED]  
November 19, 2002  
Fire  
Q8248

2002 DEC - 3 1 P 1:30  
CUSTOMER  
RELATIONSHIP  
CENTER

11/19/02  
- 00 Expl  
- VIN  
- New Hope, PA

To whom it may concern,

Our office represents [REDACTED] with regard to the above mentioned loss.

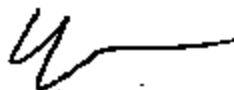
Please be advised that on or about November 19, 2002, the above mentioned vehicle suffered fire damage. You are hereby placed on notice that your actions were responsible for the origin of this fire.

We request that you forward a copy of this letter to your insurance carrier and have them contact this office as soon as possible. If you do not maintain insurance, please contact the undersigned.

Please be advised that all actions taken in regard to the above captioned claim are being performed without prejudice and are not deemed a waiver of any of [REDACTED] rights under the policy whether mentioned herein or not.

Should you have any questions, please contact the undersigned.

Sincerely,



Keith DeMarco

CC: Mercer Mutual Insurance Company



**ENGINEER'S**

**EVALUATION**

**OF THE**

**CAUSE**

**OF THE**

**FIRE**

**IN THE**

**FORD EXPLORER - VIN 1FMZU73E1YZ** [REDACTED]

**LOCATED AT**

**CO PARTS**

**21-34 WEST CAMPLAIN ROAD  
HILLSBOROUGH, NEW JERSEY**

**THAT OCCURRED ON**

**NOVEMBER 19, 2002**

*REPORT PREPARED FOR*

**QUALITY ADJUSTMENT COMPANY**

**P.O. BOX 251**

**HAMPTON, NEW JERSEY 08827**

**Policy No.: CAP 0001460 (Mercer Mutual Insurance Company)**

*REPORT PREPARED BY*

**MU ASSOCIATES, INC.**

**P.O. BOX 723**

**RAMSEY, NJ 07446**

**(201) 327 - 6456**

**FAX (201) 327 - 8581**

**File No. 21105  
December 20, 2002**

**ER05-005-LC1-5050**



Policy #: [REDACTED]  
Your File No.: Q 8248  
Our File No. 21105  
December 20, 2002

**Purpose:**

On November 20, 2002 Keith DeMarco of Quality Adjustment Company requested an evaluation of the cause of the fire that occurred in the 2000 Ford Explorer owned by [REDACTED] on November 19, 2002. The fire occurred approximately 15 minutes after being parked in the private garage of [REDACTED] executive and had occurred just after being picked up from being serviced by Bill Marsh Ford of Newtown, PA.

The vehicle was transported to CO PARTS located at 21-34 West Camplain Road, Hillsborough, NJ where the evaluation was to be performed.

**Site Visit:**

On November 21, 2002 a site visit was made to conduct a physical conditions survey of the Ford Explorer, VIN 1FMZU73E1Y2 [REDACTED] located at the CO PARTS yard, 21-34 West Camplain Road, Hillsborough, NJ.

**Observations:**

Attachment A, are photographs with detailed descriptions of the fire damaged Ford Explorer, a Sports Utility Vehicle (SUV) located at the CO PARTS, 21-34 West Camplain Road, Hillsborough, NJ.





Policy #: [REDACTED]  
Your File No.: Q 8248  
Our File No. 21105  
December 26, 2002

The Ford Explorer is excessively fire damaged at the front left engine compartment. The metal hood over this area is white from heat at the left front section. The fire damage on the hood lessens proceeding from the front to the back and stops at the hood center line.

The left front fender is white from heat at the front section and the fire damage also lessens from front to back. The left front tire and wheel assembly are not damaged from the heat of the fire.

The exterior of the SUV is soot covered and except for the aforementioned left front area, is not damaged from the heat of the fire.

The interior of the SUV is not damaged from the heat of the fire. The driver's door window is broken from those persons extinguishing the fire. The light switch to the left of the steering wheel is in the off position.

The left side of the engine compartment is considerably more damaged than the right side and the fire damaged area has the appearance of a flammable liquid being used on the fire.

The lower section of the engine compartment has minimal damage at the left side and has pieces of melted sections of the plastic components from the top of the engine compartment. Electrical wires at the lower section of the engine



Policy # [REDACTED]  
Year File No.: Q 8248  
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compartment are fire damaged but still have most of the covering insulation in place.

The left-front headlamp assembly, the left-front grill and the left-front bumper are all destroyed by the fire. The electrical wires to the headlamp assembly are red from the fire but are not separated. One of the headlamp bulbs is not shattered from the fire. The left yellow directional signal lamp is broken but not melted from the fire.

Located in the left front top section of the engine compartment is the power steering fluid pump assembly and the battery. The power steering connecting hose to the pump is damaged and the seal for the steering fluid reservoir has leaked fluid. The steering assembly is melted. The brake fluid assembly is at the top left-back of the engine compartment and is still assembled.

The battery is collapsed inward in the left front of the engine compartment and has not exploded.

**Background:**

A copy of the service record for work performed on November 19, 2002 by Bill Marsh Ford was provided by Mr. DeMarco. The oil was changed with a new filter, the tires were rotated and balanced; new front ball joints were installed and the right rear reverse light bulb was changed. The SUV was brought in for



Policy # [REDACTED]  
Your File No.: Q 8248  
Our File No. 21185  
December 28, 2002

service at 7:26 am on November 19, 2002 and ready for pick-up at 1:47 pm on November 19, 2002.

The service invoice also indicated that the vehicle was delivered new to Mercer Mutual Insurance Company on April 25, 2002 and at the time of service had a recorded mileage of 37,483 miles.

Contact was made with Steve Rowe the fire investigator (610 285-6542) for Erie Insurance. Due to a previous commitment Mr. Rowe was unable to do a joint inspection on November 21, 2002 but did see the vehicle on December 2, 2002. His opinion was that the pump had a manufacturer's defect at the seal and discharged steering fluid onto the left front on the hot engine to cause the fire. He advised that the incident occurred approximately 15 minutes after being parked in the garage.

The hydraulic pump assembly for the operation of the power steering is a closed system with a fill tube located on the lower left side of the engine block in the engine compartment. The power steering fluid is flammable.

**Opinion:**

From information received and observations made, it is our opinion that the cause of the fire was the release of power steering fluid onto the hot engine.

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It is our opinion that the fluid leaked out of the power steering pump assembly seal under pressure and sprayed the hot engine area on the left side.

Consideration was given to the service performed by the Ford Dealer on the day of the incident that may have been the cause of the fire. It is our opinion that the service was not the cause of the fire as the service performed was not in the location where the fire occurred. In addition, it is our opinion, and we are in agreement with Mr. Rowe, that the leaking seal on the steering fluid pump is a manufacturer's defect and was not caused by the recent service.

Consideration was given to the electrical system wire harness for the left headlamp causing the fire. It is our opinion that the electrical system wire harness was not the cause of the fire as the wires were not separated as would occur with a red hot wire acting as a filament starting a fire with ample oxygen present. In addition, it is our opinion that with the light switch in the off position any exposed wire in the headlamp wire harness would have rapidly cooled once the power was turned off.

Consideration was given to the fire being started by action or actions of the driver or of an occupant of the SUV. It is our opinion that the driver or anyone else within the SUV prior to the SUV being parked in the garage was not the cause of the fire as the interior of the SUV was not location of the fire.



Policy #: CAP [REDACTED]  
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December 28, 2002

If there are any questions concerning this report, please contact the writer.

Respectfully submitted,

**MU Associates, Inc.**

  
John R. Urinyi, P.E.

Policy #: CA [REDACTED]  
Your File No.: Q 8248  
Our File No. 21165  
December 28, 2003



**APPENDIX**

**ATTACHMENT A:**      Photographs dated 11/21/02.

**PHOTOGRAPHS**

-1-



-2-



NU Associates, Inc.  
File #: 21105

Attachment A



Photo Number: 1      November 21, 2002      21 24 West Camplain Road  
Hillsborough, NJ

Location: Tank yard.

Description: A 20,000 gallon asphalt oil tank for the mixture IEMC 250 is in the batch producing area of the asphalt mixing plant. The oil is pumped into the tank at the far end by truck. The small red housing at the front of the tank on the left covers a burner, which is used to heat the oil. The burner and housing have been pushed at an angle due to the tank explosion. The insulation that is torn from the tank was said to have happened during the explosion. The front end of the tank is bulging and the area where the insulation is torn is creased.

Photo Number: 2      November 21, 2002      21 24 West Camplain Road  
Hillsborough, NJ

Location: Tank yard.

Description: The back side or rear of the oil tank. The oil is loaded into the tank at the connection at the bottom of the rear face. This end is also bulging. Note the creases at the left, right and bottom of the end face.



MU Associates, Inc.  
File #: 21105

Attachment A

Photo Number: 3      November 21, 2002      21 24 West Camplain Road  
Hillsborough, NJ

Location: Tank yard.

Description: Another view of the back side or rear end of the tank. Note the creases in the insulation cover on the right.

Photo Number 4      November 21, 2002      21 24 West Camplain Road  
Hillsborough, NJ

Location: Tank yard.

Description: Another view of the back side or rear end of the tank. Note the crease in the insulation jacket at the bottom of the photo and near the top of the photo.

5



6



MU Associates, Inc.  
File #: 21105

Attachment A

Photo Number: 5      November 21, 2002      21 24 West Camplain Road  
Hillsborough, NJ

Location: Tank yard.

Description: The pipe connection used to load the tank and to distribute the oil to the mixing plant. A cap is on the pipe end used for loading. This connection is not damaged. The valve (handle on the red metal area) is in the off position.

Photo Number 6      November 21, 2002      21 24 West Camplain Road  
Hillsborough, NJ

Location: Tank yard.

Description: Another view of the back side or rear end of the tank. The lower section of the end is creased.

-7-



-8-



MU Associates, Inc.  
File #: 21105

Attachment A

Photo Number: 7      November 21, 2002      21 24 West Camplain Road  
Hillsborough, NJ

Location: Tank yard.

Description: The tank crease at the lower end of the back side or rear end  
of the tank.

Photo Number 8      November 21, 2002      21 24 West Camplain Road  
Hillsborough, NJ

Location: Tank yard.

Description: The front of the tank is creased at the lower section. The  
burner has been push forward and down. The burner door is  
pushing into the ground.

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-10-



MU Associates, Inc.  
File #: 21105

Attachment A



Photo Number: 9 November 21, 2002 21 24 West Camplain Road Hillsborough, NJ

Location: Tank yard.

Description: The front end of the tank can be seen to be building outward as compared to the adjacent tank in the foreground. Note the angle of the red cover for the burner and the access door.

Photo Number: 10 November 21, 2002 21 24 West Camplain Road Hillsborough, NJ

Location: Tank yard.

Description: Another view of the front end at the burner. Note the crease at the left side.

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-12-



MU Associates, Inc.  
File #: 21185

Attachment A

Photo Number: 11 November 21, 2002 21 24 West Camplain Road  
Hillsborough, NJ

Location: Tank yard.

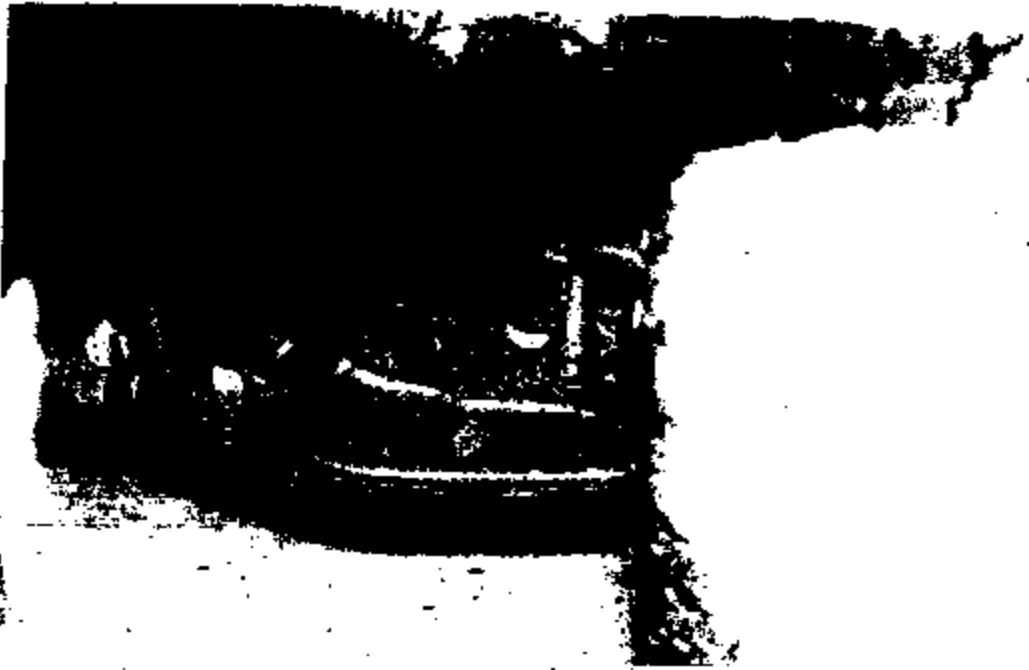
Description: Another view of the front end of the tank. Note the crease on  
the right side of the burner cabinet. Note that the opening of  
the door moved the sand.

Photo Number: 12 November 21, 2002 21 24 West Camplain Road  
Hillsborough, NJ

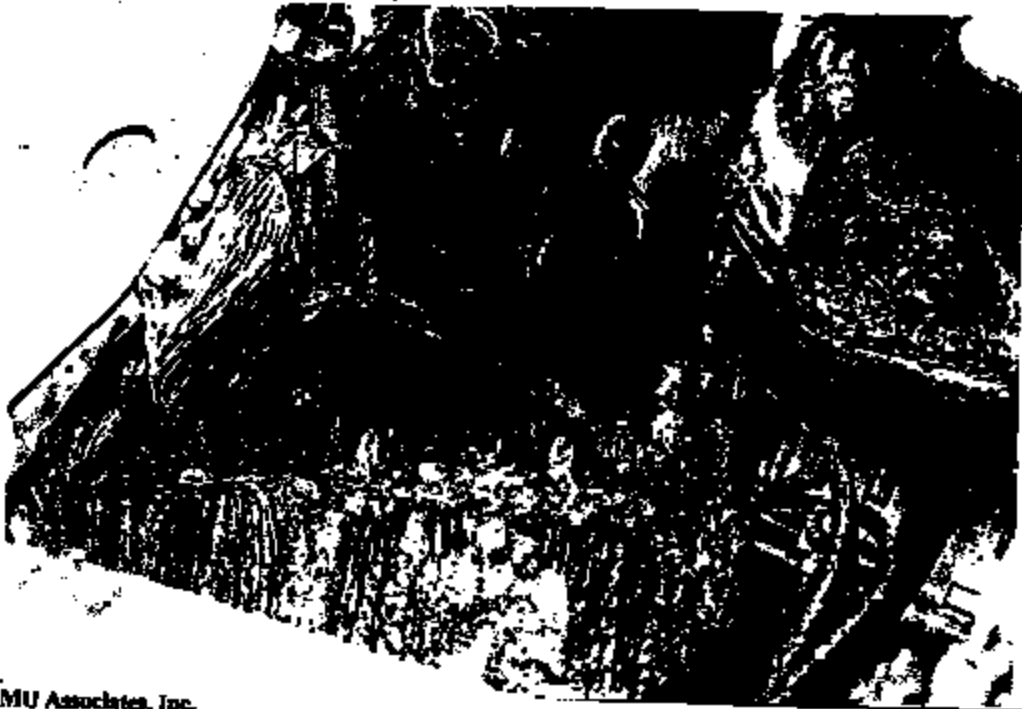
Location: Tank yard.

Description: Front view of the front of the tank and the burner unit. The  
burner unit is not damaged.

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-14-



MU Associates, Inc.  
File #: 21105

Attachment A

Photo Number: 13 November 21, 2002 21 24 West Camplain Road  
Hillsborough, NJ

Location: Tank yard.

Description: Top front end of the tank where the insulation was said to  
have been blown off by the explosion. The side of the tank is  
cracked where the insulation had been.

Photo Number 14 November 21, 2002 21 24 West Camplain Road  
Hillsborough, NJ

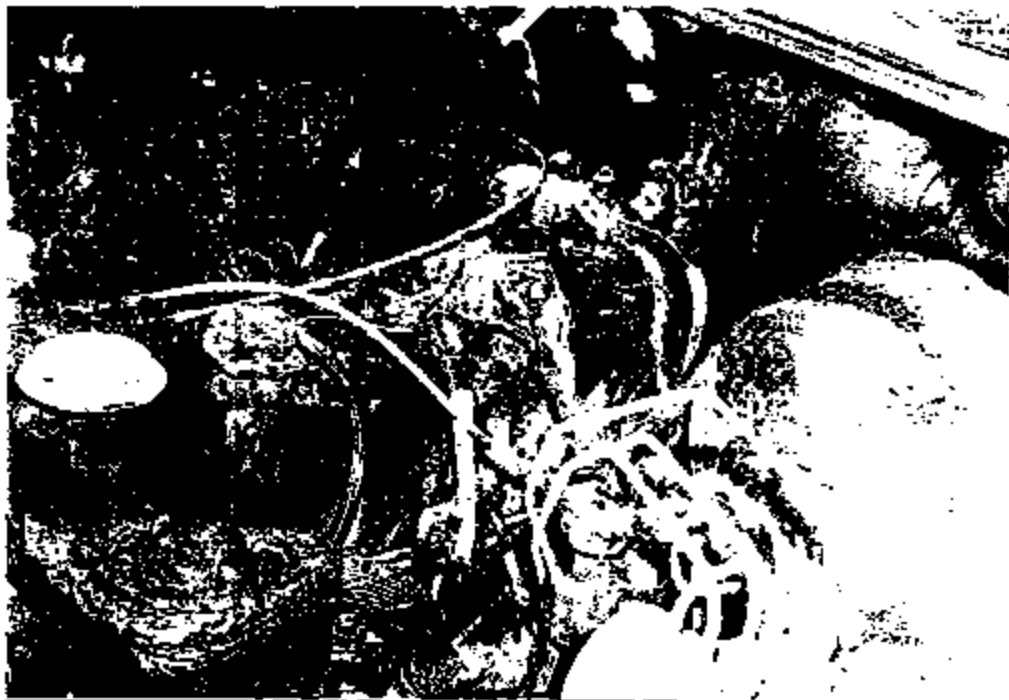
Location: Tank yard.

Description: Top front end of the tank and the combustion air intake for the  
burner. Note the ripped metal jacket at this location.

-15-



-16-



MU Associates, Inc.  
File #: 21105

Attachment A

Photo Number: 15    November 21, 2002    21 24 West Camplain Road  
Hillsborough, NJ

Location: Tank yard.

Description: Flue stack for the burner is not damaged.

---

Photo Number 16    November 21, 2002    21 24 West Camplain Road  
Hillsborough, NJ

Location: Tank yard.

Description: The catwalk at the top rear of the tank. The devise with the "U" shaped handle is the pressure relief for the tank. It was said to have blown off during the explosion. The manhole where the pressure relief is located is opened to view the interior of the tank.

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-18-



MU Associates, Inc.  
File #: 21105

Attachment A



Photo Number: 17      November 21, 2002      21 24 West Camplain Road  
   Hillsborough, NJ

Location:              Tank yard.

Description:          The open manhole at the top rear of the tank. Looking down  
   into the tank, note the bent frame.

Photo Number      18      November 21, 2002      21 24 West Camplain Road  
   Hillsborough, NJ

Location:              Tank yard.

Description:          The bottom interior of the oil tank. The frame is bent at two  
   locations at this end.

-19-



-20-



MU Associates, Inc.  
File #: 21105

Attachment A

Photo Number: 19 November 21, 2002 21 24 West Camplain Road  
Hillsborough, NJ

Location: CO Parts yard.

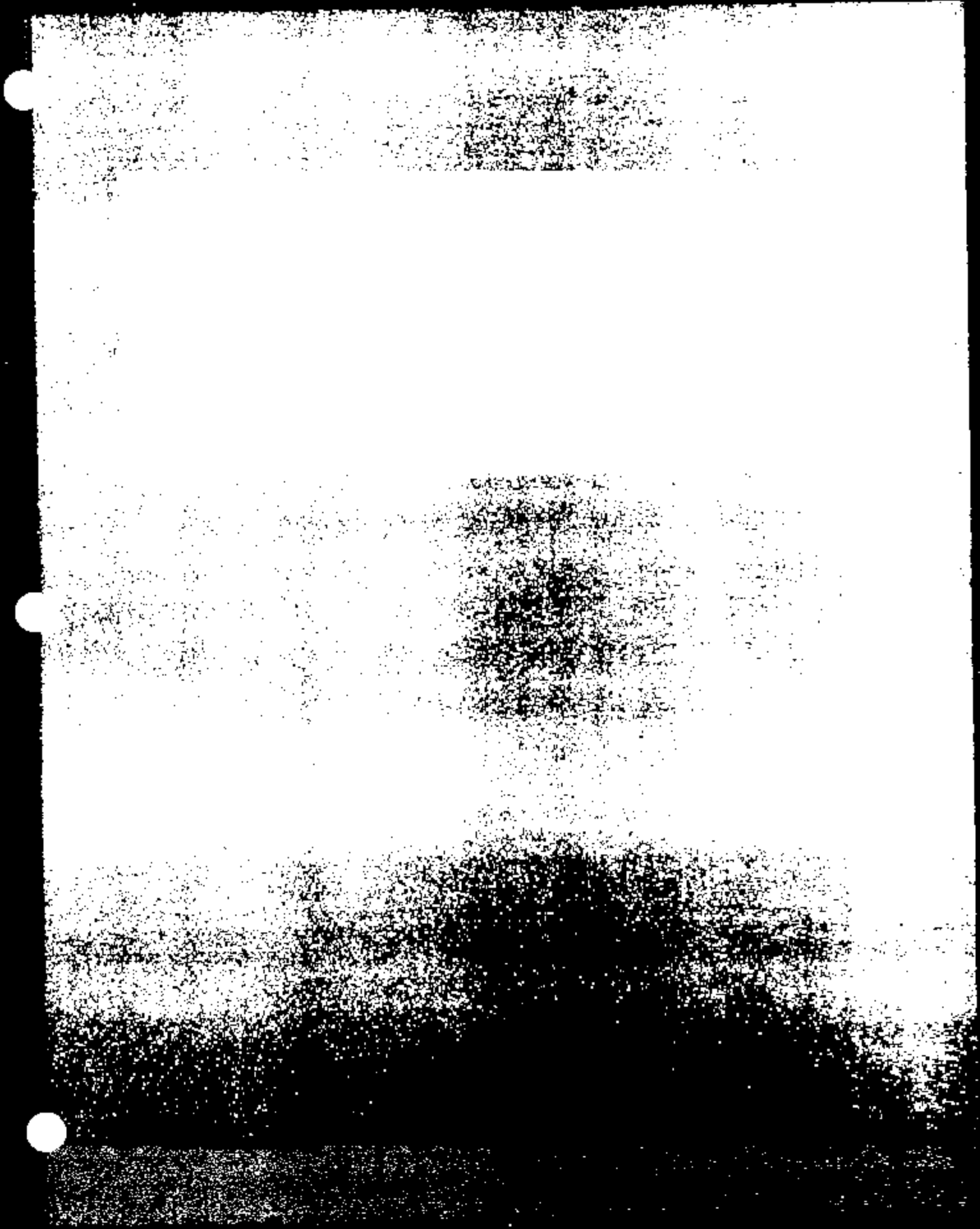
Description: View of the lower left front of the engine compartment from the left front wheel well. The tire is the rounded shape in the foreground. The electrical wires on the right are still together with the insulation covering. Melted components from the top of the engine compartment are seen in the middle of the photo.

---

Photo Number 20 November 21, 2002 21 24 West Camplain Road  
Hillsborough, NJ

Location: CO Parts yard.

Description: Another view of the top left front of the engine compartment. The yellow side lamp for the left turning signal is placed on the white frame. The glass is broken but not melted.





**AMERICAN FAMILY INSURANCE GROUP**

9008 AMERICAN PEWY • MADISON WI 53783-9001 • PHONE: (888) 249-2111

May 6, 2003

CERTIFIED MAIL - Return Receipt Requested

CONSUMER AFFAIRS  
SECTION  
MAY - 8 P2:44

Ford Motor Company  
Consumer Affairs  
PO Box 6248  
MD-3NE-B  
Dearborn, Michigan 48126

RE: Claim Number: [REDACTED]  
Policyholder Name: [REDACTED]

FORD MOTOR COMPANY  
RECEIVED  
CLAIMS UNIT  
MAY - 9 2003  
OFFICE OF THE  
LEGAL COUNSEL

Dear Ford Motor Company:

Please be advised that the above named policyholder suffered engine fire damage loss to the vehicle on April 15, 2003. An investigation of the engine fire damage has been initiated.

We are hereby giving you the opportunity to view the engine fire damage scene prior to its renovation, removal of evidence and any destructive testing that may be done. We will only be able to hold the scene until May 22, 2003. We have scheduled the inspection date for 10:00 a.m. on May 22, 2003. Please contact me upon receipt of this letter to let me know if you expect to view the scene. If we fail to hear from you by the prescribed date, we reserve the right to take possession of the property and conduct any testing we deem necessary.

If you have any questions, please feel free to contact me at 785-622-0904 to make arrangements for inspection. Thank you for your attention to this matter.

Sincerely,

*Bryan Frank/car*

Bryan Frank  
Investigator  
Special Investigations Unit

BF:car

cc: John Horner  
Casualty Claim Manager

- 4/15/03

**EXPERT'S REPORT**  
on the  
**ALICE GRIEPENSTROH CLAIM** [REDACTED]

**Prepared for:**  
**Bryan Frank**  
**American Family Insurance Co.**

**By:**  
**John J. Nogan II**

**8 AUGUST 2003**

## ALICE GRIEPENSTROH CLAIM ( [REDACTED] )

**REPORT**

**8 AUGUST 2003**

### 1. INTRODUCTION

On 15 April 2003, a 2001 Ford Explorer owned and operated by the insured, [REDACTED] caught fire in or around Rockport Indiana. The fire resulted in extensive and comprehensive damage to the vehicle.

The purpose of this investigation was to determine whether the cause of the fire or the extent of the damage could be attributed to failure of a component and/or system on the 2001 Ford Explorer.

### 2. AVAILABLE INFORMATION

Conversations with Bryan Frank

"Scheduled Maintenance Guide" from Griepenstroh vehicle

Receipts/Work Orders from Champion Ford/Quick Lane Service Department for work performed on 17 October 2002 and 23 January 2003

My photographs and vehicle inspections on 8 May and 22 May 2003

Fuel line assembly removed from Griepenstroh vehicle on 22 May 2003

Exemplar fuel line assembly special ordered and purchased from Ford dealership

### 3. DESCRIPTION OF THE INCIDENT

[REDACTED] was driving her 2001 Ford Explorer when she smelled something burning. Shortly after, the instrument panel lights went out and the steering lost its power assist. It was reported that fire came out from under the hood. [REDACTED] maneuvered her vehicle to the side of the road and exited the vehicle.

### 4. INSPECTION OF 2001 FORD EXPLORER

The vehicle was stored at the Indiana Auto Storage Pool, Indianapolis Indiana. My inspection of the burned 2001 Ford Explorer took place on two occasions. The first inspection on 8 May 2003 consisted of photographing and visual inspection. It had been determined by American Family Insurance that the fire started in the engine compartment of the vehicle. My preliminary inspection of the entire vehicle found the damage to be consistent with a fire having started in the engine compartment. Present at the inspection were Bryan Frank, American Family Insurance and myself. The vehicle is equipped with a 4.0-liter gasoline engine having a V-8 configuration and overhead cams. Carburetion is via an electronic fuel injection system.

My detailed visual inspection of the engine and engine compartment was conducted in a manner intended to minimize disruption to the remains of the engine and underhood

components. From the damage, the origin of the fire appears to be near the front of the driver's side cylinder bank. Virtually all of the components that were located on top of the engine had burned up, melted or distorted heavily. Most of the fuel line/fuel rail assembly was intact but heavily charred.

Close inspection of the fuel injection system components revealed a disparity on the air purge valve (or Schrader valve) of the fuel rail supply line crossover. The fuel line crimp fitting on the driver side of the Schrader valve tee assembly was flush with the tubing shoulder while the passenger side's crimp fitting had a gap of approximately 1 millimeter. On the Indiana Auto Storage Pool grounds, I was able to locate several Ford Explorers with the same engine but only one 2001-model year. On the 2001 vehicle, both sides of the tee had the crimp fittings sitting flush against the shoulders. This is the expected configuration.

The Fuel Line Assembly (FLA) was the only part in the area defined as the origin of the fire that was a source of highly combustible material, i.e. gasoline.

Based on this information, the inspection was finished. No further inspection work took place. Ford Motor Company had been notified that a second, invasive inspection would occur on 22 May 2003.

At the second inspection, Bryan Frank and I were present. Based on the first inspection, the work centered on removing the fuel line assembly (FLA) and fuel injectors. Once the mounting fasteners for the fuel rail were removed, the FLA was removed from the engine compartment. Once the driver's side fuel supply hose was no longer supported, it slid off the Schrader valve tee.

The most easily removed fuel injectors (two) were taken from the engine for inspection purposes. The other four injectors were encased in debris and melted engine components.

## **5. ANALYSIS**

From my inspection, I concur with American Family Insurance that the fire's origin was in the engine compartment at or near the front of the driver's side cylinder bank.

The fuel line assembly (FLA) consists of three primary components: fuel supply line, air purge valve (Schrader valve tee), and the passenger side fuel rail supply line. The air purge valve does triple duty. Air can be purged from the fuel injection system using the Schrader valve. It bolts to the driver's side fuel rail to supply the three fuel injectors on that half of the engine. Additionally it functions as a "tee" assembly to supply fuel to the passenger side fuel rail for the three fuel injectors on the other half of the "V". The fuel lines are made of a synthetic rubber and covered with a stainless steel braided sleeve.

During the first non-invasive inspection, on 8 May 2003, a point of concern was the fuel line crimp fitting that was not flush with the shoulder on the Schrader valve tee on the passenger side of the tee. This concern was reinforced when a similar 2001 Ford Explorer on the Storage Pool property had all of its crimp fittings flush with the shoulder of the mating part. Upon removal of the FLA and the separation of the driver's side fuel line from the Schrader valve tee, the focus now turned towards that fuel line.



When the driver's side fuel supply line fell off the tee, it revealed considerable damage to the tee where the hose had been attached. The end of the tee had melted and eroded away. This shows that the region of highest temperature was concentrated here. It is most likely that the source of fuel for the fire was gasoline leaking from the fuel rail supply line at the Schrader valve tee on the driver's side.

The fuel line assembly does not have any serviceable parts. The Schrader valve tee and its fuel lines cannot be disassembled and reassembled. They are purchased as part of the assembly as was done with the exemplar. I conclude that more likely than not the crimping of the fitting was defective from the factory allowing the connection to work loose from vibration.

The Schrader valve tee is located in the engine compartment in an area that is relatively well protected from road debris. In addition, there is no evidence to suggest that the fitting may have been hit while service was being performed on other components of the engine. I conclude that failure of the crimping of the fuel line to the Schrader valve tee was not caused by vehicle servicing or road debris.

Inspection of the FLA off the vehicle also reveals that the passenger side crimp fitting slides back and forth on the tee. That remaining fuel supply line spins freely on each fitting. On the exemplar FLA, all crimp fittings are flush with the shoulder of their mating piece with zero movement. The fuel lines do not spin relative to the fittings on either end. Additionally, on the exemplar, the fuel supply lines resist twisting.

On the burned FLA, the loose crimp fitting will slide approximately .050" or 1.3 mm. It appears that all of the synthetic rubber hose in the fuel supply lines has been consumed by the fire. My inspection of the exemplar FLA shows that the manufacturer relies on the rubber fuel hose to provide the seal to prevent gasoline leakage. The rubber fuel hose also is a component of the proper amount of crimping to retain the hose on the fitting. If the fuel hose melts or burns away due to a fire or excessive heat, the fuel supply line will begin to leak and spray gasoline around the engine compartment. The resulting gasoline leak will fuel the fire resulting in a greater damage to the vehicle.

Additionally, I measured important dimensions of metallic parts on the burned and exemplar FLA's. I removed the crimp fittings using a Dremel tool to split the fitting for removal. This minimized damage to the underlying surfaces of the assemblies. Dimensions from the failed FLA essentially match those taken on the exemplar piece. Due to the fire damage and the loss of synthetic rubber hose, the burned assembly could not be evaluated in regards to the quality and strength of the crimping.

## 6. FINDINGS

Within the bounds of experience and reasonable mechanical and technical certainty, and subject to change should additional information become available, it is my professional opinion that:

1. It is most likely that the source of fuel for the fire was gasoline leaking from the fuel rail supply line at the Schrader valve tee on the driver's side.
2. Failure of the crimping of the fuel line to the Schrader valve tee was not caused by vehicle servicing or road debris
3. More likely than not the crimping of the fitting was defective from the factory allowing the connection to work loose from vibration.



John J. Nogan II  
Mechanical Expert

**A** 74007  IN 04 15 2003 01 03-000062 000  Change  In Activity  Baseline

**B Location\***  Street address  Intersection  In front of  Rear of  Adjacent to  Directions

Number/Highway Route Street or Highway **ROCKPORT** State **TX** Zip Code **75087**

City **CR 200 W RD**

Check this box to indicate that the address for this incident is provided on the National Fire Incident Report (NFIR) form, the only for NFIR data.

**C Incident Type \*** **131** Passenger vehicle fire

**D Aid Given or Received\***

1  Mutual aid received  Automatic aid received  Mutual aid given  Automatic aid given  Other aid given  None

**E1 Data & Times** Midnight is 0800

Month Day Year Hr Min Sec **04 15 2003 10:00:00**

Alarm # **04 15 2003 10:00:00**

Arrival # **04 15 2003 10:05:00**

Controlled  Last Unit  Cleared **04 15 2003 10:45:00**

**E2 Shift & Ala** Local Option **018**

**E3 Special Stud** Local Option

**F Actions Taken \***

**11** Extinguish  Primary Action Taken (1)

**12** Salvage & overhaul  Additional Action Taken (2)

**13** Operate apparatus or  Additional Action Taken (3)

**G1 Resources \***  Check this box and skip this section if an apparatus or personnel form is used.

Apparatus **0003** Personnel **0007**

Suppression **0003** **0007**

Other

**G2 Estimated Dollar Losses & Val**

PROPERTY: Required for all fires if known. Opt for non fires.

Property \$ **025,000**

Contents \$ **001,000**

PROPERTY VALUE: Optional

Property \$ **030,000**

Contents \$ **000,000**

**Completed Modules**

Fire-3  Structure-3  Civil Fire Cas.-4  Fire Serv. Cas.-5  IAR-6  Hazmat-7  Wildland Fire-9  Apparatus-9  Personnel-10  Access-11

**H1 Casualties/Injuries**

Deaths  Injuries

**H2 Detector** Required for Confined Fires.

1  Detector alerted occupants  Detector did not alert them  Unknown

**H3 Hazardous Materials Release**

1  Natural Gas: gas leak, or creation or transfer within  2  Propane gas: or is tank in or near the grill  3  Gasoline: vehicle fuel tank or portable container  4  Kerosene: fuel tank or portable container  5  Diesel fuel/Spill oil: vehicle fuel tank or portable container  6  Household chemicals: ammonia, bleach, cleaning  7  Motor oil: gas system or portable container  8  Paint: from paint can, bucket, or spill  9  Other: specify what material released or spill > Dept.  0  None

**I Mixed Use Drop**

10  Assembly use  20  Education use  33  Medical use  40  Residential use  51  Row of stores  53  Enclosed mall  58  Bus, 5 facilities  59  Office use  60  Industrial use  63  Military use  65  State use  66  Other mixed use

**J Property Use: Structures**

131  Church, place of worship  161  Restaurant or cafeteria  182  Bar/taqueria or nightclub  213  Elementary school or kindergarten  219  High school or junior high  241  College, adult education  311  Care facility for the aged  331  Hospital

**Outside**

124  Playground or park  655  Crops or orchard  669  Forest (timberland)  607  Outdoor storage area  919  Dump or sanitary landfill  931  Open land or field

341  Clinic, clinic type infirmary  342  Doctor/dentist office  361  Prison or jail, not juvenile  419  1- or 2-family dwelling  429  Multi-family dwelling  439  Boarding/boarding house  449  Commercial hotel or motel  459  Residential, board and care  464  Dormitory/sleeping  519  Wood and heritage sales

539  Household goods, sales, repairs  579  Motor vehicle/boat sales/rep  571  Gas or service station  599  Business office  615  Electric generating plant  629  Laboratory/science lab  700  Manufacturing plant  819  Livestock/poultry storage/sh  882  Non-residential parking gar  891  Warehouse

936  Vacant lot  938  Graded/care for plot of land  946  Lake, river, stream  951  Railroad right of way  960  Other street  961  Highway/divided highway  962  Residential street/driveway

981  Construction site  984  Industrial plant yard

Looking and enter a Property Use code only if you have not checked a Property Use box:

Property Use **None**

PLR JUN 13 2003

541-374595

**K1 Person/Entity Involved**

Local Office

Business name (if applicable)

Area Code

Phone Number

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

Mr., Mrs., Miss, First Name

MI

Last Name

Suffix

Number Prefix Street or Highway

ST

Street Type

Suffix

Post Office Box

Apartment/Room

GRANDVIEW

City

IN

State Zip Code

More people involved? Check this box and attach Supplemental Forms (SF200-10) as necessary

**K2 Owner**

Same as person involved? Then check this box and skip the rest of this section.

Local Office

Business name (if applicable)

Area Code

Phone Number

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

Mr., Mrs., Miss, First Name

MI

Last Name

Suffix

Number Prefix Street or Highway

ST

Street Type

Suffix

Post Office Box

Apartment/Room

City

IN

State Zip Code

**L Remarks**

Local Office

Arrived on scene and vehicle was fully involved. Driver said that she had lost power and then smoke started coming out of engine compartment

**I. Authorization**

\_\_\_\_\_  
Officer in Charge ID

No Staff ID

Signature

\_\_\_\_\_  
Position or rank

\_\_\_\_\_  
Assignment

\_\_\_\_\_  
Month

\_\_\_\_\_  
Day

\_\_\_\_\_  
Year

Check box if same as Officer in Charge.

\_\_\_\_\_  
Number making report ID

No Staff ID

Signature

\_\_\_\_\_  
Position or rank

\_\_\_\_\_  
Assignment

\_\_\_\_\_  
Month

\_\_\_\_\_  
Day

\_\_\_\_\_  
Year

**B Property Details**

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

**B2**  **Buildings not involved**  
 Number of buildings involved

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

**C On-Site Materials or Products**

Enter up to three codes. Check one or more boxes for each code entered.

**1**  Bulk storage of warehouse

**2**  Processing or manufacturing

**3**  Packaged goods for sale

**4**  Repair or service

**1**  Bulk storage of warehouse

**2**  Processing or manufacturing

**3**  Packaged goods for sale

**4**  Repair or service

**1**  Bulk storage of warehouse

**2**  Processing or manufacturing

**3**  Packaged goods for sale

**4**  Repair or service

**D Ignition**

**D1** **03** **Engine area, running**  
 Area of size origin #

**D2** **10** **Heat from powered**  
 Heat source #

**D3** **01** **Electrical wire, cable**  
 Item class ignited #  One or more ignited  One ignited to extent of origin

**D4** **00** **Undetermined**  
 Type of material ignited only if item first ignited ignited code is 00 or 07

**E1 Cause of Ignition**

Check box if this is an engine report. Skip to section 8

**1**  Intentional

**2**  Unintentional

**3**  Failure of equipment or heat source

**4**  Not of concern

**5**  Cause under investigation

**6**  Cause undetermined after investigation

**E2 Factors Contributing To Ignition**

Factor Contributing To Ignition (1)

Factor Contributing To Ignition (2)

**E3 Human Factors Contributing To Ignition**

Check all applicable boxes

**1**  Sleep

**2**  Possibly impaired by alcohol or drugs

**3**  Distended person

**4**  Possibly mental distress

**5**  Physically disabled

**6**  Multiple persons involved

**7**  Age was a factor

Estimated age of person involved

**1**  Male **2**  Female

**F1 Equipment Involved In Ignition**

**None** If equipment was not involved, skip to Section 8

**0000** **Scale**  
 Equipment involved

**Brand**

**Model**

**Serial #**

**Year**

**F2 Equipment Power**

Equipment power source

**F3 Equipment Portability**

**1**  Portable

**2**  Stationary

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

**G Fire Suppression Factors**

Enter up to three codes.  **None**

Fire suppression factor (1)

Fire suppression factor (2)

Fire suppression factor (3)

**H1 Mobile Property Involved**

**None**

**1**  Not involved in ignition, but damaged

**2**  Involved in ignition, but did not burn

**3**  Involved in ignition and burned

**H2 Mobile Property Type & Make**

**01** **Passenger car**  
 Mobile property type

**00** **Ford**  
 Mobile property make

**Local Use**

**Non-Fire Plan Available**  
 Name of the jurisdiction providing this report may be found upon request other agencies

**Arson report attached**

**Police report attached**

**Coroner report attached**

**Other reports attached**

**Explorer**  
 Mobile property model

**740215**  
 License plate number

**IN** **08**  
 State VIN Number

**2001**  
 Year

Apparatus or Resource	Date and Time					Sent	Number of People	Use	Actions Taken
	Dispatch	Arrival	Clear	Month	Day				
1 ID 99901 Type 14	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4	18	2003	10:00	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	
				4	18	2003	10:05		
				4	18	2003	10:45		
2 ID 99902 Type 11	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4	18	2003	10:00	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	
				4	18	2003	10:05		
				4	18	2003	10:45		
3 ID 990 6 Type 01	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4	18	2003	10:00	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	
				4	18	2003	10:05		
				4	18	2003	10:45		
4 ID Type	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	
5 ID Type	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	
6 ID Type	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	
7 ID Type	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	
8 ID Type	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	
9 ID Type	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	

Type of Apparatus or Resources

- Ground Fire Suppression**
- 11 Engine
  - 12 Truck or aerial
  - 13 Quilt
  - 14 Tanker & pump combination
  - 16 Brush truck
  - 17 AFW (Aircraft Rescue and Firefighting)
  - 18 Ground fire suppression, other
- Heavy Ground Equipment**
- 21 Dozer or plow
  - 22 Grader
  - 24 Trencher or loader
  - 28 Heavy equipment, other
- Aircraft**
- 41 Aircraft, fixed wing tanker
  - 42 Helicopter
  - 43 Helicopter
  - 40 Aircraft, other

- Marine Equipment**
- 51 Fire boat with pump
  - 52 Boat, no pump
  - 50 Marine apparatus, other
- Support Equipment**
- 61 Breathing apparatus support
  - 62 Light and air unit
  - 60 Support apparatus, other
- Medical & Rescue**
- 71 Rescue unit
  - 72 Urban Search & rescue unit
  - 73 High angle rescue unit
  - 75 EMS unit
  - 74 ALS unit
  - 70 Medical and rescue unit, other

More Apparatus/  
Use additional  
sheets

- Other**
- 81 Mobile command post
  - 82 Chief officer car
  - 83 Kambit unit
  - 84 Type 1 hand crew
  - 85 Type 2 hand crew
  - 89 Privately owned vehicle
  - 80 Other apparatus/resources
  - 88 None
  - 80 Undetermined

B Apparatus or Resource <small>The codes listed below</small>	Date and Times <small>Check if used at this date</small>				Sent <input checked="" type="checkbox"/>	Number of People	Use <small>Check one box for each apparatus to indicate its only use at the incident.</small>	Actions Taken <small>List up to 4 actions for each apparatus and each personnel.</small>
	Dispatch	Arrival	Clear	Hours/minutes				
1 ID <u>90201</u> Type <u>14</u>	<input checked="" type="checkbox"/> 4   15   2003   10:00 <input type="checkbox"/> 4   15   2003   10:05 <input type="checkbox"/> 4   15   2003   10:45	<input checked="" type="checkbox"/>	0	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			

Personnel ID	Name	Rank or Grade	Attend <input checked="" type="checkbox"/>	Action Taken	Action Taken	Action Taken	Action Taken
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				

2 ID <u>90202</u> Type <u>11</u>	<input checked="" type="checkbox"/> 4   15   2003   10:00 <input type="checkbox"/> 4   15   2003   10:05 <input type="checkbox"/> 4   15   2003   10:45	<input checked="" type="checkbox"/>	0	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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Personnel ID	Name	Rank or Grade	Attend <input checked="" type="checkbox"/>	Action Taken	Action Taken	Action Taken	Action Taken
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				

3 ID <u>9006</u> Type <u>81</u>	<input checked="" type="checkbox"/> 4   15   2003   10:00 <input type="checkbox"/> 4   15   2003   10:05 <input type="checkbox"/> 4   15   2003   10:45	<input checked="" type="checkbox"/>	0	<input checked="" type="checkbox"/> Suppression <input type="checkbox"/> EMS <input type="checkbox"/> Other	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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Personnel ID	Name	Rank or Grade	Attend <input checked="" type="checkbox"/>	Action Taken	Action Taken	Action Taken	Action Taken
			<input type="checkbox"/>				
			<input type="checkbox"/>				
			<input type="checkbox"/>				

STATE OF INDIANA ) IN THE MARION CIRCUIT/SUPERIOR COURT

)SS:

COUNTY OF MARION ) CAUSE NO:

03030503CT009782

[REDACTED]

Plaintiff

vs.

FORD MOTOR COMPANY

Defendant.

COMPLAINT FOR DAMAGES

Plaintiff [REDACTED] for its complaint for damages against defendant Ford Motor Company, states as follows:

1. [REDACTED] is an insurance company authorized to conduct business in the state of Indiana.

2. The defendant Ford Motor Company is a Delaware corporation and is authorized to do business in the state of Indiana.

3. The court has jurisdiction over this matter and Marion County is a location of preferred venue under Rule 75, Indiana Rules of Trial Procedure.

4. On or about April 15, 2003, a motor vehicle fire occurred in Rockport, Indiana, involving a 2001 Ford Explorer owned by [REDACTED] and manufactured by the defendant. The fire occurred because of the negligence of the defendant, in the manufacture of the subject motor vehicle, which was sold to [REDACTED] in a defective and dangerous condition.



5. As a proximate result of the fire, [REDACTED] suffered damages, including property damage to the vehicle.

6. The damage to the 2001 Ford Explorer falls within the express warranty given by the defendant to [REDACTED] at the time she purchased the vehicle, or falls within other express or implied warranties applicable to the sale of the vehicle.

7. The defendant has failed to reimburse [REDACTED] and/or American Family for the damage to the vehicle, and such failure constitutes a breach of applicable warranties.

8. At the time of the accident, [REDACTED] had in force a policy of automobile insurance issued by American Family.

9. Pursuant to the provisions of such policy, American Family reimbursed [REDACTED] for the damages resulting from the subject fire.

10. By reason of such payments by American Family, and the provisions of such insurance policy, American Family is subrogated to the rights of [REDACTED] against the defendant.

11. American Family is entitled to recover from the defendant the damages suffered by [REDACTED] and reimbursed by American Family.

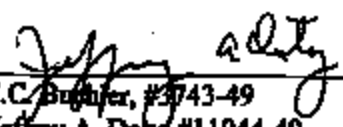
WHEREFORE, Plaintiff American Family Insurance Company prays that the court enter judgment in its favor and against the defendant in an amount according to proof, for costs of this action, and for all other just and proper relief.

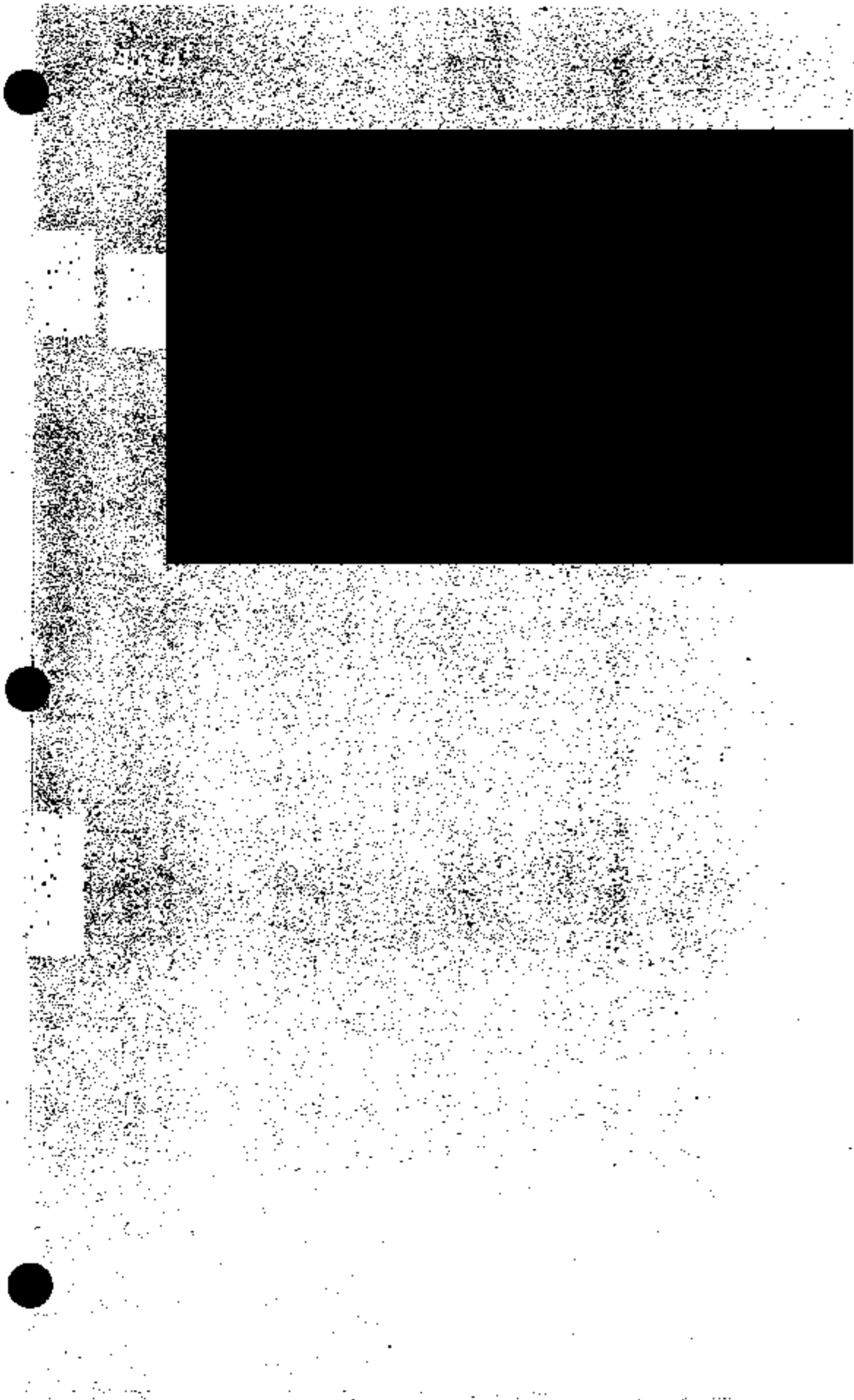
**JURY REQUEST**

The plaintiff requests trial by jury pursuant to Rule 38, Indiana Rules of Trial Procedure.

**BUEHLER ASSOCIATES**

By

  
\_\_\_\_\_  
J.C. Buehler, #3743-49  
Jeffrey A. Doby, #11944-49  
Attorneys for Plaintiff.



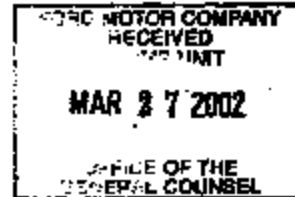
UNDERWRITING  
TEL: (212) 514-7000  
FAX: (212) 514-7202



CLAIMS DEPT.  
TEL: (212) 344-8700  
FAX: (212) 514-7201

March 20, 2002

FORD MOTOR COMPANY  
P.O. BOX 6248  
DEARBORN, MICHIGAN 48126



2002 MAR 26 10 11:33

Re: [REDACTED]  
Vehicle: 00 FORD EXPLORER  
Vin No: 1FM2U71R1 [REDACTED]  
Owner: [REDACTED]  
Operator: [REDACTED]  
Date of Loss: November 18, 2001  
Our Claim Number: [REDACTED]

To Whom It May Concern:

Please be advised, that I represents Country-Wide Insurance Company and [REDACTED]. The above vehicle was involved in a fire loss which resulted from ~~alleged manufacture defect~~. The incident occurred on November 18, 2001, in Brooklyn, New York.

In order to determine the cause of the manufactures defect, including a determination as to whether any defect in the vehicle was in existence at the time of the fire, an inspection and testing of the vehicle will be conducted by North Eastern Technical Services, Inc. an authorized representative of the above. This inspection will take place at INSURANCE AUTO AUCTIONS  
700 FEDERAL BOULEVARD  
CARTERET, NEW JERSEY 07008

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

To coordinate the inspection date and time, please contact North Eastern Technical Services, Inc. at (508)675-0999. Should you have any questions pertaining to this matter, or wish to discuss the same in further detail, you may contact the undersigned at (212)344-8700, extension 5034 or 5064. Failure to respond to this notification within ten (10) business days from the date of this letter will be construed as forfeiture of your right to be present at this examination.

-cc Expl  
-VIN  
-11/18/01  
-Brook-Lyn, NY

UNDERWRITING  
TEL: (212) 514-7000  
FAX: (212) 514-7292



CLAIMS DEPT.  
TEL: (212) 514-6700  
FAX: (212) 514-7291

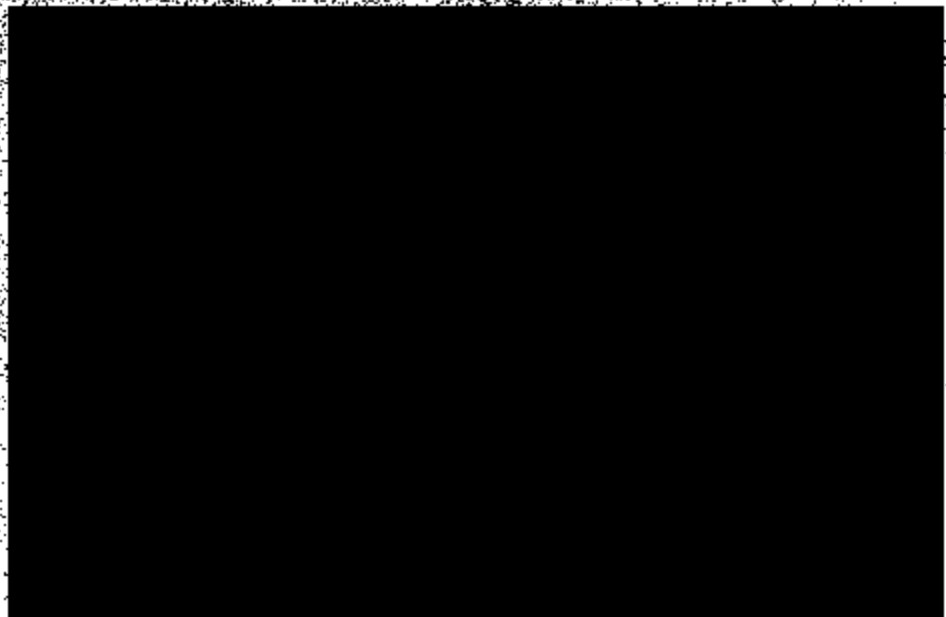
I would like to caution, that should your expert fail to appear at the inspection, you will forfeit any right to subsequently claim prejudice/spoliation under Nally vs. Volkswagen of America, Inc., 405 Mass 191 (1989)

Sincerely,

MARLENE TORRES  
Claims Representative

MT/rt

CC: NORTH EASTERN TECHNICAL SERVICES, INC.  
P.O. BOX 5150  
FALL RIVER, MA. 02723





- Government Employees Insurance Company
- GEICO General Insurance Company
- GEICO Indemnity Company
- GEICO Casualty Company

Regional Office:  
750 Woodbury Rd ■ Woodbury NY, 11797-2589

05/24/2002

FORD MOTOR CORPORATION  
OFFICE OF THE GENERAL COUNSEL  
PARKLANE TOWERS WEST #400  
30 PARKLANE BLVD  
DEARBORN MI 48126



*-02 GPR  
-5/14/02  
-CT*

RE: 2002 FORD EXPLORER  
VIN: 1FMZU73E02 [REDACTED]  
CLAIM #: [REDACTED]  
LOSS DATE: 05/14/02  
INSURED: [REDACTED]

To Whom it May Concern

I represent GEICO Indemnity Company's Total Loss Unit. The above vehicle was involved in a fire of alleged unknown origin. The loss occurred in Connecticut on May 14, 2002.

In order to determine the cause of the fire, including a determination as to whether any defect in the vehicle was in existence at the time of the loss, a representative of North Eastern Technical Services, Inc will conduct an inspection and testing of the vehicle. The inspection will take place at COPART/NER INC 138 Christian Lane New Britain CT 06051.

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

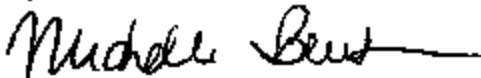
To coordinate the inspection date and time, please contact North Eastern Technical Services Inc. at (508) 675-0999 and refer to their reference number of 3858172.

If you have any questions pertaining to this matter, you may contact the undersigned at 1-800-645-7550, Extension 5647.

Failure to respond to this notification within 10 business days from the date of this letter will be construed as forfeiture of your right to be present at this examination.

I would like to caution that should your expert fail to appear at the inspection, you will forfeit any right to subsequently claim prejudice/spoliation under *Nally vs. Volkswagen of America, Inc.*, 405 Mass 191 (1989).

Sincerely,



Michelle Brutschin, Claims Examiner  
(516) 496-5847  
Examiner Code: D782

CC.

North Eastern Technical Services, Inc.  
P.O Box 5150  
Fall River, MA 02723