SPCHRFMA Issue List 03/14/01 12:27:10
=> _

FCSD REGION: __ MARKET: __ ISSUE STATUS: __
P&A CODE:
VIN: 1FMPU18L8W[redacted] CASE NUMBER: _____
SALES REGION: __ SALES ZONE: _ ISSUE TYPE: __

A C	LAST P&A	HND/ LAO	Customer Phone Number/ Trmt Customer Name	Reason/ Year Model	Stat/ Type
	07/29/99	02716	[redacted](H) [redacted]	LEGAL - FIRE CLAIM 1998 EXPEDITION	C 07

F1=Help F2=AddAction F5=CustomerList F6=DealerInfo
F7=Prev F8=Next F10=IssueDetail F11=Menu F12=Return
NO MORE RECORDS AVAILABLE
OGDB079

Issue Detail 03/14/01 12:27:18

=>

VIN: 1FMPU18L8WL[redacted] Year: 1998 Model: EXPEDITION
Owner Status: ORIGINAL WSD: 08/12/98 Mileage: 13400
Name: [redacted] Hm Ph: [redacted]
Trmt: Case: 595161549 Day Ph:
Symptom: FIRE/SMOKE SCORCHED/BURNT
Reason: LEGAL - FIRE CLAIM
Dealer: MEL FARR FORD, INC.
Issue Type: 07 LEGAL CAN Court: Legal Issue Type:
Issue Status: C CLOSED CAN Award: MORSII Contact: N

A/C	DATE	Origin	Description
	06/03/99	CALGL	OPEN LEGAL CONTACT - PRODUCT LIABILITY
	06/07/99	CALGL	MAKE OUTBOUND CALL TO CUSTOMER
	06/09/99	CALGL	MAKE OUTBOUND CALL TO DEALER
	06/09/99	CALGL	MAKE OUTBOUND CALL TO CUSTOMER
	06/17/99	CALGL	DENY ASSISTANCE - REFER TO INSURANCE CARRIER
	07/29/99	CALGL	ADD MICRO NUMBER/DOC ID

F1=Help F2=AddAction F4=ActionDetail F6=DealerInfo
F7=Prev F8=Next F9=ViewMORSII F11=Menu F12=Return
NO MORE RECORDS AVAILABLE OGDB079

EB08-000-LC-3714

SFCHADMA Action Detail 03/14/01 12:27:24

==>

VIN: 1FMPU18L8WL[redacted] Year: 1998 Model: EXPEDITION
Owner Status: ORIGINAL WSD: 08/12/98
Name: [redacted] Hm Ph:
Trmt: Case: 595161549 Day Ph: [redacted]
Symptom Desc: FIRE/SMOKE SCORCHED/BURNT
Reason Desc: LEGAL - FIRE CLAIM
Dealer: MEL FARR FORD, INC.
Issue Type: 07 LEGAL Issue Status: C CLOSED
Comm Type: FX FAX Odometer Reading: 13400 MI
Analyst: 4636L8 LUVENIA SMITH Document Number:
Action Date: 06/03/99 Action Data: N Action Time: 16:31:56 EST
Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION
Action Desc: OPEN LEGAL CONTACT - PRODUCT LIABILITY
Comments: ********** DEALER REQUEST LETTER **********
REC'D 06/02/99

DEALERSHIP CONTACT: GEORGE WHITFIELD @ (248)967-3700 X753
ALLEGES DEFECTIVE VEHICLE. VEHICLE CAUGHT ON FIRE - NO
REASON STATED.

F1=Help F2=AddAction F4=PrevAction F5=NextAction F6=ActionData
F9=PrevComments F10=NextComments F11=Menu F12=Return F13=ESP
MORE COMMENTS AVAILABLE OGDB079

DMS-OGS-LC-3719

SrchAuma Action Detail 03/14/01 12:27:28

==>

VIN: 1FMPU18L8W[redacted] Year: 1998 Model: EXPEDITION
Owner Status: ORIGINAL WSD: 08/12/98
Name: [redacted] Hm Ph: [redacted]
Trmt: Case: 595161549 Day Ph:
Symptom Desc: FIRE/SMOKE SCORCHED/BURNT
Reason Desc: LEGAL - FIRE CLAIM
Dealer: MEL FARR FORD, INC.
Issue Type: 07 LEGAL Issue Status: C CLOSED
Comm Type: FX FAX Odometer Reading: 13400 MI
Analyst: 4636LS LUVENIA SMITH Document Number:
Action Date: 06/03/99 Action Data: N Action Time: 16:31:56 EST
Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION
Action Desc: OPEN LEGAL CONTACT - PRODUCT LIABILITY
Comments: REASON STATED.
****CUSTOMER REQUESTS FORD INVESTIGATE CAUSE OF FIRE AND PAY
FOR ANY EXPENSE SUCH AS PERSONAL AFFECTS.****

F1=Help F2=AddAction F4=PrevAction F5=NextAction F6=ActionData
F9=PrevComments F10=NextComments F11=Menu F12=Return F13=ESP
NO MORE COMMENTS AVAILABLE OGDB079

SFCHADMA Action Detail 03/14/01 12:27:32

==>

VIN: 1FMPU18L8W[redacted] Year: 1998 Model: EXPEDITION
Owner Status: ORIGINAL WSD: 08/12/98
Name: [redacted] Hm Ph: [redacted]
Trmt: Case: 595161549 Day Ph:
Symptom Desc: FIRE/SMOKE SCORCHED/BURNT
Reason Desc: LEGAL - FIRE CLAIM
Dealer: MEL FARR FORD, INC.
Issue Type: 07 LEGAL Issue Status: C CLOSED
Comm Type: FX FAX Odometer Reading: 13400 MI
Analyst: 4828AC ANDREW CHABOT Document Number:
Action Date: 06/07/99 Action Data: Y Action Time: 16:47:21 EST
Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION
Action Desc: MAKE OUTBOUND CALL TO CUSTOMER
Comments: LPA LEFT MESSAGE FOR SERVICE MANAGER, GEORGE WHITFIELD ON 6/7/99.

F1=Help F2=AddAction F4=PrevAction F5=NextAction F6=ActionData
F9=PrevComments F10=NextComments F11=Menu F12=Return F13=ESP
NO MORE COMMENTS AVAILABLE OGDB079

SFCHAUMA Action Detail 03/14/01 12:27:35

==>

VIN: 1FMPU18L8WL[redacted] Year: 1998 Model: EXPEDITION

Owner Status: ORIGINAL WSD: 08/12/98

Name: [redacted] Hm Ph:

Trmt: Case: 595161549 Day Ph: [redacted]

Symptom Desc: FIRE/SMOKE SCORCHED/BURNT

Reason Desc: LEGAL - FIRE CLAIM

Dealer: MEL FARR FORD, INC.

Issue Type: 07 LEGAL Issue Status: C CLOSED

Comm Type: FX FAX Odometer Reading: 13400 MI

Analyst: 4828AC ANDREW CHABOT Document Number:

Action Date: 06/09/99 Action Data: Y Action Time: 13:59:43 EST

Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION

Action Desc: MAKE OUTBOUND CALL TO DEALER

Comments: LPA UNABLE TO CONTACT SERVICE MANAGER ON 6/8/99. LPA LEFT MESSAGE FOR SERVICE MANAGER, GEORGE WHITFIELD TO CONTACT ME AT (313) 845-5480.

F1=Help F2=AddAction F4=PrevAction F5=NextAction F6=ActionData

F9=PrevComments F10=NextComments F11=Menu F12=Return F13=ESP

NO MORE COMMENTS AVAILABLE OGDB079

EMS-005-LC-3718

SFCHADMA Action Detail 03/14/01 12:27:38

==>

VIN: 1FMPU18L8W[redacted] Year: 1998 Model: EXPEDITION
Owner Status: ORIGINAL WSD: 08/12/98
Name: [redacted] Hm Ph: [redacted]
Trmt: Case: 595161549 Day Ph:
Symptom Desc: FIRE/SMOKE SCORCHED/BURNT
Reason Desc: LEGAL - FIRE CLAIM
Dealer: MEL FARR FORD, INC.
Issue Type: 07 LEGAL Issue Status: C CLOSED
Comm Type: FX FAX Odometer Reading: 13400 MI
Analyst: 4828AC ANDREW CHABOT Document Number:
Action Date: 06/09/99 Action Data: Y Action Time: 14:05:16 EST
Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION
Action Desc: MAKE OUTBOUND CALL TO CUSTOMER
Comments: LPA UNABLE TO CONTACT CUSTOMER ON 6/9/99. LPA LEFT MESSAGE ON MACHINE FOR CUSTOMER TO CALL ME DIRECTLY AT (313) 845-5480.

F1=Help F2=AddAction F4=PrevAction F5=NextAction F6=ActionData
F9=PrevComments F10=NextComments F11=Menu F12=Return F13=ESP
NO MORE COMMENTS AVAILABLE OGDB079

SPCHADMA Action Detail 03/14/01 12:27:41

==>

VIN: 1FMPU18L8WL[redacted] Year: 1998 Model: EXPEDITION
Owner Status: ORIGINAL WSD: 08/12/98
Name: [redacted] Hm Ph: [redacted]
Trmt: Case: 595161549 Day Ph:
Symptom Desc: FIRE/SMOKE SCORCHED/BURNT
Reason Desc: LEGAL - FIRE CLAIM
Dealer: MEL FARR FORD, INC.
Issue Type: 07 LEGAL Issue Status: C CLOSED
Comm Type: FX FAX Odometer Reading: 13400 MI
Analyst: 4828AC ANDREW CHABOT Document Number:
Action Date: 06/17/99 Action Data: N Action Time: 12:20:17 EST
Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION
Action Desc: DENY ASSISTANCE - REFER TO INSURANCE CARRIER
Comments: LPA SPOKE WITH CUSTOMER ON 6/17/99. CUSTOMER ADVISED THAT HER INSURANCE CARRIER IS HANDLING HER CLAIM. THE HOUSE WAS ALSO DAMAGED BY THE FIRE. LPA ADVISED THAT HER INSURANCE CARRIERS MAY SUBROGATE FMC IF THEY FEEL THAT A DEFECT CAUSED THE FIRE. NO FURTHER ACTION IS NEEDED.

F1=Help F2=AddAction F4=PrevAction F5=NextAction F6=ActionData
F9=PrevComments F10=NextComments F11=Menu F12=Return F13=ESP
NO MORE COMMENTS AVAILABLE OGDB079

9905-08-LC-3726

SFCHAIMM Action Detail 03/14/01 12:27:44

==>

VIN: 1FMPU18L8WL[redacted] Year: 1998 Model: EXPEDITION
Owner Status: ORIGINAL WSD: 08/12/98
Name: [redacted] Hm Ph: [redacted]
Trmt: Case: 595161549 Day Ph:
Symptom Desc: FIRE/SMOKE SCORCHED/BURNT
Reason Desc: LEGAL - FIRE CLAIM
Dealer: MEL FARR FORD, INC.
Issue Type: 07 LEGAL Issue Status: C CLOSED
Comm Type: FX FAX Odometer Reading: 13400 MI
Analyst: DFLETCH6 DOLCINA FLETCHER Document Number: 072805
Action Date: 07/29/99 Action Data: N Action Time: 15:44:42 EST
Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION
Action Desc: ADD MICRO NUMBER/DOC ID
Comments:

F1=Help F2=AddAction F4=PrevAction F5=NextAction F6=ActionData
F9=PrevComments F10=NextComments F11=Menu F12=Return F13=ESP
RECORD FOUND OGDB079

MGB & CO.

Michigan License
PD-2970

Civil • Criminal • Insurance Investigations

(313) 531-7599

P.O. Box 40086
Redford Twsp., MI 48239

June 23, 1999

IN RE: ALLSTATE CLAIM NO. [redacted]
M.G.B. FILE NO. 99-598F
[redacted]

PREDICATION

This investigation has been prepared at the request of Ms. Carolyn White, Auto Specialist for Allstate Insurance Company, to conduct an investigation into a [redacted] with special reference to the fire of the insured's 1998 Ford Expedition.

SECRETARY OF STATE

TITLE MAILED TO SECURED INTEREST HOLDER

1998 FORD	1FMFU18LSW[redacted]	30825 FOUR DOOR	S DUP
03/23/1999	[redacted]	EXPEDITION	202A

FORD CREDIT MICHIGAN TITLING TRUST LESSOR
BARBARA TONIA SMITH LESSEE
12818 ARCHDALE STREET
DETROIT 48227-1266

NO SECURED INTERRST ON RECORD

REGISTRATION INFORMATION:

[redacted] PC-ORIGINAL
12/06/1999
MI SOS

INSPECTION

On June 7, 1999, this Investigator responded to Mel Farr Ford in Ferndale, Michigan, to conduct an investigation of a 1998 Ford, Expedition.

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

ER85-085-LC-3722

FIRE REPORT (City of Detroit)

An examination of Incident # 13116 indicates that Lt. Fox of Ladder 27 responded to a vehicle fire at [redacted] on 5-30-99 at 4:57 a.m. The fire had originated in the vehicle engine and the probable act was short circuit. The vehicle was identified as the insured's.

ORIGIN AND CAUSE

On June 7, 1999, this Investigator arrived at Mel Farr Ford in Ferndale, Michigan, to conduct a fire investigation into the loss of the claimants 1998 Ford, Expedition. Upon arriving at the location the vehicle was found in the rear body shop, identified by the license plate, as well as the vehicle identification number and the following was observed.

Initially it was observed that the vehicle had been involved in an extensive fire to the engine compartment, as well as the external painted surfaces of the roof, the right side of the vehicle and total melting of the aluminum hood.

The examination began within the interior passenger compartment. The fire is more intense on the right side, where the fire entered through the fire wall, however this fire damage is high and it is obvious that it was a result of the engine compartment fire.

The examination now focuses on the engine compartment. The area of the heaviest fire damage was the right side. The tire had almost totally been destroyed by the fire. The right side of the radiator is heavily melted.

The examination focuses on the fuel system. The fuel system had experienced heavy fire damage, with melting of all the plastics of the system. The vehicle has a V8 engine and does have a connector from the left and right bank. The fuel comes in on the right bank. These fuel lines have been destroyed by the fire. The white metal surfaces of the multi port fuel injection are also melted.

The examination now focuses on the electrical circuitry of the vehicle. The battery had mostly melted. It had fallen down and was repositioned in the right front. The front battery cables had also fallen down. The positive and negative cables from the battery extend along the fender well down to the right side of the engine. They go into two different metal holders and they are found to be in place all the way to that location. There is also a battery cable arrangement that runs from the left side of the engine compartment and the fuse and relay station, across the master cylinder, along the rear of the engine and across both sets of fuel lines. In the area of the right front bank, the battery cable is totally melted and destroyed by the fire. At this time it is unknown where that particular cable attaches. This Investigator did find an approximate 3 inch piece of battery cable laying on the right fender well that is the area of a large connector. The line from the alternator appears to have been cut. That line extends to a hook up, possibly on a relay. No part of the relay was found, other then the connector on the end of the battery cable from the alternator.

The fire damage found in the engine compartment was somewhat high and to the front of the engine. This Investigator eliminated the possibility of an intentional act. The fire did originate in the arcing and fusing of the electrical circuitry, however more investigation needs to be conducted pending the exact cause of the fire.

OTHER OBSERVATIONS

After completing the above fire investigation, this Investigator examined the vehicle further and the following was observed.

1. The vehicle appeared to be in very good condition. The tires are only worn approximately 20%.

2. There are some personal effects in the glove compartment and console. There is a baby seat in the left rear and items in the rear storage area.

3. There is no indication of an odometer reading. The odometer had melted from the fire.

4. The radio appeared to be standard. This Investigator did not observe any wiring for an amplifier or speaker arrangement in the rear of the vehicle.

TITLE INFORMATION

As noted on Page 1 of this report, the title information regarding this vehicle was obtained through the Secretary of State. This indicates that the vehicle was transferred into the claimants name on 03/23/1999 on a lease.

OWNER INTERVIEW

This Investigator conducted an interview regarding the circumstances surrounding the fire. The insured stated that they purchased the vehicle in July, 1998. The vehicle is standard. They did not add anything to the vehicle after it was purchased. The vehicle had everything on it that they needed. The vehicle had never been involved in an accident. The vehicle was parked in the backyard at approximately 8:30 p.m. This is a secure area. The next morning, 5:00 a.m., a neighbor came over and woke them stating that they were hearing crackling noises and seeing fire just prior in their vehicle. This was before the fire really became intense. [redacted] has not had any problems with the vehicle. They loss a large amount of personal effects within the vehicle. There were 2 child seats in the vehicle, along with paperwork and other personal property. The vehicle had approximately 14,000 miles. [redacted] stated that she was told there was some type of recall just prior to the fire by a friend, although she did not know what for. She stated that the adjuster came out to her house and told her that he had a 1998 Ford, Expedition and it had a fire exactly like she had.

NHTSA DATA BASE

A check of the NHTSA data base indicates 3 recalls regarding this vehicle. The first one deals with the automatic transmission, the second deals with the lug nuts and the third one deals with the air bags.

The examination of the technical service bulletins indicates 37 bulletins existing on this vehicle. There is only 1 mention of the electrical system. That is for release of a new type of electrical grease to reduce the possibility of moisture corrosion at the terminals.

CONSUMER REPORT

This Investigator received information from the Consumers Report dated Feb, 1998. This indicated that 1997 - 1998 Ford, Expedition's manufactured between 11/95 and 9/97 have insulation on the battery cable that could chafe against the body panel in the trunk and eventually wear away. Short circuit could cause loss of electrical power and create a fire hazard.

SUMMARY

During the course of this investigation, it was ascertained that an accidental fire occurred involving said vehicle. Further it was determined that the fire originated in the right side of the engine compartment. The cause of the fire was overheating of the wiring, ignition of the insulation and the spread to the combustibles, as well as flammable within the engine compartment.

The owner stated that she has not added anything to the vehicle, has not had any repairs and the vehicle has not been in an accident since they purchased it. There is approximately 14,000 miles on the vehicle. The owner also stated that they did loose a large amount of personal effects. The vehicle was in a secure place in the rear of the residence.

IN RE: ALLSTATE CLAIM NO. [redacted]
M.G.B. FILE NO. 99-598F
[redacted]

No pertinent information could be found within the NHTSA data base. There is a product recall in the February, 1998, Consumer Report that indicates the possibility of an electrical fire occurring from a short circuit in the 1998 Ford, Expedition's.

With the information available to this Investigator at this time, it appears that the possibility of subrogation should be examined. The vehicle should be placed on hold. Ford Motor Company should be placed on notice of pending subrogation and given the ability to examine the vehicle.

Michel G. Beaudet

MGB/cab

ER05-005-LC-3728

Michigan Department of State Police
FIRE MARSHAL DIVISION

MFIRS-A
'CIDENT REPORT

Fire Department | Weather | Temp | Wind Direction and Velocity | 2 ☐ Closed Record 3 ☐ Delete Record

ALL INCIDENTS

	1 F.D Ident.	2 Incident No.	3 Exp.	4 Mo.	5 Day	6 Year	7 Day of Week	8 Alarm Time	9 Time Arriv.	10 Time Clrd.	11 Sta.
A	8207	13116	00	05	30	99	1 SUN.	0457	0459	0520	L27

B: 1 Incident Location: No., Street, City [redacted] | 2 Apt./Suite [redacted] | 3 Zip Code [redacted] | 4 Census Tract 5426

C: 1 Occupant: Last First M.I. | 2 Phone | 3 Contact Person [redacted]

D: 1 Owner: Last First M.I. [redacted] | 2 Phone | 3 Address

E: 1 Type of Situation: 13 VEHICLE FIRE | 2 Type of Action Taken: 11 EXTINGUISHMENT | 3 Mutual Aid: 1 ☐ Rec. 2 ☐ Given

F: 1 Fixed Property Use: 939 DWELLING (BACKYARD) | 2 Probable Act or Omission: 54 SHORT CIRCUIT | 3 Fire Dept. Use

G: 1 Method of Alarm From Public: 7 PHONE | 2 Fire Dept. Use | 3 1st Co. In: E55 | 4 Shift: 02 | 5 Alarm: 01

H: 1 No. Fire Service Personnel Responded to Incident Location: 22 | 2 Engine Pumper Respond: 3 | 3 Mini-Pumpers Respond | 4 Aerials Ladders Respond: 1 | 5 Squads Rescue Respond: 1 | 6 Tankers Incl. Trailers | 7 Class Fire Ship | 8 Other F.D. Veh.: 1

I: NUMBER OF PERSONS INJURED | 1 Fire Service (FM-1BC) | 2 Non-Fire Service (FM-1BB) | NUMBER OF FATALITIES | 3 Fire Service (FM-1BC) | 4 Non-Fire Service (FM-1BB) | 5 Persons Rescued

ALL FIRES

J: 1 General Property Use (Complex): 99 YARD | 2 Mobile Property Class * | 3 Equipment Involved in Ignition **

K: 1 Area of Origin: 83 ENGINE | 2 Form of Heat Causing Ignition: 24 SHORT CIRCUIT | 3 Type of Material First Ignited: 43 WIRE

L: 1 Form of Material First Ignited: 61 WIRE | 2 Level of Fire Origin: 1 GRADE | 3 Method of Extinguishment: 5 FD WATER CARRIED

M: 1 Building, Vehicle or Other – Insurance Co. (If known) | 2 Amount of Insurance | 3 Est. Property Value: 40,000 | 4 Est. Property Loss: 2,000

N: 1 Contents – Insurance Co. (If known) | 2 Amount of Insurance | 3 Est. Contents Value: 1,000 | 4 Est. Contents Loss: 1,000

STRUCTURE FIRES

O: 1 No. Stories | 2 Construction Type | 3 Extent of Flame Damage | 4 Extent of Smoke Damage

P: 1 Type Auto. Extinguishing System | 2 Extinguishing System Performance

Q: 1 Detector Type | 2 Detector Power Supply | 3 Detector Performance

R: IF SMOKE SPREAD BEYOND ROOM OF ORIGIN | 1 Type of Material Generating Most Smoke | 2 Form of Material Generating Most Smoke | 3 Amount of Smoke Travel

S: IF MOBILE PROPERTY | 1 Year | 2 Make: FORD | 3 Model: EXPEDITION | 4 Vehicle Number [redacted]

T: IF EQUIPMENT INVOLVED | 1 Year | 2 Brand Name | 3 Model | 4 Serial Number

FIRE DEPT. USE

U: 1 No. of Ga. of Water Used: 198 | 2 No. and Feet of Hose: Booster No. Feet: 1 250 | 1½" No. Feet | 2½" No. Feet | 3½" No. Feet | Other No. Feet

V: 1 Kind: 96 No. Used: 3 | 2 Kind: 97 No. Used: 08 | 3 Kind: 03 No. Used: 2 | 4 Kind: 07 No. Used: 9 | 5 Kind: 70 No. Used: 3 | 6 Kind | 7 Kind

W: 1 Kind | 2 Kind | 3 Kind | 4 Kind | 5 Kind | 6 Kind | 7 Kind

Incident Location: 12818 ARCHDALE

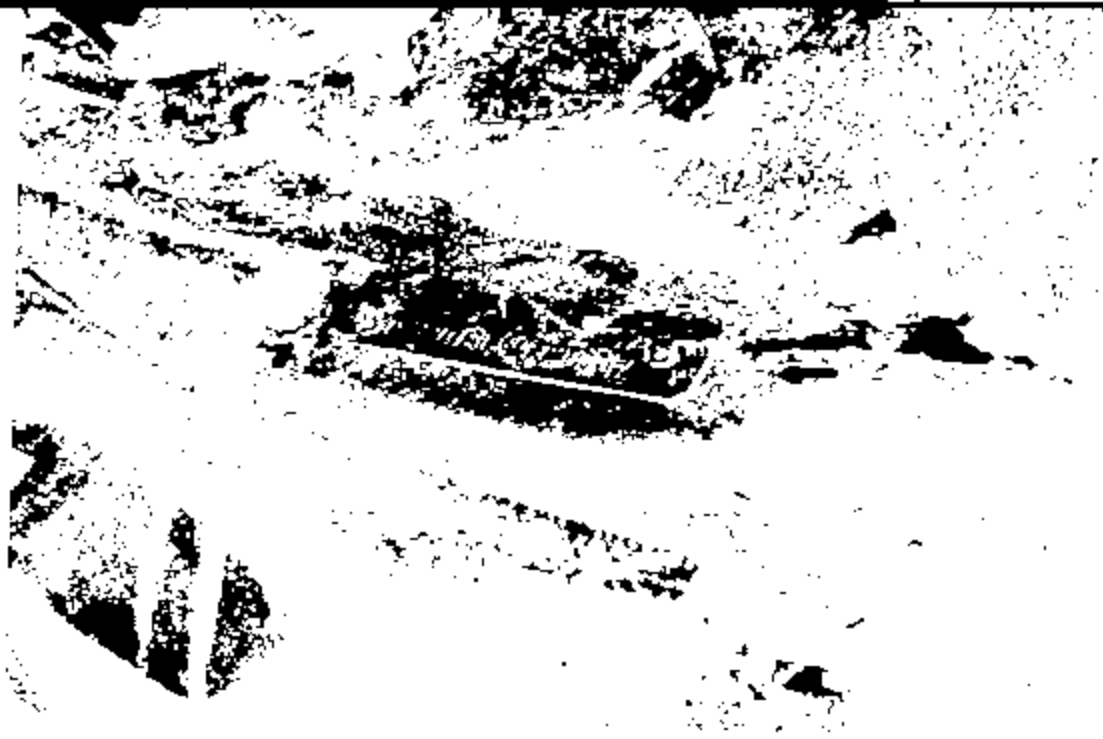
Date: Mo. 5 Day 30 Year 99 Incident No. 13116

AUTHORITY: 1941, PA 207 Section 4
COMPLIANCE: Required
PENALTY: Misdemeanor

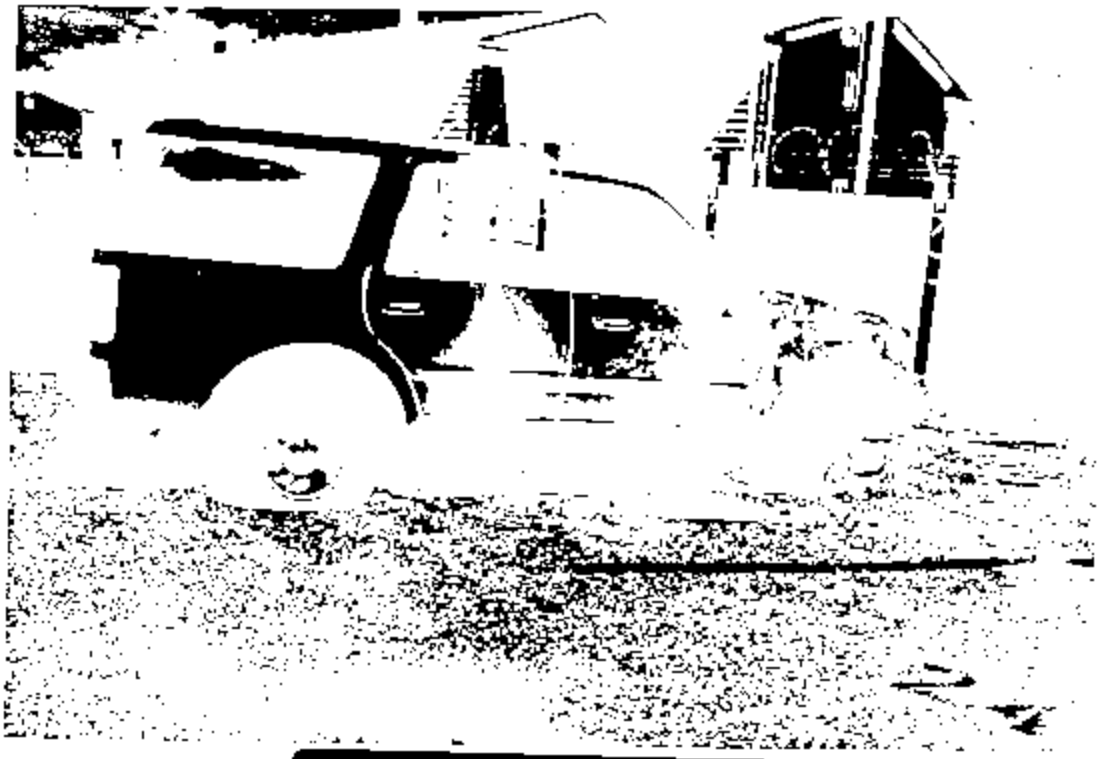
The above data is the opinion of the undersigned based on information available at the time of the report.

Douglas M. Fox LT. | Michael S. Fuchs FF

Name and Rank of Officer Completing Report | Date | Person Making Report Signature | Name and Rank



Vehicle Identification Number.



Right side of vehicle.

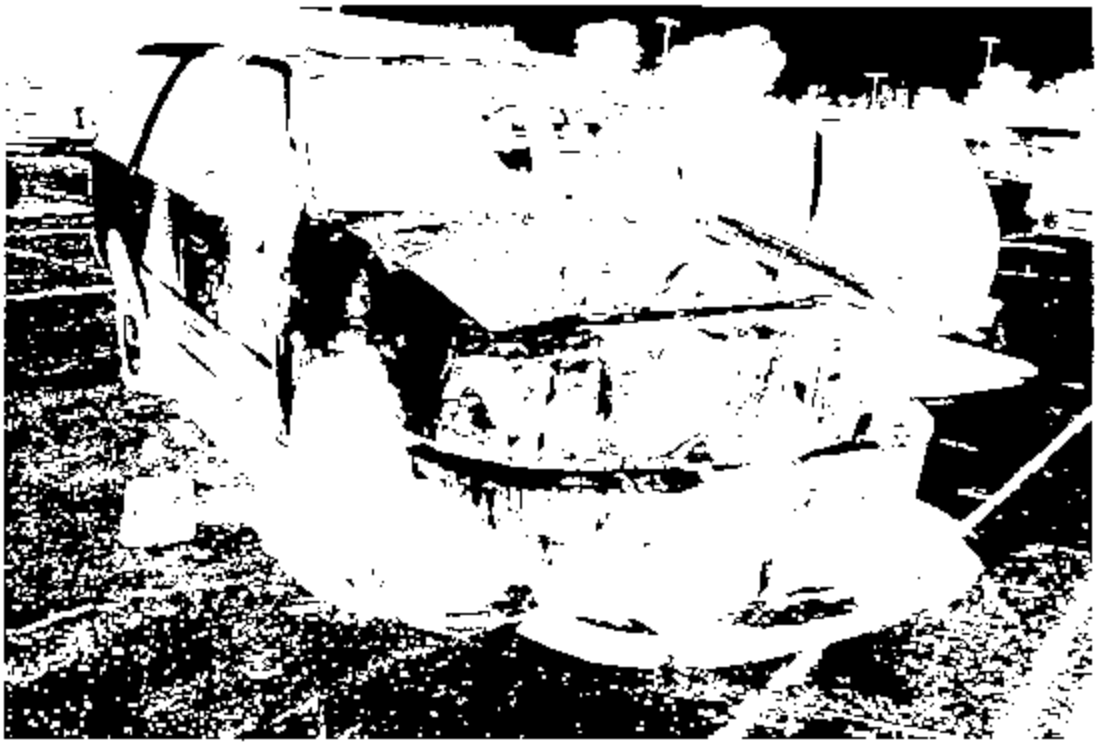
22

ER05-005-LC-3729

Left side of vehicle.

License plate.

Right front of vehicle.

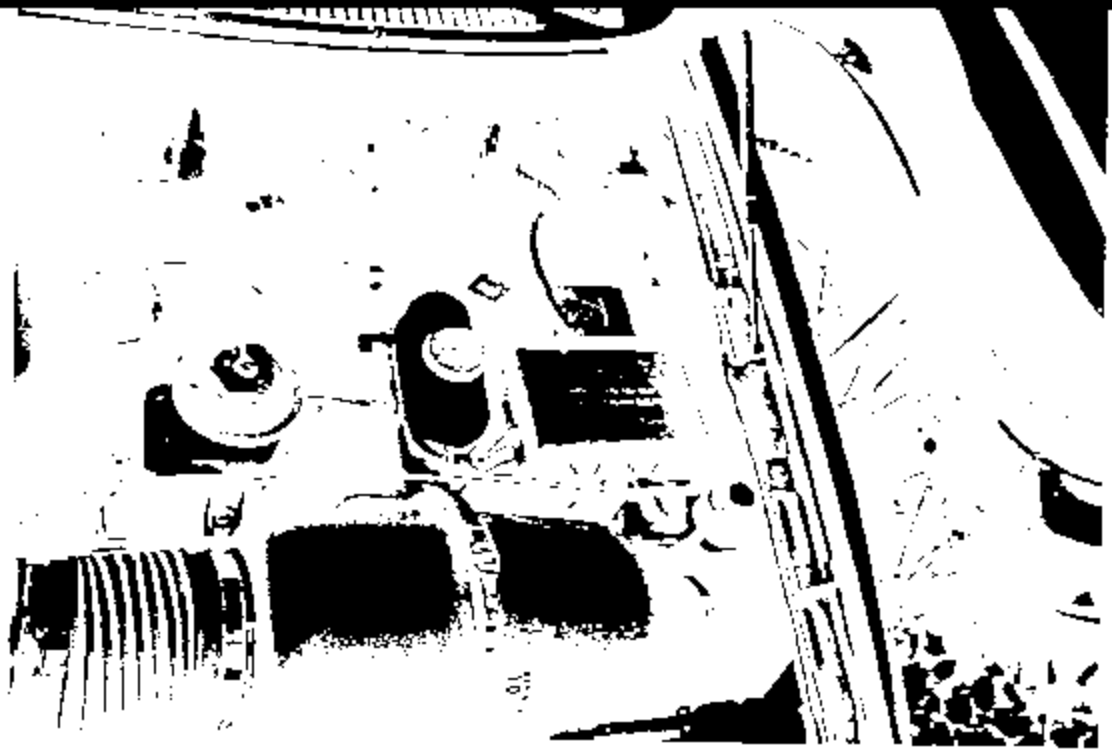


Right front of vehicle.

24

Front passenger compartment.

Personal effects.



Comparison vehicle.

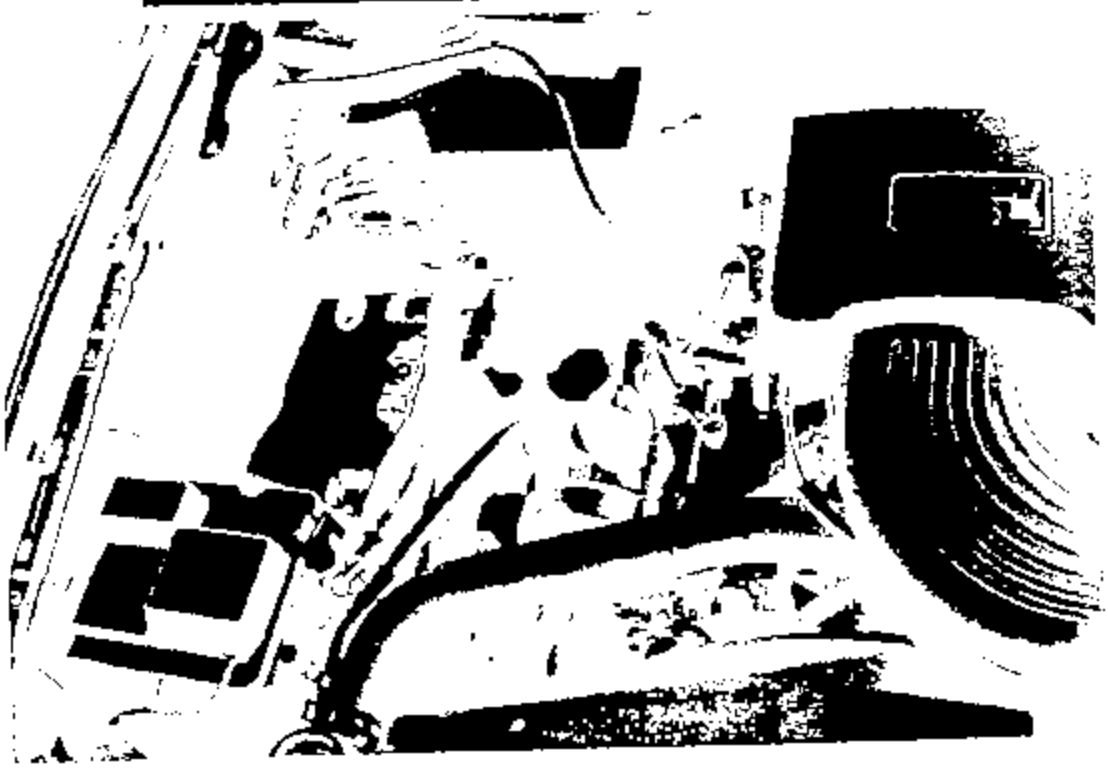
Left side of engine.

ER85-885-LC-3733

Left side of engine.

Comparison vehicle.

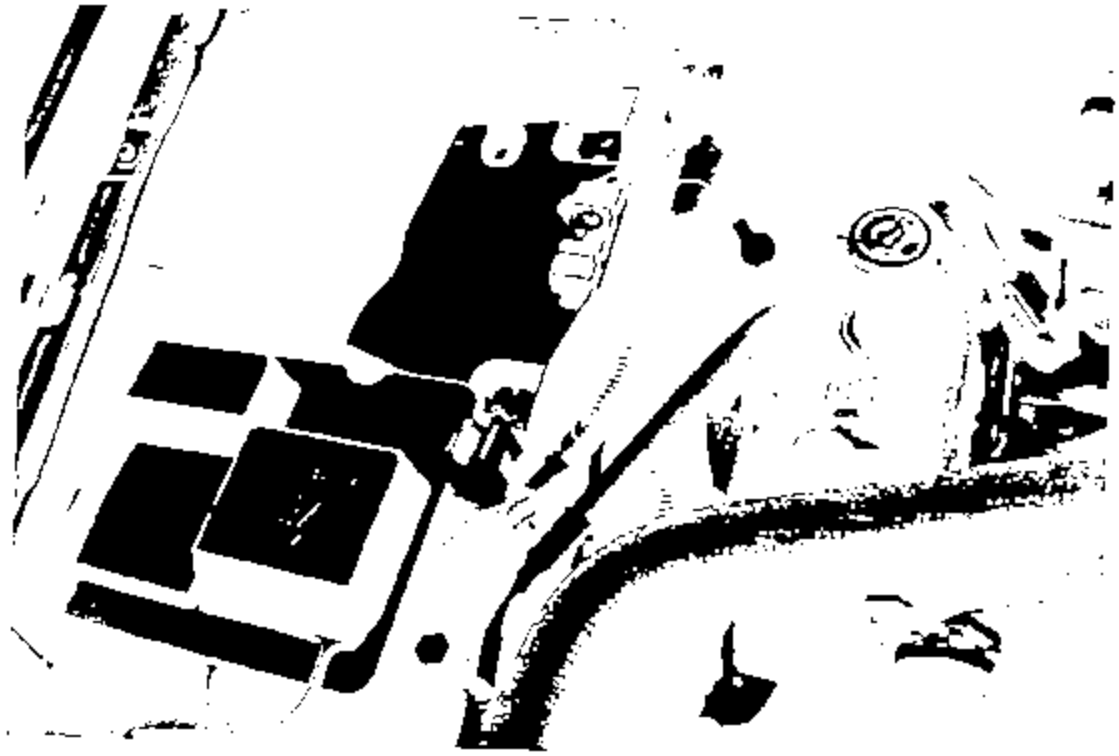
Right side of engine.



Comparison vehicle.

28

Right side of engine.

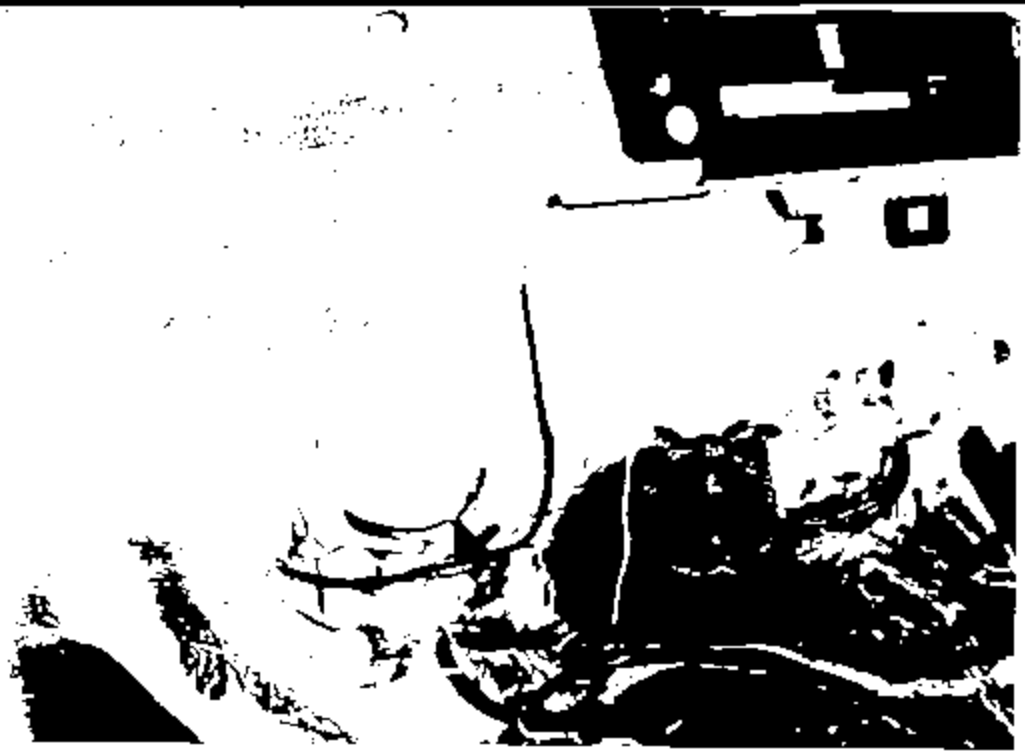


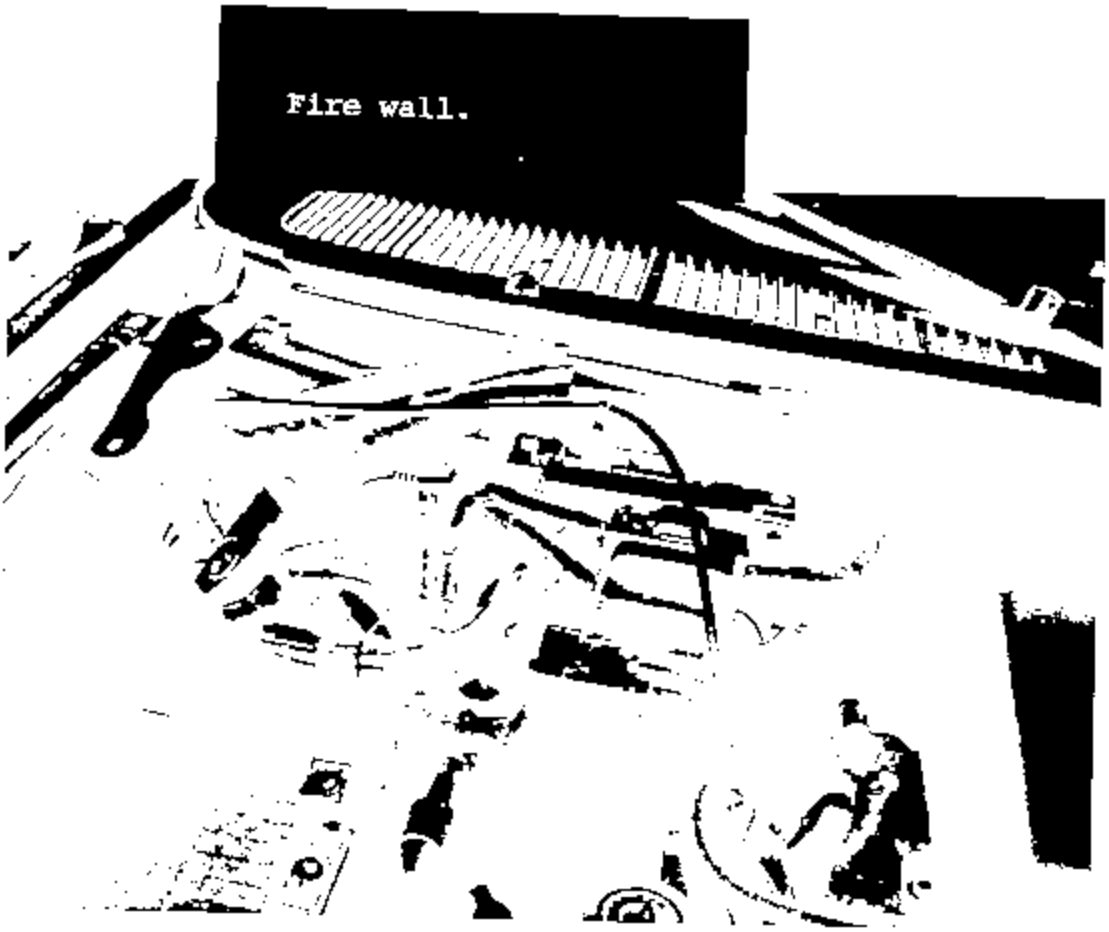
Comparison vehicle.

Fuel injection.

Comparison vehicle.

30



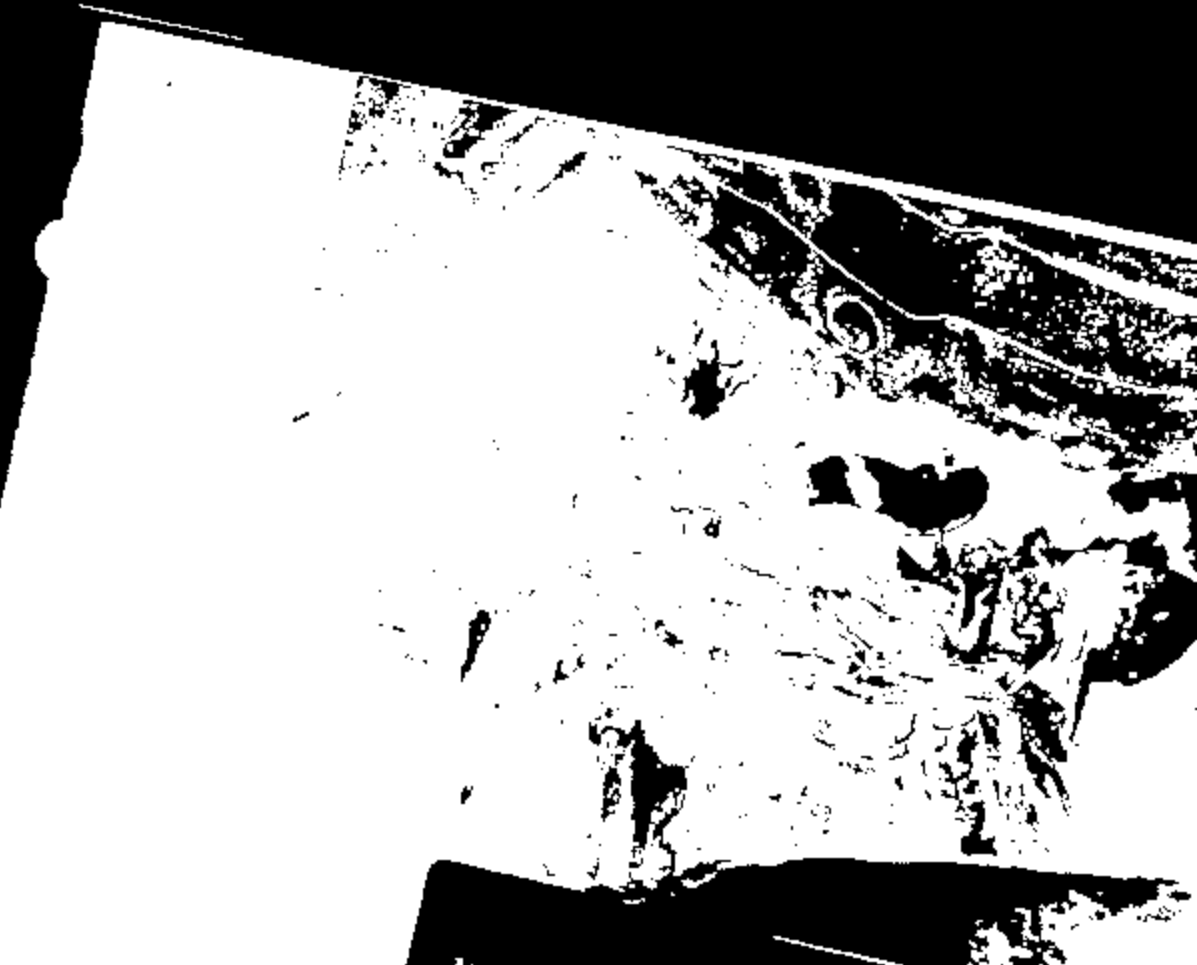


Fire wall.

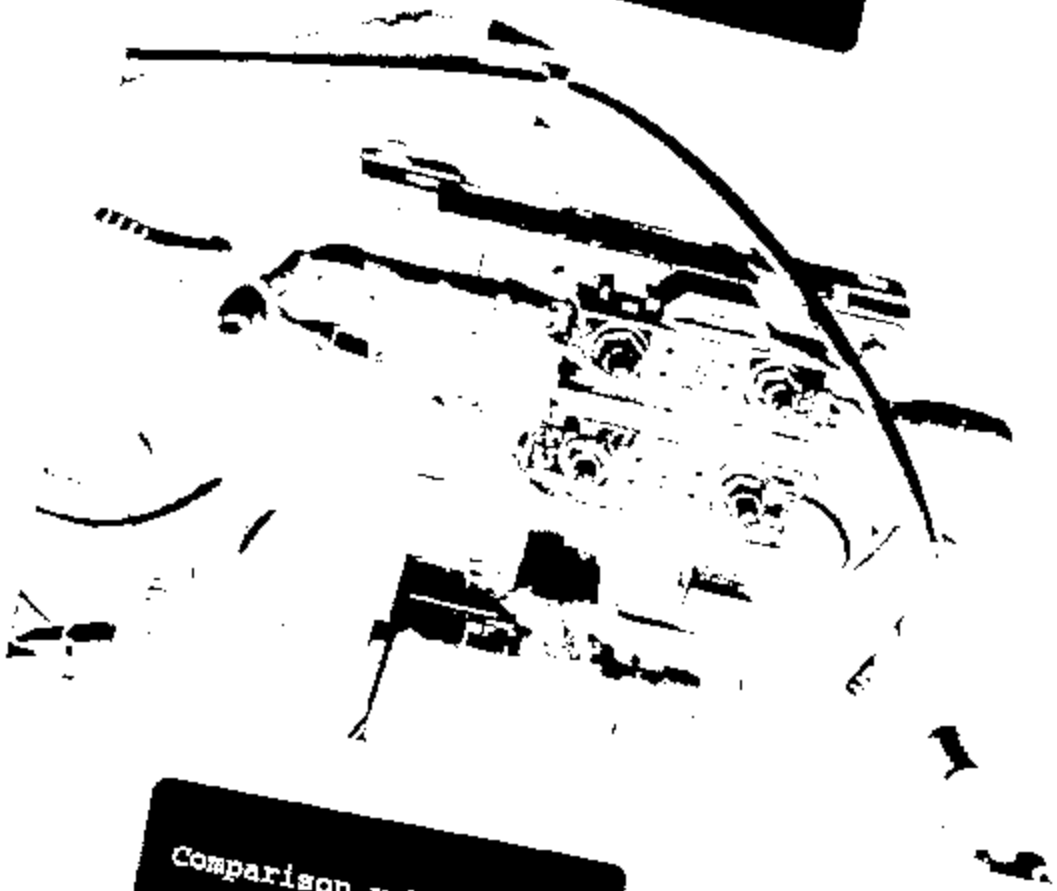
Comparison vehicle.

Right side of engine.

Comparison vehicle.

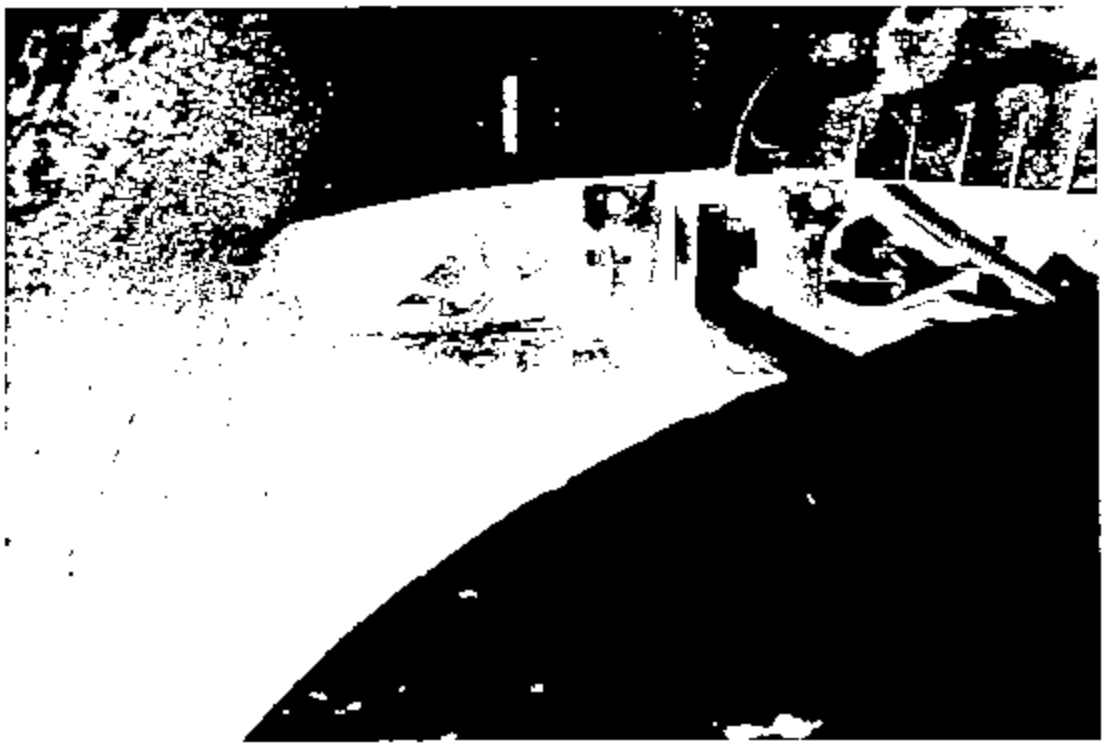


Area of heavier burning.



Comparison vehicle.

Area of lower fire.



Comparison vehicle.

ERDS-085-LC-3741

Area of lower fire.

Arced electrical wiring.

E003-005-LC-3742

Heated electrical wires.

Arced electrical wiring.

36

37 P

E065-065-LC-3744

38 P

ER85-085-LC-3745

MARSHALL I. LETT

Attorney and Counselor at Law

28200 Franklin Road
Southfield, Michigan 48034
(248) 350-3250

December 5, 1999

OFFICE OF THE SECRETARY
'99 DEC -8 A9:16

FORD MOTOR COMPANY
RECEIVED
CLAIMS UNIT
DEC 0 6 1999
OFFICE OF THE
GENERAL COUNSEL

Legal Department
FORD MOTOR COMPANY
THE AMERICAN ROAD
DEARBORN, MI 48121-1899

RE: File #: 15676
Case: ALLSTATE INSURANCE COMPANY
Subroges of [redacted]
v. FORD MOTOR COMPANY
Date/Loss : May 29, 1999

Dear Sir/Madam:

Please be advised that this office has been retained by the above described insurance company on behalf of their Insured [redacted] for the purpose of recovering damages arising out of the following incident: overheating of wiring in the Insured's 1998 Ford Expedition, VIN# 1FMFU18LSW[redacted] resulting in a vehicle fire.

Our investigation reveals that this incident was caused solely through your conduct. As a result, our clients have suffered damage and expenses in the amount of $29,524.00.

If you were covered by a policy of insurance for this type of loss, we suggest that this letter along with your policy number be forwarded immediately to your company. HAVE YOUR INSURANCE COMPANY CONTACT US TO RESOLVE THIS MATTER IMMEDIATELY. If you did not have insurance please contact this office at once to discuss an amicable resolution of this matter. In any event, if we do not hear from you or your insurance company within ten (10) days, we have been instructed by our client to pursue further action through the Courts.

This office has an attorney's lien over any and all proceeds paid by way of settlement, judgment or otherwise, to or on behalf of our clients.

Very truly yours,

MARSHALL I. LETT

OUR FILE #15676

ER85-085-LC-3746

PROGRESSIVE

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

RECEIVED
SEP 2 2 2003

September 18, 2003

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

Re: Product Defect

VIN:	1FMRU15L02I[redacted]
Year:	2002
Make:	Ford
Model:	Expedition
Our Insured:	[redacted]
Address:	PO Box 221, Sandia, T[redacted]
Phone No.:	[redacted]
Our Claim No:	
Date of Loss:	4-29-03
Damages:	$28,660.40

FORD MOTOR COMPANY
RECEIVED
SEP 2 2 2003
GENERAL COUNSEL

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

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

Please acknowledge receipt of my subrogation demand and forward your payment of $28,660.40 to my attention, payable to "Progressive Insurance Company, as subrogee of [redacted], and mail to my attention at PO Box 43258, Richmond Hts., OH 44143.

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

Thank you for your anticipated cooperation.

PROGRESSIVE INSURANCE COMPANY

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

Enclosures

- 4/29/03
- $28,660
- '02 Exped
- 23529 (N)
- Ben Bolt, TX

E085-085-LC-3747

ALICE FIRE DEPARTMENT

030601216

FIRE ALARM RESPONSE RECORD 61 ALARM NO. 217

DATE: 04/29/03	LOCATION: CR. 2508	QUAD JW-6	GENERAL ALARM: YES X / NO
9:50 A.M.	TIME ARRIVED: 10:07 A.M. 207- 10:33 A.M.	BACK IN SERVICE: 209-11:05A.M. 207-10:55A.M.	FALSE / SIREN

FIRE APPARATUS RESPONDING: UNIT 209, 207

WATER USED: 1000 GALLONS | HOSE USED: 150FT. 1 1/2 | OTHER EQUIP

FIREFIGHTERS RESPONDING: *		TYPE OF FIRE OR CALL	
VOLUNTEERS:	CENTRAL:	HOME	VEHICLE
	Capt. R. Gonzalez	BUSINESS	
	Lt. Adan Garcia *	WRECK / FUEL SPILL	INDUSTRIAL
	Oscar Solis	SMOKE	CHEM-GAS
	Nicho Arredondo *	UTILITIES	RESCUE-FIRST AID
	Orlando Canales *	OTHER:	
	Gilbert Nunez *	STATION RESPONDING: CENTRAL	
		Goldstar- 634	
EXTRA PAID MEN:	SOUTH SIDE:		
	Lt. Joe Esquivel	INJURIES AT SCENE: None	
	Roel Galindo		
		POLICE UNITS RESPONDING:	

BRIEF DETAIL OF OPERATION AT FIRE

DISPATCHED TO ABOVE LOCATION IN REFERENC TO A VEHICLE FIRE. UPON ARRIVAL DISCOVERED VEHICLE FULLY ENGULFED. 1 ½ LINE WAS USED TO EXTINGUISH THE FIRE. UNIT 207 WAS REQUESTED BY OFFICER ON SCENE FOR ADDITIONAL WATER.

VEHICLE IS A 2002 FORD EXPEDITION 4 dr. LP RO4-PNK OWNER: STONE [redacted]

CO RD 1540 SANDIA TX 78383

OFFICER'S SIGNATURE H Adan E Garcia

INFORMATION FOR FIRE MARSHAL

TYPE OF STRUCTURE:	FLOOR TYPE:	STORIES
HOW ALARM RECEIVED: POLICE: ___ SHERIFF: X BUSINESS PHONE: ___ OTHER: ___	DISPATCHER: R. Rosales	SHIFT: One
PROBABLE CAUSE OF FIRE & OTHER INFORMATION:		

JIM WELLS COUNTY SHERIFF'S DEPT.
OFFENSE / INCIDENT REPORT

1. CASE NO. F030063

CRIME: VEHICLE FIRE

CLASSIFICATION:

DATE OCCURRED: 04-29-2003 TIME OCCURRED: 9:49 A.M.

DATE REPORTED: 04-29-2003 TIME REPORTED: 10:03 A.M.

LOCATION OF OCCURRENCE: FM 2506, 5 1/2 EAST OF BEN BOLT, TX.

VICTIM'S INFORMATION

10. VICTIM'S NAME LAST, FIRST, MIDDLE (FIRM IF BUSINESS) [redacted]

11. RESIDENCE ADDRESS CR 1540, SANDIA, TX.

12. RES. PHONE

13. OCCUPATION 14. RACE - SEX 15. AGE 16. DOB 17. BUSINESS ADDRESS 18. PHONE

WITNESSES OR REPORTING PARTY

19. NAME - LAST, FIRST, MIDDLE [redacted]

20. CODE [redacted]

21. RESIDENCE ADDRESS CR 1540, SANDIA, TX.

22. PHONE

23. OCCUPATION 24. RACE-SEX 25. AGE 26. DOB 27. BUSINESS ADDRESS 28. PHONE

29. NAME - LAST, FIRST, MIDDLE 30. CODE 31. RESIDENCE ADDRESS 32. PHONE

33. OCCUPATION 34. RACE-SEX 35. AGE 36. DOB 37. BUSINESS ADDRESS 38. BUSINESS PHONE

SUSPECT INFORMATION

41. SUSPECT NO. 1 (LAST, FIRST, MIDDLE) 42. RACE-SEX 43. AGE 44. HT. 45. WT. 46. HAIR 47. EYES 48. DOB

49. ARRESTED 50. DL/ID 51. SS

52. PH# 53. ADDRESS

54. SUSPECT NO. 2 (LAST, FIRST, MIDDLE) 52. RACE-SEX 53. AGE 54. H.T. 55. WT 56. HAIR 57. EYES 58. DOB

59. ARRESTED 60. DL/ID 61. SS

62. PH# 63. ADDRESS

OFFICER INFORMATION

64. REPORTING OFFICER SGT. BOBBY RAMIREZ 65. OFFICER # 217

66. ASSISTING OFFICERS

2005-005-LC-3749

1. CASE NO. [redacted]

ON APRIL 29, 2003 AT APPROXIMATELY 10:03 A.M., I, SGT. BOBBY RAMIREZ WAS DISPATCHED TO 51/2 MILES EAST OF FM 2506 IN THE BEN BOLT, TEXAS AREA, IN REFERENCE TO A CAR ON FIRE.

UPON ARRIVAL I MADE CONTACT WITH MRS [redacted] WHO STATED THAT HER CAR JUST EXPLODED WITH A BANG INTO A FIREBALL. MRS. STONE AND THE WITNESS, MR. JUAN LOPEZ WERE AT A CEMETERY LOCATED EAST OF BEN BOLT WHEN THE INCIDENT HAPPENED. THEY IMMEDIATELY CALLED THE ALICE FIRE DEPARTMENT. THE FIRE DEPARTMENT RESPONDED WITHIN 15 TO 20 MINUTES AND EXTINGUISHED THE FIRE.

END OF REPORT.

SGT. BOBBY RAMIREZ #217
JIM WELLS COUNTY SHERIFF'S DEPT.

EM05-005-LC-3751

Park & Associates Investigations

6194 Pfeil Road • Schertz, Texas 78154-6031
(210) 658-4462

JULY 28, 2001

PAI #03-07103

FIRST REPORT

CLIENT:	PROGRESSIVE INSURANCE COMPANY 5262 S. STAPLES, SUITE 115 CORPUS CHRISTI, TEXAS 78411
ATTENTION:	MR. ALBERT RODRIGUEZ
INSURED:	[redacted]
TYPE OF LOSS:	VEHICLE FIRE
LOSS LOCATION:	CEMETERY, UNKNOWN LOCATION
DATE OF LOSS:	APRIL 29, 2003
POLICY NUMBER:	UNKNOWN
CLAIM NUMBER:	030601216

THE INFORMATION CONTAINED WITHIN THIS REPORT IS PRIVILEGED AND CONFIDENTIAL. THIS REPORT IS FURNISHED ONLY TO THE CLIENT. RELEASE OF THIS REPORT OR ANY PORTION THEREOF, IS THE SOLE RESPONSIBILITY OF THE CLIENT.

AUTHORIZATION AND INSTRUCTIONS

This assignment was received from Mr. Albert Rodriguez with Progressive Insurance Company on Friday, July 18, 2003. He requested an origin and cause determination of this fire loss. This report pertains to this phase of the investigation.

ENCLOSURES

1). Diagram of conceptual view of the vehicle.

2). Fifty-three photographs with explanations.

INSURED PROPERTY

Covered under this policy is a 2002 Ford expedition. The VIN is 1FMRU15L02[redacted] and the license number is believed to be [redacted]

The vehicle's actual mileage at the time of the fire could not be determined. The dash was destroyed by the fire. (See photographs #34 and #35).

A luggage rack was located on the roof of the vehicle and the risk was also equipped with running boards. (See photographs #2, #4, #17, #25, #30 and #38).

FIRE SUPPRESSION

The actual location of the vehicle at the time of the fire loss is unknown. Due to the unknown location, the fire department is unknown. Therefore, a fire report was not obtained.

FIRE SCENE EXAMINATION

At the time of the onscene examination, the vehicle was situated at "Copart" Salvage located at 3200 Agnes Street, Corpus Christi, Texas.

The examination of the vehicle commenced on Thursday, July 24, 2003 and was completed this same date. During this time, a field sketch of the vehicle was prepared and photographs were taken.

There were no other persons present during the examination of the vehicle.

FIRE SCENE EXAMINATION

EXTERIOR

The examination of the Ford Expedition began at the front of the vehicle and continued in a counterclockwise motion around the risk.

The overall exterior examination of the vehicle revealed almost total fire destruction.

1). The right front tire and rim, along with both rear tires and rims, received major fire damage. The tires had been consumed and the rims themselves displayed major fire impingement. (See photographs #2, #4 and #5).

The left front tire and rim displayed the least amount of fire damage. (See photograph #1).

2). The front of the vehicle displayed major fire damage. The headlights and grill were completely consumed by the fire. (See photograph #6).

3). The left side of the vehicle received a lesser degree of fire involvement than the right side. (See photographs #10, #18, #24, #29, #32 and #37).

4). The rear lights had been consumed by the fire as well as the locking mechanism for the rear hatch door. (See photographs #24, #26 and #29).

5). All of the vehicle's windows were missing and are believed to have been consumed by the fire.

6). The roof of the vehicle was somewhat wrinkled and distorted. Additionally most of the vehicle's luggage rack had been consumed by the fire. (See photographs #17, #25, #30 and #38).

FIRE SCENE EXAMINATION

INTERIOR

SEATING AREA:

The entire interior seating area of the vehicle displayed total fire involvement.

1). The front seating area displayed total fire destruction of the dashboard which also contained the vehicles gauges. (See photographs #19, #34 and #35).

2). The vehicle's steering wheel displayed major fire impingement. The steering wheel itself, had been consumed along with the plastic housing covering the steering column. (See photographs #20, #21,and #36).

3). From the front dash area, the fire spread to the front seats and head liner. (See photograph #33).

4). The fire continued to spread throughout the interior of the vehicle to the rear seating area and cargo compartment. A gasoline powered "push" lawnmower was located within the cargo compartment.

The fuel associated with this lawnmower would enhance the fire. The mower itself did display direct fire impingement. (See photographs #22, #27, #28 and #31).

After examining the burn patterns of the interior seating area of the vehicle, it is quite obvious the fire originated within the engine compartment and propagated to the interior through the opening for the steering column.

ENGINE COMPARTMENT

At first glance, it appeared that the vehicle's hood had been removed. However, upon closer examination, it was revealed the fire, which was under the hood, consumed the hood itself.

1). A portion of the hood was still attached to the left hinge. There was evidence the hood had been burned from the right hinge. (See photographs #6, #11, #14 and #41).

The interior of the engine compartment itself was then examined and the following was observed.

1). The plastic housing over the injection system, as well as the air control system, was consumed by fire.

2). The remains of the vehicle's battery was found in the right front corner of the engine compartment. The battery displayed fire impingement. (See photograph #7).

3). The injection system itself displayed major fire damage. The metal showed signs of melting. (See photographs #8 and #12).

4). The insulation had been burned off of the wiring in the engine compartment as well as the dash area. (See photographs #8, #12, #19 and #20).

After the examination of the engine compartment, it is quite obvious the fire originated within the compartment itself.

INVESTIGATION

The insured [redacted] could not be contacted. However, the Adjuster, Mr. Albert Rodriguez, stated the insured had been having difficulties with the vehicle and has had it at the dealership for numerous repairs.

Mr. Rodriguez went on to say the insured had gone to a cemetery to clean and mow the areas around family members graves. As she was walking away from the vehicle, she heard popping noises and this is when she saw the vehicle on fire. This corresponds with the fire patterns in the engine compartment.

A wrecked 1997 Ford Expedition was also located on the "Copart" lot. The engine compartment of this vehicle was photographed. (See photographs #45 thru #49).

A local Ford dealer was contacted and a 2001 Ford Expedition was on their lot. The engine compartment of this vehicle was photographed for comparison. (See photographs #50 thru #53).

DETERMINATION OF ORIGIN AND CAUSE

After examining the fire scene (Ford Expedition), it is my opinion this fire originated within the vehicle's engine compartment. A more specific point of origin would be the vicinity of the injection system.

Again, after examining the fire scene, it is my opinion this fire is acoidental in nature; with the most likely cause being some form of fault or malfunction associated with the motor's injection system.

COMMENTS

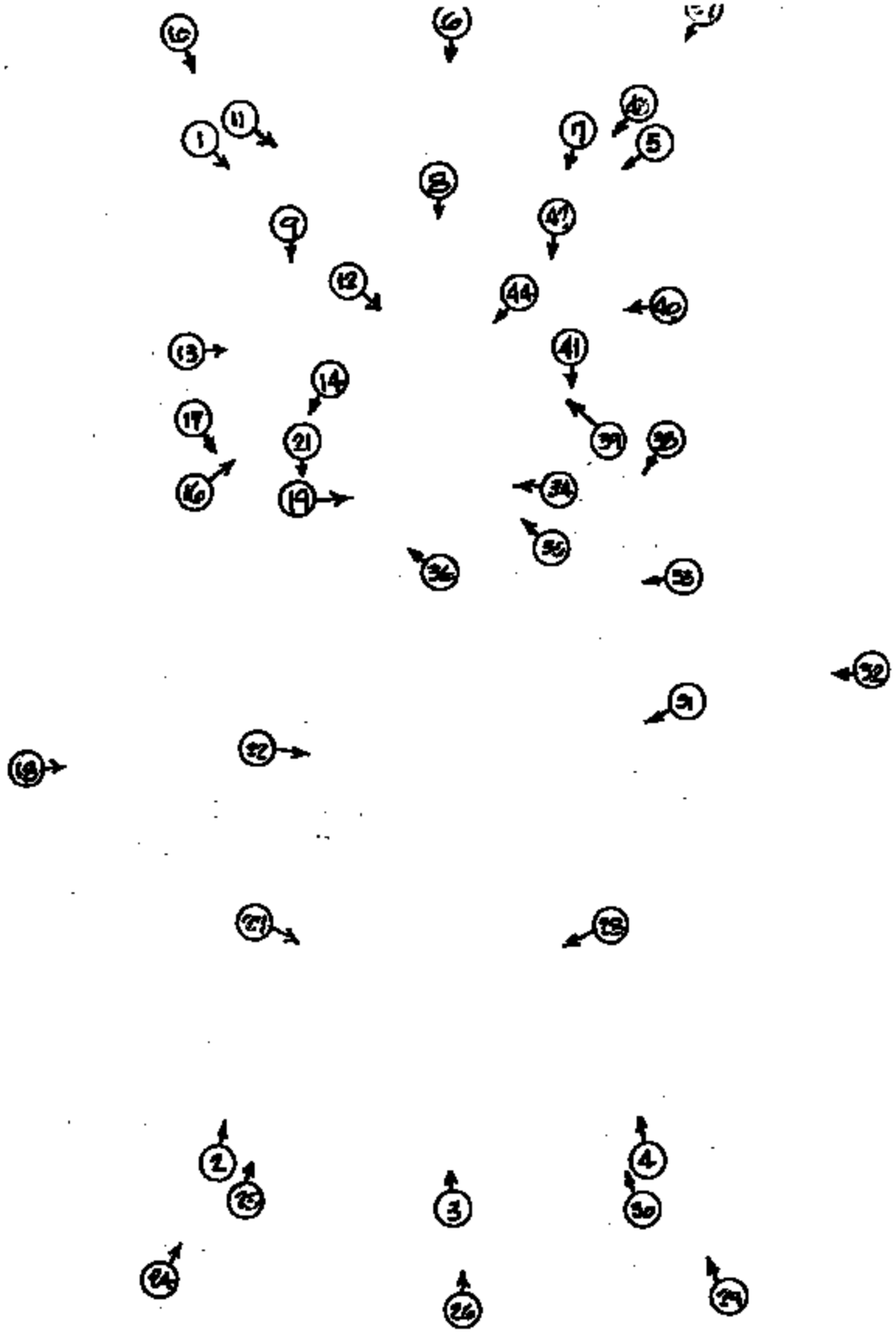
The insured reportedly had the vehicle in the dealership for numerous repairs. Since this is a 2002 vehicle, it is most likely still under warranty.

After reviewing the material furnished, should you have any questions, suggestions or recommendations, please feel free to contact our office at any time.

We thank you for allowing us the opportunity to be of service in this matter.

Respectfully submitted,

Bob Park
For The Firm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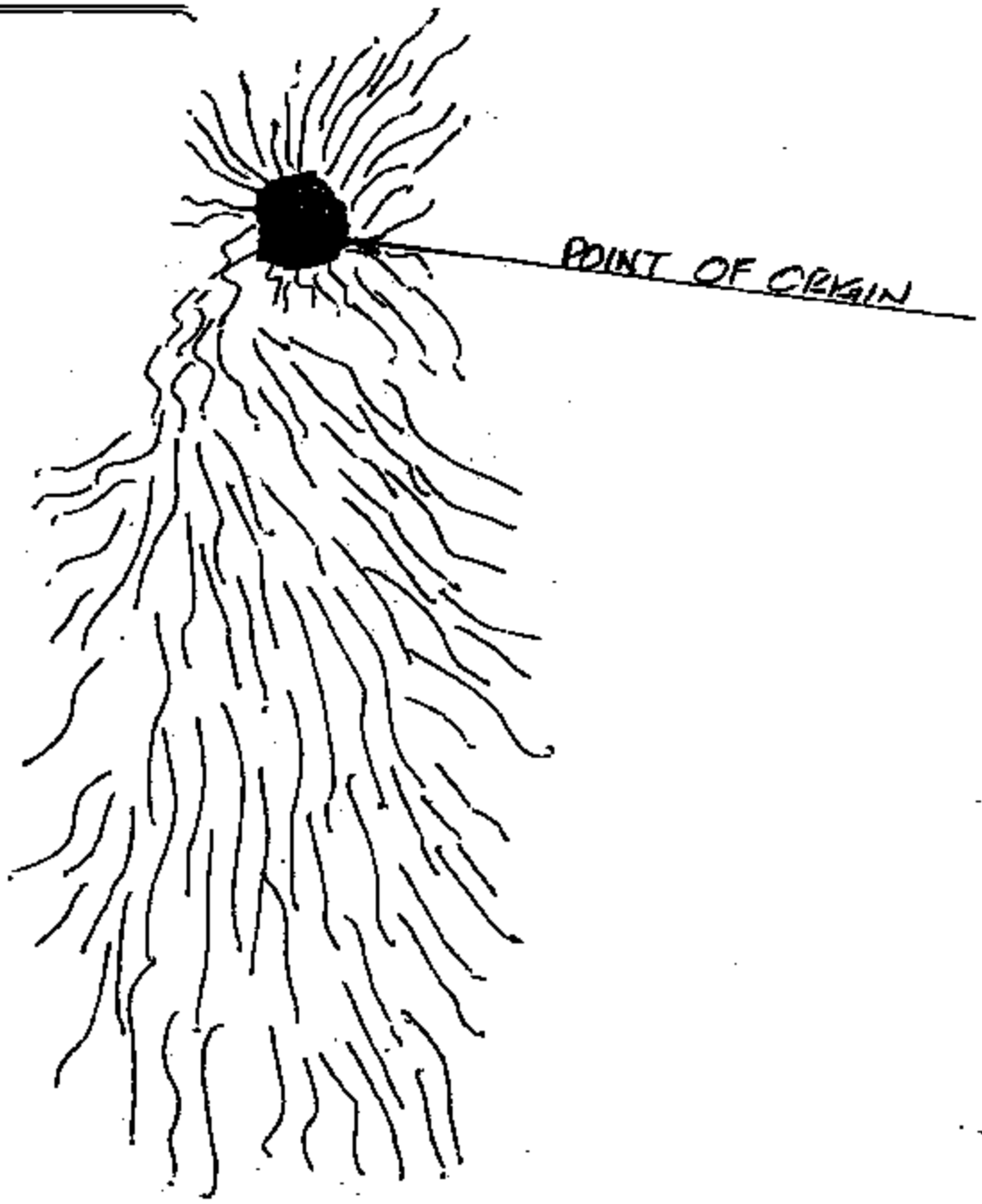
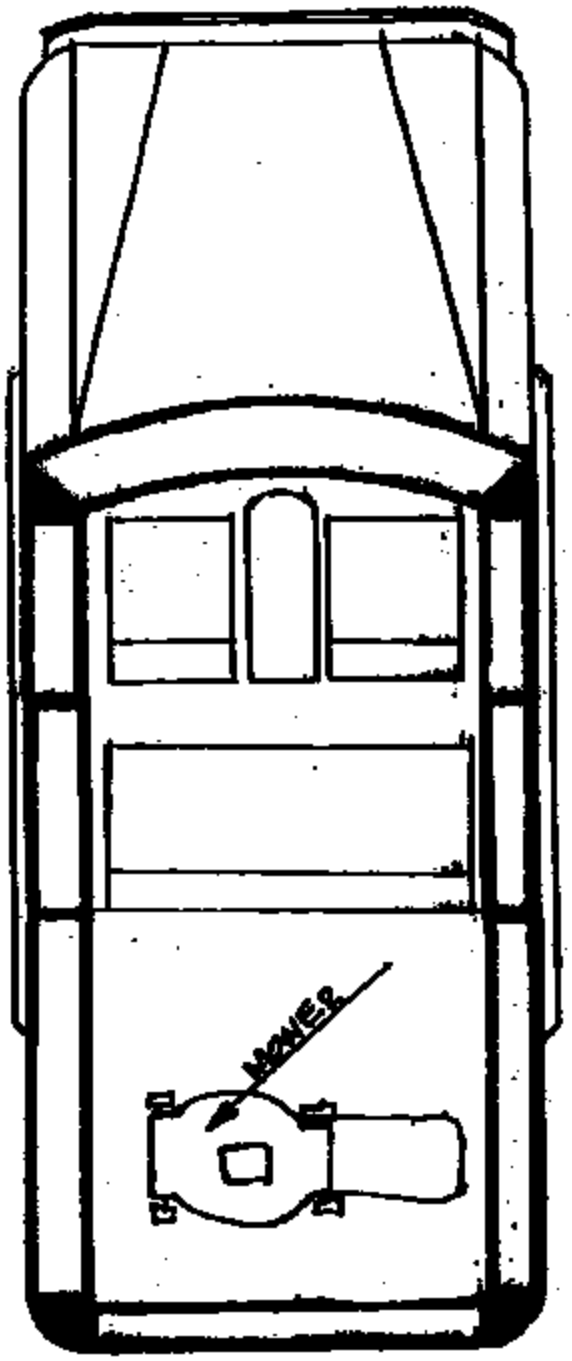
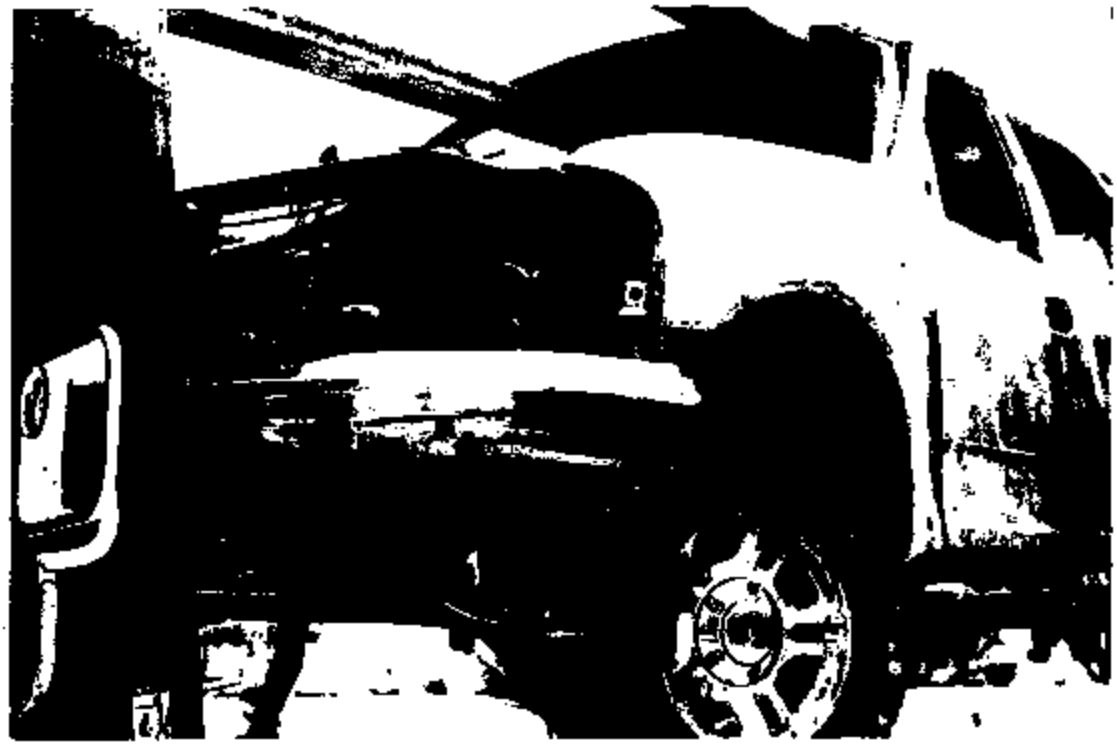

POINT OF ORIGIN



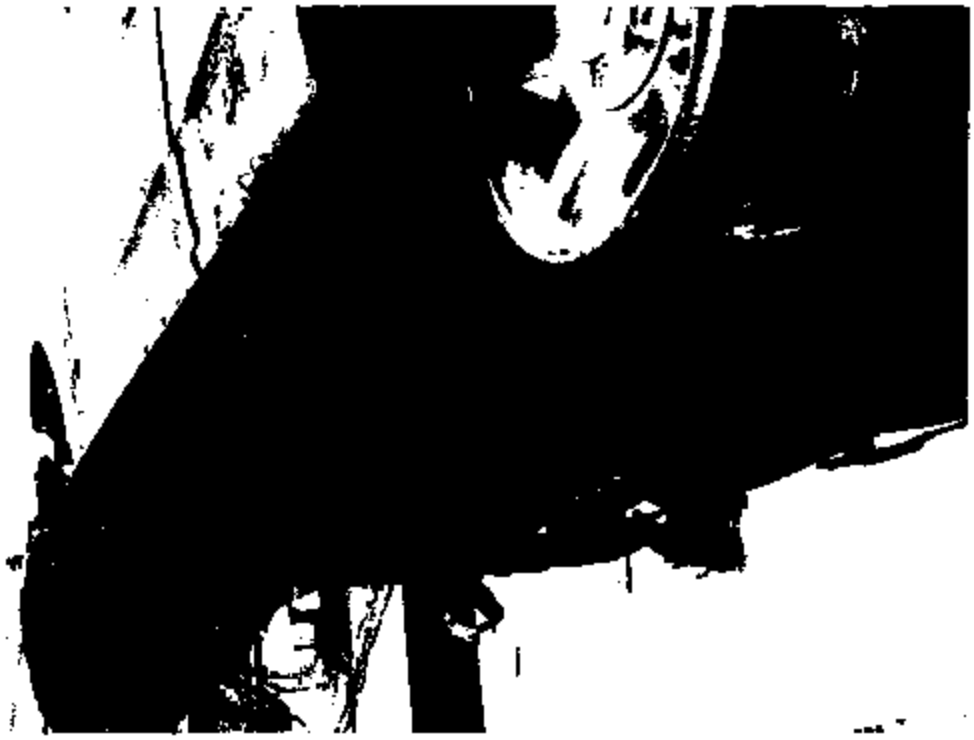
2002 FORD EXPEDITION

CLIENT:	PROGRESSIVE INSURANCE CO.
INSURED:	[redacted]
LOSS LOCATION:	CEMETERY, UNKNOWN LOCATION
VIEW/SCALE:	CONCEPTUAL

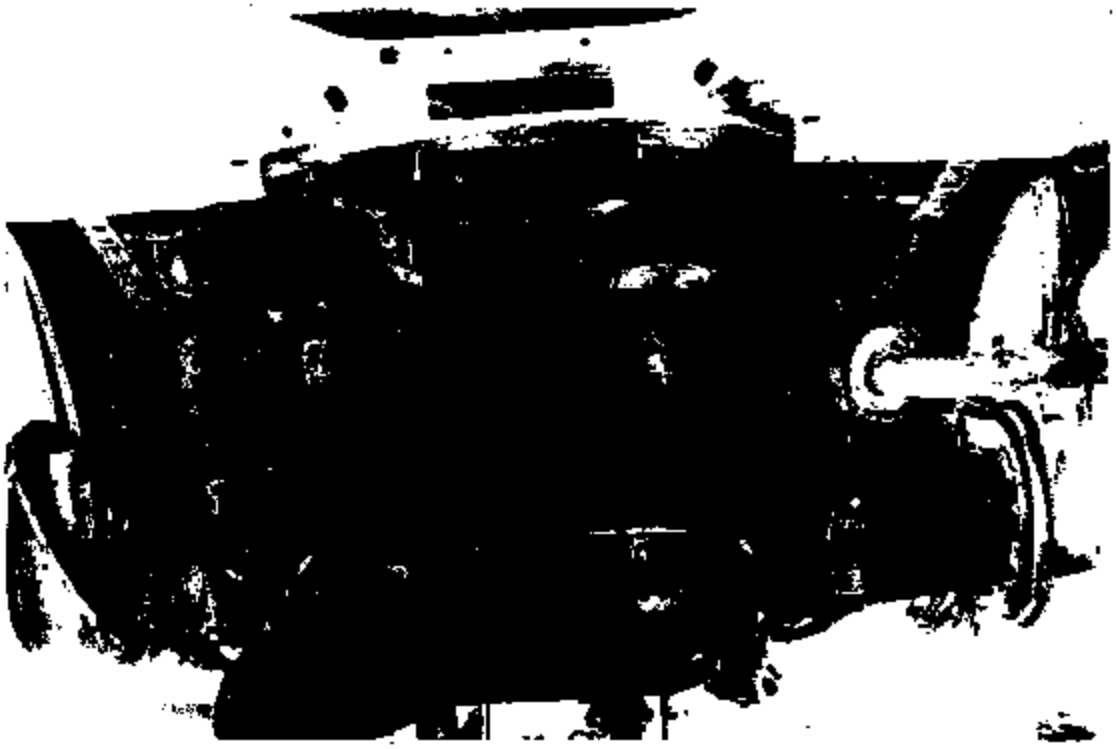
ER05-005-LC-3781



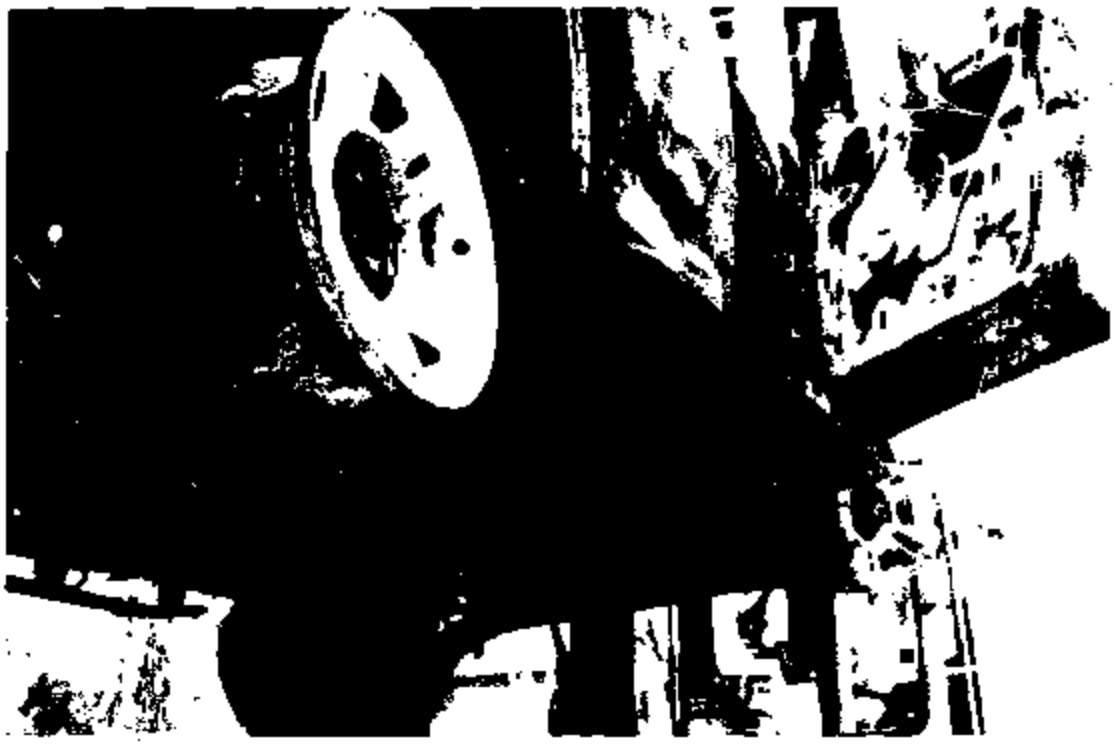
1). VIEW OF THE LEFT FRONT WHEEL AND WHEEL WELL OF THE VEHICLE.



2). VIEW OF THE UNDER CARRIAGE OF THE LEFT SIDE OF THE VEHICLE.



3). VIEW OF THE UNDERSIDE OF THE REAR OF THE VEHICLE.



4). VIEW OF THE UNDER CARRIAGE OF THE RIGHT SIDE OF THE VEHICLE.

5). VIEW OF THE RIGHT FRONT WHEEL AND WHEEL WELL OF THE VEHICLE.

6). VIEW OF THE FRONT OF THE VEHICLE.

7). VIEW OF THE RIGHT FRONT CORNER OF THE ENGINE COMPARTMENT.

8). VIEW OF THE CENTRAL PORTION OF THE ENGINE COMPARTMENT.

9). VIEW OF THE LEFT FRONT CORNER OF THE ENGINE COMPARTMENT.

10). VIEW OF THE LEFT FRONT CORNER OF THE VEHICLE.

11). VIEW OF THE ENGINE COMPARTMENT, LEFT FRONT TO RIGHT REAR.

12). VIEW OF THE ENGINE'S INJECTION SYSTEM.

13). VIEW OF THE ENGINE COMPARTMENT, LEFT TO RIGHT.

14). VIEW OF THE LEFT REAR CORNER OF THE HOOD OVER THE ENGINE COMPARTMENT.

15). VIEW OF V.I.N. ON DASHBOARD OF VEHICLE.

16). VIEW OF ENGINE COMPARTMENT LEFT REAR TO RIGHT FRONT.

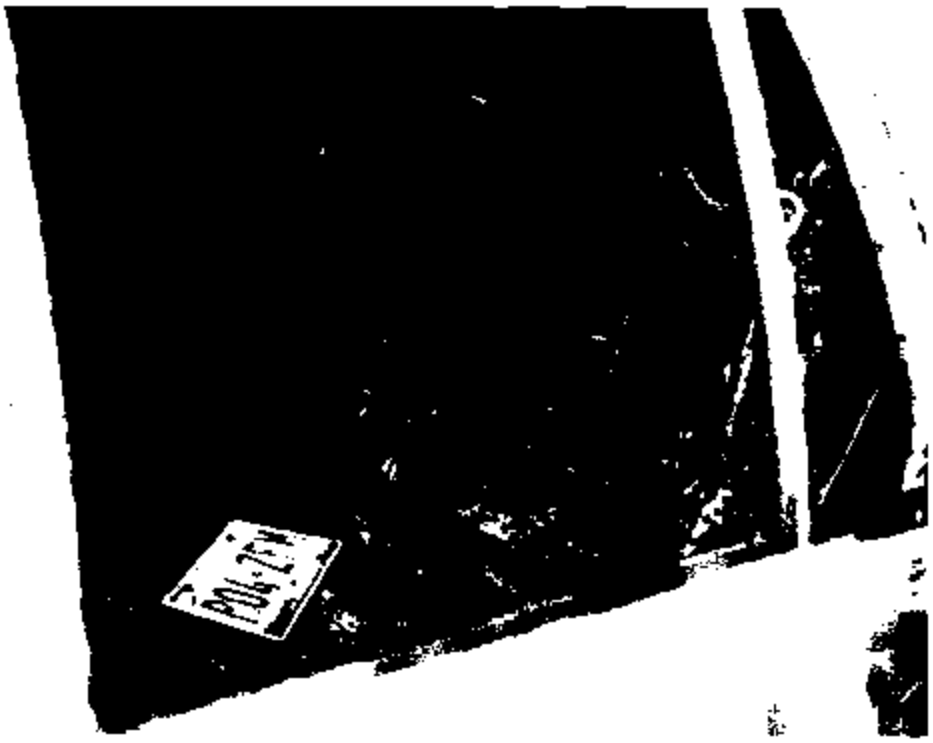
17). VIEW OF THE LEFT FRONT CORNER OF THE VEHICLE'S ROOF.

18). VIEW OF THE LEFT SIDE OF THE VEHICLE.

19). VIEW OF THE INTERIOR DASH AREA, LEFT TO RIGHT.

20). VIEW OF THE REMAINS OF THE VEHICLE'S STEERING WHEEL.

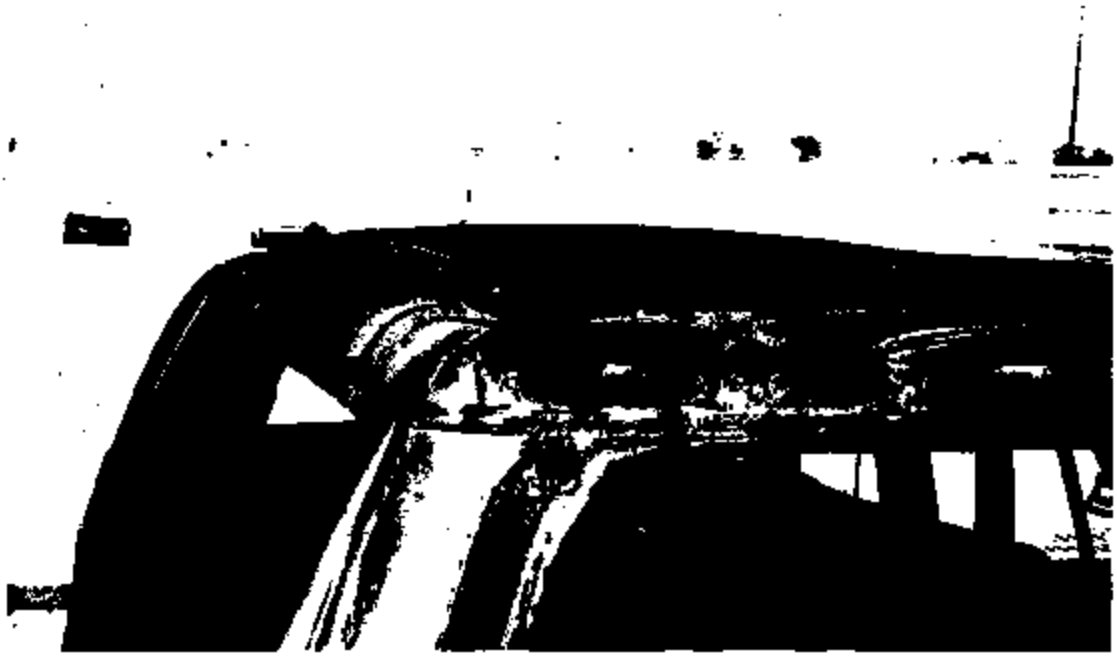
21). ADDITIONAL VIEW OF THE REMAINS OF THE VEHICLE'S STEERING WHEEL.



22). VIEW OF REAR SEATING AREA.

23). VIEW OF LICENSE PLATE LOCATED ON THE REAR SEAT.

24). VIEW OF THE LEFT REAR CORNER OF THE VEHICLE.



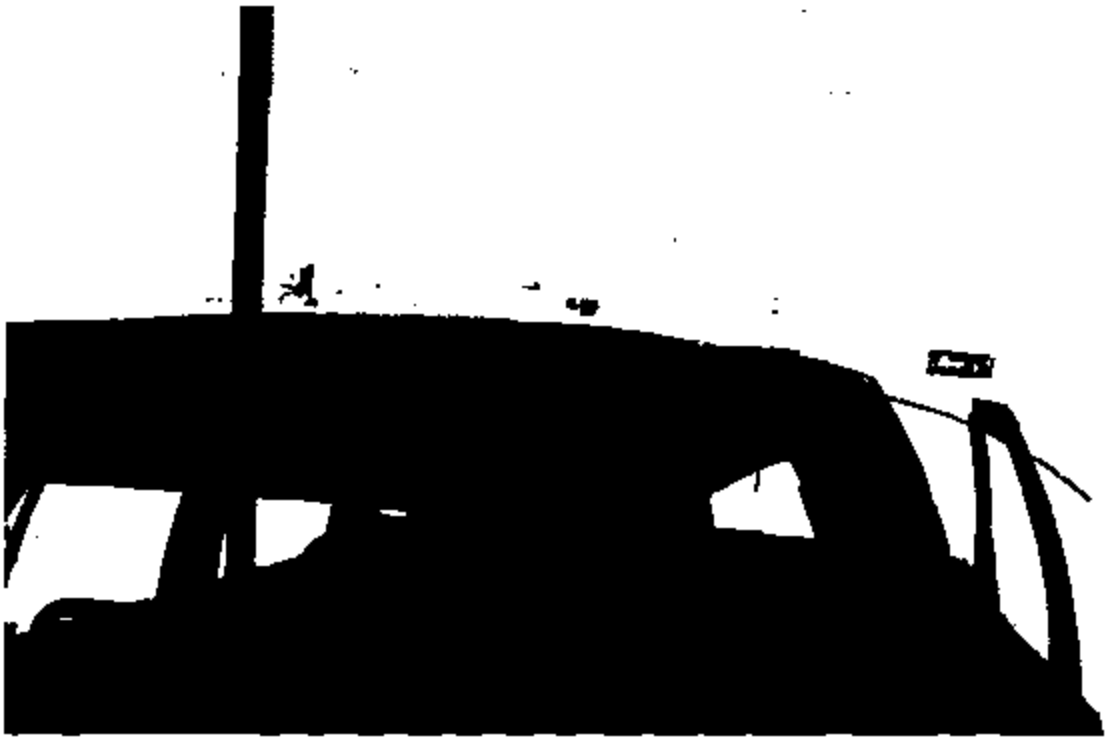
25). VIEW OF THE LEFT REAR CORNER OF THE VEHICLE'S ROOF.

26). VIEW OF THE REAR OF THE VEHICLE.

27). VIEW OF LAWNMOWER LOCATED IN THE REAR CARGO AREA.

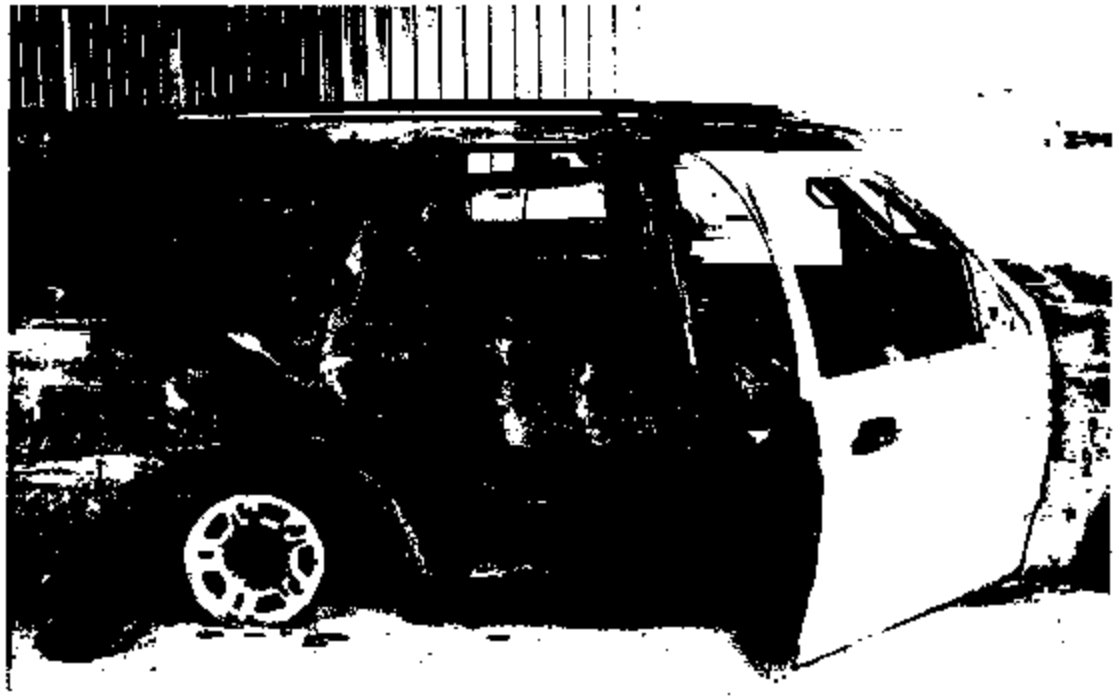
28). ADDITIONAL VIEW OF LAWNMOWER LOCATED IN THE REAR CARGO AREA.

29). VIEW OF THE RIGHT REAR CORNER OF THE VEHICLE.



30). VIEW OF THE RIGHT REAR CORNER OF THE VEHICLE'S ROOF.

31). ADDITIONAL VIEW OF THE RIGHT REAR SEATING AREA.



32). VIEW OF THE RIGHT SIDE OF THE VEHICLE.

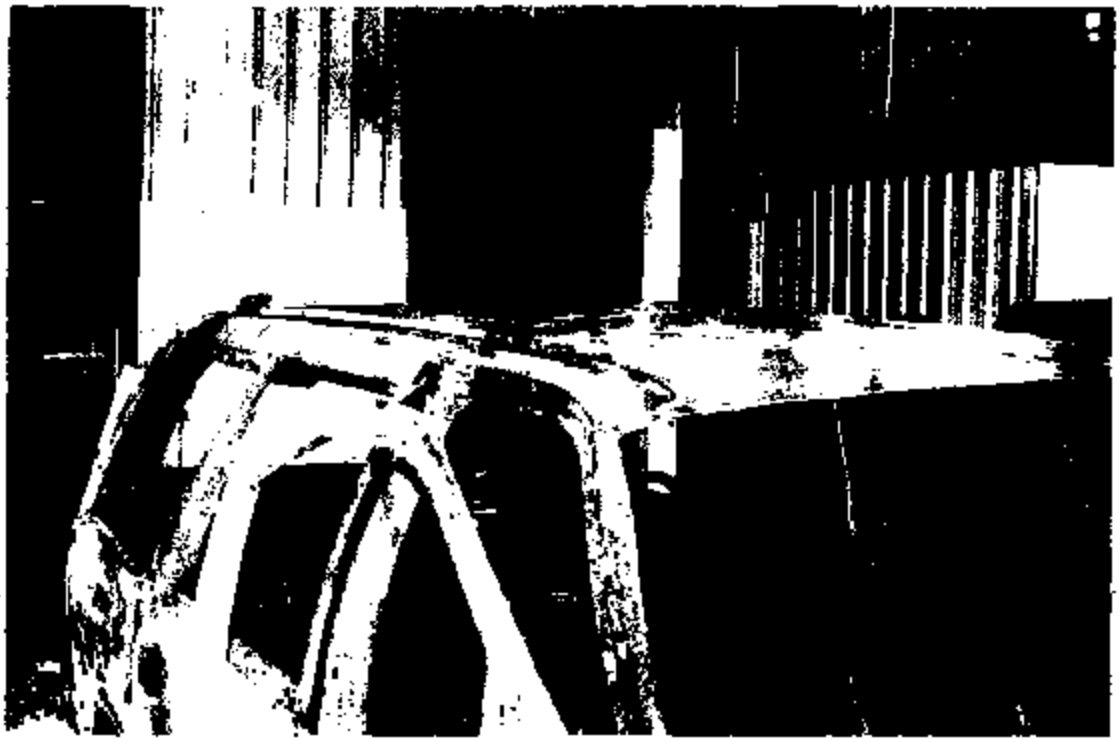
33). VIEW OF THE RIGHT FRONT SEATING AREA.

34). VIEW OF THE VEHICLE'S DASH AREA, RIGHT TO LEFT.

35). VIEW OF THE CENTRAL PORTION OF THE VEHICLE'S DASH AREA.

36). VIEW OF THE LEFT FRONT SEATING AREA AS SEEN FROM THE RIGHT FRONT.

37). VIEW OF THE RIGHT FRONT CORNER OF THE VEHICLE.



38). VIEW OF THE RIGHT FRONT CORNER OF THE VEHICLE'S ROOF.

39). VIEW OF THE ENGINE COMPARTMENT, RIGHT REAR TO LEFT FRONT.

40). VIEW OF THE ENGINE COMPARTMENT, RIGHT TO LEFT.

41). VIEW OF THE RIGHT HINGE OF THE VEHICLE'S HOOD.

42). VIEW OF THE RIGHT SIDE OF THE ENGINE COMPARTMENT.

43). VIEW OF THE ENGINE COMPARTMENT, RIGHT FRONT TO LEFT REAR.

44). ADDITIONAL VIEW OF INJECTION SYSTEM.

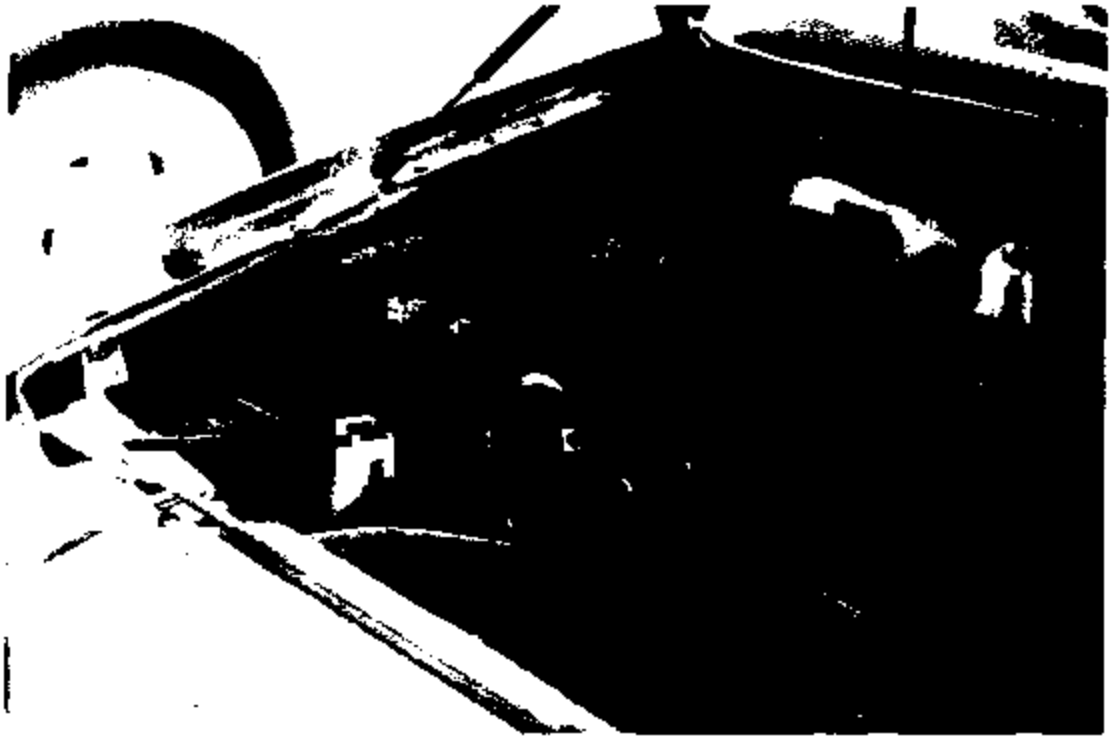
45). VIEW OF RIGHT SIDE OF ENGINE COMPARTMENT OF 1997 FORD EXPEDITION.

46). VIEW OF THE CENTRAL PORTION OF THE ENGINE COMPARTMENT OF 1997 FORD EXPEDITION.

47). VIEW OF THE LEFT SIDE OF THE ENGINE COMPARTMENT OF 1997 FORD EXPEDITION.

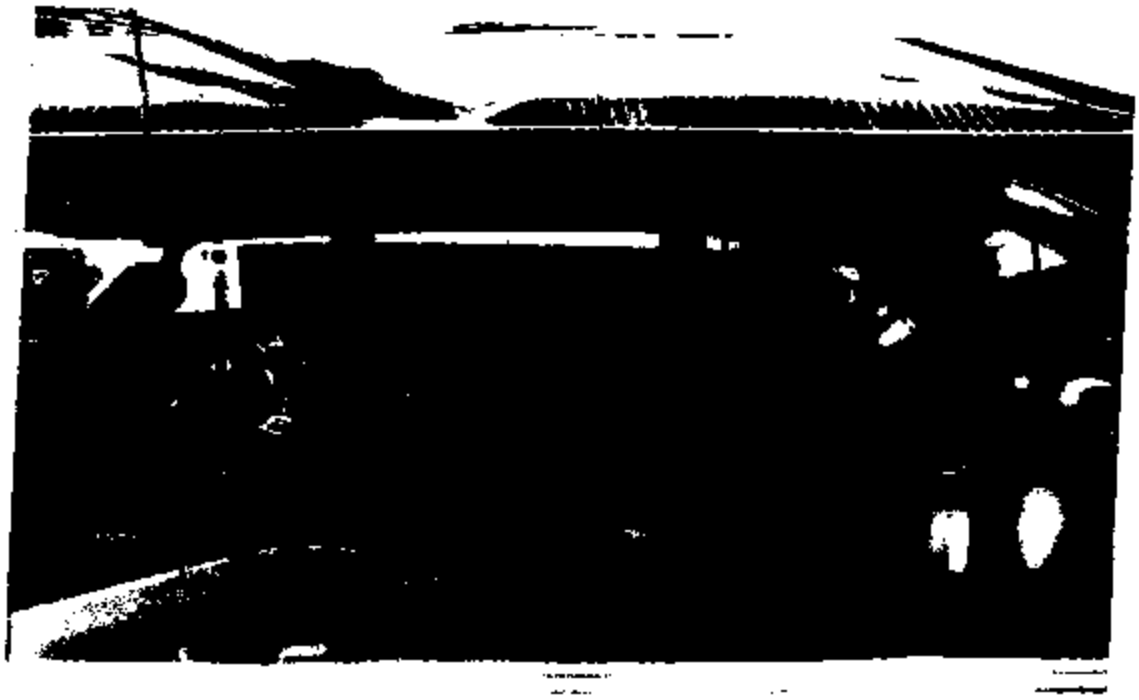
48). VIEW OF THE ENGINE COMPARTMENT OF 1997 FORD EXPEDITION, RIGHT FRONT TO LEFT REAR.

49). VIEW OF THE ENGINE COMPARTMENT OF 1997 FORD EXPEDITION, LEFT FRONT TO RIGHT REAR.



50). VIEW OF THE RIGHT REAR CORNER OF THE ENGINE COMPARTMENT OF 2001 FORD EXPEDITION.

51). VIEW OF THE ENGINE COMPARTMENT OF 2001 FORD EXPEDITION, RIGHT TO LEFT.



52). VIEW OF THE CENTRAL PORTION OF THE ENGINE COMPARTMENT OF 2001 FORD EXPEDITION.

53). VIEW OF THE LEFT SIDE OF THE ENGINE COMPARTMENT OF 2001 FORD EXPEDITION.

FILED AT ____ O'CLOCK ____ M.
R. DAVID GUERRERO
JUN 07 2007
CLERK, DIST COURT JIM WELLS CO., TEXAS
BY. ____ DEPUTY

CAUSE NO. 04-07-42596

[redacted]	§	IN THE COUNTY COURT
	§	
VS.	§	
	§	AT LAW NO. _____
FORD MOTOR CO. and	§	
BRAVO DEVELOPMENT CO.,	§	
a/k/a BOWDEN FORD LINCOLN	§	
MERCURY COMPANY	§	JIM WELLS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE:

NOW COMES Plaintiff [redacted] complaining of Defendant, FORD MOTOR CO. ("Ford") and BRAVO DEVELOPMENT COMPANY a/k/a BOWDEN FORD LINCOLN MERCURY CO. ("Bowden"), and for cause of action shows the Court as follows:

I.

Plaintiffs designate this case as a Level II Discovery Plan case pursuant to Texas Rule of Civil Procedure 190.1.

II.
PARTIES

PROGRESSIVE COUNTY MUTUAL INSURANCE COMPANY files this cause of action as Subrogee and Assignee to [redacted] as policyholder under a policy of insurance issued through PROGRESSIVE COUNTY MUTUAL INSURANCE COMPANY, and with all the rights and privileges to which it is authorized as Subrogee and Assignee.

The Defendant, FORD MOTOR COMPANY, is a foreign corporation and may be served with citation by serving its Registered Agent, CTC CORPORATION, 350 North St. Paul Street, Dallas, Texas 75201. **Service will be processed by private process server.**

The Defendant, BOWDEN FORD LINCOLN MERCURY is a domestic corporation and may be served with citation by serving its Registered Agent J. G. Adami Jr., 1300 East Main Street, Alice, Texas 78332. **Service will be processed by private process server.**

III.
VENUE

Venue is proper in Jim Wells County pursuant to Texas Civil Practice & Remedies Code Ann., §15.002 as the loss made the basis of this suit occurred in Alice, Jim Wells, County, Texas.

IV.
FACTUAL BACKGROUND

On or about the 29th day of April, 2003 Plaintiff was visiting a cemetery located near Ben Bolt, Texas. When Plaintiff exited her vehicle she noticed a popping noise. Without warning and due to no negligence of her own, Plaintiff's 2002 Ford Expedition XLT, VIN 1FMRU15[redacted] caught fire and engulfed in flames while Plaintiff stood just feet away. As a result of the fire, Plaintiff's Ford Explorer was a total loss. Plaintiff's Ford Explorer was purchased by Plaintiff at Bowden Ford Lincoln Mercury dealership in Alice, Texas.

It has been determined that the fire originated in the vehicle's engine compartment, more specifically in the vicinity of the injection system. It was further determined that the fire was a result of a fault or malfunction associated with the motor's injection system. Plaintiff seeks damages from Defendants based on strict liability, negligence and violations of the Deceptive Trade Practices Act.

V.
FIRST CAUSE OF ACTION: STRICT LIABILITY

Plaintiff states that Defendants are strictly liable because they sold Plaintiff the Ford Explorer made the basis of this suit in a defective condition which was unreasonably dangerous

to Plaintiff and the defective Explorer sold by Defendants has caused Plaintiff extreme harm. At all times relevant hereto, Defendants were engaged in the business of selling such a product as the Ford Explorer and they expected that the Ford Explore in question to and in fact it did reach Plaintiff, the consumer, without substantial change in the condition in which it was sold.

VI.
SECOND CAUSE OF ACTION: BREACH OF WARRANTY

A. Express Warranty for Goods

During the sale of the 2002 Ford Explorer to Plaintiff, Defendants made representations to Plaintiff about the quality and characteristics of the Ford Explorer by affirmation of fact, by promise, by description and by display of a sample or model. The representations made to Plaintiff because part of the basis of the bargain. The Ford Explorer wholly failed to comply with the representations made by Defendants, thereby breaching the warranty. As a result of Defendants' breach, Plaintiff has suffered injury.

B. Implied Warranty of Merchantability

During the sale of the 2002 Ford Explorer Defendants implied that the Explorer would be fit for the ordinary purpose of driving. Because of a defect in the engine compartment, the Explorer is not fit for the ordinary purpose for which it was intended, and, instead caught fire and was totally destroyed. The Explorer was unmerchantable at the time it left Defendants' lot and, as a result, Plaintiff has suffered injury.

C. Implied Warranty of Fitness for a Particular Purpose

During the sale of the 2002 Ford Explorer Defendants had knowledge that Plantiff was relying on the Defendants skill and judgment to select goods fit for the purpose of driving. Defendants delivered goods that were unfit for Plaintiff's particular purpose, thereby, breaching

the implied warranty of fitness for a particular purpose. As a result of Defendants' breach, Plaintiff has suffered injury.

VII.
SECOND CAUSE OF ACTION: DECEPTIVE TRADE PRACTICES ACT

Plaintiff is a consumer under the Texas Deceptive Trade Practices – Consumer Protection Act (DTPA) because she sought and acquired goods and services by purchase from the Defendants. Plaintiff relied to her detriment on the representations of the Defendant.

VIII.

The acts and practices described above in this Petition violate the Texas Deceptive Trade Practices - Consumer Protection Act. The violations were producing causes of damages to the Plaintiff. More specifically, Defendants violated the Act by engaging in an unconscionable course of conduct, (DTPA §17.50(a)(3)). Further, Defendants engaged in false, misleading and deceptive acts and practices on the conduct of its trade or commerce with the Plaintiff which were producing causes of economic damages to Plaintiff in the following respects:

1. Represented that goods or services had sponsorship, approval, characteristics, ingredients, uses, benefits or quantities which they did not have. §17.50(a)(1).
2. Represented that goods or services were of a particular standard, quality or grade or that the goods were of a particular style or model when they were of another. §17.46(7).
3. Represented that a guaranty or warranty conferred or involved rights or remedies which it did not have or involve. §17.46(10).
4. Failed to disclose information concerning the goods or services which was known at the time of the transaction when such failure to disclose was intended to induce the Plaintiff into a transaction into which the Plaintiff would not have entered had the information been disclosed. §17.46(23).

EA06-005-LC-3793

IX.

At all times relevant hereto, Plaintiff was a consumer of Defendants' goods and services, the warranties breached by Defendants were both express and implied and Defendants' breach were a producing cause of Plaintiff's damages. As such, Defendants have violated DTPA §17.50(a)(2).

X.
THIRD CAUSE OF ACTION: NEGLIGENCE

Plaintiff states that Defendants were guilty of various acts of negligence and that each of the acts of negligence were a proximate cause of the Plaintiff's injury and damages. Defendants owed Plaintiff a duty to design and manufacture a vehicle that was in a good and workmanlike manner and free from defects. Bowden Ford Lincoln Mercury owed Plaintiff a duty to sell her a vehicle that was in good working condition and free from defects. Both Defendants breached their duties owed to Plaintiff by selling her an automobile that spontaneously catches fire and was severely defective. Because of Defendants breach, Plaintiff has sustained damages described below.

XI.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited and commanded to appear and answer this lawsuit in the time and manner prescribed by law, and that upon final trial hereof, Plaintiff be awarded judgment of and against Defendants for the following:

1. Damages in the amount of $27,151.67 for the actual cash value of the Ford Explorer;
2. Damages in the amount of $285.89 for rental of a substitute vehicle; and
3. Attorney's fees;

4. court costs;

5. Pre-judgment and post-judgment interest; and

6. for such other and further relief to which Plaintiff is justly entitled at law or in equity and as this Court may deem just and proper.

PLAINTIFF DEMANDS A JURY TRIAL AND TENDERS THE JURY FEE OF $22.00.

Respectfully submitted

LANG & KUSTOFF, LLP
4103 Parkdale
San Antonio, Texas 78229
Telephone: (210) 614-9444
Telecopier: (210) 614-9464

By: _____
DANIEL O. KUSTOFF
State Bar No. 11170515
MELANIE H. PHIPPS
State Bar No. 24032416

ATTORNEYS FOR PLAINTIFF,
MARIA P. STONE

dok/304012/pleadings/original petition

2021753.00
STATE OF NORTH CAROLINA

COUNTY OF WAKE

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

[redacted]

Plaintiff

v.

FORD MOTOR COMPANY,

Defendant

COMPLAINT

Plaintiff [redacted], complaining of Defendant, alleges and says:

1. Plaintiff is a corporation organized and existing under the laws of the State of North Carolina, and is engaged in the business of selling automobile insurance.

2. Upon information and belief, Defendant FORD MOTOR COMPANY is a Michigan corporation with principal offices in Mecklenburg County, North Carolina, and distributes its products throughout the State of North Carolina, including Rockingham County.

3. Plaintiff had issued a certain automobile insurance policy to [redacted] of Madison, North Carolina, providing coverage on a 1999 Ford Expedition, VIN 1FMPN18L8X[redacted]

4. On or about April 22, 2002, a fire occurred in the 1999 Ford Expedition owned b[redacted]and insured by Plaintiff. Upon information and belief, a damaged fuel line installed in the insured vehicle allowed fuel to leak and ignite, causing the fire and

damages to the insured's truck.

5. On information and belief. a recall by Defendant, which involved the 1999 Ford Expedition, recognized the fuel line problem.

6. On information and belief, Defendant designed and manufactured the automobile, including the fuel line.

7. On information and belief, the fuel line was damaged and failed to prevent fuel vapors from escaping and igniting as the result of a defect in design and manufacturing. The defective fuel line was the cause of the damages to Plaintiff's insured.

COUNT ONE:

BREACH OF IMPLIED WARRANTIES

8. Defendant Ford Motor Company, as manufacturer, warranted that the Ford vehicle which it designed, manufactured, assembled, and distributed was merchantable and fit for the particular purpose for which it was produced, sold, intended to be used, as a personal use vehicle.

9. Defendant Ford Motor Company breached the implied warranties of merchantability and fitness for a particular purpose in that the fuel line installed in the insured vehicle was defective and as a defective product was properly and foreseeably being used by Plaintiff's insured, [redacted]

10. As a direct, foreseeable, and proximate result of Defendant Ford Motor Company's breach of warranties, the Ford vehicle engine caught fire and caused damage to Plaintiff's insured's vehicle.

11. Defendant Ford Motor Company has been given written notice of the breach of warranties and of the damage sustained by Plaintiff's insured as a result of the breach.

12. Defendant impliedly warranted that the Ford vehicle was fit for the purpose for which it was designed, that it was safe and suitable to be used by the insured, and that the vehicle was fit and suitable for the use to be made by Plaintiff's insured.

13. In purchasing and using the Ford vehicle, Plaintiff's insured relied on Defendant's judgment and warranty of fitness for the purpose for which he purchased the vehicle and implied warranty of merchantability of the vehicle.

14. The Ford vehicle was not fit or suitable for the use for its intended purpose and as a result of Defendant's breach of warranty of fitness of purpose and merchantability, the Plaintiff's insured sustained property damage in the amount of $23,659.00.

15. Defendant Ford Motor Company by releasing the Ford vehicle to various distributors for retail sale, impliedly warranted the vehicle was fit for the purpose for which it was designed, that it was a safe and suitable instrument to be used for personal use, and that the vehicle was fit and suitable for that purpose. In reliance on Defendant's skill and judgment and the implied warranties of fitness for that purpose, Plaintiff's insured purchased the vehicle.

16. Defendant Ford Motor Company impliedly warranted that the vehicle was of merchantable quality, fit, safe, and in proper condition for the ordinary use for which personal use vehicles are designed and used. In reliance on that implied warranty of merchantability by Defendant, Plaintiff's insured purchased the vehicle.

17. The vehicle manufactured by Defendant Ford Motor Company and purchased by Plaintiff's insured was not of merchantable quality; rather it was unfit and unsafe for the purpose for which it was intended. The condition of the vehicle constituted a breach of defendant's implied warranty of merchantability, which was a proximate cause of the

damages sustained by Plaintiff's insured, the total loss of the vehicle.

18. As a direct and proximate result of the breach of warranties by Defendant, Plaintiff paid $23,659.00 to its insured under the insured's insurance policy.

19. As a result of these payments, Plaintiff's rights are subrogated to those of the insured, [redacted]

COUNT TWO:

DAMAGE TO PROPERTY

20. All allegations of paragraph one through paragraph eighteen (1-18) are realleged and incorporated herein.

21. Defendant had a duty of care to the Plaintiff which was breached and damages were proximately caused by the breach. Defendant had a duty of care to Plaintiff based on a standard of care of an ordinarily prudent manufacturer under the same or similar circumstances to provide a product free of latent defects.

22. Defendant was negligent with respect to the defect in the vehicle by failing to exercise ordinary care in the design and the manufacturer of the vehicle or was negligent in failing to discover the defect in the vehicle. With reasonable inspection, the Defendant by the exercise of ordinary care would have discovered the defect in the vehicle. The fuel line was damaged.

23. The Defendant failed to protect the Plaintiff's insured's property by failing to discover the defect in the vehicle.

24. As a direct and proximate result of the negligence of the Defendant and their employees and agents, the property insured by [redacted] with the Plaintiff was

damaged. The truck was a total loss due to fire damages.

25. As a direct and proximate result of the negligence of the Defendant, Plaintiff paid $23,659.00 to its insured, [redacted] under the insured's own insurance policy.

26. As a result of these payments, Plaintiff's rights are subrogated to those of the insured, [redacted]

27. Upon information and belief, the National Highway Transportation Administration has issued a recall notice for defective fuel lines in the 1999 Ford Expedition.

WHEREFORE, Plaintiff prays the court as follows:

1. That it have and recover of the Defendant the sum of $23,659.00, plus interest in the amount of 8.00% from the date of Judgment.

2. That the costs of this action be taxed against the Defendant.

3. For such other and further relief that the court deems just and proper.

This the 21st day of May, 2003.

THE SIGMON LAW FIRM, P.A.

C. Miller Sigmon
Attorney for Plaintiff
N.C. Bar #13949
Post Office Box 17249
Raleigh, North Carolina 27619
Telephone: 919/855-8900

2021753.00

STATE OF North Carolina

COUNTY OF Mecklenburg

VERIFICATION

I, Aaron Dula, being duly sworn, depose and say:

That I am an officer, or managing or local agent of Plaintiff corporation herein; that I have read the foregoing Complaint and know the contents thereof, and that the same is true of my own knowledge, except as to the matters therein stated upon information and belief, and as to those I believe them to be true.

Aaron Dula
BY:

Sworn to and subscribed before me this 5th day of June, 2023

Peggy H. Long
Notary Public

My Commission Expires: May 19, 2026

PEGGY H. LONG NOTARY PUBLIC MECKLENBURG COUNTY, N.C.

North Carolina Incident Report

Agency ID: 08SDA | State: NC | Incident Date: 04 22 2002 | Station: 03A | Incident Number: 0201621

☐ Update ☐ Change ☐ No Activity

BASIC - 1

Location ☐ Check this box to indicate that the address for this incident is outside the Wildland Fire Protection Area

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

[redacted] | Census Tract: DK | Apt./Suite/Room: | City: MADISON | State: NC | [redacted] | Cross street or directions, as applicable

Incident Type: 131 VEHICLE FIRE

Alarm Given or Received: ☐ Manual alarm received ☐ Automatic alarm received ☐ Manual alarm given ☐ Automatic alarm given ☐ Other alarm given ☐ None | Time FDID | Time Rec. | Fire Incident Number

Dates & Times: Month Day Year Hour Min

- Alarm: 04 22 2002 1758
- Arrival: 1806
- Controlled: 1827
- Last Unit Cleared: 1827

E2 Shifts & Alarms: Shift or Alarms | Date

E3 Special Studies: Special Study | Study Code

Actions Taken: 11 EXTINGUISH | 5 INVESTIGATE

Additional Actions Taken:

G1 Resources: ☐ Check this box and complete the apparatus form

	Apparatus	Personnel
Suppression		
EMS	2	2
Other		

☐ Check this box if no resources were used

G2 Estimated Dollar Losses & Values:

	Losses	Values
Property 1	300	000
Contents 1	0	000
Property 2	20	000
Contents 2	2	000

I1 Casualties ☐ None

	Deaths	Injuries
Civilian		
Firefighter		

I2 Detector

Required for residential fires

☐ Detector alarmed equipment

H1 Hazardous Materials Release ☐ None

1 ☐ Natural gas or other fuel, no evacuation or hospital evaluation
2 ☐ Propane gas <21 lb. fuel (or in home BBQ grill)
3 ☐ Gasoline vehicle fuel tank or portable container
4 ☐ Kerosene vehicle fuel tank or portable container
5 ☐ Diesel fuel/fuel oil vehicle fuel tank or portable storage
6 ☐ Household substances (cleaners, paints, oil, etc.) spill, cleanup only
7 ☐ Motor oil from engine or portable container
8 ☐ Fluids from point source totaling <50 gallons
9 ☐ Other Special Hazard actions required or spill > 50 gal.

☆ Name excerpts for Hazmat form

Affected Properties

10 ☐ Single family
11 ☐ Apartments
12 ☐ Mobile home
13 ☐ Hotel/motel
14 ☐ Dormitory
15 ☐ Residential care
16 ☐ Day care
17 ☐ Other care
18 ☐ Industrial use
19 ☐ Office use
20 ☐ Retail use
21 ☐ Food use
22 ☐ Other related use

Completed Modules

☐ Fire-2 ☐ Hazmat-3 ☐ Wildland Fire-4
☐ Structure-5 ☐ Aircraft-6
☐ Civilian Fire Casualty-7 ☐ Apparatus-8
☐ Fire Serv. Casualty-9 ☐ Personnel-10
☐ EMS-6 ☐ Arson 11
☐ Other 12

Property Use ☆ 962

Property Use: DRIVEWAY

See back for "Common" Codes

Person/Entity Involved Local Option

☐ Check this box if name, address or business is unknown. Then skip the remaining relevant fields.

[redacted] | Area Code | Phone Number | Suffix | Number | Suffix | Street or Highway | Street Type | Suffix | Apt./Suite/Room | City | State | Zip Code

☐ More people involved? Check this box and attach Supplemental Forms (NFIRS-15) as necessary.

Owner Local Option

☐ Same as person involved

☐ Check this box if name, address or business is unknown. Then skip the remaining relevant fields.

[redacted] | Area Code | Phone Number | Suffix | Number | Suffix | Street or Highway | Street Type | Suffix | Apt./Suite/Room | City | State | Zip Code

Authorization

1137 | D M Briggs | CHIEF | OIC | 04 22 2002

☐ Check here if OIC signature is required

Officer in charge ID | Signature | Position or rank | Assignment | Month Day Year

Officer in charge ID | Signature | Position or rank | Assignment | Month Day Year

North Carolina Office of State Fire Marshal

ER05-085-LC-3862

North Carolina Office of State Fire Marshal

Complete this form for all fires

A 08609 NC 03 2002 037 020 1621 Fire - 3

B Property Details

B1 Estimated number of residential living units in building of origin whether or not all units shown destroyed — Not Residential

B2 Number of buildings involved — Buildings not involved

B3 Acres burned (outside dates) — None — Less than one acre

C On-Site Materials or Products — None

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

Complete if there were any materials of commercial, industrial, agricultural or educational products or materials on the property, whether or not they figured in the incident.

Code material (1) — 1 Bulk storage or warehousing; 2 Processing or manufacturing; 3 Packaged goods for sale; 4 Repair or service

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

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

D Ignition

D1 03 CONTAINER AREA — Area of fire origin

D2 UU UNDETERMINED — Fire origin

D3 UU UNDETERMINED — Item first ignited; 1 Check box if fire spread was confined to object of origin

D4 UU UNDETERMINED — Type of material first ignited. Required only if item first ignited code is 00 or 01

E1 Cause of Ignition — Check box if this is an expense report. Fire - 4

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

E2 Factors Contributing To Ignition — None

UU UNDETERMINED — Factor contributing to ignition (1)

Factor contributing to ignition (2)

E3 Human Factors Contributing To Ignition

Check all applicable boxes

1 Asleep
2 Possibly impaired by alcohol or drugs
3 Unattended person
4 Possibly mentally disabled
5 Physically disabled
6 Multiple persons involved

7 Age was a factor

Estimated age of persons involved

1 Male 2 Female

F1 Equipment Involved In Ignition — None — If equipment was not involved, skip to Section G

Equipment involved

Brand

Model

Serial #

Year

F1 Equipment Power Source

Equipment Power Source

F3 Equipment Portability

1 Portable
2 Stationary

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

G Fire Suppression Factors — None

Enter up to three codes

Fire suppression factor (1)

Fire suppression factor (2)

Fire suppression factor (3)

H1 Mobile Property Involved — None

1 Not involved in ignition, but burned
2 Involved in ignition, but did not burn
3 Involved in ignition and burned

EXPEDITION

H2 Mobile Property Type & Make

CAR — Mobile property type

FD EXPEDITION — Mobile property make

1999

[redacted] — License Plate Number

NC — State

1FMPU18L9X[redacted] — VIN Number

Remember first! Please be sure to complete narrative section.

Local Use

Pre-Fire Plan Available

Some of the information provided in this report may be based upon reports from other agencies.

Arson report attached
Police report attached
Coroner report attached
Other reports attached

NFIRS Incident Number

ERDS-005-LC-3883

L Supplemental Special Studies

Page Number

Supplemental – 13

1 Special Study ID#	Special Study Value	2 Special Study ID#	Special Study Value	3 Special Study ID#	Special Study Value	4 Special Study ID#	Special Study Value
5 Special Study ID#	Special Study Value	6 Special Study ID#	Special Study Value	7 Special Study ID#	Special Study Value	8 Special Study ID#	Special Study Value

L Narrative Text Space

Dispatched to Big Thornton Dr reference a vehicle fire. Dispatcher advised that owner was attempting to move burning vehicle away from his residence. Arrived to find 1999 Ford Expedition with heavy amount of smoke and fire in the engine compartment and with both front tires [redacted] Stated that his wife had just arrive home and parked it. He stated that he heard a "popping" noise while standing in the kitchen and when he looked out window the vehicle was on fire. [redacted] also stated that he put gear selector in neutral and attached a chain to rear of vehicle. A tractor was connected to the chain and it pulled the vehicle away from the residence. The vehicle was said to have a full fuel tank. A single line was pulled from Engine 437 and used to extinguish the fire. The engine compartment, hood, front quarter panels, tires and grill were completely destroyed. The dashboard and windshield were also heavily damaged.

D M Ellis
Chief FO

[redacted]

06/28/02

Claim Number: [redacted]

Q: This is [redacted] calling from Charlotte, NC and I speaking with [redacted] concerning a loss which took place on April 22. Today's date is April 23, 2002 and the time now is about 10:08 a.m. [redacted] our conversation's being recorded, is this being done with your permission?

A: Yes.

Q: What I'm going to do is just ask you a series of questions? First of all, if you could confirm your address please? Your full address? Home address?

A: Okay.

Q: All right, go ahead?

A: [redacted] Madison, NC [redacted]

Q: Do you have your driver's license number with you or do you know that by heart?

A: Uh, I don't know it by heart but I have it right here.

Q: Okay. Well, why we wait...

A: My license number is uh [redacted]

Q: And which State is that for?

A: North Carolina.

Q: Any restrictions on that?

A: Eyeglasses.

Q: And what's the expiration date on that?

A: Uh..

Q: Hello.

A: I'm lookin' at it.

Q: Oh, okay.

A: 05-13-2006.

Q: Could you please state your full name?

A: [redacted]

Q: Can you spell the last name?

A: [redacted]

Q: Okay that's just to make sure that I'm speaking with the name insured. For Identification purposes.
A: Okay.

Q: To identify—making sure we're on the same page about the vehicle, if you can state the year, make and model?
A: It's a 1999 Ford Expedition.

Q: You don't know the VIN number by any chance do you? If you don't I'll....
A: Uh, no.

Q: The VIN number is 1SMTU18L8XL[redacted] for the record. Could you state the color of the vehicle? Did I ask you that, the color of the vehicle?
A: The color is white.

Q: White? Is it white all over?
A: White with, uh, Gold trim.

Q: And who mainly used this vehicle?
A: Uh...

Q: Is it shared between..?
A: Me and my wife.

Q: Okay, shared between you and your wife? Who has the most? Your wife or you?
A: No certain person.

Q: Oh, okay. Whoever gets in it first. Where is the vehicle at right now?
A: In my driveway.

Q: At your driveway? Okay. So the fire occurred at your home?
A: Residence, yes.

Q: Residence? Okay. Can you state in details as to what happened? Start from the beginning please.
A: Uh, approximately I say about, about 6:15, 6:20 maybe 6:30 I was outside, I had my back to the vehicle cooking on a grill. I heard a spewing sound coming from the car, turned around to look, I seen smoke coming out from under the hood. I opened the door, my wife had already came in from the car, she did have it that day. I called my wife, I said, uh, you need to come in here look at your car. Before she could get to the back door, I saw flames comin' out from the front grill

and when she came to the door, I told her her car was on fire, call the fire department.

Q: So, do you know where she was coming from that day?
A: She was coming from work.

Q: Oh, she had been at work?
A: Yes.

Q: Had there been any prior repairs on the vehicle?
A: No.

Q: Now you said something was spewing from the—are you saying something from the radiator or...?
A: I don't know. I didn't, uh, I started to go up under the hood but when I seen the fire, I didn't want no fire flashing in my face, so I just backed off.

Q: But you initially saw smoke at first right?
A: Right.

Q: And then by the time you went to tell her and everything, it had spread already?
A: Fire was coming out of the front.

Q: Now what did the fire department say started the fire, could they tell or...?
A: They didn't know. They had no idea. I asked them. I asked them about a recall on these cars, uh, had they seen—I knew they seen more of this than me because that's there business, fire. And uh, and he really wouldn't comment or he didn't know, one.

Q: Now you said—Can you go in detail, what part of the vehicle was damaged?
A: From the front bumper to the front seat, uh, on the interior. The exterior is uh, on the front bumper to the I'm gon' say backdoor, to the backdoor, from the front bumper to the backdoor.

Q: Did your wife have—did she drop someone off or something? Did she stop anywhere particular on the way home that day?
A: No, no.

Q: Did she complain about anything going wrong with the vehicle, any funny smell, or..?
A: Uh, nah, not to my knowledge.

Q: And there's no one that uh—you don't think anyone could've—anyone that's out there that would've started the fire?
A: Oh no. I was out there when the car started—I'd been out there since she came home so you know I could see the car.

Q: Well, you said you had your back turned so anyone could've..?
A: Well the car is—was about twenty feet from me. So, you know, I could—I got dogs out here that bark you probably hear them barking...

Q: Oh yeah.
A: ...right now and uh, I don't think nobody's gon' slip up on me from twenty foot.

Q: I just think, you know, with a 99' Ford Expedition..
A: I understand, I understand. That's uh, got me puzzled too.

Q: Yeah. Did someone do something? You don't have any enemies or anything like that do you?
A: No, no.

Q: Anyone that's friendly with the dogs or in the neighborhood?
A: No. They bark at everybody. They bark at me coming up (INAUDIBLE).

Q: With this fire, was it blazing?
A: Blazing, yeah.

Q: Well, I guess that ends all my questions, did you want to add any other remarks to it? No one was hurt?
A: No one was hurt, nothing but property damage on the inside.

Q: What was the personal damage on the inside?
A: Uh, we don't have a value yet, we were told, it's best to leave it alone until a appraiser comes and look at it. But we have uh, phones in there, we had CD's in there, we have uh, uh, cassette tapes. I had uh, radar detector in there.

Q: What was that?
A: Radar detector.

Q: Oh, okay.
A: Uh, and uh, some, I had a, a box of uh, I already said cassettes, but I had a box of uh, a Bible tapes in there. Uh, bunch of tapes and CD's, phones, uh, and radar detector and that's about it. Umbrellas and stuff like that.

Q: Well, I do know with—per Kemper policy, it states that an exclusion for personal items if it is—if those items are not permanently installed to the vehicle, then they would not be covered. You may check with your homeowners and just see if that is covered. Check with your agent first and see if those items are covered because if you're transferring—if you had the CD's in your house first and then you brung them, you know, to your car or something like that, then that may or may not be covered.

A: Well, who would determine this?

Q: The property adjuster?

A: The one that's coming out.

Q: No, no. If you want to make a claim for your personal items.

A: I do.

Q: Okay, well then you'll need to make that claim under your homeowner's coverage. Do you own a home or a condo?

A: Yes, a home.

Q: You can speak with your agent about that and he can over the policy with you and find out the things that will be covered, because I just work with the auto side.

A: Well, okay but you spoke of the things that stay in the car?

Q: Well, they have to be permanently installed. Uh, like if, like if it was a CD player or something, you know.

A: CD player's permanently installed. Uh, my radar detector was permanently installed, my cell phone was permanent installed.

Q: Oh it was, okay.

A: We never took it out, it stayed in the car, it went with the car.

Q: So you couldn't take the phone from out of the car?

A: I could.

Q: You could have?

A: Yes ma'am. I could take the front fender off the car if I need to.

Q: Okay, I understand.

A: You understand what I'm sayin'.

Q: Right, what we'll do, we'll definitely have the appraiser to look at that, but the most that we'll be able to pay for personal effects is only $100.

A: For everything?

Q: For everything?
A: And you mean I pay all this insurance for that?

Q: For personal effects, now for the vehicle itself, you know?
A: Well, that don't seem right and I'm gon' tell you I'm disappointed in this and I'm gon' inquire 'bout it further.

Q: Well, for the other items, you again, you have to check with—now if you're talking about the cell phone, of course, we'll take a look at all that, but the most that we'll pay, now it's in your policy, is $100 for personal effects. Now for the other things like the umbrellas, and the CD's and the cassette tapes you would need to check with your homeowner's and see if you qualify for that.
A: Right.

Q: Was there anything else that you want to add on to this?
A: No.

Q: I have another question. You do have a lienholder on that vehicle?
A: Yes.

Q: Are you okay on your payments?
A: Yes.

Q: It's not in repossession status or anything?
A: No, no. You can call them and check it.

Q: When was the last time you made your payment?
A: Well, it, it would be uh, this is April, it'll be March.

Q: And your payments are due when?
A: The end of each month.

Q: Who is your lienholder?
A: Ford Motor Company.

Q: All right.
A: Now how soon will an adjuster come out here?

Q: One or two business days. I'll definitely have them expedite this assignment to get out there as soon as possible.

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(856) 784-6077
Fax: (856) 782-7031
Email: valentineinc@enjo.net
www.FireInvestigations.com

06/10/02

Our # 23243
Your # [redacted]

INTRODUCTION

This report is prepared pursuant to a request by Mr. Aaron Dula of the Kemper Insurance Companies, 5 Coliseum Centre, 2810 Coliseum Center Drive, Suite 450, Charlotte, North Carolina, the insurance carrier in this matter. This report asserts the opinions I have developed regarding the fire that occurred on April 22, 2002, involving a 1999 Ford Expedition.

In developing my opinions, I have relied on my knowledge of Fire Protection Systems, Building Construction, Fire Reconstruction and Fire Ground Tactical Command, including my personal experience as a Chief of the Lindenwold Fire Department, Camden County, New Jersey. Additional information on my experience, qualifications and training is provided upon request.

DISCUSSION

On June 4, 2002, the undersigned arrived at Copart Salvage, 12360 US Highway 29, Chatham, Virginia, for an examination of the vehicle involved in this loss. The vehicle has been identified as a 1999 Ford, Expedition, white in color. Vehicle Identification Number (VIN) 1FMPU18L8X[redacted] The insured are a[redacted] Drive, Madison, North Carolina.

Based upon the Madison Fire Departments Incident Report by Chief D.M. Rizzo, the fire was reported at 1758 hours. In this report [redacted] is quoted as saying that, "His wife had just driven the vehicle home and parked it. He heard a popping noise while standing in the kitchen and when he looked out window the vehicle was on fire. Owner stated that he put the gear selector in neutral and attached a chain to the rear of vehicle. A tractor was connected to the chain and it pulled the vehicle away from the residence . The vehicle was said to have a full fuel tank."

The vehicle as stated is a 1999 Ford, Expedition, white in color. The heaviest fire damage was to the drivers side of the engine compartment. In this area all plastic components and wiring insulation had been consumed. The wiring in the engine compartment showed no unusual electrical activity. The hood over this area had also been totally consumed. The fuel injector supply manifold was intact and the fuel pressure regulator was also evident. The fuel line to fuel ejector manifold connectors were missing and had either been consumed by the fire or lost during transportation of the vehicle to storage (See exhibit 1).

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A review of Ford Motor Company recalls show that a recall for the fuel line assembly, "that may had been damaged by the supplier during manufacturing, allowing leakage" and with a recall date of 12/14/98 involves 305 affected units, manufactured 08/1998 to 08/1998. During the course of this investigation, the undersigned was not able to ascertain if this vehicle was part of the recall either directly with Ford or the Ford dealership that sold the vehicle.

ORIGIN OF FIRE

Based upon an examination of the physical evidence and review of documents in connection with this case, it is the opinion of the undersigned that the fire originated in the driver's side area of the engine compartment at a point of location of the fuel line connectors to the fuel injectors supply manifold.

CAUSE OF FIRE

It is the opinion of the undersigned that this fire originated due to a failure or leaking of the fuel line assembly in the above noted location of the engine compartment.

Further, it is the opinion of the undersigned that Ford Motor Company be given the opportunity to examine this vehicle and or the Consumer Product Safety Commission be advised of this loss

Submitted By:

James F. Valentine Jr. CFEI, CFII, CFPS

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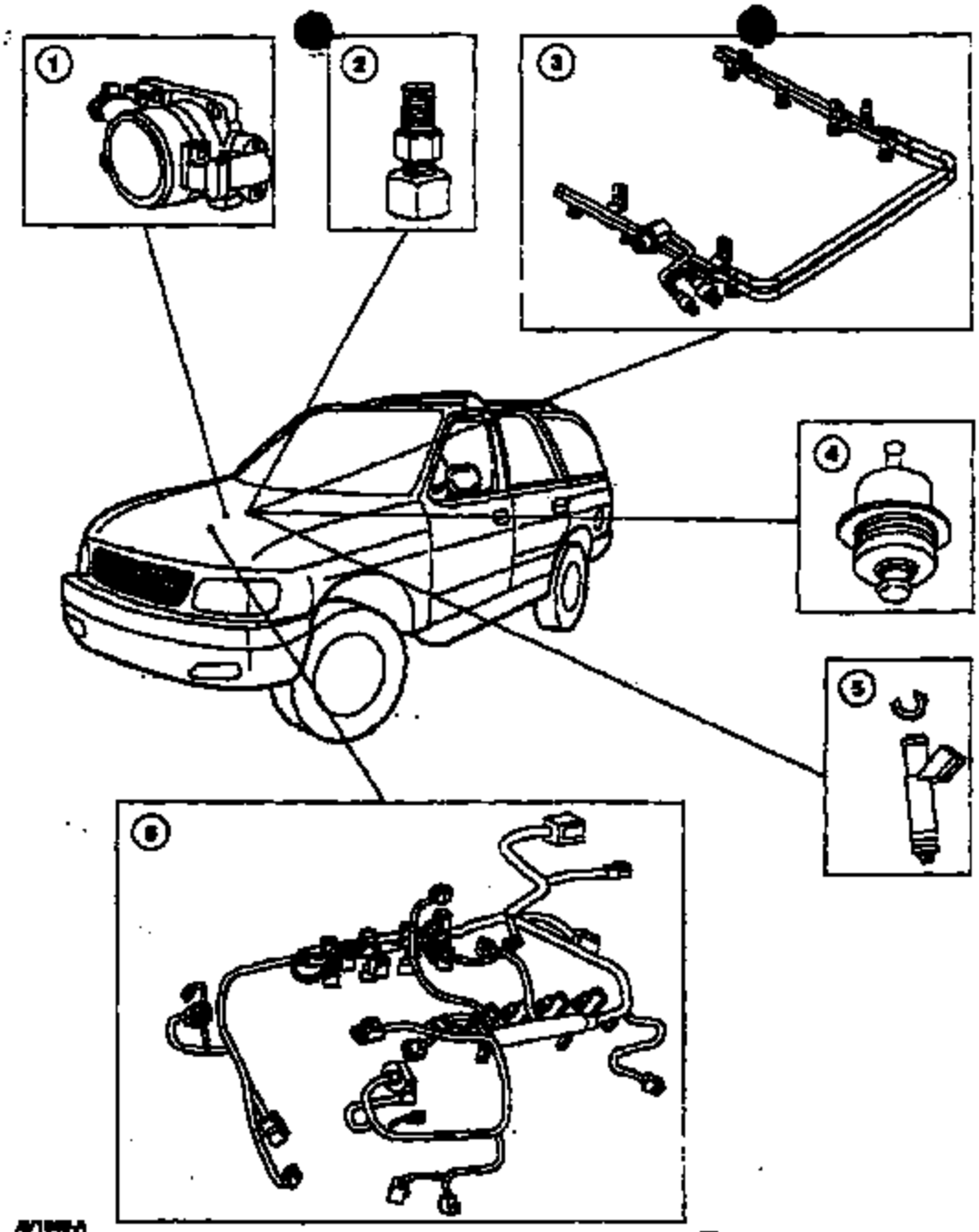
EXHIBITS



Item	Description
1	Throttle body
2	Fuel pressure relief valve
3	Fuel injection supply manifold

Item	Description
4	Fuel pressure regulator
5	Fuel injectors
6	Fuel charging wiring

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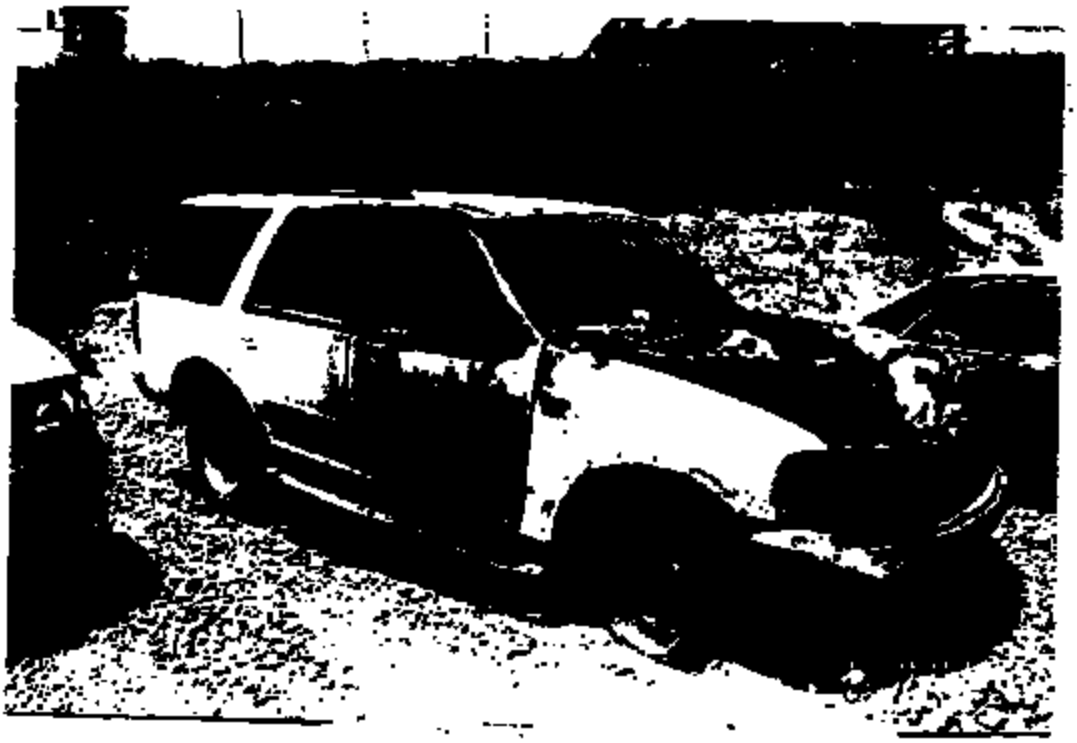
EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 1

Description;

View of Vehicle



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EXHIBITS

Insured;
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XI[redacted]

Photo; V - 2

Description;

View of Vehicle

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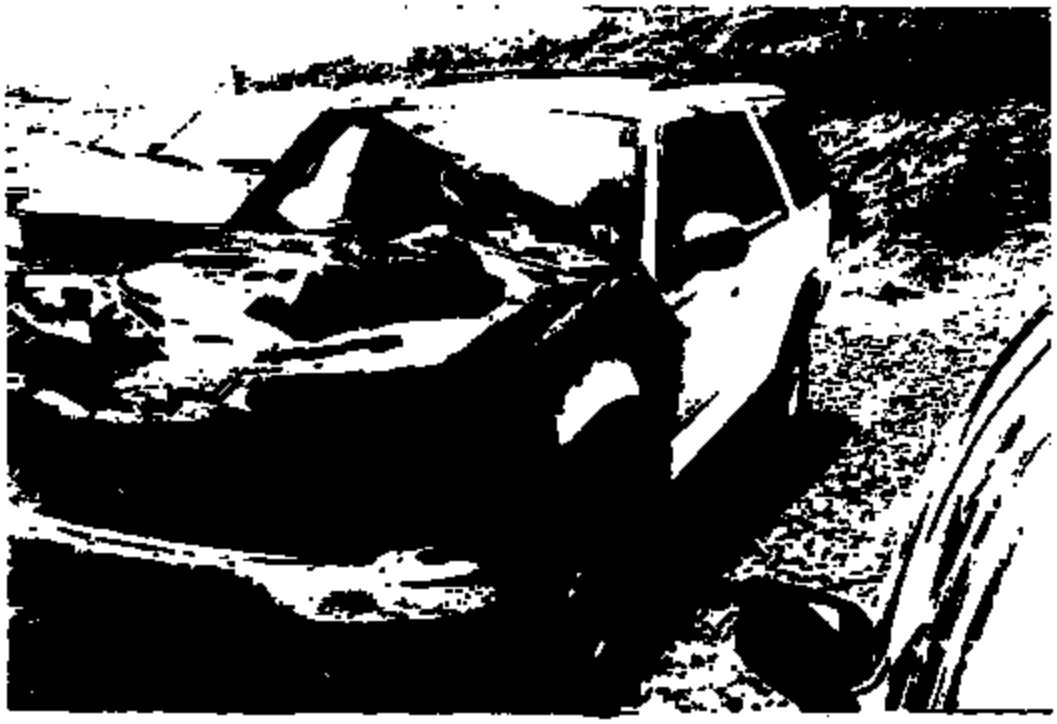
EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; Y - 3

Description;

View of Vehicle



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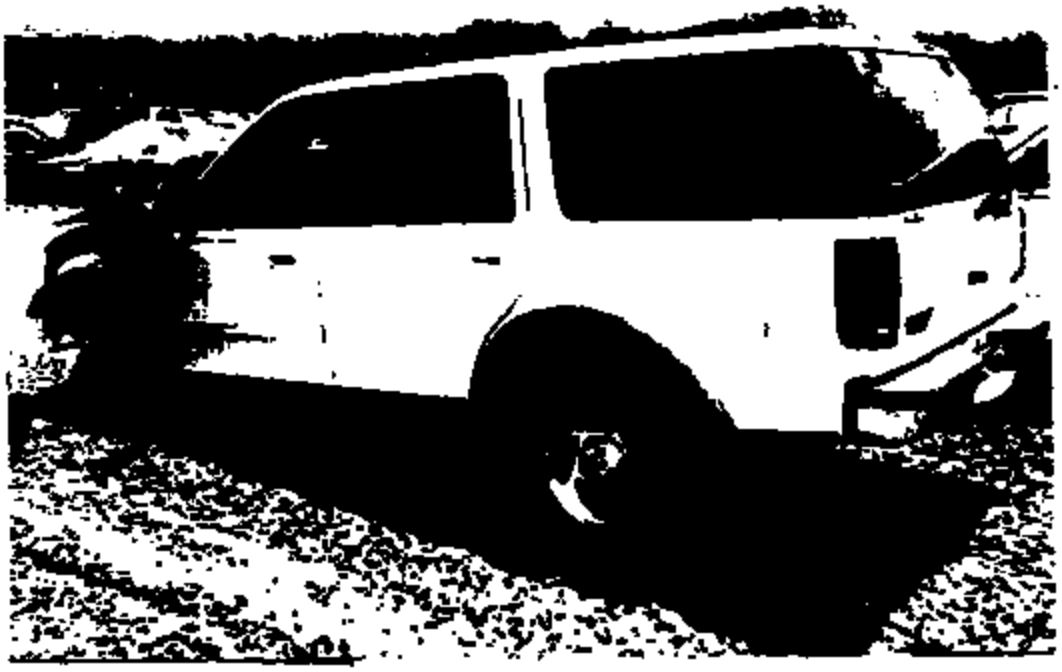
EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8X[redacted]

Photo; V - 4

Description;

View of Vehicle



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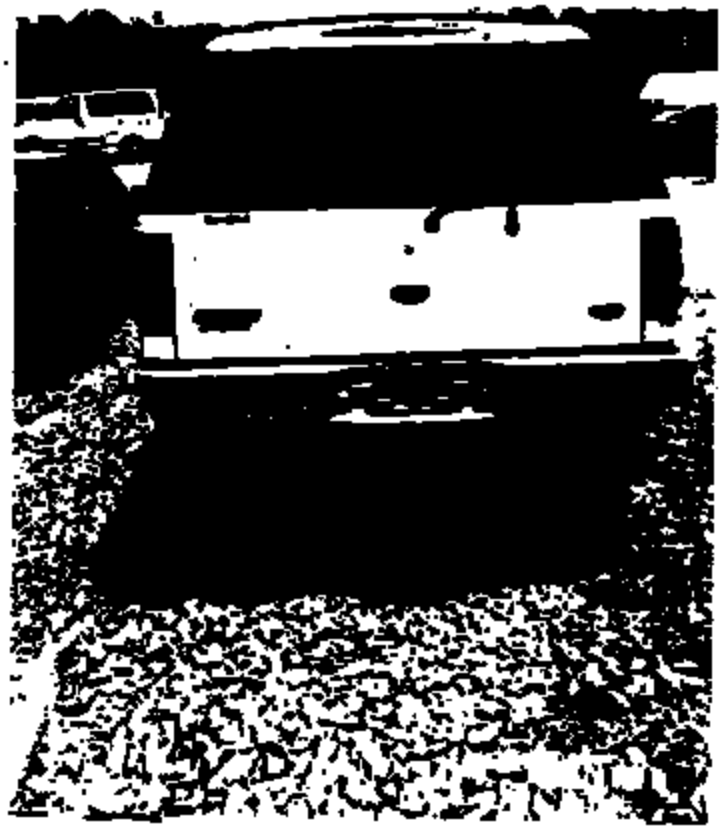
EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 5

Description;

View of Vehicle



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EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 6

Description:

View of Vehicle

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EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 7

Description;

View of Vehicle

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EXHIBITS

Insured;
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L3XL[redacted]

Photo: V - 8

Description;

View of Vehicle

Regional Offices

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EXHIBITS

Insured:
[redacted]

1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 9

Description;

View of Vehicle

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EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo: V - 10

Description;

View of Vehicle

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EXHIBITS

Insured: [redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8X[redacted]

Photo; V - 11

Description;

View of Vehicle

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EXHIBITS

Insured:
[redacted]

1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 12

Description;

View of Vehicle

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EXHIBITS

Insured: [redacted]

1999 Ford Expedition
VIN No.: 1FMPU18L8X[redacted]

Photo: V - 13

Description:

View of Vehicle

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EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L3X[redacted]

Photo; V - 14

Description;

View of Vehicle

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EXHIBITS

Insured:
[redacted]

1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 15

Description;

View of Vehicle

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EXHIBITS

Insured:
[redacted]

1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 16

Description;

View of Vehicle

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EXHIBITS

Insured: [redacted]

1999 Ford Expedition
VIN No.: 1FMPU18LXXL[redacted]

Photo; V - 17

Description;

View of Vehicle

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EXHIBITS

Insured;
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 18

Description;

View of Vehicle

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EXHIBITS

Insured:
[redacted]

1999 Ford Expedition
VIN No.: 1FMPU18L8X[redacted]

Photo; V - 19

Description;

View of Vehicle

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EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 20

Description;

View of Vehicle

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EXHIBITS

Insured;
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8X[redacted]

Photo; V - 21

Description;

View of Vehicle

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EXHIBITS

Insured;
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 22

Description;

View of Vehicle

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EXHIBITS

Insured;
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo: V - 23

Description;

View of Vehicle

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EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XI[redacted]

Photo; V - 24

Description;

View of Vehicle

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EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8X[redacted]

Photo; V - 25

Description;

View of Vehicle

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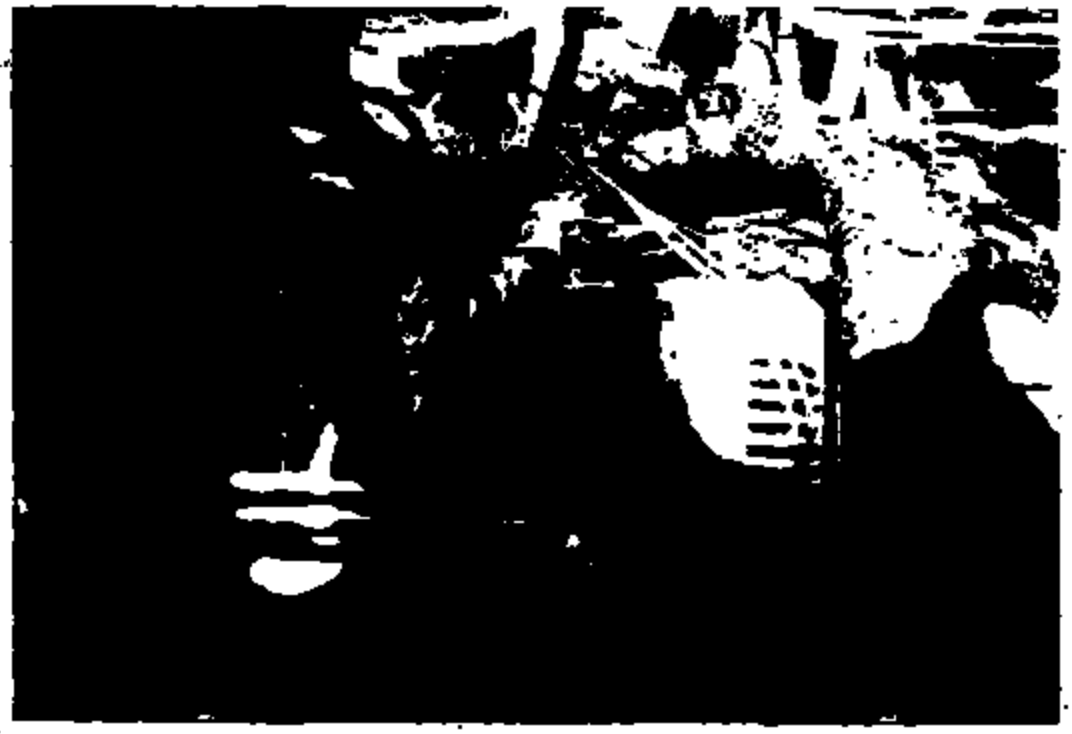
EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 26

Description;

View of Vehicle



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EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 27

Description;

View of Vehicle

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EXHIBITS

Insured;
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 28

Description;

View of Vehicle

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EXHIBITS

Insured;
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L3XL[redacted]

Photo; V - 29

Description;

View of Vehicle

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EXHIBITS

Insured:
[redacted]

1999 Ford Expedition
VIN No.: 1FMPU18L8XU[redacted]

Photo: V - 30

Description;

View of Vehicle

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EXHIBITS

Insured:
[redacted]

1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 31

Description;

View of Vehicle

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Email: valentineinc@snip.net
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EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18LSX[redacted]

Photo; V - 32

Description:

View of Vehicle

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FIRE PROTECTION & INVESTIGATIONS

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EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 33

Description;

View of Vehicle

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Fax: (856) 782-7031
Email: valentineinc@snip.net
www.FireInvestigations.com

EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 34

Description;

View of Vehicle

James F. Valentine Jr. Inc.
FIRE PROTECTION & INVESTIGATIONS

1977 Celebrating 25 Years 2002

Corporate Office:
P.O. Box 4106
11 N. Berlin Road
Lindenwold, NJ 08021

Tel: (856) 273-6644
(856) 784-6077
Fax: (856) 782-7031
Email: valentineinc@snip.net
www.FireInvestigations.com

EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L3X[redacted]

Photo; V - 35

Description;

View of Vehicle

James F. Valentine Jr. Inc.
FIRE PROTECTION & INVESTIGATIONS

1977 Celebrating 25 Years 2002

Corporate Office:
P.O. Box 4106
11 N. Berlin Road
Lindenwold, NJ 08021

Tel: (888) 273-8844
(856) 784-6077
Fax: (856) 782-7031
Email: valentineinc@snip.net
www.FireInvestigations.com

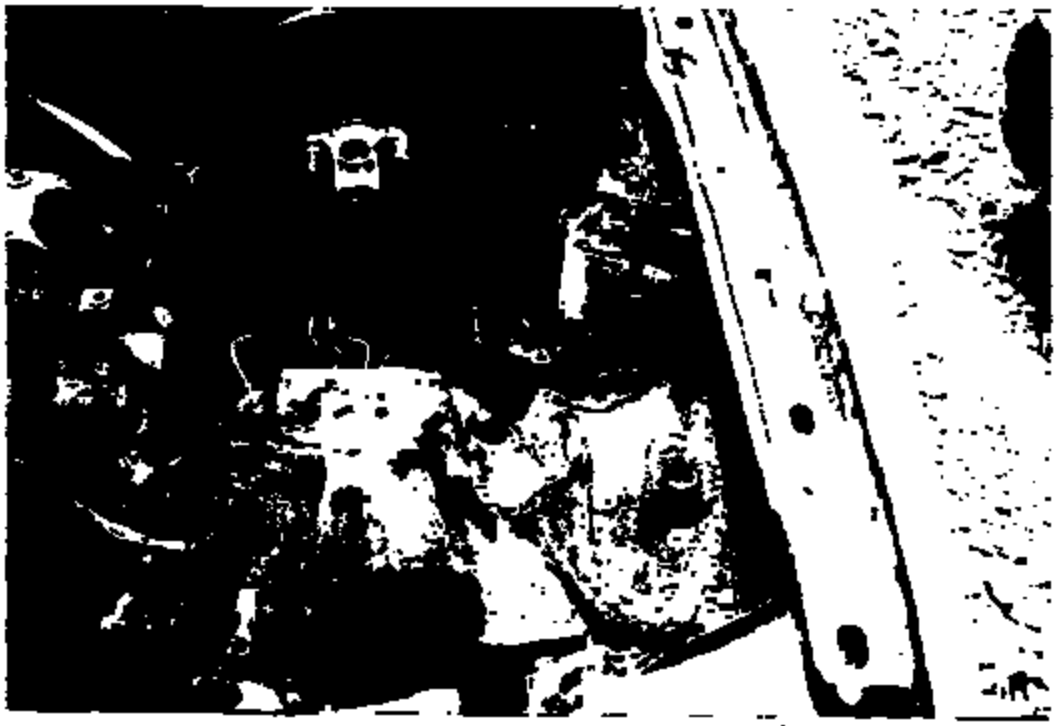
EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 36

Description;

View of Vehicle



James F. Valentine Jr. Inc.
FIRE PROTECTION & INVESTIGATIONS

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Corporate Office:
P.O. Box 4108
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Tel: (856) 273-6844
(856) 784-6077
Fax: (856) 782-7031
Email: valentineinc@snip.net
www.FireInvestigations.com

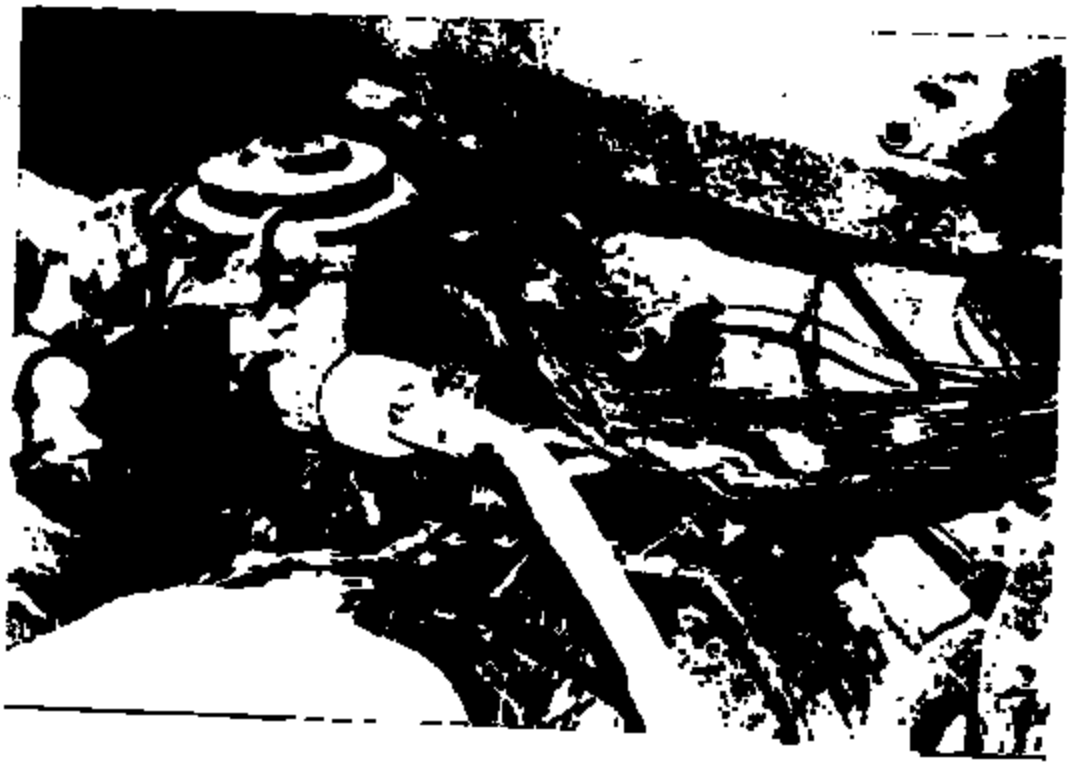
EXHIBITS

Insured:
[redacted]
1999 Ford Expedition
VIN No.: 1FMPU18L8XL[redacted]

Photo; V - 37

Description;

View of Vehicle



Kemper Insurance Companies
Five Coliseum Centre
2810 Coliseum Cntr Dr, Ste. 450
Charlotte NC 28217-2394

704/423-6000
Fax 704/423-6001
800/464-5108

MR SHAWN NORTON
C/O FORD MOTOR CO
PARKLANE TOWERS WEST STE 300
DEARBORN MI 48126-2568

Claim #:	[redacted]
Date of Loss:	April 22, 2002
Insured:	[redacted]
Other:	M
Office Use:	F941A M

May 29, 2002

Claimant: [redacted]IN-1FMPU18L8X[redacted]

DEAR MR. NORTON:

THANK YOU FOR YOUR LETTER TO US DATED MAY 13, 2002.

I HAVE ATTACHED PARTS OF OUR FILE WHAT WE HAVE RECEIVED TODATE THAT YOUR HAVE REQUESTED.

WE ARE IN THE PROCESS OF GETTING AN EXPERT REVIEW AND INSPECTION, BUT HAVE ATTACHED WHAT WE KNOW TO DATE.

THIS LOSS OCCURRED ON 4-22-02 AT OUR INSURED'S RESIDENCE AT 1316 THORNTON ROAD IN MADISON, N.C. MRS. SWINK HAD DRIVEN UP AND PARKED THE VEHICLE. THE VEHICLE WAS OFF AND UNOCCUPIED WHEN THE FIRE WAS SEEN. OUR INSURED CALLED THE FIRE DEPARTMENT TO AID IN PUTTING THE FIRE OUT AND THEIR REPORT IS ENCLOSED WITH OUR APPRAISER'S REPORT AND PHOTOGRAPHS.

IT APPEARS THE FIRE COULD HAVE BEEN A LEAKING FUEL LINE OR FUEL INJECTOR AS THE POSSIBLE CAUSE OF THE FIRE. THERE WERE NO INJURIES.

WE PAID 23644.00 TO DATE AS A TOTAL LOSS, BUT THE SALVAGE HAS NOT YET BEEN RESOLVED. WE ARE HOLDING THE VEHICLE AND NOT SELLING THE SALVAGE AT THIS TIME FOR YOUR INSPECTION OF THE BURNED VEHICLE. THE VEHICLE IS STORED AT COPART, INC. AT 12360 US HIGHWAY 29 CHATHAM, VA. 24532. THEIR NUMBER IS 434-432-3000. THEIR CONTROL # IS 3312952-82 DANVILLE.

PLEASE CONTACT US FIRST BEFORE YOU SEND A TEAM TO INSPECT THE VEHICLE SO THAT WE CAN GIVE CLEARANCE TO THE SALVAGE LOT.

WE ALSO SPOKE TO THE SELLING DEALERSHIP, PAUL CIENER FORD IN KERNERSVILLE, N.C. THEY INFORMED US THE VEHICLE HAD BEEN SERVICED IN MAY 2001 FOR A FREON LEAK AND IN JUNE OF 2001 FOR A SPARE TIRE RECALL AND THE FOUR TIRES WERE REPLACED. NO OTHER PROBLEMS SHOWED IN THEIR RECORDS.

OOW
DSD - 1/25/99
NC = ELD

- Madison, NC
- $23644.
- '99 Expect.
- VIN
- 60 pcs

DMS-GMS-LC-3492

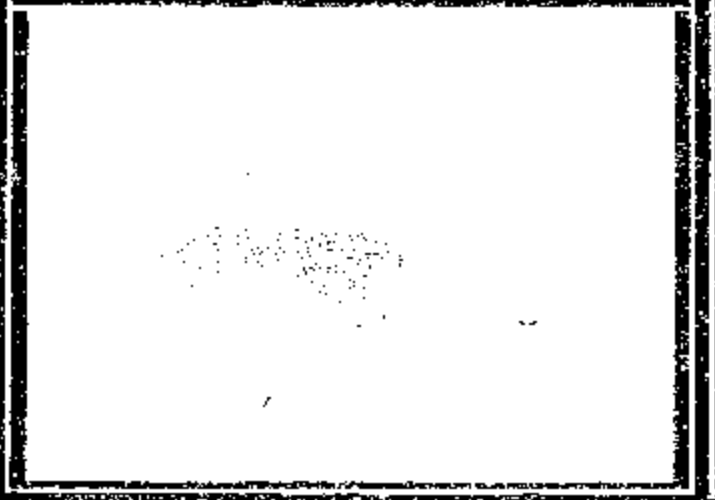
PHOTO RECORD

To: Shawn Norris
1FMPU18L8X4[redacted]

KEMPER INSURANCE, CHARLOTTE, NC

OUR FILE NUMBER: 4-B-024-02
APPRAISER: CHARLES LOFLIN
RAEFORD TRIANGLE APPRAISAL

INSURED: [redacted]
CLAIMANT:
CLAIM NUMBER: [redacted]
DATE OF LOSS: 04/22/2002
DATE TAKEN: 04/23/2002



ER65-605-LC-3853

IN THE DISTRICT COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

[redacted] Plaintiff,	)	COPY Original Received APR 10 2003 Clerk of the Trial Courts
v.	)	
FORD MOTOR COMPANY,	)	
Defendant.	)	Case No. 3AN-03-6378 Civil

COMPLAINT

COMES NOW plaintiff, [redacted] by and through counsel, RICHMOND & QUINN, and complains and alleges as follows:

1. [redacted] is an out-of-state corporation that is in the business of selling automobile insurance policies in the State of Alaska. It is in all ways qualified to bring this lawsuit.

2. Defendant Ford Motor Company is an out-of-state corporation doing business in the State of Alaska, including selling motor vehicles and pickup trucks.

3. On or about April 11, 2001, a Ford F-150 pickup truck owned by [redacted] caught fire while he was driving the vehicle home from work. [redacted] Company provided automobile property damage insurance to Wade

LAW OFFICES
RICHMOND & QUINN
A PROFESSIONAL CORPORATION
360 K STREET, SUITE 200
ANCHORAGE, ALASKA 99501-2036
(907) 276-5727
FAX (907) 276-2893

Thomas and paid $19,600 on the loss pursuant to the terms of the insurance policy.

4. [redacted] is subrogated to the rights of [redacted] with respect to payments made under its insurance policy with [redacted]

COUNT I
PRODUCT LIABILITY

5. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 4 as if fully set forth herein.

6. The cause of the fire in [redacted] Ford F-150 pickup truck was a product defect.

7. A product is defective if the product failed to perform as safety as the ordinary consumer would expect when used in an intended or reasonably foreseeable manner.

8. When [redacted] Ford F-150 pickup truck caught fire, the product failed to perform either as intended or in a reasonably foreseeable manner. Ordinary consumers do not expect their pickup trucks to catch fire.

9. Additionally, the Ford F-150 pickup truck in question involved a substantial danger not readily recognized

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ER05-005-LC-3055

by the ordinary user of the product and Ford failed to give adequate warning of the danger.

10. The design of the product legally caused the fire to the pickup truck and the risk of the design weighed any benefits inherent in such design.

11. The defect in the product was the legal cause of the fire in the pickup truck, and caused Leader Insurance Company damage in the award of $19,600.

COUNT II
NEGLIGENCE

12. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 11 as if fully set forth herein.

13. Ford Motor Company was negligent in the design of Mr. Thomas' Ford F-150 pickup truck.

14. As a result of defendant's negligence, Leader Insurance Company has been damaged in the amount stated above.

WHEREFORE, plaintiff requests judgment against defendant as follows:

1. General damages in an amount to be demonstrated at trial of at least $19,600;

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(907) 276-4331
FAX (907) 276-5893

E005-005-LC-3656

2. Prejudgment interest and post-judgment interest at the rate allowable by law;

3. Attorney's fees and costs permitted by law;

4. Such other and further relief as the court deems just and equitable.

DATED this 10 day of April, 2003, at Anchorage, Alaska.

RICHMOND & QUINN
Attorneys for Plaintiff

By: M. Wilhelm
Marc G. Wilhelm
Alaska Bar No. 8406054

884\149\PLD\COMPLAINT

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ANCHORAGE, ALASKA 99501-2028
(907) 276-1187
FAX (907) 276-8018

E085-005-LC-3857

A — Station ☆ | Shift ☆ | Incident Date ☆ | Year | Station | Incident Number ☆ | Operator ☆ | 170 | Delete / Change / Site Activity | NFIRS-1 Basic

B Location ☆

☐ Check this box to indicate that the address for this incident is provided on the Wildland Fire Module in Section E "Alternative Location Specification". Use only for Wildland fires.

Closest Tract

☐ Street address
☐ Intersection
☐ In front of
☐ Rear of
☐ Adjacent to
☐ Direction

[redacted] | Street Type | Suite

Apt./Building/Room | City: Wasilla | State: AK | Zip Code [redacted]

Cross street or direction, as applicable

C Incident Type ☆

131 Wildland Fire

D Aid Given or Received ☆

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

Dept. FDID | Type Rec | Dept. Station Number

E1 Dates & Times

	Month	Day	Year	Hour	Min
Alarm ☆				2003	
☐ Arrival ☆				2027	
☐ Controlled				2039	
☐ Last Unit Cleared				2145	

E2 Shift & Alarms

Shift or platoon | Alarms | District

E3 Special Studies

Special Study Xtd | Special Study Value

F Actions Taken ☆

131 Extinguishment

Primary Action Taken (1)

Additional Action Taken (2)

Additional Action Taken (3)

G1 Resources ☆

☒ Check this box and fill this section if no Apparatus or Personnel fires in level.

	Apparatus	Personnel
Responsible	2	4
EMS		
Other	2	4

☐ Check here if responsible people include aid received resources.

G2 Estimated Dollar Losses & Values

LOSSES: Property $ 50,000 ☐ None
Contents $ ☐

PRE-INCIDENT VALUE: Optional
Property $ ☐
Contents $ ☐

Completed Modules

☐ Fire-2
☐ Structure-3
☐ Civilian Fire Ctn.-4
☐ Fire Serv. Casualty-5
☐ EMS-6
☐ Hazmat-7
☐ Wildland Fire-8
☐ Apparatus-9
☐ Personnel-10
☐ Arson-11

H1 ☆ Casualties ☒ None

	Deaths	Injuries
Fire Service		
Civilian		

H2 Detector

Required for confined fires.

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

H3 Hazardous Materials Release

H ☒ None
1 ☐ Natural gas: stop leak, no evacuation or Hazmat actions
2 ☐ Propane gas: <21 lb. tank (as in home BBQ, etc)
3 ☐ Gasoline: vehicle fuel tank or portable container
4 ☐ Kerosene: fuel burning equipment or portable storage
5 ☐ Diesel/Bunker oil: vehicle fuel tank or portable storage
6 ☐ Household solvents: bleach/office spill, cleanup only
7 ☐ Motor oil: from engine or portable container
8 ☐ Paint: from paint cans (totaling <20 gallons)
0 ☐ Other: Special Hazmat actions required or spill > 30 gal.
Please complete the Hazmat form

I Mixed Use Property

100 ☐ Not mixed
30 ☐ Administrative
20 ☐ Education
20 ☐ Medical
40 ☐ Residential
51 ☐ Rooms of rooms
20 ☐ Business
30 ☐ Storage & residential
40 ☐ Office
60 ☐ Industrial
65 ☐ Military
60 ☐ Farm
90 ☐ Other mixed

J Property Use ☆ Structures

131 ☐ Church, place of worship
161 ☐ Restaurant or cafeteria
162 ☐ Bar/tavern or nightclub
213 ☐ Elementary school or kindergart.
215 ☐ High school or junior high
241 ☐ College, adult ed.
311 ☐ Care facility for the aged
331 ☐ Hospital
341 ☐ Clinic, clinic type infirmary
342 ☐ Doctor/dentist office
361 ☐ Prison or jail, not juvenile
419 ☐ 1- or 2- family dwelling
429 ☐ Multi-family dwelling
439 ☐ Rooming/boarding house
449 ☐ Commercial hotel or motel
459 ☐ Residential, board and care
464 ☐ Dormitory/barracks
519 ☐ Food and beverage sales
539 ☐ Household goods, sales, repair
579 ☐ Motor vehicle/boat sales/repair
571 ☐ Gas or service station
599 ☐ Business office
615 ☐ Electric generating plant
629 ☐ Laboratory/science lab
799 ☐ Manufacturing plant
819 ☐ Livestock/poultry storage (barn
882 ☐ Non-residential parking garage
891 ☐ Warehouse

Outside

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

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

K1 Person/Entity Involved (Local Option)

Business name (if applicable) | Area Code 907 | Phone Number 373-3263 | Cell Phone | 232 8631

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

[redacted] | Suite

[redacted] | Rd | Suite

Number | Prefix | Street or Highway | Street Type | Suite

Post Office Box | Apt/Room/Room | City: Wasilla

State: AK | Zip Code: [redacted]-

☐ More people involved? Check this box and attach Supplemental Forms (NFIRS-18) as necessary.

K2 Owner (Local Option)

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

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

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

MI, Mn, Mrs. | First Name | MI | Last Name | Suite

Number | Prefix | Street or Highway | Street Type | Suite

Post Office Box | Apt/Room/Room | City

State | Zip Code -

L Narrative (Local Option)

Pickup was running "rough" - hesitating. Pulled off Glenn Hwy & with 2lb and checked it - found nothing.

Quit running @ M 7.5 Fairview Loop - started to open hood and flames erupted from engine compartment.

Purchased in Sept 2000. No recent work done.

Fire Module Required?

Check the box that applies and then complete the additional Fire mod. based on Incident Type as follows:

- ☐ Buildings 111 — Complete Fire & Structure
- ☐ Special structure 112 — Complete Fire Mod. & Sp 1 Mod. on Structure Module
- ☐ Confined 113-118 — Complete Basic Module
- ☐ Mobile Property 120-123 — Complete Fire Module
- ☐ Vehicle 130-138 — Complete Fire Module
- ☒ Vegetation 140-142 — Complete Fire or Wildland
- ☐ Outside rubbish fire 150-155 — Complete Basic Module
- ☐ Special outside fire 160-164 — Complete Fire Module
- ☐ Crop fire 170-173 — Complete Fire Module

ITEMS WITH A ☆ MUST ALWAYS BE COMPLETED!

☐ More remarks? Check this box and attach Supplemental Form (NFIRS-18) as necessary.

M Authorization

Officer in charge ID: C-2 | Signature: James L. [illegible] | Position or rank: D.C. | Assignment | Month | Day | Year

☐ Check box if same as Officer in charge. ⇒ Member reading report ID | Signature | Position or rank | Assignment | Month | Day | Year

Complete this side for all fires

A FDID ☆ State ☆ Incident Date ☆ Station Incident Number ☆ Exposure ☆ ☐ Delete ☐ Change

NFIRS-2 Fire

B Property Details

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

B2 Number of buildings involved ☒ Buildings not involved

B3 Acres burned (nearest tenth) ☒ None ☐ Less than one acre

C On-Site Materials or Products ☒ None

Complete if there were any significant amounts of combustible, flammable, energy or agricultural products or materials on the property, whether or not they became involved

Enter up to three codes. Check one box for each code entered.

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

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

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

D Ignition

D1 13 Engine Compartment — Area of fire origin ☆

D2 UU Undetermined — Heat source ☆

D3 UU Undetermined — Item first ignited ☆ 1 ☒ Check box if fire spread was confined to object of origin

D4 UU Undetermined — Type of material first ignited. Required only if item first ignited code is 00 or 10

E1 Cause of Ignition ☆

☐ Check box if this is an expansion report. ⇨ Go to Section E

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

E2 Factors Contributing To Ignition ☒ None

Factor contributing to ignition (1)

Factor contributing to ignition (2)

E3 Human Factors Contributing To Ignition

Check all applicable boxes ☐ None

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

Estimated age of person involved

1 ☐ Male 2 ☐ Female

F1 Equipment Involved In Ignition

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

Equipment involved

Brand

Model

Serial #

Year

F2 Equipment Power

Equipment Power Source

F3 Equipment Portability

1 ☐ Portable
2 ☐ Stationary

Portable equipment usually can be moved by one person, is designed to be used 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)

EN06-0819-LC-2000

H1 Mobile Property Involved

☐ None

1 ☐ Not involved in ignition, not burned
2 ☐ Involved in ignition, but did not burn
3 ☒ Involved in ignition and burned

H2 Mobile Property Type & Make

22 Pickup — Mobile property type

F10 Ford — Mobile property make

F 150 4x4 off Road — Mobile property model

19 97 — Year

[redacted] State VIN Number

Structure (Part) Fires: Go back to complete the other side of this form.

Local Use

☐ Pre-Fire Plan Available

Some of the information presented in this report may be based upon reports from other agencies.

☐ Arson report attached
☐ Police report attached
☐ Coroner report attached
☐ Other reports attached

NFIRS-2 Residential Version

6985-685-LC-3861

ER05-085-LC-3682

E985-085-LC-3963

EA95-065-LC-3984

E92S-005-LC-3585

JOHN GLENN INVESTIGATIONS

Fire And Explosion Investigations - Code Consultant
N.A.F.I. Certified Fire / Explosion Investigator
N.A.F.I. Certified Fire Investigation Instructor
I.C.B.O. Certified Plans Examiner

P.O. Box 110146
Anchorage, Alaska 99511-0146
Phone/FAX (907) 345-2717
E-Mail: jgi@alaska.net

MAY 23, 2001

VEHICLE FIRE INVESTIGATION
MATANUSKA TOWING
PALMER, ALASKA

FOR
LEADER INSURANCE
1225 EAST INTERNATIONAL AIRPORT ROAD, SUITE 235
ANCHORAGE, ALASKA 99518

INSURED
[redacted]
CLAIM [redacted]

DOL: APRIL 11, 2001
DOI: MAY 2, 2001

www.johnglenninvestigations.com

ASSIGNMENT

Assignment date: April 30, 2001
From: Joshua Scott - Leader Insurance
Re: Vehicle fire loss
April 11, 2001
Fairview Loop, Wasilla, Alaska
Insured: [redacted]
Injuries/fatalities: None
Your Claim No.: [redacted]
Our File No.: 11-04-01
Additional information: According to Mr. Scott this fire occurred in the insured's Ford pick-up while he was driving. The Wasilla Fire Department extinguished the fire and it was then taken to Matanuska Towing in Palmer, Alaska. Mr. Scott said he would meet me at Matanuska Towing.

INVESTIGATION

I telephone[redacted] and advised him I would be examining his vehicle on May 2, 2001. As scheduled I went to Matanuska Towing, met Mr. Scott and examined the vehicle.

Vehicle
1997 Ford F-150 4X4 Super Cab with a step-side bed. VIN 2FTEX08L1V[redacted]
Alaska registration [redacted]

Findings
exterior: Heavy heat damage to the entire cab, front tires and wheels and cargo bed with some paint remaining on the sides and tailgate. The tailgate, rear tires and wheels were damaged the least.

interior: Heavy heat damage throughout the engine compartment and cab and with the exception of the floor mats all combustible materials were totally consumed.

Fire patterns indicated the fire advanced into the passenger cab from the engine compartment through the windshield and openings in the firewall. Floor mats in the cab were partially melted but remained and there were no odors of a flammable/combustible liquid. Heaviest heat damage in the passenger cab was to the dashboard and front seats. The

E005-005-LC-3887

rear seat area was less damaged.

Fire damage in the engine compartment was mostly uniform with the left (drivers) side slightly more damaged. There was a heavy heat pattern on the firewall directly above the steel fuel lines. The flexible fuel lines at the back of the engine were totally consumed leaving only the metal fuel lines on top of the engine.

Although I determined the fire originated in the engine compartment examination of the vehicle was inconclusive regarding the fire cause. Fire patterns indicated the fire possibly originated at or near the fuel lines between the back of the engine and firewall.

Upon returning to my office I searched the NHTSA recall database and found a recall notice; campaign #00S22, for the 1997 Ford F-150 fuel line fitting stating the fuel lines could leak due to having a hole rubbed through "below the fuel rail connection where the flexible hose is crimped to the steel tube" OR "at the rear steel tube section forward of the rear bracket". A copy of the recall notice is included with this report.

INTERVIEW

[redacted] owner/insured

I spoke with [redacted] via telephone on May 2. 2001. He was driving home from Anchorage and while on Fairview Loop in Wasilla the engine began to miss and lacked power. He stopped to check the engine and as he went to open the hood heavy smoke and flames came out of the engine compartment. He telephoned 911 and reported his vehicle on fire. The Wasilla Fire Department responded and extinguished the fire.

According to [redacted] he had not had any repair work done and until the fire did not have any problems with the vehicle.

EVIDENCE REMOVED

I did not remove any evidence.

CONCLUSION

Fire patterns determined the fire originated inside the engine compartment possibly at or

near the fuel lines between the back of the engine and firewall. A definitive fire cause was not found but I believe it could be related to the fuel leakage from the fuel lines outlined in the recall notice.

John N. Glenn
Fire Investigator

Claim No.: 37015499 Requested by: Kathy Rice

This is Joshua Scott speaking. I am speaking form Anchorage, Alaska 99518. It is the 19th of April, 01; and at one o'clock. I am speaking to Mr....

A [redacted]

Q ... [redacted] regarding an incident which occurred on the 11th of April; 01. [redacted] do you realize I'm recording this interview?

A Yes sir.

Q Do you give me your permission?

A Yes sir.

Q Okay. Can you give me your full name spelling your last?

A [redacted]

Q [redacted]

A Yes sir.

Q Your address please?

A [redacted] (inaudible city name) [redacted]

Q Social security number?

A [redacted]

Q What's your telephone number?

A [redacted]

Q That's a cell phone?

A That's my cell phone and evening number would be [redacted]

Q [redacted]

A Yes.

Q Okay, have you ever gone by another name?

A No.

Q You ever go by [redacted] something like that?

A [redacted]

Q [redacted] Where were you born?

A Rockford, Illinois.

Q R O C K F O R D?

A Yes.

Q Okay, what's your birthday?

A [redacted]

Q How long have you lived at your current address?

A Oh let's see, since '89 it's be almost 12 years.

Q Okay, what is the physical address there?

A Lot 21; Block 2, South Sourdough Road.

Q Okay and the zip is the same?

A Yes.

Q And that's W...(inaudible word).

A M'hm.

Q 99687, so you've lived there for 12 years?

A Yes.

Q Okay, are you married?

A No.

Q Ever divorced?

A No.

Q Separated, single?

A No.

Q Okay, never been married?

A No.

Q Who lives with you?

A I live; staying with parents.

Q You're currently working?

A Yes.

Q And where at?

A Veco Construction.

Q How do you spell that?

A V E C O.

Q How long have you worked there?

A Six months at least.

Q Okay. Do you know the Veco Construction's address?

A Not right off hand, I don't.

Q What's your boss' name?

A Matt Mobley.

Q Matt Mobley?

A Yes; M O B L E Y.

Q Is he the one who was following you up or did...

A No. Huh'uh (negative).

Q Um, you work construction, is that right?

A Yes.

Q Who's the owner or the person; the head honcho there?

A That would be Rick Hyce.

Q Rick what?

A Hyce; H Y C E.

Q H Y C E. Okay. What's your annual,or monthly income?

A Monthly; about average of seven; before takes.

Q Seven thousand before taxes?

A Yes.

Q Do you have any other sources of income?

A No.

Q Okay, where did you work before this?

A Arctic Siding & Supply.

Q How long did you work there?

A Right about six months also.

Q Okay. And before that?

A ServiceMaster.

Q And how long there?

A Nine months.

Q What is ServiceMaster?

A ServiceMaster they do residential fire restoration; flood carpet cleaning.

Q Okay. Okay, before then?

A Oh let's see, that would be Landscape Supply.

Q Okay and how long did you work there

A About five, five months maybe.

Q Five months?

A Yeah.

Q Okay. Before that?

A Oh, you want another; let's see; who did I work for before Landscape; Safeway; yeah, I guess it would be Safeway.

Q Okay.

A It's hard to remember; I've had a bunch of jobs.

Q Okay, and how long did you work there?

A Safeway was right about; right about six months too.

Q Okay. Do you own a home or rent?

A Well just live with; live with family.

Q Do you pay any rent to them?

A No.

Q Okay. When did you last obtain your drivers license?

A When did I get my drivers license?

Q Yeah.

A Let's see, that was 17; (inaudible couple words); don't have it on me; um, I got it when I was; (word inaudible); June seven; I was seventeen; so.

Q Okay.

A I mean I've had it forever; I couldn't tell you. I don't really hardly ever pay attention to it.

Q Okay. That is for Alaska, right?

A Yes.

Q Okay, I do need to get a, a copy of that?

A Okay.

Q Is it down in your truck or...

A No it's actually; I just brought my buddy's truck here; I'll have to...

Q Okay.

A ...maybe I can fax you a copy of it or something?

Q Okay. Do you have any other identification on you?

A No, I sure don't.

Q Okay. When does your drivers license expire?

A I think I believe five; or no; sorry about that; January of 2005.

Q Okay. Have you ever held a drivers license from another state?

A No.

Q Has your driver license ever been suspended or revoked?

A No.

Q Can you describe your vehicle?

A The one in the incident?

Q Yes sir.

A It's a '97 Ford F150.

Q Extended cab or anything?

A Extended cab, step side; short bed.

Q Okay. Four by.

A Yes, 4x4 with a Lariat package.

Q Okay, has there been any damage or mechanical problems with your vehicle before this?

A No, I've never had problems. I've done regular oil changes on it myself.

Q Okay.

A But other than that; nothing.

Q Okay. No wrecks or anything?

A No.

Q Who's the registered owner?

A That's be; it's got a lienholder.

Q Okay.

A It's NBA.

Q Okay. But you own it?

A And that's...

Q I mean...

A ...the people; right, I'm buying it. It's cosigned from me and my grandma. Her name is [redacted]

Q [redacted]

A Yes.

Q [redacted]

A Yes.

Q Okay, let me see if some; is at the...I'm getting a recorded statement. Okay, so she is a cosigner on this?

A Yes.

Q And then a; of course, you're the other name owner?

A Yes.

Q Okay. When did you purchase this vehicle?

A Um; would be; September; approximately towards the end of August.

Q 00?

A Of last year, yes. 2000.

Q Okay. Where did you get it?

A At Anchorage Chrysler Dodge.

Q Was the vehicle new or used?

A It was used.

Q How much did you pay for it?

A I paid; twenty; the vehicle price was 23 and some change.

Q M'hm.

A And by the time I bought warranty and I had just a little bit of an equity in the vehicle I traded in...

Q Okay.

A ...I believe the finance amount was right around 27.

Q Okay. Twenty-seven. And so you traded in a different vehicle; another vehicle?

A Yes.

Q What was it?

A It was a '99 Dodge, extended cab; SLT, Laramie.

Q 2500; 1500?

A 1500 (word inaudible).

Q Okay. It's just the local NBA office right here, right?

A I believe so.

Q This other vehicle; any problems with that?

A With the Dodge?

Q Yeah.

A No. No, it was good. It just had a lot of miles on it and I was afraid I would have problems with it; that was my reason.

Q Uh'huh. How come you switched from Dodge to Chevy; or Ford, the Ford?

A Just, just to try em all out. I've, I used to own a Chevy; then I went to Dodge and I always liked the F150's and that was a real sharp truck.

Q Okay.

A Thought I'd give em a shot.

Q Uh, and you financed this other vehicle; this Dodge?

A Yes, I financed that through GMAC.

Q Okay. Okay. How long is this vehicle that you own right now financed for?

A 60; was it 60 or 62; five years, whatever that is.

Q Okay.

A Yeah, like 61; something like that.

Q Okay, what are your monthly payments?

A I believe they're 558 and some change.

Q Okay. Are you current?

A Yeah.

Q Are you current on your payments?

A Oh yeah, definitely.

Q Okay. Um, are the payments made by check?

A No, I pay them cash direct when I cash my paycheck the same day.

Q Okay. So you bank with NBA; basically when you...

A Well Veco's paychecks; their bank with N, with NBA, so I cash my checks there and just have them take the truck payment once a month out.

Q Okay, so you don't have direct deposit or anything?

A No.

Q Okay, so you get a check from your employer; you take it down to the bank; the first; or whatever...

A Right.

Q ...and you deposit part of it and then the rest of it you say, I want it to go towards this truck or to pay...

A I cash it because I don't have an account with them.

Q Okay.

A Veco has an account with them.

Q Oh, okay.

A So they'll cash the check and I'll pay the truck payment; however they do it.

Q Okay. Do you have a, you don't have an account with another bank?

A No. Yes I do. I have two savings accounts.

Q Okay.

A One with Alaska USA and one...

Q Okay.

A ...with (inaudible word); Credit Union.

Q Alaska USA?

A Yes and the other is with (word inaudible); Credit Union.

Q Okay. So you've always made your payments on this?

A Yes.

Q Have you ever filed bankruptcy?

A No.

Q Is this a three door or it's a...

A Yeah, it's got the third door on it.

Q Okay, do you know the license number?

A Not right off hand, I don't.

Q And I don't suppose you know the VIN; how many miles are on this?

A Right around 74 I believe.

Q You do put a lot of miles on em huh?

A Yeah, driving; you know.

Q How many miles did you have on it when you bought it?

A Fifty-six, 57; something like that.

Q Okay. How much did you give; did they give you for the trade in allowance?

A On the Dodge?

Q Yeah.

A I think they gave me twenty; I want; I don't remember exactly; but it was right around an even 20,000 I think.

Q Okay. Did you put cash down?

A Yes. I put 15 down I believe.

Q Fifteen hundred?

A Yes. Sorry about that.

Q No problem. Okay, so you financed the Dodge and you owed quite a bit of money on the Dodge I imagine, right?

A Like 24.

Q 24?

A Yeah.

Q And so you traded it in; so basically; you got, as I understand it; if they gave you 2,000 and 20,000 for the Dodge?

A M'hm.

Q Were you; I mean how did that work out?

A Well I'm not ex...exactly sure.

Q More or less; rough numbers?

A Right. Twenty, they gave me 20,000 for a trade-in.

Q Yeah.

A I paid 24 for the Dodge; that's 4,000 in equity.

Q Yeah.

A I put 1,500 down which brought my equity down to 25.

Q M'hm.

A Okay, so they tacked 25 on top of the truck that you're financing, is I think the way they do it.

Q Yeah.

A So that would bring; yeah, that would bring it about right; cause that would bring the truck; I think it was around twenty-three five; that would bring it up to; you know, with the warranty.

Q Yeah.

A And the coverages I got on it; bring it up to financing right about 27.

Q Okay, how much do you owe on the truck you have right now?

A I believe it's; the pay-off on it's like low 24; it's like 24 two; or three or something like that.

Q Okay. Do you own another vehicle?

A I just, I had to buy another truck here; just the other day?

Q Okay.

A Basically the same kind of truck.

Q Oh, you bought that other truck, another truck?

A Yeah I just; I have to have a truck; I got boats and four-wheelers; I can't do without one; so...

Q Okay.

A So I went ahead and got another one while this is being done.

Q What year?

A It's a brand new; 2001.

Q Ford?

A Yes.

Q Even after this Ford burned?

A I, I don't know; I don't know what the deal is with it; but I love those Fords; they're nice trucks.

Q 150?

A Yes.

Q Who'd you buy it from?

A (Inaudible word) Ford (inaudible word).

Q How much are your payments for this?

A These payments are six; 609 I think.

Q Okay. So you're paying 609 on this and what was it 559 or something like that?

A 558's the other one.

Q On the old?

A Yes.

Q Okay. And who finances this one? NBA or no?

A No, they went with, what was it (word inaudible) Alaskan Credit Union.

Q Okay. How do you make payments on this?

A I haven't made one yet but it'll be; it will be cash right to em.

Q Okay, same arrangements...

A Yes.

Q ...with NBA?

A Yes.

Q When is your first payment due?

A June 15th.

Q Wow; that's quite a ways in the future?

A Yeah, I had em day; I had the option of bumping it ahead a month and I figured...

Q With this thing sorting out...

A ...with this thing sorting out; I might need the extra money.

Q Okay.

A During that time, so.

Q Who's this vehicle insured with?

A With you guys. I just called today; put it on; gave em the VIN number.

Q How long have you had this vehicle?

A Only two days.

Q Oh, okay.

A Just got it two days ago.

Q What was your insurance company before Infinity or Leader?

A Leader um, Progressive.

Q Okay. How long have you been with Leader?

A Uh, it's got to be almost a; almost a year now I think.

Q Okay.

A This (word inaudible).

Q And how long were you with Progressive?

A I think I was with em a couple of years.

Q Okay.

A I'm not exactly sure but I'm think it was; I know it was over a year; had to have been.

Q Okay. And this vehicle here; um; do you have a cosigner?

A No. It's; I...

Q It's you...

A ...was able to get it myself. I'm making more money now than I was...

Q Yeah.

A ...when I got the other one.

Q And your name is on the registration on this vehicle?

A Yes.

Q Okay, um, you told me before, you didn't have any mechanical problems with this '97 Ford?

A No, never. It was always a real strong running truck.

Q Okay. Um, and no accidents?

A No.

Q Any break-ins; anything like that?

A No.

Q And you've done routine maintenance?

A Yeah, myself; I mean every five to six thousand miles, I change the oil in it.

Q Um, tires?

A Same tires that were on it when I bought it. They were, looked almost brand new when I bought it.

Q Okay.

A Didn't look much different when the last time I drove it.

Q Okay. Has your vehicle ever been painted; the F150?

A I'm not sure if it's been painted before I got it.

Q Uh'huh.

A You know, all Lariat's usually have the little stripe down the side that says Lariat and...

Q Yeah.

A ...(couple words inaudible); this was a Lariat; had the whole leather interior but it didn't have that sticker down the side; so I'm not sure if the previous owners had it painted or pulled the stickers off; so.

Q Okay.

A I'm not sure on that.

Q Do you have any photographs of that vehicle?

A Let me think; I might; I'm not sure that I do.

Q Okay.

A But I mean, it could have gotten mixed in with another shot.

Q Okay. Yeah; a hunting picture or anything?

A If I do, I'll definitely...

Q Okay, I...

A ...get it to you.

Q ...I'd like to see that.

A Okay.

Q What was the motor size no this vehicle?

A 5.4 liter.

Q Does it have power steering?

A Yes.

Q Auto transmission?

A Yes.

Q Bench seats?

A No; front uh; what would you call em...

Q Bucket?

A ...captains chairs.

Q Oh, okay.

A Like captains chair and then the passenger seat's like a doublewide thing.

Q Okay, power windows?

A Yes.

Q FM/A; AM/FM stereo?

A Yes.

Q CD?

A CD; six disc changer.

Q Oh, it was with it?

A Yeah. That was a; it's a stock Ford item.

Q Okay, tilt wheel?

A Yes.

Q Okay. Special wheels?

A No. Stock Alloy.

Q But they were aluminum?

A Yes, they were the fancy stock ones.

Q Okay, um, eight cylinders?

A Yes.

Q Power brakes?

A Yes.

Q Leather?

A Yes.

Q Air conditioning?

A Yes.

Q Cruise control?

A Yes.

Q Did you add any equipment?

A No; left her just the way she came.

Q Okay. Um, do you have the original purchase invoice?

A No, I actually had the envelope; for; I left all my paperwork in it that Anchorage Chrysler Dodge gave me.

Q Yeah.

A In my center console and I don't think there is much left of it.

Q Okay. Uh, what do you use this for; primarily for?

A This truck?

Q Yeah.

A Um, most likely; not most likely; I mean, usually just to haul four-wheelers; pull my boat...

Q Okay.

A ...that type of thing; weekend type of deal.

Q Okay.

A Whenever I get time off.

Q And to and from work?

A If, yeah, if I had to; if I had to commute; we usually try to carpool.

Q Oh, okay.

A So I didn't usually drive more than, you know, once or twice a week at most.

Q Okay.

A Undoubtedly.

Q So you do the routine maintenance and service?

A Yeah.

Q Okay. When was the last oil change?

A Did an oil change on it; um, it was actually, it was actually about due for one; so; about five or six thousand miles back. I tried to keep rough track of it; so it would have been, you know, probably two, three months ago.

Q Probably six month; six thousand miles?

A Yeah.

Q You don't change it ever three?

A No. Don't require you change it every three. Ford requires from four to six.

Q Huh?

A So I always do it between...

Q What kind of oil do you use?

A Mobile One usually.

Q Um, were you alone in the vehicle at the time that it caught fire?

A No.

Q Who was with you?

A No one. I was by myself.

Q Oh, I, I, I'm sorry; I guess I wasn't clear; I said if you were alone?

A Oh yes. I was alone.

Q Okay. Um, okay, so tell me what happened then with the, the vehicle?

A Okay, um, I had to drive to work that day, of course, and...

Q And this was on what day?

A This was on, whatever it was; Wednesday, the 11th.

Q Okay.

A Coming home from work about; I'd say 10 miles in my commute back to the valley.

Q You know, I'm sorry, I'm going to catch up on here; seventy-six; okay, so on the 11th; went to work; what time did you go to work?

A Same time as always; between driving on the highway; between 5a.m. and 6a.m.; by 6a.m. at work.

Q Five to six a.m.; okay. Uh, and then you returned from work?

A Yeah, I leave work at about 6:30.

Q Left 6:30 p.m. Okay and...

A About ten miles into the trip home.

Q Okay.

A It was, that would probably be about 6:45; truck started hesitating; if you will; trying to accelerate, it would just be real boggy; like; kind of seemed like it was backed up or something; just wasn't running real good but yet, you know; keep going at a decent highway pace.

Q Okay. You said backed up with; what do you mean by that?

A Just kind of like it was choked up you know, like you know running kind of rich on fuel or, you know, um...

Q So kind of like the choke was...

A Yeah, just kind of baughghgh; you know...

Q Yeah.

A ...just kind of was real throaty and not running good at all.

Q Okay. Do you have any custom muffler system or anything like that?

A It came with a catback exhaust system on it.

Q Okay.

A Dual exhaust.

Q Okay. So um, normally; the sound from the catback dual exhaust; what's that; it's just a normal; decent?

A Yeah, it's they don't, they don't take any of the emission stuff off. It's just basically for show and a little bit of sounds a little cooler.

Q Okay. So this sound that you heard, coming from the truck, it sounded more like the glass (word inaudible) or something like that; kind of a deeper?

A Yeah, it is, you know, it sounded just like if you had Ford running and kind of put your hand over the exhaust or something.

Q Okay.

A Kind of muffled it.

Q Okay.

A That's the kind of sound it would make.

Q Okay, go ahead?

A So I continued on. Just, I got in the slow lane and I didn't, didn't push it any; just took it easy and then finally, it started getting a little worse; so I pulled over at what I believe was the (word inaudible) River exit.

Q M'hm.

A And uh, I phoned; I had my cell phone. I called a co-worker of mine. Had him stop because I knew he was behind me within you know, a couple minutes.

Q Okay.

A He stopped. I left the truck idling; got out; popped the hood and it was idling just fine; didn't have any problems idling; same as it always has; uh, looked it over; then got a visual on everything.

Q Who's your friend?

A [redacted]

Q You popped the hood?

A Yeah, popped the hood; went around; checked the; got a visual on the engine; nothing appeared to be wrong at that; at a; the idling sounded perfect, I mean just like it always has. So

uh, closed the hood; got back in the truck and decided just; you know; (word inaudible) home and...

Q Okay.

A ...got uh, I live up; taking the back way home; up Fairview Loop; I was staying with my girlfriend for right now; that's where I was heading.

Q Yeah.

A She lives about; be about mile eight.

Q So you lived with your girlfriend?

A I'm kind of staying with her right now; that's where I was heading right then.

Q Okay.

A So she was about mile eight; .5 probably up Fairview Loop. Uh, it was doing the same thing; going up Fairview Loop from uh, the Park's Highway. I kept just (word inaudible); home; going low speeds; maybe 40 MPH.

Q Okay.

A I got about mile seven; I think it is approximately.

Q Yeah.

A Right before Snow Shoe Elementary School actually.

Q Okay.

A And uh, it just died on me; it cut out; it just kind of blaugh; just...

Q Yeah.

A ...shut off on me, so I rolled to a stop and got off on the shoulder of the road; uh, pretty soon; Steve was on the; about a mile behind me.

Q Okay.

A He pulled off with me. It was only a matter of; you know, not even a minute; got out of the truck; I had popped the hood before I got out cause I was going to take another look at it to see what was going on and uh, just, I mean, I even had my hands almost touching the hood to open it up.

Q Yeah.

A And black smoke just came rolling out from the front; both front fender wells.

Q Okay.

A And at that time, I decided it would be my best interest to not even lift the hood up. I took, I got way back about 50 feet and I dialed 911; told em where I was at; what happened and...

Q So a lot of black smoke just starting rolling out of the...

A Yeah, I mean just; like a, kind of like a big; I don't know if I just didn't notice the lighter smoke but I mean, I just remember reaching for; just out of the corner of my eye; just seeing; whoof; just rolled out.

Q Yeah.

A And I just; I got, we got way back.

Q Okay.

A [redacted] backed his truck out of the way of it cause he was, had pulled up right behind me.

Q Okay.

A He backed up out of the way and...

Q No fire extinguisher in any of the vehicles?

A No. Huh'uh (negative). I never thought of that as a standard carrying tool.

Q And you dialed...

A I dialed 911.

Q Okay.

A Told the dispatcher where I was at and what was happening and she took my, she took my phone number and uh, said to keep the phone with me and about, say about four; I, I don't know; don't have an accurate measure of time.

Q Yeah.

A I was kind of freaked out but uh, a volunteer fireman showed up first and he was there for about what would seem to be about ten minutes.

Q After ten minutes after it happened?

A Yes. And then the fire truck showed up; trucks whatever and they extinguished the fire.

Q Okay.

A And they, the uh, the fire department on the scene was Central M...(word inaudible); Fire Department.

Q Okay. Central (word inaudible) Fire?

A Yes and state troopers were there too and I don't remember the trooper's name I talked to. I got his card at home. I can get it to you if you'd like.

Q Okay. Um, okay; uh, I need to get some stuff; now I need some accurate information here; you live with your parents or you live with your girlfriend?

A I live with my parents but I stay kind of half and half with my girlfriend?

Q How much time; four days of the week you live with your girlfriend?

A Probably; little...

Q Okay.

A ...probably little more than half; yes.

Q Okay. What's your girlfriend's address?

A Um, it's on a; I don't remember her exact house number. It's, it's on Captain Cook Circle and there's only two houses on Captain Cook Circle; so it's...

Q Okay. That's off of the Fairview Loop...

(END OF SIDE ONE OF CASSETTE ONE; SIDE TWO BLANK; BEGINNING SIDE ONE OF SECOND CASSETTE.)

...okay, we had to change tapes. It's 1:30; same interview and um, right now; we're at [redacted] going over where his girlfriend's house is. Go ahead.

A It's just off of uh; let's see, got to think of street names. It'd be Redoubt; you'd make a right on Redoubt off of Fairview Loop.

Q How you spell Re...

A R E D O U B T. Just like doubt.

Q Okay.

A Then take a right on Telequana.

Q M'hm; how do you spell that?

A T E L E Q U A N A.

Q Okay.

A And Captain Cook Circle; make a right on Captain Cook Circle.

Q Okay.

A And her house is the only house on the left. It's just a; well it's not even 50 yards long.

Q Okay. Alright; um, why didn't you carpool this day?

A Just the uh; the, the guys that I usually carpool with called

me the night before and they got running around to do after work.

Q Okay.

A And I like to get to work and get home; so.

Q and um, Steve wasn't; do you usually carpool with Steve?

A Well that was actually; was that the day he had orientation; I don't remember what he was doing; oh, he was originally going to go ride his motorcycle he had, he rides motor cross; he was originally going to go to Kincade Park but he talked to a friend of his that was there before he, we got off work and told him it was a muddy mess; so he ended up driving back out.

Q Does he work there also?

A Yes. Steve's my co-worker there at Veco.

Q Okay. Okay, okay, so the carpool schedules didn't work out. You usually make arrangements in the morning or the night before?

A Usually night before.

Q Okay, so you call up your buddies; and say you guys going in; what time you going in; everybody does this?

A No, everybody's, everybody is pretty much the same spot; we all stop for coffee you know; like one of the gas stations.

Q Yeah.

A In the morning; either you can just chill up there in the morning and be like, hey, can I catch a ride with you.

Q Oh, okay.

A Or you know, if, if you've been riding with a guy all week and he calls you, you know, says I'm not; I got stuff to do after work tomorrow; so unless you want to go with me.

Q Oh, okay.

A You have to drive yourself and...(couple words inaudible).

Q Oh, okay, I understand. That's one (couple words inaudible).

A We're just, you know...

Q Pretty flex...

A ...work together and we all, you know, kind of know each other, so...

Q Okay.

A We all try to share a ride once in a while.

Q Okay.

A If it doesn't work out; some days it just doesn't work out.

Q Okay. And so and this day, again, so I can understand, was Steve, Steve usually goes; drives to work himself?

A The day, the, the reason he drove to work that day is because he was going to go ride his motorcycle...

Q Here in town?

A ...here in town at Kincade Park.

Q Oh, okay.

A But a friend of his was going there; during the daytime was going to meet him there that night?

Q Oh, okay.

A Then he called Steve during the day and said, you know, it's no good. It's mud and still ice on the track and so...

Q Oh, okay.

A ...it ended up thawing out; so he ended up just driving home too.

Q Okay. So he had the motorcycle in the back of the pickup?

A Yeah.

Q Okay. What kind of bike is that?

A It's a YZ 250.

Q Okay. What kind of pickup does Steve have?

A It's a 2000; 2000 GMC.

Q Okay.

A Sierra.

Q Half-ton?

A Yeah.

Q Okay, 1500?

A M'hm.

Q Okay, so you saw smoke and it was what color?

A It was dark, black smoke.

Q Dark black?

A Yeah.

Q Where did you see the smoke from?

A It came out of the, the wheel wells; just right up...

Q Underneath the wheel wells or...

A Right, out of the wheel wells; smoke goes up; so I mean it just came; it rolled out of the wheel wells and went, started going straight up.

Q Okay. So it wasn't in-between where the hood comes and meets the fender? It didn't come out of there; it came out underneath like that?

A Yeah, it came out from underneath.

Q Okay.

A Yeah.

Q Okay. Did you see any flames?

A Not right away; but right after I, I dialed 911 immediately when I saw the smoke.

Q Yeah.

A And within; by the time I got off the phone with her; you could see flames whipping up...

Q Okay.

A ...through like the vent in the...

Q Okay.

A ...right before the windshield wipers and whatnot.

Q What color were those flames?

A Uh, they, I don't know; normal flame color; yellowish; orange color.

Q And about; so after you called 911; so after you saw smoke; perhaps how many minutes elapsed before you saw the flames?

A Not even; couldn't have been even 30 seconds.

Q Okay. And you said that they were yellow?

A Yeah, I mean, they appeared to be normal; camp fire flame looking to me.

Q Light a match; that color?

A Yeah, basically.

Q Okay. Was anyone else around?

A No. We did have; I mean there was normal traffic. I mean the; I don't know the accurate measure of time; um, I mean

within, I mean within the first start of it; I mean flames had started before anybody had drove by but uh, you know, there was normal traffic; people were stopping; turning around; or waiting or watching or whatever.

Q Okay. You didn't try to put it out?

A No, I didn't have anything to put it out.

Q Okay, did you receive any burns or anything?

A No.

Q Um, how'd you get home after that?

A Uh, after fire department, police, everybody left; tow truck came and they loaded it up and Steve dropped me off at my house.

Q Okay, about what time was that?

A Oh, it had to be close to 10:00 by the time we got home.

Q Okay. Do you know why the vehicle burned?

A I have no clue. The only thing I know of is that my guess would be; I mean there was a lot of sparks when they were putting the vehicle out; so I mean...

Q Okay.

A They, I'm not a (inaudible couple words).

Q So it was; once they started dumping water on it; it started sparking; is that right?

A When they got they, they started extinguishing it from the rearend forward and when they got to the cab of the truck and started spraying right in the cab; like...

Q Yeah.

A ...dash and floor area; it was just like sparking (attempt at making sound) looked like a transformer.

Q Oh, okay. Okay. What did you lose in the vehicle?

A Uh, some lot of work clothes; like a (word inaudible) type of flannel shirts; uh, probably a pair; I think I had my car hearts in there.

Q What kind of car hearts?

A Uh, just brown car hearts.

Q Just a (three/four words inaudible)?

A Yeah, yeah. Um, let's see; nothing major; uh, I probably; I had all the; I had the disc changer loaded with CD's.

Q How many CD's did you lose entire?

A I'm trying to remember cause I kept them loose in there; I probably had four or five out of the disc changer and the disc changer full; so probably a total of ten.

Q Okay.

A And work clothes, CD's, I haven't really even come across anything other than I'm missing.

Q Okay. Your tool belt?

A No, I leave all my tools at work.

Q Oh, okay.

A Yeah, so I mean, I mean there was, you know, my lunch bag; stuff like that; but I never really kept; I keep my stuff real neat; I don't really keep extra stuff; so basically work clothes and music.

Q Okay.

A Is pretty much all I had in there.

Q Okay.

A (Word inaudible).

Q Anything in the back of the pickup?

A No, the back of the bed was, was empty.

Q Did you have a bed liner?

A Yeah, I had a plastic; yeah, I had a plastic bedliner.

Q Okay. Okay, so really you lost your car hearts; some flannel shirts.

A Yeah. Give or take; I'm not sure exactly how many it was.

Q Anything else; no tools; no...

A No. All my tools...

Q ...sunglasses?

A ...I kept at work. Sunglasses, my girlfriend uses because she's too cheap to try her own. Um, yeah, I mean I probably had a Lipton ice tea or something; that'd be about it and the paperwork for the truck, of course, and probably bank receipts and stuff like that; but as far as personal possessions...

Q But your wallet; you had...

A ...I don't carry my wallet on me. I keep my ID and my cash right in my pocket.

Q Oh, okay.

A If I'm going to go to (couple words inaudible) or something; I'll just take the card with me that day.

Q Okay.

A I don't carry wallets.

Q Okay, so your wallet today is at the work site?

A Um, I believe it's in the locker at the work site; yeah.

Q Okay and do you take that home each day or no?

A Uh, it depends. Like I say, if I'm going to go to (couple words inaudible); I'll probably snag it our get my (word inaudible) card out of it and...

Q Okay.

A ...use it.

Q Okay. How often does your girlfriend use your vehicle?

A Hm, rarely ever. She hasn't uh, she hasn't driven that truck since about a month after I got it.

Q So she's maybe driven it three times?

A Very most. She doesn't like trucks.

Q Okay. Alright. What kind of vehicle does she drive?

A She drives a 2000; I don't know; it's a 2000; I thought it was a 2001; but it's a 2000 Saturn L series.

Q Okay. Okay. There was a police report?

A M'hm.

Q And we'll get a copy of that police report.

A Okay.

Q Anything else you want to add; anything else you feel might be pertinent. You have no idea why this thing happened; right?

A No. No, I...

Q Okay.

A ...I loved that truck. That was a real nice truck.

Q Okay.

A I bought another one just like it.

Q Okay.

A Just the other day and I, I don't know; just like I say; my only guess would be is the electrical; cause I know there was a lot of sparks; that would be my only assumption.

Q Okay, okay.

A Oh and I, one thing; on the Mobile One, my last oil change was Penzoil. It was not Mobile One.

Q Okay.

A I just remembered that.

Q Okay. Um, have you understood all my questions?

A Yes sir.

Q All your answers been true and correct to the best of your knowledge?

A Yes sir.

Q You have no further questions or anything else you want to add?

A No sir.

Q With your permission, I'll turn off the tape?

A Yes sir.

END OF STATEMENT.

Transcribed: The Whizzard of Keys/Tina L. Whitenite on 12/1/2001.

Claim No.: 37015499 Requested by: Kathy Rice

This is Joshua Scott speaking. I'm speaking from Anchorage, Alaska 99518. It's 12:10 on the 11th of May; 01. I'm speaking with Te.. [redacted] regarding a incident which occurred on the 11th of April 01. [redacted], do you realize I'm recording this interview?

A Yes I do.

Q Do I have your permission?

A Yeah.

Q Okay, [redacted] I understand that um, you and [redacted] work at the same place, is that right sir?

A I'm sorry, I didn't hear you, what?

Q That you and [redacted] work at the same place, is that correct?

A I'm having a hard time hearing you man?

Q Okay, what; how's that?

A That's a little better. Go ahead. There's a plane flying over; go ahead?

Q Oh, okay, yeah, actually first, you want to give me your address please [redacted]

A [redacted]; (word inaudible).

Q And how do you spell your last name?

A [redacted]

Q Do you have a middle initial?

A [redacted]

Q Date of birth?

A [redacted]

Q Social security number?

A Why do you need my social security number?

Q For identification purposes only. If you feel uncomfortable, you may omit it.

A I may what?

Q Omit it?

A Yeah, let's omit it.

Q Alright. Can you give me your telephone number you're speaking from?

A [redacted] what's the phone number; no, this phone; [redacted]

Q Okay. Alright sir, as I understand, you and [redacted] work at the same place; right?

A Yes.

Q And then, can you tell me about the details as far as you know it from on the day that, that Wade's truck burned?

A Yeah, starting where?

Q Well starting I guess that you were going to go ride your motorcycle or something like that and then you decided to follow Wade up or, or...

A Well uh, whoa (loud noise); um, I was going to go riding that night and go practice. I think that's when we drove in separate and uh, (couple words inaudible); buddies that were coming in to go riding with me; they didn't come in, so I decided to go, you know, just go home and uh, he had called me. He was, I don't know, five, ten minutes ahead of me and he called me and asked me to meet him; check out his truck, said it wasn't running right.

Q Okay and where was that sir?

A Um, I think it was either first or second bridge; going up (word inaudible)...oa on the flat.

Q Okay.

A Can't remember which one it was.

Q And what'd you see when you saw the car; was everything alright or what?

A Yeah, it seemed fine. I mean I don't; you know, I know, I know what I'm doing on the older ones but on the new ones, I have no idea; didn't; seemed to run okay, you know, when it was sitting still; just when he was going, it didn't want to run he was saying.

Q Okay. And then what happened sir?

A Oh, then I just followed him home and uh, his girlfriend lives basically real close to me and we take the same route home; uh, we were following; I was following him up Fairview, I think it's called. I'm not real good with street names.

Q Yeah.

A Anyway, we pulled over to the side and uh, said it didn't run no more and uh; think I went; we were going around to pop the hood and big smoke started coming out of the grill and and we never got it opened and flames.

Q Okay. Just a, I know where these areas are but I, since I don't drive it very often, I don't know the exact distances; what would you guess from that crossing there; on the crossing the C...(word inaudible); to where it caught fire on Fairview; how far is that; how many miles?

A Um, maybe; I don't know, maybe two, three miles; four miles maybe at the most.

Q Oh really. Oh, I thought for some reason that when he was; when the first time you guys pulled over; those first bridges as you leave town; you know the ones with the lights on them; is that it or no?

A Where now?

Q Okay, I, I thought when you first car; when he first pulled over and he called you and you checked it out?

A Uh'huh.

Q Where now was that now?

A It was like, you know where the flats are?

Q Yeah.

A It's, it was either the; I don't, once again, pull off the first one; I think it was the second one.

Q Okay, so the...

A Get down; you can get down to the river.

Q Okay, so the one with the lights going across it; you know what I mean; those yellow lights that make it lit; course in the summer; or winter?

A Oh the lights that you, you talking about the corner of Parks and Glen?

Q No, no. I was talking about before that. So I guess I don't know exactly where the flats are. I thought it was at that there where it crosses the river; where it's really wide?

A Yeah, that, I mean they're, not far after (word inaudible) coming northbound.

Q Okay, okay. And so it's only about three miles you say till Fairview Loop?

A Oh no, I misunderstood what you're saying; no it's a; from where we first stopped?

Q Yeah, that's what I'm talking about?

A From all the way to where it finally burned?

Q Yeah.

A Oh gees. That's probably close to ten mile.

Q Okay yeah, that sounds what I was thinking. Okay so, he, he pulled over and he says she doesn't want to go anymore and then what happened?

A Then uh, he popped the hood, walked around, we were just fixing to open it; can you hear me?

Q Yeah, I can hear you.

A Okay. From; either my phone or your phone. But anyways uh, went to open the hood and that's when a big billow of smoke came out of the grill and fenders and I don't know; we just (word inaudible) the damn thing.

Q Okay and then what happened sir?

A And then, caught on fire, the flames.

Q Alright.

A And then, anyway backed up; I was, I was parked fairly close to him; so, I'm not sure what he was doing but I jumped in my truck and ripped backwards in reverse to get away from his and uh, anyways, then he, you know, he called the fire department or whatever.

Q What color was that smoke?

A White; like gray; I don't know, wasn't, wasn't super black. I mean it turned; at first it was you know really white and then uh, you know, of course once the flames came out, then it's, then it was real black.

Q Yeah. And where'd you see the smoke first?

A I don't know. I'd have, I'd have to say it come out of the grill.

Q Okay.

A You know cause the, well it, the hood was popped, so it was coming out around the edges of the hood and shit too and...

Q Yeah.

A ...anyways and uh, it was coming, it was coming from uh, pretty much everywhere in the front.

Q Okay.

A Out of the grill.

Q Okay. About how long after you saw the smoke till you actually saw flames?

A Seconds.

Q Seconds, alright.

A Seconds, not long.

Q So you, you work on some cars yourself?

A Yeah, I used to when uh, when I was kid, you know, I had the whole older; like (word inaudible) cars and whatnot and uh, anyways so; know how to; know how to keep them running but the new ones, they're all computerized, I don't, I don't even mess with them.

Q Yeah.

A Just take em in.

Q I know what you mean.

A (Couple words inaudible); anyways.

Q So I mean, I'm kind of in the same situation with you; I'm used to working on older car; but these new ones are kind of a mystery. You got any ideas why this thing burned?

A I have no idea. Haven't uh; you know, been talking with him, with Wade about it and he hasn't got any explanations either from you know, any of the you guys, investigators or fire marshall or anything.

Q Uh'huh.

A So I don't' know.

Q Alright. I'm still here, I'm just writing a few notes.

A Okay.

Q What kind of car do you have?

A I have a 2000 GMC pickup.

Q Alright sir, I have no further questions. Do you have anything you want to add?

A Not that I can think of.

Q Okay, have you understood all my questions?

A Yeah. I believe so; other, other than our miscommunication on directions; yeah.

Q The bridge, yeah. Oh, okay yeah, I had one more question; okay so up the Fairview Loop where, where more or less was that that it actually caught fire?

A Uh, just guessing; I'm not real good with distance; but I'd say no more than a mile; uh, let's see, a mile east of Snow Shoe School.

Q Okay and who showed up first?

A I'm sorry?

Q When um, when Wade called the pol...the 911 or whatever; who showed up first?

A Actually some, some guy in a; a volunteer fireman.

Q Okay.

A It was some guy in a car. He had his family with him and stuff and jumped out and...

Q Okay. And then after Wade called and to when somebody showed up and started pouring water on the vehicle; how long do you think that was?

A Seemed like forever; I'm not sure. Had to be a good 15; at least 15, 20 minutes I'd say.

Q Okay, alright sir, that concludes my interview. Um, all your answers been true and correct to the best of your knowledge?

A Yes sir.

Q Okay, I appreciate your time. With your permission, I'll turn off the tape; do I have your permi...

A You're gonna; you're gonna do what?

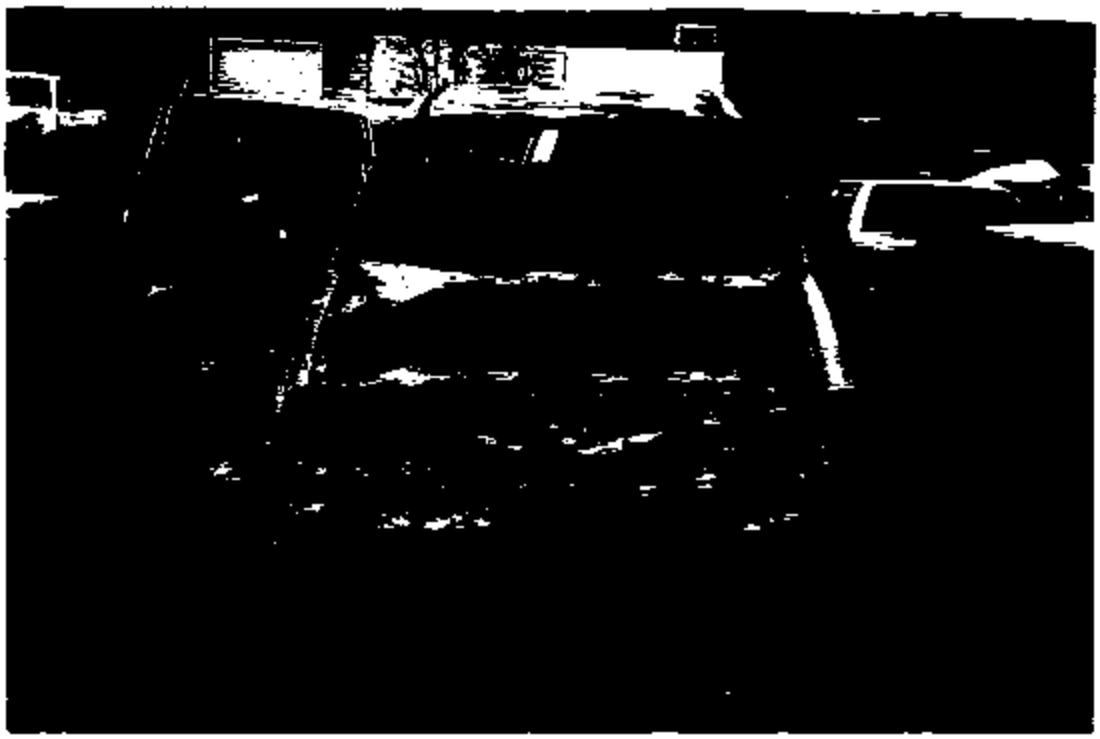
Q I'm going to turn off the tape with your permission?

A Yeah.

Q Okay.

END OF STATEMENT.

Transcribed: The Whizzard of Keys/Tina L. Whitenite on 12/1/2001.



1.

2.

1. Front of 1997 Ford F-150 owned by the insured [redacted] Vehicle was located at Matanuska Towing in Palmer, Alaska.

2. Left front of cab.

3.

4.

3. Right front of cab.

4. Right rear of cargo bed.

5.

6.

5. Left rear.

6. Passenger cab viewed from passenger side.

7.

8.

7. Engine compartment where fire originated.

8. Engine compartment viewed from left side.

9.

9. Right side of passenger compartment viewed through windshield opening.

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August 30, 2002

CONSUMER AFFAIRS SECTION

'97 F-150 AK $19,600 J (N)

Ford Motor Company
Consumer Affairs
P.O. Box 6248, MD-3N3-B
Dearborn, Michigan 48121

Re: Fire Destruction of Ford F-150 Pickup
VIN 2FTEX08L1[redacted]
Our File No. 884.096

SEP 16 2002
OFFICE OF THE GENERAL COUNSEL

To Whom It May Concern:

I represent [redacted]. [redacted] was the insurer of [redacted] and insured an F-150 pickup truck owned by [redacted], including for comprehensive coverage. While [redacted] was operating this vehicle it caught on fire, causing the total destruction of the pickup truck. The value of this vehicle at the time of destruction was calculated to be $20,100. Leader Insurance paid out $19,600 on the loss, and is subrogated to [redacted] rights to the extent of this payment. [redacted] now wishes to make a claim against Ford Motor Company for reimbursement of its losses. It is clear the losses arise out of a defect in the product. Pickup trucks simply do not catch fire, absent a defect.

Under jury instructions that are given in Alaska, a product is defective if: "the product failed to perform as safely as an ordinary consumer would expect when used in an intended or reasonably foreseeable manner." See also, Caterpillar Tractor Company v. Beck, 593 P.2d 871, 884-85 (Alaska 1979). Where a pickup truck catches on fire, and is totally consumed by that fire, it is a product that failed to perform as safely as an ordinary consumer would expect.

By way of background, I am providing you a copy of the statement taken by the owner, [redacted] an inspection report conducted by fire investigator, John Glenn Investigations, and

documentation relating to the value of the vehicle at the time of loss.

It appears highly likely that the cause of the fire was a fuel line problem. [redacted] reported that the vehicle was running sluggishly or "boggily" prior to the accident, indicating a lack of full fuel pressure. The vehicle ultimately stopped running all together, showing a loss of fuel supply. This caused [redacted] to drive over to the side of the highway. A short time later, the vehicle unexpectedly and without warning burst into flames. Regardless of the cause of the problem, there is little doubt that under Alaska law, a pickup truck that unexpectedly bursts into flames, is a defective product.

[redacted] is interested in solving this matter short of a lawsuit and would request payment of $19,600 in settlement of this claim. In the event this claim is not settled and goes to suit, Leader will be entitled to prejudgment interest and attorney's fees under Alaska law, adding at least $5,000 to the value of this claim.

Thank you in advance for your prompt consideration of this claim.

Sincerely,

RICHMOND & QUINN

Marc G. Wilhelm

MGW/ky
Encls.
884\GEN\CORR\FORD MOTOR CO

cc: Rob Tellman
Leader Insurance Companies