

Howell, Rosa (NHTSA)

From: [REDACTED]
Sent: Tuesday, February 11, 2014 11:04 AM
To: Clarence Ditlow (CAS); Michael Brooks CAS
Cc: Matheke, Otto (NHTSA); joan@citizen.org; Hershman, Larry (NHTSA); Borris, Frank (NHTSA)
Subject: RE: EA12-005 Report

Clarence / Michael:

The NHTSA email I received one week ago is forwarded below.

I am compelled to offer review of history, as an indication of what appears to be ongoing NHTSA/Chrysler behavior. Please note the last paragraph of the last page of the following EA94-005 NHTSA document from November 17, 1994:

[REDACTED]

At no time was that "Conclusion" offered to the affected Chrysler vehicle owners, by either NHTSA or Chrysler.

Please review the following internal Chrysler document of early 1995:

[REDACTED]

Please note that participation included the highest levels of Chrysler management, as indicated by the evidence stickers. At no time was this two-page document offered to the public (without court order). This document and its portent was also **not** revealed at a hearing of August 1995. NHTSA was not merely complicit; please note the public statement made by NHTSA regarding "**the agreement**" (page 2, Philip Recht):

[REDACTED]

In summary . . . Between the secret NHTSA/Chrysler meeting of November 17, 1994 and the August 1995 hearing, which vacated the NHTSA/Chrysler public rhetoric that their investigation was "open," no evidence exists which indicates that **significant and incremental** activity was expended, by NHTSA or Chrysler, and **focused** on "real world" public service and safety.*

Indeed, there was only one event of significance, and to many it portended the reverse: NHTSA came to Detroit to interview Paul Sheridan to acquire any documents which might subvert the conspiracy discussed by the second link above. NHTSA allowed Chrysler to unilaterally redact the interview report prior to (my or) neutral party review; the latter providing a legal/unbiased view on what constitutes "trade secrets." Please note the NHTSA cover letter verbiage here:

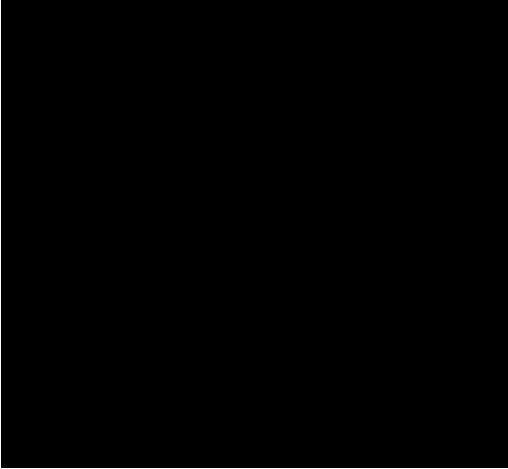
[REDACTED]

Of specific importance to 'ongoing NHTSA/Chrysler behavior,' I had previously documented the fact that during the claimed "open" status of EA94-005, **SCORES** of incremental deaths/injuries occurred, many involving children. Please see:

Again, emphasizing ongoing NHTSA/Chrysler behavior, the alleged “open investigation” status of EA12-005 has several crucial/obvious parallels (to EA94-005) :

1. During the period that NHTSA/Chrysler are denying information requests, on the basis that an earnest defect investigation is “open”, deaths and injuries caused by the specific safety defect are the ONLY event of significance that is truly ongoing.

Relating to the EA12-005 “open” status, **incremental deaths/injuries have already occurred**: The horrific fire death of 17-year-old Skyler Anderson-Coughlin in a Jeep Grand Cherokee on 10 Nov 2013 in Massachusetts:



Memo: I have had several conversations with several NHTSA officials who are directly involved with EA12-005, and all have confirmed the following: The officials in Massachusetts offered the Skyler Anderson-Coughlin Jeep Grand Cherokee death vehicle for NHTSA inspection, but the Agency, for unstated reasons and for reasons which they also would not state to me, **refused that inspection offer.**

2. Notices or letters warning of the defect are not sent to affected vehicle owners, or sent too late to make a difference.
3. Notices or letters that are supposed to warn of a dangerous life-threatening defect, instead MINIMIZE the defect or make the dishonest claim that no such defect exists.
4. Notices or letters that are supposed to warn of a dangerous life-threatening defect, that either MINIMIZE the defect or make the dishonest claim that no such defect exists, **are jointly written by NHTSA and Chrysler.**
5. The affected vehicle owners et al., which is allegedly the focus of public service, is never informed of the portent of #4, especially members of the jury pool.
6. The secret agreed-upon-arrangements (ala the DOJ-NHTSA-Chrysler conspiracy), which facilitate NHTSA denial of information requests, occur between the highest levels of NHTSA and Chrysler staffs.
7. During the late stages of an alleged “open” defect investigation, no documented **significant and incremental** activity is expended by NHTSA or Chrysler which is **focused** on “real world” public service and safety.

8. The agreed-upon-arrangements, which facilitate/embellish NHTSA denial of information requests, occur in meetings between the highest levels of NHTSA and Chrysler staffs, **in secret**. For EA12-005, an allegedly “open” investigation, the secret meeting occurred at a Chicago airport (?).

In 2004 I testified over two days in the death case of an 8-month old infant. My testimony included the details of the DOJ-NHTSA-Chrysler conspiracy which also denied information requests, EVEN VIOLATING THE LAW UNDER FOIA; keeping safety information private under the guise that a NHTSA defect investigation was “open.” The jury fully understood the portent of my testimony (ON THIS POINT among others), and awarded the plaintiff \$105,000,000. Please see highlighted section on page 3 here:

Comparatively, EA94-005 versus EA12-005, **that latter may be decremental**. In the former, crash tests which confirmed my internal presentations of April 1993 and February 1994, WERE AT LEAST CONDUCTED BY NHTSA.

To the best of my knowledge relevant crash tests were NOT conducted by NHTSA or Chrysler prior to the alleged EA12-005 fix that was agreed to in-secret in a Chicago airport on 9 June 2013; again, between the highest levels of DOT, NHTSA and Chrysler. Given what I pointed out to CAS regarding the Cassidy Jarmon case (upon hearing of this alleged fix), and later the Ana Pina case; and as a result of having the opportunity to act as liaison for CAS [at a relevant crash test](#), I am looking forward to such from NHTSA. Again, EA12-005 may be decremental since the only relevant crash tests conducted thus far were those funded by the tight budget of CAS.

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It is my understanding that the Center for Auto Safety (CAS) has made a FOIA request for the NHTSA-Chrysler emails that are relevant to EA12-005, including the **secret** DOT-NHTSA-Chrysler Chicago meeting of 9 June 2013. It is also my understanding that these emails were discovered in a Jeep Grand Cherokee fire death case involving a 4-year old boy, but only under a protective order, which ostensibly declares that such contain “trade secrets.” Please keep me informed of the status of this CAS FOIA request.

In conclusion, please note that I am merely requesting of NHTSA, in my email of 31 January below, that as a member of the tax paying public I/we merely receive the final report at the same time as Chrysler. However, the NHTSA response of 3 February indicates/confirms that, consistent with the ongoing NHTSA/Chrysler behavior discussed above, the latter are receiving preferential treatment since they are considered, **by NHTSA**, privileged and therefore above “the general public” status. This ongoing NHTSA/Chrysler behavior is completely consistent with the second link above, and has already had similar results.

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It is my understanding that communications of this type must be posted to the NHTSA “public file,” which will allow the taxpayer to monitor safety work conducted by their tax dollars and in their behalf.

Please do not hesitate to contact me at any time,



*To obviate the anticipated rhetoric that the “inertial unlatching” issue was significant, that activity was not initiated by NHTSA or Chrysler, but by plaintiffs’ experts.

From: Frank.Borris@dot.gov [<mailto:Frank.Borris@dot.gov>]
Sent: Monday, February 03, 2014 1:57 PM
To: pvsheridan@wowway.com
Cc: Otto.Matheke@dot.gov; joan@citizen.org; cmdiii@autosafety.org; Larry.Hershman@dot.gov;
mbrooks@autosafety.org
Subject: RE: EA12-005 Report

Mr. Sheridan,

As a matter of policy, the agency does not comment on open investigations, so I will not comment as to next steps and/or timing. However, like any member of the general public, you can monitor our public file at www.safercar.gov.

Frank S. Borris II

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From: Paul V. Sheridan [<mailto:pvsheridan@wowway.com>]
Sent: Friday, January 31, 2014 12:48 PM
To: Borris, Frank (NHTSA)
Cc: Matheke, Otto (NHTSA); Joan Claybrook; Clarence Ditlow (CAS); Hershman, Larry (NHTSA); Michael Brooks CAS
Subject: EA12-005 Report
Importance: High

Mr. Borris:

Thank you for returning my recent telephone call.

I spoke with Larry Hershman regarding information that a report or a "Final Report" is forthcoming on the EA12-005 investigation, which was the result of a petition filed by the Center for Auto Safety on 2 October 2009. Larry explained that he had not been informed of any details on such a report.

If a report is forthcoming, and it is the Agency's intention to share a copy with Chrysler, I hereby request that a copy of that same report be made available to me AT THE SAME TIME. Obviously, we should presume that the CAS would appreciate the same distribution schedule.

In the meantime, please answer the general question(s); is a report forthcoming and if so, what is the intended public/private release date?

Please do not hesitate to contact me at any time,

