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JUN 6 2012

CI-10461538-9462

May 23, 2012

Honorable David Strickland, Administrator
National Highway Traffic Safety Administration (NHTSA)
1200 New Jersey Avenue SE
Washington DC 20590

INFORMATION Redacted PURSUANT TO THE FREEDOM OF INFORMATION ACT (FOIA), 5 U.S.C . 552(B)(6)

Dear Administrator Strickland:

In NHTSA's history of defect investigations and recalls, there has never been one where four year old children in child restraints have burned to death in fire crashes until now. On February 12, 2006, four year old [redacted] was killed despite riding in a child seat to protect her when the 1993 Jeep Grand Cherokee driven by her mother was struck from behind and burst into flames. On March 6, 2012, four year old [redacted] Walden was killed despite riding in a child booster seat to protect him when the 1999 Jeep Grand Cherokee driven by his aunt was struck from behind and engulfed in flames.

The other occupants in the crashes could not get the above pictured four year olds out because they were trapped in the flaming vehicle. [redacted] is but the latest fatality in 201 fatal fire crashes with 285 deaths involving 1993-2004 Jeep Grand Cherokees.

Chrysler's David D. Dillon has now admitted what the Center has said all along – the 1993-04 Jeep Grand Cherokee far exceeds its top competitor, the 1993-04 Ford Explorer in most harmful event (MHE) rear impact fire crashes. (Attachment A - Deposition in Kline V Lohman Auto Group.) Mr Dillon also disclosed that the April 6, 2011 presentation to NHTSA on FARS was not prepared by Chrysler but rather was prepared by Exponent Failure Analysis which made such a misleading analysis to NHTSA in the GM pickup side saddle gas tank investigation that GM Vice President Harry Pearce apologized to NHTSA Administrator Marion Blakey for the presentation. (Attachment B.)

The April 6 FARS analysis shows a MHE fire rate of 0.44 crashes per million years of use compared to 0.022 for the Ford Explorer based on 12 Grand Cherokee MHE rear fire crashes and 1 Ford Explorer MHE rear fire crash. The analysis does not include the July 10, 2009 TX MHE rear fire crash (FARS 481432 – Attachment C) so the 1993-04 Grand Cherokee MHE fire rate is 0.48 per million years of use which is 22 times higher than the Ford Explorer. With 18 deaths in the 12 MHE Jeep crashes, the difference is even higher than 22 to 1.

The FHWA and KARCO crash tests of the Jeep Grand Cherokee and Ford Explorer fully support this 22 to 1 greater MHE crash fire rate for the Grand Cherokee versus the Ford Explorer. The crash tests done by FHWA and CAS show the Grand Cherokee suffered a catastrophic fuel system failure at energy levels both significantly below present FMVSS 301 levels. Yet the Ford Explorer suffered no breach of the fuel system in a 70 mph FHWA crash test with an energy level nearly twice that of FMVSS 301.

Test	Impactor	Impactor Weight	Impactor Speed	Crash Energy
old FMVSS 301	flat face barrier	4,000 pounds	30 mph	121,000 lb-ft
new FMVSS 301	contoured barrier	3,015 pounds	50 mph	253,000 lb-ft
FHWA Explorer	2003 Taurus sedan	3,110 pounds	68 mph	483,000 lb-ft
FHWA Grand Cher.	2000 Taurus SW	3,296 pounds	49.7 mph	274,000 lb-ft
Karco Grand Cher.	1987 Taurus sedan	3,387 pounds	51.4 mph	301,000 lb-ft
Karco Grand Cher.	1988 Taurus sedan	3,364 pounds	40.7 mph	187,000 lb-ft

If Chrysler does not voluntarily recall these deadly vehicles that kill children secured in child restraints as the Center has asked Chairman Sergio Marchionne, then the only way to prevent more fire deaths is for NHTSA to order a mandatory safety recall and require Chrysler to design an effective remedy for any vehicle outside the repair for free provision of the Safety Act.

Sincerely,

Clarence Ditlow
Executive Director

ATTACHMENT A

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, MORRIS COUNTY

THOMAS KLINE, AS ADMINISTRATOR AD PROSEQUENDUM OF THE HEIRS AT LAW OF SUSAN MORRIS KLINE, (DECEASED), AS ADMINISTRATOR OF THE ESTATE OF SUSAN MORRIS KLINE, and THOMAS KLINE, INDIVIDUALLY,
Plaintiffs,
vs. Docket No. MRS-L-3575-08

VICTORIA MORGAN-ALCALA, CARLOS ALCALA, NATALIE RAWLS, DAIMLERCHRYSLER CORPORATION, A/K/A CHRYSLER CORPORATION, LOMAN AUTO GROUP, CHRYSLER GROUP LLC (For Discovery Purposes), JOHN DOES A THROUGH Z, (Names Being Fictitious), ABC CORPORATIONS, 1 THROUGH 100, (Names Being Fictitious),
Defendants.

THE DEPOSITION OF DAVID DILLON, DECEMBER 21, 2011

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The Videoconference Deposition of DAVID DILLON,
Taken at 840 West Long Lake Road, Suite 200,
Troy, Michigan,
Commencing at 10:40 a.m.,
Wednesday, December 21, 2011,
Before Lezlie A. Setchell, CSR-2404, RPR, CRR.

APPEARANCES:

ANGEL M. DeFILIPPO
Grieco, Oates & DeFilippo, L.L.C.
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973.243.2099
Appearing via videoconference on behalf of the Plaintiffs.

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Bernardsville, New Jersey 07924
908.953.0300
Appearing via videoconference on behalf of the Plaintiffs.

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JAMES T. GILL
Leary, Bride, Tinker & Moran
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973.539.2090
Appearing via videoconference on behalf of Defendants Alcala.

CHRISTOPHER G. FUSCO
MATTHEW D. STOCKWELL
Callahan & Fusco, L.L.C.
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973.618.9770
Appearing on behalf of Defendant Loman Auto Group.

SHEILA JEFFREY
Miller, Canfield, Paddock and Stone, P.L.C.
101 North Main, 7th Floor
Ann Arbor, Michigan 48104-1400
734.668.7797
Appearing on behalf of Defendant Chrysler.

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BRIAN S. WESTENBERG
Miller, Canfield, Paddock and Stone, P.L.C.
840 West Long Lake Road
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248.267.3220
Appearing on behalf of Defendant Chrysler.

ALSO PRESENT:
Paul V. Sheridan
Antonio C. Irizarry

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Troy, Michigan
Wednesday, December 21, 2011
10:40 a.m.

DAVID DILLON,
was thereupon called as a witness herein, and after having first been duly sworn to testify to the truth, the whole truth and nothing but the truth, was examined and testified as follows:

MS. JEFFREY: Before we get started, I just want to confirm that this is a discovery deposition, correct?

MS. DeFILIPPO: This is a discovery deposition, yes.

MS. JEFFREY: Okay. Thank you.

EXAMINATION

BY MS. DeFILIPPO:

Q. Mr. Dillon, my name is Angel DeFilippo. I'm an attorney. I represent the Kline family in an action which has been brought stemming from an automobile collision and fire which occurred back in February of 2007. We're here to take your deposition because you've been offered as a person with knowledge of certain facts and circumstances involved in the Chrysler Jeep Grand Cherokee.

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Have you ever had your deposition taken before?

A. I have not.

Q. Now for the record, you are in Michigan, we are in New Jersey, and we're doing this by videoconference, correct?

A. That's correct.

Q. And with you in Michigan is your attorney, Sheila Jeffrey from --

MS. JEFFREY: Miller Canfield.

BY MS. DeFILIPPO:

Q. Miller Canfield, right, and also the attorney for Loman Auto Group is with you, there are a couple of attorneys and an office individual from Loman Auto Group firm which is Callahan & Fusco, correct?

A. I'm not familiar with their names or their functions, but there are individuals that Sheila could probably name.

Q. Okay. Have you had an opportunity to meet with your attorney before beginning this proceeding today?

A. Yes, ma'am.

Q. And have you met with the Fusco firm, any individual from that firm before coming here today?

A. I have not.

Q. And are they seated to your right?

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A. They are seated to my left.

Q. All of the individuals that I mentioned are to your left?

A. Not all of the individuals.

Q. Can you just tell me where everyone is seated?

THE WITNESS: Can you help with that, Sheila?

MS. JEFFREY: He's not familiar with their names but I'm Sheila Jeffrey. I'm directly to Dave's left. Matt Stockwell is sitting next to me, Chris Fusco is sitting next to Matt, and Tony Irizarry is sitting next to Chris Fusco. On Dave's right is the court reporter and Brian Westenberg from my firm.

MS. DeFILIPPO: Thank you, Sheila.

BY MS. DeFILIPPO:

Q. I'm sorry, I think I asked you if you ever had your deposition taken before and you said you had?

A. I said that I had not.

Q. Or you said that you had not. I'm having trouble hearing you. You're not -- I don't know if it's the microphone on your end but your answers are very hard to hear. Can you just let me ask you just one more time so I can be sure that we can hear it.

Have you ever had your deposition taken before?

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A. No.
Q. Okay. That was better. Mr. Dillon, since you have not had your deposition taken before, I assume that your attorney explained to you the process of a deposition and how -- and what we do in the proceeding, correct?
A. I hope so, yes.
Q. Okay. I'm going to give you a few instructions that are in effect throughout the proceeding and apply to anyone who asks you questions, not just myself. First of all, the court reporter who you have indicated or your attorney has indicated is seated to your right and even the audio and the video that's being conducted, we -- in order to take down what's said in this room, all of your answers need to be verbal. So a shrug or a grunt or a syllable that's not actually a word and has to be interpreted is not, even though we might have a video, isn't what we want to hear. We want to hear actual words when we ask a question. You understand that, correct?
A. I understand that.
Q. And any question that I or anyone asks you throughout this proceeding, we want you to tell us if there's anything that needs clarification because if you answer the question, we'll assume you understood it.

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Is that clear?
A. I understand that, yes.
Q. Okay. And your attorney said something in the beginning of this deposition, referred to it as a discovery deposition, and it is a discovery deposition, but this deposition according to the rules of the State of New Jersey can be used for many reasons. Everything that's said today will be typed up in a booklet form and can be used throughout the pendency of this litigation and at trial in accordance with the rules of the State of New Jersey. You understand that, correct?
A. I'm not familiar with the rules of the State of New Jersey, but I'll answer the questions that you ask me today.
Q. And one final thing, and I think everybody needs this instruction because we all have a propensity to speak when we anticipate a question before the question is actually completed, and likewise, we all have a propensity to ask the next question if we think we've already gotten the answer. We have to respect each other's questions and answers so that you don't begin answering until I or anyone else is finished questioning, and we will give you the same respect and not begin another question until your answer is

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completely finished. You understand that?
A. I understand that.
Q. Do you have any questions before we begin of anyone?
A. None that I can think of.
Q. Okay. We have marked a document, Mr. Dillon -- I have marked it Dillon-1, 12-21-11, which is today's date and we have faxed it to you. Can you look at that document and tell me what it is?
MS. JEFFREY: Angel, we don't have a copy of the marked CV on our end, what you faxed over, and should we be having the court reporter here mark it is what I'm thinking?
MS. DeFILIPPO: You know, I think -- I think she should mark it over on your end.
MS. JEFFREY: Okay.
MS. DeFILIPPO: And then my marking -- it'll just make it easier.
MS. JEFFREY: That's fine. So I'll have her take this document that you faxed over and mark that Dillon-1, 12-21-11?
MS. DeFILIPPO: Yes, that's what we marked.
MS. JEFFREY: Okay.
MARKED FOR IDENTIFICATION:
DEPOSITION EXHIBIT 1
10:47 a.m.

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MS. JEFFREY: Okay. We're all set.
BY MS. DeFILIPPO:
Q. So the question was: Can you identify the document?
A. Yes, ma'am.
Q. Dillon 1, what is this document, Dillon 1?
A. It's my CV.
Q. Okay. Again, the sound quality is seeming to go down, so if you could just keep your voice up.
And is this CV which is marked Dillon 1 accurate and up-to-date to the present time?
A. I believe it is, yes.
Q. Would you like to make any corrections, additions, deletions, or any changes, whatsoever, to this Dillon 1 document which I'll note for the record is a two-page document?
A. None at this time.
Q. Now, Mr. Dillon, can you tell me, going back to your engineering experience, can you tell me when you first began working as an engineer?
A. I began working as a degreed engineer subsequent to my graduation from undergraduate school beginning in 1996.
Q. I missed a word there. You said I began working as a something engineer. What did you say?
A. I just said engineer.

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Q. I'm sorry, I just can't hear you.
A. Degreed.
MS. JEFFREY: I believe you said degreed engineer.
THE WITNESS: Yeah.
MS. DeFILIPPO: Okay. I'm really having trouble hearing. Is anybody else in this room having trouble?
Is there a way to turn up the volume on your end? We're on the maximum volume here. Can you hear me?
MS. JEFFREY: Yes.
THE WITNESS: I can hear you just fine. Thank you.
MS. DeFILIPPO: Okay. We're on maximum volume here, so if you could turn up your volume, it would really help a lot.
MS. JEFFREY: Okay. Just hold on a second.
(Off the record at 10:49 a.m.)
(Back on the record at 10:49 a.m.)
THE WITNESS: Does this help?
MS. DeFILIPPO: No. That made it worse. Wow. Now there's feedback.
MR. WESTENBERG: Try it now.
MS. JEFFREY: Try it now.

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THE WITNESS: Is that better?
MS. DeFILIPPO: No. You are -- now we have a lot of feedback. I'm hearing myself but when you were speaking, Sheila, we could hear you fine, just not the witness. Is there something by you, maybe a microphone that you can move?
MS. JEFFREY: No. I think I just talk louder than he does, so I'll just ask Dave --
MS. DeFILIPPO: No. The quality of your sound is a normal voice and his is not.
MR. WESTENBERG: Just raise your voice a little bit if you can.
THE WITNESS: I'll try to speak up a bit higher. Does that help?
MS. DeFILIPPO: Yeah, that's better.
THE WITNESS: Okay.
BY MS. DeFILIPPO:
Q. Now I believe that you said that you began as a degreed engineer in 1996 after you graduated from college, you had an engineering degree?
A. That's correct.
Q. Okay. And from what school was that, Mr. Dillon?
A. At the time the name of the university was GMI Engineering and Management Institute.
Q. And what is it now?

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A. Today it's called Kettering University.
Q. And that degree was the same degree that you would get in any four-year university or college in terms of an engineering degree?
A. That's correct.
Q. And did you place any concentration in any area of engineering when you studied at Kettering?
A. Mechanical engineering.
Q. And was your degree in mechanical engineering?
A. That's correct.
Q. Or were you licensed -- were you subsequently licensed as a mechanical engineer anywhere?
A. My degree is in mechanical engineering.
Q. Did you subsequently obtain a license anywhere as a mechanical engineer?
A. No, ma'am.
Q. And with your mechanical engineering degree, you began working immediately at Chrysler?
A. I originally started working at the Chrysler facility, but I was a contract engineer originally working through a third-party contract house.
Q. And through that third-party contract house you were assigned to Chrysler jobs as a mechanical engineer?
A. As a release engineer is what we call it, but yes, I worked on site at Chrysler through a third party, yes.

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Q. Were you ever certified as a professional engineer or PE?
A. No, ma'am.
Q. And when you called yourself a release engineer, what does that mean?
A. A release engineer is responsible for the design and development of components in a vehicle, and we call it releasing because you're essentially releasing those parts into the Chrysler system so that they can be used for the manufacture of those components to be used in their intended vehicles.
Q. Were any of those components involved in the fuel system --
A. No, ma'am.
Q. -- that you worked on?
Did you ever work on any, in any capacity on the fuel system of a vehicle?
A. No, ma'am.
Q. What parts, what component parts did you design or develop as a release engineer when you began?
A. When I began in 1996, I worked on interior components, specifically door, door trim assemblies and hard trim assemblies.
Q. So are we talking about the interior doors of, of cars or trucks, Jeeps; what are we talking about?

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A. At the time, the vehicle was specifically the 1998 Dodge Durango, and yes, we're talking about the interior door panels.
Q. Were you a design engineer?
A. That's not really a term that we necessarily use. The term that we use is release engineer, but I was responsible for the design and release of those components.
Q. When you say you're responsible for the design and release, do you actually draw the design of interior components of the Dodge Durango vehicle?
A. No, ma'am.
Q. Okay. So can you tell me hands-on what you actually did as the release engineer?
A. Responsible for working with the actual designers to develop the designs of those components. So essentially you're responsible for overseeing and guiding the design process and releasing those components at different phases of the vehicle build.
Q. And I can appreciate that you said that you worked with the actual design engineers, and I'm trying to find out --
A. No, I didn't -- I didn't --
MS. JEFFREY: No, wait. Let her finish. Go ahead. She froze up.

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BY MS. DeFILIPPO:
Q. I think your answer a minute ago was that you worked with the actual design engineers, and I'm trying to find out to be a little more specific, when you say you worked with the actual design engineers, what did you do with respect to them?
A. First of all, I didn't say I worked with the design engineers. I said I worked with the designers. Those are the individuals that work on the CATIA tube that developed the drawings, themselves.
Q. You worked with the individuals who developed the drawings?
A. That's correct.
Q. Okay. So what hands-on did you do in working with those individuals that were developing the drawings; what was your role?
A. I'm not sure I understand your question.
Q. Well, "worked with" is a very broad term. You said you worked with them. What exactly more specifically did you do in working with the people who developed the designs?
A. As the release engineer, I was responsible for the design and the release of those components. There was a team of designers that I worked with to oversee and guide the development of those components, the design

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of those components.
Q. Well, let me ask you then more specific questions. As part of that job, did you change any of the designs that the designers came up with or alter their drawings in any way, or are we talking about a management job?
A. I wouldn't consider it a management job. I was just a release engineer at the time. So I'm not sure that I understand your question specifically.
Q. Did you ever have an occasion as a release engineer to alter a drawing that the designers presented to you?
A. At my direction as the release engineer responsible for the design of those components, I guided the designers to make changes to the designs so that we could release them for production.
Q. Would you describe yourself as an engineering manager?
A. At that time?
Q. Yes.
A. Absolutely not.
Q. Were you working with suppliers of component parts to Chrysler, or were you working directly with Chrysler employees?
A. I would say both, primarily we worked with the supply base, and we had internal designers as well as designers that were located at the supplier's

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facility.
Q. Did you work on any other vehicles other than the Durango?
A. During what period?
Q. During the period when you were a contract employee working with Chrysler?
A. No, ma'am. My job was exclusively the 1998 Dodge Durango.
Q. And did you ever work with anything other than the interior doors as the contract employee?
A. As I indicated earlier and as the CV indicates, I worked on what we refer to as the door trim and what we also refer to as the hard trim.
Q. And all of that is interior trim?
A. That's correct.
Q. Now when did you -- when did your job as a contract employee with Chrysler end?
A. I was converted to a direct employee in July of 1997.
Q. And what was your job in July of 1997?
A. As the CV indicates, I moved to Newark, Delaware where I was responsible for interior componentry on the Dodge Durango.
Q. Was that different than the door, interior door trim component, components that you worked with prior to 1997 in July?

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A. The scope of the components that I worked on was greater than what I worked on when I was a release engineer but also was inclusive of the door trim and the hard trim.
Q. So what other components did you work with once you became or converted to a Chrysler employee?
A. Initially, as I recall, I had the hard trim, the door trim and what we call overhead systems.
Q. What are overhead systems?
A. That would include components that are located on or in what we refer to as the headliner, the material that lines the roof of the vehicle.
Q. And how long were you in that particular position with Chrysler?
A. I was located at Newark, Delaware for a period of two years.
Q. Two?
A. Two years, yes.
Q. Two years, and what was your title during that time?
A. I had sort of two responsibilities while I was there. I initially started as what we called a PVE engineer, PVE stands for plant vehicle engineering, and then approximately eight months into it, I was promoted to what we called the plant vehicle engineering leader for the interior system. So at that point, the

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responsibility was for all of the interior componentry for the Dodge Durango.
Q. Did it include any other vehicle other than the Dodge Durango, and by "it", I mean your responsibilities?
A. No, ma'am.
Q. Who did you report to at Newark, Delaware; who was your supervisor?
A. When I was in the capacity of the plant vehicle engineering leader for the interior systems, my manager at the time, his name was Marion Boon.
Q. And how long during those two years was -- is it Mr. Boon?
A. That's correct.
Q. Ms. Boon?
A. Mr. Boon.
Q. Mr. Boon, and how long was Mr. Boon your immediate supervisor?
A. As I recall, it would have been from approximately April of 2008 until the time that I left the assembly plant which I recall being July of 1999.
Q. And what was your reason for leaving the assembly plant in Newark, Delaware?
A. I had been asked to take another assignment back in the Detroit area.
Q. Was it a promotion?

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A. It was not.
Q. And what was the reason for your being asked to move to Detroit, if there was one?
A. Well, the what we called PVE assignment was a development assignment for engineers, and typically that assignment was targeted to last two years. So at the end of that assignment, the engineers typically rotate back into the engineering organization.
Q. So when you went back to Detroit, did your title change?
A. Yes, ma'am.
Q. And what was your title at that time in 1999?
A. At that time I was a product engineer responsible for sort of the upfront development work for the next generation Dodge Durango, specifically interior componentry.
Q. Did anything that you did as a product engineer for the next generation Dodge Durango encompass safety issues?
MS. JEFFREY: Object to form.
A. I'm not sure what you mean by "issues".
BY MS. DeFILIPPO:
Q. Did you have any responsibility to in any way ensure safety with respect to the interior components of the vehicle, the Dodge Durango that you worked on as a

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product engineer?
MS. JEFFREY: Object to form.
A. If I understand your question correctly, what you're asking me is if I was involved in the development of any interior components that had to comply with any sort of safety standards. The answer is yes.
BY MS. DeFILIPPO:
Q. And what were they?
A. I certainly couldn't name them all today but, you know, several of them would be FMVSS 302 which is, you know, flammability standard, FMVSS 201 which is a head impact criteria standard.
Q. The FMVSS 201 is a standard involving head impacts you said?
A. Yes, ma'am.
Q. So it has to do with the, whether or not the vehicle was crashworthy?
MS. JEFFREY: Object to form.
A. Are you looking for me to define crashworthy? I'm not sure exactly what your question is.
BY MS. DeFILIPPO:
Q. Well, in your capacity as product engineer when you were working with compliance issues and in particular with FMVSS 201, would you agree that you were determining whether or not the vehicle was crashworthy

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as per the FMVSS 201 standard?
MS. JEFFREY: I object to form.
A. My job was to make sure that the interior components met the standards that applied to those components.
BY MS. DeFILIPPO:
Q. And the standards are government standards only?
A. Not always necessarily only government standards but typically they're government standards globally, as well as here in the U.S. that those components are required to, to meet.
Q. Okay. And my question is -- let's just take, for instance, head impact standard of FMVSS 201. Was there any other standard that you as product engineer had to meet other than the FMVSS 201 and standards of other governments globally?
A. As I said before, the 201 and the 302 standard is a subset of the entire set of standards that would have to be complied to. If you're asking me to list all of the standards that the components I was responsible for had to meet, I couldn't do that today.
Q. Okay. What I'm really asking is apart from governmental standards of any government, whether it be our government, the U.S., or some other country, did you meet any other standards from any other organization, entity, or anyone at all other than

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governments?
MS. JEFFREY: You're including Chrysler standards I assume?
MS. DeFILIPPO: No, I did not include and I specifically did not include them, but if you want to answer for him, you can go ahead.
A. Could you repeat the question for me? I'm not sure I understand.
BY MS. DeFILIPPO:
Q. My question to you is -- I understand that you can't recite all of the standards by title, but my question is not that. My question is: Apart from government standards, whatever they were, that you were as product engineer responsible to comply with, were there standards from any other place, organization, entity, which you also had to comply with as product engineer at Chrysler?
A. "Comply" is a fairly technical term, and my interpretation of comply would be specific to regulations that come from either a government agency, either here or internationally.
Q. Okay. Were you responsible as product engineer for Chrysler in meeting any other standards other than governmental standards?
A. Yes, ma'am.

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Q. And what were they?
A. Again, I don't recall specifically by name or by number, but there are material standards that apply that typically come from the Society of Automotive Engineering or a material standards organization, but I simply couldn't list those today for you. This was, you know, 10/12 years ago.
Q. And without listing these actual standards, you've already indicated that they were promulgated at least by one organization and that is the Society of Automotive Engineering, correct?
A. As I recall, yes.
Q. Were there any other organizations or entities which promulgated standards which you were required to meet as product engineer for Chrysler?
A. Not that I recall. There may have been but not that I recall.
Q. When you were product engineer or at any time that you worked for Chrysler, did you ever do FMEA testing?
MS. JEFFREY: Object to form.
A. I'm not -- my understanding of an FMEA is that you don't test an FMEA.
BY MS. DeFILIPPO:
Q. So for the record, FMEA stands for what, Mr. Dillon?
A. Failure Mode and Effects Analysis.

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Q. Did you ever do a Failure Mode Effects Analysis in your capacity as a product engineer for Chrysler or at any time you worked at Chrysler?
A. Yes.
Q. And what did you do a Failure Mode Effects Analysis for?
A. Well, typically we would do as a release engineer an FMEA for the component. So I believe that most of the components that I worked on at that time had an FMEA.
Q. What's the purpose of doing an FMEA, a Failure Mode Effects Analysis; why do you do that?
A. Well, an FMEA is identified -- is intended to identify risks, the severity of that risk, the likelihood of that risk ever occurring, and then you have the opportunity to potentially identify design enhancements that could be leveraged to mitigate those risks.
Q. And when we talk about risks, we're talking about risks to the ultimate consumer?
A. Risk of failure. It's not necessarily and specifically risks to a consumer.
Q. Well, who would the risks be to if not who's purchasing the product?
A. I'm not sure what you mean by risk specifically.
Q. Well, you used the term risks, so you said when you do

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a Failure Mode Effects Analysis for anything, you want to do it to identify risks, the severity of them, the likelihood of them occurring, and then you have an opportunity to design to mitigate those risks. Are we talking about risks to the ultimate buyer of the product, the consumer?

A. In that context, what I mean by risk are risks to the function of the component.

Q. Okay. So when you say risks to the function of the component, are you talking about purely warranty exposure to Chrysler?

MS. JEFFREY: Object to form.

A. No.

BY MS. DeFILIPPO:

Q. Is warranty exposure something you also take into account when you're doing Failure Mode Effects Analysis?

A. The function of the component, if in fact it didn't function as intended, could have an impact on warranty. So because of that relationship, the answer is yes, but not directly.

Q. Okay. And would you also agree with me that if the component or any part fails, it could also have an impact on the safety of a consumer in a general sense?

MS. JEFFREY: Object to form.

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A. As the term FMEA suggests, it depends on the failure mode.

BY MS. DeFILIPPO:

Q. Okay. And I'm not -- I'm not confining you to any failure mode. My question is: Could, could the results of an FMEA also have an effect on the safety to consumers of the particular part that is analyzed?

A. Yes, ma'am.

Q. Now you also said that you were only as product engineer in that capacity for I think, according to your CV, for five years, correct?

A. Yes, ma'am.

Q. And after that you assumed a different position, but that was also at Chrysler, correct?

A. It was at an entity that had the name Chrysler in it, yes, that's correct.

Q. Are you referring to DaimlerChrysler?

A. Yes, ma'am.

Q. When was the merger with DaimlerChrysler?

MS. JEFFREY: Object to form.

A. I don't recall the date specifically that the merger took place.

BY MS. DeFILIPPO:

Q. Okay. So that I'm clear and I don't have to ask you again, is it fair to say that from the time that you

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converted to a Chrysler employee to the present, which was in 1997 to the present time, you have continually worked only at Chrysler or a Chrysler entity?

A. I've held positions over the last --

MR. STOCKWELL: Is there a horse in there.

BY MS. DeFILIPPO:

Q. I'm sorry. Go ahead.

A. Can you repeat the question, please?

Q. Is it fair to say that from 1997 when you converted from a contract employee to a Chrysler employee, you have worked continually as a Chrysler employee to the present time?

A. I wouldn't necessarily characterize it like that. I've held positions at several different companies over the last 13/14 years. All of them have had the name Chrysler contained within the entity name, but the entities have changed over time.

Q. Can you tell me roughly when the merger occurred with Daimler?

MS. JEFFREY: Object to form. There was no merger.

BY MS. DeFILIPPO:

Q. What do you call it, Mr. Dillon, when there was involvement with Daimler and Chrysler together; if you don't call it a merger, what do you call it,

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Mr. Dillon?

A. I'm not a -- my background is not in business law or anything like that, so I don't know what to call it.

Q. Well, when there was an affiliation between Chrysler and Daimler, roughly when did that occur?

A. My understanding is that when the company's name changed from Chrysler Corporation to DaimlerChrysler, I believe that happened in November of 1997. I believe so.

Q. All right. So now when you assumed a new position after 2004, what was that position; you were called a senior specialist?

A. That's correct.

Q. Is that an engineering position?

A. It's part of the engineering organization, yes, ma'am.

Q. Well, is it hands-on engineering work that you do as a senior specialist?

MS. JEFFREY: Object to form.

A. I'm not sure what you mean by "hands-on".

BY MS. DeFILIPPO:

Q. Do you use the skills as an engineer that you learned when you got your engineering degree as a senior specialist?

A. Yes, ma'am.

Q. In what capacity do you use those skills as a senior

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specialist from 2004 to 2007?
A. Primarily understanding the, the chemistry and the process of emissions, emissions reduction, etcetera, in a vehicle.
Q. So do you actually work on the emissions of the vehicle in any way hands-on --
MS. JEFFREY: Object to form.
BY MS. DeFILIPPO:
Q. -- as a senior specialist?
MS. JEFFREY: Sorry. Object to form.
A. Again, I'm not sure what you mean by "hands-on".
BY MS. DeFILIPPO:
Q. Well, do you design any of the emissions components --
A. No, ma'am.
Q. -- by drawing them or designing them in words?
A. No, ma'am.
Q. Okay. Did you actually work in the plant on the emissions components --
A. No.
Q. -- as a senior specialist from 2004 to 2007?
A. No, ma'am, I did not.
Q. Did you have any direct design responsibility for any of the emissions components as a senior specialist from 2004 to 2007?
A. No, ma'am, I don't recall having that responsibility,

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no.
Q. So if you look at your CV under senior specialist 2004 to 2007, you indicate that you were responsible for communicating DaimlerChrysler and industry positions regarding state, federal, and international mobile emissions policy and regulatory development. Who were you responsible for communicating DaimlerChrysler and industry positions to?
A. Well, I communicated internally within the company and communicated externally as well with a number of different entities, one of which would be the Alliance of Automobile Manufacturers, as well as different government agencies as appropriate.
Q. So did you interface with governmental -- United States governmental agencies in the years 2004 to 2007?
A. From time to time, yes, I did.
Q. And it says as I continue reading that you were a technical -- technical representation when communicating with state and federal lawmakers, including testimony at legislative hearings?
A. That's correct.
Q. Did you actually give testimony at legislative hearings, you personally?
A. Yes, ma'am.

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Q. And did you prepare your testimony for legislative hearings that you gave?
A. Generally I believe I did, yes.
Q. And did you prepare the testimony in writing?
A. I believe that the testimony was submitted in writing subsequent to the actual testimony.
Q. And did you keep a file with copies of the written testimony which was submitted prior to the actual testimony being given?
A. We submitted the testimony subsequent to the actual testimony.
Q. Okay. And did you keep a file of that actual testimony?
A. I personally did not, no.
Q. Who did?
A. The testimony would have been stored on either my computer or a group drive within that department at the time.
Q. What department would that be?
A. What was the name of the department, is that the question?
Q. Yes.
A. I'll probably botch it a little bit but generally the name of the department was mobile emissions regulatory development and policy.

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Q. Did any of the testimony or the written documents that we've just referred to in the years of 2004 to 2007 encompass fuel systems or fuel system design or any fuel system component?
A. The testimony specifically?
Q. Yes.
A. I don't recall if the testimony specifically referred to standards as they applied to the fuel system.
Q. Well, I don't mean to confine you to standards. Was any of the testimony about fuel systems, fuel system design, fuel system components that you gave in the years 2004 to 2007?
A. If I had testified regarding evaporative emissions standards, the answer would be yes. However, I don't recall if my testimony was specific to evaporative standards or not.
Q. Is there such a thing within Chrysler as a PHR?
A. Yes, there is.
Q. And does that stand for personal history record?
A. That's a good question. I've not really memorized that but I think it is personnel or personal history record, yes.
Q. And is that different than the Dillon 1 that we've marked for identification?
A. The general content shouldn't be any different.

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Q. Well, it's a different document; is that what you're saying?
MS. JEFFREY: Object to form.
A. I guess I'm not sure what your question is. Is it a different document? It's not really a document. It's something that's maintained electronically.
BY MS. DeFILIPPO:
Q. Okay. So there's an electronic document called a PHR with your name on it?
MS. JEFFREY: Object to form.
A. There is -- there is a PHR in Chrysler's personnel system that has my employment history on it.
BY MS. DeFILIPPO:
Q. And you can print that out from your electronic device, correct?
A. Yes, ma'am.
MS. DeFILIPPO: Okay. I'm just going to make a request for that at this time, and we can discuss it later.
BY MS. DeFILIPPO:
Q. You don't happen to have it with you, do you, Mr. Dillon?
A. No, ma'am.
Q. Or access to it?
A. I don't.

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Q. After your position as senior specialist regulatory environmental affairs ended in 2007, you assumed another position within the Chrysler organization; is that fair to say?
A. Yes, ma'am.
Q. And that position was manager core component strategy. Can you just define what core component strategy is?
A. Essentially it's developing an approach to identifying the most cost effective means by which we can procure components for our vehicles.
Q. And does that mean in dealing with your suppliers, you needed to know what resources were outside of Chrysler to, to be cost effective in component parts?
A. I'm sorry, I don't understand the question.
Q. Well, are you dealing with component parts within the company or as produced by suppliers outside of Chrysler when you talk about being cost effective?
A. Generally speaking if I understand your question -- let me just take a step back.
Is your question was this strategy focused on components that were manufactured by suppliers or components that manufactured, that were manufactured by Chrysler or both; is that your question?
Q. That's right, that's my question.
A. Okay. The strategy was focused on components that

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were primarily manufactured by a supplier external to Chrysler.

Q. Did Chrysler or did you in your capacity as manager of the core component strategy do any engineering designs for suppliers to meet relative to these component parts?

A. In that capacity I was not responsible for the design of components.

Q. Did anyone who worked for you in that capacity at Chrysler design or engineer the component parts to be sent to the suppliers?

MS. JEFFREY: Object to form.

A. Did anyone that worked for me, were they responsible for --

BY MS. DeFILIPPO:

Q. Let me rephrase it.

A. Okay.

Q. Let me rephrase it, okay, because maybe it wasn't clear.

Did you have people working for you in your capacity as manager of the core component strategy?

A. The responsibility was sort of across the entire engineering organization. So we had a number of, well, you know, a number of individuals that reported through that function, but it was more of a dotted

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line relationship and not a direct report as I believe you're indicating.

Q. Well, were any of the people that were part of the core component strategy which were spread, I understand, spread across engineering, were any of those people actually doing designs or engineering plans to be sent to outside suppliers to be followed by them in supplying components to Chrysler?

A. Yes, ma'am.

Q. Okay. And were you involved in supervising those individuals?

A. I didn't directly supervise the individuals that were responsible for designing the components that we were -- that were part of this activity.

Q. Do you know who was at that time back in 2007 to 2008?

A. As I stated earlier, it was an entire engineering organization that participated in this activity, so there would have been dozens of individuals who supervised the engineers that were responsible for the design activity of which I couldn't name at this point today.

Q. And in your capacity as manager of the core component strategy, you indicate that you reported to the executive vice president tasked with identifying, organizing and implementing the appropriate

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infrastructure. Who was that?
A. Well, the executive vice president wasn't my immediate supervisor. There was a director that I reported to who then officially reported to the executive vice president.
Q. Okay. Who was the director that you reported to?
A. His name was Dennis Krozek.
Q. And what was his title, director of what?
A. At the time I believe his title was director of, I believe, core component strategy.
Q. And the executive vice president that he reported to, who was that in 2007 to 2008 when you were manager of the core component strategy?
A. I apologize, I'm struggling for the last name. The first name was Peter. I don't recall the last name.
Q. If you do recall at any time, just let us know, okay?
A. Yes, yes, ma'am.
Q. And did you work as manager of core component strategy for a full year because I notice it's 2007 to 2008 but there's no actual dates there?
A. I believe I took the assignment in March or April of 2007, and I moved to a different capacity in February of 2008.
Q. Okay. Well, you have here January of 2008, right?
A. Yeah, that may be what's reflected in my PHR. I moved

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to China in February, so I probably changed organizations in January, yes, ma'am.
Q. Okay. So your new job I guess you knew about in January, and that took you to China for a year or so, year-and-a-half?
A. That's correct.
Q. And was that a promotion?
A. I don't believe that it was.
Q. And is there a particular reason why you were chosen to go to China?
A. I'm not aware of the reasons why I was chosen to go to China.
Q. So your job there as vehicle development and program management -- I don't know what you wrote there. It says vehicle development and program management responsible?
A. Yeah.
Q. What does that mean?
A. That means that --
Q. Is that a title? I'm looking for a title actually. What was your title when you went to China?
A. I was the senior manager -- initially I was the senior manager for vehicle development, and then during the course of the 20 months, I eventually took over the additional responsibility of local program management

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activities.
Q. Did you do any engineering as senior management of vehicle development?
A. By the definition, it's a vehicle level holistic development responsibility. I'm not sure specifically how to answer your question.
Q. Well then, why don't you tell me what exactly you did in vehicle development; what was your day-to-day life like in China as senior manager of vehicle development?
A. My specific responsibilities essentially were broken into two categories for vehicle development. Number one would be what we referred to at the time as vehicle synthesis, and that's -- that group would act as the voice of the customer and set vehicle functional objectives in terms of customer performance. There was another -- the other half of that, if you will, is more of the, the science-based activities where we look to ensure that the vehicle meets -- we set functional objectives for and work with our engineering colleagues to develop a vehicle that achieves functional objectives relative to dynamics, vehicle dynamics, NVH which stands for noise, vibration, and harshness, vehicle impact performance, as well as a number of other disciplines,

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including vehicle durability.
Q. So you talked about noise, vibration, and what was the third thing?
A. Harshness.
Q. Harshness, what does that mean, harshness?
A. In customer terms, it's how the vehicle feels, how the vehicle is perceived by the customer when they're operating the vehicle.
Q. Where did you obtain information to make decisions as to whether or not the vehicle met these -- the criteria which you've just identified? In other words, you said that you were the voice of the customer on vehicle synthesis and you wanted to determine how the vehicle handled or how the person felt in the vehicle, etcetera. Where did you obtain the information to help you make the decision that the vehicle met your criteria?
A. Well, those would be either tests or vehicle evaluations.
Q. Tests, what tests are you referring to?
A. There are a number of tests that would or could be done in order to evaluate a specific functional objective.
Q. So I think you also indicated that there was vehicle impact performance that you addressed as part of your

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job as senior manager of vehicle development, correct?
A. I was responsible for the holistic development of the vehicle which included impact tests. One thing --
Q. And did you --
A. I apologize.
Q. I'm sorry, go ahead.
A. I want to point out as well just to be clear, unfortunately with, you know, Daimler or the Chrysler group going bankrupt, the vehicle or vehicles that we were working on never actually ended up in the market in China with a Chrysler badge on it.
Q. With a -- I'm sorry, see just at the end of what you're saying, I don't catch the tail end. Did you say with a Chrysler badge on it; is that what you said?
A. That's correct. Those vehicles never actually launched as Chrysler vehicles because of the bankruptcy.
Q. Did they have any names at the time when they were in vehicle development in China?
A. No, they did not have names.
Q. So when you discussed what you were working on, did you discuss them by number, or how did you identify the vehicles you were -- that were in development in China?

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A. They had a code that we referred to, but I don't recall the specific code for those vehicles.
Q. Okay. I want to get back to the vehicle impact portion of what you were doing, and you talked about tests. Did you do any vehicle impact testing on these vehicles in China?
A. Again, those vehicles didn't make it to the market, so the answer is no, that we did not.
Q. Well, was there any testing done during the development phase of the vehicles even though they didn't make it to the market?
A. Chrysler --
Q. And I'm referring to impact testing.
A. As I recall, Chrysler group never performed any impact testing specifically for those vehicles.
Q. What is the purpose or what was the purpose in doing impact testing?
A. Again, Chrysler group didn't perform any impact tests on those vehicles, so --
Q. Well --
A. The purpose of tests that didn't happen doesn't exist.
Q. Okay. But you did refer to some type of vehicle impact responsibility that you had as senior manager of vehicle development, correct?
A. Yes, ma'am.

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Q. So what exactly did you do to fulfill the vehicle impact criteria --

MS. JEFFREY: Object to form.

BY MS. DeFILIPPO:

Q. -- that you described?

A. Well, I don't think I described any impact criteria specifically, but in general, right, it's identifying the functional objectives of the vehicle from an impact perspective and working with the engineering community specifically to design and develop the vehicle and the systems that will achieve those functional objectives.

Q. Well, is it fair to say that since there was no impact testing ever done in China, that the functional objectives of the vehicle from an impact perspective was never identified in the vehicles in China?

A. No, it wouldn't be fair to say that. The functional objectives were identified. The vehicle was being tooled for production, and the bankruptcy of Chrysler group interrupted that development process, and it never proceeded beyond that point.

Q. So what were the functional objectives that were identified in the vehicles from an impact perspective?

A. I don't recall all the specific functional objectives. I don't have those with me, and frankly, they're

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likely not available.

Q. Can you name any?

A. Sure. One example would be, you know, in China they use the European New Car Assessment Program for evaluating the overall performance of a vehicle. So that would be one example.

Q. Is there a term called NCAP?

A. NCAP?

Q. Right.

A. That would be the New Car Assessment Program.

Q. And that New Car -- that is a European standard?

MS. JEFFREY: Object to form.

A. Well, there -- there is a standard that applies and is developed here in the U.S., and there is a separate -- standard probably isn't the right word by the way. There is a separate test or series of tests that are identified in Europe where they use essentially the same name, NCAP, but they call it the Euro or European New Car Assessment Program.

BY MS. DeFILIPPO:

Q. Is there impact testing in the NCAP?

A. Yes, ma'am.

Q. And is there car-to-car impact testing in the Euro NCAP or was there?

A. Not that I recall.

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Q. Is there car-to-car testing in the NCAP in this country?
A. I don't believe so.
Q. Is NCAP solely a term used by Chrysler?
A. It's not a Chrysler term.
Q. Does it generate from an organization outside of Chrysler?
A. That is correct.
Q. And what organization is that?
A. I don't recall specifically.
Q. Is the testing in Europe -- does the testing in Europe with respect to impact testing encompass offset impact testing?
A. Again, I, I can't recite all of the tests nor the impact modes for you today. That's not something that I thought was going to be necessary today.
Q. I don't -- I'm not holding you to all of them. I'm just asking specifically with respect to offset impact, if you know or you recall?
A. I don't recall specifically whether or not there was an impact test done with an offset, and I'm not sure when you say an impact, I'm not sure from -- you know, what kind of impact you're referring to.
Q. Does -- does NHTSA, the National Highway Traffic and Safety Administration, use the New Car Assessment

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Program, NCAP?
A. Yeah, I believe they do, yes.
Q. And can you tell me and in what capacity?
A. I'm not sure I understand your question.
Q. In what way does NHTSA use NCAP?
A. The way I would characterize it is that -- and I don't recall specifically. I believe -- the reason why I said I am not sure, I believe it's a NHTSA program, but I don't recall specifically, but setting that to the side, assuming that they do, it essentially characterizes the overall impact performance of the vehicle.
Q. Mr. Dillon, is it true that you have been interfacing with NHTSA relative to a petition which is presently pending involving the Jeep Grand Cherokee?
A. I have not been interfacing with the agency regarding a petition, no.
Q. Well, have you been writing to the agency with respect to the petition?
A. I don't respond to petitions.
Q. Have you written any documents or letters in response to the petition which is before NHTSA involving the Jeep Grand Cherokee?
A. Again, my role is not to respond to petitions from an outside entity that may be petitioning the agency. My

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role is to respond to investigations that are initiated by the agency.

Q. What is a PE relative to NHTSA?

A. PE stands for preliminary evaluation.

MS. JEFFREY: Angel --

MS. DeFILIPPO: So is there -- go ahead, I'm sorry. I didn't hear you.

MS. JEFFREY: Okay. No. I'm sorry. We've been going for about an hour and 15 minutes, and our lunch is here. I'd like to break when you get to a good point. I'm not saying by any means this minute. Go ahead and finish your line of questioning.

MS. DeFILIPPO: How about we give it until 12 and then we stop, okay?

MS. JEFFREY: That's fine.

MS. DeFILIPPO: It's about five or six minutes.

BY MS. DeFILIPPO:

Q. I'm sorry, you said the PE was a preliminary evaluation?

A. Yes, ma'am.

Q. Are you interfacing with NHTSA with respect to a PE in connection with the Jeep Grand Cherokee?

A. Yes, ma'am.

Q. And you're doing that on behalf of Chrysler, correct?

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A. Yes, ma'am.

Q. And in interfacing with NHTSA relative to the PE, you submitted documents to NHTSA in response, correct?

A. We submitted documents to NHTSA in response to an information request that resulted from the preliminary evaluation.

Q. Now when you say -- I noticed you changed my question to "we". When you say "we", who do you mean by "we"?

A. Well, my role as senior manager of the product investigations and recall team is to identify a team of individuals that are knowledgeable of the subject matter and the processes and the law and oversee that team in developing that response and collecting, you know, the information that's necessary to support that response and making sure that it's both as sufficient as possible and accurate as possible.

Q. So it's fair to say then that when you said "we", it's the team of individuals that you identified, and they are all individuals that are employed by Chrysler, correct?

MS. JEFFREY: Object to form.

A. The team is not always individuals that are directly employed by Chrysler.

BY MS. DeFILIPPO:

Q. Okay. Well then, can you tell me with respect to the

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Jeep PE which is currently before NHTSA who by either name or identification encompass your team?

A. I had a gentleman from my staff that was assigned to that team. His name is Mike Royek. There was another gentleman that was assigned to the team from our product analysis group. His name is Dan Crimmins. Also part of that team was a representative from our Office of General Counsel. We had a gentleman that we employed who was a statistical expert from a company called Exponent. His name is Paul Davis, correct -- no -- why am I having a problem with that. Paul -- I cannot recall his last name. I apologize.

Q. Is his name Taylor?

A. Thank you, yes, Paul Taylor. And there was a gentleman that works with us closely on investigations like this from Miller Canfield. His name is Brian Westenberg.

Q. Is he a lawyer?

A. He is, yes, ma'am.

Q. And he's there with you today?

A. He is, yes. In addition to those folks, I'd probably be remiss if I didn't identify the subject matter specialist, if you will, specifically Mike Teets. Mike Teets was involved in the development and release and design of the fuel systems at that time, and the

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other gentleman that I specifically recall is Ed Zylik. Ed Zylik at the time was involved in the impact development. He was a test engineer for the vehicle.

Q. Did you say that you had someone from product analysis?

A. Yes, ma'am.

Q. And who did you say that was?

A. I apologize if I didn't mention that. His name is Dan Crimmins.

Q. And is he an attorney?

A. No, ma'am.

Q. Is product analysis part of the General Counsel's office at Chrysler?

A. No, it is not.

Q. And Mike Royek?

A. That's correct.

Q. Where is he from?

A. He's on my staff.

Q. So he is from product investigations?

A. Yes, ma'am.

Q. That part of the company. What -- what part or division of the company is product analysis from?

A. That's part of the engineering organization.

Q. It's part of engineering?

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A. Yes, ma'am.
Q. So is Dan Crimmins an engineer?
A. That's my understanding.
Q. And who is Mr. Crimmins' supervisor?
A. Who is his supervisor? I'm not sure if he has a supervisor between -- if there's a supervisor between Dan and his manager. I'm not sure who his direct supervisor is.
Q. Well, who does he report to --
A. Again, I'm not --
Q. -- if you know?
A. I'm not certain who his direct supervisor is.
Q. With respect to your team, what exactly does Dan Crimmins do for this team?
A. Dan provided technical support and support in terms of gathering information related to the design history, the test history and helped us get some of the pictures that we had to take of the underbody of the different iterations of the Jeep Grand Cherokee.
Q. While we're on that, did Dan give you the engineering drawings for the Grand Cherokee in the different iterations?
A. That was one of the specific tasks that was assigned to Dan simply because the history had gone so far back, the product analysis team has folks available to

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them that can reach into the old records, if you will, and extract those design records.
Q. And I believe we made a request, and by "we" I mean the plaintiffs in this case, for the engineering drawings, and I'm just going to reiterate the request since you have access to them in relation to this petition, correct?
A. Well, there were a lot of them that simply weren't available at the time. There were a few, however, that were still available.
MS. JEFFREY: And just let me represent --
MS. DeFILIPPO: Okay, and I --
MS. JEFFREY: Let me represent for the record that we did produce the available engineering drawings.
MS. DeFILIPPO: Well, if you did and they're on the unopened -- the portion of the disk that couldn't be opened, I'd just ask that you send them in hard copy.
MS. JEFFREY: First of all --
MS. DE FILIPPO: How hard can that be?
MS. JEFFREY: Angel, what disk are you talking about?
MS. DeFILIPPO: Sheila, I don't want to -- I don't want to get into it. I'll get into it with

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you later, but --

MS. JEFFREY: Okay. No. If you're talking about the disk with the docket materials, the engineering drawings were not submitted to the docket. We produced the engineering drawings two years ago.

MS. DeFILIPPO: No. I asked for the engineering drawings, and I haven't received them yet, so I'm just making a re-request for them.

MS. JEFFREY: Okay, and I'm representing that you have received them in the summer of 2010.

MS. DeFILIPPO: Okay. Well, you don't have that many of them. How hard could it be to send them in hard copy?

MS. JEFFREY: We don't have them in hard copy. They are maintained electronically. We produced them in the form in which they were maintained which was appropriate under New Jersey Rules I'm told.

MS. DeFILIPPO: I don't think that's correct. I think it's appropriate to send everything under New Jersey Rules in hard copy.

MS. JEFFREY: Not if we don't maintain it in that way. Chrysler Group does not maintain the engineering drawings in hard copy and will not produce them in --

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MS. DeFILIPPO: Can you print them? My question is, can you print them?

MS. JEFFREY: We produced them in the form in which we maintain them. You can print them as easily as we can.

MS. DeFILIPPO: Well then, I'm asking you to print them and send them because I can't print them is what I'm saying.

MS. JEFFREY: Then you should go to Kinko's.

MS. DeFILIPPO: No.

BY MS. DeFILIPPO:

Q. Mr. Dillon, did you print out the engineering drawings at any time, or do you just use them on the internet or electronically?

A. We simply review them electronically. We didn't print them.

Q. And did you submit these drawings to NHTSA in connection with the PE for the Jeep?

A. The PE requested that we submit historical drawings of those components as I recall, and as a result, we submitted them to the agency.

Q. And did you submit them electronically?

A. Yes, ma'am.

MS. DE FILIPPO: Okay. Well, I'm going to

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reiterate my request to have them printed out and sent, and we can argue later. I don't want to take any more time with it. If you want to do lunch now, you certainly are willing -- I mean, I'm certainly willing to stop for a half hour.

MS. JEFFREY: Okay. So we'll reconvene at 12:30?

MS. DeFILIPPO: 12:30, yes.

MS. JEFFREY: Sounds good.

MS. DeFILIPPO: Okay.

(Lunch recess taken at 12:02 p.m.)

(Back on the record at 12:38 p.m.)

BY MS. DeFILIPPO:

Q. Mr. Dillon, we stopped at your stint that you did in China, and I believe you were there until October of 2009 as per Dillon 1, your CV, correct?

A. That's correct.

Q. And then after that, you came back from China and went to Auburn Hills, Michigan in October of 2009 where you have been until the present time, correct?

A. That's correct.

Q. And your position -- again, you're going to have to keep your voice up because, again, we're having some technical issue here.

A. Sorry about that.

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Q. That's okay. And your position when you came back was different than it was in the past. You have here product investigations and campaigns responsible. What was your title in October of 2009 and to the present time?

A. Senior manager of product investigations and recall administration.

Q. Okay. And you've been in that capacity since October to date, correct?

A. Yes, ma'am.

Q. And was that a promotion from your, from your job in China --

A. Yes, ma'am.

Q. -- where you were senior manager of vehicle development, correct?

A. That's correct.

Q. And who is your immediate supervisor as senior manager of product investigations and recall?

A. His name is Reginald Modlin.

Q. Can you spell the last name for me?

A. M-O-D-L-I-N.

Q. And was he always your immediate supervisor from '09 to the present time?

A. Yes, ma'am.

(Off the record at 12:40 p.m.)

00061

(Back on the record at 12:40 p.m.)
BY MS. DeFILIPPO:
Q. Prior to coming here today, Mr. Dillon, did you review any documents?
A. Yes.
Q. And can you just enumerate what they were?
A. The documents that I reviewed were the documents associated with the PE 10-031 from NHTSA.
MS. DeFILIPPO: Okay. I didn't catch anything after the word PE. Can the court reporter read that back for me?
(The requested portion of the record was read by the reporter at 12:41 p.m. as follows:
"Answer: The documents that I reviewed were the documents associated with the PE 10-031 from NHTSA.")
MS. DeFILIPPO: Thank you.
BY MS. DeFILIPPO:
Q. And those documents, can you just recite for me a date for each of the documents and who authored them that you reviewed?
A. As I recall, I'd have to -- can I look?
MS. JEFFREY: Do you want --
BY MS. DeFILIPPO:

00062

Q. Yes, I don't care if you refer to the documents. You may.
A. Specifically there were two responses. The response to the information request from NHTSA was broken up into two pieces. The initial submission was provided on October 15th of 2010. The second submission, as I recall, was provided on November 12th of 2010.
Q. And were these documents authored by you?
A. I didn't author every single word within the document. It was a team where we authored the document together, but I'm responsible for the document myself.
Q. Was there a cover letter sent to NHTSA with these documents?
A. Yes, ma'am.
Q. And was the cover letter signed by you?
A. Yes, ma'am.
Q. And you're indicating that you're responsible for all of the material within the documents?
A. I'm responsible for making sure that they're factual and -- well, factual.
Q. The last part of what you said, again, I didn't catch, factual and --
A. I just repeated myself. My responsibility is to make sure that our response is as thorough as possible and, in fact, factual.

00063

Q. So let me just make sure I understand you. Prior to coming to this deposition today, the only documents you reviewed were the two responses that you provided to NHTSA in association with PE 10-031?
A. Those are the two primary documents that I reviewed. There may have been one or two others, but by name I couldn't point them out.
Q. Did you review any other documents that were submitted to NHTSA by the Center for Auto Safety or any other individual in connection with PE 10-031?
A. I'm aware of a number of letters and some information that's been provided to NHTSA from CAS, and I recall reviewing some of that information but certainly not all of it.
Q. Okay. When you say you're aware, does that mean you received and read documents submitted by CAS at some point in time but may not have reviewed them prior to coming to this deposition?
A. I apologize if I seem ambiguous. I know that there were a number of documents submitted to the docket from the Center for Auto Safety. I reviewed some of those but not all of them.
Q. Did Chrysler review all of them, someone at Chrysler?
A. At some point I'm sure that someone, in fact, has reviewed most, perhaps not all of the documents

00064

submitted, but I couldn't tell you who exactly reviewed them, but I reviewed at some point in time most of the information that's been submitted by the CAS.
Q. Have you responded to any of the documents that were submitted by anyone else to NHTSA, you or your team?
A. Have I -- can you repeat the question, please?
Q. Have you responded to any of the documents that were submitted by others to NHTSA relative to PE 10-031, you or your team responded?
A. I have not responded to -- if I understand what you're asking me, this is my understanding of what you're asking me, if there was information submitted to NHTSA from an outside entity and whether or not we responded to NHTSA regarding that submission.
Q. Correct.
A. I don't believe that we made an effort to respond directly to any information that was submitted to the NHTSA.
Q. Are you including the Center for Auto Safety as an outside entity in your answer?
A. They're not part of the NHTSA. Yes, they're an outside entity.
Q. So have you received any letters from NHTSA or a NHTSA attorney requesting that you respond to information

00065

supplied by any of the outside people other than Chrysler in connection with PE 10-031?

A. No, not that I recall.

Q. Mr. Dillon, have you ever spoken directly with anyone from the Center for Auto Safety?

A. In person I have not had a conversation with anyone from the Center for Auto Safety.

Q. Have you spoken to anyone from the Center for Auto Safety by any other means other than in person, whether it be electronically, telephonically, or any other way?

A. There was a letter that was written and submitted by the CAS to Chrysler specifically to our CEO, Mr. Marchionne, which I was made aware of and we, in fact, developed a letter back to the CAS in response.

Q. Do you have a copy of that letter with you that the CAS wrote to Marchionne?

A. I don't have that letter with me, no.

Q. And can you tell me whether or not a copy exists through your attorney right now of that letter?

THE WITNESS: Is there a copy available through my attorney?

MS. JEFFREY: No.

A. No.

BY MS. DeFILIPPO:

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Q. Do you know the date of that letter?

A. I don't recall the date of that letter, no, ma'am.

Q. Was the gist of that letter that the Center for Auto Safety was requesting that the chairman of Chrysler take responsibility for a Jeep defect as indicated by the petition 10-031?

MR. STOCKWELL: Object to the form.

MS. JEFFREY: Join.

A. I would have to review and refamiliarize myself with that letter to make any statements.

MS. JEFFREY: Angel, do you have it there? Can you fax it over?

MS. DeFILIPPO: Can you tell -- I'm sorry -- I didn't hear you, Sheila.

MS. JEFFREY: If you have it, could you fax it over so he can look at it?

MS. DeFILIPPO: I don't know if I have that document right now. I'd have to look for it but to save time --

MS. JEFFREY: Well, without being able to see it, I don't know how he can respond, but go ahead.

MS. DeFILIPPO: Well, that's fine.

BY MS. DeFILIPPO:

Q. Relative to your reference to that letter that CAS wrote to Marchionne that you already testified that

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you read, can you recall the general gist, not specifics or exactly, but generally what the letter was about?

A. Again, I wouldn't want to misrepresent what was said in that letter without having the opportunity to take a quick look at that, no.

Q. Do you have any understanding as you sit here today as to what the Center for Auto Safety was writing about?

MS. JEFFREY: He just answered that but go ahead.

A. Well, the topic --

BY MS. DeFILIPPO:

Q. You can answer.

A. The topic is 1993 through 2004 model year Jeep Grand Cherokees.

MS. DeFILIPPO: Okay. I just found the letter. I found a letter. I'm going to show you what we'll fax or we'll send over to you. I guess we have to fax it.

MS. JEFFREY: Yeah, I mean, or email it, scan and email it.

MS. DeFILIPPO: Or we can do it with this gizmo that we have here. What's your email there?

MS. JEFFREY: Who should I send it to?

MR. WESTENBERG: Fax it.

00068

MS. JEFFREY: Fax it.

MS. DeFILIPPO: He took my fax page, you know, the guy who was here.

(Off the record at 12:51 p.m.)

(Back on the record at 12:51 p.m.)

MS. DeFILIPPO: Give us your fax again because the technician took the fax that I had written of yours. Can you give us that again?

MS. JEFFREY: It's 248.879.2001.

MS. DeFILIPPO: Okay. Rather than take any time, I'm going to move forward and we'll come back to that.

BY MS. DeFILIPPO:

Q. With respect to that document, however, that you know came from the Center for Auto Safety, I think you testified that there was a response to that document, correct?

A. Yes, ma'am.

Q. And was that response directly to the Center for Auto Safety?

A. As I recall, yes, that's correct.

Q. Do you have a copy of that response?

MS. JEFFREY: I have a copy of it.

A. My understanding is that our attorney has a copy of that response.

00069

MS. DeFILIPPO: And do you have it with you now?
MS. JEFFREY: Yes. We should --
MS. DeFILIPPO: Can you fax that to us, Sheila?
MS. JEFFREY: What's your fax number?
MS. DeFILIPPO: We need our fax number here. We'll get it. Okay. I'll move on with it.

BY MS. DeFILIPPO:

Q. Mr. Dillon, did you in any of the responses that you submitted on behalf of Chrysler to NHTSA, did you ever ask NHTSA to close the preliminary evaluation?
A. I don't believe that we asked the NHTSA to close the investigation.
Q. Did you ever ask NHTSA to cease working on the investigation?
A. I don't believe that we asked NHTSA to stop working on the investigation.
Q. Did you ever ask NHTSA to terminate the investigation?
A. I don't believe we asked NHTSA to terminate the investigation.
Q. Did you request NHTSA to do anything with respect to the investigation, did you make a request in any of the documents?
A. I don't believe that we requested the agency to take

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any particular action.
Q. The two documents that you made reference to was one was an October 15th, 2010 document, and I believe it was written to a Mr. Scott Yon, Chief of Vehicle Integrity Division of the National Department of Highway Transportation Safety Administration; is that correct?
A. What's the date on the document that you're referring to?
Q. October 15th. October 15th, 2010.
A. Okay. I have that.
Q. Do you have a copy of that letter in front of you?
A. Dated October of 2010?
Q. October 15th -- I'm sorry -- October 15th, 2010.
A. Yes, ma'am.
Q. Okay. And did you ever sign a letter stating that the Jeep Grand Cherokee was not defective and that on that basis, NHTSA should close preliminary evaluation 10-031?
A. I, yes, I signed a letter that expressed Chrysler's opinion that there was not a defect in that and that NHTSA should close the investigation.
Q. And what letter -- what was the date of that letter?
A. Well, I believe that letter is dated November 12th, 2010.

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Q. So is that the letter that you referred to earlier as the only other submission apart from the October 15th, 2010 letter that you sent to NHTSA?
A. Yeah. You actually remind me of something. There were more than two pieces of information that was submitted. There was the two portions of the response, and then I believe later we submitted a presentation that was made. So I didn't mean to mislead you and allow you to think that there are only two pieces of information. There were two responses, two portions of the response to the information request.
Q. One portion of the response was sent under cover of October 15th, 2010, correct?
A. Yes, ma'am.
Q. And the other portion of the response was sent under cover of November 12th, 2010, correct?
A. That's correct, yes, ma'am.
Q. And as part of the November 12th, 2010 letter -- and I'm looking at Page 22 of 22, if you have it in front of you. I think we'll mark the letter Page 22 of 22 Dillon 2.
MS. JEFFREY: The entire 22 pages or you just want that page?
MS. DeFILIPPO: The entire 22 pages

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Dillon 2, the entire letter.
MS. JEFFREY: All right. Hold on and let me find it, please.
(Off the record at 12:59 p.m.)
(Back on the record at 12:59 p.m.)
MARKED FOR IDENTIFICATION:
DEPOSITION EXHIBIT 2
12:59 p.m.
BY MS. DeFILIPPO:
Q. Do you have it?
A. I do.
Q. Okay. By the way, this preliminary -- this letter which encloses the preliminary statement of 22 pages, the preliminary statement, itself, was not signed by you; is that correct?
A. So there is a package of which is a 22-page document, and in addition to that 22-page document is the cover letter that goes along with that.
Q. Okay. And in addition to the 22-page document and the cover letter dated November 12th, 2010 which is signed, is there a signature page to the 22-page document apart from the cover letter?
MS. JEFFREY: Is the cover letter part of Dillon 2? I have that as the first page.
MS. DeFILIPPO: Yes, I have that as the

00073

first page also.
MS. JEFFREY: Okay, that's fine.
MS. DeFILIPPO: But that does not start with Page 1. That's what I'm trying to clarify.
MS. JEFFREY: Yeah.
MR. FUSCO: I just wanted to make sure.
BY MS. DeFILIPPO:
Q. So is there a signature page for the 22-page document which is a part of the packet that you enclosed with the November 12, 2010 letter? Am I missing a signature page is my question because I don't have one?
A. There's only one document. The document is a cover sheet followed by 22 pages of a response.
Q. Okay. Is it fair to say that the signature page then is the November 12th cover document; that is the signature page to the 22-page document, do you agree with me?
MS. JEFFREY: Just object to form on what you mean by signature page.
A. This is the cover letter for the, let's call it 23-page-in-total response, the second portion of the response to the information request received from NHTSA.
BY MS. DeFILIPPO:

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Q. And you signed off on the 23 pages, correct, you personally?
A. Yes, ma'am.
Q. And on Page 22, you indicate, and correct me if I'm wrong: Accordingly, Chrysler Group has concluded that the 1993-2004 Jeep Grand Cherokee vehicles are neither defective nor do their fuel systems pose an unreasonable risk to motor vehicle safety in rear impact collisions. Chrysler Group believes this investigation should be closed.
That's your statement, correct, on behalf of Chrysler?
A. Yes, ma'am.
Q. So when I asked you originally if you ever asked that NHTSA close the investigation, I believe now your testimony is you did ask?
A. I did not make a request of the agency to close the investigation.
MR. STOCKWELL: Object to form.
MS. JEFFREY: And I join.
(Discussion off the record at 1:02 p.m.)
(Back on the record at 1:03 p.m.)
BY MS. DeFILIPPO:
Q. Are you saying, Mr. Dillon, that the statement where you indicate, quote, Chrysler Group believes this

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investigation should be closed, is not a request which you made to NHTSA to close the investigation preliminary evaluation 10-031; is that what you're saying?

A. That's correct, that is not a request.

Q. Okay. How would you characterize that sentence if not a request? Are you asking NHTSA to do something or are you just advising NHTSA?

MR. STOCKWELL: Or something else.

A. As the sentence reads, it is Chrysler's belief.

BY MS. DeFILIPPO:

Q. But then the sentence goes on and says: This investigation should be closed.

Who can close the investigation if not NHTSA?

MS. JEFFREY: Okay. I'm objecting to form because you can't read the last four words of that as the entire sentence. It starts: Chrysler Group believes.

MS. DeFILIPPO: Okay. I'll read the entire sentence.

BY MS. DeFILIPPO:

Q. I'll read the entire sentence. It states: Chrysler Group believes this investigation should be closed.

Who would close this investigation if not

00076

NHTSA?

MR. FUSCO: That's a different question.

A. Well, that's a slightly different question as I understand it. What you asked me before is whether or not we requested the agency to close the investigation. What that sentence states is Chrysler's belief that the investigation should be closed. It's not a request.

BY MS. DeFILIPPO:

Q. So you don't want NHTSA to close the investigation; Chrysler does not want NHTSA to close the investigation?

MS. JEFFREY: Object to form.

MR. STOCKWELL: We'll join in that objection.

BY MS. DeFILIPPO:

Q. Is that fair?

A. Chrysler's belief is that neither the test history nor the field data demonstrates that there is a defect with the vehicle and, therefore, the investigation should be closed.

Q. Does Chrysler want NHTSA to close the investigation?

MR. STOCKWELL: Object to the form.

A. I don't have a desire either way at this point. NHTSA's responsibility is to review the data and make

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their own determination.
BY MS. DeFILIPPO:
Q. So are you saying "I" on behalf of Chrysler?
A. At that point I'm stating my own personal opinion.
Q. Okay. Do you know if Chrysler wants NHTSA to close the investigation?
A. I'm not aware of any conversations pertaining to a desire for Chrysler to make a determination either way --
MS. JEFFREY: NHTSA.
A. -- excuse me, NHTSA to make a determination either way. Our responsibility is to provide the information that NHTSA has requested and in our assessment state our belief.
MS. DeFILIPPO: Can we read that back, please because we're having some technical issues here.
(The requested portion of the record was read by the reporter at 1:07 p.m. as follows:
"Answer: I'm not aware of any conversations pertaining to a desire for Chrysler to make a determination either way -- excuse me -- NHTSA to make a determination either way. Our

00078

responsibility is to provide the information that NHTSA has requested and in our assessment state our belief.")
BY MS. DeFILIPPO:
Q. Since authoring your letter of November 12th, 2010, can you tell me, have you been following or has Chrysler been following the information regarding rear-end fire deaths?
MS. JEFFREY: Object to form.
MR. STOCKWELL: Object to the form.
MS. JEFFREY: What do you mean by "the information"?
Do you know what she means?
THE WITNESS: I don't.
MS. DeFILIPPO: Mr. Dillon, let's go back to what you submitted to NHTSA. When you submitted your packet on October 15th, let's just make sure I know what was in that packet, and we'll mark it Dillon 3, the cover letter of October 15th, 2010 of today's date which is 12-21.
MARKED FOR IDENTIFICATION:
DEPOSITION EXHIBIT 3
1:08 p.m.
BY MS. DeFILIPPO:
Q. On 12-21-11 you sent a cover letter which is signed by

00079

you, and underneath your signature there's the words attachment and enclosures; is that a fair statement?

MS. JEFFREY: You just said 12-21-11.

MS. DeFILIPPO: No. That's what we marked it.

MS. JEFFREY: All right. Sorry. Confused.

BY MS. DeFILIPPO:

Q. In your October 15th, 2010 letter to Scott Yon, you signed the letter David Dillon, and underneath your signature are the words attachment and enclosures, correct?

A. Yes, ma'am.

Q. Tell me what else is in the packet besides the cover letter of October 15th --

A. I'm sorry. There's another discussion going on. I apologize.

MS. JEFFREY: We just wanted to make sure that on your end Dillon 3 includes the cover letter and Page 1 of 19 attachment -- I'm sorry -- Page 1 of 9.

MS. DeFILIPPO: I'm trying to ask you what it includes. I'm asking him so you don't have to worry. I'm going to make a clear record.

BY MS. DeFILIPPO:

Q. So Dillon 3, I've marked the cover letter of

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October 15th, 2010, and underneath your signature says attachment and enclosures which indicates to me that there's a packet that you sent with the cover letter, correct?

A. There are attachments and enclosures that are in addition to the in total 10-page response, the cover letter and Page 1 through 9.

Q. Okay. And that's all you submitted on October 15th of 2010, correct?

MS. JEFFREY: Object to form. By "all" do you mean the enclosures as well, or are you just referring to this 10-page document?

MS. DeFILIPPO: Well, where are the enclosures?

MS. JEFFREY: Some of them were given to you by the dealer.

MS. DeFILIPPO: I'm sorry, I didn't hear what you said. I want to enumerate what was sent with this Dillon 3.

BY MS. DeFILIPPO:

Q. So now you've told me with Dillon 3 there's a cover letter and nine pages, correct?

A. I apologize if I misled you. You asked me about the cover letter that referenced attachments and enclosures and the nine-page document that follows. I

00081

refer to that as the response, that 10-page document. Perhaps you could send me --

Q. What went with the 10 pages? What did you send to NHTSA with the 10-page document, if anything?

A. In addition to the 10-page document, there were, in fact, additional enclosures and attachments that are, in fact, referenced within the numbered responses contained in Pages 1 through 9.

Q. Okay. I want to make sure that I have all the documents that you submitted on October 15th, 2010. So could you run through for me what the attachments and enclosures were?

MS. JEFFREY: And just let me interject for the record, we did produce everything except the confidential portions of the docket. So you don't have the confidential portions of the docket; you have the nonconfidential portions. The letter refers in some places to confidential documents. So anyway, go ahead. He can read through it and tell you what the enclosures are. Take your time.

MS. DeFILIPPO: Well, wait. I don't quite understand why we're talking about confidential documents when we signed a protective order. I mean, I thought we were entitled to get confidential documents because we signed a protective order. If

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I'm wrong, then we'll argue it later. I don't want to take the time now. Is it your position that, that in this matter, Kline versus Chrysler, et al, we are not entitled to confidential documents after having signed a protective order?

MS. JEFFREY: No.

MS. DeFILIPPO: That's not your position?

MS. JEFFREY: No.

MS. DeFILIPPO: Okay. So we should have the confidential documents in addition to whatever was submitted, correct?

MS. JEFFREY: I provided you at your request the nonconfidential portions of the docket.

MS. DeFILIPPO: I didn't request this docket by the way.

MS. JEFFREY: Okay. Then I don't know how you got it.

MS. DeFILIPPO: No. Let me clarify the record. Apparently these documents were requested by the attorney for Loman's, and when he made reference to documents, I said that before the deposition, I wanted to see the documents that Mr. Dillon was going to be asked to go over or authenticate, and now you're telling me that with respect to the documents, I don't have full documents because some of them are

00083

confidential, but I don't understand why confidentiality means anything to me when I signed a protective order, and I don't want to belabor it. I just want to make sure I have all the documents, and if you submitted them under separate cover somewhere else, you can tell me that.

MR. STOCKWELL: This is Matt Stockwell for Loman Auto Group. From our perspective what we wanted to do, as everyone is well aware, is have these documents introduced into evidence through Mr. Dillon's authentication of the documents. So what we did was make a request to Chrysler for specifically what Mr. Dillon submitted and which was available on the NHTSA website, which would be the nonconfidential portion. So all we've requested from Chrysler is what is nonconfidential.

MS. JEFFREY: And that said, Angel -- Angel, let me, please. Chrysler is willing to produce the confidential portion of the document subject to protective order.

MS. DeFILIPPO: Okay. That's fine. So when we run through what should be in each packet on those given dates, I just want to know what they are, and you can supply them later --

MS. JEFFREY: That's fine.

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MS. DeFILIPPO: -- if we don't have them now. That's fine with me. I just want a running tally of what the documents were that were submitted, okay?

MS. JEFFREY: That's fine.

BY MS. DeFILIPPO:

Q. Is that clear, Mr. Dillon?

A. Yes, ma'am.

Q. Do you understand?

A. Yes, ma'am.

Q. Okay. So don't leave out any documents. Tell me what you submitted with the October 15th, 2010 letter.

A. Okay. I'll need a few minutes to review the document so that I can identify them.

MS. DE FILIPPO: That's fine. Do you want to take a minute -- do you want to take a minute off the record?

MS. JEFFREY: Yeah, could we do that and then we can also figure --

MS. DeFILIPPO: Yes.

MS. JEFFREY: We'll do that.

MS. DeFILIPPO: Let's do that.

(Recess taken at 1:15 p.m.)

(Back on the record at 1:31 p.m.)

BY MS. DeFILIPPO:

00085

Q. Mr. Dillon, are we back?
A. Yes, ma'am.
Q. Okay. Don't forget to speak up because we really have trouble hearing you here.
A. Yes, ma'am.
Q. All right. So now having gone off the record, you've had an opportunity to look at the document so that we can now list by document the submissions that were sent to NHTSA by Chrysler. Let's start with the first one we've marked Dillon 3, the October 15th, 2010 letter signed by you and accompanying nine pages, correct?
A. Yes, ma'am.
Q. Did attachments and enclosures go with this Dillon 3?
A. There are attachments and enclosures associated with this portion of the response, yes.
Q. Okay. Can you tell me what they are?
A. On Page Number 2 of 9, there is Enclosure Number 1 which is an Access, Microsoft Access 2000 table -- 2007 table titled Production Data. That's the first enclosure.
Q. And what is that; is that a DVD?
MS. JEFFREY: Well, go ahead.
A. It's an electronic file that we submitted to the agency as a Microsoft Access 2007 file.

00086

BY MS. DeFILIPPO:
Q. Okay, and how -- what was the mode of submission; how did you submit that?
A. I believe we did, in fact, submit it on a DVD.
MS. DeFILIPPO: Okay. And I would ask for a copy of that.
MS. JEFFREY: You got a copy of that.
MS. DeFILIPPO: Okay. If I do, I just want you to tell me I do.
MS. JEFFREY: Okay.
MS. DeFILIPPO: Do I have that document in full, Sheila?
MS. JEFFREY: Yes.
MS. DeFILIPPO: And is that on DVD?
MS. JEFFREY: Yes.
MS. DeFILIPPO: Was that one of the original DVDs that you supplied with your answers to interrogatories?
MS. JEFFREY: No. This was provided sort of on behalf of Loman at their request, and it would have been in late November, I believe.
MS. DeFILIPPO: What's -- is there anything to identify it any better?
MS. JEFFREY: I don't know what we labeled the DVD. I do know it was sent to you in November by

00087

me, and it would have been the only disk that I sent you other than the ones that accompanied that one.

MS. DeFILIPPO: Oh, is that the one in response to this discovery of Mr. Dillon? Yes?

MS. JEFFREY: My understanding is The Court directed Loman to give you the documents that it intended to show Dillon.

MS. DeFILIPPO: Right.

MS. JEFFREY: Just let me finish. Because I had all those documents, I took it upon myself to do that for Loman, and yes, this is part of what was submitted.

MS. DeFILIPPO: Okay, that's fine. That's fine but just so you know, both Mr. Stockwell and I agreed we could not open it.

MS. JEFFREY: Then you're --

MS. DeFILIPPO: And because we agreed we could not open it, she provided me with this hard copy for today. So whatever is on that DVD that can't be opened, I had to make a request for hard copy because I'm not the only one who couldn't open it.

MS. JEFFREY: Okay. This is a database that has seven pieces of information for 2.9 million vehicles. We're not going to produce a hard copy of that. You're going to need to --

00088

MS. DeFILIPPO: Well then, you'll have to do it -- you'll have to do it in a form that I can open because neither of us could open it, and Mr. Stockwell will verify that for sure.

MR. STOCKWELL: I think now we've figured out how to open it, but regardless, we're not seeking to introduce -- the data, it is what it is, but we figured out a way now to open it.

MS. DeFILIPPO: Well, now that you've figured out a way to open it, maybe you can send it to me in a way that I can open it.

MS. JEFFREY: Well, you can go to the docket. It's right on the public website, too.

MR. STOCKWELL: You have to buy Access, Microsoft Access.

MR. WESTENBERG: She doesn't have Access.

MR. STOCKWELL: You have to buy Microsoft Access. You can't open it without it.

MS. DeFILIPPO: Okay. Let's keep going.

BY MS. DeFILIPPO:

Q. What other documents? Fine. What other documents, Mr. Dillon, attachments and enclosures?

A. On Page 6 of 9 in our answer response to Question Number 3, there is Enclosure Number 2 which is a Microsoft Access 2007 file. The file is titled

00089

Request Number 2 Data.
Q. And that's a DVD, also?
A. It's an electronic Microsoft Access file that we submitted to the agency. The mode which we submitted it to the agency was likely on a DVD.
MS. DeFILIPPO: Do I have that, Sheila?
MS. JEFFREY: Yes.
MS. DeFILIPPO: Okay.
A. On Page 6 of 9 in the answer to Question Number 4, there is Enclosure Number 3. That enclosure has copies of our customer complaints, field reports, legal claims, and police reports.
BY MS. DeFILIPPO:
Q. Where is that -- where is that information?
A. I'm not sure I understand your question.
Q. Where is Enclosure 3?
A. Enclosure 3 was submitted electronically to NHTSA on a DVD. We have that information available ourselves as well.
MS. DeFILIPPO: Sheila, do I have that?
MS. JEFFREY: Yes.
BY MS. DeFILIPPO:
Q. Is it termed something else?
A. It should be a folder called -- so it's a folder called Enclosure 3. Included in that folder likely

00090

are a number of pdf files each one, you know, pertaining to an input that we received from a customer or from the field.
Q. Was that a confidential document?
A. I don't believe so.
Q. So that was not one where you requested confidentiality from NHTSA?
A. No, ma'am.
Q. Okay. You can continue, Mr. Dillon.
A. On Page 7 of 9 in our answer to Question Number 7, we provided copies of information pertaining to safety recall A-10 that was distributed to our dealers. Again, those should be -- those are all likely to be pdf files included in a folder titled Enclosure 4.
Q. Okay. You can continue.
A. On Page 7 of 9 in our answer to Question Number 9, there is an Enclosure Number 5 which is essentially a list of all of the part numbers associated with the multiple versions of brush guards and skid plates specifically pertaining to the 1993 through 2000 model year Grand Cherokee.
Next?
Q. Is that the sum of the documentation that was forwarded by Chrysler to NHTSA on October 15th of 2010 --

00091

A. No, ma'am.
Q. -- in response to the -- it's not?
A. No. That was the information through Page 7. I was waiting for your ready response.
Q. Oh, I'm sorry. Go ahead. Continue.
A. Okay. In response to Question Number 9 on Page 8 of 9, Subpart C, there is a title -- there is an enclosure called Enclosure 4 conf info -- C-O-N-F, yes, ma'am -- that contains a copy of skid plate and brush guard assembly drawings which we submitted to the NHTSA -- NHTSA's Chief Counsel Office.
MS. DeFILIPPO: Well, I definitely don't have that.
MS. JEFFREY: Counsel, I'll send that to you this week.
MS. DeFILIPPO: Okay, thank you.
A. Also on -- also -- go ahead.
MS. JEFFREY: Go ahead.
BY MS. DeFILIPPO:
Q. Go ahead. I'm sorry.
A. Okay. Also on Page 9 in our response to Question Number 9, Subpart F, there is an Enclosure Number 5. That's a file that contains the sales information, aftermarket sales information for -- it doesn't say specifically. I believe that's pertaining to the --

00092

let me make sure.
Q. And just to correct the record, it's on Page 8, correct? I think you said 9.
A. Yes, ma'am. I apologize.
Q. Okay. That's all right. And it's Mopar accessory part sales?
A. Yeah, it's part sales information pertaining to the subject matter of Question Number 9 which is skid plates, brush guards, and other protective guards, if you will, manufactured, marketed, or sold by Chrysler intended for use, of course, on these vehicles, 1993 through 2004 Grand Cherokees.
Q. So do we have a list of all the documentation and information sent to NHTSA on October 15th, 2010 in connection with the preliminary evaluation, PE?
A. That's not a question I can answer.
Q. Do we? The question is do we?
MS. JEFFREY: I'm sorry?
BY MS. DeFILIPPO:
Q. I mean, have we gone through everything?
MS. JEFFREY: She wants to know if you've identified all the enclosures, and I believe you can testify to that.
A. For the document dated October 15th, 2010, I have identified all of the enclosures and attachments

00093

associated with that portion of the information request response.

BY MS. DeFILIPPO:

Q. Okay. And with respect to November 12th, 2010 which we're going to mark that letter of November 12th Dillon 4 dated 12-21-11, that's the marking, this is the second submission of information to NHTSA, correct?

MS. JEFFREY: Just to be clear, Angel, this has already been marked as Exhibit 2. You said 4.

MS. DeFILIPPO: I'm sorry. I'm sorry. Somebody must have taken my marked copy, Dillon 2. I'm sorry. Let me go back.

BY MS. DeFILIPPO:

Q. The November 12th, 2010 letter to NHTSA signed by David Dillon is marked Dillon 2 on 12-21-11, and it has 22 pages, correct?

A. It has a total of 23 pages including the cover letter.

Q. Okay. But the pages are numbered up to 22, and if you include the cover letter, you're saying there's 23 pages, correct?

A. Yes, ma'am.

Q. Okay. And with your submission of November 12th, 2010, there were also attachments and enclosures, correct?

00094

A. That's correct.

Q. And can you tell me what attachments and enclosures; can we do a list of those attachments and enclosures?

A. Located on Page 2 of 22 in response to Question Number 5, Part A, there's an Enclosure 6-A. Included in that Enclosure 6-A are copies of 301 -- FMVSS 301 compliance crash tests.

Q. Okay. Continue.

A. On Page 3 of 22 in response to Question Number 5, Part A, there is an Enclosure 6-B. Included in that enclosure are copies of FMVSS 301 developmental crash test results.

MS. DeFILIPPO: And, Sheila, I believe we have both 6-A and 6-B, correct?

MS. JEFFREY: You have 6-A. You have 6-B to the extent that it is not confidential, and we did not produce the portion of 6-B that is confidential, and I will do so this week.

MS. DeFILIPPO: Okay, thank you.

MS. JEFFREY: Go ahead.

A. Also, in response to Question Number 5, Part A on Page 3 of 22 in the second paragraph, there is Enclosure 6-C. That enclosure is a summary of FMVSS 301 crash test -- crash tests. That one was also submitted to the Chief Counsel Office in part,

00095

and I believe part of that was also potentially public.

BY MS. DeFILIPPO:

Q. Part of it was confidential and part of it was public?

A. If I read that correctly, it says conf info and public. So, yeah, the intent of that is a portion of that would be confidential and a portion of that would be public.

MS. DeFILIPPO: So I would request the portion that I don't have.

MS. JEFFREY: That's fine.

BY MS. DeFILIPPO:

Q. Okay.

A. Also on Page 3 of 22 in response to Question Number 5, Part A, there is Enclosure 6-D, and contained in that enclosure is FMVSS 301 compliance documents.

MS. DeFILIPPO: I think I have them. Do I have them all, Sheila?

MS. JEFFREY: Yes.

A. Also on Page 3 in response to Question Number 5, there is an enclosure, two of them marked 7-A and 7-B which is a, a list of design changes that may relate to the condition that was being investigated.

MS. DeFILIPPO: I don't think I have that.

MS. JEFFREY: Yeah, that's -- it's sort of

00096

referring forward in the document where confidentiality was requested for those, and we'll provide those as well.

A. Okay. Also on -- am I okay to proceed?

BY MS. DeFILIPPO:

Q. I'm sorry, I didn't hear the question.

A. Am I okay to proceed?

Q. Oh, yeah, yeah, absolutely, go ahead.

A. Also on Page 3 of 22 in response to Question Number 5, in the bottom paragraph there is an Enclosure 6-E which is referred to as the Jarmon report.

Q. Is that the Paul Taylor report?

A. Yes, ma'am.

Q. Okay. I have that. Go ahead.

A. Also on Page 3 of 22 in response to Question Number 5 in the last paragraph, there is Enclosure Number 6-F which included the analysis of FARS and state crash data.

MS. DeFILIPPO: And I believe hard copy has been supplied to me on that.

MS. JEFFREY: I supplied it to you on a disk. I'm not sure.

MS. DeFILIPPO: Yeah, I think --

MS. JEFFREY: The dealer, Loman's counsel made that part of his package.

00097

MS. DeFILIPPO: Okay.
MS. JEFFREY: 6-F.
MR. STOCKWELL: Yes.
A. Also in response to Question Number 5, Part C, there is an Enclosure 6-G that has a document related to a TAE study that was done with respect to a potential solution that was proposed and eventually implemented on recall A-10. That one was --
BY MS. DeFILIPPO:
Q. Are you talking about G; is that G as in goat?
A. Yes, ma'am. That one was marked confidential business information.
MS. DeFILIPPO: Okay. So you'll supply that, Sheila?
MS. JEFFREY: Yes, yes, I will, yeah.
A. Also on Page 4 of 22 in response to Question Number 5, Part C, there's an Enclosure 6-H. It contains the 573 defect information report pertaining to recall number A-10.
MS. DeFILIPPO: I don't think I have that.
MS. JEFFREY: That is among the documents we submitted to you.
MS. DeFILIPPO: The defect information report?
MS. JEFFREY: Right.

00098

MS. DeFILIPPO: The recent submission? Are you talking about the recent disk?
MS. JEFFREY: Yes.
MS. DeFILIPPO: Yeah, that's the one I can't open. Okay. I'm sure Mr. Stockwell will be so happy to show me how to open it.
MR. STOCKWELL: Yeah, you can purchase a program called Microsoft Access.
MR. WESTENBERG: It's actually a pdf.
MR. STOCKWELL: This is a pdf. So actually you can just open it with Adobe.
MS. DeFILIPPO: Yeah. Well, great. Okay.
BY MS. DeFILIPPO:
Q. You can continue, Mr. Dillon.
A. Thank you. On Page Number 5 of 22 in the response to Question Number 6, there is an Enclosure 7-A, and contained in that enclosure is information pertaining to the body style differences between the 1993 through '98 model year ZJ and the '99 through 2004 model year WJ.
Also on Page 5 of 22 in response to Question Number 6 is Enclosure 7-B. Contained in 7-B is information pertaining to the subject component design history. That information was submitted to NHTSA requesting confidentiality treatment.

00099

MS. DeFILIPPO: Okay. And that's part of the request.

MS. JEFFREY: To me I assume?

BY MS. DeFILIPPO:

Q. That would be 7-B as in boy, correct?

A. Yes, ma'am.

Q. Okay, thank you.

A. Just to be clear, you're requesting that information from Sheila, correct.

Q. Sheila, that's correct.

MS. JEFFREY: That's right, yeah.

A. Okay. On Page 6 of 22 in response to Question Number 8, there is an Enclosure 8-A, and there's a document in there that outlines, you know, the different variations of the subject vehicle, build variations.

Also on Page 6 of 22 in response to Question Number 8 is Enclosure 8-B which is -- it contains information pertaining to graphical information about the vehicle. That one was submitted --

Q. I'm sorry, go ahead. Is that the vehicle drawings?

A. No --

Q. Are those the drawings?

A. -- not specifically drawings. These are graphical

00100

illustrations of the vehicle. I think if I recall correctly, it may be graphics related to the underbody.

MS. DeFILIPPO: Okay. And I would request those documents. I know I don't have them.

MS. JEFFREY: Yeah.

MS. DeFILIPPO: Do I have 8-A, the vehicle design variations? I don't think so.

MS. JEFFREY: Yeah, you do, and that's also among the documents that Matt Stockwell provided to you. It's just a table, one page or two pages.

MS. DeFILIPPO: That's on the recent DVD?

MS. JEFFREY: Right. Well, I don't know. You sent it to me on a pdf file.

MR. STOCKWELL: Oh, it's in this packet?

MS. JEFFREY: I think so. Table describing design variations.

MR. STOCKWELL: Okay, yeah, yeah, yeah.

MS. JEFFREY: It's a three-page document and it's a table.

MR. STOCKWELL: It's in that packet that I gave to you at the inspection, probably all the way in the back.

MS. DeFILIPPO: Well then, I guess you can tell me when we get to it.

00101

BY MS. DeFILIPPO:
Q. 8-C is also an enclosure?
A. Yes, ma'am. On Page 6 of 22 in response to Question Number 8, Part C, there is an enclosure. The enclosure is titled 8-C. The information contained in that enclosure are photographs of the undercarriage of the subject vehicles.
MS. DeFILIPPO: And that we don't have.
MS. JEFFREY: You would have that. That would be what I provided you in November.
MS. DeFILIPPO: This November?
MS. JEFFREY: Correct.
MS. DeFILIPPO: Okay. All right. That's the same DVD that didn't open.
MS. JEFFREY: Well, there were several DVDs I provided you. I'm not sure if you were having trouble with just the one.
MR. STOCKWELL: Let's just be clear. It's my understanding that the only problem with the DVD were the Microsoft Access data tables. I was not aware that you had any problem opening any pdfs or other documents. Is that the case, you couldn't open anything on this?
MS. DeFILIPPO: Well, let's talk about that later. We'll go over it later.

00102

MR. STOCKWELL: Whatever you want to do.
BY MS. DeFILIPPO:
Q. Is that it, Mr. Dillon?
A. Let me take a quick look at the remainder of the submission.
I --
MR. WESTENBERG: Go through it.
A. I believe on Page 16 of 22 in response to Question Number -- well, the response to the question was -- oh, we already have that.
I apologize. We've already mentioned that attachment.
BY MS. DeFILIPPO:
Q. What are you talking about, 6-F?
A. Yes, ma'am.
Q. Yes, we already mentioned 6-F. That was the FARS information.
A. I believe that that's all of the enclosures and attachments that are referenced in the two portions of the IR response.
Q. Okay. Mr. Dillon, now, you submitted all of these documents with the two, on the two dates that we've mentioned, October 15th, 2010 under your cover, and I believe you stated earlier that you were responsible for the information in these submissions, correct?

00103

A. I'm responsible for overseeing the activities that the team takes on in response to the information request, but in the end I'm responsible for making sure that that information is, in fact, accurate.
Q. Well, did you direct that any specific information be provided?
MR. STOCKWELL: Object to the form.
BY MS. DeFILIPPO:
Q. Was any of the information provided to NHTSA at your direction?
A. Yes, ma'am.
Q. Okay. So can you tell me, isn't it fair to say that not all of the documentation that you submitted to NHTSA on those two dates was documentation that you authored or you directed?
MR. STOCKWELL: Object to the form.
A. My understanding of your question is did I author all of the information that was submitted in the response --
BY MS. DeFILIPPO:
Q. Correct.
A. -- and while I was available and involved in the development, in the collection of that information, I did not author every word in the document.
Q. Did you direct the collection of those documents?

00104

A. Yes, ma'am.
Q. And how did you go about that with respect to the team? I believe you mentioned that you had a team of at least six individuals. How -- or seven maybe. How did you go about directing them as to what to supply to you so that you can compile the information for NHTSA?
A. Well, we first reviewed the information request, itself, and identified specifically what questions were being asked by NHTSA, and based on those questions, we identified the information that would be responsive to those questions. So that is sort of the beginning portion of, you know, what is it that we need to collect in order to respond to the agency.
Q. But how did you identify what you needed to collect?
A. I read the information request.
Q. And then how did you determine who would be responsible for a specific portion of the documents?
A. That would primarily be based on their experience and what portion of the knowledge base, if you will, that they're most appropriately -- have the appropriate knowledge base to reply to.
Q. So can you tell me what portion of the documents you submitted to NHTSA was collected by Michael Teets?
MS. JEFFREY: Object to form.

00105

A. I can't tell you document by document or even, you know, within the documents piece by piece which portion came from which particular individual. Mike Teets was involved in the development of the fuel system, and we worked with Mr. Teets to understand what the history of the fuel system was during the life of the '93 through 2004 Grand Cherokee.

BY MS. DeFILIPPO:

Q. Did he supply you, though, with any documents?

A. I don't recall specifically which documents Mr. Teets may have supplied or which ones he may not have supplied.

Q. Are you certain he supplied any?

A. I wouldn't state that he necessarily supplied any particular piece of documentation. He was responsible for the development of the fuel system at the time. So we leveraged his experience to make sure that the information that we gathered and provided to the agency was, in fact, thorough and accurate.

Q. So are you saying that Michael Teets was responsible for the fuel system in the 1993 through 2004 Jeep Grand Cherokee?

A. I probably am not in a position to testify as to what specific model years he was responsible for. I know generally that he was involved in the Grand Cherokee's

00106

fuel system's development.

Q. Was he involved in the inception with the '93 Grand Cherokee to your knowledge?

A. I don't recall at what point he became involved in the development of the Grand Cherokee vehicle.

Q. Do you recall what, if any, information was provided to you by Ed Zylik?

A. Again, Mr. Zylik was an individual that was involved, was a test engineer at the time and worked on the development of the Grand Cherokee I'll say that in general because I couldn't tell you which model years in particular. We worked with Mr. Zylik to procure the test history, and he helped us understand the history of the test programs so that we could, again, make sure that the information that we provided to the agency was both thorough and accurate.

Q. Did Mr. Zylik provide you with any of the test materials or compliance materials that you provided to NHTSA?

A. I think Mr. Zylik was involved in identifying either, A, the location or, B, making sure that we identified all of the tests that were involved in the Grand Cherokee involvement.

Q. Now you said that Chrysler employed a statistical expert, Paul Taylor, to be part of the team that was

00107

put together to respond to the preliminary evaluation?
MR. STOCKWELL: Object to the form.
A. We reached out to Paul Taylor. I may have said he was a statistical expert. Actually, I don't want to necessarily state what he's an expert in. I know he's an expert in data analysis specifically related to the FARS database, and he helped us with the analysis that we did regarding state crash databases.
BY MS. DeFILIPPO:
Q. So he supplied you with a copy of the Jarmon report, correct?
MS. JEFFREY: Object to form.
A. I don't believe that I received a copy of the Jarmon report directly from Mr. Taylor.
BY MS. DeFILIPPO:
Q. Well, what did he supply to you, what information did he supply to you in connection with the PE?
A. We identified the need to perform an assessment of the FARS database, and in addition to that, we wished to perform an assessment of a number of different --
Q. I can't hear you. Can you say that again because you're really fading. Go ahead.
A. Yep. We identified the need to perform an analysis of the FARS database, as well as the need or the wish to analyze several different state crash databases, and

00108

Mr. Taylor has the experience of doing that task. So through the team, we assigned that task to Mr. Taylor.
Q. What information did he supply to you that you supplied to NHTSA?
A. As I recall, he provided and we submitted to the NHTSA an analysis of the FARS database regarding the Jeep Grand Cherokee 1993 through 2004 model year vehicles and their peer vehicles at the time, as well as an analysis of several different state crash databases.
Q. Well, this particular need that you identified with respect to an analysis that you called on Paul Taylor to do, did you in any way give him any parameters or instructions regarding what you wanted from him?
A. The -- excuse me -- the parameters were based on the information request and specific to NHTSA's, what NHTSA was investigating which was rear impact events at the 5, 6, or 7:00 position involving fires where fire was identified as the most harmful event.
Q. So is that the parameters that you gave to Paul Taylor --
A. Those are the parameters --
Q. -- prior to calling him as part of your team?
A. Based on the information request and the condition that the agency was investigating, that is at least one of the parameters that we provided with Paul --

00109

Paul Taylor with.

MS. DE FILIPPO: Well, I'm going to ask you to look into a packet that you should have there before you, and I'm going to mark it Dillon 4, and it is entitled Exponent Failure Analysis Associates, and it starts with PE 10-031 Chrysler 004792, a Bates Stamp, and continues through I believe Chrysler 004 --

MS. JEFFREY: 004818, is that it?

MS. DeFILIPPO: I think it's 005503. Would you look at those documents?

MS. JEFFREY: Our Exponent report ends at 004818. Is there another document attached or --

MS. DeFILIPPO: There's an appendix list of materials with the same date on it of December 3rd, 2007, and then after that I see PE -- I'm sorry -- 005501, analysis of FARS cases.

MS. JEFFREY: That's a different document.

MS. DeFILIPPO: Okay.

MS. JEFFREY: It's not part of the Exponent report.

MS. DeFILIPPO: Let's then confine the document Dillon 4 to 004792 through 004818. Take a look at that document.

MS. JEFFREY: I'll have the court reporter mark that, and then you will look at it.

00110

MS. DeFILIPPO: Dillon 4.

MARKED FOR IDENTIFICATION:

DEPOSITION EXHIBIT 4

2:13 p.m.

MS. JEFFREY: Angel, can we take a few-minute comfort break?

MS. DeFILIPPO: Yeah, you can.

MS. JEFFREY: We'll be back in five minutes.

MS. DeFILIPPO: Okay.

(Recess taken at 2:13 p.m.)

(Back on the record at 2:23 p.m.)

MS. DeFILIPPO: Before we continue with Mr. Dillon or maybe even with Mr. Dillon here, my question is, now having gone over all the information that was supplied with the submissions by Chrysler to NHTSA, can I be confident in that we have copies of everything that was sent to NHTSA, whether it be public or confidential?

MS. JEFFREY: No, because you don't have the confidential stuff which I will get to you.

MS. DeFILIPPO: No. I mean once you get that to me; in other words, once you send me the documents that we requested today, have we been supplied with, through this litigation, all the

00111

documents that have been supplied to NHTSA?
MS. JEFFREY: Well, one thing we haven't discussed is the slides that were placed in the docket related to an April --
MS. DeFILIPPO: I'm sorry? I'm sorry, I didn't hear you, the what that was placed in the docket?
MS. JEFFREY: A PowerPoint presentation was placed in the docket, and we produced the nonconfidential portion of that as well, and this was a presentation that was made in April, I believe, of 2011, and we have not -- we'll produce the non -- I'm sorry -- the confidential portion of that pursuant to protective order.
MS. DeFILIPPO: Okay, and so with respect to now this particular litigation, once you supply me with the confidential and the information that we requested today, will we have a complete file and everything that was submitted to NHTSA?
MS. JEFFREY: One thing I don't know if you have or not would be the requests for confidential treatment that was made to NHTSA. That would be a letter request that was made regarding the confidential portions of the docket.
MS. DeFILIPPO: Okay. So I think, I mean,

00112

if you could just add that. What is it, a one-page document?
MS. JEFFREY: A page or two I believe, probably two or three maybe.
MS. DeFILIPPO: So then will that complete our file as to having all of the submissions that went to NHTSA?
MS. JEFFREY: By Chrysler, yes.
MS. DeFILIPPO: Okay, thank you. And I know we haven't rescheduled the de bene esse dep, but we can talk about that later.
MS. JEFFREY: I thought it was scheduled for January 5th.
MR. STOCKWELL: That's what I have.
MS. DeFILIPPO: Well, maybe it is. I may not have received that in my office yet, but if it is, that's fine.

BY MS. DeFILIPPO:

Q. So Mr. Dillon, these documents that are in a packet that were given to me in hard copy, I believe the attorneys who are with you today have a copy of that hard copy at the table where you are, correct; could you --
MR. STOCKWELL: I do.

BY MS. DeFILIPPO:

00113

Q. Could you verify that they have a copy of everything that they supplied to me and in terms of documents which they are going to be talking --

MS. JEFFREY: I don't know how he would know that, but Matt Stockwell said yes, he has a copy of that.

MS. DeFILIPPO: Okay, thank you, thank you.

BY MS. DeFILIPPO:

Q. Now when you submitted these documents, I think you indicated that they, as far as what your role in the submission was was you were the collector of the documents, correct?

A. I'm responsible for overseeing the team that was put together with the intention of collecting the information and developing the response to NHTSA's information request.

Q. And did you say to each individual, I want you to get X, I want you to get Y, for example, or did you say, Let's read the document together or what that NHTSA is requesting and tell me, members of my team, can you supply me with any information in response to this; was it more like that, the latter or the former?

MR. STOCKWELL: Object to the form.

BY MS. DeFILIPPO:

Q. Or something else?

00114

A. Well, I think it's, if I recall correctly, more like the latter. We reviewed the information as a team --

MS. JEFFREY: Keep your voice up.

A. -- identified the information that was necessary and requested by the agency and then identified who the individual or individuals would be responsible for collecting and making sure that information is as accurate and factual, thorough and factual as possible.

BY MS. DeFILIPPO:

Q. Okay. So let me just -- let me just make sure I'm clear. It was you personally who identified the information that was needed based on the request of NHTSA?

A. That wasn't a unilateral activity. That was done within the team.

Q. I'm sorry?

A. That was done within a team.

Q. Well, who identified what information was needed; the whole team identified what information would be needed?

A. The team reviewed the document. We identified the information that was required per the information request, and then we collectively identified based on who had the best knowledge base to go back and collect

00115

that information. When you say we, yes, I in the end have the ultimate responsibility of identifying those people, but it was done as a team.

Q. Okay. So I think you answered that. It wasn't you personally saying, Mr. So-and-so, you get me this, Mr. So-and-so, you get me that. It was the entire team sitting down looking at the request and deciding as a group who could best get documents if there were any in response, correct; is that a fair statement?

A. I believe that to be correct, yes.

Q. Okay. And at least some of these documents, for instance, the one that we've just marked which is the Paul Taylor, we marked it Dillon --

MS. JEFFREY: 4.

BY MS. DeFILIPPO:

Q. 11 -- 4, I'm sorry. That document was not prepared by anyone at Chrysler but rather an outside entity or person, correct?

A. This document was not actually prepared at my request, nor was it prepared in response to the information request. It was prepared, as I understand it, with relation to a different activity. However, because it was responsive to the information request, we felt compelled to provide that information to NHTSA.

Q. So it was prepared in response to a lawsuit, the

00116

Jarmon lawsuit, in which Chrysler was a defendant, correct?

A. I believe that's the case.

Q. And was it you who believed that this document prepared by Paul Taylor for the Jarmon case was germane to the responses that Chrysler would give to NHTSA?

A. Yeah. As I stated, we believe that it was responsive to the information request; therefore, provided the information to NHTSA.

Q. Did you or anyone at Chrysler supply Paul Taylor or Exponent with any of the data that he used in compiling this report which we marked Dillon 4?

A. I'm not familiar with the criteria or who was involved in requesting this information, so I wouldn't be able to answer that question.

Q. Have you adopted this report as a Chrysler document?

MS. JEFFREY: Object to form.

A. I submitted this document in response to the information request because it was responsive to a question that was asked.

BY MS. DeFILIPPO:

Q. However, it's not a Chrysler document, correct?

A. The document was not prepared by Chrysler, that's correct.

00117

Q. And nobody at Chrysler supplied to your knowledge any information contained in this document, correct?
MS. JEFFREY: Object to form.
A. Again, I wasn't involved in the development of this paper, so I simply couldn't answer that question.
BY MS. DeFILIPPO:
Q. Are there any other documents in the hard copy documents that you have there with Mr. Stockwell that are documents that were not prepared by Chrysler individuals?
MS. JEFFREY: He's going to need to go through these documents, Angel.
MS. DeFILIPPO: Yeah. It's not a very voluminous packet. Just look through it and if you take out your letter, your letters that we've marked Dillon 2 and Dillon 3, I think if you just look at the rest of the document.
MS. JEFFREY: I'm having him look at this in the order in which Matt Stockwell gave it to us. It's a little bit of a jumble, but go ahead.
MS. DeFILIPPO: That's fine, that's fine.
(Off the record at 2:33 p.m.)
(Back on the record at 2:33 p.m.)
A. The first document, as I understand it, that you may be looking at is Bates paged Chrysler 01 through

00118

Chrysler 81. This presentation was developed by Chrysler. It does contain information, however, that we had -- an analysis, information pertaining to an analysis that we contracted Paul Taylor to complete.
BY MS. DeFILIPPO:
Q. I'm sorry, Mr. Dillon, I got 01 through -- I didn't get your last number.
A. 81 as I understand it.
MS. DE FILIPPO: Okay. Let's mark 01 through 81 Dillon 5 on this date, 12-21-11.
MARKED FOR IDENTIFICATION:
DEPOSITION EXHIBIT 5
2:34 p.m.
A. Can I continue?
BY MS. DeFILIPPO:
Q. Wait a minute. Do you have it as a marking, Dillon 5, 12-21, and it's the Chrysler 01 to 81?
A. Yes, ma'am.
Q. Do you have it?
A. Yes, ma'am.
Q. Does it have a cover page that is white with the exception of bold print that says 4-16-2011 Chrysler Group presentation to the office of defect investigations?
A. That's not a page that I developed.

00119

MS. JEFFREY: That was something that -- that was something that my law firm made so that it was evident to you what that was.

BY MS. DE FILIPPO:

Q. But is that, in fact, a description of what Pages 01 through 81 are?

A. Yes, ma'am.

Q. Okay. So when you look at this document, 01 through 81, if you would, and if you would go to Page 03, can you tell me, is this document, Chrysler 03 of Dillon 5, is that page a page that was prepared by Chrysler?

A. Yes, ma'am.

Q. Okay. And did you prepare this yourself?

A. I did.

Q. Okay. Can you tell me what rock filter is?

A. Yes, ma'am. It's basically a term to reflect, you know, broadly, right, is the vehicle over-represented or not. What we mean by rock filter is it would catch something -- it would be a filter that would identify a condition that stood out and/or was large, right, so the term rock filter.

Q. Well, is that a term -- is that a NHTSA term?

A. No, ma'am.

Q. Is that you -- is that your term?

00120

A. Yeah, in hindsight that's a personal term that I use, and I guess I wish I hadn't used it at this point.

Q. Okay. So when you put it next to EWR, which is the early warning reports, right?

A. Early warning reporting data, yes, ma'am.

Q. Early warning reporting data, that is data from NHTSA; am I correct in that?

A. That's data that we pull from NHTSA's database that's based on information that Chrysler and other manufacturers have submitted.

Q. Now I understand what you just said, but the early warning reporting system is a database from NHTSA, correct?

A. Yes, ma'am.

Q. Okay. And the early warning reporting system is information sent to NHTSA by not just Chrysler but all auto manufacturers, correct?

A. It's information that's submitted by Chrysler and other manufacturers, yes, ma'am.

Q. And that information is basically if a claim is filed against an auto manufacturer, you would indicate what state it came from, what model of car you're talking about, what year, if there's a component claim, what component is involved, correct?

A. It generally categorizes the input that we've received

00121

into a number of different categories. It's between 20 and 30 different categories in total.

Q. And as an auto manufacturer, you, Chrysler or anybody, they are not required to send in to the early warning reporting system database any of the underlying documents that support whatever you say is in that document, correct?

A. I believe that to be a correct statement.

Q. So the auto manufacturer can indicate on the forms that they're submitting to the early warning reporting system basically an instance of a damage to a vehicle or a claim about a damage to a vehicle but -- and they could say that the claim is a fire claim, but it doesn't necessarily indicate whether it's a cigarette lighter problem or a fuel system problem, correct?

A. That's correct, and hence the term rock filter. We were simply looking at the EWR data to assess whether or not the Grand Cherokees were over-represented in terms of the number of fires or the rate of fires it had experienced.

Q. But some of that information in the EWR, you wouldn't know whether or not it was a fuel system fire, a rear-end hit fire, a cigar lighter fire or anything; it wouldn't necessarily give you all of the information, correct?

00122

A. That's correct and, hence, the term rock filter --

Q. Rock filter.

A. -- meaning it looked at a very high level, right, to assess whether or not the Grand Cherokee was over-represented just with the term or the category fire. It's not specific to a particular type of fire, just simply starting at a very high level.

Q. And so if you're looking at data from other manufacturers, regardless of your rock filter, you wouldn't be able to know whether or not to include the problems of a, for instance, a fuel system problem in another vehicle or a cigarette lighter problem in another vehicle because there's no way for you to filter it, correct?

A. That's correct.

Q. And the rock filter is purely your filtering, you, and I say you and Chrysler, filtering in the method and the, and with respect to the items that you designate to filter, correct?

A. No. As I stated, we were simply looking at the number of inputs that the vehicles that we were looking at had, and when I say inputs, the number of fires. As you pointed out, it's not a particular type of fire or we're not pointing to a particular origin. We're just starting from a very high level and digging deeper and

00123

deeper as we go through the investigation.
Q. Can you tell me today as you sit here what your rock filter was other than just looking for fire?
A. As I stated before, we were simply looking for the number of fires in the subject vehicle population relative to the peer vehicles during that same build period as a very high-level comparison. It was not used in our final determination, if you will.
Q. What do you mean by it was not used in your final determination?
A. It was simply a starting point, right, for us to understand whether or not the Jeep Grand Cherokee had any more fires than the peer vehicle. We recognized that it doesn't allow us to precisely identify either the area or the cause of those fires, but again, simply allowing us to look at whether or not the Grand Cherokee had more fires in general than the peer vehicles.
Q. So if you knew that a vehicle, for instance, if you knew that a Ford vehicle had been recalled in that period because it had brake fluid fires or brake fluid fire problems, would you then filter out all the Ford vehicles that were comparable in that timeframe --
A. No. Again --
Q. -- with your rock filter?

00124

A. No. The term rock filter I think is perhaps being overly-represented here. It's a very broad term. It's not literally a filter, all right? Again, we looked at specifically the number of vehicles during that '93 through 2004 model year period for each of the peer vehicles that we looked at, and then we also looked at the number of fires that we had during that -- during those model years. It's simply that. I don't want to over-complicate it --
Uh-oh, did we lose --
MS. JEFFREY: Are you there, Angel? Hello?
(Recess taken at 2:44 p.m.)
(Back on the record at 2:47 p.m.)
BY MS. DeFILIPPO:
Q. So, Mr. Dillon, I understand what you're saying that I'm a little hung up with the word rock filter, so without reference to the word rock filter, was there a filter applied by Chrysler when you looked at the EWR information whereby if you knew that data was incorrect, like a cigarette lighter had a fire, that's obviously not a fire anybody cares about or there was a problem with the cigarette lighter, if you absolutely knew that, you could filter that out of your data that you submitted to NHTSA; did you do that?

00125

A. We don't have the opportunity to filter the data as you're suggesting. As I stated before --
Q. And so --
A. -- we don't use -- we didn't in the end found any conclusions based on this information. It just indicates --
Q. So the EWR information then it's fair to say was not, was not part of the underlying information you used to arrive at your final conclusion to NHTSA, correct?
A. Yeah, that's fair, yes.
Q. Okay. Now on 03, on that same page, you indicate that there were state databases, and you chose states that could sort by tow-away crashes, significant events but not exclusive to events only involving fatality. Is that your language?
A. Yes, ma'am.
Q. Okay. So I know that you chose three states, Illinois, North Carolina, and Florida. Why did you choose those three states?
A. As the three points below there indicate, we wanted to be able to sort at a level of severity that was still significant but not as severe as the most severe event which are those that typically result in a fatality. So, number one, we wanted to use state databases that allowed us to sort by tow-away, meaning a level of

00126

severity that was significant -- significant enough to result in a tow-away but didn't necessarily result in a fatality.

The second reason for choosing these three states is simply the fact that they had a large population, a large vehicle population, so that we could make sure that we had as significant a sample size as possible.

And then finally, states were chosen that had the capability of identifying the fire, origin of the fire at the vehicle level, rather than just identifying that there was a fire. They could -- their reporting system identified which vehicle did the fire originate from.

Q. And when you say reporting system, you're referring to police reports at the scene, correct?
A. Well, based on police reports, yes.
Q. Let's go back to what you said about significant events. Would you agree with me that a car who's hit on any wheel well would require towing but be not a very significant crash?

MR. STOCKWELL: Object to the form.
MS. JEFFREY: Join.

A. That's a good question and I'm glad you brought that up. We also, you know, focused our assessment -- I

00127

should have said it. It goes without saying. But up above we were consistent in that we assessed only those incidents that were a result of a rear impact.

BY MS. DeFILIPPO:

Q. So if a vehicle was hit in the rear at 5, 6, or 7 as you describe, and part of the vehicle body was pushed into the tire, wouldn't you agree that you'd have to tow that car away; you couldn't drive it away?

MS. JEFFREY: Object to form.

A. I'm not sure exactly what you're asking.

BY MS. DeFILIPPO:

Q. I'm asking, did you see in the police reports any events where the crash involved part of the car being pushed into a tire where the car had to be towed away?

A. Well, it's conceivable --

Q. A severe tire rub, for instance?

A. I didn't review all of the police reports individually.

Q. So I'm glad you brought that up. Where is the data that upon which you based the information that you concluded regarding these three states?

A. I'm not an expert in the field of state database analyses. We hired Paul Taylor to do that, and he's probably the most well suited to answer that question.

Q. So Paul Taylor then was the one who looked at the data

00128

from the police reports or the state databases that he used?

A. As I stated earlier, we requested that Paul Taylor perform both the FARS analysis and the state analysis based on the criteria that NHTSA provided us and based on the criteria that we've pointed out in this presentation.

Q. So with respect to the FARS information and the state database information and conclusions, that was based on information selected, compiled, and put together by Paul Taylor, correct?

MS. JEFFREY: Object to form.

BY MS. DeFILIPPO:

Q. And Exponent; is that fair?

A. At our request.

Q. I understand it's at your request, but nobody at Chrysler was, was with Paul Taylor doing the selecting, the analysis, or any of the collection or reviewing the databases, correct?

A. Again, Chrysler hired Paul Taylor as an expert in this field to take on that activity.

Q. I got that. That's clear. Did anybody at Chrysler, any Chrysler employee, you, anybody assist or were part of Paul Taylor's work that he was hired to do by Chrysler?

00129

A. We were involved in reviewing the information as it was presented to us in its draft form. So yes, we were involved in reviewing that information.
Q. Well, what did you review; did you review the underlying data?
A. We relied on Paul Taylor to do that because that's his area of expertise.
Q. Okay. What did you review?
A. We reviewed the information that he provided us which was the analysis of those state databases.
Q. So what part of this document was Paul Taylor's information that he supplied to Chrysler?
A. Would you like me to go slide by slide again?
Q. Yeah, sure, yes, because we've already --
A. Okay. The information on Number 6 basically outlines the criteria or what vehicles were used. This was reviewed with Paul Taylor before creating the summary, but this is information that we received from Paul Taylor based on our direction.
Q. So you're saying Chrysler 06, that page is information that you received from Paul Taylor?
A. It's information that we received from Paul Taylor based on the criteria that we established and directed him to use.
Q. Where is the criteria that you established and

00130

directed him to use?
A. It's listed on Slide 6.
Q. Slide 6.
A. And it's also listed in the slide that we were reviewing earlier -- there we go -- Slide 3, yes, ma'am.
Q. Well, who determined what states were going to be examined; was it you or Paul Taylor?
A. So here's the process. We gave Paul Taylor the criteria that we wished to assess. We wished to be able to sort by tow-away events because it indicates particular level of severity. We wished to have a population, a state that had a large population, i.e., a large sample size. We wished to have a state that allows the fire, the origin of the fire to be identified specifically by vehicle. And we wanted, of course, a state that would allow us to identify those events that occurred in a rear impact.
Based on that criteria, Mr. Taylor came back and explained to us which states would be most appropriate to use and most reliable based on those criteria.
Q. So Mr. Taylor's opinion and decision as to what states to use is what you went with, correct?
MR. STOCKWELL: Object to the form.

00131

A. Yes. It wasn't Mr. Taylor's decision.
BY MS. DeFILIPPO:
Q. Well, whose decision was it as to the states that were picked based on the criteria?
MR. STOCKWELL: Object to the form.
BY MS. DeFILIPPO:
Q. Once you told him the criteria as you've just described that you'd like to be able to look at, who made the decision that it would be Illinois, Florida, and North Carolina?
A. It was a study that was done on behalf of Chrysler. Chrysler had the final say as to which states were involved. That --
Q. Well --
A. -- decision was based on --
MR. STOCKWELL: Let him finish his answer.
BY MS. DeFILIPPO:
Q. I'm sorry. Go ahead. I'm sorry.
A. That decision was based on the criteria that we gave to Mr. Taylor and the response that he gave to us indicating which states had the most reliable databases that would allow us to sort using these criteria.
Q. Did he give you any other states besides Illinois, Florida, and North Carolina?

00132

A. Those are the three states, as I understand it, that could be analyzed using the criteria that we had given Mr. Taylor.
Q. Did Paul Taylor give you any other states to choose from to analyze based on your criteria?
A. I don't believe so.
Q. So after you gave Paul Taylor your criteria, he came back with his opinion that it would be Illinois, North Carolina, and Florida to satisfy your criteria, correct?
A. He gave us a list of the states that met all of our criteria. Those three states were the three states you just mentioned. If there had been a fourth or fifth state, we would have included that in our assessment as well.
Q. So his list was only three, correct?
A. His list was three states, yes, ma'am.
Q. Did you discuss with Paul Taylor whether or not New Jersey had a tow-away sorting capacity?
A. If I recall correctly, I think New Jersey met some of the criteria but not all of the criteria.
Q. So are you saying that Illinois, Florida, and North Carolina meet all of the criteria, that they have a sorting capacity by tow-away, that they have a large vehicle population, and they also have an

00133

indication of whether a fire or where the fire existed in the vehicle; is that what you're saying?

A. The third criteria is the origin of the fire, being able to separate it by vehicle, but --

Q. By vehicle?

A. By vehicle, yes.

Q. By vehicle. So the only thing that you were trying to separate with respect to the fire was whether it was the hitting car or the car that got hit --

A. Again --

Q. -- correct?

A. As I stated earlier, these were rear impact fires, so impacts at the 5, 6, or 7:00 position.

Q. Right.

A. And we were looking for states that allowed us to sort by the criteria that we've identified, but we wanted to make sure that we included in those, in the data the incidents where the fire originated in the Grand Cherokee vehicle or in this case the vehicle that was struck.

Q. The vehicle that was struck versus the vehicle that struck, correct?

A. Yes, ma'am.

Q. Now can you tell me, if you recall, which one of those three criterias did New Jersey fail?

00134

MS. JEFFREY: Object to form.

A. I don't recall to be honest with you. I faintly remember New Jersey being part of the original list of potentials, but as I understand it, the State of New Jersey database would not support an analysis based on the criteria that were identified.

BY MS. DeFILIPPO:

Q. And again, just so I'm clear, New Jersey either didn't have a large vehicle population, didn't indicate where the fire originated, in the hitting car or the car that was hit, and didn't sort by tow-away crashes?

MR. STOCKWELL: Object to the form. You mean and/or but okay.

BY MS. DeFILIPPO:

Q. Correct, is that what you're saying, it missed one of those three criteria?

A. That's my recollection, yes, ma'am.

Q. And is it fair to say that you just testified that if it didn't miss any of those criteria, it would have been included in your analysis?

A. If it was presented as an alternative state that we could have included in the assessment and it met all three criteria, then I believe we would have used that.

Q. And when you say if it was presented, you mean

00135

presented by Paul Taylor, correct?
A. Yes, ma'am.
Q. Okay. So no one at Chrysler looked at the states that weren't presented to you by Paul Taylor, correct?
A. We requested Paul Taylor to assess the states and determine which of the three met those criteria. These are the three that he came back with.
Q. Okay. So my question is: No one at Chrysler looked at the states, any states that Paul Taylor did not come back to you with, correct?
A. The individuals at Chrysler that were involved in this investigation didn't have that expertise or knowledge. So we relied on Paul Taylor and his expertise to provide us with that guidance.
Q. Okay. Now when did Paul Taylor do his analysis of the state databases in connection with this submission?
A. I couldn't tell you what date was associated with the analysis. I can tell you that he provided it at the request of Chrysler and the investigative team in support of the November 12th submission.
Q. Do you know if Paul Taylor conducted this analysis prior to your request?
A. My understanding is that it had not been completed prior to my request, although it may have been completed in part in the Jarmon case but, number one,

00136

I think the Jarmon case didn't have all three of the states, and number two, it wouldn't have been appropriate for us to submit that as evidence because it wasn't reflective of the calendar years which we had to include. So, in other words, it wasn't up-to-date.
Q. Is it your understanding that Mr. Taylor took what information he had previously used or started with in the Jarmon case and updated it for purposes of your request?
MR. STOCKWELL: Object to the form.
MS. JEFFREY: Object to form.
A. I don't know if he took -- as I -- as I recall, in the Jarmon case, there was one state. In our submission, there were three states. So specific to that one state that you're referencing, I personally don't know if he took that initial study and updated it or if he started from scratch regarding based on the criteria that we provided him. Frankly, I'm not even -- I don't even know that the criteria we provided him -- I guess it would be consistent with what was submitted in the Jarmon case, so I apologize.
BY MS. DeFILIPPO:
Q. It would be consistent, correct?
A. I think so, yeah. There were rear impacts where fire

00137

was involved in the Grand Cherokee or the vehicle that was struck, sort by tow-away, large vehicle population, identification of fire at the vehicle level. So yeah, the one state that was provided in the Jarmon case met those criteria obviously.

Q. What state was that?

MS. JEFFREY: Do you want to look at the report?

THE WITNESS: Yeah, I'm going to have to look at the report.

MS. JEFFREY: Can we take a break when it comes to a good point?

MS. DeFILIPPO: Yeah, sure.

MS. JEFFREY: There's a pending question now. Sorry.

A. In the Jarmon report, it included the analysis of the Illinois state database. Illinois was also included in the assessment of the --

BY MS. DeFILIPPO:

Q. It was only Illinois in the Jarmon case?

A. Yes, ma'am, that's my understanding.

Q. And if you go to Chrysler 04 which is part of your, what we've marked as Dillon 5, on Chrysler 04, there is a dot, and the dot corresponds to another dot under the note, and it's the second dot under the word

00138

"Note" and I'll read it. It says: Data is time limited in that data includes inputs since the second quarter of 2003 and does not include vehicles more than ten years old.

Are you referring to the data that's listed in that chart on 04?

A. Yes, ma'am.

Q. And the second quarter of '03 -- since the second quarter of '03 would be data that is time limited from June of '03, correct, so no data was looked at before June of '03; there was no data supplied on this chart before June of '03, correct?

A. So this data is extracted from NHTSA's database, and they only maintain the database back so many years. So that's why it's limited.

Q. All I'm asking is that it starts -- it starts in June of '03; nothing before that is included in this chart, correct?

A. Yes, ma'am.

Q. And then it says it does not include vehicles more than ten years old. Are we talking about ten years from when you submitted the petition, which would be from 2000?

A. I'm not familiar with the petition that was submitted.

Q. I'm sorry, I'm sorry, when you submitted your response

00139

to the PE, are we talking about ten years from that point?

A. This --

Q. So 2000 -- I'm sorry?

A. Well, this note applies to, I hope you understand this, only the EWR data, right, only the EWR data, and I've already stated that the EWR data isn't significant in terms of what we used to reach our conclusions. So I'm not sure --

Q. Okay. I just want to --

MS. JEFFREY: Can he finish?

BY MS. DeFILIPPO:

Q. Okay. I just want to make sure I understand the language, however.

A. Uh-huh.

Q. So am I correct in reading this that the data you looked at was from June of '03 and did not include any vehicles that were more than ten years old, so that means no vehicles that were before the model year 2000; is that a fair reading of that note?

A. Yes, ma'am.

MS. DeFILIPPO: Okay. We can take a break now.

MS. JEFFREY: Okay. Five minutes.

(Recess taken at 3:10 p.m.)

00140

(Back on the record at 3:20 p.m.)

BY MS. DeFILIPPO:

Q. Mr. Dillon, when you devised the criteria that you gave to --

MS. JEFFREY: Angel, we're not seeing you again. We're just seeing a gray screen.

MS. DeFILIPPO: All right. There's something going on with the controls here. You'll have to play with them. That's not good.

MS. JEFFREY: Angel, before you start, can I ask, do you have any idea how much longer you might be here?

MS. DeFILIPPO: Well, I would have said I'd be done in two hours, but it seems like it's just taking forever to get from Point A to Point B. So I'm going to do the best I can to go as quickly as I can.

MS. JEFFREY: Is there any way you can estimate?

MS. DeFILIPPO: Can you see me now? Can you see me?

MS. JEFFREY: Yes.

BY MS. DeFILIPPO:

Q. Okay. Mr. Dillon, when you gave the criteria to Paul Taylor to come up with your states that were going to be included in your state database analysis, did you

00141

-- were you aware of the Kline versus Chrysler case?
A. I'm not certain that I was aware of this case specifically when -- no, I don't believe I was specifically.
Q. Was anyone in your team aware of the case in New Jersey?
A. On our team we had people from the Office of the General Counsel, so part of the task was to provide us with the information pertaining to what claims or lawsuits that we might have had. So I'm sure that they were aware of that case at the time.
Q. Did anything about the Kline case or your knowledge of the Kline case figure into the criteria which you gave to Mr. Taylor?
A. No. I was not aware of the details or the specifics of the Kline case, and at no time did it come into play in terms of the decision regarding what states were chosen. We chose every state that met the criteria that I outlined.
Q. Mr. Dillon, did you say earlier in the day that, and I think we were talking about the kind of documents that went back and forth between you and NHTSA as a result of the PE, and I believe I asked you if you received anything from NHTSA, and you said you did, correct, a letter from NHTSA with the request?

00142

A. I'm --
Q. Am I correct on that?
A. I'm drawing a blank. Can you repeat the question?
Q. When we were initially talking about how you became aware of the PE, you said you received a letter from NHTSA; is that correct?
A. Well, I first became aware of the PE when NHTSA -- they publish an opening resume. The opening resume typically comes several weeks before we receive what's called the information request. The opening resume just states what the vehicles are that they're investigating, what the alleged condition is that they're investigating, and what their initial assessment indicates in terms of the field data.
Q. And I believe you told me that you never respond to a petition, that you would only respond when the petition -- when NHTSA deemed the petition was worthy of a preliminary investigation; is that correct?
MR. STOCKWELL: Object to the form.
A. No, I wouldn't agree with that. What I said was my team responds to inquiries or investigations from the agency.
BY MS. DeFILIPPO:
Q. From NHTSA, correct?
A. Yes, ma'am.

00143

Q. And you told me that you only made two responses, October 15th and November 12th of 2011 (sic) with attachments and enclosures, correct?
A. What I said was there were two submissions associated with the information request specifically, mid October and mid November and --
Q. And --
A. Go ahead.
Q. Go ahead. I'm sorry. I didn't want to interrupt you.
A. I'm finished.
Q. There were no other written communications between you and NHTSA other than those two October -- those two dates, October 15th and November 12th?

MS. JEFFREY: Object to form. That's inaccurate. I've talked about the requests for confidentiality that was made, and I said I would get you those.

MS. DeFILIPPO: Okay.

MS. JEFFREY: Those are additional communications.

BY MS. DeFILIPPO:
Q. All right. So there was a request for confidentiality that was made by Chrysler to NHTSA, correct?
A. Uh-huh, that's correct.
Q. Was there any other written document which you

00144

authored and submitted to NHTSA in connection with PE 10-031?
A. There was a submission that I made requesting an extension of the timing that we were provided to respond to the information request. I submitted that approximately a week or a week-and-a-half prior to the October 15th, the original October 15th due date.
Q. And were there any other requests that were made of Chrysler by NHTSA in connection with PE 10-031 that you're aware of?
A. Subsequent to submitting the second response, there were two things as I recall. Number one, there was a request from the Office of, I'll call them the Office of General Counsel but it's the Chief Counsel's Office at NHTSA asking us to reply and provide some specific information pertaining to our confidentiality request. So that's one.

The other was NHTSA had requested that we provide them with a copy of the presentation that we gave them in either late April or early May, which is what you're looking at hopefully on your desk there.
Q. So the first request that you referred to, was that a request that was made of you by the senior attorney at NHTSA Otto Matheke who -- in connection with a letter which NHTSA received from Paul Sheridan?

00145

A. I believe that's the letter that I'm referring to, yes, ma'am.
Q. Did you reply to NHTSA?
A. Yes, ma'am, we did.
Q. And where is that reply?
A. NHTSA is in possession of that reply.
MS. DE FILIPPO: Okay. I would just ask that you give us a copy of that reply.
MS. JEFFREY: Okay.
BY MS. DeFILIPPO:
Q. Now getting back to the document that we were referring to, the Chrysler 06, you had indicated that the data or the information on the page called Chrysler 06 of Dillon 5 indicates vehicles used in the analysis for the FARS data, correct?
A. I'm sorry, could you repeat the question?
Q. Do you have in front of you Chrysler 06 which was part of the document Dillon 5?
A. Yes, ma'am.
Q. Okay. And that document sets forth vehicles which Chrysler wanted to analyze in connection with the FARS data, Fatal Analysis Reporting System data, correct?
A. Yes, ma'am.
Q. Okay. Can you tell me who chose the vehicles that would be compared to the Jeep Grand Cherokee in the

00146

FARS data portion of your document?
A. I'm not sure that I could say that one particular individual identified each and every one of these, but what I can tell you is that essentially what this is is a list of midsize SUVs that would be considered peer vehicles to the Jeep Grand Cherokee during the 1993 through 2004 model years.
Q. Was it a person within your team, the team itself, or was it Mr. Taylor who chose the vehicles?
A. It wasn't -- in the end I'm responsible for, you know, deciding or authorizing what vehicles are included. What I can tell you is there was no vehicle that was particularly excluded that may have been offered up as an option pertaining to midsize SUVs built during that period.
Q. Who offered the vehicles up as an option; was that Paul Taylor?
A. No. I think that was, again, more of a brainstorming activity where we said, all right, what were the midsize SUVs that were built during that time period, put them on a sheet of paper, and we gave that to Paul and that's what he analyzed.
Q. Okay. So Paul Taylor had no involvement in selecting the vehicles that would be compared to the Jeep Grand Cherokee?

00147

A. I didn't say that. Paul was a part of the team, and Paul --
Q. Well, was he part -- did he participate in any way in selecting the vehicles that would be part of the analysis.
A. As, as part of the team that we selected to develop the response and perform the analyses, he would have had an input on vehicles that were in the midsize SUV category during that time period.
Q. So what was his input as a statistical person; what input did he have in selecting the vehicles that are listed on Chrysler 6?
A. As I indicated earlier, I don't recall a particular vehicle that was suggested by a particular individual. Again, it was a list where we sat down as a group, said, okay, what are the midsize SUVs built during that timeframe, let's get the list down and then let's perform the analysis of these vehicles, and again, I just want to --
Q. Did Chrysler --
MS. JEFFREY: Hold on. Let him finish. Go ahead, Dave.
A. I just want to --
BY MS. DeFILIPPO:
Q. I thought you were. I mean, you really have to keep

00148

your voice up at the end because when you speak down, for some reason I can't hear you.
A. Okay, apologize.
Q. It's okay.
A. I just wanted to reiterate, I don't recall any particular midsize SUV that was built during that timeframe that was offered up as an alternative that we said no, don't include that.
Q. Okay.
A. All of the vehicles that I was aware of were included.
Q. And that's fair, and I'm just wondering, did you need Paul Taylor's input to devise a list of all the SUVs that you thought were peer vehicles, or was that something the Chrysler team did and handed to Paul Taylor, or something else?
A. It's something that we could have done on our own, but Paul was a part of the team that we assembled, so he may have had input into the brainstorming session when we sat down and generated that list.
Q. Now would you agree with me that in the normal and ordinary course of business, Chrysler does not compare vehicles and how they perform in crash tests, correct?
MR. STOCKWELL: Object to the form.
A. I'm not sure I understand your question.
BY MS. DeFILIPPO:

00149

Q. In the ordinary course of Chrysler's business, Chrysler doesn't compare vehicles, outside vehicles, non-Chrysler vehicles to Chrysler vehicles to determine how they perform in crash tests or in crashes; you would agree with me, correct?

MR. STOCKWELL: Same objection.

A. I'm not a crash test engineer, nor am I involved in that sort of activity, so I couldn't answer that question. I don't know.

BY MS. DeFILIPPO:

Q. Do you know if Chrysler ever crash tested vehicles of other manufacturers?

A. Again, I haven't been involved in crash test engineering at least here in the U.S. or since I've began working, and so I couldn't answer that question. I'm not a crash engineer.

Q. So you don't know, right?

A. I don't know.

Q. You personally don't know, correct?

A. I personally don't know, that's correct.

Q. And Mr. Zylik, it's Edward Zylik, correct, as part of your team?

A. I believe it's pronounced Zylik.

Q. All right. Mr. Zylik, that's Edward Zylik, he's part of your team, correct?

00150

A. He was engaged as part of the team to help us collect and analyze the test results specific to the Jeep Grand Cherokee and its 301 impact performance.

Q. So I'm going to read to you from Page 69 of Mr. Zylik's deposition that he gave in the case of Kline versus Chrysler, and the question was: As part of your function in the impact development group, did you compare vehicles and how they perform in crash tests?

And his answer was: Not really, no.

Question: Did you ever -- were you ever asked to perform crash testing on vehicles of other manufacturers?

And his answer was: No.

You have -- you made him part of your team because of his knowledge that he could help you with in connection with the PE, correct?

A. As I indicated earlier, we identified Ed Zylik as a member of the team so that he could help us understand the test history of the '93 through 2004 Jeep Grand Cherokee. That's why he was part of the team.

Q. And Mr. Zylik testified under oath, as I've read to you, that Chrysler does not as part of their normal function compare crash testing of Chrysler vehicles with other manufacturers' vehicles in the ordinary

00151

course of business, correct?
MS. JEFFREY: I'm going to object to the form of that, and I'd like to see the transcript. We don't have it here. I don't know what --
MS. DeFILIPPO: Well --
MS. JEFFREY: Just let me finish my objection. I'm not sure if the question related to ZJs or other vehicles.
MS. DeFILIPPO: Wait a minute. Hold on. If you're going to object and you're going to start telling this witness what to say, you're going to have to get him to leave. I don't know why you're objecting. I read from a transcript that is sworn to, and if you have any doubt that I read it correctly or what it was about, then, you know, you can certainly do what you have to do at that point.
MS. JEFFREY: It's just that --
MS. DeFILIPPO: It's a transcript --
MS. JEFFREY: -- I don't think your summary said what he testified to. So if you want to read --
MS. DeFILIPPO: Well, I don't think that's for you to say. That's really -- this is not the kind of objection that's permissible in New Jersey. I'm questioning this witness about something that Chrysler did and he didn't know and a member of his team did.

00152

MS. JEFFREY: Can you read what the transcript says again and then ask your question?
BY MS. DeFILIPPO:
Q. As part of your function in the impact development group, did you compare vehicles and how they perform in crash tests.
Not really, no.
MS. JEFFREY: His function.
MR. STOCKWELL: You used the words "ordinary course of business" in your question.
MS. DeFILIPPO: Were you ever asked to perform crash testing on vehicles of other manufacturers?
No.
I don't think that requires anything more, and we can argue about it later, but it's not for you to argue in front of this witness.
MR. STOCKWELL: What's your question then?
BY MS. DeFILIPPO:
Q. My question is: You have no reason to dispute what Mr. Zylik said in a deposition sworn to testimony in the Kline case, correct?
MR. STOCKWELL: Object to the form.
MS. JEFFREY: Join.
A. Again, I wish I had a copy of this to read so I can

00153

sort of put it in context.
BY MS. DeFILIPPO:
Q. What context --
MR. STOCKWELL: Let him finish.
A. My understanding of what Mr. Zylik is telling you is it's based on his own personal experience. I don't know that he's speaking on behalf of Chrysler and what all of Chrysler does. But again, I don't have a copy of that, and I can't put it into perspective.
BY MS. DeFILIPPO:
Q. So are you willing to state today that you believe that in the ordinary course of business, Chrysler compares the performance in crash tests or crashes of their vehicles with vehicles of other manufacturers; is that what are's saying?
MR. STOCKWELL: Objection to the form.
MS. JEFFREY: Join.
A. I've already stated that I'm not a test engineer. I wasn't involved in the development of the Jeep Grand Cherokee, specifically the fuel system or the 301 rear impact. So it would be pure speculation on my part. I can't answer that question.
BY MS. DeFILIPPO:
Q. Okay. Mr. Dillon, in this analysis that you provided to NHTSA, it's fair to say that Chrysler was comparing

00154

the performance of the Jeep ZJ with other vehicles from other manufacturers in rear-end crash tests; is that fair to say?
A. No, that's not fair to say.
Q. Oh, so there was no comparison made in this analysis that you offered up to NHTSA --
A. That's right.
Q. -- between the Jeep Grand Cherokee and other vehicles in real-world tests?
MS. JEFFREY: Object to form.
A. You said -- no, I'm saying that Chrysler has not compared vehicles in its assessment regarding vehicle tests, no.
BY MS. DeFILIPPO:
Q. What was the comparison that was -- why did you choose other manufacturers' vehicles; what kind of comparison was Chrysler making in this presentation to NHTSA?
A. Our intention of performing this analysis was to evaluate the performance of the vehicle in the field with respect to rear impacts that resulted in a fire where fire was identified as the most harmful event.
Q. So you were comparing your vehicle, the Jeep Grand Cherokee, to other vehicles in the field as to how they performed in rear-end crashes, correct?
A. That's correct.

00155

Q. And is it your understanding that at any time you ever heard that Chrysler ever made comparisons between the Chrysler vehicles and any other manufacturers' vehicle as to how they would perform in rear-end crashes apart from responding to the NHTSA PE?

MS. JEFFREY: I object to form. That's not intelligible.

A. Yeah, I honestly -- not to sound offensive, but I didn't understand that question.

BY MS. DeFILIPPO:

Q. Is it your understanding that Chrysler has ever compared the performance of their vehicles with other vehicles vis-a-vis rear-end crash collisions in any other context other than in responding to NHTSA?

MS. JEFFREY: Object to form.

A. So let me try to clarify something. With respect to what we may have done historically, that was not the question that was asked by the agency.

MR. FUSCO: Say you don't understand the question.

A. So that's not what we -- that's not the question that we asked or information that we sought out. What we looked for very specifically was the performance of the vehicle in the field, and we analyzed our vehicle compared to the peer vehicles as identified by NHTSA,

00156

as well as some other peer vehicles in that midsize SUV category. That's what we based our analysis on.

MS. DeFILIPPO: I didn't get that. Somebody coughed. Could you read that back?

(The requested portion of the record was read by the reporter at 3:43 p.m. as follows:

"Answer: That's not the question that we asked or information that we sought out. What we looked for very specifically was the performance of the vehicle in the field, and we analyzed our vehicle compared to the peer vehicles as identified by NHTSA, as well as some other peer vehicles in that midsize SUV category. That's what we based our analysis on.")

BY MS. DeFILIPPO:

Q. And are you aware of any other time when Chrysler performed an analysis such as you just described?

A. Well, in the Jarmon case, there was an analysis completed on Jeep ZJ up to a particular time in, point in time. That's the extent of my knowledge of any analyses or studies that were done regarding the performance of the Jeep Grand Cherokee in the field.

Q. Did you request of your team, and especially the

00157

individual who you said provided you with history on the Jeep, did you request from Mr. Zylik information as to whether or not apart from a lawsuit a comparison between your vehicle and peer vehicles of other manufacturers was ever done by Chrysler?

MS. JEFFREY: Object to form.

A. I'm not sure what kind of comparison you're referring to.

BY MS. DeFILIPPO:

Q. Any kind in the field as you've described, the same comparison that you've described you've done with respect to this PE for NHTSA. Did you inquire as to Mr. Zylik when you talked to him about the history of the Jeep whether or not any other time a comparison such as this was done with the exception of a lawsuit?

MR. STOCKWELL: Object to the form.

A. Mr. Zylik is a test engineer.

BY MS. DeFILIPPO:

Q. Is what, he's what?

A. He was a test engineer at the time. His role as a test engineer was not to evaluate historical performance of any particular vehicle in the field. Certainly 10, 15, 20 years later his role today is not related to investigating the performance of the Jeep Grand Cherokee in the field. That's what my

00158

organization does. Again, specifically what we leveraged Mr. Zylik's experience for was to understand the 301 impact test history of the '93 through 2004 Jeep Grand Cherokee.

Q. Did you do any type of investigation through anyone, your division in the company or your predecessor who would do what you do within Chrysler to determine whether, whether a comparison such as you've described that you've done for NHTSA between the Jeep Cherokee and other manufacturers' vehicles had ever been done before apart from a lawsuit?

MR. STOCKWELL: Object to the form.

A. So just to be clear again, you're referring to an analysis of the vehicle's performance in the field?

BY MS. DeFILIPPO:

Q. Yes.

A. Any of those analyses would have been responsive to the NHTSA information request. We provided all of the analyses that were completed regarding field performance that were -- and the only one that was available is the Jarmon, the analysis that was done for the Jarmon case.

Q. So the answer is there was no other analysis performed other than with respect to the Jarmon lawsuit --

A. That's not correct.

00159

Q. -- of your Jeep? Well, Mr. Dillon, I'm going to read back my prior question.
Could you read back the question before this just very last one.
(The requested portion of the record was read by the reporter at 3:47 p.m. as follows:
"Question: Did you do any type of investigation through anyone, your division in the company or your predecessor who would do what you do within Chrysler to determine whether, whether a comparison such as you've described that you've done for NHTSA between the Jeep Cherokee and other manufacturers' vehicles had ever been done before apart from a lawsuit?")
MS. DeFILIPPO: That was a good question.
BY MS. DeFILIPPO:
Q. So do you understand the question?
MR. WESTENBERG: He answered it.
A. Yes, ma'am.
BY MS. DeFILIPPO:
Q. Okay. Is the answer no?
MR. STOCKWELL: Object to the form.
A. I've already answered that question. We reviewed the

00160

information that was available to us and looked for studies or analyses that were conducted prior to the receipt of the information report, and the only analysis of the field performance of the vehicle was that which I referred to which was done in support of the Jarmon case. That one and the analysis that was done on behalf of Chrysler in support of this investigation are the only two analyses that I'm aware of that were conducted regarding the field data performance of the Jeep Grand Cherokee relative to its peer vehicles.
BY MS. DeFILIPPO:
Q. So the analyses that you described were done for NHTSA and for a lawsuit only; that's fair to say, correct?
MS. JEFFREY: Object to form.
A. I've -- I've answered that question, yes, ma'am.
BY MS. DeFILIPPO:
Q. Now if you look at Chrysler 07, part of Dillon 5, that says on the bottom: Rollover if any of the following conditions are true. Crash year 1992 to 2009, rollover equals one or two, first or subsequent event rollover. Crash year 1992 to 2009, first harmful event equals rollover one -- equals one rollover and vehicle form submitted equals one. Crash year 1992 to 2009, most harmful event equals one rollover. Crash

00161

year 2004 to 2009, any sequence of event code equals one rollover.

Can you explain what that means?

A. What this does is we, in the course of providing this analysis of the FARS data, we also did an analysis of the Jeep Grand Cherokee relative to its peer vehicles in the event of rollovers. So what this does is identify what criteria were used when identifying a vehicle that met the criteria of a rollover.

Q. Okay. But I don't understand it. Do you understand what each of these categories is and how you separate them out?

A. The details of the crash database is not something that I'm an expert in. What this information does is reflect very specifically the criteria that Mr. Taylor used so that NHTSA could understand what the criteria was and so that they could repeat the study, and if they had any differences of opinion, they could communicate those.

Q. I'm sorry, if who had a difference of opinion?

A. The NHTSA. That's who would respond.

Q. Taylor and NHTSA? I'm sorry, who are we talking about?

A. What's the question?

Q. You said if they had a difference of opinion. Who are

00162

we talking about having a difference of opinion?

A. Well, this presentation was generated and presented to NHTSA. NHTSA in this case is "they".

Q. Well, who would have a difference of opinion, NHTSA, within NHTSA you mean?

A. Let me take a step back. What this is is very specifically identifying what the criteria are for identifying what a rollover event is. We do this and communicate it to NHTSA so that they can understand very clearly what those criteria are, number one, and number two, so that they can replicate our results if they wish to, and number three, allow them to identify any differences of opinion they might have so that we could resolve those differences.

Q. Okay. Now I'm specific. I'm looking at Chrysler 07, and it says here: Crash year 2004 to 2009, any sequence of event code equals one, parens, rollover.

I thought one was only the first event as indicated in crash year 1992 to 2009. I'm just trying to understand so that I can review the data myself. Can you explain that to me because I don't understand?

A. This is detailed information that's sort of in the weeds, and it's not something that I'm an expert in. That's something that we relied on Paul Taylor to do at our request so that we could provide that

00163

information to NHTSA in support of our investigation. In doing so, we provided these criteria to the NHTSA so that we could be very transparent with the agency so that they could understand the criteria that we used, they could repeat the study if they wished to, and if there were any differences of opinion, they could voice those differences.

Q. But in repeating the study, you have to understand the terminology, wouldn't you agree?

A. If you're an expert in that particular field, you'll understand this.

Q. So are you saying that Paul Taylor will understand, that he will be able to answer my question?

A. Absolutely.

Q. You're confident, okay. So when you look at Chrysler 08, you see that Chrysler 08 has a sample incident rate calculation. Is this a document that Paul Taylor gave to Chrysler?

A. The document I created but the information that's essentially contained within this document I requested from Mr. Taylor, yes.

Q. Okay. So what do you mean -- what did you create about this document?

A. I took the information that Mr. Taylor gave me and put it in this slide so that, again, we could be

00164

transparent in the methods that we used in making our calculation so that the agency can understand it and repeat it as required, and if there are any differences of opinion, they could voice those differences.

Q. Okay. So the information that you put into this chart came from Paul Taylor, correct?

A. This came from Paul Taylor, and as I understand it, it came from Polk database.

Q. I'm sorry, say that again, Polk?

A. Polk database, P-O-L-K.

Q. Okay. But essentially you took information that Paul Taylor gave you as correct; you didn't question it, correct?

A. The information that Paul Taylor gave us is, in fact, information that he could testify is correct based on his expertise.

Q. He could testify, Paul Taylor could testify, correct?

A. He could validate the data.

Q. Right. So now looking at this data, you have an understanding of the data on this page?

A. Yeah, I have a general understanding of the data, yes.

Q. Okay. So am I correct in stating that there may be vehicles that exist over in these totals that are the same vehicles that have been re-registered?

00165

A. No, I don't believe so. If you're asking me if vehicles were double counted, my understanding is no.
Q. No, I'm not.
A. Well then, maybe you can help clarify the question.
Q. I'm asking you if there are any repeat registrations of a given vehicle in this chart?
A. I don't understand your question.
Q. Well, the chart says that it's Jeep Grand Cherokee U.S. registration data by model and year of registration, correct?
A. That's correct.
Q. So in the year 1992, the 1993 Jeep, 15,000 of them were registered. So over in the total there's 15,000, correct?
A. That's correct.
Q. And in the year '93, the '93 was registered, and there were 152,590 registered, correct?
A. There were 152,590 vehicles registered and on the road that calendar year.
Q. And those are new cars, new registrations, never having been preowned in any way?
A. That's not my understanding.
Q. In 1993, 152,590 Jeep Grand Cherokees of the model 1993 were registered in the United States, correct?
A. That's correct.

00166

Q. Okay. However, in 1994, there were 201,380 1993 model years registered in '94 and 185,063 model year '94s registered. We can assume that they were all new in '94, correct?
A. In the calendar year 1994, the model year 1994 vehicles were all likely new.
Q. Excuse me, I'm sorry, what? In calendar year 1994 --
A. The 1994.
Q. -- the model year 1993, there were 201,380 that were registered, '93 vehicles?
A. Vehicles on the road, registered vehicles on the road.
Q. On the road that were model year 1993, correct?
A. That's correct.
Q. How many times during the useful life is a Jeep Grand Cherokee registered?
A. I wouldn't be able to answer that question.
Q. So how can you be certain that when you get these registration numbers, that there are no duplicate Jeep Grand Cherokees in here?
A. I think maybe you're missing the point here. We're not counting how many times a Jeep Grand Cherokee was registered in a calendar year. We're counting how many Jeep Grand Cherokees were registered to be on the road in that calendar year.
Q. So there's 27,093,848 Jeep Grand Cherokees registered

00167

to be on the road in 2010?
MS. JEFFREY: Object to form.
A. No, ma'am, that's not correct.
BY MS. DeFILIPPO:
Q. Is that what you're saying?
A. That's not correct.
Q. Excuse me. Okay. What does that number represent?
A. That represents the number of vehicle years that the Grand Cherokee has, in my terms, under its belt, how many vehicle years it's been on the road.
Q. So how many Jeep Grand Cherokees were made between 1992 and 2010 in total?
A. I wouldn't be able to answer that question. Again, I think you're misunderstanding this chart.
Q. Maybe you can explain to me, what is the point of this chart?
A. The point of this chart is to explain how the denominator -- numerator or denominator -- denominator was calculated in determining the rates of these events.
Q. I didn't hear you at all. Could you say that again?
A. The point of this slide is to, again, be transparent with the agency and explain to them how we arrived at the denominator, the value in the denominator which we used to generate the rate at which vehicles

00168

experienced these events.
Q. Okay. I understand that you're trying to arrive at a denominator, but what about the registration and vehicles on the road is significant to you from this chart?
A. This chart depicts the number of registered vehicles on the road in that calendar year. It doesn't depict how many --
Q. At any given --
MS. JEFFREY: Wait, let him finish, please.
BY MS. DeFILIPPO:
Q. Sorry. Go ahead.
A. I lost my train of thought. Go ahead.
Q. So in the calendar year, let's take 2000, there were 163,764 Jeeps on the road registered?
A. That's correct.
Q. That were model year '93?
A. That's my understanding, yes, ma'am.
Q. So when you get down to the year 2009, you're saying that there were 2,032,546 total Jeeps of every model year on the road, correct?
A. Not every model year. Model year specifically 1993 through 2004.
Q. That's what I mean. 1993, every model year represented on the chart, in 2009, there were

00169

2,032,546 Jeeps from 1993 to 2004 on the road, in other words, ZJs and WJs?

A. That's correct.

Q. Correct?

A. Yes, ma'am.

Q. And that's the way it was in 2009, but in 2010 you didn't run it. Is that -- is that fair?

A. When we submitted this response, we were not through the 2010 calendar year, so we did not include 2010.

Q. I understand. I'm just making sure that the total on the bottom has nothing to do with 2010, correct?

A. That's correct. If we --

Q. And so --

A. If we ran the numbers now, basically the denominator would grow. It would be larger.

Q. Didn't hear one word you said.

MR. STOCKWELL: Let the court reporter read it back.

MS. DeFILIPPO: Can you read that back.

(The requested portion of the record was read by the reporter at 4:04 p.m. as follows:

"Answer: If we ran the numbers now, basically the denominator would grow. It would be larger.")

00170

BY MS. DeFILIPPO:

Q. What is your understanding of a confidence interval?

COURT REPORTER: Did you say confidence or competence?

MS. JEFFREY: Confidence.

MS. DeFILIPPO: Confidence.

A. My understanding of a confidence interval, essentially it's a tolerance band that represents the reliability of the calculated rate.

BY MS. DeFILIPPO:

Q. And you generally see confidence intervals in polling situations, correct?

A. I am not familiar with polling to be honest with you, so I couldn't answer that question.

Q. Well, when you -- when you poll and you take a representative, maybe 1,000 people to determine maybe what a million would do, you basically know that you're only taking a sample of a thousand out of the entire, let's say, million population, correct?

MR. STOCKWELL: Objection.

A. Again, I'm not familiar with polling. What I can tell you is NHTSA uses confidence intervals as a matter of their normal course of business. In the past when NHTSA has, in my mind at least, accidentally not used confidence intervals, they've been criticized

00171

significantly by other government agencies. Specifically one that I recall is the National Academy of Science. So we took it upon ourselves to apply the confidence intervals knowing that the agency would have to do it anyhow.

BY MS. DeFILIPPO:

Q. And who calculated the confidence intervals; was that also on Paul Taylor?

A. Yes, ma'am, we relied on Paul Taylor and his expertise to assist us with calculating those confidence intervals.

Q. Now when you're doing confidence intervals and other agencies criticize NHTSA for confidence intervals or not using confidence intervals, is that in relation to analysis of FARS data in particular?

A. I don't know that specifically. I just know that historically NHTSA chooses to use confidence intervals when it performs evaluations of data sets. It's a standard that's used --

Q. Well, when --

MS. JEFFREY: Let him finish. Are you done?

BY MS. DeFILIPPO:

Q. I'm sorry, are you done?

A. Confidence intervals is a standard that's used by the

00172

industry, by the agency, and as you indicated perhaps even by polling organizations, but it's a standard method --

Q. Do you --

MS. JEFFREY: Wait.

MS. DeFILIPPO: See, because I can't hear the end of what you're saying, I think you're done.

MS. JEFFREY: Can you see that he's talking, though?

MS. DeFILIPPO: No, because I'm looking down. I'm not always looking up. So can you just keep your voice up because I know he can hear me?

MS. JEFFREY: Can we take a few-minute break? It's been another hour and I think fatigue may be setting in a little bit.

MS. DeFILIPPO: I just have a couple more questions in this vein.

MS. JEFFREY: That's fine.

BY MS. DeFILIPPO:

Q. Mr. Dillon, can you tell me as you sit here today that you know for sure that NHTSA uses confidence intervals in relation to their analysis from FARS data in particular?

A. I'm not certain what NHTSA does in particular as it applies to FARS data. I know very specifically that

00173

NHTSA has been criticized in the past for not using them. It's a standard tool that both the NHTSA and the agency use. We did it so that we can apply some level of confidence to our findings, and NHTSA has the ability to do the same analysis, and we're sure it will come to the same result because the standard, itself, or the method by which you develop these confidence intervals is not magic. It's just straightforward mathematics.

Q. That's not my question. My question is: Do you know whether NHTSA uses confidence intervals in analysis of FARS data?

A. We appear to have a technical problem.

MS. JEFFREY: Yeah. You're frozen again. Oh, now you're not. Okay.

A. If I understand your question, and I'll try to repeat it --

BY MS. DeFILIPPO:

Q. Please don't. Please don't.

MR. STOCKWELL: Then ask it again if he doesn't understand it.

MS. DeFILIPPO: I'm going to ask it very straightforward.

BY MS. DeFILIPPO:

Q. Do you, David Dillon, know whether or not NHTSA uses

00174

confidence intervals in analysis of FARS data?

A. I can't say that with 100% certainty, but again, my understanding is that they do.

Q. Nonresponsive to the question.

MR. STOCKWELL: He just did.

MS. DeFILIPPO: I just want to know if you know for sure.

MR. STOCKWELL: He just did.

MS. DeFILIPPO: I'm not asking for anything apart from what you know.

MS. JEFFREY: He just answered as far as he knows, they do.

MR. FUSCO: Let's go.

MR. STOCKWELL: Next question.

MS. DeFILIPPO: Apparently he doesn't know.

BY MS. DeFILIPPO:

Q. My question is: Do you know for sure whether NHTSA uses confidence intervals in analyzing FARS data?

THE WITNESS: Perhaps we could read my answer to the question previously?

MS. DeFILIPPO: No. I just want an answer to my question. You don't get to reread prior questions.

MR. FUSCO: Yes, you do when --

MS. DeFILIPPO: My question is very

00175

straightforward.
MR. STOCKWELL: Yes, you do when you ask it twice.
MS. JEFFREY: I would like for the court reporter to read the answer to that question.
MS. DeFILIPPO: I wouldn't.
MS. JEFFREY: I don't care.
MS. DeFILIPPO: I asked a new question. The question is a new question, and I'm asking for a yes or no answer. If you can't answer it -- if you can't answer it yes or no, then say I can't answer it yes or no. It calls for a yes or no answer.
MS. JEFFREY: You cannot tell him to answer yes or no.
BY MS. DeFILIPPO:
Q. Are you able to answer my question, yes or no?
MR. FUSCO: There's no need to harass the witness.
A. It seems you have an issue with, a legal issue.
BY MS. DeFILIPPO:
Q. Are you able to answer the question, yes or no?
MR. STOCKWELL: Are you able to answer it with a yes or no answer?
A. The question is again, can we repeat the question?
MS. JEFFREY: Read it back.

00176

(The requested portion of the record was read by the reporter at 4:10 p.m. as follows:
"Question: My question is: Do you know for sure whether NHTSA uses confidence intervals in analyzing FARS data?")
A. I believe I answered previously. My understanding is that they do, but I can't say for certain. I cannot confirm with certainty that they do, but again, my understanding is that yes, they do.
MS. DeFILIPPO: I didn't hear the answer. Could you read that back, please?
(The requested portion of the record was read by the reporter at 4:11 p.m. as follows:
"Answer: I believe I answered previously. My understanding is that they do, but I can't say for certain. I cannot confirm with certainty that they do, but again, my understanding is that yes, they do.")
BY MS. DeFILIPPO:
Q. What do you base your understanding --
A. I'm sorry, you broke up.
MS. JEFFREY: You're just freezing up. Can we try to reboot?

00177

BY MS. DeFILIPPO:
Q. What do you base your understanding on?
COURT REPORTER: I didn't get that. You're frozen half the time. I apologize.
BY MS. DeFILIPPO:
Q. What do you base your understanding on?
A. My understanding is based on conversations that I've had with experts in the field, in particular Paul Taylor.
Q. Paul Taylor?
A. That's one.
Q. Did you say Paul Taylor?
A. That's correct.
Q. I just didn't hear it. I'm just trying to see if that's what you said. Did you say Paul Taylor?
A. Paul Taylor for one.
Q. Okay.
A. And in my conversations with NHTSA when I presented this information, there was no objections to using this method of analyses from the agency.
Q. Does the FARS data that you presented to NHTSA include the Jarmon case?
A. I don't recall by case name or number what was and wasn't included. I believe it -- I just don't know. I wish I could answer you that right now but I'm not

00178

certain.
Q. Does the FARS data include fires where the Jeep deaths were to persons in the striking vehicle?
A. The original assessment did not include an evaluation of fatalities that may have occurred in the striking vehicle. However --
Q. When did --
MR. WESTENBERG: Finish.
A. However, in our presentation that we made to NHTSA in late April or early May of 2011, this year, we did provide an analysis of the Jeep Grand Cherokee relative to its peer vehicles using that criteria, and the Jeep Grand Cherokee compared very favorably to the peer vehicles.
BY MS. DeFILIPPO:
Q. Mr. Dillon, I'm talking about this document that we have made now -- we have indicated now has been part of the hard document that you submitted with the two -- on the two dates of October 15th and November 12th, and I'm talking about the FARS data in this document. Did the FARS data in this document include fires where deaths were to persons in the striking vehicle?
MS. JEFFREY: Okay. Angel, when you say "this document", are you referring to -- what are you referring to, the slides that he's talking about or

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the October 12th and --
MS. DeFILIPPO: I'm referring to, let's take, it starts out with FARS data --
MS. JEFFREY: Exhibit 5?
MS. DeFILIPPO: It starts out with Chrysler 05, it's got a page that says 11-12-2010 FARS data assessment.

BY MS. DeFILIPPO:

Q. In the 11-12-2010 FARS data assessment, did the FARS data include fires where Jeep deaths were to persons in the striking vehicle?
MS. JEFFREY: Can we mark that document? I'm not clear which one you're --
MS. DeFILIPPO: I'm starting with your FARS data which has -- which starts out on Chrysler 05. That is the cover page to the FARS data.
MS. JEFFREY: I don't know what she's talking about.
MS. DeFILIPPO: Chrysler 05, it's the same document that we've been talking about, and it continues on, I believe.
MR. WESTENBERG: Dillon 5.
MS. DeFILIPPO: I don't know how far the FARS data goes until you get to the state crash data. So it's 05 through 18.

00180

MS. JEFFREY: This document, of this document.

A. Could you repeat your question?

BY MS. DeFILIPPO:

Q. Did the FARS data which was submitted on November 12th, 2010 which is on Pages Chrysler 05 to Chrysler 18, did that data include fires where the Jeep deaths were to persons in the striking vehicle?

A. The data that was submitted on November 12th did not include fatalities that occurred in the striking vehicle. However, I wish to point out that in the presentation material that you're looking at marked Dillon 5, we did, in fact, perform that analysis, and the analysis -- in the analysis the Grand Cherokee compared very favorably in that rollover mode to the peer vehicles.

Q. Mr. Dillon, that wasn't my question. I'm going to ask it again so we have a question and an answer.
MS. JEFFREY: Just answer the question.

BY MS. DeFILIPPO:

Q. In the November 12th, 2010 FARS data which is from Chrysler 5 to Chrysler 18, is it your testimony that the FARS data does not include fires where the Jeep deaths were to persons in the striking vehicle?

A. And I'll say, number one, we have provided an analysis

00181

to NHTSA --
Q. Mr. Dillon --
MR. STOCKWELL: Let him finish. Before you cut him off, Angel, let him finish. Before you cut him off, let him finish.
BY MS. DeFILIPPO:
Q. It's a yes or no question, and I'm looking for a yes or no answer, and if you can't answer yes or no to that question, just tell me you can't because your attorney should really direct you that it is a yes or no question.
MS. JEFFREY: I'm not going to direct him on how to answer and neither are you.
MS. DeFILIPPO: Well, I can because I'm going to ask the question so constructed that it is a yes or no question.
BY MS. DeFILIPPO:
Q. If you can't answer it yes or no, just tell me. My question is: Does the FARS data which is on Pages Chrysler 5 through 18 of the document before you, does the FARS data include fires where Jeep deaths were to persons in the striking vehicle, yes or no?
A. In the pages of the presentation that you have identified, that data does not include fatalities that occurred in the striking vehicle.

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Q. Thank you. Now do you know a man named Owen Viergutz?
A. I don't.
MS. JEFFREY: Angel, can we take a break at some point?
MR. WESTENBERG: Yeah, now.
MS. DeFILIPPO: Sure.
MS. JEFFREY: Okay.
MS. DeFILIPPO: But I think we should only take five minutes.
MS. JEFFREY: All right.
MS. DeFILIPPO: I'd like to just finish this up. Because, otherwise, we're not going to finish today.
MS. JEFFREY: We'll see you at 4:24.
(Recess taken at 4:18 p.m.)
(Back on the record at 4:25 p.m.)
BY MS. DeFILIPPO:
Q. Mr. Dillon, you said you never heard of the name Owen Viergutz?
A. No, ma'am.
Q. Okay. And can you tell me what you believe to be the ZJ's competition upon its introduction to the public?
MR. STOCKWELL: Objection.
MS. JEFFREY: Foundation.
BY MS. DeFILIPPO:

00183

Q. What other vehicles?
MR. STOCKWELL: Objection.
A. I couldn't tell you. I wasn't involved in the development of that program. That's typically defined by marketing or, you know, the head of the engineering organization at the time, so I don't know.
BY MS. DeFILIPPO:
Q. So if I tell you that Mr. Viergutz who was head of the program of developing the or engineering the Jeep ZJ swore that the number one was the Ford Explorer, would you have any reason to doubt him?
A. I would defer to him.
Q. So now in looking at the FARS data which is on Page Chrysler 12, I'm looking at data which says it is assessment of all rear impacts with fatalities where fire is not necessarily the most harmful event and there are bar graphs, correct?
A. Chrysler 12, is that correct?
Q. That's correct. Do you have that in front of you?
A. Yes, ma'am.
Q. And I want you to look at the Grand Cherokee crashes per million years of use. So you have -- the Grand Cherokee has a pretty low level of crashes in general in comparison with all the other vehicles you have there, correct? If you take the total number of

00184

crashes per million years of use, the bar is low in comparison; am I correct? It's the second to the lowest bar?
A. I wouldn't say that with any confidence level but just numerically looking at it, it's the second lowest, second shortest bar on the graph.
Q. So even though the Grand Cherokee had the second lowest amount of crashes per million years of use, it had the absolute highest crashes, rear impacts with fatalities with fire?
A. That's correct.
Q. And if you look at the other bar graph which is next to it and it's crashes per million years of use for the '99 to 2004 WJ, the Grand Cherokee is still the second lowest bar in crashes per million years of use, correct?
A. That's correct.
Q. And it has the highest number of fires in rear impacts with fatalities where fire was not necessarily the most harmful event, correct?
A. That's correct.
Q. And if you go to the next page, which is Chrysler 13, you see that if you look at the Grand Cherokee, it's still the second lowest amount of crashes per million years of use in all rear impacts with fatalities where

00185

fire is not necessarily the most harmful event from '93 to 2004, correct?

A. That's correct. It's a summation of the numbers that were represented in the prior two graphs.

Q. This graph is a summation of what we just went over, but it's combining the years of the ZJ and the WJ, correct?

A. That's correct.

Q. And you see the Grand Cherokee had 25 rear fires with fatalities, even though it had the second lowest number of crashes per million years of use, and when you compare it to the Ford Explorer who only had 10 rear fires in however many million years of use and it was the third highest number of crashes, you see that the Grand Cherokee is at least two times, more than two times, has more than two times rear-end crashes with rear fires --

MR. STOCKWELL: Objection to form.

BY MS. DeFILIPPO:

Q. -- than the Explorer; is that fair?

A. Can you repeat the question for me? It was a long question, just the actual question.

Q. Well, compare if you would the Ford Explorer to the Grand Cherokee. The Grand Cherokee having less crashes than the Ford Explorer with less crashes has

00186

two times more rear fires than, in rear-end collisions with fatalities than the Explorer, correct?

A. Well, I don't know that it had less crashes. It had a lower crash rate, but it may not have necessarily had less crashes.

Q. What's the difference?

A. Number of crashes versus crashes per million vehicle years.

Q. Okay, per million years of use. So it had the lowest -- it had the second lowest crashes per million years of vehicle use, correct?

A. Yes, ma'am.

Q. Okay. And the Explorer had the highest, third highest crashes per million years of use, correct?

A. That's correct.

Q. And yet the Grand Cherokee had 25 counts of rear fires to the Explorer's 10?

A. That's what the chart reflects, yes.

Q. All right. And do you have the data for what the black bar represents?

A. We have the data available, yes.

Q. Okay, and I'd like you to supply that data if you would.

MS. JEFFREY: I'll take that under advisement.

00187

BY MS. DeFILIPPO:
Q. Does Chrysler have the data or is that also Paul Taylor's data?
A. It was data that was generated on behalf of Chrysler by Paul Taylor.
Q. And did Paul Taylor give you the data along with the analysis?
A. Yes, ma'am.
MS. DeFILIPPO: And I would like that data, and obviously we can talk about it later.
BY MS. DeFILIPPO:
Q. Can you tell me, when you look at this chart, does the Trooper have a gas tank, the model year Trooper '93 to 2004, does that have a gas tank behind the axle?
A. I don't know.
Q. The Pathfinder, does that have a gas tank behind the axle?
A. I don't know.
Q. '93 to 2004, I'm sorry?
A. With the exception of -- with the exception of the Grand Cherokee, I don't have at my disposal an analysis of where the gas tank was located relative to the axle on any of these vehicles.
Q. So do you offhand know if the Explorer from the years '93 to 2004 had a gas tank located behind the axle,

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rear axle?
A. I don't recall. I know that some of these vehicles during a portion of that '93 through 2004 model year had fuel tanks located aft of the axle. I do know that. They came out during the course of the investigation. I asked that question, and the answer, you know, just to make sure that Chrysler wasn't necessarily an outlier with respect to the design, and the answer was no, other vehicles during that period had a rear-mounted fuel tank, but as to --
Q. But you don't know which of these vehicles, and if you did, you don't know which years they had their gas tanks behind the axle as you sit here today, correct?
A. The data is available, but I don't -- the data is available. When I say that, it's -- you know, we could go and inspect all of the vehicles, but offhand right now I couldn't tell you.
Q. Does Paul Taylor have the data for that?
A. I don't believe he would. That's not something that we would have asked him to do.
Q. Do you know where the gas tank is located on the Jeep Grand Cherokee WK that was a 2005 vehicle going forward?
A. That wasn't the subject of the investigation, so I didn't look into that. I'm not certain.

00189

Q. So now if you look at Chrysler 14 and you look at the model years 1993 to 1998, all fatal rear impacts identifying crashes with fire as the most harmful event, and if you look at the Grand Cherokee, it's still the second to lowest bar on the crashes per million years of use, and the Explorer is still third to the highest, and the Grand Cherokee had nine counts of rear fire to the Explorer's one with more crashes per million years of use; is that fair?
A. I think I understand your question, but would you mind repeating it?
Q. If you look at the Grand Cherokee, you got less crashes for the Grand Cherokee per million years of use and more counts of rear fires than any other vehicle on that graph, correct?
A. That's what's reflected in this graph, yes.
Q. And nine to one without adjustment for the common denominator which would be crashes per million years of use, correct?
MS. JEFFREY: Object to form.
BY MS. DeFILIPPO:
Q. Nine to one on the Explorer without even adjusting for the fact that there were less overall crashes per million years of use in the Grand Cherokee?
MS. JEFFREY: Object to form. What's the

00190

question?
A. Yeah, I don't quite -- I think you maybe are asking it -- I don't understand the question.
BY MS. DeFILIPPO:
Q. Okay. Let me ask it a different way. If the Explorer and the Grand Cherokee had the same amount of crashes per million years of use, it wouldn't be nine to one anymore; the number would be significantly different, wouldn't you say?
MS. JEFFREY: Object to form.
A. I think perhaps you don't understand the chart. I can help explain it if you have particular questions, but I don't agree with what you just said, no.
BY MS. DeFILIPPO:
Q. Okay. Did you compile this chart, Chrysler 14, the first one for model years '93 to '98?
A. Again, the FARS analysis was done at the request of Chrysler, the investigative team specifically, by Paul Taylor.
Q. So it was done by Paul Taylor on Paul Taylor's data, correct?
A. No. It was done based upon NHTSA's data. NHTSA --
Q. Okay.
A. NHTSA is responsible for and owns the FARS database. What Paul did on our --

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Q. But Paul --
MS. JEFFREY: Wait. Go ahead.
A. What Paul did on Chrysler's behalf was an analysis of NHTSA's FARS data.
BY MS. DeFILIPPO:
Q. But Paul actually went to the NHTSA database and gleaned and procured and obtained that data, correct?
A. Yes, ma'am.
Q. Chrysler didn't give Paul Taylor the data from the NHTSA data bank; Paul did it himself, correct?
A. We hired Paul to do that, that's correct.
Q. I understand that but nobody at Chrysler actually collected the data from NHTSA and handed it to Paul and said, Now do this bar graph; it was Paul who went and got the data and then did the bar graph at the request of Chrysler, correct?
A. As I stated before, that's correct.
Q. Okay. Maybe you can explain to me how, how you would compare the model years 1993 to '98 Grand Cherokee and versus the Explorer based on the bar graph as you see it on Chrysler 14?
A. So the way to compare the performance of the Jeep Grand Cherokee relative to its peer vehicles, not just the Ford Explorer, but relative to the peer vehicles is reflected on Slide 15. I believe it's Bates or

00192

Bates page marked Chrysler 15.
Q. No, Mr. Dillon, I didn't ask that question. I asked you to look at the bar graph on Chrysler 14 and tell me, if you can, if you can't, tell me that, too, if you can compare the performance of the Grand Cherokee versus just the Explorer for purposes of my question in the model years 1993 to '98?
MS. JEFFREY: Object to form.
A. You have to be specific about the criteria that you want me to use to compare the vehicles.
BY MS. DeFILIPPO:
Q. Well, what criteria can you use based on this bar graph on Chrysler 14?
A. Well, there is a value represented by the dark-colored bar. Those are conditions per million vehicle years, fatalities where -- let me make sure I get this correct.
Okay. So that's all other fatal rear impact events regardless of whether or not there was a fatality, that's the dark bar.
Q. No, regardless of whether there's a fire?
A. A fire or not, that's correct, that's what's stated on the chart.
Q. Right.
A. Okay?

00193

Q. Okay.
A. The other comparison that you could make would be to compare the light-colored portions of the bar. Those represent the conditions per million vehicle years of specifically rear impacts where there was a fatality where fire was identified as the most harmful event. Finally, you could simply compare the absolute numbers. Those are the three means by which I'm aware of you could compare the Grand Cherokee with the peer vehicles using this data.
Q. Okay. Now has Chrysler ever conducted any consumer research wherein the consumers were unanimous in their desire to see the auto manufacturers exceed government safety regulations?
MS. JEFFREY: Object to foundation.
MR. STOCKWELL: Join.
A. I'm not -- to me that sounds like marketing work, and I don't nor have I ever worked in that department, so I couldn't speak to that. I don't know.
BY MS. DeFILIPPO:
Q. Did you submit any document or are you aware of any document that indicates that the Kline, the Susan Kline ZJ, Grand Cherokee ZJ represented a configuration that complied with 301?
MS. JEFFREY: Object to form.

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A. Can you repeat the question again?
MS. DeFILIPPO: Yes, she can read it back.
(The requested portion of the record was read by the reporter at 4:43 p.m. as follows:
"Question: Did you submit any document or are you aware of any document that indicates that the Kline, the Susan Kline ZJ, Grand Cherokee ZJ represented a configuration that complied with 301?")
A. Our test data demonstrates that the, the ZJ complied at all times, so my answer to that would be yes. However, I believe you're asking a very, very specific question, and so I don't want to misrepresent myself. The answer is I'm not certain that that exact combination of build was ever reflected in our certification testing. I could look and we could determine that, but I don't want to say with certainty that that's the case.
BY MS. DeFILIPPO:
Q. Did you ever submit to NHTSA in connection with the PE involving the Jeep Grand Cherokee the Baker memo which is dated 1978 --
MR. STOCKWELL: Objection, foundation.
BY MS. DeFILIPPO:

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Q. -- from the Baker/Sinclair memo regarding fuel system design, Chrysler passenger cars and trucks?
A. I don't believe that we submitted a document pertaining to Baker you said?
Q. Yeah, L.L. Baker, Manager Automotive Safety, and R.M. Sinclair, Director of International Product Development?
A. No, we didn't submit any documents with those names on them that I recall.
Q. And can I ask you if you are aware of any documents related to an investigation of fuel tank relocation ahead of the rear wheels for vans and multi-purpose vehicles?
MS. JEFFREY: And you're reading from a 1978 document; is that correct?
MS. DeFILIPPO: Yes.
MS. JEFFREY: So you're asking if he was aware of an investigation in 1978?
MS. DeFILIPPO: No.
BY MS. DeFILIPPO:
Q. If there was any investigation from 1978 going forward of fuel tank relocation at Chrysler ahead of the rear wheels for vans and multi-purpose vehicles at any time from 1978 to the present?
A. That doesn't really fall within the scope of my

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responsibility, nor would it have been responsive to NHTSA's investigation, so no, I didn't seek out any information like that, nor am I aware of any in particular.
Q. Did you put in your documents that you submitted to NHTSA under your cover letter a statement about the ZJ being based on 70, 7-0 years of design?
MS. JEFFREY: Can he look at the document? Which one are you referring to?
MS. DeFILIPPO: He can look at it.
MS. JEFFREY: Which one?
A. It's not 70. It's 77.
BY MS. DeFILIPPO:
Q. Are you looking through the documents?
A. No, I'm not looking through the documents. If you can refer to me --
Q. Do you recall making the statement -- do you recall making the statement that the Jeep Grand Cherokee, to NHTSA, was based on 70, 7-0 years of design?
MS. JEFFREY: 77-0, what does that mean?
MS. DeFILIPPO: 7-0, 70 years of design.
BY MS. DeFILIPPO:
Q. Do you recall that statement in any of the documents that you submitted to NHTSA?
A. Yeah, I may have. The Jeep or the Jeep Grand Cherokee

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has many decades of history associated with it, but I'd have to take a look at the document. If you can point out where we said that, then I can answer a question.

Q. All right, I'll get back to that.

Are you aware of any rear-end hit fire deaths involving the Jeep Grand Cherokee after 2005?

A. I'm not aware of any, but that's not something that we evaluated during the course of this investigation.

Q. Do you know whether or not the FMEA was, an FMEA was ever done for the fuel system on the ZJ?

A. I wasn't involved in the development of that program nor the components of the system but -- so I'm not certain. I couldn't answer that.

Q. Did Mr. Zylik or Teets ever discuss with you whether or not an FMEA was ever done for the fuel system on the ZJ?

A. I believe it's likely that there was an FMEA done at the component level on the fuel system components, but that's not something I have at my disposal.

Q. Do you believe that the FARS data included the fire death of Jose Sierra?

MR. STOCKWELL: Objection.

A. I'm not familiar with the name specifically, so I could, given the appropriate amount of time, look and

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determine that, but I can't put a -- I can't -- I don't recognize that name.

BY MS. DeFILIPPO:

Q. Are you familiar with the Rodney Wood case that happened in Texas, there was a death by fire in a rear-end hit?

MR. STOCKWELL: Objection.

A. I believe that we have a summary of that event that we include in our submission to NHTSA.

BY MS. DeFILIPPO:

Q. Was the Rodney Wood case included in the FARS data?

A. Again, I don't know which precise cases were included in the FARS data and which ones were not. I can tell you that we submitted 25 individual cases where there was a rear impact that resulted in a fire, and our FARS assessment actually identified 25 rear impact cases where there was a fire. So my belief is that it's likely that if all of these cases you're referring to are included in our submission, that I would have to verify, but if that's the case, then the answer would be yes.

Q. And who would have the data for you to verify that; would that be Paul Taylor, also?

A. I would have the data. I would probably work with Paul to make sure that I identified the absolute

00199

correct case and correlate it with the lawsuit that you're referring to.

Q. Okay. And I would then ask that you tell me if the FARS data that you used in your analysis contained the Jose Sierra Jeep death by fire, the Bennett Hartsel Jeep death by fire --

MS. JEFFREY: Which was a rollover by the way.

MS. DeFILIPPO: That's right.

BY MS. DeFILIPPO:

Q. -- and the Rodney Wood death by fire because I think we've already established that Jarmon was not included?

A. I don't recall establishing that.

MS. JEFFREY: And I object to form. Do you have a question, Angel?

MR. WESTENBERG: What's the question of the witness?

MS. JEFFREY: What's your question?

BY MS. DeFILIPPO:

Q. My question is: Were those four cases included in the FARS data which was used and submitted to NHTSA?

MS. JEFFREY: Do you know?

A. Again, I would have to look at each individual case --

MR. WESTENBERG: As you sit here today.

00200

A. -- and cross-reference it and make sure that it is, in fact, included but again, there were 25 FARS cases identified, and we submitted 25 known incidents to NHTSA. So if I were put in a position to answer the question right now, I simply couldn't because I don't know the cases by name, okay?

BY MS. DeFILIPPO:

Q. Okay.

A. But given a sufficient amount of time, I could certainly do that for you.

Q. Okay, thank you. Would you agree with me that the Jeep Grand Cherokee 1993 to 2004 is ten times more likely to have a rear fire in rear impact than the Ford Explorer?

MR. STOCKWELL: Objection to form.

A. No, I would not agree with that.

BY MS. DeFILIPPO:

Q. When you -- when you did your comparison with these vehicles and you included the Chevy Blazer, does the Chevy Blazer have a two-door model?

A. I would have to check. I'm not certain that it had a two-door model or not.

Q. Well, the data Page 06 or the criteria Page 06 that we looked at says that the Chevy S-10 Blazer included the Chevy S -10 and the T-10 Blazer. Do you know whether

00201

any of the Blazers that were used for comparison in your FARS data was a two-door Blazer?

A. As I stated earlier, I'm not certain of that but I could certainly look into it and let you know.

Q. Did you discuss with either Mr. Teets or Zylik what, if anything, Chrysler does after submitting the compliance reports to NHTSA, and by that I mean are there any routine post-compliance report audits done by Chrysler?

MS. JEFFREY: Object to form.

A. I am not certain whether or not we performed post-compliance crash tests verification activity. I'm not certain. But what I can say is that, in fact, NHTSA does do that. They have a COP program, a Conformance Production Program, whereby every year they identify, you know, a fairly large number of target vehicles, and as part of their program of ensuring that the manufacturers are, in fact, compliant, they test those vehicles relative to the, to the Federal Vehicle Safety Standards, and if at any point the vehicles are identified as noncompliant, then obviously manufacturers would have to remedy that, and the fact is that --

BY MS. DeFILIPPO:

Q. So are you saying that --

00202

MS. JEFFREY: Angel, he did not finish. Go ahead.

MS. DeFILIPPO: Oh, I'm sorry. I thought he did.

BY MS. DeFILIPPO:

Q. Go ahead. I'm sorry.

A. I lost my train of thought.

MS. DeFILIPPO: Want to read back the answer and you can continue. Go ahead. I'm sorry. I don't hear the end.

MS. JEFFREY: He can't remember. Just go on.

THE WITNESS: No apology necessary. I lost my train of thought. We can move forward.

MS. DeFILIPPO: Well, read back the last answer because now I lost you.

(The requested portion of the record was read by the reporter at 4:57 p.m. as follows:

"Answer: I am not certain whether or not we performed post-compliance crash tests verification activity. I'm not certain. But what I can say is that, in fact, NHTSA does do that. They have a COP program, a Conformance Production Program, whereby

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every year they identify, you know, a fairly large number of target vehicles, and as part of their program of ensuring that the manufacturers are, in fact, compliant, they test those vehicles relative to the, to the Federal Vehicle Safety Standards, and if at any point the vehicles are identified as noncompliant, then obviously manufacturers would have to remedy that, and the fact is that --")

THE WITNESS: Uh-oh, she's frozen.

MS. DeFILIPPO: You're frozen, Angel.

(Recess taken at 4:57 p.m.)

(Back on the record at 5:01 p.m.)

MS. DeFILIPPO: I think we were going to read back your last answer, correct?

MS. JEFFREY: You weren't getting it when she read it I assume.

(The requested portion of the record was read by the reporter at 5:02 p.m. as follows:

"Answer: I am not certain whether or not we performed post-compliance crash tests verification activity. I'm not certain. But what I can say is that, in fact, NHTSA

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does do that. They have a COP program, a Conformance Production Program, whereby every year they identify, you know, a fairly large number of target vehicles, and as part of their program of ensuring that the manufacturers are, in fact, compliant, they test those vehicles relative to the, to the Federal Vehicle Safety Standards, and if at any point the vehicles are identified as noncompliant, then obviously manufacturers would have to remedy that, and the fact is that --")

A. I think where I was going with that is, you know, the ZJ that you're referring to was, in fact, at all times compliant with the 301 standard. Our testing records show that and the field data demonstrates that, you know. With nearly 20 years in the field and over 300 billion miles accumulated, the vehicle is performing well in the field, and the occupants or the operator is at no greater risk of experiencing these events than the peer vehicles.

BY MS. DeFILIPPO:

Q. So can you tell me specifically what NHTSA audits took place on the 1993 to 1997 ZJ or '6 let's say?

A. I didn't look into that, no.

00205

Q. And would Chrysler have a record of that?
A. I don't believe Chrysler would have a record of that.
Q. But NHTSA would?
A. NHTSA would if they did that, yeah.
Q. Does Chrysler test their cars every year on assembly?
MR. STOCKWELL: Object to the form.
A. Test vehicles for what?
BY MS. DeFILIPPO:
Q. For compliance with federal regulations?
MR. STOCKWELL: Object to the form.
A. Is there a particular regulation that you're referring to?
BY MS. DeFILIPPO:
Q. Let's take 301.
A. Once the vehicle is complied, right, we test the vehicle to ensure that it meets the 301 standards, unless there is a change that takes place from one model year to the next that would have resulted in potentially a change in performance in the 301 test, then no, we wouldn't do that from one year to the next.
Q. Okay. And so am I correct in stating that there is no random testing that's done for compliance --
MS. JEFFREY: Object to form.
MR. STOCKWELL: Object to the form.

00206

BY MS. DeFILIPPO:
Q. -- inside Chrysler, inside Chrysler that is?
A. Random testing, I'm not sure what you mean by that.
Q. Just randomly pull out a vehicle and test it --
MS. JEFFREY: Object to form.
MR. STOCKWELL: Object to the form.
BY MS. DeFILIPPO:
Q. -- without a regular set testing schedule or reason, just a random test?
A. Well, I can represent to you that often prior model year vehicles are used for development testing for the subsequent model year.
Q. Now when you said 300 billion miles, what did you mean by that?
A. I mean the 3 million vehicles that were built in the 1993 through 2004 model year, the Jeep Grand Cherokees have accumulated over 300 billion miles subsequent to their being introduced into the market.
Q. And how did you arrive at that number 300 billion miles; again, was that a Paul Taylor number?
A. No, I don't believe Paul Taylor necessarily developed that. It would be based on the number of vehicles that were on the road each calendar year and the average number of miles that that particular category of vehicle travels per year.

00207

Q. And the data that you got for the number of vehicles on the road on any given year, was that supplied to you by Paul Taylor?
A. No. That type of information would be available through Ward's Automotive.
Q. I'm sorry, say it again, who?
A. That type of information, average vehicle miles traveled per year is publicly available through many sources, one of which is Ward's Automotive.
Q. And is that where you obtained that information that you testified to today?
A. That would be one source of the information. I don't recall exactly where we procured the average vehicle miles traveled per year for a midsize SUV, but Ward's is a source that you could rely on.
Q. Now I asked you earlier if you knew Clarence Ditlow and you said that you met him in person I believe?
MS. JEFFREY: Object to form.
A. I don't believe you asked me if I met him, so I'll say that I have not met him, and I've not spoken with him, either.
BY MS. DeFILIPPO:
Q. You have not met him in person but have you spoken to him on the phone?
A. I have not.

00208

Q. Did you interface with him in any other way, electronically, emails or mail or any other way?
A. As we discussed earlier in response to a letter that was submitted to Chrysler from Mr. Ditlow to Mr. Marchionne, we have a process by which that information is filtered through our call center, and based on the subject matter, I was made aware of that letter, and I subsequently wrote a response to Mr. Ditlow.
Q. So the response that came from Chrysler was your letter to Mr. Ditlow.
A. It's my signature on that letter, yes, ma'am.
MS. DeFILIPPO: That's the letter that we don't have that we're supposed to be supplied with, correct?
MS. JEFFREY: You never gave me the fax number. Do you want me to fax it to you?
MS. DeFILIPPO: Yeah. We never got the fax number. Can you give her the fax number?
BY MS. DeFILIPPO:
Q. Did Chrysler conduct any rear structural crash -- crush measurements resulting from a crash?
MR. STOCKWELL: Object to the form.
MS. JEFFREY: Join.
BY MS. DeFILIPPO:

00209

Q. To your knowledge?
A. That's not something that I would have looked for during the course of our investigation, so -- but during the course of the investigation, I did not become aware of that, but it doesn't necessarily mean that Chrysler did not. So the answer is I don't know.
Q. As a result of any 301 testing that Chrysler did, was any crush data compiled by Chrysler for the ZJ?
A. I'm not a crash test engineer, but during the course of the investigation, it seems I would have been aware of that as it is basically an analysis of a test, and based on that information, I would suggest that we likely did not, but I'm not aware of any.
Q. Now I know I requested earlier the drawings, and I believe that those drawings are also the subject of the document that you said that you read that was submitted to NHTSA by Paul Sheridan, correct?
MS. JEFFREY: Just object to form. You're using the word "drawings", and graphics are what he testified about.
MS. DeFILIPPO: I'm sorry, say that again? I didn't hear you.
MS. JEFFREY: You're using the word "drawings" and it's graphics that the -- that we sought protection for.

00210

MS. DeFILIPPO: I know. Let me just find the letter. There was 12 drawings that were indicated to be confidential, and I believe that's what I requested.
MS. JEFFREY: You're right, skid plate drawings, you're right about that.
MS. DeFILIPPO: Okay. So that's the -- it's the documents that were referred to by Paul Sheridan. That's the ones I'm thinking of or asking for.
MS. JEFFREY: What's the question, Angel?
MS. DeFILIPPO: Just making sure that, is that going to be something you're going to fax to me or are you going to get them at a later time?
MS. JEFFREY: Well, no, what I was going to fax you was this letter I have available right now. I don't have the graphics that are part of the docket submission. But they were submitted under confidentiality, and like I said, I will provide those to you this week.
MS. DeFILIPPO: I just want to make sure we're on the same page as to what I asked for. I want the 12 drawings that were referred to by the Paul Sheridan letter which we marked.
Did you fax it to her?

00211

Because I don't see the document here right now, but I know we faxed it to you. Did you get a fax?

MS. JEFFREY: Angel, would you put your request in writing so that the record can be clear?

MS. DeFILIPPO: Okay. Your letter.

(Off the record at 5:13 p.m.)

(Back on the record at 5:13 p.m.)

MS. JEFFREY: Angel, you did not -- the letter you faxed over was the one to -- the one to Sergio Marchionne by Ditlow. I have not seen anything from Sheridan.

(Off the record at 5:13 p.m.)

(Back on the record at 5:14 p.m.)

MS. DeFILIPPO: Let's take a quick break because obviously it disappeared, and it can't have gone anywhere.

MS. JEFFREY: Okay. We don't have that letter on this end. Just keep that in mind.

MS. DeFILIPPO: Well, I definitely had it on this end, and I don't know where it could have gone, so let me take a quick break and look through all these documents. Let's just take a five-minute break. It should be here.

(Recess taken at 5:14 p.m.)

00212

(Back on the record at 5:25 p.m.)

BY MS. DeFILIPPO:

Q. We faxed to you the October -- it's stamped October 14th, 2011 document to Mr. Dillon from Otto G. Matheke, III, Senior Attorney at NHTSA, and the reference -- and I think we talked about it before, and I said did you mean that you were -- that you were aware of a document that references some request of Paul Sheridan. Do you recall that, Mr. Dillon?

A. I recall the question, yes.

Q. Okay. Do you have that document in front of you now that we faxed over?

A. I do not.

MS. JEFFREY: The document you faxed over -- the only document we have that you faxed over is the September 1st, 2011 letter to Sergio Marchionne from Ditlow.

MS. DeFILIPPO: We just faxed this one just now.

MR. WESTENBERG: How many pages?

MS. JEFFREY: How many pages?

MS. DeFILIPPO: Two.

MS. JEFFREY: Okay. It's coming, yeah, okay. Next question? Can we jump around maybe?

MS. DeFILIPPO: The question -- I just want

00213

to make sure that the drawings that we're referring to that we're requesting are the drawings that were the subject matter of that letter. They're 12 drawings.

MS. JEFFREY: Yes, yeah, we understand that and they are among what we will be producing.

MS. DeFILIPPO: Okay, thank you.

BY MS. DeFILIPPO:

Q. Now, I know, Mr. Dillon, I had referenced before the 70-year history that you made reference to in your attachments to NHTSA, and I'm referencing your November 12th, 2010 submission on Page 8 of 22. I know you had asked me to reference it.

My question to you previous in this deposition was whether or not you made reference to a 70-year history of designing automobiles with a fuel tank aft of the rear axle, and you indicated you may have but you wanted me to direct you to where. Do you see where you indicated that?

A. Yes, ma'am.

Q. Okay. Just for the record, the statement actually starts with: The fuel system design strategies that were used in the 1993 to 2004 Jeep Grand Cherokee vehicles were not developed in a vacuum. Rather, they were the result of more than a 70-year history of designing automobiles with fuel tank aft of the rear

00214

axle.

Is that your statement on Page 8 of the document of 22 pages?

A. Yes, ma'am.

Q. And you do not have any personal information about this; you had to obtain that information from somebody else either within your team or within Chrysler, correct?

A. Yeah, that would be correct.

Q. And so in answering the questions as posed by NHTSA in response to the PE, you went back to a history of more than 70 years where the fuel tanks were designed aft, behind the rear axle, correct?

A. What I was referring to is the organization that has had multiple names, but the organization that now was referred to as the Chrysler Group, LLC, has had a long history of developing vehicles in general. Among those vehicles developed over the last 70 years, there have been a number of them that have been packaged with a fuel tank behind the rear axle.

Q. Okay. And was this a design that the engineers developed, or did this come from packaging within the corporation?

MS. JEFFREY: Object to form.

A. I wasn't involved at the time with the development of

00215

these, certainly the '93 through 2004 programs, and clearly programs before that I certainly wasn't involved in. So I'm not the person to ask that question. I don't know.

BY MS. DeFILIPPO:

Q. Okay. And so any of this information that you have with respect to the Jeep Grand Cherokee 1993 through 1996 is not based on firsthand information; you had to get it from somewhere else, correct, your personal firsthand information?

A. Well, I'm not sure what you mean by that. My role as the head of this department is to oversee a team that's responsible for collecting the information that's responsive to the investigation. So the information that I have available to me is information that, in fact, is gathered from individuals within the organization and in some cases outside the organization as required, but I would still consider that firsthand information. I'm overseeing the team that's responsible for collecting that information.

Q. What did you do to verify that Chrysler had a 70-year history of designing automobiles with the fuel tank aft of the rear axle?

A. We spoke with our engineering community to make sure that the Grand Cherokee wasn't, in fact, the only

00216

vehicle that had ever had a rear-mounted fuel tank.

Q. So who did you speak to, I'm sorry, I didn't get who you spoke to?

A. I don't recall by name but certainly Mike Teets and Ed Zylik were the primary folks on the team relative to that subject matter.

Q. And they told you about the history of the fuel tank location on the Jeeps in particular?

A. We primarily in the course of the investigation focused on the '93 through 2004 Jeep Grand Cherokees, that's correct.

Q. And when you investigated the 70-year history of Chrysler designing automobiles with the fuel tank aft of the rear axle, did you come up with the Baker/Sinclair memo?

A. First of all --

MR. STOCKWELL: Object to the form.

MS. JEFFREY: Object to form.

A. I didn't say I investigated the 70-year history. What I stated was in over 70 years, we have had a history or experience with mounting fuel tanks aft of the axle. So we didn't develop these designs -- we, Chrysler, didn't develop these designs in a vacuum. We did it based on years of experience.

BY MS. DeFILIPPO:

00217

Q. Okay. And when you did your investigation to be able to make that statement, did you discover the Baker/Sinclair memo in 1978?

MR. STOCKWELL: Object to the form.

A. No, ma'am.

BY MS. DeFILIPPO:

Q. Okay. And did your investigation also include when you went back to the 70-year history the Dodge Durango?

MR. STOCKWELL: Objection to the form and your continued use of the word "investigation".

MS. JEFFREY: And foundation as well.

MS. DeFILIPPO: I believe that the witness used the word "investigation".

A. Can you repeat the question?

BY MS. DeFILIPPO:

Q. When you -- when you were obtaining information to support your statement that the design of the Jeep was based on a 70-year history of designing automobiles with the fuel tank aft of the rear axle, did you look at the design of the Dodge Durango as one of those automobiles designed by Chrysler?

MS. JEFFREY: Object to form.

A. The Dodge Durango is sort of outside the scope of the investigation that we were asked, you know, to

00218

perform. What I was indicating is that Chrysler over the last 70 years has had experience in mounting fuel tanks aft of the axle. In fact, NHTSA, itself, has gone on public record as identifying fuel tanks designed aft of the rear axle as being a reasonable placement. In fact, they've indicated that it's the design of the components and the system and the structure that's much more important as compared to the actual location of the tank.

BY MS. DeFILIPPO:

Q. And so they were referring to protection, and if you're going to design a vehicle with a fuel tank aft of the rear axle, then there are many other things to take into consideration by way of protection and safety and crashworthiness, correct?

MR. STOCKWELL: Object to the form.

BY MS. DeFILIPPO:

Q. Is that what NHTSA was referring to?

MR. STOCKWELL: How would he know that? Object to the form.

A. I wouldn't know specifically what NHTSA is referring to. What they're --

BY MS. DeFILIPPO:

Q. Well, didn't you -- I'm sorry, are you still answering?

00219

MS. JEFFREY: Yes.
A. Well, their statement was general to the location of fuel tanks aft of the axle. NHTSA has went on the record as stating that it's a reasonable position, a reasonable design alternative and that what's most important rather than the actual location of the tank is the design of the components and the structure that supports and protects the fuel tank.
BY MS. DeFILIPPO:
Q. Right. So NHTSA did not confine manufacturers to a location when it came to where the fuel tank would be, correct; you would agree with that?
A. Yes, ma'am.
Q. However, they did speak to protection and the importance of being aware that wherever the tank is mounted and designed, that it be safe and that the vehicle be crashworthy, correct?
MS. JEFFREY: Object to form.
A. That's not what they said.
BY MS. DeFILIPPO:
Q. Do you think that NHTSA requires that the vehicle be crashworthy?
MR. STOCKWELL: Object to the form.
A. NHTSA has a definition of crashworthy, and my understanding of that definition is the protection

00220

that the vehicle provides to prevent an unreasonable risk of injury or fatality in the event of a crash.
BY MS. DeFILIPPO:
Q. Okay. Now getting back to Mr. Ditlow, you -- I think you said that you did not meet him but you are aware who he is, correct?
A. That's correct.
Q. And with respect to the PE 10-031, you disagree with Mr. Ditlow, correct --
MS. JEFFREY: Object to form.
BY MS. DeFILIPPO:
Q. -- you and Chrysler?
MR. STOCKWELL: In what respect?
A. I'm not sure what you're asking me to disagree with.
BY MS. DeFILIPPO:
Q. You disagree with Mr. -- do you disagree with Mr. Ditlow that the Jeep Grand Cherokee has a defect that requires NHTSA to address?
MR. STOCKWELL: Object to the form.
A. Based on the test data, it demonstrates that the vehicles complied with the 301 standard, and based on the field data that indicates that the Jeep Grand Cherokees are not overly-represented and that occupants of the Jeep Grand Cherokees are no more likely to end up in one of these incidents, the answer

00221

is yes, I disagree with Mr. Ditlow.
BY MS. DeFILIPPO:
Q. So you disagree that the design of the Jeep Grand Cherokee poses an unreasonable risk to the consumer, correct?
MR. STOCKWELL: Object to the form.
A. I disagree that it poses an unreasonable risk to motor vehicle safety.
BY MS. DeFILIPPO:
Q. Do you -- do you respect Mr. Ditlow --
MR. STOCKWELL: Objection --
BY MS. DeFILIPPO:
Q. -- as an individual who has a position to present?
MS. JEFFREY: I object to form and foundation. He doesn't know Mr. Ditlow, so he cannot respect or disrespect him.
BY MS. DeFILIPPO:
Q. Do you know if Chrysler has any relationship with or ever had any relationship with Mr. Ditlow?
A. I believe in the past there have been conversations that took place between Chrysler representatives and Mr. Ditlow.
Q. Do you or did you become aware of the fact that in the past, Chrysler was interested in Mr. Ditlow's approval of their particular automobiles?

00222

MS. JEFFREY: Object to form.
MR. STOCKWELL: I'll join.
A. Are you suggesting to me that Chrysler asked for approval from the CAS for their vehicles? I'm not aware of that.
BY MS. DeFILIPPO:
Q. Did you -- are you aware of Chrysler seeking Mr. Ditlow or the Center for Auto Safety's endorsement of the safety of any of the Chrysler vehicles?
MR. STOCKWELL: Object to the form.
A. I wasn't involved in any of those conversations, so I couldn't speak to that. So I don't know.
BY MS. DeFILIPPO:
Q. Did anybody tell you that Chrysler had direct discussions with Mr. Ditlow and the Center for Auto Safety regarding their internal crash test results?
A. I'm not aware of those discussions.
Q. Do you know a man named Lewis Goldfarb?
A. No.
Q. Did you say no?
A. I don't know who that person is.
Q. Did you ever hear his name, Lewis H. Goldfarb?
A. No, ma'am.
Q. And if I tell you he was the Assistant General Counsel at Chrysler Corporation back in the '90s, it would

00223

mean nothing to you?
MR. STOCKWELL: Object to the form.
A. I mean no disrespect to that, but I'm not familiar with that name nor his association with Chrysler.
BY MS. DeFILIPPO:
Q. And in researching the history of the Jeep Grand Cherokee, the ZJ, did you ever run across the name Mr. Goldfarb at any time?
A. No, ma'am. I just want to be clear. What we investigated with respect to the Jeep Grand Cherokee was specific to what we were asked to investigate by the agency. In addition to that information, we, again, did several analyses related to the performance of the vehicle in the field. So there may have been documents or something that, you know, may have this person's name on it with respect to the Jeep Grand Cherokee, but I'm not aware of it.
Q. Chrysler came to some conclusions, however, with respect to the defect alleged regarding the Jeep Grand Cherokee, correct?
MS. JEFFREY: Object to form.
MR. WESTENBERG: Asked and answered.
MS. JEFFREY: NHTSA did not allege a defect.
MS. DeFILIPPO: I said a defect alleged,

00224

and I'm not even talking about NHTSA.
BY MS. DeFILIPPO:
Q. In this case, in the Kline case, did Chrysler come to any decisions with respect to whether there was a defect in the Jeep Grand Cherokee?
A. I'm not privy to the discussions pertaining to the Kline case. What I can tell you is that the Jeep ZJ that Ms. Kline was driving was at all times compliant with the 301 standard. These events are extremely rare, and in nearly 20 years, the field data supports the fact that occupants of the Jeep ZJs or the Grand Cherokees built during that time were not overly-represented, and the occupants are no more likely to experience this event than those in the peer vehicles.
Q. Are you saying that a Jeep in the configuration and outfitted the way the Kline Jeep was outfitted was tested on 301 testing and passed 301 tests?
MR. STOCKWELL: Object to the form.
A. You've already asked that question, and I answered to the best of my ability.
BY MS. DeFILIPPO:
Q. But I think now you're changing your answer, or maybe I'm incorrect --
A. No, ma'am.

00225

Q. -- but I think your answer was you didn't know. Wasn't that your answer?
A. Well, what I -- what I stated was that the ZJ of that vintage was tested for and complied with the standard. You were very specific to the exact configuration of the Kline vehicle --
Q. That's right.
A. -- and I'm not aware of what that exact configuration was, but I can tell you with certainty that from Chrysler's perspective, that vehicle complied with the standard.
Q. But can you tell me with certainty that that vehicle in that configuration was tested by Chrysler on the 301 testing?
A. When -- as I understand it, as I've learned during the course of this investigation, our test engineers and our fuel system engineers particular to this 301 test standard, they evaluate the multiple different iterations of the vehicle configurations, and what they do is test what they believe to be worst case scenarios, and when the opportunity presents itself, they also test configurations that may be in between, what might be considered to be, you know, one end of the spectrum on the build configuration and the opposite end of the spectrum.

00226

So in the judgment of our engineers at the time, all of the configurations in the Jeep Grand Cherokee configured -- or excuse me -- complied with the 301 standard.
Q. How does judgment enter into a test? If you're testing -- my question is clearly confined, as you said, as you correctly said, to the specific configuration that was being driven by Susan Kline at the time that she burned to death, and I'm not interested in all the iterations. I'm talking about that configuration on the 1996 Jeep Grand Cherokee, and you stated previously and I think you said you didn't know if that particular configuration was tested and met the 301 standards. I'm just making sure you're not changing your answer at this time because I wasn't sure from your last answer or last couple of answers?
MS. JEFFREY: Objection. I want to know what the question is, Angel.
BY MS. DeFILIPPO:
Q. So the question is: Are you stating that you, without qualification, that a vehicle with the configuration of the Jeep Grand Cherokee 1996 that Susan Kline was driving at the time that she died was tested and passed the 301 testing that Chrysler did?

00227

MR. STOCKWELL: Object to the form.

A. I believe I indicated initially in my response that I believed that it was. However, there are thousands of configurations of the Jeep Grand Cherokee vehicle, I'm certain of that. So did we run thousands of tests for each particular configuration? The answer is no. So standing here today not knowing the configuration of Ms. Kline's vehicle relative to the configurations that were ran during the 301 compliance testing, I can't say for certain that that exact configuration was tested.

What I can tell you is each configuration is considered based on what I've learned from the testing community as we develop our test program. So what our test engineers do is identify what's considered to be the worst case scenario. They test that vehicle, and the configurations that are not exactly equivalent to that vehicle that was tested are deemed to be compliant.

BY MS. DeFILIPPO:

Q. So are you saying that you can tell me that a base model 1996 Jeep Grand Cherokee without any added configurations, the very base model with no trailer hitch on it, no skid plate on it, no brackets on it and a compact spare was tested and passed 301 testing

00228

at Chrysler?

MR. STOCKWELL: Objection to the form.

A. As I've stated, I'm not familiar with the specific configuration of Ms. Kline's vehicle. I would have to have that information and compare it to what was tested. Even if that exact configuration was not tested during the development and compliance testing for that vehicle, I can assure you based on the conversations that I've had with our testing community that that configuration was considered in developing that test plan.

BY MS. DeFILIPPO:

Q. And the conversations with your testing community would be Mr. Teets?

A. Well, Mr. Teets is not a test engineer. At the time he was a fuel systems engineer. Our conversation --

Q. Mr. Zylik?

A. -- primarily --

Q. Mr. Zylik?

A. Yes, ma'am.

Q. So he would be the one and people associated with his department then, correct?

A. He would be our primary contact for that information regarding the Jeep Grand Cherokee.

Q. And that's where you would get the information that

00229

makes you confident to state that you believe that Miss Susan Kline's vehicle in her configuration was tested and passed?

MR. STOCKWELL: Object to the form.

MS. JEFFREY: Object to form.

A. Again, I did not state that that configuration specifically was tested. What I stated --

MR. STOCKWELL: That's good.

MS. DeFILIPPO: That's okay.

MS. JEFFREY: Angel, that fax came in, the letter to Mr. Dillon from NHTSA regarding the confidentiality.

MS. DeFILIPPO: Yes. So you know what we're referring to then?

MS. JEFFREY: He has not looked at it yet. So I'll give it to him now if you want to question him. Do you want this marked, Angel?

MS. DeFILIPPO: Yeah, why don't we mark it Dillon, is it 6 now?

MS. JEFFREY: 6, yeah.

MS. DeFILIPPO: On 12-21-11.

MARKED FOR IDENTIFICATION:

DEPOSITION EXHIBIT 6

5:48 p.m.

(Off the record at 5:48 p.m.)

00230

(Back on the record at 5:48 p.m.)

MS. JEFFREY: Angel, are we close to being done? The witness is getting pretty fatigued and we've been going for eight hours.

MS. DeFILIPPO: I'm sorry, say that again. I didn't hear you.

MS. JEFFREY: Are we going to wrap this up soon? The witness is fatigued and we've been going eight hours. It's after 6:00.

MS. DeFILIPPO: Yeah, I don't think we have much more. I think we're almost done.

While he's looking at that, Mr. Stockwell, are you there?

MR. STOCKWELL: I am here.

MS. DeFILIPPO: Can you tell me if -- can you tell me that we've gone through the documents that you've supplied in your packet? I think we've gone through them all.

MR. STOCKWELL: You've gone through the majority of them I'm sure. I'm not sure if each individual -- there are some stand-alone documents.

MS. DeFILIPPO: I'll just make sure I've gone through all of them with him.

MS. JEFFREY: He's reviewed the document.

BY MS. DeFILIPPO:

00231

Q. Okay. You've had an opportunity to look at Dillon 6 which we've marked today. Have you responded to that document?
A. Yes, we have.
Q. And that was the response I requested earlier, correct? Now having looked at the document just so that we're clear on the record, it's the response to Dillon 6 that we requested?
MS. JEFFREY: Okay. I'll submit that yes, that is the response that you requested, and we'll get back to you on that.
MS. DeFILIPPO: I just wanted to confirm the record.
BY MS. DeFILIPPO:
Q. And in going back to the documents that were the hard copy that you have before you, we've gone through Dillon 2 and 3 which are the letters to NHTSA signed by you, and we've gone through Chrysler documents 1 through, I believe, 81 which were some of the attachments, correct?
MS. JEFFREY: It's that document.
A. We reviewed -- we reviewed our submission that's numbered 1 through 81. We didn't review it in its entirety.
BY MS. DeFILIPPO:

00232

Q. That went with the November 12th letter?
A. This did not. This was a subsequent discussion that we had with the agency on approximately the end of March or early April as I recall.
Q. Okay. So it was a subsequent presentation, is that what it was, in March or April?
A. I think there may be a date on the title that is provided to you. 4-16-2011, Chrysler Group presentation.
Q. I don't have that piece.
A. I remember you showing that to me.
MS. JEFFREY: Angel, that was the one that I told you my office prepared just so that you would know what that document is. You held it up a while ago.
MS. DeFILIPPO: Okay. Yeah, I remember that document. I just knew that -- okay. I knew that it wasn't his document and I put it aside.
Okay. I want to refer you to Chrysler 81, just look at Chrysler 81 because I think we did not, and the page before Chrysler 81 is Chrysler 76 in my packet. So am I missing five pages?
MS. JEFFREY: Angel, you're missing more than five pages because this is the nonconfidential portion of the submission. You'll see it ends at 35

00233

and then picks up again at 70 or something. That is among the documents that we will provide to you.

MS. DeFILIPPO: Okay, fine. Because I was going to have a question about 81. I can't in any way decipher what that means without the portions that precede it. This is obviously some type of a police report.

BY MS. DeFILIPPO:

Q. Can you identify Chrysler 81, Mr. Dillon, for me?

A. I believe it was a portion of a police report regarding one of the FARS cases.

Q. And it was a Michigan Police report, correct?

A. Yes, ma'am.

Q. So can you tell me the significance of a Michigan Police report in this presentation when I believe that the states were Illinois, Florida, and North Carolina?

A. As I recall, this was information regarding a particular FARS case that, as I understand it, was misappropriately coded. So this was the support, the back-up information to provide NHTSA so that they understood why, in fact, a particular FARS case that may have been coded as a rear impact with fire as the most harmful event was, in fact, not in our submission.

Q. And just so that we're clear on this, FARS data is

00234

data that's compiled for NHTSA, but it is based on coding that is done in each individual state by persons from looking at police reports, correct?

A. My understanding is that the coding tends to be done by the police department, themselves, and they have a means of feeding that data or that information into the, into the FARS database.

Q. But it is not the actual police report, itself. It is another middle person looking at the police reports and then coding the information from the police report, correct?

A. I don't recall. This may very well be directly from a police report, but I don't recall specifically.

Q. So who would know that, Mr. Taylor?

A. Mr. Taylor would know that, yes.

Q. Okay. Thank you. Just give me one minute and I think I can wrap this up.

Oh, I do have a question. I don't know if -- I know you said that you read the letter of Mr. Ditlow to Mr. Marchionne of December 1st, 2011, correct, and you responded to that letter, correct.

A. That's correct.

Q. In that letter, I believe Mr. Ditlow makes reference to from the period 19 -- and I think that's on Page 2, 1990 --

00235

MS. JEFFREY: You have faxed this letter to us. May we mark it?
MS. DeFILIPPO: Oh, you don't have a copy of it there? I thought you did.
MS. JEFFREY: You faxed it to us, yes. It's right here.
MS. DeFILIPPO: Okay.
MS. JEFFREY: So that will be --
MS. DeFILIPPO: So let's mark it Dillon 7.
MS. JEFFREY: And let him look at it?
MS. DeFILIPPO: Yes.
MARKED FOR IDENTIFICATION:
DEPOSITION EXHIBIT 7
5:57 p.m.
THE WITNESS: Oh, I can review it now?
MR. WESTENBERG: Yeah, go ahead.
THE WITNESS: Why don't we --
MS. JEFFREY: He's had a chance to take a look at it, Angel.

BY MS. DeFILIPPO:

Q. Okay. On Page 2, Mr. Ditlow makes reference to in the first paragraph from the period of '93 to 2009, there have been 184 fatal fire crashes in Jeep Grand Cherokees that have resulted in 269 deaths and numerous burn injuries.

00236

And then he says: At least 78 of the deaths are due to fire according to the available medical and government records with the real number of fire deaths higher.
Do you dispute his numbers?

A. With respect to the defect that Mr. Ditlow is alleging, yes, I disagree with those numbers.

Q. And the defect that your understanding that he is alleging is the location and protection of the fuel tank --

A. No.

Q. -- along with the fuel filler hoses routed through the side rails of the Jeep Grand Cherokee?
MS. JEFFREY: Object to form.

BY MS. DeFILIPPO:

Q. Is that your understanding of what defect he's alleging?

A. My understanding of the alleged defect is fuel-fed fires in the event of a rear impact where fire is identified as the most harmful event.

Q. But what is the defect of the vehicle? There has to be a defect in the vehicle, itself, that causes the fuel-fed fires. So what is your understanding of what defect Mr. Ditlow is alleging in the preliminary evaluation?

00237

MS. JEFFREY: Okay. Ditlow is not alleging anything in the preliminary evaluation. He has filed a defect petition where he alleges a defect, and he can respond to the extent he knows. He's not alleging anything in the PE.

MS. DeFILIPPO: Fine. Thank you for that clarification.

BY MS. DeFILIPPO:

Q. Now can you tell me what defect we're dealing with?

A. There is no defect.

MS. JEFFREY: Object to form.

BY MS. DeFILIPPO:

Q. There's no defect. And what is the alleged defect that Mr. Ditlow is complaining of?

A. I can't speak on behalf of Mr. Ditlow. I know what the alleged defect is in the investigation that I was tasked with responding to.

Q. Okay. What was the alleged defect in the investigation that you were asked to respond to?

A. Rear impact events that resulted in a fire where fire was identified as the most harmful event. Rear impacts --

Q. So are you saying -- I'm sorry.

A. Rear impacts are defined as impacts in the 5, 6, or 7:00 position.

00238

Q. So you're calling rear impact fires a defect?

A. No.

MS. JEFFREY: Object to form. He's saying there is no defect.

A. I have not said that there is a defect. The alleged --

BY MS. DeFILIPPO:

Q. I'm not asking --

A. You can refer to the opening --

Q. I'm not asking you to say -- wait a minute. Let me clarify. I'm not asking you to say whether or not that there is a defect. I am saying that you are responding to a defect petition --

A. I'm not responding to a defect petition.

MS. JEFFREY: All right. Just object to form. Just to put it on the record, Chrysler does not respond to the defect petition filed by the Center for Auto Safety.

MS. DeFILIPPO: You're right.

MS. JEFFREY: Chrysler responds to the preliminary evaluation information requests submitted by NHTSA.

MS. DeFILIPPO: Fine.

BY MS. DeFILIPPO:

Q. The defect petition alleges a defect in the vehicle,

00239

or there would not even be a preliminary evaluation.
MS. JEFFREY: Object to form.
MR. STOCKWELL: Objection. There's no question.
MS. JEFFREY: What's the question?
BY MS. DeFILIPPO:
Q. Well, isn't the preliminary evaluation based on the defect petition of Mr. Ditlow and the Center for Auto Safety?
A. I believe --
Q. Isn't that how it comes about?
MS. JEFFREY: Well, let him answer.
A. I believe that the investigation was influenced by the defect, by the petition, excuse me.
BY MS. DeFILIPPO:
Q. By the defect petition of Mr. Ditlow, correct?
A. I don't know if I would characterize it as a defect petition or not. I'm not familiar with the technical term. The petition.
Q. Well, what defect is being alleged in the petition?
A. I have not made a matter -- have not made it my business to try to identify what specifically Mr. Ditlow is claiming to be the defect. My job is to respond to the agency, and the agency has defined the alleged defect as I previously explained.

00240

Q. So are you saying that NHTSA defined the alleged defect of the vehicle as a post-collision fuel-fed fire; that's the defect alleged?
A. Yes, ma'am, that's correct.
Q. Okay. In 2005 on Page 2, Mr. Ditlow indicates that in 2005, the fuel tank in the Grand Cherokee was moved forward of the rear axle under pressure from Daimler-Benz. Do you dispute that?
A. I wasn't -- I wasn't involved in that, the development of that vehicle, so I couldn't answer that question. I don't know.
Q. Did your team tell you or did you obtain any information as to whether or not the fuel tank was moved forward of the rear axle in 2005 under pressure from Daimler-Benz?
MS. JEFFREY: Object to form.
A. No, I did not.
MS. JEFFREY: We're going to need to take a break if this continues much longer. I'd like to wrap it up.
MS. DeFILIPPO: All right. Let's take a quick break, and then we'll wrap it up.
(Recess taken at 6:05 p.m.)
(Back on the record at 6:10 p.m.)
MS. JEFFREY: Angel, before we go -- Angel,

00241

just let me put something on the record.
MS. DeFILIPPO: Yes.
MS. JEFFREY: We were here at 10:00 ready to start the deposition. We've been going all day with some short breaks, including a half hour for lunch. He's getting really tired. We need to wrap this up.
MS. DeFILIPPO: Well, we may have to -- I mean, I'd love to wrap it up. Part of the reason why we're here so long is because I think we had some issue about, you know, the way the questions were -- I don't want to go into that.
MS. JEFFREY: Let's not go there.
MS. DeFILIPPO: There was an issue with how questions were asked but, however, I don't want to come back again. I just want to be able --
MR. STOCKWELL: Well then, finish.
MS. JEFFREY: Let's just get this done within the next 10 or 15 minutes.
MS. DeFILIPPO: Well, I'll do the best I can.
MR. WESTENBERG: No. We're done at 6:30.
MS. JEFFREY: We're going to pull the plug at 6:30.
MR. FUSCO: She's not getting this.

00242

MS. DeFILIPPO: Well, you can pull the plug and we'll be back again.
MS. JEFFREY: Well, let's just move on. Let's see if we can get this done.

BY MS. DeFILIPPO:

Q. I'm looking at the October 15th, 2010 letter of David Dillon to Mr. Scott Yon, Chief, reference NVS-212llh; PE10-031. Do you have that in front of you? It has attachment Page 1 of 9 which starts with the preliminary statement.
MS. JEFFREY: Where is Exhibit 1 or 2?
MR. STOCKWELL: 2 is right here. Sorry.
MS. JEFFREY: He's got that.

BY MS. DeFILIPPO:

Q. Okay. If you look at Page 8 of 9, Page 8 of 9 reads in Section G --

A. 8 of 9?
MR. WESTENBERG: Yes.
MS. JEFFREY: No. That's the November one.
MR. WESTENBERG: The October one.

BY MS. DeFILIPPO:

Q. Page 8 of 9, Section G. This was your response to Question 9 from NHTSA?

A. If you can just hold on one second, I apologize. I'm getting there. Okay. Page 8 of 9?

00243

Q. Yeah.
MS. JEFFREY: Okay. We're there.
MS. DeFILIPPO: Okay. And for some reason I don't think this was marked. So I think we should make it Dillon 8.
MS. JEFFREY: This was marked as Dillon 3.
MS. DeFILIPPO: No. Dillon 3 was only the -- hold on -- let me just make sure I'm correct.
MS. JEFFREY: No. You questioned him at length about this. He went through and identified all the enclosures --
MS. DeFILIPPO: No. Okay. It was marked as Dillon 3. I'm sorry.
BY MS. DeFILIPPO:
Q. But I'd like you to look at Page 8 of 9 and Section G. It says in the Paragraph G in the last couple sentences: Although the primary purpose of a skid plate is not to protect the fuel tank in rear-end collisions, as an interim measure the skid plate was made standard for production vehicles during the time period December 14th, 2001 to September 4th, 2002 when a reinforced ORVR control valve was being developed.
First of all, what's the ORVR control valve, what does that stand for?
A. It's an onboard refueling vapor recovery valve.

00244

Q. Okay. So getting back to the sentence where you say, The primary purpose of a skid plate is not to protect the fuel tank in a rear-end collision but it was used as an interim measure to protect the fuel tank in rear-end collisions on vehicles that did not have the reinforced ORVR control valve, is that accurate?
MS. JEFFREY: Object to form. That's not what it states.
MS. DeFILIPPO: Well, you can object. I'm asking the witness if that's an accurate statement.
A. All right. Can you guide me to the sentence once again? I apologize.
BY MS. DeFILIPPO:
Q. Although the primary purpose of a skid plate is not to protect the fuel tank in rear-end collisions, as an interim measure the skid plate was used to protect the fuel tank in rear-end collisions during the period when the reinforcing ORVR control valve was being developed.
Is that a fair statement?
MS. JEFFREY: I'm objecting to form on this. It relates to a specific recall that is not applicable to the ZJ but he can answer --
MS. DeFILIPPO: I think it's very applicable. We can argue about that in court. I'm

00245

asking the question --
MS. JEFFREY: But I want the record to reflect that this relates to recall A-10 which relates to 71,000 2002 WJs.
MS. DeFILIPPO: I get that.
MS. JEFFREY: Okay.
MS. DeFILIPPO: My question is as to the skid plate.
MS. JEFFREY: What's your question?
THE WITNESS: Well, can I -- I'd just like to point out that what you're reading is not exactly what I'm reading in front of me.
BY MS. DeFILIPPO:
Q. I understand that. I'm asking you, after having read exactly what was there, I'm asking the question that although the primary purpose of the skid plate was not to protect the fuel tank in rear-end collisions, as an interim measure the skid plate was used to protect the fuel tank in the situation where --
MR. FUSCO: It doesn't say that word for word. Read what it says.
BY MS. DeFILIPPO:
Q. The reinforced ORVR control valve was being developed, for example. Is that a fair interpretation of what you say there?

00246

A. I'll read what is written here because I'm not sure --
Q. I read what was written. I'm not asking you to read it. I read it already.
I'm saying to you: In that sentence you're indicating that the skid plate is not normally used to protect the fuel tank from rear-end collision, but it was used in the context of the ORVR control valve situation, and wasn't it being used to protect the fuel tank while this was being developed?
MR. STOCKWELL: Object to the form.
MS. JEFFREY: Object to form.
A. Well, I'm not sure I would characterize it that way. Let's take a step back.
The ORVR valve design was new for the 2002 model year WJ. During development testing for the 2003 model year WJ, it was discovered that there was a noncompliant scenario, a situation with the 2002 model year fuel system. What we did was immediately stop the sale of those vehicles and worked to identify an interim solution that would enable that particular model year of that particular body style to comply with the 301 standard.
As it states, the purpose of the skid plate is not to protect -- it's not put there, right, to protect the fuel tank in the event of a rear impact.

00247

However, it was determined that in this case on this body style and this model year it, in fact, did change the impact dynamics such that this particular body style and model year could, in fact, comply with the 301 standard.

BY MS. DeFILIPPO:

Q. And wouldn't you also agree that the interim solution to comply with 301 was the use of the skid plate in the context that you've just described?

MS. JEFFREY: Object to form.

A. That's correct.

BY MS. DeFILIPPO:

Q. Okay. When the fuel tank location was -- was the fuel tank location changed in the WJ?

A. Not that I'm aware of.

Q. I'd like to direct you to 005533.

MS. JEFFREY: What is that document, please?

MS. DeFILIPPO: I don't know. I have to find it myself because I have it in my notes.

MR. FUSCO: Sheila, we want our five minutes.

MS. JEFFREY: Angel, Defendants' counsel would like five minutes with this witness, so we're heading up on towards 6:30, and you need to wrap this

00248

up.

MS. DeFILIPPO: Well, that's nice but we have people here that haven't asked questions also. So I don't think that's going to happen.

MS. JEFFREY: All right. Well, we're ending at 6:30.

MR. WESTENBERG: At 6:30 we're done.

MS. DeFILIPPO: Okay. Well, that's fine.

MR. FUSCO: Who else is going to ask questions?

MR. STOCKWELL: Who else is asking questions?

(Off the record at 6:19 p.m.)

(Back on the record at 6:19 p.m.)

MR. STOCKWELL: Angel, who's asking questions aside from you?

MS. DeFILIPPO: Mr. Gill.

MR. GILL: I don't have any.

MR. FUSCO: That was easy.

MR. STOCKWELL: Who else?

MS. DeFILIPPO: That's all I know.

MR. FUSCO: Okay. Well, at 6:20 we're going to start asking questions. This is ridiculous.

MR. WESTENBERG: She's forcing us to walk out, okay? So let's just do it.

00249

MS. DeFILIPPO: Do you have that document?
MS. JEFFREY: No. I don't know what that is. I can't find it.
MR. FUSCO: Why don't you look for that document while we start asking questions.
(Off the record at 6:20 p.m.)
(Back on the record at 6:21 p.m.)
MS. JEFFREY: Angel, I've got a copy of that. It looks likes it's a one-and-a-half page narrative concerning the differences in design between the ZJ and WJ?
MS. DeFILIPPO: Right, I have it, also.
MS. JEFFREY: Okay.
MS. DeFILIPPO: And it doesn't look like there's anything before it or after it. Am I missing some documents before it or after it also?
MS. JEFFREY: No, this is Enclosure 7-A to the document, and it's a two-page document.
MS. DeFILIPPO: Okay. Well, if you look at Page 5533, we'll mark it Dillon 8 or 7. What are we up to?
MR. STOCKWELL: 8.
MS. DeFILIPPO: Okay. And that's 1-21-11 and you say in that document --
MS. JEFFREY: Wait. She's got to mark it.

00250

Can you hold on?
MARKED FOR IDENTIFICATION:
DEPOSITION EXHIBIT 8
6:21 p.m.

A. Okay.
BY MS. DeFILIPPO:
Q. Mr. Dillon, have you had an opportunity to look at 5533 and 5534, a two-page document?
A. Yes, ma'am, briefly.
Q. And is that a document submitted by you to NHTSA?
A. Yes, ma'am.
Q. Does that go with the November 12th packet of 2010?
A. I don't recall --
MS. JEFFREY: Yes.
A. It was in one of the two submissions. I don't recall specifically which one.
BY MS. DeFILIPPO:
Q. Okay. Do you see the last paragraph there where it says: Specific differences in the rear components of fuel systems of the ZJ and the WJ include the size, shape, and capacity of the fuel tank --
A. Yes, ma'am.
Q. -- the design and location of the fuel tank in the WJ was changed to allow relocation of the spare tire from the interior of the ZJ to below the rear floor pan in

00251

the WJ.

Does that refresh your recollection as to whether or not the location of the fuel tank in the WJ was changed?

A. The WJ is the 1999 through 2004 model year Jeep Grand Cherokee. If you're referring to the general location of the tank relative to the axle, the answer is no.

Q. Well, I'm referring to what you referred to because I don't know what you're referring to. So that's why I wanted to direct your attention to that statement where it says: The design and location of the fuel tank in the WJ was changed to allow relocation of the spare tire from the interior of the ZJ to below the rear floor pan in the WJ.

I assume you mean the spare tire went below the rear floor pan, correct?

A. As I recall, yes, ma'am.

Q. Okay. So the changed location of the spare tire tub required lowering of the fuel tank, and I'm asking you what about the fuel tank in the WJ -- what about the location and the design was changed from the ZJ?

A. Well, I don't recall the specific criteria that would outline the difference in location. Generally it was still located behind the rear axle. However, you know, if you used the center of mass of the fuel tank

00252

relative to the center line of the axle, the position of the fuel tank did, in fact, change.

Q. Well, who would know how the design and location of the fuel tank in the WJ was changed; would that be Mr. Teets or Zylik?

A. I believe Mr. Teets would be the best person to speak to about the specifics of what exactly changed.

Q. And where you say the changed location of the spare tire tub required lowering of the fuel tank, do you mean lowering from the bottom of the car down toward the road?

A. That would be lower, yes, ma'am.

Q. Is that what the lowering in that context means in that sentence?

A. Yes, ma'am.

Q. And so can you tell me how the shape of the fuel tank was changed; was it basically the same shape with minor changes, or are you talking about an entirely different shape change?

MR. STOCKWELL: Object to the form.

A. Well, number one, I wasn't the design engineer for the fuel tank, all right? But the vehicle was completely different which is what we're pointing out here. The ZJ and the WJ are completely different vehicles by design, although they're both referred to as Jeep

00253

Grand Cherokees.
BY MS. DeFILIPPO:
Q. Did the WJ lose any fuel tank capacity from the ZJ?
A. I don't recall. That wasn't part of my investigation.
MS. JEFFREY: Okay, just --
BY MS. DeFILIPPO:
Q. I mean, you wrote this document that we've marked Dillon 8, and you made all these assertions. Where did the information come to back up these assertions?
MS. JEFFREY: And I object to form. He may not have written this document.
A. The information came as a result of the team collecting the information with respect to the ZJ and the WJ. What we were attempting to identify were major differences in the overall design. We didn't get into the specifics of the details of changes in capacity or changes in geometry. But, in fact, we know that the fuel system did, in fact, change as a result of the body style change from ZJ to WJ.
MS. JEFFREY: Okay. Just for the record, it's now 6:28. The dealer has indicated that they would like to spend five minutes questioning the witness, and as I said, we want to get out of here by 6:30. We've been in here for over eight hours. So I'd like to let the dealer have their chance to

00254

question the witness and we can talk about --
MS. DeFILIPPO: You can't do that. This is a discovery dep, and you can't dictate who goes and when. It's my deposition as discovery dep, and he can go when I'm done, and as I said --
MR. WESTENBERG: You're done.
MS. JEFFREY: You're done, Angel, you're done now. We're not going to continue further.
MS. DeFILIPPO: Well then, you can stop but he's not questioning until I'm done. So I'm sorry but we can stop now and come back another day.
MS. JEFFREY: Okay.
MR. FUSCO: That's fine.
MS. DeFILIPPO: Okay. Thank you very much.
MR. WESTENBERG: Off the record.
(Deposition concluded at 6:28 p.m.
Signature of the witness was requested.)

00255

THOMAS KLINE, et al,
Plaintiffs,
vs. Docket No. MRS-L-3575-08

VICTORIA MORGAN-ALCALA, et al,
Defendants.

VERIFICATION OF DEPONENT

I, having read the foregoing deposition consisting of my testimony at the aforementioned time and place, do hereby attest to the correctness and truthfulness of the transcript.

_____
DAVID DILLON
Dated:

00256

CERTIFICATE OF NOTARY

STATE OF MICHIGAN)
) SS
COUNTY OF MACOMB)

I, LEZLIE A. SETCHELL, certify that this deposition was taken before me on the date hereinbefore set forth; that the foregoing questions and answers were recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to, either party nor interested in the event of this cause.

LEZLIE A. SETCHELL, CSR-2404
Notary Public,
Macomb County, Michigan.
My Commission expires: April 17, 2012

ATTACHMENT B

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November 24, 1992

The Honorable Marion C. Blakey
Administrator
National Highway Traffic Safety
Administration
400 Seventh Street, S.W.
Washington, DC 20590

Dear Administrator Blakey:

General Motors is committed to working with the agency in a forthright and constructive fashion to resolve the questions that have arisen about our 1973-1987 C/K pickup trucks. As you know, it is our strongly-held belief that we have sound legal and factual arguments against the suggestion that these vehicles contain a safety-related defect. Given that, I was quite dismayed to learn yesterday that some aspects of the statistical analysis prepared by Failure Analysis Associates at our request and presented to the agency last month -- an analysis obviously submitted to the agency in an attempt to clarify our position -- may unfortunately have obfuscated it.

We are redoubling our vigilance to prevent such an occurrence in the future. You have my assurance that there was absolutely no intention to mislead anyone, and we trust that the additional information we are submitting to the agency will put this matter behind us.

Very truly yours,

Harry Pearce

DP92-016-27

Failure Analysis Associates

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149 Commonwealth Drive, P.O. Box 3015
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(415) 688-7100 Telex 704216 Fax (415) 326-2996

Dr. Roger L. McCarthy, P.E.
Chairman and President

VIA FAX

24 November 1992

Mr. William Boehly, Associate Administrator for Enforcement
U.S. Department of Transportation
The National Highway Traffic Safety Administration
400 Seventh Street, SW, Room 5321
Washington, DC 20590

Re: Failure Analysis Associates, Inc. report concerning GM C/K series pickups.

Dear Bill:

This letter is a written summary of the information provided by Mr. Robert Lange of Failure Analysis Associates, Inc. (FaAA) concerning the various categories of accident data analyzed in connection with our report concerning GM C/K series trucks. I also wish to reiterate the offer made by Mr. Lange that we would be most interested and willing to replicate the various analyses that the agency has performed on available accident data, using the agency selected definitions and categories, to insure that there is agreement on what the available accident data indicates. I am certain that all involved would prefer to move beyond any questions related to data, and instead discuss relevance and interpretation.

It is my understanding that there may have existed some confusion as to whether the analysis we performed concerning other manufacturers included only "full size" pickups or "all" pickups. We regret any confusion that may have existed. As set forth in our two page discussion of "Comparison Vehicle Selection," our report compares GM C/K pickup post collision fire rate "performance to the performance of all [emphasis added] other light-duty vehicles on-the-road and subject to the same collision environment as are the GM C/K pickup trucks." [pg. 20] Further, on the same page, we explicitly define the comparison sets to accomplish this goal by stating:

> "In summary, post collision fire rates of GM C/K pickups were compared to the following vehicle sets:
>
> - o Chrysler Pickups;
> - o Ford Pickups;
> - o Nissan Pickups;

DP92-016-25

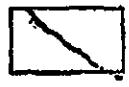
- o Toyota Pickups;
- o Average Passenger Car;
- o 95 percentile Passenger Car." [pg. 20]

I am informed by Mr. Lange that you inquired in the recent meeting if we had refined the analysis done in the report down to a comparison of "full size" GM pickups to "full size" Ford Pickups. We have developed data on selected "full size" pickup models subsequent to our initial report, and all this information will be provided this week. This analysis was not performed for the original report for reasons stated in Section 3.3 of our report:

> "Fundamentally, occupants of pickup trucks are entitled to the same level of overall safety (that is, the same level of relative rarity of collision-fire events) as are occupants of other light-duty motor vehicles: passenger cars, vans, utility vehicles, and special purpose vehicles. That is, a determination of an acceptable collision-fire rate must apply uniformly across all classes of vehicles likely to be used as passenger conveyances. NHTSA implicitly adopted this philosophy in defining the appropriate motor vehicle fuel system integrity requirement for various classes of vehicles when it promulgated FMVSS 301 to apply equally to passenger cars, light trucks, and utility vehicles." [pg. 19]

Apart from the fundamental considerations set forth above, as you are aware, there simply is not a uniformly agreed upon definition of a "full size" pickup, just as there is no uniform definition of a "full size" car. The National Highway Traffic Safety Administration has obtained directly from Ford and Chrysler definitions and/or a list of "full size" models. FaAA does not have this information. Therefore, any set of "full size" vehicles FaAA selects runs the risk of being inconsistent with the manufacturer's definitions, and potentially opens FaAA to criticism if we were to inadvertently omit a group of "full size" trucks from analysis of another manufacturer's production that significantly affected the results one way or the other. Subsequent to our report we have performed the previously mentioned analysis of selected "full size" competitor models, which we hope will be helpful.

While a comparison of fire rates amongst "full size trucks" of various manufacturers might be an interesting academic exercise it is not clear how that would relate to the question of whether the subject GM vehicles presented an "unreasonable" fire risk to their occupants, and thus contained a defect. Whatever the relative ranking of fire risk amongst the various full size trucks is, their rates all fall within the range of those for other vehicles. If we chose another accident mode, such as rollover, the rankings would certainly change. The FMVSS quite correctly do not set one standard for "full size" pickups, and another for different vehicle classes.



I understand there was some discussion of the standard for "comparability" concerning accident rates at last Friday's meeting. FaAA is comfortable with the well reasoned standards of comparability that the NHTSA has established in past investigations, such as the petition relating to the CJ 5/7, and has used the term in that manner.

I am looking forward to our further interaction.

Sincerely,

Roger L. McCarthy, P.E.
Chief Executive Officer

cc: Robert C. Lange, Regional Vice President
Edward Conner, Manager of Product Investigations

TOTAL P.04

-18

Failure
Analysis
Associates®

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VIA FAX

November 24, 1992

Mr. Terry M. Klein
DOT/NHTSA
400 7th St. NW
Washington D.C. 20590

RE: C/K Pickup Analysis - Differences between NHTSA and FaAA Analyses

Dear Mr. Klein:

I have reviewed the NHTSA programs which were given to me at the November 20, 1992 meeting. By comparing this code with the analysis performed by FaAA, I was able to identify the following differences between the NHTSA and FaAA analyses. I have not yet had opportunity to replicate the NHTSA type analysis using FaAA's databases. There may be additional differences which I was unable to discern from the programs which were provided to me.

1. Restriction to Fatal Vehicles

   FaAA used only fatal vehicles, that is vehicles in which an occupant of the vehicle was killed in the accident. NHTSA used all vehicles involved in a fatal accident.

   Restriction to Collision Vehicles

   Only collision vehicles were included in the FaAA analysis. NHTSA apparently made no such restriction. The definition of a collision vehicle was included in the October 12, 1992 report. For your convenience, the definition of collision vehicle is as follows:

   - FARS variable: Manner of Collision 1-6; or
   - FARS variable: Rollover 1 or 2; or
   - FARS variable: Initial Impact Point 1-15 (1975-81), 1-16 (1982- 1990); or
   - FARS variable: Main Impact Point 1-15 (1975-81), 1-16 (1982- 1990).

2. Method of Selection of Vehicles

DP92-016-30

NHTSA used the FARS make code and the FARS model year and the FARS VINA model to make vehicle selections. FaAA's selection is based upon the VINA/VINDICATOR decoded VIN information.

- VINA/VINDICATOR to select Vehicle Type = L (Light Truck);and
- VINA/VINDICATOR to select Body Style = (CP, CU, PC, PK, PM, PS, SP, CB, CH, CL, CS ,FB, IC, ST, YY) - Pickup Truck;
- VINA/VINDICATOR identified Make
- VINA/VINDICATOR identified Model Year
- VINA/VINDICATOR identified VSER to identify GMC and Chevy C&K. VSER = (C10, C15, C20, CC2, C25, C30, C35, R10, R15, R20, R25, R30, R35, CR3, K10, K15, K20, K25, K30, K35, GM4, V10, V15, V20, V25, V30, V35, CV3, SIE); the 1988 and later model year with inside the frame rail tanks were eliminated by excluding GMC or CHEVY trucks with fifth position of the VIN either C or K.

3. Vehicles Used

NHTSA used only the F series Ford Pickups and the D&W series Dodge Pickups. FaAA used all Ford and All Chrysler pickups as identified by make and body type. Note that the VINA/VINDICATOR program did not identify Dodge 4 wheel drive vehicles prior to model year 1977. The corresponding POLK registration was eliminated from the analysis.

4. Model Year

NHTSA restricted analysis to model years 1973-1987. FaAA included model years 1973-1989 in the FARS analyses. Model years 1973-1991 were used in the state analysis. The C&K pickups with inside the frame rail gas tanks in model years 1988 and later were excluded. The GM R/V series which were produced 1988 and later were included.

5. Direction of Impact

NHTSA apparently used only the FARS IMPACT1 to define impact. FaAA included information on rollover as well as direction of impact, and supplemented the Principal Impact code with the Initial Impact code when the Principal Impact code was missing. The Impact categories used by FaAA are:

Collision Subcategories:

*Principal Impact precedes Initial Impact

1). Rollover: Single Veh Acc and First Harmful Event = 01; or
Rollover = 1, 2 (78+); or Most Harmful Event = 01.

2). Left : 08-10 clock points

3). Right : 02-04 clock points

4). Rear : 05-07 clock points

Side includes Right and Left.

6. Definition of post collision fire.

NHTSA apparently used all fire_explosions. FaAA eliminated First Harmful Event fires.

Please feel free to call me to discuss. I will be out of the office on Wednesday, November 25, 1992. You may reach me at (510) 524-1820.

Sincerely,

Rose M. Ray, Ph.D.
Managing Scientist •

cc: Edward Conner, GM Manager of Product Investigation
cc: Robert Lange, FaAA Regional Vice President

GM Current Product Engineering
General Motors Corporation

449106

November 25, 1992

GM-425A

Mr. Charles L. Gauthier, Director
Office of Defects Investigation Enforcement
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

NEF-121jry
DP92-016

Dear Mr. Gauthier:

This completes our response to your letters of November 10, 1992 and November 23, 1992 requesting clarification of our October 9, 1992 response concerning the fuel storage system of certain General Motors C/K pickup trucks. General Motors requested Failure Analysis Associates to assist in responding to Questions 1 through 4 of your November 23, 1992 request. The responses to your numbered requests are detailed below.

1. *The following relate to the trucks used as "comparison" vehicles by FaAA for establishing the relative "crashworthiness" of the subject C/K pickups:*

   a. *Was the Ford Ranger (a mid-size pickup) included in "Ford pickup"? If so, please fully explain why.*

      Response: Ford Ranger pickup trucks were included in the designation "Ford pickup" as indicated in the FaAA report.

      Non-GM, small and medium-duty pickup trucks were included in FaAA's analysis along with all other light-duty vehicles. Such vehicles were included in FaAA's study based upon the rationale in Section 3.3 "Comparison Vehicle Selection" of FaAA's report (p. 19). FaAA stated:

      "Fundamentally, occupants of pickup trucks are entitled to the same level of overall safety (that is, the same level of relative rarity of collision-fire events) as are occupants of other light-duty motor vehicles: passenger cars, vans, utility vehicles, and special purpose vehicles. That is, a determination of an acceptable collision-fire rate must apply uniformly across all classes of vehicles likely to be used as passenger conveyances. NHTSA implicitly adopted this philosophy in defining the appropriate motor vehicle fuel system integrity requirement for various classes of vehicles when it promulgated FMVSS 301 to apply equally to passenger cars, light trucks, and utility vehicles.

30200 Mound Road/S3-EA Warren, MI 48090-9010

DP92-016-33

In this study, the postcollision fire rates of the GM C/K type pickup trucks were compared to the postcollision fire rates of comparison vehicles. The comparison included pickup trucks produced by all major manufacturers (Chrysler, Ford, Nissan, and Toyota) and passenger cars..."

b. *Was the Chevy S10 and/or GMC S15 pickup (a mid-size pickup) included in "C and K pickup"? If not, please fully explain why not.*

Response: No. Chevrolet S10 and GMC S15 pickup trucks were not included in the accident data tabulated for GM C and K pickup trucks, or calculations relating to GM C and K pickup trucks because the Center for Auto Safety's Petition and the National Highway Traffic Safety Administration's (NHTSA) investigation relate solely to the C/K pickup trucks with outside the frame rail fuel tanks. This tank location was not used on the Chevrolet S10 or GMC S15.

c. *Was the Dodge D50 (a mini-pickup produced by Mitsubishi) included in "Chrysler pickup?" If so, please fully explain why.*

Response: Yes. Dodge D50 pickup trucks were included in the designation "Chrysler pickup" as reported in FaAA's report.

Non-GM, small and medium-duty pickup trucks were included in FaAA's analysis along with all other light-duty vehicles. Such vehicles were included in FaAA's study based upon the rationale in Section 3.3 "Comparison Vehicle Selection" of FaAA's report (p. 19); the relevant portion of which is quoted in the response to question 1.a above and is incorporated by reference herein.

d. *Was the Chevy LUV pickup (a mini-pickup produced by Isuzu) included in "C/K pickup?" If not, please fully explain why not.*

Response: No. Chevrolet LUV pickup trucks were not included in the accident data tabulated for GM C and K pickup trucks since the LUV truck never utilized outside the frame rail fuel tanks.

2. *Was an analysis of the relative crashworthiness of the GM C/K series versus Ford F-100, F-150, F-250 and F-350 series conducted while preparing the FaAA report, "Analysis of Light-Duty Motor Vehicle Collision Fire Rates?" If not, why not and if so, please provide a copy as we discussed.*

Response: A complete set of corresponding data on Ford F-series pickup trucks was not developed while preparing the FaAA report for the reasons set forth in Section 3.3 "Comparison Vehicle Selection". However, after the report was filed, selected data from FARS has been separately broken out for Ford F-series pickup trucks. That data is tabulated in Table 1 attached hereto.

Subsequent to our meeting on Friday, November 20, 1992, GM has asked FaAA to complete a comparison of GM C and K series trucks, Ford F-series trucks, and Dodge D and W series trucks. This analysis was completed and the results of FaAA's analysis are attached in tabular form hereto as Table 2 - FARS All Collisions, Table 3 - FARS Side Collisions, Table 4 - All Collisions Six States Combined, and Side Collisions Only Six States Combined.

Small numerical differences might occur between rate data reported for C/K pickup trucks in Tables 2 through 4 attached hereto and the corresponding data included in Tables 4.2.1 through 4.4.2 from FaAA's report, because the model year restriction varies somewhat among the tables.

3. *State, by model and model year, those Nissan and Toyota trucks not used as "comparison vehicles" in the FaAA analysis provided with your response. For each vehicle identified, please fully explain why it was not included.*

Response: All Toyota and Nissan pickup trucks were included in the grouping of comparisons vehicles in FaAA's report. Table 5 attached hereto lists all of the Nissan trucks utilized in FaAA's comparison, and Table 6 attached hereto is a listing of all of the Toyota trucks utilized in FaAA's comparison.

4. *Provide a listing (similar to the one enclosed with this letter), by make, model, and model year, of all trucks included in FaAA's analysis.*

Response: Tables 5 and 6 list the Nissan and Toyota trucks used in FaAA's report. Tables of the other manufacturer's make, model and model year trucks used in FaAA's report were to have been FAXed to the NHTSA from GM's Washington, D.C. office on Friday, November 20, 1992; a duplicate of this communication will be forwarded to Mr. Terry Kline by the end of the day Wednesday, November 25, 1992. Table 7 lists the requested information for Dodge pickup trucks used in FaAA's just completed restricted analysis (ref. Tables 2 through 4 attached hereto), and Table 8 lists corresponding information for the Ford trucks used in FaAA's restricted analysis.

Please contact me if you require further information about this response or any of the attached material.

Very truly yours,

E. E. Conner

E. E. Conner
Manager
Product Investigations

Attach.

GM Current Product Engineering
General Motors Corporation

December 1, 1992

GM-425A

Mr. Charles Gauthier, Director
Office of Defects Investigations
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

444357

NEF-121jry
DP92-016

Dear Mr. Gauthier:

This is in reference to our telephone conversation on November 30, 1992, regarding the letter to Administrator Blakey from Harry Pearce dated November 24, 1992.

This will verify that the "additional information" referred to in Mr. Pearce's letter consists of the material provided with my letters of November 24 and November 25, 1992, together with the material provided directly to the agency from Failure Analysis Associates, Inc., during the week of November 23, 1992.

If there are additional questions regarding the material provided, please contact me.

Very truly yours,

E. E. Conner
Manager
Product Investigations

DP92-016- 34a

ATTACHMENT C

2009 Fatality Analysis Reporting System
CRASH LEVEL

U.S. Department of Transportation
National Highway Traffic Safety Administration

STATE (GSA Code)	CONSECUTIVE NUMBER	Number of Forms Submitted for Persons Not in Motor Vehicles	Number of Vehicle Forms Submitted	Number of Person Forms Submitted
48	1432	0	5	7

COUNTY	CITY	DATE Month, Day, Year	TIME Military Time 9999-Unknown
439	2450	07102009	1735

NATIONAL HIGHWAY SYSTEM 1
LOOKUP NATIONAL HIGHWAY SYSTEM CODES

ROADWAY FUNCTION CLASS 11

RURAL	URBAN	99-Unknown
01-Principal Arterial - Interstate	11-Principal Arterial - Interstate	
02-Principal Arterial - Other	12-Principal Arterial - Other (Freeways or Expressways)	
03-Minor Arterial	13-Other Principal Arterial	
04-Major Collector	14-Minor Arterial	
05-Minor Collector	15-Collector	
06-Local Road or Street	16-Local Road or Street	
09-Unknown Rural	19-Unknown Urban	

ROUTE SIGNING 8

1-Interstate	LOCAL STREET	8-Other
2-U.S. Highway	5-Township	9-Unknown
3-State Highway	6-Municipality	
4-County Road	7-Frontage Road	

TRAFFIC IDENTIFIER
Actual Posted Number, Assigned Number, or Common Name (If No Posted or Assigned Number) Except: Nine-Fill if Unknown
SL820

MILEPOINT 00174
Actual to Nearest .1 Mile (Assumed Decimal)
Except: 00000-None 99999-Unknown

GLOBAL POSITION

	Degrees	Minutes	Seconds
LATITUDE:	32	50	22.09
LONGITUDE:	097	19	14.61

SPECIAL JURISDICTION 0
LOOKUP SPECIAL JURISDICTION CODES

FIRST HARMFUL EVENT 12
LOOKUP FIRST HARMFUL EVENT CODES

MANNER OF COLLISION 01

00-Not Collision with Motor Vehicle	07-Sideswipe-Same Direction
01-Front-to-Rear (Includes Rear-End)	08-Sideswipe-Opposite Direction
02-Front-to-Front (Includes Head-On)	09-Rear-to-Side
03-Front-to-Side, Same Direction	10-Rear-to-Rear
04-Front-to-Side, Opposite Direction	11-Other(End Swipes and Others)
05-Front-to-Side, Right Angle (Includes Broadside)	99-Unknown
06-Front-to-Side/Angle-Direction Not Specified	

SPEED LIMIT 65
Actual Miles Per Hour Except:
00-No Statutory Limit 99-Unknown

ROADWAY ALIGNMENT 1
1-Straight 2-Curve 9-Unknown

ROADWAY PROFILE 3

1-Level	3-Hillcrest	9-Unknown
2-Grade	4-Sag	

ROADWAY SURFACE TYPE 2

1-Concrete	4-Slag, Gravel or Stone	9-Unknown
2-Blacktop, Bituminous, Asphalt	5-Dirt	
3-Brick or Block	6-Other	

ROADWAY SURFACE CONDITIONS 1

1-Dry	4-Ice/Frost	7-Oil
2-Wet	5-Sand, Dirt, Mud, Gravel	8-Other
3-Snow or Slush	6-Water (standing or moving)	9-Unknown

WORK ZONE 0

0-None	2-Maintenance	4-Work Zone, Type Unknown
1-Construction	3-Utility	

TRAFFIC CONTROL DEVICE 0
LOOKUP TRAFFIC CONTROL DEVICE CODES

TRAFFIC CONTROL DEVICE FUNCTIONING 0

0-No controls	3-Device Functioning Properly
1-Device Not Functioning	9-Unknown
2-Device Functioning - Functioning Improperly	

LIGHT CONDITION 1

1-Daylight	3-Dark but Lighted	5-Dusk
2-Dark-Not Lighted	4-Dawn	6-Dark-Unknown Lighting
		7-Other
		9-Unknown

ATMOSPHERIC CONDITIONS 10

0-No Additional Atmospheric Conditions	4-Snow or Blowing Snow	8-Other
1-Clear/Cloudy (No Adverse Conditions)	5-Fog, Smog, Smoke	9-Unknown
2-Rain	6-Severe Crosswinds	
3-Sleet(Hail)	7-Blowing Sand, Soil, Dirt	

SCHOOL BUS RELATED 0
0-No 1-Yes

RAIL GRADE CROSSING IDENTIFIER 0000000

NOTIFICATION TIME EMS 1738
Military Time Except:

RELATION TO JUNCTION

01

NON-INTERCHANGE
00-Non-Junction
01-Intersection
02-Intersection Related
03-Driveway, Alley Access, etc.
04-Entrance/Exit Ramp Related
05-Rail Grade Crossing
06-Crossover-Related
07-Driveway Access Related
08-Unknown - Non-Interchange

INTERCHANGE AREA
10-Intersection
11-Intersection Related
12-Driveway Access
13-Entrance/Exit Ramp Related
14-Crossover-Related
15-Other Location in Interchange
19-Unknown, Interchange Area
99-Unknown

RELATION TO TRAFFICWAY

01

01-On Roadway
02-Shoulder
03-Median
04-Roadside
05-Gore
06-Outside Trafficway/Outside Right-of-Way
08-Off Roadway - Location Unknown
07-In Parking Lane/Zone
10-Separator
11-Two-way Continuous Left-Turn Lane
99-Unknown

TRAFFICWAY FLOW

3

1-Not Physically Divided (Two-Way Trafficway)
4-Not Physically Divided (With Two-Way Continuous Left-Turn Lane)
2-Divided Highway, Median Strip (Without Traffic Barrier)
3-Divided Highway, Median Strip (With Traffic Barrier)
4-One-Way Trafficway
6-Entrance/Exit Ramp
9-Unknown

NUMBER OF TRAVEL LANES

4

Actual Value Except:
7-Seven or More Lanes 9-Unknown

8888-Not Applicable (Not Notified) 9998-Unknown if Notified 9999-Unknown

ARRIVAL TIME EMS

1243

Military Time Except:
8888-Not Applicable (Not Notified) 9998-Unknown if Arrived
9997-Officially Canceled 9999-Unknown

EMS TIME AT HOSPITAL

1329

Military Time Except:
8888-Not Applicable (Not Transported) 9998-Unknown if Transported
9997-Officially Canceled 9999-Unknown EMS Hospital Arrival Time

RELATED FACTORS

0|0|0

LOOKUP ACCIDENT RELATED FACTORS CODES

ADDITIONAL STATE INFORMATION

1593

MB

2009 Fatality Analysis Reporting System
VEHICLE LEVEL

U.S. Department of Transportation
National Highway Traffic Safety Administration

STATE NUMBER (GSA CODES)	CONSECUTIVE NUMBER	VEHICLE NUMBER	NUMBER OF OCCUPANTS
48	1432	2	1

Actual Value if Total Known Except:
96-Ninety-Six or More
99-Unknown

DRIVER INFORMATION

UNIT TYPE — 1

1-Motor Vehicle In-Transport(Inside or Outside the Trafficway)
2-Motor Vehicle Not In-Transport Within Trafficway
3-Motor Vehicle Not In-Transport Outside Trafficway
4-Working Motor Vehicle (Highway Construction, Maintenance, Utility Only)

REGISTRATION STATE — 48

GSA CODES Except:
00-Not Applicable
92-No Registration
93-Multiple State Registration
94-U.S. Government Tags(includes military)
95-Canada
96-Mexico
97-Other Foreign Country
98-Other Registration(incl. Native American Indian Nations)
99-Unknown

REGISTERED VEHICLE OWNER — 1

0-Not Applicable, Vehicle Not Registered
1-Driver (this crash) Registered Owner
2-Driver (this crash) Not Registered Owner (Other Private Owner Listed)
3-Vehicle Registered as Business/Company/Government Vehicle
4-Vehicle Registered as Rental Vehicle
5-Vehicle Stolen (Reported by Police)
6-Driver was/Motor Vehicle Parked/Stopped Off Roadway
9-Unknown

VEHICLE MAKE — 02

LOOKUP VEHICLE MAKE CODES

VEHICLE MODEL — 404

LOOKUP VEHICLE MODEL CODES

BODY TYPE — 14

LOOKUP BODY TYPE CODES

MODEL YEAR — 2004

Actual Value Except: 9999-Unknown

VEHICLE IDENTIFICATION NUMBER — 1J4GX48S94C2

BUS USE — 0

0-Not Used as a Bus
1-Used as a Public School Bus
2-Used as a Private School Bus
3-Used as a Transit Bus, Public or Private Unknown
4-Used as a Scheduled Service Bus
5-Used as a Tour Bus
6-Used as a Commuter Bus
7-Used as a Shuttle Bus
8-Modified for Personal/Private Use
9-Unknown Bus Use

SPECIAL USE — 0

0-No Special Use
1-Taxi
2-Vehicle Used as School Bus
3-Vehicle Used as Other Bus
4-Military
5-Police
6-Ambulance
7-Fire Truck
8-Emergency Services Vehicle
9-Unknown

IMPACT POINT - INITIAL — 06

IMPACT POINT - PRINCIPAL — 06

00-Non-Collision
01-12-Clock Points
13-Top
14-Undercarriage
18-"Set-in-Motion" Condition
99-Unknown

VEHICLE ROLE — 2

0-Non-Collision
1-Striking
2-Struck
3-Both
9-Unknown

UNDERRIDE/OVERRIDE — 0

0-No Underride or Override

UNDERRIDING A MOTOR VEHICLE IN-TRANSPORT
1-Underride (Compartment Intrusion)
2-Underride (No Compartment Intrusion
3-Underride Compartment Intrusion Unknown)

UNDERRIDING A MOTOR VEHICLE NOT IN-TRANSPORT
4-Underride (Compartment Intrusion)
5-Underride (No Compartment Intrusion
6-Underride Compartment Intrusion Unknown)

7-Overriding a Motor Vehicle In-Transport
8-Overriding a Motor Vehicle Not In-Transport
9-Unknown if Underride or Override

EXTENT OF DAMAGE — 6

0-No Damage
2-Minor Damage
4-Functional Damage
6-Disabling Damage
9-Unknown

VEHICLE REMOVAL — 2

1-Driven Away
2-Towed Due to Disabling Damage
3-Towed Not Due to Disabling Damage
4-Abandoned / Left at Scene
9-Unknown if Towed

MOTOR CARRIER IDENTIFICATION NUMBER — 00000000000

VEHICLE CONFIGURATION — 00

00-Not Applicable, Not a Med/Heavy Truck, Bus or Vehicle Displaying Hazardous Material Placard
01-Single Unit Truck (Two Axles, 6 Tires)
02-Single Unit Truck (Three or More Axles)
03-Single Unit Truck (Unkn. No. of Axles, Tires)
04-Truck/Trailer(s)
05-Truck Tractor (Bobtail)
06-Tractor/Semi-Trailer (One Trailer)
07-Tractor/Doubles (Two Trailers)
08-Tractor/Triples (Three Trailers)
19-Med/Heavy Truck, cannot classify
20-Bus (seats 9-15 people, including driver)
21-Bus (seats more than 16 people, including driver)
70-Light Truck (van, mini van, panel, pickup, sport utility displaying a hazardous materials placard)
80-Passenger Car (only when displaying a hazardous materials placard)
99-Unknown If Light or Med/Heavy Truck/Bus

VEHICLE TRAILING — 0

0-No Trailing Units
1-Yes, One Trailing Unit
2-Yes, Two Trailing Units
3-Yes, Three or More Trailing
4-Yes, Number of Trailers Unknown
5-Vehicle Towing Another Motor Vehicle - Fixed Linkage
6 - Vehicle Towing Another Motor Vehicle - Non-

EMERGENCY USE

0

0-No 1-Yes 9-Unknown

TRAVEL SPEED

998

Actual Miles Per Hour Except:
000-Stopped Motor Vehicle In-Transport 998- Not Reported
001-151 Reported Speed up to 151 MPH 999-Unknown
997-Greater than 151 MPH

VEHICLE MANEUVER

01

01-Going Straight
02-Slowing or Stopping in Traffic Lane
03-Starting in Traffic Lane
04-Stopped in Traffic Lane
05-Passing or Overtaking Another Vehicle
06-Leaving a Parked Position
07-Parked
08-Entering a Parked Position
09-Controlled Maneuvering to Avoid*
10-Turning Right: RTOR** Permitted
11-Turning Right: RTOR Not Permitted
12-Turning Right: RTOR Not Applicable or Not Known If Permitted
13-Turning Left
14-Making a U-Turn
15-Backing Up (Not Parking)
16-Changing Lanes or Merging
17-Negotiating a Curve
98-Other
99-Unknown

*See Instruction Manual for Detail **RTO R = "Right Turn on Red"

CRASH AVOIDANCE MANEUVER

8

0-No Avoidance Maneuver Reported
1-Braking (skid marks evident)
2-Braking (no skid marks; driver stated)
3-Braking (other reported evidence)
4-Steering (evidence or stated)
5-Steering and Braking (evidence or stated)
6-Other Avoidance Maneuver
8-Not Reported / Inconclusive (by police)

ROLLOVER

0

1 - Rollover, Tripped by Object/Vehicle 2 - Rollover, Untripped 9 - Rollover, Unknown Type

LOCATION OF ROLLOVER

0

0 - No Rollover 1 - On Roadway 2 - On Shoulder 3 - On Median/Separator 4 - In Gore 5 - On Roadside 6 - Outside of Traffic way 9 - Unknown

JACKKNIFE

0

0-Not an Articulated Vehicle
1-No
2-Yes, First Event
3-Yes, Subsequent Event

Units
Fixed Linkage
9-Unknown

GROSS VEHICLE WEIGHT RATING GROSS COMBINATION WEIGHT RATING

0

0- Not Applicable
1-10,000 lbs. or less
2- 10,001 - 26,000 lbs.
3- 26,001 lbs. or more
9-Unknown

CARGO BODY TYPE

00

00-Not Applicable
01-Van/Enclosed Box
02-Cargo Tank
03-Flatbed
04-Dump
05-Concrete Mixer
06-Auto Transporter
07-Garbage / Refuse
08-Grain, Chips, Gravel
09-Pole - Trailer
10-Log
11-Intermodal Container Chassis
12-Vehicle Towing Another Motor Vehicle
21-Bus (seats 16 or more people, including driver)
22-Bus
96-No Cargo Body Type
97-Other
98-Unknown Cargo Body Type
99-Unknown

HAZARDOUS MATERIAL INVOLVEMENT/PLACARD

HM1(Involvement)	HM2(Placard)	HM3(Identification Number)	HM4(Class Number)	HM5(Released)
1	0	0000	0	0
Blank	Blank	Blanks	Blank	Blank
1-No	0-Not	0000-Not	00-Not	0-Not
2-Yes	Applicable	Applicable	Applicable	Applicable
	1-Yes	Actual 4-digit	Actual 1-digit	1-No
	2-Yes	Number	Number(with	2-Yes
	8-Not	8888-Not	leading zero)	8-Not Reported
	Reported	Reported	88-Not	
			Reported	

SEQUENCE OF EVENTS

12|02|00|00|00|00

LOOKUP SEQUENCE OF EVENTS CODES

MOST HARMFUL EVENT

02

LOOKUP MOST HARMFUL EVENT CODES

RELATED FACTORS

00|00

LOOKUP RELATED FACTORS - VEHICLE LEVEL CODES

FIRE OCCURRENCE

1

0-No Fire 1-Fire Occurred in Vehicle During Accident

HIT AND RUN

0

0-No 1-Yes 9-Unknown

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1825 Connecticut Ave, NW Suite 330
Washington, DC 20009-5708

To:/*Destinataire:*

Honorable David Strickland, Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE
Washington DC 20590

Country of Destination:/*Pays de destination:*

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