

KLINE, ET AL v. MORGAN-ALCALA, ET AL
BERNARD ROBERTSON

June 15, 2011

Prepared for you by



Bingham Farms/Southfield • Grand Rapids
Ann Arbor • Detroit • Flint • Jackson • Lansing • Mt. Clemens

1 SUPERIOR COURT OF NEW JERSEY

2 LAW DIVISION, MORRIS COUNTY

3

4 THOMAS KLINE, AS ADMINISTRATOR AD

5 PROSEQUENDUM OF THE HEIRS AT LAW

6 OF SUSAN MORRIS KLINE, (DECEASED),

7 AS ADMINISTRATOR OF THE ESTATE

8 OF SUSAN MORRIS KLINE, and THOMAS

9 KLINE, INDIVIDUALLY,

10 Plaintiffs,

11 vs.

Docket No. MRS-L-3575-08

12

13 VICTORIA MORGAN-ALCALA, CARLOS

14 ALCALA, NATALIE RAWLS,

15 DAIMLERCHRYSLER CORPORATION, A/K/A

16 CHRYSLER CORPORATION, LOMAN AUTO

17 GROUP, CHRYSLER GROUP LLC (For

18 Discovery Purposes), JOHN DOES A

19 THROUGH Z, (Names Being Fictitious),

20 ABC CORPORATIONS, 1 THROUGH 100,

21 (Names Being Fictitious),

22 Defendants.

23

24

25 THE DEPOSITION OF BERNARD ROBERTSON, JUNE 15, 2011

1 The Deposition of BERNARD ROBERTSON,
2 Taken at 30800 Telegraph Road, Suite 2925,
3 Bingham Farms, Michigan,
4 Commencing at 9:14 a.m.,
5 Wednesday, June 15, 2011,
6 Before Lezlie A. Setchell, CSR-2404, RPR, CRR.

7

8 APPEARANCES:

9

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22 Appearing on behalf of the witness.

23

24 ALSO PRESENT:

25 Antonio C. Irizarry

1	TABLE OF CONTENTS	
2		
3	WITNESS	PAGE
4	BERNARD ROBERTSON	
5		
6	EXAMINATION	
7	BY MR. SACCO:	5
8	EXAMINATION	
9	BY MS. DeFILIPPO:	65
10	EXAMINATION	
11	BY MR. FUSCO:	140
12		
13	EXHIBITS	
14		
15	EXHIBIT	PAGE
16	(Exhibits attached to transcript.)	
17		
18	DEPOSITION EXHIBIT 1	21
19	DEPOSITION EXHIBIT 2	90
20	DEPOSITION EXHIBIT 3	107
21	DEPOSITION EXHIBIT 4	119
22	DEPOSITION EXHIBIT 5	122
23	DEPOSITION EXHIBIT 6	134
24		
25		

1 Bingham Farms, Michigan
2 Wednesday, June 15, 2011
3 9:14 a.m.

4 BERNARD ROBERTSON,
5 was thereupon called as a witness herein, and after
6 having first been duly sworn to testify to the truth,
7 the whole truth and nothing but the truth, was
8 examined and testified as follows:

9
10 EXAMINATION

11 BY MR. SACCO:

12 Q. Good morning, Mr. Robertson.

13 A. Good morning.

14 Q. We've gone through some preliminaries so that you know
15 who we all are in the room. A couple of important
16 questions and directions at the beginning. Have you
17 ever been deposed before?

18 A. Yes.

19 Q. How many times?

20 A. Four or five, maybe six.

21 Q. When was the most recent?

22 A. About four years ago.

23 Q. And do you remember the name of the case that you were
24 deposed in then?

25 A. No.

1 Q. Do you remember the name of any of the cases that you
2 were deposited in?

3 A. No.

4 Q. Okay. What was the nature of the cases that you were
5 previously deposited in?

6 A. The last one was on rear seatbelts in Dodge trucks.
7 The only other one that I have any real recollection
8 of was Jeep engine noise.

9 Q. Jeep what?

10 A. Engine noise.

11 Q. Okay.

12 A. 4-liter 6-cylinder engine noise.

13 Q. Have you ever been involved in any capacity in any
14 lawsuit wherein fuel systems of Jeep Grand Cherokees,
15 specifically the ZJ model have been an issue?

16 A. Not that I can recollect.

17 Q. Have you ever testified in court before?

18 A. Yes.

19 Q. How many times?

20 A. Once.

21 Q. When was that?

22 A. That was the case -- well, when was it?

23 Q. Approximately.

24 A. It was about 2002. That was the Jeep engine noise
25 case in Chicago.

- 1 Q. Are you currently employed?
- 2 A. No.
- 3 Q. When was the last time that you were officially
- 4 employed?
- 5 A. I retired December 31st, 2003 from Chrysler.
- 6 Q. From?
- 7 A. Chrysler, DaimlerChrysler as well.
- 8 Q. It was DaimlerChrysler then, correct?
- 9 A. Correct.
- 10 Q. Okay. And was that a planned retirement?
- 11 A. Yes.
- 12 Q. What was the last position that you held at
- 13 DaimlerChrysler?
- 14 A. Senior Vice President, Engineering Technologies.
- 15 Q. Out of curiosity, what's the difference between a
- 16 Senior Vice President and an Executive Vice President
- 17 other than perhaps pay scale?
- 18 A. Typically -- we adopted the Daimler hierarchy or
- 19 titles and so forth, so typically I would report to an
- 20 Executive Vice President. So the company had maybe
- 21 six Executive Vice Presidents at the time, and then
- 22 their reports would be either Senior Vice Presidents
- 23 or something less.
- 24 Q. Okay. When did you become a Senior Vice President
- 25 with DaimlerChrysler?

1 A. My title changed at the merger, which was 1997, I
2 think, August of '97. My job basically -- I had been
3 a Vice President, it became a Senior Vice President
4 when they adopted the new nomenclature.

5 Q. When did you become a Vice President?

6 A. April of 1992.

7 Q. Okay. And what was the department that you held that
8 position in?

9 A. Jeep and Truck Engineering.

10 Q. Did you work for Mr. Castaing at all?

11 A. Yes.

12 Q. Okay. From what period or during what period of time?

13 A. From 1988 when I went to Jeep and Truck Engineering,
14 and he took over Chrysler Engineering, and I worked
15 for him until -- it would have been about 1995/'96
16 when he left Engineering to run International
17 Operations. So it was about, what is that, seven
18 years.

19 Q. Okay. So during Mr. Castaing's tenure, you reported
20 to him; is that accurate?

21 A. After the merger, yes -- well, a year after the
22 merger.

23 Q. Okay. Would you give us the benefit of your formal
24 education?

25 A. I graduated from Cambridge University in England with

1 a master's in mechanical science. I have a master's
2 from Chrysler Institute of Engineering. I also have
3 an MBA. I'm a chartered engineer in the UK. I'm a
4 Fellow of the Institute of Mechanical Engineers,
5 Fellow of the Society of Automotive Engineers, and I
6 was elected to the National Academy of Engineering in
7 1999.

8 Q. Are you licensed as an engineer in any jurisdictions?

9 A. Only in England.

10 Q. Do you know who Dale Dawkins is?

11 A. Yes. Well, I knew of him when we worked at Chrysler.

12 Q. Okay. Did you work with him at all?

13 A. Only as a colleague. We went to the same reporting
14 structure.

15 Q. Okay. Do you have any idea where he is now?

16 A. I think he was Mayor of Bloomfield Hills the last time
17 I --

18 Q. He went into politics, huh?

19 A. I believe that's where he is.

20 Q. In your position as Vice President and Senior Vice
21 President, did you have anything to do with 301
22 testing of the Jeep Grand Cherokee ZJ?

23 MR. FUSCO: Objection, assumes facts not in
24 evidence. Let's go off the record a second.

25 MR. SACCO: Yes, we can go off the record.

1 (Discussion off the record at 9:20 a.m.)

2 (Back on the record at 9:21 a.m.)

3 MR. FUSCO: I just want to, again, it's the
4 Plaintiffs' position that this is a de bene esse
5 deposition. I don't know how it was Noticed. Because
6 they're taking the position it's de bene esse, I am
7 going to put all my objections on the record so
8 they're preserved.

9 MS. DeFILIPPO: We can agree that you can
10 object without going into a long dialogue, and we can
11 agree that at the time of trial, we can deal with the
12 objections at that time which is what we normally do
13 in a videotaped or regular deposition de bene esse.
14 Rather than getting into long dialogues, you can
15 object, you can allow him to answer, and we can deal
16 with that with a motion at the time of trial.

17 MR. FUSCO: So do you want to stipulate
18 that all objections except as to form are preserved
19 until the time of trial?

20 MS. DeFILIPPO: Yes, I think we should do
21 that.

22 MR. GILL: Could somebody repeat that
23 because I'm losing all of this. I think I just heard
24 a stipulation about preserving objections.

25 MS. DeFILIPPO: We're going to preserve all

1 objections to be argued at the time of trial or in a
2 motion prior to trial.

3 MR. GILL: Or in motions upon receipt of
4 the transcript? Okay.

5 MS. DeFILIPPO: Whatever.

6 MS. JEFFREY: Except objections as to form.

7 MR. SACCO: Yeah.

8 MS. DeFILIPPO: And with respect to
9 objections as to form, obviously the rules apply,
10 objection as to form, etcetera, okay, Jim?

11 MR. GILL: That's fine with me.

12 MR. FUSCO: Let me say one more thing and I
13 promise to shut up. Because there's going to be
14 documents used, I'm specifically preserving all
15 objections about foundations of documents and
16 admissibility all preserved before Judge Rand or
17 whoever is the trial judge. Is that agreeable?

18 MS. DeFILIPPO: That's the same thing.

19 MR. FUSCO: I'm a foundation guy.

20 MS. DeFILIPPO: Fine.

21 MR. FUSCO: As long as that's okay.

22 MR. GILL: And the stipulation also applies
23 to Mr. Castaing's testimony yesterday?

24 MS. DeFILIPPO: Listen, any objections
25 obviously can be made, except objections as to form if

1 they were not made.

2 MR. FUSCO: That's agreeable. Thank you.

3 Sorry, counsel. Proceed.

4 MR. SACCO: Would you read the last
5 question, back.

6 (The requested portion of the record was
7 read by the reporter at 9:23 a.m. as
8 follows:

9 "Question: In your position as Vice
10 President and Senior Vice President, did
11 you have anything to do with 301 testing of
12 the Jeep Grand Cherokee ZJ?")

13 A. Certainly FMVSS 301 testing was conducted during the
14 time that I was responsible overall for Jeep and Truck
15 Engineering, so I was generally familiar with what it
16 is, the fact that it was done. I'm not expert on
17 actually conducting the test.

18 BY MR. SACCO:

19 Q. Okay. You never conducted any of the tests
20 personally?

21 A. No.

22 Q. Okay. Were you ever present when any of the tests
23 were conducted?

24 A. Not on ZJ. I've seen a 301 test performed but not on
25 a ZJ.

1 Q. Okay. On what vehicle have you seen it performed?

2 A. Actually, the only test I was present for was on a
3 concept vehicle that we didn't later on -- in one of
4 my other jobs, it was called the China Concept
5 Vehicle, CCV.

6 Q. I take it that never went into production?

7 A. Correct.

8 Q. Do you know the mechanism behind the conduction and
9 reporting of 301 testing?

10 A. Generally.

11 Q. Okay. Generally what is your knowledge or your
12 recollection of it?

13 A. Well, 301, my knowledge of it is it's a barrier test.
14 It's an impact into a fixed barrier at 30 miles an
15 hour, and after which the vehicle is put in a fixture
16 and rotated through 360 degrees, and the standard --
17 there's a standard on the amount of fuel which is
18 permitted to leak out during that period.

19 Q. Okay. Do you know what that standard is?

20 A. It's a small amount. I don't recall. Our internal
21 standard was no leakage, but I don't remember what the
22 Federal amount was. It's a fairly small amount of
23 liquid.

24 Q. Were the 301 tests conducted in-house; do you know
25 what I mean by that?

1 A. Yes, yes. Yes, typically they were performed at our
2 proving ground impact facility.

3 Q. Where was that located?

4 A. Chelsea, Michigan. I'm trying to remember if we ever
5 outsourced it. I don't recall outsourcing. My
6 recollection is we did them all in-house, and then, of
7 course, the Federal Government would do the
8 confirmatory tests at their facilities.

9 Q. Do you know what it was that would trigger the Federal
10 Government doing a confirmatory test?

11 A. As I recall, they did random testing as kind of a
12 sampling technique, or if there was a reported issue,
13 then they would do testing as a general practice.

14 Q. Okay. Were the tests reported to the Federal
15 Government, the test results?

16 A. As I recall, all FMVSS testing is basically a
17 self-certification procedure, and we would obviously
18 keep internal records. I don't recall whether -- I
19 don't actually know whether they were reported to the
20 Federal Government as a matter of course or whether
21 they were just simply kept as records in the event of
22 a discovery.

23 Q. To the extent that they were report ed to the Federal
24 Government, do you know what the actual test results
25 were provided to the Government or was it a report or

1 something else?

2 A. I don't know.

3 Q. Were you ever informed of any negative test results in
4 the 301 testing of the ZJ during the time that you
5 were Vice President or Senior Vice President?

6 A. No.

7 Q. Would that have been something that you should have
8 been reported to?

9 MR. FUSCO: Object to the form.

10 A. I would expect to be notified if there were any.

11 BY MR. SACCO:

12 Q. And if you had been notified that there were any
13 negative test results, what action would you have
14 taken.

15 A. Obviously it depends at what stage in the development
16 of the vehicle that it took place, but basically the
17 whole process of engineering, sort of engineering
18 dialogue would take place. We'd hold meetings, we'd
19 understand what the issues were, what had failed, what
20 the circumstances were, and if necessary, what was the
21 potential remedial action.

22 Q. Okay. On any of those remedial meetings, would there
23 have been minutes or records kept of those meetings?

24 A. Possibly but not necessarily. Actually, not typically
25 if this was -- if this was an urgent matter, which

1 typically vehicle development is, unless there were
2 sort of formal committee meetings, minutes typically
3 weren't kept.

4 Q. Okay. So would it be fair to state that there were
5 occasions when engineers would get together and meet
6 and discuss developmental issues and perhaps problems
7 and perhaps even fix those problems without having
8 them documented?

9 MR. FUSCO: Object to the form.

10 MS. JEFFREY: Join.

11 A. I would think so.

12 BY MR. SACCO:

13 Q. During the period of time that you were Senior Vice
14 President, was the existence of any lawsuits alleging
15 a defect in the fuel system on the ZJ model ever
16 brought to your attention?

17 MR. FUSCO: Object to the form.

18 A. No.

19 BY MR. SACCO:

20 Q. As we sit here today, do you have knowledge of any
21 lawsuits, other than this one, the Kline lawsuit that
22 we're presently discussing today or which forms the
23 basis for us being here today, do you have knowledge
24 of any other lawsuits as we sit here today that
25 challenged the fuel system design in the ZJ?

1 A. No.

2 Q. In your position as Vice President and Senior Vice
3 President, would the existence of lawsuits which
4 challenged the fuel system design on one of your
5 products, specifically the ZJ, have been brought to
6 your attention, should they have been brought to your
7 attention?

8 MS. JEFFREY: Object to form.

9 A. They would typically have been.

10 BY MR. SACCO:

11 Q. And if the existence of a lawsuit that alleged a
12 defect in the fuel system of the ZJ model had been
13 brought to your attention, what would you have done?

14 A. Well, it's hard to know hypothetically what I would
15 have done. Obviously, it would depend on what the
16 circumstances were, but typically if it was already a
17 lawsuit, meet with the internal legal staff and
18 understand what the circumstances of it were.

19 Q. Okay. But as we sit here today, you have no
20 recollection of any lawsuits having been brought to
21 your attention?

22 A. No.

23 Q. Do you know a gentleman named Estes?

24 A. I'm sorry?

25 Q. Estes, E-S-T-E-S?

1 A. No.

2 Q. I think his first name is Robert?

3 MS. JEFFREY: Judson.

4 BY MR. SACCO:

5 Q. Judson, I'm sorry, Judson Estes?

6 A. No.

7 Q. Do you know Paul Sheridan?

8 A. I did 20 years ago.

9 Q. How did you know him?

10 A. He worked -- he worked at Jeep and Truck during the
11 time that I was there until he left in 1991, I think.

12 Q. Did you ever have any direct interactions with NHTSA
13 concerning any of the design portions of the ZJ model?

14 MR. FUSCO: I'm going to object to the
15 form.

16 A. I'm trying to remember. I had meetings with NHTSA.
17 Gosh, I can't remember.

18 BY MR. SACCO:

19 Q. If you can't remember, that's okay. I prefer that you
20 not guess.

21 A. Well, I wasn't going to guess. I'm just trying to
22 remember. I had meetings with NHTSA on a number of
23 topics, but I don't remember anything specifically
24 regarding ZJ.

25 Q. What do you remember about your meetings with NHTSA;

1 what did they involve?

2 A. Well, we had several -- I had several meetings with
3 NHTSA over the latch system for attaching child
4 safety, child seat -- child safety seats into the rear
5 of vehicles. We had a lot of dialogue. I had a
6 number of meetings in Washington with NHTSA over that.
7 As a matter of fact, we had a joint program to
8 publicize the availability of the latch system.
9 That's my primary recollection of meetings with NHTSA.
10 I also had one meeting with them over transmissions
11 selector, the old manual transmission selector system
12 that was used for, gosh, 30 years, and that was the
13 subject of NHTSA activity a number of years ago.

14 Q. Was that the old Torqueflite transmission?

15 A. Yeah, all of our transmissions in those days were
16 called Torqueflite, but it was the old Coxcomb manual
17 selector system. Those are the only direct
18 face-to-face meetings with NHTSA that I recall.

19 Q. During the period of time that you were Vice President
20 or Senior Vice President, did a gentleman named
21 Viergutz work with you or for you?

22 A. Yes.

23 Q. Did he work with you or did he work for you?

24 A. He worked for me during the time that I was at Jeep
25 and Truck Engineering.

1 Q. In what capacity?

2 A. He was -- I think for a lot of that time, he was
3 director of Chassis Engineering.

4 Q. In that capacity do you know whether or not as his
5 supervisor he had any managerial responsibilities for
6 the design of the fuel system in the ZJ?

7 A. I believe that was part of his responsibility. I
8 haven't gone and looked carefully at the organization
9 responsibilities, but I believe that was the case.

10 Q. Do you know when the ZJ model was originally designed?

11 A. Well, not exactly. It started -- it started as a
12 potential replacement for the XJ Cherokee under the
13 old American Motors system, and then with the merger
14 or acquisition by Chrysler, obviously it continued but
15 with a fair number of changes made. At some point in
16 there, the concept or the intent changed to be a
17 sister vehicle to the Cherokee instead of a direct
18 replacement and, therefore, it was decided to build an
19 all new assembly plant dedicated to the Grand
20 Cherokee, and then there was a proposal to do a Dodge
21 version and then a decision to put a V8 engine in it.

22 So it started under -- I guess the short
23 answer is it started under American Motors back in the
24 '80s prior to the merger, and it gradually changed
25 over time and was obviously completed in '92 when we

1 launched it.

2 Q. In your capacity as Vice President and Senior Vice
3 President, did you have any knowledge of any changes
4 in the fuel system design in the ZJ during its
5 developmental period?

6 A. No.

7 Q. What was Mr. Viergutz's title?

8 A. I believe it was director of Chassis Engineering, but
9 I'd have to look at an org chart to be sure.

10 Q. At some point in time you appointed him an executive
11 engineer?

12 A. I believe, and again, my recollection is hazy here, I
13 believe that after the merger, Chrysler and American
14 Motors sort of rationalized titles and so on, kind of
15 similar to the Daimler situation we talked about.

16 MARKED FOR IDENTIFICATION:

17 DEPOSITION EXHIBIT 1

18 9:38 a.m.

19 BY MR. SACCO:

20 Q. I'll show you what we just marked as Exhibit 1,
21 Robertson Exhibit 1 and ask if you can identify that
22 document?

23 A. Well, it certainly looks like something I wrote.

24 Q. Okay. Does that help refresh your recollection
25 concerning my question about you appointing

1 Mr. Viergutz to an executive engineer position?

2 A. Yes. Well, as you know from the document, he was
3 already an executive engineer. This changed his
4 responsibilities.

5 Q. Oh, okay. That's what that document did?

6 A. That's what it says. It says Mr. Viergutz was most
7 recently executive engineer Chassis Drivetrain, which
8 is what I recalled, and this appointed him executive
9 engineer of Engine Engineering, and John Kent took
10 over the chassis portion. So he was already an
11 executive. This changed the specific area of
12 responsibility. The change from director, which was
13 my recollection, to executive may have been just a
14 nomenclature thing resulting from the merger.

15 Q. Okay.

16 MS. DeFILIPPO: What was the date of that
17 document?

18 THE WITNESS: January 30th, 1991.

19 BY MR. SACCO:

20 Q. Mr. Robertson, do you have any knowledge as we sit
21 here today or any recollection as to where the fuel
22 tank was located on the ZJ model?

23 A. My recollection is it's between the axle and the rear
24 crossmember.

25 Q. During the period of time that the ZJ was in

1 production, do you know of any other Chrysler or --
2 strike that -- do you know of any other Jeep vehicles
3 that had the fuel tank placed in the same position as
4 the ZJ?

5 A. Other Jeep vehicles, the XJ Cherokee of course, the
6 Wrangler. I think it's there on all Jeep vehicles.
7 My recollection is it's the same place on all Jeep
8 vehicles.

9 Q. And I'm sorry, sir, when did you retire from
10 DaimlerChrysler?

11 A. December 31st, 2003.

12 Q. At the time of your retirement, was the successor to
13 the ZJ in the planning stages?

14 MS. JEFFREY: Object to form.

15 A. The successor was already being produced at that time.
16 The ZJ had been replaced by the WJ I think in '97, and
17 then I think the WJ was still in production when I
18 retired. It was then replaced by a completely
19 different vehicle.

20 MS. DeFILIPPO: I'm sorry, it was replaced
21 by?

22 THE WITNESS: By a completely different
23 vehicle, I believe. The current Grand Cherokee is a
24 derivative of the Mercedes ML. It's a totally
25 different vehicle.

1 BY MR. SACCO:

2 Q. What makes it a totally different vehicle? Give me
3 some of the design highlights.

4 MR. FUSCO: Excuse me, of the current -- I
5 lost that. The current one, is that your question?

6 MR. SACCO: Yes.

7 A. Well, keep in mind that, as I say, I retired in
8 December of '03, but my recollection was that at the
9 time in the planning stages, the new Jeep Grand
10 Cherokee and the Mercedes ML, which is produced in
11 Alabama, were going to be on a common platform, and I
12 believe that's what it now is. As I say, it's a
13 totally different vehicle. I'm not familiar with the
14 architecture of the vehicle. It's got some style
15 similarities to the old one, but architecturally it's
16 basically an all-new vehicle.

17 BY MR. SACCO:

18 Q. Architecturally what's the difference between the ZJ
19 and the WJ models?

20 A. I really don't know. I don't remember significant
21 architectural changes. I really don't recall.

22 Q. I'm sorry, sir, but when did you start as Vice
23 President?

24 A. I was appointed Vice President in April of '92.

25 Q. And when did you start at Chrysler?

1 A. August of 1965.

2 Q. So you were with the organization in or about 1978?

3 A. Yes.

4 Q. Okay. Did you know Mr. Sinclair?

5 A. Yes.

6 Q. And what was his position?

7 A. He was -- I'm not exactly sure whether his title at
8 the time was director or executive engineer.

9 MS. JEFFREY: What time period are we
10 talking?

11 A. '78 you said?

12 BY MR. SACCO:

13 Q. Yes.

14 A. Let me back up a step if I may. 1978, I was actually
15 working in a -- I was manufacturing -- engineering
16 manager at an assembly plant, but I did know who he
17 was. I subsequently went to work for him in 1981, and
18 I worked for him until, I don't know, '86 or '7. Now,
19 he was responsible for Chrysler Engineering. Whether
20 his title was director or executive engineer or Vice
21 President, I'm not sure, but those titles tended to
22 change during that period.

23 Q. Okay. And you went to work under him at some point in
24 time?

25 A. In 1981 I went to work for him. Well, I went to work

1 for -- oh, gosh -- I didn't report to him directly. I
2 reported to someone whose name I'm drawing a blank on
3 momentarily who reported to Bob Sinclair.

4 Q. Okay. Do you know a person named Baker?

5 A. Baker?

6 Q. Yes.

7 A. I knew some Bakers. Could you be more specific?

8 MS. JEFFREY: I think it's Leonard, Len.

9 BY MR. SACCO:

10 Q. LL are his initials.

11 A. Len Baker? No, I don't think so.

12 Q. If I were to suggest to you that he was the manager of
13 Automotive Safety, would that help your recollection?

14 A. Not so far. I don't recall anyone by that name in
15 that kind of position.

16 Q. During the period of time that you were a Vice
17 President but before you became a Senior Vice
18 President, was the location of the fuel system in the
19 ZJ model or the fuel tank on the ZJ model ever brought
20 to your attention as being something that should be
21 considered to be moved?

22 MR. FUSCO: Object to the form.

23 A. No.

24 BY MR. SACCO:

25 Q. Are you aware of anybody within the Chrysler

1 organization but under you on an organizational chart
2 while you were Vice President or Senior Vice President
3 who had an opinion about moving the location of the
4 fuel tank on the ZJ from aft of the rear axle to
5 forward of the rear axle?

6 MR. FUSCO: Object to the form.

7 A. I'm not aware of anyone who held that view.

8 BY MR. SACCO:

9 Q. Have you ever seen any documents during the period of
10 time that you were Vice President and Senior Vice
11 President that addressed that issue, that is,
12 relocating the fuel tank?

13 A. No.

14 Q. Now with the fuel tank on the ZJ model located behind
15 the rear axle, do you know what kind of structure
16 there may have been to prevent impact or rupture of
17 that fuel tank in a 301 test or a real-life situation?

18 MR. FUSCO: Object to the form.

19 MS. JEFFREY: I join that, real-life
20 situation.

21 BY MR. SACCO:

22 Q. I'm talking about a rear-end hit.

23 MR. FUSCO: Object to the form.

24 MS. JEFFREY: Join.

25 A. I'm sorry, could you repeat the question.

1 MS. JEFFREY: I'm sorry. You can have her
2 repeat it.

3 (The requested portion of the record was
4 read by the reporter at 9:49 a.m. as
5 follows:

6 "Question: Now with the fuel tank on the
7 ZJ model located behind the rear axle, do
8 you know what kind of structure there may
9 have been to prevent impact or rupture of
10 that fuel tank in a 301 test or a real-life
11 situation?")

12 A. My recollection is that that location was typical in
13 the industry. It was typical in all of those kinds of
14 products, and the -- it was generally designed such
15 that the frame rails and the crossmember and the rear
16 axle provided sort of physical structural protection
17 for it, and running 301 was kind of a confirmatory
18 procedure to ensure that that protection was adequate.
19 That was my recollection.

20 BY MR. SACCO:

21 Q. Okay. And again, no one ever brought to your
22 attention any 301 failures on the ZJ model?

23 A. Correct.

24 Q. What other vehicles are you referring to when you say
25 that that design was typical in the industry?

1 A. Well, again, my recollection is that all of the -- for
2 example, all of the sport utilities of that era were
3 similar architecture, and most, I think, of the
4 passenger cars were similar.

5 Q. What era are we talking about, the era of the ZJ or
6 something else?

7 A. Well, late, late -- the ZJ era, late '80s to early
8 '90s.

9 Q. And give me an example of some of the sport utility
10 vehicles that you were referencing?

11 A. The Toyota Forerunner, the Nissan Pathfinder, Ford
12 Explorer. I'm not certain about the Explorer but the
13 Pathfinder and the Forerunner, for example.

14 Q. Did you consider those vehicles to be the competition
15 for the ZJ?

16 A. Generally speaking. The XJ and then the ZJ were sort
17 of early sport utilities. They kind of more or less
18 created the market for sport utilities, so there
19 weren't a lot of competitors, direct competitors, but
20 yes, with that caveat, yes.

21 Q. During the period of time that you were Senior Vice
22 President and Vice President and subsequent to the
23 merger with Daimler, did Chrysler and Daimler ever
24 discuss the equivalent or lack of equivalency or
25 compatibility of their respective products?

1 MR. FUSCO: Object to the form.

2 MS. JEFFREY: Join.

3 A. I'm not -- I'm not really sure what you mean. I'm not
4 sure what equivalency, what that --

5 BY MR. SACCO:

6 Q. Well, is it true that Chrysler used to discuss with
7 Mercedes-Benz or Daimler automotive products as
8 equivalent or compatible as those products would sit
9 in the customer's driveway or garage?

10 MR. FUSCO: Object to the form.

11 A. I'm not -- I'm honestly not sure what you mean by
12 that.

13 BY MR. SACCO:

14 Q. Do you know whether or not Mercedes-Benz had an SUV in
15 the '70s and '80s era?

16 A. They launched the ML sport utility, oh, gosh, late
17 '90s, I believe, long after the ZJ was launched, but
18 they would have been -- it was before the merger.
19 They built the Alabama plant and all of the MLs were
20 built there, and I visited that actually before the
21 merger. So they launched that about, I suppose, '96.

22 Q. Do you know where the fuel tank was located in the ML
23 Mercedes-Benz model?

24 A. No.

25 Q. I'm sorry?

1 A. No.

2 Q. How much interaction did you have with the marketing
3 of the ZJ vehicle?

4 MS. JEFFREY: Object to form.

5 A. I had -- at some point in the early '90s, I took on a
6 broader responsibility for the Jeep and Truck
7 business, which included kind of an oversight of most
8 aspects of the Jeep and Truck business, including
9 sales, marketing, finance, service, etcetera. I
10 didn't have direct responsibility for it, though still
11 had functional organizations responsible for their
12 specific disciplines, but I had kind of an oversight
13 responsibility is what we called overall team general
14 manager, and in that context, I had involvement with
15 the marketing people.

16 BY MR. SACCO:

17 Q. What kind of involvement --

18 A. I'm not exactly sure when that organizational change
19 took effect.

20 Q. Okay. Other than your oversight responsibilities, was
21 there any direct hands-on involvement with the
22 marketing of the product, the ZJ?

23 A. No.

24 Q. As a Senior Vice President or a Vice President, did
25 you have any interaction with any of the dealers

1 personally?

2 A. A little bit.

3 Q. What was the nature of that interaction?

4 A. We had a practice where all of the newly-franchised
5 dealers would come into town and we'd meet with them
6 and just get acquainted, and many of us would brief
7 them on our various parts of the organization. We had
8 a dealer council where the dealers kind of elected
9 their leadership to come and meet with the company on
10 a fairly regular basis. I would be called in
11 occasionally to talk to them about some upcoming
12 product. So I can recall various interactions, no one
13 specific occasion, but I had a number of those kinds
14 of interactions.

15 Q. Was there ever any interaction between you or anybody
16 that reported directly to you as a Vice President or a
17 Senior Vice President concerning safety issues on any
18 of the products?

19 A. Not that I recall.

20 Q. While you were Vice President and Senior Vice
21 President, was there a vehicle that you or your direct
22 reports would utilize to notify dealers of safety
23 problems within the vehicles?

24 A. I'm trying to remember the mechanism. The only
25 mechanism that I can recall generally would be in the

1 event of a -- for example, if we had a recall for some
2 reason, the Safety Office would publish that and they
3 would -- they would work with -- I'm not actually sure
4 whether the Safety Office would issue the documents or
5 whether the sales organization that dealt directly
6 with the dealers, how they would do that, but they
7 would obviously notify the dealers if there was a
8 recall on a vehicle at the same time that the Safety
9 Office was responsible for notifying the specific
10 customers. During that time, there was sort of a
11 transition to electronic communication, and the
12 mechanism for publishing those things kind of changed
13 as technology changed, but I don't recall any specific
14 occasions of notification.

15 Q. Would recall notifications, whether they be hard paper
16 or electronic or some other method or mode, be
17 something that would be under your charge as a Vice
18 President and Senior Vice President?

19 A. Not directly. I would be aware of them at the time,
20 but the precise form, of course, was pretty much
21 dictated by NHTSA, and then they were published, as I
22 mentioned, by one of those two other organizations. I
23 don't recall which.

24 Q. Okay. If there was a recall, that would be a fairly
25 major event for Chrysler, correct, or any manufacturer

1 for that matter?

2 MR. FUSCO: Object to the form.

3 A. Well, it depends obviously what it is. There are more
4 and more and more recalls these days, and at the
5 margin, the instinct was always if in doubt, recall
6 something. It may be as simple as just checking
7 something, reflashing the electronics which is
8 relatively trivial these days. It depends on what the
9 issue is.

10 BY MR. SACCO:

11 Q. If there was an issue that was not serious enough to
12 involve a formal recall but needed to be addressed to
13 the dealers, what mechanism would be utilized?

14 MR. FUSCO: Can I hear that question again.

15 (The requested portion of the record was
16 read by the reporter at 10:01 a.m. as
17 follows:

18 "Question: If there was an issue that was
19 not serious enough to involve a formal
20 recall but needed to be addressed to the
21 dealers, what mechanism would be
22 utilized?")

23 A. A Technical Service Bulletin would be or a Service
24 Bulletin would be, I suppose, the typical mechanism,
25 and those were issued -- they were actually sort of

1 physically issued by the sales and service people.

2 BY MR. SACCO:

3 Q. Okay. And what is a Technical Service Bulletin?

4 A. They're notifications to the dealers, hints on how to
5 fix something if there's some sort of -- how to effect
6 a particular repair or availability of a kit or
7 anything that the dealers ought to know in the pursuit
8 of servicing our vehicles.

9 Q. Okay. And how was that Technical Service Bulletin
10 brought to the attention of the dealers during the
11 period of time that you were Vice President and Senior
12 Vice President?

13 A. How was it brought to the attention of the dealers? I
14 mean, I can't recall specific instance, but I mean
15 typically, as I say, they would be broadcast by the
16 sales and service people.

17 Q. Okay.

18 A. They would be documents.

19 Q. By mail or electronically or both, something else?

20 A. By mail. As I said, electronic communication kind of
21 came in during the '90s. I don't recall exactly when
22 the whole sales and service function switched over to
23 that, but my recollection was mailed paper.

24 Q. What would it take to trigger the decision to issue a
25 Technical Service Bulletin?

1 MS. JEFFREY: Object to the form.

2 A. Again, it depends what it is. I mean, there are
3 literally hundreds and hundreds of Service Bulletins
4 issued all over the map really, anything -- I mean, I
5 can remember drafting one about rotten egg smells from
6 catalysts in the early days of catalysts which was
7 just kind of a notification to the dealers that, Hey,
8 this happens and it's a function of the sulfur in the
9 fuel, and we even named certain brands of gasoline
10 that were noted for high sulfur content. That was
11 something where engineering got involved. We were the
12 only ones that understood sulfur dioxide in those
13 days. It could be the availability of some new
14 service tool. I mean, Service Bulletins ultimately
15 were issued, as I said, by sales and service, but the
16 need for it or desire for it may be initiated by
17 manufacturing or engineering or service.

18 Q. Would the issue that was addressed in any Technical
19 Service Bulletin be an issue that a dealer would have
20 to address?

21 MR. FUSCO: Object to the form.

22 A. Typically they would be simply information for
23 dealers, If you encounter this, here are some hints on
24 how to diagnose it or whatever.

25 BY MR. SACCO:

1 Q. Was there a mandate to the dealer to take the action
2 that was recommended in a Technical Service Bulletin?

3 MR. FUSCO: Object to the form.

4 A. No, not that I recall.

5 BY MR. SACCO:

6 Q. Are all Technical Service Bulletin issues
7 discretionary on the part of the dealer then?

8 MR. FUSCO: Object to the form.

9 A. I don't know. I really don't know what the policy is
10 or was.

11 BY MR. SACCO:

12 Q. Are there any other notifications besides a Technical
13 Service Bulletin that would go to a dealer concerning
14 issues that Chrysler or you in your capacity as Vice
15 President or Senior Vice President became aware of?

16 MS. JEFFREY: Object to form. He's already
17 -- I mean, he talked about recall notices, so... --

18 BY MR. SACCO:

19 Q. Not counting recall notices.

20 A. Well, as I said, my recollection is there were a
21 plethora of communications to dealers coming from the
22 sales and service department, and they may be
23 everything from new stair step incentive program to
24 the availability of a color or the lack of
25 availability of a color, which would typically not be

1 Service Bulletins. Obviously they'd be communications
2 to the dealers. I wasn't in that stream, so I
3 wouldn't be familiar with a lot of them, unless, you
4 know, unless there were some particular reason for me
5 to have been aware of it. I mean, if we were going to
6 cancel a color that was the most popular color on our
7 product, I mean, obviously I'd hear about that, but
8 there's a pretty solid stream of communications that
9 would go to dealers.

10 Q. Okay. Well, as a Vice President and Senior Vice
11 President involved in the area of engineering, if
12 there was a safety issue, how would a dealer be
13 notified?

14 A. If there was a safety issue -- I'm trying to think of
15 any circumstances -- I guess I can't really think of a
16 circumstance other than a recall notice that would, I
17 mean, a safety issue would typically be a recall. I
18 can't think of another example.

19 Q. Other than a recall notice and other than a formal
20 Technical Service Bulletin, would there have been
21 while you were Vice President and Senior Vice
22 President any other mechanism to advise dealers of
23 safety issues?

24 A. I don't know of one.

25 Q. Is there such or was there such a thing while you were

1 Vice President or Senior Vice President or in any
2 other capacity as an employee of Chrysler or
3 DaimlerChrysler called a Technical Safety Bulletin?

4 A. I don't know of -- that term doesn't -- isn't familiar
5 to me.

6 MR. SACCO: We've been going about 50
7 minutes or so. Could we take a short break?

8 MS. JEFFREY: Sure.

9 MR. FUSCO: Sure.

10 (Recess taken at 10:08 a.m.)

11 (Back on the record at 10:26 a.m.)

12 BY MR. SACCO:

13 Q. All right. Mr. Robertson, I just want to back up a
14 little bit. I asked you some specific questions about
15 the ZJ model and in particular about the ZJ model and
16 301 testing. Do you have any knowledge of the WJ
17 model 301 testing in any sense?

18 A. No.

19 Q. On any of the Jeep products when they were 301 tested,
20 would there have been a report generated?

21 A. I really don't know.

22 Q. Well, assuming for the moment that there would have
23 been a report generated, where would it have gone?

24 A. I don't know.

25 Q. And had there been a report generated, would you have

1 had access to that report in your capacity?

2 MR. FUSCO: Object to the form.

3 A. If I'd asked for it.

4 BY MR. SACCO:

5 Q. I asked you about lawsuits concerning the ZJ model.

6 Are you aware of any lawsuits involving the WJ model?

7 A. No.

8 Q. Are you aware of any lawsuits concerning post
9 collision fuel-fed fires on any of the Jeep products?

10 A. No.

11 Q. Do you know who Robert Mocello, M-O-C-E-L-L-O, is?

12 A. No.

13 Q. In the department that you oversaw as a Vice President
14 and Senior Vice President, was there a formal
15 compliance policy?

16 MS. JEFFREY: Object to form. If you know
17 what he means by compliance policy. Are you talking
18 about the FMVSS or --

19 MR. SACCO: Any kind of compliance,
20 external, internal.

21 MS. JEFFREY: Okay. I object to the form
22 of that. You can answer if you can.

23 A. We had -- I know we had policies, for example, that we
24 would comply with all FMVSS with safety margins where
25 applicable. I don't recall the form of them. It was

1 common knowledge that we had such things. We would
2 talk about them. But I don't recall what form they
3 were in, but we certainly had policies on, as I said,
4 for example, compliance with the Michigan regulations,
5 with FMVSS and so on.

6 BY MR. SACCO:

7 Q. And would those requirements include written reports,
8 compliance reports?

9 A. I don't think necessarily. Again, I don't remember
10 the exact form of them but typically not. I was more
11 familiar with emissions, Federal emission standards,
12 and I know we did not have formal reports on those,
13 for example.

14 Q. Well, as a Vice President and Senior Vice President
15 and as an officer of the corporation, if you wanted to
16 gain access to that information, how would you do it?

17 MS. JEFFREY: Object to form.

18 A. If by "that information" you mean any reports that
19 were issued, I would obviously ask the people
20 responsible for that particular area, that discipline.

21 BY MR. SACCO:

22 Q. And who would that have been?

23 A. The responsible director exec or manager of that
24 particular area.

25 Q. Did each area have its own compliance committee?

1 MS. JEFFREY: Object to form.

2 A. Not that I recall. I don't recall your term
3 "compliance committee". I don't remember such a
4 structure.

5 BY MR. SACCO:

6 Q. Do you have any recollection of any individual that
7 was responsible for compliance in your portion of the
8 organization?

9 A. No.

10 Q. How about in any other portion of the Chrysler
11 organization?

12 A. Well, we had -- I mentioned the corporate Safety
13 Office which had the -- they had the ultimate
14 responsibility for managing the safety, the safety
15 environment. I mean, that would be the focal point
16 for communication regarding the safety, and that was a
17 central corporate function.

18 Q. Would that have been part of the engineering office?

19 A. No.

20 Q. Would it have been called the auto safety group?

21 A. I don't remember that term.

22 Q. Do you know whether or not anyone ever held a position
23 called manager automotive safety?

24 A. It doesn't sound familiar.

25 Q. Did Chrysler have a formal records retention policy?

1 A. Yes. I don't remember when it was instituted or
2 revised, but yes, it did.

3 Q. And who would have been responsible for the
4 administration of that records retention policy?

5 A. I believe the finance community was responsible for
6 it.

7 Q. And who would that have been?

8 A. Well, they reported to the CFO, but of course they
9 were sort of decentralized throughout the whole
10 organization.

11 Q. Do you know generally what the requirements of
12 Chrysler's records retention policy was in terms of
13 time?

14 MS. JEFFREY: Object to form.

15 A. I don't know for sure. My recollection was that it
16 was a relatively short time horizon, either a year or
17 two years.

18 BY MR. SACCO:

19 Q. Are you aware of any instances where documents,
20 writings, or other corporate records were not retained
21 for that two-year or so period that you just talked
22 about?

23 A. No.

24 Q. Do you know somebody named Bud Liebler?

25 A. Yes.

1 Q. Who was he or who is he?

2 A. Well, he was -- he held a number of different jobs in
3 Marketing and Public Relations in the mid '90s, and he
4 left the company shortly after the merger with
5 Daimler, I believe. I still know who he is now but I
6 have -- I have more recollection of him now than back
7 then.

8 Q. Was he the Executive Vice President of Marketing at
9 any point in time?

10 A. Gosh, I don't think so. I can't be certain but I
11 don't think so. I think he reported to Ted Cunningham
12 when he was in Marketing. I'm not certain. He was
13 certainly in the Marketing and then the PR and then
14 back to Marketing area. He was never in a technical
15 or an engineering position.

16 Q. Are you aware that Mr. Liebler had his direct reports
17 to destroy documents relating to the minivan latch
18 issue?

19 MS. JEFFREY: Can you read that back.

20 (The requested portion of the record was
21 read by the reporter at 10:36 a.m. as
22 follows:

23 "Question: Are you aware that Mr. Liebler
24 had his direct reports to destroy documents
25 relating to the minivan latch issue?")

1 A. No.

2 BY MR. SACCO:

3 Q. Do you know Richard Dauch, D-A-U-C-H?

4 A. Yes, it's pronounced Dauch.

5 Q. Dauch?

6 A. Uh-huh.

7 Q. Forgive me, Mr. Dauch.

8 A. Yes.

9 Q. What was his position?

10 A. He was Executive VP of Manufacturing. That's the
11 position that I knew him in. That would have been
12 from mid '90s until he left the company. Prior to
13 that he worked for Stephen Sharf who was EVP of
14 Manufacturing.

15 Q. When we were talking about the ZJ model earlier and in
16 drawing your attention to the location of the fuel
17 tank on the ZJ model, you gave me a general
18 description of where it was. Let's start with the
19 rear axle. You indicated that the fuel tank was
20 behind the rear axle, correct?

21 A. Correct.

22 Q. Okay. Would you describe how the rear axle is affixed
23 to the frame or the carcass of the ZJ?

24 A. Yeah, it's -- oh, gosh -- I'm trying to remember. The
25 reason I'm struggling to recall is that the XJ has a

1 Hotchkis, H-O-T-C-H-K-I-S, suspension which is
2 basically leaf springs, and when we started, when the
3 original concept of the ZJ started, it shared the same
4 leaf spring location. I'm trying to remember if and
5 when we changed to coil spring.

6 Q. Just to help me out, the XJ was the original Cherokee?

7 A. Correct.

8 Q. Okay. And that was a body-on-frame construction?

9 A. No, no.

10 MS. JEFFREY: Object to form.

11 A. No, no that was a unibody with applied rails.

12 BY MR. SACCO:

13 Q. Okay. And is the ZJ a unibody construction?

14 A. Essentially, yes.

15 Q. Did you say that you didn't recall whether or not the
16 original rear suspension on a ZJ was coil or leaf
17 spring?

18 A. I did say that. I'm still struggling to recall if it
19 changed to a link coil. I'm sorry, I just can't
20 remember.

21 Q. Okay. Well, in any event, there would be a spring
22 that would attach the axle assembly to a portion of
23 the frame or the unibody construction, correct?

24 A. Well, the spring -- in the original XJ configuration
25 where the ZJ started the Hotchkis arrangement, the

1 springs locate the axle. In a link coil, the trailing
2 arms locate the axle, and then the spring just sits
3 between the axle and the frame. I just don't recall
4 which it were.

5 Q. Regardless of your recollection and regardless of
6 whether or not the axle was affixed by way of a coil
7 and related structure suspension or a leaf spring and
8 related structure suspension, on the ZJ model is there
9 anything that separated the rear axle from the gas
10 tank?

11 MS. JEFFREY: Object to form.

12 A. I don't recall.

13 BY MR. SACCO:

14 Q. What was the gas tank made out of on the ZJ model?

15 A. Short answer is I don't recall that, either. We were
16 in a transition in the industry at the time from steel
17 to plastic, and the whole industry was moving over to
18 plastic. I don't recall at what point the ZJ or its
19 successors went to plastic. The whole industry went
20 from steel to plastic and then in recent years
21 gradually has gone back to steel again because of
22 evaporative emissions. I don't recall specifically
23 what the ZJ was at the time.

24 Q. Okay. What was the reason for going from steel to
25 plastic?

1 A. It was -- it was the trend in the industry because it
2 was much easier to package. You had much more
3 flexibility in the shape of the tank. You could get
4 more fuel capacity into a specific area than you could
5 with a relatively inflexible design of a steel tank.
6 At the time we manufactured our own steel tanks, and
7 we then switched over to purchasing plastic tanks, but
8 I just don't recall at what point, you know, the Jeeps
9 switched over.

10 Q. Okay. When the switch to plastic was made on the ZJ
11 model, could that tank have been --

12 Go ahead.

13 MS. JEFFREY: Finish your question. You're
14 implying that there was a switch, and I'm just going
15 to object to form because of that implication.

16 BY MR. SACCO:

17 Q. Well, was there a switch from steel to plastic on the
18 ZJ model?

19 A. I don't know. I believe so but I'm not sure.

20 Q. Do you know why that switch would have been made --

21 A. Well, as I described --

22 Q. -- on the ZJ model?

23 A. Well, on any model as I described, the reason was for
24 packaging, you know, to be able to package fuel, make
25 more efficient use of the space available.

1 Q. Do you know whether or not the plastic tank that
2 superseded the steel tank on the ZJ model occupied the
3 same amount of space?

4 A. I don't. I don't know.

5 Q. Do you know whether or not it occupied the same
6 location as the steel tank?

7 MS. JEFFREY: Object to form.

8 A. Well, the fuel tank location, that didn't change as
9 we've discussed before. The location behind the axle
10 and ahead of the rear crossmember, that was -- I mean,
11 that didn't change on the ZJ to my recollection.

12 BY MR. SACCO:

13 Q. Do you know what was directly behind the gas tank on
14 the ZJ model?

15 A. As I recall, it was the rear crossmember.

16 Q. Would you describe that rear crossmember?

17 A. It's typically a channel section crossmember similar
18 to other crossmembers and similar to the frame rails
19 which were welded to the underbody.

20 Q. What was it made out of?

21 A. Steel.

22 Q. And when you say it was a channel section, what does
23 that mean?

24 A. Well, typically -- I don't remember whether it was
25 boxed -- the channel section would look like a big

1 capital C. Some of those were boxed to a complete
2 closed section. I don't recall which it was in the
3 case of the ZJ. That's sort of a standard design for
4 a crossmember or a frame rail.

5 Q. And would that have run parallel to the rear axle?

6 A. Yes.

7 Q. But perpendicular to the mainframe portion of the
8 vehicle?

9 A. Yes.

10 Q. And how was it attached to the mainframe portion of
11 the vehicle?

12 A. Welded to the underbody. Typically they're welded to
13 the underbody. In one or two vehicles they're bolted
14 in so they can be removable for service. I don't
15 recall on the ZJ, but I think it was welded to the
16 underbody.

17 Q. Was there anything behind that rear crossmember?

18 A. The rear fascia, the equivalent of a bumper, but it's
19 a fascia on those vehicles.

20 Q. Would the rear bumper or the fascia have been attached
21 to that crossmember?

22 A. No. Again, I don't recall exactly the construction of
23 the ZJ, but typically that would be attached to the
24 body sheet metal.

25 Q. Was there a trailer towing package available for the

1 ZJ?

2 A. I believe so, pretty sure there was.

3 Q. And what did that trailer towing package consist of?

4 A. Well, I can't be absolutely specific about the ZJ, but
5 typically there were one or two sort of generations or
6 classes of trailer tow, depending on the weight of
7 trailer that you wanted to tow, and it would comprise
8 a bracket that would attach to the rear frame rails
9 and/or the rear crossmember to provide a housing for
10 the customer to put a ball hitch in. It would also
11 have wiring for the trailer wiring, and it would
12 typically have enhanced cooling, maybe a bigger
13 radiator, sometimes an oil cooler, various auxiliary
14 components to enable the vehicle to basically work
15 harder and tow a trailer. That's the generic
16 description of a trailer tow package.

17 Q. What is the actual device, itself, made from?

18 A. The --

19 Q. Yeah, the trailer hitch.

20 A. Typically steel.

21 Q. Is it J channel, is it C channel, is it box, is it
22 something else?

23 A. Well, they vary depending on whether it's Class 1,
24 Class 2, Class 3 and the weight of trailer. They can
25 be as simple as just a plain, flat, basically a flat

1 strip stock which bolts to the frame rails or channel
2 section, again, depending on the duty required. I
3 mean, I don't remember the specifics of a ZJ in
4 particular.

5 Q. Okay. And where would that mount, behind the rear
6 crossmember that we talked about?

7 A. Yeah.

8 Q. And it would attach to the two primary longitudinal
9 members?

10 A. Typically they're attached to the rear frame rails.
11 Somehow it's got to get past the fascia without
12 cutting holes in the fascia, so the design would vary
13 depending on just the particular architecture of the
14 vehicle.

15 Q. Would the trailer hitch hang below the rear fascia?

16 A. Well, again, it depends on the specific design. I
17 don't recall the ZJ in particular. You have to get --
18 obviously the receiver for the ball has to come behind
19 the fascia, so whether it sort of -- whether it does a
20 goose neck under the fascia or whether the whole
21 assembly is located below the fascia, it depends on
22 the specific design.

23 Q. The gas tank on the ZJ, let's go back to that. Did
24 any portion of the gas tank hang below the rear
25 fascia?

1 A. I'd have to look at a vehicle to see. It may have.
2 It probably did.

3 Q. Was the rear crossmember located such that it was
4 above the fuel tank, mid to the fuel tank on a
5 vertical basis or below the fuel tank or something
6 else?

7 A. Again, I'd have to go look at the vehicle to refresh
8 my memory, but typically it would be behind the upper
9 portion of the fuel tank.

10 Q. Why would a trailer hitch be affixed to the frame?

11 A. Well, you've got to react to loads of the trailer.
12 That's the logical place to -- I mean, putting the
13 loads into the longitudinal frame rails is the logical
14 place to put it. On a Class 1 or the lightest duty, I
15 think you could probably put it on the rear
16 crossmember but, I mean, depending on the weight of
17 the trailer, the higher the loads, I think the logical
18 place is to react them into the rear frame rail.

19 Q. And would the trailer hitch then add structural
20 rigidity to the frame?

21 A. Well, again, depending on the design and exactly how
22 it was attached, it might.

23 Q. If my terminology is not accurate, correct me, but was
24 there a skid plate option for the ZJ?

25 A. Yes.

1 Q. And would that have been called something else, or
2 would it have been called the skid plate?

3 A. We always called them skit plate packages.

4 Q. And what did the skid plate package consist of?

5 A. Well, it was basically a skid plate package designed
6 to protect the underbody for off-road driving, so it
7 would protect the, basically protect the underbody of
8 the vehicle.

9 Q. What do you mean by underbody?

10 A. Well, anything on the underside of the vehicle which
11 was prone to damage from rocks or something that you
12 might encounter driving off road. So again, they vary
13 by vehicle, but typically it would protect the
14 suspension joints, the transmission oil pan, engine
15 oil pan, fuel tank, possibly the exhaust system,
16 depending on the shape of the exhaust system.

17 Q. How about transfer case?

18 A. Probably the transfer case and the linkage.

19 Q. Did the skid package or skid plate package come as an
20 option?

21 A. Yes.

22 Q. Were any of the underbody components that you just
23 described protected without purchasing the skid plate
24 option?

25 A. I don't remember specifically on a ZJ, but I don't

1 think so. I mean, no more protection than any other
2 typical vehicle for on-road use.

3 Q. Were these skid plates -- was this skid plate package
4 one unit, or were they individual components?

5 A. Typically, again, I don't recall specifically on the
6 ZJ, but typically they would be several separate
7 pieces.

8 Q. Okay. Let's talk about the skid plate for the gas
9 tank. How would that be affixed to the vehicle?

10 MR. FUSCO: Object to the form.

11 A. I don't -- I mean, I don't recall ever looking
12 specifically at the ZJ in particular, but typically
13 they'd be attached to the rear crossmember on the
14 frame rails.

15 BY MR. SACCO:

16 Q. Okay. Where would they be attached to the frame
17 rails?

18 MS. JEFFREY: Are you talking about the ZJ?

19 MR. SACCO: ZJ.

20 MS. JEFFREY: Answer it just as ZJ if you
21 know.

22 A. I don't know. I'm telling you the logical or the
23 typical place to do it, but I don't know specifically
24 on the ZJ.

25 BY MR. SACCO:

1 Q. Would the rear gas tank skid plate on a ZJ add
2 structural rigidity to the frame?

3 A. Well, depending on exactly how it was attached and the
4 shape of it, it may.

5 Q. Do you know, sir, whether or not some vehicles came
6 off the production line with a skid plate package for
7 the rear tank on it?

8 A. Well, it was an option, and my recollection is that it
9 ran somewhere within 5 and 10% of the -- again, that
10 was the typical take rate on that option, and so I
11 don't have categoric knowledge of it, but my
12 presumption would be that roughly 5 to 10% of the ZJs
13 were so equipped.

14 Q. Was it an option that could be installed by the dealer
15 as well?

16 A. Yes, typically. It's a little bit complicated. The
17 skid plates -- we're talking skid plates?

18 Q. Yes.

19 A. Skid plates, yes, typically they could be attached
20 later, and they would be sold as an option by the
21 dealer.

22 Q. Okay. And for attachment by the dealer, would there
23 be pre-drilled holes for that in the assembly process?

24 A. There might. Again, I can't be specific about ZJ.
25 Typically if the attachment -- the attachment holes

1 would be there for production, so in a typical
2 vehicle, that would be feasible. My confusion earlier
3 was I was thinking trailer tow package which is a lot
4 more complicated to install afterwards, although it
5 can be done.

6 Q. The trailer tow package can also be installed by a
7 dealer, correct?

8 A. It can be but as I said, it's more complicated because
9 of all of the radiator, the oil coolers and all of the
10 other ancillary parts, plus the wiring is more
11 complicated. It's more complicated to install a
12 trailer tow package but it can be done.

13 Q. The complications arise from the ancillary portions of
14 it, correct?

15 MS. JEFFREY: Object to form.

16 A. I use the term ancillary. They're all part of the
17 package. The wiring and the cooling parts and so on
18 are more complicated to install.

19 BY MR. SACCO:

20 Q. Do you know, sir, during the production of the ZJ
21 model whether or not there were ever any rear frame
22 components that were manufactured for addition to the
23 frame?

24 A. No.

25 Q. And I'm talking about post construction?

1 A. No, not that I know of.

2 Q. Sir, as an employee of Chrysler or any of its
3 subsidiaries, did you have any involvement with the
4 design or development of the fuel system in the ZJ?

5 A. Any involvement? Not directly in the design of it.

6 Q. What about indirectly?

7 A. Well, as we discussed earlier, I was responsible for
8 all of Jeep and Truck Engineering and a lot of sort of
9 related Jeep and Truck activities during part of that
10 time. So the people doing the detailed design
11 reported to people who reported to me.

12 Q. How about the WJ model?

13 A. No. The WJ -- I moved out of Jeep and Truck
14 Engineering around 1995 when we divided up Jeep and
15 Truck organizationally, and it was just starting. I
16 participated in some of the early styling meetings,
17 but that was pretty much it. So I don't really have a
18 lot of knowledge of the WJ.

19 Q. Okay. And I'm sorry, but after you left Jeep and
20 Truck, where did you go?

21 A. My job became Engineering Technologies. I was
22 responsible for all of our advanced development, all
23 of the scientific labs, proving grounds, basically
24 anything in engineering that was not specific to a
25 particular model, the computing group, the testing

1 group, and so forth.

2 Q. Would that have included fuel system designs?

3 A. Well, not design but the scientific labs where
4 vehicles were tested were part of my organization.

5 Q. Would that have included fuel tank placement?

6 MS. JEFFREY: Object to form.

7 A. Not placement, no. I mean, as I said, testing, I
8 mean, for example, impact testing was part of the
9 organization that I was responsible for, but the
10 design, specific design of any particular vehicle,
11 other than our advanced concepts, I was not
12 responsible for.

13 BY MR. SACCO:

14 Q. Okay. But impact testing was part of your function?

15 A. That was conducted at the proving ground which was
16 part of my responsibility.

17 Q. But you never saw any of the 301 reports?

18 A. I didn't see any of the reports.

19 Q. Could you have seen them if you wanted to?

20 A. Yes, where there were reports generated, I could have
21 if I wanted to see them.

22 Q. Where were they kept?

23 A. I don't know.

24 Q. Did you ever request to see any 301 impact report?

25 A. I saw a number of the -- we have high-speed film of

1 all of the impacts obviously, and I saw a number of
2 those. I don't recall whether I saw a ZJ or a WJ. I
3 mentioned earlier that I physically attended one of
4 the CCV vehicle impacts, and I saw a lot of movies of
5 vehicle impacts.

6 Q. Did you ever see any movies of ZJ or WJ vehicle
7 impacts?

8 A. Not that I recall.

9 Q. You talked about high-speed film. Do you mean the
10 speed of the film, itself, or the speed of the vehicle
11 as it was tested?

12 A. No. During an impact. Most of the movies that I've
13 seen actually are front impacts, not rears, but
14 typically in those impacts, you have high-speed
15 photography so that you can show frame by frame what
16 happened during impact.

17 Q. What standards were tested for on those?

18 A. On which?

19 Q. The 301s.

20 MS. JEFFREY: Object to form.

21 A. 301 is a standard. I'm not sure I understand your
22 question.

23 BY MR. SACCO:

24 Q. Well, you saw some of the actual tests, correct;
25 that's what you just said?

1 A. I saw one actual test and I saw a number of movies.

2 Q. Which would have been a film of the test, correct?

3 A. Correct.

4 Q. But it was just done at high speed so you could
5 differentiate frames if you chose to?

6 A. Yes.

7 Q. Were the tests conducted to meet minimum standards or
8 something else?

9 A. The tests were conducted according to the FMVSS
10 requirements.

11 Q. The minimum requirements?

12 A. Which are threshold requirements established by the
13 Federal Government as I'm sure you know.

14 Q. Yeah, but my question was: Did Chrysler test for the
15 minimum requirements?

16 MR. FUSCO: Object to the form, asked and
17 answered.

18 MS. JEFFREY: Join.

19 A. Chrysler tested according to the FMVSS standards, and
20 our policy was compliance, and we had a safety margin
21 depending on what the standard was to ensure
22 compliance.

23 BY MR. SACCO:

24 Q. Was the margin a percentage margin?

25 A. Depends what it was. As I recall, roof crush was a

1 percentage over the standard. 301 was no leakage
2 versus an allowable amount of leakage. Some of the
3 standards are a go/no-go test. You can either see it
4 or you don't.

5 Q. You talked earlier about your interaction with
6 dealers, and correct me if I'm wrong, but I believe
7 that you indicated that there was at least a fair
8 amount of interaction from Chrysler to its dealers,
9 correct?

10 MR. FUSCO: Object to the form.

11 A. Correct.

12 BY MR. SACCO:

13 Q. Was there also interaction from the dealers to
14 Chrysler?

15 A. There's a fair amount as I described earlier.

16 Q. Well, as an engineer and as an officer of the
17 corporation, would you expect dealers to notify you of
18 issues that they saw on a regular basis?

19 A. Yes.

20 Q. And did you ever personally get involved in any of
21 those communications?

22 A. Never with a specific dealer. I mean, we would hear
23 reports that came through the service, sales and
24 service organization either from individual dealers or
25 through the dealer council structure that I described

1 earlier.

2 Q. And was there a mechanism to address the issues that
3 would be reported by dealers?

4 A. Well, I don't recall a formal mechanism. It obviously
5 depended on what it was. Again, those communications,
6 as you can imagine, would range everywhere from
7 discomfort over a pricing policy or some kind of
8 warranty issue or availability of some popular option.
9 So it all depended on what kind of an issue it was,
10 but -- and the sales and service department were the
11 primary interface with the dealers, and they would
12 obviously farm out whatever information was coming
13 from the field to wherever it needed to go.

14 Q. Do you have any recollection of any information coming
15 from the field concerning any replacement issues for
16 fuel tanks on the ZJ or WJ models?

17 A. No.

18 Q. Drawing from your memory as a Vice President and
19 Senior Vice President, do you have any knowledge of
20 what the cost of a trailer package was on a ZJ model?

21 A. No.

22 Q. How about the skid plate option?

23 A. No.

24 Q. How about the cost of a fuel tank skid plate only?

25 A. I don't know.

1 Q. During the manufacturing process and the design
2 process of any vehicle, are options and packages and
3 the costs thereof a consideration?

4 A. Yes.

5 Q. I have to ask this question for, among other things,
6 my own personal satisfaction. Do you know what a
7 Schrader valve is?

8 A. A Schrader valve?

9 Q. Yes.

10 A. Yes.

11 Q. What is it?

12 A. It's a valve, basically a one-way valve which
13 typically would allow flow under pressure but not to
14 escape. Most common use is in an inner tube or a tire
15 or an inflatable raft. They're also used in the
16 air-conditioning system for recharging
17 air-conditioners.

18 Q. Were they also used in the fuel delivery system on the
19 ZJ?

20 A. Gosh, I don't -- I don't recall any application for a
21 Schrader valve.

22 Q. As an engineer first and as an executive of Chrysler,
23 would you agree that a reasonable expenditure of money
24 to make a product safe would be prudent behavior?

25 MS. JEFFREY: Object to form.

1 MR. FUSCO: Object to the form.

2 A. Given that safe is a relative term, I would say yes.

3 MR. SACCO: I don't have anything else
4 right now.

5 (Recess taken at 11:13 a.m.)

6 (Back on the record at 11:28 a.m.)

7 EXAMINATION

8 BY MS. DeFILIPPO:

9 Q. Mr. Robertson, I introduced myself or your attorney
10 introduced me earlier. My name is Angel DeFilippo and
11 I'm the attorney for the Estate of Susan Kline. I
12 have a couple of questions, follow-up questions, and
13 some additional questions in different areas than were
14 covered a minute ago, and I'll try very hard not to be
15 duplicative.

16 A. Okay. Thank you.

17 Q. But the same rules apply. If there's any question
18 that I ask you that you don't understand, please let
19 me know that so I can rephrase it or clarify it for
20 you because if you do answer the question, obviously
21 we assume you understood it. You understand that?

22 A. Okay, yes.

23 Q. Before you came here today, Mr. Robertson, did you
24 review any materials?

25 A. No.

1 Q. Okay. I see you have in front of you some type of a
2 file or file case with something in it. Are there any
3 documents in that file that pertain to anything we're
4 going to be talking about today or have talked about?

5 A. No, only the subpoena to attend.

6 Q. I'm so glad you said that. So you were subpoenaed to
7 come here today, correct?

8 A. Yes.

9 Q. Okay. And do you have any involvement with Chrysler
10 as you sit here today?

11 A. No. I still have a pension from Chrysler, what's left
12 of it after the bankruptcy, but no, I have no other
13 involvement with Chrysler.

14 Q. So there is something that you receive from Chrysler
15 at the present time, even after the bankruptcy,
16 correct?

17 A. Correct.

18 Q. On a regular basis?

19 A. Yes.

20 Q. The pensions were altered in some way because of the
21 bankruptcy?

22 A. Well, basically half of it went away through the
23 bankruptcy.

24 Q. And to your knowledge, is that true for all employees
25 or just you that had a pension?

1 A. I believe everyone suffered some kind of reduction.
2 It depended on, you know, the personal circumstances.

3 Q. Do you know if anyone was totally wiped out?

4 A. No.

5 Q. You don't know?

6 A. I don't know, no, I don't know.

7 Q. Okay. So is there any particular reason why if you
8 don't have any affiliation with Chrysler at the
9 present time, that you have counsel from Chrysler?

10 MR. FUSCO: Objection.

11 MS. JEFFREY: I'm not going to let him
12 answer that. That's a privileged communication.

13 MS. DeFILIPPO: I'm not asking him for any
14 privileged communication. I'll phrase it in a
15 different way.

16 BY MS. DeFILIPPO:

17 Q. Mr. Robertson, when you received the subpoena, did you
18 contact Chrysler? And don't tell me what you asked
19 them or what they told you. I just want you to tell
20 me yes or no.

21 MS. JEFFREY: Any contact he had with the
22 OGC, I'm going to direct him not to answer.

23 MS. DeFILIPPO: What's the OGC?

24 MS. JEFFREY: The Office of General
25 Counsel.

1 MS. DeFILIPPO: He can answer if he
2 contacted them. I didn't ask him about any of the
3 substance of his discussions.

4 MS. JEFFREY: You can answer if you
5 contacted them.

6 A. I didn't contact them. They contacted me and advised
7 me that --

8 BY MS. DeFILIPPO:

9 Q. Okay. You don't have to go any further.

10 A. Okay.

11 Q. To your knowledge how did anyone at Chrysler know
12 about the subpoena, if you know?

13 A. I don't know.

14 Q. Okay. And you did not reach out to Chrysler upon
15 receipt of the subpoena, correct?

16 A. Correct.

17 Q. Okay. Were you prepared to come here today without
18 reaching out to Chrysler had there not been any
19 communication to you from them?

20 MS. JEFFREY: Object to the form of that
21 and --

22 BY MS. DeFILIPPO:

23 Q. You can answer.

24 MS. JEFFREY: No, he can't answer because
25 he had contact right away with counsel.

1 MS. DeFILIPPO: He did not contact counsel.

2 I'm just asking him --

3 MS. JEFFREY: He contacted me.

4 MS. DeFILIPPO: He just said he didn't.

5 MS. JEFFREY: No, I'm not Chrysler. I'm an
6 outside attorney. You asked him if he contacted
7 Chrysler.

8 BY MS. DeFILIPPO:

9 Q. All right. So, Mr. Robertson, you contacted a
10 representative of Chrysler?

11 MS. JEFFREY: What do you mean by
12 "representative"?

13 MS. DeFILIPPO: Well, you represent
14 Chrysler.

15 MS. JEFFREY: I'm not a representative of
16 Chrysler.

17 MS. DeFILIPPO: You represent as an
18 attorney Chrysler, correct?

19 MS. JEFFREY: They are one of my clients.

20 MS. DeFILIPPO: That's right.

21 BY MS. DeFILIPPO:

22 Q. Did you contact an attorney who you knew to be an
23 attorney representing Chrysler?

24 A. I contacted an attorney who was recommended to me or
25 was made available to me as a result of my prior

1 employment by Chrysler.

2 Q. Was that part of your termination --

3 MS. JEFFREY: He wasn't terminated. I
4 object to the form.

5 MS. DeFILIPPO: I didn't mean to say he was
6 terminated.

7 BY MS. DeFILIPPO:

8 Q. Was that part of your retirement package?

9 A. It was never explicit in my retirement documents.

10 Q. Okay. Well then, can you tell me how you knew to
11 contact any attorney?

12 MS. JEFFREY: I'm going to shut down this
13 line of questioning and direct him not to answer
14 further. I will explain to you what transpired if you
15 want, but I'm not going to have him testifying about
16 communications with me or with the in-house counsel at
17 Chrysler.

18 MS. DeFILIPPO: Okay. I don't think that
19 the rules permit you in New Jersey to tell him not to
20 answer unless it's privileged.

21 MS. JEFFREY: It's privileged.

22 MS. DeFILIPPO: Well, I'm not asking him
23 for any substance at all. I'm asking him about how he
24 came to be here with counsel.

25 MS. JEFFREY: For him to respond to that --

1 MR. FUSCO: Why doesn't he step out of the
2 room and let's talk about this.

3 MS. DeFILIPPO: That's fine.

4 (Mr. Robertson left the room.)

5 MS. JEFFREY: I believe I've explained to
6 you how it came to be that -- I have. I've talked to
7 you on the phone about it. When you asked for the
8 last known addresses of a number of individuals, a
9 letter was sent out by Chrysler group to these
10 individuals saying, as a matter of law, we're required
11 to provide your last known addresses.

12 MS. DeFILIPPO: But Sheila -- I'm sorry,
13 are you not finished?

14 Here's the problem --

15 MR. FUSCO: What are you trying to get?

16 MS. DeFILIPPO: Can you let me finish?

17 MR. FUSCO: Yeah.

18 MS. DeFILIPPO: Here's what the problem is.
19 Initially when I had asked you to produce these
20 people, you said you could not and would not and I
21 would have to go through a subpoena process which was
22 a very long, drawn-out thing, and when we did and we
23 got him and I asked you about him, you said you were
24 not representing him unless he called you, and then
25 you may, depending on circumstances that you have with

1 your client Chrysler, represent him for purposes of
2 the deposition, and all I wanted to know is if he
3 called, and I thought he answered that he did not, and
4 I wanted to know the circumstances of this.

5 MS. JEFFREY: He answered that he did not
6 call Chrysler.

7 MS. DeFILIPPO: Well, he called what he
8 believed to be as Chrysler's attorney, and that
9 doesn't comport with what kind of --

10 MS. JEFFREY: If you're going to use this
11 to try to haul us in front of Judge Rand to be able to
12 take depositions of individuals in Michigan without a
13 subpoena, I mean, it's just absurd. I am here as his
14 attorney.

15 MS. DeFILIPPO: Wait a minute. I don't
16 know why it's so absurd as an attorney to ask someone
17 who has direct contact and can very easily get a
18 witness who they know they're going to represent to
19 force us to go through a subpoena process with all the
20 time and effort and money and other attorneys
21 involved. I don't think that any judge will think
22 it's reasonable.

23 MS. JEFFREY: Tell me what you want to ask
24 him.

25 MS. DeFILIPPO: All I wanted to know and as

1 I asked him and I think the record will basically back
2 me up on this is whether or not as a result of the
3 subpoena what he did, when he received the subpoena,
4 what did he do, because normally when you receive a
5 subpoena, you call the person who served it and you
6 make arrangements --

7 MS. JEFFREY: Courtney Morgan? That would
8 have been a good idea.

9 MS. DeFILIPPO: Well, he is the one that we
10 -- you forced us to have to get local counsel to serve
11 the subpoena. I know you're laughing about Courtney
12 Morgan, and I would, too, if I were you because it
13 would have been so easy to just have the individuals
14 produced since you knew you were going to represent
15 them, that's all I'm saying, and it's a very difficult
16 process, and let me say something else, there are
17 other people who we may or may not want, and this is
18 the reason why I'm bringing this up, because this is a
19 very long, drawn-out subpoena process which is
20 unnecessary and is only meant to be harassing to a
21 plaintiff and cost a large expenditure of money and
22 time by the plaintiffs' attorneys and, in effect, to
23 the plaintiff.

24 MS. JEFFREY: Okay. You said I knew I
25 would represent them. That's not true.

1 MS. DeFILIPPO: No, that's not what I said.

2 MS. JEFFREY: You just said that. She can
3 read that back.

4 MS. DeFILIPPO: No. I said you had told me
5 that you may be representing him because that's
6 generally what occurs. All I'm saying is that if you
7 know that about certain people that we're asking for,
8 it would be just so easy to produce them without the
9 long, drawn-out process that it costs us in getting a
10 sheriff to serve it and going to the court to get
11 those subpoenas, getting commission, getting an
12 attorney, getting local counsel, all that time and
13 money, and I know, Sheila --

14 MR. FUSCO: This is --

15 MR. SACCO: You don't have a dog in this
16 hunt.

17 MR. FUSCO: You're the plaintiff. What do
18 you think happens? I still don't understand what
19 you're trying to ask.

20 MS. DeFILIPPO: Mr. Fusco, nobody asked you
21 to understand. You're not being questioned and it's
22 not your witness, and you're not being asked to
23 understand.

24 MR. FUSCO: Well, I've seen a lot of
25 irregularities, and I would like to know what it is

1 you're trying to get from this witness.

2 MR. SACCO: We're looking at an
3 irregularity speaking right now.

4 MR. FUSCO: Are you counsel of record?

5 MR. SACCO: I am.

6 MR. FUSCO: I didn't see your notice of
7 appearance.

8 MS. DeFILIPPO: I'm not looking to talk to
9 you about privilege or to say anything to you about
10 anything you may have discussed with him or to do
11 anything improper. You know my position. I just told
12 you it. And it's a very, very difficult thing. And
13 yes, you can say that's what plaintiffs do, but in the
14 context of a case like this where the individuals, you
15 know where they are, you know they're here, you know
16 you may be representing them, you know they may call
17 you, they've been recommended to call you because they
18 know you are the discovery counsel for Chrysler and
19 always have been, it seems to me that it's not -- it's
20 a lot of form over practicality.

21 MS. JEFFREY: All right. First of all, I
22 want the protection of the Michigan courts with the
23 deposition of an individual who resides in Michigan.
24 In order to get that, a subpoena needs to be issued
25 out of Oakland County Circuit Court or wherever these

1 people reside.

2 MS. DeFILIPPO: What does that mean?

3 MS. JEFFREY: Can I just finish?

4 MS. DeFILIPPO: Just tell me what you mean.

5 MS. JEFFREY: Let me finish. Well, for
6 example, if a witness is badgered and harassed and I
7 say, that's it, you know, this is it for this
8 deposition, I would go and get a protective order from
9 Oakland County Circuit Court. That's what I mean.
10 Let me continue. Neither Chrysler nor I as counsel
11 for Chrysler can make a witness who's not affiliated
12 with Chrysler appear for a deposition. Chrysler has
13 nothing to do with it.

14 MS. DeFILIPPO: We could serve a subpoena
15 on them without getting a commission if there was a
16 stipulation, so-to-speak. We could do any of that if
17 it was okay with you.

18 MS. JEFFREY: Let me just tell you --

19 MS. DeFILIPPO: We don't have to belabor
20 this. I'm not intending --

21 MS. JEFFREY: You can get a subpoena issued
22 out of a Michigan court without a commission. The
23 rule here says with or without a commission an
24 attorney from another state can obtain a subpoena. So
25 it's a matter of filing a very simple motion which you

1 can do electronically which takes -- I mean, I've done
2 it.

3 MR. FUSCO: Why are we doing this?

4 MS. DeFILIPPO: We don't have to go
5 further. I wasn't intending to go into anything
6 having to do with privilege or anything having to do
7 with any of your contacts with him.

8 MS. JEFFREY: Tell me exactly what you want
9 to ask him again.

10 MS. DeFILIPPO: At this point, all I wanted
11 to know is what he did as a result of getting the
12 subpoena.

13 MS. JEFFREY: Okay.

14 MS. DeFILIPPO: That's all.

15 MS. JEFFREY: All right.

16 (Mr. Robertson entered the room.)

17 MR. SACCO: We're off the record.

18 (Discussion off the record at 11:40 a.m.)

19 (Back on the record at 11:40 a.m.)

20 (The requested portion of the record was
21 read by the reporter at 11:41 a.m. as
22 follows:

23 "MS. DeFILIPPO: At this point, all I
24 wanted to know is what he did as a result
25 of getting the subpoena.")

1 BY MS. DeFILIPPO:

2 Q. What did you do when you received the subpoena?

3 A. I called Sheila Jeffrey.

4 Q. Mr. Robertson, do you have a current Curriculum Vitae?

5 A. Yeah.

6 Q. Could you supply that to Sheila Jeffrey, and she will
7 supply a copy to me?

8 A. Yes.

9 Q. Unless you have it with you in that binder?

10 A. No.

11 Q. Okay. Now I know you were asked a little bit about
12 compliance reports, and I want to reference what I'm
13 talking about -- I'll start my question again.

14 When vehicles are tested either as pilot
15 vehicles just prior to production or in production and
16 they are being tested, for instance, for 301 to comply
17 with the 301 Federal Motor Vehicle Safety Standard
18 rear-end hits, is there a generated compliance report
19 which goes to the Federal Government to certify in
20 some way compliance with the standard?

21 A. I believe so.

22 Q. Okay. And correct me if I'm wrong but did you earlier
23 testify that you never read a compliance report which
24 was about to go out to or had gone out to the Federal
25 Government?

1 MS. JEFFREY: Object to form.

2 A. I've never read a specific MVSS compliance report.

3 I've read many of Michigan's compliance reports. I've
4 never read an FMVSS compliance report that I can
5 recall.

6 MR. FUSCO: Just keep your voice up.

7 A. I'm sorry. The answer was I've never read an FMVSS
8 compliance report, at least I don't recall ever having
9 read one.

10 BY MS. DeFILIPPO:

11 Q. Who within your organization and relative to the Jeep
12 ZJ and WJ was responsible to read, sign, and send the
13 compliance reports for 301 FMVSS testing to the
14 Federal Government?

15 MS. JEFFREY: I'm just going to object to
16 form as to "send". They weren't sent to the
17 Government. But you can answer to the extent you can.

18 A. I'm sorry, can I --

19 BY MS. DeFILIPPO:

20 Q. I thought I asked you a minute ago if there was a
21 compliance report generated that went to the
22 Government, and I thought you said that there was?

23 A. I believe so.

24 MS. DeFILIPPO: He said he believes so.

25 MS. JEFFREY: He said that but --

1 MS. DeFILIPPO: But Sheila, I mean, I know

2 --

3 MS. JEFFREY: I'm going to object to form
4 to the extent the question implies a compliance report
5 was sent to the Government, but he can answer it.

6 BY MS. DeFILIPPO:

7 Q. What makes you think there was a compliance report
8 sent to the Government?

9 A. In response to earlier questioning, I said that FMVSS
10 basically was a self-certification process. I know
11 that we did the testing. I'm virtually certain that
12 we generated reports. I don't know whether they were
13 sent to the Government or not or whether they were
14 simply available for inspection by the Government as
15 required. I don't know the specific protocol that was
16 used.

17 Q. Who was responsible to know the specific protocol?

18 A. The Vehicle Safety Office.

19 Q. Who was responsible to sign a compliance report that
20 would ultimately exist in the Vehicle Safety Office?

21 A. I don't know that for certain, but I believe it would
22 be the Vehicle Safety Office people.

23 Q. Who conducts the testing for FMVSS 301 or who did back
24 in the early '90s?

25 A. The scientific labs.

1 Q. Who wrote the specifications to give to the scientific
2 labs regarding what was going to be tested and what
3 would be the configuration of the vehicle and its
4 parts for testing?

5 A. I don't know that for certain.

6 Q. Do you know a title of someone; what would be the
7 title or the department that the person would be in
8 who would be responsible to write the test?

9 A. Again, I don't know for certain, but that would have
10 been arranged between the Vehicle Safety Office and
11 the design and development department responsible for
12 that particular vehicle and hardware.

13 Q. So the design and development department, that would
14 be someone who reports ultimately to you?

15 A. Yes.

16 Q. Would it go from the head of design and development,
17 for instance, of the ZJ directly to you, or would
18 there be a hierarchy in between that person and you,
19 and I'm talking about the person in design and
20 development who would be responsible to specify what
21 vehicle would be tested and what would be on it?

22 A. As I think I said, that would typically be, I think, a
23 dialogue between that design and development
24 department that reported to me and the Vehicle Safety
25 Office, which was not part of our group, and they

1 would determine what needed to be tested.

2 Q. But that person who actually signed that document that
3 went to the testing, would that person report directly
4 to you, or would there be a hierarchy in between you
5 and the person?

6 A. We need to be careful here. When you talk about
7 signing a document, we were talking about a compliance
8 document earlier on --

9 Q. Right.

10 A. -- to the best of my knowledge, and I don't know the
11 exact protocol. When the design and development
12 department would work with the Safety Office and
13 determine what was to be tested, there would not
14 necessarily be a signed document that went to the test
15 labs. They would simply say, test this vehicle or we
16 will ship you a vehicle for FMVSS 301 testing or 208
17 or whatever it was, and that would be done. There may
18 well not be a document signed by anybody to do that,
19 just so I'm clear.

20 Q. Okay. And would that be done in writing or would that
21 be a verbal request?

22 A. Yes.

23 Q. Verbal?

24 A. Either one.

25 Q. And if it was written, where would the records of

1 those documents be kept, in what office?

2 A. I don't know but if it was simply a test request, I
3 don't know that it would be kept.

4 Q. How about a test report result, test letter, something
5 after the test or a compliance document report, any of
6 those documents after the fact?

7 A. I believe they would be held in the Safety Office,
8 Vehicle Safety Office.

9 Q. And who would sign those documents?

10 A. I don't know.

11 MS. JEFFREY: We have produced the
12 compliance documents in this case. If you wanted to
13 show him one to ask him if he knew the individual, you
14 could do that.

15 MS. DeFILIPPO: I printed out the testing
16 and didn't have a compliance document in my testing.

17 MS. JEFFREY: We also produced compliance
18 documentation as separate and apart from the test
19 reports and test requests and that kind of thing.

20 MS. DeFILIPPO: Well, I may not have been
21 able to identify it.

22 MS. JEFFREY: I think we did, and if we
23 didn't, I will produce that for you.

24 MS. DeFILIPPO: I don't think you did, and
25 if you did, I couldn't identify it as such. So if you

1 have a copy of one, I would gladly use it.

2 MS. JEFFREY: Hold on a second. I don't
3 know that you specifically asked for it here, but it
4 definitely was in the production that was done and
5 which we also produced here. I can have my secretary
6 identify the three tests and pull the actual
7 compliance documents.

8 MS. DeFILIPPO: But you don't have a copy
9 of one we could use today?

10 MS. JEFFREY: I could have her email it
11 here probably. If you want to give me five minutes,
12 I'll contact her.

13 MS. DeFILIPPO: Why don't we do that at the
14 break and I'll move on.

15 MS. JEFFREY: That's fine.

16 MS. DeFILIPPO: I'm pretty sure we didn't
17 get it, but I could have not identified it myself.

18 MS. JEFFREY: In one of the productions we
19 made to you from the Landrum case, we produced 301
20 compliance documents for the '93 and '98 in that case.

21 MS. DeFILIPPO: All right. Without taking
22 more time, I'll move on and we'll come back to it.

23 MS. JEFFREY: Go ahead. In Jarmon we
24 produced the '93 to '98 FMVSS 301 compliance
25 documents.

1 Off the record.

2 (Discussion off the record at 11:51 a.m.)

3 (Back on the record at 11:59 a.m.)

4 BY MS. DeFILIPPO:

5 Q. What are IS tests?

6 A. Pardon?

7 Q. IS tests?

8 A. I don't know.

9 Q. You don't know?

10 A. No, it doesn't mean anything.

11 Q. That makes two of us.

12 MS. JEFFREY: Impact simulator test which
13 are sled tests. They're not used for 301 purposes,
14 but we produce them in these cases just because people
15 often want to see -- they're done for seats and things
16 like that.

17 MS. DeFILIPPO: I couldn't open those.

18 MS. JEFFREY: I know you had trouble. I
19 sent you a replacement CD, and I personally opened
20 every folder on it and was able to, so it's something
21 to do with your software.

22 MS. DeFILIPPO: Within the CDs, I'll go
23 over that with you after the depositions, there are
24 still things I can't open, and I tried a number of
25 computers.

1 MS. JEFFREY: I had a duplicate DVD that
2 was sent to you and I had my secretary open, and she
3 was able to open and play every single file in it.

4 MS. DeFILIPPO: I'll try it again with a
5 different computer. That's why I say, if you have a
6 hard copy, it's so much better. But anyway, let's
7 continue.

8 MS. JEFFREY: I thought you were talking
9 about the movies. You want hard copies?

10 MS. DeFILIPPO: Of the reports if you have
11 them.

12 MS. JEFFREY: The test reports?

13 MS. DeFILIPPO: Yeah, if you have them.

14 MS. JEFFREY: Okay. I have it
15 electronically but I can print them out if you want.

16 BY MS. DeFILIPPO:

17 Q. In your capacity with Chrysler in the early '90s, did
18 you have any responsibility for the design of the fuel
19 system of the ZJ or the WJ?

20 A. No.

21 Q. And did you have any responsibility to approve the
22 design for the fuel system of the ZJ or the WJ?

23 A. I had overall engineering responsibility for all of
24 the Jeep and Dodge Truck products, which implicitly
25 includes all of the vehicle systems and all of the

1 vehicles. I didn't have any specific direct
2 involvement in the particular design of any of the
3 componentry or systems.

4 Q. Who was the person or the title of the person who had
5 responsibility for the design of the fuel system of
6 the ZJ and the WJ?

7 A. At the time that would have been the director or the
8 executive engineer of Chassis Engineering. I believe
9 that's where fuel systems fell at that time.

10 Q. Chassis Engineering?

11 A. Yeah.

12 Q. And would that be Mr. Viergutz at the time?

13 A. Well, it was Mr. Viergutz and then I think, you know,
14 based on this, it switched to John Kent.

15 Q. For the record, you're referring to what's been marked
16 Robertson 1?

17 A. Yeah.

18 Q. So it was --

19 A. Well, Viergutz had chassis until apparently January of
20 '91, and then John Kent took over the chassis portion.

21 MR. FUSCO: Did you say head chassis?

22 MR. SACCO: No, he had chassis.

23 MR. FUSCO: Oh, had chassis.

24 THE WITNESS: I'm sorry.

25 BY MS. DeFILIPPO:

1 Q. Now I don't think you were asked to give us just a
2 summary of your work history. I know you were at
3 Chrysler from 1965 to 2003; is that accurate?

4 A. Yes.

5 Q. So can you just go through your work history with me?

6 A. I joined Chrysler in England in 1965, came to the U.S.
7 immediately, attended Chrysler Institute of
8 Engineering.

9 Q. What year was that?

10 A. '65 through '67. Graduated in '67. Went back to
11 Chrysler U.K. I was basically responsible for Exhaust
12 Emissions Engineering in U.K. until November of 1970.
13 I came back to the U.S. in 1970. Been here ever
14 since.

15 I came back into the exhaust emissions
16 engineering business. I was there until '76. Then I
17 was manager of -- I was the engineering manager at an
18 assembly plant, Lynch Road Assembly Plant, from 1976
19 until '79. Then I was in Product Planning until 1981.
20 Then I was exec engineer and then director of
21 Powertrain Engineering until '86, I believe. Then I
22 was director of Corporate Strategy from '86 until '88.
23 Then I took over Jeep and Truck Engineering from
24 Mr. Castaing in 1988. This was roughly a year after
25 the merger with American Motors. I was responsible

1 for Jeep and Truck Engineering, first as director and
2 then as VP until about 1995, and then I moved into
3 headquarters and was responsible for Engineering
4 Technologies as I described earlier, which was all of
5 the advanced development and the non-series related
6 engineering activity and basically retained that role
7 until I retired at the end of '03. My title changed,
8 as I mentioned, in '98 I think it was when Daimler
9 acquired Chrysler.

10 Q. And in '98, what was your title?

11 A. Senior VP of Engineering Technologies.

12 Q. Did you as either Jeep Truck Engineering manager all
13 the way through to your Senior VP of Engineering
14 Technologies, in any of those capacities did you have
15 any hands-on duties with respect to the fuel system
16 design?

17 A. No.

18 Q. Did you have any meetings or discussions with the
19 individuals who had hands-on duties with the fuel
20 systems design during those years?

21 A. The years were all the time I was at Jeep and Truck
22 from '88 --

23 Q. Yes, from Jeep and Truck forward?

24 A. Well, I had numerous discussions with all of my
25 reports obviously.

1 Q. Did you have meetings and discussions which concerned
2 the location of the fuel tank or fuel system
3 integrity?

4 A. Location of the fuel tank or integrity, not that I
5 recall.

6 Q. You were asked whether or not you knew of
7 Mr. Sinclair, and you said you did, correct?

8 A. Yes.

9 Q. And did you know him when he was director of
10 International Product Development in the Product
11 Planning and Design office at Chrysler?

12 A. I think so. I think that preceded his director of
13 Engineering role. I mean, I knew who he was.

14 MARKED FOR IDENTIFICATION:

15 DEPOSITION EXHIBIT 2

16 12:08 p.m.

17 BY MS. DeFILIPPO:

18 Q. I want you to look at a document that's been marked
19 Robertson 2, and can you tell me if you've ever seen
20 that document before?

21 A. No.

22 Q. Have you ever seen documents similar to that,
23 intercompany correspondence memo documents such as
24 that?

25 A. Well, I've seen lots of intercompany correspondence.

1 When you say "such as that", I mean, I haven't read it
2 all yet.

3 Q. Okay. Well, take your time and read it.

4 (Recess taken at 12:08 p.m.)

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

6 BY MS. DeFILIPPO:

7 Q. Mr. Robertson, now you've had an opportunity to look
8 at what's been marked Robertson 2 for identification
9 today, correct?

10 A. Yeah.

11 Q. Now does it refresh your recollection as a document
12 which you may have seen when you were employed by
13 Chrysler?

14 A. No.

15 Q. Okay. And is there a particular reason why you're so
16 certain that you didn't see it or wouldn't have seen
17 it?

18 MR. FUSCO: Object to the form.

19 A. Well, at the time I was working in an assembly plant
20 deeply involved in day-to-day, you know, issues
21 keeping the plant running. I don't remember an
22 LL Baker, despite having read this, and so, I mean, I
23 don't remember any of that dialogue.

24 BY MS. DeFILIPPO:

25 Q. Okay. A document such as this, where would this be

1 kept?

2 A. Just a simple intercompany memo like this typically
3 would be kept by the sender and the recipient. There
4 would be no particular requirement for them to keep
5 it.

6 Q. Would the Product Planning and Design office and the
7 Engineering office which are the divisions that these
8 individuals worked in, would they keep this document
9 somewhere in those offices?

10 A. Not necessarily.

11 Q. Okay. And if they did keep these documents in that
12 office, the Product Planning and Design office or the
13 Engineering office, would you as you came to become in
14 your positions of Product Planning and Engineering and
15 Engineering Technologies and Vice President, would you
16 have access to this document?

17 MS. JEFFREY: Can I just hear --

18 MS. DeFILIPPO: If it had been kept in
19 those offices.

20 MS. JEFFREY: I blanked out there. What
21 offices are you talking about?

22 MS. DeFILIPPO: Product Planning and Design
23 office and the Engineering office, which is the two
24 divisions where the individuals were who were the
25 recipient and the sender.

1 MS. JEFFREY: And did he testify that they
2 would have been kept there?

3 MS. DeFILIPPO: He said they could have
4 been and they may not have been.

5 BY MS. DeFILIPPO:

6 Q. Go ahead.

7 A. I mean, in principle I would have access to documents
8 if someone had kept them and if I had known about
9 them, but of course, there would be hundreds of
10 documents flowing back and forth between people in all
11 of those offices as a normal course of business.

12 Q. Now having read this document when we took a break, do
13 you now -- does it refresh your recollection about
14 discussions that were had within Chrysler Engineering
15 about location of the, relocation of the fuel tank
16 ahead of the rear wheels?

17 MS. JEFFREY: Okay. I'm just going to
18 object to the form of that in terms of your clause
19 "refresh your recollection" because I don't believe
20 he's testified he had a recollection, but go ahead.

21 A. As I said, I've never seen this before. I had no
22 involvement in any of this discussion that's alluded
23 to in here. So I guess it doesn't refresh my
24 recollection. I have no such recollection.

25 BY MS. DeFILIPPO:

1 Q. Well, it's a term of art, and so I'll describe what I
2 mean by "refresh your recollection". In New Jersey,
3 we under the Rules of Evidence are permitted to show a
4 witness any document to refresh their recollection on
5 any subject. Whether you had a prior recollection or
6 not, it's whether or not the document in any way jars
7 your memory as to the subject matter that we're
8 discussing, and that is the relocation of the tank to
9 forward of the rear axle or ahead of the rear wheels.

10 MS. JEFFREY: Again, I just object to the
11 term "refresh" or "jar" memory.

12 MS. DeFILIPPO: I understand you do.

13 MS. JEFFREY: Because he didn't testify he
14 had a memory.

15 MS. DeFILIPPO: We don't need that, Sheila,
16 but that's okay. You can note your objection.

17 THE WITNESS: I'm sorry, can you --

18 MS. DeFILIPPO: Can you repeat my last
19 question.

20 (The requested portion of the record was
21 read by the reporter at 12:16 p.m. as
22 follows:

23 "Question: Now having read this document
24 when we took a break, do you now -- does it
25 refresh your recollection about discussions

1 that were had within Chrysler Engineering
2 about location of the, relocation of the
3 fuel tank ahead of the rear wheels?")

4 A. No, I do not recollect any discussions about that.

5 BY MS. DeFILIPPO:

6 Q. If you look on Page 2, the fifth paragraph from the
7 top in the center, there is a sentence which begins
8 with: In vehicles both with and without bumpers,
9 there is a concern with vertical height differences
10 that create a mismatch with passenger car bumpers.

11 Do you see that sentence?

12 A. Yes.

13 Q. Do you understand the concern to be a concern
14 regarding a concept called underride?

15 MR. FUSCO: Object to the form.

16 MS. JEFFREY: Yeah, object to the form and
17 the assumption that he has an understanding what is
18 intended by the writer of that document.

19 BY MS. DeFILIPPO:

20 Q. You can answer.

21 A. I'm sorry, could you repeat it again?

22 Q. You know what, I'm going to ask you a different
23 question. What's the definition of underride?

24 A. I don't know the formal definition, if there is a
25 formal definition. In general it was a term used to

1 describe the natural characteristic for the trailing
2 vehicle with brakes on to nose dive and the leading
3 vehicle to obviously nose dive so that there would be
4 a vertical mismatch between the vehicle in back and
5 the vehicle in front, particular concern, for example,
6 on 18-wheelers where there's a large area almost as
7 tall as a typical passenger car.

8 Q. And would you agree with the sentence that I read that
9 in vehicles both with and without bumpers, there is a
10 concern with vertical height differences that create a
11 mismatch with passenger car bumpers?

12 MS. JEFFREY: Object to form. A concern on
13 whose part?

14 BY MS. DeFILIPPO:

15 Q. I'm asking you if agree with that sentence?

16 A. Well, I don't know specifically what his concern is,
17 but of course, the reason for vehicle bumper standards
18 and height standards was all driven by the concern
19 about the typical different height between trucks and
20 cars.

21 Q. The next sentence says: Where fuel tank location
22 behind the rear axle is all that is feasible, a
23 protective impact deflection structure may have to be
24 provided whether or not a bumper is provided.

25 Can you tell me what your understanding of

1 an impact deflection structure is?

2 A. I don't know what he had in mind when he wrote this,
3 but what I interpret from this is that some sort of
4 structural -- some sort of vehicle structure providing
5 rear structural integrity around the fuel tank would
6 be necessary. I think, if I may, keep in mind that
7 during the time that this was written, it was fairly
8 typical to build pickup trucks without rear bumpers at
9 all.

10 Q. Right.

11 A. And that practice has pretty much died out now, but it
12 was fairly common in those days. He may well have
13 been alluding to that since it's under the general
14 heading of Truck.

15 Q. And he's also indicating that the impact deflection
16 structure would be needed with or without a bumper,
17 correct?

18 A. Yes, that's what he said.

19 Q. So that the bumper wouldn't take care of impact
20 deflection, would you agree with that?

21 A. Well, depends obviously where the bumper was.

22 Q. Right, but in this context. And would you consider
23 the skid plate that we talked about earlier, the fuel
24 tank skid plate as an impact deflection structure?

25 A. It might, depending on how it's designed.

1 Q. And then the next sentence is: An investigation
2 whether to relocate the fuel tank or to provide impact
3 deflecting structures is presently underway.

4 Do you have any knowledge or any
5 information regarding what happened with the
6 investigation that was underway?

7 A. No.

8 Q. Would you expect that as a result of an investigation
9 that Chrysler was conducting about fuel tank
10 relocation, that there would be some document?

11 A. Not necessarily.

12 Q. If there was a document indicating the results of
13 Chrysler's investigation for fuel tank relocation,
14 where would that document be kept, what office, what
15 department, what person, any way you can identify a
16 location?

17 MS. JEFFREY: Object to form.

18 A. I don't know. As I have mentioned earlier, there's no
19 -- it may not have been kept. There would be no
20 requirement necessarily if it's simply an engineering
21 study for it to be documented or to be retained. I
22 have no idea.

23 BY MS. DeFILIPPO:

24 Q. Do you know if any decision was made by anyone in any
25 department, not just Jeep, but for any of the

1 departments regarding relocation of the fuel tank?

2 MS. JEFFREY: Of what vehicle?

3 MS. DeFILIPPO: Of any vehicle.

4 A. The short answer is no. Keep in mind, this is ten
5 years before Chrysler acquired Jeep. No, I have no
6 knowledge of such a decision.

7 BY MS. DeFILIPPO:

8 Q. Now you were there from '65, though, to 2003, correct?

9 A. Right, at Chrysler.

10 Q. At Chrysler. To your knowledge in any capacity that
11 you served as an employee of Chrysler, was there ever
12 a vehicle in which the fuel tank was relocated from
13 the rear behind the axle to either midship or in
14 another place above the wheels or in front of the
15 axle?

16 A. I have no knowledge of that. I don't know whether
17 that happened or not.

18 Q. Is there a vehicle called an MJ or was there a vehicle
19 called an MJ?

20 A. I think the MJ was the Comanche pickup truck derived
21 from the old XJ Cherokee.

22 Q. So the XJ Cherokee had the fuel tank located behind
23 the axle, correct?

24 A. Yes.

25 Q. And the MJ, which was based on the XJ Cherokee, did

1 that have the fuel tank behind the axle, or was it
2 moved to midship if you know?

3 A. I don't know.

4 Q. Who would have information regarding that?

5 A. Well, the first people I would go to would be the
6 Chassis Engineering people responsible for the design
7 and development of those vehicles, which would have
8 been --

9 Q. Viergutz?

10 A. -- Viergutz and his people. Now the MJ was designed
11 pretty much coincident, as I recall, with the XJ
12 Cherokee back in the early '80s, and it was dropped
13 around 1991. So the people actually responsible for
14 the design and development may well have preceded Owen
15 Viergutz and those people. I just don't know.

16 Q. Do you agree with a statement that the fuel tank
17 should be shielded from damage in a collision?

18 A. Yes.

19 MR. FUSCO: Object to the form.

20 BY MS. DeFILIPPO:

21 Q. Now you have an engineering degree from England,
22 correct?

23 A. Yes.

24 Q. And then you came to America, and you said you were
25 educated by Chrysler, also?

1 A. Yes.

2 Q. What is Chrysler's education or what was Chrysler's
3 education program that you attended?

4 A. At the time Chrysler Institute of Engineering was an
5 automotive engineering program which combined
6 engineering courses taught by various members of the
7 engineering community at Chrysler with typical college
8 courses taught at the University of Michigan, and so
9 it was sort of like a hybrid degree.

10 Q. What was the degree that you got from that?

11 A. A master's in automotive engineering.

12 Q. Did that come from the University of Michigan?

13 A. No. It came from Chrysler Institute of Engineering
14 obviously with credits from the University of
15 Michigan.

16 Q. Is there still such a thing?

17 A. No -- well, not in the form that I attended it. I
18 think -- if it exists now -- let me back up.

19 When I retired, it had become basically
20 kind of an umbrella organization, and all of the
21 courses were taught at one of four universities, and
22 the students had the option basically of going to I
23 think U of M, Michigan State, Wayne State and one
24 other, I forget which. I'm not sure whether it
25 survived the bankruptcy.

1 Q. Were the courses that you took specific to Chrysler
2 vehicles, or was it just general engineering or
3 something else?

4 A. No. It was general automotive engineering. Obviously
5 a lot of Chrysler vehicles are used as examples, case
6 studies or whatever.

7 Q. Did you feel after attending Chrysler university that
8 you had learned something above and beyond what your
9 formal training in engineering gave you?

10 A. Yes.

11 Q. Was it more sophisticated or more technical or more
12 specific or something else?

13 A. Well, it was much more specific to the automobile
14 industry. We had courses on gas turbines at the time
15 which were all in vogue. I understood the principles
16 of gas turbines but nothing about the practicalities
17 of them. Suspension design, noise attenuation, noise
18 vibration harshness, how you measure it, how you deal
19 with it. Those were much more specific to vehicles
20 than anything that I learned at Cambridge.

21 Q. Okay. And as part of your training, including
22 Cambridge and Chrysler -- and by the way, did you have
23 any other formal training other than those two places
24 in engineering?

25 A. I don't think so, no, I can't recall anything.

1 Q. Okay. But in that training at Cambridge and at
2 Chrysler, did you have to make drawings, engineering
3 drawings?

4 A. Well, I certainly made engineering drawings in
5 Cambridge. I neglected to mention I spent a year in
6 the British machine tool industry before I went to
7 Cambridge now that I think about it, and of course, I
8 made a lot of engineering drawings and manufactured
9 things to engineering drawings back then.

10 Q. And I don't want you to think that I'm asking you to
11 scale or accurate, but would it be possible for you to
12 draw for me some of the items that you talked about
13 earlier, the frame rails, the crossmember?

14 MS. JEFFREY: I'm going to object to that.
15 That's not permissible.

16 MS. DeFILIPPO: It is in New Jersey.

17 MS. JEFFREY: I'm going to object to that.

18 MS. DeFILIPPO: Well, if you're objecting
19 to it, then we'll come back and do it and the cost
20 will be yours because that is clearly permissible in
21 New Jersey.

22 MS. JEFFREY: We're in Michigan with a
23 subpoena issued out of --

24 MS. DeFILIPPO: This is a New Jersey case,
25 however, and drawings are clearly permissible. Do you

1 want to tell him not to draw?

2 MS. JEFFREY: Yes.

3 MS. DeFILIPPO: Okay.

4 BY MS. DeFILIPPO:

5 Q. Let's talk about the crossmember. You had indicated
6 earlier that the crossmember is affixed to the
7 longitudinal rails of the side rails of a vehicle; is
8 that correct?

9 A. I think that what I said is it's typically attached to
10 the longitudinal side rails and/or the underbody,
11 either bolted in or welded. I believe that's what I
12 said or meant to say.

13 Q. What's the difference between the side rails and the
14 underbody that you're describing?

15 A. The underbody is the sheet metal platform basically,
16 the horizontal.

17 Q. So the crossmember could actually be affixed only to
18 the sheet metal as opposed to the side rails?

19 A. Again, I'm not familiar specifically with ZJ.

20 Q. How about WJ?

21 A. Certainly not WJ. But it would be attached to the
22 rear structure, you know, either/or, the side rails or
23 frame rails and the underbody.

24 Q. Or the underbody?

25 A. Yeah.

1 Q. So just correct me if I'm wrong, the side rails and
2 frame rails, what are they composed of, what type of
3 material?

4 A. Steel.

5 Q. And is there a width or description of the steel that
6 you're aware of in the ZJ?

7 A. No. I'm sure there are drawings that exist. I'm not
8 familiar with them.

9 Q. Okay. And are you indicating that the side rails are
10 the same strength as the underbody in terms of the
11 metal, itself?

12 MS. JEFFREY: On what vehicle are we
13 talking?

14 MS. DeFILIPPO: On any vehicle.

15 A. Well, no. They're all obviously designed to a
16 specific requirement, whatever the structure calls
17 for.

18 BY MS. DeFILIPPO:

19 Q. So would it be --

20 MS. JEFFREY: I'm reconsidering what you
21 stated. If it'll help you question him, go ahead.
22 Understand that he doesn't have recollection of the ZJ
23 specifically. He can probably give you some general
24 idea of what a cross rail, crossmember --

25 MS. DeFILIPPO: I understand that.

1 MS. JEFFREY: That's fine.

2 BY MS. DeFILIPPO:

3 Q. I'm going to give you a piece of paper. I just want
4 you to draw for me the typical side rails of a vehicle
5 such that we would find, understanding that you can't
6 draw it to scale.

7 A. And again, I'm not familiar with the specifics of the
8 ZJ, but I would expect that a typical unibody sport
9 utility, the rear section would look more or less like
10 this. This is sheet metal underbody, and then it
11 would have frame rails which are sort of this kind of
12 section down the sides. Same thing on this side. And
13 then it would have a rear crossmember, typically
14 something like this, and these side rails would
15 typically be welded to this underbody. This is sheet
16 metal steel. These are thicker sections of steel.

17 Q. You pointed to the underbody and said this is sheet
18 metal?

19 A. Yeah, this is sheet metal underbody.

20 Q. Just write the word "underbody" and "sheet metal".

21 A. And these would be the side rails, and this would be a
22 rear crossmember, and this is typical.

23 Q. Now the side rails are not sheet metal, correct?

24 A. Right.

25 Q. They're much heavier metal?

1 A. Typically.

2 Q. Typically, right. Well, heavier than the sheet metal
3 underbody?

4 A. Right.

5 Q. And the crossmember, what is that made of?

6 A. Similar to the side rails. This is a terrible
7 drawing. I hate for this to be introduced into
8 evidence.

9 MS. JEFFREY: That's why I objected.

10 MS. DeFILIPPO: I'm going to mark your
11 drawing.

12 MARKED FOR IDENTIFICATION:

13 DEPOSITION EXHIBIT 3

14 12:35 p.m.

15 BY MS. DeFILIPPO:

16 Q. This is Robertson 3. Now you've drawn what you
17 described, and it looks to me like where you've placed
18 the cross rail with respect to the side rails, there's
19 a gap, and I know you did that for illustration; is
20 that correct?

21 A. Yes. This is an exploded view.

22 MR. FUSCO: This is a what?

23 MS. DeFILIPPO: Exploded view.

24 BY MS. DeFILIPPO:

25 Q. But when you fasten the cross rail to the side rails,

1 do you fasten as if you pushed it right forward in
2 this diagram or pushed it sideways in this diagram?

3 A. Well, as I said --

4 Q. Just tell me first.

5 A. Typically this piece would obviously fit across here,
6 and it would be either bolted or welded both to the
7 side rails and to the underbody. Whether it's bolted
8 or welded would be a function of whether you needed to
9 get access to anything in there for service or for
10 manufacture.

11 Q. And if it was not bolted or welded to the side rails
12 and it was just connected to the underbody, the sheet
13 metal, how would it be fastened?

14 A. Same thing. I mean, it would either be bolted or
15 welded.

16 Q. To the underbody?

17 A. Yeah. I'll put bolt holes in. Again, this is
18 typical, not necessarily specific to ZJ.

19 Q. Okay. And you said that the location of the fuel tank
20 in the ZJ and the WJ is in front of the crossmember,
21 correct?

22 A. Correct.

23 Q. And in relation to the vertical height and the
24 vertical distance or measurement of the tank, where is
25 the crossmember?

1 A. Well, again, I can't speak specific --

2 Q. You want another piece of paper?

3 MR. FUSCO: Now I'm going to object on the
4 record because this record is going to be a mess.

5 MS. DeFILIPPO: No, it's not.

6 MR. FUSCO: Yes, it is. He has testified
7 that he did not draw the ZJ --

8 MS. DeFILIPPO: Hold on, hold on --

9 MR. FUSCO: You want him to step out of the
10 room?

11 MS. DeFILIPPO: Yes, I do.

12 (Mr. Robertson left the room.)

13 MR. FUSCO: I just want to make sure we
14 understand that this is not the ZJ he's talking about.

15 MS. DeFILIPPO: He said that 100 times.
16 Typical he said.

17 MR. FUSCO: Now you're asking him questions
18 about the ZJ and asking him to write --

19 MS. DeFILIPPO: I told him not to write it
20 here. You weren't paying attention. I said do not.

21 MR. FUSCO: Are you going to ask him to put
22 the gas tank in there?

23 MS. DeFILIPPO: No. I said do not. I
24 said, Would you like another piece of paper?

25 MR. FUSCO: To do what?

1 MS. DeFILIPPO: If he wanted to draw the
2 gas tank.

3 MR. FUSCO: Gas tank of what?

4 MS. DeFILIPPO: I don't know because he was
5 doing the testifying. I wasn't. You weren't paying
6 attention.

7 MR. FUSCO: No. I am paying attention.

8 MS. DeFILIPPO: I did not ask him to draw
9 the ZJ on this diagram. That's the reason I stopped
10 him. I'm a little bit ahead of you.

11 MR. FUSCO: A little bit.

12 (Recess taken at 12:39 p.m.)

13 (Back on the record at 12:48 p.m.)

14 (Mr. Robertson entered the room.)

15 BY MS. DeFILIPPO:

16 Q. The last question I asked you, Mr. Robertson, had to
17 do with the tank on the ZJ or the WJ, whichever, and I
18 asked you a question as to, in relation to the
19 crossmember, where was the tank in terms of its
20 vertical distance from top to bottom, and you were
21 going to use the diagram Robertson 3, but we decided
22 to leave that document alone because that wasn't so
23 particular. It was a particular sport utility but not
24 the ZJ, itself. So I gave you another piece of paper
25 if you want to draw that.

1 A. Yeah. I just don't know. I'm not that familiar with
2 the specifics of the ZJ.

3 Q. Okay. Are you able to state without being specific
4 but in a general sense where the tank would be if it
5 was behind the crossmember in terms of its vertical
6 location?

7 A. Well, as I said, I don't know specific to ZJ where it
8 is.

9 Q. I understand that.

10 A. Typically the upper half of the tank would be behind
11 the crossmember, and the lower part of the tank would
12 be below it.

13 Q. Okay.

14 A. But I don't know if that applies specifically to the
15 ZJ.

16 Q. And that's just typical for --

17 A. Typical for a sport utility of that era.

18 Q. With a tank location on the back side of the axle,
19 correct?

20 A. Which is where they pretty much all were in those
21 days.

22 Q. Can you estimate what the vertical dimension of the
23 tank was in the ZJ or the WJ?

24 A. The overall height of the tank?

25 Q. Yes. I'm only asking you to estimate.

1 MS. JEFFREY: If you can.

2 BY MS. DeFILIPPO:

3 Q. I'm not holding you to an exact unless you know the
4 exact.

5 A. No, I certainly don't know the exact --

6 MS. JEFFREY: You shouldn't estimate if
7 you're guessing, either.

8 BY MS. DeFILIPPO:

9 Q. No guessing. Estimate is fine.

10 A. I won't ask you for a distinction between an estimate
11 and a guess. I would think it's probably 8 inches.

12 Q. Okay. Have you ever seen the plastic fuel tanks that
13 were placed in the ZJs or the WJs?

14 A. As I mentioned earlier, I wasn't sure coming in today
15 whether it was steel or plastic because I know we were
16 in a transition as an industry from steel to plastic.
17 I've certainly seen both steel and plastic tanks.

18 Q. But you can't say that you've ever seen a plastic tank
19 that was placed into a Jeep Grand Cherokee, a ZJ or a
20 WJ?

21 A. I don't recall specifically seeing one of those.

22 Q. Can you state whether or not a skid plate covering a
23 plastic tank in any Jeep was standard item that came
24 out of Chrysler's factory with the Jeep?

25 A. I don't believe it was ever standard. I believe they

1 were always optional for off-road use.

2 Q. Was the skid plate for the transfer case in the Jeep,
3 was that standard from the factory?

4 A. I don't know.

5 Q. You talked earlier about Chrysler's testing for FMVSS
6 standards in the Jeeps, and then you also mentioned
7 that there were Chrysler standards. Is that an
8 accurate statement?

9 A. Well, there were -- there were Chrysler requirements,
10 A, that we complied with all FMVSS and then specifics
11 on the safety margin as it were or the -- how we
12 should comply, in other words, the no leakage in a 301
13 and 20%, I think it was 20% increase in the roof crush
14 requirement. We had those requirements. And then as
15 I said earlier, I think some of the other standards
16 were simply go/no-go, either like the visibility
17 standards, you can either see them or you can't. So
18 there were Chrysler requirements wherever there was
19 any interpretation required, like no leakage.

20 Q. Was there ever Chrysler standards or requirements
21 apart from Government requirements or standards that
22 were purely Chrysler's manufacturing or design
23 standards?

24 A. Yes, we had many, many Chrysler design standards.

25 Q. And did Chrysler do any testing to meet their own

1 standards? And I'm not talking about anything having
2 to do with the Federal Government right now; I'm just
3 talking about Chrysler's own standards in designing
4 vehicles?

5 A. Yes.

6 Q. Okay. Can you give me an example of the type of
7 standard that was not required by the Government but
8 that was required by Chrysler to meet its own
9 definition of what the vehicle should perform like?

10 A. You know, we had many engineering standards. Just one
11 example was windshield wipers. There was a life
12 requirement. We would cycle the windshield wipers
13 for, I don't remember what it was, but it was an
14 extremely long period of time the wipers had to
15 survive.

16 Q. Let me stop you for one second. And that was not in
17 any way dictated by the Government, correct?

18 A. This was long before. There is now an FMVSS on
19 wipers.

20 Q. But you did it without FMVSS?

21 A. Right. And we had standards on, oh, gosh, seat
22 compression, on seat wear, a lot of standards for the
23 whole vehicle.

24 Q. So now were there any standards within Chrysler that
25 were apart from the Government standards that involved

1 safety issues?

2 A. I don't know. The FMVSS sort of superseded a lot of
3 prior activity. The Federal Government created
4 standards which then became the de facto standard. I
5 don't know whether we had standards prior to that on
6 safety. I just simply don't know.

7 Q. And I'm not confining you to prior to that. It could
8 be concurrent with Federal standards, before them,
9 after the Federal standard were adopted. Were there
10 any internal Chrysler standards which the company met
11 which involved safety?

12 A. I'm sure there were. I'm trying to remember. We had
13 standards -- to your question about before, during, or
14 after, we had standards on clamps for fuel lines,
15 location of fuel lines in the engine compartment.

16 Q. And did they involve safety issues?

17 A. Well, I mean, they were all things which in the event
18 of an issue -- I mean, obviously if a clamp on a fuel
19 line fails, it's an intrinsic safety issue. So we had
20 many standards on those kinds of things.

21 Q. And did you test to meet your own standards in those
22 areas of safety issues?

23 A. We did. I mean, some of those things are kind of
24 almost by inspection de facto, you either use what the
25 U.S. calls an aircraft drive clamp or you don't to

1 secure a fuel line. There you don't need to do any
2 testing. You either use it or you don't. But yes, we
3 did testing. Again, I don't have a mental catalogue
4 of all the things we did, but we did testing on
5 systems and subsystems, some of which potentially
6 involve safety.

7 Q. And do you know or can you define what an offset
8 collision is?

9 A. Can I define it?

10 Q. Yeah.

11 A. Well, basically it's a collision where the center line
12 of the two vehicles or the vehicle and the barrier are
13 offset to one side or the other, and the Europeans
14 introduced a requirement for that testing which
15 eventually was, I think, adopted by the Feds.

16 Q. Do you know when it was adopted by the Feds?

17 MS. JEFFREY: Are we talking rear or front
18 here?

19 BY MS. DeFILIPPO:

20 Q. Let's talk rear.

21 A. I don't know that.

22 Q. Would you agree with me that that is a safety issue?

23 MS. JEFFREY: Object to form. That what's
24 a safety issue?

25 BY MS. DeFILIPPO:

1 Q. That there are safety issues involved in the testing
2 for the concept of offset?

3 MS. JEFFREY: Object to form.

4 A. No. Offset testing is another way of testing a
5 vehicle for its behavior in an impact, just like full
6 frontal, full rear, side, pole, rollover and so on.
7 It's just another form of testing. And when it was
8 adopted by the Europeans, of course, everyone started
9 testing that way.

10 What I meant to say earlier and didn't
11 quite finish was the Federal Government I think
12 adopted testing for that. I'm not sure whether or if
13 it became an FMVSS or whether they were simply doing
14 it as part of their new car assessment program.

15 BY MS. DeFILIPPO:

16 Q. Let's take a period of time before, let's say, 2000.
17 Do you know if the Federal Government required offset
18 testing at that point in time?

19 A. I don't believe they did.

20 MS. JEFFREY: And can I just interject
21 here, we're talking rear, right? Because there is a
22 frontal offset that's done for 301 testing as well, so
23 that's been a requirement forever. I just want to
24 make sure that we're clear that we're talking about
25 rear offset testing.

1 MS. DeFILIPPO: Okay, okay. We were
2 talking rear.

3 MR. SACCO: That's correct.

4 MS. JEFFREY: Thank you.

5 BY MS. DeFILIPPO:

6 Q. My last question to you was whether or not before the
7 year 2000, the Feds had adopted a requirement for car
8 manufacturers to do offset testing, and you said you
9 didn't think so?

10 A. I don't believe so.

11 Q. And before the Feds had adopted a requirement to do
12 offset testing, Chrysler did offset testing, rear
13 offset testing, correct?

14 MS. JEFFREY: Object to the form. It's
15 implicit there that they did offset testing rear.

16 A. I don't know that we ever did rear offset testing. At
17 some point we started doing front offset testing
18 certainly when it became required in Europe.

19 BY MS. DeFILIPPO:

20 Q. But prior to it being required in the United States,
21 correct?

22 A. Yes.

23 MS. DeFILIPPO: I'm going to show you
24 another document.

25 MARKED FOR IDENTIFICATION:

1 DEPOSITION EXHIBIT 4

2 1:02 p.m.

3 BY MS. DeFILIPPO:

4 Q. This is Robertson 4, and I'd like you to turn to --
5 first of all, what is Mopar?

6 A. It's the service parts division of Chrysler.

7 Q. And this document that I'm showing you has a date on
8 it May/June of 2000, correct?

9 A. Uh-huh.

10 Q. What is this document?

11 A. I've never seen it before.

12 Q. Can you identify it in any way?

13 A. Well, it says it's a Mopar Parts trade magazine for
14 the aftermarket.

15 Q. Okay. And is this a document that's authored by
16 Chrysler?

17 A. I have no idea. I've never seen it before.

18 Q. Okay. And I'd like you to turn to what is noted in
19 the back as Page 7. I'm sorry, can I see this a
20 second?

21 You see where it says safety first?

22 A. Uh-huh.

23 MS. JEFFREY: You should say yes or no just
24 for the record.

25 A. I'm sorry. Yes.

1 BY MS. DeFILIPPO:

2 Q. And about the second paragraph, I believe, or the
3 first bullet point, it says: An all new body
4 structure is significantly upgraded to meet stringent
5 European offset impact requirements and improve
6 energy-absorbing characteristics.

7 A. Yes, I see that.

8 Q. And is that referring to Chrysler's requirement to
9 meet the European standards regarding offset impacts?

10 A. Apparently it's referring to the minivan for Europe.

11 Q. And again, regardless of the vehicle, is it indicating
12 Chrysler's efforts to meet the European offset impact
13 standards that we talked about a minute ago?

14 A. Well, it's apparently referring to the front offset
15 impact requirements in Europe.

16 Q. Well, were there front offset impact requirements in
17 this country, in the United States --

18 A. No, I don't believe so.

19 Q. -- in 2000?

20 A. I don't believe so.

21 Q. And even though there weren't any standards set forth
22 by the Federal Government, Chrysler had an internal
23 standard of meeting the European offset impact
24 requirements, correct?

25 A. Yes.

1 Q. Okay. And there was testing done for that?

2 A. I assume so. Any vehicle that we designed and sold in
3 Europe would obviously have to meet European
4 standards. I'm just not familiar what was applicable
5 at the time. So I'm simply --

6 Q. Well, was there testing only for the vehicles that
7 were sold in Europe, or were the United States
8 vehicles also tested for offset impact requirements?

9 A. Well, any vehicle which we intended to sell anywhere
10 in the world we would test for compliance to the
11 standards applicable wherever that was.

12 Q. So then, correct me if I'm wrong, but Chrysler was
13 testing for vehicles that were intended to be sold in
14 the United States for offset impact requirements even
15 though the Federal Government didn't require that,
16 correct?

17 A. We would have been testing for front offset because it
18 was required in Europe.

19 Q. And that would include even vehicles that were never
20 going to be shipped to Europe, that were going to be
21 only United States vehicles?

22 A. Well, again, I don't recall exactly what we tested,
23 but a vehicle which was sold both in the United States
24 and in Europe we would test.

25 Q. So the answer is yes, right --

1 A. For example, we wouldn't test a Dodge Ram pickup truck
2 that we were not going to sell in Europe, we wouldn't
3 necessarily test that for offset impact.

4 Q. But if you were going to sell the Dodge Ram truck not
5 only in the United States but Europe, you would test
6 it here?

7 A. We would test it in order to ensure that it complied
8 with the standards applicable in the market.

9 Q. And it wouldn't be manufactured to any different
10 standard because it was being shipped to Europe as
11 opposed to staying in the United States?

12 A. Broadly speaking. However, obviously for example, we
13 only sold diesel engines in Europe, so we would only
14 -- I mean, we would test a diesel vehicle for Europe
15 and not necessarily for the U.S. I mean, the vehicles
16 were not necessarily identical is my point.

17 Q. Okay.

18 MARKED FOR IDENTIFICATION:

19 DEPOSITION EXHIBIT 5

20 1:08 p.m.

21 BY MS. DeFILIPPO:

22 Q. I'm going to show you a document marked Robertson 5.
23 Have you ever seen that document or a document similar
24 to that?

25 A. No.

1 Q. Do you know what DealerCONNECT is?

2 A. No.

3 Q. You've never heard of the term DealerCONNECT?

4 A. It doesn't sound familiar.

5 Q. Okay. Was there ever -- go ahead, I'm sorry. I
6 didn't mean to interrupt you.

7 A. Only that, as I mentioned much earlier, Chrysler
8 transitioned from a largely paper fax document process
9 into electronic communications, and I'm not familiar
10 with all the forms of electronic communication. This
11 is obviously one of them.

12 Q. Was that after your time that there was a transition
13 to electronic communication?

14 A. I assume so. I don't see a date on it. I don't
15 recall us even having Windows when I was at Jeep and
16 Truck.

17 Q. Okay. Before electronic communications, was all
18 communication with your dealer by phone or by fax or
19 by letter or by personal face-to-face communication?

20 A. I think so.

21 Q. Was there any other means of --

22 A. I'm trying to think of what else would there be?

23 Q. So am I. Are there any other means of communication
24 you would have with your dealers?

25 A. None that I can think of.

1 Q. Was there any dedicated lines or phones that you had
2 with your dealers?

3 A. I certainly don't know of any.

4 Q. Okay. If a bracket was added to reinforce the frame
5 of a vehicle, would you expect that there would be
6 some type of written document regarding that
7 particular piece of equipment?

8 MS. JEFFREY: I'll object to form.

9 A. I'm not sure what you mean a document. I mean, if any
10 part is added to a vehicle, there would be some sort
11 of internal engineering document releasing, you know,
12 specifying what that part was, specifying the design,
13 and ultimately, of course, it would have to be sourced
14 from some supplier. So there would be some sort of
15 documentation covering that release.

16 BY MS. DeFILIPPO:

17 Q. I'm going to show you a photograph which was marked
18 yesterday, and I don't see the marking on it -- oh,
19 it's Castaing 16. There's more than one photo.
20 That's why there's no marking on the picture I was
21 looking at. This is three pictures marked as
22 Castaing 16, and I'd like you to look at them.

23 MS. JEFFREY: Can we take two minutes so I
24 can run and tell Owen to sit tight?

25 MS. DeFILIPPO: Sure.

1 (Recess taken at 1:13 p.m.)

2 (Back on the record at 1:17 p.m.)

3 BY MS. DeFILIPPO:

4 Q. Mr. Robertson, in looking at what was previously
5 marked yesterday as Castaing 16, a group of three
6 photographs, are you able to identify any of the
7 photographs?

8 A. Well, I mean, I recognize the manufacturer's VIN
9 plate.

10 Q. Which is the photograph on the top?

11 A. Yeah. I'm not sure what its official definition is,
12 but anyway, the door jamb label with the tire
13 information.

14 Q. And with the bar code?

15 A. With the bar code and it looks like it's a ZJ label.
16 I mean, I don't recognize these to any specific
17 vehicle. It looks like the fuel tank, the rear
18 fascia, fuel tank strap. This view shows the filler
19 neck.

20 Q. And you're talking about the second photograph, and at
21 the top left you see the filler neck?

22 A. Right.

23 Q. And is that filler neck routed through the frame rail?

24 A. Yes.

25 Q. Okay. Is that the way it was in the Jeep ZJ?

1 A. I don't recall. I mean --

2 Q. Well, now does that refresh your recollection?

3 A. Well, I'm assuming this is ZJ, and if it is, it looks
4 like it goes through the frame rail, but I'm taking it
5 on faith that this is a picture of a ZJ. I don't
6 recall the exact configuration, but that would have
7 been typical --

8 Q. Okay.

9 A. -- of the period.

10 Q. Of the period for other SUVs?

11 A. Yeah. It's a fairly typical kind of construction is
12 all I'm saying.

13 Q. So can you just tell me what other SUVs routed their
14 fuel lines through the frame rail, if you know?

15 A. Not off the top of my head.

16 Q. But you think there were other ones at the time?

17 A. I think so.

18 Q. Okay.

19 A. Yeah.

20 Q. Okay. Go ahead. I'm sorry. You were going to the
21 next photograph to identify it.

22 A. It's a slightly better picture of what looks like the
23 fuel tank, the strap, the rear fascia, you know, the
24 rear structure, and this additional bracket, I don't
25 know what that is.

1 Q. Now the additional bracket is the bracket that's on
2 top of the man's hand, correct?

3 A. Right.

4 Q. And you've never seen that bracket before?

5 A. I don't recall seeing it.

6 Q. Okay. Do you know what it's doing?

7 A. No.

8 Q. Or its purpose?

9 A. No, I can't tell from the photo.

10 Q. In any of the photos that you've been presented with,
11 the three of Castaing 16, is there a crossmember
12 there?

13 A. Well, this is a crossmember.

14 MR. FUSCO: Let's just be careful which
15 photo you're looking at.

16 A. The third photo, this red portion in the middle.

17 BY MS. DeFILIPPO:

18 Q. In the very middle of the page?

19 A. Is a crossmember.

20 MR. FUSCO: Thank you.

21 A. And it looks like there's an additional crossmember,
22 this unpainted one towards the extreme rear of the
23 vehicle.

24 BY MS. DeFILIPPO:

25 Q. To the left of the one you originally pointed to?

1 A. Correct, and it looks like that's bolted to the end of
2 the frame rail, again, just looking at the picture.
3 Now this could be fascia support structure or it could
4 be a crossmember. I can't really tell from the
5 picture.

6 Q. And there's nothing about that photograph that jars
7 your memory as to what that bracket is or does or how
8 it came into being?

9 MS. JEFFREY: Okay, and I'm just going to
10 object to the term "jars your memory" because he
11 hasn't testified that he had a memory, but go ahead.

12 MS. DeFILIPPO: That's right.

13 A. No.

14 BY MS. DeFILIPPO:

15 Q. Did the ZJ replace the Jeep Grand Wagoneer?

16 A. No.

17 Q. Did the Jeep Grand Wagoneer have a letter designation
18 like the ZJ for the Grand Cherokee?

19 A. Yeah, it did.

20 MS. JEFFREY: For the record, I think it
21 was SJ.

22 A. That sounds familiar. I don't remember that.

23 BY MS. DeFILIPPO:

24 Q. At some point in time the Grand Wagoneer was stopped
25 being produced, right?

1 A. Yes.

2 Q. Was that during your tenure with Chrysler?

3 A. Yes.

4 Q. Did you have any involvement with the Grand Wagoneer?

5 A. A little bit. It was a vehicle built during my time
6 at Jeep and Truck, and I remember a lot of discussion
7 about whether we should drop it or not.

8 Q. And did you have anything to do with the decision to
9 drop it?

10 A. Well, I was certainly involved in a lot of discussions
11 about the pros and cons of keeping it.

12 Q. Why was it dropped?

13 A. Well, it sort of dropped itself. The sales kept
14 dropping off and dropping off, and it stayed on life
15 support for about six months when the Chairman really
16 wanted to keep it, but it got to the point where the
17 volume was so low and it drove a fair amount of unique
18 effort to keep it and obviously manufacturing
19 complexity to build it and a fair amount of warranty
20 expense.

21 Q. Where was the fuel tank located in the Grand Wagoneer?

22 A. Gosh, I have no idea.

23 Q. Was it -- would you describe it as a large SUV?

24 A. Yes.

25 Q. It was bigger than the Grand Cherokee, correct?

1 A. Yes.

2 Q. And you say the Grand Cherokee didn't replace it?

3 A. Right.

4 Q. Why do you say that?

5 MS. JEFFREY: Object to form.

6 A. It didn't.

7 BY MS. DeFILIPPO:

8 Q. Well, when it phased out --

9 A. It didn't replace it. The Grand Wagoneer was a much
10 larger vehicle. I think it had three rows of seats,
11 and the -- the ZJ was originally, as I said earlier,
12 was originally designed as a replacement for the
13 Cherokee, the XJ. It ultimately co-existed with the
14 Cherokee for a number of years. But it was meant to
15 be a much smaller, more agile vehicle. Never had
16 three rows of seats.

17 Q. Than the Grand Wagoneer?

18 A. Than the Grand Wagoneer.

19 Q. But not meant to be smaller or more agile than the XJ?

20 A. No, no. It was slightly bigger than the XJ. But it
21 was always believed that the Grand Wagoneer occupied
22 kind of a unique place in the market. The whole
23 nature of the vehicle, the wood grain treatment, the
24 old-fashioned sort of rolling teak table kind of thing
25 was going out of fashion. There was never a

1 conviction that we needed to replace it, well, other
2 than the Chairman who believed we should, but --

3 Q. Who was that?

4 A. Lee Iacocca.

5 Q. He thought you should keep it?

6 A. Which meant that's why it stayed in production for a
7 while.

8 MS. DeFILIPPO: This is off the record.

9 (Discussion off the record at 1:25 p.m.)

10 (Back on the record at 1:25 p.m.)

11 BY MS. DeFILIPPO:

12 Q. Go ahead.

13 A. From a market position point of view, it was never
14 intended to replace the Grand Wagoneer. That was
15 where --

16 MS. JEFFREY: Grand Cherokee --

17 A. No, it was never intended to replace the Grand
18 Wagoneer.

19 MS. JEFFREY: Oh, okay. That's right.

20 BY MS. DeFILIPPO:

21 Q. Am I correct in indicating that when the Grand
22 Wagoneer was phased out and no longer in production,
23 that is the same year that the Grand Cherokee started
24 production, or am I wrong in that?

25 A. They were certainly close. I think '91 model was the

1 last year of the Grand Wagoneer, I believe, and the
2 Grand Cherokee was introduced in 1992 as a '93
3 model --

4 Q. Right.

5 A. -- I believe. So they were more or less coincident.

6 Q. You know, correct me if I'm wrong, but in terms of
7 presentation to the public, are you saying that it was
8 never represented to the public that the Grand
9 Cherokee is now replacing the Grand Wagoneer, like
10 there's no more Grand Wagoneer for your customers, so
11 here's our Grand Cherokee?

12 A. Correct.

13 Q. This is our model?

14 A. I am saying that that's the case.

15 Q. That is what happened.

16 A. I'm sorry?

17 MS. JEFFREY: Wait.

18 MR. FUSCO: No, no, no.

19 A. As I said several times -- I should let you ask the
20 questions.

21 BY MS. DeFILIPPO:

22 Q. How about with respect to the public, did Chrysler
23 present the Grand Cherokee as the replacement to the
24 Grand Wagoneer to the public?

25 A. No.

1 Q. And the dealers never sold the Grand Cherokee to prior
2 customers of the Grand Wagoneer as, Look, this is your
3 replacement because we don't make the Grand Wagoneer
4 anymore?

5 MS. JEFFREY: Object to the form of that.
6 I don't know how he can say what dealers did in terms
7 of who they sold to.

8 A. I can't possibly testify to what the dealer may have
9 said. As I said already, the Grand Wagoneer more or
10 less dropped itself. Its volume had dropped way off.
11 In the last two or three years, the volume was
12 minuscule. We had determined that the Grand Cherokee
13 was going to have its own market position. We built a
14 specific dedicated assembly plant for it. The Grand
15 Wagoneer had occupied space in the old Toledo plant.
16 We built a brand new plant in Detroit for the ZJ, and
17 it was meant to be sort of a grown-up big brother to
18 the Cherokee as an agile sport utility.

19 BY MS. DeFILIPPO:

20 Q. And is that how the Grand Cherokee was presented to
21 the public in 1992 and '3, as a big brother to the XJ?

22 A. That's my recollection.

23 Q. Did Chrysler have any involvement with its dealers in
24 marketing or advertising?

25 A. Any involvement with its dealers in advertising?

1 Q. Well, did Chrysler do the advertising and marketing?

2 A. Chrysler, of course, did all of the corporate
3 advertising, and then there was some sort of
4 relationship, that I don't recall exactly what, that
5 helped fund dealer advertising and promotions.

6 MS. DeFILIPPO: Okay. I'm going to show
7 you a document I'm marking as Exhibit 6.

8 MARKED FOR IDENTIFICATION:

9 DEPOSITION EXHIBIT 6

10 1:29 p.m.

11 BY MS. DeFILIPPO:

12 Q. Can you tell me what that document is?

13 A. It's Mopar Accessory Catalogue.

14 Q. Who produced that catalogue, if you know?

15 A. I don't know for sure. I believe the Mopar division
16 of sales.

17 Q. Would you consider that an advertising brochure?

18 A. Certainly I'd consider it a marketing brochure for
19 accessories.

20 Q. And would that be something that was sent directly to
21 customers, or was that given to them through their
22 dealers?

23 A. I don't know. I would expect typically through the
24 dealers.

25 Q. Okay. So it's fair to say that there are marketing

1 and advertising and items such as this brochure that
2 Chrysler or Chrysler through Mopar provides to the
3 dealers to give to the public, correct?

4 A. Yes.

5 Q. And this particular one that's marked Robertson 6,
6 this is a reference to accessories, correct?

7 A. Yes.

8 Q. And there is a notation on the bottom here that talks
9 about other Mopar accessories that are not shown by
10 the pictures in this brochure, and it indicates that
11 there are skid plates?

12 A. Yes.

13 Q. Do you know what that references in terms of the skid
14 plates? I know you talked about a lot of different
15 skid plates, but is that a fuel tank skid plate that's
16 being referenced?

17 A. I don't know specifically what this one's referring
18 to.

19 Q. And you can't tell from anything in this brochure what
20 it's referring to?

21 A. It looks like that's the only reference to it, so no.

22 MS. JEFFREY: Can I see it for a minute?

23 THE WITNESS: Sure.

24 MS. JEFFREY: Thank you.

25 BY MS. DeFILIPPO:

1 Q. Do you know if Chrysler tested for 301 testing
2 vehicles both with and without skid plates?

3 A. I know that we, on some vehicles, we did. I mean, I
4 know that that was done.

5 Q. And do you know that Chrysler also tested some
6 vehicles with and without trailer tow packages?

7 A. I believe so.

8 Q. Why would testing be done for 301 with and without
9 skid plates?

10 A. Well, as we talked about earlier, a skid plate or a
11 trailer tow bracket could improve the structural
12 integrity of the rear of the vehicle or it could
13 present, you know, the opportunity to damage the tank,
14 itself. I mean, because it would potentially behave
15 differently in an impact, we would typically test both
16 ways to ensure that it worked both ways.

17 Q. And as a result of testing both ways, you would
18 determine how it behaved in both ways?

19 A. Yeah.

20 Q. And that was one of the goals of the testing,
21 itself --

22 A. Yes.

23 Q. -- to determine the behavior of the vehicle relative
24 to the fuel tank integrity or the fuel system's
25 integrity?

1 A. Yes.

2 Q. When you were employed in any capacity and in
3 particular as you came off of the management of the
4 plant management job and from that point on until
5 coming up until the time you retired in 2003, were you
6 aware of the concept of crashworthiness?

7 A. Well, when you say the concept of crashworthiness,
8 crashworthiness is sort of a generic term for the
9 behavior of a vehicle, you know, and any of the forces
10 that act on it in an impact, rear, front, side,
11 roll-over and so on. It's a generic term, and yes, we
12 use that term all the time.

13 Q. And when you did use that term, did you have an
14 understanding or belief that a manufacturer, part of
15 your duty as a manufacturer of motor vehicles is to
16 produce a vehicle that was crashworthy?

17 A. Well, as I say, crashworthiness is a term to describe
18 the behavior of the vehicle. It's not a binary --
19 it's not a binary term; it's a descriptive term. But
20 certainly our intention would be to produce vehicles
21 that were crashworthy.

22 Q. Okay. And I'm going to read you a definition of
23 crashworthiness from the Courts of the State of New
24 Jersey which indicates that crashworthiness is defined
25 as the ability of a motor vehicle to protect its

1 passengers from enhanced injuries after a collision.

2 Did you, when you were employed by
3 Chrysler, understand crashworthiness by that
4 definition?

5 MS. JEFFREY: I'm going to object to form,
6 especially the term "enhanced injuries".

7 MR. FUSCO: Object to the form.

8 BY MS. DeFILIPPO:

9 Q. That's fine. You can answer.

10 A. That's not a definition that I'm familiar with.

11 Q. So do you know whether or not it was a policy at
12 Chrysler during the time that you were there to build
13 a vehicle, a motor vehicle that would protect its
14 passengers from enhanced injuries after a collision?

15 MR. FUSCO: Object to the form.

16 MS. JEFFREY: Object to form, "enhanced
17 injuries" again.

18 MS. DeFILIPPO: That's fine.

19 A. Again, with all due respect to New Jersey, the
20 definition doesn't mean much to me. It was our policy
21 to build vehicles that complied with all of the
22 applicable safety standards or to go above and beyond
23 the applicable safety standards. That's what
24 crashworthiness -- I mean, the generic term for
25 crashworthiness is descriptive, but our policy and our

1 intent was to build vehicles which were safe. That
2 definition, I'm afraid it just doesn't register to me.
3 I don't know what it means.

4 BY MS. DeFILIPPO:

5 Q. Chrysler knew they were selling cars in New Jersey,
6 correct?

7 A. Certainly. That was our hope.

8 Q. So are you saying that not just you but the company,
9 itself, didn't have policies regarding their legal
10 duties that were imposed on them from state to state?

11 MS. JEFFREY: I'm going to object and tell
12 him not to answer. You're asking him for a legal
13 conclusion based on what some judge is saying.

14 MS. DeFILIPPO: I'm asking him for policy
15 information. That's all.

16 MS. JEFFREY: So the question is?

17 BY MS. DeFILIPPO:

18 Q. Did you have knowledge of policies within the company
19 during the time you were there to comply with legal
20 standards of different states?

21 MR. FUSCO: I object to the form.

22 MS. DeFILIPPO: You can object to the form.

23 MS. JEFFREY: Object to the form, and he's
24 not a lawyer. If you can answer it, go ahead.

25 MS. DeFILIPPO: I'm asking him about

1 policies.

2 MS. JEFFREY: You're asking him about legal
3 policies in other states.

4 MS. DeFILIPPO: No, I didn't. Read the
5 question back.

6 (The requested portion of the record was
7 read by the reporter at 1:37 p.m. as
8 follows:

9 "Question: Did you have knowledge of
10 policies within the company during the time
11 you were there to comply with legal
12 standards of different states?")

13 A. No, I'm not stating that.

14 BY MS. DeFILIPPO:

15 Q. Are you saying that they did have policies?

16 A. They had policies to comply with all applicable laws
17 and standards everywhere the vehicles were sold.

18 MS. DeFILIPPO: That's all I have.

19 MS. JEFFREY: Jim, do you have any
20 questions?

21 MR. GILL: No, no questions.

22 MR. FUSCO: I can do this quickly.

23 EXAMINATION

24 BY MR. FUSCO:

25 Q. Mr. Robertson, my name is Chris Fusco. I'm an

1 attorney. I represent the Loman Auto Group in this
2 case. I'm going to be asking you a series of
3 questions. If there's a question that I ask you that
4 you don't understand or would like for me to rephrase,
5 I'd be happy to do so. Just tell me. For some reason
6 if there's a technical word that I use wrong, you have
7 a different understanding, just correct me.

8 A. Okay.

9 Q. Aside from what you may have learned in this case, do
10 you have any familiarity with the Loman Auto Group
11 located in Parsippany, New Jersey?

12 A. No.

13 Q. Aside from anything you may have learned in this case,
14 do you know any of the principals of the Loman Auto
15 Group in Parsippany, New Jersey?

16 A. No.

17 Q. Have you ever had a conversation that you can recall
18 today with John Loman of the Loman Auto Group in
19 Parsippany, New Jersey?

20 A. No.

21 Q. Have you ever discussed any issue related to the ZJ
22 with John Loman of Loman Auto Group in Parsippany, New
23 Jersey?

24 A. No.

25 MR. FUSCO: Thank you. I have nothing

1 else.

2 MS. JEFFREY: I have nothing.

3 MS. DeFILIPPO: Thank you, Mr. Robertson.

4 (The deposition was concluded at 1:39 p.m.

5 Signature of the witness was not requested by

6 counsel for the respective parties hereto.)

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1 CERTIFICATE OF NOTARY

2 STATE OF MICHIGAN)

3) SS

4 COUNTY OF MACOMB)

5

6 I, LEZLIE A. SETCHELL, certify that this
7 deposition was taken before me on the date
8 hereinbefore set forth; that the foregoing questions
9 and answers were recorded by me stenographically and
10 reduced to computer transcription; that this is a
11 true, full and correct transcript of my stenographic
12 notes so taken; and that I am not related to, nor of
13 counsel to, either party nor interested in the event
14 of this cause.

15

16

17

18

19

20

21

22 LEZLIE A. SETCHELL, CSR-2404

23 Notary Public,

24 Macomb County, Michigan.

25 My Commission expires: April 17, 2012

Inter Company Correspondence

Telephone

Date

January 30, 1991

To -- Name & Department

CIMS Number

Jeep & Truck Platform Team Employees

From -- Name & Department

CIMS Number

B. I. Robertson General Manager - Jeep & Truck Engineering

514-07-01


Subject:

NOTICE OF APPOINTMENTS

As a result of the formation of a Core Business Group to assist Mr. Castaing with his added responsibilities as sponsor/advocate for Jeep and Dodge Truck matters, the following appointments are made, effective immediately:

- o Mr. Merle E. Liskey is appointed Safety, Emissions and CAFE Programs Executive reporting to Mr. P. J. Trimmer. A separate announcement defining Mr. Liskey's role and other Core Group responsibilities will be issued shortly by Mr. Trimmer.
- o Mr. O. J. Viergutz is appointed Executive Engineer, Engine Engineering, JTE replacing Mr. Liskey. Mr. Viergutz was most recently Executive Engineer, Chassis/Drivetrain Engineering, JTE.
- o Mr. J. E. Kent is appointed Executive Engineer, Chassis/Drivetrain Engineering, JTE, replacing Mr. Viergutz. Mr. Kent was most recently Vice President and General Manager - Technical Operations for the JJ Joint Venture, and prior to that, Executive Engineer, Pre-Program Engineering, JTE.

All other Jeep and Truck Engineering reporting relationships remain unchanged.


B. I. Robertson

/n/jm

cc: F. J. Castaing

$\Delta \pi$ EXHIBIT	1
Deponent	Robertson
Date	6-15-11 Rptr. Jao
WWW.DEPOBOOK.COM	

Inter Company Correspondence

File Code

Date

August 24, 1978

To & Department	Division	Plant/Office	CIMS Number
R. M. Sinclair, Director International Product Development	Product Plan. & Design Office	Chrysler Center	416-20-15
From - Name & Department	Division	Plant/Office	CIMS Number
L. L. Baker, Manager Automotive Safety	Engineering Office	Chrysler Center	418-12-34

Subject: Fuel System Design - Chrysler Passenger Cars And Trucks.

Pursuant to the discussions between Messrs. Vining, Jaffe, Sperlich and yourself with Mr. Mochida on August 22, the fuel system design for domestic passenger cars and trucks is summarized for Mr. Mochida's information.

Not only are the impact performance requirements of MVSS-301 pertinent to the design approach but the significant increase in the last few years in the numbers of product liability cases involving fuel system fires and the increase in the size of the awards by sympathetic juries has to be recognized. In the Ford Pinto case the NHTSA Office of Defects Investigation selected arbitrary performance criteria of minimal or no fuel leakage when the test car is impacted in the rear by a full size car at 35 mph as a basis for questioning the safety of a recall modification of the Pinto.

. Passenger Car

Fuel Tank Location

The front wheel drive configuration in Chrysler's Omni and Horizon allowed the fuel tank to be located beneath the rear seat. This location provides the protection of all of the structure behind the rear wheels--as well as the rear wheels themselves--to protect the tank from being damaged in a collision. This same location will be used in the new 1981 K-Body cars which will also have a front wheel drive.

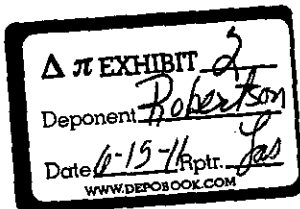
The rear wheel drive H-Body scheduled for introduction in 1983 will have the fuel tank located over the rear axle and beneath the floor pan.

The question of whether M, R or J-Body cars should be converted to tank over axle prior to their phase-out is a matter under intensive study at this time.

Filler Neck And Cap

As the fuel tank is moved to a more forward location, the fuel fill is moved to the side of the car. The fuel cap will be recessed below the body surface and a fuel fill door provided. The fuel filler neck is designed to break away from the car body with the fuel filler cap still in place.

In this design the filler cap and fill neck or fill tube remain with the tank to avoid separation and possible fuel leakage. This side fill is scheduled for J and M-Bodies in 1980 and the Y-car in 1981.



The fuel fill is less likely to be damaged in a sideswipe when located on the right side of the car. As new models are introduced, the fuel fill will be moved to the right side of the vehicle. This may also offer greater protection to drivers who run out of gasoline on the highway, since they will fill the tank on the side away from the traffic.

Structure

In 1979 through 1983, the M, R, and J model cars which have the fuel tank under the floor pan behind the rear wheels, structural reinforcement of the longitudinals on each side of the tank, shielding of any unfriendly surfaces adjacent to the tank, and the design of straps and hangers to limit undesired tank movement will be employed.

Truck

Fuel Tank Location

The same principles regarding fuel tank location apply to truck design. It is important that these larger fuel tanks are not only shielded from damage in a collision but do not break away from the truck and thereby spread fuel onto the roadway. The approach used by Mitsubishi on the SP-27 of locating the fuel tank ahead of the rear wheels appears to provide good protection for the tank.

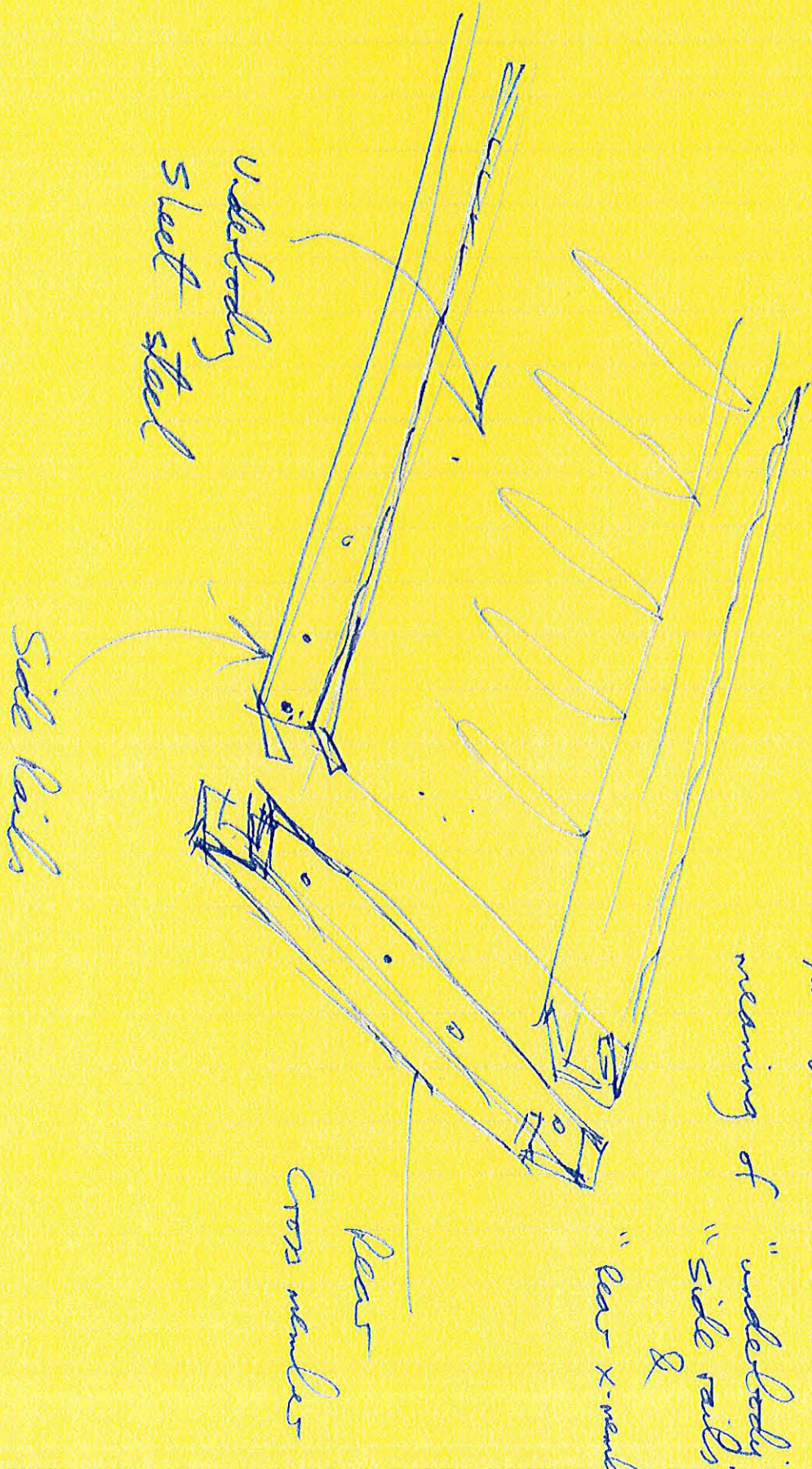
The front wheel drive 'T-115 to be introduced in 1982 will have the fuel tank ahead of the rear wheels and under the rear seat. However, in rear wheel drive trucks there is no clearance over the axle for fuel tank installation and in many cases there is insufficient space ahead of the axle for fuel tanks of the desired capacity.

Chrysler is investigating fuel tank relocation ahead of the rear wheels for vans and multi-purpose vehicles, but present plans for pickups through 1983 and for MPV's and vans through 1985 have the fuel tank located behind the rear wheels. In vehicles both with and without bumpers there is a concern with vertical height differences that create a mismatch with passenger car bumpers. Where fuel tank location behind the rear axle is all that is feasible, a protective impact deflection structure may have to be provided whether or not a bumper is provided. An investigation whether to relocate the fuel tank or to provide impact deflecting structures is presently underway.

Fill Neck And Cap

All trucks and vans have side fill. The sweptline pickup truck (DW 1-3) and multi-purpose vehicles (AD-1 & AW-1) will have a recessed fill cap and fuel filler door beginning in 1981.


L. L. Baker



To illustrate the meaning of "underbody" & "side rails"



mopar

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XPRESSIONS

DAIMLERCHRYSLER CORPORATION'S TRADE MAGAZINE FOR AFTERMARKET PROFESSIONALS

Redefining The MINIVAN Segment

The All-New
2001 Chrysler
Town &
Country



$\Delta \pi$ EXHIBIT 4
Deponent Robertson
Date 6-15-11 Rptr. Joe
WWW.DEPOTBOOK.COM

Tech Tips: Proper Valve Timing Techniques
Reman Roundup: Mopar Remanufactured Water Pumps
Diagnostics: Diagnosing Powertrain NVH Problems

S P O T



L I G H T

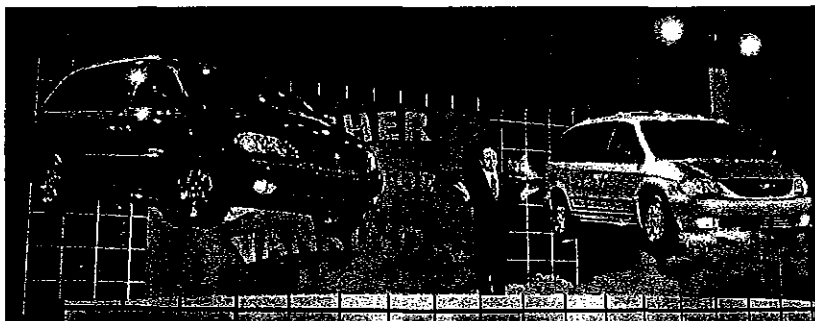
Since the former Chrysler Corporation created the minivan segment in 1984, other automakers have been playing a game of catch-up. Each time they get close, DaimlerChrysler ups the ante. And that appears to be the case again with the 2001 Chrysler Town & Country and Voyager and the Dodge Caravan.

While the styling changes outside are evolutionary, engineers have made a significant number of improvements to the powertrain lineup and ride and handling characteristics, plus added a number of important safety features. An industry first for minivans, for example, the next generation Chrysler and Dodge minivans now

offer dual power sliding side doors and a power liftgate.

"In addition to offering the best-looking minivans with the best new features, every aspect of the Chrysler and Dodge minivans have been improved to make them smoother, more powerful, safer and more comfortable," says DaimlerChrysler Senior Vice President of Marketing Bud Liebler. "With our all-new minivans, we have reached a new level of car-line handling that will once again raise the bar in the segment we created."

Redefining THE SEGMENT



DAIMLERCHRYSLER'S PRESIDENT JIM HOLDEN UNVEILS THE 2001 DODGE CARAVAN AND CHRYSLER TOWN & COUNTRY AT THE NORTH AMERICAN INTERNATIONAL AUTO SHOW IN DETROIT LAST JANUARY.

**OTHER AUTOMAKERS HAVE BEEN
PLAYING CATCH-UP SINCE
DAIMLERCHRYSLER
CREATED THE MINIVAN
SEGMENT IN 1984. THE
GAME CONTINUES.**



CHRYSLER TOWN & COUNTRY

One of reasons DaimlerChrysler continually captures the lion's share of U.S. minivan sales is selection. With four powertrain choices, standard wheelbase, extended wheelbase, all-wheel-drive, entry- and mid-level models and an upscale luxury model, DaimlerChrysler's minivan family continues to grow.

Why Mess With A Good Thing ... Too Much?

DaimlerChrysler designers have hit upon a solid exterior design formula with the current family of

air intakes and driving lights.

Chrysler's minivan line now includes top-of-the-line Town & Country LXi and Limited models and the entry-level Voyager model, which Chrysler inherited following the demise of the Plymouth brand. The Town & Country's grille is larger and bolder than its predecessor and features an "egg crate" texture surrounded by a chrome molding. Chrysler's resurrected winged medallion logo appears at the center of the grille opening on the Town & Country models, while it moves above the grille of the Voyager.

Technical And Dynamic Improvements

DaimlerChrysler's 2001 minivans are chock full of technical and dynamic improvements for 2001, including four powertrain choices.

With a fill-up requiring a bank loan in many parts of the country these days, the powertrain lineup starts with a gas-sipping 2.4-liter 16-valve I-4 that generates 150 horsepower and 167 lb.-ft. of torque. Moving up a notch brings you the 3.3-liter V6 with 180 horsepower, up 15 percent from

In addition, a state-of-the-art electrical architecture uses electronic relays to provide integrated self-diagnostics as well as circuit protection.

Safety First

Safety sells more so than it did in the past, particularly in the minivan segment, so DaimlerChrysler engineers were careful to design a number of critical safety features into the 2001 people-haulers.

- An all-new body structure is significantly upgraded to meet stringent European off-set impact requirements and improve energy absorbing characteristics.

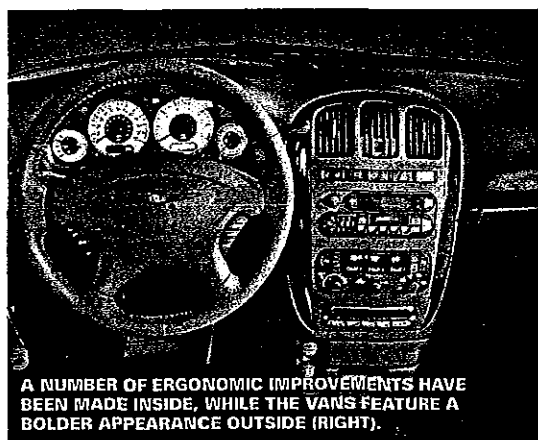
- Supplemental side (head and thorax) air bags provide side-impact protection for the driver and front seat passenger.

- Front driver and passenger air bags feature dual stage inflators that provide appropriate restraint for the severity of the collision, reducing the potential for injury in a low-speed crash.

- A completely redesigned steering column, with a stamped steel bracket at the forward end of the column, better absorbs and manages energy from an impact.

- A-, B-, C- and D-pillar covers are molded from Metalocene, a proprietary derivative of polypropylene that deforms and absorbs loads on impact. These new covers are offset from the body structure and include concealed ribs for energy absorption.

- Intermediate and rear seats include child seat anchors, which provide direct attachment to the vehicle seat rather than rely on the vehicle's seat belts for retention.



A NUMBER OF ERGONOMIC IMPROVEMENTS HAVE BEEN MADE INSIDE, WHILE THE VANS FEATURE A BOLDER APPEARANCE OUTSIDE (RIGHT).

DODGE CARAVAS ES



minivans, so exterior changes to the 2001 models are evolutionary. Nevertheless, the new models move the minivan design philosophy to a new level.

Designers achieved a sleeker, more solid stance for the 2001 minivans by giving the side profile more of a wedge shape. Specifically, the roof and beltline rise toward the rear of the vehicle while the D-pillar and liftgate window are raked forward.

And similar to SUVs, the corners of the rear fascia were raised in the side view to provide visual lift to the rear of the vehicle.

The Dodge Caravan is instantly recognizable by the brand's signature cross-hair grille complete with an integrated ram's head badge. To emphasize the brand's Viper-inspired sporty image, the lower fascia features dual ported

"We've always designed our minivans from the inside out," says Executive Vice President of Product Development and Design Tom Gale. "So, we've enhanced the interior in terms of comfort, safety and ergonomics over and above an already functional package."

Also an industry first, the 2001 minivans now offer a removable, powered center console that may be latched into place either between the front or middle-row seats so owners can easily reconfigure the vehicle to best meet their needs.

And for minivan owners who are fed up with groceries or soccer balls rolling all over after a turn, the 2001 minivans offer a pop-up cargo organizer, located behind the rear seat, that can accommodate six full-size grocery bags or other potentially mobile cargo.

last year. Next comes the 3.5-liter SOHC 24-valve – the most powerful of the bunch – with 230 horsepower and 250 lb.-ft. of torque. A 3.8-liter V6 rounds out the group with 215 horsepower, up nearly 20 percent from last year.

With horsepower improvements in the go department, changes were made in the whoa department as well, with more massive brake rotors that are 20 percent larger than in the past. And, a 20 percent increase in torsional stiffness of the body structure contributes to a steady, quiet ride.

An additional two degrees of caster in the front suspension and a 30 percent more powerful, more precise steering gear not only provides an improved steering feel, but enhances steering returnability as well.



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Code

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Fuel Tank End Plate Shrink

Applies to Vehicle Family

41, 8E, 8F, C1, C2, C3, C4, C5, C6, C7, C8, C9, D1, D2, D3, D4, D5, D6, D7, D8, D9, H1, H2, H3, H4, H5, H6, H7, H8, H9, J1, J2, J3, J4, J5, J6, J7, J8, J9, K1, K2, K3, K4, K5, K6, K7, K8, K9, L1, L2, L3, L4, L5, L6, L7, L8, L9, M1, M2, M3, M4, M5, M6, M7, M8, M9, N1, N2, N3, N4, N5, N6, N7, N8, N9, O1, O2, O3, O4, O5, O6, O7, O8, O9, P1, P2, P3, P4, P5, P6, P7, P8, P9, Q1, Q2, Q3, Q4, Q5, Q6, Q7, Q8, Q9, R1, R2, R3, R4, R5, R6, R7, R8, R9, S1, S2, S3, S4, S5, S6, S7, S8, S9, T1, T2, T3, T4, T5, T6, T7, T8, T9, U1, U2, U3, U4, U5, U6, U7, U8, U9, V1, V2, V3, V4, V5, V6, V7, V8, V9, W1, W2, W3, W4, W5, W6, W7, W8, W9, X1, X2, X3, X4, X5, X6, X7, X8, X9, Y1, Y2, Y3, Y4, Y5, Y6, Y7, Y8, Y9, Z1, Z2, Z3, Z4, Z5, Z6, Z7, Z8, Z9

EXHIBIT 5

Deponent

Robert

Date

Rptr.

1/1/11

www.detroit.com

THE NEW JEEP
JEEP GRAND CHEROKEE

Δ π EXHIBIT 6
Deponent *Proctor*
Date *6-15-11* Rptr. *Jao*
WWW.DEPOBOOK.COM



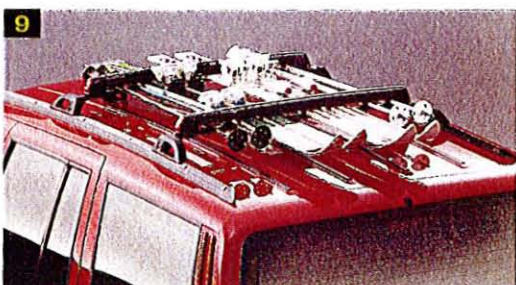
MOPAR ACCESSORIES

10/15/16/17





8 HITCH-MOUNTED BIKE AND SKI CARRIERS. Mount or dismount quickly on receiver-type hitches. Separate carriers will handle two bikes or four pairs of skis and poles.



9 OE ROOF RACK SKI CARRIER. Mounts directly to OE roof rack with locking attachment. For carrying four pairs of skis.

10 MULTIPURPOSE REMOVABLE CARRIER. This handy, quality carrier provides an easy way to carry up to two bikes or six pairs of skis, with the following choice of attachments:

11 HORIZONTAL SKI CARRIER. Carries two pairs of skis and poles.

12 DIAGONAL SKI CARRIER. Carries three pair of skis in an angled position, ideal for skis with brakes. Use two carriers to hold up to six pairs of skis and poles!

13 SINGLE SKI CARRIER. Provides a quick attachment, perfect for solitary ski trips.

14 SKI TRAVEL BAG. Constructed of long-lasting, water-resistant nylon pack cloth, includes shoulder carrying strap and handle for easy transport.

15 FORK MOUNTED BIKE CARRIER (at left). Holds a bike securely by the rear tire and front fork.

16 WHEEL CARRIER. Holds one front bike wheel. Attaches easily, and frees interior cargo space for additional belongings.

17 UPRIGHT MOUNTED BIKE CARRIER (at left). Easily secures a bike in the upright position.

MULTIPURPOSE CARRIER STORAGE BAG (not shown). Stores carrier and attachments when off the vehicle.

18 CARGO LINER. Covers rear seat, walls and floor. Provides maximum protection when carrying messy items

19 RECEIVER/HITCH. Light or heavy-duty hitches are great for your trailering needs!

20 ADJUSTABLE CARGO TRAY. Custom fitted to cargo area with high retaining walls and adjustable wire dividers. Helps keep packages from sliding or falling over.

21 WHEEL LOCKS. Prevent wheel and tire theft with these lightweight steel locks.

22 CARGO SECURITY COVER. Retractable vinyl cover neatly conceals valuables.

23 VEHICLE COVER. Protects vehicle finish and interior from sun, dirt and pollutants. Washable Technalon[®] with double-stitched seams and elasticized bottom edges. Includes license plate window.

24 FRONT-END COVER. Protects your vehicle's front-end finish. Made of "breathable" black vinyl.

25 HOOD COVER. Provides low-cost protection for the leading edge of your hood. Installs quickly without tools. Made of "breathable" black vinyl.

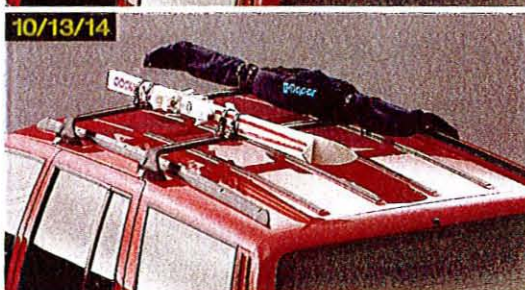
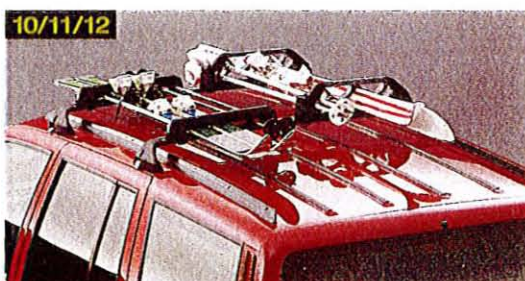
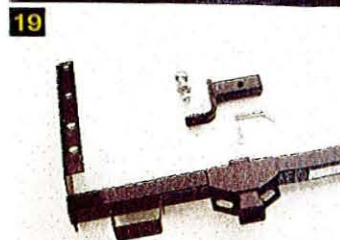
26 TOW HOOKS. Heavy-duty forged steel construction. Frame-mounted tow hooks are great for winching out of tight spots.

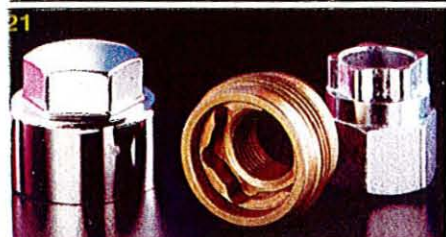
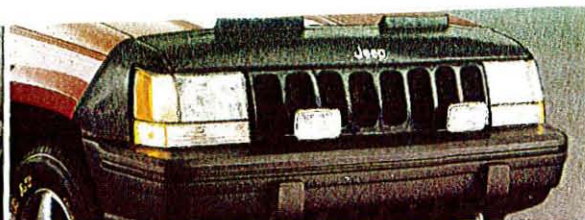
27 CARGO TRAY. Custom-molded, textured flooring, provides great protection for vehicle interior. Can be used with net and tie-down loops.

28 CARGO TRAY NET. Prevents "roll around" by holding objects neatly in place. Attaches to cargo area floor by available metal tie-down loops.

29 TIE-DOWN LOOPS. Strong stainless steel loops attach to floor and project through cargo tray to anchor the cargo tray net.

†Check Owner's Manual for hitch type, load capacity and heavy-duty equipment required. Do not exceed tow rating capacity of vehicle as equipped. May require other items not supplied by Mopar.





30 LUGGAGE CARRIER. Provides durable protection for cargo when attached to roof rack. Passenger-side zipper provides safe, easy loading.

31 FLOOR MATS. Quality nylon carpet mats with rubber-backing, available in matching interior colors for both front and rear.



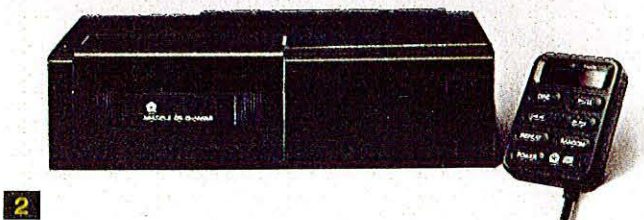
OTHER MOPAR ACCESSORIES NOT SHOWN HERE INCLUDE: • Consoles • Engine Block Heaters • Skid Plates • Door Edge Guards • Seat Belt Extenders • Speed Control • And much more.

1 AM STEREO*/FM STEREO RADIO WITH COMPACT DISC PLAYER AND FIVE-BAND GRAPHIC EQUALIZER. From the Chrysler Sound Collection. Has electronic tuning, digital clock, seek-and-scan tuning, DNR† on radio, 10 AM/10 FM station presets. CD player features 8X oversampling, seek, fast forward, reverse, pause and music search.

2 CD CHANGER. Provides over seven hours of music. Comes with hand-held controller, and can be rear-mounted in horizontal or vertical position. Anti-vibration system prevents disc skipping, and 8X oversampling eliminates harshness and coloration.

*Some AM stereo broadcasting may not be compatible with this radio.

†Dynamic Noise Reduction (DNR) is a trademark of National Semiconductor Corporation.



3 EVS II SECURITY/KEYLESS ENTRY SYSTEM. Remote control arming and disarming of alarm system. Turns on interior lights and activates panic alarm. Features include impact sensitive shock sensor and starter interrupt

4 MOLDED RUNNING BOARDS. Durable rubber cladding over aluminum base. Offers easy vehicle entry/exit. Included are molded rubber splash guards to protect lower body.

5 ALUMINUM RUNNING BOARDS (not shown). Available in gold, black, or silver finishes.

6 FRONT TUBULAR BAR. Constructed of anodized aluminum in gold, silver or black finishes. Includes two fog light mounting tabs:

7 MOPAR FOG LIGHTS. Choose from a variety of finishes and styles to suit your lighting needs‡

8 SIDE STEPS. Available in finishes to match front tubular bar. Provide easy entry, while etched surface helps prevent slipping.

†These products are designed solely to enhance the appearance of the vehicle. Since the safety characteristics are limited, they are not intended to prevent injury or damage in the event of an accident

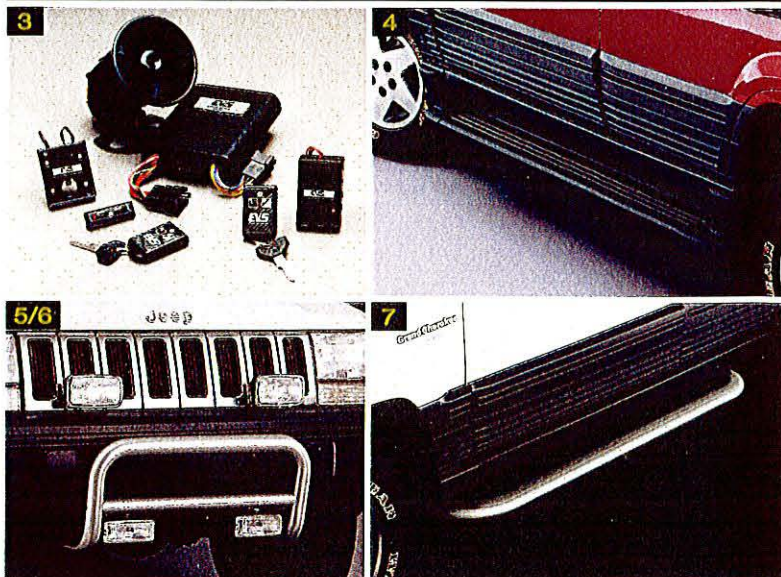
‡Check state and local regulations for restrictions on installation or use of Mopar Fog, Driving and Off-Road Lights.

MOPAR ACCESSORIES— QUALITY PRODUCTS FOR YOUR JEEP GRAND CHEROKEE...AND FOR YOU

The new Grand Cherokee—luxurious and technologically advanced, yet with the traditional toughness that has made the Jeep name famous around the world.

Not surprisingly, Mopar has accessories and sportswear that appeal to the active lifestyles and international tastes of those who are drawn to Grand Cherokee. Mopar accessories and sportswear are perfect for people who love action and seek quality in every aspect of their lives, from the challenge of sports and the adventure of the outdoors, to the needs of their families and the demands of their careers.

Mopar Accessories are the only ones that meet the exacting standards of Chrysler Corporation. And they're the only ones that can make the Jeep that was designed for a generation of individuals... into the Jeep made expressly for you.





32 LEATHER JACKET. European design and dashing, high-quality leather make this an outstanding value and a handsome addition to your wardrobe. Two-tone blouson design with olive trim at flap pocket, side vents and collar. Zip-out Thinsulate_® lining.

33 ULTRASUEDE CAP. Stylish protection against the sun. Made of highly durable ultrasuede, with an eye-catching Jeep_® logo.

34 GEAR_® MARINER JACKET. 100% cotton body with color canvas trim, dual entry pockets, snap cuffs and antique brass zipper.

35 GEAR_® FRENCH LOOP CREW. An 80/20 cotton/poly blend of French-loop terry is the secret behind this comfortable, attractive pullover shirt.

36 GEAR_® POLO SHIRT. A herringbone knit pattern of 100% cotton accented with striped collar and cuffs, two-button placket, and side hem vents.

37 GEAR_® WARMUP SUIT. Great both before and after working out, or for everyday casual wear. Sporty nylon jacket with two-tone detailing matched with fully lined, solid color pants.

AA MAGLITE_®. A pocket flashlight with a powerful beam. Water/shock resistant, comes with spare lamp and batteries.



KEY CHAIN. The Jeep imprint in finest quality brass and bonded leather, for a little touch of class.

SWISS ARMY_® SUN-GLASSES. Amber-tinted for contrast, strong yet lightweight polycarbonate lenses are engineered to block 100% of ultraviolet rays and 95% of distortion-causing blue light. The choice of skiers around the world.

SWISS ARMY_® KNIFE. Famous and functional. Includes large and small blades, can opener, screwdriver, scissors, magnifying glass, ballpoint pen, corkscrew, tweezers, toothpick and much more!



GRAND CHEROKEE AND MOPAR ACCESSORIES...

A perfect match of quality and style, for individuals who demand both. Ask your dealer for more information on what this winning pair can do for you.

Since the time of printing, some of the information you'll find in this catalog may have been updated. See your dealer for the latest Mopar product information.