

defective because it was unreasonably dangerous, in that, it would malfunction and catch vehicles on fire.

48. The design, manufacture and marketing of the defective speed control de-activation switch was a proximate and/or producing cause of all injuries suffered by Plaintiffs as hereinafter more particularly alleged.

COUNT III - NEGLIGENCE AS TO ALL DEFENDANTS

49. Plaintiffs hereby adopt, restate and re-allege each and every paragraph of this petition as if fully and completely set forth herein.

50. The Defendants were negligent in one or more of the following particulars and such negligence was a proximate and/or producing cause of Plaintiffs' damages:

- a. In failing to timely and properly notify the American public, including Plaintiffs, of the defective condition of Ford vehicles equipped with the deadly SCDS;
- b. In failing to remedy the defective condition;
- c. In failing to advise authorized Ford dealerships to remedy the defective condition;
- d. In failing to properly monitor and locate vehicle registrations to identify and locate customers who own defective vehicles;
- e. In failing to advise Plaintiffs not to park the automobile in a garage, carport, body shop or near items capable of catching fire;
- f. In manufacturing and distributing the vehicle in question without correcting defects;
- g. In failing to adequately investigate fires occurring in the subject vehicle line which included a similar cause and origin of the fires in question;
- h. In failing to institute a timely or effective vehicle recall campaign;

- i. By negligently designing the electrical circuit which controls the vehicles' cruise control;
- j. By designing an electrical circuit that supplies continuous electrical power to the speed control switch when the vehicle is parked, not running with the ignition key off, thereby providing an ignition source for the fire;
- k. By failing to provide adequate engineering design specifications to TI and/or DP concerning the number of cycles the speed control deactivation switch would encounter over the subject vehicles' foreseeable life. Additionally, Ford failed to consider or provide switch cycle data created by the vehicles' anti-lock brake, suspension leveling and traction control systems;
- l. By failing to provide adequate engineering design specifications to TI;
- m. By failing to include an adequate electrical current limiting device in the electrical circuit which supplies power to the switch;
- n. By instituting an unreasonable date of production to achieve "Job One";
- o. In failing to adequately manufacture, investigate, engineer and/or test the speed control switch prior to distribution to Ford for inclusion into the subject vehicles;
- p. In failing to design a speed control switch which does not allow the intrusion of corrosive substances in contact with the electrical components of the switch;
- q. In failing to test the speed control switch prior to distribution based on foreseeable electrical, thermal, cyclical, and environmental conditions the switch would encounter during the expected life of the vehicle and/or speed control switch;
- r. In failing to consider previous failure and/or engineering problems associated with the use of "KAPTON®" in similar hydraulic pressure switches where chemical attack, mechanical forces, and/or manufacturing processes were suspected but not considered during the design, manufacture and/or marketing of the speed control deactivation switch installed on Plaintiffs' vehicles;

- s. In failing to advise Ford and/or DP and/or the Plaintiffs that "KAPTON®" failures had occurred in other similarly designed pressure switches;
- t. In supplying and/or distributing defective components for installation in vehicles such as the vehicle in question without correcting such defects;
- u. By failing to design and manufacture the switch with electrical components which would not corrode and cause an electrical short and fire; and
- v. In such other respects as may be shown by the discovery or at trial.

COUNT IV – GROSS NEGLIGENCE AS TO FORD

51. Plaintiffs hereby adopt, restate and re-allege each and every paragraph of this petition as if fully and completely set forth herein.

52. The Plaintiffs' resulting damages, injuries and losses were caused by the gross negligence, fraud and malice of the Defendant Ford. The conduct of Defendant Ford constitutes gross negligence, fraud and malice as those terms are understood under Texas law in that it constituted conscious indifference to the rights and welfare of persons affected by it. As a result, Plaintiffs seek to recover exemplary damages from Defendant Ford as a result of its gross negligence, fraud, deceit and malice. Plaintiffs intend to show that the factors the jury may consider in determining the amount of exemplary damages which should be awarded include:

- a. the nature of the wrong committed by Ford;
- b. the character of Ford's conduct;
- c. the degree of culpability of Ford;
- d. the situation and sensibilities of the parties concerned; and
- e. the extent to which Ford's conduct offends a public sense of justice and propriety.

COUNT V - RES IPSA

53. Plaintiffs hereby adopt, restate and re-allege each and every paragraph of this petition as if fully and completely set forth herein.

54. Plaintiffs cannot more specifically allege the acts of negligence on the part of Defendants, for the reason that the facts in that regard are peculiarly within the knowledge of Defendants, and, in the alternative, in the event Plaintiffs are unable to prove specific acts of negligence, Plaintiffs rely on the doctrine of [REDACTED].

55. In this connection, Plaintiffs will show that the design, manufacture and sale of the speed control de-activation switch was within the exclusive control of Defendants. Plaintiffs have no means of ascertaining the condition in which the speed control de-activation switch was designed, manufactured and sold, and it came into Plaintiffs' possession in the same condition as it was in when it left the control of Defendants. The occurrence causing harm to Plaintiffs, as described above, was one which, in the ordinary course of events, would not have occurred without negligence on the part of Defendants. Thus, Defendants were negligent in the design, manufacture and sale of the speed control de-activation switch, which negligence was a proximate cause of Plaintiffs' injuries and damages, more particularly set forth below.

COUNT VI - PRODUCING AND PROXIMATE CAUSE

56. Each and every one of the foregoing acts and omissions of Defendants, jointly and severally, as herein above particularly set forth, constitute a direct, producing and proximate cause of the injuries and damages suffered and sustained by Plaintiffs as hereinafter more particularly alleged.

COUNT VII – DAMAGES

57. Plaintiffs hereby adopt and re-allege each and every Paragraph of this petition as if fully copied and set forth at length herein.

58. Plaintiffs would show that their damages, injuries and/or losses are within the jurisdictional limits of this Court, and include property damages, loss of their vehicle(s), structure, contents, loss of use of vehicle and structure, mental anguish, costs to repair or replace their property, and any other consequential damages foreseeably arising from the incident in question.

59. Defendants' conduct, as set forth above, was a proximate and producing cause of the injuries and damages sustained by Plaintiffs.

REQUEST FOR JURY TRIAL

60. Demand for Jury Trial: Plaintiffs have requested a trial by jury and have tendered the required fee.

61. WHEREFORE, Plaintiffs pray that Defendants be cited to answer and appear herein, and that upon final trial, Plaintiffs have, among other things:

1. Judgment against Defendants, jointly and severally, for compensatory damages in excess of the minimum jurisdictional limits of the Court;
2. Judgment against Defendant Ford for punitive damages in excess of the minimum jurisdictional limits of the Court;
3. Pre-judgment interest in accordance with Texas law;
4. Post-Judgment interest in accordance with Texas law;
5. Costs of Court; and

6. Such other and further relief to which Plaintiffs show themselves justly entitled to receive.

Respectfully submitted,

LEGER ADKINS, LLP



By: _____
BRADLEY L. LEGER
State Bar No. 24039899
PIERCE M. ADKINS
State Bar No. 24043524
2323 S. Shepherd Dr., Suite 915
Houston, Texas 77019
Telephone: (713) 574-5558
Facsimile: (713) 574-1894
bleger@legeradkins.com

ATTORNEYS FOR PLAINTIFFS



BEGINNING OF CONTACT
05/31/2008

VOICE OF THE CUSTOMER TRACKING SYSTEM

08.13.26

REGION: A1 SELECT DEALER OGC ISSUE CASE NBR: 0598801518
VIN: 1FMYU04112K [REDACTED] ZONE: A07 OPENED: 05/30/2008
ENGINE: 1 VEH TYPE: T CLOSED: 05/30/2008

LAST NAME: [REDACTED] FIRST NAME: [REDACTED] STATUS: CLOSED
TITLE: [REDACTED] MI: A
ADDRESS: [REDACTED]
CITY: ARGYLE TWP STATE: ME ZIP: [REDACTED]
HOME PHONE: [REDACTED]
MODEL YEAR: 2002 MODEL: ESCAPE XLT 4X4
MILEAGE: 100000
DEALER NAME: VAN SYCKLE LINCOLN SALES CODE: L12025 P & A: 13104
REASON CODE: 0792 LEGAL - ACCIDENT / FIRE
SYMPTOMS: 704345 FIRE/SMOKE SCORCHED/BURNT UNDERHOOD

ORIGIN: CACI38 - US CONCERN CASE BASE COMMUNICATION: PHONE
ACTION: 792 - CONTACT ADVANCED TO OGC - FIRE
DOCUMENT: ANALYST: OPAJUELO ORLANDO PAJUELO (OPAJUELO)

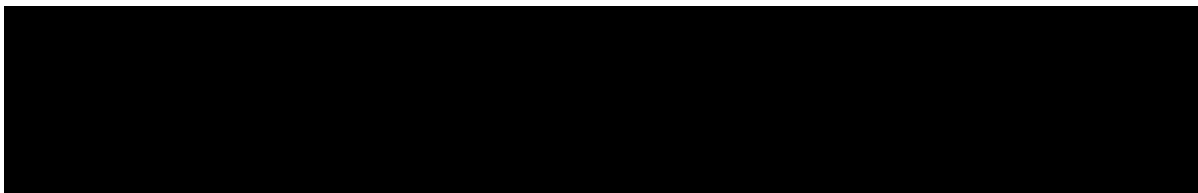
FORD MOTOR COMPANY
RECEIVED
CLAIMS UNIT

MAY 31 2008

OFFICE OF THE
GENERAL COUNSEL

DATE: 05/30/2008 TIME: 16.37.59:
ACTION DATA/COMMENTS:

CUSTOMER SAID: --1FMYU04112K [REDACTED] -VEH CAUGHT ON FIRE ON 5-30-2008--FIRE ORIGINATED ON THE ABS MODULE LOCATOR THAT WAS REPLACED DUE TO RECALL ON 06-05-2007--VEH IS CURRENTLY AT CUST HOUSE--FIRE REPORT WAS NOT FILED--NO OTHER DAMAGES OCCURRED--CUST HAS NOT FILED A CLAIM WITH INSURANCE COMPANY--VEH IS REPAIRABLE, NOT MUCH DAMAGE OTHER THAN ABS MODULE AND SOME WIRING, CUST HUSBAND PUT FIRE OUT QUICKLY--VEH WAS NOT RUNNING AT TIME OF FIRE--CUST IS SEEKING FOR VEH TO BE REPAIRED
-----DEALER SAID: --VAN SYCKLE LINCOLN - MERCURY--729 HOGAN ROAD --BANGOR, ME 04401--TEL:(207) 947-4559--DEALING WITH A MANDA ,S/A-----CRC ADVISED: --I WILL FORWARD THIS INFORMATION TO THE FORD OFFICE OF THE GENERAL COUNSEL. YOU WILL RECEIVE WRITTEN NOTIFICATION WITHIN 10 BUSINESS DAYS WHICH YOU WILL NEED TO RESPOND TO IN WRITING.***NOTE TO CSR: PLEASE REMEMBER TO VERIFY ALL CUSTOMER CONTACT INFORMATION BEFORE SENDING ISSUE.--CCR ADVISED OF ABOVE AND CONFIRMED CONTACT INFORMATION-- [REDACTED] --ARGYLE TWP, ME.



State Farm Insurance Companies



SubGeo

Rohnert Park Operations Center
PO Box 6400
Rohnert Park, CA 94927-6400

March 19, 2009

CONSUM
SE

9 M 138

Ford Motor Company
Attn: Claims Dept
PO Box 6248
Dearborn, MI 48126

FORD MOTOR COMPANY
RECEIVED
CLAIMS UNIT

MAR 24 2009

OFFICE OF THE
GENERAL COUNSEL

RE: Claim Number: [REDACTED]
Date of Loss: February 18, 2009
Our Insured: [REDACTED]
Loss Location: [REDACTED]
Vallejo
CA [REDACTED]
Evidence Location: Fire Cause Analysis
Loss Type: Fire
Product Type: Vehicle
Product Details: Ford 2001 Escape

Scott
D009343
M. Hull

Dear Ford Motor Company:

We are writing to advise you of a claim which involves a product manufactured by your company. Our investigation thus far indicates that you may be responsible for this loss. We believe the loss to our insured's property may exceed \$30,000.00.

Please accept this letter as a notice of our subrogation rights.

For inquiries related to product, theory of liability and product examination(s), please contact Carmen Hinton at 707-641-7076.

Documentation to support our subrogation claim is being compiled and will be forwarded to you by our subrogation department.

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

Page 2
March 19, 2009

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Carmen Hinton
Claim Representative
(707) 641-7076
State Farm General Insurance Company



**COZEN
O'CONNOR**
ATTORNEYS

A PROFESSIONAL CORPORATION

SUITE 3100 707 17TH STREET DENVER, CO 80202-3400
720.479.3900 877.447.0305 720.479.3890 FAX www.cozen.comRECEIVED
AUG 13 2008FORD MOTOR COMPANY
RECEIVED
CLAIMS UNIT**Brad W. Breslau**
Direct Phone 720.479.3920
Direct Fax 866.765.8613
bbreslau@cozen.com

August 8, 2008

AUG 13 2008
OFFICE OF THE
GENERAL COUNSEL**VIA FACSIMILE (313) 390-2107 AND
U.S. REGULAR MAIL**Micki Lynn
Claims Analysis/Litigation Assistant
Ford Motor Company
Office of General Counsel
P.O. Box 70
Dearborn, MI 48126-0070Re: Fire loss at home of [REDACTED], Loveland, CO [REDACTED]
Date of loss: 8/6/08
Our file no.: nya

Dear Ms. Lynn:

This law firm has been retained by Farmers Insurance Group, the insurer of [REDACTED] mother resided at the [REDACTED], Loveland, CO [REDACTED] address at the time of the above referenced fire. Preliminary indications are that the fire originated in a 2004 Ford Escape.

Please accept this letter as formal notice of this fire. Should a representative of Ford Motor Company desire to view the vehicle at the fire scene, please contact our fire investigator, Kevin Reilly of Phoenix Investigations at 303-762-8487 (o) or 970-631-4525 (c) immediately. We would like to have the fire scene cleared and all evidence taken into custody no later than Friday, August 11, 2008. If Mr. Reilly does not hear from you to arrange for a scene examination on or before that date, we will assume that there is no interest on Ford's part in visiting the fire scene and all pertinent items will be taken into custody for subsequent examination and testing. Should Ford desire that any specific items be taken into evidence, please make sure that information is communicated directly to Mr. Reilly. Ford or its representatives will be provided advance notice of any destructive testing or examination of such evidence should you or your representative desire to receive such notice.

Micki Lynn
August 8, 2008
Page 2

Thank you very much.

Sincerely,

COZEN O'CONNOR

By: Brad W. Broslaw

BWB/jlo

cc: John Bosna (via e-mail)
Brandon Sorensen
Farmers Insurance Group
Claim no.: [REDACTED]

Kevin Reilly (via e-mail)
Phoenix Investigations, Inc.

Kara Mayfield (via e-mail)
The Hartford
Claim no.: [REDACTED]

[REDACTED] (via e-mail)

DI:NV12K64968\ 099994.000



SC-100**Plaintiff's Claim and ORDER
to Go to Small Claims Court****Notice to the person being sued:**

- You are the Defendant if your name is listed in ② on page 2 of this form. The person suing you is the Plaintiff, listed in ① on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Clerk stamps date here when form is filed.

FILED

JUL 15 2008

CONNIE MAZZEI
CLERK OF THE SUPERIOR COURT
DEPUTY**DANA LITTLEFIELD**

Fill in court name and street address:

Superior Court of California, County of
MONTEREY1200 Aguajito Rd.
Monterey, CA 93940
Monterey Courthouse

Clerk fills in case number and case name.

Case Number:

Case Name:

vs.
Ford Motor Service Company**Order to Go to Court****The people in ① and ② must go to court:** (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court if different from above
1.	8-25-08	8:00am	S	1200 AGUAJITO RD., MONTEREY, CA 93940
2.		1:30pm		
3.				

Date: **JUL 15 2008** Clerk, by **CONNIE MAZZEI**, Deputy

Instructions for the person suing:

- You are the Plaintiff. The person you are suing is the Defendant.
- Before you fill out this form, read Form SC-150, *Information for the Plaintiff (Small Claims)*, to know your rights. Get SC-150 at any courthouse or county law library, or go to: www.courtinfo.ca.gov/forms
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.

DANA LITTLEFIELD

Case Number: [REDACTED]

Plaintiff (list names) Richard S. Forachino, et al.

1 The Plaintiff (the person, business, or public entity that is suing) is:

Name: [REDACTED] Phone: [REDACTED]
 Street: [REDACTED] Carmel CA [REDACTED]
Street City State Zip
 Mailing address (if different): [REDACTED]
Street City State Zip

If more than one Plaintiff, list next Plaintiff here:

Name: [REDACTED] Phone: [REDACTED]
 Street: [REDACTED] Carmel CA [REDACTED]
Street City State Zip
 Mailing address (if different): [REDACTED]
Street City State Zip

☐ Check here if more than 2 Plaintiffs and attach Form SC-100A.☐ Check here if either Plaintiff listed above is doing business under a fictitious name. If yes, attach Form SC-193.

2 The Defendant (the person, business, or public entity being sued) is:

Name: Ford Motor Service Company *Agent of Corporation* Phone: 800-392-3673
 Street address: 1 American Road Dearborn MI 48126
Street City State Zip
 Mailing address (if different): *818 West Beverly Los Angeles CA 90017*
Street City State Zip

If more than one Defendant, list next Defendant here:

Name: _____ Phone: () _____
 Street address: _____
Street City State Zip
 Mailing address (if different): _____
Street City State Zip

☐ Check here if more than 2 Defendants and attach Form SC-100A.☐ Check here if any Defendant is an active military unit. List service no. or branch name here: _____

3 The Plaintiff claims the Defendant owes \$ 6,383.00 (Explain below)

a. Why does the Defendant owe the Plaintiff money? Our vehicle spontaneously ignited in our driveway in Carmel after being parked for 3 days. We believe this to be the result of a faulty part and/or service.

b. When did this happen? (Date) 05/12/2008

If no specific date, give the time period: Date started: _____ Through: _____

c. How did you calculate the money owed to you? (If you include court costs or fees for service, this is the fair market value of our car according to Kelley Blue Book.

☐ Check here if you need more space. Attach one sheet of paper between MH-051 and Form SC-100. Then 3" at the top.



Plaintiff (List Names) Richard B. Porschino, et al.

- 4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue. Have you done this? ☒ Yes ☐ No

If no, explain why not: _____

- 5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. ☒ (1) Where the Defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract.
- (2) Where the Plaintiff's property was damaged.
- (3) Where the Plaintiff was injured.
- b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc. § 395(b))
- c. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civ. Code, § 1812.10.)
- d. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently damaged, if this claim is about a vehicle finance sale. (Civ. Code, § 2984.4.)
- e. ☐ Other (specify): _____

- 6 List the zip code of the place checked in '5' above (if you know): _____

- 7 Is your claim about an attorney-client fee dispute? ☐ Yes ☒ No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here: ☐

- 8 Are you suing a public entity? ☐ Yes ☒ No

If yes, you must file a written claim with the entity first. ☐ A claim was filed on time.

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

- 9 Have you filed more than 12 other small claims within the last 12 months in California?

☐ Yes ☒ No. If yes, the filing fee for the case will be higher.

- 10 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

- 11 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State laws, that the information above and on any attachments to this form is true and correct.

Date: 07/01/08

Date: 07/11/08

Second Plaintiff types or prints name: _____



Requests for Accommodations

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for Form MC-400, Request for Accommodations by Persons With Disabilities and Response. (Civ. Code, § 54.8.)



"Small claims court" is a special court where claims for \$5,000 or less are decided. A "natural person" (not a business or public entity) may claim up to \$7,500, including a sole proprietor. The process is quick and cheap. The rules are simple and informal.

You are the Defendant—the person being sued. The person who is suing you is the Plaintiff.

Do I need a lawyer?

You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court?

You don't have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that supports your case. And read "Get Ready for Court" at www.courtinfo.ca.gov/selfhelp/smallclaims/getready.htm.

What if I need an accommodation?

If you have a disability or are hearing impaired, fill out Form MC-410, *Request for Accommodation*. Give the form to your court clerk or the ADA/Access Coordinator.

What if I don't speak English well?

Bring an adult who is not a witness to interpret for you, or ask the court clerk for an interpreter at least five days before your court date. A court-provided interpreter may not be available or there may be a fee for using a court interpreter unless you qualify for a fee waiver. You may ask the court for a list of interpreters and also the *Application for Waiver of Court Fees and Costs* (form FW-001).

Where can I get the court forms I need?

Go to any courthouse or your county law library, or print forms at www.courtinfo.ca.gov/forms.

What happens at the trial?

The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case?

If you lose, you can appeal. You'll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file Form SC-430, *Notice of Appeal*. You must file within 30 days after the judge's decision.
- If you were *not* at the trial, fill out and file Form SC-435, *Notice of Motion to Vacate Judgment and Decision*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File Form SC-430.

For more information on appeals, see: www.courtinfo.ca.gov/selfhelp/smallclaims/appeal.htm

Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the Plaintiff agree on how to settle the case, both of you must notify the court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong court.** Send a letter to the court *before* your trial, explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done this.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the trial, fill out Form SC-107, and the clerk will subpoena (order) them to go.
- **Sue the person who is suing you.** File Form SC-120, *Defendant's Claim*. There are strict filing deadlines you must follow.
- **Agree with the Plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your trial and say you want to make payments.
- **Let the case "default."** If you don't settle and do not go to the trial (default), the judge may give the Plaintiff what he or she is asking for plus court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial) *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county) *or*
- You need more time to get an interpreter. (One postponement is allowed, and you will not have to pay a fee to delay the trial.)

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out Form SC-110 (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.

? Need help?

Your county's Small Claims Advisor can help for free.

Or go to "County-Specific Court Information" at: www.courtinfo.ca.gov/selfhelp/smallclaims

La "Corte de reclamos menores" es una corte especial donde se deciden casos por \$5,000 o menos. Una "persona natural" (que no sea un negocio ni una entidad pública) puede reclamar hasta \$7,500. El proceso es rápido y barato. Las reglas son sencillas e informales.

Usted es el Demandado — la persona que se está demandando. La persona que lo está demandando es el Demandante.

¿Necesito un abogado?

Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación de un caso de reclamos menores).

¿Cómo me preparo para ir a la corte?

No tiene que presentar ningunos papeles antes del juicio, a menos que piense que esta es la corte equivocada para su caso. Pero lleve al juicio cualquier testigos, recibos y cualquier pruebas que apoyan su caso. Y lea "Prepárese para la corte" en www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/prepararse.htm.

¿Qué hago si necesito una adaptación?

Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Request for Accommodations*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

¿Qué pasa si no hablo inglés bien?

Traiga a un adulto que no sea testigo para que le sirva de intérprete. O pida al secretario de la corte que le asigne uno. Si quiere que la corte le asigne un intérprete, lo tiene que pedir como mínimo menos cinco días antes de la fecha en que tenga que ir a la corte. Es posible que no haya disponible un intérprete proporcionado por la corte o que tenga que pagar una cuota por emplear un intérprete de la corte, a menos que tenga una exención de cuotas. Puede pedir a la corte una lista de intérpretes y la Solicitud de exención de cuotas y costos de la corte (formulario FW-001).

¿Dónde puedo obtener los formularios de la corte que necesito?

Vaya a cualquier edificio de la corte, la biblioteca legal de su condado o imprima los formularios en www.courtinfo.ca.gov/forms.

¿Qué pasa en el juicio?

El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

¿Qué pasa si pierdo el caso?

Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación*. Tiene que presentarlo dentro de 30 días después de la decisión del juez.
- Si no estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración para pedirle al juez que anule el fallo* (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/apelar.htm.

¿Tengo otras opciones?

Si Si lo están demandando, puede

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en resolver el caso, ambos tienen que notificar a la corte. Pídale al Asesor de Reclamos Menores que lo ayude.
- **Probar que es la corte equivocada.** Envíe una carta a la corte antes del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Para asegurarse que los testigos vayan al juicio, llene el formulario SC-107 y el secretario emitirá una orden de comparecencia ordenándoles que se presenten.
- **Demandar a la persona que lo demandó.** Presente el formulario SC-120, *Reclamo del demandado*. Hay fechas límite estrictas que debe seguir.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

¿Qué hago si necesito más tiempo?

Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (tendrá que pagar una cuota para aplazar el juicio) o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio, (o 20 días si vive fuera del condado) o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Pregúntele al secretario de reclamos menores sobre las reglas y las cuotas para aplazar un juicio. O llene el formulario SC-110 (o escriba una carta) y envíelo antes del plazo a la corte y a todas las otras personas que figuran en sus papeles de la corte. Adjunte un cheque para pagar los costos de la corte, a menos que le hayan dado una exención.



¿Necesita ayuda? El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.



O vea "Información por condado" en www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores.

**Reclamo del Demandante y ORDEN
Para Ir a la Corte de Reclamos Menores
(Reclamos Menores)**

SC-100, Page 5 of 5

BEGINNING OF CONTACT
05/28/2008

VOICE OF THE CUSTOMER TRACKING SYSTEM

08.00.03

REGION: W2 SAN FRANCISCO OGC ISSUE
VIN: 1FMCU04131K [REDACTED] ZONE: A04
ENGINE: 1 VEH TYPE: T CASE NBR: 1482811338
OPENED: 05/27/2008
CLOSED: 05/27/2008

LAST NAME: [REDACTED] FIRST NAME: [REDACTED] STATUS: CLOSED
TITLE: [REDACTED] MI: B
ADDRESS: [REDACTED]
CITY: CARMEL STATE: CA ZIP: [REDACTED]
HOME PHONE: [REDACTED]
MODEL YEAR: 2001 MODEL: ESCAPE XLT 4X4
MILEAGE: 133000
DEALER NAME: CYPRESS COAST FORD SALES CODE: F72409 P & A: 07796
REASON CODE: 0792 LEGAL - ACCIDENT / FIRE
SYMPTOMS: 704145 FIRE/SMOKE VISIBLE FLAME UNDERHOOD

ORIGIN: CACI38 - US CONCERN CASE BASE COMMUNICATION: PHONE
ACTION: 792 - CONTACT ADVANCED TO OGC - FIRE
DOCUMENT: ANALYST: SCOLON1 SAMUEL COLON (SCOLON1)

FORD MOTOR COMPANY
RECEIVED
CLAIMS UNIT

MAY 27 2008

DATE: 05/27/2008 TIME: 13.13.30:
ACTION DATA/COMMENTS:

OFFICE OF THE
GENERAL COUNSEL

CUSTOMER SAID: =FIRE OCCURRED MAY 12, 2008=FIRE APPEARED TO
HAVE STARTED UNDER HOOD=CUST FEELS FIRE IS RELATED TO RECALL
07S51=CUST SAYS SHE HAD RECALL DONE IN THE PAST BUT FEELS I
T STILL MAY BE RELATED TO FIRE BECAUSE RECALL SAYS PARTS WIL
L BE INSPECTED AND REPAIRED IF NEEDED=VEHICLE HAS BEEN SENT
TO JUNK YARD=FIRE REPORT WAS FILED IN CARMEL COUNTY. FIRE CH
IEF DENNIS CARREIRO 831-647-5630 SAYS FIRE WAS ELECTRICAL =P
OLICE REPORT WAS FILED CARMEL COUNTY=DOES NOT HAVE REPORT #
S=INSURANCE CLAIM HAS NOT BEEN FILED=NO INJURIES =NO DAMAGE
TO ANYTHING OUTSIDE OF VEHICLE=CUST WANTS ISSUE INVESTIGATED
FURTHER=CUST WOULD LIKE VEHICLE REPLACEDDEALER SAID: =CYPRE
SS COAST FORD - LINCOLN - MERCURY#4 GEARY PLAZA SEASIDE, CA
93955TEL:(831) 899-3673CRC ADVISED: I WILL FORWARD THIS INFO
RMATION TO THE FORD OFFICE OF THE GENERAL COUNSEL. YOU WILL
RECEIVE WRITTEN NOTIFICATION WITHIN 10 BUSINESS DAYS WHICH
YOU WILL NEED TO RESPOND TO IN WRITING.***NOTE TO CSR: PLEA
SE REMEMBER TO VERIFY ALL CUSTOMER CONTACT INFORMATION BEFOR
E SENDING ISSUE.=VERIFIED CUST'S ADDRESS=[REDACTED]
EL CALIFORNIA [REDACTED]=CUST'S CONTACT # [REDACTED]=**VERIFIED
RECALL 07S51 WAS COMPLETED ON VEHICLE 7/2/07





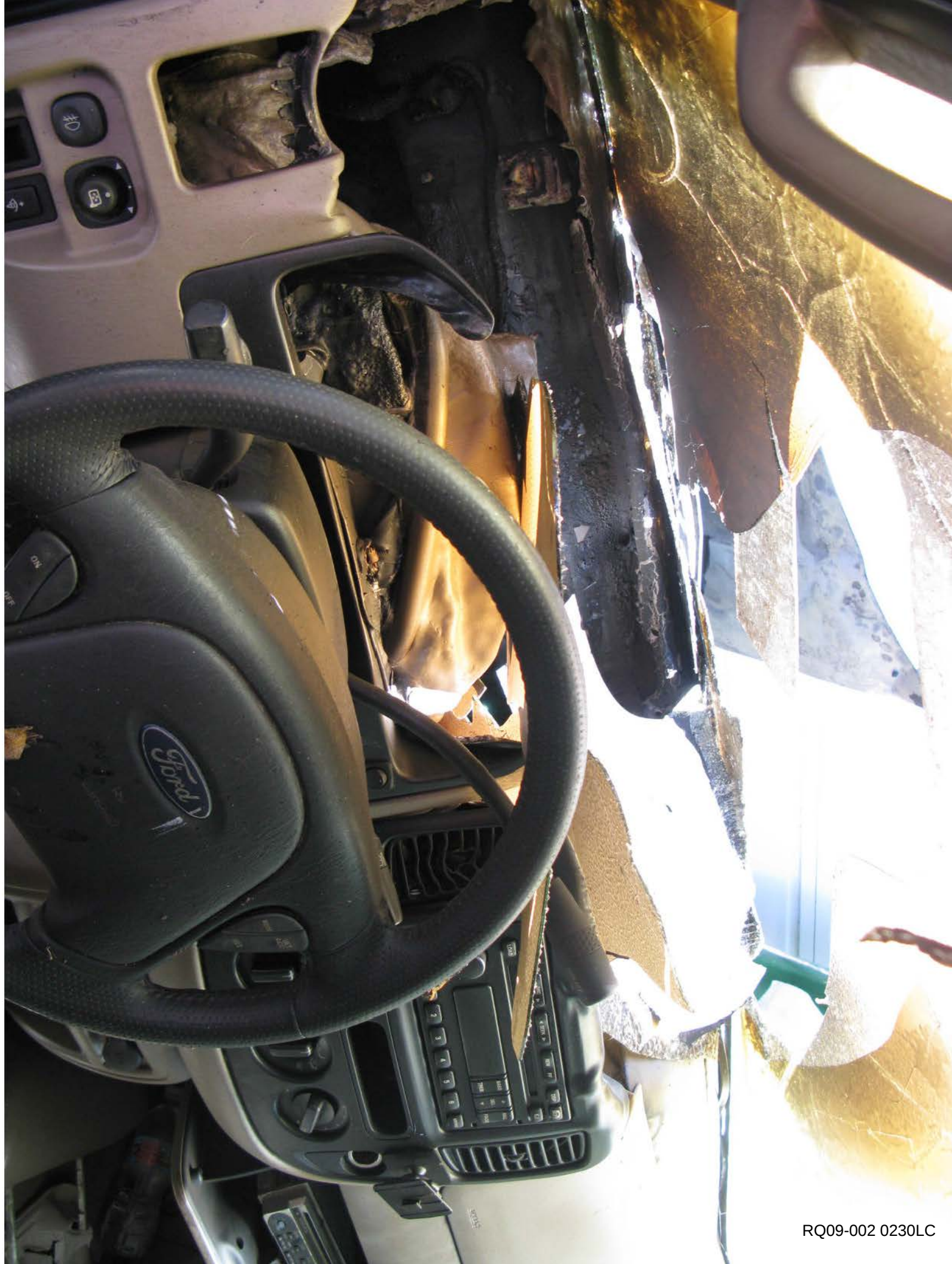
RQ09-002 0227LC



RQ09-002 0228LC



RQ09-002 0229LC



RQ09-002 0230LC