SS-85321

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
LASALLE COUNTY, ILLINOIS

TOMAS AGUILERA, Individually, and as Administrator of the Estate of Antonia Aguilera, Deceased, PLAINTIFF vs RUSSELL E. FLANDERS, MICHAEL J.YANKE, MILAN EXPRESS COMPANY, INC., and CHRYSLER LLC, a Delaware Limited Liability Company. DEFENDANTS	NO. 07 L 181

FILED
FEB 2 4 2009
LA SALLE COUNTY CIRCUIT CLERK
THIRTEENTH JUDICIAL CIRCUIT OF ILLINOIS

FIRST AMENDED COMPLAINT
PLAINTIFF DEMANDS TRIAL BY JURY

Comes now the Plaintiff, TOMAS AGUILERA, Individually, and as Administrator of the Estate of Antonia Aguilera, Deceased, by and through attorneys, Anthony C. Raccuglia & Associates, P.C., by Anthony C. Raccuglia, and for his complaint against the Defendants, RUSSELL E. FLANDERS, (hereinafter referred to as Defendant Flanders); MICHAEL J. YANKE, (hereinafter referred to as Defendant Yanke); MILAN EXPRESS COMPANY, INC., (hereinafter referred to as Defendant Milan); and CHRYSLER LLC, (hereinafter referred to as Defendant Chrysler) alleges and says as follows:

COUNT I – WRONGFUL DEATH

Plaintiff Administrator complaining of the Defendant, RUSSELL E. FLANDERS, says:

1. That on or about the 16th day of October 2007, late in the afternoon of that day, the Defendant Flanders was the operator of a 1995 Ford F 150,

which vehicle was being operated southbound along and upon I 39 at or near Milepost 46 in Hope Township, LaSalle County, Illinois.

2. That at the aforesaid time and place the Plaintiff's decedent, Antonia Aguilera, was operating her vehicle ahead of the vehicle of Defendant Flanders and behind the vehicle of Defendant Yanke, along and upon I 39 south in the aforesaid township, county and state.

3. That the Defendant Flanders carelessly and negligently operated his vehicle as is hereinafter alleged so as to cause his vehicle to strike the rear of the vehicle of Plaintiff's decedent, pushing said vehicle into the rear of the Defendants Yanke and Milan, causing the Aguilera vehicle to burst into flames and to cause the Plaintiff to suffer severe and extreme burn injuries from which she died.

4. That at the time of the collision the Defendant Flanders was guilty of one or more of the following negligent acts and/or omissions:

A. Failed to have his vehicle under proper management and control

B. Failed to keep a proper look out

C. Drove his vehicle into the rear of the vehicle of the Plaintiff's decedent when he knew or should have known that such conduct would result in a collision and substantial injuries and death to the Plaintiff

5. That of the aforesaid negligence of the Defendant Flanders, the Plaintiff's Decedent suffered severe injuries and from which she died within two years from the date of the filing of this complaint.

6. That at the time of her death the Plaintiff's decedent was survived by her surviving spouse, Tomas Aguilera, Administrator of her estate, and Quevin Aguilera, minor son, and Noemy Aguilera, minor daughter.

7. That as a direct and proximate result of the untimely death of the Plaintiff's decedent, her surviving spouse and children have been deprived of her financial support, her love, advice, companionship, society, consortium, affection, and services, all to their individual losses in a sum of money in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

WHEREFORE, the Plaintiff, TOMAS AGUILERA, individually, and as Administrator of the Estate of Antonia Aguilera, deceased, prays judgment against the Defendant, RUSSELL E. FLANDERS, for a sum of money to compensate the estate for the death of the Plaintiff's decedent within the jurisdictional limits of the law division of LaSalle County, Illinois and in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

COUNT II – SURVIVAL ACTION

The Plaintiff Administrator, TOMAS AGUILERA, complaining of the Defendant Flanders, says:

1-6. Plaintiff Administrator adopts and incorporates, realleges and restates the allegations contained in Paragraphs 1-6 of Count I as and for Paragraphs 1-6 of Count II of the Plaintiff Administrator's complaint.

7. That as a direct and proximate result of the negligence of the Defendant Flanders, the Plaintiff's decedent suffered great physical pain, disability, emotional distress, mental suffering, all to her loss in a sum of money within the jurisdictional limits of the law division of the Circuit Court of LaSalle County, Illinois and in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

8. That this cause of action survives the death of the Plaintiff's decedent, Antonia Aguilera, pursuant to 735 ILCS 5/2-108, commonly known as the Illinois Survival Statute and is brought by her personal representative, Tomas Aguilera.

WHEREFORE, the Plaintiff, TOMAS AGUILERA, individually, and as Administrator of the Estate of Antonia Aguilera, deceased, prays judgment against the Defendant, RUSSELL E. FLANDERS, for a sum of money to compensate her for her injuries within the jurisdictional limits of the law division of the Circuit Court of LaSalle county, Illinois and in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

COUNT III – WRONGFUL DEATH

Plaintiff Administrator complaining of the Defendant, MICHAEL J. YANKE, says:

1. That on or about the 16th day of October 2007 at approximately late in the afternoon, the Defendant Yanke was the operator of a 2004 Freightliner Columbia 120, near Milepost 46 in Hope Township, LaSalle County, Illinois.

2. That at that time and place the Plaintiff's decedent, Antonia Aguilera, operated her vehicle directly behind the vehicle of the Defendant Yanke, also southbound on I 39 in Hope Township, LaSalle County, Illinois.

3. That the Defendant Yanke without warning negligently and carelessly as hereinafter alleged caused his vehicle to come to a sudden stop resulting in striking Plaintiff's decedent's vehicle to be surprised by such move and while stopping her vehicle in time to avoid colliding with the Defendant Yanke's was unable to provide sufficient time to the Defendant Flanders to stop, causing her

vehicle to be struck by the Defendant Flanders and pushed into the vehicle of the Defendant Yanke and severely injuring the Plaintiff's decedent causing her death.

4. That the Defendant Yanke was then and there guilty of one or more of the following negligent acts and/or omissions:

A. Failed to keep his vehicle under proper management and control

B. Failed to stop his vehicle and provide warning to the Plaintiff's decedent who was traveling behind his vehicle when he knew or should have known that such failure would cause the Plaintiff's decedent to stop suddenly and expose her vehicle from being struck from behind by vehicles following her

C. Failed to warn the Plaintiff's decedent of his intention to stop his vehicle

5. That of the aforesaid negligence of the Defendant Flanders, the Plaintiff's Decedent suffered severe injuries and from which she died within two years from the date of the filing of this complaint.

6. That at the time of her death the Plaintiff's decedent was survived by her surviving spouse, Tomas Aguilera, Administrator of her estate, and Quevin Aguilera, minor son, and Noemy Aguilera, minor daughter.

7. That as a direct and proximate result of the untimely death of the Plaintiff's decedent, her surviving spouse and children have been deprived of her financial support, her love, advice, companionship, society, consortium, affection, and services, all to their individual losses in a sum of money in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

WHEREFORE, the Plaintiff, TOMAS AGUILERA, individually, and as Administrator of the Estate of Antonia Aguilera, deceased, prays judgment

against the Defendant, MICHAEL J. YANKE, for a sum of money to compensate the estate for the death of the Plaintiff's decedent within the jurisdictional limits of the law division of LaSalle County, Illinois and in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

COUNT IV – SURVIVAL ACTION

The Plaintiff Administrator, TOMAS AGUILERA, complaining of the Defendant Yanke, says:

1-6. Plaintiff Administrator adopts and incorporates, realleges and restates the allegations contained in Paragraph 1-6 of Count I as and for Paragraph 1-6 of Count IV of the Plaintiff Administrator's complaint.

7. That as a direct and proximate result of the negligence of the Defendant Yanke, the Plaintiff's decedent suffered great physical pain, disability, emotional distress, mental suffering, all to her loss in a sum of money within the jurisdictional limits of the law division of the Circuit Court of LaSalle County, Illinois and in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

8. That this cause of action survives the death of the Plaintiff's decedent, Antonia Aguilera, pursuant to 735 ILCS 5/2-108, commonly known as the Illinois Survival Statute and is brought by her personal representative, Tomas Aguilera.

WHEREFORE, the Plaintiff, TOMA AGUILERA, individually, and as Administrator of the Estate of Antonia Aguilera, deceased, prays judgment against the Defendant, MICHAEL J. YANKE, for a sum of money to compensate him for her injuries within the jurisdictional limits of the law division of the

Circuit Court of LaSalle County, Illinois and in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

COUNT V – WRONGFUL DEATH

The Plaintiff Administrator, TOMAS AGUILERA, complaining of the Defendant Milan, says:

1. That on or about the 16th day of October 2007 the Defendant Milan was a trucking company incorporated and duly authorized to conduct business as a trucking company and at the time of the occurrence hereinafter alleged, through its agents and/or employees, and specifically agent co-defendant, Michael J. Yanke, was the operator of its vehicle, a 2004 Freightliner, Columbia 120, driving in a southerly direction along and upon I 39 at Milepost 46 in Hope Township, LaSalle County, Illinois

2. That at that time and place the Plaintiff's decedent, Antonia Aguilera, operated her vehicle directly behind the vehicle of the Defendant Milan, through its agents and/or employees, also southbound on I 39 in Hope Township, LaSalle County, Illinois.

3. That the Defendant Milan, through its agents and/or employees, without warning negligently and carelessly as hereinafter alleged caused its vehicle to come to a sudden stop resulting in striking Plaintiff's decedent's vehicle to be surprised by such move and while stopping her vehicle in time to avoid colliding with Defendant Milan's vehicle, through its agents and/or employees, was unable to provide sufficient time to the Defendant Flanders to stop, causing her vehicle to be struck by the Defendant Flanders and pushed into the vehicle of the Defendant Milan, through its agents and/or employees, and severely injuring the Plaintiff's decedent causing her death.

4. That the Defendant Milan, through its agents and/or employees, was then and there guilty of one or more of the following negligent acts and/or omissions:

A. Failed to keep its vehicle under proper management and control

B. Failed to stop its vehicle and provide warning to the Plaintiff's decedent who was traveling behind its vehicle when he knew or should have known that such failure would cause the Plaintiff's decedent to stop suddenly and expose her vehicle from being struck from behind by vehicles following her

C. Failed to warn the Plaintiff's decedent of his intention to stop his vehicle

5. That of the aforesaid negligence of the Defendant Milan, through its agents and/or employees, the Plaintiff's Decedent suffered severe injuries and from which she died within two years from the date of the filing of this complaint.

6. That at the time of her death the Plaintiff's decedent was survived by her surviving spouse, Tomas Aguilera, Administrator of her estate, and Quevin Aguilera, minor son, and Noemy Aguilera, minor daughter.

7. That as a direct and proximate result of the untimely death of the Plaintiff's decedent, her surviving spouse and children have been deprived of her financial support, her love, advice, companionship, society, consortium, affection, and services, all to their individual losses in a sum of money in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

WHEREFORE, the Plaintiff, TOMAS AGUILERA, individually, and as Administrator of the Estate of Antonia Aguilera, deceased, prays judgment against the Defendant, MILAN EXPRESS COMPANY, INC., for a sum of money

to compensate the estate for the death of the Plaintiff's decedent within the jurisdictional limits of the law division of LaSalle County, Illinois and in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

COUNT VI – SURVIVAL ACTION

The Plaintiff Administrator, TOMAS AGUILERA, complaining of the Defendant Milan says:

1-6. Plaintiff Administrator adopts and incorporates, realleges and restates the allegations contained in Paragraphs 1-6 of Count II as and for Paragraphs 1-6 of Count VI of the Plaintiff's Administrator's complaint.

7. That as a direct and proximate result of the negligence of the Defendant Milan, the Plaintiff's decedent suffered great physical pain, disability, emotional distress, mental suffering, all to her loss in a sum of money within the jurisdictional limits of the law division of the Circuit Court of LaSalle county, Illinois and in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

8. That this cause of action survives the death of the Plaintiff's decedent, Antonia Aguilera, pursuant to 735 ILCS 5/2-108, commonly known as the Illinois Survival Statute and is brought by her personal representative, Tomas Aguilera.

WHEREFORE, the Plaintiff, TOMAS AGUILERA, individually, and as Administrator of the Estate of Antonia Aguilera, deceased, prays judgment against the Defendant, MILAN EXPRESS COMPANY, INC., for a sum of money to compensate her for her injuries within the jurisdictional limits of the law

division of the Circuit Court of LaSalle County, Illinois and in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

COUNT VII – WRONGFUL DEATH

The Plaintiff Administrator, TOMAS AGUILERA, complaining of the Defendant Chrysler says:

1. That Defendant Chrysler is a Limited Liability Company, believed to have been formerly known as DaimlerChrysler Company, LLC and Chrysler Corporation, duly organized and existing by virtue of the laws of Delaware, authorized to do and believed to be doing business at all pertinent times involved herein, among other places, within the State of Illinois, and specifically within the County of LaSalle.

2. That at all pertinent times herein, defendant Chrysler was engaged in the business of engineering, designing, manufacturing, selling, leasing, and/or distributing automobiles throughout the United States including, but not being limited to, LaSalle County, Illinois.

3. That said automobiles included, but were not limited to, Jeep Grand Cherokees.

4. That on a date prior to the 16th day of October 2007, defendant Chrysler, through its agents and/or representatives, and/or through representatives of related companies, engineered, designed and/or manufactured, leased and/or distributed a certain Jeep Grand Cherokee bearing the VIN number 1J4GZ78S1PC518317 and made available for use by members of the public, which members included the plaintiff decedent, Antonia Aquilera.

5. On or about the 16th day of October 2007 at approximately 9:36p.m. the Plaintiff decedent, Antonia Aguilera, was operating the aforementioned 1993 Jeep Grand Cherokee southbound along and upon Interstate 39, at or near Milepost 46, in Hope Township, LaSalle County, Illinois.

6. That at the aforementioned date and time, the co-defendant, Russell E. Flanders, was operating a 1995 Ford F 150 truck directly behind the Plaintiff decedent and struck the 1993 Jeep Grand Cherokee, being operated by the Plaintiff decedent, from the rear.

7. That upon impact, the 1993 Jeep Grand Cherokee, being operated by the plaintiff decedent, burst into flames, causing the Plaintiff to suffer severe and extreme burn injuries, from which she died.

8. That from the time that it was manufactured and at the time plaintiff decedent sustained her injuries and died, the 1993 Jeep Grand Cherokee was in a defective condition in that the fuel tank was negligently placed behind the rear-axle in the "crush zone," which upon impact from the rear, was caused to rupture and spark an intense fire.

9. That the defendant in the engineering, designing, manufacturing, building, leasing, and/or distributing of said 1993 Jeep Grand Cherokee, knew, or should have known, that the ultimate use of the vehicle in the normal course of using the Jeep Grand Cherokee could involve such rear-end collisions as complained of herein.

10. That at the time of the occurrence complained of, the defendant Chrysler, through its agents and/or representatives, was then and there guilty of one of more of the following negligent acts and/or omissions in reference to

the design, engineering, manufacturing, leasing, and/or distributing of said 1993 Jeep Grand Cherokee:

A. Designed, manufactured, engineered, built and/or distributed said Jeep Grand Cherokee with the fuel tank located behind the rear-axle in what is commonly referred to as the "crush zone," when it knew or should have known that allowing the fuel tank to be located in said "crush zone" could cause the fuel tank to rupture and ignite a fuel-fed fire in the event that the vehicle was struck from the rear.

B. Otherwise failed to design, manufacture, engineer, build, and/or distribute said Jeep Grand Cherokee in a reasonably safe manner.

C. Failed to provide any warnings to apprise a user of the Jeep Grand Cherokee of the potential dangers associated with the fuel tank being located behind the rear-axle.

11. That as a direct and proximate result of one or more of the foregoing negligent acts and/or omissions, the plaintiff decedent, Antonia Aguilera, suffered severe burn injuries which led to her death, within two years from the date of the filing of this Amended Complaint.

12. That at the time of her death, the Plaintiff's decedent was survived by her surviving spouse, Tomas Aguilera, Administrator of her estate, and Quevin Aguilera, minor son, and Noemy Aguilera, minor daughter.

13. That as a direct and proximate result of the untimely death of the Plaintiff's decedent, her surviving spouse and children have been deprived of her financial support, her love, advice, companionship, society, consortium, affection, and services, all to their individual losses in a sum of money in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

WHEREFORE, the Plaintiff, TOMAS AGUILERA, individually, and as Administrator of the Estate of Antonia Aguilera, deceased, prays judgment

against the Defendant, CHRYSLER LLC, for a sum of money to compensate the estate for the death of the Plaintiff's decedent within the jurisdictional limits of the law division of LaSalle County, Illinois and in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

COUNT VIII- SURVIVAL ACTION

The Plaintiff Administrator, TOMAS AGUILERA, complaining of the Defendant Chrysler says:

1. That Defendant Chrysler is a Limited Liability Company, believed to have been formerly known as DaimlerChrysler Company, LLC and Chrysler Corporation, duly organized and existing by virtue of the laws of Delaware, authorized to do and believed to be doing business at all pertinent times involved herein, among other places, within the State of Illinois, and specifically within the County of LaSalle.

2. That at all pertinent times herein, defendant Chrysler was engaged in the business of engineering, designing, manufacturing, selling, leasing, and/or distributing automobiles throughout the United States including, but not being limited to, LaSalle County, Illinois.

3. That said automobiles included, but were not limited to, Jeep Grand Cherokees.

4. That on a date prior to the 16th day of October 2007, defendant Chrysler, through its agents and/or representatives, and/or through representatives of related companies, engineered, designed and/or manufactured, leased and/or distributed a certain Jeep Grand Cherokee bearing the VIN number 1J4GZ78S1PC518317 and made available for use by

members of the public, which members included the plaintiff decedent, Antonia Aquilera.

5. On or about the 16th day of October 2007 at approximately 9:36p.m., the Plaintiff decedent, Antonia Aguilera, was operating the aforementioned 1993 Jeep Grand Cherokee southbound along and upon Interstate 39, at or near Milepost 46, in Hope Township, LaSalle County, Illinois.

6. That at the aforementioned date and time, the co-defendant, Russell E. Flanders, was operating a 1995 Ford F 150 truck directly behind the Plaintiff decedent and struck the 1993 Jeep Grand Cherokee, being driven by the Plaintiff decedent, from the rear.

7. That upon impact, the 1993 Jeep Grand Cherokee, being operated by the plaintiff decedent, burst into flames, causing the Plaintiff to suffer severe and extreme burn injuries, from which she died.

8. That from the time that it was manufactured and at the time plaintiff decedent sustained her injuries and died, the 1993 Jeep Grand Cherokee was in a defective condition in that the fuel tank was negligently placed behind the rear-axle in the "crush zone," which upon impact from the rear, was caused to rupture and spark an intense fire.

9. That the defendant in the engineering, designing, manufacturing, building, leasing, and/or distributing of said 1993 Jeep Grand Cherokee, knew, or should have known, that the ultimate use of the vehicle in the normal course of using the Jeep Grand Cherokee could involve such rear-end collisions as complained of herein.

10. That at the time of the occurrence complained of, the defendant Chrysler, through its agents and/or representatives, was then and there guilty of one of more of the following negligent acts and/or omissions in reference to the design, engineering, manufacturing, leasing, and/or distributing of said 1993 Jeep Grand Cherokee:

A. Designed, manufactured, engineered, built and/or distributed said Jeep Grand Cherokee with the fuel tank located behind the rear-axle in what is commonly referred to as the "crush zone," when it knew or should have known that allowing the fuel tank to be located in said "crush zone" could cause the fuel tank to rupture and ignite a fuel-fed fire in the event that the vehicle was struck from the rear.

B. Otherwise failed to design, manufacture, engineer, build, and/or distribute said Jeep Grand Cherokee in a reasonably safe manner.

C. **Failed to provide any warnings to apprise a user of the Jeep Grand Cherokee of the potential dangers associated with the fuel tank being located behind the rear-axle.**

11. That as a direct and proximate result of one or more of the foregoing negligent acts and/or omissions, the plaintiff decedent, Antonia Aguilera, suffered severe burn injuries which led to her death, within two years from the date of the filing of this Amended Complaint.

12. That at the time of her death, the Plaintiff's decedent was survived by her surviving spouse, Tomas Aguilera, Administrator of her estate, and Quevin Aguilera, minor son, and Noemy Aguilera, minor daughter.

13. That as a direct and proximate result of one or more of the foregoing negligent acts and/or omissions, the plaintiff decedent, Antonia Aguilera, suffered great physical pain, disability, emotional distress, and mental suffering, all to her loss in a sum of money within the jurisdictional

limits of the law division of the Circuit Court of LaSalle County, Illinois and in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

14. That this cause of action survives the death of the plaintiff decedent, Antonia Aguilera, pursuant to 735 ILCS 5/2-108, commonly known as the Illinois Survival Statute and is brought by her personal representative, Tomas Aguilera.

WHEREFORE, the Plaintiff, TOMAS AGUILERA, individually, and as Administrator of the Estate of Antonia Aguilera, deceased, prays judgment against the Defendant, CHRYSLER LLC, for a sum of money to reasonably compensate the Plaintiff decedent for her injuries within the jurisdictional limits of the law division of LaSalle County, Illinois and in excess of the sum of Fifty Thousand ($50,000.00) Dollars.

TOMAS AGUILERA, Individually, and as
Administrator of the Estate of Antonia Aguilera,
Deceased, PLAINTIFF

BY: _____
Anthony C. Raccuglia,
one of his attorneys

AFFIDAVIT OF DAMAGES

The undersigned, being first duly sworn upon oath, states that the monetary damages claimed by him to have been suffered by the plaintiff as a result of the occurrence alleged in this complaint, exceed $50,000.

SUBSCRIBED and SWORN to before me
this 10 day of February 2009.

Notary Public

OFFICIAL SEAL
RITA STUDZINSKI
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 3-15-2009

Anthony C. Raccuglia
Anthony C. Raccuglia & Associates, P.C.
1200 Maple Drive
Peru, IL 61354
815 223 0230
815 223 0233 fax
Reg. No. 2273292

PE10-031-Chrysler-000297

PE10-031-Chrysler-000298

ILLINOIS TRAFFIC CRASH REPORT

SHEET 1 OF 2

ISP-4979-20071017-012038

8889757

DRAC U1	DRAC U2	PEDV U1	PEDV U2	TRFD	TRFC	WEAT	DRVA U1	DRVA U2	VIS U1	VIS U2	VEHD U1	VEHD U2	LGHT	COLL	MANV U1	MANV U2	PPA U1	PPA U2	PPL U1	PPL U2
9	9			1	1	1	16	16	1	1	1	99	4	11	1	11				

INVESTIGATING AGENCY	TYPE OF REPORT	TYPE OF CRASH	AGENCY CRASH REPORT NO	DATE OF CRASH	TIME OF CRASH
ILLINOIS STATE POLICE	1 On-scene	B Injury	17-07-00518	10/16/2007	09:36 PM

ADDRESS NO.	HIGHWAY OR STREET NAME	CITY / TOWNSHIP	INTERSECTION RELATED	NO. VEHICLES	LARS CODE
N/A	I-39 (SB)	HOPE TWP	N	3	

DISTANCE	UNIT	DIRECTION	NAME OF INTERSECTION OR ROAD FEATURE	COUNTY	PRIVATE PROPERTY	Any veh / prop Damage over 500	LARS CODE
516	Feet	South	I-39 MILE POST 46	LA SALLE	N	Y	

HIT&RUN: N

TRFW: 2

Unit 1

NAME (LAST, FIRST, MI)	DRIVER	DATE OF BIRTH	MAKE	MODEL	YEAR
[redacted]	Driver	[redacted]	Ford	F150 Series	1995

SEX	SAFT	AIR	PLATE NO.	STATE	YEAR
M	2	1	[redacted]	IL	2008

CITY	STATE	ZIP
ELBURN	IL	[redacted]

INJURY	EJECT	VIN
A	1	1FTDF15Y0SN[redacted]

TELEPHONE	STATE	CLASS
[redacted]6	IL	D*

VEHICLE OWNER (LAST, FIRST, MI): FLANDERS, RUSSELL E.

DAMAGED AREA(S): NONE; UNDER CARRIAGE; X TOTAL; OTHER; UNKNOWN

POINT OF IST CONTACT: 1

TOWED: Y; FIRE: Y; HAZMAT SPILL: N; COMVEH: N

INSURANCE CO.: None

TAKEN TO	EMS AGENCY	OWNER ADDRESS (STREET, CITY, STATE, ZIP)	TELEPHONE	POLICY NO.
ILLINOIS VALLEY COMM. HOSI	LOSTANT AMBULANCE	3S480 SWAN RD, ELBURN, IL, 60119	(630) 557-2766	0

VEHT: 2 U1

VEHT: 15 U2

LANES: 4

ALGN: 1

RSUR: 1

Unit 2

NAME (LAST, FIRST, MI)	DRIVER	DATE OF BIRTH	MAKE	MODEL	YEAR
[redacted]	Driver	[redacted]	Jeep	Grand Cherokee	1993

SEX	SAFT	AIR	PLATE NO.	STATE	YEAR
F	99	9	[redacted]	IL	2008

CITY	STATE	ZIP
LASALLE	IL	[redacted]

INJURY	EJECT	VIN
K	4	1J4GZ78S1P[redacted]

TELEPHONE	LICENSE NO.	STATE	CLASS
	[redacted]	IL	D

VEHICLE OWNER (LAST, FIRST, MI): AGUILERA, TOMAS

DAMAGED AREA(S): NONE; UNDER CARRIAGE; X TOTAL; OTHER; UNKNOWN

POINT OF IST CONTACT: 5

TOWED: Y; FIRE: Y; HAZMAT SPILL: N; COMVEH: N

INSURANCE CO.: None

TAKEN TO	EMS AGENCY	OWNER ADDRESS (STREET, CITY, STATE, ZIP)	TELEPHONE	POLICY NO.
Lasalle County Coroner	N/a	1218 2ND ST, LASALLE, IL, 61301		0

VEHU: 2 U1

VEHU: 2 U2

RDEP: 10

BAC: 97 U1

BAC: 96 U2

NO. O: 1 U1

NO. OCCS: 2 U2

UNIT	SEAT	DOB	SEX	SAFT	AIR	INJ	EJCT	PASSENGERS & WITNESSES ONLY (NAME, ADDR, TEL)	HOSP	EMS
2	3	[redacted]	F	99	9	K	4	[redacted] LASALLE, IL [redacted]	Lasalle County Coroner	Lasalle County Coroner
W	-	[redacted]	M	-	-	-	-	[redacted], POPLAR GROVE, IL [redacted]	n/a	n/a
W	-	[redacted]	M	-	-	-	-	[redacted], STREATOR, IL [redacted]	n/a	n/a

Unit 1

EVNO	MOST	EVNT	LOC
1	X	11	1
2		3	1
3			

DAMAGE PROPERTY OWNER NAME

DAMAGED PROPERTY

PROPERTY OWNER ADDRESS (STREET, CITY, STATE, ZIP)

CONTRIBUTORY CAUSE (primary): 28 Failing to reduce speed to avoid crash

CONTRIBUTORY CAUSE (secondary): 50 Operated Vehicle in Erratic, Reckless, C

DIRP: 5 U1

ARREST NAME | SECTION | CITATION NO. | DATE NOTIFIED: 10/16/2007 | TIME NOTIFIED: 09:36 PM

Unit 2

EVNO	MOST	EVNT	LOC
1		11	1
2	X	3	1
3			

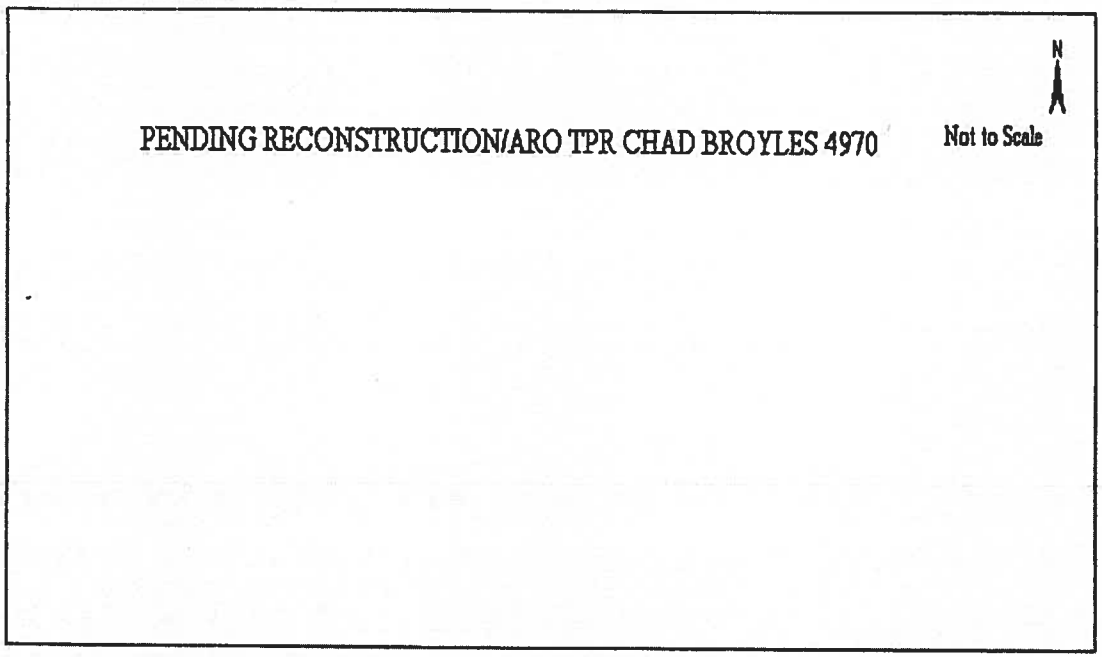
ARREST NAME | SECTION | CITATION NO. | COURT DATE | COURT TIME

DIRP: 5 U2

OFFICER ID: 4979 | BEAT / DIST: 17 | SUPERVISOR ID

ISP-4979-20071017-012038

DIAGRAM



NARRATIVE (Refer to vehicle by Unit No.)

ON 10/16/07 AT APPROXIMATELY 9:36PM A CRASH OCCURRED ON I-39 S/B SOUTH OF MILE POST 46. UNITS 1, 2 AND 3 WERE SOUTH BOUND ON I-39. UNIT 3 WAS AT A COMPLETE STOP DUE TO A FIRE ON THE INTERSTATE NEAR MILE POST 45. UNIT 2 WAS SLOWING/STOPPED(UNDER INVESTIGATION) APPROACHING THE REAR OF UNIT 3. UNIT 1 WAS TRAVELING BEHIND UNIT 2 AND STRUCK IT CAUSING A FIRE EXPLOSION. UNIT 2 WAS FORCED INTO THE REAR OF UNIT 3'S TRAILER BY THE COLLISION.

UNIT 3'S TRAILER WAS A 2005 STOUGHTON WITH TENNESSEE REGISTRATION T72291 AND VIN 1DW1A53215[redacted]. THE TRAILER SUSTAINED DAMAGE TO ITS REAR.

LOCAL USE ONLY

Nothing

U1 Color: Black	U1 Towed By / To: Fender Menders / 325 N 25th Peru, IL 61354
U2 Color: Red	U2 Towed By / To: SENICA'S TOWING, LASALLE / SENICA'S TOWING, LASALLE

COMMERCIAL VEHICLE — Unit 1

CARRIER NAME

ADDRESS

CITY STATE ZIP

SOURCE: SIDE OF TRUCK / PAPERS / DRIVER / LOG BOOK

ID Number:

USDOT ICCMC

OR State No. State Name None

GVWR

HAZARDOUS MATERIALS PLACARDED ?

IF YES: 4 DIGITS 1 DIGIT Name

HAZARDOUS CARGO RELEASED FROM TRUCK? N

VIOLATION OF HAZMAT REGS. CONTRIBUTE TO CRASH?

VIOLATION OF MCS REGS CONTRIBUTE TO CRASH?

INSPECTION FROM COMPLETED? FORM NO.

HAZMAT OUT OF SERVICE?

MCS OUT OF SERVICE?

IDOT PERMIT# WideLoad

TRAILER WIDTH(S)	TRAILER LENGTH(S)	Vehicle Length Total - Ft
TRAILER 1	TRAILER 1	No Of Axles
TRAILER 2	TRAILER 2	
Vehicle Configuration	Cargo Body Type	LoadType

COMMERCIAL VEHICLE — Unit 2

CARRIER NAME

ADDRESS

CITY STATE ZIP

SOURCE: SIDE OF TRUCK / PAPERS / DRIVER / LOG BOOK

ID Number:

USDOT ICCMC

OR State No. State Name None

GVWR

HAZARDOUS MATERIALS PLACARDED ?

IF YES: 4 DIGITS 1 DIGIT Name

HAZARDOUS CARGO RELEASED FROM TRUCK? N

VIOLATION OF HAZMAT REGS. CONTRIBUTE TO CRASH?

VIOLATION OF MCS REGS CONTRIBUTE TO CRASH?

INSPECTION FROM COMPLETED? FORM NO.

HAZMAT OUT OF SERVICE?

MCS OUT OF SERVICE?

IDOT PERMIT# WideLoad

TRAILER WIDTH(S)	TRAILER LENGTH(S)	Vehicle Length Total - Ft
TRAILER 1	TRAILER 1	No Of Axles
TRAILER 2	TRAILER 2	
Vehicle Configuration	Cargo Body Type	LoadType

ILLINOIS TRAFFIC CRASH REPORT

SHEET 2 OF 2

ISP-4979-20071017-012038

8889757

DRAC	DRAC	PEDV	PEDV	TRFD	TRFC	WEAT	DRVA	DRVA	VIS	VIS	VEHD	VEHD	LGHT	COLL	MANV	MANV	PPA	PPA	PPL	PPL
1				1	1	1	1		1		1		4	11	11					
U3		U3					U3		U3		U3				U3		U3		U3	

INVESTIGATING AGENCY	TYPE OF REPORT	TYPE OF CRASH	AGENCY CRASH REPORT NO	DATE OF CRASH	TIME OF CRASH
ILLINOIS STATE POLICE	1 On-scene	B Injury	17-07-00518	10/16/2007	09:36 PM

ADDRESS NO.	HIGHWAY OR STREET NAME	CITY / TOWNSHIP	INTERSECTION RELATED	NO. VEHICLES	LARS CODE
N/A	I-39 (SB)	HOPE TWP	N	3	
DISTANCE / UNIT / DIRECTION	NAME OF INTERSECTION OR ROAD FEATURE	COUNTY	PRIVATE PROPERTY N / HIT&RUN N	Any veh / prop Damage over $500 Y	LARS CODE
516 Feet South	I-39 MILE POST 46	LA SALLE			

TRFW 2 | VEHT 7 U3 | VEHT | # LANES 4 | ALG - | RSUR 1 | VEHU 20 U3 | VEHU | RDEF 10 | BAC 96 U3 | BAC | NO. 1 U3 | NO. OCCS | DIRP 5 U3 | DIRP

Unit 3

NAME (LAST, FIRST, MI)	DRIVER	DATE OF BIRTH	MAKE	MODEL	YEAR
[redacted]	Driver	[redacted]	Freightliner	Columbia 120	2004

SEX	SAFT	AIR	PLATE NO.	STATE	YEAR
M	2	9	[redacted]	TN	08

CITY	STATE	ZIP
MUSKEGO	WI	[redacted]

INJURY	EJECT	VIN
0	1	1EUJA6GKX4L[redacted]

TELEPHONE	LICENSE NO.	STATE	CLASS
[redacted]	[redacted]	WI	A

VEHICLE OWNER (LAST, FIRST, MI): [redacted]

OWNER ADDRESS (STREET, CITY, STATE, ZIP): [redacted] MILAN, TN [redacted]

INSURANCE CO.: RLI Insurance Company

TELEPHONE: [redacted] POLICY NO.: [redacted]

TAKEN TO | EMS AGENCY

DAMAGED AREA(S): X NONE; UNDER CARRIAGE; TOTAL; OTHER; UNKNOWN

POINT OF 1ST CONTACT: 0

TOWED N | FIRE Y | HAZMAT SPILL N | COMVEH Y

Unit

NAME (LAST, FIRST, MI)	DRIVER	DATE OF BIRTH	MAKE	MODEL	YEAR

STREET ADDRESS	SEX	SAFT	AIR	PLATE NO	STATE	YEAR

CITY	STATE	ZIP	INJURY	EJECT	VIN

TELEPHONE	LICENSE NO.	STATE	CLASS

VEHICLE OWNER (LAST, FIRST, MI):

OWNER ADDRESS (STREET, CITY, STATE, ZIP):

INSURANCE CO.:

TELEPHONE | POLICY NO.

TAKEN TO | EMS AGENCY

DAMAGED AREA(S): NONE; UNDER CARRIAGE; TOTAL; OTHER; UNKNOWN

POINT OF 1ST CONTACT:

TOWED | FIRE | HAZMAT SPILL | COMVEH

UNIT	SEAT	DOB	SEX	SAFT	AIR	INJ	EJCT	PASSENGERS & WITNESSES ONLY (NAME, ADDR, TEL)	HOSP	EMS

Unit 3

EVNO	MOST	EVNT	LOC
1		11	1
2	X	3	1
3			

DAMAGED PROPERTY OWNER NAME | DAMAGED PROPERTY

PROPERTY OWNER ADDRESS (STREET, CITY, STATE, ZIP)

CONTRIBUTORY CAUSE (primary): 28 Failing to reduce speed to avoid crash

CONTRIBUTORY CAUSE (secondary): 50 Operated Vehicle in Erratic, Reckless, C

	ARREST NAME	SECTION	CITATION NO.	DATE NOTIFIED	TIME NOTIFIED
1				10/16/2007	09:36 PM
2	ARREST NAME	SECTION	CITATION NO.	COURT DATE	COURT TIME
3					

OFFICER ID	BEAT / DIST	SUPERVISOR ID
4979	17	

STATE OF ILLINOIS

STATE FILE NUMBER

[X] PERMANENT CERTIFICATE
[ ] TEMPORARY CERTIFICATE

REGISTRATION DISTRICT NO. 50.1
REGISTERED NUMBER 4

MEDICAL EXAMINER'S – CORONER'S CERTIFICATE OF DEATH

Type, or Print in PERMANENT INK. See Coroner's or Funeral Directors Handbook for INSTRUCTIONS

DECEASED

1. DECEASED–NAME (FIRST, MIDDLE, LAST): [redacted]
2. SEX: Female
3. DATE OF DEATH (MONTH, DAY, YEAR): October 16, 2007
4. COUNTY OF DEATH: LaSalle
5a. AGE–LAST BIRTHDAY (YEARS): 39
5b. UNDER 1 YEAR (MOS / DAYS) / UNDER 1 DAY (HOURS / MIN.):
5c.
5d. DATE OF BIRTH (MONTH, DAY, YEAR): [redacted]
6a. CITY, TOWN, TWP, OR ROAD DISTRICT NUMBER: Eden Township
6b. HOSPITAL OR OTHER INSTITUTION–NAME (IF NOT IN EITHER, GIVE STREET AND NUMBER): Interstate 39 southbound, 516 feet south of mile post 46
6c. IF HOSP., OR INST., INDICATE D.O.A., OP/EMER, RM./INPATIENT (SPECIFY)
7. BIRTHPLACE (CITY AND STATE OR FOREIGN COUNTRY): Mexico
8a. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (SPECIFY): Married
8b. NAME OF SURVIVING SPOUSE (MAIDEN NAME, IF WIFE): [redacted]
9. WAS DECEASED EVER IN U.S. ARMED FORCES? (YES/NO): No
10. SOCIAL SECURITY NUMBER: [redacted]
11a. USUAL OCCUPATION: Factory Worker
11b. KIND OF BUSINESS OR INDUSTRY: Cookie Company
12. EDUCATION (SPECIFY ONLY HIGHEST GRADE COMPLETED) Elementary/Secondary (0-12): 6 College (1-4 or 5+):
13a. RESIDENCE (STREET AND NUMBER): [redacted]
13b. CITY, TOWN, TWP, OR ROAD DISTRICT NO.: LaSalle
13c. INSIDE CITY (YES/NO): Yes
13d. COUNTY: LaSalle
13e. STATE: Illinois
13f. ZIP CODE: [redacted]
14a. RACE (WHITE, BLACK, AMERICAN INDIAN, etc.) (SPECIFY): Hispanic
14b. OF HISPANIC ORIGIN? (SPECIFY NO OR YES–IF YES, SPECIFY CUBAN, MEXICAN, PUERTO RICAN, etc.): [ ] NO [X] YES SPECIFY: Mexican

PARENTS

15. FATHER–NAME (FIRST, MIDDLE, LAST): [redacted]
16. MOTHER–NAME (FIRST, MIDDLE, (MAIDEN) LAST): [redacted]
17a. INFORMANT'S NAME (TYPE OR PRINT): [redacted]
17b. RELATIONSHIP: Husband
17c. MAILING ADDRESS (STREET AND NO. OR R.F.D., CITY OR TOWN, STATE, ZIP): [redacted] LaSalle, IL [redacted]

CAUSE

18. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. (APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH)

Immediate Cause (Final disease or condition resulting in death) → (a) Thermal Injuries
DUE TO, OR AS A CONSEQUENCE OF
(b) SUV Fire
DUE TO, OR AS A CONSEQUENCE OF
(c) SUV vs. Pickup Truck Mishap

CONDITIONS, IF ANY, WHICH GIVE RISE TO IMMEDIATE CAUSE (a) STATING THE UNDERLYING CAUSE LAST.

PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in PART I.

19a. AUTOPSY (YES/NO): Yes
19b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? (YES/NO): Yes

20a. NATURAL, ACCIDENT, HOMICIDE, SUICIDE, UNDETERMINED, (SPECIFY): Accidental
20b. DATE OF INJURY (MONTH, DAY, YEAR): October 16, 2007
20c. HOUR: 9:36 P.M.
20d. HOW INJURY OCCURRED (ENTER NATURE OF INJURY MENTIONED IN PART I OR PART II, ITEM 18): Vehicle struck from behind causing explosion
20e. INJURY AT WORK (YES/NO): No
20f. PLACE OF INJURY (AT HOME, FARM, STREET, FACTORY, OFFICE BUILDING, ETC.) (SPECIFY): Roadway
20g. LOCATION (CITY, VIL. OR TOWN; OR TWP.; OR RD. DIST. NO., COUNTY, STATE): Eden Township, LaSalle County, IL
20h. IF FEMALE, WAS THERE A PREGNANCY IN PAST THREE MONTHS? YES [ ] NO [X]

CERTIFIER

21a. I CERTIFY THAT IN MY OPINION BASED UPON MY INVESTIGATION AND/OR THE INQUISITION, THIS DEATH OCCURRED ON THE DATE, AT THE PLACE AND DUE TO THE CAUSE(S) STATED, AND THAT .....
21b. THE DECEDENT WAS PRONOUNCED DEAD ON (MONTH, DAY, YEAR): October 16, 2007
21c. AT: 11:10 P.M.
22a. CORONER'S–MEDICAL EXAMINER'S SIGNATURE: Eden Bernard
22b. DATE SIGNED (MONTH, DAY, YEAR): January 10, 2008
23a. CORONER'S PHYSICIAN'S NAME (Type or Print): Bryan R. Mitchell, M.D.
23b. DATE SIGNED (MONTH, DAY, YEAR): November 28, 2007

DISPOSITION

24a. BURIAL, CREMATION, REMOVAL (SPECIFY): Cremation
24b. CEMETERY OR CREMATORY–NAME: Schultz Crematory
24c. LOCATION – CITY OR TOWN, STATE: Streator, IL
24d. DATE (MONTH, DAY, YEAR): October 19, 2007
25a. FUNERAL HOME – NAME, STREET AND NUMBER OR R.F.D., CITY OR TOWN, STATE, ZIP: Burgess Funeral Home, 860 Bucklin Street, LaSalle, IL 61301
25b. FUNERAL DIRECTOR'S SIGNATURE: Thomas Burgess
25c. FUNERAL DIRECTOR'S ILLINOIS LICENSE NUMBER: 034-014238
26a. LOCAL REGISTRAR'S SIGNATURE: Lorene Munson, Registrar
26b. DATE FILED BY LOCAL REGISTRAR (MONTH, DAY, YEAR): 01-11-08

VR202 (Rev. 5/89) Illinois Department of Public Health–Division of Vital Records (BASED ON 1989 U.S. STANDARD CERTIFICATE)

I HEREBY CERTIFY that the foregoing is a true and correct copy of this death record, and that this record was established and filed in my office in accordance with the provisions of the Illinois Statutes relating to the registration of births, stillbirths and deaths.

DATE: 1/11/2008 **SIGNED:** Lorene M Munson

Registrar District 50.1
LaSalle, Illinois 61301

[redacted]

Traffic Crash Reconstruction Report

[redacted]

D.O.T. CONTROL NUMBER: 8889757 012038

CRASH NUMBER: 17-07-518R

TRAFFIC CRASH RECONSTRUCTION REPORT

PREPARED BY

Trooper Chad D. Broyles, #4970
Certified Traffic Crash Reconstructionist
Illinois State Police, District 17

INITIAL INVESTIGATOR

TPR. MATT DALTON #4979

UNIT NUMBER:_____

Illinois State Police - District 17
Level III Traffic Crash Investigation Report

CRASH REPORT NUMBER	**17-07-00518**
ORIGINATING AGENCY	**ILLINOIS STATE POLICE D17**
DATE AND TIME	**OCTOBER 16, 2007 AT 9:36PM**
LOCATION	**I-39 S/B AT 516 FEET SOUTH OF M/P 46**
COUNTY	**LASALLE**
TOWNSHIP	**HOPE**
CRASH CLASSIFICATION	**DOUBLE FATAL**
NOTIFICATION	**ON 10/16/07 AT APPROXIMATELY 9:49 PM I TPR. CHAD D BROYLES #4970 WAS CONTACTED BY D17 RADIO REQUESTING MY ASSISTANCE WITH A DOUBLE FATAL TRAFFIC CRASH THAT OCCURRED ON I-39 AT MP 46. I IMMEDIATELY DROVE TO THE SCENE AND ARRIVED AT APPROXIMATELY 10:03PM. I ARRIVED AND OBSERVED NUMEROUS EMS AND FIRE PERSONNEL ON THE SCENE. I SPOKE TO TPR. MATT DALTON #4979 AND HE ADVISED ME OF THE EVENTS THAT TRANSPIRED PRIOR TO MY ARRIVAL.**
PERSONS INVOLVED	**UNIT # 1 DRIVER - [redacted] MALE WHITE, 5 FEET 11 INCHES TALL WEIGHING 250 POUNDS WITH BLACK HAIR AND BLUE EYES. [redacted] WAS BORN ON [redacted] AND RESIDES AT [redacted] ELBURN IL [redacted] WAS ISSUED HIS CURRENTLY SUSPENDED DRIVERS LICENSE ON 06/06/06.**

PERSONS INVOLVED (CONT.)

[redacted] WAS ISSUED FILE NUMBER [redacted] AND IS CURRENTLY A CLASS [redacted] WAS SUSPENDED ON 05/04/07 FOR MULTIPLE IVC VIOLATIONS AND AGAIN ON 09/14/07 FOR FAILURE TO PAY FINANCIAL RESPONSIBILITIES. [redacted] WAS ALSO WANTED ON A WARRANT IN KANE COUNTY FOR FAILURE TO APPEAR FOR DRIVING WHILE SUSPENDED.

UNIT #2 DRIVER- [redacted] FEMALE HISPANIC, 5 FEET 4 INCHES TALL WEIGHING 140 POUNDS WITH BLACK HAIR AND BROWN EYES. [redacted] WAS BORN ON [redacted] AND RESIDED AT [redacted] ST. IN LASALLE IL [redacted] WAS ISSUED HER VALID DRIVERS LICENSE ON 05/19/05 AND ASSIGNED FILE NUMBER [redacted].

UNIT #2 PASSENGER - [redacted] FEMALE HISPANIC 5 FEET 2 INCHES TALL WEIGHING 130 POUNDS WITH BROWN HAIR BROWN EYES. [redacted] WAS BORN ON [redacted] AND RESIDED AT [redacted] IN LASALLE IL [redacted] WAS ISSUED HER VALID IL PHOTO ID. CARD ON 03/05/05. AND ASSIGNED FILE NUMBER [redacted].

UNIT #3 DRIVER- [redacted] MALE WHITE 6 FEET 3 INCHES TALL WEIGHING 237 POUNDS WITH BROWN HAIL AND BLUE EYES. [redacted] WAS BORN ON [redacted] AND RESIDES AT [redacted] MUSKEGO WI [redacted] WAS ISSUED HIS VALID CLASS A DRIVERS LICENSE ON 07/26/02 AND ASSIGNED FILE NUMBER [redacted]

ASSISTING PERSONNEL	TPR. MATT DALTON #4979 TPR. ANTHONY BRUCKER #4837 LASALLE COUNTY CORONERS OFFICE LOSTANT EMS
INJURIES	[redacted] - TYPE A - FATAL - FATAL
VEHICLES INVOLVED	UNIT #1- BLUE 1995 FORD F150 TRUCK IL REGISTRATION [redacted] VIN :1FTDF15Y0SN[redacted] OWNED BY [redacted] ELBURN IL [redacted] UNIT #2 - RED 1993 JEEP CHEROKEE IL REGISTRATION [redacted] VIN : 1J4GZ78S1PC5[redacted] OWNED BY [redacted] ST LASALLE IL [redacted] UNIT #3 - WHITE 2004 FREIGHTLINER TN REGISTRATION [redacted] VIN : 1FUJA6CKX4L[redacted] OWNED BY [redacted] MILAN, TN [redacted] WAS IN COMBINATION WITH A WHITE 2005 STOUGHTON TRAILER TN REGISTRATION [redacted] VIN: 1DW1A53215E[redacted] ALSO OWNED [redacted] MILAN TN.

NARRATIVE

ON 10/16/07 AT APPROXIMATELY 8:44PM D17 DISPATCH WAS NOTIFIED OF A VEHICLE ON FIRE ON I-39 AT M/P 45. TPR. FAHS #4852 ARRIVED AT THE SCENE AND NOTICED D17 BOTH S/B LANES WERE STOPPED BY FIRE AND EMS. DAVE RENNELS AN I.D.O.T REPRESENTATIVE WAS CONTACTED AND WAS IN ROUTE TO THE LOCATION. AS A RESULT OF THIS INCIDENT S/B TRAFFIC SLOWED AND STOPPED BACK TO NEARLY M/P 46. A TRUCK-TRACTOR TRAILER COMBINATION DRIVEN BY [redacted] WAS SLOWED OR STOPPED IN TRAFFIC ON I-39 NEAR M/P 46 AT APPROXIMATELY 9:36 PM. ALSO AT APPROXIMATELY 9:36PM A RED JEEP CHEROKEE DRIVEN BY [redacted] SLOWED OR STOPPED BEHIND [redacted] IN THE DRIVING LANE.

NARRATIVE (CONT)

[redacted] WAS TRANSPORTING [redacted] TO WORK IN WENONA IL. AT APPROXIMATELY 09:36 A BLUE FORD TRUCK DRIVEN BY [redacted] WAS TRAVELING S/B ON I-39 WHEN HE FAILED TO STOP OR YIELD TO STOPPED TRAFFIC. [redacted] STRUCK THE REAR OF [redacted] AND PUSHED THEM INTO THE REAR OF [redacted] THE IMPACT SMASHED THE GAS TANK OF THE RED JEEP CAUSING IT TO CATCH FIRE. THE FIRE QUICKLY SPREAD INTO THE PASSENGER COMPARTMENT. [redacted] WERE TRAPPED IN THE JEEP DUE TO THE EXTENSIVE DAMAGE. THE FIRE COMPLETELY BURNED THE PASSENGER COMPARTMENT [redacted] BOTH WERE BURNED MAKING THEM UNIDENTIFIABLE AT THE SCENE. [redacted] WAS TRANSPORTED TO I.V.C.H WHERE HE WAS TREATED FOR HIS INJURIES AND ARRESTED ON A WARRANT FROM KANE COUNTY FOR FAILURE TO APPEAR ON DRIVING WHILE SUSPENDED CHARGES. [redacted] WAS TRANSPORTED I.V.C.H WHERE WAS TREATED FOR HIS INJURIES AND RELEASED .

ENVIRONMENT

ROADWAY	CONSTRUCTED OF BRUSHED CONCRETE CLEAR OF ANY DEFECTS OR DEBRIS. THE LOCATION OF THIS CRASH IS NEARLY FLAT AND IS WITHOUT VIEW OBSTRUCTION.
TRAFFIC DENSITY	HEAVY WITH STOPPED TRAFFIC DUE TO EMS PERSONNEL RESPONDING TO AN ADDITIONAL CRASH FURTHER SOUTH ON I-39.
TRAFFIC CONTROLS	NONE
WEATHER CONDITIONS	CLEAR COOL AND DRY

WITNESS SUMMARY

ON 10/16/07 AT APPROXIMATELY 10:20 PM I TPR. CHAD D BROYLES #4970 SPOKE TO [redacted] (M/W [redacted]). [redacted] STATED HE WITNESSED THE CRASH. IN A WRITTEN STATEMENT [redacted] STATED HE WAS S/B ON I-39 SOUTH OF TONICA WHEN HE SAW TRAFFIC WAS STOPPED AHEAD OF HIM WITH THEIR FLASHING LIGHTS ON. [redacted] STATED HE BEGAN TO SLOW DOWN AND TURNED HIS HAZARD LIGHTS ON. [redacted] STATED HE WAS

WITNESS STATEMENTS (CONT).

APPROXIMATELY 300 TO 400 FEET AWAY WHEN HEARD A LOUD "POP" AND SAW A "HUGE FIRE BALL" SHORTLY AFTERWARDS. [redacted] STATED HE DID NOT SEE ANY BREAK LIGHTS OR ANY SIGNS OF VEHICLE SLOWING DOWN PRIOR TO THE CRASH. [redacted] STATED HE CALLED 911 AND STOPPED HIS VEHICLE. [redacted] STATED HE APPROACHED THE BURNING JEEP AND HEARD THE OCCUPANTS SCREAMING. [redacted] STATED HE ATTEMPTED TO FIND FIRE EXTINGUISHERS FROM OTHER MOTORISTS BUT THE JEEP WAS FULLY ENGULFED.

I SPOKE TO [redacted] (M/W [redacted]) ON 11/13/07 AT 10:30AM VIA TELEPHONE NUMBER [redacted] STATED HE STOPPED IN THE DRIVING LANE AS A RESULT OF A TRAFFIC CRASH AHEAD OF HIM. [redacted] STATED HE WAS STOPPED IN FRONT OF UNIT #3 [redacted] WHEN HE SAW THE TRAFFIC CRASH OCCUR IN HIS SIDE MIRROR. [redacted] STATED HE IMMEDIATELY EXITED HIS TRUCK-TRACTOR AND RAN TO THE SCENE. [redacted] STATED HE SAW THE RED JEEP ON FIRE AND THE FORD TRUCK WITH THE DOOR OPEN UNOCCUPIED WITH FRONT END DAMAGE. LAND STATED HE ATTEMPTED TO PUT THE FIRE OUT WITH HIS EXTINGUISHER BUT THE FLAMES WERE TOO HOT. [redacted] STATED HE TRIED TO HELP THE DRIVER AS SHE WAS CRYING FOR HELP [redacted] STATED HE TRIED TO OPEN THE DOORS TO HELP THE DRIVER BUT THEY WERE JAMMED DUE TO THE CRASH AND TOO HOT TO TOUCH. [redacted] STATED THE DRIVER CAUGHT FIRE AND BECAME UNRESPONSIVE. [redacted] STATED THE PASSENGER NEVER SPOKE AND APPEARED TO BE DEAD. [redacted] STATED THE PASSENGER WAS POSITIONED WITH HER HEAD UNDER THE DASH AND HER REAR END WAS UP IN THE SEAT. [redacted] STATED HE INJURED HIS FOOT TRYING TO OPEN THE DOORS OF THE JEEP.

PHYSICAL EVIDENCE

THE PHYSICAL EVIDENCE PRESENT AT THE SCENE OF THIS CRASH INCLUDES ROADWAY MARKS, VEHICLE POSITIONS AND VEHICLE DAMAGE. OTHER EVIDENCE INCLUDES WITNESS STATEMENTS, AUTOPSY REPORTS AND VICTIM LOCATIONS. I PHOTOGRAPHED AND MEASURED ALL OF THE EVIDENCE PRESENT AT THE SCENE. I SPOKE TO THE WITNESSES OF THIS CRASH AND PROCESSED THEIR STATEMENTS. ALL MEASUREMENTS WERE TAKEN USING STATION MARKER 702+50 AS THE REFERENCE POINT AND THE WEST FOG LINE OF THE SOUTHBOUND LANE OF I-39 AS THE REFERENCE LINE. I LOCATED THREE (3) DISTINCT GOUGE MARKS AND ONE (1) LONG SCRAPE MARK NEAR THE CENTER OF THE DRIVING LANE. THE SCRAPE MARK BEGAN 72 FEET 10 INCHES SOUTH. THE SCRAPE MARK CONTINUED SOUTH TO 89 FEET 1 INCH . THE LENGTH OF THE SCRAPE MARK MEASUREMENT WAS SHORTER AS A RESULT OF THE INTENSE FIRE OF UNIT #2. THE SCRAPE MARK BEGAN 5 FEET 4 INCHES EAST AND ANGLED SLIGHTLY TO 6 FEET I INCH. THE SCRAPE MARK WAS A RESULT OF THE REAR END OF UNIT #2 BEING PUSHED DOWN AND FORWARD AT IMPACT WITH UNIT #1

THE SCRAPE MARK DISPLAYS A PATH OF TRAVEL OF UNIT #2 AFTER IMPACT. I MEASURED THE FIRST OF THE THREE GOUGE MARKS. THE FIRST GOUGE MEASURED 75 FEET 0 INCHES SOUTH AND 4 FEET 11 INCHES EAST. THE SECOND GOUGE MEASURED 76 FEET 2 INCHES SOUTH AND 4 FEET 6 INCHES EAST. THE THIRD GOUGE MARK MEASURED 78 FEET 4 INCHES SOUTH AND 6 FEET 7 INCHES EAST. THESE GOUGE MARKS INDICATE DIRECTION OF TRAVEL OF UNIT #2 AFTER BEING STRUCK BY UNIT #2. I OBSERVED A TIRE MARK CAUSED BY A TIRE NOT FREE TO ROTATE. THE TIRE MARK MEASURED 114 FEET 9 INCHES SOUTH AND 12 FEET 1 INCH EAST TO 115 FEET SOUTH AND 15 FEET 2 INCHES EAST. THIS TIRE MARK WAS CAUSED BY THE DRIVERS SIDE FRONT TIRE OF UNIT #1 AS IT DID NOT ROTATE. THE ROADWAY HAD FIRE DAMAGE CONSISTENT WITH AN EXTREMELY HOT FIRE. THE SURFACE OF THE CONCRETE ROADWAY POPPED UP AS A RESULT OF THE HEAT. MOST OF THE AREA AROUND AND BENEATH UNIT #2 DISPLAYED CHARD CONCRETE. BURNT DEBRIS FROM UNIT #2 WAS LOCATED ON THE ROADWAY AND SPREAD AROUND THE IMMEDIATE AREA AS THE FIRE DEPARTMENT EXTINGUISHED THE FIRE. I OBSERVED THE FRONT OF UNIT #1 HAD EXTENSIVE DAMAGE. THE FRONT OF UNIT #1 WAS PUSHED UPWARD AND INWARD AS A RESULT OF THIS CRASH. THE IMPACT WAS NEAR THE CENTER OF THE HOOD AND CONTINUED TOWARD THE CENTER OF MASS. THE BUMPER WAS PUSHED INWARD AT THE CENTER CONSISTENT WITH THE DAMAGE OF THE REAR OF UNIT #2. THE HOOD OF UNIT #1 HAD RED PAINT TRANSFER CONSISTENT WITH THE PAINT OF UNIT #2. THE FRONT OF UNIT #1 ANGLED SLIGHTLY TOWARD THE PASSENGER SIDE. THIS DAMAGE INDICATES A SLIGHT ANGLE AT IMPACT. THE WHEELS WERE TURNED SLIGHTLY TO THE RIGHT AND INFLATED. THE CAB OF UNIT #1 WAS FORCED DOWN AS THE FRAME WAS SLIGHTLY BENT. THE WINDSHIELD WAS SHATTERED BUT INTACT.

UNIT #2 WAS BURNED FROM THE REAR AND COMPLETELY THROUGH THE PASSENGER COMPARTMENT. THE FIRE BURNED THE ENTIRE PASSENGER COMPARTMENT OF UNIT #2. THE FIRE WAS A RESULT OF THE SEVERE DAMAGE CAUSED BY THE IMPACT FROM UNIT #1. THE REAR OF UNIT #2 WAS PUSHED INWARD TO THE REAR OF THE DRIVERS SEAT. THE DIRECTION OF FORCE INTO UNIT #2 BEGAN ON THE DRIVERS REAR TAIL LIGHT AND CONTINUED TOWARD THE CENTER OF MASS. THE OCCUPANTS OF UNIT #2 WERE SEATED IN THE DRIVERS SEAT AND FRONT PASSENGER SEAT. BOTH OCCUPANTS WERE BURNED AND PHYSICALLY UNIDENTIFIABLE AT THE SCENE. THE FRONT OF UNIT #2 WAS PUSHED IN AND UP. THIS DAMAGE WAS A RESULT OF BEING PUSHED INTO THE REAR OF THE TRAILER OF UNIT #3. THE CENTER OF THE HOOD OF UNIT #2 HAD DAMAGE CONSISTENT WITH SHAPE OF THE RIGHT SUPPORT ARM OF THE BUMPER GUARD OF UNIT #3. UNIT #2 WAS PUSHED INTO UNIT #3 AFTER BEING STRUCK BY UNIT #1. UNIT #3 HAD MINOR DAMAGE TO THE REAR BUMPER GUARD. THE BUMPER GUARD WAS PUSHED INWARD AND UP. THE REAR OF UNIT #3 HAD RED

PHYSICAL EVIDENCE (CONT)

PAINT TRANSFER CONSISTENT WITH UNIT THE FRONT OF UNIT #2.

CONCLUSIONS

* UNIT #2 AND #3 WERE SLOWED OR STOPPED IN TRAFFIC ON I-39 AS A RESULT OF A TRAFFIC CRASH INVOLVING A VEHICLE FIRE FURTHER SOUTH ON I-39.

* UNIT #1 WAS TRAVELING S/B ON I-39 AND FAILED TO YIELD TO STOPPED OR SLOWED TRAFFIC.

* UNIT #1 STRUCK UNIT #2 FROM THE REAR AND PUSHED IT INTO THE REAR OF UNIT #3.

* UNIT #2 CAUGHT FIRE AS A RESULT OF THE GAS TANK BEING SMASHED BY THE FRONT OF UNIT #1 AT IMPACT.

* THE OCCUPANTS OF UNIT #2 WERE SEVERELY BURNED AND DIED AS A RESULT OF THIS CRASH.

VOLUNTARY STATEMENT

DATE: 10-16-07 TIME: 9:35 pm PLACE: I 39

I, [redacted] B. [redacted]

resi[redacted] Streator IL [redacted]. I have been advised and duly warned by

TPR C.D BROYLES 4970
(Name) (ID#), identified to me as an officer of the

Illinois State Police, D17 :

1. That I have the right to remain silent;
2. That anything I say can and will be used against me in a court of law;
3. That I have the right to talk with a lawyer now and have him present with me while being questioned;
4. If I cannot afford to hire a lawyer, one will be furnished to represent me, free of any cost, before questioning.

I state that I understand each of these rights and that I did not at any time ask that a lawyer be present to represent me in this matter. I hereby voluntarily agree to make the following statement which is made of my own free will, without promise of reward or favor, without fear or threat of physical harm, without coercion, and without offer of leniency by any person or persons.

I was driving south bound on I. 39 Between Ianica and Highway 18 when up ahead I saw traffic was stopped with their hazards on. I began to slow down and turn my hazards on. At the point I turned my Hazards on I was 300 to 400 feet from the scene. That is when I heard the loud pop of the accident with the huge fire ball ensuing. I then got off the phone with my girlfriend and dialled 911. As I got out of the car I realized the two vehicals were in the right lane prier to the accident. Prier to impact I did not notice -
on Back

I have read this statement consisting of 1 page(s), and I affirm to the truth and accuracy of the facts contained therein.

[redacted] 10-17-07
Signature Date

Witness

Witness

Date Time

Date Time

IL 493-0156

ISP 4-44 (3/89)

UNOFFICIAL

Not For Distribution

DRAC	DRAC	PEDV	PEDV	TRED	TRFC	WEAT	DRVA	DRVA	VIS	VIS	VEHD	VEHD	LGHT	COLL	MANV	MANV	PPA	PPA	PPL	PPL
1				1	1	1	1		1		1		4	11	11					
U3		U3					U3		U3		U3			U3			U3		U3	

INVESTIGATING AGENCY	TYPE OF REPORT	TYPE OF CRASH	AGENCY CRASH REPORT NO.	DATE OF CRASH	TIME OF CRASH	TRFW
ILLINOIS STATE POLICE	1 On-scene	B Injury	07-00518	10/17/2007	09:36 PM	2

ADDRESS NO.	HIGHWAY OR STREET NAME	CITY/TOWNSHIP	INTERSECTION RELATED	PRIVATE PROPERTY	NO. VEHICLES	LARS CODE	VEHT
	I-39 (SB)	HOPE TWP	N	N	3		7

DISTANCE	UNIT	DIRECTION	NAME OF INTERSECTION OR ROAD FEATURE	COUNTY		Any veh / prop Damage over $500	LARS CODE
516	Feet	South	I-39 MILE POST 48	LASALLE	N	Y	

[redacted]

INJURY	EJECT
O	1

[redacted]

TAKEN TO | EMS AGENCY

[redacted]

INJURY	EJECT

[redacted]

TAKEN TO | EMS AGENCY

[redacted]

INJ	EJCT	PASSENGERS & WITNESSES ONLY (NAME, ADDR, TEL)	HOSP	EMS

DAMAGED PROPERTY OWNER NAME | DAMAGED PROPERTY

PROPERTY OWNER ADDRESS, STREET, CITY, STATE, ZIP

CONTRIBUTORY CAUSE (primary): 23 Failing to reduce speed to avoid crash

CONTRIBUTORY CAUSE (secondary): 50 Operated Vehicle in Erratic, Reckless, C

ARREST NAME	SECTION	CITATION NO.	DATE NOTIFIED	TIME NOTIFIED
			10/17/2007	09:36 PM
ARREST NAME	SECTION	CITATION NO.	COURT DATE	COURT TIME

OFFICER ID	BEAT / DIST	SUPERVISOR ID
4979	17	

RSUR	ALGN	# LANES	RDEF	BAC	NO. OCCS	DIRP
1	1	4	10	96	1	5

PE10-031-Chrysler-000314

NO DIAGRAM

PRELIMINARY REPORT

CARRIER NAME: MILAN EXPRESS CO INC	SOURCE: SIDE OF TRUCK
ADDRESS: PO BOX 699	X PAPERS
CITY: MILAN, TN 38358 STATE ZIP	DRIVER / LOG BOOK
ID Number: USDOT 096609	GVWR 80000
ICCMC 121649	
OR State No: State Name TN	None
HAZARDOUS MATERIALS IF YES: 4 DIGITS 1 DIGIT Name	PLACARDED ? No
HAZARDOUS CARGO RELEASED FROM TRUCK?	N
VIOLATION OF HAZMAT REGS. CONTRIBUTE TO CRASH?	N
VIOLATION OF MCS REGS CONTRIBUTE TO CRASH?	N
INSPECTION FROM COMPLETED?	
HAZMAT N OUT OF SERVICE? N	FORM NO. IL3125001298
MCS N OUT OF SERVICE? N	
IDOT PERMIT#	WideLoad N
TRAILER WIDTH(S): TRAILER 1 0-96" / TRAILER 2	TRAILER LENGTH(S): TRAILER 1 53 / TRAILER 2
Vehicle Length Total - Ft 65 / No Of Axles 5	
Vehicle Configuration 6	Cargo Body Type 2
LoadType 9	

COMMERCIAL VEHICLE

CARRIER NAME	SOURCE: SIDE OF TRUCK
ADDRESS	PAPERS
CITY STATE ZIP	DRIVER / LOG BOOK
ID Number: USDOT	GVWR
ICCMC	
OR State No. State Name	None
HAZARDOUS MATERIALS IF YES: 4 DIGITS 1 DIGIT Name	PLACARDED ?
HAZARDOUS CARGO RELEASED FROM TRUCK?	
VIOLATION OF HAZMAT REGS. CONTRIBUTE TO CRASH?	
VIOLATION OF MCS REGS CONTRIBUTE TO CRASH?	
INSPECTION FROM COMPLETED?	
HAZMAT OUT OF SERVICE?	FORM NO.
MCS OUT OF SERVICE?	
IDOT PERMIT#	WideLoad
TRAILER WIDTH(S): TRAILER 1 / TRAILER 2	TRAILER LENGTH(S): TRAILER 1 / TRAILER 2
Vehicle Length Total - Ft / No Of Axles	
Vehicle Configuration	Cargo Body Type
LoadType	

NARRATIVE (Refer to vehicle by Unit No.)

o Narrative

LOCAL USE ONLY Nothing

U3 Color: White

U3 Towed By / To: /

PENDING RECONSTRUCTION/ARO TPR CHAD BROYLES 4970

Not to Scale

N

NARRATIVE (Refer to vehicle by Unit No.)

Narrative

LOCAL USE ONLY Nothing

Color: Black	U1 Towed By / To: Fender Menders / 325 N 25th Peru, IL 61354
Color: Red	U2 Towed By / To: SENICA'S TOWING, LASALLE / SENICA'S TOWING, LASALLE

Unit 1

COMMERCIAL VEHICLE

CARRIER NAME

ADDRESS

CITY STATE ZIP

SOURCE: SIDE OF TRUCK / PAPERS / DRIVER / LOG BOOK

ID Number:

USDOT

ICCMC

GVWR

OR State No. State Name None

HAZARDOUS MATERIALS PLACARDED ?

IF YES: 4 DIGITS 1 DIGIT Name

HAZARDOUS CARGO RELEASED FROM TRUCK? N

VIOLATION OF HAZMAT REGS. CONTRIBUTE TO CRASH?

VIOLATION OF MCS REGS CONTRIBUTE TO CRASH?

INSPECTION FROM COMPLETED?

HAZMAT OUT OF SERVICE? FORM NO.

MCS OUT OF SERVICE?

IDOT PERMIT# WideLoad

TRAILER WIDTH(S)	TRAILER LENGTH(S)	Vehicle Length
TRAILER 1	TRAILER 1	Total - Ft
TRAILER 2	TRAILER 2	No Of Axles
Vehicle Configuration	Cargo Body Type	LoadType

Unit 2

COMMERCIAL VEHICLE

CARRIER NAME

ADDRESS

CITY STATE ZIP

SOURCE: SIDE OF TRUCK / PAPERS / DRIVER / LOG BOOK

ID Number:

USDOT

ICCMC

GVWR

OR State No. State Name None

HAZARDOUS MATERIALS PLACARDED ?

IF YES: 4 DIGITS 1 DIGIT Name

HAZARDOUS CARGO RELEASED FROM TRUCK? N

VIOLATION OF HAZMAT REGS. CONTRIBUTE TO CRASH?

VIOLATION OF MCS REGS CONTRIBUTE TO CRASH?

INSPECTION FROM COMPLETED?

HAZMAT OUT OF SERVICE? FORM NO.

MCS OUT OF SERVICE?

IDOT PERMIT# WideLoad

TRAILER WIDTH(S)	TRAILER LENGTH(S)	Vehicle Length
TRAILER 1	TRAILER 1	Total - Ft
TRAILER 2	TRAILER 2	No Of Axles
Vehicle Configuration	Cargo Body Type	LoadType

O USDOT Number O MC/MX Number ◉ Name

Enter Value [redacted]

Search

Company Snapsh[redacted]

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Other Informatic for this Carrie

- SafeStat Resul
- Licensing & Insurance

Carriers: If you would like to update the following ID/Operations information, please complete and submit form MCS-150 which can be obtained online or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's DataQs system.

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance then what is captu in the Company Snapshot. To obtain a CSP please visit the CSP order page or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to SAFER General Help.

The information below reflects the content of the FMCSA management information systems as of 11/12/2007.

Entity Type:	Carrier		
Out of Service (Interstate Only):	No	Out of Service Date:	None
Legal Name:	[redacted]		
DBA Name:			
Physical Address:	MILAN, TN [redacted]		
Phone:	[redacted]		
Mailing Address:	MILAN, TN [redacted]		
USDOT Number:	[redacted]	State Carrier ID Number:	
MC or MX Number:		DUNS Number:	[redacted]
Power Units:	974	Drivers:	1,118
MCS-150 Form Date:	03/01/2007	MCS-150 Mileage (Year):	82,063,536 (2005)
Operation Classification:			

X Auth. For Hire Exempt For Hire Private(Property) Priv. Pass. (Business)	Priv. Pass.(Non-business) Migrant U.S. Mail Fed. Gov't	State Gov't Local Gov't Indian Nation

Carrier Operation:

X Interstate	Intrastate Only (HM)	Intrastate Only (Non-HM)

Cargo Carried:

X General Freight Household Goods Metal: sheets, coils, rolls Motor Vehicles Drive/Tow away Logs, Poles, Beams, Lumber Building Materials Mobile Homes Machinery, Large Objects Fresh Produce	Liquids/Gases Intermodal Cont. Passengers Oilfield Equipment Livestock Grain, Feed, Hay Coal/Coke Meat Garbage/Refuse US Mail	Chemicals Commodities Dry Bulk Refrigerated Food Beverages Paper Products Utilities Agricultural/Farm Supplies Construction Water Well

---

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

Inspection results for 24 months prior to: 11/12/2007

Total Inspections: 1912

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to Inspections | for further information.

Inspections:

Inspection Type	Vehicle	Driver	Hazmat
Inspections	1031	1900	384
Out of Service	170	80	33
Out of Service %	16.5%	4.2%	8.6%
Nat'l Average % (2005-2006)	23.14%	6.80%	5.39%

Crashes reported to FMCSA by states for 24 months prior to: 11/12/2007

Crashes:

Type	Fatal	Injury	Tow	Total
Crashes	7	26	68	101

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 11/12/2007

Review Information:

Rating date:	02/14/1996	Review Date:	12/28/1995
Rating:	Satisfactory	Type:	Compliance Review

ID/Operations | Inspections/Crashes | Safety Rating | Insurance

For the most current information on the status of operating authority and insurance for this carrier, go to the FMCSA Licensing & Insurance site.

SAFER Links

Skip Links | Home | Feedback | Contact | DataQs | FAQ | Accessibility | Privacy Notice | Related Links | Acrobat Reader Download

[redacted]

MATTER #	1201325
FILE TYPE	Lawsuit
FILE NAME	[redacted]
CAIR #	
DATE OF INCIDENT	10/16/2007
DATE OF NOTICE	03/16/2009
MODEL/MODEL YEAR	1993 Jeep Grand Cherokee (ZJ)
VIN	1J4GZ78S1PC[redacted]
MILEAGE	
OWNER	[redacted] [redacted] LaSalle, Illinois [redacted]
COURT	13th Judicial Circuit Court
DOCKET #	07L181
FIRE ALLEGED	Yes
DESCRIPTION	On October 16, 2007, [redacted] was driving herself and her friend, [redacted] in [redacted] 1993 Jeep Grand Cherokee (ZJ) on I-39 near Hope Township, Illinois. The weather conditions were foggy. A 2004 Freightliner truck in front of the Jeep Grand Cherokee (ZJ), driven by [redacted], suddenly put on its brakes and [redacted] did so as well. As a result, the car behind her, a 1995 Ford F-150 truck, driven by [redacted], slammed into the rear of [redacted] Jeep Grand Cherokee (ZJ). At the time of the impact, the Freightliner truck and the Jeep Grand Cherokee (ZJ) were stopped or almost stopped. The driver of the Ford F-150 reported that he had his cruise control on and was travelling 65 mph. Because of the fog, he suddenly saw brake lights and had little or no time for braking. As a result of the impact, the Jeep Grand Cherokee (ZJ) was pushed into the Freightliner truck. A fire ensued at the rear of the Jeep Grand Cherokee (ZJ).
PROPERTY DAMAGE ALLEGED	No
INJURIES	2
FATALITIES	2
ANALYSIS	The 1997 Jeep Grand Cherokee (ZJ) was destroyed after the accident and was not inspected. Based on the available accident information, including the police report, police traffic crash reconstruction report, and accident witness statements, Chrysler Group concludes that this was an extremely high-speed and high energy impact with the Ford F-150 truck having a relative velocity at impact of approximately 60-65 mph. As a result of the severe impact, the rear of the Jeep Grand Cherokee (ZJ) was pushed forward to the rear of the driver's seat and

the fuel tank likely ruptured resulting in a fuel fed fire. The front end of the Jeep Grand Cherokee (ZJ) was crushed when it was pushed by the rear impact into the Freightliner truck. The interposition of the Jeep Grand Cherokee (ZJ) between the F-150 truck and the Freightliner truck likely increased the crash forces acting on the Jeep Grand Cherokee (ZJ). The severe damage to the front end of the Ford F-150 truck is depicted in the photographs in Enclosure 4 Bates Nos. PE10-031-Chrysler-000297-298.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

X

Index No. 10338/01

NATASHA AUSTIN and NICOLE AUSTIN,

Plaintiffs,

-against-

DAIMLERCHRYSLER CORPORATION, WESTBURY JEEP EAGLE, INC. MARIBEL ORTIZ, as Administratrix of the Estate of JOSE A. SIERRA, deceased, GRACE H. EVANS AND LISA N. EVANS,

Defendants.

X

DEFENDANT DAIMLERCHRYSLER'S CORPORATION'S EXPERT DISCLOSURE PURSUANT TO CPLR § 3101(d)

Defendant, DaimlerChrysler Corporation ("DCC"), by its attorneys, Herzfeld & Rubin, P.C. and Dykema Gossett PLLC, as and for its expert disclosure pursuant to CPLR §3101(d), expects to call Mr. David Blaisdell as an expert witness at trial:

David Blaisdell David Blaisdell has analyzed and reconstructed vehicular accidents as a profession for over 35 years. He is currently a research engineer with Collision Research & Analysis, Inc, where he has been employed for 18 years. Prior to his employment with Collision Research & Analysis, Mr. Blaisdell was employed by Severy, Inc. for 17 years and worked for the UCLA Institute of Traffic and Traffic Engineering for 13 years prior to Severy. Mr. Blaisdell has participated in and conducted over 100 collision experiments. He has authored and co-authored approximately 16 technical publications related to motorist collision safety and received an award for his research and SAE publication relating to automotive fuel system crash performance. A complete summary of Mr. Blaisdell's experience and qualifications is found in his curriculum vitae attached as Exhibit A.

Mr. Blaisdell is expected to testify about the nature of the accident that occurred in this case, including, but not limited to, the speed and motion of the vehicles during pre-impact, impact and post-impact; the nature of the impact, including points of impact and angle of impact, the severity of the crash and the energy involved in the crash, the accident scene, its geometry and related issues, the impact speed and the resultant change in velocity of the Jeep Grand Cherokee, points of rest and positioning of the vehicles, analysis of the damage to the vehicles, and vehicle crush. Mr. Blaisdell may also address fuel system design issues and fuel systems in vehicles similar to the Jeep Grand Cherokee at issue in this case. Finally, if called to testify, Mr. Blaisdell would be expected to address the claims of Plaintiffs' experts within his area of expertise.

In addition to his training, education, experience, testing, publications, and experiments, Mr. Blaisdell will rely on his inspections of the accident scene and the vehicles involved in the accident, the measurements and characteristics of the accident vehicles, his inspections and analyses of competitor vehicles, and his analysis and review of the at-scene and vehicle photographs, discovery documents exchanged, including depositions and deposition exhibits, the police accident report, and test reports, videos, photographs, and crash test data for the 1997 Jeep Grand Cherokee. It is also anticipated that Mr. Blaisdell will rely on diagrams and simulations he created and calculations that he and his staff performed related to this accident.

If called as a witness, it is anticipated that Mr. Blaisdell will testify that the accident in this case was a high-speed, high-energy collision; that it involved severe vehicle underride; that the 1986 Toyota MR2 was traveling approximately 55 to 60 mph when it impacted the 1997 Jeep Grand Cherokee; and that the resultant Delta V (change in velocity) experienced by the 1997 Jeep Grand Cherokee was approximately 23 to 27 mph.

It is also anticipated that Mr. Blaisdell will testify that before, during, and after the 1997 Jeep Grand Cherokee was designed and manufactured, vehicle manufacturers had been and are placing fuel tanks behind the rear axle. Safety advantages involved with locating a fuel tank behind the rear axle include the remoteness of the fuel tank from the passenger compartment and the ability to have a shorter fuel tank filler neck. In the accident at issue here, the remoteness of the fuel tank was a factor because two of the three occupants exited the vehicle with almost no exposure to fire and the third occupant who was detained likely received less burns because of the remoteness of the tank. The safety disadvantages to a midship fuel tank location are that midship tanks can be exposed to rupture in side impact collisions and that in such instances, the ruptured fuel tank will be located directly under the passenger compartment. There is no such thing as a fire-proof vehicle, and there is no ideal location for a fuel tank unless one can "choose" their accident. Finally, simply because a vehicle is improved over time does not mean that old designs are defective.

Dated: New York, New York
April 6, 2006

HERZFELD & RUBIN, P.C.
Attorneys for Defendant
DAIMLERCHRYSLER CORPORATION

By: _____
Jeffrey L. Chase
Maureen Doerner Fogel
40 Wall Street
New York, New York 10005
(212) 471-8460

-and-

DYKEMA GOSSETT PLLC
Peter M. Kellett
James P. Feeney
400 Renaissance Center
Detroit, Michigan 48243
(313) 568-6800

Collision Research & Analysis, Inc.

Accident Reconstruction Specialists

David Blaisdell
Andrew Levitt
Ernest Klein
Gregory Stephens

Timothy Long
Susan Levitt
David Michalski
Philip Wang
Angelo Tbglia
Joy Rodriguez
Samuel White

2707 Jahn Avenue NW B-1
Gig Harbor, WA 98335
Telephone (253) 851-0790
Facsimile (253) 851-0791
mailnorth@collisionresearch.com

Main Office
430 Madrid Avenue
Torrance, CA 90501
Telephone (310) 328-9090
Facsimile (310) 328-9168
mail@collisionresearch.com

David M. Blaisdell
Curriculum Vitae

POSITION: Research Engineer specializing in collision analysis, vehicle crash performance evaluations and accident reconstruction. Research activities include vehicle safety system evaluations and development of specialized reconstruction techniques. These studies have utilized instrumented crash tests, vehicle component testing and computer analysis techniques. Lectures and publishes research papers on the subjects of automotive collision safety and collision analysis techniques.

Consulting activities involve accident reconstruction, including evaluation of vehicle and occupant dynamics and kinematics as well as analysis of vehicle crash performance and safety system evaluations. These activities include court appearances as an expert witness.

EXPERIENCE:

1987 to present	Research Engineer with Collision Research & Analysis, Incorporated.
1970 to 1987	Research Engineer with the consulting firm of Severy Incorporated.
1957 to 1970	Member of the UCLA Automotive Collision Research Program and the UCLA Institute of Transportation and Traffic Engineering

Has conduced or participated in more than fifteen hundred laboratory experiments and several hundred vehicle performance tests, including more than one hundred full-scale collision experiments.

Assisted with and lectured for University sponsored Engineering-medical training seminars relating to accident reconstruction and collision analysis techniques. Lectured before numerous technical societies on various aspects of collision injury research and accident reconstruction techniques. Instructor for SAE seminars on automotive seat crash safety.

Analyzed and reconstructed over three thousand transportation and industrial accidents; has made numerous court appearances as an expert witness on subjects related to accident reconstruction and vehicle performance as well as the crash performance of various vehicle safety systems.

PUBLICATIONS: Co-authored sixteen technical publications directly related to automotive collision safety, accident reconstruction and vehicle design considerations. Specific subjects include motorist head and body impact analysis; automotive door system design considerations; design and analysis of automotive restraint systems and automotive seating systems; school bus collision safety; smaller vehicle versus larger vehicle collisions; automotive collision fires and mechanisms of burn injuries.

EDUCATION: Engineering: Bachelor of Science degree; California State University, Long Beach, 1973.
Engineering: Associate in Arts degree; El Camino College, 1967.

SOCIETIES AND HONORS: Member of the Society of Automotive Engineers (SAE).

Member of the Association for the Advancement of Automotive Medicine (AAAM).

Member of Alpha Gamma Sigma, Honor Scholarship Society and Tau Beta Pi, National Engineering Honor Society.

Recipient of Society of Automotive Engineers 1975 Colwell Award for outstanding contribution to technical literature in the field of automotive engineering.

David M. Blaisdell

Publication List

- G.D. Stephens, T.J. Long, D.M. Blaisdell, "Energy Analysis of Automotive Seat Systems," Society of Automotive Engineers, March 2000, (SAE #2000-01-1380).

- D.M. Blaisdell, G. Stephens, U. Meissner, "Collision Performance of Automotive Door Systems," SAE, March 1994, pp. 53-64. (SAE 940562)

- D.M. Blaisdell, A.E. Levitt, M.S. Varat, "Automotive Seat Design Concepts for Occupant Protection," SAE, March 1993, pp. 109-119. (SAE 930340)

- J. R. Cromack, D. Schneider, D.M. Blaisdell, "Occupant Kinematics and Belt Markings in Crash Tests with Unrestrained and Partially Restrained Test Dummies," 34th Annual Proceedings Association for the Advancement of Automotive Medicine, 1990, pp.203-225.

- D.M. Severy, D.M. Blaisdell, L.S. Horn, "Motorist Head and Body Impact Analysis, Methodologies and Reconstruction," Warrendale, Penn., SAE, Feb. 1985, 22p. (SAE 850097)

- D.M. Severy, D. M. Blaisdell, J.F. Kerkoff, "Designing Safer Seats," Automotive Engineering, vol. 84, No. 10, Oct. 1976, pp.37-40, 78.

- D.M. Severy, D.M. Blaisdell, J.F. Kerkoff, "Automotive Seat Design and Collision Performance," 20th Stapp Car Crash Conference, 1976, pp.305-334; also in SAE Transactions, vol. 85, 1976, pp.2251-2565 (SAE 760810).

- D.M. Severy, D.M. Blaisdell, J.F. Kerkoff, "Mechanisms of Injury from Crash Fires," 19th Conference of American Association for Automotive Medicine, 1975, pp.312-331.

- D.M. Severy, D.M. Blaisdell, J.F. Kerkoff, "Automotive Collision Fires," 18th Stapp Car Conference, 1974, pp.113-199, also in SAE Transactions, sec.4, vol. 83, 1974, pp.3588-3631 (SAE 741180).

- D.M. Severy, H.M. Brink, D.M. Blaisdell, "Smaller Vehicle Versus Larger Vehicle Collisions," 15th Stapp Car Crash Conference, 1971, pp.386-436, also in SAE Transactions vol. 80, 1971, pp.2929-2958 (SAE 710861).

- D.M. Severy, H.M. Brink, D.M. Blaisdell, "Motorcycle Collision Experiments," 14th Stapp Car Crash Conference, 1970, pp.61-120, (SAE 700397).

- D.M. Severy, H.M. Brink, J.D. Baird, D.M. Blaisdell, "Active Versus Passive Motorist Restraints," International Automobile Safety Conference Compendium, 1970, pp.1057-1074 (SAE 700424).

- D.M. Severy, H.M. Brink, J.D. Baird, D.M. Blaisdell, "UCLA-ITTE Engineers Research a Safer Seat," SAE Journal, VOL. 78, No.6, June 1970, pp.24-28.

- D.M. Severy, H.M. Brink, J.D. Baird, D.M. Blaisdell, "Safer Seat Designs," 13th Stapp Car Crash Conference, 1969, pp.314-335 (SAE 690812).

- D.M. Severy, H.M. Brink, J.D. Baird, H. Jakob, D.M. Blaisdell, "School Bus Seat Restraint-Seat Anchorage Systems," Los Angeles, UCLA-ITTE, 1969, 137p.

- D.M. Severy, H.M. Brink, J.D. Baird, H. Jakob, D.M. Blaisdell, "School Bus Collision Experiments, Series II; Operations Plan 1968-1969," Los Angeles, UCLA-ITTE, 1969, 21p.

- D.M. Severy, D. M. Blaisdell, B. McGuire, "Photo-Optical Instrumentation of Automobile Collisions: An Aid to Injury Reduction Research." Society of Photo-Optical Instrumentation Engineers, 13th Annual Technical Symposium, 1969, vol. 1, pp.431-447.

STATE OF NEW YORK, COUNTY OF ss.:

I, the undersigned, an attorney admitted to practice in the courts of New York State,

Check Applicable Box

☐ Certification By Attorney

☐ Attorney's Affirmation

certify that the within
has been compared by me with the original and found to be a true and complete copy.
state that I am

the attorney (s) of record for
in the within action; I have read the foregoing
and know the contents thereof; the same is true to my own knowledge, except as to the matters therein states to be alleged on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.
Dated:

.....
The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF ss.:

I, being sworn, say: I am

Check Applicable Box

☐ Individual Verification

☐ Corporate Verification

in the within action; I have read the foregoing
and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.
the of
a corporation and a party in the within action; I have read the foregoing
and know the contents thereof; and the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.
The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on 20

.....
The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF ss.: (If both boxes are checked – indicate after names, type of service used.)

I, being sworn, say; I am not a party to the action, am over 18 years
of age and reside at
On 20 I served the within

Check Applicable Box

☐ Service By Mail

☐ Personal Service on Individual

by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:
by delivering a true copy thereof personally to each person named below at the address indicated. I knew each person served to be the person mentioned and described in said papers as *a party therein:*

Sworn to before me on 20

.....
The name signed must be printed beneath

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

----------X

NATASHA AUSTIN and NICOLE AUSTIN,

Plaintiff(s),

-against-

DAIMLERCHRYSLER CORPORATION, WESTBURY JEEP EAGLE, INC., MARIBEL ORTIZ, as Administratrix of the Estate of JOSE A. SIERRA, deceased, GRACE H. EVANS and LISA N. EVANS,

Defendant(s).

----------X

PLAINTIFF'S CPLR 3101 (d) EXPERT EXCHANGE

Index No.10338/01

S I R S:

Plaintiffs, as and for their 3101 (d) expert exchange state and allege the following:

1. Plaintiffs have retained William R. Bush, Jr. as an expert in the field of origin and cause investigations. A copy of his resume is annexed hereto.

2. Subject matter of testimony: It is expected that Mr. Bush will testify on the subject of the cause and origin of fires in vehicle collisions and the methodology utilized by experts in this field to reach conclusions. It is also expected that he will testify as to the cause and origin of the fire involved in the accident of September 1, 1999 involving the plaintiffs herein.

3. Substance of facts and opinions: It is expected that Mr. Bush will testify that the impact by the MR2 to the rear portion of the Chrysler Grand Cherokee operated by Grace H. Evans occurred to the rear undercarriage area of the Grand Cherokee. Mr. Bush is expected to testify that during the collision liquid gasoline and its vapors were released from the fuel tank of the Jeep Grand Cherokee which spilled onto the roadway as well as onto the MR2. The vapors from the liquid gasoline were ignited by either frictional sparking during the collision or electrical arcing. The

frictional sparking was caused by a metal to metal contact or by a metal to roadway contact. The electrical arcing originated from either the electrical system of the MR2 or the Jeep Grand Cherokee.

4. Summary of grounds for opinion: Mr. Bush will testify based on his professional training and experience, his examination of the scene of the occurrence, his examination of scene photographs taken by the investigating agency, his examination of the survey of the scene, a review of the weather conditions, his inspection of the vehicles involved in this occurrence which includes numerous photographs taken by Mr. Bush to properly document fire patterns, and his analysis of the physical damage to the respective vehicles. It is also expected that he will testify based on his review of the discovery documents exchanged in this action as well as the police reports and the deposition testimony taken to date. His inspection of the vehicles revealed fire patterns to the hood of the MR2 consistent with liquid gasoline from the Jeep Grand Cherokee's fuel tank having been expelled onto it. His inspection also showed damage to the area of the right rear wheel of the Grand Cherokee which is in close proximity to the area behind the right axle of the Grand Cherokee where the fuel tank was located. Fire patterns to this area are consistent with liquid gasoline and its vapors being released during the collision. Mr. Bush will also testify as to the fire propagation into and around the Jeep Grand Cherokee and also as to the fire patterns present in the police photographs as well on the roadway. It is expected that Mr. Bush will testify based on his professional experience and knowledge of the automotive industry, his inspection of the vehicles involved in the subject occurrence, the depositions conducted in this action, the discovery documents exchanged in this action and public literature regarding fuel system design and performance as well as other similar incidents including one referenced in the Maulano v. Holy Cross case in the 17th Judicial Circuit,

Broward County Florida (No. 99-14333/25) involving also Janet Fontana which occurred on July 12, 1999, and an accident which occurred on at SR111 and Lake Park Dr. in Jacksonville Florida on October 6, 2001 involving Kenneth Smith of 900 Broward Rd., Jacksonville, Florida and Hubert McMillan of 7738 Pickett Street, Jacksonville, Florida as well as an incident which occurred in Jefferson City, Alabama involving a Chrysler Concorde bearing Alabama plate number 1BI165L and a 1995 Grand Cherokee.

Dated: New York, New York
January 11, 2006

Yours, etc.,

SULLIVAN PAPAIN BLOCK
MCGRATH & CANNAVO P.C.

By: _____
FRANK V. FLORIANI
Attorneys for Plaintiff(s)
120 Broadway
New York, New York 10271
(212) 732-9000

TO:

Herzfeld & Rubin, P.C.
Attorneys for Defendants
Diamlerchrysler Corporation and
Westbury Jeep Eagle
40 Wall Street
New York, NY 10005-2349

William Dinkes, Esq.
Dinkes & Schwitzer
Attorneys for Plaintiff Maribel Ortiz
112 Madison Avenue
New York, NY 10016

Michael T. Colavecchio, Esq.
Lewis, Johs, Avallone, Aviles & Kaufman

Attorneys for Defendant Maribel Ortiz
425 Broad Hollow Road
Melville, NY 11747

Michael Glass, Esq.
1355 Motor Parkway
Hauppauge, NY 11749

[redacted]

[redacted]
Birmingham, Alabama [redacted]

Telephone:
Facsimile:
Cellular:
E-Mail: [redacted]

EMPLOYMENT

Present [redacted]
Birmingham, Alabama

Owner/Investigator
- Perform origin and cause investigations for structures and automobiles
- Photograph and document scenes
- Conduct vehicle inspections
- Review documents
- Evidence Collection and Preservation
- Conduct witness interviews

1997 – 2002 [redacted]
Birmingham, Alabama

Investigator
- Perform investigations on various types of litigation from inception to resolution by trial or settlement
- Conduct scene investigations
- Conduct witness interviews
- Coordinate and manage experts

1996 **USF&G Insurance Company**
Birmingham, Alabama

Special Investigator
- Perform investigations on property and casualty claims
- Conduct scene investigations for origin and cause
- Conduct background investigations
- Conduct courthouse searches
- Coordinate and manage Private Investigators
- Evidence Collection and Preservation

1975 – 1995 **Birmingham Fire & Rescue Service**

- Fire Suppression and Rescue 1975 – 1983
- Fire Lead Worker 1983-1989
- Hazardous Materials Specialist 1983 – 1989
- Lieutenant Fire Investigator 1989 – 1995

EXPERIENCE

1200 + Fire Losses Investigated
1300 + Hours of Formal Training
30 + Training Fire Sites Participation/Coordination
30 + Seminars/Classes Instructed
20 + Years of Experience Fire Service
14 Years Fire Investigations
3 Years Head of Fire Investigations Birmingham Fire & Rescue

FIELDS OF EXPERIENCE

Origin and Cause
Financial Checks
Insurance Fraud
Background Investigations
Court Searches
Interviews and Interrogations
Evidence Collection and Preservation
Motives
Criminal Justice
Juvenile Fire Setters
Code Inspections
Hazardous Materials
Flammable and Combustible Materials
Courtroom Testimony

TRIAL EXPERIENCE

Qualified Expert State and Federal Civil and Criminal

SCHOOL & SEMINARS COORDINATED

State Fire College – Fire Investigations
August 2001
August 2000
August 1999
September 1998
April 1997 and September 1997
April 1996 and September 1996
April 1995 and September 1995
April 1994 and September 1994
April 1994 and September 1993
April 1992

INSTRUCTIONAL EXPERIENCE

August 1999, 2000 & 2001 – Alabama State Fire College, Tuscaloosa, Alabama
Coordination/Instruction of Fire Investigations
48 Hours with Live Burn Situations

September, 1998 – Alabama State Fire College, Tuscaloosa, Alabama
Coordination/Instruction of Fire Investigations
48 Hours with Live Burn Situations

April 1997 & September 1997 – Alabama State Fire College, Tuscaloosa, Alabama
Coordination/Instruction of Fire Investigations
48 Hours each with Live Burn Situations

February 1997 – USF&G Training Academy, Phoenix, Arizona
Instructor of Fire Investigations/Codes
80 Hours with Live Burn Situations

April, 1996 & September 1996 – Alabama State Fire College, Tuscaloosa, Alabama
Coordination/Instruction of Fire Investigations
48 Hours each with Live Burn Situations

April 1995 & September 1995 – Alabama State Fire College, Tuscaloosa, Alabama
Coordination/Instruction of Fire Investigations
40 Hours each with Live Burn Situations

April 1994 & September 1994 – Alabama State Fire College, Tuscaloosa, Alabama
Coordination/Instruction of Fire Investigations
40 Hours each with Live Burn Situations

April 1993 & September 1993 – Alabama State Fire College, Tuscaloosa, Alabama
Coordination/Instruction of Fire Investigations
40 Hours each with Live Burn Situations

April 1992 – Alabama State Fire College, Tuscaloosa, Alabama
Coordination/Instruction of Fire Investigations
40 Hours with Live Burn Situations

January 1992 to April 1992 – Birmingham Fire Academy, Birmingham, Alabama
Instructor of Recruit School
520 Hours

*January 1992 – Birmingham Fire Academy, Birmingham, Alabama
Instructor, Fire Cause and Determination
16 Hours

* September 1992 – Birmingham Fire Academy, Birmingham, Alabama
Instructor, Hazardous Materials Recognition
16 Hours

* January and September 1989-1992
Instructor of each of the subjects twice yearly

EDUCATION

March, 2004 –South Kingstown, Rhode Island
Certificate of Completion – Investigation
24 Hours

September, 2002 – Cody, Wyoming
Certificate of Completion – Vehicle Investigation – Death & Injury
24 Hours

March, 1999 – Orange Beach, Alabama
Certificate of Attendance – Appliance and Electrical Fire Investigations
24 Hours

January, 1996 – USF&G Academy, Phoenix, Arizona
Certificate of Achievement – Special Investigations
80 Hours

May, 1995 – Alabama State Fire College, Tuscaloosa, Alabama
Certificate of Completion – Fire Inspector II
40 Hours

June, 1994 – Alabama State Fire College, Tuscaloosa, Alabama
Certificate of Completion – Fire Inspector I
40 Hours

OCTOBER, 1994 – Alabama State Fire College, Tuscaloosa, Alabama
Certificate of Completion – Firefighter II
40 Hours

August, 1992 – Carrollton, Georgia
Certificate of Attendance – Modern Techniques of Fire Investigations
24 Hours

July, 1992 – FLETC, Glynco, Georgia
Certificate of Completion – Advanced Arson for Profit
Bureau of Alcohol, Tobacco and Firearms
80 Hours

September, 1991 – Alabama State Fire College, Tuscaloosa, Alabama
Certificate of Completion – Fire Arson Investigations
24 Hours

May, 1990 – Alabama State Fire College, Tuscaloosa, Alabama
Certificate of Completion – Advanced Fire Investigations
120 Hours

October, 1989 – Alabama State Fire College, Tuscaloosa, Alabama
Certificate of Completion – Apparatus Operator I
40 Hours

May, 1986 – National Fire Academy, Emmitsburg, Maryland
Certificate of Achievement – Hazardous Materials Response Specialist
80 Hours

EDUCATION, Continued

August, 1985 – National Fire Academy, Emmitsburg, Maryland
Certificate of Achievement – Chemistry of Hazardous Materials
80 Hours

November, 1977 – BREMS, Birmingham, Alabama
Certificate of Completion – EMT-I
120 Hours

January to May, 1975 – Fire Recruit Training, Birmingham, Alabama
Certificate of Completion
520 Hours

1972 – 1973 Jefferson State Junior College, Birmingham, Alabama

1971 – 1972 Walker College, Jasper, Alabama

1971 – Graduated from Minor High School, Birmingham, Alabama

PROFESSIONAL ORGANIZATIONS

Alabama Association of Arson Investigators, Inc.
Member, 1990 through Present
2nd Vice-President 1998
1st Vice-President 1999
President 2000

International Association of Arson Investigators, Inc.
Member 1991 through Present

Alabama Arson Prevention Task Force
Board of Directors 1992 through Present
Chairman of Publicity, 1995 through Present

International Firefighters Association
Member, 1975 through Present

Alabama State Fire College Training Staff
Member, 1992 through Present

SULLIVAN PAPAIN BLOCK MCGRATH & CANNAVO P.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

NATASHA AUSTIN and NICOLE AUSTIN,

-against-

DIAMLERCHRYSLER CORPORATION, WESTBURY JEEP EAGLE, INC., MARIBEL ORTIZ, as intended administratrix of the Estate of JOSE A. SIERRA, deceased, GRACE H. EVANS and LISA N. EVANS,

Defendants.

Index No.
Plaintiff(s) designates

County as the place of trial

The basis of the venue is
Plaintiff, Natasha Austin's residence

00102150

SUMMONS

Plaintiff resides at
339 East 58th Street
New York, New York

County of New York

To the above named Defendant

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: *New York, New York*
February 4, 2000

FILED
FEB 04 2000
COUNTY CLERK'S OFFICE
NEW YORK

SULLIVAN PAPAIN BLOCK
McGRATH & CANNAVO P.C.

By _____
NICHOLAS PAPAIN
Attorney(s) for Plaintiff(s)
Office and Post Office Address
120 Broadway
New York, New York 10271
(212) 732-9000

Defendant's address:

DIAMLERCHRYSLER CORPORATION
Ct. Corp System
111 Eighth Avenue
New York, New York 10011

WESTBURY JEEP EAGLE, INC.
928 Jericho Turnpike
Westbury, New York

MARIBEL ORTIZ
1355 Roanake Avenue
Riverhead, New York 11901

GRACE H. EVANS
156 Wheatley Road
Brookville, New York 11545

LISA N. EVANS
156 Wheatley Road
Brookville, New York 11545

FILED WITH OF THE COURT, NEW YORK COUNTY ON _____

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
----------X

NATASHA AUSTIN and NICOLE AUSTIN,
Plaintiff(s),

-against-

DIAMLERCHRYSLER CORPORATION, WESTBURY JEEP EAGLE, INC. MARIBEL ORTIZ, as intended administratrix of the Estate of JOSE A. SIERRA, deceased, GRACE H. EVANS and LISA N. EVANS,

Defendant(s).
----------X

VERIFIED COMPLAINT

Index No.:

00102150

Plaintiffs, NATASHA AUSTIN and NICOLE AUSTIN, by their attorneys, SULLIVAN PAPAIN BLOCK MCGRATH & CANNAVO, P.C., allege, upon information and belief, and at all times hereinafter mentioned, as follows:

1. Plaintiff, NATASHA AUSTIN, resided and still resides at 339 East 58th Street, New York, New York.

2. Plaintiff, NICOLE AUSTIN, resided and still resides at Cold Spring Road, Laurel Hollow, New York.

3. Defendant, DIAMLERCHRYSLER CORPORATION (hereinafter referred to as "DIAMLERCHRYSLER"), was and still is a duly organized foreign corporation authorized to do business in the State of New York.

4. Defendant, DIAMLERCHRYSLER, regularly does and/or solicits business in the State of New York.

5. Defendant, DIAMLERCHRYSLER, derives substantial revenue from goods used or services rendered in the State of New York.

6. Defendant, DIAMLERCHRYSLER, derives substantial revenue from interstate commerce.

7. Defendant, DIAMLERCHRYSLER, expected or should have reasonably expected its acts to have consequences in the State of New York.

8. Defendant, DIAMLERCHRYSLER, did and still does transact business in the State of New York.

9. Chrysler Corporation (hereinafter referred to as "Chrysler") was a duly organized foreign corporation authorized to do business in the State of New York.

10. Chrysler regularly did and/or solicited business in the State of New York.

11. Chrysler derived substantial revenue from goods used or services rendered in the State of New York.

12. Chrysler derived substantial revenue from interstate commerce.

13. Chrysler expected or should have reasonably expected its acts to have consequences in the State of New York.

14. Chrysler did transact business in the State of New York.

15. Defendant, DIAMLERCHRYSLER, is the successor-in-interest to Chrysler.

16. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, has assumed all the legal obligations and liabilities of Chrysler.

17. Defendant, WESTBURY JEEP EAGLE, INC., was and still is a duly organized domestic corporation existing under and by virtue of the laws of the State of New York.

18. Defendant, WESTBURY JEEP EAGLE, INC., maintained and still maintains a principle place of business at 928 Jericho Turnpike, Westbury, New York.

19. Defendant, GRACE H. EVANS, resided and still resides at 156 Wheatley Road, Brookville, New York 11545.

20. Defendant, LISA N. EVANS, resided and still resides at 156 Wheatley Road, Brookville, New York 11545.

21. JOSE A. SIERRA, deceased, resided at 1355 Roanake Avenue, Riverhead, New York 11901.

22. JOSE A. SIERRA, deceased, died on or about September 2, 1999.

23. Defendant, MARIBEL ORTIZ, has petitioned, or intends to petition, the Surrogate's Court for the County of Suffolk, State of New York, to be appointed the administratrix of the estate of JOSE A. SIERRA, deceased (hereinafter referred to as "DECEDENT").

24. Defendant, MARIBEL ORTIZ, maintained and still maintains a residence in the County of Suffolk, State of New York.

FIRST CAUSE

25. Defendant, DIAMLERCHRYSLER, was and still is in the business of, amongst other things, designing, manufacturing, inspecting, testing, selling and distributing motor vehicles.

26. Chrysler was in the business of, amongst other things, designing, manufacturing, inspecting, testing, selling and distributing motor vehicles.

27. On or about September 1, 1999, defendant, LISA H. EVANS, was the owner of a certain motor vehicle, known as a Jeep Grand Cherokee, model number 1J4GZ58S3VC605721, model year 1997, bearing New York State license plate number P198KG (hereinafter referred to as the "subject Jeep Grand Cherokee").

28. On or about September 1, 1999, defendant, LISA H. EVANS, was the leasee of the subject Jeep Grand Cherokee.

29. Chrysler designed the subject Jeep Grand Cherokee.

30. Chrysler manufactured the subject Jeep Grand Cherokee.

31. Chrysler inspected the subject Jeep Grand Cherokee.

32. Chrysler tested the subject Jeep Grand Cherokee.

33. Chrysler distributed the subject Jeep Grand Cherokee.

34. Chrysler sold the subject Jeep Grand Cherokee.

35. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler Corporation's design of the subject Jeep Grand Cherokee.

36. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler's manufacture of the subject Jeep Grand Cherokee.

37. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler's inspection of, or duty to inspect, the subject Jeep Grand Cherokee.

38. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler's testing of, or duty to test, the subject Jeep Grand Cherokee.

39. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler's distribution of the subject Jeep Grand Cherokee.

40. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler's sale of the subject Jeep Grand Cherokee.

41. Defendant, WESTBURY JEEP EAGLE, INC., was and still is in the business, amongst other things, of selling, leasing, renting, servicing and repairing motor vehicles.

42. Defendant, WESTBURY JEEP EAGLE, INC., sold the subject Jeep Grand Cherokee to defendant LISA N. EVANS.

43. Defendant, WESTBURY JEEP EAGLE, INC., leased the subject Jeep Grand Cherokee to defendant, LISA N. EVANS.

44. Defendant, WESTBURY JEEP EAGLE, INC., serviced the subject Jeep Grand Cherokee.

45. On or about September 1, 1999, defendant, GRACE N. EVANS, was the operator of the subject Jeep Grand Cherokee.

46. Defendant, GRACE H. EVANS, was operating the subject Jeep Grand Cherokee with the knowledge, permission and consent of defendant LISA N. EVANS.

47. On or about September 1, 1999, DECEDENT was the owner and operator of a certain motor vehicle known as a Toyota, model year 1986, bearing New York State license plate no. AE522B (hereinafter referred to as the "Toyota vehicle").

48. Montauk Highway, approximately 1,250 feet east of Newlight Lane, Southampton, New York, was and still is a public roadway.

49. On or about September 1, 1999, at the aforementioned place, plaintiff, NATASHA AUSTIN, was a passenger in the subject Jeep Grand Cherokee.

50. At the aforementioned time and place, the Toyota vehicle, owned and operated by DECEDENT, was in collision with the subject Jeep Grand Cherokee owned by defendant, LISA N. EVANS, and operated by defendant, GRACE H. EVANS.

51. By reason of said collision, a fire ensued causing plaintiff, NATASHA AUSTIN, to suffer devastatingly serious personal injuries.

52. By reason of the foregoing, plaintiff, NATASHA AUSTIN, has sustained a serious injury as defined by Section 5102(d) of the Insurance Law of the State of New York and economic

loss greater than basic economic loss as defined by Section 5102(a) of the Insurance Law of the State of New York.

53. Said occurrence and resulting serious injuries to plaintiff, NATASHA AUSTIN, were caused by reason of the negligence, carelessness and recklessness of Chrysler, DECEDENT, defendants, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler Corporation, WESTBURY JEEP EAGLE, INC., GRACE H. EVANS and LISA N. EVANS.

54. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is legally responsible and liable to plaintiff, NATASHA AUSTIN, for Chrysler's negligence, carelessness and recklessness and the resulting serious injuries sustained by plaintiff, NATASHA AUSTIN.

55. Any joint and several liability of the defendants, DIAMLERCHRYSLER, WESTBURY JEEP EAGLE, INC., MARIBEL ORTIZ, as intended administratrix of the Estate of JOSE A. SIERRA, deceased, GRACE H. EVANS and LISA N. EVANS, is not limited by CPLR § 1601 by reason of the exemptions and/or exceptions set forth in Article 16 of the CPLR.

56. By reason of the foregoing, plaintiff, NATASHA AUSTIN, has been damaged in the sum of TWENTY MILLION ($20,000,000.00) DOLLARS.

SECOND CAUSE

57. Plaintiff, NATASHA NICOLE, realleges, repeats and reiterates each and every allegation set forth above with the same force and effect as if fully set forth below at length.

58. Chrysler, in connection with its business and activities aforementioned, warranted and represented, expressly and impliedly, that the subject Jeep Grand Cherokee was safe and proper for the purposes for which it was intended to be used.

59. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, in connection with its business and activities aforementioned, warranted and represented, expressly and impliedly, that the subject Jeep Grand Cherokee was safe and proper for the purposes for which it was intended to be used.

60. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is legally responsible and liable to plaintiff, NATASHA AUSTIN, for the express and implied warranties and representations made by Chrysler, that the subject Jeep Grand Cherokee was safe and proper for the purposes for which it was intended to be used.

61. Defendant, WESTBURY JEEP EAGLE, INC., in connection with its business and activities aforementioned, warranted and represented, expressly and impliedly, that the subject Jeep Grand Cherokee was safe and proper for the purposes for which it was intended to be used.

62. Plaintiff, NATASHA AUSTIN, relied upon the skill and judgment of Chrysler.

63. Plaintiff, NATASHA AUSTIN, relied upon the skill and judgment of defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler.

64. Plaintiff, NATASHA AUSTIN, relied upon the skill and judgment of defendant, WESTBURY JEEP EAGLE, INC.

65. Plaintiff, NATASHA AUSTIN, relied upon all representations and warranties made by Chrysler.

66. Plaintiff, NATASHA AUSTIN, relied upon all representations and warranties made by defendant DIAMLERCHRYSLER, as the successor-in-interest to Chrysler.

67. Plaintiff, NATASHA AUSTIN, relied upon all representations and warranties made by defendant, WESTBURY JEEP EAGLE, INC.

68. All the aforementioned representations were false, misleading and inaccurate in that the subject Jeep Grand Cherokee was unsafe, unsound, unreasonably dangerous, hazardous and not reasonably safe for its intended use.

69. The aforesaid occurrence and resulting serious injuries to plaintiff, NATASHA AUSTIN, were caused by the breach of express warranties by Chrysler.

70. The aforesaid occurrence and resulting serious injuries to plaintiff, NATASHA AUSTIN, were caused by the breach of express warranties by defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler.

71. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is legally responsible and liable to plaintiff, NATASHA AUSTIN, for said breach of express warranties and the resulting serious injuries sustained by plaintiff, NATASHA AUSTIN.

72. The aforesaid occurrence and resulting serious injuries to plaintiff, NATASHA AUSTIN, were caused by the breach of express warranties by defendant WESTBURY JEEP EAGLE, INC.

73. Any joint and several liability of defendants, DIAMLERCHRYSLER and WESTBURY JEEP EAGLE, INC., is not limited by CPLR § 1601 by reason of the exemptions and/or exceptions set forth in Article 16 of the CPLR.

74. By reason of the foregoing, plaintiff NATASHA AUSTIN has been damaged in the sum of TWENTY MILLION ($20,000,000.00) DOLLARS.

THIRD CAUSE

75. Plaintiff, NATASHA AUSTIN, realleges, repeats and reiterates each and every allegation set forth above with the same force and effect as if fully set forth below at length.

76. Chrysler and defendant, WESTBURY JEEP EAGLE, INC., were in breach of their implied warranties.

77. Defendant DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, was in breach of its implied warranties.

78. The aforesaid occurrence and resulting serious injuries to plaintiff, NATASHA AUSTIN, were caused by the breach of implied warranties by Chrysler and defendant, WESTBURY JEEP EAGLE, INC.

79. The aforesaid occurrence and resulting serious injuries to plaintiff, NATASHA AUSTIN, were caused by the breach of implied warranties by defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler.

80. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is legally responsible and liable to plaintiff, NATASHA AUSTIN, for said breach of implied warranties by Chrysler and the resulting serious injuries sustained by plaintiff, NATASHA AUSTIN.

81. Any joint and several liability of defendants, DIAMLERCHRYSLER and WESTBURY JEEP EAGLE, INC., are not limited by CPLR § 1601 by reason of the exemptions and/or exceptions set forth in Article 16 of the CPLR.

82. By reason of the foregoing, plaintiff, NATASHA AUSTIN, has been damaged in the sum of TWENTY MILLION ($20,000,000.00) DOLLARS.

FOURTH CAUSE

83. Plaintiff, NATASHA AUSTIN, realleges, repeats and reiterates each and every allegation set forth above with the same force and effect as if fully set forth below at length.

84. At the time of its design, manufacture, distribution and sale, the subject Jeep Grand Cherokee was in a defective, hazardous and unreasonably dangerous condition.

85. The defects complained of in the subject Jeep Grand Cherokee were substantial contributing factors in causing the aforesaid occurrence and resulting serious injuries sustained by plaintiff, NATASHA AUSTIN.

86. The defendant, DIAMLERCHRYSLER, has become strictly liable in tort for the design, manufacture, testing, inspection, distribution and/or sale of a defective product, the subject Jeep

Grand Cherokee, which defects caused the aforesaid occurrence and resulting serious injuries sustained by plaintiff, NATASHA AUSTIN.

87. The defendant DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, has become strictly liable in tort for Chrysler's design, manufacture, testing, inspection, distribution and/or sale of a defective product, the subject Jeep Grand Cherokee, which defects caused the aforesaid occurrence and resulting serious injuries sustained by plaintiff, NATASHA AUSTIN.

88. The defendant, WESTBURY JEEP EAGLE, INC., has become strictly liable in tort for the distribution, sale and/or leasing of a defective product, the subject Jeep Grand Cherokee, which defects caused the aforesaid occurrence and resulting serious injuries sustained by plaintiff, NATASHA AUSTIN.

89. Any joint and several liability of defendants, DIAMLERCHRYSLER and WESTBURY JEEP EAGLE, INC., is not limited by CPLR § 1601 by reason of the exemptions and/or exceptions set forth in Article 16 of the CPLR.

90. By reason of the foregoing, plaintiff, NATASHA AUSTIN, has been damaged in the sum of TWENTY MILLION ($20,000,000.00) DOLLARS.

FIFTH CAUSE

91. Plaintiff, NICOLE AUSTIN, realleges, repeats and reiterates each and every allegation set forth above with the same force and effect as if fully set forth below at length.

92. At the aforementioned time and place, plaintiff, NICOLE AUSTIN, was a passenger in the subject Jeep Grand Cherokee.

93. By reason of said collision and the fire that ensued, plaintiff, NICOLE AUSTIN, suffered devastatingly serious personal injuries.

94. By reason of the foregoing, plaintiff, NICOLE AUSTIN, has sustained a serious injury as defined by Section 5102(d) of the Insurance Law of the State of New York and/or economic loss greater than basic economic loss as defined by Section 5102(a) of the Insurance Law of the State of New York.

95. Said occurrence and resulting serious injuries to plaintiff, NICOLE AUSTIN, were caused by reason of the negligence, carelessness and recklessness of Chrysler, DECEDENT, defendants, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, WESTBURY JEEP EAGLE, INC., GRACE H. EVANS and LISA N. EVANS.

96. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is legally responsible and liable to plaintiff, NICOLE AUSTIN, for Chrysler's negligence, carelessness and recklessness and the resulting serious injuries sustained by plaintiff, NICOLE AUSTIN.

97. Any joint and several liability of the defendants, DIAMLERCHRYSLER, WESTBURY JEEP EAGLE, INC., MARIBEL ORTIZ, as intended administratrix of the Estate of JOSE A. SIERRA, deceased, GRACE H. EVANS and LISA N. EVANS is not limited by CPLR § 1601 by reason of the exemptions and/or exceptions set forth in Article 16 of the CPLR.

98. By reason of the foregoing, plaintiff, NICOLE AUSTIN, has been damaged in the sum of FIVE MILLION ($5,000,000.00) DOLLARS.

SIXTH CAUSE

99. Plaintiff, NICOLE AUSTIN, realleges, repeats and reiterates each and every allegation set forth above with the same force and effect as if fully set forth below at length.

100. Chrysler, in connection with its business and activities aforementioned, warranted and represented, expressly and impliedly, that the subject Jeep Grand Cherokee was safe and proper for the purposes for which it was intended to be used.

101. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, in connection with its business and activities aforementioned, warranted and represented, expressly and impliedly, that the subject Jeep Grand Cherokee was safe and proper for the purposes for which it was intended to be used.

102. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is legally responsible and liable to plaintiff, NICOLE AUSTIN, for the express and implied warranties and representations made by Chrysler, that the subject Jeep Grand Cherokee was safe and proper for the purposes for which it was intended to be used.

103. Defendant, WESTBURY JEEP EAGLE, INC., in connection with its business and activities aforementioned, warranted and represented, expressly and impliedly, that the subject Jeep Grand

Cherokee was safe and proper for the purposes for which it was intended to be used.

104. Plaintiff, NICOLE AUSTIN, relied upon the skill and judgment of Chrysler.

105. Plaintiff NICOLE AUSTIN relied upon the skill and judgment of defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler.

106. Plaintiff, NICOLE AUSTIN, relied upon the skill and judgment of defendant, WESTBURY JEEP EAGLE, INC.

107. Plaintiff, NICOLE AUSTIN, relied upon all representations and warranties made by Chrysler.

108. Plaintiff, NICOLE AUSTIN, relied upon all representations and warranties made by defendant DIAMLERCHRYSLER, as the successor-in-interest to Chrysler.

109. Plaintiff NICOLE AUSTIN, relied upon all representations and warranties made by defendant, WESTBURY JEEP EAGLE, INC.

110. All the aforementioned representations were false, misleading and inaccurate in that the subject Jeep Grand Cherokee was unsafe, unsound, unreasonably dangerous, hazardous and not reasonably safe for its intended use.

111. The aforesaid occurrence and resulting serious injuries to plaintiff, NICOLE AUSTIN, were caused by the breach of express warranties by Chrysler.

112. The aforesaid occurrence and resulting serious injuries to plaintiff, NICOLE AUSTIN, were caused by the breach of

express warranties by defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler.

113. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is legally responsible and liable to plaintiff, NATASHA AUSTIN, for Chrysler's breach of express warranties and the resulting serious injuries sustained by plaintiff, NICOLE AUSTIN.

114. The aforesaid occurrence and resulting serious injuries to plaintiff, NICOLE AUSTIN, were caused by the breach of express warranties by defendant WESTBURY JEEP EAGLE, INC.

115. Any joint and several liability of defendants, DIAMLERCHRYSLER and WESTBURY JEEP EAGLE, INC., is not limited by CPLR § 1601 by reason of the exemptions and/or exceptions set forth in Article 16 of the CPLR.

116. By reason of the foregoing, plaintiff, NICOLE AUSTIN, has been damaged in the sum of FIVE MILLION ($5,000,000.00) DOLLARS.

SEVENTH CAUSE

117. Plaintiff, NICOLE AUSTIN, realleges, repeats and reiterates each and every allegation set forth above with the same force and effect as if fully set forth below at length.

118. Chrysler and defendant, WESTBURY JEEP EAGLE, INC., were in breach of their implied warranties.

119. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, was in breach of its implied warranties.

120. The aforesaid occurrence and resulting serious injuries to plaintiff, NICOLE AUSTIN, were caused by the breach of implied warranties by Chrysler and defendant, WESTBURY JEEP EAGLE, INC.

121. The aforesaid occurrence and resulting serious injuries to plaintiff, NICOLE AUSTIN, were caused by the breach of implied warranties by defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler.

122. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is legally responsible and liable to plaintiff, NICOLE AUSTIN, for Chrysler's breach of implied warranties and the resulting serious injuries sustained by plaintiff, NICOLE AUSTIN.

123. Any joint and several liability of defendants, DIAMLERCHRYSLER and WESTBURY JEEP EAGLE, INC., are not limited by CPLR § 1601 by reason of the exemptions and/or exceptions set forth in Article 16 of the CPLR.

124. By reason of the foregoing, plaintiff, NICOLE AUSTIN, has been damaged in the sum of FIVE MILLION ($5,000,000.00) DOLLARS.

EIGHTH CAUSE

125. Plaintiff, NICOLE AUSTIN, realleges, repeats and reiterates each and every allegation set forth above with the same force and effect as if fully set forth below at length.

126. At the time of its design, manufacture, distribution and sale, the subject Jeep Grand Cherokee was in a defective, hazardous and unreasonably dangerous condition.

127. The defects complained of in the subject Jeep Grand Cherokee were substantial contributing factors in causing the aforesaid occurrence and resulting serious injuries sustained by plaintiff, NICOLE AUSTIN.

128. The defendant, DIAMLERCHRYSLER, has become strictly liable in tort for the design, manufacture, testing, inspection, distribution and/or sale of a defective product, the subject Jeep Grand Cherokee, which defects caused the aforesaid occurrence and resulting serious injuries sustained by plaintiff, NICOLE AUSTIN.

129. The defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, has become strictly liable in tort for Chrysler's design, manufacture, testing, inspection, distribution and/or sale of a defective product, the subject Jeep Grand Cherokee, which defects caused the aforesaid occurrence and resulting serious injuries sustained by plaintiff NICOLE AUSTIN.

130. The defendant, WESTBURY JEEP EAGLE, INC., has become strictly liable in tort for the distribution, sale and/or leasing of a defective product, the subject Jeep Grand Cherokee,

which defects caused the aforesaid occurrence and resulting serious injuries sustained by plaintiff, NICOLE AUSTIN.

131. Any joint and several liability of defendants, DIAMLERCHRYSLER and WESTBURY JEEP EAGLE, INC., is not limited by CPLR § 1601 by reason of the exemptions and/or exceptions set forth in Article 16 of the CPLR.

132. By reason of the foregoing, plaintiff, NICOLE AUSTIN, has been damaged in the sum of FIVE MILLION ($5,000,000.00) DOLLARS.

WHEREFORE, plaintiffs, NATASHA AUSTIN and NICOLE AUSTIN, demand judgment against the defendants, DIAMLERCHRYSLER, WESTBURY JEEP EAGLE, INC., MARIBEL ORTIZ, as intended administratrix of the Estate of JOSE A. SIERRA, deceased, GRACE H. EVANS and LISA N. EVANS on the various causes of action as follows:

FIRST CAUSE - TWENTY MILLION ($20,000,000.00) DOLLARS
SECOND CAUSE - TWENTY MILLION ($20,000,000.00) DOLLARS
THIRD CAUSE - TWENTY MILLION ($20,000,000.00) DOLLARS
FOURTH CAUSE - TWENTY MILLION ($20,000,000.00) DOLLARS
FIFTH CAUSE - FIVE MILLION ($5,000,000.00) DOLLARS
SIXTH CAUSE - FIVE MILLION ($5,000,000.00) DOLLARS
SEVENTH CAUSE - FIVE MILLION ($5,000,000.00) DOLLARS
EIGHTH CAUSE - FIVE MILLION ($5,000,000.00) DOLLARS

plus the costs and disbursements of this action.

Dated: New York, New York
February 4, 2000

Yours, etc.

SULLIVAN PAPAIN BLOCK
MCGRATH & CANNAVO, P.C.

By: Nicholas Papain
Attorneys for Plaintiffs
120 Broadway
New York, New York, 10271
(212) 732-9000

VERIFICATION

NICHOLAS PAPAIN, an attorney at law, duly admitted to practice in the Courts of this State, affirms the following under the penalties of perjury:

He is a member of the firm of SULLIVAN PAPAIN BLOCK MCGRATH & CANNAVO, P.C., attorneys for the plaintiffs in the above action. That he has read the foregoing

COMPLAINT

and knows the contents thereof, and upon information and belief, deponent believes the matters alleged therein to be true.

The source of deponent's information and the grounds of his belief are communications, papers, reports and investigations contained in the file.

Dated: New York, New York
February 4, 2000

NICHOLAS PAPAIN

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

----------X

NATASHA AUSTIN and NICOLE AUSTIN,

Plaintiff(s),

-against-

DAIMLERCHRYSLER CORPORATION, WESTBURY JEEP EAGLE, INC., MARIBEL ORTIZ, as Administratrix of the Estate of JOSE A. SIERRA, deceased, GRACE H. EVANS and LISA N. EVANS,

Defendant(s).

----------X

PLAINTIFF'S CPLR 3101 (d) EXPERT EXCHANGE

Index No.10338/01

S I R S:

Plaintiffs, as and for their 3101 (d) expert exchange state and allege the following:

1. Plaintiffs have retained Richard S. Hermance, as an expert in the field of motor vehicle accident reconstruction. A copy of his resume is annexed hereto.

2. Subject matter of testimony: He will testify as to the nature of this rear-end under-ride collision that occurred between the Sierra MR2 and the Grace Chrysler Grand Cherokee vehicles and which is the subject his lawsuit, including, but not limited to, the points and angle of the impact, closing speed of the Sierra vehicle and the resultant Delta V (change in velocity) of the Grace Vehicle.

3. Substance of facts and opinions: It is expected that he will testify that the front of the Sierra vehicle under-rode the rear of the Grace vehicle; that at the time of its impact with the Grace

vehicle the closing speed of the Sierra vehicle was about 30 to 35 MPH and that the resultant Delta V (change in velocity) experienced by the Grace vehicle was about 12 to 15 MPH.

4. Summary of grounds for opinion: He will testify based on his professional training and experience, his examination of the scene of the occurrence, his examination of scene photographs taken by the investigating agency, his examination of the survey of the scene, a review of the weather conditions, his inspection of the vehicles involved in this occurrence which includes numerous photographs taken, and his analysis of the physical damage to the respective vehicles, review of the discovery documents exchanged in this action as well as the police reports and the deposition testimony taken to date, and, 35 mph frontal barrier crash test material, including photos, for the MR2 .

Dated: New York, New York
January 12, 2006

Yours, etc.,

SULLIVAN PAPAIN BLOCK
MCGRATH & CANNAVO P.C.

By: _____
FRANK V. FLORIANI
Attorneys for Plaintiff(s)
120 Broadway
New York, New York 10271
(212) 732-9000

TO:

Herzfeld & Rubin, P.C.
Attorneys for Defendants
Diamlerchrysler Corporation and
Westbury Jeep Eagle
40 Wall Street
New York, NY 10005-2349

William Dinkes, Esq.
Dinkes & Schwitzer

Attorneys for Plaintiff Maribel Ortiz
112 Madison Avenue
New York, NY 10016

Michael T. Colavecchio, Esq.
Lewis, Johs, Avallone, Aviles & Kaufman
Attorneys for Defendant Maribel Ortiz
425 Broad Hollow Road
Melville, NY 11747

Michael Glass, Esq.
1355 Motor Parkway
Hauppauge, NY 11749

PROFESSIONAL RESUME

OF

RICHARD S. HERMANCE

ACCREDITED ACCIDENT RECONSTRUCTION EXPERT

Collision Research Ltd.

www.collisionresearchltd.com

P.O. Box 281
Tillson, New York 12486
Phone: 845-658-9042
Fax: 845-658-8246

"ACCIDENT RECONSTRUCTION AND CAUSE ANALYSIS"

Mr. Hermance has extensive experience in the field of scientific automobile accident reconstruction and cause analysis. Mr. Hermance has testified as an expert in his field on many occasions in the high courts for both the prosecution and defense in criminal matters as well as civil litigation. Mr. Hermance was one of the first 19 accident reconstruction experts in the nation to successfully complete the professional exam for accident reconstruction and become accredited and certified as an accident reconstruction expert by the National Accreditation Commission for Traffic Accident Reconstruction. Mr. Hermance has been featured on television and radio shows for his knowledge of the events surrounding motor vehicle accidents. In addition, Mr. Hermance has been a guest speaker at seminars and dinners sponsored by the legal profession, law enforcement agencies, and insurance claims professions. Mr. Hermance frequently performs research and technical testing of equipment and methods related to the profession of automobile accident reconstruction. Mr. Hermance has also taught for the University of North Florida in the field of scientific automobile accident reconstruction. He has performed accident reconstruction and analysis for a wide variety of clients, including but not limited to the following:

-United States Department of Justice
-Federal Bureau of Investigation
-United States Department of the Interior
-New York State Police
-U.S. Parks Service, Yellowstone National Park, WY
-New York State Attorney General's Office
-New York City Metropolitan Transit Authority
-New Jersey Transit Corporation
-New Jersey State Attorney General's Office
-NYS Office of Parks, Recreation, & Historic Preservation
-Metro-North Transit Corporation
-Unites States Air Force
-Legal Division, State of Alaska
-AMTRAK Corporation
-Agway Energy Products, Inc.
-Yamaha Motor Corporation
-Laidlaw Transit Company
-Ontario Provincial Police Department
-Paraco Gas Company, Inc.
-Niagara Mohawk Power Corporation
-Sante Fe Railroad
-John Deere Corporation, Milwaukee, WI
-Jefferson County Department of Risk Management
-Erie County Department of Law
-New York State Thruway Authority
-New York State Police Forensic Laboratory
-Arctic Cat Corporation
-Scott County Snow Seekers Snowmobile Corp.
-Burlington Northern Railroad Corp.
-District Attorney's Office, County of Orange, NY
-District Attorney's Office, County of Dutchess, NY
-District Attorney's Office, County of Ulster, NY
-District Attorney's Office, County of Monroe, NY
-District Attorney's Office, County of Hamilton, NY
-District Attorney's Office, County of Queens, NY
-District Attorney's Office, City of Philadelphia, PA
-District Attorney's Office, County of Plumas, CA
-Florida State Prosecutor's Office
-Rhode Island Transit Authority
-Wisconsin Department of Natural Resources
-Wisconsin Attorney General's Office
-Texaco Oil Company
-International Engineering & Manufacturing, Inc.
-J. B. Hunt Transport, Inc.
-Amoco Oil Corporation
-Airborne Freight Corporation
-Peter Pan Bus Lines
-Federal Express
-United Parcel Service
-NYNEX / Verizon
-Anheuser-Busch, Inc.
-ABC Eyewitness News
-Long Island Lighting Company, LILCO
-Family Court, County of Orange, New York
-Medical Examiner's Office, County of Ulster, NY
-Budget Rent-a-Car
-Avis Car Rentals
-TRUCK I Transport, Co.
-Delaware Department of Justice
-Central Hudson Gas & Electric Corporation
-Other Accident Reconstruction Firms
-Numerous Personal Injury Law Firms
-Numerous Defense Law Firms
-Numerous General Practice Law Firms
-Many Insurance Claims Offices
-Many Municipal Police Departments

EDUCATIONAL ACHIEVEMENTS

- Certified and accredited as an expert in Traffic Accident Reconstruction by the National Accreditation Commission for Traffic Accident Reconstruction. (Accreditation #54 - May 1992)
- Former Instructor, Traffic Dept., Institute of Police Technology and Management, University of North Florida
- Graduate, Traffic Accident Reconstruction Program, Institute of Police Technology and Management, University of North Florida (1987)
- Graduate, Computer Simulated Accident Reconstruction, The Traffic Institute, NW University (1988)
- Graduate, Injury and Crash Biomechanics, Texas A & M University (1994)
- Graduate, Motorcycle Accident Reconstruction and Investigation, Institute of Police Management, University of North Florida (1988)
- Graduate, Commercial Vehicle Accident Reconstruction and Investigation, Institute of Police Technology and Management, University of North Florida (1988)
- Graduate, Seat Belt and Child Restraint Injury Reconstruction, Institute of Police Technology and Management, University of North Florida (1987)
- Graduate, Pedestrian/Bicycle Accident Reconstruction Program, Texas A & M University (1993)
- Certificate of Training, Commercial Vehicle Collision Reconstruction; NATARI, NAPARS, NYSTARS (1999)
- Certificate of Training, Advanced Accident Investigation and Reconstruction, Crash Testing and Speed from Crush; NATARI, NAPARS, MATAI, NJAAR (1996)
- Associate's Degree, Engineering Technology, Ulster County Community College, New York (1981)
- Associate's Degree, Criminal Justice, Ulster County Community College, New York (1975)
- Technical Advisor & Design of Technical Portions of New York State's Adult Snowmobile Education Program in Conjunction with the NYS Department of Parks, Recreation & Historical Preservation
- Certified Snowmobile Safety Instructor, State of New York
- Certified Fire Truck Driver, Tillson Fire Department, Tillson, New York
- Certified Fire Pump Operator, Tillson Fire Department, Tillson, New York

PROFESSIONAL ORGANIZATIONS

- Member, International Association of Accident Reconstruction Specialists
- Member, National Forensic Center
- Member, National Association of Traffic Accident Reconstructionists and Investigators
- Past Member, Board of Directors, National Assoc. of Traffic Accident Reconstructionists & Investigators
- Committee Member, Research/Testing and Evaluation Committee, National Assoc. of Traffic Accident Reconstructionists and Investigators
- Committee Member, Ethics, National Association of Traffic Accident Reconstructionists & Investigators
- Board Certified Forensic Examiner, The American Board of Forensic Examiners
- "Diplomate", The American Board of Forensic Examiners
- "Fellow of the College", The American Board of Forensic Examiners
- Member, National Association of Professional Accident Reconstructionists
- Member, New York Statewide Traffic Accident Reconstruction Society Inc.
- Member, Maryland Association of Accident Reconstructionists
- Member, American Society of Law Enforcement Trainers
- Member, Society of Automotive Engineers
- Member, Institute of Electrical and Electronic Engineers
- Member, New York State Snowmobile Association

PROFESSIONAL EXPERIENCE

- Reconstructed over 2,500 motor vehicle accidents.
- Consultant as an Accident Reconstruction Expert for over fifteen years.
- Given expert testimony in many grand jury inquiries as a private consultant in scientific automobile accident reconstruction and analysis nationwide.
- Given expert testimony for the prosecution and defense in both criminal and civil matters.
- Given expert testimony at trial in the areas of snowmobile safety and snowmobile accident reconstruction, before Judge McCartney, Thunder Bay, Ontario, Canada
- For both criminal and civil matters, has been retained by counsel for both prosecution and defense who shared equally in the payment of our fee and accepted our technical report and expertise.
- Has designed and implemented several software systems dealing with the mechanics of vehicle collisions and other technical aspects of motor vehicle accident reconstruction.
- Has previous law enforcement training and experience as an investigator in charge of many fatal and serious injury motor vehicle accident investigations.
- Retired Police Officer, Town of Rosendale Police Department, Rosendale, New York. (1973-1983)
- Has performed diversified realistic testing of friction coefficient and deceleration properties associated with all types of vehicles including passenger cars, tractor trailers, snowmobiles, motorcycles, motor homes, three and four wheeled ATVs, recreational camping trailers, etc.
- Consultant to the State of New York Office of Parks, Recreation & Historical Preservation on the design and preparation of "The New York State Trail Design Manual".
- Has experience with aerial photography and application to photogrammetry.
- Has designed and implemented numerous computerized court room demonstrative devices.

PROFESSIONAL DEVELOPMENT

- Guest Speaker, "Stayin' Alive", A Snowmobile Safety and Personal Risk management Summit, Guest Lecturer on Snowmobile Accident Reconstruction and Trail Design, presented to the Ontario Federation of Snowmobile Clubs, Barre, Ontario (April 12th, 2002)
- Guest Lecturer, "Unique Issues In Traffic Accident Reconstruction", Suffolk Academy of Law, Plaintiff's & Defendant's Negligence Committees Joint Meeting, Hauppauge, NY (May 16th, 2001)
- Guest Lecturer, "Snowmobile Accident Reconstruction & Safety", New York State Department of Environmental Conservation Training Academy/New York State Park Police (February 2001)
- Guest Lecturer, "Integration of Accident Reconstruction & Biomechanics", New York State Attorney General's Office, New York, NY (January 18, 2001)
- Guest Lecturer, "Snowmobile Accident Reconstruction & Safety", New York State Snowmobile Association Inc., Spring Forum, Rome, NY (April 17, 1999)
- Guest Lecturer, "Trial of Damages-Mock Trial", Suffolk Academy of Law, Suffolk County Bar Association's Trial Advocacy Program, Hauppauge, NY (October 1998)
- Guest Lecturer, "Accident Reconstruction Related to Seat Belt and Occupant Motion Cases". American Association of Judges, Spring Educational Seminar, Atlantic City, New Jersey (March 1997)
- Guest Speaker, "Traction Products in Snowmobile Safety", Minnesota Snowmobile Advisory Council, White Bear Lake, Minnesota. (April 1997)
- Guest Speaker, "The Expert Witness: How to Choose & Use Them", Subject; "Using an Accident Reconstruction Expert", The Nassau Academy of Law, Mineola, New York. (October 1997)
- Guest Speaker, "Academy of Law Negligence Seminar-Mock Trial", Subject; "Trial of an auto accident case involving the need for the use of an Accident Reconstruction Expert and the presentation of a seat belt defense", The Suffolk Academy of Law, Smithtown, New York. (October 1997)
- Guest Speaker, "Snowmobile Accident Reconstruction", New York State Association of Independent Adjusters, Inc., Fall Seminar, Poughkeepsie, New York. (November 1997)
- Guest Lecturer, "Snowmobile Accident Reconstruction", Ontario Provincial Police Snowmobile Law Enforcement Seminar, Sudbury, Ontario, Canada. (Fall 1997)
- Guest Speaker, "Seat Belts & Restraint Systems", Defendants Round Table, Mineola, NY (June 1996)

- Guest Speaker, "Making the most of the Accident Reconstruction Expert". American Trial Lawyers Association, Motor Vehicle Section Seminar. Sheridan Towers, Boston, MA (July 1996)
- Guest Speaker, "Seat Belts & Restraint Systems", Plaintiff's and Defendant's Counsel Committees on Insurance, Negligence & Compensation of the Suffolk Co. Bar Assoc., Hauppauge, NY (November 1996)
- Guest Lecturer, "Understanding & Analyzing Crash Delta-V". Annual Technical Educational Seminar, National Association of Traffic Accident Reconstructionists and Investigators, Lancaster, PA (1995)
- Guest Lecturer, Accident Reconstruction Seminar, Budget Rent-A-Car, Boston, MA (May, 1994)
- Guest Speaker, "Snowmobile Accident Reconstruction, Trail Design, Risk Management & Safety", International Association of Snowmobile Administrators Congress, Prince Edward Island, Canada (1994)
- Guest Speaker, "Putting Safety On Track", Snowmobile Safety & Trail Infrastructure, Ontario Snowmobile Safety Committee, Markham, Toronto, Canada (1994)
- Guest Lecturer, "New Jersey Special Investigations Association" Seminar on "Insurance Fraud". Topic: Accident Reconstruction and Damage Analysis (1993)
- Guest Lecturer, "Motor Vehicle Collisions: Analysis in Reconstruction". New York Society of Forensic Sciences, Lehman College, Bedford Park Blvd. West, Bronx, New York (1994)
- Guest Lecturer, Accident Reconstruction Seminar, NJ Manufacturers Insurance Company, Trenton, New Jersey (Nov., 1990)
- Guest Lecturer, "The Nuts, Bolts, and Law of the Seat Belt Defense", New York Trial Lawyers' Institute, Manhattan, New York (April, 1990)
- Accident Reconstruction and Analysis Training Seminar, National Association of Traffic Accident Reconstructionists and Investigators, King of Prussia, Pennsylvania (1987)
- Special Problems in Reconstruction of Light Rail and Commercial Vehicle Cases, Maryland Association of Accident Reconstruction Specialists, Ocean City, Maryland (1988)
- Professional Accident Reconstruction Training Seminar, National Association of Traffic Accident Reconstructionists and Investigators, Atlantic City, New Jersey (1988)
- Guest Speaker, "Anatomy of a Trial", Bard College, Annandale-on-Hudson, New York (1988)
- Guest Speaker, Insurance Claims Association Monthly Dinner, Poughkeepsie, NY (1988)
- Society of Automotive Engineers Technical Seminar: Comparison Studies Between Skid and Yaw Marks, Effects of Change in Angular Velocity of a Vehicle on the Change in Velocity Experienced by Occupants within the Vehicle. Detroit, MI (1989)
- Society of Automotive Engineers Technical Seminar: Application and Misapplication of Computer Programs for Accident Reconstruction, Three Dimensional Computerized Photogrammetry and its Application to Accident Reconstruction, Further Validation of EDCRASH using the RICSAC Staged Collisions, the Comparison of NHSTA Crash Date with CRASH3 Stiffness Coefficients, SMAC-88, Comparison of the IMPAC Collision Algorithm with Reference Cases. Detroit, MI (1989)
- SAE Technical Seminar: Video Animation in Understanding Vehicle Dynamics, Vehicle Collision Animation Employing Computer Graphics, Response of Halogen Light Filaments in Collision, Dynamics of Rollover Accidents, Elements of Seat Belt Technology and Performance, Investigation, Analysis, and Reconstruction of Railroad Crossing Accidents. Detroit, Michigan (1989)
- Society of Automotive Engineers Technical Seminar: Nighttime Photography, Driver Perception and Response Time, Motorcycle and Semi-Truck Accident Reconstruction, Avoidability Analysis, Steeping Situations, Measurement of Vehicle Damage Profile, Relationship of Vehicle Deceleration to Coefficient of Friction, Comparison of Single Image Photogrammetry Methods. Detroit, Michigan (1989)
- Advanced courses in Engineering, Mathematics, Physics, Chemistry, Software Design, and Graphics
- CRASH3 Accident Reconstruction Software
- EDVAP Series of Accident Reconstruction Software, Single & Articulated Vehicle Trajectory Simulation
- Fotogram Photogrammetry, General Motors Corporation
- Occupant Trajectory, Crash Kinematics and Injury Simulation
- Reconstruction of Human Structural Damage Resultant of Collisions Involving Occupant Interaction with the Interior and Exterior of Vehicles in Conjunction with Forensic Pathological Analysis
- Critical Speed Analysis and Dynamics of Vehicles Rounding Curves
- Driver Perception/Reaction Time, Human Factors and Nighttime Visibility Issues
- Impact Conditions-their Relationship to Physical Laws of Linear Momentum-Kinetic Energy Dissipation
- Impact Forces in Centric, Parallel, and Collinear Collisions
- Analysis of Weight Shift and its Effects on Large Commercial Vehicle Deceleration Handling
- Video Reconstruction and Animation
- Crush Deformation and Structural Analysis
- Deceleration and Dynamics Testing of Three and Four Wheeled ATV's and Snowmobiles

PUBLICATIONS

- "Presenting Energy Dissipation Analysis in the Court Room Environment" Accident Reconstruction Journal, September/October 1990.

- "Snowmobile Accident Reconstruction - A Technical and Legal Guide" published by Lawyers & Judges Publishing Company, September 1995

PE10-031-Chrysler-000374

PE10-031 Chrysler-000175

PE10-031-Chrysler-000376

PE10-031-Chrysler-000377

Page 1 of 1 Pages

New York State Department of Motor Vehicles

SUFF POLICE ACCIDENT REPORT

MV-104A(7/96)

DMV USE

Case No.: 99-23847

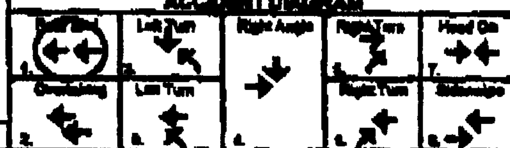
Accident Date	Day of Week	Time	No. of Vehicles	No. Injured	No. Killed	Non Highway	Not Investigated	Left Scene	Police Photos
08/01/1999	WE	16:43	2	4	1		Accident Reconstruction [X]		[X] Yes [ ] No

[X] VEHICLE 1 | [X] VEHICLE 2 [ ] BICYCLIST [ ] PEDESTRIAN

	Vehicle 1	Vehicle 2
Driver name / address	[redacted]	[redacted]
City or Town / State / Zip	BROOKVILLE, NY [redacted]	RIVERHEAD, NY [redacted]
Date of Birth	[redacted]	[redacted]
Sex	F	M
No. of Occup.	3	2
State of Lic.	NY	NY
Owner name / address	[redacted]	[redacted]
Owner Date of Birth	01/27/1949	
City or Town / State / Zip	GLENHEAD, NY [redacted]	RIVERHEAD, NY [redacted]
Plate Number	[redacted]	[redacted]
State of Reg.	NY	NY
Vehicle Year & Make	1997 JEEP	1986 TOYOT
Vehicle Type	SUBN	2DS
Ins. Code	155	127

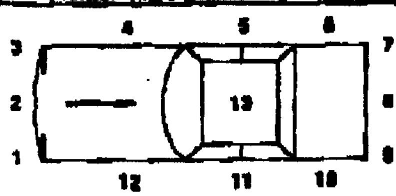
Check if involved vehicle is: [ ] more than 95 inches wide; [ ] more than 34 feet long; [ ] operated with an overweight permit; [ ] operated with an overdimension permit. (Vehicle 1 / Vehicle 2)

ACCIDENT DIAGRAM



VEHICLE 1 DAMAGE CODES			VEHICLE 2 DAMAGE CODES		
Box 1 - Point of Impact	1: 8		Box 1 - Point of Impact	1: 2	
Box 2 - Most Damage		2: 17	Box 2 - Most Damage		2: 17
Vehicle Towed: By POLICE TOW To SOUTHAMPTON TOWN POLICE HQ			Vehicle Towed: By POLICE TOW To SOUTHAMPTON TOWN POLICE HQ		

VEHICLE DAMAGE CODING:
1-13. See diagram on right
14. UNDERCARRIAGE
15. TRAILER
16. OVERTURNED
17. DEMOLISHED
18. NO DAMAGE
19. OTHER



Estimated cost of repairs to any one vehicle meets criteria for "reportable" threshold. [X] Yes [ ] No

Reference Marker: 27 / 0706 / 1644

DMV USE ONLY

County: SUFFOLK | [ ] City [ ] Village [X] Town: SOUTHAMPTON

Route No. or Street Name: on MONTAUK HWY (SR27)

1250 [X] Feet [ ] Miles [ ] N [X] E [ ] S [ ] W [ ] At Intersection with: (Nearest Intersecting Route/Street) NEWLIGHT LA. (TR)

TICKET/ARREST [ ] OPR 1 [ ] OPR 2 [ ] PEDESTRIAN [ ] BICYCLIST [ ] OTHER

Ticket/Arrest Number(s) ( ) ( ) ( ) ( )

Violation Section(s) ( ) ( ) ( ) ( )

Accident Description/Officer's Notes:

Please see attached.

ALL INVOLVED

	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names - If Deceased, Give Date of Death
A	1	1	4	1	22	F	1	8	5	5907	5119	[redacted]
B	1	3	4	1	22	F	4	12	5	5907	5119	[redacted]
C	1	4	4	1	25	F	11	8	5	5907	5119	[redacted]
D	2	1	4	1	27	M	72	8	3	2093	5119	[redacted] 09/02/1999
E	2	3	4	1	22	M	7	8	5	2093	5119	[redacted]
F												
G												

Officer's Rank and Name	Badge/ID No.	Department	Precinct/Post Troop/Zone	Station/Squad Sector	Reviewing Officer	Date/Time Reviewed
POLICE OFFICER STEPHEN M. O'BRIEN	178/2	05155	3	42	[signature]	9/3/99

Continuation Page 1

New York State Department of Motor Vehicles

SUFF **POLICE ACCIDENT REPORT**

MV-104A(7/96)

DMV USE

98-23947

Accident Date	Day of Week	Time	No. of Vehicles	No. Injured	No. Killed	Hit-Skip	Not Investigated / Accident Report Filed	Left Scene	Police Photos
09/01/1998	WE	18:43	2	4	1		X		Yes / No

Accident Description/Officer's Notes:

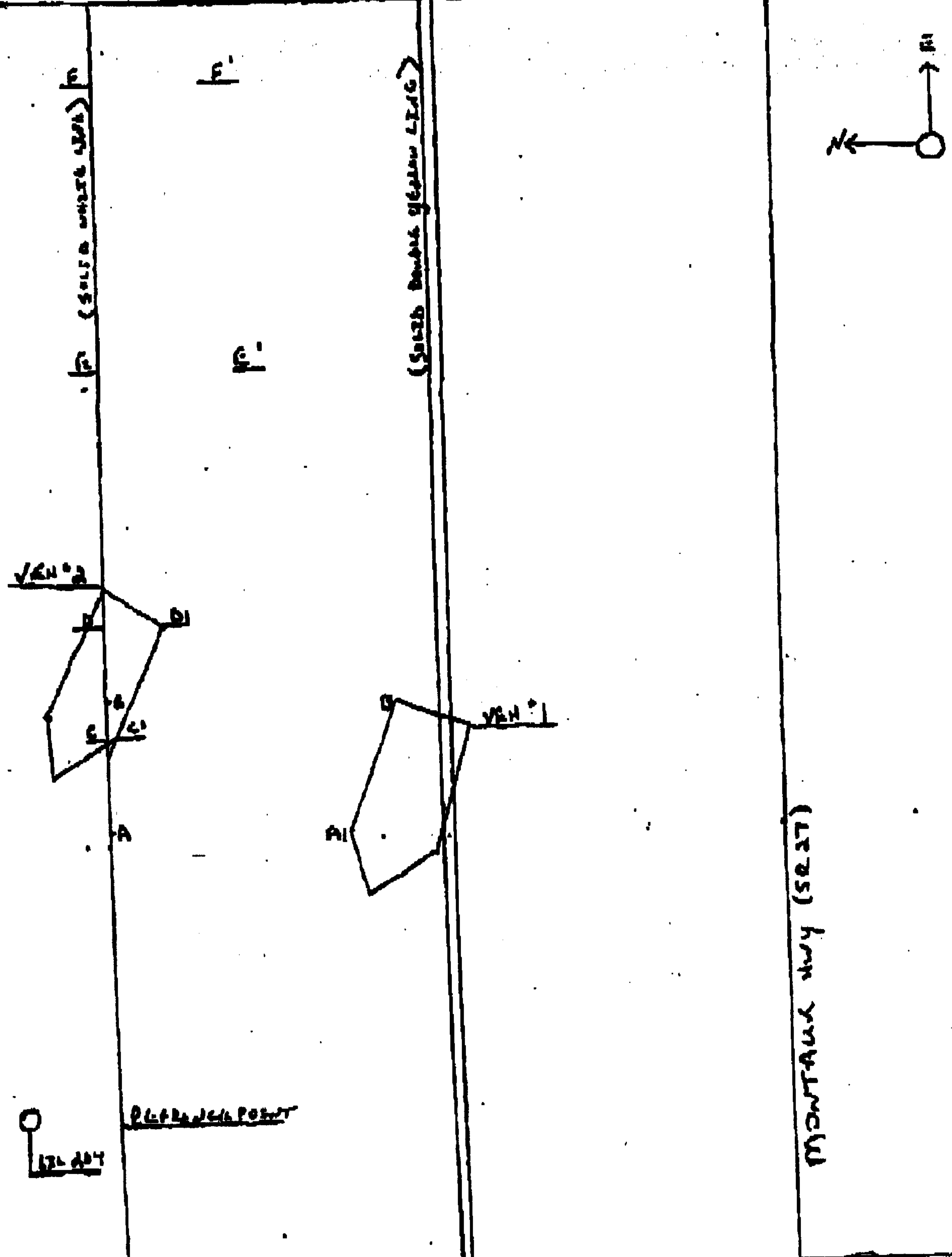
oper #1 states she was stopped in the veh lane going to make a left hand turn when veh #2 struck the rear of her veh see statements gps 40

55.88n 072 1647w

SIGN HERE	Officer's Rank and Name	Badge/ID No.	Department	Position/Post Tour/Zone	Unit/Squad Number	Reviewed By	Date/Time Reported
	POLICE OFFICER STEPHEN M. O'BRIEN	17812	NY0615800	3	42		9/2/98

POLICE DEPARTMENT
Town Of Southampton

C. NO.	DATE OF REPORT	CONTINUATION REPORT	PAGE NO.
99-23847	09/07/99		3 OF 4



REPORTING OFFICER	SUPERVISOR
178/2	

POLICE DEPARTMENT
Town Of Southampton

CC. NO.	DATE OF REPORT	CONTINUATION REPORT	PAGE NO.
99-23847	09/07/99		4 of 4

Motor Vehicle accident Montauk Hwy, Bridgehampton *not to scale*

from	to	distance	item
Li1	rp	16'9"	refrence point
rp	a	28'6"	
a	a1	8'7"s	front passenger tire veh #1
rp	b	37'3"	
b	b1	9'5"s	rear passenger tire veh #1
rp	c	34'7"	
c	c1	-	front drivers tire veh #2 on white shoulder line
rp	d	41'6"	
d	d1	1'6"	rear drivers tire veh #2
rp	e	87'	
e	e1		debris from vehs #1 & #2
rp	f	106'	
f	f1	6'7"	point of impact (gouge in roadway surface)

Roadway Characteristics:

Montauk Hwy is a two lane roadway with east and west bound traffic it is divided by a solid double yellow line and hase shoulders on each side of the roadway marked by solid white lines

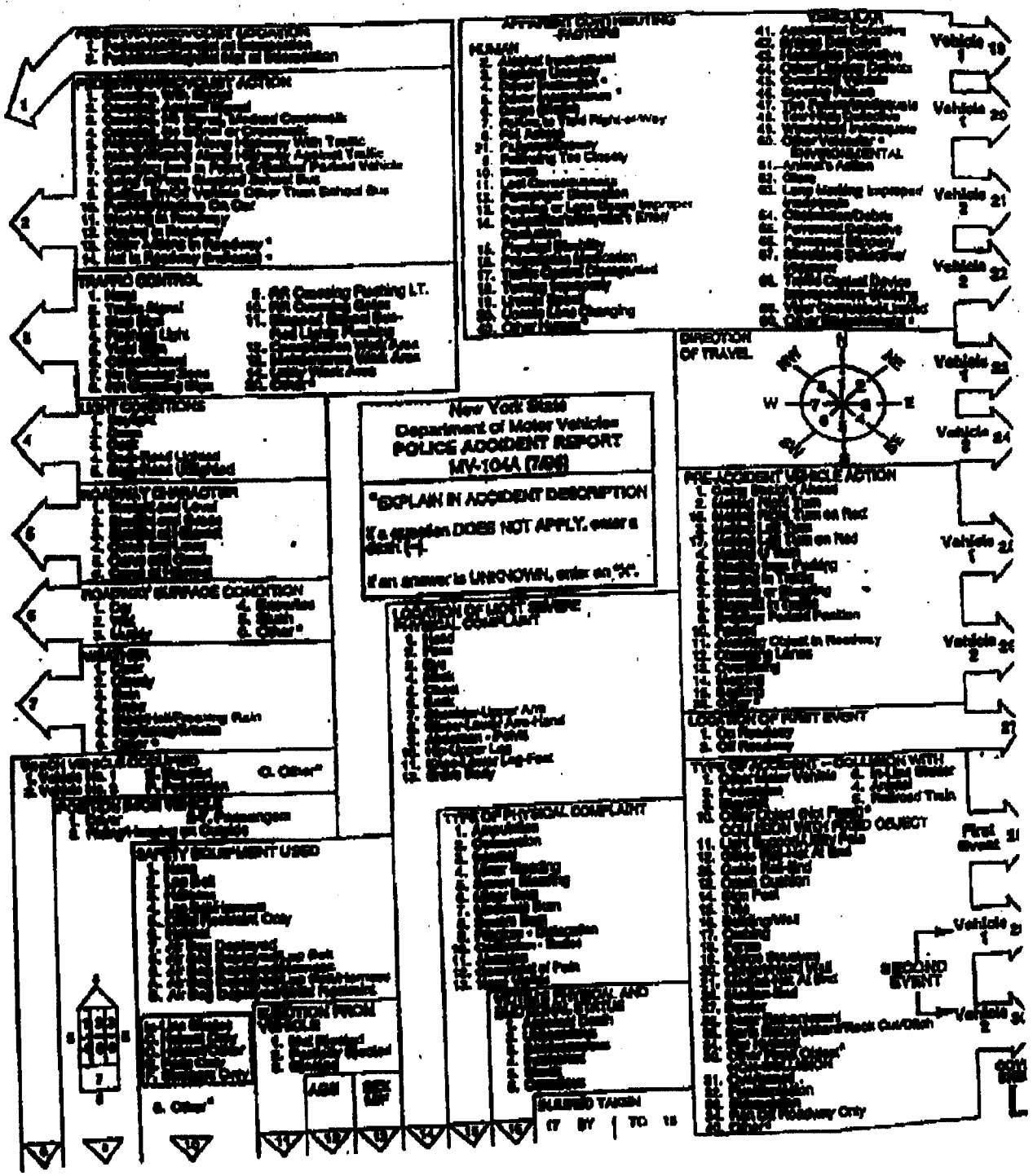
roadway is an asphalt surface

posted speed limit is 55 mph

measurments were taken with a Ervin 100" tape measure

ARRESTING OFFICER: PO Stephen M. O'Brien 1781 (signature) | SUPERVISOR: (signature)

2:


New York State
Department of Motor Vehicles
POLICE ACCIDENT REPORT
MV-104A (7/96)
*EXPLAIN IN ACCIDENT DESCRIPTION
If a question DOES NOT APPLY, enter a dash (-).
If an answer is UNKNOWN, enter an "X".
DIRECTION OF TRAVEL
N
NE
E
SE
S
SW
W
NW
PRE-ACCIDENT VEHICLE ACTION
Vehicle 1
Vehicle 2
LOCATION OF FIRST EVENT
TYPE OF PHYSICAL COMPLAINT
SAFETY EQUIPMENT USED
SECOND EVENT

DMV USE 1274412

MV-104 (2/98)

New York State Department of Motor Vehicles

REPORT OF MOTOR VEHICLE ACCIDENT

PLEASE READ THE INSTRUCTIONS ON THE BACK

DO NOT FORGET ACCIDENT DATE

Date: 01 / 99 | Day of Week: Wed | Time: 16:43 ☐ AM ☐ PM | No. of Vehicles: 2 | Police investigate: ☒ Yes ☐ No | Name of Police Agency: SOUTHAMPTON TOWN

☐ BICYCLIST ☐ PEDESTRIAN

VEHICLE 1

[redacted]

City or Town: ...OKVILLE | State: NY | Zip Code: [redacted]

[redacted] | Sex: F | Unlicensed: ☐ | No. of Occup.: 3 | State of Lic.: NY

Date of Birth: 01 / 27 / 1999

[redacted]

City or Town: ...EN HEAD | State: NY | Zip Code: [redacted]

[redacted] | State of Reg.: NY | Vehicle Year & Make: 1997 JEEP | Vehicle Type: SUBN | Ins. Code: 155

Estimated Cost of Repairs - Vehicle 1: ☒ Over $1800

Describe damage to veh. no. 1: ...molished

VEHICLE 2

[redacted]

City or Town: RIVERHEAD | State: NY | Zip Code: [redacted]

[redacted] | Sex: M | Unlicensed: ☐ | No. of Occup.: 2 | State of Lic.: NY

[redacted]

City or Town: RIVERHEAD | State: NY | Zip Code: [redacted]

[redacted] | State of Reg.: NY | Vehicle Year & Make: 1986 TOYOT | Vehicle Type: 2DS | Ins. Code: 127

Estimated Cost of Repairs - Vehicle 2: ☒ Over $1800

Describe damage to veh. no. 2: demolished

ACCIDENT DIAGRAM: Circle one of the 9 diagrams (numbered 1-8 & 9) if it describes the accident. Or draw your own diagram below in space 9.

1. Rear End 2. Overtaking 3. Left Turn 4. Right Angle 5. Right Turn 6. Left 7. Head On 8. Sideswipe 9.

525801

Accident Records

FATAL

Reference Marker: 2 7 — / 7 0 5 / 6 4 4

County: SUFFOLK | ☐ City ☒ Town ☐ Village SOUTHAMPTON

Route No. or Street Name: MONTAUK HWY (SR27) | 1250 ☐ Miles ☒ Feet ☐ N ☒ E ☐ S ☐ W of ☐ At Intersection With

Nearest Intersecting Route/Street: NEWLIGHT LA. (TR)

INVOLVED: See instruction 6 on back.

Name and Address	8. In Veh. No.	10. Safety Equip. Used	12. Age	13. Sex	Describe Injuries	14. K	A	B	C	Date of Death
[redacted]	1	4	22	F					X	
	1	4	22	F					X	
	1	1	25	F	2nd and 3rd degree burns		A			
	2	4	27	M	2nd and 3rd degree burns	X				09-02-99
	2	4	22	M	2nd and 3rd degree burns		A			

[redacted] had come to a full stop with my lefthand blinker on in order to ...ke a lefthand turn. While waiting for traffic to clear in the opposite direction, I was hit from ...ind in such a way that both cars went up immediately in flames. Please see Police Accident Report for more details

Damaged Property Other Than Vehicle(s): 6 suitcases and 2 boxes of personal effects and clothing

Policy Number: 11-6778-30-02

Insurance Company That Issued Policy: Chubb

Policy Period: To

Name and Address of Policyholder: Johnston L and LISA N EVANS, 56 WHEATLEY Rd. BROOKVILLE NY

Vehicle Operated Under Permit: Name and Address of Permit Holder: and State

SR-22 (Post Coverage) with DMV? ☐ Yes ☐ No | If Self-Insured, give Certificate No.

If Signed by Someone Other than Driver, Print Name Here and Give Reason for Signing

Date: ...-10-99 | Signature of Driver of Vehicle No. 1: → [signature]

SECTION A

nust report within 10 days any accident occurring in New York State ng death, personal injury or damage over $1000 to the property of any erson. Failure to do so within 10 days is a misdemeanor. Your license r registration may be suspended until a report is filed. Check the "RUSH" t the top of page 1 if your license is suspended for failure to report this ent on time. You must fill in all requested information on the report.

INSTRUCTIONS

LEASE PRINT OR TYPE ALL INFORMATION - USE BLACK INK

- fold along this line.

fill in the 11 boxes in the right margin (on page 1 of form) by ring the number of the item which best describes the mstances of the accident. If a question does not apply, enter a (-). If an answer is unknown, enter an "x".

n't fold Internet form. Instead, place page 2 over page 1 with the ows on page 2 pointing to the boxes on the right edge of page 1.

you were involved in an accident with a pedestrian, enter the pedestrian formation in the "Driver" block of the space provided for Vehicle 2, and eck the "PEDESTRIAN" box.

you were involved in an accident with a vehicle other than a motor vehicle ich as a snowmobile, mini-bike, aircycle, all-terrain vehicle, trail bike, or ier non-motor vehicle), enter the driver, owner and vehicle information in the ace provided for VEHICLE 2.

a vehicle is unoccupied, enter all available information. Be sure to enter the rrect vehicle plate number and vehicle type in the appropriate VEHICLE block.

ter driver information EXACTLY as it appears on each driver license. ter owner information EXACTLY as it appears on the registration of each hicle involved in the accident.

more than two vehicles were involved in this accident, fill out additional cident reports. On these reports, place the information for the third vehicle in e space marked YOUR VEHICLE and mark it No. 3. Use the space marked EHICLE 2 for the fourth vehicle, and mark it No. 4 and so on. Additional rms are available at any Motor Vehicles office or from the DMV website: tp://www.nydmv.state.ny.us

ter the street or route name, the distance and direction from the nearest tersection, and the name or route number of that intersecting street.

the accident occurred on a State highway, you will find a small green sign illed a reference marker somewhere near the crash site. In the "Reference larker" section, write the number EXACTLY as it appears on the sign.

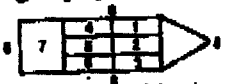
or ALL PERSONS INVOLVED in the accident, list their names and ldresses and fill in Boxes 8, 10, 11, 12, 13. For any person killed or injured, escribe injuries and check appropriate injury code in Box 16. If anyone as killed in, or as a result of, the accident, provide the date of death. lace a "P" in Box 8 for pedestrians, and a "B" for bicyclists.

ODES FOR SAFETY EQUIPMENT USED (Box 10):

1. None
2. Lap Belt
3. Harness
4. Lap Belt Harness
5. Child Restraint Only
6. Helmet
7. Air Bag Deployed
8. Air Bag Deployed/Lap Belt
9. Air Bag Deployed/Harness
A. Air Bag Deployed/Lap Belt/Harness
B. Air Bag Deployed/Child Restraint

OSITION IN/ON VEHICLE (Box 11):

1. Driver 2-7. Passengers
8. Riding/Hanging on Outside



n the Position in Vehicle column, enter the number from this diagram which orresponds to each person's position.

NJURY CODES (Box 16):

- K - Any injury that results in death.
- A - Severe lacerations, broken or distorted limbs, skull fracture, crushed chest, internal injuries, unconscious when taken from the accident scene, unable to leave accident scene without assistance.
- B - Lump on head, abrasions, minor lacerations.
- C - Momentary unconsciousness, limping, nausea, hysteria, complaint of pain (no visible injury).

f more than four people are involved, another report is needed. In the ALL PERSONS INVOLVED section of that report, record the required information or everyone else involved in the accident.

Attach additional reports to page one. Each page of the report must be numbered n the upper right corner. Mark additional sheets #2, #3, etc. Date and sign on he bottom line and send original to:

ACCIDENT RECORDS BUREAU
PO BOX 2925
6 EMPIRE STATE PLAZA
ALBANY NY 12220-0925

PLEASE DO NOT SEND PHOTOCOPIES OR FAXES

SECTION B

PEDESTRIAN/BICYCLIST LOCATION → 1

1. Pedestrian/Bicyclist at Intersection
2. Pedestrian/Bicyclist Not at Intersection

PEDESTRIAN/BICYCLIST ACTION → 2

1. Crossing, With Signal
2. Crossing, Against Signal
3. Crossing, No Signal, Marked Crosswalk
4. Crossing, No Signal or Crosswalk
5. Riding/Walking Along Highway With Traffic
6. Riding/Walking Along Highway Against Traffic
7. Emerging from in Front of/Behind Parked Vehicle
8. Going to/From Stopped School Bus
9. Getting On/Off Vehicle Other Than School Bus
10. Pushing/Working On Car
11. Working in Roadway
12. Playing in Roadway
13. Other Actions in Roadway
14. Not in Roadway (Indicate)

TRAFFIC CONTROL → 3

1. None
2. Traffic Signal
3. Stop Sign
4. Flashing Light
5. Yield Sign
6. Officer/Guard
7. No Passing Zone
8. RR Crossing Sign
9. RR Crossing Flashing Light
10. RR Crossing Gates
11. Stopped School Bus-Red Lights Flashing
12. Construction Work Area
13. Maintenance Work Area
14. Utility Work Area
20. Other

ROADWAY → 4

1. Straight and Level
2. Straight and Grade
3. Straight at Hillcrest
4. Curve and Level
5. Curve and Grade
6. Curve at Hillcrest

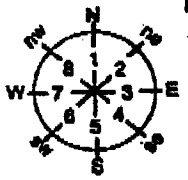
ROADWAY SURFACE → 5

1. Dry
2. Wet
3. Muddy
4. Snow/Ice
5. Slush
0. Other

WEATHER → 6

1. Clear
2. Cloudy
3. Rain
4. Snow
5. Sleet/Hail/Freezing Rain
6. Fog/Smog/Smoke
0. Other

DIRECTION OF TRAVEL



1. North
2. Northeast
3. East
4. Southeast
5. South
6. Southwest
7. West
8. Northwest

Your Vehicle → 7
Vehicle 2 → 8

PRE-ACCIDENT VEHICLE ACTION

1. Going Straight Ahead
2. Making Right Turn
3. Making Left Turn
4. Making U Turn
5. Starting from Parking
6. Starting in Traffic
7. Slowing or Stopping
8. Stopped in Traffic
9. Entering Parked Position
10. Parked
11. Avoiding Object in Roadway
12. Changing Lanes
13. Overtaking
14. Merging
15. Backing
16. Making Right Turn on Red
17. Making Left Turn on Red
20. Other

Your Vehicle → 9
Vehicle 2 → 10

TYPE OF ACCIDENT → 11

COLLISION WITH

1. Other Motor Vehicle
2. Pedestrian
3. Bicyclist
4. Animal
5. Railroad Train
6. In-Line Skater
10. Other Object (Not Fixed)

COLLISION WITH FIXED OBJECT

11. Light Support/Utility Pole
12. Guide Rail - Not At End
13. Crash Cushion
14. Sign Post
15. Tree
16. Building/Wall
17. Curbing
18. Fence
19. Bridge Structure
20. Culvert/Head Wall
21. Median - Not At End
22. Snow Embankment
23. Earth Embankment/ Rock Cut/Ditch
24. Fire Hydrant
25. Guide Rail - End
26. Median - End
27. Barrier
30. Other Fixed Object

NON-COLLISION

31. Overturned
32. Fire/Explosion
33. Submersion
34. Ran Off Roadway Only
40. Other

PLEASE READ INSTRUCTIONS 1-7 IN "*SECTION A*" BEFORE COMPLETING PAGE 1 OF THIS FORM. NOTE THAT THE REPORT MUST BE SIGNED BY THE DRIVER OF VEHICLE 1, UNLESS HE OR SHE IS INJURED OR DECEASED. OTHERWISE, THE REPORT MAY BE RETURNED FOR CORRECTION.

Duplicate Response

POLICE DEPARTMENT, TOWN OF SOUTHAMPTON

DEATH REPORT

[redacted]	COMMAND: DET	PCT. OF OCC.: C42	SECTOR: C42	GRID:
DATE OF REPORT: 9/8/99	DATE & TIME OF INCIDENT: 9/1/99 1843 HRS			CODE:

NAME OF DECEASED: LAST [redacted] FIRST MIDDLE

[redacted] Roanoke Ave Riverhead NY

S.S. [redacted] BIRTHPLACE: Puerto Rico MARITAL STATUS: Married

DESCRIPTION OF DECEASED: ☒ ESTIMATED ☐ ACTUAL AGE: 27 SEX: Male RACE: Cauc

HEIGHT WEIGHT HAIR EYES

IDENTIFYING CHARACTERISTICS — SCARS — MOLES

CLOTHING WORN

TYPE/TRAFFIC, NATURAL, SUICIDE, ACCIDENTAL, HOMICIDE, ETC.: Pending M.E.'s Findings

PLACE OF INCIDENT: Montauk Hwy Bridgehampton NY

DATE/TIME OF DEATH PRONOUNCED: 9/2/99 2000 HRS PRONOUNCED BY:

PROPERTY REMOVED FROM DECEASED: ☐ YES ☒ NO PROPERTY INVOICE NO.:

REMOVED BY RANK / SHIELD / COMMAND: n/a

A.M.E. ASSIGNED:

NAME AND RELATIONSHIP OF PERSON NOTIFIED: [redacted] Wife [redacted] at hospital

ADDRESS OF PERSON NOTIFIED: PHONE:

DATE AND TIME NOTIFIED:

NOTIFICATION MADE BY:

PERSON IDENTIFYING DECEASED:

ADDRESS: PHONE:

RECONSTRUCT CIRCUMSTANCES SURROUNDING DEATH

On Wednesday September 1, 1999, at 1830 hrs, this agency was notified of a motor vehicle accident between two vehicles, at Montauk Hwy Bridgehampton, just west of the Bridgehampton Commons. Upon his arrival at the scene P.O. Stephen O'Brien advised that two vehicles were completely consumed by fire and that several of the occupants were severely injured. P.O. O'Brien requested ambulance, fire, supervisor, and Detective's to respond.

Upon my arrival at 1902 hrs, I observed two vehicles facing west in the westbound lane. They were side by side with about 8 feet separating them. One was a small red Toyota, the other a red Jeep Grand Cherokee. The Bridgehampton Fire Department was finishing extinguishing the fires in both vehicles. Upon investigation it was determined that a 1986 Toyota, NY [redacted] 2DSD, being operated by the decedent, was westbound on Montauk Hwy when his vehicle struck the rear of a 1997 Jeep Grand Cherokee, NY [redacted] being operated by [redacted], of [redacted] Head NY. That vehicle was slowing to make a left hand turn into a vegetable market on the south side of the roadway. Both vehicles almost immediately caught fire. Mr. [redacted] (the decedent) then ran from the vehicle. He was fully engulfed in flames. His brother [redacted] a front seat passenger also fled the vehicle. Several bystanders came to the decedents aid to douse the flames, and aided him until the ambulance could respond. The driver of the Jeep exited, along with front seat passenger Nicole Austin, 22, who was not injured. The rear drivers side passenger, Natasha Austin, 25, exited the rear passenger side and was also on fire. [redacted] was transported to

REPORTING OFFICER

SIGNATURE OF SUPERVISING OFFICER

PE10-031-Chrysler-000385

POLICE DEPARTMENT
TOWN OF SOUTHAMPTON

Dup Response 5/2/00 PM

	DATE OF REPORT	CONTINUATION REPORT	PAGE
23847	9/8/99		2 of 2

thampton Hospital with third degree burns over eighty percent of his body. other parties were transported there as well. [redacted] was airlifted Stonybrook University Hospital where on 9/2/99 2000 hrs he succumbed to his uries.

At the scene of the incident I assisted by Detective D. McAllister erviewed several witnesses. They included [redacted] and [redacted] All stated that the decedents vehicle struck the rear of the Jeep l both vehicle burst into flames. I then responded to Southampton Hospital l interviewed [redacted] She stated she was stopped facing westbound with : blinker on when struck in the rear by the decedents vehicle. She stated a vehicle quickly caught fire, and she fled same. See statement of [redacted] ans for additional. On 9/8/99, I interviewed a Gary Madison who stated a milar version of events. All reported seeing the decedent exit his vehicle fire. See statements from these subjects for additional.

REPORTING OFFICER Det. [illegible] #12

SUPERVISOR Robert C. Flood 5-2-00

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

----------X

NATASHA AUSTIN and NICOLE AUSTIN,

Plaintiffs,

-against-

DAIMLERCHRYSLER CORPORATION, WESTBURY JEEP EAGLE, INC., MARIBEL ORTIZ, as Administratrix of the Estate of JOSE A. SIERRA, deceased, GRACE H. EVANS and LISA N. EVANS,

Defendants.

----------X

Index No. 10338/01

DEFENDANT CHRYSLER LLC'S EXPERT DISCLOSURE PURSUANT TO CPLR § 3101 (d)

Defendant, Chrysler LLC formerly DaimlerChrysler Corporation, by its attorneys, Herzfeld & Rubin, P.C. and Dykema Gossett PLLC, as and for its expert disclosure pursuant to CPLR §3101(d), expects to call Mr. Gregory Stephens as an expert witness at trial:

Gregory Stephens Gregory Stephens has analyzed and reconstructed vehicular accidents as a profession for approximately 19 years. He is currently a research engineer with Collision Research & Analysis, Inc., where he has been employed for approximately 19 years. Prior to his employment with Collision Research & Analysis, Inc., Mr. Stephens was a design engineer with the Pima County, Arizona Department of Transportation and Flood Control. Mr. Stephens has conducted and analyzed numerous full scale automotive crash tests along with hundreds of laboratory experiments designed to evaluate the collision performance of safety related components. Mr. Stephens has also conducted and analyzed numerous visibility studies. He has authored and co-authored numerous technical publications and lectured in areas related to accident investigation, accident reconstruction and

motor vehicle safety. A complete summary of Mr. Stephens's experience and qualifications is found in his curriculum vitae attached as Exhibit A.

Mr. Stephens is expected to testify about the nature of the accident that occurred in this case, including, but not limited to, the speed and motion of the vehicles during pre-impact, impact and post-impact; the nature of the impact, including points of impact and angle of impact; the severity of the crash and the energy involved in the crash; the accident scene, its geometry and related issues; the impact speed and the resultant change in velocity of the Jeep Grand Cherokee, points of rest and positioning of the vehicles, analysis of the damage to the vehicles, and vehicle crush. Finally, if called to testify, Mr. Stephens would be expected to address the claims of Plaintiffs' experts within his areas of expertise.

In addition to his training, education, experience, testing, publications and experiments, Mr. Stephens will rely on his inspections of the accident scene and the vehicles involved in the accident, the measurements and characteristics of the accident vehicles, his inspections and analyses of competitor vehicles, and his analysis and review of the at-scene and vehicle photographs, discovery documents exchanged, including depositions and deposition exhibits, the police accident report and test reports, videos, photographs, and crash test data for both the Jeep Grand Cherokee vehicle and the Toyota vehicle platforms. It is also anticipated that Mr. Stephens will rely on diagrams and simulations he created, and calculations that he and his staff performed related to this accident as well as general research and scientific literature on aspects related to accident reconstruction.

If called as a witness, it is anticipated that Mr. Stephens will testify that the accident in this case was a high-speed, high-energy collision; that it involved severe vehicle underride; that the 1986 Toyota MR2 was traveling in excess of 55 mph when it impacted the 1997 Jeep Grand Cherokee; and that the resultant Delta V (change in

velocity) experienced by the 1997 Jeep Grand Cherokee was approximately 23 to 27 mph.

Dated: New York, New York
July 15, 2008

HERZFELD & RUBIN, P.C.
Attorneys for Defendant
CHRYSLER LLC

By: Maureen Doerner Fogel

Maureen Doerner Fogel
40 Wall Street
New York, NY 10005
(212) 471-8500

-and-

DYKEMA GOSSETT PLLC
Peter M. Kellett
James P. Feeney
400 Renaissance Center
Detroit, Michigan, 48243
(313) 568-6800

Collision Research & Analysis, Inc.

Accident Reconstruction Specialists

David Blaisdell
Andrew Levitt
Ernest Klein
Gregory Stephens

Susan Levitt
David Michalski
Philip Wang
Angelo Toglia
Joy Rodriguez
Samuel White

2707 Jahn Avenue NW B-1
Gig Harbor, WA 98335
Telephone (253) 851-0790
Facsimile (253) 851-0791
mailnorth@collisionresearch.com

Main Office
430 Madrid Avenue
Torrance, CA 90501
Telephone (310) 328-9090
Facsimile (310) 328-9168
mail@collisionresearch.com

GREGORY D. STEPHENS
CURRICULUM VITAE

POSITION

Research and Consulting Engineer specializing in transportation accident analysis and reconstruction. Consulting activities include the engineering analysis and reconstruction of automobile, auto-pedestrian, truck, bicycle and motorcycle collisions. Activities also include occupant kinematics analysis as it relates to accident reconstruction, development of specialized reconstruction techniques, vehicle crash and performance testing, as well as testing of vehicle components including seats, door latches, restraint systems and other vehicle safety systems.

EXPERIENCE

Research Engineer with the accident reconstruction firm, **Collision Research and Analysis, Inc.** from 1989 to present. Participated in the analysis (including computer analysis), reconstruction, and trial preparation of over thirteen hundred automobile, auto-pedestrian, truck, bicycle and motorcycle collisions.

Has conducted and analyzed numerous full scale automotive crash tests along with hundreds of laboratory experiments designed to evaluate the collision performance of safety related components. Components include fuel systems, door latch systems, seat systems (including child safety seats), bumpers and restraint systems.

Has conducted and analyzed numerous visibility studies in daytime as well as low-light and nighttime environments.

Design Engineer with **Pima County Department of Transportation and Flood Control** (1986 - 1987). Activities included the design and layout of numerous highway and structural projects.

RESEARCH ACTIVITIES

Currently involved with extensive research in the areas of door latch system and seat system collision performance, as well as crush characteristics of large versus small vehicle collisions. Published and presented a number of papers and articles relating to the areas of automotive door and seat systems collision performance, child restraint system collision performance and child behavioral studies, and night visibility analysis and reconstruction. Lectured in numerous seminars on topics concerned with the side and rear impact environments as well as the associated occupant kinematics and vehicle crash performance. Attended numerous conferences, seminars and meetings relating to the fields of accident reconstruction and automotive safety. Also involved with various SAE Standards Committees concerned with the research and drafting of standards that assist the scientific community and Federal Government in developing methods to test vehicles and associated subcomponents.

EDUCATION

Bachelor of Science - Aerospace Engineering, 1989
Boston University College of Engineering

PROFESSIONAL AFFILIATIONS

Member of Society of Automotive Engineers (SAE)
Member of SAE Accident Investigation and Reconstruction Practices Committee
Member of SAE Automotive Seat Standards Committee
Member of Association for the Advancement of Automotive Medicine
Member of American Society of Mechanical Engineers (ASME)

RECOGNITIONS/AWARDS

Recipient of the 1994 American Association for the Advancement of Automotive Medicine - Scientific Paper Award for the Child Safety and Behavioral work presented in Lyon, France.

GREGORY D. STEPHENS

PUBLICATIONS & PRESENTATIONS

A. Toglia, G.D. Stephens, D.J. Michalski, J.L. Rodriguez, "Applications of Photomodeler in Accident Reconstruction", American Society of Mechanical Engineers, November 2005, IMECE2005-79250

G. Stephens, "Traffic Collision Types and Associated Injuries", Association for the Advancement of Automotive Medicine, September 2005, Faculty Member

G. Stephens, "Accident Reconstruction – Vehicle and Occupant Dynamics", Washington Association of Independent Medical Examiners, August 2004, Faculty Member

G. Stephens, "Accident Reconstruction: State of the Art TOPTEC – Specialized Use of Computer Simulations," Society of Automotive Engineers, May 2001, Phoenix, AZ.

G.D. Stephens, T.J. Long, D.M. Blaisdell, "Energy Analysis of Automotive Seat Systems," Society of Automotive Engineers, March 2000, SP-1494 (SAE #2000-01-1380).

G. Stephens, "Accident Reconstruction: State of the Art TOPTEC – Side Impact Collision Performance," Society of Automotive Engineers, December 1999, Costa Mesa, CA.

G. Stephens, "Car Crashes and Occupant Injuries: A Team Approach to Crash Investigation – Side Impact Environment," Association for the Advancement of Automotive Medicine, April 1998-2004, Organizer and Faculty Member.

G. Stephens, "Automotive Seat Design for Safety TOPTEC – Automotive Seat Collision and Test Performance," Society of Automotive Engineers, August 1995, Marina Del Rey, CA.

U. Meissner, G. Stephens, L. Alfredson, "Children in Restraints," 38th Annual Proceedings, Association for the Advancement of Automotive Medicine, September 1994, pp. 93-106.

D.M. Blaisdell, G. Stephens, U. Meissner, "Collision Performance of Automotive Door Systems," Society of Automotive Engineers, March 1994, pp. 53-64 (SAE #940562).

E. Klein, G. Stephens, "Visibility Study – Methodologies and Reconstruction," Society of Automotive Engineers, September 1992, pp. 19-35 (SAE #921575).

MATTER #	1037693
FILE TYPE	Case
FILE NAME	[redacted] Sierra (Eusebio) Ortiz (Maribel)
CAIR #	
DATE OF INCIDENT	09/01/1999
DATE OF NOTICE	04/10/2000
MODEL/MODEL YEAR	1997 Jeep Grand Cherokee (ZJ)
VIN	1J4GZ58S3VC[redacted]
MILEAGE	
OWNER	[redacted] [redacted] Glenhead, N.Y. [redacted]
COURT	Supreme Court of New York
DOCKET #	1033801[redacted] 11314700[redacted] 12304900[redacted]
FIRE ALLEGED	Yes
DESCRIPTION	On September 1, 1999, [redacted] (25) and [redacted] (22), were passengers in the rear and right front seats, respectively, of a 1997 Jeep Grand Cherokee (ZJ) that was stopped on Montauk Highway near Bridgehampton, New York, waiting to make a left hand turn into a roadside produce stand. The speed limit at the scene was 55 mph. The Jeep Grand Cherokee (ZJ) was struck in the rear by a 1986 Toyota MR2 driven by [redacted] and a fire ensued.
PROPERTY DAMAGE ALLEGED	
INJURIES	4
FATALITIES	1
ANALYSIS	Based on the inspection of the 1997 Jeep Grand Cherokee (ZJ) and other available information, including the police accident report and witness statements, Chrysler Group has determined that the impact of the front end of the Toyota MR2 with the rear of the Jeep Grand Cherokee (ZJ) resulted in a direct impact to the fuel tank, rupturing it and causing fuel to spill. The front of the Toyota MR2 underrode the

rear of the Jeep Grand Cherokee (ZJ) at impact. Estimates of the speed of the Toyota MR2 varied. Based on a reconstruction of the accident by it, Chrysler Group concludes that the relative velocity at impact was on the order of 60 mph. This is consistent with the following: (1) according to the police report, the impact caused the Jeep Grand Cherokee (ZJ) to travel approximately 69 feet after impact and (2) the undercarriage of the Jeep Grand Cherokee (ZJ) had extensive damage to the rear suspension components as a result of the impact. Damage to the front end of the Toyota MR2 and the Jeep Grand Cherokee (ZJ) is depicted in the photographs in Enclosure 4 Bates Nos. PE10-031-Chrysler-000374-377.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No.: 123049/00
Date Filed:

----------X

MARIBEL ORTIZ, a/k/a MARIBEL SIERRA, as Administratrix of the Estate of JOSE A. SIERRRA,

Plaintiff,

- against -

DAIMLER CHRYSLER CORPORATION and WESTBURY JEEP EAGLE INC.,

Defendants.

----------X

SUMMONS

Plaintiff designates
NEW YORK
County as place of trial

The basis of venue is
Defendants' Residence
111 Eighth Avenue
New York, New York 10011

To the above named defendant(s):

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's Attorney(s) within 20 days after the service of this summons exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: New York, New York.
November 3, 2000

DINKES & SCHWITZER

BETH DIAMOND, ESQ.
Attorneys for Plaintiff
112 Madison Avenue
New York, New York 10016
(212) 685-7800

Defendants' Address:

DIAMLER CHRYSLER CORPORATION
C/O CT CORP SYSTEM
111 Eighth Avenue
New York, New York 10011

WESTBURY JEEP EAGLE, INC.
928 Jericho Turnpike
Westbury, New York

NEW YORK
COUNTY CLERK'S OFFICE
NOV 13 2000
NOT COMPARED
WITH COPY FILED

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----------X

MARIBEL ORTIZ, a/k/a MARIBEL SIERRA, as Administratrix of the Estate of JOSE A. SIERRRA,

Index No.:

Plaintiff,

VERIFIED COMPLAINT

ONE WORD - against -

DAIMLER CHRYSLER CORPORATION and WESTBURY JEEP EAGLE INC.,

Defendants.

----------X

Plaintiff, MARIBEL ORTIZ, a/k/a MARIBEL SIERRA, Administratrix of the Estate of JOSE SIERRA, by her attorneys, DINKES & SCHWITZER, allege upon information and belief, and at all times hereinafter mentions as follows:

1. That at all times hereinafter mentioned the plaintiff, MARIBEL ORTIZ, a/k/a MARIBEL SIERRA, was the wife of decedent, JOSE A. SIERRA.

2. That on April 17, 2000, the plaintiff, MARIBEL ORTIZ, a/k/a MARIBEL SIERRA was duly appointed Administratrix of the Estate of JOSE A. SIERRA, deceased by the Surrogate's Court, Suffolk County.

3. Defendant, DIAMLER CHRYSLER CORPORATION (hereinafter referred to as "DIAMLER CHRYSLER") was and still is a duly foreign corporation authorized State of New York.

4. Defendant, DIAMLER CHRYSLER, regularly does and/not solicits business in the State of New York.

5. Defendant, DIAMLERCHRYSLER, derives and/or substantial revenue from goods used or services rendered in the State of New York.

6. Defendant, DIAMLERCHRYSLER, derives substantial revenue from interstate commerce.

7. Defendant, DIAMLERCHRYSLER, expected or should have reasonably expected its acts to have consequences in the State of New York.

8. Defendant, DIAMLERCHRYSLER, did and still does transact business in the State of New York.

9. Chrysler Corporation (hereinafter referred does to as "Chrysler" was a duly organized foreign corporation authorized to do business in the State of New York.

10. Chrysler regularly did and/or solicited business in the State of New York.

11. Chrysler derived substantial revenue from goods used or services rendered in the State of New York.

12. Chrysler derived substantial revenue from interstate commerce.

13. Chrysler expected or should have reasonably expected its acts to have consequences in the State of New York.

14. Chrysler did transact business in the State of New York.

15. Defendant, DIAMLERCHRYSLER, is the successor-in- interest to Chrysler.

16. Defendant, DIAMLERCHRYSLER, as the successor-in- interest to Chrysler, has assumed all the legal obligations and liabilities of Chrysler.

17. Defendant, WESTBURY JEEP EAGLE, INC., was and still is a duly organized domestic corporation existing under and by virtue of the laws of the State of New York.

18. Defendant, WESTBURY JEEP EAGLE, INC., maintained and still maintains a principle place of business in New York.

19. JOSE A. SIERRA, deceased, resided at 1355 Roanake Avenue, Riverhead, New York 11901.

20. JOSE A. SIERRA, deceased, died on or about September 2, 1999.

FIRST CAUSE OF ACTION AGAINST DEFENDANT'S DIAMLER CHRYSLER CORPORATION and WESTBURY JEEP EAGLE INC. FOR WRONGFUL DEATH

21. Defendant, DIAMLERCHRYSLER, was and still is in the business of, amongst other things, designing, manufacturing, inspecting, testing, selling and distributing motor vehicles.

22. Chrysler was in designing, manufacturing, the business inspecting, of, amongst other testing, selling and distributing motor vehicles.

23. Chrysler was in the business of, amongst other things, designing, manufacturing, inspecting, testing, selling and distributing motor vehicles.

24. On or about September 1, 1999, LISA H. EVANS was the owner of a certain motor vehicle, known as a Jeep Grand Cherokee, model number lJ4GZ58S3VC605721, model year 1997, bearing Now York State license plate number P198KG (hereinafter referred to as the "subject Jeep Grand Cherokee").

25. On or about September 1, 1999 LISA H. EVANS, was the leasee of the subject Jeep Grand Cherokee.

26. Chrysler designed the subject Jeep Grand Cherokee.

27. Chrysler manufactured the subject Jeep Grand Cherokee.

28. Chrysler inspected the subject Jeep Grand Cherokee

29. Chrysler tested the subject Jeep Grand Cherokee.

30. Chrysler distributed the subject Jeep Grand Cherokee.

31. Chrysler sold the subject Jeep Grand Cherokee.

32. Defendant, DIAMLERCHRYSLER, as the successor -in-interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler Corporation's design of the subject Jeep Grand Cherokee.

33. Defendant, DIAMLERCHRYSLER, as the successor-in- interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler's manufacture of the subject Jeep Grand Cherokee.

34. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is' responsible for any and all legal obligations and liabilities arising from Chrysler's inspection of, or duty to inspect, the subject Jeep Grand Cherokee.

35. Defendant, DIALMLERCHRYSLER, as the successor-in- interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler's testing of, or duty to test, the subject Jeep Grand Cherokee

36. Defendant, DIAMLERCHRYSLER, as the successor-in- interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler's distribution of the subject Jeep Grand Cherokee.

37. Defendant, DIAMLERCHRYSLER, as the successor-in- interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler's sale of the subject Jeep Grand Cherokee.

38. Defendant, WESTBURY JEEP EAGLE, INC., was and still is in the business, amongst other things, of selling or leasing, renting, servicing, and repairing motor vehicles.

39. Defendant, WESTBURY JEEP EAGLE INC., sold the Jeep subject Jeep Grand Cherokee to Lisa N. Evans.

40. Defendant, WESTBURY JEEP EAGLE, INC., leased the subject Jeep Grand Cherokee to Lisa N. Evans.

41. Defendant, WESTBURY JEEP EAGLE, INC., serviced the subject Jeep Grand Cherokee.

42. On or about September 1, 1999 Grace N. Evans, was the operator of the Jeep Grand Cherokee.

43. On or about September 1, 1999, Grace N. Evans, was operating the subject Jeep Grand Cherokee with the knowledge, permission and consent of Lisa N. Evans.

44. On or about September 1, 1999 plaintiff decedent was the owner and operator of a certain motor vehicle known as a Toyota, model year1986, bearing New York State license plate no. AE522B (hereinafter referred to as the "Toyota vehicle").

45. At all times hereinafter mentioned, Montauk Highway, approximately 1,250 feet east of Newlight Lane, Southampton, New York, was and still is a public roadway.

46. At the aforementioned time and place, the Toyota vehicle, owned and operated by plaintiff decedent, JOSE A. SIERRA, was in collision with the subject Jeep Grand Cherokee owned by Lisa N. Evans, and operated by Grace H. Evans.

47. By reason of said collision, a fire ensued causing the wrongful death of the plaintiff decedent, JOSE A. SIERRA,

48. Said occurrence and resulting wrongful death of the decedent, JOSE A. SIERRA, was caused by reason of the negligence, carelessness and recklessness of Chrysler, decedent, defendants, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler Corporation and WESTSURY JEEP EAGLE, INC.

49. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is legally responsible and liable to plaintiff, for Chrysler's negligence, carelessness and recklessness and the resulting serious injuries sustained by plaintiff.

50. At the time of its design, manufacture, distribution and sale, the subject Jeep Grand Cherokee was defective, hazardous and in an unreasonably dangerous condition.

51. The defects complained of in the subject Jeep Grand Cherokee were substantial contributing factors in causing the aforesaid occurrence and resulting in the wrongful death of the plaintiff; decedent JOSE A. SIERRA.

52. The defendant, DIAMLERCHRYSLER, has become strictly liable in tort for the design, manufacture, testing, inspection, distribution and/or sale of a defective product, the subject Jeep Grand Cherokee, which defects caused the aforesaid occurrence and resulting in the wrongful death sustained by plaintiff, decedent, JOSE A. SIERRA.

53. The defendant DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, has become strictly liable in tort for Chrysler's design, manufacture, testing, inspection, distribution and/or sale of a defective product, the subject Jeep Grand Cherokee, which defects caused the aforesaid occurrence and resulting wrongful death sustained by plaintiff decedent, JOSE A. SIERRA.

54. The defendant, WESTBURY JEEP EAGLE, INC., has become strictly liable in tort for the distribution, sale and/or leasing of a defective product, the subject Jeep Grand

Cherokee, which defects caused the aforesaid occurrence and resulting in the wrongful death by plaintiff decedent, JOSE A. SIERRA.

55. That in consequence of the defendants said negligence and defective design and manufacturing, and sale and distribution of a defective product as set forth herein above, the Plaintiff, MARIBEL ORTIZ a/k/a MARIBEL SIERRA, necessarily incurred funeral expenses and expended monies for the funeral of decedent, JOSE A. SIERRA.

56. That in consequence of the defendants said negligence and defective design and manufacturing, and sale and distribution of a defective product as set forth herein above, the plaintiff, MARIBEL ORTIZ a/k/a MARIBEL SIERRA, is deprived of the companionship, services, earnings, inheritance and society of her husband and services of the decedent, JOSE SIERRA.

57. That as a result of the foregoing, the distributees of JOSE SIERRA, were caused to have suffered severe and serious economic losses.

58. By reason of the foregoing, plaintiff, decedent JOSE A. SIERRA, has sustained a serious injury as defined by Section 5102(d) of the Insurance Law of the State of New York and economic loss greater than basic economic loss as defined by Section 5102(a) of the insurance Law of the State of New York.

59. Any joint and several liability of the defendants, DIAMLERCHRYSLER and WESTBURY JEEP EAGLE, INC., is not limited by CPLR §1601 by reason of the exemptions and/or exceptions set forth in Article 16 of the CPLR.

60. By reason of the foregoing, plaintiff MARIBEL ORTIZ, a/k/a MARIBEL SIERRA, Administratrix of the Estate of JOSE A. SIERRA, has been damaged in the sum of TWENTY MILLION ($20,000,000.00) DOLLARS.

SECOND CAUSE OF ACTION AGAINST THE DEFENDANTS DIAMLER CHRYSLER CORPORATION AND WESTBURY JEEP EAGLE INC. FOR PAIN AND SUFFERING

61. Plaintiff realleges, repeats and reiterates each and every allegation set forth above with the same force and affect as if fully set forth below at length.

62. That as a result of the Defendant's negligence, carelessness and recklessness, defective design and manufacturing, and distribution and sale of a defective product the Plaintiff, JOSE SIERRA, deceased, was subjected to pre-impact terror.

63. That as a result of the defendant's negligence, carelessness and recklessness. defective design and manufacturing, and distribution and sale of a defective product the Plaintiff, JOSE SIERRA, deceased, was severely injured, bruised and wounded, suffered physical pain and bodily injuries.

64. As a result of the foregoing, decedent plaintiff, JOSE SIERRA, was caused to and has suffered and sustained severe and serious conscious pain and suffering.

65. As a result of the foregoing, decedent plaintiff, JOSE SIERRA, was caused to and has suffered and sustained severe and serious mental anguish.

66. By reason of the foregoing, plaintiff, MARIBEL ORTIZ, a/k/a MARIBEL SIERRA, as Administratrix of the Estate of JOSE A. SIERRA, has been damaged in the sum of TWENTY MILLION ($20,000,000.00) DOLLARS.

WHEREFORE, plaintiff, MARIBEL ORTIZ, a/k/a MARIBEL SIERRA, demand judgment against the defendants, DIAMLERCHRYSLER and WESTBURY JEEP EAGLE,

INC., in the First Cause of Action in the sum of TWENTY MILLION ($20,000,000.00) DOLLARS; and in the Second Cause of Action in the sum of TWENTY MILLION ($20,000,000.00) DOLLARS, all together with the costs and disbursements of this action.

Dated: New York, New York
November 2, 2000

DINKES & SCHWITZER, ESQS.

BY: 

BETH DIAMOND, ESQ.
Attorneys for Plaintiff
112 Madison Avenue
New York, New York 10016
(212) 683 3800

VERIFICATION

STATE OF NEW YORK, COUNTY OF NEW YORK

I, BETH DIAMOND, the undersigned, an attorney admitted to practice in the courts of New York State, state under penalty of perjury that I am one of the attorneys for the plaintiff in the within action; I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe to be true. The reason this verification is made by me and not by my client, is that my client is not presently in the County where I maintain my offices. The grounds of my belief as to all matters not stated upon my own knowledge are the materials in my file and the investigations conducted by my office.

Dated: New York, New York
November 2, 2000

S/

BETH DIAMOND

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----------x Index No.:

EUSEBIO SIERRA,

Plaintiff(s),

-against- VERIFIED COMPLAINT

DIAMLERCHRYSLER CORPORATION, WESTBURY JEEP EAGLE, INC., MARIBEL ORTIZ, as intended Administratrix of the Estate of JOSE A. SIERRA, deceased, GRACE H. EVANS and LISA N. EVANS,

Defendant(s).

----------x

Plaintiff, EUSEBIO SIERRA, by his attorneys, GANDIN, SCHOTSKY, RAPPAPORT, GLASS & GREENE, LLP, alleges, upon information and belief, and at all times hereinafter mentioned, as follows:

1. At the time of the accident, plaintiff, EUSEBIO SIERRA, resided at 479A Pleasure Drive, Riverhead, New York.

2. Plaintiff, EUSEBIO SIERRA, currently resides in Puerto Rico.

3. Defendant, DIAMLERCHRYSLER CORPORATION (hereinafter referred to as "DIAMLERCHRYSLER"), was and still is a duly organized foreign corporation authorized to do business in the State of New York.

4. Defendant, DIAMLERCHRYSLER, regularly does and/or solicits business in the State of New York.

5. Defendant, DIAMLERCHRYSLER, derives substantial revenue from goods used or services rendered in the State of New York.

6. Defendant, DIAMLERCHRYSLER, derives substantial revenue from interstate commerce.

7. Defendant, DIAMLERCHRYSLER, expected or should have reasonably expected its acts to have consequences in the State of New York.

8. Defendant, DIAMLERCHRYSLER, did and still does transact business in the State of New York.

9. Chrysler Corporation, hereinafter referred to as "Chrysler", was a duly organized foreign corporation authorized to do business in the State of New York.

10. Chrysler regularly did and/or solicited business in the State of New York.

11. Chrysler derived substantial revenue from goods used or services rendered in the State of New York.

12. Chrysler derived substantial revenue from interstate commerce.

13. Chrysler expected or should have reasonably expected its acts to have consequences in the State of New York.

14. Chrysler did transact business in the State of New York.

15. Defendant, DIAMLERCHRYSLER, is the successor-in-interest to Chrysler.

16. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, has assumed all the legal obligations and liabilities of Chrysler.

17. Defendant, WESTBURY JEEP EAGLE, INC., was and still is a duly organized domestic corporation existing under and by virtue of the laws of the State of New York.

18. Defendant, WESTBURY JEEP EAGLE, INC., maintained and still maintains a principal place of business at 928 Jericho Turnpike, Westbury, New York.

19. Defendant, GRACE H. EVANS, resided and still resides at 156 Wheatley Road, Brookville, New York 11545.

20. Defendant, LISA EVANS, resided and still resides at 156 Wheatley Road, Brookville, New York 11545.

21. JOSE A. SIERRA, deceased, resided at 1355 Roanoke Avenue, Riverhead, New York 11901.

22. JOSE A. SIERRA, deceased, died on or about September 2, 1999.

23. Defendant, MARIBEL ORTIZ, has petitioned, or intends to petition, the Surrogate's Court for the County of Suffolk, State of New York, to be appointed as Administratrix of the estate of JOSE A. SIERRA, deceased (hereinafter referred to as "DECEDENT").

24. Defendant, MARIBEL ORTIZ, maintained and still maintains a residence in the County of Suffolk, State of New York.

FIRST CAUSE OF ACTION

25. Defendant, DIAMLERCHRYSLER, was and still is in the business of, amongst other things, designing, manufacturing, inspecting, testing, selling and distributing motor vehicles.

26. Chrysler was in the business of, amongst other things, designing, manufacturing, inspecting, testing, selling and distributing motor vehicles.

27. On or about September 1, 1999, defendant, LISA H. EVANS, was the owner of a certain motor vehicle, known as a Jeep Grand Cherokee, model number IJ4GZSBS3VC605'721, model year 1997, bearing New York State license plate number P198KG, (hereinafter referred to as the "subject Jeep Grand Cherokee").

28. On or about September 1, 1999, defendant, LISA H. EVANS, was the lessee of the subject Jeep Grand Cherokee.

29. Chrysler designed the subject Jeep Grand Cherokee.

30. Chrysler manufactured the subject Jeep Grand Cherokee

31. Chrysler inspected the subject Jeep Grand Cherokee.

32. Chrysler tested the subject Jeep Grand Cherokee.

33. Chrysler distributed the subject Jeep Grand Cherokee.

34. Chrysler sold the subject Jeep Grand Cherokee.

35. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler Corporation's design of the subject Jeep Grand Cherokee.

36. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler's manufacture of the subject Jeep Grand Cherokee.

37. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler's inspection of, or duty to inspect, the subject Jeep Grand Cherokee.

38. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler's testing of, or duty to test, the subject Jeep Grand Cherokee.

39. Defendant, DIAMLERCHRYSLER, as the successor-in interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler's distribution of the subject Jeep Grand Cherokee.

40. Defendant, DIAMLERCHRYSLER, as the successor-in interest to Chrysler, is responsible for any and all legal obligations and liabilities arising from Chrysler's sale of the subject Jeep Grand Cherokee.

41. Defendant, WESTBURY JEEP EAGLE, INC,, was and still is in the business, amongst other things, of selling, leasing, renting, servicing and repairing motor vehicles.

42. Defendant, WESTBURY JEEP EAGLE, INC., sold the subject Jeep Grand Cherokee to defendant LISA N. EVANS.

43. Defendant, WESTBURY JEEP EAGLE, INC., leased the subject Jeep Grand Cherokee to defendant, LISA N. EVANS.

44. Defendant, WESTBURY JEEP EAGLE, INC., serviced the subject Jeep Grand Cherokee.

45. On or about September 1, 1999, defendant, GRACE N, EVANS, was the operator of the subject Jeep Grand Cherokee.

46. Defendant, GRACE H. EVANS, was operating the subject Jeep Grand Cherokee with the knowledge, permission and consent of defendant LISA N. EVANS.

47. On or about September 1, 1999, DECEDENT was the owner and operator of a certain motor vehicle known as a Toyota, model year 1986, bearing New York State license plate no. AE522B (hereinafter referred to as the "Toyota vehicle").

48. Montauk Highway, approximately 1,250 feet east of Newlight Lane, Southampton, New York, was and still is a public roadway.

49. On or about September 1, 1999, at the aforementioned place, plaintiff, EUSEBIO SIERRA, was a passenger in the subject Toyota vehicle.

50. At the aforementioned time and place, the subject Toyota vehicle, owned and operated by DECEDENT, was in collision with the subject Jeep Grand Cherokee owned by defendant, LISA N. EVANS, and operated by defendant, GRACE H. EVANS.

51. By reason of said collision, a fire ensued causing plaintiff, EUSEBIO SIERRA, to suffer devastatingly serious personal injuries.

52. By reason of the foregoing, plaintiff, EUSEBIO SIERRA, has sustained a serious injury as defined by Section 5102(d) of the Insurance Law of the State of New York and economic loss greater than basic economic loss as defined by Section 5102(a) of the Insurance Law of the State of New York.

53. Said occurrence and resulting serious injuries to plaintiff, EUSEBIO SIERRA, were caused by reason of the negligence, carelessness and recklessness of Chrysler, DECEDENT, defendants, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler Corporation, WESTBURY JEEP EAGLE, INC., GRACE H. EVANS and LISA N. EVANS.

54. Defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, is legally responsible and liable to plaintiff, EUSEBIO SIERRA, for Chrysler's negligence, carelessness and recklessness and the resulting serious injuries sustained by plaintiff, EUSEBIO SIERRA.

55. Any joint and several liability of the defendants, DIAMLERCHRYSLER, WESTBURY JEEP EAGLE, INC., MARIBEL ORTIZ, as intended Administratrix of the Estate of JOSE A. SIERRA, deceased, GRACE H. EVANS and LISA N. EVANS, is not, upon information and belief, limited by CPLR § 1601 by reason of the exemptions and/or exceptions set forth in Article 16 of the CPLR.

56. By reason of the foregoing, plaintiff, EUSEBIO SIERRA, has been damaged in the sum of FIVE MILLION ($5,000,000.00) DOLLARS.

SECOND CAUSE OF ACTION

57. Plaintiff, EUSEBIO SIERRA, realleges, repeats and reiterates each and every allegation set forth above with the same force and effect as if fully set forth below at length.

58. Chrysler and defendant, WESTBURY JEEP EAGLE, INC., were in breach of their implied warranties.

59. Defendant DIAMLERCHRYSLER, as the successor-in-interest to Chrysler, was in breach of its implied warranties

60. The aforesaid occurrence and resulting serious injuries to plaintiff, EUSEBIO SIERRA, were caused by the breach of implied warranties by Chrysler and defendant, WESTBURY JEEP EAGLE, INC.

61. The aforesaid occurrence and resulting serious injuries to plaintiff, EUSEBIO SIERRA, were caused by the breach of implied warranties by defendant, DIAMLERCHRYSLER, as the successor-in-interest to Chrysler.

62. Defendant, DIAMLERCHRYSLER, as the successor-in interest to Chrysler, is legally responsible and liable to plaintiff, EUSEBIO SIERRA, for said breach of implied warranties by Chrysler and the resulting serious injuries sustained by plaintiff, EUSEBIO SIERRA.

63. Any joint and several liability of defendants, DIAMLERCHRYSLER and WESTBURY JEEP EAGLE, INC., are not limited by CPLR § 1601by reason of the exemptions and/or exceptions set forth in Article 16 of the CPLR.

64. By reason of the foregoing, plaintiff, EUSEBIO SIERRA, has been damaged in the sum of FIVE MILLION ($5,000,000.00) DOLLARS.

THIRD CAUSE OF ACTION

65. Plaintiff, EUSEBIO SIERRA, realleges, repeats and reiterates each and every allegation set forth above with the same force and effect as if fully set forth below at length.

66. At the time of its design, manufacture, distribution and sale, the subject Jeep Grand Cherokee was in a defective, hazardous and unreasonably dangerous condition.

67. The defects complained of in the subject Jeep Grand Cherokee were substantial contributing factors in causing the aforesaid occurrence and resulting serious injuries sustained by plaintiff, EUSEBIO SIERRA.

68. The defendant, DIAMLERCHRYSLER, has become strictly liable in tort for the design, manufacture, testing, inspection, distribution and/or sale of a detective product, the subject Jeep Grand Cherokee, which defects caused the aforesaid occurrence and resulting serious injuries sustained by plaintiff, EUSEBIO SIERRA.

69. The defendant DIAMLERCHRYSLER, as the successor-in interest to Chrysler, has become strictly liable in tort for Chrysler's design, manufacture, testing, inspection, distribution and/or sale of a defective product, the subject Jeep Grand Cherokee,. which defects caused the aforesaid occurrence and resulting serious injuries sustained by plaintiff, EUSEBIO SIERRA.

70. The defendant, WESTBURY JEEP EAGLE, INC., has become strictly liable in tort for the distribution, sale and/or leasing of a defective product, the subject

Jeep Grand Cherokee, which defects caused the aforesaid occurrence and resulting serious injuries sustained by plaintiff, EUSEBIO SIERRA.

71. Any joint and several liability of defendants, DIAMLERCHRYSLER and WESTBURY JEEP EAGLE, INC., is not limited by CPLR § 1601 by reason of the exemptions and/or exceptions set forth in Article 16 of the CPLR.

72. By reason of the foregoing, plaintiff, EUSEBIO SIERRA, has been damaged in the sum of FIVE MILLION ($5,000,000.00) DOLLARS.

WHEREFORE, plaintiff, EUSEBIO SIERRA, demands judgment against the defendants, DIAMLERCHRYSLER, WESTBURY JEEP EAGLE, INC., MARIBEL ORTIZ, as intended Administratrix of the Estate of JOSE A. SIERRA, deceased, GRACE H. EVANS and LISA N. EVANS on the various causes of action as follows:

FIRST CAUSE OF ACTION in the sum of FIVE MILLION ($5,000,000.00) DOLLARS;

SECOND CAUSE OF ACTION in the sum of FIVE MILLION ($5,000,000.00) DOLLARS; and

THIRD CAUSE OF ACTION in the sum of FIVE MILLION ($5,000,000.00) DOLLARS; plus the costs and disbursements of this action.

Dated: Melville, NY
May 25, 2000

Yours, etc.,

GANDIN, SCHOTSKY, RAPPAPORT, GLASS & GREENE, LLP

BY: MICHAEL G. GLASS
Attorney(s) for Plaintiff(s)
445 Broad Hollow Road
Melville, NY 11741
(631) 293-2300

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

EUSEBIO SIERRA being duly sworn, deposes and says: deponent is the PLAINTIFF in the within action; deponent has read the foregoing COMPLAINT and knows the contents thereof; the same is true to deponent's knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters, deponent believes it to be true.

Eusebio Sierra

Sworn to before me on the
20TH DAY OF MAY, 2000.

Millie Garcia

MILLIE GARCIA
Notary Public, State of New York
Kings County No. 24-4621528
Commission Expires Feb. 28, 2021

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

RUSH

RONALD COLEMAN, DORIS COLEMAN, and BETTY DADE, Plaintiffs, vs. JACQUELYN BRASSELL and DAIMLER CHRYSLER MOTORS CORPORATION, Defendants.	CIVIL ACTION FILE NO._____ COMPLAINT FOR DAMAGES

COME NOW, Ronald Coleman, Doris Coleman, and Betty Dade, Plaintiffs in the above-styled action and file this Complaint For Damages against Jacquelyn Brassell (hereinafter referred to as "Defendant Brassell") and Daimler Chrysler Motors Corporation (hereinafter referred to as " Defendant Daimler Chrysler"), Defendants and show the Court as follows:

PARTIES, JURISDICTION AND VENUE

1.

The State Courts of Georgia under O.C.G.A. § 15-7-4 and the Superior Courts of Georgia under O.C.G.A.§ 15-6-8 have concurrent jurisdiction over civil complaints and this Court has proper jurisdiction over this Complaint For Damages.

2.

Defendant Jacquelyn Brassell, a resident of Gwinnett County, Georgia, may be personally served with a copy of this Complaint and Summons at her place of residence located at 2344 Bonnie Court, Snellville, Gwinnett County, Georgia 30259. Defendant Brassell is subject to the jurisdiction and venue of this Court.

3.

Defendant Daimler Chrysler is a Michigan Corporation licensed to transact business within the State of Georgia, and may be personally served with a copy of this Complaint and Summon through its registered agent Corporation Process Company located at 180 Cherokee

Street, Marietta, Cobb County, Georgia 30060. Defendant Daimler Chrysler is subject to the jurisdiction and venue of this Court.

4.

At all times relevant to this action, Defendant Daimler Chrysler was the manufacturer and designer of the 1993 Chrysler Jeep Cherokee occupied by the Plaintiffs.

5.

At all times relevant to this action, Plaintiffs Ronald Coleman and Doris Coleman were legally married. They were owners and occupants in the 1993 Jeep Cherokee involved in this collision.

6.

At all times relevant to this action, Plaintiff Betty Dade was an occupant in the 1993 Jeep Cherokee involved in this collision.

7.

Venue properly lies within Fulton County where the collision occurred, because of diversity in Defendants' locations, and Defendants are subject to the venue and jurisdiction of this Court.

FACTS COMMON TO ALL COUNTS

8.

On or about November 29, 2000, Defendant Brassell negligently caused the motor vehicle that she was operating to collide with the rear end of the motor vehicle, a 1993 Chrysler Jeep Cherokee, occupied by the Plaintiffs. The collision occurred on Interstate 75/85 North in Fulton County, Georgia.

9.

In the collision, Plaintiff's vehicle exploded, bursted into flames, and the flames engulfed the entire vehicles, destroying the entire vehicle and severely injuring the Plaintiffs collision.

COUNT I

NEGLIGENCE

10.

The collision described in Paragraphs 8 and 9 and the Plaintiffs' injuries were, in part or in whole, proximately caused by the negligence and reckless conduct of Defendant Brassell in one or more of the following manners:

a) Defendant followed too closely behind the vehicle occupied by Plaintiffs, in violation of O.C.G.A. § 40-6-49;

b) Defendant operated her vehicle at a speed greater than reasonable and prudent given the conditions of traffic and the roadway, in violation of O.C.G.A. § 40-6-180;

c) Defendant operated her vehicle with reckless disregard for the safety of the Plaintiffs, in violation of O.C.G.A. § 40-6-390;

d) Defendant failed to exercise due care in operating her vehicle, in violation of O.C.G.A. § 40-6-241; and

e) Defendant failed to keep a proper lookout for the changing conditions of traffic.

Each of these acts and omissions, singularly or in combination with others, constituted negligence and proximately caused the collision and injuries and damages of the Plaintiffs.

11.

Defendant Brassell's actions and omissions are violations of the Uniform Rules of the Road and is expressly prohibited by statutes and constitute negligence per se.

12.

At all times relevant to this Complaint, Defendant Daimler Chrysler was in the business of supplying motor vehicles for use on the public roadways. Defendant Daimler Chrysler held itself out as having special expertise in the industry. Daimler Chrysler negligently designed, manufactured, prepared, tested, instructed, and warned regarding the Jeep Cherokee. The negligent acts include, but are not limited to, the following acts of omissions:

12.1 Negligently designing the vehicle from a rear-end collision standpoint and placement of the fuel tank;

12.2 Negligently designing the vehicle with inadequate shielding to protect the fuel tank and negligently designing with the propensity to become aflamed upon impact from a rear end collision;

12.3 Negligently designing the vehicle from an occupant protection standpoint;

12.4 Negligently testing of the vehicle from a rear end collision standpoint;

12.5 Negligently failing to test the vehicle to ensure the design provides reasonable occupant protection in the event of a rear-end collision;

12.6 Failing to adequately train and assist dealers in the dangers associated with the vehicle;

12.7 Failing to disclosed known problems and defects;

12.8 Negligently marketing the vehicle as a safe and stable passenger vehicle;

12.9 Failing to meet or exceed internal corporate guidelines;

12.10 Negligently designing the vehicle from a marketing standpoint;

12.11 Failing to inform the consumer, including the Plaintiffs, of information that Defendant Daimler Chrysler knew about the fire risk from a rear end collision in light utility vehicles thus depriving Plaintiffs of the right to make a conscious and free choice;

12.12 Failure to comply with the standards of care applicable in the automotive industry insofar as providing reasonable occupant protection in rear end collision;

12.13 Failing to comply with applicable and necessary Federal Motor Vehicle Safety Standards;

12.14 Failing to notify consumers, as required by law, that a defect exists in the vehicle that relates to public safety; and

12.15 Failing to recall the vehicle, or alternatively, retrofitting the vehicle to enhance safety.

These acts of negligence were a proximate and producing cause of the injuries and damages suffered by Plaintiffs. The dangers referenced were reasonably foreseeable or scientifically discoverable at the time of Plaintiffs' exposure.

COUNT II

STRICT LIABILITY

13.

Daimler Chrysler designs and manufactures the subject Jeep Cherokee, and placed it into the stream of commerce prior to the subject collision. The Jeep Cherokee involved in this case was defective, unreasonably dangerous, and not fit for the ordinary use intended in violation of

Georgia laws regarding strict product liability and warranty of merchantability and the defective nature of the design, marketing, instructions, warnings, and crashworthiness. The defective nature of the vehicle included the following:

13.1 The vehicle was defectively marketed in that the consumer was led to believe the vehicle was a safe and stable vehicle without providing necessary and adequate warnings and instructions that would have given the consumer adequate information so that an informed choice could be made about purchasing the vehicle;

13.2 The vehicle was defective in that it was not designed to provide reasonable and necessary occupant protection in the event of a rear-end collision.

PAIN AND SUFFERING

14.

As a direct and proximate result of the negligent of the Defendants, Plaintiffs sustained serious physical and mental pain and suffering, and will continue to suffer for a long period of time, if not, the remainder of their lives. Said Plaintiffs have incurred possibly permanent injuries.

MEDICAL EXPENSES

15.

As a further direct and proximate result of the Defendants' negligence and reckless conduct, Plaintiff Ronald Coleman incurred the following expenses for medical care and attention:

Grady Memorial Hospital
Grady Medical Transport
Dr. Walter Ingram, MD
Athens Primary Care
Publix Pharmacy

These expenses are approximate and were incurred for the necessary care and treatment of Plaintiff Ronald Coleman's injuries resulting from the incident complained of. These charges are reasonable and were usual and customary charges made for such services.

16.

As a further direct and proximate result of the Defendants' negligence and reckless conduct, Plaintiff Doris Coleman incurred the following expenses for medical care and attention:

Grady Memorial Hospital
St. Mary Hospital
Athens Primary Care
Healthsouth
Kroger Pharmacy
Athens-Clarke Emergency Dept.

These expenses are approximate and were incurred for the necessary care and treatment of Plaintiff Doris Coleman's injuries resulting from the incident complained of. These charges are reasonable and were usual and customary charges made for such services.

17.

As a further direct and proximate result of the Defendants' negligence and reckless conduct, Plaintiff Betty Dade incurred the following expenses for medical care and attention:

Grady Memorial Hospital
Emory Medical Care Foundation

These expenses are approximate and were incurred for the necessary care and treatment of Plaintiff Betty Dade's injuries resulting from the incident complained of. These charges are reasonable and were usual and customary charges made for such services.

18.

As a proximate result of the negligent acts of the Defendants, there is a reasonable possibility that Plaintiffs will incur future medical expenses. The full amount of such expenses is unknown to Plaintiffs at this time.

LOST WAGES

19.

As a direct and proximate result of Plaintiffs' injuries caused by Defendants' negligence, Plaintiffs were physically unable to perform her job duties and incurred lost wages in an amount to be proven at trial.

LOSS OF CONSORTIUM

20.

Plaintiff Ronald Coleman is the spouse of Doris Coleman and brings this action for the loss of society, companionship, and consortium of his spouse, Doris Coleman, which loss was caused by the negligence of the Defendants.

21.

Plaintiff Doris Coleman is the spouse of Ronald Coleman and brings this action for the loss of society, companionship, and consortium of her spouse, Ronald Coleman, which loss was caused by the negligence of the Defendants.

PROPERTY DAMAGES

22.

As a direct and proximate result of Defendants' negligence, Plaintiffs Ronald and Doris Coleman lost the following property: eyeglasses valued at $500.00; Coach purse valued at $350.00; Coach wallet valued at $150.00; hardback book valued at $25.00; Sony hand cam valued at $299.99; Toshiba notebook computer valued at $2100.00; Bellsouth cellular phone valued at $50.00; 30 CD's valued at $419.00; Nautica jacket valued at $150.00; house and car keys replacement valued at $15.00; and cash in the amount of $750.00.

23.

As a direct and proximate result of Defendants' negligence, Plaintiff Betty Dade lost the following property: two airline tickets valued at $774.80; purse valued at $150.00; house and car keys replacement valued at $15.00; and wallet with $890.00 cash.

EXEMPLARY DAMAGES

24.

As a direct and proximate result of the intentional, willful, wanton and reckless conduct of Defendants and/or their agents, Plaintiffs are entitled to recover punitive damages in an amount to be determined at trial by the enlightened conscience of the jury but not less than $250,000.

WHEREFORE, Plaintiffs pray as follows:

(a) That the Defendants be served with a copy of the Complaint and Summons and Process as provided by law;

(b) That the Plaintiffs obtain a judgment against the Defendants for special and general damages as determined at trial, as well as costs of the litigation;

(c) That the Plaintiffs obtain a judgment against the Defendants for exemplary damages;

(d) That all issues be tried by jury; and

(e) For such other relief as the Court deems just and equitable under all circumstances alleged and contained herein.

Respectfully submitted, this 17th day of September, 2002.

Lisa R. Roberts

LISA R. ROBERTS
ATTORNEY FOR PLAINTIFFS
GEORGIA BAR NO. 609263

LISA R. ROBERTS & ASSOCIATES, P.C.
1973 East Highway 34
Newnan, Georgia 30265
770/253-8636

APD VEHICLE RECORD / IMPOUND REPORT

1. PAGE	2. OF	3. DATE (mm/dd/yy)	4. INCIDENT NUMBER
2	2	11/23/00	003741129

GENERAL VEHICLE INFORMATION

5. Veh.# 2

6. Reporting Officer (L/F/M, Suffix): Haragin H/O

7. APD ID Number: 2491

8. Assignment No.: 3304

9. [redacted]

10. Work Phone: ( )

11. Home Phone: ( )

12. [redacted]

13. [redacted] SAME

14. Is the driver the owner? ☒ Yes ☐ No

15. Was the driver arrested? ☐ Yes ☒ No

16. Record Type: ☒ I Impound ☐ S Stolen ☐ V Suspect Vehicle ☐ R Recovered ☐ Z Seized ☐ Other

17. Vehicle held as: ☒ Property ☐ Evidence ☒ Other SCV

18. Vehicle Type: ☐ 01 Pass. Car ☐ 04 Tractor Trailer ☐ 10 Van ☐ 16 Recreation Veh. ☐ 02 Pickup Tk. ☐ 08 Single Unit Truck. ☐ 13 Bus ☐ 17 Motorcycle

19. Year	20. Make:	21. Model:	22. Vin:
93	Jeep	Cherokee	

23. Vehicle Style: ☐ 2D Sedan, 2 DR ☐ HB Hatchback ☐ MV Minivan ☐ Other ☐ 4D Sedan, 4 DR ☐ SW Station Wagon ☒ SU Sport Utility Veh.

24. Vehicle Color(s):	25. Tag Number:	26. Tag State:	27. Tag Year:
Green		N.Y.	

28. Tag Type: ☒ PC Pass. Car ☐ TK Truck ☐ NG National Guard ☐ PE Personalized/Customized ☐ CO Commercial ☐ CL College ☐ ST State Vehicle ☐ MC Motorcycle ☐ CU County Veh. ☐ DL Dealer ☐ US US Govt. Vehicle ☐ Other

STOLEN VEHICLE INFORMATION

29. Date Lost/Stolen:	30. Value of Vehicle:	31. Veh. Reported Stolen:	32. If out, jurisdiction:
	☐ Stolen $ ☐ Recovered $	☐ In Atlanta ☐ Outside	

IMPOUND INFORMATION

33. Time Wrecker Called/Arrived: (hh/mm)	(hh/mm)	34. Reason for Impound:
		Involved In Incident = Destroyed By Fire

35. Impound Location: (Business/Street Address): 75/85 North @ Pryor St. 36. Beat: 301

37. Supervisor (Name) Approving Impound: Sgt. Payne

38. Vehicle checked for stolen on Radio? ☐ Yes ☒ No

39. Missing Items: ☐ None ☐ Wheels ☐ Battery ☐ Other ☐ Radio

40. Damage: ☐ None ☐ Windshield ☐ Body damage ☐ Other *Totaled ☐ Steering Column

41. Doors Locked?	☐ Yes ☐ No	44. Remaining keys return to owner?	☐ Yes ☐ No
42. Ignition Locked?	☐ Yes ☐ No	45. Evidence or property turned in ?	☐ Yes ☐ No
43. Ignition key with vehicle?	☐ Yes ☐ No	46. If yes, status: ☐ Property ☐ Evidence	☐ Found

47. Ownership papers left with: ☐ Property Control ☐ Driver ☐ Did not locate ownership papers

48. Hold vehicle for: Owner

49. Supervisor (Name) Approving Hold:

50. Wrecker Company: R & S

51. Wrecker Driver's Signature:

52. Comments:

53. Impound No.

TRAILER INFORMATION

54. Year	55. Make:	56. Model:	57. Vin:

58. Is the trailer loaded? ☐ Yes ☐ No

59. Is the trailer sealed? ☐ Yes ☐ No

60. Cargo Description:

61. Tag Number:	62. Tag State:	63. Tag Yr:

ATLANTA POLICE DEPARTMENT Form #PD005 August 20, 1998
Original - Central Records Copy 2 - Wrecker
Copy 3 - Property Control Copy 4 - Owner

1

PE10-031-Chrysler-000416

NFIRS - 1 Basic

A

FDID	State	Incident Date (MM DD YYYY)	Station	Incident Number	Exposure
06001	GA	11/29/2000		0047879	0

B Location

Address Type	Number/Milepost	Prefix	Street or Highway	Street Type	Suffix
			I-75-85 NB EXPY SW /		

Apt./Suite/Room	City	State	Zip Code
			30315

Census Tract

Cross street or directions, as applicable

C Incident Type

130 - Mobile property (v

Incident Type

D Aid Given or Received

Their FDID	Their State	Their Incident Number

N - None

Type Aid Given or Recieved

E1 Dates & Times (Midnight is 0000)

	Month Day Year	Hour Min Seconds
Alarm	11/29/2000	15:43
Arrival	11/29/2000	15:48
Controlled		
Last Unit Cleared	11/29/2000	16:22

E2 Shifts & Alarms (Local Option)

Shift or platoon	Alarms	District
B	0	5

E3 Special Studies (Local Option)

Special Study ID#	Special Study Value

F Actions Taken

11 - Extinguish

Actions Taken

G1 Resources

N Check this box and skip this section if an Apparatus or Personnel form is used.

	Apparatus	Personnel
Suppression	0	0
EMS	0	0
Other	0	0

N Check box if resource counts include aid received resources.

G2 Estimated Dollar Losses & Values

LOSSES: Required for all fires if known. Optional for non fires.

Property	$ 20000
Contents	$

PRE-INCIDENT VALUE: Optional

Property	$
Contents	$

H1 Casualties

	Deaths	Injuries
Fire Service		
Civilian		

H2 Detector

H3 Hazardous Materials Release

I Mixed Use Property

J Property Use: 962 - Residential street, road or residential d

K1 Person/Entity Involved

Mr., Ms., Mrs. | First Name | MI | Last Name | Suffix

Number | Prefix | Street or Highway | Street Type | Suffix

Post Office Box | Apt./Suite/Room | City

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

K2 Owner

Mr., Ms., Mrs. | First Name | MI | Last Name | Suffix

Number | Prefix | Street or Highway | Street Type | Suffix

Post Office Box | Apt./Suite/Room | City

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

NFIRS - 2
Fire

A

FDID	State	Incident Date (MM DD YYYY)	Station	Incident Number	Exposure
06001	GA	11/29/2000		0047879	0

B Property Details

B1 [ ] [Y] Not Residential
Estimated number of residential living units in building of origin

B2 [ ]
Number of buildings involved

B3 [ ]
Acres burned (outside fires)

C On-Site Materials or Products

On-site materials

On-site materials use

D Ignition

D1 [81 - Operator/passenger area]
Area of fire origin

D2 [97 - Multiple heat sources i]
Heat source

D3 [10 - Structural component or]
Item first ignited

D4 [99 - Multiple types of mater]
Type of material first ignited

[ ]
Confined to object of origin

E1 Cause of Ignition

[3 - Failure of equipment or heat]
Cause of ignition

E2 Factors Contributing To Ignition

20 - Mechanical failure, malfunction, other

Factors contributing to ignition

E3 Human Factors Contributing To Ignition

Estimated age of person involved [ ]

Gender of person involved [ ]

F1 Equipment Involved In Ignition

[100 - Heating, ventilating & air]
Equipment Involved

[00]
Brand

[ ]
Model

[00]
Serial #

Year [2000]

F2 Equipment Power

[ ]
Equipment power source

F3 Equipment Portability

[ ]
Equipment portability

G Fire Suppression Factors

Fire suppression factors

H1 Mobile Property Involved

[1 - Not involved in ign]
Mobile property involved

H2 Mobile Property Type & Make

[11 - Passenger car,]
Mobile property type

[ ]
Mobile property make

[00]
Mobile property model

[2000]
Year

[00]
License plate number

[ ]
State

[00]
VIN number

Local Use

PE10-031-Chrysler-000418

A

FDID	State	Incident Date (MM DD YYYY)	Station	Incident Number	Exposure
06001	GA	11/29/2000		0047879	0

NFIRS-3 Structure Fire

I1 Structure Type

Structure type

I2 Building Status

Building status

I3 Building Height

Total number of stories at or above grade

Total number of stories below grade

I4 Main Floor Size

Total square feet

OR

Length in feet BY Width in feet

J1 Fire Origin

1 Story of fire origin

J2 Fire Spread

Fire spread

J3 Number of Stories Damaged By Flame

Number of stories w/ minor damage (1 to 24% flame damage)

Number of stories w/ significant damage (25 to 49% flame damage)

Number of stories w/ heavy damage (50 to 74% flame damage)

Number of stories w/ extreme damage (75 to 100% flame damage)

K Material Contributing Most To Flame Spread

K1 Item contributing most to flame spread

K2 Type of material contributing most to flame spread

L1 Presence of Detectors

Presence of detectors

L2 Detector Type

Detector type

L3 Detector Power Supply

Detector power supply

L4 Detector Operation

Detector operation

L5 Detector Effectiveness

Detector effectiveness

L6 Detector Failure Reason

Detector failure reason

M1 Presence of Automatic Extinguishment System

Presence of automatic extinguishment system (AES)

M2 Type of Automatic Extinguishment System

Type of automatic extinguishment system

M3 Automatic Extinguishment System Operation

Automatic extinguishment system operation

M4 Number of Sprinkler Heads Operating

Number of sprinkler heads operating

M5 Automatic Extinguishment System Failure Reason

Automatic extinguishment system failure reason

A

FDID	State	Incident Date (MM DD YYYY)	Station	Incident Number	Exposure
06001	GA	11/29/2000		0047879	0

NFIRS Remarks

Remarks

M Authorization

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

Member making report ID	Signature	Position or rank	Assignment	Month	Day	Year

GEORGIA UNIFORM MOTOR VEHICLE ACCIDENT REPORT

Accident Number: 00334293 | Agency NCIC No.: GAPD0000 | County: Fulton | Date Rec. By DPS:

Date: 11-29-00 | Day Of Week: W | Time: 1541 | Off. Arrived: 1547 | Total Number Of: Vehicles 2, Injuries 0, Fatalities 0 | Inside City Of: Atlanta

Road of Occurrence: I-75/85 North | At Its Intersection With: University Ave

Not At Its Intersection But .5 Miles North Of: University Ave

And Continuing In the Direction Checked Above: Pryor St

The Next Reference Point Is:

Corrected Report: Yes ☐ | Suppl. To Original: Yes ☐

Driver 1

Driver #: 1 | Ped ☐ | [redacted] | Middle:

City: Snellville | State: Ga | [redacted]

[redacted] | Class: C | State: GA | ☐ Male ☒ Female

Posted Speed: 55 | Insurance Co.: Auto Owners Ins. | [redacted]

Year: 2000 | Make: Hyundai | Model: Accent | [redacted]

VIN: KMHCG45C0Y[redacted] | Vehicle Color: GOLD

Tag #: [redacted] | State: NC | County: | Year: 00

Trailer Tag # | State | County | Year

☒ Same as Driver | Owner's Last Name | First | Middle

Address

City | State | Zip

Removed By: RJS | ☒ Request ☐ Tow

Alcohol Test: 2	Type	Results	Drug Test: 2	Type	Results

Driver Condition: 1	Direction of Travel: 1	Vision Obscured: 1	Contributing Factors: 3
Vehicle Condition: 1	Vehicle Maneuver: 5	Pedestrian Maneuver	

Most Harmful Event: 11	Vehicle Class: 1	Vehicle Type: 1
Traffic Control: 7	Device Inoperative? ☐ Yes ☒ No	

Driver 2

Driver #: 2 | Last Name: [redacted] | First: [redacted] | Middle: Edward

Ped ☐ | [redacted] | F207

City: Athens | State: Ga | [redacted]

[redacted] | Class: C | State: GA | ☐ Male ☐ Female

Posted Speed: 55 | Insurance Co.: Premiere | Policy No.

Year: 93 | Make: Jeep | Model: Cherokee | Telephone No.

VIN | Vehicle Color

Tag # | State: N.Y. | County | Year

Trailer Tag # | State | County | Year

☒ Same as Driver | Owner's Last Name | First | Middle

Address

City | State | Zip

Removed By: RJS | ☐ Request ☒ Tow

Alcohol Test: 2	Type	Results	Drug Test: 2	Type	Results

Driver Condition: 1	Direction of Travel: 1	Vision Obscured: 1	Contributing Factors: 1
Vehicle Condition: 1	Vehicle Maneuver: 5	Pedestrian Maneuver	

Most Harmful Event: 11	Vehicle Class: 1	Vehicle Type: 1
Traffic Control: 7	Device Inoperative? ☐ Yes ☒ No	

Injured Taken To | By:

EMS Notified Time | EMS Arrival Time | Hospital Arrival Time | Photos Taken: ☐ Yes ☐ No | By:

Report By: E.R. HARAGSIM 2491 | Department: ATL P.D. | Report Date: 11-29-00 | Checked By: [redacted] | Date Checked: 11/29/00

[redacted] | State: ATL GA | [redacted]

[redacted] Decatur GA

COMMERCIAL VEHICLES ONLY

Carrier Name / Vehicle #			
Address			
City	State	Zip	
Number of Axles	G.V.W.R.	Fed. Reportable 1 ☐ Yes 2 ☐ No	Cargo Body Type
Vehicle Config.	I.C.C.M.C. #	U.S. D.O.T. #	Interstate ☐ Intrastate ☐

C.D.L.? 1 ☐ Yes 2 ☐ No | C.D.L. Suspended? 1 ☐ Yes 2 ☐ No

Vehicle Placarded? 1 ☐ Yes 2 ☐ No | Hazardous Materials? 1 ☐ Yes 2 ☐ No | Released? 1 ☐ Yes 2 ☐ No

If YES, Name or 4 Digit Number from Diamond or Box: | 1 Digit Number from Bottom of Diamond:

— Ran Off Road — Down Hill Runaway — Cargo Loss Or Shift — Separation of Units

Carrier Name / Vehicle #			
Address			
City	State	Zip	
Number of Axles	G.V.W.R.	Fed. Reportable 1 ☐ Yes 2 ☐ No	Cargo Body Type
Vehicle Config.	I.C.C.M.C. #	U.S. D.O.T. #	Interstate ☐ Intrastate ☐

C.D.L.? 1 ☐ Yes 2 ☐ No | C.D.L. Suspended? 1 ☐ Yes 2 ☐ No

Vehicle Placarded? 1 ☐ Yes 2 ☐ No | Hazardous Materials? 1 ☐ Yes 2 ☐ No | Released? 1 ☐ Yes 2 ☐ No

If YES, Name or 4 Digit Number from Diamond or Box: | 1 Digit Number from Bottom of Diamond:

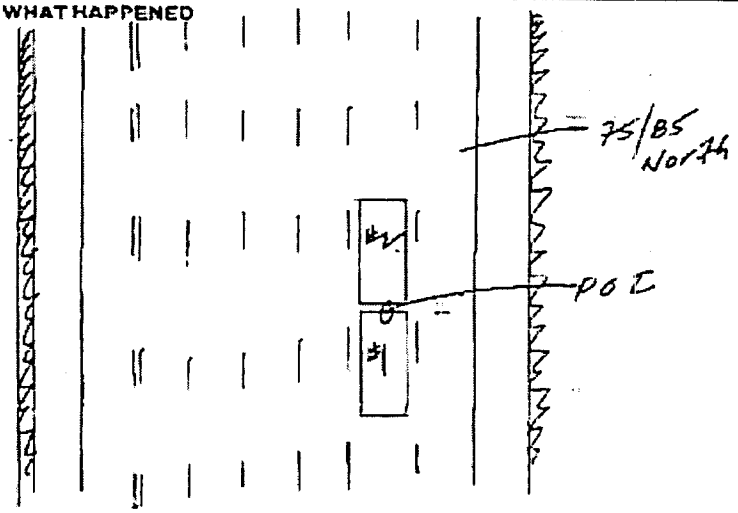
— Ran Off Road — Down Hill Runaway — Cargo Loss Or Shift — Separation of Units

DPS-253 (1/94)

REMARKS PAGE 1 OF 2

DRIVER #1 STATED THAT TRAFFIC STOPPED IN FRONT OF HER VEHICLE. BY THE TIME SHE REALIZED IT SHE WAS UNABLE TO STOP IN TIME.
DRIVER #2 STATED THE FOLLOWING: VEHICLE #2 (V#2) WAS STOPPED IN HEAVY TRAFFIC. IT WAS STRUCK IN THE REAR BY V#1.
UPON IMPACT V#2 IGNITED IN FLAMES COMPLETELY DESTROYING IT. DRIVER #2 HAD MINOR INJURIES. ALL THREE OCCUPANTS OF V#2 WERE TRANSPORTED TO GRADY HOSPITAL BY SOUTHERN UNIT #31, ALTHOUGH ONLY THE DRIVER HAD ANY VISIBLE INJURIES.

INDICATE ON THIS DIAGRAM WHAT HAPPENED



Accident Investigation Site? ☐ Yes ☑ No Site Number:

CITATIONS - VEHICLE # 1: 46-6-49(a1)

CITATIONS - VEHICLE # 2: N/A

First Harmful Event	Traffic-Way Flow	Weather	Surface Cond.	Light Condition	Manner Of Collision	Location At Area Of Impact	Road Comp.	Road Defects	Road Character
11	3	3	2	1	3	1	2	1	1

	VEH. # 1	VEH. # 2
Number of Occupants	2	3
Point Of Initial Contact	12	6
Damage To Vehicles	4	5

SKID DISTANCE BEFORE IMPACT ____ VEH. ____ VEH. AFTER ____ VEH. ____ VEH.

Width Of Road: 4 LANES

Damage Other Than Vehicle: NONE Owner:

Occupants	Driver # / Or Pedestrian #	Last Name	First	Address	City	State	Zip	AGE	SEX	VEH NO.	POS.	INJURY	TAKEN FOR TREAT.	EJECT	SAFETY EQUIP.	RETRIG.	AIR BAG
	1	Coleman	Doris	2035 Fairburn Hwy Rd FDT	Atlanta	Ga	3060	45	F	2	4	0	2	1	B	2	—
	2	Dade	Betty	133 Glide St. #20	Rochester	N.Y.		76	F	2	3	0	2	1	B	2	—

MAIL TO: GEORGIA DEPARTMENT OF PUBLIC SAFETY, ACCIDENT REPORTING UNIT, P.O. BOX 1456, ATLANTA, GEORGIA, 30371-2403

ALCOHOL AND/OR DRUG TEST GIVEN
1 - Yes 2 - No 3 - Refused

TYPE TEST
1-Blood 2-Breath 3-Urine 4-Other

DRIVER CONDITION
1 Not Drinking
2 Had Known If U.I.
3 Drinking, Not Impaired
4 U.I. Alcohol
5 U.I. Drugs
6 U.I. Alcohol & Drugs
7 Physical Impairment
8 Apparently Fell Asleep

DIRECTION OF TRAVEL
1-North 2-South 3-East 4-West

VISION OBSCURED BY
1 Not Obscured
2 Headlights
3 Sunlight
4 Parked Vehicle
5 Trees, Bushes
6 Rain, Snow, Ice On Windshield
7 Other

VEHICLE CONDITION
1 No Known Defects
2 Tire Failure
3 Brake Failure
4 Improper Lights
5 Steering Failure
6 Slick Tires
7 Other

VEHICLE MANEUVER
1 Turning Left
2 Turning Right
3 Making U-turn
4 Stopped
5 Straight
6 Changing Lanes
7 Backing
8 Parked
9 Passing
10 Negotiating A Curve
11 Entering/Leaving Parking
12 Entering/Leaving Driveway

PEDESTRIAN MANEUVER
1 Crossing, Not At Crosswalk
2 Crossing At Crosswalk
3 Walking With Traffic
4 Walking Against Traffic
5 Pushing Or Working On Vehicle
6 Other Working In Road
7 Playing In Roadway
8 Standing In Roadway
9 Off Roadway
10 Other

FIRST HARMFUL EVENT/MOST HARMFUL EVENT

NON-COLLISION
1 Overturn
2 Fire/Explosion
3 Immersion
4 Jackknife
5 Other Non-Collision

COLLISION WITH OBJECT NOT FIXED
6 Pedestrian
7 Pedalcycle
8 Railway Train
9 Animal
10 Parked Motor Veh.
11 Motor Vehicle In Motion
12 Motor Vehicle In Motion - In Other Roadway
13 Other Object (Not Fixed)
14 Deer

COLLISION WITH FIXED OBJECT
15 Impact Attenuator
16 Bridge Pier/Abutment
17 Bridge Parapet End
18 Bridge Rail
19 Guardrail Face
20 Guardrail End
21 Median Barrier
22 Highway Traffic Sign Post
23 Overhead Sign Support
24 Luminaire/Light Support
25 Utility Pole
26 Other Post
27 Culvert
28 Curb
29 Ditch
30 Embankment
31 Fence
32 Mailbox
33 Tree
34 Other Fixed Object

CONTRIBUTING FACTORS
1 No Contributing Factors
2 D.U.I.
3 Following Too Close
4 Failed To Yield
5 Exceeding Speed Limit
6 Disregard Stop Sign/Signal
7 Wrong Side Of Road
8 Weather Conditions
9 Improper Passing
10 Driver Lost Control
11 Changed Lanes Improperly
12 Object Or Animal
13 Improper Turn
14 Parked Improperly
15 Mechanical Or Vehicle Failure
16 Surface Defects
17 Misjudged Clearance
18 Improper Backing
19 No Signal/Improper Signal
20 Driver Condition
21 Driverless Vehicle
22 Too Fast For Conditions
23 Improper Passing Of School Bus
24 Disregard Police Officer
25 Distracted
26 Other

VEHICLE CLASS
1 Privately Owned
2 Police
3 Fire
4 School
5 Other Govt. Owned
6 Military
7 Commercial Veh. (For Acc. Reporting Purposes Only)
8 Other

VEHICLE TYPE
1 Passenger Car
2 Pickup Truck
3 Truck Tractor (Bobtail)
4 Tractor/Trailer
5 Tractor W/Twin Trailers
6 Logging Truck
7 Logging Tractor/Trailer
8 Single Unit Truck
9 Panel Truck
10 Van
11 Utility Passenger Veh.
12 Vehicle With Trailer
13 Bus
14 Truck Towing House Trailer
15 Ambulance
16 Motorized Recreational Vehicle
17 Motorcycle, Scooter, Minibike
18 Moped
19 Pedalcycle, Bicycle
20 Farm or Const. Equip.
21 All Terrain Vehicle
22 Other

TRAFFIC CONTROL
1 No Control Present
2 Traffic Signal
3 RR Signal/Sign
4 Warning Sign
5 Stop Or Yield Sign
6 No Passing Zone
7 Lanes
8 Other

CARGO BODY TYPE
1 Van (Encl. Box)
2 Auto Carrier
3 Bus
4 Dump
5 Gi/bage/Refuse
6 Flatbed
7 Cargo Tanker
8 Concrete Mixer
9 Other

VEHICLE CONFIGURATION
1 Bus (Seating For More Than 16 Passengers)
2 Single Unit Truck: 2 Axles
3 Single Unit Truck: 3 Or More Axles
4 Truck/Trailer
5 Truck Tractor (Bobtail)
6 Tractor/Trailer
7 Tractor With Twin Trailers
8 Unknown Heavy Truck (Cannot Classify)

TRAFFIC-WAY FLOW
1 Two-way Trafficway With No Physical Separation
2 Two-way Trafficway With A Physical Separation
3 Two-way Trafficway With A Physical Barrier
4 One-way Trafficway

WEATHER
1 Clear
2 Cloudy
3 Rain
4 Snow
5 Sleet
6 Fog
7 Other

SURFACE CONDITION
1 Dry
2 Wet
3 Snowy
4 Icy
5 Other

LIGHT CONDITION
1 Daylight
2 Dusk
3 Dawn
4 Dark - Lighted
5 Dark - Not Lighted

MANNER OF COLLISION
1 Angle
2 Head On
3 Rear End
4 Sideswipe - Same Direction
5 Sideswipe - Opposite Direction
6 Not A Collision With A Motor Vehicle

LOCATION AT AREA OF IMPACT
1 On Roadway
2 On Shoulder
3 Off Roadway
4 Median
5 Ramp
6 Gore

ROAD COMPOSITION
1 Concrete
2 Black Top
3 Tar And Gravel
4 Dirt
5 Gravel
6 Other

CONTRIBUTING ROAD DEFECTS
1 No Defects
2 Defective Shoulders
3 Holes, Deep Ruts, Bumps
4 Loose Material On Surface
5 Water Standing
6 Road Under Construction
7 Running Water
8 Other

ROAD CHARACTER
1 Straight And Level
2 Straight On Grade
3 Straight On Hillcrest
4 Curve And Level
5 Curve On Grade
6 Curve On Hillcrest

DAMAGE TO VEHICLE
1 None
2 Slight
3 Moderate
4 Extensive
5 Fire Present

AGE
00 - Up To One Year
01 - 97 Actual Age
98 - Ninety-eight Or Older
99 - Unknown

SEX
M- Male
F- Female

INJURY CODE
0 Not Injured
1 Killed
2 Serious
3 Visible
4 Complaint

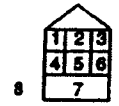
TAKEN FOR TREATMENT 1-Yes 2- No

EJECTION
1 Not Ejected
2 Trapped
3 Totally Ejected
4 Partially Ejected

SAFETY EQUIPMENT
0 None Used
1 Shoulder Belt
2 Lap Belt
3 Lap And Shoulder Belt
4 Child Safety Seat (Properly Used)
5 Child Safety Seat (Improperly Used)
6 Motorcycle Helmet
7 Bicycle Helmet
8 Unknown

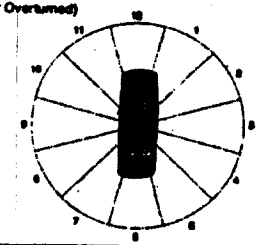
EXTRICATION (EQUIPMENT USED) 1 - Yes 2 - No

AIR BAG FUNCTION
0 No Air Bag In Vehicle
1 Deployed Air Bag
2 Non-Deployed Air Bag



SEATING POSITION
(Use "F" for Pedestrians)

POINTS OF INITIAL CONTACT
(Use 00 For Overturned)



MATTER #	1104145
FILE TYPE	Lawsuit
FILE NAME	[redacted])
CAIR #	
DATE OF INCIDENT	11/29/2000
DATE OF NOTICE	10/17/2002
MODEL/MODEL YEAR	1993 Jeep Grand Cherokee (ZJ)
VIN	1J4GZ58S4PC[redacted]
MILEAGE	
OWNER	[redacted] [redacted], Athens, Georgia [redacted]
COURT	State Court of Fulton County, State of Georgia
DOCKET #	03-C-08363-S4
FIRE ALLEGED	Yes
DESCRIPTION	On November 29, 2000, a 1993 Jeep Grand Cherokee (ZJ) driven by [redacted] was stopped in heavy traffic on I-75/I-85 North in Fulton County, Georgia with a posted speed limit of 55 mph. [redacted] were passengers in the vehicle. A 2000 Hyundai Accent, driven by [redacted] failed to see that traffic had stopped and struck the rear of the Jeep Grand Cherokee (ZJ) and a fire ensued.
PROPERTY DAMAGE ALLEGED	No
INJURIES	3
FATALITIES	0
ANALYSIS	The Jeep Grand Cherokee (ZJ) was destroyed after the accident and was not inspected. Chrysler Group is unable to confirm that, as a result of the accident, the fuel tank ruptured or that the origin of the fire was at the fuel tank. Based on the available information, including the police report and witness statements, Chrysler Group concludes that the accident involved a high speed, high energy rear impact. The relative velocity at impact was likely in excess of 50 mph. Mr. [redacted], the driver of the Jeep Grand Cherokee (ZJ), stated that, at the time of the impact, he was stopped or had just started moving forward and that there was a hard impact to the rear of his vehicle. Ms. [redacted] the driver of the Hyundai Accent, stated that she noticed traffic was stopped in front of her and that by the time she realized it she was unable to stop.

CACE

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY,
FLORIDA

CASE NO 0121621 07

ASHLEI DUNN

Plaintiff,

vs.

DAIMLERCHRYSLER CORPORATION,
CARMAX AUTO SUPERSTORES, INC.

Defendants

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, ASHLEI DUNN, by and through her undersigned attorneys and sues the Defendants, DAIMLERCHRYSLER CORPORATION, and CARMAX AUTO SUPERSTORES, INC. and as grounds therefore would state as follows:

PARTIES, JURISDICTION AND VENUE

1. This is an action for damages in excess of Fifteen Thousand Dollars ($15,000.00).

2. At all times material hereto the Plaintiff, ASHLEI DUNN was a resident of Broward County, Florida.

3. At all times material hereto Defendant CARMAX AUTO SUPERSTORES, INC. was and is an automobile dealership authorized to do business, and in fact doing business in Broward County, Florida.

4. At all times material hereto Defendants DAIMLERCHRYSLER CORPORATION, was and is a foreign corporation authorized to do business and doing business in the State of Florida, and/or having extensive contacts with the State of Florida in that it manufactures

Chrysler and Jeep automobiles and distributes such automobiles through the State of Florida in large quantities and the sale and distribution of such automobiles constitutes a significant percentage of the Defendants' output.

5. At all times material hereto, the Defendant CHRYSLER designed, manufactured, and sold a 1997 Jeep Grand Cherokee, bearing identification #184GZ5853VC775156.

6. On or about June of 2000 the Defendant CARMAX AUTO SUPERSTORES, INC. sold the subject vehicle to the Plaintiff, ASHLEI DUNN.

7. On or about December 27, 2000 the Plaintiff ASHLEI DUNN was operating her 1997 Grand Cherokee Jeep, on Griffin Road 1600 feet of the intersection of S.W. 106th Avenue, Cooper City, Broward County, Florida.

8. At said time and place, a motor vehicle being driven by the Timothy Louis Thomas rear-ended the motor vehicle being operated by the Plaintiff, ASHLEI DUNN.

9. On or about December 27, 2000, the Plaintiff's motor vehicle exploded upon impact with Timothy Louis Thomas' vehicle, causing the Plaintiff, ASHLEI DUNN, to suffer severe burns and other injuries.

COUNT I

CLAIM BASED UPON THE NEGLIGENCE OF DEFENDANT DAIMLERCHRYSLER CORPORATION ("CHRYSLER")

Plaintiff realleges and reavers paragraphs 1 through 9 as if set forth fully herein and in addition would state:

10. At all times material hereto the Defendant CHRYSLER had a duty to exercise reasonable care while designing, manufacturing, distributing, testing, constructing, fabricating, analyzing, merchandising, promoting and selling the above-mentioned Chrysler automobile and fuel system.

11. Defendant CHRYSLER was negligent in one or more of the following acts or omissions:

a) By negligently manufacturing the fuel system, such that the fuel system would explode upon impact or collision.

b) By negligently failing to construct a fuel system that would not leak and/or otherwise seep fuel if the vehicle was collided with or impacted.

c) By failing to properly and adequately test said fuel system.

d) By failing to properly inspect the materials and/or work performed by the Defendant and/or its agents to determine if the designing, manufacturing and installation of the fuel system was done correctly.

e) By failing to properly hire and/or train employees and/or agents to do the manufacturing, designing and installation of said fuel system in a correct and competent manner.

f) By failing to properly supervise its employees and/or agents during the designing, manufacturing and selling of said fuel system.

g) By failing to adequately warn the decedent that said fuel system could explode upon impact and/or collision.

h) By failing to properly and adequately test said fuel system.

i) By failing to properly and adequately warn prospective purchasers, foreseeable users or other foreseeable parties of the hazards inherent in the fuel system.

j) By failing to conduct reasonable tests and/or inspections to detect the unsafe conditions of said fuel system.

k) By failing to post any warning signs or safety signs on said fuel system or on other areas of the subject vehicle.

l) By failing to properly and adequately place the fuel system in such a manner so as to not compromise the integrity of the fuel system in the event of a collision or impact.

m) By failing to properly and adequately shield the fuel system.

n) By failing to properly and adequately warn the decedent that protective devices for the fuel system were available to prevent explosions upon impact.

o) By failing to warn the decedent that options were available for the subject vehicle rendering it safe in the event of a collision or impact.

12. For purposes of this complaint, the fuel system includes, but is not limited to:

a) Securing straps

✓ b) Fuel tank

✓ c) All fuel hoses and tubes

✓ d) Fuel caps

✓ e) Fuel pumps

✓ f) Fuel injection

g) Insulation

h) All securing devices

✓ i) Shields and

j) Any and all other such components contained on or within the vehicle which is the subject matter of this suit having any bearing whatsoever on the fuel intake, storage or discharge.

13. As a direct and proximate result of the negligence of the defendant, DAIMLERCHRYSLER, the plaintiff, ASHLEI DUNN, was injured in and about her body and/or aggravated a pre-existing condition or injury, suffered pain therefrom, incurred medical and related expenses in the treatment of her injuries, suffered physical handicap, she suffered loss of wages and her working ability was impaired, sustained permanent injuries within a

reasonable degree of medical probability and/or permanent loss of bodily function and has lost the capacity for the enjoyment of life. Alternatively, where there is a finding of no permanent injury, the plaintiff is entitled to applicable medical expenses and lost gross income and earning capacity not payable under any personal injury protection coverage, pursuant to Florida Statutes §627.736(1), 627.737(1) and 627.737(2).

14. In that the injuries suffered by the plaintiff, ASHLEI DUNN, are continuing in nature, she will continue to suffer pain, loss of wages, physical handicap and permanent injury in the future and will be further compelled to expend great sums for medical care and related treatment for those injuries.

15. In addition, plaintiff's motor vehicle was damaged and/or she lost the value of its use during the time required for necessary repairs to it.

WHEREFORE, plaintiff, ASHLEI DUNN, demands judgment for damages against the defendant, DAIMLERCHRYSLER CORPORATION, together with costs and demands trial by jury of all issues triable as of right by jury.

COUNT II
CLAIM BASED UPON STRICT LIABILITY
OF DEFENDANT DAIMLERCHRYSLER CORPORATION

Plaintiff realleges and reavers paragraphs 1 through 9 as if set forth fully herein and in addition would state:

16. At all times material hereto the Defendant CHRYSLER was the manufacturer, producer, assembler, distributor and installer of said fuel system, which was placed in the subject vehicle.

17. In the normal course of business, the subject fuel system manufactured by Defendant CHRYSLER was expected to reach, and did in fact, reach the general public, including the Plaintiff, ASHLEI DUNN, without substantial change in the condition in which it was sold.

18. The automobile and subject fuel system manufactured by the Defendant CHRYSLER, when sold by said Defendant, was in a defective condition and unreasonably dangerous to the user, due to the defect in production, manufacture, assembly, installation, and/or distribution of said fuel system.

19. At all times material hereto, the Plaintiff, ASHLEI DUNN, was within the scope of persons who would be a foreseeable user and consumer of said product.

20. The Defendant CHRYSLER is strictly liable for any physical harm caused to the Plaintiff, ASHLEI DUNN, as a result of the defect and/or unsafe condition of said fuel system, which was produced, manufactured, assembled and installed by said Defendant.

21. As a direct and proximate result of the negligence of the defendant, DAIMLERCHRYSLER, the plaintiff, ASHLEI DUNN, was injured in and about her body and/or aggravated a pre-existing condition or injury, suffered pain therefrom, incurred medical and related expenses in the treatment of her injuries, suffered physical handicap, she suffered loss of wages and her working ability was impaired, sustained permanent injuries within a reasonable degree of medical probability and/or permanent loss of bodily function and has lost the capacity for the enjoyment of life. Alternatively, where there is a finding of no permanent injury, the plaintiff is entitled to applicable medical expenses and lost gross income and earning capacity not payable under any personal injury protection coverage, pursuant to Florida Statutes §627.736(1), 627.737(1) and 627.737(2).

22. In that the injuries suffered by the plaintiff, ASHLEI DUNN, are continuing in nature, she will continue to suffer pain, loss of wages, physical handicap and permanent injury in the future and will be further compelled to expend great sums for medical care and related treatment for those injuries.

WHEREFORE, plaintiff, ASHLEI DUNN, demands judgment for damages against the defendant, DAIMLERCHRYSLER CORPORATION, together with costs and demands trial by jury of all issues triable as of right by jury.

COUNT III
CLAIM BASED UPON NEGLIGENCE
OF DEFENDANT CARMAX AUTO SUPERSTORES, INC.

Plaintiff realleges and reavers paragraphs 1 through 9 as if set forth fully herein and in addition would state:

23. At all times material hereto, Defendant by and through its agents, servants and/or employees, failed to use due care and was negligent in one or more of the following acts or omissions:

24. Failing to properly inspect the Chrysler automobile's fuel system for defects and/or foreseeable conditions which would render the automobile inadequate.

25. Failing to warn the decedent or other members of the public in general that the Chrysler automobile was unsafe, even under reasonable and foreseeable circumstances which could cause serious bodily injury.

26. The Defendant owed a duty of care to the Plaintiff, ASHLEI DUNN, who was a customer and potential handler of this product. The Defendant breached this duty of care and was negligent with respect to the Decedent, by allowing him to properly drive a dangerous and defective automobile.

27. As a direct and proximate result of the negligence of the defendant, ASHLEI DUNN, was injured in and about her body and/or aggravated a pre-existing condition or injury, suffered pain therefrom, incurred medical and related expenses in the treatment of her injuries, suffered physical handicap, she suffered loss of wages and her working ability was impaired, sustained permanent injuries within a reasonable degree of medical probability and/or permanent loss of

bodily function and has lost the capacity for the enjoyment of life. Alternatively, where there is a finding of no permanent injury, the plaintiff is entitled to applicable medical expenses and lost gross income and earning capacity not payable under any personal injury protection coverage, pursuant to Florida Statutes §627.736(1), 627.737(1) and 627.737(2).

28. In that the injuries suffered by the plaintiff, ASHLEI DUNN, are continuing in nature, she will continue to suffer pain, loss of wages, physical handicap and permanent injury in the future and will be further compelled to expend great sums for medical care and related treatment for those injuries.

WHEREFORE, plaintiff, ASHLEI DUNN, demands judgment for damages against the defendant, together with costs and demands trial by jury of all issues triable as of right by jury.

COUNT IV
CLAIM BASED STRICT LIABILITY
OF DEFENDANT CARMAX AUTO SUPERSTORES, INC.

Plaintiff realleges and reavers paragraphs 1 through 9 as if set forth fully herein and in addition state:

29. At all times material hereto Defendant was the sales agency which sold the subject Chrysler automobile to Plaintiff, ASHLEI DUNN.

30. In the normal course of business, the above-described automobile was offered for sale by the Defendant and was expected to reach, and in fact did reach the general public, including the Plaintiff, ASHLEI DUNN.

31. At the time that the Chrysler automobile was offered to the public, there was no warning or indication that the automobile's fuel system would not function properly.

32. The Chrysler's fuel system was defective since it was suited to operate properly under reasonable and foreseeable conditions.

33. The inadequate and/or unsafe fuel system, under the control of the Defendant, was unreasonably dangerous and hazardous.

34. At the stated time and location when the Plaintiff was properly operating the subject Chrysler motor vehicle, the fuel system contained therein failed to function properly, causing the Plaintiff serious and permanent injury.

35. As a direct and proximate result of the negligence of the defendant, the plaintiff, ASHLEI DUNN, was injured in and about her body and/or aggravated a pre-existing condition or injury, suffered pain therefrom, incurred medical and related expenses in the treatment of her injuries, suffered physical handicap, she suffered loss of wages and her working ability was impaired, sustained permanent injuries within a reasonable degree of medical probability and/or permanent loss of bodily function and has lost the capacity for the enjoyment of life. Alternatively, where there is a finding of no permanent injury, the plaintiff is entitled to applicable medical expenses and lost gross income and earning capacity not payable under any personal injury protection coverage, pursuant to Florida Statutes §627.736(1), 627.737(1) and 627.737(2).

36. In that the injuries suffered by the plaintiff, ASHLEI DUNN, are continuing in nature, she will continue to suffer pain, loss of wages, physical handicap and permanent injury in the future and will be further compelled to expend great sums for medical care and related treatment for those injuries.

WHEREFORE, plaintiff, ASHLEI DUNN, demands judgment for damages against the defendant, together with costs and demands trial by jury of all issues triable as of right by jury.

I DO HEREBY CERTIFY that a copy of the foregoing Complaint was attached to the summons on the 10th day of December 2001 to be served upon the defendants.

KRUPNICK, CAMPBELL, MALONE, ROSELLI,
BUSER, SLAMA, HANCOCK, McNELIS
LIBERMAN & McKEE, P.A.
Attorney for Plaintiff
700 Southeast Third Avenue
Courthouse Law Plaza, Suite 100
Fort Lauderdale, Florida 33316
(954) 763-8181

BY: _____
ROBERT D. ERBEN, ESQUIRE
Florida Bar No.: 060940

12/10/01 CB
17249 Doc#31965


503
1 3 1 02


Your One Stop Shop
462-8934

FLORIDA TRAFFIC CRASH REPORT
LONG FORM
MAIL TO: DEPT. OF HIGHWAY SAFETY & MOTOR VEHICLES
TRAFFIC CRASH RECORDS
TALLAHASSEE, FLORIDA 32399-0500

DO NOT WRITE IN THIS SPACE

Time & Location

DATE OF CRASH	TIME OF CRASH	TIME OFFICER NOTIFIED	TIME OFFICER ARRIVED	INVEST. AGENCY REPORT NUMBER	HSMV CRASH REPORT NUMBER
12/27/00	445 PM	445 PM	450 PM	00-25708	58751540

COUNTY / CITY CODE: 10130 — CITY OR TOWN: Cooper City — COUNTY: Broward

NO. OF LANES: 2 — 2 UNDIVIDED — ON STREET, ROAD OR HIGHWAY: S.R. 818 (Griffin Rd)

AT INTERSECTION OF / or FEET/MILES: 1600 (1 Feet) W OF INTERSECTION OF SW 106 AVE

Section 1 — Vehicle 1

DRIVER ACTION	YEAR	MAKE	TYPE	USE	VEH. LICENSE NUMBER	STATE	VEHICLE IDENTIFICATION NUMBER	POINT OF IMPACT / AREA OF DAMAGE
3	91	TOYT	03	01	DNO1Y	FL	4TAVN13D3RZ250R4	1

VEHICLE TRAVELING: W ON S.R. 818 AT [redacted] — Posted Speed: 45 — EST. VEHICLE DAMAGE: $7,000 — 1 (Disabling)

INSURANCE COMPANY (LIABILITY OR PIP): STATE FARM — POLICY NUMBER: [redacted] — VEHICLE REMOVED BY: A&B TOWING — 1

OWNER'S FULL NAME / CURRENT ADDRESS: [redacted] — CITY AND STATE: Palm Bch Gardens FL — ZIP CODE: [redacted]

OWNER'S FULL NAME (Trailer or Towed Vehicle) / CURRENT ADDRESS / CITY AND STATE / ZIP CODE:

Driver / Pedestrian

DRIVER (Exactly as on Driver License) / CURRENT ADDRESS: [redacted] Cir S. Palm Bch Gardens FL — DATE OF BIRTH: [redacted]

DRIVER LICENSE NUMBER	STATE	DL TYPE	REQ. END.	BAC TEST	RESULTS	AL/DRUG	PHYS. DEF.	RES	RACE	SEX	INJ.	S. EQUIP.	EJECT.
[redacted]	FL	5	3	5	\	1	1	2	1	2	4	214	1

HAZARDOUS MATERIALS BEING TRANSPORTED: 2 No — PLACARDED: 2 No — RECOMMEND RE-EXAM: 2 No — DRIVER'S PHONE NO.: [redacted]

PASSENGER'S NAME / CURRENT ADDRESS	CITY & STATE/ZIP	AGE	LOC.	INJ.	S. EQUIP.	EJECT.
[redacted]	Cooper City, FL [redacted]	11	3	4	2K1	1

Section 2 — Vehicle 2

DRIVER ACTION	YEAR	MAKE	TYPE	USE	VEH. LICENSE NUMBER	STATE	VEHICLE IDENTIFICATION NUMBER	POINT OF IMPACT / AREA OF DAMAGE
3	97	Jeep	02	01	[redacted]	FL	[redacted]	8

VEHICLE TRAVELING: W ON S.R. 818 — Est. MPH: 0 — Posted Speed: 45 — EST. VEHICLE DAMAGE: $10,000 — 1

INSURANCE COMPANY (LIABILITY OR PIP): STATE FARM — POLICY NUMBER: [redacted] — VEHICLE REMOVED BY: A&B TOWING — 1

OWNER'S FULL NAME (Check if Driver): SAME AS DRIVER

OWNER'S FULL NAME (Trailer or Towed Vehicle) / CURRENT ADDRESS / CITY AND STATE / ZIP CODE:

Driver / Pedestrian

DRIVER (Exactly as on Driver License) / CURRENT ADDRESS: [redacted] Cooper City FL — DATE OF BIRTH: [redacted]

DRIVER LICENSE NUMBER	STATE	DL TYPE	REQ. END.	BAC TEST	RESULTS	AL/DRUG	PHYS. DEF.	RES	RACE	SEX	INJ.	S. EQUIP.	EJECT.
[redacted]	FL	5	3	5	\	1	1	1	1	2	4	214	1

HAZARDOUS MATERIALS BEING TRANSPORTED: 2 No — PLACARDED: 2 No — RECOMMEND RE-EXAM: 2 No — DRIVER'S PHONE NO.: 954, 680-0742

PASSENGER'S NAME / CURRENT ADDRESS / CITY & STATE/ZIP / AGE / LOC. / INJ. / S. EQUIP. / EJECT.:

Code Information

VEHICLE TYPE: 01 Automobile; 02 Passenger Van; 03 Pickup/Light Truck (2 rear wheels); 04 Medium Truck (4 rear tires); 05 Heavy Truck (2 or more rear axles); 06 Truck Tractor (Cab); 07 Motor Home (RV); 08 Bus; 09 Bicycle; 10 Motorcycle; 11 Moped; 12 All Terrain Vehicle; 13 Train; 77 Other

VEHICLE USE: 01 Private Transportation; 02 Commercial Passenger; 03 Commercial Cargo; 04 Public Transportation; 05 Public School Bus; 06 Private School Bus; 07 Ambulance; 08 Law Enforcement; 09 Fire/Rescue; 10 Military; 11 Other Government; 77 Other

TRAILER TYPE: 01 Single Semi Trailer; 02 Tandem Semi Trailer(s); 03 Tank Trailer; 04 Saddle Mount/Flatbed; 05 Boat Trailer; 06 Utility Trailer; 07 House Trailer; 08 Pole Trailer; 09 Towed Vehicle; 77 Other

RESIDENCE (Driver Only): 1 County of Crash; 2 Elsewhere in State; 3 Non-Resident of State; 4 Foreign; 5 Unknown

DL TYPE: 1 A; 2 B; 3 C; 4 D/Chauffeur; 5 E/Operator; 6 E/Oper-Rest; 7 None

RACE: 1 White; 2 Black; 3 Hispanic; 4 Other

REQUIRED ENDORSEMENTS: 1 Yes; 2 No; 3 N/R

SEX: 1 Male; 2 Female

PHYSICAL DEFECTS: 1 No Defects Known; 2 Eyesight Defect; 3 Fatigue/Asleep; 4 Hearing Defect; 5 Illness; 6 Seizure, Epilepsy, Blackout; 7 Other Physical Defect

INJURY SEVERITY: 1 None; 2 Possible; 3 Non-Incapacitating; 4 Incapacitating; 5 Fatal (Within 90 Days); 6 Non-Traffic Fatality

ALCOHOL / DRUG USE: 1 Not Drinking or Using Drugs; 2 Alcohol - Under Influence; 3 Drugs - Under Influence; 4 Alcohol & Drugs - Under Influence; 5 Had Been Drinking; 6 Pending BAC Test Result

SAFETY EQUIPMENT IN USE: 1 Not in Use; 2 Safe Belt / Shoulder Harness; 3 Child Restraint; 4 Air Bag; 5 Safety Helmet; 6 Eye Protection

LOCATION (In Vehicle): 1 Front Left; 2 Front Center; 3 Front Right; 4 Rear Left; 5 Rear Center; 6 Rear Right; 7 In Body of Truck; 8 Bus Passenger; 9 Other

EJECTED: 1 No; 2 Yes; 3 Partial

HSMV 90003 (Rev. 5/99)

Section 3

Vehicle

DRIVER ACTION (1 Passive 2 Hit & Run 3 N/A)	YEAR	MAKE	TYPE	USE	VEH. LICENSE NUMBER	STATE	VEHICLE IDENTIFICATION NUMBER	POINT OF IMPACT CIRCLE AREA OF DAMAGE
3	94	VOLX	01	01	A96KNQ	FL	3VWRA21H2RM004921	1

TRAILER OR TOWED VEHICLE INFORMATION — TRAILER TYPE

19 Undercarriage 19 Overturn 20 Windshield 21 Fire 22 Trailer

VEHICLE TRAVELING	ON	AT	Est. MPH	Posted Speed	EST. VEHICLE DAMAGE	DAMAGE (1 Disabling 2 Functional 3 No Damage)	EST. TRAILER DAMAGE
☑	S.R. 818		40-45	45	$ 6,000.00	1	$

INSURANCE COMPANY (LIABILITY OR PIP)	POLICY NUMBER	VEHICLE REMOVED BY: (1 Tow Rotation List 2 Tow Owner's Request 3 Driver 4 Other)
UNDERWRITERS / ISLA	12839071	A&B TOWING — 1

OWNER'S FULL NAME (Check if Driver): ☑ SAME AS DRIVER — CURRENT ADDRESS (Number and Street) — CITY AND STATE — ZIP CODE

OWNER'S FULL NAME (Trailer or Towed Vehicle) — CURRENT ADDRESS (Number and Street) — CITY AND STATE — ZIP CODE

Pedestrian

[redacted] STATE / ZIP CODE: CORAL SPRINGS, FL — DATE OF BIRTH [redacted]

[redacted] STATE: FL — TYPE: 5 — END.: 3 — ALC TEST (1 Blood 2 Breath 3 Urine 4 Refused 5 None): 5 — RESULTS: \ — ALT/DRUG: 1 — PHYS. DEF.: 1 — RES: 1 — RACE: 1 — SEX: 1 — INJ.: 2 — S. EQUIP.: 214 — EJECT.: 1

HAZARDOUS MATERIALS BEING TRANSPORTED: 1 Yes 2 No ☑ — PLACARDED: 1 Yes 2 No ☑ — RECOMMEND RE-EXAM: 1 Yes 2 No ☑ — If YES, Explain in Narrative — [redacted]

[redacted] CITY & STATE / ZIP: CORAL SPRINGS, FL — AGE: 24 — LOC: 3 — INJ.: 2 — S. EQUIP.: 214 — EJECT.: 1

#	PROPERTY DAMAGED - OTHER THAN VEHICLES	EST. AMOUNT	OWNER'S NAME	ADDRESS	CITY	STATE	ZIP
1		$					
2		$					

CONTRIBUTING CAUSES - DRIVER / PED. (1 / 2 / 3): 02 / 01 / 01

01 No Improper Driving / Action; 02 Careless Driving; 03 Failed to Yield Right-of-Way; 04 Improper Backing; 05 Improper Lane Change; 06 Improper Turn; 07 Alcohol-Under Influence; 08 Drug-Under Influence; 09 Alcohol & Drugs-Under Influence; 10 Followed Too Closely; 11 Disregarded Traffic Signal; 12 Exceeded Safe Speed Limit; 13 Disregarded Stop Sign; 14 Failed to Maintain Equip. / Vehicle; 15 Improper Passing; 16 Drove Left of Center; 17 Exceeded Stated Speed Limit; 18 Obstructing Traffic; 19 Improper Load; 20 Disregarded Other Traffic Control; 21 Driving Wrong Side / Way; 22 Fleeing Police; 23 Vehicle Modified; 77 All Other (Explain)

VEHICLE DEFECT (1 / 2 / 3): 01 / 01 / 01

01 No Defects; 02 Def. Brakes; 03 Worn / Smooth Tires; 04 Defective / Improper Lights; 05 Puncture / Blowout; 06 Steering Mech.; 07 Windshield Wipers; 08 Equipment / Vehicle Defect; 77 All Other (Explain in Narrative)

VEHICLE MOVEMENT (1 / 2 / 3): 01 / 02 / 01

01 Straight Ahead; 02 Slowing / Stopped / Stalled; 03 Making Left Turn; 04 Backing; 05 Making Right Turn; 06 Changing Lanes; 07 Entering / Leaving Parking Space; 08 Properly Parked; 09 Improperly Parked; 10 Making U-Turn; 11 Passing; 12 Driverless or Runaway Veh.; 77 All Other (Explain in Narrative)

VEHICLE SPECIAL FUNCTIONS (1 / 2 / 3): 1 / 1 / 1

1 None; 2 Farm; 3 Police Pursuit; 4 Recreational; 5 Emergency Operation; 6 Construction / Maintenance

LOCATION ON ROADWAY (1 / 2 / 3): 1 / 1 / 1

1 On Road; 2 Not On Road; 3 Shoulder; 4 Median; 5 Turn Lane / Safety Zone

PEDESTRIAN ACTION

01 Crossing Not at Intersection; 02 Crossing at Mid-block Crosswalk; 03 Crossing at Intersection; 04 Walking Along Road With Traffic; 05 Walking Along Road Against Traffic; 06 Working on Vehicle in Road; 07 Other Working in Road; 08 Standing / Playing in Road; 09 Standing in Pedestrian Island; 77 All Other (Explain); 88 Unknown

LOCATION TYPE: 2

1 Primarily Business; 2 Primarily Residential; 3 Open Country

FIRST / SUBSEQUENT HARMFUL EVENT — F: 01 — S: 02

01 Collision With MV in Transport (Rear-end); 02 Collision With MV in Transport (Head-on); 03 Collision With MV in Transport (Angle); 04 Collision With MV in Transport (Left Turn); 05 Collision With MV in Transport (Right Turn); 06 Collision With MV in Transport (Sideswipe); 07 Collision With MV in Transport (Backed Into); 08 Collision With Parked Car; 09 Collision With MV on Other Roadway; 10 Collision With Pedestrian; 11 Collision With Bicycle; 12 Collision With Bicycle (Bike Lane); 13 Collision With Moped; 14 Collision With Train; 15 Collision With Animal; 16 MV Hit Sign/Sign Post; 17 MV Hit Utility Pole/Light Pole; 18 MV Hit Guardrail; 19 MV Hit Fence; 20 MV Hit Concrete Barrier Wall; 21 MV Hit Bridge/Pier/Abutment/Rail; 22 MV Hit Tree/Shrubbery; 23 Collision With Construction Barricade/Sign; 24 Collision With Traffic Gate; 25 Collision With Crash Attenuators; 26 Collision With Fixed Object Above Road; 27 MV Hit Other Fixed Object; 28 Collision With Moveable Object On Road; 29 MV Ran Into Ditch/Culvert; 30 Ran Off Road Into Water; 31 Overturned; 32 Occupant Fell From Vehicle; 33 Tractor/Trailer Jackknifed; 34 Fire; 35 Explosion; 77 All Other (Explain)

ROAD SYSTEM IDENTIFIER: 03

01 Interstate; 02 U.S.; 03 State; 04 County; 05 Local; 06 Turnpike/Toll; 07 Forest Road; 77 All Other

LIGHTING CONDITION: 02

01 Daylight; 02 Dusk; 03 Dawn; 04 Dark (Street Light); 05 Dark (No Street Light); 88 Unknown

ROAD SURFACE CONDITION: 02

01 Dry; 02 Wet; 03 Slippery; 04 Icy; 77 All Other (Explain)

WEATHER: 01

01 Clear; 02 Cloudy; 03 Rain; 04 Fog; 77 All Other (Explain)

ROAD SURFACE TYPE: 02

01 Slag / Gravel / Stone; 02 Blacktop; 03 Brick / Block; 04 Concrete; 05 Dirt; 77 All Other (Explain)

CONTRIBUTING CAUSES - ROAD: 01

01 No Defects; 02 Obstruction With / Without Warning; 03 Road Under Repair / Construction; 04 Loose Surface Materials; 05 Shoulders - Soft / Low / High; 06 Holes / Ruts / Unsafe Paved Edge; 07 Standing Water; 08 Worn / Polished Road Surface; 77 All Other (Explain)

CONTRIBUTING CAUSES - ENVIRONMENT: 01

01 Vision Not Obscured; 02 Inclement Weather; 03 Parked / Stopped Vehicle; 04 Trees / Crops / Bushes; 05 Load on Vehicle; 06 Building / Fixed Object; 07 Signs / Billboards; 08 Fog; 09 Smoke; 10 Glare; 77 All Other (Explain)

TRAFFIC CONTROL: 01

01 No Control; 02 School Zone; 03 Traffic Signal; 04 Stop Sign; 05 Yield Sign; 06 Flashing Light; 07 Railroad Signal; 08 Officer / Guard / Flagman; 09 Posted No U-Turn; 10 Special Speed Zone; 11 No Passing Zone; 77 All Other (Explain)

SITE LOCATION: 01

01 Not At Intersection / RR X'ing / Bridge; 02 At Intersection; 03 Influenced By Intersection; 04 Driveway Access; 05 Railroad Crossing; 06 Bridge; 07 Entrance Ramp; 08 Exit Ramp; 09 Parking Lot - Public; 10 Parking Lot - Private; 11 Private Property; 77 All Other (Explain)

TRAFFICWAY CHARACTER: 1

1 Straight-Level; 2 Straight-Upgrade / Downgrade; 3 Curve-Level; 4 Curve-Upgrade / Downgrade

TYPE SHOULDER: 2

1 Paved; 2 Unpaved; 3 Curb

Violation(s)

SECTION #	FL STATUTE NUMBER	NAME	CHARGE	CITATION #
1-1	316.1925(1)	[redacted]	CARELESS DRIVING	7022-

FLORIDA TRAFFIC CRASH REPORT

NARRATIVE / DIAGRAM

MAIL TO: DEPT. OF HIGHWAY SAFETY & MOTOR VEHICLES
TRAFFIC CRASH RECORDS
TALLAHASSEE, FLORIDA 32399-0500

DO NOT WRITE IN THIS SPACE

EMS INFO FATALS ONLY	TIME EMS NOTIFIED AM PM	TIME EMS ARRIVED AM PM	COUNTY / CITY CODE	DATE OF CRASH	INVEST. AGENCY REPORT NUMBER	HSMV CRASH REPORT NUMBER
			1030	122700	00-25108	587515410

NARRATIVE / ADDITIONAL PASSENGERS

V#1 WAS TRAVELING WESTBOUND ON S.R. 818. V#2 WAS STOPPED IN THE 11200 BLOCK OF S.R 818 ATTEMPTING TO TURN LEFT INTO A PARKING LOT. V#3 WAS TRAVELING EASTBOUND ON S.R. 818.

V#1 DRIVER STATED AS SHE WAS TRAVELING WESTBOUND, SHE LOOKED DOWN AND WHEN SHE RETURNED HER EYES TO THE ROAD SHE SAW A RED JEEP CHEROKEE (V#2) STOPPED IN THE ROADWAY. V#1 DRIVER THEN REMEMBERED STRIKING THE JEEP CHEROKEE (V#2) TO THE REAR END.

V#2 DRIVER ADVISED SHE WAS STOPPED ATTEMPTING

SEC #	PASS. #	PASSENGER NAME	ADDRESS	CITY & STATE	ZIP	Age	Loc.	Inj.	Safety Equip.	Ejec.

VIOLATOR	FL STATUTE NUMBER	NAME	CHARGE	CITATION #
VIOLATOR	FL STATUTE NUMBER	NAME	CHARGE	CITATION #

[redacted] Cooper City FL [redacted] ZIP

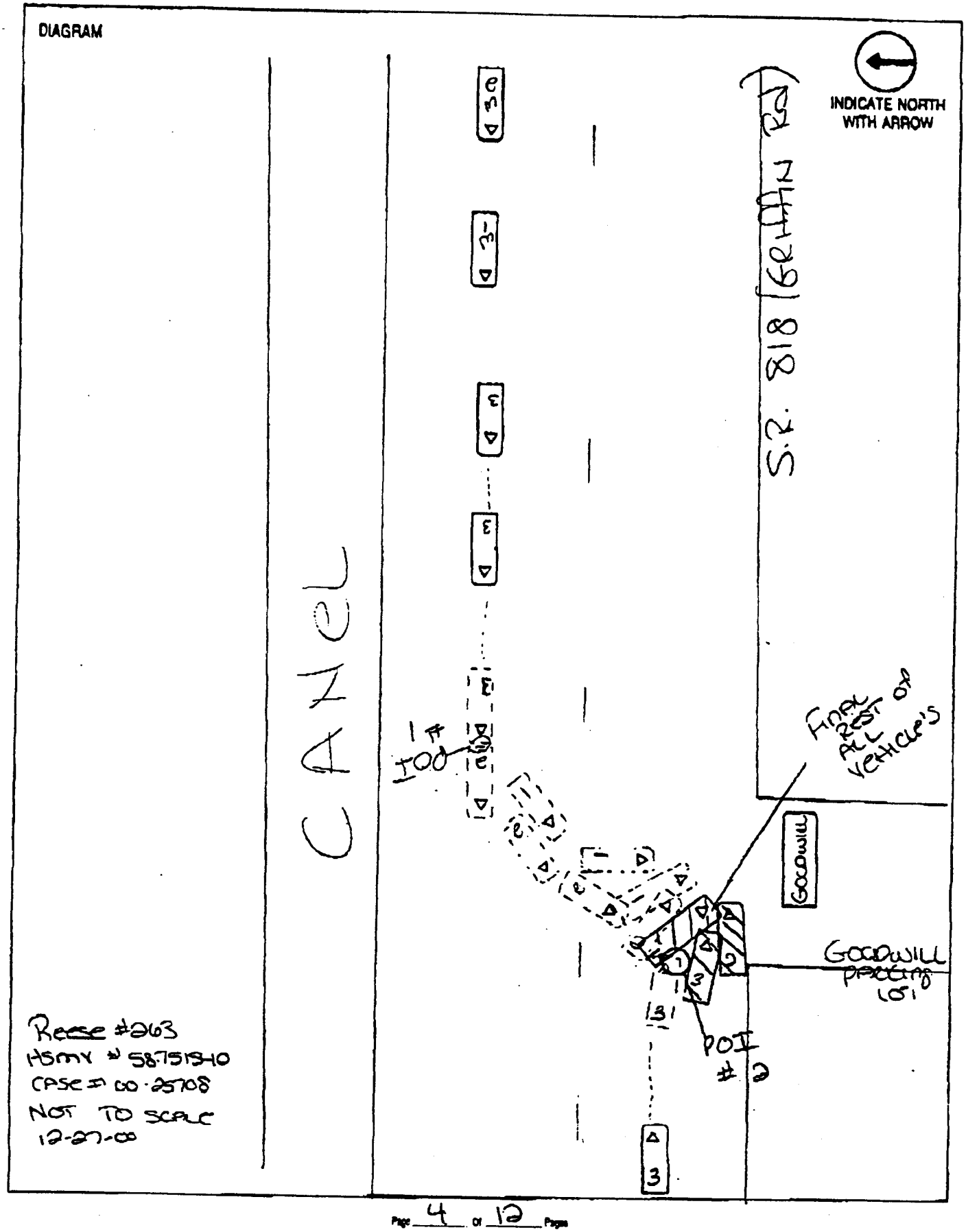
[redacted] Cooper City FL ZIP

FIRST AID GIVEN BY - NAME:	1 Physician or Nurse 2 Paramedic or EMT 3 Police Officer 4 Certified 1st Aider 5 Other	INJURED TAKEN TO:	BY - NAME:
CCFD	2	memorial west + memorial Pembroke	Cooper City Fire Rescue

WAS INVESTIGATION MADE AT SCENE? 1 YES 2 NO	WHERE?	IS INVESTIGATION COMPLETE? 1 YES 2 NO	WHY?	DATE OF REPORT	PHOTOS TAKEN? 1 YES 2 NO 3 INVEST. AGENCY 4 OTHER
☑ ☐		☑ ☐		12/29/00	☑ ☐ ☑ ☐

INVESTIGATOR - NAME & SIGNATURE	ID / BADGE NUMBER	DEPARTMENT	DMV	SO	APD	OTHER
CPL Reese	263	Cooper City	☐	☐	☒	☐

HSMV 90005 (Rev. 1/85) S



#	PROPERTY DAMAGED - OTHER THAN VEHICLES	EST. AMOUNT	OWNER'S NAME	ADDRESS	CITY	STATE	ZIP
1		$					
2		$					
3		$					
4		$					

CONTRIBUTING CAUSES - DRIVER / PED.

01 No Improper Driving / Action
02 Careless Driving
03 Failed to Yield Right-of-Way
04 Improper Backing
05 Improper Lane Change
06 Improper Turn
07 Alcohol-Under Influence
08 Drugs-Under Influence
09 Alcohol & Drugs-Under Influence
10 Followed Too Closely
11 Disregarded Traffic Signal
12 Exceeded Safe Speed Limit
13 Disregarded Stop Sign
14 Failed to Maintain Equip. / Vehicle
15 Improper Passing
16 Drove Left of Center
17 Exceeded Stated Speed Limit
18 Obstructing Traffic
19 Improper Load
20 Disregarded Other Traffic Control
21 Driving Wrong Side / Way
22 Fleeing Police
23 Vehicle Modified
77 All Other (Explain)

VEHICLE DEFECT

01 No Defects
02 Def. Brakes
03 Worn / Smooth Tires
04 Defective / Improper Lights
05 Puncture / Blowout
06 Steering Mech.
07 Windshield Wipers
08 Equipment / Vehicle Defect
77 All Other (Explain in Narrative)

VEHICLE MOVEMENT

01 Straight Ahead
02 Slowing / Stopped / Stalled
03 Making Left Turn
04 Backing
05 Making Right Turn
06 Changing Lanes
07 Entering / Leaving Parking Space
08 Properly Parked
09 Improperly Parked
10 Making U-Turn
11 Passing
12 Driveless or Runaway Veh.
77 All Other (Explain in Narrative)

VEHICLE SPECIAL FUNCTIONS

1 None
2 Taxi
3 Police Pursuit
4 Recreational
5 Emergency Operation
6 Construction / Maintenance

LOCATION ON ROADWAY

1 On Road
2 Not On Road
3 Shoulder
4 Median
5 Turn Lane / Safety Zone

PEDESTRIAN ACTION

01 Crossing Not at Intersection
02 Crossing at Mid-block Crosswalk
03 Crossing at Intersection
04 Walking Along Road With Traffic
05 Walking Along Road Against Traffic
06 Working on Vehicle in Road
07 Other Working in Road
08 Standing / Playing in Road
09 Standing in Pedestrian Island
77 All Other (Explain)
88 Unknown

Additional Passengers / Narrative

SEC. #	PASS. #	PASSENGER NAME	ADDRESS	CITY & STATE	ZIP	Age	Loc.	Inj.	Safety Equip.	Ejec.
		TO PULL INTO the goodwill PARKING LOT.							1	
		V#2 driver ADVISED SHE LOOKED IN HER							1	
		REARVIEW MIRROR AND COULD SEE V#1							1	
		NOT STOPPING. V#2 driver ADVISED SHE							1	
		WAS then STRUCK By V#1.							1	
									1	
		V#3 driver ADVISED HE WAS TRAVELING							1	
		EASTBOUND ON S.R. AND OBSERVED V#1							1	
		STRIKE V#2. He ADVISED He HAD NO							1	
		CHANCE TO TAKE EVASIVE ACTION AND							1	
		WAS STRUCK By BOTH V#1 AND V#2							1	

WITNESS - NAME	ADDRESS	CITY & STATE	ZIP

WAS INVESTIGATION MADE AT SCENE? 1 Yes ☑ 2 No - Where? ☐	IS INVESTIGATION COMPLETE? 1 Yes ☑ 2 No - Why? ☐	DATE OF REPORT 12 27 00	PHOTOS TAKEN? 1 - Yes ☑ 2 - No ☐ 3 - Investigating Agency ☑ 4 - Other ☐

VIOLATOR	FL STATUTE NUMBER	NAME	CHARGE	CITATION #

FLORIDA TRAFFIC CRASH REPORT

☐ UPDATE ☑ CONTINUATION

MAIL TO: DEPT. OF HIGHWAY SAFETY & MOTOR VEHICLES
TRAFFIC CRASH RECORDS
TALLAHASSEE, FLORIDA 32399-0600

DO NOT WRITE IN THIS SPACE

COUNTY	CITY CODE	DATE OF CRASH	INVEST. AGENCY REPORT NUMBER	HSMV CRASH REPORT NUMBER
10	130	12 27 00	00-25708	58751540

Section

DRIVER ACTION: 1 Phantom 2 Hit & Run 3 N/A | YEAR | MAKE | TYPE | USE | VEH. LICENSE NUMBER | STATE | VEHICLE IDENTIFICATION NUMBER

TRAILER OR TOWED VEHICLE INFORMATION | TRAILER TYPE

POINT OF IMPACT CIRCLE AREA OF DAMAGE: 2 3 4 5 6 7 / 1 15 16 17 8 / 14 13 12 11 10 9
10 Undercarriage 19 Overturn 20 Windshield 21 Fire 22 Trailer

VEHICLE TRAVELING: N S E W | ON | AT | EST. MPH | POSTED SPEED | EST. VEHICLE DAMAGE $ 1 Disabling 2 Functional 3 No Damage | EST. TRAILER DAMAGE $

INSURANCE COMPANY (LIABILITY OR PIP) | POLICY NUMBER | VEHICLE REMOVED BY: 1 Tow Position List 2 Tow Owner's Request 3 Driver 4 Other

OWNER'S FULL NAME (Check if Driver) | CURRENT ADDRESS (Number and Street) | CITY AND STATE | ZIP CODE

OWNER'S FULL NAME (Trailer or Towed Vehicle) | CURRENT ADDRESS (Number and Street) | CITY AND STATE | ZIP CODE

DRIVER (Exactly as on Driver License) / Pedestrian | CURRENT ADDRESS (Number and Street) | CITY & STATE / ZIP CODE | DATE OF BIRTH

DRIVER LICENSE NUMBER | STATE | DL TYPE | REQ. ENDS | BAC TEST 3 Urine 1 Blood 4 Refused 2 Breath 5 None | RESULTS % | ALCOHOL/DRUG | PHYS. DEF. | RES | RACE | SEX | INJ. | S. EQUIP. | EJECT.

HAZARDOUS MATERIALS BEING TRANSPORTED 1 Yes 2 No | PLACARDED 1 Yes 2 No | RECOMMEND RE-EXAM 1 Yes 2 No | If YES, Explain in Narrative | DRIVER'S PHONE NO.

PASSENGER'S NAME (Additional on Continuation Page) | CURRENT ADDRESS | CITY & STATE/ZIP | AGE | LOC. | INJ. | S. EQUIP. | EJECT.

Section

DRIVER ACTION: 1 Phantom 2 Hit & Run 3 N/A | YEAR | MAKE | TYPE | USE | VEH. LICENSE NUMBER | STATE | VEHICLE IDENTIFICATION NUMBER

TRAILER OR TOWED VEHICLE INFORMATION | TRAILER TYPE

POINT OF IMPACT CIRCLE AREA OF DAMAGE: 2 3 4 5 6 7 / 1 15 16 17 8 / 14 13 12 11 10 9
10 Undercarriage 19 Overturn 20 Windshield 21 Fire 22 Trailer

VEHICLE TRAVELING: N S E W | ON | AT | EST. MPH | POSTED SPEED | EST. VEHICLE DAMAGE $ 1 Disabling 2 Functional 3 No Damage | EST. TRAILER DAMAGE $

INSURANCE COMPANY (LIABILITY OR PIP) | POLICY NUMBER | VEHICLE REMOVED BY: 1 Tow Position List 2 Tow Owner's Request 3 Driver 4 Other

OWNER'S FULL NAME (Check if Driver) | CURRENT ADDRESS (Number and Street) | CITY AND STATE | ZIP CODE

OWNER'S FULL NAME (Trailer or Towed Vehicle) | CURRENT ADDRESS (Number and Street) | CITY AND STATE | ZIP CODE

DRIVER (Exactly as on Driver License) / Pedestrian | CURRENT ADDRESS (Number and Street) | CITY & STATE / ZIP CODE | DATE OF BIRTH

DRIVER LICENSE NUMBER | STATE | DL TYPE | REQ. ENDS | BAC TEST 3 Urine 1 Blood 4 Refused 2 Breath 5 None | RESULTS % | ALCOHOL/DRUG | PHYS. DEF. | RES | RACE | SEX | INJ. | S. EQUIP. | EJECT.

HAZARDOUS MATERIALS BEING TRANSPORTED 1 Yes 2 No | PLACARDED 1 Yes 2 No | RECOMMEND RE-EXAM 1 Yes 2 No | If YES, Explain in Narrative | DRIVER'S PHONE NO.

PASSENGER'S NAME (Additional on Continuation Page) | CURRENT ADDRESS | CITY & STATE/ZIP | AGE | LOC. | INJ. | S. EQUIP. | EJECT.

INVESTIGATOR - RANK AND SIGNATURE: OFC Y Reese | ID/BADGE NUMBER: 263 | DEPARTMENT: Cooper City | FHP ☐ SO ☐ CPD ☑ OTHER ☐

HSMV 90804 (Rev. 11/92) S

#	PROPERTY DAMAGED - OTHER THAN VEHICLES	EST. AMOUNT	OWNER'S NAME	ADDRESS	CITY	STATE	ZIP
1		$					
2	PROPERTY DAMAGED - OTHER THAN VEHICLES	EST. AMOUNT $	OWNER'S NAME	ADDRESS	CITY	STATE	ZIP
3	PROPERTY DAMAGED - OTHER THAN VEHICLES	EST. AMOUNT $	OWNER'S NAME	ADDRESS	CITY	STATE	ZIP
4	PROPERTY DAMAGED - OTHER THAN VEHICLES	EST. AMOUNT $	OWNER'S NAME	ADDRESS	CITY	STATE	ZIP

CONTRIBUTING CAUSES - DRIVER / PED

01 No Improper Driving / Action
02 Careless Driving
03 Failed to Yield Right-of-Way
04 Improper Backing
05 Improper Lane Change
06 Improper Turn
07 Alcohol-Under Influence
08 Drugs-Under Influence
09 Alcohol & Drugs-Under Influence
10 Followed Too Closely
11 Disregarded Traffic Signal
12 Exceeded Safe Speed Limit
13 Disregarded Stop Sign
14 Failed to Maintain Equip. / Vehicle
15 Improper Passing
16 Drove Left of Center
17 Exceeded Posted Speed Limit
18 Obstructing Traffic
19 Improper Load
20 Disregarded Other Traffic Control
21 Driving Wrong Side / Way
22 Fleeing Police
23 Vehicle Modified
77 All Other (Explain)

VEHICLE DEFECT

01 No Defects
02 Def. Brakes
03 Worn / Smooth Tires
04 Defective / Improper Lights
05 Puncture / Blowout
06 Steering Mech.
07 Windshield Wipers
08 Equipment / Vehicle Defect
77 All Other (Explain in Narrative)

VEHICLE MOVEMENT

01 Straight Ahead
02 Slowing / Stopped / Stalled
03 Making Left Turn
04 Backing
05 Making Right Turn
06 Changing Lanes
07 Entering / Leaving Parking Space
08 Properly Parked
09 Improperly Parked
10 Making U-Turn
11 Passing
12 Driverless or Runaway Veh.
77 All Other (Explain in Narrative)

VEHICLE SPECIAL FUNCTIONS

1 None
2 Taxi
3 Police Pursuit
4 Recreational
5 Emergency Operation
6 Construction / Maintenance

LOCATION ON ROADWAY

1 On Road
2 Ntk On Road
3 Shoulder
4 Median
5 Turn Lane / Safety Zone

PEDESTRIAN ACTION

01 Crossing Not at Intersection
02 Crossing at Midblock Crosswalk
03 Crossing at Intersection
04 Walking Along Road With Traffic
05 Walking Along Road Against Traffic
06 Working on Vehicle in Road
07 Other Working in Road
08 Standing / Playing in Road
09 Standing in Pedestrian Island
77 All Other (Explain)
88 Unknown

Additional Passengers / Narrative

SEC. #	PASS. #	PASSENGER NAME	ADDRESS	CITY & STATE	ZIP	Age	Loc.	Inj.	Safety Equip.	Ejct

BOTH WITNESSES WERE TRAVELING EASTBOUND ON S.R. 818. BOTH ADVISED V#1 STRUCK V#2 AND BOTH V#1 AND V#2 THEN STRUCK V#3 AND ALL THREE VEHICLES CAUGHT FIRE.

MY INVESTIGATION REVEALED THAT V#2 WAS STOPPED IN THE ROADWAY DIRECTLY ACROSS FROM THE GOODWILL PARKING LOT. V#1 WAS TRAVELING WESTBOUND ON S.R. 818 AND did NOT

WITNESS - NAME	ADDRESS	CITY & STATE	ZIP

WAS INVESTIGATION MADE AT SCENE? 1 Yes ☑ 2 No - Where? ☐

IS INVESTIGATION COMPLETE? 1 Yes ☑ 2 No - Why? ☐

DATE OF REPORT: 12 27 00

PHOTOS TAKEN? 1 - Yes ☑ 2 - No ☐ 3 - Investigating Agency ☑ 4 - Other ☐

VIOLATOR	FL STATUTE NUMBER	NAME	CHARGE	CITATION #

FLORIDA TRAFFIC CRASH REPORT

☐ UPDATE ☒ CONTINUATION

MAIL TO: DEPT. OF HIGHWAY SAFETY & MOTOR VEHICLES
TRAFFIC CRASH RECORDS
TALLAHASSEE, FLORIDA 32399-0500

DO NOT WRITE IN THIS SPACE

COUNTY/CITY CODE	DATE OF CRASH	INVEST. AGENCY REPORT NUMBER	HSMV CRASH REPORT NUMBER
10130	12 27 00	00-25708	587 51540

Section

DRIVER ACTION (1 Phantom, 2 Hit & Run, 3 N/A)	YEAR	MAKE	TYPE	USE	VEH. LICENSE NUMBER	STATE	VEHICLE IDENTIFICATION NUMBER
TRAILER OR TOWED VEHICLE INFORMATION			TRAILER TYPE				

POINT OF IMPACT CIRCLE AREA OF DAMAGE

VEHICLE TRAVELING (N, S, E, W) ON AT Est. MPH Posted Speed EST. VEHICLE DAMAGE $ (1 Disabling, 2 Functional, 3 No Damage) EST. TRAILER DAMAGE $

INSURANCE COMPANY (LIABILITY OR PIP) POLICY NUMBER VEHICLE REMOVED BY: (1 Tow Rotation List, 2 Tow Owner's Request, 3 Driver, 4 Other)

OWNER'S FULL NAME (Check if Driver) CURRENT ADDRESS (Number and Street) CITY AND STATE ZIP CODE

OWNER'S FULL NAME (Trailer or Towed Vehicle) CURRENT ADDRESS (Number and Street) CITY AND STATE ZIP CODE

DRIVER (Exactly as on Driver License) / Pedestrian CURRENT ADDRESS (Number and Street) CITY & STATE / ZIP CODE DATE OF BIRTH

DRIVER LICENSE NUMBER	STATE	DL TYPE	ABST. END.	BAC TEST (1 Blood, 2 Breath, 3 Urine, 4 Refused, 5 None)	RESULTS %	ALC / DRUG	PHYS. DEF.	RES	RACE	SEX	INJ.	S. EQUIP.	EJECT.

HAZARDOUS MATERIALS BEING TRANSPORTED (1 Yes, 2 No)	PLACARDED (1 Yes, 2 No)	RECOMMEND RE-EXAM (1 Yes, 2 No, If YES, Explain in Narrative)	DRIVER'S PHONE NO.
			( )

PASSENGER'S NAME (Additional on Continuation Page)	CURRENT ADDRESS	CITY & STATE / ZIP	AGE	LOC.	INJ.	S. EQUIP.	EJECT.

Section

DRIVER ACTION (1 Phantom, 2 Hit & Run, 3 N/A)	YEAR	MAKE	TYPE	USE	VEH. LICENSE NUMBER	STATE	VEHICLE IDENTIFICATION NUMBER
TRAILER OR TOWED VEHICLE INFORMATION			TRAILER TYPE				

POINT OF IMPACT CIRCLE AREA OF DAMAGE

VEHICLE TRAVELING (N, S, E, W) ON AT Est. MPH Posted Speed EST. VEHICLE DAMAGE $ (1 Disabling, 2 Functional, 3 No Damage) EST. TRAILER DAMAGE $

INSURANCE COMPANY (LIABILITY OR PIP) POLICY NUMBER VEHICLE REMOVED BY: (1 Tow Rotation List, 2 Tow Owner's Request, 3 Driver, 4 Other)

OWNER'S FULL NAME (Check if Driver) CURRENT ADDRESS (Number and Street) CITY AND STATE ZIP CODE

OWNER'S FULL NAME (Trailer or Towed Vehicle) CURRENT ADDRESS (Number and Street) CITY AND STATE ZIP CODE

DRIVER (Exactly as on Driver License) / Pedestrian CURRENT ADDRESS (Number and Street) CITY & STATE / ZIP CODE DATE OF BIRTH

DRIVER LICENSE NUMBER	STATE	DL TYPE	ABST. END.	BAC TEST (1 Blood, 2 Breath, 3 Urine, 4 Refused, 5 None)	RESULTS %	ALC / DRUG	PHYS. DEF.	RES	RACE	SEX	INJ.	S. EQUIP.	EJECT.

HAZARDOUS MATERIALS BEING TRANSPORTED (1 Yes, 2 No)	PLACARDED (1 Yes, 2 No)	RECOMMEND RE-EXAM (1 Yes, 2 No, If YES, Explain in Narrative)	DRIVER'S PHONE NO.
			( )

PASSENGER'S NAME (Additional on Continuation Page)	CURRENT ADDRESS	CITY & STATE / ZIP	AGE	LOC.	INJ.	S. EQUIP.	EJECT.

INVESTIGATOR - RANK AND SIGNATURE	ID / BADGE NUMBER	DEPARTMENT	FHP	SO	CPD	OTHER
OFC Y Rose	263	Cooper City	☐	☐	☒	☐

PROPERTY DAMAGED - OTHER THAN VEHICLES #	EST. AMOUNT	OWNER'S NAME	ADDRESS	CITY	STATE	ZIP
1	$					
2	$					
3	$					
4	$					

CONTRIBUTING CAUSES - DRIVER / PED

01 No Improper Driving / Action
02 Careless Driving
03 Failed to Yield Right-of-Way
04 Improper Backing
05 Improper Lane Change
06 Improper Turn
07 Alcohol-Under Influence
08 Drugs-Under Influence
09 Alcohol & Drugs-Under Influence
10 Followed Too Closely
11 Disregarded Traffic Signal
12 Exceeded Safe Speed Limit
13 Disregarded Stop Sign
14 Failed to Maintain Equip. / Vehicle
15 Improper Passing
16 Drove Left of Center
17 Exceeded Posted Speed Limit
18 Obstructing Traffic
19 Improper Load
20 Disregarded Other Traffic Control
21 Driving Wrong Side / Way
22 Fleeing Police
23 Vehicle Modified
77 All Other (Explain)

VEHICLE DEFECT

01 No Defects
02 Def. Brakes
03 Worn / Smooth Tires
04 Defective / Improper Lights
05 Puncture / Blowout
06 Steering Mech.
07 Windshield Wipers
08 Equipment / Vehicle Defect
77 All Other (Explain in Narrative)

VEHICLE MOVEMENT

01 Straight Ahead
02 Slowing / Stopped / Stalled
03 Making Left Turn
04 Backing
05 Making Right Turn
06 Changing Lanes
07 Entering / Leaving Parking Space
08 Properly Parked
09 Improperly Parked
10 Making U-Turn
11 Passing
12 Driverless or Runaway Veh.
77 All Other (Explain in Narrative)

VEHICLE SPECIAL FUNCTIONS

1 None
2 Farm
3 Police Pursuit
4 Recreational
5 Emergency Operation
6 Construction / Maintenance

LOCATION ON ROADWAY

1 On Road
2 Not On Road
3 Shoulder
4 Median
5 Turn Lane / Safety Zone

PEDESTRIAN ACTION

01 Crossing Not at Intersection
02 Crossing at Mid-block Crosswalk
03 Crossing at Intersection
04 Walking Along Road With Traffic
05 Walking Along Road Against Traffic
06 Working on Vehicle in Road
07 Other Working in Road
08 Standing / Playing in Road
09 Standing in Pedestrian Island
77 All Other (Explain)
88 Unknown

Additional Passengers / Narrative

SEC. #	PASS. #	PASSENGER NAME	ADDRESS	CITY & STATE	ZIP	Age	Loc.	Inj.	Safety Equip.	Ejct.

ATTEMPT TO BRAKE BEFORE STRIKING V#2. There were NO SKID MARKS on the ROADWAY. Upon IMPACT V#2 caught on fire. V#2 AND V#1 Then TRAVELED INTO the EASTBOUND LANE of S.R. 818 STRIKING V#3 who WAS TRAVELING EASTBOUND. ALL three VEHICLES were then engulfed IN FLAMES. The WEATHER WAS dry AND sunny PRIOR TO the CRASH. The driver AND passenger OF V#1

WITNESS - NAME	ADDRESS	CITY & STATE	ZIP

WAS INVESTIGATION MADE AT SCENE? 1 Yes 2 No - Where? ☑

IS INVESTIGATION COMPLETE? 1 Yes 2 No - Why? ☑

DATE OF REPORT 12/27/00

PHOTOS TAKEN? 1 - Yes ☑ 2 - No ☐ 3 - Investigating Agency ☑ 4 - Other ☐

VIOLATOR	FL STATUTE NUMBER	NAME	CHARGE	CITATION #

FLORIDA TRAFFIC CRASH REPORT

☐ UPDATE ☒ CONTINUATION

MAIL TO: DEPT. OF HIGHWAY SAFETY & MOTOR VEHICLES
TRAFFIC CRASH RECORDS
TALLAHASSEE, FLORIDA 32399-0500

DO NOT WRITE IN THIS SPACE

COUNTY/CITY CODE	DATE OF CRASH	INVEST. AGENCY REPORT NUMBER	HSMV CRASH REPORT NUMBER
10130	12 27 00	00-35708	387 91548

Section

DRIVER ACTION: 1 Proceed, 2 Hit & Run, 3 N/A

YEAR	MAKE	TYPE	USE	VEH. LICENSE NUMBER	STATE	VEHICLE IDENTIFICATION NUMBER

TRAILER OR TOWED VEHICLE INFORMATION — TRAILER TYPE

POINT OF IMPACT CIRCLE AREA OF DAMAGE

VEHICLE TRAVELING: N S E W — On — At — Est. MPH — Posted Speed — EST. VEHICLE DAMAGE: 1 Disabling, 2 Functional, 3 No Damage — $ — EST. TRAILER DAMAGE — $

INSURANCE COMPANY (LIABILITY OR PIP) — POLICY NUMBER — VEHICLE REMOVED BY: 1 Tow Rotation List, 2 Tow Owner's Request, 3 Driver, 4 Other

OWNER'S FULL NAME (Check if Driver) — CURRENT ADDRESS (Number and Street) — CITY AND STATE — ZIP CODE

OWNER'S FULL NAME (Trailer or Towed Vehicle) — CURRENT ADDRESS (Number and Street) — CITY AND STATE — ZIP CODE

DRIVER (Exactly as on Driver License) / Pedestrian — CURRENT ADDRESS (Number and Street) — CITY & STATE / ZIP CODE — DATE OF BIRTH

DRIVER LICENSE NUMBER	STATE	DL TYPE	REQ. ENDS.	BAC TEST: 1 Blood, 2 Breath, 3 Urine, 4 Refused, 5 None	RESULTS	AL./DRUG	PHYS. DEP.	RES	RACE	SEX	INJ.	S. EQUIP.	EJECT.
					%								

HAZARDOUS MATERIALS BEING TRANSPORTED: 1 Yes 2 No — PLACARDED: 1 Yes 2 No — RECOMMEND RE-EXAM: 1 Yes 2 No — If YES, Explain in Narrative — DRIVER'S PHONE NO.

PASSENGER'S NAME (Additional on Continuation Page) — CURRENT ADDRESS — CITY & STATE/ZIP — AGE — LOC. — INJ. — S. EQUIP. — EJECT.

Section

DRIVER ACTION: 1 Proceed, 2 Hit & Run, 3 N/A

YEAR	MAKE	TYPE	USE	VEH. LICENSE NUMBER	STATE	VEHICLE IDENTIFICATION NUMBER

TRAILER OR TOWED VEHICLE INFORMATION — TRAILER TYPE

POINT OF IMPACT CIRCLE AREA OF DAMAGE

VEHICLE TRAVELING: N S E W — On — At — Est. MPH — Posted Speed — EST. VEHICLE DAMAGE: 1 Disabling, 2 Functional, 3 No Damage — $ — EST. TRAILER DAMAGE — $

INSURANCE COMPANY (LIABILITY OR PIP) — POLICY NUMBER — VEHICLE REMOVED BY: 1 Tow Rotation List, 2 Tow Owner's Request, 3 Driver, 4 Other

OWNER'S FULL NAME (Check if Driver) — CURRENT ADDRESS (Number and Street) — CITY AND STATE — ZIP CODE

OWNER'S FULL NAME (Trailer or Towed Vehicle) — CURRENT ADDRESS (Number and Street) — CITY AND STATE — ZIP CODE

DRIVER (Exactly as on Driver License) / Pedestrian — CURRENT ADDRESS (Number and Street) — CITY & STATE / ZIP CODE — DATE OF BIRTH

DRIVER LICENSE NUMBER	STATE	DL TYPE	REQ. ENDS.	BAC TEST: 1 Blood, 2 Breath, 3 Urine, 4 Refused, 5 None	RESULTS	AL./DRUG	PHYS. DEP.	RES	RACE	SEX	INJ.	S. EQUIP.	EJECT.
					%								

HAZARDOUS MATERIALS BEING TRANSPORTED: 1 Yes 2 No — PLACARDED: 1 Yes 2 No — RECOMMEND RE-EXAM: 1 Yes 2 No — If YES, Explain in Narrative — DRIVER'S PHONE NO.

PASSENGER'S NAME (Additional on Continuation Page) — CURRENT ADDRESS — CITY & STATE/ZIP — AGE — LOC. — INJ. — S. EQUIP. — EJECT.

INVESTIGATOR - RANK AND SIGNATURE: Ofc. Y Reese — ID/BADGE NUMBER: 263 — DEPARTMENT: Cooper City — PHP ☐ SO ☐ PPD ☒ OTHER ☐

HSMV 20004 (Rev. 11/92) S

#	PROPERTY DAMAGED - OTHER THAN VEHICLES	EST. AMOUNT	OWNER'S NAME	ADDRESS	CITY	STATE	ZIP
1		$					
2		$					
3		$					
4		$					

CONTRIBUTING CAUSES - DRIVER/PED

01 No Improper Driving / Action
02 Careless Driving
03 Failed to Yield Right-of-Way
04 Improper Backing
05 Improper Lane Change
06 Improper Turn
07 Alcohol-Under Influence
08 Drugs-Under Influence
09 Alcohol & Drugs-Under Influence
10 Followed Too Closely
11 Disregarded Traffic Signal
12 Exceeded Safe Speed Limit
13 Disregarded Stop Sign
14 Failed to Maintain Equip. / Vehicle
15 Improper Passing
16 Drove Left of Center
17 Exceeded Posted Speed Limit
18 Obstructing Traffic
19 Improper Load
20 Disregarded Other Traffic Control
21 Driving Wrong Side / Way
22 Passing Police
23 Vehicle Modified
77 All Other (Explain)

VEHICLE DEFECT

01 No Defects
02 Def. Brakes
03 Worn / Smooth Tires
04 Defective / Improper Lights
05 Puncture / Blowout
06 Steering Mech.
07 Windshield Wipers
08 Equipment / Vehicle Defect
77 All Other (Explain in Narrative)

VEHICLE MOVEMENT

01 Straight Ahead
02 Slowing / Stopped / Stalled
03 Making Left Turn
04 Backing
05 Making Right Turn
06 Changing Lanes
07 Entering / Leaving Parking Space
08 Properly Parked
09 Improperly Parked
10 Making U-Turn
11 Passing
12 Downhill or Runaway Veh.
77 All Other (Explain in Narrative)

VEHICLE SPECIAL FUNCTIONS

1 None
2 Farm
3 Police Pursuit
4 Recreational
5 Emergency Operation
6 Construction / Maintenance

LOCATION ON ROADWAY

1 On Road
2 Not On Road
3 Shoulder
4 Median
5 Turn Lane / Safety Zone

PEDESTRIAN ACTION

01 Crossing Not at Intersection
02 Crossing at Mid-block Crosswalk
03 Crossing at Intersection
04 Walking Along Road With Traffic
05 Walking Along Road Against Traffic
06 Working on Vehicle in Road
07 Other Working in Road
08 Standing / Playing in Road
09 Standing in Pedestrian Island
77 All Other (Explain)
88 Unknown

Additional Passengers / Narrative

SEC. #	PASS. #	PASSENGER NAME	ADDRESS	CITY & STATE	ZIP	Age	Loc.	Inj.	Safety Equip.	Ejct.
		WERE TRANSPORTED TO MEMORIAL WEST HOSPITAL.							1	
		The driver had left wrist pain and							1	
		the passenger injured her toes.							1	
									1	
		The driver of V#2 was transported							1	
		to Memorial Pembroke Hospital for							1	
		severe burns to her right hand and							1	
		face.							1	
									1	
		The driver and passenger of V#3							1	
		were not injured.							1	

WITNESS - NAME | ADDRESS | CITY & STATE | ZIP

WAS INVESTIGATION MADE AT SCENE?	IS INVESTIGATION COMPLETE?	DATE OF REPORT	PHOTOS TAKEN?
1 Yes ☑ 2 No - Where? ☐	1 Yes ☑ 2 No - Why? ☐	12 27 00	1 - Yes ☑ 2 - No ☐ 3 - Investigating Agency ☑ 4 Other ☐

VIOLATOR	FL STATUTE NUMBER	NAME	CHARGE	CITATION #

FLORIDA TRAFFIC CRASH REPORT

☐ UPDATE ☒ CONTINUATION

MAIL TO: DEPT. OF HIGHWAY SAFETY & MOTOR VEHICLES
TRAFFIC CRASH RECORDS
TALLAHASSEE, FLORIDA 32399-0500

DO NOT WRITE IN THIS SPACE

COUNTY/CITY CODE	DATE OF CRASH	INVEST. AGENCY REPORT NUMBER	HSMV CRASH REPORT NUMBER
10/30	12 2700	00-25708	38751540

Section

DRIVER ACTION: 1 Phantom 2 Hit & Run 3 N/A

YEAR	MAKE	TYPE	USE	VEH. LICENSE NUMBER	STATE	VEHICLE IDENTIFICATION NUMBER

TRAILER OR TOWED VEHICLE INFORMATION — TRAILER TYPE

VEHICLE TRAVELING: N S E W — ON — AT — Est. MPH — Posted Speed

EST. VEHICLE DAMAGE: 1 Disabling 2 Functional 3 No Damage — $

EST. TRAILER DAMAGE — $

POINT OF IMPACT CIRCLE AREA OF DAMAGE: 10 Undercarriage 19 Overturn 20 Windshield 21 Fire 22 Trailer

INSURANCE COMPANY (LIABILITY OR PIP) — POLICY NUMBER

VEHICLE REMOVED BY: 1 Tow Rotation List 2 Tow Owner's Request 3 Driver 4 Other

OWNER'S FULL NAME (Check if Driver) — CURRENT ADDRESS (Number and Street) — CITY AND STATE — ZIP CODE

OWNER'S FULL NAME (Trailer or Towed Vehicle) — CURRENT ADDRESS (Number and Street) — CITY AND STATE — ZIP CODE

DRIVER (Exactly as on Driver Licensa) / Pedestrian — CURRENT ADDRESS (Number and Street) — CITY & STATE / ZIP CODE — DATE OF BIRTH

DRIVER LICENSE NUMBER — STATE — DL TYPE — REQ. END. — BAC TEST 3 Urine 1 Blood 4 Refused 2 Breath 5 None — RESULTS — % — ALC./DRUG — PHYS. DEF. — RES — RACE — SEX — INJ. — S. EQUIP. — EJECT.

HAZARDOUS MATERIALS BEING TRANSPORTED 1 Yes 2 No — PLACARDED 1 Yes 2 No — RECOMMEND RE-EXAM 1 Yes 2 No — If YES, Explain in Narrative — DRIVER'S PHONE NO.

PASSENGER'S NAME (Additional on Continuation Page) — CURRENT ADDRESS — CITY & STATE/ZIP — AGE — LOC. — INJ. — S. EQUIP. — EJECT.

Section

DRIVER ACTION: 1 Phantom 2 Hit & Run 3 N/A

YEAR	MAKE	TYPE	USE	VEH. LICENSE NUMBER	STATE	VEHICLE IDENTIFICATION NUMBER

TRAILER OR TOWED VEHICLE INFORMATION — TRAILER TYPE

VEHICLE TRAVELING: N S E W — ON — AT — Est. MPH — Posted Speed

EST. VEHICLE DAMAGE: 1 Disabling 2 Functional 3 No Damage — $

EST. TRAILER DAMAGE — $

POINT OF IMPACT CIRCLE AREA OF DAMAGE: 10 Undercarriage 19 Overturn 20 Windshield 21 Fire 22 Trailer

INSURANCE COMPANY (LIABILITY OR PIP) — POLICY NUMBER

VEHICLE REMOVED BY: 1 Tow Rotation List 2 Tow Owner's Request 3 Driver 4 Other

OWNER'S FULL NAME (Check if Driver) — CURRENT ADDRESS (Number and Street) — CITY AND STATE — ZIP CODE

OWNER'S FULL NAME (Trailer or Towed Vehicle) — CURRENT ADDRESS (Number and Street) — CITY AND STATE — ZIP CODE

DRIVER (Exactly as on Driver License) / Pedestrian — CURRENT ADDRESS (Number and Street) — CITY & STATE / ZIP CODE — DATE OF BIRTH

DRIVER LICENSE NUMBER — STATE — DL TYPE — REQ. END. — BAC TEST 3 Urine 1 Blood 4 Refused 2 Breath 5 None — RESULTS — % — ALC./DRUG — PHYS. DEF. — RES — RACE — SEX — INJ. — S. EQUIP. — EJECT.

HAZARDOUS MATERIALS BEING TRANSPORTED 1 Yes 2 No — PLACARDED 1 Yes 2 No — RECOMMEND RE-EXAM 1 Yes 2 No — If YES, Explain in Narrative — DRIVER'S PHONE NO.

PASSENGER'S NAME (Additional on Continuation Page) — CURRENT ADDRESS — CITY & STATE/ZIP — AGE — LOC. — INJ. — S. EQUIP. — EJECT.

INVESTIGATOR - RANK AND SIGNATURE: OFC V Reese — ID/BADGE NUMBER: 263 — DEPARTMENT: Cocoa City — FHP ☐ SO ☐ CPD ☒ OTHER ☐

HSMV 90004 (Rev. 11/92) S

MATTER #	1081893
FILE TYPE	Lawsuit
FILE NAME	[redacted]
CAIR #	
DATE OF INCIDENT	12/27/2000
DATE OF NOTICE	11/06/2001
MODEL/MODEL YEAR	1997 Jeep Grand Cherokee (ZJ)
VIN	1J4GZ58S3VC[redacted]
MILEAGE	
OWNER	[redacted] [redacted] Cooper City, Florida[redacted] [redacted]
COURT	17th Judicial Circuit Court
DOCKET #	0121621
FIRE ALLEGED	Yes.
DESCRIPTION	On December 27, 2000, [redacted] was driving a 1997 Jeep Grand Cherokee (ZJ) on S.R. 818 in Cooper City, Florida. She stopped the vehicle waiting to make a left turn into a parking lot. [redacted] was driving a full-sized 1994 Toyota truck on S.R. 818, was distracted and failed to observe the Jeep Grand Cherokee (ZJ) that was stopped in front of her. The Toyota truck hit the rear of the Jeep Grand Cherokee (ZJ) and a fire ensued.
PROPERTY DAMAGE ALLEGED	No
INJURIES	3
FATALITIES	0
ANALYSIS	Based on the inspection of the 1997 Jeep Grand Cherokee (ZJ) and other available information, including the police accident report and witness statements, Chrysler Group concludes that the fire was caused by an extremely severe, high energy impact of the Toyota truck with the rear of the Jeep Grand Cherokee (ZJ) resulting in a rupture of the fuel tank and filler neck. The relative velocity at impact of the Toyota truck was at least 50 mph and as high as 70 mph. The impact of the Toyota truck pushed the entire rear portion of the Jeep Grand Cherokee (ZJ) to the rear seat area. The severe damage to the rear of the Jeep Grand Cherokee (ZJ) is depicted in the photographs in Enclosure 4 Bates Nos. PE10-031-Chrysler-000434-435.

Daniel Dell'Osso (SBN 118203)
COBEN & ASSOCIATES
8710 East Vista Bonita Drive
Scottsdale, Arizona 85255
(480) 515-4745 ~ telephone
(480) 515-4744 ~ facsimile

Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SONOMA

KIAH ELIZABETH HUNTER, a minor, by and through her Guardians Ad Litem, JUSTIN DEAN HUNTER and JENNIFER COLLEEN WEST, and as successor-in-interest to the ESTATE OF MONICA MCROY, deceased,

Plaintiffs,

v.

DAIMLERCHRYSLER CORPORATION, a Delaware Corporation; DAIMLERCHRYSLER MOTORS CORPORATION, a Delaware Corporation; THE AUTO CENTER, a California Business; FLOYD NORMAN BEAN, OSCAR ENCISO and MARGIE ENCISO, and DOES 1 through 100, inclusive,

Defendants.

Case No. SCV 234387

COMPLAINT

(TORT – NEGLIGENCE; PRODUCT LIABILITY)

Plaintiff KIAH ELIZABETH HUNTER, by and through her guardians ad litem, Justin Dean Hunter and Jennifer Colleen West, and as successor-in-interest to the Estate of Monica McRoy, deceased, by and through her attorneys, hereby files this Complaint against the above named Defendants and allege as follows:

GENERAL ALLEGATIONS

1. The true names and capacities, whether individual, corporate, governmental or

associate, of Defendants named herein as Doe are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names. Plaintiffs pray leave to amend this Complaint to show their true names and capacities when the same have been finally ascertained. Plaintiffs are informed and believe, and upon such information and belief allege, that each of the Defendants designated herein as Doe is negligently or otherwise legally responsible in some manner for the events and happenings herein referred to and negligently or otherwise caused injury and damage proximately thereby to Plaintiffs, as hereinafter alleged.

2. At all times herein mentioned, each and every one of the Defendants was the agent, servant, employee, joint venturer, and/or franchisee of each of the other Defendants, and each and every other Defendant was acting within the course and scope of said agency, service, employment, joint venture, and/or franchise.

3. Prior to the commencement of this action, the above-entitled Court, by its order regularly made and entered on March 1, 2004, appointed Justin Dean Hunter and Jennifer Colleen West as the co-Guardians Ad Litem of the minor plaintiff Kiah Elizabeth Hunter, and said persons at the commencement of this action were, and ever since have been the regularly appointed and dually qualified and acting Guardians of said minor plaintiff.

4. At all times herein mentioned, Defendants DaimlerChrylser Corporation and DaimlerChrysler Motors Corporation [hereinafter DailmerChrysler], and Does 1-15 were and now are business organizations, the exact form and nature of which are unknown to Plaintiffs who pray leave to amend and assert the same when they are ascertained, but which businesses were organized and existing under and by virtue of the laws of the State of California, and said Defendants were and now are authorized to do and are doing business in the State of California.

5. Defendant DaimlerChrysler and Does 1-20 were at all times herein in the business of designing, manufacturing, compounding, advertising, selling, marketing and distributing automobiles, including but not limited to the 1993 Jeep Grand Cherokee, for sale to and use by members of the general public, including the Plaintiff's decedent.

6. At all times herein mentioned, Defendant The Auto Center [hereinafter The Auto Center] and Does 10-30, were and now are business organizations, the exact form and nature of

which are unknown to Plaintiffs who pray leave to amend and insert the same when they are ascertained, but which businesses were organized and existing under and by virtue of the laws of the State of California, and said Defendants were and now are authorized to do and are doing business in the State of California, with its principal place of business in the County of Sonoma.

7. Defendant The Auto Center and Does 15-40 were at all times herein in the business of selling, advertising, marketing maintaining and distributing DaimlerChrysler vehicles including the 1993 Jeep Grand Cherokee for sale and use by members of the general public including the Plaintiff's decedent.

8. At all times herein mentioned, Defendants Floyd Norman Bean and Does 25-30 were the drivers of a 1997 Ford Taurus bearing California license plate number 3CQZ544, and was at all times operating said vehicle with the permission and consent of the owners.

9. At all times herein mentioned, Oscar Enciso and Margie Enciso and Does 25-40 were the owners of the afore described Ford Taurus which was being operated with their permission and consent by Defendants Floyd Norman Bean and Does 25-30.

10. The minor is the only child and sole surviving heir of the decedent Monica McRoy, and is the successor-in-interest to her estate consistent with the provisions of CCP § 377.32.

11. On or about August 30, 2002, at or about 7:52 a.m. of said day, decedent Monica McRoy was driving her 1993 Jeep Grand Cherokee bearing California license plate number 3CQZ544 westbound on State Route 58 in the City of Bakersfield, County of Kern, State of California. At said time and place, Defendant Floyd Norman Bean and Does 25-30 were driving, with the permission and consent of the owners, Defendants Oscar and Margie Enciso and Does 25-40, a certain 1997 Ford Taurus bearing California license plate number 4EHY690, also in a westbound direction on State Route 58 behind Monica McRoy. At said Taurus at said time and place collided with the rear of Monica McRoy's 1993 Jeep Grand Cherokee causing the afore described Jeep Grand Cherokee to catch fire and burn.

12. As a direct and proximate result of the afore described accident, and the product defects as described herein, Monica McRoy sustained fatal injuries.

13. By reason of the premises, Plaintiff Kiah Elizabeth Hunter has been deprived of the love, care, companionship, society, affection, counsel and support of her mother, all to her general and special damages in a presently undetermined sum, and Plaintiffs pray leave to amend and insert the same when it is finally ascertained.

14. By reason of the premises, Plaintiffs have suffered damages in excess of the jurisdictional minimum of this court.

WHEREFORE, Plaintiffs pray judgment against the Defendants and each of them as herein above and herein after set forth.

FIRST CAUSE OF ACTION
Strict Liability

15. Plaintiffs hereby incorporate by reference Paragraphs 1-14 of the General Allegations and makes them a part of this, the First Cause of Action, as though fully set forth herein.

16. At all times herein mentioned, Defendants DaimlerChrysler, Daimler Chrysler Motors Corporation, The Auto Center and Does 1-25 designed, manufactured, constructed, assembled sold, inspected, serviced, repaired, marketed, warranted, tested, supplied, modified, and/or otherwise provided a certain 1993 Jeep Grand Cherokee for sale to and use by members of the general public and their families, including the decedent Monica McRoy.

17. At all times mentioned herein, said Jeep Grand Cherokee and its occupant protection and fuel storage and delivery system were defective in manufacture, fabrication, design, assembly, distribution, inspection, testing, and/or marketing, in that during a normal, ordinary and foreseeable low velocity rear end collision the driver's seat collapsed and various components of the fuel storage and delivery system, including but not limited to the fuel tank and associated fuel delivery hardware malfunctioned and or failed causing the 1993 Jeep Grand Cherokee to catch fire and burn.

18. At all times mentioned herein the afore described defects in design and manufacture were of such a nature that said defects would not be discovered in the normal course of inspection and use by members of the general public including Plaintiff's decedent

herein.

19. As a result of the defects in the design, manufacture, fabrication, assembly, distribution, inspection, advertising, sale , warrantingand/or marketing of the Jeep Grand Cherokee its fuel storage and delivery system along with the driver's seat back were defective in design and/or manufacture such that the same were less safe than an ordinary consumer would expect such that when used in a normal intended and foreseeable manner such that when involved in a foreseeable low velocity rear end impact the seat back and fuel storage and delivery systems would in fact fail causing occupants such as the decedent to be trapped in the vehicle and the vehicle to catch fire, thereby rendering said vehicle unsafe and dangerous for use by consumers and members of the general public including Plaintiff's decedent herein.

20. By reason of the premises, Plaintiffs suffered general and special damages as herein above and herein after set forth.

WHEREFORE, Plaintiffs pray judgment against the Defendants and each of them as herein above and herein after set forth.

SECOND CAUSE OF ACTION
Negligence

21. Plaintiffs hereby incorporate by reference Paragraphs 1-20 and make them a part of this, the Second Cause of Action, as though fully set forth herein.

22. At all times mentioned herein, Defendants DaimlerChrysler, Daimler Chrysler Motors Corporation, The Auto Center, and Does 1-30 were engaged in the business and profession of designing, manufacturing, selling, distributing, installing, fabricating, assembling, inspecting, testing, servicing, repairing, marketing, warranting, and/or advertising passenger vehicles including the 1993 Jeep Grand Cherokee, which said Defendants knew or, in the exercise of reasonable care, should have known, would be used by members of the general public, including Plaintiff's decedent, without inspection for defects in their components or design.

23. At all times herein mentioned, Defendants and each of them negligently and carelessly designed, manufactured, sold, distributed, installed, fabricated, assembled, inspected,

tested, marketed, maintained, warranted, and/or advertised passenger vehicles, including the 1993 Jeep Grand Cherokee owned and operated by the decedent, such that the same were defective in design and/or manufacture such that the same were less safe than an ordinary consumer would expect such that when used in a normal intended and foreseeable manner such that when involved in a foreseeable low velocity rear end impact the seat back and fuel storage and delivery systems would in fact fail causing occupants such as the decedent to be trapped in the vehicle and the vehicle to catch fire, thereby rendering said vehicle unsafe and dangerous for use by consumers and members of the general public including Plaintiff's decedent herein.

24. By reason of the premises, the seat back and fuel storage and delivery system on the aforesaid 1993 Jeep Grand Cherokee failed causing and/or contributing to the above described fatal injuries sustained by Monica McRoy resulting in the injuries and damages to Plaintiffs as herein above and herein after set forth.

WHEREFORE, Plaintiffs demand judgment against Defendants and each of them as herein above set forth.

THIRD CAUSE OF ACTION
Breach of Warranties

25. Plaintiffs hereby incorporate by reference Paragraphs 1-24 of the aforementioned causes of action, and makes them a part of this, the Third Cause of Action, as though fully set forth herein.

26. At all times herein mentioned, Defendants DaimlerChrysler, Daimler Chrysler Motors Corporation, The Auto Center and Does 1-30 expressly and/or impliedly warranted that the 1993 Jeep Grand Cherokee vehicle was of merchantable quality and free from design and manufacturing defects, and safe for the use for which it was intended.

27. At all times herein mentioned, the above named Defendants breached the above-described expressed and/or implied warranties, in that said 1993 Jeep Grand Cherokee was not of merchantable quality and was not free from design and manufacturing defects, and was not safe for the use for which it was intended.

28. As a result of the breach by Defendants of the above-described expressed and/or

implied warranties, the seat back and fuel storage and delivery system on the aforementioned 1993 Jeep Grand Cherokee failed causing and/or contributing to the fatal injuries sustained by the decedent resulting in injuries and damages to the Plaintiffs as herein above and hereinafter set forth.

WHEREFORE, Plaintiffs pray judgment against the Defendants and each of them as herein above and hereinafter set forth.

FOURTH CAUSE OF ACTION
Vehicular Negligence

29. Plaintiffs hereby incorporate by reference Paragraphs 1-28 of the aforementioned causes of action, and makes them a part of this, the Fourth Cause of Action, as though fully set forth herein.

30. On our about August 30 2002, at or about 7:52 a.m. of said day, Defendant Floyd Norman Bean and Does 31-41 were operating, with the permission and consent of its owners, Defendants Oscar and Margie Enciso,and Does 41-50, the afore described 1997 Ford Taurus vehicle, bearing California license number 4EHY690, in a generally westbound direction on State Route 58 in the City of Bakersfield, County of Kern, State of California.

31. At said time and place, decedent Monica McRoy was also driving westbound on State Route 58 in front of the 1997 Taurus being driven by Defendant Floyd Norman Bean.

32. At said time and place, Defendants Floyd Norman Bean, Does 25-30, Oscar Enciso and Margie Enciso and Does 30-40 and each of them so negligently and carelessly drove, operated, maintained, and controlled the aforesaid 1997 Taurus so as to cause said vehicle to strike and collide with the rear of the 1993 Jeep Grand Cherokee being driven by the decedent Monica McRoy.

33. As a direct and proximate result of the carelessness and negligence of the Defendants Floyd Norman Bean, Does 31-41, Oscar Enciso and Margie Enciso and Does 41-50 and each of them, Monica McRoy sustained injury.

WHEREFORE, Plaintiffs pray judgment against the Defendants and each of them as herein above and hereinafter set forth.

WHEREFORE, as a result of Monica McRoy's death, the minor Plaintiff, Kiah Elizabeth Hunter, by and through her Guardians Ad Litem, and as successor-in-interest to the Estate of Monica McRoy, has incurred expenses and losses. Plaintiffs pray for judgment as hereinafter set forth:

(a) For each Plaintiff for general damages for the wrongful death of Monica McRoy, deceased;

(b) For each Plaintiff for economic losses occasioned by the death of Monica McRoy, an award of special (economic) damages according to proof at the time of trial;

(c) For each component of the award made herein, pre-judgment interest on said sum as permitted by law; and

(d) For such other and further relief as this Court may deem proper.

DATED this 12th day of May, 2004.

COBEN & ASSOCIATES
8710 East Vista Bonita Drive
Scottsdale, Arizona 85255

By: _____
Daniel Dell'Osso, Esq.
Attorneys for Plaintiffs

PE10-031-Chrysler-000456


9 30 '02


3 5 02

PE10-031-Chrysler-000459

Re Hunter

Police report

STATE OF CALIFORNIA

TRAFFIC COLLISION REPORT

CHP 555 CACS Page 1 (Rev 8/98) OPI 042

SPECIAL CONDITIONS	NUMBER KILLED	HIT & RUN FELONY	CITY	JUDICIAL DISTRICT	LOCAL REPORT NUMBER
FATAL	3	☐	BAKERSFIELD	BAKERSFIELD SUPERIOR	2002080-443
	NUMBER INJURED	HIT & RUN MISDEMEANOR	COUNTY	REPORTING DISTRICT / BEAT	
	1	☐	KERN	585	

LOCATION

COLLISION OCCURRED ON:	MO.	DAY	YEAR	TIME (2400)	NCIC #	OFFICER I.D.
SR-58 W/B	08/30/2002			0753	9426	14923
MILEPOST INFORMATION	DAY OF WEEK			TOW AWAY	PHOTOGRAPHS BY: ☐ NONE	
530 FEET EAST OF 58-KER-53.52	FRIDAY			☒ YES ☐ NO	OFC V.CAIN ID#14723 24 EXP	
☐ AT INTERSECTION WITH: ☒ OR 530 FEET EAST OF SOUTH CHESTER AVE				STATE HWY REL ☒ YES ☐ NO		

PARTY 1 — DRIVER

DRIVER'S LICENSE NUMBER	STATE	CLASS	SAFETY EQUIP.
[redacted]	CA	C	G

STREET ADDRESS	CITY / STATE / ZIP
3705 S.HALFMOON DR	BAKERSFIELD CA [redacted]

SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	RACE
M	GRY	BRN	5-11	165	[redacted] Year	W

HOME PHONE: [redacted] BUSINESS PHONE: [redacted]

INSURANCE CARRIER: AAA POLICY NUMBER: [redacted]

DIR OF TRAVEL: W. ON STREET OR HIGHWAY: SR-58 W/B SPEED LIMIT: 65

VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE
1997	FORD TAURUS WHI	4EHY690	CA

OWNER'S NAME: [redacted] ☐ SAME AS DRIVER

OWNER'S ADDRESS: ☒ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☒ OFFICER ☐ DRIVER ☐ OTHER

H & S TOW - (661)324-6703

PRIOR MECH. DEFECTS: ☒ NONE APP. ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER: 1FALP52U0VA189536

CHP USE ONLY VEHICLE TYPE: 01

DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☐ MOD ☒ MAJOR ☐ ROLL-OVER

SHADE IN DAMAGED AREA

CA ____ DOT ____ CAL-T ____ TCP/PSC ____ MCMX ____

PARTY 2 — DRIVER

DRIVER'S LICENSE NUMBER	STATE	CLASS	SAFETY
NP	CA		H

NAME (FIRST, MIDDLE, LAST): [redacted]

SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	RACE
F	BRN	BRN	5-02	145	[redacted] Year	W

CITY / STATE / ZIP: LAKE ISABELLA CA [redacted]

HOME PHONE: [redacted] BUSINESS PHONE:

INSURANCE CARRIER: UNKNOWN POLICY NUMBER:

DIR OF TRAVEL: W ON STREET OR HIGHWAY: SR-58 SPEED LIMIT: 65

VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE
1993	JEEP CHEROKEE GRN	3CQZ544	CA

OWNER'S NAME: ☒ SAME AS DRIVER

OWNER'S ADDRESS: ☒ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☒ OFFICER ☐ DRIVER ☐ OTHER

H & S TOW - (661)324-6703

PRIOR MECHANICAL DEFECTS: ☒ NONE APP. ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER:

CHP USE ONLY VEHICLE TYPE: 07

DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☐ MOD ☒ MAJOR ☐ ROLL-OVER

SHADE IN DAMAGED AREA

CA ____ DOT ____ CAL-T ____ TCP/PSC ____ MCMX ____

PARTY 3 — DRIVER

DRIVER'S LICENSE NUMBER	STATE	CLASS	SAFETY
D3965367	CA	C	G

NAME (FIRST, MIDDLE, LAST): [redacted]

CITY / STATE / ZIP: BAKERSFIELD CA [redacted]

SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	RACE
M	BRN	HZL	5-06	135	[redacted] Year	H

HOME PHONE: [redacted] BUSINESS PHONE:

INSURANCE CARRIER: USAA POLICY NUMBER: [redacted]

DIR OF TRAVEL: W ON STREET OR HIGHWAY: SR-58 W/B SPEED LIMIT: 65

VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE
1990	CHEV C-1500 WHI	3Y12431	CA

[redacted] ☐ SAME AS DRIVER

[redacted] ☐ SAME AS DRIVER

[redacted] BAKERSFIELD CA [redacted]

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER

DRIVEN

PRIOR MECHANICAL DEFECTS: ☒ NONE APP. ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER:

CHP USE ONLY VEHICLE TYPE: 22

DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☒ MOD ☐ MAJOR ☐ ROLL-OVER

SHADE IN DAMAGED AREA

CA ____ DOT ____ CAL-T ____ TCP/PSC ____ MCMX ____

PREPARER'S NAME	DISPATCH NOTIFIED	REVIEWER'S NAME	DATE REVIEWED
A. C. TAYLOR 14923	☒ YES ☐ NO ☐ N/A		

STATE OF CALIFORNIA

TRAFFIC COLLISION CODING

CHP 555 CARS Page2 (8/98) OPI 042

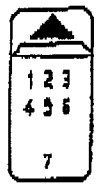
DATE OF COLLISION (MO. DAY YEAR)	TIME (HHMM)	NCIC #	OFFICER I.D.	NUMBER
08/30/2002	0752	9420	14923	

PROPERTY DAMAGE

OWNER	OWNER ADDRESS	NOTIFIED
		☐ YES ☐ NO

DESCRIPTION OF DAMAGE

SEATING POSITION



1 - DRIVER
2 TO 6 - PASSENGERS
7 - STA. WGN REAR
8 - RR, OCC TRK, OR VAN
9 - POSITION UNKNOWN
0 - OTHER

SAFETY EQUIPMENT

OCCUPANTS
A - NONE IN VEHICLE
B - UNKNOWN
C - LAP BELT USED
D - LAP BELT NOT USED
E - SHOULDER HARNESS USED
F - SHOULDER HARNESS NOT USED
G - LAP/SHOULDER HARNESS USED
H - LAP/SHOULDER HARNESS NOT USED
J - PASSIVE RESTRAINT USED
K - PASSIVE RESTRAINT NOT USED
L - AIR BAG DEPLOYED
M - AIR BAG NOT DEPLOYED
N - OTHER
P - NOT REQUIRED

CHILD RESTRAINT
Q - IN VEHICLE USED
R - IN VEHICLE NOT USED
S - IN VEHICLE USE UNKNOWN
T - IN VEHICLE IMPROPER USE
U - NONE IN VEHICLE

M/C BICYCLE - HELMET
DRIVER
V - NO
W - YES

PASSENGER
X - NO
Y - YES

EJECTED FROM VEHICLE
0 - NOT EJECTED
1 - FULLY EJECTED
2 - PARTIALLY EJECTED
3 - UNKNOWN

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR LIST NUMBER (0) OF PARTY AT FAULT

1
- A VC SECTION VIOLATED 22350 CITED: X YES / NO
- B OTHER IMPROPER DRIVING*
- C OTHER THAN DRIVER*
- D UNKNOWN*
- E FELL ASLEEP*

WEATHER (MARK 1 TO 2 ITEMS)
- X A CLEAR
- B CLOUDY
- C RAINING
- D SNOWING
- E FOG / VISIBILITY FT.
- F OTHER*
- G WIND

LIGHTING
- X A DAYLIGHT
- B DUSK - DAWN
- C DARK - STREET LIGHTS
- D DARK - NO STREET LIGHTS
- E DARK - STREET LIGHTS NOT FUNCTIONING*

ROADWAY SURFACE
- X A DRY
- B WET
- C SNOWY - ICY
- D SLIPPERY (MUDDY, OILY, ETC.)

ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)
- A HOLES, DEEP RUT*
- B LOOSE MATERIAL ON ROADWAY*
- C OBSTRUCTION ON ROADWAY*
- D CONSTRUCTION - REPAIR ZONE
- E REDUCED ROADWAY WIDTH
- F FLOODED*
- G OTHER*:
- X H NO UNUSUAL CONDITIONS

TRAFFIC CONTROL DEVICES
- A CONTROLS FUNCTIONING
- B CONTROLS NOT FUNCTIONING*
- C CONTROLS OBSCURED
- X D NO CONTROLS PRESENT / FACTOR*

TYPE OF COLLISION
- A REAR - ON
- B SIDE SWIPE
- X C REAR END
- D BROADSIDE
- E HIT OBJECT
- F OVERTURNED
- G VEHICLE / PEDESTRIAN
- H OTHER*:

MOTOR VEHICLE INVOLVED WITH
- A NON - COLLISION
- B PEDESTRIAN
- X C OTHER MOTOR VEHICLE
- D MOTOR VEHICLE ON OTHER ROADWAY
- E PARKED MOTOR VEHICLE
- F TRAIN
- G BICYCLE
- H ANIMAL:
- I FIXED OBJECT:
- J OTHER OBJECT:

PEDESTRIAN'S ACTIONS
- X A NO PEDESTRIAN INVOLVED
- B CROSSING IN CROSSWALK AT INTERSECTION
- C CROSSING IN CROSSWALK - NOT AT INTERSECTION
- D CROSSING - NOT IN CROSSWALK
- E IN ROAD - INCLUDES SHOULDER
- F NOT IN ROAD
- G APPROACHING / LEAVING SCHOOL BUS

	1	2	3
A PASSENGER CAR / STATION WAGON			
B PASSENGER CAR W / TRAILER	X		
C MOTORCYCLE / SCOOTER			
D PICKUP OR PANEL TRUCK			
E PICKUP / PANEL TRUCK W TRAILER			
F TRUCK OR TRUCK TRACTOR			
G TRUCK / TRUCK TRACTOR W / TRLR.			
H SCHOOL BUS		X	X
I OTHER BUS			
J EMERGENCY VEHICLE			
K HIGHWAY CONST. EQUIPMENT			
L BICYCLE			
M OTHER VEHICLE			
N PEDESTRIAN			
O MOPED			

OTHER ASSOCIATED FACTORS (MARK 1 TO 2 ITEMS)

	1	2	3
A VC SECTION VIOLATED CITED: YES / NO			
B VC SECTION VIOLATED CITED: YES / NO			
C VC SECTION VIOLATED CITED: YES / NO			
D	X		X
E VISION OBSCUREMENT:			
F INATTENTION*			
G STOP & GO TRAFFIC		X	X
H ENTERING / LEAVING RAMP			
I PREVIOUS COLLISION			
J UNFAMILIAR WITH ROAD		X	
K DEFECTIVE VEH. EQUIP.: CITED: YES / NO			
L UNINVOLVED VEHICLES			
M OTHER*:			
N NONE APPARENT			X
O RUNAWAY VEHICLE	X	X	

MOVEMENT PRECEDING COLLISION
- A STOPPED
- B PROCEEDING STRAIGHT
- C RAN OFF ROAD
- D MAKING RIGHT TURN
- E MAKING LEFT TURN
- F MAKING U TURN
- G BACKING
- H SLOWING / STOPPING
- L PASSING OTHER VEHICLE
- J CHANGING LANES
- K PARKING MANEUVER
- L ENTERING TRAFFIC
- M OTHER UNSAFE TURNING
- N XING INTO OPPOSING LANE
- O PARKED
- P MERGING
- Q TRAVELING WRONG WAY
- R OTHER*:

SOBRIETY - DRUG PHYSICAL (MARK 1 TO 2 ITEMS)

	1	2	3
A HAD NOT BEEN DRINKING			
B HBD - UNDER INFLUENCE			
C HBD - NOT UNDER INFLUENCE*			
D HBD - IMPAIRMENT UNKNOWN*			
E UNDER DRUG INFLUENCE*			
F IMPAIRMENT - PHYSICAL*			
G IMPAIRMENT NOT KNOWN		X	
H NOT APPLICABLE			
I SLEEPY / FATIGUED			

SPECIAL INFORMATION

	1	2	3
A HAZARDOUS MATERIAL			
B CELL PHONE IN USE			
C CELL PHONE NOT IN USE			X
D CELL PHONE NONE/UNKNOWN			

SKETCH

INDICATE NORTH

REFER TO PG 5

MISCELLANEOUS

STATE OF CALIFORNIA
INJURED / WITNESSES / PASSENGERS
CHP 555 CARS Page 3 (Rev 8/98) OPI 042

Page 3 of 6

DATE OF COLLISION (MO. DAY YEAR)	TIME(2400)	NCIC #	OFFICER I.D.	NUMBER
08/30/2002	0752	9420	14923	

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ('X' ONE)				INJURED WAS ('X' ONE)					PARTY NUMBER	SEAT POS.	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER				
☐ #	☐	20	F	☒	☐	☐	☐	☒	☐	☐	☐	☐	2	1	H	0

[redacted] LAKE ISABELLA, CA [redacted]
(INJURED ONLY) TRANSPORTED BY: KERN COUNTY CORONERS OFC
TAKEN TO: KERN COUNTY MORGUE
DESCRIBE INJURIES: COMPLETELY BURNED ALL OVER BODY
OBVIOUSLY DECEASED UPON ARRIVAL OF RESCUE PERSONNEL AND CHP
CORONER INVESTIGATOR JAMES HOLT, CASE #C-1497-02
☐ VICTIM OF VIOLENT CRIME NOTIFIED

☐ #	☐	67	M	☐	☐	☒	☐	☒	☐	☐	☐	☐	1	1	G	0

NAME / D.O.B. / ADDRESS: [redacted] BAKERSFIELD, CA [redacted]
TELEPHONE: [redacted]
(INJURED ONLY) TRANSPORTED BY: WILL SEEK OWN AID
TAKEN TO:
DESCRIBE INJURIES: COMPLAINT OF MINOR PAIN TO CHEST
☐ VICTIM OF VIOLENT CRIME NOTIFIED

☐ #	☐	23	M	☐	☐	☐	☒	☒	☐	☐	☐	☐	3	1	G	

NAME / D.O.B. / ADDRESS: [redacted] BAKERSFIELD, CA [redacted]
TELEPHONE: [redacted]
(INJURED ONLY) TRANSPORTED BY: WILL SEEK OWN AID
TAKEN TO:
DESCRIBE INJURIES: COMPLAINT OF MINOR NECK PAIN
☐ VICTIM OF VIOLENT CRIME NOTIFIED

☐ #	☐	30	M	☐	☐	☐	☒	☐	☒	☐	☐	☐	3	6	G	0

[redacted] BAKERSFIELD, CA [redacted] NONE
(INJURED ONLY) TRANSPORTED BY: HALL AMBULANCE
TAKEN TO: KERN MEDICAL CENTER
DESCRIBE INJURIES: COMPLAINT OF MODERATE PAIN TO BACK AND RADIATING INTO LEGS
☐ VICTIM OF VIOLENT CRIME NOTIFIED

☐ #	☒	20	M	☐	☐	☐	☐	☐	☐	☐	☐	☐	3	3	G	0

[redacted] BAKERSFIELD, CA [redacted]
(INJURED ONLY) TRANSPORTED BY:
TAKEN TO:
DESCRIBE INJURIES:
☐ VICTIM OF VIOLENT CRIME NOTIFIED

☐ #	☐			☐	☐	☐	☐	☐	☐	☐	☐	☐				

NAME / D.O.B. / ADDRESS
TELEPHONE
(INJURED ONLY) TRANSPORTED BY:
TAKEN TO:
DESCRIBE INJURIES:
☐ VICTIM OF VIOLENT CRIME NOTIFIED

PREPARER'S NAME	I.D. NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
A. C. TAYLOR	14923	08/30/2002		

STATE OF CALIFORNIA
INJURED / WITNESSES / PASSENGERS
CHP 555 CARS Page 3 (Rev 8/98) OPI 042

DATE OF COLLISION (MO. DAY YEAR)	TIME(2400)	NCIC #	OFFICER I.D.	NUMBER
08/30/2002	0752	9420	14923	

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY('X' ONE)				INJURED WAS ('X' ONE)					PARTY NUMBER	SEAT POS.	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER				
X # 1		50	M													

NAME / D.O.B. / ADDRESS: [redacted] TEHACHAPI CA [redacted] TELEPHONE: [redacted]
(INJURED ONLY) TRANSPORTED BY: TAKEN TO:
DESCRIBE INJURIES:
VICTIM OF VIOLENT CRIME NOTIFIED

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY('X' ONE)				INJURED WAS ('X' ONE)					PARTY NUMBER	SEAT POS.	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER				
X # 2		27	M													

NAME / D.O.B. / ADDRESS: [redacted] BAKERSFIELD CA [redacted] TELEPHONE: [redacted]
(INJURED ONLY) TRANSPORTED BY: TAKEN TO:
DESCRIBE INJURIES:
VICTIM OF VIOLENT CRIME NOTIFIED

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY('X' ONE)				INJURED WAS ('X' ONE)					PARTY NUMBER	SEAT POS.	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER				
X # 3		46	F													

NAME / D.O.B. / ADDRESS: [redacted] BAKERSFIELD CA [redacted] TELEPHONE: [redacted]
(INJURED ONLY) TRANSPORTED BY: TAKEN TO:
DESCRIBE INJURIES:
VICTIM OF VIOLENT CRIME NOTIFIED

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY('X' ONE)				INJURED WAS ('X' ONE)					PARTY NUMBER	SEAT POS.	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER				
X # 4		43	F													

NAME / D.O.B. / ADDRESS: [redacted] BAKERSFIELD CA [redacted] TELEPHONE: [redacted]
(INJURED ONLY) TRANSPORTED BY: TAKEN TO:
DESCRIBE INJURIES:
VICTIM OF VIOLENT CRIME NOTIFIED

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY('X' ONE)				INJURED WAS ('X' ONE)					PARTY NUMBER	SEAT POS.	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER				
#																

NAME / D.O.B. / ADDRESS: TELEPHONE:
(INJURED ONLY) TRANSPORTED BY: TAKEN TO:
DESCRIBE INJURIES:
VICTIM OF VIOLENT CRIME NOTIFIED

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY('X' ONE)				INJURED WAS ('X' ONE)					PARTY NUMBER	SEAT POS.	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER				
#																

NAME / D.O.B. / ADDRESS: TELEPHONE:
(INJURED ONLY) TRANSPORTED BY: TAKEN TO:
DESCRIBE INJURIES:
VICTIM OF VIOLENT CRIME NOTIFIED

PREPARER'S NAME	I.D. NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
A. C. TAYLOR	14923	08/30/2002		

09/16/2002 10:48 20957728 MCROY_WILBUR PAGE 07

STATE OF CALIFORNIA
FACTUAL DIAGRAM SKETCH
CHP 555 Page 4 (Rev. 8-97) OPI 062

Page 5 of 16

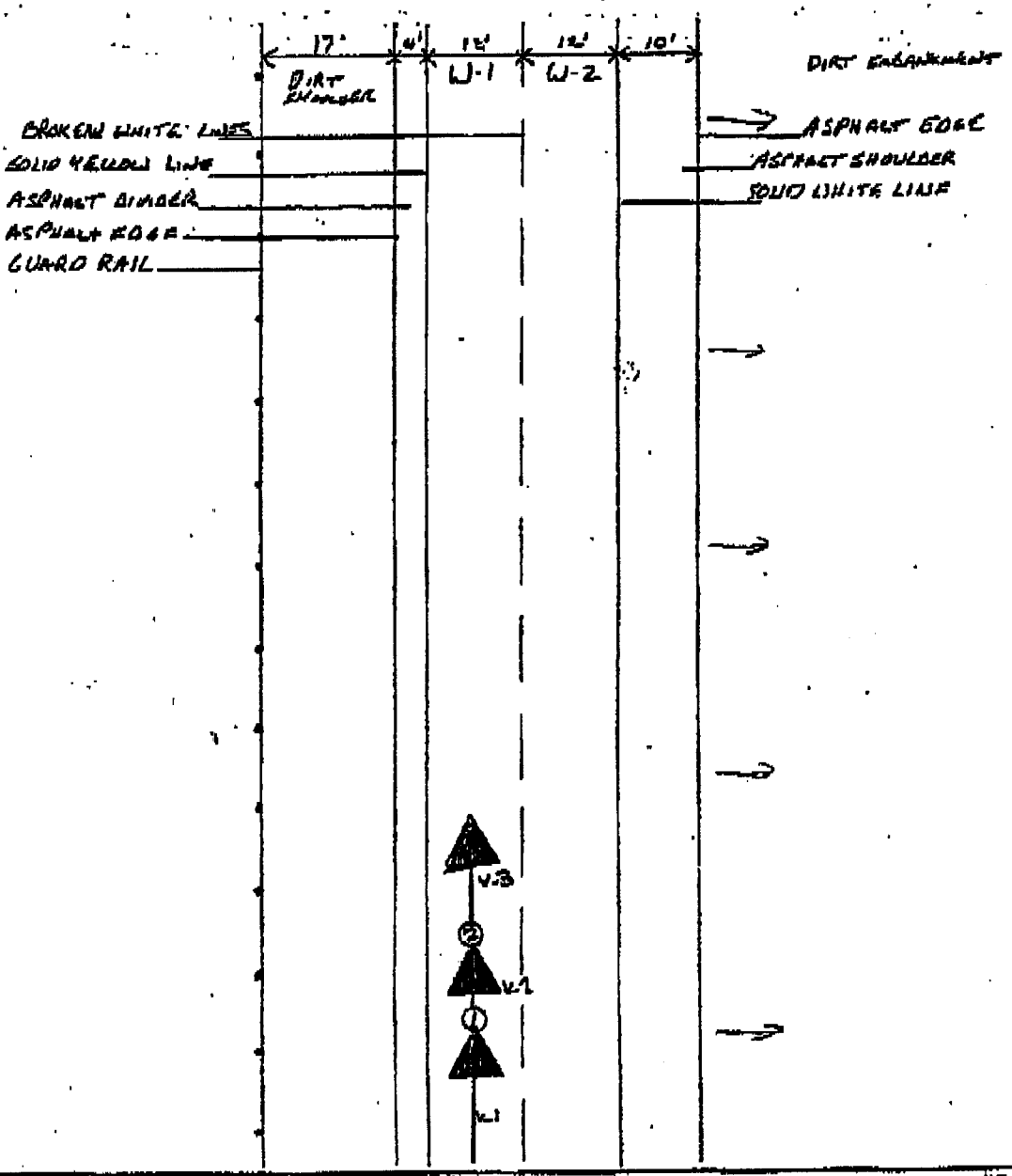
DATE OF COLLISION (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER I.D.	NUMBER
08 30 02	0752	9420	14923	

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)

INDICATE NORTH

SR-58 (W/B)

S. CHESTER AVE. ↑



PREPARED BY	I.D. NUMBER	DEL. DAY YEAR	REVIEWER'S NAME	REV. DAY YEAR
S. WHITTAKER	13851	083002		

09/15/2002 10:48 2095772B MCROY_WILBUR PAGE 08

STATE OF CALIFORNIA
FACTUAL DIAGRAM
CHP 555 Page 4 (Rev. 8-87) OPI 042

Page 6 of 16

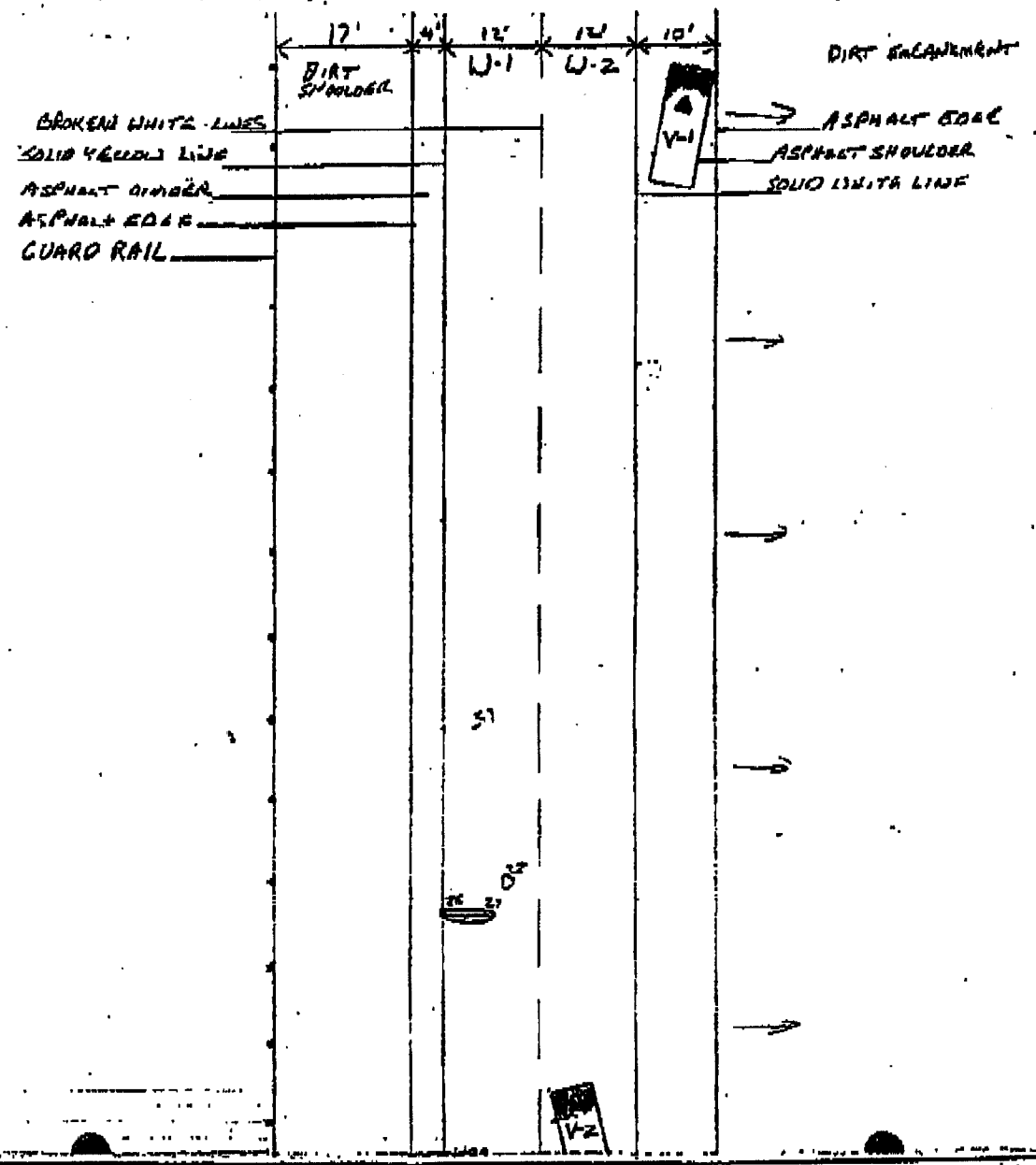
DATE OF COLLISION (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER I.D.	NUMBER
08 30 02	0752	9420	14923	

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)

INDICATE NORTH

SR-58 (W/B)

S. CHESTER AVE.



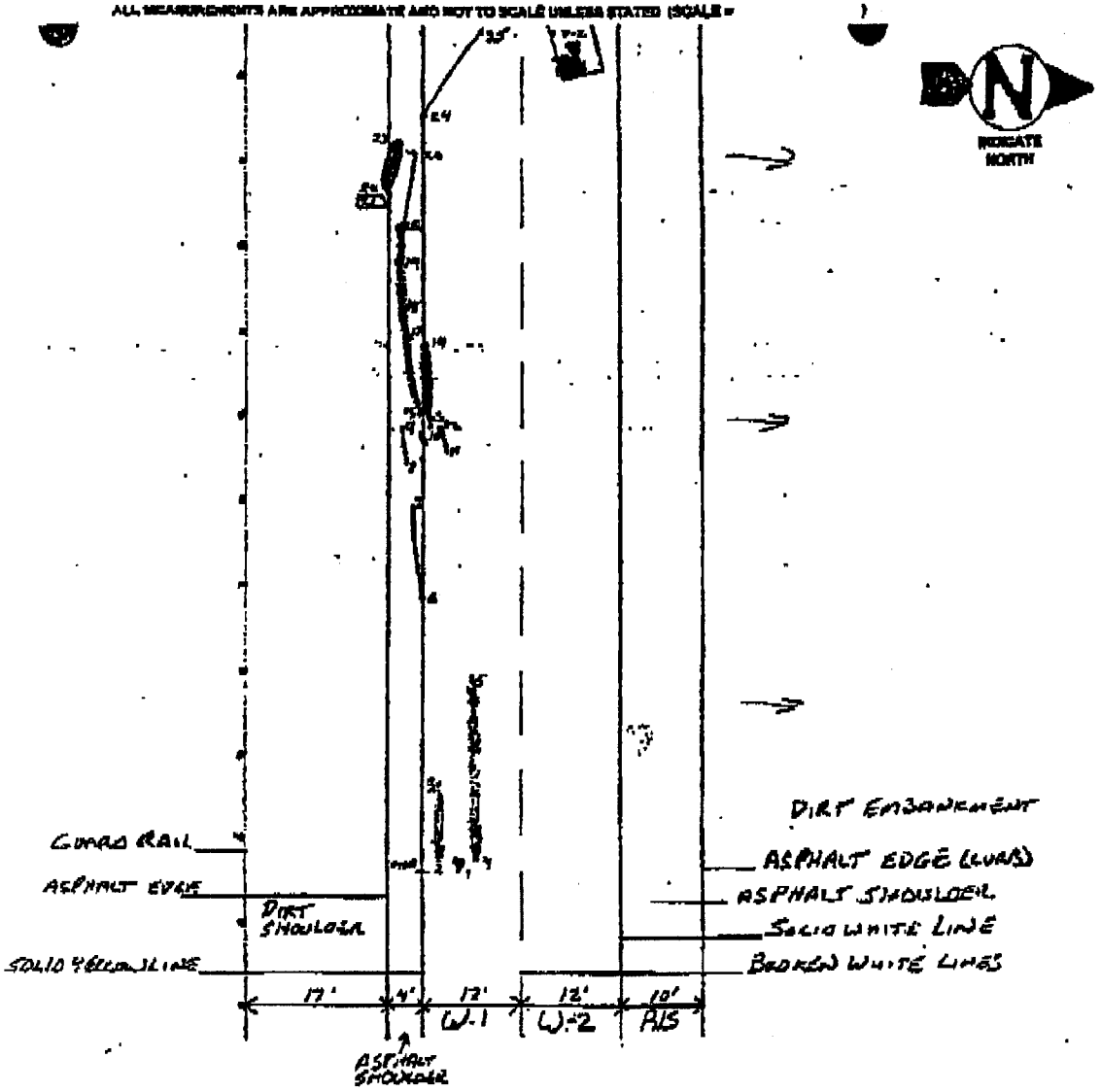
PREPARED BY	I.D. NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
S. WHITTAKER	13851	08 30 02		

CHP 69 28073

STATE OF CALIFORNIA
FACTUAL DIAGRAM
CHP 555 Page 4 (Rev. 8-97) OPI 042

DATE OF COLLISION (MO. DAY YEAR)	TIME (2400)	CASE #	OFFICER I.D.	NUMBER
08 30 02	0752	9420	14923	

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =



PREPARED BY	I.D. NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
S. WHITTAKER	13851	08 30 02		

OSP 98 28073

STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL PAGE 8 OF 16

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
08/30/2002	0752	9420	14923	

FACTUAL DIAGRAM LEGEND:

STATION LINE DESCRIPTION:

A station line was established by using the south roadway edge of SR-58 westbound. A reference point, 0+00, was located 530' east of the east edge of S. Chester Avenue. While standing and facing a westerly direction, all measurements increase as you proceed west from station 0+00 with all measurements being perpendicular, right [R] or left [L] of the station line. All measurements were taken in feet.

POINTS OF REST:

V-1 was located on it s wheels facing a westerly direction on the right shoulder of SR-58.
V-1's left front was 28 R of station 2+32.
V-1's left rear was 26 R of station 2+23.

V-2 was located on it s wheels facing an easterly direction in the W-2 lane of SR-58 westbound.
V-2's right front was 16 R of station 0+96.
V-2's right rear was 14 R of station 1+04.

PHYSICAL EVIDENCE DESCRIPTION:

POINTS	DESCRIPTION
1	1' diameter scrape left by the rear of V-2.
2-3	Fluid mark left by V-2.
4-5	Fluid mark left by V-2.
6-7	Tire friction mark left by a left tire of V-2.
8-9	Continuation of previous tire friction mark following gap.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
S. Whittaker	13651	08/30/2002		

STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL PAGE 9 OF 16

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
08/30/2002	0752	9420	14923	

1	10	1' gouge left by V-2.
2	11-12	Gouge left by V-2.
3	13-14	Burn mark on roadway.
4	15-16	Second burn mark on roadway.
5	17-18	Gouge left by V-2.
6	19-20	Scrape left by V-2.
7	21	Childs crib.
8	22-23	Rear bumper for V-2.
9	24-25	Scrape left by V-2.
10	26-27	Front bumper for V-2.
11	28	Headlight for V-2.
12	29	Vehicle part for V-2.
13		

14 **PHYSICAL EVIDENCE LOCATION:**

15

16 POINT	L or R	STATION	DESCRIPTION
17 1	4 R	0+00	Scrape
18 2	2 R	0+01	begin fluid
19 3	2 R	0+10	end fluid
20 4	6 R	0+01	begin fluid
21 5	6 R	0+23	end fluid
22 6	@	0+32	begin skid
23 7	1 L	0+43	end skid
24 8	2 L	0+48	begin skid
25 9	2 L	0+52	end skid
26 10	@	0+51	gouge
27 11	3 R	0+49	begin gouge
28 12	2 R	0+52	end gouge
29 13	1 R	0+52	begin burn mark

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
S. Whittaker	13851	08/30/2002		

STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL PAGE 10 OF 16

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
08/30/2002	0752	9420	14923	

1	14	@	0+62	end burn mark
2	15	@	0+54	begin burn mark
3	16	3 L	0+76	end burn mark
4	17	2 L	0+63	begin gouge
5	18	3 L	0+66	end gouge
6	19	3 L	0+72	begin scrape
7	20	1 L	0+85	end scrape
8	21	6 L	0+79	crib
9	22	4 L	0+80	bumper
10	23	3 L	0+86	bumper
11	24	@	0+89	begin scrape
12	25	7 R	0+99	end scrape
13	26	@	1+30	bumper
14	27	6 R	1+30	bumper
15	28	8 R	1+34	headlight
16	29	4 R	1+53	vehicle part

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
S. Whittaker	13851	08/30/2002		

CALIFORNIA HIGHWAY PATROL
NARRATIVE/SUPPLEMENTAL

Page 1

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER ID NUMBER	NUMBER
083002	0752	9420	14923	40958 RH

FACTS

NOTIFICATION:

At 0754 hours, I was dispatched to vehicle fire, with a person trapped in the vehicle. I responded from Castro Ln at Belle Terrace, and arrived on scene at 0759 hours. I then learned that the vehicle fire was a result of a traffic collision. EMS personnel and personnel from Bakersfield Police Dept were on scene, prior to my arrival. All times, speeds, and distances are approximate. Measurements were obtained by rollmeter.

SCENE DESCRIPTION:

SR-58, at this location is a straight, fairly level, freeway, with two concrete traffic lanes in each direction. Westbound and Eastbound traffic is separated by a metal guardrail. There is slight rise in the roadway elevation, approx 400 ft East of the collision scene. SR-58 W/B includes the two 12ft traffic lanes, a 10ft asphalt right shoulder, a 4ft asphalt divider, and a 17ft dirt inside shoulder. The traffic lanes are divided by a painted broken white line. A dirt, uphill embankment borders the right asphalt shoulder. For more detail, refer to factual diagram.

PARTIES:

PARTY #1 [redacted] was located standing near vehicle #1, upon my arrival. He was pointed out to me by witness #1. Bean was placed as the driver by his own statement and witness statements. Bean was identified with a valid California Drivers License.

VEHICLE #1 [redacted] was located on its wheels, facing westerly, on the right shoulder of SR-58 W/B, upon my arrival. The Ford sustained moderate to major damage spaced evenly across the front-end. The hood and fenders were buckled. The windshield was cracked. The airbags were deployed. The seatbelts were inspected. Only the driver's seatbelt appeared to be used. It appeared to be in proper working order.

PARTY #2 [redacted] was in the drivers seat of vehicle #2, (which was fully engulfed in flames), upon my arrival. She sustained fatal injuries and was obviously deceased at the scene. She was later identified by the Kern County Coroners Office, (case # C -1497-02). She was determined to be the driver by her seating position, and witness statements.

PREPARER'S NAME AND ID NUMBER	DATE	REVIEWER'S NAME & DATE
A. C. Taylor #14923	08/31/02	

CALIFORNIA HIGHWAY PATROL Page 2
NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER ID NUMBER	NUMBER
083002	0752	9420	14923	40958 RH

PARTIES (CONTINUED):

VEHICLE #2 [redacted] was located on its wheels, facing easterly in lane #2 of SR-58 W/B, upon my arrival. The Jeep was fully engulfed in flames and was being extinguished by Bakersfield Fire Dept personnel. The Jeep was completely burned. The drivers seat was laid completely back. The driver's seatbelt catch was not latched into the locked position. The Jeep sustained major collision damage to the rear, including the lift gate, both quarter panels, (up to the rear doors), and crush buckling to the roof. The Jeep also sustained moderate collision damage to the right /front fender, and into the right/front door and hood.

PARTY #3 [redacted] was located standing near the guardrail, at the collision scene. He was identified with a California ID card and temporary California Drivers License. He was placed as a driver by his statements.

VEHICLE #3 [redacted] was located parked in the dirt inside shoulder, near the guardrail, West of the collision scene. It was moved by Hernandez, from its original point of rest, prior to CHP arrival. The Chevy sustained minor to moderate left-rear collision damage to the bed, tailgate, and bumper.

PHYSICAL EVIDENCE:

Refer to factual diagram and legend, (pages 6-10).

STATEMENTS:

PARTY #1 [redacted] related in essence the following:
He was driving the Ford Taurus W/B in lane #1 of SR-58, at approx 65 MPH. As he came over the hill, he checked his rear-view mirrors, (both his left side and windshield-mounted). When he looked back up, he saw that the Jeep was stopped, facing westerly, in the traffic lane, just ahead of him. He applied the brakes. He felt the ABS (Anti-lock Braking System), pumping the brake pedal, but the Ford did not seem like it was slowing down. The Ford struck the rear of the Jeep. He was unsure if the Jeep struck the Chevy first, or if the Ford that he was driving struck the Jeep first.

PREPARER'S NAME AND ID NUMBER	DATE	REVIEWER'S NAME & DATE
A. C. Taylor #14923	08/31/02	

CALIFORNIA HIGHWAY PATROL Page 13
NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER ID NUMBER	NUMBER
083002	0752	9420	14923	40958 RH

STATEMENTS (CONTINUED):

[redacted] **STATEMENT (CONTINUED):**
This was the first time he had driven the Ford, which belongs to his former son-in-law. His own vehicle does not have ABS, but he has driven vehicles with ABS in the past. The Ford had recently been in the shop for engine trouble. The Ford 's brakes were working properly, although the ABS light was on throughout the trip. The tires were in good condition. He had no trouble with the vehicle, prior to the collision.

He had driven the Ford from his home in southwest Bakersfield to drop off his granddaughter at East Bakersfield High School. He left the school at 0745 hours and was on his way back home. He had no appointments, and no reason to be in a hurry. He suffers from asthma and lung disease, but is currently taking no medication. He slept seven hours, the night prior to the collision, and felt fine and well rested. He has no cellular phone and cannot recall if the radio was on at the time of the collision. He was not distracted from his driving in any way.

PARTY #2 [redacted] was deceased upon my arrival, and could not provide a statement.

PARTY #3 [redacted] related in essence the following:
He was driving W/B in lane #1, ahead of the Jeep. Traffic ahead had slowed to nearly a stop, for unknown reasons. [redacted] slowed to almost a complete stop, then felt a rear impact. In his mirror, he saw that the Jeep was in flames, "it looked like a bomb." He parked the Chevy away from the scene. He saw that the Ford was also damaged. He was unsure if he was rear-ended by the Jeep or the Ford. Nobody exited the Jeep before it burned.

WITNESS #1 [redacted] related in essence the following:
He was driving W/B in lane #2. Traffic ahead had slowed considerably. He slowed to approx 40 MPH. Traffic in lane #1 was backed up farther than traffic in lane #2. In the corner of his left eye, he saw the white Ford pass him, at freeway speed, "well faster than 40 MPH." He heard a collision, and realized that the Ford rear-ended the Jeep. The Jeep caught fire immediately and spun out, nearly striking Thompson's truck. Thompson stopped on the right shoulder. The Ford came to rest just behind Thompson. Thompson exited the vehicle and attempted to put the fire out with his extinguisher. By the time he got to the Ford, it was fully engulfed, and too large for his extinguisher.

PREPARER'S NAME AND ID NUMBER	DATE	REVIEWER'S NAME & DATE
A. C. Taylor #14923	08/31/02	

CALIFORNIA HIGHWAY PATROL
NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER ID NUMBER	NUMBER
083002	0752	9420	14923	40958 RH

STATEMENTS (CONTINUED):

WITNESS #2 [redacted] related in essence the following:
He was the passenger with Witness Thompson, traveling W/B in lane #2. Traffic was backing up ahead. Thompson had slowed to 10 MPH; traffic in lane #1 was slower. The Jeep had slowed to almost a stop, and may have even stopped. Several cars farther ahead had their brake lights on. Cars in the immediate area of [redacted] (including the Jeep), had began speeding up again, so they did not have their brake lights on.

He heard the Ford's tires squeal for approx 2 seconds, then saw Ford rear-end the Jeep, ahead of, and to the left of Lopez. The rear-end of the Jeep went airborne. The Jeep was traveling 5 to 10 MPH at the time of collision. After the impact, the Jeep caught fire immediately, traveled forward and struck the rear of the Chevy pickup. The Jeep spun counter-clockwise and came to rest in the roadway.

The Ford came to rest behind Lopez and Thompson. Lopez saw Bean exit the Ford, alone. Thompson attempted to extinguish the fire, but was unsuccessful.

WITNESS #3 [redacted] related in essence the following:
She was driving 65 MPH in lane #2. She saw no brakelights on ahead, and had no indication that traffic was slowing. She saw the Jeep smoking, and spinning out of control in lane #1, several hundred feet ahead of her. She heard no explosion, but the Jeep caught on fire extremely fast. Thompson attempted to put out the fire, but was unsuccessful. She did not witness the collision itself.

WITNESS #4 [redacted] related in essence the following:
She was driving W/B in lane #1, ahead of the collision. Traffic ahead of Lara had slowed to a stop, [redacted] drove her small white car into the dirt center divider, to avoid striking a car ahead of her. From her position, she saw the Jeep spin out of control and strike the rear of the Chevy pickup, within lane #1. The Jeep spun out and caught fire very quickly.

OPINIONS AND CONCLUSIONS

PREPARER'S NAME AND ID NUMBER	DATE	REVIEWER'S NAME & DATE
A. C. Taylor #14923	08/31/02	

CALIFORNIA HIGHWAY PATROL
NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER ID NUMBER	NUMBER
083002	0752	9420	14923	40958 RH

SUMMARY:

At approx 0745 hours, an unrelated traffic collision occurred on SR-58 E/B East of South H Street. As a result of the first collision, several vehicles on SR-58 W/B near South Chester Ave, slowed to nearly a stop as the drivers looked at the collision scene. The Chevy, (driven by Hernandez), was traveling W/B in lane #1 of SR-58 at approx 10 MPH, in stop-and-go traffic. The Jeep, (driven by McRoy), was traveling in lane #1, directly behind Hernandez, at 10 MPH. The Ford, (driven by Beam), was approaching the scene, traveling W/B in lane #1 at 65 MPH. [redacted] failed to realize that the traffic ahead of him was traveling at such a slow rate of speed.

When [redacted] saw that the Jeep was nearly stopped ahead of him, he applied his brakes, causing the front end of the Ford to dip down. [redacted] was unable to stop in time. The front of the Ford struck the rear of the Jeep. The Jeep had a higher natural ground clearance than that of the Ford. The front and hood area of the Ford traveled under the rear cargo area of the Jeep, resulting in major damage to the underside of the Jeep. The Jeep caught fire, lunged forward, and began spinning clockwise. The left/front of the Jeep struck the left/rear of the Chevy. The Jeep continued to spin clockwise and came to rest in lane #2, facing easterly and fully engulfed in fire.

The Ford came to rest on the right asphalt shoulder, West of the Jeep. The Chevy was parked in the dirt center divider, West of the Ford and the Jeep.

AREA OF IMPACT (AOI):

Area of impact #1 ([redacted]) was located 6 ft North of the South roadway edge line of SR-58 W/B, and 530 ft East of the East edge of the South Chester Ave overcrossing.

Area of impact #2 ([redacted]) was located 2 ft North of the South roadway edge line of SR-58 W/B, and 478 ft East of the East edge of the South Chester Ave overcrossing.

The AOIs were based on statements, physical evidence, and vehicle damage.

PREPARER'S NAME AND ID NUMBER	DATE	REVIEWER'S NAME & DATE
A. C. Taylor #14923	08/31/02	

CALIFORNIA HIGHWAY PATROL Page 16

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER ID NUMBER	NUMBER
083002	0752	9420	14923	40958 RH

CAUSE:

It was determined that party #1 [redacted] caused this collision by violating California Vehicle Code section 22350, (unsafe speed for conditions). [redacted] should have been traveling at a speed slow enough to be able to recognize the slower speed of the vehicles ahead of him, and slow accordingly. The slight rise in the roadway, East of the collision scene, was not a factor in the collision.

The cause was based on statements, physical evidence, and vehicle damage.

RECOMMENDATIONS:

I recommend that Vehicle #1's brakes be inspected by CHP MAIT officials, and a follow-up supplemental be completed and attached to this report.

PREPARER'S NAME AND ID NUMBER	DATE	REVIEWER'S NAME & DATE
A. C. Taylor #14923	08/31/02	

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM
CHP 556D (Rev. 3-99) OPI 061 *(MAIT use only)*

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	PAGE
08-30-2002	0752	9420	14923	2002-08-0493	1

CL-082-02

SUPPLEMENTAL

The following supplemental investigation was conducted by the California Highway Patrol, Central Division Multidisciplinary Accident Investigation Team.

MAIT PERSONNEL INVOLVED:

Mr. Marvin Sprinkman,	ID A8248,	Central Division MAIT
Mr. Donnie Nichols,	ID A6022,	Central Division MAIT

SUBPOENAS FOR MAIT PERSONNEL SHOULD BE MAILED TO:

California Highway Patrol
Central Division
5179 North Gates Avenue
Fresno, California 93722-6414

Attention: Sergeant Bill Esmay

INTRODUCTION

Notification

On September 4, 2002, Central Division MAIT received a request from Sergeant Travis Mitchell, Bakersfield Area CHP, regarding MAIT assistance in their investigation of a fatal traffic collision that occurred on westbound State Route 58, 530 feet east of South Chester Avenue, on August 30, 2002. The request was approved by Captain Molina, Bakersfield Area CHP Commander. MAIT Investigators Sprinkman and Nichols responded to the request on September 4, 2002.

Issues

The investigation will be limited to the examination of the steering, suspension, brakes, tires, wheels and any manufacturer's recalls on Vehicle #1, (Ford Taurus).

Log ✓ Index ___ Copy ✓ DOT ___
HQ ___ Ck ___ Consent ✓ Misc ___

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE DIAGRAM
CHP 556D (Rev. 3-99) OPI 061 *(MAIT use only)*

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	PAGE
08-30-2002	-0752	9420	14923	2002-08-0493	2

MECHANICAL INSPECTION
(Vehicle #1)

Description of Vehicle: 1997 Ford Taurus, six passenger four door sedan

GVWR: 4722 lbs. **Front:** 2576 lbs. **Rear:** 2171 lbs.

Color: White

License: 4EHY690 CA **Expiration Date:** December 12, 2002

VIN: 1FALP52U0VA[redacted]

Odometer: 110,482 miles **Trip Odometer:** 314.8 miles

NHTSA Recalls: Three

Engine: Fuel injected 3.0L V6 with cruise control The cruise control switches were on the steering wheel.

Transmission: Four speed transaxle

Steering: Power assisted rack and pinion

Brakes: The vehicle is equipped with a vacuum-assisted power braking system.

Anti-Lock: Four channel

Exhaust: Single discharging downward at the left rear

Restraints: **Front:** Two lap shoulder belts and one lap only belt
Rear: Two lap shoulder belts and one lap only belt

Supplemental Restraint System: Driver and right front passenger air bags, deployed

Damage: Front

Inspection Date and Location:

The mechanical inspection was performed on September 4, 2002 at H & S Towing, 300, 21st Bakersfield CA, by Investigators Sprinkman and Nichols.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE DIAGRAM
CHP 556D (Rev. 3-99) OPI 061 (MAIT use only)

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCID	OFFICER I.D.	NUMBER	PAGE
08-30-2002	0752	9420	14923	2002-08-0493	3

MECHANICAL INSPECTION
(Vehicle #1)

NHTSA Recalls

A check of the NHTSA web site on September 13, 2002 at 5:23 PM Eastern time showed three recalls for this make and model.

The first was NHTSA Campaign ID Number: 96V166000: for the shift cable for the parking brake pawl in the automatic transmission which can allow the vehicle to slip out of park.

The second was NHTSA Campaign ID Number: 97V097000: for the servo cover which can separate from the transaxle.

The third was NHTSA Campaign ID Number: 98V028000: for the head lamp aiming instructions in the owners guide.

A check of the NHTSA web site on September 13, 2002 at 5:24 PM eastern standard time showed no recalls for Caliente P205 / 65 R 15, Pirelli P 205 / 65 R 15 tires or National P 205 / 65 R 15 tires.

FUEL MANAGEMENT SYSTEM

Fuel was delivered through electronic operated fuel injectors. Air flow was controlled with a throttle plate in the inlet of the intake manifold. The air flow was regulated by the driver's throttle pedal through a cable. The throttle plate was spring loaded to the closed position. The throttle plate would rotate from closed to wide open when operated with the pedal.

POWER TRAIN

The transverse mounted electronic fuel injected 3.0L V6 was connected to a four speed transaxle. The forward valve cover was broken by the radiator core support. This was collision damage.

STEERING

Power Steering Reservoir and Pump

The power steering pump with integral reservoir was mounted to the right front of the engine. The reservoir was broken when the radiator core support was displaced into it. The power steering pump pulley was broken. This was collision damage.

Fluid Level

The reservoir was empty.

DEPARTMENT of CALIFORNIA HIGHWAY PATROL
MULTIDISCIPLINARY ACCIDEN NVESTIGATION TEAM NARRATIVE AGRAM
CHP 556D (Rev. 3-99) OPI 061 *(MAIT use only)*

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	PAGE
08-30-2002	0752	9420	14923	2002-08-0493	4

MECHANICAL INSPECTION
(Vehicle #1)

STEERING (Continued)

Belts

The single serpentine belt was cut and displaced.

Hoses

There were no preexisting leaks noted in the power steering system.

Steering Wheel

The fifteen inch diameter steering wheel with the deployed air bag was tight to the top of the steering column.

Steering Column and Shaft

The column was tightly secured to a bracket under the dash. The shaft was disconnected under the dash at the offset joint. This was collision damage.

Rack and Pinion

The rack and pinion was mounted to the top, of the power train cradle rear crossmember. It would operate freely three turns from stop to stop.

Left Tie Rod

The left tie rod extended from the left end of the rack and pinion out to the left steering knuckle.

Right Tie Rod

The right tie rod extended from the right end of the rack and pinion out to the right steering knuckle.

Steering Knuckles

The tops of the steering knuckles were bolted to the bottom of the McPherson struts. The bottom of the knuckles were connected to the control arms with ball joints.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM
CHP 556D (Rev. 3-99) OPI 061 *(MAIT use only)*

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	PAGE
05-30-2002	0752	9420	14923	2002-09-0493	5

MECHANICAL INSPECTION
(Vehicle #1)

SUSPENSION

Axle #1

The front suspension consisted of McPherson struts attached to the top of the fender wells and extended down to the top of the steering knuckles. There were control arms mounted to the bottom of the steering knuckles with ball joints. They extended inward to the power train subassembly.

Stabilizer Bar

The stabilizer bar was mounted rearward of the rack and pinion and extended forward on each end. The ends connected to the struts with long links.

There was no damage or defects noted in the front suspension.

Axle #2

The rear suspension consisted of struts mounted to the tops of the wheel wells and extending downward to the spindles. There were two lower control arms on each side extending out from mounts under the unibody to the front and rear of the spindles. There were radius rods on each side from the unibody extending rearward to the bottom of the spindles.

Stabilizer Bar

The stabilizer bar was mounted under the unibody rearward of the suspension. It extended forward on each end and was connected to the struts with long links.

There were no defects or damage noted to the rear suspension.

BRAKES

The braking system was a diagonal split hydraulic system. The left front and right rear brakes comprised one circuit and the right front and left rear brakes, the other circuit. There were proportioning valves installed at the master cylinder for the rear brakes. The front wheel brakes utilize a single piston brake caliper and disc brake system. The rear wheel brakes utilize a single cylinder, dual piston wheel cylinder and drum brake system.

MECHANICAL INSPECTION
(Vehicle #1)

BRAKES (Continued)

Master Cylinder

The dual piston composite brake master cylinder was tightly mounted to the forward side of the vacuum booster. When the brake pedal was depressed, pressure was applied by mechanical linkage to the primary and secondary piston. The brake master cylinder pistons applied hydraulic pressure to the two hydraulic circuits. There was a single plastic reservoir with a single screw on plastic cover. The fluid level was full.

Power Booster

The vacuum booster was located on the left side of the bulkhead in the engine compartment, between the brake pedal and the master cylinder. The booster was checked with a vacuum pump and it operated as designed.

Anti-Lock Controller

The four channel anti-lock controller was mounted in the left front of the engine compartment under the battery.

Trouble Codes

Unable to retrieve any brake trouble codes due to collision damage to vehicle.

Brake Hoses, Tubing and Fittings

No leaks were noted in the brake fluid system.

Parking Brake

The foot applied and hand released parking brake system was a mechanical system that activated the inboard pad of the rear disc brakes. The brake was found in the unapplied position. The parking brake would lock the rear wheel when applied.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM
CHP 558D (Rev. 3-99) OPI 061 *(MAIT use only)*

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	PAGE
08-30-2002	0752	9420	14923	2002-08-0493	7

MECHANICAL INSPECTION
(Vehicle #1)

BRAKES (Continued)

Brake Adjustment and Pedal Height

The operation of the master cylinder was checked by applying 80 psi to the brake pedal using a pedal jack. With the pedal depressed, an attempt was made to rotate the hubs using a two foot bar. The front hubs could not be rotated. The rear hubs could be rotated with difficulty. With vacuum assist neither the front or rear hubs could be rotated.

Brake pedal free travel	¼"
Unapplied pedal height from the floor	5½"
Applied height without power assist	3½"
Applied height with power assist	2½"

WHEEL BRAKE DATA

	Left Front	Right Front	Left Rear	Right Rear
Type of Brake	Disc	Disc	Disc	Disc
Lining Type	Bonded	Bonded	Riveted	Riveted
Thickness, Outside	0.295"	0.232"	0.257"	0.285"
Thickness, Inside	0.263"	0.244"	0.259"	0.260
Damage/Defects	None	None	None	None
Hardware, Adjuster type	Auto	Auto	Auto	Auto
Damage/Defects	None	None	None	None
Wheel Cylinder, No.	1	1	1	1
Damage/Defects	None	None	None	None
Rotor Size	1.020"	1.020"	0.555"	0.550"
Manufacturer's Specifications				
Brake Rotor Minimum Thickness	0.974"		0.502"	
Brake Lining Minimum Thickness	0.040"		0.030"	

Note: Lining thickness measurements were total thickness for bonded lining and to the tops of the rivets for riveted lining.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM
CHP 556D (Rev. 3-98) OPI 061 *(MAIT use only)*

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	PAGE
08-30-2002	0752	9420	14923	2002-08-0493	6

MECHANICAL INSPECTION
(Vehicle #1)

TIRES AND WHEELS

Tire description: (Information printed on the sidewall of the tire)

BOTH FRONT TIRES

Brand/Manufacturer: Caliente Metric
Size: P 205 / 65 R 15 94 S M&S
Plies: **Tread:** Two ply Polyester Two ply Steel
Sidewall: Two ply Polyester
Maximum Load/Rating: 1477 lbs. @ 44 psi.

Treadwear: 300 **Traction:** A **Temperature:** A

LEFT REAR TIRE

Brand/Manufacturer: Pirelli P400
Size: P 205 / 65 R 15 92 T M&S
Plies: **Tread:** One ply Polyester Two ply Steel Two Nylon
Sidewall: One ply Polyester
Maximum Load/Rating: 1400 lbs. @ 35 psi.

Treadwear: 420 **Traction:** A **Temperature:** A

RIGHT REAR TIRE

Brand/Manufacturer: National XT 6000
Size: P 205 / 65 R 15 92S M&S
Plies: **Tread:** Two ply Polyester Two ply Steel
Sidewall: Two ply Polyester
Maximum Load/Rating: 1400 lbs. @ 35 psi.

Treadwear: 300 **Traction:** A **Temperature:** A

DOT#: **Left Front:** A89L CHH 419 **Right Front:** A89L CHH 419
Left Rear: XF UR H1 418 **Right Rear:** BHU HNCT 485

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM
CHP 558D (Rev. 3-99) OPI 061 *(MAIT use only)*

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	PAGE
08-30-2002	0752	9420	14923	2002-08-0493	9

MECHANICAL INSPECTION
(Vehicle #1)

TIRES AND WHEELS (Continued)

TIRE AND WHEEL DATA

	Tire Data			Wheel Data	
Axle #1	Psi	Tread Depth (outside to inside)	Comment	Type	Comment
Left	30	4/32, 5/32, 6/32, 4/32	None	Steel	None
Right	29	4/32, 5/32, 5/32, 5/32	None	Steel	None
Axle #2					
Left	28	3/32, 3/32, 2/32	*1	Steel	None
Right	11	4/32, 6/32, 6/32, 3/32	*2	Steel	*3

Note: All tire measurements are by the clock method with the wheel valve stem as 12:00 o'clock unless otherwise noted.

Comments:

*1. The inboard shoulder tread was worn thin. The tread was worn to the cords from 12:00 to 12:30. This appeared to be a preexisting condition.

*2. The right rear tire was low on air. The right rear tire inboard side wall had a backwards "C" cut two inches out from the GG ring at 9:00. This appeared to be collision or recovery damage.

*3. The right rear wheel inboard bead flange had a quarter inch axial collapse at 9:00. This appeared to be collision or recovery damage.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM
CHP 558D (Rev. 3-99) OPI 061 *(MAIT use only)*

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCC	OFFICER I.D.	NUMBER	PAGE
08-30-2002	0752	9420	14923	2002-08-0493	10

PHOTO LOG

Camera: Minolta
Roll: #1
Subject: Vehicle #1
Photographer: M. Sprinkman
Date Taken: 9/04/02
Film: 35mm, Kodak 100 asa

Print: **Subject/remarks**

1. Front of vehicle
2. Left side, front
3. Left side, rear
4. Rear
5. Right side, rear
6. Right side, front
7. Driver's foot controls
8. Driver's foot controls
9. Instrument panel
10. Steering wheel
11. Speedometer and odometer
12. Radio and air conditioning controls
13. Head lamp switch
14. Engine compartment
15. Left side of engine compartment
16. Top of engine
17. Brake master cylinder area
18. Brake master cylinder
19. Brake master cylinder reservoir fluid level
20. Power steering reservoir
21. Power steering reservoir
22. Serpentine belt area
23. Serpentine belt and power steering pulley
24. Serpentine belt

(661) 864-4444
$81.60 for 96 4x6 photos

Send req to
CHP
4040 Buckowens Blvd
~~Fresno~~ Bakersfield CA 93308
Attn: Photo Request

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM
CHP 558D (Rev. 3-99) OPI 061 *(MAIT use only)*

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	PAGE
08-30-2002	0752	9420	14923	2002-08-0493	11

PHOTO LOG

Camera: Minolta
Roll: #2
Subject: Vehicle #1
Photographer: M. Sprinkman
Date Taken: 9/04/02
Film: 35mm, Kodak 100 asa

Print: **Subject/remarks**

1. Rear license plate
2. Steering wheel
3. Steering column
4. Steering column offset safety joint
5. Steering column offset safety joint
6. Transaxle shift cable
7. Rack and pinion area
8. Left front tie rod
9. Left front coil spring
10. Left front suspension, front
11. Left axle half shaft
12. Left front suspension
13. Left front suspension, lower
14. Left front suspension, lower
15. Left front suspension, rear
16. Right front suspension
17. Right front coil spring
18. Right front tie rod
19. Right front axle half shaft
20. Right front suspension, rear
21. Right front suspension and half shaft
22. Right front suspension and half shaft
23. Right front suspension and half shaft
24. Exhaust system

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM
CHP 556D (Rev. 3-89) OPI 061 *(MAIT use only)*

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	PAGE
05-30-2002	0752	9420	14923	2002-08-0493	12

PHOTO LOG

Camera: Minolta
Roll: #3
Subject: Vehicle #1
Photographer: M. Sprinkman
Date Taken: 9/04/02
Film: 35mm, Kodak 100 asa

Print: **Subject/remarks**

1. Rear license plate
2. Left rear suspension
3. Left rear coil spring
4. Exhaust system, rear
5. Left rear radius rod
6. Rear suspension subassembly
7. Left rear suspension, rear
8. Left rear control arms
9. Left rear brake pads
10. Right rear brake rotor
11. Right rear coil spring
12. Right radius arm
13. Right rear suspension
14. Right rear control arms
15. Rear suspension
16. Right rear brake pads
17. Right front brake rotor
18. Right front brake pads
19. Left front brake rotor
20. Left front brake pads
21. Left front wheel and tire, outboard
22. Left front tire tread
23. Left front wheel and tire, inboard

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
MULTIDISCIPLINARY ACCIDENT . .VESTIGATION TEAM NARRATIVE/L. .GRAM
CHP 558D (Rev. 3-99) OPI 061 *(MAIT use only)*

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	PAGE
08-30-2002	0752	9420	14923	2002-08-0493	13

PHOTO LOG

Camera: Minolta
Roll: #4
Subject: Vehicle #1

Photographer: M. Sprinkman
Date Taken: 9/04/02
Film: 35mm, Kodak 100 asa

Print: **Subject/remarks**

1. Rear license plate
2. Right font wheel and tire, outboard
3. Right front tire tread
4. Right front wheel and tire, inboard
5. Left rear wheel and tire, outboard
6. Left rear tire tread
7. Left rear tire tread
8. Left rear tire tread
9. Left rear tire tread
10. Left rear wheel and tire, inboard
11. Right rear wheel and tire, outboard
12. Right rear tire tread
13. Right rear wheel and tire, inboard
14. Right rear wheel and tire; inboard at 9:00
15. Right rear wheel and tire, inboard at 9:00
16. Right rear wheel and tire, inboard at 9:00
17. Vehicle data plate

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM NARRATIVE/DIAGRAM
CHP 555D (Rev. 3-99) OPI 061 *(MAIT use only)*

DATE OF COLLISION (MONTH-DAY-YEAR)	TIME (2400)	NCIC	OFFICER I.D.	NUMBER	PAGE
08-30-2002	0752	9420	14923	2002-08-0493	14

OPINIONS AND CONCLUSIONS

The examination of this vehicle revealed there were no preexisting mechanical defects noted that may have caused or contributed to this collision.

None of the NHTSA Recalls had an effect on this collision.

MATTER #	1135643
FILE TYPE	Lawsuit
FILE NAME	[redacted])
CAIR #	
DATE OF INCIDENT	8/30/02
DATE OF NOTICE	5/26/04
MODEL/MODEL YEAR	1993 Jeep Grand Cherokee (ZJ)
VIN	1J4GZ78YXPC[redacted]
MILEAGE	
OWNER	[redacted] [redacted] Isabella, California [redacted]
COURT	Superior Court of California
DOCKET #	SCV 234387
FIRE ALLEGED	Yes
DESCRIPTION	On August 30, 2002, [redacted] was operating a 1993 Jeep Grand Cherokee (ZJ) on SR 58 in Bakersfield, California when she slowed to approximately 5-10 mph because of an unrelated accident ahead of her. [redacted] was operating a 1997 Ford Taurus at 65 mph and failed to notice the Jeep Grand Cherokee (ZJ) as he was distracted by looking into the rear view mirror. The Ford Taurus struck the rear of the Jeep Grand Cherokee (ZJ) and a fire ensued. The impact to the Jeep Grand Cherokee (ZJ) caused it to rotate and move forward, striking a 1990 Chevrolet C-1500 pickup truck.
PROPERTY DAMAGE ALLEGED	No
INJURIES	3
FATALITIES	1
ANALYSIS	Based on the inspection of the 1993 Jeep Grand Cherokee (ZJ) and other available information, including the police accident report and witness statements, Chrysler Group concludes that the Jeep Grand Cherokee (ZJ) was struck in the rear by the Ford Taurus at an approximate relative velocity of 50 mph. The Ford Taurus began to brake just before impact causing the front end of the vehicle to drop down, resulting in the front end of the Ford Taurus underriding the rear of the Jeep Grand Cherokee (ZJ). As a result of the severe, high energy impact between the vehicles, the Jeep Grand Cherokee (ZJ) fuel tank was contacted by the front end of the Ford Taurus and displaced downward. As the Jeep Grand Cherokee (ZJ) separated from the Ford Taurus, the fuel tank was likely pulled rearward by the Ford Taurus rupturing the tank and spilling fuel. The fire likely started as the fuel tank skid plate of the Jeep Grand Cherokee (ZJ) slid along

the pavement creating sparks. Damage to the front end of the Ford Taurus and the rear of the Jeep Grand Cherokee (ZJ) is depicted in the photographs in Enclosure 4 Bates Nos. PE10-031-Chrysler-000456-459.

Robert D. Banta
Banta Technical Services LLC
December 03, 2007

[redacted] v Chrysler

Preliminary Report

INTRODUCTION:

This preliminary report is written to describe certain technical issues relating to a multiple vehicle crash and subsequent fire that occurred on February 12, 2006 in Cleburne, TX. The target vehicle involved was a 1993 Jeep Grand Cherokee sport utility vehicle. The bullet vehicle was a 2001 Chevrolet Lumina four door sedan. This accident occurred at 5:25 P.M. as [redacted] was operating his 2001 Chevrolet Lumina southbound on State Highway 174 when he struck the rear of the 1993 Jeep Grand Cherokee.

The Grand Cherokee was operated by [redacted]. The Jeep was stopped to make a left turn into a driveway. The front of the Lumina impacted the rear of the Grand Cherokee and both vehicles moved forward following the impact. The Jeep rotated in a counterclockwise direction and stopped in the northbound lane. It then began burning at the rear portion. The Lumina moved to the right and stopped on the shoulder.

The author was requested to study, analyze and determine the cause and origin of the vehicle fire and to evaluate technical issues raised by other involved parties. This report includes an analysis of the crash and fire event, reviews the information collected and provides certain conclusions relative to this incident. The purpose of the investigation and analysis is to determine the origin and causative factors of the fire and describe certain vehicle design and testing considerations relative to this incident.

The following attachments are included with this preliminary report:

Attachment A: Listing of trial testimony in the past four years.

Attachment B: Personal History Record (CV)

BACKGROUND:

The Cleburne Police Department Report describes the accident that occurred on Sunday, February 12, 2006 at approximately 5:25 PM at 1900 S. Main St., TX Hwy 174, approximately 4/10 mile south of Hwy 171 in Johnson County, TX. This accident occurred in daylight on a dry blacktop roadway. Weather conditions were clear and cloudy. The posted speed limit was 60 mph.

A 2001 Chevrolet Lumina, VIN # 2GlWL52J21[redacted], with Texas license plate [redacted] was driven by [redacted] Cleburne, TX. The 1993 Jeep Grand Cherokee, VIN # IJ4GZ58S6PC[redacted], with Texas license plate

number [redacted] was driven by [redacted], Cleburne, TX.

The Cleburne police concluded that the Grand Cherokee was southbound and had stopped to turn left into a driveway. The Lumina driver apparently did not realize that the Grand Cherokee had stopped. The Lumina subsequently struck the rear of the Grand Cherokee at a very high speed and in a laterally offset position into the rear of the Grand Cherokee.

MATERIALS REVIEWED:

The following items were reviewed in the course of this investigation:

1. 1993 Jeep Grand Cherokee Service Manual
2. Chrysler engineering graphics and drawings
3. Incident vehicle service history, warranty and repair records
4. Discovery materials provided to and by both parties
5. Cleburne Police Department Crash Report
6. The incident vehicle
7. Photographs taken by others
8. Report and Photos of Cam Cope, AFSC
9. Report by Allan J. Kam Esq., HTSA
10. Report by Thomas P. Flanagan Esq.
11. Report and Photos by Steve Irwin, SAI
12. Depositions of Cassius Jarmon and Jennifer Jarmon

VEHICLE EXAMINATION:

On August 9, 2006 the writer examined the subject vehicle. This examination revealed evidence that the Jeep Grand Cherokee suffered a severe high speed rear offset impact followed by a moderate burn experience to the rear portions of the vehicle.

The following aftermarket equipment was found on the vehicle:

1. Wheels P225 / 55R / 18

2. Sill mounted lower side bars

3. Trailer hitch

This high speed collision was also offset laterally. The Lumina was offset to the right of the Grand Cherokee at the point of impact. This resulted in the Lumina's left frame rail to be directly aligned with and impacting the Grand Cherokee's trailer tow receiver that was mounted in the center. The receiver moved forward and downward while transferring its energy into the Grand Cherokee's frame rails. This caused the rear frame rails to also be severely deformed in a forward and downward bending direction. In addition, the rear axle and tires were also driven forward into the body structure.

This extremely severe offset rear impact therefore resulted in the floor pan, frame rails and other structural elements notably including the trailer hitch receiver being driven forward and downward. The rear face of the rear axle differential cover bears an impression mark that matched the geometry of the forward portion of the aftermarket trailer tow hitch receiver. This indicates that the receiver rear surface contacted the fuel tank, continued moving forward and compressed the tank from the rear while moving forward. A fuel tank tearing puncture is the likely result.

The resultant fire consumed many of the available combustible materials at the rear end, particularly materials located at the underbody and at higher aspects. The burn experience was limited to the immediate rear end of the vehicle and did not communicate forward. The frontal portions forward of the "C' pillar remain unburned. The rear tires were only partially burned. Fire movement patterns reveal that the fire entered through the fractured rear window. The fire also destroyed large portions of the fuel tank and its contents.

No indication of a vehicle malfunction was found. The vehicle rear fuel systems (tank, filler and plumbing) were partially destroyed in this collision and fire. A detailed heat, fire movement and flame vector analysis was conducted. The following opinions were made:

1. This fire was solely a crash induced event.

2. There was no defect found in the design or manufacture of the incident vehicle.

3. The Grand Cherokee's wheelbase has been significantly reduced as a result of the crash.

4. The fuel tank aperture and its mounting area was completely crushed and deformed in the area of the aftermarket trailer tow receiver, little undamaged space remains at the rear to allow positioning the tank system.

5. This fuel tank is constructed of cross-linked high density polyethylene that has proven to be a highly impact resistant material. The breech of the fuel tank was not the result of a defect in design or manufacture of the subject vehicle.

6. The impact forces in this accident were extremely severe. This crash destruction nearly eliminated the space occupied by the fuel tank in spite of its superior design protection system.

7. This vehicle was designed, manufactured, tested and certified to comply with the fuel system integrity requirements of FMVSS 301. The test results demonstrate that this vehicle has a highly effective and capable fuel system integrity crash performance history.

8. From the underbody, it was apparent that an intense and high flame temperature fire had occurred in the rear aspects of the vehicle with the nearly complete destruction of a variety of underbody components. Burn patterns revealed evidence of an origin in this area.

9. The first fuel ignited in this fire event was likely gasoline from the tank system. The likely ignition method was identified as frictional sparking of the vehicle's metal surfaces or the vehicles fracturing lamp filaments or both.

REVIEW OF PLAINTIFF'S EXPERT REPORTS:

The alternative designs described by plaintiff's experts are not necessary. The frame and unibody structure of this vehicle provided a safe and crashworthy design that was simply overwhelmed by the extreme severity and uniqueness of this crash event. There are three factors involved:

1. The configuration of the Lumina's front structure and left frame rail

2. The Lumina's left frame rail aligning precisely with and impacting the Grand Cherokee's trailer tow hitch receiver

3. The relatively high speed of the impact

The severity of this collision was beyond that for which any 1993 Jeep Grand Cherokee was designed, tested or reasonably expected to protect the fuel system. This crash event was significantly more severe than any test standard proposed in the Federal Motor Vehicle Safety Standards (FMVSS).

Accidents of this severity are beyond those reasonably expected to protect the fuel system. For those reasons I disagree with the opinions and conclusions described in the plaintiff's experts reports.

In addition, motor vehicle designs are not based on the specifics of a single or particular crash event. Rather, they are the result of the overall performance of all of the safety systems in objective, defined and repeatable crash testing programs.

Plaintiff's expert opinions lack a basis to conclude that an alternative design of the 1993 Jeep Grand Cherokee would have the overall effect of protecting the fuel system, or the other safety systems, in this accident any differently.

Also, plaintiff's expert reports suggest that they may comment on "other incidents". However, they have not identified a specific incident considered to be "substantially similar". To the extent that they expand on their opinions in depositions or identify a specific incident they believe to be "substantially similar" I reserve the right to comment further.

METHODOLOGY:

This technical analysis was performed using the investigative processes and systematic analysis described in NFPA – 921 *"Guide for Fire and Explosion Investigations"*. In addition, it was performed using generally accepted scientific research and principles. The opinions stated in this report are based on a reasonable degree or engineering certainty.

EXHIBITS:

At the time of trial, certain exhibits are desirable to properly describe the sequence of events of this fire. Among these is an exemplar 1993 Jeep Grand Cherokee rear end complete with the fuel tank system and its surrounding structure. In addition, all materials reviewed and listed above would be necessary.

I reserve the right to supplement this report if provided with additional information.

Robert D. Banta

BANTA Technical Services, LLC by:

Robert D. Banta

CARR ENGINEERING, INC.
12500 Castlebridge Drive Houston, Texas 77065-4532
Telephone: 281/894-8955
Fax: 281/894-5455

December 3, 2007

Mr. G. Robert Sonnier
Clark, Thomas & Winters
300 West 6th Street
Post Office Box 1148
Austin, TX 78701

Re: [redacted] v. DaimlerChrysler Corporation

Dear Mr. Sonnier:

Per your request, I have investigated the crash of a 1993 Jeep Cherokee that lead to the referenced lawsuit. As part of my investigation I have analyzed the materials listed on Attachment 1. I inspected the 1993 Jeep Cherokee on August 9, 2006 and the scene of the crash on April 6, 2006. In addition, two engineers from Carr Engineering, Inc., Ms. Amanda Duran and Ms. Jennifer Crimeni, conducted a second inspection of the Jeep Cherokee for the purposes of digitizing the vehicle using a precision measuring instrument known as a FARO Arm. The bullet vehicle involved in this crash, a 2001 Chevrolet Lumina, was inspected on October 12, 2006.

Based on my investigation to date, I have reached the following opinions and conclusions:

1. This crash occurred on February 12, 2006, in Cleburne, Texas on State Highway 174, which is also known as South Main Street. In the area of the crash SH 174 consists of a northbound and southbound lane separated by a double solid yellow line. According to the Texas Peace Officer's Crash Report, the 1993 Jeep Cherokee (Unit #1), driven by Jennifer Jarmon, was southbound in the 1900 block of South Main Street and had stopped to turn left into 1917 South Main. A 2001 Chevrolet Lumina (Unit #2), driven by [redacted], was behind the Jeep and failed to stop due to driver inattention and crashed into the rear of the Jeep. The Jeep caught fire and was partially burned. The speed limit in the area of the crash is 60 miles per hour.

2. The 1993 Jeep Cherokee was inspected in College Station, Texas, on August 9, 2006. The Jeep sustained body damage to the rear portion of the vehicle consistent with a high speed rear impact with a slight offset to the right. There was more crush to the passenger's side of the vehicle than to the driver's side. The vehicle also sustained fire damage that was concentrated at or near the rear of the vehicle. The Jeep was equipped with an after-market tow hitch. The after market tow hitch was displaced forward by the crash resulting in

buckling of the Jeep's rear floor pan area, rear quarter panel, and the roof area aft of the C-pillars. The rear axle was displaced forward on the passenger's side.

3. The 2001 Chevrolet Lumina was inspected on October 12, 2006 in Blue Mound, Texas. The Lumina had front end damage consistent with striking the Jeep. There was a square shaped dent in the bumper bar on the Lumina which matched the shape of the Jeep's after-market tow hitch receiver. The left-front fender, hood, upper load path beam, grille area, headlamp, radiator support, and windshield were also damaged. The front air bags in the Lumina were both deployed. The marks along the vehicle's hood indicate that portions of the Jeep's rear structure contacted the hood during impact. The Lumina's Restraint Control Module (RCM) was downloaded and the maximum forward velocity change recorded during impact with the Jeep was 34.01 miles per hour.

4. The scene of the crash was inspected on April 6, 2006. State Highway 174, or South Main Street, consists of a northbound and southbound lane of traffic in the area of the crash. The road surface is asphalt. The traffic lanes are separated by double yellow lines. Approximately 800 feet north of the point of impact, State Highway 174 transitions from four lanes to two lanes. The line of sight for southbound traffic from the transition area to the area where the collision took place is unobstructed. In the area of the collision there was a deep gouge mark in the asphalt surface. Paint marks were located which matched the marks shown in the scene photographs at the Lumina's point of rest. There was a large burn mark on the west side of the roadway which was the area where the Jeep came to rest. Using the scene photographs the approximate point of rest of the Jeep and the start of the pre-impact braking marks created by the Lumina were located. These measurements differ slightly from the measurements in the police report.

5. Using accepted methods for crash reconstruction, I have determined that the 1993 Jeep Cherokee experienced a change of velocity, or Delta-V, of approximately 31 miles per hour during impact with the Chevrolet Lumina. At impact the Lumina was traveling approximately 65 miles per hour. The longitudinal centerline of the Lumina was offset to the right of the Jeep's centerline by approximately 16 inches. During impact the Jeep's after-market tow hitch receiver penetrated the Lumina's front fascia and pocketed into the bumper bar. As the crash sequence continued, the after-market tow hitch and attaching structures of the Jeep moved forward and rotated counterclockwise when viewed from the passenger's side of the Jeep. The after-market tow hitch stiffened the rear structure resulting in severe buckling of the floor pan area above the rear axle. The after-market tow hitch moved forward until the square shaped receiver struck and dented the rear surface of the rear axle differential. The severe forward displacement of the after-market tow hitch makes this crash unique. The Jeep separated from the Lumina and rotated counterclockwise traveling approximately 58 feet based on the police measurements. The change in velocity, or Delta-V, of the Lumina, as recorded by the RCM was 34.01 miles per hour. The Lumina slid onto the paved shoulder on the right-side of the roadway traveling approximately 36 feet. The travel speed of the Lumina when brake application began was approximately 71 miles per hour. This would place the Lumina above the legal speed limit of 60 miles per hour.

6. The severity of this crash can be compared to Federal Motor Vehicle Safety Standard - 301 Fuel System Integrity by using the kinetic energy of the Chevrolet Lumina at impact to that of the un-deformable barrier used in the FMVSS - 301 rear impact crash test. The kinetic energy of the Lumina, based on an impact speed of approximately 65 miles per hour, is 496,245 ft-lbs. The kinetic energy of a 4,000 pound barrier moving at 30 miles per hour is 120,248 ft-lbs. The Lumina brought into this crash more than four times the kinetic energy as the 4,000 pound moving barrier in the FMVSS - 301 rear impact crash test. Another way to compare crash severity is to analyze the damage energy between the Jeep in this crash and the FMVSS - 301 crash test. The damage energy absorbed by the Jeep in this crash was approximately 236,188 ft-lbs as compared to approximately 60,681 ft-lbs in a typical FMVSS - 301 rear impact crash test. Using either method above for comparison, this crash was significantly more severe than FVMSS - 301 Fuel System Integrity.

In summary, the cause of this crash was the failure of [redacted] to observe that the Jeep Cherokee was stopped in his travel lane and to control the speed of his vehicle. It is my opinion, to a reasonable degree of engineering certainty, that the Jeep experienced a Delta-V of approximately 31 miles per hour and the impact speed of the Lumina was approximately 65 miles per hour. The 65 mile per hour impact speed of the 2001 Chevrolet Lumina into the rear of the stationary 1993 Jeep Cherokee is substantially in excess of any impact speed required by or even proposed by the National Highway Traffic Safety Administration in its rule making. This was a very severe rear impact that exposed the occupants of the Jeep to the risk of significant injury.

I reserve the right to supplement this report should new materials become available or after I have analyzed the deposition testimony and materials provided by plaintiff's experts in support their opinions related to the reconstruction of this crash and the performance of fuel system. In support of my opinions and conclusions I have created diagrams, crush profiles, photographic exhibits, and manual and computer generated calculations of this crash.

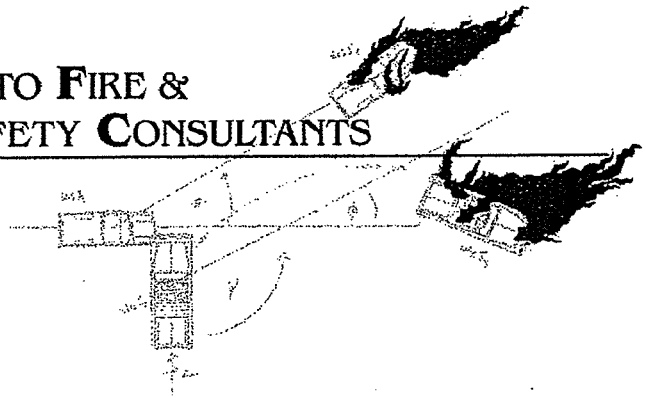
Sincerely,

Gerald E. Corwin

Attachment 1

- Accident Report
- 2 CDs: Police photographs of scene and photographs by Cleburne Police
- Videotape- Accident 2/12/06
- CD containing: Ragan Research Co. accident vehicle photographs 08/09/06
- Agreed Docket Control Order
- First amended original answer of [redacted]
- CD's containing: Accident Video
- CD's containing: DPS Video of Accident Scene, Accident Scene photographs, Photographs of Plaintiffs', Vehicle & Scene photographs
- Plaintiffs' first amended original petition
- Plaintiffs' application for temporary restraining order and original petition for injunction
- CD's containing: Vehicle Testing, Vehicle Records, Police Accident Scene photos, Vehicle photographs
- CD containing: Plaintiffs' initial designation of expert witnesses, Reports: Cam Cope + CV, Thomas Flanagan + CV, Donald Deere + CV, Allan J. Kam + CV, Enrique Almaguer + CV, Stephen Alan Irwin + CV, CV by Alex Willingham, M.D., CV by Dan Bagwell
- Preliminary Accident Reconstruction Report by Steve Irwin
- Depositions: Jennifer Dawn Jarmon (11/13/07), Peter Carter, M.D. (11/12/07), Robert D. Banta (07/31/07), Cassius Lamont Jarmon (11/13/07)
- Various Crash Tests produced by DaimlerChrysler Corporation
- Crash Test Reports produced by DaimlerChrysler Corporation
- Miscellaneous Interrogatories and Pleadings
- Download of Lumina Air Bag Control Module

AUTO FIRE &
SAFETY CONSULTANTS



Expert Report
Relative to the Matter of

Civil Action No. C200600134; [redacted] *v. Old American County Mutual and [redacted] et al.*; 413th Judicial District Court, Johnson County, Texas

AFSC File: 06132

October 30, 2007

Prepared for:
Mr. Lynn A. Grisham
Waltman & Grisham
707 Texas Avenue, Suite 106-D
College Station, Texas 77840-1974
Office: 979-694-0900 • Fax: 979-693-0840

Date of Accident:

February 12, 2006

Time of Accident:

5:25 PM

Location of Accident:
1900 S. Main St (TX Hwy 174),
Cleburne, Johnson County, Texas

Report Contents

[redacted]

Mr. [redacted] of Waltman & Grisham contacted the undersigned to evaluate and reconstruct the accident involving a 1993 Jeep Grand Cherokee driven by [redacted], Cleburne, Texas. This document contains an analysis of the accident and the associated facts furnished providing discussions, conclusions, and opinions relative to the origin and cause of the fire in this accident and the resulting death of [redacted].

Attached to this document is the Curriculum Vitae of Mr. Cam Cope. Mr. Cope is being compensated for services on this matter at the rate of $175.00 per hour for fire, origin and cause and accident reconstruction, $125.00 per hour for case evaluation, and $225.00 per hour for deposition and trial.

Mr. Cope received a Bachelor of Science degree in Biology and Chemistry in 1971 and has been investigating and reconstructing accidents for the past twenty (20) years. During that period, he continued his education and training through the Society of Automotive Engineers (S.A.E.) and various Fire and Accident Reconstruction organizations that provide the training and technology in the field of fire and accident reconstruction. Cam Cope is a National Board Certified Fire and Explosion Investigator (CFEI), a National Board Certified Vehicle Fire Investigator (CVFI), National Board Certified Fire Investigator Instructor (CFII), these are obtained through testing and peer review by the National Association of Fire Investigators, Certification Board. In addition to these training organizations, he has also completed the advanced Accident Reconstruction training, taught through the Texas A & M Extension Program. These training programs that are provided for fire and accident reconstruction professionals in an effort to teach the changing technology and science associated with the profession of determining Origin and Cause of vehicle fires. This education and training must be obtained through the various organizations listed in my Curriculum Vitae on a yearly basis. Mr. Cope works for both the plaintiff and defense to investigate and reconstruct accidents and fires. Attached is a current copy of his Curriculum Vitae.

NATURE OF THIS REPORT

This is an expert report regarding the investigation and analysis to date of the above referenced case. This report was prepared prior to my deposition and is based on the materials, facts and evidence listed in the report. Any additional materials, expert reports, new testimony or facts that may be provided at a later date may be supplemented to this report or provided in deposition.

PURPOSE OF THE INVESTIGATION

The purpose of the fire investigation and analysis is generally multi-fold: to accurately determine the origin of the fire; to accurately determine the ignition factor (cause) of the fire; and to accurately assess the responsibility for the occurrence of the vehicle fire, analysis of factors that may reduce or prevent the occurrence, and the consequences thereof. A part of this investigation is the analysis of the collision, prior to the fire.

It is the overall goal of the investigation and analysis to prevent the same or similar type of vehicle fire from occurring again in the future, thereby preventing additional physical injuries and property damage. It is the goal of the investigator to aid in the reduction of increased occupant injuries that can result from a post-collision fire. A vehicle's fuel system design, flammable fluid containment and vehicle material flammability should work to keep flammable fuels or fluids away from potential ignition sources and reduce the flame spread, alter the fire outcome in terms of injury or survivability and to allow occupants adequate time to exit the vehicle. A vehicle's firewall should provide protection from engine compartment fires. The flammability of the materials within the interior of the vehicle, engine compartment and firewall should allow adequate time for the occupant(s) to escape in the event a fire occurs.

In addition to the above purposes, we will address the Texas Rules of Evidence 702, so that the scientific, technical, or other specialized knowledge will assist the trier of facts to understand the evidence or to determine the facts in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in forming an opinion or otherwise. I am also aware of other Texas Supreme Court rulings in E.I. du Pont Nemours and Co v. [redacted] (1995) [redacted] v. Jack Williams Chevrolet, Inc., [redacted] 1998) [redacted] Volkswagen of America, Inc. v. [redacted], General Motors Corp. v. [redacted] (Tex. 2005) [redacted] and the United States Supreme Court Ruling in [redacted] These issues are covered in the National Seminar on Fire Analysis Litigation that I have attended the past few years.

Although the above cases do not directly relate to Fire Origin and Cause, however, [redacted] and the Basic Methodology listed in Chapter 4 and also listed in this report. The court was satisfied that in the careful reading of NFPA 921, showed that the exact point of origin is not required. In many fire cases due to the destruction of evidence it would be impossible for anyone to determine the point of origin.

[redacted]

In [redacted] v. Tech Met, 62 Pa. D & C 4th 45 (2003), the expert passed the **Frye Test,** using NFPA 921 to show the general acceptance of his methodology.

In, 1993 [redacted] v. Merrell Dow Pharmaceutical, 509 U.S. 579 (1993), is the ruling that made trial judges the gatekeepers of scientific expert testimony on the basis of four (4) criteria:

1. Whether the theory used by the expert can be and has been tested.
2. Whether the theory or technique has been subject to peer review.
3. The known or potential rate of error of the method used.
4. The degree of the methods or conclusion's acceptance within the relevant scientific community.

QUALIFICATIONS OF THE EXPERT

The Standard of Professional Qualifications for Fire Investigators is in NFPA 1033 that defines Fire Investigator as an individual who has demonstrated the skill and knowledge necessary to conduct, coordinate, and complete an investigation. The standard does not mention that the investigator should be an engineer. Section 1.3.2 requires that the investigator have a high school diploma or equivalent. The important part of this standard is Section 1.3.7 that states the fire investigator shall remain current with investigation methodology, fire protection technology, and code requirements by attending workshops and seminars and/or through professional publications and journals. The extensive list of training and education is attached to my report.

No training or experience in the design or manufacturing of automobiles or their components, or working for a company that designs automobiles or automotive components is required in NFPA publications including 921 and 1033, regarding the investigation into the origin and cause of fires in automobiles. No evidence has been presented that lists a college that offers a 4-year degree in vehicle fire investigation, and I am not aware of any origin and cause investigator with such a degree. Evidence has not been provided that proves there are any 4-year degreed programs in Mechanical Engineering that offer courses in origin and cause investigation.

Expert Witnesses qualifications, Admissibility of Expert Testimony and Reliability of Opinions are provided in Section 11.5.2.3.2-11.5.2.3.6 of NFPA 921.

METHODOLOGY

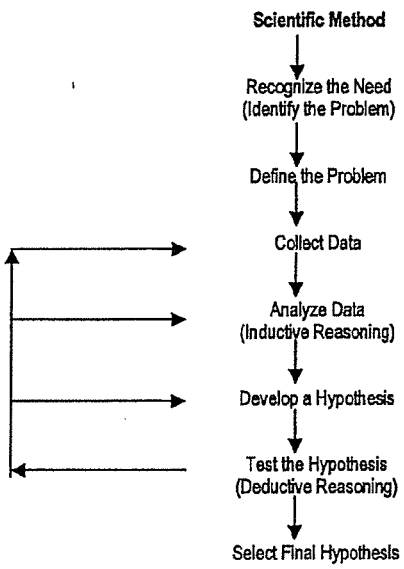
The methodology used during the reconstruction and fire investigation follows the scientific methods applied to and referred to in NFPA 921. These guidelines are listed in Chapter 4, Section 4.3.

"A fire or explosion investigation is a complex endeavor involving skill, technology, knowledge, and science. The compilation of factual data, as well as an analysis of those facts, should be accomplished objectively and truthfully. The basic methodology of the fire investigation should rely on the use of the systematic approach and attention to all relevant details. The use of a systematic approach often will uncover new factual data for analysis, which may require previous conclusions to be reevaluated. With few exceptions, proper methodology for a fire or explosion investigation is to first determine and establish the origin(s), and then investigate the cause: circumstance, conditions, or agencies that brought the ignition source, fuel, and oxidant together."

The process by which the investigator should go by consists generally of the following steps:

1. The recognition of the need for the investigation and analysis;
2. The definition of the problem wherein the methodology of the investigation and analysis is formulated;
3. The collection of the relevant data concerning the incident being investigated and analyzed;
4. The analysis of the relevant data collected concerning the incident being investigated and analyzed;
5. The development of a hypothesis based upon the analysis of the relevant data collected concerning the incident being investigated and analyzed. This is often referred to as deductive reasoning;
6. The testing of the hypothesis formulated/deductive reasoning;
7. Select final hypothesis.

[redacted]



1. **Recognize the need.** Identify the problem. Scientists should recognize that there is a problem that should be investigated, evaluated and studied to be able to clearly identify and state the problem. In this case, a fire has occurred as a result of an impact or collision involving a vehicle with a fuel tank outside the frame rail. The cause should be determined and listed so that future, similar accidents can be prevented. In this accident, burn injuries occurred as a result of the fire. Had there not been a release of gasoline from the fuel tank and an available ignition source the fire would not have occurred and the occupant would not have been burned.
2. **Define the problem.** Having determined that a problem exists, the investigator or analyst should define in what manner the problem can be solved. A proper origin and cause investigation should be conducted. This is done by an examination of the scene and by a combination of other data collection methods, such as the review of previously conducted investigations of the incident, the interviewing of witnesses or other knowledgeable persons, and the results of scientific testing. For example if the trained investigator determines that the fire was the result of a release of gasoline from the fuel tank in a rear impact and that the fuel tank is inches from the rear bumper and composed of plastic and identifies that this fuel system may fail or be compromised in a rear impact in the designed use of the vehicle he has identified the problem.
3. **Collect Data.** Facts about the fire incident are now collected by observation, experiment, or other direct data-gathering means. The data collected is called empirical data because it is based on observation or experience and is capable of being verified. The scientist should determine if the problem has been studied, tested, reviewed, published or documented in the past. The review of historical documents in important to the fire investigator in not only determining the origin and cause but also responsibility for the problem and the prevention of the fire in other vehicles.
4. **Analyze Data.** All of the collected and observed information is analyzed by inductive reasoning: the process in which the total body of empirical data collected is carefully examined in light of the investigator's knowledge, training, experience, and expertise. Subjective or speculative information cannot be included in the analysis, only facts that can be proven clearly by observation or experiment.
5. **Develop a Hypothesis.** Based on the data analysis, the investigator should now produce a hypothesis or group of hypotheses to explain the origin and cause of the fire or explosion incident. This hypothesis should be based solely on the empirical data that the investigator has collected.
6. **Test the Hypothesis (Deductive Reasoning).** The investigator does not have a truly provable hypothesis unless it can stand the test of careful and serious challenge. Testing of the hypothesis is done by the principle of deductive reasoning, in which the investigator compares his or her hypothesis to all known facts. This testing of the hypothesis may be either cognitive or experimental. If the hypothesis cannot withstand an examination by deductive reasoning, it should be discarded as not provable and a new hypothesis should be tested. This test may include the collection of new data or the reanalysis of existing data. This process needs to be continued until all feasible hypotheses have been tested. Otherwise the fire cause should be listed as "undetermined."

[redacted]

7. **Select Final Hypothesis.** Until data have been collected, no specific hypothesis can be reasonably formed or treated. All fires, however, should be approached by the investigator without presumption. In this fire investigation the data has been collected, documented and reviewed, with the discussions and opinions included in the report. The testing and analysis in the final conclusion should reach an agreement between theory and experiment.

PRINCIPLES

National Fire Code NFPA 921 is designed to produce a systematic, working framework or outline by which the fire investigator can determine the origin and cause of a fire, the use of fire patterns and degree of fire damage to determine a point of origin and cause or ignition source.

The scientific principles and methods generally followed by the accident reconstruction and fire investigation profession are utilized in the formation of my findings and opinions expressed in this report.

1.0 INTRODUCTION AND REVIEW OF CLEBURNE POLICE DEPARTMENT INVESTIGATION

This report represents an accident that occurred on Sunday, February 12, 2006, at approximately 5:25 PM at 1900 S. Main St. (TX Hwy 174), approximately 4/10 of a mile south of TX Hwy 171 South, Johnson County, Texas. This accident occurred in daylight on a dry blacktop roadway. Weather conditions were clear/cloudy. The posted speed limit was 60 mph.

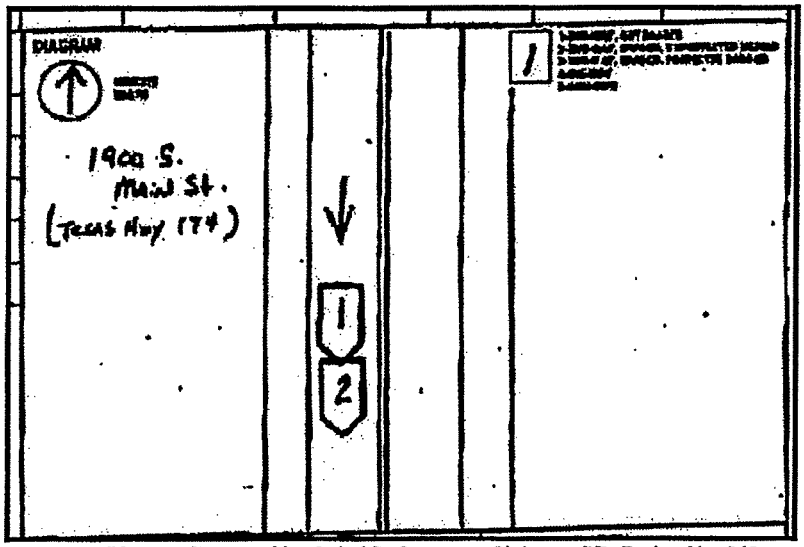
Vehicle/Unit 1 is a 2001 Chevy Lumina, VIN No. 2G1WL52J21[redacted], bearing Texas license plate number[redacted] and was driven by[redacted] Cleburne, Texas with a date of birth of [redacted] and a recorded Texas driver's license number[redacted]. The owner of this vehicle is listed as[redacted] of 2204 Malone Rd, Cleburne, Texas. This vehicle is herein referred to as **"Unit 1/ 2001 Lumina."**

Vehicle/Unit 2 is a 1993 Jeep Grand Cherokee, VIN No. 1J4GZ58S6PC[redacted], bearing Texas license plate number [redacted] and was driven by [redacted] Cleburne, Texas with a date of birth of [redacted] and a recorded Texas driver's license number[redacted]. The owner of this vehicle is listed as [redacted], Cleburne, Texas 76033. This vehicle is herein referred to as **"Unit 2/1993 Jeep".**

Investigating Officer, Cpl. J. D. Summey, Badge No. 213 of the Cleburne Police Department, Cleburne, Texas states the following in the accident report submitted on February 12, 2006:

> *"Unit #2 was southbound in the 1900 block S. Main and had stopped to turn left into 1917 S. Main. Unit #1 was behind Unit #2 and did not realize Unit #2 had stopped. Unit #1 collided with the back of Unit #2 with the front of Unit #1."*

[redacted]



Scene Diagram Prepared by Cpl. J.D. Summey, Cleburne PD, Badge No. 213

2.0 MATERIALS REVIEWED

In addition to my education, training, and experience in fire investigation and accident reconstruction, the following sources of information and activities were utilized to form my observations and findings.

1. *Accident Report, prepared by Officer J.D. Summey, Cleburne PD, Badge No. 213;*
2. *In-Car Police Video of Scene, Bates No. CPD0091, August 23, 2007;*
3. *Cleburne Police Department Photos, Bates No. CPD0001-0031;*
4. *Cleburne Police Report Number 2608837;*
5. *Cleburne Fire Department Report, March 2, 2006;*
6. *Plaintiffs' First Amended Original Petition, Robert B. Waltman, Waltman & Grisham;*
7. *Agreed Docket Control Order, Lynn A. Grisham, Waltman & Grisham;*
8. *Inspection of Unit 1/2001 Chevy Lumina, Auto Fire & Safety Consultants, Inc.;*
9. *Photographs of Unit 1/2001 Chevy Lumina, May 23, 2006, Auto Fire & Safety Consultants, Inc.;;*
10. *AutoStats for Unit 1/ 2001 Chevy Lumina;*
11. *Inspection of Unit 2/1993 Jeep Grand Cherokee;*
12. *Photographs of Unit 2/1993 Jeep Grand Cherokee, May 24, 2006, Auto Fire & Safety Consultants, Inc.;*
13. *AutoStats for Unit 2/1993 Jeep Grand Cherokee;*
14. Thomas P. Flanagan, Product Liability Consultant, Expert Report, October 5, 2007;
15. Vehicle Inspection Photos, taken by Thomas P. Flanagan, June 19, 2006;
16. 2006 NHTSA's Child Seat Ease of Use Ratings
17. Vehicle Inspection Notes, Scratch Sheets, Vehicle Download Data, Vehicle Survey Points, Scene Survey Points, CD – Chevrolet Lumina Photos, CD – Scene Photos, prepared by Scientific Analysis, Inc., July 19, 2006;
18. Engineering Standard, Fuel Tank Assemblies – High Density Polyethylene, Chrysler Corporation;
19. Exemplar fuel system and vehicles

APPLICABLE CODES, STANDARDS AND REFERENCE MATERIALS

During my career and as a part of my Training and Experience, I have reviewed an extensive number of publications, journals, manufacturer documents, depositions, test results, SAE publications and various other documents and literature related to the Origin and Cause of Fires and the Reconstruction of the Accidents that may be associated with fires or accidents. The list below is a small sample of the materials that have been apart of my career in the area of fires and accidents.

[redacted]

1. National Fire Code NFPA 921, "Guide for Fire and Explosion Investigations," 2004 Edition (921 is a recommended procedure for the examination of the fire scene evidence.);
2. Materials used, discussed or relied upon in the *National Seminars on Fire Analysis Litigation*;
3. Explosion Investigation Analysis – Kennedy *on Explosions* by Patrick M. Kennedy;
4. Kirk's Fire Investigation – Fifth Edition by John D. DeHaan;
5. Field Guide for Fire Investigators, by Richard Custer, MFPA No. FGF103;
6. User's Manual for NFPA 921, Guide for Fire and Explosion Investigations;
7. Fire Protection Handbook, 19th Edition, Vol. 1 and 2 NFPA;
8. Practical Fire and Arson Investigation, 2nd Edition, by David R. Redsicker and John J. O'Conner;
9. Motor Vehicle Accident Reconstruction and Cause Analysis by Rudolf Limpert;
10. Investigation of Motor Vehicle Fires by Lee S. Cole, 4th Edition;
11. NFPA 1033 Standard for Professional Qualifications for Fire Investigator, 2003 Edition;
12. Fire and Arson Investigator publications, by International Association of Arson Investigators (IAAI);
13. Scientific Protocols for Fire Investigation, by John J. Lentini, CRC Taylor and Francis 2006;
14. Ignition Handbook, by V. Babrauskas, SFPE, 2003;
15. An Introduction to Fire Dynamics, by D. Drysdale, Wiley, Interscience, New York, 1985;
16. Fire Litigation Handbook, by Dennis Berry, NFPA SPP-79;
17. Engineering Analysis of Fires and Explosions, by Randall Noon, CRC Press;
18. The SFPE Handbook of Fire Protection Engineering, 3rd Edition, NFPA;
19. Federal Motor Vehicle Safety Standard (FMVSS) 301 – Fuel System Integrity; (compendium)
20. Federal Motor Vehicle Safety Standard (FMVSS) 302 – Flammability; (compendium)
21. Federal Motor Vehicle Safety Standard (FMVSS) 208 - Occupant Crash Protection (compendium) National Traffic and Motor Vehicle Safety Act of 1966 to present for FMVSS;
22. Vehicle Crash Mechanics, by Matthew Huang, SAE;
23. Engineering Dynamics Corporation (EDC) Software;
24. National Highway Transportation Safety Association (NHTSA) Center for Auto Safety Consumer Complaints;
25. USFA Fire Burn Pattern Tests, July 1997;
26. All Data – fuel systems, technical service bulletins, etc.;
27. Society of Automotive Engineers publications, training and education; Including but not limited to SAE 741180, SAE 700435;
28. Fire and Materials Conferences and peer reviewed publications;
29. ANSI Standards;
30. A Review of the Electrical Causes of Fires in Cars, ERA Limited Feb. 1989;
31. National Highway Transportation Safety Association (NHTSA) Technical Service Bulletins;
32. National Fire Protection Association (NFPA) Handbook, 19th Edition;
33. "Advances in Fire Protection for Critical Vehicle Components", by William Eckholm and J. Michael Bennett, SAE 2002;
34. "Recent Analyses of Toxicity and Environmental Impacts of In-Car Motorsports Fire Extinguishing Systems", SAE 04MSEC-40;
35. *General Motors Engineering Analysis* 1972, R. Elwell, J. Steger, P. Judson;
36. "An Assessment of Automotive Fuel System Fire Hazards", *DOT HS 800 624;*
37. Fabric Seal Technical Data, Flame Seal Products, Inc.;
38. "Spilled Fuel Ignition Sources and Countermeasures Summary Report", DOT-HS-4-00872, NHTSA; *"Passenger Car and Light Truck Fuel Containment"*, SAE J1684, Issued 1994-01-12;
39. "NHTSA Project" and associated documents
40. "MVFRI Project" and associated documents
41. Under-hood Foam Fire Suppression System, MVFRI;
42. "GM Project," as well as GM research on toxicity and flammability;
43. "An Investigation of Fuel, Exhaust and Electrical Systems as Related to Post Crash Fire Safety," Contract No. FH-11-6919, by Fairchild Hiller for DOT, June 30, 1969;
44. "Development of a New Procedure to Assess the Fire Hazard of Materials Used in Motor Vehicles," SwRI Project No. 18.03614, 2003;
45. "Demonstration of Enhanced Fire Safety Technology-Fire Retardant Materials- Part 1, Part 2, Part 3 and Part 4 of General Motors Research", by J. Santrock, 2002. (All research regarding flammability, engine fires and use of fire retardant materials in vehicles);

[redacted]

46. Reference Materials listed in SwRI Project No. 01.05804;
47. U.S. Vehicle Fire Trends and Patterns, NFPA August 2005; and An Overview of the U.S. Highway Vehicle Fire Problem, SAE 2005-01-1420, both by Marty Ahrens;
48. Under Hood Extinguishments Systems and Firewalls;
49. Emergency Response Time in Motor Vehicle Crashes : Literature and Resource Review, MVFRI (2004) L.E. Shields
50. Evaluation of Motor Vehicle Fire Initiation and Propagation Parts 1-13, Santrock, J., NHTSA 1998-3588-119-203
51. Publications and Research by Southwest Research Institute;
52. Publications and research by Motor Vehicle Fire Research Institute;
53. Comparison of fire properties of automotive materials and evaluation of performance levels, MVRFI; and,
54. International Fire Code 2000.
55. Crash tests, barrier and offset related to the above referenced vehicles; and,
56. Fatalities Associated with Crash Induced Fuel Leakage and Fires, by Ernest Grush;
57. Transportation Fire Hazards, an NFPA Study, April 1973.
58. Related Discovery that may be produced prior to trial.
59. Texas Drivers' Handbook;
60. High Speed Rear Impact Crash Test Basic Test Notebook, SAE 1997;
61. "Fuel Tank Protection" Final Report prepared for USDOT;
62. *Role of the Seat in Rear Crash Safety* by David C. Viano, SAE International;
63. Investigation of Motor Vehicle Performance Standards for Fuel Tank Protection, Prepared for U.S. DOT /NHSB September 29, 1967;
64. An Assessment of Automotive Fuel System Fire Hazards, Dynamic Science U.S. DOT/ NHTSA, Report # DOT/HS-800-624, December 1971;
65. National Fire Protection Association (NFPA) Handbook, 17th edition;
66. *"Advances in Fire Protection for Critical Vehicle Components"*, William Eckholm and J. Michael Bennett, SAE 2002;
67. *"Recent Analyses of Toxicity and Environmental Impacts of In-Car Motorsports Fire Extinguishing Systems"*, SAE 04MSEC-40;
68. *General Motors Engineering Analysis* 1972, R. Elwell, J. Steger, P. Judson;
69. *"Spilled Fuel Ignition Sources and Countermeasures Summary Report"*, DOT-HS-4-00872, NHTSA; *"Passenger Car and Light Truck Fuel Containment"*, SAE J1684, Issued 1994-01-12;
70. "GM Project," as well as GM research on fuel systems, toxicity and flammability;
71. Publications associated with the above research projects;
72. "Development of a New Procedure to Assess the Fire Hazard of Materials Used in Motor Vehicles" SwRI Project No. 18.03614, 2003;
73. "Demonstration of Enhanced Fire Safety Technology-Fire Retardant Materials- Part 1, Part 2, Part 3 and Part 4 of General Motors Research, J. Santrock, 2002. (All research regarding flammability, engine fires and use of fire retardant materials in vehicles);
74. Reference Materials listed in SwRI Project No. 01.05804
75. Publications and Research by Southwest Research Institute, which includes GM funded research;
76. Publications and research by Motor Vehicle Fire Research Institute;
77. Comparison of fire properties of automotive materials and evaluation of performance levels, MVRFI;
78. September 7, 1978, Alternative Fuel Tank Locations in Light Trucks study by *Field Accident Research* requested by General Motors Design Staff, George Ganvil;
79. Field Accident Report Sampling (FARS) Group – Collecting data since 1979;
80. Insurance Institute for Highway Safety (IIHS) research, testing and publications;
81. Institute for Injury Reduction. "More Burn Deaths Documented for General Motors Pickup Trucks," October 27, 1992;
82. Explosion Investigation Analysis – Kennedy on Explosions by Patrick M. Kennedy;
83. Kirk's Fire Investigation – Fifth Edition by John D. DeHaan;
84. Field Guide for Fire Investigators, by Richard Custer, MFPA No. FGF103;
85. Fire Protection Handbook, 19th Edition, Vol. 1 and 2 NFPA;
86. Practical Fire and Arson Investigation, 2nd Edition, by David R. Redsicker and John J. O'Connor;
87. Motor Vehicle Accident Reconstruction and Cause Analysis, by Rudolph Limpert;

[redacted]

88. Occupant and Vehicle Responses in Rollovers, SAE Publication PT 101;
89. Fire and Arson Investigator publications, by International Association of Arson Investigators (IAAI);
90. Scientific Protocols for Fire Investigation, by John Lentini, CRC Taylor and Francis 2006;
91. Ignition Handbook, by V. Babrauskas, SFPE, 2003;
92. Fundamentals of Fire Phenomena, by James G. Quintiere Wiley publication 2006
93. Fire Litigation Handbook, by Dennis Berry, NFPA SPP-79;
94. An Introduction to Fire Dynamics, by D. Drysdale, Wiley, Interscience, New York 1985;
95. Engineering Analysis of Fires and Explosions, by Randall Noon, CRC Press;
96. The SFPE Handbook of Fire Protection Engineering, 3rd Edition, NFPA;
97. Vehicle Crash Mechanics, by Matthew Huang, SAE;
98. Air Bag Development and Performance, SAE PT-88;
99. Fire and Materials Conferences and peer reviewed publications;
100. A Review of the Electrical Causes of Fires in Cars, ERA Limited Feb. 1989;
101. "An Assessment of Automotive Fuel System Fire Hazards," DOT HS 800 624;
102. Under-hood Foam Fire Suppression Systems, MVFRI;
103. "An Investigation of Fuel, Exhaust and Electrical Systems as Related to Post Crash Fire Safety," Contract No. FH-11-6919, by Fairchild Hiller for DOT, June 30, 1969;
104. U.S. Vehicle Fire Trends and Patterns, NFPA August 2005; and An Overview of the U.S. Highway Vehicle Fire Problem, SAE 2005-01-1420, both by Marty Anhrens;
105. International Fire Code 2000;
106. Crash tests, barrier and offset related to the above referenced vehicles;
107. Photographs, pictures, drawing and example of other vehicles showing firewalls, openings in firewalls, wheel wells, placement of batteries, battery cables, HVAC systems, etc., provided by General Motors;
108. Fatalities Associated with Crash Induced Fuel Leakage and Fires, by Ernest Grush; and
109. General Motors Service Recall Bulletins and Fuel System integrity associated with fuel system design.
110. Ford, Chrysler fire and fuel system related documents
111. Including the Feb. 20, 1978 report on "Small Car Safety Design Recommendations" by J.J. Dueweke etc., Fuel system Integrity, also include all references.

Documents requested that have not been provided and may be of assistance in this investigation include but are not limited to any and all prior documents produced or in the possession of Chrysler, related to location of fuel tanks, fuel tank location and any prior rear mounted fuel tank fires or the research, testing and documentation of this fuel system design..

a. A list of all cases settled, reviewed, investigated or pending associated with fuel tanks mounted between the bumper and the rear axle.
b. Crash tests
c. Steel fuel tanks vs. Plastic fuel tanks
d. Electrical system as an ignition source in collisions.
e. Chrysler's computer design system called CATIA related to fuel systems.

Additional materials forming the basis of the undersigned opinions include materials on Fundamentals of Vehicle Dynamics, knowledge and references in the field of accident reconstruction, and research associated with rear-end impacts of Other Similar Incidents (OSI's). These various materials have been incorporated into my research and experience regarding this accident.

3.0 Scope of the Investigation and Analysis

In general, the scope of the investigation and analysis is to evaluate the origin, the ignition factor (cause) and the responsibility for the occurrence of the fire following the above referenced motor vehicle accident. This investigation follows the Guidelines of NFPA 921, and the literature, education and training provided for Fire Investigators. In compliance with the Guidelines of NFPA 921, and the peer reviewed literature, education and training. More specifically, the scope of the investigation and analysis included the following:

- To evaluate the first fuel ignited in the fire following the motor vehicle accident.
  The first fuel ignited is defined in NFPA 921 as the first fuel that is ignited by a competent source of ignition.

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329

[redacted]

- To evaluate the nature of the introduction of the first fuel ignited in the fire following the motor vehicle accident. The nature of the introduction is defined as the circumstances and/or characteristics of the manner in which the first fuel ignited became available for ignition in the fire.

- To identify the physical properties of the first fuel ignited in the fire following the motor vehicle accident. The physical properties of a first fuel ignited are defined as the quantifiable characteristics of a material under normal or ambient conditions. At the time of this report, the Manufacturer of the vehicle has not provided the physical properties of the plastics or polymers used in the parts and components 0f the vehicle. The physical properties and characteristics of these plastics and polymers used in the production of vehicles are listed in the various published and peer reviewed documents and literature, and are relied upon by the investigator in the Investigation and analysis of the fire. More specific data should be provided by the manufacturer to better understand the burning and decomposition of these materials.

- To evaluate the ignition factor (cause) of the fire following the accident. The ignition factor (cause) of a fire is defined as the circumstances, conditions or agencies that bring together the first fuel ignited and a competent source of ignition along with a sufficient concentration of air or oxygen. NFPA 921, Chapter 19, Section 19.1.1 (A).

- To evaluate the possible elimination of the ignition factors in the fire.

- To evaluate the elimination of fuels located in the areas of potential ignition factors.

- To evaluate the flammability of combustible materials used in the production of the vehicle.

- To evaluate the events and time frame associated with the accident, which includes the eye witness accounts, investigations, rescue and treatment of occupants, extinguishment of the fire. Basically the series of events associated with the accident and the history in time.

- Events associated with the accident. Accident Reconstruction Methodology is based on Rudolf Limpert's Textbook. Various SAE publications and seminars regarding accident reconstruction were used in the preparation of this report.

- To evaluate the Pre-crash, Crash and Post-crash scenario for the vehicle or vehicles that are involved in the accident. This is a part of the methodology used to assist in determining the origin and cause of the fire. This includes the investigation and analysis of the time sequence, environment and motion of the vehicles. The delta-V or survivability, injuries and burns to the occupants is an important part of the Investigation into the origin and cause of vehicle fires and assist in the reduction of future injuries, death and burns. The scope of FMVSS 208 specifies performance requirements for the protection of vehicle occupants in crashes.

- To evaluate the front and rear firewalls, flammability of plastics, hood liner, electrical and fuel systems. Firewalls being defined as the partition between the engine – trunk and the occupant compartment. More recently referred to as the sound barrier or bulkhead.

- To evaluate the crush zone and the relationship to the origin and cause of the fire.

- To evaluate the potential for fire extinguishment systems in the vehicles and the possibility of additional time for occupants to exit safely from the vehicle.

- Analysis of the factors that may have reduced or prevented the occurrence or fire. These include but are not limited to placement/location of the fuels and placement/location of the sources of ignitions for the fuels.

- To evaluate the placement of the gasoline fuel system, fuels located In the engine compartment as well as the fuels in the interior of the vehicle.

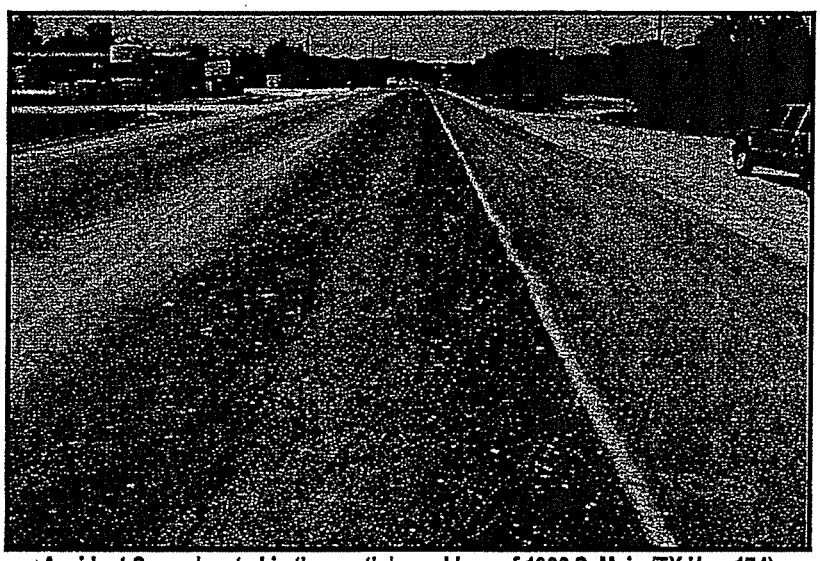
- To review and evaluate the history of fires and engineering associated with this case and other vehicles. Vehicle fires continue to be a safety issue and result in more deaths than apartment fires. NFPA estimates that vehicles are involved in an average of approximately 300,000 to 500,000 fires annually, of which there are approximately 400-500 deaths.

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329

[redacted]

4.0 SCENE DOCUMENTATION

Scene photographs were provided by the Cleburne Police Department which provided additional information for this report.



Accident Scene located in the south bound lane of 1900 S. Main (TX Hwy 174)

Aerial photograph of Accident Scene location

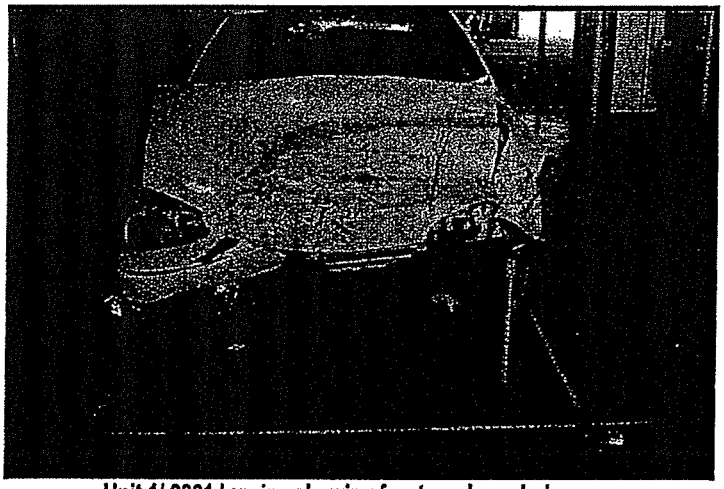
[redacted]

5.0 VEHICLE INSPECTIONS

5.1 Unit 1/ 2001 Chevy Lumina was documented and photographed on May 23, 2006.

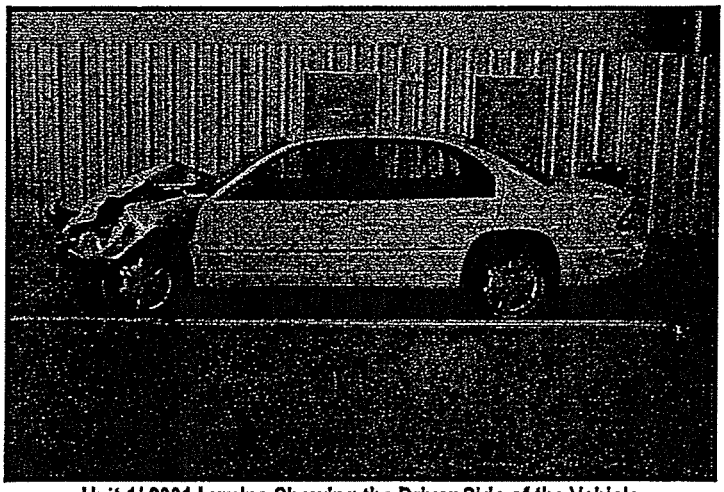
Expert AutoStats lists measurements for **Unit 1/ 2001 Lumina** are listed as follows.

Overall length:	201 In.
Overall width:	72 In.
Curb weight:	3330 Lbs.
Ground to rear bumper:	26 In.
Rear bumper to rear axle:	49 In.
Front bumper to ground	20 In.
Gross Vehicle Weight	4426 Lbs.
Center of Gravity from Ground	21.59 In.
Tip-Over Stability Ratio	1.37

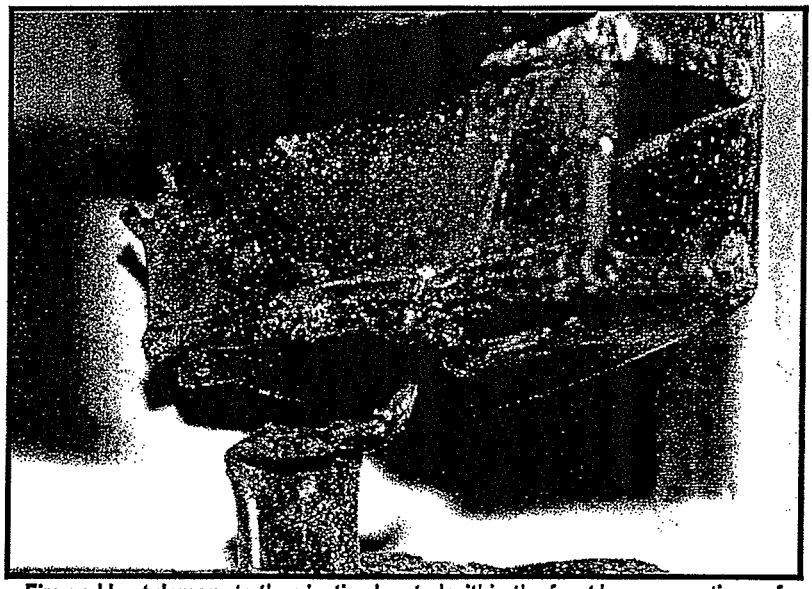


Unit 1/ 2001 Lumina showing front- end crush damage

[redacted]



Unit 1/ 2001 Lumina Showing the Driver Side of the Vehicle



Fire and heat damage to the plastics located within the front bumper portions of Unit 1/ 2001 Lumina. This indicates that the initial fire occurred at the time of impact.

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329

[redacted]

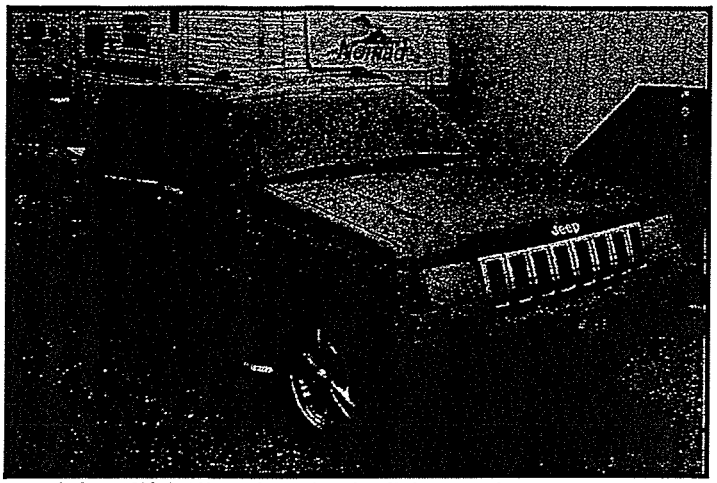
Final rest position of Unit 1/ 2001 Lumina shows frontal damage and fire damage.
This photograph was provided by the Cleburne Police Department and taken at the time of the Accident.

5.2 Unit 2/ 1993 Jeep Grand Cherokee was documented and photographed on March 3, 2006, May 24, 2006 and October 26, 2007.

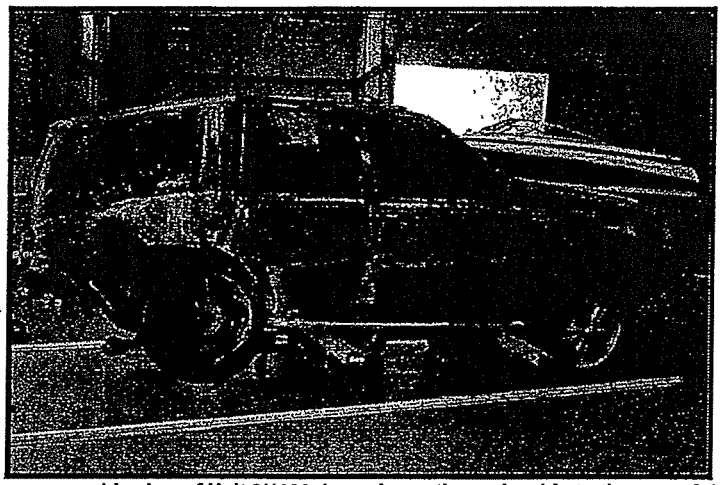
Expert AutoStats lists measurements for **Unit 2/ 1993 Jeep** are listed as follows.

Overall length:	177 In.
Overall width:	69 In.
Curb weight:	3600 Lbs.
Ground to top of rear bumper:	26 In.
Rear bumper to rear axle:	39 In.
Gross Vehicle Weight	5300 Lbs.
Center of Gravity from Ground	25.93 In.
Tip-Over Stability Ratio	1.12

[redacted]



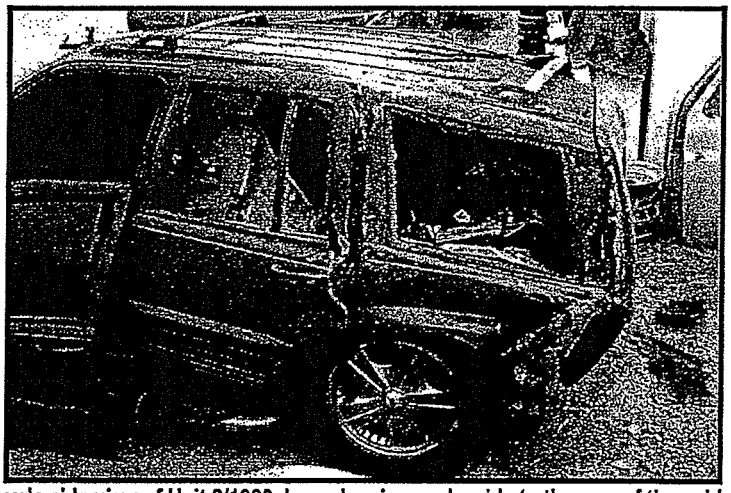
Front end view of Unit 2/1993 Jeep showing little or no damage to the front portions of the vehicle with the exception of fire related damage to the interior. The hood, bumper, quarter panels, windshield, doors, and side mirror show minimal exterior damage as a result of the fire and collision.



Passenger side view of Unit 2/1993 Jeep shows the under-ride to the rear of the vehicle and also shows burn patterns present to the passenger side rear panels and interior. Burn patterns on the vehicle and the burn patterns indicate that the origin of the fire was at the rear of the vehicle where the fuel tank is located.

[redacted]

Rear view of Unit 2/1993 Jeep shows damage from the impact of Unit 1/2001 Lumina. The burn patterns present to the vehicle indicate a fire burning upwards and inwards into the occupant compartment of the vehicle.



Driver's side view of Unit 2/1993 Jeep showing under-ride to the rear of the vehicle. Burn patterns present on the rear of the vehicle indicate the origin of the fire is located in the area of the fuel system of the vehicle and progressed upwards and inwards into the vehicle. The filler door and the filler pipe are shown at the rear driver's side of this vehicle.

[redacted]

6.0 RECONSTRUCTION

The main objective of this vehicle fire and accident reconstruction was to determine what happened immediately before, during, and immediately after the accident. Established principles and scientific methodology followed by the fire and accident reconstruction profession were relied upon, including the five specific objectives of accident reconstruction, which are:

1. Collision Analysis,
2. Injury Analysis,
3. Accident Avoidance Analysis,
4. Injury Avoidance Analysis, and
5. Accident Causation Analysis.

With respect to my investigation relating to the vehicle dynamics utilizing accident reconstruction principals of the accident in this case, my methodology consisted of the following: I reviewed the facts of the case which included scene photographs, witness statements, accident report, documents, reconstruction thoughts and calculation. I then applied my knowledge in accident investigation, which I have obtained in my many years of evaluating and reconstructing accidents to determine how the accident occurred and to evaluate the above listed objectives of accident reconstruction. I have also used Engineering Dynamics Corporation (EDC) software, with the aid of an on staff engineer, which includes, HVE, EDCRASH, EDSMAC and SIMON. The HVE simulation environment was introduced in 1996, for the 3-D user, with the 2-D simulations dating back to the 1980's and early 1990's. The 3-D, 5.0 version was developed as a sophisticated, 3-dimensional user environment for setting up and executing simulations involving humans and vehicles interacting with their environment. In 2001, SIMON along with DyMESH was introduced to provide simulation involving rollover and override, as well as other 3-dimensional collision issues. The HVE programs have been widely accepted by the Accident Reconstruction profession and have been widely published and peer reviewed. This program was used to formulate other plausible scenarios based on the evidence made available.

For this accident and fire we were determining the survivability of the passengers of Unit 2/1993 Jeep and the events that resulted in the failure of the fuel system which caused the fire. The events of the accident aid in the origin and cause of the fire. Crush measurements, photographs and EDC software may be used later to determine the angle of impact, crush and the delta-v. EDSMAC4 was used to visualize and verify impact dynamics, including rotations. Momentum formulas were calculated extensively, using spreadsheets, to explore possible impact velocities and time frames.

For this accident we were evaluating the accident before, during and after the collision to assist in determining the origin and cause of the fire. This part of the investigation assists the fire investigator by determining the angles and speeds of impact to understand the origin of the fire and evaluate the fuels that may be involved in the initial fire. The determination of delta-v in the accident can assist the investigator in determining the survivability, injury level and position of the occupants as a result of the collision and fire. The events of the accident are important to the origin and cause investigation. In this accident the scene was documented as well as both vehicles to determine point of impact, approximate time and place of first fire, movement of the vehicles, movement of the fuel which was released form the fuel tank and movement of the occupants. The scene diagram was provided by the Cleburne Police Department and another expert to assist in understanding and explaining the accident and the fire, which resulted in the injuries and burns to the driver of Unit 2/1993 Jeep.

The Reconstruction at the time of this report is being provided by another expert.

6.1 PRE-CRASH

On Sunday, February 12, 2006 Ms. Jarmon was driving Unit 2/ 1993 Jeep heading southbound on S. Main St. also know as Texas Highway 174. She stopped to turn left in the 1900 block of S. Main St. onto 1917 S. Main St. Unit 1/2001 Lumina was following behind Unit 2/1993 Jeep and did not realize that Unit 2/1993 Jeep had stopped to turn left.

6.2 CRASH

Unit 1/ 2001 Chevy Lumina collided with the rear of Unit 2/1993 Jeep. Upon impact, Unit 2/1993 Jeep burst into flames and skidded into the northbound traffic lanes coming to rest facing northbound. Delta-V for Unit 1/2001 Lumina was in

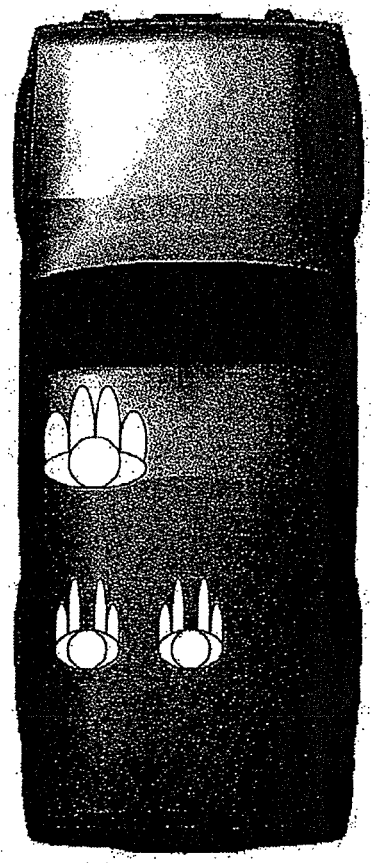
[redacted]

the range of 30 mph. The rear seat passengers, [redacted] of Unit 2/ 1993 Jeep were badly burned in the backseat and [redacted] subsequently died as a result of those burn injuries.

6.3 POST-CRASH

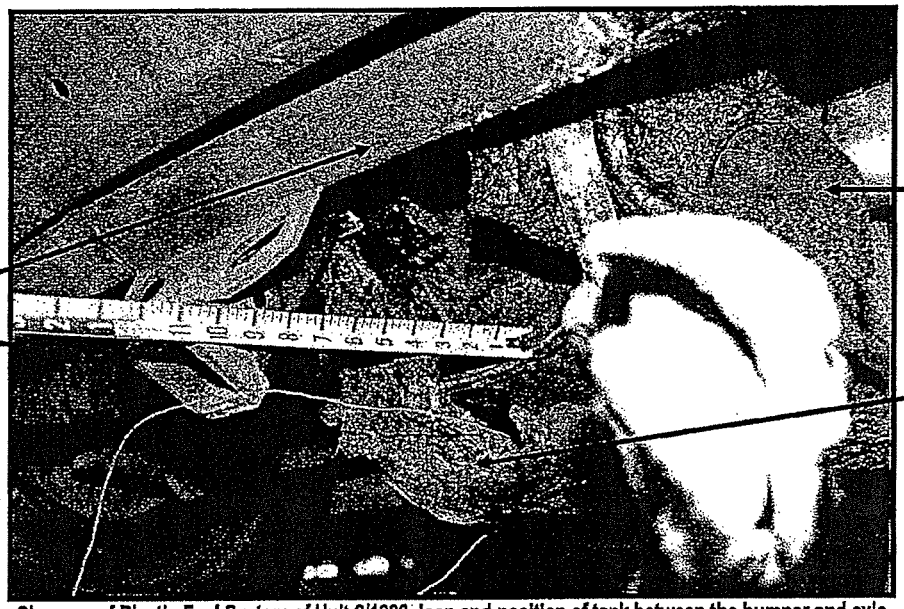
Ms. [redacted] the driver of Unit 2/ 1993 Jeep was able to exit the vehicle after impact. Unit 2/1993 Jeep skidded into the northbound lanes of travel upon impact. Witnesses to the accident were able to remove [redacted] from the backseat of the burning vehicle, but not before the passengers received critical burns. Cleburne Fire Department, CareFlite Ground Ambulance and two CareFlite Ground Ambulances arrived on the scene. They transported [redacted] to the Parkland Hospital in Dallas. The driver, [redacted] was able to exit the vehicle upon final rest. CareFlite Ground Ambulance transported Delbert Davidson to Harris Methodist Hospital, Fort Worth.

6.4 OCCUPANT POSITIONS IN UNIT 2/ 1993 JEEP GRAND CHEROKEE



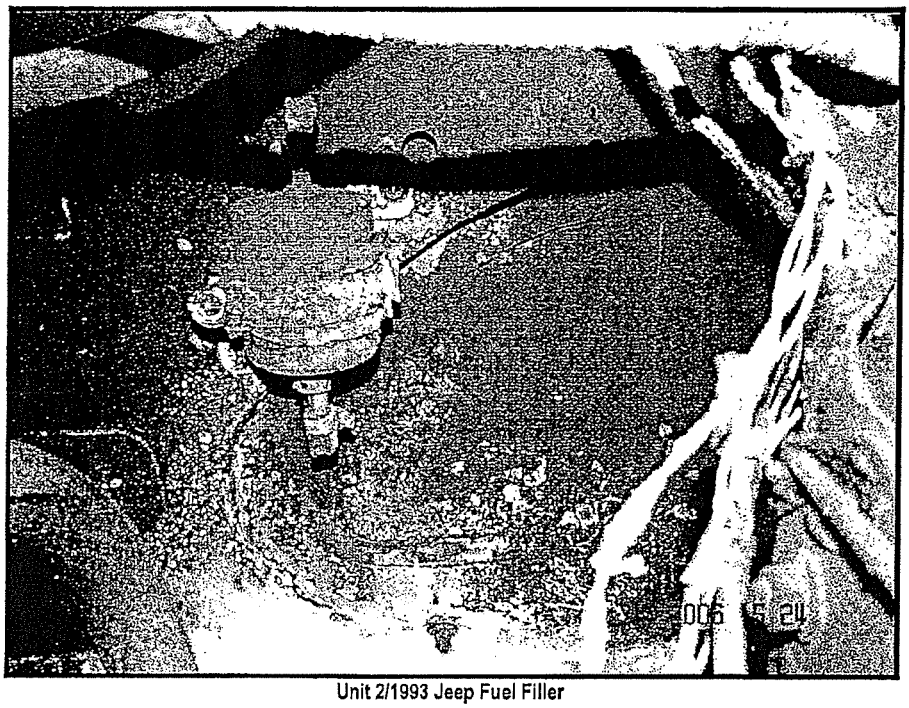
1993 Jeep Grand Cherokee

[redacted]



Close-up of Plastic Fuel System of Unit 2/1993 Jeep and position of tank between the bumper and axle

[redacted]



Unit 2/1993 Jeep Fuel Filler

Unit 2/1993 Jeep

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329

[redacted]

Rear window, cargo area and rear damage of Unit 2/1993 Jeep

7.0 ORIGIN OF THE VEHICLE FIRE

The purpose of the fire investigation and analysis is generally multi-fold: to accurately determine the origin of the fire; to accurately determine the ignition factor (cause) of the fire; and to accurately assess the responsibility for the occurrence of the vehicle fire, analysis of factors that may reduce or prevent the occurrence, and the consequences thereof. Another part of this investigation is the analysis of the collision, prior to the fire.

It is the overall goal of the investigation and analysis to prevent the same or similar type of vehicle fire from occurring again in the future, thereby preventing additional physical injuries and property damage. It is the goal of the investigator to aid in the reduction of increased occupant injuries that can result from a post-collision fire. A vehicle's fuel system design, flammable fluid containment and vehicle material flammability should work to keep flammable fuels or fluids away from potential ignition sources and reduce the flame spread, alter the fire outcome in terms of injury or survivability and to allow occupants adequate time to exit the vehicle. A vehicle's firewall should provide an additional degree of safety and protection for the occupants from engine compartment fires. The flammability of the materials within the interiors of the vehicles and engine compartments should burn at rates that will provide adequate time for the occupant(s) to escape in the event of a vehicle fire.

The origin of this vehicle fire is the rear crush zone where the unshielded plastic fuel tank is mounted between the bumper and rear axle on Unit 2/1993 Jeep. The accurate determination of the origin of any vehicle fire occurring on and/or in a motor vehicle, then, is based upon the analysis of the fire patterns present on and in said motor vehicle. This analysis is predicated on a thorough understanding of fire dynamics and fire behavior, as well as a practical understanding of the fire patterns created as a result of its dynamics and behavior. This is also based on the reconstruction of the collision between the two vehicles. This reconstruction is of benefit with regards to the time line for the fire.

Fire patterns are defined as the visible or measurable effects remaining after a fire incident. Fire patterns are actually the physical manifestations of the origination, development and progression of a fire plume. Fire patterns can be generally characterized as one of three (3) types, namely, movement fire patterns, intensity fire patterns, and combination fire patterns. Movement fire patterns are those that generally provide physical evidence as to the origin, direction of travel and movement of the by-products of combustion. Intensity fire patterns are those that generally provide physical evidence as to the severity of the physical effects of the by-products of combustion on materials. And lastly, combination fire patterns are those that generally provide physical evidence as to both. These fire patterns also include those to the road surface and the area between the point of impact and the final rest positions of the vehicles.

[redacted]

These patterns have been noted and documented in the photographs of the scene and the vehicles. These patterns are best described using the photographs taken of Unit 2/1993 Jeep.

The fire patterns on Unit 2/1993 Jeep indicates the fire as starting in the rear of the vehicle in the area of the unshielded plastic fuel tank. The Cleburne Accident Report and witnesses' statements provided by the Cleburne Police Department support our findings and opinions in this fire investigation.

For the fire to initiate at the rear portion of the vehicle, specific combinations of fuels, oxygen and ignition energy are required. The specific combinations of fuel and oxygen are also again required to promote the propagation of the fire, which also depends on the location of the fire, the type, and amount of combustible materials in the area of the ignition. These conditions may also rely on local airflow and ambient weather conditions.

The specific fire causation in this accident is the result of the damage to the fuel tank, sending unit, fuel filler pipe hose, vapor lines, and fuel vapor separator lines, which occurred during the impact and separation of the vehicles. The impact damage to the rear portion of the Unit 2/1993 Jeep body is greater on the right quarter panel than the left. The separation of the fuel filler system from the tank suggests that a significant amount of liquid and vapor gasoline was released from the fuel tank of Unit 2/1993 Jeep during impact, separation and distance to final rest.

The exterior post-fire damage patterns show that there was a higher degree of heat intensity in the area of the fuel tank and filler pipe/neck assembly on the left driver's side of the under carriage The fire propagated from the rear area to the interior of the vehicle, through the broken rear window and cargo door. By the time the fire department personnel arrived on the scene, (8.17 minutes), Unit 2/1993 Jeep was fully involved in fire, and the rear seat occupants were catastrophically burned.

Heat and fire damage to the undercarriage suggests that a pool fire under the vehicle was unlikely.

The police report and witness statements state that the fire was immediate and upon impact.

Our investigation to date concludes the vehicle fire originated in the rear of the vehicle in the area of the plastic fuel tank. The plastic fuel tank, filler pipe and sending unit was compromised upon impact and the filler neck detached because of the position of the plastic fuel system, allowing fuel to escape from the fuel containment system and enter into an area with sources of ignition that could readily ignite the released fuel.

The Heat and Vector Analysis diagram of the vehicle was prepared to show the jury and court the four sides of the vehicle. This diagram shows tires, wheels, windows body panels, trim and appearance of the vehicle. Then through the use of arrows (Refer to Page 28), I have noted the direction of the heat or flame based on the fire and damage patterns, with the arrows pointing in the directions the fire and heat were traveling. This drawing or series of drawings show the movement of the fire. For the fire to initiate in the rearward area of the vehicle, more specifically the rear mounted unshielded plastic fuel tank, specific combinations of fuels, oxygen and ignition energy are required. The specific combinations of fuel and oxygen are required to promote the propagation of the fire, which also depends on the location of the fire, the type, and amount of combustible materials in the area of the ignition. These conditions may also rely on local airflow and ambient weather conditions. The impact damage to the rear of Unit 2/1993 Jeep in the area of the plastic fuel tank caused gasoline to be released from the fuel tank and/or fuel system, within milliseconds of the impact. Mechanical sparks from the collision and separation were most likely the ignition source. The secondary fuels would most likely be those flammable materials contained in the occupant compartment of the vehicle. The exterior post fire damage patterns show that there was higher heat intensity on the rear of the vehicle as well as the interior of Unit 2/1993 Jeep. The fire propagated from the rear passenger area where the rear mounted plastic fuel tank is located, continuing to travel into the interior of the vehicle encompassing the passengers in the rear seat as the vehicle was approaching final rest. Ms. Jarmon, the driver of Unit 2/1993 Jeep was able to escape the vehicle and witnessed her children burning. Witnesses arriving on the scene helped to remove the children from the rear seat, but not before they were critically burned. Occupant Cassidy Jarmon received 40% third degree fatal burns, later dying at the hospital. Occupant Callie Jarmon received third degree burns on her head, face and upper and lower extremities.

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329

[redacted]

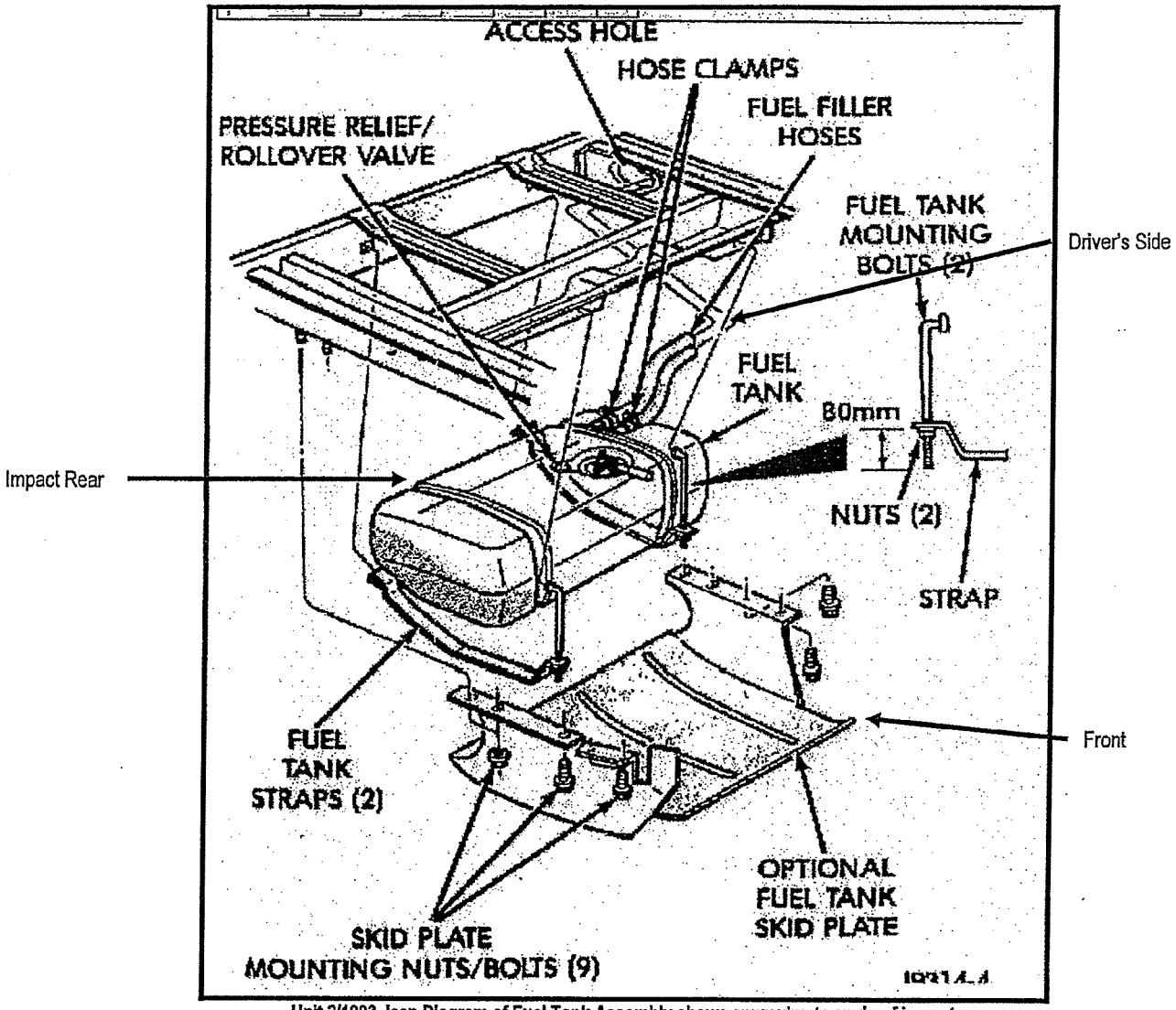
Flame Vector Analysis

The fire progressed into the rear of the vehicle through openings in the body of the vehicle that were created during the impact.

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329

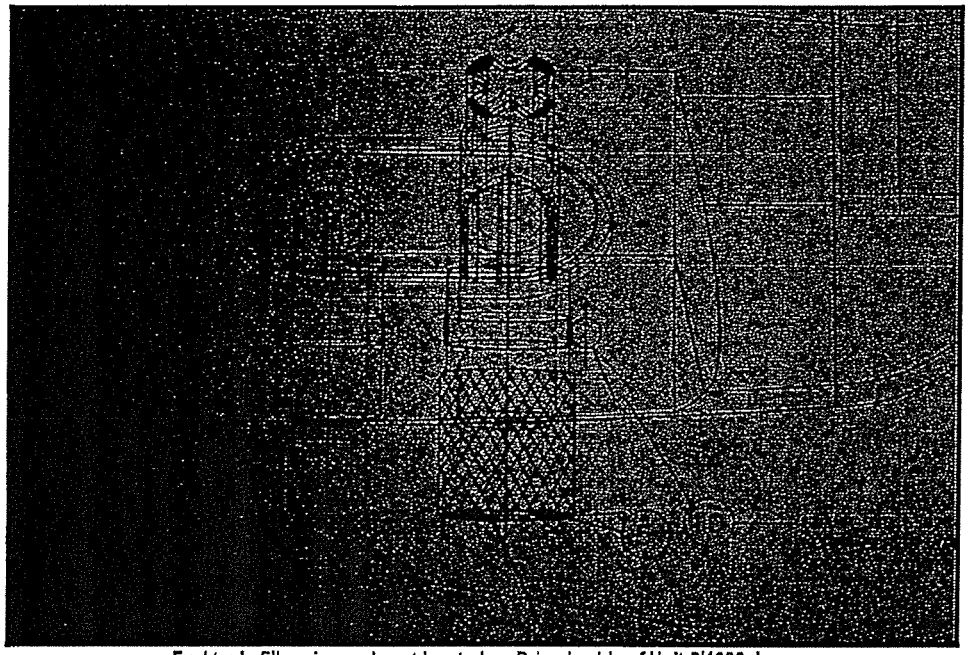
[redacted]

7.1 DIAGRAMS OF THE FUEL SYSTEM OF UNIT 2/1993 JEEP GRAND CHEROKEE

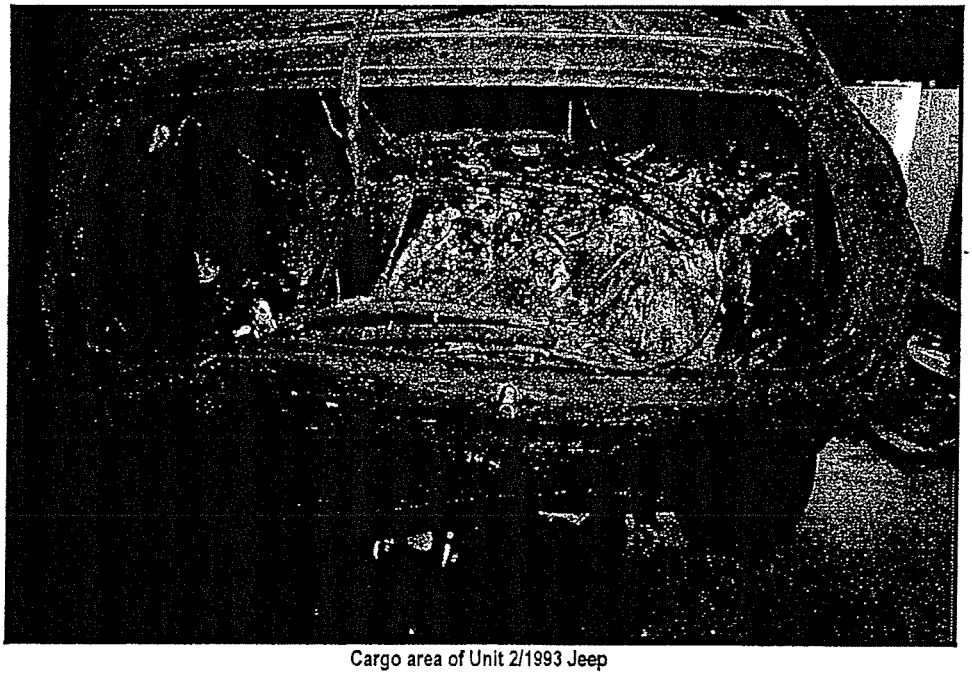


Unit 2/1993 Jeep Diagram of Fuel Tank Assembly shows approximate angle of impact that resulted in the fire that occurred in the above referenced accident.
Exhibit 7.1.1

[redacted]



Fuel tank, filler pipe and vent located on Driver's side of Unit 2/1993 Jeep

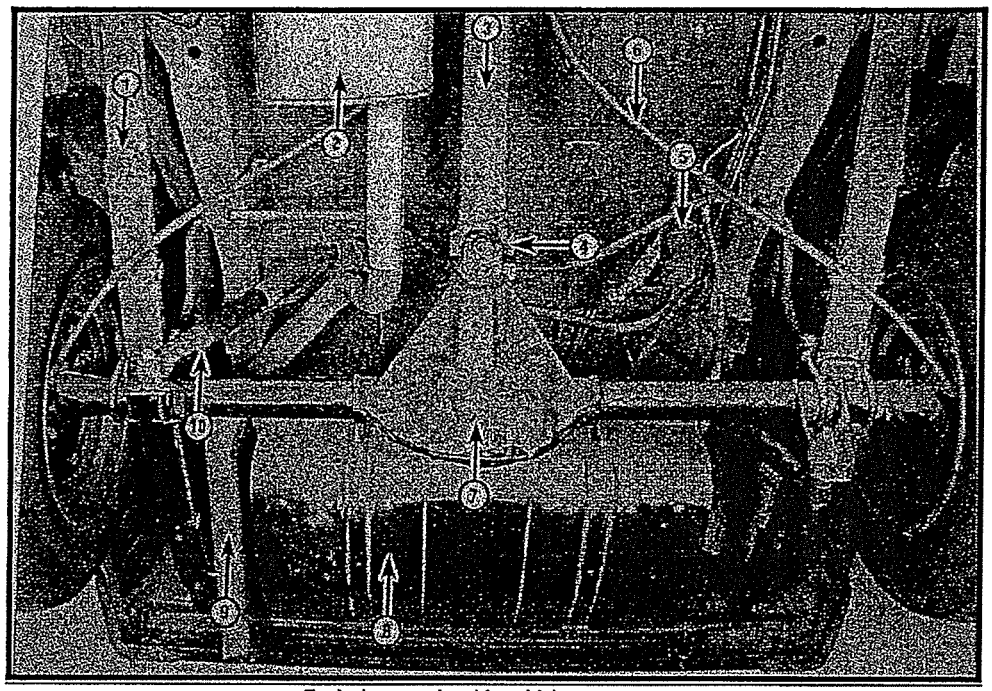


Cargo area of Unit 2/1993 Jeep

[redacted]

8.0 NATURE OF THE VEHICLE FIRE FOLLOWING THE MOTOR VEHICLE COLLISION

8.1 FUEL TANK DIAGRAM OF FUEL TANK SYSTEM



Typical rear under side vehicle components

1. Rear leaf spring
2. Muffler
3. Driveshaft
4. Universal joint
5. Fuel filter
6. Parking brake cable
7. Rear axle
8. Fuel tank
9. Exhaust pipe
10. Shock absorber

8.2 NATURE OF THE VEHICLE FIRE

The nature of the vehicle fire following the motor vehicle accident was determined to be the ignition of a diffuse gasoline vapor fuel. A diffuse vapor fuel, such as gasoline, is one that is present in the gaseous state and has intermixed with the ambient air to form a flammable mixture. The gasoline was released under pressure due to the compromising of the fuel tank. The release of gasoline occurred during the impact, separation and travel of Unit 1 and Unit 2 to their final rest positions. The size and position of the damage to the plastic fuel tank shows that a large portion of the gasoline in the plastic fuel tank was released within milliseconds.

The Flame penetration into the occupant compartment occurred within milliseconds upon impact because of the release of gasoline vapors and the ignition of these vapors. The polymer parts that are located in the interior occupant compartment were also a major fuel in this fire. The polymer parts primarily consist of polyurethane (PU); polyethylene (PE), polypropylene (PP), nylons and associated fillers are the secondary fuels in this fire.

These melting type polymers, when burning as a poll fire, have a much higher heat release rate and contribute to the higher burning intensity and additional difficulty in the extinguishment of the fire.

Chrysler Motor Company has not provided the precise thermal physical and fire properties of these various polymers in the occupant compartment of Unit 2/1993 Jeep at the time of this report. This request would include but not be limited

[redacted]

to critical heat flux, thermal response parameters, fire propagation indexes, melt temperatures, ignition temperatures and toxicity levels.

The thermal hazard was more severe in Unit 2/1993 Jeep than the toxic hazard with regards to the survivability of the children. Although there polymers that are located in the interior of the vehicle meet FMVSS 302 Standards, it is important to make note of the fact that even the pages of the owner's manual would also generally pass these minimal standards, which have not changed since first presented in 1968.

ASTM Test E-1354 Cone Calorimeter and ASTM 2058 FPA might be more beneficial for improving the safety of the materials such as polymers in vehicles.

The Federal FMVSF Standards that specifically address this fire and collision are FMVSS 301; Fuel System Integrity Compendium and FNMVSS 302, Flammability Compendium. None of the federal motor safety standards apply to the polymers used for parts/components within the engine compartment and interior compartments that are not in the air space.

Federal Motor Vehicle Safety Standard (FMVSS) No. 301 - Fuel System Integrity

The purpose of this standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes, and resulting from ingestion of fuels during siphoning. Fuel spillage means the fall, flow, or run of fuel from the vehicle but does not include wetness resulting from capillary action. Vehicles with a GVWR of 4,536 kg (10,000 lbs) or less and use fuel with a boiling point above 0 degrees C. (32 degrees F). Fuel spillage shall not exceed 28 g. (1 oz. By wt.) from impact until motion of the vehicle has ceased, and shall not exceed a total of 142 g. (5 oz. By wt.) in the 5-minute period following cessation of motion. The amount of fuel released in this accident would exceed the above required requirements.

Federal Motor Vehicle Safety Standard (FMVSS) No. 302 - Flammability of Interior Materials - Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses (Effective 9-1-72)

This standard specifies burn resistance requirements for materials used in the occupant compartments of motor vehicles. Its purpose is to reduce deaths and injuries to motor vehicle occupants caused by vehicle fires, especially those originating in the interior of the vehicle from sources such as matches or cigarettes. The "occupant compartment air space "means the space within the occupant compartment that normally contains refreshable air. S 4.2 states that the material shall not burn, nor transmit a flame front across its surface, at a rate of more than 4 inches per minute. This is compared to the aircraft industry that has a zero ("0") inch per minute burn rate.

Investigation and analysis of this accident determined that cigarettes and matches were not the source of ignition for this fire. Vehicle manufacturers define the interior materials that are required to meet FMVSS 302 as only those within the occupant compartment air space; this generally excludes the ducting and areas of entry through the firewall and the engine compartment. FMVSS 302 horizontal burn testing will show that all materials in the interior will pass this minimal test including the single page of the owner's manual. Vertical testing of interior and engine compartment has been performed to show the effects of burning polymers that pool and burn from the bottom.

[redacted]

9.0 CAUSE OF THE VEHICLE FIRE

9.1 FIRST FUEL IGNITED IN THE VEHICLE FIRE FOLLOWING THE MOTOR VEHICLE COLLISION

Gasoline was determined to be the first fuel which was ignited in this accident. It was determined that gasoline was the first fuel ignited in the vehicle fire following the accident.

In addition, given the nature of this vehicle fire, it was determined that gasoline was the only fuel present in the area of the origin of the fire of the subject motor vehicle which had the physical properties necessary to form the diffuse vapor and physically manifest itself in the manner and under the conditions defined by this investigation and analysis.

The source of these gasoline vapors was from liquid gasoline that was being released from the fuel tank system located on Unit 21993 Jeep. Had these gasoline vapors of gasoline not been present, there would have been no vehicle fire following the accident.

9.2 NATURE OF THE INTRODUCTION OF THE FIRST FUEL IGNITED IN THE VEHICLE FIRE

The nature of the introduction of the first fuel ignited in the vehicle fire following the accident was determined to be the pressurized release of both vaporized and liquid gasoline from the compromised fuel tank assembly. This pressurized release was the direct result of the rotational forces and movement of the vehicle and fuel tank assembly and it being compromised during the accident.

Although this pressurized release of both vaporized and liquid gasoline does not change gasoline's physical properties, it does change its overall volatility by:

- Facilitating the rapid release of both vaporized and liquid gasoline from its containment vessel.
- Fostering a greater dispersion of both vaporized and liquid gasoline over a larger coverage area.
- Atomizing the liquid gasoline and significantly increasing its surface-to-mass ratio.

These changes to the gasoline's overall volatility, then, results in the following conditions:

- The significant increase in the rate of vaporization of the liquid gasoline.
- The comparatively greater ease of ignition of the resulting fugitive vapors of gasoline.
- The overall heightened severity of the initial presentation and consequences of the vehicle fire.

9.3 PHYSICAL PROPERTIES OF THE FIRST FUEL IGNITED IN THE VEHICLE FIRE

Gasoline (C_5H_{12} to C_9H_{20}) is a flammable liquid and is an extremely dangerous and hazardous hydrocarbon that has the following physical properties:

- Flash point of –45 degrees Fahrenheit.

Flash point is defined as the lowest temperature of a liquid, as determined by specific laboratory tests, at which the liquid gives off vapors at a sufficient rate to support a momentary flame across its surface.

- Ignition temperature of 536-853 degrees Fahrenheit.

Ignition temperature is defined, as the minimum temperature a substance should attain in order to ignite under specific test conditions. Reported values are obtained under specific test conditions and may not reflect a measurement at the substance's surface. Ignition by application of a pilot flame above the heated surface is referred to as pilot ignition temperature. Ignition without a pilot energy source has been referred to as auto-ignition temperature, self-ignition temperature, or spontaneous ignition temperature. The ignition temperature determined in a standard test is normally lower than the ignition temperature in an actual fire scenario.

- Lower flammable/explosive limit of 1.4 percent.

[redacted]

Lower flammable/explosive limit is defined as the lower concentration limit at a specified temperature and pressure of a flammable gas or a vapor of an ignitable liquid and air, expressed as a percentage of fuel by volume that can be ignited.

- Upper flammable/explosive limit of 7.6 percent.

Upper flammable/explosive limit is defined as the upper concentration limit at a specified temperature and pressure of a flammable gas or a vapor of an ignitable liquid and air, expressed as a percentage of fuel by volume that can be ignited.

- Flammable/explosive range of 6.2.

Flammable/explosive range is defined as the numerical range between the upper and lower concentration limit at a specified temperature and pressure of a flammable gas or a vapor of an ignitable liquid and air, expressed as a numeric range of fuel by volume that can be ignited.

- Specific gravity of 0.8.

Specific gravity is defined as the ratio of the average molecular weight of a given volume of a liquid to the average molecular weight of an equal volume of water at the same temperature and pressure.

- Vapor density of 3 - 4.

Vapor density is defined as the ratio of the average molecular weight of a given volume of gas or vapor to the average molecular weight of an equal volume of air at the same temperature and pressure.

- Minimum ignition energy of 0.20 - 0.25 millijoules.

Minimum ignition energy is defined as the lowest amount of heat energy that is necessary to raise the temperature of a fuel to its ignition temperature and begin self-sustained combustion.

- Maximum theoretical flame temperature of 4190 degrees Fahrenheit.

Maximum theoretical flame temperature is defined as he mathematically calculated maximum temperature of a standing flame from a fuel that assumes no lateral loss of heat energy through convective or radiant heat transfer.

- Heat of combustion of 46.8 megajoules per kilogram.

Heat of combustion is defined as the measure of the maximum amount of heat energy that can be released by the complete combustion of unit mass of combustible material.

- Maximum burning velocity of 1.3 feet per second.

Maximum burning velocity is defined as the rate at which the flame front in a gas or vapor cloud progresses through the unburned vaporous fuel.

- Expansion factor of 7 - 8.

Expansion factor is defined as the rate of expansion of the volume of a fuel during a gas or vapor cloud ignition scenario.

- Maximum flame speed of 10.4 feet per second.

Maximum flame speed is defined as the speed at which the flame front in a gas or vapor cloud progresses through the gas/air mixture relative to some fixed position. Flame speed is mathematically determined by multiplying the maximum burning velocity of a fuel by its expansion factor.

[redacted]

9.4 Ignition Factor (Cause) of the Vehicle Fire

The evaluation of the ignition factor (cause) of any fire incident includes the identification of the fuel ignited; the identification of a competent source of ignition for that fuel; and the analysis of how the fuel ignited and the competent source of ignition came together contemporaneous with a sufficient concentration of oxygen or air.

A concentration of greater than one percent (1%) oxygen is necessary for combustion to occur. Flaming combustion is generally accepted to occur above the range of fifteen percent (15%) to sixteen percent (16%) oxygen. The composition of ambient outdoor air generally consists of twenty one percent (21%) oxygen. As such, the occurrence of this fire incident was not oxygen limited.

The ignition factor (cause) of the vehicle fire following the motor vehicle accident was determined to be the ignition of the gasoline vapors, within their flammable/explosive range, by a competent source of ignition. A competent source of ignition is one that has the following properties:

- Sufficient temperature relative to the fuel ignited.
- Sufficient heat energy relative to the fuel ignited.
- Sufficient duration relative to its exposure to the fuel ignited.
- Ability to transmit its heat energy to the fuel ignited.

Given the nature and consequences of the accident and following fire incident, the competent and available sources of ignition for the vehicle fire following the accident were determined to include:

- Heat energy from a normally occurring electrical arc.
- Heat energy from an abnormally occurring electrical arc.
- Heat energy from a mechanical spark. (During collision)
- Heat energy from a hot surface.

Because of the nature of a diffuse vapor fuel ignition, the specific source of ignition for the vehicle fire following the accident is most likely the heat energy from a mechanical spark as a result of the collision. Sparks generated as a result of collisions as low as 5 mph have generated temperatures in range of 1470 to 2190 degrees F, which has been proven to ignite gasoline vapors. This is not to eliminate the possibility of the other ignition sources such as the electrical system which remained energized following the impact. The hot surfaces present at the time of the impact which included the tail light filaments as well as the exhaust system may generate temperatures in the range of 600 to 1300 degrees F under normal conditions may also have been an ignition source. This is because the vapor of the gasoline is not confined to a specific area. For example 3 ounces of liquid gasoline converts to approximately 8 to 43 cubic feet of vapor depending on the vapor/air ratio. Generally speaking this is sufficient to fill the average jury box area.

The rear mounted fuel system which was mounted in the crush zone of Unit 2/19993 Jeep was compromised during the accident releasing gasoline and gasoline vapors. In addition the mechanical sparks lead to the ignition of the gasoline vapors in this accident.

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329

[redacted]

10.0 INVOLVEMENT OF OTHER FLAMMABLE FLUIDS AND/OR FLAMMABLE GASES LOCATED WITHIN THE ENGINE COMPARTMENT

Contained within the engine compartment of the subject motor vehicle are a number of combustible liquids including the following:

- Motor oil.
- Transmission fluid.
- Brake fluid.
- Power steering fluid.
- Ethylene glycol (coolant).
- Window washer fluid.
- Battery Acid

In addition, there is a small volume of hydrogen gas present within the battery of any motor vehicle.

Lastly, most windshield wiper fluids contain a relatively small percentage of a flammable liquid to prevent freezing. Other windshield wiper fluids, generally advertised as having a "de-icing" formulation, may contain a slightly higher, but still relatively small percentage of a flammable liquid.

This investigation and analysis determined that none of the aforementioned engine fluids and/or flammable gases was in the area of origin. The damage to the containment systems for these other fuels were evaluated and eliminated as the first fuel ignited. The rapid rate of ignition, rapid burn rate and size of the fire are also factors in the elimination of these other various fuels. The engine compartment and the fluids contained in the compartment were also documented and determined that they could not have been the first fuels ignited.

These fluids and/or flammable gases were not found in the area origin for this fire. The small amount of plastics or flammable vehicle components was also determined to not be the first fuels ignited or the origin of the fire. The miscellaneous personal items located in the rear cargo space Unit 2/1993 Jeep prior to and during the accident were also evaluated and determine to not be the first fuel ignited. The fuels located on Unit 1/2001 Lumina and within the engine compartment were also documented and determined to not be the first fuel ignited in the accident.

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329

[redacted]

11.0 Involvement of Flammable Liquids, Plastics, Interior Components, and Fabrics Located Within the Interior / Occupant Compartment

In 1985, approximately 10% of the vehicle weight was plastics, with an additional 5% being rubber materials and components. Plastics by definition are "synthetic materials that are capable of being formed into usable products by heating, milling, molding and similar processes." This also expands to "resins in their molded form; they can be cast or converted to coatings, self supporting films and fibers." Basically, plastics are made up of long chain hydrocarbons linked in various ways. The self-ignition temperatures of plastics are generally in the range of 840 degrees Fahrenheit to 1100 degrees Fahrenheit. In this vehicle fire, the interior plastics, fabrics, and materials were not the primary cause of the fire, but added considerably to the fire load. The estimate of plastics in 1985-1990 production vehicles was approximately 13% or 400 lbs. by weight for vehicles; of this, approximately 160 lbs. would be in the interior of the vehicle. This would include such items as the headliner (styrene/PVC), upholstery (PVC, Nylon, Polyester), and dash materials (urethane, ABS, polypropylene, etc.). Some of these plastics give off toxic fumes during the burning process and increase the hazards during the fire. The amount of plastics used in the interior of vehicles has continued to increase. Insulation is listed in NFPA 921 as PVC or Polyethylene. Ignition temperatures are generally low enough to auto ignite on hot surfaces such as a hot exhaust system including the electrical wiring insulation. Flammability of material standards set in FMVSS 302 has not changed since their introduction. FMVSS 302 testing on the interior products of vehicles could help to explain the rapid rate of fire within the interior. The vertical, horizontal and cone calorimeter testing of interior products are generally used to illustrate material flammability.

An additional standard is that of Underwriters Laboratories (UL94), which includes horizontal and vertical testing.

FMVSS 302 has been demonstrated to have a low level of performance in actual vehicle fires. FMVSS 302 is a pass/fail type of test. The materials in the engine and occupant compartment would generally pass the testing required under the horizontal FMVSS 302 test, which is the rating for all nonmetallic materials in the engine and occupant compartment.

Horizontal Burn Testing is the only materials testing required by FMVSS 302. Horizontal burn testing will show that in general most materials in the interior of a vehicle, including a single page of the owners' manual will pass this minimal standard, as will the wiring insulation, which is listed as self-extinguishing. Vertical burn tests and cone calorimeter testing of materials has been shown to provide a better understanding of material burn rates.

The use of portable hand held fire extinguishers in the extinguishment of the engine compartment and occupant compartment fire would have been ineffective because of the melted plastics and energized electrical wiring.

These additional fuels are listed as well as the components associated with the fuel. Chrysler Motor Company has not produced the exact material specifications for this vehicle at the time of this report; however the materials used in general by the vehicle manufacturers are listed.

➢ Poly-propylene (PP)	HVAC, air ducts, Instrument panel
➢ Polyvinylchloride (PVC)	interior /wiring, flooring, trim
➢ Poly-ethylene (PE)	engine /wiring, fuel tank, fuel reservoirs (Window washer container for example) Melt (167F) +
➢ Acrylonitrile butadiene styrene (ABS)	headliners, bumpers, some duct work
➢ Poly-urethane (PU)	body panels, also headliners, fender liners (may be a rigid or foam)
➢ Nylon	fuel lines, grill, carpets
➢ Fiberglass	trim, gears, some body parts
➢ Polystyrene (PS)	insulation, padding

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329

12.0 DEVELOPMENTS AND PROGRESSION OF THE VEHICLE FIRE FOLLOWING THE COLLISION

Once initiated, the fire in Unit 2/1993 Jeep was determined to have developed and progressed from the area of the fuel tank into the passenger compartment. The cumulative transfer of heat energy into the passenger compartment of Unit 2/1993 Jeep would have eventually resulted in flame temperatures exceeding 2500 degrees Fahrenheit, but generally in the range of 1500 degrees F. As a comparison, hot water in excess of only 120 degrees Fahrenheit will immediately begin to scald human skin tissue resulting in significant burn injuries. The spread of gasoline and gasoline vapors and the associated fire extended from the area of impact to the area of final rest position for the Chrysler Jeep Grand Cherokee.

Conduction is defined as the transfer of heat energy through a solid medium. An illustrative example of conduction would be the transfer of heat energy through a metallic pot or pan on an operating stove through the metal base to its handle. The occurrence of conduction results in the handle being hot.

Convection is defined as the transfer of heat energy through a circulating medium such as a liquid or gas. An illustrative example of convection through a liquid would be the transfer of heat energy through the water of a filled bathtub. The occurrence of convection through a liquid results in the water in the filled bathtub being uniformly heated.

An illustrative example of convection through a gas would be the transfer of heat energy by a forced air furnace. The occurrence of convection through a gas is the operational principle on which the forced air furnace operates heating a building.

Radiation is defined as the transfer of heat energy through electromagnetic waves. An illustrative example of radiation is the sun. The sun heats the surface of the earth through radiation.

12.1 PROGRESSION OF THE VEHICLE FIRE RELATED TO THE FIREWALL / SOUND BARRIER / BULK HEAD

The term Firewall was generated by vehicle manufacturers in the early years of vehicle productions and remains today the most understood term for the metal barricade that separates the engine compartment from the passenger compartment. Since the invention of the automobile the area within the engine, by its very nature contained flammable and combustible liquids, such as diesel, gasoline, brake fluid and power steering fluid. This same area also contained an ignition source in the electrical system and exhaust system. It was foreseeable then as it is today that events would occur that would bring the ignition source and the fuel together creating a fire. The design of the barrier was to prevent or reduce (at least delay) fire form entering the area of the occupants (passenger compartment). Since the introduction of the Federal Motor Vehicle Safety Standards and government regulations in the late 1960's and early 1970's attorneys for the manufacturers have objected to the use of the term "Firewall" and now refer to this separation as bulkhead or sound barrier.

The 1969 study sponsored by the U.S. Department of Transportation set design requirements for firewalls in vehicles, which included the following:

- Be Noncombustible
- Sufficiently strong to withstand rupture from survivable impacts
- Continuously joined to adjacent body structures
- Free from voids or openings. If holes or openings are necessary for manufacturing process or for wiring, duct-work passages, or maintenance access, such openings should be sealed by metal or metal and high temperature-resistant flame-retarding elastic grommets securely fastened to the basic sheet steel.

The Swiss car manufacturer, Saab during the 1980's even developed a test to determine the fire spread from the engine compartment to the passenger compartment, which was considered very reliable and repeatable.

The polymer materials used in this vehicle Unit 2/1993 Jeep that penetrate the firewall are flammable, with very low melting temperatures.

The firewall is generally made of 0.0625 inch thick sheet metal, which is inexpensive yet one of the most important features of reducing or delaying the fire from entering the occupant compartment. The thickness of the firewall in the Jarmon vehicle is approximately 0 .036 inches thick.

[redacted]

13.0 Effects on the Victim of the Vehicle Fire

Ms[redacted] the driver of the subject motor vehicle along with her children, [redacted] were determined to be first affected by the toxic smoke, melting plastics and heat that were present in the vehicle occupant compartment space. This was the result of the melted, running, burning molten polymers that formed a pool of flammable fuels on and around the [redacted]Family before they escaped from the burning vehicle. These polymers which have been listed in other portions of the report include but are not limited to the dash, interior and exterior glove box, firewall liners, passenger door materials, passenger seat materials, and headliner, basically all of the polymer materials within the vehicle. Ms. [redacted] and her children were aware of the fire in the cargo and rear seat compartments and the movement of the heat and fire through the firewall and into the cargo and rear seat compartments, as rescue efforts were being made to remove [redacted] from the vehicle by witnesses and attempts to extinguish the fire. The fire department arrived on the scene in approximately 8 minutes.

The cause of bodily injury or loss of life as related to the Fire Investigator is in Chapter 10 and 23 of NFPA 921. The documentation and notes are that of a fire investigator and not a medical doctor.

The passengers were determined to be directly affected by the combustion process itself, specifically, extremely high environmental temperatures imparted to the subject motor vehicle through conductive, convective and radiant heat energy transfer. Witnesses were able to cut the seat belts securing the car seats and the children in order to remove them from the burning interior of the vehicle, but not before the children received critical burns.

14.0 History of Motor Vehicle Fires in Analyzing the Incident for Cause and Responsibility

The statistics from National Fire Incident Reporting System (NFIRS) and National Fire Protection Association (NFPA) that provide annual fire department surveys also provide data that show two-thirds of highway fires originate in the engine, running gear, or wheel area of vehicles. During the years 1999-2001, an estimated 266,000 highway vehicle fires occurred each year, with an estimated 350 fire deaths. The estimate of engine fires would be in the range of 175,100 for vehicle fires and 140 civilian fire deaths or 48% of the deaths. Seventy-six percent of these engine fires were caused by equipment failures or heat sources. In one-third of these fires, electrical wiring or cable insulation was listed as the first fuel ignited. Ignition of flammable liquids, or combustible liquids or gases, is slightly less at thirty-two percent. The Hunter vehicle fire would fall into the engine compartment fire statistics and electrical wiring and cable insulation statistics for the first fuel ignited. Engine compartment fires in pickups are listed as 92.7 %, with the 1994-2002 NASS/CDS percent of total engine compartment fires being 77 %. The emergency response time on the average is listed as 4-8 minutes from notification. Fire and smoke enters the passenger compartment on the estimated average of 2-12 minutes and temperatures in the range of 1000 degrees F.

Chapter 13 of NFPA 921 discusses resources and the analysis of sources of information which are an important part of this fire investigation. NFPA and NFIRS are generally accepted as accurate and reliable sources of information as well as the many other sources listed in this report.

15.0 Responsibility for the Occurrence of the Vehicle Fire

The Nature of Responsibility (Section 19.5.1 of NFPA 921) for the vehicle fire following the accident was determined to rest with the entity (ies) responsible for allowing the release of the dangerous and hazardous gasoline and associated vapors from the Chrysler fuel system (fuel tank) during the impact and separation of the vehicles. The documents reviewed which have been provided by Chrysler in prior cases and available to the public show that this type of impact and release of gasoline from the fuel tanks placed outside the frame rail and in the crush zone in motor vehicle accidents was foreseeable.

Section 11.1 of NFPA 921, states that legal considerations impact every phase of a fire investigation. Whatever the capacity in which a fire investigator functions (public or private), it is important that the investigator be informed regarding all relevant legal restrictions, requirements, obligations, standards, and duties. Failure to do so could jeopardize the reliability of any investigation and could subject the investigator to civil liability or criminal prosecution.

16.0 Alternative Designs & Prevention

Alternative designs relevant to the fuel system mounted between the rear bumper and rear axle are reviewed and listed to better understand the hazards of the fuel system; in this investigation I reviewed the designs of other Chrysler

[redacted]

fuel systems as well as other fuel systems of other automobile manufacturers, to determine if the fire was preventable. It is not the responsibility of this fire investigator to design a fuel system, but to review and analyze designs prepared by fuel system engineers and how they are related to fire investigation and the prevention of fires.

Alternative designs relevant to the rear mounted fuel system are reviewed and listed to better understand the hazards of the fuel system; in this investigation I reviewed the designs of other Chrysler fuel systems as well as other fuel systems of other automobile manufacturers, to determine if the fire was preventable. It is not the responsibility of this fire investigator to design a fuel system, but to review and analyze designs prepared by fuel system designers, engineers, and manufacturers and determine how we as fire investigators can prevent fires and reduce property damage and burn injuries.

17.0 FINDINGS AND OPINIONS

The following findings and opinions are offered with regards to this investigation are from the information available to me at the time this report is written, the following opinions have been reached within a reasonable degree of professional certainty.

1. Unit 1/2001 Lumina impacted Unit 2/1993 Jeep in the rear crush zone of the vehicle, the area where the plastic fuel tank is mounted. This impact resulted in the compromise to the plastic fuel system. This damage resulted in the loss of the majority of the gasoline fuel contained in the plastic tank , which was released between the point of impact and final rest position. Unit 2/1993 Jeep was equipped with a plastic fuel system that was located between the rear bumper and the rear axle.

2. The loss of integrity to the fuel system was in the area of the left side of the fuel tank, the area of the fuel filler and vent pipe as well as the sending unit and supply/return lines on the driver's side of Unit 2/1993 Jeep. The damage was due to the fact that the fuel system was placed in the rear crush zone, the area between the rear bumper and the rear axle. The impact into the rear crush zone was caused by the contact with the front bumper of Unit 1/2001 Lumina. The front bumper of Unit 1/2001 Lumina is lower than the rear bumper of the jeep. (Measurements are listed in the body of this report.)

3. Gasoline vapors were determined to be the first fuel ignited in the vehicle fire upon impact. The source of gasoline was the unshielded plastic fuel system located in the crush zone of the rear of Unit 2/1993 Jeep. The majority of the initial gasoline was likely released from the sending unit and area of the fuel filler pipe/neck connection to the polymer tank. The filler hose attachment to the fuel tank was weaker than the radiator clamp attachments for the plastic hose. The filler pipe attachment at the steel metal body did not break away in the accident of Unit 2/1993 Jeep. The separation of the vapor line and fuel vapor separator lines also added to the initial fuel spillage. This impact resulted in the release of gasoline from the fuel system. The compromising of the fuel system was so significant that the majority of the gasoline fuel contained in the plastic tank would have been released between the point of impact and final rest position. Gasoline was the first fuel ignited as a result of the compromise to the rear-mounted plastic fuel tank on Unit 2/ 1993 Jeep. Chrysler Motors manufactured this same style of plastic fuel tanks during the years 1993 to 1998 range often referred to as the Z J model, which is our vehicle

   This was determined to be the area of origin of the fire that occurred in Unit 2/1993 Jeep. This was determined by following the guidelines and methodology listed in NFPA 921, as well as the techniques, theories and training I have received which are listed in my CV. Photographs of my inspection of the vehicle will illustrate the methodology and factual evidence that establishes this as the area of origin.

4. The interior materials of Unit 2/1993 Jeep were secondary fuels that contributed to the rapid escalation of the fire. These interior materials are regulated by FMVSS 302. The untenable conditions in the occupant compartment space of Unit 2/1993 Jeep were due to the heat exposure from the melting and burning polymers as well as exposure to the bi-products of the fire.

5. The release of gasoline from the fuel system of Unit 2/1993 Jeep exceeded the 28 grams (.9877 ounces) fuel spillage limit as regulated by FMVSS 301. For example, if three ounces of gasoline at 70 degrees Fahrenheit were released from the fuel system, this would create 42.86 cubic feet of vapor at 1.4% vapor/air ratio. Six ounces of gasoline at 70 degrees Fahrenheit would create 85.72 cubic feet of vapor at 1.4% vapor/air ratio. The fuel filler

[redacted]

pipe/neck when full holds 20 ounces of gasoline. The fuel tank of Unit 2/1993 Jeep has a standard 13.5 gallon capacity.

6. The determination of the ignition factor includes the identification of the first fuel ignited, the identification of a competent source of ignition for that fuel and the analysis of how the fuel ignited and the competent source of ignition came together contemporaneously with a sufficient concentration of oxygen or air. The ignition factor (cause) of the vehicle fire following the above referenced motor vehicle collision was determined to be the ignition of the gasoline vapors, with the competent source of ignition being sparks or arcing associated with the electrical system of the vehicle or the mechanical sparks associated with the collision and separation of the vehicle. Arcing is identified as the heat source in 23 percent of highway vehicle fire, per NFPA. The temperature of electrical arcs is often in the range of 6000 K, capable of melting copper. Due to the amount of gasoline released and the large amount of gasoline vapor that was created during the impact if is difficult to eliminate either source of ignition.

7. No inertia or pyrotechnical battery cut off switches were identified on the vehicle, although literature since the 1970's has indicated the need to eliminate or reduce electrical fires.

8. The fuel tank of Unit 2/1993 Jeep is positioned between the rear bumper and the rear axel.

9. Upon inspection of the fuel system components and the remaining portions of the fuel system , no alteration of the original equipment was noted.

10. The posted speed limit was 60 mph. The driver of Unit 1/ 2001 Lumina was traveling approximately 30 to 35 mph at the point of impact.

11. The driver, Ms. [redacted] was properly restrained by the three-point lap shoulder restraint system. The occupants, [redacted] were properly restrained in their child and/or booster seats.

12. The fluids of the engine compartment of the vehicle, Unit 2/1993 Jeep were determined to not be the initial source of fuel.

13. Unit 1/ 2001 Lumina was also examined and determined by the same methodology listed in NFPA 921 to not be the source of the initial fuel that resulted in the fire that consumed Unit 2/1993 Jeep and burned the occupants of the vehicle.

14. The large amount of gasoline released from the plastic fuel tank of Unit 2/1993 Jeep at the point of impact also sprayed onto the front of Unit 1/2001 Lumina, which also burst into flames during the impact and separation of the two vehicles. There has been no evidence provided of injury to the driver of Unit 1/2001 Lumina. The fire associated with the release of gasoline from Unit 2/1993 Jeep resulted in the burn injuries to [redacted] restrained in their car seats located in the rear seat and the resulting death of [redacted].

15. Unit 1/2001 Lumina was traveling southbound on S. Main following Unit 2/1993 Jeep also traveling southbound on S. Main. Unit 1/2001 Lumina failed to keep a proper look out and rear impacted Unit 2/1993 Jeep as it stopped to make a proper turn. The driver of Unit 2/ 1993 Jeep was not able to take evasive action and unable to avoid the rear impact collision.

16. The damage and deformation of the plastic fuel tank between the rear bumper and the rear axle of Unit 2/1993 Jeep may have been reduced slightly by the strong trailer hitch mounted under the bumper.

17. The spillage from the fuel containment system of Unit 2/1993 Jeep impact to final rest is in excess of the 1-ounce weight allowed by Federal Motor Vehicle Safety Standards, Fuel System Integrity (FMVSS 301) in order to comply with the required governmental standards. The crush and deformation to the fuel tank which is located in the crush zone of Unit 2/1993 Jeep where the fuel containment system is located resulted in spillage of gasoline from the large tears to the fuel tank.

18. The Damage to the frame rails is minimal and as a fire investigator it was documented to show that the tanks would have been better protected had they been placed forward of the rear axle and within the frame rail as noted

[redacted]

also in the research and testing that has been conducted since the 1970's by various scientists, automotive engineers and researchers. This research and testing has shown that placing the two most hazardous vehicle components, the electrical batteries and the fuel tanks in the central most position of the vehicle.

19. The passengers of Unit 2/1993 Jeep most likely would not have received the burn injuries that occurred as a result of the fire following the accident had it not been for the rapid release of gasoline from the fuel containment system that ignited and resulted in the lack of time to escape from Unit 2/1993 Jeep

20. Chrysler has designed and manufactured vehicles with gasoline fuel tanks forward of the rear axle and between the frame rails in an attempt to better protect and shield the fuel tank from rear impacts.

21. Ford Motor Corporation, General Motors Corporation and most of the other the vehicle manufacturers have chosen to place the fuel tanks in the safest place recommended by experts and that has been the central most position between the frame rails and forward of the rear axle.

22. The methodology in NFPA 921, which is the Guide for Fire and Explosion Investigation, was employed in the investigation and analysis of this vehicle fire. As a result, the origin of the vehicle fire was determined to be located on Unit 2/1993 Jeep is located or positioned outside the frame rail. Due to the large amount of gasoline released the vapor cloud would have most likely encompassed the entire vehicle.

23. No fire suppressant system was present in the area of the fuel system that could have extinguished the fire on this vehicle. On-board fuel and driver's compartment fire extinguishing systems have been used on racing vehicles for the past 30- 40 years. (See Fire Trace documents)

24. It is also my opinion that the fact witnesses (Section 11.5.2.3.1 of NFPA 921) will identify the origin of the fire to be within the area of the rear mounted fuel tank; more specifically gasoline was seen flowing from the rear tank of the vehicle immediately after impact. It is also my opinion that the witnesses will state under oath that the occupants of the vehicle were alive during the rescue attempts, which used multiple fire extinguishers with little or no effect on the fire. The medical examiner that performed the autopsy has noted that the occupants died as a result of thermal burns.

25. The engine compartment was inspected and documented to eliminate the possibility that this was the area of origin. The hot surfaces within the engine compartment were documented and eliminated as the initial ignition sources. These include the exhaust system (exhaust manifold, heat shield, tail pipe, catalytic converter) and turbo charger.

26. The burn rate, softening, melting and flow of the polymer melt (plastic components of the interior compartment) of Unit 2/1993 Jeep contributed to the untenable conditions in the interior occupant compartment resulting in the death of the occupants. Fire Deaths and Injuries are addressed in Chapter 23, which include but are not limited to cause of death 23.4.4, mechanism of death 23.5.

27. The flammability of the interior materials and plastic components in fuel systems was highly foreseeable and exceedingly dangerous.

28. The escape time prior to the heat, fire and toxic smoke entering the occupant space as a result of the fire was not adequate to allow safe egress from the vehicle even with the aid of bystanders and portable fire extinguishers.

29. The fire patterns in the area of the other flammable fuels in the engine compartment with the exception of the washer fluid and the coolant were evaluated and eliminated as the first fuels ignited. The hot surfaces within the engine compartment were documented and eliminated as the initial ignition sources. These include the exhaust system (exhaust manifold, heat shield, tail pipe, catalytic converter) and turbo charger.

30. The trailer hitch was a standard manufactured hitch commonly used in the vehicle market. No evidence of improper mounting or usage of the trailer hitch was found.

[redacted]

31. Historical documents including but no limited to research, testing, correspondence, articles, between manufactures and government or other research facilities associated with or related to vehicle fires, fuel tank placement, electrical, etc., provide additional needed knowledge for the fire investigator in the determining of the origin and cause of fires in vehicle.

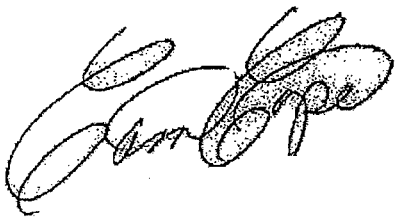
32. Economically and technologically feasible alternative locations of the fuel system were available to Chrysler Motors for the 1993 Jeep referenced above. The relocation of the fuel system would have prevented the failure of the fuel system. This is based on the research, testing, patents, references and knowledge of this fire investigator and in the guidelines of NFPA 921. The failure of this rear mounted plastic fuel tank in this collision is predictable.

CONCLUDING COMMENTS

These findings and conclusions focus on the evaluation of the origin of the vehicle fire following the accident, the evaluation of the nature of the vehicle fire following the motor vehicle accident, the evaluation of the first fuel ignited in the vehicle fire following the motor vehicle accident, the evaluation of the introduction of the first fuel ignition in the vehicle fire following the motor vehicle accident, the identification of the physical properties of the first fuel ignited in the vehicle fire following the motor vehicle accident, the evaluation of the involvement of other engine fluids and/or flammable gases located within the engine compartment; the evaluation of the ignition factor (cause) of the vehicle fire following the motor vehicle accident, the evaluation of the development and progression of the vehicle fire following the motor vehicle accident, the evaluation of the effects on the victim of the vehicle fire following the motor vehicle accident, and the responsibility for the occurrence of the vehicle fire following the motor vehicle accident.

This report is based on my investigation as detailed in the above-referenced case. This report may be modified or amended as new information is gathered, learned, or produced, regarding the above-referenced case.

Sincerely yours,



Cam Cope, CFEI, CFII, CVFI
President

CC: skc
Attachments: CV, List of Expert Testimony
Exhibits
Exhibit Photographs

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329

[redacted]

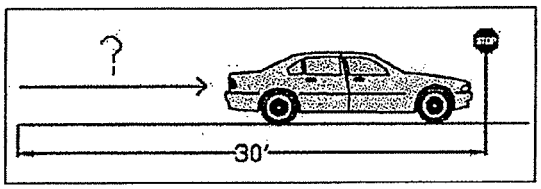
Exhibits

VEHICLE DYNAMICS

DECELERATION TO A STOP FORMULA

Purpose: To determine initial speed when a vehicle decelerates to a stop over a known distance with a known friction or deceleration factor. The deceleration may represent a brake to stop, skid to stop, slide to stop or rollover to stop.

$$S = \sqrt{2 \times 32.2 \times f \times d}$$



S = initial speed (ft/sec)
f = deceleration or friction factor in terms of G-force (G)
d = deceleration or stopping distance (ft)

Note: When computing initial velocity over a complex deceleration path, such as a path which progresses from one surface onto another, combine this formula with the combined speed formula.
Note: To convert this speed to mph, multiply by 0.682

Limpert, Rudolph. Motor Vehicle Accident Reconstruction and Cause Analysis. Charlottesville, Virginia: Lexis Publishing, 1999. p 245-246

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329

[redacted]

FRICTION AND DECELERATION TABLES

Purpose: In the absence of experimental data indicating a road surface coefficient of friction, these data points may be used as an estimate for deceleration.

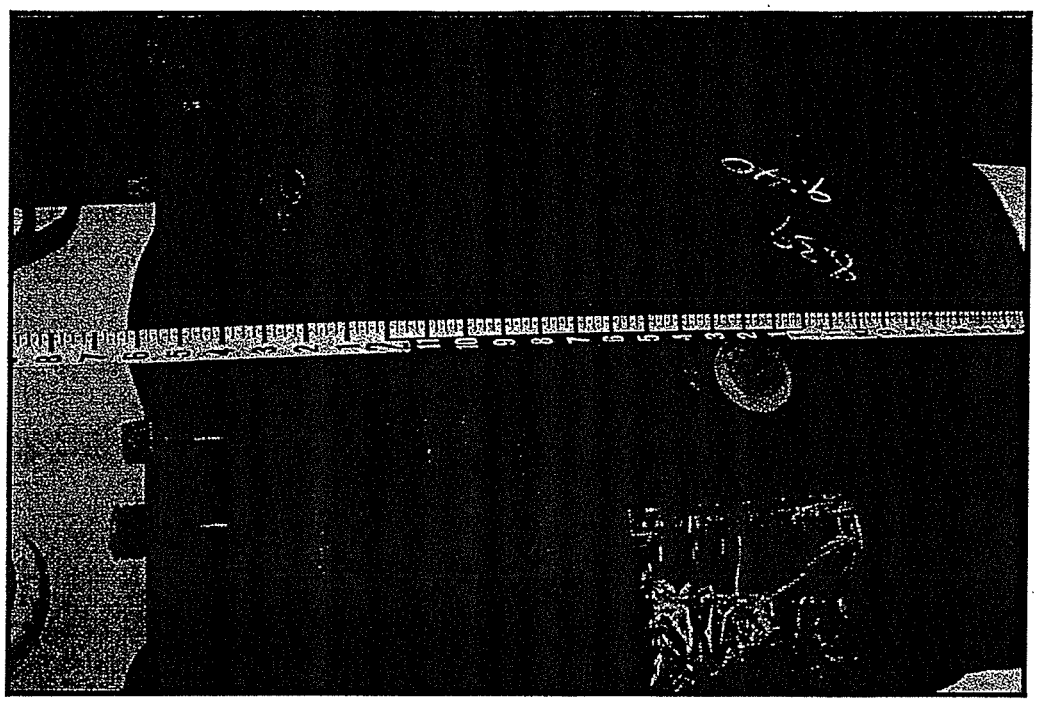
Surface	Sliding Friction		Sliding Friction (Stannard and Baker)							
			Dry				Wet			
			Less than 30 mph		More than 30 mph		Less than 30 mph		More than 30 mph	
	From	To	From	To	From	To	From	To	From	To
Portland Cement										
New/sharp	0.65	0.9	0.8	1.2	0.7	1.0	0.5	0.8	0.4	0.75
Traveled			0.6	0.8	0.6	0.75	0.45	0.7	0.45	0.65
Polished			0.55	0.75	0.5	0.65	0.45	0.65	0.45	0.6
Asphalt/Tar										
New/sharp			0.8	1.2	0.65	1.0	0.5	0.8	0.45	0.75
Traveled			0.6	0.8	0.55	0.7	0.45	0.7	0.4	0.65
Polished			0.55	0.75	0.45	0.65	0.45	0.65	0.4	0.6
Excess tar			0.5	0.6	0.35	0.6	0.3	0.6	0.25	0.55
Gravel										
Packed/oil	0.4	0.7	0.55	0.85	0.5	0.8	0.4	0.8	0.4	0.6
Loose			0.4	0.7	0.4	0.7	0.45	0.75	0.45	0.75
Cinders(packed)			0.5	0.7	0.5	0.7	0.65	0.75	0.65	0.75
Crushed Rock			0.55	0.75	0.55	0.75	0.55	0.75	0.55	0.75
Ice (smooth)	0.15		0.1	0.25	0.07	0.2	0.05	0.1	0.05	0.1
Snow										
Packed			0.3	0.55	0.35	0.55	0.3	0.6	0.3	0.6
Loose			0.1	0.25	0.1	0.2	0.3	0.6	0.3	0.6
Wet Meadow	0.15	0.2					0.2	0.25		
Dry Meadow w/ short grass	0.35		0.45							
Wet soil with 2" sink	0.6						0.7			
Mud on Wet Conc.	0.2	0.3								
Diesel on Wet asphalt	0.25	0.3								
Diesel on wet, polished asphalt	0.05	0.12								
Rollover	0.35	0.5								
With fairing	0.3	0.4								
Without fairing	0.35	0.5								
On Grass	0.9	1.1								

Limpert, Rudolph. Motor Vehicle Accident Reconstruction and Cause Analysis. Charlottesville, Virginia: Lexis Publishing, 1999. p 316, 428, 561

Baker, J. Stannard. Traffic Accident Investigation Manual, Evanston, Illinois: The Traffic Institute, Northwestern University, 1976. p 210.

[redacted]

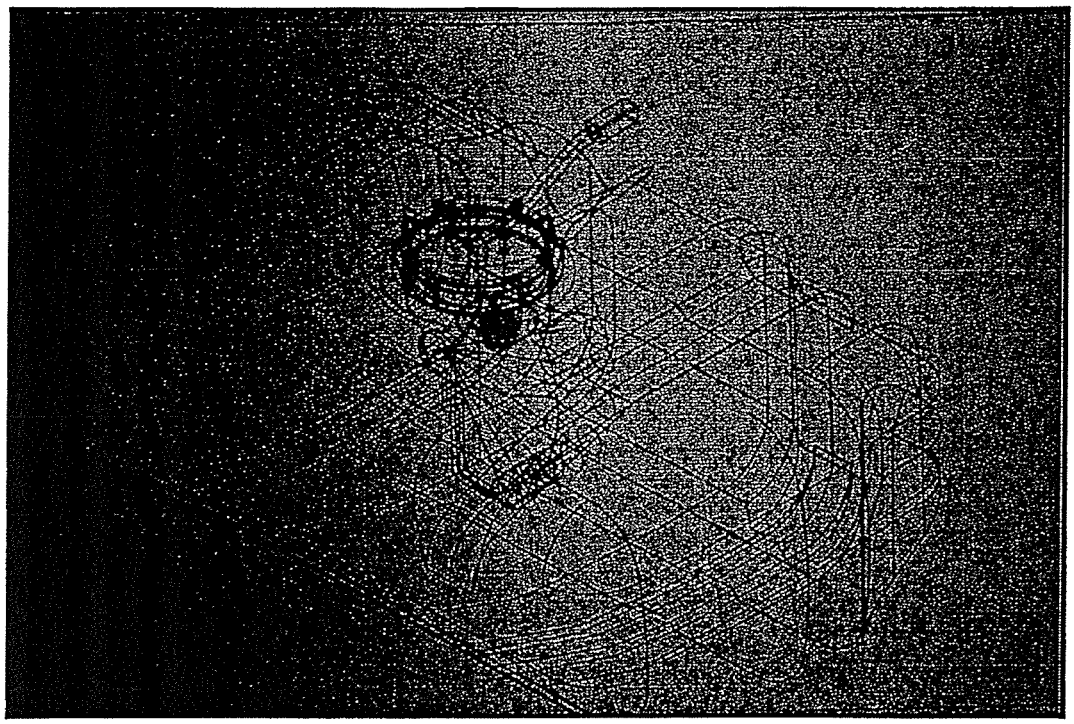
Exhibit Photographs of the Jeep Grand Cherokee



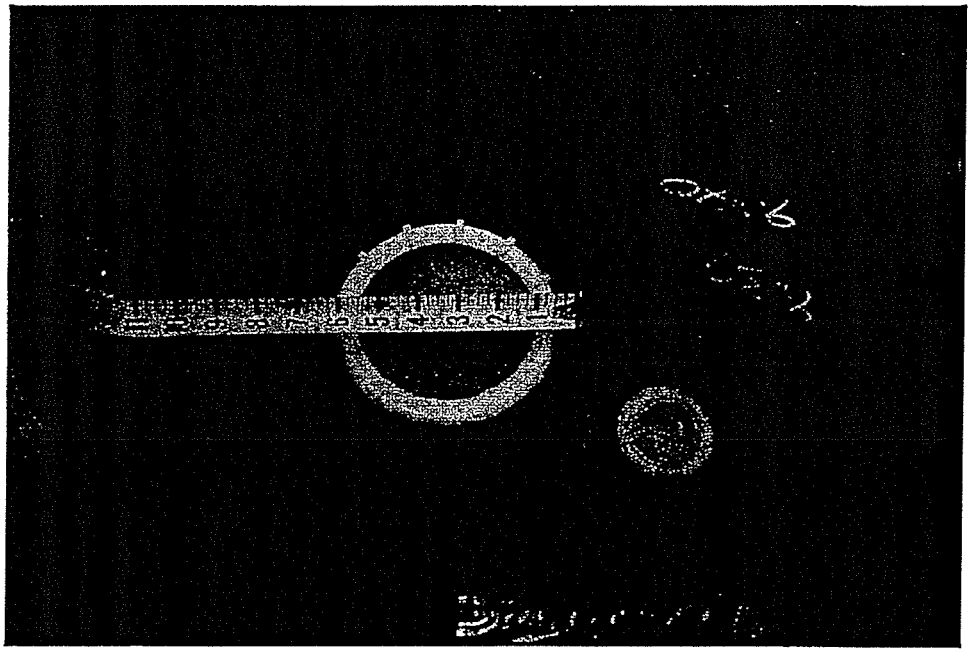
Exemplar Plastic Fuel Tank showing size, filler openings and sending opening (length approx 30 In.)

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329

[redacted]



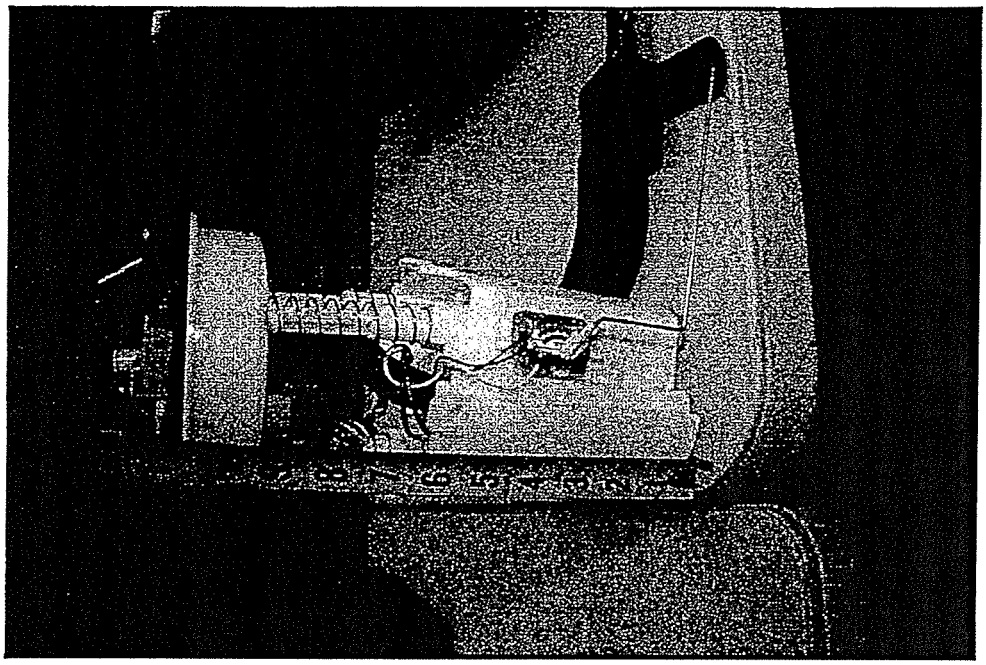
Wire diagram of fuel tank



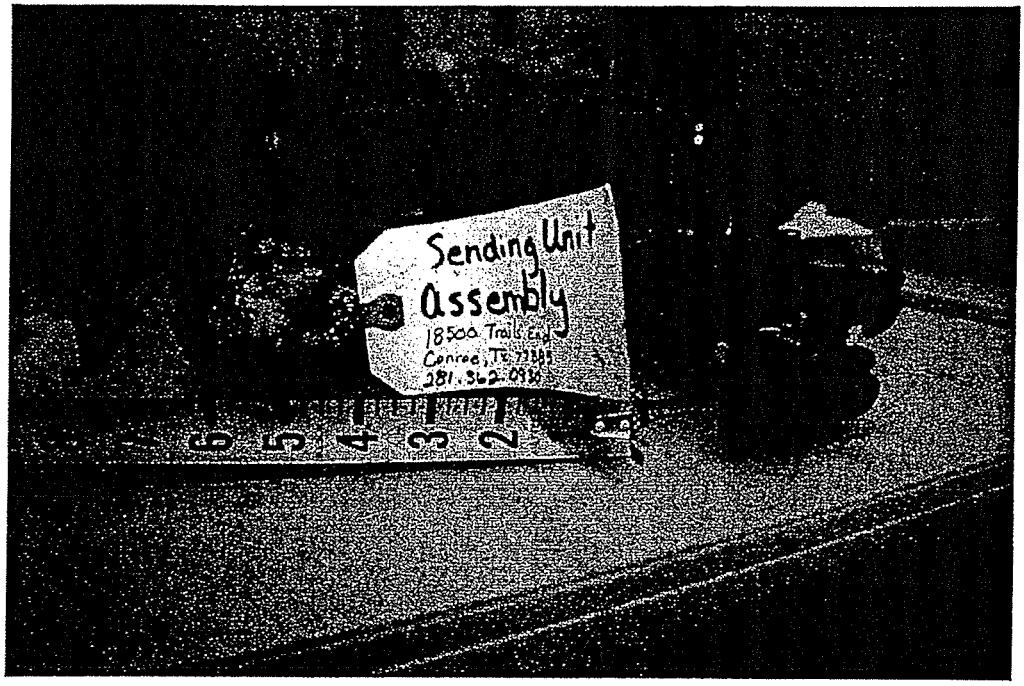
Rigid Polymer Retainer / Collar for sending unit of fuel tank

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329

[redacted]

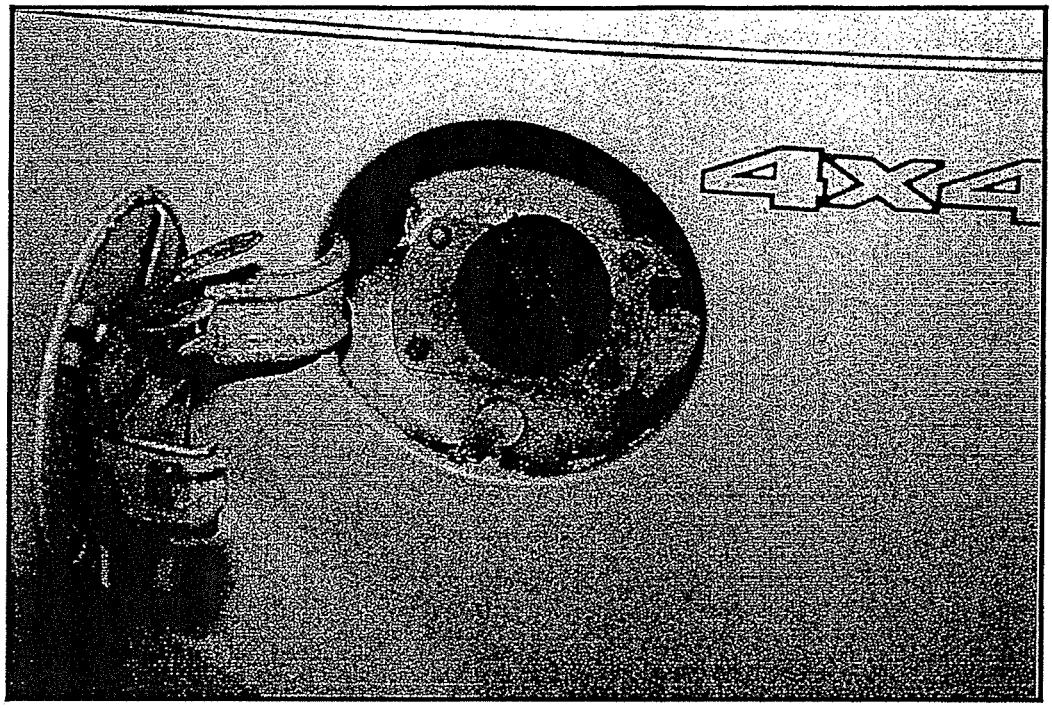


Sending Unit for fuel tank

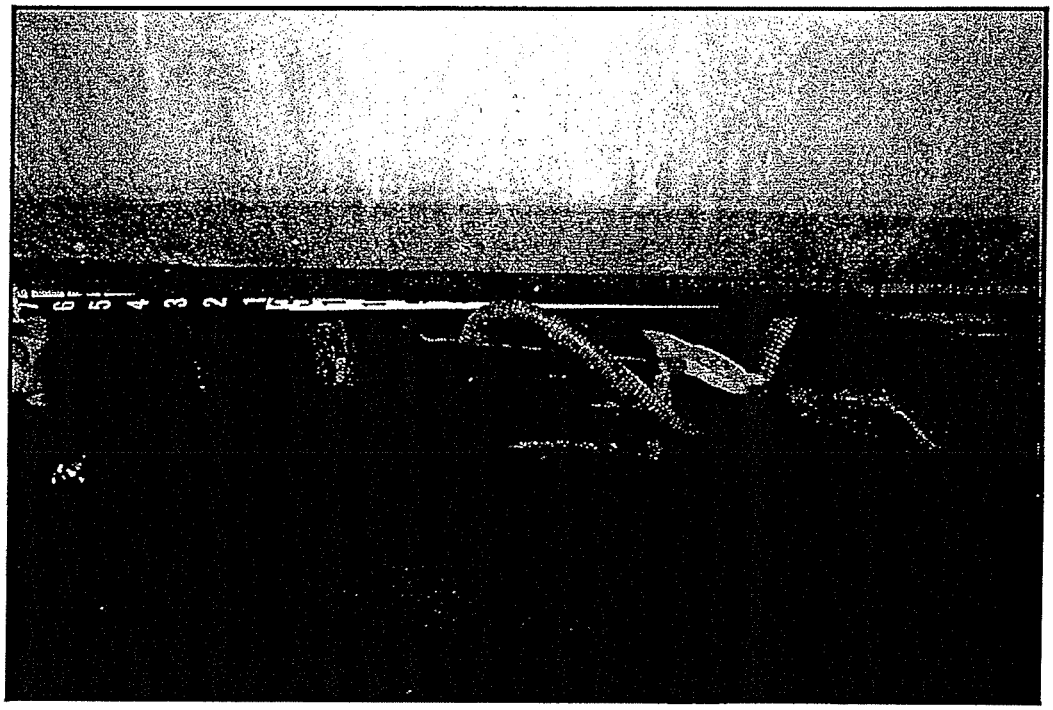


Sending Unit remains from the Jarmon Vehicle

[redacted]

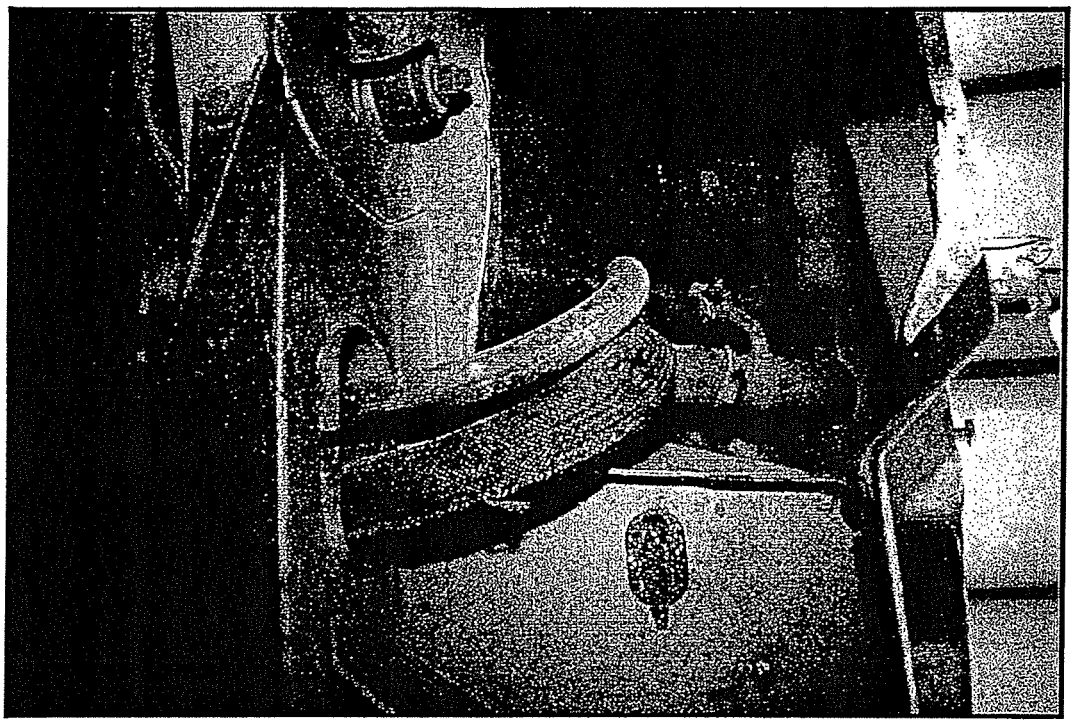


Exemplar filler pipe attachment to steel body of vehicle , not a break away design

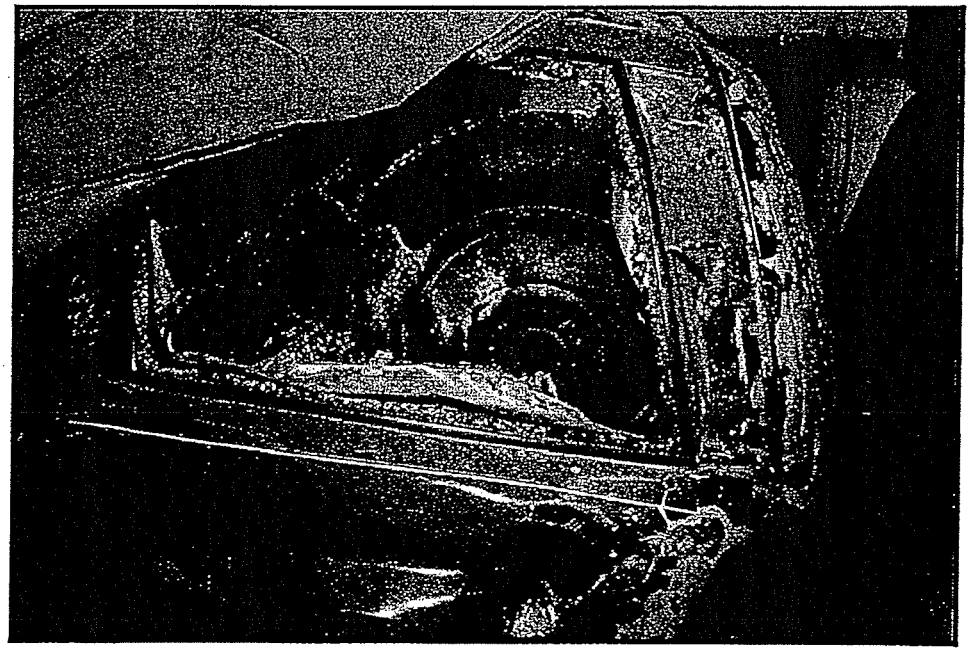


Exemplar Vehicle trailer hitch standard on many vehicles, general location and attachment

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329



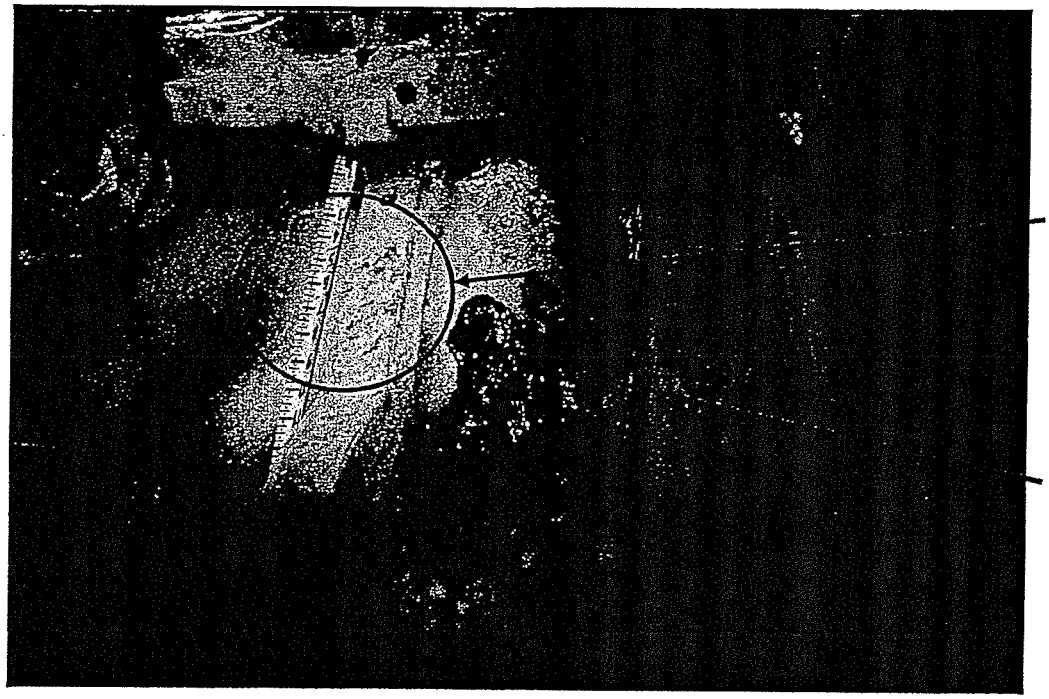
Exemplar filler pipe and vent pipe



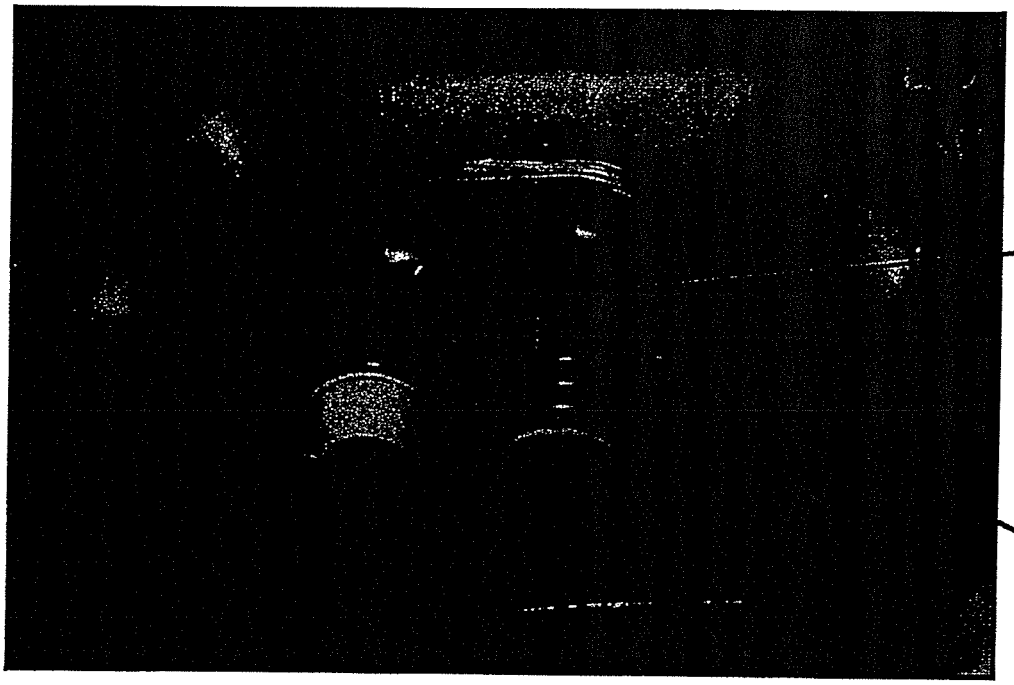
Driver side rear quarter panel and fuel filler door with fuel cap still attached

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329

[redacted]



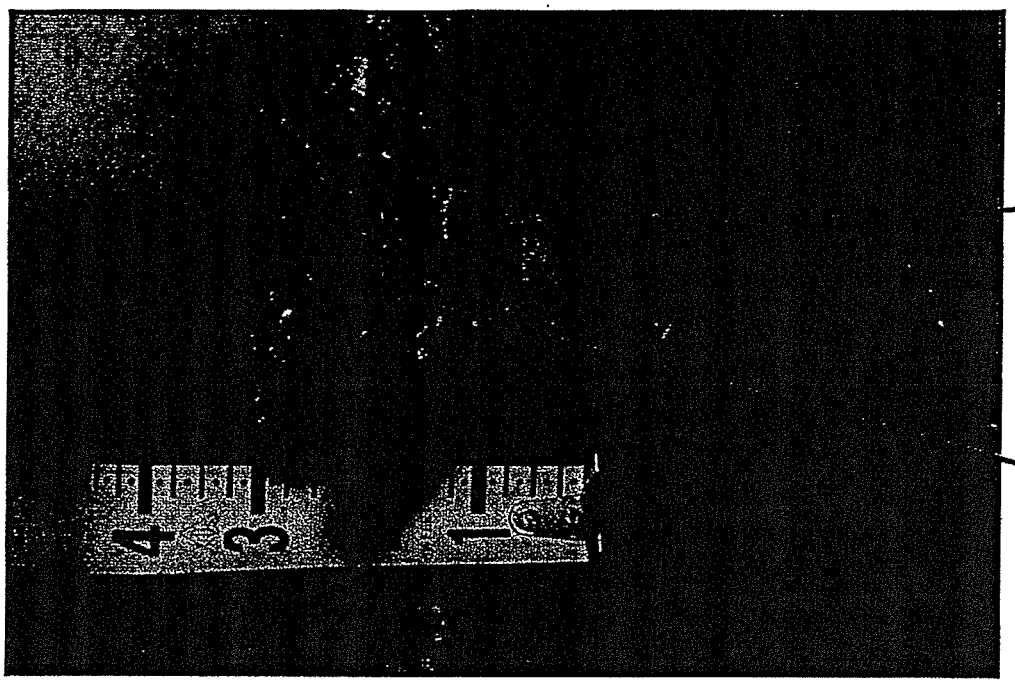
Rear under carriage on driver's side showing major hot spot in area of sending unit and filler pipe attachment area of tank



Exemplar filler pipe opening on driver's side of vehicle and attachment area after tank was manufactured

Auto Fire & Safety Consultants, Inc.
18500 Trails End Rd., Conroe, TX 77385
281.362.0930; Fax 281.362.1329

[redacted]



THOMAS P. FLANAGAN

Product Liability Consultant

3331 Donna Drive
Carlsbad, California 92008

BUS (760) 729-2574
FAX (760) 729-7474

October 30, 2007

Mr. Lynn Grisham, Esq.
Waltman & Grisham
707 Texas Avenue S.
College Station, TX 77840

Via Fax and U.S. Mail

Fax: (979) 693-0840

Re: [redacted] vs. Chrysler LLC (1993 Jeep Cherokee Fuel Fed Fire Case) - [Non-Crashworthy Rearward Fuel Tank Location; No Fuel Tank Shield; No Car-To-SUV Rear End Crash Testing; No Rear "Under Ride" Crash Testing; And No Rear End Impact "under ride" Protection]

Dear Mr. Grisham:

This is my preliminary report in this case.

This report is based upon a review of the Cleburne Police Department accident report and scene photographs for the [redacted] accident; review of the Cleburne Fire Department report and scene photographs for the [redacted] accident; review of the Dallas County Medical Examiners Reports scene photographs and burn victim photographs of [redacted] and [redacted] a photographic vehicle inspection in College Station, Texas; the admit and discharge records for [redacted] at the Parkland Hospital ER and Burn Units; and additional accident information (including the Cleburne Police Department's in-car video of the [redacted] accident scene and of the [redacted] fire scene on February 12, 2006).

This report is also based upon a review of several technical notebooks from my technical library regarding fuel fed fires; Chrysler's 1970's and 1990's Fuel System Systems Design Guidelines; Mr. Roy Haeusler's technical memos and papers regarding fuel supply system design and fuel supply system testing; and technical reports and information regarding vehicle fires in rear crashes.

This report is also based upon a review of Chrysler Executive Harold K. Sperlich's memo in 1986 regarding Chrysler's safety policy; Chrysler company statements and Chrysler Company President statements by Mr. Lee Iacocca's in the 1980's regarding automotive safety and the Customer's Bill of Rights (including the right to a safe car); and Chrysler's Vice President Of Engineering's (Mr. Francois Castaing) deposition statements regarding Federal Safety Standards.

This report is also based upon a review of numerous NHTSA memos and statements regarding Federal Safety Standards indicating that Federal Safety Standards are minimum safety standards; a November 28, 1980 memo from the Administrator of the NHTSA (Joan Claybrook) to Chrysler Chairman Lee Iacocca indicating that "Federal safety standards are ... minimum standards."; Technical Compendium Notebooks regarding the NHTSA's statements over the years that Federal Safety Standards are minimum safety standards; Technical Compendium Notebooks regarding the FMVSS 301; the history of FMVSS 301; and the National Highway Transportation Safety Administration (NHTSA) Report in the early 1990's regarding the effectiveness of FMVSS 301.

This report is also based upon a review of Chrysler Annual Report statements, press statements and advertising that Chrysler was a safety leader in the automobile industry; Chrysler's advertising and press statements that the automotive customer had the right to a safe vehicle; and the service manual and sales brochures for the 1993 Jeep Grand Cherokee.

This report is also based upon a review of the documents and crash tests and crash test lists produced by Chrysler; Mr. Banta's deposition in this case and other Chrysler fuel fed fire cases; fuel tank locations of numerous other SUV's in the 1990's and 2000's indicating that the fuel tank was located in front of the rear axle; and various expert reports regarding the origin and source of the subject fire.

Additional items reviewed for this report are indicated in Section B of this report (See pages 7-11).

This report is also based upon my training and experience in the field of mechanical engineering; my engineering and management experience in the automobile industry (including 19 years with Chrysler Corporation, 6 years with General Motors, and 2 years with Toyota Motor Sales USA, as outlined in my attached curriculum vitae – see Attachment A); and upon materials that were independently obtained by my office or by Mr. Waltman's or Mr. Grisham's office.

Recognizing the discovery in the Jarmon vs. Chrysler LLC case is continuing and that more documents and depositions will be forthcoming from Chrysler LLC, this Preliminary Report may be updated at a later date based upon further case discovery and investigation.

A. BACKGROUND OF THOMAS P. FLANAGAN

1. I received a Bachelor of Science Degree in Mechanical Engineering (BSME – Automotive Option) in 1967 from the General Motors Institute (GMI) in Flint, Michigan, an accredited engineering college.

2. From 1961 through 1963, I worked for General Motors as a co-op student engineer at Chevrolet Detroit Forge in Detroit, Michigan. From 1963 through 1967, I was a co-op student engineer and then a Project Engineer for General Motors in the Advanced Engineering Section for Fisher Body Central Engineering in Warren, Michigan, where I designed, developed and tested numerous interior occupant safety devices and occupant head impact protection devices.

   During this period, I impact tested padded "A" pillars and roof supporting structures ("B" pillars, side roof rails, windshield headers, etc.) to determine injury potential and injury protection methods (such as interior padding and "air gap" padding of the pillars and roof supporting structures).

During this period, I also wrote my Fifth Year College Thesis entitled "Passenger Compartment Energy Absorption."

3. From 1967 through 1987, I was employed by Chrysler Corporation. For nine of those years, I was a Design Supervisor, Senior Engineer, and Product Design Engineer, working in Michigan within the Chrysler Advanced Engineering Office on advance product designs and safety system designs.

   While in Chrysler's Advanced Engineering Office, as Supervisor for Occupant Packaging, I also worked on numerous vehicle designs and became familiar with the vehicle's fuel tank location, the location of the fuel lines below the body and into the engine compartment, and the routing and positioning of the fuel lines below the body and inside of the frame rails or vehicle sills from the fuel tank to the engine compartment.

   While in the Advanced Engineering Office, I wrote Chrysler's Front Seat Packaging Guidelines which included the positioning of the driver in the vehicle. I also wrote Chrysler's Rear Seat Packaging Guidelines which included the positioning of the rear passengers in the vehicle. Both Guidelines also included seating position control dimensions and entrance and egress control dimensions for the front and rear seat passengers.

   I also supervised the building of the Chrysler "Engineering Seating Bucks" including the positioning of the occupant within the vehicle; the positioning of the fuel tank, the fuel filler neck and fuel lines and the routing / positioning of the fuel lines below the vehicle and inside of the frame rails or vehicle sills from the fuel tank to the engine compartment.

4. For ten of those years between 1967 and 1987, I was an Engineering Manager for Chrysler. During this time period, I prepared Chrysler's Long Range Passenger Car Safety Plan. The Chrysler Long Range Safety Plan included Chrysler's efforts to meet the original 1970's NHTSA FMVSS 301 fuel system integrity standard. I also assisted in the preparation of responses to proposed Federal Safety Standards and Regulations, and attended numerous hearings at the Department of

Transportation's ("DOT") National Highway Traffic Safety Administration ("NHTSA") concerning NHTSA Safety and Fuel Economy Standards.

5. In the early 1970's, I was the Vehicle Safety Planning Manager for the Chrysler Vehicle Safety Office within Chrysler's Engineering Office. This included Chrysler's efforts to meet the original 1970's NHTSA FMVSS 301 fuel system integrity standard.

6. In the mid 1970's I a Vehicle Emissions Planning Manager for Chrysler Emissions Office within Chrysler's Engineering Office.

   As part of that responsibility as Vehicle Emissions Planning Manager for Chrysler, I responded to various proposed future EPA Vehicle Emissions Regulations and proposed NHTSA Fuel Economy (CAFE) Regulations.

7. For the last ten years of my employment with Chrysler, I was an Engineering Manager in both Michigan and California.

8. While I was Advanced Vehicle Test Manager at the Chrysler Proving Grounds in Chelsea, Michigan in the late 1970's and early 1980's, I was responsible for building up the total crash tests vehicles (including the vehicle's fuel supply system, fuel tank system, fuel filler neck and the vehicle's fuel lines) for both impact crash testing and durability testing. This involved numerous $1 million plus Engineering Program Cars for several engineering programs.

   I also managed the Advanced Vehicle Test Program for various Chrysler vehicles, which included the build-up of advanced engineering prototype vehicles and Engineering Program Cars (including the vehicle's fuel supply system, fuel tank, fuel filler neck and fuel lines) for FMVSS 301 front and rear crash testing, FMVSS 301 fuel supply system integrity crash testing, full vehicle development crash testing, and full vehicle compliance crash testing.

While I was Advanced Vehicle Test Manager at the Chrysler Proving Grounds in Chelsea, Michigan, I became familiar with the durability testing and impact testing of the total vehicle (including the vehicle's fuel supply system, the vehicle's fuel tank system, fuel filler neck, and the vehicle's fuel lines).

As Advanced Vehicle Test Manager I also managed many Chrysler Engineering Road Trips all over the United States (such as Tire Testing in Florida, Hot Weather Testing in Phoenix, Hot Weather Brake Testing in Arizona and California, Mountainous Driving in the Smokey Mountains and Rocky Mountains, Hill Climb Testing up Pike's Peak, Cold Weather Testing in International Falls, Minnesota, etc.).

While I was Advanced Vehicle Test Manager at the Chrysler Proving Grounds in Chelsea, Michigan, I became familiar with the durability testing and impact testing of the total vehicle (including the vehicle's fuel supply system, the vehicle's fuel tank system, fuel filler neck system, fuel tank vapor system and vehicle fuel lines).

9. While I was Powertrain Engineering Operations Manager in the Engineering Office in the early 1980's, I became familiar with the "Powertrain Engineering Engine Box Bucks" and how they were used in the design and development of a vehicle by powertrain engineering engineers, chassis engineers, structural frame engineers, fuel supply system engineers, fuel line engineers, fuel and exhaust system engineers, emission control engineers, and crash test engineers.

   As Powertrain Operations Manager in the early 1980's, I reviewed and oversaw the Engineering Budget for the various Powertrain Engineering Departments (including the Engineering Budget for Chrysler Engineering's Fuel Supply and Exhaust Systems Department and Chrysler Engineering's Vehicle Emissions Office).

   As Powertrain Operations Manager in 1982, I also set up and oversaw the establishment of the Chrysler / Shelby Performance Center (a full hoist equipped garage facility, a new office facility, a set of performance dynamometers, a vehicle

handling facility, vehicle and straightaway performance racing facility) in Sante Fe Springs, California for Mr. Iacocca and LeMans Race Car Champion Mr. Carroll Shelby.

10. While I managed the Chrysler Powertrain Engineering Operations Staff, I also supervised the implementation of Computer Aided Design (CAD) and Computer Aided Engineering (CAE) into the various Powertrain Engineering Design Departments for the Director of Powertrain Engineering.

11. In the mid 1980's, I was the Chrysler Pacifica Operations Manager in Carlsbad, California. Chrysler Pacifica was and Advanced Styling Studio involved in advanced vehicle design for the Chrysler Design Office in Michigan.

12. in the mid 1980's, I also managed an advanced vehicle prototype program for a proposed 1990's Chrysler Minivan, which included preparing these prototype vehicles for durability testing and FMVSS crash testing.

13. From 1987 through 1989, I was a Design Analysis Manager for Toyota Motor Sales USA in Torrance, California. At Toyota I provided technical advice and support to Toyota's in-house lawyers concerning product liability lawsuits.

14. I am now an Engineering Consultant, providing technical expertise to attorneys in litigation, primarily involved with products liability cases and automotive products liability cases.

15. I am serving as an Automotive Engineering Consultant and Design Consultant to Mr. Robert Waltman, Esq. and Mr. Lynn Grisham, Esq. of the Waltman & Grisham Law Firm located in College Station, Texas in the Jarmon vs. Chrysler LLC lawsuit.

B. ADDITIONAL MATERIALS REVIEWED

1. A review of documents regarding the in-front-of-the-rear-axle fuel tank locations on various Chrysler RWD, AWD, FWD and 4WD vehicles in the 1970's through 1990's.

2. A review of Ford's 1945 US Patent regarding the isolation of the fuel tank and the fuel tank filler neck from both the passenger compartment and the trunk compartment (U.S Patent #2,417,324).

3. A review of numerous US Patents and Technical Papers regarding fuel tank design, fuel tank location, and fuel filler neck design, and the need to keep the filler neck connected to the fuel tank in a vehicle collision.

4. A review of numerous technical reports, technical information, and U.S. Patents regarding vehicle fires in rear end crashes, including John Hall's 1978 patent, U.S. Patent #4,088,241 entitled Impact Resistant Seal For Gasoline Tank, which was assigned to Chrysler Corporation.

Mr. John Hall was the Manager of Chrysler's Fuel And Exhaust System Design & Development Department for Chrysler Powertrain Engineering in the 1970's and the early 1980's. Mr. Hall was also the chairman of Chrysler Engineering's FMVSS 301 Compliance Committee, the same committee which wrote Chrysler's first set of Fuel System Supply Guidelines in the late 1970's (approximately 1978).

This review of numerous technical reports, technical information, and U.S. Patents regarding vehicle fires in rear end crashes, would include the following technical papers and U.S Patents:

a. The Relationship Between Automotive Construction And Accidents, by Halsey, SAE Journal, June 1932.

b. Filler Connection For Tanks U.S. Patent #1,813,612 issued to E. P. DuPont and (Patent issued in July 1931).

c. Fender Construction U.S. Patent #1,813,612 issued to L. B. Rivard and assigned to Ford (patent issued in March 1947).

b. Motor Vehicle Fuel Tanks from the NFPA Fire Protection Handbook, 1954.

c. Technical Findings For Automobile Impact Studies, by Severy and Mathewson January 1956.

d. Fuel Safety Systems For Engines U.S. Patent #2,857,904 issued to Esbaugh and assigned to General Motors (Patent applied for in October 1958).

e. Saddle Type Fuel Tank U.S. Patent #3,006,358 issued to Hildebrandt and assigned to Ford (patent applied for in August 1956 and assigned to Ford in 1961).

f. Fuel Tank Fitting U.S. Patent #3,026,070 issued to Sutton and assigned to Goodyear Tire & Rubber (Patent applied for in March 1962).

g. Frangible Connector Assembly For Fuel Cells U.S. Patent #3,043,542 issued to Neuschotz (Patent issued in July 1962).

h. Underwriters Laboratory Safety Standard UL 395 dated 1968.

i. Observations On Fire In Automobile Accidents by Robinson, dated February 1965.

j. "Do Americans Want A Safe Car!" Article in Industrial Design Magazine dated January 1966.

k. "Feasibility Study Of The New York Safety Car!" by Fairchild-Hiller dated January 1966.

l. "1967 And 1968 GSA Standards" Article in Consumers Reports Magazine dated April 1966.

m. "Crashworthy Fuel System Design" Article by Robertson and Walhout in Aviation Safety Engineering And Research dated May 1966.

n. "New York Safety Car Program: Prevention Of Crash Fire Injury In Automobile by Fairchild-Hiller dated June1967.

o. "Investigation Of Motor Vehicle Performance Standards For Fuel Tank Protection - Phase 1" by Fairchild-Hiller dated September1967.

p. SAE Paper entitled "Crash Research is For You" by Edward Dye dated October 22, 1958.

q. Stapp Conference Paper entitled "Findings In The Investigations Of Fifty Traffic Death Cases" by Mosley, Tuney, Burbstine And Segal At thee Seventh Stapp Car Crash Conference dated 1965.

r. SAE Paper 660345 entitled "Feasibility Of New York Safety Car Program – A Preliminary Report" by John Moore dated June 6-10, 1966.

s. Federal Hearings Regarding "The Federal Role In Traffic Safety" July 13, 14, 15, 21, 1965 Congressional Record.

t. New York Safety Cars Materials Regarding "The Federal Role In Traffic Safety" from 1966 and 1967.

u. "Vehicle Design For Passenger Protection From High-Speed Rear-End Collisions", by Severy. et. al., in SAE Paper 680774 dated October 1968.

v. SAE Report To The Presidential Task Force On Highway Safety entitled "Motor Vehicle Safety – Potential For Progress" dated December 1969.

w. SAE Paper entitled "Automotive Safety In Review" by Harry Barr, SAE President dated 1970.

x. Impact Resistant Seal For Gasoline Tank U.S. Patent #4,088,241, By John Hall, Donald MacDonald, and Frank Holliday, which was assigned to Chrysler Corporation in 1978.

y. Technical information in the Experimental Safety Vehicle (ESV) Program and the Research Safety Vehicle (RSV) Program regarding fuel tank designs and

fuel tank locations, including Chrysler's ESV and Chrysler / Fairchild Hiller RSV fuel tank designs.

z. NHTSA Technical Report entitled "Motor Vehicle Fires In Traffic Collisions And The Effects Of The Fuel System Integrity Standard", (DOT HS 807 675), dated November 1990.

4. Jeep Cherokee And Jeep Wrangler Sales Documents and Sales Brochures, including the 1993 Jeep Grand Cherokee Laredo.

5. Service Manual, Fuel Tank Illustrations, Fuel Filler Neck Illustrations, and Rear End Structure Illustrations for the 1993 Jeep Grand Cherokee SUV.

6. Technical information regarding the design of fuel tanks and fuel supply systems for rear end collisions.

7. Rear end, rear bumper, rear bumper bar and fuel tank location photographs and measurements of an exemplar 1993 Jeep Grand Cherokee Laredo.

8. Front end, front bumper and front bumper bar photographs and measurements of An exemplar 2001 Chevrolet Monte Carlo.

9. Side by side photographs of the rear "under ride" condition of the unshielded rear mounted plastic fuel tank of the 1993 Jeep Grand Cherokee Laredo when impacted from the rear by the front end, front bumper and front bumper bar off a 2001 Chevrolet Monte Carlo.

10. A CD-ROM Regarding fuel tanks located in front of or over the rear axle on numerous Dodge, Chrysler, Volvo, Mercedes-Benz, General Motors, Jaguar and other 1971 though 1995 vehicles.

11. Mitchell's Collision Estimating Guide & Reference Guides for DaimlerChrysler Vehicles.

12. A review of several CD-ROMS regarding Jeep Product Information, Jeep Competitive Vehicle Comparisons, and Jeep Sales Effectiveness Training (SET) Information (3 CD-ROMS).

C. OPINIONS

Based upon my education and training and years of automotive engineering experience, I offer the following opinions based upon a reasonable degree of automotive engineering certainty:

The [redacted] Fuel Fed Fire Accident – February 12, 2006

1. The [redacted] Jeep Grand Cherokee accident was a foreseeable rear end impact accident.

2. The [redacted] Jeep Grand Cherokee rear end accident was a survivable accident for both the driver and the rear seat child passengers.

3. In the [redacted] accident, two [redacted] children were seat belted in their appropriate child seats or on their appropriate booster seats on the second row folding bench seat of the [redacted] 1993 Jeep Grand Cherokee Laredo 4 Door SUV. The exact seating positions of the two [redacted] children were unknown by the fire and rescue personnel at the time of the accident.

4. It is now understood that one child ([redacted] – age 4) was in the left outboard seating position of the second row folding split-bench seat of the [redacted] 1993 Jeep Grand Cherokee. [redacted] was seat belted in the a child booster seat.

   [redacted] received serious burn injuries from the rear end accident and ultimately expired at the hospital from her burn injuries.

5. The other [redacted] child, [redacted] a year and a half old toddler girl, was seat belted in a forward facing full child seat on the center rearmost bench seat (second row folding split-bench seat) of the [redacted] 1993 Jeep Grand Cherokee.

Toddler [redacted] received very serious burn injuries from the rear end accident but did survive those burn injuries and did not die from her burn injuries.

6. Mrs. [redacted], the driver of the 1993 [redacted] Jeep Grand Cherokee, witnessed the fuel fed fire and the fire rescue efforts to suppress the fuel tank fire. She also witnessed the removal of her severely burned children from the rear seat of her 1993 Jeep Grand Cherokee.

7. Both of the young [redacted] children ([redacted]), although severely burned, were alive when they were removed from the 1993 Jeep Grand Cherokee by fire and rescue personnel on February 12, 2006.

8. The rear-end collision that the two young [redacted] children and Mrs. [redacted] experienced in their 1993 Jeep Grand Cherokee encompasses a high percentage of the vehicle collisions in the United States over the last 40 years.

9. The automobile industry (including Chrysler Management) has known the criticality of preventing gasoline initiated vehicle fires in rear impact accidents since the mid-1960's.

10. The auto industry (including Chrysler Management) has known, since at least the 1960's, that vehicles would be involved in rear end accidents at highway speeds, and that rear end collisions encompass a high percentage of the vehicle collisions on American highways.

11. The automobile industry (including Chrysler Management) has known of the critical importance of protecting components of the fuel system (including the fuel tank) from accident damage and locating these fuel supply system components out of the rear crush zone of the vehicle at least since the mid-1960's.

12. The automobile industry (including Chrysler Management) has known that such rear accidents are usually survivable for belted rear seat occupants (including children) if a fuel tank fire or a fuel fed fire does not break out.

13. The automobile industry (including Chrysler Management) has known that most rear accidents are usually survivable for belted rear seated occupants if (a) a fuel tank fire does break out; (b) the gasoline is not immediately translated into or below the passenger compartment of the vehicle; and (c) and if the gasoline is not immediately ignited within or below the passenger compartment of the vehicle.

14. There was no major cabin intrusion of the rear seat passenger compartment of the 1993 Jeep Grand Cherokee during to the in the Jarmon accident.

15. The two [redacted] children were both severely burned and four year old Cassidy [redacted] ultimately died at the hospital from her burn injuries as a result of a gasoline fed fire fed that emanated from damage to the 1993 Jeep Grand Cherokee's unshielded rearward mounted plastic fuel tank.

16. The two [redacted] children did not initially lose consciousness and both would have had adequate time to escape or have been rescued from the rear interior compartment of the [redacted] 1993 Jeep Grand Cherokee and exit the Jeep Grand Cherokee in an unburned condition, except for the volatile gasoline fire that emanated from damage to the unshielded rearward located plastic fuel tank.

    This fuel fed fire rapidly entered the rear passenger compartment and rear luggage area of the [redacted] Jeep Grand Cherokee.

17. The fire which burned two of the [redacted] children ([redacted]) and fatally injured 4 year old [redacted] spread into the rear occupant compartment and rear luggage compartment of the 1993 Jeep Grand Cherokee immediately upon the rear impact by the 2001 Chevrolet Monte Carlo.

18. The fuel that leaked from the rearward located unshielded plastic fuel tank that was due to one of the following reasons:

    A. Dislocation and distortion to the fuel tank sending unit mounting surfaces on the top of the fuel tank that occurred when the rear located fuel tank was severely compressed up against the Jeep's rear axle during the rear impact.

    B. Fuel tank punctures in the fuel tank that occurred in the rear impact.

    C. Possible dislocation of the lower end of the fuel tank filler neck from the fuel tank attachment point when the rear located fuel tank was severely compressed up against the Jeep's rear axle during the rear impact.

    The gasoline fire that occurred during the rear impact entered into the rear of the [redacted] Jeep Grand Cherokee through a path opened between the lift gate and the rear occupant compartment / luggage area of the 1993 Jeep Grand Cherokee.

    The fire from the unshielded plastic fuel tank also progressed into the rear passenger compartment and the rear luggage area of the Jeep Grand Cherokee through the shattered fixed rear tempered glass opening in the lift gate and also through the shattered fixed side quarter panel window openings on either side of the vehicle.

    The fixed liftgate window and the fixed rear quarter windows were also made of tempered (not laminated) glass.

19. The unshielded plastic fuel tank on the [redacted] 1993 Jeep Grand Cherokee may have been punctured by the rear bumper face bar and / or the rear rail mounted trailer hitch on the [redacted] vehicle.

20. The unshielded plastic fuel tank on the [redacted] 1993 Jeep Grand Cherokee was severely compressed and severely compromised between the rearward surfaces of the rear bumper / rear bumper bar and the trailer tow hitch of the Jeep Grand Cherokee and the rear axle housing / rear differential.

21. In essence, the unshielded plastic fuel tank of the [redacted] 1993 Jeep Grand Cherokee was severely compromised and compressed between the rear bumper bar / rear trailer hitch and the rear axle housing, which in normal fuel tank safety design should not happen.

22. The reason that the fuel tank sending unit that became severely distorted and displaced or that the fuel tank that became ruptured or punctured was primarily because of the vulnerable fuel tank location approximately five inches forward of the rear bumper and rear bumper bar of the 1993 Jeep Grand Cherokee.

23. That is because the residual static positions of the rear bumper / rear bumper bar / rear bumper tow hitch mechanism are now within inches of the rear axle differential of the [redacted] 1993 Grand Cherokee after the rear end accident.

    As part of the [redacted] rear impact, the trailer tow hitch mechanism had rotated nearly ninety degrees in the side view as it approached and may have been driven through the space previously occupied by the unshielded plastic fuel tank.

24. The fuel emanating from the fuel tank sending unit or from the ruptured or punctured fuel tank (because of the vulnerable fuel tank location punctures / ruptures in the unshielded plastic fuel tank of the [redacted] 1993 Jeep Grand Cherokee), caused highly flammable gasoline fuel to be released out of the fuel tank during and after the rear impact collision by the front end of the 2001 Chevrolet Monte Carlo in the [redacted] accident.

25. This gasoline released from the rearward positioned fuel tank of the 1993 [redacted] Jeep Grand Cherokee immediately ignited during the [redacted] accident and caused a severe post-collision fuel fed fire to occur in the luggage area and then in the upper rear passenger compartment of the Jeep Grand Cherokee.

26. This severe post-collision initiated fuel fed fire that began from the fuel from rearward located and unshielded plastic fuel tank of the 1993 Jeep Grand Cherokee (previously described) caused the severe burn injuries to both [redacted] and ultimately lead to the death of [redacted], both of whom most likely would have otherwise escaped this rear collision essentially uninjured and unburned.

27. The fuel tank initiated fire in the 1993 Jarmon Jeep Grand Cherokee should never have occurred.

28. The two young [redacted] children ([redacted] and toddler [redacted]), the seat belted rear passengers in the [redacted] 1993 Jeep Grand Cherokee, actually initially survived the [redacted] rear end accident.

However, both [redacted] were seriously burned from the fuel tank fire that resulted from that rear end accident.

29. [redacted] and toddler [redacted] were not killed by the initial crash forces of the rear end accident.

The primary reasons they initially survived the [redacted] rear end accident is because both of the [redacted] children were seat belted, the rear impact severity was within the range of human tolerance, and the rear seat survival space of the [redacted] Jeep Grand Cherokee was not compromised.

30. Four year old [redacted] eventually succumbed to her burn injuries as a result of the enormous fuel tank fire that immediately resulted from the [redacted] rear end accident.

31. The punctures / ruptures in the fuel tank of the [redacted] 1993 Jeep Grand Cherokee caused highly flammable gasoline fuel to be released out of the fuel tank during and after the rear impact collision in the [redacted] accident.

32. This fuel tank gasoline released from the fuel tank of the 1993 [redacted] Jeep Grand Cherokee ignited during the [redacted] accident and caused a severe post-collision fuel fed fire to occur.

33. This severe post-collision initiated fuel fed fire that began from the fuel from the distorted fuel tank sending unit mounting surfaces on the top of the fuel tank or from the punctured fuel tank of the 1993 Jeep Grand Cherokee (previously described) caused the severe burn injuries and death of [redacted] (who most likely would have otherwise survived this rear collision) and the serious burn injuries to toddler [redacted]

34. The [redacted] rear end accident was an "under ride" accident, due to (a) the mis-matched bumper heights of the front end of the 2001 Chevrolet Monte Carlo and the rear end of the 1993 Jeep Grand Cherokee; and (b) the and lack of an "under ride" protection device below the rear bumper / rear facia of the Jeep Grand Cherokee to protect against this dangerous "under ride" condition.

This is especially true when an unshielded plastic fuel tank is located in the rear impact "under ride" area and the fuel tank hangs below the lower rear bumper surface.

1993 Jeep Grand Cherokee Fuel Tank Design Defects

35. Rather, the fuel tank fire that occurred in the 1993 [redacted] Jeep Grand Cherokee was primarily due to a defect in the rear of the vehicle fuel tank location of the Jeep Grand Cherokee.

36. The rear located unshielded plastic fuel tank installed in the 1993 Jeep Grand Cherokee vehicle was excessively vulnerable to rupture and breach or its fuel Tank sending unit mounting surfaces would leak fuel because the fuel tank was located within and made an integral part of structures that would foreseeably crush and deform during rear end impacts.

37. The fuel tank fire that occurred in the 1993 [redacted] Jeep Grand Cherokee was due to a defect in the rearward design fuel tank location concept.

38. The rear located unshielded plastic fuel tank installed in the 1993 Jeep Grand Cherokee vehicle was excessively vulnerable to rupture and breach because its side view profile was below the bottom of the rear bumper bar. It was thus was located in a zone where a foreseeable bullet vehicle (the 2001 Chevrolet Monte Carlo) would "under ride" the rear bumper of the Jeep Grand Cherokee and would thus expose the rearward located unshielded plastic fuel tank to puncture or the fuel tank sending unit to leaking at its mounting surfaces during foreseeable rear end impacts.

39. The frame rails in the rear of the 1993 Jeep Grand Cherokee were not strong enough to resist crush in the area of the fuel tank during foreseeable rear end impacts and thus rendered the Jeep's rearward mounted and unshielded plastic fuel tank excessively vulnerable to severe deformation and breach.

Fuel Tank Crash Testing And Design History

40. Crash testing and design recommendations made by Severy and others in the late 1960's established the need for a fuel tank that was not located in the rear crash zone of a vehicle.

41. In light of the vehicle crash testing by Severy at UCLA and crash researchers in the 1950's and 1960's, Chrysler Engineering and Chrysler Product Planning actually studied the location of the fuel tank in alternate locations for rear wheel drive vehicles in the late 1960's.

42. When I was a senior engineer in Chrysler's Advanced Vehicle Engineering Section in the late 1960's, I was personally aware that fuel tank over the rear axle designs were made for rear wheel drive vehicles.

43. In the late 1970's and early 1980's, Chrysler had the engineering resources and knew how to design and manufacture a mid ship mounted fuel tank for its rear wheel drive trucks and rear wheel drive vans to perform well in foreseeable rear end impacts, including rear end "under ride' accidents.

44. This engineering knowledge and engineering technology could have been applied to the 1993 Jeep Grand Cherokee fuel tank location.

45. Adequate vehicle-to-vehicle rear impact testing by Chrysler would have revealed the vulnerability of the fuel tank location of the 1993 Jeep Grand Cherokee SUV to foreseeable car-to-car rear end impacts or to foreseeable car-to-SUV rear end impacts.

Chrysler's Fuel Supply System Guidelines

46. Chrysler's 1970's Fuel System Systems Design Guidelines recommended that *"the fuel tank should be located in a manner that avoids all known impact areas"*.

47. The fuel tank location on the 1993 Jarmon Jeep Grand Cherokee violated Chrysler's 1970's Fuel System Systems Design Guidelines because *the fuel tank was located well within a known vehicle rear impact area.*

48. The rear unshielded rearward plastic fuel tank location of the 1993 Jeep Grand Cherokee violated valid engineering principles developed by automotive engineers in the mid-1970's to prevent or highly reduce the probability of fuel tank fires in rear end impacts.

Rear "Under Ride" Impact Vulnerability Of The 1993 Jeep Grand Cherokee

49. The [redacted] rear end accident was an "under ride" accident, due to (a) the mis-matched bumper heights of the front end of the 2001 Chevrolet Monte Carlo and the rear end of the 1993 Jeep Grand Cherokee; and (b) the and lack of an "under ride" protection device below the rear bumper / rear facia of the Jeep Grand Cherokee to protect against this dangerous "under ride" condition.

    This is especially true when an unshielded plastic fuel tank in located in the rear impact "under ride" area.

50. The rear impact "under ride" susceptible plastic fuel tank location (with the fuel tank just inches in front of the rear bumper) and the unshielded fuel tank hanging down several inches below the rear bumper and below the rear bumper bar of the 1993 Jeep Grand Cherokee violated valid engineering principles developed by automotive engineers in the mid-1970's to prevent or highly reduce the probability of fuel tank fires in rear end impacts.

FMVSS 301 Is A Minimum Federal Safety Standard And Does Not Adequately Protect The Public From Death or Serious Personal Injury

51. The Federal Minimum Standard (FMVSS 301) for fuel supply system integrity involves a 4000 pound 30 mph rear moving barrier impact only. This 4000 pound moving barrier is essentially a moving "billboard" type impact and does not adequately represent the front end of a passenger vehicle rear impacting the rear end of another vehicle.

Thus ***the minimum FMVSS 301 rear impact test does not represent the rear impact "under ride" condition commonly seen on the American highways which occurs from (a) vehicles that are braking or pitching when the rear impact occurs; or (b) passenger cars and other vehicles with non-aligned front bumper heights to SUV rear bumper heights (such that the front bumper of the bullet vehicle is below the rear bumper height of the SUV); or (c) passenger cars and other vehicles with non-aligned front bumper heights to pickup truck rear bumper heights (such that the front bumper of the bullet vehicle is below the rear bumper height of the pickup trucks); or (d) when both conditions (non-aligned bumper heights and dynamic downward pitching) occur.***

Furthermore, ***the Federal FMVSS 301 Fuel Tank Integrity Standard is inadequate to protect the public from an unreasonable risk of or injury, death or damage because it does not account for (a) the typical car-to-SUV rear under ride type of accident; (b) the typical car-to-pickup truck rear "under ride" type of accident; (c) the "downward pitching bullet vehicle" rear end impact accident; or (d) the higher speed rear end accidents (which are survivable) seen on the American highways today.***

In fact the NHTSA's own 1990 study of the effectiveness of FMVSS 301 has indicated that it has been largely ineffective in improving fuel supply system safety since the fuel tank designs of the 1960's (the pre-FMVSS 301 period) – (See NHTSA Technical Report entitled "Motor Vehicle Fires In Traffic Collisions And The Effects Of The Fuel System Integrity Standard", (DOT HS 807 675), dated November 1990).

52. The automotive industry (including Chrysler) has know for years that passenger cars with mis-matched rear-to-front bumper heights and braking vehicles that will easily "under ride" the rear bumper of SUV's and pickup trucks. They have known that there is a need to provide fuel system rear "under ride" crashworthiness protection for these know dangerous rear "under ride" impact conditions.

The automotive industry (including Chrysler) has know for years that ***FMVSS 301 is highly ineffective in preventing serious burn injuries or death in accidents involving mis-matched rear-to-front bumper heights and braking vehicles that will easily "under ride" the rear bumper of SUV's and pickup trucks.***

They have also know that there is a need to provide fuel system rear "under ride" crashworthiness protection for these known dangerous rear "under ride" impact conditions.

53. Chrysler needed to rear impact test the rear end of its SUV's and pickup trucks for fuel system crashworthiness and fuel system integrity encompassing the known and foreseeable rear "under ride" impacts likely seen and experienced on the American highways as part of their impact crash test program.

This type of rear "under ride" impact testing was not conducted on the 1993 Jeep Grand Cherokee SUV.

Chrysler's Knowledge Of The Dangers Of Fuel Tank Fires In Rear End Impacts

54. The automobile industry (including Chrysler Management) has known that vehicles would be involved in rear end vehicle-to-vehicle accidents at highway speeds since the 1950's.

55. The automobile industry (including Chrysler Management) has known that such rear accidents are survivable if the occupants are seated in properly designed front or rear seats and a fuel tank fire or a fuel supply system fire does not break out.

56. The automobile industry (including Chrysler Management) has known the criticality of preventing gasoline initiated vehicle fires in rear and side impact accidents (a) since the 1950's (Severy studies); (b) since the 1970's Pinto fuel tank fire incidents; (c) and since the 1978-1987 Chevrolet Full Sized C/K Pickup fuel tank fire incidents (involving the saddle bag fuel tank design).

Higher Speed Rear Impact Testing

57. Chrysler Management has also clearly known about the importance of providing 40 to 50 mile per hour rear vehicle crashworthiness and fuel tank protection since the deficiencies of these highly vulnerable rear fuel tank locations became known in the 1950' through 1970's.

58. In the 1980's and 1990's time period, both Ford and General Motors (competitors of Chrysler) had conducted 40 to 50 mile per hour rear or side impact tests on their fuel supply systems (fuel tanks, fuel tank locations fuel lines, fuel filler necks, etc.) of most of their vehicles and on the vehicle structure surrounding these fuel supply systems to make sure that their vehicle fuel supply systems were crashworthy for foreseeable 50 mph vehicle-to-vehicle rear end collisions and 40 mph and up side impact collisions.

59. To the best of my knowledge, in the 1980's and early 1990's, Chrysler did not conduct any 40 to 50 mile per hour rear or side impact tests on the fuel supply systems (fuel tanks, fuel tank locations fuel lines, fuel filler necks, etc.) of any of their vehicles and on any of the vehicle structures surrounding these fuel supply systems to make sure that their fuel supply systems were crashworthy.

60. Even though Chrysler knew how to design and manufacture a vehicle rear end structure to perform well in the newly proposed National Highway Transportation Safety Administration (NHTSA) 50 mph deformable offset rear moving barrier crash test, Chrysler failed to design and manufacture such a fuel tank location or to design and manufacture a vehicle rear end structure that would properly protect the fuel tank in a rear end accident into the 1993 Jeep Grand Cherokee.

61. Chrysler has produced no documents in this case that indicate that the Chrysler Fuel Supply System Design Guidelines for 1993 vehicles sold in the United States included 40 mph to 50 mph rear impact tests followed by fuel spillage testing according to the requirements of FMVSS 301.

62. In fact, Chrysler failed to follow its own internal recommendation from the Chrysler Vehicle Safety Office that "***future Chrysler vehicles will need to accept 40 mph rear end and 40 mph rear end corner impacts from a 4000 moving barrier without loss of fuel during or after impact., even if the vehicle is rolled over and comes to rest on its side***".

    Furthermore, ***Federal FMVSS 301 Fuel Tank Integrity Standard is also inadequate to protect the public from an unreasonable risk of or injury, death or damage because it does not account for the higher speed rear end accidents (which are survivable) seen on the American highways today.***

63. It is believed that the maximum rear impact speed that Chrysler utilized in its impact performance guidelines to evaluate the rear fuel supply system of the 1993 Jeep Grand Cherokee and Jeep Wrangler SUV's is approximately 33 miles per hour (mph).

64. Chrysler has produced no documents that they conducted any vehicle-to-vehicle crash tests of the 1993 Jeep Grand Cherokee (like its US competitors were doing at that time).

65. Chrysler in now conducting 50 mph rear moving deformable offset barrier tests in the fuel supply system safety testing and development of its current vehicles (such as the 2004 Dodge Dakota Mid-Sized Pickup Truck, the 2005 Dodge Magnum and the 2005 Chrysler 300M).

Jeep Wrangler Rear Impact Testing Conducted By Chrysler Produced Fuel Tank Leaks At 33 Miles Per Hour

66. In one Chrysler rear impact test this 33 mph FMVSS 301 rear moving barrier impact test produced a leak in the rearward mounted Jeep Wrangler fuel tank (per a Chrysler representative's deposition in this case).

67. The fuel tank design on the Jeep Wrangler is similar to the rearward fuel tank design location on the 1993 Jeep Grand Cherokee. The Wrangler rearward located fuel tank is vulnerable to the same type of rear impact fuel tank "under ride" design condition as on the 1993 Jeep Cherokee.

Design Defects In The Fuel Supply System And The Rear Structure Of The 1993 Jeep Grand Cherokee

68. The post-collision fuel fed fire that caused the serious burn injuries to toddler [redacted] and 4 year old [redacted] and ultimately the burn injury death [redacted] children were caused by the following defects in the design of the 1993 Jarmon Jeep Grand Cherokee:

    A. The lack of a crashworthy fuel tank location in the 1993 Jeep Grand Cherokee.

    B. A fuel tank system that was designed with the rear portion of the fuel tank extending beyond the lateral centerline of the rear wheels into the rear crash zone.

    C. Lack of a fuel tank shield to protect the vulnerable rearward fuel tank location in the 1993 Jeep Grand Cherokee.

    D. The lack of alternate frame designs (such as a larger rear frame rails; high strength steel (HSS) rear frame rails; reinforced rear frame rails; a substantially strengthened rear frame; rear rail doublers; lateral cross bracing of the rear end structure between the rear rails rearward of the fuel

tank – "boxing in the fuel tank"; possibly a multiple rear frame rail construction; etc) - to prevent these rear frame components from severe collapse during a foreseeable rear collision / to properly control the crush and crashworthiness of the fuel tank location / and to protect the vulnerable location of the fuel tank in the 1993 Jeep Grand Cherokee.

E. The lack of vehicle-to-vehicle crash testing to develop the safety of the fuel supply system and rearward mounted fuel tank in the 1993 Jeep Grand Cherokee.

F. The presence of a rear end "under ride" design defect for the rear bumper and the rear bumper bar of the 1993 Jeep Grand Cherokee.

G. The design of the fuel tank for the 1993 Jeep Grand Cherokee that hanging inches below the rear bumper / rear bumper bar, thus exposing the unshielded plastic fuel tank to an "under ride" rear impact collision.

H. The design of the a rear trailer tow hitch for the 1993 Jeep Grand Cherokee that can easily be driven into the unshielded plastic fuel tank in a foreseeable rear impact collision.

I. The design of the fuel tank location such that the fuel tank sending unit and its related mounting surfaces on the top of the fuel tank can become severely distorted and deformed in a foreseeable rear end impact

J. The failure of Chrysler to conduct adequate rear impact tests of its Jeep Grand Cherokee vehicles with car-to SUV rear impact tests.

K. The failure of Chrysler to conduct adequate rear impact tests of its Jeep Grand Cherokee rear mounted trailer tow hitch system with: (1) car-to SUV rear impact tests; and / or (2) rear moving barrier impact tests.

Alternate Designs And Alternate Rear Impact Testing For The Fuel Supply System And The Rear Structure Of The 1993 Jeep Grand Cherokee

69. The post-collision fuel fed fire that caused the serious burn injuries to toddler [redacted]nd 4 year old [redacted]and ultimately the burn injury death [redacted] were caused by the following defects in the design or testing of the 1993 [redacted] Jeep Grand Cherokee:

A. The presence of a crashworthy fuel tank location in the 1993 Jeep Grand Cherokee, such as locating the fuel tank in front of the rear axle

B. A fuel tank system that is not designed with the rear portion of the fuel tank extending beyond the lateral centerline of the rear wheels into the rear crash zone.

C. The presence of a fuel tank shield to protect the vulnerable fuel tank location in the 1993 Jeep Grand Cherokee.

D. The presence of alternate frame designs (such as a larger rear frame rails; high strength steel (HSS) rear frame rails; reinforced rear frame rails; a substantially strengthened rear frame; rear rail doublers; lateral cross bracing of the rear end structure between the rear rails rearward of the fuel tank – "boxing in the fuel tank"; possibly a multiple rear frame rail construction; etc) - to prevent these rear frame components from severe collapse during a foreseeable rear collision / to properly control the crush and crashworthiness

E. of the fuel tank location / and to protect the vulnerable location of the fuel tank in the 1993 Jeep Grand Cherokee.

F. The conducting of vehicle-to-vehicle crash testing to develop the safety of the fuel supply system, to determine the safest fuel tank location and to determine the dangers of rearward mounted fuel tank in the 1993 Jeep Grand Cherokee.

G. The conducting of vehicle-to-vehicle rear "under ride" crash testing to develop the safety of the fuel supply system, to determine the safest fuel tank location and to determine the dangers of rearward mounted fuel tank in the 1993 Jeep Grand Cherokee.

H. The presence of a rear end "under ride" prevention or mitigation device below the rear bumper and the rear bumper bar of the 1993 Jeep Grand Cherokee to protect the fuel tank and fuel supply system from rear underside impacts.

I. The design of the fuel tank that is not hanging inches below the rear bumper / rear bumper bar for the 1993 Jeep Grand Cherokee, thus exposing the plastic fuel tank to an "under ride" rear impact collision.

J. The presence of the a rear trailer tow hitch design for the 1993 Jeep Grand Cherokee that cannot easily be driven into the fuel tank in a foreseeable rear impact collision.

K. The design of the fuel tank location such that the fuel tank sending unit and its related mounting surfaces on the top of the fuel tank can become severely distorted and deformed in a foreseeable rear end impact

L. For Chrysler to conduct adequate rear impact tests of its Jeep Grand Cherokee vehicles with car-to SUV rear impact tests.

M. For Chrysler to conduct adequate rear impact tests of its Jeep Grand Cherokee rear mounted trailer tow hitch system with: (1) car-to-SUV rear impact tests; and / or (2) rear moving barrier impact tests.

70. It would have been cost effective and feasible for Chrysler to incorporate the above alternate designs and testing into the design and development of the 1993 Jeep Grand Cherokee to substantially improve its crash performance in a rear collision.

Furthermore, ***these safer alternate designs would have prevented or significantly reduced the risk of burn injuries to Cassidy Jarmon and Callie Jarmon in the Jarmon accident without substantially effecting or impairing the utility of the 1993 Jeep Grand Cherokee.***

71. Therefore, it is my overall opinion that the design of the 1993 Jeep Grand Cherokee fuel supply system, its poor fuel tank location, its poor trailer hitch design, its lack of adequate rear impact resting (including rear impact "under ride" testing), and its lack of an adequate rear-end structure make the 1993 Jeep Grand Cherokee not crashworthy.

    Rather, the fuel supply system, its poor fuel tank location, its poor trailer hitch design, its lack of adequate rear impact resting, and its inadequate rear-end structure of the 1993 Jeep Grand Cherokee represented a dangerous and defective design to the young Jarmon children.

Rear Impact Foreseeability / Rear Impact Fire Dangers And Customer Expectations

72. Chrysler Management and the automobile industry were aware since at least the 1960's that fuel tank fires and fuel fed fires could cause serious burn injury or death in a rear collision if the fuel tank ruptures or becomes punctured in the rear collision.

73. Chrysler has known since the early 1960's (and possibly earlier) that the risk of injury and the risk of death in a vehicle collision are substantially increased if highly flammable fuel tank fluid is expelled in a rear vehicle crash.

74. Chrysler has known since the early 1960's (and possibly earlier) that a burn injury is a serious personal injury that could also result in the death of a seriously burned individual.

75. Chrysler's customers purchase Chrysler vehicles based on the anticipated crash safety of these vehicles, including the purchase of the 1993 Jeep Grand Cherokee.

76. Consumers expect that if they survive the rear crash, they will not be killed or seriously injured by a fire resulting from a fuel tank puncture or rupture.

77. Chrysler knew or should have known that consumers do not anticipate or expect to receive a serious burn injury or to burn injury death when they are involved in a rear crash of a Chrysler vehicle, such as the 1993 Jeep Grand Cherokee.

78. In the 1980's, Chrysler Management knew that rear impacts at highway speeds were foreseeable events for the 1993 Jeep Grand Cherokee.

79. In the 1980's, Chrysler Management knew the importance of providing adequate impact protection to its fuel tank and its fuel supply system in all of its vehicles (including the 1993 Jeep Grand Cherokee).

80. In the 1980's, Chrysler Management knew or should have known of numerous alternate designs to improve the crashworthiness of the rear end structures of the 1993 Jeep Grand Cherokee in a rear collision accident, (such as the alternate designs discussed above), but Chrysler Management failed to place any of these alternate designs into the 1993 Jeep Grand Cherokee.

81. In the 1980's, Chrysler Management clearly knew the benefits of improved rear end structure and crashworthy rear end structure when it knowingly decided not to place these alternate design devices into the 1993 Jeep Grand Cherokee.

82. The design of the 1993 Jeep Grand Cherokee rear-end structure violate the engineering principles of "Passive Safety" and "Vehicle Crashworthiness".

83. The purchasers and users of the 1993 Jeep Grand Cherokee were not warned at all of the dangerous and defective design of the fuel tank location and the inadequate rear-end structure of the 1993 Jeep Grand Cherokee.

84. The purchasers and users of the 1993 Jeep Grand Cherokee were also not warned at all of the dangerous and defective lack of fuel tank location during a foreseeable rear impact accident, a rear "under ride" accident or a rear offset collision.

85. FMVSS 301 is only a minimum federal safety standard. For the purposes of occupant safety, it can be exceeded.

In fact, ***the Federal FMVSS 301 Fuel Tank Integrity Standard is inadequate to protect the public from an unreasonable risk of or injury, death or damage because it does not account for (a) the typical car-to-SUV rear "under ride" type of accident; (b) the typical car-to-pickup truck rear "under ride" type of accident; or (c) the "downward pitching bullet vehicle" rear end impact accident.***

Furthermore, ***Federal FMVSS 301 Fuel Tank Integrity Standard is also inadequate to protect the public from an unreasonable risk of or injury, death or damage because it does not account for the higher speed rear end accidents (which are survivable) seen on the American highways today.***

86. Chrysler knew in the 1990's how to exceed this minimum federal standard in the areas of fuel tank location and rear end structural design.

"Hierarchy Of Design" Principles

87. There is a set of Engineering Design Principles called the "Hierarchy of Design" which deals with how a design engineer is supposed to handle product hazards. These "Hierarchy of Design" Principles are stated below:

A. The manufacturer's first responsibility is to design out of the product as many foreseeable hazards as possible, as long as these design changes are economically realistic.

B. The manufacturer's second responsibility is to guard against any hazards that could not be designed out.

C. The manufacturer's third responsibility is to adequately warn about any remaining hazards that could not either be designed out or guarded against.

88. Chrysler violated all the principles of the "Hierarchy of Design" when Chrysler designed, manufactured, and sold the 1993 Jeep Grand Cherokee with a dangerous and defective fuel tank location and a dangerous and defective rear-end structure.

89. Chrysler Management did not follow the principles of the "Hierarchy of Design" when it designed and developed a dangerous and defective fuel tank location and a dangerous and defective rear-end structure for the 1993 Jeep Grand Cherokee.

90. In designing the 1993 Jeep Grand Cherokee with a dangerous and defective fuel tank location and a defective rear-end structure, Chrysler Management violated the First Principle of "Hierarchy of Design" because they "designed in a fuel leakage hazard" (rather than designing out a fuel leakage hazard).

91. Chrysler Management violated the Second Principle of "Hierarchy of Design" because they did not design a system to guard against the hazard of a dangerous and defective fuel tank location and a dangerous and defective rear-end structure in foreseeable rear end collision (such as providing better rear "under ride" impact protection, shielding the fuel tank from highly foreseeable rear end impacts, and not designing the fuel tank to hang below the rear bumper – the fuel tank's only rear end crash protection rear structure) – to protect the fuel tank and fuel tank sending unit from highly foreseeable rear end impacts.

92. Since Chrysler did not give any warnings at all to its customers about the rear impact hazards of the 1993 Jeep Grand Cherokee which contained a fuel tank that that could be punctured or severely severed in a rear-end collision, Chrysler violated the Third Principle of the "Hierarchy of Design" because there were no warnings given to its customers about these serious fuel tank puncture and fuel tank fire hazards.

Customer's Right To A Safe Vehicle

93. Chrysler Management in its own 1988 Advertisements and Lee Iacocca Videotapes to Chrysler dealerships indicated that Chrysler car buyers **"Have The Right To A Safe Car"**.

    The 1993 Jeep Grand Cherokee SUV with its rear fuel tank location was in fact not a safe vehicle for passengers.

Summary

94. The design of the fuel tank location, the trailer hitch design, the rear-end structure, and the lack of a rear impact fuel tank shield on the 1993 Jeep Grand Cherokee make it a dangerous and defective vehicle.

95. The failure of Chrysler to adequately design and test the crashworthiness of the fuel tank location and the rear-end structure of the 1993 Jeep Grand Cherokee represents a clear decision by Chrysler to disregard to safety of others and also represents a conscious disregard of the safety of others by Chrysler.

96. Federal FMVSS 301 Fuel Tank Integrity Standard is inadequate to protect the public from an unreasonable risk of or injury, death or damage because it does not account for (a) the typical car-to-SUV rear "under ride" type of accident; (b) the typical car-to-pickup truck rear "under ride" type of accident; or (c) the "downward pitching bullet vehicle" rear end impact accident.

97. Federal FMVSS 301 Fuel Tank Integrity Standard is also inadequate to protect the public from an unreasonable risk of or injury, death or damage because it does not account for the higher speed rear end accidents (which are survivable) seen on the American highways today.

98. The safer alternate designs indicated in this report would have prevented or significantly reduced the risk of burn injuries to Cassidy Jarmon and Callie Jarmon in the Jarmon accident without substantially effecting or impairing the utility of the 1993 Jeep Grand Cherokee.

99. Chrysler's conduct regarding the design and testing of the 1993 Jeep Grand Cherokee constitutes negligence, gross negligence, a clear disregard of the safety of others, and also conscious disregard for the safety of others because:

- Chrysler's conduct did not constitute the ordinary care that a reasonable and prudent automobile manufacturer would utilize in these circumstances.

- Chrysler's conduct reflected an entire want and lack of care to the customers and users of the 1993 Jeep Grand Cherokee.

- Chrysler's conduct demonstrated an actual conscious indifference to and disregard for the safety of others.

This concludes my current professional opinions in this case at this time.

I reserve the right to supplement or modify this report as additional information and additional material is received and reviewed.

PUBLICATIONS

I have not published any technical articles in the last ten years.

I made a technical presentation on "Impact Friendly Interiors" in April of 2000.

I made a technical presentation on "An Air Bag Timeline" in May of 2001.

DEPOSITIONS

My records indicate that I have been deposed twenty seven times in the last ten years. These depositions are as follows:

	Case	Case Deposition Location	Year
1.	[redacted] vs. Chrysler	San Diego, CA	1998
2.	[redacted]s. General Motors	College Station, TX	1998
3.	[redacted] vs. Chrysler	Las Vegas, NV	1998
4.	[redacted] vs. Chrysler	San Diego, CA	1998
5.	[redacted] vs. General Motors	Chicago, IL	1998
6.	[redacted] vs. Chrysler	Corpus Christi, TX	1999
7.	[redacted] vs. Chrysler	New Orleans, LA	1999
8.	[redacted] vs. Evenflo	San Jose, CA	2000
9.	[redacted] v. Chrysler	San Diego, CA	2000
10.	[redacted] vs. General Motors	Irvine, CA	2000
11.	[redacted] vs. General Motors	Memphis, TN	2000
12.	[redacted] vs. Chrysler	San Diego, CA	2001
13.	[redacted] vs. Mazda	San Diego, CA	2001
14.	[redacted] vs. Chrysler	San Diego, CA	2002

15.	[redacted] vs. Mercedes Benz USA	Los Angeles, CA	2002
16.	[redacted] vs. Ford	Dallas, TX	2003
17.	[redacted] vs. DaimlerChrysler	Los Angeles, CA	2003
18.	[redacted] / Wright vs. Ford	San Diego	2003
19.	[redacted] vs. DaimlerChrysler	San Diego	2003
20.	[redacted] / Grucky vs. DaimlerChrysler	Phoenix	2005
21.	[redacted]. General Motors	Carlsbad	2005
22.	[redacted] vs. General Motors	San Diego	2005
23.	[redacted] vs. Mitsubishi / Chrysler	Houston, Texas	2005
24.	[redacted]s. Ford	Houston, Texas	2005
25.	[redacted] vs. Johnson Controls Inc.	Dallas	2005
26.	[redacted]vs. Ford	Houston, Texas	2005
27.	[redacted] vs. Ford	Houston, Texas	2005

TRIAL TESTIMONY

In 1997, I have testified at trial in New Mexico in the case of [redacted] vs. Chrysler; in Kentucky in the case of [redacted] vs. General Motors; in Wisconsin in the case of [redacted] vs. General Motors; and in Louisiana in the case of [redacted] vs. Mazda.

In 1998, I have testified at trial in Los Angeles in the case of [redacted] vs. Ford; in Los Angeles in the case of [redacted]; and in Texas in the case of [redacted] vs. Chrysler.

In 1999, I testified at trial in Cleveland in State Court in [redacted] vs. Chrysler.

In 2000, I testified in Chicago at a Federal Court Hearing in [redacted] vs. General Motors.

In 2002, I testified at trial in Cleveland in [redacted] vs. Chrysler and at trial in [redacted] vs. Chrysler in Federal Court in Indiana.

In 2005, I testified at a trial in [redacted] vs. Ford in Federal Court located in Marshall, Texas.

In 2007, I testified in trial in [redacted] vs. Ford in Pennsylvania State Court in Media, Pennsylvania.

COMPENSATION RATE

The compensation rate for my preparation and testimony in this case is $300 per hour.

Thomas P. Flanagan
October 30, 2007

Preliminary Accident Reconstruction Report

[redacted] vs. Chrysler Plymouth

Date of Accident: February 12, 2006

Location: Cleburne, Texas

Date of Report: November 1, 2007

Scientific Analysis, Inc.
5746 Richmond Ave. Dallas, Texas 75206
Office 214 320 9886 Fax 214 320 0097

Introduction

The accident occurred on Sunday, February 12, 2006 at 17:25 PM in Cleburne, Texas. [redacted] was operating a 2001 Chevrolet Lumina four-door sedan southbound on State Highway 174 (SH 174) when his vehicle struck the rear of a 1993 Jeep Grand Cherokee operated by [redacted] The Jeep was stopped to make a left turn into a private drive. The front of the Lumina impacted the rear of the Jeep, and the vehicles moved south after impact. The Jeep rotated in a counterclockwise direction and stopped in the northbound travel lane. It then caught fire and burned. The Lumina moved right and stopped on the right shoulder.

Investigation and Analysis

Scientific Analysis, Inc. has been requested to analyze the vehicle accident. The analysis has included:

- review of the police report;
- review of scene photographs taken by others;
- review of the Northwestern University textbook, *Traffic Accident Reconstruction*, by Lynn B. Fricke;
- inspection, photography and measurement of the accident scene and the subject vehicles;
- creation of scale diagrams depicting the accident scene and the damaged subject vehicles;
- calculations related to vehicle dynamics.

[redacted] Review of the Police Report [redacted]

Location Cleburne, Texas

Date/Time	February 12, 2006 / 17:25 PM
Road	1900 S. Main Street / Texas Hwy 174
Speed Limit	60 miles per hour (mph)
Driver 1	[redacted]
Unit 1	2001 Chevrolet Lumina
Driver 2	[redacted]
Unit 2	1993 Jeep Grand Cherokee
Conditions	Daylight, Clear, Dry, Blacktop
Factors, Driver 1	Failed to Control Speed, Driver Inattention

Investigator's Narrative:

"Unit #2 was southbound in the 1900 block S. Main and had stopped to turn left into 1917 S. Main. Unit #1 was behind Unit #2 and did not realize Unit #2 had stopped. Unit #1 collided with the back of Unit #2 with the front of Unit #1."

Inspection of the Accident Scene

The scene was inspected, photographed and measured with a Topcon laser Total Station. The inspection revealed that in the immediate vicinity of the impact, SH 174 is an undivided two-lane road. However, southbound traffic is leaving the urban area of Cleburne, and within 1000 feet of the area of impact, the roadway transitions from a 4 lane divided highway to the two lane cross section. Near that transition, the southbound drivers traverse a curve to their right.

Line of sight to the area of the crash is good. Figure 1 is a photograph taken from about 1000 feet north of the area of impact, and the area of impact is visible in the picture near the pickup truck on the right shoulder and the red and white tank on the left.

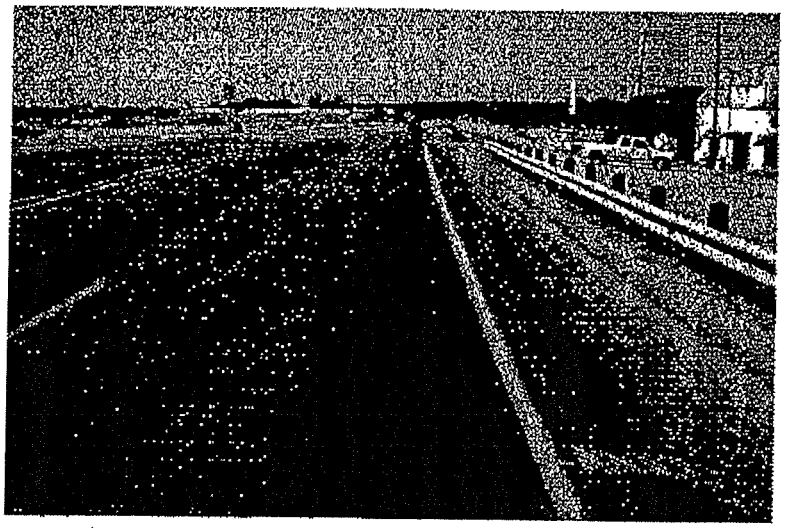


Figure 1: looking southbound, 1000 feet from impact area

Physical evidence from the accident was found at the scene. Gouge marks were found near the areas of impact and near the Jeep rest position. A burn area was found near the rest position of the Jeep.

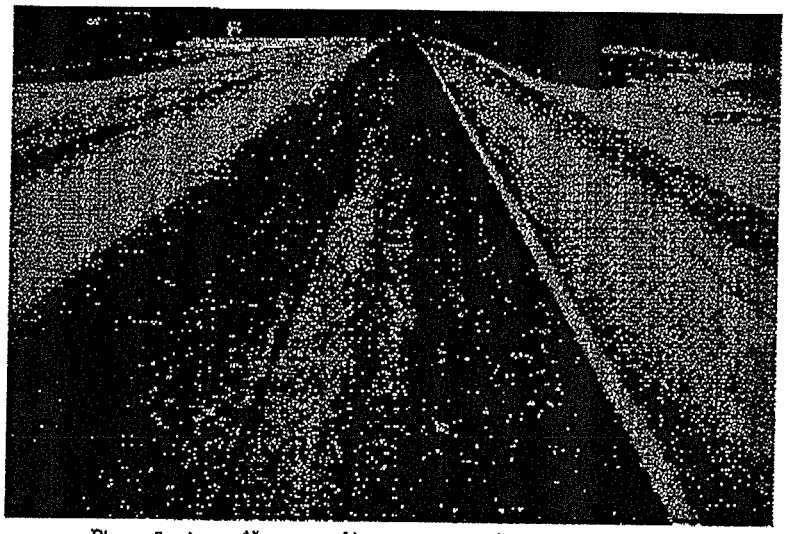


Figure 2: Area of Impact and burn area at top left

The gouge is located near the area of impact and was created when the underside of the Lumina moved down and struck the pavement. The gouge mark was photographed by the police. Figure 3 reveals that the Lumina created tire marks prior to and after impact. The

marks bend near the gouge mark and that evidence marks the point of impact. Review of the scene data and the police measurements reveals the Lumina created brake marks for about 58 feet prior to impact.

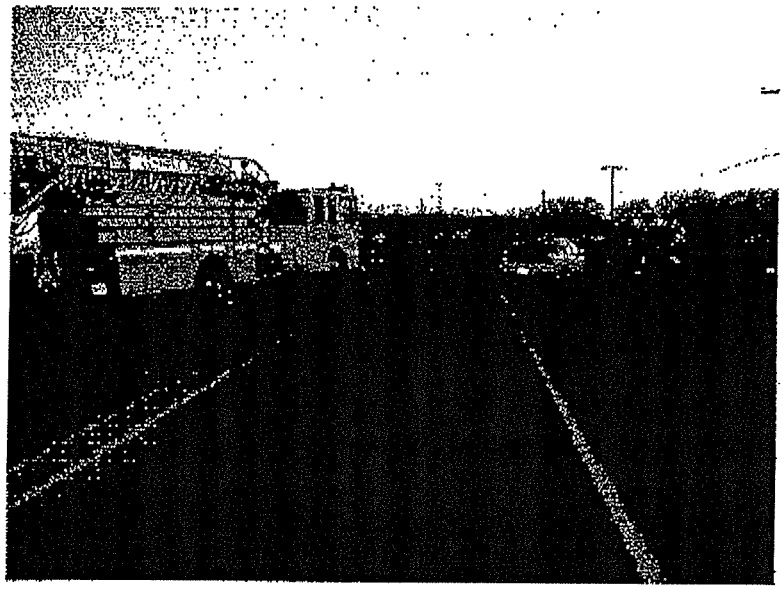


Figure 3: Lumina skid marks and rest position, POI at bend in tire marks

Inspection of the Jeep Grand Cherokee

The vehicle was inspected, photographed and measured. The inspection revealed damage to the rear.

The damage indicates that the Lumina was offset to the right at impact. The inspection revealed that the rear bumper of the Jeep was pushed forward and under the top D-Pillars.

The forward displacement of the damaged parts on the Jeep reveals that the collision force acting on the vehicle was from the rear toward the front.

The Jeep was equipped with a receiving hitch. The hitch was displaced forward.

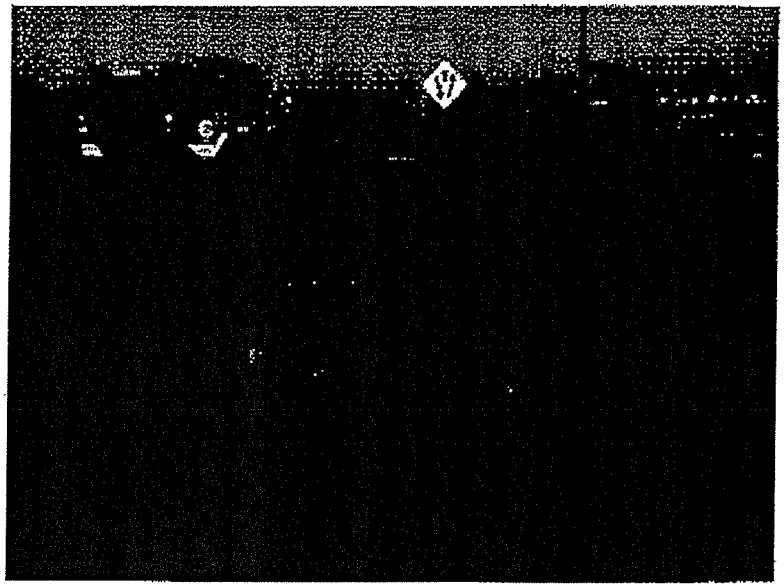


Figure 4: Damage Jeep Grand Cherokee

Inspection of the Chevrolet Lumina

The vehicle was inspected, photographed, measured and the air bag module in the vehicle was downloaded. The inspection revealed damage to the front bumper and front end structure. The damage was biased toward the passenger side.

The rearward displacement of the damaged parts on the Lumina reveals that the collision force acting on the vehicle was from the front to the rear.

The left side of the front bumper beam was exposed. It showed evidence of the Jeep's receiver hitch. The evidence indicates the center of the Jeep was biased toward the left side of the Lumina at the moment of impact.

The left front quarter panel of the Lumina is damaged from a direct contact with the rear of the Jeep. The hood of the Lumina is marked from contact and has deposits of red paint from the Jeep. The evidence indicates the Lumina moved under the Jeep during the crash sequence.

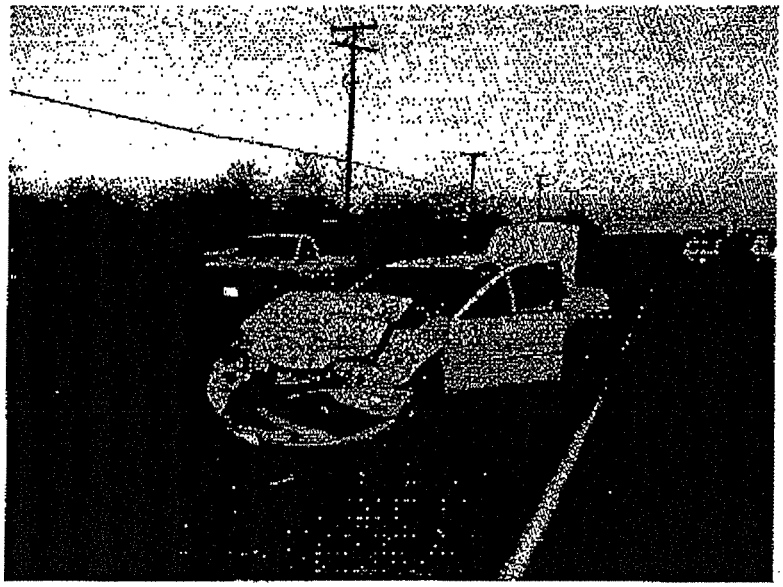


Figure 5: Damaged Lumina

The airbag module was downloaded with a Vetronix Crash Test Data Retrieval System. The data downloaded from the module indicates that the module recorded a maximum forward velocity change of -34.01 mph. The speed change levels off at 120 milliseconds indicating the end of the crash pulse. No vehicle speed prior to, or at the moment of impact was recorded by the module.

System Status At Deployment

SIR Warning Lamp Status	OFF
Driver's Belt Switch Circuit Status	BUCKLED
Passenger Front Air Bag Suppression Switch Circuit Status	Air Bag Not Suppressed
Ignition Cycles At Deployment	9426
Ignition Cycles At Investigation	9427
Time From Algorithm Enable To Deployment Command (msec)	10
Time Between Non-Deployment And Deployment Events (sec)	N/A

Time (milliseconds)	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150
Recorded Velocity Change (MPH)	-2.19	-8.36	-8.36	-8.00	-11.69	-14.46	-17.17	-19.97	-22.80	-25.68	-28.56	-30.64	-31.69	-32.53	-32.69
Time (milliseconds)	160	170	180	190	200	210	220	230	240	250	260	270	280	290	300
Recorded Velocity Change (MPH)	-33.13	-33.35	-33.35	-33.35	-33.36	-33.51	-33.51	-33.36	-33.51	-33.79	-34.01	-34.01	-34.01	-34.01	-34.01

Figure 6: SDM Data

Creation of Scale Diagrams

The diagrams are plotted to scale and were created from measurements taken during the scene and vehicle inspections.

The accident scene diagram reflects the nature of the scene on the day of the inspection and has been augmented with data from the police photographs and the police measurements. Some of the police measurements on depicted in Figure 7.

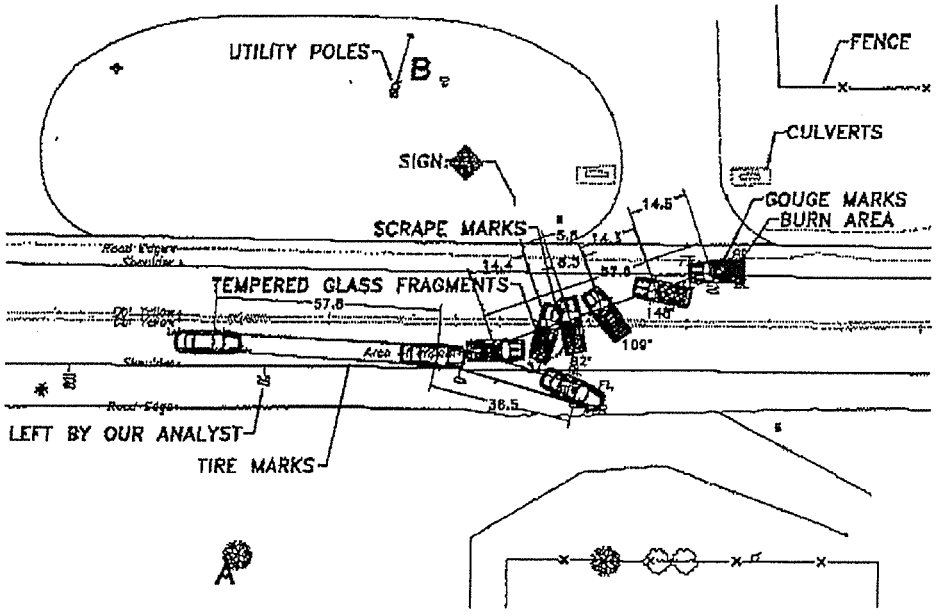


Figure 7: Accident Diagram

The Jeep was measured with a Total Station. The data was used to create a crush exhibit of that vehicle. Figure 8 shows the outline and damage. The right rear side of the vehicle was pushed further forward than the left rear. The right rear tire was displaced forward.

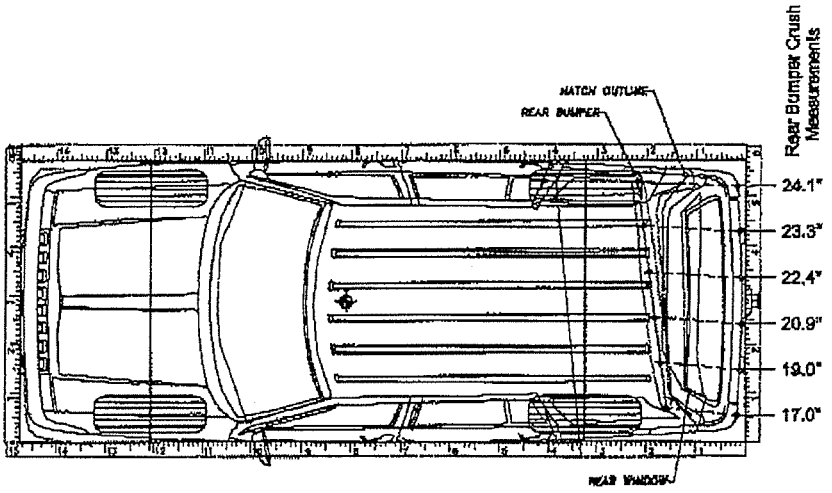


Figure 8: Jeep Damage

The Lumina had damage to its frontal structures. It was measured with a Total Station and a crush diagram was created for that vehicle also. Figure 9 depicts the damage pattern.

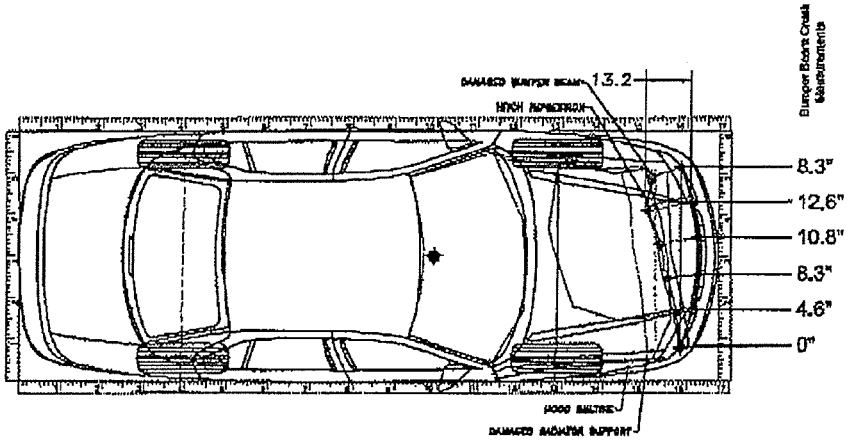


Figure 9: Lumina Damage

Calculations

Analysis of the physical evidence and the download reveals that the Lumina experienced a change in speed during the collision of approximately 34 mph. The Jeep probably weighed slightly more

than the Lumina, so it experienced a lower speed change probably near 31 miles per hour.

The vehicles were probably traveling near the same speed immediately after the impact. So, since the Jeep was accelerated to about 31 miles per hour from a stop, and Lumina slowed by about 34 to 31 miles per hour, it is probable the Lumina was traveling about 65 miles per hour at the point of impact.

The post impact travel distance for the Jeep was about 58 feet. That distance is consistent with a post impact speed for the Jeep of about 30 miles per hour; thus, the post impact travel distance is consistent with the download from the Lumina's SDM.

Opinions

1. The accident occurred on Sunday, February 12, 2006 at 17:25 PM in Cleburne, Texas.

2. Delbert Johnson was operating a 2001 Chevrolet Lumina four-door sedan southbound on State Highway 174 (SH 174) when his vehicle struck the rear of a 1993 Jeep Grand Cherokee being operated by [redacted]

3. The front of the Lumina impacted the rear of the Jeep and the vehicles moved south after impact.

4. After impact, the Jeep rotated in a counterclockwise direction and stopped in the northbound travel lane. The Jeep caught fire and burned after the impact.

5. The Lumina moved right and stopped on the right shoulder.

6. Analysis of the physical evidence and the download reveals that the Lumina experienced a change in speed during the collision of approximately 34 mph.

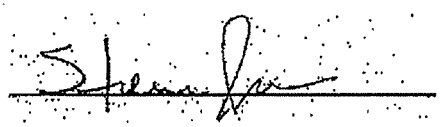
7. The Jeep probably weighed slightly more than the Lumina, so it experienced a lower speed change probably near 31 miles per hour.

8. It is probable the Lumina was traveling about 65 miles per hour at the point of impact.

9. The Lumina was traveling 71 to 74 miles per hour at the beginning of the 58 foot skid mark.

These opinions are based upon the review, my education, training, experience and expertise. They have been offered to a reasonable degree of engineering probability. Should other facts become available, they shall be considered.

Signed,



Steve Irwin
Scientific Analysis, Inc.

PE10-031-Chrysler-000605

Police Follow-Up Report

Case No. 260837
Report No. 260837.1
Report Date: 2/12/2006

Police
302 W Henderson
CLEBURNE, TX 76031
817 645-0972

1

Subject: 5431 - Traffic Accident - Major

Case Report Status: A - Approved
Occurred On (and Between): 2/12/2006 5:25:00 PM
Location: $1900 BLK S MAIN
Census/Geo:

Date Entered: 2/12/2006 8:03:42 PM
Entered By: 1086 - Summey, Kelly
Date Verified: 2/13/2006 2:12:39 AM
Verified By: 1027 - Gorman, Otis
Date Approved: 2/13/2006 2:12:44 AM
Approved By: 1027 - Gorman, Otis
Connecting Cases:

Reporting Officer: 1087 - Allen, Shannon

Assisted By:
1111 - Ward, Randal
3002 -
1069 - Couch, Derek
1116 - Stieber, Kimberly
1086 - Summey, Kelly
1028 - Bosher, Cody
1109 - Wickson, Shane
1037 - Summey, Dru
3001 -
1027 - Gorman, Otis
1007 - Powell, Terry
1039 - Knoll, Amy

Grid:
Call Source:
Vehicle Activity:
Vehicle Traveling:
Cross Street:
Means:
Other Means:
Motive:
Other Motives:

Disposition: Not a Crime/Other Service
Clearance Reason:
Date of Clearance:
Reporting Agency: Police
Division:
Notified:

Report Narrative

ON SUNDAY, FEBRUARY 12, 2006 AT 1527 HRS, OFFICERS RESPONDED TO A MAJOR TRAFFIC ACCIDENT IN THE 1900 BLOCK OF SOUTH MAIN. UPON ARRIVAL BY OFFICER S. ALLEN, HE ADVISED THAT ONE OF THE VEHICLES WAS ON FIRE AND THERE WERE TWO CHILDREN IN THE VEHICLE. OFFICER S. ALLEN IMMEDIATELY NOTIFIED COMMUNICATIONS TO LAUNCH CAREFLITE AIR AMBULANCES. OFFICER R. WARD ADVISED THAT ACCIDENT INVESTIGATORS NEEDED TO BE CONTACTED. CPL. SUMMEY AND I, OFFICER K. SUMMEY, WERE IN THE AREA AND RESPONDED TO THE ACCIDENT. INVESTIGATION REVEALED THE FOLLOWING.

THE VEHICLES INVOLVED WERE: (UNIT #1) 2001 WHITE CHEVROLET LUMINA BEARING TX LP [redacted] OCCUPIED BY DRIVER AND SOLE OCCUPANT [redacted] (UNIT #2) 1993 RED JEEP GRAND CHEROKEE BEARING TX LP [redacted] OCCUPIED BY THE DRIVER, [redacted] BACK SEAT PASSENGERS, [redacted]. IT IS UNKNOWN AT THE TIME OF THIS REPORT WHAT THE SEATING POSITIONS WERE OF THE TWO BACK SEAT PASSENGERS.

UNIT #2 WAS TRAVELING SOUTHBOUND IN THE 1900 BLOCK OF SOUTH MAIN. UNIT #2 STOPPED TO TURN LEFT INTO THE PARKING LOT OF 1915 SOUTH MAIN. UNIT #1 WAS TRAVELING SOUTHBOUND IN THE 1900 BLOCK OF SOUTH MAIN BEHIND UNIT #2. [redacted] STATED THAT HE SAW UNIT #2, BUT DID NOT SEE THAT UNIT #2 HAD STOPPED. HE STATED THAT WHEN HE REALIZED THE VEHICLE HAD STOPPED, HE SLAMMED ON HIS BRAKES, BUT WAS UNABLE TO STOP THE CAR IN TIME. UNIT #1 SKIDDED AND STRUCK THE BACK OF UNIT #2. UPON IMPACT, UNIT #2 BURST INTO FLAMES, AND SKIDDED INTO THE NORTHBOUND TRAFFIC LANES WHILE TURNING NORTHBOUND. [redacted] WAS ABLE TO EXIT THE VEHICLE. SEVERAL VEHICLES DROVE UP ON THE SCENE AND THE OCCUPANTS ATTEMPTED TO REMOVE [redacted] FROM THE BACK SEAT OF THE VEHICLE. BOTH WERE BADLY BURNED.

CLEBURNE FIRE DEPARTMENT, CAREFLITE GROUND AMBULANCE AND TWO CAREFLITE AIR AMBULANCES ARRIVED ON SCENE. CAREFLITE AIR AMBULANCES ARRIVED ON SCENE AT 1751 HRS. THEY TRANSPORTED [redacted] AND [redacted] TO PARKLAND HOSPITAL IN DALLAS [redacted] REFUSED MEDICAL TREATMENT.

CAREFLITE GROUND AMBULANCE TRANSPORTED [redacted] TO HARRIS METHODIST HOSPITAL, FORT WORTH.

I PHOTOGRAPHED THE SCENE. CPL. SUMMEY MARKED THE VEHICLES IN THE ROADWAY. WE TOOK MEASUREMENTS OF THE SCENE. PRINE'S WAS CONTACTED AND ARRIVED ON SCENE TO TOW BOTH VEHICLES. A HOLD WAS PLACED ON UNIT #2 FOR FURTHER INVESTIGATION.

AT 1955 HRS, I CONTACTED PARKLAND HOSPITAL TO CHECK ON THE CONDITIONS OF [redacted]. THEY WERE LISTED AS "VERY CRITICAL".

NOTHING FURTHER AT THIS TIME.

Offense Detail: 5431 - Traffic Accident - Major

Offense Description	5431 - Traffic Accident - Major				
IBR Code		Location	13 - Highway/Road/Alley	No. Prem. Entered	
IBR Group		Offense Completed?	Yes	Entry Method	
Crime Against		Hate/Bias	88 - None (No Bias)	Type Security	
Using		Domestic Violence	No	Tools Used	
Criminal Activity					
Weapons/Force					

Witness W1: [redacted]

Witness Code	W1	DOB	[redacted]	Place of Birth	
Name	[redacted]	Age	33	SSN	
AKA		Sex	M - Male	DLN	
Alert(s)		Race		DLN State	
Address	[redacted]	Ethnicity	N - Not of Hispanic Origin	DLN Country	
CSZ	JOSHUA, TX [redacted]	Ht.		Occupation/Grade	
		Wt.		Employer/School	
Home Phone	[redacted]	Eye Color		Res. County	JOHNSON
Work Phone		Hair Color		Res. Country	1234
		Facial Hair		Resident Status	
Attire		Skin			
Witness Notes					

Witness W2: [redacted]

Witness Code		DOB	[redacted]	Place of Birth	
Name	[redacted]	Age	49	SSN	
AKA		Sex	M - Male	DLN	
Alert(s)		Race		DLN State	
Address	[redacted]	Ethnicity		DLN Country	
CSZ	RIO VISTA, TX [redacted]	Ht.		Occupation/Grade	
		Wt.		Employer/School	
Home Phone	[redacted]	Eye Color		Res. County	
Work Phone		Hair Color		Res. Country	
		Facial Hair		Resident Status	
Attire		Skin			
Witness Notes					

Witness W3 [redacted]

Witness Code	W3	DOB	[redacted]	Place of Birth	
Name	[redacted]	Age	31	SSN	
AKA		Sex	F - Female	DLN	
Alert(s)		Race		DLN State	
Address	[redacted]	Ethnicity		DLN Country	
CSZ	CLEBURNE, TX [redacted]	Ht.		Occupation/Grade	
		Wt.		Employer/School	
Home Phone	[redacted]	Eye Color		Res. County	JOHNSON
Work Phone		Hair Color		Res. Country	1234
		Facial Hair		Resident Status	
Attire		Skin			
Witness Notes	LIVES IN HOUSE AT ACCIDENT SITE				

Witness W4: [redacted]

Witness Code		DOB		Place of Birth	
Name	[redacted]	Age		SSN	
AKA		Sex	F - Female	DLN	

Alert(s)
Address [redacted]
CSZ RIO VISTA, TX

Home Phone [redacted]
Work Phone

Attire

Witness Notes WITNESSED ACCIDENT THROUGH REAR VIEW MIRROR.

Race
Ethnicity
Ht.
Wt.
Eye Color
Hair Color
Facial Hair
Skin

DLN State
DLN Country
Occupation/Grade
Employer/School
Res. County JOHNSON
Res. Country 1234
Resident Status

Other Entity: O1 - [redacted]

Entity Code O1
Entity Type I - Information Person

Name [redacted]BERT J.
AKA
Alert(s)
Address
CSZ CLEBURNE, TX [redacted]

Home Phone [redacted]
Work Phone

Attire

Entity Notes

DOB [redacted]
Age 69
Sex M - Male
Race W - White
Ethnicity N - Not of Hispanic Origin

Ht. 6' 0"
Wt. 210
Eye Color BLU - Blue
Hair Color BRO - Brown
Facial Hair
Skin

Place of Birth
SSN
DLN [redacted]
DLN State TX - Texas
DLN Country USA - United States of America

Occupation/Grade
Employer/School
Res. County JOHNSON
Res. Country 1234
Resident Status R - Resident

ıer Entity: O2 [redacted]

Entity Code O2
Entity Type I - Information Person

Name [redacted]
AKA
Alert(s)
Address
CSZ CLEBURNE, TX [redacted]

Home Phone 817 645-1269
Work Phone

Attire

Entity Notes

DOB [redacted]
Age 28
Sex F - Female
Race W - White
Ethnicity N - Not of Hispanic Origin

Ht. 5' 7"
Wt. 150
Eye Color BRO - Brown
Hair Color BRO - Brown
Facial Hair
Skin

Place of Birth
SSN
DLN [redacted]
DLN State TX - Texas
DLN Country USA - United States of America

Occupation/Grade
Employer/School
Res. County JOHNSON
Res. Country 1234
Resident Status R - Resident

Other Entity: O3 - [redacted]

Entity Code O3
Entity Type I - Information Person

Name [redacted]
AKA
Alert(s)
Address
CSZ CLEBURNE, TX [redacted]

Home Phone
Work Phone

Attire

DOB [redacted]
Age 04
Sex U - Unknown
Race B - Black
Ethnicity N - Not of Hispanic Origin

Ht.
Wt.
Eye Color
Hair Color
Facial Hair
Skin

Place of Birth
SSN
DLN
DLN State
DLN Country
Occupation/Grade
Employer/School
Res. County JOHNSON
Res. Country 1234
Resident Status

Entity Notes

Other Entity: O4 - [redacted]

Entity Code: O4
Entity Type: I - Information Person

Name: [redacted]
AKA
Alert(s)
Address
CSZ: CLEBURNE, TX [redacted]

Home Phone
Work Phone

Attire

DOB: [redacted]
Age: 01
Sex: F - Female
Race: B - Black
Ethnicity: N - Not of Hispanic Origin
Ht.
Wt.
Eye Color
Hair Color
Facial Hair
Skin

Place of Birth
SSN
DLN
DLN State
DLN Country
Occupation/Grade
Employer/School
Res. County: JOHNSON
Res. Country: 1234
Resident Status

Entity Notes

Property Description Item 1: 3501 - Automobile (Not Stolen or Recovered) - 4 DOOR LUMINA

Item No.: 1
Property Category: 3501 - Automobile (Not Stolen or Recovered)
IBR Type: 03 - Automobiles
UCR Type: V - Other Vehicle (not Stolen or Recovered)
Status: I - Information Only

Count: 1
Value
Manufacturer: CHEVROLET
Model: LUMINA
Serial No. [redacted]
License No.
Color: WHI - White
Description: 4 DOOR LUMINA
Vehicle Year: 2001
License Year
State
Body Style

Recovered Date
Owner: O1 - [redacted]
Disposition
Evidence Tag
Alert(s)

Drug Type
Drug Quantity
Drug Measure
Marijuana Field Type
Number Marijuana Fields
Number Labs Seized
Drug Manufactured
Precursor Chemical Qty
Precursor Chemical Measurement

Property Notes

Property Description Item 2: 3501 - Automobile (Not Stolen or Recovered) - 4 DOOR JEEP GRAND CHEROKEE

Item No.: 2
Property Category: 3501 - Automobile (Not Stolen or Recovered)
IBR Type: 03 - Automobiles
UCR Type: V - Other Vehicle (not Stolen or Recovered)

Status	I - Information Only
Count	1
Value	
Manufacturer	JEEP
Model	GRAND CHEROKEE
Serial No.	[redacted]
License No.	[redacted]
Color	RED - Red
Description	4 DOOR JEEP GRAND CHEROKEE
Vehicle Year	1993
License Year	
State	
Body Style	
Recovered Date	
Owner	O2 [redacted]
Disposition	
Evidence Tag	
Alert(s)	
Drug Type	
Drug Quantity	
Drug Measure	
Marijuana Field Type	
Number Marijuana Fields	
Number Labs Seized	
Drug Manufactured	
Precursor Chemical Qty	
Precursor Chemical Measurement	
Property Notes	

Police Follow-Up Report

Case No. 260837
Report No. 260837.2
eport Date: 2/16/2006

Police
302 W Henderson
CLEBURNE, TX 76031
817 645-0972

Subject: 5431 - Traffic Accident - Major

Case Report Status	A - Approved	Date Entered	2/16/2006 8:21:18 AM	Reporting Officer	1087 - Allen, Shannon
		Entered By	1086 - Summey, Kelly		
Occurred On (and Between)	2/12/2006 5:25:00 PM	Date Verified	2/16/2006 2:55:51 PM		
		Verified By	1029 - Sigler, Robert		
		Date Approved	2/16/2006 2:55:53 PM		
Location	$1900 BLK S MAIN	Approved By	1029 - Sigler, Robert	Assisted By	1111 - Ward, Randal 3002 - 1069 - Couch, Derek 1116 - Stieber, Kimberly 1086 - Summey, Kelly 1028 - Bosher, Cody 1109 - Wickson, Shane 1037 - Summey, Dru 3001 - 1027 - Gorman, Otis 1007 - Powell, Terry 1039 - Knoll, Amy
Census/Geo		Connecting Cases			
Grid		Disposition	Active		
Call Source		Clearance Reason			
		Date of Clearance			
Vehicle Activity		Reporting Agency	Police		
Vehicle Traveling		Division			
Cross Street		Notified			
Means					
Other Means					
Motive					
Other Motives					

Report Narrative

ON MONDAY, FEBRUARY 13, 2006, CORPORAL SUMMEY AND I, OFFICER K. SUMMEY, WENT TO 316 W. KILPATRICK (PRINE'S) TO INSPECT BOTH VEHICLES INVOLVED IN THE CRASH AT 1900 S. MAIN. PHOTOGRAPHS WERE TAKEN AND ARE ATTACHED TO THIS REPORT.

1993 RED JEEP GRAND CHEROKEE BEARING TX LP #[redacted]
TIRES - FALKEN ZIEX S/TZ04 - 255/55R18 109H M+S
ALL FOUR TIRES ARE ALIKE AND HAVE GOOD TREAD DEPTH, EVEN WEAR AND SUFFICIENT PRESSURE
WINDSHIELD WIPERS - GOOD CONDITION
TAIL LAMPS - DUE TO FIRE, TAIL LAMPS WERE NON-EXISTENT. NO BULBS WERE RETRIEVED. ALL WERE MELTED AND/OR GONE.
INSPECTION CERTIFICATE - #F05675905 - CURRENT
REGISTRATION - CURRENT
MILEAGE - UNKNOWN
INTERIOR - SIGNIFICANT FIRE DAMAGE. BACK SEAT DAMAGED FROM IMPACT.

THE JEEP HAD A "DRAW-TITE" RECEIVER HITCH PROPERLY MOUNTED TO THE UNDERSIDE OF THE REAR OF THE VEHICLE. THE HITCH WAS DAMAGED DURING THE CRASH. THE RECEIVER PORTION OF THE HITCH BENT UNDER THE REAR, PUNCTURING THE PLASTIC GAS TANK OF THE JEEP. IT IS UNKNOWN WHAT SPARKED THE LEAKING GAS, POSSIBLY THE SEPARATION OF THE VEHICLES OR THE HITCH MAKING CONTACT WITH THE PAVEMENT AND CAUSING A SPARK. I SPOKE WITH THE SERVICE DEPARTMENT AT CLEBURNE DODGE. THEY ADVISED THAT THE DRAW-TITE RECEIVER HITCH WHICH WAS ON THE 1993 JEEP GRAND CHEROKEE IS AN AFTER-MARKET ADDITION TO THE VEHICLE.

TWO (2) CARSEATS WERE RETRIEVED FROM THE BACK SEAT OF THE VEHICLE. ONE (1) BLUE BOOSTER SEAT WAS POSITIONED ON THE LEFT SIDE. THE SEAT BELT SECURING THE BOOSTER SEAT WAS CUT IN ONE PLACE AND BURNED THROUGH IN ANOTHER. IT APPEARS THE BOOSTER SEAT WAS PROPERLY SECURED AT THE TIME OF THE CRASH. ONE (1) TAN CHILD SAFETY SEAT WAS POSITIONED IN THE CENTER. THE SEAT BELT SECURING THE SAFETY SEAT WAS INTACT AND PROPERLY SECURED. BOTH SEATS WERE REMOVED. THE SEAT BELTS WERE CUT OUT OF THE VEHICLE. THE SEATS AND THE BELTS WERE SECURED IN THE PROPERTY ROOM AT THE CLEBURNE POLICE DEPARTMENT.

2001 WHITE CHEVROLET LUMINA BEARING TX LP #[redacted]
TIRES - LEMANS CHAMPION SE - P205/70R15 95S M+S

ALL FOUR TIRES WERE ALIKE AND HAD GOOD TREAD DEPTH
EVEN WEAR AND SUFFICIENT PRESSURE
WINDSHIELD WIPERS - GOOD CONDITION
INSPECTION CERTIFICATE - #E09057357 - CURRENT
REGISTRATION - CURRENT
MILEAGE - 104,923
INTERIOR - BOTH FRONT AIR BAGS DEPLOYED

HOLDS, WHICH HAD BEEN PLACED ON BOTH VEHICLES, WERE RELEASED.

NOTHING FURTHER AT THIS TIME.

Offense Detail: 5431 - Traffic Accident - Major

Offense Description	5431 - Traffic Accident - Major				
IBR Code		Location	13 - Highway/Road/Alley	No. Prem. Entered	
IBR Group		Offense Completed?	Yes	Entry Method	
Crime Against		Hate/Bias	88 - None (No Bias)	Type Security	
Using		Domestic Violence	No	Tools Used	
Criminal Activity					
Weapons/Force					

Other Entity: O1 - [redacted]

Entity Code	O1				
Entity Type	I - Information Person				
Name	[redacted]	DOB	[redacted]	Place of Birth	
AKA		Age	69	SSN	
Alert(s)		Sex	M - Male	DLN	[redacted]
Address		Race	W - White	DLN State	TX - Texas
CSZ	CLEBURNE, TX [redacted]	Ethnicity	N - Not of Hispanic Origin	DLN Country	USA - United States of America
		Ht.	6' 0"	Occupation/Grade	
Home Phone	[redacted]	Wt.	210	Employer/School	
Work Phone		Eye Color	BLU - Blue	Res. County	JOHNSON
		Hair Color	BRO - Brown	Res. Country	1234
Attire		Facial Hair		Resident Status	R - Resident
		Skin			
Entity Notes					

Other Entity: O2 - [redacted]

Entity Code	O2				
Entity Type	I - Information Person				
Name	[redacted]	DOB	[redacted]	Place of Birth	
AKA		Age	28	SSN	
Alert(s)		Sex	F - Female	DLN	[redacted]
Address		Race	W - White	DLN State	TX - Texas
CSZ	CLEBURNE, TX [redacted]	Ethnicity	N - Not of Hispanic Origin	DLN Country	USA - United States of America
		Ht.	5' 7"	Occupation/Grade	
Home Phone	[redacted]	Wt.	150	Employer/School	
Work Phone		Eye Color	BRO - Brown	Res. County	JOHNSON
		Hair Color	BRO - Brown	Res. Country	1234
Attire		Facial Hair		Resident Status	R - Resident
		Skin			
Entity Notes					

Other Entity: O3 - [redacted]

Entity Code	O3
Entity Type	I - Information Person

Name	[redacted]	DOB	[redacted]	Place of Birth	
AKA		Age	04	SSN	
Alert(s)		Sex	U - Unknown	DLN	
Address		Race	B - Black	DLN State	
CSZ	CLEBURNE, TX [redacted]	Ethnicity	N - Not of Hispanic Origin	DLN Country	
		Ht.		Occupation/Grade	
Home Phone		Wt.		Employer/School	
Work Phone		Eye Color		Res. County	JOHNSON
		Hair Color		Res. Country	1234
Attire		Facial Hair		Resident Status	
		Skin			
Entity Notes					

Other Entity: O4 - [redacted]

Entity Code	O4				
Entity Type	I - Information Person				
Name	[redacted]	DOB	[redacted]	Place of Birth	
AKA		Age	01	SSN	
Alert(s)		Sex	F - Female	DLN	
Address		Race	B - Black	DLN State	
CSZ	CLEBURNE, TX [redacted]	Ethnicity	N - Not of Hispanic Origin	DLN Country	
		Ht.		Occupation/Grade	
Home Phone		Wt.		Employer/School	
Work Phone		Eye Color		Res. County	JOHNSON
		Hair Color		Res. Country	1234
Attire		Facial Hair		Resident Status	
		Skin			
Entity Notes					

Property Description Item 1: 3501 - Automobile (Not Stolen or Recovered) - 4 DOOR LUMINA

Item No.	1
Property Category	3501 - Automobile (Not Stolen or Recovered)
IBR Type	03 - Automobiles
UCR Type	V - Other Vehicle (not Stolen or Recovered)
Status	I - Information Only
Count	1
Value	
Manufacturer	CHEVROLET
Model	LUMINA
Serial No.	[redacted]
License No.	[redacted]
Color	WHI - White
Description	4 DOOR LUMINA
Vehicle Year	2001
License Year	
State	
Body Style	
Recovered Date	
Owner	O1 - [redacted]
Disposition	
Evidence Tag	
Alert(s)	
Drug Type	
Drug Quantity	
Drug Measure	
Marijuana Field Type	
Number Marijuana Fields	
Number Labs Seized	
Drug Manufactured	

Precursor Chemical Qty
Precursor Chemical Measurement

Property Notes

Property Description Item 2: 3501 - Automobile (Not Stolen or Recovered) - 4 DOOR JEEP GRAND CHEROKEE

Item No.	2
Property Category	3501 - Automobile (Not Stolen or Recovered)
IBR Type	03 - Automobiles
UCR Type	V - Other Vehicle (not Stolen or Recovered)
Status	I - Information Only
Count	1
Value	
Manufacturer	JEEP
Model	GRAND CHEROKEE
Serial No.	[redacted]
License No.	[redacted]
Color	RED - Red
Description	4 DOOR JEEP GRAND CHEROKEE
Vehicle Year	1993
License Year	
State	
Body Style	
Recovered Date	
Owner	O2 - [redacted]
Disposition	
Evidence Tag	
Alert(s)	
Drug Type	
Drug Quantity	
Drug Measure	
Marijuana Field Type	
Number Marijuana Fields	
Number Labs Seized	
Drug Manufactured	
Precursor Chemical Qty	
Precursor Chemical Measurement	
Property Notes	

Police Follow-Up Report

Case No. 260837
Report No. 260837.3
Report Date: 2/16/2006

Police
302 W Henderson
CLEBURNE, TX 76031
817 645-0972

1

Subject: 5430 - Traffic Accident - FATALITY

Case Report Status	A - Approved	Date Entered	2/16/2006 9:05:38 AM	Reporting Officer	1087 - Allen, Shannon
Occurred On (and Between)	2/12/2006 5:25:00 PM	Entered By	1086 - Summey, Kelly		
		Date Verified	2/16/2006 2:55:58 PM		
		Verified By	1029 - Sigler, Robert		
		Date Approved	2/16/2006 2:56:01 PM		
Location	$1900 BLK S MAIN	Approved By	1029 - Sigler, Robert	Assisted By	1111 - Ward, Randal 3002 - 1069 - Couch, Derek 1116 - Stieber, Kimberly 1086 - Summey, Kelly 1028 - Bosher, Cody 1109 - Wickson, Shane 1037 - Summey, Dru 3001 - 1027 - Gorman, Otis 1007 - Powell, Terry 1039 - Knoll, Amy
Census/Geo		Connecting Cases			
Grid		Disposition	Active		
Call Source		Clearance Reason			
		Date of Clearance			
Vehicle Activity		Reporting Agency	Police		
Vehicle Traveling		Division			
Cross Street		Notified			
Means					
Other Means					
Motive					
Other Motives					

Report Narrative

ON TUESDAY, FEBRUARY 14, 2006 AT APPROXIMATELY 2040 HRS, I RECEIVED A CALL FROM CLEBURNE PD COMMUNICATIONS. THEY ASKED THAT I CALL JOE, WITH THE DALLAS MEDICAL EXAMINERS OFFICE.

I SPOKE WITH JOE WHO STATED THAT ON TUESDAY, FEBRUARY 14, 2006 AT 1600 HRS, [redacted] WAS PRONOUNCED DEAD BY DR. ELIZABETH PITT, A PHYSICIAN AT PARKLAND HOSPITAL BURN ICU. HE ADVISED THAT THE FAMILY HAD CONSENTED TO ORGAN DONATION AND AN AUTOPSY WOULD BE CONDUCTED ON WEDNESDAY OR THURSDAY.

ON THURSDAY, FEBRUARY 16, 2006 AT 0745 HRS, COMMUNICATIONS CONTACTED PARKLAND HOSPITAL BURN ICU. THE CONDITION OF [redacted] WAS STILL CRITICAL.

NOTHING FURTHER AT THIS TIME.

Offense Detail: 5430 - Traffic Accident - Fatality

Offense Description	5430 - Traffic Accident - Fatality				
IBR Code		Location	13 - Highway/Road/Alley	No. Prem. Entered	
IBR Group		Offense Completed?	Yes	Entry Method	
Crime Against		Hate/Bias	88 - None (No Bias)	Type Security	
Using		Domestic Violence	No	Tools Used	
Criminal Activity					
Weapons/Force					

Other Entity: O1 - [redacted]

Entity Code	O1				
Entity Type	I - Information Person				
Name	[redacted]	DOB	[redacted]	Place of Birth	
AKA		Age	69	SSN	
Alert(s)		Sex	M - Male	DLN	[redacted]
Address	[redacted]	Race	W - White	DLN State	TX - Texas
CSZ	CLEBURNE, TX [redacted]	Ethnicity	N - Not of Hispanic Origin	DLN Country	USA - United States of America
		Ht.	6' 0"	Occupation/Grade	

Home Phone [redacted]
Work Phone
Attire
Entity Notes

Wt. 210
Eye Color BLU - Blue
Hair Color BRO - Brown
Facial Hair
Skin

Employer/School
Res. County JOHNSON
Res. Country 1234
Resident Status R - Resident

Other Entity: O2 -- [redacted]

Entity Code O2
Entity Type I - Information Person

Name
AKA
Alert(s)
Address
CSZ CLEBURNE, TX [redacted]

Home Phone [redacted]
Work Phone
Attire
Entity Notes

DOB [redacted]
Age 28
Sex F - Female
Race W - White
Ethnicity N - Not of Hispanic Origin

Ht. 5' 7"
Wt. 150
Eye Color BRO - Brown
Hair Color BRO - Brown
Facial Hair
Skin

Place of Birth
SSN
DLN [redacted]
DLN State TX - Texas
DLN Country USA - United States of America
Occupation/Grade
Employer/School
Res. County JOHNSON
Res. Country 1234
Resident Status R - Resident

Other Entity: O3 -- [redacted]

Entity Code O3
Entity Type I - Information Person

Name [redacted]
AKA
Alert(s)
Address
CSZ CLEBURNE, TX [redacted]

Home Phone
Work Phone
Attire
Entity Notes

DOB [redacted]
Age 04
Sex U - Unknown
Race B - Black
Ethnicity N - Not of Hispanic Origin
Ht.
Wt.
Eye Color
Hair Color
Facial Hair
Skin

Place of Birth
SSN
DLN
DLN State
DLN Country
Occupation/Grade
Employer/School
Res. County JOHNSON
Res. Country 1234
Resident Status

Other Entity: O4 -- [redacted]

Entity Code O4
Entity Type I - Information Person

Name [redacted]
AKA
Alert(s)
Address [redacted]
CSZ CLEBURNE, TX [redacted]

Home Phone
Work Phone
Attire
Entity Notes

DOB [redacted]
Age 01
Sex F - Female
Race B - Black
Ethnicity N - Not of Hispanic Origin
Ht.
Wt.
Eye Color
Hair Color
Facial Hair
Skin

Place of Birth
SSN
DLN
DLN State
DLN Country
Occupation/Grade
Employer/School
Res. County JOHNSON
Res. Country 1234
Resident Status

Other Entity: O5 – [redacted]

Entity Code: O5
Entity Type: I - Information Person

Name	[redacted]	DOB	Place of Birth
AKA		Age	SSN
Alert(s)		Sex	DLN
Address		Race	DLN State
CSZ		Ethnicity	DLN Country
		Ht.	Occupation/Grade
Home Phone		Wt.	Employer/School: DALLAS MEDICAL EXAMINER
Work Phone	[redacted]	Eye Color	Res. County
		Hair Color	Res. Country
Attire		Facial Hair	Resident Status
		Skin	

Entity Notes

Other Entity: O6 – [redacted]

Entity Code: O6
Entity Type: I - Information Person

Name	[redacted]	DOB	Place of Birth
AKA		Age	SSN
Alert(s)		Sex	DLN
Address		Race	DLN State
CSZ		Ethnicity	DLN Country
		Ht.	Occupation/Grade: PHYSICIAN
Home Phone		Wt.	Employer/School: PARKLAND BURN ICU
Work Phone	[redacted]	Eye Color	Res. County
		Hair Color	Res. Country
Attire		Facial Hair	Resident Status
		Skin	

Entity Notes

Property Description Item 1: 3501 - Automobile (Not Stolen or Recovered) - 4 DOOR LUMINA

Item No. 1
Property Category: 3501 - Automobile (Not Stolen or Recovered)
IBR Type: 03 - Automobiles
UCR Type: V - Other Vehicle (not Stolen or Recovered)
Status: I - Information Only

Count: 1
Value:
Manufacturer: CHEVROLET
Model: LUMINA
Serial No. [redacted]
License No. [redacted]
Color: WHI - White
Description: 4 DOOR LUMINA
Vehicle Year: 2001
License Year:
State:
Body Style:

Recovered Date:
Owner: O1 [redacted]
Disposition:
Evidence Tag:
Alert(s):

Drug Type
Drug Quantity
Drug Measure
Marijuana Field Type
Number Marijuana Fields
Number Labs Seized
Drug Manufactured
Precursor Chemical Qty
Precursor Chemical Measurement

Property Notes

Property Description Item 2: 3501 - Automobile (Not Stolen or Recovered) - 4 DOOR JEEP GRAND CHEROKEE

Item No. 2
Property Category 3501 - Automobile (Not Stolen or Recovered)
IBR Type 03 - Automobiles
UCR Type V - Other Vehicle (not Stolen or Recovered)
Status I - Information Only

Count 1
Value
Manufacturer JEEP
Model GRAND CHEROKEE
Serial No. [redacted]
License No. [redacted]
Color RED - Red
Description 4 DOOR JEEP GRAND CHEROKEE
Vehicle Year 1993
License Year
State
Body Style

Recovered Date
Owner O2 - [redacted]
Disposition
Evidence Tag
Alert(s)

Drug Type
Drug Quantity
Drug Measure
Marijuana Field Type
Number Marijuana Fields
Number Labs Seized
Drug Manufactured
Precursor Chemical Qty
Precursor Chemical Measurement

Property Notes

TEXAS PEACE OFFICER'S CRASH REPORT · CRB-3 (Rev. 01/06) Submission of Crash Records: This report may be submitted via the CRIS Web Portal, electronically submitted via XML or mailed to the TEXAS DEPARTMENT OF PUBLIC SAFETY, PO BOX 4087, AUSTIN TX 78773-0250. Please see the DPS Instructions to Police for more details regarding these submission methods or look on the CRIS Website at http://www.txdps.state.tx.us/crisproject/index.htm

☒ FATAL ☐ CMV INVOLVED ☐ SCHOOL BUS RELATED ☐ RAILROAD RELATED ☐ MEDICAL ADVISORY BOARD ☐ HIT AND RUN ☒ AMENDMENT/ SUPPLEMENT

PLACE WHERE CRASH OCCURRED — LOC # 2604666

COUNTY Johnson — CITY OR TOWN Cleburne — ORI #

CRASH WAS OUTSIDE CITY LIMITS INDICATE FROM NEAREST TOWN ____ MILES ☐N ☐S ☐E ☐W OF ____ — DPS #

ROAD ON WHICH CRASH OCCURRED: 1900 (BLOCK NUMBER) S. MAIN St. (STREET OR ROAD NAME) (TEXAS Hwy 174) (ROUTE NUMBER OR STREET CODE) — CONSTRUCTION ZONE WORKERS PRESENT ☐ YES ☒ NO / ☐ YES ☐ NO — SPEED LIMIT 60

INTERSECTING STREET OR RR X'ING NUMBER (BLOCK NUMBER / STREET OR ROAD NAME / ROUTE NUMBER OR STREET CODE) — CONSTRUCTION ZONE WORKERS PRESENT ☐ YES ☒ NO / ☐ YES ☐ NO — SPEED LIMIT

NOT AT INTERSECTION 4/10 ☐ FT. ☒ MI. ☐N ☐S ☐E ☐W OF Texas Hwy 171 South (SHOW MILEPOST OR NEAREST INTERSECTING NUMBERED HIGHWAY, IF NONE, SHOW NEAREST INTERSECTING STREET OR REFERENCE POINT) — MILEPOST — LATITUDE — LONGITUDE

DATE OF CRASH FEBRUARY (MONTH) 12 (DATE) 2006 (YEAR) — DAY OF WEEK SUNDAY — HOUR 1725 ☐ AM ☒ PM — IF EXACTLY NOON OR MIDNIGHT, SO STATE

UNIT # 1 — 1 (1-MOTOR VEHICLE, 2-TRAIN, 3-PEDALCYCLIST, 4-PEDESTRIAN, 5-MOTORIZED CONVEYANCE, 6-TOWED, 7-NON-CONTACT, 8-OTHER) — VIN# 2G1WL52J211 [redacted] — ALTERED VEHICLE HEIGHT ☐ YES ☒ NO

YEAR MODEL 2001 — COLOR & MAKE White Chevrolet — MODEL NAME Lumina — BODY STYLE 4 DOOR — LICENSE PLATE [redacted]

DRIVER'S NAME [redacted] (LAST / FIRST / MIDDLE / ADDRESS (STREET, CITY, STATE, ZIP)) Cleburne, TX [redacted] — PHONE NUMBER [redacted]

DRIVER'S LICENSE TX- [redacted] (STATE / NUMBER) C (CLASS/TYPE) ____ (ENDORSEMENTS) A (RESTRICTIONS) [redacted] (DATE OF BIRTH) — LICENSE STATUS 1 (1-VALID, 2-NOT VALID, 3-SUSPENDED/REVOKED, 4-CANCELLED/DENIED, 5-EXPIRED, 6-UNKNOWN)

DRIVER'S ETHNICITY 1 (1-WHITE, 2-HISPANIC, 3-BLACK, 4-ASIAN, 6-OTHER) — DRIVER'S SEX ☒ MALE ☐ FEMALE — DRIVER'S OCCUPATION UNKNOWN — POLICE, FIREFIGHTER, EMS, ON EMERGENCY ☐ (IF CHECKED, PLEASE EXPLAIN IN NARRATIVE)

TYPE OF ALCOHOL SPECIMEN TAKEN 1-BREATH 2-BLOOD 3-URINE 4-NONE 5-REFUSED 4 — TEST RESULTS ____ — TYPE OF DRUG SPECIMEN TAKEN 1-BLOOD 2-URINE 3-NONE 4-REFUSED 3 — TEST RESULTS ____ — DRUG CATEGORY 1. ____ 2. ____

LESSEE ☐ OWNER ☒ [redacted] (NAME (ALWAYS SHOW LESSEE IF LEASED, OTHERWISE SHOW OWNER)) Cleburne, Tx. [redacted] (ADDRESS (STREET, CITY, STATE, ZIP))

LIABILITY INSURANCE ☒ YES ☐ NO ☐ EXP — OLD American County Mutual (INSURANCE COMPANY NAME) — AIG [redacted] (POLICY NUMBER) — Expires 07-21-06 — VEHICLE DAMAGE RATING 12-FD-4

UNIT # 2 — 1 (1-MOTOR VEHICLE, 2-TRAIN, 3-PEDALCYCLIST, 4-PEDESTRIAN, 5-MOTORIZED CONVEYANCE, 6-TOWED, 7-NON-CONTACT, 8-OTHER) — VIN# 1J4GZ58S6P [redacted] — ALTERED VEHICLE HEIGHT ☐ YES ☒ NO

YEAR MODEL 1993 — COLOR & MAKE Red Jeep — MODEL NAME Grand Cherokee — BODY STYLE Carryall — LICENSE PLATE [redacted]

DRIVER'S NAME [redacted] (LAST / FIRST / MIDDLE / ADDRESS (STREET, CITY, STATE, ZIP)) Cleburne, Tx [redacted] — PHONE NUMBER [redacted]

DRIVER'S LICENSE Tx. [redacted] (STATE / NUMBER) C (CLASS/TYPE) ____ (ENDORSEMENTS) ____ (RESTRICTIONS) [redacted] (DATE OF BIRTH) — LICENSE STATUS 5 (1-VALID, 2-NOT VALID, 3-SUSPENDED/REVOKED, 4-CANCELLED/DENIED, 5-EXPIRED, 6-UNKNOWN)

DRIVER'S ETHNICITY 1 (1-WHITE, 2-HISPANIC, 3-BLACK, 4-ASIAN, 6-OTHER) — DRIVER'S SEX ☐ MALE ☒ FEMALE — DRIVER'S OCCUPATION DAY CARE — POLICE, FIREFIGHTER, EMS, ON EMERGENCY ☐ (IF CHECKED, PLEASE EXPLAIN IN NARRATIVE)

TYPE OF ALCOHOL SPECIMEN TAKEN 1-BREATH 2-BLOOD 3-URINE 4-NONE 5-REFUSED 4 — TEST RESULTS ____ — TYPE OF DRUG SPECIMEN TAKEN 1-BLOOD 2-URINE 3-NONE 4-REFUSED 3 — TEST RESULTS ____ — DRUG CATEGORY 1. ____ 2. ____

LESSEE ☐ OWNER ☒ [redacted] (NAME (ALWAYS SHOW LESSEE IF LEASED, OTHERWISE SHOW OWNER)) Cleburne, Tx [redacted] (ADDRESS (STREET, CITY, STATE, ZIP))

LIABILITY INSURANCE ☐ YES ☐ NO ☐ EXP (INSURANCE COMPANY NAME) ____ (POLICY NUMBER) — VEHICLE DAMAGE RATING 6-BD-5

DAMAGE TO PROPERTY OTHER THAN VEHICLES

OBJECT ____ NAME AND ADDRESS OF OWNER ____ FEET FROM CURB ____ $ DAMAGE ESTIMATE ____

IN YOUR OPINION, DID THIS CRASH RESULT IN AT LEAST $1,000.00 DAMAGE TO ANY ONE PERSON'S PROPERTY? ☒ YES ☐ NO

CHARGES FILED

NAME ____ CHARGE ____ CITATION# ____

NAME ____ CHARGE ____ CITATION# ____

TIME NOTIFIED F CRASH 02-12-06 (DATE) 1725 (HOUR) — HOW Dispatch — TIME ARRIVED AT SCENE 02-12-06 (DATE) 0729 (HOUR) — DATE OF REPORT 02-12-06

TYPED OR PRINTED NAME OF INVESTIGATOR Cpl. J.D. Summey — ID# 213 — AGENCY Cleburne P.D. — DIST/AREA ____ — REPORT COMPLETE ☒ YES ☐ NO

SEAT POSITION	SOLICITATION	EJECTED	RESTRAINT USED	AIRBAG	HELMET USE	INJURY SEVERITY
1-FRONT LEFT 2-FRONT CENTER 3-FRONT RIGHT 4-SECOND SEAT LEFT 5-SECOND SEAT CENTER 6-SECOND SEAT RIGHT 7-THIRD SEAT LEFT 8-THIRD SEAT CENTER 9-THIRD SEAT RIGHT 10-CARGO AREA 11-OUTSIDE VEHICLE 12-UNKNOWN	INDICATES A PERSON'S DESIRE TO RECEIVE CONTACT FROM PERSONS SEEKING PROFESSIONAL EMPLOYMENT AS/FOR ATTORNEY, CHIROPRACTOR, PHYSICIAN, SURGEON, PRIVATE INVESTIGATOR, OR ANY OTHER PERSON REGISTERED OR LICENSED BY A HEALTH CARE REGULATORY AGENCY (Y=SOLICIT, N=NO SOLICIT).	1-NO 2-YES 3-YES, PARTIAL 4-NOT APPLICABLE 5-UNKNOWN	1-SHOULDER & LAP BELT 2-SHOULDER BELT ONLY 3-LAP BELT ONLY 4-CHILD SEAT, FACING FORWARD 5-CHILD SEAT, FACING REAR 6-CHILD SEAT, UNK 7-BOOSTER SEAT 8-NONE 9-OTHER 10-UNKNOWN	1-NOT APPLICABLE 2-NOT DEPLOYED 3-DEPLOYED, FRONT 4-DEPLOYED, SIDE 5-DEPLOYED, OTHER 6-UNKNOWN	1-WORN, DAMAGED 2-WORN, NOT DAMAGED 3-WORN, UNK. DAMAGE 4-NOT WORN 5-UNKNOWN IF WORN	K-KILLED A-INCAPACITATING INJURY B-NON INCAPACITATING INJURY C-POSSIBLE INJURY N-NOT INJURED U-UNKNOWN

UNIT# 1 — TOWED DUE TO DISABLING DAMAGE ☒ YES ☐ NO — VEHICLE REMOVED TO 316 W. Kilpatrick Cleburne, TX 76033 BY Prines Wrecker

ITEM#	SEAT POSITION	COMPLETE ALL DATA ON ALL OCCUPANTS NAMES, POSITIONS, RESTRAINTS USED, ETC. HOWEVER, IT IS NOT NECESSARY TO SHOW ADDRESSES UNLESS KILLED OR INJURED	SOL	EJECTED	RESTRAINT USED	AIRBAG	HELMET	AGE	SEX	INJURY CODE
1	1	[redacted] Cleburne, Tx [redacted]	N	1	1	3	4	69	M	B
2										
3										
4										
5										

UNIT# 2 — TOWED DUE TO DISABLING DAMAGE ☒ YES ☐ NO — VEHICLE REMOVED TO 316 W. Kilpatrick Cleburne, Tx 76033 BY Prines Wrecker

ITEM#	SEAT POSITION	COMPLETE ALL DATA ON ALL OCCUPANTS NAMES, POSITIONS, RESTRAINTS USED, ETC. HOWEVER, IT IS NOT NECESSARY TO SHOW ADDRESSES UNLESS KILLED OR INJURED NAME (LAST, FIRST, MI) / ADDRESS	SOL	EJECTED	RESTRAINT USED	AIRBAG	HELMET	AGE	SEX	INJURY CODE
6	1	[redacted] Cleburne, Tx [redacted]	N	1	1	2	4	28	F	C
7	5	Cleburne, Tx	N	1	4	2	4	1	F	A
8	4	Cleburne, Tx	N	1	7	2	4	4	F	K
9										
10										

PED., PEDAL., MOT. CONVEY, ETC.	COMPLETE IF CASUALTIES NOT IN MOTOR VEHICLE CASUALTY NAME (LAST, FIRST, MI) / ADDRESS	SOL	ALCOHOL SPECIMEN TAKEN	RESULT	DRUG SPECIMEN TAKEN	RESULT	HELMET	AGE	SEX	INJURY CODE

DISPOSITION OF KILLED OR INJURED — IF AMBULANCE USED, SHOW

ITEM#	TAKEN TO	BY	TIME NOTIFIED	TIME ARRIVED AT SCENE	AMBULANCE UNIT#	# OF ATTENDANTS INCLUDING DRIVER	# OF PERSONS TRANSPORTED FOR TREATMENT
1	Harris Downtown Hospital	Careflite Ground Ambulance	1750	1802		2	3
7	Parkland Hospital	Careflite Air Ambulance	1732	1751		3	
8	Parkland Hospital	Careflite Air Ambulance	1732	1752		3	

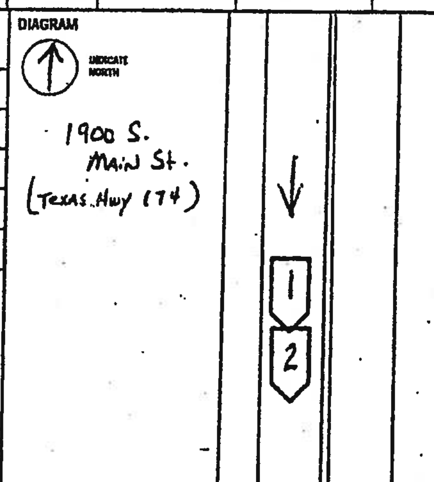
COMPLETE THIS SECTION IF PERSON KILLED (If a person dies within 30 days of the crash, please complete this area and mail the supplement to the Crash Records Bureau)

ITEM #	DATE OF DEATH	TIME OF DEATH	ITEM#	DATE OF DEATH	TIME OF DEATH	ITEM#	DATE OF DEATH	TIME OF DEATH	ITEM#	DATE OF DEATH	TIME OF DEATH
#8	2-14-06	1600									

INVESTIGATOR'S NARRATIVE OPINION OF WHAT HAPPENED (ATTACH ADDITIONAL SHEETS IF NECESSARY)

Unit # 2 was southbound in the 1900 Block S. Main and had stopped to turn left into 1917 S. Main. Unit #1 was behind Unit #2 and did not realize Unit #2 had stopped. Unit #1 collided with the back of Unit #2 with the front of Unit #1.

DIAGRAM



1 — 1-TWO-WAY, NOT DIVIDED; 2-TWO-WAY, DIVIDED, UNPROTECTED MEDIAN; 3-TWO-WAY, DIVIDED, PROTECTED BARRIER; 4-ONE-WAY; 5-UNKNOWN

FACTORS AND CONDITIONS LISTED ARE THE INVESTIGATOR'S OPINION

UNIT#	FACTORS/CONDITIONS CONTRIBUTING 1	2	3	OTHER FACTORS/CONDITIONS MAY OR MAY NOT HAVE CONTRIBUTED 1	2	3	VEHICLE DEFECTS CONTRIBUTING 1	2	VEHICLE DEFECTS MAY HAVE CONTRIBUTED 1	2
1	22	20								

1-ANIMAL ON ROAD-DOMESTIC
2-ANIMAL ON ROAD-WILD
3-BACKED WITHOUT SAFETY
4-CHANGED LANE WHEN UNSAFE
5-13 SEE VEHICLE DEFECTS
14-DISABLED IN TRAFFIC LANE
15-DISREGARD STOP AND GO SIGNAL
16-DISREGARD STOP SIGN OR LIGHT
17-DISREGARD TURN MARKS AT INTERSECTION
18-DISREGARD WARNING SIGN AT CONSTRUCTION
19-DISTRACTION IN VEHICLE
20-DRIVER INATTENTION
21-DROVE WITHOUT HEADLIGHTS
22-FAILED TO CONTROL SPEED
23-FAILED TO DRIVE IN SINGLE LANE
24-FAILED TO GIVE HALF OF ROADWAY
25-FAILED TO HEED WARNING SIGN
26-FAILED TO PASS TO LEFT SAFELY
27-FAILED TO PASS TO RIGHT SAFELY
28-FAILED TO GIVE SIGNAL OR WRONG SIGNAL
29-FAILED TO STOP AT PROPER PLACE
30-FAILED TO STOP FOR SCHOOL BUS
-FAILED TO STOP FOR TRAIN
-AILED TO YIELD ROW-EMERGENCY VEHICLE
-AILED TO YIELD ROW-OPEN INTERSECTION
-AILED TO YIELD ROW-PRIVATE DRIVE
-FAILED TO YIELD ROW-STOP SIGN
36-FAILED TO YIELD ROW-TO PEDESTRIAN
37-FAILED TO YIELD ROW-TURNING LEFT
38-FAILED TO YIELD ROW-TURN ON RED
39-FAILED TO YIELD ROW-YIELD SIGN
40-FATIGUED OR ASLEEP
41-FAULTY EVASIVE ACTION
42-FIRE IN VEHICLE
43-FLEEING OR EVADING POLICE
44-FOLLOWED TOO CLOSELY
45-HAD BEEN DRINKING
46-HANDICAPPED DRIVER (EXP. IN NARRATIVE)
47-ILL (EXP. IN NARRATIVE)
48-IMPAIRED VISIBILITY (EXP. IN NARRATIVE)
49-IMPROPER START FROM PARKED POSITION
50-LOAD NOT SECURED
51-OPENED DOOR TO TRAFFIC LANE
52-OVERSIZE VEHICLE OR LOAD
53-OVERTAKE AND PASS INSUFFICIENT CLEARANCE
54-PARKED AND FAILED TO SET BRAKES
55-PARKED IN TRAFFIC LANE
56-PARKED WITHOUT LIGHTS
57-PASSED IN NO PASSING ZONE
58-PASSED ON RIGHT SHOULDER
59-PED/PEDALCYCLIST/MOT. CONV. FTY ROW TO VEHICLE
60-SPEEDING UNSAFE (UNDER LIMIT)
61-SPEEDING OVER LIMIT
62-TAKING MEDICATION (EXP. IN NARRATIVE)
63-TURNED IMPROPERLY - CUT CORNER ON LEFT
64-TURNED IMPROPERLY - WIDE RIGHT
65-TURNED IMPROPERLY - WRONG LANE
66-TURNED WHEN UNSAFE
67-UNDER INFLUENCE - ALCOHOL
68-UNDER INFLUENCE - DRUG
69-WRONG SIDE - APPROACH OR IN INTERSECTION
70-WRONG SIDE- NOT PASSING
71-WRONG WAY-ONE WAY ROAD
72-CELL/MOBILE PHONE USE
73-ROAD RACE
74-OTHER FACTOR (WRITE OR LINE)

VEHICLE DEFECTS
5-DEFECTIVE OR NO HEADLAMPS
6-DEFECTIVE OR NO STOP LAMPS
7-DEFECTIVE OR NO TAIL LAMPS
8-DEFECTIVE OR NO TURN SIG. LAMPS
9-DEFECTIVE OR NO TRAILER BRAKES
10-DEFECTIVE OR NO VEHICLE BRAKES
11-DEFECTIVE OR NO STEERING MECH.
12-DEFECTIVE OR SLICK TIRES
13-DEFECTIVE TRAILER HITCH

TRAFFIC CONTROL — 12
1-NONE; 2-INOPERATIVE; 3-OFFICER; 4-FLAGMAN; 5-SIGNAL LIGHT; 6-FLASHING RED LIGHT; 7-FLASHING YELLOW LIGHT; 8-STOP SIGN; 9-YIELD SIGN; 10-WARNING SIGN; 11-CENTER STRIPE/DIVIDER; 12-NO PASSING ZONE; 13-RR GATES/SIGNAL; 14-SCHOOL ZONE; 15-CROSSWALK; 16-BIKE LANE; 17-OTHER

ROADWAY RELATION — 1
1-ON ROADWAY; 2-OFF ROADWAY; 3-SHOULDER; 4-MEDIAN

PART OF THE ROADWAY — 1
1-MAIN LANE; 2-SERVICE ROAD; 3-ENTRANCE RAMP; 4-EXIT RAMP; 5-CONNECTOR; 6-DETOUR; 7-OTHER

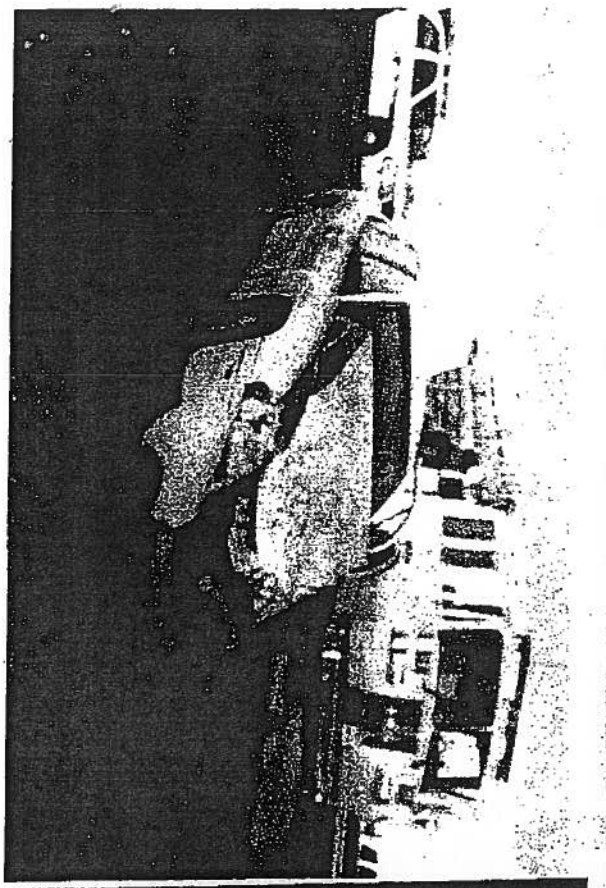
ROADWAY ALIGNMENT — 1
1-STRAIGHT, LEVEL; 2-STRAIGHT, GRADE; 3-STRAIGHT, HILLCREST; 4-CURVE, LEVEL; 5-CURVE, GRADE; 6-CURVE, HILLCREST; 7-OTHER; 9-UNKNOWN

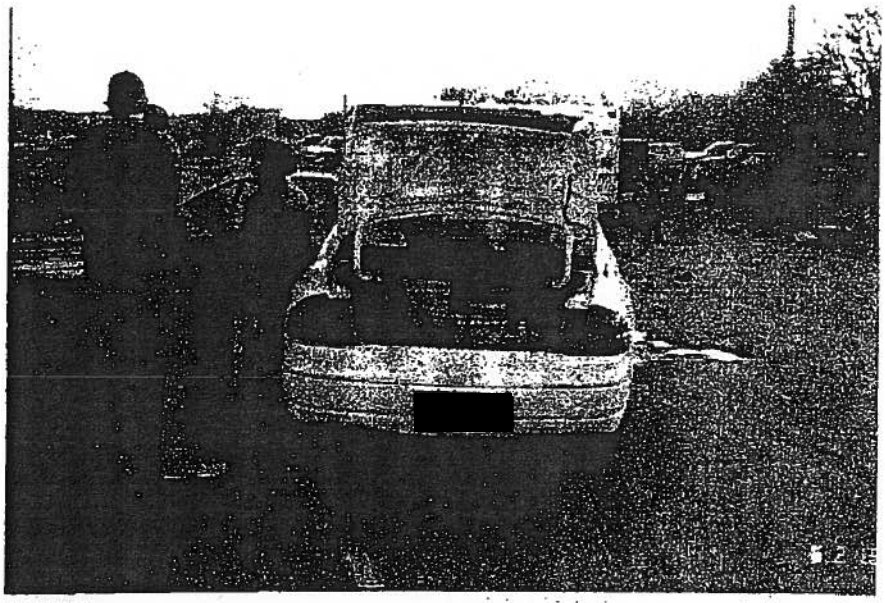
LIGHT CONDITION — 1
1-DAYLIGHT; 2-DARK, NOT LIGHTED; 3-DARK, LIGHTED; 4-DARK, UNK LIGHTING; 5-DAWN; 6-DUSK; 8-OTHER; 9-UNKNOWN

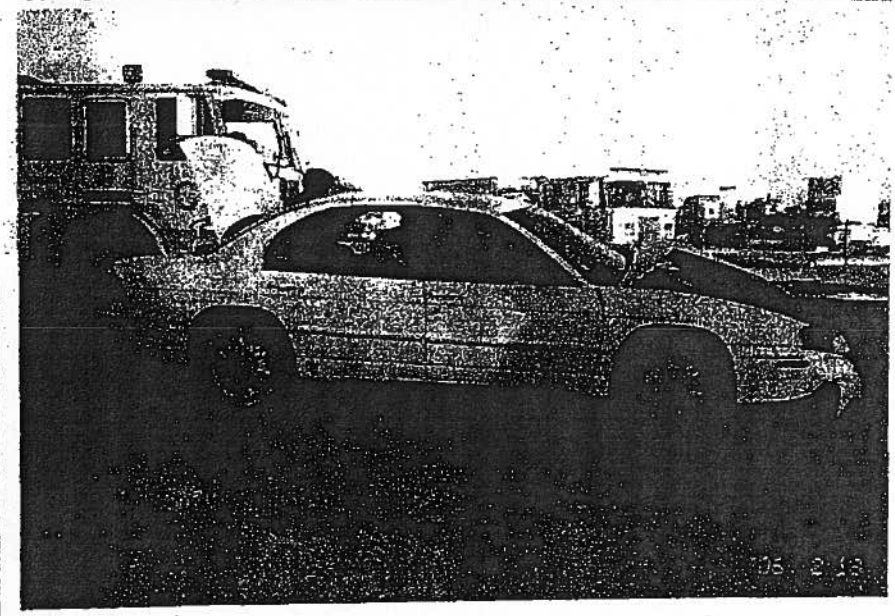
TYPE OF ROAD SURFACE — 2
1-CONCRETE; 2-BLACKTOP; 3-BRICK; 4-GRAVEL; 5-DIRT; 6-OTHER; 7-UNKNOWN

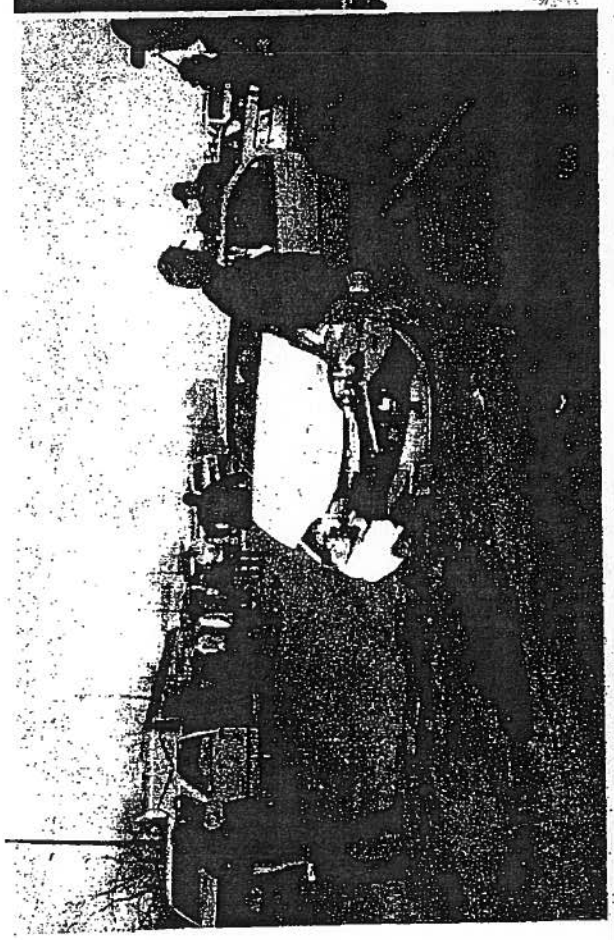
WEATHER — 1
1-CLEAR/CLOUDY; 2-RAIN; 3-SLEET/HAIL; 4-SNOW; 5-FOG; 6-BLOWING SAND/SNOW; 7-SEVERE CROSSWINDS; 8-OTHER; 9-UNKNOWN

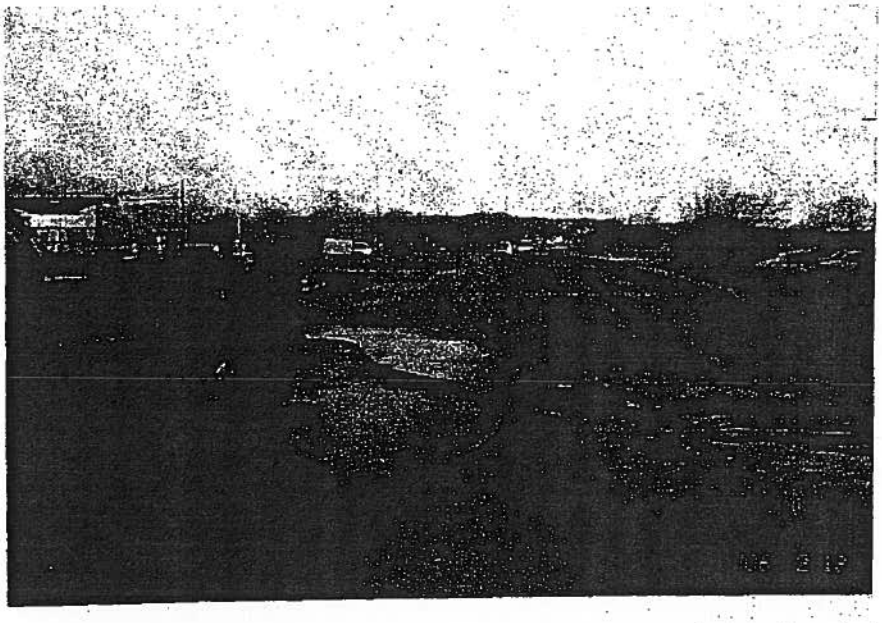
SURFACE CONDITION — 1
1-DRY; 2-WET; 3-STANDING WATER; 4-SNOW; 5-SLUSH; 6-ICE; 7-SAND, MUD, DIRT; 8-OTHER; 9-UNK

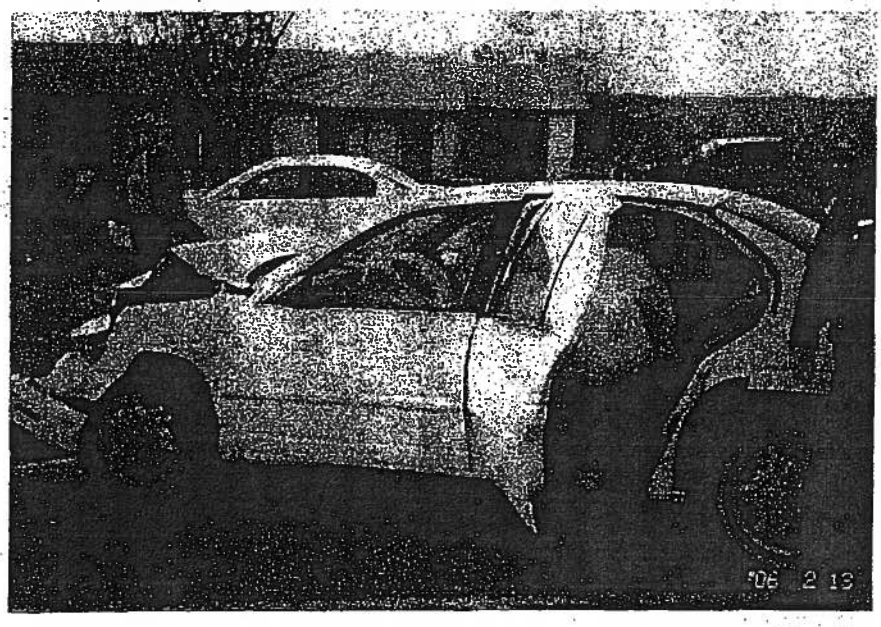


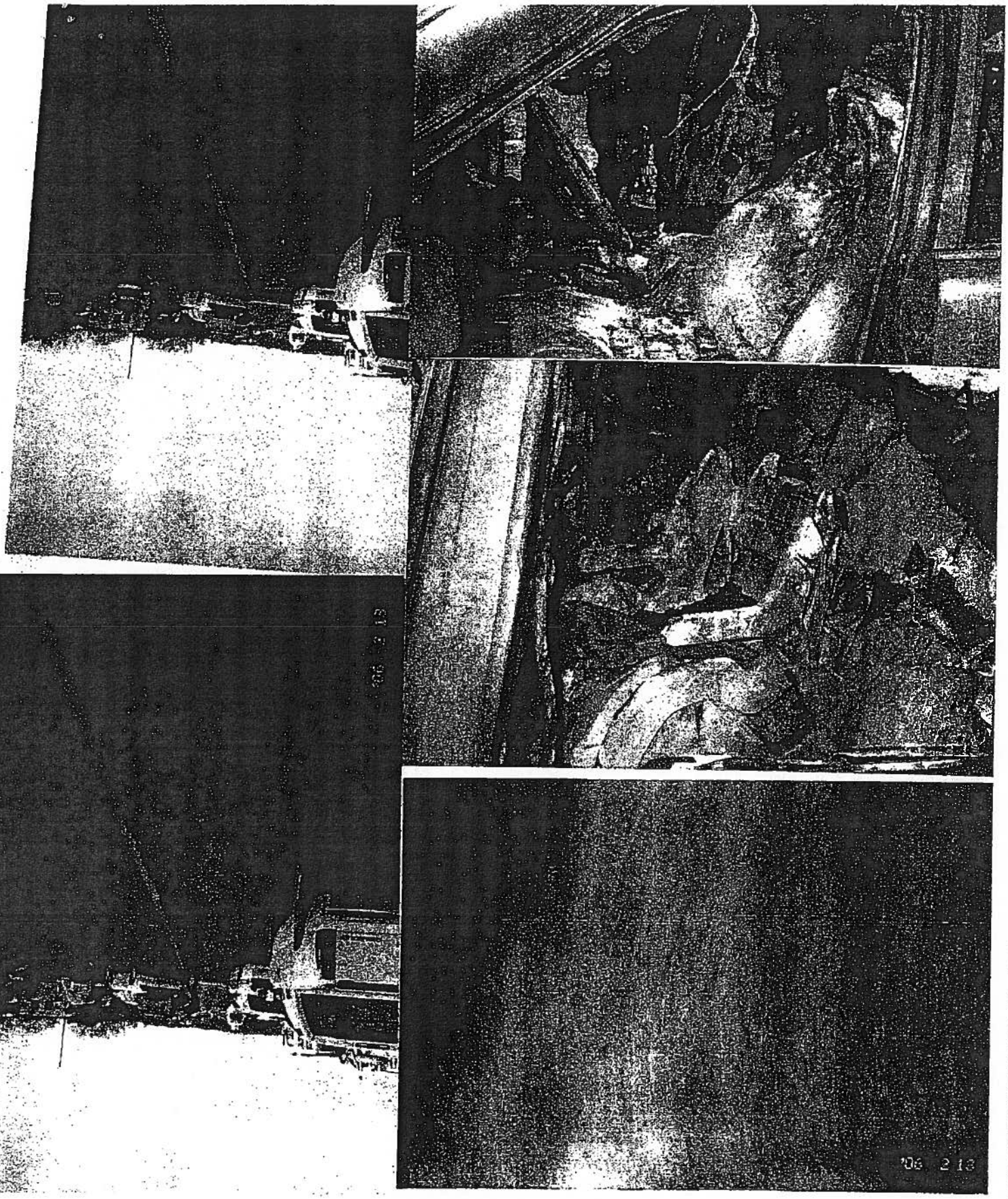


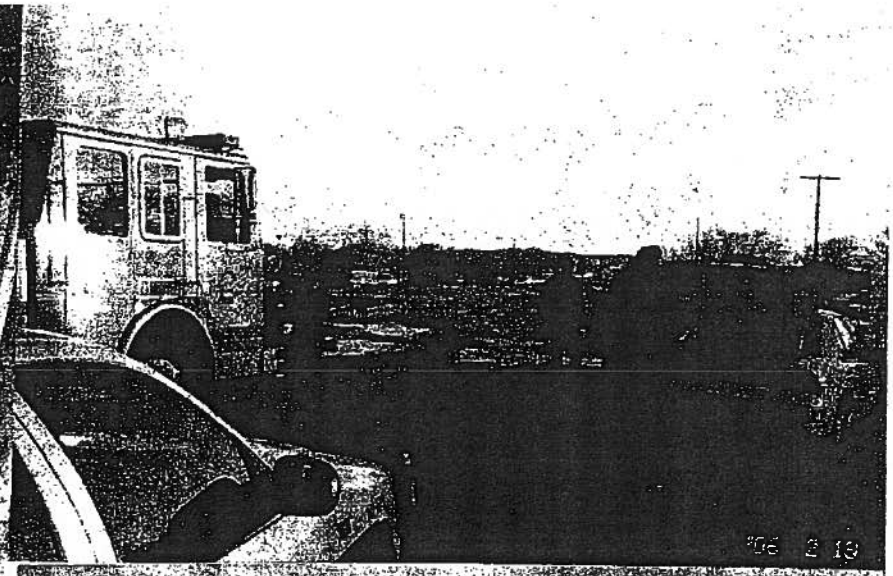


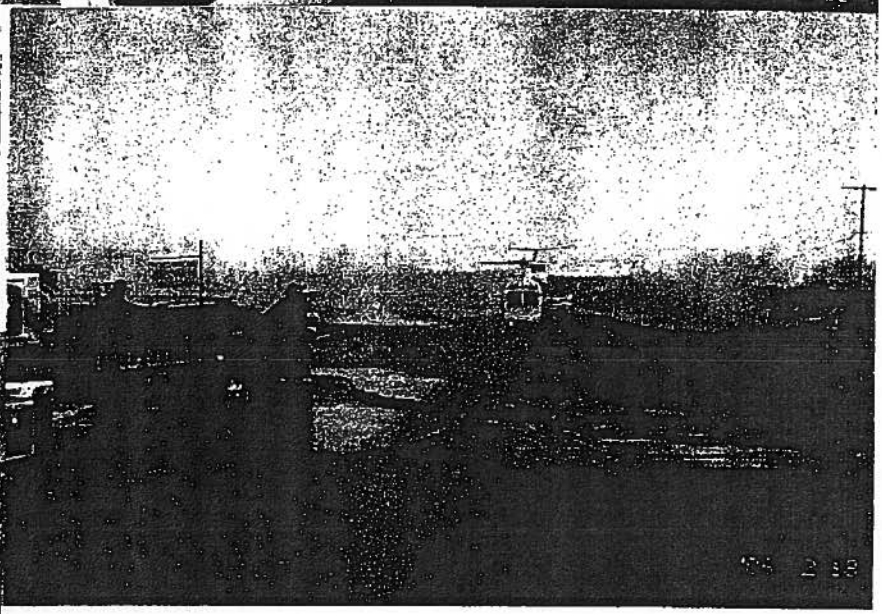


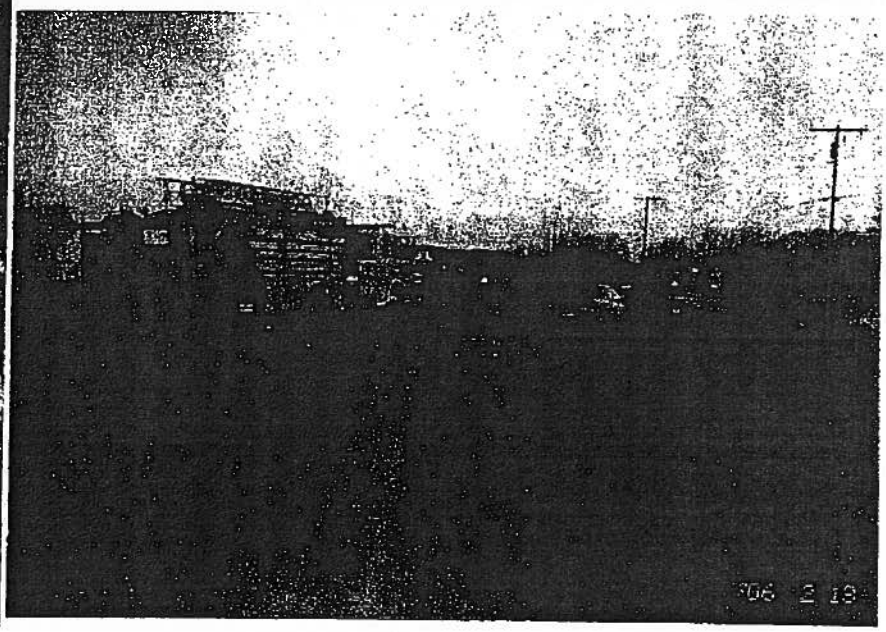


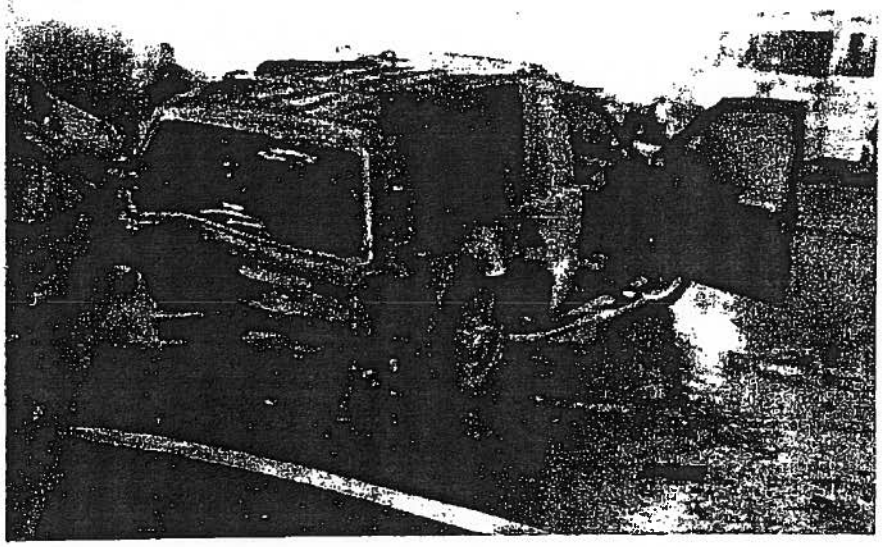

'06 2 13

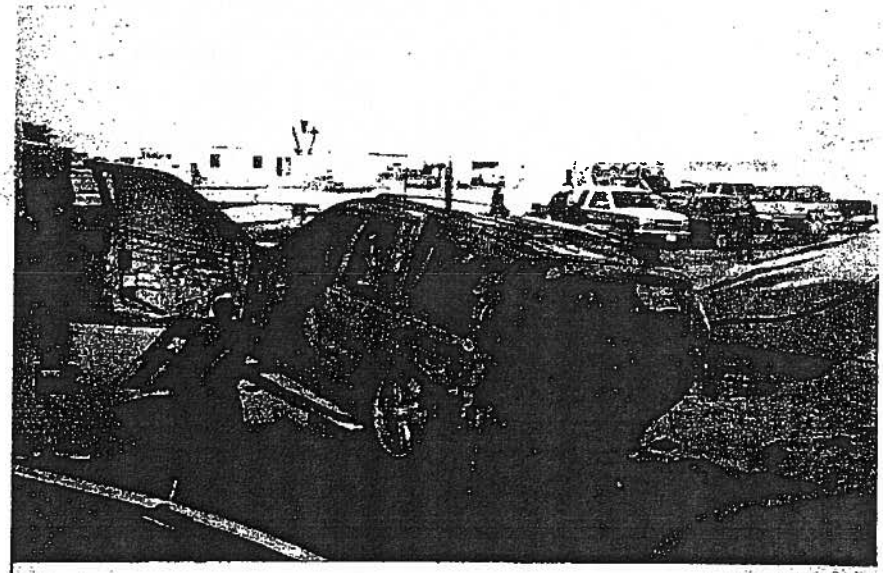


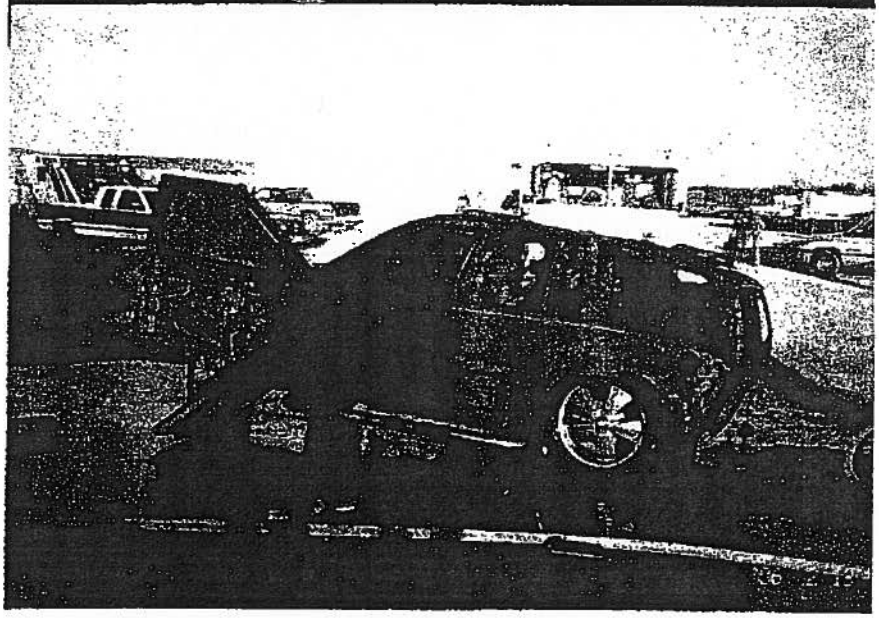


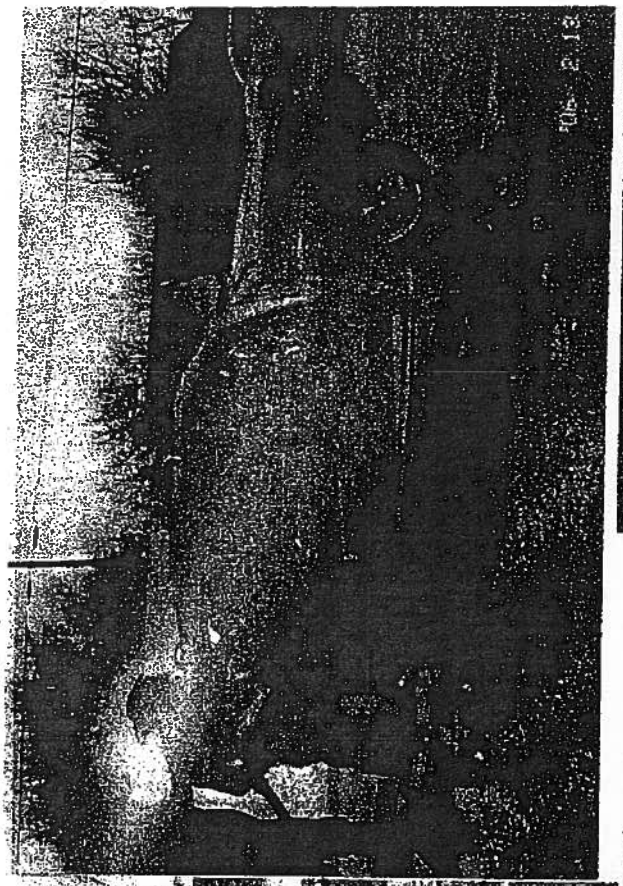


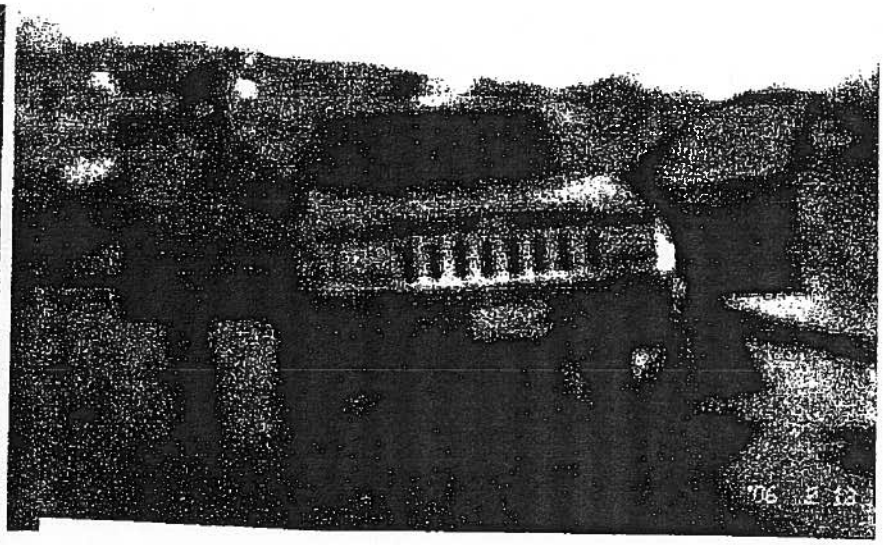


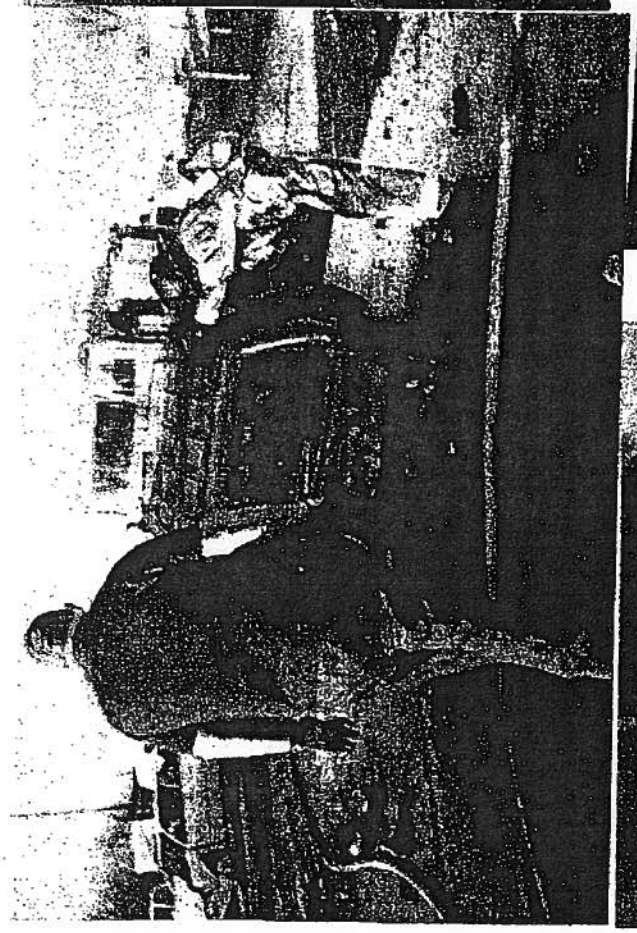


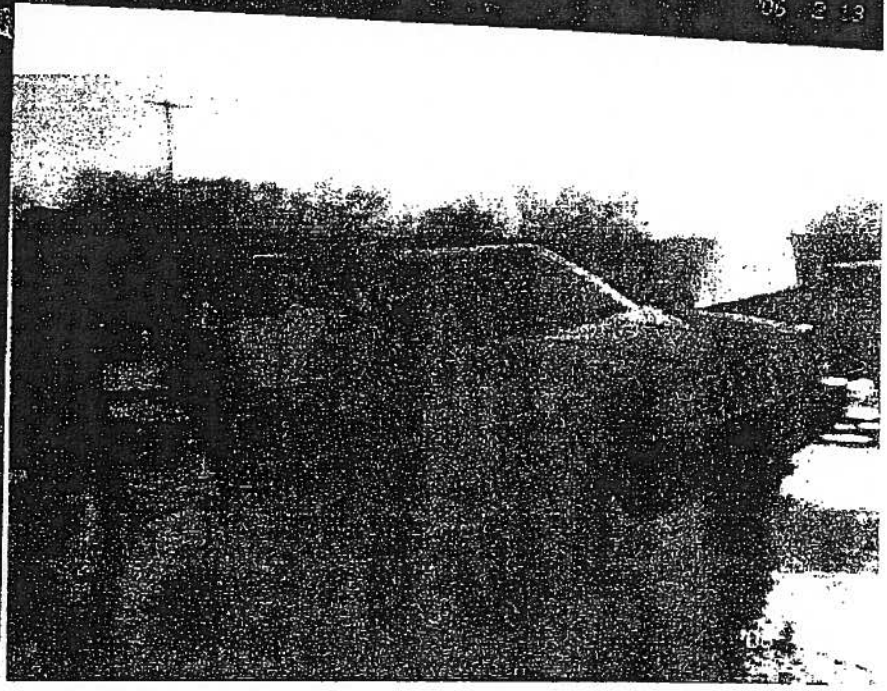












☒ FATAL ☐ CMV INVOLVED ☐ SCHOOL BUS RELATED ☐ RAILROAD RELATED ☐ MEDICAL ADVISORY BOARD ☐ HIT AND RUN ☒ AMENDMENT/ SUPPLEMENT

PLACE WHERE CRASH OCCURRED
COUNTY Johnson CITY OR TOWN Cleburne
IF CRASH WAS OUTSIDE CITY LIMITS INDICATE FROM NEAREST TOWN ____ MILES ☐N ☐S ☐E ☐W OF ____

LOC # 2604666
ORI #
DPS #

ROAD ON WHICH CRASH OCCURRED 1900 S. Main St. (Texas Hwy 174)
BLOCK NUMBER STREET OR ROAD NAME ROUTE NUMBER OR STREET CODE
CONSTRUCTION ZONE WORKERS PRESENT ☐ YES ☒ NO ☐ YES ☐ NO SPEED LIMIT 60

INTERSECTING STREET OR RR X'ING NUMBER
BLOCK NUMBER STREET OR ROAD NAME ROUTE NUMBER OR STREET CODE
CONSTRUCTION ZONE WORKERS PRESENT ☐ YES ☒ NO ☐ YES ☐ NO SPEED LIMIT

NOT AT INTERSECTION 4/10 ☐ FT. ☐☒☐☐ MI. N S E W OF Texas Hwy 171 South
SHOW MILEPOST OR NEAREST INTERSECTING NUMBERED HIGHWAY. IF NONE, SHOW NEAREST INTERSECTING STREET OR REFERENCE POINT
MILEPOST LATITUDE LONGITUDE

DATE OF CRASH FEBRUARY 12 2006 DAY OF WEEK SUNDAY HOUR 1725 ☐ AM ☒ PM IF EXACTLY NOON OR MIDNIGHT, SO STATE

UNIT # 1 | 1 | 1-MOTOR VEHICLE 2-TRAIN 3-PEDALCYCLIST 4-PEDESTRIAN 5-MOTORIZED CONVEYANCE 6-TOWED 7-NON-CONTACT 8-OTHER
VIN# 2G1WL52J211[redacted] ALTERED VEHICLE HEIGHT ☐ YES ☒ NO

YEAR MODEL 2001 COLOR & MAKE White Chevrolet MODEL NAME Lumina BODY STYLE 4 Door LICENSE PLATE [redacted]

DRIVER'S NAME [redacted] (LAST FIRST MIDDLE) Cleburne, Tx [redacted] (ADDRESS STREET, CITY, STATE, ZIP)

DRIVER'S LICENSE Tx. [redacted] (STATE NUMBER) C (CLASS/TYPE) A (RESTRICTIONS) [redacted] (DATE OF BIRTH) LICENSE STATUS 1 (1-VALID 2-NOT VALID 3-SUSPENDED/REVOKED 4-CANCELLED/DENIED 5-EXPIRED 6-UNKNOWN)

DRIVER'S ETHNICITY 1 (1-WHITE 2-HISPANIC 3-BLACK 4-ASIAN 5-OTHER) DRIVER'S SEX ☒ MALE ☐ FEMALE DRIVER'S OCCUPATION UNKNOWN POLICE, FIREFIGHTER, EMS, ON EMERGENCY ☐ IF OTHER, PLEASE EXPLAIN IN NARRATIVE

TYPE OF ALCOHOL SPECIMEN TAKEN 1-BREATH 2-BLOOD 3-URINE 4-NONE 5-REFUSED 4 TEST RESULTS ____ TYPE OF DRUG SPECIMEN TAKEN 1-BLOOD 2-URINE 3-NONE 4-REFUSED 3 TEST RESULTS ____ DRUG CATEGORY 1. ____ 2. ____

LESSEE ☐ OWNER ☒ [redacted] (NAME LAST/FIRST SHOW LESSEE IF LEASED, OTHERWISE SHOW OWNER) Cleburne, Tx. [redacted] (ADDRESS STREET, CITY, STATE, ZIP)

LIABILITY INSURANCE ☒ YES ☐ NO ☐ EXP OLD American County Mutual (INSURANCE COMPANY NAME) AIG [redacted] (POLICY NUMBER) Expires 07-21-06 VEHICLE DAMAGE RATING 12-FD-4

UNIT # 2 | 1 | 1-MOTOR VEHICLE 2-TRAIN 3-PEDALCYCLIST 4-PEDESTRIAN 5-MOTORIZED CONVEYANCE 6-TOWED 7-NON-CONTACT 8-OTHER
VIN# 1J4GZ58S6P[redacted] ALTERED VEHICLE HEIGHT ☐ YES ☒ NO

YEAR MODEL 1993 COLOR & MAKE Red Jeep MODEL NAME Grand Cherokee BODY STYLE Carryall LICENSE PLATE [redacted]

DRIVER'S NAME [redacted] (LAST FIRST MIDDLE) Cleburne, Tx [redacted] PHONE NUMBER [redacted]

DRIVER'S LICENSE Tx. [redacted] (STATE NUMBER) C (CLASS/TYPE) [redacted] (RESTRICTIONS) LICENSE STATUS 5 (1-VALID 2-NOT VALID 3-SUSPENDED/REVOKED 4-CANCELLED/DENIED 5-EXPIRED 6-UNKNOWN)

DRIVER'S ETHNICITY 1 (1-WHITE 2-HISPANIC 3-BLACK 4-ASIAN 5-OTHER) DRIVER'S SEX ☐ MALE ☒ FEMALE DRIVER'S OCCUPATION Day Care POLICE, FIREFIGHTER, EMS, ON EMERGENCY ☐ IF OTHER, PLEASE EXPLAIN IN NARRATIVE

TYPE OF ALCOHOL SPECIMEN TAKEN 1-BREATH 2-BLOOD 3-URINE 4-NONE 5-REFUSED 4 TEST RESULTS ____ TYPE OF DRUG SPECIMEN TAKEN 1-BLOOD 2-URINE 3-NONE 4-REFUSED 3 TEST RESULTS ____ DRUG CATEGORY 1. ____ 2. ____

LESSEE ☐ OWNER ☒ [redacted] (NAME LAST/FIRST SHOW LESSEE IF LEASED, OTHERWISE SHOW OWNER) Cleburne, Tx. [redacted] (ADDRESS STREET, CITY, STATE, ZIP)

LIABILITY INSURANCE ☐ YES ☐ NO ☐ EXP (INSURANCE COMPANY NAME) (POLICY NUMBER) VEHICLE DAMAGE RATING 6-BD-5

DAMAGE TO PROPERTY OTHER THAN VEHICLES
(OWNER) (NAME AND ADDRESS OF OWNER) $ ____ (ESTIMATE OF DAMAGE)

IN YOUR OPINION, DID THIS CRASH RESULT IN AT LEAST $1,000.00 DAMAGE TO ANY ONE PERSON'S PROPERTY? ☒ YES ☐ NO

CHARGES FILED
NAME ____ CHARGE ____ CITATION# ____
NAME ____ CHARGE ____ CITATION# ____

TIME NOTIFIED OF CRASH 02-12-06 1725 (DATE HOUR) HOW Dispatch TIME ARRIVED AT SCENE 02-12-06 0729 (DATE HOUR) DATE OF REPORT 02-12-06

TYPED OR PRINTED NAME OF INVESTIGATOR Cpl. J.D. Summey ID# 213 AGENCY Cleburne P.D. DIST/AREA ____ REPORT COMPLETE ☒ YES ☐ NO

V31DLH

SECOND PROFESSIONAL EMPLOYMENT REASON ATTORNEY, CHIROPRACTOR, PHYSICIAN, SURGEON, PRIVATE INVESTIGATOR, OR ANY OTHER PERSON RENDERING OR RECEIVING BY A HEALTH CARE OR CLAIM FOR MEDICAL SERVICES (YES OR NO)

UNIT 1 TOWED DUE TO DISABLING DAMAGE ☒ YES ☐ NO VEHICLE REMOVED TO 316 W. Kilpatrick Cleburne, TX 76033 BY Paines Wrecker

ITEM	SEAT POSITION	COMPLETE ALL DATA ON ALL OCCUPANTS NAMES, POSITION, RESTRAINTS USED, ETC.	SEX	EJECTED	RESTRAINT USED	AGE	HELMET	AGE	SEX	INJURY CODE
1	1	[redacted] Cleburne, Tx [redacted]	N	1	1	3	4	69	M	B
2										
3										
4										
5										

UNIT 2 TOWED DUE TO DISABLING DAMAGE ☒ YES ☐ NO VEHICLE REMOVED TO 316 W. Kilpatrick Cleburne, Tx 76033 BY Paines Wrecker

ITEM	SEAT POSITION	COMPLETE ALL DATA ON ALL OCCUPANTS NAMES, POSITIONS, RESTRAINTS USED, ETC.	SEX	EJECTED	RESTRAINT USED	AGE	HELMET	AGE	SEX	INJURY CODE
6	1	[redacted] Cleburne, Tx	N	1	1	2	4	28	F	C
7	5	[redacted] Cleburne, Tx	N	1	4	2	4	1	F	A
8	4	[redacted] Cleburne, Tx	N	1	1	2	4	4	F	K
9										
10										

PED - PEDAL, MOT. CONVEY., ETC	COMPLETE IF KILLED OR INJURED IN A NON-1 VEHICLE CASUALTY NAME (LAST, FIRST, MI) ADDRESS	SEX	ALCOHOL SPECIMEN TAKEN	RESULT	DRUG SPECIMEN TAKEN	RESULT	HELMET	AGE	SEX	INJURY CODE

DISPOSITION OF KILLED OR INJURED

ITEM	TAKEN TO	BY	IF AMBULANCE USED, SHOW: TIME NOTIFIED	TIME ARRIVED AT SCENE	AMBULANCE UNITS	# OF ATTENDANTS INCLUDING DRIVER	# OF PERSONS NOT TAKEN FOR TREATMENT
1	HARRIS Downtown Hospital	Careflite Ground Ambulance	1750	1802		2	3
7	Parkland Hospital	Careflite Air Ambulance	1732	1751		3	
8	Parkland Hospital	Careflite Air Ambulance	1732	1752		3	

COMPLETE THIS SECTION IF PERSON KILLED (If a person dies within 30 days of the crash, please complete this area and mail the supplement to the Crash Records Bureau)

ITEM #	DATE OF DEATH	TIME OF DEATH	ITEM #	DATE OF DEATH	TIME OF DEATH	ITEM #	DATE OF DEATH	TIME OF DEATH	ITEM #	DATE OF DEATH	TIME OF DEATH
8	2-14-06	1600									

DRIVER'S NARRATIVE GIVE SEQUENCE OF EVENTS (ADDITIONAL SHEETS IF NECESSARY)

Unit # 2 was southbound in the 1900 Block S. Main and had stopped to turn left into 1917 S. Main. Unit #1 was behind Unit #2 and did not realize Unit #2 had stopped. Unit #1 collided with the back of Unit #2 with the front of Unit #1.

DIAGRAM

INDICATE NORTH

1900 S. Main St. (Texas Hwy 174)

1 2

1 - TWO-WAY, NOT DIVIDED; 2 - TWO-WAY, DIVIDED, UNPROTECTED (PAINTED MEDIAN); 3 - TWO-WAY, DIVIDED, PROTECTED (RAISED MEDIAN); 4 - ONE-WAY; 5 - RAMP

FACTORS AND CONDITIONS LISTED ARE THE INVESTIGATOR'S OPINION

UNIT	FACTS LEADING TO THIS CONTINGENCY			OTHER FACTS (CIRCUMSTANCES) MAY OR MAY NOT HAVE CONTRIBUTED			VEHICLE DEFECTS (IF ANY)		PHYSICAL IMPAIRS MAY HAVE CONTRIBUTED	
1	22	20								

VEHICLE DEFECTS

TRAFFIC CONTROL 12

ROADWAY RELATION 1

PART OF THE ROADWAY 1

ROADWAY ALIGNMENT 1

LIGHT CONDITION 1

TYPE OF ROAD SURFACE 2

WEATHER 1

SURFACE CONDITION 1

RAGAN RESEARCH CORPORATION
45150 POLARIS COURT, PLYMOUTH, MICHIGAN 48170
734 451-6500 FAX 734 451-0206

December 3, 2007

Mr. G. Robert Sonnier
Clark, Thomas & Winters
300 West 6th St, 15th Floor
Austin, TX 78701

RE: [redacted] vs. DaimlerChrysler

Dear Mr. Sonnier:

This letter will serve as my preliminary report in the above referenced matter. The opinions and conclusions expressed are based upon the case-specific information as reflected in Exhibit 1,and my education, training and experience as reflected in the attached Exhibit 2.

Background

The accident that is the basis for the above referenced lawsuit occurred at approximately 5:25 p.m. on Sunday, February 12, 2006, in the 1900 block of South Main Street (State Route 174), 0.4 miles south of State Route 171 South in Cleburne, Texas. In the area where the accident occurred South Main Street is a straight, level, 2-lane asphalt road with wide paved shoulders with a 60 mph speed limit. At the time of the accident the weather was clear and the asphalt pavement was dry.

[redacted] was stopped in her 1993 Jeep Grand Cherokee 4X4, facing southbound and preparing to make a left turn at 1917 South Main Street. Her children were in the back seat. [redacted] (age 4) was in a booster seat in the left seating position, and [redacted] (age 1) was in a child safety seat in the center seating position. Mr. [redacted] was driving his 2001 Chevrolet Lumina southbound and collided with the rear of the Grand Cherokee, A post-collision fire ensued around the Grand Cherokee and entered the passenger compartment.

Ms. [redacted] apparently was able to escape the burning vehicle, as the accident report codes her injuries as "possible". Both girls remained in the vehicle until removed by passersby, and sustained severe burn injuries. Unfortunately, [redacted] died the following day.

Plaintiffs' lawsuit claims that the injuries and death which occurred in this accident were the result of the Grand Cherokee's fuel supply system not being crashworthy. Specifically, claims are made that the placement and packaging of the fuel tank and fuel supply system were negligent, and that the tank and fuel delivery system weren't properly guarded or shielded. There are also warnings allegations, and the claim is made that the fuel supply system was inadequately tested.

I have been asked to review and analyze the design of the Grand Cherokee's fuel system, and its involvement in this accident

1993 Grand Cherokee

1993 was the first model year for the Grand Cherokee in a product cycle that ran through the 1998 model year. The vehicle was a mid-sized unitized construction Multipurpose Passenger Vehicle (MPV) within the governmental regulatory definition. Today, these vehicles are commonly referred to as Sport Utility Vehicles (SUV's). The 1993 model was the first high production volume SUV to employ the unitized body design concept that results in lighter overall vehicle weight requiring less powerful powertrain packages to achieve fuel economy and other operating characteristics comparable to other frame & body design concepts.

Grand Cherokee Fuel System

The 1993 Grand Cherokee fuel system consists of a molded polymer fuel tank located aft of the rear axle that is attached to the underbody structure with two longitudinal steel straps. The tank refill capacity is approximately 23 gallons which provides an operating range of approximately 345 to 414 miles at the Environmental Protection Agency (EPA) Combined City/Highway fuel economy rating of 15 to 18 miles per gallon for the various powertrain combinations.

An in-tank electric pump supplies fuel under pressure from the tank to the engine. The pump is located within a pump module inserted into the approximate center of the tank. The module is secured by a threaded polymer ring to the tank. Fuel is pumped forward through a supply tube that exits the top of the pump module to the fuel injectors on the engine. Excess fuel and vapor is returned to the tank via a return tube that re-enters the tank through the top of the fuel pump module. The tank is normally vented through a vapor separator valve located in the top of the fuel tank, and under higher internal pressure conditions through a vent valve within the fuel filler cap.

The tank is filled via a door-covered opening located in the left rear quarter panel aft of the left rear wheel. The filler opening is closed with a threaded filler cap constructed mostly of molded polymer components. Both pressure and vacuum relief valves are incorporated within the filler cap. The filler line consists of a steel filler pipe attached to a housing inside the quarter panel at the outboard end, and a flexible elastomeric hose connecting to a molded tube (spud) protruding from the fuel tank itself. The hose is secured to both the steel filler pipe and the tank spud with a screw driven metal clamp ring. A smaller vent line routed along side the filler line permits fuel tank air/vapor to exit the tank at the filler opening during refilling of the tank. The vent line is a metal tube soldered to the steel filler pipe near its outboard end, and a elastomeric hose connected to the metal tube and a separate smaller spud on the fuel tank. The vent hose is also clamped to the tube and spud with screw driven metal clamp rings.

This Accident

As described above, this accident occurred while the Jarmon Grand Cherokee was stopped in the southbound travel lane waiting for an opportunity to turn left. It was struck in the rear by the Davidson Lumina traveling at high speed. Plaintiff's reconstruction expert puts the impact speed of the Lumina at 65 miles per hour. I understand that defense expert Corwin has confirmed that speed range.

It is my understanding that the Grand Cherokee's fuel tank was most likely less than one quarter (1/4) full at the time of the accident.

Grand Cherokee Crash Testing

My review of the crash test reports provided by counsel confirms that the 1993 Grand Cherokee met the rear impact requirements of Federal Motor Vehicle Safety Standard (FMVSS) 301.

Opinions and Conclusions

Inspection of the Grand Cherokee and other currently available evidence indicates that the fire in the rear portion of the Grand Cherokee was directly related to the expulsion of gasoline from its fuel tank during and following the impact by the Lumina.

Inspection of the [redacted] vehicle reveals that the impact was offset to the right side of the Grand Cherokee resulting in more deformation on the right side. Photos of the Lumina clearly indicate a contact mark from the Grand Cherokee's trailer hitch receiver located on the left upper corner of the Lumina bumper backing bar, and a contact mark from that location rearward on the Lumina hood.

The vehicles' deformation patterns and the above noted contact marks indicate that the Lumina underrode and lifted the Grand Cherokee as the rear portion of the Grand Cherokee and the trailer hitch folded down and forward. In fact, there is a contact mark in the rear axle differential housing cover created by the lower portion of the rearmost lower surface of the trailer hitch receiver end flange. This degree of trailer hitch movement clearly would have compressed the

fuel tank against the rear axle while it was also constrained above by the underbody structure of the vehicle. Compression of the tank would result in a rapid rise in internal tank pressure. As noted above, the only means for venting internal pressure is the vapor separation valve (which has a very small orifice for flow), and the pressure relief valve in the filler cap (which has a larger, but still relative small opening area). It is my judgment that these two vents would not be sufficient to preclude a very rapid buildup in internal pressure within the fuel tank during the initial impact phase of this accident. The resulting internal tank pressure could only be relieved by dislodgement of either the filler cap, fuel pump module cover, or vapor separator valve, or by a puncture or other opening created in the fuel tank.

The threaded filler cap would not likely dislodge from the end of the filler pipe.

There is no evidence of a separation or opening related to the fuel filler/vent pipes or hoses. In fact, the filler and vent hoses remain undamaged by thermal or mechanical means, and also remain clamped to the polymer spuds of the fuel tank. The spuds exhibit thermal damage on the inboard ends consistent with the thermal damage to the entire fuel tank.

The information available to date does not permit me to precisely establish the exact location for the release of gasoline or gasoline vapors during and following the impact.

However, the following conclusions are supported by the evidence:

The fuel tank was severely compressed resulting in very high internal pressure.

The fuel filler cap and filler hose did not separate from their attachments. A limited quantity of fuel tank vapor was expelled from the vent valve in the filler cap during the impact.

The vapor separator valve probably did not separate from the tank. Its area is small enough to preclude excessive high expulsion forces even in the presence of very high internal tank pressure.

The fuel pump module installed in the top of the tank may have separated from the tank. In that event, fuel tank vapors would have been expelled. Expulsion of liquid gasoline from such an opening would depend upon the exact location of the sending unit at the time of very high internal tank pressure and the quantity of liquid gasoline within the tank.

There is clear evidence of contact between the forward plate of the trailer hitch receiver and the fuel tank surface. During the time of very high internal tank pressure the corners of that plate may have penetrated the fuel tank surface. In that event, both fuel tank vapor and liquid gasoline would be released. Such a puncture of the tank could allow for a continued flow of liquid gasoline from the point of impact to the Grand Cherokee's point of rest.

There is clear evidence to contact between the rear flange on the trailer hitch receiver and the rear axle differential cover. This contact may have sandwiched the fuel tank between the hitch receiver and the differential cover, and may have created an opening in the fuel tank. Such an opening would permit the continued flow of gasoline from the point of impact to the Grand Cherokee's point of rest.

The damage to the Grand Cherokee is the result of an extremely high speed rear impact by the Lumina. The impact could have been avoided by the driver of the Lumina simply steering to the right onto the paved shoulder. Apparently, the Lumina driver made no attempt to avoid contact by steering to the right.

Plaintiff's experts have criticized the design of the Grand Cherokee because its fuel tank is located aft of the rear axle. Such criticism is without merit. Manufactures do not have the luxury of designing a vehicle for any one accident. At the time of production of the 1993 Grand Cherokee, most SUV's were equipped with aft of axle fuel tanks. Such tank locations have many advantages for off-road vehicles. Relocation of the fuel tank to a midship position on this vehicle would have reduced the tank capacity and vehicle operating range to a non-competitive level. Even redesign of the vehicle complete with relocation of the underfloor longitudinal rails would not have permitted sufficient fuel tank capacity without lowering the bottom surface of the tank too close to the ground, and without creating increased opportunity for tank damage from side impact under-ride collisions.

No fuel tank location is invulnerable to some type of collision damage. For example, midship fuel tanks are subjected to potential damage from both side and frontal impacts, as well as some high energy rear impacts. In fact, those tank locations are exposed to many more opportunities for damage that an aft of axle tank location. Manufactures must select a fuel tank location that has sufficient size; that protects the tank in the expected normal use of the vehicle (not including collision impacts); that can be manufactured with currently available technology; that protects the tank from excessive heat transfer; that meets the requirements of the manufacturer's crash test goals and those required by FMVSS; and that meets various other performance goals. I am not aware of any production vehicle being crash tested to the impact conditions of this accident.

Currently available accident data analysis indicates that the 1993 Grand Cherokee's rate of involvement in crash related fatal fires is not inconsistent with that of other SUV's, regardless of fuel tank location.

The deformation to the rear of the Grand Cherokee is not inconsistent with rear impact damage in other SUV's or other passenger vehicles. All light vehicles respond to rear impact by bending of the longitudinal floor or frame rails (if a frame & body design) over the rear axle area. Body structure bending may have been reduced in this accident if the Lumina bumper beam had not made direct contact with the trailer hitch receiver. In that event the Lumina would most likely have passed under the trailer hitch with less fuel tank compression created, and therefore, less likelihood of gasoline release.

Fire suppression systems for high volume production vehicles were not available at the time of manufacture of the 1993 Grand Cherokee.

The 1993 Jeep Grand Cherokee's fuel system was consistent with the state of the art at the time of its manufacture. It was adequately crash tested. It was not defective in its design. There was no negligence on the part of the Chrysler Corporation in the design or manufacture of the 1993 Jeep Grand Cherokee involved in this accident.

Plaintiff's experts have expressed many opinions (some redundant) without providing the basis for such opinions. In the event such basis is provided, I may have addition comments or opinions regarded them.

The opinions and conclusions expressed above are based upon the information currently available to me. In the event that any other information becomes available to me for evaluation, I expect the opportunity to modify or expand the above expressed opinions, if appropriate.

My work in this matter is currently billed at the rate of $390 per hour.

Sincerely,

Larry F. Ragan

[redacted] vs DaimlerChrysler

Exhibit 1

Project File Index

10263

Item #	Item Name	Date	Supplementary Information
1.000	CASE FILE INDEX		
1.001	CORRESPONDENCE		
1.100	COMPLAINT		
1.200	DISCOVERY RESPONSES BY PLAINTIFFS		
1.201	EXPERT WITNESS DISCLOSURES BY PLAINTIFFS		
1.300	DISCOVERY RESPONSES BY DAIMLERCHRYSLER W/DOCUMENTS ON CD-ROM		
1.301	DISCLOSURES BY DAIMLERCHRYSLER		
1.600	CASE SCHEDULING ORDER		
2.700	FMVSS 301 TESTS/RECORDS ON DVD(10) PRODUCED BY DAIMLERCHRYSLER		
2.800	OTHER ACCIDENT INFORMATION FROM PLAINTIFFS		
3.000	POLICE REPORT		
3.100	ACCIDENT SCENE PHOTOS BY POLICE		
3.101	ACCIDENT SCENE VIDEO BY POLICE		
5.000A	ACCIDENT VEHICLE PHOTOS ON CD-ROM BY CARR ENGR. W/NOTES	8/9/2006	
5.000B	ACCIDENT VEHICLE PHOTOS ON CD-ROM BY CARR ENGR.	10/12/2006	
5.002	ACCIDENT VEHICLE PHOTOS ON CD-ROM BY FLANAGAN		
5.003	ACCIDENT VEHICLE PHOTOS BY POLICE, PRINES TOWING VEHICLE PHOTOS ON CD-ROM		
6.000	EXPERT REPORT BY ALMAGUER, M.D.		
6.001	EXPERT REPORT BY WILLINGHAM. M.D.	6/21/2007	
6.002	EXPERT REPORT BY KAM	10/29/2007	
6.003	EXPERT REPORT BY DEERE	10/30/2007	
6.004	EXPERT REPORT BY FLANAGAN	10/30/2007	

Item #	Item Name	Date	Supplementary Information
6.005	EXPERT REPORT BY COPE	10/30/2007	
6.006	EXPERT REPORT BY IRWIN	2/12/2006	
6.007	EXPERT REPORT BY PAUL TAYLOR	12/3/2007	
7.000	LFR VEHICLE INSPECTION NOTES	8/9/2006	
7.100	LFR VEHICLE INSPECTION PHOTOS	8/9/2006	
7.300	LFR NOTES		
7.650	PROJECT SUMMARY BINDER		
8.001	DEPOSITION OF ROBERT BANTA	7/31/2007	
8.002	DEPOSITION OF PETER CARTER, M.D.	11/12/2007	
8.003	DEPOSITION OF [redacted]	11/13/2007	

Larry F. Ragan

Specialized Professional Competence

Automotive engineering and mechanical/structural design. Failure and safety analysis of mechanical systems and subsystems, including automotive components for light/heavy trucks, multi-purpose and passenger vehicles. Design analysis and experimental evaluation of the performance, reliability and failure of mechanical components, systems and subsystems. Accident reconstruction and analysis. Human factors in design and operation of automotive and mechanical system. Vehicle crash performance evaluation and testing. Design, development, manufacturing and testing of frame and chassis components, fuel systems, engine systems and components, body systems and components, transmissions, brake systems, exhaust systems, steering systems and restraint systems. Quality control procedures and testing for manufacturing and regulatory compliance. Automotive aftermarket design and manufacturing analysis and procedures. Governmental regulatory process, standards and history. Automotive corrosion protection design.

Education

Bachelor of Aerospace Engineering, Auburn University, 1969

Additional Education:
Accident Reconstruction, Fires and Explosions, Experimental Statistics, Human Factors, Failure Analysis, Management

Professional Experience

Principal Engineer,
Ragan Research Corporation
Principal Engineer,
Exponent-Failure Analysis Associates, Inc.
Design Analysis Engineer, Light Truck Design Analysis,
Ford Motor Company
Principal Design Engineer, Light Truck Body Systems and Corrosion Protection,
Ford Motor Company
Product Design Engineer, Light Truck Body Sealing and Painting,
Ford Motor Company
Product Design Engineer, Light Truck Engine System,
Ford Motor Company
Product Design Engineer, Light Truck Fuel Systems Design,
Ford Motor Company
Product Design Engineer, Light Truck Frame Design,
Ford Motor Company
Associate Engineer, F-4 & F-15 Aircraft Structural Design,
McDonnell Douglas Corporation
Field Engineer, West Point Dam Project and Freeport Levee Project,
Farrell Construction Company

Member, Society of Automotive Engineers
Member, National Fire Protection Association

CAUSE NO. 200600134

JENNIFER JARMON and, CASSIUS JARMON, Individually And As Co-Administrators of THE ESTATE OF CASSIDY JARMON, Deceased, and as Next Friends to CALLIE JARMON, A Minor Child	§	IN THE DISTRICT COURT OF
v.	§	JOHNSON COUNTY, TEXAS
DELBERT J. DAVIDSON, DAIMLER CHRYSLER CORPORATION, and DAIMLER CHRYSLER COMPANY LLC	§	413TH JUDICIAL DISTRICT

12/26/07

PLAINTIFFS' SECOND AMENDED ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Plaintiffs, Jennifer Jarmon and Cassius Jarmon, Individually and as Co-Administrators of The Estate of Cassidy Jarmon, Deceased, and as Next Friends to Callie Jarmon, a minor child, in the above styled and numbered cause of action, and file this their Second Amended Original Petition, complaining of Defendant Delbert J. Davidson (hereafter "Davidson"), Daimler Chrysler Corporation and Daimler Chrysler Company LLC (hereafter collectively "DC"), and for cause therefore would respectfully show this honorable Court the following:

I.
LEVEL 3 DISCOVERY CONTROL PLAN BY COURT ORDER

1. Pursuant to Rule 190.1 TEX. R. CIV. P., Plaintiffs allege that this case is one which will require a discovery control plan tailored to the circumstances of the case. The Court has entered a discovery control plan pursuant to Level 3, Rule 190.4 TEX. R. CIV. P.

II.
PARTIES

2. Plaintiffs Jennifer and Cassius Jarmon are individuals residing in Cleburne, Johnson County, Texas.

3. Defendant Delbert J. Davidson is an individual residing in Johnson County, Texas, and has already made an appearance in this case. No service is necessary at this time.

4. Defendant Daimler Chrysler Corporation is a Michigan corporation, and is authorized to do business in the State of Texas. Process was previously served upon DCC, by serving its registered agent, CT Corporation Systems of Dallas, Texas. Defendant Daimler Chrysler Company LLC has entered an appearance in this case as the successor to Daimler Chrysler Corporation by conversion, effective March 31, 2007. Daimler Chrysler Corporation was the successor to Chrysler Corporation, by merger in 1998.

III.
JURISDICTION, VENUE AND STANDING

5. Jurisdiction is proper in the District Court as the amount in controversy greatly exceeds the minimal jurisdictional limits of this Court and is within the maximum jurisdictional limits of any other state court in Johnson County, Texas.

6. Venue is proper in Johnson County pursuant to §15.002(a)(1) and (2) TEX. CIV. PRAC. & REM. CODE in that the event giving rise to this case occurred in Johnson County, Texas, and Defendant Davidson resided in Johnson County, Texas at the time of the event complained of. Venue is proper as to the remaining Defendants pursuant to §15.005 TEX. CIV. PRAC. & REM. CODE.

IV.
STATUS OF DEFENDANTS

7. At all times material hereto, Defendant DC was engaged in the business of designing, manufacturing, marketing, and distributing automobiles, including the vehicle made the subject of this lawsuit, for sale to and for use by members of the general public.

V.
FACTS

8. On or about February 12, 2006, Jennifer Jarmon was operating her 1993 Jeep Grand Cherokee, Vehicle Identification Number 1J4GZ58S6DC640210 (the subject vehicle), manufactured by Defendant DC. Also in the vehicle were Jennifer and Cassius Jarmon's two children, Cassidy Jarmon and Callie Jarmon. At that time and on that occasion, the Jarmon vehicle was struck in the rear by a 2001 Chevrolet Lumina 4-door sedan being operated by Defendant Davidson. Following the impact, the Jarmon vehicle came to rest on the road way, and due to a leaking fuel system component, a fuel-fed fire immediately began at the rear of the Jeep Grand Cherokee. Although Cassidy Jarmon survived the impact, due to the fire that erupted because of a defective fuel tank in the Jeep vehicle, Cassidy was trapped in the second seat of the Jeep and could not be rescued from the vehicle. Flames from the post-collision fuel-fed fire entered into the passenger compartment of the Jeep, and caused injury to Jennifer Jarmon, Callie Jarmon, and caused smoke inhalation and thermal injuries to Cassidy Jarmon, resulting in her death.

9. Plaintiffs would show that at all times they have performed all conditions precedent to bringing this lawsuit, and to recover under the various causes of action stated herein.

10. At all material times, Plaintiffs would show that wherein it is alleged that Defendants did, did not, and/or failed to act, it may be shown that Defendants acted individually and/or by and through duly authorized employees, servants, agents, and/or officers. Plaintiffs would further show that at all times material hereto, these persons were expressly authorized to so act, or alternatively, were acting within the apparent authority and/or authority necessarily implied in order for the agents to perform and exercise the authority expressly granted. Plaintiffs further allege *respondeat superior* liability.

11. In the further alternative, and without waiver of the foregoing, if it be shown that persons purporting to act on Defendants' behalf as alleged were not so authorized, then Defendants have in all things ratified the actions or inactions of those persons, and have accepted the benefits thereof.

12. Further, in the design, marketing, and distribution of the Jeep Grand Cherokee, the Plaintiffs would show that decisions with regard to the placement of the fuel tank, failure to adequately guard or shield the fuel tank, and in testing and evaluating the function of the vehicle fuel tank, those agents and employees of Defendant DC were acting in their capacity as vice-principals.

VI.
CAUSES OF ACTION

A. Negligence of Defendant Davidson

13. The injuries and damages suffered by the Plaintiffs, and the death of Cassidy Jarmon were proximately caused by the negligence of Defendant Davidson in operating the 2001 Chevrolet Lumina at the time of the occurrence in question in:

a. failing to keep a proper lookout to avoid the collision in question;

b. failing to turn his vehicle in a timely manner to avoid the collision in question; and

c. failing to timely and properly apply his brakes to avoid the collision in question;

B. Negligence of Defendant DC

14. The injuries and damages suffered by the Plaintiffs, and the death of Cassidy Jarmon were proximately caused by the negligence of Defendant DC in designing, testing, assembling, supplying, and distributing the 1993 Jeep Grand Cherokee sport utility vehicle including, but not limited to the following particulars:

a. In failing to design the vehicle fuel supply system to be crashworthy;

b. In failing to design the vehicle in such manner that gasoline would not escape from the fuel supply system in the event of foreseeable collisions;

c. In failing to construct the fuel supply system so that it would contain fuel in the event of foreseeable collisions;

d. In failing to design the fuel supply system in such a manner so as to prevent post-collision fuel fed fires;

e. In failing to properly test and evaluate the vehicle;

f. In failing to properly guard or shield the vehicle's fuel tank and delivery system;

g. In the placement and packaging of the vehicle's fuel tank and fuel supply system;

h. In its design of the fuel supply system in positioning the vehicle's fuel tank at a location on the vehicle that subjected it to hazards associated with the environment in which it was located;

i. In designing the fuel supply system such that the vehicle's tank was inadequately protected from environmental hazards in, on, and about its surrounding tank;

j. Failing to warn of dangers associated with the design of the fuel supply system and its position on the vehicle;

k. In it design of the fuel supply system in an uncrashworthy manner;

l. Failing to conduct adequate testing of the design of the fuel supply system for the subject vehicle;

m. In failing to warn of the inadequate testing of the design of the fuel supply system for the subject vehicle;

n. Failing to provide adequate warnings to the public in general, and to these Plaintiffs and deceased specifically of the dangerous propensities of the flawed design of the fuel supply system on the subject vehicle;

o. In acting to conceal defects and dangers in its products from the public, from injured persons and governmental entities rather than fulfilling its common law and statutory obligations to provide adequate warnings and to remedy such defects;

p. In continuing to design, market, and sell this line of sport utility vehicles without substantial change after receiving sufficient knowledge as to the nature of the defects and the danger to the public;

q. In the design of the subject vehicle which failed to correct serious rear structure design deficiencies in location, mounting, and protection of the fuel tank from environmental hazards;

r. In the design of the subject vehicle which failed to restrict foreseeable fires from rapidly entering into the occupant compartment of the vehicle thus limiting the timely rescue of accident victims;

s. In failing to provide adequate warnings concerning the rear structural crash performance of the vehicle when fitted with a trailer two hitch;

t. In failing to design the vehicle in such a manner that the rear structure was crashworthy when fitted with a trailer hitch;

u. In failing to design the rear structure of the vehicle in such a manner that the vehicle would be crashworthy in rear impacts;

v. In failing to design the vehicle with adequate rear under-ride protection in the event of a rear crash; and

w. In designing the fuel tank for the vehicle in such a manner that it was dangerously exposed to impacts and was not adequately protected within structure of the vehicle.

C. **Strict Liability of Defendant DC**

15. Plaintiffs further allege that the 1993 Jeep Grand Cherokee sport utility vehicle was defective and unsafe for its intended purposes at the time of its design by Defendant DC and its sale and/or transfer into the stream of commerce, and that at the time Plaintiffs Jennifer Jarmon and Cassius Jarmon took possession of the vehicle. The 1993 Jeep Grand Cherokee sport utility vehicle was in substantially the same condition at the time of the collision involved in this suit as when it was manufactured and distributed by Defendant DC. The Plaintiffs would further show that there were safer alternative designs for the subject vehicle fuel containment system, pursuant to §82.005(a) and (b) TEX. CIV. PRAC. & REM. CODE. The product was defectively designed, and unreasonably dangerous to Plaintiffs in that the design of the vehicle made it unsafe for the following reasons:

a. In failing to design the vehicle fuel supply system to be crashworthy;

b. In failing to design the vehicle in such manner that gasoline would not escape from the fuel supply system in the event of foreseeable collisions;

c. In failing to construct the fuel supply system so that it would contain fuel in the event of foreseeable collisions;

d. In failing to design the fuel supply system in such a manner so as to prevent post-collision fuel fed fires;

e. In failing to properly test and evaluate the vehicle;

f. In failing to properly guard or shield the vehicle's fuel tank and delivery system;

g. In the placement and packaging of the vehicle's fuel tank and fuel supply system;

h. In its design of the fuel supply system in positioning the vehicle's fuel tank at a location on the vehicle that subjected it to hazards associated with the environment in which it was located;

i. In designing the fuel supply system such that the vehicle's tank was inadequately protected from environmental hazards in, on, and about its surrounding tank;

j. Failing to warn of dangers associated with the design of the fuel supply system and its position on the vehicle;

k. In it design of the fuel supply system in an uncrashworthy manner;

l. Failing to conduct adequate testing of the design of the fuel supply system for the subject vehicle;

m. In failing to warn of the inadequate testing of the design of the fuel supply system for the subject vehicle;

n. Failing to provide adequate warnings to the public in general, and to these

Plaintiffs and deceased specifically of the dangerous propensities of the flawed design of the fuel supply system on the subject vehicle;

o. In acting to conceal defects and dangers in its products from the public, from injured persons and governmental entities rather than fulfilling its common law and statutory obligations to provide adequate warnings and to remedy such defects;

p. In continuing to design, market, and sell this line of sport utility vehicles without substantial change after receiving sufficient knowledge as to the nature of the defects and the danger to the public;

q. In the design of the subject vehicle which failed to correct serious rear structure design deficiencies in location, mounting, and protection of the fuel tank from environmental hazards;

r. In the design of the subject vehicle which failed to restrict foreseeable fires from rapidly entering into the occupant compartment of the vehicle thus limiting the timely rescue of accident victims;

s. In failing to provide adequate warnings concerning the rear structural crash performance of the vehicle when fitted with a trailer two hitch;

t. In failing to design the vehicle in such a manner that the rear structure was crashworthy when fitted with a trailer hitch;

u. In failing to design the rear structure of the vehicle in such a manner that the vehicle would be crashworthy in rear impacts;

v. In failing to design the vehicle with adequate rear under-ride protection in the event of a rear crash; and

w. In designing the fuel tank for the vehicle in such a manner that it was dangerously exposed to impacts and was not adequately protected within structure of the vehicle.

16. Plaintiffs further allege that such defects in the design of the vehicle were a producing cause of the death of Cassidy Jarmon, and the injuries and damages sustained by Plaintiffs.

D. Breach of Implied Warranty of Merchantability

17. The vehicle in question is a "good" for purposes of the TEX. BUS. & COMM. CODE, and Defendant DC was a "merchant" with respect to goods of that kind. Defendant DC breached the implied warranty of merchantability set forth in TEX. BUS. & COMM. CODE, §2.314, by selling the vehicle in question when it was defective; that is, not fit for the ordinary purposes for which such goods are used because of the and crashworthiness deficiencies described more fully herein. Such breach of warranty was a proximate cause of the injuries and damages to Plaintiffs.

E. Breach of Warranty of Fitness for Particular Purpose

18. Defendant DC impliedly warranted to the public generally and specifically to Plaintiffs that the 1993 Jeep Grand Cherokee was fit for the particular purpose for which the vehicle was intended. Defendant DC, at the time of the design, manufacture, and sale of the vehicle, had reason to know of the particular purpose for which the vehicle and its fuel supply system were required. The Plaintiffs relied upon Defendant DC's skill and judgment to select and furnish suitable goods and components. The vehicle in question was unfit for the purpose for which it was intended to be used, in one or more of the following particulars:

a. In failing to design the vehicle fuel supply system to be crashworthy;

b. In failing to design the vehicle in such manner that gasoline would not escape from the fuel supply system in the event of foreseeable collisions;

c. In failing to construct the fuel supply system so that it would contain fuel in the event of foreseeable collisions;

d. In failing to design the fuel supply system in such a manner so as to prevent post-collision fuel fed fires;

e. In failing to properly test and evaluate the vehicle;

f. In failing to properly guard or shield the vehicle's fuel tank and delivery system;

g. In the placement and packaging of the vehicle's fuel tank and fuel supply system;

h. In its design of the fuel supply system in positioning the vehicle's fuel tank at a location on the vehicle that subjected it to hazards associated with the environment in which it was located;

i. In designing the fuel supply system such that the vehicle's tank was inadequately protected from environmental hazards in, on, and about its surrounding tank;

j. Failing to warn of dangers associated with the design of the fuel supply system and its position on the vehicle;

k. In it design of the fuel supply system in an uncrashworthy manner;

l. Failing to conduct adequate testing of the design of the fuel supply system for the subject vehicle;

m. In failing to warn of the inadequate testing of the design of the fuel supply system for the subject vehicle;

n. Failing to provide adequate warnings to the public in general, and to these Plaintiffs and deceased specifically of the dangerous propensities of the flawed design of the fuel supply system on the subject vehicle;

o. In acting to conceal defects and dangers in its products from the public, from injured persons and governmental entities rather than fulfilling its common law and statutory obligations to provide adequate warnings and to remedy such defects;

p. In continuing to design, market, and sell this line of sport utility vehicles without substantial change after receiving sufficient knowledge as to the nature of the defects and the danger to the public;

q. In the design of the subject vehicle which failed to correct serious rear structure design deficiencies in location, mounting, and protection of the fuel tank from environmental hazards;

r. In the design of the subject vehicle which failed to restrict foreseeable fires from rapidly entering into the occupant compartment of the vehicle thus limiting the timely rescue of accident victims;

s. In failing to provide adequate warnings concerning the rear structural crash performance of the vehicle when fitted with a trailer two hitch;

t. In failing to design the vehicle in such a manner that the rear structure was crashworthy when fitted with a trailer hitch;

u. In failing to design the rear structure of the vehicle in such a manner that the vehicle would be crashworthy in rear impacts;

v. In failing to design the vehicle with adequate rear under-ride protection in the event of a rear crash; and

w. In designing the fuel tank for the vehicle in such a manner that it was dangerously exposed to impacts and was not adequately protected within structure of the vehicle.

19. Plaintiffs suffered injuries and damages as set forth hereafter as a proximate result of the breach of this warranty.

F. **Misrepresentation/Strict Liability of Defendant DC**

20. Plaintiffs allege that Defendant DC was in the business of marketing and selling automobiles and made misrepresentations to the public of material facts concerning the character and/or quality of the vehicle that is the subject of this lawsuit. Purchasers of the vehicle justifiably relied upon these misrepresentations that induced and influenced them to purchase and transport others in the Jeep Grand Cherokee sport utility vehicle, including the vehicle in question. As a result, Plaintiffs sustained severe, traumatic, debilitating injuries during the incident, and Cassidy Jarmon lost her life. Plaintiffs, therefore, invoke the Doctrine of Strict Liability contained in Section 402B of the RESTATEMENT (2ND) OF TORTS. Furthermore, Plaintiffs allege that these misrepresentations of material fact were a producing cause of the injuries and damages sustained by Plaintiffs. Defendant DC misrepresented its product as being safe, in spite of the following defects:

a. In failing to design the vehicle fuel supply system to be crashworthy;

b. In failing to design the vehicle in such manner that gasoline would not escape from the fuel supply system in the event of foreseeable collisions;

c. In failing to construct the fuel supply system so that it would contain fuel in the event of foreseeable collisions;

d. In failing to design the fuel supply system in such a manner so as to prevent post-collision fuel fed fires;

e. In failing to properly test and evaluate the vehicle;

f. In failing to properly guard or shield the vehicle's fuel tank and delivery system;

g. In the placement and packaging of the vehicle's fuel tank and fuel supply system;

h. In its design of the fuel supply system in positioning the vehicle's fuel tank at a location on the vehicle that subjected it to hazards associated with the environment in which it was located;

i. In designing the fuel supply system such that the vehicle's tank was inadequately protected from environmental hazards in, on, and about its surrounding tank;

j. Failing to warn of dangers associated with the design of the fuel supply system and its position on the vehicle;

k. In it design of the fuel supply system in an uncrashworthy manner;

l. Failing to conduct adequate testing of the design of the fuel supply system for the subject vehicle;

m. In failing to warn of the inadequate testing of the design of the fuel supply system for the subject vehicle;

n. Failing to provide adequate warnings to the public in general, and to these Plaintiffs and deceased specifically of the dangerous propensities of the flawed design of the fuel supply system on the subject vehicle;

o. In acting to conceal defects and dangers in its products from the public, from injured persons and governmental entities rather than fulfilling its common law and statutory obligations to provide adequate warnings and to remedy such defects;

p. In continuing to design, market, and sell this line of sport utility vehicles without substantial change after receiving sufficient knowledge as to the nature of the defects and the danger to the public;

q. In the design of the subject vehicle which failed to correct serious rear structure design deficiencies in location, mounting, and protection of the fuel tank from environmental hazards;

r. In the design of the subject vehicle which failed to restrict foreseeable fires from rapidly entering into the occupant compartment of the vehicle thus limiting the timely rescue of accident victims;

s. In failing to provide adequate warnings concerning the rear structural crash performance of the vehicle when fitted with a trailer two hitch;

t. In failing to design the vehicle in such a manner that the rear structure was crashworthy when fitted with a trailer hitch;

u. In failing to design the rear structure of the vehicle in such a manner that the vehicle would be crashworthy in rear impacts;

v. In failing to design the vehicle with adequate rear under-ride protection in the event of a rear crash; and

w. In designing the fuel tank for the vehicle in such a manner that it was dangerously exposed to impacts and was not adequately protected within structure of the vehicle.

G. Joint and Several Liability

21. Plaintiffs would further show this honorable Court and jury that each and all of the foregoing acts and omissions taken singularly, or in combination with the other, were the proximate and/or producing cause of the death of Cassidy Jarmon and the injuries and damages suffered by Plaintiffs. Therefore, Plaintiffs complain of Defendants, jointly and severally.

VII.
SURVIVAL ACTION - §71.021 *et seq.* TEX. CIV. PRAC. & REM. CODE

22. Plaintiffs Jennifer Jarmon and Cassius Jarmon, Individually and as Co-Administrators of the Estate of Cassidy Jarmon, sue pursuant to §71.021 *et seq.* TEX. CIV. PRAC. & REM. CODE, for Defendants' negligence and strict liability in tort, misrepresentations and breach of warranty which were a proximate/producing cause of the injuries and damages sustained by Cassidy Jarmon prior to her death as well as for all other damages allowed by law, including the following elements, in an amount within the jurisdictional limits of this Court:

a. The reasonable and customary expenses for autopsy, funeral, and burial for decedent;

b. Reasonable and necessary hospital and medical expenses;

c. Physical pain, agony, and suffering experienced by decedent; and

d. Mental anguish and suffering, including the fear and distress associated with imminent death.

VIII.
WRONGFUL DEATH - § 71.001 *et seq.* TEX. CIV. PRAC. & REM. CODE

23. In addition to the other legal bases previously pleaded herein, this action is brought by Plaintiffs Jennifer Jarmon and Cassius Jarmon, Individually, as statutory beneficiaries of Cassidy Jarmon, pursuant to §71.001 *et seq.* of the TEX. CIV. PRAC. & REM. CODE, commonly referred to as the "Wrongful Death Act", on behalf of statutory beneficiaries of Cassidy Jarmon, pursuant to §71.004 TEX. CIV. PRAC. & REM. CODE, for damages sustained by Plaintiffs of which the negligence and strict liability in tort of Defendants was a producing/proximate cause.

Plaintiffs should be compensated in an amount in excess of the jurisdictional limits of this Court, considering the following elements of damages:

a. Pecuniary loss, including loss of care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value that Plaintiffs Jennifer and Cassius Jarmon, Individually, and as Co-Administrators of the Estate of Cassidy Jarmon, and as Next Friends of Callie Jarmon, a minor child, would in reasonable probability have received from the decedent, Cassidy Jarmon, had she lived;

b. Loss of companionship and society, including the loss of the positive benefits flowing from the love, comfort, affection, companionship, and society that Plaintiffs Jennifer and Cassius Jarmon, Individually, and as Co-Administrators of the Estate of Cassidy Jarmon, and as Next Friends of Callie Jarmon, a minor child, would in reasonable probability have received from the decedent, Cassidy Jarmon, had she lived

c. Mental depression and mental anguish; and

d. Reasonable and necessary expenses associated with autopsy, funeral, and burial.

IX.
DAMAGES

24. As a result of the injuries to and death of Cassidy Jarmon, Deceased, as herein set out, Plaintiffs Jennifer and Cassius Jarmon, Individually, and as Co-Administrators of the Estate of Cassidy Jarmon, and as Next Friends of Callie Jarmon, a minor child, are entitled to the recovery of survival and wrongful death damages including, but not limited to, the following:

a. The reasonable and customary funeral and burial expenses for decedent;

b. Physical pain, agony, and suffering; and

c. Mental anguish and suffering, including the fear and distress associated with imminent death.

25. As a result of the injuries to and death of Cassidy Jarmon as herein set out, Plaintiffs Jennifer and Cassius Jarmon, Individually, and as Co-Administrators of the Estate of Cassidy Jarmon, and as Next Friends of Callie Jarmon, a minor child, are entitled to the recovery of survival and wrongful death damages including, but not limited to the following:

a. Mental anguish, grief, sorrow, emotional pain, torment, and suffering experienced by Plaintiffs Jennifer and Cassius Jarmon, Individually, and as Co-Administrators of the Estate of Cassidy Jarmon, and as Next Friends of Callie Jarmon, a minor child, in the past associated with the loss of the decedent;

b. Mental anguish, mental depression, grief, sorrow, emotional pain, torment, and suffering experienced by Plaintiffs Jennifer and Cassius Jarmon, Individually, and as Co-Administrators of the Estate of Cassidy Jarmon, and as Next Friends of Callie Jarmon, a minor child which in all reasonable probability will continue in the future;

c. Loss of consortium and society in the past;

d. Loss of consortium and society which, in all reasonable probability, will continue in the future;

e. Loss of pecuniary benefits in the past; and

f. Loss of pecuniary benefits which, in all reasonable probability, will continue in the future.

X.
PERSONAL INJURY DAMAGES TO CALLIE JARMON

26. Plaintiffs Jennifer and Cassius Jarmon, as Next Friends of Callie Jarmon, a minor child, would show that as a proximate/producing result of the conduct of the Defendants, both in negligence and strict liability, Callie Jarmon sustained severe, permanent, disability and disfiguring injuries, which have caused her damage, and in reasonable probability will continue to cause her damages for the remainder of her natural life. As a result of those injuries, Plaintiffs should be compensated considering the following elements of damage:

a. Pain, suffering and mental anguish in the past;

b. Pain, suffering and mental anguish, which in reasonable probability she will sustain in the future;

c. Past medical, hospital, surgical, and rehabilitative expenses;

d. Medical, hospital, surgical, and rehabilitative expenses, which in reasonable probability she will sustain in the future;

e. Disfigurement in the past;

f. Disfigurement, which in reasonable probability she will sustain in the future;

g. Physical impairment in the past;

h. Physical impairment which is reasonably probable that she will suffer in the future;

i. Lost earnings and earning capacity, which in reasonable probability she will sustain in the future, after her eighteenth birthday; and

j. Reasonable and necessary costs for attendant care, which in reasonable probability she will require in the future.

XI.
DIRECT PERSONAL INJURY DAMAGES TO JENNIFER JARMON AND BYSTANDER CLAIMS OF JENNIFER JARMON AND CASSIUS JARMON

27. As a direct and proximate result of the Defendants' negligence as above described, Plaintiff Jennifer Jarmon sustained severe personal injuries, which she will endure in the future. Additionally, Jennifer Jarmon and Cassius Jarmon suffered severe mental pain and suffering since the perception of the occurrence made the basis of this suit and of the injuries and harm sustained by their daughters Cassidy Jarmon and Callie Jarmon. In particular, Plaintiffs will show that immediately after the occurrence made the basis of this suit, they have experienced extreme nervousness, distractibility, physical illness, difficulty sleeping, difficulty concentrating, and fear. They have incurred and will continue to incur reasonable and necessary expenses for medical care and treatment of these conditions. Plaintiffs sue for a sum within the jurisdictional limits of this Court for these injuries

XII.
EXEMPLARY DAMAGES

28. In addition to and including the above, Plaintiffs would show this honorable Court and the jury that the acts, practices and omissions of Defendant DC constitute clear and convincing evidence, as defined by §41.001 of the Texas Civil Practice and Remedies Code, of gross negligence on the part of Defendant, in that such acts, practices and/or omissions: a) when viewed objectively from the standpoint of the Defendant at the time of its occurrence involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others, and b) of which the Defendant had actual, subjective awareness of the risks involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others, including Plaintiffs and Cassidy Jarmon, Deceased. It is from these specified circumstances, constituting gross negligence on the part of Defendant DC that the injuries and damages

complained of herein arose. Accordingly, Plaintiffs seek recovery of exemplary damages herein against Defendant DC in an amount equal to the *greater* of two times the amount of economic damages herein, plus an amount equal to any non-economic damages found by the jury, not to exceed $750,000.00; or $200,000.00.

XIII.
PREJUDGMENT INTEREST

29. The above and foregoing acts and/or omissions of Defendant DC have caused damages to Plaintiffs that entitle them to the recovery of prejudgment interest on the damages sustained.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that upon final trial hereof, Plaintiffs have judgment against Defendants jointly and severally, in an amount in excess of the jurisdictional limits of this Court together with their costs, pre-judgment and post-judgment interest as allowed by law, attorneys fees as allowed by law, exemplary damages as determined by the trier of fact, and that Plaintiffs be granted such other and further relief, at law or in equity, general or special, to which they may show themselves justly entitled.

Respectfully submitted,

WALTMAN & GRISHAM

Lynn A. Grisham
State Bar No. 08505500
Robert B. Waltman
State Bar No. 20822500
707 Texas Avenue, Suite 106D
College Station, Texas 77840
Telephone 979/694-0900
Facsimile 979/693-0840

THE COOKE WILSON LAW FIRM, P.C.
Christopher C. Cooke
State Bar No. 00795303
16 N. Mill Street
Cleburne TX 76033
Telephone 817/558-1811
Facsimile 817/558-1846

ATTORNEYS FOR PLAINTIFFS

PLAINTIFFS REQUEST A TRIAL BY JURY.

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to TEX. R. CIV. P. 21a, a true and correct copy of the foregoing has been forwarded via hand delivery, telephonic document transfer and/or overnight mail and/or U.S. Mail Certified, Return Receipt Requested, to all attorneys of record on this the 18th day of December, 2007.

Lynn A. Grisham

MATTER #	1165649
FILE TYPE	Case
FILE NAME	[redacted]
CAIR #	
DATE OF INCIDENT	02/12/2006
DATE OF NOTICE	03/20/07
MODEL/MODEL YEAR	1993 Jeep Grand Cherokee (ZJ)
VIN	1J4GZ58S6PC[redacted]
MILEAGE	Unknown
OWNER	[redacted] [redacted] Cleburne, Texas [redacted] [redacted]
COURT	District Court of Johnson County, Texas
DOCKET #	200600134
FIRE ALLEGED	Yes
DESCRIPTION	On February 12, 2006, [redacted] was operating a 1993 Jeep Grand Cherokee (ZJ) on Texas Highway 174 in Cleburne, Texas with a posted speed limit of 60 mph. Mrs. [redacted] two daughters were in the rear seat. [redacted] age 4, was in a booster seat in the rear center, while [redacted] age 1, was in a forward facing child seat in the left rear position. The Jeep Grand Cherokee (ZJ) had come to a complete stop, waiting to make a left turn into a private drive when a Chevrolet Lumina being driven by [redacted] failed to observe the stopped vehicle and struck it in the rear at a high speed. The Jeep Grand Cherokee (ZJ) was pushed approximately 66 feet, spun 180 degrees and a fire ensued.
PROPERTY DAMAGE ALLEGED	No
INJURIES	3
FATALITIES	1
ANALYSIS	Based on the inspection of the 1993 Jeep Grand Cherokee (ZJ) and other available information, including the police accident report and witness statements, Chrysler Group concludes that this was an extremely severe, high energy impact with the Chevrolet Lumina striking the rear of the Jeep Grand Cherokee (ZJ) at a relative velocity of approximately 65 mph. The driver of the Lumina began to brake just before impact, resulting in the nose of the vehicle pitching downward and underriding the Jeep Grand Cherokee (ZJ). The Jeep Grand Cherokee (ZJ) had an aftermarket trailer hitch (not available from the manufacturer) with sharp corners. At impact, the Lumina made direct contact with the trailer hitch pushing it forward and

puncturing the fuel tank. As a result of the extremely severe, high energy impact, the trailer hitch continued to be pushed through the area occupied by the Jeep Grand Cherokee (ZJ)'s fuel tank and contacted the differential, resulting in approximately 19 inches of crush. The crush of the fuel tank likely created high pressure within the tank and when the tank was punctured fuel sprayed out. Damage to the rear of the Jeep Grand Cherokee (ZJ) is depicted in the photographs in Enclosure 4 Bates Nos. PE10-031-Chrysler-000605-606.