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

Page 1 of 10 — Fatal

New Jersey Police Crash Investigation Report

☒ Reportable ☐ Non-Reportable ☐ Change Report

1 Case Number: B080-2007-00445A

10 Crash Occurred On: I-287 SB (Road Name / Dir) — 11 Speed Limit: 55 — 12 Route No.: 287 — Suffix — 13 Milepost: 42.8 — 18 Speed Limit

☐ At Intersection with — ☐ Feet ☐ Miles — ☐ N ☐ E ☐ S ☐ W of: — 14 — 15 — 16

19 Ramp ☐ To: ☐ From: — 17 Cross Road Name — ☐ NB ☐ EB ☐ SB ☐ WB — 20 Route/Name — 21 Latitude — 22 Longitude

2 Police Dept of: STATE POLICE — Code: 2

3 Station/Precinct: NETCONG

4 Date of Crash (mm dd yy): 02 24 07 — 5 Day of Week: Su M Tu W Th F (Sa)

6 Time (use 2400 hrs): 0853 — 7 Municipality Code: 1429 — 8 Total Killed: 01 — 9 Total Injured: 02

Vehicle 1

23 Veh No: 1 — 24 Policy No.: AVE-4282843 — 25 Ins Code: 199

☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit& Run

26 Driver's First Name / Initial / Last Name: [redacted] — 29 Sex: F — 30 Eyes: 4

28 City: NORTH HAVEN — State: CT — Zip: [redacted]

31 State: CT — 32 Drivers License No: [redacted] — 33 DOB (mm dd yy): [redacted] — 34 Expires (mm yy): 09 12

35 Owner's First Name / Initial / Last Name: ☒ Same As Driver

36 Number and Street:

37 City: — State: — Zip:

38 Make: SUBARU — 39 Model: LEGACY — 40 Color: WT — 41 Year: 1998 — [redacted] — 43 State: CT

44 VIN: 4S3BG6852W[redacted] — 45 Expires: 07 12

46 Vehicle Removed To: CORIGLIANO TOWING BOONTON, NJ — ☐ Driven ☐ Left at Scene ☒ Towed ☒ Impound ☒ Disabled — 47 Authority: ☐ Owner ☐ Driver ☒ Police

48 Alcohol/Drug Test: Given: ☒ No ☐ Yes ☐ Refused — Type: ☐ Breath ☐ Blood ☐ Urine — Results: 0.___ % ☐ Pending

49 Hazardous Material: On Board ☐ Spill ☐ — Name or Placard No.

50 Carrier No. ☐ USDOT ☐ Other

51 Commercial Vehicle Weight: ☐ < 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ ≥ 26,001 lbs

52 Carrier name

Vehicle 2

53 Veh No: 2 — 54 Policy No.: 009568022 12/01 — 55 Ins Code: 012

☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit& Run

56 Driver's First Name / Initial / Last Name: [redacted] — 59 Sex: F — 60 Eyes: 4

58 City: KINNELON — State: NJ

61 State: NJ — 62 Drivers License No: [redacted] — 63 DOB (mm dd yy): [redacted] — 64 Expires (mm yy): 06 10

65 Owner's First Name / Initial / Last Name: ☐ Same As Driver [redacted]

66 Number and Street: [redacted]

67 City: KINNELON — State: NJ — [redacted]

68 Make: JEEP — 69 Model: CHEROKEE — 70 Color: GN — 71 Year: 1996 — [redacted] — 73 State: NJ

74 VIN: 1J4GZ58S9T[redacted] — 75 Expires: 11 07

76 Vehicle Removed To: CORIGLIANO TOWING BOONTON, NJ — ☐ Driven ☐ Left at Scene ☒ Towed ☒ Impound ☒ Disabled — 77 Authority: ☐ Owner ☐ Driver ☒ Police

78 Alcohol/Drug Test: Given: ☐ No ☒ Yes ☐ Refused — Type: ☐ Breath ☒ Blood ☒ Urine — Results: 0.___ % ☒ Pending

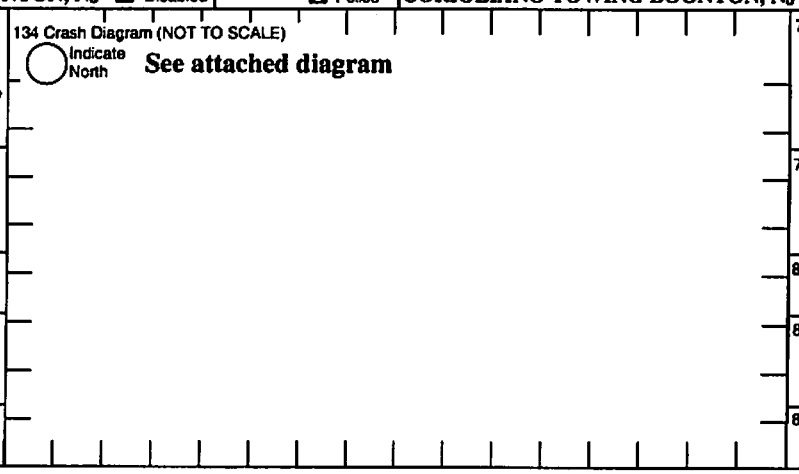
79 Hazardous Material: On Board ☐ Spill ☐ — Name or Placard No.

80 Carrier No. ☐ USDOT ☐ Other

81 Commercial Vehicle Weight: ☐ < 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ ≥ 26,001 lbs

82 Carrier name

134 Crash Diagram (NOT TO SCALE) — Indicate North



135 Crash Description

INTRODUCTION:

Vehicle #1, Vehicle #2 and Vehicle #3 were traveling southbound on Interstate 287 in the right lane. Vehicle #4 was traveling on Interstate 287 in the center lane. Driver #1 suddenly slowed down drastically, after she noticed she had missed the exit to her destination. Vehicle #2 then slowed down to a very low speed after driver #2 noticed that Vehicle #1 was barely moving in the right lane. Subsequently, Vehicle #3 struck Vehicle #2 causing it to explode and both vehicles became engulfed in flames. After the initial impact, Vehicle #2 continued to travel forward and struck Vehicle #1. Vehicle #4, was struck by debris while driving by in the center

136 Damage To Other Property

Oper. 1 — 137 Charge: 39:4-67 ☐ Multiple Charges — 138 Summons No.: SP3410616

Oper. — 139 Charge ☐ Multiple Charges — 140 Summons No.

141 Officer's Signature: T. E. Dallamo — 142 Badge No.: 6598 — 143 Reviewed By: [redacted] — Badge No.: 5097 — 144 Case Status: ☒ Pending ☐ Complete

	83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Addresses of Occupants - If Deceased, Date & Time of Death
A	1	01	01	04	62	F	04	08	2	09	04	-	6406	[redacted] HAVEN CT
B	2	01	01	01	49	F	12	06	-	09	00	00	-	[redacted] KINNELON NJ- 2/24/07 1100
C	3	01	01	03	40	F	02	05	2	09	09	01	6406	[redacted] BOONTON NJ
D	4	01	01	-	27	M	-	-	-	09	04	-	-	[redacted] NY
E														

Page 2 of 10 ☒ Fatal

New Jersey Police Crash Investigation Report

☒ Reportable ☐ Non-Reportable ☐ Change Report

1 Case Number: [redacted]

2 Police Dept of: STATE POLICE — Code: 2

3 Station/Precinct: NETCONG

10 Crash Occurred On: I-287 (Road Name) SB (Dir) — 11 Speed Limit: 55

☐ At Intersection with ☐ Feet ☐ Miles ☐ N ☐ S ☐ E ☐ W of:

12 Route No.: 287 — Suffix: — 13 Milepost: 42.8 — 18 Speed Limit:

19 Ramp ☐ To: ☐ From: — 17 Cross Road Name: — ☐ NB ☐ EB ☐ SB ☐ WB — 20 Route/Name:

21 Latitude: . — 22 Longitude: .

4 Date of Crash (mm dd yy): 02 24 07 — 5 Day of Week: Su M Tu W Th F (Sa)

6 Time (use 2400 hrs): 0853 — 7 Municipality Code: 1429 — 8 Total Killed: 01 — 9 Total Injured: 02

Vehicle 3

23 Veh No: 3 — 24 Policy: [redacted] — 25 Ins Code: 012

☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit& Run

[redacted] — 29 Sex: F — 30 Eyes: 1

28 City: BOONTON — State: NJ [redacted]

31 State: NJ — 32 Drivers License No: [redacted] — 33 DOB (mm dd yy): [redacted] — 34 Expires (mm yy): 01 08

35 Owner's [redacted] Name — ☐ Same As Driver

36 Number and Street: [redacted]

37 City: BOONTON — State: NJ [redacted]

38 Make: TOYOTA — 39 Model: SIENNA — 40 Color: SL — 41 Year: 2004 — [redacted] — 43 State: NJ

44 VIN: 5TDZA22C344S[redacted] — 45 Expires: 09 07

46 Vehicle Removed To: ☐ Driven ☐ Left at Scene ☒ Towed ☒ Impound ☒ Disabled — 47 Authority: ☐ Owner ☐ Driver ☒ Police

CORIGLIANO TOWING BOONTON, NJ

48 Alcohol/Drug Test: Given: ☒ No ☐ Yes ☐ Refused — Type: ☐ Breath ☐ Blood ☐ Urine — Results: 0.___ % ☐ Pending

49 Hazardous Material: On Board ☐ Spill ☐ — Name or Placard No.

50 Carrier No. ☐ USDOT ☐ Other*

51 Commercial Vehicle Weight: ☐ < 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ ≥ 26,001 lbs

52 Carrier name

Vehicle 4

53 Veh No: 4 — 54 Policy: [redacted] — 55 Ins Code: 328

☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit& Run

[redacted] — 59 Sex: M — 60 Eyes: 6

58 City: CLIFTON PARK — State: NY [redacted]

61 State: NH — 62 Drivers License No: [redacted] — 63 DOB (mm dd yy): [redacted] — 64 Expires (mm yy): 04 08

65 Owner's First Name — Initial — Last Name — ☒ Same As Driver

66 Number and Street

67 City — State — Zip

68 Make: ACURA — 69 Model: MDX — 70 Color: BL — 71 Year: 2003 [redacted] — 73 State: NH

74 VIN: 2HNYD18773H[redacted] — 75 Expires: 04 07

76 Vehicle Removed To: ☒ Driven ☐ Left at Scene ☐ Towed ☐ Impound ☐ Disabled — 77 Authority: ☒ Owner ☐ Driver ☐ Police

78 Alcohol/Drug Test: Given: ☒ No ☐ Yes ☐ Refused — Type: ☐ Breath ☐ Blood ☐ Urine — Results: 0.___ % ☐ Pending

79 Hazardous Material: On Board ☐ Spill ☐ — Name or Placard No.

80 Carrier No. ☐ USDOT ☐ Other*

81 Commercial Vehicle Weight: ☐ < 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ ≥ 26,001 lbs

82 Carrier name

134 Crash Diagram (NOT TO SCALE) — Indicate North

See attached diagram

135 Crash Description

lane at the time of the explosion. Driver #2, [redacted] died as result of the injuries sustained in this accident. Driver #1 and Driver #2 were transported to Saint Claire's Hospital for treatment of minor injuries. Driver #4, continued on driving south on Interstate 287. He contacted Netcong Station on 02/28/2007 and stated that he had not been injured and that his vehicle sustained minor cosmetic damage.

LOCATION:

This accident occurred on Interstate 287 South at milepost 40.8 in the right lane, in the Twp. of Parsippany. In the

136 Damage To Other Property

Oper.	137 Charge	☐ Multiple Charges	138 Summons No.	Oper.	139 Charge	☐ Multiple Charges	140 Summons No.
3	39:4-98		SP3410618				

141 Officer's Signature: Tpr. E. Orellano — 142 Badge No.: 6598 — 143 Reviewed By: [redacted] — Badge No.: 5097 — 144 Case Status: ☒ Pending ☐ Complete

	83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Addresses of Occupants - If Deceased, Date & Time of Death
A														
B														
C														
D														
E														

NJTR-1 (R03/06) Police Copy

PE10-031-Chrysler-000656

New Jersey Police Crash Investigation Report

Motor Vehicle Crash Description

Police Dept: STATE POLICE Code: 2

Station: NETCONG Case No: B080-2007-00445A

(Refer to vehicle by number)

		Veh Occ	Pos In/On	Eject	Phys Cond	Age	Sex	Loc Inj	Type Inj	Rel Med	Equip Avail	Equip Used	Bag Dept	Hosp Code	
		83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Addresses of Occupants If Deceased, Date & Time of Death
ALL INVOLVED	F														
	G														
	H														
	I														
	J														

135 Crash Description

vicinity of the accident, I-287 consists of one southbound exit ramp for exit 42 (Parsippany Rd), three southbound travel lanes and three northbound travel lanes. The north and southbound lanes are divided by 25 foot center median that includes two guide rails, one running parallel along each of the left shoulders of both the north and southbound lanes. All lanes are made of black top and in good condition, being free of any debris or roadway defects that would have contributed to the cause of this accident. All travel lanes are approximately 12 feet in width and are clearly divided by white painted skip lines. The left shoulder, which is approximately 5 feet in width, is clearly separated from the left travel lane by a solid painted yellow line, whereas the right shoulder, which is approximately 13 feet in width, is clearly separated from the right travel lane by a solid painted white line. The exit 42 ramp is also clearly marked with solid painted white lines and a large Department of Transportation street sign. At the time of the accident, the weather was clear and the roadway was dry.

STATEMENT:

Driver #1 initially stated to the undersigned at the scene: " I was driving very slow, going at about 45 mph in the right lane when the other car hit me from behind, I don't know what happened ". She completed a written statement at the scene, see attachment #1 (1 page). She then provided a formal recorded statement to Tpr. C. Rohel #6929 at Netcong Station on the same day, which is yet to be transcribed.

Driver #2 Deceased.

Driver #3 initially stated to the undersigned at scene: " I saw the Jeep stopped in the right lane, I crashed into it and I saw an explosion, I don't know what happened after that". She completed a written statement at the scene, see attachment #2 (1 page). She then provided a formal recorded Statement to Tpr. J. Sepede #6531 at Netcong Station the same day, which is yet to be transcribed.

Driver#4, [redacted], Clifton Park, NY, contacted the undersigned via telephone on 02/25/2007. He stated in effect: " I was driving in the center lane at the time of the accident. I saw the station wagon stopped in the right lane, and the Jeep stopped or was moving very slow right behind it. I also saw the Toyota minivan in the right lane and wondered if the driver was going to stop for the 2 vehicles ahead. The minivan didn't stop and hit the Jeep in the right

TA E. Grillo

Officer's Signature

6598

Badge Number

NJTR-1A (rev. 03/2006)

New Jersey Police Crash Investigation Report

Motor Vehicle Crash Description

Police Dept: STATE POLICE Code: 2

Station: NETCONG Case No: B080-2007-00445A

(Refer to vehicle by number)

		Veh Occ	Pos In/On	Eject	Phys Cond	Age	Sex	Loc Inj	Type Inj	Ref Med	Equip Avail	Equip Used	Bag Depl	Hosp Code	
		83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Addresses of Occupants If Deceased, Date & Time of Death
ALL INVOLVED	F														
	G														
	H														
	I														
	J														

135 Crash Description

lane. The Jeep was pushed forward into the station wagon. I didn't see anything else because I was trying to make my way through the fire. Pieces of debris hit my vehicle". Mr [redacted] came in to Netcong Station on 02/28/2007 and provided a written statement. See attachment #3 (1 page). He then provided a formal recorded statement to the undersigned, which is yet to be transcribed.

Witness #1, [redacted] Kinnelon, NJ, was contacted by the undersigned via telephone. She stated in effect: " I was driving in the exit ramp at the time of the accident. I saw the white station wagon stopped in the right lane and then I saw the Jeep hit it in the back. After that I saw the Jeep explode. I did not see a 3rd vehicle involved in this accident". Tpr. J. Sepede obtained a formal recorded statement from Mrs. [redacted] on the same day, which is yet to be transcribed.

AT THE SCENE INVESTIGATION:

I was advised of this accident via State Police radio at 0853 hours. I approached the scene from the south and arrived at 0910 hours.

Upon arrival to the scene I observed all vehicles at their final uncontrolled resting positions. Parsippany Fire Department and Parsippany First Aid Squad were on scene. I observed a vehicle later identified as Vehicle #1 on the right shoulder of the southbound lanes, facing south. I later observed another vehicle, later identified as Vehicle #2, in the center lane of I-287 southbound, facing north, burned in its entirety and smoking with the Fire Department still attending. I also observed a deceased burnt body, later identified as Driver #2, laying across the front passenger seat. I then observed another vehicle, later identified as Vehicle #3, in the right lane of I-287 facing south and partially burned. All lanes of traffic were blocked by the vehicles involved and debris. Traffic was being diverted off exit 42 of I-287 southbound.

I proceeded to obtain written statements from Driver #1 and Driver #3 while Parsippany First Aid Squad was administering medical attention to them. Driver #1 refused further medical attention and was then relayed to Netcong Station in order to obtain a tape recorded statement from her. Driver #3 was relayed to Saint Claire's Hospital, via Parsippany FAS for further treatment of her injuries and was requested to respond to Netcong Station after her release.

Tpr. E. Cardenas — Officer's Signature

6598 — Badge Number

New Jersey Police Crash Investigation Report

Motor Vehicle Crash Description

Police Dept: STATE POLICE Code: 2

Station: NETCONG Case No: B080-2007-00445A

(Refer to vehicle by number)

		Veh Occ	Pos In/On	Eject	Phys Cond	Age	Sex	Loc Inj	Type Inj	Ref Med	Equip Avail	Equip Used	Bag Depl	Hosp Code	
		83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Addresses of Occupants If Deceased, Date & Time of Death
ALL INVOLVED	F														
	G														
	H														
	I														
	J														

135 Crash Description

Netcong Station was advised of the condition of Driver #2 and subsequently notified Criminal Investigating Office, Fatal Accident Unit, Morris County Prosecutor's Office and the Medical Examiner's Office.

Inspection of the scene revealed a tire mark from the right southbound lane to the right southbound shoulder, originating from vehicle #1's right rear tire. The area surrounding Vehicle #2 and the engine compartment of Vehicle #3 was covered with fire suppressing foam, water and debris. No tire marks were visible under those substances. Observation of the right lane behind Vehicle #3 did not produce any tire marks, which would make one believe that Driver #3 did not attempt to stop prior to the initial impact. Gouge marks were found, however, north of Vehicle #3, indicating the point of impact between Vehicle #3 and Vehicle #2. Vehicle #1 was then inspected and found to be a white 1998 Subaru Legacy station wagon, 5 door hatch, bearing CT registration 849943. It was equipped with an automatic transmission which was in the "Drive" gear and the odometer read 124,019 miles. Heavy damage was noted to the rear end of the vehicle. The rear compartment of the vehicle and it contents were crushed inward towards the front of the vehicle. All four tires remained inflated and in good condition. It should be noted, however, that the rear right tire was locked due to vehicle damage.

Inspection of the interior of the vehicle revealed that the driver seat was in the upright position and very close to the steering wheel even for the height characteristics of Driver #1. The driver's seatbelt was a 3 point system and fully retracted. The belt moved freely and buckled securely.

Vehicle #2 was then inspected and found to be a dark color Jeep Cherokee, 5 door hatch, bearing NJ registration [redacted] equipped with a manual transmission. Damage was noted to the front of the vehicle, the rear of the vehicle and rear undercarriage of the vehicle, no other information is available for this vehicle, due to the extent of damage caused by the fire, which engulfed the entire vehicle.

Vehicle #3 was then inspected and found to be a silver Toyota Sienna minivan, 3 door hatch, bearing NJ registration [redacted] equipped with an automatic transmission. Damage was noted to the front of the vehicle, the hood and windshield of the vehicle. The speedometer was stopped at 70 mph and the tachometer was stopped at was stopped at 2000 RPM. The driver side and the front passenger side air bags were deployed . The front left tire and the front right tire were melted and the rear left tire and the rear right tire were inflated and in good condition.

Officer's Signature

6598

Badge Number

NJTR-1A (rev. 03/2006)

New Jersey Police Crash Investigation Report

Motor Vehicle Crash Description

Police Dept: STATE POLICE Code: 2

Station: NETCONG Case No: B080-2007-00445A

(Refer to vehicle by number)

	Veh Occ	Pos In/On	Eject	Phys Cond	Age	Sex	Loc Inj	Type Inj	Rel Med	Equip Avail	Equip Used	Bag Depl	Hosp Code	
	83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Addresses of Occupants If Deceased, Date & Time of Death
ALL INVOLVED F														
G														
H														
I														
J														

135 Crash Description

Inspection of the interior of the vehicle revealed that the front section was burned and that the driver's seatbelt was a 3 point system and fully retracted. The belt moved freely and locked securely. No other information from this vehicle is available due to the damage caused by the fire.

INVESTIGATION REVEALED:

Driver #1, who possesses a valid Connecticut Driver's License, was operating a white 1998 Subaru Legacy passenger vehicle. She was the sole occupant of the vehicle and was restrained. Driver #1 had been traveling south on Interstate 287 in the right lane, attempting to locate the Red Roof Inn on Route 46 in Parsippany, off of exit 42 of I-287. Passing exit 42, Driver #1 slowed down dramatically in the right lane.

Driver #2, who possessed a valid New Jersey Driver's License, was operating a 1996 Jeep Cherokee, southbound on Interstate 287 in the right lane, behind Vehicle #1. She was the sole occupant of the vehicle and it is unknown whether she was restrained or not. As Vehicle #2 continued traveling south, Driver #2 encountered Driver #1 slowing dramatically. Driver #2 reacted by also slowing.

Driver #3, who possesses a valid New Jersey Driver's License, was operating a silver 2004 Toyota Sienna minivan, southbound on Interstate 287 in the right lane, behind Vehicle #2. She was the sole occupant of the vehicle and was properly restrained. As vehicle #3 continued traveling southbound, she failed to observe the slowing of Vehicle #1 and Vehicle #2 and as result, struck the rear of Vehicle #2. Upon striking Vehicle #2, the front portion of Vehicle #3 went underneath the rear of Vehicle #2, rupturing the gas tank and causing both, Vehicle #2 and Vehicle #3, to become engulfed in flames. Simultaneously, with this impact, Vehicle #2 was pushed into the rear of Vehicle #1, causing Vehicle #1 to run off the traveled portion of the roadway and onto the right shoulder. As a result of the impacts, Vehicle #2 rotated in a counterclockwise direction and came to an uncontrolled final rest position in the center lane, facing north. Vehicle #2 remained fully engulfed in flames. Vehicle #3 came to a final uncontrolled rest position in the right lane facing southbound, as Vehicle #2 also remained engulfed in flames. While driving in the center lane at the time of the accident, Vehicle #4 was struck by debris, as a result of the collision and explosion of Vehicle #1, Vehicle #2 and Vehicle #3. There was cosmetic damage to the right front fender of Vehicle #4 observed on the passenger side on 02/28/2007 when Driver #4

Officer's Signature

6598

Badge Number

New Jersey Police Crash Investigation Report

Motor Vehicle Crash Description

Police Dept: STATE POLICE Code: 2

Station: NETCONG Case No: B080200700445A

(Refer to vehicle by number)

		Veh Occ	Pos In/On	Eject	Phys Cond	Age	Sex	Loc Inj	Type Inj	Ref Med	Equip Avail	Equip Used	Bag Depl	Hosp Code	
		83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Addresses of Occupants If Deceased, Date & Time of Death
ALL INVOLVED	F														
	G														
	H														
	I														
	J														

135 Crash Description

came in to Netcong Station in order to provide a written and tape recorded statement.

As a result of this collision, Driver #1 suffered minor injuries and refused further medical attention. Driver #1 was subsequently issued summonses for Obstructing Traffic (39:4-67 SP3410616) and Careless Driving (39:4-97 SP3410617). Driver #2 perished within her vehicle and was pronounced at 1100 hours by Doctor Fonseca of Morristown Memorial Hospital. Driver #3 was able to exit her vehicle and was relayed to Saint Claire's Hospital in Denville for further treatment of her injuries which included a contusion to the forehead and complaint of pain on the neck and back. Driver #3 was subsequently issued summonses for Speeding (39:4-98 SP3410618) and Careless Driving (39:4-97 SP3410619).

CONCLUSION:

This accident was caused by Driver #3, who was operating a Toyota Sienna in the right lane of I-287 South, by failing to stop upon encountering Vehicle #2 stopped or traveling at a very low speed in the same lane. Driver #1 was also responsible by carelessly and drastically slowing down in the right lane to a very low speed, obstructing the path of travel of Vehicle #2 and causing it to slow down drastically as well. Vehicle #3 struck Vehicle #2 in the rear, causing it to explode and pushing it forward. Vehicle #2 and Vehicle #3 became engulfed in flames as a result of the explosion. Vehicle #2 then struck Vehicle #1 and spun around into the center lane. Vehicle #1 traveled forward into the right shoulder. Vehicle #4 was traveling on I-287 in the center lane at the time at the accident and was struck by debris as a result of the collision and explosion of Vehicle #1, Vehicle #2 and Vehicle #3.

EXPLANATION OF BOXES:

Box #118a (Page 1): Obstruction of traffic.

Box #121 (Page 1): Physical status for driver #2 is pending Toxicology results.

Box #118a (Page 2): Driver #3 failed to observe vehicles #1 & #2 in the roadway.

Box #133 (Page 1): Vehicle #2 was totaled due to fire damage.

Tpr E. Orellana

Officer's Signature

6598

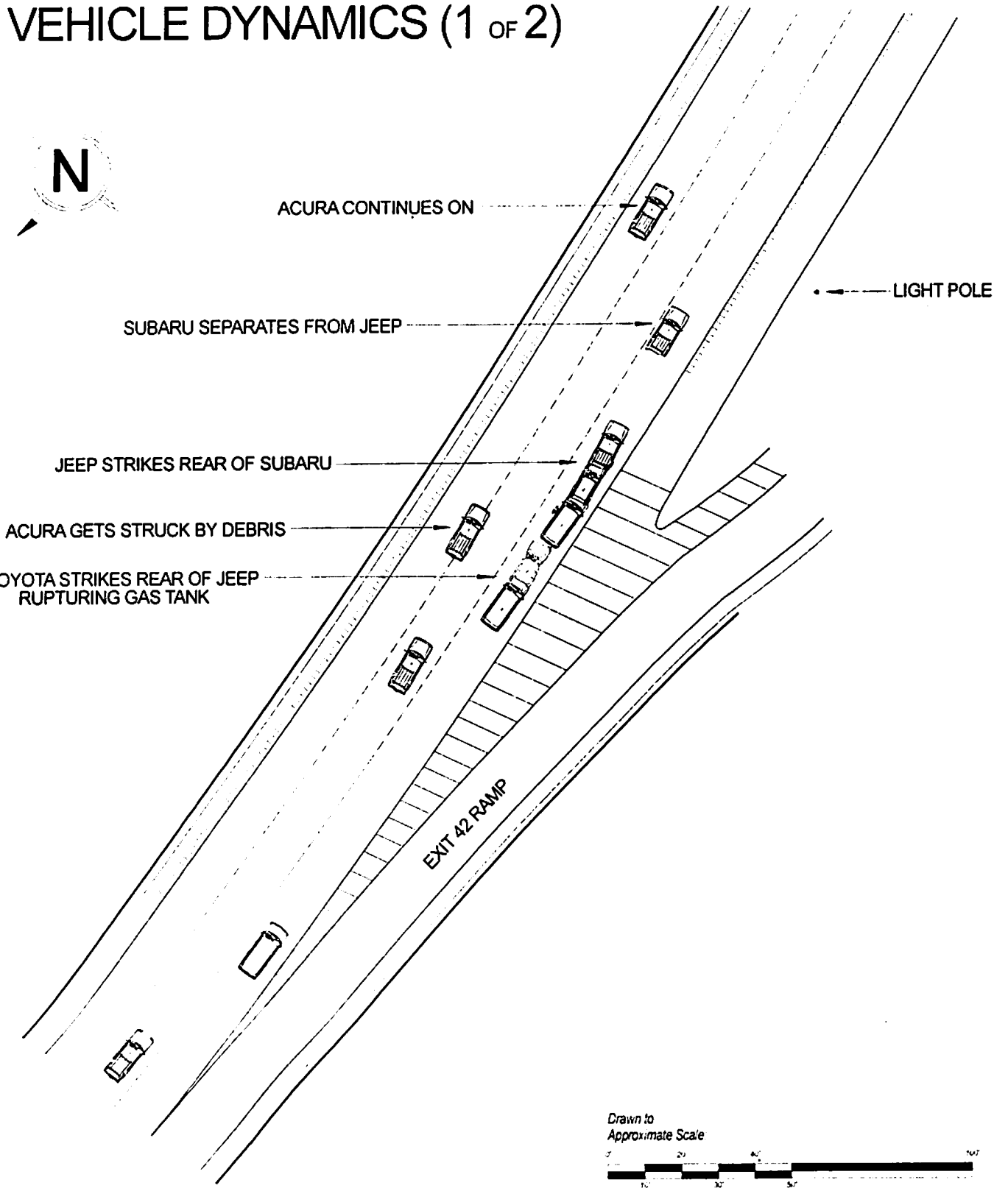
Badge Number

NJTR-1A (rev. 03/2006)

NEW JERSEY STATE POLICE - MOTOR VEHICLE ACCIDENT DIAGRAM

B0802007445A Netcong Station	February 24, 2007 0853 Hours	Interstate 287 Milepost 42.8 South	Parsippany Township Morris County	Weather: Clear Road Surface: Dry

VEHICLE DYNAMICS (1 OF 2)

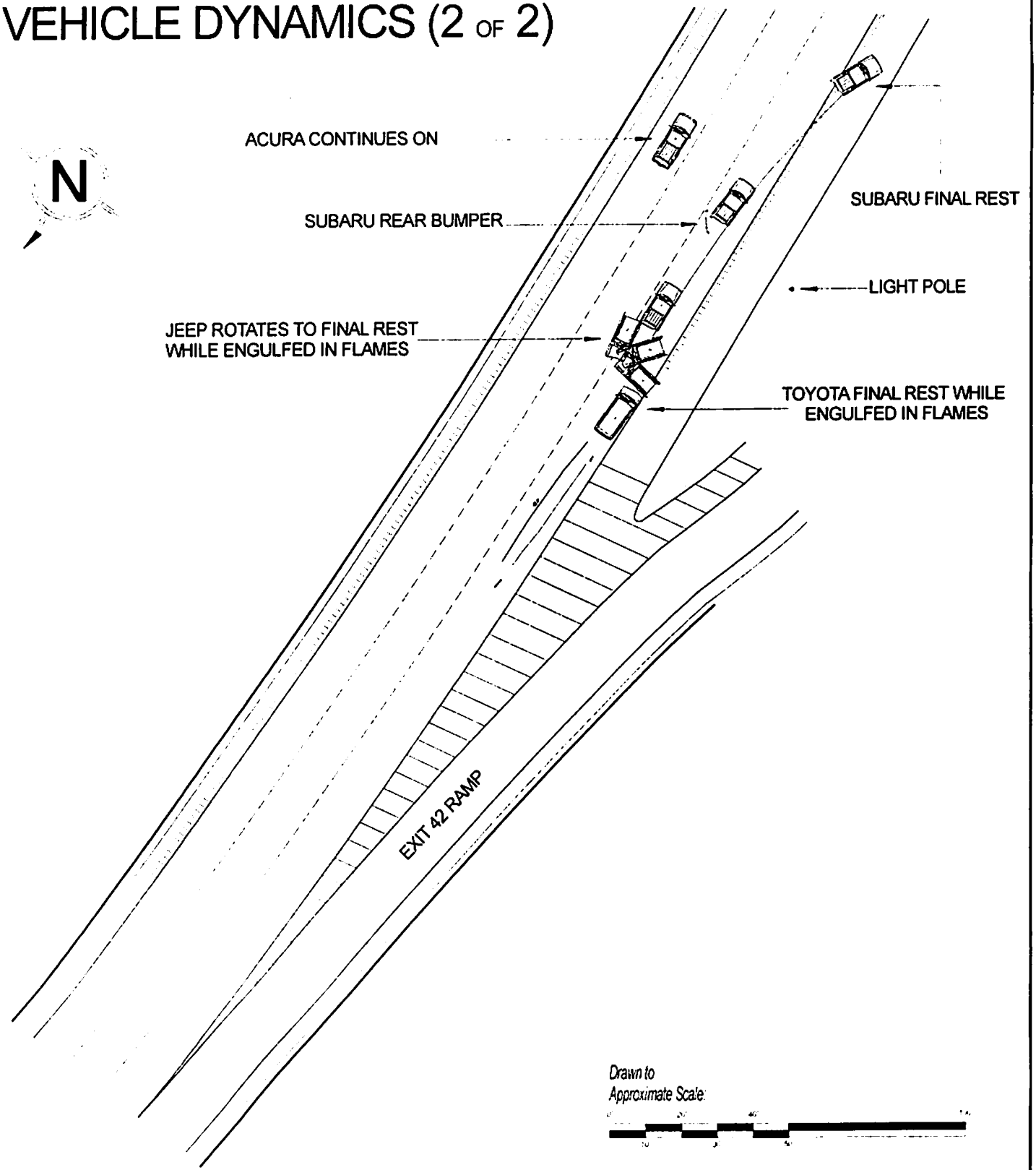


Prepared by: Tpr. II K. Bartels #5557

NEW JERSEY STATE POLICE - MOTOR VEHICLE ACCIDENT DIAGRAM

B0802007445A Netcong Station	February 24, 2007 0853 Hours	Interstate 287 Milepost 42.8 South	Parsippany Township Morris County	Weather: Clear Road Surface: Dry

VEHICLE DYNAMICS (2 OF 2)

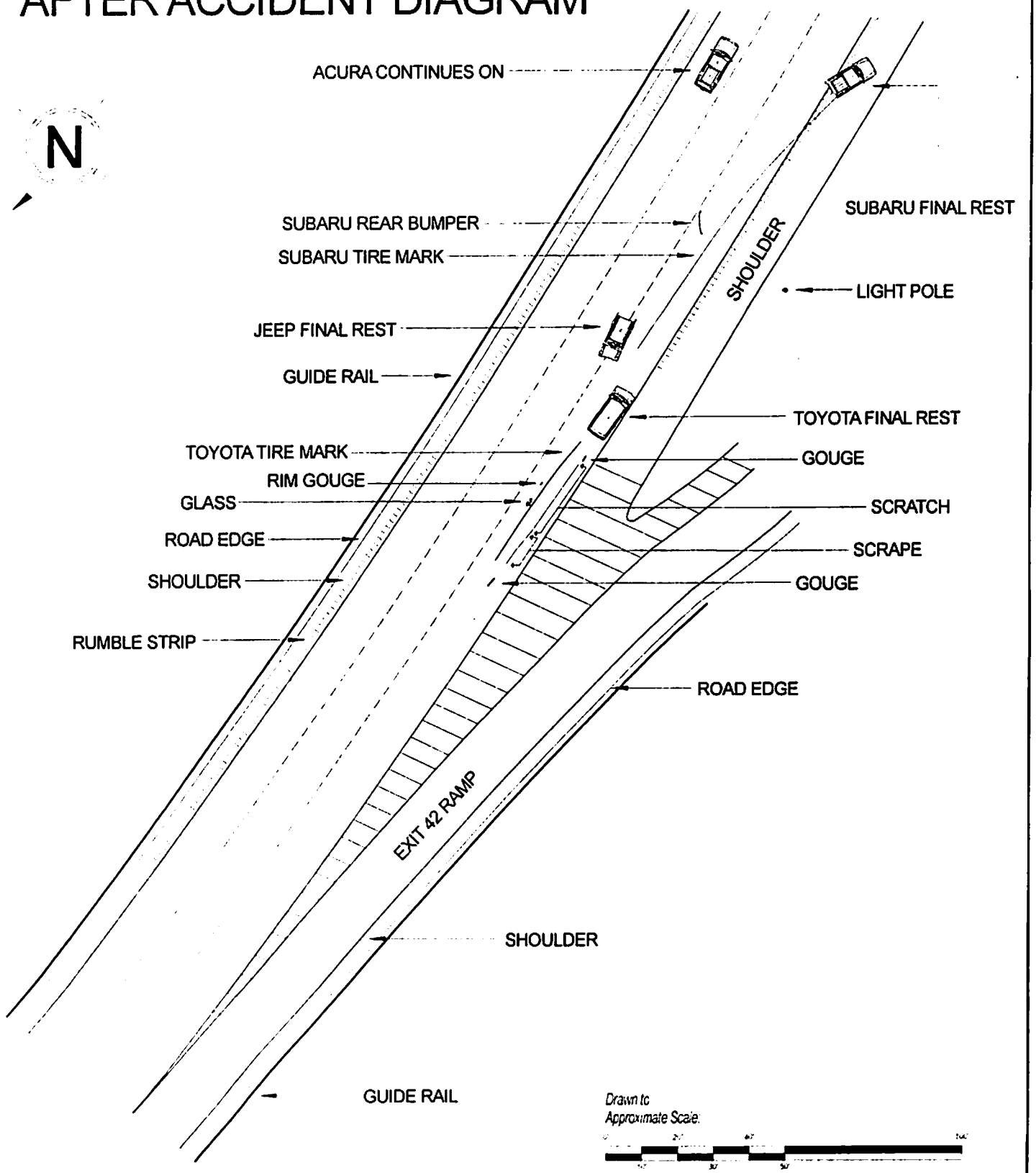


Prepared by: Tpr. II K. Bartels #5557

NEW JERSEY STATE POLICE - MOTOR VEHICLE ACCIDENT DIAGRAM

B0802007445A Netcong Station	February 24, 2007 0853 Hours	Interstate 287 Milepost 42.8 South	Parsippany Township Morris County	Weather: Clear Road Surface: Dry

AFTER ACCIDENT DIAGRAM



Prepared by: Tpr. II K. Bartels #5557

96 Page 1 of 1 ☐ Fatal

New Jersey Police Crash Investigation Report

☐ Reportable ☐ Non-Reportable ☒ Change Report

97 1 Case Number: **B080-2007-00445A**

98 2 Police Dept of: **State Police** Code: **2**

99 3 Station/Precinct: **Netcong Station**

10 Crash Occurred On: **I-287** Road Name | Dir: **S** | 11 Speed Limit: **65** | 12 Route No. | Suffix | 13 Milepost: **42.8** 118a

☐ At Intersection with ☐ Feet ☐ Miles 14 15 ☐ N ☐ S ☐ E ☐ W 16 of: 17 Cross Road Name | 18 Speed Limit 118b

19 Ramp ☐ To: ☐ From: 20 Route Name ☐ NB ☐ SB ☐ EB ☐ WB 119a

100 4 Date of Crash (mm dd yy): **02 24 07** | 5 Day of Week: Su M Tu W Th F **(Sa)** | 6 Time (use 2400 hrs): **0853** | 7 Municipality Code: **1429** | 8 Total Killed: **01** | 9 Total Injured: **02** | 21 Latitude | 22 Longitude 119b

101 23 Veh No | 24 Policy No. | 25 Ins Code | 53 Veh No | 54 Policy No. | 55 Ins Code 120

☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit & Run | ☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit & Run

102 [redacted] | 29 Sex | [redacted] | 59 Sex 121

103 27 Number and Street | 30 Eyes | 57 Number and Street | 60 Eyes

104 28 City State Zip | 58 City State Zip

105 31 State | 32 Drivers License No | 33 DOB mm dd yy | 34 Expires mm yy | 61 State | 62 Drivers License No | 63 DOB mm dd yy | 64 Expires mm yy 122

35 Owner's First Name Initial Last Name ☐ Same As Driver | 65 Owner's First Name Initial Last Name ☐ Same As Driver 123

36 Number and Street | 66 Number and Street 124

106 37 City State Zip | 67 City State Zip 125

107 38 Make | 39 Model | 40 Color | 41 Year | 42 Plate No. | 43 State | 68 Make | 69 Model | 70 Color | 71 Year | 72 Plate No. | 73 State

108 44 VIN | 45 Expires | 74 VIN | 75 Expires

109 46 Vehicle Removed To ☐ Driven ☐ Left at Scene ☐ Towed ☐ Impound ☐ Disabled | 47 Authority ☐ Owner ☐ Driver ☐ Police | 76 Vehicle Removed To ☐ Driven ☐ Left at Scene ☐ Towed ☐ Impound ☐ Disabled | 77 Authority ☐ Owner ☐ Driver ☐ Police

110 48 Alcohol/Drug Test | 134 Crash Diagram (NOT TO SCALE) ◯ Indicate North | 78 Alcohol/Drug Test 126

111 Given: ☐ No ☐ Yes ☐ Refused | **Change Report** | Given: ☐ No ☐ Yes ☐ Refused 127

Type: ☐ Breath ☐ Blood ☐ Urine | Type: ☐ Breath ☐ Blood ☐ Urine

112 Results: 0.___% ☐ Pending | Results: 0.___% ☐ Pending 128a

113 49 Hazardous Material On Board ☐ Spill ☐ Name or Placard No. | 79 Hazardous Material On Board ☐ Spill ☐ Name or Placard No. 128b

114 128c

115 50 Carrier No. ☐ USDOT ☐ Other* | 80 Carrier No. ☐ USDOT ☐ Other* 128d

116 51 Commercial Vehicle Weight ☐ ≤ 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ ≥ 26,001 lbs | 81 Commercial Vehicle Weight ☐ ≤ 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ ≥ 26,001 lbs 129a

117 52 Carrier name | 82 Carrier name 129b

129c

135 Crash Description

On 2/25/07 at 930am I was detailed to Morristown Memorial Hospital to witness the autospy of [redacted] Medical Examiner Carlos A. Fonseca completed the autopsy. He concluded that Mrs. [redacted] died of Smoke Inhalation and Thermal injuries. 129d

130

131

136 Damage To Other Property 132

Oper. | 137 Charge ☐ Multiple Charges | 138 Summons No. | Oper. | 139 Charge ☐ Multiple Charges | 140 Summons No. 133

141 Officer's Signature: **Tpr. M. Zapusek** / Tpr. M. [signature] | 142 Badge No. **6771** | 143 Reviewed By: NC | Badge No. 4949 | 144 Case Status ☒ Pending ☐ Complete

	83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Addresses of Occupants - If Deceased, Date & Time of Death
A														
B														
C														
D														
E														

Page 1 of 1 ☐ Fatal

New Jersey Police Crash Investigation Report

☐ Reportable ☐ Non-Reportable ☒ Change Report

1 Case Number: 0080200700 4451
2 Police Dept of: State Police — Code: 2
3 Station Precinct: Netcong
4 Date of Crash (mm dd yy): 02 24 07
5 Day of Week: Su M Tu W Th F Sa (Sa circled)
6 Time (use 2400 hrs): 0953
7 Municipality Code: 1424
8 Total Killed: 01
9 Total Injured: 02
10 Crash Occurred On: I-287 — Road Name; Dir: S
11 Speed Limit: 65
12 Route No / Suffix
13 Milepost: 42.8
14 ☐ At Intersection with / 15 ☐ Feet ☐ Miles / 16 ☐ N ☐ S ☐ E ☐ W of
17 Cross Road Name
18 Speed Limit
19 ☐ Ramp ☐ To ☐ From
20 Route Name ☐ NB ☐ SB ☐ EB ☐ WB
21 Latitude
22 Longitude

23 Veh No | 24 Policy No. | 25 Ins Code
☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit & Run
26 Driver's First Name / Initial / Last Name [redacted]
29 Sex
27 Number and Street
30 Eyes
28 City / State / Zip
31 State | 32 Drivers License No | 33 DOB mm dd yy | 34 Expires mm yy
35 Owner's First Name / Initial / Last Name ☐ Same As Driver
36 Number and Street
37 City / State / Zip
38 Make | 39 Model | 40 Color | 41 Year | 42 Plate No. | 43 State
44 VIN | 45 Expires
46 Vehicle Removed To ☐ Driven ☐ Left at Scene ☐ Towed ☐ Impound ☐ Disabled
47 Authority ☐ Owner ☐ Driver ☐ Police
48 Alcohol/Drug Test — Given: ☐ No ☐ Yes ☐ Refused; Type: ☐ Breath ☐ Blood ☐ Urine; Results: 0.__ % ☐ Pending
49 Hazardous Material — On Board ☐ Spill ☐ — Name or Placard No.
50 Carrier No. ☐ USDOT ☐ Other
51 Commercial Vehicle Weight ☐ < 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ > 26,001 lbs
52 Carrier name

53 Veh No | 54 Policy No | 55 Ins Code
☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit & Run
56 Driver's First Name / Initial / Last Name
59 Sex
57 Number and Street
60 Eyes
58 City / State / Zip
61 State | 62 Drivers License No | 63 DOB mm dd yy | 64 Expires mm yy
65 Owner's First Name / Initial / Last Name ☐ Same As Driver
66 Number and Street
67 City / State / Zip
68 Make | 69 Model | 70 Color | 71 Year | 72 Plate No | 73 State
74 VIN | 75 Expires
76 Vehicle Removed To ☐ Driven ☐ Left at Scene ☐ Towed ☐ Impound ☐ Disabled
77 Authority ☐ Owner ☐ Driver ☐ Police
78 Alcohol/Drug Test — Given: ☐ No ☐ Yes ☐ Refused; Type: ☐ Breath ☐ Blood ☐ Urine; Results: 0 _ _ % ☐ Pending
79 Hazardous Material — On Board ☐ Spill ☐ — Name or Placard No.
80 Carrier No. ☐ USDOT ☐ Other
81 Commercial Vehicle Weight ☐ < 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ > 26,001 lbs
82 Carrier name

134 Crash Diagram (NOT TO SCALE) — Indicate North

Change Report

135 Crash Description: On 2/25/07 at 930 am I was detailed to Morristown Memorial Hospital to witness the autopsy of [redacted] Medical Examiner Carlos A Fonseca completed the autopsy. He concluded that Mrs Morris died of smoke Inhalation and thermal Injuries.

136 Damage To Other Property

Oper | 137 Charge ☐ Multiple Charges | 138 Summons No | Oper | 139 Charge ☐ Multiple Charges | 140 Summons No

141 Officer's Signature: Tpr. M. [signature] Kapusta
142 Badge No: 6721
143 Reviewed By: [signature] Badge No: 5026
144 Case Status: ☐ Pending ☒ Complete

	83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Addresses of Occupants - If Deceased, Date & Time of Death
A														
B														
C														
D														
E														

Page 1 of 1 ☒ Fatal

New Jersey Police Crash Investigation Report

☐ Reportable ☐ Non-Reportable ☒ Change Report

1 Case Number: B080200700445A

2 Police Dept of: STATE POLICE — Code: 2

3 Station/Precinct: NETCONG

4 Date of Crash (mm dd yy): 02 24 07

5 Day of Week: Sa

6 Time (use 2400 hrs): 0853

7 Municipality Code: 1429

8 Total Killed: 01

9 Total Injured: 02

10 Crash Occurred On: I-287 — Road Name; Dir: SB

11 Speed Limit: 65

12 Route No.: 287

13 Milepost: 42.8

☐ At Intersection with ☐ Feet ☐ Miles ☐ N ☐ E ☐ S ☐ W of:

17 Cross Road Name · 18 Speed Limit · 19 Ramp ☐ To: ☐ From: · 20 Route/Name · 21 Latitude · 22 Longitude · ☐ NB ☐ EB ☐ SB ☐ WB

23 Veh No: 1 · 24 Policy No. · 25 Ins Code · ☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit& Run

53 Veh No: 2 · 54 Policy No. · 55 Ins Code · ☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit& Run

26 Driver's First Name Initial Last Name: [redacted]

56 Driver's First Name Initial Last Name: [redacted]

27 Number and Street · 28 City · State · Zip · 29 Sex · 30 Eyes · 31 State · 32 Drivers License No · 33 DOB · 34 Expires

57 Number and Street · 58 City · State · Zip · 59 Sex · 60 Eyes · 61 State · 62 Drivers License No · 63 DOB · 64 Expires

35 Owner's First Name Initial Last Name ☐ Same As Driver · 36 Number and Street · 37 City State Zip

65 Owner's First Name Initial Last Name ☐ Same As Driver · 66 Number and Street · 67 City State Zip

38 Make · 39 Model · 40 Color · 41 Year · 42 Plate No. · 43 State · 44 VIN · 45 Expires

68 Make · 69 Model · 70 Color · 71 Year · 72 Plate No. · 73 State · 74 VIN · 75 Expires

46 Vehicle Removed To ☐ Driven ☐ Left at Scene ☐ Towed ☐ Impound ☐ Disabled · 47 Authority ☐ Owner ☐ Driver ☐ Police

76 Vehicle Removed To ☐ Driven ☐ Left at Scene ☐ Towed ☐ Impound ☐ Disabled · 77 Authority ☐ Owner ☐ Driver ☐ Police

48 Alcohol/Drug Test — Given: ☐ No ☐ Yes ☐ Refused · Type: ☐ Breath ☐ Blood ☐ Urine · Results: 0.__ % ☐ Pending

49 Hazardous Material — On Board ☐ Spill ☐ · Name or Placard No.

50 Carrier No. ☐ USDOT ☐ Other*

51 Commercial Vehicle Weight ☐ ≤ 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ ≥ 26,001 lbs

52 Carrier name

134 Crash Diagram (NOT TO SCALE) — Indicate North

Change Report

78 Alcohol/Drug Test — Given: ☐ No ☐ Yes ☐ Refused · Type: ☐ Breath ☐ Blood ☐ Urine · Results: 0.__ % ☐ Pending

79 Hazardous Material — On Board ☐ Spill ☐ · Name or Placard No.

80 Carrier No. ☐ USDOT ☐ Other*

81 Commercial Vehicle Weight ☐ ≤ 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ ≥ 26,001 lbs

82 Carrier name

135 Crash Description

03/21/2007: On this date, I received a letter from the office of the [redacted] County Medical Examiner at Netcong Station. This letter stated that on 03/16/2007 Forensic Odontologist Mitchell Kirshbaum confirmed the identity of [redacted] based on dental records comparison.

136 Damage To Other Property

Oper. · 137 Charge ☐ Multiple Charges · 138 Summons No. · Oper. · 139 Charge ☐ Multiple Charges · 140 Summons No.

141 Officer's Signature: TPR E. Orellano (signature)

142 Badge No.: 6598

143 Reviewed By: (signature) Badge No. 5097

144 Case Status: ☒ Pending ☐ Complete

	83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Addresses of Occupants - If Deceased, Date & Time of Death
A														
B														
C														
D														
E														

Margin boxes: 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118a, 118b, 119a, 119b, 120, 121, 122, 123, 124, 125, 126, 127, 128a, 128b, 128c, 128d, 129a, 129b, 129c, 129d, 130, 131, 132, 133

Page 1 of 1 ☐ Fatal

New Jersey Police Crash Investigation Report

☐ Reportable ☐ Non-Reportable ☒ Change Report

1 Case Number: B080-2007-00445A

2 Police Dept of: STATE POLICE — Code: 2

3 Station/Precinct: NETCONG

10 Crash Occurred On: I-287 — Road Name — SB — Dir — 11 Speed Limit: 55 — 12 Route No.: 287 — Suffix — 13 Milepost: 42.8 — 18 Speed Limit

☐ At Intersection with — ☐ Feet ☐ Miles — ☐ N ☐ E ☐ S ☐ W of: — 14 — 15 — 16

19 ☐ Ramp — ☐ To: ☐ From: — 17 Cross Road Name — 20 Route/Name — ☐ NB ☐ EB ☐ SB ☐ WB

21 Latitude — 22 Longitude

4 Date of Crash: mm 02 dd 24 yy 07 — 5 Day of Week: Su M Tu W Th F (Sa) — 6 Time (use 2400 hrs): 0853 — 7 Municipality Code: 1429 — 8 Total Killed: 01 — 9 Total Injured: 02

Vehicle 1

23 Veh No: 1 — 24 Policy No. — 25 Ins Code

☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit& Run

26 Driver's First Name [redacted] Initial Last Name — 29 Sex: F — 30 Eyes

27 Number and Street

28 City — State — Zip

31 State — 32 Drivers License No — 33 DOB mm dd yy — 34 Expires mm yy

35 Owner's First Name — Initial — Last Name — ☐ Same As Driver

36 Number and Street

37 City — State — Zip

38 Make — 39 Model — 40 Color — 41 Year — 42 Plate No. — 43 State

44 VIN — 45 Expires

46 Vehicle Removed To ☐ Driven ☐ Left at Scene ☐ Towed ☐ Impound ☐ Disabled — 47 Authorized ☐ Owner ☐ Driver ☐ Police

48 Alcohol/Drug Test: Given: ☐ No ☐ Yes ☐ Refused — Type: ☐ Breath ☐ Blood ☐ Urine — Results: 0.__ % ☐ Pending

49 Hazardous Material: On Board ☐ Spill ☐ — Name or Placard No.

50 Carrier No. ☐ USDOT ☐ Other

51 Commercial Vehicle Weight: ☐ < 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ ≥ 26,001 lbs

52 Carrier name

Vehicle 2

53 Veh No: 2 — 54 Policy No. — 55 Ins Code

☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit& Run

56 Driver's First Name [redacted] Initial Last Name — 59 Sex: F — 60 Eyes: 1

57 Number and Street

58 City — State — Zip

61 State — 62 Drivers License No — 63 DOB mm dd yy — 64 Expires mm yy

65 Owner's First Name — Initial — Last Name — ☐ Same As Driver

66 Number and Street

67 City — State — Zip

68 Make — 69 Model — 70 Color — 71 Year — 72 Plate No. — 73 State

74 VIN — 75 Expires

76 Vehicle Removed To ☐ Driven ☐ Left at Scene ☐ Towed ☐ Impound ☐ Disabled — 77 Authorized ☐ Owner ☐ Driver ☐ Police

78 Alcohol/Drug Test: Given: ☐ No ☒ Yes ☐ Refused — Type: ☐ Breath ☒ Blood ☒ Urine — Results: 0.00 % ☐ Pending

79 Hazardous Material: On Board ☐ Spill ☐ — Name or Placard No.

80 Carrier No. ☐ USDOT ☐ Other

81 Commercial Vehicle Weight: ☐ < 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ ≥ 26,001 lbs

82 Carrier name

134 Crash Diagram (NOT TO SCALE) — Indicate North

Change Report

135 Crash Description

8-6-07 Monday: This date the undersigned received the attached Autopsy/Toxicology report from the Morris County Medical Examiner's Office for Driver #2, [redacted] Dr. Fonseca listed the cause of death as "Smoke inhalation and thermal injuries" and listed the manner of death as "Accident." The Toxicology report indicates that [redacted] had a carbon monoxide quantification of 26.1%.

136 Damage To Other Property

Oper. — 137 Charge ☐ Multiple Charges — 138 Summons No. — Oper. — 139 Charge ☐ Multiple Charges — 140 Summons No.

141 Officer's Signature

142 Badge No. 5097 — 143 Reviewed By — Badge No. 4121 — 144 Case Status ☒ Pending ☐ Complete

	83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Addresses of Occupants - If Deceased, Date & Time of Death
A														
B														
C														
D														
E														

Page 1 of 1 ☐ Fatal

New Jersey Police Crash Investigation Report

☐ Reportable ☐ Non-Reportable ☒ Change Report

1 Case Number: B080-2007-00445A

2 Police Dept of: STATE POLICE — Code: 2

3 Station/Precinct: NETCONG

10 Crash Occurred On: I-287 — Road Name — S — Dir

11 Speed Limit: 55

12 Route No.: 287 — Suffix: — 13 Milepost: 42.8

18 Speed Limit:

☐ At Intersection with ☐ Feet ☐ Miles — 14 — 15 — ☐ N ☐ E ☐ S ☐ W of: — 16

17 Cross Road Name

19 Ramp ☐ To: ☐ From:

☐ NB ☐ EB ☐ SB ☐ WB

20 Route/Name

21 Latitude

22 Longitude

4 Date of Crash mm dd yy: 02 24 07

5 Day of Week: Su M Tu W Th F (Sa)

6 Time (use 2400 hrs): 0853

7 Municipality Code: 1429

8 Total Killed: 01

9 Total Injured: 02

Vehicle 1

23 Veh No: 1

24 Policy No.

25 Ins Code

☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit& Run

26 Driver's First Name Initial Last Name [redacted]

29 Sex: F

30 Eyes

27 Number and Street

28 City State Zip

31 State

32 Drivers License No

33 DOB mm dd yy

34 Expires mm yy

35 Owner's First Name Initial Last Name

☐ Same As Driver

36 Number and Street

37 City State Zip

38 Make

39 Model

40 Color

41 Year

42 Plate No.

43 State

44 VIN

45 Expires

46 Vehicle Removed To ☐ Driven ☐ Left at Scene ☐ Towed ☐ Impound ☐ Disabled — 47 Authorized ☐ Owner ☐ Driver ☐ Police

48 Alcohol/Drug Test

Given: ☐ No ☐ Yes ☐ Refused

Type: ☐ Breath ☐ Blood ☐ Urine

Results: 0.___ % ☐ Pending

49 Hazardous Material

On Board ☐ Spill ☐ Name or Placard No.

50 Carrier No. ☐ USDOT ☐ Other*

51 Commercial Vehicle Weight

☐ < 10,000 lbs

☐ 10,001 - 26,000 lbs

☐ ≥ 26,001 lbs

52 Carrier name

Vehicle 2

53 Veh No

54 Policy No.

55 Ins Code

☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit& Run

56 Driver's First Name Initial Last Name [redacted]

59 Sex: F

60 Eyes

57 Number and Street

58 City State Zip

61 State

62 Drivers License No

63 DOB mm dd yy

64 Expires mm yy

65 Owner's First Name Initial Last Name

☐ Same As Driver

66 Number and Street

67 City State Zip

68 Make

69 Model

70 Color

71 Year

72 Plate No.

73 State

74 VIN

75 Expires

76 Vehicle Removed To ☐ Driven ☐ Left at Scene ☐ Towed ☐ Impound ☐ Disabled — 77 Authorized ☐ Owner ☐ Driver ☐ Police

78 Alcohol/Drug Test

Given: ☐ No ☐ Yes ☐ Refused

Type: ☐ Breath ☐ Blood ☐ Urine

Results: 0.___ % ☐ Pending

79 Hazardous Material

On Board ☐ Spill ☐ Name or Placard No.

80 Carrier No. ☐ USDOT ☐ Other*

81 Commercial Vehicle Weight

☐ < 10,000 lbs

☐ 10,001 - 26,000 lbs

☐ ≥ 26,001 lbs

82 Carrier name

134 Crash Diagram (NOT TO SCALE) — Indicate North

Change Report

135 Crash Description

8-6-07: This date the undersigned received the attached Crime Scene Investigation report completed by DSFC. J. McGinniss #4080.

136 Damage To Other Property

Oper. — 137 Charge ☐ Multiple Charges — 138 Summons No.

Oper. — 139 Charge ☐ Multiple Charges — 140 Summons No.

141 Officer's Signature

142 Badge No. 5097

143 Reviewed By — Badge No. 412

144 Case Status ☒ Pending ☐ Complete

	83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Addresses of Occupants - If Deceased, Date & Time of Death
A														
B														
C														
D														
E														

New Jersey Police Crash Investigation Report

Page 1 of 1 | ☒ Fatal | ☒ Reportable ☐ Non-Reportable ☐ Change Report

1 Case Number: B080200700445A

2 Police Dept of: STATE POLICE | Code: 2

3 Station/Precinct: NETCONG

4 Date of Crash (mm dd yy): 02 24 07

5 Day of Week: Su M Tu W Th F (Sa)

10 Crash Occurred On: I-287 | Road Name | S Dir | 11 Speed Limit: 55

12 Route No.: 287 | Suffix: S | 13 Milepost: 42.8

☐ At Intersection with ☐ Feet ☐ Miles (14 15) | ☐ N ☐ E ☐ S ☐ W (16) of:

17 Cross Road Name | 18 Speed Limit

19 Ramp ☐ To: ☐ From: | ☐ NB ☐ EB ☐ SB ☐ WB

20 Route/Name | 21 Latitude | 22 Longitude

6 Time (use 2400 hrs): 0853

7 Municipality Code: 1429

8 Total Killed: 01

9 Total Injured: 02

Vehicle 1

23 Veh No: 1 | 24 Policy No. | 25 Ins Code

☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit& Run

26 Driver's First Name [redacted] Initial Last Name | 29 Sex | 30 Eyes

27 Number and Street

28 City | State | Zip

31 State | 32 Drivers License No | 33 DOB (mm dd yy) | 34 Expires (mm yy)

35 Owner's First Name Initial Last Name ☐ Same As Driver

36 Number and Street

37 City | State | Zip

38 Make | 39 Model | 40 Color | 41 Year | 42 Plate No. | 43 State

44 VIN | 45 Expires

46 Vehicle Removed To ☐ Driven ☐ Left at Scene ☐ Towed ☐ Impound ☐ Disabled | 47 Authority ☐ Owner ☐ Driver ☐ Police

48 Alcohol/Drug Test: Given: ☐ No ☐ Yes ☐ Refused; Type: ☐ Breath ☐ Blood ☐ Urine; Results: 0.___ % ☐ Pending

49 Hazardous Material: On Board ☐ Spill ☐ | Name or Placard No.

50 Carrier No. ☐ USDOT ☐ Other*

51 Commercial Vehicle Weight: ☐ ≤ 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ ≥ 26,001 lbs

52 Carrier name

Vehicle 2

53 Veh No: 2 | 54 Policy No. | 55 Ins Code

☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit& Run

56 Driver's First Name [redacted] Initial Last Name | 59 Sex | 60 Eyes

57 Number and Street

58 City | State | Zip

61 State | 62 Drivers License No | 63 DOB (mm dd yy) | 64 Expires (mm yy)

65 Owner's First Name Initial Last Name ☐ Same As Driver

66 Number and Street

67 City | State | Zip

68 Make | 69 Model | 70 Color | 71 Year | 72 Plate No. | 73 State

74 VIN | 75 Expires

76 Vehicle Removed To ☐ Driven ☐ Left at Scene ☐ Towed ☐ Impound ☐ Disabled | 77 Authority ☐ Owner ☐ Driver ☐ Police

78 Alcohol/Drug Test: Given: ☐ No ☐ Yes ☐ Refused; Type: ☐ Breath ☐ Blood ☐ Urine; Results: 0.___ % ☐ Pending

79 Hazardous Material: On Board ☐ Spill ☐ | Name or Placard No.

80 Carrier No. ☐ USDOT ☐ Other*

81 Commercial Vehicle Weight: ☐ ≤ 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ ≥ 26,001 lbs

82 Carrier name

134 Crash Diagram (NOT TO SCALE) — Indicate North

Change Report

135 Crash Description

09/10/07 This date, the undersigned received the attached copy of the Morris County Prosecutor's letter, which states this case is closed. All reports have been received and reviewed. This case is considered closed.

136 Damage To Other Property

Oper. | 137 Charge ☐ Multiple Charges | 138 Summons No. | Oper. | 139 Charge ☐ Multiple Charges | 140 Summons No.

141 Officer's Signature -BRAIN | 142 Badge No. 6440 | 143 Reviewed By Badge No. | 144 Case Status ☐ Pending ☒ Complete

	83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Addresses of Occupants - If Deceased, Date & Time of Death
A														
B														
C														
D														
E														

NJTR-1 (R03/06) Police Copy

NEW JERSEY STATE POLICE
CRIME SCENE INVESTIGATION REPORT

CASE/CRIME: Fatal Motor Vehicle Accident			
VICTIM: [redacted]			CASE NUMBER: H152007-62
PLACE OF COMMISSION: I-287 S/B MP 42.8	MUNICIPALITY: Parsippany Twp.	COUNTY: Morris	DATE OF COMMISSION: 2-24-07
LOCATION OF TECHNICAL SERVICE: I-287 S/B MP 42.8	MUNICIPALITY: Parsippany Twp.	COUNTY: Morris	DATE & TIME OF SERVICE: 2-24-07 9:56am
INVESTIGATING AGENCY: NJSP Netcong	AGENCY INVESTIGATOR: Tpr. E.J. Orellano #6598	AGENCY CASE NUMBER: B0802007-445A	LAB NUMBER: N/A

PHOTOGRAPHIC EXAMINATION

X YES ____ NO

41 35mm COLOR # ____ 35mm B&W ____ 35mm

____ VIDEO # ____ POLAROID (list type) ____

____ OTHER (list type) ____

LATENT PRINT EXAMINATION

EXAM: ____ YES X NO

OBTAINED: ____ YES X NO

EVIDENCE COLLECTION

____ YES X NO

NARRATIVE:

2-24-07: On this date, the undersigned was detailed to the above location to conduct a photographic examination of the above listed scene and vehicle's ref. the above ongoing investigation.
Upon arrival, the undersigned commenced the photographic examination which involved taking 41-35mm color photographs depicting the scene and vehicle's.

The expended film was processed at the NJSP Forensic Photography Unit in Hamilton N.J. The negatives will be kept on file together with this report at this unit. Photographic enlargements will only be made upon request.

RANK/CSI INVESTIGATOR: DSFC. J. McGinniss #4080	REPORT DATE: 2-24-07	
SIGNATURE: DSFC J. McGinniss #4080	REVIEWER & #4080	
	1 OF PAGE(S)	

SP-308 (Rev. 2/98)

PAGE 1 OF 1 ATTACHMENT #1

STATE OF NEW JERSEY

Police Agency STATE POLICE

MOTOR VEHICLE ACCIDENT DRIVER STATEMENT Station NETCONG Case No. 07-445A

NAME: [redacted]
ADDRESS
OLN:
DOB:
PH#: 09/20/1944 [redacted] [redacted]

ENTER DATE 02/24/07 ENTER TIME

I was heading straight not sure what lane I was in. I suddenly heard a loud back at my rear. my front seat with seat belt on jerked back and I landed on the back sit. my car was slowly going to the right. upon impact I tried to unbuckle my seat belt. I could get seat belt off + try to push car passenger seat up. I couldn't open right back passenger door. I opened window + screamed for help. Two men came to me + open my drivers side to release the seat belt. They tried to push drivers seat into upright position due to seat + door being broken. Their was a Persian Rey showcat in front passenger. They put the cat on the grass. Tilted the front seat up + down and both men pulled me out. They tried to put cat back in the front seat to keep warm. The doors of all the car would not close and smashed in. The back of the car is smashed in. Upon being hit my car veered to the right. Since I couldn't set up it stopped on the shoulder. All I hope was that my car would catch fire. I smelled smoke upon impact and was terrified my car would explode. After the two men pulled me out I saw the 2 burning cars and they not going to be near me. The police arrived + ambulance. I have a lot of soreness in my lower back. I am refusing transport to hospital because I have no one to bring my cat back to the hotel. My car is totalled + I don't know if I can get my things out.

NJTR-1C

Driver #2 Signature

Date

PAGE 1 OF 1 ATTACHMENT #2

INITIAL STATEMENT AT SCENE

STATE OF NEW JERSEY

Police Agency STATE POLICE

MOTOR VEHICLE ACCIDENT DRIVER STATEMENT Station NETCONG Case No. 07-4145A

NAME: [redacted]
ADDRESS:
OLN:
DOB: 7/6/66
PH#: [redacted]

ENTER DATE_____ENTER TIME_____

I was driving on extreme R lane
All of a sudden I see the car in front of
me not moving. I did not have time to
switch lane and hit car in front of me

NJTR-1C

Victoria McCord
Driver #2 Signature

2/24/07
Date

ATTACHMENT #3

NEW JERSEY STATE POLICE
VOLUNTARY STATEMENT

Case # B080 2007 00445A

STATEMENT OF (Pr [redacted]
STREET ADDRESS: [redacted]
CITY: Clifton Park STATE: NY ZIP CODE: [redacted]
DATE OF BIRTH: [redacted] SOCIAL SECURITY [redacted]
HOME PHONE #: [redacted] ~~WORK~~ PHONE #: [redacted] Cell

I was driving down 287 S when I noted 2 vehicles, a Jeep and a Subaru, stopped in the right hand lane ≈ 600-800 ft in front of me. There was a Toyota mini van traveling in the right hand lane ≈ 100 ft in front of me. I slowed down and started to move out into the left lane. I witnessed the mini van run into the back of the Jeep. The driver of the mini van never put on their brakes or made any evasive maneuver. The back of the Jeep immediately burst into flames upon impact. I drove through the debris and the fireball caused by the Jeep exploding.

DATE & TIME: 1/28/07 1330 SIGNATURE: [signature]

WITNESS: Tpr. M. [redacted] # 6771

FATAL ACCIDENT INVESTIGATION UNIT

FATAL ACCIDENT REPORT

FAU CASE NUMBER: M120200700108

INVESTIGATOR: Kevin C. Bartels **MUNICIPALITY:** Parsippany-Troy Hil

DATE OF ACCIDENT: February 24, 2007 **COUNTY:** Morris

DRIVER/S	ADDRESS
[redacted]	[redacted] North Haven, CT
[redacted]	[redacted]d, Kinnelon, NJ
[redacted]	[redacted] Boonton, NJ
[redacted]	[redacted]rive, Clifton Park, NY

DECEASED

AGE	SEX	NAME	ADDRESS	DATE of DEATH	TIME of DEATH
49	F	[redacted]	[redacted] Kinnelon, NJ	02/24/07	0853 Hours

NARRATIVE:

This accident occurred on Interstate 287 southbound at milepost 42.8 in the Twp. of Parsippany, Morris County at approximately 0853 hours. The weather was clear and the roadway, which is made of blacktop, was dry. Vehicle #1, a white 1998 Subaru Legacy, operated by Driver #1 (Rawls)was traveling southbound on I-287 in the right lane when Driver #1 realized she was passing her intended exit, exit 42. As Driver #1 slowed down to a near stop while passing exit 42, Vehicle #2, a 1996 green Jeep Cherokee, operated by Driver #2 [redacted], who was traveling in the right lane behind Vehicle #1, also had to slow down dramatically. It was at this point that Vehicle #3, a silver 2004 Toyota Sienna, operated by Driver #3 [redacted] who was also traveling southbound in the right lane, failed to observe the slowing vehicles and struck the rear of Vehicle #2. As a result of the impact, Vehicle #2 was pushed into the rear of Vehicle #1 as Vehicle #2 and #3 simultaneously burst into flames as Vehicle #2's gas tank was ruptured. Vehicle #1 was pushed off the roadway and came to a final rest on the right shoulder of I-287 SB facing a southwest direction. Driver #1 suffered minor injuries. Vehicle #2 was rotated in a counter-clockwise rotation and came to rest in the center southbound lane, facing north. Vehicle #2 became fully engulfed in flames, entrapping Driver #2, who died as a result of same. Driver #2 was pronounced at the scene at 1100 hours by Dr. Fonseca of Morristown Memorial Hospital. Vehicle #3 came to rest in the right southbound lane, facing south and also became engulfed in flames. Driver #3 was able to exit her vehicle without any life threatening injuries. Vehicle #4, a blue 2003 Acura MDX, was struck by debris from the collision as Driver #4 witnessed the crash as he was driving by. Driver #4 [redacted] did not suffer any injuries.

The contributing factors of this accident can be attributed to the pre-collision driving actions of both, Driver #1 [redacted] and Driver #3 [redacted]. Driver #1 exhibited careless driving by slowing down to a near stop in the right lane of Interstate 287, causing a traffic hazard to the other motorists. Driver #3 exhibited careless driving by failing to observe the slowed vehicles and striking the rear of Vehicle #2 causing the chain reaction that lead to the demise of Driver #2 [redacted].

MY FINDINGS AS TO VIOLATIONS:
Driver #1: 39:4-97 Careless Driving
39:4-67 Obstructing the flow of Traffic
Driver #3: 39:4-97 Careless Driving

SUMMONSES ISSUED:
Driver #1: 39:4-97 Careless Driving
39:4-67 Obstructing the flow of Traffic
Driver #3: 39:4-98 Speeding
39:4-97 Careless Driving

RECOMMENDATIONS:
Given the available information, appropriate action should be taken against Driver #1 [redacted] and Driver #2 [redacted]

SIGNATURE [redacted]

DATE 5/25/07

I CERTIFY THIS IS A
TRUE COPY OF ORIGINAL
ON FILE IN N.J.S.P.
ID AND I.T. SECTION

2009 FEB 19 A 10:20

Apparent Contributing Circumstances

Driver/Pedalcyclist Actions (01 - 29)
01 Unsafe Speed
02 Driver Inattention *
03 Failed To Obey Traffic Control Device
04 Failed To Yield ROW to Vehicle/Pedes.
05 Improper Lane Change
06 Improper Passing
07 Improper Use/Failed to Use Turn Signal
08 Improper Turning
09 Following Too Closely
10 Backing Unsafely
11 Improper Use/No Lights
12 Wrong Way
13 Improper Parking
14 Failure To Keep Right

25 None

29 Other Driver/Pedalcyclist Action

Vehicle Factors (31 - 49)
31 Defective Lights *
32 Brakes *
33 Steering *
34 Tires *
35 Wheels *
36 Windows/ Windshield *
37 Mirrors *
38 Wipers *
39 Veh Coupling/Hitch/Safety Chains *

49 Other Vehicle Factor

Road / Environ. Factors (51 - 69)
51 Road Surface Condition *
52 Obstruction/Debris in Road *
53 Ruts, Holes, Bumps *
54 Control Device Defective or Missing *
55 Improper Work Zone *
56 Physical Obstructions (viewng. etc) *
57 Animals in Roadway *
58 Improper/Inadequate Lane Markings *
59 Sunglare *

69 Other Roadway Factors

Pedestrian Factors (71 - 89)
71 Failed To Obey Traffic Control Device
72 Crossing Where Prohibited
73 Dark Clothing/Low Visibil. / to Driver
74 Inattentive *
75 Failure to Yield ROW
76 Walking on Wrong Side of Road
77 Walking in Road When Sidewalk Present
78 Running/Darting Across Traffic

85 None

89 Other Pedestrian Factors

Veh 1 118a
Veh 1 118b
Veh 2 119a
Veh 2 119b

Apparent Physical Status
01 Apparently Normal
02 Alcohol Use
03 Drug Use (Illicit) *
04 Medication *
05 Alcohol & Drug/Medication Use *
06 Physical Handicaps
07 Illness
08 Fatigue
09 Fell Asleep

Veh 1 120
Veh 2 121

Cell Phone In Use By Driver
01 Handheld
02 Hands Free

Veh 1 122
Veh 2 123

Vehicle / Pedalcyclist Action (01-29)

01 Going Straight Ahead
02 Making Right Turn (not turn on red)
03 Making Left Turn
04 Making U Turn
05 Starting From Parking
06 Starting In Traffic
07 Slowing or Stopping
08 Stopped in Traffic
09 Parking
10 Parked
11 Changing Lanes
12 Merging/Entering Traf Lane
13 Backing
14 Driverless / Moving
15 Passing
16 Negotiating Curve
17 Driving on Shoulder
18 Right Turn on Red
29 Other Veh/Cyclist Action *

Pedestrian Action (31-49)

31 Pedestrian Off Road
32 Walking To/From School
33 Walking/Jogging with Traffic
34 Walking/Jogging Against Traffic
35 Playing In Road
36 Standing/Lying/Kneeling in Road
37 Getting On/ Off Vehicle
38 Pushing/Working on Vehicle
39 Other Working in Roadway
40 Approaching/Leaving Schoolbus
41 Coming From Behind Parked Veh.
42 (reserved)

At Intersection
43 Crossing at "marked" Crosswalk
44 Crossing at "unmarked" Crosswalk
At Mid-Block
45 Crossing at "marked" Crosswalk
46 Crossing / Jaywalking

49 Other Pedestrian Action *

Pre-Crash Action

Veh 1 124
Veh 2 125

Traffic Controls
01 Police Officer
02 RR Watchman, Gates, etc
03 Traffic Signal
04 Lane Markings
05 Channelization - Painted
06 Channelization - Physical
07 Warning Signal
08 Stop Sign
09 Yield Sign
10 Flagman
11 No Control Present
12 Flashing Traffic Control
13 School Zone (Signs/Controls)
14 Adult Crossing Guard

Veh 1 126
Veh 2 127

Sequence of Events *(select up to 4 for each vehicle)*

Non Collision (01 - 19)
01 Overturn / Rollover
02 Fire / Explosion
03 Immersion
04 Jackknife
05 Ran Off Road - Right
06 Ran Off Road - Left
07 Crossed Median / Centerline
08 Downhill Runaway
09 Cargo / Equipment Loss or Shift
10 Separation of Units
11 Fell / Jumped From Vehicle
12 Thrown / Falling Object
13 Equipment Failure

19 Other Non Collision

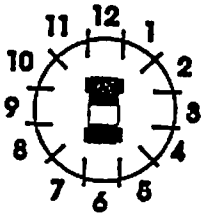
Collision w/ Person, MV, or Non-Fixed Object (21 - 39)
21 Pedalcyclist
22 Pedestrian
23 Train / Trolley / Other Railcar
24 Deer
25 Other Animal
26 MV in Transport
27 MV in Transport, Other Roadway
28 Parked MV
29 Work Zone or Maint. Equipment
30 Struck By Object Set In Motion By MV

39 Other Non-Fixed Object

Collision w/ Fixed Object (41 - 69)
41 Impact Attenuator / Crash Cushion
42 Bridge Overhead Structure
43 Bridge Pier or Support
44 Bridge Parapet End
45 Bridge Rail
46 Guardrail Face
47 Guardrail End
48 Concrete Traffic Barrier
49 Other Traffic Barrier
50 Traffic Sign Support
51 Traffic Signal Standard
52 Utility Pole
53 Light Standard
54 Other Post, Pole, Support
55 Culvert
56 Curb
57 Ditch
58 Embankment
59 Fence
60 Tree
61 Mailbox
62 Fire Hydrant
69 Other Fixed Object

Veh 1 Events: 1st 128a, 2nd 128b, 3rd 128c, 4th 128d
Veh 2 Events: 1st 129a, 2nd 129b, 3rd 129c, 4th 129d

Clockpoint Diagram

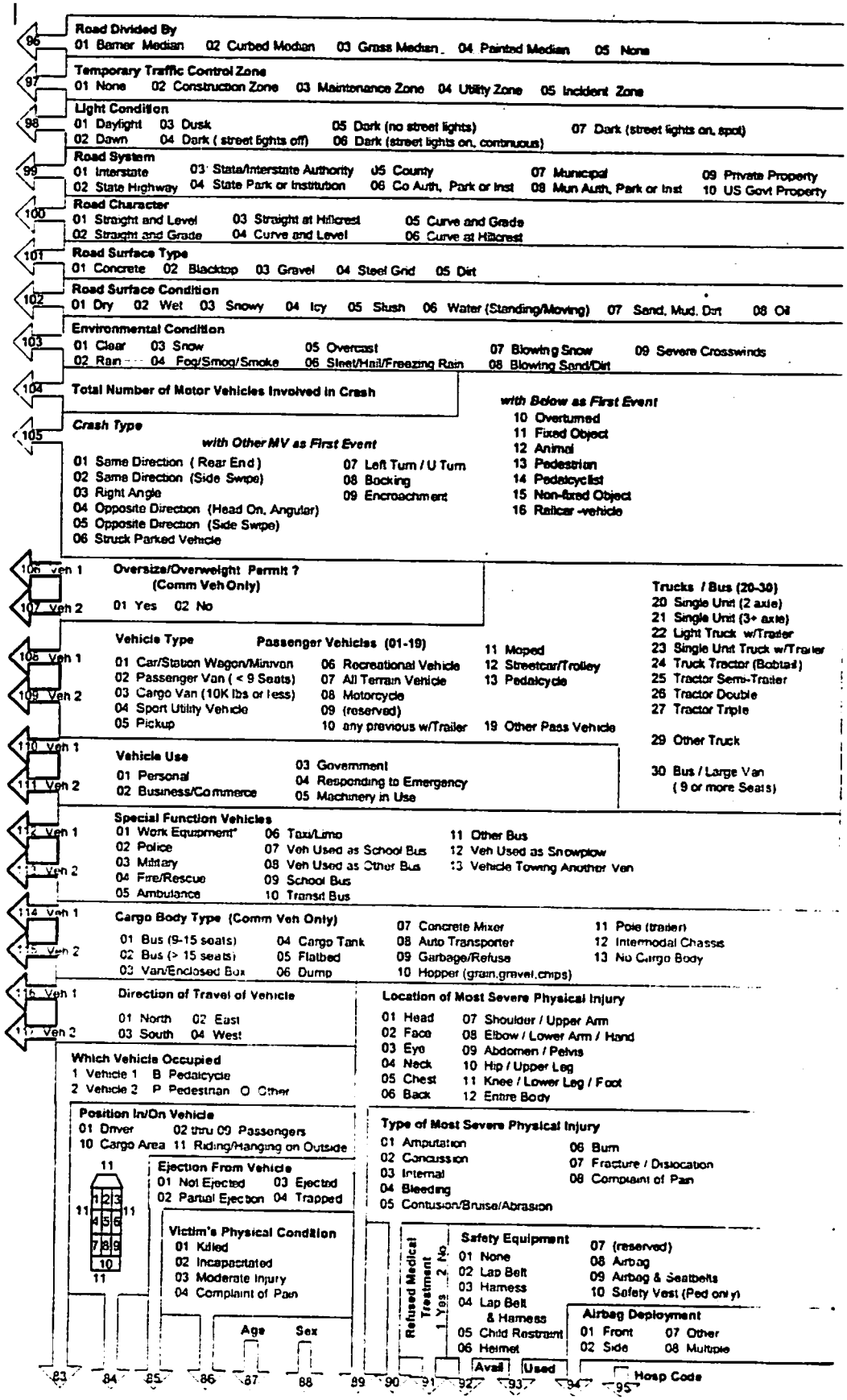


13 Roof
14 Undercarriage
15 Overturned

17 None Visible

Vehicle Impact Area

Initial Impact Veh 1 130
Principal Damage Veh 1 131
Initial Impact Veh 2 132
Principal Damage Veh 2 133



CT Corporation

Service of Process Transmittal

08/17/2010
CT Log Number 517127252

TO: Melissa Gravlin
Chrysler Group LLC
Office Of General Counsel, 1000 Chrysler Drive
CIMS: 485-13-62
Auburn Hills, MI 48326-2766

RE: **Process Served in Michigan**

FOR: Chrysler Group LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	Thomas Kline, as Administrator Ad Prosequendum of the Heirs at Law of [redacted] (Deceased), as Administrator of the Estate of [redacted] and [redacted], etc., Pltfs. vs. [redacted], et al. including Chrysler Group, LLC, etc., Dfts. *Name discrepancy noted.*
DOCUMENT(S) SERVED:	Second Amended Complaint and Jury Demand, Designation of Trial Counsel, Order
COURT/AGENCY:	Superior Court of New Jersey Law Division, NJ Case # MRSL357508
NATURE OF ACTION:	It is ordered that Chrysler Group LLC be compelled to deliver the requested documents - Pertaining to Old Carco LLC
ON WHOM PROCESS WAS SERVED:	The Corporation Company, Bingham Farms, MI
DATE AND HOUR OF SERVICE:	By Process Server on 08/17/2010 at 16:10
APPEARANCE OR ANSWER DUE:	September 17, 2010 at 5:00 p.m. - Deliver Requested Documents // December 31, 2010 - End Discovery
ATTORNEY(S) / SENDER(S):	Angel M. De Filippo Grieco, Oates & De Filippo, LLC 414 Eagle Rock Avenue Suite 200 West Orange, NJ 07052 973-243-2099
ACTION ITEMS:	SOP Papers with Transmittal, via Fed Ex 2 Day , 790722652575 Image SOP
SIGNED: **PER:** **ADDRESS:** **TELEPHONE:**	The Corporation Company Stephanie Hendrickson 30600 Telegraph Road Suite 2345 Bingham Farms, MI 48025-5720 248-646-9033

GRIECO, OATES & DE FILIPPO, LLC
ATTORNEYS AT LAW
414 EAGLE ROCK AVENUE
SUITE 200
WEST ORANGE, NEW JERSEY 07052
Telephone No. (973) 243-2099
Attorneys for the Plaintiff(s)

THOMAS KLINE, AS ADMINISTRATOR AD PROSEQUENDUM OF THE HEIRS AT LAW OF SUSAN MORRIS KLINE, (DECEASED), AS ADMINISTRATOR OF THE ESTATE OF SUSAN MORRIS KLINE, and THOMAS KLINE, INDIVIDUALLY, Plaintiff(s), v. VICTORIA MORGAN-ALCALA, CARLOS ALCALA, NATALIE RAWLS, DAIMLER CHRYSLER CORPORATION, A/K/A/ CHRYSLER CORPORATION, LOMAN AUTO GROUP, CHRYSLER GROUP, LLC (For Discovery Purposes), JOHN DOES, A THROUGH Z, (Names Being Fictitious), ABC CORPORATIONS, 1 THROUGH 100, (Names Being Fictitious): Defendant(s).	SUPERIOR COURT OF NEW JERSEY LAW DIVISION MORRIS COUNTY DOCKET NO. MRS-L-3575-08 CIVIL ACTION SECOND AMENDED COMPLAINT AND JURY DEMAND

Plaintiff, Thomas Kline, residing at 3 Sabey's Beach Road, Borough of Kinnelon, County of Morris and State of New Jersey, as Administrator Ad Prosequendum of the Heirs at Law of Susan Morris Kline, Deceased, late of same address, and as Administrator of the Estate of Susan Morris Kline, Deceased and Individually, says:

FIRST COUNT

1. The said Susan Morris Kline left surviving her as her heirs-at-law her husband, Thomas Kline and her children, Kimberly Kline and Christopher Kline, who were dependent upon Susan

Morris Kline and who sustained pecuniary damages from the death of Susan Morris Kline.

2. This action has been commenced within two years after the death of Susan Morris Kline.

3. On or about the 24th day of February, 2007, the Plaintiff, Susan Morris Kline was the operator of a Jeep motor vehicle owned by the Plaintiff Thomas Kline and manufactured by the Defendant, Daimler Chrysler, a/k/a Chrysler Corporation, and sold by Defendant Loman Auto Group which was traveling South on Interstate 287 in the Township of Parsippany, County of Morris and State of New Jersey. At all times, Susan Morris Kline exercised due care in the operation of the motor vehicle which she was properly using in the manner for which it was designed and sold.

4. At all times herein Defendant(s), Daimler Chrysler, a/k/a Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious), negligently and defectively designed, developed, manufactured, assembled, inspected, tested, marketed, authorized, approved, distributed, sold and placed the subject vehicle driven by Susan Morris Kline into the stream of commerce.

5. At the same time and place aforesaid, the Defendant, Natalie Rawls was the owner of a motor vehicle which she was operating in a reckless, negligent and careless manner.

6. At the same time and place aforesaid, the Defendant Victoria Morgan-Alcala was operating a motor vehicle which was owned by the Defendant Carlos Alcala, in a reckless, careless and negligent manner so as to collide with the rear of the Plaintiff's motor vehicle.

7. As a result of the negligence of the Defendants, Victoria Morgan-Alcala, Carlos Alcala and Natalie Rawls, their motor vehicles were caused to collide with the motor vehicle driven by the Plaintiff, Susan Morris Kline.

8. Immediately upon impact, the Jeep vehicle driven by the Plaintiff, Susan Morris Kline,

became engulfed in flames.

9. As a result of the aforesaid negligence of all Defendants, and collision, the Plaintiff, Susan Morris Kline, sustained severe and grievous injuries resulting in damages and her death on February 24, 2007.

WHEREFORE, Thomas Kline as Administrator Ad Prosequendum of the Heirs-at-Law of Susan Morris Kline, deceased, as Administrator of the Estate of Susan Morris Kline, Deceased and Individually, demands judgment against the Defendant(s), Victoria Morgan-Alcala, Carlos Alcala, Natalie Rawls, Daimler Chrysler, a/k/a/ Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious), ABC Corporations, 1 through 100, (Names Being Fictitious), jointly and severally, for damages, interest and costs of suit.

SECOND COUNT

1. Plaintiff repeats each and every allegation of the First Count as if fully set forth herein at length.

2. As a result of the aforesaid negligence, the said Susan Morris Kline suffered severe and painful bodily injuries which resulted in her death after causing her great pain and suffering until her death.

WHEREFORE, Thomas Kline, as Administrator Ad Prosequendum of the Heirs at Law of Susan Morris Kline, deceased, as Administrator of the Estate of Susan Morris Kline, Deceased and Individually, demands judgment against the Defendant(s) Victoria Morgan-Alcala, Carlos Alcala, Natalie Rawls, Daimler Chrysler, a/k/a/ Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious), ABC Corporations, 1 through 100, (Names Being Fictitious), jointly and severally, for damages, interest and costs of suit.

THIRD COUNT

1. Plaintiff repeats each and every allegation of the First and Second Counts as if fully set forth herein at length.

2. Plaintiff, Thomas Kline, is the husband of Plaintiff, Susan Morris Kline, deceased.

3. As a result of the injuries sustained by the Plaintiff, Susan Morris Kline, the Plaintiff, Thomas Kline, was deprived of the services and consortium of his wife.

WHEREFORE, Plaintiff, Thomas Kline, hereby demands judgment against the Defendant(s), Victoria Morgan-Alcala, Carlos Alcala, Natalie Rawls, Daimler Chrysler, a/k/a Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious), jointly and severally for damages, interest and costs of suit.

FOURTH COUNT

1. Plaintiff repeats First, Second and Third Counts as if fully set forth herein at length.

2. On or about the 24th day of February, 2007, the Plaintiff, Susan Morris Kline, was the operator of a 1996 Jeep Cherokee (hereinafter referred to as "Jeep"), manufactured by Daimler Chrysler Corporation, a/k/a Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100 (Names Being Fictitious).

3. Said Jeep was defectively designed by the Defendant(s) Daimler Chrysler Corporation, a/k/a Chrysler Corporation, Loman auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100 (Names Being Fictitious) in violation of the Laws of New Jersey including N.J.S.A. 2A:58C-1, et seq.

4. As a direct and proximate result of such design defect, the Plaintiff, Susan Morris Kline, was caused to suffer severe injuries including burns and was caused to suffer great pain and incur medical expenses until her death.

WHEREFORE, the Plaintiff(s), Thomas Kline, as Administrator Ad Prosequendum of the Heirs-at-Law of Susan Morris Kline, deceased, as Administrator of the Estate of Susan Morris Kline, Deceased and Individually, demands judgment against the Defendant(s), Victoria Morgan-Alcala, Carlos Alcala, Natalie Rawls, Daimler Chrysler Corporation, a/k/a Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious), for compensatory damages, jointly, severally or in the alternative, interest and costs of suit.

FIFTH COUNT

1. Plaintiff repeats the First, Second Third and Fourth Counts as if fully set forth herein at length.

2. Said Jeep was defectively manufactured by the Defendant, Daimler Chrysler, d/b/a Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100 (Names Being Fictitious).

3. As a direct and proximate result of such manufacturing defect, the Plaintiff, Susan Morris Kline was caused to suffer severe injuries including burns, she was caused to suffer great pain and she was caused to incur medical expenses until her death.

WHEREFORE, the Plaintiff(s), Thomas Kline as Administrator Ad Prosequendum of the Heirs-at-Law of the Estate of Susan Morris Kline, Deceased, as Administrator of the Estate of Susan Morris Kline, Deceased and Individually, demands judgment against the Defendant(s) Victoria Morgan-Alcala, Carlos Alcala, Natalie Rawls, Daimler Chrysler Corporation, a/k/a/ Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious), for compensatory damages, jointly, severally or in the alternative, interest and costs of suit.

SIXTH COUNT

1. The Plaintiff repeats each and every allegation of the First, Second, Third, Fourth and Fifth Counts as if fully set forth herein at length.

2. Said Defendant(s), Daimler Chrysler Corporation, a/k/a Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious), failed to adequately warn the Plaintiff of the defects and dangers of the Jeep in violation of the Laws of the State of New Jersey including N.J.S.A. 2A:58C-1, et seq.

3. As a direct and proximate cause of such failure to adequately warn the Plaintiff, Susan Morris Kline of the dangers of the Jeep in question, the Plaintiff, Susan Morris Kline was caused to suffer severe injuries including burns, she was caused to suffer great pain and she was caused to incur medical expenses until her death.

WHEREFORE, the Plaintiff(s), Thomas Kline as Administrator Ad Prosequendum of the Heirs-at-Law of the Estate of Susan Morris Kline, Deceased, as Administrator of the Estate of Susan Morris Kline, Deceased and Individually, demands Judgment against the Defendant(s), Daimler Chrysler Corporation, a/k/a Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious), for compensatory damages, jointly, severally or in the alternative interest and costs of suit.

SEVENTH COUNT

1. Plaintiff repeats First, Second Third, Fourth, Fifth and Sixth Counts as if fully set forth herein at length.

2. Defendant(s), Daimler Chrysler Corporation, a/k/a Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100,

(Names Being Fictitious) placed the Jeep into the stream of commercial traffic when it was negligently and/or defectively designed, manufactured and distributed, and these defects did exist when the vehicle was being used by the Plaintiff, Susan Morris Kline.

3. Further, it is alleged that these manufacturing design and distributing defects were the proximate cause of the injuries and death suffered by the Plaintiff, Susan Morris Kline.

4. It is further alleged that the manufacturing design and distributing defects did make said Jeep unreasonably dangerous. Therefore, Defendant(s), Daimler Chrysler Corporation, a/k/a Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious) are strictly liable to the Plaintiff(s), Susan Morris Kline.

WHEREFORE, the Plaintiff(s), Thomas Kline, as Administrator Ad Prosequendum of the Heirs-at-Law of Susan Morris Kline, deceased, as Administrator of the Estate of Susan Morris Kline, Deceased and Individually, demands judgment against the Defendant(s) Daimler Chrysler Corporation, a/k/a Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious), for compensatory damages, jointly, severally or in the alternative, interest and costs of suit.

EIGHTH COUNT

1. Plaintiff repeats the First, Second, Third, Fourth, Fifth, Sixth and Seventh Counts as if fully set forth herein at length.

2. Defendant(s), Daimler Chrysler Corporation, a/k/a/ Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious), expressly and/or impliedly warranted that the Jeep was of merchantable quality, fit, safe and in proper condition for the ordinary use which Jeeps are

designed to be used.

3. Defendant(s) Daimler Chrysler Corporation, a/k/a Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious) did breach said express and implied warranties to the Plaintiff(s).

4. As a direct and proximate result of such breach of express and implied warranties, the Plaintiff, Susan Morris Kline, was caused to suffer severe injuries including burns. She was caused to suffer great pain, she was caused to incur medical expenses until her death.

WHEREFORE, the Plaintiff(s), Thomas Kline, as Administrator Ad Prosequendum of the Heirs-at-Law of Susan Morris Kline, deceased, as Administrator of the Estate of Susan Morris Kline, Deceased and Individually, demands judgment against the Defendant(s), Victoria Morgan Alcala, Carlos Alcala, Natalie Rawls, Daimler Chrysler Corporation, a/k/a/ Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious), for compensatory damages, jointly, severally or in the alternative, interest and costs of suit.

NINTH COUNT

1. Plaintiff repeats First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Counts as if fully set forth herein at length.

2. Defendant(s), Daimler Chrysler Corporation, a/k/a/ Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious) are strictly liable for the harm caused by said Jeep.

3. As a direct and proximate result of said Jeep, the Plaintiff, Susan Morris Kline, was caused to suffer severe injuries including burns and was caused to suffer great pain and suffering until her death.

WHEREFORE, the Plaintiff(s) Thomas Kline, as Administrator Ad Prosequendum of the Heirs at Law of Susan Morris Kline, deceased, as Administrator of the Estate of Susan Morris Kline, Deceased and Individually, demands judgment against the Defendant(s) Victoria Morgan-Alcala, Carlos Alcala, Natalie Rawls, Daimler Chrysler Corporation, a/k/a Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious).

TENTH COUNT

1. Plaintiff repeats each and every allegation of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Counts as if fully set forth herein at length.

2. On or about the 24th day of February, 2007, the Plaintiff, Susan Morris Kline, was lawfully using the Defendant's product, i.e. Jeep, in the usual course, when it failed to function properly and safely causing Plaintiff to suffer injuries resulting in her death.

3. At all times mentioned, Defendant(s), Daimler Chrysler Corporation, a/k/a Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious), were engaged in the business of designing, preparing, manufacturing, developing, testing, inspecting, packaging, labeling, advertising, marketing, merchandising, distributing, selling and servicing a product known as a Jeep.

4. Said Jeep was negligently and/or defectively designed, manufactured sold, prepared, developed, tested, inspected , packaged, labeled, advertised, marketed, serviced and distributed by the Defendant(s), Daimler Chrysler Corporation, a/k/a/ Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious) . As a direct and proximate result of such aforesaid negligence,

the Plaintiff, Susan Morris Kline, was caused to suffer injuries, she was caused to suffer great pain, she was caused to incur medical expenses and she was caused to suffer serious, severe and permanent injuries until her death.

6. The aforesaid defects caused injuries and death to the Plaintiff, Susan Morris Kline.

WHEREFORE, Thomas Kline, as Administrator Ad Prosequendum of the Heirs at Law of Susan Morris Kline, deceased, as Administrator of the Estate of Susan Morris Kline, Deceased and Individually, demands Judgment against the Defendant(s), Daimler Chrysler Corporation, d/b/a Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious).

ELEVENTH COUNT

1. The Plaintiff repeats each and every allegation of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Counts as if fully set forth herein at length.

2. At such date as herein above alleged, Defendant(s) Daimler Chrysler Corporation, a/k/a/ Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious) knew that such Jeep was defective in several ways including but not limited to the fact that the gas tank was located behind the axle and left unprotected in a foreseeable rear end collision, the dangerous and defective condition of the Jeep as described herein above, a defect known by the Defendants to have existed or which in fact existed when it left the control of the Defendants. Defendant knew of said defect and other defects for a sufficient amount of time so as to be able to prevent the injuries to users such as the Plaintiff, Susan Morris Kline, but failed to take the necessary and reasonable action.

3. As a result of the Defendant(s), Daimler Chrysler Corporation, a/k/a Chrysler Corporation,

Loman Auto Group, John Does, A through Z, (Names being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious), willful, wanton, reckless, intentional and grossly negligent actions and/or omissions, Plaintiff, Susan Morris Kline, was caused to suffer great pain, she was caused to incur medical expenses, she was caused to suffer serious, severe and permanent injuries resulting in her death.

WHEREFORE, Thomas Kline, as Administrator Ad Prosequendum of the Heirs at Law of Susan Morris Kline, Deceased, as Administrator of the Estate of Susan Morris Kline, Deceased and Individually, demands judgment against the Defendant(s), Daimler Chrysler Corporation, a/k/a Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious), for compensatory and punitive damages, severally or in the alternative, interest and costs of suit.

TWELFTH COUNT

1. The Plaintiff repeats each and every allegation of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Counts as if fully set forth herein at length.

2. Defendant(s) Daimler Chrysler Corporation, A/K/A Chrysler Corporation, Loman Auto Group, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious) had a continuing responsibility to warn and/or inform Plaintiff of newly discovered defects in design and manufacture of the vehicle.

3. Defendant(s) Daimler Chrysler Corporation, A/K/A Chrysler Corporation, Loman Auto Group, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100 (Names Being Fictitious) breached the aforesaid duty.

WHEREFORE, the Plaintiff(s), Thomas Kline, as Administrator Ad Prosequendum of the Heirs-at-Law of Susan Morris Kline, deceased, as Administrator of the Estate of Susan Morris

Kline, Deceased and Individually, demands judgment against the Defendant(s), Victoria Morgan Alcala, Carlos Alcala, Natalie Rawls, Daimler Chrysler Corporation, a/k/a Chrysler Corporation, Loman Auto Group, John Does, A through A, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious), for compensatory damages, jointly, severally or in the alternative, interest and costs of suit.

THIRTEENTH COUNT

1. The Plaintiff repeats each and every allegation of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh and Twelfth Counts as if fully set forth herein at length.

2. Defendant Chrysler Group, LLC, named for discovery purposes, is the custodian of records for Old Carco LLC (f/k/a Chrysler LLC).

3. As custodian, Chrysler Group LLC has advised Plaintiff(s) they currently have possession of all documents/records of the Defendant(s), Daimler Chrysler Corporation a/k/a Chrysler Corporation a/k/a Old Carco LLC (f/k/a Chrysler LLC).

4. The aforesaid documents/records of the Defendant(s), Daimler Chrysler Corporation a/k/a Chrysler Corporation a/k/a Old Carco LLC (f/k/a Chrysler LLC), are necessary to evaluate and support the claims alleged by Plaintiff(s) in their Complaint.

5. As the custodian of records, Defendant Chrysler Group, LLC shall provide discovery documents properly demanded by Plaintiff pursuant to Commission and subpoena obtained in compliance with the New Jersey Rules of Court and provide other documents which may be requested during the pendency of the within matter.

WHEREFORE, the Plaintiff(s), Thomas Kline, as Administrator Ad Prosequendum of the Heirs-at-Law of Susan Morris Kline, deceased, as Administrator of the Estate of Susan Morris Kline, Deceased and Individually, demand that Defendant Chrysler Group, LLC, comply with

the Court's Order of May 18, 2010 and provide in full the documents requested by Plaintiff(s) pursuant to the Commission subpoena dated April 22, 2010 and provide further documents as may be requested. Plaintiff(s) further demand damages from Defendant, Chrysler Group, LLC, compensatory and punitive, should Defendant Chrysler Group LLC fail to provide the requested discovery.

JURY DEMAND

Plaintiff(s) hereby demand Trial by Jury on all issues.

Dated: July 26, 2010

GRIECO, OATES & DE FILIPPO, LLC
Attorneys for the Plaintiff(s)

By: _____
ANGEL M. DE FILIPPO, ESQUIRE

CERTIFICATION

I hereby certify, pursuant to Rule 4:5-1, that the matter in controversy is not the subject of any other arbitration proceeding, nor is any other action or arbitration proceeding contemplated, and no other party should be joined in this action at this time.

Dated: July 26, 2010

GRIECO, OATES & DE FILIPPO, LLC
Attorneys for the Plaintiff(s)

By: _____
ANGEL M. DE FILIPPO, ESQUIRE

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Angel M. DeFilippo, Esquire, is designated as Trial Counsel.

Dated: July 26, 2010

GRIECO, OATES & DE FILIPPO, LLC
Attorneys for the Plaintiff(s)

By: _____
ANGEL M. DE FILIPPO, ESQUIRE

GRIECO, OATES & DEFILIPPO, LLC
Attorneys at Law
414 Eagle Rock Avenue, Suite 200
West Orange, New Jersey 07052
(973) 243-2099
Attorneys for Plaintiffs

THOMAS KLINE, as Administrator Ad Prosequendum of the heirs at law of SUSAN MORRIS KLINE, (deceased); as Administrator of the Estate of SUSAN MORRIS KLINE, and THOMAS KLINE, individually,

Plaintiffs,

v.

VICTORIA MORGAN-ALCALA, CARLOS ALCALA, NATALIE RAWLS, DAIMLER CHRYSLER CORPORATION a/k/a CHRYSLER CORPORATION, LOMAN AUTO GROUP, JOHN DOES A through Z, (Names being fictitious), ABC CORPS, 1 through 100, (Names being fictitious),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: COUNTY OF MORRIS
DOCKET NUMBER: MRS-L-3575-08

CIVIL ACTION

ORDER

THIS MATTER having been opened to the Court by Grieco, Oates & DeFilippo, LLC, attorneys for the Plaintiff(s), Angel M. De Filippo, Esq. appearing, in the presence of Bonner, Kiernan, Trebach & Crociata, LLP, Mindy Jayne, Esq. appearing for the Defendant, Loman Auto Group, and Gold; Albanese & Barletti, Kelly Quinn, Esq. appearing for the dismissed defendant Butler Chrysler Jeep, Inc., for an Order Reconsidering the Plaintiff's Motion to Amend the Complaint, and the Court having considered this application and the arguments of counsel, and for good cause shown;

IT IS on this 11th day of August, 2010;

ORDERED that the Plaintiffs' Motion for Reconsideration be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the July 9, 2010 Order denying Plaintiffs' Motion to Amend the Complaint, etc. be and is hereby VACATED; and

IT IS FURTHER ORDERED that the Complaint be and is hereby amended nunc pro tunc to July 9, 2010 to include Chrysler Group LLC as a party defendant for discovery purposes as per the proposed Second Amended Complaint attached hereto; and

IT IS FURTHER ORDERED that the custodian, Chrysler Group LLC, be compelled to deliver the requested documents to Plaintiff at the New Jersey offices of Plaintiff's counsel on or before the 17th day of Sept, 2010 at 5:00 p.m.; and

IT IS FURTHER ORDERED that, if the custodian, Chrysler Group LLC, fails to supply all documents in full by said date and time and at said place, the custodian and its counsel be held in contempt of Court and same be sanctioned in a manner determined by the reasonable discretion of the Court; and

IT IS FURTHER ORDERED that the defendant, Butler Chrysler Jeep, Inc., initially named as a defendant in the Amended Complaint, is hereby removed from the Second Amended Complaint pending the outcome of Plaintiffs' Motion for Leave to file an interlocutory Appeal; and

IT IS FURTHER ORDERED that the Discovery End Date in this matter be and is hereby extended to December 31, 2010; and

IT IS FURTHER ORDERED that a copy of the within Order be served upon all Counsel within seven (7) days of the date hereof.

HON. DAVID B. RAND, J.S.C.

(✓) Opposed
( ) Unopposed

Reasons for this order were orally placed on the record on July 23, 2010

MATTER #	1198857
FILE TYPE	Case
FILE NAME	[redacted]
CAIR #	
DATE OF INCIDENT	02/24/2007
DATE OF NOTICE	12/15/2008
MODEL/MODEL YEAR	1996 Jeep Grand Cherokee (ZJ)
VIN	1J4GZ58S9TC[redacted]
MILEAGE	
OWNER	[redacted]s [redacted] Kinnelon, New Jersey [redacted]
COURT	Superior Court of New Jersey
DOCKET #	MRSL357508
FIRE ALLEGED	Yes
DESCRIPTION	On February 24, 2007, [redacted] was operating a 1996 Jeep Grand Cherokee (ZJ) on Interstate 287 in Parsippany, New Jersey with a posted speed limit of 55 mph. The vehicle in front of her, a 1998 Subaru Legacy being driven by [redacted], slowed to a near stop, causing the driver of the Jeep Grand Cherokee (ZJ) to slow her vehicle to a very low speed. [redacted] was operating a 2004 Toyota Sienna minivan and failed to observe the slowing vehicles, rear-ending the Jeep Grand Cherokee (ZJ), causing a fire. The impact to the Jeep Grand Cherokee (ZJ) caused it in turn to strike the 1998 Subaru Legacy.
PROPERTY DAMAGE ALLEGED	No
INJURIES	2
FATALITIES	1
ANALYSIS	Based on available information, including the police accident report and witness statements, Chrysler Group concludes that the Toyota Sienna minivan struck the rear of the Jeep Grand Cherokee (ZJ) at a relative velocity in excess of 60 mph. According to the police accident report, the speedometer of the Toyota Sienna minivan was frozen at 70 mph after the accident. Further, according to an accident witness, the Toyota Sienna minivan never braked or made evasive maneuvers. The Jeep Grand Cherokee (ZJ) fuel tank ruptured as a result of the extremely severe, high energy impact causing the fire. The severe damage to the rear of the Jeep Grand Cherokee (ZJ) and the front end of the Toyota minivan is depicted in the photographs in Enclosure 4

Bates Nos. PE10-031-Chrysler-000652-654.

COPY

FILED

IN THE CIRCUIT COURT OF HOUSTON COUNTY, ALABAMA MAR 14 2007

Carla Woodall, Clerk
Houston County, AL

THELMA LANDRUM,

PLAINTIFF,

VS.

CASE NO. CV 07- 154-H

JUDY SIMS SHELLY, an individual, DAIMLER/CHRYSLER CORPORATION, And FICITIOUS DEFENDANTS A, B, and C being that person, corporation, or other legal entity who or which designed, manufactured, engineered, advertised, marketed, sold or otherwise placed into the stream of commerce the 1998 Jeep Grand Cherokee which is the subject of this lawsuit; FICTITIOUS DEFENDANTS D, E, AND F, being that person corporation, or other legal entity who or which designed, manufactured, engineered, advertised, marketed, sold or otherwise placed into the stream of commerce the component parts of the 1998 Jeep Grand Cherokee which is the subject of this lawsuit; FICTITIOUS DEFEDANTS G, H, and I, being that person corporation, or other legal entity who or which designed, manufactured, engineered, advertised, marketed, sold or otherwise placed into the stream of commerce the fuel system and its component parts of the 1998 Jeep Grand Cherokee which is the subject of this lawsuit; FICTITIOUS DEFENDANTS J, K, and L being that person, Corporation, or other legal entity whose negligence, wantonness or other wrongful conduct combined and concurred with the conduct of Defendants herein to cause injuries to Plaintiff, and FICTITIOUS DEFENDANTS M, N, and O, being that person corporation, or other legal entity who or which failed to notify Plaintiff of the hazards associated with the operation of the 1998 Jeep Grand Cherokee, all of said fictitious parties are unknown to Plaintiff at this time, but will be substituted by amendment when ascertained

DEFENDANTS.

COMPLAINT

1. Plaintiff, THELMA LANDRUM ("LANDRUM") is over the age of nineteen (19) years and resides in Dale County, Alabama.

2. Defendant, JUDY SIMS SHELLY ("SHELLY") is over the age of nineteen (19) years and upon information and knowledge is a resident citizen of Ashford, Houston County, Alabama.

3. Defendant DAIMER/CHRYSLER CORPORATION, INC., ("CHRYSLER") is a foreign corporation at all times material hereto was doing business by agent in Houston County, Alabama and is subject to this Court's jurisdiction.

4. FICITIOUS DEFENDANTS A, B, and C being that person, corporation, or other legal entity who or which designed, manufactured, engineered, advertised, marketed, sold or otherwise placed into the stream of commerce the 1998 Jeep Grand Cherokee which is the subject of this lawsuit;

5. FICTITIOUS DEFENDANTS D, E, AND F, being that person corporation, or other legal entity who or which designed, manufactured, engineered, advertised, marketed, sold or otherwise placed into the stream of commerce the component parts of the 1998 Jeep Grand Cherokee which is the subject of this lawsuit;

6. FICTITIOUS DEFEDANTS G, H, and I, being that person corporation, or other legal entity who or which designed, manufactured, engineered, advertised, marketed, sold or otherwise placed into the stream of commerce the fuel system and its component parts of the 1998 Jeep Grand Cherokee which is the subject of this lawsuit;

7. FICTITIOUS DEFENDANTS J, K, and L being that person, Corporation, or other legal entity whose negligence, wantonness or other wrongful conduct combined and concurred with the conduct of Defendants herein to cause injuries to Plaintiff.

8. FICTITIOUS DEFENDANTS M, N, and O, being that person corporation, or other legal entity who or which failed to notify Plaintiff of the hazards associated with the operation of the 1998 Jeep Grand Cherokee.

9. The accident which forms the basis of this lawsuit occurred on Reeves Street at or near the intersection of Westgate Parkway and Shakespeare Drive in Dothan, Houston County, Alabama on March 1, 2007.

10. The amount in controversy, exclusive of attorney fees and costs, exceeds the minimum jurisdictional requirements of this Court.

STATEMENT OF FACTS

11. On or about March 1, 2007 Plaintiff LANDRUM was operating a 1998 Jeep Grand Cherokee VIN No. 1J4FX58S9WC320024 ("SUBJECT VEHICLE") on the public roadways of Houston County, Alabama. At said date and time LANDRUM was attempting to turn right off of Reeves Street into a private drive.

12. On said date and place, Defendant SHELLY was traveling Northbound on Reeves Street.

13. Defendant, SHELLEY's vehicle collided with the rear of LANDRUM'S vehicle.

14. Immediately upon impact LANDRUM's vehicle exploded, leaving the roadway and overturning into a small creek.

15. In the collision the fuel system of the subject vehicle failed with the result that gasoline and gasoline vapors escaped and was forced out of the subject vehicle fuel system and very quickly ignited.

16. At the time of the incident, the subject 1998 Jeep Grand Cherokee vehicle was being used in its intended manner and also in a manner reasonably foreseeable to Defendants.

17. The subject 1998 Jeep Grand Cherokee vehicle was in substantially the same condition at the time of the incident as it was when the Defendants placed the vehicle into the stream of commerce.

18. The events of the subject incident, the failure mode of the 1998 Jeep Grand Cherokee and the events taking place during the incident were foreseeable to the Defendants.

COUNT I: DEFENDANT DRIVER

NEGLIGENCE AND/OR WANTONNESS

19. The Plaintiffs hereby incorporate the foregoing material paragraphs as though fully set out herein.

20. On or about March 1, 2007, Plaintiff LANDRUM was operating a 1998 Jeep Grand Cherokee VIN No. 1J4FX58S9WC320024 ("SUBJECT VEHICLE") on the public roadways of Houston County, Alabama. At said date and time LANDRUM was attempting to turn right off of Reeves Street into a private drive.

21. On said date and place, Defendant SHELLY was traveling Northbound on Reeves Street.

22. Defendant, SHELLEY negligently, wantonly or recklessly operated her motor vehicle so as to cause it to collide with the rear of LANDRUM'S vehicle.

23. Immediately upon impact LANDRUM's vehicle exploded, leaving the roadway and overturning into a small creek.

24. As a direct result of the negligence of the Defendants, Plaintiff was caused to be injured and damaged as follows:

(a) Plaintiff was caused to be shaken violently and knocked about her vehicle; Plaintiff became entrapped in the partially submerged and on fire vehicle, causing severe burns to her body, including internally as well as to her chest and face.

(b) Plaintiff has suffered internal injuries that have required her lungs and bronchial tubes to be scraped and flushed twice a day. She has been required to have a heart catheter and a respirator.

(c) Plaintiff has undergone and will continue to undergo skin grafts to attempt to repair the damage, but she will suffer significant scarring and permanent disfigurement.

(d) Plaintiff was caused to suffer physical pain and mental anguish and will continue to suffer same in the future.

(e) Plaintiff has been caused to incur medical expenses and will continue to incur medical expenses in the future.

(f) Plaintiff has been caused to suspend her education and retraining for employment as an OTR truck driver and as a result will lose wages in the future.

WHEREFORE, THE PREMISES CONSIDERED, Plaintiff demands judgment against the Defendant SHELLEY for damages, both compensatory and punitive in such amount as a jury may award, plus the costs of this action.

COUNT TWO:

ALABAMA EXTENDED MANUFACTURER'S LIABILITY DOCTRINE

25. The Plaintiffs hereby incorporate the foregoing material paragraphs as though fully set out herein.

26. This count is based upon the Alabama Extended Manufacturer's Liability Doctrine (AEMLD).

27. Defendants CHRYSLER and Fictitious Defendants "A" through "O" designed, engineered, tested, manufactured, inspected, distributed and marketed the 1988 Jeep Grand Cherokee ("subject vehicle") which forms the basis of this lawsuit.

28. Said Defendants reasonably expected the subject vehicle would reach the ultimate user or consumer in the condition that it was in at the time of the incident.

29. The failure mode of the subject vehicle was foreseeable to all Defendants.

30. At the time it was placed into the stream of commerce, and at the time of the subject collision, the 1988 Jeep Grand Cherokee was unreasonably dangerous and defective and the defects existing in the subject vehicle subjected the Plaintiff to an unreasonable risk of harm specifically as follows:

A. The fuel tank of the Jeep was designed and installed in a location that is susceptible to rupture, puncture or other damage that would cause a breach in the fuel tank allowing fuel and fuel vapors to escape thereby presenting the risk of fire and explosion thus causing injury or death in the event of a collision;

B. The fuel tank of the Jeep was designed with material that is susceptible to rupture, puncture or other damage that would cause a breach in the fuel tank allowing fuel and fuel vapors to escape thereby presenting the risk of fire and explosion thus causing injury or death in the event of a collision;

C. The Jeep was not equipped with a shield that protects the fuel tank from rupture, puncture or other damage that would cause a breach in the fuel tank allowing fuel and fuel vapors to escape thereby presenting the risk of fire and explosion thus causing injury or death in the event of a collision;

D. The fuel filler neck of the Jeep was routed in such a way that it is susceptible to being torn away, pulled off, punctured or damaged in the event of an accident, thereby causing a breach in the fuel system which may allow fuel to escape thereby presenting the risk of fire and explosion and thus leading to injury or death in the event of a collision;

E. The fuel tank of the Jeep was not equipped with a check valve that would prevent fuel spillage from the fuel filler neck if the fuel filler neck was torn away, pulled off, punctured, or damaged in the event of an accident which would present the risk of fire and explosion and thus leading to injury or death; and

F. The failure of any warnings to the Plaintiff of the potential hazards of the fuel tank and fuel tank assembly system contained in the subject vehicle.

31. As a direct and proximate consequence of the dangerous and defective conditions of the subject vehicle the Plaintiff suffered damages to include, but are not limited to:

(a) Plaintiff was caused to be shaken violently and knocked about her vehicle; Plaintiff became entrapped in the partially submerged and on fire vehicle, causing severe burns to her body, including internally as well as to her chest and face.

(b) Plaintiff has suffered internal injuries that have required her lungs and bronchial tubes to be scraped and flushed twice a day. She has been required to have a heart catheter and a respirator.

(c) Plaintiff has undergone and will continue to undergo skin grafts to attempt to repair the damage, but she will suffer significant scarring and permanent disfigurement.

(d) Plaintiff was caused to suffer physical pain and mental anguish and will continue to suffer same in the future.

(e) Plaintiff has been caused to incur medical expenses and will continue to incur medical expenses in the future.

(f) Plaintiff has been caused to suspend her education and retraining for employment as an OTR truck driver and as a result will lose wages in the future.

WHEREFORE, THE PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants CHRYSLER and Fictitious Defendants "A" through "O" for damages, both compensatory and punitive, in such amount as a jury may award, plus the costs of this action.

COUNT THREE: NEGLIGENCE

32. The Plaintiffs hereby incorporate the foregoing material paragraphs as though fully set out herein.

33. Defendants CHRYSLER and Fictitious Defendants "A" through "O" were negligent in the design, engineering, testing, manufacturing, inspecting, distributing and marketing, warning and/or sale of the subject 1988 Jeep Grand Cherokee, which forms the basis of this lawsuit.

34 As a direct and proximate consequence of the negligence of the Defendants CHRYSLER and Fictitious Defendant "A" through "O" the Plaintiff suffered damages to include, but are not limited to:

(a) Plaintiff was caused to be shaken violently and knocked about her vehicle; Plaintiff became entrapped in the partially submerged and on fire vehicle, causing severe burns to her body, including internally as well as to her chest and face.

(b) Plaintiff has suffered internal injuries that have required her lungs and bronchial tubes to be scraped and flushed twice a day. She has been required to have a heart catheter and a respirator.

(c) Plaintiff has undergone and will continue to undergo skin grafts to attempt to repair the damage, but she will suffer significant scarring and permanent disfigurement.

(d) Plaintiff was caused to suffer physical pain and mental anguish and will continue to suffer same in the future.

(e) Plaintiff has been caused to incur medical expenses and will continue to incur medical expenses in the future.

(f) Plaintiff has been caused to suspend her education and retraining for employment as an OTR truck driver and as a result will lose wages in the future.

WHEREFORE, THE PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants CHRYSLER and Fictitious Defendants "A" through "O" for damages in such amount as a jury may award, plus the costs of this action.

COUNT FOUR: WANTONNESS

35. The Plaintiffs hereby incorporate the foregoing material paragraphs as though fully set out herein.

36. Defendants CHRYSLER and Fictitious Defendants "A" through "O" were wanton in the design, engineering, testing, manufacturing, inspecting, distributing and marketing, warning and/or sale of the subject 1988 Jeep Grand Cherokee, which forms the basis of this lawsuit.

37. As a direct and proximate consequence of the wantonness of the Defendants CHRYSLER and Fictitious Defendant "A" through "O" the Plaintiff suffered damages to include, but are not limited to:

(a) Plaintiff was caused to be shaken violently and knocked about her vehicle; Plaintiff became entrapped in the partially submerged and on fire vehicle, causing severe burns to her body, including internally as well as to her chest and face.

(b) Plaintiff has suffered internal injuries that have required her lungs and bronchial tubes to be scraped and flushed twice a day. She has been required to have a heart catheter and a respirator.

(c) Plaintiff has undergone and will continue to undergo skin grafts to attempt to repair the damage, but she will suffer significant scarring and permanent disfigurement.

(d) Plaintiff was caused to suffer physical pain and mental anguish and will continue to suffer same in the future.

(e) Plaintiff has been caused to incur medical expenses and will continue to incur medical expenses in the future.

(f) Plaintiff has been caused to suspend her education and retraining for employment as an OTR truck driver and as a result will lose wages in the future.

WHEREFORE, THE PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants CHRYSLER and Fictitious Defendants "A" through "O" for damages, both compensatory and punitive in such amount as a jury may award, plus the costs of this action.

Dated this the 14th day of March, 2007.

MORRIS, CARY, ANDREWS, TALMADGE,
JONES, & DRIGGERS, LLC

Joseph A. Morris (MOR087)
Attorney for Plaintiff
P.O. Box 1649
Dothan, Alabama 36302
(334) 792-1420

JURY DEMAND

Plaintiff hereby demands trial by jury

Joseph A. Morris (MOR087)

PLEASE SERVE DEFENDANTS VIA CERTIFIED MAIL AS FOLLOWS:

Daimler/Chrysler Corporation
c/o The Corporation Company
2000 Interstate Park Drive, Suite 204
Montgomery, Alabama 36109

Judy Sims Shelly
1565 Dusty Lane
Ashford, Alabama 36312

PE10-031-Chrysler-000707

PE10-031-Chrysler-000708

AST-27
REV. 1/91

ALABAMA UNIFORM TRAFFIC ACCIDENT REPORT

DPS
Accident No

Shaded Areas To Be Used By Data Processing Only — Sheet 1 of 2 Sheet(s) — Microfilm No _____ — Local Case No: 07-004583

LOCATION AND TIME

Date (Month Day Year)	Time	Day of Week	County	City	Highway Classification	Local Zone
03 01 2007	06 : 25 AM (PM) (MT)	M T W (TH) F S S	38	Dothan (Rural)	I–Interstate S–State (F)–Federal C–County M Municipal P–Private Prop. O–Other	14

On Street Road or Highway	At Intersection of or Between (Node 1)	And (Node 2)
Reeves St.	Westgate Pkwy	Shakespeare Dr.

Street or Road ← Code		1 2 Node Code		Feet (Miles) From Node (1) or 2 (Circle One)
S001	3302		3190	20

Intersection Related: 1 Node 1 2 Node 2 (N) Not Int Related — Mile Post — Control Access Hwy Loc: 1 Main Rd 2 Frontage Rd 3 Interchange 4 Entrance Ramp 5 Exit Ramp (0) N/A — Prime Contr Citrons: 27 — Prime Contr Unit No: 1

First Harmful Event	Event Location	Distance to Fixed Object	No. of Vehicles	No. Pedestrians	No. Injured	No. Fatalities	Unit 1 Type	Unit 2 Type
20	1	10 FT						

NONCOLLISION EVENT: 01 - Overturned; 02 - Fire/ Explosion; 03 - Immersion; 04 - Gas Inhalation; 05 - Spill; 06 - Road/Bridge Collapsed; 07 - Jackknifed; 08 - Parts/Cargo Fell From Moving Vehicle; 09 - Trailer Hitch Came Loose; 12 - Other

COLLISION EVENT: 15 - Pedestrian(s); 20 - Non-parked Vehicle; 30 - Parked Vehicle; 35 - Train; 40 - Pedal Cyclist; 45 - Animal; 51 - Guardrail; 52 - Crash Cushion; 53 - Utility Pole; 54 - Non-breakaway Light; 55 - Tree; 56 - Fire Hydrant; 57 - Pier or Column; 59 - Non-breakaway Sign; 61 - Mailbox(es); 62 - Gas Line; 63 - Barricade; 64 - Bridge Rail; 65 - Culvert Headwall; 66 - Curbing; 67 - Retaining Wall; 69 - Median Barrier; 69 - Sideslope; 71 - Building; 72 - Fence; 73 - Boulder; 74 - Ditch; 75 - Overpass/Underpass; 76 - Other Fixed Object; 77 - Breakaway Sign; 78 - Manhole; 79 - Telephone Booth; 80 - Guy Wire; 81 - Breakaway Light; 82 - Overhead Object; 84 - Bridge Abutment; 87 - Animal with Rider; 90 - Foreign Material in Road; 93 - Pothole; 97 - None; 98 - Other

UNIT 1 — DRIVER

Driver Full Name: [redacted] — Street Address: [redacted] — City and State: Ashford, Al. — Zip: [redacted] — Telephone No: [redacted]

DOB (Month Day Year)	Race	Sex	DL State	Driver License No.	DL Class	DL Status	List Restrictions Not Complied With	CDL Status	List Endorsements Not Complied With	Residence Less Than 25 Miles
[redacted]	W	F	AL	[redacted]	DM	C		N		(Yes) No

Place of Employment: Abbeville Elem School — Liability Insurance Co.: Alfa — Social Security No: [redacted]

Driver Condition: (1) No Defect 2 - Apparently Asleep 3 - Fatigued 4 - Ill 8 - Other 9 - Unknown — Sobriety — Officer's Opinion: Alcohol: Yes (No) Unk; Drugs: Yes (No) Unk — Type Test Given: (0) No Test 1 - Blood Test 2 - Breath Test 3 - Urine Test 4 - Unable to Administer 5 - Refused Test — Test Results: N/A

Maneuver	Travel Road Name	Road Code	Travel Direction	Other Contr Circumstance	Prime Harm Event	Event Loc
01	Reeves St.	S001	(N) E S W A - Not on Rd U - Unk	97	20	1

UNIT 1 — VEHICLE

Veh Year	Make	Model	Body	V.I.N.	License Tag Number	State	Year
2005	Dodg	Car	OT	1D4GP25B75B[redacted]	[redacted]	AL	2007

Owner's Name: Same — Street or R.F.D. — City — State — ZIP

Type: 1 - Auto; 2 - Sta. Wagon; (3) Pick Up; 4 - Van; 5 - Truck Tractor; 6 - Other Truck; 7 - Comm Bus; 8 - School Bus; 9 - Other Bus; 10 - Motorcycle; 11 - Moped; 12 - M. Scooter; 13 - Pedal Cycle; 14 - Farm Mach.; 15 - Train; 16 - Road Equip.; 17 - Ridden Animal; 18 - M. Home (R.V.); 19 - ATV; 98 - Other

Usage: (1) Personal; 2 - Driver Trng.; 3 - Construction; 4 - Ambulance/ Paramedical; 5 - Military; 6 - Taxi; 7 - Transport Prop; 8 - Agriculture; 9 - Wrecker/Tow; 10 - Police; 11 - Other Business; 12 - Bus/Pass. Transport; 13 - Fire Fighting; 98 - Other

Placard: Yes No (NA)

Hazardous Cargo: (0) None; 2 - Explosive; 3 - Gas; 4 - Flam/Combust Liq.; 5 - Flammable Solids; 6 - Oxidizer/Peroxide; 7 - Poison; 8 - Radioactive Material; 9 - Corrosive Material; 98 - Other

Attachment: (1) None; 2 - Mobile Home; 3 - Semi Trailer; 4 - Utility Trailer; 5 - Wheel Trailer; 6 - Boat Trailer; 7 - Camper Trailer; 8 - Towed Vehicle; 9 - Tanker; 10 - Pole Trailer; 11 - Double Trailer; 98 - Other

Oversized Load (Req Permit): Yes No (NA) — If Yes, Did Owner Have Permit? Yes No (NA)

Contributing Defect: (97) None; 1 - Brakes; 2 - Steering; 3 - Power Plant; 4 - Suspension; 5 - Tires; 6 - Exhaust; 7 - Lights; 8 - Turn Signal; 9 - Windows/ Windshield; 10 - Restraint Sys.; 11 - Wheels; 12 - Truck Coupling; 13 - Cargo; 14 - Fuel System; 98 - Other; 99 - Unknown

Circle areas Damaged On Diagram: 10 Under Carriage; N/A; 12 Attachment

Speed Limit	Est. Speed	Citation Offense Charged	Damage Severity	Vehicle Towed Away?	Occupants in Unit	Total Injuries in Unit
65 MPH	60 MPH	None	1 - Non Visible 2 - Not Disabled (3) Disabled	(Yes) No	1	

Vehicle Towed By Whom: Conners — To Where: 1574 E. Main St. — Enter Point of Initial Impact: 1

UNIT 2 — DRIVER

Driver Full Name: [redacted] — Street Address: [redacted] — City and State: Daleville,Al — Zip: [redacted] — Telephone No: [redacted]

DOB (Month Day Year)	Race	Sex	DL State	Driver License No.	DL Class	DL Status	List Restrictions Not Complied With	CDL Status	List Endorsements Not Complied With	Residence Less Than 25 Miles
[redacted]	W	F	AL	[redacted]	A	C		C		(Yes) No

Place of Employment: Student — Liability Insurance Co.: Safeway — Social Security No: [redacted]

Driver Condition: 1 - No Defect 2 - Apparently Asleep 3 - Fatigued 4 - Ill 8 - Other (9) Unknown — Sobriety — Officer's Opinion: Alcohol: Yes No (Unk); Drugs: Yes No (Unk) — Type Test Given: (0) No Test 1 - Blood Test 2 - Breath Test 3 - Urine Test 4 - Unable to Administer 5 - Refused Test — Test Results: N/A

Maneuver	Travel Road Name	Road Code	Travel Direction	Other Contr Circumstance	Prime Harm Event	Event Loc
13	Reeves St.	S001	(N) E S W A - Not on Rd U - Unk	97	20	1

UNIT 2 — VEHICLE

Veh Year	Make	Model	Body	V.I.N.	License Tag N	State	Year
1998	Jeep	Che	OT	1J4FX58S9WC[redacted]	[redacted]	AL	2007

Owner's Name: [redacted] — Street or R.F.D.: [redacted] — City: Ozark — State: Al — ZIP: [redacted]

Type: 1 - Auto; 2 - Sta. Wagon; (3) Pick Up; 4 - Van; 5 - Truck Tractor; 6 - Other Truck; 7 - Comm Bus; 8 - School Bus; 9 - Other Bus; 10 - Motorcycle; 11 - Moped; 12 - M. Scooter; 13 - Pedal Cycle; 14 - Farm Mach.; 15 - Train; 16 - Road Equip.; 17 - Ridden Animal; 18 - M. Home (R.V.); 19 - ATV; 98 - Other

Usage: (1) Personal; 2 - Driver Trng.; 3 - Construction; 4 - Ambulance/ Paramedical; 5 - Military; 6 - Taxi; 7 - Transport Prop; 8 - Agriculture; 9 - Wrecker/Tow; 10 - Police; 11 - Other Business; 12 - Bus/Pass. Transport; 13 - Fire Fighting; 98 - Other

Placard: Yes No (NA)

Hazardous Cargo: (0) None; 2 - Explosive; 3 - Gas; 4 - Flam/Combust Liq.; 5 - Flammable Solids; 6 - Oxidizer/Peroxide; 7 - Poison; 8 - Radioactive Material; 9 - Corrosive Material; 98 - Other

Attachment: (1) None; 2 - Mobile Home; 3 - Semi Trailer; 4 - Utility Trailer; 5 - Wheel Trailer; 6 - Boat Trailer; 7 - Camper Trailer; 8 - Towed Vehicle; 9 - Tanker; 10 - Pole Trailer; 11 - Double Trailer; 98 - Other

Oversized Load (Req Permit): Yes No (NA) — If Yes, Did Owner Have Permit? Yes No (NA)

Contributing Defect: (97) None; 1 - Brakes; 2 - Steering; 3 - Power Plant; 4 - Suspension; 5 - Tires; 6 - Exhaust; 7 - Lights; 8 - Turn Signal; 9 - Windows/ Windshield; 10 - Restraint Sys.; 11 - Wheels; 12 - Truck Coupling; 13 - Cargo; 14 - Fuel System; 98 - Other; 99 - Unknown

Circle areas Damaged On Diagram: 10 Under Carriage; N/A; 12 Attachment

Speed Limit	Est. Speed	Citation Offense Charged	Damage Severity	Vehicle Towed Away?	Occupants in Unit	Total Injuries in Unit
65 MPH	999 MPH	None	1 - Non Visible 2 - Not Disabled (3) Disabled	(Yes) No	1	

Vehicle Towed By Whom: Conners — To Where: 1574 E. Main St. — Enter Point of Initial Impact: 5

CODES

Contributing Circumstances: 01 - Improper Passing; 02 - Improper Lane Change/Usage; 03 - Improper Turn/U-Turn; 04 - Following Too Close; 05 - Misjudge Stopping Dist; 06 - Over Speed Limit; 07 - Avoid Object/Person/Veh; 08 - Unseen Object/Person/Veh; 09 - Improper Backing; 10 - Imp Traffic Control; 11 - Improper/No Signal; 12 - Failure to Heed Sign/Signal; 13 - Improper Driving-Environ; 14 - Road Defect; 15 - Vision Obstruction; 16 - Defective Equipment; 17 - DUI; 18 - Under Min Speed; 19 - Improper Load/Size; 20 - Improper Attachment; 21 - Fail to Yield Right-of-Way; 22 - Driver Condition; 23 - Wrong Side of Road; 24 - Veh Pushed /Towed by Veh; 25 - Veh Pushed by Person; 26 - Veh Left Road; 27 - Driver Not In Control; 28 - Load Shift; 29 - Parts/Cargo From Veh; 30 - Ped Violation; 31 - Veh Wgt/Hgt/Lngth; 32 - Ped Under Influence; 33 - Illegal/Improper Parking; 97 - None; 98 - Other; 99 - Unknown

Driver Maneuver: 01 - Go Straight Ahead; 02 - Pass on Left; 03 - Pass on 1-Way Street; 04 - Pass on Right; 05 - Go Straight—Left Turn Lane; 06 - Go Straight—Right Turn Lane; 07 - Change Lanes—Left; 08 - Change Lanes—Right; 09 - Merge—Left; 10 - Merge—Right; 11 - Wrong Side of Road; 12 - Wrong Way—1 Way; 13 - Right Turn; 14 - Left Turn; 15 - U-Turn; 16 - Start Fr; 17 - Start I; 18 - Slowir; 19 - Stoppe; 20 - Avoid; 21 - Exiting; 50 - PedCy; 61 - PedCy; 62 - PedCy; 63 - PedCyc Ride Against Traffic off Rd; 64 - PedCyc Ride Across Road

Pedestrian Action: 01 - Cross/Enter—Intersection; 02 - Cross/Enter—Other; 03 - Walk in Road—With Traffic

Event Location: 1 - On Roadway; 2 - Off Roadway; 3 - Median

LVP_AR16948
Case_Nbr: 1-07-004583

SEATING

Unit 1: 1

1 41	2	3
4	5	6
7	8	9

10, 11

Other Involved Unit (Circle One)
12 - Pedestrian
13 - Rider of Domestic Animal
14 - Occ. of Non-Motorized Vehicle
15 - Victim of Other Circumstance/ Codes Not Applicable

Other Involved Safety Equipment

Unit 2: 2

1 99	2	3
4	5	6
7	8	9

10, 11

Other Involved Unit (Circle One)
12 - Pedestrian
13 - Rider of Domestic Animal
14 - Occ. of Non-Motorized Vehicle
15 - Victim of Other Circumstance/ Codes Not Applicable

Other Involved Safety Equipment

VICTIMS

N/A

Name	Address	Unit No	Seat Pos	Injury Type	Age	Sex	Ejection	First Aid By
[redacted]	Ashford ,Al.	1	1	B	55	F	N	M
Taken To: SAMC		Taken By: CARE						
[redacted]	Daleville, Al.	2	1	A	25	F	N	M
Taken To: SAMC		Taken By: CARE						

CODES

Injury Type: K Killed; B Bruise/Abrasion/Swelling; A - Visible or Carried from Scene; C - Not Visible—Has Pain/Faint

Ejected: N - Not; F - Fully; P - Partially; T - Trapped; U - Unknown; A - Not Applicable

First Aid By: A - Ambulance Attended; D - Doctor; M - Paramedic; O - Other; P - Police; U - Unknown; N - None

CODES

SAFETY EQUIPMENT
01 - None Installed
95 - Not Applicable
99 - Unknown (Any Type)

Lap Belt Only
11 - Fastened
12 Not Fastened

Lap/Shoulder Harness
21 - Lap Only Used
22 - Neither Used
23 - Shoulder Only Used
24 - Both Used

Motorcycle Helmet
31 - None Used
32 - Used

Air Bags
41 - Deployed, Belts Used
42 - Not Deployed, Belts Used
43 - Deployed, Belts Not Used
44 - Not Deployed, Belts Not Used

Child Restraint
81 - Child Restraint Used
82 - Other Restraint Used
83 - None Used

Pedal Cycle/Pedestrian
91 Contrasting Clothing
92 Non-contrasting Clothing

NARRATIVE AND DIAGRAM

See page #2

Officer's Opinion of What Happened: Vehicle # 2 was turning right into private drive. Vehicle # 1 was north bound on Reeves St. Driver of vehicle # 1 advised she only remembers hitting something and not knowing what. Vehicle # 2 exploded upon impact and went off roadway and overturned into a small creek. The driver was unable to communicate and was later taken to Birmingham for futher treatment.

ROADWAY ENVIRONMENT

Unit: For Each Roadway Environment Field, Circle One Entry for Each Involved Unit:

N/A 1 ☐ N/A 2 ☐

Unit 1: 1
Unit 2: 2

Contributing Road Defects: 0 0 - None; 1 1 - Shoulders Low; 2 2 - Shoulders High; 3 3 - Holes, Bumps, Etc.; 8 8 - Other

Surface Construction: (1)(1) - Asphalt; 2 2 - Concrete; 3 3 - Brick; 4 4 - Unpaved; 8 8 - Other

Condition: 1 1 - Dry; (2)(2) - Wet; 3 3 - Icy; 4 4 - Snowy/Slushy; 5 5 - Muddy; 8 8 - Other

Accident in Or Related To Road Construction Zone? Yes Yes; (No) (No)

Material in Roadway (Contributing): (1)(1) - None; 2 2 - Rocks; 3 3 - Trees/Limbs; 4 4 - Dirt; 5 5 - Gravel; 6 6 - Oil/Petrol; 8 8 - Other

Material Source: (1)(1) - Not Applicable; 2 2 - Natural Environment; 3 3 - Dropped From Vehicle; 4 4 - Already in Road, But Fell From Vehicle; 8 8 - Other; 9 9 - Unknown

Character: (1)(1) - Straight—Level; 2 2 - Straight—Down Grade; 3 3 - Straight—Up Grade; 4 4 - Straight—Hillcrest; 5 5 - Curve—Level; 6 6 - Curve—Down Grade; 7 7 - Curve—Up Grade; 8 8 - Curve—Hillcrest

Vision Obscured By: (97)(97) Not Obscured; 1 1 - Buildings; 2 2 - Signboard; 3 3 - Trees, Crops, Bushes; 4 4 - Blowing Snow/Sand; 5 5 - Hillcrest; 6 6 - Curve in Road; 7 7 - Fog; 8 8 - Parked Vehicle; 9 9 - Moving Vehicle(s); 10 10 - Blinded by Sunlight; 11 11 - Fire/Smoke; 12 12 - Dust; 13 13 - Blinded by Headlights; 14 14 - Embankment; 15 15 - Rain on Windshield; 16 16 - Snow on Windshield; 98 98 - Other; 99 99 - Unknown

Traffic Control: 1 1 - Police Officer; 2 2 - R.R. Crossing Gates; 3 3 - R.R. Flashing Lights; 4 4 - R.R Cross Bucks/Pave Mark; 5 5 - Pedestrian Control; 6 6 - Traffic Signal; 7 7 - Flashing Beacon; 8 8 - Stop Sign; 9 9 - Yield Sign; 10 10 - Lane Control Device; 11 11 - Flagger; 12 12 - No Passing Zone; (97)(97) None; 98 98 - Other

Traffic Control Functioning: Yes Yes; No No; (N/A) (N/A)

DOT Railroad Crossing No: N/A

Opposing Lanes Separated By: 97 97 - None; 1 1 - Paved Surface; (2)(2) - Unpaved Surface; 3 3 - Broken Painted Line; 4 4 - Solid Painted Line; 5 5 - Concrete Barrier; 6 6 - Metal Guard Rail; 7 7 - Fence; 8 8 - Other Barrier

Trafficway Lanes: 1 1 - One Lane; 2 2 - Two Lanes; 3 3 - Three Lanes; (4)(4) - Four Lanes; 5 5 - Five Lanes; 6 6 - Six Lanes or More

One-Way Street: Yes Yes; (No) (No)

INVESTIGATION

Light: (1) - Daylight; 2 - Dawn; 3 - Dusk; 4 - Darkness—Road Not Lit; 5 - Darkness—Road Lit

Weather: 1 - Clear; (2) - Cloudy; 3 - Rain; 4 - Snow; 5 - Sleet/Hail; 6 - Crosswind; 7 - Fog; 8 - Other

Locale: 1 - Open Country; 2 - Residential; (3) Shop'g or Business; 4 - Mfg. or Industrial; 5 - School; 6 - Playground; 8 - Other

Non-Vehicular Property Damage: 1 - None Visible; (2) - Light; 3 - Moderate; 4 - Severe

Property Damage Description
Description: Stop Sign
Owner: State of Alabama
Address:

Time Police Notified	Time Police Arrived	Time EMS Arrived	Name of Photographer
06 :26 PM	06:30 PM	06:34 PM	

[redacted] Winston, Ga. [redacted]
[redacted] Williamson, Ga. [redacted]

Telephone [redacted]

Name of Investigating Officer	Officer ID	Agency ORI	Supervisor Reviewed
M. Foster	705	0380100	
Name of Other Investigating Officers at Scene: Sgt. T. Ward / T. Mullis	29/73	0380100	TW

The data on this report reflects my best knowledge, opinions and beliefs covering the accident, but no warrant is made as to the factual accuracy thereof

Signature of Investigating Officer: M. Foster

Date 03-01-2007

PE10-031-Chrysler-000710

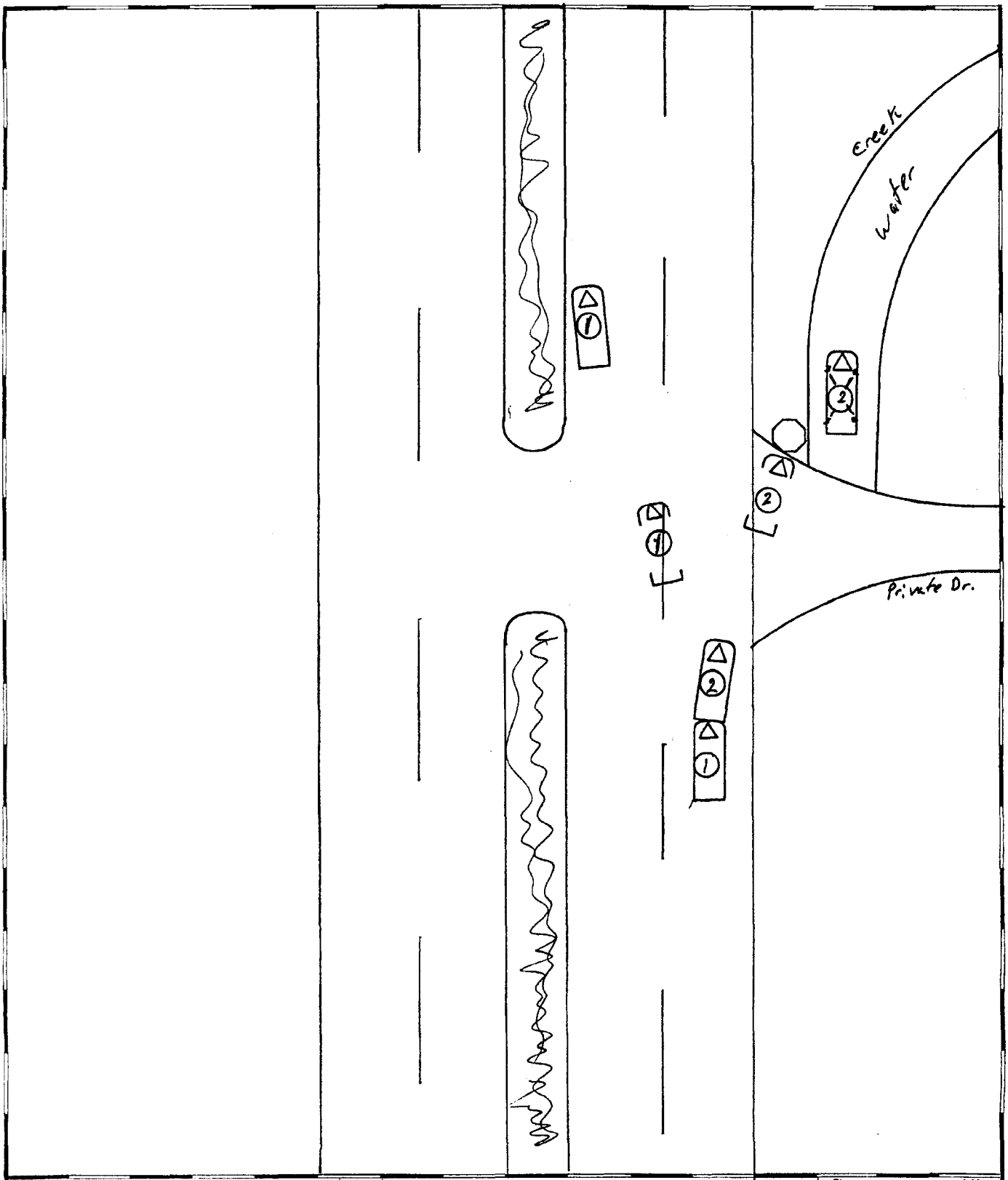


Diagram Not to Scale ~~Diagram Scale 1 inch~~ = (20 feet) ~~(10 feet)~~	Location 3800 Reeves St.		Time 0625 A.M. P.M. MD
Signature of Reporting Officer(s) Mark Foster	Officer ID 706	Reporting Police Agency ORI	DATE Month 03 Day 01 Year 2007

ALABAMA
UNIFORM TRAFFIC ACCIDENT REPORT

LOCAL CASE NO. 07-004583

SHEET 2 OF 2 SHEET(S)

AST No. 34 Rev. 4/86

SUPPLEMENTAL SHEET

ADDITIONAL ACCIDENT VICTIMS

	Name / Address	Taken to / Taken by	Unit No.	Seat Pos.	Injury Type	Age	Sex	Ejection	First Aid By
3	Name	Address							
	Taken to	Taken by							
4	Name	Address							
	Taken to	Taken by							
5	Name	Address							
	Taken to	Taken by							
6	Name	Address							
	Taken to	Taken by							
7	Name	Address							
	Taken to	Taken by							
8	Name	Address							
	Taken to	Taken by							
9	Name	Address							
	Taken to	Taken by							
10	Name	Address							
	Taken to	Taken by							
11	Name	Address							
	Taken to	Taken by							
12	Name	Address							
	Taken to	Taken by							

ADDITIONAL NARRATIVE SPACE

DESCRIBE WHAT HAPPENED (Refer to vehicles by number)

MATTER #	1178525
FILE TYPE	Case
FILE NAME	[redacted]
CAIR #	
DATE OF INCIDENT	03/01/2007
DATE OF NOTICE	4/16/2007
MODEL/MODEL YEAR	1998 Jeep Grand Cherokee (ZJ)
VIN	1J4FX58S9WC[redacted]
MILEAGE	
OWNER	[redacted] [redacted] Daleville, Alabama [redacted] [redacted]
COURT	Circuit Court of Houston County, Alabama
DOCKET #	CV07154H
FIRE ALLEGED	Yes
DESCRIPTION	On March 1, 2007, [redacted] 25, was driving a 1998 Jeep Grand Cherokee (ZJ) on Highway 431 North with a posted speed limit of 65 mph when she stopped the vehicle to turn left into a DOT training facility. The Jeep Grand Cherokee (ZJ) was struck in the rear by a 2005 Dodge Caravan minivan driven by Judy Shelly, who failed to see the Jeep Grand Cherokee (ZJ) until shortly before striking it. A fire ensued after the impact and the Jeep Grand Cherokee (ZJ) was pushed off the road and overturned into a small creek, where it was ¾ submerged under water. The portion of the vehicle that was not under water was burning.
PROPERTY DAMAGE ALLEGED	No
INJURIES	2
FATALITIES	
ANALYSIS	Based on the inspection of the 1998 Jeep Grand Cherokee (ZJ) and other available information, including the police accident report and witness statements, Chrysler Group concludes that the Dodge minivan struck the rear of the Jeep Grand Cherokee (ZJ) at an approximate relative velocity of 60 mph. The driver of the Dodge minivan stated that she does not recall braking and she looked up and the Jeep Grand Cherokee (ZJ) was in front of her. As a result of the extremely severe, high energy impact, the front end of the Dodge minivan penetrated almost to the rear differential of the Jeep Grand Cherokee (ZJ) resulting in approximately 30 inches of dynamic crush. The front end of the Toyota minivan likely directly contacted the fuel tank of the Jeep Grand Cherokee (ZJ) rupturing the fuel tank resulting in the fire.

Damage to the rear of the Jeep Grand Cherokee (ZJ) is depicted in the photographs in Enclosure 4 Bates Nos. PE10-031-Chrysler-000707-708.

Customer Assistance Inquiry Record (CAIR)# 7116384

Vin	1J4FX58S3 T[redacted]	**Open Date**	05/01/2000	**Build Date**	07/03/1996		
Model Year	96	**Body**	ZJTL74	JEEP GRAND CHEROKEE SPORT UTILITY 4-DR			
In Service Dt	07/26/1996	**Dealer**	23963	**Dealer Zone**	66	**Mileage**	0
Name:	[redacted]					**Contact Type**	LETTER
Address	[redacted]					**Home Phone**	
	PEMBROKE PINES FL[redacted]					**Country**	UNITED STATES

Corporate - Consequential Expenses - Default - Default	FL case 99-14333 (25) Product Litigation
Product - Fuel System - Fuel Tank - Other - Default	

050100 mds- Received copy of dealer's summons, with dealer requesting indemnification. Forwarded to Product Litigation.
Summons claims vehicle was involved in accident on 7/12/99 and exploded.

EXPERT AUTOSTATS
Ver. 4.0

DON FELICELLA
FELICELLA CONSULTING ENGINEERS, INC.
5935 HARDING STREET
HOLLYWOOD FL 33021

EXHIBIT
100
1/25/01 (CA)

09-27-2000

1998 ISUZU RODEO LSE (V6) 4DR 4X2 UTILITY

CURB WEIGHT:	3651 lbs.	1656 kg.
Curb Weight Distribution -	Front: 52 %	Rear: 48 %
Gross Vehicle Weight Rating:	4850 lbs.	2200 kg.
Number of Tires on Vehicle:	4	
Drive Wheels:	REAR	

HORIZONTAL DIMENSIONS

	Inches	Feet	Meters
Total Length	177	14.75	4.50
Wheelbase:	106	8.83	2.69
Front Bumper to Front Axle	30	2.50	0.76
Front Bumper to Front of Front Well	13	1.08	0.33
Front Bumper to Front of Hood	4	0.33	0.10
Front Bumper to Base of Windshield	46	3.83	1.17
Front Bumper to Top of Windshield	69	5.75	1.75
Rear Bumper to Rear Axle	41	3.42	1.04
Rear Bumper to Rear of Rear Well	23	1.92	0.58
Rear Bumper to Rear of Trunk	5	0.42	0.13
Rear Bumper to Base of Rear Window	7	0.58	0.18

WIDTH DIMENSIONS

Maximum Width	70	5.83	1.78
Front Track	60	5.00	1.52
Rear Track	61	5.08	1.55

VERTICAL DIMENSIONS

	Inches	Feet	Meters
Height	69	5.75	1.75
Ground to:			
Front Bumper (Top)	30	2.50	0.76
Headlight - center	35	2.92	0.89
Hood - top front	40	3.33	1.02
Base of windshield	47	3.92	1.19
Rear Bumper - top	29	2.42	0.74
Trunk - top rear	45	3.75	1.14
Base of rear window	50	4.17	1.27

Reg. To: FELICELLA CONSULTING ENGINEERS, S/N:00R-991213AQ03901

1998 ISUZU RODEO LSE (V6) 4DR 4X2 UTILITY

INTERIOR DIMENSIONS

	Inches	Feet	Meters
Front Seat Shoulder Width	56	4.67	1.42
Front Seat to Headliner	39	3.25	0.99
Front Leg - seatback to floor (max)	42	3.50	1.07
Rear Seat Shoulder Width	56	4.67	1.42
Rear Seat to Headliner	38	3.17	0.97
Rear Leg - seatback to floor (min)	35	2.92	0.89

Seatbelts: 3pt - front and rear
Airbags: FRONT SEAT AIRBAGS

STEERING DATA

Turning Circle (Diameter)	456	38.00	11.58
Steering Ratio:	21.10:1		
Wheel Radius:	13	1.08	0.33
Tire Size (OEM):	P235/75R15		

ACCELERATION & BRAKING INFORMATION

Brake Type: ALL DISC
ABS System: ABS

Braking, 60 mph -> 0 (Hard pedal, no skid, dry pavement):
d = 152 ft t = 3.5 sec. a =-25.4 ft/sec/sec G-force = -0.79

ACCELERATION:

0->30 mph	t = 3.1 sec.	a = 14.2 ft/sec/sec	G-force =	0.44
0->60 mph	t = 9.2 sec.	a = 9.6 ft/sec/sec	G-force =	0.30
45->65 mph	t = 5.0 sec.	a = 5.9 ft/sec/sec	G-force =	0.18

Transmission Type: 4spd AUTOMATIC

NOTES:

Federal Bumper Standard Requirements = NO REQUIREMENT

N.S.D.C. = 1998 - 2000

Reg. To: FELICELLA CONSULTING ENGINEERS, S/N:00R-991213AQ03901

1998 ISUZU RODEO LSE (V6) 4DR 4X2 UTILITY

OTHER INFORMATION

TIP-OVER STABILITY RATIO = 1.10 REASONABLY STABLE

CENTER OF GRAVITY (No Load):

Inches behind front axle	=	50.88
Inches in front of rear axle	=	55.12
Inches from side of vehicle	=	35.00
Inches from ground	=	27.60
Inches from front corner	=	88.13
Inches from rear corner	=	102.29
Inches from front bumper	=	80.88
Inches from rear bumper	=	96.12

MOMENTS OF INERTIA APPROXIMATIONS (No Load):

YAW MOMENT OF INERTIA	=	2554.53	lb-ft-sec^2
PITCH MOMENT OF INERTIA	=	2465.49	lb-ft-sec^2
ROLL MOMENT OF INERTIA	=	507.18	lb-ft-sec^2

FRONT PROFILE INFORMATION

ANGLE FRONT BUMPER TO HOOD FRONT	=	68.2	deg
ANGLE FRONT OF HOOD TO WINDSHIELD BASE	=	9.5	deg
ANGLE FRONT OF HOOD TO WINDSHIELD TOP	=	18.7	deg
ANGLE OF WINDSHIELD	=	43.7	deg
ANGLE OF STEERING TIRES AT MAX TURN	=	26.6	deg

FIRST APPROXIMATION CRUSH FACTORS:

Speed Equivalent (mph) of energy used in causing crush or indentation may be evaluated using the following formula and the appropriate Crush Factor (CF) and Maximum indentation depth, or MID, (in feet):

V(mph) = Sqr root of (30 * CF * MID)

Front Impact for a front engine vehicle	= 21
Front Impact for a Rear engine vehicle	= 27
Side Impact	= 27
Rear Impact for a front engine vehicle	= 27
Rear Impact for a rear engine vehicle	= 21

These CF values are based upon analysis of NHTSA Barrier Crash data, and from over 1000 vehicle accidents where independant evaluation of speed was possible. (These are NOT 'A', 'B', 'C', or 'G' values)

The Rear Impact data with more than 2-3 inches of crush damage should be looked at carefully, since some vehicles have very weak trunk & fender strength. Therefore, on some cars, esp. GM, your estimate from the rear crush data may be high by as much as 4-5 mph (on a crush of 18 inches).

Reg. To: FELICELLA CONSULTING ENGINEERS, S/N:00R-991213AQ03901


27

28


31

Cooper City Police Department

Traffic Homicide Investigation

Officer Valerie Frailing
Traffic Homicide Investigator

Cooper City Police Department
11610 Stonebridge Parkway
Cooper City, Florida 33026
(954-435-2000)

INVESTIGATIVE REPORT

IDENTIFICATION

The crash occurred on Monday, July 12, 1999, at approximately 1046 a.m. The location of the crash was in the 11250 block of Stirling Road approximately 5 to 10 feet east of Hiatus Road. This is in the City of Cooper City, County of Broward, State of Florida. The crash was a two-vehicle collision. The driver, and only occupant, of Vehicle # 1 (V-1) was injured on the scene and transported by the Broward County Sheriff's air rescue helicopter to Memorial Regional Hospital in Hollywood, Florida. The driver, and only occupant of Vehicle #2 (V-2) expired on the scene.

AMBIANCE

It was daytime at the time of the crash. There were scattered clouds and visibility was approximately 10 square miles. Winds were from the Southeast at 5 knots and the temperature was 86 degrees Fahrenheit. The barometric pressure was at 1019.8. It was not raining at the time of the crash. The roadway was dry.

CRASH LOCATION

Stirling Road is a four lane divided roadway. It has two lanes eastbound and two lanes westbound. The lanes are straight, level and composed of asphalt. They are divided by a raised cement median. The shoulder borders of the roadway and consists of planted grass, dirt, rocks, and trees. The grass appeared to be recently mowed. There is a pedestrian sidewalk on the south side of the roadway. It is separated from the roadway by a grass swale.

INVESTIGATIVE REPORT

TRAFFIC CONTROL

Stirling Road is regulated by a posted speed limit of 40 miles per hour. The speed limit sign is located a half of mile east of the crash site in the westbound lane. There are two additional speed limit signs in the eastbound lanes, one is 173.5 feet from the crash site and the other is 626 feet from the crash site. As you approach the area of the crash site, on Stirling Road, the two westbound lanes are divided by broken painted white lines. The lines are approximately 10 feet in length. The inside lane is 11 feet 10 inches in width. The outside lane is 13 feet 3 inches in width. The left turn lane is 11 feet in length. There is a painted solid white reflective line on the north road edge running parallel to the north shoulder. The westbound and eastbound lanes are divided by a raised cement median that is 3 feet 10 inches in length. There is a painted solid white line approaching the intersection dividing the inside and outside lane that is 99 feet in length.

VEHICLE: V-1

Vehicle # 1 (V-1) is a 1998 Isuzu Rodeo, four doors, sports utility vehicle. The vehicle is black in color. It bears Florida license number J8262H, a 1999 decal number 08050245/9, and vehicle identification number 4S2CK58D6W4[redacted]. It is equipped with power assisted steering. The front seats are equipped with a restraint system that consists of a one-piece active lap and shoulder belt. All four tires were in good condition with normal wear. The vehicle is registered to GE Capital Auto Lease with the lessee information as [redacted], Cooper City, Florida [redacted]

OCCUPANT: V-1 DRIVER

The driver of V-1 is identified as [redacted]. She is described as a 48-year-old white female with a date of birth of March 16, 1951. She resides at [redacted] Cooper City, Florida [redacted]. At the time of the crash she had a valid Florida class E drivers license (license number [redacted]). She was first issued a license by the State of Florida on September 11, 1989. Since the date of issue she has received 12 traffic citations. The driver was familiar with the road she was on and the area around it. The present residence of the driver is within 1 mile of the crash location. At the time of the crash, the driver did not have her seat belt on. She was treated for her injuries by Broward County Fire Rescue Emergency Medical Services (Medical 28) and later airlifted to Memorial Regional Hospital in Hollywood, Florida.

VEHICLE TWO

Vehicle # 2 (V-2) is a 1996 Jeep Cherokee, four door, sport utility vehicle. The vehicle is white in color. It bears Florida license tag DI478E, 1999 decal number 09127209/9, and vehicle identification number 1J4FX58S3TC[redacted] It was registered to the driver [redacted] who resided at [redacted] Plantation, Florida. The vehicle occupant restraint system consists of a one-piece active lap and shoulder belt.

OCCUPANT: V-2 DRIVER

The driver of V-2 was [redacted] a white male who resided at [redacted] Plantation, Florida. At the time of the crash he was 48 years old and held a valid class E driver's license from the State of Florida. He had no prior citations. It is believed that he was utilizing the vehicle's occupant restraint system at the time of the crash, due to the seat belt buckle still being inside the clasp. The driver died on scene due to extensive charring of the body.

INVESTIGATION

On Monday July 12, 1999 at approximately 1046 I heard Public Service Aide ***Neves*** advise of a traffic crash with injuries at the intersection of Stirling Road and Hiatus Road in Cooper City. As I began to respond ***Neves*** came back over the radio channel and said he needed help there was a fire and someone was trapped inside the burning vehicle. Upon my arrival I observed a vehicle engulfed in flames. I requested the surrounding roads to be shut down and additional traffic homicide units to respond. As the fire department began to work on the vehicle that was on fire (V-2) I ran to the other vehicle that was located on the southwest side of the intersection. Public Service Aide ***Neves*** and Paramedic [redacted](Broward County Fire Rescue 28) were speaking to the driver of V-1 [redacted]. She was lying across the front of the seat of the vehicle. Janet was mumbling and not responding to [redacted] questions. [redacted] appeared to be very lethargic and unresponsive. Her speech was thick and slurred. Her eyes were very droopy and she seemed drowsy. Paramedic's requested Broward County Air Rescue assistance and [redacted] was flown to Memorial Regional Hospital in Hollywood, Florida.

I then turned back to V-2 and observed the fire to be out. I asked ***Neves*** if the person got out of the vehicle and he said "no". As I got closer to V-2 I observed the driver of the vehicle expired with severe burns and charring to his bones in the driver's seat. He was unrecognizable. He was later identified as [redacted] Fire Department personnel were conducting a secondary survey of the vehicle to confirm there was no one else in the vehicle. They used a thermal Imaging camera to check the wooded area by V-2 to confirm there were no other victims in the area. It was confirmed [redacted] was the only victim in V-2.

I spoke to witness [redacted] .He was in the right lane about 6 car lengths behind V-2. He said he saw V-2 stopped at the red light at the intersection of Hiatus Road and Stirling Road. He observed V-1 approach from Westbound Stirling Road and at the last second tried to swerve to avoid striking V-2. [redacted] advised he approached V-2 and tried to help get the driver out of the vehicle that was engulfed in flames. He said the vehicle was to hot and he was pushed back by the heat when he tried to get close to the door.

I asked Officer [redacted] a crime scene officer to begin taking photographs and directed him on specific shots that I needed. He took several roles of film and helped collect evidence.

INVESTIGATION

I asked Public Service Aide ***Neves*** to begin a Tow Slip for V-1 and I began to assist him and noticed some unmarked pills. I then notified Officer Bushing to respond to Memorial Regional Hospital and get a blood draw from [redacted] (see supplement report) I spoke to Officer ***Bushing*** briefly while he was at the hospital and he stated [redacted] seemed " out of it". She couldn't understand and answer simple questions. When Officer Bushing asked for consent for a blood draw [redacted] got very angry and verbally aggressive she then consented to the blood draw and signed a consent form. The blood was then taken to the Medical Examiner's Officer.

I then conducted a cursory survey of the scene and observed the following: I started in the 10900 block of Stirling Road in the westbound lanes. As you walk to the area of the crash you can observe surface marks that indicate the area of impact. There were several skid marks from V-2 and a large skid mark from V-1 that traveled through the intersection approximately 190 to 200 feet to final rest. There was a burn mark that seemed to follow the area of impact and spread larger to the final rest of V-2. I then took evidentiary measurements of the roadway and involved items and vehicle's. A and B towing arrived and took V-1 to their tow yard. I placed a hold on the vehicle.

The Medical Examiner's Office was notified and responded to remove [redacted] from V-2. With the assistance of Cooper City Fire Rescue [redacted] was removed from the vehicle. His wallet was removed from his back pocket and was one of the only things collected from the vehicle that was not damaged. I found [redacted] Florida Driver's license. [redacted] was transported to the Medical Examiner's Office at 2:25 p.m. V-1 was then towed by A and B towing and a hold was placed on it.

At 5:00 [redacted] wife [redacted] was notified of the incident. She was asked for dental records to confirm the identity of [redacted] who was unrecognizable.

At 645 p.m. I arrived with Officer Smith at Memorial Regional Hospital in Hollywood. We met with the driver of V-1 [redacted]. She seemed very disoriented. I asked her what happened and she said she doesn't really remember. Then she said she was westbound on Stirling Road coming from a client's house. She stated she was a home health nurse.

INVESTAGATION

She believed the address of the patient was 813 Northwest Court in Hollywood. She just gave the patient some medications and left. She advised she took a multi-vitamin, Advil, Vicks Nyquil cough medication, Maxide , Depakote, Risperdal and Prozac. [redacted] said she took Risperdal before she went to sleep the night before because she was having problems sleeping. [redacted] eyes were blood-shot and she seemed very in coherent. I told her I would take her statement in the morning.

July 13,1999
I was contacted by Memorial Regional Hospital that ***Janet*** checked herself out of the hospital against doctor's advice.

Sergeant ***Lupo*** and I went to [redacted] house at 113 p.m. [redacted], [redacted] ***husband*** answered the door. [redacted] then came to the door. Her eyes were still blood-shot and watery. She appeared very disoriented. I asked her if she remembered me from the hospital last night and she said "no, you don't look familiar at all". [redacted] told me she did not want to give me a statement at that time and she would call when she was ready.

2:20 p.m. I spoke to traffic engineering and asked them to fax me paperwork showing the traffic signal at Stirling Road and Hiatus Road was functioning properly at the time of the crash.

July 14, 1999
I took a statement from [redacted] who is a 16-year-old male. He advised he was on the corner of Hiatus Road and Stirling Road getting ready to cross the road on foot. He advised the V-2 was in the turn lane to go south on Hiatus Road, stopped at the light. V-2 was traveling Westbound on Stirling Road. He advised V-2 then switched into the straight lane cutting off V-1. Due to all the roadway evidence and other witness statements I was able to discredit [redacted] statement.

Around 1400 I took a statement from [redacted] He advised he was Eastbound in the left straight thru lane of Stirling Road. He advised he was stopped for the traffic light. He observed V-2 facing Westbound also stopped in the straight thru lane. He then observed V-1 Strike V-2 and continue past him to his right and land in the grass area of the southwest corner of the intersection. He observed V-2 on fire.

Investigation

I then took a statement from [redacted] was northbound on Hiatus Road. He advised he observed V-1 strike V-2 from behind and then observed V-2 on fire.

July 15,1999

July 22

Irv Bucek inspected both vehicles. Both vehicles were at 501 S.W. 2 avenue in Fort Lauderdale.

CRASH ANALSIS

The physical evidence shows that the front right bumper of V-1 made contact with the left rear bumper of V-2. This was supported by the post crash examination conducted by Don Felicella of Felicella Engineering and myself. Along with the physical evidence and roadway evidence this put V-2 just east of the intersection in the right straight thru lane. V-1 struck from behind trying to steer left at the left possible second.

Speed of V-1

In determining the speed of V-1 in this case a linear momentum formula was used and the range of speed was determined to be between 63 and 67 mph.

Speed of V-2

At the time of the crash it was determined by witness statements that the vehicle was stopped.

POINT OF PERCEPTION:

The area of the crash site was unobstructed. It was daylight and sunny. The roadways were dry and it had not been raining. The roadway is a two-lane highway and the traffic signal is visible from a distance. The driver of V-1 is familiar with the area and should be familiar with the intersection. The intersection is a mile away from [redacted] residence.

DRUG IMPAIRMENT:

From the results according to the National Medical Services, Inc. it can be stated with reasonable scientific certainty that is the individual showed signs of impairment, and in the absence of another cause for this impairment, then the medications listed on page # 1 (see page # 1 for total list of medications) could be responsible for the impairment. Impairment may be characterized by reduced capabilities for appropriate alertness, judgment, perception, coordination, reaction time and sense and care and caution. These decrements could cause an individual to be impaired to and beyond the point of rendering her unfit to operate a motor vehicle safely.

CONCLUSION:

Based on the above investigation [redacted] was operating V-1 under the influence of several controlled substances to the extent that her normal faculties were impaired . She was traveling Westbound on Stirling Road a road she is familiar with, at 63 to 67 miles per hour. The posted speed limit is 40 miles per hour, which [redacted] admitted to in her taped statement. According to witness Statement [redacted] there was no traffic in front of [redacted] besides V-2, which was sitting by itself at the traffic signal at Stirling Road and Hiatus Road.

It is my opinion based on this investigation that [redacted] had causation in this crash that caused the death of [redacted] and should be charged with the following:

Manslaughter F.S.S 782.07
Vehicular Homicide F.S.S 782.071

☒ COMPLAINT AFFIDAVIT

SHADED FIELDS MUST BE ANSWERED IF DEFENDANT NOT IN CUSTODY

☐ ARREST FOR

BROWARD COUNTY

ARREST #

OBTS #

Filing Agency		Local ID #	FDLE	FBI	SS #
Cooper City/cc					

Defendant's Last Name	First	Middle	SUF	Alias/Street	Citizenship
[redacted]					US

Race	Sex	Hgt	Eyes	Hair	Wgt	Comp	Age	DOB	Birthplace	Scars, marks, TT
W	F	5'1		BLONDE	130	MED	48	[redacted]		

Permanent Address	Local Address	Place of Employment	Length
[redacted] COOPER CITY FL [redacted]	[redacted] Cooper City Fl [redacted]	HOLY CROSS HOSPITAL	UK

Residence Type: ☒(1) City (2) County (3) Florida (4) Out of State

How long defendant in Broward County:	Breathalyser by/CCN	Reading	Place of arrest	Date/time arrested	Arresting officer(s) CCN
10 YRS	BLOOD		not in custody		

Officer injured	Unit	Zone	Beat	Shift	Trans. Unit	PMD	Transporting officer/CCN	Pick-up time: / Time arrived at BSO:	Drug type:
Y☐ N☐						Y☐ N☐			Z

Type: N-N/A A-Amphetamine B-Barbiturate C-Cocaine E-Heroin H-Hallucinogen M-Marijuana O-Opium P-Paraphernalia/ Equipment S-Synthetic U-Unknown Z-Other

Activity: p

Activity: R-NA P-Possess S-Sell B-Buy T-Traffic A-Smuggle D-Deliver E-Use M-Manufacture/ Produce/ Cultivate K-Dispense/ Distribute Z-Other

Indication of: Alcohol influence: Drug influence: Y N U

Defendant's Vehicle Make: ISUZU Type: 4dr Year: 1998 Color: black VIN #: 4S2CK58D6W4335359

Attach Defendant's Photo

Vehicle towed to: A & B TOWING Tag #: J8262H Other identifiers or remarks:

Name of victim(s) (if corporation, exact legal name and state of incorporation):

STATE OF FLORIDA [redacted]

Count #	Offenses Charged	Citation # if Applicable	FS or Capias/Warrant #
1	MANSLAUGHTER		782.07
2	VEHICLE HOMICIDE		782.071

Probable Cause Affidavit

Before me this date personally appeared [redacted] who being first duly sworn depos

and says that on 26 day of JAN (year) 2000 at HIATUS RD/ STIRLING ROAD (crime location) the above nam

defendant committed the above offenses charged and the facts showing probable cause to believe the same are as follows:

On Monday July 12, 1999, at 1046 am the above defendant Janet C Fontana was operating the above vehicle (1998 Isuzu 4-door, Fl Tag J8262H) within the City of Cooper City, County of Broward, State of Florida did then and there unlawfully, by and through her own act or culpable negligence, kill one MICHAEL MAULANO, a human being, by operating her motor vehicle in such a gross and flagrantly negligent manner as to exhibit an utter disregard for the safety of others and following a course of conduct that the defendant , Janet C. Fontana, knew, c reasonably should have known , was likely to cause death or great bodily harm. On count two Janet C Fontana did then and there unlawfully and feloniously operate the above motor vehicle in a reckless manner likely to cause the death of, or great bodily harm to another human being and by so operating the said motor vehicle, said Janet C. Fontana did cause the death of another human being, one Michal Maulano.

To wit: On July 12, 1999 at approximately 1026 am the above defendant was traveling Westbound at the 11000 block of Stirling Road in the inside straight through lane. This section of Stirling Road is primarily residential. The weather this day was clear and dry. There were no

[redacted]

TRAFFIC

OFFICER'S DIVISION

STATE OF FLORIDA COUNTY OF BROWARD

The following instrument was acknowledged before me this 26 day of JAN, (year) 2000, who is personally known to me or who has produced (ID type) known to me as identification and who did (did or did not) take an oath. (IF APPLICABLE)

OFFICIAL NOTARY SEAL
JACQUELINE A REDY
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC764803
MY COMMISSION EXP. AUG. 4 2002

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY

Notary Sgt. / 181

TITLE OR RANK/CCN

SEVENTEENTH JUDICIAL CIRCUIT
BROWARD COUNTY
STATE OF FLORIDA
BSO D8#2 (Revised 6/9[illegible])

FIRST APPEARANCE/ARREST FORM

(SHOULD ADDITIONAL SPACE BE NEEDED, USE THE PROBABLE CAUSE AFFIDAVIT CONTINUATION.)

Distribution
Orig - Court
2nd - State Attorney
3rd - Filing Agency
4th - Arresting Agency

BROWARD COUNTY

☒ COMPLAINT AFFIDAVIT

PROBABLE CAUSE AFFIDAVIT CONTINUATION

☐ ARREST FO

ARREST NO. _____ OBTS NO _____

DEFENDANT'S LAST NAME	FIRST	MIDDLE	SUF	HGT	WGT	RC	SEX	DOB	OFFENSE REPORT	ARRESTING OFFICER (S)/CCN
[redacted]				5'1	130	W	F	[redacted]	99-13656	

NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.) ADDRESS PHONE #

STATE OF FLORIDA/ MICHAEL MAULANO

COUNT NO.	OFFENSES CHARGED	CITATION # IF APPLICABLE	F.S. # OR CAPIAS/WARRANT
	SEE PAGE 1		

Before me this date personally appeared [redacted] who being first duly swo

deposes and says that on 26 day JAN 19 2000 at HIATUS RD / STIRLING RD (crime location) t

above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows:

obstructions in the roadway. [redacted] was familiar with this area of Stirling Road. Her residence is less than one mile away fron the intersection of Stirling Road and Hiatus Road. The posted speed limit is 40 m.p.h. and as [redacted] approached the intersection of Hiatus Road she was determined to have been speeding at a minimum of 63 mph. At the same time, the victim [redacted], was stopped at the red light, at the intersection of Hiatus Road, facing Westbound in the right hand through lane on Stirling Road. [redacted] was driving his 1996 Jeep Cherokee. [redacted] approached the intersection and slammed into th rear end portion of [redacted] vehicle.. The impact sent the Cherokee into the intersection causing the Cherokee to burst into flames. [redacted] was burned to death in the crash. [redacted] vehicle continued to travel approximately 200 fee to f[illegible]l rest.

I was one of the first arriving officers on scene and went directly to [redacted] vehicle. She was laying across the front seat of her vehicle. She was unrestrained. I listened to paramedic Mark Cohen (Broward County EMS) question [redacted] she appeared very disoriented. Her speech was thick and slurred. Her eyes were droopy and she seemed very drowsy. I found a number of different marked and unmarked pills in [redacted] vehicle in a pill box holder. These were placed into property and later sent to the Broward County Medical Examiner's office to be identified. [redacted] was then transported to Memorial East Regional for a minor arm injury. Officer Chris Bushing (ID269) arrived at the hospital to take a blood sample from [redacted]. Officer Bushing advised [redacted] seemed to be " out of it " when he spoke to her.

[redacted] blood samples were analysised by the Broward County Medical Examiner's office and National Medical Service's forensic lab. A number of different Schedule 4 controlled substances were found in her blood. Forensic Toxicologist Wiliam Dunn, with National Medical Services stated in his opinion the type and amount of drugs in FONTANA'S blood could cause her to be "IMPAIRED TO AND BEYOND THE POINT OF RENDERING HER UNFIT TO OPERATE A MOTOR VEHICLE SAFELY".

[redacted] at the time of the crash was a registered home health nurse for Holy Cross Hospital. She should have known the effects of the different drugs she was taking. Printed clearly on one of her presciption bottle's for the drug Lorazepam is the warning: May cause drowsiness, use care when operating a car or dangerous machinery.

I swear the above statement is correct and true to the best of my knowledge and belief

OFFICER/AFFIANT'S SIGNATURE

VALERIE FRAILING/263
OFFICER'S NAME/CCN

TRAFFIC
OFFICER'S DIVISION

STATE OF FLORIDA COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 26 day of JAN 19 00 who is personally known to me or who has produced (ID Type) known as identification and who did (DID OR DID NOT) take an oath

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC OR ASSISTANT STATE ATTORNEY

Notary / 5/1 / 03
TITLE OR RANK/CCN

OFFICIAL NOTARY SEAL
JACOB JOHN SARREY JR STAMP
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC764803
MY COMMISSION EXP. AUG. 4 2002

SEVENTEENTH JUDICIAL CIRCUIT
BROWARD COUNTY
STATE OF FLORIDA
BSJDB.2A (REV 9/91)

FIRST APPEARANCE/ARREST FORM

2nd - State Atty
3rd - Filing Agency
4th - Arresting Agency

WITNESS LIST

Name: [redacted] Statement taken
Address: [redacted], Cooper City, Florida [redacted]
Place of Employment: Walden Books Broward Mall
Phone number: [redacted]
Can testify to: Observed the crash

Name: [redacted] Statement taken
Address: [redacted], Cooper City Florida [redacted]
Place of Employment: unknown
Phone number: [redacted]
Can testify to: observed the crash

Name: [redacted]
Address: [redacted] Cooper City, Florida [redacted]
Phone number: [redacted]
Can testify to: statement was disputed

Name [redacted]
Address: [redacted], Cooper City Florida [redacted]
Place of Employment: self
Phone number: [redacted]
Can testify to: Observed the crash

Name: [redacted]
Address: [redacted] Cooper City Florida [redacted]
Place of employment: Family Christian Association
Phone number: [redacted]
Can testify to : observed the crash

Cooper City Police Department

Traffic Homicide Investigation

Officer Valerie Frailing
Traffic Homicide Investigator

Cooper City Police Department
11610 Stonebridge Parkway
Cooper City, Florida 33026
(954-435-2000)

INVESTIGATIVE REPORT

IDENTIFICATION

The crash occurred on Monday, July 12, 1999, at approximately 1046 a.m. The location of the crash was in the 11250 block of Stirling Road approximately 5 to 10 feet east of Hiatus Road. This is in the City of Cooper City, County of Broward, State of Florida. The crash was a two-vehicle collision. The driver, and only occupant, of Vehicle # 1 (V-1) was injured on the scene and transported by the Broward County Sheriff's air rescue helicopter to Memorial Regional Hospital in Hollywood, Florida. The driver, and only occupant of Vehicle #2 (V-2) expired on the scene.

AMBIANCE

It was daytime at the time of the crash. There were scattered clouds and visibility was approximately 10 square miles. Winds were from the Southeast at 5 knots and the temperature was 86 degrees Fahrenheit. The barometric pressure was at 1019.8. It was not raining at the time of the crash. The roadway was dry.

CRASH LOCATION

Stirling Road is a four lane divided roadway. It has two lanes eastbound and two lanes westbound. The lanes are straight, level and composed of asphalt. They are divided by a raised cement median. The shoulder borders of the roadway and consists of planted grass, dirt, rocks, and trees. The grass appeared to be recently mowed. There is a pedestrian sidewalk on the south side of the roadway. It is separated from the roadway by a grass swale.

INVESTIGATIVE REPORT

TRAFFIC CONTROL

Stirling Road is regulated by a posted speed limit of 40 miles per hour. The speed limit sign is located a half of mile east of the crash site in the westbound lane. There are two additional speed limit signs in the eastbound lanes, one is 173.5 feet from the crash site and the other is 626 feet from the crash site. As you approach the area of the crash site, on Stirling Road, the two westbound lanes are divided by broken painted white lines. The lines are approximately 10 feet in length. The inside lane is 11 feet 10 inches in width. The outside lane is 13 feet 3 inches in width. The left turn lane is 11 feet in length. There is a painted solid white reflective line on the north road edge running parallel to the north shoulder. The westbound and eastbound lanes are divided by a raised cement median that is 3 feet 10 inches in length. There is a painted solid white line approaching the intersection dividing the inside and outside lane that is 99 feet in length.

VEHICLE: V-1

Vehicle # 1 (V-1) is a 1998 Isuzu Rodeo, four doors, sports utility vehicle. The vehicle is black in color. It bears Florida license number [redacted] a 1999 decal number [redacted], and vehicle identification number 4S2CK58D6W4[redacted] It is equipped with power assisted steering. The front seats are equipped with a restraint system that consists of a one-piece active lap and shoulder belt. All four tires were in good condition with normal wear. The vehicle is registered to GE Capital Auto Lease with the lessee information as [redacted] Cooper City, Florida [redacted]

OCCUPANT: V-1 DRIVER

The driver of V-1 is identified as [redacted]. She is described as a 48-year-old white female with a date of birth of March 16, 1951. She resides at [redacted] Cooper City, Florida [redacted] At the time of the crash she had a valid Florida class E drivers license (license number [redacted]). She was first issued a license by the State of Florida on September 11, 1989. Since the date of issue she has received 12 traffic citations. The driver was familiar with the road she was on and the area around it. The present residence of the driver is within 1 mile of the crash location. At the time of the crash, the driver did not have her seat belt on. She was treated for her injuries by Broward County Fire Rescue Emergency Medical Services (Medical 28) and later airlifted to Memorial Regional Hospital in Hollywood, Florida.

VEHICLE TWO

Vehicle # 2 (V-2) is a 1996 Jeep Cherokee, four door, sport utility vehicle. The vehicle is white in color. It bears Florida license tag [redacted], 1999 decal number [redacted], and vehicle identification number 1J4FX58S3TC[redacted]. It was registered to the driver [redacted] who resided at 701 northwest 107 Avenue Plantation, Florida. The vehicle occupant restraint system consists of a one-piece active lap and shoulder belt.

OCCUPANT: V-2 DRIVER

The driver of V-2 was [redacted], a white male who resided at [redacted] Plantation, Florida. At the time of the crash he was 48 years old and held a valid class E driver's license from the State of Florida. He had no prior citations. It is believed that he was utilizing the vehicle's occupant restraint system at the time of the crash, due to the seat belt buckle still being inside the clasp. The driver died on scene due to extensive charring of the body.

INVESTIGATION

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I spoke to witness [redacted] .He was in the right lane about 6 car lengths behind V-2. He said he saw V-2 stopped at the red light at the intersection of Hiatus Road and Stirling Road. He observed V-1 approach from Westbound Stirling Road and at the last second tried to swerve to avoid striking V-2. [redacted] advised he approached V-2 and tried to help get the driver out of the vehicle that was engulfed in flames. He said the vehicle was to hot and he was pushed back by the heat when he tried to get close to the door.

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INVESTIGATION

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The Medical Examiner's Office was notified and responded to remove [redacted] from V-2. With the assistance of Cooper City Fire Rescue [redacted] was removed from the vehicle. His wallet was removed from his back pocket and was one of the only things collected from the vehicle that was not damaged. I found [redacted] Florida Driver's license. [redacted] was transported to the Medical Examiner's Office at 2:25 p.m. V-1 was then towed by A and B towing and a hold was placed on it.

At 5:00 [redacted] wife ***Rhona*** was notified of the incident. She was asked for dental records to confirm the identity of [redacted] who was unrecognizable.

At 645 p.m. I arrived with Officer Smith at Memorial Regional Hospital in Hollywood. We met with the driver of V-1 [redacted] She seemed very disoriented. I asked her what happened and she said she doesn't really remember. Then she said she was westbound on Stirling Road coming from a client's house. She stated she was a home health nurse.

INVESTAGATION

She believed the address of the patient was 813 Northwest Court in Hollywood. She just gave the patient some medications and left. She advised she took a multi-vitamin, Advil, Vicks Nyquil cough medication, Maxide , Depakote, Risperdal and Prozac. [redacted] said she took Risperdal before she went to sleep the night before because she was having problems sleeping. Fontana's eyes were blood-shot and she seemed very in coherent. I told her I would take her statement in the morning.

July 13,1999
I was contacted by Memorial Regional Hospital that [redacted] checked herself out of the hospital against doctor's advice.

Sergeant ***Lupo*** and I went to [redacted] house at 113 p.m. [redacted] ***husband*** answered the door. [redacted] then came to the door. Her eyes were still blood-shot and watery. She appeared very disoriented. I asked her if she remembered me from the hospital last night and she said "no, you don't look familiar at all". Janet told me she did not want to give me a statement at that time and she would call when she was ready.

2:20 p.m. I spoke to traffic engineering and asked them to fax me paperwork showing the traffic signal at Stirling Road and Hiatus Road was functioning properly at the time of the crash.

July 14, 1999
I took a statement from [redacted] who is a 16-year-old male. He advised he was on the corner of Hiatus Road and Stirling Road getting ready to cross the road on foot. He advised the V-2 was in the turn lane to go south on Hiatus Road, stopped at the light. V-2 was traveling Westbound on Stirling Road. He advised V-2 then switched into the straight lane cutting off V-1. Due to all the roadway evidence and other witness statements I was able to discredit [redacted] statement.

Around 1400 I took a statement from [redacted] He advised he was Eastbound in the left straight thru lane of Stirling Road. He advised he was stopped for the traffic light. He observed V-2 facing Westbound also stopped in the straight thru lane. He then observed V-1 Strike V-2 and continue past him to his right and land in the grass area of the southwest corner of the intersection. He observed V-2 on fire.

Investigation

I then took a statement from [redacted] was northbound on Hiatus Road. He advised he observed V-1 strike V-2 from behind and then observed V-2 on fire.

July 15,1999

July 22

Irv Bucek inspected both vehicles. Both vehicles were at 501 S.W. 2 avenue in Fort Lauderdale.

CRASH ANALSIS

The physical evidence shows that the front right bumper of V-1 made contact with the left rear bumper of V-2. This was supported by the post crash examination conducted by Don Felicella of Felicella Engineering and myself. Along with the physical evidence and roadway evidence this put V-2 just east of the intersection in the right straight thru lane. V-1 struck from behind trying to steer left at the left possible second.

Speed of V-1

In determining the speed of V-1 in this case a linear momentum formula was used and the range of speed was determined to be between 63 and 67 mph.

Speed of V-2

At the time of the crash it was determined by witness statements that the vehicle was stopped.

POINT OF PERCEPTION:

The area of the crash site was unobstructed. It was daylight and sunny. The roadways were dry and it had not been raining. The roadway is a two-lane highway and the traffic signal is visible from a distance. The driver of V-1 is familiar with the area and should be familiar with the intersection. The intersection is a mile away from [redacted] residence.

DRUG IMPAIRMENT:

From the results according to the National Medical Services, Inc. it can be stated with reasonable scientific certainty that is the individual showed signs of impairment, and in the absence of another cause for this impairment, then the medications listed on page # 1 (see page # 1 for total list of medications) could be responsible for the impairment. Impairment may be characterized by reduced capabilities for appropriate alertness, judgment, perception, coordination, reaction time and sense and care and caution. These decrements could cause an individual to be impaired to and beyond the point of rendering her unfit to operate a motor vehicle safely.

CONCLUSION:

Based on the above investigation [redacted] was operating V-1 under the influence of several controlled substances to the extent that her normal faculties were impaired . She was traveling Westbound on Stirling Road a road she is familiar with, at 63 to 67 miles per hour. The posted speed limit is 40 miles per hour, which [redacted] admitted to in her taped statement. According to witness Statement [redacted] there was no traffic in front of [redacted] besides V-2, which was sitting by itself at the traffic signal at Stirling Road and Hiatus Road.

It is my opinion based on this investigation that [redacted] had causation in this crash that caused the death of [redacted] and should be charged with the following:

Manslaughter F.S.S 782.07
Vehicular Homicide F.S.S 782.071

☒ COMPLAINT AFFIDAVIT

SHADED FIELDS MUST BE ANSWERED IF DEFENDANT NOT IN CUSTODY

BROWARD COUNTY ☐ ARREST

ARREST # OBTS #

Filing Agency		Local ID #	FDLE	FBI	SS #
Cooper City/cc					

Defendant's Last Name [redacted] First [redacted] Middle [redacted] SUF | Alias/Street | Citizen: US

Race	Sex	Hgt	Eyes	Hair	Wgt	Comp	Age	DOB
W	F	5'1		BLONDE	130	MED	48	[redacted]

Birthplace | Scars, marks, TT

Permanent Address: [redacted] COOPER CITY FL [redacted]

Local Address: [redacted] Cooper City Fl [redacted]

Residence Type: X(1) City (2) County (3) Florida (4) Out of State

Place of Employment: HOLY CROSS HOSPITAL | Length: UK

How long defendant in Broward County:	Breathalyser by/CCN	Reading	Place of arrest	Date/time arrested	Arresting officer(s) CCN
10 YRS	BLOOD		not in custody		

Officer injured	Unit	Zone	Beat	Shift	Trans. Unit	PMD	Transporting officer/CCN	Pick-up time: / Time arrived at BSO:	Drug ty
Y ☐ N ☐						Y ☐ N ☐			Z

Type: N-N/A A-Amphetamine B-Barbiturate C-Cocaine E-Heroin H-Hallucinogen M-Marijuana O-Opium P-Paraphernalia/ Equipment S-Synthetic U-Unknown Z-Other

Activity: p

Activity: R-RA P-Possess S-Sell B-Buy T-Traffic A-Smuggle D-Deliver E-Use M-Manufacture/ Product/ Cultivate K-Dispense/ Distribute Z-Other

Indication of: Alcohol influence: Drug influence:

Defendant's Vehicle Make: ISUZU Type: 4dr Year: 1998 Color: black VIN #: 4S2CK58D6W4335359

Attach Defendant's Photo

Vehicle towed to: A & B TOWING Tag #: J8262H Other identifiers or remarks:

Name of victim(s) (if corporation, exact legal name and state of incorporation):
STATE OF FLORIDA
MICHAEL MAULANO

Count #	Offenses Charged	Citation # if Applicable	FS or Capias/Warran
1	MANSLAUGHTER		782.07
2	VEHICLE HOMICIDE		782.071

Probable Cause Affidavit

Before me this date personally appeared VALERIE FRAILING who being first duly sworn de

and says that on 26 day of JAN (year) 2000 at HIATUS RD/ STIRLING ROAD (crime location) the above r

defendant committed the above offenses charged and the facts showing probable cause to believe the same are as follows:

On Monday July 12, 1999, at 1046 am the above defendant [redacted] was operating the above vehicle (1998 Isuzu 4-door, Fl Tag [redacted]) within the City of Cooper City, County of Broward, State of Florida did then and there unlawfully, by and through her own act or culpable negligence, kill one [redacted] a human being, by operating her motor vehicle in such a gross and flagrantly negligmanner as to exhibit an utter disregard for the safety of others and following a course of conduct that the defendant, [redacted] knev reasonably should have known, was likely to cause death or great bodily harm. On count two [redacted] did then and there unlawfull and feloniously operate the above motor vehicle in a reckless manner likely to cause the death of, or great bodily harm to another human be and by so operating the said motor vehicle, said [redacted] did cause the death of another human being, one [redacted]

To wit: On July 12, 1999 at approximately 1026 am the above defendant was traveling Westbound at the 11000 block of Stirling Road the inside straight through lane. This section of Stirling Road is primarily residential. The weather this day was clear and dry. There were n

I swear the above statement is correct and true to the best of my knowledge and belief.

OFFICER/AFFIANT'S SIGNATURE — VALERIE FRAILING/263 OFFICER'S NAME/CCN — TRAFFIC OFFICER'S DIVISION

STATE OF FLORIDA COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 26 day of JAN, (year) 2000 who is personally known

o me or who has produced (ID type) known to me as identification and who did (did or did not) take an oath.

OFFICIAL NOTARY SEAL
JACQUELYN RICHARDS APPLICABLE
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC764803
MY COMMISSION EXP. AUG. 4 2002

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY — Notary Sgt. / 181 TITLE OR RANK/CCN

SEVENTEENTH JUDICIAL CIRCUIT
BROWARD COUNTY
STATE OF FLORIDA
BSO D#2 (Revised 6/0)

FIRST APPEARANCE/ARREST FORM

(SHOULD ADDITIONAL SPACE BE NEEDED, USE THE PROBABLE CAUSE AFFIDAVIT CONTINUATION.)

Distribution
Orig - Court
2nd - State Attor
3rd - Filing Ager
4th - Arresting Ar

BROWARD COUNTY

ARREST NO. ____________

☒ COMPLAINT AFFIDAVIT

PROBABLE CAUSE AFFIDAVIT CONTINUATION

☐ ARREST F

OBTS NO ____________

DEFENDANT'S LAST NAME FIRST MIDDLE	SUF	HGT	WGT	RC	SEX	DOB	OFFENSE REPORT	ARRESTING OFFICER (S)/CCN
[redacted]		5'1	130	W	F	[redacted]	99-13656	

NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.) STATE OF FLORIDA/ MICHAEL MAULANO

ADDRESS

PHONE #

COUNT NO.	OFFENSES CHARGED	CITATION # IF APPLICABLE	F.S. # OR CAPIAS/WARRA
	SEE PAGE 1		

Before me this date personally appeared VALERIE FRAILING who being first duly s deposes and says that on 26 day JAN 19 2000 at HIATUS RD / STIRLING RD (crime location) above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows:

obstructions in the roadway. [redacted] was familiar with this area of Stirling Road. Her residence is less than one mile away fr the intersection of Stirling Road and Hiatus Road. The posted speed limit is 40 m.p.h. and as [redacted] approached the intersection of Hiatus Road she was determined to have been speeding at a minimum of 63 mph. At the same time, the victim [redacted] [redacted], was stopped at the red light, at the intersection of Hiatus Road, facing Westbound in the right hand through lane on Stirling Road. [redacted] was driving his 1996 Jeep Cherokee. [redacted] approached the intersection and slammed into rear end portion of [redacted] vehicle.. The impact sent the Cherokee into the intersection causing the Cherokee to burst int flames. [redacted] was burned to death in the crash. [redacted] vehicle continued to travel approximately 200 f to f[illegible] rest.

I was one of the first arriving officers on scene and went directly to [redacted] vehicle. She was laying across the fro seat of her vehicle. She was unrestrained. I listened to paramedic Mark Cohen (Broward County EMS) question [redacted] she appeared very disoriented. Her speech was thick and slurred. Her eyes were droopy and she seemed very drowsy. I found a number of different marked and unmarked pills in [redacted] vehicle in a pill box holder. These were placed into property and later sent to the Broward County Medical Examiner's office to be identified. [redacted] was then transported to Memorial East Regional for a minor arm injury. Officer Chris Bushing (ID269) arrived at the hospital to take a blood sample from [redacted]. Officer Bushing advised [redacted] [redacted] seemed to be " out of it " when he spoke to her.

[redacted] blood samples were analysised by the Broward County Medical Examiner's office and National Medical Service's forensic lab. A number of different Schedule 4 controlled substances were found in her blood. Forensic Toxicologist Wiliam Dunn, with National Medical Services stated in his opinion the type and amount of drugs in [redacted] blood could cause her to be "IMPAIRED TO AND BEYOND THE POINT OF RENDERING HER UNFIT TO OPERATE A MOTOR VEHICLE SAFELY".

[redacted] at the time of the crash was a registered home health nurse for Holy Cross Hospital. She should have known the effects of the different drugs she was taking. Printed clearly on one of her presciption bottle's for the drug Lorazepam is the warning: May cause drowsiness, use care when operating a car or dangerous machinery.

I swear the above statement is correct and true to the best of my knowledge and belief

OFFICER/AFFIANT'S SIGNATURE

VALERIE FRAILING/263
OFFICER'S NAME/CCN

TRAFFIC
OFFICER'S DIVISION

STATE OF FLORIDA COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 26 day of JAN 19 00 who is personally known to me or who has produced (ID Type) known as identification and who did (DID OR DID NOT) take an oath

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC OR ASSISTANT STATE ATTORNEY

Notary / Sgt / [illegible]
TITLE OR RANK/CCN

OFFICIAL NOTARY SEAL
JACOB JOHN SARBEY, JR
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC764803
MY COMMISSION EXP. AUG. 4,2002

SEVENTEENTH JUDICIAL CIRCUIT
BROWARD COUNTY
STATE OF FLORIDA
BSO08.2A (REV 9/91)

FIRST APPEARANCE/ARREST FORM

2nd - State Atty
3rd - Filing Agency
4th - Arresting Agen

WITNESS LIST

Name: [redacted] Statement taken
Address: [redacted] Cooper City, Florida [redacted]
Place of Employment: Walden Books Broward Mall
Phone number: [redacted]
Can testify to: Observed the crash

Name: [redacted] Statement taken
Address: [redacted] Cooper City Florida [redacted]
Place of Employment: unknown
Phone number: [redacted]
Can testify to: observed the crash

Name: [redacted]
Address: [redacted], Cooper City, Florida [redacted]
Phone number [redacted]
Can testify to: statement was disputed

Name: [redacted]
Address: [redacted] Cooper City Florida [redacted]
Place of Employment: self
Phone number: [redacted]
Can testify to: Observed the crash

Name: [redacted]
Address: [redacted] Cooper City Florida [redacted]
Place of employment: Family Christian Association
Phone number: [redacted]
Can testify to : observed the crash

FLORIDA TRAFFIC CRASH REPORT

☒ LONG FORM ☐ SHORT 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
07 12 99	10:46 ☒ AM ☐ PM	10:46 ☐ AM ☐ PM	10:46 ☒ AM ☐ PM	9913656	53471680

COUNTY / CITY CODE: 10/30
CITY OR TOWN: Cooper City
COUNTY: ☒ Broward

AT NODE NO / FEET / MILES FROM NODE NO / NEXT NODE NO
NO. OF LANES: 4 — 1 (1 DIVIDED 2 UNDIVIDED)
ON STREET, ROAD OR HIGHWAY: Stirling Rd
AT INTERSECTION OF: Palm Rd (?)

Vehicle 1

DRIVER ACTION (1 Phantom 2 Hit & Run 3 N/A): 3
YEAR: 98 MAKE: ISU TYPE: 03 USE: 01 VEH. LICENSE NUMBER: [illegible] STATE: FL VEHICLE IDENTIFICATION NUMBER: [illegible]
POINT OF IMPACT / AREA OF DAMAGE: 2

TRAILER OR TOWED VEHICLE INFORMATION / TRAILER TYPE

VEHICLE TRAVELING: ☒ W
ON: [redacted]
EST. MPH: UK
Posted Speed: 40
EST. VEHICLE DAMAGE: $ [illegible]
(1 Disabling 2 Functional 3 No Damage): 1

INSURANCE COMPANY (LIABILITY OR PIP): Allstate Ins. Co.
POLICY NUMBER: [redacted]
VEHICLE REMOVED BY: A+B Towing (1 Tow Rotation List 2 Tow Owner's Request 3 Driver 4 Other): 1

OWNER'S FULL NAME: GE Capital Auto Lease — CURRENT ADDRESS: 5071 SW 100 Ave — CITY AND STATE: Cooper City FL — ZIP CODE: 33330

OWNER'S FULL NAME (Trailer or Towed Vehicle) / CURRENT ADDRESS (Number and Street) / CITY AND STATE / ZIP CODE

Pedestrian / Driver

DRIVER (Exactly as on Driver License) / Pedestrian: [redacted]
CURRENT ADDRESS / CITY & STATE / ZIP CODE: Cooper City
DATE OF BIRTH: [redacted]

DRIVER LICENSE NUMBER: [redacted]
STATE: FL DL TYPE: 5 REQ: 3
BAC TEST (1 Blood 2 Breath 3 Urine 4 Refused 5 None): 1
RESULTS: Pending
AL/DRUG: 6 PHYS. DEF.: 1 RES: 1 RACE: 1 SEX: 2 INJ: 4 S. EQUIP: 4 EJECT: 1

HAZARDOUS MATERIALS BEING TRANSPORTED: ☒ 2 No
PLACARDED: ☒ 2 No
RECOMMEND RE-EXAM: ☒ 2 No
DRIVER'S PHONE NO.: [redacted]

PASSENGER'S NAME (Additional on Continuation Page) / CURRENT ADDRESS / CITY & STATE / ZIP / AGE / LOC. / INJ. / S. EQUIP / EJECT

Vehicle 2

DRIVER ACTION: 3
YEAR: 96 MAKE: JEEP TYPE: 03 USE: 01 VEH. LICENSE NUMBER: 034782 (?) STATE: FL VEHICLE IDENTIFICATION NUMBER: 1J4FX58S2[redacted]
POINT OF IMPACT / AREA OF DAMAGE: 8

TRAILER OR TOWED VEHICLE INFORMATION / TRAILER TYPE

VEHICLE TRAVELING: ☒ W
ON: Stirling Rd
EST. MPH: 0
Posted Speed: 40
EST. VEHICLE DAMAGE: $15,000 (?)
(1 Disabling 2 Functional 3 No Damage): 1

INSURANCE COMPANY (LIABILITY OR PIP): State Farm Ins. Co.
POLICY NUMBER: [redacted]
VEHICLE REMOVED BY: A+B Towing: 2

OWNER'S FULL NAME (Check if Driver): ☒

OWNER'S FULL NAME (Trailer or Towed Vehicle) / CURRENT ADDRESS (Number and Street) / CITY AND STATE / ZIP CODE

Pedestrian / Driver

DRIVER: [redacted]
CITY & STATE / ZIP CODE: Pembroke Pines
DATE OF BIRTH: [redacted]

DRIVER LICENSE NUMBER: [redacted]
STATE: FL
BAC TEST: 5
AL/DRUG: 1 PHYS. DEF.: 1 RES: 1 RACE: 1 SEX: 1 INJ: 5 S. EQUIP: 21 EJECT: 1

HAZARDOUS MATERIALS BEING TRANSPORTED: ☒ 2 No
PLACARDED: ☒ 2 No
RECOMMEND RE-EXAM: ☒ 2 No
DRIVER'S PHONE NO.: Not Available

PASSENGER'S NAME (Additional on Continuation Page) / 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 tires); 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 Passengers; 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 NR

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 Seat 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 (1/95) S

Section 3

Vehicle

DRIVER ACTION: 1 Phantom 2 Hit & Run 3 N/A | YEAR | MAKE | TYPE | USE | VEH. LICENSE NUMBER | STATE | VEHICLE IDENTIFICATION NUMBER

POINT OF IMPACT CIRCLE AREA OF DAMAGE

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

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

Pedestrian

DRIVER (Display and go Driver License) / Pedestrian | CURRENT ADDRESS (Number and Street) | CITY & STATE / ZIP CODE | DATE OF BIRTH

DRIVER'S LICENSE NUMBER | STATE | CL | TYPE | END | BAC TEST: 3 Urine 1 Blood 4 Refused 2 Breath 5 None | RESULTS | % | AL / DRUG | PHYS. DEF | RES | RACE | SEX | INJ. | S. EQUIP. | EJE.

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. | EJE.

Property

1. PROPERTY DAMAGED - OTHER THAN VEHICLES | EST. AMOUNT | OWNER'S NAME | ADDRESS | CITY | STATE | ZIP

2. PROPERTY DAMAGED - OTHER THAN VEHICLES | EST. AMOUNT | OWNER'S NAME | ADDRESS | CITY | STATE | ZIP

CONTRIBUTING CAUSES - DRIVER / PED. (1 | 2 | 3)

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)

02 | 01 | | | | | | | |

VEHICLE DEFECT (1 | 2 | 3)

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)

01 | 01 | | | | | | | |

VEHICLE MOVEMENT (1 | 2 | 3)

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)

02 | 02 | | | | | | | |

VEHICLE SPECIAL FUNCTIONS (1 | 2 | 3)

1 None
2 Fire
3 Police Pursuit
4 Recreational
5 Emergency Operation
6 Construction / Maintenance

1 | 1 | | | | | | | |

LOCATION ON ROADWAY (1 | 2 | 3)

1 On Road
2 Not On Road
3 Shoulder
4 Median
5 Turn Lane / Safety Zone

1 | 1 | | | | | | | |

PEDESTRIAN ACTION (1 | 2 | 3)

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

1 Primarily Business
2 Primarily Residential
3 Open Country

2

FIRST / SUBSEQUENT HARMFUL EVENT

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)

F: 01 | S: 34

ROAD SYSTEM IDENTIFIER

01 Interstate
02 U.S.
03 State
04 County
05 Local
06 Turnpike / Toll
07 Forest Road
77 All Other

05

LIGHTING CONDITION

01 Daylight
02 Dusk
03 Dawn
04 Dark (Street Light)
05 Dark (No Street Light)
06 Unknown

01

ROAD SURFACE / CONDITION

01 Dry
02 Wet
03 Slippery
04 Icy
77 All Other (Explain)

01

WEATHER

01 Clear
02 Cloudy
03 Rain
04 Fog
77 All Other (Explain)

01

ROAD SURFACE TYPE

01 Slag / Gravel / Stone
02 Blacktop
03 Brick / Block
04 Concrete
05 Dirt
77 All Other (Explain)

02

CONTRIBUTING CAUSES - ROAD

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)

01

CONTRIBUTING CAUSES - ENVIRONMENT

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)

01

TRAFFIC CONTROL

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)

03

SITE LOCATION

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)

0

TRAFFICWAY CHARACTER

1 Straight-Level
2 Straight-Upgrade / Downgrade
3 Curve-Level
4 Curve-Upgrade / Downgrade

01

TYPE SHOULDER

1 Paved
2 Unpaved
3 Curb

2

VIOLATION	STATUTE NUMBER	NAME	CHARGE	CITATION #
		Investigating Officer		

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	TIME EMS ARRIVED	COUNTY / CITY CODE	DATE OF CRASH	INVEST. AGENCY REPORT NUMBER	HSMV CRASH REPORT NUMBER
	10:46 AM ☒ PM ☐	10:48 AM ☒ PM ☐	10/30	7-12-99	9913656	534716880

NARRATIVE / ADDITIONAL PASSENGERS

Vehicle 1 was traveling westbound on Stirling Rd approaching the intersection of Hiatus Rd in the inside through lane. Vehicle 2 was stopped on Stirling Rd at the intersection of Hiatus Rd facing westbound in the inside thru lane.

Vehicle 1's right front collided with Vehicle 2's rear end causing Vehicle 2 to catch on fire. The driver of Vehicle 1 was transported to Memorial Hospital Regional by Broward County Rescue Helicopter. The driver of Vehicle 2 was pronounced dead at the scene.

See traffic homicide report for further information.

SEC. #	PASS. #	PASSENGER NAME	ADDRESS	CITY & STATE	ZIP	Age	Loc.	Inj.	Safety Equip.	Ejec.

VIOLATOR #	FL STATUTE NUMBER	NAME	CHARGE	CITATION #

WITNESS NAME 1: See Ofc. V. Frolings supplemental Crash report — ADDRESS — CITY & STATE — ZIP

WITNESS NAME 2: — ADDRESS — CITY & STATE — ZIP

FIRST AID GIVEN BY - NAME: Cooper City Fire-Rescue — 1 Physician or Nurse 2 Paramedic or EMT 3 Police Officer 4 Certified 1st Aider 5 Other [2]

INJURED TAKEN TO: Memorial / East

BY - NAME: Broward County Rescue

WAS INVESTIGATION MADE AT SCENE?	IS INVESTIGATION COMPLETE?	DATE OF REPORT	PHOTOS TAKEN?
1 YES ☐ 2 NO ☐ WHERE?	1 YES ☐ 2 NO ☒ WHY? T.H.I.	07/13/99	1 YES ☐ 2 NO ☐ 3 INVEST AGENCY ☒ 4 OTHER ☐

INVESTIGATOR - NAME & SIGNATURE: [signature] — ID / BADGE NUMBER: 283 — DEPARTMENT: Cooper City PD — FHP ☐ SO ☐ CPD ☒ OTHER ☐

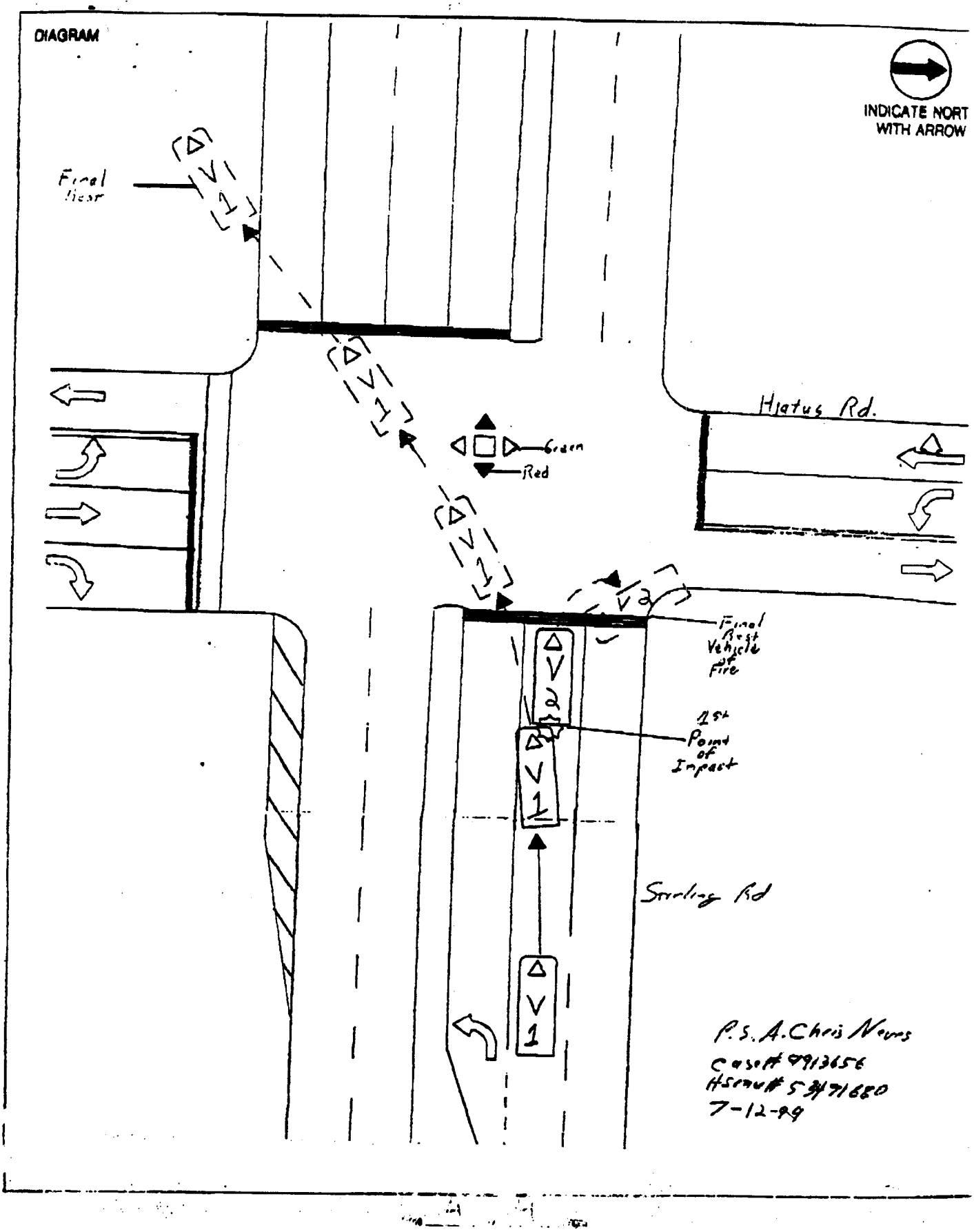


DIAGRAM
INDICATE NORT WITH ARROW
Final Rest
V 1
Green
Red
Hiatus Rd.
V 2
Final Rest Vehicle at Fire
1st Point of Impact
Stirling Rd
P.S.A. Chris News
Case# 9913656
HSMV# 53471680
7-12-99

NARRATIVE CONTINUATION

Agency ORI Number	Agency Name	1. Offense 2. Arrest	Juvenile	1. Original 2. Supplement
FL 0 5 1 0 0 0	COOPER CITY POLICE DEPARTMENT	Agency Report Number		
Original Date Reported	Case Reference	9 9 1 3 6 5 6		
0 7 1 2 9 9	Traffic Crash			

On Monday July 12,1999 at 1046 hours while traveling eastbound in the 11300 block of Stonebridge Parkway while in my personal vehicle I noticed a large amount of black smoke in the air and it appeared to be coming from the area of Stirling Road and Hiatus Road. Upon seeing the smoke I traveled through the Farm Stores parking lot, which is located at 11345 Stirling Road, and out onto Stirling Road. There I could see the origin of the black smoke. It was a sports utility vehicle that was engulfed in flames on the northeast corner of the intersection with it's front end facing in a southwest direction. I also noticed a black Isuzu Rodeo on the swale in the southwest corner of the intersection with heavy front end damage. I advised via my issued police radio of the crash and requested that Rescue, the Fire Department, and additional police units respond to the scene.

I parked my personal vehicle in the swale on the southside of Stirling Road and exited to see if I could assist any victims on scene. Upon running toward the vehicle on fire two white males were attempting to get close to the vehicle to get a victim out. The two males were later identified as [redacted]. I asked Mr. [redacted] if there was anyone trapped in the vehicle to which he responded that there was at least one victim in the burning vehicle. I advised via my police radio, that there was a victim trapped in the vehicle and I needed assistance. Mr [redacted] who was attempting to get the victim out of the burning car, had a metal baseball bat in his hand and said that he was going to attempt to break the drivers side front window. The window had very dark tint on it and the entire interior of the vehicle was filled with very thick smoke and flames. I could not see or hear any occupants in the vehicle. As Mr. [redacted] and I approached the vehicle we were both pushed back by the intense heat and flames from the vehicle. He then said that he was going to attempt to throw the bat at the window and break it. He threw the bat but it was thrown too high and flew over the roof of the vehicle. I ran around the passenger side of the vehicle and picked up the bat and proceeded to run toward the drivers side. It had been approximately thirty to forty-five seconds since I had been on scene. I asked Mr. [redacted] how long the fire had been going to which he advised approximately one minute. I turned around and saw Fire Chief Lello pull up on scene so I informed him that someone was trapped inside the burning. Chief Lello then exited his vehicle and began surveying the scene. Due to the amount of time that the car had been burning and due to the intense heat and flames a rescue of the victim was not possible.

I told Mr. [redacted] and a crowd of witnesses and on-lookers to step far back from the burning vehicle for their safety. I was unaware if the vehicle was going to explode so I went into the intersection and attempted to stop traffic and move all vehicle's away from the burning vehicle so that no bystanders would get injured. Upon getting traffic stopped

Report Contains						Related Report Number(s)
Author(s) Reporting		ID. Number(s)	Unit	Date		
P.S.A. Chris Neves		283	20-Z-2	7-15-99		
Approved (If Applicable)	ID. Number	Routed To	Returned To	Assigned To	By	Date
	209					8/2/99

NARRATIVE CONTINUATION

Agency ORI Number	Agency Name	Agency Report Number
FL0061000	COOPER CITY POLICE DEPARTMENT	99136656
Original Date Reported: 071299	Case Reference: Traffic Crash	

and all bystanders away from the vehicle I began to attend to the black Isuzu Rodeo. Upon getting up to the Rodeo Sergeant Vitale with the Davie Police Department was on scene and was running toward the Rodeo. We got to the vehicle at the same time and looked inside, noticed that there was a white female laying across the drivers seat and front passenger seat. I opened the drivers side front door and saw the female and sole occupant of the vehicle laying with her feet on the drivers seat and her head on the front passenger seat. I ran over to the passenger's side front door and opened it. The driver of the vehicle, who was identified as [redacted] by an identification tag on her shirt, was breathing and appeared to me to be unconscious. I was talking to Mrs. [redacted] in an attempt to wake her. I looked up and noticed that a Broward County Fire-Rescue Unit had arrived so I summoned their assistance. I looked down at Mrs. [redacted] who had her eyes half opened but all I could see was the whites of her eyes. I asked her if she was alone in the vehicle and she responded that she was. The paramedic treated Mrs. [redacted] I assisted the paramedic in bringing his supplies to the vehicle and assisted him in taking Mrs. [redacted] from the vehicle and putting her on the stretcher.

Ofc. Valerie Frailing #263 was on scene and was assisting with Mrs. [redacted] in the Rodeo. Mrs. [redacted] was airlifted by Broward County Fire Rescue Helicopter to Memorial Hospital Regional for treatment shortly after being removed from the vehicle. By the time that Mrs. [redacted] was out of the vehicle the Cooper City Fire Department was on scene and had extinguished the fire in the vehicle. Once the vehicle fire was out a victim was found in the vehicle in the drivers seat. I assisted Ofc. Frailing in obtaining witness names and in processing the crash scene. See her report for further details on the crash.

Officer Reporting: P.S.A. Chris Neves — ID Number(s): 283 — Unit: 20-Z-2 — Date: 7-15-99

Supervisor Approving: ID Number: 209 — Date: 8/3/99

NARRATIVE CONTINUATION

COOPER CITY POLICE DEPARTMENT

Agency ORI Number: FL0061000

Agency Report Number: 9913656

Date: 07/12/99

Accident Investigation

On 07/12/99 at approximately 1043 hours, I responded to Hiatus Road and Stirling Road in reference to a traffic crash. Upon arrival I was instructed to close off the Eastbound traffic lane at the 11400 block of Stirling Road. At approximately 1130 hours, accident victim, Janet Fontana was air lifted to Memorial Regional Hospital. At approximately 1230 hours, I was instructed by SGT. Saredy to respond to the hospital and attempt to get [redacted] to consent for a blood draw. I responded to Memorial Regional Hospital and met with Fontana. I asked if she would consent to a blood draw. She agreed and signed a consent card. At 1331 hours, RN K.C. Pidgeon conducted the firs of two blood draws. At 1356 hours, the second blood draw was conducted by Pidgeon. Fontana signed a property receipt. I transported the blood samples to the Medical Examiners Office for analysis. I hand delivered the sample to Gene DeTuscan at 1448 hours. Lab # T1233-99 was assigned to the samples.

Report Contains

Related Report Numbers

Officer(s) Reporting	ID. Number(s)	Unit	Date
C. BUSHING	269	20 B 4	07/12/99

Officer Reviewing (If Applicable)	ID. Number	Routed To	Referred To	Assigned To	By	Date
S. Saredy	131	4A	DB			

Case Status | Clearance Type 1. Arrest 2. Exception 3. Unfounded | A-Adult J-Juvenile | Date Cleared | Arrest Number | Number Arrested 1

Exceptional Clearance: 1. Arrest on Primary Offense Secondary Offense Without Prosecution | 3. Death of Offender 4. V/W Refused to Cooperate | 5. Prosecution Declined 6. Juvenile / No Custody | OBTS Number | Page 1

COOPER CITY POLICE DEPARTMENT

STATEMENT

Agency Case Number: 9913656
Offense: Traffic Accident
Affiant: [redacted]
Interviewer: Officer Valarie Frailing

The following will be a taped recorded statement regarding case number 9913656 in reference to a traffic crash which occurred at the address of Hiatus Road and Stirling Road in Cooper City, Broward county, state of Florida, on the date of 07/12, 1999. This statement is being taken from Stuart Starr at Walden Books at Broward Mall. This statement is being taken by Officer Frailing, my ID is 263 on 07/14, 1999. It is 1400 at this time.

Q Mr. [redacted] do you understand that I am a police officer for Cooper City Police Department?

A Yes, I do.

Q As a law enforcement officer for the Cooper City Police Department I am empowered to take a sworn statement from you. Would you please raise your right hand. Let the record reflect that the witness has his right hand raised. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth in this statement you are about to give?

A Yes, I do.

Q Would you please state your full name and spell it for me.

A [redacted]

Q And what's your date of birth?

A [redacted]

Q And your address?

A [redacted] Cooper City, Florida [redacted]

Q And what's your telephone number?

A Area code [redacted]

Q And you're employed here at Walden Books?

A Yes, I am.

Q And where'd you go to school?

A Uh, North Miami Beach Senior High and then Miami Dade Community.

Q Okay. So you can read and write the English language?

A Yes.

Q Okay. Okay. I'm here today to talk about the crash that happened um on Monday um at Hiatus Road and Stirling Road. Are you familiar with that?

A Yes, I am.

Q Okay. What road were you traveling on?

A I was heading eastbound on Stirling Road.

Q Okay and tell me what happened.

A I had gotten up to the light, I was in the left most lane I was next to, right before the turning lane.

Q Okay, so you were in the left straight through lane eastbound on Stirling Road?

A That's correct.

Q Okay.

A Uh, the light had changed red, I was at a full stop with my son, sitting in the back seat and was looking forward. Um, my peripheral vision on my left caught a white recreational vehicle, for lack of a specific car...

Q Okay.

A um, parked at the, at the light on the left hand side, heading westbound.

Q Okay.

A The car was at a complete stop. I heard a screech of brakes and saw a darker vehicle strike it in the rear causing the white car, the white RV to fishtail out into the intersection.

Q Okay.

A As it fishtailed out into the intersection there was like a half moon um circle on the ground of flame.

Q Okay.

A At that point the darker vehicle that struck it into the rear had somewhat, when it hit kind of backed up off it and then started into the intersection towards myself and my car.

Q Okay.

A By then the light had changed and I just kind of eased around it as it went past me to my right hand side. I parked on the um east side of the intersection on Stirling um, didn't look at the other vehicle that had passed me by uh, was concerned about the white car that was starting to smolder. Flames had caught onto the car uh, I had gotten out of my car um, I couldn't leave my car in all honesty because I had a three year old child in the back seat um, from my car I shut the door, dialed 911 uh, they informed me that the call had been answered, they were dispatching somebody um, the, another individual in front of me also pulled over um and uh, it come past me and pulled in front of me onto the right hand shoulder of Stirling um, that individual proceeded to get out and get into traffic um, I was trying to flag down whatever trucks were coming by to see if they had an extinguisher. Um, two people on the north side of the road um, a gentleman I'd say he was in his thirties or younger uh, tried for the white car uh, the white RV and put his hand on the car and flew back in pain I guess it was too hot at that point, you could start to see the flames coming from the rear of the vehicle.

Q In, inside the car, the flames were inside?

A You couldn't see anything inside the car cause the windows were dark and closed.

Q Wait a minute, when you say you see the flames did, did it look like the whole back of the car was done on fire or...

A It looked like the back of the car was starting to burn. There was, there was flames almost, almost coming from the ground where I told you that half moon had formed..

Q Uh huh

A toward, onto the car itself. I couldn't tell if the inside of the car was burning at that point, um because to be perfectly honest once the flames caught the tires everything started, became black smoke.

Q Okay.

A So whatever rubber was there on the car I, I would assume uh started to burn first.

Q Okay.

A Um, at that point uh, another fellow across the street on the north hand side of the road uh pulled over, a younger kid, maybe between eighteen and twenty five uh, a young guy without a shirt got out of his car with a baseball and tried to throw it towards the window to break out the windows on the back of the car.

Q Uh huh

A I mean nobody could unfortunetly get within nine yards of that car. It was just way too hot. Uh, again the flames started to become more visible um, I couldn't tell if there were flames coming from the inside. The northern side of the vehicle seemed to bellowing a lot of black smoke. Um, then I heard two mini explosions uh, either tires bursting or, or whatever it could be, I couldn't swear to it...

Q Right.

A uh, there were just two explosions. I merely got into my car um, drove up about another ten yards forward onto the right hand side shoulder again because my son was there. Uh, while I was driving around to move my car up, a community seryice aide got out of his car um, and ran towards the vehicle and he was telling everybody to step back. Um, and then within I'd say another minute or two um, the fire and the ambulances pulled up and uh, a lot more officers came to the scene and we were all told to move, move beyond that point.

Q Okay. Um, you remember what the weather conditions were that day was there...

A Perfect.

Q Okay.

A One of the few perfect days.

Q It wasn't raining at all?

A No.

Q Um, could you see anybody in either car, was it only drivers or did you see if there's any passengers?

A I couldn't see anybody at all.

Q And you were, were there any obstructions between how, how you saw the white car from where you were sitting originally when the light was red?

A No.

Q And you're positive, one hundred percent positive, that you were stopped at a red light?

A Yes.

Q And that the white car was stopped at a red light.

A Yes.

Q Or at least that the white car was stopped...

A There was no motion on that car.

Q Okay. And you're one hundred percent positive that he was in that straight lane, he wasn't in the turn lane, he was in the straight lane to go west.

A Yes, yes.

Q Do you remember, do you remember um seeing the black car come up like if you had to estimate a speed do you remember how fast it was coming, if you had to estimate?

A I, I, in my opinion looking straight ahead and seeing this catching the peripherial side of my vision it looked like somewhere within about um five yards of hitting that white car it was like a human response to oh, damn and looked up. I mean, I'm thinking for somebody who I don't even know or never even seen and I don't even know male or female...

Q Right.

A I don't know who was driving the car to this day.

Q Right.

A Um, but it looked almost, being in a position like that and driving on the road and whatever, it looked like this person may have been temporary distracted, all of sudden slammed on the brakes and realized they're gonna hit somebody.

Q Okay.

A I, I know judging from the way it, it hit the white car and sprung back it seemed the damage that was coming towards me um, I can guarantee you um, wasn't at an idle.

Q Okay. Okay, is there anything else that we didn't talk about that you want to add to this statement that you think is important that we didn't cover?

A No.

Q Okay. This concludes the statement. It's ten after two.

I have read the foregoing statement consisting of FIVE pages and having found it to be the truth, I do hereby affix my signature to this FIFTH and last page.

_____

AFFIANT

State of Florida-County of Broward
Sworn to and subscribed before me this _____day of_____, 19_____. by_____who is personally known to me or who has produced _____ as proof of identification.

_____

Notary Public/Police Officer **CCN**

COOPER CITY POLICE DEPARTMENT

STATEMENT

Agency Case Number:	**9913656**
Offense:	**Traffic Accident**
Affiant:	[redacted]
Interviewer:	**Officer Valarie Frailing**

The following will be a taped recorded statement regarding case number 9913656 for the offense of a traffic crash which occurred at the address of Hiatus Road and Stirling Road on July 12, 1999. This statement is being taken from [redacted] at the Cooper City Police Department at 1820 on July 14th by Officer Frailing, my ID is 263.

Q Mr. [redacted], do you understand that I'm a police officer for Cooper City Police Department?

A Yes.

Q And as a law enforcement officer for the Cooper City Police Department I'm empowered to take a sworn statement from you. Would you please raise your right hand. Let the record reflect that the witness has his right hand raised. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth uh for this statement you are about to give?

A Yes.

Q You can put your hand down (sound of laughter) Would you please state your full name and spell it.

A Uh, [redacted].

Q And what is your date of birth and place of birth?

A Uh [redacted] and Minneola, New York.

Q Okay. And what is your home address and telephone number?

A [redacted], Cooper City, Florida, my number is [redacted]

Q And where are you employed?

A Inaudible

Q And where did you go to school last?

A Inaudible

Q How far did you attend

A Um, I graduated.

Q Okay um, so you read and write the English language?

A Yes.

Q Fine, okay. Okay. You're here today to talk about traffic crash that happened on Monday um July 12th. Do you remember that?

A Uh huh (meaning yes)

Q Do you remember about what time it was?

A It was about ten fifteen maybe, in the morning (inaudible)

Q Okay. Do you remember how the weather was outside?

A Yeah, it was sunny, clear.

Q Okay. Um, is this statement being given of your own free will?

A Yes.

Q Okay um and did you have any alcohol or drugs today?

A No.

Q Okay, and you slept okay last night, you've had enough sleep?

A Yeah.

Q You feel comfortable?

A Yeah.

Q Okay. Okay um, go ahead and tell me what you remember.

A Well I was driving down Hiatus (inaudible) northbound uh from I guess uh, I came out the front of um or the side exit of Embassy Lakes. I was driving down approaching Stirling Road and I was about fifteen, twenty feet I guess short of Stirling Road on Hiatus and I saw two cars collide when being a Jeep Cherokee which immediately exploded into flames. Um, there was a gentleman from behind coming westbound on Stirling that jumped out of his car with a plan, that he ran up tried to open the car door on the Jeep Cherokee, could not open it and I remember him screaming, how hot it was and ran back to his car, I believe he took his shirt off and started wrapping it around his hand, I think he was, he was going to attempt to go back in there and try and get the person out of the car. I tried to um just look around ask if anybody had a fire extinguisher, and nobody did and the car just um, sat there in flames and,

and burned. I remember hearing a (inaudible) few loud shots, two like bangs, sounded almost like gun shots that went off and um and that was it. The police came and then the uh fire engine came about a few minutes after that put the flames out.

Q Okay. Which direction was the Jeep Cherokee facing?

A It was facing um after the fact?

Q No prior, prior to.

A Prior it was facing um westbound.

Q Okay and do you recall whether the traffic light was red or green?

A I couldn't see the traffic light from my angle.

Q Okay. Um and could you see what lane he was he?

A I couldn't really tell I mean (inaudible) to the light.

Q Okay, did he look like he uh, was he the only car there, do you remember if there was any vehicles to the right or to the left of him?

A Um, I don't recall.

Q Okay. Do you remember if traffic was uh going eastbound or if any traffic was going north or southbound on Hiatus at the light?

A Um, almost looked like that was the only car there and it looked like it was, it was either at a stop or coming to a stop.

Q Okay.

A From what I recall.

Q And then you, you actually did see the impact?

A I saw the impact.

Q Okay and from your angle you saw another car hit the Jeep Cherokee from behind?

A Uh huh (meaning yes)

Q And at that point once they hit and the Jeep was on fire did that keep your attention there, were you focused on that car or did you...

A I focused on that car. I wanted to uh, I wanted to try and get that other driver. The car and like I said the uh, there was a kid, or I don't know how old he was maybe like twenty five or so, came running up, running out from the west side of uh Stirling, west of um Hiatus, it looks

like from behind uh the Cherokee and the, ran up to the car and tried to open the front door, could not get the door open.

Q Did you look over at the other car at any point in time after um...

A Not until uh after the police had arrived. I saw that the other car was sitting over on the grass, it was on the south, or the, or the west side of the, by the Rock Creek uh, landscape there (inaudible)

Q Okay. And when you looked over there is there anything that you recall, did you see you know, did you see a driver, did you see a passenger?

A I just saw the car (inaudible) was really kinda focused on the car that was burning.

Q Did you hear anybody say anything to anybody about anybody being in the Jeep Cherokee or...

A The gentleman that tried to get the person out of the Jeep Cherokee said that um, he saw the person who was driving the vehicle try to undo the, he was trying to undo the seat belt.

Q And that's all he said?

A Yeah, he was trying to get the seat belt undone.

Q He didn't say anything about whether he did get it off or he didn't get it off or...

A Didn't, I don't remember him saying anything of that. (inaudible) trying to get the seat belt off.

Q Were there um obstructions in the roadway um, (inaudible) observing the crash?

A No.

Q And you were looking right, right at the car when you saw the other car come up from behind.

A Uh huh (meaning yes)

Q Okay, is there anything else that and you think is relevant or that I didn't ask you?

A No.

Q Have I or any other member of the Cooper City Police Department or any other official agency in any way attempted to coerce or promise you anything for giving us this statement?

A No.

Q Okay and if it became necessary for you to testify in a court of law as to the content of your statement, would you do so?

A Yes.

Q Has everything you told me been the best, been the truth to the best of your knowledge and recollection?

A Yes.

Q Okay, thank you Mr. [redacted]. The time is now 6:30.

I have read the foregoing statement consisting of FIVE pages and having found it to be the truth, I do hereby affix my signature to this FIFTH and last page.

_____

AFFIANT

State of Florida-County of Broward
Sworn to and subscribed before me this _____day
of_____, 19_____.
by_____who
is personally known to me or who has produced
_____
as proof of identification.

_____

Notary Public/Police Officer CCN

COOPER CITY POLICE DEPARTMENT

STATEMENT

Agency Case Number:	9913656
Offense:	Traffic Accident
Affiant:	[redacted]
Interviewer:	Officer Valarie Frailing

The following is a taped recorded statement regarding case number 9913656 the offense of a traffic crash which occurred at Hiatus Road and Stirling Road on 07/12, 1999. This statement's being taken from [redacted] say your last name...

A [redacted]

Q at Cooper City Police Department at 11:50 on 07/14, 1999. It's being taken by Valarie Frailing, my ID is 263. Uh, Officer, correction, Detective Hewlett and [redacted] mother are present. Uh, do you understand that I am a police officer for the Cooper City Police Department?

A Yeah.

Q As a law enforcement officer for Cooper City I am empowered to take a sworn taped statement from you. Would you raise your right hand please. Let the record reflect that the witness has his right hand raised. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth in this statement you are about to give?

A Yeah.

Q Would you please state your full name and spell your first name, and spell your name.

A [redacted]

Q What's your, spell your last name.

A [redacted]

Q What's your date of birth?

A [redacted]

Q And where were you born?

A Florida.

Q What's your home address?

A [redacted]

Q And your telephone number?

A [redacted]

Q Are you employed at all?

A No.

Q Where do you go to school?

A Davie Academy.

Q And how far along are you there, in school, eighth grade, six, seven, eight?

A Ninth grade.

Q Ninth. Where um, do you read the English language?

A Yeah.

Q Okay. We're here to talk about the crash that happened on, the other day on uh, Stirling and Hiatus. Do you recall that?

A Yeah.

Q Do you remember what time is was?

A Around eleven thirty.

Q And, what were you doing?

A Walking to my friends house.

Q Okay, and you were walking from where?

A Embassy Lakes.

Q Okay.

A I was crossing Hiatus Road.

Q Okay, and which direction of travel were you?

A West.

Q Okay, what did you see next?

A When I was crossing the road I looked both ways and I saw the car that got hit, a white Grand Cherokee uh, sitting in the turn lane. Then when I looked over to see for other cars, right, and if traffic was coming, when I was crossing the road I heard a, I heard a loud explosion, and I looked the other way and I saw a car in the middle of the street on fire.

Q Okay, so you saw a White Jeep Cherokee, you said in the turn lane. In which direction was he facing?

A West.

Q And were there any cars next to him?

A No.

Q So he was the only car at the intersection of Hiatus Road and Stirling Road?

A No, there was other cars there, there were other cars on the other side of Stirling Road.

Q Okay, westbound he was the only car?

A Uh huh (meaning yes)

Q And do you recall what color the traffic light was?

A No.

Q You don't know if it was a red or green light?

A I don't recall.

Q You don't recall. Okay. Do you know how many lanes Stirling Road is?

A Uh huh (meaning yes)

Q How many?

A Three.

Q And are they straight lanes or turn lanes, would like...

A One turn lane, and two through ones.

Q Two straight lanes?

A Two straight lanes, one turn.

Q Okay, and you said you never actually saw the cars collide?

A Uh huh

Q Is that yes or no?

A Yes.

Q Yes you did see them, or yes you did not see them?

A I didn't see them.

Q Okay, so the last thing you remember is that you were crossing Hiatus and you heard what sounded like a crash?

A Sounded like an explosion. I heard tires screeching and boom.

Q But you never actually saw who hit who?

A No. But I know the Rodeo hit the Cherokee.

Q Okay. How do you know that?

A Because the back of the Cherokee smashed in the front of the Rodeo, it was smashed in.

Q Okay, you said that when you were crossing the road that you were attempted to cross the road do you remember uh, which, where other cars were coming? Um, eastbound or maybe cars were going straight on Hiatus.

A No, the intersection was clear, totally clear.

Q Okay so...

A There's no cars actually go straight or turning.

Q Eastbound or westbound?

A Once it actually happened cars...

Q No, I'm talking about before, before the accident, when you, when you got to that intersection, as you were getting ready to travel across Hiatus and you were getting ready to walk across Hiatus were there other cars?

A No. There's no cars at all in the intersection.

Q Okay. What about going eastbound?

A Uh, once the accident happened...

Q No, before the accident happened were there any cars going eastbound?

A No.

Q No. And were any cars going north across Hiatus? So there was no other cars in the whole area except for this Jeep Cherokee?

A Uh huh, there were all sitting at the lights except for the one. Except for the cars coming from this direction. There's no cars here and there's cars here. And once the accident happened cars started coming this way and that's when I ran out in the middle of the street.

Q So you're saying everyone was stopped eastbound at a red light and everybody was stopped westbound at a, at a red light?

A I don't know for sure about westbound. I looked that way and I saw cars sitting this here...

Q They were stopped at a red light?

A Uh huh (meaning yes)

Q And were there cars over on Hiatus Road?

A No.

Q There were no cars there? Okay, so when you got to the intersection did you just walk straight across or did you...

A Waited about twenty seconds.

Q Why would you wait twenty seconds if there was no cars?

A Cause there's, there's cars about to go.

Q Okay, how, how would you know if they were ready to go?

A Cause it said don't walk.

Q Okay, but you decided to walk anyway.

A Uh huh (meaning yes)

Q So when you started to walk...

A I started pressing the button on the pole, never changed and I thought I could walk across the street, there's no cars here, there's no cars coming other directions but the whole intersection was clear.

Q Okay. Going back to where the Jeep Cherokee was how far, how far do you think it is from where you standing to where the Jeep Cherokee was if you had to measure in feet.

A About twenty feet.

Q About twenty feet?

A Fifteen, twenty feet.

Q Well, do you think that it's possible that, that Jeep was not in that turn lane?

A Yes, of course it's possible. When the accident occurred when it happened?

Q No, I was asking do you think it's possible that the Jeep wasn't, wasn't actually in the turn lane when you looked over and saw it.

A No, I saw it in the turn lane.

Q And you're one hundred percent positive, there's no doubt in your mind, even if I told you that other people told you that it was in the straight line.

A I saw it in the turn lane.

Q Did you see how many people were in the car?

A Mmmm, in the black Iszuzu Rodeo that's it. (Inaudible)

Q Okay, who did you see in the. the Rodeo?

A A lady.

Q What did she look like?

A (Inaudible)

Q What else?

A That's it.

Q Do you know how old she was about?

A Maybe thirty.

Q Was she wearing her seat belt?

A I didn't see it, couldn't tell if she was wearing it.

Q Did you talk to her at all?

A No.

Q But when you looked over at the Jeep Cherokee um, before you crossed the roadway did you see um, who was in there?

A No.

Q What were the weather conditions like?

A Nice sunny day.

Q Do you know what the speed limit is on Hiatus?

A Forty five.

Q Do you know what it is on Stirling?

A Forty five, something like that.

Q Do you remember if there's any um, there's a street sign or you know, where you were standing like maybe by a, when you said you were pushing the button to cross the roadway...

A Uh huh

Q do you remember which way you were standing like where standing, which

A I was standing west.

Q Okay.

A Facing west.

Q Do you remember which side the post is on, were you standing on the left side of it or the right side of it?

A Left side.

Q On the left side. What about in the median here, do you remember if there's anything in the median like signs...

A Uh huh

Q on, on the median strip? That could maybe obstruct your view at all from seeing anything?

A No.

Q Do you have anything else you want to add Jeff?

A No, just came to see if I could help out.

Q Okay. This concludes the statement. It's twelve o'clock.

I have read the foregoing statement consisting of EIGHT pages and having found it to be the truth, I do hereby affix my signature to this EIGHTH and last page.

_____

AFFIANT

State of Florida-County of Broward
Sworn to and subscribed before me this _____day
of_____, 19_____.
by_____who
is personally known to me . or who has produced
_____
as proof of identification.

_____

Notary Public/Police Officer CCN

COOPER CITY POLICE DEPARTMENT

STATEMENT

Agency Case Number:	9913656
Offense:	Traffic Accident
Affiant:	[redacted]
Interviewer:	Officer Valarie Frailing

The following will be a taped recorded statement regarding case number 9913656 for the offense of a traffic crash which occurred at the address of Stirling Road and Hiatus Road on July 12, 1999 at 10:46 am. This statements being taken from [redacted]?

A [redacted]

Q [redacted] I knew I wouldn't say that right at 1603 hours on 0713/99. Uh, this statement is being taken by Valarie Frailing, my ID is 263. And this statement is being taken at 5215 SW 116 Avenue, in Cooper City, Broward county, Florida. Do you mind if I call you Frank or Mr.....

A That's fine, [redacted].

Q [redacted] do you understand that I am a police officer for Cooper City Police Department?

A Yes.

Q As a law enforcement officer um I am empowered to take a sworn taped statement from you. Would you raise your right hand please. Let the record reflect uh, that [redacted] has his right hand raised. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth in this statement you are about to give?

A Yes, I do.

Q Would you, you can put your hand down, thank you. Would you please state your full name and spell your name for me.

A [redacted]

Q And what is your date of birth?

A [redacted]

Q And where were you born?

A In New York, New York.

Q And what's your home address?

A [redacted] Cooper City.

Q Okay, and where are you employed?

A I am self employed.

Q Where did you go to school and how far did you attend?

A I went to Catholic grade school, public high school, two years of college with a paramedic degree.

Q Okay, and do you read and write the English language?

A Yes.

Q Okay and have you taken any medications today?

A No.

Q Have you used any alcohol or drugs today?

A No.

Q When was the last time um, that you slept?

A Last night.

Q Do you remember what time you sent to sleep?

A Ten o'clock.

Q Okay and what time did you get up today?

A Seven.

Q And is this statement being taken of your own free will?

A Yes.

Q Have I made any threats in order uh, for you to give me this statement?

A No.

Q Okay. You know I'm here to discuss the traffic crash that happened yesterday um, on July 12, 1999 um, can you tell me where the crash occurred?

A At Stirling Road and Hiatus westbound on Stirling.

Q Okay, and you were just a witness to the crash or were you in any of the cars or...

A No, I was just a, a witness.

Q Okay and were you driving your own vehicle?

A I was driving my own pick up truck.

Q Okay, and what year is that truck?

A It's 1995, 5 Ford 150.

Q What color is it?

A Green.

Q And it's registered to you?

A Yes.

Q Okay, do you know how many vehicles were involved in the crash?

A Two, two....

Q Okay, I'm sorry go ahead.

A No, that was fine. It was two that I noticed.

Q Can you describe um, the vehicles?

A Yeah, sitting at the red light was a white late model, looked like a cheap, a Jeep uh Larado or Cherokee type vehicle.

Q Okay, and the other car.

A And uh, approaching behind it westbound also, in the same lane, was a relatively same car, late model, black in color, (sound of throat clearing) Jeep or some type of Suburban or four, four wheeler, not four wheel drive though, Blazer type truck....

Q Okay.

A similar to the one that was parked at the red light, just different in color.

Q Okay, when you say parked do you mean just stopped or...

A Stopped at the red light.

Q Okay. Um, and you were traveling where?

A I was traveling westbound in the right hand lane.

Q Okay, the right hand through lane or...

A The right hand through lane.

Q Okay, and in reference to the vehicle that was stopped, the Jeep Cher, we call Jeep Cherokee and we'll the other um vehicle, um an Iszuzu Rodeo.

A Okay.

Q Um, in reference to the Jeep where were you?

A I was approaching uh.....

Q A car length behind you think or...

A I was, no I was approximately five to six car lengths behind, slowing down for the red light.

Q Okay, do you remember if there was traffic in front of you?

A There was no cars in front of me and the Jeep Cherokee was the only car at the red light.

Q Okay. Do you remember what um, the weather conditions were like?

A Hot, dry uh about eleven, eleven o'clock in the morning.

Q Okay. Um, and what direction of travel were you traveling?

A Westbound.

Q Do you remember um, if the roads were wet or dry?

A The roads were dry.

Q Are you familiar with the speed limit on Stirling Road?

A Yes.

Q What it is?

A It's forty to forty five, it, it varies.

Q Okay. Did you have any passengers in your car?

A My dog.

Q Your dog.

A I don't know if he counts as a passenger but he was with me.

Q Okay, we won't count him.

A Okay.

Q Um, so, we'll, we'll go on to the crash now. Tell me what you saw.

A Well, I was slowing down for the red light and as I was slowing down for the red light a, the black Jeep, uh [redacted]well Iszuzu um was approaching the red light in front of me. I seen him in front of me. I was six car lengths back, he was approaching the red light. Right about the speed limit, I'd say forty five to fiftyish when it looked to me like at the last second he realized there was a car stopped in front of him and he hit the brakes long enough for it to make a skid mark for a second at the most and then it hit the back of the white Jeep Cherokee that was sitting at the light and instantly the back of the Cherokee went up in, in fire. And the the Cherokee spun around and came to a stop. As I was rolling up to the light I stopped my truck right there in the lane and got and ran up to the Cherokee that was fire and I seen someone that was inside and couldn't tell if it was male or female at the time, I just seen that whoever was inside the car was, had their seatbelt on, I planned on opening the door, I wanted to know if the seatbelt was on so if I had to take the seatbelt off to get this person out. Well, just as I was walking up I can see that the, the driver was leaning over either to undo his seatbelt or to assist me in trying to open the door. What I don't know because as I was walking up I seen that the seatbelt was on and before I could see if it was male or female driving, the whole truck was full of black smoke. So I, I tried to open the door and it moved like very little an inch if that, barely any, and then a rush of hot air pushed me back and, and knocked me to the ground, so I, I went to my truck and got a softball bat out of my truck and another guy had pulled up that I guess he was a witness or was driving by and seen what was going on and he got out and he said, give me the bat, give me the bat. And I gave him the bat and went around to the other side, the passenger side of the car, to try and hit the window but that there were was, the, the heat was so intense, we couldn't, we couldn't get near the car and I don't know how much time went by, it seemed like alot of time went by but I know it was just a matter of minutes and there was one like yet, loud yell it was a help or aahhh and then that was it.

Q Okay. Could you see anyone else in the car?

A No.

Q Did you see the other car at all?

A No, as a matter of fact I was so amazed at the fire and what this truck that was on fire that I don't even know where the black Iszuzu ended up.

Q Okay.

A Until after things had settled down and then I, I'd seen where it, it had ended up. But my focus was on the car that was on fire and the person inside it.

Q And when you out, you could see his, that the seatbelt was on?

A The seatbelt was definitely on cause I checked that because that was what was what I was gonna have to, second obstacle if I was able to get the door open, the seatbelt I knew, I

wanted to know he had it on cause I couldn't see, it was filling up with black smoke and wanted to know if I had to get him free from the seatbelt or just grab whoever it was. And the seatbelt was on and like I said I definitely seen him reaching towards the left side lower whether is was to try to open the door or to try to undo the seatbelt I don't if it was those ones when you open the door it goes eeeechng and got to manually do that, I don't know I but seen the cross strap on, and that was the last thing I seen and the whole thing filled up with black smoke and like I said I tried to move the door and I don't know if was locked or just didn't open. But it moved just a ever so little bit.

Q Do you remember where there any obstructions in the roadway um, that would prohibit you from actually seeing the crash or did you actually...

A No, I seen...

Q you saw the whole impact.

A I seen everything. I seen the impact, the instant ignition of that car going up in flames and the car spinning, spinning around and then coming to a stop actually in my lane in front of me.

Q And when you say it instantly went up in flames, did the whole, the whole Jeep went up in flames immediately?

A The whole back end inside the car and outside the car was on fire and when it came to a stop (sound of phone ringing) it was like the back seat and the back of the car, it was a four door car, and it was like the back seat and the whole back hatch was on fire and that's where the main fire was and it was pumping this black smoke into the front part where the passenger and driver compartment was. But the flames were intense because I even looked if this door wouldn't open I wanted to go in that second door in the back, and the flames were so intense that is was the drivers door or nothing and it wouldn't open.

Q [redacted], have I or any other member of the Cooper City Police Department or any other official agency in any way attempted to coerce or promise you anything for giving this statement?

A No.

Q And you're making this statement of your own free will?

A Yes.

Q If it became necessary for you to testify in a court of law as to the content of your statement would you do so?

A Sure.

Q Has everything you told me been the truth to the best of your knowledge and recollection?

A Yes it has.

Q And is there anything you wish to add to this statement at this time? Anything that I didn't ask you or that you feel is relevant?

A The only way I, I can't put myself in anybody's shoes of drivers or anything I can only explain that the black that was approaching the light realized that there was a car dead stopped in front of him but realized it when the car was less than a car length in front. It was so close that when they finally noticed there was a car there like I said if they, if they hit the brakes it was for literally a second. I did hear, I did hear a screech so it had, so they did hit the brakes but it was, they looked up and, and no time or whatever they did they, they reacted at such a late time that it was that the estimate of speed of the speed limit probably on the road forty five miles an hour you know it hit.

Q Do you, do you remember seeing, you know was there one person in, in the second vehicle, the black?

A No, I don't know why I paid no recollection and of the black car. I was so concerned of the white car that I didn't even think to check how the poor driver of that car was only because this flaming fire was in front of me and my natural reactions were to try and and rescue was what in front of me. I didn't even pay attention to where that black car ended up. But I definitely watched it long enough to see it was approaching the light and there was going to be an accident, I knew there was, there was no getting out of it. I seen the car, the Jeep approaching the back end of that car that was at the red light and they just reacted like they looked up when the truck was right there, and just in time, just enough time to put the foot on the brake but not even to, to slow, slow down. It was like erckkkkk, instantaneous. And the flames were instantaneous, it wasn't like it skidded on the road and went up. As soon as contact was made it was on fire, the back of the car was on fire.

Q Okay. This concludes the statement of [redacted] say your last name...

A [redacted]

Q I'm not going to say it right.

A That's okay.

Q Okay um, at 1615 on July 13, 1999. Thank you.

I have read the foregoing statement consisting of EIGHT pages and having found it to be the truth, I do hereby affix my signature to this EIGHTH and last page.

_____

AFFIANT

State of Florida-County of Broward
Sworn to and subscribed before me this _____day
of_____, 19_____.
by_____who
is personally known to me or who has produced
_____
as proof of identification.

_____

Notary Public/Police Officer CCN

Cooper City Police Department
Statement

Statement Taken From:	[redacted]
Statement Taken By:	**Detective Andrew Smith**
Case Number:	**9913656**
Date of Statement:	**July 12, 1999**

The following will be a tape recorded statement regarding Case number 9913656 which occurred at the intersection of Hiatus Road & Stirling Road on the date of July 12,.1999. This statement is being taken from [redacted] at 1745 Hours on July 12, 1999. This statement is being taken by Detective Andrew Smith at Cooper City Police Department.

Q. Do you understand that I am a police officer for the Cooper City Police Department, Cooper City, Florida County of Broward?

A. Yes I do.

Q. You could speak up, please for the tape.

A. OK.

Q. As a law enforcement officer for the Cooper City Police Department, I am empowered to take a sworn statement from you. Would you please raise your right hand? Let the record reflect that the witness has his right hand raised. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth in this statement you are about to give?

A. I do.

Q. Lower your hand. Would you please state your full name and spell your last name?

A. [redacted]

Q. What is your date of birth and your place of birth?

A. [redacted], place of birth Miami, Florida.

Q. What is your home address and telephone number?

A. [redacted] Cooper City, phone number is [redacted].

Q. Where are you employed?

A. In Miami, for an organization called The Family Christian Association of America.

Q. Where did you go to school and what was the last grade you attended?

A. I have a Masters Degree in Public Administration, I went to Florida University for my undergraduate degree and what is now, I think it is now called St. Thomas for my Graduate Degree.

Q. Can you read and write the English language?

A. Yes.

Q. Bringing your attention back to 1046 this morning at the intersection of Hiatus Road and Stirling Road in Cooper City, you had the occasion to observe an accident. Can you tell me in your own words what you saw and what happened?

A. Yeah, I was traveling westbound on Stirling approaching the intersection of Hiatus & Stirling, not quite there, driving behind another vehicle, kind of glancing out of my eye, my peripheral vision, checking out the construction of the Christ of the Rock Church and upon looking ahead and realizing that the light was red, kind of breaks slowed down a little bit, looked back forward and saw a black vehicle, which I later learned was a Rodeo strike a white vehicle which I understand was a Cherokee and turned around and observed the white vehicle go up in flame immediately upon impact. The black vehicle swerved off to the left and ended up underneath the sign that the Rock Creek Subdivision identification marker. And observed the gentleman in front of me attempt to go to the white vehicle in flames to try and possibly assist the passenger or passengers in the vehicle without success. Because of the intense heat of the flame, I approached the vehicle as well with the intent of providing some assistance in that regard but realizing well that, that was in vane because the heat was too intense. Came back, stood next to or just in front of the vehicle in front of me, kind of watching the flames go. Went back to my vehicle with the intent of getting my cell phone to call 911, the same as the other individual in front of me. And just about that time observed another white pick up come in in front of us with a gentleman jumping out of his vehicle attempting to render assistance to the vehicle that was enflamed but without success.

Q. OK, which lane were you traveling in?

A. I was in the inside lane, being the lane on the north side of Stirling.

Q. OK, that will be, we will consider that to be the outside lane on Stirling Road and you said you were going westbound?

A. I am heading westbound.

Q. What lane was the white vehicle in?

A. The vehicle that burned was in the middle lane which would be the speed lane, the passing lane, whatever it is called.

Q. And that would be the through lane to go through the ....

A. That is the through lane to go through the intersection, right.

Q. And did you see what lane the black Rodeo was in?

A. Ugh, it had to be in the same lane, and when I saw the impact, it was right underneath the light at the intersection and the hit was from behind and it spinned around so they had to be almost in the same lane.

Q. Do you recall from when impact occurred, how long it took before the fire to start in the vehicle?

A. The fire started immediately upon impact. Um, which was surprising because as soon as that vehicle struck it and spun it around, the fire just started immediately. The flame just erupted.

Q. And the vehicle that we are talking about that was on fire was the white ...

A. That was the white vehicle.

Q. Just prior to impact, did you see any break lights on the black vehicle?

A. I did not.

Q. Did you happen to notice the black vehicle pass you as you were traveling westbound on Stirling?

A. If it did, I did not observe it because as I indicated, part of my peripheral vision was looking at the church. My head wasn't turned in that direction but I was looking peripherally at the construction. I did not see the truck come pass me, if it did, it must not have been going at that much of a speed except that upon impact it was obvious that by virtue of the impact of the two vehicles that that vehicle was traveling at a very high rate of speed.

Q. Can you estimate, I know you didn't see the black vehicle that long, but can you estimate the speed prior to impact how fast it was going?

A. Ugh, just based upon impact by watching all these things on TV regarding....

Q. If you can...

A. I would say, certainly above 45 maybe even 50 but certainly above 45 because I was traveling maybe around 35 or so as I was breaking, so he had to be going at least 45, 50.

Q. Did you happen to notice the black vehicle further east on Stirling as you were traveling westbound. Did you notice it at any time at any lights or anything like that?

A. I did not pay any attention to it, there were several vehicles in front of me, one of which turned off into the Amoco Station and several that turned, a couple I think that turned into Embassy Road, going back into the Embassy development there, but I didn't pay any attention to the black vehicle in particular. I really wouldn't have any reason to do that, I was just was paying any attention at all, that much.

Q. Did you notice any distractions that the driver of the black vehicle may have seen. In other words, did you notice any child walking down the street or anything that might have distracted the driver of the black vehicle?

A. There was nothing that I observed that would have distracted anybody in either lane. There wasn't that much traffic on the road. There were no children or other pedestrians walking that I could see, nothing happening on the other side of Stirling, there weren't any cars coming Eastbound that might have distracted anybody, certainly not me. No I didn't see anything like that.

Q. What would your estimate be of the traffic flow at the time. Light, medium, heavy, moderate?

A. Very light

Q. And you have traveled on Stirling Road before?

A. Oh very often, it is usually my ride home.

Q. You live in the area?

A. I live in Cooper City, yes.

Q. So you would know if the traffic was extremely heavy or more than average on any given day?

A. There have been times especially with the construction going on and even on Stirling between; I think, Palm and Hiatus there has been on occasion barriers on the right hand side, the road that would have kind of steered you away from that lane but the road was clear, there was nothing going on. I have traveled that road long enough to know the difference between light traffic, heavy traffic and traffic was really light that time of morning. I guess most people were at work, it wasn't near the lunch hour so there weren't a lot of cars on the road for that. It was really light.

Q. What were the weather conditions?

A. Very sunny and bright.

Q. Was the roadway wet at all?

A. No, no

Q. Had it rained earlier in the day that you are aware of?

A. Ugh, no. I left my house at 7:30 to take my grandson to day care, went to my mom's house, did some work there, talked to my dad, came immediately back home, it didn't rain at all.

Q What condition were you in, what was your, did you sleep the night before?

A. Very soundly.

Q. You have good eyesight, I see you are wearing glasses, it is correctable?

A. I suffer from glaucoma but it is correctable, yes.

Q. You had no difficulty seeing this accident?

A. None whatsoever, I have been advised by my optomolotrist to wear sunglasses and I had on sunglasses, blublockers.

Q. Did you see the color of the light at the time to collision occurred?

A. The light was on red for those of us who were traveling westbound, the light was red.

Q. Approximately how long did it take for the first emergency vehicles to arrive on scene?

A. Ugh, not counting the Public Service Aide?

Q. Including.

A. The first person on the scene was the Public Service Officer and who must have gotten there maybe four or five minutes, or what appeared to be four or five minutes, that is very hard to tell given the circumstances but he in fact was the first person on the scene and I say that because he arrived as we were still gesturing with an attempt to try to get to the vehicle. He arrived at the time when the other young man was still trying to get close enough to see if he could render assistance. So that had to be within three to four minutes, three to five minutes, something like that. But he was the first person on the scene.

Q. And for the first fire truck, how long did it take?

A. The first fire truck must have come two minutes, three minutes after the arrival of the Public Service person, so it had to be after five or six minutes.

Q. Is there anything else you can add to your description of this accident and how it occurred?

A. That is pretty much it, just a real tragedy. A sense of helplessness, just standing there watching the vehicle burn.

Q. Approximately how many passerby's stopped to try to render aid and assistance?

A. Surprisingly enough, when I stopped my vehicle directly behind the other person, nobody traveling westbound came pass me with the exception of the gentleman who was driving the white pickup who eventually got out of his vehicle to, everybody else behind me stopped because you could see the car in flames and I think everybody was kind of in a cautious mode and they stayed back, nobody came pass me. I really wasn't focused on the other side on the south side of Stirling, so I really can't say if there were cars going pass there. I don't think so, I think they stopped as well, but I really wasn't focused over there. I know that no one passed me except for that while vehicle which eventually swerved in front of us and tried to get to the aid of the person in the white car that was burning.

Q. So can you estimate approximately how many people were out on the scene attempting to render aid or assistance?

A. Just three, myself, the person who was driving the vehicle in front of me and the other person who eventually came up later on.

Q. And the other people who stopped their vehicles didn't exit their vehicles or attempted to render assistance?

A. They exited, they didn't attempt to render assistance, they didn't come any where near the accident itself. But as we were walking back to my car, as I am walking back, I am looking eastbound on Stirling and there are people out of their vehicles but they are almost at the corner which is that first intersection, I don't know what street that is, before you get to (inaudible).

Q. Did you recognize any of the passerby's or vehicles or any possible witnesses that we can contact to give us statements into this traffic crash?

A. The persons who stayed, who I think you all have the names of, are the only persons who were close enough to see what happened from those of us who were traveling westbound like I said. I didn't pay any attention to anybody that may have been coming northbound off of Hiatus or coming eastbound on Stirling. I really did not, I don't think that there were many cars that passed by there because of the flames that were coming out of the vehicle, I think people were kind of cautious but I really didn't pay that much of attention to it. But there were only three people, myself and the other two gentlemen who names I think you have that were close to that scene.

Q. Just prior to impact up until after the impact and collision occurred, did you have a clear and unobstructed view of both vehicles, the black Rodeo and the White Jeep?

A. It was clear, unobstructed, the vehicle in front of me was just slightly larger than mine but certainly did not prohibit me from looking at, from where I was, I had a clear view of the impact the collision, the spin around and the flames. It definitely was not obstructed at all.

Q. Have I or any other member of the Cooper City Police Department or any other official agency in any way attempted to coheres or promise you anything for giving this statement?

A. No.

Q. Are you making this statement of your own free will?

A. Yes.

Q. If it becomes necessary for you to testify in a court of law the content of your statement, would you do so?

A. Yes.

Q. Has everything you have told me been the truth to the best of your knowledge and recollection?

A. Yes.

Q. Is there anything you wish to add to your statement at this time?

A. Nothing else.

OK, this will conclude the statement of [redacted] The time now is 1700 Hours on July 12, 1999. And I have to make a clarification, on our start time it was not 1745 it was 1645 Hours.

The statement is now ended

I have read the foregoing statement taken by Detective Smith consisting of nine pages and having found it to be the truth, I do hereby affix my signature to this ninth and last page.

_____
Affiant

_____
Date

State of Florida - County of Broward
Sworn to and subscribed before me this ____day of _____, 1999.
by _____who is personally known to me or who has produced _____ as proof of identification.

_____
Notary Public/Police Officer CCN

A & B TOWING SERVICE

2313 S.W. 59TH AVENUE • HOLLYWOOD, FL 33023 — 24 HRS

(954) 963-3225

ACCT: C.C.P.D. — P.O.#

MEMBER #		TIME AM/PM	DATE 7.12.99
AUTH #		YEAR 96	COLOR Beige
BREAKDOWN VEH.	Jeep GRAND Cherokee	MILEAGE	LOADED
VEHICLE I.D. NO.	1J4FX5853T[redacted]	LICENCE NUMBER	NO TAG
BREAKDOWN LOC:	[redacted]		
FINAL DESTINATION	A+B Towing Hwd.		
TOW TRUCK # 20	DRIVER [redacted]	REQUESTED BY	C.C.P.D.

ENDING MILEAGE: / BEGINNING MILEAGE: / TOTAL MILEAGE:

- [x] FLAT BED/RAMP
- [ ] START
- [ ] LOCK OUT
- [x] KEYS yes
- [ ] SLING/HOIST TOW
- [ ] WHEEL LIFT
- [ ] INS
- [ ] HOLD
- [ ] FLAT TIRE
- [ ] OUT OF GAS
- [ ] OST

OWNERS NAME — PHONE #

CREDIT CARD # — EXP. DATE — APPROVAL NO.

# TOW.-VEHS.: 2	# MEN: 2		# RECOVERY HRS: 1
TOWING	63 60		
MILES @		SUB TOTAL ▶	153.60
ROAD SERVICE		STOR 10@15.90	159.00
RECOVERY →	90.00	MISC file	-0-
LABOR → 1hr.		MISC	
WAITING TIME		PAID OUT/SUBLET	
REMOVE DR LINE		TOTAL	
2ND TOW		TAX	9.54
SUB TOTAL		GRAND TOTAL ▶	322.14

2nd DESTINATION — Paid check ck # 1017

SPECIAL COMMENTS — HOLD

2h Released to Giani Invest

[redacted]

A & B TOWING SERVICE

2313 S.W. 59TH AVENUE • HOLLYWOOD, FL 33023 — 24 HRS

(954) 963-3225

ACCT: C.C.P.D. — P.O.#

MEMBER #		TIME AM/PM	DATE 7-12-99
AUTH #		YEAR 98	COLOR Black
BREAKDOWN VEH.	Isuzu Rodeo	MILEAGE	LOADED
VEHICLE I.D. NO.	4S2CK58D6W4[redacted]	LICENCE NUMBER	[redacted]
BREAKDOWN LOC:	[redacted]		
FINAL DESTINATION			
TOW TRUCK # 15	DRIVER [redacted]	REQUESTED BY	

ENDING MILEAGE: / BEGINNING MILEAGE: / TOTAL MILEAGE:

- [ ] FLAT BED/RAMP
- [ ] START
- [ ] LOCK OUT #5
- [ ] KEYS
- [ ] SLING/HOIST TOW
- [ ] WHEEL LIFT
- [ ] INS
- [x] HOLD Hold
- [ ] FLAT TIRE
- [ ] OUT OF GAS
- [ ] OST

OWNERS NAME — PHONE #

CREDIT CARD # — EXP. DATE — APPROVAL NO.

# TOW.-VEHS.: 2	# MEN: 2		# RECOVERY HRS: 1
TOWING	63 60		
MILES @		SUB TOTAL ▶	153.60
ROAD SERVICE		STOR 10@15.90	159.60
RECOVERY	90.00	MISC file	-0
LABOR → 1hr		MISC	
WAITING TIME		PAID OUT/SUBLET	
REMOVE DR LINE		TOTAL	
2ND TOW		TAX	9.54
SUB TOTAL		GRAND TOTAL ▶	322.14

2nd DESTINATION — Paid Check #1017

SPECIAL COMMENTS — HOLD

Released ~~to Giani Investigations~~ 7/21

[redacted]

PE10-031-Chrysler-000788

COOPER CITY POLICE DEPARTMENT

VEHICLE STORAGE RECEIPT

BROWARD COUNTY, FLORIDA

OTHER DEPT. CASE NO.

CASE NO. 99-13657

YEAR	MAKE	MODEL	COLOR	BODY TYPE	TAG NO.	YR.	STATE	DECAL NO.	YR.
96	JEEP	GRND CHEROKEE LHT		4DR	D14 78E	96	FL		

LOCATION VEHICLE TOWED FROM: STIRLING / HIATUS

VEHICLE IDENTIFICATION NUMBER: 1J4FX58S3TC [redacted]

NAME AND ADDRESS OF GARAGE TAKEN TO: [redacted]

REGISTERED OWNER (NAME AND ADDRESS): [redacted] PLANTATION FL [redacted]

DATE AND TIME TOWED: 7-12-99 3:00 PM

REASON: CRASH

OPERATOR: [illegible] MALDEN

INCARCERATED ☐ YES ☑ NO

NAME: ADDRESS PHONE

HOLD FOR: (INDIVIDUAL AUTHORIZING HOLD): OFC FRAILING

INDIVIDUAL REQUESTING PROCESS:

DATE AND TIME CONTACTED

REASON FOR HOLD: FHP

VEHICLE TO BE PROCESSED BY: (BUREAU/SECTION/UNIT)

JOINT PROPERTY INVENTORY TAKEN BY OFFICERS AND TOW DRIVER (CHECK APPROPRIATE ITEMS)

RADIO ☐	SPARE TIRE ☐	FOG LIGHTS ☐	AIR CONDITIONER ☐	KEY IN IGNITION	YES	NO
TAPE DECK ☐	HUB CAPS ☐	MAG WHEELS ☐	_____ ☐	TRUNK LOCKED	YES	NO
MIRRORS ☐	_____ ☐	HEATER ☐	_____ ☐	REGISTRATION PAPERS	YES	NO

MISCELLANEOUS PROPERTY IN VEHICLE (TOOLS, CLOTHES, ETC.)

PROPERTY RECEIPT YES NO (CIRCLE)

(ENTER NUMBER OF ITEMS VISIBLY DAMAGED AND/OR MISSING)

MESSAGE CENTER INFORMATION

OPERATOR

TIME

NCIC RESULTS:

FCIC RESULTS:

STANDARD PARTS:	MISSING	DAMAGED		MISSING	DAMAGED		MISSING	DAMAGED
WHEELS			TRANSMISSION			ENGINE		
HEATER			HOOD			REAR END		
LIGHTS			DOOR(S)			WINDOW(S)		
GENERATOR			SEAT(S)			FENDER(S)		
BATTERY			TIRE(S)			OTHER		

SIGNATURE OF OWNER AND/OR DRIVER IF RELEASED AT SCENE

WE, THE UNDERSIGNED OFFICER(S) AND TOW TRUCK DRIVER, HEREBY CERTIFY THAT THE ABOVE LISTED JOINT PROPERTY INVENTORY IS CORRECT TO THE BEST OF OUR KNOWLEDGE.

Signature: _____ TOW TRUCK DRIVER

TIME DATE RELEASED TO (ENTER NAME)

DRIVER LICENSE NO.

_____ 221 IMPOUNDING OFFICER(S)

BADGE NO.(S) DEPT. DISTRICT

GENERAL INSTRUCTIONS TO GARAGES AND VEHICLE OWNERS

1. Vehicles without HOLD ORDERS become the responsibility of the garage at time of tow-in and may be released without POLICE Department authorization.
2. Vehicles with HOLD ORDERS must have written authorization from the POLICE Department. Release may be authorized by:

(INVESTIGATING UNIT) Telephone

3. Documents required for release are:
   a. Valid Driver's License and
   b. Vehicle Title or
   c. Current Registration or
   d. Other proof of right to possession.
4. Release will be facilitated by presentation of this Vehicle Storage Receipt.

BOAT INFORMATION

YEAR	MAKE	REGISTRATION NO	SIZE

SERIAL NO. COLOR

80PD07

THE VEHICLE STORAGE RECEIPT
PROPERTY AND EVIDENCE BUREAU

eye drops

Dunkin Donuts - coffee - [crossed out] -

COOPER CITY POLICE DEPARTMENT | **VEHICLE STORAGE RECEIPT** | **BROWARD COUNTY, FLORIDA**

OTHER DEPT. CASE NO.

CASE NO. 9913656

YEAR	MAKE	MODEL	COLOR	BODY TYPE	TAG NO.	YR.	STATE	DECAL NO.	YR.
93	Isuzu	Rodeo	Bk	Truck	J8262H	99	FL	08050345	99

LOCATION VEHICLE TOWED FROM: Hiatus + Sterling

VEHICLE IDENTIFICATION NUMBER: 4S2CK58D6W4 [redacted]

NAME AND ADDRESS OF GARAGE TAKEN TO: A+B Towing

[redacted] Same as Driver

DATE AND TIME TOWED: 7-13-99 / 1130

REASON: T.H.I. Investigation

OPERATOR: [redacted] NAME:

INCARCERATED ☐ YES ☒ NO

ADDRESS: Cooper City FL [redacted]

HOLD FOR: (INDIVIDUAL AUTHORIZING HOLD) Ofc. V. Frailing

INDIVIDUAL REQUESTING PROCESS:

DATE AND TIME CONTACTED

REASON FOR HOLD: T.H.I. Investigation

VEHICLE TO BE PROCESSED BY: (BUREAU/SECTION/UNIT) Traffic

JOINT PROPERTY INVENTORY TAKEN BY OFFICERS AND TOW DRIVER (CHECK APPROPRIATE ITEMS)

RADIO	☒	SPARE TIRE	☒	FOG LIGHTS	☐	AIR CONDITIONER	☒	KEY IN IGNITION	(YES) NO
TAPE DECK	☒	HUB CAPS	☐	MAG WHEELS	☒		☐	TRUNK LOCKED	YES (NO)
MIRRORS	☒		☐	HEATER	☒		☐	REGISTRATION PAPERS	YES (NO)

MISCELLANEOUS PROPERTY IN VEHICLE (TOOLS, CLOTHES, ETC.)
Misc. Papers. 1 yellow bag w/ towel
1 Umbrella, 1 Box of Rubber Gloves, 1 pair
white shoes

PROPERTY RECEIPT YES NO (CIRCLE)

MESSAGE CENTER INFORMATION

OPERATOR

TIME

NCIC RESULTS:

FCIC RESULTS:

(ENTER NUMBER OF ITEMS VISIBLY DAMAGED AND/OR MISSING)

STANDARD PARTS:	MISSING	DAMAGED		MISSING	DAMAGED		MISSING	DAMAGED
WHEELS		X	TRANSMISSION		X	ENGINE		X
HEATER			HOOD		X	REAR END		
LIGHTS		X	DOOR(S)		X	WINDOW(S)		X
GENERATOR			SEAT(S)			FENDER(S)		X
BATTERY			TIRE(S)			OTHER		

SIGNATURE OF OWNER AND/OR DRIVER IF RELEASED AT SCENE

WE, THE UNDERSIGNED OFFICER(S) AND TOW TRUCK DRIVER, HEREBY CERTIFY THAT THE ABOVE LISTED JOINT PROPERTY INVENTORY IS CORRECT TO THE BEST OF OUR KNOWLEDGE.

Signature Kevin Bailey
TOW TRUCK DRIVER

[signature]
IMPOUNDING OFFICER(S)

BADGE NO.(S) 583 | Cooper City P.D. DEPT. DISTRICT

TIME DATE RELEASED TO (ENTER NAME)
DRIVER LICENSE NO.

GENERAL INSTRUCTIONS TO GARAGES AND VEHICLE OWNERS

1. Vehicles without HOLD ORDERS become the responsibility of the garage at time of tow-in and may be released without POLICE Department authorization.
2. Vehicles with HOLD ORDERS must have written authorization from the POLICE Department. Release may be authorized by:

(INVESTIGATING UNIT) Telephone

3. Documents required for release are:
   a. Valid Driver's License and
   b. Vehicle Title or
   c. Current Registration or
   d. Other proof of right to possession.
4. Release will be facilitated by presentation of this Vehicle Storage Receipt.

BOAT INFORMATION

YEAR	MAKE	REGISTRATION NO	SIZE
SERIAL NO.			COLOR

80PD07

THE VEHICLE STORAGE RECEIPT
PROPERTY AND EVIDENCE BUREAU

COOPER CITY POLICE
BROWARD COUNTY, FLORIDA

PROPERTY RECEIP
T1233-99

78. ☐ Property of Deceased ☐ Trial ☐ Found Property ☒ Laboratory (ATTACH MEMO) ☐ Stolen - Recovered

2. CASE NO.	79. DATE - TIME RECEIVED.	76. TYPE OF CASE.
99356	7-12-99 1356	ACCIDENT

77. ADDRESS WHERE PROPERTY IMPOUNDED (GIVE EXACT LOCATION WHERE FOUND).

16. FOUND BY	ADDRESS	PHONE NO.

31. SUSPECT(S) (GIVE FULL NAME)	ADDRESS	PHONE NO.
[redacted]		

14. VICTIM.	ADDRESS	PHONE NO.

49. OWNER'S NAME	ADDRESS	PHONE NO.

80. ITEM NO.	81. QUANTITY	82. DESCRIPTION
1	2	Blood - Dried [illegible]

83. I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY TAKEN FROM MY POSSESSION AND THAT I HAVE A COPY OF THIS RECEIPT.

SIGNATURE ✓

20. I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY IMPOUND BY ME IN THE OFFICIAL PERFORMANCE OF MY DUTY AS A POLICE OFFICER.

DIVISION [illegible] BADGE NO. [illegible]

IMPOUNDING OFFICER(?) [illegible]

84. RECEIVED BY	REASON	DATE AND TIME RECEIVED
[illegible]	[illegible]	7-12-99 [illegible]
RECEIVED BY	REASON	DATE AND TIME RECEIVED
RECEIVED BY	REASON	DATE AND TIME RECEIVED
RECEIVED BY	REASON	DATE AND TIME RECEIVED
RECEIVED BY	REASON	DATE AND TIME RECEIVED
85. FINAL DISPOSITION	AUTHORITY	DATE AND TIME OF DISPOSITION

COOPER CITY POLICE
BROWARD COUNTY, FLORIDA

PROPERTY RECEIPT

78. ☐ Property of Deceased ☐ Trial ☑ Found Property ☐ Laboratory (ATTACH MEMO) ☐ Stolen - Recovered

CASE NO.	79. DATE - TIME RECEIVED.		76. TYPE OF CASE.
99-13656	7-12-99 1600		

77. ADDRESS WHERE PROPERTY IMPOUNDED (GIVE EXACT LOCATION WHERE FOUND).

16. FOUND BY	ADDRESS		PHONE NO.
11610 STONEBRIDGE PKWY	COOPER CITY		435-2000
31. SUSPECT(S) (GIVE FULL NAME)	ADDRESS		PHONE NO.
OFC S. GRIMES	CCPD		
14. VICTIM.	ADDRESS		PHONE NO.
49. OWNER'S NAME	ADDRESS		PHONE NO.
[redacted]	COOPER CITY	FL	

80. ITEM NO.	81. QUANTITY	82. DESCRIPTION
1	1	BROWN PURSE
2	1	BOX BARNETT CHECKS # 6151 - 6226
3	1	BROWN WALLET
4	4	$100 BILLS
5	4	$20 BILLS
6	1	$5 BILLS
7	6	$1 BILLS
8	10	CREDIT CARDS 5-SHELL 2 TEXACO 1 MARSH & 1 MC (SEARS)
9	15	MISC PAPERS - SS CARD, AAA, DENTAL IRD
10	1	CHECKS BARNES #6133 + 6150

83. I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY TAKEN FROM MY POSSESSION AND THAT I HAVE A COPY OF THIS RECEIPT.

SIGNATURE [signature] RETURNED

20. I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY IMPOUNDED BY ME IN THE OFFICIAL PERFORMANCE OF MY DUTY AS A POLICE OFFICER.

DIVISION TRAFFIC BADGE NO. 201

IMPOUNDING OFFICER(X) [signature]

84. RECEIVED BY	REASON	DATE AND TIME RECEIVED
	RETURNED TO OWNER	7-12-99 4:30 PM
RECEIVED BY	REASON	DATE AND TIME RECEIVED
RECEIVED BY	REASON	DATE AND TIME RECEIVED
VED BY	REASON	DATE AND TIME RECEIVED
	REASON	DATE AND TIME RECEIVED
	AUTHORITY	DATE AND TIME OF DISPOSITION

COOPER CITY POLICE
BROWARD COUNTY, FLORIDA

PROPERTY RECEIP

78. ☐ Property of Deceased ☐ Trial ☑ Found Property ☐ Laboratory (ATTACH MEMO) ☐ Stolen - Recovered

CASE NO.	79. DATE - TIME RECEIVED.		76. TYPE OF CASE.
99-13656	7-12-99 1600		

77. ADDRESS WHERE PROPERTY IMPOUNDED (GIVE EXACT LOCATION WHERE FOUND).
11610 STIRLING RD COOPER CITY

16. FOUND BY	ADDRESS	PHONE NO.
S. GRIMES	CCPD	
31. SUSPECT(S) (GIVE FULL NAME)	ADDRESS	PHONE NO.
14. VICTIM.	ADDRESS	PHONE NO.
45. OWNER'S NAME [redacted]	ADDRESS COOPER CITY	PHONE NO. FL

80. ITEM NO.	81. QUANTITY	82. DESCRIPTION
1	1	GREEN CHECK BOOK W/ RECEIPTS
2	1	SUNGLASSES
3	1	NIXXO PAGER
4	1	NATIONS BANK M/C
5	1	DEPT. OF DEFENSE ID
		LAST ITEM

83. I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY TAKEN FROM MY POSSESSION AND THAT I HAVE A COPY OF THIS RECEIPT.

SIGNATURE [signature]

20. I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY IMPOUND BY ME IN THE OFFICIAL PERFORMANCE OF MY DUTY AS A POLICE OFFICER.

DIVISION TRAFFIC BADGE NO. 221

IMPOUNDING OFFICER(X) [signature]

84. RECEIVED BY	REASON	DATE AND TIME RECEIVED
	RETURNED TO OWNER	7-8-99 4:30 PM
RECEIVED BY	REASON	DATE AND TIME RECEIVED
RECEIVED BY	REASON	DATE AND TIME RECEIVED
VED BY	REASON	DATE AND TIME RECEIVED
RECEIVED BY	REASON	DATE AND TIME RECEIVED

COOPER CITY POLICE
BROWARD COUNTY, FLORIDA

PROPERTY RECEIPT

78. ☐ **Property of Deceased** ☑ **Trial** ☐ **Found Property** ☑ **Laboratory** (ATTACH MEMO) ☐ **Stolen - Recovered**

CASE NO.: 99-12656
79. DATE - TIME RECEIVED: 7-3-99 1633
76. TYPE OF CASE: [illegible]

77. ADDRESS WHERE PROPERTY IMPOUNDED (GIVE EXACT LOCATION WHERE FOUND): STIRLING RD / [illegible]

16. FOUND BY: [illegible] ADDRESS: 11600 [illegible] PHONE NO.: [illegible]

31. SUSPECT(S) (GIVE FULL NAME): / ADDRESS: PHONE NO.:

[redacted] [illegible] PHONE NO.:

49. OWNER'S NAME: [illegible] ADDRESS: PHONE NO.:

80. ITEM NO.	81. QUANTITY	82. DESCRIPTION
1	5	LEFT REAR LUG NUTS
2	5	R[illegible]
3	1	[illegible] VIN PLATE 1-[illegible]

83. I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY TAKEN FROM MY POSSESSION AND THAT I HAVE A COPY OF THIS RECEIPT.

SIGNATURE ______

20. I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY IMPOUNDE[D] BY ME IN THE OFFICIAL PERFORMANCE OF MY DUTY AS A POLICE OFFICER.

DIVISION [illegible] BADGE NO. [illegible]

IMPOUNDING OFFICER(X) [illegible]

84. RECEIVED BY	REASON	DATE AND TIME RECEIVED
RECEIVED BY	REASON	DATE AND TIME RECEIVED
RECEIVED BY	REASON	DATE AND TIME RECEIVED
[RECE]IVED BY	REASON	DATE AND TIME RECEIVED
RECEIVED BY	REASON	DATE AND TIME RECEIVED

85. FINAL DISPOSITION ______ [illegible] ______ DATE AND TIME OF DISPOSITION

COOPER CITY POLICE
BROWARD COUNTY, FLORIDA

PROPERTY RECEIPT

78. [x] Property of Deceased [ ] Trial [x] Found Property [ ] Laboratory (ATTACH MEMO) [ ] Stolen - Recovered

CASE NO.	79. DATE - TIME RECEIVED.		76. TYPE OF CASE
99-13666	7-12-99 1600		T.H.I.

77. ADDRESS WHERE PROPERTY IMPOUNDED (GIVE EXACT LOCATION WHERE FOUND).
STIRLING RD / HIATUS RD

16. FOUND BY: OFC JOHN GRIMES ADDRESS: 11610 STONEBRIDGE PRKWY COOP CITY PHONE NO. 432-9000

31. SUSPECT(S) (GIVE FULL NAME) ADDRESS PHONE NO.

14. VICTIM. ADDRESS PHONE NO.
[redacted] PLANTATION

49. OWNER'S NAME ADDRESS PHONE NO.
SAME AS VICTIM

80. ITEM NO.	81. QUANTITY	82. DESCRIPTION
~~1~~	~~1~~	~~FLORIDA DL [illegible]~~ 5570 VF
2	1	I D CARD CENTURY VILLAGE
3	1	STATE FARM INS CARD
4	1	SOCIAL SECURITY CARD
5	1	CITIBANK VISA CARD
6	1	BLACK BI-FOLD WALLET
7		MISC PAPERS / PICTURES
8	1	YELLOW IN COLOR CHAIN
		LAST ITEM

83. I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY TAKEN FROM MY POSSESSION AND THAT I HAVE A COPY OF THIS RECEIPT.

SIGNATURE [signature]

20. I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY IMPOUNDED BY ME IN THE OFFICIAL PERFORMANCE OF MY DUTY AS A POLICE OFFICER.

DIVISION TRAFFIC BADGE NO. 221

IMPOUNDING OFFICER(X) [signature]

84. RECEIVED BY	REASON	DATE AND TIME RECEIVED
Released by [illegible] 263	VICTIMS FAMILY	7-14-99 1100
RECEIVED BY	REASON	DATE AND TIME RECEIVED
RECEIVED BY	REASON	DATE AND TIME RECEIVED
RECEIVED BY	REASON	DATE AND TIME RECEIVED
RECEIVED BY	REASON	DATE AND TIME RECEIVED

FINAL DISPOSITION AUTHORITY DATE OF DISPOSITION

COOPER CITY POLICE
BROWARD COUNTY, FLORIDA

PROPERTY RECEIPT

78. [X] Property of Deceased [X] Trial [ ] Found Property [X] Laboratory (ATTACH MEMO) [ ] Stolen - Recovered

CASE NO.	79. DATE - TIME RECEIVED.		78. TYPE OF CASE.
913656	7/12/99		Accident T.H.I.

77. ADDRESS WHERE PROPERTY IMPOUNDED (GIVE EXACT LOCATION WHERE FOUND).
5 Stirling Rd. + Hiatus Rd. Intersection (1996 Jeep fully burned in accident scen

76. FOUND BY	ADDRESS	PHONE NO.
Sgt Sarecky	11610 stone bridge Pkwy Cooper City Fl	(954) 432-9001

81. SUSPECT(S) (GIVE FULL NAME)	ADDRESS	PHONE NO.

44. VICTIM [redacted]	ADDRESS	PHONE NO.
	Plantation Fl. 33324	unk.

49. OWNER'S NAME	ADDRESS	PHONE NO.
Same as driver		

80. ITEM NO.	81. QUANTITY	82. DESCRIPTION
1	1	wheel rim w/ burned tire from driver's rear axel
2	1	wheel rim w/ burned tire from passenger's rear axel
3	1	burned + melted gas tank from rear undercarrage
		Last Item

83. I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY TAKEN FROM MY POSSESSION AND THAT I HAVE A COPY OF THIS RECEIPT.

SIGNATURE

84. RECEIVED BY

RECEIVED BY

RECEIVED BY

RECEIVED BY

RECEIVED BY

20. I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY IMPOUNDED BY ME IN THE OFFICIAL PERFORMANCE OF MY DUTY AS A POLICE OFFICER.

DIVISION Patrol/Traffic BADGE NO. 131

IMPOUNDING OFFICER(X) Sgt Sarecky #131

REASON	DATE AND TIME RECEIVED
~~Safe~~ Property Room	7/12/99
INVST. RECV	7-22-99 828
AUTHORITY	DATE AND TIME OF DISPOSITION

BROWARD COUNTY TRAFFIC ENGINEERING
ACTUATED TRAFFIC SIGNAL TIMING SHEET

MODIFICATION NO. 4 10/29/96 — INITIAL OPERATION DATE 9/6/90

CONTROLLER TYPE NEMA 8φ — DRAWING/PROJECT NO. GRP 4

SYSTEMS NUMBER 805 — INTERSECTION NO. C-375

INTERSECTION STIRLING ROAD AND HIATUS ROAD

CONTROLLER PHASE	1	2	3	4	5	6	7	8
FACE NUMBER		2		4	5	6		8
DIRECTION		WB		NB	WBL	EB		SB
INITIAL GREEN (MIN)		20.		6.0	4.0	20.		6.0
VEHICLE EXT. (GAP)		3.0		2.0	1.5	3.0		2.0
MAXIMUM GREEN I		45.		20.	10.	45.		20.
MAXIMUM GREEN II								
YELLOW CLEARANCE		4.0		4.0	4.0	4.0		4.0
ALL RED CLEARANCE								
PHASE RECALL		MIN.		OFF	OFF	MIN.		OFF
DETECTOR DELAY								
WALK		7.0				7.0		7.0
FLASHING DON'T WALK						10.		16.
PERMISSIVE					5 SECT			
FLASH OPERATION		YELLOW		RED		YELLOW		RED
GREEN RETURN		1		5	8	2		6

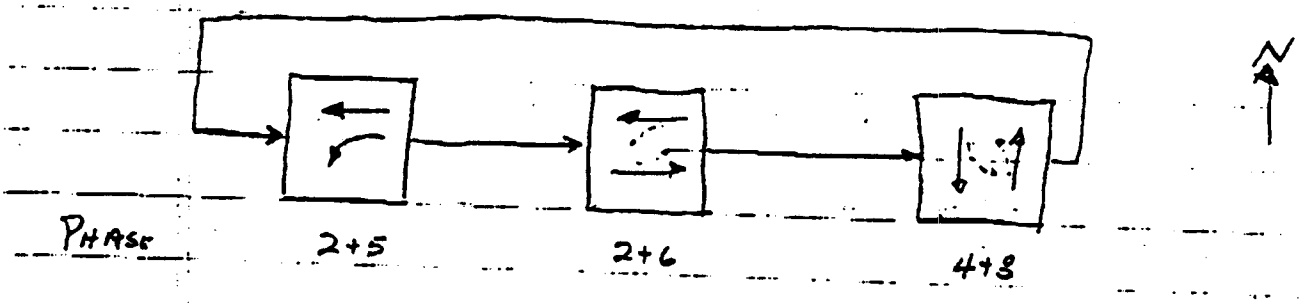
NOTES: TRANSYT 1880EL 119 / 0

1. BACKDOWN DIODES EAST/WEST AND DUAL ENTRY (HARDWIRED) NORTH/SOUTH.
2. MOD. 4 INCREASES THE FDW TIME ON φ6

SUBMITTED BY _____ APPROVED BY _____

C-375 STIRLING RD & HIATUS RD

SEQUENCE OF OPERATION



CASE NUMBER: 99-4357

NARRATIVE SUMMARY:

On July 12, 1999, the Cooper City Police Department requested the assistance of the State Fire Marshal's Office at the scene of a vehicle fire located at Hiatus and Stirling Rd, Cooper City, Fl, Broward County. I arrived and met with Ofc. Valerie Frauling from the Cooper City Police department and the facts and circumstances of the fire were discussed.

SCENE DESCRIPTION:

The fire took place to a 1996 Jeep, bearing tag [redacted]. The jeep (VIN1J4FX58S3TC[redacted]) belonged to [redacted]. The greatest amount of fire damage took place to the undercarriage and passenger compartment of the vehicle on the drivers side with the remainder of the vehicle receiving varying degrees of fire, heat, smoke, and water damage. The other vehicle involved was a 1998 Isuzu, bearing tag [redacted]; VIN 452CK5806W4[redacted]. The vehicle is registered to [redacted].

FIRE SCENE INVESTIGATION:

Burn patterns and fire tracking indicated that the area of origin was the rear area of the vehicle on the driver's side. A closer examination of the area of origin revealed the following: [redacted] vehicle was struck on the driver's side rear panel by another vehicle. The fuel tank was ruptured and it's contents spilled out onto the ground. [redacted] vehicle was sent into a spin causing the rims of the vehicle to scrape the ground. As the vehicle spun the fuel tank contents created a trail along the vehicle's path. A spark created by the rims scraping against the ground ignited the fuel tank contents. The fire spread to the rear of the vehicle where the fuel tank was located and ignited the vehicle's undercarriage. The fire then spread to the remainder of the vehicle.

[redacted] was unable to escape the vehicle prior to the fire. He died as result of the fire.

All other fire causes were eliminated.

Photographs documented this fire scene. There was one injury (not fire related) and one fatality (fire related) reported as a result of the fire.

FOLLOW-UP INVESTIGATION:

Results of the sample taken at the fire scene returned from the State Fire Marshal's Laboratory indicated gasoline was detected within the sample.

CONCLUSION:

Based on fire scene examination and physical evidence discovered, this fire is classified as accidental.

This case is now closed.

FLORIDA STATE FIRE MARSHAL

ACISS Fire Investigation Master Window

Request Number : 99-4357 Report Date : 07/13/1999

Case Primary Information

Report Date	:07/13/1999	
Type of Case	:Fire	
Date of Fire	:07/12/1999	
Time of Fire	:09:00	
Discovered/Reported	:Reported	
Request Date	:07/12/1999	
Request Time	:10:15	
Shift	:Day: 07:01 - 15:00	
Agency Request	:Cooper City Fire Department CCFD	
Reason	:TO DETERMINE CAUSE AND ORIGIN	
Address of Scene	:STIRLING RD COOPER CITY FL	
Directions to Scene	:AND HIATUS ROAD	
Additional Information	:1996 JEEP GRAND CHEROKEE FL TAG # D1478E	
Case Status	:Closed	
Status Date	:10/09/1999	
Opened/Initiated By	:Marilyn M. Jordan, Duty Officer	TLH
Approving Authority	:Joseph H. Schwartz, Investigator	FTL
Case Closure	:Exceptionally Cleared - Accidental	
Release (Y/N)	:Yes	
Primary Investigator	:James J. Milton, Investigator	MIA
Arrival Date	:07/12/1999	
Arrival Time	:11:15	
Arrival On Call	:No	
Scene Completion Date	:07/12/1999	
Scene Completion Time	:16:00	
Smoke Detectors	:No	

Investigative Supplement Recap

99-4357/1	07/28/1999	Preliminary	James J. Milto 1996 Jeep Cherokee,

FLORIDA STATE FIRE MARSHAL

ACISS Fire Investigation Supplement Report

Investigative Supp No. : 99-4357/1 Report Date : 07/28/1999
Incident Date : 07/12/1999 Last Revision : 10/07/1999 15:15

Investigative Supplement Report

Type of Report:Preliminary
Report By :James J. Milton, Investigator MIA

Property Information

Description :1996 Jeep Cherokee, tag [redacted]
Specific Property Use:Specific Property Use Not Classified 00
Mobile Y/N :Yes
Mobile Property Code :Automobile, taxi, limo, ambulance, van 1
Occupied Y/N :Yes
Abandoned Y/N :No
Estimated Value : 23000
Estimated Loss : 23000

Evidence Information

SFM/Photo :Yes
Photo/Other Agency :Cooper City Police Department CCPD
SFM/Sketch :No
Sketch/Other Agency:Cooper City Police Department CCPD
SFM/Debris :Yes
Debris/Other Agency:Cooper City Police Department CCPD
Latent Prints :No
Impression :No
Documents :No
Other :No
Lab Used :SFM Laboratory

Evidence Collected

Fire debris from the ground area of the left rear of the vehicle.

Fire Origin Information

Area of Origin :(T) Vehicle fuel tank or fuel line area
Description of Origin:vehicle struck by another vehicle in the vicinity of th
Description of Origin:e fuel tank on the left rear side of the vehicle
Cause of Fire :ACCIDENTAL

Related Subjects

[redacted] C [W,F,[redacted] Injury
EL [W,M,[redacted] Owner/Fatality'

Related Subject Number 1

Related Subject Primary Information

Record Type :PERSON
Subject Name [redacted]
Race :WHITE
Sex :FEMALE
Local Address :STIRLING RD COOPER CITY FL
Local Telephone [redacted]

Related Subject Primary Information

Residence Status	:PERMANENT
Residence Type	:COUNTY
Permanent Address	[redacted] COOPER CITY FL [redacted]
Birth/date	[redacted]
Age	: 48
Juvenile	:No

Related Subject Number 2

Related Subject Primary Information

Record Type	:PERSON
Subject Name	[redacted]
Race	:WHITE
Sex	:MALE
Local Address	:STIRLING RD COOPER CITY FL
Residence Status	:DECEASED
Residence Type	:NOT APPLICABLE
Permanent Address	:[redacted] PLANTATION FL [redacted]
Birth/date	:[redacted]
Age	: 56
Juvenile	:No

Related Vehicles

D1478E	JEEP (AFTER 1988),CHEROKEE, GRAND CHEROKE	Related Vehicle
J8262H	ISUZU,4 DOOR,98,WHITE,WHITE	Related Vehicle

Insurance Information

Estimated Value	:	23000
Estimated Loss	:	23000
Insured	[redacted]	(W,M,[redacted]
Policy Number	[redacted]	

Injury and Fatality Information

Civilian - Fire Related Injuries	:	0
Civilian - Other Related Injuries	:	1
Fire Service - Fire Related Injuries	:	0
Fire Service - Other Related Injuries	:	0
Law Officer - Fire Related Injuries	:	0
Law Officer - Other Related Injuries	:	0
Civilian - Fire Related Fatalities	:	1
Civilian - Other Related Fatalities	:	0
Fire Service - Fire Related Fatalities	:	0
Fire Service - Other Related Fatalities	:	0
Law Officer - Fire Related Fatalities	:	0
Law Officer - Other Related Fatalities	:	0

Documentation Information

Driving Hours	:	1.00
Fire Scene Investigation Hours	:	6.00
Latent Investigation Hours	:	0.00
Report Documentation Hours	:	2.00
Administrative - Supervisory hours	:	0.00
Administrative - Other Hours	:	0.00
Criminal Investigative Analysis Hours	:	0.00

Documentation Information

Court/Deposition Hours	:	0.00
Dually Hours	:	0.00
Van Hours	:	0.00
Bobcat Hours	:	0.00
Water Craft Hours	:	0.00
Samples Submitted to Lab	:	1
Rolls of Film Developed	:	2
Enlargements Made	:	0
Miscellaneous Hours	:	0.00

Report Status

Report Entry By :Marilyn M. Jordan
Report Entry Date :07/12/1999
Report Entry Time :23:36

National Medical Services, Inc.

[redacted]
NMS Control No. 446914
Copper City Police Report 99-13656

From these results it can be stated with reasonable scientific certainty that if the individual showed signs of impairment, and in the absence of another competent cause for this impairment, then the medications listed on page 1 could be responsible for the impairment. Impairment may be characterized by reduced capabilities for appropriate alertness, judgement, perception, coordination, reaction time and sense of care and caution. These decrements could cause an individual to be impaired to and beyond the point of rendering her unfit to operate a motor vehicle safely.

Sincerely yours,

William A. Dunn MS
FTS-ABFT, TC (NRCC)
Forensic Toxicologist

National Medical Services, Inc.
3701 Welsh Road Willow Grove, PA 19090
Phone: (215) 657-4900 1-800-523-6671
FAX: (215) 657-2972

EXPERT SERVICES GROUP
Robert A. Middleberg, Ph.D.
Director

December 1, 1999

Daniel Losey
Seventeenth Judicial Circuit of Florida
Broward County Courthouse
201 S. E. Sixth Street
Fort Lauderdale, FL 33301-3360

Re: [redacted] (Copper City Police Report #99-13656)
NMS Control No. 446914

On 09/20/99 National Medical Services Inc. received two blood samples identified to us as being drawn from [redacted] It was requested that an analysis for controlled substances and therapeutic drugs be conducted on these blood specimens.

The analysis of the blood detected the following substances:

Blood (drawn at 13:31)

Doxylamine	Less than 50 nanog/ml
Fluoxetine	230 nanog/ml
Norfluoxetine	120 nanog/ml
Temazepam	150 nanog/ml
Lorazepam	Less than 50 nanog/ml
Dextromethorphan	22 nanog/ml

Blood (drawn at 13:56)

Valproic acid	32 mcg/ml
Temazepam	170 nanog/ml
Doxylamine	Less than 50 nanog/ml
Fluoxetine	330 nanog/ml
Norfluoxetine	160 nanog/ml
Dextromethorphan	27 nanog/ml
Pseudoephedrine	280 nanog/ml

DEPARTMENT ROSTER

Cooper City Fire Department

Monday July 12, 1999 - C Shift

STATION 28

DUTY	RANK	NUMBER	NAME	COMPANY	CODE	HOURS	START	END	REMARKS
On	DEPM	026	Lindauer, Guy	E28	ALT	24.00			
On	FFEMT	014	Stout, Robert S.	E28	ADE	24.00			
On	FFPM	039	Valiente, Omar G.	E28		24.00			
On	LTPM	003	Greico, Vincent A.	L28		24.00			
On	DEEMT	005	Krill Jr., Richard P.	L28		24.00			
On	DEPM	018	Bishop, James D.		SDON	8.00	0800	1600	Days Train
Off	FFPM	036	Mannellino, Paul G		TROS	24.00			Rescue 38
Off	LTPM	013	Scorgie, Rick A.		SL	24.00			SL 0800-08
Off	FFEMT	033	Roberts, Teri L.		KD	24.00			

STATION ADM

DUTY	RANK	NUMBER	NAME	COMPANY	CODE	HOURS	START	END	REMARKS
On	C28	037	Lello, Joseph R.	C28		8.00			
On	C228	044	Campbell, Michael K.	C228		8.00			
On	AOA1	007	Bykeefer, Arlene M.	AOA1		8.00			

STATION FPB

DUTY	RANK	NUMBER	NAME	COMPANY	CODE	HOURS	START	END	REMARKS
On	I28	042	Bruno, Anthony J.			8.00			
On	AOA2	047	Varela, Reyna D.			8.00			
Off	FM28	004	Berkowitz, Gerald S.		SL	8.00			Retired

Florida Highway Patrol
Traffic Fatality Report

Investigating Agency Cooper City Police Department

Date of Crash July 12 1999 Time of Crash 1046 AM

Class of Investigation one

Weather Clear and Sunny

County Broward Crash site, rural or urban: urban

Classification of crash, traffic or non-traffic: traffic

Name of fatality [redacted]

Race White sex male date of birth [redacted]

Next of Kin notified: yes if yes- time notified 1700 7-12-1999

Identify fatality as a driver, passenger, pedestrian, pedalcyclist, or motorcyclist:
driver

Location of crash Hiatus Road and Stirling Road

Crash Investigator Christopher Neves

Homicide Investigator Valerie Frailing

Brief description (events involving crash or special circumstances involved)
driver was rear-ended at the traffic signal. Post impact the vehicle ignited and was completely engulfed in flames.

Safety equipment in use by victim: seat belt: yes child restraint
motorcycle helmet air bag deployed none utilized

Alcohol related: yes no unknown X

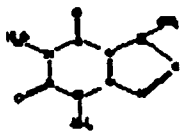
Multiple fatality: yes no X if yes, attach additional information

delayed fatality: yes no X
if yes- date and time of death

FHP crash case number _____

FHP Traffic homicide case number _____

Cooper City police Department case number 99-13656



Broward County Medical Examiner and Trauma Services
5301 SW 31 Avenue
Fort Lauderdale, Florida 33312 (954) 964-0500

Toxicology Report

[redacted] **0 year old White Female** Date of Birth:

Case No: **TOX1999-0315** Submitting Agency Number: **9913656**
Submitting Agency: **Cooper City Police** Police Officer Badge No: **269**

Specimens received: 07/12/1999 14:48

SPECIMEN	COLLECTION DATE/TIME	
Blood (Kit I)	07/12/1999	13:31
Blood (Kit II)	07/12/1999	13:56

Specimen	Procedure	Drug Class	Result	Concentrat
Blood (Kit I)	EMIT	Benzodiazepines	positive	
Blood (Kit I)	HSGC/FID	Ethanol	none detected	
Blood (Kit I)	HPLC/DAD	Fluoxetine	positive	
Blood (Kit I)	HPLC/DAD	Norfluoxetine	positive	
od (Kit I)	HPLC/DAD	Temazepam	positive	
Blood (Kit I)	GC/MS	Fluoxetine	positive	0.20mg/L
Blood (Kit I)	GC/MS	Doxylamine	positive	0.04mg/L
Blood (Kit I)	GC/MS	Temazepam	positive	0.12mg/L
Blood (Kit I)	GC/MS	Ibuprofen	positive	
Blood (Kit I)	GC/MS	Valproic Acid	positive	
Blood (Kit II)	HSGC/FID	Ethanol	none detected	
Blood (Kit II)	GC/MS	Fluoxetine	positive	0.37mg/l
Blood (Kit II)	GC/MS	Doxylamine	positive	0.04mg/l

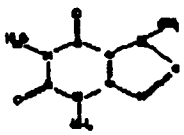
Harold E Schueler

Harold Schueler, Ph.D.
Toxicologist
Date reviewed: 09/08/1999

Marsha A. Nerdon
Commission # CC 823787
Expires Apr. 5, 2003
Bonded Thru
Atlantic Bonding Co., Inc.

MAnerdon

The foregoing instrument was subscribed and sworn to before me this 8th day of Sept. 19
by Harold Schueler who is personally known to me.



Broward County Medical Examiner and Trauma Services
5301 SW 31 Avenue
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Submitting Agency: Cooper City Police Police Officer Badge No: 269

Specimens received: 07/12/1999 14:48

SPECIMEN	COLLECTION DATE/TIME	
Blood (Kit I)	07/12/1999	13:31
Blood (Kit II)	07/12/1999	13:56

Specimen	Procedure	Drug Class	Result	Concentra
Blood (Kit II)	GC/MS	Temazepam	positive	0.17mg/
Blood (Kit II)	GC/MS	Ibuprofen	positive	
Blood (Kit II)	GC/MS	Valproic Acid	positive	

Harold E Schueler

Harold Schueler, Ph.D.
Toxicologist
Date reviewed: 09/08/1999

Marsha A. Nerdon
Commission # CC 823787
Expires Apr. 5, 2003
Bonded Thru
Atlantic Bonding Co., Inc.

MAnerdon

The foregoing instrument was subscribed and sworn to before me this 8th day of Sept, 19 by Harold Schueler who is personally known to me.

20

NATIONAL FIRE INCIDENT REPORTING SYSTEM
INCIDENT REPORT COVER SHEET
Cooper City Fire Department - ALL 99 DATA

GENERAL

	FDID	INCIDENT NO	DATE	DAY OF WEEK	ALARM TIME	ARRIVAL TIME	IN SERVICE TIME
A	10011	100915-000	07/12/1999	Monday	1047.00	1048.00	1415.00

	TYPE OF SITUATION FOUND	TYPE OF ACTION TAKEN	MUTUAL AID
B	13 VEHICLE FIRE	1 EXTINGUISHMENT	0 N/A

	FIXED PROPERTY USE	IGNITION FACTOR
C	961 LIMITED ACCESS HIGHWAY, DIVIDED HIGHWAY	71 COLLISION, OVERTURN, KNOCKDOWN

	ADDRESS	ZIP CODE	CENSUS TRACT
D	11200 STIRLING ROAD	33330	0704.00

	OCCUPANT NAME	TELEPHONE	ROOM OR APT.
E	[redacted]		

		ADDRESS	TELEPHONE
F	[redacted]	[redacted] Plantation Fl [redacted]	

	METHOD OF ALARM FROM PUBLIC	DISTRICT	SHIFT	NO. ALARMS
G	7 TELEPHONE TIE-LINE TO FIRE DEPARTMENT	28D	C	1

	NUMBER FIRE SERVICE PERSONNEL RESPONDED	NUMBER ENGINES RESPONDED	NUMBER AERIAL APPARATUS RESPONDED	NUMBER OTHER VEHICLES RESPONDED
H	008	001	001	002

CASUALTIES

	NUMBER OF INJURIES	NUMBER OF FATALITIES
I	Fire Service 000 Other 000	Fire Service 000 Other 001

FIRES

	COMPLEX	MOBILE PROPERTY TYPE
J	96 MOTOR VEHICLE TRANSPORTATION	11 AUTOMOBILE

	AREA OF FIRE ORIGIN	EQUIPMENT INVOLVED IN IGNITION
K	84 FUEL TANK, FUEL LINE AREA OF TRANSPORTATION	96 VEHICLE

	FORM OF HEAT OF IGNITION	TYPE OF MATERIAL IGNITED	FORM OF MATERIAL IGNITED
L	00 UNDETERMINED OR NOT	21 CLASS 1A FLAMMABLE LIQUID	65 FUEL

	METHOD OF EXTINGUISHMENT	LEVEL OF FIRE ORIGIN	ESTIMATED LOSS
M	5 PRECONNECTED HOSE	1 GRADE LEVEL TO 9 FEET ABOVE	18,000

STRUCTURE FIRES

N	NUMBER OF STORIES	CONSTRUCTION TYPE	
O	EXTENT OF FLAME DAMAGE	EXTENT OF SMOKE DAMAGE	
P	DETECTOR PERFORMANCE	SPRINKLER PERFORMANCE	
Q	IF SMOKE SPREAD BEYOND ROOM OF ORIGIN	TYPE OF MATERIAL GENERATING MOST SMOKE	AVENUE OF SMOKE TRAVEL
R		FORM OF MATERIAL GENERATING MOST SMOKE	

MOBILE PROPERTY/EQUIPMENT INVOLVED

	IF MOBILE PROPERTY	YEAR	MAKE	MODEL	SERIAL NO	LICENSE NO.
S		96	JEEP CHEROKEE	LAREDO	1J4FX5853TC[redacted]	DI 47 8E
T	IF EQUIPMENT INVOLVED IN IGNITION	YEAR	MAKE	MODEL	SERIAL NO	

SIGNATURE _____ TITLE _____ DATE _____

SICMPRO.

Cooper City Fire Department - ALL 99 DATA

INCIDENT REPORT

100915-000

GENERAL SECTION	
INCIDENT DATE	MONDAY, JULY 12, 1999
ALARM TIME	1047
DISPATCH TIME	1047
ARRIVAL TIME	1048
IN SERVICE TIME	1415
RESPONSE (IN MIN)	1
SITUATION FOUND	VEHICLE FIRE (13)
ACTION TAKEN	EXTINGUISHMENT (1)
MUTUAL AID	NOT APPLICABLE (0)
FIXED PROPERTY USE	LIMITED ACCESS HIGHWAY, DIVIDED HIGHWAY (961)
ADDRESS/LOCATION	[redacted]
ZIP CODE	[redacted]
CENSUS TRACT	704.00
METHOD OF ALARM	TELEPHONE TIE-LINE TO FIRE DEPARTMENT (7)
DISTRICT	28D
NUMBER OF ALARMS	1
NUMBER OF PERSONNEL	8
NUMBER OF APPARATUS	
ENGINE	1
AERIAL	1
OTHER	2
ALARM TYPE	Vehicle Fire (Private) (I)
ZONE	Stirling-Griffin,106av-111ter. (28D)
STATION	CCFR Station 28 (28)
SHIFT	C
MAP NUMBER	13
E SECTION	
COMPLEX	MOTOR VEHICLE TRANSPORTATION (96)
MOBILE PROPERTY TYPE	AUTOMOBILE (11)
AREA OF FIRE ORIGIN	FUEL TANK, FUEL LINE AREA OF TRANSPORTATION EQUPT (84)
EQUIPMENT INVOLVED	VEHICLE (96)
FORM OF HEAT	UNDETERMINED OR NOT REPORTED (00)
IGNITION FACTOR	COLLISION, OVERTURN, KNOCKDOWN (71)
MATERIAL FIRST IGNITED	
TYPE OF MATERIAL	CLASS 1A FLAMMABLE LIQUID (21)
FORM OF MATERIAL	FUEL (65)
EXTINGUISHMENT METHOD	PRECONNECTED HOSE LINE(S)-APPARATUS TANKS (5)
LEVEL OF FIRE ORIGIN	GRADE LEVEL TO 9 FEET ABOVE GRADE (1)
ESTIMATED LOSS	$18,000
ESTIMATED VALUE	$18,000
CASUALTY SECTION	
NON-FIRE SERVICE	
FATALITIES	1
PEOPLE INVOLVED SECTION	
OCCUPANT	[redacted]
DATE OF BIRTH	10/25/1999
OWNER	[redacted]
ADDRESS	[redacted]LANTATION FL [redacted]
DATE OF BIRTH	10/25/1999

Cooper City Fire Department - ALL 99 DATA

INCIDENT REPORT

100915-000

MOBILE INVOLVED SECTION

AUTOMOBILE	96 JEEP CHEROKEE LAREDO
VEHICLE LICENSE	DI 47 8E FL
IDENTIFICATION NO	1J4FX5853TC[redacted]

EQUIP INVOLVED SECTION

VEHICLE

APPARATUS RESPONDING

	CODE	MILES	HOURS	DISP	ROLL	ARRIV	LEFT	FACIL	BACK	END	REACT	ENRTE
E28	3	1		1047	1047	1048			1415	1415		1
L28	3	1		1047	1047	1048			1415	1415		1
C28	3	1		1047	1047	1047			1200	1200		
C228	3	1		1047	1047	1048			1230	1230		1

PERSONNEL RESPONDING

	CODE	AMOUNT1	AMOUNT2
Valiente, Omar G.	OA		
Lindauer, Guy	OA		
Stout, Robert S.	DE		
Greico, Vincent A.	OA		
Krill Jr., Richard P.	OA		
Lello, Joseph R.	IC		
Campbell, Michael K.	IC		

CASUALTIES (SEE CASUALTY REPORT FOR DETAILS)

[redacted]

SUMMARY SEE NARATIVE

REPORTED BY Greico, Vincent A. _____

OFFICER IN CHARGE Campbell, Michael K. _____

:IDENT NARRATIVE

At 1047 hours on Monday, July 12, 1999 (C-Shift), we were dispatch to a auto accident with a vehicle on fire and possible entrapment. Four units were assigned to this incident. Eight personnel responded. We arrived on scene at 1048 hours to find a two car mot vehicle accident with one private passenger vehicle fully involved in fire. C28 established Stirling Road Command. E28 arrived and pulled a 2" preconnect and began offensive fire attack. L28 arriv and pulled a foam line for backup. Fire extinguished at approximately 10:52. One victum pronounced DOA. L28 assisted wit the loading of PT 2 of 2 into the helicopter for medivac to Memori Regional Hospital. E28 checked the area immediately surrounding th incident. Thermal Imaging camera used to check the wooded area. Both E28 and L28 alternated standing by on the scene for possible flareup. L28 was used for photo processng of the scene. E28 used t hurst tool to gain access to the drivers side door and the hood. Scene turned over to Cooper City Police Department. All units cleared at 1415 hours. The incident was reported to the fire department by a telephone tie-line. This incident went to one alar Vehicle fire (private).

The incident occurred at 11200 STIRLING ROAD in district 28D. This location has a map number of 13. The census tract is 0704.00. The local zone is 28D (Stirling-Griffin,106av-111ter.). The local station is 28 (CCFR Station 28).

The general description of this property is motor vehicle transportation. This particular property is categorized as "limite access highway, divided highway".

The primary task(s) performed by responding personnel was extinguishment. "Fuel tank or fuel line area of transportation equipment" best describes the primary use of the room or space wh

INCIDENT NARRATIVE

the fire originated. The fire occurred grade level to 9 feet above grade. The act, condition or situation that allowed the heat sourc to combine with the material first ignited to start the fire was a collision, overturn or knockdown. The material first ignited was "Class 1A flammable liquid". The use, or purpose of the material that was first ignited was "Fuel". The fire was extinguished with preconnected hose line(s) with water from apparatus tanks. The dollar estimate of the current value of property lost in the fire $18,000. This property is valued at $18,000.

One non-fire service fatality occurred on this incident.

Alarm number 100915 has been assigned to this incident.

Cooper City Fire Department - ALL 99 DATA

CASUALTY REPORT

100915-000

NAME	[redacted] (NON-FIRE SERVICE)
ENTRY	1
BIRTH DATE	[redacted]
AGE	56
CASUALTY TIME	1047
ADDRESS	[redacted]
SEX	MALE
TYPE	FIRE
SEVERITY	DEATH
AFFILIATION	CIVILIAN
FAMILIARITY	NOT A STRUCTURE (8)
LOCATION AT IGNITION	NOT CLASSIFIED (9)
CONDITION BEFORE	0
PREVENTING ESCAPE	UNDETERMINED OR NOT REPORTED (0)
ACTIVITY	1
CAUSE	2
NATURE	BURNS AND ASPHYXIA/SMOKE (1)
PART OF BODY	MULTIPLE PARTS (8)
DISPOSITION	6

STATION REPORT
Station 28
Monday July 12, 1999 - C Shift

STATION ROSTER:

DUTY	RANK	NAME	COMPANY	CODE	HOURS	START	END	REMARKS
On	DEPM	Lindauer, Guy	E28	ALT	24.00			
On	FFEMT	Stout, Robert S.	E28	ADE	24.00			
On	FFPM	Valiente, Omar G.	E28		24.00			
On	LTPM	Greico, Vincent A.	L28		24.00			
On	DEEMT	Krill Jr., Richard P.	L28		24.00			
On	DEPM	Bishop, James D.		SDON	8.00	0800	1600	Days Training
Off	FFPM	Mannellino, Paul G		TROS	24.00			Rescue 38 Ride Time
Off	LTPM	Scorgie, Rick A.		SL	24.00			SL 0800-0800
Off	FFEMT	Roberts, Teri L.		KD	24.00			

STATION LOG:

CODE	START	END	DESCRIPTION	MANHOURS
ALARM	1046		#100914 DUPLICATE TO #100915	0.00
ALARM	1047	1415	#100915, Situation 13 at 11200 STIRLING ROAD with E28, L28,	0.00
ALARM	1049		#100916 DUPLICATE TO #100915	0.00
ALARM	1050		#100917 DUPLICATE TO #100915	0.00
ALARM	1233	1251	#100918, Situation 32 at 11100 LAKE BOULEVARD NORTHEAST with	0.00
ALARM	1307	1319	#100919, Situation 73 at 2700 STONEBRIDGE PARKWAY with E28,	0.00
ALARM	1518	1521	#212161, Situation 73 at 13900 GRIFFIN ROAD with L28.	0.00
ALARM	1545	1636	#100920, Situation 59 at 11200 STIRLING ROAD with E28, L28.	0.00
ALARM	1555	1628	#100921, Situation 32 at 9501 SHERIDAN STREET with E28.	0.00
ALARM	1710	1731	#100922, Situation 32 at 9990 41 STREET NORTHWEST with E28.	0.00
ALARM	1828	1835	#100923, Situation 32 at 10600 GRIFFIN ROAD with E28.	0.00
ALARM	1950	1952	#305211, Situation 30 at 7110 STIRLING ROAD with E28.	0.00

DEPT FYI:

START	END	DESCRIPTION

BROWARD COUNTY MEDICAL EXAMINER
5301 SW 31ST AVENUE
FORT LAUDERDALE, FL 33312

[redacted]

[redacted]

BELLI V

RPP-06 000385

ISU24

07-22-99 No. 54415

WEIGHT TICKET

GROSS 12760 lb s

TARE

NET

NAME [redacted] ORDER #

ADDRESS

CITY STATE

A-1-A Atlantic Moving & Storage
N. W. 25th Terrace & N. W. 2nd Court
Fort Lauderdale, Florida 33312
SIGNATURE Phone - 581-1711

Tow Truck

TRUCK NO.	LICENSE NO.	TRAILER NO.	
#172			$60.00

Jeep 07-22-99 No. 54416

WEIGHT TICKET

GROSS 12940 lb G

TARE

NET

NAME [redacted] ORDER #

ADDRESS

CITY STATE

A-1-A Atlantic Moving & Storage

N. W. 25th Terrace & N. W. 2nd Court

Fort Lauderdale, Florida 33312

SIGNATURE Phone - 581-1711

Tow Truck

TRUCK NO.	LICENSE NO.	TRAILER NO.	
11			$ 6.00

WITNESS LIST

Name: [redacted] Statement taken
Address: [redacted] Cooper City, Florida [redacted]
Place of Employment: Walden Books Broward Mall
Phone number: [redacted]
Can testify to: Observed the crash

Name: [redacted] Statement taken
Address: [redacted] Cooper City Florida [redacted]
Place of Employment: unknown
Phone number: [redacted]
Can testify to: observed the crash

Name: [redacted]
Address: [redacted] Cooper City, Florida [redacted]
Phone number [redacted]
Can testify to: statement was disputed

Name: [redacted]
Address: [redacted], Cooper City Florida [redacted]
Place of Employment: self
Phone number: [redacted]
Can testify to: Observed the crash

Name: [redacted]
Address: [redacted] Cooper City Florida [redacted]
Place of employment: Family Christian Association
Phone number: [redacted]
Can testify to : observed the crash

MATTER #	1037927
FILE TYPE	Lawsuit
FILE NAME	[redacted]
CAIR #	7116384
DATE OF INCIDENT	07/12/1999
DATE OF NOTICE	04/06/2000
MODEL/MODEL YEAR	1996 Jeep Grand Cherokee (ZJ)
VIN	1J4FX58S3TC[redacted]
MILEAGE	
OWNER	[redacted] [redacted] Pembroke Pines, Florida [redacted]
COURT	Circuit Court
DOCKET #	991433325
FIRE ALLEGED	Yes
DESCRIPTION	On July 12, 1999, [redacted] was operating his 1996 Jeep Grand Cherokee (ZJ) on Stirling Road in Cooper City, Florida with a posted speed limit of 40 mph when he stopped at a red light at an intersection. The Jeep Grand Cherokee (ZJ) was struck in the rear by a 1998 Isuzu Rodeo being driven by Janet Fontana, and a fire ensued.
PROPERTY DAMAGE ALLEGED	No
INJURIES	1
FATALITIES	1
ANALYSIS	The 1996 Jeep Grand Cherokee (ZJ) was inspected. Chrysler Group has determined that the Isuzu Rodeo struck the rear of the Jeep Grand Cherokee (ZJ) at a relative velocity in excess of 50 mph and as high as 67 mph. Accident witnesses estimated the Isuzu Rodeo's speed at impact as approximately 50 mph. The Cooper City Police Department conducted a homicide investigation, including an accident reconstruction, and concluded the impact velocity was 63-67 mph. The rear of the Jeep Grand Cherokee (ZJ), including the rear bumper, was deformed forward, biased toward the left side, approximately 30 inches. The fuel tank of the Jeep Grand Cherokee (ZJ) was likely ruptured during the severe, high energy impact resulting in the fire. Severe damage to the rear of the Jeep Grand Cherokee (ZJ) is depicted in the photographs in Enclosure 4 Bates Nos. PE10-031-Chrysler-000717-719.

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY,
FLORIDA

CASE NO.: 99 – 14333 (25)
Hon. GEORGE A. BRESCHER

RHONA MAULANO as Personal Representative
Of the ESTATE OF MICHAEL MAULANO,

Plaintiff,

vs.

HOLY CROSS HOSPITAL, INC.,
HOLY CROSS HOSPITAL HEALTH SERVICES, INC.,
HOLY CROSS HEALTH MINISTRIES, INC.,
JANET FONTANA,
DAIMLERCHRYSLER CORPORATION,
DAIMLERCHRYSLER MOTORS CORPORATION,
CHRYSLER MOTORS CORPORATION,
CHRYSLER CORPORATION,
JEEP CORPORATION
AMERICAN MOTORS CORPORATION
AMERICAN MOTORS SALES CORPORATION
AM COMPUTER LEASING CORPORATION
JEEP EAGLE SALES CORPORATION
JEEP EAGLE CORPORATION
JEEP CORPORATION
And HOLLYWOOD CHRYSLER-PLYMOUTH, INC.
d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP

Defendants

_____/

JANET FONTANA,
Defendant / Third Party Plaintiff
Vs.

DAIMLERCHRYSLER CORPORATION,
HOLLYWOOD CHRYSLER-PLYMOUTH/
JEEP-EAGLE,
Third Party Defendants

_____/

DAIMLERCHRYSLER CORPORATION

Counter Plaintiff
Vs.

mailed 6/8/01 (per ow.) ans due 6/28/01 20

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JUN 11 2001

(12)

JANET FONTANA,

Counter Defendant

_____/

PLAINTIFF'S THIRD AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, RHONA MAULANO AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MICHAEL MAULANO, and RHONA MAULANO, individually, by and through her undersigned attorneys and sues the Defendants, HOLY CROSS HOSPITAL, INC., HOLY CROSS HOSPITAL HEALTH SERVICES, INC., HOLY CROSS HEALTH MINISTRIES, INC., JANET FONTANA, DAIMLERCHRYSLER CORPORATION, DAIMLERCHRYSLER MOTORS CORPORATION, CHRYSLER MOTORS CORPORATION, CHRYSLER CORPORATION, JEEP CORPORATION, AMERICAN MOTORS SALES CORPORATION, AM COMPUTER LEASING CORPORATION, JEEP EAGLE SALES CORPORATION, JEEP CORPORATION, AMERICAN MOTORS CORPORATION, JEEP EAGLE CORPORATION And HOLLYWOOD CHRYSLER-PLYMOUTH, INC. d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP 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) and is brought in part under the Florida Wrongful Death Act, Florida Statutes 768.16 et. seq.

2. At all times material hereto the Plaintiff, RHONA MAULANO was the lawful wife of Decedent MICHAEL MAULANO.

3. At all times material hereto the Plaintiff, RHONA MAULANO, is the duly appointed Personal Representative of the ESTATE OF MICHAEL MAULANO, deceased.

4. At all times material hereto the Plaintiff RHONA MAULANO was and is a resident of Broward County, Florida.

5. At all times material hereto the Decedent, MICHAEL MAULANO, upon his death left as survivors, as defined by Florida Statute 718.18, his wife, RHONA MAULANO, and their son, Michael Samuel Maulano, D.O.B. 3/31/88.

6. At all times material hereto the Defendant JANET FONTANA, was and is a resident of Broward County, Florida.

7. At all times material hereto the Defendant HOLY CROSS HOSPITAL, INC. was and is a hospital authorized to do business and in fact doing business in Broward County, Florida.

8. At all times material hereto Defendant HOLY CROSS HOSPITAL HEALTH SERVICES, INC., upon information and belief is a department of HOLY CROSS HOSPITAL, INC., authorized to do business and in fact doing business in Broward County, Florida.

9. At all times material hereto Defendant HOLY CROSS HEALTH MINISTRIES, INC., upon information and belief is a department of HOLY CROSS HOSPITAL, INC., authorized to do business and in fact doing business in Broward County, Florida.

10. Hereinafter the Defendants, HOLY CROSS HOSPITAL, INC. HOLY CROSS HOSPITAL HEALTH SERVICES, INC., HOLY CROSS HEALTH MINISTRIES, INC. shall be jointly referred to as "HOLY CROSS HOSPITAL"

11. At all times material hereto the Defendant JANET FONTANA was and is a legal employee of Defendant HOLY CROSS HOSPITAL.

12. At all times material hereto Defendant HOLLYWOOD CHRYSLER-PLYMOUTH, INC. d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP, (hereinafter referred to as "HOLLYWOOD JEEP") was and is an automobile dealership authorized to do business, and in fact doing business in Broward County, Florida.

13. At all times material hereto Defendants DAIMLERCHRYSLER CORPORATION, DAIMLERCHRYSLER MOTORS CORPORATION, CHRYSLER MOTORS CORPORATION, CHRYSLER CORPORATION; JEEP CORPORATION, AMERICAN MOTORS SALES CORPORATION, AM COMPUTER LEASING CORPORATION, JEEP EALGE SALES CORPORATION, JEEP CORPORATION, AMERICAN MOTORS CORPORATION, JEEP EAGLE CORPORATION And HOLLYWOOD CHRYSLER-PLYMOUTH, INC. d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP (hereinafter referred to as "CHRYSLER"), 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.

14. At all times material hereto, the Defendant CHRYSLER designed, manufactured, and sold a 1996 Jeep, bearing identification #1J4FX58S3TC399136.

15. On or about August 2, 1998 the Defendant HOLLYWOOD JEEP sold the subject vehicle to the decedent, MICHAEL MAULANO and Plaintiff, RHONA MAULANO, his wife.

16. On or about July 12, 1999 the Decedent MICHAEL MAULANO was operating his 1996 Grand Cherokee Jeep, bearing identification #1J4FX58S3TC399136, on Stirling Road at its intersection with Hiatus Road, Cooper City, Broward County, Florida.

17. At said time and place, a motor vehicle being driven by the Defendant, JANET FONTANA, while acting in the course and scope of her employment with Defendant HOLY CROSS HOSPITAL, rear-ended the motor vehicle being operated by the Decedent, MICHAEL MAULANO.

18. On or about July 12 1999, the Decedent, MICHAEL MAULANO'S motor vehicle exploded upon impact with Defendant JANET FONTANA'S vehicle, causing the Decedent, MICHAEL MAULANO, to burn to death.

COUNT I
WRONGFUL DEATH CLAIM AGAINST DEFENDANT JANET FONTANA

Plaintiffs reallege and reaver paragraphs 1 through 18 as if set forth fully herein, and in addition would state:

19. At all times material hereto Defendant JANET FONTANA owed a duty to the Decedent MICHAEL MAULANO, to exercise reasonable care in operating her motor vehicle.

20. At all times material hereto Defendant JANET FONTANA was negligent and breached said duty by failing to operate her motor vehicle in a safe, prudent and reasonable manner.

21. As a direct, proximate and foreseeable result of the breach of the aforementioned duty by the Defendant JANET FONTANA, as alleged above, which resulted in the death of the Decedent, MICHAEL MAULANO, the Plaintiff RHONA MAULANO, as Personal Representative of the Estate of Michael Maulano, claims the following losses:

a. For the Estate of MICHAEL MAULANO:

   i) Medical expenses.

   ii) Funeral Expenses.

   iii) Loss of Net Accumulations.

b. For his surviving wife, RHONA MAULANO:

   i) The value of future loss of support and services from the date of death with interest.

   ii) Loss of her husband's companionship, protection, society and comfort.

   iii) Mental pain and suffering.

   iv) Medical and funeral expenses.

c. For his surviving son, Michael Samuel Maulano (D.O.B. 3/31/88):

   i) The value of loss of parental companionship, instruction and guidance;

ii) The value of loss of support and services from the date of death with interest;

iii) Mental pain and suffering.

WHEREFORE, Plaintiff, RHONA MAULANO AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MICHAEL MAULANO, demands judgment for damages against Defendant, JANET FONTANA, costs of this action, and such other and further relief as this Court may deem just and proper and demands trial by jury of all issues triable as of right by jury.

COUNT II
VICARIOUS LIABILITY/RESPONDEAT SUPERIOR CLAIMS AGAINST DEFENDANTS HOLY CROSS HOSPITAL

Plaintiffs reallege and reaver paragraphs 1 through 18 as if set forth fully herein and in addition state:

22. During all relevant times the Defendant JANET FONTANA was an employee, agent, and/or representative acting within the course and scope of her employment with and for Defendants HOLY CROSS HOSPITAL, located in Broward County, Florida.

23. At all times material hereto the Defendant JANET FONTANA, was an employee, agent, and/or representative of Defendants HOLY CROSS HOSPITAL and was acting within the course and scope of her employment for HOLY CROSS HOSPITAL, working as a home health care nurse, traveling to and from various patients' homes throughout Broward County, Florida.

24. At all times material hereto the Defendants HOLY CROSS HOSPITAL, during the time of their employment of Defendant JANET FONTANA, had and

exercised complete authority, control, supervision and/or management over the work and duties performed by Defendant JANET FONTANA while she was working for Defendants HOLY CROSS HOSPITAL.

25. Defendants HOLY CROSS HOSPITAL authorized the Defendant JANET FONTANA to care for and render health care services for patients of Defendants HOLY CROSS HOSPITAL.

26. The Defendants HOLY CROSS HOSPITAL is fully responsible for the performance, including wrongful acts of their employees, while each is acting within the course and scope of their respective employment with Defendants HOLY CROSS HOSPITAL.

27. The Defendants HOLY CROSS HOSPITAL is responsible for any and all damages to the Decedent MICHAEL MAULANO caused by the Defendant JANET FONTANA, while she was acting within the course and scope of her employment with Defendants HOLY CROSS HOSPITAL.

WHEREFORE, Plaintiff, RHONA MAULANO AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MICHAEL MAULANO, demands judgment for damages against Defendants, HOLY CROSS HOSPITAL, costs of this action, and such other and further relief as this Court may deem just and proper and demands trial by jury of all issues triable as of right by jury.

COUNT III
WRONGFUL DEATH CLAIM BASED UPON THE NEGLIGENCE OF DEFENDANTS DAIMLERCHRYSLER CORPORATION, DAIMLERCHRYSLER MOTORS CORPORATION, CHRYSLER MOTORS CORPORATION, JEEP CORPORATION, AMERICAN MOTORS CORPORATION, JEEP EAGLE CORPORATION, and CHRYSLER CORPORATION, (JOINTLY "CHRYSLER")

Plaintiff realleges and reavers paragraphs 1 through 18 as if set forth fully herein and in addition would state:

28. 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.

29. 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.

p. By negligently manufacturing the seatbelt system such that an occupant of the vehicle cannot adequately disengage the seatbelt mechanism upon impact or collision;

q. By negligently failing to construct a seatbelt system which would not malfunction in an emergency situation involving heat, impact or collision;

r. By failing to properly and adequately test said seatbelt system;

s. By failing to properly inspect the materials and/or work performed by the defendant and/or its agents to determine if the design, manufacture and installation of the seatbelt system was proper and sufficient for its intended use;

t. By failing to properly hire and/or train employees and/or agents to design, manufacture and install the seatbelt system in a correct and competent manner;

u. By failing to properly supervise its employees and/or agents during the design, manufacture and sale of said seatbelt system;

v. By failing to adequately warn the decedent that said seatbelt system could malfunction upon impact, collision or when heat was applied;

w. By failing to properly and adequately warn prospective purchasers, foreseeable users and/or other foreseeable parties of the hazards inherent in the seatbelt system; and

x. By failing to post any warning signs or safety signs on said seatbelt system or on other areas of the subject vehicle.

y. By negligently manufacturing and designing the door handle mechanism such that an occupant of the vehicle cannot adequate locate or engage said mechanism upon impact or collision.

z. By failing to property and adequately test said door handle mechanism.

aa. By failing to properly hire or train employees and/or agents to design, manufacture and install said door handle assembly in a correct and competent manner.

bb. By failing to properly supervise its employees and/or agents during the design, manufacture and sale of said door handle mechanism;

cc. By failing to adequately warn the decedent that said door handle mechanism could malfunction upon impact, collision or when heat was applied;

dd. By failing to properly and adequately warn prospective purchasers, foreseeable users and/or other foreseeable parties of the hazards inherent in the door handle mechanism; and

ee. By failing to post any warning signs or safety signs on said door handle mechanism or on other areas of the subject vehicle.

30. 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.

31. As a direct, proximate and foreseeable result of the negligence of Defendant CHRYSLER, the Decedent, MICHAEL MAULANO, was caused to suffer fatal injuries.

32. As a direct, proximate and foreseeable result of the negligence of Defendant CHRYSLER as alleged above, which resulted in the death of the Decedent, MICHAEL MAULANO, the Plaintiff RHONA MAULANO, as Personal Representative of the Estate of MICHAEL MAULANO, claims the following losses:

a. For the Estate of MICHAEL MAULANO:

i) Loss of Earnings of Deceased from date of death

ii) Medical and Funeral Expenses

iii) Loss of Net Accumulations beyond death

b. For his surviving wife, RHONA MAULANO:

i) The value of future loss of support and services from the date of death with interest.

ii) Loss of her husband's companionship, protection, society and comfort.

iii) Mental pain and suffering.

iv) Medical and funeral expenses

c. For his surviving son, Michael Samuel Maulano (D.O.B.3/31/88):

i) The value of loss of parental companionship, instruction and guidance.

ii) The value of loss of support and services from the date of death with interest

iii) Mental pain and suffering.

WHEREFORE, Plaintiff, RHONA MAULANO AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MICHAEL MAULANO, demands judgment for damages against Defendant, CHRYSLER, costs of this action, such other and further relief as this Court may deem just and proper and demands trial by jury of all issues triable as of right by jury.

COUNT IV
WRONGFUL DEATH CLAIM BASED UPON STRICT LIABILITY OF DEFENDANTS DAIMLERCHRYSLER CORPORATION, DAIMLERCHRYSLER MOTORS CORPORATION, CHRYSLER MOTORS CORPORATION, JEEP CORPORATION, AMERICAN MOTORS CORPORATION, JEEP EAGLE CORPORATION, and CHRYSLER CORPORATION, (JOINTLY " CHRYSLER")

Plaintiff realleges and reavers paragraphs 1 through 18 as if set forth fully herein and in addition would state:

33. 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.

34. 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 Decedent, MICHAEL MAULANO, without substantial change in the condition in which it was sold.

35. 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.

36. At all times material hereto, the Decedent, MICHAEL MAULANO, was within the scope of persons who would be a foreseeable user and consumer of said product.

37. The Defendant CHRYSLER is strictly liable for any physical harm caused to the Decedent, MICHAEL MAULANO, as a result of the defect and/or unsafe condition of said fuel and seatbelt systems, which were produced, manufactured, assembled and installed by said Defendant.

38. As a direct and proximate result of the breach of the aforementioned duties by the Defendant CHRYSLER, the Decedent, MICHAEL MAULANO, was caused to suffer fatal injuries.

39. As a direct, proximate and foreseeable result of the negligence of the Defendant CHRYSLER, as alleged above, which resulted in the death of the

Decedent, MICHAEL MAULANO, the Plaintiff RHONA MAULANO, as personal representative of MICHAEL MAULANO, claims the following losses:

a. For the Estate of MICHAEL MAULANO:

   i) Loss of Earnings of Deceased from date of death

   ii) Medical and Funeral Expenses

   iii) Loss of Net Accumulations beyond death

b. For his surviving wife, RHONA MAULANO:

   i) The value of future loss of support and services from the date of death with interest.

   ii) Loss of her husband's companionship, protection, society and comfort.

   iii) Mental pain and suffering.

   iv) Medical and funeral expenses.

c. For his surviving son, Michael Samuel Maulano (D.O.B.3/31/88):

   i) The value of loss of parental companionship, Instruction and guidance.

   ii) The value of loss of support and services from the date of death with interest

   iii) Mental pain and suffering

WHEREFORE, Plaintiff, RHONA MAULANO AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MICHAEL MAULANO, demands judgment for damages against Defendant, CHRYSLER, costs of this action, and such other and

further relief as this Court may deem just and proper and demands trial by jury of all issues triable as of right by jury.

COUNT V
WRONGFUL DEATH CLAIM BASED UPON NEGLIGENCE OF DEFENDANT HOLLYWOOD CHRYSLER PLYMOUTH, INC. D/B/A HOLLYWOOD CHRYSLER PLYMOUTH JEEP

Plaintiff realleges and reavers paragraphs 1 through 18 as if set forth fully herein and in addition would state:

At all times material hereto, Defendant HOLLYWOOD CHRYSLER PLYMOUTH, INC. d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP.

40. HOLLYWOOD CHRYSLER PLYMOUTH, INC. d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP, 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:

a. Failing to properly inspect the Chrysler automobile's fuel system, seatbelt system and door handle mechanisms for defects and/or foreseeable conditions which would render the automobile inadequate.

b. 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.

41. The Defendant HOLLYWOOD CHRYSLER PLYMOUTH, INC. d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP owed a duty of care to the Decedent, Michael Maulano, 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.

42. As a direct and proximate result of the negligence of the Defendant HOLLYWOOD CHRYSLER PLYMOUTH, INC. d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP, the Decedent, MICHAEL MAULANO, was caused to suffer fatal injuries.

43. As a direct, proximate and foreseeable result of the negligence of the Defendant HOLLYWOOD CHRYSLER PLYMOUTH, INC. d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP as alleged above, which resulted in the death of MICHAEL MAULANO, the Plaintiff RHONA MAULANO, as Personal Representative of the Estate of MICHAEL MAULANO claims the following losses:

a. For the Estate of MICHAEL MAULANO:

   i) Loss of Earnings of Deceased from date of death

   ii) Medical and Funeral Expenses

   iii) Loss of Net Accumulations beyond death

b. For his surviving wife, RHONA MAULANO:

   i) The value of future loss of support and services from the date of death with interest.

   ii) Loss of her husband's companionship, protection, society and comfort.

iii) Mental pain and suffering.

iv) Medical and funeral expenses.

c. For his surviving son, Michael Samuel Maulano (D.O.B.3/31/88):

i) The value of loss of parental companionship, instruction and guidance.

ii) The value of loss of support and services from the date of death with interest

iii) Mental pain and suffering

WHEREFORE, Plaintiff, RHONA MAULANO AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MICHAEL MAULANO, demands judgment for damages against Defendant, HOLLYWOOD CHRYSLER PLYMOUTH, INC. d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP costs of this action, and such other and further relief as this Court may deem just and proper and demands trial by jury of all issues triable as of right by jury.

COUNT VI
WRONGFUL DEATH CLAIM BASED STRICT LIABILITY OF DEFENDANT HOLLYWOOD CHRYSLER PLYMOUTH, INC. d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP

Plaintiffs reallege and reaver paragraphs 1 through 18 as if set forth fully herein and in addition state:

44. At all times material hereto Defendant HOLLYWOOD CHRYSLER PLYMOUTH, INC. d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP was the sales agency which sold the subject Chrysler automobile to Decedent, MICHAEL MAULANO.

45. In the normal course of business, the above-described automobile was offered for sale by the Defendant HOLLYWOOD CHRYSLER PLYMOUTH, INC. d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP and was expected to reach, and in fact did reach the general public, including the Decedent, MICHAEL MAULANO.

46. At the time that the Chrysler automobile was offered to the public, there was no warning or indication that the automobile's fuel and seatbelt systems would not function properly.

47. The Chrysler's fuel and seatbelt systems were defective since they were suited to operate properly under reasonable and foreseeable conditions.

48. The inadequate and/or unsafe fuel and seatbelt systems, under the control of the Defendant, HOLLYWOOD CHRYSLER PLYMOUTH, INC. d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP, were unreasonably dangerous hazards.

49. At the stated time and location when the Decedent MICHAEL MAULANO was properly operating the subject Chrysler motor vehicle, the fuel and seatbelt systems contained therein failed to function properly, causing the Decedent MICHAEL MAULANO to expire.

50. As a direct, proximate and foreseeable result of the negligence of Defendant HOLLYWOOD CHRYSLER PLYMOUTH, INC. d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP, as alleged above, which resulted in the death of MICHAEL MAULANO, Plaintiff RHONA MAULANO, as Personal Representative of MICHAEL MAULANO, claims the following losses:

a. For the Estate of MICHAEL MAULANO:

   i) Loss of Earnings of Deceased from date of death

   ii) Medical and Funeral Expenses

   iii) Loss of Net Accumulations beyond death

b. For his surviving wife, RHONA MAULANO:

   i) The value of future loss of support and services from the date of death with interest, and future loss of support and services

   ii) Loss of her husband's companionship, protection, society and comfort.

   iii) Mental pain and suffering.

   iv) Medical and funeral expenses.

c. For his surviving son, Michael Samuel Maulano (D.O.B.3/31/88):

i) The value of loss of parental companionship, Instruction and guidance.

ii) The value of loss of support and services from the date of death with interest

iii) Mental pain and suffering

WHEREFORE, Plaintiff, RHONA MAULANO AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MICHAEL MAULANO, demands judgment for damages against Defendant, HOLLYWOOD CHRYSLER PLYMOUTH, INC. d/b/a HOLLYWOOD CHRYSLER PLYMOUTH JEEP, costs of this action, and such other and further relief as this Court may deem just and proper and demands trial by jury of all issues triable as of right by jury.

I DO HEREBY CERTIFY that a copy of the foregoing Third Amended Complaint was attached to the motion to amend and mailed on the ____ day of May, 2001 to all counsel on the attached service list.

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:_____
JON E. KRUPNICK, ESQUIRE
Florida Bar No.: 104827

5/15/01 CB
16581 Doc#95094

SERVICE LIST
MAULANO V. HOLY CROSS et al

[redacted]1

for HOLY CROSS HOSPITAL

for Defendant [redacted]

[redacted]A.

[redacted] for 3rd Party Defendants DAIMLERCHRYSLER & HOLLYWOOD CHRYSLER-PLYMOUTH/ JEEP-EAGLE.

Robert D. Banta
Banta Technical Services LLC
May 15, 2007

[redacted] v DaimlerChrysler

Rule 26 Report

INTRODUCTION:

This preliminary report is written in accordance with Federal Rule of Civil Procedure #26. The purpose of this report is to describe certain technical issues relating to a multiple vehicle crash and subsequent fire that occurred on April 28, 2006 in Dallas, TX. The target vehicle involved was a 2000 Jeep Grand Cherokee bearing V.I.N. 1J4G248S2YC[redacted].

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, including claims that the vehicle stopped on the roadway prior to the crash. This report includes an analysis of the fire event, reviews the information collected and provides certain conclusions 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:

On April 28, 2006, at approximately 10:30 P.M. the subject 2000 Jeep Grand Cherokee Sport Utility vehicle was reportedly stopped on the Tom Landry Freeway (I-30) in Dallas, TX. This section of urban freeway was reportedly unlighted at the time. In addition, the Grand Cherokee was also reportedly not lighted. An approaching 1982 Chevrolet C-600 Medium Duty Flatbed wrecker operated by Raymond Scott at 65 to 70 miles per hour struck the Jeep in the rear end. Following this crash sequence a fire resulted.

MATERIALS REVIEWED:

The following items were reviewed in the course of this investigation:

1. 2000 Jeep Grand Cherokee Service Manual

2. DaimlerChrysler engineering graphics and drawings
3. Incident vehicle service history, warranty and repair records
4. Discovery materials provided to and by both parties
5. Dallas Police Department Crash Report
6. Dallas Police Department Incident Report
7. The incident vehicle
8. Photographs taken by Raymond Scott of the bullet vehicle
9. Deposition of Joni McClain M.D.
10. Deposition of Raymond Scott
11. Deposition of Officer Joel Reeves, Dallas Police Department
12. Initial Disclosures by both parties

VEHICLE EXAMINATION:

On February 20, 2007 the writer examined the subject vehicle.

This vehicle examination revealed evidence that the Grand Cherokee suffered a severe rear impact along with a nearly complete and total burn experience to the rear portion of the vehicle. The fire consumed most of the available combustible materials at the rear end. The frontal portions forward of the "A' pillar remain unburned.

The rear frame rails were crushed in a forward direction and the rear body profile bears the impression witness of the flat faced cowl shape of the bullet vehicle. This extremely severe rear impact resulted in the floor pan being driven forward to a position behind the front seat back. The resultant fire destroyed the fuel tank and its contents. In addition, the impacting truck was moderately burned.

No indication of a vehicle malfunction was found. The vehicle rear fuel systems (tank, filler and plumbing) were fully and completely destroyed in this collision. A detailed heat, fire movement and flame vector analysis was conducted. The following observations were made:

1. This fire was solely a crash induced event.

2. The wheelbase measures 93" on the left and 98.5" on the right indicating a greater amount of impact damage and crush on the left side.

3. The fuel tank and its mounting area was completely crushed, no undamaged space remains from the front seats rearward to allow repositioning the tank system.

4. This fuel tank is constructed of cross-linked high density polyethylene that has proven to be a highly impact resistant material. The tank has an integral metal shield positioned over its bottom, side and rear surfaces.

5. The impact forces in this accident were extremely severe. This crash destruction completely eliminated the space occupied by the fuel tank in spite of its superior design protection system.

6. 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.

7. It was reported that this vehicle was stopped on the roadway prior to the crash. The possible cause(s) for stopping are extensive and include:

   a. deliberate activity by the driver in response to a variety of situations

   b. vehicle maintenance

   c. some possible unidentified system failure including an electrical malfunction (see # 8)

8. It was also reported that the vehicle exterior lighting was not illuminated on the evening of the crash. No evidence was found that the lighting system was malfunctioning. However, the following was determined:

   a. the battery's positive cable clamp was found to be insufficiently tightened. It was sufficiently loose that removal required no tools. An aftermarket fabric washer was also found under the clamp. This cable looseness can result in a complete loss of both engine operation and exterior lighting.

9. The engine crankshaft could not be rotated following the crash. However, it is not known if this condition existed prior to the crash event. The determination of the actual cause(s) of seizing is technically challenging. There are several candidate causes that remain under investigation:

   a. Electrical malfunction – see 8a

b. Corrosion caused by fire extinguishment action (water and extinguishment corrosive agents into air intake) – the spark plugs were removed and the combustion chamber was found to contain substantial corrosion.

c. Jamming of the driveline – the rear axle system and prop shaft exhibits clear indications of severe impact induced column loading into the transmission and engine driveline.

d. Engine failure – an engine oil sample was removed and analyzed, the test results reveal that no engine failure modes were in progress.

e. Both corrosion and driveline column loading were confirmed in this case and are equally probable.

10. 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 complete destruction of a variety of underbody components. Burn patterns revealed evidence of an origin in this area.

11. The first fuel ignited in this fire event was likely gasoline from the tank system. The likely ignition method was frictional sparking of the vehicle's metal surfaces or the vehicles fracturing lamp filaments.

12. The reports of vehicle 'stalling" cited by plaintiff's experts was reviewed. These reports by vehicle users are unsubstantiated inputs that have no actual cause identified. They do not conclude that a vehicle design or manufacturing defect was responsible for the reported condition.

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.

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 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

FILED-CLERK
U.S. DISTRICT COURT
06 AUG -7 PM 2:00
TX EASTERN-MARSHALL
BY_____

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ANTHONY MOORE, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF TONYA SHARP MOORE, DECEASED, AND AS NEXT FRIEND TO PAMELA JONES AND TOMMY SHARP, MINORS; AND LATONYA YOUNG AND SHELBA G. SHARP, INDIVIDUALLY,	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 2-06CV-317
DAIMLERCHRYSLER CORPORATION,	§	
Defendant.	§	

PLAINTIFFS' ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES JUDGE OF SAID COURT:

COMES NOW, ANTHONY MOORE, both in his individual capacity and as representative of the ESTATE OF TONYA SHARP MOORE, deceased, as well as next friend to PAMELA JONES and TOMMY SHARP, minors; and LATONYA YOUNG and SHELBA G. SHARP, individually (hereinafter referred to as "Plaintiffs"), and respectfully file this Original Complaint complaining of DAIMLERCHRYSLER CORPORATION (hereinafter referred to as "Defendant"), and would state and show the following:

A. Parties

1. Plaintiff Anthony Moore is the surviving spouse and representative of the Estate of Tonya Sharp Moore, deceased. He resides in and is a citizen of Dallas, Texas.

2. Pamela Jones is a minor child, and she is the natural child of Tonya Sharp Moore, deceased. She resides in and is a citizen of Dallas, Texas.

3. Tommy Sharp is a minor child, and he is the natural child of Tonya Sharp Moore, deceased. He resides in and is a citizen of Dallas, Texas.

4. Latonya Young is an individual, and she is the natural child of Tonya Sharp Moore, deceased. She resides in and is a citizen of St. Louis, Missouri.

5. Shelba G. Sharp is an individual, and she is the natural mother of Tonya Sharp Moore, deceased. She resides in and is a citizen of St. Louis, Missouri.

6. DaimlerChrysler Corporation is a foreign Corporation doing business in Texas and service of process upon this Defendant may be had by serving its registered agent for service, CT Corporation at 350 N. St. Paul Street, Dallas, Texas 75201.

B. Jurisdiction

7. This Court has jurisdiction over the lawsuit under the provisions of 28 U.S.C. Section 1332. The parties to this lawsuit are citizens of different states, and the matter in controversy exceeds the sum or value of $75,000.00, exclusive of interest and costs.

C. Facts

8. On or about April 28, 2006, Tonya Sharp Moore was the passenger of a stalled 2000 Jeep Grand Cherokee (VIN# 1J4G248S2YC265013) near the 3800 block of Tom Landry Freeway (IH 30) in Dallas, Dallas County, Texas, when the vehicle was struck from behind by a tow truck. It subsequently caught on fire.

9. At the time of the accident, Tonya Sharp Moore was the right-front passenger, and she was properly seated and properly wearing her 3-point seat belt.

10. However, despite being properly restrained, Tonya Sharp Moore sustained fatal injuries in the fire which consumed the vehicle.

D. Cause(s) of Action as to Defendant DaimlerChrysler Corporation

11. It was entirely foreseeable to and well-known by the Defendant that accidents and incidents involving its vehicles, such as occurred herein, would on occasion take place during the normal and ordinary use of said vehicle.

12. The injuries and damages complained of herein occurred because the vehicle in question was not reasonably crashworthy, and was not reasonably fit for unintended, but clearly foreseeable, accidents. The vehicle in question was unreasonably dangerous in the event it should be involved in an incident such as occurred herein.

13. Defendant designed, manufactured, marketed, assembled, and tested said vehicle in question to be unreasonably dangerous and defective within the meaning of Section 402(A) Restatement (Second) Torts, in that the vehicle was unreasonably dangerous as designed, manufactured, assembled, marketed, and tested because of the following defects:

a. the engine stalled and allowed the vehicle to die in a heavily traveled road in Dallas. The engine seizure is a defect;
b. the vehicle was not crashworthy in that it caught fire after being struck from the rear; and
c. the location of the fuel tank was placed in the zone of crush. If the fuel tank had been positioned in front of the axle or between the side rails, there would have been no fire.

14. Defendant was negligent in the design, manufacture, assembly, marketing, and testing of the vehicle in question

15. The foregoing acts and/or omissions of Defendant were a producing and/or proximate cause of the Plaintiffs' damages.

16. The foregoing acts and/or omissions of Defendant were a producing and/or proximate cause of Tonya Sharp Moore's fatal injuries.

E. Damages To Plaintiffs

17. As a result of the acts and/or omissions of Defendant, decedent, Tonya Sharp Moore, suffered physical pain and suffering, anguish, and emotional distress prior to her death and these damages survive her death through her Estate.

18. As a result of the acts and/or omissions of Defendant, Plaintiffs Anthony Moore, Pamela Jones, Tommy Sharp, LaTonya Young, and Shelba G. Sharp have suffered mental anguish, emotional distress, and loss of consortium in the past and into the future over the death of Tonya Sharp Moore.

19. As a result of the acts and/or omissions of Defendant, Plaintiffs have become obligated to pay funeral and burial expenses associated with the death of decedent.

20. The above and foregoing acts and/or omissions of Defendant, resulting in the injuries to Plaintiffs, have caused actual damages to Plaintiffs in an amount in excess of the minimum jurisdictional limits of this Court.

F. Prayer

21. For the reasons presented herein, Plaintiffs pray that Defendant be cited to appear and answer, and that upon a final trial of this cause, Plaintiffs recover judgment against Defendant for:

a. economic and non-economic damages;
b. prejudgment and post-judgment interest beginning April 28, 2006;
c. costs of suit; and
d. all other relief the Court deems proper.

Respectfully submitted,

TRACY & CARBOY

E. Todd Tracy (Lead Counsel)
State Bar No. 20178650
Andrew G. Counts
State Bar No. 24036408
5473 Blair Road Suite 200
Dallas, TX 75231
(214) 324-9000 Phone
(972) 387-2205 Fax

ATTORNEYS FOR PLAINTIFFS

4 (Rev. 3/99)

CIVIL COVER SHEET

2-06CV-317

S-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

PLAINTIFFS [redacted]

County of Residence of First Listed Plaintiff Dallas
(EXCEPT IN U.S. PLAINTIFF CASES)

[redacted]

Dallas, TX [redacted]

DEFENDANTS Daimler Chrysler Corporation

County of Residence of First Listed Defendant Dallas
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff — Federal Question (U.S. Government Not a Party)
- ☒ 4 U.S. Government Defendant — Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☒ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- nsurance
- Marine
- Miller Act
- Negotiable Instrument
- Recovery of Overpayment & Enforcement of Judgment
- Medicare Act
- Recovery of Defaulted Student Loans (Excl. Veterans)
- Recovery of Overpayment of Veteran's Benefits
- Stockholders' Suits
- Other Contract
- Contract Product Liability

REAL PROPERTY
- Land Condemnation
- Foreclosure
- Rent Lease & Ejectment
- Torts to Land
- Tort Product Liability
- All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☒ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury—Med. Malpractice
- ☐ 365 Personal Injury—Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence
- Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt. Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce/ICC Rates/etc.
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes
- ☐ 890 Other Statutory Actions

V. ORIGIN
(PLACE AN "X" IN ONE BOX ONLY)

☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

This Court has jurisdiction over the lawsuit under the provisions 28 U.S.C. §28 1332. Defendnat's liable under 402 (A) Statement 2nd Torts

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE _____ DOCKET NUMBER _____

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

7349 Worthington-Galena Road
Columbus, Ohio 43085
614.888.4160 • 800.782.6851
Fax 614.885.8014
www.SEAlimited.com

May 18, 2007

Mr. Robert Sonnier
Clark, Thomas & Winters
300 West 6th Street, 15th Floor
Austin, Texas 78701

Re: [redacted] vs. DaimlerChrysler
SEA Project No. 146768

Dear Mr. Sonnier:

I have completed the analysis of the above-referenced case. Materials reviewed include the following:

1. Police accident report;
2. Plaintiffs' Original Complaint;
3. Plaintiffs' First Amended Complaint;
4. DaimlerChrysler Corporation's Original Answer to Plaintiffs' Original Complaint;
5. Docket Control Order;
6. Motion to Intervene;
7. Intervenors' Notice of Designation of Expert Witness;
8. Plaintiffs' and Intervenors' Designation of Expert Witnesses;
9. Color lasers of on-scene photos;
10. Report of Stephen R. Syson dated April 4, 2007 with attachments;
11. Report of Marc A. Krouse, M.D. dated April 6, 2007;
12. Report of Stephen R. Syson on the Gundy vs. DaimlerChrysler matter dated September 25, 2006 with attachments;
13. Deposition transcript of Joni L. McClain, M.D. taken April 30, 2007;
14. Deposition transcript of Raymond Eugene Scott, II taken April 30, 2007;
15. Deposition transcript of Officer Joel Reyes taken April 19, 2007;
16. DaimlerChrysler's Material Engineering Summary Report of engine oil sample completed on May 16, 2007;
17. Vehicle information of a 2000 Jeep Grand Cherokee from Canadian Vehicle Specification;
18. Vehicle information of a 1993 Chevrolet Kodiak from N.A.D.A. Official Used Car Guide;

19. CD containing 10 color photos of wrecker truck produced by R. Scott dated 5-2-07;
20. Texas DOT Jeep Grand Cherokee documents;
21. Federal Motor Vehicle Safety Standards dealing with requirements for the 2000 Jeep Grand Cherokee;
22. NHTSA rear crash tests;
23. Ragland, C.L., "Research Tests to Develop Improved FMVSS 301 Rear Impact Test Procedure," 16th ESV, Paper No. 98-S4-P-16;
24. Krafft, M., et al., "Crash Pulse Recorders in Rear Impacts – Rear Life Data," 16th ESV, Paper No. 98-S6-O-10;
25. Kleinnerger, M., et al., "The Role of Seatback and Head Restraint Design Parameters on Rear Impact Occupant Dynamics," 18th ESV Paper No. 229;
26. Saunders, J.W., III, et al., "Performance of Seating Systems in a FMVSS No. 301 Rear Impact Crash Test," 18th ESV, Paper No. 248;
27. High Speed Rear Impact Test conducted by FAA, SAE International, 1997;
28. Ford rear impact tests of 1996 Crown Victoria described in the ODI investigation;
29. Campbell, K.L., SAE Paper No. 740565, "Energy Basis for Collision Severity";
30. Malliaris, A.C., et al., SAE Paper No. 820242, "A Search for Priorities in Crash Protection";
31. Warner, C.Y. et al., SAE Paper No. 830612, "Friction Applications in Accident Reconstruction";
32. Malliaris, A.C., et al., SAE Paper No. 850090, "Harm Causation and Ranking in Car Crashes";
33. Hight, P.V., et al., SAE Paper No. 850437, "Barrier Equivalent Velocity, Delta V and CRASH3 Stiffness in Automobile Collisions";
34. Strother, C. E., et al., SAE Paper No. 860371, "Crush Energy in Accident Reconstruction";
35. Nystrom, G.A., et al., SAE Paper No 910119, "Stiffness Parameters for Vehicle Collision Analysis";
36. Robinette, R.D., et al., SAE Paper No. 940915, "Delta-V: Basic Concepts, Computational Methods, and Misunderstandings";
37. Tanner, C.B., et al., SAE Paper No. 970120, "Vehicle and Occupant Response in Heavy Truck to Car Low-Speed Rear Impact";
38. Chen, H.F., et al., SAE Paper No. 2005-01-1188, "Application of Force Balance Method in Accident Reconstruction";
39. Viano, David C., Role of the Seat in Rear Crash Safety, SAE International, 2002;
40. Limpert, Rudolf, Motor Vehicle Accident Reconstruction and Cause Analysis, Fifth Edition;
41. Motor Crash Estimating Data.

QUALIFICATIONS

1. My curriculum vitae is attached as Attachment A.

2. My experience includes the fields of vehicular accident reconstruction, automotive design analysis engineering, vehicle crash testing, component design and evaluation of vehicles, and restraint systems analysis. While pursuing my Ph.D. in Mechanical Engineering at The Ohio State University, I worked under Dr. Helmuth W. Engelman, P.E., as part of one of the first seven National Accident Sampling System (NASS) teams in the United States (1969-1971). It was during this time that I learned the application of Newton's Three Laws and d'Alembert force to the principles to the mechanics of vehicular accident reconstruction. This included the courses taken by our teams as provided by NHTSA (Dr. Severy was one of the instructor's) and actual crash teams investigation of accidents. (We were oftentimes on the scenes before the EMT's or rural police). I was responsible for analyzing the accidents to determine vehicle impact speeds, closing velocities, and angular velocities, and to evaluate structural energy absorption, restraint system usage and performance, and finally, occupant motions both inside and outside (ejections).

3. In order to properly evaluate a vehicle's crashworthiness, additional background and training includes:

   3.1. Application of Newton's Three Laws of Motion, the conservation of momentum, the conservation of energy [specific to speeds, energy, and motion analysis of the vehicle(s)], the First and Second Laws of Thermodynamics (fire causation) and the biofidelity of crash test dummies with real world occupant motion. All of these principles are based on the concepts learned in undergraduate and graduate studies in the Laws of Physics.

   3.2. My course work and training for my advanced degrees as applied to the design, manufacture, and performance of vehicles and component systems including restraint systems seats, energy absorption structures and occupant kinematics.

   3.3. Some of the concepts I learned pursuing my Ph.D. in Mechanical Engineering, specifically the principles of design and analysis of design,

and design of experiments (D.O.E.), were applied in this analysis. Application of the principles to automotive restraint systems and their performance includes:

a. The analytical evaluation of restraint systems performance
b. The testing of restraints
c. The correlation of analytical, testing, and "real world" field performance based on testing and analysis of testing, and
d. Analysis of performance in actual "real world" accidents.

4. My opinions are in part based on review of testing and analysis conducted by or for the National Highway Traffic Safety Administration (NHTSA) and by General Motors, American Motors Corporation, Ford Motor Company, Volvo, Honda, Chrysler, DCC and others. These tests are conducted by each corporation or by me as requested by the manufacturers. These tests have included car-to-car, car-to-truck, car-to-pole, and car-to-barrier impacts as well as sled testing, and component testing (including belts and/or airbags) to evaluate the specific systems under controlled laboratory conditions.

5. During the design of experiments (D.O.E.) and development phase of vehicle design and manufacture, tests are used to assist in the design process (preliminary, intermediate, detail and final design) to:

5.1. assist in design evaluation
5.2. assist in design validation
5.3. assist in design constraints
5.4. assist in design criteria
5.5. assist in predicting vehicle behavior in "real world" application

6. Engineering design is an interactive decision-making process and testing evaluations can lead to design changes. All engineers in the design of products utilize the results/performance/evaluation of the product during testing to validate, support, modify, or improve the utility of the specific product.

7. Component evaluation testing results must be evaluated. Based on this subjective evaluation, product change may be necessary.

DESIGN EXPERIENCE

I have been an engineer since 1968 and a licensed mechanical engineer since 1972. During this time period, I have:

1. Designed (as group leader or team member) the following vehicles, systems, components, or subsystems:

    1.1. The Area Reference Skid Measurement System (ARSMS) for the Federal Highway Administration (FHWA) and associated skid trailers. [This system is the standard for measuring skid numbers of our American roadways and includes a modified GMC pickup and towing skid trailer.]

    1.2. The Vehicle Inertia Measurement Facility (VIMF) – five machines in use worldwide by automotive manufacturers.

    1.3. The Automatic Steering Controller (ASC) for mounting onto a vehicle steering wheel and performing repeatable testing of steering response while driving.

2. Having been part of the design teams in evaluating, testing, and/or development of the structural response for the following vehicles:

    2.1. 1969-1988 C and CK pickup trucks manufactured by GM
    2.2. 1998-2001 Dodge Ram 1500 pickup trucks for evaluation of the energy absorption design:
    2.3. The Buckeye Bullet (World's fastest electric land speed vehicle) for suspension design
    2.4. The Buckeye Bullet II new suspension design

3. Developed the stiffness coefficients (structural energy absorption) for various pickups, SUVs, and new passenger cars based on crash tests as performed by NHTSA (1984).

4. Represented The Ohio State University and/or SEA on Society of Automotive Engineers (SAE) accident reconstruction, vehicle dynamics, and occupant kinematics subcommittees.

5. Finally, I am one of the most prolific authors of SAE papers having published 222 technical papers with 116 of those for SAE of which 65 are SAE Transactions. To further support my study in the design of vehicles, energy systems, structural systems, restraint systems, and vehicle performance, the following papers are presented:

5.1. In the area of vehicle structural performance, energy absorption and form synthesis of structural components: papers 48, 54, 56, 61, 66, 82, 88, 92, 105, 106, 128, 129, 161, 176, 183, 198, 199, 206, 207, 208; reports 13, 18, 27; and several theses.

5.2. In the area of vehicle fire analysis, the following is presented: (in direct see no. 3): papers 20, 35; and several reports and theses.

5.3. In the area of vehicle internal combustion engine: papers 14, 41 and in thesis: (3), (6), (10), (14).

5.4. In the area of vehicle restraints systems (seat belts and air bags): papers 63, 81, 96, 111, 142, 166 and thesis (20).

5.5. In the area of vehicle accident reconstruction: papers 42, 45, 48, 54, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66 67, 69, 70, 71, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 86, 87, 88, 90, 91, 92, 93, 95, 96, 97, 98, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 116, 119. 123, 128, 140, 146, 161, 162, 167, 174, 176, 180, 183, 185, 186, 187, 198, 206, 207, 214, 216; and many theses.

5.6. In the areas of design, DOE, and manufacturing: papers 37, 128, 137, 138, 152, 155, 158, 159, 160, 162, 165, 200, 204.

5.7. In the area of occupant kinematics: papers 62, 176, 184, 187, plus numerous theses.

ASSIGNMENT

I was asked to perform an accident reconstruction analysis and to evaluate the performance of the Jeep Grand Cherokee in this accident. I was also requested to examine and evaluate the opinions expressed in the reports of Plaintiff's experts.

I examined the potential causes of the reported engine stalling, the safety performance of the 2000 model year Jeep Grand Cherokee SUV's energy management structure, the front and rear seats of the vehicle and the resulting occupant kinematics of the occupants in the subject Jeep.

METHODOLOGY

1. The analysis followed the scientific method and protocol as performed by automotive engineers who are employed in the area of vehicular accident reconstruction and crashworthiness including, but not limited to, momentum conservation, energy conservation, crush energy calculation set forth by Campbell, Newton's three laws of motion, and other recognized engineering principles.

2. These principles are further enhanced and discussed in many of my publications and those of the SAE, ASME, ASTM, Transport Canada, and several manufacturers.

3. The conclusions presented in this report are based on my 36 years in the field of accident reconstruction, crashworthiness evaluation, occupant kinematics and component evaluation, and automotive design. All these areas are based on the laws of physics, mathematics, design, and mechanical engineering.

4. NHTSA rear impact crash testing and publicly available rear impact crash testing was considered in my analysis. SAE publications in accident reconstruction, vehicle crashworthiness, fuel tank integrity and occupant seat performance were also taken into account. FMVSS regulations were part of my evaluation of vehicle performance.

ACCIDENT BACKGROUND

This two-vehicle accident occurred on westbound IH 30, in Dallas County, Texas at approximately 10:20 p.m. on April 28, 2006. At the time of the accident, it was dark and the roadway was not illuminated. The weather was clear or cloudy. At the accident site, IH 30 is an east/westbound divided highway with a speed limit of 60 mph. There are four travel lanes and an on-ramp from Westmoreland Road for westbound traffic. The road surfaces were dry at the time of the accident.

According to the police accident report (PAR), this accident occurred in the following manner. A 2000 Jeep Grand Cherokee driven by Lezette Batiste stopped in the second

lane from the left edge of westbound IH 30. The Grand Cherokee was struck in the rear by a flatbed tow truck driven by Raymond Scott. After impact, the Grand Cherokee skidded down the road for 300 feet and ended up in the leftmost lane, facing east, where it became engulfed in fire. The tow truck was wedged between the Grand Cherokee and the Jersey barrier.

At the time of the accident, Tonya Sharp was the right front passenger of the Grand Cherokee. She and Ms. Batiste sustained fatal injuries in this accident.

ACCIDENT ANALYSIS

1. I inspected the accident Grand Cherokee and an exemplar Grand Cherokee.

2. I also evaluated rear impact tests of passenger cars and SUVs. Likewise, I have inspected hundreds of vehicle and scenes and taught reconstruction classes for the past 25 years.

3. Based on the above-noted experience, training, and education, I reconstructed the accident.

4. I evaluated the accident in terms of impact velocities, change in velocity, Principal Direction of Force (PDOF), acceleration (deceleration), and related my evaluation to data on impact severity compiled by SAE, AAAM, and NHTSA.

5. Crash safety design requires that the energy and acceleration levels involved in an accident be evaluated in order to assess the probability of survival.

ACCIDENT RECONSTRUCTION AND OPINIONS

Based on all the information reviewed, I have concluded the following:

1. The speed of the Chevrolet tow truck at impact was approximately 65-70 mph. The impact was offset toward the left side of the tow truck (or toward the right side of the Grand Cherokee). After impact, it is likely that both vehicles stayed together for a certain period of time and they moved at a post-impact speed of approximately 45 mph. The speed change of the tow truck was about 20-22 mph with a principal direction of force (PDOF) of approximately 12:00.

2. The Jeep Grand Cherokee was stopped before the impact. After impact, the Grand Cherokee moved at a post-impact speed of approximately 45 mph. The speed change of the Grand Cherokee was the same as its post-impact speed. The PDOF of the Grand Cherokee was around 6:00. The Grand Cherokee experienced an average acceleration of approximately 20-30 G's and a maximum acceleration of approximately 50-60 G's during the impact with the tow truck. The occupants in the Grand Cherokee would move opposite to the PDOF, mostly to the rear. During the rearward movement, the seating geometry was also changing as the rear structures of the Grand Cherokee buckled due to the impact forces.

3. Mr. Syson stated in his report that he has not done a detailed reconstruction of the accident but opined in many places in his report that the rear impact to the Jeep Grand Cherokee was at low acceleration levels and not of sufficient magnitude to have caused any permanent injury to a driver or passenger. It is difficult to understand how he reached such opinions without quantifying the speed change and deceleration experienced by the occupants in the Grand Cherokee.

   The impact severity in this accident is higher than the majority of rear crashes. It is much more severe than a FMVSS 301 test.

4. Mr. Syson opined that if this collision had been of a high severity, it would be expected that the occupants in the Grand Cherokee would have had orthopedic injuries to the neck since the vehicle's head restraints are poorly designed according to IIHS. Mr. Syson failed to compare the sitting heights of the driver and passenger of the Grand Cherokee in this accident to the sitting height of the dummy used by IIHS in their head restraint measurements. Besides, it was concluded in a paper authored by NHTSA engineers that the IIHS static head restraint measurement ratings do not correlate with dynamic performance in moderate to high speed rear impacts.[1] The following is an excerpt of that paper.

   "The IIHS static head restraint measurement ratings did not correlate with the dynamic performance of the seat and head restraint system in moderate to high speed rear impacts as assessed using currently available whiplash injury criteria such as Nkm, lower neck moments, and head to torso rotation for the vehicles tested in this study."

1. Saunders, J.W., et al, "Performance of Seating Systems in a FMVSS No. 301 Rear Impact Crash Test," 18th ESV, Paper No. 248.

5. Because of the weight and structure mismatch between the two vehicles and the high impact speed, the rear of the Grand Cherokee was crushed forward to an extent greater than the rear axle. The significant differences in weight and structures contribute to the incompatibility between the two vehicles in this accident. No designs can guarantee the elimination of crush and fatal injuries in any crash.

6. Mr. Syson indicated the Grand Cherokee had a very weak rear frame and a defective sill structure, which allowed penetration to the fuel tank in a foreseeable rear impact and intrusion into the front occupant compartment. There was no data or comparison from Mr. Syson to qualify a very weak frame or a defective sill structure. Nor was there any attempt to quantify the forces the structure can sustain. He totally negated the high impact severity and the incompatibility between the two vehicles in this accident.

   The impact in this accident was so severe that the rear bumper of the Grand Cherokee was pushed forward of the rear axle, even forward of the undamaged C-pillar position. In fact, the entire rear end was crushed forward with the rear bumper displaced to a position beyond the original forward surface of the rear seatbacks. The roof was folded at the D-pillars and buckled at the B- and C-pillars. The longitudinal rails were deformed and buckled as they were designed to do to absorb energy.

7. Mr. Syson stated the Grand Cherokee rear structure is substantially similar to other unibody vehicles and it allows kick-up in rear impacts, which is intended to tip the fuel tank out of direct contact with the rear axle and rear suspension components in FMVSS 301 tests, but that this reduces rear impact energy absorption capability. Mr. Syson failed to substantiate the similarity between the Grand Cherokee and other unibody vehicles and quantify the degree of kick-up and energy absorption in this accident. The impact severity and the incompatibility between the two vehicles in this accident are the main factors for the damage to the Grand Cherokee, which Mr. Syson did not address in his report.

   Given the severity of this impact, a fuel tank will be compromised in this accident regardless of its mounting position relative to the rear axle. No fuel system design can totally eliminate the possibility of fuel leakage in high-severity crashes such as this accident.

SEA

8. Mr. Syson concluded that the 2000 Grand Cherokee is unreasonably susceptible to engine stalling based on the complaints filed to NHTSA. First of all, the government agent, NHTSA, only acts as a collecting point and does not substantiate or investigate the complaints unless they are excessive in number. My review of those complaints does not show evidence or indication of defects of the 2000 Grand Cherokee.

9. There are many reasons why a vehicle stalls. The following presents possible causes for the engine to be seized, as well as possible causes for the engine to stall while the vehicle is moving under power.

9.1. Possible reasons for engine to seize while under power:

(1) Engine was run too hot, thereby seizing while under power
   a. the engine block was warped by the excessive heat, and/or due to the post-collision fire, to the point of being difficult to turn by hand.
   b. Possible root causes:
      i. driving with low coolant level
      ii. sudden coolant leak due to loose fitting, failed hose, or road debris damage to hoses or radiator
      iii. thermostat stuck in closed position
      iv. blockage to radiator air flow
      v. radiator or cooling lines clogged due to improper/poor maintenance
      vi. blown head gasket with overheating
      vii. failed water pump

(2) Engine lost oil pressure, causing seizure. Permanent seizure could be the result of related permanent damage and/or post-crash fire.
   a. Possible root causes:
      i. loss of engine oil while under power
      ii. engine oil level too low due to poor maintenance
      iii. engine oil filter failure (poor maintenance, burst seal or filter housing)
      iv. blocked oil passages

9.2. Possible reasons for the engine to be difficult to rotate, post-crash:

(1) Torque converter and transmission are locked up or seized

a. Crash force impulse and/or subsequent fire could have caused torque converter and transmission to lock up
b. It is physically possible for a portion of the crash forces to be transmitted through the automatic transmission shafting, into the torque converter, causing the torque converter to loose its gap and therefore lock up. The same forces could have caused the automatic transmission to lock up. As a result, the damaged transmission/torque converter keeps the engine from rotating.

(2) Heat from post-impact fire resulting in:
a. Warpage of block and/or crankshaft
b. Melted plastic parts that seize engine:
i. camshaft timing bushing (if present in this engine)
ii. synthetic camshaft timing gear (if present in this engine)
iii. synthetic distributor timing gear (if present in this engine)
iv. valve seals
c. Crankshaft thrust bearings distorted and/or melted
i. The Babbitt bearing material (nominally 80%lead), has a melting point of 470-670°F

9.3. Possible reasons for the engine to stall while under power – losing all electrical power

(1) Battery ground cable broken or became disconnected
a. poor maintenance
b. vibration fatigue
(2) Battery internally fails
a. poor maintenance
b. vibration fatigue
(3) Loss of alternator output
a. Depending on how the electrical system is designed, this may or may not cause a total electrical system failure. Experience dictates that total electrical system failure (thus losing vehicle lighting) would be unlikely since the lights should still be able to operate on battery power.
b. A total electrical failure, accompanied by the powertrain stalling could occur if the alternator failed and the vehicle continued to be driven, using battery power only – thus

draining the battery. It is possible that at the end of the available battery power, the battery has insufficient power to operate the vehicle lamps after the vehicle ignition/ECU fail to operate due to low voltage/power.

c. Root causes of alternator failure:
   i. V-belt accessory drive breaks
   ii. Voltage regulator fails
   iii. Alternator bearing failure

10. Mr. Syson made no attempt to identify the actual reason the Grand Cherokee was stopped in the roadway before the subject accident occurred. Because of the high impact severity in this accident, the most likely cause that the crankshaft would not turn at a subsequent inspection of the vehicle, is the impact loading of the components during the crash.

11. The impact was caused by Raymond Scott, who did not maintain a proper lookout at the time of the accident.

12. Based on my inspection of the accident Grand Cherokee, I did not find any defects in the rear structures of the vehicle. Furthermore, I did not find any defects in the seating system of the Grand Cherokee.

This report concludes SEA's investigation into the above-referenced matter. I reserve the right to modify my opinions if it is warranted by additional information provided in the future. If you have any questions or require further clarification of this report, please do not hesitate to contact me.

Very truly yours,

Dennis A. Guenther

Dennis A. Guenther, Ph.D., P.E.
Project Engineer

PE10-031-Chrysler-000976

PE10-031-Chrysler-000977

PE10-031-Chrysler-000978

TEXAS PEACE OFFICER'S CRASH REPORT (CR-3) (01/01/04) F P MAIL TO: CRASH RECORDS, TEXAS DEPARTMENT OF PUBLIC SAFETY, PO BOX 4087, AUSTIN, TX 78773-0350

[X] FATAL [X] DAY INVOLVED [ ] SCHOOL BUS RELATED [ ] RAILROAD RELATED [ ] MEDICAL ADVISORY BOARD [ ] HIT AND RUN [ ] AMENDMENT/SUPPLEMENT

PLACE WHERE CRASH OCCURRED **Traffic Fatality # 60 and # 61**

LOC # 315940R

COUNTY DALLAS RECEIVED MAY 08 2006 TOWN DALLAS

ON # TX0008

IF CRASH WAS OUTSIDE CITY LIMITS INDICATE FROM NEAREST TOWN ____ MILES [ ] N [ ] S [ ] E [ ] W OF ____

DPS # ____

ROAD ON WHICH CRASH OCCURRED 3800 TOM LANDRY FWY/ IH30 (BLOCK NUMBER / STREET OR ROAD NAME / ROUTE NUMBER OR STREET CODE)

CONSTRUCTION ZONE WORKERS PRESENT [ ] YES [X] NO [ ] YES [X] NO SPEED LIMIT 60

INTERSECTING STREET OR REFERENCE MARKER (BLOCK NUMBER / STREET OR ROAD NAME / ROUTE NUMBER OR STREET CODE)

CONSTRUCTION ZONE WORKERS PRESENT [ ] YES [X] NO [ ] YES [X] NO SPEED LIMIT ____

NOT AT INTERSECTION 0.25 [ ] FT. [X] MI. [ ] N [ ] S [ ] E [ ] W OF N. WESTMORELAND RD

LATITUDE ____ LONGITUDE ____

DATE OF CRASH April 28 2006 DAY OF WEEK Friday HOUR 10:20 [ ] AM [X] PM

UNIT 1 | 8 | 1 MOTOR VEHICLE 2 TRAIN 3 PEDAL CYCLIST 4 PEDESTRIAN 5 MOTORIZED CONVEYANCE 6 TOWED 7 NON-CONTACT 8 OTHER | VIN # 1J4G248S2[redacted] | ALTERED VEHICLE HEIGHT [ ] YES [X] NO

YEAR MODEL 2000 COLOR & MAKE Black Jeep MODEL NAME GRAND CHEROKEE BODY STYLE 4Dr SUV LICENSE PLATE [redacted]

DRIVER'S NAME [redacted] [redacted] Dallas, TX 75217 PHONE NUMBER [redacted]

DRIVER'S LICENSE Texas [redacted] 0 A [redacted] LICENSE STATUS 1 | 1-VALID 2-NOT VALID 3-SUSPENDED/REVOKED 4-CANCELLED/DENIED 5-EXPIRED 6-UNKNOWN

DRIVER'S ETHNICITY 3 | DRIVER'S SEX [ ] MALE [X] FEMALE | DRIVER'S OCCUPATION Unknown | POLICE, FIREFIGHTER, EMS, ON EMERGENCY [ ]

TYPE OF ALCOHOL SPECIMEN TAKEN 1-BREATH 2-BLOOD 3-URINE 4-NONE 5-REFUSED 2 | TEST RESULTS Unkno | TYPE OF DRUG SPECIMEN TAKEN 1-BLOOD 2-URINE 3-NONE 4-REFUSED 1 | TEST RESULTS Unkno | DRUG CATEGORY ____

OWNER [ ] [redacted] [redacted] Mesquite, TX [redacted] BD-5,VB

LIABILITY INSURANCE [ ] YES [ ] NO Unknown Unknown VEHICLE DAMAGE RATING ____

UNIT 2 | 1 | 1 MOTOR VEHICLE 2 TRAIN 3 PEDALCYCLIST 4 PEDESTRIAN 5 MOTORIZED CONVEYANCE 6 TOWED 7 NON-CONTACT 8 OTHER | VIN # 1GBGSH1J0NJ[redacted] | ALTERED VEHICLE HEIGHT [ ] YES [X] NO

YEAR MODEL 1992 COLOR & MAKE Red Chevrolet MODEL NAME FLATBED BODY STYLE Wrecker Truck LICENSE PLATE 2007, TX, T0900E

DRIVER'S NAME [redacted] [redacted] Grand Prairie, TX [redacted] PHONE NUMBER [redacted]

DRIVER'S LICENSE Texas [redacted] A NONE AR 01/13/1972 LICENSE STATUS 4 | 1-VALID 2-NOT VALID 3-SUSPENDED/REVOKED 4-CANCELLED/DENIED 5-EXPIRED 6-UNKNOWN

DRIVER'S ETHNICITY 3 | DRIVER'S SEX [X] MALE [ ] FEMALE | DRIVER'S OCCUPATION Wrecker Driver | POLICE, FIREFIGHTER, EMS, ON EMERGENCY [ ]

TYPE OF ALCOHOL SPECIMEN TAKEN 1-BREATH 2-BLOOD 3-URINE 4-NONE 5-REFUSED 4 | TEST RESULTS None | TYPE OF DRUG SPECIMEN TAKEN 1-BLOOD 2-URINE 3-NONE 4-REFUSED 3 | TEST RESULTS None | DRUG CATEGORY ____

OWNER [ ] R. Malcolm [redacted] [redacted] Dallas, TX [redacted] FD-4,VB-3

LIABILITY INSURANCE [X] YES [ ] NO Progressive Co Mutual Ins Co [redacted] VEHICLE DAMAGE RATING ____

DAMAGE TO PROPERTY OTHER THAN VEHICLES

CONCRETE WALL Texas D.O.T. 9700 E. RL Thornton Fwy, IH 3, Dallas, TX 75228 4 UNKNOWN

IN YOUR OPINION, DID THIS CRASH RESULT IN AT LEAST $1,000.00 DAMAGE TO ANY ONE PERSON'S PROPERTY? [X] YES [ ] NO

CITATIONS ISSUED

NAME: SCOTT II, RAYMOND EUGENE CHARGE NO D.L. CITATION # C15-712834

NAME: ____ CHARGE ____ CITATION # ____

TIME NOTIFIED OF CRASH 04/28/2006 10:31 PM HOW Dispatched TIME ARRIVED AT SCENE 04/28/2006 10:47 PM DATE OF REPORT 04/28/2006

TYPED OR PRINTED NAME OF INVESTIGATOR Officer JOEL L REYES ID # 7340 AGENCY Traffic DIST/AREA NW REPORT COMPLETE [X] YES [ ] NO

ORIGINAL

SEAT POSITION	SOLICITATION	EJECTED	RESTRAINT USED	AIRBAG	HELMET USE	INJURY SEVERITY

Unit 1 — TOWED DUE TO DISABLING DAMAGE [X] YES [ ] NO VEHICLE REMOVED TO 1955 VILBIG BY Contract Wrecker

Item	Seat Position	Name / Address		Sol.	Ejected	Restraint Used	Airbag	Helmet	Age	Sex	Injury Code
01	1	[redacted]	[redacted], Dallas, TX [redacted]	N	1	10	8		23	F	K
02	3	[redacted]	[redacted] Mesquite, TX [redacted]	N	1	10	6		40	F	K
03											
04											
05											

Unit 2 — TOWED DUE TO DISABLING DAMAGE [X] YES [ ] NO VEHICLE REMOVED TO CITY AUTOPOUND BY Contract Wrecker

Item	Seat Position	Name / Address		Sol.	Ejected	Restraint Used	Airbag	Helmet	Age	Sex	Injury Code
06	1	[redacted]	[redacted], Grand Prairie, TX [redacted]	N	1	1	2		34	M	C
07	3	[redacted]	[redacted], Grand Prairie, TX [redacted]	N	1	8	2		8	F	C
08											
09											
10											

DISPOSITION OF KILLED OR INJURED — IF AMBULANCE USED, SHOW

Item No.	Taken To	By	Time Notified	Time Arrived at Scene	Ambulance Unit #	# of Attendants	# of Occupants Transported
01	Medical Examiner's Office	Other	10:27 PM	10:30 PM	772	2	3
02	Medical Examiner's Office	Other	10:27 PM	10:30 PM	772	2	
06	Refused Ambulance		10:27 PM	10:30 PM	772	2	

COMPLETE THIS SECTION IF PERSON KILLED (If a driver or occupant 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
01	04/20/2006	11:34 PM	02	04/20/2006	11:34 PM						

INVESTIGATOR'S NARRATIVE OPINION OF WHAT HAPPENED (ATTACH ADDITIONAL SHEETS IF NECESSARY)

See Attached Narrative Page

DIAGRAM — INDICATE NORTH

See Attached Diagram Page

FACTORS AND CONDITIONS LISTED ARE THE INVESTIGATOR'S OPINION

Unit	Contributing Factors										
1	55	—	—	—	—	—	—	—	—	—	—
2	41	—	—	—	—	—	—	—	—	—	—

VEHICLE DEFECTS

TRAFFIC CONTROL: 11

ROADWAY RELATION: 1

PART OF ROADWAY: 1

ROADWAY ALIGNMENT: 3

LIGHT CONDITION: 2

TYPE OF ROAD SURFACE: 1

WEATHER: 1

SURFACE CONDITION: 1

Intersecting road code: 3

ORIGINAL Page 2 of 7

TEXAS PEACE OFFICER'S CRASH REPORT (CR-3) (01/01/06) MAIL TO: CRASH RECORDS, TEXAS DEPARTMENT OF PUBLIC SAFETY, PO BOX 4087, AUSTIN, TX 78773-0350

[X] FATAL [X] C-AV INVOLVED [ ] DC HOPE BUS RELATED [ ] RAILROAD RELATED [ ] MEDICAL ADVISORY BOARD [ ] HIT AND RUN [ ] AMENDMENT/SUPPLEMENT

Traffic Fatality # 60 and # 61

PLACE WHERE CRASH OCCURRED — LOC # 3158408

COUNTY DALLAS — CITY OR TOWN DALLAS — OMI # TX0006

IF CRASH WAS OUTSIDE CITY LIMITS INDICATE FROM NEAREST TOWN — MILES [ ] N [ ] E [ ] W OF — DPS #

ROAD ON WHICH CRASH OCCURRED — 3600 TOM LANDRY FWY RDO (BLOCK NUMBER) (STREET OR ROAD NAME) (ROUTE NUMBER OR STREET CODE) — CONSTRUCTION ZONE WORKERS PRESENT [ ] YES [X] NO — SPEED LIMIT 60

INTERSECTING STREET OR NEAREST CROSS STREET — (BLOCK NUMBER) (STREET OR ROAD NAME) (ROUTE NUMBER OR STREET CODE) — CONSTRUCTION ZONE WORKERS PRESENT [ ] YES [X] NO — SPEED LIMIT

IF NOT AT INTERSECTION 0.25 [X] FT. [ ] MI. [ ] N [ ] S [ ] E [ ] W OF N. WESTMORELAND RD — LATITUDE — LONGITUDE

DATE OF CRASH April 28 2006 — DAY OF WEEK Friday — HOUR 10:20 [ ] AM [X] PM

UNIT — 1-MOTOR VEHICLE 2-TRAIN 3-PEDALCYCLIST 4-PEDESTRIAN 5-MOTORIZED CONVEYANCE 6-TOWED 7-NON-CONTACT 8-OTHER — VIN # — ALTERED VEHICLE HEIGHT [ ] YES [ ] NO

YEAR MODEL — COLOR & MAKE — MODEL NAME — BODY STYLE — LICENSE PLATE (YEAR, STATE, NUMBER)

DRIVER'S NAME (LAST, FIRST, MIDDLE) — ADDRESS (STREET #, CITY, STATE, ZIP) — PHONE NUMBER

DRIVER'S LICENSE (STATE, NUMBER, CLASS/TYPE, ENDORSEMENTS, RESTRICTIONS, DATE OF BIRTH) — LICENSE STATUS 1-VALID 2-NOT VALID 3-SUSPENDED/REVOKED 4-CANCELLED/DENIED 5-EXPIRED 6-UNKNOWN

DRIVER'S ETHNICITY (HISPANIC / NON-HISPANIC, WHITE / BLACK / OTHER) — DRIVER'S SEX [ ] MALE [ ] FEMALE — DRIVER'S OCCUPATION — POLICE, FIREFIGHTER, EMS, ON EMERGENCY [ ]

TYPE OF ALCOHOL SPECIMEN TAKEN 1-BREATH 2-BLOOD 3-URINE 4-NONE 5-REFUSED — [ ] TEST RESULTS — TYPE OF DRUG SPECIMEN TAKEN 1-BLOOD 2-URINE 3-NONE 4-REFUSED — [ ] TEST RESULTS — DRUG CATEGORY

VEHICLE [ ] OWNER [ ] (NAME, IF DIFFERENT THAN DRIVER; ADDRESS (STREET, CITY, STATE, ZIP))

LIABILITY INSURANCE [ ] YES [ ] NO [ ] NONE REPORTED — POLICY NUMBER — VEHICLE DAMAGE RATING

UNIT — 1-MOTOR VEHICLE 2-TRAIN 3-PEDALCYCLIST 4-PEDESTRIAN 5-MOTORIZED CONVEYANCE 6-TOWED 7-NON-CONTACT 8-OTHER — VIN # — ALTERED VEHICLE HEIGHT [ ] YES [ ] NO

YEAR MODEL — COLOR & MAKE — MODEL NAME — BODY STYLE — LICENSE PLATE (YEAR, STATE, NUMBER)

OWNER'S NAME (LAST, FIRST, MIDDLE) — ADDRESS (STREET #, CITY, STATE, ZIP) — PHONE NUMBER

DRIVER'S LICENSE (STATE, NUMBER, CLASS/TYPE, ENDORSEMENTS, RELATIONSHIP, DATE OF BIRTH) — LICENSE STATUS 1-VALID 2-NOT VALID 3-SUSPENDED/REVOKED 4-CANCELLED/DENIED 5-EXPIRED 6-UNKNOWN

DRIVER'S ETHNICITY (HISPANIC / NON-HISPANIC, WHITE / BLACK / OTHER) — DRIVER'S SEX [ ] MALE [ ] FEMALE — DRIVER'S OCCUPATION — POLICE, FIREFIGHTER, EMS, ON EMERGENCY [ ]

TYPE OF ALCOHOL SPECIMEN TAKEN 1-BREATH 2-BLOOD 3-URINE 4-NONE 5-REFUSED — [ ] TEST RESULTS — TYPE OF DRUG SPECIMEN TAKEN 1-BLOOD 2-URINE 3-NONE 4-REFUSED — [ ] TEST RESULTS — DRUG CATEGORY

VEHICLE [ ] OWNER [ ] (NAME, IF DIFFERENT THAN DRIVER; ADDRESS (STREET, CITY, STATE, ZIP))

LIABILITY INSURANCE [ ] YES [ ] NO [ ] NONE REPORTED — POLICY NUMBER — VEHICLE DAMAGE RATING

DAMAGE TO PROPERTY OTHER THAN VEHICLES — $

OWNER'S NAME (LAST, FIRST, MIDDLE) — NAME AND ADDRESS OF OWNER — LOCATION OF DAMAGE — DAMAGE ESTIMATE

IN YOUR OPINION, DID THIS CRASH RESULT IN AT LEAST $1,000.00 DAMAGE TO ANY ONE PERSON'S PROPERTY? [X] YES [ ] NO

CHARGES FILED

NAME — CHARGE — CITATION #

NAME — CHARGE — CITATION #

TIME NOTIFIED OF CRASH 04/28/2006 10:31 PM (DATE, TIME) — HOW Dispatched — TIME ARRIVED AT SCENE 04/28/2006 10:47 PM (DATE, HOUR) — DATE OF REPORT 04/28/2006

REPORT COMPLETED BY (NAME OF INVESTIGATOR) OFFICER L REYES — ID # 7340 — AGENCY Traffic — DISTRICT/UNIT NW — SUPPLEMENT [X] YES COMPLETE [ ] NO

ORIGINAL

SEAT POSITION	EJECTED	RESTRAINT USED	AIRBAG	HELMET USE	INJURY SEVERITY

TOWED DUE TO DISABLING DAMAGE ☐ YES ☐ NO VEHICLE REMOVED TO ________ BY ________

TOWED DUE TO DISABLING DAMAGE ☐ YES ☐ NO VEHICLE REMOVED TO ________ BY ________

DISPOSITION OF KILLED OR INJURED

IF AMBULANCE USED, SHOW

	TAKEN TO	BY	TIME NOTIFIED	TIME ARRIVED AT SCENE	AMBULANCE UNIT #	# OF ATTENDANTS	# OF OCCUPANTS TRANSPORTED
07	Children's Medical (Dallas)	EMS - Public	10:27 PM	10:30 PM	772	2	3

COMPLETE THIS SECTION IF PERSON KILLED (If a driver or occupant dies within 30 days of the crash, please complete this area and mail the supplement to the Crash Records Bureau)

INVESTIGATOR'S NARRATIVE OPINION OF WHAT HAPPENED (ATTACH ADDITIONAL SHEETS IF NECESSARY)

See Attached Narrative Page

DIAGRAM

See Attached Diagram Page

FACTORS AND CONDITIONS LISTED ARE THE INVESTIGATOR'S OPINION

VEHICLE DEFECTS

TRAFFIC CONTROL: 11

ROADWAY RELATION: 1

PART OF ROADWAY: 1

ROADWAY ALIGNMENT: 3

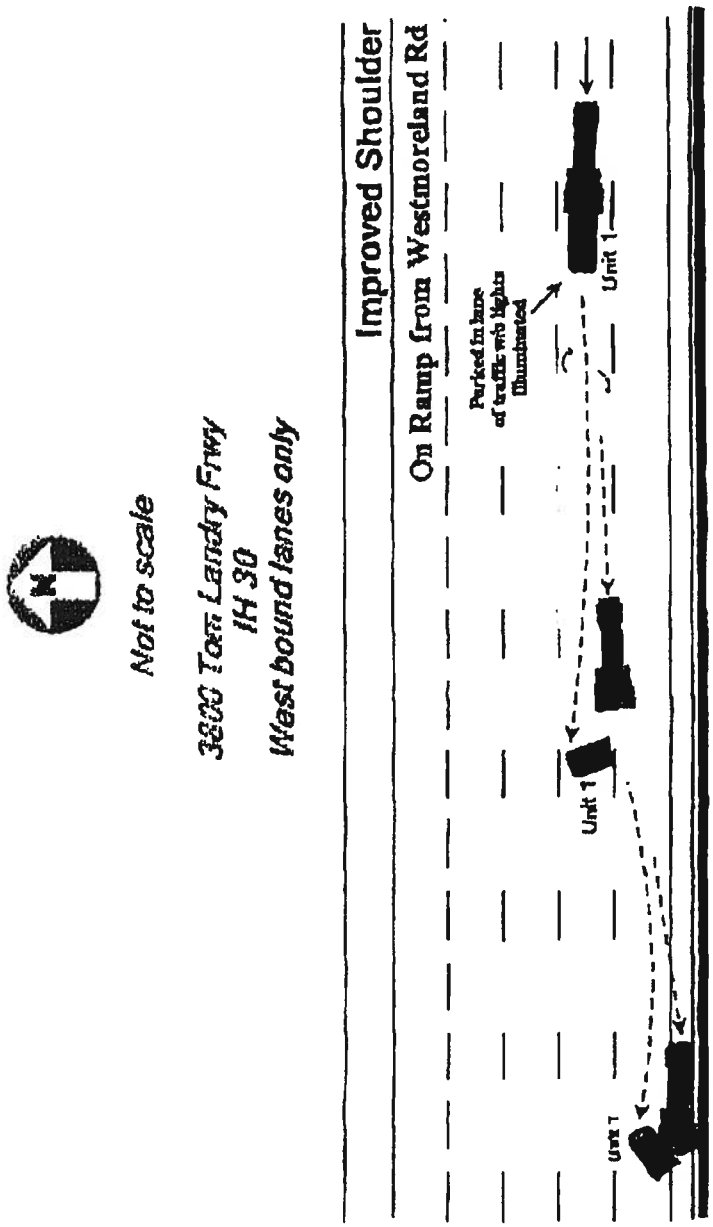
LIGHT CONDITION: 2

TYPE OF ROAD SURFACE: 1

WEATHER: 1

SURFACE CONDITION: 1

ORIGINAL



Not to scale

3630 Tom Landry Fwy
IH 30
West bound lanes only

City of Dallas Traffic Fatalities
#'s 60 & 61 for 2006
Accident Service # 315940
Related Service #'s 315921R & 315927R
Sr. Cpl. Joel L. Reyes # 7340
Dallas Police Dept.

ORIGINAL Page 6 Of 7

LOAD NEXT OFFICER'S CRASH SUMMARY CR3 3 (Rev. 1/1/06) MAIL TO: CRASH RECORDS, TEXAS DEPARTMENT OF PUBLIC SAFETY, PO BOX 4087, AUSTIN TX 78773-0360

This is the City of Dallas Traffic Fatalities Numbers 60 & 61 for 2006, see related service numbers 315921R & 315927R.

Unit 2 was west bound in the third lane south of the north curb line of 3800 Tom Landry Frwy, I.H. 30.

Unit 1 was parked facing west bound in the third lane south of the north curb line of 3800 Tom Landry Frwy, I.H. 30.

Unit 2 failed to take evasive action and collided front distributed causing back distributed damage to Unit 2. Force of the collision caused Unit 1 to skid approximately three hundred feet west bound and rotate clockwise 180 degrees. Unit 1 came to rest in the fourth lane and burst into flames.

The left and right front occupants of Unit 1 were unable to exit for unknown reasons and were found to be without vital signs due to the blunt force trauma and exposure to fire caused by the collision.

The Operator of Unit 2 had no signs of intoxication.

Witnesses who were not at the scene when investigator arrived had called 9-11 to report Unit 1 blocking the lane of traffic without lights illuminated. Due to the burnt condition of Unit 1, investigator was unable to determine vehicle status.

ADDITIONAL CRASH INFORMATION

ADDITIONAL REPORT/OTHER INFORMATION
Unit Type (Unit# - 1) Other = ILLEGALLY PARKED OCCUPIED

WITNESS INFORMATION
Witness 1: NAME: None, DOB: , RACE: , SEX:

CR3 3C (REV 01/01/01) COMMERCIAL MOTOR VEHICLE SUPPLEMENT TO THE TEXAS PEACE OFFICER'S CRASH REPORT

[X] 10,001 LBS. OR MORE [ ] HAZARDOUS MATERIAL [ ] 9 OR MORE PASSENGER CAPACITY (DRIVER INCLUDED)

CRASH INFORMATION

1. COUNTY DALLAS 2. CITY OR TOWN DALLAS

LOC # 315940R

ORI # TX0606

DPS #

3. ROAD ON WHICH CRASH OCCURRED 3400 TOM LANDRY FRWY IH30

ROADWAY ACCESS: [1] 1-FULL ACCESS CONTROL 2-PARTIAL ACCESS CONTROL 3-NO ACCESS CONTROL

4. DATE OF CRASH Apr 20 2006 5. HOUR 10:20 [ ] AM [X] PM

DRIVER INFORMATION

6. NAME Scott, Raymond Eugene II 7. DRIVER'S LICENSE CLASS [1] 1-A 2-B 3-C 4-D 5-M 6-UNK

CARRIER INFORMATION

8. VEHICLE OPERATION [ ] INTERSTATE COMMERCE [X] INTRASTATE COMMERCE [ ] NOT IN COMMERCE [ ] GOVERNMENT [ ] PERSONAL

9. CARRIER'S CORPORATE NAME [redacted]

10. CARRIER'S PRIMARY ADDRESS [redacted] Dallas TX [redacted]

11. CARRIER ID TYPE [ ] ICC [ ] US DOT [X] TxDOT [ ] OTHER [ ] NONE 12. CARRIER ID NUMBER [redacted]

MOTOR VEHICLE INFORMATION

13. UNIT NUMBER ON CR3 [2] 14. LICENSE PLATE 2007 TX [redacted] 15. GROSS VEHICLE WEIGHT RATING (GVWR) [ ] REGISTERED GROSS VEHICLE WEIGHT (RGVW) [X] 22000

16. VEHICLE TYPE: [5]

1-PASSENGER CAR (ONLY IF VEHICLE DISPLAYS HM PLACARDS)
2-LIGHT TRUCK (ONLY IF VEHICLE DISPLAYS HM PLACARDS)
3-BUS (SEATS FOR 9-15 PEOPLE, INCLUDING DRIVER)
4-BUS (SEATS FOR > 15 PEOPLE, INCLUDING DRIVER)
5-SINGLE UNIT TRUCK (2 AXLES, 6 TIRES)
6-SINGLE UNIT TRUCK (3 OR MORE AXLES)
7-TRUCK TRAILER
8-TRUCK TRACTOR (BOB TAIL)
9-TRACTOR/SEMITRAILER
10-TRACTOR/DOUBLE TRAILER
11-TRACTOR/TRIPLE TRAILER
99-UNKNOWN HEAVY TRUCK OVER 10,000 LBS. (CANNOT CLASSIFY)

17. CARGO BODY STYLE: [8]

1-VAN (SEATS FOR 9-15 PEOPLE, INCLUDING DRIVER)
2-BUS (SEATS FOR > 15 PEOPLE, INCLUDING DRIVER)
3-VAN/ENCLOSED BOX
4-CARGO TANK
5-FLATBED
6-DUMP
7-CONCRETE MIXER
8-AUTO TRANSPORTER
9-GARBAGE/REFUSE
10-GRAIN, CHIPS, GRAVEL
11-POLE
12-NOT APPLICABLE
98-OTHER

18. HAZARDOUS MATERIAL

TRANSPORTING PLACARDABLE HAZARDOUS MATERIAL [ ] YES [X] NO
1 DIGIT CLASS # [ ] 4 DIGIT ID # [ ][ ][ ][ ]

HAZARDOUS MATERIALS RELEASED OR SPILLED [ ] YES [X] NO (DO NOT INCLUDE FUEL LOST IN NORMAL USE)
1 DIGIT CLASS # [ ] 4 DIGIT ID # [ ][ ][ ][ ]

TRAILER NUMBER 1 INFORMATION

19. LICENSE PLATE (YEAR / STATE / NUMBER)

20. GROSS VEHICLE WEIGHT RATING (GVWR) [ ]
REGISTERED GROSS VEHICLE WEIGHT (RGVW) [ ]

TRAILER TYPE [ ] 1-FULL TRAILER 2-SEMI TRAILER 3-POLE TRAILER

TRAILER NUMBER 2 INFORMATION

21. LICENSE PLATE (YEAR / STATE / NUMBER)

22. GROSS VEHICLE WEIGHT RATING (GVWR) [ ]
REGISTERED GROSS VEHICLE WEIGHT (RGVW) [ ]

TRAILER TYPE [ ] 1-FULL TRAILER 2-SEMI TRAILER 3-POLE TRAILER

23. SEQUENCE OF EVENTS - UNIT 2

1ST: [14] 2ND: [ ] 3RD: [ ] 4TH: [ ]

1-NONCOLLISION: RAN OFF ROAD
2-NONCOLLISION: JACKKNIFE
3-NONCOLLISION: OVERTURN (ROLLOVER)
4-NONCOLLISION: DOWNHILL RUNAWAY
5-NONCOLLISION: CARGO LOSS OR SHIFT
6-NONCOLLISION: EXPLOSION OR FIRE
7-NONCOLLISION: SEPARATION OF UNITS
8-NONCOLLISION: CROSS MEDIAN/CENTERLINE
9-NONCOLLISION: EQUIPMENT FAILURE
10-NONCOLLISION: OTHER
11-NONCOLLISION: UNKNOWN
12-COLLISION INVOLVING PEDESTRIAN
13-COLLISION INVOLVING MOTOR VEHICLE IN TRANSPORT
14-COLLISION INVOLVING PARKED MOTOR VEHICLE
15-COLLISION INVOLVING TRAIN
16-COLLISION INVOLVING PEDALCYCLE
17-COLLISION INVOLVING ANIMAL
18-COLLISION INVOLVING FIXED OBJECT
19-COLLISION WITH WORK ZONE MAINTENANCE EQUIPMENT
20-COLLISION WITH OTHER MOVABLE OBJECT
21-COLLISION WITH UNKNOWN MOVABLE OBJECT
98-OTHER

24. TOTAL NUMBER OF AXLES: 2

25. TOTAL NUMBER OF TIRES: 6

26. OFFICER'S PRINTED NAME Officer JOEL L REYES DEPT. Traffic DATE 04/28/2006

ORIGINAL

Dallas Police Reports 2006

Dallas Police Reports

Offense Records

Service # 0315927-R
Offense date: 2006/4/28
Reported date: 2006/4/29

DID: MDT	TCB: 057056	TCE: 060902
DISPATCHED TO:	AT: 2222	AS SIG: 37 / 01
BEAT: 411	WATCH: 3	ELEMENT: 0594

COMPLAINANT INFORMATION

NAME: [redacted]	HOME ADDRESS: [redacted] MESQUITE TX [redacted]	BUSINESS ADDRESS:
RACE: B SEX: F AGE: 40 DOD: [redacted]		

OFFENSE

OFFENSE DESCRIPTION: TRAFFIC FATALITY #61	UCR CODE : 01401
M/O: COMP WAS A PASSENGER IN VEH ACCIDENT WHICH RESULTED IN DEATH	
OFFENSE LOCATION: 03800 I30 APT:	
PREMISES: INTERSTATE, FREE	
PROPERTY ATTACK CODE: 910	
INV.ASSGN:	
DATES OF OCCURRENCE: 2006/4/28 2220 - 2006/4/28 2220	
STATUS: S UCR DISP: F SPECIAL REPORT:	
FOLLOW UP: N REVIEWED BY: 77605	
SR CODE: S RELATED REPORTS: 0315940 WEATHER CONDITION:	
FAMILY VIOLENCE: N	GANG ACTIVITY CRIME: N
INV. DIV. NOTIFIED:	

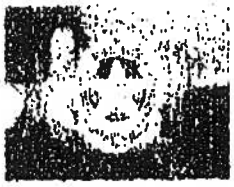
OFFICER INFORMATION

REPORTING OFFICER: REYES,JOEL LUCA 7340
OTHER OFFICER: BURKE,FLOYD CAL 7123

NARRATIVE

SEE RELATED ACCIDENT SERVICE NUMBER, 315940R. THIS IS CITY OF DALLAS TRAFFIC FATALITY # 61 FOR 2006. THE COMP WAS THE RIGHT FRONT SEAT PASSENGER IN A 2000 BLACK JEEP GRAND CHEROKEE THAT HAD BECOME DISABLED THE COMPS VEHICLE WAS FACING WEST BOUND IN THE THIRD LANE SOUTH OF THE NORTH CURB LINE OF 3800 TOM LANDRY FWY, IH 30, AROUND 2220 HOURS ON 04-28-2006. UNKNOWN CITIZENS CALLED TO REPORT THAT THE COMPS VEHICLE WASPARKED BLOCKING THE LANE OF TRAVEL WITH NO LIGHTS ILLUMINATED. WITNESS

1 WAS THE LEFT FRONT PASSENGER IN THE COMPS VEHICLE. WITNESS 2 WAS DRIVING A 1992 RED CHEVY FLATBED TOW TRUCK WEST BOUND IN THE THIRD LANE SOUTH OF THE NORTH CURB LINE OF 3800 TOM LANDRY FRWY, IH 30. WITNESS 3 WAS LYING ASLEEP ACROSS THE BENCH SEAT OF WITNESS 2'S MOTOR VEHICLE WITNESS 2 DROVE OVER THE HILL CREST AND DID NOT SEE THE COMPS VEHICLE BLOCKING THE LANE OF TRAVEL BECAUSE THE STREET LIGHTS WERE NOT ILLUMINATED. WITNESS 2 COLLIDED FRONT DISTRIBUTED TO THE BACK



Dallas Police Reports 2006

Home Property Class Codes Object Of Attack Codes UCR Codes Year Codes Tow Out

Officer | Time | Witness | Property | Vehicle | No MO | No Arrests | No Supplements | [redacted]

Dallas Police Reports

Property Records

Service # 0315927-R

Supplement	Status	Quantity	Description	Serial #	Class	Value
00	F	1	2000 JEEP GRAND CHEROKEE SUV	814-LNW		$5000.00
00	F	1	1992 CHEVY FLATBED WRECKER	T09-00E		$3000.00
00	D	1	CONCRETE MEDIAN			$500.00

DISTRIBUTED OF THE COMPS VEHICLE. THE FORCE OF THE COLLISION CAUSED THE COMPS VEHICLE TO SKID APPROXIMATELY THREE HUNDRED FEET WEST BOUND DOWN THE ROAD AND ROTATED 180 DEGREES CLOCKWISE. THE COMPS VEHICLE CAME TO A FINAL REST IN THE FOURTH LANE AND BURST INTO FLAMES. THE COMPS AND WITNESS 1 WERE NOT ABLE TO GET OUT OF THE VEHICLE FOR UNKNOWN REASONS. DFD PERSONNEL RESPONDED TO THE SCENE AND PUT OUT THE FLAMES. O

THE COMP AND WITNESS 1 WERE NOT ABLE TO GET OUT OF THE VEHICLE FOR UNKNOWN REASONS. DFD PERSONNEL RESPONDED TO THE SCENE AT 2230 HOURS AND PUT OUT THE FLAMES. HOWEVER THE COMP AND WITNESS 1 APPEARED TO BE WITHOUT VITAL SIGN. MEDICAL EXAMINER, NICOLE NEWQUIST, WAS NOTIFIED AND DETERMINED THAT THE COMP AND WITNESS 1 WERE WITHOUT VITAL SIGNS AT 2334 HOURS ON 04-28-2006 DUE TO FATAL BLUNT FORCE TRAUMA AND EXPOSURE TO FIRECAUSED BY THE COLLISION. WINTESS 1 IS TRAFFIC FATALITY # 60 FOR THE

YEAR OF 2006, 1159218 VCU DETECTIVE DELANEY # 5559 RESPONDED AND TOOK 35 MM PHOTOS ALONG WITH SR CPL T. BURKE # 7123 ON PHOTO FILE, 06-084. WITNESS 3 WAS TRANSPORTED TO CHILDRENS HOSPITAL FOR TREATMENT OF MINOR INJURIES. WITNESS 2 WAS TESTED FRO INTOXICATION AT THE SCENE WITH NEGATIVE RESULTS. BOTH VEHICLES WERE TOWED TO THE CITY AUTO POUND BY SHOWTIME WRECKERS AND PUT ON HOLD FOR THE VEHICLE CRIMES UNIT. BOTH THE COMP AND WITNESS 1 WERE TRANSPORTED TO THE MEDICAL EXAMINERS OFFICER TO

BE POSITIVELY IDENTIFIED. INVESTIGATORS CONTACTED WITNESS 4, WHO IS THE NEXT OF KIN FOR THE COMP AND WITNESS 1. RFI

Dallas Police Reports 2006

Home

Property Class Codes | Object Of Attack Codes | UCR Codes | Year Codes | Log out

Offense | N... | Witness | Property | Vehicle | No MO | No Arrestee | No Supplements | [redacted]

Dallas Police Reports

Offense Records

Service # 0315921-R
Offense date: 2006/4/28

Reported date: 2006/4/29

OID: MDT	TCB: 051949	TCE: 060738
DISPATCHED TO:	AT: 2220	AS SIG: 37 / 01
BEAT: 411	WATCH: 3	ELEMENT: 0513

COMPLAINANT INFORMATION

NAME	HOME ADDRESS:	BUSINESS ADDRESS:
[redacted]	[redacted] DALLAS TX [redacted]	

RACE: B SEX: F AGE: 23 DOB: [redacted]

OFFENSE

OFFENSE DESCRIPTION: TRAFFIC FATALITY #60 | UCR CODE : 01401

M/O: COMP WAS PASSENGER KILLED IN MOTOR VEHICLE ACCIDENT

OFFENSE LOCATION: 03800 I30 APT:

PREMISES: 910 - PUBLIC STR

PROPERTY ATTACK CODE: 910

INV.ASSGN:

DATES OF OCCURRENCE: 2006/4/28 2220 - 2006/4/28 2220

STATUS: S UCR DISP: P SPECIAL REPORT:

FOLLOW UP: E REVIEWED BY: 77605

SR CODE: 5 RELATED REPORTS: 0315940 RWEATHER CONDITION:

FAMILY VIOLENCE: N | GANG ACTIVITY CRIME: N

INV. DIV. NOTIFIED:

OFFICER INFORMATION

REPORTING OFFICER: REYES,JOEL LUCA 7340

OTHER OFFICER: BURKE,FLOYD CAL 7123

NARRATIVE

SEE RELATED ACCIDENT SERVICE NUMBER 315940R. THIS IS THE CITY OF DALLAS TRAFFIC FATALITY #60 FOR 2006. THE COMPLAINANT WAS THE LEFT FRONT SEAT PASSENGER IN A 2000 BLACK JEEP GRAND CHEROKEE THAT HAD BECOME DISABLED. THE COMPLAINANT'S VEHICLE WAS FACING WEST BOUND IN THE THIRD LANE SOUTH OF THE NORTH CURB LINE OF 3800 TOM LANDRY FRWY, I.H. 30 AROUND 2220 HOURS ON 04/28/06. UNKNOWN CITIZENS CALLED TO REPORT THAT THE COMPLAINANT'S VEHICLE WAS PARKED BLOCKING THE LANE WITHOUT LIGHTS

ILLUMINATED. WITNESS 1 WAS THE RIGHT FRONT PASSENGER IN THE COMPLAINANT'S VEHICLE.WITNESS 2 WAS DRIVING A 1992 RED CHEVY FLATBED TOWTRUCK, WEST BOUND IN THE THIRD LANE SOUTH OF THE NORTH CURB LINE OF 3800 TOM LANDRY FRWY, I.H. 30. WITNESS 3 WAS LYING ASLEEP ACROSS THE BENCH SEAT OF WITNESS 2'S MOTOR VEHICLE. WITNESS 2 DROVE OVER THE HILL CREST AND DID NOT SEE THE COMPLAINANT'S

PE10-031-Chrysler-000989

Dallas Police Reports 2006

Dallas Police Reports

Property Records

Service # 0315921-R

Supplement	Status	Quantity	Description	Serial #	Class	Value
00	E	1	00 BLK JEEP CHEROKEE BURNT	814LNW		$0.
00	E	1	92 RED CHEVY FLATBED WRECKER	T0900E		$0.
00	O	1	CONCRETE MEDIAN			$500.

STATE OF TEXAS §

This is to certify that I, Tony Small, am employed by the Texas Department of Public Safety; that I am the Custodian of Motor Vehicle Crash Records for such Department; that the attached is a true and correct copy of the peace officer's report filed with the Crash Records Bureau referred to in the attached request with the crash date of 4-28-06 which occurred in Collin Co ; that the investigations of motor vehicle crashes by peace officers are authorized by law; that this Texas Peace Officer's Crash Report is required by law to be completed and filed with this Department; that this report sets forth matters observed pursuant to duty imposed by law as to which matters there was a duty to report, or factual findings resulting from an investigation made pursuant to authority granted by law.

In Testimony Whereof, I hereunto set my hand and affix the Seal of the Department of Public Safety of the State of Texas. Done at my office, in the City of Austin, this 24th day of August, 2006

Tony Small
Custodian of Crash Records

CRB-93 (Rev. 03/05)

MAY - - 2006

TEXAS PEACE OFFICER'S CRASH REPORT (CR-3) (01/01/06) — E P — MAIL TO: CRASH RECORDS, TEXAS DEPARTMENT OF PUBLIC SAFETY, PO BOX 4087, AUSTIN, TX 78773-0350

[X] FATAL [X] CMV INVOLVED [ ] SCHOOL BUS RELATED [ ] RAILROAD RELATED [ ] MEDICAL ADVISORY BOARD [ ] HIT AND RUN [ ] AMENDMENT/SUPPLEMENT

PLACE WHERE CRASH OCCURRED — **FATAL** Traffic Fatality # 60 and # 61 — Proc 6-9-06 — C MAY 25 2006 — LOC # 315940R 500 K

COUNTY DALLAS — RECEIVED MAY 0 8 2006 — CITY/TOWN DALLAS — ORI # TX0006 — 2 — DPS # 4 49580

IF CRASH WAS OUTSIDE CITY LIMITS INDICATE FROM NEAREST TOWN ____ MILES N S E W OF ____

ROAD ON WHICH CRASH OCCURRED: 3600 TOM LANDRY FRWY IH30 (BLOCK NUMBER / STREET OR ROAD NAME / ROUTE NUMBER OR STREET CODE) — CONSTRUCTION ZONE [ ] YES [X] NO; WORKERS PRESENT [ ] YES [X] NO; SPEED LIMIT 60

INTERSECTING STREET OR RR XING NUMBER: ____ — CONSTRUCTION ZONE [ ] YES [X] NO; WORKERS PRESENT [ ] YES [X] NO; SPEED LIMIT ____

NOT AT INTERSECTION 0.25 [ ] FT. [X] MI. N S E W OF N. WESTMORELAND RD — MILEPOST — LATITUDE ____ LONGITUDE ____

DATE OF CRASH April 28 2006 — DAY OF WEEK Friday — HOUR 10:20 [ ] AM [X] PM

P

UNIT # 1 — 8 (1-MOTOR VEHICLE 2-TRAIN 3-PEDALCYCLIST 4-PEDESTRIAN 5-MOTORIZED CONVEYANCE 6-TOWED 7-NON-CONTACT 8-OTHER) — VIN # 1J4G248S2YC25013 — ALTERED VEHICLE HEIGHT [ ] YES [X] NO

YEAR MODEL 2000 — COLOR & MAKE Black Jeep — MODEL NAME GRAND CHEROKEE — BODY STYLE 4Dr SUV — LICENSE PLATE [redacted]

DRIVER NAME [redacted] — ADDRESS [redacted] Dallas, TX [redacted] — PHONE NUMBER [redacted]

DRIVER'S LICENSE Texas [redacted] C — A — DATE OF BIRTH [redacted] — LICENSE STATUS 1 (1-VALID 2-NOT VALID 3-SUSPENDED/REVOKED 4-CANCELLED/DENIED 5-EXPIRED 6-UNKNOWN) — 23

DRIVER'S ETHNICITY 3 — DRIVER'S SEX [ ] MALE [X] FEMALE — DRIVER'S OCCUPATION Unknown — POLICE, FIREFIGHTER, EMS, ON EMERGENCY [ ]

TYPE OF ALCOHOL SPECIMEN TAKEN 2 — TEST RESULTS Unkno — TYPE OF DRUG SPECIMEN TAKEN 1 — TEST RESULTS Unkno — DRUG CATEGORY

LESSEE [ ] OWNER [X] [redacted] — [redacted] Mesquite, TX [redacted]

LIABILITY INSURANCE [ ] YES [ ] NO [ ] EXP — Unknown — POLICY NUMBER Unknown — VEHICLE DAMAGE RATING BD-5,VB

UNIT # 2 — 1 — VIN # 1GBG6H1J0N[redacted] — ALTERED VEHICLE HEIGHT [ ] YES [X] NO

YEAR MODEL 1992 — COLOR & MAKE Red Chevrolet — MODEL NAME FLATBED — BODY STYLE Wrecker Truck — LICENSE PLATE [redacted]

DRIVER NAME [redacted] — ADDRESS [redacted] Grand Prairie, TX [redacted] — PHONE NUMBER [redacted]

DRIVER'S LICENSE Texas [redacted] A — NONE — AR — DATE OF BIRTH [redacted] — LICENSE STATUS 4

DRIVER'S ETHNICITY 3 — DRIVER'S SEX [X] MALE [ ] FEMALE — DRIVER'S OCCUPATION Wrecker Driver — POLICE, FIREFIGHTER, EMS, ON EMERGENCY [ ]

TYPE OF ALCOHOL SPECIMEN TAKEN 4 — TEST RESULTS None — TYPE OF DRUG SPECIMEN TAKEN 3 — TEST RESULTS None — DRUG CATEGORY

LESSEE [ ] OWNER [X] [redacted] — [redacted] Dallas, TX [redacted]

LIABILITY INSURANCE [X] YES [ ] NO [ ] EXP — Progressive Co Mutual Ins Co — POLICY NUMBER [redacted] — VEHICLE DAMAGE RATING FD-4,VB-3

DAMAGE TO PROPERTY OTHER THAN VEHICLES: CONCRETE WALL — Texas D.O.T.,9700 E. RL Thornton Frwy, IH 3, Dallas, TX 75228 — 4 — $ UNKNOWN

IN YOUR OPINION, DID THIS CRASH RESULT IN AT LEAST $1,000.00 DAMAGE TO ANY ONE PERSON'S PROPERTY? [X] YES [ ] NO

COPY FROM CUSTODIAL FILE

CHARGES FILED: NAME [redacted] — CHARGE NO D.L. — CITATION # C15-712834
NAME ____ CHARGE ____ CITATION # ____

TIME NOTIFIED OF CRASH 04/28/2006 10:31 PM — HOW Dispatched — TIME ARRIVED AT SCENE 04/28/2006 10:47 PM — DATE OF REPORT 04/28/2006

TYPED OR PRINTED NAME OF INVESTIGATOR Officer JOEL L REYES — ID # 7340 — AGENCY Traffic — DIST/AREA NW — REPORT COMPLETE [X] YES [ ] NO

ORIGINAL

(DATA= 05-07-2006/16:54(LH) TX0006-FCB-060429-021038-1009 (IMAGE= 05-08-2006/08:34/L31) 315940R (L) O/OE5.5.10

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 AN 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

C MAY 25 2006

UNIT # 1 TOWED DUE TO DISABLING DAMAGE [X] YES [ ] NO VEHICLE REMOVED TO 1955 VILBIG BY Contract Wrecker

COMPLETE ALL DATA ON ALL OCCUPANTS' NAMES, POSITIONS, RESTRAINTS USED, ETC. HOWEVER, IT IS NOT NECESSARY TO SHOW ADDRESSES UNLESS KILLED OR INJURED.

ITEM #	SEAT POSITION	NAME & ADDRESS	SOL	EJECTED	RESTRAINT USED	AIRBAG	HELMET	AGE	SEX	INJURY CODE
01	1	[redacted] [redacted] Dallas, TX [redacted]	N	1	10	6		23	F	K
02	3	[redacted] [redacted] Mesquite, TX [redacted]	N	1	10	6		40	F	K
03										
04										
05										

UNIT # 2 TOWED DUE TO DISABLING DAMAGE [X] YES [ ] NO VEHICLE REMOVED TO CITY AUTOPOUND BY Contract Wrecker

COMPLETE ALL DATA ON ALL OCCUPANTS' NAMES, POSITIONS, RESTRAINTS USED, ETC. HOWEVER, IT IS NOT NECESSARY TO SHOW ADDRESSES UNLESS KILLED OR INJURED.

ITEM #	SEAT POSITION	NAME & ADDRESS	SOL	EJECTED	RESTRAINT USED	AIRBAG	HELMET	AGE	SEX	INJURY CODE
06	1	[redacted] [redacted] Grand Prairie, TX [redacted]	N	1	1	2		34	M	C
07	3	[redacted] [redacted] Grand Prairie, TX [redacted]	N	1	8	2		8	F	C
08										
09										
10										

COMPLETE IF CASUALTIES NOT IN MOTOR VEHICLE

PED., PEDAL., MOT. CONVEY. ETC.	CASUALTY NAME & ADDRESS	SOL	ALCOHOL SPECIMEN TAKEN	RESULT	DRUG SPECIMEN TAKEN	RESULT	HELMET	AGE	SEX	INJURY CODE

DISPOSITION OF KILLED OR INJURED

ITEM #'s	TAKEN TO	BY	TIME NOTIFIED	TIME ARRIVED AT SCENE	AMBULANCE UNIT #	# OF ATTENDANTS	# OF OCCUPANTS TRANSPORTED FOR TREATMENT
01	Medical Examiner's Office	Other	10:27 PM	10:30 PM	772	2	3
02	Medical Examiner's Office	Other	10:27 PM	10:30 PM	772	2	
06	Refused Ambulance		10:27 PM	10:30 PM	772	2	

COMPLETE THIS SECTION IF PERSON KILLED (If a driver or occupant 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
01	04/28/2006	11:34 PM	02	04/28/2006	11:34 PM						

INVESTIGATOR'S NARRATIVE OPINION OF WHAT HAPPENED (ATTACH ADDITIONAL SHEETS IF NECESSARY)

See Attached Narrative Page

DIAGRAM

INDICATE NORTH

3 — 1-TWO-WAY, NOT DIVIDED; 2-TWO-WAY, DIVIDED, UNPROTECTED MEDIAN; 3-TWO-WAY, DIVIDED, PROTECTED BARRIER; 4-ONE WAY; 5-UNKNOWN

See Attached Diagram Page

COPY FROM CUSTODIAL FILE

FACTORS AND CONDITIONS LISTED ARE THE INVESTIGATOR'S OPINION

UNIT #	FACTORS/CONDITIONS CONTRIBUTING			OTHER FACTORS/CONDITIONS MAY OR MAY NOT HAVE CONTRIBUTED			VEHICLE DEFECTS CONTRIBUTING		VEHICLE DEFECTS MAY HAVE CONTRIBUTED	
1	55	—	—	—	—	—	—	—	—	—
2	41	—	—	—	—	—	—	—	—	—

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
31-FAILED TO STOP FOR TRAIN
32-FAILED TO YIELD ROW - EMERGENCY VEHICLE
33-FAILED TO YIELD ROW - OPEN INTERSECTION
34-FAILED TO YIELD ROW - PRIVATE DRIVE
35-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 INTO 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-PEDESTRIAN/PEDALCYCLIST/MOT. CONV. FAILED TO YIELD 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 RAGE
74-OTHER FACTOR (WRITE ON 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: 11
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 GATE/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 ROADWAY: 1
1-MAIN LANE; 2-SERVICE ROAD; 3-ENTRANCE RAMP; 4-EXIT RAMP; 5-CONNECTOR; 6-DETOUR; 7-OTHER

ROADWAY ALIGNMENT: 3
1-STRAIGHT, LEVEL; 2-STRAIGHT, GRADE; 3-STRAIGHT, HILLCREST; 4-CURVE, LEVEL; 5-CURVE, GRADE; 6-CURVE, HILLCREST; 7-OTHER; 8-UNKNOWN

LIGHT CONDITION: 2
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: 1
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

ORIGINAL

(DATA= 05-07-2006/19:54(LEH) TX0006-FCB-060428-021038-1009 (IMAGE= 05-08-2006/08:25(LS1) [illegible] (L) [illegible]

TEXAS PEACE OFFICER'S CRASH REPORT (CR-3) (01/01/06) — MAIL TO: CRASH RECORDS, TEXAS DEPARTMENT OF PUBLIC SAFETY, PO BOX 4087, AUSTIN, TX 78773-0350

[X] FATAL [X] CMV INVOLVED [ ] SCHOOL BUS RELATED [ ] RAILROAD RELATED [ ] MEDICAL ADVISORY BOARD [ ] HIT AND RUN [ ] AMENDMENT/SUPPLEMENT

Traffic Fatality # 60 and # 61

PLACE WHERE CRASH OCCURRED

COUNTY: DALLAS — CITY OR TOWN: DALLAS — C MAY 25 2006

LOC #: 315940R — ORI #: TX0006 — DPS #:

IF CRASH WAS OUTSIDE CITY LIMITS INDICATE FROM NEAREST TOWN ____ MILES N S E W OF ____

ROAD ON WHICH CRASH OCCURRED: 3800 TOM LANDRY FRWY IH30 (BLOCK NUMBER / STREET OR ROAD NAME / ROUTE NUMBER OR STREET CODE)

CONSTRUCTION ZONE [ ] YES [X] NO — WORKERS PRESENT [ ] YES [X] NO — SPEED LIMIT: 60

INTERSECTING STREET OR RR X'ING NUMBER: (BLOCK NUMBER / STREET OR ROAD NAME / ROUTE NUMBER OR STREET CODE)

CONSTRUCTION ZONE [ ] YES [X] NO — WORKERS PRESENT [ ] YES [X] NO — SPEED LIMIT:

NOT AT INTERSECTION: 0.25 [ ] FT. [X] MI. N S E W OF N. WESTMORELAND RD

MILEPOST — LATITUDE — LONGITUDE

DATE OF CRASH: April (MONTH) 28 (DATE) 2006 (YEAR) — DAY OF WEEK: Friday — HOUR: 10:20 [ ] AM [X] PM

UNIT # — 1-MOTOR VEHICLE 2-TRAIN 3-PEDALCYCLIST 4-PEDESTRIAN 5-MOTORIZED CONVEYANCE 6-TOWED 7-NON-CONTACT 8-OTHER — VIN # — ALTERED VEHICLE HEIGHT [ ] YES [ ] NO

YEAR MODEL — COLOR & MAKE — MODEL NAME — BODY STYLE — LICENSE PLATE (YEAR / STATE / NUMBER)

DRIVER'S NAME (LAST / FIRST / MIDDLE / ADDRESS (STREET, CITY, STATE, ZIP)) — PHONE NUMBER

DRIVER'S LICENSE (STATE / NUMBER / CLASS/TYPE / ENDORSEMENTS / RESTRICTIONS / DATE OF BIRTH) — LICENSE STATUS: 1-VALID 2-NOT VALID 3-SUSPENDED/REVOKED 4-CANCELLED/DENIED 5-EXPIRED 6-UNKNOWN

DRIVER'S ETHNICITY (1-WHITE 2-HISPANIC 3-BLACK 4-ASIAN 5-OTHER) — DRIVER'S SEX [ ] MALE [ ] FEMALE — DRIVER'S OCCUPATION — 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 — TEST RESULTS — TYPE OF DRUG SPECIMEN TAKEN 1-BLOOD 2-URINE 3-NONE 4-REFUSED — TEST RESULTS — DRUG CATEGORY 1. 2.

LESSEE [ ] OWNER [ ] — NAME (ALWAYS SHOW LESSEE IF LEASED, OTHERWISE SHOW OWNER) — ADDRESS (STREET, CITY, STATE, ZIP)

LIABILITY INSURANCE [ ] YES [ ] NO [ ] EXP — INSURANCE COMPANY NAME — POLICY NUMBER — VEHICLE DAMAGE RATING

UNIT # — 1-MOTOR VEHICLE 2-TRAIN 3-PEDALCYCLIST 4-PEDESTRIAN 5-MOTORIZED CONVEYANCE 6-TOWED 7-NON-CONTACT 8-OTHER — VIN # — ALTERED VEHICLE HEIGHT [ ] YES [ ] NO

YEAR MODEL — COLOR & MAKE — MODEL NAME — BODY STYLE — LICENSE PLATE (YEAR / STATE / NUMBER)

DRIVER'S NAME (LAST / FIRST / MIDDLE / ADDRESS (STREET, CITY, STATE, ZIP)) — PHONE NUMBER

DRIVER'S LICENSE (STATE / NUMBER / CLASS/TYPE / ENDORSEMENTS / RESTRICTIONS / DATE OF BIRTH) — LICENSE STATUS: 1-VALID 2-NOT VALID 3-SUSPENDED/REVOKED 4-CANCELLED/DENIED 5-EXPIRED 6-UNKNOWN

DRIVER'S ETHNICITY (1-WHITE 2-HISPANIC 3-BLACK 4-ASIAN 5-OTHER) — DRIVER'S SEX [ ] MALE [ ] FEMALE — DRIVER'S OCCUPATION — 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 — TEST RESULTS — TYPE OF DRUG SPECIMEN TAKEN 1-BLOOD 2-URINE 3-NONE 4-REFUSED — TEST RESULTS — DRUG CATEGORY 1. 2.

LESSEE [ ] OWNER [ ] — NAME (ALWAYS SHOW LESSEE IF LEASED, OTHERWISE SHOW OWNER) — ADDRESS (STREET, CITY, STATE, ZIP)

LIABILITY INSURANCE [ ] YES [ ] NO [ ] EXP — INSURANCE COMPANY NAME — POLICY NUMBER — VEHICLE DAMAGE RATING

DAMAGE TO PROPERTY OTHER THAN VEHICLES — OBJECT — NAME AND ADDRESS OF OWNER — $ — DAMAGE ESTIMATE

COPY FROM AUTOSTATE FILE

IN YOUR OPINION, DID THIS CRASH RESULT IN AT LEAST $1,000.00 DAMAGE TO ANY ONE PERSON'S PROPERTY? [X] YES [ ] NO

CHARGES FILED

NAME ____ CHARGE ____ CITATION # ____

NAME ____ CHARGE ____ CITATION # ____

TIME NOTIFIED OF CRASH: 04/28/2006 (DATE) 10:31 PM (HOUR) — HOW: Dispatched — TIME ARRIVED AT SCENE: 04/28/2006 (DATE) 10:47 PM (HOUR) — DATE OF REPORT: 04/28/2006

TYPED OR PRINTED NAME OF INVESTIGATOR: Officer JOEL L REYES — ID # 7340 — AGENCY: Traffic — DIST/AREA: NW — REPORT COMPLETE [X] YES [ ] NO

ORIGINAL

(DATA= 05-07-2006/10:54(LH) TX0006-FCS-060428-021038-1009 IMAGE= 05-08-2006/08:25(LST) 315940R(L) O/OE/1.5.10

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 AN 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 # TOWED DUE TO DISABLING DAMAGE ☐ YES ☐ NO VEHICLE REMOVED TO ____________ BY ____________

MAY 25 2006

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

UNIT # TOWED DUE TO DISABLING DAMAGE ☐ YES ☐ NO VEHICLE REMOVED TO ____________ BY ____________

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

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 OCCUPANTS TRANSPORTED FOR TREATMENT
07	Children's Medical (Dallas)	EMS - Public	10:27 PM	10:30 PM	772	2	3

COMPLETE THIS SECTION IF PERSON KILLED (If a driver or occupant 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

INVESTIGATOR'S NARRATIVE OPINION OF WHAT HAPPENED (ATTACH ADDITIONAL SHEETS IF NECESSARY)

See Attached Narrative Page

DIAGRAM

INDICATE NORTH

3

1-TWO-WAY, NOT DIVIDED
2-TWO-WAY, DIVIDED, UNPROTECTED MEDIAN
3-TWO-WAY, DIVIDED, PROTECTED BARRIER
4-ONE WAY
5-UNKNOWN

See Attached Diagram Page

COPY
FROM CUSTODIAL FILE

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-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
31-FAILED TO STOP FOR TRAIN
32-FAILED TO YIELD ROW - EMERGENCY VEHICLE
33-FAILED TO YIELD ROW - OPEN INTERSECTION
34-FAILED TO YIELD ROW - PRIVATE DRIVE
35-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 INTO 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-PARKED IN NO PASSING ZONE
58-PARKED ON RIGHT SHOULDER
59-PED/PEDALCYCLIST/MOT.CON. FTY ROW TO VEHICLE
60-SPEEDING-UNSAFE (UNDER LIMIT)
61-SPEEDING-OVER LIMIT
62-TAKING MEDICATION (EXP. IN NARRATIVE)
63-TURNED IMPROPERLY - CUT CORNER OR 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 RAGE
74-OTHER FACTOR (WRITE ON 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: 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 GATE/SIGNAL, 14-SCHOOL ZONE, 15-CROSSWALK, 16-BIKE LANE, 17-OTHER — **11**

ROADWAY RELATION: 1-ON ROADWAY, 2-OFF ROADWAY, 3-SHOULDER, 4-MEDIAN — **1**

PART OF ROADWAY: 1-MAIN LANE, 2-SERVICE ROAD, 3-ENTRANCE RAMP, 4-EXIT RAMP, 5-CONNECTOR, 6-DETOUR, 7-OTHER — **1**

ROADWAY ALIGNMENT: 1-STRAIGHT, LEVEL, 2-STRAIGHT, GRADE, 3-STRAIGHT, HILLCREST, 4-CURVE, LEVEL, 5-CURVE, GRADE, 6-CURVE, HILLCREST, 7-OTHER, 8-UNKNOWN — **3**

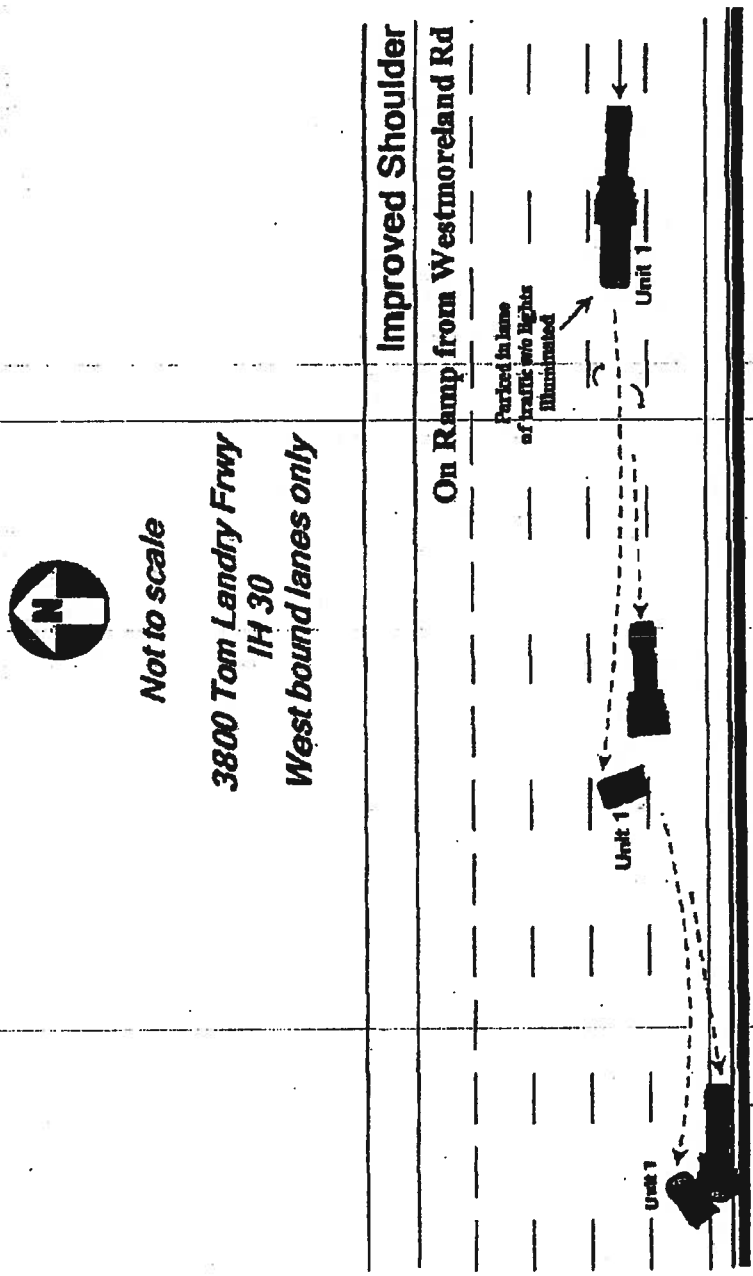
LIGHT CONDITION: 1-DAYLIGHT, 2-DARK, NOT LIGHTED, 3-DARK, LIGHTED, 4-DARK, UNK LIGHTING, 5-DAWN, 6-DUSK, 8-OTHER, 9-UNKNOWN — **2**

TYPE OF ROAD SURFACE: 1-CONCRETE, 2-BLACKTOP, 3-BRICK, 4-GRAVEL, 5-DIRT, 6-OTHER, 7-UNKNOWN — **1**

WEATHER: 1-CLEAR/CLOUDY, 2-RAIN, 3-SLEET/HAIL, 4-SNOW, 5-FOG, 6-BLOWING SAND/SNOW, 7-SEVERE CROSSWINDS, 8-OTHER, 9-UNKNOWN — **1**

SURFACE CONDITION: 1-DRY, 2-WET, 3-STANDING WATER, 4-SNOW, 5-SLUSH, 6-ICE, 7-SAND, MUD, DIRT, 8-OTHER, 9-UNK — **1**

(DATA= 05-07-2006/10:54/LBH) TX0006-FCB-060429-021038-1009
(IMAGE= 05-05-2006/08:28/LB1) 318940R (L) O/OE5.5.10



Not to scale

3800 Tom Landry Frwy
IH 30
West bound lanes only

City of Dallas Traffic Fatalities
#'s 60 & 61 for 2006
Accident Service # 315940
Related Service #'s 315921R & 315927R
Sr. Cpl. Joel L. Reyes # 7340
Dallas Police Dept.

This is the City of Dallas Traffic Fatalities Numbers 60 & 61 for 2006, see related service numbers 315921R & 315927R.

Unit 2 was west bound in the third lane south of the north curb line of 3800 Tom Landry Frwy, I.H. 30.

Unit 1 was parked facing west bound in the third lane south of the north curb line of 3800 Tom Landry Frwy, I.H. 30.

Unit 2 failed to take evasive action and collided front distributed causing back distributed damage to Unit 2. Force of the collision caused Unit 1 to skid approximately three hundred feet west bound and rotate clockwise 180 degrees. Unit 1 came to rest in the fourth lane and burst into flames.

The left and right front occupants of Unit 1 were unable to exit for unknown reasons and were found to be without vital signs due to the blunt force trauma and exposure to fire caused by the collision.

The Operator of Unit 2 had no signs of intoxication.

Witnesses who were not at the scene when investigator arrived had called 9-11 to report Unit 1 blocking the lane of traffic without lights illuminated. Due to the burnt condition of Unit 1, investigator was unable to determine vehicle status.

ADDITIONAL CRASH INFORMATION

ADDITIONAL REPORT/OTHER INFORMATION
Unit Type (Unit# - 1) Other = ILLEGALLY PARKED OCCUPIED

WITNESS INFORMATION
Witness 1: NAME: None, DOB: , RACE: , SEX:

CRB-3C (REV. 01/01/06) COMMERCIAL MOTOR VEHICLE SUPPLEMENT TO THE TEXAS PEACE OFFICER'S CRASH REPORT

[X] 10,001 LBS. OR MORE [ ] HAZARDOUS MATERIAL [ ] 9 OR MORE PASSENGER CAPACITY (DRIVER INCLUDED)

CRASH INFORMATION

1. COUNTY DALLAS 2. CITY OR TOWN DALLAS

C MAY 25 2006

LOC # 315940R

ORI # TX0006

DPS #

3. ROAD ON WHICH CRASH OCCURRED 3800 TOM LANDRY FRWY IH30 (BLOCK # / STREET OR ROAD NAME / ROUTE #)

4. DATE OF CRASH April 28 2006 (MONTH / DATE / YEAR) 5. HOUR 10:20 [ ] AM [X] PM

ROADWAY ACCESS [1]
1-FULL ACCESS CONTROL
2-PARTIAL ACCESS CONTROL
3-NO ACCESS CONTROL

DRIVER INFORMATION

6. NAME Scott, Raymond Eugene II 7. DRIVER'S LICENSE CLASS [1] 1-A 2-B 3-C 4-D 5-M 6-UNK

CARRIER INFORMATION

8. VEHICLE OPERATION [ ] INTERSTATE COMMERCE [X] INTRASTATE COMMERCE [ ] NOT IN COMMERCE [ ] GOVERNMENT [ ] PERSONAL

9. CARRIER'S CORPORATE NAME DS Towing

10. CARRIER'S PRIMARY ADDRESS 3821 Waldron (NUMBER / STREET) Dallas (CITY) TX (STATE) 75215 (ZIP)

11. CARRIER ID TYPE [ ] ICC [ ] US DOT [X] TXDOT [ ] OTHER [ ] NONE 12. CARRIER ID NUMBER 0057190070

MOTOR VEHICLE INFORMATION

13. UNIT NUMBER ON CRB-3 [2] 14. LICENSE PLATE 2007 TX T0900E (YEAR / STATE / NUMBER)

15. GROSS VEHICLE WEIGHT RATING (GVWR) [ ] REGISTERED GROSS VEHICLE WEIGHT (RGVW) [X] 22000

16. VEHICLE TYPE [5]
1-PASSENGER CAR (ONLY IF VEHICLE DISPLAYS HM PLACARDS)
2-LIGHT TRUCK (ONLY IF VEHICLE DISPLAYS HM PLACARDS)
3-BUS (SEATS FOR 9-15 PEOPLE, INCLUDING DRIVER)
4-BUS (SEATS FOR > 15 PEOPLE, INCLUDING DRIVER)
5-SINGLE UNIT TRUCK (2 AXLES, 6 TIRES)
6-SINGLE UNIT TRUCK (3 OR MORE AXLES)
7-TRUCK TRAILER
8-TRUCK TRACTOR (BOB-TAIL)
9-TRACTOR/SEMITRAILER
10-TRACTOR/DOUBLE TRAILER
11-TRACTOR/TRIPLE TRAILER
99-UNKNOWN HEAVY TRUCK OVER 10,000 LBS. (CANNOT CLASSIFY)

17. CARGO BODY STYLE [8]
1-BUS (SEATS FOR 9-15 PEOPLE, INCLUDING DRIVER)
2-BUS (SEATS FOR > 15 PEOPLE, INCLUDING DRIVER)
3-VAN/ENCLOSED BOX
4-CARGO TANK
5-FLATBED
6-DUMP
7-CONCRETE MIXER
8-AUTO TRANSPORTER
9-GARBAGE/REFUSE
10-GRAIN, CHIPS, GRAVEL
11-POLE
12-NOT APPLICABLE
98- OTHER

18. HAZARDOUS MATERIAL

TRANSPORTING PLACARDABLE HAZARDOUS MATERIAL [ ] YES [X] NO

1 DIGIT CLASS # [ ] 4 DIGIT ID # [ ][ ][ ][ ]

HAZARDOUS MATERIALS RELEASED OR SPILLED [ ] YES [X] NO (DO NOT INCLUDE FUEL FROM THE VEHICLE FUEL TANK)

1 DIGIT CLASS # [ ] 4 DIGIT ID # [ ][ ][ ][ ]

TRAILER NUMBER 1 INFORMATION

19. LICENSE PLATE (YEAR / STATE / NUMBER)

20. GROSS VEHICLE WEIGHT RATING (GVWR) [ ] REGISTERED GROSS VEHICLE WEIGHT (RGVW) [ ]

TRAILER TYPE [ ] 1-FULL TRAILER 2-SEMI TRAILER 3-POLE TRAILER

TRAILER NUMBER 2 INFORMATION

21. LICENSE PLATE (YEAR / STATE / NUMBER)

22. GROSS VEHICLE WEIGHT RATING (GVWR) [ ] REGISTERED GROSS VEHICLE WEIGHT (RGVW) [ ]

TRAILER TYPE [ ] 1-FULL TRAILER 2-SEMI TRAILER 3-POLE TRAILER

23. SEQUENCE OF EVENTS - UNIT 2

SEQ 1 [14] SEQ 2 [ ] SEQ 3 [ ] SEQ 4 [ ]

1-NONCOLLISION: RAN OFF ROAD
2-NONCOLLISION: JACKKNIFE
3-NONCOLLISION: OVERTURN (ROLLOVER)
4-NONCOLLISION: DOWNHILL RUNAWAY
5-NONCOLLISION: CARGO LOSS OR SHIFT
6-NONCOLLISION: EXPLOSION OR FIRE
7-NONCOLLISION: SEPARATION OF UNITS
8-NONCOLLISION: CROSS MEDIAN/CENTERLINE
9-NONCOLLISION: EQUIPMENT FAILURE
10-NONCOLLISION: OTHER
11-NONCOLLISION: UNKNOWN
12-COLLISION INVOLVING PEDESTRIAN
13-COLLISION INVOLVING MOTOR VEHICLE IN TRANSPORT
14-COLLISION INVOLVING PARKED MOTOR VEHICLE
15-COLLISION INVOLVING TRAIN
16-COLLISION INVOLVING PEDALCYCLE
17-COLLISION INVOLVING ANIMAL
18-COLLISION INVOLVING FIXED OBJECT
19-COLLISION WITH WORK ZONE MAINTENANCE EQUIPMENT
20-COLLISION WITH OTHER MOVABLE OBJECT
21-COLLISION WITH UNKNOWN MOVABLE OBJECT
98-OTHER

24. TOTAL NUMBER OF AXLES [2]

25. TOTAL NUMBER OF TIRES [6]

COPY
FROM CUSTODIAL FILE

26. OFFICER'S PRINTED NAME Officer JOEL L REYES DEPT. Traffic DATE 04/28/2006

ORIGINAL

(DATA= 05-07-2006[illegible] TX0006-FCB-060428-021038-1009 (IMAGE= 05-08-2006[illegible]) 315940R (L) [illegible]

WESTERN ANALYSIS ENGINEERING, INC.
727 EAST 223RD STREET
CARSON, CALIFORNIA 90745
PHONE (310) 513-1233
FAX (310) 513-6931

May 18, 2007

[redacted] v DCC

BACKGROUND: The following is my understanding of the events of the incident. The accident occurred April 28, 2006, on I-30 Tom Landry Freeway within the city of Dallas, Texas. The hour was 10:20 PM, it was dark and the police report states "dark not lighted". [redacted] had stopped her 2000 Jeep Grand Cherokee in the number two lane of a four lane freeway opposite a fifth lane on-ramp. Her right front passenger was [redacted]. According to a 911 call, the Jeep was stopped and had no lights illuminated. [redacted] was westbound also in the number two lane driving a 1992 medium duty Chevrolet 6000 truck equipped with a slide back car carrier used in the towing business. The posted speed limit was 60 mph. [redacted] vehicle, impacted the stopped Jeep and propelled it 300 feet coming to rest within the number one lane. A fire ensued and both women in the Jeep sustained fatal injuries.

ASSIGNMENT: I was asked to investigate the incident, conduct an inspection of the incident vehicle, analyze the design of the vehicle's fuel system, determine what, if any, design or manufacturing defects may have existed in the fuel system, address and respond to the claimed defects proffered by the plaintiffs and evaluate any proposed alternative designs also proffered by the plaintiffs. In order to fulfill this assignment, it was necessary to conduct a very limited partial reconstruction of the accident as it relates to the fuel system.

I was furnished material to evaluate and consider in my investigation. A list of the material I have been furnished for my consideration is attached. I inspected the Jeep Grand Cherokee on February 19, 2007. I have requested the opportunity to inspect the Chevrolet car carrier if it is still available. I plan to do so if it can be located. My most recent CV which outlines my qualifications to conduct this investigation is attached. I have also included a listing of my testimony covering the prior four years.

CONTENTIONS: The plaintiff's have contended a fuel system is defective if an occupant survives any orthopedic injuries he/she may have received in the accident and then dies as the result of a fire. Their design expert contends the lack of notable deformation to the front seat backs provides a means by which to estimate the magnitude of the delta-V sustained in the collision.

ANALYSIS: I began my analysis by conducting a very limited reconstruction. The damage to the Jeep Grand Cherokee is massive. The much larger and higher 1992 Chevrolet C6000 overrode the lowest elevation of the Jeep's under structure. The damage photographs of the Chevrolet's front end show a distinctive wedge or ramp appearance caused by its overriding the Jeep.

I estimate the weight of the Chevrolet to be on the order of 15000 pounds. The curb weight of a 2000 Jeep Grand Cherokee is given as 3773 pounds.

The fuel tank on the 2000 Jeep Grand Cherokee was made of a high density polypropylene cross linked plastic. It was located behind the rear axle ahead of the rear bumper. The vehicle was equipped with a fuel tank guard that also served to mount the tank in the vehicle. The tank assembly mounts inside the guard and it is held in place within the guard by tow straps. The straps are

located above the tank and secure it from above into the guard, not to the body. The guard surrounds the tank and bolts to the rear longitudinal rails that comprise the frame of the vehicle. It shields and protects the tank from impact.

At the time of my inspection, I failed to note the presence of either the fuel tank guard. Although the plastic tank might have been consumed in the fire, the steel guard would not have been consumed in the fire.

If the tank and the guard separated as a result of the collision, there would not have been a continuing supply of gasoline to fuel a fire. If the tank was separated and not in close proximity to the Jeep Grand Cherokee, there would not have been an available supply of gasoline. Other fuels would then be required to spread or enlarge the fire. One other fuel would have been the vehicle interior trim. Others could have been exterior to the vehicle.

The fire damage on the underside of the vehicle is unusual. First, there was not a massive ground fire. The floor pan ahead of the rear crushed area lacks any thermal damage. The paint is present on the underside of the floor pan. Also, it is relatively free of carbonaceous or soot deposits. By contrast, in the very rearmost location, there are unusually heavy soot deposits. Furthermore, both front tires are present and inflated. The left rear tire, although it does have some thermal damage, is present and much of it is remarkably intact. This tire would have been relatively close to any release of gasoline from the fuel tank and would have been consumed if a large quantity of gasoline had been released in its presence. The right rear tire is significantly heat modified. The wheels are aluminum wheels and are present with little or no damage.

The rear axle was driven forward in the collision. The axle assembly was also rotated 180° when viewed in a side elevation.

The Jeep's 105.9 inch wheelbase was shortened at the time of my inspection by over one foot. Thus, the area ahead of the axle would have been violated by the axle as it was driven forward. Hence, even if it were argued the tank should have been located ahead of the axle, the fuel tank would have been exposed to damage caused solely by the severity of this collision. For this accident, there was no reasonable physical location for the placement of the fuel tank that that would have insured the tank would not have been violated.

One other area needs to be addressed. The Chevrolet truck was equipped with a Caterpillar diesel engine and dual step fuel tanks. At this time, I have not had the opportunity to inspect the Chevrolet truck. However, every diesel truck I have seen, and well as those I personally designed, has been equipped with a balance line when more than one fuel tank is used. When equipped with more than one fuel tank, diesel engines typically draw the fuel from a single tank and return the excess fuel to the same tank. Unlike dual tanks on a gasoline system, there is no selector valve. Instead, a balance line connects a second or multiple tanks to the main tank. The line physical connects to the tanks at the bottoms so the fuel balances or transfers solely due to gravity. If this line is violated, the contents of the tanks will drain onto the ground. Manually operated shut off valves were once used that could be closed in order to stop the loss of diesel fuel in the event of damage to or a failure of the balance line.

Because of the override by the Chevrolet truck, its underside was exposed to damage. This includes the diesel fuel tank balance line. If the balance line was violated, the Chevrolet truck would have provided a continuing fuel supply. Of course, the available fuel is limited by the amount of fuel in both tanks at the time of the collision.

OPINIONS: The following outlines my basic opinions to date. The opinions I hold are held to a reasonable degree of engineering certainty.

– Regardless of any fault, failure or problem that may manifest itself in a vehicle, a vehicle will not immediately stop when being driven at freeway speeds.

– The momentum of a vehicle traveling at freeway speeds affords a driver the opportunity to drive out of the travel lanes and pull off onto the shoulder.

– Remaining in a stationary vehicle, particularly at night without lights, in a travel lane of a freeway is an unsafe act.

– The closing speed, mass ratio and Jeep delta-V were extremely high in this accident.

– The enormity of the crash exceeded any reasonable design expectations or capabilities to design a fuel system that could not be breeched.

– Regardless of any reasonable placement of the fuel tank in this accident, any tank location would have been vulnerable to damage causing a release of gasoline.

– There was not a large ground fire under the Jeep Grand Cherokee.

– There was not a release of a large quantity of gasoline, at least under the Jeep Grand Cherokee at its rest position.

– Based on the photographs of the Chevrolet truck, the fire damage appears to be concentrated at the cowl and cab areas.

– Again, based on the photographs of the Chevrolet truck, the location of the fire damage is consistent with a diesel fuel loss.

– The fire damage to Chevrolet truck is consistent with a diesel fuel from the dual fuel tank balance line

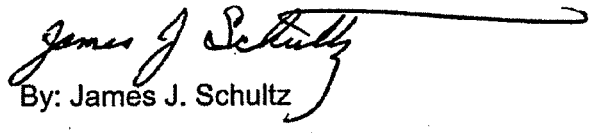
– The Jeep Grand Cherokee was not unreasonably dangerous for its intended purpose.

– The fuel system was not defective either in design or manufacture.

The opinions expressed herein are based upon a reasonable degree of engineering certainty according to the currently available information. I have requested the opportunity to inspect the Chevrolet C6000 diesel tow truck. I have also request an opportunity to further examine the Jeep Grand Cherokee.

I expect I will be furnished additional material by counsel. I will review any new material presented to me. I reserve the right to respond to any new material once I receive and analyze it including the possibility of another vehicle inspection and/or testing. I will be prepared to do so either by the time of my deposition, if one is taken, or trial.

Western Analysis Engineering, Inc.



By: James J. Schultz

Date of accident: 04-28-06 Date retained: 12-04-06

Police report
Complaint
Amended complaint & answer
Factory invoice
Title history
Motion to Intervene
Photographs:
25 5x7 color copies – "at scene"
01 CD of images – Chevrolet – Raymond Scott 04-25-07
Depositions
04-30-07 Raymond Scott – driver of Chevrolet truck
*04-19-07 Joel Rayes – police officer
*04-30-07 Jonni McClain – medical examiner
Inspections:
02-19-07 vehicle

[redacted] TESTIMONY

2007

DEPOSITIONS:

01-09-07 [redacted] v DaimlerChrysler
01-17-06 [redacted] v General Motors
02-23-07 [redacted] Toyota
05-16-07 [redacted] v General Motors

TRIALS:

02-05-07 [redacted] v U-Haul
02-12//13-07 [redacted] v Midwest Trailer

[redacted] TESTIMONY

2006

DEPOSITIONS:

01-09-06 [redacted] v Four Seasons
01-17-06 [redacted] v U-Haul
01-27-06 [redacted] Toyo Tire, Vol I
02-17-06 [redacted] v Cooper Tire
03-23-06 [redacted] v Toyo Tire, Vol. II
04-19-06 [redacted] v Cooper Tire
06-09-06 [redacted] v General Motors
06-12-06 [redacted] v Cooper
06-13-06 [redacted] v U-Haul
08-24-06 [redacted] v DaimlerChrysler
08-30-06 [redacted] v Ford
10-30-06 [redacted] v Ford
12-29-06 [redacted] v Midwest Trailer

EXPERTS REVIEW WITH OPPOSITION:

11-09-06 [redacted] v Mettellka

TRIALS:

05-01//02//03-06 [redacted] v Toyo

JAMES J. SCHULTZ'S TESTIMONY

2005

DEPOSITIONS:

01-06-05 [redacted] v Cooper Tire
01-14-05 [redacted] v Volkswagen
01-18-05 [redacted] v Chrysler
03-22-05 [redacted] v Kia, Vol. II
03-24-05 [redacted] v Mack Truck
03-30-05 [redacted] v T-Line
05-04-05 [redacted] v Genie
05-17-05 [redacted] v Chrysler
06-07-05 [redacted] v Genie, Vol. II
09-04-08 [redacted] v General Motors
10-11-05 [redacted] v General Motors
10-13-05 [redacted] v Takaizumi

MEDIATIONS:

06-29-05 [redacted] v MTA

TRIALS:

05-25-05 [redacted] v Kia
06-21-05 [redacted] v Goodyear
10-26//27-05 [redacted] v Nissan
11-15-05 [redacted] v Takaizumi

[redacted] **TESTIMONY**

2004

DEPOSITIONS:

01-02-04 [redacted] v DaimlerChrysler
01-19-04 [redacted] v General Motors
01-28-04 [redacted] v U-Haul
01-30-04 [redacted] v Auction Transport
02-02-04 [redacted] v Greyhound
03-26-04 [redacted] v Mazda
09-07-04 [redacted] v Auction Transport, Vol. II
11-04-04 [redacted] v Kia
12-28-04 [redacted] v DaimlerChrysler

ARBITRATIONS:

02-05-04 [redacted] v Greyhound

TRIALS:

02-23-04 [redacted] v U-Haul
04-27//28-04 [redacted] v Mazda
05-11-04 [redacted] v U-Haul
05-17-04 [redacted] v Toyo
06-14-04 [redacted] v Allen Chevrolet
09-20-04 [redacted] v Auction Transport

[redacted] TESTIMONY

2003

DEPOSITIONS:

01-21-03 [redacted]
02-18-03 [redacted] v DaimlerChrysler
02-25-03 [redacted] v DaimlerChrysler
03-03-03 [redacted] v Ellis
04-29-03 [redacted] v DaimlerChrysler
05-02-03 [redacted] v Honda
05-23-03 [redacted] v Eureka Tire
07-01-03 [redacted] Carol v Cooper Tire
07-22-03 [redacted] v DaimlerChrysler
07-29-03 [redacted] Budd
08-07-03 [redacted] v Mazda
08-09-03 [redacted] aimlerChrysler
08-19-03 [redacted] cNulty
10-20-03 [redacted] v Toyo
10-24-03 [redacted] s v GM
11-07-03 [redacted]

ARBITRATIONS:

02-26-03 [redacted] v King

TRIALS:

03-11-03 [redacted] v SCRAMP
05-12-03 [redacted] eneral Motors
07-29-03 [redacted] Eureka Tire
08-11-03 [redacted] San Diego Transit

MATTER #	1171692
FILE TYPE	Lawsuit
FILE NAME	[redacted]
CAIR #	
DATE OF INCIDENT	04/28/2006
DATE OF NOTICE	08/10/2006
MODEL/MODEL YEAR	2000 Jeep Grand Cherokee (WJ)
VIN	1J4G248S2YC[redacted]
MILEAGE	
OWNER	[redacted] [redacted], Mesquite, Texas [redacted]
COURT	U.S. District Court, Eastern District of Texas, Marshall Division
DOCKET #	206CV317
FIRE ALLEGED	Yes
DESCRIPTION	On April 28, 2006, [redacted] was a passenger in a 2000 Jeep Grand Cherokee (WJ) that was being driven by [redacted] The Jeep Grand Cherokee (WJ) had stalled and was stopped in the second lane of the four westbound lanes of IH 30 in Dallas, Texas. A 1992 Chevrolet tow truck (approximate weight 25,000 pounds) being driven by [redacted] at approximately 60-65 mph failed to observe the Jeep Grand Cherokee (WJ) and struck it in the rear. A fire ensued.
PROPERTY DAMAGE ALLEGED	No
INJURIES	2
FATALITIES	2
ANALYSIS	Based on the inspection of the 2000 Jeep Grand Cherokee (WJ) and other available information, including police accident report and witness statements, Chrysler Group concludes that the impact of the tow truck to the rear of the Jeep Grand Cherokee (WJ) occurred at a relative velocity in excess of 60 mph. This is confirmed by the police accident report and the statement of the tow truck driver that he did not see the Jeep Grand Cherokee (WJ) until immediately before the impact and that no evasive action was taken prior to the impact. The force of the impact pushed the Jeep Grand Cherokee (WJ) approximately 300 feet before coming to rest. The extremely severe, high energy impact pushed the fuel tank of the Jeep Grand Cherokee (WJ) in front of the rear axle, rupturing it and causing the fire. The area where the fuel tank was mounted was completely crushed and the rear portion of the floor pan was pushed forward to a position behind the front seat back. The extremely large mass of the tow truck

(25,000 pounds) greatly increased the crash forces acting on the Jeep Grand Cherokee (WJ). The extremely severe damage to the rear of the Jeep Grand Cherokee (WJ) is depicted in the photographs in Enclosure 4 Bates Nos. PE10-031-Chrysler-000976-978.

SYSON-HILLE
and
ASSOCIATES

Engineering Services
Since 1982

Tracy car boy
5473 Blair Road, #200
Dallas, TX 75231

April 4, 2007

Attn: Mr. E. Todd Tracy

Re: [redacted] **vs. DAIMLER CHRYSLER CORPORATION**

Dear Mr. Tracy,

At your request, I have inspected and analyzed the 2000 Jeep Grand Cherokee in which [redacted] were fatally injured. The vehicle stalled on the freeway the night of April 28, 2006. Its electrical/powertrain system failed, leaving Mrs. [redacted] stranded in the travel lanes with no lights. Despite 911 being alerted, a tilt-bed tow truck, driven by [redacted] collided with the rear of the Jeep. The rear impact resulted in Mrs. [redacted] and Ms. [redacted] receiving orthopedic injuries, which likely were incapacitating. They burned in the ensuing fire, neither survived. I looked especially closely at the potential causes of the engine stalling, the safety performance of the 2000 Jeep Grand Cherokee SUV's rear end structure, the front and rear seats and the occupant kinematics of the victims. Specifically, I considered how the victims and their seats interacted with the vehicle structure in the rear-end collision. I am experienced in the evaluation of the causes of engine problems, having worked on the preparation of dozens of racing cars since the late 1950's. Included herein is an outline of my education, training and experience, which applies to front seat occupant protection evaluations, including the evaluation of rear impact collisions.

I. QUALIFICATIONS

A. My curriculum vita is attached as Attachment A.

B. My expertise includes the field of automotive design analysis engineering -- the specialty of analyzing the design and performance of vehicles, including restraint systems. While employed by GM, I was assigned to the GM Safety Research and Development Laboratory (SRDL) at the GM Proving Grounds, from September 1971 through August 1978, as an engineer in the restraints, structures and analytical groups. Additionally, I was responsible for analyzing crash tests, sled tests and field performance of GM vehicles and restraint systems.

7394 Calle Real, Suite F, Goleta, CA 93117 • (805) 685-8517 • 685-3519 • FAX (805) 685-9480

C. It has been part of my background and training to:

1. Utilize general mechanical engineering knowledge and skills, including numerous principles of the laws of physics and their application to the operation of mechanical objects.
2. Utilize special knowledge of automotive engineering, including knowledge of principles of physics and mechanical engineering, as applied to the design, manufacture and performance of automobiles and component parts, including restraint systems.
3. Utilize special background and training in principles of design and analysis of design of automotive restraint systems and the performance of automotive restraint systems:
   a. In the testing environment;
   b. In studying the relationship between testing and "real world/ field" performance based on testing and analysis of testing; and,
   c. In actual "real world" collisions.

D. Portions of my opinions are also based on a review of testing and analysis conducted by or for the National Highway Traffic Safety Administration (NHTSA) and by General Motors, as well as my own experience in the conduct and analysis of such testing. Crash, sled and component testing of restraint systems is performed to analyze the behavior of vehicle component parts under controlled laboratory conditions.

E. During the development phase of vehicle design and manufacture, such tests are routinely used by engineers to:

1. Investigate and predict the behavior of the vehicle and its components in "real world" settings;
2. Set criteria for designs; and,
3. Validate designs.

F. It is recognized as sound engineering practice to document the occurrences of failure during controlled testing, to investigate the causes of the failure, and note any corrective action taken. During my employment at GM, for example, Test Incident Reports, sometimes called Test Information Reports (TIR's), were filled out in the event of a failure and then followed-up. I have reviewed similar documents from General Motors in other litigation, which analyze vehicle test anomalies.

G. If a component fails during developmental testing, the responsible design engineer would be expected to take corrective action to control or eliminate the causes of the failure.

H. Failure during controlled testing, if not corrected, is predictive of failure under field conditions.

II. DESIGN EXPERIENCE

During my almost 40-year career, I have:

A. Designed the following prototype hardware while working for General Motors:
   1. The upward deploying air cushion passive restraint system "air pillow" used on many of today's automobiles (US Patent: 3,801,126);
   2. The steering column mounting system for the GM do Brasil Opala;
   3. The prototype steering column mounting system for the GM X body (US Patent: 4,241,937).

B. Participated in the analysis, testing and development of structural designs for the following GM vehicles:
   1. 1976-1997 G (full size) van;
   2. 1977-1990 B-C (full size) car;
   3. 1978-1986 A-G (intermediate) car; and
   4. 1980-1984 X (compact) car.

C. Analyzed the structural performance and overall crash safety assessment for the "Competitive Car Program." As part of that program I reviewed the crash test data and high speed motion pictures of both front and rear crash tests of vehicles from auto manufacturers in the US, Japan and Europe.

D. Represented General Motors on the SAE (Society of Automotive Engineers) impact simulation subcommittee.

E. Represented the GM Safety Research and Development Laboratory at the 1979 E body (sport luxury) Project Center.

F. Performed the structural analysis and testing for the Large Research Safety Vehicle (LRSV) structure at Minicars. (Struble, 1981)

G. Supervised the development of new restraint systems for the Volvo 240 series vehicle under NHTSA contract. (Foster, 1981) and presented the design proposals to Volvo for approval. Volvo adopted the design proposals and there were NO driver fatalities in 240 series vehicles on US highways for several years after their release into production. (Insurance Institute for Highway Safety, 1995)

H. Designed the roof and floor structure for the Paratransit Vehicle, a taxi to carry handicapped individuals, under contract to the Urban Mass Transit Administration. (UMTA, Struble, 1981)

I. Designed the side impact protection enhancements for the Modified Integrated Vehicle (MIV) program. (Hanneman, 1982) In the MIV program, Charles Strother and I proposed various modifications to improve the rear impact crash safety of the GM 'X' body cars, including reinforcing the seats. (Strother, 1980)

J. Continued to study the design of safety systems, particularly vehicle performance in collisions with a rearward force component, since becoming involved in the full time analysis of real world collisions. In that regard, I co-authored a Society of Automotive Engineers (SAE) paper regarding rearward force collision seat performance ([redacted] 1993, Attachment B) which studied the following seat restraint system issues:

1. The design and field performance of at least fifty different production vehicle seats from all over the world;
2. Reviewed almost two hundred US seat design Patents and several foreign patents for automotive seats (Attachment C); and
3. Reviewed lab tests for many production seats.

K. Published papers on other automotive restraint issues through the Society of Automotive Engineers (SAE) and by the American Society of Mechanical Engineers (ASME).

L. Conducted presentations on the methodology for determining occupant kinematics and analyzing physical evidence of occupant contact. (Syson, 1999, Attachment D).

III. ASSIGNMENT

I was requested to determine whether a defect or defects existed in the 2000 Jeep Grand Cherokee SUV in question, or if an action or inaction on the part of either the vehicle manufacturer or the component supplier caused the accident, and caused or contributed to the fatal injuries to Mrs. Batiste and Ms. Sharp in this collision.

IV. METHODOLOGY

A. The assignment was accomplished using methods commonly accepted and used by automotive engineers who are similarly engaged in the profession of accident analysis.

B. The same methods for analyzing rear crash safety that I used in this case are described in publications of the SAE (Severy, 1967, 1968, 1969, 1976), the NHTSA (Digges, 1992), Transport Canada (Marriner, 1990) and General Motors (Viano, 1992, 1994a).

C. The opinions herein are based on my background, experience and expertise in the field of automotive design analysis engineering, and on the application of recognized laws of physics and principles of mechanical and automotive engineering applied using accepted engineering methods to the specific issues raised by the events in question.

V. INITIAL ANALYSIS

A. Analysis began with a study of facts and physical evidence, which included:
   1. The police accident report, and reports of other professionals;
   2. The Dallas County Medical Examiner's Report; and,
   3. The struck Jeep Grand Cherokee and the SUV's front and rear seats.

B. Examination of the facts and physical evidence leads to several conclusions:
   1. Mrs. [redacted] was driving the Jeep Grand Cherokee SUV;
   2. The Jeep was stalled in lane #3 of westbound Interstate 30
   3. The Jeep was struck by a 1992 Chevrolet tow truck, driven by [redacted];
   4. The [redacted] vehicle spun clockwise and traveled several hundred feet after impact, then caught on fire;
   5. The principal direction of force (PDOF), at the initial contact with the tow truck, was approximately 5:30 o'clock;
   6. The initial motion of the vehicle would also result in occupant movement in the approximately 5:30 direction;
   7. Mrs. [redacted] contacted their seats. Due to the low acceleration levels in the collision, and despite the victims being heavier than a typical crash test dummy, their seats did not deform, other than minor bending of the backrest bracing.
   8. Ms. [redacted] seat attachments were separated at the floor. This appeared to have resulted from the forward displacement of the rear seat cushion. The intrusion of the rear seat into her survival space was the proximate cause of her orthopedic injuries.

VI. ACCIDENT RECONSTRUCTION ANALYSIS

A. I have not done a detailed reconstruction of the accident where I used any of the various commercially available computer programs such as EdSMAC or EdCRASH, nor have I inspected the accident scene.

B. However, I have evaluated crash tests for GM and Minicars, real world crashes for GM as well as conducted numerous crash and sled tests. I have also analyzed thousands of crash tests conducted by the NHTSA, IIHS and virtually every large-scale vehicle manufacturer in the world. I have likewise inspected hundreds of vehicles and have myself attended and taught classes in accident reconstruction.

C. Using this body of education, training and experience, I have evaluated the [redacted] accident from an overall reconstruction standpoint as it relates to survivability absent a vehicle defect. From my perspective, the accident reconstruction is really irrelevant in a crashworthiness case since the safety systems aren't necessary without an accident. Hence, there must be an accident.

D. The seminal question that is at issue is simple: was the accident survivable or was the delta velocity simply too severe?

E. The answer to that question in this accident is that the collision was, in fact, survivable. To answer the above question, I evaluated the crush and the injury patterns including the injury pattern to the driver and passenger of the Jeep, who would have survived, absent the intrusion and fire.

F. It is an important principle of crash safety design that a crash victim should not die in a fire, if he or she has survivable orthopedic injuries.

VII. HYPOTHESES

These facts and conclusions lead to the following hypotheses: *Mrs. [redacted] were seated, normally, in the driver's seat and right front passenger's seat, wearing the original equipment Grand Cherokee safety belts at the moment of collision between the Grand Cherokee SUV and the tow truck. The combination of forces acting on the Grand Cherokee SUV caused them to move rearward, relative to the vehicle. Impact with the front seat structures and the intruding rear seat structures resulted in serious injuries. They did not survive the fire.*

VIII. ANALYSIS

A. Mrs. [redacted] was the driver of a 2000 Jeep Grand Cherokee SUV at the time of this accident. On the night of April 28, 2006 the Grand Cherokee stalled in the #3 lane of Interstate 30, leaving the Jeep stranded with no engine power. The Jeep was, then, impacted in the rear by a Chevrolet tilt-bed wrecker.

B. It would be natural to jump to the conclusion that the driver of the tow truck was the sole cause of the accident, since he ran into the rear of a stopped vehicle. However, a critical review of the circumstances leading up to the accident suggests an alternate hypothesis. The eyewitness who called 911 indicated that the Jeep was stalled with no lights. The above fact is consistent with the NHTSA customer complaint information, which indicates occasional complete electrical system failure when the engine stalls. The police report also indicates that this is not a well-lighted area of the freeway. Further, a tow truck is more difficult to maneuver and stop than an automobile. Therefore, it would be unscientific to place the blame for this collision without including DaimlerChrysler.

C. The rear impact to the Jeep Grand Cherokee SUV was not of a sufficient magnitude to have produced any permanent injury to a driver or passenger, if that occupant had a properly designed seat system, since the crash forces were too low to cause significant seat bending. In, for example, the Gundy matter, the seat reclined in a much lower ΔV collision, because the accelerations were higher.

D. Both DCC and the NHTSA have conducted rear impact tests involving similar Jeep vehicles. In every test conducted with a front seat test dummy that was at least the size of an average adult male, and the impact speed was 30 miles per hour or more, the front seats tipped rearward. Therefore, the acceleration levels in the compartment of the subject vehicle were lower than in the Gundy collision and lower than in a typical crash test.

E. The [redacted] rear end collision was a survivable without orthopedic injury for both front seat occupants, had the rear end structure of the vehicle and the sill structure of the vehicle been strong enough and crashworthy enough to prevent intrusion into and compression of the rear seats into the front seat occupant survival space.

F. If this collision had been of a high severity, it would be expected that the victims would have had orthopedic injuries to the neck, since the Grand Cherokee head restraints are poorly designed. (IIHS, 2001)

G. The intrusion of back seat structures into the front seat backs and the compression of the front seat occupant survival space that occurred in the 2000 Jeep Grand Cherokee were due to:

1. Defects in the design and the strength of the rear unibody rails and ;
2. Defects in the design and the strength of the sill structure and sill/unibody rail interface of the 2000 Jeep Grand Cherokee SUV.

H. Adequate vehicle-to-vehicle rear impact testing by DaimlerChrysler (DCC) would have revealed the vulnerability of the rear end structure and the sill structure of the 2000 Jeep Grand Cherokee SUV to foreseeable rear end impacts.

I. Accompanying the very weak rear frame structure and the defective sill structure on the [redacted] 2000 Jeep Grand Cherokee was a highly vulnerable rearward of the rear axle fuel tank location. This very weak rear frame structure and defective sill structure were insufficient to:

1. Protect the 2000 Jeep Grand Cherokee fuel tank from being penetrated in a foreseeable rear end impact or:
2. Prevent dangerous intrusion into and compression of the front occupant compartment of the Grand Cherokee.

J. The Grand Cherokee rear structure is substantially similar to other unibody vehicles. In real-world accidents, and car-to-SUV crashes, the rear structure bends at the kick-up. This deformation pattern is intended to tip the gas tank out of direct contact with the rear axle and rear suspension components in FMVSS 301 rear moving barrier tests. However, the buckling has many undesirable consequences, including dramatically reducing rear energy absorption.

K. The absence of injuries is important in evaluating crash survivability. Neither of these women had any acceleration-type injuries, such as brain injuries or cervical injuries that are classically seen in high-speed/high acceleration events.

L. If subject vehicle structure and fuel system installation had not been improperly designed and tested, Mrs. [redacted] would not have received fatal burn injuries, nor the orthopedic injuries that they did receive.

IX. IDENTIFICATION OF RISKS, HAZARDS AND DANGERS

A. A safety engineer's primary responsibility is to identify potential risks, hazards and dangers associated with reasonably foreseeable uses and misuses of a product. Then, he should attempt to design out the dangers, guard against them or, as a last resort, warn about them.

B. DCC's engineers should have used one of the many available techniques to analyze the safety of the Grand Cherokee rear structure.

C. Specifically, among other safety issues, they should have analyzed the risks of the rear structure intruding into the occupant compartment in collisions. They, apparently, failed to do so.

D. Intrusion into an occupant's designed survival space increases the probability of serious injury or fatality. DCC should have taken the necessary engineering steps to design a rear structure that would inhibit intrusion of the rear structure into the rear seating area in a rear impact.

X. CONCLUSIONS

A. The 2000 Jeep Grand Cherokee 4.0 liter powertrain is unreasonably susceptible to engine stalling, which dealers are often unable to diagnose or cure. [redacted] NHTSA customer complaints of engine stalling. (Attachment E.)

B. The subject Jeep engine stalled, and presently still won't turn, even when a breaker bar was applied to the crank pulley during a defense expert inspection. [redacted] record of 911 call, information from counsel.

C. The engine did not stall due to improper maintenance, since there was an adequate supply of reasonably clean oil in the crankcase. [redacted] information from counsel.

D. According to the customer complaints, the other Jeeps stalled due to crankshaft or camshaft position sensor failure. **Basis:** NHTSA complaints.

E. Either failure could be prevented by appropriate sensor or materials selection.

F. The occupant survival space for Mrs. Batiste and Ms. Sharp, in the front compartment, was reasonably maintained, however the intruding structure behind the front seats penetrated the seat backs, and likely separated Ms. Sharp's seat from the floor. **Basis:** Vehicle inspection, early photographs.

G. Mrs. [redacted] and Ms. [redacted] injuries resulted from contacting unfriendly structures from the back seat. **Basis:** Vehicle inspection, absence of other interior witness marks, medical information, absence of injuries to properly restrained and contained drivers and passengers whose survival space is maintained, NHTSA crash tests where the front seat dummies received very high injury criteria.

H. Both Mrs. [redacted] died in the ensuing fire. Since they both received potentially paralyzing spinal cord injuries in the initial collision, they were unable to escape.

I. The medical record for Ms. [redacted] has an inconsistent finding. There is reference to a transected aorta that corresponds to a subluxation of the thoracic spine at T5. However, the cardiovascular exam reveals no abnormalities and a finding that the aorta is "unremarkable." In any event the injury would be intrusion and not acceleration-related.

XI. SUMMARY

A. A vehicle engine that stalls at freeway speeds, leaving the occupant in a vehicle that is very hard to brake and steer, and has no electrical power is defective and unreasonably dangerous. The engine stalling issue is both a design and manufacturing defect. There are alternative designs that will either prevent the engine from stalling and/or make such stalling less dangerous. The safer designs include: redundant ignition systems that function when one or more sensors fails and redundant fuel systems that function when the EFI fuel pump fails. There are also various computer changes, as used by General Motors, which permit vehicles to limp safely to the shoulder if there is an initial stalling problem.

B. The Jeep Grand Cherokee structure failed to appropriately manage energy during the collision. Mrs. [redacted] were injured as the rear seat cushion, and, for that matter, the entire Jeep Grand Cherokee rear structure, continued to be pushed forward at low force levels by the Chevrolet tow truck.

C. A rear structure design that absorbed more energy and reduced the severity of, or prevented, intrusion of the structure into the back seat, would have prevented their excessive loading.

D. A rear structure that was not required to deform over the kick-up to protect a poorly placed fuel tank would have prevented their excessive loading.

E. A properly placed and protected fuel tank would have prevented the ensuing fire.

F. The vehicle violated the basic principles of crashworthiness by failing to adequately maintain survival space, failing to provide adequate restraint, failing to properly manage collision energy and failing to prevent a post-collision fuel-fed fire.

The safer fuel and ignition system designs to resolve or guard against the engine stalling issue are not cost prohibitive and affect neither the function nor the appearance of the vehicle. The safer rear structure and fuel system designs identified above are also not cost-prohibitive, and affect neither the function nor the appearance of vehicles. Safer rear structures have been available for use, and used in some vehicles, particularly DCC's Mercedes-Benz vehicles since the late 1960's. These design alternatives were both economically and technologically feasible to incorporate into the 2000 Jeep Grand Cherokee and would likely have prevented Mrs. [redacted] and Ms. [redacted] fatal injuries.

This report is subject to amendment and supplementation subject to a review of documents to be produced by the defendant in this matter.

Sincerely,
Stephen R. Syson
Syson-Hille & Associates

Paula Re
Syson-Hille & Associates
Signed in Mr. Syson's Absence to Avoid Delay

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ATTACHMENTS:

A. Curriculum Vita
B. Saczalski, et al
C. Lists of US and foreign seat Patents reviewed
D. Beyond Whiplash:
E. Engine Stalling Complaints

A

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"Hybrid III Test Dummy Cranial impacts" Biomedical Engineering: Recent Developments Conference, Sept. 28-29, 2002

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General Motors Institute - Bachelor of Mechanical Engineering (1970)

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Senior Project Engineer, Safety Research and Development Lab, General Motors Proving Grounds.
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Design: Vehicle components for improved crashworthiness including; belt restraint systems, air cushion restraint systems, steering columns and column installation hardware, and front, side, and roof structures at General Motors and Minicars. Continuous involvement in the design of racing cars.

Testing: Conducted vehicle and component tests and analyzed test data for General Motors and Minicars. Tests included frontal barrier impact crash tests, sled tests of restraint systems, and static and dynamic tests to reconstruct traffic accidents for the support of defense and plaintiff attorneys in litigation.

Accident Reconstruction and Product Defects: Reconstruction of traffic accidents involving automobiles and light trucks for General Motors, and as an independent expert, with primary emphasis on enhancement of injury by defective product design and/or manufacture, also determination of legal cause of collision.

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MCR Technology, Inc. Goleta, California 1978 - 1982

Head, Engineering and Design Groups. Supervised and conducted analysis and design of vehicle structures, utilizing both lumped mass simulation of vehicle crashes and finite element modeling of structural systems. Responsible for structural design of the Paratransit Vehicle (Taxi for Handicapped Passengers) and the Large Research Safety Vehicle. Conducted dynamic analysis of motor vehicle ride, handling and braking, and developed vehicle design criteria.

General Motors, Safety Research and Development, General Motors Proving Grounds, Milford, Michigan 1971- 1978

Senior Project Engineer. Directed program to validate the technique of modeling vehicle front structures by lumped masses and non-linear springs. Revised front structure static testing. Used computer simulations correlated with test results to develop both active and passive belt restraint systems. Set up test protocol for HYGE sled, laboratory, and barrier tests to evaluate vehicle restraint system performance. Supervised and conducted development of advanced air cushion restraint systems for various GM vehicles.

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"The Diving Hypothesis"; presented to American Academy of Forensic Sciences meeting 2/11-16/2002

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Field Accident Evaluations and Experimental Study of Seat Back Performance Relative to Rear-Impact Occupant Protection

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Environmental Research & Safety Technologists, Inc.

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Field Accident Evaluations and Experimental Study of Seat Back Performance Relative to Rear-Impact Occupant Protection

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ABSTRACT

This study examines in some detail 23 actual rear-impact cases dealing with front seat collapse and compares the findings with similar results from 23 Canadian cases. In addition, seat tests and car-to-car crash tests are utilized to examine the potential hazards and/or benefits of collapsing versus non-collapsing seat systems. Evaluation of the above 46 cases indicates that an extremely high rate of rearward ejection occurs to restrained front-seat occupants subjected to rear impact. The majority of those ejected experienced serious to fatal injuries, either from contact in the rear or outside of the vehicle, when seated in collapsing seats. These results are contrary to some earlier published data and, as such, recommendations are made which could help improve data collection methods so as to better evaluate the issues associated with rear-impact seat strength.

INTRODUCTION

Interest in determining the adequacy of automotive seat back strength for providing occupant protection during rear-end collisions has been renewed in recent years [Saczalski, 1989]. A sparsity of objective field accident data complicates assessment of key issues which, for the most part, seem to partition into two groups: one advocating stronger and less yielding front seat systems, and the other suggesting that the current designs of collapsing front seats are able to absorb sufficient energy so as to minimize harmful loads applied to the occupants during rear impacts.

In this paper, several actual accident cases are reviewed in some detail with major focus on occupant kinematics, kinetics, resulting injuries, locations of impact, and, in some cases, the amounts of energy absorbed during the collision by collapsing seat structures. Experiments on exemplar production seat systems were conducted to determine amounts of possible resistance or energy attenuation provided by the seat structure. In addition, rear-impact, car-to-car experiments, utilizing instrumented anthropometric test devices, were reviewed and compared with the results of a car-to-car crash test which contained both a non-yielding seat and a standard collapsing seat structure, each occupied by an instrumented fiftieth percentile male surrogate. One of the primary objectives of the latter test was to gain insight into the potential hazards of both seat design approaches (i.e., collapsing seats versus stronger, less yielding seat structures).

With respect to the actual accident cases reviewed and discussed in this paper, 23 cases deal with real-world accidents evaluated by the authors, and another 23 cases represent the results of a recent Canadian study on real-world accidents involving seat back failures, examined on behalf of Transport Canada [Marriner, 1990]. Evaluation of the field accident data from the above-cited 46 real-world cases, which focused primarily on the effects of automotive seat structure in rear impacts, indicates that an extremely high rate of partial or total ejection (approximately 50%) occurs to restrained front-seat occupants subjected to rear impact. Furthermore, the majority of the ejected occupants experienced serious to fatal injuries, either from contact in the rear or outside of the vehicle after rearward ejection, and in virtually all cases the occupants were seated in standard collapsing seat systems. These results are contrary to some earlier published data [Data Link, 1990] and analysis [James, 1991; Warner, 1991] which relied upon the National Accident Sampling System (NASS) data base and concluded that, among other things, restraint usage, combined with collapsing seats in rear impacts, has a substantial injury-reducing effect. These conclusions are similar to those presented by Strother in an earlier paper on this subject [Strother, 1987]. For whatever the reason, even though it was publicly available at about the same time as the Data Link study, the Canadian data has not been reviewed or cited in some of the earlier mentioned technical articles dealing with issues of automotive seat strength in rear impacts. As such, one of the objectives of the current paper is to present the Canadian data, along with the previously unpublished data relating to the 23 real-world cases examined by the authors, so as to provide a more

complete data base for other automotive engineers and researchers interested in better understanding the hazards and/or benefits associated with each of the two basic schools of thought relating to seat design for rear-impact occupant protection.

There are several potential hazards suggested by the opponents of each of the two basic approaches suggested for rear-impact occupant protection. With respect to collapsing seat structures (which seems to be the "norm" for most current automotive systems), opponents suggest at least six classes of potentially hazardous situations which can occur when a seat back collapses in an uncontrolled manner and these include: (1) loss of vehicle control by a driver when the seat back collapses rearward in an uncontrolled manner during a rear impact; (2) reduced effectiveness of the restraint system when the collapsed seat back allows a front-seat occupant to rotate and slide rearward from under the lap belt during a rear impact, thus enabling potential injurious contact with rear seat objects and passengers; (3) ejection of occupants who have slid out from beneath their lap and shoulder harness system when the seat back easily collapses rearward in an uncontrolled manner from rear impact and allows the passenger to be tossed around unconstrained during the subsequent motions of the vehicle which could experience other impacts. and/or roll-over after the initial impact, since the driver has usually lost control of the vehicle due to the rearward collapse of his or her body; (4) injury to rear-seat passengers who are likely to be struck by the violent rearward motion of the front seat occupant collapsing into the rear seat passenger area where the rear seats do not collapse rearward in a rear impact; (5) reduction or loss of egress capabilities of rear-seat passengers whose bodies are likely to be trapped under the plastically deformed and collapsed front seat backs of occupied seats during rear impact (This situation is especially dangerous in the event of post-crash fires); and (6) injury to fully restrained front-seat passengers during a frontal impact when the seat back easily collapses from the rear loading of a lap belted or unrestrained rear-seat passenger (or heavy object) which can greatly enhance the loading on the thorax, spine, and abdomen of the restrained but compressed front-seat passenger.

With regard to non-collapsing seat structures, opponents suggest at least four classes of potentially hazardous situations and these include: (1) severe hyperextension neck injury to out-of-position occupants (i.e., someone leaning around the edge of the stronger seat back with their head and neck away from the headrest); (2) ramping of unbelted occupants up the seat back and into the roof structure with the potential for injurious compressive neck loads; (3) rebound and possible ejection of unbelted occupants who elastically load-up the stronger seat back structure and then may rebound forward into the windshield and dashboard area; and (4) injury to unrestrained or "lap belted" only rear-seat passengers who, in the event of a frontal impact. can move forward violently into the rear of the stronger non-collapsing seat structure in front.

To be sure, all of the above potentially hazardous situations can possibly occur and, as such, they must be considered in the final analysis as to which seat design approach is best for providing optimum protection to occupants subjected to rear impact, as well as frontal. Thus, another objective of this paper is to address the above-identified potential hazards through the use of the more recently available real-world data, and car-to-car tests with instrumented surrogates, so as to provide additional insight into the weakness or strength of each approach. Historically, much data has already been presented on the merits of stronger seat systems by researchers such as Severy [Severy, 1958; Severy, 1967] and more recently on the merits of collapsing-seat structures by researchers at Collision Safety Engineering [Strother, 1987]. In the following sections, a brief overview of some historically relevant aspects of the seat strength issue is presented along with some data on human tolerance to longitudinal loadings.

SEATS, RESTRAINTS AND WHOLE BODY HUMAN TOLERANCE

Investigations reported by Colonial John P. Stapp [Stapp, 1955] indicate that for spineward (chest-to-back direction) loadings, such as those which may occur in frontal impact, the whole body human tolerance limit is approximately 45 G's for a time duration of about 100 milliseconds, with the body fully restrained in a 7.6 centimeter-wide shoulder harness, lapbelt with thigh straps, and a chest belt. These tolerance limits decrease with longer time durations and may be increased with time durations much shorter than 100 milliseconds.

With respect to rear impact or sternumward (back to sternum direction) loading, it can be expected that the full length overall body support of a non-yielding seat back and headrest should offer an even greater degree of restraint than that of the localized harness system used in the frontal impact by Stapp. In fact, the maximum recorded human tolerance limit for sternumward loading, without permanent injury, in a non-yielding full-length seat, was measured as 83 G's with the time duration of 0.04 seconds and a load on-set rate of 3800 G's per second [Beeding and Mosely, 1960]. Although no permanent injury was suffered by the volunteer in the above test, the subject did experience shock and required on-the-scene medical treatment, thus suggesting that the human tolerance limit for sternumward loading is somewhere between the 83 G and 45 G level. The research by Carr [Carr, 1975] presents an excellent data summary of rear-impact human tolerance and lists data source references.

For the most part, the above G-levels are well above the vehicle deceleration levels experienced in most frontal and rear barrier automotive collisions and suggests that if the head, neck and upper torso are fully supported by a strong seat back and headrest, the occupant should be able to survive moderate rear impacts without experiencing serious injury. The early research by Severy and others, dating back into the 1950

time frame, seemed to confirm the above through investigation of the effects of production seats versus stronger seats and headrests as a potential means for reducing harmful loadings and motions to rear-impacted vehicle occupants. A review of some of this early work was presented in the 1987 paper of Strother and James [Strother, 1987]. A more complete review and update of the research dealing with the issues of seat strength is provided in the Shaw critique of the Strother article [Shaw, 1990].

Briefly summarized, in 1967 as a result of the research conducted with car-to-car crash tests, and the testing performed on the Liberty Mutual Safety car, Severy recommended that seats be designed to withstand 30 G loadings when loaded by an occupant during rear impact [Severy, 1967]. In 1968, as a result of his research, Severy recommended torque resisting levels of 1808 N-m (16,000 inch-pounds) to 3728 N-m (33,000 inch-pounds) about the "H" point with a seat back height of 72 cm. (28 inches) [Severy, 1968]. In 1969, Severy recommended that the seat back should also sustain a torque of 11,298 N-m (100,000 inch-pounds) in the rearward direction without exceeding a 10° deflection in that direction [Severy, 1969]. In contrast to the above, the Federal Motor Vehicle Safety Standard (FMVSS) 207 for seat back strength and torque requirements, adopted in 1971, is only 373 N-m 3,300 inch-pounds).

Numerous other researchers made recommendations for stronger seats, less yielding seats, and dynamic testing during the years following the adoption of the FMVSS 207 requirement but as yet the requirement has not changed from the 373 N-m level.

In 1974, Nash filed a petition with the National Highway Traffic Safety Administration (NHTSA) to include passive occupant crash protection in impacts from the rear of the vehicle [Nash, 1974]. This petition recommended amendments to FMVSS 208 (dynamic frontal impact) and 207 that would have mandated dynamic rear-impact tests compatible with the test requirements of FMVSS 301-75 (vehicle fuel systems dynamic test). These recommended tests were to be conducted with anthropomorphic test devices at each designated seating position. Recommended performance criteria included: ". . . Rearward flexion of the neck shall not rotate rearward through an angle of more than 45 degrees . . . . No part of the seats or head restraints shall become disengaged from their mountings or attachments nor shall any part of the seat or head restraint be distorted so that the anthropomorphic test devices would leave their designated seating positions or have contact with other than laterally adjacent test devices."

During this same time period of the early to mid-1970's, several manufacturers applied for and received patents dealing with methods for making seats stronger and less yielding. For instance, the Ford Motor Company received a patent in 1973 for a "Safety Seat with a Safety Belt, in Particular for Motor Vehicles" [Giese, 1973]. Also, in 1974, Muncharu Urai of Japan filed for and received a patent for a "Seat Mounting Device for Vehicle" which attached a portion of the seat back to the roof of the vehicle for the purpose of "increasing the seat's holding force, to alleviate the shock imparted to the human body in the event of a collision accident" [Urai, 1975]. Figure 1, shown below, illustrates the patent drawing for the Ford Safety Seat with a Safety Belt. Ford also applied for and received a patent in 1973 for an "Energy Absorbing Seat Back" [Glance, 1973]. In this patent, the upper portion of the seat back was designed to have a predetermined torsional resistance, with a controlled rate, to thereby control the deceleration of a rear occupant impacting the front seat during a frontal collision.

In the 1970 time frame, there was also considerable on-going American, European and Japanese automobile industry research which demonstrated through the U.S. Government Research Safety Vehicle (RSV) program and the Experimental Safety Vehicle (ESV) program that stronger, less yielding seats with energy absorbing foam pads could provide much improved occupant protection in all modes of impact, including the rear-impact direction (currently, several automotive racing organizations require non-collapsing seat systems).

Also, in 1974, the NHTSA published a proposed rulemaking to strengthen the seat strength standard (FMVSS 207) and the headrest standard (FMVSS 202) by combining the two requirements into a single rule, and then imposing dynamic crash test requirements on the overall "rear impact restraint system" that would incorporate these components [Federal Register, 1974]. These requirements would have been similar to those in FMVSS 301, which sets test criteria to determine fuel system integrity in rear-end crashes. For various reasons, however, in April 1979, NHTSA terminated the 1974 rulemaking and replaced it with a regulatory plan for overall "significant upgrading" of occupant protection in all directions, including rear, side, front and rollover, and including "new comprehensive standards ... developed in terms of injury levels that occur" in dynamic crashes in all four modes [NHTSA Five Year Plan, 1979]. Ultimately, the 1979 regulatory plan, which would have upgraded seat "restraint" performance in 'crash exposures representative of the real world.' was abandoned by the Reagan Administration in 1981.

In spite of the research of the 1960's and 1970's which suggested improved safety to occupants in stronger seat systems, there has been, with a few exceptions, rather sparse activity on the part of NHTSA and the industry as to research and development of safer seat systems. Two exceptions are the BMW 850 rigidized seat with integrated restraints [Habrel, 1989] and the Mercedes Benz 500 SL sports car with a rigidized seat and integrated restraint [Mercedes Benz, 1989]. The theoretical and experimental results presented by Habrel regarding the BMW 850 rigidized seat design demonstrates that the stronger seat systems allow for attachment of the belt shoulder harness restraints to the seat and seat back system with concomitant lower HIC, chest G loads, and shoulder belt

loads than those likely to be incurred with current belt restraint configurations mounted to the vehicle structure.

The above paper by Habrel also points out that the stiffer seat frame with the seat-integrated belt system (SBS) offers "demonstrably lower loads on the occupants in the event of side collisions and increases the occupant protection effect in the event of a rear-end collision for those occupying the front seats, as well as those in the rear of the car." Habrel also notes that, "Since the SBS seat back deforms only slightly, driver and front passenger are held reliably in their seats, and there is no risk for the rear-seat passengers being trapped behind the front-seat backs; and the good belt wraparound effect of the SBS system -- improves protection in roll-over accidents." He also notes that, "The occupant is held in his seat more effectively, with the risk of contact injuries, particularly as a result of head contact with parts of the roof frame, being further reduced." The results presented in this paper suggest that this BMW seat system can withstand torque values as high as about 5,650 N-m (50,000 inch-pounds). Figure 2 illustrates the BMW 850 rigidized seat [IIHS Status Report, 1989] along side of the Cox Safety Seat tested by Severy in the late 1960 time period [Severy, 1967].

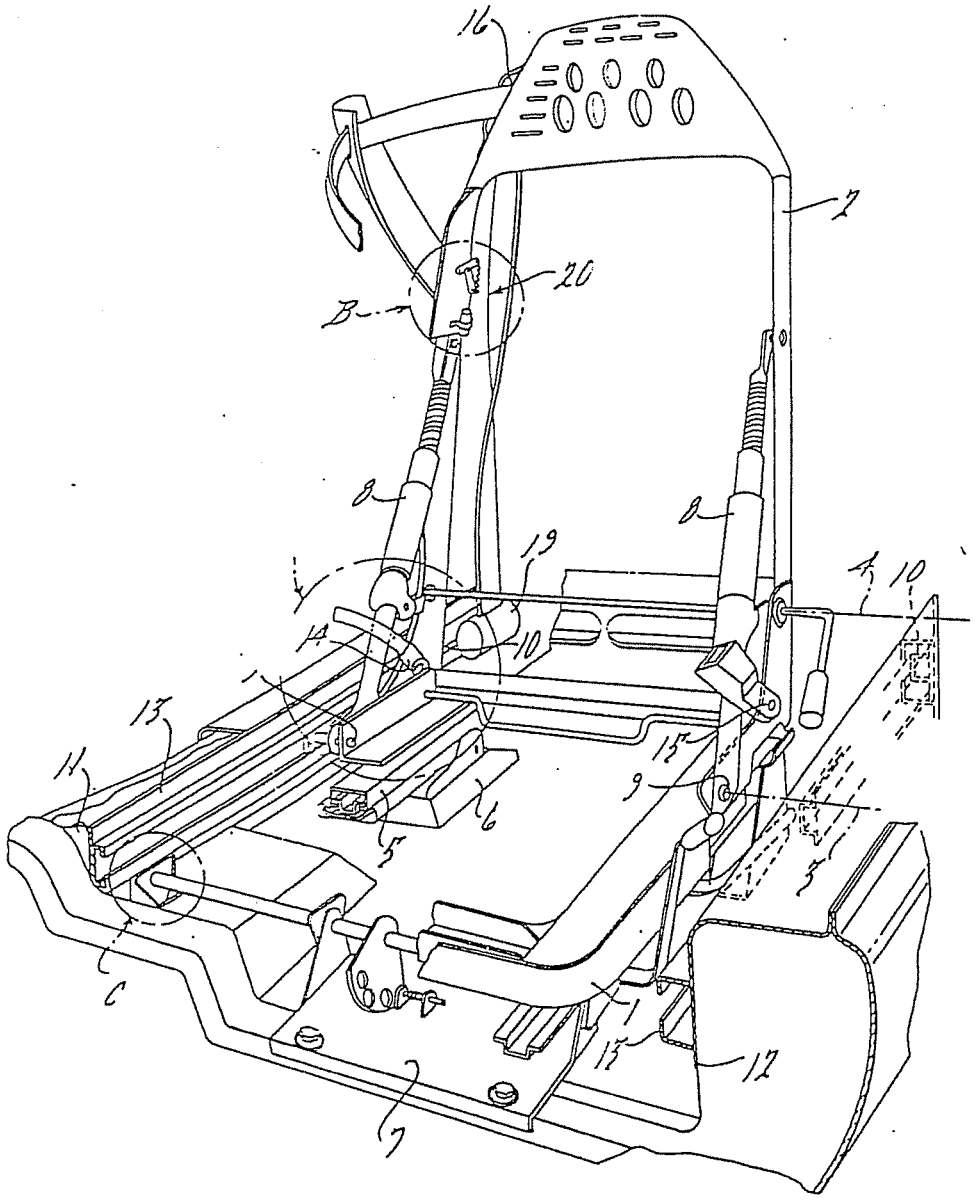

Figure 1 - Ford Safety Seat Patent Drawing [Giese, 1973]

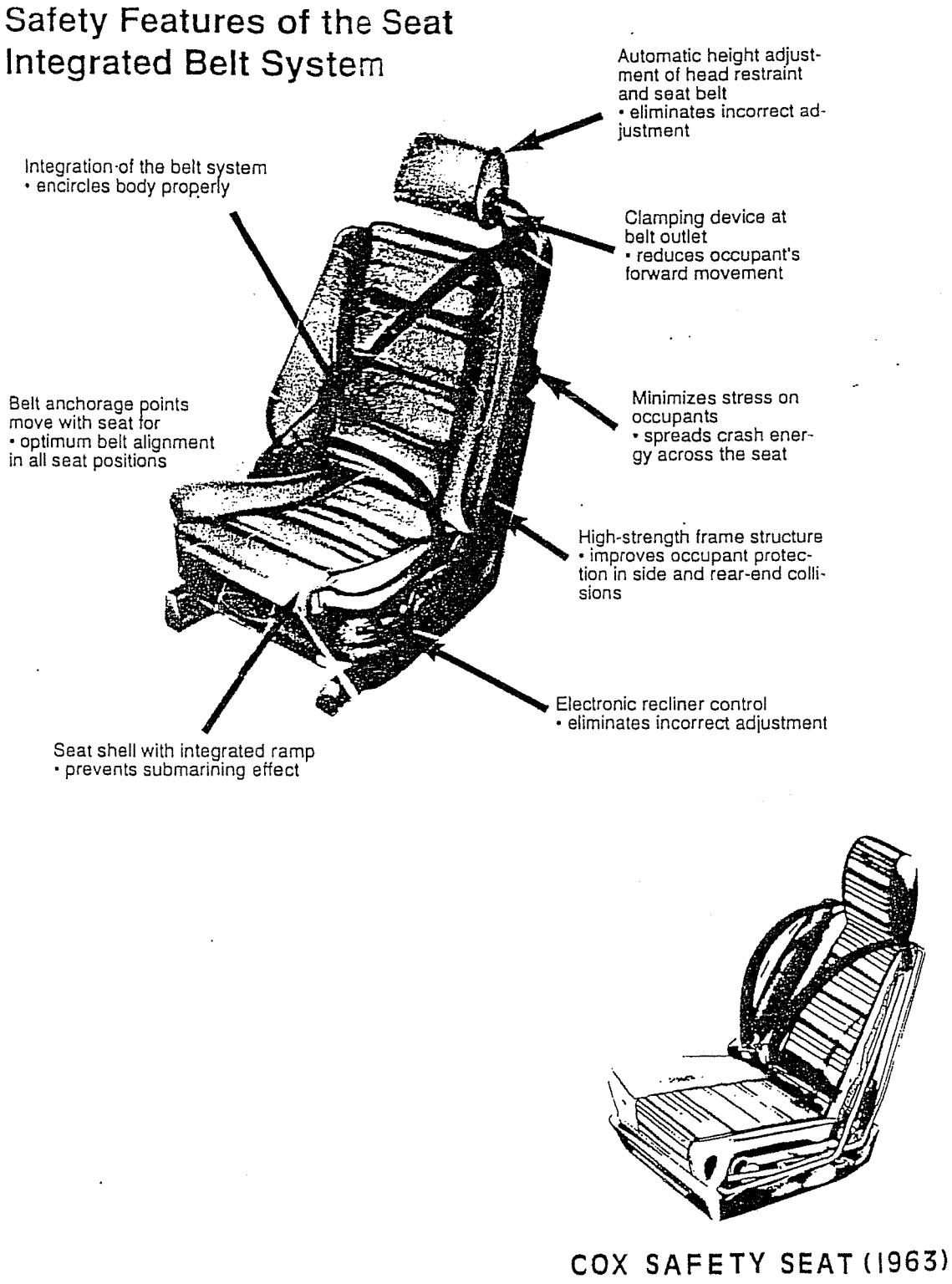

Figure 2 - BMW Seat with Seat Integrated Belt System [IIHS, 1989], [Strothers, 1987].

All in all, however, as reported by Severy and others, there has been little change in the load carrying capability of automotive seat systems between the 1940's and the late 1980's [Severy, 1976; Strother, 1987]. The above factors (i.e., early research indicating improved protection to occupants in stronger seats but relatively little change in seat strength since the 1940's, etc.) coupled with the authors' experiences gathered during investigation of injuries sustained by restrained occupants in real-world rear impacts, and the conflicting data resulting from studies relying on the NASS data base to establish effectiveness of restraints with collapsing seats in rear impacts, prompted the collaboration which led to the field accident analysis set forth in the following sections of this paper.

BELT EFFECTIVENESS BASED ON FIELD DATA

As noted previously, a Canadian field accident study of 23 accidents was conducted to look at accidents involving seat back collapse. Briefly summarized, the case studies represent a wide range of incidents which include failures of seat backs during normal driving or everyday use to failures during crash impact situations. A summary of each case describing the circumstances is contained in Appendix A. Table 1 summarizes key data from the Canadian study which identifies occupant positions, injury severity, occurrence of seat back failure, occurrence of ejection, restraint use, and contribution of seat back failure to the resultant injuries. It is interesting to note that the seat back failures take place in a wide variety of ways which include failures such as floorpan and seat structure distortion, failure of recliner mechanisms, seat track separation and seat frame distortion.

Forty-one occupants were involved in the 23 Canadian case studies and front seat back collapse occurred in at least one of the front occupant positions in each case. In 3 of the cases seat back collapse occurred to drivers during normal occupant loading (i.e., driver reaches for wallet while stopped in a line at a drive-through restaurant, etc.). Fortunately, in all 3 cases there was only one minor injury and all 3 drivers were able to regain control of their vehicles.

Of the remaining 20 cases, there were 28 front seat occupants who experienced some form of seat back collapse or failure, and of these, 20 occupants were identified as being positively restrained. However, nearly 50 percent of those 20 restrained occupants in collapsing seats (9 out of 20) were either partially or totally ejected through the rear area of the vehicle. In addition, over half of those ejected received fatal or major injuries. With respect to the restrained front seat occupants not ejected (11 out of 20) from collapsing front seats, only 18 percent (2 out of 11) received fatal injuries.

Seven of the 28 front seat occupants in collapsing seat systems were unrestrained, and in one other instance it was unknown if the restraint was used or not used. With respect to this group, 86 percent (6 out of 7) were partially or totally ejected with fatal injuries being received by 83% (5 of 6) of those ejected.

With respect to the general effect of seat back failure on passenger ejection, the Canadian summary notes that eleven of the 23 cases examined resulted in one or more of the passengers being ejected from the vehicle (4 occupants were partially ejected), and in 14 cases of the 23 "the occupant was forced out of the seat in a rearward direction because the seat was unable to withstand the force exerted on it by the occupant." The Canadian study concludes that, "In all cases the ejection would probably have been avoided if the seat back remained upright when loaded by the occupant during the ejection."

As a result of these rearward direction loadings of front seat occupants, there were also 3 cases (cases 9, 19 and 23) where the rear seat passenger seated behind the occupant in the collapsing front seat received injuries due to the failure of the seat back in front of them. In 2 of these 3 cases, the rear seat occupants were fatally injured. One of the fatalities occurred to a seven week old infant (case 9) where the headrest detached from the collapsing seat in front and struck the infant. This case appears to illustrate one of the hazards anticipated by Nash in his 1974 NHTSA petition which requested that "no part of the seats or headrests shall become disengaged from their mountings or attachments..." [Nash, 1974]. All total, 60 percent of the rear seat passengers (3 out of 5) were injured when seated behind a front seat passenger with a collapsing seat. All of these Canadian results suggest a much higher percentage of injuries due to rear contact than the 2.8 percent reported in the Data Link study for only unrestrained cases [Data Link, 1989].

Similar results are found from the 23 author researched field accidents summarized in Table 2 and Appendix B. Fifty-three occupants were involved in these 23 case studies and front seat back collapse occurred in at least one of the front occupant positions in each case. There were 36 occupants in collapsing front seats and of these, 19 were identified as being positively restrained. In this case, 58 percent of the 19 restrained occupants in collapsing seats (11 out of 19) were either partially or totally ejected from their restrained front seat positions, through or into the rear of the vehicle. Of those ejected 73 percent (8 out of 11) received moderate to fatal injuries. With respect to the restrained front seat occupants not ejected in this phase of the study (8 out of 19), only 12 percent (1 out of 8) received major injury.

As in the Canadian study, there were seven unrestrained occupants seated in collapsing front seat systems and 10 instances where it was unknown if the restraint was used or not used. With respect to this group of 7 unrestrained front seat occupants, 57 percent (4 out of 7) were partially ejected and, of these, 75 percent (3 out of 4) received major injury. In virtually all of the above cases of front seat occupants occupying collapsing seats it was determined that the collapse of the seat contributed to the injuries received. In addition, it was also found that in at least 3 of the author investigated cases (cases 7, 8, and 14) there was a loss

Table 1 - Summary of Canadian Field Accident Study

Case Vehicle	Occupant Position	Injury Severity	Seat Back Failure	Ejected	Restraint Used	Contribution to Injury
1	Driver RF LR	MINOR MINOR MINOR	YES YES YES	YES NO YES	YES YES NO	YES YES YES
2	Driver RF	MINOR MINOR	NO YES	NO PARTLY	YES YES	N/A Unknown
3	Driver RF	NONE FATAL	NO YES	NO YES	YES NO	N/A YES
4	Driver RF	MAJOR MINOR	YES NO	YES NO	YES YES	YES N/A
5	Driver	MINOR	YES	NO	YES	Unknown
6	Driver RR	MINOR Unknown	YES NO	NO YES	YES YES	YES N/A
7	Driver RF	MINOR MINOR	YES YES	NO NO	YES YES	YES YES
8	Driver	FATAL	YES	YES	YES	YES
9	Driver RF LR	MINOR MINOR FATAL	YES YES NO	YES NO NO	NO NO YES	YES Unknown YES*
10	Driver	FATAL	YES	YES	NO	YES
11	Driver	MINOR	YES	YES	Unknown	YES
12	Driver RF RF	MAJOR FATAL MINOR	YES YES YES	YES YES YES	YES NO NO	YES Unknown Unknown
13	Driver RF	FATAL MINOR	YES NO	YES NO	YES YES	YES N/A
14**	Driver LR	NONE NONE	YES NO	NO NO	Unknown Unknown	N/A N/A
15	Driver	MINOR	YES	NO	YES	YES
16	Driver	MINOR	YES	PARTLY	YES	YES
17	Driver	MINOR	YES	NO	YES	YES
18**	Driver	Unknown	YES	NO	Unknown	Unknown
19	Driver RF RR	MINOR MINOR MINOR	YES YES NO	NO NO NO	YES YES YES	YES YES YES*
20**	Driver	MINOR	YES	NO	Unknown	YES
21	Driver	FATAL	YES	YES	NO	YES
22	Driver RF	FATAL FATAL	PARTLY YES	YES NO	YES YES	YES Unknown
23	Driver RF RR	FATAL FATAL FATAL	PARTLY YES NO	YES NO NO	YES YES NO	YES Unknown YES*

* The passenger was injured due to the failure of a seatback in front of them.

** Vehicle stationary or moving when failure of recliner mechanism occurred without acceleration loads.

Table 2 - Summary of Author Researched Field Accident Study

Case Vehicle	Occupant Position	Injury Severity	Seat Back Failure	Ejected	Restraint Used	Contribution to Injury	Loss of Control
1	DR (1) RF (3)	MINOR MAJOR	NO YES	NO PARTIAL	UNKNOWN UNKNOWN	NO YES	NO
2	DR (1) RF (3) REAR (?) REAR (?)	MAJOR MAJOR MAJOR MAJOR	YES YES UNKNOWN UNKNOWN	NO NO NO NO	NO NO NO NO	POSSIBLE POSSIBLE POSSIBLE POSSIBLE	NO
3	DR (1) RF (3) LR (4) RR (6)	MINOR MINOR MAJOR MINOR	YES YES NO NO	PARTIAL PARTIAL NO NO	YES YES YES YES	YES YES YES YES	NO
4	DR (1)	MODERATE	YES	YES	YES	POSSIBLE	POSSIBLE
5	DR (1) RF (3) RR (6)	MINOR MINOR MAJOR	YES YES NO	NO NO NO	YES YES YES	NO NO NO	NO
6	DR (1) RF (3) RR (6)	MAJOR MINOR MINOR	PARTIAL PARTIAL NO	NO NO NO	YES YES YES	POSSIBLE POSSIBLE NO	NO
7	DR (1)	MAJOR	YES	PARTIAL	YES	YES	YES
8	DR (1) RF (3)	MAJOR MINOR	YES NO	PARTIAL NO	UNKNOWN UNKNOWN	YES NO	YES
9	DR (1) LR (4)	MINOR FATAL	YES NO	NO NO	UNKNOWN UNKNOWN	UNKNOWN YES	NO
10	DR (1)	MAJOR	YES	NO	UNKNOWN	YES	NO
11	DR (1) RF (3)	FATAL MINOR	YES YES	YES PARTIAL	YES YES	YES POSSIBLY	NO
12	DR (1) RF (3)	MAJOR MINOR	YES YES	NO NO	YES YES	YES UNKNOWN	NO
13	DR (1) RF (3) LR (4) REAR (7)	MAJOR FATAL MINOR NONE	YES YES YES NO	PARTIAL PARTIAL NO NO	YES YES YES UNKNOWN	YES YES YES N/A	NO
14	DR (1) RF (3) LR (4) CR (5) RR (6)	FATAL FATAL FATAL FATAL FATAL	YES YES NO NO NO	NO NO NO NO NO	Unknown Unknown Unknown Unknown Unknown	YES YES YES YES YES	YES
15	RF (3) DR (1)	MAJOR MINOR	YES NO	PARTIAL NO	YES YES	YES YES	NO
16	DR (1)	MAJOR	YES	NO	NO	YES	NO
17	DR (1) RF (3)	MAJOR MINOR	YES YES	PARTIAL PARTIAL	NO NO	YES YES	NO
18	DR (1)	MAJOR	YES	PARTIAL	NO	YES	NO
19	DR (1) RF (3) LR (4) RR (6)	MAJOR FATAL MODERATE MINOR	YES YES NO NO	NO NO NO NO	Unknown Unknown Unknown Unknown	YES YES YES YES	NO
20	DR (1) RF (3)	MINOR MAJOR	PARTIAL YES	NO YES	YES YES	Unknown YES	NO
21	DR (1) RF (3)	MINOR MAJOR	PARTIAL YES	NO YES	YES YES	Unknown YES	NO
22	DR (1)	MAJOR	YES	PARTIAL	NO	YES	NO
23	DR (1) RF (3)	MINOR MAJOR	YES YES	NO YES	Unknown Unknown	YES YES	NO

of vehicle control with subsequent injury resulting from the collapse of the driver's seat. Tables 3 and 4 summarize the combined results comparing ejection data for restrained and unrestrained occupants seated in collapsing front seat systems.

Overall, the above results relating to ejection show that there is a lower incidence of ejection if the occupants of a collapsing seat system are restrained. Thus, as was indicated by the Data Link study [Data Link, 1989], there is a certain amount of effectiveness or benefit from wearing a restraint during seat back collapse. However, as also shown by the 5 cases of front seat occupants in non-collapsing seats of this study (cases 3 and 13 of Table 1, and cases 1, 8 and 19 of Table 2) there was a 100 percent retention rate of the occupants - independent of restraint use. This data indicates that, although restraints may have some effect in the case of a collapsing seat system, the non-collapsing seat system clearly provides a much more effective restraint than that of the belts with collapsing seats. The above conclusion seems to be corroborated in the Data Link study when one observes the results for harm versus occupant belt use rates comparing car rear end impact to all car impacts, as shown in Table A-27 of the Data Link study [Data Link, 1989]. This data is summarized below in Table 5.

Table 3 - Ejection Data for Belted Front Seat Occupants *

	Canadian Data	Author Data	Total
Ejected	9	11	20
Not Ejected	11	8	19
Total	20	19	39

*Occupants in collapsing front seats

Table 4 - Ejection Data for Unbelted Front Seat Occupants *

	Canadian Data	Author Data	Total
Ejected	6	4	10
Not Ejected	1	3	4
Total	7	7	14

*Occupants in collapsing front seats

Table 5 - Harm Versus Belt Use [Data Link, 1989]

	Car Rear End Impacts			All Car Impacts		
Occ. Belt Use	Distribution of Harm	Distribution of Occupants	Harm per Occupant	Distribution of Harm	Distribution of Occupants	Harm per Occupant
No	73.4	70.1	1.0	88.6	71.6	1.2
Yes	22.6	29.9	0.9	11.4	28.4	0.4
All	100.0	100.0	1.0	100.0	100.0	1.0

The above data shows that there is only about a 10 percent reduction in harm for rear end impacts when belts are used versus almost 70 percent reduction in harm for all car impacts in crash modes such as front, side and rear.

Further evidence of the safety benefits associated with non-collapsing seats versus collapsing seats is shown by the four cases of this study in which there were two front seat occupants in a vehicle where one seat back failed and the other did not fail (cases 3, 4 and 13 of Table 1, and case 15 of Table 2). In all 4 cases, the occupant in the failed seat suffered major or fatal injuries, even though 3 of the 4 seriously injured persons in the collapsing seats were belted, while those occupants in the non-collapsing seats received only minor or no injuries at all. While the evidence seems to clearly support the benefits of non-collapsing seats, there was one case (case 4 of Table 2) in which a collapsing seat appeared to save the driver's life when the intrusion of a tractor trailer vehicle would most likely have caused fatal injuries if the driver had remained upright in a non-collapsing seat. Instead, the driver received survivable injuries.

As in the Canadian study, the author investigated cases also show a much higher incidence of injuries associated with contact in the rear of the vehicle than the 2.8 percent figure reported in Table 13 of the Data Link study [Data Link, 1989].

One possible reason for some of the differences in the findings of the Data Link study and the current studies reported in this paper may be related to the data collection methods used to obtain NASS data which served as the basis for the Data Link analysis. In particular, the NASS data does not specifically seek out, or attempt to evaluate quantitatively, the often subtle damage in the rear of vehicles, which may be masked beneath the soft foam of seat back cushions and provide evidence of injuries due to contact of front seat occupants deposited in the rear of the vehicle by the collapsing front seats.

An example of how injury contact regions may be masked and need quantitative evaluation, often times through testing of exemplar structures, is given by the first case study in the following section.

SELECTED CASE STUDIES OF REAR IMPACT

Two rear impact accident cases are reviewed in this section of the paper, with focus on occupant kinematics, kinetics, resulting injuries, locations of impact and the amount of energy absorbed by the collapsing seats during the collision.

Case Study I - A comparison of the effects between collapsing and non-collapsing seats in rear impact is illustrated in this first case study. In addition, this case also demonstrates the value of quantitative testing to establish if certain subtle structural damage patterns, often hidden beneath soft foam coverings of rear cushions, are likely to be caused by body contact with forces sufficient to cause the injuries received.

For this case, a 1985 Ford Tempo 4 door sedan was slowing when it was struck in the rear by a tractor trailer vehicle. The target vehicle was being driven by a small adult female (approximately 5th percentile) and the right front passenger seat was occupied by an average adult male (approximately 50 percentile). Both subjects of the target vehicle were belted (3 point lap and shoulder belt) and were slowing their vehicle because a vehicle in front was in the process of making a left-hand turn. Impact between the tractor trailer vehicle and the target vehicle was essentially collinear. After the initial rear end impact, the target vehicle was shoved forward into the left turning vehicle which produced a small amount of damage to each vehicle.

Analysis of the damage to the vehicles indicated a change in velocity of about 30 km/hr (18 mph) to the target vehicle during the rear impact. The driver seat exhibited little damage but the right front passenger seat was broken loose from the seat tracks and deformed rearward. The driver received no serous injuries. The right front passenger; however, was found in the collapsed seat with a compressive neck load.

A survey of NHTSA crash test data revealed a FMVSS 301 rearend crash test on an essentially identical vehicle which by chance also had a 5th percentile female surrogate and 50 percentile male surrogate seated in the front seats, although in opposite positions to those of the actual occupants involved in the crash [Garn, 1983].

The rear end crush of both the accident target vehicle and the NHTSA test vehicle, as illustrated by figure 3, was almost identical. The final rest positions of the surrogates in the test vehicle were essentially the same as the rest positions of the actual occupants, with the heavier subject laying back in the collapsed seat and the lighter subject seated almost upright. Only the smaller (lighter) surrogate was apparently instrumented in the NHTSA test and the recorded loads indicated low non-injury producing acceleration levels and head injury criteria (HIC) as was the case with the small driver of the actual case vehicle. The test report also noted, however, that even though the larger (heavier) surrogate produced significantly more residual deformation in the driver seat of this test, there was no apparent contact of the dummy with the vehicle interior based upon post-test visual inspection.

Similarly, at first glance, the interior of the accident vehicle also showed no apparent contact damage. In light of the compressive load to the neck of the heavier occupant in the collapsed seat, however, it was clear that some action or reaction source must have provided a contact surface with sufficient resistance to allow the neck to be loaded compressively by the torso as the seat collapsed rearward. Removal of the rear seat back cushion revealed what appeared to be a small embossment below the forward edge of the package tray sheet metal structure just behind the head of the seriously injured right front passenger.

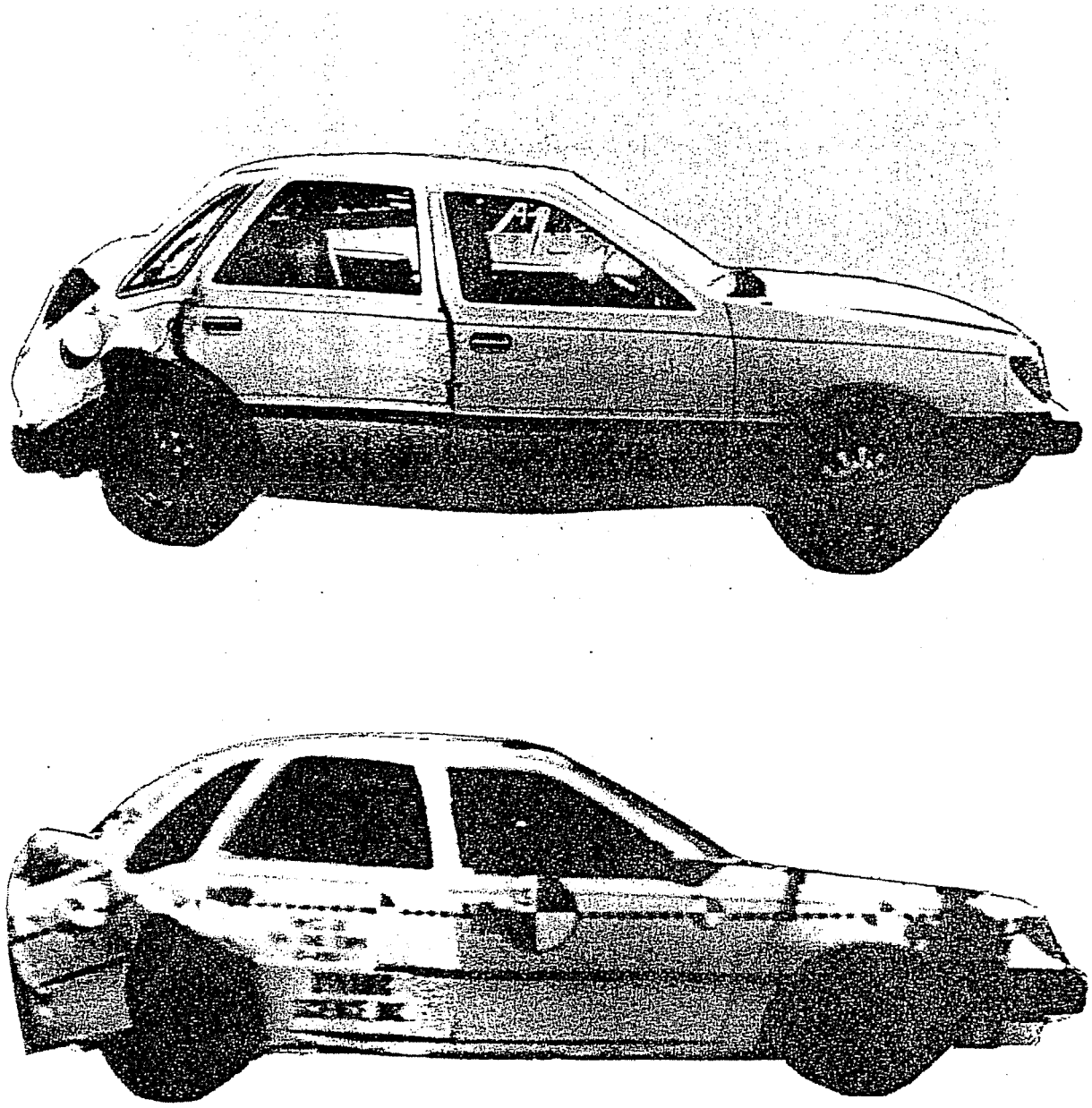

Figure 3 - Accident and NHTSA Test Vehicle Damage

In order to determine if the embossment found was caused by a force of the magnitude and direction necessary to be consistent with loads generated by someone sliding rearward from beneath the restraint when the seat back collapses, an exemplar rear clip was purchased and a simulated head push test was conducted. Figure 4 illustrates the structural test set-up to duplicate subtle damage and establish load levels on an exemplar clip. The results of the test confirmed that the load levels necessary to duplicate the damage would also have been large enough to cause the serious neck injury received by the heavier front passenger.

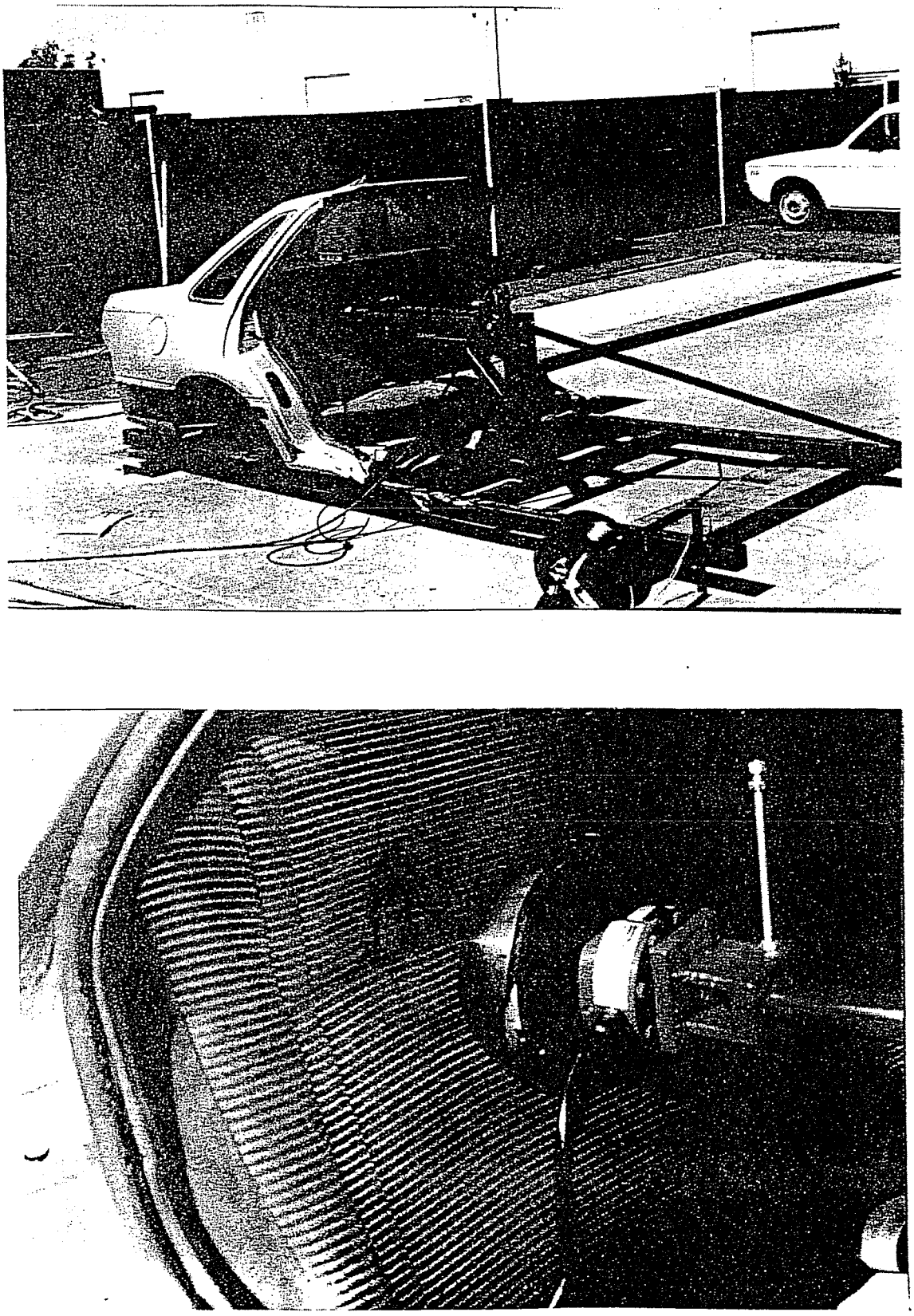

Figure 4 - Head Push Test on Exemplar Rear Clip

With respect to locations of the occupants after the two collisions (i.e., rear impact and then front), it should be recalled that the rear impacted vehicle was shoved forward into the left-turning vehicle in front of the target vehicle, and, this frontal impact, while of a much lower severity than the rear impact, was of sufficient deceleration as to allow the reclined occupant (right front passenger) to slide forward into a position that suggested no contact with the rear of the vehicle. In fact, the driver (lighter occupant) did comment about being thrown forward during this second impact. In contrast to the occupant of the actual accident vehicle, the dummies of the NHTSA test did not apparently move as far rearward which may be due in part to the molded seated pelvic area that is obviously not as flexible as an actual human subject.

Thus, the kinematics of the heavier passenger in the collapsing seat were such that as the seat reclined the passenger slid rearward, about 50 centimeters, struck his head below the top edge of the package tray, received compressive loads to the neck as the lower torso inertia continued to load into the head and neck, and rebounded back forward during the less severe second (frontal) impact.

With regard to the energy absorbing capability of the collapsing seats, tests were run on exemplar seats to duplicate the damage found on the actual seat and determine the approximate amount of energy absorbing benefit received by the restrained passenger with the compressive neck injury. Figure 5 shown below illustrates the torque versus seat back angle curve generated for an exemplar seat which had essentially identical damage to the seat occupied by the seriously injured occupant. The test indicates that the seat absorbed approximately 300 N-m of energy, while the energy generated by moving the 50 percentile occupant's upper body at a velocity of about 30 km/hr would be approximately 1420 N-m. Thus, the collapsing seat would absorb some energy but not enough to prevent the body from continuing rearward with enough energy to forcefully impact into the rear structure of the vehicle.

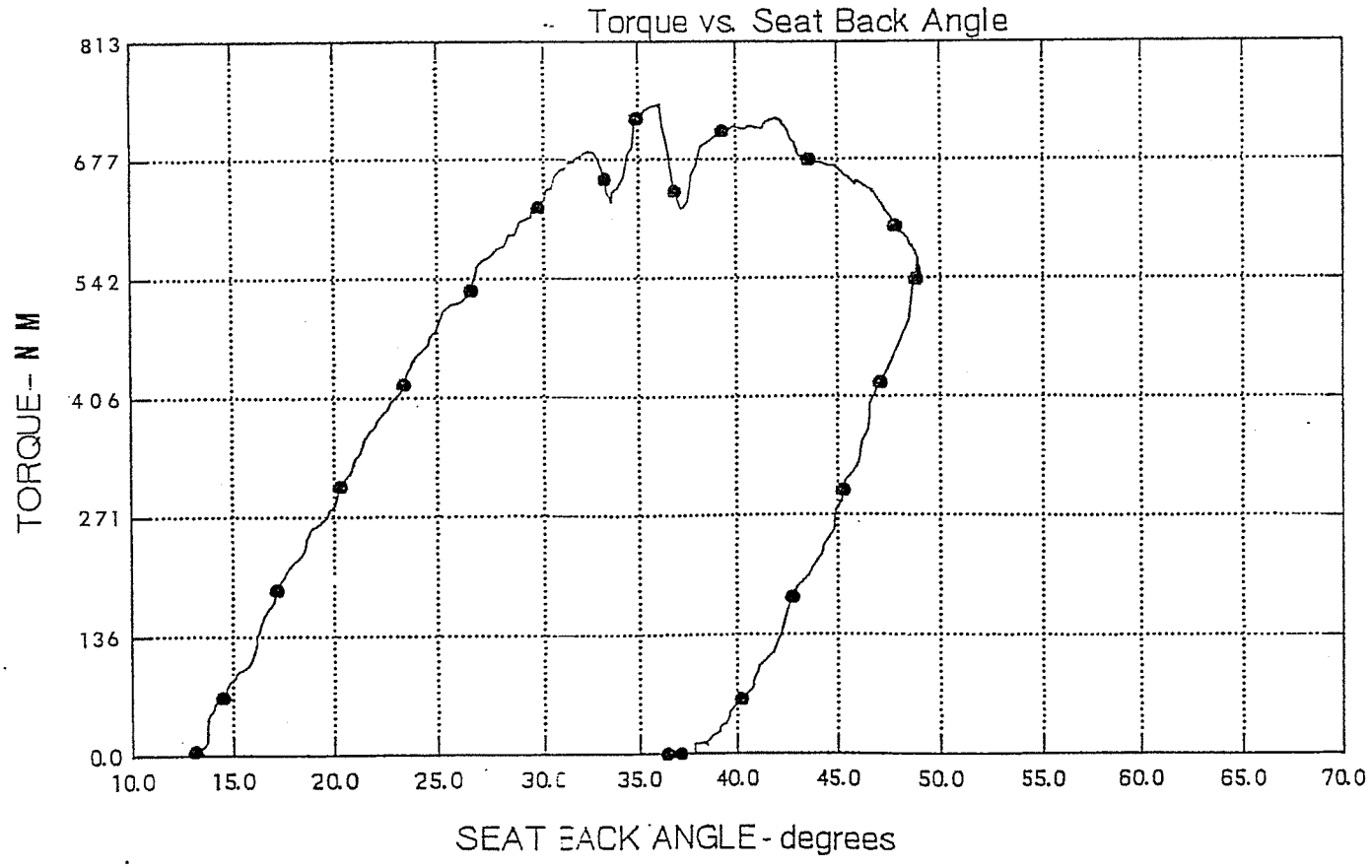

Figure 5 - Torque Versus Deformation Angle for Exemplar Seat of Case I

Case Study II - This case involves a rear impact to a 1977 Toyota Corolla, 2-door sedan struck in the left rear by a 1979 full size van. The target vehicle was occupied by 4 adult male passengers, two in the front and two in the rear. It was unknown if the passengers were restrained or not. The impact caused severe crushing of the left rear area and the calculated change in velocity of the target vehicle (Toyota) was about 44 Km/hr (26.4 mph). Figure 6 illustrates the severe crush on the left rear side of the vehicle.

The seat backs of the target vehicle front bucket seats were mounted asymmetrically to the seat bottom structure by means of a single outboard recliner mechanism that transmitted loads between the seat back and the seat bottom. The inboard connection was a non-torque transmitting hinge pin.

Figure 6 - Damage to Case II Vehicle

Due to the asymmetric load coupling of the two seat components, a greater amount of inboard twisting and bending takes place on the free hinge side of the seat back as compared to the stronger outboard side with the torque load carrying mechanism. This inboard twisting makes it easier for an occupant to deflect rearward and towards the center of the vehicle.

In this particular case the principal direction of force was at about a 15 degree angle from the left rear toward the right front and as a result the right front passenger was deflected not only rearward due to the collapsing seat but also somewhat toward the rear center of the vehicle between the two rear passengers. The 27-year-old right front passenger received massive head injury from impact with a hard surface and died of cardiac arrest secondary to the massive head injury. Figure 7 shows the area of protruding or inward buckle on the rear package tray which lines up with the predicted occupant path of the head of the right front passenger.

The driver of the vehicle moved rearward and inboard toward the load carrying recliner side of his seat back and as such there was not as much deformation noted in his seat. The driver sustained a left temporal head injury and simple fracture of some ribs. The passenger behind the driver was sandwiched between the vehicle crush and the collapsing seat of the driver. This passenger received moderate injuries which included simple fracture of the left clavicle and lower spine injury. The right rear passenger had internal injuries to the abdomen and also had lower spine injury. It is interesting to note that although there were no headrests on the rear seat, neither rear passenger received any neck injury as a result of the accident. The injuries to the rear passengers were attributed to the combined crush of the front passengers in collapsing seats and the rear crush of the vehicle. The injuries to both front passengers were attributed to the deformation of seat backs.

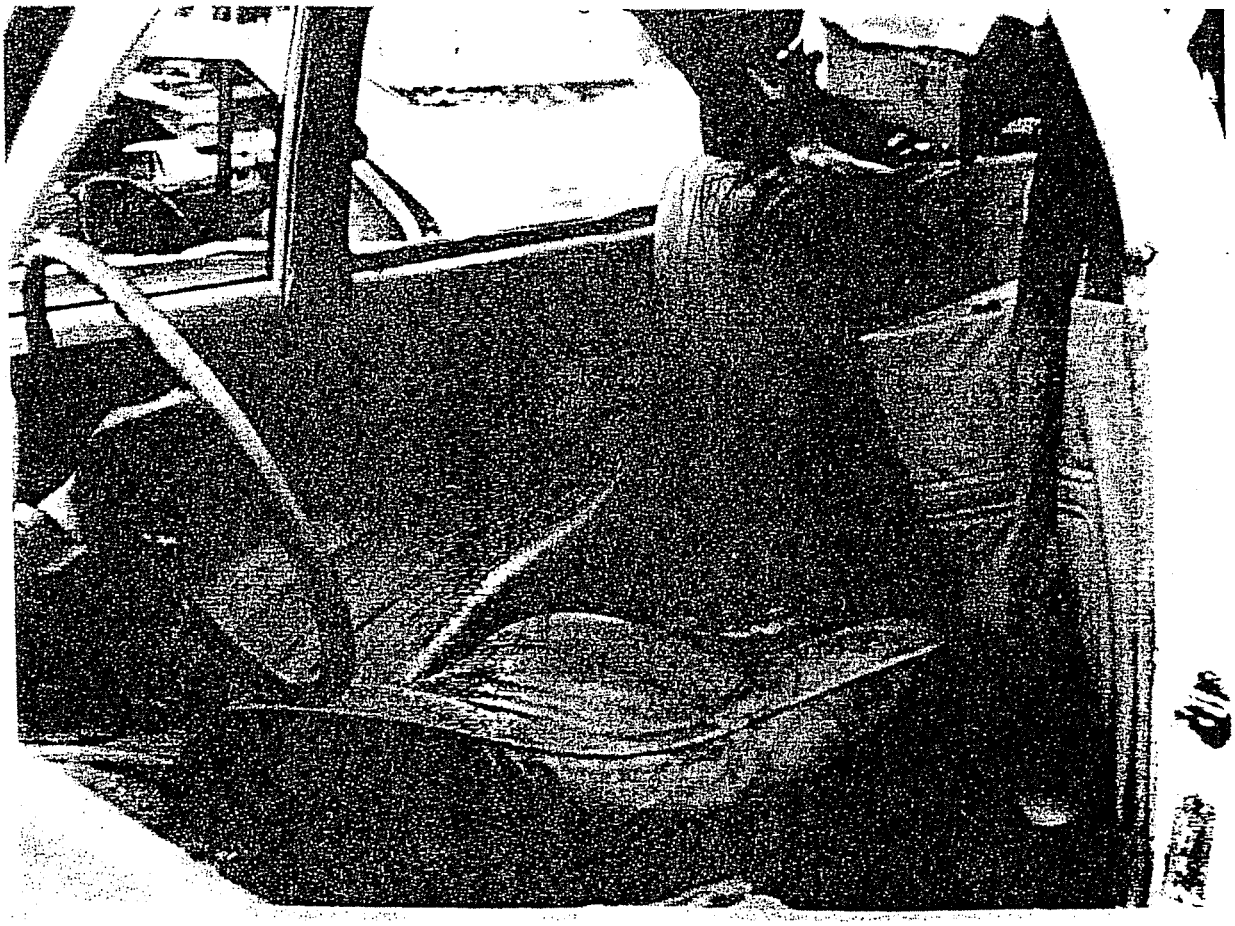

Figure 7 - Interior Impact Region of Case II Vehicle

As in the previous case study, tests on exemplar seats were run to establish the approximate amounts of energy absorption afforded to the front seat passengers. Figure 8 illustrates the torque versus seat back angle data for the passenger seat test. The test data indicates that the passenger seat absorbed about 340 N-m of energy; however, as in the previous case this level was much lower than the kinetic energy associated with the motion of the right front passenger.

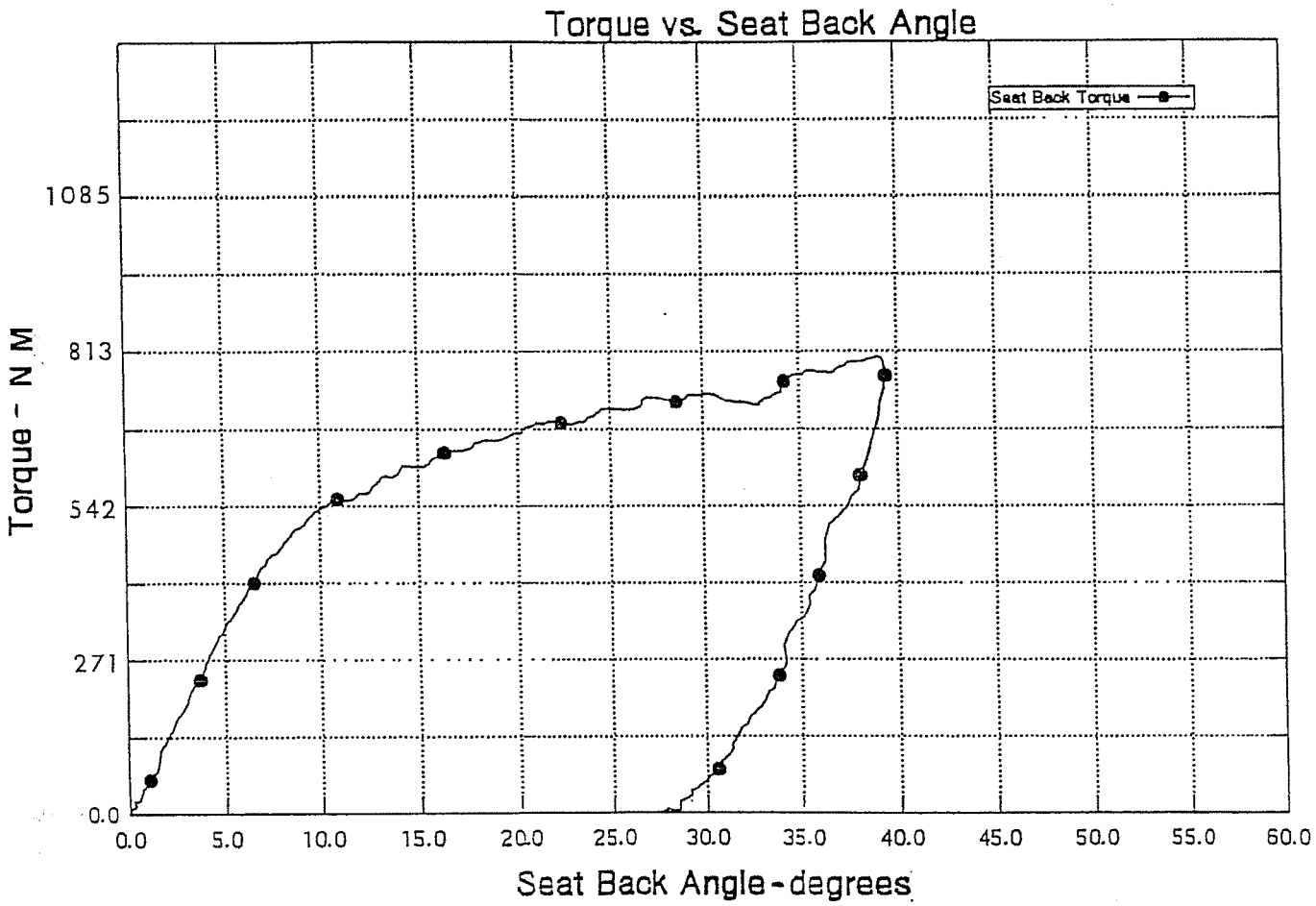

Figure 8 - Torque Versus Deformation Angle For Exemplar Seat of Case II

REAR IMPACT CAR TO CAR CRASH TEST DATA

Additional information on occupant response relative to seat back failure is contained in some NHTSA New Car Assessment Program (NCAP) rear impact tests. The 1979 NCAP tests contained instrumented 50 percentile male dummies. 1980 and later, NCAP tests included non-instrumented 50 percentile male dummies in the front seats, but the dummies were painted to identify head strike zones within the vehicle. Color photographs were taken of these tests to document the head strike zones. The head strike zones indicated that "ramping" of occupants did not occur until the seat backs had reclined fully. No clear documented head strikes on inner roof panels were noted in any tests conducted at Dynamic Science, Inc. during the 1979 or 1980 NCAP program.

As part of the Fuel System Integrity Defect Investigation of Ford Pintos and Chevrolet Vegas, NHTSA also commissioned detailed tests of seat and hatchback crashworthiness in rear barrier and rear vehicle-to-vehicle impact tests [Pirtle, 1978].

At least 19 crash tests in this program were conducted in 1978 and 1979, with instrumented

dummies, seats, and vehicle structures. Ground-based and on-board high speed cameras were used to document dummy kinematics. In every test of Pintos and Vegas, permanent deflection of seat structures occurred. In most tests the dummies moved rearward and struck the rear deck or the instrumentation anchorages mounted aft of the driver seat. The only test where seat deflection did not occur was in a 60 Km/hr front-to-rear impact between two 1971 Chevrolet Impalas. Despite having a 50 percentile male driver and 50 percentile male passenger dummy in the front bench seat, no seat failure occurred. This test also resulted in the lowest head and chest injury levels recorded in the test program. The results of this test appear to refute the notion that non-deforming seat backs will result in more injuries.

Similar results were also obtained in a more recently conducted car to car crash test [Slattery, 1990] where the right front passenger dummy, an unrestrained 50 percentile adult male, was seated in a rigidly braced conventional seat, while the driver dummy, also an unrestrained 50 percentile adult male, was seated in the standard collapsing seat. During this test the stationary target vehicle, a 1259 Kg (2770 pound) sports car, was impacted in the right rear (behind the right front passenger seat location) by a 2456 Kg (5404 pound) large sedan traveling at approximately 90 Km/hr (53.5 mph). This impact resulted in severe damage to the vehicle in the area behind the right front passenger seat (non-collapsing) and a vehicle change in velocity of about 62 Km/hr (37 mph).

Film coverage of the event clearly showed that the unbelted passenger dummy in the non-collapsing seat did not ramp up the seat back nor did it violently rebound forward into the dash or windshield area, as is sometimes suggested by advocates of the collapsing seat theory. In addition, the recorded chest loads on the right front passenger in the non-collapsing seat were at about 30 G's and well below the injury thresholds established by human volunteers as discussed earlier in this paper. By contrast the driver dummy flipped violently rearward and buried its head in the shelf of the rear package tray with a peak force of about 225 G's and a pulse width sufficient to indicate potential head injury. As in the car to car crash test results reported by Pirtle [Pirtle, 1978], the Slattery test also refutes the notion that non-deforming or stronger, seat backs will result in more injuries.

The study reported by Pirtle also provided interesting information on the effects of seat deformities resulting from non-symmetric loading on the seats due to the use of a non-load carrying connection or hinge, on the inboard side of many seats.

Seats with no inboard locking seat back latch showed a consistent tendency to fail in a twisting manner, with driver seats twisting clockwise and passenger seats twisting counterclockwise when viewed from behind. This twisting failure mode allows the test dummies to move toward the midline of the vehicle, even during straight in-line rear impacts. This failure mode increases the likelihood of the front seat occupant's torso to move directly away from the shoulder harness. This movement also increases the likelihood of ejection or slippage from the restraint belt system, especially when a single ELR/sliding latch plate system is used. Once tension is relieved on the shoulder portion of this restraint belt, slack can be taken up by the lap portion of the belt. This excess belt slack can and does allow virtually unrestrained rearward motion within the vehicle.

The above study [Pirtle, 1978] also showed that excessive restraint belt slack was induced in all tests where seat back failure occurred. The only tests without significant dummy movement into the rear areas of the vehicle were the two 35 Km/hr rear impact tests that included the Impala to Impala Test (with the 50 and 95 percentile dummies in a bench seat), and the left rear 15 degree angled impact test. This last test shows the large difference in seat deflection when the occupant is moving toward the area of greatest seat back rigidity (i.e. the recliner on the outboard side) compared to the straight rearward or inboard vectors that twist easily due to the lack of torque load carrying capability of the hinge pin connection between the seat back and seat pan structures.

Finally, there are numerous FMVSS 301 rear impact tests and NHTSA defect studies [Pozzi, 1980], that also show the consistent tendency of front seat occupants to strike the rear seat back or rear deck area, even while restrained, in moderate rear collisions. The real world injuries that occur in similar accidents is consistent with these test results.

SUMMARY AND CONCLUSIONS

Among the many results obtained from this study of real world accidents, and associated experiments, it was found that a majority of restrained front seat occupants were either partially or totally ejected from the seat systems during rear impact, even at changes of velocity as low as 30Km/hr (18 mph) or less. These findings are consistent with those observed in the "real world" accident study recently conducted for Transport Canada.

It was also found that many front seat restrained occupants received serious paralyzing injuries in the rear area of the vehicle even though they were found in the front seats post-accident. This suggests that possible improvements in the NASS reporting and evaluation methods might be of value since recent studies using the above data sources show a much lower rate for rear area impact than that observed in this study.

In addition to the above, the results indicate that while collapsing seat structures absorb some amount of energy during impact they also appear to contribute to hazardous situations such as: loss of driver control; entrapment and delay of egress of rear seat passengers; injury to rear seat passengers located in non-collapsing seats; and, as mentioned previously partial and/or total ejection and injury of restrained front seat occupants.

Furthermore, instrumented test dummies in strengthened and collapsing seats suggests that some of

the alleged hazards of stronger seats, such as ramping and rebound of unrestrained passengers, may not be a significant problem, even at relatively high velocity changes. As a result of the findings in this study, it is concluded that stronger, less-yielding and non-collapsing seats are more likely to provide improved safety benefits over seat systems which collapse at relatively low energy levels. It is not the intent of the authors to suggest, however, that energy absorption is undesirable in a motor vehicle seat system. Quite the contrary, energy absorption is an important component of crash safety design; but, as shown by the case studies of this paper, many current seat systems only provide a small fraction of the energy absorbing level needed to safely decelerate an occupant in a controlled fashion, even during the moderate impacts such as those discussed in the Case I study. Even in that case, the seat system would have required at least five times more energy absorbing capability to prevent the injurious rear compartment contact of the occupant. What this means is that the seat torque for that specific case would have to be increased from about 730 N-m (6,454 in.-pounds) to at least 3,650 N-m (32,205 in.-pounds) with limited rearward deflection. Also, additional energy absorbing passive occupant protection materials could be mounted beneath the soft comfort foam pads if the seat support structures were designed with increased load and torque capabilities.

Finally, it is noted that the field accident studies investigated by the authors of this paper were based upon forensic analysis and testing during the course of litigation related matters. In such matters there are two sides which spend considerable time, effort and resources to gather valuable quantitative data, such as structural tests, etc., which are ultimately used to determine the most likely cause of a particular system failure and/or injury. In many cases, this data has been made a matter of public record or could be obtained with proper confidentiality agreements. If at all possible, such data should be made available for objective and independent review by data base collection teams that could add the data to a central data base such as NASS, for use by all safety engineers.

The above recommendation would increase the current data base and provide more detailed quantitative data than that usually available to NASS. The initiative for establishing such a program should be taken by groups such as the National Transportation Safety Board (NTSB), NHTSA, and/or the Consumer Product Safety Commission (CPSC).

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CASE 1A:
Circumstances: The case vehicle (1981 Chevrolet Citation) was travelling in the left lane on a divided highway when the driver lost control. The vehicle slid onto the left shoulder and impacted the left rear with a guardrail. This caused the vehicle to rotate counter-clockwise and impact the guardrail with the rear end. The vehicle came to rest on the left shoulder after rotating counter clockwise again about 90°. The driver and left rear passenger were ejected through the hatchback when the rear of the vehicle impacted the guardrail. The right front passenger remained in the vehicle. Both front occupants were using their restraining system during the accident, the rear passenger was not. All three (3) occupants received minor injuries. It was concluded that the failure of the seatbacks to restrain the driver and left rear passenger contributed to their injuries.

Type of Seat Failure:
Front Seats (both) - Mounts broke through floor;
Rear Seat - Seatback deformed

CASE 2A:
Circumstances: The vehicle (1978) Oldsmobile Cutlass) was travelling around a bend to the left on a two-lane road when the driver lost control. The vehicle rotated counter-clockwise 180° and left the roadway backwards, impacting the right side ditch with the rear end. The right front passenger's seatback collapsed backwards, and the occupant ended up in the rear seat. Both driver and passenger were using their restraint system during the accident. Both occupants received minor injuries. It was concluded that the seatback failure may have contributed to the injuries of the right front passenger, but the evidence to support this supposition is not conclusive.

Type of Seat Failure:
Right Front - Seatback support bracket

CASE 3A:
Circumstances: The case vehicle (1983 Toyota Supra) was travelling westbound on a divided highway when the driver lost control. The vehicle rotated counter-clockwise across the median and entered the eastbound lanes. The vehicle was then impacted in the left rear corner by an eastbound vehicle. The case vehicle underwent further rotation before coming to rest in the eastbound lane near the median. The right front passenger was ejected through the rear of the vehicle (either the hatch or left rear window) during the impact with the second vehicle. The driver of the case vehicle was using the restraining system during the accident, but the right front passenger was not. The right front passenger died due to severe head injuries. The driver had no injuries. It was concluded that the deformation of the right front seat allowed the passenger to be ejected from the vehicle and therefore contributed to this person's injury.

Type of Seat Failure:
Right Front - Seatback and floor pan deformation

CASE 4A:
Circumstances: The vehicle (1979 Mazda RX7) was travelling along a two-land highway and hit a moose which had entered the roadway. The vehicle rotated counter-clockwise 90° and struck the left side embankment head on. The vehicle continued to rotate and impacted the right rear with the embankment before rolling over and coming to rest i the left-hand lane. The driver was ejected through the hatch during rollover and landed on the right shoulder of the road. Both the driver and the right front passenger were using their restraint system. The driver had major injuries, and the right front passenger had minor injuries. It was concluded that the driver of the vehicle was ejected due to the deformation of the seatback during the rearward impact. and the seatback failure was therefore a contributing factor this person's injuries.

Type of Seat Failure:
Driver Seat - Seatback deformed;
Right Front - Seatback deformed slightly

CASE 5A:
Circumstances: The case vehicle (1982 Ford Escort, station wagon) was travelling at approximately 25 km/h and was impacted from the rear by a pickup truck travelling at approximately 85 km/h. At the time of impact, the driver's seatback collapsed rearwards. There was an unoccupied child seat in the left rear seat at the time of the accident which was damaged by the falling seatback and occupant in front. The driver was using his restraint system at the time of the accident and had minor injuries. It is concluded that it is not likely that the injury to the driver was contributed to by the failure of the seatback.

Type of Seat Failure:
Driver Seat - Failure of recliner mechanism

CASE 6A:
Circumstances: The case vehicle (1984 Chrysler Reliant, 4 door) was eastbound on a two-land road when the driver lot control. This vehicle rotated clockwise about 120° and veered into the westbound lane where it was impacted by a large truck which was westbound. The truck continued west, and the case vehicle underwent further rotation before coming to rest on the west shoulder. The right rear passenger was ejected due to a seat belt failure during the impact. The driver was in a horizontal position in the vehicle after the accident due to the failure of her seatback. Both occupants were using their restraint system during the accident. Injuries to the

driver were minor and unknown as to the rear passenger. It was concluded that the failure of the driver's seatback did contribute to the injuries sustained by the occupant.

Type of Seat Failure:
Front Seat - Both seatback mounts failed

CASE 7A:
Circumstances: The case vehicle (1986 Chevrolet Chevette, 4 door) was stopped at a traffic light when struck from the rear by another automobile. The vehicle came to rest after rotating counter-clockwise 180°. Both front seatbacks collapsed during impact, and the driver was lying in a horizontal position after the accident. Both occupants sustained head, neck and back injuries. Both were using their restraint systems during the accident. Both occupants had minor injuries. It was concluded that the failure of the seatback did contribute to the injuries of both occupants.

Type of Seat Failure:
Driver - Recliner mechanism failed;
Right Front - Same

CASE 8A:
Circumstances: The case vehicle (1988 Toyota Camry, 4 door) was eastbound on a two-land highway when the driver lost control of the vehicle. The vehicle rotated counter-clockwise into the westbound lane and was impacted in the right rear by a westbound pickup truck. The vehicle then began a clockwise rotation and came to rest on the west shoulder. The driver was ejected through the rear window of the vehicle during impact and died of head injuries. The driver was using his restraint system during the accident. The driver's seat head restraint was detached from the seat during the accident. It was concluded that the failure of the driver's seatback allowed the driver to be ejected from the vehicle and therefore contributed to his injuries.

Type of Seat Failure:
Seatback deformation and detachment of head restraint

CASE 9A:
Circumstances: The driver of the case vehicle (1982 Ford Mustang) lost control, and the vehicle rotated clockwise while entering the oncoming lane. The vehicle was impacted on the driver's side but in a forward direction by an oncoming pickup truck. The left rear of the case vehicle underwent a secondary impact with the right rear of the pickup truck as it continued to rotate after the initial impact. The driver of the case vehicle was ejected through the driver's door, probably during the rotation following the secondary collision. The left rear passenger, a seven week-old infant, was restrained in a child seat but was fatally injured by the detached headrest of the driver's seat. The right front passenger remained in the vehicle during the accident. The driver and right front passenger were not using their restraint systems during the accident and had only minor injuries. It was concluded that the failure of the driver-s seatback contributed to the injuries of the driver as the seatback did not retain him during the accident. The detachment of the headrest on the same seat caused the fatal injury of the rear seat passenger. Whether the seatback failure contributed to the injuries of the right front passenger could not be determined.

Type of Seat Failure:
Driver - Seatback deformation, floor pan deformation, head restraint detachment
Right Front - Seatback deformation, floor pan deformation

CASE 10A:
Circumstances: The case vehicle (1980 Datsun 310, 5-door hatchback) was rounding a bend to the left on a two-land road when the driver lost control and the vehicle began a counter-clockwise rotation. The vehicle struck the left side embankment head on, then rotated 180° and impacted the embankment with the rear end. The vehicle continued to rotate, coming to rest down the road on the left side shoulder. The driver seatback deformed during the rear impact with the embankment, and the driver was ejected from the vehicle during the subsequent rotation of the vehicle. The driver was not using the restraint system during the accident and received a fatal injury. It was concluded that the deformation of the seatback allowed the driver to be ejected from the vehicle during the accident and therefore contributed to his injuries.

Type of Seat Failure:
Driver - Seatback deformed

CASE 11A:
Circumstances: The case vehicle (1984 Mercury Marquis) was struck in the left rear by another vehicle and began counter-clockwise rotation. A third vehicle impacted the case vehicle in the right front causing it to leave the road and impact a large rock with the rear end. The driver of the case vehicle was ejected through the rear window and suffered minor injuries. It is not know whether or not the driver was using the restraint system at the time of the accident. It was concluded that the driver was ejected from the vehicle due to the failure of the seatback to retain him and this contributed to his injuries.

Type of Seat Failure:
Driver - Self-locking device failed.

CASE 12A:
Circumstances: The case vehicle (1988 Honda CRX) was travelling around a bend to the left on a two-land road when the driver lost control. The vehicle went into a counter-clockwise rotation and left the roadway onto the right-hand shoulder. The car then impacted an embankment rearwards and came to rest after striking a

group of small trees. All three passengers were ejected from the vehicle during the impact, and both seatbacks were permanently deformed. The driver was using the restraint system during the accident. The two right front passengers were sharing one bucket-type seat and were not using the restraint system. The driver received major injuries, and one of the passengers received fatal injuries. The other had minor injuries. It was concluded that the deformation of the driver seatback allowed the driver to be ejected from the vehicle and therefore contributed to his injuries. With two occupants sharing the passenger seat, conclusions regarding the seatback cannot be made.

Type of Seat Failure:
Driver - Seatback deformation;
Right Front - Same

CASE 13A:
Circumstances: The case vehicle (1985 Suzuki Samurai) was travelling along a two-land road when the driver lost control, and the vehicle rotated counter-clockwise into the oncoming lane. An oncoming vehicle impacted the case vehicle in the right front, increasing the rotation and causing the right rear of the case vehicle to impact the left rear of the oncoming vehicle. The case vehicle underwent further rotation before coming to rest in the ditch on the right side of the road. During the rear impact of the case vehicle, the driver was ejected through the rear hatch and suffered fatal injuries while exiting. The rear bench seatback was deformed as was the tailgate of the case vehicle by the driver during ejection. Both the driver and passenger of the case vehicle were using their restraint system during the accident. The passenger had minor injuries. It was concluded that the failure of the driver's seatback prevented the seat from retaining her during the rearward collision, and this contributed to her injuries.

Type of Seat Failure: Driver - Recliner mechanism failed

CASE 14A:
Circumstances: The case vehicle (1984 Chevrolet Chevette, 4 door) was making a turn at an intersection when the driver's seatback suddenly failed. The driver fell towards the back of the vehicle and landed against the left rear passenger, a three year-old child. The driver was able to pull himself up with the steering wheel and regain control of the vehicle in time to avoid an accident. It is not know whether or not the driver or passenger were using their restraint systems during this incident. Neither passenger received injuries. Fortunately, a serious accident did not occur.

Type of Seat Failure:
Driver - Recliner mechanism failed

CASE 15A:
Circumstances: The case vehicle (1982 Toyota Tercel, 2 door) was stopped, waiting to make a left turn and was struck in the rear by a bus travelling at 16 km/h. The seatback failed during the impact, leaving the driver horizontal. The driver was using the restraint system at the time of the accident and suffered minor injuries. It was concluded that the seatback failure contributed to the injuries to the driver's legs, back and neck.

Type of Seat Failure:
Seatback deformed, recliner mechanism failed

CASE 16A:
Circumstances: The case vehicle (1984 GMC Vandura) was stopped at an intersection, waiting to turn left and was struck from behind by a large truck. During impact, the driver's seatback collapsed beyond a horizontal position, and the driver was left lying on the floor of the van with the lap belt around his shins after the accident. The driver was using the restraint system during the collision. The driver's seat was an aftermarket product, however; this model was tested to CMVSS 207. The driver received minor injuries. It was concluded that the driver's seatback deformed when the vehicle was impacted, and the seat could not retain the driver during the collision. The seatback failure therefore contributed to the driver's injuries.

Type of Seat Failure:
Driver - Seatback deformed

CASE 17A:
Circumstances: The case vehicle (1983 Chevrolet Chevette) was stopped at an intersection and was hit from behind by another vehicle. When the reclining mechanism failed, the driver of the case vehicle fell backwards and landed in a horizontal position against the rear seat. The driver was using the restraint system during the accident and received minor injury. It was concluded that the driver suffered neck injury which was attributed to the seatback failure.

Type of Seat Failure:
Driver - Recliner mechanism failed

CASE 18A:
Circumstances: The case vehicle (1984 Oldsmobile Firenza, 4 door) was stopped while in line at a drive-through restaurant, and the driver seatback collapsed when the driver reached for his wallet. The driver fell back, losing control of the vehicle, and it accelerated into the vehicle in front of him. It is not known whether or not the driver was using the restraint system during the accident. It was concluded that it is not known whether the driver was injured during the accident. However, we can conclude that the collision with the vehicle in front of the case vehicle was due to the seatback failure.

Type of Seat Failure:
Driver - Recliner mechanism failed

CASE 19A:
Circumstances: The case vehicle (1987 Chrysler Sundance) was impacted directly in the rear while stopped, and both front seats collapsed rearward. The right rear passenger, a child in a child seat, was impacted by the reclining front seat and passenger. The driver and front passengers were using the restraint systems during the accident and received minor injuries. It was concluded that the failure of the front seatbacks contributed to the injuries of all three occupants.

Type of Seat Failure:
Driver - Recliner mechanism failed;
Right Front - Same

CASE 20A:
Circumstances: The driver of the case vehicle (1982 Ford Mustang) was waiting for the car to warm up, and the seatback suddenly collapsed allowing him to fall backwards. The failure was traced to a bolt which holds the recliner mechanism to the back of the seat. It is not known whether the driver was using the restraint system during the incident. It was concluded that the driver of the vehicle suffered an injury to the neck which was a direct result of the seatback failure.

Type of Seat Failure:
Driver - Recliner mechanism failed

CASE 21A:
Circumstances: The case vehicle (1984 Chrysler Lazer) was following a bend to the right on a two-lane road when the driver applied the brakes. The vehicle entered the oncoming lane, returned to the right lane and began to rotate counter-clockwise. The vehicle left the road on the left-hand side and struck three guide posts with the passenger side before entering the ditch backwards. The rear of the vehicle hit the bottom of the ditch, and the vehicle came to a rest after a number of rollovers. The driver was ejected when the rear of the vehicle impacted the bottom of the ditch and the seatback failed. The driver was not using the restraint system during the accident. The driver received fatal injuries. It was concluded that the seatback collapse allowed the driver to be ejected from the vehicle and therefore contributed to the driver's injuries.

Type of Seat Failure:
Driver - Recliner mechanism failed

CASE 22A:
Circumstances: The case vehicle (1986 Volkswagen Jetta, 4 door) was westbound on a country road and entered a junction with a two-land road. The case vehicle failed to yield right-of-way to a southbound vehicle and was hit broadside by this vehicle midway along the passenger's side of the case vehicle. The case vehicle underwent a clockwise rotation, rolled over onto its roof and came to rest in the southwest ditch facing north. The driver's seatback failed during the impact, and the driver was ejected from the seat during the subsequent rotation of the vehicle. The southbound vehicle also underwent a clockwise rotation and came to rest right-side-up and facing south in the southwest ditch. Both the driver and passenger in the case vehicle were using the restraining systems, but the driver was ejected from his seat and partially ejected through the rear window of the vehicle. The driver died of head injuries caused by his head impacting the right rear interior of the roof during ejection. The right front passenger died of internal injuries sustained during the accident. It was concluded that the head injury sustained by the driver of the case vehicle was caused by his ejection from the seat, and the seatback failure therefore contributed to his injury. For the right front passenger, there is insufficient evidence to conclude that the seatback failure contributed to her injuries.

Type of Seat Failure:
Driver - Recliner mechanism failed, seat back deformed;
Right Front - Seatback deformed

CASE 23A:
Circumstances: The case vehicle (1986 Volkswagen Jetta, 4 door) was southbound on a two-lane highway, and the driver lost control while veering onto the right-hand shoulder to pass a vehicle which was making a left turn. The case vehicle came back onto the roadway and crossed the centerline into the oncoming lane where it was struck on the passenger side by an oncoming vehicle. After some rotation, both vehicles came to rest on the east shoulder of the road. The driver's seatback collapsed during the impact, and the driver was ejected from the seat during the rotation of the vehicle. The driver suffered major injuries and was found partially ejected through the rear window. All the occupants of the case vehicle were using their restraint systems during the accident, and all three received fatal injuries. It was concluded that the driver's injuries were contributed to by the failure of the driver's seatback. The seatback failure also contributed to the injuries of the right rear passenger in that the driver would have impacted this passenger during ejection. There is insufficient evidence to conclude that the seatback failure contributed to the injuries of the right front passenger.

Type of Seat Failure:
Driver - Recliner mechanism failed, seatback deformed;
Right Front - Seatback deformed

CASE 1B:
Circumstances: A 1984 Chrysler Lazer vehicle was struck in left rear quarter panel at the start of a passing maneuver by a very large truck. The case vehicle spun counter-clockwise and hit a large tree going backwards. The passenger, possibly belted, was completely ejected and received fatal injuries.

CASE 2B:
Circumstances: A 1977 Dodge Tradesman Van was struck squarely in the rear by a large Ford Thunderbird, while parked but preparing to drive away. The case vehicle was pushed up the curb onto the sidewalk and rolled along the sidewalk, struck a building, and then continued until striking a pole. The vehicle burst into flames and the front occupants seated in captain's chairs were thrown into the rear area of the van. The driver was unable to steer or stop the van and the occupants received serious burns.

CASE 3B:
Circumstances: A 1984 Honda Accord 4dr. vehicle was struck squarely in the rear by a full size GM Blazer. The case vehicle suffered extensive override damage and both front seat occupants were thrown into the rear seat occupants. All occupants were lap and shoulder belted. The left rear passenger received serious eye and facial injuries.

CASE 4B:
Circumstances: A 1984 Nissan 300ZX was struck in the left rear quarter panel by a tractor trailer rig. The vehicle spun counter-clockwise in front of the tractor, and was again impacted by the tractor trailer rig. The driver's seatback collapsed during the first impact and the driver survived the extensive crush of the second impact due to the reclined position of the seat.

CASE 5B:
Circumstances: A 1985 Buick Skylark 4dr. vehicle was struck slightly offset to the driver's side by a 1967 Camaro. The case vehicle spun clockwise to the point of rest and the front seat occupants deformed their bench seat without serious injury to the occupants. The head of the right rear occupant impacted the back light and rear roof header, resulting in paralyzing injuries.

CASE 6B:
Circumstances: A 1985 Ford Mustang LX 5.0 convertible lost control, lightly struck a tree in front, then spun around and struck a large tree while moving backwards. The two right side passengers were belted and not seriously injured. The driver was lap and shoulder belted, and was struck on the back of the head by the retracted convertible top frame, resulting in serious brain injury.

CASE 7B:
Circumstances: A 1982 Ford Mustang Hatchback was struck from behind with offset to the passenger side. The driver's seat and floor collapsed and the driver lost control of the vehicle. The vehicle spun into a sound wall bordering the freeway and the driver was partially ejected from the driver's window, receiving serious head injury.

CASE 8B:
Circumstances: The case vehicle (early 1980 Toyota Tercel, 2 door, hatchback) was struck lightly in the rear by a sports car. The seat back of the heavy adult male driver collapsed rearward and the driver's head impacted an unshielded ball stud attached to the rear hatchback lid strut. The impact caused a localized, punch-through, fracture of the driver's skull occipital region, resulting in permanent brain injury. The seat back of the smaller female right front passenger did not collapse and the passenger only received minor injuries as the driverless vehicle moved out of control after the rear impact.

CASE 9B:
Circumstances: The case vehicle (1979 Mustang) was struck in the rear by a pick-up truck. The impact caused a fire and the driver seat collapsed into the rear of the vehicle. An infant was secured in a child seat in the rear behind the driver. The driver could not remove the infant before the fire reached the rear occupant compartment area and the child received fatal burn injuries. The collapsed front seat contributed to hindering removal of the child.

CASE 10B:
Circumstances: A mid-1970 Datsun B-210 was struck in the rear by another passenger car and pushed into oncoming traffic, incurring a minor front impact. The initial rear impact caused the driver front seat to collapse and allowed the driver head and neck to strike the rear seat back resulting in cervical spine injuries and quadriplegia.

CASE 11B:
Circumstances: A 1985 Astro Van was struck from the rear by a pick-up truck. Both the driver and the right front passenger were wearing seat belts and shoulder harness restraints, and both seats collapsed rearward upon impact. The driver slid out of his restraint and was ultimately ejected from the vehicle. Due to the rear impact, the vehicle yawed clockwise, rolled onto the driver side, slid rearward into a pole, and then rotated around to an upright position. The driver died as a result of the injuries received. The smaller passenger slid partially out from his lap belt but was saved from vehicle ejection when the belt caught around his legs. The passenger only received minor injuries. The driver seat collapsed due to deformation of the seat frame structure. The passenger seat collapsed due to shearing failure of a recliner mechanism bolt.

CASE 12B:
Circumstances: The case vehicle (1983 Oldsmobile Firenza, 4 door sedan) was struck in the rear by a Lincoln Continental. Both the driver and the right front passenger were restrained. Both seat backs collapsed as a result of the rear impact, but neither occupant was ejected from the vehicle. The driver received severe head injury and the passenger received relatively minor lacerations to the face and neck. As in the previous case, the struck vehicle rotated clockwise, rolled onto the driver side, slid rearward, and struck a pole before coming to rest.

CASE 13B:
Circumstances: A 1986 Astro Van was struck in the rear by a jack-knifed tractor trailer. The fully restrained driver and right front passenger, were thrown into the rear of the van when their seats collapsed due to failure of recliner mechanism attachments. Although the driver of the van sustained serious neck injuries, she was able to eventually get back to the steering wheel and steer the van to the side of the road, several hundred feet from the point of impact. The passenger in the right front sustained critical injuries when she was impaled on a protruding object. Of the two children in the rear of the van, one sustained minor injuries and one was not injured.

CASE 14B:
Circumstances: The case vehicle is a 1985 Buick Century 4 door sedan. The vehicle was struck lightly in the rear by a large, late 1970, sedan which left the scene of the accident. The driver of the case vehicle, according to witnesses, collapsed rearward and subsequently lost control of the vehicle. The case vehicle veered to the left, drove partially onto a concrete retaining wall, came back to the roadway and ultimately came to rest in flames. A witness, helped the driver up from the reclined seat back but had difficulty in extricating the 3 rear seat passengers due to the fire and entrapment from the collapsed front seats. All five passengers died as a result of severe burns.

CASE 15B:
Circumstances: A 1985 Ford Tempo was struck in the rear by a tractor trailer vehicle and continued forward incurring a minor impact with the vehicle in front. Both front seat occupants of the case vehicle were fully restrained. The seat back of the heavier adult male right front passenger collapsed rearward upon impact and the passenger struck his head and neck in the rear compartment area resulting in a paralyzing neck injury. The seat of the smaller adult female driver remained essentially upright and she received only minor injuries.

CASE 16B:
Circumstances: The case vehicle (1976 Porsche) lost control while driving on ice-covered road conditions and spun around into the lane of oncoming traffic. At that time it was struck in the rear by an early 1970's large 4 door sedan. The driver seat of the case vehicle collapsed and the unrestrained driver slid rearward into the rear package tray area. The impact resulted in a paralyzing neck injury.

CASE 17B:
Circumstances: A 1975 Plymouth Brougham 4 door sedan was struck in the rear by a City bus. The case vehicle was propelled forward and lightly struck a pick-up truck before coming to rest. The front bench seat of the subject vehicle pulled loose from the floor mounts and the two unrestrained front seat occupants slid rearward into the rear compartment area. The larger adult male right front passenger received only minor injuries, the expectant female driver received paralyzing neck injuries.

CASE 18B:
Circumstances: The case vehicle (1980 Buick Century, 2 door) lost control and spun around moving rearward into the oncoming lane of traffic, where the case vehicle was impacted in the rear by a pick-up truck. The driver front seat collapsed and the unrestrained front seat passenger slid into the rear compartment area where she received paralyzing injuries.

CASE 19B:
Circumstances: A 1977 Toyota Corolla, 2 door sedan is struck in the left rear by a 1979 full size van. The target vehicle was occupied by 4 adult male passengers, two in the front and two in the rear. It was unknown if the occupants were restrained. The impact caused severe crush in the left rear area. Both front seats collapsed and the right front passenger slid rearward between the two rear passengers and struck his head on the hard surface of the intruding package tray which resulted in a depressed skull fracture and ultimately death. The driver of the vehicle experienced serious head injuries and contributed to the moderate injuries of the left rear passenger who was crushed between the intrusion into the left rear of the vehicle and the collapsing seat and driver in front. The right rear passenger only received minor injuries.

CASE 20B:
Circumstances: The case vehicle (1988 Oldsmobile, 4 door sedan) lost control during winter conditions and traveled into the lane of oncoming traffic where the left front of the case vehicle (driver side) impacted the left front of an oncoming tractor trailer vehicle. The case vehicle then rotated counterclockwise striking rearward into the rear area of the tractor trailer and then rotated back across both lanes to the right side shoulder of the original lane of travel for the case vehicle. Both front passengers were restrained. The driver seat remained essentially upright and the driver only received minor injuries. The right front passenger seat collapsed rearward and the belted occupant was ejected from the rear area of the vehicle during the last phase of the collision, ending up face down in the ditch on the right side shoulder of the original lane of travel of the case

vehicle. The front passenger suffered facial lacerations, rib and leg fractures and a serious head injury. Detailed examination of the seat structure indicated that the inboard hinge pin had become dislodged thus reducing the rearward load, torque and bending resistance of the passenger seat structure.

CASE 21B:
Circumstances: A 1985 mid-size van was customized and the original front seats were replaced with swivel seats known as "Captain Chairs." Both the driver and the right front passenger were wearing a lap and shoulder harness restraint. The case vehicle was impacted in the rear by a tractor trailer vehicle which caused severe massive override crush damage into the area behind the driver. The passenger seat collapsed rearward and the passenger was ejected from the restraints into the right rear passenger seat and window area. Ultimately, as the van veered out of control to the right shoulder and rolled over, the passenger was ejected from the vehicle. The driver who was seated in a seat that had less deformation, just in front of the area of massive structural intrusion, remained in the vehicle and received only minor injuries. The passenger received paralyzing injury.

CASE 22B:
Circumstances: An early 1980 Nissan 200 SX, 2-door vehicle lost control, spun around moving rearward across the lane of oncoming traffic and eventually impacted rearward into a tree located off the left shoulder of the 2 lane highway. The seat of the unrestrained driver twisted inboard and deformed rearward allowing the unrestrained driver to slide rearward and impact into the rear window region at about the area of engagement with the fixed object tree. The driver sustained serious neck injury but did not lose consciousness.

CASE 23B:
Circumstances: The case vehicle (1984 Chevrolet Citation 4 door) was struck in the rear, by a 1986 small pick-up, while in the process of making a left hand turn. The front bench seat collapsed rearward due to the rear impact and the case vehicle rotated counter-clockwise. During the subsequent rotation after the rear impact, the right front passenger was ejected from the vehicle and received paralyzing spine injuries, with the case vehicle coming to rest on top of the ejected passenger. The driver remained in the vehicle and received only minor injuries. It was unclear if the occupants were restrained or not in this case.

13.30 36 P

Committee Correspondence

Name of Committee: Human Factors

Date: 12/02/92

Reply to: D. Hoffmeister

SESSION CODE: 1B1

SUBJECT: "Field Accident Evaluations and Experimental Study of Seat Back Performance Relative to Rear-Impact Occupant Protection"

Dear Kenneth J. Saczalski

Thank you for submitting a draft manuscript of the subject paper. Review has been completed utilizing the following Quality Standards for SAE Literature:

. Must be worth being heard and/or purchased by meeting attendees and others because it makes a contribution to the state of the art or is a constructive review of its technical field.

. Avoids commercialism.

. Does not contain technical errors.

. Conclusions are consistent with and supported by information contained in the paper.

. Maintains high editorial quality.

The results of the review are as follows:

___XXX___ APPROVED AS SUBMITTED - Please type final galleys and mail to SAE Headquarters in accordance with instructions furnished by SAE.

_____ APPROVED ONLY IF MODIFIED - as set forth in the enclosure. Please complete the required revisions, type the final galleys in accordance with the instructions furnished by SAE and mail the galleys and four photocopies to me so that a second review can be undertaken. If the manuscript is then found satisfactory, the galleys will be forwarded to SAE Headquarters.

_____ DISAPPROVED - for reasons as set forth in the enclosure.

Sincerely,

David H Hoffmeister

Excellent paper. Any comments on integrated seat belts??

cc: M. J. Asensio, Jr.

ORGANIZER: David H. Hoffmeister
PHONE: 313/322-3649
FAX: 313/322-3988

MONDAY, MARCH 1

SEAT SYSTEMS
(Session Code: B1 A&B)

Room 03-46 All Day

Co-Organizers -- David H. Hoffmeister, Res. Engr., Human Factors Engrg. and Ergonomics, Des. Staff/Ctr., Ford Motor Co., and Stanley H. Backaitis, Prin. Engr., NHTSA

Chairperson -- TBD

Asst. Chairperson -- TBD

COMFORT

Part 1 of 4--8:55 a.m.

		Paper No.
9:00	Seat Comfort Janilla Lee and Paul Ferraiuolo, Ford Motor Co.	93
9:30	A New Method to Assess the Summer Suitability of Car Josef Temming, Sr. Researcher, Veh. Technology Res., Volkswagen AG	93
10:00	Influence of Some Anthropometric Dimensions on Shoulder Belt Comfort and Fit John J. Dueweke, Res. Engr., Ford Motor Co.	93
10:30	A Seat System Development Primer James F. Pywell, Engrg. Mgr., Cadillac Seat Sys., Seat Sys. Bus. Unit, Inland Fisher Guide, General Motors Corp.	93
11:00	Developing a Cost Effective Integrated Structural Seat Joanne H. Cole, Chief Engr., Res. & Dev., Johnson Controls	93
11:30	New Biomechanical Models for Automobile Seating Robert P. Hubbard, Prof., William A. Haas, Robert L. Boughner, Richard B. Canole, and Neil J. Bush, Michigan State Univ.	93

C

All Belts to Seat Patents							
Patent No.	Date	Filed	Inventor	Assignee	Seat Type	Application	Binder
3,431,019	3/4/69	4/21/67	Lewis	Jim Robbins	bucket		1956-80
3,471,197	10/7/69	10/7/69	Ely		bucket		1956-80
3,524,677	8/26/68	8/26/68	Louton	GM	bucket	belts to seat	Seat 1
3,582,133	6/1/71	7/26/68	DeLavenne	Peugeot	bucket		Seat 1
3,583,764	6/8/71	6/5/69	Lohr	Allied	bucket		Seat 1
3,637,258	1/25/72	9/26/69	Bayon		bucket		Seat 1
3,638,999	2/1/72	12/17/69	Tischler	Young Spring	bucket		1956-80
3,663,057	5/16/72	1/19/70	Lohr	Allied	bucket		Seat 1
3,695,696	10/3/72	1/19/70	Lohr	Allied	bucket		Seat 1
3,734,562	5/22/73	6/28/71	Fourrey	Renault	bucket		Seat 1
3,761,127	9/25/73	4/6/72	Giese	Ford	bucket		1956-80
3,832,002	8/27/74	3/21/73	Eggert	Budd	bucket		Seat 1
3,907,059	9/23/75	12/3/73	Takada	Takata	passive/4pt		Seat 1
3,951,429	4/20/76	4/10/74	Satzinger		bench		Seat 1
4,006,934	2/8/77	7/2/75	Murakami	Nissan	bucket		Seat 1
4,040,660	8/9/77	9/14/76	Barecki	Amer. Seating	both		Seat 1
4,093,307	6/6/78	10/22/76	McLennan		bench		Seat 1
4,191,399	3/4/80	5/18/78	Garvey	GM	bench	door reinf.	Seat 1
4,262,963	4/21/81	5/21/79	Bauer	Hammerstein	bucket		1981-93
4,431,233	2/14/84	3/2/81	Ernst	Autoflug	bucket		Seat 2
4,585,273	4/29/86	7/27/83	Higgs	Hawtal Whiting	bucket		Seat 2
4,749,231	6/7/88	10/29/87	Cremer	Recaro	bucket		Seat 2
4,779,917	10/25/88	9/17/87	Campbell	Nissan	bench		Seat 2
4,804,226	2/14/89	7/17/87	Schmale	Recaro	bucket		Seat 2
4,993,778	2/19/91	10/2/89	Colin	ECIA	bucket		Seat 3
5,015,010	5/14/91	3/12/90	Homeier	Indiana Mills	bucket		1981-93
5,050,906	9/24/91	7/18/90	Kneip	Porsche	bucket		Seat 3
5,246,271	9/21/93	4/3/91	Boisset	Bertrand Faure	bucket		Seat 3
5,253,924	10/19/93	6/11/91	Glance	Concept Analysis	bucket		Seat 3
5,292,178	3/8/94	7/15/92	Loose	GM	bucket		Seat 3
5,310,247	5/10/94	3/23/93	Fujimori	Araco/Toyota	bucket		Seat 3
5,318,341	6/7/94	1/28/91	Griswold	Hoover Universal	bucket		Seat 3
5,439,272	8/8/95	5/14/93	Hallet	Bertrand Faure	bucket		Seat 3
5,513,897	5/7/96	2/22/94	Lemmen		bucket		Seat 3
5,547,259	8/20/96	5/9/94	Fredrick	Mitchell	bucket		Seat 3
5,575,533	11/19/96	2/25/94	Glance	Concept Analysis	bench		Seat 3
5,577,805	11/26/96	10/10/95	Glinter	GM	bucket		Seat 3
5,641,198	6/24/97	2/1/95	Steffens	TRW VSSI	bucket		Seat 3
5,658,048	8/19/97	9/7/95	Nemoto	Tachi-S	bucket		Seat 3
5,671,976	9/30/97	2/26/96	Fredrick	Mitchell	bucket		Seat 3
5,681,086	10/28/97	1/11/96	Baloche	Bertrand Faure	bucket		Seat 3
5,697,670	12/16/97	11/12/96	Husted	Hoover Univarsal	bucket		Seat 3
5,711,577	1/27/98	12/1/95	Whalen	Fisher Dynamics	bucket		Seat 3
5,746,467	5/5/98	8/16/96	Jesadanont		bucket		Seat 3
5,746,476	5/5/98	6/2/95	Novak	ALCOA	bench		Seat 3
5,775,780	7/7/98	7/28/97	Murphy	GM	bench		Seat 3
5,782,537	7/21/98	8/29/96	Leistra	Lear	bucket		Seat 3
5,795,024	8/18/98	4/22/97	Collins	Fisher Dynamics	bucket		Seat 3
5,810,417	9/22/98	9/28/95	Jesadanont		bucket		Seat 3

Heavy Equipment Seat Patents							
Patent No.	Date	Filed	Inventor	Assignee	Seat Type	Application	Binder
3,560,048	2/2/71	12/5/66	Flint		suspension		Seat 1
3,737,197	6/5/73	12/29/71	Hall	U.O.P.	suspension		Seat 1
3,758,158	9/11/73	12/29/71	Radke	U.O.P.	suspension		Seat 1
3,804,434	4/16/74	7/12/72	Lacey	U.O.P.	suspension		Seat 1
3,811,727	5/21/74	12/15/72	Rumpel	U.O.P.	suspension		Seat 1
3,841,703	10/15/74	3/26/73	Lowe	U.O.P.	transit		Seat 1
3,879,082	4/22/75	11/28/73	Gwin	GM	tipping	P truck	Seat 1
3,890,002	6/17/75	5/10/73	Warmkessel	Mack	suspension		Seat 1
3,948,557	4/6/76	4/21/75	Barecki	Amer. Seating	transit		Seat 1
3,957,304	5/18/76	5/30/75	Koutsky	Sears Mfg.	suspension		1956-80
3,984,145	10/5/76	1/31/75	Andres	Dalmier Benz	van	lap to seat	Seat 1
4,025,110	5/24/77	11/12/73	Poorman	International	suspension		Seat 1
4,040,660	8/9/77	9/14/76	Barecki	Amer. Seating	both		Seat 1
4,090,735	5/23/78	11/21/75	Czarnakowski	Romer-Wingard	earthmover		Seat 1
4,238,135	12/9/80	7/2/79	Sandham	Leggett & Platt	van		Seat 2
4,286,765	9/1/81	5/8/79	Delgleize	U.O.P.	suspension		Seat 2
4,372,607	2/8/83	10/2/80	Mizushima	Nissan	van		1981-93
4,634,184	1/6/87	9/19/85	Hitson	Monitor	van		Seat 2
4,889,389	12/26/89	12/23/88	White	Grumman	van	P truck	Seat 2
4,900,084	2/13/90	8/19/88	Forster	Mercedes Benz	van		Seat 3
5,015,010	5/14/91	3/12/90	Homeier	Indiana Mills	bucket		1981-93
5,020,856	6/4/91	11/18/86	George	Volvo GM	suspension		Seat 3
5,308,148	5/3/94	9/24/92	Peterson	Indiana Mills	suspension		Seat 3
5,344,204	9/6/94	2/8/93	Yunzhao		bucket		Seat 3
5,558,401	9/24/96	5/13/94	Casasayas	Fainsa	bus		Seat 3
5,577,805	11/26/96	10/10/95	Glinter	GM	bucket		Seat 3

Child Safety Seat Patents							
Patent No.	Date	Filed	Inventor	Assignee	Seat Type	Application	Binder
3,713,695	1/30/73	8/27/71	Von Wimmersperg		front facing		Seat 1
4,655,503	4/7/87	12/14/84	Kamijo	Nissan	integrated		Seat 2
5,160,186	11/3/92	12/28/90	Lee	Indiana Mills	front facing		Seat 3
5,299,855	4/5/94	11/25/92	Zubeck		front facing		Seat 3
5,503,461	4/2/96	12/20/93	Schreier	Allied	integrated		Seat 3

Unitized Seat Patents							
Patent No.	Date	Filed	Inventor	Assignee	Seat Type	Application	Binder
3,819,232	6/25/74	8/21/72	Wagner	GM	bucket		Seat 1
4,358,154	11/9/82	12/5/80	Campbell	Boeing	bucket	helicopter	Seat 2
4,663,211	5/5/87	9/9/85	Kon	Tachkawa	bench		Seat 2
4,738,485	4/19/88	10/16/86	Rumpf	TRW	bucket		Seat 2
4,832,401	5/23/89	4/1/88	Brooks	GM	bench		Seat 2
4,856,844	8/15/89	9/28/84	Isono	Tachikawa	bucket		Seat 2
5,233,973	8/10/93	3/23/92	Gill	GM	bucket		Seat 3
5,509,716	4/23/96	11/8/94	Kolena	GM	bucket		Seat 3
5,538,326	7/23/96	11/14/94	Lorbiecki	Milsco	bucket		Seat 3
5,599,069	2/4/97	4/8/96	Lorbiecki	Milsco	bucket		Seat 3
5,716,094	2/10/98	3/6/97	Bhalsod	GM	bucket		Seat 3
5,735,572	4/7/98	1/16/97	Clark	Ford	bucket	side airbag	Seat 3
5,749,135	5/12/98	3/19/97	Crane	GM	bucket		Seat 3

Seat Track Patents							
Patent No.	Date	Filed	Inventor	Assignee	Seat Type	Application	Binder
2,127,610	8/23/38	2/28/38	Moore		bench		Seat 1
	2/18/58	12/21/53	Williams	Amer. Metal	bench		1956-80
2,907,371	10/6/59	4/26/54	Scott	Amer. Forging	bucket		1956-80
3,184,209	5/18/65	7/10/63	Colautti	GM	bench		1956-80
3,186,760	6/1/65	5/24/63	Lohr	GM	bucket	lap to seat	Seat 1
3,189,314	6/15/65	11/26/63	Pickles	Ferro Stamping	bucket		1956-80
3,207,554	9/21/65	12/18/63	Dall		bucket	lap to seat	Seat 1
3,315,935	4/25/67	3/18/65	Clevett	Irving Air Chute	bench		1956-80
3,424,494	1/28/69	9/5/67	McIntyre	Ford	bucket	lap to seat	Seat 1
3,445,143	5/20/69	5/22/67	Swenson	Swenson Corp.	bucket	swivel	Seat 1
3,473,775	10/21/69	10/31/66	Rice	Midland Adhesiv	bench		1956-80
3,476,435	11/4/69	5/18/67	Hitzelberger	Daimler Benz	bucket		1956-80
3,524,677	8/26/68	8/26/68	Louton	GM	bucket	belts to seat	Seat 1
3,531,154	9/29/70	4/21/69	La Fleche	Howell Indust.	bucket	EA	Seat 1
3,552,707	1/5/71	6/6/69	Tanaka	GM	bucket		Seat 1
3,582,033	6/1/71	6/5/69	LaFleche	Howell Ind.	bucket		Seat 1
3,631,740	1/4/72	7/23/70	Gavagan	Amer. Motors	bucket		Seat 1
3,659,895	5/2/72	8/10/70	Dresden	GM	bucket	swivel	Seat 1
3,662,984	5/16/72	10/6/69	Robinson	Lear Siegler	bench		1956-80
3,685,872	8/22/72	11/19/69	Babbs	Cox of Watford	bucket		Seat 1
3,727,977	4/17/73	3/23/71	Gmeiner	Daimler Benz	bucket	buckle to seat	Seat 1
3,746,393	7/17/73	8/6/71	Andres	Daimler Benz	bucket	buckle to seat	Seat 1
3,756,094	9/4/73	11/2/71	Mauron	Peugeot	bucket		Seat 1
3,806,190	4/23/74	7/20/72	Winslow	GM	bucket	EA buckle/seat	Seat 1
3,811,726	5/21/74	7/3/72	Muraishi	Nissan	bucket		1956-80
3,845,982	11/5/74	6/29/73	Pickles	Ferro	bucket	buckle to seat	Seat 1
3,845,987	11/5/74	7/16/73	Bashford	Rover	bucket	buckle to seat	Seat 1
3,848,937	11/19/74	4/26/72	Harder	Coach and Car	bucket	tractor	Seat 1
3,853,298	12/10/74	6/11/73	Libkie	GM	bench		1956-80
3,853,373	12/10/74	9/12/73	Corbett	GM	bucket		1956-80
3,858,934	1/7/75	7/19/73	Eggert	Budd Company	bucket		1956-80
3,899,151	8/12/75	11/13/74	Kobrehel	GM	bench		1956-80
3,930,632	1/6/76	12/26/73	Shigeta	Nissan	bucket		Seat 1
3,931,995	1/13/76	7/19/74	Arai	Nissan	bucket		1956-80
3,940,182	2/24/76	8/29/74	Tamura	Nissan	bucket		1956-80
3,981,473	9/21/76	5/9/75	Nagai	Arakawashatai	bucket		1956-80
4,015,877	4/5/77	3/3/75	Button	Chrysler UK	bucket		1956-80
4,042,276	8/16/77	8/17/72	Breitschwerdt	Daimler Benz	bucket		Seat 1
4,068,887	1/17/78	8/19/75	Babbs	Cox of Watford	bucket		Seat 1
4,072,347	2/7/78	1/7/77	Boisset	Bertrand Faure	bucket	buckle to seat	Seat 1
4,088,378	5/9/78	1/6/77	Pallant	H.R. Turner	bucket	EA	Seat 1
4,089,500	5/16/78	2/14/77	Gustafsson		bucket		1956-80
4,101,169	7/18/78	2/25/77	Muraishi	Nissan	bucket		1956-80
4,159,147	6/26/79	1/26/78	Kiyomitsu	Toyo Kogyo	bucket	easy entry	Seat 1
4,169,574	10/2/79	2/23/78	Garvey	GM	bucket		Seat 1
4,209,159	6/24/80	1/10/78	Becker	Hammerstein	bucket		Seat 2
4,225,184	9/30/80	1/15/79	Strowick	Keiper	bucket	buckle to seat	Seat 2
4,248,480	2/3/81	6/19/79	Koucky	Daimler Benz	bucket		1981-93
4,257,647	3/24/81	12/21/78	Gianessi	Caterpillar	bucket	dual	Seat 2
4,262,963	4/21/81	5/21/79	Bauer	Hammerstein	bucket		1981-93
4,281,871	8/4/81	1/31/80	Grittner	Ford	bucket		1981-93

Seat Track Patents: Page 2							
Patent No.	Date	Filed	Inventor	Assignee	Seat Type	Application	Binder
4,422,612	12/27/83	5/28/82	Frank	Swiss Alum.	bucket	buckle to seat	Seat 2
4,422,690	12/27/83	6/22/81	Kopich	GM	bucket		1981-93
4,436,270	3/13/84	6/25/81	Muraishi	Nissan	bucket		1981-93
4,449,752	5/22/84	9/27/79	Yasumatsu	Toyota	bucket		1981-93
4,482,188	11/13/84	12/1/82	Tilly	GM	bucket	buckle to seat	Seat 2
4,487,454	12/11/84	4/28/83	Biller	REPA	bucket	buckle to seat	Seat 2
4,488,754	12/18/84	7/2/82	Heesch	ITT	bucket	buckle to seat	Seat 2
4,497,518	2/5/85	12/23/81	Nishimura	Nissan	bucket		1981-93
4,516,811	5/14/85				bucket		1981-93
4,530,540	7/23/85	9/21/83	Hayden	Amer. Safety	bucket		1981-93
4,565,344	1/21/86	12/6/83	Iwami	Tachikawa	bucket		Seat 2
4,569,557	2/11/86	3/25/85	Goforth	GM	bucket	easy entry	1981-93
4,570,997	2/18/86	7/8/83	Tanazaki	Nissan	bucket	swivel	Seat 2
4,572,469	2/25/86	3/11/85	Rees	GM	bucket		Seat 2
4,580,755	4/8/86	3/11/85	Rees	GM	bucket		Seat 2
4,607,884	8/26/86	8/6/84	Heling	Chrysler	bucket	easy entry	1981-93
4,621,867	11/11/86	4/4/85	Perring	GM	bucket	easy entry	1981-93
4,624,498	11/25/86	5/16/85	Nagashima	Nissan	bucket		1981-93
4,634,180	1/6/87	11/4/85	Zaveri	Keiper	bucket	easy entry	1981-93
4,639,038	1/27/87	7/2/85	Heling	Chrysler	bucket	easy entry	1981-93
4,666,208	5/19/87	9/10/86	Tatematsu	Arakawa	bucket	easy entry	1981-93
4,671,571	6/9/87	6/16/86	Gionet	GM	bucket	easy entry	1981-93
4,720,129	1/19/88	10/6/81	McSmith	NASA	bucket	helicopter	Seat 2
4,720,143	1/19/88	6/5/87	Schwartz	Chrysler	bucket	easy entry	1981-93
4,726,617	2/23/88	3/5/87	Nishimura	Nissan	bucket		1981-93
4,729,602	3/8/88	7/22/86	Tokugawa	NSK Warner	bucket	buckle to seat	Seat 2
4,783,122	11/8/88	9/29/86	Komohara	Ikeda	bucket		Seat 2
4,804,229	2/14/89	7/11/87	Nishino	Tachi-S	bucket	buckle to seat	Seat 2
4,818,022	4/4/89	12/3/86	Nishimura	Nissan	bucket	lap belt	Seat 2
4,821,991	4/18/89	4/7/87	Aihara	Nissan	bucket		1981-93
4,832,409	5/23/89	9/8/87	Borlinghaus	GM	bucket	buckle to seat	Seat 2
4,852,846	8/1/89	9/4/87	Weier	GM	bucket	easy entry	1981-93
4,865,386	9/12/89	6/1/88	Detloff	GM	bucket		Seat 2
4,969,622	11/13/90	10/19/89	Munchow	Keiper Recaro	bucket		1981-93
5,022,707	6/11/91	10/25/88	Beauvais	Life Force	bench		Seat 3
5,100,092	3/31/92	5/28/91	Sovis	Hoover Univ.	bucket	easy entry	1981-93
5,104,176	4/14/92	8/8/91	Mrozowski	Nissan	bucket		1981-93
5,137,331	8/11/92	11/30/90	Colozza	Magna Int'l	bucket	easy entry	1981-93
5,226,697	7/13/93	8/10/90	Borlinghaus	GM	bucket	buckle to seat	Seat 3
5,282,672	2/1/94	7/20/92	Borlinghaus	GM	bucket	buckle to seat	Seat 3
5,294,184	3/15/94	6/24/92	Blake	GM	bucket	lap to seat	Seat 3
5,332,290	7/26/94	8/31/92	Borlinghaus	GM	bucket	lap to seat	Seat 3
5,366,269	11/22/94	8/20/92	Beauvais	Life Force	bucket		Seat 3
5,540,482	7/30/96	5/10/94	Baret	CESA	bucket		Seat 3
5,586,740	12/24/96	12/19/94	Borlinghaus	GM	bucket		Seat 3
5,697,662	12/16/97	2/2/96	Leftwich	Glaval	bucket	custom van	Seat 3
5,704,729	1/6/98	12/5/95	Carnahan		bucket	swivel	Seat 3

Seat Back Latch Patents							
Patent No.	Date	Filed	Inventor	Assignee	Seat Type	Application	Binder
2,737,229	3/6/56	11/18/52	Semar	GM	bench		1956-80
2,795,265	6/11/57	11/6/52	Albrecht	GM	bench		1956-80
2,919,743	1/5/60	9/18/57	Ross	Ford	bench		1956-80
2,952,490	9/13/60	5/20/57	Pfaff		bucket		1956-80
3,207,549	9/21/65	5/14/63	Posh	Amer. Metal	bench		1956-80
3,405,971	10/15/68	5/22/67	Kobrehel	GM	bench		1956-80
3,410,600	11/12/68	9/29/66	Thorpe	Ford	bench		1956-80
3,433,524	3/18/69	5/2/67	Close	Ford	bench		1956-80
3,481,646	12/2/69	3/5/68	Tabor	Budd Company	bucket		1956-80
3,514,155	5/26/70	5/2/67	Close	Ford	bench		1956-80
3,576,347	4/27/71	6/12/69	Vivian	Ford	bench		1956-80
3,638,999	2/1/72	12/17/69	Tischler	Young Spring	bucket		1956-80
3,679,259	7/25/72	11/25/70	Simonelli	Ford	bench		1956-80
3,719,379	3/6/73	9/22/70	Sigmund	Daimler Benz	bucket		1956-80
3,736,026	5/29/73	6/14/71	Ziegler	VWAG	bucket		1956-80
3,756,655	9/4/73	3/20/72	Perkins	McCord	bench		1956-80
3,811,726	5/21/74	7/3/72	Muraishi	Nissan	bucket		1956-80
3,832,003	8/27/74	8/6/73	Horvat	Ford	bucket		1956-80
3,922,029	11/25/75	4/10/74	Urai	Takeji	bucket	roof mount	1956-80
3,931,995	1/13/76	7/19/74	Arai	Nissan	bucket		1956-80
3,944,276	3/16/76	11/14/74	de Rosa	Renault	bench	pillar mount	1956-80
3,957,312	5/18/76	2/3/75	Bonnaud	Peugeot	bucket		1956-80
3,968,993	7/13/76	5/22/75	Doyle	Ford	bucket		Seat 1
3,973,799	8/10/76	9/18/75	Berg	GM	bench		1956-80
3,988,028	10/26/76	4/14/75	Satzinger		bucket	pillar mount	1956-80
4,015,877	4/5/77	3/3/75	Button	Chrysler UK	bucket		1956-80
4,082,353	4/4/78	12/13/76	Hollowell	Amer. Safety	bucket		1956-80
4,101,169	7/18/78	2/25/77	Muraishi	Nissan	bucket		1956-80
4,124,250	11/7/78	9/8/77	Weinich	Daimler Benz	bench	rear seat	1956-80
4,143,913	3/13/79	7/15/77	Rumpf	Firestone	bench		1956-80
4,206,946	6/10/80	3/19/79	Maertens	GM	bench	rear seat	1956-80
4,269,446	5/26/81	3/21/79	Gersmann	BMW	bucket		1981-93
4,286,819	9/1/81	11/7/78	Inoue	Honda	bench	rear seat	1981-93
4,305,615	12/15/81	3/13/80	Osterhold	Keiper USA	bucket		1981-93
4,390,208	6/28/83	4/27/81	Widmer	GM	bucket		Seat 2
4,422,690	12/27/83	6/22/81	Kopich	GM	bucket		1981-93
4,518,190	5/21/85	12/7/81	Kluting	Keiper	bucket		1981-93
4,607,884	8/26/86	8/6/84	Heling	Chrysler	bucket	easy entry	1981-93
4,634,180	1/6/87	11/4/85	Zaveri	Keiper	bucket	easy entry	1981-93
5,163,736	11/17/92	5/21/91	Aljundi	Ford	bucket		Seat 3
5,401,072	3/28/95	3/17/94	Farrand	Starcraft	bucket	pillar mount	1981-93

Recliner Mechanism Patents: through 1982								
Patent No.	Date	Filed	Inventor	Assignee	Seat Type	Application	Binder	Comment
2,872,241	2/3/59	11/19/54	Shelden		latch	pillar mount	Door/Side	
2,896,999	7/28/59	11/29/55	Liubauskas		bench	pillar mount	Seat 1	
2,916,081	12/8/59	4/25/55	Pinkel	US Government	bucket	EA base	Seat 1	
3,361,474	1/2/68	11/26/65	Kolle	Daimler Benz	bucket		Seat 1	
3,401,979	9/17/68	8/1/66	Putsch	1/2 Putsch	bucket	rotary	Seat 1	
3,481,646	12/2/69	3/5/68	Tabor	Budd Company	bucket		Seat 1	
3,501,200	3/17/70	7/1/68	Ohta	Toyota	bucket		Seat 1	
3,608,128	9/28/71	9/16/68	Faust	Recaro	bucket		Seat 1	
3,635,525	1/18/72	8/25/69	Magyar	GM	bench		Seat 1	
3,711,153	1/16/73	2/12/71	Cunningham	Wingard Ltd.	bucket	lap to seat	Seat 1	
3,744,844	7/10/73	6/24/71	Nomaki	Nissan	bucket		Seat 1	
3,788,698	1/29/74	5/8/72	Perkins	Ford	bucket		Seat 2	
3,794,380	2/26/74	6/15/72	Mertz	GM	bucket		Seat 2	
3,822,914	7/9/74	10/3/72	Iida	Toyota	bucket		Seat 2	
3,829,156	8/13/74	9/28/72	Iida	Toyota	bucket		Seat 2	
3,866,270	2/18/75	5/3/73	Suzuki	Aisin Seiki	bucket	forward bend	Seat 2	
3,922,029	11/25/75	4/10/74	Urai	Takeji	bucket	roof mount	Seat 2	Ref. 3,401,979
3,944,276	3/16/76	11/14/74	de Rosa	Renault	bench	pillar mount	Seat 2	
3,953,068	4/27/76	2/15/74	Porsche	Porsche	bucket		Seat 2	
3,953,069	4/27/76	4/15/75	Tamura	Nissan	bucket		Seat 2	
3,966,253	6/29/76	4/28/75	Berghof	Keiper	bucket		Seat 2	
3,968,993	7/13/76	5/22/75	Doyle	Ford	bucket		Seat 2	
3,972,561	8/3/76	10/3/74	Breitschwerdt	Mercedes-Benz	bucket		Seat 2	
3,972,563	8/3/76	9/4/75	Gustaffson		bucket		Seat 2	Ref. 3,401,979
4,035,021	7/12/77	3/17/76	Krug	GM	bucket		Seat 3	
4,040,660	8/9/77	9/14/76	Barecki	Amer. Seating	both		Seat 3	
4,054,966	10/25/77	3/1/76	Putsch	Keiper K.G.	bucket		Seat 3	Ref. 3,401,979
4,063,776	12/20/77	7/2/76	Wahlmann	Rentrupp	bucket	eccentric	Seat 3	
4,113,308	9/12/78	4/12/77	Werner	Keiper K.G.	bucket		Seat 3	
4,133,578	1/9/79	11/21/77	Fancy	GM	bucket		Seat 3	
4,153,296	5/8/79	12/2/77	Rhamstine	GM	bucket		Seat 3	
4,159,147	6/26/79	1/26/78	Kiyomitsu	Toyo Kogyo	bucket		Seat 3	
4,169,626	10/2/79	7/17/78	Hollar	GM	bucket		Seat 3	
4,252,369	2/24/81	2/5/79	Kluting	Keiper	bucket		Seat 4	
4,269,447	5/26/81	11/12/76	Dottori	Grinfa	bucket		Seat 4	
4,305,615	12/15/81	3/13/80	Osterhold	Keiper USA	bucket		Seat 4	
4,306,124	12/15/81	10/5/79	Kondo	Nissan	bucket		Seat 4	
4,313,638	2/2/82	7/30/80	Roper	Rockwell	bucket		Seat 4	
EP0048294	3/31/82	9/20/80	Waik	Keiper GmbH	bucket	taper eccentric	Seat 5	
4,335,917	6/22/82	10/3/79	Izuno	Toyo Kogyo	bucket		Seat 4	
4,335,919	6/22/82	2/26/80	Nagashima	Nissan	bucket		Seat 4	

Recliner Mechanism Patents: 1983 - 1989								
Patent No.	Date	Filed	Inventor	Assignee	Seat Type	Application	Binder	
4,372,612	2/8/83	7/30/80	Wiers	Rockwell	bucket		Seat 4	
4,384,743	5/24/83	4/28/81	Barley	UOP	bucket	truck	Seat 4	
4,386,805	6/7/83	3/24/81	Boisset	Bertrand Faure	bucket	dual	Seat 4	
4,394,047	7/19/83	6/1/81	Brunelle	UOP, Inc.	bucket	airplane	Seat 4	
4,394,048	7/19/83	5/11/81	Sakurai	Toyota	bucket		Seat 4	
4,402,546	9/6/83	11/4/81	Johnson	GM	bucket		Seat 4	
4,408,799	10/11/83	7/25/81	Bowman	Hoover Univ.	bucket		Seat 4	
4,437,703	3/20/84	9/18/81	Nishikori	Toyo Kogyo	bucket		Seat 4	
4,453,767	6/12/84	9/2/81	Walk	Keiper GmbH	bucket	U-van	Seat 4	
4,466,661	8/21/84	11/30/82	Narita	Nissan	bucket		Seat 4	
4,466,664	8/21/84	2/26/82	Kondou	Nissan	bucket		Seat 4	
4,497,518	2/5/85	12/23/81	Nishimura	Nissan	bucket		Seat 5	
4,508,386	4/2/85	7/15/82	Hofmann	Brose	bucket	power	Seat 5	
4,541,672	9/17/85	12/20/82	Fukuta	Toyota	bucket		Seat 5	
4,573,738	3/4/86	12/14/84	Heesch	ITT Corporation	bucket		Seat 5	
4,580,838	4/8/86	5/24/84	Schottker	P.A. Rentrop	bucket	rotary	Seat 5	Ref. 4,453,767
4,598,947	7/8/86	10/23/84	Fourrey	Peugeot	bucket		Seat 5	
4,610,480	9/9/86	2/22/85	Yamada	Nippon Soken	bucket	ABTS	Seat 5	
4,634,181	1/6/87	4/1/85	Pipon	A & M Cousin	bucket	rotary	Seat 5	Ref. 4,453,767
4,641,884	2/10/87	2/20/86	Miyashita	Honda	bucket	multiple	Seat 5	
4,653,807	3/31/87	5/14/85	Hirose	Mazda	bucket		Seat 5	
4,668,013	5/26/87	11/14/85	Wahlmann	P.A. Rentrop	bucket	rotary	Seat 5	Ref. 4,453,767
4,699,024	10/13/87	5/21/86	Iida	Aisin Seiki	bucket	rotary	Seat 5	Ref. 4,453,767
4,708,392	11/24/87	7/2/86	Werner	Keiper GmbH	bucket	rotary	Seat 5	Ref. 4,453,767
4,713,986	12/22/87	8/19/86	Cremer	Keiper GmbH	bucket	rotary	Seat 5	Ref. 4,453,767
4,725,076	2/16/88	8/25/86	Taylor	GM	bucket	belt brace	Seat 6	
4,756,577	7/12/88	4/13/87	Berg	GM	bucket		Seat 6	
4,773,704	9/27/88	11/12/86	Engels	Keiper GmbH	bucket	rotary	Seat 6	Ref. 4,453,767
4,795,213	1/3/89	3/11/87	Bell	Fisher Dynamics	bucket		Seat 6	
4,824,172	4/25/89	2/11/88	Rees	GM	bucket		Seat 6	
4,828,322	5/9/89	3/9/88	Walk	Keiper GmbH	bucket	rotary	Seat 6	Ref. 4,453,767
4,832,403	5/23/89	8/14/87	Tomita	Mazda	bucket	power	Seat 6	
4,832,405	5/23/89	2/17/88	Werner	Keiper GmbH	bucket	rotary	Seat 6	Ref. 4,453,767
4,836,606	6/6/89	7/7/88	Werner	Keiper GmbH	bucket	rotary	Seat 6	Ref. 4,453,767
4,865,386	9/12/89	6/1/88	Detloff	GM	bucket		Seat 6	
4,881,775	11/21/89	2/1/89	Rees	GM	bucket		Seat 6	
4,874,204	10/17/89	6/24/88	Walk	Keiper GmbH	bucket	rotary	Seat 6	Ref. 4,453,767
4,887,863	12/19/89	12/3/87	Caillol	Tubauto	bucket	rotary	Seat 6	Ref. 4,453,767

Recliner Mechanism Patents: 1990 - date								
Patent No.	Date	Filed	Inventor	Assignee	Seat Type	Application	Binder	
4,916,962	4/17/90	5/2/89	Tsutsumi	Shiroki Kinzoku	bucket	rotary	Seat 6	Ref. 4,453,767
4,938,319	7/3/90	11/10/88	Ernst		bucket	washer tipper	Seat 6	
4,943,116	7/24/90	2/6/89	Ohwada	Shiroki Kinzoku	bucket	rotary	Seat 6	Ref. 4,453,767
4,969,682	11/13/90	10/2/89	Gray	GM	bench		Seat 6	
5,005,907	4/9/91	12/5/89	Caillol	Tubauto	bucket	rotary	Seat 6	Ref. 4,453,767
5,016,940	5/21/91	3/3/89	Holloway	I.H.W. Engineering	bucket	rotary	Seat 6	Ref. 4,453,767
5,163,736	11/17/92	5/21/91	Aljundi	Ford	bucket		Seat 6	
5,205,609	4/27/93	2/5/91	Notta	Bertrand Faure	bucket		Seat 6	
EP0556884	8/25/93	1/25/93	Viano	GM	bucket	cable brace	Seat 6	
5,290,089	3/1/94	12/28/92	Oleszko	GM	bench		Seat 7	
5,295,729	3/22/94	2/18/92	Viano	GM	bucket		Seat 7	
5,306,073	4/26/94	2/24/92	Rees	ITT	bucket	ABTS	Seat 7	
5,310,030	5/10/94	4/22/92	Kawakita	Ikeda Bussan	multiple	EA recliner	Seat 7	
5,322,346	6/21/94	1/19/93	Notta	Bertrand Faure	bucket		Seat 7	
5,328,226	7/12/94	12/7/92	Thomas		bucket	belt brace	Seat 7	good language
5,338,093	8/16/94	3/27/92	Ikegaya	Fujikiko	bucket		Seat 7	
5,350,216	9/27/94	7/8/92	Ito	Aisin Seiki	bucket	power	Seat 7	
5,360,256	11/1/94	4/26/93	Miller	GM	bucket		Seat 7	
5,366,268	11/22/94	10/4/93	Miller	GM	bucket		Seat 7	
5,390,977	2/21/95	5/24/93	Miller	GM	bucket	belt brace	Seat 7	
5,401,072	3/28/95	3/17/94	Farrand	Starcraft	bucket	pillar mount	Seat 7	
5,435,624	7/25/95	10/12/93	Bray	Ford	bucket		Seat 7	
5,438,732	8/8/95	7/29/93	Engels	Keiper GmbH	bucket	rotary	Seat 7	Ref. 4,453,767
5,462,332	10/31/95	10/3/94	Payne	GM	bucket		Seat 7	
5,472,234	12/5/95	5/25/94	Chang		bucket	belt brace (J)	Seat 7	
5,509,716	4/23/96	11/8/94	Kolena	GM	bucket		Seat 7	
5,524,970	6/11/96	8/10/94	Kienke	Hoover Universal	bucket	rotary	Seat 7	Ref. 4,453,767
5,653,506	8/5/97	8/25/95	Wisner	Track Corp.	bucket	track braced	Seat 8	
5,660,440	8/26/97	2/28/96	Pejathaya	Fisher Dynamics	bucket	easy entry	Seat 8	
5,681,086	10/28/97	1/11/96	Baloche	Bertrand Faure	bucket		Seat 8	
5,707,112	1/13/98	5/3/96	Zinn	Magna	bucket	linear	Seat 8	
5,711,577	1/27/98	12/1/95	Whalen	Fisher Dynamics	bucket		Seat 8	
GB2316442A	2/25/98	8/16/96	Haglund	Autoliv Dev.	bucket	energy abs.	Seat 8	
5,722,722	3/3/98	1/14/97	Massara	Lear	bucket	EA	Seat 8	
5,743,591	4/28/98	10/4/96	Tame	Atoma Int'l	bucket	hydraulic	Seat 8	
5,769,493	6/23/98	1/29/97	Pejathaya	Fisher Dynamics	bucket	easy entry	Seat 8	
5,788,330	8/4/98	3/27/97	Ryan	Fisher Dynamics	bucket	easy entry	Seat 8	
5,795,024	8/18/98	4/22/97	Collins	Fisher Dynamics	bucket		Seat 8	
5,806,891	9/15/98	5/23/97	Pokhis		bucket	roof mount	ABTS	
5,806,923	9/15/98	7/9/97	Tschaschke	Daimler Benz	bucket	net brace	Seat 8	
5,823,622	10/20/98	5/8/97	Fisher	Fisher Dynamics	bucket	easy entry	Seat 8	
6,074,004	6/13/00	7/21/99	Carmichael		bucket	energy abs.	Seat 8	
6,164,720	12/26/00	8/15/97	Haglund	Autoliv Dev.	bucket	energy abs.	Seat 8	

Seat Frame Patents							
Patent No.	Date	Filed	Inventor	Assignee	Seat Type	Application	Binder
3,468,581	9/23/69	12/5/67	Henry-Birbaud	Citroen	bench		1956-80
3,619,006	11/9/71	4/22/70	Barecki	Amer. Seating	bench		1956-80
3,669,397	6/13/72	5/5/70	Le Mire	Renault	bucket		1956-80
3,797,858	3/19/74	7/17/72	Yamada	Toyota	bucket		1956-80
3,802,737	4/9/74	7/7/72	Mertens	Kurt Heizer	bucket		1956-80
3,806,195	4/23/74	3/26/73	Frey	Ford	bench	buckle to seat	Seat 1
3,845,987	11/5/74	7/16/73	Bashford	Rover	bucket	lap belt	Seat 1
3,858,934	1/7/75	7/19/73	Eggert	Budd Company	bucket		1956-80
3,917,342	11/4/75	10/25/73	Furuta	Nissan	bucket	lap belt	Seat 1
4,484,776	11/27/84	8/20/82	Gokimoto	Mazda	bench	folding rear	Seat 2
4,496,189	1/29/85	8/20/82	Tanizaki	Nissan	both		Seat 2
4,541,667	9/17/85	8/2/83	Ebihara	Nissan	both		Seat 2
4,544,204	10/1/85	11/8/82	Schmale	Keiper	bucket		Seat 2
4,627,656	12/9/86	4/2/85	Gokimoto	Mazda	bench	folding rear	Seat 2
4,685,739	8/11/87	6/11/86	Deegener	Keiper	bucket		Seat 2
4,695,097	9/22/87	9/17/86	Muraishi	Nissan	bucket	lap belt	Seat 2
4,708,385	11/24/87	9/17/86	Kondo	Nissan	bench	folding rear	1981-93
4,865,377	9/12/89	12/31/87	Musser	Knusaga	rear bench	minivan	Seat 2
4,978,097	12/18/90	9/15/89	Froutzis		bench		Seat 3
4,993,776	2/19/91	12/19/89	Acuto	Fiat	bench	folding rear	Seat 3
5,104,189	4/14/92	11/8/90	Hanai	Nissan	bench	reclining rear	Seat 3
5,123,706	6/23/92	6/20/89	Granzow	Isringhausen	bucket		Seat 3
5,149,135	9/22/92	9/13/91	Konishi	Mazda	bucket		Seat 3
5,240,310	8/31/93	7/8/92	Rink	Bayer	bucket		Seat 3
5,295,729	3/22/94	2/18/92	Viano	GM	bucket		Seat 3
5,509,716	4/23/96	11/8/94	Kolena	GM	bucket		1981-93
5,547,259	8/20/96	5/9/94	Fredrick	Mitchell	bucket		Seat 3
5,567,006	10/22/96	10/1/93	McCarthy		bucket		Seat 3
5,671,948	9/30/97	4/10/96	Susko	GM	bench	pickup rear	Seat 3
5,671,976	9/30/97	2/26/96	Fredrick	Mitchell	bucket		Seat 3
5,775,780	7/7/98	7/28/97	Murphy	GM	bench	lap to seat	Seat 3

D

13.07/lead

BEYOND WHIPLASH: IMPACT EVIDENCE IN SEVERE SPINAL INJURY

Stephen R. Syson
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Goleta, California

ABSTRACT

Whiplash injuries often occur without noticeable damage to the interior of a vehicle, and only minor damage to the vehicle exterior. Severe spinal trauma is, however, almost always associated with a forceful head or torso contact. This paper is intended to help the investigator of a collision find and document physical evidence of a contact, in the event such a witness mark exists. A brief outline of a suggested investigation methodology includes the types of marks to look for, and how to hypothesize where to look.

INTRODUCTION

Because there are so many reported incidents, "whiplash" is the injury mechanism that results in the greatest combination of medical costs and lost earnings in rear impact collisions. However, severe and disabling central nervous system (CNS) injuries result in almost as much aggregate injury cost with far fewer victims, and the individual consequences are often devastating. Further, Swedish research has resulted in the development of effective countermeasures for whiplash type injuries in rear impacts, the most common source of soft tissue neck injuries (Svensson , 1993). The more severe spinal injuries, that result in potentially disabling CNS trauma, are seen in all configurations of field accidents. The available studies suggest that, unlike whiplash injuries, severe spinal damage rarely occurs solely as a result of inertial forces acting on the head while torso movement is restricted (Tarriere, 1981). The rare exceptions to the above generalization are usually either distraction injuries in very small children, or atlanto-occipital dislocations due to sudden application of force to the torso by an airbag or slack torso belt. Even the distraction injuries to small children may result from a combination of neck tension and a minor head impact that disturbs the spinal cord (Slavik, 1997).

This paper will address the more common cause of severe spinal injuries, occupant contact. Obviously, cervical injuries are most frequently a result of head contact, thoracic spinal trauma from shoulder contact and lumbar injuries from abdominal or buttocks contact. In engineering mechanics, for a structural failure to occur, the structure must be loaded, and the structural chain will, generally, fail at its weakest link. The spine, being a slender segmented column made of bone separated by cartilage and interconnected by musculature, configured in a "bow" shape, will fail due to some combination of axial, shear and/or bending forces.

To assist in the biomechanical reconstruction of the resulting injury mechanisms, it is necessary to establish how and where these forces are applied. Compared to the magnitude of forces applied to vehicle structures (even during normal driving), these applied loads to the vehicle components are small. Paralyzing neck injuries, hypothetically, can occur at forces of less than 4500 newtons(N), about 1000 pounds (Pintar, 1990).

AREAS OF INVESTIGATION

Procedurally, it is helpful to have a concept of the injury mechanism and the collision reconstruction prior to inspecting a vehicle where a victim has received a spinal injury. The injury mechanism will provide guidance regarding the expected body part contacted, the reconstruction information regarding energy availability and principal direction of force (PDOF). The PDOF is the average direction of force applied to the vehicle that changes the magnitude or direction of vehicle velocity during an impact. In multiple impact collisions, for example rollover accidents, there can be several PDOF vectors, As a first approximation, the occupant can be expected to move 180° to the PDOF vector in each impact. It can be helpful if there are other occupants in the same vehicle, since the general trajectory of all occupants of a given vehicle undergoing translational acceleration are parallel. Thus, if the trajectory for one occupant can be established from physical evidence, areas to search for evidence of contact for another occupant can be extrapolated.

For simple collision configurations, crash or sled tests conducted by the manufacturer or by independent testing agencies provide useful information regarding general occupant kinematics in front, rear and side impacts. There are also research papers that demonstrate occupant kinematics in rollovers with restrained and unrestrained occupants (Orlowski, 1985; Bahling, 1990). Using these tests to get a general idea of the expected movement in a field accident can be very helpful.

INTERIOR CONTACT MARKS

Heavy interior contacts usually cause deformation to the interior trim or underlying metal structure; however, a lighter body contact, for example 4500 N, may be so well distributed by the trim that no external signs of damage are apparent. Typically, plastic trim materials will recover close to their original contour, unless cracked. Seat trim also masks underlying damage (Severy, 1985). If trajectory or the presence of trace evidence suggest that contact occurred in a padded area, or an area covered with plastic trim, that trim should be removed and the underlying structure examined.

The shape of head contact impressions into the underlying metal structures is generally rounded. Interior trim materials often have stiffnesses exceeding 20,000 N/mm (Willke, 1984). Therefore, an indent into a relatively stiff structure such as a header or roof rail of less than a millimeter(mm) is sufficient to indicate application of a 4500 N force. The only damage to two mmABS trim is likely to be a slight discoloration (whitening) of the back side of the plastic where the trim contacted the underlying metal structure. Pinch weld flanges around door and glazing openings are also excellent candidates for head or torso contact evidence. It may be necessary to remove trim to facilitate inspection of these flanges.

In order to locate the contact damage, if any, it is recommended that the investigator look for trace evidence of occupant movement following the general direction of the PDOF. In a rear impact collision this can be simplified by looking at seat back deformation and clothing abrasions on the seat trim. Generally, the impact points can be found assuming that the seat back deformed an additional 10 to 20° dynamically and then following that deformed plane obliquely rearward and upward. Prior to any trim removal it is suggested that the potential impact areas be inspected and macro photographed. Often the presence of trace evidence such as tissue or hair is transitory. Early photographs aid in preserving the location of that evidence. A map and legend may be useful, as are numbered arrows near the evidence. Other trace evidence that can be transitory includes blood spots. Areas of blood spots should be documented, since they often are near a contact location.

INSPECTION TECHNIQUES

Many neck injury related head contacts are difficult to visualize, given that the impressions are so shallow. A Styrofoam headform can help to show the relationship of a head to the roof interior. A molding template allows for the depth and character of the indent to be measured or drawn to scale.

It can be much easier to visualize trace evidence such as hairs, tissue transfers and blood if the area is in reflected sunlight. It is possible to enhance the ability to observe fibers and transfers using a combination of blue light and orange filtration. The above lighting system is often used for crime scene inspection. Other techniques used in criminology can be used in a multi-disciplinary accident investigation. Luminol® and other reagents are of great assistance in highlighting areas of suspected blood or tissue.

The process of trim removal for inspection should be carefully documented. A written inspection protocol is suggested. Recommended disassembly procedures can be obtained from the service manual for the case vehicle. At each step, both still and video photography are recommended. All pre-disassembly positions of adjustable seats and belt anchors should be documented, and the adjustments should be marked or taped in their as found position.

PROBLEM CONTACT AREAS

Several potential occupant contact areas are extremely resistant to occupant deformation. These areas include roof interiors, sunvisors (particularly in Domestic cars), side and rear window glazing, and seat belt anchors. Roof interiors are particularly a problem in rollover accidents that occur on soft surfaces. The soft surface supports the roof exterior uniformly, increasing the roof outer panel's resistance to denting. Headliners are generally made of a fabric material attached to a Styrofoam substrate. Styrofoam has excellent recovery properties, making head imprints difficult to locate even hours after the collision. Therefore, the most likely evidence of roof interior contact, would be hairs embedded in the fabric of the headliner.

Domestic car sunvisors are quite rigid. Grazing contact may be identified by a slight bending of the front reinforcement. Compression forces are extremely difficult to observe; however, occasionally the front surface of the visor will damage the windshield. The windshield damage will correspond to the inboard visor corner and will likely be a smaller version of the typical head impact "star". Many times occupant contact with the visor can be inferred due to a break or halt in a trail of trace evidence that can be assigned to head movement in the direction of the visor. The consequences of head to visor contact depend on the angle of contact; however, the least likely contact to leave evidence, an edge impact, is particularly likely to lead to a devastating injury, a fracture of the dens (odontoid process). For those interested in the mechanics of dens injury, Bo Althoff wrote an excellent survey of the forces required to fracture this bone and the consequential failure modes and sequelae (Althoff, 1979).

Most modern vehicles use tempered glazing for side and rear windows. Tempered glass is quite strong yet extremely brittle once its elastic limit has been exceeded. Tempered glass is unlikely to be damaged by direct occupant contact. If it is damaged, tempered glass usually separates into small fragments much like rock salt crystals. An inspection of these fragments is generally extremely difficult since the majority scatter both inside and outside the vehicle. Evidence that the careful investigator may find includes tissue transfers on undamaged glazing, blood and tissue on the remaining particles of glass around a window opening, and an outward distortion of the frame which would normally retain the intact glass. It is particularly important to look for transfers of tissue to the side glass in collisions involving inflatable restraint systems. It is not unusual for CNS injuries to occur to small occupants who are projected rearward by the inflating bag when they are directed into contact with the B pillar by the side glass. Occupants in severe rear impact collisions, who are projected into the rear compartment, may receive serious neck injuries from contact with the rear window and rear window header. After the injury producing contact, the glass may shatter. Under this scenario, the glass fragments are sometimes pushed towards the vehicle exterior. The use of a straightedge across the opening can assist in the identification of this evidence.

Seat belt anchors are another contact area that can mask contact damage due to the strength of the underlying structure. Most anchors withstand 9000 to 12000 N without obvious plastic deformation. Damage to the bushing about which the routing loop rotates can be confounding since sloppy installation and damage due to belt loading can also cause bushing damage. An Xray of the pillar taken from the front can expose hidden damage to the routing loop anchor reinforcement. If the routing loop trim cover is available, it may expose similar discoloration from stress as the plastic trim on the interior of pillars and roof rails. Partial removal of the trim permits inspection of the underside where these witness marks may be viewed. Tissue transfers to the loop and trim are also common since the loop concentrates the forces on the head or torso.

An often overlooked contact area is one of the other vehicle passengers. The so called "mother-in-law" injury (Mackay, 1982) can occur in a front or rear impact where either the front or rear seat occupant receives a differing degree of restraint. Frontal injuries to the rear seat passenger should be investigated to determine if they correspond to posterior injuries to a front seat occupant. For example, since the cranial bones are generally stronger than the cervical spine, one should only expect bruising on the rear occupant's head from such a contact, even if the front passenger's spine is compromised.

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Meetings

ASME International

2-591-7037
rAX 212-591-7856

Three Park Avenue
New York, NY 10016-5990
U.S.A.

To: IMECE '99 Chairs, Co-Chairs, Authors and Panelists

From: Jack Schultz, 1999 Technical Program Chair

Re: 1999 International Mechanical Engineering Congress and Exposition, November 14-19, Program Information

Date: September, 1999

We are delighted that you will be participating in this year's International Mechanical Engineering Congress and Exposition at the Opryland Hotel, Nashville, Tennessee on November 14 - 19.

Enclosed for your review is a copy of the detailed program. Please note the time and day of the session in which you are participating. The on-site program will be available at the Registration Desk located on the Ryman Hall/Lower Level. Chairs or Co-Chairs can pick up session information folders for their respective sessions at the Meeting Information Desk located in the Foyer area of the Ryman Exhibit Hall on the Exhibit Level.

All technical sessions, committee meetings and meal functions will be held at the Opryland Hotel. Please refer to the on-site program for exact locations.

You may use the registration form in the enclosed program to pre-register for IMECE '99 at a saving of $30.00 off the on-site registration fee. Any forms received after the **October 15, 1999** deadline will be processed at the higher rate.

ASME policy requires that all participants of the Congress pay the appropriate registration fees. Registration at the conference will be located in Ryman Hall on the Lower Level. We encourage authors scheduled for **7:45 a.m.** sessions on **Monday, November 15** to arrive on **Sunday, November 14** so they can register. (Registration is open on Sunday from 12 noon - 7:00 p.m. and on Monday from 7:30 a.m. - 8:00 p.m.)

To make hotel reservations, please send the hotel form in the enclosed program directly to the Opryland Hotel no later than **October 17, 1999**. For your convenience, the hotel/travel information is enclosed.

A Speakers Practice Room will be located in the Opryland Hotel. Please check the On-Site Program for the exact room location. The Practice Room is useful to speakers for reviewing their slides, running through their presentations, and meeting with other Congress participants. The room will be open from 7:00 a.m. - 8:00 p.m. on Sunday; 6:30 a.m. - 7:00 p.m. Monday thru Thursday; and Friday from 6:30 a.m. - 5:00 p.m.

All Chairs, Co-Chairs, Authors and Panelists should read the enclosed checklist(s) that pertain to their respective functions at the Congress.

In a continuing effort to improve program quality, the International Congress Committee plans to evaluate a sampling of sessions. The evaluations will address the overall session, adherence to duties and responsibilities by the Chairs/Co-Chairs, etc., as well as individual presentations. Results will be kept confidential, but feedback will be provided to the participants.

A Note to Authors: Enclosed is a copy of biographical form M&P 463. These forms are used by session Chairs/Co-Chairs to prepare introductions for authors/panelists. Please **complete** this form and return it to ASME headquarters by **October 15, 1999.**

All session rooms will be equipped with one 35-mm projector, one overhead projector and one screen. A VCR with monitor will be provided if ordered in advance. **Any additional equipment, such as computers, video projectors, etc., will be at your own expense.**

The Business Center is located on Level One of the Presidential Convention Area located in front of the Adam Ballroom. The hours of operation are: Monday - Friday from 7:00 a.m. - 7:00 p.m., Saturday and Sunday 9 a.m.–5 p.m. The Business Center is equipped to service all of your office needs. If you use this service, you must pay the Business Center directly.

We look forward to seeing you at the 1999 Congress. If you have any questions, please do not hesitate to contact June Leach-Barnaby at (212) 591-7795 or leachj@asme.org.

E

DAIMLERCHRYSLER

SAFETY RECALL – CRANKSHAFT POSITION SENSOR

Dear Grand Cherokee Owner:

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

DaimlerChrysler Corporation has decided that a defect, which relates to motor vehicle safety, exists in some **2004 model year Jeep® Grand Cherokee vehicles equipped with a 4.0L engine.**

The problem is...	**The crankshaft position sensor wiring insulation on your vehicle (identified on the enclosed form) may crack and expose the wires to moisture. Moisture on these wires can cause the engine to stall and result in a crash without warning.**
What DaimlerChrysler and your dealer will do...	**DaimlerChrysler will repair your vehicle free of charge (parts and labor).** To do this, your dealer will replace your vehicle's crankshaft position sensor. The work will take about an hour to complete. However, additional time may be necessary depending on how dealer appointments are scheduled and processed.
What you must do to ensure your safety...	➢ **Simply contact your dealer** right away to schedule a service appointment. Ask the dealer to hold the part for your vehicle or to order it before your appointment. ➢ **Bring the enclosed form with you to your dealer.** It identifies the required service to the dealer.
If you need help...	If you have questions or concerns which your dealer is unable to resolve, please contact DaimlerChrysler at 1-800-853-1403.

If you have already experienced a crankshaft position sensor failure and have paid to have it repaired, you may send your original receipts and/or other adequate proof of payment to the following address for reimbursement: DaimlerChrysler, P.O. Box 610207, Port Huron, MI 48061-0207, Attention: Reimbursement.

If your dealer fails or is unable to remedy this defect without charge and within a reasonable time, you may submit a written complaint to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590, or call the toll-free Auto Safety Hotline at 1-888-327-4236.

We're sorry for any inconvenience, but we are sincerely concerned about your safety. Thank you for your attention to this important matter.

Customer Services Field Operations
DaimlerChrysler Corporation
D13

Buckle up for Safety

<u>Note to lessors receiving this recall:</u> Federal regulation requires that you forward this recall notice to the lessee within 10 days.

DAIMLERCHRYSLER

DaimlerChrysler Corporation
Stephan J. Speth
Director
Vehicle Compliance & Safety Affairs

March 16, 2004

Mr. Kenneth N. Weinstein
Associate Administrator, Safety Assurance
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

Dear Mr. Weinstein:

Reference: NHTSA Identification Number 04V-112

Enclosed are representative copies of communications relating to the 2004 model year vehicles involved in the referenced recall. DaimlerChrysler expects to begin owner notification during the week of March 29, 2004. The exact number of manufactured vehicles in the recall is 15,543.

The involved Vehicle Identification Number range is:

Low	High
4C273334	4C364203

(VIN last eight characters) - 4 = 2004 model year; C = Jefferson North Assembly Plant, Detroit, Michigan; and the last six digits = sequential number.

We caution that the above range represents only the lowest and highest VIN sequential numbers included in the recall. This range cannot be used to determine conclusively that a vehicle is involved in the recall because most vehicles with a VIN within the range are not affected by the recall.

This completes DaimlerChrysler's package of information for this recall as required by the Defects Report Regulation.

Sincerely,

S. J. Speth

Stephan J. Speth, Director
Vehicle Compliance and Safety Affairs

Enclosure: Recall #D13

cc: K. C. DeMeter

DaimlerChrysler Corporation
800 Chrysler Drive CIMS 482-00-91
Auburn Hills MI USA 48326-2757
Phone 248.512.4188
Fax 248.576.7321
e-mail sjs6@daimlerchrysler.com

DAIMLERCHRYSLER

March 2004

Dealer Service Instructions for:

Safety Recall No. B13
Crankshaft Position Sensor

Models

2004 (WJ) Jeep® Grand Cherokee

*NOTE: This recall applies only to the above vehicles equipped with a 4.0L engine built from December 16, 2003 through February 6, 2004 (**MDH 121606 through 020622**).*

IMPORTANT: Many of the vehicles within the above build period have already been repaired and, therefore, have been excluded from this recall.

IMPORTANT: Some of the involved vehicles may be in dealer new vehicle inventory. Federal law requires you to stop sale and complete this recall service on these vehicles before retail delivery. Dealers should also consider this requirement to apply to used vehicle inventory and should perform this recall on vehicles in for service. Involved vehicles can be determined by using the VIP inquiry process.

Subject

The crankshaft position sensor wiring insulation on about 15,500 of the above vehicles may crack and expose the wires to moisture. Moisture on these wires can cause the engine to stall and result in a crash without warning.

Repair

The crankshaft position sensor must be replaced.

Parts Information

Part Number	Description
CBB0D130	**Sensor, Crankshaft Position**

Each dealer to whom vehicles in the recall were invoiced will receive enough crankshaft position sensors to service about 10% of those vehicles.

Service Procedure

1. Open the hood
2. Disconnect the negative battery cable.
3. Disconnect the wiring harness on the crankshaft position sensor from the engine wiring harness.

   NOTE: The crankshaft position sensor connector is located on the passenger side of the engine compartment next to the transmission dipstick tube.

4. Remove the crankshaft position sensor connector and retaining clip from the retaining bracket.
5. Raise the vehicle on an appropriate hoist.
6. Place a transmission jack under the transmission crossmember.

Service Procedure (Continued)

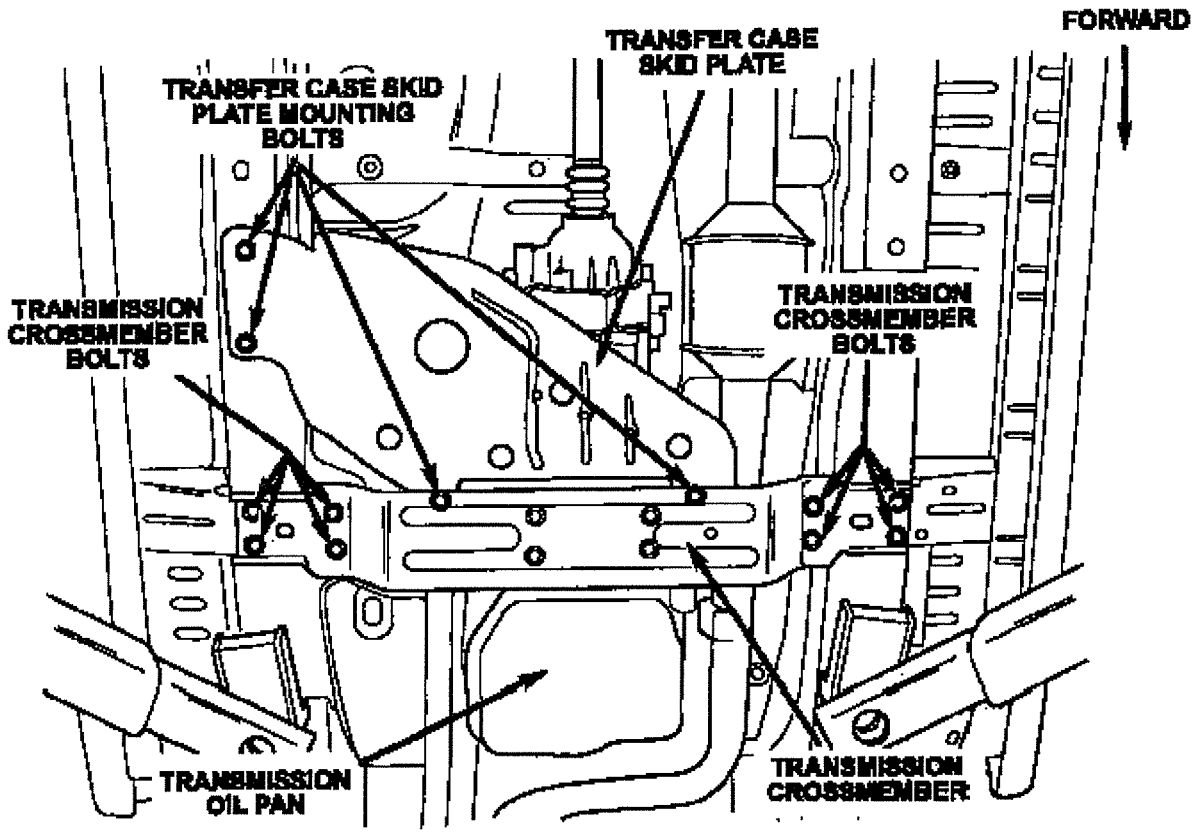

Figure 1

7. If equipped, remove the transfer case skid plate (Figure 1).

8. Remove the eight (8) transmission crossmember bolts (Figure 1).

9. Using the transmission jack, lower the rear of the transmission approximately three (3) inches.

10. Using a 7/16" (11mm) swivel socket and a 36" long 3/8" drive extension, remove the crankshaft position sensor mounting bolt and wiring shield from the transmission bellhousing (Figure 2).

11. Remove and discard the old crankshaft position sensor.

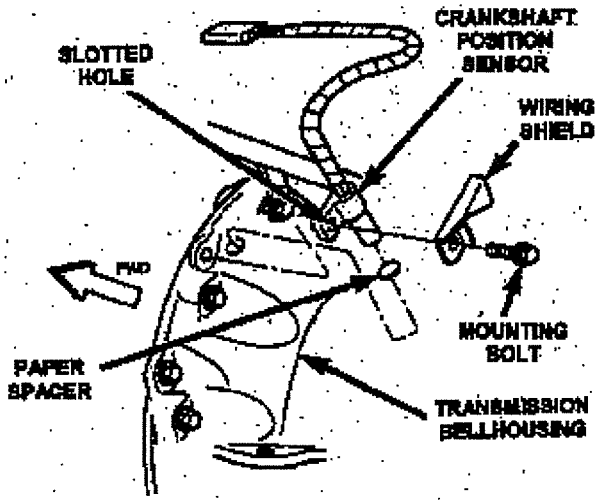

Figure 2

Service Procedure (Continued)

12. Verify that the paper spacer is on the end of the new crankshaft position sensor (Figure 3).

13. Using electrical tape, tape the wiring shield to the sensor wiring conduit to hold the shield in position during sensor installation (Figure 4).

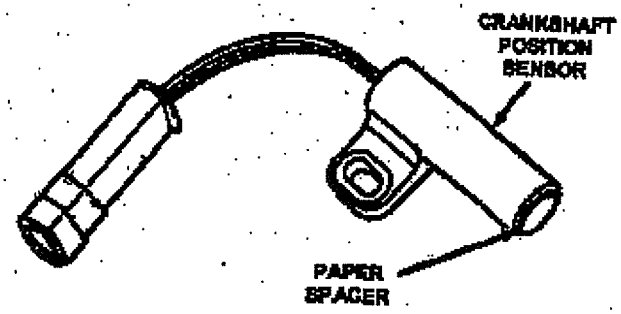

Figure 3

14. Position the new crankshaft position sensor into the transmission bellhousing and install the wiring shield and sensor mounting bolt finger tight (Figure 2).

15. Gently push the crankshaft position sensor until the paper spacer contacts the outer edge of the flywheel.

16. While gently pushing the crankshaft position sensor against the flywheel, tighten the sensor mounting bolt to 60 in. lbs. (7 N·m).

    NOTE: The paper spacer is glued to the bottom of the crankshaft position sensor to correctly position the sensor from the flywheel. After the engine has been started the temporary paper spacer will be sheared off.

17. Route the crankshaft position sensor wiring along the top of the bellhousing.

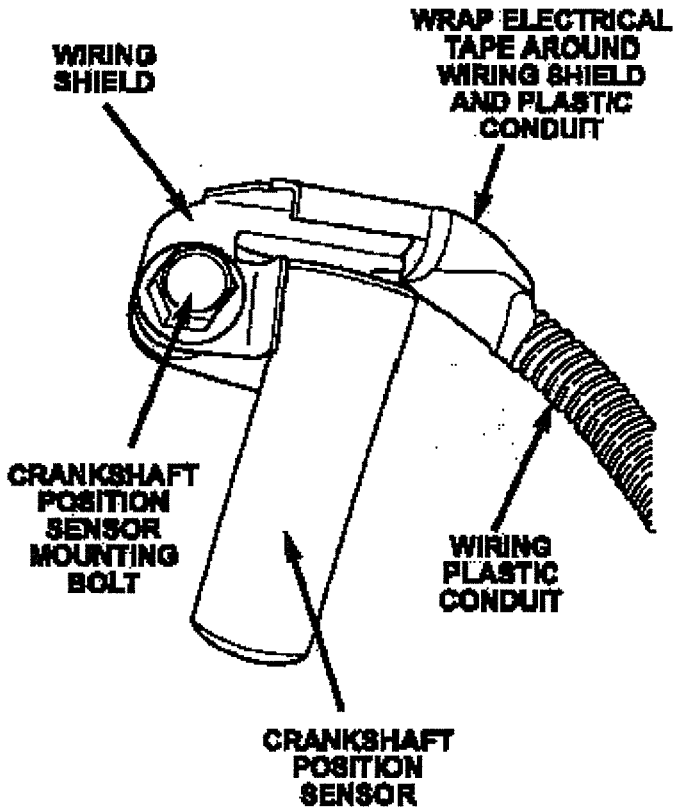

Figure 4

Service Procedure (Continued)

18. Using the transmission jack, raise the transmission back into position and install the transmission crossmember bolts. Tighten the crossmember bolts to 30 ft. lbs. (41 N·m) (Figure 1).

19. Remove the transmission jack from under the vehicle.

20. If equipped, install the transfer case skid plate. Tighten the bolts to 30 ft. lbs. (41 N·m) (Figure 1).

21. Lower the vehicle from the hoist.

22. Connect the crankshaft position sensor wiring pigtail to the engine wiring harness.

23. Install the crankshaft position sensor connector retaining clip to the retaining bracket.

24. Connect the negative battery cable.

Completion Reporting and Reimbursement

Claims for vehicles that have been serviced must be submitted on the DIAL System or on the DealerCONNECT Claim Entry Screen located on the Service tab. Claims submitted will be used by DaimlerChrysler to record recall service completions and provide dealer payments.

Use the following labor operation number and time allowance:

	Labor Operation Number	Time Allowance
Replace the crankshaft position sensor	08-D1-31-82	0.7 hours

Add the cost of the recall part plus applicable dealer allowance to your claim.

NOTE: See the Warranty Administration Manual, Recall Claim Processing Section, for complete recall claim processing instructions.

Parts Return

Not required.

Dealer Notification and Vehicle List

All dealers will receive a copy of this dealer recall notification letter by DMAIL and by first class mail. Two additional copies will be sent through the DCMMS. DealerCONNECT will be updated to include this recall in the near future.

Vehicle Lists, Global Recall System, VIP and Dealer Follow up

All involved vehicles have been entered into the DealerCONNECT Global Recall System (GRS) and Vehicle Information Plus (VIP) for dealer inquiry as needed. Involved dealers were also mailed a copy of their vehicle (VIN) list with the dealer recall notification letter.

GRS provides involved dealers with an updated VIN list of their incomplete vehicles. The owner's name, address and phone number are listed if known. Completed vehicles are removed from GRS within several days of repair claim submission.

To use this system, click on the **"Service"** tab and then click on **"Global Recall System."** Your dealer's VIN list for each recall displayed can be sorted by: those vehicles that were unsold at recall launch, those with a phone number, city, zip code, or VIN sequence.

Dealers must perform this repair on all unsold vehicles *before* retail delivery. Dealers should also use the VIN list to follow up with all owners to schedule appointments for this repair.

Recall VIN lists may contain confidential, restricted owner name and address information that was obtained from the Department of Motor Vehicles of various states. Use of this information is permitted for this recall only and is strictly prohibited from all other use.

Owner Notification and Service Scheduling

All involved vehicle owners known to DaimlerChrysler are being notified of the service requirement by first class mail. They are requested to schedule appointments for this service with their dealers. A copy of the owner letter is attached.

Enclosed with each owner letter is an Owner Notification Form. The involved vehicle and recall are identified on the form for owner or dealer reference as needed.

Additional Information

If you have any questions or need assistance in completing this action, please contact your Service and Parts District Manager.

Customer Services Field Operations
DaimlerChrysler Corporation

DAIMLERCHRYSLER

SAFETY RECALL – CRANKSHAFT POSITION SENSOR

Dear Grand Cherokee Owner:

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

DaimlerChrysler Corporation has decided that a defect, which relates to motor vehicle safety, exists in some **2004 model year Jeep® Grand Cherokee vehicles equipped with a 4.0L engine.**

The problem is...	**The crankshaft position sensor wiring insulation on your vehicle** (identified on the enclosed form) **may crack and expose the wires to moisture. Moisture on these wires can cause the engine to stall and result in a crash without warning.**
What DaimlerChrysler and your dealer will do...	**DaimlerChrysler will repair your vehicle free of charge (parts and labor).** To do this, your dealer will replace your vehicle's crankshaft position sensor. The work will take about an hour to complete. However, additional time may be necessary depending on how dealer appointments are scheduled and processed.
What you must do to ensure your safety...	➢ Simply **contact your dealer** right away to schedule a service appointment. Ask the dealer to hold the part for your vehicle or to order it before your appointment. ➢ **Bring the enclosed form with you to your dealer.** It identifies the required service to the dealer.
If you need help...	If you have questions or concerns which your dealer is unable to resolve, please contact DaimlerChrysler at 1-800-853-1403.

If you have already experienced a crankshaft position sensor failure and have paid to have it repaired, you may send your original receipts and/or other adequate proof of payment to the following address for reimbursement: DaimlerChrysler, P.O. Box 610207, Port Huron, MI 48061-0207, Attention: Reimbursement.

If your dealer fails or is unable to remedy this defect without charge and within a reasonable time, you may submit a written complaint to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590, or call the toll-free Auto Safety Hotline at 1-888-327-4236.

We're sorry for any inconvenience, but we are sincerely concerned about your safety. Thank you for your attention to this important matter.

Customer Services Field Operations
DaimlerChrysler Corporation
D13

Buckle up for Safety

Note to lessors receiving this recall: Federal regulation requires that you forward this recall notice to the lessee within 10 days.

Form Approved O.M.B. No. 2-25-0006

U.S. Department of Transportation
National Highway Traffic Safety Administration

DOT Auto Safety Hotline

Vehicle Owner's Questionnaire (VOQ)

NATIONWIDE 1-888-DASH-2-DOT
1-888-327-4236
www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 258	
Date Received	Od_or ____ ____
10-APR-2000	rt_dt ____ ____
	od_rt ____ ____
	up_ltr ____ ____
Reference No.	
721243	

[redacted]

Do you authorize NHTSA to provide a copy of report to the manufacturer of your vehicle? ☐ YES ☐ NO
In the absence of an authorization, NHTSA WILL NOT provide your name and address to the vehicle manufacturer.

Signature of Owner _____ Date___/___/___

VEHICLE INFORMATION

Vehicle Ident. No. (VIN.) (located at bottom of windshield on driver's side)	Vehicle Make	Vehicle Model	Vehicle Year	Current Odometer Reading
1J4GW58N7YC[redacted]	JEEP	GRAND CHEROKE	2000	

Purchase Date: 01-SEP-1999 ☒ New ☐ Used

Dealer's Name _____
City _____ State _____ Zip Code _____

Engine Size (CID/CC/L) V8
No Cylinders _____

☐ Turbo ☐ Diesel ☐ Gas ☐ Fuel Injection

Transmission Type	Antilock Brakes	Restraint System	Cruise Control	Drive Train	Vehicle Type	Body Style
☐ Manual ☐ Automatic	☒ Yes ☐ No	☐ 3-Point Belt ☐ Motorbelt ☐ Driverside Airbag ☐ 2-Point Belt ☐ Passengerside Airbag	☒ Yes ☐ No	☐ Front ☐ Rear ☒ 4-Wheel	☐ Car ☐ Sport Ult ☐ Van ☐ Truck ☐ Minivan ☐ Motorcycle ☐ Other_____	☐ 2-Door ☐ 4-Door ☐ Stationwagon ☐ Pick Up Truck ☒ Other_____

FAILED COMPONENT(S)/PART(S) INFORMATION

Component	Part Name(s)	Location	Failed Part(s)
05100000	ENGINE	☐ Left ☐ Right ☐ Front ☐ Rear	☐ Original ☐ Replacement

No of Failures	Date(s) of Failure(s) / Mileage at Failure(s) / Vehicle Speed at Failure(s)	Failed Part(s) Available?	NHTSA Previously Contacted?
4	07-APR-2000 / 4000 / 20	☐ Yes ☐ No	☐ Yes ☐ No

APPLICATION INCIDENT INFORMATION

(Please describe in detail the incident(s), Failure(s), Crash(es), and injury(ies) on the back of this form)

Crash	Fire	Number of Persons Injured	Number of Fatalities	Estimated Property Damage	Reported to Police
☐ Yes ☐ No	☐ Yes ☒ No	0	0		☐ Yes ☒ No

NARRATIVE DESCRIPTION OF FAILURE(S), INCIDENT(S), INJURY(IES)

THIS AUTOMOBILE SHUTS OFF THE ENGINE WHILE DRIVING. THERE ARE NO MECHANICAL INDICATORS OF THE PROBLEM. THIS IS THE 3RD TIME THAT THE CAR HAS SIMPLY SHUT OFF WHILE DRIVING. THIS IS A VERY DANGEROUS OCCURRENCE. *AK

CONTINUED ON NEXT PAGE

Form Approved O.M.B. No. 2127-0029

U.S. Department of Transportation
National Highway Traffic Safety Administration

DOT Auto Safety Hotline

Vehicle Owner's Questionnaire (VOQ)

NATIONWIDE 1-888-DASH-2-DOT
1-888-327-4236
www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 258

Date Received: 09-MAY-2000

Od_or ____ ____
rt_dt ____ ____
od_rt ____ ____
up_ltr ____ ____

Reference No. 722456

[redacted]

Do you authorize NHTSA to provide a copy of report to the manufacturer of your vehicle? ☐ YES ☐ NO
In the absence of an authorization, NHTSA WILL NOT provide your name and address to the vehicle manufacturer.

Signature of Owner _____ Date____/____/____

VEHICLE INFORMATION

Vehicle Ident. No. (VIN.) (located at bottom of windshield on driver's side)	Vehicle Make	Vehicle Model	Vehicle Year	Current Odometer Reading
1J4GW58N2YC[redacted]	JEEP	GRAND CHEROKE	2000	

Purchase Date: 01-APR-2000 ☒ New ☐ Used

Dealer's Name _____
City _____ State _____ Zip Code _____

Engine Size (CID/CC/L) 4.7L
No Cylinders _____

☐ Turbo ☐ Diesel ☐ Gas ☒ Fuel Injection

Transmission Type	Antilock Brakes	Restraint System	Cruise Control	Drive Train	Vehicle Type	Body Style
☐ Manual ☐ Automatic	☒ Yes ☐ No	☒ 3-Point Belt ☐ Motorbelt ☐ Driverside Airbag ☐ 2-Point Belt ☐ Passengerside Airbag	☒ Yes ☐ No	☐ Front ☐ Rear ☒ 4-Wheel	☐ Car ☐ Sport Utl ☐ Van ☐ Truck ☐ Minivan ☐ Motorcycle ☐ Other_____	☐ 2-Door ☐ 4-Door ☐ Stationwagon ☐ Pick Up Truck ☒ Other_____

FAILED COMPONENT(S)/PART(S) INFORMATION

Component	Part Name(s)	Location	Failed Part(s)
05100000	ENGINE	☐ Left ☐ Right ☐ Front ☐ Rear	☐ Original ☐ Replacement

No of Failures	Date(s) of Failure(s) / Mileage at Failure(s) / Vehicle Speed at Failure(s)	Failed Part(s) Available?	NHTSA Previously Contacted?
2	29-APR-2000 / 520 / 10	☐ Yes ☐ No	☐ Yes ☐ No

APPLICATION INCIDENT INFORMATION

(Please describe in detail the incident(s), Failure(s), Crash(es), and injury(ies) on the back of this form)

Crash	Fire	Number of Persons Injured	Number of Fatalities	Estimated Property Damage	Reported to Police
☐ Yes ☐ No	☐ Yes ☒ No				☐ Yes ☒ No

NARRATIVE DESCRIPTION OF FAILURE(S), INCIDENT(S), INJURY(IES)

WHILE DRIVING, ENGINE STOPS AND LOCKS THE STEERING WHEEL RESULTING NO CONTROL ON THE JEEP.

CONTINUED ON NEXT PAGE

The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond this questionnaire. Your response may be used to assist the NHTSA in determining whether a manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

Form Approved O.M.B. No. 2127-0008

U.S. Department of Transportation
National Highway Traffic Safety Administration

DOT Auto Safety Hotline

Vehicle Owner's Questionnaire (VOQ)

NATIONWIDE 1-888-DASH-2-DOT
1-888-327-4236
www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 258	
Date Received	Od_or ____ ____
19-SEP-2000	rt_dt ____ ____
	od_rt ____ ____
	up_ltr ____ ____
Reference No.	
731850	

[redacted]

Do you authorize NHTSA to provide a copy of report to the manufacturer of your vehicle? ☐ *YES* ☐ *NO*
In the absence of an authorization, NHTSA WILL NOT provide your name and address to the vehicle manufacturer.

Signature of Owner _____ Date____/____/____

VEHICLE INFORMATION

Vehicle Ident. No. (VIN.) (located at bottom of windshield on driver's side)	Vehicle Make	Vehicle Model	Vehicle Year	Current Odometer Reading
1J4GW48NXYC[redacted]	JEEP	GRAND CHEROKE	2000	

Purchase Date	Dealer's Name / City / State / Zip Code	Engine Size (CID/CC/L) / No Cylinders	
01-AUG-2000			☐ Turbo ☐ Diesel ☐ Gas ☒ Fuel Injection
☒ New ☐ Used	City_____ State_____ Zip Code_____		

Transmission Type	Antilock Brakes	Restraint System	Cruise Control	Drive Train	Vehicle Type	Body Style
☐ Manual ☐ Automatic	☒ Yes ☐ No	☐ 3-Point Belt ☐ Motorbelt ☐ Driverside Airbag ☐ 2-Point Belt ☐ Passengerside Airbag	☒ Yes ☐ No	☐ Front ☐ Rear ☒ 4-Wheel	☐ Car ☐ Sport Ut ☐ Van ☐ Truck ☐ Minivan ☐ Motorcycle ☐ Other_____	☐ 2-Door ☒ 4-Door ☐ Stationwagon ☐ Pick Up Truck ☐ Other_____

FAILED COMPONENT(S)/PART(S) INFORMATION

Component	Part Name(s)	Location	Failed Part(s)
05100000	ENGINE	☐ Left ☐ Right ☐ Front ☐ Rear	☐ Original ☐ Replacement

No of Failures	Date(s) of Failure(s) / Mileage at Failure(s) / Vehicle Speed at Failure(s)	Failed Part(s) Available?	NHTSA Previously Contacted?
1	Date(s) of Failure(s) 15-SEP-2000 Mileage at Failure(s) 825 Vehicle Speed at Failure(s) 5	☐ Yes ☐ No	☐ Yes ☐ No

APPLICATION INCIDENT INFORMATION

(Please describe in detail the incident(s), Failure(s), Crash(es), and injury(ies) on the back of this form)

Crash	Fire	Number of Persons Injured	Number of Fatalities	Estimated Property Damage	Reported to Police
☐ Yes ☐ No	☐ Yes ☒ No				☐ Yes ☒ No

NARRATIVE DESCRIPTION OF FAILURE(S), INCIDENT(S), INJURY(IES)

ENGINE STALLED WHILE DRIVING RESULTING IN COMPLETE LOSS OF POWER WHICH LOCKED UP THE BRAKES AND STEERING.

CONTINUED ON REVERSE

The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond this questionnaire. Your response may be used to assist the NHTSA in determining whether a manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

Form Approved O.M.B. No. 2127-0008

U.S. Department of Transportation
National Highway Traffic Safety Administration

DOT Auto Safety Hotline

Vehicle Owner's Questionnaire (VOQ)

NATIONWIDE 1-888-DASH-2-DOT
1-888-327-4236
www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 258

Date Received: 19-SEP-2000

od_or ____ ____
rt_dt ____ ____
od_rt ____ ____
up_ltr ____ ____

Reference No. 731920

[redacted]

Do you authorize NHTSA to provide a copy of report to the manufacturer of your vehicle? ☐ YES ☐ NO
In the absence of an authorization, NHTSA WILL NOT provide your name and address to the vehicle manufacturer.

Signature of Owner _____ Date ___/___/___

VEHICLE INFORMATION

Vehicle Ident. No. (VIN.) (located at bottom of windshield on driver's side)	Vehicle Make	Vehicle Model	Vehicle Year	Current Odometer Reading
1J4G248S3YC[redacted]	JEEP	GRAND CHEROKE	2000	

Purchase Date: 01-FEB-2000
☒ New ☐ Used

Dealer's Name _____
City _____ State _____ Zip Code _____

Engine Size (CID/CC/L) _____
No Cylinders _____

☐ Turbo
☐ Diesel
☐ Gas
☒ Fuel Injection

Transmission Type	Antilock Brakes	Restraint System	Cruise Control	Drive Train	Vehicle Type	Body Style
☐ Manual ☐ Automatic	☒ Yes ☐ No	☐ 3-Point Belt ☐ Driverside Airbag ☐ Passengerside Airbag ☐ Motorbelt ☐ 2-Point Belt	☐ Yes ☒ No	☒ Front ☐ Rear ☐ 4-Wheel	☐ Car ☐ Van ☐ Minivan ☐ Other _____ ☐ Sport Ult ☐ Truck ☐ Motorcycle	☐ 2-Door ☐ 4-Door ☐ Stationwagon ☐ Pick Up Truck ☒ Other _____

FAILED COMPONENT(S)/PART(S) INFORMATION

Component	Part Name(s)	Location	Failed Part(s)
05100000 08310000	ENGINE ELECTRICAL SYSTEM:WIRING:HARNESS:FRONT:UNDERHOOD	☐ Left ☐ Right ☐ Front ☐ Rear	☐ Original ☐ Replacement

No of Failures	Date(s) of Failure(s) / Mileage at Failure(s) / Vehicle Speed at Failure(s)	Failed Part(s) Available?	NHTSA Previously Contacted?
1	16-SEP-2000 5919 60	☐ Yes ☐ No	☐ Yes ☐ No

APPLICATION INCIDENT INFORMATION

(Please describe in detail the incident(s), Failure(s), Crash(es), and injury(ies) on the back of this form)

Crash	Fire	Number of Persons Injured	Number of Fatalities	Estimated Property Damage	Reported to Police
☐ Yes ☐ No	☐ Yes ☒ No				☐ Yes ☒ No

NARRATIVE DESCRIPTION OF FAILURE(S), INCIDENT(S), INJURY(IES)

VEHICLE WAS COMPLETELY SHUT DOWN BY COMPUTER WHILE TRAVELLING 60MPH ON FREEWAY, RESULTING IN SEVERAL NEAR COLLISIONS AT HIGH SPEED -- A CAM SENSOR FAILURE, ACCORDING TO THE DEALER.

CONTINUED ON NEXT PAGE

U.S. Department of Transportation
National Highway Traffic Safety Administration

Auto Safety Hotline

Vehicle Owner's Questionnaire

NATIONWIDE 1-800-424-9393
DC METRO AREA (202) 366-0123
INTERNET: http://www.nhtsa.dot.gov

FOR AGENCY USE ONLY 258

Date Received: 18-JUN-2001

Od_or ____ ____
ft_dt ____ ____
od_rt ____ ____
op_ltr ____ ____

Reference No.: 746995

[redacted]

Do you authorize NHTSA to provide a copy of report to the manufacturer of your vehicle? ☐ *YES* ☐ *NO*
In the absence of an authorization, NHTSA WILL NOT provide your name and address to the vehicle manufacturer.

Signature of Owner _____ **Date**____/____/____

VEHICLE INFORMATION

Vehicle Ident. No. (VIN.)	Vehicle Make	Vehicle Model	Vehicle Year	Current Odometer Readin
1J4GW58N7YC[redacted]	JEEP	GRAND CHEROKE	2000	

Purchase Dat				
01-JUL-2000	Dealer's Name_____	Engine Size (CID/CC/L 4.7L	☐ Turbo	
☒ New ☐ Used	City_____ State_____ Zip Code_____	No Cylinders _____	☐ Diesel ☐ Gas ☒ Fuel Injectio	

Transmission Type	Antilock Brakes	Restraint System	Cruise Contro	Drive Trai	Vehicle Type	Body Style
☐ Manual ☐ Automatic	☒ Yes ☐ No	☐ 3-Point Belt ☐ Motorbelt ☐ Driverside Airbag ☐ 2-Point Bel ☐ Passengerside Airbag	☒ Yes ☐ No	☐ Front ☐ Rear ☒ 4-Wheel	☐ Car ☐ Sport Ult ☐ Van ☐ Truck ☐ Minivan ☐ Motorcycle ☐ Other_____	☐ 2-Door ☐ 4-Door ☐ Stationwagon ☐ Pick Up Truck ☒ Other_____

FAILED COMPONENT(S)/PART(S) INFORMATION

Component	Part Name(s	Location	Failed Part(s
05100000	ENGINE	☐ Left ☐ Right ☐ Front ☐ Rear	☐ Original ☐ Replacement

No of Failure		Failed Part(s)	NHTSA Previously
	Date(s) of Failure(s) 04-AUG-2000 Mileage at Failure(s) 1000 0	☐ Yes ☐ No	☐ Yes ☐ No

APPLICATION INCIDENT INFORMATION

(Please describe in detail the incident(s), Failure(s), Crash(es), and Injury(ies) on the back of this form)

Crash	Fire	Number of Persons Injured	Number of Fatalitie	Estimated Property Damag	Reported to Polic
☐ Yes ☐ No	☐ Yes ☒ No				☐ Yes ☒ No

NARRATIVE DESCRIPTION OF FAILURE(S), INCIDENT(S), INJURY(IES)

VEHICLE STALLS WHEN STOPPED WITH BRAKES APPLIED, CHRYSLER SAYS THIS IS NOT A SAFETY PROBLEM AND DOES NOT AFFECT PERFORMANCE OF THE VEHICLE. *AK

CONTINUED ON REVERSE

U.S. Department of Transportation
National Highway Traffic Safety Administration

Auto Safety Hotline

Vehicle Owner's Questionnaire

NATIONWIDE 1-800-424-9393
DC METRO AREA (202) 366-0123
INTERNET: http://www.nhtsa.dot.gov

FOR AGENCY USE ONLY 258

Date Received: 03-MAR-2002

Od_or
rt_dt
od_rt
op_ltr

Reference No.: 758883

[redacted]

Do you authorize NHTSA to provide a copy of report to the manufacturer of your vehicle? ☐ YES ☐ NO
In the absence of an authorization, NHTSA WILL NOT provide your name and address to the vehicle manufacturer.

Signature of Owner _____ **Date**____/____/____

VEHICLE INFORMATION

Vehicle Ident. No. (VIN.)	Vehicle Make	Vehicle Model	Vehicle Year	Current Odometer Readin
1J4GW48S0YC[redacted]	JEEP	GRAND CHEROKE	2000	

Purchase Dat: 01-NOV-2001 ☐ New ☒ Used

Dealer's Name_____ City_____ State_____ Zip Code_____

Engine Size (CID/CC/L _____ No Cylinders _____

☐ Turbo ☐ Diesel ☐ Gas ☒ Fuel Injectio

Transmission Type	Antilock Brakes	Restraint System	Cruise Contro	Drive Trai	Vehicle Type	Body Style
☐ Manual ☐ Automatic	☒ Yes ☐ No	☒ 3-Point Belt ☐ Motorbelt ☐ Driverside Airbag ☐ 2-Point Bel ☐ Passengerside Airbag	☒ Yes ☐ No	☐ Front ☐ Rear ☒ 4-Wheel	☐ Car ☐ Sport Ult ☐ Van ☐ Truck ☐ Minivan ☐ Motorcycle ☐ Other_____	☐ 2-Door ☐ 4-Door ☐ Stationwagon ☐ Pick Up Truck ☒ Other_____

FAILED COMPONENT(S)/PART(S) INFORMATION

Component	Part Name(s	Location	Failed Part(s
05100000	ENGINE	☐ Left ☐ Right ☐ Front ☐ Rear	☐ Original ☐ Replacement

No of Failure	Date(s) of Failure(s)	Failed Part(s)	NHTSA Previously
1	23-FEB-2002	☐ Yes ☐ No	☐ Yes ☐ No
	Mileage at Failure(s 30769		
	Vehicle Speed at Failure(s) 45		

APPLICATION INCIDENT INFORMATION

(Please describe in detail the inc dent(s), Failure(s), Crash(es), and Injury(ies) on the back of th s form)

Crash	Fire	Number of Persons Injured	Number of Fatalitie	Estimated Property Damag	Reported to Polic
☐ Yes ☐ No	☐ Yes ☒ No				☐ Yes ☒ No

NARRATIVE DESCRIPTION OF FAILURE(S), INCIDENT(S), INJURY(IES)

I WAS DRIVING AT ABOUT 40-45MPH, AND SUDDENLY THE STEERING GOT INCREDIBLY STIFF. THE VEHICLE HAD STALLED. I MANAGED TO PULL OFF TO THE SIDE OF THE ROAD AND TRIED TO TURN IT BACK ON. IT CRANKED, BUT WOULDN'T TURN OVER. I CALLED JEEP, AND HAD IT TOWED BACK TO THE DEALERSHIP. THEY TOLD US IT WAS THE GEAR ON THE CAM SPEED SENSOR. THE MECHANIC SHOWED US WHAT HE SAID WAS THE CAM SENSOR. SEVERAL OF THE TEETH ON THE GEAR WERE SHORN OFF. WE ASKED TO KEEP THE BAD PART, AND THEY SAID THAT WAS NOT ALLOWED. I'M AFRAID THE SAME THING WILL HAPPEN WHILE I AM DRIVING ON THE HIGHWAY. *AK