

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

1 Rick Gaxiola, Esq. SBN 138498
2 LAW OFFICES OF VICTOR S. PALACIOS
3 8554 Nuevo Avenue
4 Fontana, California 92335
5 (909) 356-9695

COPY

FILED-Central District
SUPERIOR COURT
SAN BERNARDINO COUNTY
JUL 18 2002

6 ATTORNEYS FOR PLAINTIFFS NO SUBMISIONS ISSUED By K. Callina Deputy

7 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
8 COUNTY OF SAN BERNARDINO - SAN BERNARDINO DISTRICT

11 DORITA RAMSEY, individually and
12 as Guardian ad Litem for Tony Eon
Lennan, a minor,

CASE NO. **SCVSS** 092363

13 Plaintiffs,
14 vs.
15 DAIMLER CHRYSLER
16 CORPORATION, and DOES 1
17 through 100, Inclusive,
18 Defendants.

COMPLAINT FOR DAMAGES
(Wrongful Death)

19 FACTUAL BACKGROUND

20 On or about July 20, 2001, Plaintiffs' Decedent, CAROL MARIE JEX, was
21 operating a 1994 Jeep Grand Cherokee westbound on the San Bernardino Freeway,
22 Interstate 10, in the City of Fontana. Plaintiffs' Decedent was struck by another vehicle.
23 The force of the impact caused Plaintiffs' Decedent's Cherokee to explode into flames.
24 Plaintiffs' Decedent was killed as a result of the fire. Plaintiffs' Decedent is survived by
25 her mother, Plaintiff Dorita Ramsey, and by her son, Tony Eon Lennan, a minor.
26 Plaintiff Dorita Ramsey acts as minor Tony Eon Lennan's Guardian ad Litem.

1 FIRST CAUSE OF ACTION

2 NEGLIGENCE

3 COME NOW THE PLAINTIFFS, DORITA RAMSEY, INDIVIDUALLY AND AS
4 GUARDIAN AD LITEM FOR TONY EON LENNAN, A MINOR, AND FOR A FIRST
5 CAUSE OF ACTION FOR NEGLIGENCE AGAINST DEFENDANTS, DAIMLER
6 CHRYSLER CORPORATION, AND DOES 1 THROUGH 100, INCLUSIVE, AND
7 EACH OF THEM, ALLEGES AS FOLLOWS:

8
9 1. The true names and capacities, whether individual, corporate, associate or
10 otherwise, of Defendants DAIMLER CHRYSLER CORPORATION, and DOES 1
11 through 100, inclusive, are unknown to Plaintiffs, who therefore sue said Defendants
12 by said fictitious names. Plaintiffs are informed and believe, and thereon allege, that
13 each of said Defendants is negligently or otherwise responsible in some manner for the
14 events and happenings herein referred to, and negligently or otherwise caused injuries
15 and damages proximately thereby to the Plaintiffs as herein alleged.

16
17 2. Plaintiffs are uncertain as to the true names and status of DOES 1 through
18 100, inclusive, or whether said Defendants are corporations, general partnerships,
19 limited partnerships, unincorporated associations, or otherwise. Plaintiff is informed and
20 believes, and thereon alleges, that said Defendants are duly licensed to do business,
21 and were and are doing business, under and by virtue of the laws of the State of
22 California, and in the County of San Bernardino. When the true status of said
23 Defendants is ascertained, Plaintiffs pray leave of this court to amend this complaint
24 accordingly.

25
26 3. At all times herein mentioned, all of the Defendants were the agents, servants
27 and employees of all the other Defendants, and at all of said times were acting in the
28 course and scope of their said agency, service and employment.

1 4. At all times herein mentioned, Defendants, DAIMLER CHRYSLER
2 CORPORATION, and DOES 1 through 100, inclusive, and each of them, were engaged
3 in the business of manufacturing, designing, assembling, compounding, testing,
4 inspecting, packaging, labeling, fabricating, constructing, analyzing, distributing,
5 servicing, merchandising, recommending, advertising, promoting, marketing and selling
6 a certain 1994 Jeep Grand Cherokee and its component parts and constituents, for
7 resale to and use by members of the general public for the purpose of use as an
8 automobile.

9
10 5. At all times herein mentioned, Defendants DAIMLER CHRYSLER
11 CORPORATION and DOES 21 through 30, inclusive, and each of them, were engaged
12 in the business of distributing, supplying and selling the said 1994 Jeep Grand
13 Cherokee and its component parts and constituents to retail outlets, so that same could
14 be resold to the public by the said retail outlets.

15
16 6. At all times herein mentioned, Defendants DAIMLER CHRYSLER
17 CORPORATION and DOES 31 through 40, inclusive, and each of them, were engaged
18 in the business of selling at retail to members of the general public the said 1994 Jeep
19 Grand Cherokee which was to be used by the general public for the purpose of use as
20 an automobile.

21
22 7. At all times herein mentioned, Defendants, and each of them, knew, or in the
23 exercise of ordinary and reasonable care should have known, that the said 1994 Jeep
24 Grand Cherokee was a product of such a nature that if it was not properly
25 manufactured, designed, assembled, compounded, tested, inspected, packaged,
26 labeled, fabricated, constructed, analyzed, distributed, serviced, merchandised,
27 recommended, advertised, promoted, marketed and sold, for the use and purpose for
28 which it was intended, it was likely to injure the person or persons by whom it was used.

1 8. The Defendants, and each of them, so negligently and carelessly
2 manufactured, designed, assembled, compounded, tested or failed to test, inspected
3 or failed to inspect, packaged, labeled, fabricated, constructed, analyzed, distributed,
4 serviced, merchandised, recommended, advertised, promoted, marketed and sold the
5 said 1994 Jeep Grand Cherokee and its component parts and constituents, so that it
6 was in a dangerous and defective condition, and unsafe for the use and purpose for
7 which it was intended when used as recommended by the Defendants, and each of
8 them.

9
10 9. The defective and dangerous character and condition of the said 1994 Jeep
11 Grand Cherokee , and that it was unsafe for the use and purpose for which it was
12 intended when used as recommended by the Defendants, and each of them, was known
13 to the Defendants, and each of them, or in the exercise of ordinary and reasonable care
14 should have been known and discovered by Defendants, and each of them.
15 Furthermore, the dangerous and defective character and condition of the said 1994
16 Jeep Grand Cherokee was not made known to the Plaintiff by the Defendants, and each
17 of them.

18
19 10. On or about July 20, 2001, while Plaintiffs' Decedent, Carol Marie Jex, was
20 using the said 1994 Jeep Grand Cherokee, for the purpose for which it was intended,
21 and as a proximate result of the said negligence and carelessness of the Defendants,
22 and each of them, the said 1994 Jeep Grand Cherokee, was caused to explode and
23 burn, with Plaintiffs' Decedent Carol Marie Jex inside, causing said Decedent to burn
24 to death.

25
26 11. As a direct and proximate result of the said negligence and carelessness of
27 Defendants, and each of them, resulting in the death of Plaintiffs' Decedent, Plaintiffs
28 were made to suffer severe and excruciating pain and distressing mental anguish as a

1 result, and Plaintiffs have also suffered general shock and traumatic neurosis as a result
2 of the said negligence and carelessness of the Defendants, and each of them. Plaintiffs
3 have suffered, and for a long period of time to come will continue to suffer, said pain and
4 mental anguish as a result of said injuries.

5

6 12. As a result of the aforesaid injuries, Plaintiffs have been generally damaged
7 in a sum in excess of the jurisdictional limits of the Superior Court.

8

9 13. In the treatment of the aforesaid injuries, Plaintiffs have incurred, are
10 presently incurring, and will incur liability for the services of physicians, surgeons,
11 nurses, hospital care, medicine, x-rays, and other medical treatment, the true and exact
12 amount thereof being unknown to Plaintiffs at this time, and Plaintiffs pray leave to
13 amend this complaint accordingly when the true and exact cost thereof is ascertained
14 by Plaintiffs.

15

16 14. As a direct and proximate result of the said negligence and carelessness of
17 Defendants, and each of them, Plaintiffs have incurred, and will incur, loss of income,
18 wages, profits and commissions, a diminishment of earning potential, and other
19 pecuniary losses, the full nature and extent of which are not yet known to Plaintiffs, and
20 leave is requested to amend this Complaint to conform to proof at the time of trial.

21

22 15. Plaintiffs have lost prejudgment interest pursuant to Civil Code §3291, the
23 exact amount of which Plaintiffs pray leave to insert herein when finally ascertained.

24

25 WHEREFORE, Plaintiffs pray judgment against Defendants, and each of them,
26 as hereinafter set forth.

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SECOND CAUSE OF ACTION
BREACH OF EXPRESS WARRANTY

AS AND FOR A FURTHER, SECOND, SEPARATE AND DISTINCT CAUSE OF ACTION FOR BREACH OF EXPRESS WARRANTY, PLAINTIFF COMPLAINS OF DEFENDANTS DAIMLER CHRYSLER CORPORATION AND DOES 1 THROUGH 100, INCLUSIVE, AND EACH OF THEM, AND ALLEGES AS FOLLOWS:

16. Plaintiffs hereby incorporate by reference all prior paragraphs of this complaint, and makes said paragraphs a part of this, the second cause of action, as though fully set forth herein.

17. At all times herein mentioned, on and prior to July 20, 2001, the Defendants, and each of them, utilized advertising media, professional publications and detail persons to urge the use and purchase of the said 1994 Jeep Grand Cherokee, and expressly warranted to members of the general public, including the Plaintiff and Plaintiffs' Decedent herein, that the said 1994 Jeep Grand Cherokee, was effective, proper and safe for its intended use.

18. Plaintiff and Plaintiffs' Decedent relied upon the said express warranty representations of the Defendants, and each of them, in the purchase and use of said 1994 Jeep Grand Cherokee.

19. The said 1994 Jeep Grand Cherokee. was not effective, proper and safe for its intended use as expressly warranted by Defendants, and each of them, in that the said 1994 Jeep Grand Cherokee was defective, thereby causing serious injury when said 1994 Jeep Grand Cherokee was being put to its intended use.

1 20. Within a reasonable time after discovery that the said 1994 Jeep Grand
2 Cherokee was defective and unsafe for its intended use, Plaintiff notified Defendants
3 of the breach of said express warranty in the manner and form prescribed by law.

4
5 21. As a proximate result of the breach of the said express warranty, Plaintiffs
6 sustained the injuries and damages hereinabove set forth.

7
8 WHEREFORE, Plaintiff prays judgment against Defendants, and each of them,
9 as hereinafter set forth.

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11 THIRD CAUSE OF ACTION
12 BREACH OF IMPLIED WARRANTY

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14 AS AND FOR A FURTHER, THIRD, SEPARATE AND DISTINCT CAUSE OF
15 ACTION FOR BREACH OF IMPLIED WARRANTY, PLAINTIFFS COMPLAIN OF
16 DEFENDANTS DAIMLER CHRYSLER CORPORATION AND DOES 1 THROUGH 100,
17 INCLUSIVE, AND EACH OF THEM, AND ALLEGES AS FOLLOWS:

18
19 22. Plaintiffs hereby incorporate by reference all prior paragraphs of this
20 complaint, and makes said paragraphs a part of this, the third cause of action, as
21 though fully set forth herein.

22
23 23. Prior to July 20, 2001, and prior to the time that the said 1994 Jeep Grand
24 Cherokee was being used by Plaintiff and Plaintiffs' Decedent at the time of the subject
25 incident, the Defendants, and each of them, impliedly warranted to members of the
26 general public, including Plaintiff, that the said 1994 Jeep Grand Cherokee was of
27 merchantable quality and safe for the use for which it was intended by the Defendants,
28 namely, for the purpose of use as an automobile, and other related activities.

1 24. Plaintiff and Plaintiffs' Decedent relied on the skill and judgment of
2 Defendants, and each of them, in the selection, purchase and use of the said 1994 Jeep
3 Grand Cherokee.

4
5 25. The said 1994 Jeep Grand Cherokee was not safe for its intended use nor
6 was it of merchantable quality as warranted by Defendants, and each of them, in that
7 it was defectively designed, thereby dangerously exposing the user of said 1994 Jeep
8 Grand Cherokee and those around it to serious injury.

9
10 26. After Plaintiff received the injuries complained of herein as a result of said
11 defective condition of the said 1994 Jeep Grand Cherokee, notice was given by Plaintiff
12 to Defendants, in the time and in the manner and in the form prescribed by law, of the
13 breach of said implied warranty.

14
15 27. As a proximate result of the breach of said implied warranty, Plaintiff
16 sustained the injuries and damages hereinabove set forth.

17
18 WHEREFORE, Plaintiff prays judgment against Defendants, and each of them,
19 as hereinafter set forth.

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21
22 FOURTH CAUSE OF ACTION
23 STRICT PRODUCTS LIABILITY
24

25 AS AND FOR A FURTHER, FOURTH, SEPARATE AND DISTINCT CAUSE OF
26 ACTION FOR STRICT PRODUCTS LIABILITY, PLAINTIFFS COMPLAIN OF
27 DEFENDANTS DAIMLER CHRYSLER CORPORATION AND DOES 1 THROUGH 100,
28 INCLUSIVE, AND EACH OF THEM, AND ALLEGES AS FOLLOWS:

1 28. Plaintiffs hereby incorporate by reference all prior paragraphs of this
2 complaint, and makes said paragraphs a part of this, the fourth cause of action, as
3 though fully set forth herein.

4
5 29. Defendants, and each of them, manufactured, designed, assembled,
6 compounded, tested or failed to test, inspected or failed to inspect, packaged, labeled,
7 fabricated, constructed, analyzed, distributed, serviced, merchandised, recommended,
8 advertised, promoted, marketed and sold a certain 1994 Jeep Grand Cherokee and its
9 component parts and constituents, which was intended by the Defendants, and each of
10 them, to be used for the purpose of use as an automobile and other related activities.

11
12 ~~30. Defendants, and each of them, knew that said 1994 Jeep Grand Cherokee~~
13 ~~was to be purchased and used without inspection for defects by Plaintiff and the general~~
14 ~~public.~~

15
16 31. The said 1994 Jeep Grand Cherokee was unsafe for its intended use by
17 reason of defects in its manufacture, design, testing, components and constituents, so
18 that it would not safely serve its purpose, but would instead expose the users of said
19 product to serious injury because of the failure of Defendants, and each of them, to
20 properly guard and protect the users of the said 1994 Jeep Grand Cherokee from the
21 defective design of said product.

22
23 32. Plaintiff and Plaintiffs' Decedent were not aware of said defects at any time
24 prior to the injuries caused by the said 1994 Jeep Grand Cherokee.

25
26 33. As a proximate result of the said defects of the said radial arm saw, Plaintiffs
27 sustained the injuries and damages hereinabove set forth.

28

1 WHEREFORE, Plaintiff prays judgment against Defendants, and each of them,
2 as hereinafter set forth.

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FIFTH CAUSE OF ACTION -
FALSE REPRESENTATION UNDER
RESTATEMENT OF TORTS, 2nd , §402-B

AS AND FOR A FIFTH, SEPARATE AND DISTINCT CAUSE OF ACTION FOR
FALSE REPRESENTATION UNDER RESTATEMENT OF TORTS, 2nd, § 402-B,
PLAINTIFF COMPLAINS OF DEFENDANTS DAIMLER CHRYSLER CORPORATION,
~~AND DOES 1 THOROUGH 100, INCLUSIVE, AND EACH OF THEM, AND ALLEGES AS~~
FOLLOWS:

34. Plaintiffs hereby incorporate by reference all prior paragraphs of this
complaint, and makes said paragraphs a part of this, the fifth cause of action, as though
fully set forth herein.

35. At the aforementioned time when Defendants, and each of them,
manufactured, designed, assembled, compounded, tested or failed to test, inspected
or failed to inspect, packaged, labeled, fabricated, constructed, analyzed, distributed,
serviced, merchandised, recommended, advertised, promoted, marketed and sold the
said 1994 Jeep Grand Cherokee, and its component parts and constituents, as
hereinabove set forth, the Defendants, and each of them, expressly and impliedly
represented to members of the general public, including Plaintiff, that the said 1994
Jeep Grand Cherokee and its component parts and constituents, was of merchantable
quality and safe for the use for which it was intended.

1 36. Plaintiff relied upon said representations of Defendants, and each of them,
2 in the selection, purchase and use of said 1994 Jeep Grand Cherokee.

3
4 37. Said representations by Defendants, and each of them, were false and
5 untrue, in that the said 1994 Jeep Grand Cherokee was not safe for its intended use,
6 nor was it of merchantable quality as represented by Defendants, and each of them, in
7 that it had very dangerous properties and defects that caused death to Plaintiffs'
8 Decedent and injury and damage to the users of said product, including Plaintiffs,
9 thereby threatening the health and life of Plaintiffs.

10
11 As a proximate result of said false representations by Defendants, and each of
12 ~~them, Plaintiffs sustained the injuries and damages hereinabove set forth.~~

13
14 WHEREFORE, Plaintiffs prays judgment against Defendants, and each of them,
15 as hereinafter set forth.

16
17
18 CLAIM FOR PUNITIVE DAMAGES

19
20 AS AND FOR A FURTHER, SIXTH, SEPARATE AND DISTINCT CAUSE OF
21 ACTION FOR PUNITIVE DAMAGES, PLAINTIFFS COMPLAIN OF DEFENDANTS
22 DAIMLER CHRYSLER CORPORATION AND DOES 1 THROUGH 100, INCLUSIVE,
23 AND EACH OF THEM, AND ALLEGES AS FOLLOWS:

24
25 39. Plaintiffs hereby incorporate by reference prior paragraphs of this complaint,
26 and makes said paragraphs a part of this, the sixth cause of action, as though fully set
27 forth herein.

28

1 40. Defendants, and each of them, manufactured, designed, assembled,
2 compounded, tested or failed to test, inspect or failed to inspect, packaged, labeled,
3 fabricated, constructed, analyzed, distributed, serviced, merchandised, recommended,
4 advertised, promoted, marketed and sold the said 1994 Jeep Grand Cherokee, and its
5 component parts, a product which said Defendants knew to be dangerous and unsafe
6 for the purpose for which they intended it to be used, namely, for use as an automobile.
7 At all times herein mentioned, prior to and at the time the Defendants, and each of them,
8 sold the said 1994 Jeep Grand Cherokee to Plaintiff, and prior to the time that said
9 product was used by Plaintiff, the Defendants, and each of them, knew, as a result of
10 clinical studies, tests, research, complaints of other users and other information, that the
11 said , and its component parts, was defectively designed and manufactured, that it had
12 extremely dangerous properties and defects, in that it exploded and burst into flames,
13 trapping Plaintiffs' Decedent Carol Marie Jex inside, resulting in her death, and that it
14 had other defects which would cause serious injury and damage to users of said
15 product, thereby threatening the life and health of the users; and at all of said times, the
16 Defendants, and each of them, knew that the defects in said 1994 Jeep Grand
17 Cherokee had caused serious injury and damage to other users of same.

18

19 41. At all times herein mentioned, Defendants, and each of them, despite the
20 actual knowledge described hereinabove, intentionally suppressed the aforementioned
21 test results, complaints, and other information to keep such knowledge from the general
22 public, including Plaintiffs, and failed to take any steps to warn Plaintiff and/or Plaintiffs'
23 Decedent, or other members of the general public, of the dangers of using said 1994
24 Jeep Grand Cherokee.

25

26 42. At all times herein mentioned, Defendants, and each of them, had actual
27 knowledge of the facts hereinabove alleged demonstrating that serious injury to users
28 of the said 1994 Jeep Grand Cherokee, including Plaintiffs and Plaintiffs' Decedent,

1 would probably result. Defendants, and each of them, nevertheless deliberately failed
2 and refused to recall said 1994 Jeep Grand Cherokee, or to take any other steps
3 whatsoever to prevent such injuries. Defendants, and each of them, misrepresented the
4 safety of the said 1994 Jeep Grand Cherokee, and failed and refused to take any steps
5 to prevent injury from said 1994 Jeep Grand Cherokee in order to increase the profit of
6 Defendants, and each of them, from the sale of said 1994 Jeep Grand Cherokee.

7
8 43. As a proximate result of the said defects and the acts and conduct of
9 Defendants, and each of them, as hereinabove alleged, Plaintiffs sustained the injuries
10 and damages hereinabove set forth.

11
12 ~~The conduct and acts of Defendants, and each of them, as hereinabove set forth,~~
13 in allowing such an extremely dangerous product to be used by members of the general
14 public, including Plaintiffs and Plaintiffs' Decedent, constitute fraud, malice and
15 oppression toward Plaintiffs and Plaintiffs' Decedent, and a conscious disregard of the
16 safety of Plaintiffs and Plaintiffs' Decedent. Plaintiffs are therefore entitled to exemplary
17 or punitive damages, which would serve to punish and make examples of the
18 Defendants, and each of them, as the court may deem just and proper.

19
20 WHEREFORE, Plaintiffs pray judgment against the Defendants, and each of
21 them, as follows:

- 22
23 1. For Plaintiffs' general damages according to proof;
24 2. For exemplary or punitive damages as the jury may deem just and proper;
25 3. For Plaintiffs' loss of income, wages and earning potential according to
26 proof;
27 4. For Plaintiffs' medical and related damages according to proof;
28 5. For prejudgment interest according to proof, pursuant to Civil Code §3291;


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6. For Plaintiffs' costs of suit herein; and

7. For such other and further relief as to the Court may deem just and proper.

DATED: July 16, 2002

LAW OFFICES OF VICTOR S. PALACIOS



Attorneys For Plaintiff



PE10-031-Chrysler-001013





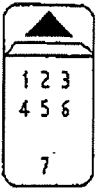
PE10-031-Chrysler-001015

SPECIAL CONDITIONS FATAL		NUMBER INJURED 1	HT & RUN FELLOW <input type="checkbox"/>	CITY UNINCORPORATED VALLEY		JUDICIAL DISTRICT VALLEY		LOCAL REPORT NUMBER 01070238			
		NUMBER KILLED 1	HT & RUN MISDEMEANOR <input type="checkbox"/>	COUNTY SAN BERNARDINO		REPORTING DISTRICT BEAT 101					
LOCATION	COLLISION OCCURRED ON: I-10 W/B (SAN BERNARDINO FWY)				MO 07/20/2001	DAY FRIDAY	YEAR 2001	TIME (2400) 0314	NCIC # 9855	OFFICER I.D. 16017	
	MILEPOST INFORMATION: 2925 FEET WEST OF 10 SBD 15.18				DAY OF WEEK FRIDAY		TOW AWAY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		PHOTOGRAPHS BY: PRICE 12275 <input type="checkbox"/> NONE		
	AT INTERSECTION WITH: <input checked="" type="checkbox"/> OR: 2925 FEET WEST OF CITRUS AVE.				STATE HWY REL <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						
PARTY 1	DRIVER'S LICENSE NUMBER [REDACTED]			STATE CA	CLASS C	SAFETY EQUIP. L	VEH. YEAR 1993	MAKE / MODEL / COLOR MERZ S500 BLK	LICENSE NUMBER [REDACTED]	STATE CA	
DRIVER <input checked="" type="checkbox"/>	OWNER'S NAME <input checked="" type="checkbox"/> SAME AS DRIVER			OWNER'S ADDRESS <input checked="" type="checkbox"/> SAME AS DRIVER							
PEDESTRIAN <input type="checkbox"/>	CITY / STATE / ZIP RIVERSIDE CA [REDACTED]			DISPOSITION OF VEHICLE ON ORDERS OF: <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER							
PARKED VEHICLE <input type="checkbox"/>	SEX M	HAIR BRN	EYES BRN	HEIGHT 5-07	WEIGHT 170	BIRTHDATE [REDACTED]	YEAR [REDACTED]	RACE O	MR. T'S TOW - (909)920-1030		
BICYCLIST <input type="checkbox"/>	HOME PHONE [REDACTED]			BUSINESS PHONE [REDACTED]			VEHICLE IDENTIFICATION NUMBER: CHP USE ONLY VEHICLE TYPE: 01				
OTHER <input type="checkbox"/>	INSURANCE CARRIER LEADER			POLICY NUMBER [REDACTED]			DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MOD <input checked="" type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER		SHADE IN DAMAGED AREA 		
	DIR OF TRAVEL ON STREET OR HIGHWAY W I-10			SPEED LIMIT 65			CA _____ DOT _____				
PARTY 2	DRIVER'S LICENSE NUMBER [REDACTED]			STATE CA	CLASS U	SAFETY B	VEH. YEAR 1994	MAKE / MODEL / COLOR JEEP CHEROKEE RED	LICENSE NUMBER [REDACTED]	STATE CA	
DRIVER <input checked="" type="checkbox"/>	OWNER'S NAME DORITA RAMSEY			OWNER'S ADDRESS 1331 WEST F ST., ONTARIO, CA 91762							
PEDESTRIAN <input type="checkbox"/>	CITY / STATE / ZIP ONTARIO CA [REDACTED]			DISPOSITION OF VEHICLE ON ORDERS OF: <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER							
PARKED VEHICLE <input type="checkbox"/>	SEX F	HAIR BLK	EYES BRN	HEIGHT 5-02	WEIGHT 185	BIRTHDATE [REDACTED]	YEAR [REDACTED]	RACE B	MR. T'S TOW - (909)920-1030		
BICYCLIST <input type="checkbox"/>	HOME PHONE [REDACTED]			BUSINESS PHONE (UNK) -			VEHICLE IDENTIFICATION NUMBER: CHP USE ONLY VEHICLE TYPE: 01				
OTHER <input type="checkbox"/>	INSURANCE CARRIER NONE			POLICY NUMBER [REDACTED]			DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MOD <input checked="" type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER		SHADE IN DAMAGED AREA 		
	DIR OF TRAVEL ON STREET OR HIGHWAY W I-10			SPEED LIMIT 65			CA _____ DOT _____				
PARTY 3	DRIVER'S LICENSE NUMBER			STATE	CLASS	SAFETY	VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE	
DRIVER <input type="checkbox"/>	NAME (FIRST, MIDDLE, LAST)			OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER							
PEDESTRIAN <input type="checkbox"/>	STREET ADDRESS			OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER							
PARKED VEHICLE <input type="checkbox"/>	CITY / STATE / ZIP			DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER							
BICYCLIST <input type="checkbox"/>	SEX	HAIR	EYES	HEIGHT	WEIGHT	Mo	Day	Year	RACE		
OTHER <input type="checkbox"/>	HOME PHONE			BUSINESS PHONE			VEHICLE IDENTIFICATION NUMBER: CHP USE ONLY VEHICLE TYPE:				
	INSURANCE CARRIER			POLICY NUMBER			DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MOD <input type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER		SHADE IN DAMAGED AREA		
	DIR OF TRAVEL ON STREET OR HIGHWAY			SPEED LIMIT			CA _____ DOT _____				
PREPARER'S NAME B. RUSSELL 16017				DISPATCH NOTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A			REVIEWER'S NAME <i>[Signature]</i>			DATE REVIEWED AUG 17 2007	

TRAFFIC COLLISION CODING

DATE OF COLLISION (MO. DAY YEAR) 07/20/2001	TIME(2400) 0314	VIC # 9855	OFFICER I.D. 16017	NUMBER 01070238
--	--------------------	---------------	-----------------------	--------------------


PROPERTY DAMAGE	OWNER NONE	OWNER ADDRESS	NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO
DESCRIPTION OF DAMAGE			

SEATING POSITION  <p>1 - DRIVER 2 TO 6 - PASSENGERS 7 - STA. WGN REAR 8 - RR. OCC TRK. OR VAN 9 - POSITION UNKNOWN 0 - OTHER</p>	SAFETY EQUIPMENT OCCUPANTS A - NONE IN VEHICLE B - UNKNOWN C - LAP BELT USED D - LAP BELT NOT USED E - SHOULDER HARNESS USED F - SHOULDER HARNESS NOT USED G - LAP/SHOULDER HARNESS USED J - PASSIVE RESTRAINT USED K - PASSIVE RESTRAINT NOT USED L - AIR BAG DEPLOYED M - AIR BAG NOT DEPLOYED N - OTHER P - NOT REQUIRED CHILD RESTRAINT Q - IN VEHICLE USED R - IN VEHICLE NOT USED S - IN VEHICLE USE UNKNOWN T - IN VEHICLE IMPROPER USE U - NONE IN VEHICLE	M/C BICYCLE - HELMET DRIVER V - NO W - YES PASSENGER X - NO Y - YES	EJECTED FROM VEHICLE 0 - NOT EJECTED 1 - FULLY EJECTED 2 - PARTIALLY EJECTED 3 - UNKNOWN
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ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR LIST NUMBER (#) OF PARTY AT FAULT	TRAFFIC CONTROL DEVICES	1 2 3			TYPE OF VEHICLE	1 2 3			MOVEMENT PRECEDING COLLISION
		1	2	3		1	2	3	
1 A VC SECTION VIOLATED - CITED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 22350 V.C.	A CONTROLS FUNCTIONING				A PASSENGER CAR / STATION WAGON			X	A STOPPED
B OTHER IMPROPER DRIVING*	B CONTROLS NOT FUNCTIONING*				B PASSENGER CAR W / TRAILER			X	B PROCEEDING STRAIGHT
C OTHER THAN DRIVER*	C CONTROLS OBSURED				C MOTORCYCLE / SCOOTER				C RAN OFF ROAD
D UNKNOWN*	D NO CONTROLS PRESENT / FACTOR*				D PICKUP OR PANEL TRUCK				D MAKING RIGHT TURN
E FELL ASLEEP*	TYPE OF COLLISION				E PICKUP / PANEL TRUCK W/ TRAILER				E MAKING LEFT TURN
	A HEAD - ON				F TRUCK OR TRUCK TRACTOR				F MAKING U TURN
	B SIDE SWIPE				G TRUCK / TRUCK TRACTOR W/ TRLR.				G BACKING
	X C REAR END				H SCHOOL BUS				H SLOWING / STOPPING
WEATHER (MARK 1 TO 2 ITEMS)	D BROADSIDE				I OTHER BUS				I PASSING OTHER VEHICLE
X A CLEAR	E HIT OBJECT				J EMERGENCY VEHICLE				J CHANGING LANES
B CLOUDY	F OVERTURNED				K HIGHWAY CONST. EQUIPMENT				K PARKING MANEUVER
C RAINING	G VEHICLE / PEDESTRIAN				L BICYCLE				L ENTERING TRAFFIC
D SNOWING	H OTHER*				M OTHER VEHICLE				M OTHER UNSAFE TURNING
E FOG / VISIBILITY FT.	MOTOR VEHICLE INVOLVED WITH				N PEDESTRIAN				N XING INTO OPPOSING LANE
F OTHER*	A NON - COLLISION				O MOPED				O PARKED
G WIND	B PEDESTRIAN				OTHER ASSOCIATED FACTORS (MARK 1 TO 2 ITEMS)				P MERGING
LIGHTING		X C OTHER MOTOR VEHICLE	1	2	3				Q TRAVELING WRONG WAY
A DAYLIGHT	D MOTOR VEHICLE ON OTHER ROADWAY								R OTHER*
B DUSK - DAWN	E PARKED MOTOR VEHICLE				A VC SECTION VIOLATED: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO				
C DARK - STREET LIGHTS	F TRAIN				B VC SECTION VIOLATED: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO				
X D DARK - NO STREET LIGHTS	G BICYCLE				C VC SECTION VIOLATED: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO				
E DARK - STREET LIGHTS NOT FUNCTIONING*	H ANIMAL:								SOBRIETY - DRUG PHYSICAL (MARK 1 TO 2 ITEMS)
ROADWAY SURFACE		I FIXED OBJECT:							
X A DRY	J OTHER OBJECT:				D [REDACTED]			X	A HAD NOT BEEN DRINKING
B WET					E VISION OBSCUREMENT:				B HBD - UNDER INFLUENCE
C SNOWY - ICY					F INATTENTION*:				C HBD - NOT UNDER INFLUENCE*
D SLIPPERY (MUDDY, OILY, ETC.)					G STOP & GO TRAFFIC				D HBD - IMPAIRMENT UNKNOWN*
ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)		PEDESTRIAN'S ACTIONS			H ENTERING / LEAVING RAMP				E UNDER DRUG INFLUENCE*
A HOLES, DEEP RUT*	X A NO PEDESTRIANS INVOLVED				I PREVIOUS COLLISION				F IMPAIRMENT - PHYSICAL*
B LOOSE MATERIAL ON ROADWAY*	B CROSSING IN CROSSWALK AT INTERSECTION				J UNFAMILIAR WITH ROAD			X	G IMPAIRMENT NOT KNOWN
C OBSTRUCTION ON ROADWAY*	C CROSSING IN CROSSWALK - NOT AT INTERSECTION				K DEFECTIVE VEH. EQUIP.: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO				H NOT APPLICABLE
D CONSTRUCTION - REPAIR ZONE	D CROSSING - NOT IN CROSSWALK								I SLEEPY / FATIGUED
E REDUCED ROADWAY WIDTH	E IN ROAD - INCLUDES SHOULDER								SPECIAL INFORMATION
F FLOODED*	F NOT IN ROAD				L UNINVOLVED VEHICLE				A HAZARDOUS MATERIAL
G OTHER*	G APPROACHING / LEAVING SCHOOL BUS	X	X		M OTHER*:				B CELL PHONE IN USE
X H NO UNUSUAL CONDITIONS					N NONE APPARENT				C NOT IN USE
					O RUNAWAY VEHICLE			X	D NONE UNKNOWN

SKETCH



INDICATE NORTH

FOR SKETCH DIAGRAM, SEE PAGE 4

MISCELLANEOUS

DATE OF COLLISION (MO. DAY YEAR) 07/20/2001				TIME (2400) 0314		NCIC # 9855		OFFICER I.D. 16017				NUMBER 01070238							
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ('X' ONE)				INJURED WAS ('X' ONE)					PARTY NUMBER	SEAT POS.	SAFETY EQUIP.	EJECTED			
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER							
<input type="checkbox"/> #	<input type="checkbox"/>	28	F	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	1	B	0			
NAME / D.O.B. / ADDRESS [REDACTED] ONTARIO, CA [REDACTED] TELEPHONE [REDACTED]																			
(INJURED ONLY) TRANSPORTED BY: SAN BERNARDINO COUNTY CORONER								TAKEN TO: SAN BERNARDINO COUNTY CORONER'S OFFICE											
DESCRIBE INJURIES: SUSTAINED FATAL INJURIES AS A RESULT OF BURNS FROM VEHICLE FIRE DEATH PRONOUNCE BY SAN BERNARDINO COUNTY FIRE CAPTAIN SIPE AT 0328 HOURS. CORONER ROY A. KINNEY, CASE #01-4906RK <input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																			
<input type="checkbox"/> #	<input type="checkbox"/>	26	M	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	1	L	0			
NAME / D.O.B. / ADDRESS [REDACTED] RIVERSIDE, CA [REDACTED] TELEPHONE [REDACTED]																			
(INJURED ONLY) TRANSPORTED BY: AMERICAN MEDICAL RESPONSE 118								TAKEN TO: ARROWHEAD REGIONAL MEDICAL CENTER											
DESCRIBE INJURIES: COMPOUND FRACTURE TO RIGHT FEMUR. ONE INCH LACERATION TO FOREHEAD. TREATED ON SCENE BY AMR 185. TREATED AT HOSPITAL BY DR. SNYDER <input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																			
<input checked="" type="checkbox"/> #	1	<input type="checkbox"/>	28	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
NAME / D.O.B. / ADDRESS [REDACTED] MORENO VALLEY, CA [REDACTED] TELEPHONE [REDACTED]																			
(INJURED ONLY) TRANSPORTED BY:								TAKEN TO:											
DESCRIBE INJURIES: <input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																			
<input type="checkbox"/> #				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
NAME / D.O.B. / ADDRESS [REDACTED] TELEPHONE [REDACTED]																			
(INJURED ONLY) TRANSPORTED BY:								TAKEN TO:											
DESCRIBE INJURIES: <input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																			
<input type="checkbox"/> #				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
NAME / D.O.B. / ADDRESS [REDACTED] TELEPHONE [REDACTED]																			
(INJURED ONLY) TRANSPORTED BY:								TAKEN TO:											
DESCRIBE INJURIES: <input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																			
<input type="checkbox"/> #				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
NAME / D.O.B. / ADDRESS [REDACTED] TELEPHONE [REDACTED]																			
(INJURED ONLY) TRANSPORTED BY:								TAKEN TO:											
DESCRIBE INJURIES: <input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																			
PREPARER'S NAME B. RUSSELL 16017				I.D. NUMBER 16017				MO. DAY YEAR 07/20/2001				REVIEWER'S NAME [REDACTED]				MO. DAY [REDACTED]			

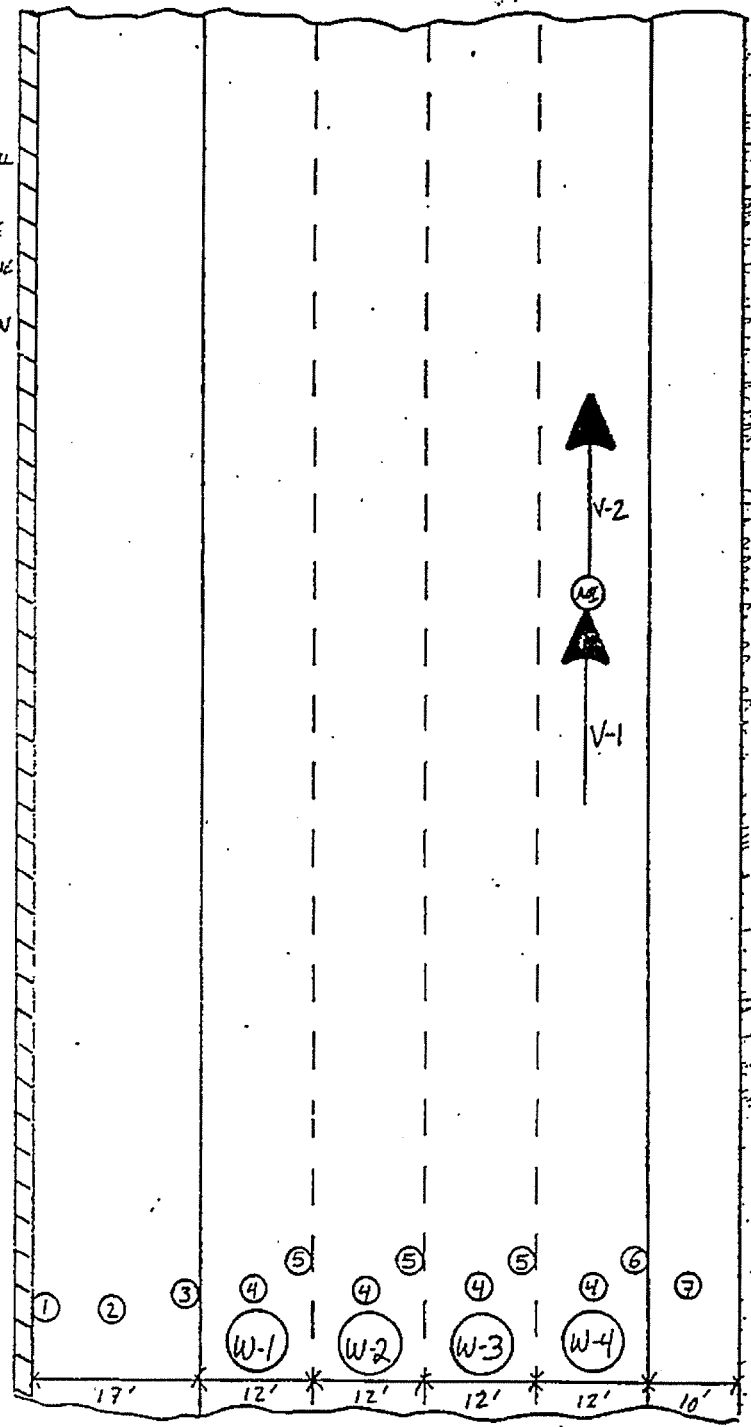
DATE OF COLLISION (MO. DAY YEAR) 07-20-01	TIME (2400) 0314	INCIDENT # 9855	OFFICER I.D. 16017	NUMBER
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)

1-10 W/B (SAN BERNARDINO FWY)



- ① CONCRETE JERSEY WALL
- ② CENTER DIVIDER
- ③ SOLID YELLOW LINE
- ④ CONCRETE TRAFFIC LANE
- ⑤ RAISED CERAMIC MARKERS ATOP OF BROKEN WHITE LINES
- ⑥ SOLID WHITE LINE
- ⑦ RIGHT SHOULDER



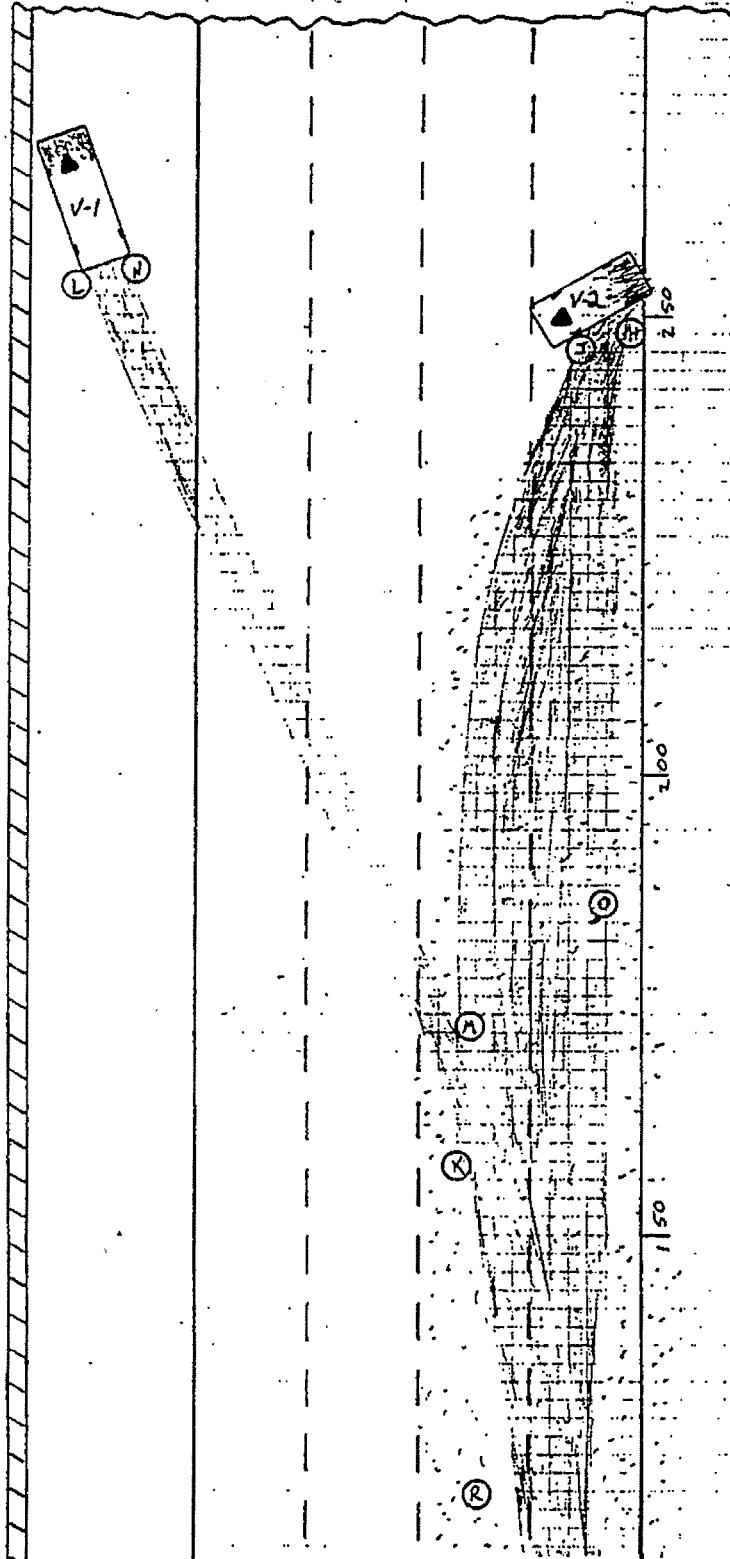
CITRUS AVE. ↓

PREPARED BY S. BADAL	I.D. NUMBER 15202	MO. DAY YEAR 07-21-01	REVIEWER'S NAME	MO. DAY YEAR
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DATE OF COLLISION (MO. DAY YEAR) 07-20-01	TIME (2400) 0314	NOIC # 9855	OFFICER I.D. 16017	NUMBER
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE = 1:20)

1-10 W/B (SAN BERNARDINO FWY)



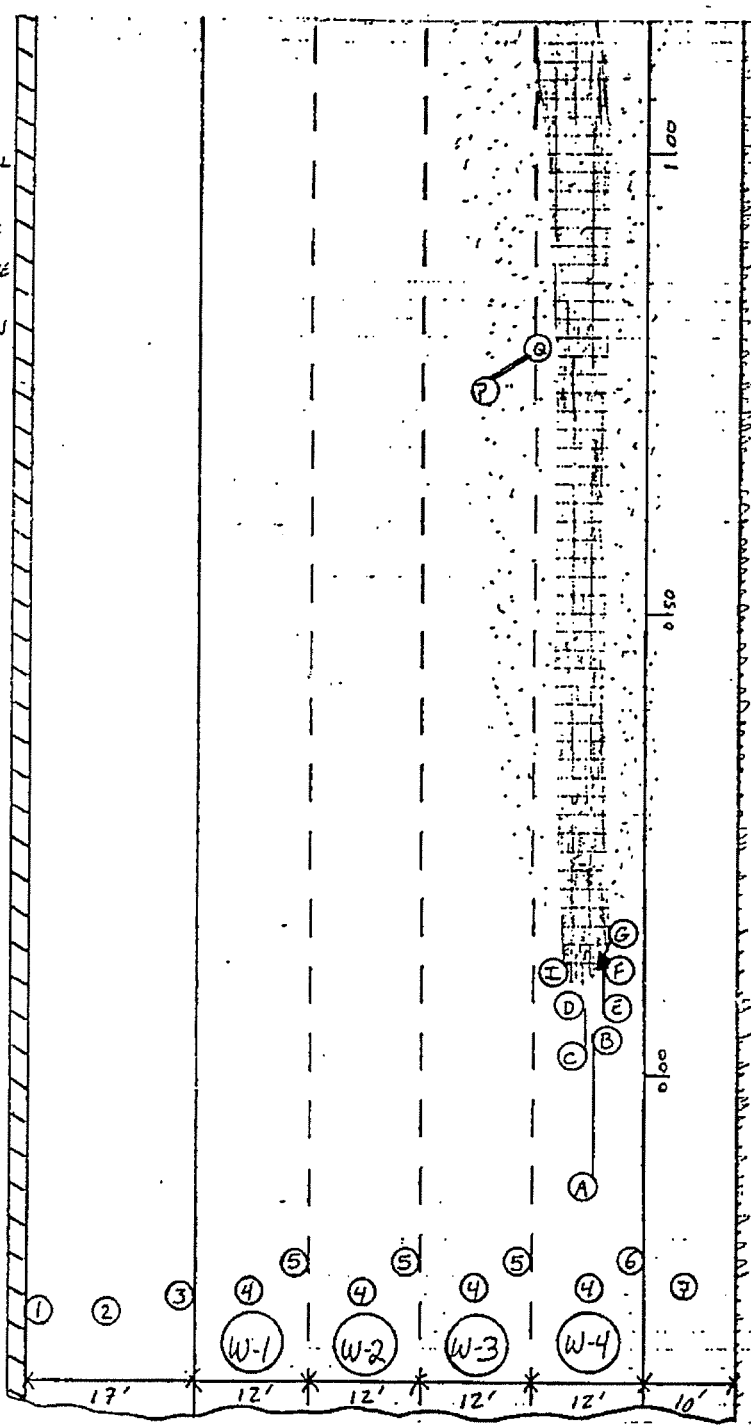
PREPARED BY S. BADAL	I.D. NUMBER 15202	MO. DAY YEAR 07-21-01	REVIEWER'S NAME	MO. DAY YEAR
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DATE OF COLLISION (MO. DAY YEAR) 07-20-01	TIME (2400) 0314	NOIC # 9855	OFFICER I.D. 16017	NUMBER
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)



- ① CONCRETE JERSEY WALL
- ② CENTER DIVIDER
- ③ SOLID YELLOW LINE
- ④ CONCRETE TRAFFIC LANE
- ⑤ RAISED CERAMIC MARKERS ATOP OF BROKEN WHITE LINES
- ⑥ SOLID WHITE LINE
- ⑦ RIGHT SHOULDER



CITRUS AVE. →

PREPARED BY S. BADAL	I.D. NUMBER 15202	MO. DAY YEAR 07-21-01	REVIEWER'S NAME	MO. DAY YEAR
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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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1 **PHYSICAL EVIDENCE LEGEND**

2

3 **STATION LINE:**

4

5 A station line was established along the north roadway edge of westbound I-10 west of Citrus Ave.
6 Station 0+00 was established 2940 feet west of the west road edge of Citrus Ave. The station line
7 increases as it continues west. All measurements were taken at right angles to the station line.

8

9 **VEHICLE POINTS OF REST:**

10

11 Vehicle #1 (Mercedes) R/F Tire 59'2" L Station 2+68'3"

12 R/R Tire 55'5" L Station 2+59'

13

14 Vehicle #2 (Jeep) L/F Tire 8'1" L Station 2+48'

15 L/R Tire 2'3" L Station 2+51'5"

16

17 **PHYSICAL EVIDENCE LOCATION:**

18

19 Item A 5'11" L Station (-0+11'6") Begin Scrape/Gouge

20 Item B 5'11" L Station 0+04'5" End Scrape/Gouge

21 Item C 6'11" L Station 0+03' Begin Scrape/Gouge

22 Item D 6'11" L Station 0+07'2" End Scrape/Gouge

23 Item E 5'1" L Station 0+07' Begin Scrape/Gouge

24 Item F 5'1" L Station 0+11'7" End Scrape/Gouge

25 Item G 3' L Station 0+11'3" Begin Fluid Trail

26 Item H 3' L Station 2+47'4" End of Fluid Trail

27 Item I 11'3" L Station 0+08' Continuation of Fluid Trail

28 Item J 7" L Station 2+47'4" Continuation of Fluid Trail

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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER
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1 **PHYSICAL EVIDENCE LOCATION: CONTINUED**

2

3	Item K	19'	L	Station 1+61'2"	Continuation of Fluid Trail
4	Item L	7'10"	L	Station 2+53'2"	Continuation of Fluid Trail
5	Item M	19'8"	L	Station 1+71'3"	Continuation of Fluid Trail
6	Item N	7'6"	L	Station 2+54'1"	Continuation of Fluid Trail
7	Item O	5"	L	Station 1+90'1"	License Plate of Vehicle #2
8	Item P	17'2"	L	Station 0+76'2"	Jeep Molding
9	Item Q	13"	L	Station 0+78'	Jeep Molding
10	Item R	12"	L	Station 1+20'	Center of Debris Field

11

12 **PHYSICAL EVIDENCE DESCRIPTION:**

13

14 Items A & B

15 This is a scrape/gouge mark approximately 15 feet in length deposited by the front undercarriage of
 16 Vehicle #1. It was deposited on the asphalt concrete roadway of westbound I-10 west of Citrus Ave.

17

18 Items C & D

19 This is a scrape/gouge mark approximately 4 feet in length deposited by the front undercarriage of
 20 Vehicle #1. It was deposited on the asphalt concrete roadway of westbound I-10 west of Citrus Ave.

21

22 Items E & F

23 This is a scrape/gouge mark approximately 5 feet in length deposited by the front undercarriage of
 24 Vehicle #1. It was deposited on the asphalt concrete roadway of westbound I-10 west of Citrus Ave.

25

26 Items G through N

27 This is a fluid trail made up of gasoline, antifreeze, and other vehicle fluids. It was deposited by
 28 Vehicle #1 and Vehicle #2. It was deposited on the asphalt concrete roadway of westbound I-10 west

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1 **PHYSICAL EVIDENCE DESCRIPTION: CONTINUED**

2

3 of Citrus Ave. The fluid trail begins at just west of the area of impact and continues west. At points K
4 and M the trail braches off into two separate paths. The two fluid trails end at the vehicle points of
5 rest. The trail is approximately 230 feet long and varies from approximately 5 feet wide to 18 feet
6 wide.

7

8 Item O

9 This is the rear license plate of Vehicle #2. It was found on the asphalt concrete roadway of
10 westbound I-10 west of Citrus Ave.

11

12 Items P & Q

13 This is a piece of exterior molding from Vehicle #2. It was deposited on the asphalt concrete roadway
14 of westbound I-10 west of Citrus Ave.

15

16 Item R

17 This is the center of a debris field containing shattered glass and miscellaneous vehicle debris. It is
18 approximately 230 feet in length and 30 feet wide. It was deposited on the asphalt concrete roadway
19 of westbound I-10 west of Citrus Ave.

20

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1 **FACTS**

2

3 **NOTIFICATION:**

4

5 On 07-20-01 at 0316 hours I received a call of a vehicle explosion on W/B I-10 west of Citrus Ave. I
6 responded from the West Valley Detention Center at 0333 hours and arrived on scene of a two vehicle
7 fatal collision at 0347 hours. All times, speeds and measurements are approximations. Measurements
8 were obtained by roll-meter.

9

10 **SCENE DESCRIPTION:**

11

12 **Scene Identification**

13

14 This collision occurred on westbound I-10, approximately 2925 feet west of Citrus Ave. This collision
15 occurred within an unincorporated portion of San Bernardino County. All measurements within this
16 section are approximate.

17

18 **Roadway Description**

19

20 I-10 is an east-west designated, Caltrans-maintained, urbanized, full access-controlled, divided
21 freeway. The roadway surface is composed of asphalt concrete. The westbound and eastbound traffic
22 lanes are separated by a 3-foot-high Portland cement concrete wall. There are four traffic lanes in the
23 westbound direction. The westbound traffic lanes are bordered to the south by a painted yellow
24 edgeline and a 17-foot-wide asphalt center median. The traffic lanes are delineated by broken white
25 lines and raised lane markers. The westbound lanes are bordered to the north by a solid white roadway
26 edgeline followed by a 10-foot-wide asphalt right shoulder. To the north of the shoulder is a flat dirt
27 shoulder. There were no roadway hazards noted or claimed.

28

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1 **Traffic Controls**

2
3 The speed is controlled by the 65-MPH maximum speed limit sign.
4

5 **Weather and Lighting**

6
7 There were no streetlights near the collision scene. The weather was warm, clear, and dry. There was
8 negligible wind and the roadway was dry.
9

10 **PARTIES/VEHICLES**

11
12 Driver #1 [REDACTED] was located on a gurney in the back of AMR unit 185 in the #1 lane of westbound I-
13 10 west of Citrus Ave. upon my arrival. [REDACTED] sustained a fractured femur and a small laceration to his
14 forehead. [REDACTED] was identified by his valid California Driver License. He was determined to be the
15 driver of Vehicle #1 (Mercedes) based upon his own admission, his injuries, and the fact he is the
16 registered owner of Vehicle #1.
17

18 Vehicle #1 (Mercedes) was found at rest on its wheels on the asphalt center median of westbound I-10
19 west of Citrus Ave. Vehicle #1 was facing a southwesterly direction. Vehicle #1 sustained major front
20 end and minor right side and right rear damage. The damage included: front bumper, grill, hood,
21 engine compartment, shattered windshield, broken sunroof, light assemblies, front fenders, front side
22 quarter panels, steering column pushed forward, center console damage, right side and rear paint
23 bubbling due to heat. Both the driver side and passenger side airbags were deployed.
24

25 Driver #2 [REDACTED] was located seated in the driver's seat of Vehicle #2 (Jeep) in the #4 lane and partially
26 on the right shoulder of westbound I-10 west of Citrus Ave. upon my arrival. [REDACTED] was determined to
27 be deceased prior to my arrival. Dr. Golden of the San Bernardino County Coroner's Office identified
28 [REDACTED] by her dental records on 07-24-01 at 1845 hours. She was determined to be the driver of Vehicle

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1 **PARTIES/VEHICLE'S: CONTINUED**

2

3 #1 (Jeep) based upon her injuries, location within the vehicle, the physical evidence and the fact her
4 mother, [REDACTED], is the registered owner of Vehicle #1.

5

6 Vehicle #2 (Jeep) was found at rest on its wheels in the #4 lane and partially on the right shoulder of
7 westbound I-10 west of Citrus Ave. Vehicle #2 was facing a southeasterly direction. Vehicle #2
8 sustained major rear end impact damage. Rear damage included: rear bumper, door, window, rear
9 axle pushed forward to the center of the vehicle, gas tank, spare tire, rear fenders and quarter panels.
10 Vehicle #2 also sustained total vehicle damage as a result of the fire. The fire damage included the
11 entire interior, exterior, engine compartment, and all components of the vehicle.

12

13 A vehicle inspection of Vehicle #1 and Vehicle #2 was performed by Officer J. Fee, #14746, on 07-24-
14 01 at 1530 hours. The results of the inspection are attached as a supplemental to this report.

15

16 **OTHER FACTUAL INFORMATION:**

17

18 I checked with CHP dispatch to find out if any other motorists had reported a stalled vehicle in the
19 vicinity of the collision. No other reports were made. There were no call box calls made from any of
20 the nearby call boxes near the time of the collision.

21

22 A Driver's License check on Driver #2 [REDACTED] revealed that her Driver's License had been suspended.
23 Therefore she was in violation of California Vehicle Code section 14601.1 (a). No prosecution is
24 sought.

25

26

27

28

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1 **Responding Personnel**

2

3 Rancho Cucamonga CHP Area personnel who responded to the collision scene to assist with the
4 investigation included:

5

6 Officer D. Price, #12275 (O.I.C. Incident Commander, Photographs)
7 Officer Russell, #16017 (Primary Investigator)
8 Officer Dumont, #15893 (Traffic Control, Vehicle Storage,)
9 Officer Badal, #15202 (Factual Diagram)
10 Officer Boren, #15513 (Traffic Control, Assist Factual Diagram)
11 Officer Alanis, #13429 (Assist Factual Diagram)
12 Officer Reese, #16459 (Assist Factual Diagram)
13 Officer Loetscher, #15076 (Vehicle Storage, Press Release)
14 Officer Geraghty #16539 (Vehicle Storage)

15

16 The following are emergency medical personnel and other responding agencies to the collision scene:

17 American Medical Response (Ambulance)

18 Unit 185

19 Paramedic J. Montante

20 EMT T. Fukuda

21

22 San Bernardino County Fire Department

23 Batalion Chief 120 Chief Bush

24 Engine 72 Captain Sipe (Pronounced Death)

25 Squad 77

26

27 San Bernardino County Coroner

28 R. Kinney Case (#01-4906RK)

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STATE OF CALIFORNIA
NARRATIVE/SUPPLEMENTAL

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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER
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1 24 - Hour Profile

2

3 On 07-20-01 at approximately 0525 hours the coroner and I went to the home of the registered owner
4 of Vehicle #1 in an attempt to notify the next of kin and ascertain the identity of the victim. Upon
5 arriving on scene we made contact with Jex's step father, [REDACTED] and mother, [REDACTED]
6 [REDACTED] informed me that his daughter-in-law, [REDACTED] was most likely the
7 person driving the vehicle but that he did not know [REDACTED] had the car. We informed him of the
8 circumstances involving the collision and asked if he could tell us where she had been that evening. At
9 that time he could not provide us with any information as to her whereabouts.

10

11 On 07-20-01 at 1750 hours I contacted [REDACTED] by telephone and asked if she could tell me any
12 information as to [REDACTED] activity the evening of the collision. She stated the last time she talked to [REDACTED]
13 was at approximately 10:00 PM. [REDACTED] had called her from her friend [REDACTED] home. [REDACTED] stated she was
14 on her way home in Ontario to go to sleep. That is the last time [REDACTED] had spoken to [REDACTED] I
15 asked [REDACTED] if there were any prior mechanical defects with Vehicle #1 that would explain
16 why [REDACTED] had stopped in the slow lane of the freeway. She stated the only defect with the car was that it
17 was difficult to open the driver side door from the outside. She stated the door opened freely from the
18 inside. While speaking with [REDACTED] I was informed that CHP Officer Eric Barrow, #13486,
19 from the Baldwin Park office was a friend of the family. I spoke with Officer Barrow who informed
20 me that he would speak with the family and attempt to ascertain [REDACTED] activity that evening. Officer
21 Barrow made contact with the family on 07-26-01 in an attempt to gain some understanding of why
22 [REDACTED] was driving at the time of the collision. At that time, the family did not know the reason for her
23 being out at that late hour and did not know whom she was with after 10:00 PM.

24

25 On 08-05-01 at approximately 1400 hours I contacted [REDACTED] by telephone to make one final
26 attempt at gaining understanding of [REDACTED] activities the evening prior to the collision. She stated that [REDACTED]
27 worked for [REDACTED] in the city of Pomona. [REDACTED] worked as a collections
28 agent for the company. On 07-19-01 [REDACTED] went to work as normal. Her shift usually begins at 0900

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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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1 24 Hour Profile: Continued

2

3 hours and ends at approximately 1900 hours. She normally works Monday through Thursday. [REDACTED] had
4 gotten off work at approximately 1930 hours on the evening of 07-19-01. [REDACTED] friend, [REDACTED],
5 who lives in San Bernardino, called [REDACTED] and invited her to come to her home and do some cooking.
6 [REDACTED] was planning to stay the night at [REDACTED] home. Late that evening [REDACTED] had a
7 misunderstanding and [REDACTED] decided to go home. [REDACTED] left the house and was on her way home when the
8 collision occurred.

9

10. PHYSICAL EVIDENCE:

11

12 Damage to involved vehicles.

13 Scattered debris.

14 Fluid trail.

15 1 roll of 35mm film.

16 Refer to Factual Diagram and Physical Evidence Legend.

17

18 STATEMENTS:

19

20 Driver #1 [REDACTED] was contacted at Arrowhead Regional Medical Center on 07-20-01 at 0610 hours.
21 Seder stated he spent the evening playing cards with his family at his mother's home. [REDACTED] had just
22 left his mother's home and was on his way to his home in Riverside. He attempted to enter W/B I-10
23 at Sierra Ave. but was unable to do so due to road construction. [REDACTED] then traveled north on Sierra
24 Ave. to Valley Blvd. and took Valley Blvd. to Citrus Ave. where he entered westbound I-10. [REDACTED]
25 related he was accelerating in the #4 lane after entering the freeway and had reached a speed of
26 approximately 60 MPH. [REDACTED] was preparing to change lanes into the #3 lane. He activated his left
27 hand turn signal and looked in his left side rear view mirror. The next thing he knew he felt a large
28 impact the front of his car. As he looked forward he saw a large ball of flames and applied to applied

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1 **STATEMENTS: CONTINUED**

2

3 his brakes in an attempt to stop. [REDACTED] could not stop his car, as his leg was broken. His car then
4 veered to the left out of control. As [REDACTED] car came to a stop he attempted to exit the car using the
5 front driver side and passenger side doors. He was unable to open either door. [REDACTED] then climbed
6 into the back seat, opened the right side passenger door and crawled out of the vehicle. He laid on the
7 asphalt until he was treated by the emergency personnel. [REDACTED] stated he did not know what he had hit.
8 [REDACTED] does not remember if he was wearing his seatbelt at the time of the collision.

9 Q. Did you see a vehicle stopped in front of you?

10 A. No. I did not see anything.

11 Q. Did you see any other vehicle swerving in front of you?

12 A. No.

13 Q. Did you see any brake lights or taillights directly in front of you?

14 A. No

15

16 Driver #2 [REDACTED] sustained fatal injuries as a result of the collision and was unable to provide a
17 statement.

18

19 Witness #1 [REDACTED] was contacted by telephone on 07-20-01 at 0430 hours. [REDACTED] stated he was
20 driving his tractor-trailer combination vehicle westbound I-10 west of Citrus Ave. in the #4 lane at
21 approximately 55 MPH. [REDACTED] observed a car ahead of him in the #4 lane suddenly swerve to the left
22 into the #3 lane. [REDACTED] then saw a vehicle at a complete stop in the #4 lane directly ahead of him. He
23 slowed his vehicle to approximately 35 MPH and drove onto the right shoulder to pass the stalled
24 vehicle. [REDACTED] stated the vehicle had its headlights and taillights on but did not have its emergency
25 flashers on. As he passed the vehicle he looked in his rear view mirror and saw a couple of other
26 vehicles swerve to avoid the stalled car. He then saw an explosion in his rear view mirror and thought
27 someone must have hit the stalled car. [REDACTED] then used his cellular phone to call 911 and report the
28 collision.

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1 STATEMENTS: CONTINUED

2

3 Q. How fast was the surrounding traffic?

4 A. Traffic was moving freely, about 65 MPH.

5 Q. Did you see the actual collision?

6 A. No, just an explosion.

7

8

9 OPINIONS AND CONCLUSIONS

10

11 SUMMARY:

12

13 Driver #1 [REDACTED] was driving Vehicle #1 (Mercedes) westbound I-10 west of Citrus Ave. in the #4
14 lane at approximately 60 MPH. Driver #2 [REDACTED] was driving Vehicle #2 (Jeep) westbound I-10 west of
15 Citrus Ave. in the #4 lane. For an unknown reason [REDACTED] vehicle was at a complete stop in the #4 lane
16 approximately 1/2 mile west of Citrus Ave. [REDACTED] remained seated in the driver's seat of Vehicle #2 as it
17 was stopped in the lane. [REDACTED] was driving at an unsafe speed for traffic conditions as he approached
18 the rear of Vehicle #2. Due to [REDACTED] unsafe speed the front of Vehicle #1 collided with the rear of
19 Vehicle #2. The impact caused the front of Vehicle #1 to lift the rear of Vehicle #2 and subsequently
20 rupture the gas tank of Vehicle #2. Vehicle #2 caught fire and was pushed forward. Vehicle #2
21 continued forward out of control, veered left into the #3 lane, spun clockwise, and then veered back to
22 the #4 lane where it came to rest. [REDACTED] lost control of Vehicle #1 as it continued forward and veered
23 to the left across all lanes of westbound I-10. Vehicle #1 came to rest on its wheels facing a
24 southwesterly direction on the asphalt center median of westbound I-10 west of Citrus Ave. Vehicle
25 #2 came to rest on its wheels facing a southeasterly direction in the #4 lane and partially on the right
26 shoulder of westbound I-10 west of Citrus Ave.

27

28

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1 **SUMMARY: CONTINUED**

2

3 The summary was based upon the statements of the Driver #1 and the witness, the physical evidence,
4 points of rest of the involved vehicles, the injuries sustained to the involved parties, and the damage
5 sustained to the involved vehicles.

6

7 **AREA OF IMPACT:**

8

9 A.O.I. #1 (Vehicle #1 vs. Vehicle #2): This was the area where the front of V-1 collided with the rear
10 of V-2. It was located 2925 feet west of the west road edge of Citrus Ave. and 6 feet south of the north
11 roadway edgeline of westbound I-10.

12

13 The area of impact was based upon the physical evidence, and the damage sustained to the involved
14 vehicles.

15

16 **INTOXICATION NARRATIVE:**

17

18 Upon my arrival on scene, I was informed that Driver #1 [REDACTED] had volunteered to submit to a
19 Preliminary Alcohol Screening test to determine if there was any presence of alcohol in his blood at
20 the time of the collision. Officer S. Loetscher, #15076, read [REDACTED] the P.A.S. admonition and
21 submitted the test using P.A.S. #018867. The test was conducted at approximately 0345 hours with a
22 result of .000%. This concluded that [REDACTED] was not under the influence of alcohol at the time of the
23 collision.

24

25

26

27

28

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1 CAUSE:

2

3 Driver #1 () caused this collision by driving Vehicle #1 (Mercedes) in violation of California
4 Vehicle Code section 22350, unsafe speed for traffic, roadway and weather conditions.

5

6 Driver #1 () is also in violation of California Penal Code section 192 (c) (2), misdemeanor
7 vehicular manslaughter without gross negligence.

8

9 This investigation supports prosecution.

10

11 The cause was established by the physical evidence, the statements Driver #1 and Witness #1, the
12 damage sustained to the involved vehicles, and the injuries sustained to the involved parties.

13

14 RECOMMENDATIONS:

15

16 I request a copy of this report be sent to the San Bernardino County District Attorney for prosecution
17 of Driver #1 () based on the following:

18

1. Driver #1 was driving a motor vehicle.

19

2. Driver #1 caused this collision by driving in violation of 22350 V.C., unsafe speed
20 for traffic, weather and roadway conditions.

21

3. The traffic collision was the proximate cause of the fatal injuries sustained to Driver
22 #2 ().

23

24

25

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NOTIFICATION

On 07/23/01, I was asked to assist Officer B Russell, ID# 16017, to aid in conducting a vehicle inspection on a Mercedes Benz sedan and a Jeep sport utility vehicle.

EXAMINATION

On 07/24/01 at 1530 hours, the vehicles were located in the impound yard at:

Mr T's Towing
997 E 8th St
Upland, Ca, 91786

The vehicles were examined inside with the use of sunlight and a flashlight.

VEHICLE INFORMATION:

Make: Mercedes Benz (Vehicle #1)

Model: S500

Year: 1993

License: [REDACTED]

VIN#: WDBGA51E5PA [REDACTED]

Transmission: Automatic

Engine: 5.0 liter, fuel injected gasoline powered engine, damaged from the collision. The electrical system did not function. The vehicle would not start.

Mileage: 198020

VEHICLE DAMAGE

Vehicle #1 sustained major damage to the front end, consisting of the plastic molding portion of the right front bumper missing and the steel portion of the front bumper pushed in the shape of a V. In the center of the V, there was small indentation, in the shape of a box. The front radiator was pushed in approximately 10 inches. The front grille was broken out. Both front head light assemblies were shattered. The front hood buckled and the front windshield cracked. Both front fenders were buckled outward and pushed back towards the wheel assemblies. Both the driver's side door and the right front passenger's door were askew and would not close. The glass portion of the sun roof was shattered. There were two marks located on the rear bumper, which consisted of scrapes and gouges.

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1 The marks were approximately 29 inches apart. Also, the paint on the right rear bumper and
2 the right side driver's mirror was scorched, causing the paint to peel and bubble.

3
4 The interior portion of the engine compartment had damage. The damage consisted of some
5 of the components of the engine either knocked loose or broken off towards the firewall.

6 7 TIRES

8 All four tires are "Michelin Energy MXV4 Plus" 235/60 R-16.

9 R/F DOT # B973EJEX468 5/32" of tread remaining. 32 PSI remaining in tire.

10 L/F DOT # B973EJEX468 6/32" of tread remaining. 32 PSI remaining in tire.

11 L/R DOT # B973EJEX318 4/32" of tread remaining. 33 PSI remaining in tire.

12 R/R DOT # B973EJEX328 4/32" of tread remaining. 25 PSI remaining in tire.

13 The recommended maximum cold PSI for the tires is 44 PSI.

14 15 BRAKE SYSTEM

16 The brake system is a 2 stage vacuum assisted system. All four brakes are disk brakes. All
17 four brake wheel cylinder areas were checked for leaks. Negative leaks were found. The
18 master cylinder reservoir was checked and found to be almost empty. The reservoir is
19 constructed of plastic and sits directly on top of the master cylinder. Upon closer inspection,
20 the plastic reservoir had been damaged from the traffic collision. The reservoir had been
21 pushed backward towards the firewall, dislodging the reservoir from the master cylinder.
22 There was fluid pooled along the top of the master cylinder and on the side of the master
23 cylinder.

24 25 STEERING

26 The steering wheel was checked and was partially wedged against the dash board.

27 Therefore, I was unable to determine if the steering wheel had any play. However, I was
28 able to turn the steering wheel even though it was against the dashboard. There was positive
29 response to the front wheels as the steering wheel was turned to the left and to the right.

30 31 ACCELERATOR

32 The accelerator pedal was damaged from the collision. The pedal was slightly bent to right,
33 and the spring loaded portion of the pedal deformed. The pedal would depress but in an
34 extremely awkward manner.

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SEAT BELT

The driver's seat belt is a three point connection system with a lap and shoulder harness. The retractor system is a Emergency Locking Retractor. The latch plate is a sliding plate. The seat belt was found in a retracted position. The position and location of the latch plate on the belt was such that it appeared it had not been in use during the collision. The seat belt was extended and retracted properly. The seat belt was extended and the latch plate was placed in the locking mechanism and locked. The latch plate was released from the buckle and re-coupled. The buckle and locking mechanism worked properly. The seat belt was inspected and no scuff marks, stretch marks or tears were observed.

VEHICLE INFORMATION:

Make: Jeep (Vehicle #2)

Model: Grand Cherokee

Year: 1994

License: [REDACTED]

VIN#: 1J46Z58Y5RC [REDACTED]

Transmission: Automatic, with four-wheel drive.

Engine: 5.2 liter V-8, fuel injected gasoline powered engine, damaged from the fire as a result of the collision. The electrical system did not function.

Mileage Unknown (interior of vehicle incinerated).

VEHICLE DAMAGE

Vehicle #2 sustained total damage. After the impact, Vehicle #2 incinerated. The damage to the exterior consisted of all of the windows missing. The entire rear end smashed in approximately 3 feet, including the rear bumper and the rear hatch door. The rear hatch door was buckled in the shape of a V and smashed toward the roof line. The rear tail lights assemblies were incinerated. Both quarter panels, wheel wells and wheel assemblies were crushed forward. Both C pillar post were buckled outward approximately 5 inches, causing the roof to buckle and the entire rear end portion of the roof to sag towards the ground. The right rear tire had been incinerated. Both right side passenger doors were buckled outward. The front grille, the left side rubber portion of the front bumper and the left side head light assembly incinerated. The left front tire was almost completely incinerated except for a small portion of the sidewall and tire tread. The driver's side door had been slightly pulled out and away from the door jam. The left side B pillar post was observed to be cut. The left rear passenger door was buckled and had been pulled back towards the rear of Vehicle #2. This allowed the door locking mechanism to be exposed. The door locking mechanism was observed to be cut. The left rear tire was completely incinerated. Approximately one half of the left rear rim was broken off.

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1 The engine compartment of Vehicle #2 was inspected and found to be almost completely
2 incinerated. Any plastic, rubber or any other nonmetallic part or item had been destroyed
3 from the fire including the battery, hoses and belts.
4

5 The interior of Vehicle #2 was also incinerated. Which consisted of complete incineration to
6 the seats, carpet, seat belts and dashboard. Portions of the steering wheel, foot pedals,
7 emergency brake and gear shift lever which were composed on nonmetallic material were
8 also incinerated. Damage that occurred to the interior which was not caused by the fire
9 consisted of the rear cargo bed floorboard and rear seat. The rear cargo floorboard had been
10 crushed forward, causing the floorboard to be bent in the shape of an upside down V. The
11 rear seat was pushed forward, within approximately six inches of the front seats.
12

13 The damage sustained to the under carriage of Vehicle #2 consisted of the tow ball receiver
14 hitch pushed forward and rotated 90 degrees downward into the completely incinerated gas
15 tank. The left side frame rail was bent up at an approximate 45 degree angle, approximately
16 7½ inches from the end of the frame rail. The right side frame rail was bent up at an
17 approximate 45 degree angle, approximately 4 inches from the end of the frame rail. The
18 differential case was punctured by the tow ball receiver hitch. The muffler was crushed
19 forward and the muffler pipe was bent at 2 different locations at an approximate 90 degree
20 angle. The four wheel drive transfer case was broken and the rear wheel drive shaft was
21 missing. The rear axle was smashed and pushed forward and measurements were taken of
22 both the left and right side wheel bases. The left side wheel base measured approximately
23 75 inches. The right side wheel base measured approximately 82 inches. The front drive
24 shaft was pulled from the yoke.
25

26 TIRES

27 R/F "Futura Scrambler HT" P225/75 R-15, DOT # 3DH9B9K1900, 7/32" of tread remaining.
28 24 PSI remaining in tire.

29 L/F Only a portion of the inside sidewall and the tire tread remaining. The rest of the body of
30 the tire had been incinerated. "Futura Scrambler HT", tire size unknown, DOT # unknown,
31 7/32' of tread remaining.

32 L/R The entire tire had been incinerated.

33 R/R The entire tire had been incinerated
34

35 BRAKE SYSTEM

36 The brake system was not checked due to the extensive damage to the engine
37 compartment, the incineration of the interior and the overall damage to the vehicle, from the
38 fire. The brake system is a single stage vacuum assisted system. The front brakes are disc
39 and the rear brakes are drum.
40

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1 STEERING

2 The steering was not checked due to the extensive damage to engine compartment and the
3 incineration of the interior from the fire.

5 SEAT BELTS

6 The seat belts were completely and totally incinerated from the fire.

8 ADDITIONAL INFORMATION

9 The measurements for this inspection were obtained by a tape measure, visual observations,
10 and visual estimations. All measurements are approximations.

11
12 Officer S Schwingel, ID# 14600 assisted me with the inspection.

13
14 There was one lug nut missing from each rim for Vehicle #2.

15
16 There were two marks located on the rear bumper of Vehicle #1, which consisted of scrapes
17 and gouges. The marks were approximately 29 inches apart. I asked the manager of Mr T's
18 Towing (Dennis Shirley) if he had to push Vehicle #1 into the building. Shirley related in
19 essence the following: Vehicle #1's tire were locked up and he pushed Vehicle #1 into the
20 building with the forklift located in the yard. After learning this, I measured the distance
21 between the forklift blades and the distance was approximately 29 inches.

22
23 The gas tank for Vehicle #2 was composed of plastic and incinerated after the collision.

24
25 The emergency brake for Vehicle #2 was located at an approximate 45 degree angle.

26
27 The gear shift lever was observed to located at an approximate 90 degree angle from the
28 base of the gear shift lever box.

29
30 Prior to the impact, the actual wheel base of Vehicle #2 was 108 inches. Both the left side
31 and the right wheel bases were measured. The left side wheel base measured 75 inches and
32 the right side wheel base measured 82 inches.

33
34 It appears that the driver's side door had been pulled out, the left side B pillar post cut, the
35 left rear passenger side door pulled back and the locking mechanism for the door cut, to aid
36 in the extrication of Party #2 by the emergency medical personnel.

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1 The damage sustained to the front of Vehicle #1 and the damage sustained to the rear of
 2 Vehicle #2 is uniform. The front bumper of Vehicle #1 had a slight V shape and the center of
 3 the bumper had a small box indentation. The small box indentation matches the box for the
 4 tongue of a tow ball, for the tow ball receiver hitch for Vehicle #2. This indicates that the front
 5 of Vehicle #1 struck the rear of Vehicle #2 at a direct impact. This type of impact indicates
 6 that there was no turning movement or evasive action by Vehicle #1, prior to the impact with
 7 Vehicle #2.

8
 9 The inspection of the right front seat belt for Vehicle #1 indicates that the seat belt was not
 10 worn at the time of impact. This can be substantiated by the lack of damage sustained to the
 11 belt and the injury sustained to Party #1 (fractured right femur). There was no invasive
 12 damage to the floorboard of Vehicle #1, from the impact with Vehicle #2, which could have
 13 caused Party #1's injury. This indicates that upon impact, the airbag deployed and Party #1's
 14 body subsequently move forward and downward toward the floorboard. This type movement
 15 could only occur if the lap shoulder harness had not been utilized. If the lap portion had been
 16 used, the belt would have been located on the hips of Party #1, not allowing the lower body
 17 of Party #1 to move forward.

18
 19 **PHOTOGRAPHS**

20
 21 Two rolls of photographs were taken of the two vehicles by Officer Schwingel.

22
 23 **CONCLUSIONS:**

24
 25 The examination of Vehicle #1 did not identify any preexisting mechanical conditions which
 26 may have contributed to the cause of this collision. The examination of Vehicle #2 could not
 27 determine what caused Vehicle #2 to become disabled.

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MATTER # 1081757
FILE TYPE Lawsuit
FILE NAME [REDACTED]
CAIR #
DATE OF INCIDENT 07/20/2001
DATE OF NOTICE 8/26/2002
MODEL/MODEL YEAR 1994 Jeep Grand Cherokee (ZJ)
VIN 1J4GZ58Y5RC [REDACTED]
MILEAGE
OWNER [REDACTED]
[REDACTED] Ontario, California [REDACTED]

COURT Superior Court for the State of California

DOCKET # scvss092363

FIRE ALLEGED Yes

DESCRIPTION On July 20, 2001, [REDACTED] was operating a 1994 Jeep Grand Cherokee (ZJ), which stalled in the far right #4 lane of westbound I-10. The vehicle was hit in the rear when a 1993 Mercedes Benz 500S being driven by [REDACTED] at about 60 mph, was looking in his rear view mirror to change lanes and failed to see the Jeep Grand Cherokee (ZJ). A fire at the rear of the Jeep Grand Cherokee (ZJ) ensued after impact.

PROPERTY DAMAGE ALLEGED No

INJURIES 1

FATALITIES 1

ANALYSIS The 1994 Jeep Grand Cherokee (ZJ) was not inspected. Based on the available information, including a detailed police accident report and witness statements, Chrysler Group concludes that this was an extremely severe, high energy impact, with the Mercedes Benz striking the rear of the Jeep Grand Cherokee (ZJ) at an approximate relative velocity of 60 mph. According to the driver of the Mercedes, he was travelling approximately 60 mph and did not attempt to brake prior to impact. According to the police accident report, as a result of the impact, the rear of the Jeep Grand Cherokee (ZJ) was deformed forward approximately three feet and the rear body of the vehicle was buckled and sagging toward the ground. The Jeep Grand Cherokee (ZJ) was equipped with a trailer hitch and the hitch receiver was pushed forward and rotated 90 degrees downward in contact with the

fuel tank. The left and right rear frame rails were bent upward at a 45-degree angle, the rear axle was pushed forward and the rear differential case was punctured by the trailer hitch. It is likely that the trailer hitch punctured the fuel tank causing the fire. Severe damage to the rear of the Jeep Grand Cherokee (ZJ) and the front end of the Mercedes Benz is depicted in the photographs in Enclosure 4 Bates Nos. PE10-031-Chrysler-001013-1015.

RECEIVED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

2002 MAR 29 P 12:30

JACKSONVILLE DIVISION

CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

✓KENNETH B. SMITH,

CASE NO:

Plaintiff,

v.

DAIMLERCHRYSLER CORPORATION
f/k/a Chrysler Corporation, a foreign corporation,

Defendant.

COMPLAINT

COMES NOW, the Plaintiff, Kenneth B. Smith ("Smith"), and sues the Defendant, DaimlerChrysler Corporation f/k/a Chrysler Corporation ("DaimlerChrysler"), a foreign corporation and states as follows:

1. This is an action for damages in excess of \$75,000 for each claim, exclusive of costs, interest and attorneys fees brought by the Plaintiff against the Defendant.
2. The Plaintiff in this action in which suit is brought is Kenneth B. Smith, who is, or was, a resident of Duval County, Florida.
3. The Defendant in this action is DaimlerChrysler Corporation f/k/a Chrysler Corporation, a foreign corporation, at all times material herein, doing continuing and systematic business in the County of Duval, State of Florida.
4. Plaintiff sues DaimlerChrysler for damages on the theories of negligence and strict liability.

5. On or about October 6, 2001, Kenneth B. Smith owned the subject 1995 Jeep Grand Cherokee, VIN 1J4FX78S2SC587236. The Jeep Grand Cherokee was purchased in Atlanta, GA. The subject vehicle was designed, developed, manufactured, assembled, tested, marketed, distributed, sold and placed into the stream of commerce, by Defendant DaimlerChrysler.
6. On or about October 6, 2001, in the early morning hours, Kenneth B. Smith, fully seatbelted, was driving the subject 1995 Jeep Grand Cherokee. At the time, Mr. Smith's friend, Charles Cross, also fully seatbelted, was seated in the right front passenger seat.
7. At the time of the accident Mr. Smith was traveling eastbound on Edgewood Avenue, in Jacksonville, Duval County, Florida, when he stopped the subject vehicle at the intersection of Edgewood Avenue and Lake Park Drive for a red light. While waiting for the light to change and being completely stopped, a vehicle driven by Hubert McMillan impacted the rear of Mr. Smith's subject 1995 Jeep Grand Cherokee. Immediately upon impact, the Jeep Grand Cherokee fuel system failed and the entire vehicle became engulfed in fire. As a result of said failure of the Jeep Grand Cherokee's fuel system, Kenneth B. Smith, received enhanced injuries.
8. At all material times, Kenneth B. Smith exercised due care and was properly using said automobile for the use, and in the manner, for which it was designed and sold.

COUNT I
CLAIM AGAINST DAIMLERCHRYSLER CORPORATION FOR NEGLIGENCE

9. Plaintiff realleges and incorporates by reference, the general allegations as set forth in paragraphs 1 through 8 above.
10. Defendant, DaimlerChrysler, had a duty to use reasonable care in the design, development, manufacture, assembly, testing, marketing, distribution, sale and placement

into the stream of commerce of said vehicle so as to avoid exposing Plaintiff to unnecessary and unreasonable risks.

11. Defendant, DaimlerChrysler, breached its aforesaid duty of care in one or more of the following ways:

- 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 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 to escape thereby presenting the risk of fire and explosion and thus leading to 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 to escape thereby presenting the risk of fire and explosion and thus leading to injury or death in the event of a collision;
- D. The fuel filler neck of the Jeep was routed in such a way that 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.

12. As a direct and proximate cause of the aforementioned negligence of the Defendant, DaimlerChrysler, Plaintiff suffered enhanced bodily injury, resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, loss of earning capacity, and the expense of hospitalization plus all other items and damages compensable pursuant to Florida law. The losses are either permanent or continuing. Plaintiff will suffer the losses in the future.

**COUNT II
CLAIM AGAINST DAIMLERCHRYSLER
CORPORATION FOR STRICT LIABILITY**

13. Plaintiff realleges and incorporates by reference, the general allegations as set forth in paragraphs 1 through 8 above.

14. At all times material to this cause of action, Defendant, DaimlerChrysler, designed, developed, manufactured, assembled, tested, marketed, distributed, sold and placed into the stream of commerce the subject vehicle.

15. At all times material to this cause of action, the vehicle in question was unreasonably dangerous and defective because:

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 to escape thereby presenting the risk of fire and explosion thus leading to injury or death in the event of a collision;

- B. The fuel tank of the jeep was designed with material that was susceptible to rupture, puncture or other damage that would cause a breach in the fuel tank allowing fuel to escape thereby presenting the risk of fire, explosion thus leading to 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 to escape thereby presenting the risk of fire and explosion and thus leading to 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 apart, punctured or damaged in an accident thereby causing a breach in the fuel system which may allow fuel to escape thereby presenting the risk of fire and explosion 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
- F. The failing to warn the consumers and the Plaintiff in particular, that the dangers associated with the fuel tank and fuel tank assembly system incorporated into the subject vehicle.

16. Said unreasonably dangerous defects were present in said vehicle when it was placed in the stream of commerce by the Defendant, DaimlerChrysler, and said vehicle did not undergo material change or alteration up to and including the time of the aforementioned collision.
17. As a direct and proximate result of the foregoing, Defendant, DaimlerChrysler, is strictly liable to Plaintiff for the enhanced injuries and damages as set forth below.
18. As a direct and proximate result of the foregoing, Plaintiff, Kenneth B. Smith, suffered enhanced bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, the expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of a previously existing condition, if any. These losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury on all issues in this cause.

Respectfully submitted this 26 day of March 2002.

RICCI, LEOPOLD, FARMER, & McAFEE, P.A.
1645 Palm Beach Lakes Blvd., Suite #250
Mellon United National Bank Bldg.
West Palm Beach, FL 33401
Tel: (561) 684-6500
Fax: (561) 697-2383

By: 

THEODORE J. LEOPOLD
Florida Bar No. 705608
SCOTT C. MURRAY
Florida Bar No. 961590



PE10-031-Chrysler-001047



PE10-031-Chrysler-001048



PE10-031-Chrysler-001049



PE10-031-Chrysler-001050



PE10-031-Chrysler-001051

FLORIDA TRAFFIC CRASH REPORT LONG FORM

MAIL TO: DEPT. OF HIGHWAY SAFETY & MOTOR VEHICLES, TRAFFIC CRASH RECORDS, NEEL KROGMAN BUILDING, TALLAHASSEE, FL 32399-0500

DO NOT WRITE IN THIS SPACE

DATE OF CRASH 10/6/01	TIME OF CRASH 2:40 AM	TIME OFFICER NOTIFIED 2:43 AM	TIME OFFICER ARRIVED 2:46 AM	INVEST. AGENCY REPORT NUMBER 851256	HSMV CRASH REPORT NUMBER 59965473
COUNTY 02 Duval	CITY CODE 38	FEET or MILES N: 1 S: 1 E: 1 W: 1	CITY OR TOWN JACKSONVILLE	(Check if in City or Town)	COUNTY Duval
AT THE INTERSECTION OF LAKE PARK DR.	FEET or MILES	FROM NODE NO.	NEXT NODE NO.	NO. OF LANES 4	1. DIVIDED 2. UNDIVIDED
					ON STREET, ROAD OR HIGHWAY SR 111 (W Edgewood Ave)

DRIVER ACTION 1. Phantom 2. HR & Run 3. N/A	YEAR 3	MAKE Lincoln	TYPE 01	USE 01	VEHICLE LICENSE NUMBER PL 14NCMB1WOMY747338	STATE FL	VEHICLE IDENTIFICATION NUMBER 14NCMB1WOMY747338	SHOW FIRST POINT OF VEHICLE CONTACT AND DAMAGE AREAS 1				
TRAILER OR TOWED VEHICLE INFORMATION	TRAILER TYPE	VEHICLE TRAVELLING ON AT Edgewood Ave		Est. MPH 55	Posted Speed 45	EST. VEHICLE DAMAGE 10,000.00	1. Disabling 2. Functional 3. No Damage	EST. TRAILER DAMAGE				
MOTOR VEHICLE INSURANCE COMPANY (LIABILITY OR PIP) GEICO		POLICY NUMBER		VEHICLE REMOVED BY Almonds (TOW)		1. Tow Rotation List 2. Tow Owner's Request		3. Driver 4. Other				
NAME OF VEHICLE OWNER (Check Box if Same as Driver)		CURRENT ADDRESS (Number and Street)		CITY AND STATE JACKSONVILLE, FL		ZIP CODE						
NAME OF DRIVER (Take From Driver License) / PEDESTRIAN		CURRENT ADDRESS (Number and Street)		CITY & STATE / ZIP CODE JACKSONVILLE, FL		DATE OF BIRTH						
DRIVER LICENSE NUMBER	STATE FL	DL TYPE 4	REQ. END. 3	ALCO DRUG TEST TYPE 1 Blood 3 Urine 5 None 2 Breath 4 Refused	RESULTS 5	ALCO DRUG / PHYS. DEF. 1 1 1	RES. 1 2	FACE 2	SEX 1	INI. 2	S. EQUIP. 2 4	EJECT. 1
HAZARDOUS MATERIALS BEING TRANSPORTED	1. Yes 2. No	PLACARDED	1. Yes 2. No	RECOMMEND DRIVER RE-EXAM	1. Yes 2. No	If Yes, Explain in Narrative		DRIVER'S PHONE NO. 904, 713-8907				
PASSENGER - 3 NAME (Additional on Number 3 Page)		CURRENT ADDRESS		CITY & STATE / ZIP CODE		AGE		LOC	INI	S. EQUIP.	EJECT.	

DRIVER ACTION 1. Phantom 2. HR & Run 3. N/A	YEAR 8	MAKE Jeep	TYPE 01	USE 01	VEHICLE LICENSE NUMBER 6A 1J4FX78225	STATE GA	VEHICLE IDENTIFICATION NUMBER 1J4FX78225	SHOW FIRST POINT OF VEHICLE CONTACT AND DAMAGE AREAS 8				
TRAILER OR TOWED VEHICLE INFORMATION	TRAILER TYPE	VEHICLE TRAVELLING ON AT W. Edgewood Ave		Est. MPH 0	Posted Speed 45	EST. VEHICLE DAMAGE 10,000.00	1. Disabling 2. Functional 3. No Damage	EST. TRAILER DAMAGE				
MOTOR VEHICLE INSURANCE COMPANY (LIABILITY OR PIP) Geico		POLICY NUMBER		VEHICLE REMOVED BY Almonds (TOW)		1. Tow Rotation List 2. Tow Owner's Request		3. Driver 4. Other				
NAME OF VEHICLE OWNER (Check Box if Same as Driver)		CURRENT ADDRESS (Number and Street)		CITY AND STATE JACKSONVILLE, FL		ZIP CODE						
NAME OF DRIVER (Take From Driver License) / PEDESTRIAN		CURRENT ADDRESS (Number and Street)		CITY & STATE / ZIP CODE JACKSONVILLE, FL		DATE OF BIRTH						
DRIVER LICENSE NUMBER	STATE FL	DL TYPE 5	REQ. END. 3	ALCO DRUG TEST TYPE 1 Blood 3 Urine 5 None 2 Breath 4 Refused	RESULTS 5	ALCO DRUG / PHYS. DEF. 1 1 1	RES. 1 2	FACE 2	SEX 1	INI. 3	S. EQUIP. 2 1	EJECT. 1
HAZARDOUS MATERIALS BEING TRANSPORTED	1. Yes 2. No	PLACARDED	1. Yes 2. No	RECOMMEND DRIVER RE-EXAM	1. Yes 2. No	If Yes, Explain in Narrative		DRIVER'S PHONE NO. 904, 551-1521				
PASSENGER - 3 NAME (Additional on Number 3 Page)		CURRENT ADDRESS		CITY & STATE / ZIP CODE JACKSONVILLE, FL		AGE		LOC	INI	S. EQUIP.	EJECT.	

01 Automobile	01 Private Transportation	01 Single Semi Trailer	1 County of Crash	1 No Defects Known	1 Not Drinking or Using Drugs	1 Front Left
02 Passenger Van	02 Commercial Passengers	02 Tandem Semi Trailer (s)	2 Elsewhere in State	2 Eyeweight Defect	2 Alcohol - Under Influence	2 Front Center
03 Pickup/Light Truck - 2 rear tires	03 Commercial Cargo	03 Tank Trailer	3 Non-Resident of State	3 Fatigue / Asleep	3 Drugs - Under Influence	3 Front Right
04 Medium Truck - 4 rear tires	04 Public Transportation	04 Saddle Mount / Flatbed	4 Foreign - Unknown	4 Hearing Defect	4 Alcohol & Drugs - Under Influence	4 Rear Left
05 Heavy Truck - 2 or more rear axles	05 Public School Bus	05 Boat Trailer	DL TYPE	5 Illness	5 Had Been Drinking	5 Rear Center
06 Truck Tractor (Cab-Boiler)	06 Private School Bus	06 Utility Trailer	1 A 2 B 3 C	6 Seizure, Epilepsy, Blackout	6 Pending ALCO DRUG Test Results	6 Rear Right
07 Motor Home (RV)	07 Ambulance	07 House Trailer	1 White	7 Other Physical Defect		7 In Body Of Truck
08 Bus	08 Law Enforcement	08 Pole Trailer	2 Black	INJURY SEVERITY		8 Bus Passenger
09 Bicycle	09 Fire / Rescue	09 Towed Vehicle	3 Hispanic	1 None	SAFETY EQUIPMENT IN USE	
10 Motorcycle	10 Military	77 Other	4 Other	2 Possible	1 Not In Use	7 In Body Of Truck
11 Moped	11 Other Government			3 Non-Incapacitating	2 Seat Belt / Shoulder Harness	8 Bus Passenger
12 All Terrain Vehicle	77 Other			4 Incapacitating	3 Child Restraint	9 Other
13 Train				5 Fatal (Within 30 Days)	4 Air Bag	EJECTED
77 Other				6 Non-Traffic Fatality	5 Safety Helmet	1 No
					6 Eye Protection	2 Yes
						3 Partial

Ccr-851256

S e c t i o n 3	DRIVER ACTION 1. Right 2. HR & Run 3. N/A	YEAR	MAKE	TYPE	USE	VEH. LICENSE NUMBER	STATE	VEHICLE IDENTIFICATION NUMBER	SHOW PART OF VEHICLE CONTACT AND DAMAGE APPEAR				
	TRAILER OR TOWED VEHICLE INFORMATION	TRAILER TYPE		15 16 17 14 13 12 11 10 9									
	VEHICLE TRAVELLING N S E W	DN	AT	Est. MPH	Posted Speed	EST. VEHICLE DAMAGE	1. Disabling 2. Functional 3. No Damage		EST. TRAILER DAMAGE 1. Tow Rotation List 2. Tow Owner's Request 3. Driver 4. Other				
MOTOR VEHICLE INSURANCE COMPANY (LIABILITY OR PIP)	POLICY NUMBER		VEHICLE REMOVED BY:										
NAME OF VEHICLE OWNER (Check Box if Same As Driver)		CURRENT ADDRESS (Number and Street)			CITY AND STATE			ZIP CODE					
NAME OF OWNER (Trailer or Towed Vehicle)		CURRENT ADDRESS (Number and Street)			CITY AND STATE			ZIP CODE					
NAME OF DRIVER (Take From Driver License) / PEDESTRIAN		CURRENT ADDRESS (Number and Street)			CITY & STATE / ZIP CODE			DATE OF BIRTH					
DRIVER LICENSE NUMBER		STATE	DL TYPE	RECD. END.	ALC/DRUG TEST TYPE 1 Blood 3 Urine 5 None 2 Breath 4 Refused	RESULTS	ALC/DRUG PHYS. DEF.	RES.	RACE	SEX	INJ.	S. EQUIP.	EJECT.
HAZARDOUS MATERIALS BEING TRANSPORTED		1. Yes	2. No	PLACARDED	1. Yes	2. No	RECOMMEND DRIVER RE-EXAM	1. Yes	2. No	If Yes, Explain in Narrative		DRIVER'S PHONE NO.	
PASSENGER'S NAME (Additional on Narrative Page)		CURRENT ADDRESS			CITY & STATE / ZIP CODE			AGE	LOC.	INJ.	S. EQUIP.	EJECT.	

# 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 / PEDESTRIAN			VEHICLE DEFECT			VEHICLE MOVEMENT			VEHICLE SPECIAL FUNCTIONS															
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 Drive 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 Fleeting Police	23 Vehicle Modified	24 Driver Distraction	25 All Other (Explain in Narrative)
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 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 None	2 Farm	3 Police Pursuit	4 Recreational	5 Emergency Operation	6 Construction / Maintenance
POINT OF VEHICLE IMPACT ON ROADWAY			PEDESTRIAN ACTION			LOCATION TYPE																		
01 On Road	02 Not On Road	03 Shoulder	04 Median	05 Turn Lane / Safety Zone	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 in Narrative)	88 Unknown	1 Primary Business	2 Primary Residential	3 Open Country						

FIRST / SUBSEQUENT HARMFUL EVENT(S)			ROAD SYSTEM IDENTIFIER			LIGHTING CONDITION				
01 Collision With MV in Transport (Rear End)	15 Collision With Animal	29 MV Ran Into Ditch/Culvert	01 Interstate	07 Forest Road	01 Daylight	02 Dusk	03 Dawn	04 Dark (Street Light)	05 Dark (No Street Light)	88 Unknown
02 Collision With MV in Transport (Head On)	16 MV Hit Sign / Sign Post	30 Ran Off Road Into Water	02 U.S.	77 All Other (Explain in Narrative)	06 Dusk	07 Dawn	08 Dark (Street Light)	09 Dark (No Street Light)	88 Unknown	
03 Collision With MV in Transport (Angle)	17 MV Hit Utility Pole / Light Pole	31 Overturned	03 State		03 Daylight	04 Dusk	05 Dawn	06 Dark (Street Light)	07 Dark (No Street Light)	88 Unknown
04 Collision With MV in Transport (Left Turn)	18 MV Hit Guardrail	32 Occupant Fall From Vehicle	04 County		08 Dusk	09 Dawn	10 Dark (Street Light)	11 Dark (No Street Light)	88 Unknown	
05 Collision With MV in Transport (Right Turn)	19 MV Hit Fence	33 Tractor / Trailer Jackknifed	05 Local		01 Clear	02 Cloudy	03 Rain	04 Fog	77 All Other (Explain in Narrative)	
06 Collision With MV in Transport (Sideswipe)	20 MV Hit Concrete Barrier Wall	34 Fire	06 Other		05 Wet	06 Rain	07 Fog	08 Other	77 All Other (Explain in Narrative)	
07 Collision With MV in Transport (Backed Into)	21 MV Hit Bridge / Pier / Abutment / Rail	35 Explosion	07 Other		03 Slippery	04 Icy	05 Other	77 All Other (Explain in Narrative)		
08 Collision With Parked Car	22 MV Hit Tree / Strucberry	77 All Other (Explain in Narrative)	08 Other		04 Dry	05 Wet	06 Slippery	07 Icy	08 Other	
09 Collision With MV on Other Roadway	23 Collision With Construction Barricade Sign		09 Other		01 Dry	02 Wet	03 Slippery	04 Icy	05 Other	
10 Collision With Pedestrian	24 Collision With Traffic Gate		10 Other		01 Dry	02 Wet	03 Slippery	04 Icy	05 Other	
11 Collision With Bicycle	25 Collision With Crash Attenuators		11 Other		01 Dry	02 Wet	03 Slippery	04 Icy	05 Other	
12 Collision With Bicycle (Bike Lane)	26 Collision With Fixed Object Above Road		12 Other		01 Dry	02 Wet	03 Slippery	04 Icy	05 Other	
13 Collision With Moped	27 MV Hit Other Fixed Object		13 Other		01 Dry	02 Wet	03 Slippery	04 Icy	05 Other	
14 Collision With Train	28 Collision With Movable Object On Road		14 Other		01 Dry	02 Wet	03 Slippery	04 Icy	05 Other	

ROAD CONDITIONS AT TIME OF CRASH			CONTRIBUTING CAUSES ENVIRONMENT			TRAFFIC CONTROL			SITE LOCATION			TRAFFICWAY CHARACTER															
01 No Defects	02 Observation 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 in Narrative)	01 No Control	02 School Zone	03 Traffic Signal	04 Stop Sign	05 Yield Sign	11 No Passing Zone	77 All Other (Explain in Narrative)	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		
01 Vison 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	77 All Other (Explain in Narrative)	10 Glare	01 No Control	02 School Zone	03 Traffic Signal	04 Stop Sign	05 Yield Sign	11 No Passing Zone	77 All Other (Explain in Narrative)	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
TYPE SHOULDER																											
1. Paved																											
2. Unpaved																											
3. Curb																											

Violator(s)	SECTION #	NAME OF VIOLATOR (s)	FL. STATUTE NUMBER	CHARGE	CITATION NUMBER
	D1			Careless Driving	1099-BBV
	D1			DUI (Knowingly)	1030-BBV

FLORIDA TRAFFIC CRASH REPORT

NARRATIVE / DIAGRAM

MAIL TO: DEPT. OF HIGHWAY SAFETY & MOTOR VEHICLES
TRAFFIC CRASH RECORDS
TALLAHASSEE, FLORIDA 32399-0500

DO NOT WRITE IN THIS SPACE

EMS INFO FATALS ONLY	TIME EMS NOTIFIED	AM PM	TIME EMS ARRIVED	AM PM	COUNTY / CITY CODE	DATE OF CRASH	INVEST. AGENCY REPORT NUMBER	HSMV CRASH REPORT NUMBER
		<input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> <input type="checkbox"/>	02 / 38	10/06/01	851256	59965473

NARRATIVE / ADDITIONAL PASSENGERS

V2 was stopped at the Red Light on SR111 (w. Edgewood Ave) facing East. V1 was Traveling East Bound on SR111 and Rear Ended V2. Both vehicles were engulfed in flames. D2 was Transported to Shands by Rescue 18. P1 and D1 were treated At the Scene. Engine 18 put out the fire on Both vehicles. The injuries were not Life threatening.
D1 was cited for the crash.
Both vehicles were Towed by TOL (Allhands).

SEC. #	PASS. #	PASSENGER NAME	ADDRESS	CITY & STATE	ZIP	Age	Loc.	Inj	Safety Equip	Eject
Table content obscured by diagonal line										

VIOLATOR	FL. STATUTE NUMBER	NAME	CHARGE	CITATION #
VIOLATOR	FL. STATUTE NUMBER	NAME	CHARGE	CITATION #

WITNESS - NAME: [Redacted] ADDRESS: [Redacted] CITY & STATE: Jacksonville, FL ZIP: [Redacted]

FIRST AID GIVEN BY - NAME: Rescue 18
 1 Physician or Nurse 4 Certified 1st Aider
 2 Paramedic or EMT 5 Other
 3 Police Officer

INJURED TAKEN TO: Shands
 BY - NAME: Rescue 18

WAS INVESTIGATION MADE AT SCENE? YES NO WHERE? YES NO WHY? YES NO

DATE OF REPORT: 10/06/01 PHOTOS TAKEN? YES NO

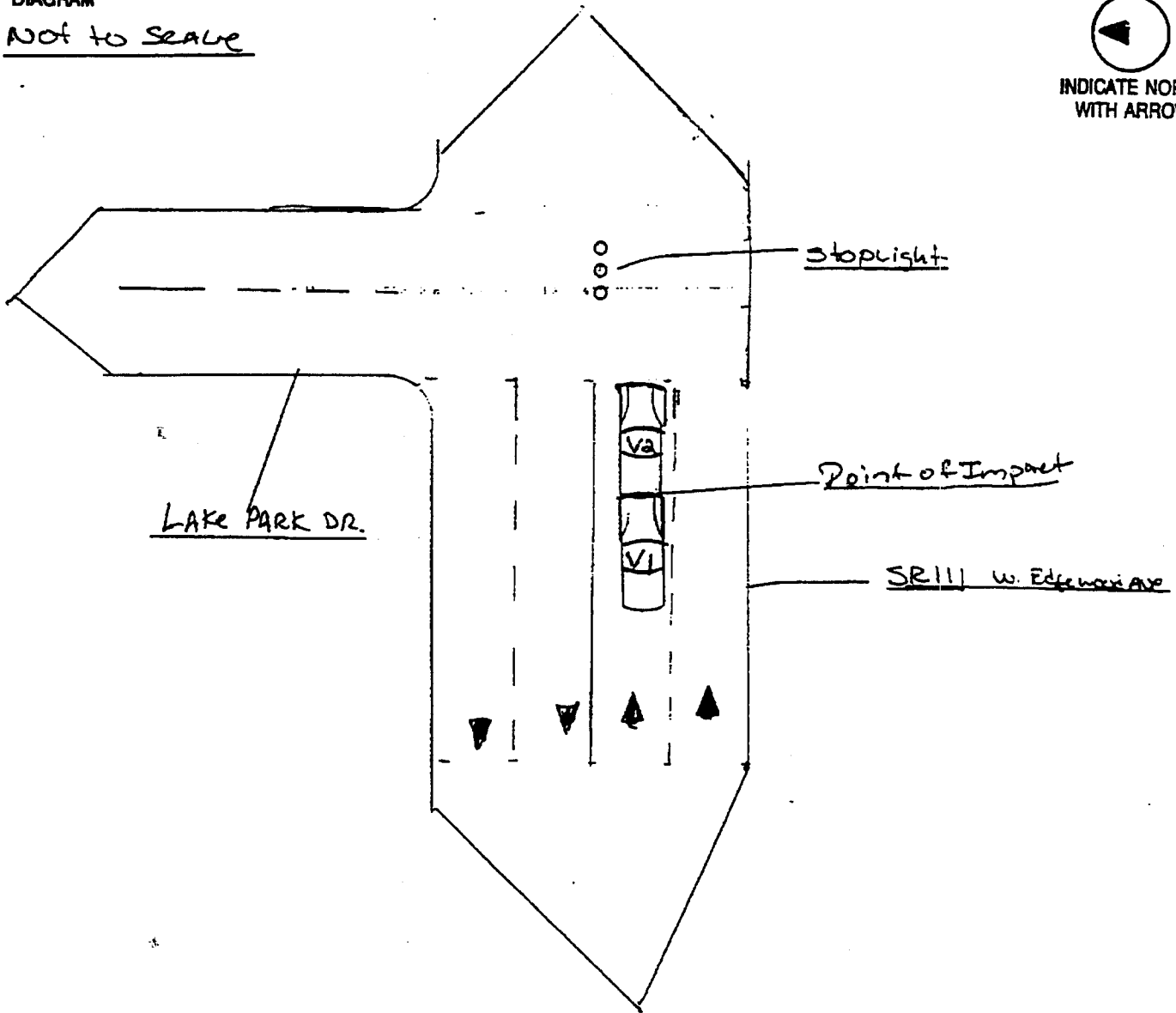
INVESTIGATOR - RANK & SIGNATURE: PTCM T.R. Borchardt / T.R. Borchardt ID / BADGE NUMBER: 6024 DEPARTMENT: Jacksonville FHP SO CPD OTHER

DIAGRAM

NOT TO SCALE



INDICATE NORTH
WITH ARROW



MATTER # 1092191
FILE TYPE Lawsuit
FILE NAME [REDACTED]
CAIR #
DATE OF INCIDENT 10/06/2001
DATE OF NOTICE 04/16/2002
MODEL/MODEL YEAR 1995 Jeep Grand Cherokee (ZJ)
VIN 1J4FX78S2SC [REDACTED]
MILEAGE
OWNER [REDACTED]
[REDACTED] Jacksonville, Florida [REDACTED]
[REDACTED]
COURT U.S. District Court For The Middle District of Florida
DOCKET # 302cv305j25tem
FIRE ALLEGED Yes
DESCRIPTION On October 6, 2001, [REDACTED] was stopped at a red light in his 1995 Jeep Grand Cherokee (ZJ) on SR 111 with a posted speed limit of 45 mph. The Jeep Grand Cherokee (ZJ) was rear-ended by a Lincoln Town Car being driven by [REDACTED] n and a fire ensued.
PROPERTY DAMAGE ALLEGED No
INJURIES 2
FATALITIES
ANALYSIS Based on the inspection of the 1995 Jeep Grand Cherokee (ZJ) and other available information, including the police accident report and witness statements, Chrysler Group concludes that the Lincoln Town Car struck the rear of the Jeep Grand Cherokee (ZJ) at a relative velocity of approximately 45-55 mph. This is confirmed by the police accident report, which estimates the speed of the Lincoln Town Car at 55 mph. The front end of the Lincoln Town Car likely underrode the Jeep Grand Cherokee (ZJ) at impact. The high energy rear impact likely ruptured the fuel tank of the Jeep Grand Cherokee (ZJ) and resulted 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-001047-1051.

SUMMONS
(CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

Ali Jahanfard, DaimlerChrysler, Jeep Cherokee, Ford, Drawtite, South Bay Auto, Jose Valladolid, Pan American Body Shop, and

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

AUG -9 07

CLERK OF COURT
COUNTY OF SANTA CLARA

DEPUTY
G. Duarte

DOES 1 TO 50

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Jesus Torres ✓

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, pueda perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court - County of Santa Clara,
191 North First Street.

San Jose, CA 95113

CASE NUMBER:
(Número del Caso):
107 CV 091783

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

T. TROY OTUS (#148411)

650-548-2100

LAW FIRM OF OTUS & ASSOCIATES

533 AIRPORT BLVD., #505

BURLINGAME, CA 94010

DATE:

AUG 09 2007

(Fecha)

Clerk, by _____

Kiri Torre

(Secretario)

G. Duarte

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

[SEAL]

- as an individual defendant.
- as the person sued under the fictitious name of (specify):

3. on behalf of (specify):

under: CCP 416.10 (corporation)

CCP 416.20 (defunct corporation)

CCP 416.40 (association or partnership)

other (specify):

4. by personal delivery on (date):

CCP 416.80 (minor)

CCP 416.70 (conservatee)

CCP 416.90 (authorized person)

SHORT TITLE: TORRES V. JAHANFARD

CASE NUMBER:

4. Plaintiff (name):
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. except defendant (name): DaimlerChrysler

c. except defendant (name): Ford

(1) a business organization, form unknown

(1) a business organization, form unknown

(2) a corporation

(2) a corporation

(3) an unincorporated entity (describe):

(3) an unincorporated entity (describe):

(4) a public entity (describe):

(4) a public entity (describe):

(5) other (specify):

(5) other (specify):

b. except defendant (name): Jeep Cherokee

d. except defendant (name): Drawtite

(1) a business organization, form unknown

(1) a business organization, form unknown

(2) a corporation

(2) a corporation

(3) an unincorporated entity (describe):

(3) an unincorporated entity (describe):

(4) a public entity (describe):

(4) a public entity (describe):

(5) other (specify):

(5) other (specify):

Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. Doe defendants (specify Doe numbers): 1 - 50 were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b. Doe defendants (specify Doe numbers): 1 - 50 are persons whose capacities are unknown to plaintiff.

7. Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. at least one defendant now resides in its jurisdictional area.

b. the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.

c. injury to person or damage to personal property occurred in its jurisdictional area.

d. other (specify):

9. Plaintiff is required to comply with a claims statute, and

a. has complied with applicable claims statutes, or

b. is excused from complying because (specify):

SHORT TITLE: TORRES V. JAHANFARD	CASE NUMBER:
----------------------------------	--------------

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. Motor Vehicle
- b. General Negligence
- c. Intentional Tort
- d. Products Liability
- e. Premises Liability
- f. Other (specify):

11. Plaintiff has suffered

- a. wage loss
- b. loss of use of property
- c. hospital and medical expenses
- d. general damage
- e. property damage
- f. loss of earning capacity
- g. other damage (specify): ACCORDING TO PROOF

12. The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. listed in Attachment 12.
- b. as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

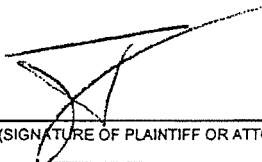
14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) compensatory damages
 - (2) punitive damages
- The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):
- (1) according to proof
 - (2) in the amount of: \$ according to proof

15. The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: August 9, 2007

T. TROY OTUS, ESO.
(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: TORRES V. JAHANFARD	CASE NUMBER:
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FIRST _____ CAUSE OF ACTION—Motor Vehicle
(number)

ATTACHMENT TO Complaint Cross - Complaint
(Use a separate cause of action form for each cause of action.)

Plaintiff (name): JESUS TORRES

MV-1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred on (date): August 9, 2007 ⁰⁶ at (place): I-280 northbound, north of McArthur Avenue, City of San Jose, Santa Clara County, California

MV-2. DEFENDANTS

a. The defendants who operated a motor vehicle are (names): ALI JAHANFARD

Does 1 _____ to 50 _____

b. The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):

Does 1 _____ to 50 _____

c. The defendants who owned the motor vehicle which was operated with their permission are (names): ALI JAHANFARD

Does 1 _____ to 50 _____

d. The defendants who entrusted the motor vehicle are (names): ALI JAHANFARD

Does 1 _____ to 50 _____

e. The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

Does 1 _____ to 50 _____

f. The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are listed in Attachment MV-2f as follows:

Does _____ to _____

SHORT TITLE: TORRES V. JAHANFARD

CASE NUMBER:

CAUSE OF ACTION—General Negligence

Page 5

(number)

ATTACHMENT TO Complaint Cross - Complaint*(Use a separate cause of action form for each cause of action.)*

GN-1. Plaintiff (name): JESUS TORRES

alleges that defendant (name): South Bay Auto, Jose Valladolid, Pan American Body Shop, and

 Does 1 to 50

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): August 9, 2006

at (place): I-280, northbound, north of McArthur Ave, City of San Jose, County of Santa Clara.

(description of reasons for liability):

Plaintiff was driving a 1994 Jeep Grand Cherokee. His Jeep was rearended by a motorcycle, the Jeep then exploded. The owners of the jeep failed to properly maintain it and installed after market parts which were not designed for that vehicle which led to the explosion. The parts included, but are not limited to the bumper, hitch receiver and hitch. The defendants failed properly inspect, maintain, and repair said vehicle.

SHORT TITLE: TORRES V. JAHANFARD	CASE NUMBER:
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Third CAUSE OF ACTION—Products Liability
(number)

Page 6

ATTACHMENT TO Complaint Cross-Complaint
(Use a separate cause of action form for each cause of action.)

Plaintiff (name): JESUS TORRES

Prod. L-1. On or about (date): August 9, 2006 plaintiff was injured by the following product:
1994 Jeep Grand Cherokee 4x4 Laredo, including, but not limited to the bumper, hitch, hitch receiver, plastic gas tank, and other parts of the vehicle, CA Lic Plate No. 4GQH912. The vehicle exploded.

Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects. The product was defective when it left the control of each defendant. The product at the time of injury was being
 used in the manner intended by the defendants.
 used in a manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod. L-3. Plaintiff was a
 purchaser of the product. user of the product.
 bystander to the use of the product. other (specify):

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:

Prod. L-4. **Count One--Strict liability** of the following defendants who
a. manufactured or assembled the product (names): DaimlerChrysler, Jeep Cherokee, Ford, Drawtite, South Bay Auto, Jose Valladolid, Pan American Body Shop, and
 Does 1 to 50
b. designed and manufactured component parts supplied to the manufacturer (names):
DaimlerChrysler, Jeep Cherokee, Ford, Drawtite, South Bay Auto, Jose Valladolid, Pan American Body Shop, and
 Does 1 to 50
c. sold the product to the public (names):DaimlerChrysler, Jeep Cherokee, Ford, Drawtite, South Bay Auto, Jose Valladolid, Pan American Body Shop, and
 Does 1 to 50

Prod. L-5. **Count Two--Negligence** of the following defendants who owed a duty to plaintiff (names):
DaimlerChrysler, Jeep Cherokee, Ford, Drawtite, South Bay Auto, Jose Valladolid, Pan American Body Shop, and
 Does 1 to 50

Prod. L-6. **Count Three--Breach of warranty** by the following defendants (names): DaimlerChrysler, Jeep Cherokee, Ford, Drawtite, and
 Does 1 to 50
a. who breached an implied warranty
b. who breached an express warranty which was
 written oral

Prod. L-7. The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are
 listed in Attachment-Prod. L-7 as follows:

SHORT TITLE: TORRES V. JAHANFARD

CASE NUMBER:

ATTACHMENT (Number): 5

Page 7 of 7

(This Attachment may be used with any Judicial Council form.)

(Add pages as required)

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Each defendant named above is a natural person, except for

Pan American Body Shop

A business organization, form unknown

South Bay Auto

A business organizatoin, form unknown

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

CIVIL LAWSUIT NOTICE

Superior Court of California, County of Santa Clara
191 N. First St., San José, CA 95113

CASE NUMBER: _____

107CV091783**READ THIS ENTIRE FORM**

PLAINTIFFS (the person(s) suing): Within 60 days after filing the lawsuit, you must serve each defendant with the *Complaint*, *Summons*, an *Alternative Dispute Resolution (ADR) Information Sheet*, and a copy of this *Civil Lawsuit Notice*, and you must file written proof of such service.

DEFENDANTS (The person(s) being sued): You must do each of the following to protect your rights:

1. You must file a written response to the *Complaint*, in the Clerk's Office of the Court, within 30 days of the date the *Summons* and *Complaint* were served on you;
2. You must send a copy of your written response to the plaintiff; and
3. You must attend the first Case Management Conference.

Warning: If you do not do these three things, you may automatically lose this case.

RULES AND FORMS: You must follow the California Rules of Court (CRC) and the Santa Clara County Superior Court Local Civil Rules and use proper forms. You can get legal information, view the rules and get forms, free of charge, from the Self-Service Center at 99 Notre Dame Avenue, San Jose (408-882-2900 x-2926), or from:

- State Rules and Judicial Council Forms: www.courtinfo.ca.gov/forms and www.courtinfo.ca.gov/rules
- Local Rules and Forms: <http://www.sccsuperiorcourt.org/civil/rule1toc.htm>
- Rose Printing: 408-293-8177 or becky@rose-printing.com (there is a charge for forms)

For other local legal information, visit the Court's Self-Service website www.sccselfservice.org and select "Civil."

CASE MANAGEMENT CONFERENCE (CMC): You must meet with the other parties and discuss the case, in person or by telephone, at least 30 calendar days before the CMC. You must also fill out, file and serve a *Case Management Statement* (Judicial Council form CM-110) at least 15 calendar days before the CMC.

You or your attorney must appear at the CMC. You may ask to appear by telephone — see Local Civil Rule 8.

Your Case Management Judge is: Kevin Murphy Department: 22

The 1st CMC is scheduled for: (Completed by Clerk of Court)

Date: 1/15/08 Time: 3:00pm in Department 22

The next CMC is scheduled for: (Completed by party if the 1st CMC was continued or has passed)

Date: _____ Time: _____ in Department _____

ALTERNATIVE DISPUTE RESOLUTION (ADR): If all parties have appeared and filed a completed *ADR Stipulation Form* (local form CV-5008) at least 15 days before the CMC, the Court will cancel the CMC and mail notice of an ADR Status Conference. Visit the Court's website at www.sccsuperiorcourt.org/civil/ADR/ or call the ADR Administrator (408-882-2100 x-2530) for a list of ADR providers and their qualifications, services, and fees.

WARNING: Sanctions may be imposed if you do not follow the California Rules of Court or the Local Rules of Court.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ALTERNATIVE DISPUTE RESOLUTION
INFORMATION SHEET / CIVIL DIVISION

Many cases can be resolved to the satisfaction of all parties without the necessity of traditional litigation, which can be expensive, time consuming, and stressful. The Court finds that it is in the best interests of the parties that they participate in alternatives to traditional litigation, including arbitration, mediation, neutral evaluation, special masters and referees, and settlement conferences. Therefore, all matters shall be referred to an appropriate form of Alternative Dispute Resolution (ADR) before they are set for trial, unless there is good cause to dispense with the ADR requirement.

What is ADR?

ADR is the general term for a wide variety of dispute resolution processes that are alternatives to litigation. Types of ADR processes include mediation, arbitration, neutral evaluation, special masters and referees, and settlement conferences, among others forms.

What are the advantages of choosing ADR instead of litigation?

ADR can have a number of advantages over litigation:

- < ADR can save time. A dispute can be resolved in a matter of months, or even weeks, while litigation can take years.
- < ADR can save money. Attorney's fees, court costs, and expert fees can be reduced or avoided altogether.
- < ADR provides more participation. Parties have more opportunities with ADR to express their interests and concerns, instead of focusing exclusively on legal rights.
- < ADR provides more control and flexibility. Parties can choose the ADR process that is most likely to bring a satisfactory resolution to their dispute.
- < ADR can reduce stress. ADR encourages cooperation and communication, while discouraging the adversarial atmosphere of litigation. Surveys of parties who have participated in an ADR process have found much greater satisfaction than with parties who have gone through litigation.

What are the main forms of ADR offered by the Court?

- < Mediation is an informal, confidential process in which a neutral party (the mediator) assists the parties in understanding their own interests, the interests of the other parties, and the practical and legal realities they all face. The mediator then helps the parties to explore options and arrive at a mutually acceptable resolution of the dispute. The mediator does not decide the dispute. The parties do.
- < Mediation may be appropriate when:
 - < The parties want a non-adversary procedure
 - < The parties have a continuing business or personal relationship
 - < Communication problems are interfering with a resolution
 - < There is an emotional element involved
 - < The parties are interested in an injunction, consent decree, or other form of equitable relief.

-over-

- < Arbitration is a normally informal process in which the neutral (the arbitrator) decides the dispute after hearing the evidence and arguments of the parties. The parties can agree to binding or non-binding arbitration. Binding arbitration is designed to give the parties a resolution of their dispute when they cannot agree by themselves or with a mediator. If the arbitration is non-binding, any party can reject the arbitrator's decision and request a trial.

Arbitration may be appropriate when:

- < The action is for personal injury, property damage, or breach of contract
- < Only monetary damages are sought
- < Witness testimony, under oath, is desired
- < An advisory opinion is sought from an experienced litigator (if a non-binding arbitration)

- < Neutral evaluation is an informal process in which a neutral party (the evaluator) reviews the case with counsel and gives a non-binding assessment of the strengths and weaknesses on each side and the likely outcome. The neutral can help parties to identify issues, prepare stipulations, and draft discovery plans. The parties may use the neutral's evaluation to discuss settlement.

Neutral evaluation may be appropriate when:

- < The parties are far apart in their view of the law or value of the case
- < The case involves a technical issue in which the evaluator has expertise
- < Case planning assistance would be helpful and would save legal fees and costs
- < The parties are interested in an injunction, consent decree, or other form of equitable relief

- < Special masters and referees are neutral parties who may be appointed by the court to obtain information or to make specific fact findings that may lead to a resolution of a dispute.

Special masters and referees can be particularly effective in complex cases with a number of parties, like construction disputes.

- < Settlement conferences are informal processes in which the neutral (a judge or an experienced attorney) meets with the parties or their attorneys, hears the facts of the dispute, and normally suggests a resolution that the parties may accept or use as a basis for further negotiations.

Settlement conferences can be effective when the authority or expertise of the judge or experienced attorney may help the parties reach a resolution.

What kind of disputes can be resolved by ADR?

Although some disputes must go to court, almost any dispute can be resolved through ADR. This includes disputes involving business matters; civil rights; corporations; construction; consumer protection; contracts; copyrights; defamation; disabilities; discrimination; employment; environmental problems; harassment; health care; housing; insurance; intellectual property; labor; landlord/tenant; media; medical malpractice and other professional negligence; neighborhood problems; partnerships; patents; personal injury; probate; product liability; property damage; real estate; securities; and sports, among other matters.

Where can you get assistance with selecting an appropriate form of ADR and a neutral for your case, for information about ADR procedures, or for other questions about ADR?

Contact:

Santa Clara County Superior Court
ADR Administrator
408-882-2530

Santa Clara County DRPA Coordinator
408-792-2704

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</p> <p>T. TROY OTUS (#148411) LAW FIRM OF OTUS & ASSOCIATES 533 AIRPORT BOULEVARD SUITE 505 BURLINGAME, CA 94010 TELEPHONE NO.: 650-548-2100 FAX NO. (Optional): 650-342-2140 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): PLAINTIFF</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 191 North First Street MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME:</p>	
<p>PLAINTIFF/PETITIONER: JESUS TORRES DEFENDANT/RESPONDENT: ALI JAHANFARD</p>	
<p>NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL</p>	<p>CASE NUMBER: 107cv091783</p>

TO (insert name of party being served): DaimlerChrysler

NOTICE

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: December 11, 2007

Annabel Rodriguez

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (to be completed by sender before mailing):

- 1. A copy of the summons and of the complaint.
- 2. Other: (specify): Civil Lawsuit Notice, ADR Information Sheet

(To be completed by recipient):

Date this form is signed:

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY, ON WHOSE BEHALF THIS FORM IS SIGNED)

Annabel Rodriguez - Legal Asst.

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

<p>• ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</p> <p>T. TROY OTUS (#148411) LAW FIRM OF OTUS & ASSOCIATES 533 AIRPORT BOULEVARD SUITE 505 BURLINGAME, CA 94010</p> <p>TELEPHONE NO.: 650-548-2100 FAX NO. (Optional): 650-342-2140</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name): PLAINTIFF</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</p> <p>STREET ADDRESS: 191 North First Street</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE: San Jose, CA 95113</p> <p>BRANCH NAME:</p>	
<p>PLAINTIFF/PETITIONER: JESUS TORRES</p> <p>DEFENDANT/RESPONDENT: ALI JAHANFARD</p>	
<p>NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL</p>	<p>CASE NUMBER: 107cv091783</p>

TO (insert name of party being served): DaimlerChrysler

NOTICE

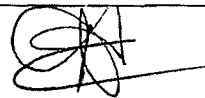
The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

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Annabel Rodriguez

(TYPE OR PRINT NAME)



(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

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Date this form is signed:

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY, ON WHOSE BEHALF THIS FORM IS SIGNED)

Annabel Rodriguez - Legal Asst.

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)





STATE OF CALIFORNIA
TRAFFIC COLLISION REPORT
 CHP 555 Page 1 (Rev.7-03) OPI 061

SPECIAL CONDITIONS		NUMBER INJURED 2	1ST & RUN FELONY <input type="checkbox"/>	CITY SAN JOSE	JUDICIAL DISTRICT SAN JOSE SUPERIOR	REPORT NUMBER 8-129		
		NUMBER KILLED 0	1ST & RUN ASSAULT/MURDER <input type="checkbox"/>	COUNTY SANTA CLARA	REPORTING DISTRICT 281	BEAT		
LOCATION	COLLISION OCCURRED ON I-280 N/B				MO. DAY YEAR 08 09 06	TIME (2400) 1800	NCIC # 9340	
	MILEPOST INFORMATION 100 FEET MILES N OF 280500L 512				DAY OF WEEK S M T (W) T F S	TOW AWAY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	OFFICER I.D. 16990	
	AT INTERSECTION WITH OR: 100 FEET MILES N OF MCARTHUR AVE					STATE HWY REL <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PHOTOGRAPHS BY: <input checked="" type="checkbox"/> NONE	
PARTY 1	DRIVERS LICENSE NUMBER	STATE CA	CLASS C	AIR BAG M	SAFETY EQUIP. G	VEH YEAR 04	MAKE/MODEL/COLOR DODGE/CHRYSLER/BURG	
DRIVER	[REDACTED]						LICENSE NUMBER	STATE CA
PEDESTRIAN	[REDACTED]							
PARKED VEHICLE	CITY/STATE/ZIP SANTA CLARA CA [REDACTED]							
BICYCLIST	SEX M	HAIR GRY	EYES BRN	HEIGHT 507	WEIGHT 180	BIRTHDATE [REDACTED]	RACE H	
OTHER	HOME PHONE [REDACTED]							
INSURANCE CARRIER CENTURY 21		BUSINESS PHONE [REDACTED]						
DIR OF TRAVEL ON STREET OR HIGHWAY N I-280				SPEED LIMIT 65				
VEH YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE	DISPOSITION OF VEHICLE ON ORDERS OF: <input checked="" type="checkbox"/> OFFICER <input checked="" type="checkbox"/> DRIVER <input type="checkbox"/> OTHER				
06	BIG DOG KA RED	[REDACTED]	NV	BOBS TOW (408) 866-7777				
OWNER'S NAME		<input checked="" type="checkbox"/> SAME AS DRIVER						
OWNER'S ADDRESS		<input checked="" type="checkbox"/> SAME AS DRIVER						
DISPOSITION OF VEHICLE ON ORDERS OF: <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER		BOBS TOW (408) 866-7777						
PRIOR MECHANICAL DEFECTS: <input checked="" type="checkbox"/> NONE APPARENT <input type="checkbox"/> REFER TO NARRATIVE		VEHICLE IDENTIFICATION NUMBER:						
VEHICLE TYPE		DESCRIBE VEHICLE DAMAGE		SHADE IN DAMAGED AREA				
07		<input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MOD. <input checked="" type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER		[SHADE]				
CA _____ DOT _____		CAL-T _____ TCP/PSC _____ MCAK _____		[SHADE]				
PARTY 2	DRIVERS LICENSE NUMBER	STATE NV	CLASS C	AIR BAG M	SAFETY EQUIP. G	VEH YEAR 06	MAKE/MODEL/COLOR BIG DOG KA RED	
DRIVER	[REDACTED]						LICENSE NUMBER	STATE NV
PEDESTRIAN	[REDACTED]							
PARKED VEHICLE	CITY/STATE/ZIP LAS VEGAS NV [REDACTED]							
BICYCLIST	SEX M	HAIR BRN	EYES BRN	HEIGHT 500	WEIGHT 185	BIRTHDATE [REDACTED]	RACE W	
OTHER	HOME PHONE [REDACTED]							
INSURANCE CARRIER STATE FARM		BUSINESS PHONE [REDACTED]						
DIR OF TRAVEL ON STREET OR HIGHWAY N I-280				SPEED LIMIT 65				
VEH YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE	DISPOSITION OF VEHICLE ON ORDERS OF: <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER				
06	BIG DOG KA RED	[REDACTED]	NV	BOBS TOW (408) 866-7777				
OWNER'S NAME		<input checked="" type="checkbox"/> SAME AS DRIVER						
OWNER'S ADDRESS		<input checked="" type="checkbox"/> SAME AS DRIVER						
DISPOSITION OF VEHICLE ON ORDERS OF: <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER		BOBS TOW (408) 866-7777						
PRIOR MECHANICAL DEFECTS: <input checked="" type="checkbox"/> NONE APPARENT <input type="checkbox"/> REFER TO NARRATIVE		VEHICLE IDENTIFICATION NUMBER:						
VEHICLE TYPE		DESCRIBE VEHICLE DAMAGE		SHADE IN DAMAGED AREA				
02		<input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MOD. <input checked="" type="checkbox"/> MAJOR <input checked="" type="checkbox"/> ROLL-OVER		[SHADE]				
CA _____ DOT _____		CAL-T _____ TCP/PSC _____ MCAK _____		[SHADE]				
PARTY 3	DRIVERS LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH YEAR	MAKE/MODEL/COLOR	
DRIVER	NAME (FIRST, MIDDLE, LAST)						LICENSE NUMBER	STATE
PEDESTRIAN	STREET ADDRESS							
PARKED VEHICLE	CITY/STATE/ZIP							
BICYCLIST	SEX	HAIR	EYES	HEIGHT	WEIGHT	Mo. BIRTHDATE Day Year	RACE	
OTHER	HOME PHONE		BUSINESS PHONE					
INSURANCE CARRIER		POLICY NUMBER						
DIR OF TRAVEL ON STREET OR HIGHWAY				SPEED LIMIT				
VEH YEAR		DESCRIBE VEHICLE DAMAGE		SHADE IN DAMAGED AREA				
		<input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MOD. <input type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER		[SHADE]				
CA _____ DOT _____		CAL-T _____ TCP/PSC _____ MCAK _____		[SHADE]				
PREPARER'S NAME B. AGUINBA #16990		DISPATCH NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A		REVIEWER'S NAME J. POTERMAN 15825		DATE REVIEWED 8-23-06		

DATE OF COLLISION (MO. DAY YEAR) 08 09 06 TIME (2400) 1800 NCIC# 9340 OFFICER I.D. 16990 NUMBER 8-129

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)					PARTY NUMBER	BEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED	
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER						
<input type="checkbox"/> #	<input type="checkbox"/>	57	M	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	1	M	G	18

NAME / D. O. B. / ADDRESS: [REDACTED] SAME AS P-1 TELEPHONE: SAME AS P-1

(INJURED ONLY) TRANSPORTED BY: [REDACTED] TAKEN TO: KAISER SANTA CLARA

DESCRIBE INJURIES: SUFFERED FROM BURNS TO BOTH ARMS + HEAD.

VICTIM OF VIOLENT CRIME NOTIFIED

<input type="checkbox"/> #	<input type="checkbox"/>	29	M	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	1	P	W	1
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NAME / D. O. B. / ADDRESS: [REDACTED] SAME AS P-2 TELEPHONE: SAME AS P-2

(INJURED ONLY) TRANSPORTED BY: AMR TAKEN TO: VMC

DESCRIBE INJURIES: SUFFERED FROM A BROKEN RIGHT HUMERUS, FRACTURED PELVIS, TORN LEFT ACL, BROKEN RIGHT TIBULA AND FIBULA AND ROAD RASH ON HIS LEFT ARM.

VICTIM OF VIOLENT CRIME NOTIFIED

<input checked="" type="checkbox"/> #	<input type="checkbox"/>	38	F	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
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NAME / D. O. B. / ADDRESS: [REDACTED] SAN JOSE CA [REDACTED] TELEPHONE: [REDACTED]

(INJURED ONLY) TRANSPORTED BY: [REDACTED] TAKEN TO: [REDACTED]

DESCRIBE INJURIES:

VICTIM OF VIOLENT CRIME NOTIFIED

<input checked="" type="checkbox"/> #	<input type="checkbox"/>	46	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
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NAME / D. O. B. / ADDRESS: [REDACTED] SAN JOSE CA [REDACTED] TELEPHONE: [REDACTED]

(INJURED ONLY) TRANSPORTED BY: [REDACTED] TAKEN TO: [REDACTED]

DESCRIBE INJURIES:

VICTIM OF VIOLENT CRIME NOTIFIED

<input checked="" type="checkbox"/> #	<input type="checkbox"/>	43	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
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NAME / D. O. B. / ADDRESS: [REDACTED] SAN JOSE CA [REDACTED] TELEPHONE: [REDACTED]

(INJURED ONLY) TRANSPORTED BY: [REDACTED] TAKEN TO: [REDACTED]

DESCRIBE INJURIES:

VICTIM OF VIOLENT CRIME NOTIFIED

<input type="checkbox"/> #	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
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NAME / D. O. B. / ADDRESS: [REDACTED] TELEPHONE: [REDACTED]

(INJURED ONLY) TRANSPORTED BY: [REDACTED] TAKEN TO: [REDACTED]

DESCRIBE INJURIES:

VICTIM OF VIOLENT CRIME NOTIFIED

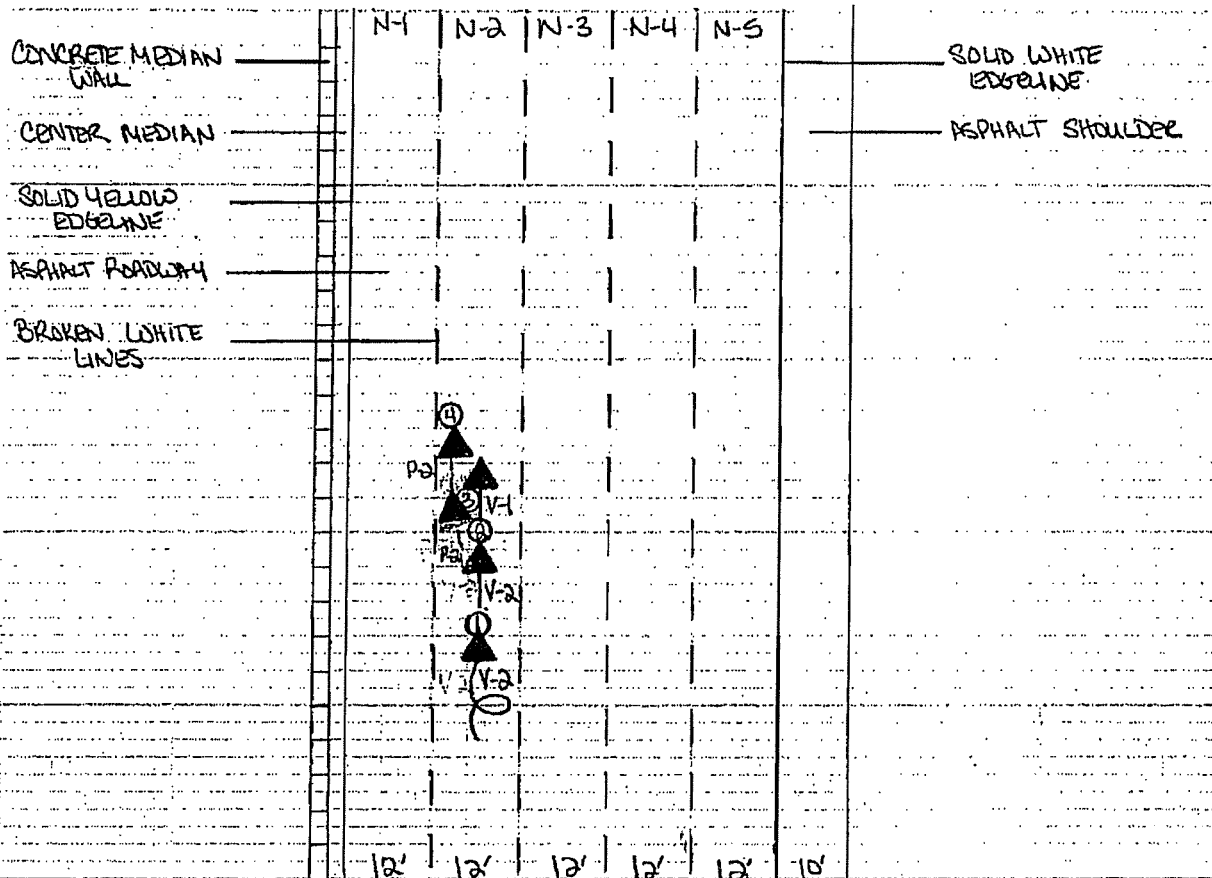
PREPARER'S NAME	I.D. NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
B. AGUILERA	16990	08 09 06		

DATE OF COLLISION (MO. DAY YEAR) 08 09 06	TIME (2400) 1800	NCIC # 9340	OFFICER I.D. 16990	NUMBER 8-129
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE)



I-280 N/B



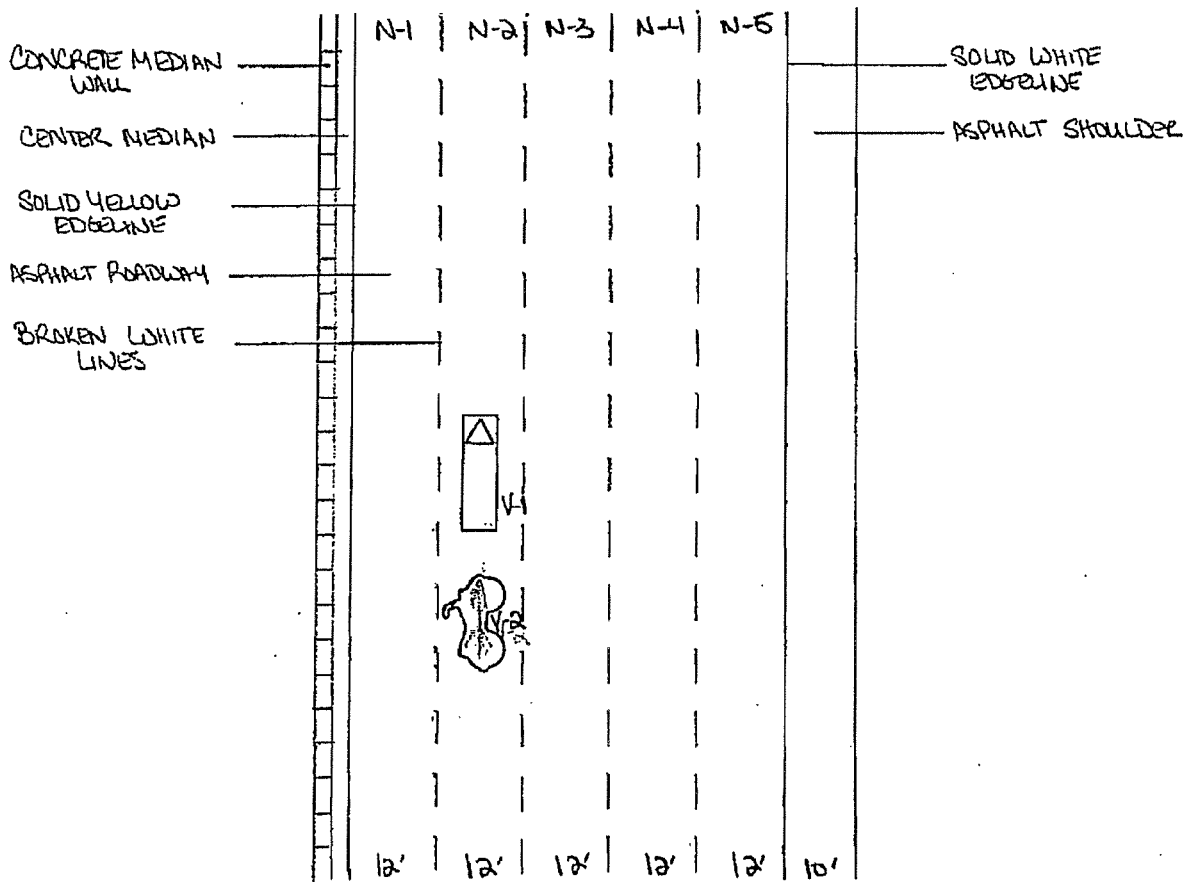
PREPARED BY B. AQUINCA	I.D. NUMBER 16990	MO. DAY YEAR 08 09 06	REVIEWER'S NAME	NO. DAY YEAR
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DATE OF COLLISION (MO. DAY YEAR) 08 09 04	TIME (2400) 1800	NCIC # 9340	OFFICER I.D. 16990	NUMBER 8-129
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE=)



I-280 N/B



McARTHUR AVE
 ↓

PREPARED BY B. AGUMGA	I.D. NUMBER 16990	MO. DAY YEAR 08 09 04	REVIEWER'S NAME	MO. DAY YEAR
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STATE OF CALIFORNIA
 NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT: 08 09 06 TIME: 1800 NCIC NUMBER: 9340 OFFICER I.D.: 16990 PAGE NUMBER: 8-129

LEGEND

VEHICLE POINT OF REST:

Vehicle	FL	Dir	First Reference Point	FL	Dir	Second Reference Point
V-1 R/F	160	N	N ROAD EDGE OF MCARTHUR AVE	14	E	W BOUNDARY EDGE OF I-280
V-1 R/R	34	N	N ROAD EDGE OF MCARTHUR AVE	14	E	W ROADWAY EDGE OF I-280
V-2 R/F	144	N	N ROAD EDGE OF MCARTHUR AVE	18	E	W ROADWAY EDGE OF I-280
V-2 R/R	138	N	N ROAD EDGE OF MCARTHUR AVE	18	E	W ROADWAY EDGE OF I-280

PHYSICAL EVIDENCE DESCRIPTION:

Item	Description
Item 1:	
Item 2:	
Item 3:	
Item 4:	

LOCATION OF PHYSICAL EVIDENCE:

Item	FL	Dir	First Reference Point	FL	Dir	Second Reference Point
Item 1:						
Item 2:						
Item 3:						
Item 4:						

PREPARER'S NAME: B. ASUNIBA I.D. NUMBER: 16990 DATE: 08 09 06 REVIEWER'S NAME: DATE:

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.
08/09/06	1800	9340	16990

FACTS**NOTIFICATION:**

I was dispatched to a call of a disabled vehicle blocking the #2 lane 1758 hours. I responded from I-280 N/B at SR-87. I arrived on scene at approximately 1803 hours. All speeds, times and measurements are approximate. All measurements are visual estimations.

SCENE:

At the scene of this collision, I-280 N/B N/O McArthur Ave consists of five 12 foot asphalt lanes separated by broken white lines, located in the city of San Jose and the county of Santa Clara. The roadway is straight and bordered to the west by a solid yellow edge line, 2 foot center median and concrete median wall. The roadway is bordered to the east by a solid white edge line and a 10 foot asphalt shoulder. (See factual diagram.)

PARTIES:

P-1 [REDACTED] was transported by a passerby, Susanna Ochoa, prior to my arrival. P-1 was later contacted at Kaiser Santa Clara by Officer Avila, #16957. P-1 was identified by a valid California driver's license. P-1 was determined to be the driver of V-1 based on his statements to Ms. Ochoa and his family members.

V-1 [REDACTED] was located on its wheels facing a northerly direction, blocking the #2 lane, upon my arrival. V-1 sustained major damage which consisted of the entire vehicle burned and the rear bumper dented. No prior mechanical defects or damage were noted or claimed.

P-2 [REDACTED] was located lying on the ground in the center median, upon my arrival. P-2 was identified by a valid Nevada driver's license. P-2 was determined to be the driver of V-2 based on his statements and being the registered owner of the vehicle.

V-2 [REDACTED] was located on its left side facing a northerly direction blocking the #2 lane, directly behind V-1, upon my arrival. V-2 sustained major damage which consisted of the motorcycle completely burned and handle bars removed. No prior mechanical defects or damage were noted or claimed.

PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
B. AGUINIGA	016990	08/11/06		

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
08/09/06	1800	9340	16990	8-129

OTHER FACTUAL INFORMATION:

P-1 was transported from Kaiser Santa Clara to Valley Medical Center on August 9, 2006. As of August 11, 2006, P-1 was still intubated therefore I was still unable to obtain a statement from him. The hospital related that he may be intubated for 1-2 weeks so at this time I will be using the statement he relayed to Ms. [REDACTED] en route to Kaiser Santa Clara.

PHYSICAL EVIDENCE:

None.

OPINIONS AND CONCLUSIONS

STATEMENTS:

P-1 ([REDACTED]) was unable to relay a statement due to being intubated, prior to CHP contact. The statement he relayed to Ms. [REDACTED] upon transport to the hospital was that he was slowing for traffic when his vehicle stalled in the #2 lane. He put his emergency lights when he suddenly felt a hit to the rear of his vehicle. He then felt the flames from the fire. He struggled to get out of the vehicle and then began running because he was burning. P-1 suffered from burns to both arms and his head at the time of this collision.

P-2 ([REDACTED]) related he was traveling on V-2 ([REDACTED]) at 60-65 mph in the #2 lane of I-280 N/B N/O McArthur, approaching the rear of V-1. He related that he saw V-1's flashers on but V-1 appeared to be traveling at approximately 50-55 mph. He relayed he was following him when he looked to the left to attempt to change lanes but could not move over because there was a vehicle already occupying the lane. He related that V-1 then came to a sudden stop in the lane and he knew at this point he was either going to hit directly into the back of V-1 or he needed to lay the motorcycle down. He decided to lay the motorcycle down and then slid into the back of V-1. He ended up on the roadway in front of V-1. He tried to move himself away from the vehicle but his legs wouldn't work so the citizens whom stopped to help dragged him to the center median. P-2 suffered from a broken femur to his right leg, fractured pelvis, torn left ACL road rash on his left arm and broken right tibia and fibula at the time of this collision.

PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
B. AGUINIGA	016990	08/11/06		

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
08/09/06	1800	9340	16990	8-129

STATEMENTS (CONTINUED):

W-1 [REDACTED] related she was traveling I-280 N/B about to take the SR-17 exit when she observed P-1 wandering around as if he was somewhat disoriented. She pulled over to see if he needed help and he relayed to her in Spanish to take him to the emergency room. She continued on I-280 N/B when she observed the collision scene, she saw lots of flames and smoke. She also saw that there was a motorcycle on the ground behind V-1. She then asked P-1 if there were any other occupants in the vehicle and he relayed that there were none. She then observed a male sitting on the roadway in front of the truck and that there were other people assisting to him. She related she was a little nervous at the time and all she could think about was getting P-1 to the hospital because he was on fire. On the way to the hospital P-1 relayed to her that he was stopping for the traffic ahead of him when suddenly his vehicle stalled. He then put on his emergency flashers because he was blocking the #2 lane. He tried to get the vehicle to the right or left but the vehicle would not move. He then felt a hit to the back of the vehicle and began feeling flames from behind. He struggled to get the door open and get out. He then got out of the vehicle and began running because he was on fire. She then called 911 to advise them of what was happening with P-1.

W-2 [REDACTED] related he was traveling in the #2 lane at approximately 65 mph. He related that he was traveling behind another vehicle which suddenly changed lanes from the #2 lane into the #1 lane. He looked ahead and that is when he saw V-1 stopped in the #2 lane with the flashers on. He changed lanes to the #1 lane and then looked in his rear view mirror. He observed V-2 traveling in the #2 lane approximately 100 yards behind V-1. He saw as P-2 realized he needed to get out of the lane, looking to the left or right to be able to move over. He then watched as P-2 dropped V-2 on the side and slide right into the back of V-1. He stated that as soon as V-2 hit V-1 it instantly exploded. He saw P-2 hit what he believes was the tire or left side of V-1 with his lower torso and then spun around on the roadway. He then called 911 to report the collision.

W-3 [REDACTED] related he was traveling in the #4 lane, two cars to the right rear of V-1, at approximately 20-25 mph. He related that V-1 was traveling at approximately 10-15 mph in the #2 lane and that he did not see his flashers on. He suddenly saw V-1 pop up and then watched V-2 come out from underneath V-1. He related he never saw P-2 prior to the collision and he never actually saw V-2 collide with V-1. He just observed V-1 pop, V-2 come sliding out from behind V-1 and then both go up in flames. He immediately pulled to the right shoulder and that is when he saw P-2 in front of the jeep. He related that P-2 had dragged himself a little ways away from the vehicle and then P-2 asked W-3 to pull him further away, which he did. He also never saw P-1 get out of the vehicle, by the time he got across the lanes the door of the V-1 was open and he was not sure if there was anyone in the vehicle.

PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
B. AGUINIGA	016990	08/11/06		

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
08/09/06	1800	9340	16990	8-129

SUMMARY:

P-1 () was stopped in V-1 () in the #2 lane of I-280 N/B N/O McArthur Ave., due to mechanical problems. P-2 (Jahanfard) was traveling on V-2 () at a stated speed of 60-65 mph in the #2 lane of I-280 N/B N/O McArthur Ave., approaching the rear of V-1. P-2 observed V-1 with the flashers on ahead of him and then come to a complete stop. P-2 realized he was getting very close so he looked to the left to change lanes but could not move over because there was a vehicle occupying the lane. P-2 then laid V-2 down and V-2 continued sliding into the back of V-1. P-2 got ejected and collided with the left side of V-1 and then with the roadway. V-1 and V-2 instantly went up in flames. After the collision, P-1 ran from the vehicle seeking medical attention due to being on fire and was transported to Kaiser Santa Clara by a citizen. P-2 dragged himself away from V-1 and then with the help of a citizen was dragged to the center median. V-1 and V-2 were both blocking the #2 lane and awaited CHP arrival.

AREA OF IMPACT (AOI):

AOI #1 (V-2 vs. roadway) was located 120 feet N/ of the N/ road edge of McArthur Ave. and 16 feet E/ of the W/ roadway edge of I-280 N/B.

AOI #2 (V-2 vs. V-1) was located 150 feet N/ of the N/ road edge of McArthur Ave. and 16 feet E/ of the W/ roadway edge of I-280 S/B.

AOI #3 (P-2 vs. V-1) was located 155 feet N/ of the N/ road edge of McArthur Ave. and 14 feet E/ of the W/ roadway edge of I-280 S/B.

AOI #4 (P-2 vs. roadway) was located 165 feet N/ of the N/ road edge of McArthur Ave. and 12 feet E of the W/ roadway edge of I-280 S/B.

CAUSE:

P-2 was found to be the cause of this collision in violation of section 22350 V.C. - Unsafe speed for conditions.

The cause and AOI were determined by statements and vehicle damage.

RECOMMENDATIONS:

None.

PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
B. AGUINIGA	016990	08/11/06		

MATTER # 1187428
FILE TYPE Lawsuit
FILE NAME [REDACTED] (Jesus)
CAIR #
DATE OF INCIDENT 08/09/2006
DATE OF NOTICE 12/18/2007
MODEL/MODEL YEAR 1994 Jeep Grand Cherokee (ZJ)
VIN 1J4GZ58Y7RC [REDACTED]
MILEAGE
OWNER [REDACTED]
[REDACTED], Santa Clara, California [REDACTED]
[REDACTED]
COURT Superior Court of California
DOCKET # 107cv091783
FIRE ALLEGED Yes
DESCRIPTION On August 9, 2006, [REDACTED] was driving a 1994 Jeep Grand Cherokee (ZJ) northbound on Interstate 280 near McArthur Avenue in San Jose, California. At this location, I-280 is a divided interstate highway with five lanes of travel in each direction. [REDACTED] was driving in the #2 lane and began to slow for traffic when the Jeep Grand Cherokee (ZJ) stalled. [REDACTED] was riding a 2006 [REDACTED] motorcycle northbound in the #2 lane at a speed of 60-65 mph. He alleges he came upon Torres' Jeep Grand Cherokee (ZJ) and slowed to about 50-55 mph. [REDACTED] claims he looked left in an attempt to change lanes to the #1 lane but could not move over because a vehicle was already occupying the lane. He claims the Jeep Grand Cherokee (ZJ) then came to a sudden stop, and his only option was to lay the motorcycle down. The motorcycle slid into the rear of the Jeep Grand Cherokee (ZJ) and a fire ensued.
PROPERTY DAMAGE ALLEGED No
INJURIES 2
FATALITIES 0
ANALYSIS Based on the inspection of the 1994 Jeep Grand Cherokee (ZJ) and other available information, including the police accident report and witness statements, Chrysler Group concludes that the impact of the motorcycle with the rear of the Jeep Grand Cherokee (ZJ) occurred at a relative velocity in excess of 50 mph. The motorcycle was angled but almost upright when it struck the aftermarket trailer hitch receiver

(not available from the manufacturer) on the rear of the Jeep Grand Cherokee (ZJ). The impact was a focused load on the trailer hitch causing the hitch to fail and pushing it approximately 10 inches into the fuel tank, puncturing it and resulting in the fire. The receiver of the trailer hitch had sharp edges. Damage to the rear of the Jeep Grand Cherokee (ZJ) is depicted in the photographs in Enclosure 4 Bates Nos. PE10-031-Chrysler-001069-1070.

business in Texas. Chrysler Group LLC has answered and no further service is required.

4. At all relevant times to the causes-of-action asserted herein, the non-resident defendant, Chrysler Group LLC, has had continuous and systematic contacts with the State of Texas by delivering its products and services into the stream-of-commerce with the expectation that the products would reach consumers within the State of Texas. Further, Defendant has had minimum contacts with Texas and is doing business in Texas, by, among other things: entering into contracts, by mail or otherwise, with residents of the State of Texas, contracting for performance in Texas, recruiting Texas residents for employment inside and/or outside the State and committing torts in the State of Texas. The causes-of-action asserted herein arise from such contact and business.

Assumed Names

5. Pursuant to Rule 28 of the Texas Rules of Civil Procedure, Plaintiff hereby brings suit against all partnerships, unincorporated associations, individuals, entities, and private corporations doing business under the assumed name of or including the words: Chrysler Group LLC, Chrysler, and Jeep Motor Company.

Venue

6. Venue is proper in Tarrant County pursuant to the Texas Civil Practice & Remedies Code because the collision made the basis of this suit occurred in Tarrant County.

Wrongful Death Beneficiaries

7. Plaintiff will show that upon Rodney Ray Wood's death, two separate and distinct causes-of-action arose, one being for the benefit of his estate, which survives his death pursuant to Section 71.021 of the Texas Civil Practice and Remedies Code, and the other

cause-of-action being for the benefit of the statutory wrongful death beneficiary of Rodney Ray Wood as provided by Section 71.004 of the Texas Civil Practice and Remedies Code. Nawarath Wood is representative of Rodney Ray Wood's estate. Accordingly, Nawarath Wood brings this survival action on behalf of the Estate of Rodney Ray Wood to recover for his conscious pain and suffering, mental anguish, medical bills, funeral and burial expenses, and all other damages allowed by law. Nawarath Wood also brings this lawsuit in her individual capacity and as next friend to Matthew Wood and Joshua Wood seeking relief for all damages allowed by law in connection with the death of her husband and of her children's father. The damages to which she is entitled in her individual capacity and in her capacity as next friend include but are not limited: pecuniary loss in the past and future; loss of companionship and society in the past and future; mental anguish in the past and future; and loss of inheritance.

Factual Background

8. On July 1, 2009, Rodney Wood was the restrained driver of a 2004 Jeep Grand Cherokee, (VIN: 1J4GX48S94C249693) involved in a motor vehicle accident. Chrysler Group LLC designed, marketed and manufactured the vehicle in question.

9. On the day in question, the 2004 Jeep Grand Cherokee was rear-ended by a handicap van operated by the "T" which is Tarrant County's busing system. Mr. Wood survived the rear impact without injury. But after the impact, the Jeep Grand Cherokee caught fire. Rodney Ray Wood was trapped inside and burned to death.

Strict Products Liability

10. The 2004 Jeep Grand Cherokee at issue in this suit was manufactured, marketed,

and distributed by Chrysler Group LLC.

11. At all material times, Defendants, Chrysler Group LLC was a “Manufacturer” of the vehicle defined in TEX. CIV. PRAC. & REM. 82.001(4).

12. The vehicle and its related equipment were designed, manufactured, constructed, and/or distributed by and through its agents and/or representatives of Defendant, Chrysler Group LLC.

13. The Defendant was regularly engaged in the business of supplying or placing products, like the product in question in the stream of commerce for use by the consuming public, including Rodney Ray Wood. Further, such conduct was solely for commercial purposes.

14. The vehicle in question and its parts remained unchanged from the time they were originally manufactured, distributed and sold by Defendant until they reached Rodney Ray Wood and ultimately led to his death. Stated another way, the product in question was defective and in an unreasonably dangerous condition when it left the hands of the Defendant and remained defective and unreasonably dangerous at all times thereafter until they ultimately caused the Mr. Wood’s death.

15. With respect to the design of the product in question, at the time it left the control of the Defendant, there were safer alternative designs. Specifically, there were alternative designs that, in reasonable probability, would have prevented or significantly reduced the risk of injury or death to Rodney Ray Wood. Furthermore, such safer alternative designs were economically and technologically feasible at the time the product left the control of the Defendant by the application of existing or reasonably achievable scientific knowledge.

16. At the time the vehicle was placed into the stream of commerce, it was, or should have been, reasonably expected and foreseeable that persons such as Rodney Ray Wood would use the vehicle in the manner and application in which they were being used at the time Rodney Ray Wood sustained the injuries that led to his death.

17. At the time the vehicle in question left control of the Defendant, it was defective and unreasonably dangerous in that it was not adequately designed, manufactured, or marketed to minimize the risk of injury or death. By way of example and without limitation, the product in question was unreasonably, dangerously defective in the following ways:

- a. The vehicle was unreasonably dangerous and defectively designed in that it was not crashworthy and reasonably fit for clearly foreseeable accidents;
- b. The vehicle was unreasonably dangerous and defectively designed in that the fuel tank is inadequately protected for clearly foreseeable use of the vehicle. This made the vehicle unreasonably, dangerously, defectively designed for the vehicle's intended and reasonably foreseeable uses;
- c. The vehicle was unreasonably dangerous and defectively designed in that the vehicle and its related parts have significant likelihood to catch on fire on impact. This made the vehicle unreasonably, dangerously, defectively designed for the vehicle's intended and reasonably foreseeable uses;
- d. The vehicle was unreasonably dangerous and defectively designed in that the fuel tank was not adequately protected from a rear impact accident because it could easily be punctured in a car crash. This made the vehicle unreasonably, dangerously, defectively designed for the vehicle's intended and reasonably foreseeable uses;
- e. The vehicle was unreasonably dangerous and defectively designed in that the vehicle's fuel filler neck also tears off in crashes making it a fire hazard. This made the vehicle unreasonably, dangerously, defectively designed for the vehicle's intended and reasonably foreseeable uses;
- f. The vehicle was unreasonably dangerous and defective in its design to the extent a bolt in the rear sway bar was little more than a tenth of an inch from the gas tank, meaning it could easily be punctured in a crash. This condition made the vehicle unreasonably dangerous and defective for its

intended and reasonably foreseeable uses;

- g. The vehicle was unreasonably dangerous and defective in that it did not contain adequate instructions or warnings as to the manner to avoid risks and danger involved, in particular, with the dangerous propensity of the Jeep Grand Cherokee to catch on fire upon rear impact. This failure made the vehicle unreasonably dangerous and defective for its intended and reasonably foreseeable uses; and
- h. The vehicle was unreasonably dangerous and defective in that it failed to warn of the risks and nature and extent of dangers associated with its dangerous propensity to catch fire due to the location of the fuel tank in that the warnings and instructions provided, if any, were not in any form that could reasonably be expected to catch the attention of reasonably prudent person in the circumstances of the products' intended or reasonably foreseeable uses.

18. Plaintiff further contends that Defendant is not entitled to a rebuttal presumption that they are not liable for any injury to Rodney Ray Wood caused by the formulation, labeling, or design of the vehicle because they have not established that the vehicle's formulation, labeling or design complied with the mandatory standards adopted by the DOT. Additionally, in the event that Defendant does establish compliance with FMVSS, Plaintiff will present evidence that the standard is inadequate to protect the public from unreasonable risks of injury or damage.

19. The above unreasonably dangerous defects in the vehicle were the proximate and producing causes of Mr. Wood's death and damages.

Negligence

20. Defendant has a duty to manufacture, distribute and sell products that are not unreasonably dangerous. Defendant, acting by and through its agents and/or representatives, breached this duty and was thereby negligent in designing, manufacturing, marketing, distributing and selling the product in question. As a

proximate result of one or more of the aforementioned negligent acts or omissions of the Defendant, Rodney Ray Wood, sustained serious injury that led to his death and Plaintiff's sustained damages outlined below.

Damages

21. The unlawful acts and practices by the Defendant are and were a producing and proximate cause of Rodney Ray Wood's injuries and eventual death, as well as Plaintiff's damages. Accordingly, Defendant is liable to the Plaintiff for all Plaintiff's damages.

22. As a result of the negligent acts of the Defendant, Plaintiff, individually, as next friend to Matthew Wood and Joshua Wood, and as wrongful death beneficiary, has suffered damages that include, but are not limited to the following:

- a. Pecuniary loss in the past and future;
- b. Loss of companionship and society in the past and future;
- c. Mental anguish in the past and future;
- d. Loss of inheritance;
- e. Loss of consortium in the past and future; and
- f. Loss of services in the past and future.

23. Nawarath Wood, as Representative of the Estate of Rodney Ray Wood has suffered damages, which include, but are not limited to:

- a. Pain and mental anguish Mr. Wood suffered before his death;
- b. Medical expenses of Mr. Wood for injuries associated with the collision; and
- c. Funeral and burial expenses.

Demand for a Jury Trial

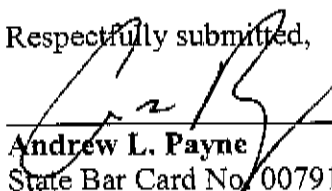
24. Plaintiff hereby demands that a jury be impaneled to decide the factual issues of

this case. The jury fee was previously paid with Plaintiff's Original Petition.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein, and that upon final trial, Plaintiff have judgment against Defendants for those damages described above and in the full amounts allowed by law, specifically including, but not limited to:

- a. A judgment in excess of the jurisdictional limits of this Court;
- b. Pre-judgment interest;
- c. Post-judgment interest;
- d. Costs and Expenses; and
- e. All such relief, whether at law or in equity, to which plaintiff may show herself justly entitled.

Respectfully submitted,



Andrew L. Payne
State Bar Card No. 00791416

James L. Mitchell
State Bar Card No. 14214300

Todd H. Ramsey
State Bar Card No. 00797283

PAYNE MITCHELL LAW GROUP
2911 Turtle Creek Boulevard
Suite 1400
Dallas, TX 75219
Telephone: (214) 252-1888
Telecopier: (214) 252-1889

Curtis L. Fortinberry
State Bar Card No. 00790707
101 Summit Ave. #104
Fort Worth, TX 76102
Telephone: (817) 332-1777
Telecopier: (817) 332-1778

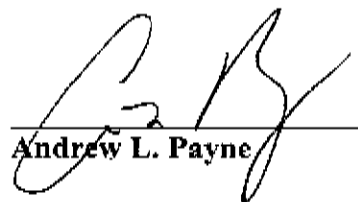
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Plaintiff's First Amended Petition and Jury Demand upon counsel of record as listed below on this 6th day of May, 2010.

Roy A. Spezia
Alifya V. Curtin
CLARK, THOMAS & WINTERS
399 West 6th Street, Suite 1500
Austin, TX 78701
Facsimile: (512) 474-1129

- U. S. Mail
- Hand Delivery
- Federal Express
- CM-ECF Electronic Copy
- Fax



Andrew L. Payne







09006950

D90069
09HULL05



COPIY

AFFIDAVIT OF RECORD

Before me, the undersigned authority, personally appeared [REDACTED] who being duly sworn, deposed as follows:

I, the undersigned, am over 18 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated;

Pursuant to the Fort Worth Police Department regulations and/or official procedures, offense reports and police investigative records are produced in the regular course of business at the office above. These records are kept and maintained in the regular course of business of the City of Fort Worth Police Department, and it was in the regular course of business of the City of Fort Worth Police Department for an employee or representative of the City of Fort Worth Police Department, with personal knowledge of the act, event or condition, opinion, recorded to make a memorandum or record, or to transmit information thereof to be included in such memorandum or record, when, and under such circumstances that the City of Fort Worth Police Department has the authority and responsibility to do so. In the event that such record or memorandum was made, it was made at or near the time of the act, event or condition and recorded reasonably soon thereafter.

The attached nine (9) pages of documents pertaining to Service No. 09-076903 are a true and correct copy of the original accident report on file with the Fort Worth Police Department.

[REDACTED]

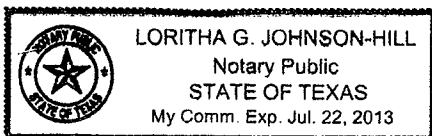
AFFIANT

4/30/10
DATE

Loritha G. Johnson-Hill
Notary Public for the State of Texas

4/30/10
DATE

My commission expires
7/22/2013



POLICE DEPARTMENT

THE CITY OF FORT WORTH * THOMAS R. WINDHAM BUILDING * 350 BELKNAP STREET * FORT WORTH, TEXAS 76102-2004
817-392-4210 * FAX 817-392-4216

Printed on recycled paper

FATAL CMV INVOLVED SCHOOL BUS RELATED RAILROAD RELATED MEDICAL ADVISORY BOARD HIT AND RUN AMENDMENT/SUPPLEMENT



Texas Peace Officer's Crash Report

Form CR-3
(Rev. 03/09)
Page 1 of 2

Submission of Crash Records: This report may be submitted via the CRIS Web Portal, electronically submitted via XML, or by mailing to the Texas Department of Transportation, Crash Records, PO Box 149349, Austin, TX 78714.
Questions? Call: 512/486-5780

PLACE WHERE CRASH OCCURRED

COUNTY TARRANT CITY OR TOWN FORT WORTH LOC # 09-076903

IF CRASH WAS OUTSIDE CITY LIMITS INDICATE FROM NEAREST TOWN OF _____ MILES N S E W

ROAD ON WHICH CRASH OCCURRED 2350 NE LOOP 820 CONSTRUCTION ZONE YES NO SPEED LIMIT 65

BLOCK NUMBER 2350 STREET OR ROAD NAME NE LOOP 820 ROUTE NUMBER OR STREET CODE _____ WORKERS PRESENT YES NO

INTERSECTING STREET OR RR X'ING NUMBER _____ BLOCK NUMBER _____ STREET OR ROAD NAME _____ ROUTE NUMBER OR STREET CODE _____ CONSTRUCTION ZONE YES NO SPEED LIMIT _____ WORKERS PRESENT YES NO

NOT AT INTERSECTION 100 FT. OF 5300 MARK IV PARKWAY MILEPOST _____ LATITUDE _____

MI. N S E W _____ SHOW MILEPOST OR NEAREST INTERSECTING NUMBERED HIGHWAY, IF NONE, SHOW NEAREST INTERSECTING STREET OR REFERENCE POINT _____ LONGITUDE _____

DATE OF CRASH JULY 10 2009 DAY OF WEEK FRIDAY HOUR 5:35

MONTH DAY YEAR DAY OF WEEK HOUR

AM PM IF EXACTLY NOON OR MIDNIGHT, DO STATE

UNIT # 1 1 1-MOTOR VEHICLE 4-PEDESTRIAN 7-NON-CONTACT 8-OTHER VIN # 1VH2B1E20Y6 ALTERED VEHICLE HEIGHT YES NO

2-TRAIN 5-MOTORIZED CONVEYANCE 8-OTHER

3-PEDALCYCLIST 6-TOWED

YEAR 00 COLOR & MAKE WHITE - ORION MODEL BUS BODY STYLE _____ LICENSE PLATE EXMP TX YEAR _____ STATE _____

DRIVER'S NAME _____ FIRST _____ M.I. _____ ADDRESS (STREET, CITY, STATE, ZIP) _____ PHONE NUMBER _____

DRIVER'S LICENSE TX _____ B-CDL _____ LICENSE STATUS 1 1-VALID 4-CANCELLED/DENIED 2-NOT VALID 5-EXPIRED 3-SUSPENDED/REVOKED 6-UNKNOWN

DRIVER'S ETHNICITY 3 1-WHITE 4-ASIAN DRIVER'S SEX MALE DRIVER'S OCCUPATION BUS DRIVER POLICE, FIREFIGHTER, EMS, ON EMERGENCY IF CHECKED, PLEASE EXPLAIN IN NARRATIVE

2-HISPANIC 5-OTHER FEMALE

3-BLACK

TYPE OF ALCOHOL SPECIMEN TAKEN 4 TEST RESULTS _____ TYPE OF DRUG SPECIMEN TAKEN 3 TEST RESULTS _____ DRUG CATEGORY 1. _____ 2. _____

1-BREATH 2-BLOOD 3-URINE 4-NONE 5-REFUSED 1-BLOOD 2-URINE 3-NONE 4-REFUSED

LESSEE OWNER NAME (ALWAYS SHOW LESSEE IF LEASED, OTHERWISE SHOW OWNER) _____ ADDRESS (STREET, CITY, STATE, ZIP) _____

LIABILITY INSURANCE YES Self Insured NO EXP INSURANCE COMPANY _____ POLICY NUMBER _____ VEHICLE DAMAGE RATING 12-VB-7-FD-3

UNIT # 2 1 1-MOTOR VEHICLE 4-PEDESTRIAN 7-NON-CONTACT 8-OTHER VIN # 1J4GX48S940 ALTERED VEHICLE HEIGHT YES NO

2-TRAIN 5-MOTORIZED CONVEYANCE 8-OTHER

3-PEDALCYCLIST 6-TOWED

YEAR 04 COLOR & MAKE BLK / JEEP MODEL GRAND CHEROKEE BODY STYLE SUV LICENSE PLATE 09 TX YEAR _____ STATE _____

DRIVER'S NAME _____ FIRST _____ M.I. _____ ADDRESS (STREET, CITY, STATE, ZIP) _____ PHONE NUMBER _____

DRIVER'S LICENSE TX _____ CM _____ LICENSE STATUS 1 1-VALID 4-CANCELLED/DENIED 2-NOT VALID 5-EXPIRED 3-SUSPENDED/REVOKED 6-UNKNOWN

DRIVER'S ETHNICITY W 1-WHITE 4-ASIAN DRIVER'S SEX MALE DRIVER'S OCCUPATION _____ POLICE, FIREFIGHTER, EMS, ON EMERGENCY IF CHECKED, PLEASE EXPLAIN IN NARRATIVE

2-HISPANIC 5-OTHER FEMALE

3-BLACK

TYPE OF ALCOHOL SPECIMEN TAKEN 4 TEST RESULTS _____ TYPE OF DRUG SPECIMEN TAKEN 3 TEST RESULTS _____ DRUG CATEGORY 1. _____ 2. _____

1-BREATH 2-BLOOD 3-URINE 4-NONE 5-REFUSED 1-BLOOD 2-URINE 3-NONE 4-REFUSED

LESSEE OWNER SAME AS DRIVER NAME (ALWAYS SHOW LESSEE IF LEASED, OTHERWISE SHOW OWNER) _____ ADDRESS (STREET, CITY, STATE, ZIP) _____

LIABILITY INSURANCE YES PROGRESSIVE INS NO EXP INSURANCE COMPANY _____ POLICY NUMBER _____ VEHICLE DAMAGE RATING 06-BD7-FD4-VB7

DAMAGE TO PROPERTY OTHER THAN VEHICLES _____

OBJECT _____ NAME AND ADDRESS OF OWNER _____ FEET FROM CURB _____ \$ _____ DAMAGE ESTIMATE _____

IN YOUR OPINION, DID THIS CRASH RESULT IN AT LEAST \$1,000.00 DAMAGE TO ANY ONE PERSON'S PROPERTY? YES NO

CHARGES FILED

NAME _____ CHARGE _____ CITATION # _____

NAME _____ CHARGE _____ CITATION # _____

TIME NOTIFIED OF CRASH 07/10/09 6:23PM HOW POLICE RADIO TIME ARRIVED AT SCENE 07/10/09 6:53PM DATE OF REPORT 07/11/09

DATE HOUR DATE HOUR DATE OF REPORT

TYPED OR PRINTED NAME OF INVESTIGATOR DETECTIVE TDP DAVIS ID # 1965 AGENCY FWPD DIST/AREA D13 REPORT COMPLETE YES NO

09-076903
2/9

SEAT POSITION 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		SOLICITATION INDICATES A PERSON'S DESIRE TO RECEIVE CONTACT FROM PERSON 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)		EJECTED 1-NONE 2-YES 3-YES, PARTIAL 4-NOT APPLICABLE 5-UNKNOWN		RESTRAINT USED 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, UNKNOWN		7-BOOSTER SEAT 8-NONE 9-OTHER 10-UNKNOWN		AIRBAG 1-NOT APPLICABLE 2-NOT DEPLOYED 3-DEPLOYED, FRONT 4-DEPLOYED, SIDE 5-DEPLOYED, OTHER 6-UNKNOWN		HELMET USE 1-WORN, DAMAGED 2-WORN, UNKN. DAMAGE 3-WORN, UNKN. DAMAGE 4-NOT WORN 5-UNKNOWN IF WORN		INJURY SEVERITY K-KILLED A-INCAPACITATING INJURY B-NON INCAPACITATING INJURY C-POSSIBLE INJURY N-NOT INJURED U-UNKNOWN	
---	--	---	--	---	--	---	--	--	--	---	--	---	--	--	--	--	--

UNIT # **1** TOWED DUE TO YES NO DISABLING DAMAGE VEHICLE REMOVED TO **1600 E LANCASTER** BY **ABC WRECKER**

ITEM #	SEAT POSITION	COMPLETE ALL DATA ON ALL OCCUPANT'S 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
1	1	SEE FRONT			N	1	1	2	4	38	M	B
2	3			FTW, TX.	N	1	9	1	4	45	M	C
3												
4												
5												

UNIT # **2** TOWED DUE TO YES NO DISABLING DAMAGE VEHICLE REMOVED TO **1301 E NORTHSIDE DR** BY **FORT WORTH WRECKER**

ITEM #	SEAT POSITION	COMPLETE ALL DATA ON ALL OCCUPANT'S NAMES, POSITIONS, RESTRAINTS USED, ETC. HOWEVER, IT IS NOT NECESSARY TO SHOW ADDRESSES UNLESS KILLED OR INJURED.	NAME (LAST, FIRST, MI)	ADDRESS	SOL	EJECTED	RESTRAINT USED	AIRBAG	HELMET	AGE	SEX	INJURY CODE
6	1	SEE FRONT			N	1	1	6	4	36	M	K
7												
8												
9												
10												

PED., PEDAL, MOT. CONVEY, ETC.	COMPLETED 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

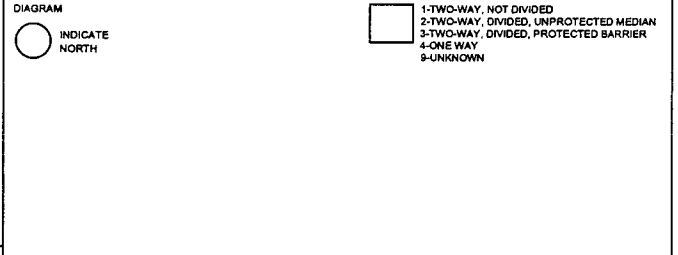
DISPOSITION OF KILLED OR INJURED				IF AMBULANCE USED, SHOW			
ITEM #S	TAKEN TO	BY	TIME NOTIFIED	TIME ARRIVED AT SCENE	AMBULANCE UNIT #	# OF ATTENDANTS INCLUDING DRIVER	# OF PERSONS TRANSPORTED FOR TREATMENT
1	HARRIS DOWNTOWN	MED-STAR 49	5:38P	5:43P	49	2	1
6	TCME OFFICE	WL LAWSON FOUNDATIO	1930	2000		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
6	071009	1735									

INVESTIGATOR'S NARRATIVE OPINION OF WHAT HAPPENED (ATTACH ADDITIONAL SHEETS IF NECESSARY)

Unit 1 was E/B 2350 NE Loop 820 in left lane. Driver 1 said unit 2 slammed on brakes. Unit 2 was struck by unit 1. Unit 2 then struck unit 3. Unit 5 states unit 4 who was behind him was driving fast and he tried to move out of the way and was then rear ended by unit 4. Driver unit 2 was deceased on the scene.



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	22			

- 1-ANIMAL ON ROAD - DOMESTIC
2-ANIMAL ON ROAD - WILD
3-ACKED 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 - TRUCKS/TRANS
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-FLAUNTED VEHICLE
43-FLEETING 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-PEDAL NOT COR. FT/THROW 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 - DRUGS
69-WRONG SIDE APPROACH OR IN INTERSECTION
70-WRONG SIDE NOT PASSING
- 71-WRONG WAY - ONE WAY ROAD
72-CELLPHONE 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 SUXK TIRES
13-DEFECTIVE TRAILER HITCH

<p>TRAFFIC CONTROL</p> <p>1-NONE 2-NOPERATIVE 3-OFFICER 4-FLAGMAN 5-SIGNAL LIGHT 6-FLASHING RED LIGHT</p> <p>7-FLASHING YELLOW LIGHT 8-STOP SIGN 9-YIELD SIGN 10-WARNING SIGN 11-CENTER STRIPED/DIVIDER 12-NO PASSING ZONE</p> <p>13-RR GATE/SIGNAL 14-SCHOOL ZONE 15-CROSSWALK 16-SIX LANE 17-OTHER</p> <p>ROADWAY RELATION</p> <p>1-ON ROADWAY 2-OFF ROADWAY 3-SHOULDER 4-MEDIAN</p>	<p>ROADWAY ALIGNMENT</p> <p>1-STRAIGHT, LEVEL 2-STRAIGHT, GRADE 3-STRAIGHT, HILLCREST 4-CURVE, LEVEL 5-CURVE, GRADE 6-CURVE, HILLCREST</p> <p>7-OTHER 8-UNKNOWN</p>	<p>LIGHT CONDITION</p> <p>1-DAYLIGHT 2-DARK, NOT LIGHTED 3-DARK, LIGHTED 4-DARK, UNK LIGHTED 5-DAWN 6-DUSK</p> <p>8-OTHER 9-UNKNOWN</p>	
<p>PART OF ROADWAY</p> <p>1-MAIN LANE 2-SERVICE ROAD 3-ENTRANCE RAMP 4-EXIT RAMP 5-CONNECTOR 6-DETOUR 7-OTHER</p>	<p>TYPE OF ROAD SURFACE</p> <p>1-CONCRETE 2-BLACKTOP 3-BRICK 4-GRAVEL 5-DIRT 6-OTHER 7-UNKNOWN</p>	<p>WEATHER</p> <p>1-CLEAR/CLOUDY 2-RAIN 3-SLEET/RAIL 4-SNOW 5-FOG 6-BLOWING SAND/SNOW</p> <p>7-SEVERE CROSSWINDS 8-OTHER 9-UNKNOWN</p>	<p>SURFACE CONDITION</p> <p>1-DRY 2-WET 3-STANDING WATER 4-SLUSH 5-ICE 6-SAND, MUD, DIRT 7-OTHER 8-UNKNOWN</p>

FATAL CMV INVOLVED SCHOOL BUS RELATED RAILROAD RELATED MEDICAL ADVISORY BOARD HIT AND RUN AMENDMENT/SUPPLEMENT



Texas Peace Officer's Crash Report

Form CR-3
(Rev. 03/09)
Page 1 of 2

Submission of Crash Records: This report may be submitted via the CRIS Web Portal, electronically submitted via XML, or by mailing to the Texas Department of Transportation, Crash Records, PO Box 149349, Austin, TX 78714. Questions? Call: 512/486-5780

PLACE WHERE CRASH OCCURRED	LOC # 09-076903
COUNTY TARRANT CITY OR TOWN FORT WORTH	ORI # _____
IF CRASH WAS OUTSIDE CITY LIMITS INDICATE FROM NEAREST TOWN _____ MILES <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W OF _____	TxDOT # _____

ROAD ON WHICH CRASH OCCURRED	2350 NE LOOP 820	CONSTRUCTION ZONE	<input type="checkbox"/> YES <input type="checkbox"/> NO	SPEED LIMIT	65
BLOCK NUMBER	STREET OR ROAD NAME	ROUTE NUMBER OR STREET CODE	WORKERS PRESENT	<input type="checkbox"/> YES <input type="checkbox"/> NO	
INTERSECTING STREET OR RR X'ING NUMBER	BLOCK NUMBER	STREET OR ROAD NAME	ROUTE NUMBER OR STREET CODE	CONSTRUCTION ZONE	<input type="checkbox"/> YES <input type="checkbox"/> NO
NOT AT INTERSECTION	100	<input checked="" type="checkbox"/> FT. <input type="checkbox"/> MI. <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W	OF 5300 MARK IV PARKWAY	WORKERS PRESENT	<input type="checkbox"/> YES <input type="checkbox"/> NO
MILEPOST			LATITUDE _____		
SHOW MILEPOST OR NEAREST INTERSECTING NUMBERED HIGHWAY, IF NONE, SHOW NEAREST INTERSECTING STREET OR REFERENCE POINT			LONGITUDE _____		

DATE OF CRASH: **JULY 10 2009** DAY OF WEEK: **FRIDAY** HOUR: **5:35**

AM IF EXACTLY NOON PM OR MIDNIGHT, SO STATE

UNIT # 3	1	1-MOTOR VEHICLE	4-PEDESTRIAN	7-NON-CONTACT	VIN # 2CNDL63F966	ALTERED VEHICLE HEIGHT	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
YEAR MODEL 06	COLOR & MAKE MAROON - CHEVY	MODEL NAME EQUINOX	BODY STYLE SUV	LICENSE PLATE 09 TX	DRIVER NAME KELLER, TX	PHONE NUMBER _____	
DRIVER'S LICENSE TX	CLASS/TYPE CM	ENDORSEMENTS _____	RESTRICTIONS _____	DATE OF BIRTH _____	LICENSE STATUS 1	1-VALID	4-CANCELLED/DENIED
DRIVER'S ETHNICITY 1	1-WHITE	4-ASIAN	DRIVER'S SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	DRIVER'S OCCUPATION _____	POLICE, FIREFIGHTER, EMS, ON EMERGENCY <input type="checkbox"/>	2-NOT VALID	5-EXPIRED
TYPE OF ALCOHOL SPECIMEN TAKEN		4	TEST RESULTS _____	TYPE OF DRUG SPECIMEN TAKEN		3	TEST RESULTS _____
1-BREATH 2-BLOOD 3-URINE 4-NONE 5-REFUSED				1-BLOOD 2-URINE 3-NONE 4-REFUSED		DRUG CATEGORY 1. _____ 2. _____	
<input type="checkbox"/> LESSEE	<input checked="" type="checkbox"/> OWNER		NAME (ALWAYS SHOW LESSEE IF LEASED, OTHERWISE SHOW OWNER) _____		ADDRESS (STREET, CITY, STATE, ZIP) _____		
LIABILITY INSURANCE	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	INSURANCE COMPANY PROGRESSIVE INS		VEHICLE DAMAGE RATING 06,VB7,BD4,FD4		

UNIT # 4	1	1-MOTOR VEHICLE	4-PEDESTRIAN	7-NON-CONTACT	VIN # 1D7HA16K62J	ALTERED VEHICLE HEIGHT	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
YEAR MODEL 02	COLOR & MAKE BLUE - DODGE	MODEL NAME 1500	BODY STYLE P/U	LICENSE PLATE 09 TX	DRIVER NAME SPRINGTOWN, TX	PHONE NUMBER _____	
DRIVER'S LICENSE TX	CLASS/TYPE C	ENDORSEMENTS _____	RESTRICTIONS _____	DATE OF BIRTH _____	LICENSE STATUS 1	1-VALID	4-CANCELLED/DENIED
DRIVER'S ETHNICITY 1	1-WHITE	4-ASIAN	DRIVER'S SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	DRIVER'S OCCUPATION _____	POLICE, FIREFIGHTER, EMS, ON EMERGENCY <input type="checkbox"/>	2-NOT VALID	5-EXPIRED
TYPE OF ALCOHOL SPECIMEN TAKEN		4	TEST RESULTS _____	TYPE OF DRUG SPECIMEN TAKEN		3	TEST RESULTS _____
1-BREATH 2-BLOOD 3-URINE 4-NONE 5-REFUSED				1-BLOOD 2-URINE 3-NONE 4-REFUSED		DRUG CATEGORY 1. _____ 2. _____	
<input type="checkbox"/> LESSEE	<input checked="" type="checkbox"/> OWNER		NAME (ALWAYS SHOW LESSEE IF LEASED, OTHERWISE SHOW OWNER) _____		ADDRESS (STREET, CITY, STATE, ZIP) _____		
LIABILITY INSURANCE	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	INSURANCE COMPANY STATE FARM		VEHICLE DAMAGE RATING 06,BD3,FD,2,RP2		

DAMAGE TO PROPERTY OTHER THAN VEHICLES _____

OBJECT _____ NAME AND ADDRESS OF OWNER _____ FEET FROM CURB _____ \$ _____ DAMAGE ESTIMATE _____

IN YOUR OPINION, DID THIS CRASH RESULT IN AT LEAST \$1,000.00 DAMAGE TO ANY ONE PERSON'S PROPERTY? YES NO

CHARGES FILED

NAME _____	CHARGE _____	CITATION # _____
NAME _____	CHARGE _____	CITATION # _____

TIME NOTIFIED OF CRASH: **07/10/09 6:23P** HOW: **POLICE RADIO** TIME ARRIVED AT SCENE: **07/10/09 6:53P** DATE OF REPORT: **07/11/09**

TYPED OR PRINTED NAME OF INVESTIGATOR: **DETECTIVE TDP DAVIS** ID # **1965** AGENCY: **FWOP** DIST/AREA: **D13** REPORT COMPLETE: YES NO

09-076903 4089

SEAT POSITION 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		SOLICITATION 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=SOLEICIT, N=NO SOLICIT)		EJECTED 1-NO 2-YES 3-YES, PARTIAL 4-NOT APPLICABLE 5-UNKNOWN		RESTRAINT USED 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, UNKNOWN		7-BOOSTER SEAT 8-NONE 9-OTHER 10-UNKNOWN		AIRBAG 1-NOT APPLICABLE 2-NOT DEPLOYED 3-DEPLOYED, FRONT 4-DEPLOYED, SIDE 5-DEPLOYED, OTHER 6-UNKNOWN		HELMET USE 1-WORN, DAMAGED 2-WORN, NOT DAMAGED 3-WORN, UNK. DAMAGE 4-NOT WORN 5-UNKNOWN IF WORN		INJURY SEVERITY K-KILLED A-INCAPACITATING INJURY B-NON INCAPACITATING INJURY C-POSSIBLE INJURY N-NOT INJURED U-UNKNOWN	
---	--	---	--	--	--	---	--	--	--	---	--	---	--	--	--	--	--

UNIT # **3** TOWED DUE TO YES NO DISABLING DAMAGE VEHICLE REMOVED TO **1301 E NORTHSIDE DR** BY **WESTLOOP TOWING**

ITEM #	SEAT POSITION	COMPLETE ALL DATA ON ALL OCCUPANT'S 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
1	1	SEE FRONT			N	1	1	6	4	44	M	B
2												
3												
4												
5												

UNIT # **4** TOWED DUE TO YES NO DISABLING DAMAGE VEHICLE REMOVED TO **1301 E NORTHSIDE DR** BY **ABC WRECKER**

ITEM #	SEAT POSITION	COMPLETE ALL DATA ON ALL OCCUPANT'S NAMES, POSITIONS, RESTRAINTS USED, ETC. HOWEVER, IT IS NOT NECESSARY TO SHOW ADDRESSES UNLESS KILLED OR INJURED.	NAME (LAST, FIRST, MI)	ADDRESS	SOL	EJECTED	RESTRAINT USED	AIRBAG	HELMET	AGE	SEX	INJURY CODE
6	1	SEE FRONT			N	1	1	2	4	23	F	B
7	3				N	1	1	2	4		F	B
8												
9												
10												

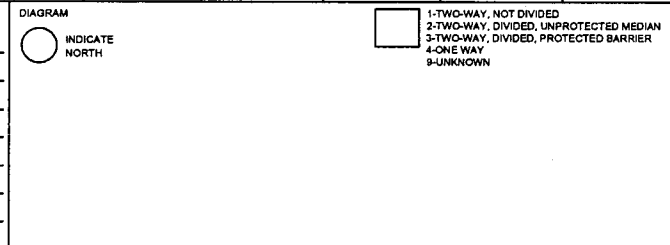
PED., PEDAL, MOT. CONVEY, ETC.	COMPLETE IF CASUALTIES NOT IN MOTOR VEHICLE	CASUALTY NAME (LAST, FIRST, MI)	ADDRESS	SOL	ALCOHOL SPECIMEN TAKEN	RESULT	DRUG SPECIMEN TAKEN	RESULT	HELMET	AGE	SEX	INJURY CODE

DISPOSITION OF KILLED OR INJURED				IF AMBULANCE USED, SHOW			
ITEM #S	TAKEN TO	BY	TIME NOTIFIED	TIME ARRIVED AT SCENE	AMBULANCE UNIT #	# OF ATTENDANTS INCLUDING DRIVER	# OF PERSONS TRANSPORTED FOR TREATMENT
1	HARRIS HOSPITAL	MED STAR	5:46P	5:52P	60	2	3
6&7	PARKLAND MEM HOSP	MED STAR	5:45P	5:49P	43	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

INVESTIGATOR'S NARRATIVE OPINION OF WHAT HAPPENED (ATTACH ADDITIONAL SHEETS IF NECESSARY)



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	2	3	1	2	3	1	2	1	2	

1-ANIMAL ON ROAD - DOMESTIC
2-ANIMAL ON ROAD - WILD
3-SACKED 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-FALTY EVASIVE ACTION
42-FIRE IN VEHICLE
43-FLEING OR EVADING POLICE
44-FOLLOWED TOO CLOSELY
45-HAD BEEN DRINKING
46-HANDICAPPED DRIVER (EXP. IN NARRATIVE)
47-ALL (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-PEDESTAL MOT. CON. FT WROW 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)

TRAFFIC CONTROL	ROADWAY RELATION	
1-NONE 2-NONOPERATIVE 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	1-ON ROADWAY 2-OFF ROADWAY 3-SHOULDER 4-MEDIAN	
11	1	
PART OF ROADWAY	ROADWAY ALIGNMENT	LIGHT CONDITION
1-MAIN LANE 2-SERVICE ROAD 3-ENTRANCE RAMP 4-EXIT RAMP 5-CONNECTOR 6-DETOUR 7-OTHER	1-STRAIGHT, LEVEL 2-STRAIGHT, GRADE 3-STRAIGHT, HILLCREST 4-CURVE, LEVEL 5-CURVE, GRADE 6-CURVE, HILLCREST 7-OTHER 8-UNKNOWN	1-DAYLIGHT 2-DARK, NOT LIGHTED 3-DARK, LIGHTED 4-DARK, UNK LIGHTED 5-DAWN 6-DUSK 8-OTHER 9-UNKNOWN
1	3	1
TYPE OF ROAD SURFACE	WEATHER	SURFACE CONDITION
1-CONCRETE 2-BLACKTOP 3-BRICK 4-GRAVEL 5-DIRT 6-OTHER 7-UNKNOWN	1-CLEAR/CLOUDY 2-RAIN 3-SLEET/HAIL 4-SNOW 5-FOG 6-BLOWING SAND/SNOW 7-SEVERE CROSSWINDS 8-OTHER 9-UNKNOWN	1-DRY 2-WET 3-STANDING WATER 4-SNOW 5-SLUSH 6-ICE 7-SAND, MUD, DIRT 8-OTHER 9-UNKNOWN
2	1	1

5099

FATAL CMV INVOLVED SCHOOL BUS RELATED RAILROAD RELATED MEDICAL ADVISORY BOARD HIT AND RUN AMENDMENT/SUPPLEMENT



Texas Peace Officer's Crash Report

Form CR-3
(Rev. 03/09)
Page 1 of 2

Submission of Crash Records: This report may be submitted via the CRIS Web Portal, electronically submitted via XML, or by mailing to the Texas Department of Transportation, Crash Records, PO Box 149349, Austin, TX 78714. Questions? Call: 512/486-5780

PLACE WHERE CRASH OCCURRED	LOC # 09-076903
COUNTY TARRANT CITY OR TOWN FORT WORTH	ORI #
IF CRASH WAS OUTSIDE CITY LIMITS INDICATE FROM NEAREST TOWN _____ MILES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> OF _____	TxDOT #

ROAD ON WHICH CRASH OCCURRED 2350 NE LOOP 820	CONSTRUCTION ZONE <input type="checkbox"/> YES <input type="checkbox"/> NO	SPEED LIMIT 65
BLOCK NUMBER 2350 STREET OR ROAD NAME NE LOOP 820 ROUTE NUMBER OR STREET CODE _____	WORKERS PRESENT <input type="checkbox"/> YES <input type="checkbox"/> NO	
INTERSECTING STREET OR RR X'ING NUMBER _____	CONSTRUCTION ZONE <input type="checkbox"/> YES <input type="checkbox"/> NO	SPEED LIMIT _____
BLOCK NUMBER _____ STREET OR ROAD NAME _____ ROUTE NUMBER OR STREET CODE _____	WORKERS PRESENT <input type="checkbox"/> YES <input type="checkbox"/> NO	
NOT AT INTERSECTION 100 <input checked="" type="checkbox"/> FT. <input type="checkbox"/> MI. <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W OF 5300 MARK IV PARKWAY	MILEPOST _____	LATITUDE _____
SHOW MILEPOST OR NEAREST INTERSECTING NUMBERED HIGHWAY. IF NONE, SHOW NEAREST INTERSECTING STREET OR REFERENCE POINT		
LONGITUDE _____		

DATE OF CRASH JULY 10 2009	DAY OF WEEK FRIDAY	HOUR 5:35	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	IF EXACTLY NOON OR MIDNIGHT, SO STATE
-----------------------------------	---------------------------	------------------	--	---------------------------------------

UNIT # 5 1	1-MOTOR VEHICLE	4-PEDESTRIAN	7-NON-CONTACT	ALTERED VEHICLE HEIGHT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
	2-TRAIN	5-MOTORIZED CONVEYANCE	8-OTHER	
	3-PEDALCYCLIST	6-TOWED	VIN # 2C3LA63H26H	
YEAR MODEL 06	COLOR & MAKE BLACK CHRY	MODEL NAME 300 C	BODY STYLE 4DR	LICENSE PLATE 10 TX
DRIVER NAME _____	LAST _____ FIRST _____ M.I. _____	ADDRESS (STREET, CITY, STATE, ZIP) FORT WORTH, TX		PHONE NUMBER _____

DRIVER'S LICENSE TX	STATE _____ NUMBER _____ CLASS/TYPE C	ENDORSEMENTS _____ RESTRICTIONS _____	DATE OF BIRTH _____	LICENSE STATUS 1	1-VALID	4-CANCELLED/DENIED
					2-NOT VALID	5-EXPIRED
					3-SUSPENDED/REVOKED	6-UNKNOWN

DRIVER'S ETHNICITY 2	1-WHITE	4-ASIAN	DRIVER'S SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	DRIVER'S OCCUPATION _____	POLICE, FIREFIGHTER, EMS, ON EMERGENCY <input type="checkbox"/> IF CHECKED, PLEASE EXPLAIN IN NARRATIVE
	2-HISPANIC	5-OTHER			
	3-BLACK				

TYPE OF ALCOHOL SPECIMEN TAKEN	1-BREATH	2-BLOOD	3-URINE	4-NONE	5-REFUSED	4 TEST RESULTS _____	TYPE OF DRUG SPECIMEN TAKEN	1-BLOOD	2-URINE	3-NONE	4-REFUSED	3 TEST RESULTS _____	DRUG CATEGORY	1. _____	2. _____
<input type="checkbox"/> LESSEE <input checked="" type="checkbox"/> OWNER	NAME (ALWAYS SHOW LESSEE IF LEASED, OTHERWISE SHOW OWNER) _____		ADDRESS (STREET, CITY, STATE, ZIP) FT WORTH, TX												
LIABILITY INSURANCE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> EXP	INSURANCE COMPANY FARMERS TX COUNTY MUTUAL		POLICY NUMBER _____		VEHICLE DAMAGE RATING 06,BD-2										

UNIT # _____	1-MOTOR VEHICLE	4-PEDESTRIAN	7-NON-CONTACT	ALTERED VEHICLE HEIGHT <input type="checkbox"/> YES <input type="checkbox"/> NO
	2-TRAIN	5-MOTORIZED CONVEYANCE	8-OTHER	
	3-PEDALCYCLIST	6-TOWED	VIN # _____	
YEAR MODEL _____	COLOR & MAKE _____	MODEL NAME _____	BODY STYLE _____	LICENSE PLATE _____
DRIVER'S NAME _____	LAST _____ FIRST _____ M.I. _____	ADDRESS (STREET, CITY, STATE, ZIP) _____		PHONE NUMBER _____

DRIVER'S LICENSE _____	STATE _____ NUMBER _____ CLASS/TYPE _____	ENDORSEMENTS _____ RESTRICTIONS _____	DATE OF BIRTH _____	LICENSE STATUS _____	1-VALID	4-CANCELLED/DENIED
					2-NOT VALID	5-EXPIRED
					3-SUSPENDED/REVOKED	6-UNKNOWN

DRIVER'S ETHNICITY _____	1-WHITE	4-ASIAN	DRIVER'S SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	DRIVER'S OCCUPATION _____	POLICE, FIREFIGHTER, EMS, ON EMERGENCY <input type="checkbox"/> IF CHECKED, PLEASE EXPLAIN IN NARRATIVE
	2-HISPANIC	5-OTHER			
	3-BLACK				

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. _____
<input type="checkbox"/> LESSEE <input type="checkbox"/> OWNER	NAME (ALWAYS SHOW LESSEE IF LEASED, OTHERWISE SHOW OWNER) _____		ADDRESS (STREET, CITY, STATE, ZIP) _____												
LIABILITY INSURANCE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> EXP	INSURANCE COMPANY _____		POLICY NUMBER _____		VEHICLE DAMAGE RATING _____										

DAMAGE TO PROPERTY OTHER THAN VEHICLES _____

OBJECT _____ NAME AND ADDRESS OF OWNER _____ FEET FROM CURB _____ \$ _____ DAMAGE ESTIMATE _____

IN YOUR OPINION, DID THIS CRASH RESULT IN AT LEAST \$1,000.00 DAMAGE TO ANY ONE PERSON'S PROPERTY? YES NO

CHARGES FILED

NAME _____	CHARGE _____	CITATION # _____
NAME _____	CHARGE _____	CITATION # _____

TIME NOTIFIED OF CRASH 07/10/09 6:23P	HOW POLICE RADIO	TIME ARRIVED AT SCENE 07/10/09 6:53P	DATE OF REPORT 07/11/09
DATE _____ HOUR _____		DATE _____ HOUR _____	
TYPED OR PRINTED NAME OF INVESTIGATOR DETCTIVE TDP DAVIS	ID # 1965	AGENCY FWPD	DIST/AREA D13
			REPORT COMPLETE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO



Commercial Motor Vehicle Enforcement Supplement to the Texas Peace Officer's Crash Report

7089

Questions? Call: 512/486-5780

10,001 LBS OR MORE HAZARDOUS MATERIAL 9 OR MORE PASSENGER CAPACITY (DRIVER INCLUDED)

CRASH INFORMATION

1. COUNTY TARRANT 2. CITY OR TOWN FORT WORTH LOC # 09-076903

3. ROAD ON WHICH CRASH OCCURRED 2350 NE LOOP 820 ORI # _____
BLOCK # STREET OR ROAD NAME ROUTE #

4. DATE OF CRASH 07/10/2009 5. HOUR 5:35 AM PM TxDOT # _____

ROADWAY ACCESS
 1-FULL ACCESS CONTROL
 2-PARTIAL ACCESS CONTROL
 3-NO ACCESS CONTROL

DRIVER INFORMATION

6. NAME WARE, RONNIE 7. DRIVER'S LICENSE CLASS 2 1-A 4-M 7-BM
 2-B 5-UNK 8-CM
 3-C 6-AM

CARRIER INFORMATION

8. VEHICLE OPERATION INTERSTATE COMMERCE INTRASTATE COMMERCE NOT IN COMMERCE GOVERNMENT PERSONAL

9. CARRIER'S CORPORATE NAME _____

10. CARRIER'S PRIMARY ADDRESS _____ FT WORTH TX _____
CITY STATE

11. CARRIER ID TYPE ICC US DOT TxDOT OTHER NONE 12. CARRIER ID NUMBER _____

MOTOR VEHICLE INFORMATION

13. UNIT NUMBER ON CR-3 1 14. LICENSE PLATE EXM TX 869182 15. GROSS VEHICLE WEIGHT RATING (GVWR)
YEAR STATE NUMBER REGISTERED GROSS VEHICLE WEIGHT (RGVW) 26000

16. VEHICLE TYPE

3 1-PASSENGER CAR (ONLY IF VEHICLE DISPLAYS HM PLACARDS) 7-TRUCK TRAILER
2-LIGHT TRUCK (ONLY IF VEHICLE DISPLAYS HM PLACARDS) 8-TRUCK TRACTOR (BOB TAIL)
3-BUS (SEATS FOR 9-15 PEOPLE, INCLUDING DRIVER) 9-TRACTOR/SEMITRAILER
4-BUS (SEATS FOR > 15 PEOPLE, INCLUDING DRIVER) 10-TRACTOR/DOUBLE TRAILER
5-SINGLE UNIT TRUCK (2 AXLES, 6 TIRES) 11-TRACTOR/TRIPLE TRAILER
6-SINGLE UNIT TRUCK (3 OR MORE AXLES) 99-UNKNOWN HEAVY TRUCK OVER 10,000 LBS (CANNOT CLASSIFY)

17. CARGO BODY STYLE

1 1-BUS (SEATS FOR 9-15 PEOPLE, INCLUDING DRIVER) 7-CONCRETE MIXER 98-OTHER _____
2-BUS (SEATS FOR > 15 PEOPLE, INCLUDING DRIVER) 8-AUTO TRANSPORTER
3-VAN/ENCLOSED BOX 9-GARBAGE/REFUSE
4-CARGO TANK 10-GRAIN, CHIPS, GRAVEL
5-FLATBED 11-POLE
6-DUMP 12-NOT APPLICABLE

18. HAZARDOUS MATERIAL

TRANSPORTING PLACARDABLE HAZARDOUS MATERIAL YES NO HAZARDOUS MATERIALS RELEASED OR SPILLED YES NO (DO NOT INCLUDE FUEL FROM THE VEHICLE FUEL TANK)

1 DIGIT CLASS # 4 DIGIT ID # 1 DIGIT CLASS # 4 DIGIT ID #

TRAILER NUMBER 1 INFORMATION

19. LICENSE PLATE _____ 20. GROSS VEHICLE WEIGHT RATING (GVWR)
YEAR STATE NUMBER REGISTERED GROSS VEHICLE WEIGHT (RGVW) TRAILER TYPE
 1-FULL TRAILER
 2-SEMI TRAILER
 3-POLE TRAILER

TRAILER NUMBER 2 INFORMATION

21. LICENSE PLATE _____ 22. GROSS VEHICLE WEIGHT RATING (GVWR)
YEAR STATE NUMBER REGISTERED GROSS VEHICLE WEIGHT (RGVW) TRAILER TYPE
 1-FULL TRAILER
 2-SEMI TRAILER
 3-POLE TRAILER

23. SEQUENCE OF EVENTS - UNIT 1

SEQ 1 13 SEQ 2 SEQ 3 SEQ 4

1-NONCOLLISION RAN OFF ROAD 12-COLLISION INVOLVING PEDESTRIAN
2-NONCOLLISION JACKKNIFE 13-COLLISION INVOLVING MOTOR VEHICLE IN TRANSPORT
3-NONCOLLISION OVERTURN (ROLLOVER) 14-COLLISION INVOLVING PARKED MOTOR VEHICLE
4-NONCOLLISION DOWNHILL RUNAWAY 15-COLLISION INVOLVING TRAIN
5-NONCOLLISION CARGO LOSS OR SHIFT 16-COLLISION INVOLVING PEDALCYCLE
6-NONCOLLISION EXPLOSION OR FIRE 17-COLLISION INVOLVING ANIMAL
7-NONCOLLISION SEPARATION OF UNITS 18-COLLISION INVOLVING FIXED OBJECT
8-NONCOLLISION CROSS MEDIAN/CENTERLINE 19-COLLISION WITH WORK ZONE MAINTENANCE EQUIPMENT
9-NONCOLLISION EQUIPMENT FAILURE 20-COLLISION WITH OTHER MOVABLE OBJECT
10-NONCOLLISION OTHER 21-COLLISION WITH UNKNOWN MOVABLE OBJECT
11-NONCOLLISION UNKNOWN 98-OTHER _____

24. TOTAL NUMBER OF AXLES 2
25. TOTAL NUMBER OF TIRES 4

26. OFFICER'S PRINTED NAME DETECTIVE TDP DAVIS 1965 DEPT. FT WORTH PD DATE 07/11/2009

SoT

GENERAL

A separate commercial supplement is to be completed on **each** commercial motor vehicle involved in a motor vehicle crash. This supplement(s) must be attached to the basic peace officer's crash report. A commercial motor vehicle for supplemental reporting is defined as:

1. Any motor vehicle or towed vehicle with a Gross Vehicle Weight Rating (GVWR) or a Registered Gross Vehicle Weight (RGVW), whichever is greater, of 10,001 lbs. or more, or any combination of vehicles where the Gross Combined Weight Rating (GCWR) or the total RGVW of the combination is 10,001 lbs. or more.
 - 1.1 GVWR and RGVW are both defined as the weight of the fully equipped vehicle plus its net carrying capacity. The GCWR is the combined weight rating of a motor vehicle and a towed unit(s). On occasion, the GVWR and the RGVW will differ. In those situations, the greater weight value will be used to determine if this form must be completed.
 - 1.2 The GVWR of a motor vehicle normally can be found on an information plate on the driver's door or door post. The GVWR of a trailer normally can be found on an information plate near the front left portion of the trailer. If the vehicle does not have an information plate or it is illegible, use RGVW. For combination or token trailers, see 1.6 below.
 - 1.3 On vehicles registered in Texas, the RGVW is shown on the registration receipt under "gross weight." Commercial motor vehicles are required to carry the registration receipt.
 - 1.4 In the event the registration receipt is not available, RGVW can normally be obtained by a **complete** registration check. Exception: If the vehicle has exempt license plates (i.e. owned by a government entity) no RGVW will be shown. In those instances, GVWR must be used.
 - 1.5 If GVWR is used to determine the need to complete this supplement, GVWR for the motor vehicle and each trailer(s) must be obtained and shown in the appropriate blank(s).
 - 1.6 If RGVW is used to determine the need to complete this supplement, the RGVW should be obtained for each motor vehicle and trailer in the combination unless the combination is registered as a **combination/token** vehicle or as an **apportioned** vehicle. In those situations the license plates will indicate combination/token or apportioned. If the vehicle is registered as a combination/token or apportioned vehicle, the entire registered gross weight will be shown on the power unit and the trailer will not carry a RGVW. In those instances, show the RGVW of the combination in the power unit and show zero (0) on the trailer(s).
 - 1.7 RGVW for out-of-state vehicles and trailer(s) may be obtained from registration receipts issued by the licensing state, temporary permits, cab cards or other documents or as in 1.4 above.
2. Any bus, which shall include every motor vehicle with a seating capacity of nine (9) or more passengers (**including the driver**) and used for the transportation of persons. The seating capacity of a bus (excluding school buses) shall be determined by allowing one (1) passenger for each sixteen (16) inches of seat space. The seating capacity of a school bus shall be determined by allowing one (1) passenger for each thirteen (13) inches of seat space.
3. Any motor vehicle hauling hazardous materials which is required to be placarded under the Hazardous Materials Transportation Act.

INSTRUCTIONS FOR COMPLETION OF FORM CR-3C

Detailed instructions for completion of this supplement are included in the Instructions to Police for Reporting Crashes.

Check Boxes (Top of Report)

Check appropriate box indicating if the vehicle was over 10,001 pounds, Hazardous Material(s), or 9 or more passenger capacity (driver included). More than one box may be checked.

Roadway Access - Code the access control characteristics which best describes the roadway which the vehicle was traveling on at the time of the crash. Full Access Control is an expressway or freeway where the only means of entry to or exit from the roadway is by ramps connecting to other streets or highways. No Access Control is a street or highway where driveways provide access to and egress from adjacent properties and where cross streets intersect at a grade. Partial Access Control is a street or highway which does not clearly fit the above definitions.

CRASH INFORMATION (Items 1-5)

Complete the information in this section exactly as shown on the basic report (CR-3).

DRIVER INFORMATION (Items 6-7)

Complete items 6 and 7 exactly as shown on the basic report (CR-3).

CARRIER INFORMATION (Items 8-12)

Indicate whether the operation of the commercial motor vehicle at the time of this crash is defined as an interstate, intrastate, government or personal operation. An interstate operation is one where the transportation of the property originated in one state or country and passed through or terminated in another state or country. An intrastate operation is one where the transportation of the property did not cross a state or international boundary. The bill of lading origin and destination information may be one source available to make this determination. Government and Personal use will be determined through investigation. Indicate the Carrier's corporate name and primary business address in items 9 and 10. The Carrier is defined as the entity responsible for the operation of the vehicle at the time of the crash. This may be the actual owner of the vehicle or the lessee. The information should match Owner/Lessee shown on the CR-3. Show the type of carrier identification by checking the appropriate box in item 11. Show the ID number in item 12, if applicable.

MOTOR VEHICLE INFORMATION (Items 13-18)

Enter the unit number from the CR-3 for this motor vehicle in item 13. Show the registration year, state and number in item 14. Enter the GVWR and RGVW as applicable in item 15. Indicate which, GVWR or RGVW, by checking the appropriate box.

Indicate the appropriate number in the box for Vehicle Type in item 16.

Indicate the appropriate number in the box for Cargo Body Style in item 17.

Indicate by checking the appropriate box in item 18 whether this vehicle is hauling hazardous material(s). If yes, enter the class and ID numbers of the hazardous material(s) being transported. Indicate by checking the appropriate box whether hazardous materials were released (spilled, discharged, etc.) The class and ID numbers should be obtained from the bill of lading or shipping papers. If unavailable, the class and ID numbers may be taken from the placard. The class may be located in the lower corner of the diamond shaped placard. The ID numbers may be located on the placard or on an orange label near the placard. (REFER TO DETAILED INSTRUCTIONS.)

TRAILER NUMBER 1 & 2 INFORMATION (Item 19-22)

If the commercial motor vehicle reported on this supplement is towing one trailer, complete trailer number 1 section only. If towing 2 trailers, complete both trailer number 1 and 2 sections.

Indicate the registration year, state, and number in item 19, and if applicable item 21. Show the GVWR or RGVW in item 20 and, if applicable, item 22.

Indicate which, GVWR or RGVW by checking the appropriate box.

Indicate the appropriate number in the box for Trailer Type (item 20, and if applicable, item 22).

Indicate Sequence of Events (Item 23). Indicate the order and type of crash events which occurred involving this vehicle.

Indicate the Total Number of Axles (Item 24). Indicate the total number of axles on the motor vehicle.

Indicate the Total Number of Tires (Item 25). Indicate the total number of tires on the motor vehicle.

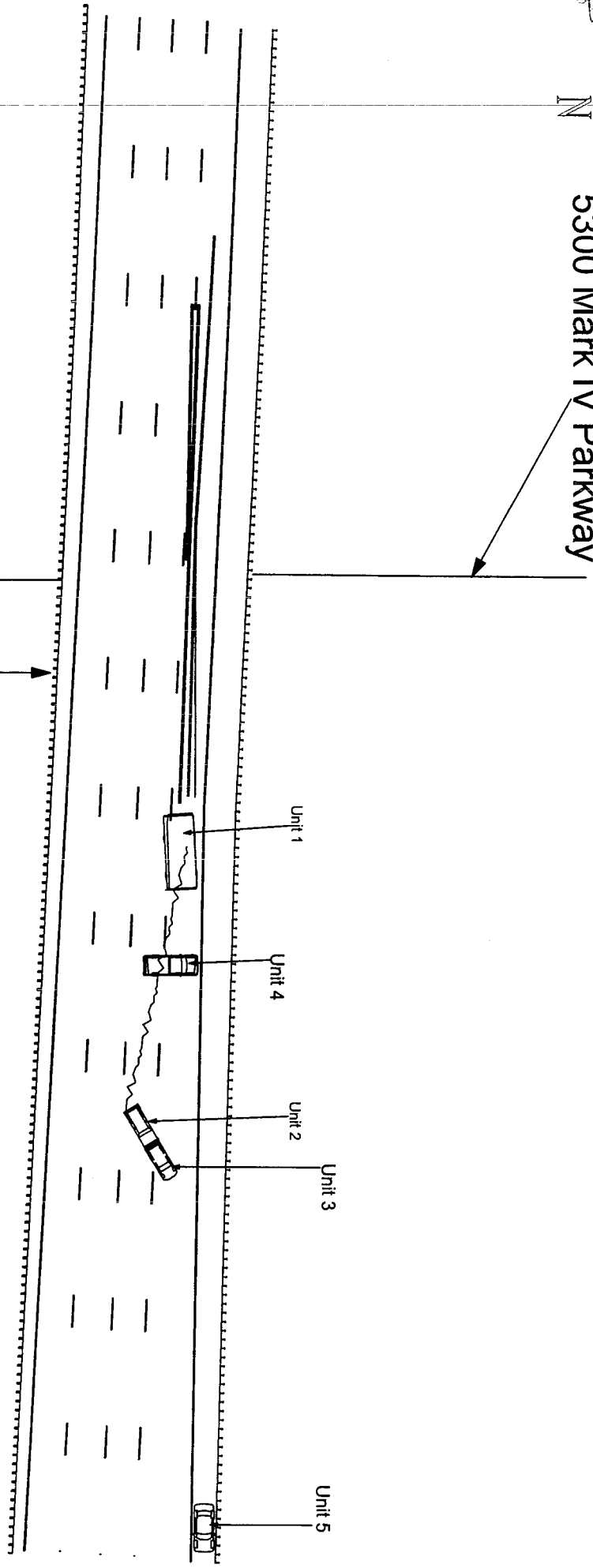
The person completing this supplement should print name, show department and the date this supplement was prepared in item 26.

Case No.: 09076903 Address 1: 2350 NE Loop 820 E/B County: Tarrant

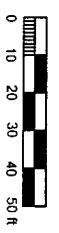
9089



5300 Mark IV Parkway



2350 NE Loop 820
East Bound
Lanes Only



Officer: Detective TDP Davis 1965 FWPD Date: 071009 Time: 5:35 pm

MATTER # 1211499
FILE TYPE Lawsuit
FILE NAME [REDACTED]
CAIR #
DATE OF INCIDENT 07/10/2009
DATE OF NOTICE 03/29/2010
MODEL/MODEL YEAR 2004 Jeep Grand Cherokee (WJ)
VIN 1J4GX48S94C [REDACTED]
MILEAGE
OWNER [REDACTED]
[REDACTED] Justin, Texas [REDACTED]

COURT 348th Judicial District, Tarrant County, Texas

DOCKET # 34824446910

FIRE ALLEGED Yes

DESCRIPTION On July 10, 2009, a 2004 Jeep Grand Cherokee (WJ) driven by [REDACTED] was moving at very low speeds in stop-and-go rush hour traffic on NE Loop 820 in Tarrant County, Texas with a posted speed limit of 65 mph. A 2000 White Orion bus (handicap van) (approximate weight 20,000 pounds) driven by [REDACTED] of the Fort Worth Transit Authority at highway speed struck the rear of the Jeep Grand Cherokee (WJ) and a fire ensued. The bus pushed the Jeep Grand Cherokee (WJ) into a 2006 Chevrolet Equinox and both vehicles then struck a 1996 Dodge Ram 1500 truck.

PROPERTY DAMAGE ALLEGED No

INJURIES 1

FATALITIES 1

ANALYSIS Chrysler Group inspected the 2004 Jeep Grand Cherokee (WJ). Based on the inspection and other available information, including police accident report and witness statements, Chrysler Group concludes that the impact of the Orion bus to the rear of the Jeep Grand Cherokee (WJ) occurred at a relative velocity in excess of 50 mph. The force of the impact pushed the Jeep Grand Cherokee (WJ) into a 2006 Chevrolet Equinox and the two vehicles travelled together approximately 60 feet before coming to rest. The extremely severe, high energy rear impact between the Orion bus and the Jeep Grand Cherokee (WJ) likely lifted the rear of the Jeep Grand Cherokee (WJ) off the ground, severely underriding it and crushing its lower rear structure, including the fuel tank, suspension components, the rear axle, the frame rails and the floor board, rupturing the fuel tank and

causing the fire. The extremely large mass of the Orion bus (approximately 20,000 pounds) greatly increased the crash forces acting on the Jeep Grand Cherokee (WJ). The severe damage to the rear of the Jeep Grand Cherokee (WJ) is depicted in the photographs in Enclosure 4 Bates Nos. PE10-031-Chrysler-001090-1092.