

EA12-005

CHRYSLER

12-13-2012

Enclosure 3 – Public

Subject Vehicles

Lawsuits and Claims

Jeep Liberty (KJ)

COMMONWEALTH OF VIRGINIA  
**CIRCUIT COURT OF FAIRFAX COUNTY**  
4110 CHAIN BRIDGE ROAD  
FAIRFAX, VIRGINIA 22030  
703-691-7320  
(Press 3, Press 1)

Frederick Nevitt vs. Chrysler Group LLC, etal.

CL-2012-0004905

**TO:** Chrysler Group LLC  
Serve: CT Corporation System, R/A  
4701 Cox Road, Suite 301  
Glen Allen VA 23060

**SUMMONS – CIVIL ACTION**

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the Clerk's office of this Court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment or decree against such party either by default or after hearing evidence.

**APPEARANCE IN PERSON IS NOT REQUIRED BY THIS SUMMONS.**

Done in the name of the Commonwealth of Virginia, on Wednesday, April 11, 2012.

**JOHN T. FREY, CLERK**

By: *Sandra Plourde*  
Deputy Clerk

**Plaintiff's Attorney James T. Bacon**

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

FILED  
CIVIL INTAKE  
2012 MAR 29 PM 3:02  
JOHN JEFFREY  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

FREDERICK NEVITT,

Plaintiff,

v.

CHRYSLER GROUP, LLC,  
1000 Chrysler Dr.,  
Auburn Hills, MI 48326  
Serve: CT Corporation System, R/A  
4701 Cox Road, Suite 301  
Glen Allen, VA 23060

and

HANDLEY MOTOR COMPANY, INC.,  
d/b/a Safford Chrysler Jeep Dodge of Springfield,  
6801 Commerce St.  
Springfield, VA 22150  
Serve: Thomas C. East  
15225 Doe Ridge Rd.  
Haymarket, VA 22069

and

OURISMAN OF CLARKSVILLE, INC.,  
d/b/a Ourisman Chrysler Dodge Jeep Ram  
15301 Frederick Road  
Rockville, MD 20855  
Serve: Clerk of the SCC  
1300 E. Main Street  
Richmond, VA 23219

and

I.G. BURTON CHRYSLER OF SEAFORD, LLC,  
d/b/a I.G. Burton Chrysler Dodge Jeep  
24799 Sussex Highway  
Seaford, DE 19963  
Serve: Clerk of the SCC  
1300 E. Main Street  
Richmond, VA 23219

Case No. 2012-04905  
Jury Demanded

Defendants. )  
)

**COMPLAINT**

COMES NOW the Plaintiff, by counsel, and for his Complaint against the Defendants states as follows:

1. Plaintiff is an adult individual residing in the Commonwealth of Virginia.
2. Defendant Chrysler Group, LLC ("Chrysler") is a Delaware Limited Liability Company headquartered in Auburn Hills, Michigan. It is a vehicle manufacturing company that produces Chrysler, Jeep, Dodge, Ram, SRT, Fiat, and Mopar vehicles and products.
3. Upon information and belief, Defendant Handley Motor Company, Inc. ("Handley") is a Delaware Corporation doing business in Virginia with its principal place of business in Springfield, Virginia. It owns and operates Safford Chrysler Jeep Dodge of Springfield, a car dealership that sells new and pre-owned vehicles made by Chrysler, Jeep, and Dodge.
4. Upon information and belief, Defendant Ourisman of Clarksville, Inc. ("Ourisman") is a Maryland Corporation located in Clarksville, Maryland. It owns and operates Ourisman Chrysler Dodge Jeep Ram, a car dealership that sells new and pre-owned vehicles made by Chrysler, Dodge, Jeep and Ram.
5. Upon information and belief, I.G. Burton Chrysler of Seaford, LLC ("Burton") is a Delaware Corporation located in Milford, Delaware. It owns I.G. Burton Chrysler Dodge Jeep, a car dealership that sells services vehicles made by Chrysler, Dodge, and Jeep.



## JURISDICTION AND VENUE

6. This action arises due to an accident that took place in the Commonwealth of Virginia, therefore jurisdiction is appropriate.
7. Venue is appropriate in this Court since the vehicle was sold by Handley in Fairfax County.

## FACTS

8. Upon information and belief, Defendant Chrysler designed, developed, tested, manufactured and distributed the 2005 Jeep Liberty which is the subject of this Complaint.
9. Upon information and belief, on or about July 29, 2005, Defendant Ourisman initially sold the 2005 Jeep Liberty to an unknown purchaser.
10. Upon information and belief, on or about December 29, 2005, Defendant Burton installed a trailer hitch on the rear of the 2005 Jeep Liberty. Upon information and belief, at or about the time it installed the trailer hitch, Defendant Burton sold the vehicle in question to an unknown purchaser.
11. Upon information and belief, on or about December 4, 2007, Defendant Handley sold the 2005 Jeep Liberty to Erin Sexton.
12. Upon information and belief, between December 4, 2007, the date Erin Sexton purchased the vehicle, and March 30, 2010, the date of the accident which resulted in the explosion and fire which forms the basis of this lawsuit, Erin Sexton did not modify, alter, or otherwise take any actions that resulted in a material change to the trailer hitch, gas tank, or rear bumper area of the 2005 Jeep Liberty which is the subject of this lawsuit.

13. On or about March 30, 2010, at approximately 7:30 p.m. Plaintiff was a pedestrian on

Harry Bird Highway (Route 7) near Drainesville Road (Route 228) in Loudoun County, Virginia.

14. At that same time, Kenneth J. Paulovkin was operating a 2003 Ford Expedition on

Harry Bird Highway (Route 7) near Drainesville Road (Route 228) in Loudoun County, Virginia.

15. At the same time and location, Sean T. Degoey was operating a Nissan Ultima.

16. At approximately 7:30 p.m. on March 30, 2010, Paulovkin crashed into the rear end of the 2005 Jeep Liberty operated by Erin Sexton, who was slowing down for traffic in front of her on Harry Bird Highway.

17. At the same time, Degoey crashed into the rear end of the vehicle operated by Paulovkin, which pushed Paulovkin's vehicle into the 2005 Jeep Liberty operated by Erin Sexton.

18. As a direct result of the collisions, the vehicle driven by Erin Sexton was caused to catch on fire and burn while she was trapped inside it.

19. Plaintiff observed the burning vehicle operated by Erin Sexton, which had turned on its driver's side, and he observed Erin Sexton trapped in the burning vehicle and unable to escape.

20. Plaintiff ran to the burning vehicle and began to kick in the windshield in order to free Erin Sexton and save her life.

21. During Plaintiff's efforts to save Erin Sexton, Plaintiff's left pants leg became soaked in gasoline and caught fire. He was pulled aside by another witness and the flames on his leg were extinguished.

22. As a result of the efforts of Plaintiff and others, Erin Sexton was able to escape the burning vehicle.

23. Plaintiff was placed in a situation which required immediate action by him in order to save the life and limit the injuries to Erin Sexton. In responding to the situation, Plaintiff acted reasonably and was not reckless in his actions, nor did he act in complete disregard for his own safety.

#### **COUNT I – NEGLIGENT DESIGN AND MANUFACTURE**

24. Plaintiff repeats and re-alleges the allegations set forth paragraphs 1-23 as though fully stated herein.

25. Plaintiff further alleges that the Defendants owed a duty to exercise ordinary care to design, manufacture, and distribute a product, the 2005 Jeep Liberty, that is reasonably safe for its intended purpose.

26. Plaintiff further alleges that at the time the Jeep Liberty was sold, Defendants breached their duty to exercise ordinary care and reasonable care in the design, manufacture, and distribution of a reasonably safe product. Specifically, Plaintiff alleges that the Defendants breached their duty in the following ways:

- a. The Jeep Liberty was unreasonably dangerous for the use in which it would ordinarily be put, which was driving on the roadway, or for some other reasonably foreseeable purpose, which includes being struck by another vehicle in the rear bumper/trailer hitch area;
- b. The unreasonably dangerous condition existed when the Jeep Liberty left the hands of the Defendants; and

c. The rear bumper/trailer hitch and gas tank area of the Jeep Liberty was not substantially changed between the date of sale of the vehicle and the time of the March 30, 2010 collision and explosion.

27. Plaintiff further alleges that as a direct and proximate cause of the negligently designed and/or manufactured 2005 Jeep Liberty, including but not limited to the design and manufacture of the rear bumper, rear trailer hitch and gas tank, and surrounding components, the foreseeable rear-end collision resulted in a catastrophic fuel fire.

28. Plaintiff further alleges that as a result of the negligent design which resulted in the fuel fire, it was foreseeable that a bystander would attempt to rescue a driver of the vehicle who was trapped in the flaming vehicle.

29. Plaintiff further alleges that as a direct and proximate result of the negligently designed and/or manufactured 2005 Jeep Liberty, he suffered severe and permanent injuries for which he has required extensive medical treatment.

30. As a further direct and proximate result of the negligent conduct of Defendants, Plaintiff incurred and will continue to incur expenses for medical care and attention, has suffered and will continue to suffer a loss of wages and loss of wage-earning capacity, and has suffered and will continue to suffer much physical pain and mental anguish, disfigurement and deformity.

WHEREFORE, Plaintiff demands judgment against Defendants in the amount of \$1,000,000 in compensatory damages, plus pre-judgment interest from March 30, 2010, and costs.

## COUNT II – NEGLIGENT FAILURE TO CONDUCT ADEQUATE TESTING

31. Plaintiff repeats and re-alleges the allegations set forth in Paragraphs 1-30 as though fully set forth herein.
32. Plaintiff alleges that Defendants had a duty to conduct adequate testing to discover the unreasonable risk of foreseeable injury to third parties due to the fuel tank exploding after being struck in the rear bumper/trailer hitch area by another vehicle under foreseeable conditions.
33. Plaintiff further alleges that Defendants breached the duty owed to Plaintiff when they negligently failed to conduct adequate testing to discover the unreasonable risk of foreseeable third party injury due to the fuel tank exploding after being struck in the rear by another vehicle under foreseeable circumstances.
34. Plaintiff further alleges that as a direct and proximate result of the negligent failure to conduct adequate testing by Defendants, the 2005 Jeep Liberty exploded and caused a catastrophic fuel fire causing the Plaintiff's injuries.
35. Plaintiff further alleges that as a direct and proximate result of the negligent failure to conduct adequate testing by Defendants, he suffered severe and permanent injuries for which he has required extensive medical treatment and surgeries.
36. As a further direct and proximate result of the negligent failure to conduct adequate testing by Defendants, Plaintiff has incurred and will continue to incur substantial expenses for medical care and attention, has suffered and will continue to suffer a loss of wages and loss of wage-earning capacity, and has suffered and will continue to suffer much physical pain and anguish, disfigurement and deformity.

WHEREFORE, Plaintiff demands judgment against Defendants in the amount of

\$1,000,000 in compensatory damages, plus pre-judgment interest from March 30, 2010, and costs.

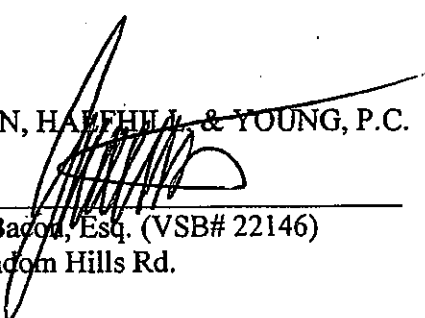
**JURY DEMAND**

Trial by jury is demanded.

Respectfully submitted,  
FREDERICK NEVITT  
By counsel

ALLRED, BACON, HARRILL, & YOUNG, P.C.

By: \_\_\_\_\_

  
James T. Bacon, Esq. (VSB# 22146)  
11350 Random Hills Rd.  
Suite 700  
Fairfax, VA 22030  
703-352-1300  
703-352-1301 (Fax)



CRASH

GPS Lat. 39.014253

GPS Long. 77.371330

Crash Date 03 30 2010 Day of Week TUESDAY

MILITARY Time (24 hr clock) 1923

County of Crash LOUDOUN COUNTY

Official DMV Use

ORIGINAL

City of Town of City or Town Name

Landmarks at Scene

Location of Crash (route/street) HARRY BYRD HIGHWAY (7)

Railroad Crossing ID no. (If within 150 ft.)

Local Case Number 2010-004792

At Intersection With or 0.2 Miles Feet

Location of Crash (route/street) DRANESVILLE ROAD (228)

Mile Marker Number

Number of Vehicles 006

VEHICLE # 1

VEHICLE # 2

DRIVER

Driver's Name (Last, First, Middle)

Driver Fled Scene

Gender

Address (Street and Number)

City LEESBURG

State VA

ZIP

Birth Date Drivers License Number

State VA DL CDL

Safety Equip. Used Air Bag Ejected Date of Death

Injury Type EMS Transport

Summons Issued As Result of Crash 3 Offenses Charged to Driver

VEHICLE

Vehicle Owner's Name (Last, First, Middle)

Same as Driver

Address (Street and Number)

City LEESBURG

State VA

ZIP

Vehicle Year 2003 Vehicle Make Ford Vehicle Model Expedition Disabled CMV Towed

Vehicle Plate Number State VA Approximate Repair Cost 10000

VIN 1FMPU18L03L Oversize Cargo Spill

Name of Insurance Company (not agent) GEICO Overrides Underride

Speed Before Crash 35 Speed Limit 45 Maximum Safe Speed 0 Under 8 Over 21 ALL Passengers Age Count

PASSENGER (only if injured or killed)

Name of Injured (Last, First, Middle) EMS Transport Date of Death

Position In/On Vehicle Safety Equip Used Airbag Ejected Injury Type Birthdate Gender

Name of Injured (Last, First, Middle) EMS Transport Date of Death

Position In/On Vehicle Safety Equip Used Airbag Ejected Injury Type Birthdate Gender

Name of Injured (Last, First, Middle) EMS Transport Date of Death

Position In/On Vehicle Safety Equip Used Airbag Ejected Injury Type Birthdate Gender

Codes

POSITION IN/ON VEHICLE

SAFETY EQUIPMENT USED

AIRBAG

EJECTED FROM VEHICLE

INJURY TYPE

- Codes list: 1. Driver, 2-6. Passengers, 7. Cargo Area, 8. Riding/Hanging On Outside, 9-98. All Other Passengers; 1. Lap Belt Only, 2. Shoulder Belt Only, 3. Lap and Shoulder Belt, 4. Child Restraint, 5. Helmet, 6. Other, 7. Booster Seat, 8. No Restraint Used, 9. Not Applicable; 1. Deployed - Front, 2. Not Deployed, 3. Unavailable/Not Applicable, 4. Kept Off, 5. Unknown, 6. Deployed - Side, 7. Deployed - Other (Knee, Air Belt, etc.), 8. Deployed - Combination; 1. Not Ejected, 2. Partially Ejected, 3. Totally Ejected; 1. Dead Before Report Made, 2. Visible Signs of Injury, as Bleeding Wound or Distorted Member or Had to be Carried From Scene, 3. Other Visible Injury, as Bruises, Abrasions, Swelling, Limping, etc., 4. No Visible Injury, but Onset of Pain, or Momentary Unconsciousness, 5. No injury (driver only)

DRIVER

Driver's Name (Last, First, Middle)

Driver Fled Scene

Gender

Address (Street and Number)

City MCLEAN

State VA

ZIP

Birth Date Drivers License Number

State VA DL CDL

Safety Equip. Used Air Bag Ejected Date of Death

Injury Type EMS Transport

Summons Issued As Result of Crash 2 Offenses Charged to Driver

VEHICLE

Vehicle Owner's Name (Last, First, Middle)

Same as Driver

Address (Street and Number)

City MCLEAN

State VA

ZIP

Vehicle Year 2005 Vehicle Make Jeep Vehicle Model Liberty Disabled CMV Towed

Vehicle Plate Number State VA Approximate Repair Cost 10000

VIN 1J4GL48K65W Oversize Cargo Spill

Name of Insurance Company (not agent) STATE FARM Overrides Underride

Speed Before Crash UNK Speed Limit 45 Maximum Safe Speed 0 Under 8 Over 21 ALL Passengers Age Count

PASSENGER (only if injured or killed)

Name of Injured (Last, First, Middle) EMS Transport Date of Death

Position In/On Vehicle Safety Equip Used Airbag Ejected Injury Type Birthdate Gender

Name of Injured (Last, First, Middle) EMS Transport Date of Death

Position In/On Vehicle Safety Equip Used Airbag Ejected Injury Type Birthdate Gender

Name of Injured (Last, First, Middle) EMS Transport Date of Death

Officer's Name (Last, First, Middle)

Badge or Code Number

Agency/Department Name and Code

Reviewing Officer

Report File Date

DFC MCCLINTIC J

M 9917

LOUDOUN COUNTY SO

Handwritten signature and initials

03 30 2010



CRASH

Crash Date 03 30 2010 1923 MILITARY Time (24 hr clock) County of Crash LOUDOUN COUNTY

City of Town of

Local Case Number 2010-004792

DRIVER INFORMATION

- Driver's Action P1
1. No Improper Action
2. Exceeded Speed Limit
3. Exceeded Safe Speed But Not Speed Limit
...
43. Over Correction

- Driver Vision Obscured P3
1. Not Obscured
2. Rain, Snow, etc. on Windshield
3. Windshield Otherwise Obscured
...
16. Stopped Vehicle(s)

- Type of Driver Distractions P4
1. Looking at Roadside Incident
2. Driver Fatigue
3. Looking at Scenery
...
12. Navigation Device

- Drinking P5
1. Had Not Been Drinking
2. Drinking - Obviously Drunk
3. Drinking - Ability Impaired
...
6. Unknown

- Method of Alcohol Determination (by police) P6
1. Blood
2. Breath
3. Refused
4. No Test

- Drug Use P7
1. Yes
2. No
3. Unknown

- Condition of Driver Contributing to the Crash P2
1. No Defects
2. Eyesight Defective
3. Hearing Defective
...
9. Unknown

VEHICLE INFORMATION

- Vehicle Maneuver V1
1. Going Straight Ahead
2. Making Right Turn
3. Making Left Turn
...
16. Entering Street From Parking Lot

- Skidding Tire/Mark V2
1. Before Application of Brakes
2. After Application of Brakes
3. Before and After Application of Brakes
4. No Visible Skid Mark/Tire Mark

- Vehicle Body Type V3
1. Passenger car
2. Truck - Pick-up/Passenger Truck
3. Van
4. Truck - Single Unit Truck (2-Axles)
...
25. Truck - Truck Tractor (Bobtail-No Trailer)

- Vehicle Damage V4
1. Unknown
2. No damage
3. Overturned
4. Motor
5. Undercarriage
6. Totaled
7. Fire
8. Other

- Vehicle Condition V5
1. No Defects
2. Lights Defective
3. Brakes Defective
4. Steering Defective
5. Puncture/Blowout
6. Worn or Slick Tires
7. Motor Trouble
8. Chains In Use
9. Other
10. Vehicle Altered
11. Mirrors Defective
12. Power Train Defective
13. Suspension Defective
14. Windows/Windshield Defective
15. Wipers Defective
16. Wheels Defective
17. Exhaust System

- Special Function Motor Vehicle V6
1. No Special Function
2. Taxi
3. School Bus (Public or Private)
4. Transit Bus
5. Intercity Bus
6. Charter Bus
7. Other Bus
8. Military
9. Police
10. Ambulance
11. Fire Truck
12. Tow Truck
13. Maintenance
14. Unknown

- EMV in service V7
1. Yes
2. No

- Truck Cover V8
1. Yes
2. No

EA12-005- Chrysler-024409





CRASH

GPS Lat. 39.014253

GPS Long. 77.371330

Crash Date 03 30 2010 Day of Week TUESDAY

MILITARY Time (24 hr clock) 1923

County of Crash LOUDOUN COUNTY

Official DMV Use

City of Town of

Landmarks at Scene

Location of Crash (route/street) HARRY BYRD HIGHWAY (7)

Railroad Crossing ID no. (if within 150 ft.)

Local Case Number 2010-004792

At Intersection With or 0.2 Miles East of DRANESVILLE ROAD (228)

Mile Marker Number

Number of Vehicles 006

VEHICLE # 3

VEHICLE # 4

DRIVER

Driver Fled Scene

Driver's Name (Last, First, Middle)

Gender

Address (Street and Number)

City VIENNA

State VA ZIP

Birth Date Drivers License Number

State DL CDL

Safety Equip. Used Air Bag Ejected Date of Death

Injury Type EMS Transport

Summons Issued As Result of Crash Offenses Charged to Driver

VEHICLE

Vehicle Owner's Name (Last, First, Middle)

Same as Driver

Address (Street and Number)

City VIENNA

State VA ZIP

Vehicle Year Vehicle Make Vehicle Model

Disabled CMV Towed

Vehicle Plate Number

State VA Approximate Repair Cost

VIN WBAVD33576K

Oversize Cargo Spill

Name of Insurance Company (not agent)

Override Underride

Speed Before Crash Speed Limit Maximum Safe Speed Under ALL Passengers Age Count Over

PASSENGER (only if injured or killed)

Name of Injured (Last, First, Middle) EMS Transport Date of Death

Position In/On Vehicle Safety Equip Used Airbag Ejected Injury Type Birthdate Gender

Name of Injured (Last, First, Middle) EMS Transport Date of Death

Position In/On Vehicle Safety Equip Used Airbag Ejected Injury Type Birthdate Gender

Name of Injured (Last, First, Middle) EMS Transport Date of Death

Position In/On Vehicle Safety Equip Used Airbag Ejected Injury Type Birthdate Gender

Name of Injured (Last, First, Middle) EMS Transport Date of Death

Codes

- POSITION IN/ON VEHICLE 1. Driver 2-6. Passengers 7. Cargo Area 8. Riding/Hanging On Outside 9-99. All Other Passengers

- SAFETY EQUIPMENT USED 1. Lap Belt Only 2. Shoulder Belt Only 3. Lap and Shoulder Belt 4. Child Restraint 5. Helmet 6. Other 7. Booster Seat 8. No Restraint Used 9. Not Applicable

- AIRBAG 1. Deployed - Front 2. Not Deployed 3. Unavailable/Not Applicable 4. Keyed Off 5. Unknown 6. Deployed - Side 7. Deployed - Other (Knee, Air Belt, etc.) 8. Deployed - Combination

- EJECTED FROM VEHICLE 1. Not Ejected 2. Partially Ejected 3. Totally Ejected

SUMMONS ISSUED AS A RESULT OF CRASH

- 1. Yes 2. No 3. Pending

- INJURY TYPE 1. Dead Before Report Made 2. Visible Signs of Injury, as Bleeding Wound or Distorted Member or Had to be Carried From Scene. 3. Other Visible Injury, as Bruises, Abrasions, Swelling, Limping, etc. 6. No Injury (driver only)

Officer's Name (Last, First, Middle)

Badge or Code Number

Agency/Department Name and Code

Reviewing Officer

Report File Date

DFC MCCLINTIC J

M 9917

LOUDOUN COUNTY SO

Handwritten signature

03 30 2010



CRASH

Crash Date 03 30 2010 MILITARY Time (24 hr clock) 1923 County of Crash LOUDOUN COUNTY

City of Town of

Local Case Number 2010-004792

DRIVER INFORMATION

- Driver's Action P1
1. No Improper Action
2. Exceeded Speed Limit
3. Exceeded Safe Speed But Not Speed Limit
4. Overtaking On Hill
5. Overtaking On Curve
6. Overtaking at Intersection
7. Improper Passing of School Bus
8. Cutting In
9. Other Improper Passing
10. Wrong Side of Road - Not Overtaking
11. Did Not Have Right-of-Way
12. Following Too Close
13. Fail to Signal or Improper Signal
14. Improper Turn - Wide Right Turn
15. Improper Turn - Cut Corner on Left Turn
16. Improper Turn From Wrong Lane
17. Other Improper Turn
18. Improper Backing
19. Improper Start From Parked Position
20. Disregarded Officer or Flegger
21. Disregarded Traffic Signal
22. Disregarded Stop or Yield Sign
23. Driver Distraction
24. Fail to Stop at Through High way - No Sign
25. Drive Through Work Zone
26. Fail to Set Out Flares or Flags
27. Fail to Dim Headlights
28. Driving Without Lights
29. Improper Parking Location
30. Avoiding Pedestrian
31. Avoiding Other Vehicle
32. Avoiding Animal
33. Crowded Off Highway
34. Hit and Run
35. Car Ran Away - No Driver
36. Blinded by Headlights
37. Other
38. Avoiding Object in Roadway
39. Eluding Police
40. Fail to Maintain Proper Control
41. Improper Passing
42. Improper or Unsafe Lane Change
43. Over Correction

- Condition of Driver P2 Contributing to the Crash
1. No Defects
2. Eyesight Defective
3. Hearing Defective
4. Other Body Defects
5. Illness
6. Fatigued
7. Apparently Asleep
8. Other
9. Unknown

- Driver Vision Obscured P3
1. Not Obscured
2. Rain, Snow, etc. on Windshield
3. Windshield Otherwise Obscured
4. Vision Obscured by Load on Vehicle
5. Trees, Crops, etc.
6. Building
7. Embankment
8. Sign or Signboard
9. Hillcrest
10. Parked Vehicle(s)
11. Moving Vehicle(s)
12. Sun or Headlight Glare
13. Other
14. Blind Spot
15. Smoke/Dust
16. Stopped Vehicle(s)
Type of Driver Distractions P4
1. Looking at Roadside Incident
2. Driver Fatigue
3. Looking at Scenery
4. Passenger(s)
5. Radio/CD, etc.
6. Cell Phone
7. Eyes Not on Road
8. Daydreaming
9. Eating/Drinking
10. Adjusting Vehicle Controls
11. Other
12. Navigation Device

- Drinking P5
1. Had Not Been Drinking
2. Drinking - Obviously Drunk
3. Drinking - Ability Impaired
4. Drinking - Ability Not Impaired
5. Drinking - Not Known Whether Impaired
6. Unknown

- Method of Alcohol P6 Determination (by police)
1. Blood
2. Breath
3. Refused
4. No Test
Drug Use P7
1. Yes
2. No
3. Unknown

VEHICLE INFORMATION

- Vehicle Maneuver V1
1. Going Straight Ahead
2. Making Right Turn
3. Making Left Turn
4. Making U-Turn
5. Slowing or Stopping
6. Merging Into Traffic Lane
7. Starting From Parked Position
8. Stopped in Traffic Lane
9. Ran Off Road - Right
10. Ran Off Road - Left
11. Parked
12. Backing
13. Passing
14. Changing Lanes
15. Other
16. Entering Street From Parking Lot

- Skidding Tire/Mark V2
1. Before Application of Brakes
2. After Application of Brakes
3. Before and After Application of Brakes
4. No Visible Skid Mark/Tire Mark

- Vehicle Body Type V3
1. Passenger car
2. Truck - Pick-up/Passenger Truck
3. Van
4. Truck - Single Unit Truck (2-Axes)
7. Motor Home, Recreational Vehicle
8. Special Vehicle - Oversized Vehicle /Earthmover/Road Equipment
9. Bicycle
10. Moped
11. Motorcycle
12. Emergency Vehicle (Regardless of Vehicle Type)
13. Bus - School Bus
14. Bus - City Transit Bus/Privatey Owned Church Bus
15. Bus - Commercial Bus
16. Other (Scooter, Go-cart, Heerse, Bookmobile, Golf Cart, etc.
18. Special Vehicle - Farm Machinery
19. Special Vehicle - ATV
21. Special Vehicle - Low-Speed Vehicle
22. Truck - Sport Utility Vehicle (SUV)
23. Truck - Single Unit Truck (3 Axles or More)
25. Truck - Truck Tractor (Bobtail-No Trailer)

- Vehicle Damage V4
1. Unknown
2. No damage
3. Overtuned
4. Motor
5. Undercarriage
6. Totaled
7. Fire
8. Other
Vehicle Condition V5
1. No Defects
2. Lights Defective
3. Brakes Defective
4. Steering Defective
5. Puncture/Blowout
6. Worn or Slick Tires
7. Motor Trouble
8. Chains In Use
9. Other
10. Vehicle Altered
11. Mirrors Defective
12. Power Train Defective
13. Suspension Defective
14. Windows/Windshield Defective
15. Wipers Defective
16. Wheels Defective
17. Exhaust System

- Special Function V6 Motor Vehicle
1. No Special Function
2. Taxi
3. School Bus (Public or Private)
4. Transit Bus
5. Intercity Bus
6. Charter Bus
7. Other Bus
8. Military
9. Police
10. Ambulance
11. Fire Truck
12. Tow Truck
13. Maintenance
14. Unknown

- EMV in service V7
1. Yes
2. No



CRASH

GPS Lat. 39.014253

GPS Long. 77.371330

Crash Date 03 30 2010 Day of Week TUESDAY MILITARY Time (24 hr clock) 1923 County of Crash LOUDOUN COUNTY

Official DMV Use

City of Town of City or Town Name Landmarks at Scene

Location of Crash (route/street) HARRY BYRD HIGHWAY (7) Railroad Crossing ID no. (if within 150 ft)

Local Case Number 2010-004792

At Intersection With or 0.2 Miles West of DRANESVILLE ROAD (228)

Mile Marker Number Number of Vehicles 006

DRIVER

Driver's Name (Last, First, Middle) [Redacted] Driver Fled Scene Gender Address (Street and Number) [Redacted] City GREAT FALLS State VA ZIP [Redacted] Birth Date Drivers License Number State VA DL CDL Safety Equip. Used 3 Air Bag 2 Ejected 1 Date of Death Injury Type 6 EMS Transport

DRIVER

Driver's Name (Last, First, Middle) [Redacted] Driver Fled Scene Gender Address (Street and Number) [Redacted] City STERLING State VA ZIP [Redacted] Birth Date Drivers License Number State VA DL CDL Safety Equip. Used 3 Air Bag 1 Ejected 1 Date of Death Injury Type 4 EMS Transport

VEHICLE

Vehicle Owner's Name (Last, First, Middle) [Redacted] Same as Driver Address (Street and Number) [Redacted] City GREAT FALLS State VA ZIP [Redacted] Vehicle Year 1998 Vehicle Make Chevrolet Vehicle Model Suburban Disabled CMV Towed Vehicle Plate Number State VA Approximate Repair Cost 800 VIN 1GNFK16R2WJ [Redacted] Oversize Cargo Spill Override Underride Name of Insurance Company (not agent) USAA

VEHICLE

Vehicle Owner's Name (Last, First, Middle) [Redacted] Same as Driver Address (Street and Number) [Redacted] City STERLING State VA ZIP [Redacted] Vehicle Year 2005 Vehicle Make Nissan Vehicle Model Altima Disabled CMV Towed Vehicle Plate Number State VA Approximate Repair Cost 7000 VIN 1N4AL11D35C [Redacted] Oversize Cargo Spill Override Underride Name of Insurance Company (not agent) THE HARTFORD

Speed Before Crash 0 Speed Limit 45 Maximum Safe Speed 0 Under 8-17 0 18-21 0 Over 21 0

Speed Before Crash 40 Speed Limit 45 Maximum Safe Speed 0 Under 8-17 0 18-21 0 Over 21 0

PASSENGER (only if injured or killed) Name of Injured (Last, First, Middle) EMS Transport Date of Death Position In/On Vehicle Safety Equip Used Airbag Ejected Injury Type Birthdate Gender

PASSENGER (only if injured or killed) Name of Injured (Last, First, Middle) EMS Transport Date of Death Position In/On Vehicle Safety Equip Used Airbag Ejected Injury Type Birthdate Gender

Codes table with columns: POSITION IN/ON VEHICLE, SAFETY EQUIPMENT USED, AIRBAG, EJECTED FROM VEHICLE, INJURY TYPE

Officer's Name (Last, First, Middle) DFC MCCLINTIC J Badge or Code Number M 9917 Agency/Department Name and Code LOUDOUN COUNTY SO Reviewing Officer [Signature] Report File Date 03 30 2010



CRASH

Crash Date 03 30 2010 MILITARY Time (24 hr clock) 1923 County of Crash LOUDOUN COUNTY

City of Town of Local Case Number 2010-004792

DRIVER INFORMATION

- Driver's Action P1
1. No Improper Action
2. Exceeded Speed Limit
3. Exceeded Safe Speed But Not Speed Limit
4. Overtaking On Hill
5. Overtaking On Curve
6. Overtaking at Intersection
7. Improper Passing of School Bus
8. Cutting In
9. Other Improper Passing
10. Wrong Side of Road - Not Overtaking
11. Did Not Have Right-of-Way
12. Following Too Close
13. Fail to Signal or Improper Signal
14. Improper Turn - Wide Right Turn
15. Improper Turn - Cut Corner on Left Turn
16. Improper Turn From Wrong Lane
17. Other Improper Turn
18. Improper Backing
19. Improper Start From Parked Position
20. Disregarded Officer or Flagger
21. Disregarded Traffic Signal
22. Disregarded Stop or Yield Sign
23. Driver Distraction
24. Fail to Stop at Through Highway - No Sign
25. Drive Through Work Zone
26. Fail to Set Out Flares or Flags
27. Fail to Dim Headlights
28. Driving Without Lights
29. Improper Parking Location
30. Avoiding Pedestrian
31. Avoiding Other Vehicle
32. Avoiding Animal
33. Crowded Off Highway
34. Hit and Run
35. Car Ran Away - No Driver
36. Blinded by Headlights
37. Other
38. Avoiding Object in Roadway
39. Eluding Police
40. Fail to Maintain Proper Control
41. Improper Passing
42. Improper or Unsafe Lane Change
43. Over Correction

- Driver Vision Obscured P3
1. Not Obscured
2. Rain, Snow, etc. on Windshield
3. Windshield Otherwise Obscured
4. Vision Obscured by Load on Vehicle
5. Trees, Crops, etc.
6. Building
7. Embankment
8. Sign or Signboard
9. Hillcrest
10. Parked Vehicle(s)
11. Moving Vehicle(s)
12. Sun or Headlight Glare
13. Other
14. Blind Spot
15. Smoke/Dust
16. Stopped Vehicle(s)

- Type of Driver Distractions P4
1. Looking at Roadside Incident
2. Driver Fatigue
3. Looking at Scenery
4. Passenger(s)
5. Radio/CD, etc.
6. Cell Phone
7. Eyes Not on Road
8. Daydreaming
9. Eating/Drinking
10. Adjusting Vehicle Controls
11. Other
12. Navigation Device

- Drinking P5
1. Had Not Been Drinking
2. Drinking - Obviously Drunk
3. Drinking - Ability Impaired
4. Drinking - Ability Not Impaired
5. Drinking - Not Known Whether Impaired
6. Unknown

- Method of Alcohol Determination (by police) P6
1. Blood
2. Breath
3. Refused
4. No Test

- Drug Use P7
1. Yes
2. No
3. Unknown

- Condition of Driver Contributing to the Crash P2
1. No Defects
2. Eyesight Defective
3. Hearing Defective
4. Other Body Defects
5. Illness
6. Fatigued
7. Apparently Asleep
8. Other
9. Unknown

VEHICLE INFORMATION

- Vehicle Maneuver V1
1. Going Straight Ahead
2. Making Right Turn
3. Making Left Turn
4. Making U-Turn
5. Slowing or Stopping
6. Merging Into Traffic Lane
7. Starting From Parked Position
8. Stopped in Traffic Lane
9. Ran Off Road - Right
10. Ran Off Road - Left
11. Parked
12. Backing
13. Passing
14. Changing Lanes
15. Other
16. Entering Street From Parking Lot

- Skidding Tire/Mark V2
1. Before Application of Brakes
2. After Application of Brakes
3. Before and After Application of Brakes
4. No Visible Skid Mark/Tire Mark

- Vehicle Body Type V3
1. Passenger car
2. Truck - Pick-up/Passenger Truck
3. Van
4. Truck - Single Unit Truck (2-Axles)
5. Motor Home, Recreational Vehicle
6. Special Vehicle - Oversized Vehicle/Earthmover/Road Equipment
7. Bicycle
8. Moped
9. Motorcycle
10. Emergency Vehicle (Regardless of Vehicle Type)
11. Bus - School Bus
12. Bus - City Transit Bus/Private Owned Church Bus
13. Bus - Commercial Bus
14. Other (Scooter, Go-cart, Hearse, Bookmobile, Golf Cart, etc.)
15. Special Vehicle - Farm Machinery
16. Special Vehicle - ATV
17. Special Vehicle - Low-Speed Vehicle
18. Truck - Sport Utility Vehicle (SUV)
19. Truck - Single Unit Truck (3 Axles or More)
20. Truck - Truck Tractor (Bobtail-No Trailer)

- Vehicle Damage V4
1. Unknown
2. No damage
3. Overtumed
4. Motor
5. Undercarriage
6. Totaled
7. Fire
8. Other

- Vehicle Condition V5
1. No Defects
2. Lights Defective
3. Brakes Defective
4. Steering Defective
5. Puncture/Blowout
6. Worn or Slick Tires
7. Motor Trouble
8. Chains In Use
9. Other
10. Vehicle Altered
11. Mirrors Defective
12. Power Train Defective
13. Suspension Defective
14. Windows/Windshield Defective
15. Wipers Defective
16. Wheels Defective
17. Exhaust System

- Special Function Motor Vehicle V6
1. No Special Function
2. Taxi
3. School Bus (Public or Private)
4. Transit Bus
5. Intercity Bus
6. Charter Bus
7. Other Bus
8. Military
9. Police
10. Ambulance
11. Fire Truck
12. Tow Truck
13. Maintenance
14. Unknown

- EMV in service V7
1. Yes
2. No

# Police Crash Report



Revised Report

## CRASH

Crash Date	MILITARY Time (24 hr clock)	County of Crash	City of	Local Case Number
03 30 2010	1923	LOUDOUN COUNTY	Town of	2010-004792

### CRASH INFORMATION

#### Location of First Harmful Event In Relation to Roadway C1

- 1. On Roadway
- 2. Shoulder
- 3. Median
- 4. Roadside
- 5. Gore
- 6. Separator
- 7. In Parking Lane or Zone
- 8. Off Roadway, Location Unknown
- 9. Outside Right-of-Way

#### Traffic Control Type C5

- 1. No Traffic Control
- 2. Officer or Flagger
- 3. Traffic Signal
- 4. Stop Sign
- 5. Slow or Warning Sign
- 6. Traffic Lanes Marked
- 7. No Passing Lines
- 8. Yield Sign
- 9. One Way Road or Street
- 10. Railroad Crossing With Markings and Signs
- 11. Railroad Crossing With Signals
- 12. Railroad Crossing With Gate and Signals
- 13. Other
- 14. Pedestrian Crosswalk
- 15. Reduced Speed - School Zone
- 16. Reduced Speed - Work Zone
- 17. Highway Safety Corridor

#### Roadway Description C9

- 1. Two-Way, Not Divided
- 2. Two-Way, Divided, Unprotected Median
- 3. Two-Way, Divided, Positive Median Barrier
- 4. One-Way, Not Divided
- 5. Unknown

#### Intersection Type C12

- 1. Not at Intersection
- 2. Two Approaches
- 3. Three Approaches
- 4. Four Approaches
- 5. Five-Point, or more
- 6. Roundabout

#### Weather Condition C2

- 1. No Adverse Condition (Clear/Cloudy)
- 3. Fog
- 4. Mist
- 5. Rain
- 6. Snow
- 7. Sleet/Hail
- 8. Smoke/Dust
- 9. Other
- 10. Blowing Sand, Soil, Dirt, or Snow
- 11. Severe Crosswinds

#### Roadway Alignment C6

- 1. Straight - Level
- 2. Curve - Level
- 3. Grade - Straight
- 4. Grade - Curve
- 5. Hillcrest - Straight
- 6. Hillcrest - Curve
- 7. Dip - Straight
- 8. Dip - Curve
- 9. Other
- 10. On/Off Ramp

#### Roadway Defects C10

- 1. No Defects
- 2. Holes, Ruts, Bumps
- 3. Soft or Low Shoulder
- 4. Under Repair
- 5. Loose Material
- 6. Restricted Width
- 7. Slick Pavement
- 8. Roadway Obstructed
- 9. Other
- 10. Edge Pavement Drop Off

#### Work Zone C13

- 1. Yes
- 2. No

#### Work Zone Workers Present C14

- 1. With Law Enforcement
- 2. With No Law Enforcement
- 3. No Workers Present

#### Work Zone Location C15

- 1. Advance Warning Area
- 2. Transition Area
- 3. Activity Area
- 4. Termination Area

#### Light Conditions C3

- 1. Dawn
- 2. Daylight
- 3. Dusk
- 4. Darkness - Road Lighted
- 5. Darkness - Road Not Lighted
- 6. Darkness - Unknown Road Lighting
- 7. Unknown

#### Roadway Surface Condition C7

- 1. Dry
- 2. Wet
- 3. Snowy
- 4. Icy
- 5. Muddy
- 6. Oil/Other Fluids
- 7. Other
- 8. Natural Debris
- 9. Water (Standing, Moving)
- 10. Slush
- 11. Sand, Dirt, Gravel

#### Relation to Roadway C11

##### Interchange Area:

- 1. Main-Line Roadway
- 2. Acceleration/Deceleration Lanes
- 3. Gore Area (Between Ramp and Highway Edgelines)
- 4. Collector/Distributor Road
- 5. On Entrance/Exit Ramp
- 6. Intersection at end of Ramp
- 7. Other location not listed above within an interchange area (median, shoulder and roadside)

#### Work Zone Type C16

- 1. Lane Closure
- 2. Lane Shift/Crossover
- 3. Work on Shoulder or Median
- 4. Intermittent or Moving Work
- 5. Other

#### School Zone C17

- 1. Yes
- 2. Yes - With School Activity
- 3. No

#### Traffic Control Device C4

- 1. Yes - Working
- 2. Yes - Working and Obscured
- 3. Yes - Not Working
- 4. Yes - Not Working and Obscured
- 5. Yes - Missing
- 6. No Traffic Control Device Present

#### Roadway Surface Type C8

- 1. Concrete
- 2. Blacktop, Asphalt, Bituminous
- 3. Brick or Block
- 4. Sleg, Gravel, Stone
- 5. Dirt
- 6. Other

##### Intersection Area:

- 8. Non-Intersection
- 9. Within Intersection
- 10. Intersection-Related - Within 150'
- 11. Intersection-Related - Outside 150'

##### Other Location:

- 12. Crossover Related
- 13. Driveway, Alley-Access - Related
- 14. Railway Grade Crossing
- 15. Other Crossing (Crossings for Bikes, School, etc.)

#### Type of Collision C18

- 1. Rear End
- 2. Angle
- 3. Head On
- 4. Sideswipe - Same Direction
- 5. Sideswipe - Opposite Direction
- 6. Fixed Object in Road
- 7. Train
- 8. Non-Collision
- 9. Fixed Object - Off Road
- 10. Deer
- 11. Other Animal
- 12. Pedestrian
- 13. Bicyclist
- 14. Motorist
- 15. Backed Into
- 16. Other

# Police Crash Report



Revised Report

## CRASH

MILITARY Time (24 hr clock) County of Crash

City of  
Town of

Local Case Number

Crash Date 03 30 2010

1923

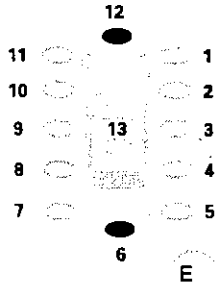
LOUDOUN COUNTY

2010-004792

### CRASH DIAGRAM

VEHICLE # 1

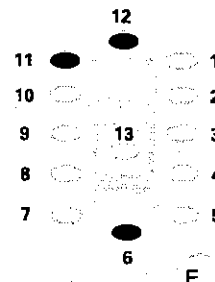
Fill In Impact Area(s).  
Initial Impact. 12



Veh Dir of Travel-N/S/E/W

VEHICLE # 2

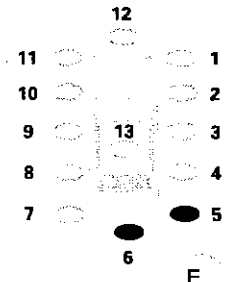
Fill In Impact Area(s).  
Initial Impact. 6



Veh Dir of Travel-N/S/E/W

VEHICLE # 3

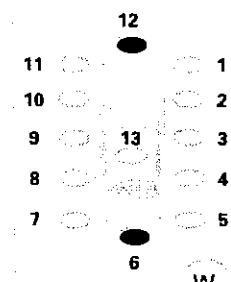
Fill In Impact Area(s).  
Initial Impact. 6



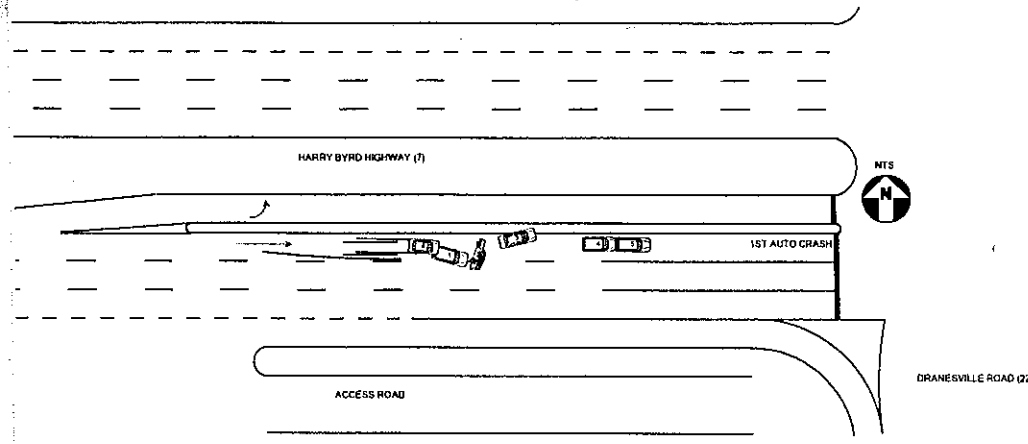
Veh Dir of Travel-N/S/E/W

VEHICLE # 4

Fill In Impact Area(s).  
Initial Impact. 6



Veh Dir of Travel-N/S/E/W



### DAMAGE TO PROPERTY OTHER THAN VEHICLES

Approx. Repair Cost \_\_\_\_\_ Object Struck (Tree, Fence, etc.) \_\_\_\_\_ Property Owners Name (Last, First, Middle) \_\_\_\_\_ Address (Street and Number) \_\_\_\_\_ VDOT Property

### CRASH DESCRIPTION

A MINOR FENDER BENDER OCCURRED NEAR THE INTERSECTION OF RT 7/DRANESVILLE ROAD. TRAFFIC BEGAN SLOWING FOR THE INCIDENT WHEN V1 STRUCK V2, PUSHING V2 INTO V3, PUSHING V3 INTO V4, PUSHING V4 INTO V5. V6 THEN DROVE V1 INTO V2 CAUSING GAS TANK TO EXPLODE AND V2 TO TURN ONTO PASSENGER SIDE. V1 DRIVER REPORTED LOOKING TO CHECK MESSAGES ON HIS MOBILE DEVICE (NOT TEXTING) JUST PRIOR TO THE CRASH WHILE FOLLOWING APPROXIMATELY 2 CARLENGTHS BEHIND V2. V6 DRIVER REPORTED FOLLOWING V1 A LITTLE MORE THAN 1 CAR LENGTH BEHIND.

### CRASH EVENTS

Vehicle #	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event	Vehicle #	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event
1	20	20			20	3	20	20			20
2	20	20			20	4	20	20			20

First Harmful Event of Entire Crash that Results in First Injury or Damage.

20

#### COLLISION WITH FIXED OBJECT

1. Bank Or Ledge
2. Trees
3. Utility Pole
4. Fence Or Post
5. Guard Rail
6. Parked Vehicle
7. Tunnel, Bridge, Underpass, Culvert, etc.
8. Sign, Traffic Signal
9. Impact Cushioning Device
10. Other
11. Jersey Wall
12. Building/Structure
13. Curb
14. Ditch
15. Other Fixed Object
16. Other Traffic Barrier
17. Traffic Sign Support
18. Mailbox

#### COLLISION WITH PERSON, MOTOR VEHICLE OR NON-FIXED OBJECT

19. Pedestrian
20. Motor Vehicle In Transport
21. Train
22. Bicycle
23. Animal
24. Work Zone
- Maintenance Equipment
25. Other Movable Object
26. Unknown Movable Object
27. Other

#### NON-COLLISION

28. Ran Off Road
29. Jack Knife
30. Overturn (Rollover)
31. Downhill Runaway
32. Cargo Loss or Shift
33. Explosion or Fire
34. Separation of Units
35. Cross Median
36. Cross Centerline
37. Equipment Failure (Tire, etc)
38. Driver Error
39. Fell/Jumped From Vehicle
40. Thrown or Falling Object
41. Non-Collision Unknown
42. Other Non-Collision

# Police Crash Report



Revised Report

## CRASH

Crash Date: 03 30 2010    MILITARY Time (24 hr clock): 1923    County of Crash: LOUDOUN COUNTY    City of:     Town of:     Local Case Number: 2010-004792

### CRASH DIAGRAM

VEHICLE # 5  
Fill In Impact Area(s).  
Initial Impact: 6

Veh Dir of Travel-N/S/E/W

VEHICLE # 6  
Fill In Impact Area(s).  
Initial Impact: 12

Veh Dir of Travel-N/S/E/W

VEHICLE #  
Fill In Impact Area(s).  
Initial Impact: 0

Veh Dir of Travel-N/S/E/W

VEHICLE #  
Fill In Impact Area(s).  
Initial Impact: 0

Veh Dir of Travel-N/S/E/W

# SEE PREVIOUS PAGE

### DAMAGE TO PROPERTY OTHER THAN VEHICLES

Approx. Repair Cost	Object Struck (Tree, Fence, etc.)	Property Owners Name (Last, First, Middle)	Address (Street and Number)	VDOT Property
				<input type="checkbox"/>

### CRASH DESCRIPTION

SEE PREVIOUS PAGE

### CRASH EVENTS

Vehicle #	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event	Vehicle #	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event
5	20				20						
6	20				20						

First Harmful Event of Entire Crash that Results in First Injury or Damage.

20

#### COLLISION WITH FIXED OBJECT

- Bank Or Ledge
- Trees
- Utility Pole
- Fence Or Post
- Guard Rail
- Parked Vehicle
- Tunnel, Bridge, Underpass, Culvert, etc.
- Sign, Traffic Signal
- Impact Cushioning Device
- Other
- Jersey Wall
- Building/Structure
- Curb
- Ditch
- Other Fixed Object
- Other Traffic Barrier
- Traffic Sign Support
- Mailbox

#### COLLISION WITH PERSON, MOTOR VEHICLE OR NON-FIXED OBJECT

- Pedestrian
- Motor Vehicle In Transport
- Train
- Bicycle
- Animal
- Work Zone
- Maintenance Equipment
- Other Movable Object
- Unknown Movable Object
- Other

#### NON-COLLISION

- Ran Off Road
- Jack Knife
- Overturn (Rollover)
- Downed by Object
- Cargo Loss or Shift
- Explosion or Fire
- Separation of Units
- Cross Median
- Cross Centerline
- Equipment Failure (Tire, etc)
- Thrown or Falling Object
- Fall/Jumped From Vehicle
- Non-Collision Unknown
- Other Non-Collision



**MATTER #** 1230125  
**FILE TYPE** Lawsuit  
**FILE NAME** [REDACTED]  
[REDACTED]  
**CAIR #**  
**DATE OF INCIDENT** 03/30/2010  
**DATE OF NOTICE** 04/18/2012  
**MODEL/MODEL YEAR** 2005 Jeep Liberty (KJ)  
**VIN** 1J4GL48K65W [REDACTED]  
**MILEAGE**  
**OWNER** [REDACTED]  
[REDACTED]  
Chantilly, VA [REDACTED]  
**COURT** Circuit Court, Fairfax County, VA  
**DOCKET #** 2012 - 04905 [REDACTED]  
2012 - 04374 [REDACTED]  
**FIRE ALLEGED** Yes  
**DESCRIPTION** On March 30, 2010, a 2005 Jeep Liberty (KJ), operated by [REDACTED], was travelling eastbound on Harry Byrd Highway near the intersection of Dranesville Road in Loudon County, Virginia. The posted speed limit at the site of the accident was 45 mph. According to the police accident report, the Jeep Liberty (KJ) and other traffic had slowed or stopped for a minor accident when a 2003 Ford Expedition, operated by [REDACTED], failed to observe the traffic stopping ahead and struck the rear of the Jeep Liberty (KJ). The investigating police officer determined that the Ford Expedition was travelling 30-35 mph at the time of impact. The collision caused a chain reaction accident, pushing the front end of the Jeep Liberty (KJ) into the rear of a 2006 BMW 330xi, which in turn impacted the rear of a 2000 Mercedes ML430, which in turn impacted a 1998 Chevrolet Suburban. While this was occurring, a 2005 Nissan Altima, operated by [REDACTED], failed to observe the accident ahead and struck the rear of the Ford Expedition. The investigating police officer determined that the Nissan Altima was travelling 40 mph before the collision with the Ford Expedition. At some point during the accident sequence, the Jeep Liberty (KJ) overturned onto its right side and caught on fire. The driver of the Ford Expedition reported to the investigating police officer that he was checking messages on his mobile device immediately before the collision with the Jeep Liberty (KJ).



**PROPERTY  
DAMAGE ALLEGED**

No

**INJURIES**

3

**FATALITIES**

0

**ANALYSIS**

Based on the police accident report, the collision of the Ford Expedition with the rear of the Jeep Liberty (KJ) occurred at a relative velocity of approximately 30-35 mph. The Jeep Liberty (KJ) contacted the BMW in front it and appears to have rolled onto its right side almost immediately, exposing the fuel tank to impact with the Ford Expedition. The fire in the area of the rear of the Jeep Liberty (KJ) appears to have begun shortly after impact. Chrysler Group has not determined the cause or origin of the fire at this time.



CT Corporation

**Service of Process  
Transmittal**

03/27/2012

CT Log Number 520219408

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

**RE:** Process Served in Virginia

**FOR:** Chrysler Group LLC (Domestic State: DE)

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

**TITLE OF ACTION:** [REDACTED] Pltf. vs. Chrysler Group LLC, et al., Dfts.

**DOCUMENT(S) SERVED:** Summons, Complaint

**COURT/AGENCY:** Fairfax County General District Court, VA  
Case # CL20120004374

**NATURE OF ACTION:** Product Liability Litigation - Breach of Warranty - Alleges negligence - 2005 Jeep Liberty - Seeking \$25,000,000.00

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Glen Allen, VA

**DATE AND HOUR OF SERVICE:** By Process Server on 03/27/2012 at 10:45

**JURISDICTION SERVED :** Virginia

**APPEARANCE OR ANSWER DUE:** Within 21 days of service

**ATTORNEY(S) / SENDER(S):** Patrick M. Regan  
1919 M Street, N.W., Suite 350  
Washington, DC 20036  
202-463-3030

**REMARKS:** Please note no VIN number is provided for the vehicle.

**ACTION ITEMS:** CT has retained the current log, Retain Date: 03/27/2012, Expected Purge Date: 04/01/2012  
Image SQP

**SIGNED:** C T Corporation System  
**PER:** Tinika Baylor  
**ADDRESS:** 4701 Cox Road  
Suite 301  
Glen Allen, VA 23060  
**TELEPHONE:** 804-217-7255

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

COMMONWEALTH OF VIRGINIA  
**CIRCUIT COURT OF FAIRFAX COUNTY**  
4110 CHAIN BRIDGE ROAD  
FAIRFAX, VIRGINIA 22030  
703-691-7320  
(Press 3, Press 1)

Erin Sexton vs. Chrysler Group LLC, etal.

CL-2012-0004374

**TO:** Chrysler Group LLC  
Serve: CT Corporation System  
4701 Cox Road, Suite 301  
Glen Allen VA 23060

**SUMMONS – CIVIL ACTION**

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the Clerk's office of this Court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment or decree against such party either by default or after hearing evidence.

**APPEARANCE IN PERSON IS NOT REQUIRED BY THIS SUMMONS.**

Done in the name of the Commonwealth of Virginia, on Wednesday, March 21, 2012.

**JOHN T. FREY, CLERK**

By: Laura Fink  
Deputy Clerk

Plaintiff's Attorney Patrick M. Regan

VIRGINIA:

FILED  
IN CLERK'S OFFICE

2012 MAR 20 PM 1:40

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JOHN T. FLETCHER  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

ERIN SEXTON :  
25778 Tullow Place :  
South Riding, VA 20152 :

Plaintiff, :

v. :

CHRYSLER GROUP LLC :  
1000 Chrysler Dr. :  
Auburn Hills, MI 48326 :

Case No.

2012 04374

Serve: CT Corporation System :  
4701 Cox Road, Suite 301 :  
Glen Allen, VA 23060-6802 :

and :

HANDLEY MOTOR COMPANY, INC., :  
d/b/a SAFFORD CHRYSLER JEEP :  
DODGE OF SPRINGFIELD :  
6801 Commerce St. :  
Springfield, VA 22150 :

Serve: Thomas C. East :  
15225 Doe Ridge Rd. :  
Haymarket, VA 22069 :

and :

OURISMAN OF CLARKSVILLE, INC., :  
d/b/a OURISMAN CHRYSLER :  
DODGE JEEP RAM :  
15301 Frederick Road :  
Rockville, MD 20855 :

Regan Zambri Long  
1919 M Street, NW  
Suite 350  
Washington, D.C. 20036

202-463-3030

Serve: Clerk of the State :  
Corporation Commission :  
P.O. Box 1197 :  
Richmond, VA 23218-1197 :

and :

I. G. BURTON & COMPANY, INC., d/b/a :  
I.G. BURTON CHRYSLER DODGE :  
JEEP :  
793 Bay Road :  
Milford, DE 19963 :

Serve: Clerk of the State :  
Corporation Commission :  
P.O. Box 1197 :  
Richmond, VA 23218-1197 :

and :

KENNETH J. PAULOVKIN :  
18574 Dettington Court :  
Leesburg, VA 20176 :

Defendants. :

**COMPLAINT FOR DAMAGES**

**(Products Liability: Defective Jeep Liberty: Rear-End Collision,  
Fuel Tank Explosion and Fire – Serious Burn Injuries)**

COMES NOW the Plaintiff, ERIN SEXTON, by and through her attorneys,  
Patrick M. Regan, Amy S. Gurgle and the law firm of Regan Zambri Long, PLLC, 1919  
M Street NW, Suite 350, Washington, DC 20036 and William J Virgulak, Jr., 2175  
Capstone Circle, Hendon, VA 20170, and respectfully moves for judgment against the  
Defendants on the grounds and in the amount set forth below:

Regan Zambri Long  
1919 M Street, NW  
Suite 350  
Washington, D.C. 20036

202-463-3030

### NATURE OF THE ACTION

1. The Plaintiff was seriously injured by an explosion and fuel fire caused when her 2005 Jeep Liberty was struck in the rear by another vehicle causing the Jeep Liberty's fuel tank to explode and trapping the Plaintiff inside of her vehicle.

2. The 2005 Jeep Liberty was designed, developed, tested, and manufactured by Defendant Chrysler Group LLC (hereinafter "Chrysler"), sold by Defendant Handley Motor Company, Inc. (hereinafter "Handley") and Defendant Ourisman of Clarksville, Inc. (hereinafter "Ourisman"), and modified by Defendant I. G. Burton & Company, Inc. (hereinafter "Burton").

### JURISDICTION AND VENUE

3. This cause of action arises under the common law of Virginia; therefore jurisdiction is appropriate in this Court.

4. Venue is appropriate in this Court since the vehicle which is the subject matter of this litigation was sold to the Plaintiff by Defendant Handley's automobile dealership located in Fairfax County.

### PARTIES

5. Plaintiff Erin Sexton is, and was, at all times mentioned herein, an individual residing in the Commonwealth of Virginia, who purchased and subsequently owned the 2005 Jeep Liberty which is the subject of this complaint.

6. Defendant Chrysler is a Delaware Limited Liability Company headquartered in Auburn Hills, Michigan. It is a vehicle manufacturing company that produces Chrysler, Jeep, Dodge, Ram, SRT, Fiat, and Mopar vehicles and products.

7. Upon information and belief, Defendant Handley is a Delaware Corporation doing business in Virginia with its principal place of business in Springfield, Virginia. It owns and operates Safford Chrysler Jeep Dodge of Springfield, a car dealership that sells new and pre-owned vehicles made by Chrysler, Jeep, and Dodge.

8. Upon information and belief, Defendant Ourisman is a Maryland Corporation located in Clarksville, Maryland. It owns and operates Ourisman Chrysler Dodge Jeep Ram, a car dealership that sells new and pre-owned vehicles made by Chrysler, Dodge, Jeep and Ram.

9. Upon information and belief, Defendant Burton is a Delaware Corporation located in Milford, Delaware. It owns I.G. Burton Chrysler Dodge Jeep, a car dealership that sells and services vehicles made by Chrysler, Dodge, and Jeep.

10. Defendant Kenneth Paulovkin is, and was, at all times mentioned herein, an individual residing in the Commonwealth of Virginia in Leesburg, Virginia who was involved in the collision that took place on March 30, 2010.

## FACTS

11. Upon information and belief, Defendant Chrysler designed, developed, tested, manufactured and distributed the 2005 Jeep Liberty which is the subject of this complaint.

12. Upon information and belief, on or about July 29, 2005, Defendant Ourisman initially sold the 2005 Jeep Liberty to an unknown purchaser.

13. Upon information and belief, on or about December 29, 2005, Defendant Burton installed a trailer hitch on the rear of the 2005 Jeep Liberty. Upon further information and belief, at or about the time it installed the trailer hitch, Defendant Burton sold the vehicle in question to an unknown purchaser.

14. Upon information and belief, on or about December 4, 2007, Defendant Handley sold the 2005 Jeep Liberty to Plaintiff Erin Sexton.

15. Upon information and belief, between December 4, 2007, the date she purchased the vehicle, and March 30, 2010, the date of the explosion and fire which forms the basis of this lawsuit, Plaintiff Erin Sexton did not modify, alter, or otherwise take any actions that resulted in a material change to the trailer hitch, gas tank or rear bumper area of the 2005 Jeep Liberty which is the subject of this lawsuit.

16. On March 30, 2010 at approximately 7:23 PM, Plaintiff Erin Sexton was lawfully operating her vehicle, the 2005 Jeep Liberty, eastbound on Harry Bird Highway (Route 7) near Dranesville Road (Route 228) at the border of Fairfax and Loudoun Counties, Virginia.



17. At the same time and place referenced above, Defendant Kenneth J. Paulovkin was operating a 2003 Ford Expedition eastbound on Harry Bird Highway (Route 7) near Dranesville Road (Route 228) at the border of Fairfax and Loudoun Counties, Virginia.

18. Plaintiff observed a motor vehicle accident in the roadway ahead of her and appropriately slowed down with the traffic ahead of her so that she would safely avoid the collision. At that point, Defendant Kenneth J. Paulovkin, operating his vehicle behind the Plaintiff's vehicle, negligently struck the Plaintiff's vehicle in the rear, thereby causing Plaintiff's vehicle to collide with the vehicle ahead of her.

19. As a result of the collision caused when Defendant Paulovkin's vehicle negligently struck the rear of Plaintiff's Jeep Liberty, Plaintiff's Jeep Liberty rolled on its side and the gas tank was ruptured setting off a catastrophic fuel fire which resulted in severe and permanent burn injuries to the Plaintiff.

20. As a direct and proximate result of the collisions caused by Defendant Kenneth Paulovikin, the negligent design and manufacture of the Plaintiff's Jeep Liberty, and/or the other tortious conduct of the Defendants as described in this lawsuit, Plaintiff's 2005 Jeep Liberty caught on fire, the Plaintiff was trapped in the vehicle and unable to escape, and as a result suffered severe and life-threatening injuries.

21. After being trapped in the burning vehicle for an extended period of time, the Plaintiff was finally rescued when passersby were successful in smashing out her front windshield and pulling Plaintiff from the flaming Jeep Liberty.

22. Upon information and belief, Defendant Paulovkin was cited for his negligent operation of his vehicle in causing the collision and severe injuries to Plaintiff.

23. After Plaintiff was rescued from her burning vehicle, she was transported to the Washington Hospital Center Burn Unit for intensive and specialized treatment for her severe injuries including extensive burns.

24. Plaintiff remained hospitalized for approximately six months and continues to undergo surgery and medical treatment as a result of her severe and permanent burn and other injuries.

**COUNT I**  
**NEGLIGENT DESIGN AND MANUFACTURE**  
(Defendants Chrysler, Handley, Ourisman, and Burton)

25. The Plaintiff repeats and re-alleges the allegations set forth in the foregoing paragraphs as though fully stated herein.

26. Plaintiff further alleges that Defendants Chrysler, Handley, Ourisman, and Burton owed a duty to Plaintiff Erin Sexton to exercise ordinary care to design, manufacture and distribute a product, the 2005 Jeep Liberty, that is reasonably safe for its intended purpose.

27. Plaintiff further alleges that at the time the Jeep Liberty was sold to the Plaintiff, Defendants Chrysler, Handley, Ourisman, and Burton breached their duty to exercise ordinary and reasonable care in the design, manufacture and distribution of a reasonably safe product. Specifically, Plaintiff alleges that the Defendants breached their duty in the following:

a. The Jeep Liberty was unreasonably dangerous for the use in which it would ordinary be put, which was driving on the roadway, or for some other reasonably foreseeable purpose, which includes being struck by another vehicle in the rear bumper/trailer hitch area;

b. The unreasonably dangerous condition existed when the Jeep Liberty left the hands of Defendants Chrysler, Handley, Ourisman, and Burton; and,

c. The rear bumper/trailer hitch and gas tank area of the Jeep Liberty was not substantially changed between the date of sale of the vehicle and the time of the March 30, 2010 collision and explosion.

28. Plaintiff further alleges that as a direct and proximate result of the negligently designed and/or manufactured 2005 Jeep Liberty, including but not limited to the design and manufacture of the rear bumper, rear trailer hitch and gas tank, and surrounding components, the foreseeable rear-end collision resulted in a catastrophic fuel fire causing the Plaintiff severe injuries.

29. The Plaintiff further alleges that as a direct and proximate result of the negligently designed and/or manufactured 2005 Jeep Liberty, she suffered severe and permanent injuries for which she has required extensive medical treatment and surgeries.

30. As a further direct and proximate result of the negligent conduct of Defendants Chrysler, Handley, Ourisman, and Burton as described above, Plaintiff Erin Sexton has incurred and will continue to incur substantial expenses for medical care and attention, has suffered and will continue to suffer a loss of wages and loss of wage-

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earning capacity, and has suffered and will continue to suffer much physical pain and mental anguish, disfigurement and deformity.

WHEREFORE, Plaintiff demands judgment against Defendants Chrysler, Handley, Ourisman and Burton in the full and just amount of Twenty Five Million Dollars (\$25,000,000.00) in compensatory damages, plus pre-judgment interest from the date of injury and costs.

**COUNT II**  
**BREACH OF WARRANTIES**  
(Defendants Chrysler, Handley, Ourisman, and Burton)

31. The Plaintiff repeats and re-alleges the allegations set forth in the foregoing paragraphs as though fully stated herein.

32. The Plaintiff further alleges that Defendants Chrysler, Handley, Ourisman, and Burton are merchants within the definition of § 8.2-104(1) of the Code of Virginia.

33. Plaintiff further alleges that at the time the Jeep Liberty was sold and/or distributed by Defendants Chrysler, Handley, Ourisman, and Burton, these Defendants expressly warranted that the vehicle was safe and fit for its intended purpose under foreseeable uses and conditions, and the vehicle was sold and manufactured with an implied warranty of merchantability.

34. Plaintiff further alleges that by placing the 2005 Jeep Liberty into the stream of commerce, by modifying it with the addition of the rear trailer hitch, and by selling it to Plaintiff Erin Sexton, Defendants Chrysler, Handley, Ourisman, and/or Burton expressly or impliedly warranted that:

a. The Jeep Liberty was fit for the ordinary purpose for which it would be used, which was driving on the roadway;

b. The Jeep Liberty was reasonably safe for its intended use, which was driving on the roadway; and

c. The Jeep Liberty was reasonably safe for foreseeable circumstances which included, but was not limited to, being struck by another vehicle in the rear bumper/trailer hitch area.

35. Plaintiff further alleges that upon the sale of the Jeep Liberty to Plaintiff Erin Sexton, Defendants Chrysler, Handley, Ourisman, and Burton breached an express warranty, the implied warranty of merchantability, and the duty to exercise ordinary care to design and manufacture a reasonably safe product in that:

a. The Jeep Liberty was unreasonably dangerous for the use in which it would ordinary be put, which was driving on the roadway, or for some other reasonably foreseeable purpose, which included being struck by another vehicle in the rear bumper/trailer hitch area;

b. The unreasonably dangerous condition existed when the Jeep Liberty left the hands of Defendants Chrysler, Handley, Ourisman, and Burton; and

c. The 2005 Jeep Liberty was not substantially changed after the time of sale to Plaintiff Erin Sexton.

36. Plaintiff further alleges that as a direct and proximate result of the breach of express and implied warranties by Defendants Chrysler, Handley, Ourisman and

Burton, the foreseeable rear-end collision caused a catastrophic fuel fire causing the Plaintiff severe injuries.

37. The Plaintiff further alleges that as a direct and proximate result of the breach of implied and express warranties by Defendants Chrysler, Handley, Ourisman and Burton, she suffered severe and permanent injuries for which she has required extensive medical treatment and surgeries.

38. As a further direct and proximate result of the breach of implied and express warranties by Defendants Chrysler, Handley, Ourisman and Burton, Plaintiff Erin Sexton has incurred and will continue to incur substantial expenses for medical care and attention, has suffered and will continue to suffer a loss of wages and loss of wage-earning capacity, and has suffered and will continue to suffer much physical pain and mental anguish, disfigurement and deformity.

WHEREFORE, Plaintiff demands judgment against Defendants Chrysler, Handley, Ourisman and Burton in the full and just amount of Twenty Five Million Dollars (\$25,000,000.00) in compensatory damages, plus pre-judgment interest from the date of injury and costs.

**COUNT III**  
**BREACH OF DUTY TO WARN OF KNOWN DANGERS**  
(Defendants Chrysler, Handley, Ourisman and Burton)

39. The Plaintiff repeats and re-alleges the allegations set forth in the foregoing paragraphs as though fully stated herein.

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40. Plaintiff further alleges that Defendants Chrysler, Handley, Ourisman and Burton owed a duty to the Plaintiff to exercise reasonable care to inform her of the dangerous and defective condition of the Jeep Liberty and/or of the facts which made it susceptible to being dangerous and/or defective, in that they:

a. Knew or had reason to know that the 2005 Jeep Liberty is likely to be dangerous for the foreseeable use for which it is supplied, which includes driving on the roadway;

b. Knew or had reason to know that the 2005 Jeep Liberty was dangerous and defective when struck in the rear bumper/trailer hitch area under foreseeable conditions; and

c. Knew or had reason to believe that purchasers and/or users of the 2005 Jeep Liberty, such as Erin Sexton, will not appreciate and/or realize the dangerous and defective condition of the vehicle, including the extreme dangers or hazards associated with being struck by another vehicle in the rear bumper/trailer hitch area under foreseeable conditions.

41. The Plaintiff further alleges that Defendants Chrysler, Handley, Ourisman and Burton breached the duty owed to the Plaintiff when they failed to exercise reasonable care to inform Ms. Sexton of the vehicle's dangerous and defective condition and/or of the facts which make the vehicle likely to be dangerous and/or defective, which include being struck in the rear bumper area by another vehicle under reasonably foreseeable circumstances.

42. Plaintiff further alleges that as a direct and proximate result of the breach of the duty to warn of known dangers committed by Defendants Chrysler, Handley, Ourisman and Burton which included but was not limited to warning the Plaintiff of the severe hazards and dangers associated with the use of the vehicle under reasonably foreseeable conditions, including driving on the roadway and being struck in the rear bumper area by another vehicle, the Jeep Liberty exploded resulting in a catastrophic fuel fire causing the Plaintiff severe injuries.

43. The Plaintiff further alleges that as a direct and proximate result of the breach of the duty to warn of known dangers by Defendants Chrysler, Handley, Ourisman and Burton, she suffered severe and permanent injuries for which she has required extensive medical treatment and surgeries.

44. As a further direct and proximate result of the breach of the duty to warn of known dangers by Defendants Chrysler, Handley, Ourisman and Burton, Plaintiff Erin Sexton has incurred and will continue to incur substantial expenses for medical care and attention, has suffered and will continue to suffer a loss of wages and loss of wage-earning capacity, and has suffered and will continue to suffer much physical pain and mental anguish, disfigurement and deformity.

WHEREFORE, Plaintiff demands judgment against Defendants Chrysler, Handley, Ourisman and Burton in the full and just amount of Twenty Five Million Dollars (\$25,000,000.00) in compensatory damages, plus pre-judgment interest from the date of injury and costs.

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**COUNT IV**  
**NEGLIGENT FAILURE TO CONDUCT ADEQUATE TESTING**  
(Defendants Chrysler, Handley, Ourisman and Burton)

45. The Plaintiff repeats and re-alleges the allegations set forth in the foregoing paragraphs as though fully stated herein

46. The Plaintiff further alleges that Defendants Chrysler, Handley, Ourisman and Burton owed a duty to Plaintiff Erin Sexton to conduct adequate testing to discover the unreasonable risk of foreseeable passenger injury due to the fuel tank exploding after being struck in the rear bumper/trailer hitch area by another vehicle under foreseeable conditions.

47. Plaintiff further alleges that at the time the Jeep Liberty was sold and/or distributed by Defendants Chrysler, Handley, Ourisman, and Burton, these Defendants expressly warranted that the vehicle was safe and fit for its intended purpose under foreseeable uses and conditions, and the vehicle was sold and manufactured with an implied warranty of merchantability.

48. Plaintiff further alleges that Defendants Chrysler, Handley, Ourisman and Burton breached the duty owed to Plaintiff Erin Sexton when they negligently failed to conduct adequate testing to discover the unreasonable risk of foreseeable passenger injury due to the fuel tank exploding after being struck in the rear by another vehicle under foreseeable circumstances.

49. Plaintiff further alleges that as a direct and proximate result of the negligent failure to conduct adequate testing by Defendants Chrysler, Handley,

Ourisman and Burton the 2005 Jeep Liberty exploded and caused a catastrophic fuel fire causing the Plaintiff's severe injuries.

50. The Plaintiff further alleges that as a direct and proximate result of the negligent failure to conduct adequate testing by Defendants Chrysler, Handley, Ourisman and Burton, she suffered severe and permanent injuries for which she has required extensive medical treatment and surgeries.

51. As a further direct and proximate result of the negligent failure to conduct adequate testing by Defendants Chrysler, Handley, Ourisman and Burton, Plaintiff Erin Sexton has incurred and will continue to incur substantial expenses for medical care and attention, has suffered and will continue to suffer a loss of wages and loss of wage-earning capacity, and has suffered and will continue to suffer much physical pain and mental anguish, disfigurement and deformity.

WHEREFORE, Plaintiff demands judgment against Defendants Chrysler, Handley, Ourisman and Burton in the full and just amount of Twenty Five Million Dollars (\$25,000,000.00) in compensatory damages, plus pre-judgment interest from the date of injury and costs.

**COUNT V**  
**NEGLIGENT FAILURE TO RECALL**  
(Defendants Chrysler, Handley, Ourisman, and Burton)

52. The Plaintiff repeats and re-alleges the allegations set forth in the foregoing paragraphs as though fully stated herein.

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53. The Plaintiff further alleges that Defendants Chrysler, Handley, Ourisman, and Burton owed a duty to the Plaintiff to act as a reasonable person in recalling an unreasonably dangerous, defective, or unsafe product, such as the 2005 Jeep Liberty, which was sold to the Plaintiff.

54. The Plaintiff further alleges that Defendants Chrysler, Handley, Ourisman, and Burton breached the duty owed to the Plaintiff when they repeatedly failed to recall the 2005 Jeep Liberty when they knew, or in the exercise of reasonable care should have known, that the product was dangerous and hazardous to purchasers and users under reasonably foreseeable circumstances, such as being struck in the rear bumper/trailer hitch area by another vehicle under foreseeable conditions.

55. Plaintiff further alleges that as a direct and proximate result of the negligent failure to recall by Defendants Chrysler, Handley, Ourisman, and Burton, the 2005 Jeep Liberty exploded causing a catastrophic fuel fire which caused the Plaintiff severe and permanent burn injuries.

56. The Plaintiff further alleges that as a direct and proximate result of the negligent failure to recall by Defendants Chrysler, Handley, Ourisman, and Burton she suffered severe and permanent injuries for which she has required extensive medical treatment and surgeries.

57. As a further direct and proximate result of the negligent failure to recall by Defendants Chrysler, Handley, Ourisman, and Burton, Plaintiff Erin Sexton has incurred and will continue to incur substantial expenses for medical care and attention, has

suffered and will continue to suffer a loss of wages and loss of wage-earning capacity, and has suffered and will continue to suffer much physical pain and mental anguish, disfigurement and deformity.

WHEREFORE, Plaintiff demands judgment against Defendants Chrysler, Handley, Ourisman, and Burton in the full and just amount of Twenty Five Million Dollars (\$25,000,000.00), plus pre-judgment interest from the date of injury and costs.

**COUNT VI**  
**NEGLIGENCE**  
(Defendant Paulovkin)

58. The Plaintiff repeats and re-alleges the allegations set forth in the foregoing paragraphs as though fully stated herein.

59. Plaintiff further alleges that at all times relevant hereto, Defendant Kenneth J. Paulovkin owed a duty to the Plaintiff to operate his vehicle in a safe, prudent and appropriate manner consistent with motor vehicle safety and traffic laws then and there in existence.

60. Plaintiff further alleges that at all times relevant hereto, Defendant Paulovkin breached the duty owed to the Plaintiff in speeding, following too closely, failing to maintain proper control of his motor vehicle, failing to pay full time and attention to the operation of his motor vehicle, improperly checking his cell phone while driving, driving recklessly, failing to apply brakes in a timely fashion, and otherwise failing to adhere to the applicable traffic and motor vehicle regulations then and there in effect.

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61. The Plaintiff further alleges that as a direct and proximate result of the negligence of Defendant Paulovkin, she suffered severe and permanent injuries for which she has required extensive medical treatment and surgeries.

62. As a further direct and proximate result of the negligence of Defendant Paulovkin, Plaintiff Erin Sexton has incurred and will continue to incur substantial expenses for medical care and attention, has suffered and will continue to suffer a loss of wages and loss of wage-earning capacity, and has suffered and will continue to suffer much physical pain and mental anguish, disfigurement and deformity.

WHEREFORE, Plaintiff demands judgment against Defendant Kenneth Paulovkin in the full and just amount of Twenty Five Million Dollars (\$25,000,000.00) in compensatory damages, plus pre-judgment interest from the date of injury and costs.

**TRIAL BY JURY IS DEMANDED.**

ERIN SEXTON  
By Counsel

Respectfully submitted,

REGAN ZAMBRI & LONG, P.L.L.C.

By:

  
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pregan@reganfirm.com

Amy S. Gurgle VSB #65515

agurgle@reganfirm.com

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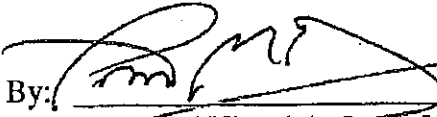
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*Co-Counsel for Plaintiff*

By:  (with permission)

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*Co-Counsel for Plaintiff*

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EA12-005

CHRYSLER

12-13-2012

Enclosure 3 – Public

Subject Vehicles

Lawsuits and Claims

Jeep Liberty (KJ)

**Customer Assistance Inquiry Record (CAIR)#**

**15714080**

<b>VIN</b>	1J4FK4810	5W	<b>Open Date</b>	11/28/2006	<b>Built Date</b>	02/24/2005
<b>Model Year</b>	2005	<b>Body</b>	KJTH74	JEEP LIBERTY SPORT 4X2 SPORT UTILITY 4-DR		
<b>In Service Dt</b>	06/11/2005	<b>Mileage</b>	19,500	<b>Dealer Zone</b>	63	DALLAS
<b>Plant</b>	W	TOLEDO NORTH ASSEMBLY PLANT	<b>Market</b>	U	US	
<b>Color</b>	PJC	LIGHT KHAKI METALLIC CLEAR COAT				
<b>Engine</b>	ED1	2.4L 4 CYL DOHC 16V SMPI ENGINE				
<b>Transmission</b>	DEH	6-SPEED MANUAL NSG370 TRANSMISSION				

<b>Dealer</b>	26586	SERRA CHRYSLER JEEP				
<b>Dealer Address</b>	175 STONEBRIDGE					
<b>Dealer City</b>	JACKSON	<b>Dealer State</b>	TN	<b>Dealer Zip</b>	38305	

<b>Owner</b>		<b>Contact Type</b>	TELEPHONE			
<b>Address</b>		<b>Home Phone</b>				
	GLEASON TN	<b>Country</b>	UNITED STATES			

Referral - Tier Three - Default - Default - Default	Tier three referral.
Product - Unknown - Unknown - Fire - Engine Compartment	fire
Corporate - Property Damage - Default - Default - Default	
Product - Unknown - Unknown - Accident - Default	
Product - Unknown - Unknown - Fire - Unknown	
Recall - F23: LOWER BALL JOINTS - Advise Owner/Incomplete Recall	

Customer states that he was rear ended in an accident and the front end of the vehicle caught on fire. Reassigned to tier three for further review.

Per TLD50.

Customer states that he was advised that he would be contacted within two days. Customer requesting an update. Agent advised customer that his file has been forwarded to the appropriate parties for review and he will be contacted.

Customer calls seeking recall information. Advised the customer of incomplete recall f23 for this vehicle. Customer was advised to contact a Chrysler, Dodge, or Jeep dealer to schedule an appointment to complete recall repair.

Customer states he was hit in the rear and rear caught on fire. Customer states that vehicle hit guardrail and front end caught on fire. Customer states that he is upset that he has not been contacted from DCX. Agent informed customer that the department that will be handling this issue has opened the case and is looking into it. Customer states that he deserves to be contacted back and would like an answer as to why this happened.

12/5/06 Writer contacted the Customer (10:25 AM). Left message requesting more information regarding this accident. Included file number and extension number.

(1:50 PM EST)

12/5 Writer contacted Customer again. Left message with 800 line and extension. Awaiting Customer call back.

Should Owner call 81 please escalate to phones so that DCX can obtain the necessary information to proceed in sending to Special Investigation(s). Customer called back seeking further information regarding someone coming out to look at his vehicle. Agent transferred the customer back to Tier 3 for further review as per the previous notes. Customer understood.

#####

Please investigate cause of fire No injuries vehicle is at Beards Bodyworks 83 Trenton Highway, Milan, TN phone is 731-686-0546 Insurance is State Farm phone is 731-642-6621 claim is [redacted] customer can be reached at work number 731-686-0805. Please contact owner with results of investigation thanks.

\*\*\*\*\*

Per OGC Matrix, reassigned to 82T. JSS15.

\_12/7/06 assigned to rlg92/jlg117

EA12-005- Chrysler -006098



CAIR NUMBER 15714080 REQUEST EAA INSPECTION 12-07-2006 10:14  
CAIR NUMBER 15714080 E-MAIL SENT TO EAA 12-07-2006 10:14  
CCRG Open Date: 12/07/2006 10:06:33  
Letter Sent: Acknowledgement 12/08/2006 10:05:47  
CCRG Close Date: 12/22/2006  
Letter Sent: Resolution 12/22/2006

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-005- Chrysler -006100

12/06/2008

-005- Chrysler -006101

12/06/2008

-005- Chrysler -006102

12/08/2008

-005- Chrysler -00 03

12/08/2008

-005- Chrysler -006104



-005- Chrysler -006105

12/08/2006


005- Chrysler -006106

12/06/2008



-005- Chrysler -006107





-005- Chrysler -006108

-005- Chrysler -006109

12/06/2006

-005- Chrysler -006110

03/20/10

-005- Chrysler -006111

12/06/2006




-005- Chrysler -006112

005- Chrysler-006113

-005- Chrysler -006114



-005- Chrysler -006415

A close-up photograph of a concrete curb. A metal fastener, possibly a bolt or nut, is embedded in the concrete. To its right, a yellow sealant or gasket is applied. A white plastic cap or cover is visible on the right side of the curb. The curb is set on a dark asphalt surface. The text '-005- Chrysler -006415' is overlaid on the image.

-005- Chrysler -006116

12/06/2008

-005- Chrysler -006117

12/06/2008

005- Chrysler 006118



-005- Chrysler -006119

12/06/2008

-005- Chrysler -006120

12/06/2008

-005- Chrysler -006121



16/2/2006


005- Chrysler -006122

Chrysler.com



005- Chrysler 23

12/09/2006




-005- Chrysler -006124

12/06/2008

-005- Chrysler -006125

12/06/2006



-005- Chrysler -006126

12/06/2008



-005- Chrysler -006127

12/08/2006

-005- Chrysler -006128

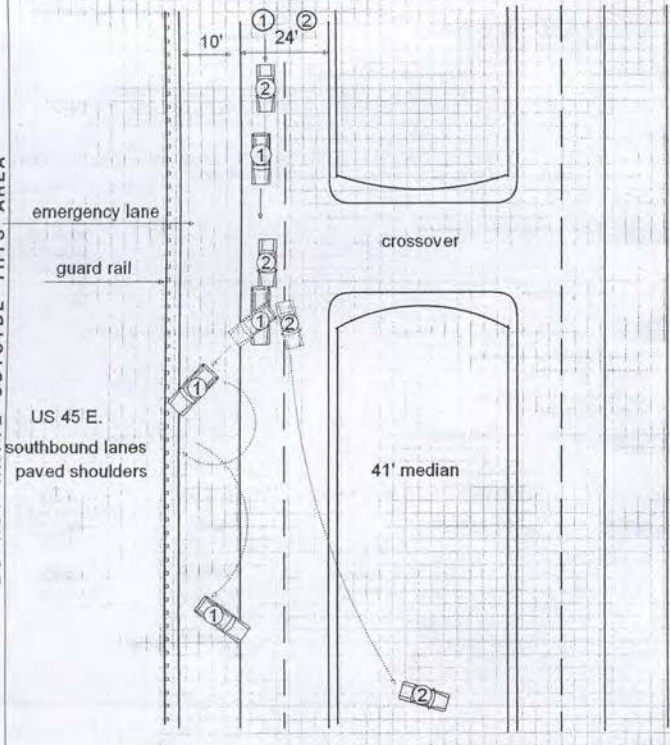
12/06/2006

-005- Chrysler -006129

12/06/2006



DO NOT WRITE OUTSIDE THIS AREA



NOT TO SCALE

**Narrative** Vehicle # 1 was traveling south on US 45 E. and in lane # 1. Vehicle # 2 was traveling south on US 45 E. and following Vehicle # 1. Vehicle # 2 struck Vehicle # 1 in the rear. Area of impact occurred in lane # 1 of the southbound lanes. Vehicle # 1 began to rotate clockwise after impact and was struck once again along the right rear bumper by Vehicle # 2. Vehicle # 1 traveled approximately 144 feet and struck the guard rail. Vehicle # 1 then traveled approximately an additional 300 feet and came to final stop facing south-east and partially blocking lane # 1 of the southbound lanes. Vehicle # 2 traveled approximately 564 feet after impact and came to final stop facing south-east in the median and approximately 20 feet east of the southbound lanes. Both vehicles caught fire after impact. Driver # 2 stated that he fell asleep and ran into Vehicle # 1.

EA12-005- Chrysler -006130

Investigator's Signature: *[Signature]* Date: 11-27-2006 Report Reviewed By: *[Signature]* 12-03-2006



# Gibson County Fire Rescue Station 4 INCIDENT # \_\_\_\_\_

Date 11-25-006 Page Out 444 In Route 456 On Scene 503 Cleared 624  
Equipment Used: Pumper  Tanker  Brush Truck  First Responder Car  Rescue Vehicle

Mutual aid called to \_\_\_\_\_

Name \_\_\_\_\_

Address Location of fire - 45 Hwy out of Milan

City Milan Zip [REDACTED] Phone Number \_\_\_\_\_

Type of Incident: Fire  Wreck  First Responder  False Alarm  Severe Weather  Other \_\_\_\_\_

Type Fire: House  Business  Grass  Field  Brush  Tree  Other Vehicle

\* Number of Acres Burned \_\_\_\_\_ Number of Acres Saved \_\_\_\_\_ Structured Endangered No Forestry Notified No

Structure Type \_\_\_\_\_

Area of Damage \_\_\_\_\_

Possible Cause \_\_\_\_\_

Possible Place of Origin \_\_\_\_\_

Presence of Detectors \_\_\_\_\_ How many (estimate) \_\_\_\_\_

Number of Stories \_\_\_\_\_ Main Floor Size (estimate) \_\_\_\_\_ Property Use \_\_\_\_\_

Motor Vehicle Information 1 - Make Jeep Model Liberty Color Unknown Year 2005

License Plate Number Unknown Vin Number Unknown

Motor Vehicle Information 2- Make Unknown Model Unkown Color Unknown Year Unknown

License Plate Number [REDACTED] Vin Number Unknown

Victim 1 - Owner  Rented  Borrowed  Other Driver

Name [REDACTED]

Address [REDACTED]

City Gleason

State Tn.

Zip \_\_\_\_\_

Phone [REDACTED]

Victim 2- Owner  Rented  Borrowed  Other Driver

Name [REDACTED]

Address [REDACTED]

City Martin

State Tn.

Zip \_\_\_\_\_

Phone [REDACTED]

Insurance Information: \_\_\_\_\_

Remarks/Action Taken:

Bryan Cathey has the rest of the info. about ins.

Injuries No

Who was injured No

EA12-005- Chrysler -006131

Office in Charge Signature John Williams

Radio Number 940

Person Filing Report Signature Andrew Mitchell

Radio Number 943

# Tennessee Uniform Traffic Crash Report

rage: **OFF**  
 REFERENCE NUMBER  
**9852777**

Reporting Agency Name

Document Type  
 Original Document (select 1)  
 Supplement Document  
 Amended Document  
 Reference Number Override

Type of Crash  
 Fatal (select 1)  
 Injury  
 Property Damage (Over)  
 Property Damage (Under)

(B)

Local Agency Number  
**806017692**

### Reporting Agency Type

- Tennessee Highway Patrol (THP)
  - City/Metropolitan Police Dept. (CPD)
  - Sheriff's Office
  - Capitol Police
  - Commercial Vehicle Enforcement (CVE)
  - College/University Campus
  - National Park Service
  - Other
- Investigation Complete?  Yes  No
- Photos Taken?  Yes  No
- Police  If Yes, by Whom?

Totals			Date of Crash			Day of Crash	Time of Crash	County	City	Area	Trafficway/Land Way/Private Way
Vehicles	Killed	Injured	MONTH	DAY	YEAR						
0	0	0	Jan	0	0	1	0	0	0	0	1 Urban
2	0	0	Feb	0	0	2	0	0	0	0	2 Rural
0	0	0	Mar	1	1	3	0	0	0	0	3
1	1	1	Apr	1	1	4	0	0	0	0	4
2	2	2	May	2	2	5	0	0	0	0	5
2	2	2	Jun	3	3	6	0	0	0	0	6
3	3	3	Jul	4	4	7	0	0	0	0	7
4	4	4	Aug	5	5	8	0	0	0	0	8
4	4	4	Sep	6	6	9	0	0	0	0	9
6	6	6	Oct	7	7	0	0	0	0	0	0
7	7	7	Nov	8	8	1	0	0	0	0	1
8	8	8	Dec	9	9	2	0	0	0	0	2
0	0	0	unk	unk	unk	unk	0	0	0	0	unk

Day of Crash	Time of Crash	County	City	Area	Trafficway/Land Way/Private Way
1 SUN	0 4 3 0 2 7	0	0	0	0
2 MON	0 0 6 0 0 0	0	0	0	0
3 TUES	1 1 1 1 1 1	1	1	1	1
4 WED	2 2 2 2 2 2	2	2	2	2
5 THURS	3 3 3 3 3 3	3	3	3	3
6 FRI	4 4 4 4 4 4	4	4	4	4
7 SAT	5 5 5 5 5 5	5	5	5	5
8 SUND	6 6 6 6 6 6	6	6	6	6
9 UNK	7 7 7 7 7 7	7	7	7	7
	8 8 8 8 8 8	8	8	8	8
	9 9 9 9 9 9	9	9	9	9
	0 0 0 0 0 0	0	0	0	0

### TDOT Use Only

ROUTE NUMBER	SPC CASE	CU SEQ	LENG MILE	LOC

Time Notified	Time Arrived	Police Pursuit Involved?	School Bus Related?
0 5 0 2	0 5 3 0	1 Yes 0 No	1 Yes 0 No

ON Hwy No. and / Street Name: **US 45 E. / SR 43** Estimated **0.2** FT. W. S. E. FROM/AT Hwy No. and / Street Name: **15** Mile Post

Vehicle Number: **2 2 4 4**  
 Total Number of Occupants: **0 2 3 4 5 6**  
 Driver Presence:  Driver Operated Vehicle  
 Driver Operated Non-Contact Vehicle  
 Driver Operated Government Vehicle  
 Driverless Vehicle

Vehicle Number: **1 2 3 4**  
 Total Number of Occupants: **0 2 3 4 5 6**  
 Driver Presence:  Driver Operated Vehicle  
 Driver Operated Non-Contact Vehicle  
 Driver Operated Government Vehicle  
 Driverless Vehicle

DRIVER NAME: **[REDACTED]** M.I. **[REDACTED]** Last **[REDACTED]**  
 ADDRESS: **[REDACTED]**  
 City & State: **[REDACTED]** ZIP **[REDACTED]** Phone Number **[REDACTED]**

DRIVER NAME: **[REDACTED]** M.I. **[REDACTED]** Last **[REDACTED]**  
 ADDRESS: **[REDACTED]**  
 City & State: **[REDACTED]** ZIP **[REDACTED]** Phone Number **[REDACTED]**

Driver's License Number: **[REDACTED]** State: **TN** Exp. Year: **2 0 1 0**  
 Date of Birth: **[REDACTED]** Age: **[REDACTED]** Sex: **[REDACTED]** Race:  White  Hispanic  Black  Other

Driver's License Number: **[REDACTED]** State: **TN** Exp. Year: **2 0 0 7**  
 Date of Birth: **[REDACTED]** Age: **[REDACTED]** Sex: **[REDACTED]** Race:  White  Hispanic  Black  Other

License Class: **D** Endorsements: **[REDACTED]** Comp. With: **[REDACTED]** Restrictions: **[REDACTED]** Comp. With: **[REDACTED]**  
 Injury Code: **0 3** Safety Equipment: **0 3** AIRBAG: **0 3** EJECTED: **[REDACTED]**

License Class: **D** Endorsements: **[REDACTED]** Comp. With: **[REDACTED]** Restrictions: **[REDACTED]** Comp. With: **[REDACTED]**  
 Injury Code: **0 3** Safety Equipment: **0 3** AIRBAG: **0 3** EJECTED: **[REDACTED]**

TRAPPED/EXTRACTED:  Not Applicable  Trapped/Extracted  Unknown  Medical Transport  
 Driver Residence:  Less 25 mi.  Out of State  Ambulance/hospital  P15

TRAPPED/EXTRACTED:  Not Applicable  Trapped/Extracted  Unknown  Medical Transport  
 Driver Residence:  Less 25 mi.  Out of State  Ambulance/hospital  P15

Year of Vehicle: **2 0 0 3** Make: **Mitsubishi** Model: **Galant** Color: **SIL.** Body Type: **4DR.**

Year of Vehicle: **2 0 0 5** Make: **Jeep** Model: **Liberty** Color: **Tan** Body Type: **SUV.**

Vehicle ID Number: **4 A 3 A A 4 6 G 3 3 E** Body Code: **[REDACTED]**  
 License Plate Number: **[REDACTED]** State: **TN** Exp. Year: **2 0 0 7** 0 1

Vehicle ID Number: **1 J 4 F K 4 8 1 0 5 W** Body Code: **[REDACTED]**  
 License Plate Number: **[REDACTED]** State: **TN** Exp. Year: **2 0 0 7** 1 4

Vehicle Owner: **[REDACTED]** M.I. **[REDACTED]** Last **[REDACTED]**  
 Street Address: **[REDACTED]**  
 City & State: **Paris, TN** ZIP **[REDACTED]** Phone Number **[REDACTED]**

Vehicle Owner: **[REDACTED]** M.I. **[REDACTED]** Last **[REDACTED]**  
 Street Address: **[REDACTED]**  
 City & State: **[REDACTED]** ZIP **[REDACTED]** Phone Number **[REDACTED]**

Violations (may select 3):  None  Other Moving  Alcohol/Drugs  Other Non-Moving  Reckless/Carless  Pending  
 Following Too Closely

Violations (may select 3):  None  Other Moving  Alcohol/Drugs  Other Non-Moving  Reckless/Carless  Pending  
**EA12-005 - Chrysler -006132**

Investigating Officer Rank and Name: (Print Name) **Trp. Phillip R. Clark** Badge/ID Number: **198** District/Zone: **8** Car No.: **8847** Report Date: **1 1 - 2 5 - 2 0 0 6**



## Harmful Event

### Most Harmful Event per Vehicle

(select 1 per vehicle)

### Collision with Object Not Fixed

- VI V2
- 08 08 Pedestrian
  - 09 09 Pedalcycle
  - 10 10 Railway Train
  - 50 50 Deer (Animal)
  - 11 11 Other Animal
  - 00 00 Motor Vehicle in Transport
  - 13 13 Motor Vehicle in Transport in Other Roadway
  - 14 14 Parked Motor Vehicle
  - 15 15 Other Type Non-Motorist
  - 18 18 Other Object (Not Fixed)

### Collision with Fixed Object

- |                               |                               |
|-------------------------------|-------------------------------|
| VI V2                         | VI V2                         |
| 17 17 Boulder                 | 30 30 Utility Pole            |
| 19 19 Building                | 31 31 Other Post, Pole, Supp. |
| 20 20 Impact Attenuator       | 32 32 Culvert                 |
| 21 21 Bridge Pier/Abutment    | 33 33 Curb                    |
| 22 22 Bridge Parapet End      | 34 34 Ditch                   |
| 23 23 Bridge Rail             | 35 35 Embankment              |
| 24 24 Guardrail Face          | 38 38 Fence                   |
| 25 25 Guardrail End           | 39 39 Wall                    |
| 26 26 Median Barrier          | 40 40 Mail Box                |
| 27 27 H-way Traffic Sign Post | 41 41 Shrubby                 |
| 28 28 Overhead Sign Support   | 42 42 Tree                    |
| 29 29 Luminaires/Light Supp.  | 47 47 Fire Hydrant            |
| 46 46 Traffic Signal Support  | 43 43 Other Fixed Object      |

### Non-Collision

- |                      |                                |
|----------------------|--------------------------------|
| VI V2                | VI V2                          |
| 01 01 Overturn       | 05 05 Fell/Jumped from Vehicle |
| 02 02 Fire/Explosion | 07 07 Other Non-Collision      |
| 03 03 Immersion      | 16 16 Thrown or Falling Object |
| 04 04 Jackknife      |                                |

- VI V2
- 99 99 Unknown Most Harmful Event

### First Harmful Event for the Crash

1 2

### Manner of Collision at First Harmful Event (select 1)

- |   |                                 |
|---|---------------------------------|
| 0 Not Collision with Motor Vehicle in Transport | 4 Angle                         |
| 1 Rear-End                                      | 5 Sideswipe, Same Direction     |
| 2 Head-On                                       | 6 Sideswipe, Opposite Direction |
| 3 Rear-to-Rear                                  | 9 Unknown                       |

### Relation to Junction at First Harmful Event (select 1)

- |                                 |                                  |
|---------------------------------|----------------------------------|
| <b>Non-Interchange</b>          | <b>Interchange Area</b>          |
| 00 Non-Junction                 | 10 Intersection                  |
| 02 Intersection                 | 11 Intersection-Related          |
| 03 Intersection-Related         | 12 Driveway                      |
| 04 Driveway, Alley Access, etc. | 13 Entrance/Exit Ramp Related    |
| 05 Entrance/Exit Ramp Related   | 14 Crossover-Related             |
| 06 Rail Grade Crossing          | 15 Other Location in Interchange |
| 07 Crossover-Related            | 19 Unknown, Interchange Area     |
| 09 Unknown-Non-Interchange      |                                  |
- 99 Unknown Relation to Junction

### Relation to Roadway at First Harmful Event

- (select 1)
- |                       |                                    |
|-----------------------|------------------------------------|
| 0 On Roadway          | 06 Off Roadway-Location Unknown    |
| 02 Shoulder           | 07 In Parking Lane                 |
| 03 Median             | 08 Gore                            |
| 04 Roadside-Left      | 11 Parking Lot or Private Property |
| 05 Roadside-Right     | 99 Unknown                         |
| 10 Outside-Trafficway |                                    |

## Driver Factors

### Driver Condition (may select 3)

- VI V2
- 00 00 Appeared Normal
  - 01 01 Had Been Drinking
  - 02 02 Illegal Drug Use
  - 03 03 Ill (Sick)
  - 04 04 Apparently Fatigued
  - 05 05 Apparently Asleep
  - 06 06 Reaction to Drugs/Medication
  - 07 07 Failure to Take Drugs/Medication
  - 08 08 Physical Impairment (Narrative)
  - 09 09 Emotional (Depressed, Angry, Disturbed)
  - 99 99 Unknown Condition

### Driver Actions (may select 5)

- VI V2
- 10 10 No Contributing Actions
  - 11 11 Inattentive (Eating, Reading, Talking, etc.)
  - 12 12 Interfered With by Passenger
  - 13 13 Driving Left of Center
  - 14 14 Driving Wrong Way on One-Way Roadway
  - 15 15 Failure to Comply with License Restrictions
  - 16 16 Failure to Keep in Proper Lane or Running Off Road
  - 17 17 Failure to Yield Right of Way
  - 18 18 Failure to Obey Traffic Controls
  - 19 19 Failure to Observe Warnings or Instructions
  - 20 20 Failure to Signal Intentions
  - 21 21 Failure to Use Lights
  - 22 22 Following Improperly
  - 23 23 Improper Backing
  - 24 24 Improper Lane Changing
  - 25 25 Improper Passing
  - 26 26 Improper Turn
  - 27 27 Improperly Towing or Pushing Vehicle
  - 28 28 Improperly Carrying Hazardous Cargo
  - 29 29 Improper Loading of Vehicle Cargo or Passengers
  - 30 30 Operator Inexperience
  - 31 31 Operating without Required Equipment
  - 32 32 Over Correcting
  - 33 33 Careless or Erratic Driving
  - 34 34 Reckless or Negligent Driving
  - 35 35 Speed Too Fast
  - 36 36 Speed Too Slow
  - 37 37 Vision Obstructed, by What? (Narrative)
  - 38 38 Using Telephone, Two-Way Radio
  - 98 98 Other (Narrative)
  - 99 99 Unknown Action

### Highway Construction/Maintenance Zone

- (select 1)
- 0 None
  - 2 Construction Zone
  - 3 Maintenance Zone (Short Duration)
  - 4 Utility Zone (Short Duration)
  - 5 Work Zone, Type Unknown
  - 9 Unknown

### Light Conditions (select 1)

- 1 Daylight
- 2 Dark-Not Lighted
- 3 Dark-Lighted
- 4 Dawn
- 5 Dusk
- 9 Unknown

### Weather Conditions (select 1)

- 0 No Adverse Conditions
- 02 Rain
- 03 Sleet, Hail
- 04 Snow
- 05 Fog
- 06 Rain and Fog
- 07 Sleet and Fog
- 08 Smog, Smoke
- 09 Blowing Sand, Silt, Dirt, or Snow
- 10 Severe Crosswind
- 98 Other (narrative)
- 99 Unknown

## Driver Alcohol/Drugs

### Presence

- (select 1)
- 0 Neither Alcohol or Drugs Present
  - 1 Yes (Alcohol Present)
  - 2 Yes (Drugs Present)
  - 3 Yes (Alcohol and Drugs Present)
  - 9 Unknown

### Determination Method

- (select 1 if applies)
- 1 Evidential Test
  - 3 Behavioral
  - 4 Passive Alcohol Sensor
  - 0 Observed
  - 8 Other

### Alcohol

- (select 1)
- |                                       |            |                                       |            |
|---------------------------------------|------------|---------------------------------------|------------|
| VI V2                                 | Test Type  | VI V2                                 | Test Type  |
| 95 95 Test Refused                    | 1 1 Blood  | 91 91 Test Refused                    | 1 1 Blood  |
| 00 00 None Given                      | 2 2 Breath | 92 92 None Given                      | 2 2 Breath |
| 97 97 Test Given, Results Unknown     | 3 3 Urine  | 93 93 Test Given, Results Unknown     | 3 3 Urine  |
| 98 98 Test Given, Insufficient Sample | 0 0 Other  | 94 94 Test Given, Insufficient Sample | 0 0 Other  |
| 99 99 Unknown, if tested              |            | 95 99 Unknown, if tested              |            |
- Alcohol Results
- |                    |                  |                    |                  |
|--------------------|------------------|--------------------|------------------|
| VI                 | VI               | VI                 | VI               |
| 00 00 Negative BAC | Positive Results | 00 00 Negative BAC | Positive Results |

### Drugs

- (select 1)
- |                                       |            |                                       |            |
|---------------------------------------|------------|---------------------------------------|------------|
| VI V2                                 | Test Type  | VI V2                                 | Test Type  |
| 95 95 Test Refused                    | 1 1 Blood  | 91 91 Test Refused                    | 1 1 Blood  |
| 00 00 None Given                      | 2 2 Breath | 92 92 None Given                      | 2 2 Breath |
| 97 97 Test Given, Results Unknown     | 3 3 Urine  | 93 93 Test Given, Results Unknown     | 3 3 Urine  |
| 98 98 Test Given, Insufficient Sample | 0 0 Other  | 94 94 Test Given, Insufficient Sample | 0 0 Other  |
| 99 99 Unknown, if tested              |            | 95 99 Unknown, if tested              |            |
- Drug Results
- 00 00 No Drugs Detected
  - 02 02 Marijuana
  - 03 03 Cocaine
  - 04 04 Opiates
  - 05 05 Amphetamines
  - 06 06 PCP
  - 08 08 Other Drug Medication
  - 09 09 Drug Type Unknown
- (may select 3)

### Driver/Vehicle Maneuver (select 1)

- VI V2
- 00 00 Going Straight
  - 01 01 Negotiating Curve
  - 02 02 Passing or Overtaking Another Vehicle
  - 03 03 Right Turn to Private Drive
  - 04 04 Right Turn to Street
  - 05 05 Right Turn on Red Permitted
  - 06 06 Right Turn on Red Not Permitted
  - 07 07 Left Turn to Private Drive
  - 08 08 Left Turn to Street
  - 09 09 Turning from Wrong Lane
  - 10 10 Making a U-Turn
  - 11 11 Slowing or Stopped for Signal or Sign
  - 12 12 Slowing or Stopped for Turning Traffic
  - 13 13 Slowing or Stopped for Entering Traffic
  - 14 14 Slowing or Stopped Other
  - 15 15 Stopped in Traffic Lane
  - 16 16 Starting in Traffic
  - 17 17 Backing from Drive
  - 18 18 Backing from On Street Parking Space
  - 19 19 Backing Up
  - 20 20 Entering from Private Drive
  - 21 21 Leaving a Parked Position
  - 22 22 Parked Legally-Not
  - 23 23 Parked Legally-Not
  - 24 24 Changing Lanes or Merging
  - 25 25 Manuevering to Avoid Another Vehicle, Animal, Pedestrian, Object, etc.
  - 98 98 Other (Narrative)
  - 99 99 Unknown

EA12-005- Chrysler 006133

REFERENCE NUMBER  
**9852777**

Please Do Not Write In This Microfilm Space

**Motorists (Passengers) and/or Non-Motorists**

806017692

Vehicle Number	NAME First	M.I.	Last	Date of Birth	Age	Injury Code	SEAT Position	SAFETY Equipment	AIRBAG										
1																			
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
20																			
30																			
ADDRESS Same as <input type="checkbox"/> Driver <input type="checkbox"/> Owner Street & Number City & State ZIP																			
Motorists	2	Other Cyclist		EJECTED	1	2	Totally Ejected	Ejection Path	TRAPPED/EXTRICATED	2	Trapped/Extricated	Medical Transport	Ambulance/Hospital	Alcohol	Drugs				
Non-Motorists	5	Other Pedestrian		0	1	2	Not Applicable	3	Partially Ejected	0	1	2	3	Trapped/Not Extricated	Y	N	P15	P16	P17
6	Bicycle		Other Non-Motorist	1	0	1	Not Ejected	9	Unknown	1	1	Not Trapped	9	Unknown					
1																			
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
20																			
30																			
ADDRESS Same as <input type="checkbox"/> Driver <input type="checkbox"/> Owner Street & Number City & State ZIP																			
Motorists	2	Other Cyclist		EJECTED	1	2	Totally Ejected	Ejection Path	TRAPPED/EXTRICATED	2	Trapped/Extricated	Medical Transport	Ambulance/Hospital	Alcohol	Drugs				
Non-Motorists	5	Other Pedestrian		0	1	2	Not Applicable	3	Partially Ejected	0	1	2	3	Trapped/Not Extricated	Y	N	P15	P16	P17
6	Bicycle		Other Non-Motorist	1	0	1	Not Ejected	9	Unknown	1	1	Not Trapped	9	Unknown					
1																			
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
20																			
30																			
ADDRESS Same as <input type="checkbox"/> Driver <input type="checkbox"/> Owner Street & Number City & State ZIP																			
Motorists	2	Other Cyclist		EJECTED	1	2	Totally Ejected	Ejection Path	TRAPPED/EXTRICATED	2	Trapped/Extricated	Medical Transport	Ambulance/Hospital	Alcohol	Drugs				
Non-Motorists	5	Other Pedestrian		0	1	2	Not Applicable	3	Partially Ejected	0	1	2	3	Trapped/Not Extricated	Y	N	P15	P16	P17
6	Bicycle		Other Non-Motorist	1	0	1	Not Ejected	9	Unknown	1	1	Not Trapped	9	Unknown					
1																			
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
20																			
30																			
ADDRESS Same as <input type="checkbox"/> Driver <input type="checkbox"/> Owner Street & Number City & State ZIP																			
Motorists	2	Other Cyclist		EJECTED	1	2	Totally Ejected	Ejection Path	TRAPPED/EXTRICATED	2	Trapped/Extricated	Medical Transport	Ambulance/Hospital	Alcohol	Drugs				
Non-Motorists	5	Other Pedestrian		0	1	2	Not Applicable	3	Partially Ejected	0	1	2	3	Trapped/Not Extricated	Y	N	P15	P16	P17
6	Bicycle		Other Non-Motorist	1	0	1	Not Ejected	9	Unknown	1	1	Not Trapped	9	Unknown					
1																			
2																			
3																			
4																			
5																			
6																			
7																			
8																			
9																			
10																			
20																			
30																			
ADDRESS Same as <input type="checkbox"/> Driver <input type="checkbox"/> Owner Street & Number City & State ZIP																			
Motorists	2	Other Cyclist		EJECTED	1	2	Totally Ejected	Ejection Path	TRAPPED/EXTRICATED	2	Trapped/Extricated	Medical Transport	Ambulance/Hospital	Alcohol	Drugs				
Non-Motorists	5	Other Pedestrian		0	1	2	Not Applicable	3	Partially Ejected	0	1	2	3	Trapped/Not Extricated	Y	N	P15	P16	P17
6	Bicycle		Other Non-Motorist	1	0	1	Not Ejected	9	Unknown	1	1	Not Trapped	9	Unknown					

Non-Motorist Number A B C D E F Non-Motorist Number A B C D E F I

**Non-Motorist**

Location At Intersection				Location Not At Intersection			
N1 N2	N1	N2		N1 N2	N1	N2	
01 01 In Crosswalk	04 04	On Roadway, Crosswalk Availability Unknown		11 11 On Roadway, Not in Crosswalk	16 16	On Road Shoulder	19 19 Unknown
02 02 On Roadway, Not in Crosswalk	05 05	Not on Roadway		12 12 On Roadway, Crosswalk Not Available	10 10	Bike Path	
03 03 On Roadway, Crosswalk Not Available	09 09	Unknown		13 13 On Roadway, Crosswalk Availability Unknown	17 17	Outside Trafficway	

Vehicle Striking Non-Motorist										Vehicle Striking Non-Motorist																													
N1 Vehicle #					N2 Vehicle #					N1 Vehicle #					N2 Vehicle #																								
N1 N2	Conditions (may select 3)									N1 N2	Actions (may select 4)									N1 N2	Actions (may select 4)																		
00 00	Appeared Normal									10 10	No Contributing Actions									30 30	Construction/Maintenance/Utility Worker									40 40	Failure to Use Lights								
01 01	Had Been Drinking									20 20	Not Visible									31 31	Playing in Roadway									41 41	Improper Loading of Vehicle Cargo or Passengers								
02 02	Illegal Drug Use									21 21	Daring, Reckless or Stumbling into Road									32 32	Lying in Roadway									42 42	Operator Inexperience								
03 03	Ill (Sick)									22 22	Crossing with Signal									33 33	Walking in Roadway									43 43	Operating without Required Equipment								
04 04	Reaction to Drugs/Medication									23 23	Crossing against Signal									34 34	Walking beside Roadway									44 44	Riding in Roadway Against Traffic								
05 05	Failure to Take Drugs/Medication									24 24	Crossing, No Signal									41 41	Failure to Keep in Proper Lane or Remain off Road									45 45	Vision Obstructed/By What? (Narrative)								
06 06	Blind									25 25	Coming from Behind Parked Car									42 42	Failure to Yield																		
07 07	Restricted to Wheelchair									26 26	Standing in Safety Zone									43 43	Failure to Obey Traffic Controls																		
08 08	Other Physical Impairment (Narrative)									27 27	Getting on or off Other Vehicle									44 44	Failure to Observe Warnings or Instructions																		
09 09	Emotional (Depressed, Angry, Disturbed)									28 28	Pushing or Working on Vehicle									45 45	Failure to Signal Intentions																		
98 98	Unknown Condition									29 29	Other Working in Roadway																												

EA12-005 - Chrysler - 006134

PLEASE DO NOT WRITE IN THIS AREA



# Vehicles

**V1**

First Impact 00: 01: 02: 03: 04: 05: 06: 07: 08: 09: 10: 12: 99: V20

Truck/Bus Supplement V16  
 Yes  No

Emergency Use V18  
 Yes  No

Rollover V19  
 Yes  No

Fire V17  
 Yes  No

Estimated Damage V21  
 1 Under \$400  
 2 Over \$400

Darken Numbered Area(s) of Vehicle Damage  
 (may select 3) V21  
 10: 06: 07: 08: 09: 01: 04: 03: 02: REAR FRONT

Extent of Damage V22  
 0 None  4 Severe  
 1 Very Minor  5 Very Severe  
 2 Minor  9 Unknown  
 3 Moderate

**V2**

First Impact 00: 02: 03: 04: 05: 06: 07: 08: 09: 10: 12: 99: V20

Truck/Bus Supplement V16  
 Yes  No

Emergency Use V18  
 Yes  No

Rollover V19  
 Yes  No

Fire V17  
 Yes  No

Estimated Damage V21  
 1 Under \$400  
 2 Over \$400

Darken Numbered Area(s) of Vehicle Damage  
 (may select 3) V21  
 10: 05: 06: 07: 08: 09: 01: 04: 03: 02: REAR FRONT

Extent of Damage V22  
 0 None  4 Severe  
 1 Very Minor  5 Very Severe  
 2 Minor  9 Unknown  
 3 Moderate

Vehicle Defects (may select 2) V23  
 None

Vehicle Special Use V25  
 None

Vehicle Trailer V25  
 None

Vehicle Towed V23  
 1 Driven Away  
 2 Towed Away

**Keith Beard/ Milan**

Vehicle Defects (may select 2) V23  
 None

Vehicle Special Use V25  
 None

Vehicle Trailer V25  
 None

Vehicle Towed V23  
 1 Driven Away  
 2 Towed Away

**Keith Beard/ Milan**

Vehicle Going/On V25

N E W On: V25

**US 45 E. / SR 43**

Vehicle Going/On V25

N E W On: V25

**US 45 E. / SR 43**

**Trafficway Flow** (select 1) V21

1 1 Not Physically Divided (Two Way Trafficway)  
 2 2 Divided Highway, Median Strip (Without Traffic Barrier)  
 3 3 Divided Highway, Median Strip (With Traffic Barrier)  
 4 4 One Way Trafficway  
 9 9 Unknown

**Roadway Surface Type** (select 1) V21

1 1 Asphalt  
 2 2 Concrete  
 3 3 Brick or Block  
 4 4 Gravel, Slag, or Stone  
 5 5 Dirt  
 8 8 Other (Narrative)  
 9 9 Unknown

**Roadway Route Signing** (select 1) V21

1 1 Interstate  
 2 2 U.S. Route  
 3 3 State Route  
 4 4 County Route  
 5 5 Municipal Route  
 8 8 Other (Narrative)  
 9 9 Unknown

**Number of Travel Lanes** (select 1) V21

1 1 One Lane  
 2 2 Two Lanes  
 3 3 Three Lanes  
 4 4 Four Lanes  
 5 5 Five Lanes  
 6 6 Six Lanes  
 7 7 Seven or More Lanes  
 8 8 Other (See Narrative)  
 9 9 Unknown

**Roadway Surface Conditions** (select 1) V21

1 1 Dry  
 2 2 Wet  
 3 3 Snow or Slush  
 4 4 Ice  
 5 5 Sand, Mud, Dirt or Oil  
 8 8 Other (Narrative)  
 9 9 Unknown

**Speed Limit**

V1	V2
6 5	6 5
0 0	0 0
1 1	1 1
2 2	2 2
3 3	3 3
4 4	4 4
5 5	5 5
6 6	6 6
7 7	7 7
8 8	8 8
9 9	9 9

**Access Control** (select 1) V21

1 1 No Control (Unlimited Access)  
 2 2 Full Control (ONLY Ramp Entry and Exit)  
 3 3 Other (Narrative)

**Roadway Character** (select 1) V21

1 1 Curve  
 2 2 Straight  
 9 9 Unknown

**Profile:** (select 1) V21

1 1 Level  
 2 2 Grade  
 3 3 Hillcrest  
 8 8 Other (Narrative)  
 9 9 Unknown

**Trafficway Hazards** (may select 3) V21

01 01 No Apparent Hazards  
 02 02 Inadequate Warning of Exits, Lanes Narrowing, Traffic Control, etc.  
 03 03 Defective Shoulders  
 04 04 No or Obscured Pavement Markings  
 05 05 Holes, Deep Ruts, Bumps  
 06 06 Loose Material on Surface  
 07 07 Slippery Surface  
 08 08 Surface Under Water  
 09 09 Surface Washed Out  
 10 10 Under Construction/Maintenance  
 11 11 Recent Previous Accident Scene Nearby  
 12 12 Street Lights Not Working  
 13 13 Traffic Control Device Not Visible  
 98 98 Other (Narrative)  
 99 99 Unknown

**Traffic Control Devices** (select 1) V21

01 01 No Controls  
 02 02 Traffic Light  
 03 03 Flashing Yellow (Caution)  
 04 04 Flashing Red (Stop)  
 05 05 Lane Use Control Signal  
 06 06 Stop Sign  
 07 07 Yield Sign  
 08 08 School Zone Signs  
 09 09 Warning Signs  
 10 10 Construction Zone Controls  
 11 11 RR Crossbucks  
 12 12 RR Flasher  
 13 13 RR Gates  
 14 14 Traffic Control Person  
 98 98 Other (Narrative)

**Other Property Damage?** (select all that apply) V21

1 State Property  
 2 County Property  
 3 City Property  
 4 Private Property

**Amount of Damage (Estimate)**  
 1 Under \$400  2 Over \$400

**Traffic Control Device Functioning?** (select 1 if applies) V21

1 1 Device Not Functioning  
 2 2 Device Functioning Improperly  
 3 3 Device Functioning Properly

**Owner Information for Other Property Damage**

Name: **Tennessee Department of Transportation** Phone: **731-935-0281**

Address: **300 Benchmark Place Jackson, Tn. 38301** Describe Property: **guard rail**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Describe Property: \_\_\_\_\_

**Witness**

Name: First MI Last  
 Address: Street & Number  
 City & State ZIP  
 Date of Birth Home Phone #

**Witness**

Name: First MI Last  
 Address: Street & Number  
 City & State ZIP  
 Date of Birth Home Phone #

EA12-005- Chrysler -006135

9852777

2 Supplement Document

3 Amended Document

Local Agency Number

Reference Number Override

46

Please Do Not Write In This Microfilm Space

(This Section Must Be Completed For Each Truck or Bus Involved in this Crash.)

806017692

### Truck & Bus Crash Information

When To Use This Section: Part A A truck with at least two axles and six tires? A truck with a hazardous materials placard? A bus designed to carry 16 or more persons, including the driver?	Did the crash involve... Y N Y N Y N	Part B Any person who was fatally injured? Any injured person requiring transport for immediate medical treatment? One or more vehicles that had to be towed from the scene as a result of the crash? One or more vehicles that required repair or were provided assistance before proceeding from scene under own power?	Y N Y N Y N Y N
STOP! If all the responses to Part A are "NO" do not complete this Truck & Bus Crash Information Section. If there are any "YES" answers, continue to Part B.		STOP! If all the responses to Part B are "NO" do not continue. If there are any "YES" answers, please complete this Truck & Bus Crash Information Section...	

Vehicle # 1 2 3 4 5 6 7 8 9 10 20 30

### Carrier Information

### Carrier Identification Numbers

### Source:

* Interstate Carrier? Y N	US DOT	TN DOS	Vehicle Side Shipping Papers Trip Manifest Driver Log Book
Carrier Name	ICC MC		
	Carrier Address		

### Hazardous Material Information

\* Hazardous Material Placard Displayed? Y N

\* Hazardous Cargo was Released? Y N

Class Numbers	List the Hazardous Material(s) by name in this load:
UN Numbers	List the Name(s) of Released Hazardous Material(s):

### Vehicle Information

Combined Gross Vehicle Weight Rating

LBS

Total # of Axles

<b>Vehicle Configuration</b> 	<b>Cargo Body Type</b> 
<b>SEQUENCE OF EVENTS FOR THIS VEHICLE</b> 1 2 3 4 Ran off Road 1 2 3 4 Jackknife 1 2 3 4 Overturn (Rollover) 1 2 3 4 Downhill Runaway 1 2 3 4 Cargo Loss or Shift 1 2 3 4 Explosion or Fire 1 2 3 4 Separation of Units 1 2 3 4 Collision involving pedestrian	<i>(Mark a total of one to four events in the order that they occurred.)</i> 1 2 3 4 Collision involving motor vehicle in transp. 1 2 3 4 Collision involving parked motor vehicle 1 2 3 4 Collision involving train 1 2 3 4 Collision involving pedalcycle 1 2 3 4 Collision involving animal 1 2 3 4 Collision involving fixed object 1 2 3 4 Collision involving other object 1 2 3 4 Other

Vehicle # 1 2 3 4 5 6 7 8 9 10 20 30

### Carrier Information

### Carrier Identification Numbers

### Source:

* Interstate Carrier? Y N	US DOT	TN DOS	Vehicle Side Shipping Papers Trip Manifest Driver Log Book
Carrier Name	ICC MC		
	Carrier Address		

### Hazardous Material Information

\* Hazardous Material Placard Displayed? Y N

\* Hazardous Cargo was Released? Y N

Class Numbers	List the Hazardous Material(s) by name in this load:
UN Numbers	List the Name(s) of Released Hazardous Material(s):

### Vehicle Information

Combined Gross Vehicle Weight Rating

LBS

Total # of Axles

<b>Vehicle Configuration</b> 	<b>Cargo Body Type</b> 
<b>SEQUENCE OF EVENTS FOR THIS VEHICLE</b> 1 2 3 4 Ran off Road 1 2 3 4 Jackknife 1 2 3 4 Overturn (Rollover) 1 2 3 4 Downhill Runaway 1 2 3 4 Cargo Loss or Shift 1 2 3 4 Explosion or Fire 1 2 3 4 Separation of Units 1 2 3 4 Collision involving pedestrian	<i>(Mark a total of one to four events in the order that they occurred.)</i> 1 2 3 4 Collision involving motor vehicle in transp. 1 2 3 4 Collision involving parked motor vehicle 1 2 3 4 Collision involving train 1 2 3 4 Collision involving pedalcycle 1 2 3 4 Collision involving animal 1 2 3 4 Collision involving fixed object 1 2 3 4 Collision involving other object 1 2 3 4 Other

EA12-005- Chrysler-006136

PLEASE DO NOT WRITE IN THIS AREA

**MATTER #** 1175396  
**FILE TYPE** Customer Assistance Inquiry Report and Legal Claim  
**FILE NAME** [REDACTED]  
**CAIR #** 15714080  
**DATE OF INCIDENT** 11/25/2006  
**DATE OF NOTICE** 11/28/2006  
**MODEL/MODEL YEAR** 2005 Jeep Liberty (KJ)  
**VIN** 1J4FK48105W [REDACTED]  
**MILEAGE** 19,500  
**OWNER** [REDACTED]  
[REDACTED]  
Gleason, TN [REDACTED]  
[REDACTED]  
**COURT**  
**DOCKET #**  
**FIRE ALLEGED** Yes  
**DESCRIPTION** On November 25, 2006, [REDACTED] was operating his 2005 Jeep Liberty (KJ) on U.S. 45 east near Milan, Tennessee. The posted speed limit for U.S. 45 at the site of the accident was 65 mph. Chrysler Group has obtained the police accident report and the driver of the Jeep Liberty (KJ) has been interviewed.<sup>1</sup> The descriptions of how the accident occurred vary, but apparently the Jeep Liberty (KJ) was traveling approximately 60-65 mph when struck in the rear by a 2003 Mitsubishi Galant operated by [REDACTED]. (The police accident report concludes that the Mitsubishi Galant struck the Jeep Liberty (KJ) two times. The police accident report also describes the Jeep Liberty (KJ) as the bullet vehicle and the Mitsubishi Galant as the struck vehicle. This is likely an error.) The rear impact(s) caused the Jeep Liberty (KJ) to yaw in a clockwise direction and make one or more contacts with the guardrail on the north side of the road before coming to rest on the road shoulder. The driver of the Mitsubishi Galant stated that he fell asleep and ran into the Jeep Liberty (KJ). The police accident report indicates that a fire ensued in both vehicles.  
**PROPERTY DAMAGE ALLEGED** No  
**INJURIES** 1

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<sup>1</sup> An interview was conducted at the request of counsel in anticipation of litigation and the report is being withheld under a claim of attorney work-product privilege.

**FATALITIES**

0

**ANALYSIS**

Chrysler Group does not have sufficient information about the accident to determine the likely relative impact velocity between the 2005 Jeep Liberty (KJ) and the Mitsubishi Galant. Based on an inspection of the Jeep Liberty (KJ) and other available evidence, including the police accident report and vehicle photographs, Chrysler Group concludes that as a result of the rear impact(s) to the Jeep Liberty (KJ), a fire occurred in the area of the fuel tank of the Jeep Liberty (KJ). Because of the numerous impacts to the Jeep Liberty (KJ) by both the Mitsubishi Galant and the guardrail on U.S. 45, Chrysler Group is unable to determine whether the fire occurred as a result of the impact(s) with the Mitsubishi Galant or the guardrail. The inspection of the Jeep Liberty (KJ) revealed that the left fuel tank strap was separated at its forward attachment point. As a result, it is possible that the fuel tank contacted the ground at some point during the accident sequence rupturing the fuel tank and fuel leakage.<sup>2</sup> The damage to the rear end of the Jeep Liberty (KJ) is depicted in the photographs in Enclosure 3 Public, Bates page numbers 006109 and 6127.

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<sup>2</sup> An inspection was conducted at the request of counsel in anticipation of litigation and the report is being withheld under a claim of attorney work-product privilege.



EA12-005

CHRYSLER

12-13-2012

Enclosure 3 – Public

Subject Vehicles

Lawsuits and Claims

Jeep Liberty (KJ)

IN THE COUNTY COURT  
AT LAW NO. ONE  
OF NUECES COUNTY, TEXAS

SYLVIA A. CARRILLO, §  
INDIVIDUALLY AND AS NEXT §  
FRIEND OF ALINA M. CARRILLO, §  
A MINOR §

VS. §

EVELYN J. SCOTT, AS §  
REPRESENTATIVE OF THE §  
ESTATE OF PARISA L. BIGLARI §

AND §

EVELYN J. SCOTT, AS PERSONAL §  
REPRESENTATIVE OF THE ESTATE §  
OF PARISA L. BIGLARI; EVELYN §  
LYNN SCOTT AND ESFANDIAR §  
BIGLARI §

*Third-Party Plaintiffs* §

AND §

TRACY UPTMORE AND JAMES H. §  
UPTMORE, JR., INDIVIDUALLY §  
AND AS PERSONAL §  
REPRESENTATIVES OF THE §  
ESTATE OF SHELTON UPTMORE, §  
DECEASED §

*Intervenors* §

CAUSE NO. 07-61074-1

VS. §  
§  
DAIMLERCHRYSLER §  
CORPORATION §  
*Third-Party Defendant* §

**PLAINTIFF'S FIRST AMENDED PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Now Comes, SYLVIA A. CARRILLO, INDIVIDUALLY AND AS NEXT FRIEND OF ALINA M. CARRILLO, A MINOR hereinafter called Plaintiffs, complaining of EVELYN J. SCOTT, AS REPRESENTATIVE OF THE ESTATE OF PARISA L. BIGLARI, hereafter referred to as "Defendant" and Third-Party Defendant DAIMLERCHRYSLER CORPORATION, and for cause of action would respectfully show unto the Court the following facts:

**I.**

Plaintiff intends to conduct discovery under Level 3 of Rule 190 of the Texas Rules of Civil Procedure. Absent the parties' agreement, Plaintiffs request that a case management conference be set at the court's earliest convenience so that a discovery/docket control order may be entered.

**II.**

**PARTIES**

Plaintiff SYLVIA A. CARRILLO, INDIVIDUALLY AND AS NEXT FRIEND OF ALINA M. CARRILLO is a resident of San Antonio, Bexar County, Texas.

Defendant EVELYN J. SCOTT, AS REPRESENTATIVE OF THE ESTATE OF PARISA L. BIGLARI has made a general appearance, and no service of process is necessary.

Third-Party Defendant, DAIMLERCHRYSLER CORPORATION, is a Delaware corporation with its principal place of business in Michigan. DAIMLERCHRYSLER CORPORATION is authorized to conduct business in Texas, owns property in Texas, conducts business in Texas, and derives significant revenue from its activities in Texas. DAIMLERCHRYSLER CORPORATION has made a general appearance, and no service of process is necessary.

### III.

#### VENUE

Venue of this lawsuit is proper in Nueces County, Texas pursuant to TEX. CIV. PRAC. & REM. CODE § 15.002(a)(1) in that all or a substantial part of events or omissions giving rise to this cause of action occurred in Nueces County, Texas.

### IV.

#### FACTS

On March 15, 2007, PARISA L. VIGLARI, was driving a 2006 Jeep Liberty, VIN #1J4GK48K76W154789, near the 4800 Block of State Highway 361 in Port Aransas, Nueces County, Texas. BIGLARI lost control of the vehicle due to defects in its ESC system, and a collision ensued between her vehicle and another vehicle driven by Plaintiff SYLVIA A. CARRILLO, a 2002 Chevrolet Silverado. A post-collision, fuel-fed fire then consumed the Jeep. As a result of the

collision, Plaintiff SYLVIA A. CARRILLO and her daughter ALINA M. CARRILLO, sustained injuries.

V.

CAUSES OF ACTION

NEGLIGENCE

On the occasion in question, Decedent PARISA L. BIGLARI, operated her automobile in a negligent manner and violated the duties which she owed Plaintiffs to exercise ordinary care in the operation of her motor vehicle in at least the following particulars:

1. In failing to timely and properly apply her brakes, as would have been done by a reasonable person exercising ordinary prudence under the same or similar circumstances;
2. In failing to maintain a proper lookout while operating a motor vehicle, as would have been done by a reasonable person exercising ordinary prudence under the same or similar circumstances;
3. In failing to turn her vehicle in another direction to avoid an impending collision, as would have been done by a reasonable person exercising ordinary prudence under the same or similar circumstances;
4. In failing to keep her vehicle under proper control, as would have been done by a reasonable person exercising ordinary prudence under the same or similar circumstances;
5. Imperiling other persons by failing to heed a traffic law, as would have been done by a reasonable person exercising ordinary prudence under the same or similar circumstances;

6. In failing to control her speed as necessary and to bring her vehicle to a stop to avoid colliding with the vehicle belonging to Plaintiff, in violation of the Texas Transportation Code, which constitutes negligence per se;
7. In driving a vehicle in willful or wanton disregard for the safety of persons, in violation of §545.401(a) of the Texas Transportation Code, which constitutes negligence per se;
8. In operating her vehicle at a speed greater than is reasonable and prudent under the circumstances then existing, in violation of §545.315(a)(b) of the Texas Transportation Code, which constitutes negligence per se;

Each of such acts and omissions, singularly or in combination with others, constituted negligence which proximately caused the collision and the injuries and damages which Plaintiffs suffered.

On the occasion in question, Chrysler Corporation ("DCC") committed acts of omission and commission, which collectively and severally constituted negligence, which were a proximate cause of the accident and Plaintiffs' damages.

DCC's acts of negligence include the following:

- a. Negligently designing the vehicle;
- b. Negligently manufacturing of the vehicle;
- c. Negligently failing to properly test the vehicle;
- d. Negligently failing to warn consumers of a known danger/defect in the vehicle;
- e. Negligently failing to disclose post-sale information known about the dangers or defects in the vehicle;
- f. Negligently concealing known dangers associated with the vehicle;

- g. Negligently failing to meet or exceed internal corporate guidelines;
- h. Negligently failing to comply with the standards of care applicable in the automotive industry concerning stability and fuel containment.
- i. Negligently failing to recall the vehicle or, alternatively, to warn consumers of known crashes precipitated by known vehicle problems.

## VI.

### **GROSS NEGLIGENCE**

The conduct of DaimlerChrysler Corporation ("DCC") constitutes gross negligence, which was a proximate cause of the accident and Plaintiffs' damages, for which Plaintiffs' are entitled to recover punitive damages. DCC knew of the dangers possessed by the subject vehicle but failed to warn consumers of these dangers. Despite this knowledge, DCC designed, manufactured, and sold the vehicle in question in a compromised condition.

## VII.

### **PRODUCT LIABILITY: DEFECTIVE DESIGN AND MANUFACTURE**

The 2006 Jeep Liberty in question was originally designed, manufactured, and sold by DaimlerChrysler Corporation ("DCC").

At the time the vehicle in question was sold, DCC was in the business of designing, manufacturing, and selling such vehicles.

At the time the vehicle was designed, manufactured, and sold by DCC, it was defective in design and manufacture and unreasonably dangerous as designed and manufactured. The defective

and unreasonably dangerous condition of the 2006 Jeep Liberty was a producing cause of the accident and Plaintiffs' damages.

The defects regarding the 2006 Jeep Liberty at issue include, yet are not limited to, an inadequate stability control system and an inadequate fuel-containment system.

There were safer alternative designs other than the ones used, which were economically and technologically feasible and would have prevented or significantly reduced the risk of accident and/or injury in question without substantially impairing the vehicle's utility. DCC should have incorporated a proper electronic stability control ("ESC") system into the design of the vehicle. The ESC system is a device designed to help drivers maintain directional control of their vehicles in inclement weather, on differing surfaces and in emergency avoidance maneuvers. DCC's ESC system did not work. The failure to include a proper ESC system significantly increased the risk of loss of control of the subject 2006 Jeep Liberty in emergency avoidance maneuvers for drivers such as Parisa Biglari. At the time the vehicle entered the stream of commerce, there were available economically and technologically feasible safer alternative designs that included a proper and working ESC system that would have significantly reduced the risk of loss of directional control and rollover in emergency avoidance maneuvers without substantially impairing the utility of the vehicle. These defects were a producing cause of the accident and Plaintiffs' damages.

Further, the 2006 Jeep Liberty failed to incorporate design elements that would have prevented a puncture of the fuel tank in the Liberty, including but not limited to a complete wheel well and a fuel tank shield into the design of the 2006 Jeep Liberty. Such components protect the fuel



tank in the event of a collision with the left rear of the vehicle. The failure to include such components significantly increased the risk of a post-collision, fuel-fed fire following a foreseeable collision such as the one in question. At the time the vehicle entered the stream of commerce, there was available economically and technologically feasible safer alternative designs that included a complete wheel well and fuel tank shield that would have significantly reduced the risk of a post-collision, fuel-fed fire, without substantially impairing the utility of the vehicle. These defects were a producing cause of the accident and Plaintiffs' damages.

At the time the vehicle in question was sold, the defective design of the vehicle ultimately caused the product to unexpectedly fail to function in a manner reasonably expected by an ordinary consumer and user of vehicles.

At the time the vehicle in question left the possession of DCC, it was defective in manufacture, because it was an unreasonably dangerous product.

The product was dangerous to an extent beyond that which would be contemplated by the ordinary user of the product with the ordinary knowledge common to the community as to the product's characteristics.

At the time of the accident, the vehicle was in substantially the same condition as it was at the time it was placed into the stream of commerce. No material alterations were made to the vehicle. At the time of the accident, the vehicle was in the same or substantially similar condition as when it left the control of DCC.

No mandatory safety standard or regulation adopted and promulgated by the federal government or an agency of the federal government were applicable to the 2006 Jeep Liberty at the time it was manufactured that governed any product risk that caused the accident and/or damages to Plaintiffs. To the extent DCC attempts, pursuant to § 82.008 of the Texas Civil Practice & Remedies Code, to rely on any standards or regulations of the federal government, such standards or regulations were inadequate to protect against the risk of accident and/or injuries that occurred in this accident and/or DCC withheld or misrepresented information to the government regarding the adequacy of the safety standard at issue.

### VIII.

#### DAMAGES

Plaintiff SYLVIA A. CARRILLO, alleges that as a direct and proximate result of the conduct and/or omissions on the part of the Defendants, she is entitled to recover at least the following legal damages:

- (1) Past necessary and reasonable medical, hospital, and pharmaceutical expenses;
- (2) Future necessary and reasonable medical, hospital, and pharmaceutical expenses, which in all probability will be incurred;
- (3) Physical pain and suffering in the past;
- (4) Physical pain which, in all reasonable probability, will be suffered in the future;
- (5) Mental anguish suffered in the past;
- (6) Mental anguish which, in all reasonable probability, will be suffered in the future;
- (7) Physical impairment in the past;

- (8) Physical impairment which, in all reasonable probability, will be suffered in the future; and
- (9) Lost wages in the past;

Plaintiff, SYLVIA A. CARRILLO, Individually, alleges that as a direct and proximate result of the conduct and/or omissions on the part of the Defendant, she is entitled to recover on behalf of her minor daughter, the following legal damage:

- (1) Past and future necessary and reasonable medical, hospital, and pharmaceutical expenses incurred by Plaintiffs, ALINA M. CARRILLO, a Minor, up until the time Plaintiff reaches the age of majority;

Pleading further, SYLVIA A. CARRILLO, As Next Friend of ALINA M. CARRILLO, a Minor, alleges that as a direct and proximate result of the conduct and/or omissions on the part of the Defendant, she is entitled to recover the following legal damages:

- (1) Past necessary and reasonable medical, hospital, and pharmaceutical expenses;
- (2) Future necessary and reasonable medical, hospital, and pharmaceutical expenses, which in all probability will be incurred;
- (3) Physical pain and suffering in the past;
- (4) Physical pain which, in all reasonable probability, will be suffered in the future;
- (5) Mental anguish suffered in the past;
- (6) Mental anguish which, in all reasonable probability, will be suffered in the future;
- (7) Physical impairment in the past;
- (8) Physical impairment which, in all reasonable probability, will be suffered in the future;

## IX.

**JURY DEMAND**

Plaintiff further demands a trial by jury.

**X.**

PREMISES CONSIDERED, Plaintiff prays that the Defendant be cited to appear and answer herein; that upon a final hearing hereof, a Judgment be rendered for Plaintiff for damages in an amount in excess of the minimal jurisdictional limits, or whatever amount the jury deems reasonable, along with costs of court, and both post and prejudgment interest as allowed by law, and for such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

THE CERDA LAW FIRM, P.C.  
A Professional Corporation  
5410 Fredericksburg #310  
San Antonio, Texas 78229  
Telephone: (210) 212-7979  
Facsimile: (210) 212-5880

BY: 

\_\_\_\_\_  
VICTOR I. CERDA  
State Bar No. 04047050

ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above document was forwarded to attorney of record by first class mail on this 16 day of November, 2007.

Chris Pearson  
CLARK, THOMAS & WINTERS  
A Professional Corporation  
300 West 6<sup>th</sup> Street, Suite 1500  
PO Box 1148  
Austin, Texas 78767

Mikal C. Watts  
Francisco Guerra, IV  
Guy L. Watts, II  
WATTS LAW FIRM, L.L.P.  
Bank of America Plaza Suite 100  
300 Convent Street  
San Antonio, Texas 78205

Gerry Goldstein  
GOLDSTEIN, GOLDSTEIN AND HILLEY  
29<sup>th</sup> Floor, Tower Life Building  
310 S. St. Mary's Street  
San Antonio, Texas 78205



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Victor I. Cerda

Copy

TEXAS PEACE OFFICER'S CRASH REPORT CRB-3 (Rev. 01/06) Submission of Crash Records: This report may be submitted via the CRIS Web Portal, electronically submitted via XML or mailed to the TEXAS DEPARTMENT OF PUBLIC SAFETY, PO BOX 4987, AUSTIN TX 78773-0350. Please see the DPS Instructions to Police for more details regarding these submission methods or look on the CRIS Website at http://www.dps.state.tx.us/crisproject/index.htm.

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

PLACE WHERE CRASH OCCURRED  
COUNTY **Nueces** CITY OR TOWN **Port Aransas**  
IF CRASH WAS OUTSIDE CITY LIMITS INDICATE FROM NEAREST TOWN \_\_\_\_\_ MILES \_\_\_\_\_ OF \_\_\_\_\_  
LOC # **2007031273** 6  
ORI # **TX-1780500**  
DPS # \_\_\_\_\_

APR 17 2007

ROAD ON WHICH CRASH OCCURRED **4800 Hwy 361** CONSTRUCTION ZONE  YES  NO SPEED **60**  
BLOCK NUMBER **4800** STREET OR ROAD NAME **Hwy 361** ROUTE NUMBER OR STREET CODE \_\_\_\_\_  
INTERSECTING STREET OR RR X'ING NUMBER \_\_\_\_\_  
BLOCK NUMBER \_\_\_\_\_ STREET OR ROAD NAME \_\_\_\_\_ ROUTE NUMBER OR STREET CODE \_\_\_\_\_  
NOT AT INTERSECTION **0.1**  MI  FT  N  S  E  W OF **Beachwalk Ln.** MILEPOST \_\_\_\_\_ LATITUDE \_\_\_\_\_ LONGITUDE \_\_\_\_\_

DATE OF CRASH **03 15 2007** DAY OF WEEK **Thursday** HOUR **10:10**  AM  PM IF EXACTLY NOON OR MIDNIGHT, SO STATE

UNIT # **1** 1 - MOTOR VEHICLE 4 - PEDESTRIAN 7 - NON-CONTACT ALTERED VEHICLE HEIGHT  YES  NO  
YEAR MODEL **2006** COLOR & MAKE **Black/ Jeep** MODEL NAME **Liberty** BODY STYLE **SUV** LICENSE PLATE **2007 TX**  
DRIVER'S NAME **Bryan, TX** PHONE NUMBER **Unknown**  
DRIVER'S LICENSE **TX** STATE **C** ENDORSEMENTS **A** LICENSE STATUS **1** 1 - VALID 2 - NOT VALID 3 - SUSPENDED/REVOKED 4 - CANCELLED/DENIED 5 - EXPIRED 6 - UNKNOWN  
DRIVER'S ETHNICITY **1** 1 - WHITE 4 - ASIAN 2 - HISPANIC 3 - BLACK DRIVER'S SEX  MALE  FEMALE OCCUPATION **Student** POLICE, FIREFIGHTER, EMS, ON EMERGENCY  IF CHECKED, PLEASE EXPLAIN IN NARRATIVE  
TYPE OF ALCOHOL SPECIMEN TAKEN  TEST 1 - BREATH 2 - BLOOD 3 - URINE 4 - NONE 5 - REFUSED RESULTS \_\_\_\_\_ TYPE OF DRUG SPECIMEN TAKEN  TEST 1 - BLOOD 2 - URINE 3 - NONE 4 - REFUSED RESULTS \_\_\_\_\_ DRUG CATEGORY 2 \_\_\_\_\_  
LESSEE  OWNER  NAME (ALWAYS SHOW LESSEE IF LEASED, OTHERWISE SHOW OWNER) \_\_\_\_\_ ADDRESS (STREET, CITY, STATE, ZIP) **San Antonio, TX**  
LIABILITY INSURANCE  YES  NO **USAA Insurance** VEHICLE DAMAGE RATING **VB-7 LBQ-6**  
 EXP INSURANCE COMPANY NAME \_\_\_\_\_ POLICY NUMBER \_\_\_\_\_

UNIT # **2** 1 - MOTOR VEHICLE 4 - PEDESTRIAN 7 - NON-CONTACT ALTERED VEHICLE HEIGHT  YES  NO  
YEAR MODEL **2002** COLOR & MAKE **Pewter/ Chevrolet** MODEL NAME **Silverado** BODY STYLE **Truck** LICENSE PLATE **2007 TX**  
DRIVER'S NAME \_\_\_\_\_ PHONE NUMBER \_\_\_\_\_  
DRIVER'S LICENSE **TX** STATE **C** ENDORSEMENTS \_\_\_\_\_ LICENSE STATUS **1** 1 - VALID 2 - NOT VALID 3 - SUSPENDED/REVOKED 4 - CANCELLED/DENIED 5 - EXPIRED 6 - UNKNOWN  
DRIVER'S ETHNICITY **2** 1 - WHITE 4 - ASIAN 2 - HISPANIC 3 - BLACK DRIVER'S SEX  MALE  FEMALE OCCUPATION **Unknown** POLICE, FIREFIGHTER, EMS, ON EMERGENCY  IF CHECKED, PLEASE EXPLAIN IN NARRATIVE  
TYPE OF ALCOHOL SPECIMEN TAKEN  TEST 1 - BREATH 2 - BLOOD 3 - URINE 4 - NONE 5 - REFUSED RESULTS \_\_\_\_\_ TYPE OF DRUG SPECIMEN TAKEN  TEST 1 - BLOOD 2 - URINE 3 - NONE 4 - REFUSED RESULTS \_\_\_\_\_ DRUG CATEGORY 2 \_\_\_\_\_  
LESSEE  OWNER  NAME (ALWAYS SHOW LESSEE IF LEASED, OTHERWISE SHOW OWNER) \_\_\_\_\_ ADDRESS (STREET, CITY, STATE, ZIP) **Helotes, TX**  
LIABILITY INSURANCE  YES  NO **Safeco Loyds Ins Co.** VEHICLE DAMAGE RATING **FD-5**  
 EXP INSURANCE COMPANY NAME \_\_\_\_\_ POLICY NUMBER \_\_\_\_\_

COPY FROM CUSTODIAL FILE

DAMAGE TO PROPERTY OTHER THAN VEHICLES  
OBJECT \_\_\_\_\_ NAME AND ADDRESS OF OWNER \_\_\_\_\_ FEET FROM \_\_\_\_\_  
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 **03-15-2007 10:10PM** HOW **Dispatched** TIME ARRIVED AT SCENE **03-15-2007 10:14PM** DATE OF REPORT **03-15-2007**  
TYPED OR PRINTED NAME OF INVESTIGATOR **Ken Smith** ID# **1209** AGENCY **Port Aransas PD** EA12-005- Chrysler **00718**  YES  NO  
DIST/AREA \_\_\_\_\_ COMPLETE  NO

Handwritten initials



<b>SEAT POSITION</b> 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	<b>SOLICITATION</b> INDICATES A PERSONS DESIRE TO RECEIVE CONTACT FROM PERSONS SEEKING PROFESSIONAL EMPLOYMENT AS FOR A LAWYER, CHIROPRACTOR, PHYSICAL THERAPIST, PRIVATE INVESTIGATOR, OR ANY OTHER PERSON REGISTERED OR LICENSED BY A HEALTH CARE REGULATORY AGENCY (YES/SOLICIT, NO/NO SOLICIT)	<b>EJECTED</b> 1-NO 2-YES 3-YES, PARTIAL 4-NOT APPLICABLE 5-UNKNOWN	<b>RESTRAINT USED</b> 1-SHOULDER & LAP BELT 2-SHOULDER BELT ONLY 3-LAP BELT ONLY 4-CHILD SEAT, FACING FRONT 5-CHILD SEAT, FACING REAR 6-CHILD SEAT, UNK.	7-BOOSTER SEAT 8-NONE 9-OTHER 10-UNKNOWN	<b>AIRBAG</b> 1-NOT APPLICABLE 2-NOT DEPLOYED 3-DEPLOYED, FRONT 4-DEPLOYED, SIDE 5-DEPLOYED, OTHER 6-UNKNOWN	<b>HELMET USE</b> 1-NONE 2-WORN, NOT DAMAGED 3-WORN, UNK. DAMAGE 4-NOT WORN 5-UNKNOWN IF WORN	<b>INJURY SEVERITY</b> A-KILLED B-NON INCAPACITATING INJURY C-POSSIBLE INJURY D-NOT INJURED E-UNKNOWN
---	---	--	--	---	--	--	--

UNIT# **1** TOWED DUE TO  YES  NO  
 DISABLING DAMAGE VEHICLE REMOVED TO **422 W. Ave G** BY **Woody's Wrecker**

ITEM#	SEAT POSITION	COMPLETE ALL DATA ON ALL OCCUPANTS NAMES, POSITIONS, RESTRAINTS USED, ETC. HOWEVER, IT IS NOT NECESSARY TO SHOW ADDRESSES UNLESS KILLED OR INJURED. NAME (LAST, FIRST, MI)	ADDRESS	SOL	EJECTED	RESTRAINT USED	AIRBAG	HELMET	AGE	SEX	INJURY CODE
1	1		Bryan, TX	N	1	10	6	4		F	K
2	3		San Antonio, TX	N	1	10	6	4		M	K
3											
4											
5											

UNIT# **2** TOWED DUE TO  YES  NO  
 DISABLING DAMAGE VEHICLE REMOVED TO **422 W. Ave G** BY **Woody's Wrecker**

ITEM#	SEAT POSITION	COMPLETE ALL DATA ON ALL OCCUPANTS NAMES, POSITIONS, RESTRAINTS USED, ETC. HOWEVER, IT IS NOT NECESSARY TO SHOW ADDRESSES UNLESS KILLED OR INJURED. NAME (LAST, FIRST, MI)	ADDRESS	SOL	EJECTED	RESTRAINT USED	AIRBAG	HELMET	AGE	SEX	INJURY CODE
6	3		Helotes, TX	N	1	1	3	4		F	C
7	1		Helotes, TX	N	1	1	3	4		F	C
8	4		San Antonio, TX	N	1	8	3	4		F	C
9	6		San Antonio, TX	N	1	8	3	4		F	C
10											

RED. PEDAL, NOT 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																														
<table border="1"> <tr> <th>ITEM#</th> <th>TAKEN TO</th> <th>BY</th> <th>TIME NOTIFIED</th> <th>TIME ARRIVED AT SCENE</th> <th>AMBULANCE UNIT#</th> <th># OF ATTENDANTS INCLUDING DRIVER</th> <th># OF PERSONS TRANSPORTED FOR TREATMENT</th> </tr> <tr> <td>8,9</td> <td>Spohn Memorial Hospital</td> <td>Tri County EMS</td> <td>2212</td> <td>2241</td> <td>Unk</td> <td>2</td> <td rowspan="3">4</td> </tr> <tr> <td>6,7</td> <td>Spohn Memorial Hospital</td> <td>Corpus Christi Fire Department</td> <td>2225</td> <td>2250</td> <td>Unk</td> <td>2</td> </tr> <tr> <td>1, 2</td> <td>Medical Examiners Office</td> <td>Nueces Co Medical Examiner</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	ITEM#	TAKEN TO	BY	TIME NOTIFIED	TIME ARRIVED AT SCENE	AMBULANCE UNIT#	# OF ATTENDANTS INCLUDING DRIVER	# OF PERSONS TRANSPORTED FOR TREATMENT	8,9	Spohn Memorial Hospital	Tri County EMS	2212	2241	Unk	2	4	6,7	Spohn Memorial Hospital	Corpus Christi Fire Department	2225	2250	Unk	2	1, 2	Medical Examiners Office	Nueces Co Medical Examiner					
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1, 2	Medical Examiners Office	Nueces Co Medical Examiner																													

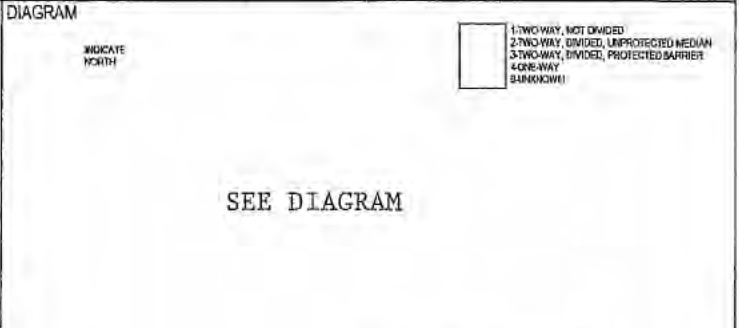
COMPLETE THIS SECTION IF PERSON KILLED (If a person dies within 30 days of the crash, please complete this area and mail the supplement to the Crash Records Bureau.)

ITEM#	DATE OF DEATH	TIME OF DEATH	ITEM#	DATE OF DEATH	TIME OF DEATH	ITEM#	DATE OF DEATH	TIME OF DEATH	ITEM#	DATE OF DEATH	TIME OF DEATH
1	03-15-2007	10:10PM	2	03-15-2007	10:10PM						

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

Unit #1 traveling southbound on the 4800 Blk of State Hwy 361. Unit #1 crossed the fog line on southbound shoulder. Driver of Unit #1 overcorrected to the left entering the northbound lane. Driver of Unit #1 overcorrected again to the right, causing Unit #1 to travel sideways in the northbound lane.

Unit #2 traveling northbound in the northbound lane of SH 361. Unit #2's front end impacted unit #1's left rear quarter, causing rupture of the gas tank. Both occupants of the unit #1 were consumed in the subsequent ignition of gasoline. Both occupants of Unit #1 expired at the scene as a result of the injuries sustained in the accident.



**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	23, 22			
2				

1-MANUAL OR ROAD-DOMESTIC  
 2-ANIMAL OR ROAD-WILD  
 3-DRIVED 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 HATEFUL  
 21-ORVNE WITHOUT HEADLIGHTS  
 22-FAILED TO CONTROL SPEED  
 23-FAILED TO DRIVE IN SINGLE LANE  
 24-FAILED TO GIVE SIGNAL OR WARNING SIGNAL  
 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 WARNING 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-ORVNE VEHICLE  
 33-FAILED TO YIELD ROW-ORVNE INTERSECTION  
 34-FAILED TO YIELD ROW-PRIVATE DRIVE  
 35-FAILED TO YIELD ROW-STOP SIGN  
 36-FAILED TO YIELD ROW-TO PEDESTRIAN  
 37-FAILED TO YIELD ROW-TURNING LEFT  
 38-FAILED TO YIELD ROW-TURN ON RED  
 39-FAILED TO YIELD ROW-YIELD SIGN  
 40-FATIGUED OR ASLEEP  
 41-FAULTY EVASIVE ACTION  
 42-DEFERRED VEHICLE  
 43-FLEEING OR EVADING POLICE  
 44-FOLLOWING TOO CLOSELY  
 45-HAD BEEN DRIVING  
 46-HANDICAPPED DRIVER (EXP. IN NARRATIVE)  
 47-IMPARED VISIBILITY (EXP. IN NARRATIVE)  
 48-IMPROPER START FROM PARKED POSITION  
 49-LOAD NOT SECURED  
 50-OPENED DOOR TO TRAFFIC LANE  
 51-OUTSIDE VEHICLE OR LOAD  
 52-OVERTAKE AND PASS INSUFFICIENT CLEARANCE  
 53-PARKED AND FAILED TO SET BRAKES  
 54-PARKED IN TRAFFIC LANE  
 55-PARKED WITHOUT LIGHTS  
 56-PASSED IN NO PASSING ZONE  
 57-PASSED IN NO PASSING ZONE  
 58-PASSED ON RIGHT SHOULDER  
 59-PEDESTRIAN CONTACTED BY ROW TO VEHICLE  
 60-SPREADING UNSAFE (UNDER LIMIT)  
 61-SPREADING 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 AT 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**  
 1-DEFECTIVE OR NO HEADLAMPS  
 2-DEFECTIVE OR NO STOP LAMPS  
 3-DEFECTIVE OR NO TAIL LAMPS  
 4-DEFECTIVE OR NO TURN SIGNALS  
 5-DEFECTIVE OR NO TRAILER BRAKES  
 6-DEFECTIVE OR NO VEHICLE BRAKES  
 7-DEFECTIVE OR SICK TIRES  
 8-DEFECTIVE TRAILER HITCH

TRAFFIC CONTROL	PART OF THE ROADWAY	ROADWAY ALIGNMENT	ROADWAY RELATION	LIGHT CONDITION	SURFACE CONDITION
1-NONE 2-INTERMITTENT 3-SPICER 4-FLAGMAN 5-SIGNAL LIGHT 6-FLASHING RED LIGHT 7-FLASHING YELLOW LIGHT 8-STOP SIGN 9-YIELD SIGN 10-WARNING SIGN 11-CENTER STRIPED WIDEN 12-NO PASSING ZONE	1-MAIN LANE 2-SERVICER ROAD 3-ENTRANCE RAMP 4-EXIT RAMP 5-CONNECTION 6-DETOUR 7-OTHER	1-STRAIGHT LEVEL 2-SLIGHT GRADE 3-STEADY, HILLCREST 4-CURVE, LEVEL 5-CURVE, GRADE 6-CURVE, HILLCREST 7-OTHER 8-UNKNOWN	1-CON ROADWAY 2-ORV ROADWAY 3-SHOULDER 4-MEDIAN	1-DAYLIGHT 2-DARK, NOT LIGHTED 3-DARK, LIGHTED 4-DARK, LAM LIGHTING 5-DARK 6-DISK	1-DRY 2-SAND, MUD, ORT 3-ICE 4-SNOW 5-SLUSH 6-ICE

WEATHER  
 1-CLEAR/LOUDY  
 2-RAIN  
 3-DRIZZLE  
 4-RAZEL  
 5-FOG  
 6-FOLLOWING SNOW/SNOW

SEVERE CROSSWINDS  
 7-SEVERE CROSSWINDS  
 8-OTHER  
 9-UNKNOWN

EA12-36  
 Chrysler 007519

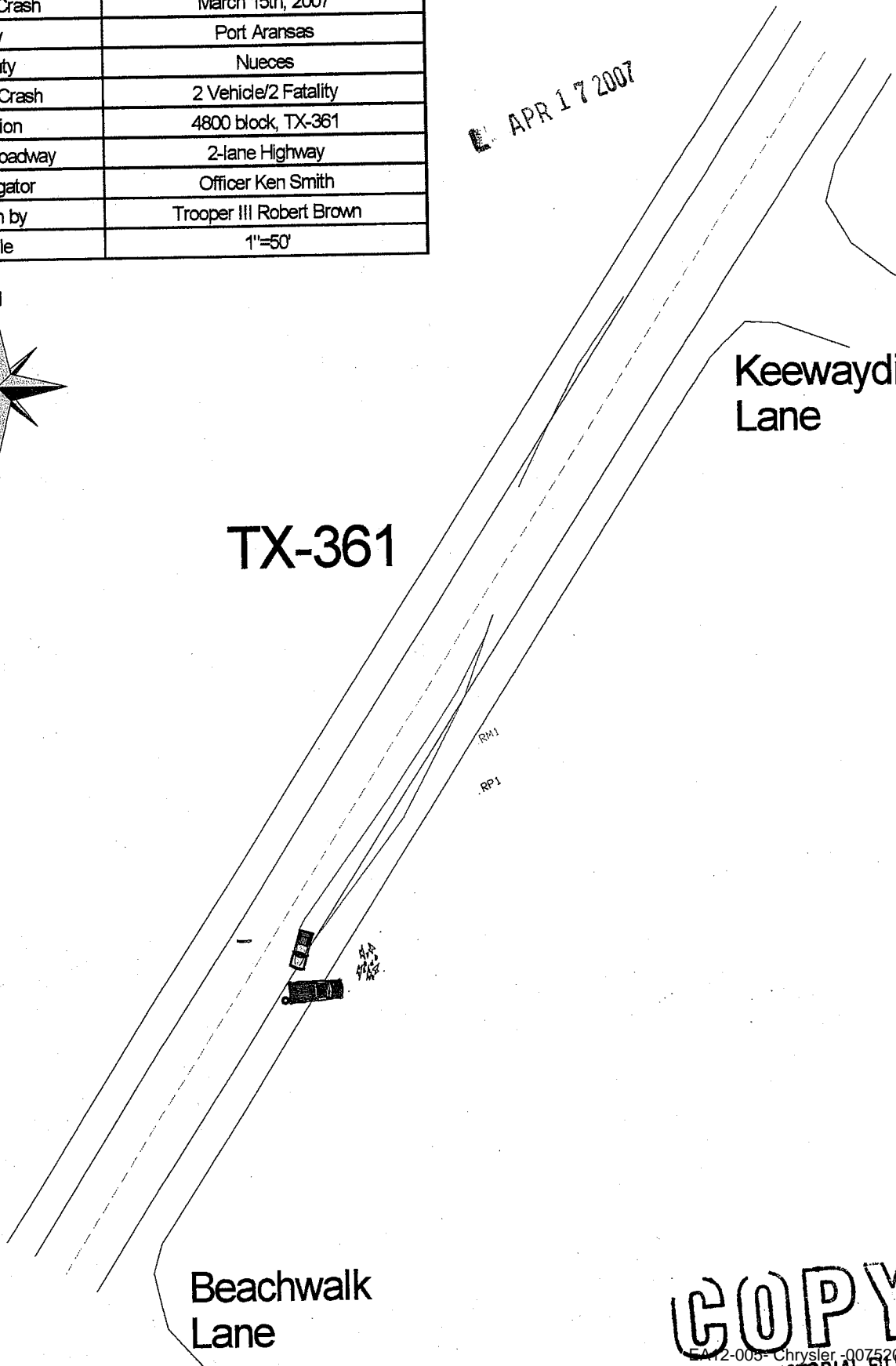
Date of Crash	March 15th, 2007
City	Port Aransas
County	Nueces
Type of Crash	2 Vehicle/2 Fatality
Location	4800 block, TX-361
Type of Roadway	2-lane Highway
Investigator	Officer Ken Smith
Drawn by	Trooper III Robert Brown
Scale	1"=50'

APR 17 2007



TX-361

Keewaydin Lane

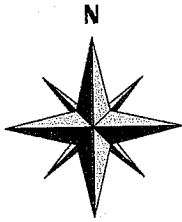


Beachwalk Lane

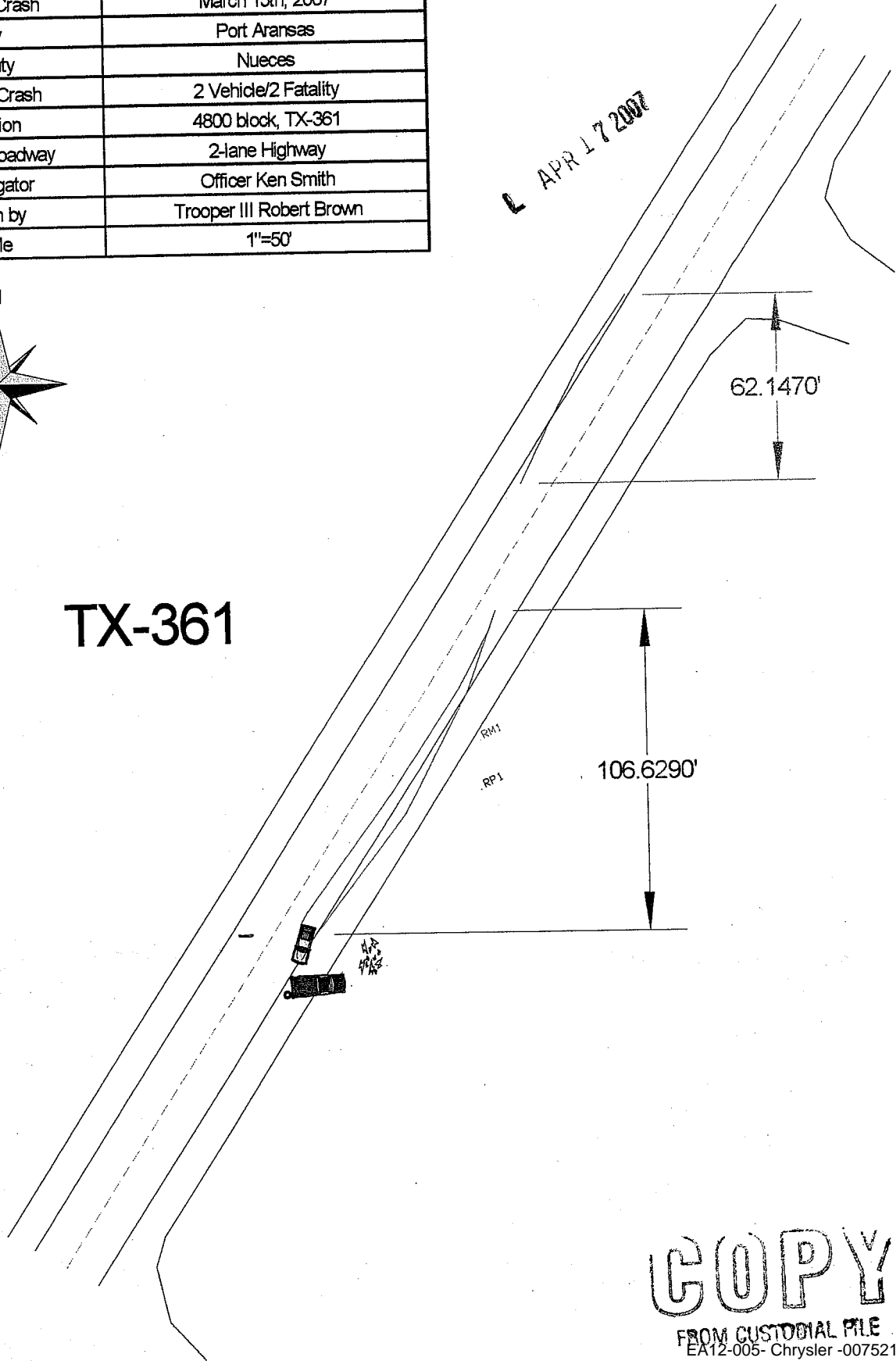
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EA 12-005 Chrysler -007520  
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Date of Crash	March 15th, 2007
City	Port Aransas
County	Nueces
Type of Crash	2 Vehicle/2 Fatality
Location	4800 block, TX-361
Type of Roadway	2-lane Highway
Investigator	Officer Ken Smith
Drawn by	Trooper III Robert Brown
Scale	1"=50'



**TX-361**



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 EA12-005- Chrysler -007521

Speed Calculations  
Double Fatal Crash TX-361  
Port Aransas, Nueces County  
3/15/2007

APR 17 2007

Speed Calculations for the Jeep Liberty

Two skid tests were done with the Vericom-3000 by Trooper Robert E. Brown

A drag factor for the roadway was determined to be 0.78.

A minimum speed of the Jeep Liberty of 60-mph was determined using the Critical Speed Formula.

$$f_1 = .840(+10\% = .924 / -10\% = .756)$$

$$f_2 = .788(+10\% = .866 / -10\% = .709)$$

$$f = .78$$

$$R = \frac{C^2}{8M} + \frac{M}{2}$$

$$(M = 0.17 / C = 20.7)$$

$$R = \frac{20.7^2}{8 \times 0.17} + \frac{0.17}{2}$$

$$R = \frac{428.49}{1.36} + 0.085$$

$$R = 315.066 + 0.085$$

$$R = 315.151$$

$$S = \sqrt{15Rf}$$

$$S = \sqrt{15 \times 315 \times .78}$$

$$S = \sqrt{3685.5}$$

$$S = 60.708$$

EA-2-005-Criminal-007322  
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**PORT ARANSAS POLICE DEPARTMENT  
TRAFFIC EVENT REPORT**



Accident-Major  
Event Date: Thursday, March 15, 2007

APR 17 2007

Event: 2007031273

**EVENT: 2007031273**      **DATE: 03/15/2007**      **TIME RECEIVED: 22:10**

Event Code: <b>50M Accident-Major</b>	Dispatched As: <b>50M Accident-Major</b>	Priority: <b>1</b>
Event Type: <b>Traffic</b>	Reported As: <b>In Progress</b>	
Address: <b>Hwy 361 &amp; Beachwalk</b>	Sector:                      Zone:	
City: <b>Port Aransas</b>	County: <b>Nueces</b>	
State: <b>Texas</b> Zip Code: <b>78373</b>	Jurisdiction: <b>Port Aransas</b>	
Remarks: <b>Subj heard accident from house / unknown injuries</b>	Weapon Reported: <b>UNKNOWN</b>	
Reporting Party:	Telephone: [REDACTED]	Origin: <b>911 Call</b> Dispatcher ID: <b>276D</b>

**PERSONS INVOLVED IN EVENT 2007031273**

<p>Occupation: <b>Not On Record</b> Employer: <b>Not On Record</b></p>	<p>Date of Birth: [REDACTED] Race: <b>White</b> Ethnicity: <b>Non-Hispanic</b> Sex: <b>Male</b></p>	<p><b>Reporting Person/Complainant</b> Height: <b>6'01"</b> Weight: <b>200</b> Hair Color: <b>Brown</b> Eye Color: <b>Blue</b> Skin:</p>
<p>Telephones: [REDACTED]      Residential</p>	<p>Addresses: [REDACTED]      Port Aransas, TX [REDACTED]</p>	<p>Residence (Main)</p>

Notes: **None on file for this person record..**

<p>Occupation: <b>Not On Record</b> Employer: <b>Not On Record</b></p>	<p>Date of Birth: [REDACTED] Race: <b>White</b> Ethnicity: <b>Hispanic</b> Sex: <b>Female</b></p>	<p><b>Driver Of Vehicle</b> Height: <b>5'06"</b> Weight: <b>162</b> Hair Color: <b>Brown</b> Eye Color: <b>Brown</b> Skin: <b>Medium</b></p>
<p>Telephones: [REDACTED]      Residential</p>	<p>Addresses: [REDACTED]      San Antonio, TX [REDACTED]</p>	<p>Residence (Main)</p>

Notes: **None on file for this person record..**

<p>Age: [REDACTED]</p> <p>Occupation: <b>Not On Record</b> Employer: <b>Not On Record</b></p>	<p>Date of Birth: [REDACTED] Race: <b>White</b> Ethnicity: <b>Non-Hispanic</b> Sex: <b>Female</b></p>	<p><b>Driver Of Vehicle</b> Height: <b>5'06"</b> Weight: <b>125</b> Hair Color: <b>Brown</b> Eye Color: <b>Brown</b> Skin:</p>
<p>Telephones: <b>No Telephone Records On File</b></p>	<p>Addresses: [REDACTED]      Bryan, TX [REDACTED]</p>	<p>Residence (Main)</p>

Notes: **None on file for this person record..**

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**Stokes, Mark Alan**      Age: **26**      Law Enforcement Agency  
( Restricted Employee Information )

PORT ARANSAS POLICE DEPARTMENT

TRAFFIC EVENT REPORT

Event Date: Thursday, March 15, 2007

Accident-Major

APR 17 2007

Event: 2007031273

Notes: None on file for this person record..

Age: N/A	Law Enforcement Agency	
Occupation: Tropper III	Date of Birth: / /	Height:
Employer: TX Dept of Public Safety	Race: White	Weight:
	Ethnicity: Non-Hispanic	Hair Color:
	Sex: Male	Eye Color:
		Skin:
Telephones:	Addresses:	Other
(361) 364-6232 Law Enf. Agency	120 E. Fulton	Sinton, TX 78387

Notes: None on file for this person record..

Age: [Redacted]	[ Juvenile ]	Passenger In Vehicle
Occupation: Not On Record	Date of Birth: [Redacted]	Height: 5'07"
Employer: Not On Record	Race: White	Weight: 125
	Ethnicity: Hispanic	Hair Color: Brown
	Sex: Female	Eye Color: Brown
		Skin: Medium
Telephones:	Addresses:	Residence (Main)
[Redacted] Residential	[Redacted]	San Antonio, TX [Redacted]

Notes: None on file for this person record..

Age: N/A	Passenger In Vehicle	
Occupation: Not On Record	Date of Birth: / /	Height:
Employer: Not On Record	Race: White	Weight:
	Ethnicity: Hispanic	Hair Color: Brown
	Sex: Female	Eye Color:
		Skin: Fair
Telephones:	Addresses:	Residence (Main)
[Redacted] Residential	[Redacted]	San Antonio, TX [Redacted]

Notes: None on file for this person record..

Age: [Redacted]	[ Juvenile ]	Passenger In Vehicle
Occupation: Not On Record	Date of Birth: [Redacted]	Height:
Employer: Not On Record	Race: White	Weight:
	Ethnicity: Non-Hispanic	Hair Color: Brown
	Sex: Female	Eye Color:
		Skin: Fair
Telephones:	Addresses:	Residence (Main)
[Redacted] Residential	[Redacted]	San Antonio, TX [Redacted]

Notes: None on file for this person record..

Age: [Redacted]	Passenger In Vehicle
Occupation: Not On Record	Date of Birth: [Redacted]
	EA12-006-001954-007524

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**PORT ARANSAS POLICE DEPARTMENT  
TRAFFIC EVENT REPORT**

Event Date: Thursday, March 15, 2007  
Accident-Major

APR 17 2007

The occupants of the Silverado were identified as driver, [REDACTED] front passenger [REDACTED] rear left passenger [REDACTED] and right rear passenger [REDACTED]. All the occupants of the Silverado were transported to Spohn Memorial Hospital in Corpus Christi, TX. Occupants [REDACTED] and [REDACTED] were transported by Tri County EMS and occupants Sylvia Carrillo Corpus Christi Fire Rescue. All the occupants of the Silverado were treated for minor injuries and released from the hospital.

The driver of the Chevrolet Silverado, [REDACTED] stated that while her vehicle was traveling northbound on Hwy 361, she observed the Jeep Liberty traveling southbound, approaching her. [REDACTED] stated that the Liberty appeared to her to cross over the southbound fog line and then travel into the northbound lane of traffic. [REDACTED] stated that she attempted to use evasive action to avoid a collision, but the Liberty, which was sliding sideways, southbound in the northbound lane, struck her vehicle. [REDACTED] stated that almost immediately after impact, the Liberty burst into flames.

Upon examining the accident scene, I observed skid/yaw marks consistent with the statement of [REDACTED]. The skid/yaw marks appear to have originated on the improved shoulder of the southbound lane, past the fog line. The skid/yaw marks then entered the northbound lane of traffic, ending at the point of impact, in the northbound lane. I observed no skid/yaw marks prior to impact, left by the Silverado.

The scene was photographed by Port Aransas Police Department Detective Mark Stokes. At the request of the Port Aransas Police Department, Texas Department of Public Safety accident investigator Trooper III Robert Brown compiled measurements and prepared a scale diagram of the accident scene. Trooper Brown calculated the minimum speed using the Critical Speed formula, and determined a minimum speed for the Liberty at 60 MPH. The scale diagram and speed calculations for the Liberty were supplemented into the DPS CRB-3 accident report.

The Nueces County Medical Examiner's Office identified the bodies of the driver of the Jeep Liberty as [REDACTED] and the occupant as [REDACTED]. The Medical Examiner pronounced time of death as 10:10 PM, which was the same time the Port Aransas Police Department received the initial 9-1-1 call advising of the accident.

On 03/16/2007, witnesses to the accident Eartha Fine and Ryan Donovan provided sworn written witness statements concerning the accident. Their statements were consistent with that of the driver of the Silverado, [REDACTED] and consistent with the skid/yaw marks observed at the accident scene. (See statements)

As of the writing of this narrative report, the Nueces County Medical Examiner's death investigation report on [REDACTED] and [REDACTED] is pending toxicology results. Upon completion, the Nueces County Medical Examiner's report will be supplemented into this PAPD event report.

CERTIFICATIONS FOR EVENT 2007031273		
Prepared By: 1209 Patrolman Kenneth Paul Smith	Signature: SIGNATURE ON FILE	Date:
Reviewed By: 1214 Sergeant Gary Don Langston Jr	Signature: SIGNATURE ON FILE	Date:

EA12-005- Chrysler -007525

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PORT ARANSAS POLICE DEPARTMENT  
WITNESS STATEMENT

APR 17 2007

THE STATE OF TEXAS §  
CITY OF PORT ARANSAS §  
COUNTY OF NUECES §

BEFORE ME, the undersigned authority, in and for the State of Texas, on this day personally appeared, [REDACTED], who, after being by me duly sworn, deposes and states as follows:

My name is [REDACTED] I am [REDACTED] and my date of birth is [REDACTED] I live at [REDACTED], Fort Collins, CO, Texas [REDACTED]. My home telephone number is [REDACTED] My business telephone number is [REDACTED]. I am of sound mind, and competent to give this affidavit.

At approximately 10:10 pm on Thursday, March 15, 2007, my girlfriend [REDACTED] and I were driving my brothers Ford Explorer southbound on TX 361 back to our hotel.

~~As we~~  
After accessing TX 361 from Beach Access road 1, we had travelled about 1 mile and saw ~~what looked like~~ a police vehicle with its lights on on the shoulder (also going southbound). That police car turned around to apparently pursue a northbound vehicle.

A car in front of that police car (which it was still southbound w/ its lights on) had pulled on to the shoulder.

After the police car had turned around northbound, that car, a jeep or some variety of SUV reentered the highway from the shoulder and was heading southbound. ~~It was~~ We were directly behind this jeep/suv. After traveling ~1-2 miles, the jeep lost control, swerved into oncoming traffic, looked to correct its path, travelled back into ~~the~~ oncoming traffic.

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E012-005 Chrysler 007526  
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PORT ARANSAS POLICE DEPARTMENT  
WITNESS STATEMENT

APR 17 2008

At which point it collided w/ a pick up truck heading northward.

It seems to have hit the pick-up on the side where the pick-up's  
The jeep

gas tank is located. A fire broke out almost immediately. Traveling directly behind the jeep, at a distance of 30-40 yards, I pulled my vehicle to the shoulder, and rushed to the accident to offer assistance. By the time I had taken 5 steps, the jeep was totally engulfed in flames and I saw numerous people escape from the pick-up but saw no person escape the jeep.

Another man ran behind me, directly up to the burning jeep, attempted to open the door, but it was locked.  
driver

Me and this man decided to get away from the vehicle for fear the car could explode even further.

I found my girlfriend, who was upset, we turned around and got back on the beach road to return to our hotel

~~\_\_\_\_\_~~  
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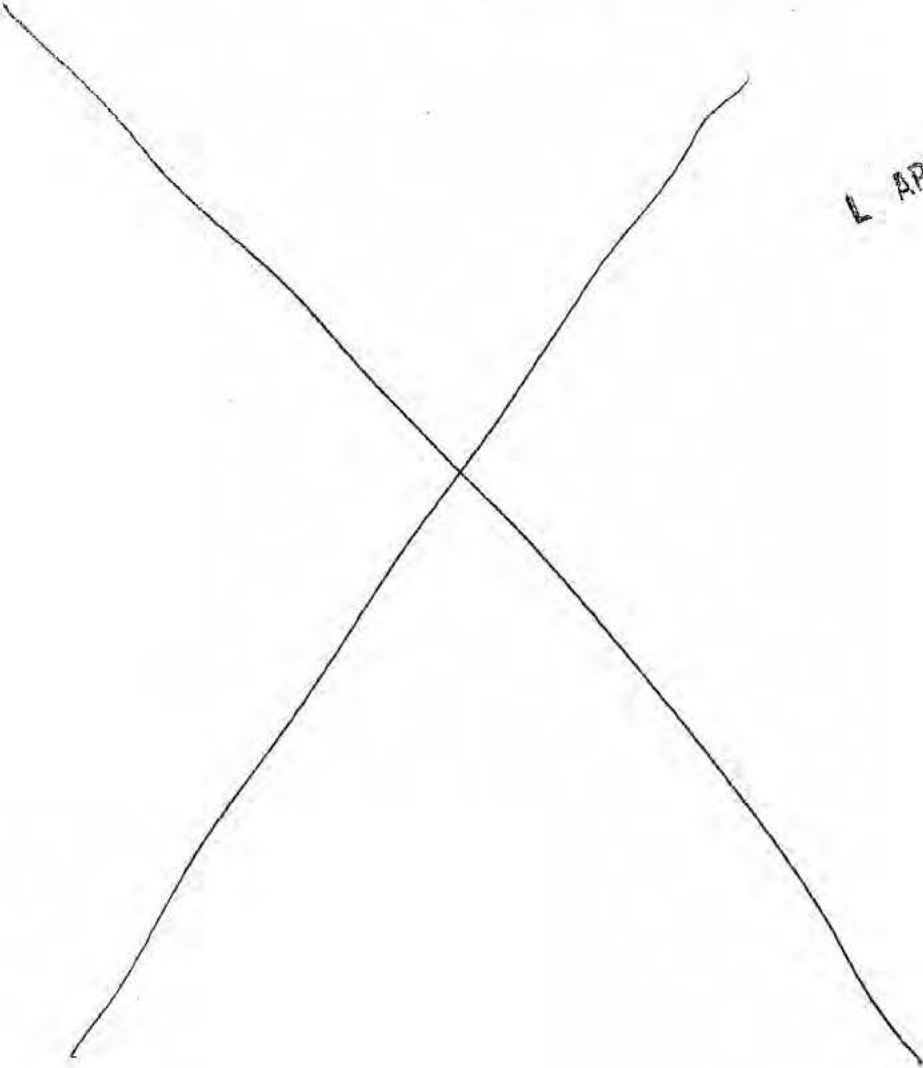
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EA12-005- Chrysler -007527

(2)



**PORT ARANSAS POLICE DEPARTMENT  
WITNESS STATEMENT**

L APR 17 2007



This statement is true and correct and I am giving it to LT. DARRYL JOHNSON <END>

I have read this statement consisting of 3 page(s), each of which bears my signature, and I do affirm that all the facts and statements contained herein are true and correct.



Witness Name

Subscribed and sworn to before me, LT. DARRYL JOHNSON a peace officer of the State of Texas and pursuant to 602.002 Texas Government Code, on this the 16 day of MARCH, A.D. 2007

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EA12-005-Chrysler-007528  
Officer Taking Statement

3



PORT ARANSAS POLICE DEPARTMENT  
WITNESS STATEMENT

THE STATE OF TEXAS §  
CITY OF PORT ARANSAS §  
COUNTY OF NUECES §

APR 17 2007

BEFORE ME, the undersigned authority, in and for the State of Texas, on this day personally appeared, [redacted], who, after being by me duly sworn, deposes and states as follows:

My name is [redacted] [redacted] old and my date of birth is [redacted] I live at [redacted] My business telephone number is [redacted] I am of sound mind, and competent to give this affidavit.

March 15, 2007

On Thursday night around 10:00 pm we were traveling South towards Corpus Christi following an SUV. The SUV appeared to be speeding and lost control. The SUV swerved back & forth from left to right then crossed over the center line into on coming traffic. While still sliding, the SUV was perpendicular to a silver truck traveling North towards Port Aransas impacted the SUV on the rear driver side of the [redacted] vehicle & spun the car in the opposite direction to face the car South in the North bound lane. When the truck hit sparks flew & the front end caught on fire. <sup>Then went out.</sup> With in seconds the SUV was on fire & explosions occurred. Our vehical pulled over and the driver of our vehical ran towards the two cars involved. More explosions occurred & he backed off. Within seconds the SUV was engulfed in flames. <sup>After the impact</sup>

**DUPLICATE**

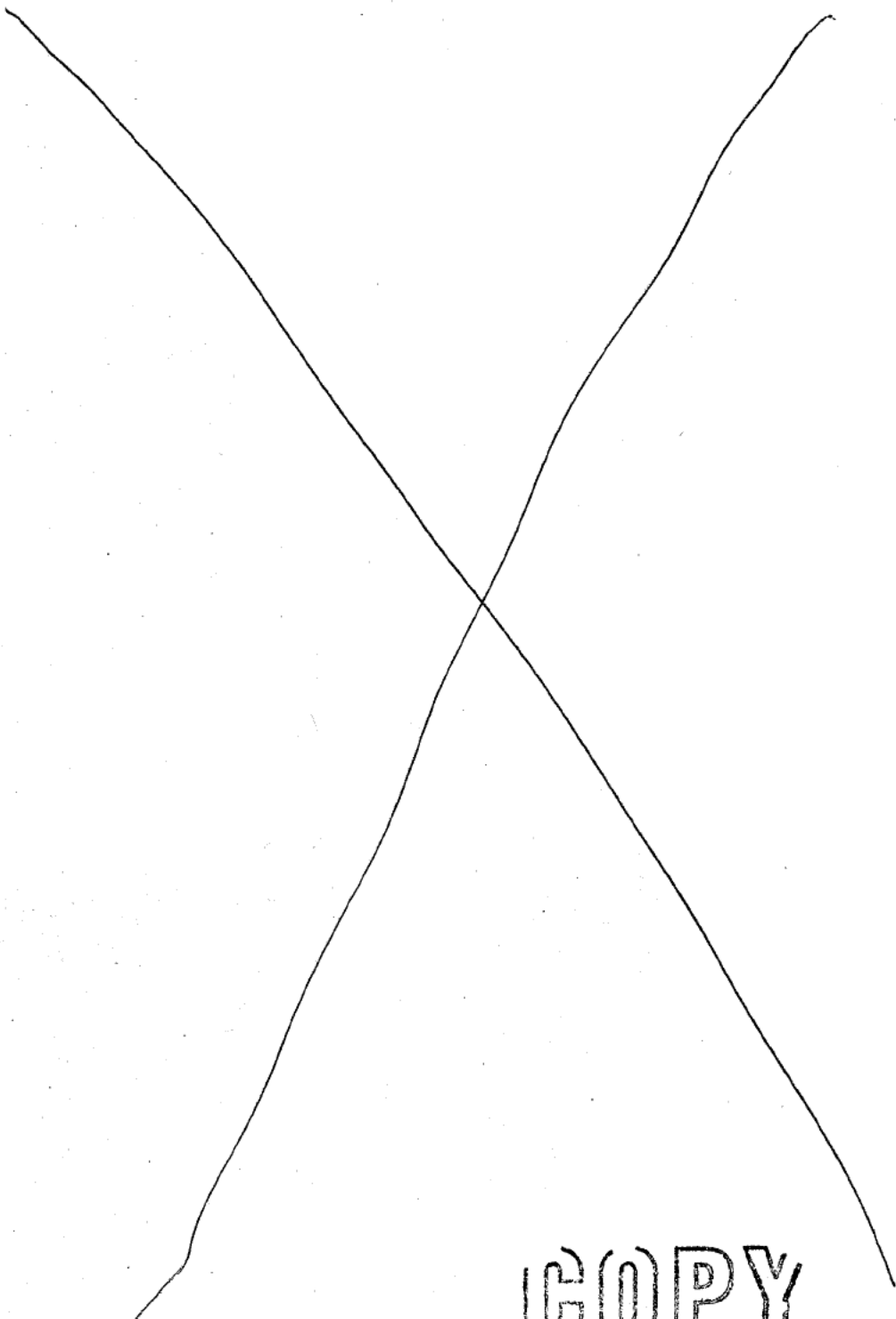
EA12-003 Chrysler LOCAL CUSTODIAL FILE

Soon after an officer arrived & called for the Fire department [redacted]

PORT ARANSAS POLICE DEPARTMENT  
WITNESS STATEMENT

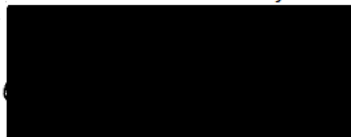
APR 17 2007

at this point there were many cars & people along  
the road watching & running towards the two vehicles.



**COPY**  
FROM CUSTODIAL FILE

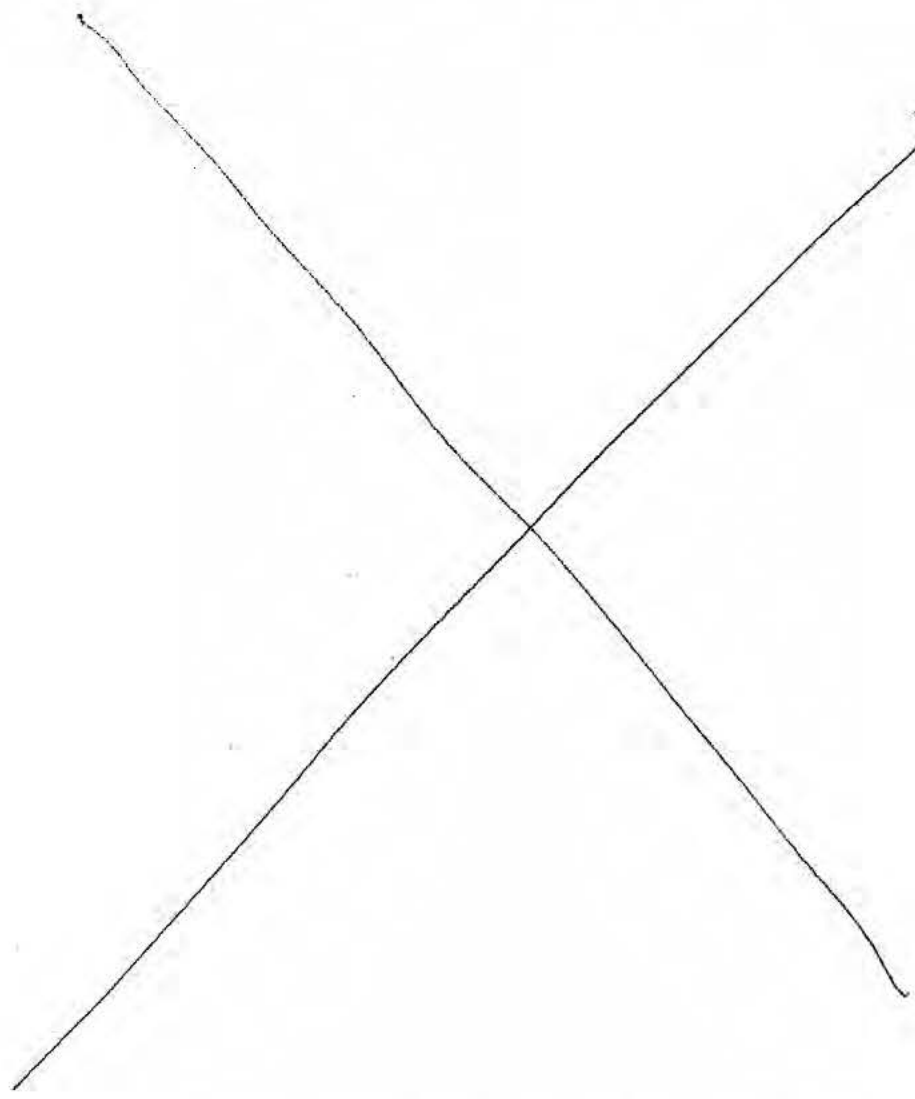
EA12-005- Chrysler -007530



(2)

**PORT ARANSAS POLICE DEPARTMENT  
WITNESS STATEMENT**

APR 17 2007



This statement is true and correct and I am giving it to LT. DARRYL JOHNSON <END>

I have read this statement consisting of 3 page(s), each of which bears my signature, and I do affirm that all the facts and statements contained herein are true and correct.



Witness Name

Subscribed and sworn to before me, LT. DARRYL JOHNSON, a peace officer of the State of Texas and pursuant to 602.002 Texas Government Code, on this the 16 day of MARCH, A.D. 2007

**COPY**  
FROM CUSTODIAL FILE

2005 Chrysler 007531  
Officer Taking Statement



**NUECES COUNTY MEDICAL EXAMINER  
INVESTIGATOR'S FIELD REPORT**

APR 17 2007

ME# 07-366

Investigator: #709 R.L. GARCIA

D/T Reported: 03-15-2007 --- 10:34PM.

DECEDENT:                       
First Name Middle Initial Last Name

RACE W SEX M AGE        DOB        SS#       

ADDRESS \_\_\_\_\_ CITY SAN ANTONIO, STATE TEXAS

IDENTIFIED BY R. L. GARCIA #709 RELATIONSHIP NONE (ME'S OFFICE)

Fingerprints \_\_\_\_\_ Document \_\_\_\_\_ Viewed at Scene \_\_\_\_\_ Viewed Photo  Other SEE NARR.

Informant: OFFICER KEN SMITH #1209 Agency: PORT- A PD. Phone # 316-749-6241

Investigator at Scene:  Yes  
  \_\_\_\_\_ No

D/T Arrived: 03-15-2007 --- 11:30PM.  
D/T Called: \_\_\_\_\_

DATE OF DEATH: 03-15-2007 TIME OF DEATH: 10:10PM. A.M./P.M.

PLACE OF DEATH: 4800 SH-361 SO. BO. CITY PORT-A, TEXAS PCT# \_\_\_\_\_

DATE OF INJURY: 03-15-2007 TIME OF INJUR 10:10pm. A.M./P.M., Agency: PORT-A PD.  
Investigating Case # 2007-03-1273  
Investigator: KEM SMIYH #1209

PLACE OF INJURY: 4800 SH 361 SO. BO. IN PORT-A, TEXAS (BURNED TO DEATH)

**IF BODY IS FOUND DEAD, ALSO COMPLETE THE FOLLOWING:**  
DATE AND TIME BODY FOUND \_\_\_\_\_ BY \_\_\_\_\_  
DATE/TIME PLACE LAST KNOWN ALIVE \_\_\_\_\_

**POSITION AND LOCATION OF BODY:** \_\_\_\_\_

**CONDITION OF BODY (CHECK ALL THAT APPLY)**

RIGOR	LIVOR	ALGOR (Axilla)	DECOMPOSITION	PAST HISTORY
None	None	Warm	None	Hypertension
Partial	Faint	Cool	Early	Diabetes
Complete	Dark	Ear Temperature	Moderate	Emphysema
Easily Broken	Blue	Environmental Temp.	Advanced	Heart
	Red	A/C on?	Larvae	Cancer of
	Anterior	Heat on?		Other
	Posterior			
	Other			

MEDICATIONS \_\_\_\_\_

**GOPY**  
FROM CUSTODIAL FILE

EA12-005- Chrysler -007532

APR 17 2007

CIRCUMSTANCES OF DEATH: CONTACTED PORT-A POLICE OFFICER, KEN SMITH AT THE ACCIDENT SCENE WHO TOLD ME THAT PORT-A POLICE DEPT. GOT A CALL REFERENCE THIS ACCIDENT A 2 VEH. ACCIDENT AT 10:10PM. 03-15-2007 THAT UPON THEIR ARRIVAL THE VICTIM'S VEH. A 2006 JEEP LIBERTY WAS BURNING AND IT WAS 30 MINUTES BEFORE THE FIRE WAS PUT OUT. THAT THERE WERE TWO BODIES IN THE VEH. AND THAT THE BODIES WERE BURNED BAD. I CHECK THE VEH. AND FOUND WHAT APPEARED TO BE A MALE PASSENGER AND WHAT APPEARED TO BE A FEMALE DRIVER. THE DRIVER STILL HAD A BEER CAN BETWEEN HER LEGS. THE BODIES WERE BURNED BAD. I HAD PORT-A POLICE RUN THE TEXAS LP. AND FOUND IT CAME BACK TO A [REDACTED] AND [REDACTED] IN SAN ANTONIO, TEXAS. I GOT A PHONE NUMBER [REDACTED] I CALLED AND TALKED TO [REDACTED] STEPFATHER OF [REDACTED] WHO TOLD ME HIS STEP-DAUGHTER AND HER BOYFRIEND [REDACTED] CAME TO PORT-A, TEXAS ON WEDNESDAY FROM SAN ANTONIO, TEXAS. THAT THEY LAST TALKED TO HER AT NOON ON 03-15-2007. THAT SHE AND THE BOYFRIEND WERE OK THAN. HE ALSO TOLD ME NO ONE ELSE WAS TO HAVE BEEN DRIVING HER JEEP. HE ALSO GAVE ME THE NAME OF [REDACTED] AS THE MALE'S MOTHER BUT THAT SHE WAS ON A SHORT VACATION HE DID NOT KNOW IF I COULD GET AHOLD OF HER OR NOT. HE GAVE ME HER CELL PHONE NUMBER [REDACTED] HER HOME [REDACTED] I COULD NOT FIND HER. THIS ACCIDENT APPEARED TO HAVE BEEN CAUSED BY SPEED AND BEER.

EVIDENCE RETAINED BY M.E. (i.e., suicide note, ligature, etc.) \_\_\_\_\_

TISSURE FOUNDATION NOTIFIED? YES \_\_\_ NO X (361) 814-0130

PROPERTY NOT LEFT ON BODY \_\_\_\_\_

PLACED IN SAFE \_\_\_\_\_ RELEASED TO \_\_\_\_\_

RELATIONSHIP \_\_\_\_\_ (Signed receipt must be submitted with this report)

NEXT OF KIN NOTIFIED YES \_\_\_ NO X If no, why not? COULD NOT FIND THE MOTHER

NAME: [REDACTED] RELATIONSHIP: MOTHER

ADDRESS \_\_\_\_\_ CITY/STATE SAN ANTONIO, TEXAS

PHONE [REDACTED]

BY \_\_\_\_\_ OF \_\_\_\_\_ DATE/TIME NOTIFIED \_\_\_\_\_

ATTENDING PHYSICIAN \_\_\_\_\_ PHONE \_\_\_\_\_

WILL SIGN D.C.? YES \_\_\_ NO X STATED BY ACCIDENT VICTIM

IF SO, WHY NOT? \_\_\_\_\_

BODY TRANSPORTED TO MORGUE BY \_\_\_\_\_ GAB. #706

FUNERAL HOME \_\_\_\_\_

DISPOSITION:

NO CASE \_\_\_\_\_  
 CERTIFICATION \_\_\_\_\_  
 PARTIAL AUTOPSY \_\_\_\_\_

INSPECTION \_\_\_\_\_  
 AUTOPSY \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

COPY FROM CUSTODIAL FILE

**MATTER #** 1178536  
**FILE TYPE** Lawsuit  
**FILE NAME** [REDACTED]  
[REDACTED]  
**CAIR #**  
**DATE OF INCIDENT** 03/15/2007  
**DATE OF NOTICE** 03/17/2007  
**MODEL/MODEL YEAR** 2006 Jeep Liberty (KJ)  
**VIN** 1J4GK48K76W [REDACTED]  
**MILEAGE**  
**OWNER** [REDACTED]  
[REDACTED]  
San Antonio, TX [REDACTED]  
**COURT** County Court of Nueces County, TX  
**DOCKET #** 07-61074-1  
**FIRE ALLEGED** Yes  
**DESCRIPTION** On March 15, 2007, a 2006 Jeep Liberty (KJ), operated by [REDACTED], was travelling southbound on Highway 361 in Port Aransas, Texas. The posted speed limit at the site of the accident was 60 mph. According to the police accident report, the Jeep Liberty (KJ) crossed the fog line on the southbound shoulder and the driver overcorrected to the left, reentering the roadway toward the northbound lane of travel. The Jeep Liberty (KJ) overcorrected back to the right to regain the southbound lane, causing the vehicle to yaw in a clockwise direction in the northbound lane. A 2002 Chevrolet Silverado, operated by [REDACTED], travelling northbound on Highway 361 was unable to avoid the oncoming Jeep Liberty (KJ) and the front end of the Chevrolet Silverado struck the Jeep Liberty (KJ) in the left-rear quarter panel in the area of the fuel filler tube. The investigating police officer determined that the Jeep Liberty (KJ) was travelling at least 60 mph at the time of the impact. The Chevrolet Silverado was travelling at an undetermined speed in the opposite direction at the time of the impact. The driver reported trying to take evasive action but the police officer observed no skid or yaw marks from the Chevrolet Silverado prior to the impact. A fire in the area of the fuel tank of the Jeep Liberty (KJ) ensued. The investigating police officer reported that, after the accident, he identified the driver of the Jeep Liberty (KJ) with a beer can between her legs. The police officer noted that the accident appeared to have been caused by "speed and beer." An autopsy of the driver of the Jeep Liberty (KJ) revealed the presence of marijuana, valium and Xanax.

**PROPERTY  
DAMAGE ALLEGED**

No

**INJURIES**

4

**FATALITIES**

2

**ANALYSIS**

Based on an inspection of the 2006 Jeep Liberty (KJ) and other available information, including the police accident report, statements made to the police by witnesses and vehicle photographs, Chrysler Group concludes that the impact of the Chevrolet Silverado to the left-rear quarter panel of the Jeep Liberty (KJ) occurred at a relative velocity significantly in excess of 60 mph. This is based on the police determination that the Jeep Liberty (KJ) was travelling southbound at a speed of 60 mph at the time of impact and the Chevrolet Silverado was travelling in the opposite direction at an unknown speed but showed no evidence of braking prior to impact. The collision forces present in this extremely severe, high-energy impact were likely increased by the large mass of the Chevrolet Silverado. The inspection of the vehicles revealed that the impact resulted in severe intrusion of the front end of the Chevrolet Silverado into the left-rear quarter panel of the Jeep Liberty (KJ), rupturing the fuel filler hose and fuel tank and causing the fire. There were two large tow hooks on the front bumper of the Chevrolet Silverado that may have been the cause of the rupture of the fuel tank and fuel filler hose.<sup>1</sup> The damage to the left rear quarter panel of the Jeep Liberty (KJ) and the front of the Chevrolet Silverado are depicted in the photographs in Enclosure 3 Public, Bates page numbers EA12-005 – Chrysler – 007585, 7587, and 7624.

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<sup>1</sup> An inspection was conducted at the request of counsel in connection with litigation and a summary of the inspection is being withheld under a claim of attorney work-product privilege.

CAUSE NO. 07-61074-1

SYLVIA A. CARRILLO, individually  
and as next friend of minor  
ALINA M. CARRILLO  
*Plaintiff*

IN THE COUNTY COURT

VS.

EVELYN J. SCOTT, as personal  
representative of the ESTATE  
OF PARISA L. BIGLARI  
*Defendant*

AT LAW NUMBER ONE

AND

EVELYN J. SCOTT, as personal  
representative of the ESTATE  
OF PARISA L. BIGLARI; EVELYN  
LYNN SCOTT; and ESFANDIAR BIGLARI  
*Third-Party Plaintiffs*

VS.

DAIMLERCHRYSLER CORPORATION  
*Third-Party Defendant*

NUECES COUNTY, TEXAS

**THIRD-PARTY PLAINTIFFS' ORIGINAL THIRD-PARTY PETITION AGAINST  
DAIMLERCHRYSLER CORPORATION AND REQUEST FOR DISCLOSURES**

TO THE HONORABLE COUNTY COURT AT LAW:

Third-Party Plaintiffs—Evelyn J. Scott, as personal representative of the Estate of Parisa L. Biglari; Evelyn Lynn Scott; and Esfandiar Biglari—files file their original third-party petition and request for disclosures complaining of Third-Party Defendant, DaimlerChrysler Corporation.

EDD. SANCHEZ PEREZ  
CLERK OF COUNTY &  
DISTRICT COURTS  
NUECES COUNTY, TEXAS  
01 JUN 18 P 3:15  
OPTY



**I.**  
**DISCOVERY LEVEL**

1.1 Third-Party Plaintiffs ask that the Court assign this case a Level 3 discovery control plan. Absent the parties' agreement, Third-Party Plaintiffs request that a case management conference be set at the Court's earliest convenience so that a discovery/docket control order may be entered.

**II.**  
**PARTIES**

2.1 Evelyn J. Scott is the administrator of the Estate of Parisa L. Biglari, deceased. She is bringing the survival claims of her estate in her capacity as administrator, and she is also bringing the wrongful death claims of all those entitled to recover for their wrongful deaths under Texas Civil Practice & Remedies Code § 71.004(c). At the time of her death, Parisa Biglari resided in Bexar County, Texas. The administration of her estate took place in Bexar County.

2.2 Evelyn Lynn Scott is a resident of Bexar County, Texas. She is the mother of Parisa Biglari, deceased, and is bringing her individual claims for Parisa Biglari's wrongful death.

2.3 Esfandiar Biglari is a resident of Bexar County, Texas. He is the father of Parisa Biglari, deceased, and is bringing his individual claims for her wrongful death.

2.4 Third-Party Defendant, DaimlerChrysler Corporation ("DCC"), is a Delaware corporation with its principal place of business in Michigan. DCC is authorized to conduct business in Texas, owns property in Texas, conducts business in Texas, and derives significant revenue from its activities in Texas. DCC may be served by serving its registered agent for service of process, CT Corporation System, 350 N. St. Paul St., Dallas, Texas 75201.

**III.**  
**VENUE AND JURISDICTION**

3.1 Venue is proper in Nueces County under Texas Rules of Civil Procedure 38 and 40 because Third-Party Plaintiffs' claims arise out the same occurrence as the Plaintiff's claims against Third-Party Plaintiff Evelyn J. Scott, as administrator of the Estate of Parisa Biglari, and Third-Party Defendant may be liable to Third-Party Plaintiffs and Plaintiff for that occurrence. Venue is also proper because Third-Party Defendant is a party needed for just adjudication under Rule 39. Venue is also proper here under Texas Civil Practice & Remedies Code § 15.002(a)(1) because all or a substantial part of the event giving rise to the claims of Plaintiff and Third-Party Plaintiffs occurred in Nueces County. Specifically, the fatal auto accident made the basis of this suit occurred in Nueces County.

3.2 The amount sought herein exceeds the minimum jurisdictional limits of the Court.

3.3 This Court has personal jurisdiction over the Third-Party Defendant because it has substantial and continuous contacts with the State of Texas to satisfy both general and specific minimum contacts and exercising jurisdiction over it does not offend the traditional notions of fair play and substantial justice.

**IV.**  
**BACKGROUND FACTS**

4.1 On March 15, 2007, Parisa Biglari was driving a 2006 Jeep Liberty, VIN #1J4GK48K76W154789, near the 4800 Block of State Highway 361 in Port Aransas, Nueces County, Texas. She lost control of the vehicle due to defects in its ESC system, and a collision ensued between her vehicle and another vehicle driven by Sylvia

Carrillo, a 2002 Chevrolet Silverado. Biglari survived the initial collision and was conscious. A post-collision, fuel-fed fire then consumed the Jeep and claimed her life.

### CAUSES OF ACTION

#### V.

#### **PRODUCT LIABILITY: DEFECTIVE DESIGN AND MANUFACTURE**

5.1 The 2006 Jeep Liberty in question was originally designed, manufactured, and sold by DaimlerChrysler Corporation ("DCC").

5.2 At the time the vehicle in question was sold, DCC was in the business of designing, manufacturing, and selling such vehicles.

5.3 At the time the vehicle was designed, manufactured, and sold by DCC, it was defective in design and manufacture and unreasonably dangerous as designed and manufactured. The defective and unreasonably dangerous condition of the 2006 Jeep Liberty was a producing cause of the accident, Parisa Biglari's death, and Third-Party Plaintiff's damages.

5.4 The defects regarding the 2006 Jeep Liberty at issue include, yet are not limited to, an inadequate stability control system and an inadequate fuel-containment system.

5.5 There were safer alternative designs other than the ones used, which were economically and technologically feasible and would have prevented or significantly reduced the risk of accident and/or injury in question without substantially impairing the vehicle's utility. DCC should have incorporated a proper electronic stability control ("ESC") system into the design of the vehicle. The ESC system is a device designed to help drivers maintain directional control of their vehicles in inclement weather, on differing surfaces and in emergency avoidance maneuvers. DCC's ESC system did not work. The failure to include a proper ESC system significantly increased the risk of loss

of control of the subject 2006 Jeep Liberty in emergency avoidance maneuvers for drivers such as Parisa Biglari. At the time the vehicle entered the stream of commerce, there were available economically and technologically feasible safer alternative designs that included a proper and working ESC system that would have significantly reduced the risk of loss of directional control and rollover in emergency avoidance maneuvers without substantially impairing the utility of the vehicle. These defects were a producing cause of the accident, Parisa Biglari's death, and Third-Party Plaintiffs' damages.

5.6 Further, the 2006 Jeep Liberty failed to incorporate design elements that would have prevented a puncture of the fuel tank in the Liberty, including but not limited to a complete wheel well and a fuel tank shield into the design of the 2006 Jeep Liberty. Such components protect the fuel tank in the event of a collision with the left rear of the vehicle. The failure to include such components significantly increased the risk of a post-collision, fuel-fed fire following a foreseeable collision such as the one in question. At the time the vehicle entered the stream of commerce, there was available economically and technologically feasible safer alternative designs that included a complete wheel well and fuel tank shield that would have significantly reduced the risk of a post-collision, fuel-fed fire, without substantially impairing the utility of the vehicle. These defects were a producing cause of the accident, Parisa Biglari's death, and Third-Party Plaintiffs' damages.

5.7 At the time the vehicle in question was sold, the defective design of the vehicle ultimately caused the product to unexpectedly fail to function in a manner reasonably expected by an ordinary consumer and user of vehicles.

5.8 At the time the vehicle in question left the possession of DCC, it was defective in manufacture, because it was an unreasonably dangerous product.

5.9 The product was dangerous to an extent beyond that which would be contemplated by the ordinary user of the product with the ordinary knowledge common to the community as to the product's characteristics.

5.10 At the time of the accident, the vehicle was in substantially the same condition as it was at the time it was placed into the stream of commerce. No material alterations were made to the vehicle. At the time of the accident, the vehicle was in the same or substantially similar condition as when it left the control of DCC.

5.11 No mandatory safety standard or regulation adopted and promulgated by the federal government or an agency of the federal government were applicable to the 2006 Jeep Liberty at the time it was manufactured that governed any product risk that caused the accident and/or damages to Third-Party Plaintiffs. To the extent DCC attempts, pursuant to § 82.008 of the Texas Civil Practice & Remedies Code, to rely on any standards or regulations of the federal government, such standards or regulations were inadequate to protect against the risk of accident and/or injuries that occurred in this accident and/or DCC withheld or misrepresented information to the government regarding the adequacy of the safety standard at issue.

## VI. NEGLIGENCE

6.1 DaimlerChrysler Corporation ("DCC") committed acts of omission and commission, which collectively and severally constituted negligence, which were a proximate cause of the accident, Parisa Biglari's death, and Third-Party Plaintiffs' damages.

6.2 DCC's acts of negligence include the following:

- a. Negligently designing the vehicle;
- b. Negligently manufacturing of the vehicle;
- c. Negligently failing to properly test the vehicle;
- d. Negligently failing to warn consumers of a known danger/defect in the vehicle;
- e. Negligently failing to disclose post-sale information known about the dangers or defects in the vehicle;
- f. Negligently concealing known dangers associated with the vehicle;
- g. Negligently failing to meet or exceed internal corporate guidelines;
- h. Negligently failing to comply with the standards of care applicable in the automotive industry concerning stability and fuel containment.
- i. Negligently failing to recall the vehicle or, alternatively, to warn consumers of known crashes precipitated by known vehicle problems.

**VII.  
GROSS NEGLIGENCE**

7.1 The conduct of DaimlerChrysler Corporation (“DCC”) constitutes gross negligence, which was a proximate cause of the accident, Parisa Biglari’s death, and Third-Party Plaintiffs’ damages, for which Third-Party Plaintiffs are entitled to recover punitive damages. DCC knew of the dangers possessed by the subject vehicle but failed to warn consumers of these dangers. Despite this knowledge, DCC designed, manufactured, and sold the vehicle in question in a compromised condition.

## **DAMAGES**

### **VIII. ACTUAL DAMAGES**

8.1 As a result of the injuries to and death Parisa Biglari, her estate sustained survival damages including conscious physical pain and mental anguish suffered by her prior to her death as well as reasonable medical and funeral expenses.

8.2 As a result of the injuries to and death of Parisa Biglari, her parents Evelyn Lynn Scott and Esfandiar Biglari suffered wrongful death damages including past and future pecuniary loss, loss of companionship and society, and mental anguish and loss of inheritance.

### **IX. PUNITIVE DAMAGES**

9.1 Because DaimlerChrysler Corporation is guilty of gross negligence, it should have punitive damages assessed against it in an amount deemed appropriate by the jury.

### **X. PRE-JUDGMENT AND POST-JUDGMENT INTEREST**

10.1 Third-Party Plaintiffs seek pre-judgment and post-judgment interest as provided by law.

### **XI. JURY DEMAND**

11.1 Third-Party Plaintiffs request a jury and are tendering the fee with this petition.

**XII.**  
**CONDITIONS PRECEDENT**

12.1 Pursuant to Rule 54 of the Texas Rules of Civil Procedure, all conditions precedent to Third-Party Plaintiffs' rights to recover herein and to Third-Party Defendant's liability have been performed or have occurred.

**XIII.**  
**REQUESTS FOR DISCLOSURE**

13.1 Pursuant to TEX. R. CIV. P. 194, Third-Party Plaintiffs request that Third-Party Defendant disclose, within 50 days of service of this request, the information and material described in Rule 194.2(a) through (l).

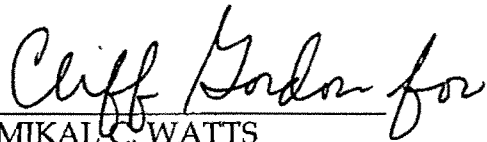
**XIV.**  
**PRAYER**

14.1 WHEREFORE, PREMISES CONSIDERED, Third-Party Plaintiffs pray that Third-Party Defendant be cited to appear and answer herein, that this cause be set down for trial before a jury, and that Third-Party Plaintiffs recover judgment of and from the Third-Party Defendant for their actual damages, punitive damages, in such amount as the evidence may show and the jury may determine to be proper, together with pre-judgment interest, post-judgment interest, costs of suit, and such other and further relief to which they may show themselves to be justly entitled, whether at law or in equity.



Respectfully submitted,

WATTS LAW FIRM, L.L.P.  
Bank of America Plaza, Suite 100  
300 Convent Street  
San Antonio, Texas 78205  
Phone: 210-527-0500  
Fax: 210-527-0501

By:   
MIKAL C. WATTS  
State Bar No. 20981820

FRANCISCO GUERRA, IV.  
State Bar No. 00796844

GUY L. WATTS II  
State Bar No. 24005316

And

Gerry Goldstein  
GOLDSTEIN, GOLDSTEIN AND HILLEY  
29th Floor, Tower Life Building  
310 S. St. Mary's Street  
San Antonio, Texas 78205  
Tel: 210-226-1463  
Fax 210-226-8367  
SBN: 08101000


**ATTORNEYS FOR  
THIRD-PARTY PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I certify that a true copy of *Third-Party Plaintiffs' Original Third-Party Petition Against DaimlerChrysler Corporation and Request for Disclosures* was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on the 18th day of June, 2007, as follows:

Victor I. Cerda  
THE CERDA LAW FIRM, P.C.  
A Professional Corporation  
5410 Fredericksburg #310  
San Antonio, Texas 78229

Via fax: 210-212-5880

  
GUY L. WATTS II

CAUSE NO. 07-61074-1

SYLVIA A. CARRILLO, individually  
and as next friend of minor  
ALINA M. CARRILLO  
*Plaintiff*

IN THE COUNTY COURT

VS.

EVELYN J. SCOTT, as personal  
representative of the ESTATE  
OF PARISA L. BIGLARI  
*Defendant*

AT LAW NUMBER ONE

AND

EVELYN J. SCOTT, as personal  
representative of the ESTATE  
OF PARISA L. BIGLARI; EVELYN  
LYNN SCOTT; and ESFANDIAR BIGLARI  
*Third-Party Plaintiffs*

VS.

DAIMLERCHRYSLER CORPORATION  
*Third-Party Defendant*

NUECES COUNTY, TEXAS

**DEFENDANT'S ORIGINAL ANSWER**

TO THE HONORABLE COUNTY COURT AT LAW:

Defendant, Evelyn J. Scott, as personal representative of the Estate of Parisa L. Biglari files her original answer to Plaintiff's Original Petition.

1. Defendant generally denies Plaintiff's allegation.
2. As set forth in the Third-Party Petition against DaimlerChrysler Corporation filed contemporaneously with this answer, the accident and Plaintiff's damages resulted from defects in the 2006 Jeep Liberty and the negligence of DaimlerChrysler Corporation, which designed and manufactured the 2006 Jeep Liberty that Parisa Biglari was driving at the time of the accident.

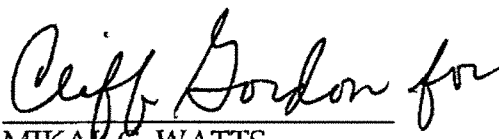
FILED-PARISA BIGLARI  
CLERK OF COUNTY &  
DISTRICT CLERK  
NUECES COUNTY, TEXAS  
2007 JUN 18 P 3:44  
OFFICE

EA12-005- Chrysler -00754

3. For these reasons, Defendant requests that the Court render judgment that Plaintiff take nothing from Defendant and grant Defendant all other proper relief.

Respectfully submitted,

WATTS LAW FIRM, L.L.P.  
Bank of America Plaza, Suite 100  
300 Convent Street  
San Antonio, Texas 78205  
Phone: 210-527-0500  
Fax: 210-527-0501

By:   
MIKAL C. WATTS  
State Bar No. 20981820

FRANCISCO GUERRA, IV.  
State Bar No. 00796844

GUY L. WATTS II  
State Bar No. 24005316

And

Gerry Goldstein  
GOLDSTEIN, GOLDSTEIN AND HILLEY  
29th Floor, Tower Life Building  
310 S. St. Mary's Street  
San Antonio, Texas 78205  
Tel: 210-226-1463  
Fax 210-226-8367  
SBN: 08101000

**ATTORNEYS FOR DEFENDANT,  
EVELYN J. SCOTT**

**CERTIFICATE OF SERVICE**

I certify that a true copy of Defendant's Original Answer was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on the 18th day of June, 2007, as follows:

Victor I. Cerda  
THE CERDA LAW FIRM, P.C.  
A Professional Corporation  
5410 Fredericksburg #310  
San Antonio, Texas 78229

**Via fax: 210-212-5880**

  
\_\_\_\_\_  
GUY L. WATTS II

EA12-005

CHRYSLER

12-13-2012

Enclosure 3 – Public

Subject Vehicles

Lawsuits and Claims

Jeep Liberty (KJ)

# BUENA PARK POLICE DEPARTMENT

1c/050707 6650 BEACH BLVD., BUENA PARK, CA. 90622  
COP Traf Sgt. det crt 2 da (714) 562-3901

CR:

07-03566

CROSS REF:

COPIES TO:

CRIME REPORT  INCIDENT REPORT  FOLLOW-UP REPORT

C.O.P.

PRIMARY CRIME CODE PC 191.5(a)	CRIME / CLASSIFICATION GROSS VENTRICULAR MANDSLAUGHTER	OCCURRED DATE 5-6-07	TIME 0122
2ND CRIME CODE 23153(a)VC	3RD CRIME CODE	BETWEEN DATE	TIME
ADDRESS / LOCATION LA MERIDA / ALONZA	BUSINESS NAME	REPORTED DATE	TIME
	CITY SP		

CODE V	NAME (Last, First, Middle) UNR	SEX	RACE	D.O.B.						
SUSPECT ONLY	AGE	HEIGHT	WEIGHT	HAIR	EYES	S.S.N.	GANG NAME	<input type="checkbox"/> Known <input type="checkbox"/> Suspected <input type="checkbox"/> Associate	MONIKER / A.K.A.	
RESIDENCE ADDRESS <input type="checkbox"/> Same as Crime Address						CITY	STATE	ZIP	RESIDENCE PHONE	
EMPLOYER / SCHOOL						OCCUPATION / GRADE			D.L. or I.D. NUMBER	STATE
EMPLOYMENT ADDRESS <input type="checkbox"/> Same as Crime Address <input type="checkbox"/> Same as Residence Address						CITY	STATE	ZIP	EMPLOYMENT PHONE	
LICENSE NUMBER	STATE	YEAR	MAKE	MODEL	BODY	COLOR(S)	IDENTIFYING CHARACTERISTICS			

### SOLVABILITY:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Victim Will Prosecute     | <input type="checkbox"/> Suspect Arrested          | <input type="checkbox"/> Suspect Vehicle Identified   |
| <input type="checkbox"/> Victim Will Not Prosecute | <input type="checkbox"/> Suspect Named             | <input type="checkbox"/> Identifiable Stolen Property |
| <input type="checkbox"/> Witness To Crime          | <input type="checkbox"/> Suspect Can Be Identified | <input type="checkbox"/> Significant Evidence         |

DESCRIBE BRIEFLY HOW OFFENSE WAS COMMITTED

ESTIMATED LOSS AND/OR INJURIES

NARRATIVE DICTATED

DEFENDANT'S EXHIBIT  
6  
10/24/08

Crime / Incident, Suspect(s) - require "Checkbox Forms" (PD 303)

EA12-005 Chrysler -025003

PD 115 Rev 02/97	REPORTING OFFICER BOOTH	I.D. # 722	RMS ENTERED BY	DATE	APPROVED BY RS #883	DATE / TIME 5-8-07 2130
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**BUENA PARK POLICE DEPARTMENT**

CR: 07-03566

CRIME REPORT     INCIDENT REPORT     FOLLOW-UP REPORT

Page #: 2

CODE <u>W</u>	NAME (Last, First, Middle) [REDACTED]						SEX <u>F</u>	RACE <u>W</u>	D.O.B. [REDACTED]	
SUSPECT ONLY	AGE	HEIGHT	WEIGHT	HAIR	EYES	S.S.N.	GANG NAME <input type="checkbox"/> Known <input type="checkbox"/> Suspected <input type="checkbox"/> Associate			MONIKER / A.K.A.
	RESIDENCE ADDRESS <input type="checkbox"/> Same as Crime Address [REDACTED]						CITY <u>LA MERASA CA</u>	STATE <u>CA</u>	ZIP [REDACTED]	RESIDENCE PHONE [REDACTED]
EMPLOYER / SCHOOL <u>CENTRALVA SCHOOL DIST</u>				OCCUPATION / GRADE <u>BUS DRIVER</u>				D.L. or I.D. NUMBER [REDACTED]		STATE <u>CA</u>
EMPLOYMENT ADDRESS <input type="checkbox"/> Same as Crime Address <input type="checkbox"/> Same as Residence Address [REDACTED]						CITY	STATE	ZIP	EMPLOYMENT PHONE [REDACTED]	
LICENSE NUMBER	STATE	YEAR	MAKE	MODEL	BODY	COLOR(S)	IDENTIFYING CHARACTERISTICS			
—	—	—	—	—	—	—	—			

CODE <u>W</u>	NAME (Last, First, Middle) [REDACTED]						SEX <u>M</u>	RACE <u>W</u>	D.O.B. [REDACTED]	
SUSPECT ONLY	AGE	HEIGHT	WEIGHT	HAIR	EYES	S.S.N.	GANG NAME <input type="checkbox"/> Known <input type="checkbox"/> Suspected <input type="checkbox"/> Associate			MONIKER / A.K.A.
	RESIDENCE ADDRESS <input type="checkbox"/> Same as Crime Address [REDACTED]						CITY <u>LA MERASA CA</u>	STATE <u>CA</u>	ZIP [REDACTED]	RESIDENCE PHONE [REDACTED]
EMPLOYER / SCHOOL <u>KENNEDY HS</u>				OCCUPATION / GRADE <u>12TH</u>				D.L. or I.D. NUMBER <u>NONE</u>		STATE —
EMPLOYMENT ADDRESS <input type="checkbox"/> Same as Crime Address <input type="checkbox"/> Same as Residence Address [REDACTED]						CITY	STATE	ZIP	EMPLOYMENT PHONE [REDACTED]	
LICENSE NUMBER	STATE	YEAR	MAKE	MODEL	BODY	COLOR(S)	IDENTIFYING CHARACTERISTICS			
—	—	—	—	—	—	—	—			

CODE	NAME (Last, First, Middle)						SEX	RACE	D.O.B.	
SUSPECT ONLY	AGE	HEIGHT	WEIGHT	HAIR	EYES	S.S.N.	GANG NAME <input type="checkbox"/> Known <input type="checkbox"/> Suspected <input type="checkbox"/> Associate			MONIKER / A.K.A.
	RESIDENCE ADDRESS <input type="checkbox"/> Same as Crime Address						CITY	STATE	ZIP	RESIDENCE PHONE
EMPLOYER / SCHOOL				OCCUPATION / GRADE				D.L. or I.D. NUMBER		STATE
EMPLOYMENT ADDRESS <input type="checkbox"/> Same as Crime Address <input type="checkbox"/> Same as Residence Address						CITY	STATE	ZIP	EMPLOYMENT PHONE	
LICENSE NUMBER	STATE	YEAR	MAKE	MODEL	BODY	COLOR(S)	IDENTIFYING CHARACTERISTICS			

P-CODE	ITEM	QTY	P-TYPE	DESCRIPTION OF PROPERTY	SERIAL NUMBER	VALUE

**PROPERTY CODES**

S = Stolen                      L = LOST  
 R = Recovered                F = FOUND  
 SR = Stolen / Recovered

**PROPERTY TYPES**

A = Currency                  C = Consumable Goods (Drugs)              J = Jewelry                      O = Office Equipment (Computers)  
 AP = Auto Parts                F = Firearms                                      K = Livestock                    T = TV, Radios, Stereo, Camera Equipment  
 B = Clothing / Furs            H = Household Goods                          M = Miscellaneous Goods      EA12-005- Chrysler -025004

Crime / Incident, Suspect(s) - require "Checkbox Forms" (PD 303)

PD 115 Rev 02/97	REPORTING OFFICER <u>BOOTH</u>	I.D.# <u>722</u>	RMS ENTERED BY	DATE	APPROVED BY <u>14</u>	DATE / TIME
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**BUENA PARK POLICE DEPARTMENT  
CONTINUATION REPORT**

CR# 07-03566

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**WITNESS/DRIVER:**

[REDACTED]  
La Mirada, California [REDACTED]

**WITNESS/PASSENGER:**

[REDACTED] (DOB: [REDACTED])

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**NARRATIVE:**

On 5-6-07, at approximately 0122 hours, I responded to the intersection of La Mirada and Alondra regarding a traffic collision.

While en route to the location, Dispatch advised that a victim involved in the accident was trapped under a vehicle and that the vehicle was engulfed in flames.

Upon my arrival, I saw that the victim vehicle was fully engulfed in flames and there was a decedent who was trapped beneath the vehicle and was clearly dead. For further information regarding the traffic collision, see Officer Reyes' narrative report.

Corporal Reyes directed me to witnesses [REDACTED] and [REDACTED] and requested that I take their statements.

I spoke with [REDACTED], and she told me the following:

Shortly before the accident, [REDACTED] was traveling eastbound Alondra in the No. 2 lane, approaching Trojan Way at approximately 40 miles per hour. Present with [REDACTED] was her

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**REPORTING OFFICER:** N. Booth, ID 722

EA12-005- Chrysler -025005

**APPROVING SUPERVISOR:** *K*

**DATE:**

**TIME:**

**1**



son, [REDACTED], who was sitting in the right front passenger seat. As [REDACTED] continued eastbound Alondra, she was suddenly passed by what she described as a small cream-colored car traveling at a high rate of speed in the No. 1 lane. [REDACTED] believed that the vehicle was traveling at approximately 70 to 80 miles per hour.

As the vehicle passed, [REDACTED] looked at her speedometer and saw that she was traveling 40 and she commented to her son that she believed that the vehicle was traveling at two times their speed. [REDACTED] then saw as the vehicle passed her, the vehicle swerved across the center double yellow line and that the vehicle was traveling within the fast lane of oncoming traffic. [REDACTED] saw that only the suspect vehicle's right front tire and right rear tire were traveling in the proper lane and that the rest of the vehicle was traveling over the double yellow line in the oncoming traffic lane. The vehicle then slowly swerved back into the No. 1 lane and [REDACTED] lost sight of the suspect vehicle.

[REDACTED] then approached a red signal light at the intersection of La Mirada and Alondra and it was at this time that she came to a stop at the signal light that she saw there was a huge fire and heard numerous explosions. [REDACTED] found that there had been an accident and she drove past the victim vehicle which was fully engulfed in flames and came to a stop at the intersection of Alondra and Harmon. [REDACTED] could see that an unidentified victim was pinned under the vehicle and that the unidentified victim was yelling for help. [REDACTED] did not know what to do for the flames and heat were so intense. She began to yell to the victim to pray to Jesus. [REDACTED] and her son were unable to approach the vehicle due to the flames and the heat, and after approximately four minutes, she could see that the unidentified victim stopped moving and she believed that he was dead.

I walked [REDACTED] to what I believed was the suspect vehicle which had come to a stop with severe damage just east of the location of the traffic collision. [REDACTED] positively identified the vehicle as the same vehicle that had passed her at a high rate of speed a short time before.

[REDACTED] concluded talking to me by stating that she attempted to call 911 on her cell phone numerous times but found that it was busy. I then ended any further interview with [REDACTED]

REPORTING OFFICER: N. Booth, ID 722

EA12-005-Chrysler-025006

APPROVING SUPERVISOR: /

DATE:

TIME:

2

I spoke briefly with [REDACTED] son, [REDACTED], and he told me the following:

[REDACTED] was riding as a passenger in the right front seat with his mother, [REDACTED] eastbound Alondra in the No. 2 lane at approximately 40 miles per hour. As they approached Trojan Way, [REDACTED] suddenly saw the suspect vehicle quickly pass them in the No. 1 lane at approximately 60 to 65 miles per hour. [REDACTED] believed that the vehicle was speeding. [REDACTED] at this time saw that his mother was traveling at approximately 40 miles per hour and was able to estimate the speed based upon his mother's speed. [REDACTED] then saw the suspect vehicle weave across the double yellow line into oncoming traffic. The vehicle then sped out of view, and as [REDACTED] approached the intersection of La Mirada and Alondra, he saw a vehicle which was on fire. [REDACTED] exited the vehicle and attempted to try to help the unidentified victim who was trapped under the vehicle and was screaming, "Help me." [REDACTED] was unable to help the victim due to the intense heat. [REDACTED] estimated that the victim was alive for approximately three minutes before he finally died and stopped moving.

[REDACTED] also stated that he attempted to call 911 numerous times on his cell phone but that the 911 line was busy.

I walked [REDACTED] to the location where the suspect vehicle had come to a stop, and [REDACTED] positively identified the suspect vehicle as the same vehicle that had passed [REDACTED] and he moments before the collision.

Neither [REDACTED] nor [REDACTED] were able to identify the driver of the vehicle that had passed them.

Transcribed by: M. Kuhn, 05-06-07, 1724 hours

REPORTING OFFICER: N. Booth, ID 722

EA12-005- Chrysler -025007

APPROVING SUPERVISOR: *lc*

DATE:

TIME:

3



**HOLD FOR TRAFFIC**

3760712602252  
 NOTE: CHP 180 IS FURNISHED TO ALL PEACE OFFICERS BY THE CALIFORNIA HIGHWAY PATROL  
 ACS: 2A)

REPORTING DEPARTMENT <b>BUENA PARK P.D.</b>		LOCATION CODE <b>3003</b>	DATE / TIME OF REPORT <b>5-6-07</b>	NOTICE OF STORED VEHICLE DELIVERED PERSONALLY <input checked="" type="checkbox"/>	FILE NO. <b>07-03566</b>
LOCATION TOWED / STOLEN FROM <b>15717 ALONDRA BLVD</b>		ODOMETER READING <b>169169</b>	VIN CLEAR IN SVS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	LIC. CLEAR IN SVS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DATE / TIME DISPATCH NOTIFIED <b>5-6-07/0122</b>
YEAR <b>97</b>	MAKE <b>NISS</b>	MODEL <b>ALTIMA</b>	BODY TYPE <b>4DR</b>	COLOR <b>GOLD</b>	LICENSE NO. <input type="checkbox"/> ONE <input type="checkbox"/> TWO <b>6/07</b>
VEHICLE IDENTIFICATION NO. <b>1N4BKU311D2VC</b>			ENGINE NO.	VALUATION BY <input type="checkbox"/> OFFICER <input type="checkbox"/> OWNER	STATE <b>CA</b>
REGISTERED OWNER [REDACTED] <b>OCEANSIDE, CA</b>			LEGAL OWNER <input type="checkbox"/> SAME AS BID <b>TRIAD FNCL CORP</b> <b>PO BOX 3299</b> <b>HUNTINGTON BCH, CA 92605</b>		

STORED  IMPOUNDED  RELEASED  RECOVERED - VEHICLE / COMPONENT

TOWING / STORAGE CONCERN (NAME, ADDRESS, PHONE) **BROOKHURST TOW (714) 220-9955** STORAGE AUTHORITY / REASON **22655.5 VC**

TOWED TO / STORED AT **1165 KNOWWOOD ANAHEIM** AIRBAG?  YES  NO DRIVEABLE?  YES  NO VIN SWITCHED?  YES  NO

CONDITION	YES	NO	ITEMS	YES	NO	ITEMS	YES	NO	ITEMS	YES	NO	TIRES / WHEELS	CONDITION
WRECKED	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEAT (FRONT)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	REGISTRATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CAMPER	<input type="checkbox"/>	<input type="checkbox"/>	LEFT FRONT	
BURNED MULK per 431(c) VC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SEAT (REAR)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ALT. / GENERATOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VESSEL AS LOAD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RIGHT FRONT	<b>FLAT</b>
VANDALIZED	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RADIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BATTERY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FIREARMS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	LEFT REAR	<b>OK</b>
ENG / TRANS STRIP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TAPE DECK	<input type="checkbox"/>	<input type="checkbox"/>	DIFFERENTIAL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	OTHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RIGHT REAR	<b>OK</b>
MISC PARTS STRIP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TAPES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TRANSMISSION	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	SPARE	
BODY METAL STRIP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	OTHER RADIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	AUTOMATIC	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	HUB CAPS	<b>YES</b>
SURGICAL STRIP per 431(b) VC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	IGNITION KEY	<input type="checkbox"/>	<input type="checkbox"/>	MANUAL	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	SPECIAL WHEELS	<b>NO</b>

RELEASE VEHICLE TO:  R/O DR AGENT  AGENCY HOLD  22850.3 VC GARAGE PRINCIPAL (AGENT) STORING VEHICLE (SIGNATURE) **[Signature]** DATE / TIME

NAME OF PERSON / AGENCY AUTHORIZING RELEASE ID NO. DATE CERTIFICATION: I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM LEGALLY AUTHORIZED AND ENTITLED TO TAKE POSSESSION OF THE ABOVE DESCRIBED VEHICLE  
 SIGNATURE OF PERSON AUTHORIZING RELEASE SIGNATURE OF PERSON TAKING POSSESSION

STOLEN VEHICLE / COMPONENT  EMBEZZLED VEHICLE  PLATE(S) REPORT


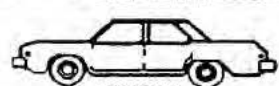



DATE / TIME OF OCCURRENCE	DATE / TIME REPORTED	NAME OF REPORTING PARTY (R/P)	DRIVER LICENSE NO. / STATE
LAST DRIVER OF VEHICLE	DATE / TIME	ADDRESS OF R/P	TELEPHONE OF R/P ( ) Investigator

I CERTIFY OR DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT. SIGNATURE OF PERSON TAKING REPORT **[Signature]** RELEASED TO: **Associated Professional**

REMARKS (LIST PROPERTY, TOOLS, VEHICLE DAMAGE, ARRESTS) NOTICE: THIS REPORT IS THE PROPERTY OF THE CALIFORNIA HIGHWAY PATROL AND IS LOANED TO YOU FOR YOUR USE ONLY. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

DRIVER'S NAME <b>R/O</b>	ARRESTED / SECTION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <b>23153(a)(1)</b>	REPORTED BY <b>[Signature]</b>	CARGO / TYPE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	VALUE \$ <input type="checkbox"/> BILL OF LADING ATTACHED
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**MAJOR FRONT END T/C DAMAGE** **L.T.** **6/18/08**  
**PAINT DAMAGE ON TRUNK**  
**SIDE DAMAGE**  
 (DATE OF RELEASE) (RELEASING PERSON'S NAME)

				
SIGNATURE OF OFFICER TAKING REPORT <b>GEYER</b>	I.D. NO. <b>718</b>	SUPERVISOR <b>KS #663</b>	REQUIRED NOTICES SENT TO REGISTERED AND LEGAL OWNERS PER 22652 VC? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DATE NOTIFIED <b>05-06-07</b>

**STOLEN / EMBEZZLED NARRATIVE**

1. AREA <input type="checkbox"/> RURAL <input type="checkbox"/> URBAN		2. TAKEN FROM <input type="checkbox"/> STREET <input type="checkbox"/> PARKING LOT <input type="checkbox"/> GARAGE <input type="checkbox"/> DRIVEWAY <input type="checkbox"/> OTHER _____					3. REGISTRATION IN VEHICLE? <input type="checkbox"/> YES <input type="checkbox"/> NO				
4. WAS NEIGHBORHOOD CHECKED FOR VEHICLE, WITNESSES, CLUES, OTHER CRIMES? <input type="checkbox"/> YES <input type="checkbox"/> NO			5. PAYMENTS CURRENT? <input type="checkbox"/> YES <input type="checkbox"/> NO		6. DOORS LOCKED? <input type="checkbox"/> YES <input type="checkbox"/> NO		7. KEYS IN VEHICLE? <input type="checkbox"/> YES <input type="checkbox"/> NO		8. ALL KEYS ACCOUNTED FOR? <input type="checkbox"/> YES <input type="checkbox"/> NO		
9. WHEN WAS VEHICLE LAST SERVICED?				10. WHERE?				11. IS THIS THE USUAL MECHANIC? <input type="checkbox"/> YES <input type="checkbox"/> NO			
12. RECENTLY LEFT IN PARKING GARAGE OR PARKING VALET SERVICE? <input type="checkbox"/> YES <input type="checkbox"/> NO				13. IF YES, WHERE?				14. VEHICLE EQUIPPED WITH ORIGINAL ENGINE? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK			
15. ORIGINAL TRANSMISSION? <input type="checkbox"/> YES <input type="checkbox"/> NO			18. ORIGINAL PAINT? <input type="checkbox"/> YES <input type="checkbox"/> NO			17. IF ANSWER TO 14, 15, OR 16 IS NO, PROVIDE ADDITIONAL INFORMATION, SERIAL NO., ORIGINAL COLOR, ETC.					
16. HAS VEHICLE BEEN PREVIOUSLY INVOLVED IN AN ACCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO				19. IF YES, HAS DAMAGE BEEN FIXED? <input type="checkbox"/> YES <input type="checkbox"/> NO				20. PARTS DAMAGED			
21. FACTORY EQUIPPED RADIO? <input type="checkbox"/> YES <input type="checkbox"/> NO				22. IF NO, MAKE AND SERIAL NO.				23. DOES VEHICLE HAVE LOCKING GAS CAP? <input type="checkbox"/> YES <input type="checkbox"/> NO			
24. IS VEHICLE FULLY INSURED? <input type="checkbox"/> YES <input type="checkbox"/> NO				25. NAME / ADDRESS OF INSURANCE COMPANY							
26. NAME / ADDRESS OF NEAREST RELATIVE NOT LIVING WITH R/P											

27. IDENTIFYING MARKS, BUMPER STICKERS, ADD ON EQUIPMENT, ETC.

28. SUSPECT NAME			DRIVER LICENSE NO. / STATE		ADDRESS	
HEIGHT	WEIGHT	EYES	HAIR	MISC.		

**RECOVERY NARRATIVE**

29. NAME, DATE AND CASE NUMBER OF REPORTING AGENCY

30. AREA RECOVERED <input type="checkbox"/> RURAL <input type="checkbox"/> URBAN		31. DESCRIPTION OF RECOVERY AREA				32. RECOVERY <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL	
33. ANY EVIDENCE LOCATED? <input type="checkbox"/> YES <input type="checkbox"/> NO			34. WITNESSES, CLUES AND OTHER CRIMES			35. HAVE MISSING, IDENTIFIABLE PARTS BEEN ENTERED IN SVS? <input type="checkbox"/> YES <input type="checkbox"/> NO	

**COMPONENT RECOVERY**

36. DESCRIPTION			37. SERIAL NO.		
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**NARRATIVE**

THE ABOVE LISTED VEH WAS INVOLVED IN A DWI COLLISION. VEH WAS STORED FOR EVID. DRIVER WAS ARRESTED FOR FELONY DWI.

1 LaMar B. Brown, SBN 93280  
Ted B. Wacker, SBN 157416  
2 ROBINSON, CALCAGNIE & ROBINSON  
620 Newport Center Drive, Suite 700  
3 Newport Beach, California 92660  
Telephone: (949) 720-1288  
4 Facsimile: (949) 720-1292  
lbrown@rcrlaw.net  
5 twacker@rcrlaw.net

6 Attorneys for Plaintiffs  
GARY QUINTANA and TERRY QUINTANA,  
7 individually, and as Successors in interest to  
the ESTATE OF JUSTIN QUINTANA  
8

9  
10 SUPERIOR COURT OF CALIFORNIA  
11 COUNTY OF ORANGE

12 GARY QUINTANA and TERRY  
QUINTANA, individually, and as  
13 Successors in interest to the ESTATE OF  
JUSTIN QUINTANA,

14 Plaintiffs,

15 vs.

16 DAIMLERCHRYSLER CORPORATION;  
17 WHITTIER CHRYSLER, INC., a  
California corporation; MICHAEL  
18 RAYMOND SOLANO, an individual; and  
DOES 1 through 100, Inclusive,  
19

20 Defendants.  
21  
22

) Case No. 30-2008 00106067

) Complaint Filed 4-3-08

) Assigned to Honorable Judge Derek W. Hunt, Dept. C24

**FIRST AMENDED COMPLAINT FOR  
DAMAGES**

-WRONGFUL DEATH  
(C.C.P. § 377.60, et seq.)  
-PERSONAL INJURY SURVIVAL ACTION  
(C.C.P. § 377.20, et seq.)  
-PUNITIVE DAMAGES  
(Civ. C. §3294)

23  
24  
25 COME NOW GARY QUINTANA and TERRY QUINTANA, individually, and as  
26 Successors in interest to the ESTATE OF JUSTIN QUINTANA, and for causes of action against  
27 Defendants, and each of them, allege as follows:  
28

1 GENERAL ALLEGATIONS

2 1. The events giving rise to the complaint herein occurred on or about May 6, 2007, at  
3 approximately 1:22 a.m. near the intersection of Alondra Boulevard and La Mirada Boulevard, in  
4 the City of Buena Park, State of California.

5 2. Plaintiffs GARY QUINTANA and TERRY QUINTANA, parents of the decedent  
6 JUSTIN QUINTANA, bring this action individually and as Successors in interest to the ESTATE  
7 OF JUSTIN QUINTANA.

8 3. At all times herein mentioned, Plaintiffs GARY QUINTANA and TERRY  
9 QUINTANA were and are residents of La Mirada, and Decedent JUSTIN QUINTANA was a  
10 resident of, the City of a Mirada, County of Orange, State of California. Decedent JUSTIN  
11 QUINTANA was 30 years old at the time of his death.

12 4. The true names and capacities, whether individual, plural, corporate, partnership,  
13 associate or otherwise, of DOES 1 through 100, inclusive, are unknown to Plaintiffs, who  
14 therefore sue said defendants by such fictitious names. The full extent of the facts linking such  
15 fictitiously sued defendants with the causes of action alleged is unknown to Plaintiffs. Plaintiffs  
16 are informed and believe, and thereupon allege, that each of the defendants designated herein as a  
17 DOE was and is negligently, carelessly, recklessly, unlawfully, tortiously, wantonly, wrongfully,  
18 illegally, or in some other actionable manner, responsible for the events and happenings  
19 hereinafter referred to, and thereby negligently, carelessly, recklessly, unskillfully, unlawfully,  
20 tortiously, wantonly, wrongfully and illegally proximately caused the hereinafter described  
21 injuries and damages to the Plaintiffs. Plaintiffs will seek leave of court to amend this complaint  
22 to show defendants' true names and capacities after the same have been ascertained.

23 5. Plaintiffs are informed and believe and thereupon allege that at all times mentioned  
24 herein defendant MICHAEL RAYMOND SOLANO is an individual who resides in the County  
25 of San Diego, State of California.

26 6. Plaintiffs are informed and believe and thereon allege that at all times herein  
27 mentioned, Defendants DAIMLERCHRYSLER CORPORATION, and DOES 11 through 76, and  
28 each of them, were and are corporations or other business entities authorized to do business in the

1 State of California, including selling, leasing or otherwise providing motor vehicles for use in the  
2 State of California, and whose agent for service of process is CT Corporation, 818 West 7th  
3 Street, Los Angeles, California 90017.

4 7. Plaintiffs are informed and believe and thereon allege that at all times herein  
5 mentioned, Defendant WHITTIER CHRYSLER, INC. was and is a corporation or other business  
6 entity authorized to do business in the State of California, including selling, leasing or otherwise  
7 providing motor vehicles for use in the State of California, and whose agent for service of  
8 process is Bryan Gonzales, 13840 E. Whittier Boulevard, Whittier, California 90605.

9 8. Plaintiffs are informed and believe and thereon allege that at all times herein  
10 mentioned, Defendant DAIMLERCHRYSLER CORPORATION, WHITTIER CHRYSLER,  
11 INC., and DOES 11 through 75, each of them, were acting as agents and employees of each  
12 other, and at all times herein mentioned, were acting within the scope, purpose and authority of  
13 that agency and employment and with the full knowledge, permission, and consent of each other.

14 9. On or about May 6, 2007, at approximately 1:22 a.m., JUSTIN QUINTANA was  
15 an occupant in a 2004 Jeep Liberty vehicle, California License Plate 5EUU436, (hereinafter the  
16 "Subject Vehicle") at or near the intersection of Alondra Boulevard and La Mirada Boulevard, in  
17 the City of Buena Park, State of California (the "Accident Site"). At said time and place, the  
18 Subject Vehicle was rear-ended by the 1997 Nissan Altima vehicle, bearing California license  
19 plate number 3WAW622, driven by Defendant MICHAEL RAYMOND SOLANO.

20 10. As the result of the Subject Accident, JUSTIN QUINTANA suffered fatal injuries.  
21

22 **FIRST CAUSE OF ACTION**

23 **NEGLIGENCE**

24 **(By Plaintiffs Against Defendant Michael Raymond Solano, and Does 1 through 10)**

25 11. Plaintiffs re-allege as though fully set forth at length and incorporate by reference  
26 herein all of the allegations and statements heretofore set forth in this Complaint as though fully  
27 set forth herein.

28 12. On May 6, 2007, defendant MICHAEL RAYMOND SOLANO, and DOES 1



1 through 10, and each of them, were operating a 1997 Nissan Altima vehicle, bearing California  
2 vehicle license plate number 3WAW622, on public streets and thoroughfares in the County of  
3 Orange, State of California. As such, Defendants, and each of them, owed a duty to exercise  
4 ordinary care in the ownership, maintenance, repair, inspection, and operation of the 1997 Nissan  
5 Altima vehicle in order to avoid exposing persons or property to an unreasonable risk of harm.

6 13. On May 6, 2007, at approximately 1:22 a.m., decedent JUSTIN QUINTANA was  
7 riding in the Subject Vehicle at or near the intersection of Alondra Boulevard and La Mirada  
8 Boulevard, in the City of Buena Park, State of California (the "Accident Site"), when the Subject  
9 Vehicle was struck from the rear by the 1997 Nissan Altima vehicle, bearing California license  
10 plate number 3WAW622, driven by Defendant MICHAEL RAYMOND SOLANO  
11 ("SOLANO") and DOES 1 through 10, and each of them.

12 14. Upon impact the Subject Vehicle overturned and burst into flames. Decedent  
13 JUSTIN QUINTANA was trapped inside and unable to get out of the vehicle. JUSTIN  
14 QUINTANA died at the scene.

15 15. Defendant SOLANO so negligently, wantonly, recklessly, tortiously, wrongfully,  
16 and unlawfully drove the 1997 Nissan Altima vehicle, driving at an excessive rate of speed,  
17 driving under the influence of alcohol, and failing to keep a proper lookout while driving, that he  
18 ran into the rear of the Subject Vehicle of decedent JUSTIN QUINTANA.

19 16. As a direct and proximate result of the negligent, wanton, reckless, tortuous,  
20 wrongful and unlawful conduct of Defendants SOLANO and DOES 1 through 10, and each of  
21 them, in the entrustment, management, and operation of the 1997 Nissan Altima vehicle,  
22 decedent JUSTIN QUINTANA suffered fatal injuries and Plaintiffs GARY QUINTANA and  
23 TERRY QUINTANA suffered severe personal injuries as further alleged herein.

24 17. As a further legal result of the negligence of said Defendants, and each of them,  
25 including DOES 1 through 10, Plaintiffs GARY QUINTANA and TERRY QUINTANA have  
26 suffered and continue to suffer from the loss of care, comfort, society and financial support of  
27 decedent JUSTIN QUINTANA. Furthermore, Plaintiffs GARY QUINTANA and TERRY  
28 QUINTANA, as Successors in interest to JUSTIN QUINTANA, suffered and continue to incur



1 financial losses, all to Plaintiffs' special and general damage in an amount according to proof.

2  
3 **SECOND CAUSE OF ACTION**

4 **STRICT PRODUCT LIABILITY**

5 **(By Plaintiffs Against Defendants DaimlerChrysler Corporation,**  
6 **Whittier Chrysler, Inc., and Does 11 through 75, inclusive)**

7 18. Plaintiffs re-allege as though fully set forth at length and incorporate by reference  
8 herein all of the allegations and statements heretofore set forth in this Complaint as though fully  
9 set forth herein.

10 19. Plaintiffs are informed and believe and thereon allege that at all times herein  
11 mentioned, Defendants DAIMLERCHRYSLER CORPORATION, WHITTIER CHRYSLER,  
12 INC., and DOES 11 through 75, inclusive, and each of them, were the manufacturers, designers,  
13 developers, processors, producers, assembler, buildings, testers, inspectors, installers, equippers,  
14 endorsers, exporters, wholesalers, retailers, lessors, renters, sellers, modifiers, repairers, providers  
15 and otherwise distributors of the Subject Vehicle. The Decedent JUSTIN QUINTANA purchased  
16 the 2004 Jeep liberty vehicle from the dealer, WHITTIER CHRYSLER, INC. on or about  
17 October 25, 2003.

18 20. Plaintiffs are informed and believe and thereon allege that the gas tank of the  
19 Subject Vehicle was defective at the time of its manufacture, design, development, production,  
20 assembly, building, testing, inspection, installation, equipping, endorsement, exportation,  
21 importation, wholesaling, retailing, selling, renting, leasing, modification, repair and entrustment  
22 and that said gas tank failed to meet the reasonable expectations of safety of the class of persons  
23 of which Decedent JUSTIN QUINTANA and Plaintiffs were members, and that any benefits  
24 derived from the design of said gas tank were substantially outweighed by the risk of harm  
25 inherent in said design in that, and not by way of limitation, despite the availability to Defendants  
26 of safer alternative designs, said gas tank presented a substantial and unreasonable risk of death  
27 or injury to the users of Jeeps with said gas tank or those in the vicinity of their use.

28 21. Specifically, Plaintiffs are informed and believe that said gas tank was defective in

1 its design, construction, assembly and manufacture and dangerous to life and limb of the users  
2 and occupants thereof, in that, among other things and not by way of limitation, said gas tank  
3 was so poorly designed and manufactured that it failed to maintain its integrity under normal  
4 operating conditions, including the Subject Accident. The aforementioned defects created a  
5 substantial danger which was unknown to Decedent JUSTIN QUINTANA and Plaintiffs, and the  
6 public in general, and would not be recognized by the ordinary user, and said Defendants failed  
7 to give adequate warning of such danger.

8 22. Prior to the distribution and sale of said Jeep Liberty vehicles, Defendants  
9 DAIMLERCHRYSLER CORPORATION, WHITTIER CHRYSLER, INC., and DOES 11  
10 through 75, inclusive, and each of them, knew the subject gas tank was in a defective condition  
11 as previously described. Further, said Defendants, through their officers, directors and managing  
12 agents had prior notice and knowledge from several sources, including but not limited to test  
13 results and multiplicity of tests run prior to the date of said accident, internal memoranda and  
14 correspondence, and industry publications, as well as notice of thousands of serious injuries  
15 caused by the design of the subject gas tank, that the gas tank was defective and presented a  
16 substantial and unreasonable risk of harm to the American motoring public, including Decedent  
17 JUSTIN QUINTANA and Plaintiffs in that said defects unreasonably subject occupants to injury  
18 or death as a result of the failure in the event of foreseeable motor vehicle accidents. As a result  
19 of these defects, the Decedent JUSTIN QUINTANA died due to the gas tank exploding, which  
20 death would not have occurred absent these defects.

21  
22 **THIRD CAUSE OF ACTION**

23 **NEGLIGENCE**

24 **(By Plaintiffs Against Defendants DaimlerChrysler Corporation,**  
25 **Whittier Chrysler, Inc., and Does 11 through 75, inclusive)**

26 23. Plaintiffs re-allege as though fully set forth at length and incorporate by reference  
27 herein all of the allegations and statements heretofore set forth in this Complaint as though fully  
28 set forth herein.

1           24. At all times herein mentioned, Defendants, and each of them, had a duty not to  
2 unreasonably manufacture, develop, design, process, produce, assemble, build, test, inspect,  
3 install, warn, equip, endorse, expert, import, wholesale, retail, sell, lease, rent, modify, repair or  
4 entrust said vehicle. Said Defendants, and each of them, breached their duty to Plaintiffs and  
5 Plaintiffs' Decedent, thereby causing the injuries and damages as herein described. More  
6 specifically, Defendants DAIMLERCHRYSLER CORPORATION; WHITTIER CHRYSLER,  
7 INC., and DOES 11 through 75, inclusive, and each of them, acted unreasonably in designing,  
8 manufacturing, marketing, selling and leasing products which presented a substantial and  
9 unreasonable risk of injury or death to vehicle occupants, including Decedent JUSTIN  
10 QUINTANA.

11           25. The negligence of said Defendants, and each of them, was a substantial factor in  
12 causing the injuries and damages herein alleged.

13  
14                               **FOURTH CAUSE OF ACTION**

15                               **BREACH OF WARRANTY**

16                           **(By Plaintiffs Against Defendants DaimlerChrysler Corporation,**  
17                               **Whittier Chrysler, Inc., and Does 11 through 75, inclusive)**

18           26. Plaintiffs re-allege as though fully set forth at length and incorporate by reference  
19 herein all of the allegations and statements heretofore set forth in this Complaint as though fully  
20 set forth herein.

21           27. At all times herein mentioned, Defendants DAIMLERCHRYSLER  
22 CORPORATION; WHITTIER CHRYSLER, INC., and DOES 11 through 75, inclusive, and  
23 each of them, designed, developed, processed, repaired, inspected, represented, tested,  
24 distributed, sold, consigned, delivered, maintained and operated for purpose of sale and  
25 distribution, said vehicle for use by the general public.

26           28. Plaintiffs are informed and believe, and based upon such information and belief  
27 allege, that at the time and place of said sale, delivery, distribution, repair, consignment,  
28 maintenance, or operation of said vehicle, said Defendants expressly and implied warranted to

1 each buyer and user and to all persons reasonably expected to be in the immediate vicinity of said  
2 vehicle during use in any manner, that said vehicle was reasonably fit and safe for its intended  
3 purposes, and that said vehicle was accordingly of merchantable quality throughout.

4 29. At the time and place of said sale, delivery, distribution or supply, said vehicle was  
5 not reasonably fit and safe for its intended use by buyers, users or persons reasonably anticipated  
6 to be in the vicinity of the use of said products, including Decedent JUSTIN QUINTANA and  
7 Plaintiffs GARY QUINTANA and TERRY QUINTANA, and were therefore not of  
8 merchantable quality and constituted extreme danger and hazard to persons using or in the  
9 vicinity of said products.

10 30. The defendants expressly warranted that the Jeep Liberty was built with the  
11 owner's utmost safety in mind.

12 **"JEEP LIBERTY – BUILT FOR ADVENTURE. QUALITY CONCEPT.** The  
13 life of every Jeep liberty begins at our state-of-the-art Toledo North Assembly  
14 Plant (TNAP). There, skilled workers utilize a system of statistical process controls  
15 and performance feedback systems to ensure each Liberty that rolls off the line is  
16 of the highest quality. **STAUNCH SUPPORT** – The UniFrame construction is the  
17 stiffest the Jeep Brand has ever produced...Achieved in part by the extensive use of  
18 high-strength steel reinforcing members, this durable combination of Liberty's  
19 body and frame into one solid unit contributes to the safety and long-term  
20 dependability of the vehicle structure."

21 31. The defendants expressly warranted that the Jeep was the reason we won World  
22 War II, providing the consumer with the belief that it was built with military use and safety in  
23 mind. **The Jeep Brand: A Hero's Trail** – describing a vehicle with "heroic capability" and that  
24 each Jeep is built to travel a "hero's trail."

25 32. The defendants also breached the implied warranty of merchantability wherein an  
26 implied warranty is breached when the vehicle is not in a safe condition and free of any defects  
27 consistent with the principle that the vehicle should be fit for the ordinary purpose for which it is  
28 used.

1 33. As a result of said breaches of warranty, both express and implied, JUSTIN  
2 QUINTANA suffered fatal injuries and Plaintiffs GARY QUINTANA and TERRY QUINTANA  
3 suffered severe personal injuries.

4 34. At the aforementioned time and place Decedent JUSTIN QUINTANA was an  
5 occupant of a 2004 Jeep Liberty vehicle, bearing California license plate number 5EUU436,  
6 which was traveling near the intersection of Alondra Boulevard and La Mirada Boulevard, when,  
7 due to the dangerous conditions as herein described, a 1997 Nissan Altima vehicle being driven  
8 by MICHAEL RAYMOND SOLANO rear-ended the vehicle JUSTIN QUINTANA occupied,  
9 causing the vehicle to become engulfed in flames, resulting in fatal injuries to JUSTIN  
10 QUINTANA.

11 35. Based upon the warranties and representations made by the defendants, both  
12 express and implied, the Decedent should not have been engulfed in flames from a rear-end  
13 impact.

14 **FIFTH CAUSE OF ACTION**

15 **WRONGFUL DEATH**

16 **(By Plaintiffs Against Defendants DaimlerChrysler Corporation, Whittier Chrysler, Inc.,  
17 Michael Raymond Solano, and Does 1 through 100)**

18 36. Plaintiffs re-allege as though fully set forth at length and incorporate by reference  
19 herein all of the allegations and statements heretofore set forth in this Complaint as though fully  
20 set forth herein.


21 37. By reason of the acts and omissions of Defendants, and each of them, proximately  
22 causing the untimely and unfortunate death of JUSTIN QUINTANA, Plaintiffs have been  
23 deprived of the love, inspiration, comfort, services, society, support and care of decedent JUSTIN  
24 QUINTANA, all to their damage in a sum which will conform to proof at the time of trial.

25 WHEREFORE, Plaintiffs pray judgment against the Defendants DAIMLERCHRYSLER  
26 CORPORATION; WHITTIER CHRYSLER, INC., a California corporation; MICHAEL  
27 RAYMOND SOLANO, an individual; CITY OF BEUNA PARK, and DOES 1 through 100,  
28 Inclusive, and each of them, as follows:

1. General damages in an amount in excess of the minimum jurisdictional limits of the Superior Court and according to proof;
2. Special damages in an amount within the jurisdiction of the Superior Court and according to proof;
3. Loss of earnings according to proof;
4. For burial, funeral and related expenses according to proof;
5. For property damage according to proof;
6. For exemplary damages against Defendants DAIMLERCHRYSLER CORPORATION, only;
7. Prejudgment interest according to proof;
8. Costs of suit; and
9. Such other and further relief as this Court deems proper.

DATED: August 4<sup>th</sup>, 2008

**ROBINSON, CALCAGNIE & ROBINSON**

By:   
LAMAR B. BROWN  
TED B. WACKER  
Attorneys for Plaintiffs

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**PROOF OF SERVICE**

I certify that I am over the age of 18 years and not a party to the within action; that my business address is ROBINSON, CALCAGNIE & ROBINSON, 620 Newport Center Drive, Suite 700, Newport Beach, California 92660; Telephone: (949) 720-1288; Facsimile: (949) 720-1292

and that on this date I placed a true copy of the foregoing document(s) entitled:

**First Amended Complaint**

on the parties in this action by placing a true copy thereof in a sealed envelope addressed as stated below:

Rod J. Cappy, Esq.  
GRACE COSGROVE & SCHIRM  
444 South Flower Street, Suite 1100  
Los Angeles, CA 90071  
Tel: (213) 533-5400  
Fax: (213) 533-5444


Attorneys for Defendant  
Chrysler LLC/Whittier Chrysler, Inc.

X

**By Mail:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Newport Beach, CA in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 4, 2008 at Newport Beach, California.

  
Capazin Thornton

DEFENDANT'S EXHIBIT  
2  
10/28/08  
PENAD 800-631-6888

5-15-07 LC CTDA Traffic Egt 4/3

STATE OF CALIFORNIA, CITY OF BUENA PARK, 3003  
COUNTY OF ORANGE, N. J. C.  
TRAFFIC COLLISION SUPPLEMENTEL REPORT

CR# 07-03566

LOCATION AND/OR SUBJECT:

Alondra Blvd / La Mirada Blvd

Narrative:

On 05-06-2007 Officers responded to an injury collision. Vehicle#1 was eastbound on Alondra Blvd when it struck vehicle#2, which was eastbound in front of vehicle#1.

On 05-08-2007 Officer L. Ungles # 847 completed the factual diagram of the collision scene. The factual diagram is attached.

REPORTING OFFICER: T. Reyes # 741

DATE: 05-13-07  
EA12005 Chryse-0230207

APPROVING SUPERVISOR: *L. Stanley*

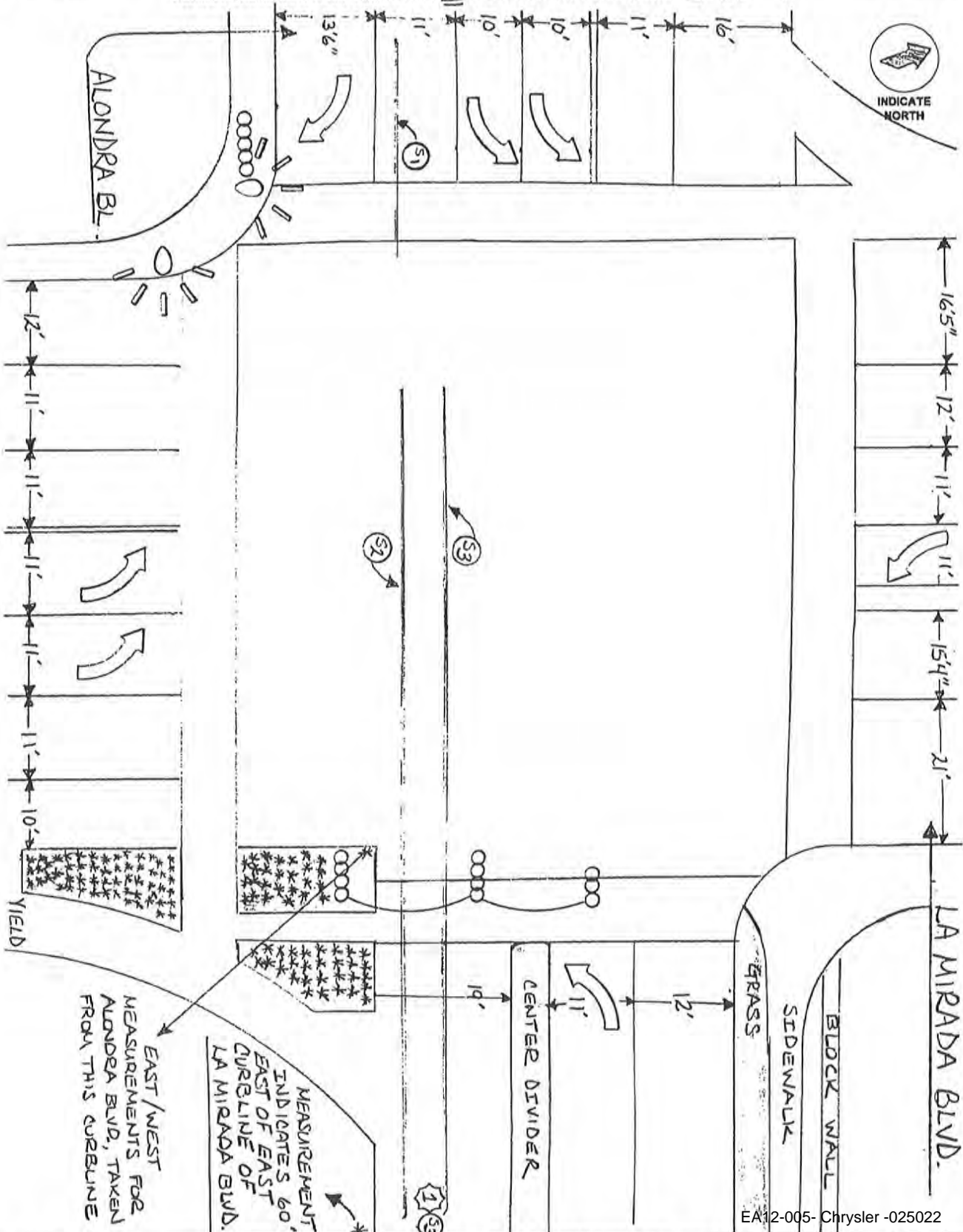
DATE: 05-13-07

TIME:



DATE OF COLLISION (MO. DAY YEAR) <b>05/06/07</b>	TIME (2400) <b>0122 HRS.</b>	NCIC # <b>3003</b>	OFFICER I.D. <b>741</b>	NUMBER <b>07-03566</b>
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE = 1" = 20')



EA12-005- Chrysler -025022

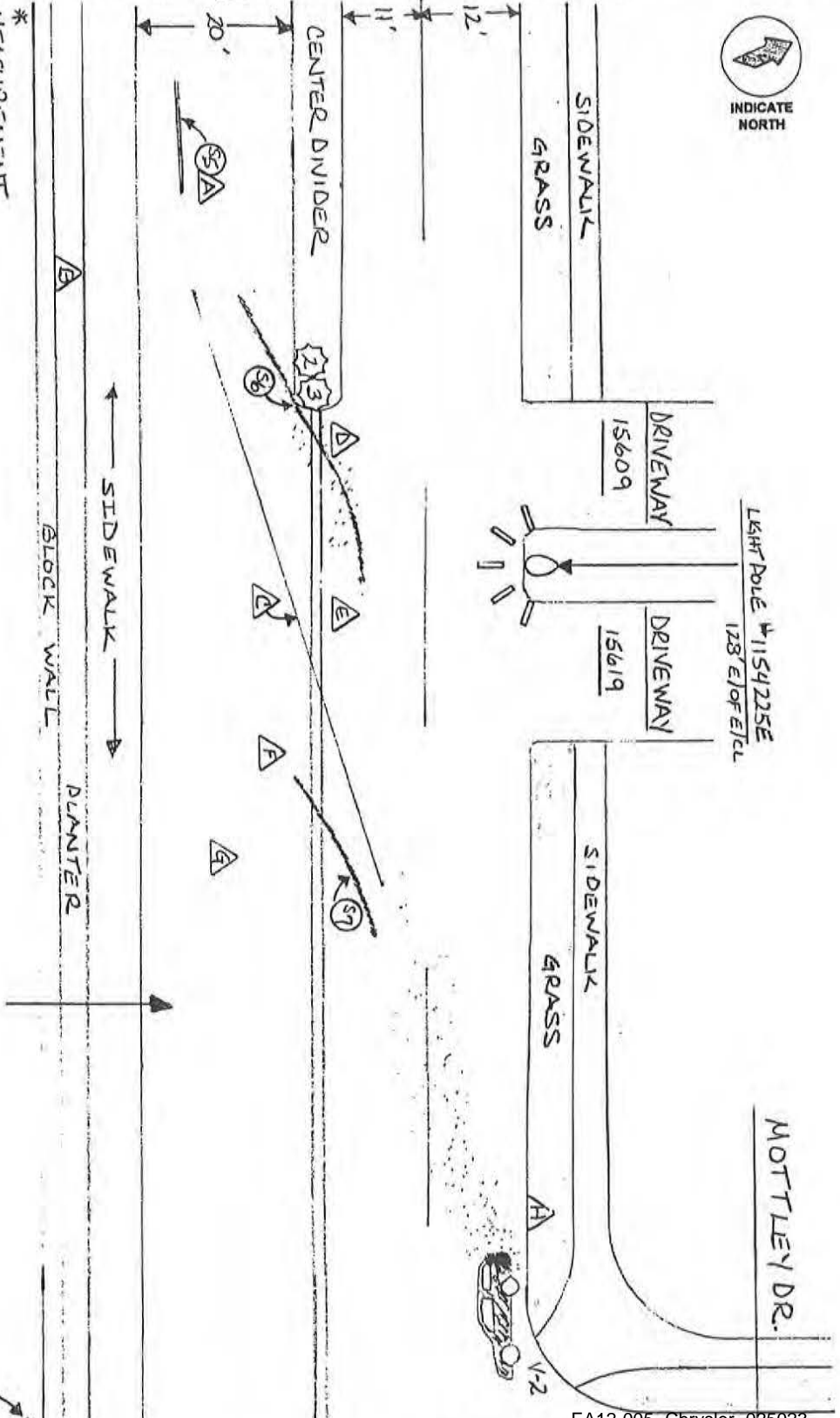
PREPARED BY <b>L. UNGLES</b>	I.D. NUMBER <b>847</b>	MO. DAY YEAR <b>05/06/07</b>	REVIEWER'S NAME <b>L. Hendy</b>	MO. DAY YEAR <b>05/13/07</b>
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DATE OF COLLISION (MO. DAY YEAR) <b>05/06/07</b>	TIME (2400) <b>0122 HRS.</b>	NCIC # <b>3003</b>	OFFICER I.D. <b>741</b>	NUMBER <b>07-03566</b>
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE = 1" = 20')

\* MEASUREMENT INDICATES 60' EAST OF EAST CURBLINE OF LA MIRADA BL.

\* MEASUREMENT INDICATES 240' EAST OF EAST CURBLINE OF LA MIRADA BLVD.

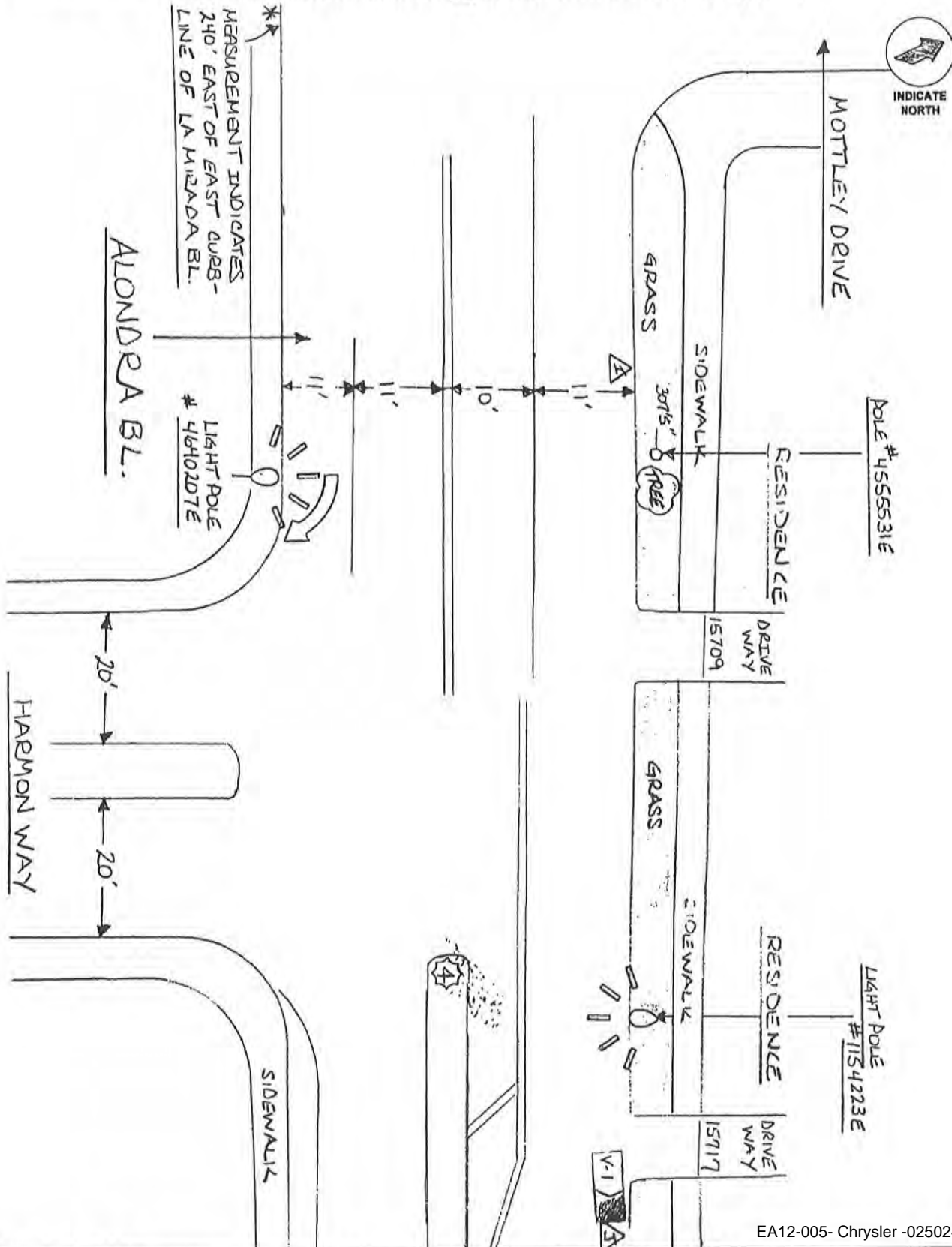


EA12-005- Chrysler -025023

PREPARED BY <b>L. UNGLER</b>	I.D. NUMBER <b>847</b>	MO. DAY YEAR <b>05/06/07</b>	REVIEWER'S NAME <b>L. Henry</b>	MO. DAY YEAR <b>05 1307</b>
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DATE OF COLLISION (MO. DAY YEAR) <b>5/06/07</b>	TIME (2400) <b>0122 HRS.</b>	NCIC # <b>3003</b>	OFFICER I.D. <b>741</b>	NUMBER <b>07-03566</b>
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE = 1" = 20' )



EA12-005- Chrysler -025024

PREPARED BY <b>L. UNGLES</b>	I.D. NUMBER <b>847</b>	MO. DAY YEAR <b>05/06/07</b>	REVIEWER'S NAME <b>L. Huxley</b>	MO. DAY YEAR <b>05-1307</b>
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**BUENA PARK POLICE DEPARTMENT**

Date – 05/06/07

Page 5 of 6

Traffic Collision Investigation

CR # - 07-03566

DIAGRAM / LEGEND

VEHICLES V-1 – 1997 Nissan Altima – Ca. Lic. # [REDACTED]  
 V-2 – 2004 Jeep Liberty – Ca. Lic. # [REDACTED]

Measurements taken from  
 East of the East Curb      North of the South Curb  
Line of La Mirada Blvd.      Line of Alondra Blvd.

AREA OF IMPACTS = 

AOI # 1	V-1 (Nissan) vs. V-2 (Jeep)	51' 2"	8'
AOI # 2	V-2 vs. Center Divider Curb	106'	17'
AOI # 3	V-2 vs. Sign Post / Pole	107'	18' 9"
AOI # 4	V-1 vs. Sign Post / Pole	384' 10"	17' 4"

POINTS OF REST

V-1 – Left Front Tire	475' 5"	@ N / C/L
V-1 – Left Rear Tire	466' 7"	35' 10"
V-1 – Right Front Tire	475' 10"	31' 4"
V-1 – Right Rear Tire	467'	29' 9"
V-2 – Left Front Tire	227'	43' 6"
V-2 – Left Rear Tire	217' 3"	42' 4"

SKIDMARKS

Ⓢ1	V-1 – R/R Tire - Starts	34' 6" (W/of west CL)	17' 6"
	- Ends	3' (W/of west CL)	17' 6"
	Total length of pre-impact skid – 31' 6"		
Ⓢ2	V-1 – R/R Tire - Starts	67' (W/ of west CL)	4' 6"
	- Ends	55'	4'
	Total length of pre-impact skid – 122' 2"		

Ofc. L. Ungles, ID # 847

Date – 05/06/07

Approved by [Signature] EA12-0067 Chrysler -025025

**BUENA PARK POLICE DEPARTMENT**

Date – 05/06/07

Page 6 of 6

Traffic Collision Investigation

CR # 07-03566

Measurements taken from

East of the East Curb	North of the South Curb
<u>Line of La Mirada Blvd.</u>	<u>Line of Alondra Blvd.</u>

Ⓢ3	V-1 – L/R Tire - Starts	67' (W/of west C/L)	9' 6"
	- Ends	55'	9'
	Total length of pre-impact skid – 122'		
Ⓢ4	V-2 R/R Tire Scuff - Starts	52' 1"	6'
	- Ends	61'	8'
Ⓢ5	V-1 R/R Tire Scuff – Starts	70'	3' 5"
	- Ends	82' 9"	6' 6"
Ⓢ6	V-2 L/R Tire Scuff - Starts	89' 11"	12' 1"
	- Ends	135' 1"	27' 4"
Ⓢ7	V-2 R/R Tire Scuff - Starts	153'	21'
	- Ends	174' 10"	29' 2"

PHYSICAL EVIDENCE △

△	V-2 – Red Plastic Lens - Pieces	81' 6"	6' 8"
△	V-2 – Right Rear Bumper Guard	96'	4' (S/ of South C/L)
△	V-1 – Gouge / Scrapes – Starts	96' 4"	8' 10"
	- Ends	156'	29'
△	Street Sign Post	113'	20' 7"
△	V-2 – Rear License Plate # 5EUU436	138' 5"	22' 8"
△	V-1 – Plastic Battery Box Cover	153' 10"	17'
△	V-1 – Front Headlight lens	166' 3"	11' 5"
△	Street Sign Pole / Post	151'	48'
△	V-2 – Rear Suspension Coil Spring	297' 4"	@ North C/L
△	Street Sign Pole / Post	476'	35'



**TRAFFIC COLLISION REPORT**  
 CHP 555 CARS Page 1 (Rev 8/98) OPI 042


21011c/050707 COP Traf Sgt. dat crt 2 da

SPECIAL CONDITIONS FATAL: DUI		NUMBER INJURED 0	HIT & RUN FLEWY <input type="checkbox"/>	CITY BUENA PARK	JUDICIAL DISTRICT NJC		LOCAL REPORT NUMBER 07-03566					
		NUMBER KILLED 2	HIT & RUN W/DECEASED <input type="checkbox"/>	COUNTY ORANGE	REPORTING DISTRICT BEAT							
LOCATION	COLLISION OCCURRENCE ALONDRA				MO 05	DAY 06	YEAR 2007	TIME (2400) 0122	NOIC # 3003	OFFICER I.D. 741		
	MILEPOST INFORMATION:				DAY OF WEEK SUNDAY		TOW AWAY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		PHOTOGRAPHS BY: <input type="checkbox"/> NONE			
	AT INTERSECTION WITH: <input checked="" type="checkbox"/> OR: 51.2 FEET EAST OF LA MIRADA BLVD				STATE HWY REL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		CSI: BONFIL #1086					
PARTY 1	DRIVER'S LICENSE NUMBER			STATE CA	CLASS C	SAFETY EQUIP G	VEH YEAR 1997	MAKE / MODEL / COLOR NISS ALTIMA GLD		LICENSE NUMBER	STATE CA	
DRIVER	NAME (FIRST MIDDLE LAST)			OWNER'S NAME <input checked="" type="checkbox"/> SAME AS DRIVER								
PEDESTRIAN	STREET ADDRESS			OWNER'S ADDRESS <input checked="" type="checkbox"/> SAME AS DRIVER								
PARKED VEHICLE	CITY / STATE / ZIP SAN DIEGO CA			DISPOSITION OF VEHICLE ON ORDERS OF: <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER								
BICYCLIST	SEX M	HAIR BRN	EYES BRN	HEIGHT 5-06	WEIGHT 160	Mo [ ]	BIRTHDATE Day [ ]	Year [ ]	RACE	BROOKHURST TOW - (714)220-9955		
OTHER	HOME PHONE			BUSINESS PHONE			VEHICLE IDENTIFICATION NUMBER:					
INSURANCE CARRIER				POLICY NUMBER								
DIR OF TRAVEL		ON STREET OR HIGHWAY			SPEED LIMIT							
E		LA MIRADA BLVD			25							
PARTY 2	DRIVER'S LICENSE NUMBER			STATE	CLASS	SAFETY	VEH YEAR	MAKE / MODEL / COLOR		LICENSE NUMBER	STATE	
DRIVER	NAME (FIRST MIDDLE LAST)			OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER								
PEDESTRIAN	STREET ADDRESS			OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER								
PARKED VEHICLE	CITY / STATE / ZIP			DISPOSITION OF VEHICLE ON ORDERS OF: <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER								
BICYCLIST	SEX	HAIR	EYES	HEIGHT	WEIGHT	Mo	BIRTHDATE Day	Year	RACE	BROOKHURST TOW - (714)220-9955		
OTHER	HOME PHONE			BUSINESS PHONE			VEHICLE IDENTIFICATION NUMBER:					
INSURANCE CARRIER				POLICY NUMBER								
DIR OF TRAVEL		ON STREET OR HIGHWAY			SPEED LIMIT							
E		LA MIRADA BLVD			25							
PARTY 3	DRIVER'S LICENSE NUMBER			STATE	CLASS	SAFETY	VEH YEAR	MAKE / MODEL / COLOR		LICENSE NUMBER	STATE	
DRIVER	NAME (FIRST MIDDLE LAST)			OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER								
PEDESTRIAN	STREET ADDRESS			OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER								
PARKED VEHICLE	CITY / STATE / ZIP			DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER								
BICYCLIST	SEX	HAIR	EYES	HEIGHT	WEIGHT	Mo	BIRTHDATE Day	Year	RACE	BROOKHURST TOW - (714)220-9955		
OTHER	HOME PHONE			BUSINESS PHONE			VEHICLE IDENTIFICATION NUMBER:					
INSURANCE CARRIER				POLICY NUMBER								
DIR OF TRAVEL		ON STREET OR HIGHWAY			SPEED LIMIT							
PREPARER'S NAME				DISPATCH NOTIFIED				REVIEWER'S NAME				DATE REVIEWED
CORPORAL T. REYES 741				<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A				X. Henly				05-07-07

STATE OF CALIFORNIA  
**TRAFFIC COLLISION CODING**  
 CHP 555 CARS Page2 (8/98) OPI 042

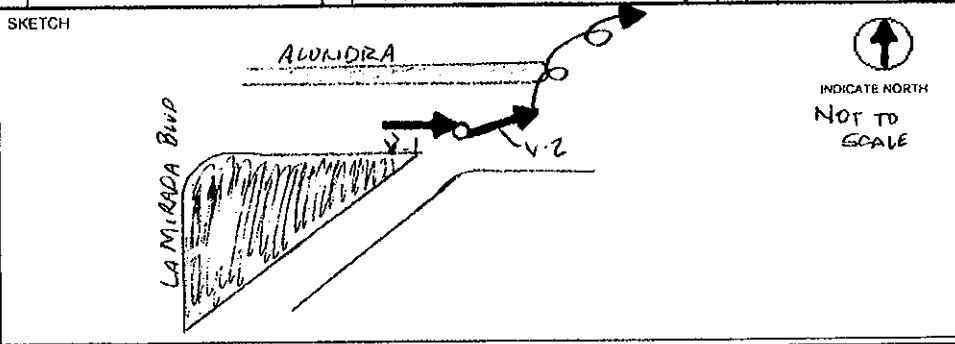
DATE OF COLLISION (MO DAY YEAR) 05/06/2007	TIME(2400) 0122	NCIC # 3003	OFFICER I D 741	NUMBER 07-03566
---	--------------------	----------------	--------------------	--------------------

<b>PROPERTY DAMAGE</b>	OWNER CITY OF BUENA PARK	OWNER ADDRESS 6650 BEACH BLVD BUENA PARK, CA 90622	NOTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	DESCRIPTION OF DAMAGE (2) SIGN POSTS KNOCKED DOWN		

<b>SEATING POSITION</b> 	<b>OCCUPANTS</b> A - NONE IN VEHICLE B - UNKNOWN C - LAP BELT USED D - LAP BELT NOT USED E - SHOULDER HARNESS USED F - SHOULDER HARNESS NOT USED G - LAP/SHOULDER HARNESS USED H - LAP/SHOULDER HARNESS NOT USED J - PASSIVE RESTRAINT USED K - PASSIVE RESTRAINT NOT USED	<b>SAFETY EQUIPMENT</b> 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	<b>MC BICYCLE - HELMET</b> DRIVER V - NO W - YES PASSENGER X - NO Y - YES	<b>EJECTED FROM VEHICLE</b> 0 - NOT EJECTED 1 - FULLY EJECTED 2 - PARTIALLY EJECTED 3 - UNKNOWN
--	--	---	---	---

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (\*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR LIST NUMBER (#) OF PARTY AT FAULT	TRAFFIC CONTROL DEVICES	TYPE OF VEHICLE			MOVEMENT PRECEDING COLLISION	
		1	2	3		
1 A VC SECTION VIOLATED: CITED X YES NO 23152(A)	X A CONTROLS FUNCTIONING	X	X	A PASSENGER CAR / STATION WAGON	A STOPPED	
B OTHER IMPROPER DRIVING*	B CONTROLS NOT FUNCTIONING*			B PASSENGER CAR W / TRAILER	B PROCEEDING STRAIGHT	
C OTHER THAN DRIVER*	C CONTROLS OBSCURED			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*	<b>TYPE OF COLLISION</b>			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	
	D BROADSIDE			I OTHER BUS	I PASSING OTHER VEHICLE	
<b>WEATHER (MARK 1 TO 2 ITEMS)</b>	E HIT OBJECT			J EMERGENCY VEHICLE	J CHANGING LANES	
X A CLEAR	F OVERTURNED			K HIGHWAY CONST. EQUIPMENT	K PARKING MANEUVER	
B CLOUDY	G VEHICLE / PEDESTRIAN			L BICYCLE	L ENTERING TRAFFIC	
C RAINING	H OTHER*			M OTHER VEHICLE	M OTHER UNSAFE TURNING	
D SNOWING	<b>MOTOR VEHICLE INVOLVED WITH</b>			N PEDESTRIAN	N XING INTO OPPOSING LANE	
E FOG / VISIBILITY FT.	A NON - COLLISION			O MOPED	O PARKED	
F OTHER*	B PEDESTRIAN			<b>OTHER ASSOCIATED FACTORS (MARK 1 TO 2 ITEMS)</b>		
G WIND	C OTHER MOTOR VEHICLE	1	2	A VC SECTION VIOLATED: CITED X YES NO 22350		
<b>LIGHTING</b>	D MOTOR VEHICLE ON OTHER ROADWAY			B VC SECTION VIOLATED: CITED X YES NO		
A DAYLIGHT	E PARKED MOTOR VEHICLE	X		C VC SECTION VIOLATED: CITED X YES NO	1 2 3	
B DUSK - DAWN	F TRAIN			D	A HAD NOT BEEN DRINKING	
X C DARK - STREET LIGHTS	G BICYCLE			E VISION OBSCUREMENT:	B HBD - UNDER INFLUENCE	
D DARK - NO STREET LIGHTS	H ANIMAL:			F INATTENTION*	C HBD - NOT UNDER INFLUENCE*	
E DARK - STREET LIGHTS NOT FUNCTIONING*	I FIXED OBJECT:			G STOP & GO TRAFFIC	D HBD - IMPAIRMENT UNKNOWN*	
<b>ROADWAY SURFACE</b>	J OTHER OBJECT:			H ENTERING / LEAVING RAMP	E UNDER DRUG INFLUENCE*	
X A DRY	<b>PEDESTRIAN'S ACTIONS</b>			I PREVIOUS COLLISION	F IMPAIRMENT - PHYSICAL*	
B WET	X A NO PEDESTRIANS INVOLVED			J UNFAMILIAR WITH ROAD	G IMPAIRMENT NOT KNOWN	
C SNOWY - ICY	B CROSSING IN CROSSWALK AT INTERSECTION			K DEFECTIVE VEH. EQUIP.: CITED X YES NO	H NOT APPLICABLE	
D SLIPPERY (MUDDY, OILY, ETC.)	C CROSSING IN CROSSWALK - NOT AT INTERSECTION			L UNINVOLVED VEHICLE	I SLEEPY / FATIGUED	
<b>ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)</b>	D CROSSING - NOT IN CROSSWALK			M OTHER*	<b>SPECIAL INFORMATION</b>	
A HOLES, DEEP RUT*	E IN ROAD - INCLUDES SHOULDER			N NONE APPARENT	A HAZARDOUS MATERIAL	
B LOOSE MATERIAL ON ROADWAY*	F NOT IN ROAD	X	X	O RUNAWAY VEHICLE	B CELL PHONE IN USE	
C OBSTRUCTION ON ROADWAY*	G APPROACHING / LEAVING SCHOOL BUS				C CELL PHONE NOT IN USE	
D CONSTRUCTION - REPAIR ZONE					D CELL PHONE NONE/UNKNOWN	
E REDUCED ROADWAY WIDTH						
F FLOODED*						
G OTHER*						
X H NO UNUSUAL CONDITIONS						



MISCELLANEOUS

EA12-005- Chrysler -025028

STATE OF CALIFORNIA  
**INJURED / WITNESSES / PASSENGERS**  
 CHP 555 CARS Page 3 (Rev 8/98) OPI 042

DATE OF COLLISION (MO. DAY YEAR) 05/06/2007				TIME(2400) 0122		NCIC # 3003		OFFICER I.D. 741			NUMBER 07-03566							
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	BICLYCLIST	OTHER						
<input type="checkbox"/> #	<input type="checkbox"/>			<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"/>	<input type="checkbox"/>	2	1	B	0	
NAME / D.O.B. / ADDRESS JOHN DOE # 1 NFD													TELEPHONE					
(INJURED ONLY) TRANSPORTED BY:													TAKEN TO:					
DESCRIBE INJURIES: DECEASED																		
															<input type="checkbox"/>		VICTIM OF VIOLENT CRIME NOTIFIED	
<input type="checkbox"/> #	<input type="checkbox"/>		M	<input checked="" type="checkbox"/>	<input 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	3	B	2	
NAME / D.O.B. / ADDRESS JOHN DOE # 2													TELEPHONE					
(INJURED ONLY) TRANSPORTED BY:													TAKEN TO:					
DESCRIBE INJURIES: DECEASED																		
															<input type="checkbox"/>		VICTIM OF VIOLENT CRIME NOTIFIED	
<input checked="" type="checkbox"/> #	1																	
NAME / D.O.B. / ADDRESS [REDACTED] LA MIRADA CA [REDACTED]													TELEPHONE [REDACTED]					
(INJURED ONLY) TRANSPORTED BY:													TAKEN TO:					
DESCRIBE INJURIES:																		
															<input type="checkbox"/>		VICTIM OF VIOLENT CRIME NOTIFIED	
<input checked="" type="checkbox"/> #	2																	
NAME / D.O.B. / ADDRESS [REDACTED] LA MIRADA CA [REDACTED]													TELEPHONE [REDACTED]					
(INJURED ONLY) TRANSPORTED BY:													TAKEN TO:					
DESCRIBE INJURIES:																		
															<input type="checkbox"/>		VICTIM OF VIOLENT CRIME NOTIFIED	
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NAME / D.O.B. / ADDRESS													TELEPHONE					
(INJURED ONLY) TRANSPORTED BY:													TAKEN TO:					
DESCRIBE INJURIES:																		
															<input type="checkbox"/>		VICTIM OF VIOLENT CRIME NOTIFIED	
<input type="checkbox"/> #																		
NAME / D.O.B. / ADDRESS													TELEPHONE					
(INJURED ONLY) TRANSPORTED BY:													TAKEN TO:					
DESCRIBE INJURIES:																		
															<input type="checkbox"/>		VICTIM OF VIOLENT CRIME NOTIFIED	

EA12-005 INJURED / WITNESSES / PASSENGERS NOTIFIED

PREPARER'S NAME CORPORAL T. REYES				ID NUMBER 741		MO DAY YEAR 05/06/2007		REVIEWER'S NAME <i>L. Stanley</i>				MO DAY YEAR 05/07/07			
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**STATE OF CALIFORNIA, CITY OF BUENA PARK, 3003  
COUNTY OF ORANGE, N. J. C.  
TRAFFIC COLLISION INVESTIGATION REPORT**

CR# 07-03566

**LOCATION AND/OR SUBJECT:**

Alondra, just east of La Mirada Blvd

For this report Alondra Blvd will be an east and west running street and La Mirada Blvd will be a north/south running street.

**FACTS**

**NOTIFICATION:**

On 5-6-07, at approximately 0122 hours, myself and Officer Rice were in full uniform, driving a marked black and white police unit assigned to Buena Park Patrol. We responded to the area of La Mirada and Alondra in reference to an injury collision which had just occurred.

All times, speeds, and measurements in this report are approximate and were obtained by a two-wheel Rolatape.

**SCENE DESCRIPTION:**

Alondra Blvd is an east/west running street with one lane of travel in each direction. Both lanes of travel are separated with a raised center median which is approximately 3 feet in width which has plant material in the middle.

The intersection of Alondra and La Mirada is controlled by overhead tri-lights which were in good working order at the time.

The roadway is composed of asphaltic-concrete and was in good working condition at the time of this collision.

4

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**REPORTING OFFICER:** T. Reyes, ID# 741

**APPROVING SUPERVISOR:**

**DATE:**

**TIME** EA12-005- Chrysler -025030

**PARTIES:**

Upon my arrival, Party #1, driver of Vehicle #1, was standing next to his vehicle. His vehicle was parked along the north curb line of Alondra Blvd west of Motley Street. The vehicle was facing in an eastward direction. Party #1 was identified verbally as last of [REDACTED], first of [REDACTED].

Vehicle #2 was parked along the north curb line of Alondra just west of Motley Street. The vehicle was resting on the right side facing in an eastward direction. John Doe #1 was in the rear hatch area of the SUV and John Doe #2 had been partially ejected and was lying underneath the right side of the vehicle.

**PHYSICAL EVIDENCE:**

Vehicle #1 left locked front wheel skid as well as numerous debris at the AOI. Vehicle #2 left numerous scuff marks as well as debris in the roadway. All this evidence was photographed by CSI Bonfils and was documented by Officer Ungles and PSO Semaan. For further information, refer to page 4 which will start the factual diagram for this collision.

**STATEMENTS**

I made contact with Party #1, driver of Vehicle #1. Officers Rice and Geyer had already contacted the same. I attempted to speak to the subject, who had been identified verbally as last of [REDACTED], first of [REDACTED]. Due to his impairment, he was unable to answer questions. At this point, Officer Rice began his SFST's. For further information in reference SFST's, refer to Officer Rice's arrest report.

Officer Geyer also completed a follow-up report indicating statements that [REDACTED] made indicating he was the driver of the vehicle.

Inside Vehicle #2 there were two occupants. John Doe #1 was found in the rear hatch area of the SUV and John Doe #2 was found partially ejected on the right side of the vehicle trapped. Neither one of these subjects had identification on them. An ID card was found in the wallet next to John Doe #2 with the California driver's license of [REDACTED] with the name

**REPORTING OFFICER:** T. Reyes, ID# 741**APPROVING SUPERVISOR:****DATE:****TIME:** FA12-005- Chrysler 025031

**TRAFFIC COLLISION INVESTIGATION:**

CR# 07-03566

of [REDACTED] This was recovered by the coroner and booked into evidence by the coroner.

Next I spoke with witness #1, who was identified as last of [REDACTED] first of [REDACTED]. He was identified verbally and with a California driver's license. He stated the following:

He was stopped southbound Motley Street at Alondra. He stated he was getting ready to make a right hand turn when he observed the suspect's vehicle, Vehicle #1, eastbound Alondra through the intersection of La Mirada. He stated this vehicle was traveling at a high rate of speed, estimated to be a minimum of 60 to 70 miles per hour. He observed the vehicle enter the intersection. As it passed through the intersection of La Mirada Blvd, it struck Vehicle #2. Immediately upon impact, Vehicle #2 burst into flames. Vehicle #2 continued in a northeast direction, striking the center median. Once it struck the center median, the vehicle began to roll. The vehicle rolled in a north to east direction, coming to rest on the northwest corner of Alondra and Motley Street. The vehicle was totally engulfed in flames with one passenger partially ejected. The vehicle came to rest on its right side with John Doe #2 stuck on the right side underneath the vehicle. Vehicle #1 continued eastbound on Alondra, passing Motley Street. The vehicle then ran over the center median just east of Motley Street where it continued in a northeast direction where it struck the north curb line of Alondra and came to a rest. [REDACTED] could not identify the driver of Vehicle #1, nor could he tell how many occupants were inside Vehicle #1.

When Vehicle #2 came to rest on its right side, [REDACTED] immediately began contacting 911 via his cell phone. He stated he had contacted 911 several times, getting a busy signal. While on the cell phone with 911, he observed two males and one female attempt to help pull people out of the burning vehicle but were unable to do so.

I pointed to the vehicle which was just east of my location. I asked [REDACTED] if he recognized that vehicle. It was Vehicle #1, a Nissan Altima. He stated, yes, that was the vehicle which struck Vehicle #2. He positively identified the vehicle but again could not identify the driver or the number of occupants inside of the vehicle.

**REPORTING OFFICER:** T. Reyes, ID# 741

**APPROVING SUPERVISOR:**

**DATE:**

**TIME:** EA12-005- Chrysler -025032

Next I spoke with witness #2, last of [REDACTED], first of [REDACTED]. She stated the following:

Her house was directly north of the area of impact where the collision occurred. She did not see the collision but heard the impact and the violent noises made from the collision. She immediately ran out of her house and observed the SUV (Vehicle #2) lying on its right side at the corner of Alondra and Motley. She heard a man yelling for help. She immediately ran out and observed John Doe #2 who had been partially ejected from the vehicle. John Doe #2 was stuck under the vehicle. [REDACTED] attempted to help Party #2 out of his vehicle but was unable to do so due to the fact the flames became more intense and the heat was beginning to burn her.

### **OPINIONS & CONCLUSIONS**

#### **SUMMARY:**

Based on evidence at scene and all party statements, Party #1, driver of Vehicle #1, was traveling at a high rate of speed through the intersection of Alondra and La Mirada. He struck Vehicle #2 who was eastbound Alondra directly in front of him. The force of the impact caused Vehicle #2 to travel out of control in a northeast direction, subsequently striking the center median, causing the vehicle to trip and subsequently roll. It appears the force of the impact severed the gas tank on Vehicle #2, subsequently causing it to burst into flames immediately upon impact. Vehicle #2 came to rest on its right side on the north curb line of Alondra just west of Motley Street.

#### **AREA OF IMPACT:**

AOI was measured using a two-wheel Rolatape by Officer L. Ungles and PSO Semaan.

AOI was located at 51.2 feet east of the east curb line and 8 feet north of the south curb line.

**REPORTING OFFICER:** T. Reyes, ID# 741

**APPROVING SUPERVISOR:**

**DATE:**

**TIME:** FA12-005- Chrysler-025033

**TRAFFIC COLLISION INVESTIGATION:**

CR# 07-03566

For purposes of this report, Alondra Blvd is an east/west running street and La Mirada Blvd is a north/south running street.

**INTOXICATION NARRATIVE:**

Party #1, driver of Vehicle #1 (██████) displayed symptoms of being impaired. He had the odor of alcohol emitting from his person as well as bloodshot, watery eyes. He spoke with a slurred speech and had difficulty maintaining his balance. He walked with an unsteady gait. Based on this information and observed symptomologies, Officer Rice conducted SFST's. Based on SFST's, observed symptomologies, and driving pattern/history, Officer Rice formulated the opinion that ██████ was under the influence of an alcoholic beverage and unable to safely operate a motor vehicle upon a public highway. Party #1 (██████) was placed under arrest for 23153(a) CVC, felony DUI, as well as 191.5(a) PC, vehicular manslaughter.

**CAUSE:**

Based on all party statements, as well as evidence at scene, Party #1, driver of Vehicle #1, was found to be at fault with the primary collision factor of 23152(a) VC, DUI alcohol. A secondary collision factor of 22350 CVC was found also. Party #1 was taken into custody for felony DUI, felony manslaughter.

Due to his impairment, ██████ was unable to safely operate a motor vehicle upon a public highway. He was traveling in an excess of 60 to 70 miles per hour which was well above the 25-mile-an-hour speed limit for the residential area. This coupled with the fact of his impairment caused the collision. The outcome of this collision caused two fatalities.

**RECOMMENDATIONS**

I recommend this case be forwarded to the District Attorney for filing of felony DUI charges as well as felony manslaughter charges.

**REPORTING OFFICER:** T. Reyes, ID# 741**APPROVING SUPERVISOR:****DATE:****TIME:** EA12-005- Chrysler-5034

**TRAFFIC COLLISION INVESTIGATION:**

CR# 07-03566

## Additional information:

Deputy Coroner Ernie Colazo responded and took custody of both bodies. John Doe #1 who was found in the rear hatch area of the SUV was given the DR number of 07-02691-CO. The subject who was in the right side of the vehicle was given the DR number of 07-02692-CO.

Transcribed by: M. Kuhn, 05-06-07, 2128 hours

**REPORTING OFFICER:** T. Reyes, ID# 741

**APPROVING SUPERVISOR:**

**DATE:**

**TIME** FA12-005- Chrysler 025035

2102 5-10-07 X0 CPT DA Traffic Sgt.

**STATE OF CALIFORNIA, CITY OF BUENA PARK, 3003  
COUNTY OF ORANGE, N. J. C.  
TRAFFIC SUPPLEMENT**

CR# 07-03566

**LOCATION AND/OR SUBJECT:**

Alondra, 51.2 feet east of La Mirada Blvd.

**Summary:**

On 05-07-07 Corporal Hainley received a phone call from [REDACTED]. [REDACTED] stated she had witnessed the traffic collision that had occurred on 05-06-07 at approximately 0122 hours.

[REDACTED] stated she was making a right turn from Alondra onto La Mirada Blvd. As she was turning she observed a Vehicle pass her at a high rate of speed. [REDACTED] continued her turn. [REDACTED] stated she then saw sparks, then an explosion, and then flames. [REDACTED] stated she continued to Beach Blvd and saw a huge plume of smoke.

[REDACTED]

Buena Park, CA [REDACTED]

[REDACTED] Cell

**REPORTING OFFICER:** N. Semaan #1056

**DATE:** 05-08-07

**APPROVING SUPERVISOR:** *[Signature]*

**DATE:**

EA12-005-1011-025036

5-15-07 LC CT DA Traffic Eng 6/3

STATE OF CALIFORNIA, CITY OF BUENA PARK, 3003  
COUNTY OF ORANGE, N. J. C.  
TRAFFIC COLLISION SUPPLEMENTAL REPORT

CR# 07-03566

LOCATION AND/OR SUBJECT:

Alondra Blvd / La Mirada Blvd

Narrative:

On 05-06-2007 Officers responded to an injury collision. Vehicle#1 was eastbound on Alondra Blvd when it struck vehicle#2, which was eastbound in front of vehicle#1.

On 05-08-2007 Officer L. Ungles # 847 completed the factual diagram of the collision scene. The factual diagram is attached.

REPORTING OFFICER: T. Reyes # 741

DATE: 05-13-07

APPROVING SUPERVISOR: *J. Hanks*

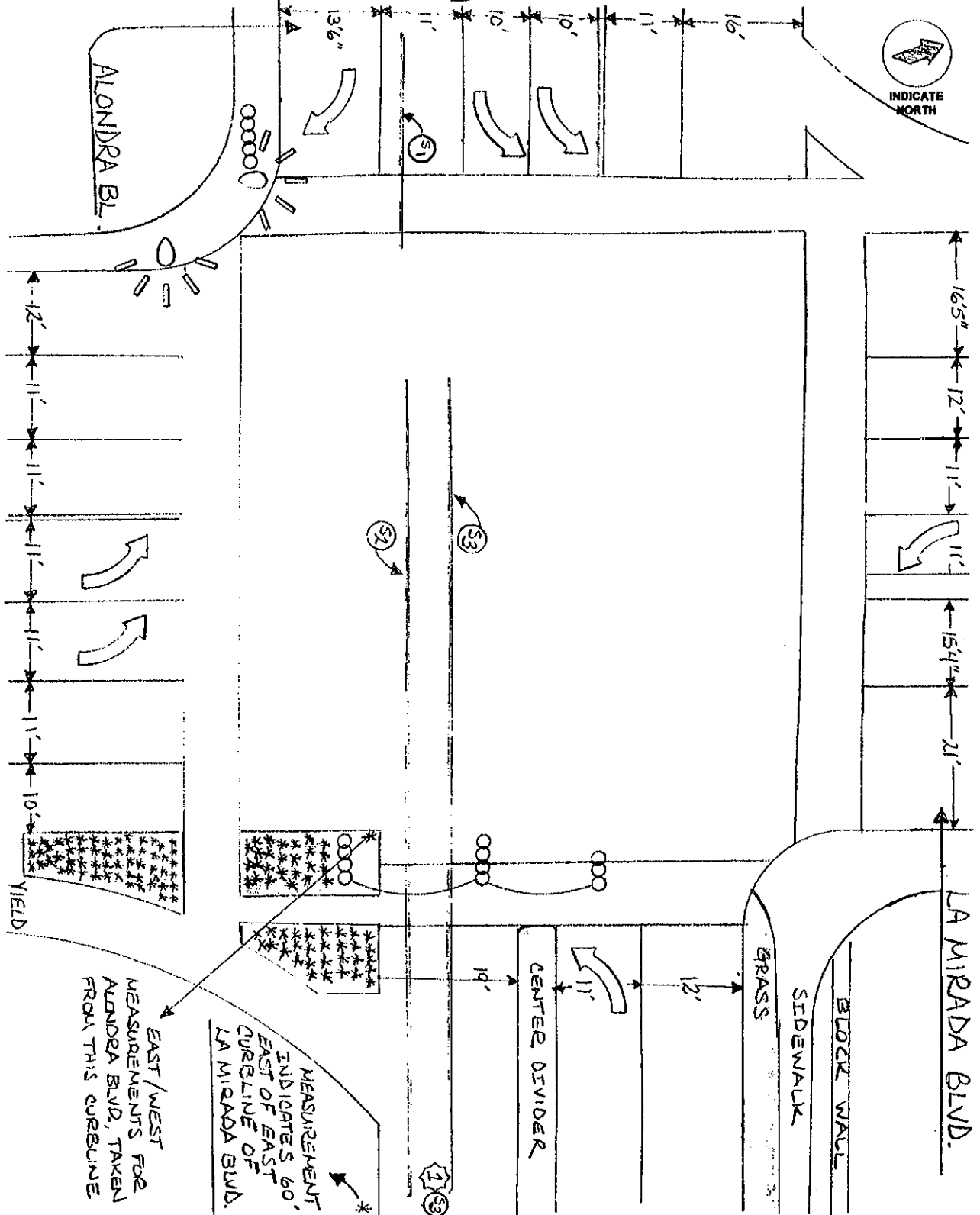
DATE: 05-13-07

TIME:  
EA12-005- Chrysler -025037



DATE OF COLLISION (MO. DAY YEAR) <b>05/06/07</b>	TIME (2400) <b>0122 HRS.</b>	NCIC # <b>3003</b>	OFFICER I.D. <b>741</b>	NUMBER <b>07-03566</b>
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE = 1" = 20')



PREPARED BY <b>L. UNGLES</b>	ID NUMBER <b>847</b>	MO. DAY YEAR <b>05/06/07</b>	REVIEWER'S NAME <b>L. Healy</b>	MO. DAY YEAR <b>05/13/07</b>
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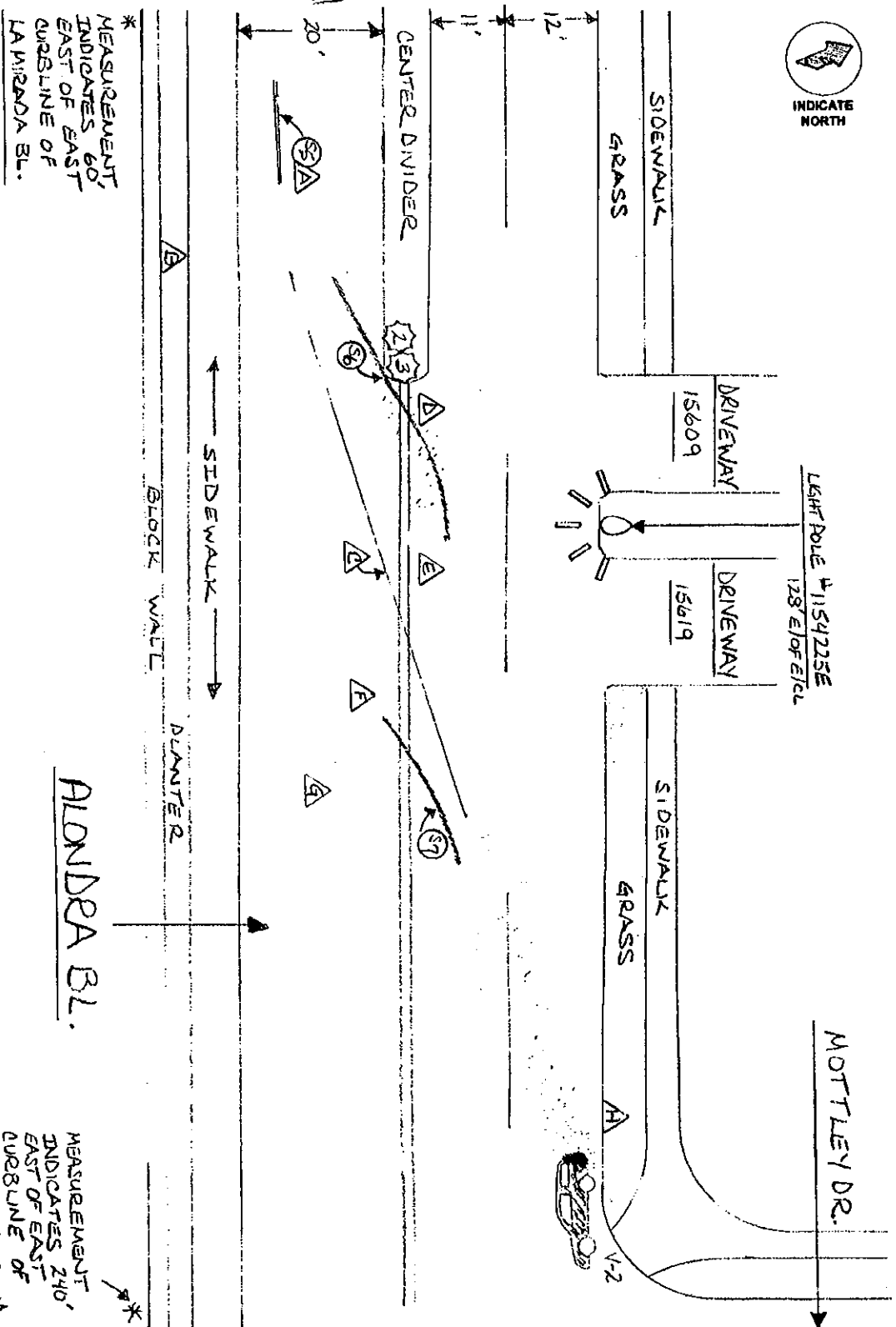
12-005- Chrysler -025036

DATE OF COLLISION (MO DAY YEAR) <b>05/06/07</b>	TIME (2400) <b>0122 HRS.</b>	NCIC # <b>3003</b>	OFFICER I.D. <b>741</b>	NUMBER <b>07-03566</b>
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE = 1" = 20')

\* MEASUREMENT, INDICATES 60' EAST OF EAST CURBLINE OF LAMIRADA BL.

\* MEASUREMENT, INDICATES 240' EAST OF EAST CURBLINE OF LAMIRADA BLVD.

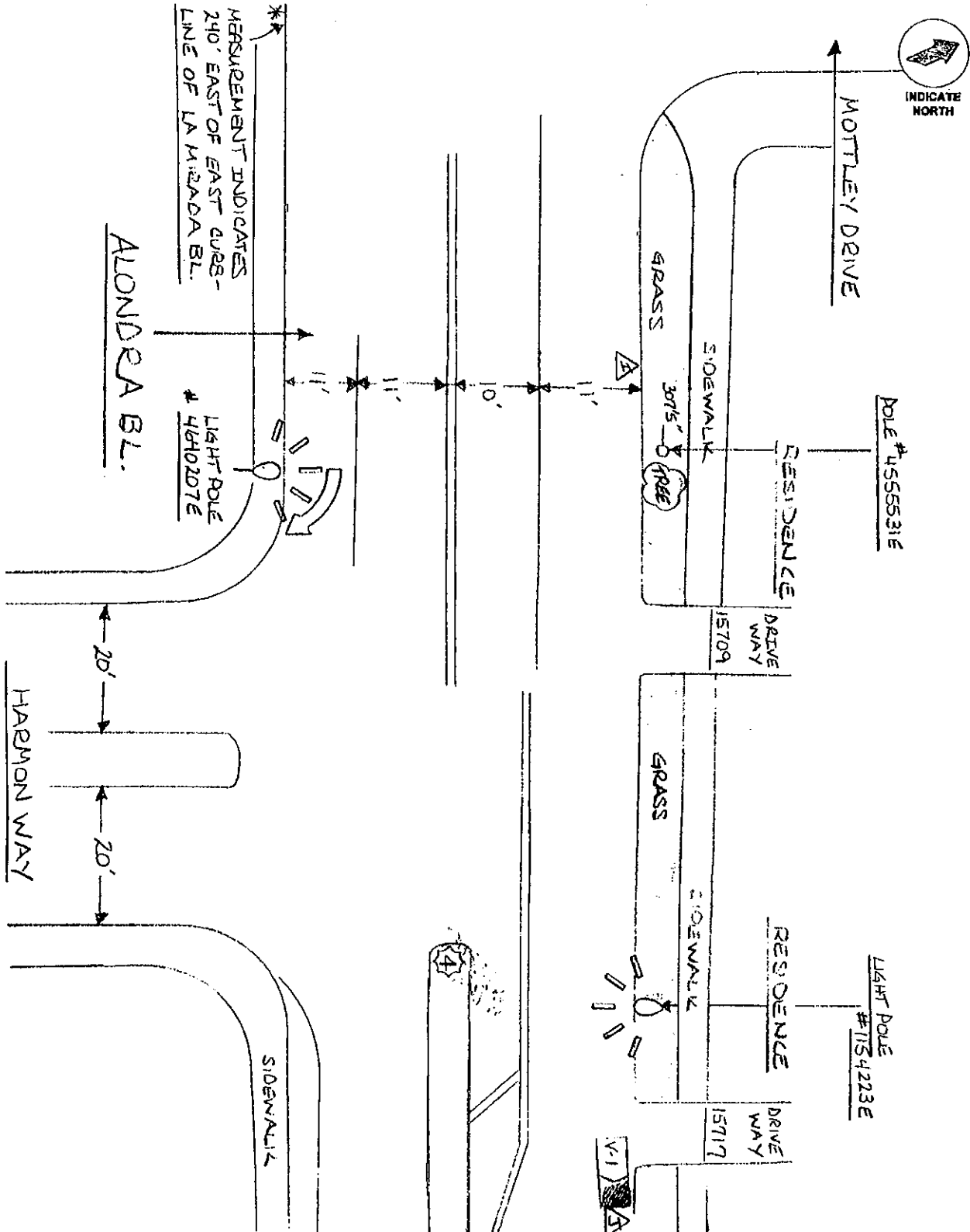


PREPARED BY <b>L. UNGLER</b>	ID NUMBER <b>847</b>	MO. DAY YEAR <b>05/06/07</b>	REVIEWER'S NAME <b>L. Ungler</b>	NO. DAY YEAR <b>05 1307</b>
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EA17-005- Chrysler -025039

DATE OF COLLISION (MO. DAY YEAR) <b>5/06/07</b>	TIME (2400) <b>0122 HRS.</b>	NCIC # <b>3003</b>	OFFICER I.D. <b>741</b>	NUMBER <b>07-03566</b>
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE = 1" = 20')



PREPARED BY <b>L. UNGLES</b>	I.D. NUMBER <b>847</b>	MO DAY YEAR <b>05/06/07</b>	REVIEWER'S NAME <i>L. Ungles</i>	MO DAY YEAR <b>05-1307</b>
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EA 2-005- Chrysler -025046

**BUENA PARK POLICE DEPARTMENT**

Date – 05/06/07

Page 5 of 6

Traffic Collision Investigation

CR # - 07-03566

DIAGRAM / LEGEND

VEHICLES    V-1 – 1997 Nissan Altima – Ca. Lic. # [REDACTED]  
                   V-2 – 2004 Jeep Liberty – Ca. Lic. # [REDACTED]

Measurements taken from  
 East of the East Curb                      North of the South Curb  
Line of La Mirada Blvd.                      Line of Alondra Blvd.

AREA OF IMPACTS = 

AOI # 1	V-1 (Nissan) vs. V-2 (Jeep)	51' 2"	8'
AOI # 2	V-2 vs. Center Divider Curb	106'	17'
AOI # 3	V-2 vs. Sign Post / Pole	107'	18' 9"
AOI # 4	V-1 vs. Sign Post / Pole	384' 10"	17' 4"

POINTS OF REST


V-1 – Left Front Tire	475' 5"	@ N / C/L
V-1 – Left Rear Tire	466' 7"	35' 10"
V-1 – Right Front Tire	475' 10"	31' 4"
V-1 – Right Rear Tire	467'	29' 9"
V-2 – Left Front Tire	227'	43' 6"
V-2 – Left Rear Tire	217' 3"	42' 4"

SKIDMARKS

Ⓢ1	V-1 – R/R Tire - Starts	34' 6" (W/of west CL)	17' 6"
	- Ends	3' (W/of west CL)	17' 6"
	Total length of pre-impact skid –	31' 6"	
Ⓢ2	V-1 – R/R Tire - Starts	67' (W/ of west CL)	4' 6"
	- Ends	55'	4'
	Total length of pre-impact skid –	122' 2"	

Ofc. L. Ungles, ID # 847

Date – 05/06/07

Approved by 

# BUENA PARK POLICE DEPARTMENT

Date -- 05/06/07

Page  6  of  6

Traffic Collision Investigation

CR # 07-03566

Measurements taken from

<u>East of the East Curb</u>	<u>North of the South Curb</u>
<u>Line of La Mirada Blvd.</u>	<u>Line of Alondra Blvd.</u>

(S3)	V-1 -- L/R Tire - Starts - Ends Total length of pre-impact skid -- 122'	67' (W/of west C/L) 55'	9' 6" 9'
(S4)	V-2 R/R Tire Scuff - Starts - Ends	52' 1" 61'	6' 8'
(S5)	V-1 R/R Tire Scuff -- Starts - Ends	70' 82' 9"	3' 5" 6' 6"
(S6)	V-2 L/R Tire Scuff - Starts - Ends	89' 11" 135' 1"	12' 1" 27' 4"
(S7)	V-2 R/R Tire Scuff - Starts - Ends	153' 174' 10"	21' 29' 2"

PHYSICAL EVIDENCE

	V-2 -- Red Plastic Lens - Pieces	81' 6"	6' 8"
	V-2 -- Right Rear Bumper Guard	96'	4' (S/ of South C/L)
	V-1 -- Gouge / Scrapes -- Starts - Ends	96' 4" 156'	8' 10" 29'
	Street Sign Post	113'	20' 7"
	V-2 -- Rear License Plate # 5EUU436	138' 5"	22' 8"
	V-1 -- Plastic Battery Box Cover	153' 10"	17'
	V-1 -- Front Headlight lens	166' 3"	11' 5"
	Street Sign Pole / Post	151'	48'
	V-2 -- Rear Suspension Coil Spring	297' 4"	@ North C/L
	Street Sign Pole / Post	476'	35'

Ofc. L. Ungles, ID # 847

Date -- 05/06/07

Approved by

**MATTER #** 1192152  
**FILE TYPE** Lawsuit  
**FILE NAME** [REDACTED]  
**CAIR #**  
**DATE OF INCIDENT** 05/06/2007  
**DATE OF NOTICE** 05/06/2008  
**MODEL/MODEL YEAR** 2004 Jeep Liberty (KJ)  
**VIN** 1J4GK48K84W [REDACTED]  
**MILEAGE**  
**OWNER** [REDACTED]  
[REDACTED]  
La Mirada, CA [REDACTED]  
**COURT** Superior Court, Orange, CA  
**DOCKET #** 00106067  
**FIRE ALLEGED** Yes  
**DESCRIPTION** On May 6, 2007, a 2004 Jeep Liberty (KJ), was being operated by [REDACTED] on La Mirada Boulevard approaching the intersection with Alondra Boulevard in Buena Park, California. The posted speed limit on Alondra Boulevard at the site of the accident was 25 mph. According to a witness to the accident, the Jeep Liberty (KJ) had just completed a right (eastbound) turn onto Alondra and was travelling at an estimated speed of 5 mph when a 1997 Nissan Altima, operated by [REDACTED] eastbound on Alondra, travelled through the intersection at a high rate of speed and struck the Jeep Liberty (KJ) in the rear. The witness estimated the speed of the Nissan Altima at 60 mph at the time of impact. Another witness estimated that the Nissan Altima was travelling approximately 70-80 mph when it passed her just before the intersection. The impact caused the Jeep Liberty (KJ) to travel to the left and strike the center median, causing it to roll over onto its right side coming to rest in the westbound lanes of travel of Alondra approximately 175 feet from the point of impact. A fire ensued in the area of the Jeep Liberty (KJ). The investigating police officer gave the driver of the Nissan Altima a preliminary breath test at the accident scene with readings of .20 and .19 and he was subsequently charged with felony drunk driving and manslaughter.

**PROPERTY DAMAGE ALLEGED** No  
**INJURIES** 0  
**FATALITIES** 2  
**ANALYSIS** Based on an inspection of the Jeep Liberty (KJ) and other available

information, including the police accident report, statements given to police and vehicle photographs, Chrysler Group concludes that the impact of the Nissan Altima with the rear of the Jeep Liberty (KJ) occurred at a relative velocity in excess of 50 mph. This is based on the statements made by a witness to police that the Nissan Altima was travelling approximately 60 mph when it struck the rear of the Jeep Liberty (KJ) and that the Jeep Liberty (KJ) had just completed its turn and was going approximately 5 mph when the impact occurred. This is also supported by the statement made by a witness that the Nissan Altima had passed her on Alondra just before the intersection at a speed of 70-80 mph. Based on an inspection of the Jeep Liberty (KJ), this severe, high-energy impact to the right-rear of the Jeep Liberty (KJ) likely resulted in the front end of the Nissan Altima riding under the rear bumper of the Jeep Liberty (KJ) and contacting the fuel tank, rear wheels and rear axle causing the damage to the fuel system and the ensuing fire.<sup>1</sup> The damage to the rear of the Jeep Liberty (KJ) is depicted in the photographs in Enclosure 3 Public, Bates page numbers EA12-005 – Chrysler - 026088-26089.

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<sup>1</sup> An inspection was conducted at the request of counsel in connection with litigation and a summary of the inspection is being withheld under a claim of attorney work-product privilege.

# BUENA PARK POLICE DEPARTMENT

1c/050707 6650 BEACH BLVD., BUENA PARK, CA. 90622

POP Traf Sgt. det crt 2 da (714) 562-3901

CRIME REPORT  INCIDENT REPORT  FOLLOW-UP REPORT

CR: 07-03566

CROSS REF:

COPIES TO:

C.O.P.

PRIMARY CRIME CODE: 171.5(3) PC CRIME/CLASSIFICATION: GROSS VEHICULAR MANSLAUGHTER

2ND CRIME CODE: Q3153(G) VC 3RD CRIME CODE: 4TH CRIME CODE: BCS: 2101

ADDRESS/LOCATION: LA MIRADA / ALONDRA BUSINESS NAME: CITY: BUENA PARK

OCCURRED DATE: 5-6-07 TIME: 0122

ON / OR BETWEEN DATE: TIME:

REPORTED DATE: 5-6-07 TIME: 0122

CODE: V NAME (Last, First, Middle): REFER TO ORIGINAL REPORT SEX: RACE: D.O.B.:

SUSPECT ONLY: AGE: HEIGHT: WEIGHT: HAIR: EYES: S.S.N.: GANG NAME:  Known  Suspected  Associate MONIKER / A.K.A.:

RESIDENCE ADDRESS:  Same as Crime Address CITY: STATE: ZIP: RESIDENCE PHONE:

EMPLOYER / SCHOOL: OCCUPATION / GRADE: D.L. or I.D. NUMBER: STATE:

EMPLOYMENT ADDRESS:  Same as Crime Address  Same as Residence Address CITY: STATE: ZIP: EMPLOYMENT PHONE:

LICENSE NUMBER: STATE: YEAR: MAKE: MODEL: BODY: COLOR(S): IDENTIFYING CHARACTERISTICS:

**SOLVABILITY:**

<input type="checkbox"/> Victim Will Prosecute	<input type="checkbox"/> Suspect Arrested	<input type="checkbox"/> Suspect Vehicle Identified
<input type="checkbox"/> Victim Will Not Prosecute	<input type="checkbox"/> Suspect Named	<input type="checkbox"/> Identifiable Stolen Property
<input type="checkbox"/> Witness To Crime	<input type="checkbox"/> Suspect Can Be Identified	<input type="checkbox"/> Significant Evidence

DESCRIBE BRIEFLY HOW OFFENSE WAS COMMITTED: REFER TO ORIGINAL REPORT

ESTIMATED LOSS AND/OR INJURIES:

NARRATIVE DICTATED

[Large empty text area for narrative dictation]

DEFENDANT'S EXHIBIT  
62  
Dms 12B108  
Geyer Depo

DEFENDANT'S EXHIBIT  
7  
10/28/09

Crime / Incident, Suspect(s) - require "Checkbox Forms" (PD 303)

PD 115 Rev 02/97 REPORTING OFFICER: GEYER I.D.#: 718 RMS ENTERED BY: DATE: APPROVED BY: KS 4883 EA12-005-CH 025043 5-6-07 2130



**BUENA PARK POLICE DEPARTMENT**

CR: 07-03566

CRIME REPORT    INCIDENT REPORT    FOLLOW-UP REPORT

Page #: 2

CODE	NAME (Last, First, Middle)							SEX	RACE	D.O.B.
SUSPECT ONLY	AGE	HEIGHT	WEIGHT	HAIR	EYES	S.S.N.	GANG NAME	<input type="checkbox"/> Known <input type="checkbox"/> Suspected <input type="checkbox"/> Associate	MONIKER / A.K.A.	
RESIDENCE ADDRESS <input type="checkbox"/> Same as Crime Address							CITY	STATE	ZIP	RESIDENCE PHONE
EMPLOYER / SCHOOL							OCCUPATION / GRADE	D.L. or I.D. NUMBER		STATE
EMPLOYMENT ADDRESS <input type="checkbox"/> Same as Crime Address <input type="checkbox"/> Same as Residence Address							CITY	STATE	ZIP	EMPLOYMENT PHONE
LICENSE NUMBER	STATE	YEAR	MAKE	MODEL		BODY	COLOR(S)	IDENTIFYING CHARACTERISTICS		

*REFER TO BOOKING*

CODE	NAME (Last, First, Middle)							SEX	RACE	D.O.B.
SUSPECT ONLY	AGE	HEIGHT	WEIGHT	HAIR	EYES	S.S.N.	GANG NAME	<input type="checkbox"/> Known <input type="checkbox"/> Suspected <input type="checkbox"/> Associate	MONIKER / A.K.A.	
RESIDENCE ADDRESS <input type="checkbox"/> Same as Crime Address							CITY	STATE	ZIP	RESIDENCE PHONE
EMPLOYER / SCHOOL							OCCUPATION / GRADE	D.L. or I.D. NUMBER		STATE
EMPLOYMENT ADDRESS <input type="checkbox"/> Same as Crime Address <input type="checkbox"/> Same as Residence Address							CITY	STATE	ZIP	EMPLOYMENT PHONE
LICENSE NUMBER	STATE	YEAR	MAKE	MODEL		BODY	COLOR(S)	IDENTIFYING CHARACTERISTICS		

CODE	NAME (Last, First, Middle)							SEX	RACE	D.O.B.
SUSPECT ONLY	AGE	HEIGHT	WEIGHT	HAIR	EYES	S.S.N.	GANG NAME	<input type="checkbox"/> Known <input type="checkbox"/> Suspected <input type="checkbox"/> Associate	MONIKER / A.K.A.	
RESIDENCE ADDRESS <input type="checkbox"/> Same as Crime Address							CITY	STATE	ZIP	RESIDENCE PHONE
EMPLOYER / SCHOOL							OCCUPATION / GRADE	D.L. or I.D. NUMBER		STATE
EMPLOYMENT ADDRESS <input type="checkbox"/> Same as Crime Address <input type="checkbox"/> Same as Residence Address							CITY	STATE	ZIP	EMPLOYMENT PHONE
LICENSE NUMBER	STATE	YEAR	MAKE	MODEL		BODY	COLOR(S)	IDENTIFYING CHARACTERISTICS		

P-CODE	ITEM	QTY	P-TYPE	DESCRIPTION OF PROPERTY	SERIAL NUMBER	VALUE

<p><b>PROPERTY CODES</b></p> <p>S = Stolen      L = LOST  R = Recovered    F = FOUND  SR = Stolen / Recovered</p>	<p><b>PROPERTY TYPES</b></p> <p>A = Currency      C = Consumable Goods (Drugs)      J = Jewelry      O = Office Equipment (Computers)  AP = Auto Parts    F = Firearms                              K = Livestock      T = TV, Radios, Stereo, Camera Equipment  B = Clothing / Furs    H = Household Goods                    M = Miscellaneous Goods</p>
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Crime / Incident, Suspect(s) - require "Checkbox Forms" (PD 303)

PD 115 Rev 02/97	REPORTING OFFICER <b>GEYER</b>	I.D. # <b>718</b>	RMS ENTERED BY	DATE	APPROVED BY <b>lll</b>	EA12-005- Chry... 025044
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**BUENA PARK POLICE DEPARTMENT  
FOLLOW-UP REPORT**

CR# 07-03566

**VICTIM:** Refer to original crime report

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**SUSPECT:** [REDACTED] ([REDACTED])

---

**NARRATIVE:**

On 5-6-07, at 0122 hours, I was working patrol in a marked black and white police unit in full uniform. Corporal Booth and I were dispatched to an injury traffic collision at La Mirada and Alondra Blvd. Corporal Booth and I arrived at the location at approximately the same time. The Orange County Fire Authority also arrived at approximately the same time.

I saw there was a sport utility vehicle fully engulfed in flames when I arrived. I also immediately determined this was a fatal traffic collision, due to the fact I saw a subject pinned underneath the vehicle as it burned.

I walked in a northbound direction on Alondra and saw a second vehicle with major traffic collision damage on the wrong side of the street in the roadway at the curb line. A male subject was sitting on the front lawn of the residence directly next to this vehicle at 15717 Alondra. I contacted this subject and asked him if the vehicle next to him belonged to him, and he said, "Sir, yes, sir." Immediately upon contacting this subject, I recognized he appeared to be under the influence of alcohol. The subject appeared to be incoherent and was speaking with an extremely slurred speech. I asked the subject if he had any injuries, and he said, "No." The paramedics evaluated the male subject and determined he was uninjured.

Officer Booth also responded to my location. The male subject verbally identified himself as [REDACTED] ([REDACTED]).

---

**REPORTING OFFICER:** B. Geyer, ID 718

**APPROVING SUPERVISOR:** /c

**DATE:**

**TIME:** EA12-005- Chrysler -025045<sub>3</sub>

**TYPE OF CRIME:** 23153(a) VC

**CR#** 07-03566

I asked [REDACTED] what happened, and he said, "I don't know, sir." [REDACTED] then asked, "Are they okay?" He then asked, "Did I hurt anyone?"

I ran a records check on the vehicle, a silver Nissan Altima (CA [REDACTED]) which confirmed it was registered to [REDACTED] out of San Diego.

During a subsequent search of this vehicle, I also found [REDACTED] driver's license in a wallet on the right side rear floorboard. Several residents had walked out of their homes by this time, however, none of the people were claiming to have witnessed the traffic collision.

Officer Rice arrived shortly thereafter to conduct a driving under the influence evaluation. Refer to Officer Rice's follow-up report for further details reference [REDACTED] statements and field sobriety tests.

Officer Rice subsequently arrested [REDACTED] for felony drunk driving and manslaughter. I transported [REDACTED] to the Buena Park Police Station for booking and processing. [REDACTED] slept in the backseat of my patrol vehicle and did not make any statements.

During the booking process, [REDACTED] vomited twice inside the booking holding cell.

Refer to Officer Rice's report reference the blood draw.

Transcribed by: M. Kuhn, 05-06-07, 1844 hours

**REPORTING OFFICER:** B. Geyer, ID 718

**APPROVING SUPERVISOR:** /s/

**DATE:**

**TIME:** EA12-005- Chrysler -025046

4

EA12-005

CHRYSLER

12-13-2012

Enclosure 3 – Public

Subject Vehicles

Lawsuits and Claims

Jeep Liberty (KJ)



**Customer Assistance Inquiry Record (CAIR)#**

**21445257**

<b>VIN</b>	1J4GL48KX	5W [REDACTED]	<b>Open Date</b>	10/11/2011	<b>Built Date</b>	07/30/2004
<b>Model Year</b>	2005	<b>Body</b>	KJH74	JEEP LIBERTY SPORT 4X4 SPORT UTILITY 4-DR		
<b>In Service Dt</b>	09/18/2004	<b>Mileage</b>	70,000	<b>Dealer Zone</b>	35	WASHINGTON
<b>Plant</b>	W	TOLEDO NORTH ASSEMBLY PLANT	<b>Market</b>	U	US	
<b>Color</b>	PBJ	ATLANTIC BLUE PEARL COAT				
<b>Engine</b>	EKG	3.7L V6 ENGINE				
<b>Transmission</b>	DGB					

<b>Dealer</b>	58726	PAULS AUTO SALES				
<b>Dealer Address</b>	1331 MAIN ST					
<b>Dealer City</b>	RAINELLE	<b>Dealer State</b>	WV	<b>Dealer Zip</b>	25962	

<b>Owner</b>	[REDACTED]	<b>Contact Type</b>	TELEPHONE			
<b>Address</b>	[REDACTED]	<b>Home Phone</b>	[REDACTED]			
	FAYETTEVILLE WV [REDACTED]	<b>Country</b>	UNITED STATES			

Product - Fuel System - Fuel Tank - Other - Default	fuel tank caught fire in a rear end collision
Corporate - Product Information - Default - Default - Default	
Corporate - Property Damage - Default - Default - Default	
Dealer - By-Pass - Default - Default - Default	
Product - Unknown - Unknown - Accident - Default	
Product - Unknown - Unknown - Fire - Underbody Fire	
Product - Unknown - Unknown - Fire - Unknown	

1. Who is calling and what is their contact information? [REDACTED]

Preferred: [REDACTED]  
 Alternate: [REDACTED]

2. What happened? The caller states that his son was involved in a wreck. The caller states that the vehicle was hit in the rear and the vehicle burst into flames and the vehicle was burned up in four minutes. The caller states that the vehicle was burned completely before the fire department arrived.

The caller is requesting that someone from Chrysler contact him about why this might have happened.

3. What is the current location of the vehicle? The caller states that State Farm is the insurance company that the person who rear ended the Jeep and they took the vehicle and the caller is not aware of it's current location.

Writer tried to contact the customer at [REDACTED] but had to leave a message. Writer would like to know get the insurance adjustor s name, phone number and claim number.

Customer stated that he dealt with State Farm Insurance The Claims Manager is Mark Walthour Phone 888 613 3966 ext 34. Policy [REDACTED]

10.13.11  
 State Farm Ins  
 Janet 888 613 3966 ext 34  
 Claim# [REDACTED]

DOL 09.13.11  
 VEHICLE LOCATED AT:  
 Salvage Direct  
 4109 Pluto Rd  
 Shady Springs, WV 25918  
 304-763-4000  
 STK# 622260

Per OGC Matrix, reassigned to 82T. MG17

10.13.11 Assigned to RLG92. MJK

CAIR NUMBER 21445257 REQUEST EAA INSPECTION 10-13-2011 13:57

CAIR NUMBER 21445257 E-MAIL SENT TO EAA 10-13-2011 13:57

CCRG Open Date: 10/13/2011 08:59:41

Letter Sent: Acknowledgement 10/14/2011 10:24:18

PHOTOGRAPHIC IMAGES POSTED TO THIS CAIR ON 10/19/11 AT 16:17:21 21445257

EA12-005- Chrysler -006212















622260 ET





























































DEERE



544J





































CHRYSLER  
CORPORATION







































































**A** FDID: 10112 State: WV Incident Date: 09/13/2011 Station: 0011319 Exposure: 0 NFIRS - 1 Basic

**B Location**  
**1 - Street address** RT. 19 MALL RD EXIT  
 Address Type: \_\_\_\_\_ Number/Milepost: \_\_\_\_\_ Prefix: \_\_\_\_\_ Street or Highway: \_\_\_\_\_ Street Type: \_\_\_\_\_ Suffix: \_\_\_\_\_  
 Apt./Suite/Room: \_\_\_\_\_ City: OAK HILL State: WV Zip Code: 25901  
 Census Tract: \_\_\_\_\_ Cross street or directions, as applicable: \_\_\_\_\_

**C Incident Type**  
131 - Passenger vehicle  
 Incident Type: \_\_\_\_\_

**E1 Dates & Times** Midnight is 0000  
 Month Day Year Hour Min Seconds  
 Alarm: 09/13/2011 18:46  
 Arrival: 09/13/2011 18:50  
 Controlled: 09/13/2011 19:11  
 Last Unit Cleared: 09/13/2011 19:45

**E2 Shifts & Alarms** Local Option  
 Shift or platoon: \_\_\_\_\_ Alarms: \_\_\_\_\_ District: \_\_\_\_\_

**D Aid Given or Received**  
 Their FDID: \_\_\_\_\_ Their State: \_\_\_\_\_ Their Incident Number: \_\_\_\_\_  
N - None  
 Type Aid Given or Received: \_\_\_\_\_

**E3 Special Studies** Local Option  
 Special Study ID#: \_\_\_\_\_ Special Study Value: \_\_\_\_\_

**F Actions Taken**  
78 - Control traffic  
11 - Extinguish  
 Actions Taken: \_\_\_\_\_

**G1 Resources**  
 Check this box and skip this section if an Apparatus or Personnel form is used.  
 Apparatus Personnel  
 Suppression: 4 12  
 EMS: 0 0  
 Other: 0 0  
 Check box if resource counts include aid received resources.

**G2 Estimated Dollar Losses & Values**  
 LOSSES: Required for all fires if known. Optional for non fires.  
 Property \$ 30000  
 Contents \$ 0  
 PRE-INCIDENT VALUE: Optional  
 Property \$ 30000  
 Contents \$ 0

**H1 Casualties**  
 Fire Deaths Injuries  
 Service: 0 0  
 Civilian: 0 0

**H2 Detector** \_\_\_\_\_  
**H3 Hazardous Materials Release** \_\_\_\_\_  
 Mixed Use Property \_\_\_\_\_  
**J Property Use** 961 - Highway or divided highway

**K1 Person/Entity Involved**  
 Mr./Ms./Mrs. First Name MI Last Name Suffix  
 Number Prefix Street or Highway Street Type Suffix  
 Post Office Box Apt./Suite/Room City FAYETTEVILLE  
 State Zip Code Business name (if applicable) Area Code Phone Number

**K2 Owner**  
 Mr./Ms./Mrs. First Name MI Last Name Suffix  
 Number Prefix Street or Highway Street Type Suffix  
 Post Office Box Apt./Suite/Room City FAYETTEVILLE EA12-005-Chrysler-006258  
 State Zip Code Business name (if applicable) Area Code Phone Number

A

10112

FDID

WV

State

MM DD YYYY  
09/13/2011

Incident Date

Station

0011319

Incident Number

0

Exposure

NFIRS - 1S  
Supplemental

K1 Person/Entity Involved

Mr., Ms., Mrs. First Name MI Last Name Suffix

Number Prefix Street or Highway Street Type Suffix

Post Office Box Apt./Suite/Room City SCARBRO

WV State Zip Code Business name (if applicable) Area Code Phone Number

K1 Person/Entity Involved

Mr., Ms., Mrs. First Name MI Last Name Suffix

Number Prefix Street or Highway Street Type Suffix

Post Office Box Apt./Suite/Room City

State Zip Code Business name (if applicable) Area Code Phone Number

K1 Person/Entity Involved

Mr., Ms., Mrs. First Name MI Last Name Suffix

Number Prefix Street or Highway Street Type Suffix

Post Office Box Apt./Suite/Room City

State Zip Code Business name (if applicable) Area Code Phone Number

K1 Person/Entity Involved

Mr., Ms., Mrs. First Name MI Last Name Suffix

Number Prefix Street or Highway Street Type Suffix

Post Office Box Apt./Suite/Room City

State Zip Code Business name (if applicable) Area Code Phone Number

K1 Person/Entity Involved

Mr., Ms., Mrs. First Name MI Last Name Suffix

Number Prefix Street or Highway Street Type Suffix

Post Office Box Apt./Suite/Room City

State Zip Code Business name (if applicable) Area Code Phone Number

K1 Person/Entity Involved

Mr., Ms., Mrs. First Name MI Last Name Suffix

Number Prefix Street or Highway Street Type Suffix

Post Office Box Apt./Suite/Room City EA12-005- Chrysler -006259

State Zip Code Business name (if applicable) Area Code Phone Number



**B Property Details**

B1   Not Residential  
Estimated number of residential living units in building of origin

B2    
Number of buildings involved

B3    
Acres burned (outside fires)

**C On-Site Materials or Products**

On-site materials On-site materials use

**D Ignition**

D1   
Area of fire origin

D2   
Heat source

D3   
Item first ignited

D4   
Type of material first ignited

Confined to object of origin

**E1 Cause of Ignition**

Cause of ignition

**E2 Factors Contributing To Ignition**

Factors contributing to ignition

**E3 Human Factors Contributing To Ignition**

N - None

Estimated age of person involved

Gender of person involved

**F1 Equipment Involved In Ignition**

Equipment Involved

Brand

Model

Serial #

Year

**F2 Equipment Power**

Equipment power source

**F3 Equipment Portability**

Equipment portability

**G Fire Suppression Factors**

Fire suppression factors

**H1 Mobile Property Involved**

Mobile property involved

Mobile property model

License plate number

**H2 Mobile Property Type & Make**

Mobile property type

Mobile property make

VIN number

Year

**Local Use**

Local use

A

10112

FDID

WV

State

MM DD YYYY

09/13/2011

Incident Date

Station

0011319

Incident Number

0

Exposure

NFIRS  
Remarks

Remarks

2 CAR MVA VEHICLE#1 WAS ON FIRE ON ARRIVAL. NO ENTRAPMENT. EXTINGUISH FIRE AND CONTROL TRAFFIC ON RT 19.

VEHICLE #1 [REDACTED] . FAYETTEVILLE WV [REDACTED]  
2005 JEEP LIBERTY WV. PLATE # [REDACTED]  
NATIONWIDE INS.FRANK HINDSON AGENT  
OWNER OF THIS VEHICLE IS [REDACTED]  
THIS VEHICLE WAS STRUCK FROM BEHIND BY VEHICLE # 2

VEHICLE #2

[REDACTED]  
[REDACTED] SCARBRO, WV  
BUICK PARK AVENUE 4 DOOR WV. PLATE # [REDACTED] INS. DONNIE BOLWING STATE FARM  
VIN# 1G4W53LOP1 [REDACTED] INS.PHONE # 465-5681  
[REDACTED] PHONE # IS [REDACTED] VEHICLE #2 HIT VEHICLE #1 IN THE REAR OF THE JEEP.

M

Authorization

1204

Officer in charge ID

TOM

Signature

RODES

LIEUT

Position or rank

Assignment

01/02/1970

Month Day Year

1230

Member making report ID

JOEL

Signature

FERNETT

FF

Position or rank

Assignment

EA12-005-Chrysler 006261

01/02/1970  
Month Day Year



**MATTER #** 1225256  
**FILE TYPE** Customer Assistance Inquiry Report and Legal Claim  
**FILE NAME** [REDACTED]  
**CAIR #** 21445257  
**DATE OF INCIDENT** 08/16/2011  
**DATE OF NOTICE** 10/11/2011  
**MODEL/MODEL YEAR** 2005 Jeep Liberty (KJ)  
**VIN** 1J4GL48KX5W [REDACTED]  
**MILEAGE** 70,000  
**OWNER** [REDACTED]  
[REDACTED]  
Fayetteville, WV [REDACTED]  
[REDACTED]

**COURT**  
**DOCKET #**  
**FIRE ALLEGED** Yes  
**DESCRIPTION** On August 13, 2011, a 2005 Jeep Liberty (KJ), operated by [REDACTED], was travelling northbound on U.S. 19 near Oak Hill, West Virginia, when the driver saw a deer on the right side of the road and braked to avoid hitting the deer. The Jeep Liberty (KJ) was struck in the rear by a Buick Park Avenue passenger car (unidentified model year). According to the owner of the Jeep Liberty (KJ), the Buick Park Avenue travelled under the rear of the Jeep Liberty (KJ), lifting it several feet in the air and turning it sideways. A fire ensued in the area of the Jeep Liberty (KJ).

**PROPERTY DAMAGE ALLEGED** No  
**INJURIES** 1  
**FATALITIES** 0  
**ANALYSIS** Chrysler Group has been unable to obtain a police accident report and is unable to determine a likely relative impact velocity between the Jeep Liberty (KJ) and the Buick Park Avenue. Based on an inspection of the Jeep Liberty (KJ), Chrysler Group concludes that the Buick Park Avenue likely travelled under the left-rear of the Jeep Liberty (KJ), damaging the left fuel tank strap, left-rear coil spring and the fuel filler and vent tube, resulting in the vehicle fire.<sup>1</sup> The damage to the rear of the Jeep Liberty (KJ) is depicted in the photographs in Enclosure 3 Public, Bates

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<sup>1</sup> An inspection was conducted at the request of counsel in anticipation of litigation and the report is being withheld under a claim of attorney work-product privilege.

page numbers EA12-005 – Chrysler – 006227, 6231, and 6255.