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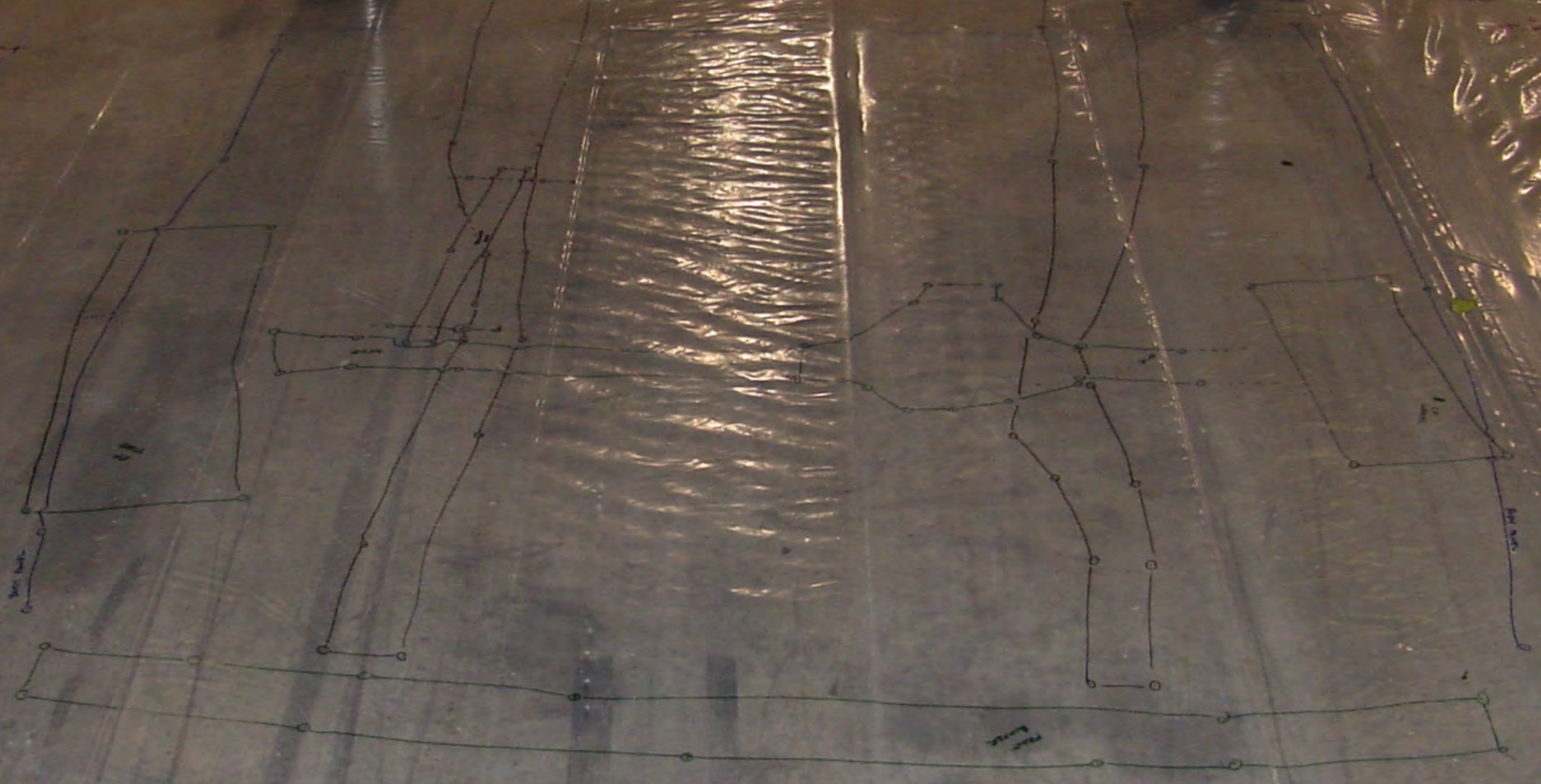
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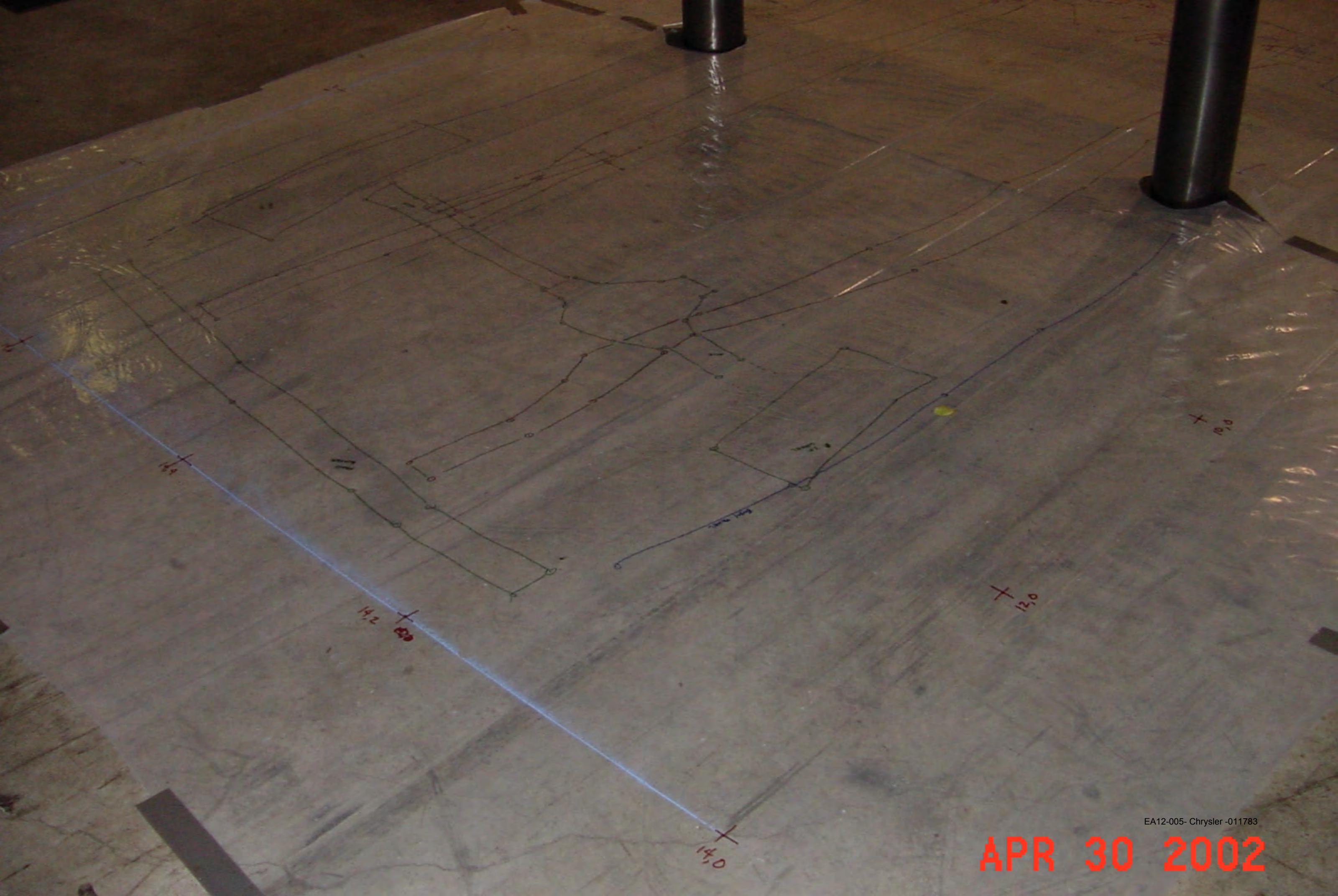
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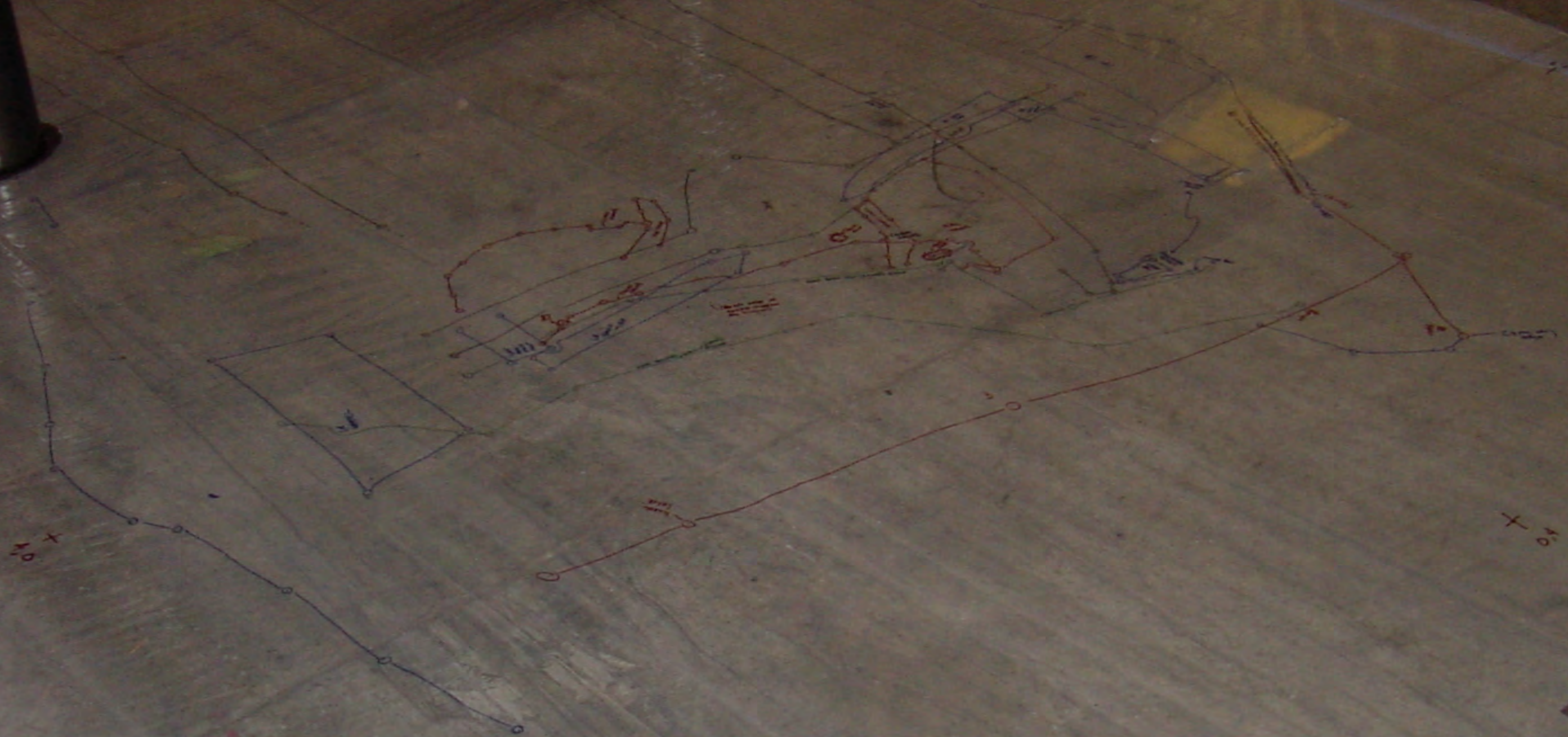
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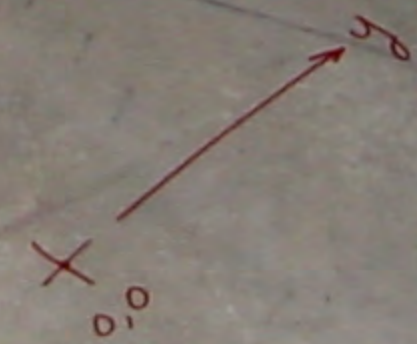
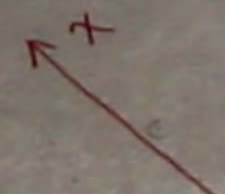


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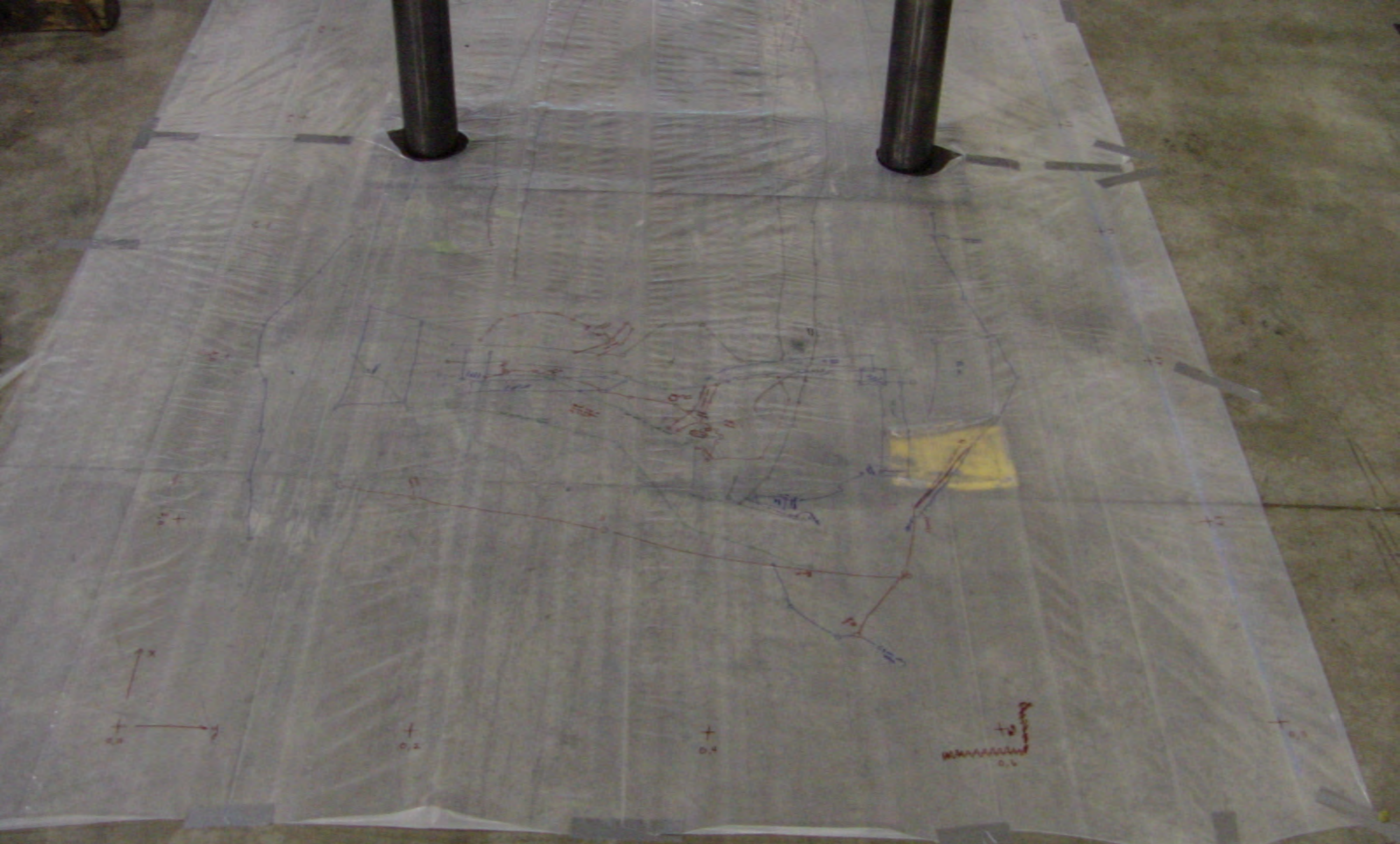
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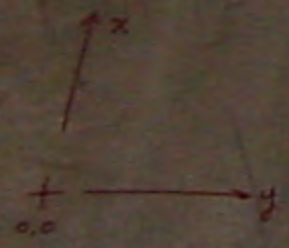
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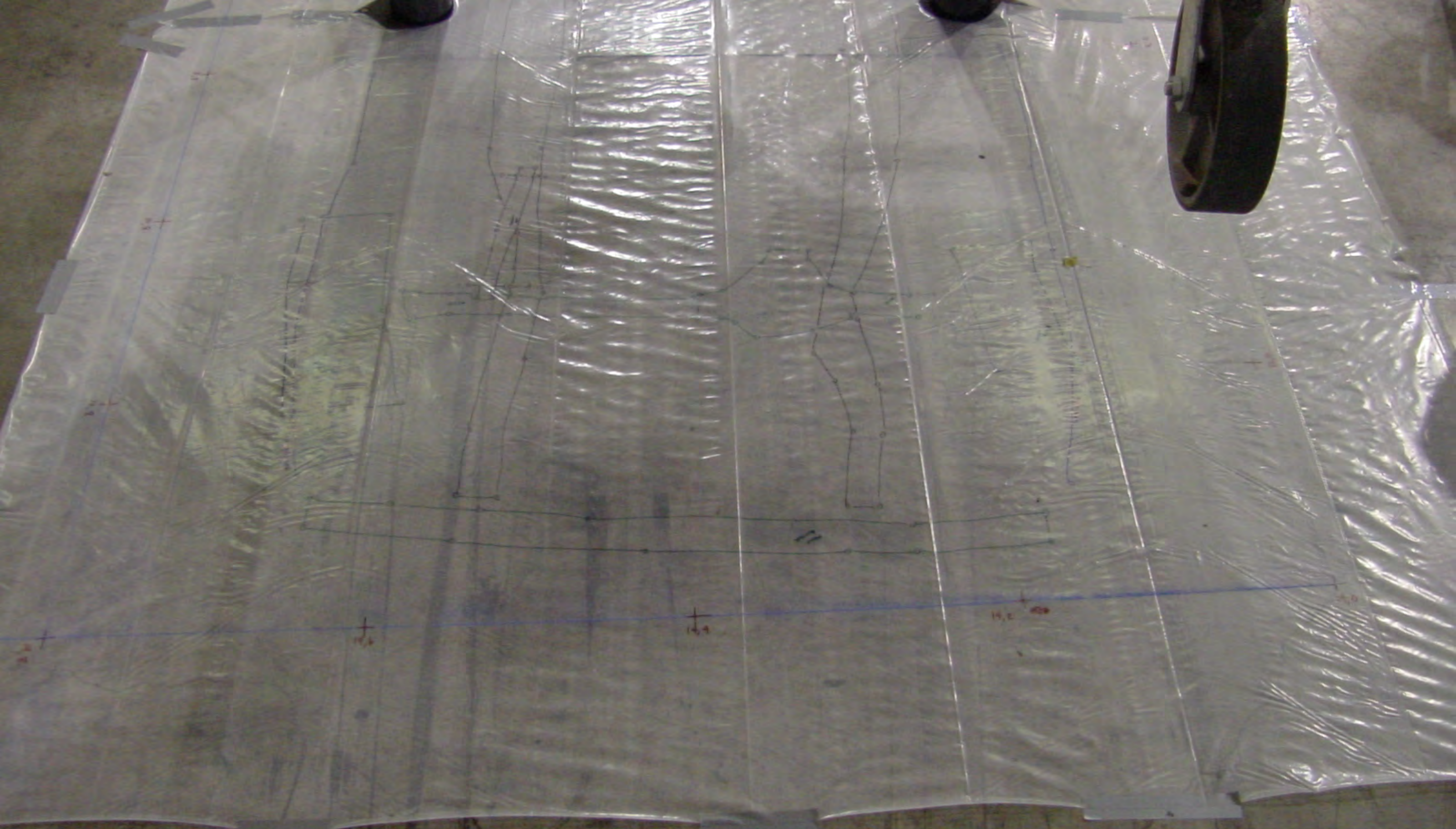
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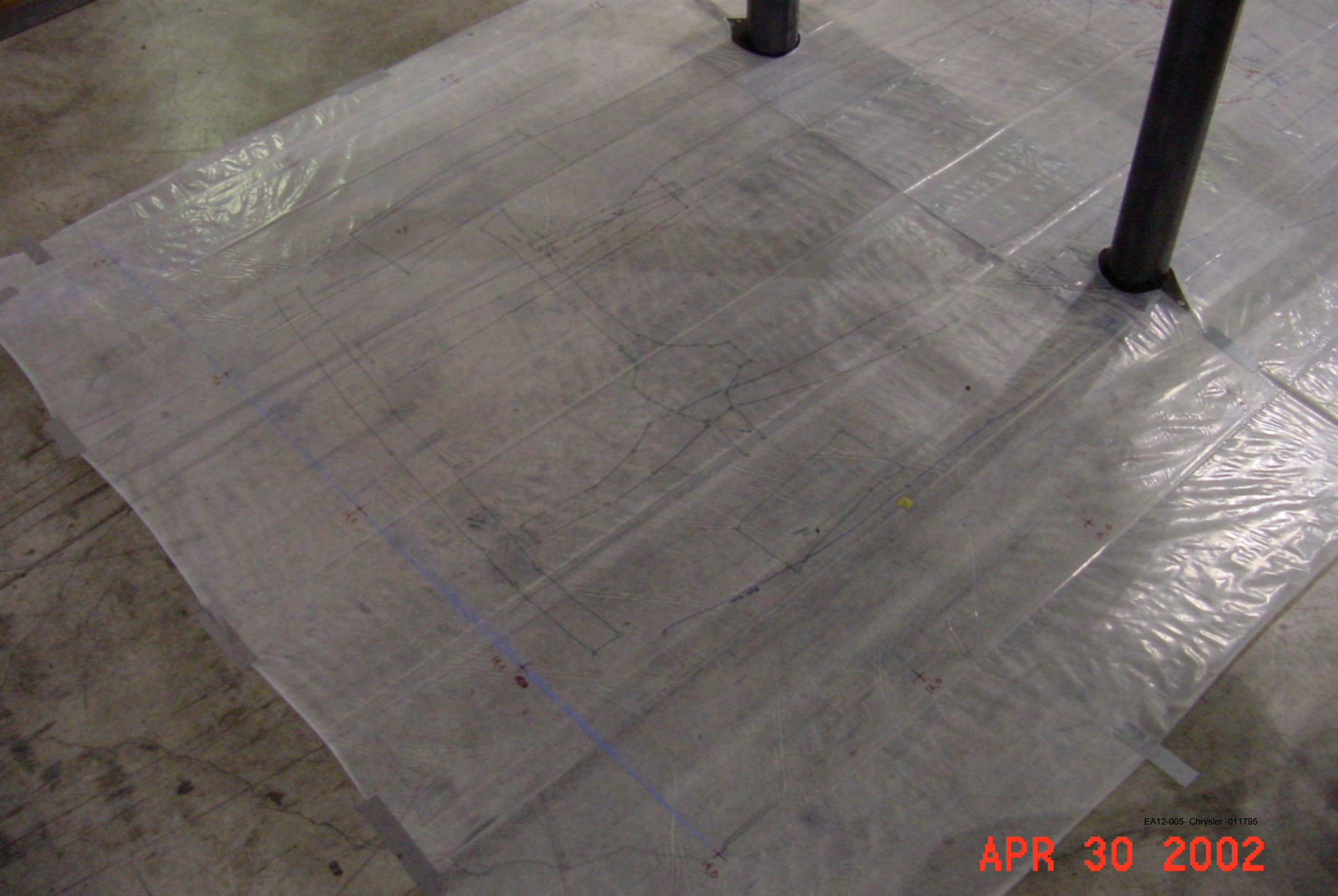
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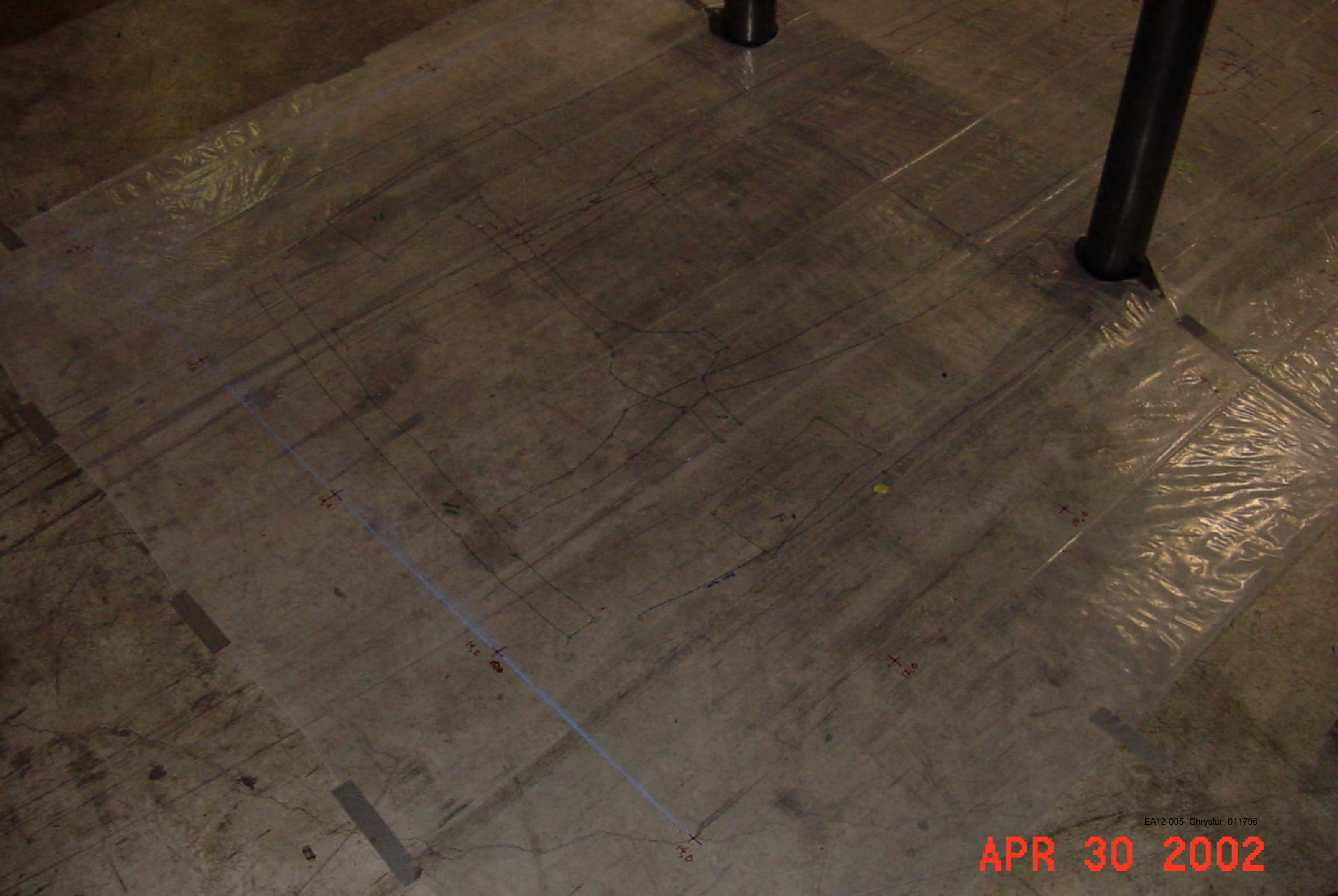






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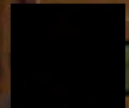
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REC APP 2002 2002

IN THE STATE COURT OF FULTON COUNTY

STATE OF GEORGIA

ROY LOUIS BELLI, et al.,)
)
 Plaintiffs,)
)
 v.) Civil Action
) File No. 01VS018431G
DAIMLERCHRYSLER CORPORATION,))
et al.,)
)
 Defendants.)
)

DEPOSITION OF FREDERICK E. ARNDT

Phoenix, Arizona
October 30, 2002
10:11 a.m.

Reported by:
AMY MERRIFIELD, RPR
AZ CCR #50097
IL CSR #84-4027

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THE DEPOSITION OF FREDERICK E. ARNDT,

4

5 taken at 10:11 a.m. on October 30, 2002, at the Arizona

6 Biltmore Resort, 2400 East Missouri, Kingman Conference

7 Room, Phoenix, Arizona, before Amy Merrifield, a Notary

8 Public and Certified Court Reporter #50097 in the State

9 of Arizona, pursuant to the Rules of Civil Procedure.

10 The plaintiffs were represented by their

11 attorneys, Butler, Wooten, Fryhofer, Daughtery &

12 Sullivan, L.L.P., by George W. Fryhofer, III, Esq., and

13 Gregory R. Feagle, Esq.

14 Defendant DaimlerChrysler Corporation was

15 represented by its attorneys, Swift, Currie, McGhee &

16 Hiers, by M. Diane Owens, Esq.

17 Defendant Muleta was represented by his

18 attorneys, Savell & Williams, L.L.P., by L. Sandy Fine,

19 Esq.

20 Also present was Sharmi Lawrence.

21

22

23

24

25

1 Phoenix, Arizona
2 October 30, 2002
3 10:11 a.m.
4
5

6 FREDERICK E. ARNDT,
7 called as a witness herein, having been first duly
8 sworn to speak the truth and nothing but the truth, was
9 examined and testified as follows:
10

11 EXAMINATION

12 BY MS. OWENS:

13 Q. Good morning, Mr. Arndt.

14 A. Good morning.

15 Q. We were reintroduced a few moments ago.
16 I'm Diane Owens, and I represent DaimlerChrysler
17 organization in the lawsuits that have been filed --
18 that has been filed by the Belli and Urquhart families.

19 I have a series of questions for you
20 today, as I'm sure you might well imagine. If at any
21 time I ask you a question that you don't understand or
22 you are not clear about, please stop me. I will be
23 glad to repeat or rephrase it so we make sure we
24 communicate.

25 A. That's fine with me.

1 Q. Would you state your name for the record,
2 please.

3 A. Yes. Frederick E. Arndt.

4 Q. And, Mr. Arndt, where are you currently
5 employed?

6 A. I'm currently employed -- well, I have my
7 own company called Frederick E. Arndt. It's an L.L.C.

8 Q. And how long have you had that L.L.C.?

9 A. Just made that change first of October
10 2002.

11 Q. And before that you worked for SEFA?

12 A. I did.

13 Q. And that is a company which your -- I
14 believe your son, Stephen, is principal?

15 A. Yes.

16 Q. And how did you come to sever your
17 employment status at SEFA?

18 A. Easiest answer is I just made that choice,
19 it's time for me to do that.

20 Q. Are you still working on this file as a
21 SEFA employee, or will future activities of yours be
22 directed to your -- or billed by your new L.L.C.?

23 A. Future activities as of the 1st of October
24 will be billed by my L.L.C.

25 Q. And you have been identified as an expert

1 witness by the plaintiffs in this matter; you
2 understand that, I'm sure?

3 A. I understand that to be true.

4 Q. Did you have an opportunity to review the
5 interrogatory response that was -- supplemental
6 interrogatory response that was served by the
7 plaintiffs identifying you as an expert and identifying
8 your opinions and the topics of discussion that you
9 intend to address?

10 A. I have not reviewed those.

11 Q. Okay. Did you provide anything in writing
12 to Mr. Fryhofer or anyone from his firm setting forth
13 your opinions?

14 A. No.

15 Q. Have you prepared any sort of written
16 report in this case?

17 A. No.

18 Q. Do you have anything in your file that is
19 a summary of your opinions or the bases for your
20 opinions?

21 A. I have a set of my opinions.

22 Q. Okay. Where is that document?

23 A. It's right here.

24 (Exhibit No. 1 was marked for purposes of
25 identification.)

1 Q. BY MS. OWENS: I have marked that written
2 set of opinions that you produced to me as Exhibit 1 to
3 your deposition, correct?

4 A. That is correct.

5 Q. When was that prepared, sir?

6 A. Prepared that last night.

7 Q. Have you brought with you today a CV?

8 A. I did.

9 MS. OWENS: Thank you. I'm going to mark
10 this as Exhibit 2 to your deposition.

11 (Exhibit No. 2 was marked for purposes of
12 identification.)

13 Q. BY MS. OWENS: Is it current and up to
14 date?

15 A. It's the only one I have. And, yes, it's
16 as current as I've got.

17 Q. Does it reflect the recent change --

18 A. It does.

19 Q. -- in your employment?

20 A. Yes.

21 Q. Okay. Actually, I don't think it does.

22 Let me --

23 A. Only at the top in terms of my address.

24 Q. Down here under Experience, it's still
25 listing SEFA.

1 A. Right. I agree with you.

2 Q. Have you brought with you a testimony
3 list?

4 A. I'm sorry, I didn't. It's an oversight on
5 my part. I can provide it for you, however.

6 MR. FRYHOFER: We'll send one to you.

7 MS. OWENS: That's fine. Thank you.

8 What I'll do is I'll ask that that be
9 marked as late Exhibit 3.

10 MR. FRYHOFER: That's fine.

11 MS. OWENS: Mr. Arndt --

12 THE WITNESS: Go ahead.

13 MS. OWENS: I'm going to let you finish
14 your note.

15 MR. ARNDT: Thank you.

16 Q. BY MS. OWENS: Mr. Arndt, have you ever
17 worked on a case before this one that involved a
18 post-collision fire in a Jeep Cherokee vehicle?

19 A. It's possible. I worked on quite a number
20 of Jeep fires. I can't say from memory with certainty.

21 Q. Whether it was a Cherokee?

22 A. That's right.

23 Q. Or a Grand Cherokee?

24 A. I can't remember with certainty.

25 Q. When you do furnish your case list, will

1 it detail what vehicle was involved?

2 A. No.

3 Q. How would you go about determining what
4 vehicle was involved in what case?

5 A. I'd have to search for what records I have
6 to make that distinction. I could probably do that to
7 a limited extent.

8 Q. When were you first contacted in this
9 matter, Mr. Arndt?

10 A. In March of 2001, March 5th.

11 Q. And that contact was from Mr. Butler?

12 A. I'm a little uncertain. It could have
13 been.

14 Q. Was it by telephone?

15 A. I don't know. Let me see if I can answer
16 that question.

17 I can't tell you exactly how that contact
18 occurred other than it did occur on the 5th of March,
19 2001.

20 Q. And did you agree to be retained by the
21 Butler Wooten firm in this case?

22 A. I sent them a retaining letter on the 21st
23 of March, and I agreed to look at this matter for them.

24 Q. Okay. And what were you asked to do?

25 A. I was asked to look at the accident, look

1 at the questions of cause and origin of the fire, and,
2 I think, more specifically, I was asked to look at how
3 the design of the vehicle, particularly its fuel
4 containment system, had any relationship to the cause
5 and origin. And that was probably the initial part of
6 my understanding with the Butler firm.

7 Since then, I have provided consultation
8 to them and prepared opinions around that request and
9 also reviewed a fair amount of discovery and prepared
10 some opinions around that discovery.

11 Q. Have you done all of the work that you
12 believe you need to do to render your final opinions in
13 this case?

14 A. Based on everything I have, yes.

15 Q. Did you receive a copy of the subpoena
16 that was served with your notice of deposition?

17 A. I did not. At least I don't have a copy.

18 Q. Have you brought with you your entire file
19 in this matter?

20 A. Everything.

21 Q. Has anything been removed from your file
22 before today's deposition by anyone?

23 A. I haven't removed anything. The best that
24 I can tell from reviewing the file, nothing has been
25 removed from the file.

1 Q. And is all of the material that you rely
2 on in support of your opinions contained in your file?

3 A. I believe so. Of course, there is always
4 the intellectual information which I carry around in my
5 head, so that's probably reflected in my opinions, and
6 certainly there be some support for that during, you
7 know, explanation of opinions.

8 Q. Any document or photograph or video or
9 other actual material, written material or photographic
10 material, that you rely on in support of your opinions
11 in this case is in your file?

12 A. Everything is there.

13 Q. Have you reviewed any scientific or
14 engineering literature for purposes of this case?

15 A. Yes.

16 Q. What have you reviewed?

17 A. I have reviewed virtually all of the
18 material that's in this list and highlighted those that
19 I believe are appropriate relative to this matter.

20 Q. All right. You've handed me a multi-page
21 document that is titled Fuel System Crashworthiness
22 Annotated Bibliography?

23 A. That's correct.

24 Q. It has a date of 4/96. Is that the date
25 of its last update?

1 A. No. That's probably a date of one of a
2 number of ongoing updates. There are some other
3 updates at the back, but it was probably last updated
4 around 2000, end of '99 or first part of 2000.

5 MS. OWENS: All right. I'm going to mark
6 this as Exhibit 4 to your deposition.

7 (Exhibit No. 4 was marked for purposes of
8 identification.)

9 Q. BY MS. OWENS: And tell me again what the
10 highlighted areas reflect.

11 A. First off, let me just preface the nature
12 of that document. It's an annotated bibliography of
13 literature and information regarding, primarily, fuel
14 system crash performance and crashworthiness
15 considerations.

16 The first 32 pages deal largely with the
17 whole system. There's a 9-page document that deals
18 with filler neck design. There's a 6-page document
19 that deals with filler -- fuel filler cap design
20 issues. The latter 2 documents are really a level of
21 screening of the first 32 to look at just the filler
22 neck and cap issues, so to some extent there is
23 redundancy, but some efficiency in terms of being able
24 to focus on those latter 2 items specifically.

25 That is a -- so overall, the document is a

1 list of literature that has been reviewed by myself
2 over 30-odd years as I've worked on collision fire
3 matters. And the highlighted ones are all of the
4 documents that I think are relevant to this matter in
5 terms of what's in the open scientific literature, in
6 terms of notice of the problem, in terms of broadly
7 describing the nature of fuel system protection in
8 motor vehicles, in terms of identifying specific types
9 of failure modes, in terms of tank protection, filler
10 necks and caps, environmental considerations, in terms
11 of location. There are many articles specifically
12 talking about specific kind of technology for fuel
13 system crash protection remedy. And there's a number
14 of reports that talk about some fuel system designs.
15 So it provides a chronology of roughly 70 years, just
16 short of 70 years of knowledge in this area that's in
17 the open scientific literature.

18 Q. I noticed in looking at the section
19 dealing with filler neck designs that there do not
20 appear to be any highlights in that document.

21 A. No. I did not highlight the filler neck,
22 nor did I highlight filler fuel cap, because I felt
23 they were probably adequately covered in the earlier
24 documents. They're only, as a matter of efficiency, if
25 one wants to look specifically at those issues, all of

1 those articles have appropriate comments, in my view.

2 Q. Of the -- you mean all of the filler pipe
3 and fuel cap articles?

4 A. Yes.

5 Q. On this bibliography, are there any
6 articles that were authored by Chrysler or
7 DaimlerChrysler employees?

8 A. I don't recall if there were. There may
9 be, but I don't have the specific recollection.

10 Q. Are there any Chrysler or DaimlerChrysler
11 or American Motors documents in any of the
12 bibliography?

13 A. You mean internal documents?

14 Q. Yes, sir.

15 A. No. As I said earlier, that is a
16 bibliography of materials that are in the open
17 scientific literature. That wouldn't be
18 corporate-entities specific.

19 Q. "Open" meaning published?

20 A. Published, public -- maybe I should say
21 public scientific community. That might be a better
22 definition.

23 Q. Have you gone back and read any of these
24 specific articles for this case?

25 A. No.

1 Q. You showed me earlier a document which was
2 marked yesterday at Mr. Stevens' deposition as, I
3 believe, Exhibit 4, which is your case index?

4 A. It was marked as Exhibit 3 --

5 Q. Okay.

6 A. -- which is the case index.

7 Q. All right. Can I see that for a moment,
8 please.

9 And as I understood our discussion before
10 we began, and please correct me if I get it wrong, this
11 is an index of all materials that are in your file with
12 a few late exceptions?

13 A. That -- yeah, I think that's true.

14 Q. Okay. And you've brought with you today
15 the backup materials that correspond to the list in
16 this index, correct?

17 A. Yes, that is correct.

18 Q. Okay.

19 A. In other words, saying all the material
20 that's in that index is in the boxes.

21 Q. All right. And they are in folders that
22 correspond to the numbers on the index, correct?

23 A. That is correct.

24 Q. So, for example, file number 1 is the
25 police report which was marked yesterday as Exhibit 4

1 to Mr. Stevens' deposition?

2 A. That is correct.

3 Q. All right. Have you highlighted anything
4 in that police report?

5 A. Nothing more than some of the initial
6 information that's in the initial report and a few
7 witness statements.

8 Q. All right. Which portions of the witness
9 statements have you highlighted?

10 A. I'd have to go through these and show you.
11 Let's see here. Want me to identify those
12 specifically for you?

13 Q. Well, let me ask you this question. Maybe
14 we can shortcut this.

15 Do you rely on any of the witness
16 statements as a basis to support any opinion you have
17 in this case?

18 A. I have, at least initially. I relied upon
19 the witness statements in respect to when the initial
20 fire occurred and the nature or extent or the size of
21 that fire. That is the initial fire.

22 Q. All right. And what did you take from
23 those witness statements about those issues? When it
24 began, what was the extent of it, and so forth?

25 A. I think the witnesses are all consistent

1 that saw the fire in that they say that there was an
2 instantaneous fire on impact as -- the impact between
3 the Thunderbird and the Belli vehicle -- and that the
4 fire was an explosion -- often use the term
5 "explosion." I think it might be more appropriate to
6 say it's explosion-like. That is a little bit of my
7 editorial comment on it -- and that it was very large,
8 billowing in vertical height. Seeing quite a bit of
9 testimony 60 to 80 feet in some witness statements
10 saying -- I think the lowest was 50 feet. Anyway, very
11 high, 50 to 80 feet. And that the cars continued to
12 burn at the point of rest. And then that's the essence
13 of the witness testimony.

14 Q. Okay. File number 2 is labeled as
15 Discovery Material. And you have, in fact, in a file
16 folder marked number 2, an index to documents received?

17 A. That is correct.

18 MS. OWENS: Okay. I'm going to mark that
19 file folder number 2 as Exhibit 5. It will be a
20 composite exhibit.

21 (Exhibit No. 5 was marked for purposes of
22 identification.)

23 Q. BY MS. OWENS: And regarding the material
24 that is shown on the index which we marked as
25 Exhibit 5 to your deposition, have you reviewed all of

1 that material?

2 A. Well, I'll say I've gone through all of
3 it. I haven't really reviewed it real carefully. I
4 didn't find a lot of it particularly strong in
5 supporting my opinions other than the vehicle was
6 certified, and general information about the vehicle
7 tank, and things of that sort. But to that extent
8 only.

9 Q. Okay. Folder number 3 contains a document
10 entitled Belli Scene Witness Summary; is that correct?

11 A. That is correct.

12 Q. And do you know who provided you with that
13 document?

14 A. Mr. Fryhofer's office.

15 Q. And do you know whether these are
16 summaries of the police statements or some other
17 interviews or statements from these witnesses?

18 A. I've had the impression that they're
19 summaries of other statements.

20 Q. And have you seen the statements
21 themselves?

22 A. No.

23 MS. OWENS: I'll mark this folder with the
24 witness summary statements -- witness statement
25 summaries as Exhibit 6 to your deposition.

1 (Exhibit No. 6 was marked for purposes of
2 identification.)

3 Q. BY MS. OWENS: Folder 4 contains a service
4 manual --

5 A. Yes.

6 Q. -- and a shop manual for a Thunderbird?

7 A. Yes.

8 Q. Do you rely on any of the material in that
9 in support of any of your opinions?

10 A. General background only.

11 Q. Okay. Index number 15, Interrogatories to
12 the Plaintiff, and there is a blank in the "yes"
13 column?

14 A. Don't have it.

15 Q. Okay. Interrogatory to Defendant, there's
16 a blank in the column?

17 A. Don't have it.

18 Q. Then we have photographs?

19 A. Yes.

20 Q. And let's see. That would be in folder
21 number 7?

22 A. That's correct.

23 Q. Have you taken all of the photographs out,
24 or are they all in there somewhere?

25 A. No, they're split. Those photographs that

1 have been printed in photographic form, one form or
2 another, are contained in 7.

3 Q. Right.

4 A. Digital photographs that are on disc are
5 in another location, which are -- let's see if we can
6 sort through these printed ones first.

7 Q. This the index?

8 A. Oh, yes. This is the index for the
9 McDowell photos.

10 Q. Okay. All right. Looking at the folder
11 number 7, you've got the police photographs?

12 A. That is correct.

13 Q. And are any of these photographs that you
14 took?

15 A. All of these photographs are photographs
16 that I took, these here that are in printed form.

17 Q. Okay. So we have four stacks of your
18 photographs?

19 A. That is correct.

20 Q. Those, as well?

21 A. Yes.

22 Q. Okay.

23 A. Yes. These were taken on May 1, 2002.

24 Q. Okay. Then you have photographs from the
25 coroner's office?

1 A. I believe that's who they're from.

2 Q. Photographs taken by Steve Pickens?

3 A. Yes.

4 MS. OWENS: Have these been -- they don't

5 have Bates numbers on them. Do you know if they've

6 been produced, Sharmi?

7 MS. LAWRENCE: Yes, ma'am.

8 Q. BY MS. OWENS: And then you've got

9 photographs taken by Nick Giles of the underside of the

10 Jeep?

11 A. Yes.

12 Q. More photos by Steve Pickens?

13 A. Yes.

14 Q. Okay. So these four stacks represent

15 photographs you took, correct?

16 A. That is correct.

17 Q. And they're numbered --

18 A. 1 through --

19 Q. -- 1 through --

20 A. -- 314.

21 Q. Okay. Are these duplicates, or do you

22 have duplicates of these available to be produced to

23 us?

24 A. They are not duplicates. We have the

25 negatives. They could be produced to you --

1 Q. Okay.

2 A. -- in picture form.

3 Q. Do you have them on a CD?

4 A. Photos 227 through 314 are on CD. The
5 others are in negative format.

6 Q. All right.

7 A. 35-millimeter negative format.

8 MS. OWENS: Well, if you could provide me
9 with one printed set of those that are only available
10 in prints, and a CD with the ones that are available on
11 CD, I would appreciate it.

12 THE WITNESS: I can do that.

13 Q. BY MS. OWENS: Mr. Arndt, have you taken
14 any photographs in this case yourself other than these?

15 A. Yes, I have.

16 Q. And where are those located?

17 A. Those are located -- those are located in
18 these CD jewel cases. I have two sets of photographs;
19 one that was taken on the 30th of April, 2002, which
20 was an inspection of exemplars; and one that was taken
21 on June 18, 2002, which was a joint fuel tank removal.
22 I have a set of thumbnail prints for the June 18th tank
23 removal. I failed to, however, make a copy of the
24 inspection photos of April 30, 2002.

25 MS. OWENS: Okay. All right. I'm going

1 to --

2 THE WITNESS: These are for the record, if
3 you want.

4 MS. OWENS: Thank you.

5 I'm going to mark your photographs in
6 print form 1 through 314 as Exhibit 7 to the
7 deposition. I'm just going to put the exhibit sticker
8 on the back of the photograph.

9 (Exhibit No. 7 was marked for purposes of
10 identification.)

11 MS. OWENS: And then is this a copy of the
12 CD for me?

13 THE WITNESS: Yes.

14 MS. OWENS: Okay. Thank you.

15 I will mark the CD and the thumbnail
16 sketches as Exhibit 8, and I will give the court
17 reporter these thumbnails to attach.

18 (Exhibit No. 8 was marked for purposes of
19 identification.)

20 MS. OWENS: Those are both off the same
21 CD?

22 THE WITNESS: Let's see here.

23 I believe so, yes.

24 MS. OWENS: Okay.

25 THE WITNESS: Just a moment here.

1 MS. OWENS: Certainly. Take all the time
2 you want.

3 THE WITNESS: Okay.

4 Q. BY MS. OWENS: Okay. And that is of the
5 inspection of April 30, 2002?

6 A. No, it's of the fuel tank removal.

7 Q. Okay.

8 And then you also brought a second CD that
9 is of your April 30, 2002 inspection?

10 A. Yes. I failed to create thumbnails of
11 that.

12 MS. OWENS: Okay. I'm going to mark that
13 as --

14 THE WITNESS: An oversight on my part.

15 MS. OWENS: -- Exhibit 9 to your
16 deposition.

17 (Exhibit No. 9 was marked for purposes of
18 identification.)

19 Q. BY MS. OWENS: Have we now identified,
20 Mr. Arndt, all the photographs you, yourself, have
21 taken in this case?

22 A. Yes.

23 MS. OWENS: Okay.

24 THE WITNESS: Let me go back a moment,
25 because I think I misspoke earlier.

1 Don Stevens did prepare a couple of CDs of
2 the exhibits. I think that was a request yesterday,
3 and I'd forgotten until I've seen them here.

4 MS. OWENS: Okay.

5 THE WITNESS: So I think he must have
6 requested that.

7 MR. FRYHOFER: Yeah. Do you know what you
8 did with the marked --

9 MS. OWENS: A CD of his photographs?

10 MR. FRYHOFER: No. You marked it right at
11 the start of the deposition.

12 MS. OWENS: We marked that as 20, which
13 was --

14 MR. FRYHOFER: Let's compare it to what
15 he's got in his hand here.

16 THE WITNESS: I can explain that, if
17 that's okay.

18 MR. FRYHOFER: Okay.

19 THE WITNESS: What I gave you this
20 morning, the CD which was identified in Don Stevens'
21 deposition yesterday, and I gave it to you with an
22 index sheet on it.

23 MS. OWENS: Yes, sir.

24 THE WITNESS: That's the CD that Don
25 Stevens produced yesterday and added the index sheet

1 to -- at your request, that provides a list of all of
2 the many other working files that we used. The CDs
3 that I just identified are a bit more specific. They
4 deal specifically with the exhibits, I believe, that
5 maybe were spoke about -- spoke to yesterday at Don
6 Stevens' deposition and other exhibits that are here in
7 my file.

8 MR. FRYHOFER: It's an additional disc?

9 THE WITNESS: Yeah. Now, maybe I'm just
10 anticipating that that's needed and it wasn't
11 requested. I'm a little confused at this point in
12 time. Nonetheless, it will get on the record, I guess,
13 one way or the other.

14 MS. OWENS: All right. I'm going to mark
15 that as Exhibit 10 to your deposition.

16 (Exhibit No. 10 was marked for purposes of
17 identification.)

18 MS. OWENS: Okay.

19 MR. FRYHOFER: You have one of those for
20 us, Fred?

21 THE WITNESS: Yes.

22 MR. FRYHOFER: Okay. Mr. Fine, I guess
23 we're going to have to get one for you.

24 THE WITNESS: Let me finish on the photo
25 thing.

1 Now, there is a CD of the scene photos. I
2 had all of this hard copy that is glossy copy photos
3 scanned, put in CD form.

4 MS. OWENS: You are talking about the
5 police photographs?

6 THE WITNESS: The police photos, yes, for
7 ease of examination and analysis. But I did not bring
8 an extra copy of that.

9 MS. OWENS: Okay.

10 THE WITNESS: But they are in digital
11 form, duplication of the photos that we already
12 identified in the file.

13 Q. BY MS. OWENS: Okay. So let me go back
14 now and ask you again: Have we now identified all the
15 photographs that you, yourself, have taken?

16 A. I believe so.

17 Q. Okay. And we'll put this over here and go
18 back to your index, which tells us of the next thing,
19 which is still Exhibit 7 -- we've identified the
20 Atlanta police photographs?

21 A. Yes.

22 Q. Your photographs?

23 A. Yes.

24 Q. It indicates there are digital photographs
25 223 through 337 taken by Mr. Stevens?

1 A. They're probably the ones that we've
2 marked here. We both took photos that day, so -- used
3 the same digital camera, so...

4 Q. Okay. Then you have a copy of Mr. Kirk's
5 photographs?

6 A. I guess I do.

7 Q. And you have from Gary McDowell 38 boxes
8 of 4-by-6 color photographs of vehicles as described on
9 index included in that file?

10 A. Yes.

11 Q. And that's the photographs from
12 Mr. McDowell in this box?

13 A. That's the third of the three boxes.

14 Q. And this index is of Mr. McDowell's
15 photographs?

16 A. That is correct.

17 MS. OWENS: Okay. So we will mark the
18 index as Exhibit 11 to your deposition. And rather
19 than mark the photographs individually, I'm just going
20 to ask that they be a composite exhibit with the index,
21 and that you provide us with a copy on CD if they're
22 available on CD, otherwise, a hard copy of all of
23 Mr. McDowell's photographs.

24 (Exhibit No. 11 was marked for purposes of
25 identification.)

1 MS. LAWRENCE: So you either want it on
2 CD --

3 MS. OWENS: If they're not --

4 MS. LAWRENCE: He said he had negatives,
5 so they're not on CD.

6 MS. OWENS: Okay. The prints are fine and
7 I'll scan them.

8 MR. FRYHOFER: I think Gary actually has
9 the negatives, Fred. He'll possibly have to make
10 those.

11 MS. LAWRENCE: There's duplicate prints.
12 There's two prints in each of those boxes, according to
13 Don.

14 MS. OWENS: So we could sort now.

15 THE WITNESS: Let's not sort now. But we
16 can sort --

17 MS. OWENS: Sort during the lunch break or
18 something.

19 THE WITNESS: You can do that.

20 MS. OWENS: Okay. You have a lot of
21 confidence that I don't share.

22 Q. BY MS. OWENS: You also told me earlier
23 when we were going through this that in addition to the
24 photographs, you have a couple videotapes of the news
25 from Atlanta, television news in Atlanta regarding this

1 accident. They've been appropriately identified many
2 times, so I'm not going to go through that now.

3 You have one videotape labeled Vehicle
4 Crash Test, and the first number is 3597?

5 A. Yes.

6 Q. You have one vehicle tape labeled AMC
7 Crash Test?

8 A. Yes.

9 Q. And you have one videotape that is labeled
10 Crash Tests -IS, meaning impact sled?

11 A. Yes.

12 Q. Do you rely on anything in these
13 videotapes in support of your opinions in this case?

14 A. I think there's a fair amount of
15 information in those videos that's useful from an
16 engineering analysis point of view, and I would rely
17 upon them.

18 Q. Okay. We'll leave those out to talk about
19 them.

20 Now, are those red folders also from
21 Mr. McDowell?

22 A. Yes.

23 Q. Okay. They're different colored than
24 everything else.

25 A. They are.

1 Q. Thank you.

2 All right. The next thing that you have
3 listed is Answers to Interrogatories From Plaintiff in
4 folder 8, and you have a copy of those here.

5 Do you rely on anything in those in
6 support of any of your opinions?

7 A. I haven't reviewed them.

8 Q. Okay. The next file is Answers to
9 Interrogatories From Defendant, which is labeled as
10 file folder number 9.

11 A. No, I haven't reviewed that.

12 Q. Okay. The next list of folder is entitled
13 Medicals. I don't see it actually in here, but it says
14 it's medicals.

15 You don't have that?

16 A. I should have that. I thought I saw it in
17 there.

18 Q. There's no "yes." I don't know what that
19 means.

20 A. No, I guess not.

21 Q. Okay. The next folder is Investigative
22 Notes, which is your file folder 11?

23 A. Yes.

24 Q. I believe we marked that as an exhibit
25 yesterday to Mr. Stevens' deposition.

1 A. There has been material added to that by
2 me.

3 Q. Okay. Can you hand me that folder.

4 A. Here's file 11. This material belongs in
5 there, also.

6 Q. Mr. Arndt, is it true that the material
7 that was added to Mr. Stevens' investigative folder are
8 these notes?

9 A. I don't think they were added. They
10 should have been in the folder. I didn't add them, so
11 maybe you missed them yesterday, I don't know.

12 Q. Okay. Anything else that you added other
13 than this stack we now have on the table?

14 A. No.

15 (Exhibits Nos. 12 through 17 were marked
16 for purposes of identification.)

17 Q. BY MS. OWENS: Okay. Let me hand you back
18 the separate stack of material I believe you've added
19 and ask you -- I've marked those. Would you go through
20 and just state for the record what the exhibits are.

21 A. Exhibit 12 is the draft of my dictated
22 notes -- transcribed draft of my dictated notes at the
23 time of my inspection of the Jeep on the 26th of
24 September, 2001.

25 Q. Is there -- I notice it says "draft" on

1 there. Is there a final version of those?

2 A. That's all I have.

3 Q. Okay. Thank you.

4 And what about the next exhibit?

5 A. And the next exhibit are a series of
6 depositions and exhibits by a Steve Lazarus.

7 Q. That was in a case called Butler?

8 A. Yes.

9 Q. Okay. So is that -- I think 15 is the --
10 I'm sorry, 13 --

11 A. 13.

12 Q. 13 is the exhibits to the deposition of
13 Mr. Lazarus?

14 A. Yes. That is Exhibit 14. That also has
15 some exhibits of Lazarus.

16 Q. As well as a copy of his deposition?

17 A. Yes.

18 There's Exhibit 15, which is the
19 deposition of Foster with his -- with his exhibits.

20 And Exhibit No. 16 is the deposition of
21 Baker with his exhibits. All of these are from the
22 Butler case.

23 Q. Okay. They are -- there are a lot of
24 little red flags on these?

25 A. (Witness nodding head.)

1 Q. Yes?

2 A. Yes.

3 Q. Are those your red flags?

4 A. Yes.

5 MR. FRYHOFER: I think, for the record,
6 Mr. Perion's deposition is also in there and the
7 exhibits to it. I believe there were four depositions
8 with exhibits.

9 THE WITNESS: Might be in there. It could
10 be stuck together with some of the exhibits.

11 MS. OWENS: You're right. Michael Perion
12 is in here, and I'll go ahead and just mark that as 18.

13 (Exhibit No. 18 was marked for purposes of
14 identification.)

15 Q. BY MS. OWENS: And, Mr. Arndt, just so
16 that I can sort of understand, you've indicated that
17 you've placed the red flags on certain pages in the
18 exhibits?

19 A. I've placed a lot of these. I did go over
20 all of these with Mr. Fryhofer, and he probably placed
21 some of them, also.

22 Q. Okay. And is there a corresponding
23 highlighted mark or highlighted section on the paper
24 itself?

25 A. In some instances, yes. Couldn't vouch

1 for every single red flag that that's true.

2 Q. Okay.

3 A. I don't think it is.

4 Q. And then the last set of material we've
5 marked as Exhibit 17, can you tell me what those are?

6 A. Exhibit 17 is a number of pages, 22 pages
7 to be specific, again, for Exhibit 17 that are diagrams
8 and graphics of exemplar vehicles and the damaged
9 vehicles involved in this matter.

10 Q. Mr. Arndt, would it be easier for us to
11 mark those as separate pages, either by adding an
12 alphanumeric designation or by simply numbering the
13 pages?

14 A. Well, I think that's very much dependent
15 on how we end up using them here in the depo. My
16 suspicion is we probably will use them, and it might be
17 a good idea to be more specific about the numbering.

18 Q. All right. I will do that, then.

19 The next folder is Exhibit 4, which is
20 DaimlerChrysler Corporation Supplemental Responses to
21 Request for Production of Documents. Have you reviewed
22 the folder?

23 A. Not carefully.

24 Q. Okay. Then we move to box number 2, which
25 indicates that you have a copy of a Notice of

1 Deposition, a subpoena to Mr. Stevens. Then there is a
2 file marked Affidavit, but there's an indication that
3 there aren't any in the file?

4 A. That is correct.

5 Q. Okay. What is 17?

6 A. Just a moment, please.

7 17 are newspaper stories or articles.

8 Q. In file folder number 17, there is an
9 article from the Atlanta Journal Constitution on
10 Sunday, February 25, 2001, which includes a picture of
11 the scene taken from some sort of aerial point of view
12 as the fire was still burning?

13 A. That is correct.

14 Q. And it indicates that Mr. Stevens ordered
15 a copy of that or a reprint of that.

16 Do you know if that is in your file?

17 A. I haven't seen it, but let's take a look
18 and see if it's in CD format on the --

19 MR. FRYHOFER: Ms. Lawrence says it came
20 off the WSB video, that what he has came off the WSB
21 video.

22 THE WITNESS: No, I don't have it.

23 MS. OWENS: Okay.

24 THE WITNESS: Maybe I should put those
25 back in the file.

1 MS. OWENS: Well, I want to see what they
2 are.

3 THE WITNESS: I know, but I was going to
4 get them in the right file jacket.

5 MS. OWENS: Okay.

6 THE WITNESS: I'm just trying to keep the
7 organization in place. It did come out of file
8 jacket 21.

9 MS. OWENS: All right. Well, we're coming
10 up to 21.

11 Q. BY MS. OWENS: We have in file 18 -- it
12 says Weather Reports, but there's no indication that
13 it's actually in your file.

14 A. That's correct.

15 Q. 19 is the MVMA data for the '91 Cherokee,
16 the '88 Thunderbird, and '96 Camry?

17 A. Correct.

18 Q. 20 is entitled Parts Log Sheets, but
19 there's no indication there's actually anything in the
20 file?

21 A. That's correct.

22 Q. Okay. 21 is videotapes, CDs, and other
23 media, and that's the one we were just looking at, I
24 believe, correct?

25 A. That is correct.

1 Q. All right. And there are five CDs in this
2 file, one of which is a CD from Georgia Aerial Surveys?

3 A. Yes.

4 Q. Have you reviewed that?

5 A. We have a number of copies of that, and I
6 have reviewed it on the screen, on electronic screen.

7 Q. Is it your understanding that the material
8 on that CD was transferred to the CD which Mr. Stevens
9 made up and brought with him to his deposition
10 yesterday?

11 A. You'd have to look at the index to be
12 certain of that. I think he told me that the aerials
13 were there and he had rectified them all. So I assume
14 they're all there. I did not look specifically myself.

15 Q. Okay. Then there is a CD that says it is
16 SEFA photographs numbers 1 through 222?

17 A. That's correct.

18 Q. Are those those prints?

19 A. Apparently, yes. I thought they were
20 taken by 35-millimeter, but either we had them scanned
21 or we have a digital disc. I'm a little uncertain
22 right now now that I see that note.

23 Q. And there's also a disc or CD labeled SEFA
24 photographs 223 to 337?

25 A. That's correct.

1 Q. And then there's the disc that contains
2 the scanned images of the Atlanta police photographs?

3 A. That is correct.

4 Q. Is that a duplicate of that CD which we
5 discussed earlier?

6 A. I don't know. We'd have to check it.

7 Q. Okay. And, lastly, there's a CD that says
8 Produced by Crash Test, Produced by DaimlerChrysler?

9 A. Yes.

10 Q. So you have -- are these the actual
11 reports versus the videos or films?

12 A. I think they're photos. I didn't look at
13 that. I looked at all the videos --

14 Q. Okay. So you haven't looked at any of the
15 actual reports --

16 A. -- whatever.

17 Q. -- of the crash tests?

18 A. Whatever are in the file I've looked at in
19 terms of printed copy. There are some -- they may be
20 all sled tests, if I remember correctly.

21 Q. All right. And in terms of the crash
22 tests, you have looked at the video but not the still
23 photographs, if any?

24 A. No. I've only looked at the videos.

25 MS. OWENS: Okay. Well, what I'm going to

1 do is I'm going to go ahead and mark three of these CDs
2 as exhibits. And I'm going to mark the CD that is
3 labeled SEFA digital photos 1 through 222 as
4 Exhibit 19, the CD that is labeled SEFA photographs 223
5 to 337 as 20.

6 (Exhibits Nos. 19 and 20 were marked for
7 purposes of identification.)

8 MS. OWENS: Did I produce this on this
9 format for y'all, or --

10 MS. LAWRENCE: You produced it in that
11 format.

12 MS. OWENS: Then I don't need this
13 anymore, and I'm putting that back in your folder.

14 Q. BY MS. OWENS: Okay. Mr. Arndt, we've
15 made significant progress here. Let's see if we can
16 get through the books of the Bible before we take a
17 break.

18 22, 23, 24, autopsy reports for Lynne,
19 Nicole, and John Belli, correct?

20 A. Yes.

21 Q. Have you reviewed those?

22 A. Only very quickly.

23 Q. Okay. 25 indicates it is the title
24 history of the accident vehicle; is that correct?

25 A. I don't recall whether it's title history

1 or not. It's the title. It may be the history.

2 No, it's the only page, so I guess it's
3 just the title.

4 Q. 26 indicates that it is a vehicle outline
5 on plastic?

6 A. Yes.

7 Q. And it's not in -- there's no file
8 number 26 in here?

9 A. No. It's in storage in our office.

10 Q. Okay. Is that a great big piece of
11 plastic that you put the vehicle on top of and traced?

12 A. That's essentially -- that's the essence
13 of it, yes.

14 Q. Okay. And what use have you made of that?

15 A. Well, in the final -- it was an interim
16 step in assessing the damage. In the final analysis,
17 we've ended up using the digitized information, so it's
18 redundant at this time.

19 Q. All right. Item 27 is the deposition of
20 Mr. Brennan, correct?

21 A. Yes.

22 Q. And you reviewed that?

23 A. Only briefly.

24 Q. Anything in it you rely upon in support of
25 any of your opinions?

1 A. No.

2 Q. File number 28 is a deposition of
3 Dr. Kiesel, the medical examiner. Have you reviewed
4 that?

5 A. I only went over it quickly. I reviewed
6 Joe Burton's depo, primarily.

7 Q. Okay. Anything in Dr. Kiesel's deposition
8 that you rely upon in support of any of your opinions?

9 A. Nothing that I recall.

10 Q. Okay. File folder 29 is Plaintiffs'
11 Responses to Requests for Production.

12 Have you reviewed that?

13 A. No.

14 Q. 30 is, I believe, the deposition of
15 Gilberg. Have you reviewed that?

16 A. Yes.

17 Q. Anything in it you rely upon in support of
18 any of your opinions?

19 A. No.

20 Q. 31 is the deposition of Dr. Burton. Have
21 you reviewed that?

22 A. I have.

23 Q. Is there anything there that you rely upon
24 in support of any of your opinions?

25 A. It's information. I didn't really use it

1 for my opinions.

2 Q. Okay. What information did you find
3 significant?

4 A. The nature of the internal burn injuries,
5 I think, are consistent with a very rapid fire in a
6 vehicle. To that extent I used it.

7 Q. Okay. Then we have a file number 32,
8 which, I believe, is various materials related to Ron
9 Kirk?

10 A. That is correct.

11 Q. And we have two rolls of his photographs
12 of the scene, numbers -- Roll A and Roll B.

13 A. Correct.

14 Q. And then exhibits to his deposition,
15 including Exhibits 5, 16, 26H, 15, and his deposition
16 itself?

17 A. Yes.

18 Q. And three sets of materials that were not,
19 apparently, marked as exhibits, or these are duplicate
20 copies containing information regarding the Cherokee,
21 the Thunderbird, and the Camry?

22 A. That's correct.

23 Q. Okay. Have you reviewed Mr. Kirk's
24 deposition?

25 A. I have.

1 Q. And you've marked certain pages of it with
2 the yellow stickies; is that correct?

3 A. That's correct.

4 Q. Are those the important parts?

5 A. Those are the parts that I thought
6 provided specific information about the accident, as I
7 reviewed it.

8 Q. Okay.

9 A. I should say as he reconstructed it.

10 Q. Okay. Now, in the back of the box in
11 unlabeled folders are a series of Chrysler documents,
12 and there is an index to these. Have you reviewed
13 those documents?

14 A. I went over them briefly.

15 Q. Do any of them support -- do you rely upon
16 any of them to support any of your opinions in this
17 case?

18 A. Provide background information only.

19 MS. OWENS: All right. I'm going to mark
20 the index as Exhibit 21 to your deposition.

21 (Exhibit No. 21 was marked for purposes of
22 identification.)

23 Q. BY MS. OWENS: Now, have we gone through
24 just about everything that there is to go through?

25 A. I hope so. I believe we have.

1 MS. OWENS: Okay. Want to take a break?

2 THE WITNESS: Sounds like a good idea to
3 me.

4 (A recess was taken from 11:17 a.m.
5 to 11:30 a.m.)

6 MS. OWENS: I went through and marked the
7 digitization diagrams as 17A through 17V, so each page
8 is individually marked.

9 MR. FRYHOFER: Were there some other ones
10 that were marked in a separate exhibit yesterday?

11 THE WITNESS: Yes.

12 MS. OWENS: There were. They were in the
13 working file -- investigative file of Mr. Stevens.

14 MR. FRYHOFER: Okay.

15 And let me also mention that the AutoCAD
16 data of the exemplar and the crashed vehicles has been
17 produced to you on compact disc so you can make your
18 own diagrams from anything on there. And the
19 plaintiffs can take that data and make other diagrams,
20 as well, aside from the ones that are printed. So
21 everybody has the same data that they're working from.

22 MS. OWENS: Okay.

23 Q. BY MS. OWENS: Mr. Arndt, I mentioned sort
24 of at the beginning of this deposition that we have
25 been provided a supplemental interrogatory response

1 where you were identified as an expert and certain
2 areas of testimony that you would be expected to give
3 or outline. Do you recall that?

4 A. I do.

5 Q. And one of the -- one of the areas that
6 you were asked -- strike that.

7 One of the areas that it indicated that
8 you will testify about is other similar incidents of
9 fuel tank failure and the notice those would have
10 provided to a reasonable automotive manufacturer.

11 Have you reviewed any material regarding
12 alleged other similar incidents?

13 A. Not specifically. I only have some
14 knowledge of other accidents.

15 Q. Okay. Have you reviewed any material in
16 this case or produced in this case relating to Jeep
17 Cherokee accidents that you believe are similar to the
18 Belli accident?

19 A. Have I produced anything in this case?

20 Q. No, sir. Let me rephrase it.

21 Have you reviewed anything in this case
22 related to a Jeep Cherokee accident you believe is
23 similar -- substantially similar to the Belli accident?

24 A. I don't think I've reviewed any specific
25 accidents for this case.

1 Q. Okay. And I think you indicated that you
2 had some general knowledge or understanding that would
3 relate to the topic that was described in the
4 interrogatory response?

5 A. Yes.

6 Q. Tell me what that would be, sir.

7 A. Well, I have, over the years, examined a
8 number of accidents involving this vehicle -- or a
9 vehicle that is made by Chrysler that has very similar
10 design features as this particular vehicle. And that's
11 what I would rely upon.

12 Q. Do you have specific information regarding
13 those prior investigations, such as the vehicle type?

14 A. I'd have to see if I could locate that.

15 Q. The accident date?

16 A. All of that information would have to be
17 defined.

18 Q. The accident location?

19 A. Exactly.

20 Q. Could you go back in your files and find
21 that?

22 A. It's possible.

23 Q. Have you been asked to do that?

24 A. I don't know that we've had any discussion
25 about that.

1 Q. So would it be fair to say that, as of
2 today, you do not intend to testify regarding any
3 specific accident and the details of that accident as
4 being similar or substantially similar to this
5 accident?

6 A. I do not have any specific information
7 about any other accident in the file that I would
8 testify about.

9 Q. And so, as of today, it is not your intent
10 to talk about specific other accidents?

11 A. Other than what's contained in my general
12 memory, my general memory of those accidents. But
13 nothing beyond that.

14 Q. And I think you've indicated to me, but I
15 want to be sure, that your memory will not allow you at
16 this point in time to testify regarding specific
17 details of those prior accidents?

18 A. I can't do that.

19 Q. Okay. Have you done any testing for this
20 case, Mr. Arndt?

21 A. No.

22 Q. Have you been asked to do any testing?

23 A. No.

24 Q. Have you suggested any testing?

25 A. No.

1 Q. Have you reviewed any testing from any
2 other source that you rely on in this case?

3 A. None other than that which has been
4 produced by Chrysler.

5 Q. Okay. What are your fees that you're
6 charging in this matter as of today?

7 A. For general investigation
8 work/consultation, I charge \$400 per hour. For
9 testimony, either by deposition or trial, I charge
10 \$500 an hour.

11 Q. And how long has that been your rate -- or
12 your rates?

13 A. It's hard to say. A couple years, maybe.

14 Q. Do you have in front of you over there
15 Exhibit 4 from Mr. Stevens' deposition?

16 A. I do.

17 Q. And that's a police accident report file?

18 A. Yes.

19 Q. Do you have Exhibit -- what exhibit -- the
20 correspondence file is what exhibit?

21 A. 21.

22 Q. Okay. Does that contain, insofar as you
23 know, all of the bills that have been charged by
24 SEFA -- strike that.

25 Does that contain, to your knowledge, all

1 of the invoices submitted by SEFA or any affiliated
2 person, such as Mr. McDowell?

3 A. This contains all of the invoices
4 submitted by SEFA. I don't believe that we billed on
5 behalf of Mr. McDowell. I believe that he submitted
6 his own bills, but -- usually, that's the way it is. I
7 didn't check the file to make sure that was the
8 situation here.

9 Q. Okay.

10 A. And that is all that's in here as far as
11 invoices are concerned.

12 Q. Do you keep time records?

13 A. Yes.

14 Q. Are they included in that exhibit, or
15 elsewhere in your file today?

16 A. Specific time records are not included in
17 the billing. It's only an aggregate of the time.

18 Q. How many prior occasions have you been
19 retained by the Butler firm?

20 A. I can't say with certainty, but I've
21 worked with the Butler firm a fair amount over the last
22 ten years.

23 Q. Would it be more than ten --

24 A. Probably 12, now that I think about it.

25 The first case that I worked on, I think it was in

1 1990.

2 Q. And have the prior cases involved General
3 Motors pickup trucks?

4 A. Quite a number of them have. The majority
5 of the cases have been associated with the General
6 Motors light truck fire issues.

7 Q. The CK.

8 A. The CK truck, yes. There are some
9 exceptions.

10 Q. Do you recall what those other vehicles
11 were?

12 A. This one, of course. There was a Butler
13 matter, Nelda Sue Butler.

14 Q. That was a full-size van?

15 A. Van.

16 That was -- there was a couple of others,
17 three, maybe four. A couple Ford fire cases, and --

18 Q. And did you say "Ford"?

19 A. Yeah, Ford. Yes, Ford.

20 And there may have been another General
21 Motors -- I think could have been the X Car case, fire.
22 They've all been fire-related cases. That's the best
23 of my memory.

24 Q. Did any of the prior cases with the Butler
25 firm involve a midship tank design?