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

PE12-019

FORD

9-4-2012

APPENDIX E

Lawsuit-Claim Files - Peer Vehicles AND

Lawsuits-Claims Files - Subject Vehicles PART 1 OF 5

PAGE 20

PE12-019

FORD

9-4-2012

APPENDIX E

Lawsuit-Claim Files - Peer Vehicles



BEGINNING OF CONTACT 02/02/2010

VOICE OF THE CUSTOMER TRACKING SYSTEM

10.15.37

OGC ISSUE CASE NBR 0513600320 REGION: A1 SELECT DEALE ZONE: B01 OPENED: 02/01/2010 1FMUU01B71K ENGINE: VEH TYPE: B CLOSED: 02/01/2010 VIN: ****** ------CLOSED STATUS-LAST NAME: TITLE: MRS FIRST NAME: MI: ADDRESS: STATE: IL ZIP: CITY: ROSEVILLE HOME PHONE. MODEL YEAR: **ESCAPE XLS 4X2** 2001 MODEL: MILEAGE 150000 KRIEGER FORD LINCOL DEALER NAME: SALES CODE: F41785 P & A: 20006 0796 LEGAL - ALLEGED INJURY REASON CODE: SYMPTOMS: 624100 ACCELERATOR PEDAL STICK/BIND

ORIGIN: ACTION: DOCUMENT: CACI38 705

US CONCERN CASE BASE COMMUNICATION: PHONE CONTACT ADVANCED TO OGC

ANALYST: SROSADO ROSADO, SUSAN

DATE: 02/01/2010 TIME: 14.16,00: ACTION DATA/COMMENTS:

> GUSTOMER SAID: -GAS PEDAL STICKING CAUSING A CAR ACCIDENT-AC CIDENT HAPPENED NOVEMBER 9, 2008-INJURIES WERE SUSTAINED BUT NOTHING THE CUST CAN PROVE-ACCIDENT OCCURRED IN ALEDO, ILLI NOIS ON 155TH AVE-POLICE REPORT WAS FILED-THE FINDINGS WHERE THE GAS PEDAL WAS STUCK WHICH CAUSED THE ACCIDENT-GUST WAS TRYING TO PASS ANOTHER VEH, AND HIT SOMEONE-CUST VEH HAD CAU GHT FIRE ONGE THE VEH STOPPED MOVING-DOES NOT KNOW POLICE RE FORT NUMBER-MERGER COUNTY SHERIFFS DEPARTMENT-HAS FILED CLAI M WITH INSURANCE AND HAS BEEN PAID FOR IT-VEH WAS TOTALED AN D NOT REPAIRABLE-SEEKING FOR FORD TO GIVE HER ANOTHER USED V EH*** DEALER SAID. KRIEGER FORD LINCOLN-MERCURY3205 N HWY 61M USCATINE IA 52761(563) 263-5324 *** CRC ADVISED: I WILL FORWA RD YOUR INFORMATION TO FORD'S OFFICE OF THE GENERAL COUNSEL. YOU SHOULD RECEIVE A WRITTEN RESPONSE WITHIN 15 BUSINESS O AYS TO YOUR CONGERN NOTE TO GCR: REMEMBER TO VERIFY ALL CUST OMER CONTACT INFORMATION BEFORE SENDING ISSUE.***-ADVISED PH RASEOLOGY-VERIFIED INFORMATION





AMERICAN FAMILY INSURANCE GROUP

TOO BLOCK THEY IN THE PARTY AND REPORT OF PROPER STEEL AND SHOW

June 12, 2002

FORD MOTOR COMPANY PARKLANE TOWERS WEST SUITE 300 THREE PARKLANE BOULEVARD DEARBORN, MICHIGAN 48126-2568

RE

Our Claim Number: Our Policy Number:

Our Insured: Date of Loss:

March 9, 2002

FORD MOTOR COMPANY
RECEIVED
CLAIMS VINIT

JUN 1 7 2002

DEFICE OF THE
GENERAL COUNSEL

Dear Mr. Norton:

We are writing you regarding a loss that occurred on March 9, 2002, involving a 2001 Ford Escape with a defective cruise control.

We have received your letter dated May 15, 2002, requesting expert original photographs of the defective parts, expert's report, and the present location of the defective part and vehicle. I have already mailed you all of the information available to me about this loss on May 2, 2002. We request that you conduct your own investigation of this defective device as it is installed on a vehicle that your company manufactured. This vehicle has been repaired, and is currently being driven by our insured. The original cruise control components are still installed.

Thank you for your cooperation.

Sincerely,

Robert Whitescarver

Casualty Claim Representative 1 (800) 374-1111, ext. 56260

rwhitesc@amfam.com

American Family Mutual Insurance Company

No byotos

	RECORDED	STATEME	NT SUMM	ARY		
Claim Number:						
Date Taken:	March 13, 2002	Taken	by Phone o	r in Person	n:	PHONE
Statement of:						
How involved:	INSD DRIVER					
Address:		M		Age:		
Home Telephone:			Work Telep	hone:		
Social Security #:		-				
Marital Status:			Name Of Sp	ouse:		
Employment:						
Wages/Hour: \$			Wages/Mor	nth: \$		
	HWY. WITH TWO LA LIGHT SNOW AND WAS TRAVELING A CONTROL ON WHE LANE TO THE LEFT INSURED AND THE OR SO. THE INSURED AND THE INSURED AND THE GAR ON HIS RIGHT BUT TO HIT THE GAR END OF THE CONTROL FINALLY THE CAR. DAMAGE AND THERE ARE N 4 PASSENGERS WIDRIVER) IN THE GAR TICKETS ISSUED. THE SAW HIM COMINACCELERATE TO A FAST ACCELERATE	WINDY, BUT IPPROXIMAT IN A GARBAGE I LANE ABOU GARBAGE T IED SHOULD HE HIT THE NO HE COULT AND A DITO AND A DITO ARBAGE TRU GARBAGE T IS SEVERE IO DAMAGES ITH THE INSI ARBAGE TRU THE DRIVER NG UP TOO AVOID THE A	THE ROADS ELY 65-70M SE TRUCK S T45 OR 50 Y RUCK WAS HAVE HAD BRAKES, THE O NOT SLOVE H TO HIS LE JCK. THE IN TO THE FROAD JCK. NO INJ OF THE TRU FAST BEHIN	S WERE DE PH WITH F WITCHED YARDS IN ONLY GO PLENTY C HE CRUISE V DOWN, F EFT SO HE SDS FROM AT IMPAC SURED WA ONT OF TH ARBAGE TI ONLY ONE IURIES, TH UCK TOLD ID HIM ANI	RY. THIS CO FRO FRO ING. IN THE HALL IN THE HALL IN THE PER IN THE	THE INSURED CRUISE OM THE RIGHT NT OF THE ABOUT 55MPH ME TO SLOW NTROL WOULD AD ANOTHER O NO CHOICE ND HIT THE IE CRUISE BLE TO STOP ISURED VEHICLE K. THERE WERE RSON (THE OLICE CAME, NO E INSURED THAT IED TO
Injuries:	NONE				-	
Doctor/Hospital:					-	
Address:						
Medical Bills: \$					_	
Name, Address & Injuries of	4 PASSENGERS NO	O INJURIES				

C-426 Stock No. 11226 Rev. 12/95

American Family Insurance Group

	REC	ORDED S	TATEME	NT SUMM	ARY		
Claim Number:							T
Date Taken:	March 14,	2002	Take	n by Phone o	or in Pers	on:	PHONE
Statement of:	1						
How Involved:	OWNER C	FCAR					
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Home Telephone:				Work Telep	hone:		
Social Security #:							
Marital Status:				Name Of S	pouse:		
Employment:							
Wages/Hour: S				Wages/Mor	nth: \$		
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Injuries:			-				
Doctor/Hospital:	1						
Address:	-					_	
Medical Bills:	5				-		
Name, Address & Injuries of Passengers:							
Comments:							

C-128 Stock No. 17226 Rev. 1295

American Family Insurance Group

NSTAIBUTION: COPY - AGENCY THE ORIGINAL MISSOURI STATE HIGHWAY PATROL - TRAFFIC DIVISION - P.O. 80X 568 JEFFERSON CITY MO 85 10Z

SHP-2P 01/02

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I NA DRIVERZ SAME ADDR	ESS AS ABOVE			m	2	FL	5	1	1	1	1	5	
1 - OTHER OCCUPANTS & PEDESTRIANS	ISAD = SAME AS DI	RIVER)		1									
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SAD													
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□ □ 10 Motorcycle — □ □ □ 2	- On Ho				Backi	100						nu Pell	
0 0 11 ATV 3	Wh COLLSON I	W. T. W. W.			Parke	ed in Tra d	anic.					ny Pen	
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1 14 Meter Hame Carrowr 0 0	C 2 0-4-14				Avoid								n Transport
☐ ☐ 15 Farm implements	3 Fixed					over Me ove: Ce							no Motor Vehicle o Object renter code II+
☐ 16. Construction Equations ☐ 17. Other Transport Device	5 Pedes	Control of the Contro	- 0			ng Road	1		37	Colly	1405	MY CITY	Other (explin)
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☐ ☐ 19 Pick-up ☐ ■ 20. Single up il Truce 3 avint å tires	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Transport — Other Roadway —			-		-		-				
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24. Truck Tractor With Two Linns 25. Truck Tractor With Timbe Lings		TWO VEHICLE COLL	LISION	36	Fined	Object	Code		-				
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GCVW Raling (net licensing weight) 19-		62 Sideswipe - M	leeting	i	12			known					
Less than or equal to 10 000 ths 10.001 - 96 000 ths		63 Sideswipe - P	assing	,	14	11	.,	34	,	V			
Greater than 26,000 ibs		☐ 64 Angle ☐ 65. Backed Info											
13. EMERGENCY VEHICLE INVOLVEMENT		67 Other		33.	Anim	al Code							
V1 V2 ☐ □ 1. Police	16 TOASOC	CONDITIONS		36	Fixed	Object	Code		1	- 4			
D 2 Fire	VI VZ	Continues				-	2715						
3. Ambulance		ormal			0.65	200	12.01						
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A Emergency Vehicle on Emergency F	anu 🗆 🗆 3 C	ongestion Ahead											

			Ar .	1	0203-073	PAG	E 7 OF O
18. PROBABLE CONTRIBUTUNG CIRCULSTANCES: V1 V7 1 Vehicle Delects (explain) 1 Traffic Control Inoperable or Missing 1 Juneroperty Stopped on Roadway 1 Spried - Exceeded Limit 1 S Too Fant for Conditions 1 G Improper Passing 1 Viving Side (not passing) 1 Viving Side (not passing) 1 Stopped - Exceeded Limit 2 Viving Side (not passing) 3 Following Too Close 1 To Improper Signal 1 Traffice Racking 1 Traffice Turn 1 T	I Intersection of Al Intersection ACAD With Signal gainst Signal o Signal isagonally within Crosswalk within Marked Crosswalk ellind / In Front of Patked Cat Jith Traffic gainst Traffic	20. VISION OBSCURED VI V2 1. Windshield 2. Lead on Variorie 3. Trees / Brush 4. Building 6. Signboards 7. Hillorest 8. Parked Cars 9. Moving Cais 10. Glare 110. Glare 111. Oner (explain)	2000,000000000	1. Construction on 2. Other Work on 3. School Zone 4. Sing Sign 5. Elegan Sign 6. RR Sign 7. Yield Sign 9. No Passing Zone 10. furn Removed 11. Signal on Signal on 10. furn Removed 11. Signal on Signal on 11. Signal on Signal on 12. Name		22. ROAL CHARACTER ALIGNMENT 1 Straight 2 Curve PROFILE 11 Level 2 Grade 3. Hillorest	
14 Wirong Way (One-Way) 15 Interoper Start From Park P1 P2 15 Interoper Start From Park P1 P2 15 Interoperty Parked 17. Fittles (n. Yield 18 Aborbot 18 Brugs	12 G 13 S 14 P 15 G	etting On / Off Vehicle tanding / Lying / Sitting on Hoad ushing / Working on Vehicle bither Working laying on Road Itt Roadway	23. LIGHT CONDITION 1 Daylight 2 Dark with Street Ligh 3 Dark with Street Ligh 4 Dark No Street Ligh 5 Indefermmate Jexpon	ns Off	24 WEATHER CONDIT	1000	S. ROAD CONDITION 1 Dry 2 Wet 3 Show 1 Le 1 Stush 6 Mgd
	1 Conce	ele [3 Brick	5. Dirt / Sand		7 Fog / Mini 8 Indeletmonari (explain)	E	7 Standing Water 8 Moving Water 9 Other (explain)
Individual to the following to determine it this section should 1. Does this accident involve any of the following. 1. a person litarity injured; or 2. a person transported for medical atterition; or 3. a vehicle lowed from the scene of the accident 1. NO - CO NOT COMPLETE 2. Pasmire each vehicle to determine if it is a commercial vehicle based on the following: 1. a truck with GCVWR of more than 10,000 lbs and engaged in commerce; or 2. a bus or ichool bus (9 or more including driving): 3. a vehicle with a hazardous materials placard 1. NO - DO NOT COMPLETE 2. YES - COMPLETE SECTIONS B - E	il	V1 ICC NO. MC V2 ICC NO. MC C. HAZARDOUS MATERIAL V1 4-Dig4 Placard Number from Diamond / Box V2 4-Dig4 Placard Number from Diamond / Box D. TRAFFICWAY 1 Two-Way No. Divided 2 Two-Way Divided Unp 3 Two-Way Divided, Pos 1 4 One-Way No. Divided	PLACARD NUMBER Number Fr of Diamond Number Fr of Diamond	om Bot	€ NA		Encicsed Box. Cargo Tank Flatbed Dump Gondete Mixer Auto Transponer Garbage - Refuse Grain, Chio, Grave grain, Chio, Grave
Please See attached purposes	Offense	e incident rep	ort for Furt	hec	· investiga	lien	el
28. REPORTING OFFICER & GNATURE Cot		DSN/BADGE NO. REV		T/ZOI	NE;	TROOP	DSN/BADGE NO

Lincoln County Sheriff's Office 65 Business Park Drive Troy, MO 63372

Offense / Incident Report

340000000	Type of Incident ACCIDENT				Compla 0203-0		Stat	us	Page
Incident Date/Time;	Occurred On	Saturday	03/09/2002	11:30	10	Saturday	03/09/2	002	11:32
Summon Source Summon Su	sector	Ward We	Ajather			belien LCSD	Si Si Evid Serz No	Len Zip Neig Ca	anv No
Complainant/Reports Name 55N Str#/Box 104	ID SireeuRi HWY J		me Apt	City V	DOB Bus () -	TTY		lip.	
03/09/2002	Received Time 11:32	Dispatch Date 03/09/2002		ch Time :32		Arrival Time: :51	Children	Departure 12:36	Time
Victim Information Name SSN Surface a loguest No inpury	ID meuri	Relation to Suspensive Sex	Noce Alt Apt	DO	B //	Age 0	New St	Weight Lyes	
Marrative Lincoln Cour Date: March	nty Sheriff's 9th 2002	Dept.				VI	oproving DISTA		
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being identi vehicle one between the travel lane, to slow down	nicle one and fied as a gar traveling in two, vehicle for the purp i, struck the	bage truck, the left la two signale ose of turn rear of veh	was trave ne of trave d and made ing left of icle two,	eling in rel. Have a safe on Tropic directly	the faing app lane cana Dr	r right l proximatel change intrive. Vehi cilizing v	ane, wit y 100 fe o the fa cle one rehicle o	h et r left failir ne	
change, leav	rer of vehicle ring a safe di I to brake, in orted or reque	stance betw dicating th	een the tw at the bra 1 treatmer	no. Furth	ermore led.All	, driver	one stat	ed tha	it
Respectfully Sgt. Stone 4	73	d topy	C	rakes ruise cont	id				
Reporting Office And Andrews Office O	13 Agto	tit tup	=			mation Technolog	ies Inc. St. Luci	s MO CH	1) 997-53

INSURANCE COMPANY

Adjuster: Robert Whitecarver.

Company: OTHER

Address: 11798 BORMAN DRIVE

ST. LOUIS, MO 63146

Phone: (314)991-0070 Claim #: 111-301437

Policy #:

APPRAISAL COMPANY

Appraiser: Owens. Jim

Company: MID-AMERICA CLAIMS MANAGEMENT,

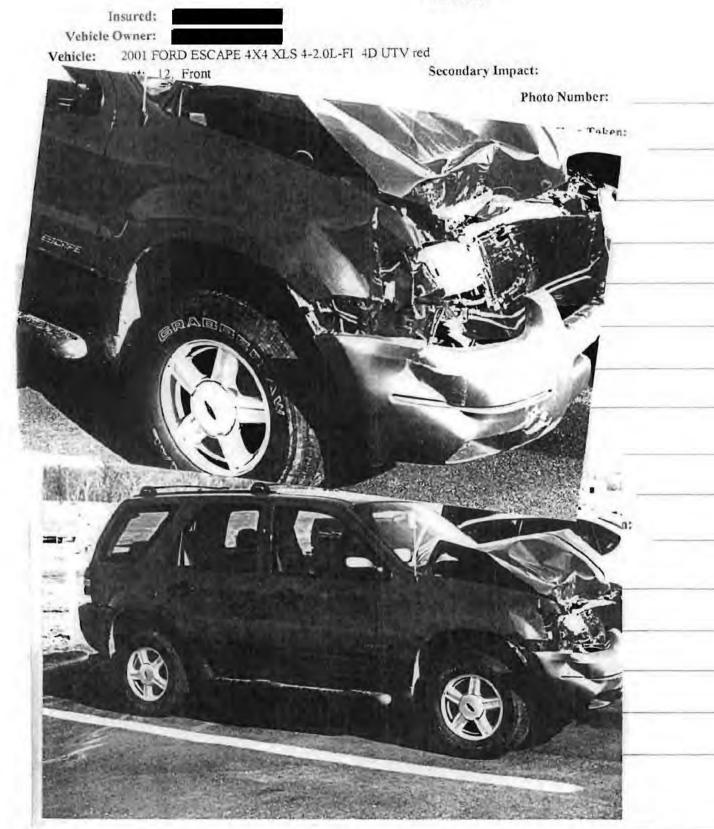
Address: 501 N. Lindbergh

St. Louis, MO 63141

Phone: (314)997-3007

LA File ID: 31329

PHOTOS



03/14/2002 at 03:12 PM

INSURANCE COMPANY

Adjuster: Robert Whitecarver.

Company: OTHER

Address: 11798 BORMAN DRIVE

ST. LOUIS, MO 63146

Phone: (314)991-0070 Claim #: 111-301437

Policy #:

APPRAISAL COMPANY

Appraiser: Owens. Jim

Company: MID-AMERICA CLAIMS MANAGEMENT, INC.

Address: 501 N. Lindbergh

St. Louis. MO 63141

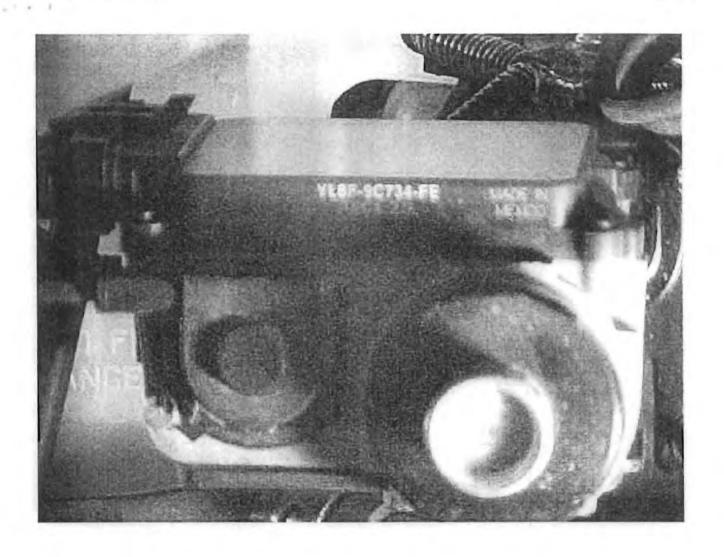
Phone: (314)997-3007

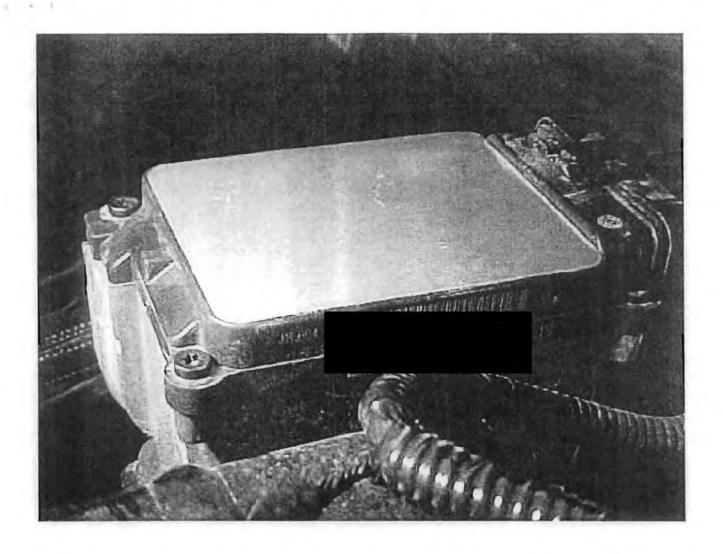
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PHOTOS

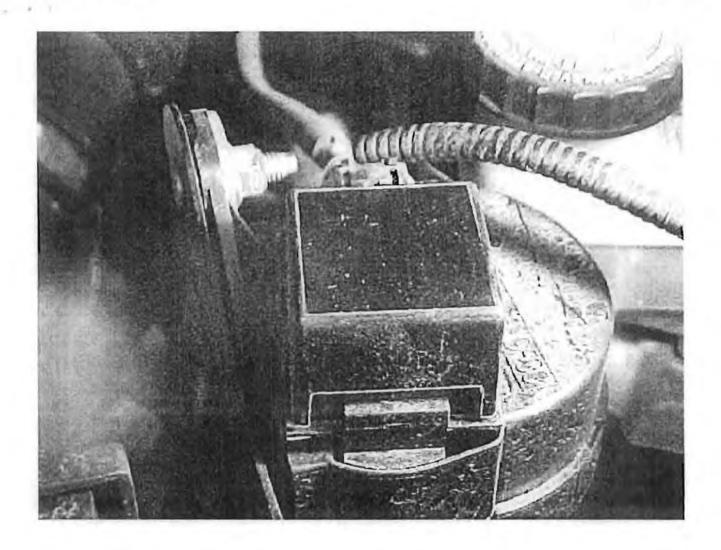








RODDY Whitescurver Page 1 of 1





AMERICAN FAMILY INSURANCE GROUP

HOLKERY STATE APPEARSON CITY MICHIELD STREET PROBES STATES AND

March 26, 2002

FORD MOTOR COMPANY RECEIVED CLAIME UNIT

APR - 5 2002

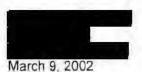
GENERAL COUNSEL

FORD CONSUMER AFFAIRS PO BOX 6248 CONSUMER AFFAIRS MD-3NE-B DEARBORN MI 48126

RE Our Claim Number: Our Policy Number:

Our Insured:

Date of Loss:



To whom it may concern:

We are writing you regarding a loss that occurred on March 9, 2002.

There has been an automobile accident involving a 2001 Ford Escape. We believe that this accident was caused by faulty equipment installed in this vehicle. The driver of this vehicle was traveling with the cruise control on when it failed. He attempted to brake and slow down the car when the cruise control would not shut off. His car collided with the rear end of a vehicle resulting in a crash

The Escape is located at Precision Auto Body in Canton MO, awaiting your inspection. The car is scheduled to be repaired within seven to ten days from the date of this letter. You can reach Precision Auto Body at 573-288-3369.

We have paid out damages for this accident in the amount of \$5,721.17. We ask that you reimburse us for these expenses. The above amount includes our insured's \$250.00 Collision deductible.

Please contact me at 800-374-1111 extension 56260 upon receipt of this letter

Sincerely

Robert Whitescarver

Casualty Claims Representative

riw

a lot

PE12-019

FORD

9-4-2012

APPENDIX E

Lawsuits-Claims Files - Subject Vehicles PART 1 OF 5





P.O. Box 36220 Louisville, KY 40233-6200 FAX (502) 479-5060

July 17, 2005

AUG 0 1 7005

FORD MOTOR COMPANY P.O. BOX 1904 16800 EXECUTIVE PLAZA DRIVE DEARBORN MI 48121

RE:

Your Insured:

Your File Number:

RECALL #04525

Our Insured:

Insurance Company: AUTO CLUB INSURANCE ASSOCIATION

Date of Incident:

9/18/2004

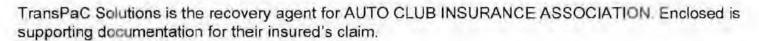
Event Number:

TPCS - 424131 - 584887

Amount Paid:

2420.11

Dear,



Please forward your check made payable to TransPaC Solutions to the address on the top of this letter. Be sure to include TransPaC Solution's event number and the insured's name on your check.

Please contact me if you have any questions or need further information to evaluate this claim.

Sincerely,

any a Wilson

Amy Wilson (800) 759-1367

424131 - 584887/T3PINND

PE12-019 000002LC SUBJECT

-STATE- OF MICHIGAN TRAFFIC	CRASH REPORT	Fig Class 9 300-1
100	The state of the s	FDE Class 9 300 -/
THE PERSON NAME OF THE PERSON NA		Open Classed NC.
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MIN MIN NEWS	by	Nemby
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Alcohol O Viss A No Fest Type O Field O PST O Breath O Blo	nd Oldine Test Results	O Airbag O Yes O Mill Equipped
Drugs Ver S No Test Type S Blood Ultime Test Results		Deployed ONO Citation tessued Hazardous
298WC State Insurance A	44	Hazzidous ()
	FUED SW	RED 2007
	date Type Vehicle Otrection Spe	dal Varidas Prince Trade Type O O O O O O O O O
Fred Irrano Extent of Driveable OVA O		O O O O O O
Pist Name	SM (Complete Recording Section O West Valleton Doctor of Billyton	Sex Patter Feature House - Patter
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Jan 22 2005

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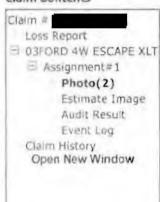
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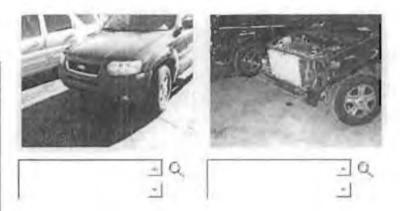
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SUMMONS



In the Marion Superior Court, Room No. 4

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Cause No. 49D04-0411-CT-002189

DONNA WILLIAMS and FORD MOTOR COMPANY

Defendants

TO DEFENDANT:

Ford Motor Company c/o CT Corporation System 251 E. Ohio Street, Suite 1100 Indianapolis, IN 46204

You are hereby notified that you have been sued by the person named as plaintiffs and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also make the relief sought or the demand made against you by the plaintiffs.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days of this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiffs.

If you have a claim for relief against the plaintiffs arising from the same transaction or occurrence, you must assert it in your written answer

Dated WAR 2.3 2005

Clerk, Marion Superior/Circuit Court

(The following manner of service of summons is hereby designated.)

X Registered or certified mail.

Service at place of employment, to-wit:

Service on individual - (Personal or copy) at above address.

Service on agent. (Specify)

Other service. (Specify)

E. Ralph Hoover (#19403-49) Attorney for Plaintiffs

ECKERT CRAVEN, P.C.

7550 S. Meridian Street, C. Indianapolis, Indiana 46217

Phone: (317)881-2700 Fax: (317)885-3%84

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this	s summons on the d	y of		_:				
(1) By delivering a copy of the Summon	s and a copy of the complaint to	the defendant,						
(2) By leaving a copy of the Summons a	and a copy of the complaint at							
which is the dwelling place or usual place of and by mailing a copy of said summons to								
(3) Other Service or Remarks:								
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COUNTY OF MARION)) SS:)	CIVIL DIVISION CAUSE NO.
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Plaintiffs, vs.)	FILED 137 MAR 1 4 2005
Defendant.)	CLERK OF THE MARION CIRCUIT COURT

ORDER GRANTING MOTION FOR LEAVE TO AMEND COMPLAINT

COME NOW the plaintiffs,

by counsel, and having filed their Motion for Leave to File

Amended Complaint which appears in the following words and figures, to-wit:

(H.I.)

And the Court having read said documentation and being duly advised in the premises, now finds said Motion should be GRANTED.

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED that the Amended Complaint attached as Exhibit "1" to the plaintiff's Motion is hereby considered as filed with the Court relating back to the filing of the original Complaint.

	MAR	14	2005
Dated:			

JUDGE, MARION SUPERIOR COURT #4

Copies to:

E. Ralph Hoover
Eckert Craven, P.C.
7550 South Meridian Street, Suite C
Indianapolis, IN 46217

Ralph E. Dowling
Norris Choplin & Schroeder, LLP
101 West Ohio Street
Ninth Floor
Indianapolis, IN 46204-4213

COUNTY OF MARION)) SS:)	IN THE MARION SUPERIOR COURT CIVIL DIVISION CAUSE NO. 49D04-0
Plaintiffs,		FILED 137 MAR 1 4 2005
DONNA WILLIAMS and FORD MOTOR COMPAN	Y,)	MAHION CHOURT COURT
Defendants.	3	

AMENDED COMPLAINT FOR DAMAGES

COUNTI

COME NOW the plaintiffs, I

by counsel, and for their Amended Complaint against the defendants,

DONNA WILLIAMS and FORD MOTOR COMPANY, allege and state:

- 1. That at all times relevant herein plaintiffs,
 - , were residents of Indianapolis, Indiana
- At the time of the incident, the defendant, DONNA WILLIAMS, was a resident of Greenwood, Indiana.
- 3. That on or about April 20, 2003, the plaintiff, was stopped in westbound traffic on Southport Road at the intersection of State Road 37 in Marion County, State of Indiana.

	4.	That on or about April 20, 2003, the plaintiffs, "
4		ere passengers in the vehicle being driven by the plaintiff, t

- 5. That on or about April 20, 2003, the defendant, DONNA WILLIAMS, was driving westbound on Southport Road in the County of Marion, State of Indiana, and while operating said motor vehicle collided into the rear of the vehicle operated by the plaintiff, which then caused the plaintiffs' vehicle to collide into the vehicle in front of them.
- That the defendant, DONNA WILLIAMS, was then and there careless and negligent in the operation of the vehicle she was driving.
- 7. That as a proximate result of the negligence of the defendant, DONNA WILLIAMS, a collision occurred in which the plaintiffs, and were physically injured and damaged; have endured physical pain, suffering and mental anguish; plaintiffs' were prevented from attending to their usual occupations; and all plaintiffs have incurred expenses for medical care.

where of the costs of this action, and for all other relief just and proper in the premises.

Respectfully Submitted,

ECKERT CRAVEN, P.C.

E. RALPH HOOVER, #19403-49

Attorney for Plaintiffs

7550 South Meridian Street, Suite C Indianapolis, Indiana 46217

Phone: (317)881-2700 Fax: (317)885-4884

COUNT II- STRICT LIABILITY

COME NOW the plaintiffs,

by counsel, and for their Amended Complaint against the defendants,

DONNA WILLIAMS and FORD MOTOR COMPANY, allege and state:

- Plaintiffs hereby incorporate Count I of the Amended Complaint.
- 2. That at all times relevant to this Amended Complaint, the defendant, FORD MOTOR COMPANY, was a corporation with an address of The American Road, Dearborn, MI 48126, doing business within the City of Indianapolis, County of Marion, State of Indiana, and who manufactured, designed, sold, marketed and/or distributed the defendant's, DONNA WILLIAMS, 2003 Ford Escape that was involved in the collision as set forth in Count I above.
- The 2003 Ford Escape suddenly and unexpectedly failed to stop due to a defect in the accelerator cable that caused the engine to continue to accelerate rather than return to idle when the defendant, DONNA WILLIAMS, removed her foot from the accelerator and placed it on the brake pedal before the rear-end collision at issue in this case.
- That the defendant, FORD MOTOR COMPANY, did not put out a product recall of this defect until December 2004.
- 5. That the defendant, FORD MOTOR COMPANY, was negligent when it sold, leased or otherwise put into the stream of commerce the product (ie. the 2003 Ford Escape) in a defective condition unreasonably dangerous to any user or consumer.
- The plaintiffs, and in the class of persons that the defendant, FORD MOTOR

7

COMPANY, should have reasonably foreseen as being subject to the harm caused by the defective condition.

- 7. That the defendant, FORD MOTOR COMPANY, was at all times relevant hereto engaged in the business of selling the defective product.
- 8. That the product at issue was expected to and did reach the defendant, DONNA WILLLAMS, without substantial alteration in the condition in which the product was sold by the defendant, FORD MOTOR COMPANY.
- 9. That the product (ie. the 2003 Ford Escape) was defective in that it had a defective accelerator cable that caused the engine to continue to accelerate rather than return to idle and in one or more of the following non-exclusive particulars:
 - a) The product was defectively manufactured and distributed in that it was more dangerous than the ordinary user would expect;
 - At the time the product was conveyed by the seller to another party it was in a condition not contemplated by reasonable persons among those considered expected users or consumers and would be unreasonably dangerous to the expected user or consumer when used in reasonably expected ways of handling or consumption.
- 10. That as the direct, proximate and legal result of the defendant's, FORD MOTOR

 COMPANY, negligence and strict liability, a collision occurred in which the plaintiffs,

 were physically
 injured and damaged; have endured physical pain, suffering and mental anguish; plaintiffs'

 were prevented from attending to their usual

occupations; and all plaintiffs have incurred expenses for medical care.

WHEREFORE, plaintiffs,

and

respectfully request the Court to grant a judgment against the defendants. DONNA WILLIAMS and FORD MOTOR COMPANY, in a sum sufficient to compensate them for the injuries sustained, together with the costs of this action, and for all other relief just and proper in the premises.

Respectfully Submitted,

ECKERT CRAVEN, P.C.

E. RALPH HOOVER, #19403-49

Attorney for Plaintiffs

7550 South Meridian Street, Suite C

Indianapolis, Indiana 46217

Phone: (317)881-2700 Fax: (317)885-4884

COUNT III- NEGLIGENCE

COME NOW the plaintiffs,

d

by counsel, and for their Amended Complaint against the defendants.

DONNA WILLIAMS and FORD MOTOR COMPANY, allege and state:

- Plaintiffs hereby incorporate Counts I and II of the Amended Complaint.
- That the defendant, FORD MOTOR COMPANY, owed a duty to the plaintiffs and failed to properly give reasonable warnings of danger about the product in a timely fashion when the seller, by exercising reasonable diligence, could have made such warnings or instructions available to the user or consumer of the product and such failure constitutes negligence.
- 3. That the defendant, FORD MOTOR COMPANY, owed a duty to the plaintiffs and failed to use reasonable care in the manufacturing of the 2003 Ford Escape and such failure constitutes negligence.

OMPANY, negligence and strict liability, a collision occurred in which the plaintiffs, were physically injured and damaged; have endured physical pain, suffering and mental anguish; plaintiffs were prevented from attending to their usual occupations; and all plaintiffs have incurred expenses for medical care.

WHEREFORE, plaintiffs, Description and FORD MOTOR COMPANY, in a sum sufficient to compensate them for the injuries sustained, together with the costs of this action, and for all other relief just and proper in the premises.

Respectfully Submitted,

ECKERT CRAVEN, P.C.

E. RALPH HOOVER, #19403-49

Attorney for Plaintiffs

7550 South Meridian Street, Suite C

Indianapolis, Indiana 46217

Phone: (317)881-2700 Fax: (317)885-4884





Liberty Mutual Fire Insurance Company

5050 W Tilghman St Suite 200 Allentown PA 18104 Tel: (610) 398-9800 / (800) 521-0986

RECEIVED

MAY 2 3 7005

March 23, 2005

DEARBORN MI 48126

OUR INSURED:

OUR CLAIM NUMBER:

YOUR INSURED:

FORD MOTOR COMP

YOUR CLAIM NUMBER:

DATE OF LOSS: PLACE OF 16

S: 01/27/2005

LOSS:

16 CRESCENT ST RUTLAND, VT

Dear Frank Ligon:

Based on our investigation of this accident, we believe your Insured to be responsible for the damage to our Insured's vehicle. I have enclosed documentation to support the following subrogation claim:

Amount we have paid \$ 1219.95
Salvage (if applicable) \$ 0.00
Our Insured's deductible \$ 0.00
Total amount of damages \$ 1219.95

Please include our claim number on your check for the total amount of damages shown above and send your payment to my attention. If you have any questions, please contact me at the number listed above, extension 445.

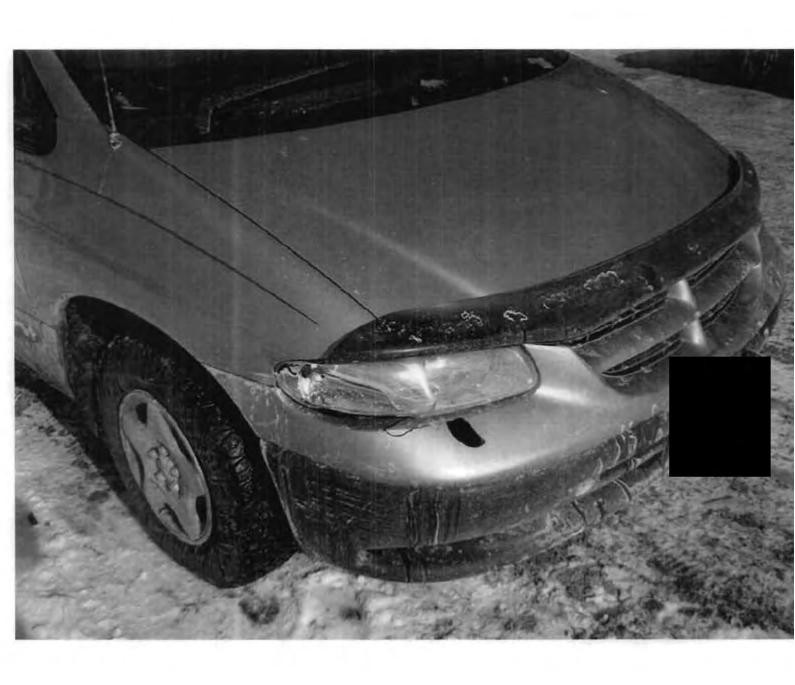
Sincerely.

CHERYL SAYLOR Subrogation Department

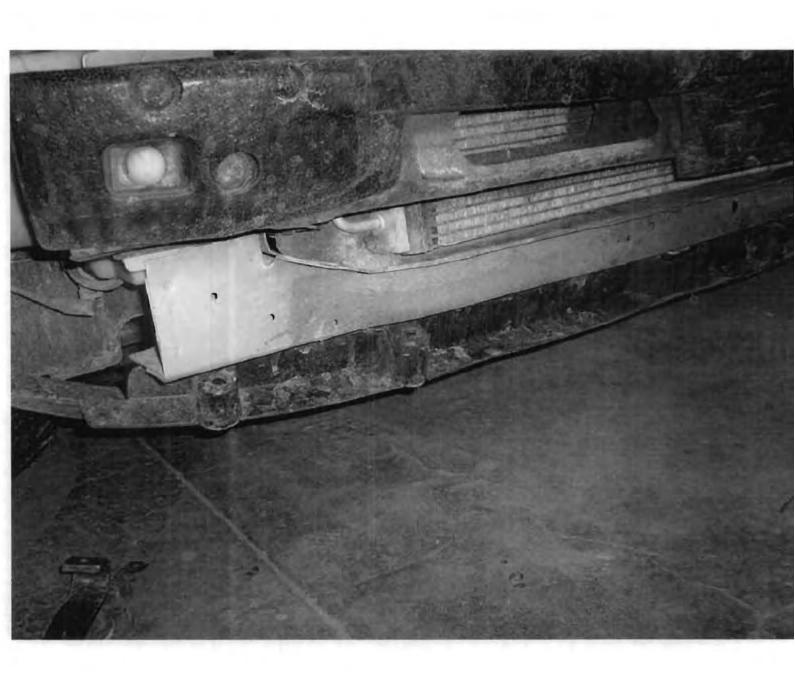
Enclosure

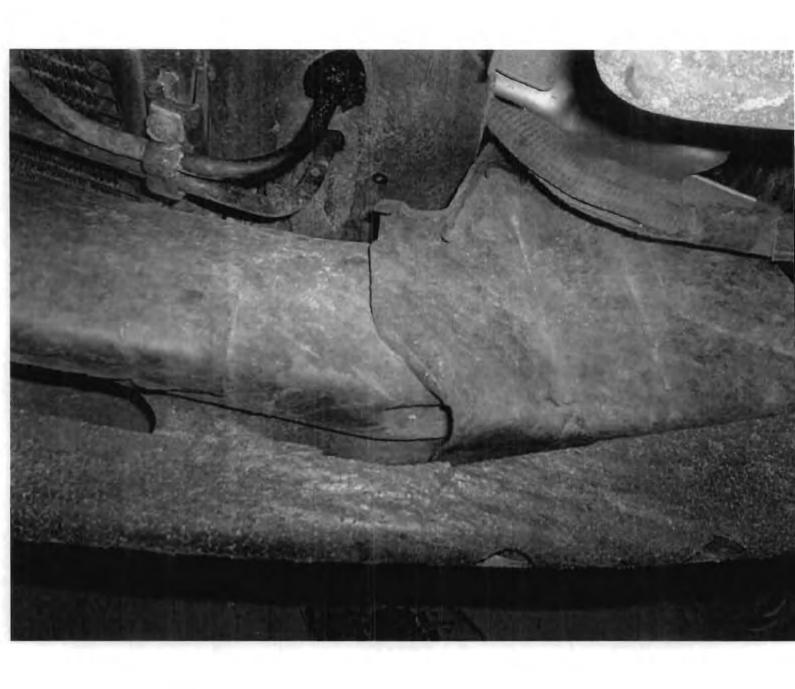
Helping People Live Safer, More Secure Lives

51/11/27A













Liberty Mutual Fire Insurance Company

5050 W Tilghman St Suite 200 Allentown PA 18104

Tel: (610) 398-9800 / (800) 521-0986

March 23, 2005

FORD MOTOR COMPANY P.O. BOX 1904 DEARBORN MI 48121

OUR INSURED:

OUR CLAIM NUMBER:

YOUR INSURED:

FORD MOTOR COMP

YOUR CLAIM NUMBER:

DATE OF LOSS:

01/27/2005

PLACE OF

LOSS:

RUTLAND, VI

Dear Frank Ligon:

Based on our investigation of this accident, we believe your Insured to be responsible for the damage to our Insured's vehicle. I have enclosed documentation to support the following subrogation claim:

Amount we have paid	\$ 1219.95
Salvage (if applicable)	\$ 0.00
Our Insured's deductible	\$ 0.00
Total amount of damages	\$ 1219.95

Please include our claim number on your check for the total amount of damages shown above and send your payment to my attention. If you have any questions, please contact me at the number listed above, extension 445.

Sincerely,

CHERYL SAYLOR Subrogation Department

Enclosure



APR 0 4 2005



PROGRESSIVE"

Payment Address Progressive-Subro 24344 Network Place Chicago, IL 60673-1243 P.O. Box 512929 Los Angeles, CA 90051-0929

Phone: (877) 818-0139 Fax: (888) 781-6947

February 17, 2011

FORD MOTOR COMPANY PRODUCT CLAIMS ATTN: MICHELLE HULL PO BOX 70 DEARBORN MI 48 | 26 7

Type of Loss;

ACCELERATOR CABLE STUCK CAUSING VEHICLE DAMAGE

VINDOT Number

1FMYU021X3K

Year: Make: Model FORD ESCAPE

Your Claim No:

ESCAPE UNK.

Our Insured: Address: Our Claim No:

11-2001954

Date of Loss: Damages: 01-14-11 \$ 5,347.62 N35994

Maggie

NOTICE OF SUBROGATION CLAIM

SAN ANTONIO, TX

Please accept this letter as formal notice of our subrogation rights in regard to the above-captioned claim. Demand is hereby made upon you for payment of Progressive County Mutual Ins Co. damages and those of our insured.

Our investigation indicates damages to our insured's vehicle was a direct result of a manufacturer's defect or negligence on your behalf. Enclosed please find all supporting documentation,

Please acknowledge receipt of my subrogation demand and forward your payment of \$5,347.62 to my attention, payable to "Progressive County Mutual Ins Co., as subrogee of following address:

Progressive-Subro 24344 Network Place Chicago, IL 60673-1243

You can contact me at the number listed below should you need additional documentation or to discuss this claim.

Thank you for your anticipated cooperation.

STACEY STANKUS

Subrogation Representative Progressive County Mutual Ins Co. 440.603.7533 Fax (888) 781-6947 Stacey_stankus@progressive.com Enclosure

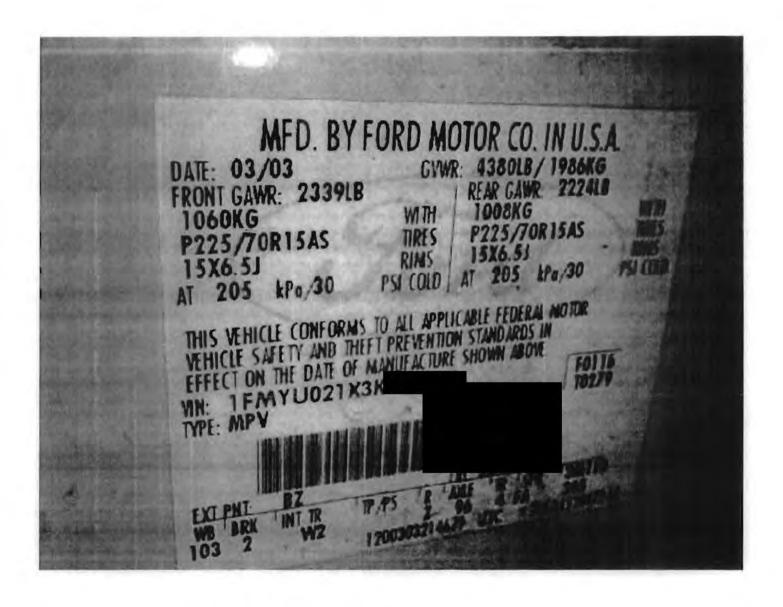
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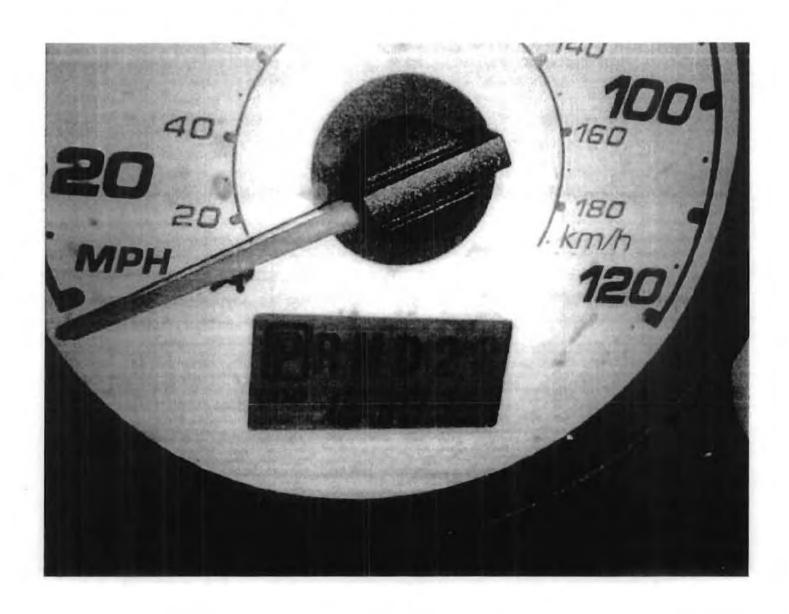
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2011 40:28 112	ALANIS WRECKER SERVICE DATOW'S T/D Call Sheet
Log No VC Veh - Year 03 Mak Tow - From 122 E.H to 8333 IH Comment: CLAIM# XS: ******PU AT	PROGRESSIVE INSURANCE COMMERCIAL Veh type: C
Truck 30 2	HOOK GREEN & WHIT
Name: Dispatched On-Scene. (97) In-Tow (15)	1015 Card Type : ExpireDate:
Completed (98)	P.O. NEED TO COLLECT A>CC. Rec. or <p>aid (Y/N/A/P)</p>

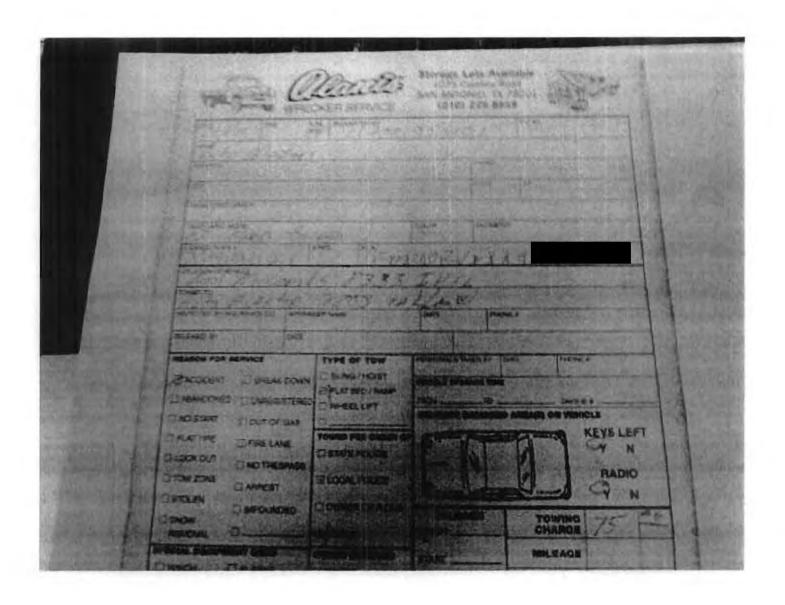
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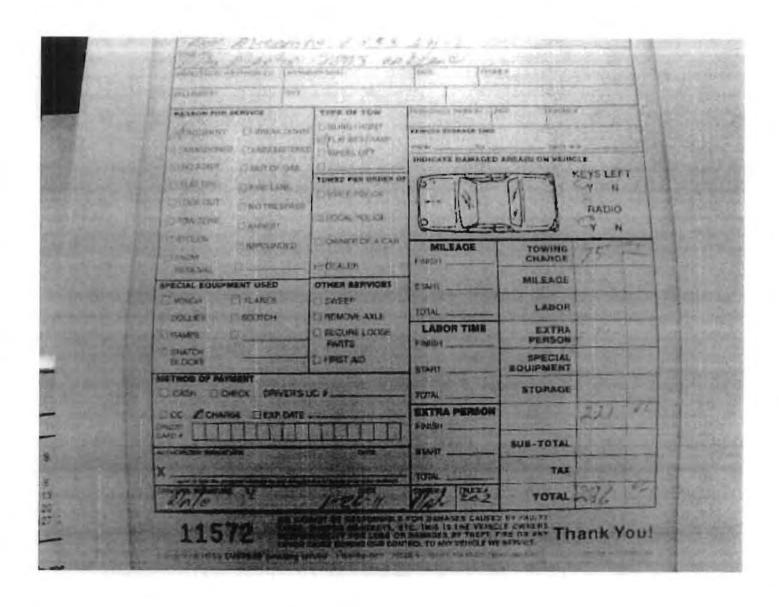




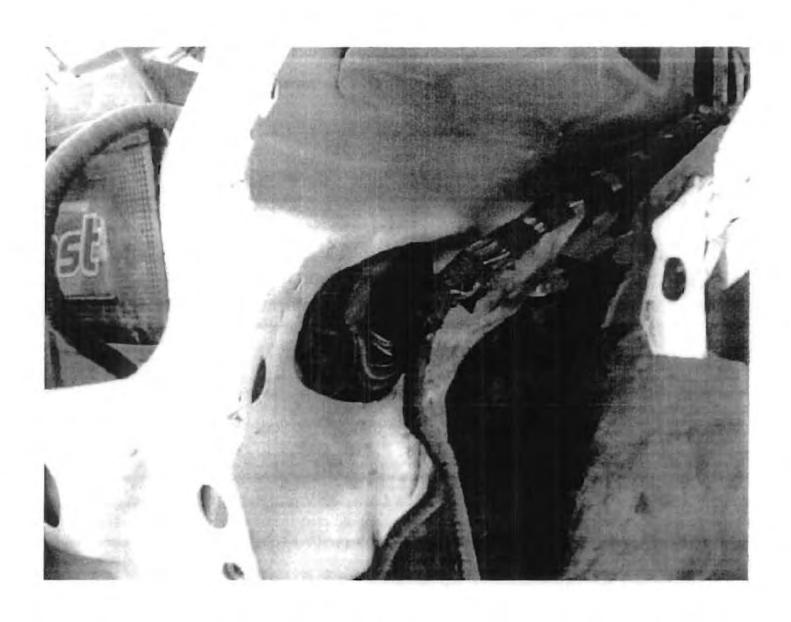


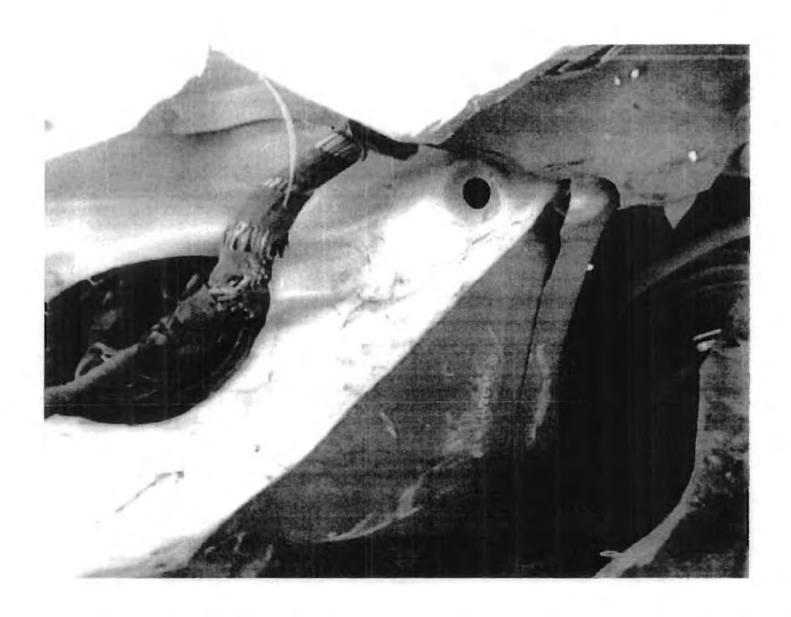


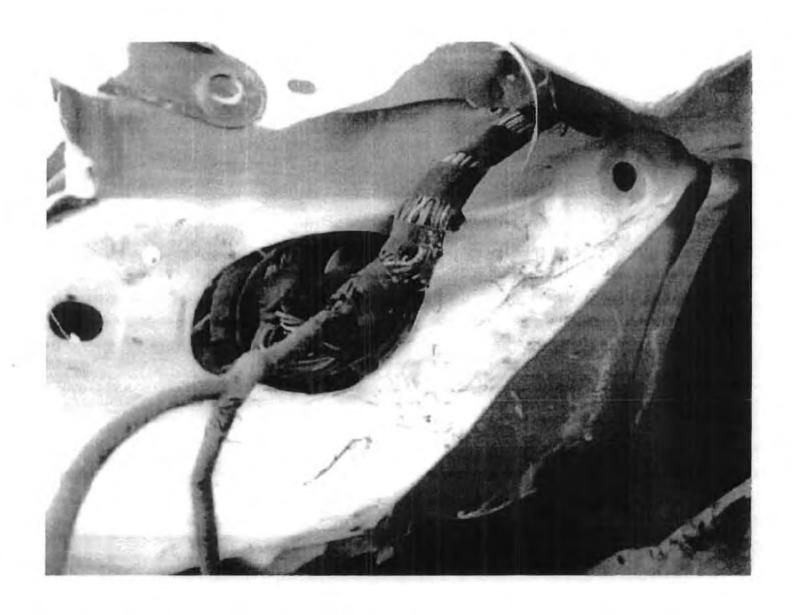


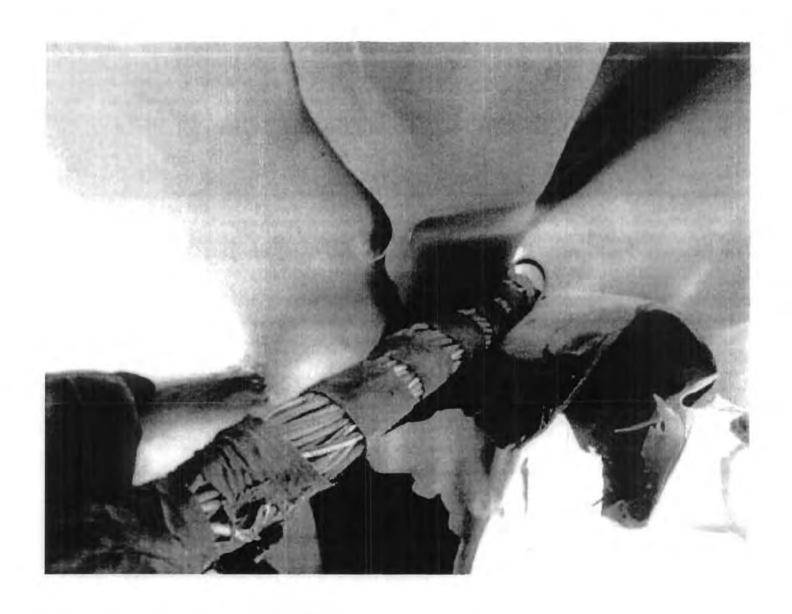


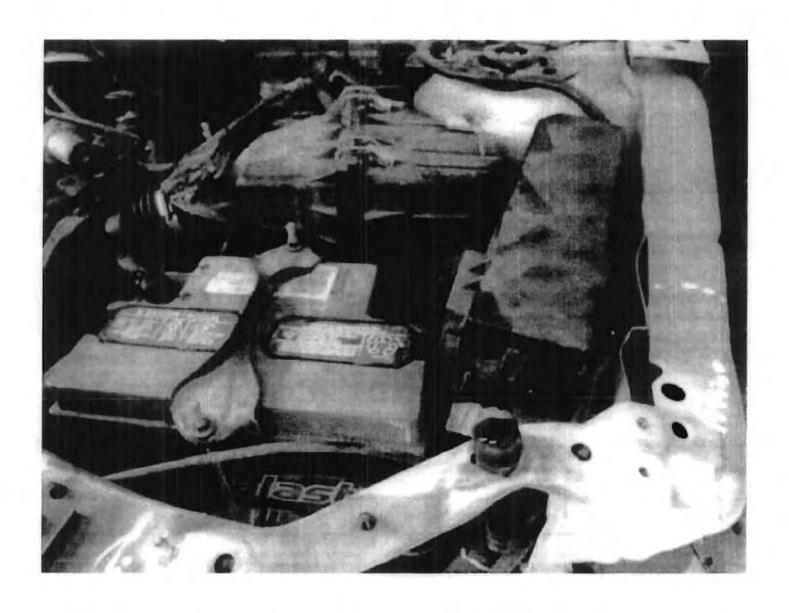




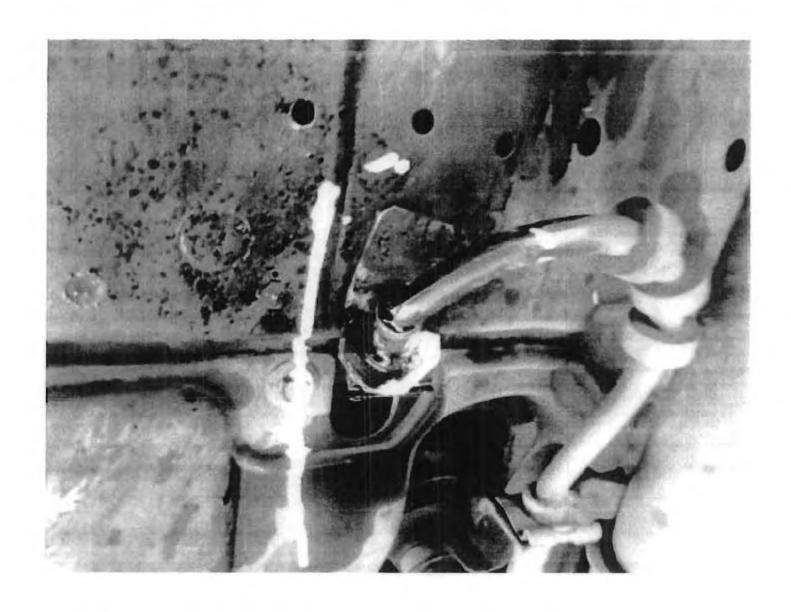
















Monday, May 02, 2005

FORD MOTOR COMPANY PARLANE TOWERS WEST #300 3 PARKLANE BLVD. DEARBORN, MI 48126



Re: DEFECTIVE ACCELERATOR CABLE CAUSED ACCIDENT AND RESULTING DAMAGES.RECALL WORK WAS PERFORMED ON THE ACCELERATOR CABLE AFTER THE LOSS.

VIN: 1FMYU01192K Year 2002 Make FORD Model: **ESCAPE** Our Insured: Address: BIG SPRING, TX Phone No.: Our Claim No: Date of Loss: 12-11-04 Damages: \$ 9,258.13

NOTICE OF SUBROGATION CLAIM

Please accept this letter as formal notice of our subrogation rights in regard to the above-captioned claim. Demand is hereby made upon you for payment of Progressive's damages and those of Progressive's insured.

Our investigation indicates damages to our insured's vehicle was a direct result of a manufacturer's defect or negligence on your behalf. Enclosed please find all supporting documentation.

Please acknowledge receipt of my subrogation demand and forward your payment of \$9,258.13 to my attention, payable to "Progressive County Mutual Insurance Company, as subrogee of and mail to my attention at Richmond Hts., OH

You can contact me at the number listed below should you need additional documentation or care to discuss this claim.

Thank you for your anticipated cooperation.

Progressive County Mutual Insurance Company

William P, Kienzl Subrogation Representative ISSUE LIST

Last Handling Date/ Name/ Model Year and Vehicle Vin/ Issue Reason Desc Type Case No. Line Issue Status 1FMYU01192K 2/7/2005 2002 ESCAPE 02 LEGAL - INSURANCE COMPANY 1724070385 CLOSED SETTLEMENT

Print

All Action Details for Issue

Origin Desc: US CONCERN CASE BASE

VIN: 1FMYU01192K

Year: 2002

Name: Owne

Owner Status: Subsequent

Symptom Desc: FAST IDLE TEMP ALL ENGINE TEMP

Reason Desc: LEGAL - INSURANCE COMPANY SETTLEMENT Issue Type: 02 INFORMATION Issue Status: CLOSED

Model: ESCAPE WSD: 2001-10-07

Primary Phone: Secondary Phone



Action: ADVISE CUSTOMER TO CONTACT THEIR INSURANCE COMPANY FOR ASSISTANCE

Dealer:

Comm Type: PHONE

Odometer: 10 MI Analyst Name: SUGIJOTO RATNA

Analyst: RSUGIJOT

Action Date: 02/07/2005

Action Time: 20.06.46.639

Action Data: No

Comments GUSTOMER SAID: - CUST WAS INVOLVED IN AN ACCIDENT IN DEC 04- THE VEH SUSTAINED ALMOST \$10,000 WORTH DAMAGE- CUST WAS GOING DOWN THE STREET WHEN THE VEH WOULD GO FASTER BY ITSELF. - CUST RECEIVED A RECALL LETTER IN JAN 2005 FOR THE ACCELERATOR CABLE STICKING. 04S25.- CUST HIT A CURB AND A DUMPSTER- NO INJURIES WERE SUSTAINED. - CUST SEEKS REFUND ON THE DEDUCTIBLE AND ALL THE MONIES THAT SHE WAS OUT. DEALER SAID: BOB BROCK FORD LINCOLN - MERCURY 500 W. 4TH STREETBIG SPRING, TX 79720CRC ADVISED: - YOUR INSURANCE CONPANY HAS THE RIGHT TO PURSUE CLAIMS FOR REIMBURSEMENT AGAINST FORD. IF THEY DO PURSUE A CLAIM AGAINST FORD THEY MAY ASK TO RECOVER THE DEDUCTIBLE AS WELL AS RETURN THE DEDUCTIBLE PAYMENT TO THE CUSTOMER.

7/19/2005





- Government Employees Insurance Company
- GEICO Indemnity Insurance Company
- GEICO Casualty Insurance Company

PAYMENT RECOVERY NOTICE

		PAYMENT RECO	OVERY NOTICE	Walt 0 3.4
Ford Mo P.O. Box I Dearborn,		OFFICE COLUMN	Our File #:	February 24, 2005
Your Insur	ed/Driver: SELF IN	SURED		
Your File	t;			WHEN DESIGNATING
Your Vehi Date of Lo		Tag#: 98 Hana Hwy, Maui, Hay	vaii	WHEN RESPONDING – PLEASE REFER TO OUI CLAIM NUMBER
Our invest	igation shows your ir	sured to be at fault in the a	ecident.	
X	Payment for repa	irs has been made. Docum	entation is attached. Please	honor our claim
1	CO's Interest:	\$7051.61	Insured's Deductible	\$500.00
1	Co s interest.			
j	Property Damage:		Total:	\$13207399
2.	Property Damage:	declared a total loss. Docume insured:	Total: mentation is attached. Please Insured's Deductible Total:	e honor our Maim.
2.	Property Damage: Our vehicle was Amount paid to th Net salvage recove We have subrogatour claim.	declared a total loss. Docume insured: ery: etion rights for no fault bene	Insured's Deductible Total:	e honor our Maim.
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3. 4.	Property Damage: Our vehicle was Amount paid to th Net salvage recove We have subrogatour claim. Medical: Since notifying y Please include th Documentation of	declared a total loss. Docume insured: ery: ation rights for no fault beneficially	Insured's Deductible Total: efits paid. Our documentation Others:	e honor our Maim. In is attached. Please honor Total: Our Total Claim is Expect payment?

SAN DIEGO, CA 92150

Rae Vaolfi/S790 Payment Recovery Unit (808) 593-1010, ext. 4730 S-54-C (03-03)

Shareholder Owned Companies Not Affiliated With The U.S. Government

Photo date: 07/12/2004 09:14:06:00. Size: 29943

Description:

Insured: Policy no:

Claimant: .

Vehicle: 3, FORD, ESCAPE 4X2 XLS, VIN: 1FMYU02133K

Loss date: 12/06/04. Estimator: MATTHEW LITTLE

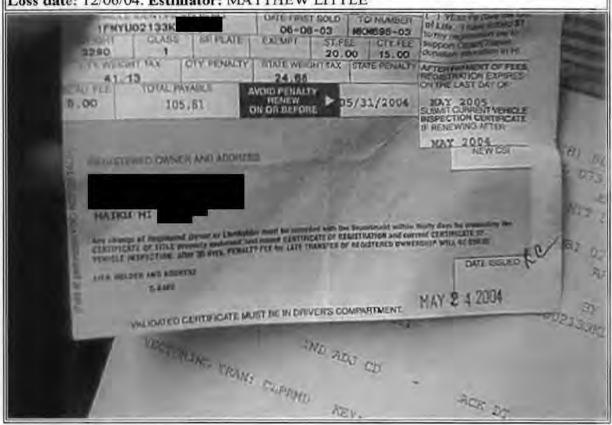


Photo 2 from Estimate for Claim no

Photo date: 07/12/2004 09:14:06:00. Size: 17410

Description:

Insured: Policy no: 0731659207.

Claimant:

Vehicle: 3, FORD, ESCAPE 4X2 XLS. VIN: 1FMYU02133



Photo 4 from Estimate for Claim no

Photo date: 07/12/2004 09:14:06:00. Size: 17534

Description:

Insured: Policy_no:

Claimant: .

Vehicle: 3, FORD, ESCAPE 4X2 XLS. VIN: 1FMYU02133K



Photo 5 from Estimate for Claim no

Photo date: 07/12/2004 09:14:06:00. Size: 29581

Description:

Insured: Policy_no:

Claimant: .

Vehicle: 3, FORD, ESCAPE 4X2 XLS. VIN: 1FMYU02133K



Photo 6 from Estimate for Claim no

Photo date: 07/12/2004 09:14:06:00. Size: 23078

Description:

Insured: Policy_no:

Claimant: .

Vehicle: 3, FORD, ESCAPE 4X2 XLS. VIN: 1FMYU02133K



Photo 1 from Estimate for Claim no

Photo date: 16/12/2004 16:22:40:00. Size: 19774

Description:

Insured: Policy_no:

Claimant: .

Vehicle: 3, FORD, ESCAPE 4X2 XLS. VIN: 1FMYU02133K

Loss date: 12/06/04. Estimator: MATTHEW LITTLE



Photo 2 from Estimate for Claim no

Photo date: 16/12/2004 16:22:40:00. Size: 29681

Description:

Insured: . Policy_no: 0731659207.

Claimant: .

Vehicle: 3, FORD, ESCAPE 4X2 XLS. VIN: 1FMYU02133K



Photo 3 from Estimate for Claim no

Photo date: 16/12/2004 16:22:40:00. Size: 16071

Description:

Insured: Policy_no:

Claimant: .

Vehicle: 3, FORD, ESCAPE 4X2 XLS. VIN: 1FMYU02133K



Photo 4 from Estimate for Claim no

Photo date: 16/12/2004 16:22:40:00. Size: 22645

Description:

Insured: Policy_no:

Claimant: .

Vehicle: 3, FORD, ESCAPE 4X2 XLS. VIN: 1FMYU02133K



Photo 5 from Estimate for Claim no

Photo date: 16/12/2004 16:22:40:00. Size: 27807

Description:

Insured: Policy no:

Claimant: .

Vehicle: 3, FORD, ESCAPE 4X2 XLS. VIN: 1FMYU02133

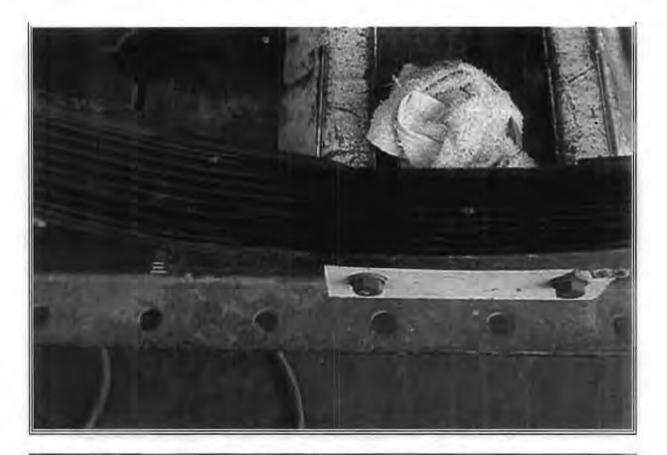


Photo 6 from Estimate for Claim no

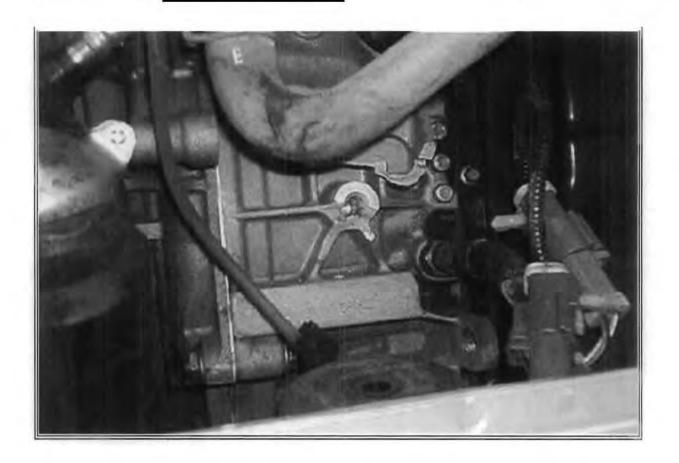
Photo date: 20/12/2004 16:22:01:00. Size: 24015

Description:

Insured: Policy_no:

Claimant: .

Vehicle: 3, FORD, ESCAPE 4X2 XLS. VIN: 1FMYU02133K



All Action Details for Issue

Print

VIN: 1FMYU02133K

Year: 2003

Model: ESCAPE

Case: 1568310085

Name:

Owner Status: Onginal

WSD: 2003-06-06 Primary Phone:

Symptom Desc:

Reason Desc: CORRESPONDENCE - WORK IN PROGRESS

Issue Type: 02 INFORMATION

Issue Status: CLOSED

Secondary Phone:

Origin Desc: MANUAL - CORRESPONDENCE OSR

Origin Desc: MANUAL - CORRESPONDENCE CSR

Action: CUSTOMER FOCUS - WIP - SCHEDULED CALLBACK

Dealer:

Odometer:

Analyst Name: HOULE RAMON

Comm Type: MAIL Analyst: RHOULE1

Action Date: 01/08/2005

Action Time: 15.47,11.177

Action Data: No

Caller Information If Different From Vehicle Owner:

First Name MS. JOCELYN Middle Initial

Last Name

Day Phone Relationship

DOANE (CLAIM SRV DEPT/GIECO DIRECT)

OTHER

Comments CUSTOMER SAYS: LETTER DATED DEC 22, 2004 - WRITING ON BEHALF OF **CURRENTLY HAVE** INFO THAT FORD MAY BE RECALLING 2002-2004 ESCAPES. - SENDING THIS LETTER TO INQUIRE IF THERE HAS BEEN A RECALL FOR A 2003 ESCAPE WITH THE ABOVE VIN# 1FMYU02133K - THE REGISTERED OWNER IS CLARITA BADUA AND HAS NOT RECEIVED A RECALL LETTER AS OF THIS DATE. - PLEASE CONTACT 1(888) 293-4716, EXT #3000. - OPEN 24 HOURS A DAY, 7 DAYS A WEEK AND ANYONE AT EXT# 3000 CAN ASSIST WHEN CALLING IN. - PLEASE REFERENCE CLAIM# CUSTOMER, DEALER SAYS: CAC ADVISED:

Action: CUSTOMER FOCUS - MAILED HALLMARK CARD

Dealer:

Odometer: 1 MI

Analyst Name: WAMUGO WANJIKU

Action Date: 01/24/2005

Comm Type: MAIL

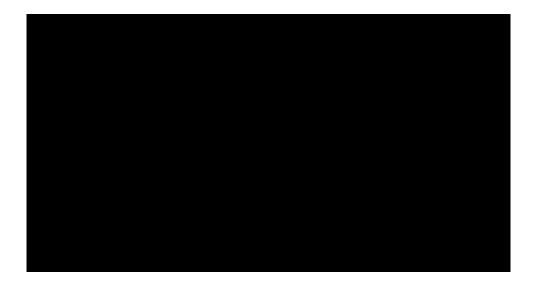
Analyst: WWAMUGO

Action Time: 17.45.15.196

Action Data: No

Comments CUSTOMER SAYS: PER CUSTOMER, DEALER SAYS: CAC ADVISED: WRONG NUMBER.

3/15/2005





AMERICAN FAMILY INSURANCE GROUP THE MET AND AMERICAN

my has expend at 1300 h afrondationers. • PHONE, 20 40 millioning

August 11, 2005

FORD MOTOR CO ATTN:: LEGAL DEPARTMENT P O BOX 6248

DEARBORN, MI

48126

RE:

Our Insured:

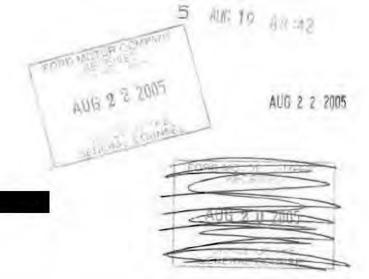
Our Claim Number:

Date of Loss:

Amount of Claim:

August 8, 2005

\$pending



Dear Sir or Madam:

We are notifying you of our claim against you in this matter. The amount of our claim is pending.

It appears as though a vehicle defect may have caused this accident which has resulted in the fatal injury of our insured as well as property damages.

Please have your representative contact me immediately so that we can discuss this case.

Thank you for your prompt attention in this matter.

Respectfully,

Neil J. Mandel

Neil J. Mandel Casualty Claim Specialist American Family Insurance Group nmandel@amfam.com 1-800-374-1111 ext. 54334 314-991-1884 ext. 54334 Fax 314-991-0185 Enc. cc: Agent Michael J Tuerck 190-179



DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMER DRIVER UCCASE NAMERALD NAMERAL NAMERALD NAMER DRIVER UCCASE NAMERALD NAMERALD NAMERALD NAMER NAMERALD	SPACE USED FOR BARCODE ST. CHARLES CITY POLICE MO 0920300 BET THE SCENE CLEARED VES NO 1ES NO CLEARED CLEARED CLEARED CLEARED CLEASER CLEARED CLEASER CLEARED CLEASER CLEARED CLEASER CLEARED CLEASER CLEARED CLEARED CLEASER CLEARED CLEARE	30 ANG SATE -08-05
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NAME OF WITNESS ADDRESS (STREET, CITY, STATE, ZIP) TELEPHONE NO.	2 3 4 5 8 7 8 18 - Undergarriage TOW/CO. INFORMATION NONE	00
SEE SUPPLEMENTAL REPORTS		
	SEE SUPPLEMENTAL BEPORTS	ELEPHONE NO.
		ELEPHONE NO.
		ELEPHONE NO.

DISTRIBUTION COPY - AGENCY FILE ORIGINAL - MISSOURI STATE HIGHWAY PATROL - TRAFFIC DIVISION - P.O. BOX 558 - JEFFERSON CITY, MC 65102

9 - CODES SEAT LOCATION 1	YAULN	TRANSP	ORTED	EJECTIO	N T	AIE	BAG	_	AIR B	A.C.	_			AFETY DEVICES
XX - Not Known P - Pedestrian B - Bicycle M - Motorcycle OE - Occupant - Enclosed Land Area OU Occupant - Unenclosed Land Area CP - Commercial Passencer SV - Other (Explain in Remarks)	g - Not Disabling e - Not Apparent oparent	(Medical Tr 1 No 2 EMS 3 Other 4 Unline	realment)	1. NA 2. No 3. Partial 4. Totally 5. Unknown	y	I. Nor 2. Dep	ONT MA / NA	2	SIDS None / Deploy Not De	NA ed	3. 1	ap Bi	ed ler Bel	7 Helmot Used 6. Harmet Not Used t Only 9 Use Unknown
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St. Charles City Police Crash Reconstruction Report

Report # 05-007030



St. Charles City Police Crash Reconstruction Report

Date

Monday, August 08, 2005

· Time

1528 Hours

Location

Elm Street Northbound at **Elm Point Industrial Road**

Drivers

Driver #1 Driver #2

Investigating Officer: Officer Douglas Endsley

Assisting Officers

Officer Ken Mayer

Sergeant Michael Gravemann

Date of Report

August 15, 2005

Report # 05-007030

Section I - Synopsis

On, Monday August 08, 2005, at approximately 1620 hrs, I was notified by the communications center of the St. Charles City Police Department of a severe injury crash that had occurred in the intersection of Elm Street and Elm Point Industrial Drive at 1528 hrs, within the City of St. Charles, Missouri. The collision involved two vehicles. One vehicle was traveling north bound on Elm Street approaching Elm Point Industrial and one vehicle was stopped west bound on Elm Point Industrial at Elm Street. The crash event initiated as the vehicle on Elm Street experienced a mechanical malfunction in transit. The driver and passenger jumped from the vehicle while in transit. The vehicle continued northward, unoccupied and collided with the vehicle stopped on Elm Point Industrial. Both vehicles came to rest on the roadway on Elm Point Industrial.

I arrived on scene at 1708 hrs. Traffic Division Supervisor, Michael Gravemann and Officer Ken Mayer were on scene, preserving the scene and marking evidence. Gravemann and Mayer remained on scene during the scene investigation and assisted this officer with the marking, collection and recording of crash data and related evidence.

An original Missouri Uniform Accident Report was compiled and submitted by Officer Shelly Shirk of the St. Charles City Police Department.

The collision involved two vehicles. The vehicles and drivers are referred to in the original crash report and in this report as: Vehicle/Driver #1 and Vehicle/Driver #2 respectively.

Vehicle #1

	03 Ford Escape XLT, four door, to biring November 2005. Vehicle #1'	
	Vehicle #1 was a mid sized,	
Utility Vehicle.		
Vehicle #1 was driven by:	, date of birth	, Missouri
class F drivers license number	address	St. Charles,
Missouri . Vehicle #1 was	owned and registered to Driver #1	

Driver #1 was critically injured pre-collision and was transported to St. Josephs Health Center Emergency Room via St. Charles City Ambulance. Driver #1 was pronounced dead at the emergency room at 1625 hrs. Driver #1's injuries were classified as fatal in the original crash report.

There was	one passenger of	vehicle #1 and was identifie	ed as the son of Driver #1
	date of birth	, address	, St. Charles,
Missouri			
Passenger	did	d not receive any injury as a	result of the collision

Vehicle #2

Vehicle #2 was a Silver 1998 C	hevrolet 2500 series Pickup Tr	ruck, two door
extended cab 2wheel drive, bearing Mis	ssouri registration number	, expiring May
2004. Vehicle #2's identification numb	er was 1GCGC29R9W	Vehicle #2
was a full sized, two-door, 3/4 ton rated,	light duty truck. Vehicle #2 was	driven by:
, date of birth:	, Missouri Class F drivers	s license number
address	, St. Charles, Missouri	Vehicle #2
was owned and registered to Metalock	Corporation 250 Hawning R	oad St. Charles,
Missouri 63301	Charles and Contract	

Driver #2 sustained minor to moderate injuries as a result of the collision. There were no other passengers or occupants in vehicle #2.

The collision occurred as vehicle #2 was stopped on Elm Point Industrial Drive west bound at Elm Street. Vehicle #1 collided with the driver's side of vehicle #2. Vehicle #1 was unoccupied at the time of the collision because the driver and passenger had jumped from the vehicle prior to impact.

Vehicle #1 had been traveling north on Elm Street when the vehicle had a mechanical malfunction in transit. The driver and passenger jumped from the vehicle as the vehicle was increasing speed out of the control of driver #1. Vehicle #1 impacted vehicle #2 in an angular collision. Vehicle #1's engine was still running. The transmission was engaged and the front tires were still spinning, post impact. A bystander turned off vehicle #1's ignition after impact and both vehicles remained in the intersection at final rest

Section II-Environmental Factors

The collision occurred on Elm Point Industrial Drive, which is classified as a city street and is part of the City of St. Charles municipal public street system. In the area of the collision, Elm Point Industrial Drive runs approximately south west to north east. The traveled portion Elm Point Industrial is constructed of poured concrete that is slightly polished from traffic use. In the direction vehicle #2 was traveling, (South West) Elm Point Industrial Drive has four lanes of travel and a shoulder on each side. One through lane, one left turn only lane, one right turn lane and one opposing through lane. Each lane is approximately twelve (12) feet wide. The shoulder to the north west is covered with weathered bituminous asphalt and is approximately ten (10) feet wide. The shoulder to the south east is covered with weathered bituminous asphalt and is approximately ten (10) feet wide. Both shoulders are not designed for continuous travel. Each lane is separated by a solid white painted fog line. The left turn lane and opposing through lane is separated by a painted solid double yellow fog line. There are raised concrete merging medians on the north east and south east corners of the intersection. Elm point Industrial Drive is relatively level grade traveling south west and no measurable superelevation.

The cross street of Elm Street is also classified as a city street and part of the City of St. Charles municipal public street system. The direction of Elm Street in the area of the collision runs approximately north west to south east. The traveled portion Elm Street is constructed of poured concrete that is slightly polished from traffic use. In the direction vehicle #1 was traveling, (North West) Elm Street has four lanes of travel and a shoulder on each side. One through lane, one left turn only lane, one right turn lane and one opposing through lane. Each lane is approximately twelve (12) feet wide. The shoulder to the north east is covered with weathered bituminous asphalt and is approximately ten (10) feet wide. The shoulder to the south west is covered with weathered bituminous asphalt and is approximately ten (10) feet wide. Both shoulders are not designed for continuous travel. Each lane is separated by a solid white painted fog line. The left turn lane and opposing through lane is separated by a painted solid double yellow fog line.

The final resting area of both vehicles was approximately centered in the south western through lane of Elm Point Drive, on the eastern side of the intersection.

Both roadways and the intersection are maintained by the City of St. Charles Street Department. The local Maintenance office is located at: 320 North Drive St. Charles, Missouri 63301.

The roadway on Elm Street where the driver and passenger of vehicle #1 jumped from the vehicle had a measurable down hill grade of 1.1 degrees and a superelevation of 1.6 degrees

As indicated in the original report, the roadway was dry at the time of collision. Traffic utilizing Elm Street and Elm Point Industrial Drive at the time of the collision was classified as moderate.

The posted speed limit on Elm Street is 30 miles per hour in the area of the collision. The posted speed limit on Elm Point Industrial Drive is 35 miles per hour. Traffic control devices on Elm Point and Elm Street consist of electric signals and yield signs in the right turn lanes of each street. Painted white fog limes separate the traffic lanes. Painted double yellow fog lines separate the left turn lane from the opposing through lanes on each street. Median warning signs are posted at the leading edge of each raised merging median for the right turn lanes. There is artificial street lighting in the area but was not illuminated at the time of the collision.

There are no vision obstructions as you approach the area of the collision. The collision occurred on a straight portion of Elm Point Industrial Drive. Sight distance as you approach the area of the collision is in excess of 750 feet on Elm Street and in excess of 350 feet on Elm Point Industrial traveling south west.

The collision occurred at approximately 1528 hours. There was illumination from the sun and the moon was not visible at the time of the collision. Lighting conditions did not contribute to the collision.

According to the National Weather Service, the weather at 1455 hrs was mostly sunny with a slight haze. The temperature was 92 degrees with a heat index of 94 degrees. The dew point was 66 degrees with a relative humidity of 42 percent. The barometric pressure reading was 30.03 and falling. The wind was out of the east at 5 miles per hour. Weather data was obtained from the Lambert-St. Louis International Airport, National Weather Service NOAA Station. This station was the closest weather station to the crash site.

Section III - Mechanical Factors

Examination of the vehicles was conducted at the scene and additional examinations were conducted on 08/09/2005 in the vehicle processing bay of the St. Charles City Police Department. ETU Officer Jerry Holmes of the Bureau of Field Operations, Identification Section, initially photographed the vehicles at the scene. ETU Officer Holmes additionally photographed a similar vehicle to Vehicle #1 on the parking lot of Pundmann Ford, 1200 South Duchesne Drive St. Charles, Missouri 63301. I captured additional photographs of Vehicle #1 on 08/09/2005 in the vehicle processing bay of the St. Charles City Police Department. D & L Towing Service towed both vehicles from the crash scene. Vehicle #1 was towed to the police department vehicle processing bay and vehicle #2 was towed to the secure storage facility at 2103 Old Highway 94 St. Charles, Missouri 63303, on the afternoon of the crash.

It was determined by the physical evidence that the collision was an angular collision, which caused contact and induced damage to both vehicles.

Vehicle #1

Vehicle #1, as described in Section-I, was a white 2003 Ford Escape XLT four-door sport utility vehicle. (See VINassist and EXPERT AUTOSTATS for further identifiers).

Vehicle #1 sustained major damage to the front end of the vehicle.

Specifically to the driver side front bumper, front quarter panel and hood. Initial contact damage was noted on the front bumper (driver's side). It consisted of scraping, gouging and deformation to the plastic bumper cover. The driver side of the bumper was forced rearward and towards the center mass of the vehicle The front grille was intact and had minor scratch damage. The driver side headlamp was forced rearward but still attached. The passenger side headlamp was rotated out of position slightly forward.

Additional contact damage was noted on the driver side front quarter panel on the leading and top edge causing induced damage above the wheel well causing panel deformation. The panel was forced rearward and contact with the leading edge of the driver side door was noted.

Contact damage to the leading and top edge at the driver's side of the hood forced the hood in an angular, downward and rearward direction. Induced damage was noted to the top of the hood. The hood was buckled upward and forced in an angular direction towards the passenger side of the vehicle.

Rearward of the grille assembly in the engine compartment, the top crossover member was forced rearward and towards the vehicle center of mass. The radiator was forced slightly rearward.

At the crash scene the interior of the vehicle was checked. The gear selector was in the drive position. The ignition was in the off position. Inspection of the accelerator pedal revealed that the pedal was all the way down against the floor. Pulling up on the pedal and letting go, the pedal dropped back to the floor. There was no tension on the pedal whatsoever. The parking brake was noted to be on. It was situated on the center console and pulled up. Pulling up on the parking brake raised the lever one click on the ratchet device indicating it was fully engaged. The four wheel drive switch was in the auto position

The vehicle's braking system was inspected and appeared to be in working order. While removing the vehicles from the scene the vehicle was rolled back and the brakes applied. The brakes engaged and stopped the vehicles roll. Visual inspection of the vehicle's brake pads and rotors indicated the brake pad linings were of sufficient thickness to operate properly. The rotors showed no signs of gouging or abnormal wear.

The vehicle was equipped with lap and shoulder safety harness restraints for both the driver and passenger front seats. The vehicle was unoccupied at the time of collision therefore seatbelt usage was not considered.

The steering wheel was intact and appeared to have no deformations. The vehicle was equipped with supplemental airbag restraints. The airbags did not deploy during the crash event. The restraints control module was seized and placed into evidence storage for later analysis. The vehicle is equipped with pressure sensitive seat sensors to allow the nirbags to deploy if the seated driver or passenger is of sufficient weight for airbag deployment. The crash appeared to have sufficient change in velocity to deploy the air bags if the driver and passenger were in the vehicle.

Overall inspection of the passenger cabin did not reveal any intrusion from the impact. Although the crash was moderate to heavy, a properly restrained driver or passenger clearly would have survived the collision

As noted in the synopsis, vehicle #1 experienced a mechanical malfunction prior to impact. Prior to the inspection of vehicle #1 an exemplar vehicle was located at the nearest Ford dealership, for inspection and photography prior to inspecting vehicle #1. The vehicle located was a Blue 2003 Ford Escape XLT four door, with identification number # 1FMYU931X3K also being a mid sized, 4 wheel drive, Sport Utility Vehicle.

the dealership. While inspecting the engine compartment of the vehicle, additional photographs were taken. The plastic engine shroud was removed to display the fuel delivery system including the throttle assemblies, throttle cables and cruise control module and attached cables.

Vehicle #1's engine compartment was inspected to determine the vehicle multimotion that caused vehicle #1 to accelerate out of control. The plastic engine shroud was removed. Prior to removing the shroud I looked under the shroud at the throttle assembly. I could see that the throttle was stuck in the full open position. The end linkage was stuck against the bottom of the plastic shroud. Upon removing the screws that secured the shroud, the linkage sprung back into the closed / idle position. A closer inspection to the throttle cable assembly revealed that the braided steel cable had a plastic sheathing that should have been connected to the end linkage at the throttle body spring. as compared to the exemplar vehicle. This plastic sheathing had been damaged at the connection to the end linkage, which allowed the sheathing to slide away from the end linkage, exposing the bare braided steel cable. Following the cable to its source revealed that the cable was connected to the cruise control module on the passenger side of the engine compartment. The end linkage was able to rotate upward around the axis of the linkage / throttle body connector and become stuck against the bottom side of the engine shroud. This would cause the throttle to be held wide open and the vehicle to accelerate uncontrollably. The cable assembly, including the linkage and connector at the cruise control module was removed from the vehicle and placed into evidence after detailed photographs were taken

The bottom side of the plastic engine shroud was closely inspected and indications of the throttle linkage rubbing against the shroud were noted and photographed. The shroud was also placed into evidence storage.

Vehicle #2

Vehicle #2, as described in Section-I, was a 1998 Chevrolet 2500 series Pickup Truck, two door extended cab (See VINassist and EXPERT AUTOSTATS for further identifiers).

Vehicle #2 sustained severe damage to the driver side. Vehicle #2 sustained contact damage at the driver's side door. The damage centered on the drivers side door and driver's side extended cab. Contact damage was noted at the center of the driver door rearward into the extended cab. Intrusion onto the passenger cabin measured 10 inches Starting along the driver side front quarter panel, induced damage causing the panel to buckle inward toward the engine compartment was observed. Contact and induced damage to the lower to upper part of the driver door, side glass, A-Pillar and window

frame were observed. The driver window was broken out from the collision. The frame of the vehicle was visible from the crash. It showed scratching and gouging and slight deformation. The rear of the cabin at the truck bed showed induced damage just above the bed line and at the rear window. The entire cabin was moved towards the passenger side and protruded past the front edge of the truck bed by four inches. The truck bed appeared twisted. Looking from the rear of the truck bed forward, the bed was twisted in a counter clockwise rotation.

My inspection indicated the vehicle's lights, brakes and signals were in working order. Vehicle #2 was equipped with shoulder and lap belt safety restraints. The original crash report indicates that driver #2 was wearing his seat belt. Vehicle #2 was equipped with supplemental air bag restraints. The airbags did not deploy.

Section IV - Human Factors

Driver #1

Driver #1 was a 53-year-old female who possessed a valid Missouri class F-driver's license on the day of the collision. A check with the Missouri Director of Revenue revealed no restrictions, endorsements, suspensions or revocations affecting its status. Driver #1 succumbed to her injuries 08/08/2005. Driver #1 was pronounced dead at the St. Josephs Hospital on that date at 1625 hours. The attending doctor was reported to be Dr. Perry of the St. Josephs Hospital Emergency Department. The primary cause of death was stated to have been blunt force trauma to the head. Driver #1 was transferred to the St. Louis County Medical Examiners Office for post examination.

Driver #2

Driver #2 was a 54-year-old male who possessed a valid Missouri class F drivers license on the day of the collision. A check with the Missouri Department of Revenue revealed no restrictions, suspensions or revocations affecting its status A motorcycle endorsement was noted. Driver #2 reported that he was wearing the lap and shoulder safety harness and was moderately injured as a result of the collision. Driver #2 was the sole occupant of vehicle #2.

Passenger Vehicle #1

The passenger of vehicle #1 was the 16 year old son of driver #1 and was uninjured as a result of his leap from the moving vehicle. In the original crash report the passenger was reported to have indicated that vehicle accelerated uncontrollably as it was traveling uphill. He reported that his mother told him to jump from the vehicle as she attempted to slow the vehicle using the emergency brake. He reported at that he jumped from the vehicle only when his mother told him to and that his mother jumped from the vehicle just after he did.

Section V - Scene Investigation

I examined the scene of the collision immediately following the collision with the assistance of Officer Ken Mayer and Sergeant Michael Gravemann assisting. Key points of evidence were marked on the roadways utilizing spray paint to record the position of evidence. Identification officer Jerry Holmes of the department's bureau of forensic services, patrol division, photographed the scene. The vehicles and other evidence were in their final resting positions when photographed at the scene. The scene was measured by utilizing an electronic "LTT" laser measuring / mapping device, on the afternoon of August 08, 2005.

The LTI data collection point was established on the north west side of the intersection, on the raised concrete turning median. This location was chosen because of the clear field of vision provided and the relative safety it provided while operating the instrument. Using the computer-generated diagram, a line was drawn from the collection point north through the back sight (electric signal support post) the line was then extended through the top and bottom of the diagram. This line became the north / south axis from which measurements were taken. A second line was drawn perpendicular through the collection point. This line was extended across the entire diagram. This line became the east / west axis from which measurements were taken. The measurements describing the scene are measured east, west, north or south from the collection point. Therefore, all points measured have two recorded measurements. The measurements referred to were used to locate key points of evidence recorded at the collision scene. These measurements were recorded and stored in the data collection device and used to create the computer generated scale diagram.

Vehicle #1

Vehicle #1 came to rest southwest of the collection point on the roadway outside the confines of the intersection but on Elm Point Industrial Road. It came to rest facing approximately north, upright, and blocking the westbound lanes of the Elm Point Industrial Road. Vehicle #1 was still in contact with vehicle #2. Vehicle #1 intruded approximately one foot into the driver side of vehicle #1.

Vehicle #2

Vehicle #2 came to rest southwest of the collection point on the roadway outside the confines of the intersection but on Elm Point Industrial Road. It came to rest facing approximately west, upright and blocking the west bound lane of Elm Point Industrial Road. Vehicle #2 was still in contact with vehicle #1

Skids, Yaws and Furrows

Vehicle #1, from all available evidence, did not appear to leave any pre impact skid marks. Tire marks were noted on the raised asphalt curb on the north west side of Elm Street just after the point described as the passenger jumping from the vehicle and on the same raised curb where vehicle #1 left the roadway.

Vehicle #1 left a furrow in the soft soil on the north west side of Elm Street where vehicle #1 left the roadway. Two post impact acceleration marks were noted on the roadway that was attributed to vehicle #1. The acceleration marks were from the front tires of vehicle #1 indicating vehicle #1 was under heavy acceleration after impact.

There were four post impact tire marks attributed to vehicle #2. These marks are one from each tire of the vehicle and start in the right through lane and extend in a northerly direction into the right turn lane of west bound Elm Point Industrial Road. The marks are characteristic of locked and sliding tires and show the post impact movement of vehicle #2 from impact to final rest.

Gouge Marks

Vehicles #1 left only one set of gouge marks on the roadway and were located on the raised asphalt curb of Elm Street where vehicle #1 left the roadway and are consistent with undercarriage scraping.

No gouges, scrapes or scuff could be attributed to vehicle #2.

Section VI - Findings

The position of both vehicles was mapped at the area of the collision by utilizing computer graphics information generated by the LTI laser measuring / mapping instrument. Tire marks, gouge marks, furrows and statements of driver and passenger were examined to determine the position of both vehicles pre and post impact. A graphically illustrated scale diagram was prepared depicting the collision scene with the pre and post impact movements of both vehicles.

At the moment of collision, vehicle #1 was unoccupied and out of control. Vehicle #1 was traveling north and accelerating. Vehicle #1 impacted with the driver side of vehicle #2, which was stopped and occupied by driver #2. The impact moved vehicle #2 into the adjacent lane. Witness information, coupled with physical evidence on the roadway and through vehicle examination, does indicate a vehicle malfunction contributed to vehicle #1. A stuck open throttle due to a defective or improperly installed / maintained throttle (cruise control) cable caused the open throttle condition of vehicle #1. There were no vehicle defects or driver error found on the part of vehicle/driver #2

The contact damage on vehicle #2 was major and of sufficient force to move vehicle #2 laterally. The intrusion into the passenger compartment of vehicle #2 was of sufficient force and depth to cause moderate to major injury to driver #2.

The pre impact actions of driver #1 directly caused the death of driver #1. Driver #1's exit from the vehicle and her head impact with the roadway was the direct cause of her death. The use of safety restraints on the part of driver #1 and shifting the vehicle into neutral or turning off the ignition would have prevented her death. The pre impact exit from the vehicle on the part of driver #1 can be attributed to panic. Significant crush was noted to the front end of vehicle #1. The vehicle was moderately damaged however sufficient room was left inside of the vehicle's passenger compartment to indicate that the driver or passenger of this particular vehicle in this particular crash probably would have survived if the driver and passenger remained in the vehicle and safety restraints would have been used or if the vehicle simply would have been turned off or the transmission shifted to neutral.

Vehicle #1's malfunction is directly attributed to the breakage of the (cruise control) throttle control cable's protective plastic sheathing which was detached from the cable end linkage, allowing the linkage to move into a position that it became stuck against the plastic engine shroud. The cause of the breakage could not be determined but could be caused by either manufacturer defect or improper repair/maintenance. Vehicle repair records indicate a throttle cable assembly replacement due to recall but do not indicate cruise control cable repair/replacement.

Section VII - Event Analysis

According to the analysis and interpretation of evidence, the conclusions described and illustrated in this report, I conclude that this collision was the direct result of driver #1 exiting the vehicle and the vehicle accelerating out of control and ultimately colliding with vehicle #2. If driver #1 had stayed in the vehicle and turned off the ignition or shifted the vehicle to neutral, the vehicle could have been stopped and the collision avoided.

This stuck open throttle of vehicle #1 caused a perception of danger and probable panic on the part of driver #1, which led driver #1 to order the passenger to jump from the vehicle and her exit from the vehicle. This action on the part of driver #1 ultimately led to the vehicle being uncontrolled and unrecoverable.

In analyzing this collision, I realize that different imputed variables will affect the outcome of any conclusions or calculations. The values of inputted variables are as accurate as I was able to determine based on the available physical evidence, witness evidence and data recovered. The opinions, findings, inferences and conclusions stated in this report are based in part on the accuracy of the information provided and gathered, and is subject to change pending the discovery or development of new or additional information or evidence.

Officer Douglas Endsley

Reviewing Supervisor

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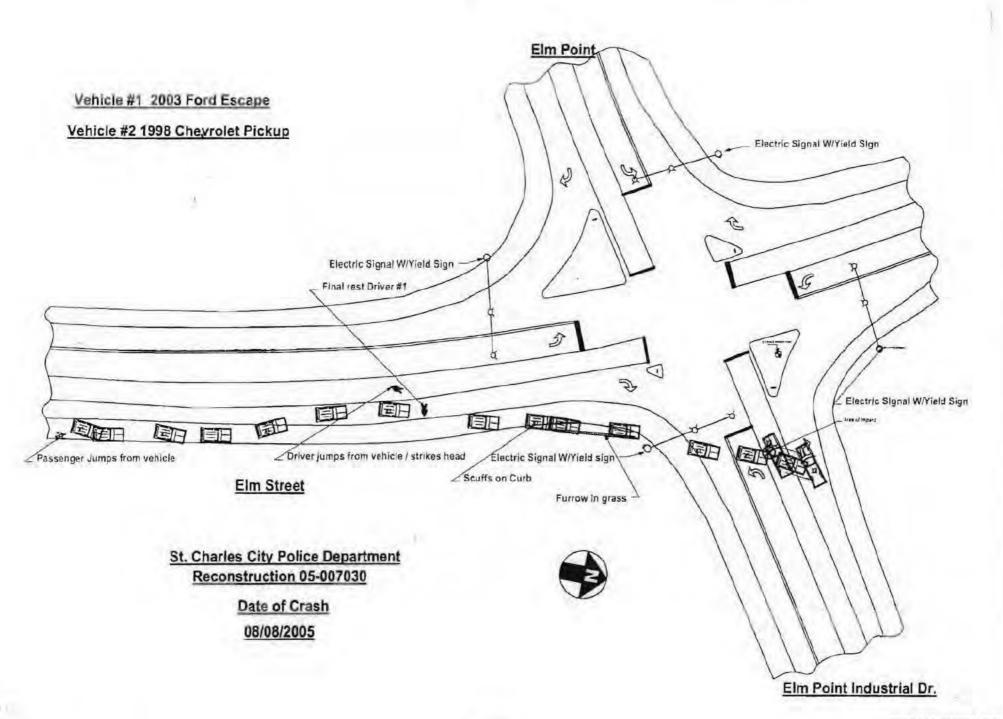
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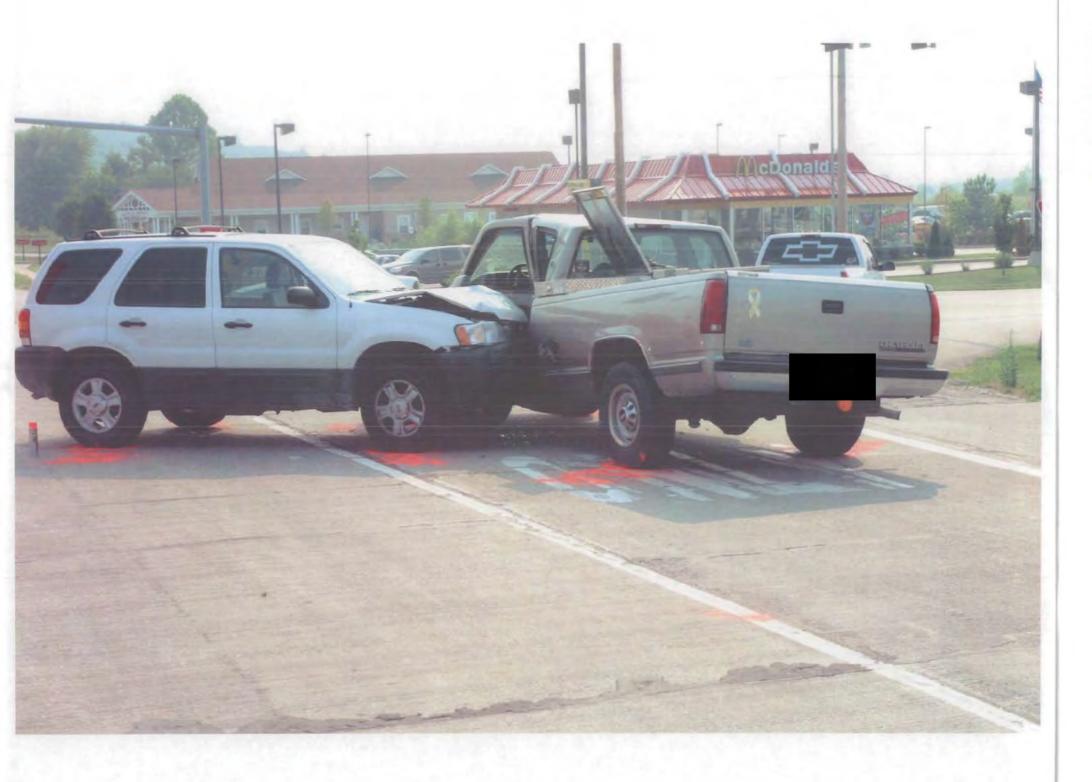
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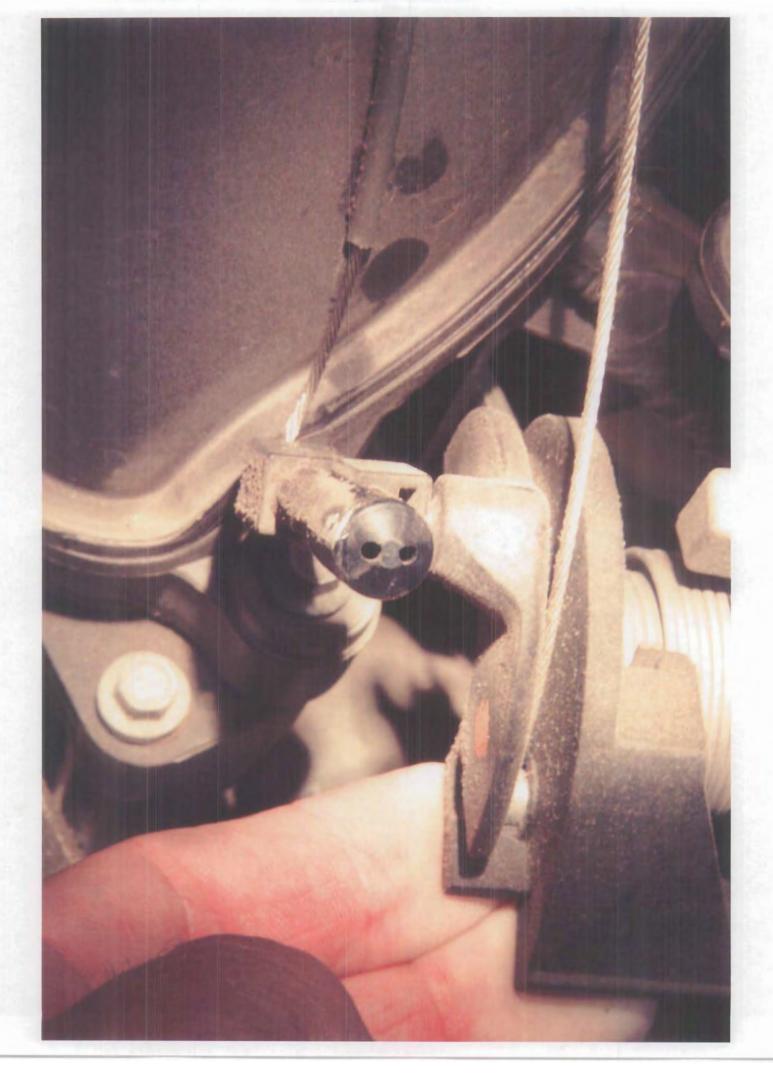
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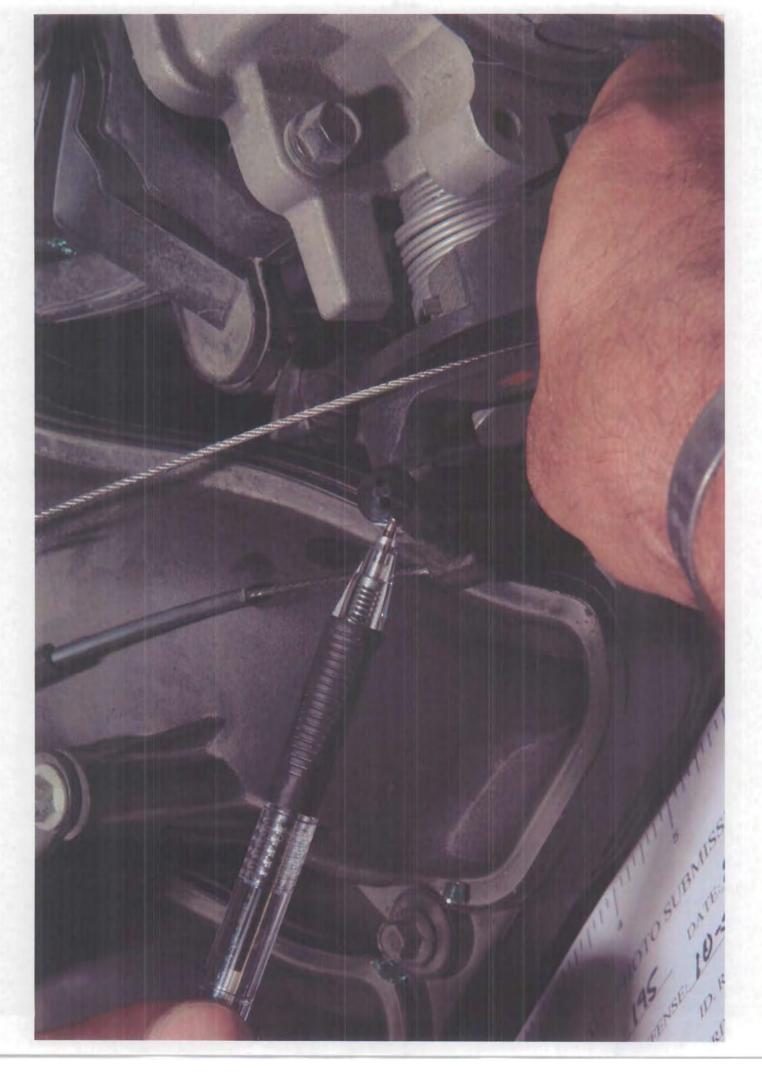














STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

MISSOURI CIRCUIT COURT TWENTY-FIRST JUDICIAL CIRCUIT (St. Louis County)

as surviving spouse of deceased, and a minor, by and

through his Next Friend,

Plaintiffs,

v.

FORD MOTOR COMPANY

Serve: Registered Agent

The Corporation Company

120 South Central Clayton, MO 63105

and

PUNDMANN MOTOR COMPANY d/b/a PUNDMANN FORD

Serve:

Edward J. Pundmann, Jr.

2727 West Clay

St. Charles, MO 63301

Defendants.

Cause No.

Division No.

Product Liability/ Death (in excess of \$25,000.00)

Jury Trial Demanded

PETITION FOR DAMAGES

Come now plaintiffs, J	, as surviving spouse of	
deceased, and S	and through his Next Friend,	and for
their petition against defendar	nts, state:	

553903 / 05 | 150

IDENTIFICATION OF PARTIES

\mathbf{L}_{i} .	Defendant Ford Motor Company ("Ford") is a Delaware corporation in
the busine	ess of manufacturing automobiles, including the subject Ford Escape, for
distributio	on in several countries, including the United States. Ford sells vehicles in the
State of M	issouri and derives substantial benefit from its sales of vehicles to Missouri
residents.	Defendant Ford designed, manufactured and sold the subject Ford Escape
described	more fully below.

- 2. At all pertinent times herein, plaintiff was the lawful spouse of and father of r, her son, and as such and are proper plaintiffs under Mo. Rev. Stat. § 537.080, Missouri's Wrongful Death Statute. bring this action on behalf of all persons entitled to recover under said Act.
 - 3. On or about August 8, 2005, was the operator of a 2003 Ford Escape, and was operating same in St. Charles County on a public road known as Elm Street. With her in the vehicle was her 16 year old son
 - 4. At all times herein relevant, operated the Ford Escape in the manner intended by the manufacturer.
 - 5. As she operated the vehicle in the appropriate manner, suddenly and without warning the vehicle accelerated on its own, such that could neither slow the vehicle or control its accelerating speed.
 - 6. After attempting to slow the vehicle and being unable because of the defective nature of the Ford Escape, and realizing she was careening toward a busy

-2-

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intersection, unbuckled her seatbelt, opened the door and exited the vehicle.

- 7. Due to the defective condition of the vehicle and its continued acceleration, struck her head on the pavement, was seriously injured and later died from her injuries.
- 8. Plaintiff also exited the vehicle because of the acceleration caused by the vehicle defects. While he survived, he did sustain physical and emotional injuries as a result of the incident.
- 9. The 2003 Ford Escape was sold as new to plaintiff and his wife by Ford Motor Company and Pundmann Ford. All of the service on the vehicle, including certain work on the speed control system in late 2004, was carried out by Pundmann Ford.

COUNTI

WRONGFUL DEATH - STRICT PRODUCTS LIABILITY

- 10. Plaintiffs reallege and incorporate by reference paragraphs 1 through 9 above as if fully set forth herein.
- 11. Plaintiffs bring this count under Mo. Rev. Stat. §537.080 commonly referred to as the "Missouri Wrongful Death Statute."
- Defendant Ford designed, manufactured, distributed and sold the subject
 Ford Escape.
- Defendant Pundmann owned, transferred, sold or otherwise placed into
 the stream of commerce, the subject Ford Escape.

-3-

553903 / 031131

- 14. At the time of the design, manufacture, distribution, and sale of the Ford Escape, it was defective and unreasonably dangerous when put to a reasonably anticipated use in that it:
- a) had a speed control system that could cause unintended acceleration;
- b) had defective cables, including the accelerator cable and the cruise control cable;
- c) had a speed control system that was improperly designed such that it could self-activate and/or fail to disengage upon command;
- d) had an accelerator cable liner capable of migrating out of the accelerator cable conduit, which prevents the throttle from returning to the idle position;
- e) had defects that caused the vehicle to accelerate on its own, creating an extremely hazardous condition;
- f) had defects which caused unexpected increased engine idle speed,
 thereby increasing stopping distances and resulting in crashes without warning;
- g) contained inherent defects that made it extremely difficult or impossible for vehicle operators to regain control;
- h) had a cruise control cable that was inadequately protected such
 that it could cause the mechanism to hang up on the engine cover;
- i) had inadequate and poorly designed cables, cable covering, and cable wires; and

-4-

- j) had no warning of the numerous defects that could cause the vehicle to accelerate on its own and lead to a collision.
- 15. The defective and unreasonably dangerous condition of the Ford Escape existed at the time the vehicle was sold by Ford Motor, and Pundmann Ford.
- 16. The Ford Escape was being used in a manner reasonably anticipated by defendants at the time decedent was injured. Further, defendants could reasonably anticipate that a driver or passenger might exit the vehicle when confronted with an uncontrollable vehicle.
- 17. The above defects were the direct and proximate cause of the fatal injuries sustained by decedent on August 8, 2005.
- 18. As a direct and proximate result of the injuries to and death of plaintiff was was required to expend, incur and become indebted for medical and funeral expenses. Further, plaintiff and all those entitled to recover have forever lost the love, services, consortium, companionship, comfort, instruction, guidance, counsel, training and support of the decedent, together with all damages which decedent sustained before her death and for which she would have been entitled.
- 19. Defendants knew or reasonably should have known that death or severe bodily injury was substantially likely to occur as a result of the defective and unreasonably dangerous condition of the Ford Escape as described above. Prior to the subject collision, defendants had actual knowledge of the defects herein described.

-5-

20. The conduct of defendants as described above showed complete indifference to or a conscious disregard for the safety of others justifying an award of additional damages for aggravating circumstances in such sum which will serve to punish defendants and to deter defendants and others from like conduct.

COUNT II

WRONGFUL DEATH - NEGLIGENCE

- 21. Plaintiffs reallege and incorporate by reference paragraphs 1 through 20 above as if fully set forth herein.
- 22. At the time of injuries on August 8, 2005, the Ford Escape was being used in a manner reasonably anticipated by defendants.
- 23. The injuries and resulting death of decedent were directly and proximately caused by defendants' negligence in at least the following respects:
- a) defendants negligently and carelessly failed to design, manufacture,
 and sell a vehicle free of defects that cause unintended acceleration;
- b) defendants negligently and carelessly failed to design, manufacture and sell a vehicle free of defective cables, cable lines, cable wires and conduits including but not limited to the accelerator cable and the cruise control cable;
- c) defendants negligently and carelessly failed to design, manufacture
 and sell a vehicle that would not initiate unwanted accelerations on its own;
- d) defendants negligently and carelessly failed to design, manufacture and sell the Ford Escape in such a manner as to make it free of speed control system defects;

-6-

653903 / 0511

- e) defendants negligently and carelessly failed to recall or retrofit the Ford Escape so as to make it reasonably safe;
- f) defendants negligently and carelessly failed to instruct as to safe use of the vehicle;
- g) defendants negligently and carelessly failed to warn of the dangerous and defective conditions in the vehicle;
- h) defendant Ford Motor Company failed to properly initiate and carry out appropriate recall programs, either recalling parts and preparing fixes that were inadequate, failing to recall other serious problems, or both; and
- i) defendant Pundmann Ford failed to carry out appropriate service, repair, and recall work on the Ford Escape owned by plaintiffs, created additional defects beyond those existing at the initial sale, failed to recognize defects and problems with the speed control system, or all three.
- 24. The aforementioned negligent acts and omissions were the direct and proximate cause of the fatal injuries sustained by decedent I on August 8, 2005.
- 25. As a direct and proximate result of the injuries to and death of plaintiffs were required to expend, incur and become indebted for substantial medical, hospital, and funeral expenses. Further, plaintiffs have forever lost the love, services, consortium, companionship, comfort, instruction, guidance, counsel, training and support of the decedent, together with all damages which decedent sustained before her death and for which she would have been entitled to recover had he lived.

26. The conduct of defendants as described above showed complete indifference to or a conscious disregard for the safety of others justifying an award of additional damages for aggravating circumstances in such sum which will serve to punish defendants and to deter defendants and others from like conduct.

COUNT III

PUNITIVE DAMAGES/ AGGRAVATING CIRCUMSTANCES

- 27. Plaintiffs reallege and incorporate by reference paragraphs 1 through 26 above as if fully set forth herein.
- 28. Ford Motor Company and Pundmann Ford have known for years about the defects in the 2003 Ford Escape, as well as Ford vehicles generally.
- 29. Ford has received actual notice of deaths and injuries from unintended acceleration of Ford vehicles. Ford has chosen to ignore such notice, or has blamed the drivers of the vehicle, or has downplayed the seriousness of the problem.
- 30. Further, Ford has not accurately reported problems with its speed control system to the National Highway Transportation Safety Administration (NHTSA), and as a result, numerous people have died or received serious injuries from these defects, and Ford customers remain at substantial risk of death or serious injury because these defendants would not take action to remedy the danger or warn the public.
- 31. The only way that these defendants will take responsibility and protect the public is if a substantial award is made for punitive damages/ aggravating circumstances for which these plaintiffs pray herein.

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COUNT IV

INJURIES TO STEPHEN BAIER

- 32. Plaintiffs reallege and incorporate by reference paragraphs 1 through 31 above as if fully set forth herein.
- 33. Plaintiff received injuries, physical and emotional, in the accident described above.
- 34. Such injuries were the direct result of the defective, unreasonably dangerous condition of the Ford Escape, and the negligence of the defendants as described aboved.
- as. Plaintiff by and through his Next Friend, by and through his Next Friend, be entitled to recover damages for physical injury, shock, fright, pain and suffering, and damages from being at or near the scene of his mother's death, because he was in the zone of danger created by the vehicle defects and the defendants' negligence.

GRAY, RITTER & GRAHAM, P.C.

Bv:

Patrick J. Hagerty

#32991

Attorney for Plaintiffs

701 Market Street, Suite 800

St. Louis, Missouri 63101

(314) 241-5620

Office

(314) 241-4140

Fax

WUESTLING & JAMES, L.C.

Thomas E. Fagan Co-Counsel for Plaintiffs 720 Olive Street, Suite 2020 St. Louis, Missouri 63101 (314) 421-6500

Office

(314) 421-5556

Fax

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553903 / 051158



STATE OF MICHIGAN

IN THE 52-3rd DIV. DISTRICT COURT

URY DEMANI	URI TRI
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	Ę,
L	GENERAL COUNSEL
4	
	APR 2 6 2004
Case No.	FORD MOTOR COMPANY
	Case No.

NOW COME Plaintiffs State Farm Mutual Automobile Insurance Company, as Subrogee of by and through its attorney, Edward L. Johnson, and for its Complaint against the Defendant Ford Motor Company and Huntington Ford, states as follows:

 Plaintiffs is a foreign corporation conducting business in the City of Rochester Hills, County of Oakland, State of Michigan.

- That the Defendants at all times relevant herein were conducting business in the City of Rochester Hills, County of Oakland, State of Michigan.
- That the Defendants manufactured, sold and/or supplied a 2001 Ford

 Escape VIN 1FMYU041 to to to the second
- 4. Plaintiff's insured vehicle was parked in Defendant's parking lot located in the City of Rochester Hills, when the subject vehicle's throttle stuck causing Plaintiff's insured to loss control of the vehicle and striking an adjacent building.
 - Plaintiff's insured purchased the subject vehicle from the Defendants.
- The paperwork which was presented to Plaintiff's insured did not match
 the actual performance of the subject vehicle.
- Under the Michigan Consumer Protection Act, the Defendants were in the process of conducting trade or commerce as that term is defined in MCLA 445.902(d).
- 8. That the Defendants violated the Consumer Protection Act by acting in an unfair, unconscionable and deceptive manner including, without limitation:
 - Representing that the subject vehicle had characteristics, uses, and benefits it did not have in violation of the prohibition in MCLA 445.903(1) (c);
 - There were gross discrepancies between the oral presentations of the seller and the actual performance of the subject vehicle despite the prohibition in MCL 445.903(1) (y);
 - Violating other provisions in the Michigan Consumer Protection
 Act including, without limitation, MCL 445.903(1) (d), (e), (n),
 (p), (x), and/or (bb).
- That the Defendants also made implied representations as to the quality of the vehicle and its ability to be driven for many years of comfortable travel and

vacationing.

- Those representations were false and were made in violation of the Michigan Consumer Protection Act.
- 11. As a direct and proximate result of the Defendants' actions, Plaintiff and its insured has suffered damages in the amount of \$9,084.37 including, without limitation:
 - a. Loss of expectancy;
 - b. Incidental damages;
 - c. Loss of enjoyment of vehicle;
 - d. Attorney's fess;

WHEREFORE, Plaintiffs demand Judgment against Defendant Ford Motor

Company and Huntington Ford in the amount of \$9,084.37 Dollars, plus costs, interest
and attorney fees.

Respectfully submitted,

RV.

Edward L. Johnson (P54646)

Attorney for Plaintiff

1249 Washington Boulevard

Suite 2900

Detroit, MI 48226

(313) 965-6277

STATE OF MICHIGAN

IN THE 52-3rd DIV. DISTRICT COURT

STATE FARM MUTUAL AUTOMO	BILE
INSURANCE COMPANY,	
as Subrogee of	

Plaintiff,

VS.

Case No.

FORD MOTOR COMPANY, HUNTINGTON FORD

Defendants.

EDWARD L. JOHNSON P54646 Attorneys for Plaintiff 1249 Washington Boulevard Suite 2900 Detroit, Michigan 48226 (313) 965-6277

DEMAND FOR JURY TRAIL

NOW COMES the Plaintiff, State Farm Mutual Automobile Insurance Company as Subrogee of the Company by and through its attorney, Edward L. Johnson, and hereby demands a Trial by jury.

Respectfully submitted,

BY:

Edward L. Johnson(P54646) Attorney for Plaintiff 1249 Washington Boulevard Suite 2900 Detroit, MI 48226 (313)965-6277

State Farm Insurance Companies®



May 14, 2003

Ford Motor Company Parklane Tower West, Suite 400 3 Parklane Blvd Dearborn MI 48126-2568 State Farm Subrogation Unit P.G. Box 4078 Kalamazoo MI 49003-4078

PH: (877) 782-5424 FAX: (888) 845-8680

> RECEIVED MAY 1 6 2003

Re:

Claim Number:

Our Insured :

Loss Of

Vehicle VIN

Total Requested:

11/21/2000

2001 Ford Escape 1FMYU04181K

\$9,084.37

MAY 1 6 2003

This State Farm insured vehicle was involved in a collision accident resulting in damages to both the insured vehicle and a building. We settled a claim with our insured and the property owner in the amount of \$9,084.37, which includes our insured's deductible.

Our investigation revealed the cause of the loss was due to sudden acceleration as evidenced by the enclosed service invoice from Huntington Ford. The insured was backing from a parking space when the vehicle suddenly accelerated striking and damaging a building. The vehicle was towed from the scene to Huntington Ford where they performed both the collision repairs and the warranty work for replacement of the throttle body. The vehicle was not returned to the insured until after the repairs were completed.

We are enclosing the necessary material to substantiate our subrogation claim. Please consider this letter as our demand for reimbursement of \$9,084.37.

Sincerely.

Pam Knish

ram ixnus

Claim Representative

(877) 782-6424 x 8519

State Farm Mutual Automobile Insurance Company

In order to assist you in evaluating and processing the subrogation claim we are asserting, we may provine nonpublic personal information about our customer. We are sharing this information to effect, administer, or enforce a transaction authorized by the consumer. However, you are neither authorized nor permitted to: (1) use the customer information we provide for any purpose other than to evaluate and process the subrogation claim, or (2) disclose or share the customer information we provide for any purpose other than to evaluate and process the subrogation claim.

HOME OFFICES BLOOMINGTON, ILLINOIS 61710-0001

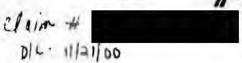
Service Involce



2890 S. Rochester Road ROCHESTER HILLS, MICH. 48307 Phone (248) 852-0400 Facsimile (248) 852-1689



State Registration No. F103686



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Service Invoice



HUNTIME TOWN

2890 S. Rochester Road ROCHESTER HILLS, MICH. 48307 Phone (248) 852-0400 Facalmile (248) 852-1869



State Registration No. F103686



10160)	SHARON A SCHIHL	9454 8058	01/30/01	FOCS16813
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STATE REGISTRATION #'S	E-103686	TOTAL	INVOICE \$ 247.6		2.1.=
	F-105643 (COLLISION S	SHOP)			
TINDER COOL	wt.				
CUSTUMER SIGNATE	DUPLICA	TE INVOICE ****	********		
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PAGE 2 OF 2	CUSTOMER COF	N 7 EMP	OF INVOICE 09:22.16		
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Government Employees Insurance Company

GEICO General Insurance Company

■ GEICO Indemnity Company

GEICO Casualty Company

Regional Office:

4295 Ocmulgee East Blvd. Macon, GA 31295-0001

1000 FEB 23 P 12: 2h

February 15, 2005

Ford Motor Credit PO Box 6248, MD 3NE-B Dearborn, MI 48126 Attn: Marquis Morris

RECEIVED.

Insured: Claim Number: Date of Loss:

12/16/04



Dear Mr. Morris:

This letter is in repsonse to your letter dated January 24, 2005. I have enclosed a copy of the police report and an itemized damage estimate with photographs of the vehicle. In the event that your company needs to inspect the vehicle, it remains at the Insurance Auto Auctions salvage yard at the address listed below. If you do not need to see the vehicle, contact us promptly so that we may proceed with the selling of the salvage.

Insurance Auto Auctions, Inc 16425 Crawford Ave Markham, IL 60428 708-333-5700

It is my understanding that the second is fullfilling the remainder of your request. This will include the details of the accident, decription of person injured and type of injuries, as well as exactly what she is seeking from your company.

If you have any questions, please contact me at the number listed below.

Sincerely,

Ivette Joglar Claims Adjuster

1-800-841-9160 ext 5643

cc: Betty Bennett

AD Query

Estimate Photo 01 for Claim Number

Photo date: 20/12/2004 16:17:37:00 Size: 36801

Description:

Insured

Policy Number

Vehicle: 3, FORD, ESCAPE 4X2 XLT

VIN:1FMYU03123K

Loss date: 12/16/04

Estimator: WILLIAM PARDUS



Estimate Photo 02 for Claim Number

02/15/2005

Photo date: 20/12/2004 16:17:37:00 Size: 43853

Description:

Insured:

Policy Number:

Vehicle: 3, FORD, ESCAPE 4X2 XLT

VIN:1FMYU03123K Loss date:12/16/04

Estimator: WILLIAM PARDUS



Estimate Photo 03 for Claim Number

Photo date: 20/12/2004 16:17:37:00 Size: 38353

Description:

Insured:

Policy Number:

02/15/2005

Vehicle:3, FORD, ESCAPE 4X2 XLT

VIN: 1FMYU03123 Loss date: 12/16/04

Estimator: WILLIAM PARDUS



Estimate Photo 04 for Claim Number

Photo date: 20/12/2004 16:17:37:00 Size: 41607

Description:

Insured:

Policy Number:4

Vehicle: 3, FORD, ESCAPE 4X2 XLT

VIN:1FMYU03123 Loss date:12/16/04

Estimator: WILLIAM PARDUS

02/15/2005



Estimate Photo 05 for Claim Number

Photo date: 20/12/2004 16:17:38:00 Size: 25891

Description:

Insured:

Policy Number:

Vehicle:3, FORD, ESCAPE 4X2 XLT

VIN:1FMYU03123K

Loss date: 12/16/04

Estimator: WILLIAM PARDUS



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Type of Crash	O Rear End O Head On O Rear to Rear	Same Direction Sides-vipe Opposite Direction Sides-wipe Ren off Road	O Right Angle O Left Turn O Right Turn	O Backing Crash Other Non-Collision	O Left/Right Turn
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		HARM TROUBLE HARM			111	Page 3	ol
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Drivar's License A	Birt Lic	Type COL Class Lic Sta	Child Rostraint	The state of the s	100000000000000000000000000000000000000	Unknown	1
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ISSUE LIST

Last Handling Date/ Issue Status Name/ Reason Desc Vin/ Case No.

Model Year and Vehicle LineIssue Type

1/24/2005 CLOSED

LEGAL - ALLEGED - NON-SERIOUS INJURY

1FMYU03123KC 488760205 2003 ESCAPE

07

3/3/2005

All Action Details for Issue

Print

VIN: 1FMYU03123K

Year: 2003

Model: ESCAPE

Case: #88760205

Name:

Owner Status: Original

WSD: 2003-07-30

Symptom Desc: GENERAL INQUIRIES REQUEST/NON-VEHICLE RELATED

Primary Phone: Secondary Phone:

Reason Desc: LEGAL - ALLEGED - NON-SERIOUS INJURY Issue Type: 07 LEGAL

Issue Status: CLOSED

Action: ADVISE CUST INFORMATION IS FOWARDED TO OUR PRODUCT CLAIMS GROUP

Dealer: 01564 TYSON FORD

Origin Desc: US CONCERN CASE BASE

Odometer: 17000 MI Analyst Name: BERHANU SELAM Comm Type: PHONE Analyst: BSELAM

Action Date: 01/20/2005

Action Time: 13.34.35.424

Action Data: No

Comments CUSTOMER SAID: THE CUSTOMER SAID THAT ACCIDENT OCCURRED TWO DAYS BEOFRE CHRISTMAS, INSURANCE COMPANY WAS INVOLVED AND POLICE REPORT WAS FILED, THE DRIVER WAS DRIVING ON A REGULAR ROAD WHEN HE DECIDED TO AVOID ANOTHER VEHICLE COMING FROM THE OPPOSITE DIRECTION. WHILE HE WAS TRYING TO MOVE AWAY FROM THE OTHER VEHICLE HIS STARTED TO ACCELERATE AND HE HIT ANOTHER PARKED VEHICLE AND THE VEHICLE FLIPPED OVER THE CUSTOMER SUFFERED MINOR INJURIES AND HE ROVD SOME MEDICAL ATTENTION. THE VEHICLE IS TOTALLED AND PAID OFF BY INSURANCE COMPANY. THE CUSTOMER WANTS TO KNOW IF THE ACCIDENT CAN ASSOCIATED WITH PROGRAM 04S25.DEALER SAID: NONECRC ADVISED: - THIS INFORMATION WILL BE FORWARDED TO OUR CONSUMER AFFAIRS GROUP, SOMEBODY WILL CONTACT IN TWO BUSINESS DAYS, ADVISED THE CUSTOMER THAT SHE ADDRESS ALL HER QUESTIONS AND CONCERNS WITH THE CONSUMER AFFAIRS DEPT.

Action: MAKE OUTBOUND CALL TO CUSTOMER

Dealer: 01564 TYSON FORD

Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION

Odometer: 17000 MI Analyst Name: MORRIS, MARQUIS Analyst: MMORRI20

Comm Type: PHONE

Action Date: 01/21/2005

Action Time: 10.37,34,412 Action Data: No

Comments LPA MADE OUTBOUND CALL TO CUSTOMER, LEFT MESSAGE ON ANSWERING MACHINE.

Action: DENY ASSISTANCE - REFER TO INSURANCE CARRIER

Dealer: 01564 TYSON FORD

Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION

Odometer: 17000 MI Comm Type: PHONE Analyst Name: MORRIS, MARQUIS Analyst: MMORRI20

Action Date: 01/24/2005

Action Time: 11.02.12.312 Action Data: No

COMMENTS CUSTOMER'S INSURNACE HAS PAID VEHICLE OFF, BUT THE CUSTOMER STILL WANTS TO FILE A PERSONAL

INJURY CLAIM. LPA WILL SEND OUT PERSONAL INJURY LETTER.

3/3/2005

All Action Details for Issue

Print

VIN: 1FMYU03123K

Name:

Year: 2003

Owner Status: Original

Symptom Desc: GENERAL INQUIRIES REQUEST/NON-VEHICLE RELATED

Reason Desc: LEGAL - ALLEGED - NON-SERIOUS INJURY

Issue Type: 07 LEGAL

Issue Status: CLOSED

Model: ESCAPE

Case: 488760205

WSD: 2003-07-30 **Primary Phone**

Secondary Phone:

Action: ADVISE CUST INFORMATION IS FOWARDED TO OUR PRODUCT CLAIMS GROUP

Dealer: 01564 TYSON FORD

Origin Desc: US CONCERN CASE BASE

Odometer: 17000 MI Analyst Name: BERHANU SELAM Comm Type: PHONE Analyst: BSELAM

Action Time: 13.34.35.424 Action Date: 01/20/2005

Action Data: No

Comments CUSTOMER SAID: THE CUSTOMER SAID THAT ACCIDENT OCCURRED TWO DAYS BEOFRE CHRISTMAS, INSURANCE COMPANY WAS INVOLVED AND POLICE REPORT WAS FILED, THE DRIVER WAS DRIVING ON A REGULAR ROAD WHEN HE DECIDED TO AVOID ANOTHER VEHICLE COMING FROM THE OPPOSITE DIRECTION. WHILE HE WAS TRYING TO MOVE AWAY FROM THE OTHER VEHICLE HIS STARTED TO ACCELERATE AND HE HIT ANOTHER PARKED VEHICLE AND THE VEHICLE FLIPPED OVER THE CUSTOMER SUFFERED MINOR INJURIES AND HE ROVD SOME MEDICAL ATTENTION. THE VEHICLE IS TOTALLED AND PAID OFF BY INSURANCE COMPANY. THE CUSTOMER WANTS TO KNOW IF THE ACCIDENT CAN ASSOCIATED WITH PROGRAM 04S25, DEALER SAID; NONECRC ADVISED: - THIS INFORMATION WILL BE FORWARDED TO OUR CONSUMER AFFAIRS GROUP, SOMEBODY WILL CONTACT IN TWO BUSINESS DAYS, ADVISED THE CUSTOMER THAT SHE ADDRESS ALL HER QUESTIONS AND CONCERNS WITH THE CONSUMER AFFAIRS DEPT.

Action: MAKE OUTBOUND CALL TO CUSTOMER

Dealer: 01564 TYSON FORD

Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION

Odometer: 17000 MI Comm Type: PHONE

Analyst Name: MORRIS, MARQUIS Analyst: MMORRI20

Action Date: 01/21/2005

Action Time: 10.37.34.412 Action Data: No

Comments LPA MADE OUTBOUND CALL TO CUSTOMER, LEFT MESSAGE ON ANSWERING MACHINE.

Action: DENY ASSISTANCE - REFER TO INSURANCE CARRIER

Dealer: 01564 TYSON FORD

Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION

Odometer: 17000 MI Comm Type: PHONE Analyst Name: MORRIS, MARQUIS Analyst: MMORRI20

Action Date: 01/24/2005

Action Time: 11,02.12.312 Action Data: No

Comments CUSTOMER'S INSURNACE HAS PAID VEHICLE OFF, BUT THE CUSTOMER STILL WANTS TO FILE A PERSONAL

INJURY CLAIM, LPA WILL SEND OUT PERSONAL INJURY LETTER.

3/3/2005



Subject: Ford vehicle in fatal accident We have been retained to represent the family of who was killed when the accelerator stuck on her 2002 Ford Escape. I have contacted the Payson police department and they have assured me that they are preserving the vehicle and that they will not be conducting any destructive testing. They do intend to have DPS download the data recorder in the near future. I have asked to be present. Please let me know if you or any other representative of Ford would like to attend. Please call me if you have any questions. This message and any of the attached documents contain information from the law firm of Gallagher & Kennedy, P.A. that may be confidential and/or privileged. If you are not the intended recipient, you may not read, copy, distribute, or use this information, and no privilege has been waived by your inadvertent receipt. If you have received this transmission in error, please notify the sender by reply e-mail and then delete this message. Thank you. This email has been scanned by the Symantec Email Security cloud service. For more information please visit http://www.symanteccloud.com Note: This electronic mail is intended to be received and read only by certain individuals. It may contain information that is attorney-client privileged or protected from disclosure by law. If it has been misdirected, or if you suspect you have received this in error, please notify me by replying and then delete both the message and reply. Thank you. This email has been scanned by the Symantec Email Security.cloud service. For more information please visit http://www.symanteccloud.com



REGION: W1 LC	S ANGELES 192K	OGC ISSUI ZONE: A ENGINE:	E 01 1	VEH TYPE:	Т	CASE NBR: OPENED CLOSED:	1451213560 2010/12/22 2010/12/22
LAST NAME:			FIRST	NAME		STATUS: MI:	CLOSED
ADDRESS: CITY:	PACOIMA		STAT	E:	CA	ZIP;	
HOME PHONE: MODEL YEAR:	2002		MODE	EL:	ESCAPE		_
MILEAGE: DEALER NAME:	GALPIN FORD		SALE	S CODE:	F71040	P & A:	05373
REASON CODE: SYMPTOMS:	0772 LEGAL - A 620900 ENG SF		DEN AC	CELERATION	4		
ORIGIN: CA		ONCERN CASE				ie .	

ANALYST: CWASHI49 WASHINGTON (CWASHI49), CYNTHIA

DATE: 2010/12/22 TIME: 12:32.01 aCTION DATA/COMMENTS:

DOCUMENT-

CUSTOMER SAID: - 91331

SYMPTOMA. SUDDEN ACCELERATION -CUST STATES HE HIT ANOTHER VEH -CUST STATES NO ONE WAS INJURED 2 VEHICLE LOCATION-VEH WITH CUST 3 REASON FOR CALL-CUST SEEKING TO KNOW IF THERE ARE ANY RECALLS ON HIS VEHT, DATE OF THE ACCIDENT 12/22/20102. WHAT THE CUSTOMER IS ALLEGING THE PRODUCT DEFECT IS THAT CAUSED ACCIDENT BRAKES3. IF THERE WERE ANY INJURIES SUSTAINED NO 4, LOCATION OF THE VEHICLE WHEN THE ACCIDENT OCCURRED PORT ARTHUR CAS, WHETHER OR NOT THERE WAS A POLICE REPORT FILED, NO6. IF A POLICE REPORT WAS FILED, WHAT THE FINDINGS WERE NAT. THE POLICE REPORT NUMBER AND THE CITY OR COUNTY IN WHICH THE REPORT WAS FILED NAS, WHETHER OR NOT THE CUSTOMER HAS FILED A CLAIM WITH THEIR INSURANCE COMPANY NO9. IF A CLAIM HAS BEEN FILED WITH THE INSURANCE COMPANY, WHAT IS THE STATUS OF THE CLAIM NA10. WHETHER OR NOT THE VEHICLE IS REPAIRABLE.YES. ONLY HIS LICENSE PLATE WAS BENT11 NAME AND ADDRESS OF CUSTOMER'S ATTORNEY (ONLY IF THE CUSTOMER MENTIONS THEY HAVE SOUGHT ONE).NA12. WHAT THE CUSTOMER IS SEEKING TO KNOW IF THERE ARE ANY RECALLS ON HIS VEHCRC ADVISED: I WILL FORWARD YOUR INFORMATION TO FORD'S OFFICE OF THE GENERAL COUNSEL. YOU SHOULD RECEIVE A WRITTEN RESPONSE WITHIN 15 BUSINESS DAYS TO YOUR CONCERN NOTE TO CCR: REMEMBER TO VERIFY ALL CUSTOMER CONTACT INFORMATION AND DOCUMENT INCIDENT/ACCIDENT DATE PRIOR TO SENDING ISSUE -CCR ADVISED-ADVISED NO OPEN RECALLS ON HIS VEH

CONSUMER AFFAIRS

12/23/2010 FAXOGC2 CONFIDENTIAL



PARTY MOST IT GOODWARD ...

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-------OGC ISSUE CASE NBR 519121521. REGION: S2 CHARLOTTE ZONE: OPENED. 2011/06/01 ENGINE: 1FMYU04192K VEH TYPE: CLOSED: VIN: 3 T 2011/06/01 ------CLOSED LAST NAME: STATUS FIRST NAME: TITLE: MI: ADDRESS: CANDLER NC CITY STATE: ZIP: HOME PHONE: MODEL: **ESCAPE** MODEL YEAR: 2000 MILEAGE: 108000 KEN WILSON FORD INC DEALER NAME: SALES CODE: F21589 P&A: 01075 0796 LEGAL - ALLEGED INJURY REASON CODE SYMPTOMS: 612500 SURGE ACCELERATION

ORIGIN: ACTION DOCUMENT: CAC138 705

US CONCERN CASE BASE COMMUNICATION: PHONE

CONTACT ADVANCED TO OGC

ANALYST: DEERLANT FERLANTI DEBRA

DATE: 2011/06/01 TIME: 14.41.49 : ACTION DATA/COMMENTS:

> CUSTOMER SAID: 1, DATE OF THE ACCIDENT 5/26/112, WHAT THE CUSTOMER IS ALLEGING THE PRODUCT DEFECT IS THAT CAUSED ACCIDENT YES ACCLERATED STUCK WIDE OPEN IN FULL THROTTLE POSTION3. IF THERE WERE ANY INJURIES SUSTAINED MINOR BACK AND NECK INJURY4. LOCATION OF THE VEHICLE WHEN THE ACCIDENT OCCURRED ON ON RAMP HEADING TO 1-26 BUNCUMBE COUNTY NORTH CAROLINAS. WHETHER OR NOT THERE WAS A POLICE REPORT FILED. YES, ASHVILLE CITY POLICE6. IF A POLICE REPORT WAS FILED, WHAT THE FINDINGS WERE. CUST DRIVING WHEN VEH ACCLERATOR STUCK . VEH WRECKED 7. THE POLICE REPORT NUMBER AND THE CITY OR COUNTY IN WHICH THE REPORT WAS FILED. ASHVILLE CITY BUNCUBE COUNTY, NORTH CAROLINAB. WHETHER OR NOT THE CUSTOMER HAS FILED A CLAIM WITH THEIR INSURANCE COMPANY, NO9. IF A CLAIM HAS BEEN FILED WITH THE INSURANCE COMPANY, WHAT IS THE STATUS OF THE CLAIM. 10. WHETHER OR NOT THE VEHICLE IS REPAIRABLE, NO 11, NAME AND ADDRESS OF CUSTOMER'S ATTORNEY (ONLY IF THE CUSTOMER MENTIONS THEY HAVE SOUGHT ONE), 12. WHAT THE CUSTOMER IS SEEKING - CUST SEEKING TO LOOK AT VEH AND DETERMINE IF ACCLERATOR HAD BECOME STUCK OPEN,-CUST STATES THAT IF PART MALFUNCTION TO MAKE FMC AWARE OF SITUATION-CUST WOULD LIKE VEH REPLACED OR REPAIRED IF THIS WAS A PART OF MALFUNCTIONCRC ADVISED. I WILL FORWARD YOUR INFORMATION TO FORD'S OFFICE OF THE GENERAL COUNSEL. YOU SHOULD RECEIVE A WRITTEN RESPONSE WITHIN 15 BUSINESS DAYS TO YOUR CONCERN NOTE TO CCR: REMEMBER TO VERIFY ALL CUSTOMER CONTACT INFORMATION BEFORE SENDING ISSUE.

CONSUMER AFFAIRS

06/02/2011 FAXOGC1 CONFIDENTIAL





CHRISTOPHER HEIM, Subrogation Specialist

Ford Motor Company Consumer Affairs PO Box 6248 MD-3NE-B Dearborn, MI 48126 October 26, 2005



RE:

Our Claim Number:

Our Insured:

Date of Loss:

Your Claim Number:

Your Insured:

8/04/2005

Ford Motor Company

Dear Sir or Madam:

Our Company is the insurance carrier for



On or about 8/04/2005, our insured was involved in an incident with your insured, Ford Motor Company. Our investigation indicates that your insured is responsible for the incident.

The purpose of this letter is to put you on formal notice of our subrogation rights in this matter and request reimbursement of the damages in the amount of \$20,781.64.

Supporting documents are enclosed for your review.

Please forward your check payable to "West American Insurance Company as subrogee of

If you have any questions regarding the above, please do not hesitate to call.

Sincerely,

Onio Casualty Group

Subrogation Department

Christopher Helm

Subrogation Specialist

Encl





FRED BEANS FORD LINCOLN MERCURY

Route 611 & Sawmill Road Doylestown, PA 18901 (215) 348-2900 Fax (215) 348-9435 www.fredbeans.com





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	ATENO	9.3.1.3.3 K		09/12/05	
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ROAD TESTED AND VERIFIED PROPE				TIRES	BRAKES
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TOTALS	*******	,		10000	
tipe wie ten trent entre		TOTAL LABOR	169.90	IN SPOT	
SURF THE MEB WITH FRED BEANS VISIT US AY www.fredbeans.com		TOTAL PARTS	0.00		
ALSO SAVE MONEY ON YOUR NEXT VISIT WITH OUR	INTERNET COUPONS	TOTAL MISC CHG.	0.00	#	
***********************		TOTAL MISC DISC	10.19		
CASH [] CHECK [] 4. 3030		TOTAL INVOICE \$	180.09		
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CUSTOMER SIGNATURE	1.7.3	[
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COMMONWEALTH OF PENNSYLVANIA POLICE ACCIDENT REPORT

XX REFER TO OVER	LAY SHEETS	C. AC-W-A(-y)	REPORTABLE	NON - REPORTABL	ACCIDENTION	TION
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AND THE RESERVE OF THE PARTY OF	URT TOWNSHI	B B D	4. PATROL 1.	PRINCIP	AL ROADWAY IN	IFORMATION
INVESTIGATOR KEY	DI M. EDWARDS	, PTL.	BADGE 16 NUMBER 16	22. ROUTE NO. OR 66	10 RT 202 PARKIN	
APPROVED BY			BADGE + NUMBER	23. SPEED O	(24.)TYPE HIGHWAY	(25.) ACCESS CONTROL
. INVESTIGATION 08	/04/2005	8. ARRIVAL			NTERSECTING R	POAD:
DATE	ACCIDENT	INFORM	ATION	26. ROUTE NO. OR		
ACCIDENT and a	A COLUMN TO SERVICE AND THE OWNER OF THE OWNER OWNE		EEK THURSDAY	STREET NAME 27. SPEED	28)TYPE	20 ACCESS
DATE 08/04	1/2005	12 NUMBER	_	LIMIT	NOT AT INTERS	CONTROL ECTION:
DAY 14:15	A STRIPTO	UNITS 15.PRIV.PRO	3	ao, CROSS STREET OR		EG THOM:
u	LA NURED 0	ACCIDEN	TYKN	SEGMENT MARKER		STANCE
18.DID VEHICLE HAVE '	RESCENE?	17.VEHICLE 0-NONE	UNIT 1 2	FROM SITE	S F W I	OM SITE FT, MI.
UNIT 1	UNIT 2	1 - LIGHT 2 - MODE	RATE 7	33. DISTANCE WAS	MEASURED	ESTUMATED
Y X N Y	NX	3 - SEVER	E UNIT 2 2	CONSTRUCTION ZONE	35) TRAFFIC CONTROL	PRINCIPAL INTERSECTING
18.HAZARDOUS MATERIALS	A DNX	19. PENNE		LONE	DEVICE	
	NU SA		SAN ASSESSMENT	第二年 (4)	# # WINT # 2	
36 LEGALLY Y N	37. REG.	endpress of the same	38. STATEPA		37. REG. PLATE	38. STATENJ
PARKED?	PLATE		215-794	39. PA TITLE OR	NYD18872B	
40,0WNER				GOT-GIATE VIII	T GROUP 2 LLC	
41 OWNER			8454	41 OWNER		
ADDRESS -			1	ADDRESS	MULDOOK N.T.	
& ZIPCODE	ATTECOMN' P		1-1-	8 ZIPCODE BOO 43 YEAR 2002	44. MAKE ACURA	
43.YEAR 2003	44. MAKE		1			46 1148
45. MODEL - (NOT BODY TYPE)		100	B.INS.	45. MODEL - (NOT MOX BODY TYPE)		A THE MIT MAKE
47)BODY TYPE 55	48) SPECIAL USAGE	UU	49) VEHICLE OWNERSHIP 01	TYPE 55	48) SPECIAL 00	OWNERSHIP 02
60) INITIAL IMPACT 1	STATUS		52) TRAVEL 00	50) INITIAL IMPACT 12	_ SIAIUS	SPEED OO
GRADIENT 1	DRIVER PRESENCE	1	55) DRIVER CONDITION 1	GRADIENT 1	54) DRIVER 2	55) DRIVER CONDITION
58. DRIVER NUMBER			57. STATE PA	58. DRIVER NUMBER		57. STATE
58, DRIVER	-			58. DRIVER		
NAME 59 DRIVER				NAME SE DRIVER		-
ADDRESS 80 CITY, STATE	YLESTOWN' P.	Δ		ADDRESS 60 CITY, STATE		
& ZIPCODE	TE OF		63.PHONE	61. SEX 62.DA	TEOF , ,	89 PHONE
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	LASS			YDND CL	ASS	
TO THE PARTY OF TH				67. CARRIER		
68 CARRIER ADDRESS				68, CARRIER ADDRESS		
89. CITY, STATE 8 ZIPCODE				89. CITY, STATE		
70, USDOT#	ICC #		PUC #	70, USDOT#	ICC#	PUC #
72) VEH. CONFIG	CARGO BODY TYPE		74. GVWR	72) VEH.	(73)CARGO BODY TYPE	74. GVWR
75. NO. OF AXLES	(8) HAZARDO		77. RELEASE OF HAZMAT	75, NO. OF AXLES	(76) HAZARDOUS MATERIALS	77 RELEASE OF HAZMAT
AA-45 (11/95)	MATERIAL		I I I I ONAL	PAGE	MATERIALS	Printed: NE/07/200 11:44:00



COMMONWEALTH OF PENNSYLVANIA POLICE ACCIDENT REPORT

REFER TO OVER	RLAY SHEETS	3100	REPORTABLE	NON - REPORTA			NADOT USE ONLY		
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NUMBER							*005		
2. AGENCY SOLES	BURY TOWNSHIP	POLICE		21. MUNICIPALITY SO	LEBURY ?	TOWNSHIP	CODE	221	
3. STATION/ SOLEE	OURT TOWNSHIP	PD	4. PATROL 1	PRINCI	PAL RO	ADWAYII	VFORMATI	ON	
S. INVESTIGATOR REV	M. EDWARDS	PTL.	BADGE NUMBER 16	22. ROUTE NO. OR STREET NAME	610 RT	202 PARKI	NG LOT		
6. APPROVED BY			BADGE *	23. SPEED O	Z4)TYPE	IWAY	25) ACCESS		
7. INVESTIGATION 08	/04/2005	8. ARRIVAL TIME	14:17		TTO A TOTAL	ECTING F			
	ACCIDENT		TION	28, ROUTE NO. OR STREET NAME					
9. ACCIDENT 08/0	4/2005	O DAY OF WE	THURSDAY	27. SPEED LIMIT	2B)TYPE HIGH		(29) ACCES		
11.TIME OF 14:15		2.NUMBER	3			INTERS		.OE	
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18.HAZARDOUS	V D NX	9. PENNOOT		ZONE		CONTROL			1-4
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39. PA TITLE OR	PLATE			PARKED?	PLATE				-
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41 OWNER				A OWNER			_		
ADDRESS		-		ADDRESS					
42. CITY, STATE WIT	NDGAP PA			42 CITY, STATE 8 ZIPCODE					
43.YEAR 2000	44. MAKE M	AZDA		43.YEAR	44. MA	KE			-
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& ZIPCODE 61. SEX 62. DA	TERE	Inn	- NOVIC	& ZIPCODE					
BIF	mi /	63)	PHONE	81, SEX 82. DA		1	63PHONE		
64. COMM. VEH. 85.DR	IVER ASS			64, COMM. VEH. 85.DR	IVER		1		
67. CARRIER	N/A	*		67. CARRIER	ASS			-	
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2003 Ford Escape Recalls

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2003 Ford Escape Recalls

2003 FORD ESCAPE POWER TRAIN: AUTOMATIC TRANSMISSION: CONTROL MODULE (TCM, PCM)

Recall Date: APR 06, 2004

Summary

ON CERTAIN SPORT UTILITY VEHICLES EQUIPPED WITH 3.0L V6 ENGINES, DURING DECELERATION, THE ENGINE CAN STALL.

Consequence:

SHOULD THE ENGINE STALL, A VEHICLE CRASH COULD OCCUR.

Remedy

DEALERS WILL REPROGRAM THE POWER CONTROL MODULE (PCM) WITH THE APPROPRIATE CALIBRATION. OWNER NOTIFICATION BEGAN ON APRIL 21, 2004, OWNERS WHO TAKE THEIR VEHICLES TO AN AUTHORIZED DEALER ON AN AGREED UPON SERVICE DATE AND DO NOT RECEIVE THE FREE REMEDY WITHIN A REASONABLE TIME SHOULD CONTACT FORD AT 1-800-392-3673.

Potential Units Affected:

321903

Notes

FORD MOTOR COMPANY 04513

Back to list of 2003 Ford Escape recalls

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ISSUE LIST

	3.4.4.5			
Last Handling Date/ Issue Status	Name/ Reason Desc	Vin/ Case No.	Model Year and Vehicle Line	Issue Type
9/27/2005		1FMYU93133K	2003 ESCAPE	02
CLOSED	LEGAL - INSURANCE COMPANY SETTLEMENT	579842705		
9/27/2005 CLOSED	RECALL/ONP - VEHICLE INVOLVEMENT	1FMYU93133K 579842705	2003 ESCAPE	02
OLOGEL	THEOREDOM VEHICLE MYOLVENENT	010042100		

Ford Confidential

All Action Details for Issue

Print

VIN: 1FM/U93133K

Year: 2003

Name: Symptom Desc: ENG SPEED-UP SUDDEN ACCEL ALL ENGINE TEMP

Reason Desc: LEGAL - INSURANCE COMPANY SETTLEMENT

Issue Type: 02 INFORMATION

Owner Status: Subsequent

Issue Status: CLOSED

Model: ESCAPE WSD: 2002-09-25 Case: 579842705

Primary Phone:

Secondary Phone:

Action: ADVISE CUSTOMER TO CONTACT THEIR INSURANCE COMPANY FOR ASSISTANCE

Dealer:

Origin Desc: US CONCERN CASE BASE

Odometer: 40000 MI

Comm Type: PHONE

Analyst Name: HELEN PAVLIDE Action Date: 09/27/2005

Analyst: HPAVLIDE

Action Time: 16.29.44.992

Action Data: No

Comments CUSTOMER SAID: - ON 08/04/2005, WHILE REVERSING OUT OF PARKING SPOT, ACCIDENTLY BACKED INTO TREE, CUST PUT SHIFTER LEVER INTO DRIVE, VEH JUST TOOK OFF WHILE CUST WAS STILL APPLYING BRAKES AND VEH WOULD NOT STOP UNTIL CUST CRASHED INTO 2 VEHS, LOST CONTROL OF VEH- POLICE REPORT WAS FILED, AS PER POLICE VEH WAS ACCELRATING AT 16-19 MPH- VEH HAS NOW BEEN REPAIRED AND COVERED BY INSURANCE COMPANY- NOW NOTICED AS PER INTERNET, 2003 FORD ESCAPES WERE INVOLVED WITH A RECALL 04S25 WHICH DESCIBES WHAT HAPPENED WITH CUST'S VEH: ACCELERATOR CABLE MAY PREVENT THROTTLE TO RETURN TO IDLE POSITION WHICH VEH MAY HAVE AN UNEXPECTED INCREASE IN ENGINE IDLE SPEED WHICH MAY INCREASE STOPPING DISTANCE, MAY RESULT IN VEH CRASH - BROUGHT VEH TO DLR AFTER BODYSHOP REPAIRED VEH, DLR INSPECTED VEH FOR THIS CONCERN AND FOUND NOTHINIG WRONG- ALTHOUGH WAS TOLD THAT VEH NOT INVOLVED WITH THIS RECALL, STILL FEELS FMC SHOULD OF BEEN RESPONSIBLE TO PAY FOR REPAIRS AND NOT INSURANCE COMPLANYDEALER SAID: - DLR FOUND NBIOTHING WRONG WITH VEH ---- FRED BEANS FORD LINCOLN MERCURY864 NORTH EASTON ROADDOYLESTOWN, PA 1890 ITEL: (215) 348-2900CRC ADVISED: YOUR INSURANCE COMPANY HAS THE RIGHT TO PURSUE CLAIMS FOR REIMBURSEMENT AGAINST FORD. HOWEVER, FORD WILL BE UNABLE TO INVESTIGATE YOUR CLAIM AS REPAIRS TO YOUR VEHICLE HAVE BEEN PERFORMED AND YOU ARE CURRENTLY IN THE PROCESS OF PURSUING A CLAIM WITH YOUR INSURANCE COMPANY.

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11/22/2005

All Action Details for Issue

Print

VIN: 1FMYU93133K

Name:

Year: 2003

Owner Status: Subsequent

Symptom Desc: GENERAL INQUIRIES REQUEST/NON-VEHICLE RELATED

Reason Desc: RECALL/ONP - VEHICLE INVOLVEMENT

Issue Type: 02 INFORMATION

Issue Status; CLOSED

Model: ESCAPE WSD: 2002-09-25

Primary Phone: Secondary Phone:

Origin Desc: US INQUIRY CASE BASE

Case: 579842705

Action: ADVISE CUST NO FSA'S AT THIS TIME

Dealer: 01203 FRED BEANSFORD LINC MERC

Odometer: 40000 MI Analyst Name: HELEN PAVLIDE

Comm Type: PHONE Analyst: HPAVLIDE

Action Date: 09/27/2005

Action Time: 16,06,23,392

Action Data: No

Comments CUSTOMER SAID: - NO CURRENT CONCERNS- AS PER INTERNET, VEH MAY BE INVOLVED WITH CONTROL CABLE RECALL THAT CAUSES VEH TO HAVE AN UNINTEDED SPEED INCREASE AND SOME OTHERS RECALLS- SEEEKING TO KNOW IF VEH IS INVOLVED WITH ANY RECALLSDEALER SAID: - NONE----FRED BEANS FORD LINCOLN MERCURY864 NORTH EASTON ROADDOYLESTOWN, PA 18901TEL: (215) 348-2900CRC ADVISED: VEHICLE IS NOT INVOLVED IN ANY RECALL/CSP AT THIS TIME.

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BEGINNING OF CONTACT 04/21/2012

VOICE OF THE CUSTOMER TRACKING SYSTEM

07.55.10

REGION: A1 SI VIN: 1FMYU03	ELECT DEALER ZON	CISSUE NE: C04 GINE: 1	VEH TYPE:	T	CASE NBR: OPENED: CLOSED:	351261112. 2012/04/20 2012/04/20
LAST NAME: TITLE: ADDRESS:		FIRST	NAME;		STATUS: MI:	CLOSED
CITY: HOME PHONE:	GREENWOOD	STAT	Ė.	MS	ZIP	
MODEL YEAR: MILEAGE: DEALER NAME: REASON CODE: SYMPTOMS:	2001 124000	MODE	ELi	ESCAPE		
	KIRK BROTHERS FOR	NT & PERSON	SALES CODE: L22594 ERSONAL/PROPERTY DAMAGE AL STICK/BIND		P & A:	03045

ORIGIN: ACTION DOCUMENT: CRCBCP -TIER ONE - MELBOURNE COMMUNICATION: PHONE T1120

TIER ONE CLOSE ISSUE

ANALYST: TTHOM188 THOMAS (TTHOM188), TALER

DATE: 2012/04/20 TIME: 09:59:01: ACTION DATA/COMMENTS:

> TRYING TO BACK UP AND THE ACCELERATER CABLE STUCK AND SHE BACKED UP INTO A BUILDING. - CUST FEELS THAT ACCIDENTS 1. DATE OF THE ACCIDENT. 4/19/12 IS WHEN THE ACCIDENT TOOK PLACE. 2 WHAT THE CUSTOMER IS ALLEGING THE PRODUCT DEFECT IS THAT CAUSED ACCIDENT. CUSTOMER FEELS THAT THE BRAKES DID NOT WORK PROPERLY AND THE ACCELERATOR CABLE GOT STUCK AND CAUSED HER TO ACCELERATE, 3. IF THERE WERE ANY INJURIES SUSTAINED. NO INJURIES SUSTAINED4. LOCATION OF THE VEHICLE WHEN THE ACCIDENT OCCURRED, AMANDA ELZY ELEMENTARY SCHOOL 5, WHETHER OR NOT THERE WAS A POLICE REPORT FILED. YES 6. IF A POLICE REPORT WAS FILED, WHAT THE FINDINGS WERE. CUSTOMER HAS NOT PICKED UP THE POLICE REPORT. 7. THE POLICE REPORT NUMBER AND THE CITY OR COUNTY IN WHICH THE REPORT WAS FILED. POLICE REPORT WAS FILED IN GREENWOOD MS8. WHETHER OR NOT THE CUSTOMER HAS FILED A CLAIM WITH THEIR INSURANCE COMPANY, CLAIM WAS FILED WITH THE INSURANCE CO. 9 IF A CLAIM HAS BEEN FILED WITH THE INSURANCE COMPANY, WHAT IS THE STATUS OF THE CLAIM, STATUS IS THE CUSTOMER IS WAITING ON THE ADJUSTER TO COME AND INSPEACT THE VEH FOR THE CUSTOMER. 10 WHETHER OR NOT THE VEHICLE IS REPAIRABLE, UNKNOWN11. NAME AND ADDRESS OF CUSTOMER'S ATTORNEY (ONLY IF THE CUSTOMER MENTIONS THEY HAVE SOUGHT ONE). 12. WHAT THE ****DEALER ******KIRK BROTHERS FORD-LINCOLN, LLC 1512 HWY 82 WESTGREENWOOD MS SCHEDULE SERVICE 38930(662) 453-6131 ******** WILL FORWARD YOUR INFORMATION TO FORD'S OFFICE OF THE GENERAL COUNSEL YOU SHOULD RECEIVE A WRITTEN RESPONSE WITHIN 15 BUSINESS DAYS TO YOUR CONCERN.***NOTE TO CCR: USE CORRECT SYMPTOM FOR ALLEGED DEFECTIVE SYSTEM (FIRE/SMOKE AS SYMPTOM FOR ALL INCIDENCES INVOLVING VEHICLE FIRE). VERIFY CUSTOMER CONTACT INFORMATION AND DOCUMENT ALL REQUIRED INFO

TOTAL MOTOR COMPANY **RECEIVED** CLAIME DINT

APR Z J. 2012

OFFICE OF THE DENERAL COUNSEL

CONSUMER AFFAIRS

04/21/2012 FAXOGC2 CONFIDENTIAL



BEGINNING OF CONTACT

VOICE OF THE CUSTOMER TRACKING SYSTEM 03/27/2009

11.33.05

REGION: G4 PITTSBURGH 1FMYU03144D VIN:

OGC ISSUE ZONE: A06 ENGINE: 1

VEH TYPE:

CASE NBR: OPENED: CLOSED:

STATUS:

1409130829 03/23/2009 03/23/2009

CLOSED

LAST NAME: TITLE

ADDRESS: CITY BUFFALO HOME PHONE:

2004 62000 STATE: MODEL:

FIRST NAME:

NY ESCAPE XLT 4X2 4-DR

FALLS NY

ZIP:

MI:

MODEL YEAR: MILEAGE: DEALER NAME: REASON CODE:

DAVE SMITH FORD, LL 0792 LEGAL - ACCIDENT / FIRE

PHYSICAL ADDRESS

620600 ENGINE SPEED-UP CRUISE

SALES CODE:

F44012

P& A

06986

SYMPTOMS: ORIGIN:

DOCUMENT:

ACTION:

CACI38 792

US CONCERN CASE BASE COMMUNICATION: PHONE CONTACT ADVANCED TO OGC - FIRE

ANALYST: MMANIAOL MARY ANNE MANIAOL (MMANIAOL)

FORD MOTOR COMPANY RECEIVED CLAIMS UNIT

MAR 3 0 2009

OFFICE OF THE GENERAL COUNSEL

DATE: 03/23/2009 TIME: 11,21.52: ACTION DATA/COMMENTS:

> CUSTOMER SAID, CALLER WRITER, HUSBAND VEH STARTED ACCELERATING BY ITSELF, WAS ON CRUISE AT THEN IT WENT TO 76-75 BY ITSELF-TURNED OFF THE CRUISE CONTRO L-IT CONTINUED TO GET FASTER AND FASTER2 WAS PUSHING ON THE BRAKE THE BRAKES WERE LOCKED CALLED POLICE, OPERATOR SAID TO PUT IT IN NEUTRAL-WAS THEN ABLE TO BRAKE-PUT VEH WAS PARK 3. VEH STARTED TO SMOKE INSIDE AND OUTSIDE OF VEH-THOUGHT VE H WAS GOING TO BLOW UP, VEH WAS SHAKING CAR FINALLY SETTLED DOWN-HAD TO GET IT TOWED-CRUISE CONTROL WAS DEACTIVATED-HAPP ENED ON SATURDAY 3/21/2009-FILED POLICE REPORT-SPOKE TO THEM THE OTHER DAY, WILL GET REPORT FROM THEM, DO NOT HAVE THE R EPORT YET-BINGHAMTON (CITY) NY STATE, NOT SURE OF COUNTY-VEH HAS NOT BEEN INSPECTED BY A FLM DLR-SPOKE TO MECHANIC BUT D ID NOT DO ANY REPAIR-ONLY THING THEY DID WAS DEACTIVATE THE CRUISE CONTROL-DID NOT FILE CLAIM THROUGH INSURANCE COMPANY. VEH IS CURRENTLY LOCATED AT HOME-DON'T WANT THE VEH ANYMORE. * SEEKING COMPENSATION FOR THE VEH-GOING TO TALK TO A LAWYER AND SEE WHAT HE GAN DODEALER SAID: DAVE SMITH FORD, LLC4045 TRANSIT ROAD WILLIAMSVILLE, NY 14221TEL: (716) 634-2000FAX: (716) 634-1196-PURCHASED VEH FROM DLRCRC ADVISED: I WILL FORW ARD YOUR INFORMATION TO FORD'S OFFICE OF THE GENERAL COUNSEL YOU SHOULD RECEIVE A WRITTEN RESPONSE WITHIN 15 BUSINESS DAYS TO YOUR CONCERN, "NOTE TO CSR: PLEASE REMEMBER TO VER IFY ALL CUSTOMER CONTACT INFORMATION BEFORE SENDING ISSUE.-A DV ABOVE-ADV OF LEGAL MAILING ADDRESS AND FAX NUMBER-ADV TO ALLOW THE 15 BUSINESS DAYS TO PASS FIRST, IF NO CONTACT, CAN GALL BACK CRG BUT F/U CORRESPONDENCE CAN BE SENT TO THE L AL CONTACT AS PROVIDED CALLER WRITER, HUSBAND

CONSUMER AFFAIRS

03/27/2009 DMAR26F CONFIDENTIAL



RAYMOND W. POSTLETHWAIT, JR. Attorney at Law P.O. Box 2881 Durham, NC 27715

rw post@gte.net

919/286-4204 FAX:919/286-2820

August 19, 2002

REGISTERED MAIL, RETURN RECEIPT REQUESTED

C.T. Corporation System 225 Hillsborough Street Raleigh, NC 27603

> RE: et al., v Ford Motor Company Catawba County, Superior Court, 02CV2447

Dear Sir:

We hereby serve you as registered agent for Ford Motor Company in the above matter.

If there is any question, please let me know.

Sincerely yours,

RAKMOND W. POSTLETHWAIT, JR.

enclosures

4720901

STATE OF NORTH CAROLINA	020052447
<u>Catnybu</u> County	In The General Court Of Justice ☐ District ☑ Superior Court Division
Name Of Plaintiff	
Address	CIVIL SUMMONS
City, State, Zip	
VERSUS	G.S. 1IA-1, Rules 3,
Name Of Defendant(s)	Alias and Pluries Summons
Ford Motor Company	Dale Last Summons Issued O
To Each Of The Defendant(s) Named Below:	Jo.
Name And Address Of Defendant 1	Name And Address Of Defendant 2
그 아이는 아이는 아이는 아이를 가게 바다 하는데 가지 않는데 아이는 아이는 아이는 아이는 아이는 아이는 아이는데 아이는데 아이는	the plaintiff as follows: nt upon the plaintiff or plaintiff's attorney within thirty (30) bur answer by delivering a copy to the plaintiff or by mailing
If you fail to answer the complaint, the plaintiff will appl	y to the Court for the relief demanded in the complaint.
Name And Address Of Plaintiffs Attorney (Il None, Address Of Plaintiff) R.aymond W. Postlethwait, Jr., Attorney, PO Box 2881, Durham, I	Date Issued 8-14-02 Time 10.40 AM PM
27705	Deputy CSC D Assistant CSC Clerk Of Superior Court
ENDORSEMENT This Summons was originally issued on the date	Date Of Endorsement Time AM PA
indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended thirty (30) days.	Deputy CSC Assistant CSC Clerk Of Superior Court
	TION programs in which most cases where the amount in controversy is e a trial. The parites will be notified if this case is assigned for mandatory o be followed.
AOC-CV-100 Rev. 9/96	(Dura)
1551) 5070	(Over)

		DEFENDANT 1
liste Served		Name Of Defendant
☐ By delivering to	the defendant named above a	copy of the summons and complaint.
By leaving a co above with a pe	py of the summons and compla erson of suitable age and discre	int at the dwelling house or usual place of abode of the defendant named tion then residing therein.
As the defenda person named b		s effected by delivering a copy of the summons and complaint to the
Name And Address Of Person	n With Whom Copies Left (if corporation, give	e title of person copies left with)
Other manner of	service (spacify)	
☐ Dofondant WAS	NOT served for the following re-	ACCOUNT.
☐ Detendant WAS	NOT served for the following re-	3501.
		DEFENDANT 2
Date Served		Name Of Defendant
	py of the summons and compla erson of suitable age and discre	int at the dwelling house or usual place of abode of the defendant named tion then residing therein.
As the defenda	nt is a corporation, service was	s effected by delivering a copy of the summons and complaint to the
As the defenda	nt is a corporation, service was	
As the defenda	nt is a corporation, service was below. In With Whom Copies Left (if corporation, give	
As the defenda person named b	nt is a corporation, service was below. In With Whom Copies Left (if corporation, give	
As the defenda person named b	nt is a corporation, service was below. In With Whom Copies Left (if corporation, give	e title of person copies left with)
As the defenda person named by Name And Address Of Person Other manner of Defendant WAS	nt is a corporation, service was delow in With Whom Copies Left (if comoration, given service (specify)	e title of person copies left with)
As the defenda person named by Name And Address of Person Other manner of	ont is a corporation, service was delow. To with Whom Copies Left (if corporation, given in with Whom Copies Left (if corporation), gi	e title of person copies left with)
As the defendance person named by Name And Address of Person Defendant WAS	ont is a corporation, service was delow. The with whom Copies Left (if corporation, given service (specify) NOT served for the following real date Received	e title of person copies left with) BSON. Name Of Sheriff

AOC-CV-100, Side Two, Rev. 9/96 A1997 Administrative Office of the Courts

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STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

Plaintiffs

VS.

COMPLAINT

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION

02 CVS 2447

FORD MOTOR COMPANY Defendant

The Plaintiffs, complaining of the defendant, alleges and FIRST CAUSE OF ACTION says:

- 1. The plaintiffs, (Plaintiffs) are citizens and residents of Catawba County, North Carolina.
- 2. The defendant, Ford Motor Company (Ford) is a Delaware Corporation registered to do business and doing business in North Carolina, with offices in Charlotte, North Carolina.
- At all times relevant hereto, the Plaintiffs are "Buyers" as defined in North Carolina General Statute 25-2-103.
- At all times relevant hereto, the Plaintiffs are "Consumers" as defined in North Carolina General Statute 20-351.1 and a "person" under North Carolina General Statutes 20-308 and 20-294.
- The defendant Ford is a "Seller" as defined in North Carolina General Statute 25-2-103 and a "Licensee" under North Carolina General Statute 20-287.
- The defendant Ford is a "Manufacturer" as defined in 6. North Carolina General Statute 20-351.1 and in North Carolina

- 7. The automobile is a "Motor Vehicle" as defined in North Carolina General Statute 20-351.1.
- 8. The automobile is a "New Motor Vehicle" as defined in North Carolina General Statute 20-351.1.
- 9. North Carolina General Statute 20-285 states that the regulation of motor vehicle distribution in the State is in the public interest and public welfare, and in the exercise of its police powers of the state and it is necessary to regulate and license motor vehicle manufacturers doing business in the State, in order to prevent frauds, impositions and other abuses upon its citizens and to protect and preserve the investments and properties of the citizen of this State.
- 10. Defendant Ford either manufactures or assembles or imports or distributes new motor vehicles which are sold in the State of North Carolina, including 2001 Ford Escape, VIN:

 1FMCU041X1 which has a sticking throttle making the vehicle dangerous and unsafe and defective front bearings.
- 11. Defendant Ford sold or distributed said vehicle and similar vehicles to Lenoir Ford Lincoln-Mercury (Dealer) and numerous other dealers in North Carolina.
- 12. Dealer is an authorized dealer for Ford's automobiles and as an authorized dealer, is engaged in the business of automobile sales and warranty repairs on behalf of Defendant Ford.
- 13. On 3/12/01, Plaintiffs, for personal use, purchased from Dealer a new 2001 Ford Escape, VIN: 1FMCU041X1 for a total purchase price of \$29,768.51 as per attached bill of sale, marked

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Exhibit "A", attached hereto and incorporated herein by reference.

- 14. Dealer, in the ordinary course of business, arranged for the extension of consumer credit for its buyers, and did so for Plaintiffs on 3/12/01 through Ford Motor Credit Company. (FMCC) in the form of a Purchase Money Security Agreement, a copy of which is marked Exhibit "B", attached hereto and incorporated herein by reference.
- 15. The Plaintiffs entered into a consumer credit transaction with FMCC, in which Plaintiffs was to pay 71 payments of \$525.00 to FMCC.
- 16. FMCC is a lienholder as described in North Carolina General Statute 20-351.3(4).
- 17. The 2001 Ford Escape, VIN: 1FMCU041X1 was sold to Plaintiffs as a new vehicle with written warranties from Ford.
- 18. Plaintiffs have serviced and maintained said vehicle in accordance with the guidelines of the Owner's Manual for the vehicle.
- 19. Ford promised to repair or replace free of charge any parts found defective in material or workmanship within 36 months or 36,000 miles of the term of the express written warranty given to the Plaintiffs and is required by North Carolina General Statute 20-351.2 to make all repairs necessary to conform the vehicle to the express warranty, whether or not these repairs are made after the expiration of the applicable warranty period.
- 20. Due to defects in material or workmanship, the vehicle has leaks which defendant was aware of prior to the sale and continued to sell these vehicles without prior disclosure of this

- 21. The Plaintiffs have presented the vehicle to Ford, its agent or an authorized dealer, for repairs, and the same nonconformity continues to exist and the defect has not been and cannot be corrected by the dealer or the defendant Ford.
- 22. The Plaintiffs have lost faith in the vehicle due to the defects in material or workmanship and the resulting condition with the vehicle as set forth herein.
- 23. The defects in material or workmanship and the resulting condition of the vehicle as set forth herein substantially impairs the value of the vehicle to the Plaintiffs.
- 24. Due to the defects in material or workmanship and the resulting condition of the vehicle as set forth herein, the vehicle does not conform to the express warranty issued by the defendant.
- 25. The defect or condition, or series of defects or conditions alleged herein occurred no later than 24 months or 24,000 miles following original delivery of the vehicle to the Plaintiffs and upon information and belief, Ford has known of the defect, but has continued to sell motor vehicles in North Carolina without proper notice to the purchasers of the defective motor vehicles.
- 26. The nonconformities are not the result of any abuse, neglect, odometer tampering, or unauthorized modifications or alterations to the motor vehicle by the Plaintiffs or anyone acting on his behalf.
 - 27. Plaintiffs has rejected acceptance of the vehicle and

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- 28. Said demand by Plaintiffs has not been met by Ford and Ford has refused to resolve the matter in a reasonable manner as per its letter attached hereto as Exhibit "D" and incorporated herein by reference.
- 29. Ford has refused to accept return of the vehicle and give the Plaintiffs a replacement or repurchase as set forth in North Carolina General Statute 20-351.3(a) as per letter of Ford, marked as Exhibit "D", and incorporated herein by reference.
- 30. Ford has unreasonably refused to comply with N.C.G.S. 20-351.2 and/or N.C.G.S. 20-351.3. Ford is engaged in a pattern of misrepresentation of the requirements and remedies available under the Act on the Plaintiffs and other consumers in North Carolina and Ford refuses to abide by the terms of the North Carolina New Motor Vehicles Warranty Act.
- 31. Ford has unreasonably failed or refused to fully resolve the matter which constitutes the basis of this action. Plaintiffs are unable, due to Ford tactics, to continue to present the vehicle for repairs and has parked or will park the vehicle due to safety reasons.
- 32. As a direct and proximate result of the aforesaid defects, the condition of the vehicle, and the inability or refusal by Ford and its agent or authorized dealer(s) to repair, and even to attempt to repair, the vehicle in a timely manner,

Plaintiffs has suffered monetary damages. both personally and in his business. Plaintiffs have lost profit and added expenses due to the breach of warranty of defendant. Plaintiffs' vehicle has diminished value, due to the recurring, non fixable, defect described.

SECOND CAUSE OF ACTION

- 33. Plaintiffs reallege all preceding paragraphs and incorporates them by reference into this cause of action.
- 34. Plaintiffs have given notice and does hereby gives notice to defendant, Ford of their revocation of acceptance of this vehicle, pursuant to North Carolina General Statute 25-2-608, on the basis that this vehicle has and has had such defects as to substantially impair its value to the Plaintiffs.
- 35. Plaintiffs' original acceptance of this vehicle was based on the belief that the vehicle conformed to, or pursuant to the assurance of the agents and employees of the defendant, Ford and Dealer, the authorized dealers, or the express warranty, the vehicle would be made to conform to the contract of sale.
- 36. Since the Plaintiffs have had the vehicle, the vehicle has exhibited the defect or condition, or series of defects or conditions, as previously alleged herein.
- 37. Ford extended to Plaintiffs a written warranty that formed part of the basis of the bargain and on which Plaintiffs relied in purchasing the vehicle. The Dealer has not effectively and lawfully disclaimed all warranties, express or implied including any implied warranty of merchantability or fitness for a particular purpose.
 - 38. In violation of the aforesaid warranty and Section

 25-2-311 of the North Carolina General Statutes, Ford and Dealer failed or refused to repair or replace defects in Plaintiffs' vehicle which appeared within the time covered by the warranty or which were latent defects present in the vehicle at the time Plaintiffs took delivery.

- 39. Defendant's warranties have failed of their essential purpose and under North Carolina General Statute 25-2-719(2), Plaintiffs may have any remedy provided by the UCC.
- 40. It is unconscionable to limit or exclude consequential or incidental damages through a warranty or warranties that fail of their essential purpose and such attempt to limit damages is void under North Carolina General Statute 25-2-719(3), and Plaintiffs are entitled to recover all consequential and incidental damages.
- 41. As a direct and proximate result of the aforesaid breach of written warranty, express and implied warranties of merchantability and fitness for a particular purpose, Plaintiffs sustained the losses and damages as aforesaid.

THIRD CAUSE OF ACTION

- 42. Plaintiffs reallege all preceding paragraphs and incorporates them by reference into this cause of action.
- 43. Defendant Ford's express written repair warranty has failed of its essential purpose as heretofore alleged. Under Section 25-2-314 of the North Carolina General Statutes, Ford and Dealer impliedly warranted that Plaintiffs' vehicle would be merchantable and fit for the ordinary purposes for which such vehicles are used.
 - 44. Plaintiffs' vehicle was, in fact, unmerchantable and

45. Because the vehicle does not provide safe, efficient and reliable transportation from one place to another, the Plaintiffs have sustained and continue to sustain losses and damages.

FOURTH CAUSE OF ACTION

- 46. Plaintiffs reallege all preceding paragraphs and incorporates them by reference into this cause of action.
- 47. Ford's failure to comply with its written warranty to Plaintiffs violates Section 110(d)(1) of the Magnuson-Moss Warranty-Federal Trade Commission Act ("Magnuson-Moss Warranty Act"), 15 USC 2310(d)(1), a direct and proximate result of which is that Plaintiffs have sustained the losses and damages aforesaid.

FIFTH CAUSE OF ACTION

- 48. Plaintiffs reallege all preceding paragraphs and incorporates them by reference into this cause of action.
- 49. The failure by Ford and Dealer to comply with the implied warranty of merchantability violates Section 2310(d)(1) of the Magnuson-Moss Warranty Act, a direct and proximate result of which is that Plaintiffs have sustained the losses and damages as aforesaid.

SIXTH CAUSE OF ACTION

- 50. Plaintiffs reallege all preceding paragraphs and incorporates them by reference into this cause of action.
 - 51. Defendant Ford has refused to comply with Plaintiffs'

demand for refund in violation of the N.C. Motor Vehicle's
Warranty Act and Motor Vehicle Dealers and Manufacturers
Licensing Law, North Carolina General Statutes 20-285 et. seq.

52. The acts of the defendant, Ford as set forth above are deceitful and had a substantial tendency to deceive and did in fact deceive, and the acts and practices of the defendant, Ford are in or effect commerce. That the acts and practices of the defendant, Ford constitute unfair and deceptive trade practices in violation of North Carolina General Statutes 75-1.1 and 20-285 et seq.

SEVENTH CLAIM FOR RELIEF

- 53. That defendant Ford willfully, wantonly and maliciously has violated NCGS §20-308 and NCGS §20-294(4).
- 54. That the previously alleged acts of defendant constitute use of unfair methods of competition or unfair deceptive acts or practices.
- 55. That the acts of the defendant Ford described herein are malicious or wanton, and the court may award punitive damages, attorney's fees and costs in addition to any other damages under Motor Vehicle Dealers and Manufacturers Licensing Law, North Carolina General Statutes 20-285 et. seq

EIGHTH CLAIM FOR RELIEF

- 56. The sale of the vehicle with a defect which Ford cannot and refuses to fix pursuant to law is in violation of NCGS 20-285 et seq. and NCGS 75-1.1 et seq.
 - 57. An actual controversy exists.
- 59. Plaintiffs is entitled to a judgement declaring that Ford must make all repairs necessary to conform the vehicle to

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the original express warranties, and to pay all costs or damages caused by said defect, including diminished value of all vehicles due to the defect, until such time as the vehicle is no longer driven on the streets and highways of North Carolina.

WHEREFORE, the Plaintiffs pray the Court as follows:

- That pursuant to the New Motor Vehicles Warranty Act,
 Plaintiffs have and recover of defendant Ford, the following:
- (a) The specific performance of the statute with either the replacement of the defective vehicle with a comparable, new vehicle without any usage or mileage deduction or the full contract price including, but not limited to, charges for undercoating, dealer preparation and transportation, and installed options, plus the non-refundable portions of extended warranties and service contracts;
- (b) All collateral charges, including but not limited to, sales tax, license and registration fees, and similar government charges, and diminished value due to defect;
- (c) Any finance charges incurred by Plaintiffs; said amount to be computed with information from the lienholder. Upon satisfaction of the lienholder's interest as it may appear, (less rebates and credits due to Plaintiffs), said lienholder shall mark the note paid in full, and Plaintiffs shall be free and clear of any debt to the lienholder.
- (d) Any incidental damages and monetary consequential damages, including taxes, insurance, replacement costs of vehicle and other damages.
 - (e) That the total amount is in excess of \$10,000.00.
 - (f) That Ford unreasonably refused to comply with

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N.C.G.S. 20-351.2 and/or N.C.G.S. 20-351.3 and N.C.G.S. 20-285 et seq. and all of the above damages shall be trebled.

- (g) Plaintiffs should be awarded attorney fees pursuant to N.C.G.S. 20-351.8 and N.C.G.S. 20-285 et seq.
- 2. That pursuant to the Uniform Commercial Code and the Magnuson-Moss Warranty-Federal Trade Commission Act, and the Motor Vehicle Dealers and Manufacturers Licensing Law the Plaintiffs have and recover of the defendant, Ford.
- (a) A sum in excess of \$10,000.00 for the purchase price, punitive damages, compensatory damages together with incidental expenses, plus interest at the legal rate until paid; and
- (b) That this sale be actually revoked or rescinded; and any credit transaction rescinded, revoked and nullified, and all payments returned to Plaintiffs.
- (c) That any recovery against Ford be trebled by the court pursuant to Chapter 75 and N.C.G.S. 20-285 et seq. of the NCGS;
- (d) That counsel fees be taxed to the defendant pursuant to the Magnuson-Moss Warranty Act, N.C.G.S. 20-285 et seq. and to pursuant to NCGS 75-16.1;
- That interest and the costs of this action be taxed to the defendant; and
- For such other and further relief as to the Court may deem just and proper.

Raymond W. Postlethwait, Jr. By:

State Bar No. 3506 Attorney for Plaintiffs

P.O. Box 2881 Durham, NC 27715 (919) 286-4204 (919) 286-2820 fax

rw.post@gte.net

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

VERIFICATION

deposes and says:

That the contents of the foregoing Complaint are true to their own knowledge, except as to matters stated on information and belief, and to those matters they believes them to be true.



Sworn to and subscribed before me this

315t day of July , 2002.

Notary Public

My commission expires:

LENOIR X) NEW -DATE 03/12/2001 JUSED LIDEMO-FORD LINCOLN-MERCURY NAME Highway 321 South NAME P.O. Box 644 ADDRESS Hudson, NC 28638 COUNTRATAWBA CITYHICKORY Telephone: 728-8283 PHONE: HOME DEAL: 41825 E-MAIL ADDRESS DRIVERS LIC. # DATE OF BIRTH PREVIOUS CUSTOMER TV PLEASE ENTER MY ORDER FOR THE FOLLOWING DESCRIBED NEWSPAPER [OTHER [] RADIO [YEAR VEHICLE MAKE MODEL AND BODY TYPE ADDITIONAL USED VEHICLE EQUIPMENT 2001 FORD OR DEALER INSTALLED OPTIONS COLOR STOCK NO. T13664 SERIAL NUMBER SELLING PRICE 29979 79 AS IS OPTION PACKAGE DISC (IF AVAILABLE) THE ONLY WARRANTIES APPLYING TO THIS VEHICLE ARE THOSE OFFERED BY THE MANUFACTURER. THE SELLING DEALER HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EITHER EX-PRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF THIS VEHICLE. BUYER SHALL NOT BE ENTITLED TO RECOVER FROM THE SELLING DEALER ANY CONSEQUENTIAL

1. TOTAL CASH PRICE

SALESMAN:

DAMAGES, DAMAGES TO PROPERTY, DAMAGES FOR LOSS OF

DAMAGES, DAMAGES TO FAUL	CHIT, DAMAGES FOR LOSS OF					
USE, LOSS OF TIME, LOSS OF I	PROFITS, OR INCOME, OR ANY	2. ALLOWANCE FOR TRADE-IN		26628		
"THE NEW CAR MANUFACTURERS WARRANTY HAS BEEN FULLY EXPLAINED TO ME, AND I FULLY UNDERSTAND THIS WARRANTY."		3. CASH DIFFERENCE	3351	. 09		
		4. N.C. SALES TAX		100	£3	
MANAGER	PURCHASER	5. DOCUMENTARY FEE, which include Notary, Inspection and Sticker.	es:	250.	The Party	
INSURANCE IN	FORMATION:	6. TAG FEE OR TRANSFER FEE		45	-00	
NATIONWIDE		7. SUBTOTAL		3746	. 62	
POLICY #		8. PAYOFF ON TRADE-IN		26021	89	
AGENT: MELVIN KILLIA	N	9. TOTAL		29768	.51	
PHONE # 828-256-2114		10. DEPOSIT		N	. A -	
PAYOF	F TO:	11.		N	Α.	
NAME		12, CASH ON DELIVERY		2000	00	
ADDRESS		13. UNPAID CASH BALANCE		27768	P	
СПУ		EXTENDED SERVICE PLAN	YES 🗆	HO R		
AMOUNT 26021.89	ACCT, #1	RENTAL VEHICLE PLAN	YES 🗆	HO D		
GOODTO	BY	SIGNATURE				
DESCRIPTION	OF TRADEIN #2	DESCRI	PTION OF TRADE-	N #1		

29979

OTHER INCIDENTAL DAMAGES"	2 ALLOWANCE FOR TRADE IN 286281.70				
"THE NEW CAR MANUFACTURERS WARRANTY HAS BEEN FULLY EXPLAINED TO ME, AND I FULLY UNDERSTAND THIS WARRANTY."	3, CASH DIFFERENCE 3351.09				
	4 N C SALES TAX				
MANAGER PURCHASER	5. DOCUMENTARY FEE, which includes 5. Notary, Inspection and Sticker 250.00				
INSURANCE INFORMATION:	A TAG FEE OR TRANSFER FEE				
INS. CO	7. SUBTOTAL 3746, 62				
POLICY #	B. PAYOFF ON TRADE-IN				
AGENT:	9. TOTAL 26021 89				
PHONE #	29768, 51				
B28-256-2114 PAYOFF TO:	N-A-				
NAME	12 CASH ON DELIVERY				
ADDRESS	-2000,00				
CITY	277581.51				
	EXTENDED SERVICE PLAN YES NO NO				
AMOUNT 26021.89 ACCT.#1	RENTAL VEHICLE PLAN YES NO				
GOOD TO BY	SIGNATURE				
DESCRIPTION OF TRADEIN #2	DESCRIPTION OF TRADE-IN #1				
YEAR MAKE TYPE CY					
COLOR TAG MILEAGE	OI DODG QC COLOR TAG MILEAGE				
	WHITE 3664A 8762				
STOCK NO. Appraised By	STOCK NO. Appraised By				
Purchaser agrees that this Order includes all of the terms and condition any prior agreement and as of the date hereof comprises the complete matters covered hereby, and that this Order shall not come binding unit	STOCK NO. Appraised By Appraised By and exclusive statement of the terms of the agreement relating to the sulfil accepted by Dealer or his authorized representative and in the event of a shereof is given by a bank or finance company willing to purchase a				
	에 보면 보면 하는 것이다. 그런 그런 그런 그런 그런 그런 그런 그런 그런 그런 그런 그런 그런				

	ROLINA SIMPLE IN			STALMENT CONT	RACI	DATE
Buyer (and C	Co-Buyer) Name and Addres	ss (Including County	y and Zip Code)	HIGH		OLA AFRELIKY
The credit pri	er (and Co-Buyer, if any), on the last shown below as "To k of this contract.	may buy the vehice tal Sale Price." By	le described below y signing this cor	w for cash or on credit stract, you choose to b	. The cash price is ouy the vehicle on	s shown below as "Cash Sale Pric a credit under the agreements on
New/Used	Year and Make	Model	GVW if Truck (lbs.) Vehicle Identific	ation Number	Use For Which Purchased
1(E))	2001 FORD	ESCAPE		1F (V, Uo =).	A.1.	☐ Personal ☐ Agricultural ☐ Commercial
Trade-in	COOL DUDGE	RAM PICKUP	s 26628.70	s 26021-89		INSURANCE
	Year and Make	N OF AMOUNT	Gross Allowance	Amount Owing	YOU MA	Y OBTAIN VEHICL
2. Down P Third P: Cash D: Trade-ii To 3. Unpaid 4. Amount To Publ (i) for fee (ii) for (iii) for Credit Credit	arty Rebate Assigned Town Payment	o Creditor	\$	\$ 1505.21 (2) \$ 27372.98 (3) n of these amounts) 165.55 \$ N/A \$ N/A \$ N/A	DAMAGE C. INCLUDED. CREDIT LIF OTHER OP NOT REQU AND WILL M	Insurer
To To Total.	fe for the following for the following for the following for the following for the federal True federal True for the following for the federal True for the following for the federal True for the fed	r		27768.51(5)	Credit Disability \$ #/A Premium	Insurer
ANNU PERCEN RAT The cost of credit as a year	TAGE CHARGE CHARGE The dollar amount the credit will cost you 25 % \$ 10031.4	Amount Financed The amount of credit provided to you or on your behalf	Total of Payments The amount you will have paid when you have made all scheduled payments 37800.0	Total Sale Price The total cost of your purchase on credit, including your downpayment of \$ 2506	Credit Life an	of Insurance Term surer Premium Signature d Credit Disability insurance are of the contract. The amount and a shown in a notice or agreement
Payment Sc Your paymen will be		Amount of Earpayment \$	mont	hly starting	given to you to You are requ charge is sho buy the covers Coverages wil the vehicle at the limits of th	orday. Ired to insure the vehicle. If a wn below, the Creditor will try to ages checked for the term shown. If be based on the cash value of time of loss, but not more than

Unpaid Balance Amounts paid of To Public Official	n your behalf (Se als title & registration	ce (1 minus 2)	************		CREDIT LIFE, CREDIT DISABILITY AN OTHER OPTIONAL INSURANCE AR NOT REQUIRED TO OBTAIN CREDI AND WILL NOT BE PROVIDED UNLESS YOU SIGN AND AGREE TO PAY THE PREMIUM.
(ii) for filling fee	S N/A				☐ Credit Life 4/A
(iii) for taxes (r	not in Cash Sale P	rice) \$ 100, E	_ s	145,53	Insurer
To Insurance Co	ompanies for:		76		S N/A
Credit Life Inst	rance			s_W/A	Premium Insured(s)
Credit Disabilit	y Insurance	******************		\$ 75	
					Signature(s)
To	for			s N/A	
TO LEWILE F	RI L/I for	DOCUMENT F	EE	s 250.00	Credit
То	for for			s_N/A	Disability N/A
To	for			s N/A	Insurer
Total				395.53 (4)	S Nin
5. Amount Finance	ed (3 plus 4)			27768.5 (5)	Premium Insured
	DERAL TRUTH	-IN-LENDING	DISCLOSURE	S per less le	Signature
ANNUAL	FINANCE	Amount	Total of	Total Sale	·
PERCENTAGE	CHARGE	Financed	Payments	Price	D
RATE		The amount of	The amount	The lotal cost	Type of Insurance Term
The cost of your	The dollar amount the credit will	credit provided	you will have	of your purchase on	A/A S N/C .
credit as a yearly rate	cost you	to you or on your behalf	paid when you have made all	credit,	n/A Insurer Premium
S. 5-5-10-5-12-1		your benan	scheduled	including your downpayment	
	Market Market		payments	of\$ 2505 81	Signature
10.75 %	s_10031.49	\$ 27768.5		6.40.0	Credit Life and Credit Disability insurance are
					for the term of the contract. The amount and
	☑ Number of	Amount of Each	When Payr	ments are due	coverages are shown in a notice or agreement given to you today.
Payment Schedule -	payments	payment	access to care	ACC 200 3000	
The state of the s	10-02/10-0	W			You are required to insure the vehicle. If a
				1.0	Charge is shown hadron the Condition will be to
Your payment schedule		\$ 525.00		hly starting	charge is shown below, the Creditor will try to buy the coverages checked for the term shown.
Your payment schedule will be:		\$ 525.00 \$ 525.00		hly starting	buy the coverages checked for the term shown Coverages will be based on the cash value of the vehicle at time of loss, but not more than

Prepayment: If you pay off your debt early, you will not have to pay a penalty.

Late Payment: You must pay a late charge on the portion of each payment received more than 10 days late. The charge is 5 percent of other late amount or \$6.00, whichever is less.

Security Interest: You are giving a security interest in the vehicle being purchased.

Contract: Please see this contract for additional information on security interest, nonpayment, default, the right to require repayment of your debt in full before the scheduled date, and prepayment penalty.

COMMERCIAL OR AGRICULTURAL USE CONTRACTS: The charge shown in the above box for late payment is applicable to personal, family, or household use contracts only. If you purchased the vehicle for commercial or agricultural use, you must pay a late charge on the portion of each payment received more than 10 days late of 7.5 percent of the late amount or \$50.00, whichever is less.

Any change in this contract must be in writing and signed by you and the Creditor.

BUYER

CO-BUYER:

NOTICE TO THE BUYER

Do not sign this contract before you read it or if it contains any blank spaces. You are entitled to an exact copy of the contract that you sign.

Buyer acknowledges receipt of a true and completely filled in copy of this contract at the time of signing.

QUESTIONS?

☐ Fire-Theft-Combined Additional Coverage

Whaths (Estimate)

Deductible

Collision

the limits of the policy.

☐ Towing and Labor

Premium \$_

☐ Term_

☐ Comprehensive ☐ ¼_



PLEASE CALL US AT 1-800-727-7000

RAYMOND W. POSTLETHWAIT, JR.

ATTORNEY AT LAW

NORTHGATE MALL, SUITE 3-A DURHAM, NORTH CAROLINA 27705

MALING ADDRESS P.O. BOX 2881 DURHAM, N.C. 27715

TELEPHONE 919-286-4204 FAX 919-286-2820

CERTIFIED-RETURN RECEIPT REQUESTED

July 10, 2002

Ford Customer Service Division Ford Motor Company 15800 Executive Plaza Drive Mail Drop #3NE-B 342 Dearborn, MI 48126-4207

Lenoir Lincoln-Mercury PO Box 644 Hudson, NC 28638

RE: Our Client/Owners:

Make of car: 2001 Ford Escape

VIN: 1FMCU041X1

Date of Purchase: 3/12/01

Dear Sirs:

Pursuant to North Carolina General Statute 20-351 et seq., the North Carolina Uniform Commercial Code and the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act of 1975, I am putting you on formal notice that my client has had the following problems with the automobile and you or your agent, the dealer, have had numerous opportunities to fix the automobile and have failed to do so. The defects are gas odor in cab, gas pedal sticking, front end noise, all of which cause safety issues, and other defects and it has been presented for repairs more than 4 times and/or been in the shop over 20 business days. Below is the remaining statutory notices required prior to filing suit.

NOTICE TO MANUFACTURER(S) AND DEALERS: LAST CHANCE TO RESOLVE MATTER

Pursuant to North Carolina General Statute 20-351 et seq., the North Carolina Uniform Commercial Code and the Magnuson-Moss Warranty-Federal Warranty Act, I am putting you on formal notice to also consider this the 10 days notice of suit letter and notice of your last opportunity to reasonably resolve this matter prior to the filing of a suit pursuant to N.C.G.S. §20-351.7. If you refuse to repurchase this defective vehicle within the 10 days, we will proceed to file suit.

The express written warranty, implied warranty of merchantability and other express and implied warranties have been breached by your failure to conform this vehicle to these warranties. The value of the vehicle has been substantially impaired due to the defects in the vehicle. My client has qualified for the repurchase remedy as defined by the lemon law statutes and if you refuse to comply with the lemon law statutes, your actions will be deemed to be unreasonable.

Consider this notice of revocation of acceptance of the vehicle and intent to file claims under the U.C.C. and Magnuson-Moss Federal Warranty Act, seeking costs and attorneys fees. I hereby tender to you the vehicle and await instructions as to where we are to deliver it to resolve this matter within the 10 days.

Please write and call me to let me know you decision as to this matter. Do not contact except to arrange for the final inspection. All other contact from you shall be through my office. If you have any question, please let me know. We will work with you to facilitate the prompt resolution of this matter pursuant to the statutes.

With kind regards, I am

Sincerely yours,

Raymond W. Postlethwait, Jr.

RWP/akw

Ford Motor Company



Consumer Attairs

Sent via Fax and U.S. Mail

July 22, 2002

Raymond W. Postlethwait Attorney at Law Northgate Mall, Ste. 3-A Durham, NC 27705

RE:

2001 Ford Escape VIN: 1FMCU041X

Dear Mr. Postlethwait:

Ford Motor Company has reviewed your client's repair history and based on the available information we cannot honor your request to repurchase your client's vehicle.

However, as a goodwill gesture, we are offering your client a PremiumCare Extended Service Plan (ESP). The ESP coverage will expire five (5) years from the warranty start date of 4/11/01 or at 75,000 miles, whichever comes first. Please keep in mind there is a \$50 deductible per visit. The deductible will be applicable upon the expiration of the original manufacturer's warranty. Furthermore, the ESP coverage will not be transferable, refundable or subject to cancellation.

In addition, your client will be required to sign a release upon acceptance of this offer. To formally accept this offer, please provide written verification to me along with the attached release, signed and notarized, via fax at (313) 845-5555 within ten (10) business days of the receipt of this letter or our file will be closed. If you have questions regarding this issue, please contact me at (313) 845-6287.

Thank you for allowing us the opportunity to review your client's concerns.

Respectfully yours,

Gennifer Pacc

Consumer Affairs





RETURN RECEIPT

LAW OFFICE OF Raymond W. Postlethwait, Jr. P.O. Box 2881

Durham, North Carolina 27705

TO:

CT Corporation Systems, Reg Agent Ford Motor Company 225 Hillsborough St Raleigh, NC 27603

ISSUE LIST

Last Handling Date/ Name/ Issue Status Reason

Reason Desc

Vin/ Case No.

Model Year and Vehicle Line Issue Type

07/23/2002 CLOSED

LEGAL - OTHER ATTORNEY DEMAND

1FMCU041X 1533171962

2001 ESCAPE

07

All Action Details for Issue

VIN: 1FMCU041X1

Year: 2001

Model: ESCAPE

Case: 1533171962

Name:

Owner Status: Subsequent

WSD: 0001-01-01 Primary Phone: Secondary Phone:

Symptom Desc: ODOR PASSENGER COMPARTMENT Reason Desc: LEGAL - OTHER ATTORNEY DEMAND

Issue Type: 07 LEGAL Action: OPEN LEGAL CONTACT - ATTORNEY DEMAND

Issue Status: CLOSED

Dealer: 06634 UNIVERSITY FORD INC

Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION

Odometer: 1 MI

Comm Type: MAIL Analyst Name: MOLLY KELSEY Analyst: MKELSEY2

Action Date: 07/15/2002

Action Time: 2:48 PM Action Data: Yes

DEFECTIVE VEHICLE. ATTORNEY ALLEGES HIS CLIENT'S VEHICLE HAS SEVERAL DEFECTS. **ATTORNEY

DEMANDS FORD REPURCHASE HIS CLIENT'S VEHICLE.**

Data Element Name

NAME OF LAW FIRM

RAYMOND W. POSTLETHWAIT, JR ATTORNEY AT RAYMOND W. POSTLETHWAIT, JR ATTORNEY AT

ATTORNEY NAME ATTORNEY PHONE NUMBER

9192864204 POSTLETHWAIT, JR ATTORNEY AT

Action: SEND ACKNOWLEDGEMENT LETTER TO ATTORNEY

Dealer: 06634 UNIVERSITY FORD INC

Origin Desc: CONSUMER AFFAIRS - LITIGATION

PREVENTION

Odometer: 1 MI

Action Date: 07/16/2002

Comm Type: MAIL

Analyst Name: GENNIFER PACE

Analyst: GPACE5

Action Time: 3:54

Action Data: Yes

Comments LPA SENT ACKOWLEDGMENT LETTER TO ATTORNEY VIA FAX.

Data Element Name

Data Value

ACTION DATA NOT FOUND, CONTACT SYSTEMS

Action: MAKE OUTBOUND CALL TO ATTORNEY

Dealer: 06634 UNIVERSITY FORD INC

Origin Desc: CONSUMER AFFAIRS - LITIGATION

PREVENTION

Odorneter: 1 MI

Comm Type: MAIL

Analyst Name: GENNIFER

PACE

Analyst: GPACE5

Action Date: 07/17/2002

Action Time: 2:11

PM

Action Data: Yes

Comments LPA LEFT MESSAGE FOR ATTORNEY TO GIVE A CALL BACK WITH FURTHER DETAILS REGARDING

DEMAND.

Data Element Name

Data Value

CONTACT PERSON

RAY2864204 POSTLETHWAIT, JR ATTORNEY AT

Action: OFFER ESP-CUSTOMER LOST CONFIDENCE (RAVFAST)

Dealer: 06634 UNIVERSITY FORD INC

Origin Desc: CONSUMER AFFAIRS - LITIGATION

PREVENTION

Odometer: 1 MI

Comm Type: MAIL

Analyst Name: GENNIFER

Analyst: GPACE5

PAGE

Action Time: 10:37

Action Date: 07/22/2002

AM

Action Data: Yes

Comments LPA SENT GOODWILL PREMIUMCARE ESP OFFER LETTER TO ATTORNEY VIA FAX AND U.S. MAIL





Office of the General Counsel

PRIVILEGED & CONFIDENTIAL

Ford Motor Company Product Claims Department P.O. Box 70 Dearborn, Michigan 48121-0070

May 6, 2010

W DIOS O E MUL.

MR.		
BOWIE, MD	1	

Re:

2003 ESCAPE

oil changes.

Dear

Recently the Office of the General Counsel of Ford Motor Company was made aware of your recent contact to our Customer Relations Center in regards to the above vehicle. We thank you for the opportunity to address this concern in a timely manner.

If you have turned any portion of this matter over to your insurance company, and should you or your insurance company wish to pursue a claim with Ford Motor Company, please have your insurance company and/or you contact us in writing to the address noted above notifying us of their intent to pursue subrogation, or your intent to pursue a claim directly.

In order to evaluate this matter, we request that you provide us with all the following information by completing and returning this form:

Attach on a separate piece of paper a complete description of the incident, including events that occurred prior to and subsequent to the loss.
 A copy of the police and/or fire report and a copy of the Vehicle Title.
 Original color photographs of the vehicle's collision/fire damage & the alleged defective part(s), from several different angles.
 Original color photographs of the inside of the vehicle showing the steering wheel, dash and roof areas.
 Original color photographs of the accident scene showing the grade of the road.
 Attach a copy of your expert's report and the expert's original photographs.
 Attach the repair estimate, repair order, or your total loss worksheet for the vehicle's damage and any losses associated with this incident, and copies of draft payments.
 A complete service history for the subject vehicle, including any tune-ups or

Please answer the following in the space provided. If you need additional space, please use the back of the form:

9.	What was the <u>city</u> , <u>state</u> and <u>date</u> of occurrence:
	Virginia, 2/21/10
10.	The 17 digit vehicle identification number:
	1FMC403113K

	What is the alleged defect:
(Beplace PEV valve, PCV tube, Vent tube to cover : Air tube
	Has the alleged defective part been repaired or replaced? (circle one)
	No
	List all after market additions or modifications that were made to the vehicle:
	Was the engine running? (circle one) (ves) or No
	Were the keys in the ignition? (circle one) (Yes, or No
	Was this vehicle purchased new or used:
	If purchased used, provide the date of purchase, mileage at the time of purchase
	purchased: 08/30/07, 42,657, From Darcars Fo
	Please provide the current location of the vehicle (you may need to contact
	your insurance company to provide this information). I still have the truck
	Has an insurance company been advised of this incident? Yes No
	If yes, please provide name, address and phone number of insurance comparand adjuster's name and claim number.
	What are you seeking from Ford Motor Company in this matter?
	Refund me my money back and put me in another for

Once we are in receipt of the requested information, it will be reviewed and you will be notified of our decision concerning your claim. Should you not send all of the requested information and materials within 90 days, we will assume that you are not interested in pursuing a claim and we will close our file. Please note that your vehicle will not be inspected until all the above information has been submitted and a determination has been made as to whether an inspection is warranted.

Please be advised that all necessary steps should be taken to ensure that the subject vehicle and all of its component parts are maintained and preserved for trial. Ford Motor Company has the right to inspect the vehicle and remove and test any component part that you

claim to be defective, and to be presented with the vehicle and the subject component part(s) at the time of trial, should litigation ensue from this informal claim.

If you propose to repair the vehicle for continued usage, such repairs may not be performed until after Ford Motor Company has inspected the vehicle and removed and tested any component part you claim to be defective or advised you in writing that it does not intend to perform such inspection and/or testing at this time. But even in that event, Ford Motor Company will insist that all components claimed to be defective are maintained and preserved for trial.

Sincerely,

Alma Taylor

Product Claims

a.T. Jak



To: Whomever this may concern

On February 21, 2010, my wife, brother and I were driving back from NC to MD. It was snowing and icing pretty bad, so I was driving 15mile per hour. After crossing into the VA state line, the snow fall stopped and the road appeared to be cleared, so I started to speed up to 30 mile per hour. As I was driving, I saw some ice in the road, so I started to step on the break and the car wouldn't slow down nor stop. I notice that the pedal was not coming up and the car started to speed up. In a matter of moments, the car accelerated from 30mile to 65mile per hour. I'd tried stepping on the brakes and that didn't work, then I tried to pull on the parking brakes and that didn't stop the car nor slow it down. I got the car to stop by pulling over and hitting the pile of snow, while stepping and pulling on both brakes. But the car continued accelerating until I turned the car off. When we got out of the car, we could smell the brakes. We immediately called AAA and the VA State police. When the police arrived, they made sure that we were ok. The Troopers noticed the smell of the brakes, they called the toll truck as well. They said that we were lucky due to the brakes and the weather. On February 22, 2010, I took the truck to Darcars Ford of Lanham KIA. They told me that something was wrong with the PCV Valve. When I got my truck back from the shop, the engine light was on and it wasn't on when I took it there. I took the truck back to the dealership, but they couldn't find out why the light was on. A service technician explained, there would be an additional cost for them to take a deeper look. Since that time, I now drive around with my engine light on and I'm still having problems with my truck. (It will jump or speed up by itself.) To be honest, I believe the truck is not in driving condition nor should be operated. After this experience, it is quite evident the truck is not in the best condition.



FORD SIGTON COMPANY TECRIVE

GLADIS LINIT

REGION: N4 WASHINGTON VIN: 1FMCU0311		OGCISSUE ZONE: A02 ENGINE: 1	VEH TYPE:	Т	CASE NBR: OPENED: CLOSED;	0366881240 05/04/2010 05/04/2010
LAST NAME: TITLE: ADDRESS:		FIRS'	T NAME:		STATUS: MI	CLOSED G
CITY	HC WATE	STAT	E:	MD	ZIP:	20720
HOME PHONE: MODEL YEAR: MILEAGE:	2003 95000	MOD	EL:	ESCAPE XI	LT 4X2 4-DR	
DEALER NAME: REASON CODE: SYMPTOMS:	DARCARS FORD 0772 LEGAL - ACCI 620900 ENG SPEE	DENT	S CODE:	F27021	P & A:	00143

ORIGIN: ACTION: DOCUMENT: CACI38 791

- US CONCERN CASE BASE COMMUNICATION: PHONE ADVISE CUSTOMER INFO WILL BE SENT TO OGC ANALYST: MLUKASI2 LUKASIK, MELISSA

DATE: 05/04/2010 TIME: 10.34.58: ACTION DATA/COMMENTS:

MAY 0.6 2010 FIRE / ACCIDENT CUSTOMER SAID: 93000 AT THE TIME OF OCCUANCE- THE ACCIDENT H OFFICE OF THE APPENED FEB OF THIS YEAR NOT TO LONG AFTER THE BIG SNOW STOR GENERAL COUNSEL M IN MARYLAND- THE DLR DETERMINED THAT A CABLE WAS LEAKING S OME SORT OF FLUID. (IT WAS STATED THAT BECAUSE OF THE COLD I T CAUSED THE PIPE TO BURST CAUSING THE CRACK/LEAK) AN THE FL UID GOT ONTO TO THE ACCERATOR COMPONENTS AN CAUSED IT TO SOR T OF STICK- THERE WAS NO MAJOR INJURY IN THIS OCCRANCE, THER E WAS BRUSIES AND SORNESS. NO TRIPS TO THE ER OR TRAMA CENTE

R- THE LOCATION WAS ON THE STATE LINE OF NC AND VA. APPROX 4 5MIN FROM RICHMOND- THERE WAS POLICE ON SCENE BUT THE CUST I S NOT SURE IF A REPORT FILED BECAUSE THE CUST DID NOT GET A REPORT OR NUMBER AT THE TIME OF THE OCCURANCE- THE VA HIGHWA Y STATE PATROL- THE CUST STATES THAT THEY DID NOT CLAIM WITH THE INSURANCE THAT THE REPAIRS AND OTHER SERVICES CAME OUT OF POCKET TO KEEP HIS RATES DOWN - THE VEH WAS REPAIRABLE AN D IS CURRENTLY USUABLE. BUT THE VEH IS STILL HAVING THE ISS UE THAT CAUSED THE ACCIDENT, BUT IT IS NOT AS SEVERE BUT ENO UGH TO CAUSE THE CUST TO MILDLY FEAR USING HIS VEH .- (CURREN Y THE ENGINE LIGHT CAME ON AND WHEN THE CUST TOOK IT TO TH E DLR IT WENT OFF QUICKLY AFTER THAT AND CAME BACK ON THREE TO FIVE DAYS LATER, WHEN ADDRESSED AT THE DLR LEVEL IT WAS S TATED THAT THE DIAG FEE WOULD BE APPROX 150 USD)- THE CUST W OULD LIKE TO HAVE THE VEH REPLACED, BUT REALISTICALLY HE WOU LO BE SATISFIED WITH COMPLETE RDEALER SAID: DARCARS FORD9020 LANHAM SEVERN ROADLANHAM MD 20706(800) 293-0801CRC ADVISED: I WILL FORWARD YOUR INFORMATION TO FORD'S OFFICE OF THE GEN ERAL COUNSEL. YOU SHOULD RECEIVE A WRITTEN RESPONSE WITHIN

15 BUSINESS DAYS TO YOUR CONCERN, NOTE TO CCR: REMEMBER TO V ERIFY ALL CUSTOMER CONTACT INFORMATION AND DOCUMENT INCIDENT

ACCIDENT DATE PRIOR TO SENDING ISSUE.

CONSUMER AFFAIRS

05/06/2010 DMAY04LF CONFIDENTIAL



J. MICHAEL FARRELL

TRIAL LAWYER
CAST IRON BUILDING
718 ARCH STREET, SUITE 402 N
PHILADELPHIA, PA 19106
(215) 925-1105
FAX (215) 925-4099

RECEIVED FER 111

*MEMBER OF NJ, PA, DC

*J MICHAEL FARRELL

5 NORTH CLINTON AVENUE WENONAH, NJ 08090 (609) 937-8836 FAX (856) 468-6920

RESPOND TO PA OFFICE

E-MAIL: MIKE@FARRELLTRIAL.COM

February 10, 2011

VIA FACSIMILE (610) 964-1981 and FIRST CLASS MAIL

William J. Conroy, Esquire CAMPBELL, CAMPBELL, EDWARDS & CONROY Chesterbrook Corporate Center 690 Lee Road, Suite 300 Chesterbrook, PA 19087

Re: v. Ford Motor Company, Holman Ford, et al.
Date of Accident: 11/7/2010

Dear Mr. Conroy:

Consistent with my voicemail messages, please be advised that my client, a was involved in a motor vehicle accident on November 7, 2010, when her 2004 Ford Escape suddenly, without warning, accelerated beyond control.

Enclosed please find for your review a copy of the Philadelphia Police Accident Report.

On January 24, 2011, Wayne J. Denham, Senior Engineer for ARCCA, Inc. performed an inspection of the Ford Escape at its location since the accident at Pacifico Ford's body shop, 6751 Norwich Street in Philadelphia.

Enclosed is one of a number of photographs of the system taken by the system taken by the system taken by the control of the control cables from the throttle pedal which appears straight in the photo and the cruise control system which appears curved revealing the problem.



William J. Conroy, Esquire February 10, 2011 Page Two

Apparently, the cruise control cable should telescope within its housing (staying essentially straight) as the throttle cable is actuated, but, as you see in the photo, it bowed into a "U" shape, rotating its end connection which caught the underside of a decorative engine cover, resulting in a stuck near wide open throttle. The condition is still present as documented by the photograph.

**!= = . 196

The purpose of this letter is to place Ford on notice and to provide Ford with an opportunity to conduct an inspection of the vehicle as soon as possible.

I will continue to try to reach you by phone.

I remain....

Very truly yours,

I. MICHAEL FARRELL

JMF/jd w/enclosures



hitadel COMMONWEALTH OF PENNSYLVANIA	3725 Crash Number
AA 500 1 Case Closed Reportable Crash O Yes O No Yes O No	O/ P1659729
	Police Agency Patrol Zone (17301 012 Investigation Date (VIX-D) YYYY) 2th District 11-07-2010 Badge Number 2224 Badge Number Approval Date (VIX 90-YYYY)
County County Name . Municipality Philodelphia : 3011 Crash Date (MM DD YYYY) Crash Time imit Workzone in Yos, Carolina (D) YCS No School Bus Created Workzone in Yos, Carolina (D) YCS No Related	Municipality Name Phi add phia No of Units People Injured Killed* *If > 00 Complete Form F O'No of Units People Injured Notify PENNDOT Yes No Related
Intersection Type 4 Way Intersection 'Y' Intersection (- Middlesa - I are still -
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Route Number Segment (Options) Travel Lancs Spanish Street Name Street Name Signing Interstate (Not impike) (Factivities) Difference Spanish	Street Ending South Street Ending W44t UNDERSTORM
Intersecting fix Num Or Mile Post Please Press Informatica or BOTH	St Ending St Ending Feet Feet For Segment Marker St Ending Fast West Or Miles Fistance and Cash Scene to Landmark 1 (For Crash between Landmark 1 and Landmark 2)
Degrees Minutes Seconds Longitude: Longitude	Degrees Minutes Seconds
B Start Applicable in Indiffic Signal Artises in Cressing Controls	Police Officer or Hagman Other Type TCD Other Type TCD Owner
Lane Closed (If "Not Applicable", skip rest of the Lane Closure section Not Applicable O Parally O Fully O Income.	On Chi
FORM # AA-500 (1202)	NNDOT COPY

Preservition on States Discussion of States Discussion Program Pro			02	P165972	9
Direct License Number Dire	Parlavirian Pa	on sign or Skapes, C Disarras Wheelchair, etc. Provious	i From 🗆 Tour	O Phantom Vehicle	Commercial Vehicle Yts In In
O 1 Private Vehicle Connect Connec	Last Name Last Name City / State GS Suspected C Pegal De Alcohol E Type of Given	Other Uningwa if est Given Uningwa if Read Uningwa if eted Results	Driver or Pedestrian Phy Actuals V Nomial Han Seen Driver Presence Jeno Ver Land	State Class NO D Signal Condition If egal Drug	e: O Medication C Unknown C featured? O Yes
Vehicle Calor	Owner First Name y / State / Zip (C U 9 2 1	Owner la	Model Year World Year Wehlde Te Policy No	Vehicle Make Ford Vehicle Model Ford Vehicle Model Ford Vehicle Model UNKNOW!	(see over
05_Brack 95=Unknown Form M, Section 271 9=Jnk. Type Sec Ver 99=Unknown 1 = room transport 95 Cr N C Initial Impact Point 9=30w hill Road Alignma				ag No	Tag Year Tag St

	A 500 2	Police Loss Dory			03	P1659729	
Unit Info	Your O		- Federatian on	Skates, D 2 sobled r, etc. Provious	Crash Complete Form M. Smillion	Phonton Veh ca (If Yes, Complete)	No
	Unit No	Last Name		1		(Sirth (M.V-DO-AAA.)	
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IN THE CIRCUIT COURT OF THE 9TH JUDICIAL CIRCUIT IN AND FOR ORANGE COUNTY, FLORIDA



Vs. Car Impressions, Inc. and Ford Motor Company Defendants

Case Number:

H 119

SUMMONS

THE STATE OF FLORIDA: To Each Sheriff of the State:

YOU ARE HEREBY COMMANDED to serve this summons and a copy of the complaint or petition, in the above styled cause upon the defendant,

Ford Motor Company, One American Road, Dearborn, MI 48126 Registered Agent: CT Corporation System, 1200 S. Pine Island Road, Plantation, Florida 33324

Each defendant is hereby required to serve written defenses to said complaint or petition on Clifford J. Geismar, Esquire, plaintiff's attorney, whose address is Crealde Executive Center, 2431 Aloma Avenue, Suite 153, Winter Park, Florida, 32792, within 20 days after service of this summons upon you, exclusive of the day of service, and to file the original of said written defenses with the clerk of said court either before service on plaintiff's attorney or immediately thereafter. If you fail to do so, a default will be entered against you for the relief demanded in the complaint or petition.

Dated on _____

LYDIA GARDNER, Clerk of the Circuit and County Courts

By Depart SEAL

NOTICES TO PERSONS WITH DISABILITIES

(COURT SEAL) If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration at 425 North Orange Avenue, Suite 2130, Orlando, Florida 32801, Telephone (407) 836-2303 within 2 working days of your receipt of this document: if you are hearing or voice impaired, call 1-800-955-8771

CIVIL DIVISION 425 North Orange Avenue, Room 310 Orlando, Florida 32801-1526

HALE 1... 1907 1903 1907 ORLANCO, FL 17872 19426 407-275 0989

IN THE CIRCUIT COURT OF THE 9TH JUDICIAL CIRCUIT IN AND FOR ORANGE COUNTY, FLORIDA

Plaintiff	
Vs.	
Car Impressions, Inc. and Ford Mo	otor Company
Defendants	Case Number: 05CA
3	COMPLAINT
Plaintiff, sues D Motor Company and alleges as fol	efendants Car Impressions, Inc. and Ford lows:
 This is an action for damages the interest and attorneys fees. At all times mentioned herein, 	nat exceed \$15,000.00, exclusive of costs, was and is a resident of the
State of Florida.	was and is a resident of the
3. At all times mentioned herein, le corporation licensed to transact bu	Defendant, Car Impressions, Inc. was a siness in Orange County, State of Florida. Defendant, Ford Motor Company was a Foreign
Corporation licensed to transact bu	isiness in Orange County, State of Florida.
	purchased a 2002 Ford Escape,
	from Defendant Car Impressions, Inc. e vehicle purchased by the Plaintiff was
	verely injured when the 2002 Ford Escape that
COUNTI	- STRICT LIABILITY
8. The Plaintiff repeats, reiterates a paragraphs 1-7 as though fully set	and realleges the allegations contained in forth herein.
	y is in the business of manufacturing motor
10 Defendant Continuousland in	is the business of colline automobiles

4836

- 11 Defendant Ford Motor Company knows that the motor vehicles it manufactures will be placed on the market and will be used by purchasers without inspection for defects.
- 12. Defendant Ford Motor Company placed a 2002 Ford Escape automobile, Serial Number 1FMYUO313 on the market that was purchased by plaintiff without inspection for defects.
- 13. Defendant, Car Impressions, Inc. sold the 2002 Ford Escape automobile, Serial Number 1FMYUO3 | 3. to the Plaintiff
- 14. The automobile was defective because it unexpectedly accelerated backwards while the Plaintiff was in the vehicle.
- 15. As a result of the foregoing, the automobile thus became unreasonably dangerous to drive.
- 16. On 11/6/04, the Plaintiff was severely injured when the 2002 Ford Escape that she had purchased unexpectedly accelerated backwards.
- 17. As a result plaintiff suffered bodily injury and resulting pain and suffering disability, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings and loss of ability to earn money. The losses are either permanent or continuing and plaintiff will suffer the losses in the future. Plaintiff's automobile was damaged beyond repair and plaintiff has lost the use of it.
- 18. As a result of the foregoing, the Defendants are jointly and severally strictly liable for the damages sustained by the Plaintiff.

WHEREFORE, Plaintiff demands judgment for damages in excess of \$15,000.00 against defendant on Count I, exclusive of costs, interest and attorneys fees, and such other and further relief as to this court seems just and proper;

COUNT II- IMPLIED WARRANTY

- 18. The Plaintiff repeats, reiterates and realleges the allegations contained in paragraphs 1-7 as though fully set forth herein.
- 19. Defendant Ford Motor Company manufactured the 2002 Ford Escape automobile, Serial Number 1FMYUO3132 that was purchased by the Plaintiff.
- 20. Defendant, Car Impressions, Inc. sold the 2002 Ford Escape automobile, Senal Number 1FMYUO3132K
- 21. Defendants warranted that the product was reasonably fit for its intended use as an automobile.
- 22. On 11/6/04, the Plaintiff was severely injured when the 2002 Ford Escape that she had purchased unexpectedly accelerated backwards while the automobile was

being used for its intended purpose because of a defect in the automobile that caused it to unexpectedly accelerate backwards, causing injuries to plaintiff who was then a user of the product.

23. As a result plaintiff suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and aggravation of a previously existing condition.

24. As a result of the foregoing, the Defendants are jointly and severally liable for the damages sustained by the Plaintiff

WHERFFORE, Plaintiff demands judgment for damages in excess of \$15,000.00 against defendant on Count II, exclusive of costs, interest and attorneys fees, and such other and further relief as to this court seems just and proper; Plaintiff demands a jury trial on all issues that may be tried to a jury.

DATED this Land 2005.

Clifford J Geismar, Esquire

Florida Barl No.: 999903 Crealde Executive Center

2431 Aloma Avenue, Suite No. 153

Winter Park, Florida 32792

(407)673-1087

Attorney for Plaintiff

Venille 4092 1.5 FLORIDA TRAFFIC CRASH REPORT DO NOT WRITE IN THIS SPACE LONG FORM WALL TO: DEPT, OF HICHWAY SAFETY & MOTOR VEHICLES, TRAFFIC CRASH RECORDS, MOL KIRKMAN BUILDING, TALLAHASSEE, FL 12399-0537 TIME OF CRASH THE OFFICER NOTIFIED TIME OFFICER ARRIVED INVEST, AGENCY REPORT NUMBER DATE OF CRASH HERRI CRASH REPORT NUMBER AM XPM AM XPM AN XPM 11/06/2004 12:36 FHPD040FF113652 12:18 12:55 75331081 Location EX COUNTY / GITY COUR MILE(S) S (Check If in City or Town) YIMIGO CITY OR TOWN w 07 /00 ORLANDO ORANGE AT NODE NO. IN NO DELANES ON STREET, ROAD OR INCHAIN FFF or MILE'S FROM MODE NO. NEXT NODE NO. 00 2 WYNDCLIFF CIRCLE 2 UNDIVIDED AT THE INTERSECTION OF (street road or Nighway) E FROM INTERSECTION OF (street, road or highway) FEET MILE(S) M 5 W 3 X SUNTREE BLVD YEAR VEHICLE IDENTIFICATION NUMBER DRIVER 1 Phantom ACTION 2 Hit & Run 3 N/A MAKE TYPE USE EN LICENSE NUMBER STATE 18 DVerbird 18 Undercarriage 03 02 01 FORD 03 1FMYU03132 FL 15 20 Windshield 21 Trailer THAILER OR TOWED VEHICLE TRAILER TYPE S 14 | 13 | 11 | 11 (10 (1) SHOW FIRST POINT e VEHICLE TRAVELING OF VENIOR EST. VEHICLE DANAGE ESL MAPH Posted Speed 1 Disabled EST. TRALEN DAMAGE 08 WINDCLIFF CIRCLE C 2 Functional 3 No Damage 01 25 AND CORTS F \$6,000 ANAGED AREAS MOTOR VEHICLE INSURANCE COMPANY (LIABILITY OR PIP) POLICY NUMBER VEHICLE REMOVED BY i Tow Families List 3 Oriver 01 Vehicle 688993308 08/27 09019 ALLSTATE 0 2 You District Request 4 Other n NAME CITY AND STAL AP CODE ORLANDO FL NAME OF OWNER (Tram or Towned Verticle) CITY AND STATE CURRENT ADDRESS (Number and Street) ZP CODE NAME OF MOTOR CARRIER (Commercial vehicle Only) CURRENT ADDRESS (Number and Street) CITY, STATE AND ZIP CODE US DOT O ICC MC ICENTIFICATION NUMBERS NAME OF DRIVER (Last From Driver Leasne) ! PEDESTRIAN CITY & STATE / ZP CODE DATE OF BIRTH **ORLANDO** FL 09/23/28 TYPE 5 ALCADRUG TEST TYPE ALC/ DRUG RES S. EQUIP DRIVER LICENSE NUMBER 358 RESULTS RACE SFX WJ. EJECT STATE 1 Blood 3 Urine 5 None 05 2 Breath 4 Refused 1 NUMBER FROM DIAMOND OR BOX R FROM BOTTOM OF DIAMOND 3 3 2 2 1 1 2 1 5 1 IF YES INCICATE NAME OF A DIGHT RECOMMEND DRIVER RE EXAM, DRIVER PHONE NO WZARDOUS MATERIALS PLACARDED WAS HAZARDOUS MATERIAL SPILLED? BEING TRANSPORTED (407)671-8162 1 Yes 2 No. 2 1 Yes 7 No 12 1 Yes Z No 2 1 Ves 2 No YEAR VEHICLE IDENTIFICATION DRIVER 1 Phantom ACTION 2 Hit & Run 3 N / A USF VEH LICENSE NUMBER 3 4 0 1 1 1 1 1 1 18 Undercarriage 03 89 HOND 01 FL JHMBA4139 19 Overturn 11 (10 170) TRAILER OR FOWED VEHICLE TRAILER TYPE S 21 Trader 14 115 1 12 11 110 0 SHOW FIRST POLICE e VEHICLE TRAVELING EST TRALER CHARAGE FEL MPH Poxied Speed EST VEHICLE DAMAGE OF VEHICLE 08 AT 1 Disabling 2 Functional 3 No Damage C S S A368 WINDCLIFF CIR 25 02 MOCIRCLE 0 \$500 t X DANAGED AREAS MOTOR VEHICLE INSURANCE COMPANY (LIABILITY OR PIP) VEHICLE REMOVED BY I Tow-Homeson U.S. 3 Driver Vehicle HONDA DRIVER 2 Tong Channel's Ramouti. 0 4 Other n NAME OF VEHICLE OWNER (Check Boalf Same As Driver) CURRENT ADDRESS (Number and Street) ZP CODE FL TITUSVILLE DP CODE NAME OF OWNER (Trans a Town Vehicle) CURRENT ADDRESS (Number and Street) CITY AND STATE 2 NAME OF MOTOR CARFIER (Commercial vehicle Only) CURRENT ADDRESS (Number and Street) CITY, STATE AND ZIP CODE US DOT WILL WE IDENTIFICATION NUMBERS Pedestrian NAME OF DRIVER (tales From Driver Licesna) / PEDESTRIAN CURRENT ADDRESS (Number and Street) CITY & STATE / ZIP CODE DATE OF BIRTH PARKED RESULIS ES ALCIDRUG TEST TYPE ALC/ DRUG PHYS.DEF DRIVER LICENSE NUMBER STATE DL S. EQUIP. EJECT NJ. 1 Bloom 3 Uring 5 Nam 2 Breath 4 Refused R NE EXAM. DRIVEITS PHONE NO. PLAGARDED WAS HAZARDOUS MATERIAL SPILLEDZ IF YES EXPLAIN BEING TRANSPORTED 2 2 1 1 Yas 2 No 12 1 Yes 2 No 2 I Yes 2 No 1 Yes 7 No VENCIE THE VEHICLE USE TRALER TYPE RESIDENCE (Union Only) PHYSICAL DEFECTS ALCOHOL / DRUG LISE LOCATION 01 Single Semi Tra 02 Tandem Semi 1 County Crash Not Drinking or Using Dugs IN VEHICLE 02 Van 02 Commercial Passengers 2 Elsewhore in State 2 Eyesight Delect 2 Alcohol - Under Intherms DA Light Truck P.U - 2 commercing

O4 Medium Truck - 4 rt=

O5 Heavy Truck - 2 or man (regrandes

O6 Truck Tractor (Cab Broken)

O7 Motor Home (RV) rdal Carpo Temiles Non-Resident of St Orugs -Under 1 Front Left 04 ic Tracsporta 03 Tank Trailer 4 Hearing Defect 4 Foreign 5 Unknown Acohol & Drugs - Uniter Influence 2 Front Center 3 Front Right 5 liness
6 Sezure, Epilepsy, Slackout
7 Otter Physical Delect 04 Sadde Mount / Flatbed DL TYPE BACE 08 Private School Bus 07 Ambulance A D / Chauffeur 1 White 7 Black 6 Pending BAC Test was a 4 Rear Lett 05 Boot Trailer 5 Rear Center 08 Bus (driver = seats for (4.11) 09 Bus (driver = seats for over 15) 08 Law Enforcement 5 E/Operator DE Utility Trailer SAFETY EQUIPMENT IN LINE d Rear Right 7 In Body of Truck 1 Hispa 09 FreHescus & Other 07 House Trailer & El Oper-Rast 1 Notin Use 2 Sea Bet/Shouling (Impola 10 Bicycle 11 Motorcycla 10 I Otter _ & Bus Passeoge 11 Other Government 1 Child Restraint 09 Towed Vehicle RECURED SEX 3 Non-Incapacitating

4 Ireapacitating 9 Other 12 Dump 10 Auto Transport 77 Other 12 Maped ENDORSEMENTS 4 Air Bag - Die 13 Concrete Mixer 1 Male 2 Female 13 AR Terrain Vehica 5 Fatal (Within 90 Days) Yes No 5 Ar Bag - Not Destroyed 5 Salety Heimel EJECTED 8 Non-Traffic Fatality 14 Frain 15 Cargo Van 71 Cither 7 Fye Protection 17 - Other

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FLORIDA TRAFFIC CRASH REPORT

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NARRATIVE / DIAGRAM

MAIL TO DEPT OF HIGHWAY SAFETY & MOTOR VEHICLES

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COUNTY / CITY CODE

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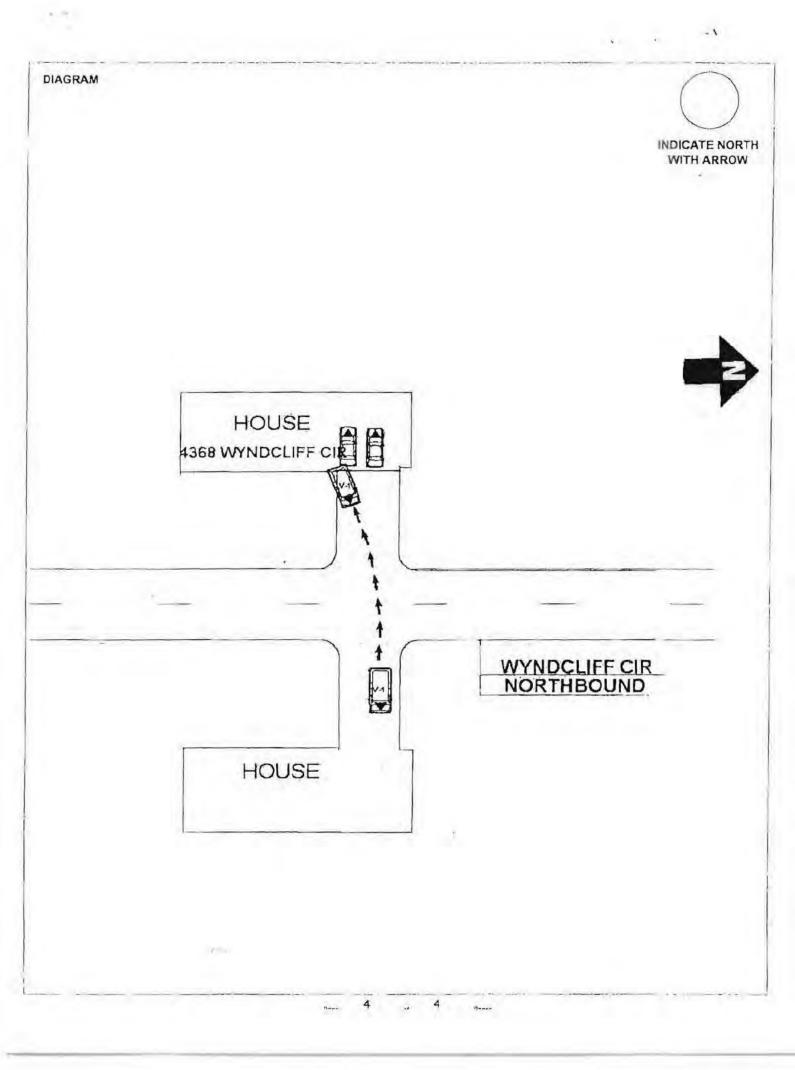
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FLORIDA HIGHWAY PATROL





	State Court			
Attorney's Address COH Tartas	GEORGIA,	СОВВ	COUNTY	
AKUHN & MOSS, LTD: 455 East Paces Ferry Road, N.E. Suite 218 Atlanta, GA 30305	4	V	3.	Plaintiff
Name and Address of Party to be Served	Ford	Moto	Comp	iny
Conjugation Places Company	y		********	Defendant
100 Cherice Street	0	***********		,
Manetta GA 30060	***)**()******	*********	******	Garnishee
SHERIFF'S EN	TRY OF SERVICE			
I have this day served	**************************************	**********	personal	y with a copy
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2 V	113000	Hallo	1 -	
by leaving a copy of the within action and summons with in charge of the office and place of doing business of said Co	orporation in this County.	and de la Colora	5	********
	ns on the defendant(s)/Pa n the same day of such roperly addressed to the	posting by de defendant(s)/F	positing a true of	opy of same
I have this day served the above affidavit and summor door of the premises designated in said affidavit and or in the United States Mail, First Class in an envelope pure said summons, with adequate postage affixed thereon contains	ns on the defendant(s)/Pa n the same day of such roperly addressed to the	posting by de defendant(s)/F	positing a true of	opy of same
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I have this day served the above affidavit and summor door of the premises designated in said affidavit and or in the United States Mail, First Class in an envelope present said summons, with adequate postage affixed thereon contains summons at the place stated in the summons. Diligent search made and not to be found in the jurisdiction of this Court. THE DEFENDANT/PARTY IS REQUIRED TO: answer a Proceeding Against Tenant Holding Over on or 20 at the hour and place stated in the summons.	ns on the defendant(s)/Pan the same day of such roperly addressed to the ning notice to the defendant before the	posting by dedeendant(s)/F	positing a true of arty at the addresswer said	opy of same



IN THE SUPERIOR COURT OF COBB COUNTY STATE OF GEORGIA

	}	2003 FILE 5088
Plaintiffs.	}	SE SE ES
v,	Civil Action No. 03-1-52-51-47	I A P
FORD MOTOR COMPANY,	JURY TRIAL DEMAN	rtin-
Defendant.	3	EM 1 50

COMPLAINT

COMES NOW, Plaintiffs in the above-styled action, by and through their undersigned attorneys, and hereby file this, their Complaint against Defendant, FORD MOTOR COMPANY, and show this honorable Court as follows:

STATEMENT OF JURISDICTION AND VENUE

- 1. Plaintiffs, (hereafter "Plaintiffs") are individuals, who at all times relevant hereto have resided in the State of Georgia.
- 2. Defendant, FORD MOTOR COMPANY (hereafter "Manufacturer"), is a Georgia Corporation/foreign Corporation authorized to do business in the State of Georgia, and is engaged in the manufacture, sale, and distribution of motor vehicles and related equipment and services.

 Manufacturer is also in the business of marketing, supplying and selling written warranties to the public through a system of authorized dealerships.
- Manufacturer may be served through its registered agent: Corporation Process Company,
 180 Cherokee Street, N.E. Marietta, GA 30060. Manufacturer is therefore subject to the jurisdiction of this Court.
- 4. Venue is proper in Cobb County, as their statutory agent is properly registered there.

STATEMENT OF FACTS

- 5. On or about February 13, 2003, Plaintiffs purchased a 2003 Ford Escape from John Bleakley
 Ford (VIN # 1FMYU02103 (hereafter "vehicle") for valuable consideration.
- 6. Plaintiffs' vehicle is manufactured and distributed by Manufacturer, for valuable consideration.
- 7. The price of the vehicle, including registration charges, document fees and sales tex, but excluding other collateral charges, such as bank and finance charges, totaled more than \$25,748.00.
- 8. In consideration for the purchase of the Vehicle, Manufacturer issued and provided Plaintiff a written warranty, including three year (3) or thirty-six thousand (36,000) mile bumper-to-bumper coverage, as well as other warranties fully outlined in the Manufacturer's New Car Warranty booklet.
- Plaintiffs took possession of the vehicle on February 13, 2003.
- 10. Shortly after taking possession of the vehicle, Plaintiffs experienced various defects, including, but not limited to, the following: (a) Surging; (b) Engine; (c) Failure to diagnose and repair defects.
- 11. Those defects violate the Manufacturer's warranty and the implied warranty of merchantability.
- 12. Plaintiffs afforded the Dealer a reasonable number of attempts to cure the defects.
- 13. The defects in Plaintiffs' vehicle remain uncorrected.
- As a result of the numerous repair attempts and Defendant's inability to repair the vehicle,

 Plaintiffs justifiably lost confidence in the vehicle's safety and reliability.
- 15. The value of the vehicle has been substantially impaired to Plaintiffs.
- 16. The defects were not and could not have been reasonably discovered by Plaintiffs prior to

their purchase of the vehicle.

- 17. As a result of the defects and Defendant's inability to cure, Plaintiffs revoked acceptance of the vehicle pursuant to The Magnuson Moss Warranty Act and Georgia Statutory law.
- 18. At the time of revocation, the vehicle was in substantially the same condition as it was at the time of delivery except for damage caused by its own defects and ordinary wear and tear.
- 19. Defendant refused Plaintiffs' demand for revocation and the corresponding remedies to which Plaintiffs are entitled under the law.
- 20. Plaintiffs have been and will continue to be financially damaged due to Defendant's failure
- (a) to comply with the provisions of the written warranty and (b) to provide Plaintiff with a merchantable vehicle.

COUNT I BREACH OF WRITTEN WARRANTY

(Pursuant to the Uniform Commercial Code, the Magnuson-Moss Warranty Act, and Georgia Law)

- 21. Paragraphs 1 through 20, above, are re-alleged and hereby incorporated by reference as if fully set forth herein, verbatim.
- 22 Plaintiffs are consumers, as contemplated by the Uniform Commercial Code, the Magnuson Moss Warranty Act.
- Defendant is a warrantor, as contemplated by the UCC and the Magnuson-Moss Warranty
 Act.
- 24. Plaintiffs are entitled by the terms of the written warranty provided to them by Manufacturer/Dealer to enforce the obligations of said warranty.
- 25. Plaintiffs' vehicle was manufactured, sold and purchased after July 4, 1975, and costs in

excess of ten dollars (\$10.00).

- 26. The warranty provided that Defendant would repair or replace defective parts, or take other remedial action free of charge to Plaintiff in the event that the Vehicle failed to meet the specifications set forth in written warranty.
- 27. The written warranty was the basis of the bargain with respect to the contract for sale executed and entered into between Plaintiffs and Defendant.
- 28. The purchase of Plaintiffs' vehicle was induced by the written warranty, upon which Plaintiff relied.
- 29. Plaintiffs have honored their obligations under the warranty.
- 30. Defendant breached its obligations under the written warranty, by failing to seasonably repair the vehicle's defects after being afforded a reasonable number of attempts to cure.
- 31. Plaintiffs notified Defendant of its breach within a reasonable period of time after discovering it.
- As a direct and proximate result of Manufacturer's failure to comply with its written warranty, Plaintiffs have suffered damages, including, but not limited to, (a) loss of use; (b) diminished value; (c) lost wages; (d) aggravation; and (e) incidental and consequential damages (such as the cost of inspecting the vehicle, returning the goods for repair, insurance, tax and registration fees, etc.) In accordance with 15 U.S.C. §2310(d)(1) and the UCC, Plaintiff are entitled to bring suit for damages and other relief.
- 33 Plaintiffs request attorney's fees and show that they are entitled to fees and costs pursuant to the fee-shifting provision of the Magnuson Moss Warranty Act.

WHEREFORE, Plaintiffs pray that:

The Complaint be filed and service be perfected as provided by law;

- b. Plaintiffs be awarded damages to which they are entitled under the Magnuson Moss Warranty Act, the Uniform Commercial Code, and Georgia Statutory Law, including, but not limited to:
 - a. loss of use;
 - b. lost wages;
 - c. aggravation and inconvenience damages;
 - d. Revocation of Acceptance pursuant to O.C.G.A. § 11-2-608, O.C.G.A. § 11-2-719(2); and Magnuson Moss Warranty Act;
 - e. any other incidental and consequential damages;
 - f. Plaintiffs be awarded reasonable attorneys' fees and costs; and
- Plaintiffs be awarded such other and further relief as the Court deems right and appropriate.

COUNT II BREACH OF IMPLIED WARRANTY

(Pursuant to the Uniform Commercial Code, the Magnuson-Moss Warranty Act, and Georgia Statutory Law)

- 34. Paragraphs 1 through 33, above, are re-alleged and hereby incorporated by reference as if fully set forth herein, verbatim.
- 35. The vehicle purchased by Plaintiffs is subject to an implied warranty of merchantability as defined in 15 U.S.C. §2301(7), UCC Section 2-103(1)(d) and OCGA Section 11-2-314(2)(c).
- 36. Defendant contracts to sell goods. Defendant sells vehicles to purchasers, order component parts, and/or assemble them into final products. They are merchants with respect to the goods of the kind sold to Plaintiffs.
- 37. The parties' contract for sale as a matter of law implies that the vehicle is merchantable,

because Defendant is a merchant with respect to such goods.

- 38. The implied warranty was breached by Defendant, because they sold Plaintiffs a vehicle of insufficient quality. The vehicle is not fit for the ordinary purpose for which such goods are used.
- 39. The vehicle has failed to meet Plaintiffs' reasonable expectations.
- 40. The vehicle has failed to perform with reasonable safety, efficiency, and comfort.
- 41. The vehicle has not provided dependable transportation, and it has not been trouble-free.
- 42. The vehicle would not pass without objection in the trade under the contract description and does not conform to the promises or affirmations of fact made by Defendant.
- 43 Manufacturer has attempted, in contravention to the law, to disclaim the implied warranty of merchantability.
- 44. As a result of the breach of implied warranty by Defendant, Plaintiffs are without the reasonable value of the Vehicle.
- As a result of the breach of implied warranty by Defendant, Plaintiffs have suffered and continue to suffer damages, including those specifically identified in the foregoing paragraphs.

WHEREFORE, Plaintiffs pray that:

- a. The Complaint be filed and service be perfected as provided by law;
- b. Plaintiffs be awarded damages to which they are entitled under the Magnuson Moss Warranty Act, the Uniform Commercial Code, and Georgia Statutory Law, including, but not limited to:
 - g. loss of use;
 - h. lost wages;
 - aggravation and inconvenience damages;
 - j. Revocation of Acceptance pursuant to O.C.G.A. § 11-2-608, O.C.G.A. § 11-2-

719(2); and Magnuson Moss Warranty Act;

- k. any other incidental and consequential damages;
- 1. Plaintiffs be awarded reasonable attorneys' fees and costs; and
- Plaintiffs be awarded such other and further relief as the Court deems right and appropriate.

Pursuant to O.C.G.A. 15-12-122(c)(2), Plaintiffs request that the present case be tried by a jury of twelve.

Submitted this load day of July 2003.

E/Scott Fortas, Esq. Georgia Bar No. 269980

Attorney for Plaintiff KROHN & MOSS 455 E. Paces Ferry Road, NE Suite 218 Atlanta, Georgia 30305 (404) 869-4280

IN THE SUPERIOR COURT OF COBB COUNTY STATE OF GEORGIA

Plaintiffs, vs. FORD MOTOR COMPANY,)) Civil Action No.)	COBB COUNTY, GA FILED IN OFFICE 2003 JUL 14 PN 2: 1
FORD MOTOR COMPANY,)	CLEAN SEE
Defendant.)	

INTERROGATORIES TO DEFENDANT

NOW COMES the Plaintiffs, by and through KROHN & MOSS, LTD. and propounds the following Interrogatories to the Defendant, FORD MOTOR COMPANY, to be answered in writing and under oath.

INSTRUCTIONS

- 1. Answer each interrogatory separately and fully in writing and under oath, unless it is objected to, in which event the reasons for such objection must be stated in lieu of an answer.
- 2. You are under a continuing duty to seasonably supplement your response with respect to any question when new or additional information becomes known. Additionally, you are under a continuing duty to seasonably amend a prior response if you obtain information upon the basis of which you know that the response was incorrect when made, or that the response, though correct when made, is no longer correct or true.

INTERROGATORIES

- Please state the name and job title of the individual(s) providing the responses and signing the verification to these Interrogatories, including name, business and home address, employment, and job title of said individual(s).
- 2. Please identify by article number, date of issuance, description, and components affected, those TECHNICAL SERVICE BULLETINS, RECALL NOTICES, SPECIAL SERVICE MESSAGES, OR OTHER SERVICE/DIAGNOSTIC BULLETINS, issued by Defendant for the same make and model vehicle as the subject vehicle that pertain to the alleged defects and non-conformities in the subject vehicle as reflected in Plaintiff's Complaint and the

repair records for the subject vehicle.

- 3. List the names, addresses, telephone numbers, and job titles of each agent or employee of Defendant who inspected the subject vehicle, performed repairs on the subject vehicle, or was present when these inspections and/or repairs took place. For each individual, please provide a brief factual summary of the nature and extent of said individuals inspection/findings.
- 4. Did Defendant issue a written warranty with the subject vehicle. If the answer to said interrogatory is "yes" please describe the written warranty or warranties issued with the vehicle.
- 5. When were you first notified of any alleged defects or complaints concerning the subject vehicle, and by whom. If such notice was made by phone calls from Plaintiffs, or anyone on Plaintiffs' behalf, please list each phone call by date, name of individual from Defendant that engaged in such phone conversation, and the substance of such conversation.
- 6. State whether Plaintiffs, or anyone on Plaintiffs' behalf, has ever notified Defendant that Plaintiffs no longer wanted the subject vehicle. If so, state when, whether oral or written notice was given, and state the name, address and job title of each person receiving said statement.
- 7. Please identify the equipment included and specifications of the subject vehicle including but not limited to its exact model name, engine size, transmission type, two wheel drive versus four wheel drive, etc.
- 8. Please identify the name, address, occupation, substance of expected testimony and summary of the grounds for each and every opinion, for ANY opinion/expert witness as defined by the applicable Rules of Civil Procedure. Please identify only those individuals that you anticipate calling as opinion/expert witnesses at trial and/or arbitration.
- 9. Please provide a brief chronological resume of each opinion/expert witness identified in the preceding paragraph, including any and all schools attended, certifications, honors achieved, memberships in professional organizations, other current employment(s), names and addressees of employers, and years of employment.
- 10. Please identify all factual information relied upon by the opinion/expert witness including, but not limited to, drawings, correspondence, memoranda, reports, tests, plans specifications, repair invoices, technical service bulletins, recalls, silent warranties and/or other documents whatsoever.
- 11. Please identify each and every fact/occurrence witness that Defendant will call at the trial and/or arbitration of this case, stating each individual's full name, address, current employment, relationship to Defendant, substance of expected testimony and summary of testimony.
- 12. Did Plaintiffs abuse, neglect, alter, modify, or misuse the subject vehicle. If your answer to said interrogatory is "Yes" please state precisely and in detail each and every factual element upon which Defendant asserts that Plaintiffs abused, neglected, altered, modified, or

misused the subject vehicle.

- 13. Please indicate how many cumulative days Defendant's records indicated that the vehicle was out of service by reason of any defect or condition complained of by Plaintiffs.
- 14. List all warranty claims submitted by Defendant's authorized dealers to Defendant in which said dealers requested reimbursement for warranty repairs performed on the subject vehicle. For all such claims, please list the dollar amount that Defendant reimbursed each authorized dealer.
- 15. Does Defendant have a "good will" repair policy. If the answer to said interrogatory is "Yes" please describe the policy and identify any repairs that Defendant paid for under its "good will" program. Please also list the reason said repair was paid under a "good will" determination.
- 16. Were any repairs performed on the subject vehicle for which Plaintiffs was not charged and the repairs were not covered by the applicable warranties for the subject vehicle. Please list all such repairs.
- 17. According to Defendant's records, were any repairs performed on the subject vehicle since the date of its manufacture to the date of purchase by Plaintiffs. Please list all such repairs.
- 18. Please provide the names, addresses and titles of all individuals employed by Defendant who have reviewed Plaintiffs' claims regarding the subject vehicle.
 - 19. Define the word "defect" as used in Defendant's written warranty.
- 20. Has Defendant failed or refused to reimburse its authorized dealers for any warranty repairs and/or diagnostic procedures on this automobile. If the answer is "yes", state the reason the manufacturer did not make payment.
- 21. Did any individuals from Defendant's authorized dealers contact Defendant in an effort to seek assistance with the diagnosis or repair of the subject vehicle. If such contact was made, please identify the name, address and position of all individuals involved, the date of said contact and the substance of said contact.
- 22. Does Defendant provide training programs, manuals, videotapes, or other materials to its authorized service dealerships regarding the "Lemon Law" or other breach of warranty laws. If so, please describe the nature and extent of such training.

By:

U.E. Scott Fortas

Ga Bar No. 269980

Attorney for Plaintiffs

KROHN & MOSS 455 E. Paces Ferry Road, NE Suite 218 Atlanta, GA 30305 (404) 869-4280

IN THE SUPERIOR COURT OF COBB COUNTY STATE OF GEORGIA

)	
Plaintiffs,)) Civil Action No.	2003 FILE
VS.)	SEPON PERSON
FORD MOTOR COMPANY,	3	HODE COL
Defendant.)	2: 19
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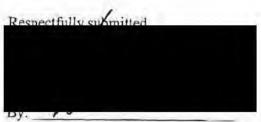
NOW COMES the Plaintiffs, by and through KROHN & MOSS, LTD., and requests that

Defendant, FORD MOTOR COMPANY, produce, as well as uphold its continuing duty to seasonably supplement these requests as additional information becomes available, all documents of any kind or nature including, without limitation: charts, photographs, phone records and other data, computations from which information can be obtained, and any and all copies thereof within the possession of your agents, employees or authorized dealerships, relating to or connected with, every document that you were asked to "identify" or used in supplying the information requested in Plaintiffs' Interrogatories to Defendant. In addition, and not by way of limitation, produce the following documents concerning the vehicle that is the subject of this action whether in the possession of the Defendant or its authorized dealership(s):

- 1. All pre-delivery repair orders pertaining to the vehicle.
- All post-delivery repair orders pertaining to the vehicle.
- 3. All technicians' and/or mechanics' notes pertaining to the vehicle.
- 4. All time stamps and/or time punches relating to the time spent performing repairs bie vehicle.

- 5. The warranty repair history relating to the vehicle as kept in its ordinary course of business by this Defendant. This includes all computer records evidencing monetary amounts reimbursed to Defendant's authorized dealership(s).
- All internal reports, memoranda, correspondence and zone office reports pertaining to the subject vehicle.
- 7. All reports, memoranda, correspondence, zone office reports and/or any other documentation created by Defendant or its authorized dealership(s) (if in your possession) reflecting any communications between Plaintiffs and Defendant or between Plaintiffs and Defendant's authorized dealers by way of writing, telephone or in person.
- 8. All records, invoices, and other documentation relating to the sale of and/or purchase of the vehicle.
- 9. All copies of all written warranties issued by Defendant and/or its authorized dealership(s) regarding the vehicle. This request is being made to obtain an authentic, unaltered copy.
- Any and all documents relied upon by Defendant in formulating its answer and affirmative defenses.
- 11. All documents upon which Defendant relies in believing its arbitration program meets the substantive provisions of the Magnuson-Moss Warranty Act; 16 CFR Part 703; and/or any applicable state law provisions.
- 12. All technical service bulletins, special service messages, recall notices or product campaign bulletins whether performed or not, applicable to the vehicle as identified in your answer to Interrogatory number 2.
- All engineering investigations documents by Ford Motor Company through it's "QSF"
 (Quick Service Fix) process relating to defects of the plaintiffs year/model vehicle.
 - 14. All "QSF" documents relating to defects of the plaintiff's year model vehicle.
- 15. All "Talking Papers," "Level Four documents," "advanced service information," "rapid response," special service information, technical training materials, continuing education materials, VSSM service library articles, Manufacture Audit Sampling Reports, Tech II bulletins, Know How Videos, engineering reports, analysis or memorandum, and any and all other documents referencing investigations or inquiries performed which relate to the allegations made herein regarding vehicles of the same year, make and model as Plaintiffs'.
- 16. Provide each and every opinion/expert witness report whether or not Defendant seeks to introduce it at the arbitration and/or trial of this case.

- 17. Any and all documents made available to Defendant's opinion/expert witness by Defendant or its attorney in preparing the opinion/expert witness report.
- 18. Curriculum vitae for any opinion/expert witness who has prepared a report regarding the vehicle whether or not said opinion/expert witness or the report are intended to be introduced at arbitration and/or trial of this case.
- Curriculum vitae of any opinion/expert witness whose testimony Defendant intends to introduce at trial or arbitration.
- 20. Any and all documents prepared and/or generated by the opinion/expert witness including but not limited to: notes, memoranda and correspondence.
- 21. Any and all documents, papers, correspondence, memos, repair orders, work orders, computer print-outs, vehicle inquiry reports, documents, or receipts evidencing the performance of any repair work, whether covered under Defendant's warranty or not, done to the vehicle.
- 22. All sales brochures, sales manuals, literature, pictures, or any other promotional hierature produced for the vehicle which is the subject matter of this litigation.
- 23. Any franchise contract(s) between Defendant and its authorized dealership(s) that performed repairs to the vehicle.
- 24. Every document that constitutes an extended service contract given by Defendant, its authorized dealership(s) or some third party to the Plaintiffs covering the vehicle.
- 25. All written correspondence forwarded by either the Plaintiffs, Plaintiffs' attorney or anyone else acting on Plaintiffs' behalf, informing Defendant or its authorized dealership(s) that Plaintiffs no longer wishes to retain possession of the vehicle.
- 26. Provide all documentation supporting Defendant's and its authorized dealership(s) policies to perform "goodwill" repairs (or any repairs performed that were free of charge to Plaintiffs but not covered under Defendant's written warranty) to the vehicle.
- 27. Provide all documentation evidencing the performance of "goodwill" repairs (or any repairs performed that were free of charge to Plaintiffs but not covered under Defendant's written warranty) to the vehicle whether authorized by Defendant or its authorized dealership(s).
- 28. Provide any lists authored by Defendant that decipher any diagnostic codes or repair codes that Defendant instructs its authorized dealership(s) to document on the repair orders.
- 29. Provide copies of any training manuals, videotapes or other materials which Defendant provides to its authorized service dealerships regarding the "Lemon Law" or other breach of warranty laws.



E. Scott Fortas Attorney No. 269980 Attorney for Plaintiffs

KROHN & MOSS 455 E. Paces Ferry Road, NE Suite 218 Atlanta, GA 30305 (404) 869-4280

IN THE SUPERIOR COURT OF COBB COUNTY STATE OF GEORGIA

	A	
Plaintiffs,		COBB FILE 2003 JU
VS.) Civil Action No.	P 14 COUN
FORD MOTOR COMPANY,	}	圣芸
Defendant.)	CE 2: 19

REQUESTS FOR ADMISSION

NOW COMES the Plaintiffs, by and through KROHN & MOSS, LTD., and requests that the Defendant, FORD MOTOR COMPANY, make the following admissions for the purpose of this action only:

- Defendant provided a written warranty for the subject vehicle.
- Plaintiffs' vehicle was brought to Defendant and/or an authorized service dealer of Defendant for repairs at least once within the time provided for under any of Defendant's warranties.
- Defendant received written notification that Plaintiffs no longer wanted to retain ownership of the subject vehicle.
- 4. The Defendant and/or its authorized service dealers have been unable to correct all of the defects in the subject vehicle which were complained of by Plaintiffs within any applicable warranty period.
 - 5. Plaintiffs' vehicle has not been repaired after a reasonable number of attempts
 - 6. The defects alleged in Plaintiffs' Complaint remain uncorrected.
 - Defendant has not offered to repurchase or replace Plaintiffs' vehicle.
 - Plaintiffs have not abused the subject vehicle.
 - Plaintiffs have not neglected the subject vehicle.
 - 10 Plaintiffs have not modified the subject vehicle.

- 11. Plaintiffs have not altered the subject vehicle.
- All repairs performed on the subject vehicle were covered under Defendant's applicable warranty(ies).
- 13. The subject vehicle was subject to repair three (3) or more times for substantially the same nonconformity(ies) during the Plaintiffs' first year or eighteen thousand (18,000) miles of ownership thereof, whichever came first, and the nonconformity(ies) for which it was subject to said repairs continue to exist.
- 14. The subject vehicle has been out of service in excess of thirty (30) calendar days during the Plaintiffs' first year or eighteen thousand (18,000) miles of ownership thereof, whichever came first, by reason of the defects alleged in Plaintiffs' Complaint.
- 15. The subject vehicle has been subject to repair on at least eight (8) occasions for any nonconformity(ies) during the Plaintiffs' first year or eighteen thousand (18,000) miles of ownership thereof, whichever came first.
- 16. The subject vehicle has been subject to repair on at least one (1) occasion for a nonconformity that results in a condition that is likely to cause death or serious bodily injury if the vehicle is driven, and that nonconformity continues to exist.
- 17. The subject vehicle was subject to repair four (4) or more times for substantially the same nonconformity(ies) during the Plaintiffs' first eighteen (18) months or eighteen thousand (18,000) miles of ownership thereof, whichever came first, and the nonconformity(ies) for which it was subject to said repairs continue to exist.
- 18. The subject vehicle has been out of service in excess of thirty (30) business days during the Plaintiffs' first eighteen (18) months or eighteen thousand (18,000) miles of ownership thereof, whichever came first, by reason of the defects alleged in Plaintiffs' Complaint.
- 19. The subject vehicle was subject to repair four (4) or more times for substantially the same nonconformity(ies) during the Plaintiffs' first twelve (12) months or twelve thousand (12,000) miles of ownership thereof, whichever came first, and the nonconformity(ies) for which it was subject to said repairs continue to exist.
- 20. The subject vehicle has been out of service in excess of thirty (30) business days during the Plaintiffs' first twelve (12) months or twelve thousand (12,000) miles of ownership thereof, whichever came first, by reason of the defects alleged in Plaintiffs' Complaint.
- Ford Motor Company has a process by which engineers investigate via a "QSF" (Quick Service Fix) process.
- 22. Ford Motor Company has a process by which engineers offer Special Service Messages" on OASIS of "QSF" (Quick Service Fix) process, when they become available.

- 23. Ford Motor Company that the "QSF" process is designed to provide a Quick Service Fix within 90 days as the target time window.
- 24. Ford Motor Company continues to manufacture and deliver vehicles to it's authorized dealers while engineering investigates for "QSF" problems.
- The QSF process repairs can be adopted into Technical Service Bulletins at a later date by Ford Motor Company.
- The QSF process repairs may be adopted into print in whole or part into Ford Motor Company shop manuals..

by. • [] •

E. Scott Fortas Attorney No. 269980 Attorney for Plaintiffs

KROHN & MOSS 455 E. Paces Ferry Road, NE Suite 218 Atlanta, GA 30305 (404) 869-4280

ISSUE LIST

Last Handling Date/ Issue Status	Name/ Reason Desc	Vin/ Case No.	Model Year and Vehicle Line	Issue Type
6/23/2003		1FMYU02103	2003 ESCAPE	06
INELIGIBL	DSB-REPLACE/REFUND RQST-V DOESNT MEET EXPECT	240161023		
6/9/2003	Marie Company of the	1FMYU02103	2003 ESCAPE	01
INQUIRY	DSB-APPLICATION INCOMPLETE; RET'D TO			
4/15/2003		1FMYU0210	2003 ESCAPE	02
CLOSED	PRODICOMP DURIPERF - VEHICLE QUALITY			

Print

VIN: 1FMYU02103

Year: 2003

Name: Owner

Owner Status: Original

Symptom Desc: SURGE AT CRUISE ALL ENGINE TEMP

Reason Desc: DSB-REPLACE/REFUND RQST-V DOESNT MEET EXPECT

Issue Type: 06 DSB

Issue Status: NELIGIBLE

Model: ESCAPE Case:
WSD: 2003-02-10
Primary Phone:
Secondary Phone:

Action: INELIGIBLE-OTHER-OTHER PROVIDED APPLICATION

Dealer: 00487 JOHN BLEAKLEY FORD INC

Odometer: 5000 MI

Analyst Name: OWENS, ANGELA

Action Date: 06/23/2003

Comm Type: MAIL Analyst: A-OWENS8

Action Time: 13.43.01.992

Origin Desc: DEMARS

Action Data: No

Comments INELIGIBLE: BECAUSE UNDER RULES ADOPTED PURSUANT TO THE GEORGIA MOTOR VEHICLE WARRANTY RIGHTS ACT, THE GEORGIA WAIVER FORM MUST BE EXECUTED BY THE VEHICLE OWNER AND CANNOT BE COMPLETED BY A REPRESENTATIVE. THEREFORE, THIS CASE IS INELIGIBLE.

Print

VIN: 1FMYU02103

Year: 2003

Owner Status: Original

Model: ESCAPE Case: 540781053 WSD: 2003-02-10

Name:

Symptom Desc: GENERAL INQUIRIES REQUEST/NON-VEHICLE RELATED

Primary Phone:

Reason Desc: DSB-APPLICATION INCOMPLETE; RET'D TO CUST Issue Type: 01 INQUIRY

Issue Status: INQUIRY

Secondary Phone:

Action: APPLICATION INCOMPLETE-SENT BACK TO CUSTOMER FOR MISSING INFO

Dealer: 00487 JOHN BLEAKLEY FORD INC

Origin Desc: DEMARS

Odometer: 5000 MI

Comm Type: MAIL Analyst: A-OWENS8

Analyst Name: OWENS, ANGELA

Action Data: Yes

Action Date: 05/30/2003

Action Time: 11.13.44.256

Comments MISSING INFORMATION: COMPLETED GEORGIA WAIVER FORM WITH VEHICLE OWNER'S SIGNATURE,

LIEN ACCOUNT NUMBER

Data Element Name

Data Value

MISSING VIN

SERVICING DEALER NAME

MILEAGE

INCORRECT VIN

MISSING SERVICE CONCERNS

EXACT MILEAGE

SIGNATURE

YES

COMMERCIAL/PERSONAL (PRIMARY USE)

Action: APPLICATION INCOMPLETE-SENT BACK TO CUSTOMER FOR MISSING INFO

Dealer: 00487 JOHN BLEAKLEY FORD INC

Origin Desc: DEMARS

Odometer: 5000 MI

Action Date: 06/09/2003

Comm Type: MAIL

Analyst Name: OWENS, ANGELA

Analyst: A-OWENS8 Action Time: 16.15.44.082

Action Data: Yes

Comments MISSING INFORMATION: COMPLETED GEORGIA WAIVER FORM WITH VEHICLE OWNER'S SIGNATURE

Data Element Name

Data Value

MISSING VIN

SERVICING DEALER NAME

MILEAGE

INCORRECT VIN

MISSING SERVICE CONCERNS

EXACT MILEAGE

SIGNATURE

YES

COMMERCIAL/PERSONAL (PRIMARY USE)

Print

VIN: 1FMYU02103KB78573

Year: 2003

Owner Status: Original

Name: Symptom Desc: ENG SPEED-UP DECELERATION HOT ENGINE Reason Desc: PROD/COMP DUR/PERF - VEHICLE QUALITY Issue Type: 02 INFORMATION Issue Status: CLOSED Model: ESCAPE WSD: 2003-02-10 Case: 540781053

Primary Phone: Secondary Phone:

Action: ADVISE INFO WILL BE SENT TO DLR; CONTACT CRM

Dealer: 00487 JOHN BLEAKLEY FORD INC.

Odometer: 4000 MI Analyst Name: TULLY FRASER

Action Date: 04/15/2003

Comm Type: PHONE Analyst: TFRASER

Action Time: 15.00.09,036

Origin Desc: US CONCERN CASE BASE

Action Data: No

Caller Information If Different From Vehicle Owner:

Middle Initial

Last Name

Day Phone

Relationship SPOUSE

Comments CUSTOMER SAYS: =CALLING ABOUT 03 FORD ESCAPE TOOK IN TO DLR FIRST MONTH WHEN GOT VEH AND DLR CHANGED THROTTLE SENSOR, IT WAS FINE MONTH. = TODAY RAN THROUGH TWO LANES OF TRAFFIC, AND STOP SIGN =DO NOT WANT VEH, WANT OUT OF VEH =DLR WANTS TO CHARGE 3000 DOLLARS TO PUT IN ANOTHER VEH = VEH AT DLR. = CUST WILLING TO PUT EXTRA MONEY ON NEW LOAN, JUST DON'T HAVE THE CASH TO PAY PER CUSTOMER, DEALER SAYS: CAC ADVISED: - WE RECOMMEND THE REPAIR BE PERFORMED BY A FORD/LM DEALERSHIP - INFORMATION WILL BE SENT TO DLR, CUSTOMER SHOULD CONTACT CRIWSERV MGR =ADVISED CUST FORD DOES NOT HAVE BUYBACK OPTIONS =LEMON LAW INFO CAN BE FOUND. AT LOCAL LIBRARY OR INTERNET FIN ORDER FOR FORD TO MAKE A REPAIR, DLR WOULD HAVE TO DUPLICATE CONCERN = BEST PERSON TO SPEAK WITH IS CRM AT DLR = WORK WITH YOUR DLR IN THIS MATTER = INFO HAS BEEN DOCUMENTED AND FORWARDED TO APPROPRIATE DEPTS. INFERENCE CASE ID: 4591



State Farm Insurance Companies



State Farm Insurance Subrogation Services PO Box 2371 Bloomington, IL 61702-2371

August 20, 2010

Margaret M. Erskine The Erskine Law Group, P.C. 342 S. Main St. Rochester, MI 48307

RE: Claim Number: Our Insured:

Date of Loss:

April 21, 2010

Dear Ms, Erskine:

Enclosed the completed form you requested.

Our insured is in possession of the accelerator cable that allegedly stuck as per a NHTSA recall. Please advised if you would like to inspect the cable.

Thank you for your review of this matter.

Sincerely.

Doug Flesher x57042

Claim Representative

(877) 457-8276, Team 60

State Farm Mutual Automobile Insurance Company

HOME OFFICES: BLOOMINGTON, ILLINOIS 61710-0001

38-1903-217



The Erskine Law Group, P.C.

342 S. Main St. * Rochester, Michigan * 43307 Tel (248) 601-4499 * Fax (248) 601-4497 www.erskinelawgroup.com

August 9, 2010

Doug Flesher State Farm Insurance PO Box 2371 Bloomington, IL 61702-2371

Re

Your Insured:

Claim No.

DOL:

4/21/2010

Dear Mr. Flesher:

Please be advised that Ford Motor Company has retained our office to handle your recently submitted subrogation claim regarding the above-referenced customer. In order to efficiently process and consider your claim we request that you provide us with the following information: (Please note that the information requested is in regard to the Ford manufactured vehicle.)

- Attach your insured's statement with a complete description of the incident, including events that
 occurred prior to and subsequent to the loss.
- 2. A copy of the police and/or fire report.
- Original color photographs of the vehicle's collision/fire damage & the alleged defective parts, from several different angles.
- 4. Original color photographs of the inside of the vehicle showing the steering wheel, dash and roof areas.
- 5. Original color photographs of the accident / fire scene from several different angles.
- 6. Attach a copy of your expert's report and the expert's original color photographs.
- Attach the repair estimate, repair order, or your total loss worksheet for the vehicle's damage and any losses associated with this incident, and copies of draft payments.
- 8. Attach the complete service history for the subject vehicle, including any tune-ups or oil changes.

Please answer the following in the space provided. If you need additional space, please use the back of the form;

0	What was the city and state of occurrence? Punta Gorda Florida
10.	The 17 digit vehicle identification number: IFMYU02184
11.	What was the mileage at time of occurrence? 161, 392
12	What is the alleged defect? Accelerator cable stuck
	Has the alleged defective part been repaired or replaced? (circle one) Yes or No
14	What is the current location of the vehicle, and the alleged defective part(s)? With M. Cline

State Farm Insurance Companies



July 23, 2010

State Form Insurance Subrogation Services PO Box 2371 Bloomination, IL 61702-2371

Certified Mail-Return Receipt Requested

Related to Do25487

Ford Motor Company PO Box 70 Dearhorn, MI 41821-0070

Claim Number:

April 21, 2010

Date of Loss: Our Insured:

Loss Location: Punta Gorda, FL

Vehicle:

Ford, Escape 1FMYU02184

VIN: Mileage:

161,392

Your File Number:

Insured's Deductible:

\$500.00

JUL 3 O ZHOU SC

Dear Sir/Madam:

This notice is to advise of a loss that occurred to our insured's vehicle. The damage was caused by a defective accelerator cable as per NHTSA CAMPAIGN ID N NUMBER: 04V574000

Our investigation indicates that Ford Motor Company is responsible for this loss. By virtue of our payment, we are entitled to recover from the responsible party. Please consider this letter as our demand to Ford Motor Company for reimbursement of \$2,301.69.

Any settlement with State Farm's policyholder with respect to this loss must not prejudice our rights, as subrogor, and shall not be released by execution of a general release with such policyholder.

Your cooperation is appreciated. If you should have any questions, or would like to set up and appointment to inspect the evidence/salvage, please feel free to contact me at (877) 457-8276.

In order to assist you in evaluating and processing the claim we are asserting, we may provide nonpublic personal information about our customer. We are sharing this information to effect,

HOME OFFICES: BLOOMINGTON JULINOIS 61710-0001

Page 2 July 23, 2010

administer, or enforce a transaction authorized by the consumer. However, you are neither authorized nor permitted to: (1) use the customer information we provide for any purpose other than to evaluate and process the subrogation claim, or (2) disclose or share the customer information we provide for any purpose other than to evaluate and process the subrogation claim.

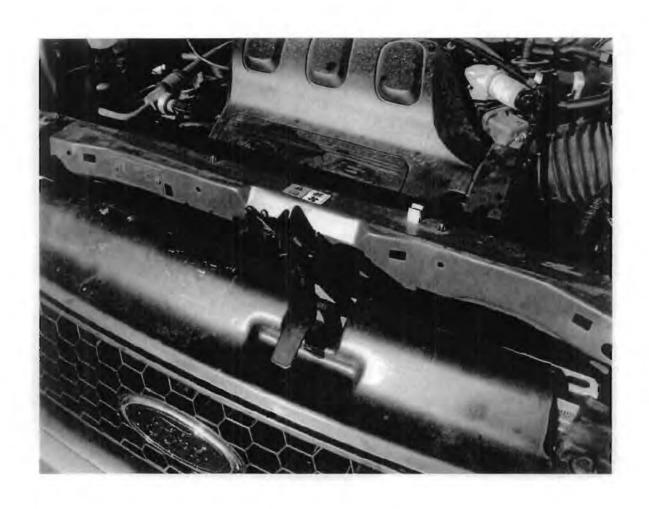
Sincerely,

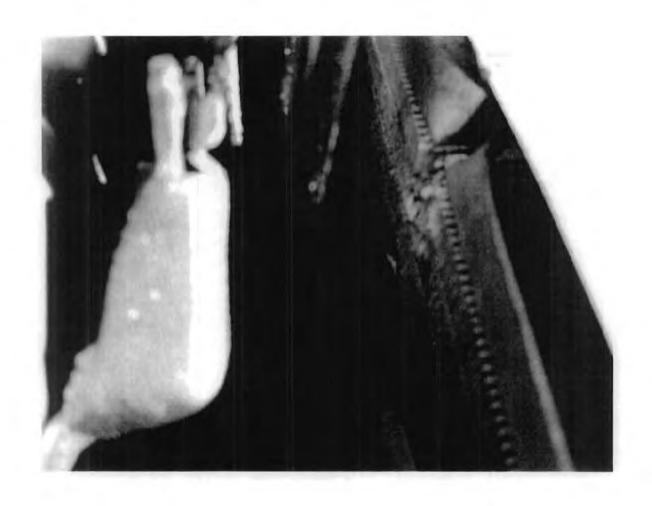
Doug Flesher x57042 Claim Representative (877) 457-8276, Team 60

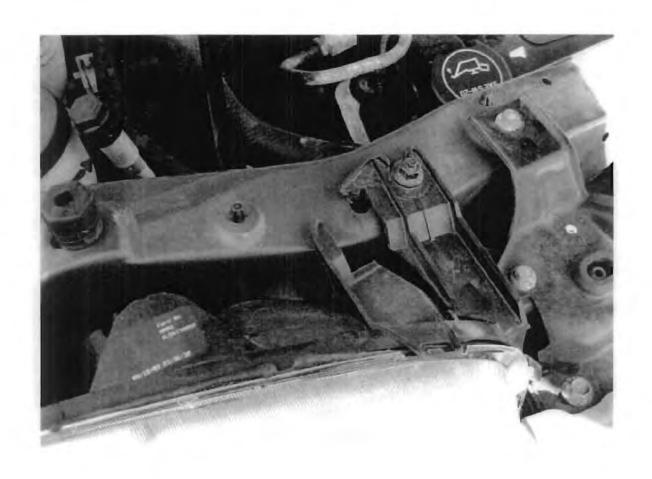
State Farm Mutual Automobile Insurance Company





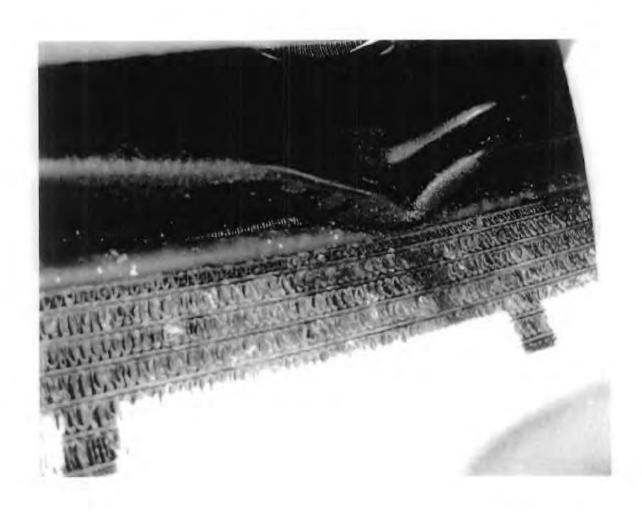




















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BEGINNING OF CONTACT 05/13/2010

VOICE OF THE CUSTOMER TRACKING SYSTEM

08.00.02

FORT WITCH COMPANY

THRMS ROT

MAY 13 ZUU

DESKS THE

GRNER POINTE

OGC ISSUE CASE NBR 1724871320 ENGINE, 1 S4 MIAMI OPENED: 05/12/2010 REGION: VEH TYPE: 1FMYU02184 CLOSED: 05/12/2010 STATUS: CLOSED LAST NAME: FIRST NAME: TITLE MR MI: ADDRESS: HAMBERSBURG CITY: STATE: PA ZIP: HOME PHONE: MODEL YEAR: MODEL: ESCAPE XLS 4X2 4-DR 161000 MILEAGE DON GASGARTH'S CHAR P&A: 04926 DEALER NAME: SALES CODE: F24512 0796 LEGAL - ALLEGED INJURY REASON CODE: 612500 SURGE ACCELERATION SYMPTOMS:

ORIGIN: ACTION: DOCUMENT: CACI38 -705 -

US CONCERN CASE BASE COMMUNICATION: PHONE

CONTACT ADVANCED TO OGC

ANALYST: JLYCZKOW LYCZKOWSKI, JASON

DATE: 05/12/2010 TIME: 20.08 06: ACTION DATA/COMMENTS:

CUSTOMER SAID: 1. DATE OF THE ACCIDENT 4/16/10 AND 4/21/102. WHAT THE CUSTOMER IS ALLEGING THE PRODUCT DEFECT IS THAT CA USED ACCIDENT. THE VEH ACCELERATED WHILE STOPPED AND REAR EN DED THE VEH INFRONT ON HIM3. IF THERE WERE ANY INJURIES SUST AINED YESTHE LADY SAID HER NECK HURT AND TOOK HER TO THE HOS PITAL AFTER THE SECOND ACCIDENT4, LOCATION OF THE VEHICLE WH EN THE ACCIDENT OCCURRED WAS LOCATED BEHIND THE OTHER VEHS WHETHER OR NOT THERE WAS A POLICE REPORT FILED. ONLY FOR ONE CASES, IF A POLICE REPORT WAS FILED. WHAT THE FINDINGS WERE CARELESS DRIVING DUE TO NOT BEING ABLE TO CONTROL HIS VEH. DID STATE IN REPORT HE HAD ACCEL PROBLEM? THE POLICE REPOR T NUMBER AND THE CITY OR COUNTY IN WHICH THE REPORT WAS FILE D 75383067 PORT CHARLOTTE 354988. WHETHER OR NOT THE CUSTOM ER HAS FILED A CLAIM WITH THEIR INSURANCE COMPANY, YES9, IF A CLAIM HAS BEEN FILED WITH THE INSURANCE COMPANY, WHAT IS T HE STATUS OF THE CLAIM, HAS BEEN GIVEN RUN AROUND, SAID THEY WOULD HELP MAKING IT SAFE TO DRIVE AGAIN. THEY DROVE VEH TO DLR AND COULD NOT FIND ANYTHING (RECALL) ON VEHTO, WHETHER OR NOT THE VEHICLE IS REPAIRABLE YES11. NAME AND ADDRESS OF CUSTOMER'S ATTORNEY (ONLY IF THE CUSTOMER MENTIONS THEY HAVE SOUGHT ONE). N/A12. WHAT THE CUSTOMER IS SEEKING, WANTS CON RN FIXED AND DEALT WITH SQ IT DOESN'T HAPPEN

CONSUMER AFFAIRS

05/13/2010 FAXOGC1





SIXTH FLOOR
CLEARWATER, FLORIDA 33762-2307
PHONE: (800) 987-6000

567428 RECEIVED SEP 04 2006

September 2, 2005

FORD MOTOR COMPANY PARKLANE TOWERS WEST-SUITE 300 THREE PARKLANE BLVD DEARBORN, MI, 48126-2568

Attn: Andrew A. Chabot-Claims Analyst

RE:

Our Insured:

Claim Number; Date of Loss;

VEHICLE:

Your Claim No

YOUR CUSTOMER

11/24/04

2003 Ford Escape XLS-1FMCU92143

Please Advise

Dear Mr. Chabot:

Thank you for your 2/8/05 response to Jeffrey Cook at our Illinois office. I have attached a copy of your letter. This matter has been transferred to the Subrogation Unit.

Our subrogation interest concerns Safety Recall 04S25- replace accelerator cable. I have enclosed a copy of the Work Order from Ottawa Ford for facilitating the recall. The defective cable was returned to Ford per the instructions of the recall.

Please review the attached documentation regarding the loss and the subsequent exposures that were the result of this defective part. Mercury Insurance had to settle property damage for the State Farm insured vehicle owned by Gary Grimm, and settle bodily injury claims for Mr. Grimm and his passengers. Total subrogation amount is \$18,995.12.

Thank you for your cooperation and assistance in this matter.

Sincerely.

Tell Provard-Subrogation Specialist

Fax No. (727) 329-3813, 800-987-6000 ext 3286

October 30.1097

FL.10

SLINTS

America's Insurance Leader



CONSUMER AFFAIRS

850 North Milwaukee Ave, Suite 206 Vernon Hills, IL 60061 (847) 816-4300

> MAILING ADDRESS: P.O. Box 6560 - Libertyville, IL 60048

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RECEIVED

FEB D \ 7005

January 21, 2005

Ford Motor Credit Consumer Affairs P.O. Box 6248, MD-3NE-B Dearborn, MI 48126

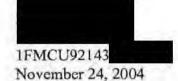
RE:

CAR OWNER:

CLAIM NUMBER:

VIN #:

DATE OF LOSS:





To Whom It May Concern:

Please be advised that our insured, Jeffrey Cullen, was involved in an automobile accident on November 24, 2004 in his 2003 Ford Escape. He lost control of his vehicle, hit a guardrail, and then hit another vehicle. After making contact with the other vehicle, the car went across the road and hit the guardrail on the opposite side of the road.

Mercury Insurance has paid \$5456.89 for damages to I seems s vehicle, and a \$100 deductible. In addition, we owe for damages to a second vehicle owned by along with compensation for injuries suffered by

We feel Ford Motor Company was negligent in this accident due to the existing defect to the accelerator cable causing elevated speeds. Please be advised that we will be requesting reimbursement for all payments made on this claim.

If you have any questions, please contact me at (847) 816-4353.

Sincerely.

JEFFREY COOK Casualty Adjuster Illinois Claims

JC/jc

Print

VIN: 1FMCU9214

Year: 2003

Name:

Owner Status: Original

Symptom Desc: SURGE ACCELERATION ALL ENGINE TEMP

Reason Desc: LEGAL - INSURANCE COMPANY SETTLEMENT

Issue Type: 02 INFORMATION

Issue Status: CLOSED

Model: ESCAPE

Case: 583360195

WSD: 2003-08-08 Primary Phone:

Secondary Phone:

Origin Desc: US CONCERN CASE BASE



Action: ADVISE CUSTOMER TO CONTACT THEIR INSURANCE COMPANY FOR ASSISTANCE

Dealer:

Comm Type: PHONE

Odometer: 27000 MI Analyst Name: NATALIE BROWN

Analyst: NBROWN12

Action Date: 01/19/2005

Action Time: 16,12,15,426

Action Data: No

Caller Information If Different From Vehicle Owner:

First Name

Middle Initial

ast Name

Day Phone

Relationship

SPOUSE

Comments CUSTOMER SAID: =CUST WAS IN ACCIDENT WEDNESDAY 11/25/06=THE CUST WAS ON INTERSSTATE 39 IN ILLINOIS TRAVELING SOUTH BOUND = THE CUST WAS IN A HEAD ON COLLISION WITH THE GUARD RAIL = DUE TO THE FACT THAT THE VEHICLE WOULD NOT STOP=THER WHERE NO PERSONNAL INJURIES = CUST CONTACT YOUR INSURANCE CARRIER=MERCURY INSURANCE COMPANY OF ILLINOIS = THE VEHICLE WAS REPAIRED AT GAYS BODY SHOP =THE AIR BAGS AND OTHER REPAIRS WHERE COMPLETED AT THE LOCAL FOR DEALER=THE CUST HAD TO PAY \$1000 DEDUCTABLE =CUST IS SEEKING REPAIR OF THE VEHICLE BECAUSE THE PEDAL IS STILL STICKING =AND CUST IS SEEKING A REIMBURSMENT FOR THE DEDUCTABLE=BECAUSE HE FEELS THE ACCIDENT IS RELATED TO RECALL ISSUEDEALER SAID: NONE OTTAWA FORD LINCOLN - MERCURY INC4001 NORTH COLUMBUS STREETOTTAWA, IL 61350TEL (815) 434-4800CRC ADVISED: ≈ YOUR INSURANCE CONPANY HAS THE RIGHT TO PURSUE CLAIMS FOR REIMBURSEMENT AGAINST FORD,= IF THEY DO PURSUE A CLAIM AGAINST FORD THEY MAY ASK TO RECOVER THE DEDUCTIBLE AS WELL AS RETURN THE DEDUCTIBLE PAYMENT TO THE CUSTOMER.=RECALL 04S25 IS AN OPEN ROGRAM ON THE VEHICLE =THAT WILL BE REPAIRED AT NO CHARGE =ADVISED CUST TO CONTACT DEALER TO MAKE AN APPOINTMENT TO HAVE THE CONCERNS ADDRESSED AND RECALL COMPLETED

Pont

VIN: 1FMCU92143

Year: 2003

Model: ESCAPE WSD: 2003-08-08 Case: 583360195

Name:

Owner Status: Original Symptom Desc: SURGE ACCELERATION ALL ENGINE TEMP

Primary Phone:

Reason Desc: LEGAL - INSURANCE COMPANY SETTLEMENT Issue Type: 02 INFORMATION

Issue Status: CLOSED

Secondary Pho

Action: ADVISE CUSTOMER TO CONTACT THEIR INSURANCE COMPANY FOR ASSISTANCE

Dealer:

Origin Desc: US CONCERN CASE BASE

Odometer: 27000 MI

Comm Type: PHONE

Analyst Name: NATALIE BROWN

Analyst: NBROWN12

Action Date: 01/19/2005

Action Time: 16.12.15.426

Action Data: No

Caller Information If Different From Vehicle Owner:

First Name

Middle Initial

Last Name

Day Phone

Relationship SPOUSE

Comments CUSTOMER SAID: =CUST WAS IN ACCIDENT WEDNESDAY 11/25/06=THE CUST WAS ON INTERSSTATE 39 IN ILLINOIS TRAVELING SOUTH BOUND = THE CUST WAS IN A HEAD ON COLLISION WITH THE GUARD RAIL = DUE TO THE FACT THAT THE VEHICLE WOULD NOT STOP=THER WHERE NO PERSONNAL INJURIES =CUST CONTACT YOUR INSURANCE CARRIER≅MERCURY INSURANCE COMPANY OF ILLINOIS ≈THE VEHICLE WAS REPAIRED AT GAYS BODY SHOP -THE AIR BAGS AND OTHER REPAIRS WHERE COMPLETED AT THE LOCAL FOR DEALER-THE CUST HAD TO PAY \$1000 DEDUCTABLE =CUST IS SEEKING REPAIR OF THE VEHICLE BECAUSE THE PEDAL IS STILL STICKING =AND CUST IS SEEKING A REIMBURSMENT FOR THE DEDUCTABLE=BECAUSE HE FEELS THE ACCIDENT IS RELATED TO RECALL ISSUEDEALER SAID: NONE OTTAWA FORD LINCOLN - MERCURY INC4001 NORTH COLUMBUS STREETOTTAWA, IL 61350TEL (815) 434-4800CRC ADVISED: = YOUR INSURANCE CONPANY HAS THE RIGHT TO PURSUE CLAIMS FOR REIMBURSEMENT AGAINST FORD.= IF THEY DO PURSUE A CLAIM AGAINST FORD THEY MAY ASK TO RECOVER THE DEDUCTIBLE AS WELL AS RETURN THE DEDUCTIBLE PAYMENT TO THE CUSTOMER. ≠RECALL 04S25 IS AN OPEN ROGRAM ON THE VEHICLE =THAT WILL BE REPAIRED AT NO CHARGE =ADVISED CUST TO CONTACT DEALER TO MAKE AN APPOINTMENT TO HAVE THE CONCERNS ADDRESSED AND RECALL COMPLETED



BEGINNING OF CC 11/05/2011	0 - 0 3 - 1	DICE OF THE	CUST	OMER TRACK	ING SYSTEM		07.55.01
REGION A1 SE VIN: 1FMYU01	ELECT DEALER 112K	OGC ISSU ZONE: E ENGINE:	JE 306 1	VEH TYPE:	т	CASE NBR OPENED: CLOSED:	1582613081 2011/11/04 2011/11/04
LAST NAME: TITLE:			FIRS	T NAME.	*********	STATUS:	CLOSED
ADDRESS: CITY:			STA	TE:		ZIP;	
HOME PHONE: MODEL YEAR MILEAGE:	2002 77000		MOD	EL.	ESCAPE		
DEALER NAME: REASON CODE: SYMPTOMS:	HAROLD ZEIGL 0796 LEGAL - AI 205250 HRN/SPI	LEGED INJU	JRY	ES CODE: ONTROL ENGA	F48620 AGEMENT/ING	P&A: OP	09638

US CONCERN CASE BASE COMMUNICATION: PHONE

CONTACT ADVANCED TO OGC

DOCUMENT: ANALYST: AMORONTA MORONTO, ARIEL
DATE: 2011/11/04 TIME: 16.17.39:
ACTION DATA/COMMENTS:

CACI38

705

ORIGIN:

ACTION:

CUSTOMER SAID: 1. DATE OF THE ACCIDENT=11/2/20112. WHAT THE CUSTOMER IS ALLEGING THE PRODUCT DEFECT IS THAT CAUSED ACCIDENT-YES IAM 3. IF THERE WERE ANY INJURIES SUSTAINED=-MINOR CONCUSSION-4. LOCATION OF THE VEHICLE WHEN THE ACCIDENT OCCURRED=196 WESTBOUND NEAR ALPINE IN GRAND RAPIDS MI.-5. WHETHER OR NOT THERE WAS A POLICE REPORT FLED,=-YES IT WAS -6. IF A POLICE REPORT WAS FILED, WHAT THE FINDINGS WERE.=VEH MOVED OVER IN FRONT OF HIM HE HAD CRUIS CONTROL AGAIN AND WHEN HE HIT THE BREAKS IT DID NOT ENGAGE-7. THE POLICE REPORT NUMBER AND THE CITY OR COUNTY IN WHICH THE REPORT WAS FILED.INIDENT NUMBER #611047911-MICHIGAN STATE POLICE-8, WHETHER OR NOT THE CUSTOMER HAS FILED A CLAIM WITH THEIR INSURANCE COMPANY. "YES-9. IF A CLAIM HAS BEEN FILED WITH THE INSURANCE COMPANY, WHAT IS THE STATUS OF THE CLAIM." -VEH IS UNREPAIRABLE-10. WHETHER OR NOT THE VEHICLE IS REPAIRABLE-NO-11. NAME AND ADDRESS OF CUSTOMER'S ATTORNEY (ONLY IF THE CUSTOMER -NO LEGAL COUNCIL-NO12. WHAT THE CUSTOMER IS SEEKING =I WANT THE RESTATUTION ON THE VEH-2002 FORD ESCAP-DRIVING WITH CRUIS CONTROL HIT THE BREAK -AND IT DID NOT ACTIVATE HE CRASHED INTO -A TRAILOR AND HAS A MINOR CONCUSSION-CRC ADVISED: I WILL FORWARD YOUR INFORMATION TO FORD'S OFFICE OF THE GENERAL COUNSEL. YOU SHOULD RECEIVE A WRITTEN RESPONSE WITHIN 15 BUSINESS DAYS TO YOUR CONCERN NOTE TO CCR: REMEMBER TO VERIFY ALL CUSTOMER CONTACT INFORMATION BEFORE SENDING ISSUE.

CONSUMER AFFAIRS

11/05/2011 FAXOGC1 CONFIDENTIAL





Office of the General Counsel

Ford Motor Company Product Claims Department P.O. Box 70 Dearborn, Michigan 48121-0070

March 16, 2012





RE:

2004 ESCAPE

VIN: 1FMYU93164

Dear

Your claim has been forwarded to me for review. We thank you for the opportunity to address this concern in a timely manner.

If you have turned any portion of this matter over to your insurance company, and should your insurance company wish to pursue a claim with Ford Motor Company, please have your insurance company contact us in writing at the address noted above notifying us of their intent to pursue subrogation.

If you intend to pursue a claim directly with Ford Motor Company, we request that you provide us with all the following information by completing and returning this form:

- Attach on a separate piece of paper a complete description of the incident, including events that
 occurred prior to and subsequent to the loss.
- A copy of the police and/or fire report.
- A copy of the vehicle title and registration.
- Original color photographs of the vehicle's collision/fire damage & the alleged defective part(s),
 from several different angles; include your name and the last 6 digits of your VIN# on the back of each photograph.
- Original color photographs of the inside of the vehicle showing the steering wheel, dash and roof areas; include your name and the last 6 digits of your VIN# on the back of each photograph.
- Original color photographs of the accident scene showing the grade of the road; include your name and the last 6 digits of your VIN# on the back of each photograph.
- Attach a copy of your expert's report and the expert's original photographs.
- A statement from insurance company indicating there are no pending claims and the reason for the denial.
- Attach the repair estimate, repair order, or your total loss worksheet for the vehicle's damage and any losses associated with this incident, and copies of draft payments.
- A complete service history for the subject vehicle, including any maintenance items.
- If you are claiming damages other than the vehicle, please provide the necessary pictures, receipts, and estimates to support your claim.

Thank you for your prompt attention to this matter.

Sincerely,

Alma Taylor Legal Analyst- OGC Product Claims

.2. Case # .

Please answer the following in the space provided. If you need additional space, please use the back of the form;

1.	What are you seeking from Ford Motor Company in this matter?
2.	What is the alleged defect: Delle Motor Installed 3-9-11
3.	Has the alleged defective part been repaired or replaced? (circle one) Yes or No.
4.	What was the city, state and date of occurrence: March 7,20,2-Bullals, Il 4
5.	What was the mileage at time of occurrence: 29,57/4
6.	List all after market additions or modifications that were made to the vehicle:
7.	Was the engine running? (circle one) Yes or No
8.	Were the keys in the ignition? (circle one) Yes or No
4.	Was this vehicle purchased new or used:
10	If purchased used, provide the date of purchase, mileage at the time of purchase, from whom
	the vehicle was purchased: 15,500 miles 9-13-09
11.	Please provide the current location of the vehicle (you may need to contact your insurance
	company to provide this information).
	314 Schow St. Kemmore, 119.
12	Has an insurance company been advised of this incident? Yes No
13.	If yes, please provide name, address and phone number of insurance company and adjuster's name and claim number (It is your responsibility to contact your insurance company);
14.	Please provide the names and contact information of any witnesses to the incident?
	availed only one there at the time.

Once we are in receipt of the requested information, it will be thoroughly reviewed and you will be notified of our decision concerning your claim. In most instances this review can be done in 90 days; if we are unable to complete the analysis within this time, we will contact you.

Should you not send all of the requested information and materials within 90 days, we will assume that you are not interested in pursuing a claim and we will close our file. Please note that your vehicle will not be inspected until all the above information has been submitted and a determination has been made as to whether an inspection is warranted. If your vehicle is accruing storage charges, you should immediately make arrangements to move it to a facility that will not charge you for storage.

Please be advised that in the event this matter ends up in litigation, Ford Motor Company has the right to inspect the vehicle and remove and test any component part that you claim to be defective, and to be presented with the vehicle and the subject component part(s). If you propose to repair the vehicle or conduct any other repairs you believe are related to this incident, such repairs may not be performed until after Ford Motor Company has conducted an inspection that may include the removal and testing of any component part that you claim is defective. If you want to repair your vehicle before we are able to physically inspect the vehicle or relevant component please submit a written request to me.

Case H.

My first incident happened on Jan 4,2012. Many St. Park of had my foot on the brake when all of a sudden the motor race & forward so fast that all of a sudden I was on the grass in the park and then stopped. I he second time was on Feb. 3, 2012 at the same place at many St. Park Kommon, My and I again was pulling into the parking of space I had my foot on the brake and all of a sudden it shot forward again but not as fast as the first time. I had time was on Murch 7, 2012 I was pulling into a gerbing space on Kennon (live, in Buffalo at a church building when all of a sudden it shot forward my fost on the brake It seemed like it was going at least Bomiles an hour, I couldn't stop "300 00. I didn't report it because Sheve 500 or dedutible I had the Idle motor installed on March 9,2011 at Basil Ford on Walden ave, in Buffalo, ny I believe its defective. I pray that it will not cause a more severe accident in the future.

REGION: G4 P VIN: 1FMYU93	ITTSBURGH ZO	C ISSUE NE: A06 GINE: 1	VEH TYPE	Ť	CASE NBR. OPENED: CLOSED:	390981751. 2012/03/15 2012/03/15
LAST NAME TITLE: ADDRESS:	DOHERTY MRS	FIRS	T NAME:		STATUS: MI:	CLOSED
CITY:	Ĥ	STAT	E:	NY	ZIP:	
MODEL YEAR: MILEAGE:	2004 29000	MOD	EL:	ESCAPE		
DEALER NAME: REASON GODE: SYMPTOMS:	C. BASIL FORD, INC. 0772 LEGAL - ACCIDE 612600 SURGE CRUIS	NT	S CODE:	F44115	P & A	00503

ORIGIN: ACTION: DOCUMENT: CACI38 791

US CONCERN CASE BASE COMMUNICATION: PHONE
 ADVISE CUSTOMER INFO WILL BE SENT TO OGC
 ANALYST: RSTEW152 STEWART, RICHARD

DATE: 2012/03/15 TIME: 16.04.29; ACTION DATA/COMMENTS:

> CUSTOMER SAID: CSM RICK EX 77745 OPENING CASE, CUST VEH SUDDENLY ACCELERATED AND VEH HIT THE SIDE OF A BUILDING! DATE OF THE ACCIDENT- 3-7-20122. WHAT THE CUSTOMER IS ALLEGING THE PRODUCT DEFECT IS THAT CAUSED ACCIDENT-SUDDEN ACCLERATION3, IF THERE WERE ANY INJURIES SUSTAINED4, LOCATION OF THE VEHICLE WHEN THE ACCIDENT OCCURRED- NO5, WHETHER OR THERE WAS A POLICE REPORT FILED - NO6. IF A POLICE REPORT WAS FILED, WHAT THE FINDINGS WERE, N/A7, THE POLICE REPORT NUMBER AND THE CITY OR COUNTY IN WHICH THE REPORT WAS FILED. N/A8. WHETHER OR NOT THE CUSTOMER HAS FILED A CLAIM WITH THEIR INSURANCE COMPANY, NO9, IF A CLAIM HAS BEEN FILED WITH THE INSURANCE COMPANY, WHAT IS THE STATUS OF THE CLAIM, N/A10. WHETHER OR NOT THE VEHICLE IS REPAIRABLE. YES 11, NAME AND ADDRESS OF CUSTOMER'S ATTORNEY (ONLY IF THE CUSTOMER MENTIONS THEY HAVE SOUGHT ONE), N/A12 WHAT THE CUSTOMER IS SEEKING- CUSTOMER WOULD LIKE THE VEH REPAIRED SO IT WILL NOT ACCELRATE ON ITS OWN AND WOULD LIKE THE BODY WORK REPAIRED AS WELLDEALER SAID: C. BASIL FORD, INC FORD CODE: 44F115 DEALER PROFILE 1540 WALDEN AVENUECHEEKTOWAGA, NY 14225 TEL: (716) 893-1000FAX: (716) 897-3763CRC ADVISED: I WILL FORWARD YOUR INFORMATION TO FORD'S OFFICE OF THE GENERAL COUNSEL. YOU SHOULD RECEIVE A WRITTEN RESPONSE WITHIN 15 BUSINESS DAYS TO YOUR CONCERN. NOTE TO CCR: REMEMBER TO VERIFY ALL CUSTOMER CONTACT INFORMATION AND DOCUMENT INCIDENT/ACCIDENT DATE PRIOR TO SENDING ISSUE.

FORD MISTOR COMPANY
RECEIVED
CLIMATIONS

MAR LIN ZOIZ

OFFICE OF THE GENERAL COUNTRY



PROGRESSIVE

APR 1 ZOS

Par day makey Chambria of Calenta Talophore on Exercise Carector on Exercise Constitution

Ford Motor Company Parklane Towers West Suite 300 Three Parklane Blvd. Dearborn, Mi 48126-2568 ATT. Andrew Chabot

RE. Claim # Claiman

Dear: Mr. Chabot

Thank you for your prompt response to our subrogation notice. With regards to that response I would like to inquire if you have any records indicating that our insured was given notice regarding the recall on the throttle cable recall # 04S25. The indications we have currently point to a problem with that issue.

The vehicle was repaired and put back into service. Please provide any such records you have regarding the recall, notification and if the latest has been provided that information to respond to as your company may have directed in the face of a defect of this nature.

Yours Truly

Frank A. Stein II AIC

Product Liability Subrogation Representative

(440) 603-7319



Wednesday, February 09, 2005

FORD MOTOR COMPANY
3 PARKLANE BLVD PARKLAND TOWERS WEST SUITE 300
DEARBORN MI 48126-2568

RECEIVED FER 2 U APR

Re: UNKNOWN

VIN: 1FMYU93104

Year: 04 Make: FORD

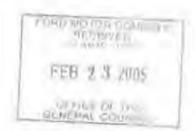
Model: ESCAPE X4X4SW

Our Insured: :
Address: 3

Phone No.: RICHVILLE, MN:
Our Claim No:

Date of Loss: DEC 18 04

Damages: \$ 6848.45



NOTICE OF SUBROGATION CLAIM

Please accept this letter as formal notice of our subrogation rights in regard to the above-captioned claim. Demand is hereby made upon you for payment of Progressive's damages and those of Progressive's insured.

Our investigation indicates damages to our insured's vehicle was a direct result of a manufacturer's defect or negligence on your behalf. Enclosed please find all supporting documentation.

Please acknowledge receipt of my subrogation demand and forward your payment of \$ 6848.45 to my attention, payable to PROGRESSIVE NORTHERN INSURANCE as subrogee of DOLL, CLAUDIA", and mail to my attention at PO Box 89440, Cleveland, OH 44101.

You can contact me at the number listed below should you need additional documentation or care to discuss this claim.

Thank you for your anticipated cooperation.

PROGRESSIVE NORTHERN INSURANCE

Frank A. Stein II AIC Subrogation Representative (440) 603-7319 Enclosures

ALLEGATIONS

IV COULD NOT STOP AND HIT A CEMENT POLE. FORD MOTOR COMPANY, PO BOX 1904 DEERBORN, MI 48121 RECALL# 04S25

THERE IS A RECALL ON THIS VEHICLE FROM THE MANUFACTURE FOR STICKING THROTTLE CABLE, INSD THINKS THIS IS CAUSE OF LOSS. IS CONSISTANT WITH THE INSD STATEMENT.



State Farm Fire and Casualty Company



May 27, 2005



State Farm Insurance PO Box 6014 Ballston Spa NY 12020 Hours of Operation Monday-Friday, 7am-9pm Saturday and Sunday; 9am-5pm

Ford Motor Company Consumer Affairs Department PO Box 6248 Deerborn, MI 48126

RE.

Claim Number: 29-6125-804

Our Insured

Date of Loss: January 25, 2005

Make, Model, and Year of Product

VIN:

1FMYU92193

2003 Ford Escape

This State Farm insured 2003 Ford Escape was involved in a single motor vehicle accident where our insured ran into a ditch. We settled a claim with our insured in the amount of \$7,103.75, which includes our insured's deductible.

Our investigation revealed the cause of the loss was due to failure in the accelerator cable. VVe are aware also that there is a recall on this item. Our insured, made an appointment with his local body shop on January 12, 2005 for January 28, 2005 to repair this recall.

Enclosed is the documentation of State Farm's claim. Unfortunately the evidence has not been saved for your inspection. You may contact me at (866) 560-2922 Ext. 3040 if you have additional questions.

Please consider this letter as our demand to Ford Motor Company for reimbursement of \$7,103.75

Sincerely

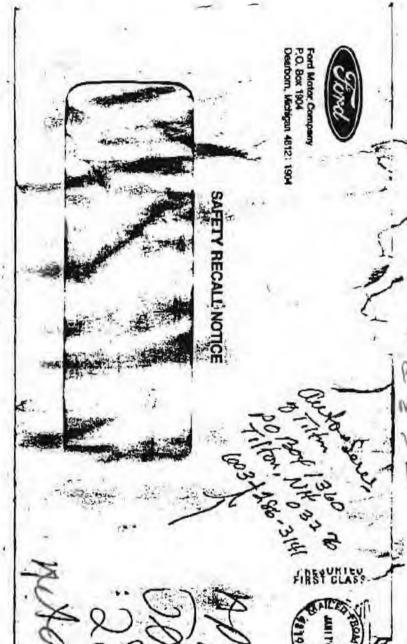
Sarah Rightmyer

Claims Representative

(866) 560-2922 Ext 3040

ANE WAS

Claim # 804



Please mail by certified most wilcopy of nirst G. and Thanks Please drop file 1094 to dru 29-6125-804.



F M Laten Ford Matter Company P O Box 1904 Dearborn, Michigan 48121

F0354+05

Manulindddddddddddddd

2003 Escape

HILL, NH

Vehicle ID # 1FMYU92193

04825

January 2005

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

Ford Motor Company has decided that a defect, which relates to motor vehicle safety, exists in all 2002 through 2004 Escape vehicles.

We apologize for this situation and want to assure you that, with your assistance, we will correct this condition. Our commitment, together with Ford dealers, is to provide you with the highest level of service and support.

What is the issue?

On your vehicle, it is possible that the accelerator cable may prevent the throttle from returning to the idle position, possibly resulting in elevated engine speeds while driving. An unexpected increase in engine idle speed may increase stopping distance and may result in a vehicle crash without warning.

What will Ford and your dealer do? Ford Motor Company and your dealer will replace the accelerator cable free of charge (parts and labor). We urge you to return to your dealer for this service.

How long will it take?

The time needed for this repair is less than one-half day. However, due to service scheduling requirements, your dealer may need your vehicle for a longer period of time.

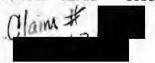
What are we asking you to do?

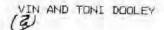
Please call your dealer without delay and request a service date for Recall 04S25. Provide the dealer with the Vehicle Identification Number (VIN) of your vehicle. The VIN is printed near your name at the beginning of this letter.

If you do not already have a servicing dealer, you can access http://www.genuineflmservice.com for dealer addresses, maps, and driving instructions.

Please note: Federal law requires that any vahicle lessor receiving this recall notice must forward a copy of this notice to the lesses within ten days.

© Copyright 2005 Ford Motor Company





Have you previously paid for this repair?

If you paid to remedy the issue addressed in this notice, you may be eligible for a refund either through your dealer or directly from Ford Motor Company.

To verify eligibility and expedite reimbursement, give your pald original receipt to your dealer. Refund requests, including all required documentation, may also be mailed to Ford at P.O. Box 6251, Dearborn, Michigan 48121-6251. Refund requests mailed to Ford may take up to 60 days to process.

Detailed information regarding eligibility for Ford's reimbursement program and documentation requirements may be obtained by contacting the Ford Customer Relationship Center at 1-866-436-7332. Owners who have previously paid for this repair are still eligible to have the recall described in this letter performed.

Have you changed your address or sold the vehicle? If you have, please fill out the enclosed prepaid postcard and mail it to us so we can update our records. If you have sold the vehicle, the information you provide on the postcard will be used to notify the new owner about this recall.

Can we assist you further?

If you have difficulty getting your vehicle repaired promptly and without charge, please contact your dealership's Service Manager for assistance.

If you still have concerns, please contact the Ford Motor Company Customer Relationship Center and one of our representatives will be happy to assist you.

Call 1-866-436-7332. For the hearing impaired call 1-800-232-5952 (TDD).

Office Hours: (Eastern Time Zone)
Monday – Friday: 8AM – 8PM
Saturday: 9AM – 5:30PM

If you wish to contact us through the Internet, our address is: www.ownerconnection.com

If you are still having difficulty getting your vehicle repaired in a reasonable time or without charge, you may write the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street S. W., Washington, D. C. 20590 or call the toll free Auto Safety Hotline at 1-888-327-4236 or 1-800-424-9393.

Thank-you for your attention to this important matter.

Sincerely,

Frank M. Ligon Director

Director

Service Engineering Operations



MERICAN RECOVERY SYSTEMS, INC. OCT 2 4 2008 Chabot

6 100 20 114 114

DATE: 10-9-06

INSURANCE: FOCA MOTOR

CLAIM#: 1 FMCU9417

D4825

ADJUSTOR:

RE:

OUR CLAIM#:

OUR FILE#:

4957867

DATE OF LOSS:

9-14-04

BALANCE:

1 12,385 99

DEAR SIR/MADAM:

SINCERELY.

REMIT PAYMENT TO:

AMERICAN RECOVERY SYSTEMS 1699 WALL STREET STE 300 MNT PROSPECT, IL 60056

JAMES GUZMAN ACCOUNT REPRESENTATIVE PHONE #: 800-638-5224 EXT 1544 FAX#: 847-709-7874 JAN-21-2004 (FRI) 15:49

HX Unce/line JAN-21-2004

C JAN.21.2025 1:3154 LE

JRN-21-2004(MED) 12.03 1:31PM WELLS FARGO RPS

651 205 747A

P. 003/004

3

NO.468 F.2/3



PA656445)

F. M. Lápso Ford Major Company F.O. Box 1804 Company, Marigan 48121

rosseses Intelnational adulation militation international adulational

2009 Escape Vehicle D # 1FMCUS417

04525

January 2005

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

Ford Motor Company has decided that a defect, which relates to motor vehicle safety, exists in all 2002 through 2004 Escape vehicles.

We apologize for this altuation and want to assure you that, with your assistance, we will correct this condition. Our commitment, together with Ford deelers, is to provide you with the highest level of service and support.

What is the issue?

On your vehicle, it is possible that the accelerator cable may prevent the tigratile from returning to the idle position, possibly resulting in elevated engine speeds while driving. An unexpected increase in engine idle speed may increase stopping distance and may result in a vehicle crash without warning.

What will Ford and your dealer do?

Ford Motor Company and your dealer will replace the accelerator cools free of charge (parts and labor). We urge you to return to your dealer for this service.

How long will It take?

The time needed for this repair is less than one-half day. However the inservice scheduling requirements, your dealer may need your vehicle for a longer period of time.

What are we esiding you to do?

Please call your dealer without delay and request a service date for Resall 04S25. Provide the dealer with the Vehicle identification Number (VIN) of your vehicle. The VIN is printed near your name at the beginning of this letter.

If you do not already have a servicing dealer, you can access http://www.gehulnefimeervice.com for dealer addresses, maps, and driving inequations.

Please note: Federal law requires that any vehicle lessor receiving this recell notice must forward a copy of this notice to the lesses within ten days.

6 Copyright 2005 Ford Motor Company

22-0AN-23-2004(FRI) 15:50

AN Occe/line JAN-21-2004(MED) 12:03

651 205 7474

P 000 00A

NO.468 P.3/3

Have you previously paid for this repair? If you paid to remedy the Issue addressed in this notice, you may be eligible for a refund either through your dealer or directly from Ford Motor Company.

To verify eligibility and expedite reimbursement, give your paid original receipt to your dealer. Refund requests, including all required documentation, may also be mailed to Ford at P.O. Box 8251, Dearborn, Michigan 46121-6251. Refund requests mailed to Ford may take up to 50 days to process.

Detailed information regarding eligibility for Ford's reimbursement program and documentation requirements may be obtained by contacting the Ford Customer Relationship Center at 1-855-438-7932. Owners who have previously paid for this repair are still eligible to have the recall described in this letter performed.

Have you changed your address or sold the vehicle? if you have, please fill out the enclosed prepaid postcard and mail it to us so we can update our records. If you have sold the vehicle, the information you provide on the postcard will be used to notify the new owner about this recall.

Can we assist you further?

If you have difficulty getting your vehicle repaired promptly and without charge, please contact your designable's Service Manager for assistance.

If you still have concerns, please contact the Ford Motor Company Customer Relationship Center and one of our representatives will be happy to assist you.

Call 1-868-436-7332. For the hearing impaired call 1-800-232-5952. (TDD).

Office Hours: (Eastern Time Zone) Monday - Friday: BAM - 8FM

Saturday: BAM - 6:30PM

If you wish to contact us through the internet, our address is:

If you are still having difficulty getting your vehicle repaired in a reasonable time or without grange, you may write the Administrator, National Highway Trailic Safety Administration, 400 Seventh Street 5. W., Washington, D. C. 20590 or call the toll free Auto Safety Hotline at 1-568-827-4238 or 1-800-424-8393.

Thank you for your attention to this important matter.

Sincerely,

Frenk M. Ligon

Director

Service Engineering Operations

Eart M. Ligar

Dopyright 2005 Ford Motor Company

P.O. Bax 2100
Bloomington, IL 61702-2100
Attn: Subrogation Unit

February 21, 2006

Ford Motor Company Parklane Towers West, Suite 300 Three Parklane Boulevard Dearborn, MI 48126-2568

Re

Our Claim Number:

Our Insured:

Date of Loss:

September 14, 2004

Dear Andrew Chabot,

This will acknowledge your January 6, 2006 letter. The answers to your questions are as follows.

- 1. This incident occurred on September 14, 2004 in Roseville, MN.
- 2. The insured vehicle was pulling into a parking space toward a brick wall. The accelerator stuck, causing the insured vehicle to strike the wall.
- 3. As the incident occurred on private property, there is no police or fire report.
- 4. There were no injuries.
- 5. The vehicle is a 2003 Ford Escape, VIN #1FMCU94173
- 6. The odometer read 24077.
- 7. Photos are attached.
- Photos are attached.
- 9. There are no scene photos available.
- 10. The accelerator stuck, causing the accident.
- 11. No expert report was done, but we have attached the Ford recall notice, which our insured received.
- 12. The vehicle was repaired; estimate is attached.
- 13. The vehicle remains with the insured at 7621 Ridgeway Road, Golden Valley, MN 55426.
- 15. The service history is unavailable.
- 16. No after market additions or modifications were made to the vehicle.
- 17. We do not exercise this option.
- 18. Not applicable.
- 19. The parking brake was not engaged.
- 20. The vehicle was in drive.
- 21. The engine was running.
- 22. The keys were in the ignition.
- Country Insurance and Financial Services, PO Box 2100, Bloomington, IL 61702-2100,
 (309) 821-5237 Jill Irwin, Subrogation Adjuster
- 24. There is no attorney involved yet.
- The vehicle was purchased new.

If you have any questions, please feel free to contact me at 1-800-619-1735. My office hours are 8:00 a.m. to 4:30 p.m. CST Monday through Friday.

Sincerely,

COUNTRY Preferred Insurance Company®

Jill Irwin, AIC Subrogation Specialist

JAI/cl

Enclosures

Re: 170-0000512

Transcribed by: Toni Bailey

Durkin

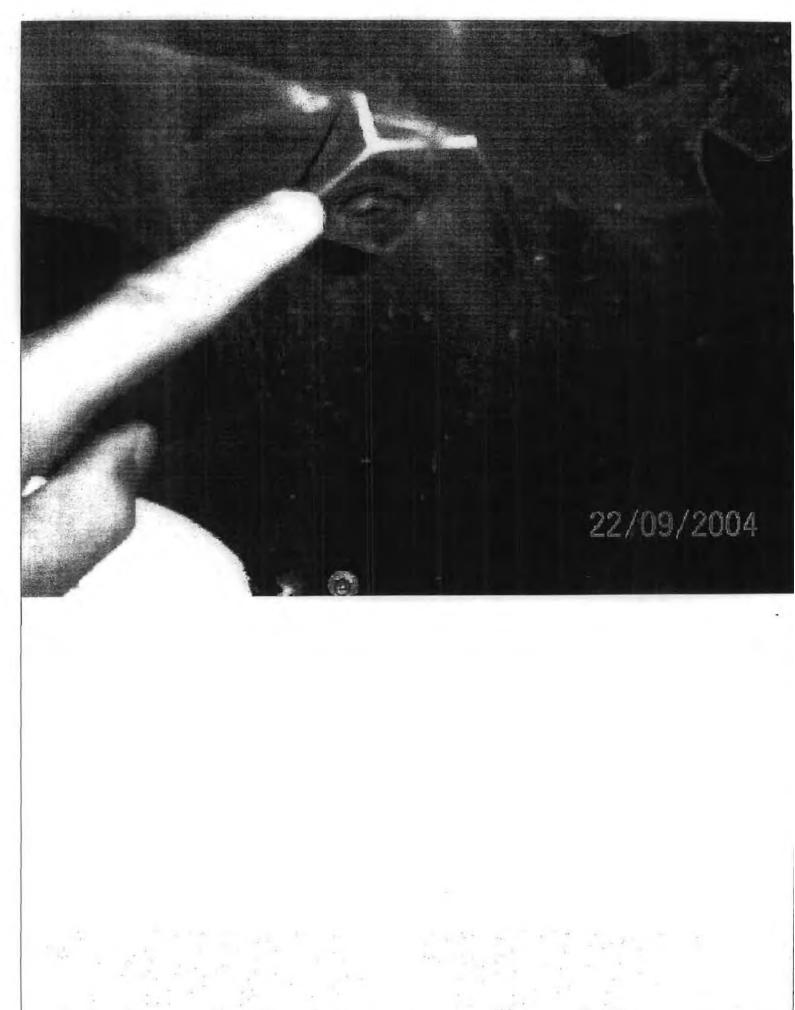
d/a: 09-14-04

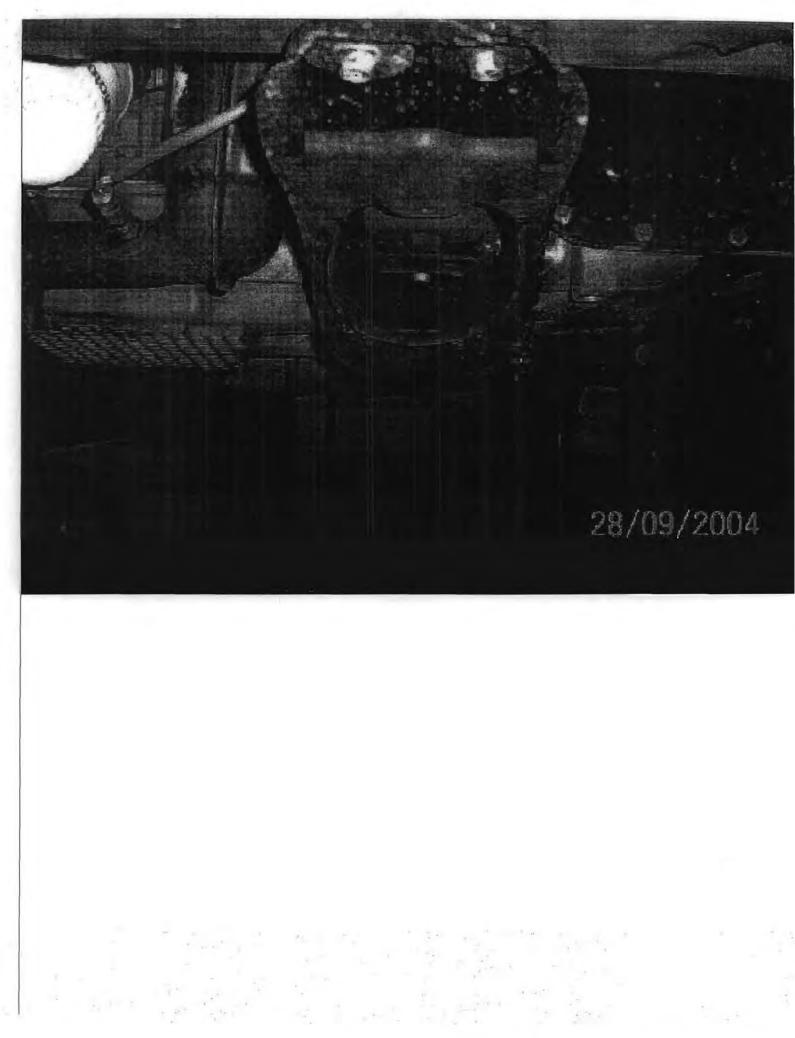
Okay Patrick Matt from Country Insurance and I do represent you on an accident that happened uh, in 2004 it actually uh, the date was September and waiting for the system ta' come up here.

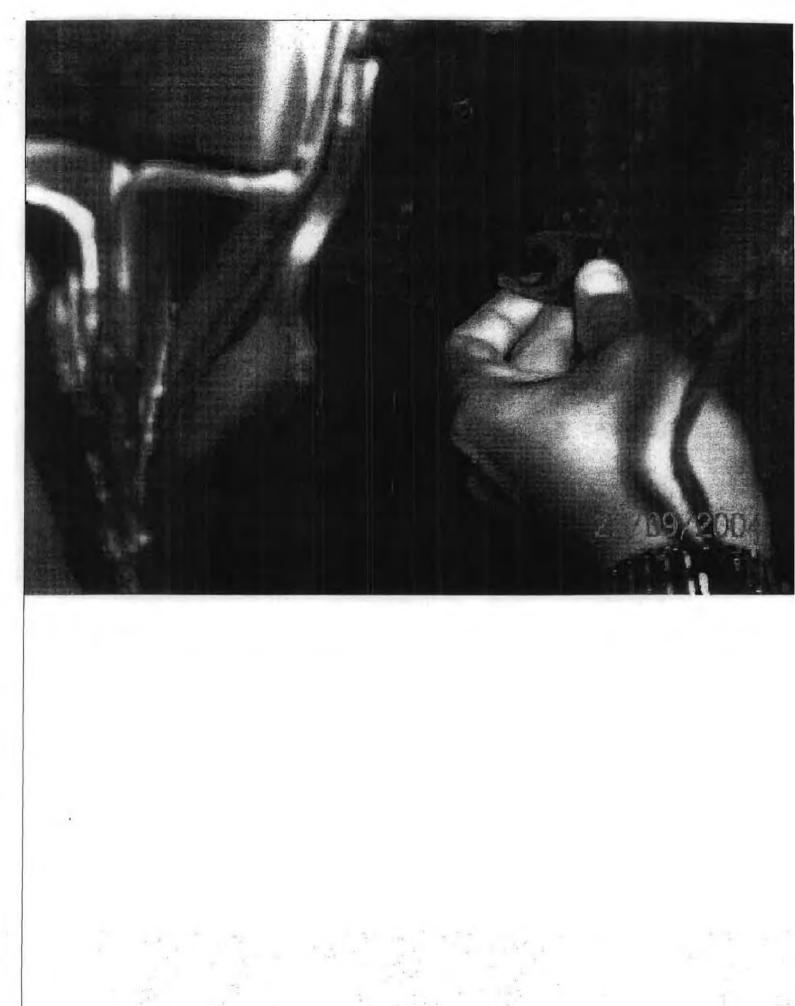
- Q Alright and can you go ahead and introduce yourself and please spell your last name?
- A Sure my name is and the last name is spelled
- Okay and is this recording being made with your knowledge and consent?
- A Yes, it is.
- Q Okay can you confirm your home address for me please?
- A Yes, my home address is Minnesota
- Q Okay and what was the year, make, and model of the vehicle you were driving on the date of loss?
- A It is a 2003 Ford Escape.
- Q Okay and approximately how many miles are on the Ford Escape?
- A Oh currently there's probably uh, about 38 thousand I think.
- Q Okay.
- A 38 thousand miles.
- Q How 'bout uh, do you, do you recall how many approximately how many miles are on the vehicle at the time of the accident?
- A Um, probably about uh, probably about 26 thousand I'm betting.
- Q Okay, alright and you were in a parking lot at the time of the accident is that correct?
- A That is correct.
- Q Okay what parking lot were you in?

- A In a parking lot at work, it's a the Roseville Corporate Center in Minnesota.
- Q Okay and go ahead and tell me what happened?
- A Um, at the time of the accident I was coming back from lunch I was turning into a parking spot and uh, it's around the edge of the parking ramp at work there is a concrete wall the car suddenly jump and took off and uh, the car went right inta' the wall and uh, caused significant damage to the front obviously.
- Q Okay and ho, how far, when you first noticed the vehicle jumping um, how far do you think you're away from the concrete uh, wall?
- A Oh probably only about 6 feet I know I was already kinda' halfway inta' the spot when it took off.
- Q Okay.
- A And uh, and when it hit both of the airbags deployed.
- Q Both of the airbags deployed okay and so wha, you just recall you were just pulling inta' the spot and then all of a sudden it, it just took off automatically
- A I, I know that my foot was on the brake I mean at the time I was turning into a parking spot like you are you're going about 5 miles per hour maybe and uh, and so I know that my foot was on the brake at that time I have no memory of my foot slipping off of the brake onta' the accelerator all I remember is the sensation of the car taking off and it was right when it was kinda' turned I was almost straighten out ta' go inta' the spot and suddenly it took off.
- Q Okay and it sounds like there is significant damage being that the airbags both did deploy so you've must've been going you know 10 ta' 15 miles an hour when the car jumped at less----
- A And, and ...---
- Q Through the wall.
- A At least, at least I mean granted it was a concrete wall but yeah both the airbags went off the a, the drive shaft was crack which was part of the repair damage to so.
- Q Okay.
- A Yeah the, the car took quite a hard hit.

- Okay, alright were there any injuries in regards ta' the, ta' the accident?
- A No there were not.
- Q No okay.
- A I mean, you know nothing, nothing major this lasted obviously like the airbag, you know burns on my arm or whatever and, and uh, a couple bruises but that was it.
- Q Okay and did anybody witnesses this, did anybody, any co-workers or anything that had seen this or?
- A No, no, no the parking lot was empty at the time.
- Q It was empty okay.
- A I mean there were cars in it but there was no people in the, in the parking lot.
- Q Okay and approximately what time of the day was this?
- A Oh it was about 2:00 I think in the afternoon I usually take a later lunch and it was when I was coming back from lunch.
- Q Okay, alright anything uh, else you'd like ta' add in regards ta' the accident?
- A Uh, no.
- Q Okay and again this recording had been made with your knowledge and consent, correct?
- A That is correct.
- Q Okay I'm gonna' go ahead and stop the recording.
- A Okay.
- Q One second here.





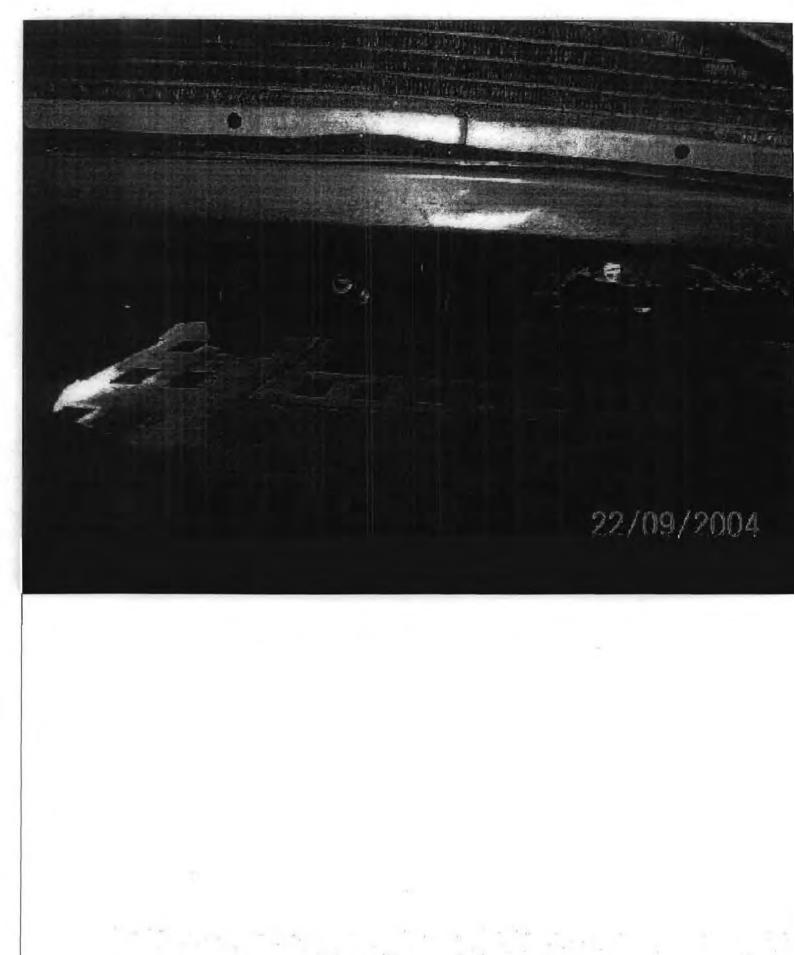




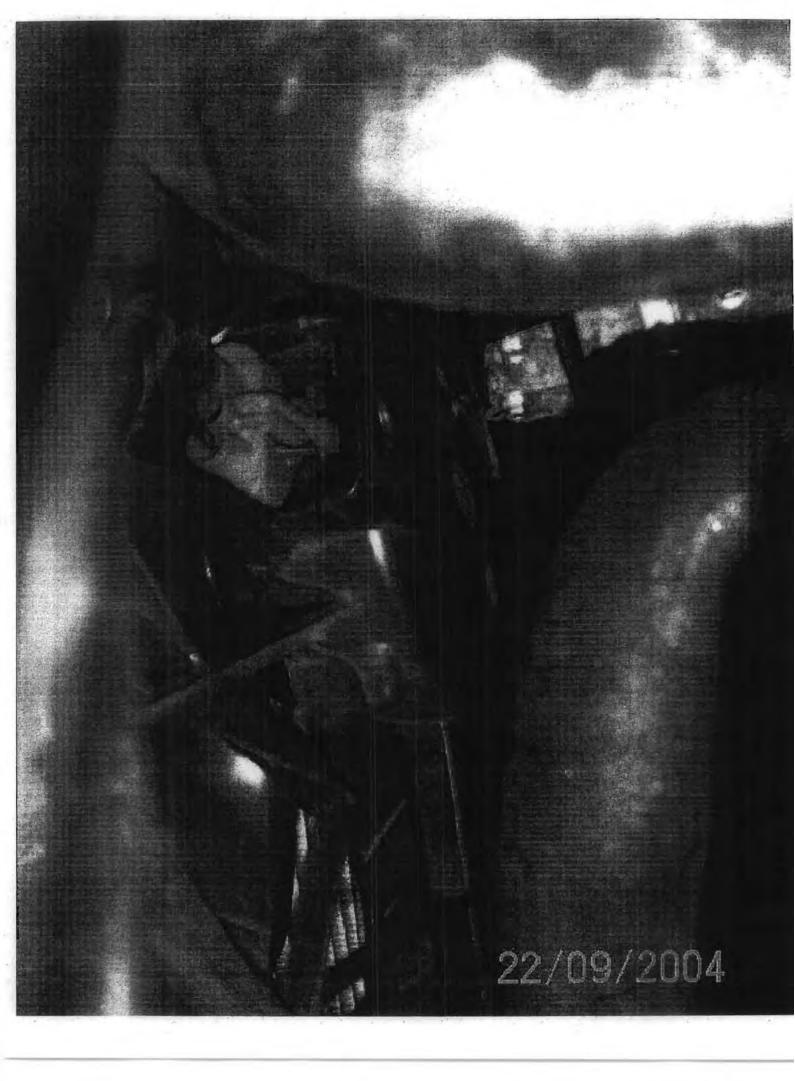






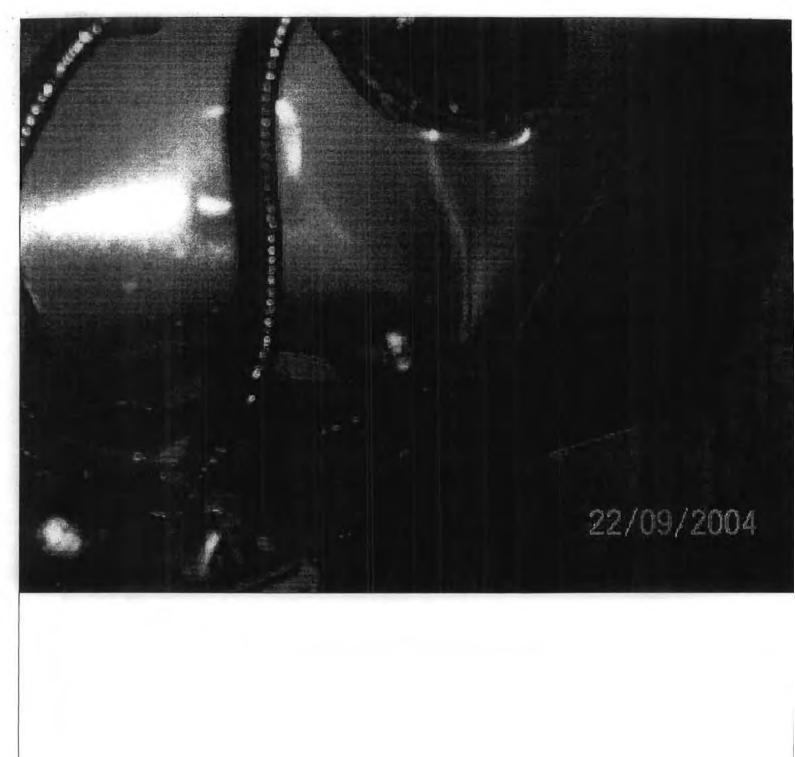


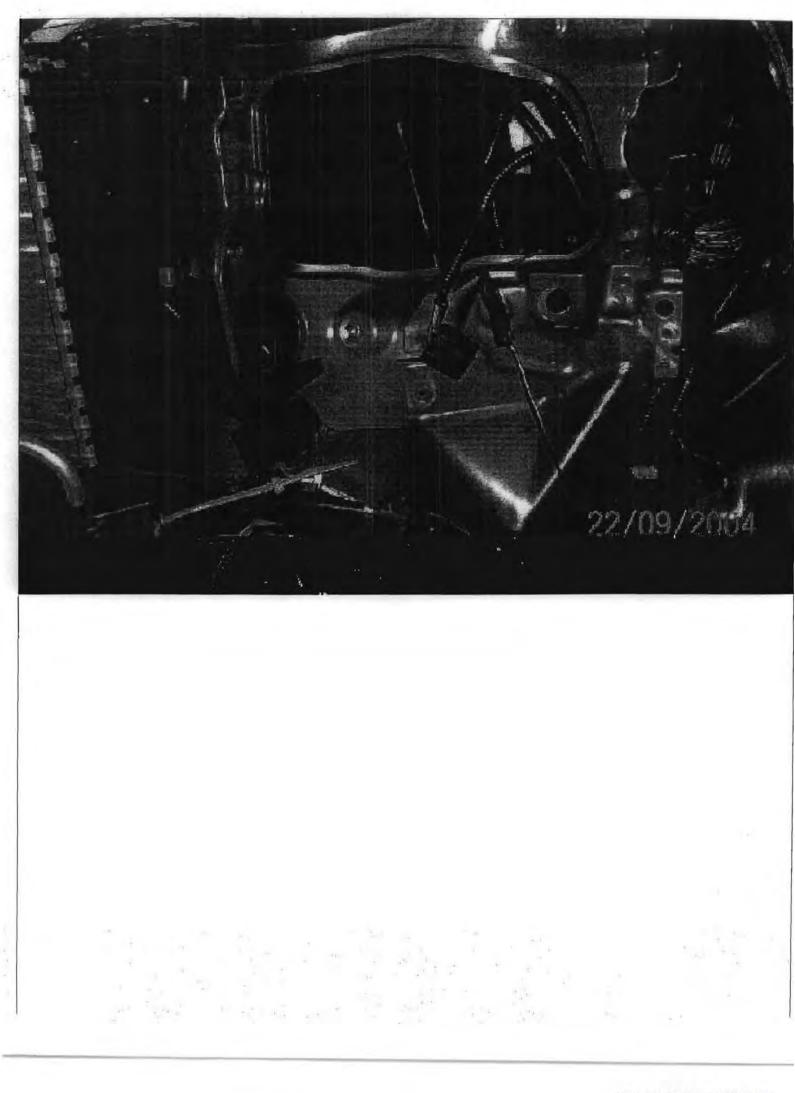






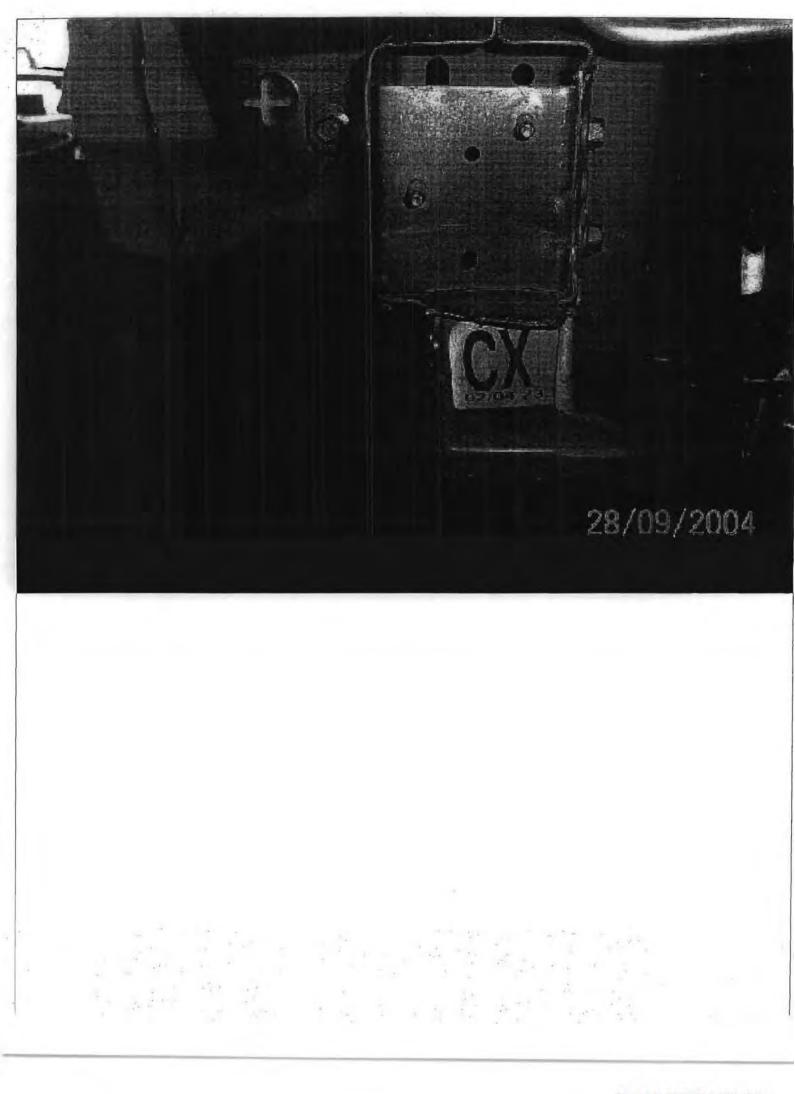


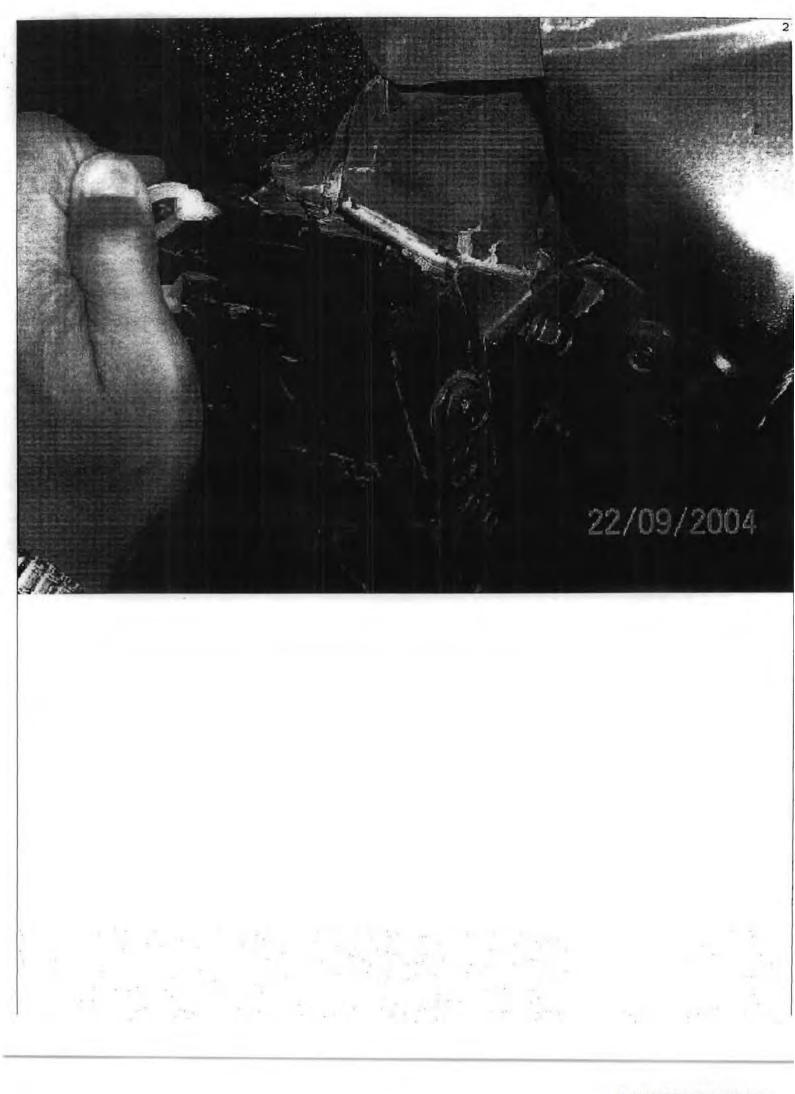


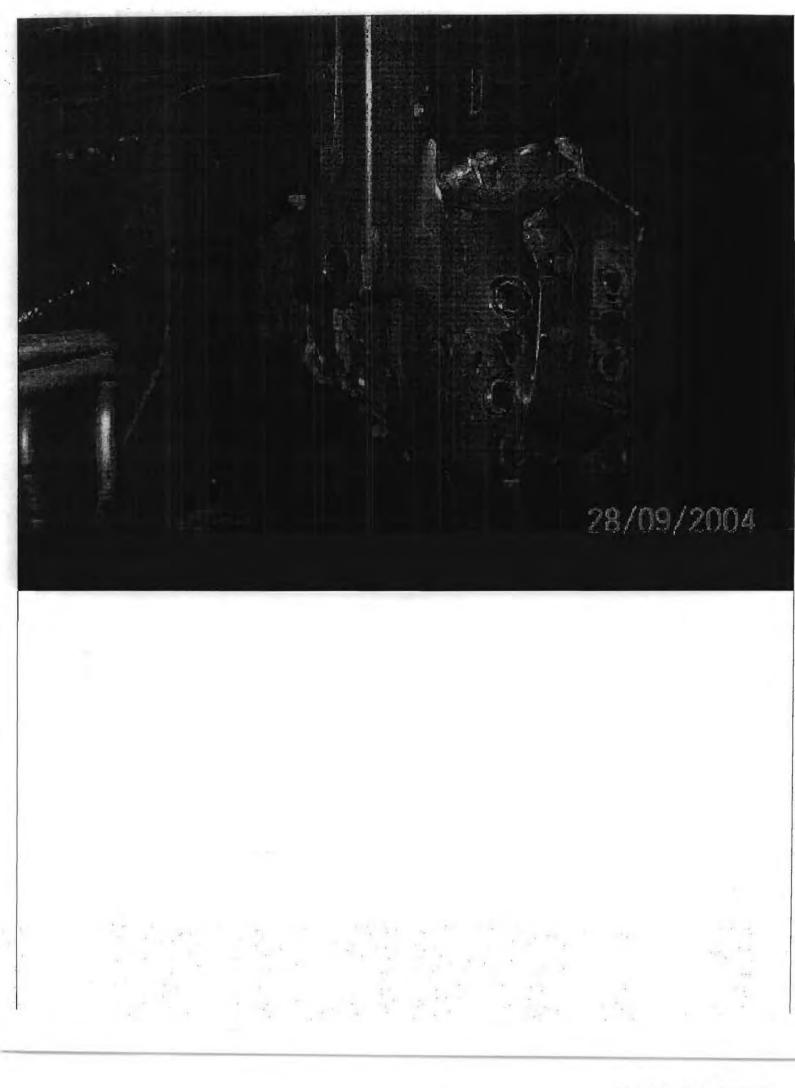








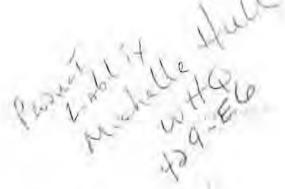






Portfolio Recovery Associates

Reference: 1607333 March 23, 2010,



Gentlemen: Thankvou for your concern and condolences in the passing of However, the death of the does not resolve the on-going dispute of the matter. Please note that your account balance is \$23,796.71, Capitol One Balance was \$21,000 The credit report balance is \$17,058.00. It appears no one knows the correct balance. wanted was for Ford Motor Company to clear this account (wipe the slate clean) He had no desire to seek Legal Action,

However it appears this matter is still open for Legal Settlement.

for your info: Briefly: I signed note with his daughter on a 2003 Ford Escape Vehicle. This vehicle was totaled in an accident on June 19, 2004 resulting in the death of the driver son-in-law, The death of his daughter's husband resulted in a great loss to her future well being. At present she is homeless, sleeping on floor at friends home.

The accident occured 6/19/2004... received letter from Ford Motor Company January 2005 that vehicle has problems with acceleration cable, possible resu;t in a vehicle crash with out warning due to elevated engine speed. It is evident this was the cause of the accident killing Mr on June 19, 2004.

Hopefully your company and Ford Motor Company can and will reach a settlement in this matter.

Please Advise.

Joyce Pirnes (Eckford)

attachments

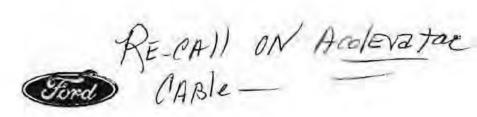
Sincerely

Copy, Angel Track for

South Carolina Department of Public Safety TOWED VEHICLE REPORT

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1	Th'						
Mail FR-10 to Office of Financial Responsibility SC Department of Public Safety PO Box 1498, Columbia, SC 27219	FI	R-10 (REV.		LIC SAFETY		0	
Date Time County 1- Interstate (-)	econdary Collision Location (Rt.		€ Main II	ne 6-Connection			or Town of:
2- US Primary 5- C 3- SC Primary	ounty 5 59		2-Alterna 5-Spur	ite 7-Business	OSW	GREEN	ville
To Vehicle Failure to comply co	uld result in appropriat	te actio	n under	56-10-270	and 56-	10-20 of the	1976 code
Owner/ Operator of laws of S.C. as ar	nended, if vehicle subj	ect to	registrat	ion in S.C	., and u	pon conviction	on thereof,
the Department mus	t suspend your driving		registra	tion privil	eges un	til all complia	ances
	r the above sections of	law.		-			
R-243109 Driver/Pedestrian's	Full Name	R-	2431	10 Driver	Pedestrian's	Full Name	
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Notice of Requirement Accepted	→ Notinade 1	4	Transfer of	4	YNV	efused to Affix Signa ehide Subject to Reg	Istration in SC7
To Be Completed By Insurance Agenc	y, Broker, Or Other Company Re	epresenta	FILL O			is based solely upon ve insurance company	
Reference to Unit #:, I hereby affirm					nto the above	mentioned insurance	as I have listed
described above was insured by the below st Insurance Company	Policy #:	e of the co	Illision. Here Signa			Title	
Beginning Date: - Ending Date:	Policy Holder:		NAIC	# (Assigned by S.C.	Dept. of Ins.)	Bus Te	elephone
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Notice: Failure to have this form co Department of Public Safety within							h Carolina
50%; PM. FT.	•			-		Capli	on 56-10-270
If any of the below are app				Form FR		sueo:	56-10-520
Check here if a Form SR-23, Fleet Policy the vehicle.	of 25 or more vehicles is on file with the	es Departm	ent covering	No FR-10 Issue Summons Issue		Owner of Unit #:	
Check here if a cartificate of self-insuran- indicate the cartificate number: SI -	ce has been issued by the Department	dovering the	vehicle and	7% -	Is	iummons Number:	
Check here if liability insurance was not				For operating the operation	or allowing		
effect to comply with South Carolina state regularements.	utory Signature	1.0	lete di	uninsured		gnatura	
Investigating Officer's Name Rank	Badge # Code Dale	19:200	Reviewer's Nam	9	Rank	Internal Agency Co	ode



J.h.h.l

January 2005

EASLEY, SC

1-800-392-3613

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

Ford Motor Company has decided that a defect, which relates to motor vehicle safety, exists in all 2002 through 2004 Escape vehicles.

We apologize for this situation and want to assure you that, with your assistance, we will correct this condition. Our commitment, together with Ford dealers, is to provide you with the highest level of service and support.

What is the issue?

On your vehicle, it is possible that the accelerator cable may prevent the throttle from returning to the idle position, possibly resulting in elevated engine speeds while driving. An unexpected increase in engine idle speed may increase stopping distance and may result in a vehicle crash without warning.

What will Ford and your dealer do?

Ford Motor Company and your dealer will replace the accelerator cable free of charge (parts and labor). We urge you to return to your dealer for this service.

How long will it take?

The time needed for this repair is less than one-half day. However, due to service scheduling requirements, your dealer may need your vehicle for a longer period of time.

What are we asking you to do?

Please call your dealer without delay and request a service date for Recall 04S25. Provide the dealer with the Vehicle Identification Number (VIN) of your vehicle. The VIN is printed near your name at the beginning of this letter.

If you do not already have a servicing dealer, you can access http://www.genuineflmservice.com for dealer addresses, maps, and driving instructions.

Please note: Federal law requires that any vehicle lessor receiving this recall notice must forward a copy of this notice to the lessee within ten days.

@ Congright 2005 Ford Motor Company

OGC ISSUE CASE NBR: 0613081759 : S2 CHARLOTTE 1FMYU031X3KC33979 OPENED: ZONE: A01 06/24/2009 ENGINE: VEH TYPE: CLOSED: 06/24/2009 VIN: LAST NAME: STATUS: CLOSED FIRST NAME: EUGENE TITLE: MI: ADDRESS: ZIP: STATE: SC CITY HOME PHONE: MODEL YEAR: ESCAPE XLT 4X2 4-DR 2003 MODEL: MILEAGE 00892 BENSON FORD-MERCURY DEALER NAME: SALES CODE: F21792 P&A: 0796 LEGAL - ALLEGED INJURY REASON CODE:

SYMPTOMS:

624100 ACCELERATOR PEDAL STICK/BIND

ORIGIN: ACTION: DOCUMENT:

US CONCERN CASE BASE COMMUNICATION: PHONE CACI38 CONTACT ADVANCED TO OGC 705

ANALYST: KCHRIS42 KENNETH CHRISTIAN (KCHRIS42)

DATE: 06/24/2009 TIME: 17.01.47: ACTION DATA/COMMENTS:

> GUSTOMER SAID: - CW: CCIDENT HAPP ENED 6-19-2004- CUST FEELS THAT THE ACCELERATOR CABLE RECALL 04525-PERSON WHO WAS DRIVING VEHICLED IN THE ACCIDENT - ACCEDENT OY FRIEND OF HUSSBANDS DAUGHTER) PIEDMONT HWY, PIEDMONT SC-DOES NOT KNOW IF THERE WAS A POL ICE REPORT FILED - WOULD HAVE BEEN FILED IN GREENVILLE COUNT V 5C - DOES NOT REMBER IF HAS OPEN ISURANCE CLAIM ON VEH - VE H NOT REPAIRABLE VEH HAS BEEN TOTALED - HAS NOT SOUGHT AN AT TURNEY AT THIS TIME - CUST SEEKING FORD AND CAPITOL ONE (FIN ANCE COMPANY) TO COME TO AN AGREEMENT ON VEH PAYING THE REMAINDER OF THE VEH AMOUT OWEDDEALER SAID, BENSON FORD MERGURY, INC.4701 CALHOUN MEMORIAL HIGHWAY EASLEY, SC 29640TEL:(864) 855-5383CRC ADVISED. I WILL FORWARD YOUR INFORMATION TO FOR D'S OFFICE OF THE GENERAL COUNSEL. YOU SHOULD RECEIVE A WRI TTEN RESPONSE WITHIN 15 BUSINESS DAYS TO YOUR CONCERN NOTE T O CCR: REMEMBER TO VERIFY ALL CUSTOMER CONTACT INFORMATION B EFORE SENDING ISSUE.

FORD MOTOR COMPANY ALCOVED ELAIMS UNIT

JUN 26 2009

OFFICE OF THE GENERAL COUNSEL



South Lake Tahoe,

August 27, 2008 2007 (2 april 9)

Ford Company

CLAIMS UNIT

OFFICE OF THE
GENERAL COUNSEL

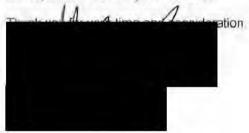
RECEIVED

Dear Ford Company:

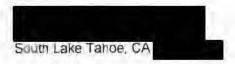
Subject: Formal Complaint

Attention Customer Service

I am resubmitting a letter that was originally sent out almost 2 years ago. Although I am uncertain as to why I have not yet received a response, appropriate or otherwise, I am certain that I am outraged over this incident and the subsequent manner in which it has been handled (or, in this case, not handled). I can also assure you that, If my concerns are not addressed promptly and appropriately, I will most certainly pursue further action starting with that indicated in my previous letter. I am not certain as to how the Ford Motor Company expects to maintain loyalty amongst its customers or attract a greater proportion of the market with this being the way it handles its responsibilities. I am eagerly awaiting correspondence and a just resolution



D NOT -1 A9 116



Furd Company

Attention, Customer Service

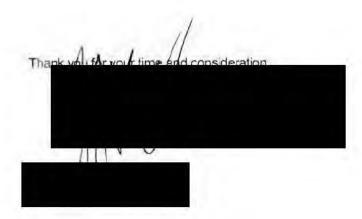
Dear Ford Company:

Subject: Service Discrepancy and Public Safety Matter

I am writing to inform you of our unexpected disappointment with the Ford Company. It is now just over 2 months since my wife's near fatal incident. I am assuming that it is because we purchased our pre-owned 2003 Ford Escape from a BMW dealership in December of 2005 that we did not receive notification of the factory recall of the dangerously malfunctioning throttle cable. My wife and numerous other motorist as well as construction workers are lucky to be alive after she maneuvered, unable to stop or even slow her vehicle as the throttle cable stuck, through a roadside construction boundary near a lake-side cliff on an already dangerous decent from Spooner Pass into South Lake Tahoe, CA in order to avoid several collisions with other vehicles and pedestrians. She, in fact, was not only unable to stop but also continued to accelerate through this terribly emotionally disturbing ordeal because of the defect. After miraculously delivering herself and numerous others from harms way and slowly bringing the vehicle to a half, it was towed to the closest location where it was repaired prior to the knowledge of the recall. The vehicle would not restart and was then lowed to the nearest and only Ford representative, South Shore Motors, after the repair when it was then determined that it had been subject to a "catastrophic event" destroying the transmission. I am submitting a statement from the original objective mechanics who testify to the fact that the event was most likely directly caused by the original throttle cable failure in a vehicle which had previously been inspected thoroughly prior to its recent purchase and determined to have no prior problems. The transmission was in perfect working order before the throttle cable incident and completely ineffective afterwards. This is consistent with my research and discussions with numerous reputable experts who cite the well-known and documented problem with the Ford V6 engines producing too much torque and failing under similar stressors

Customer Service by phone was less than helpful. They never directly returned our calls but only negotiated through South Shore Motors. They also refused to produce the contact information for a local or regional manager when repetitively asked to do so. The offer that was passed along to us by the dealer was that we would be responsible for one third of the cost of the transmission repair. The dealership and customer service were informed of our objections to this absurdity, as it clearly should have been fully covered under the circumstances of direct and obvious causation. We were forced, however, to pay the amount as the dealer threatened to begin charging us storage fees for our vehicle as we attempted to resolve the discrepancy. I have enclosed a copy of this notice.

Beyond informing you of this less than satisfactory affair, I am writing to seek retribution for the my expense in repairing not only the transmission but also obviously the throttle cable itself as well as associated costs. I am submitting this letter as well as copies of the related documentation secondary to the advice or my attorney. In addition, I must underscore the significance of the emotional and physical trauma which my wife has been subjected. Her lower back condition was significantly worsened by the efforts to stop the vehicle from harming herself and others. She will soon be initiating what is likely to be extensive further medical evaluation, treatment and rehabilitation. We hope that this will be the last effort that we have to make to suggest a more reasonable and appropriate resolution to this matter. We will obviously refrain from posting our letters to the Better Business Bureau, the National Highway Traffic Safety Administration and the American Traffic Safety Services Association as well as the local media (i.e. San Francisco and Sacramento news source consumer research protection departments) until we receive further correspondence. A number of surprised and outraged previously loyal Ford customers, including family members as well as personal and professional associates, are eagerly awaiting a hopefully less than disappointing response.



Ford Escape Expenses Related to Accelerator Cable Malfunction & Subsequent Transmission Failure

Accelerator cable repair/replacement	\$ 130.57
Towing	127.00
Diagnostic fees (at South Shore Motors - Ford)	84,50
Subtotal	\$ 342.07
Transmission (parts and labor) (- charged by South Shore Motors – Ford)	\$ 1227.72
Total	\$ 1569,79



Frank M., Ligen Ford Motor Company P. O. Box 1904 Dearborn, Michigan 48121

Safety Recall 04S25

January 2005

Anywhere, USA

Your Vehicle Identification Number: 1234567890

This notice is sent to you in accordance with the requirements of the National Traffic and Molor Vehicle Safety Act.

Ford Motor Company has decided that a defect, which relates to motor vehicle safety, exists in all 2002 through 2004 Escape vehicles.

We applogize for this situation and want to assure you that, with your assistance, we will correct this condition. Our commitment, together with Ford dealers, is to provide you with the highest level of service and support.

What is the issue?

On your vehicle, it is possible that the accelerator cable may prevent the throttle from returning to the idle position, possibly resulting in elevated engine speeds while driving. An unexpected increase in engine idle speed may increase stopping distance and may result in a vehicle crash without warning.

What will Ford and your dealer do?

Ford Motor Company and your dealer will replace the accelerator cable free of charge (parts and labor). We urge you to return to your dealer for this service.

How long will it take?

The time needed for this repair is less than one-half day. However, due to service scheduling requirements, your dealer may need your vehicle for a longer period of time.

What are we asking you to do?

Please call your dealer without delay and request a service date for Recall 04S25. Provide the dealer with the Vehicle Identification Number (VIN) of your vehicle. The VIN is printed near your name at the beginning of this letter.

If you do not already have a servicing dealer, you can access http://www.genuineflmservice.com for dealer addresses, maps, and driving instructions.

Please note: Federal law requires that any vehicle lessor receiving this recall notice must forward a copy of this notice to the lessee within ten days.

@Copyright 2005 Ford Motor Company

Have you previously paid for this repair?

If you paid to remedy the issue addressed in this notice, you may be eligible for a refund either through your dealer or directly from Ford Motor Company.

To verify eligibility and expedite reimbursement, give your paid original receipt to your dealer. Refund requests, including all required documentation, may also be mailed to Ford at P.O. Box 6251, Dearborn, Michigan 48121-6251. Refund requests mailed to Ford may take up to 60 days to process.

Detailed information regarding eligibility for Ford's reimbursement program and documentation requirements may be obtained by contacting the Ford Customer Relationship Center at 1-866-436-7332. Owners who have previously paid for this repair are still eligible to have the recall described in this letter performed.

Have you changed your address or sold the vehicle? If you have, please fill out the enclosed prepaid postcard and mail it to us so we can update our records. If you have sold the vehicle, the information you provide on the postcard will be used to notify the new owner about this recall.

Can we assist you further?

If you have difficulty getting your vehicle repaired promptly and without charge, please contact your dealership's Service Manager for assistance.

If you still have concerns, please contact the Ford Motor Company Customer Relationship Center and one of our representatives will be happy to assist you.

Call 1-866-436-7332. For the hearing impaired call 1-800-232-5952 (TDD).

Office Hours: (Eastern Time Zone)
Monday – Friday: 8AM – 8PM
Saturday: 9AM – 5:30PM

If you wish to contact us through the Internet, our address is: www.ownerconnection.com

If you are still having difficulty getting your vehicle repaired in a reasonable time or without charge, you may write the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street S. W., Washington, D. C. 20590 or call the toll free Auto Safety Hotline at 1-888-327-4236 or 1-800-424-9393.

Thank you for your attention to this important matter.

Sincerely, Frank M. Ligar

Frank M. Ligon

Director

Service Engineering Operations



FROM : HOME LIFE MANAGEMENT

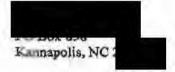
FAX NO. : 7049388102

Jan, 09 2005 09:5761 P1



P.O. Bex 471652 Charlotte, NC 28247-1662 Phone: (704) 542-5122 fax (704) 542-5702 NAIC# 13935

January 7, 2005



CLAIM NUMBER: DATE OF BOSS: OUR INSURED: LOSS LOCATION: Vehicle information:

Dear Mr

This letter is in reference to your claim presented for property damage to your Ford Escape. It appears that on December 23, 2004 lube shop employee Mohammed Ibrahim started your car and put it into gear to move it forward to the service bay entrance door. As his foot from the brake the vehicle suddenly accelerated and jumped forward through a closed overhead door.

In December 2004 Ford Motor Company issued a recall bulletin stating that the accelerator cables installed on 2004 3 liter LHD Ford Escapes are defective and can cause a sudden and unexpected acceleration which could cause the driver to loose control and become involved in an accident. This is the same type of problem that our employee experienced with your vehicle. We have checked with Ford and found out that your vehicle has been recalled for this problem but that the recall work had not been completed at the time of the accident. I am including copies of the information we have obtained on the recall.

Federated Mutual Insurance Company provides coverage to Sam's Mart Inc. for those sums which Sam's Mart is legally liable and obligated to pay as damages because of "bodily injury" or "property damage" to which the insurance applies. In order for our insured to be legally liable they must have failed to act in the same manner that a reasonable person would act under the same or similar circumstances. Our investigation reveals that our employee did nothing wrong while driving your auto. In this instance it appears that the sudden acceleration of the Escape is due to an identified manufacturer's problem, not due to negligence on the part of Sam's Mart or its employee. Therefore we are unable to pay for damages incurred.

I would suggest that you immediately put your auto insurance company on notice of this accordant. You will probably then be directed to a Ford Dealer service department. We will be

FEDERATED MUTUAL INSURANCE COMPANY • FEDERATED LIFE INSURANCE COMPANY • FEDERATED SERVICE INSURANCE COMPANY HOME OFFICE: OWNTONNA, MINNESOTA • 55060 • INTERNET: www.federatedbasurance.com

FROM 7049388102

TO 570-752-3236

1/9/2005 8:58 AM Page 1

- () - ()

FROM : HOME LIFE MANAGEMENT

FRX NO. :7049388102

Jan. 09 2005 091577M P2

putting your insurance carrier and Ford Motor Company on notice for the damage to our insured's building. I would greatly appreciate it if you could report back to me an incident or claim number and contact person and address, once your claim is set up at your insurance and at Ford.

I must that you understand our position in this matter.

Sincerely.

Stephen C. Kramer, AIC

Field Claims Representative II

Enclosure: Ford recall 04S25 information

0.4000000



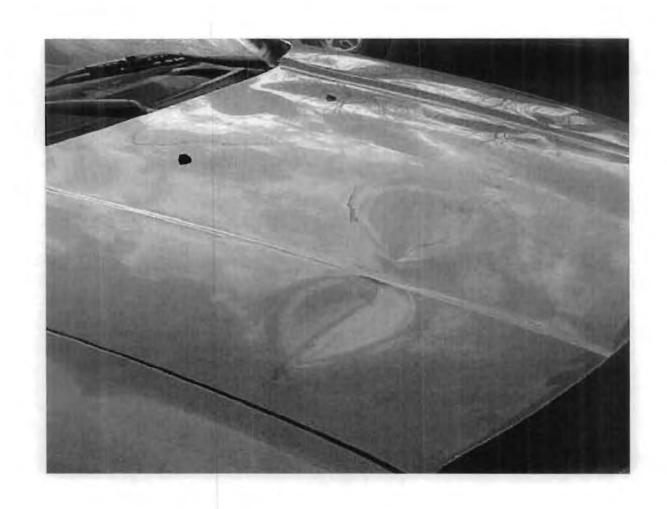
FEDERATED MUTUAL INSURANCE COMPANY • FEDERATED LIFE INSURANCE COMPANY • FEDERATED SERVICE INSURANCE COMPANY HOME OFFICE: OWNTONNA, MINNESOTA • 55060 • INTERNET: www.federatedinsurance.com

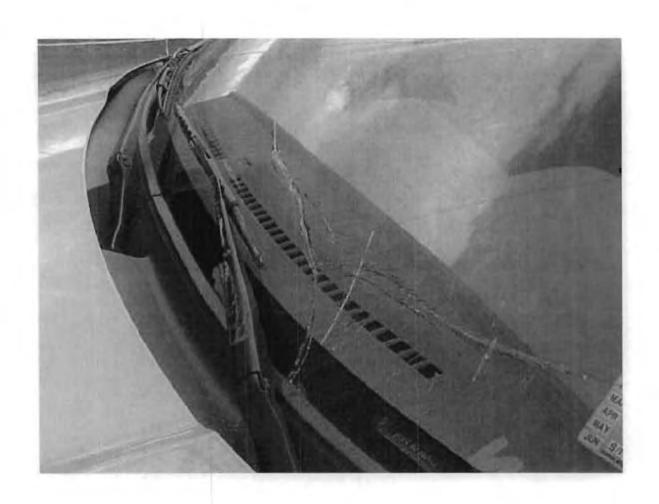
PROM 7049388102

TO 570-752-3236

1/9/2005 8:58 AM Page 2







State Farm Insurance Companies



April 28, 2005

Charlottesville Operations Center ATTN: Subrogation PC Box 9052 Charlottesville, Va 22906-9052 Phone 1-888-411-4185 Fax 1-888-296-2330

MAY 0 6 2005

WENERAL BOTH

Ford Motor Company-Consumer Affairs P O Box 6248 MD 3NE B Dearborn, MI 48126

RE: Claim Number:

Date of Loss: Our Insured:

Your Vehicle Driver:

Amount of Loss:

Loss Location:

December 23, 2004

\$3,465.71

Lube Oil Express Parking Lot

Concord, NC

Dear Sir or Madam :

We have been advised that you were involved in an accident/incident with our insured on the above mentioned date of loss. The information in our file indicates that you were responsible for this accident. Please provide us with the following information.

The manner in which the claim arose: Our insured's vehicle accelerated into an oil change pit when its accelerator stuck. This caused damages to the vehicle in the amount of \$3465.71. Documentation is enclosed. Please reimburse State Farm for the damages.

Do you have liability insurance? Yes	No
Insurance Company and/or Agent's name:	
Address:	
Phone No:	
Policy/Claim Number:	

Have you reported this accident to your Insurance Company? YES____ NO___ If not, please do so at this time and forward this letter to them.

HOME OFFICES: BLOOMINGTON, ILLINOIS 61710-0001

Page 2 April 28, 2005

If you DO NOT have insurance, please forward the above amount to settle this account, or contact this office to discuss payment terms.

If you have any questions, please contact us at 1-888-411-4185 Ext. 2.

Sincerely,

Drew Hendrick

Claim Representative

State Farm Mutual Automobile Insurance Company



1045 AM SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):
HUNTINGTON BEACH FORD, formerly known as POWER FORD,
an unknown busines entity, FORD MOTOR COMPANY, a Comporation doing business in California; and DOES 1 through 100, Inclusive,

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE): TARA ENYEART, an individual,

FOR COURT USE ONLY ISOLO PARA USO DE LA CORTE

GALIFORNIA

MAY 17 2007

ALAN SLATER, Glerk of the Court

Y MEJIA DEPUTY

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

There are other legal requirements. You may want to call an attorney right away, if you do not know an attorney, you may want to call an attorney referred services. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web eite (www.lawbelpoulifornia.org), the California

Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tione 30 DAS DE CALENDARIO después de que la entraguen esta citación y papelas legalas para presentar una respuesa por escrito en esta corta y hacer que se entrague una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formiato legal correcto al desea que procesen su caso en la corte. Es posible que haya un formulario qua usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de km Corres de California (www.courtinfa.ca.gov/selfhe[p/espanol/), en la bibliotaca de leyes de su condado o en la corte que le queda más cerca. 🚯 🙉 puede pagar la quota de presentación, pida al secretario de la corte que le de un formulario de exerción de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte la podrá quitar su sueldo, dinero y blanes sin más edver uncla.

Hay otros regulaitos legales: Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de runisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios légales grafultos de un programe de servicios legales sin fines de lucro. Puede encontrer estos grupos sin fines de lucro en el sido ente California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinio.ca.gov/salfhalp/espanol/) o poniéndose en contucto con la corte o el colegio de abogados locales.

The name and address of the court is: (El nombre y dirección de la corte es): ORANGE COUNTY SUPERIOR COURT. CC05999

Too cene center

JUDGE ANDREW P. BANKS DEPT. C6

The name, accuracy, and telephone number of plaintiffs attorney, or plaintiff without an attorney, is: UEF1, (818) 886-6600 Michael D. Weinreh, Esq.

WEINREB & WEINREB

DATE:

19400 Business Center Drive, Suite 102 DATE: MAY 1 7 2007

YOLANDA MEJIA

Dispuly (Adjunta)

(Fecha) (Secretario) (Fer proof of service of this summing, use Proof of Service of Summons (form POS-010).) (Secretario)

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

NOTICE TO THE PERSON SERVED: You are served as an Individual defendant. TREAL

as the person sued under the fictitious name of (specify):

3. I on behalf of (specify): Ford Motor Company.

Clerk, by

under: CCP 416,10 (corporation) CCP 416.20 (defund corporation) CCP 416.40 (association or partnership)

CCP 416.80 (minor) CCP 416.70 (conservation) CCF 416.90 (authorized parann)

other (specify): by personal delivery on (date)

Code of CM Procedure # +12.20, 485

Form Adjusted for Manualtory Use Judicial Course of California SUM-100 (Rev. January 1, 2004)

SUMMONS

MICHAEL D. WEINREB, ESQ. (SBN 132880) WEINREB & WEINREB 1 19400 Business Center Drive, Suite 102 Northridge, California 91324 Telephone: (818) 886-6600 Facsimile: (818) 772-9739 2 DURT OF CALIFORNIA 3 MAY 17 2007 4 Attorneys for Plaintiff. ALAN SLATER, Clerk of the Court 5 BY: Y. MEJIA DEPLITY 6 7 SUPERIOR COURT OF THE STATE OF CALIFORNIA 8 FOR THE COUNTY OF ORANGE, WEST ORANGE JUDICIAL DISTRICT 9 10 CASE NO. 07 C C 05 9 9 9 11 an individual, 12 Plaintiff, COMPLAINT FOR DAMAGES 13 Negligence Strict Product Liability (2) 14 HUNTINGTON BEACH FORD, formerly doing business as POWER FORD, an unknown business entity; FORD MOTOR COMPANY, a Corporation doing business in California, and DOES 1 through 100, 15 JUDGE ANDREW P. BANKS 16 DEPT. C6 17 inclusive, Defendants. 18 19 Come now plaintiff, TARA ENYEART, who complains and alleges as follows: 20 GENERAL ALLEGATIONS 21 1. At all times herein mentioned, plaintiff, was and is a 22 resident of the County of Orange, State of California. 23 2. Plaintiff is informed and believes, and thereon alleges, that at all times 24 herein mentioned, defendant, FORD MOTOR COMPANY, is a Corporation, and DOES 25 1 through 100, inclusive, was and is a corporation authorized to do and are doing business 26 in the State of California, and that said Defendant has regularly conducted business in, 27 and has intentionally placed products in the stream of commerce whose destination have 28

COMPLAINT FOR DAMAGES

been and continue to be the City and County of Orange and other cities and counties in the State of California. Plaintiff is informed and believes and thereon alleges that Defendants and each of them were engaged in the business of selling products in the United States, and the State of California as more specifically outlined above.

- 3. Plaintiff is informed and believes, and thereon alleges, that at all times herein mentioned, defendant, HUNTINGTON BEACH FORD, formerly known as POWER FORD, an unknown business entity, and DOES 1 through 100, inclusive, was and is a business authorized to do and are doing business in the State of California, and that said Defendant has regularly conducted business in, and has intentionally placed products in the stream of commerce whose destination have been and continue to be the City and County of Orange and other cities and counties in the State of California. Plaintiff is informed and believes and thereon alleges that Defendants and each of them were engaged in the business of selling products in the United States, and the State of California as more specifically outlined above.
- 4. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned, defendants HUNTINGTON BEACH FORD, formerly known as POWER FORD and FORD MOTOR COMPANY, and DOES 1 through 100, inclusive, and each of them, were engaged in the business of manufacturing, designing, assembling, repairing, maintaining, testing, constructing, fabricating, analyzing, recommending distributing, merchandising, advertising, modifying, warranting, promoting, selling and marketing to wholesalers, retailers and consumers, for consideration, that certain product known as a 2004 Ford Escape ("PRODUCT") together with all of its component parts.
- 5. At all times herein mentioned, each of the Defendants were the agents, servants, employees and/or joint venturers of its co-defendants, and each of them, and at all said times, each Defendant was acting in the full course and scope of said agency, service, employment and/or joint venture.

28 ///

- 6. Plaintiff is unaware of the true names and capacities of Defendants sued herein as DOES through 100, inclusive, and each of them, and therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of court to amend this Complaint to allege the true names and capacities of said Defendants when ascertained. Plaintiff is informed and believes and thereon alleges that each fictitiously named Defendant is responsible, in some actionable manner, for the events, circumstances and damages alleged herein.
- The accident which forms the basis of this action occurred in the city of Huntington Beach, County of Orange, State of California.

FIRST CAUSE OF ACTION

NEGLIGENCE

(Against All Defendants)

- 8. Plaintiff hereby repeats and realleges each and every allegation contained in Paragraphs 1 through 8 inclusive, and incorporates the same herein by reference as if set forth fully and completely at length.
- 9. At all times herein mentioned, the defendant, FORD MOTOR COMPANY, and each of them, had a duty to exercise reasonable care in the manufacture, design, inspection, assembly, repair, maintenance, testing, analyzing, recommending, merchandising, advertising, distributing, marketing and providing warnings for the PRODUCT and its component parts, including, but not limited to, a duty to install a properly working accelerator cable to the motor, and a duty to ensure that the PRODUCT was free from defects and would function in the manner in which it was intended in order to prevent accidents and injuries to the user.
- 10. At all times herein mentioned, defendant, FORD MOTOR COMPANY, and each of them, knew, or in the exercise of reasonable care should have known, that said products and their component parts were of such a nature that if they were not properly manufactured, designed, assembled, repaired, maintained, distributed, analyzed,

inspected, recommended, merchandised, advertised and marketed for the uses and purposes for which they were intended or if the consumer was not properly warned as to their inherent defect, they were likely to injure persons by whom they were used.

- 11. Plaintiff is informed and believes and thereon alleges that defendant, FORD MOTOR COMPANY, and each of them, so negligently and carelessly manufactured, designed, assembled, maintained, modified, repaired, tested, analyzed, distributed, recommended, informed the consumer of the inherent defect for use, merchandised, advertised, and marketed the above-described product such that the same were defective and dangerous and unsafe for the uses and purpose for which they were intended.
- 12. On or about March 25, 2005, plaintiff, brought her vehicle to defendant, POWER FORD, pursuant to two recall notices she received from defendant, FORD MOTOR COMPANY, to repair her defective seat belt and also the accelerator cable. Plaintiff dropped her vehicle off for the day and picked it later after she was advised that all the repairs had been completed by defendant, POWER FORD, pursuant to the recalls sent out by defendant, FORD MOTOR COMPANY.
- PRODUCT in a foreseeable and intended manner, when the defective accelerator cable stuck in the open position and caused her vehicle to thrust forward out of Plaintiff's control, causing Plaintiff to crash her vehicle thereby causing Plaintiff to sustain severe injuries. Clearly the recall repair was either not done properly and/or the required recall repair was not sufficient to cure the inherent problem with the accelerator cable thereby causing this incident.
- 14. As a direct and proximate result of the negligence of these Defendants, and each of them, Plaintiff was injured in her health, strength and activity sustaining injuries to her body, shock and injuries to her nervous system, all of which said injuries have caused and continue to cause Plaintiff great mental, physical and nervous pain and suffering. Plaintiff is informed and believes and thereon alleges that said injuries will result in permanent disability all to her general damage in an amount unknown to Plaintiff

 at this time, and Plaintiff will ask leave of court to amend this complaint to set forth the exact amount thereof when the same shall have been ascertained or according to proof.

- Defendants, and each of them, Plaintiff was compelled to and did employ the services of physicians, surgeons, and other medical personnel, and Plaintiff was compelled to and did incur other incidental expenses relative in care and treatment of said injuries. Plaintiff is informed and believes and thereon alleges that she will be compelled to seek further treatment in the future for the care of said injuries and will incur further reasonable bills for the same. Plaintiff will give proof of both past and future claimed expenses at the time of trial.
- 16. As a further, direct and proximate result of the negligence of Defendants, and each of them, Plaintiff has lost earnings and will lose earnings in the future, in an amount according to proof at trial.

SECOND CAUSE OF ACTION

STRICT PRODUCTS LIABILITY

(Against All Defendants)

- 17. Plaintiff hereby repeats and re-alleges each and every allegation contained in Paragraphs 1 through 16 inclusive, and incorporates the same herein by reference as if set forth fully and completely at length.
- 18. Defendant, FORD MOTOR COMPANY, and each of them, manufactured, designed, assembled, maintained, repaired, tested, analyzed, recommended, informed the consumer the correct and proper method for use, distributed, merchandised, advertised, marketed and sold the said products which were intended by said Defendants, and each of them, to be used for the purpose of providing transportation for the purchaser of the 2004 Ford Escort, as well as for other transportation purposes.
- Defendant, FORD MOTOR COMPANY, and each of them, knew that the above-described products would be used by Plaintiff without inspection for defects.

20. On or about June 4, 2005, Plaintiff used said PRODUCT for the uses and purposes for it was intended, and in a manner which was reasonably foreseeable by the defendant, FORD MOTOR COMPANY. Said use involved a substantial danger not apparent to Plaintiff.

- 21. At the time the subject products were manufactured, designed, assembled, modified, maintained, repaired, tested, analyzed, distributed, recommended, merchandised, advertised and marketed, by defendant, FORD MOTOR COMPANY, they were defective and unsafe for their intended purpose in that, among other things, the subject PRODUCT was not safely designed because, among other things, there was a defective accelerator cable that would stick into the open position causing the vehicle to accelerate uncontrollably causing potential harm and injury. Plaintiff further alleges that no warning was given to the users of said PRODUCT that the accelerator cable would stick in the open position and that it might fail or that the vehicle should otherwise be inspected for such defects. Plaintiff is informed and believes and thereon alleges that said defendant, FORD MOTOR COMPANY, and each of them, concealed said defects and failed to warn Plaintiff of said defects until such time that a recall notice was finally sent regarding this issue of a defective accelerator cable.
- 22. On or about June 4, 2005, and while said PRODUCT was being used in the manner intended, as a direct and proximate result of the aforesaid defect, the vehicle began to accelerate out of control while Plaintiff was driving it out from a gas station, causing Plaintiff to crash her vehicle to stop it and sustain severe injuries.
- 23. As a direct and proximate result of the PRODUCT's defect, Plaintiff was injured in her health, strength and activity sustaining injuries to her body, shock and injuries to her nervous system, all of which said injuries have caused and continue to cause Plaintiff great mental, physical and nervous pain and suffering. Plaintiff is informed and believes and thereon alleges that said injuries will result in permanent disability all to her general damage in an amount unknown to Plaintiff at this time, and Plaintiff will ask leave of court to amend this complaint to set forth the exact amount

- 24. As a further direct and proximate result of the defective PRODUCT,
 Plaintiff was compelled to and did employ the services of physicians, surgeons, and other
 medical personnel, and Plaintiff was compelled to and did incur other incidental expenses
 relative in care and treatment of said injuries. Plaintiff is informed and believes and
 thereon alleges that she will be compelled to seek further treatment in the future for the
 care of said injuries and will incur further reasonable bills for the same. Plaintiff will
 give proof of both past and future claimed expenses at the time of trial.
- 25. As a further, direct and proximate result of the defective PRODUCT, Plaintiff has lost earnings and will lose earnings in the future, in an amount according to proof at trial.

WHEREFORE, Plaintiff prays for judgment against the Defendants, and each of them, as follows:

- 1. For general damages according to proof;
- 2. For special damages according to proof;
- 3. For costs of suit incurred herein;
- 4. For such other and further relief as the court deems just and proper.

Dated: May 9, 2007 WEINREB & WEINREB

MICHAEL D. WEINREB

B

DEPT	JUDGES	*NOTICED MOTIONS HEARD	EX PARTES HEARD: *	TELEPHONIC NOTICE TO COURTROOM NO LATER THAN:	**EX PARTE APPLICATION PRESENTED IN COURTROOM NO LATER THAN:
C16	834-4680	1:30 P. M.	9:00 A.M.	PARTE HEARING	HEARING
C7	MOBERLY 834-4656	TUES., 2:00 P.M Rulings posted on internet by 4:30 the day before the hearing. NOTE: Motions for Demurrers, Summary Judgment and Adjudication of issues must be reserved with C-7 prior to filing by calling 714/834-4656. Reservations for all other motions are no longer required effective 1/26/07.	M, W, TH, F 1:30 P.M.	NOON, DAY BEFORE EX PARTE HEARING	3:00 P.M. DAY BEFORE EX PARTE HEARING
C11	MONROE 834-4694	TUES., 2:00 p.m. ## (Tentative Rulings posted on internet by 4:00, day prior to motion date.)	TUES, WED, THURS. 8:30 A.M.	NOON, DAY BEFORE HEARING	4:00 P.M., DAY BEFORE HEARING
C18	MOSS 834-4606	FRI. 10:00 A.M. Rulings posted on the Internet.	M - F 8:30 A.M.	NO TELEPHONIC NOTICE TO DEPARTMENT IS REQUIRED	NOON, DAY BEFORE EX PARTE HEARING
C56	MUNOZ 834-4752	WED., 2:00 P.M. Rulings posted on the internet.	M - TH 8:30 A.M.	10:00 A.M., DAY BEFORE EX PARTE HEARING	NOON, DAY BEFORE EX PARTE HEARING
C10	MYERS, COMM 834-4660	THURS. 9:00 A.M.	M-TH 1:30P.M. FRI 11:00 A.M.	4:00, DAY BEFORE EX PARTE HEARING	M - TH, 10:00 A.M., DAY OF EX PARTE HEARING FRI, 9:00 A.M., DAY OF EX PARTE
C32	PERK 834-2351	FRI., 11:00 A.M. Rulings on Internet by 3:00 prior to the scheduled hearing	M - TH, 9:00 A.M.	NOON, DAY BEFORE EX PARTE HEARING	BY 3:00 P.M. DAY BEFORE EX PARTE HEARING
<u>W</u> 11	SCHULTE 896-7161	Fri 9:30 A. M. NOTE: Law and Motion matters must be reserved with the court clerk. Tentative Rulings will be posted by Thursday, 12:00 pm.	NONE	NONE	NONE
C17	SMITH 834-4355	FRI., 10:00 A.M. Tentative Rulings posted on Internet by 3:00 P.M. day prior to hearing	M - TH 1:30 P.M.	10:00 A.M., DAY BEFORE EX PARTE HEARING	3:00 P.M., DAY SEFORE EX PARTE HEARING
C13	SIEGEL 834-4592	MON., 10:30 A.M. Internet Rulings posted by 1:30 P.M. Friday pnor to Monday hearing	M - F 8:30 A.M.	NOTICE TO THE DEPARTMENT PRIOR TO NOTICING OPPOSING PARTIES PURSUANT TO RULE 379(a) THROUGH (g), CRC	11:00 A.M., DAY BEFORE EX PARTE HEARING
C28	THOMPSON 834-2273	FRI., 9:30 A.M. Rutings posted on internet	M - F 1:30 P.M.	NONE	NOON DAY BEFORE EX PARTE HEARING
C19	WILKINSON, 834-3720	WED. 1:30 P.M. #	M, T, TH 4:00 W, 3:30 F, 11:30 A.M.	4:00 P.M., DAY BEFORE EX 9:30 A.M., DAY OF EX PARTE HEARING	

^{***}located at WEST JUSTICE CENTER, 8141 13th Street, Westminster , CA 92683

REVISED: 03/29/07

^{# =} No L&M Tentative Rulings ## = L&M Tentative Rulings are Issued

[&]quot;Refer to Rule 3.1200, California Rules of Court et seg, and the Specific Courtroom Ex Parte Policies for Individual Courtrooms

Superior Court of California County of Grange, Central Instice Center

DEPT	JUDGES .	*NOTICED MOTIONS HEARD	EX PARTES HEARD:	TELEPHONIC NOTICE TO COURTROOM NO LATER THAN:	PRESENTED IN COURTROOM NO LATER THAN:
		CIVIL CASE MANAGEME	NT PANEL, JUI	OGE HORN, SUPERVISING	
C6	BANKS 834-3710	FRI, 10:00A.M. Rulings posted on internet NOTE: Dept. requires motions be reserved with C6 prior to filing by calling (714) 834-3710	PROMPTLY AT 8:45 A.M.	NOON, DAY BEFORE HEARING	3:00 P.M., DAY BEFORE EX PART HEARING
G20	BRENNER 834-5135	TUES., 1:30 P.M. Rulings on Internet until Noon on Tuesday*If Monday is a holiday, L&M is heard on Thursday at 1:30 P.M.	TU,W,TH,F, 9:00 A.M.	9:00 A.M., DAY BEFORE EX PARTE HEARING	3:00 P.M., DAY BEFORE EX PARTE HEARING
C26	CHOATE 834-5532	THURS, 1:30 P.M. Rulings posted on Internet	M - F 9:00 A.M.	NOT REQUIRED; RECEIPT OF EX PARTE PAPERS SHALL CONSTITUTE NOTICE TO THE COURT.	NO LATER THAN NOON, DAY BEFORE EX PARTE HEARING
C8	CRAMIN 834-3700	FRI, 10:00 A.M.	M - F 9:00 A.M.	NOT REQUIRED.	NO LATER THAN 12:00 P.M., THE DAY BEFORE EX PARTE HEARING
W12	DI CESARE 896-7842	FRI, 10:00 A.M. Reservations are not required. Call (714) 896-7414 or 7420 to ask about unavailable dates. Tentative Rulings are posted on the Internet by 3:00 P.M. day prior to motion date.	M, T, W, F 1:30 P.M.	NOON, DAY BEFORE EX PARTE HEARING	10:30 A.M. DAY OF EX PARTE HEARING
C15	DIDIER 834-4685	FRI., 9:00 A.M. Tentative Rulings posted on Internet by 3:00 P.M. day prior to motion date.	M -TH 8:30 A.M.	NOON, DAY BEFORE EX PARTE HEARING	3:00 P.M. DAY PRIOR TO THE EX PARTE HEARING
C34	FELL . 834-2264	TUES. AT 1:45 P.M. (Rulings on Internet by 4:30 P.M. day:prior to motion date).NOTE: File papers directly in Clerk-s office; reservations are no longer needed.	M-F 8:30 A.M.	NOT REQUIRED	2:00 P.M., DAY BEFORE EX PARTE HEARING
C33	GLASS 834-2314	Mon., 1:30 P.M. Rulings posted on Internet Friday prior to hearing	M at 10:00 a.m, T-F at 9:00 a.m.	9:00 A.M., DAY BEFORE EX PARTE HEARING	3:00 P.M., DAY BEFORE EX PARTE HEARING
C9	GRAY 834-3755	THURS., 1:45 P.M	M - F 1:30 P.M.	NOON, DAY BEFORE EX PARTE HEARING	11:00 A.M., DAY OF EX PARTE HEARING
C29	HAYES 834-2199	FRI., 9:00 A.M. Rulings on Internet by 3:00 PM on Thursday	M,T,W,TH 9:00 A,M.	9:00 A.M., DAY BEFORE EX PARTE HEARING	3:00 P.M., DAY BEFORE EX PARTE HEARING
C31	HORN 834-2372	TUES. AT 1:30 P.M. *If Monday is a holiday, L&M is heard on Thursday at 1:30 P.M.	T-F 9:00 A.M.	9:00 A.M. DAY BEFORE EX PARTE HEARING	3:00 P.M. DAY BEFORE EX PARTE HEARING
C12	HUNT 834-3750	Tues, thru Thurs. 8:30 A.M. NOTE: MSJ'S AND DEMURRERS MUST BE RESERVED WITH C-12 PRIOR TO FILING BY CALLING 714/834-3750	M - F. 1:30 P M.	NOT REQUIRED	SUBMIT DOCUMENTS AT THE TIME OF HEARING
C27	LEWIS 834-2287	Mon. 10:30 A.M. (Rulings posted on Internet 12:00, Friday prior to Monday hearing date)	T - TH 8:30 A.M.	10:00 A.M. DAY BEFORE EX PARTE HEARING	2:00 P.M. THE DAY BEFORE EX PARTE HEARING
C14	MARGINES 834-4526	WED. 1:30 P.M.	M - F 1:30 P.M.	10:00 A.M., DAY BEFORE EX PARTE HEARING ALSO, NOTICE TO OPPOSING PARTY BY 10:00 A.M. DAY BEFORE EX PARTE HEARING.	10:30 A.M., DAY OF EX PARTE HEARING

Superior Court of California County of Grange, Central Iustice Center

HONORABLE ANDREW P. BANKS / DEPARTMENT C6 CENTRAL JUSTICE CENTER P.O. Box 838 Santa Ana, Ca 92702-0838 (714) 834-2200 www.occourts.org

- Information about filing requirements or fees is available on the INTERNET home page: www.occourts.org or by phone at (714) 834-4735. Noticed Motions are heard Fridays at 10:00 a.m.; Call department directly at (714) 834-3710 to reserve all motion matters. Call(714) 834-3766 to ask about unavailable dates or to confirm hearing dates (ex partes excepted). Orange County Superior Court Local Rules are now on the Court∈s home page. NOTE: PLEASE ASSURE MOTIONS ARE RESERVED WITH THE COURTROOM PRIOR TO FILING.
 Ex Parte applications will be heard promptly at 8:45 a.m. Local rules of court and policies apply except as modified herein (See Rule 3.1200 through 3.1207, California Rules of Court.)
- Counsel must reserve Ex Parte hearing with the courtroom by calling (714) 834-3710 and supply whatever information my be requested.
- All moving documents, including the PROPOSED ORDER, shall be presented in Department C6 no later than 3:00 p.m. on the day before the ex parte hearing.
- The moving party shall submit on the moving papers unless the Court invites oral argument.
- 6 BE PROMPT!!! The hearing of ex parte matters shall not interfere with or delay the trial in progress in Department C6. Counsel may have to wait.
- The fee required for each ex parte application must be paid in the Superior Court Clerk=s Office, first floor, Room D110, prior to presenting documents to the courtroom.
- The correct mailing address for all documents in cases assigned to Judge Banks is: Superior Court of California, P. O. Box 838, Room D110, Santa Ana, CA 92702-0838

EX PARTE
POLICIES AND PROCEDURES

Revised: 01/17/07

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE Did you know that most civil lawsuits settle without a trial?

Introduction

And did you know that there are a number of ways to resolve civil disputes without having to sue somebody? These alternatives to a lawsuit are known as alternative dispute resolution (ADR). The most common forms of ADR are mediation, arbitration, and case evaluation. There are a number of other kinds of ADR as well.

In ADR, trained, impartial persons decide disputes or help parties decide disputes themselves. These persons are called neutrals. For example, in mediation, the neutral is the mediator. Neutrals normally are chosen by the disputing parties or by the court. Neutrals can help parties resolve disputes without having to go to court. ADR is not new. ADR is available in many communities, through dispute resolution programs and private neutrals.

Advantages of ADR

ADR can have a number of advantages over a lawsuit. ADR can be speedier. A dispute often can be resolved in a matter of months, even weeks, through ADR, while a lawsuit can take years. ADR can save money. Court costs, attorney's fees, and expert fees can be saved. ADR can permit more participation. The parties may have more chances to tell their side of the story than in court and may have more control over the outcome. ADR can be flexible. The parties can choose the ADR process that is best for them. For example, in mediation the parties may decide how to resolve their dispute.

ADR can be cooperative. This means that the parties having a dispute may work together with the neutral to resolve the dispute and agree to a remedy that makes sense to them, rather than work against each other. ADR can reduce stress. There are fewer, if any, court appearances. And because ADR can be speedier, and save money, and because the parties are normally cooperative, ADR is easier on the nerves. The parties don't have a lawsuit hanging over their heads for years.

ADR can be more satisfying. For all the above reasons, many people have reported a high degree of satisfaction with ADR. Because of these advantages, many parties choose ADR to resolve a dispute, instead of filing a lawsuit. Even when a lawsuit has been filed, the court can refer the dispute to a neutral before the parties' positions harden and the lawsuit becomes costly. ADR has been used to resolve disputes even after a trial, when the result is appealed.

Disadvantages of ADR

ADR may not be suitable for every dispute. If ADR is binding, the parties normally give up most court protections, including a decision by a judge or jury under formal rules of evidence and procedure, and review for legal error by an appellate court. There generally is less opportunity to find out about the other side's case with ADR than with litigation. ADR may not be effective if it takes place before the parties have sufficient information to resolve the dispute. The neutral may charge a fee for his or her services. If a dispute is not resolved through ADR, the parties may have to put time and money into both ADR and a lawsuit.

Lawsuits must be brought within specified periods of time, known as statutes of limitation. Parties must be careful not to let a statute of limitations run out while a dispute is in an ADR process.

Three Common Types of ADR

This pamphlet describes the forms of ADR most often found in the California state courts and discusses when each may be right for a dispute.

MEDIATION

In mediation, a neutral (the mediator) assists the parties in reaching a mutually acceptable resolution of their dispute. Unlike lawsuits or some other types of ADR, the mediator does not decide how the dispute is to be resolved. The parties do.

Mediation is a cooperative process, in which the parties work together toward a resolution that tries to meet everyone's interests, instead of working against each other, where at least one party loses. Mediation normally leads to better relations between the parties and to resolutions that hold up. For example, mediation has been very successful in family disputes, particularly with child custody and visitation.

Mediation is particularly effective when the parties have a continuing relationship, like neighbors or business people. Mediation also is very effective where personal feelings are getting in the way of a resolution. This is because mediation normally gives the parties a chance to let out their feelings and find out how each other sees things. Mediation may not be a good idea when one party is unwilling to discuss a resolution or when one party has been a victim of the other or cannot have enough bargaining power in the mediation. However, mediation can be successful for victims seeking restitution from offenders. A mediator can meet with the parties separately when there has been violence between them. Form No. L1200 (Rev. January 1, 2007)

ARBITRATION

In arbitration, a neutral (the arbitrator) reviews evidence, hears arguments, and makes a decision (award) to resolve the dispute. This is very different from mediation, where the mediator helps the parties reach their own resolution. Arbitration normally is more informal and much speedier and less expensive than a lawsuit. Because of the large number of cases awaiting trial in many courts, a dispute normally can be heard much more quickly by an arbitrator than by a judge.

Often a case that may take a week to try in court can be heard by an arbitrator in a matter of hours, because evidence can be submitted by documents (like medical reports and bills and business records), rather than by testimony.

There are two kinds of arbitration in California. Private arbitration, by agreement of the parties involved in the dispute, takes place outside of the courts and, normally, is binding. In most cases "binding" means that the arbitrator's decision (award) is final and there will not be a trial or an appeal of that decision. By contrast, a decision by an arbitrator in a case referred by the courts, known as "judicial arbitration," is not binding, unless the parties agree to be bound. A party who does not like the award may file a request for trial with the court within a specified time. However, if that party does not do better in the trial than in arbitration, he or she may have to pay a penalty.

Arbitration is best for cases where the parties want a decision without the expense of a trial. Arbitration may be better than mediation when the parties have no relationship except for the dispute.

Arbitration may not be a good idea when the parties want to resolve their dispute by themselves, or with the aid of a neutral.

CASE EVALUATION

In case evaluation, a neutral (the evaluator) gives an opinion on the strengths and weaknesses of each party's evidence and arguments, and makes an evaluation of the case. Each party gets a chance to present the case and hear the other side. This may lead to a settlement, or at least help the parties prepare to resolve the dispute later on.

Case evaluation, like mediation, can come early in the dispute and save time and money.

Case evaluation is most effective when someone has an unrealistic view of the dispute or when the only real issue is what the case is worth, or when there are technical or scientific questions to be worked out.

Case evaluation may not be a good idea when it is too soon to tell what the case is worth or when the dispute is about something besides money, like a neighbor playing loud music late at night.

Additional Information

There are several other types of ADR beside mediation, arbitration, and case evaluation. Some of these are conciliation, settlement conferences, fact finding, mini-trials, and summary jury trials. Sometimes parties will try a combination of ADR types. The important thing is to try to find the type or types of ADR that are most likely to resolve your dispute.

The selection of a neutral is an important decision. There is no legal requirement that the neutral be licensed or hold any particular certificate. However, some programs have established qualification requirements for neutrals. You may wish to inquire about the qualifications of any neutral you are considering. Agreements reached through ADR normally are put in writing by the neutral and, if the parties wish, may become binding contracts that can be enforced by a judge. You may wish to seek the advice of an attorney as to your legal rights and other matters relating to the dispute.

Whom Do You Call?

To locate a dispute resolution program or neutral in your community:

Contact the California Department of Consumer Affairs, Consumer Information Center, toll free, 1-800-952-5210, or contact the local bar association, or look in the Yellow Pages under "Arbitrators" or "Mediators."

For more information on local Arbitration Programs, please phone 714/834-3774 (for court ordered arbitration only) or refer to Superior Court of California, County of Orange, Local Rules 360 and 446.

Free mediation services are provided under the Orange County Dispute Resolution Program Act (DRPA). For information regarding DRPA, phone: Institute for Conflict Management (714) 288-5600; Community Service Programs, Inc. (949) 851-3168; Orange County Human Relations (714) 834-7198; or Fair Housing Council of Orange County (714) 569-0827.

There may be a charge for services provided by private arbitrators and mediators.

Presented by the Judicial Council of California and the State Bar of California - March 1998.

Form No. L1200 (Rev. January 1, 2007)

Page3 of 4

JU	JPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STICE CENTER:	FOR COURT USE ONLY
0000	Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 Civil Complex Center - 751 W. Santa Ana Blvd., Santa Ana, CA 92701-4512 Harbor-Laguna Hills Facility - 23141 Moulton Pkwy., Laguna Hills, CA 92653-1251 Harbor-Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595 North - 1275 N. Berkeley Ave., P. O. Box 5000, Fullerton, CA 92838-0500 West - 8141 13 th Street, Westminster, CA 92683-4593	
PI	AINTIFE:	
DI	EFENDANT:	
A	LTERNATIVE DISPUTE RESOLUTION (ADR) STIPULATION	CASE NUMBER:
Pla	aintiff(s),	
an	d defendant(s),	
ag	ree to the following dispute resolution process:	
	Mediation	
	Arbitration (must specify code) Under Section 1141.11 of the Code of Civil Procedu Under Section 1280 of the Code of Civil Procedu	
	Neutral Case Evaluation	
	Other (specify):	
	Plaintiff(s) and Defendant(s) further agree as follows:	
We	e understand that there may be a charge for services provided by private	arbitrators and mediators.
Da		SIGNATURE OF PLAINTIFF OR ATTORNEY)
Da	te:	
		SIGNATURE OF DEFENDANT OR ATTORNEY STIPULATION
	roved for Optional Use 70 (Rev. January 1, 2007)	alifornia Rules of Court, rule 3.221

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DECLARATION OF MARK TAYLOR

I, MARK TAYLOR, declare:

- I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those. I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.
- 2. I am employed by Ford Motor Company as a Design Analysis Engineer. One of my responsibilities is to provide technical assistance to legal counsel and others concerning vehicle performance with respect to power trains, electrical systems, transmissions, and occupant crash protection technologies. I have been an employee of Ford Motor company since 1988 and have held my present position for 13 years. A copy of my current curriculum vitae is attached hereto.
- 3. I am knowledgeable regarding the design, development, testing and manufacture of the subject vehicle, a 2004 Ford Escape, VIN 1FMCU0210 equipped with an automatic transmission. I am particularly knowledgeable about its steering, transmission, braking, and safety systems.
- I have inspected hundreds of Ford vehicles, including many Ford Escapes, that have been involved in automobile accidents.
- I have not inspected the subject 2004 Ford Escape. It is my understanding that
 plaintiff cannot make the vehicle available for inspection and that plaintiff has not inspected the
 vehicle.
- It is my understanding that plaintiff's allegation is that the subject vehicle
 accelerated on its own while she was pressing down on the brake pedal.
 - 7. The design of the vehicle makes plaintiff's allegation implausible.
- 8. All 2004 Ford Escape vehicles are equipped with a brake shift interlock system.
 The brake shift interlock system prevents the driver from placing the vehicle into gear without first depressing the brake.
- 9. The Escape's brakes are designed and manufactured to overcome a wide-open throttle (i.e., gas pedal fully depressed) and stop the vehicle. The Escape's automatic transmission.

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DECLARATION OF MARK TAYLOR

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has a stall converter (torque converter) that limits the engine's RPMs to approximately 1800, and the brakes are designed to overcome the forces being placed on the vehicle's drive train and bring vehicle to a stop in a reasonable distance. In layman's terms, if an Escape driver fully depresses the accelerator pedal, then depresses the brakes, the vehicle will come to a stop. All Ford vehicles are designed to function in this manner. Based on the foregoing, if plaintiff had actually been pushing down on the brake pedal, the vehicle would not have kept accelerating as she claims. It is was pressing her foot down on the accelerator pedal instead of my expert opinion that the brake pedal, and that this accident occurred simply because of operator error.

- 10. It is my understanding that after the accident, the accelerator pedal was fully depressed, and that plaintiff may use the pedal's position as evidence of a defect. There are various reasons why the accelerator pedal was fully depressed, none of which involve or are Illustrative of a defect in the vehicle. During the accident. I oot may have contacted the accelerator cable and separated it from the accelerator pedal arm. If this occurred, the accelerator pedal would rest on the floor pan. Alternatively, the forces of foot on the accelerator pedal during the accident may have caused the accelerator pedal to bend and become lodged against the floor pan. Additionally, damage to the front end of the vehicle and in the engine compartment may have affected the accelerator cable or other parts in a manner that caused the accelerator pedal to lay on the floor pan.
- Without inspecting the subject vehicle, plaintiff cannot establish the reason the accelerator pedal was in the fully depressed position. Since there was no inspection of the vehicle or its components following the accident, there is no way for plaintiff to offer evidence or any proof of a defect in the design or manufacture of this vehicle. Specifically, there is no way for plaintiff to prove that the cause of the accelerator pedal being in its post-accident configuration was due to a defect in the vehicle as opposed to one of the other alternative theories presented above. Further, without the subject vehicle and its components to inspect, plaintiff will also be unable to offer evidence or any proof that a defect in the vehicle's air bag system or restraint system existed at the time of the accident.

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DECLARATION OF MARK TAYLOR

12. The subject vehicle has been subject to four recalls. None of those recalls involved the vehicle's restraint system. Plaintiff alleges that she received a Recall Notice concerning the subject vehicle's restraint system – Recall No. 01S21. This recall applies to certain 2001 Ford Crown Victoria. Windstar, Ranger, F-Series, Excursion, Expedition, Mercury Grand Marquis. Lincoln Towncar, Navigator and Mazda B-Series vehicles. This recall does not apply to 2004 Ford Escape vehicles, including the subject vehicle. Ford has no record of ever sending a Recall Notice 01S21 to plaintiff concerning the subject vehicle's restraint system. Further. It is my understanding that plaintiff has failed to produce the alleged recall letter concerning the subject vehicle's restraint system.

- 13. Ford Recall 04S25 applies to 2004 Model Year Left Hand Drive Ford Escape vehicles equipped with 3.0L engines and concerns a potential issue with the accelerator cable migrating. Not every such vehicle contains accelerator cables which have already begun to migrate.
- 14. Ford Recall 04S25 was issued because the inner liner of certain accelerator cables may migrate out of the cable conduit, preventing the engine from returning to a full idle, which can, in some cases, cause the vehicle to fail to comply with Federal Motor Vehicle Safety Standard 135's stopping distance requirements. The migration of the inner liners of accelerator cables is gradual. This gradual migration can result in gradual increases in engine idle speeds and braking distances. However, accelerator cable migration does not cause significant spontaneous vehicle acceleration.
- 15. Ford Recall 04S25 instructs mechanics to replace the accelerator cables for all 2004 Ford Escape vehicles equipped with 3.0L engines. Dealers were ordered to replace the accelerator cables of all such vehicles, regardless of cable liner migration or non-migration. Therefore, a dealer's replacement of the cables of a specific vehicle does not indicate that the vehicle's cables had actually migrated.
- 16. On March 25, 2005, plaintiff took the subject vehicle to defendant Huntington Beach Ford who completed the recall. Plaintiff will not be able to prove or provide evidence that defendant Huntington Beach Ford did not do the recall or did not complete the recall correctly

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DECLARATION OF MARK TAYLOR

unless the vehicle is inspected.

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12131 362-7177

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed February 25, 2008, at Dearborn, Michigan.

MARK TAYLOR, Declarant

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DECLARATION OF MARK TAYLOR



PERSONAL HISTORY

NAME:

Mark K. Taylar

BIRTH DATE

February 3, 1958

SERVICE DATE:

March 28, 1988

EDUCATION

University Missouri/Kansas City Kansas City, MO: 82-86 B.S. Mechanical Engineering, 5/86 Lake Superior State University Soult Ste. Marie, MI. 80-82 Mochanical Engineering Technology

Northern Michigan University
Marquette, MI. 2/77-8/77
1040 Hr. Auto Transmission Course
Theory and repair of all makes of
Automatic Transmissions

Soult Area Skill Center Soult Ste, Marie, M1, 79-80 360 Hr. Welding Course MIG. TIG. Arc and Gas Welding Techniques

Sault Area Skill Center Sault Sta Marie, Mr. 74-76 720 Hr. General Automotive Course General Automotive Repair

EXPERIENCE OTHER THAN FORD

1978-1987 Service Manager/Mechanic Chrysler Dealer Sault Stp. Marie, MI All facets of auto receir. Customer relations, supervision of michanics and wash attendant.

1981-1982 Mechanic Jacques Construction Co. Sault Ste. Marie, MI, Responsible for maintenance on fleet of vehicles, including heavy equipment.

1986-1988. Test/Development Engineer J.I. Case Co. (Case/International Harvester) Hinsdale, II. Developed and operated tests on agricultural and construction equipment.

FORD EXPERIENCE

1988 1989 Product Development Engineer

Ford Tractor

Agricultural and Construction Tractor Development

1989-1992 Product Design Engineer

Light Truck Chassis Component Design

Truck Operations

1992-1995 Product Development Engineer

Light Truck Design Analysis Department

Truck Operations

1995-

Design Analysis Engineer Design Analysis Department Advanced Vehicle Technology

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DECLARATION OF MARK TAYLOR

I, MARK TAYLOR, declare:

- 1. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those. I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.
- 2. I am employed by Ford Motor Company as a Design Analysis Engineer. One of my responsibilities is to provide technical assistance to legal counsel and others concerning vehicle performance with respect to power trains, electrical systems, transmissions, and occupant crash protection technologies. I have been an employee of Ford Motor company since 1988 and have held my present position for 13 years. A copy of my current *curriculum vitae* is attached hereto.
- 3. I am knowledgeable regarding the design, development, testing and manufacture of the subject vehicle, a 2004 Ford Escape, VIN 1FMCU0210 equipped with an automatic transmission. I am particularly knowledgeable about its steering, transmission, braking, and safety systems.
- 4. I have inspected hundreds of Ford vehicles, including many Ford Escapes, that have been involved in automobile accidents.
- 5. I have not inspected the subject 2004 Ford Escape. It is my understanding that plaintiff cannot make the vehicle available for inspection and that plaintiff has not inspected the vehicle.
- 6. It is my understanding that plaintiff's allegation is that the subject vehicle accelerated on its own while she was pressing down on the brake pedal.
 - 7. The design of the vehicle makes plaintiff's allegation implausible.
- 8. All 2004 Ford Escape vehicles are equipped with a brake shift interlock system.
 The brake shift interlock system prevents the driver from placing the vehicle into gear without first depressing the brake.
- 9. The Escape's brakes are designed and manufactured to overcome a wide-open throttle (i.e., gas pedal fully depressed) and stop the vehicle. The Escape's automatic transmission

174283.1 / 34-977

has a stall converter (torque converter) that limits the engine's RPMs to approximately 1800, and the brakes are designed to overcome the forces being placed on the vehicle's drive train and bring vehicle to a stop in a reasonable distance. In layman's terms, if an Escape driver fully depresses the accelerator pedal, then depresses the brakes, the vehicle will come to a stop. All Ford vehicles are designed to function in this manner. Based on the foregoing, if plaintiff had actually been pushing down on the brake pedal, the vehicle would not have kept accelerating as she claims. It is my expert opinion that was pressing her foot down on the accelerator pedal instead of the brake pedal, and that this accident occurred simply because of operator error.

- depressed, and that plaintiff may use the pedal's position as evidence of a defect. There are various reasons why the accelerator pedal was fully depressed, none of which involve or are illustrative of a defect in the vehicle. During the accident foot may have contacted the accelerator cable and separated it from the accelerator pedal arm. If this occurred, the accelerator pedal would rest on the floor pan. Alternatively, the forces of foot on the accelerator pedal during the accident may have caused the accelerator pedal to bend and become lodged against the floor pan. Additionally, damage to the front end of the vehicle and in the engine compartment may have affected the accelerator cable or other parts in a manner that caused the accelerator pedal to lay on the floor pan.
- 11. Without inspecting the subject vehicle, plaintiff cannot establish the reason the accelerator pedal was in the fully depressed position. Since there was no inspection of the vehicle or its components following the accident, there is no way for plaintiff to offer evidence or any proof of a defect in the design or manufacture of this vehicle. Specifically, there is no way for plaintiff to prove that the cause of the accelerator pedal being in its post-accident configuration was due to a defect in the vehicle as opposed to one of the other alternative theories presented above. Further, without the subject vehicle and its components to inspect plaintiff will also be unable to offer evidence or any proof that a defect in the vehicle's air bag system or restraint system existed at the time of the accident.

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12. The subject vehicle has been subject to four recalls. None of those recalls involved the vehicle's restraint system. Plaintiff alleges that she received a Recall Notice concerning the subject vehicle's restraint system – Recall No. 01S21. This recall applies to certain 2001 Ford Crown Victoria, Windstar, Ranger, F-Series, Excursion, Expedition, Mercury Grand Marquis. Lincoln Towncar, Navigator and Mazda B-Series vehicles. This recall does not apply to 2004 Ford Escape vehicles, including the subject vehicle. Ford has no record of ever sending a Recall Notice 01S21 to plaintiff Tara Enyeart concerning the subject vehicle's restraint system. Further, it is my understanding that plaintiff has failed to produce the alleged recall letter concerning the subject vehicle's restraint system.

- 13. Ford Recall 04S25 applies to 2004 Model Year Left Hand Drive Ford Escape vehicles equipped with 3.0L engines and concerns a potential issue with the accelerator cable migrating. Not every such vehicle contains accelerator cables which have already begun to migrate.
- 14. Ford Recall 04S25 was issued because the inner liner of certain accelerator cables may migrate out of the cable conduit, preventing the engine from returning to a full idle, which can, in some cases, cause the vehicle to fail to comply with Federal Motor Vehicle Safety Standard 135's stopping distance requirements. The migration of the inner liners of accelerator cables is gradual. This gradual migration can result in gradual increases in engine idle speeds and braking distances. However, accelerator cable migration does not cause significant spontaneous vehicle acceleration.
- 15. Ford Recall 04S25 instructs mechanics to replace the accelerator cables for all 2004 Ford Escape vehicles equipped with 3.0L engines. Dealers were ordered to replace the accelerator cables of all such vehicles, regardless of cable liner migration or non-migration. Therefore, a dealer's replacement of the cables of a specific vehicle does not indicate that the vehicle's cables had actually migrated.
- 16. On March 25, 2005, plaintiff took the subject vehicle to defendant Huntington
 Beach Ford who completed the recall. Plaintiff will not be able to prove or provide evidence that
 defendant Huntington Beach Ford did not do the recall or did not complete the recall correctly

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601 S Figueroa Street, 38th Floor
Los Angeles, California 90017
Telephone (213) 362-7777

unless the vehicle is inspected.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed February 25, 2008, at Dearborn, Michigan.

MARK TAYLOR, Declarant

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PERSONAL HISTORY

NAME:

Mark K. Taylor

BIRTH DATE:

February 3, 1958

SERVICE DATE:

March 28, 1988

EDUCATION

University Missouri/Kansas City Kansas City, MO. 82-86 B.S. Mechanical Engineering, 5/86 Lake Superior State University Sault Ste. Marie, Ml. 80-82 Mechanical Engineering Technology

Northern Michigan University
Marquette, MI. 2/77-8/77
1040 Hr. Auto Transmission Course
Theory and repair of all makes of
Automatic Transmissions

Sault Area Skill Center Sault Ste. Marie, Ml. 79-80 360 Hr. Welding Course MIG, TIG, Arc and Gas Welding Techniques

Sault Area Skill Center Sault Ste Marie, Ml. 74-76 720 Hr. General Automotive Course General Automotive Repair

EXPERIENCE OTHER THAN FORD

1978-1981 Service Manager/Mechanic Chrysler Dealer, Sault Ste. Marie, MI. All facets of auto repair. Customer relations, supervision of mechanics and wash attendant.

1981-1982 Mechanic Jacques Construction Co. Sault Ste. Marie, Ml. Responsible for maintenance on fleet of vehicles, including heavy equipment.

1986-1988 Test/Development Engineer J.I. Case Co. (Case/International Harvester) Hinsdale, IL. Developed and operated tests on agricultural and construction equipment.

FORD EXPERIENCE

1988-1989 Product Development Engineer

Ford Tractor

Agricultural and Construction Tractor Development

1989-1992 Product Design Engineer

Truck Operations

Light Truck Chassis Component Design

1992-1995 Product Development Engineer
Light Truck Design Analysis Department

Truck Operations

1995- Design Analysis Engineer

Design Analysis Department

Advanced Vehicle Technology

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Law Offices MICHAEL D. WEINREB

19400 Business Center Drive, Suite 102 Northridge, CA 91324

Telephone: (818) 886-6600

Fax (818) 772-9739

FACSIMILE TRANSMITTAL LETTER

霽 Urger □ Origin	nt □ For Review	one □ Please Reply • Response Requeste	∕ □ For Your File d
DATE:	April 22, 2008		
TO:	James J. Yukevich, Esq. Steven D. Smelser, Esq. YUKEVICH, CALIFO & CAVANAUGH 601 South Figueroa Blvd, 38th Floor Los Angeles, CA 90017 Tel: (213) 362-7777 Fax: (213) 362-7788 Attorney for Defendant FORD MOTOR COMPANY		
FROM:	MICHAEL D. WEINREB	TOTAL OF PAGES:	
Re:	vs. Huntington Beach For OCSC 07 CC 05999 Depositions	<u>rd</u>	
Dear Co	ounsel:		
Pursuar	nt to our conversation, please find the attache	ed declaration of Steven I	M. Yamashita.

The information contained in this facsimile message is Attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the address below via the U.S. Postal Service. Thank you.

April 22, 2008

1. Our File Number: 505840

Law Offices of Michael D. Weinreb

19400 Business Center Drive, Suite 102

Northridge, California 91324

Attention: Mr. Michael D. Weinreb, Esq.

Res vs. Ford Motor Co., et al. **Incident Date: 6/4/05** OCSC Case No.: 07CC05999

Engineering Declaration

In Response To

Ford's Motion for Summary Judgment

ASSIGNMENT:

MEA Forensic Engineers & Scientists, Inc. was retained to review Ford's Motion for Summary Judgment and to provide an engineering declaration regarding the cause of unintended acceleration and the existence of a design or manufacturing defect in the 2004 Ford Escape, VIN number 1FMCU02104K

This engineering declaration is based upon review of material enclosures received from the Law Offices of Michael D. Weinreb (letters dated 3/18/08 from Michael D. Weinreb, Esq.), rescarch of the National Highway Traffic Safety Administration Office of Defects Investigation database, research of CARFAX vehicle ownership history, research of ALLDATA service recall and repair procedures, examination of exemplar vehicle and parts and based upon professional engineering design and test experience in the Original Equipment Manufacturer (OEM) automotive manufacturing and supplier industry.

DECLARATION OF

eclare:

- 1. I have personal knowledge of the facts set forth herein and if called as a witness, I could and would competently testify to the matters stated herein.
- 2. I am employed by MEA Forensic Engineers and Scientists, Inc. as a Product Engineer. My primary responsibility is to determine the root cause of reported incidents with respect to user error, design defect, manufacturing quality defect, maintenance or repair defect or from fatigue failure or collision impact failure.
- 3. I hold a Bachelor's Degree in Mechanical Engineering from the Viterbi School of

Engineering at the University of Southern California and have worked in the automotive and aerospace industries as a design and manufacturing engineer, set forth in my Curriculum Vitae which is attached hereto as Exhibit "A" and is incorporated herein by reference.

- 4. I am knowledgeable regarding the "cradle to grave" product development process of automotive components and systems, including cruise control throttle cables for fuel injection and carbureted vehicles.
- 5. I have inspected three exemplar Ford Escape SUV's to determine the as-intended engineering design condition and state of the subject 2004 Ford Escape, VIN 1FMCU02104K prior to the 6/4/05 accident.
- 6. I have conducted review of Traffic Collision Report 05-9935, accident scene photographs, the Motions for Summary Judgment related to this case (Ford Motor Company and York Enterprises South, Inc. motions), the Declaration of Mark Taylor and the Power Ford dealership invoice FOCS238610 as part of my investigation.
- 7. I have reviewed the depositions of and Huntington Beach Police Officer Dale Shields as part of my investigation.
- 8. I have conducted research of CarFax vehicle history report and Insurance Institute of Highway Safety (IIHS) frontal offset crash test data as part of my investigation.
- 9. I have conducted research of the National Highway Traffic Safety Administration (NHTSA) Office of Defects Investigation database for Technical Service Bulletins, Safety Recalls and Consumer Complaints related to unintended acceleration, unintended engine speed (rpm) and braking problems for 2004 Ford Escape SUV's.
- 10. I have conducted research into the step-by-step instructions included in the safety recalls reported to have been performed on the subject 2004 Ford Escape, VIN 1FMCU02104K per Power Ford dealership repair invoice FOCS238610 (Seat belt recall 01S21 and recall 04S25).
- 11. I have examined an exemplar throttle cable Ford p/n 5L8Z-9A758-AA, which was installed into the subject 2004 Ford Escape, VIN 1FMCU02104K per Power Ford dealership repair invoice FOCS238610.
- 12. I have not inspected the subject 2004 Ford Escape, VIN 1FMCU02104K
 However, I have researched and identified the latest title and owner transfer of the subject
 2004 Ford Escape to Valley City, OH (Title
- 13. It is my understanding that plaintiff's allegation that the subject 2004 Ford Escape exhibited sudden unintended acceleration upon shifting the transmission into Drive while placing her foot on the brake pedal.
- 14. It is my understanding that the subject 2004 Ford Escape was equipped with the optional 200 hp 3.0L V6 engine and that the standard engine was a 127 hp 2.0L 4 cylinder engine.

- 15. It is my understanding that the optional 200 hp DOHC V6 was borrowed from the existing high output engine option for the full-sized Ford Taurus sedan which came standard with a 155 hp V6 and that for the 2005 model, Ford Motor Company redesigned the engine mounts to better secure and retain the 200 hp V6 in Ford Escape SUV's.
- 16. It is my understanding that the Ford Escape was jointly developed with Mazda and was first sold in 2001 as a compact SUV. Built on Ford CD2 platform, the unibody design was a derivative of the Mazda GF platform, which was used by the Mazda 626 compact sedan. Both the Ford Escape and Mazda 626 sedan shared the same 127 hp 2.0L 4 cylinder standard engine.
- 17. I have reviewed regulations of Chapter V National Highway Traffic Safety Administration (NHTSA), Part 571 Federal Motor Vehicle Safety Standards (FMVSS) vehicle safety and performance requirements set forth by the Department of Transportation which applies to all automobile manufacturers.
- 18. I have reviewed the requirements of FMVSS Standard 124 Accelerator Control Systems, FMVSS Standard 102 Transmission Shift Lever Sequence, Starter Interlock and Transmission Braking Effect, FMVSS 105 Hydraulic and Electric Brake Systems, FMVSS 209 Seat Belt Assemblies as part of my investigation.
- 19. Per Traffic Collision Report No. 05-9935, Officer Dale Shields of the Huntington Beach Police stated that he checked the gas pedal and observed it to be stuck to the floor board. Officer Shields made no reference to any bending or binding deformation to the gas pedal, only that it was stuck to the floor.
- 20. Per accident scene photographs, there is one photograph which depicts the gas pedal in a vertical tilt, indicating a fully depressed gas pedal.
- 21. Compared to the exemplar Ford Escape SUV's, in which the gas pedals appear to be at ~45 degree angle to the floor, the near vertical position of the subject 2004 Ford Escape would indicate an unrestricted upper attachment of the throttle cable (no return spring force to pull the pedal down) or an unattached throttle cable.
- 22. There are various reasons that the accelerator pedal could be depressed: Driver foot contact to the throttle cable attachment point, unattached throttle cable, deformation of the pedal assembly, improper installation of the throttle cable and defective throttle cable.
- 23. Driver foot contact to the throttle cable attachment point would require the driver to slide her foot vertically upwards over 10 inches to contact the cable attachment point. Additionally, there are three obstacles which her foot would have to clear: an inch square steel balance block welded below the attachment point and two 3 inch diameter vacuum servo actuators, used for Heating Ventilation Air Conditioning (HVAC) mode door actuation, located directly above the gas pedal. It would require extreme foot manipulation for the driver to contact the gas pedal-to-throttle cable attachment point.
- 24. NHTSA Recall Campaign No. 04V574000 (Ford Recall 04S25) Vehicle Speed

Control/Cables issued 12/6/04 states: On certain sport utility vehicles built with 3.0L V6 engines, the accelerator cable may prevent the throttle from returning to the idle position. An unexpected increase in engine idle speed may increase stopping distance and may result in a vehicle crash. Dealers will replace the accelerator cable. The recall is expected to begin on January 17, 2005. This throttle cable recall affects 470,245 vehicles.

- 25. An accelerator cable which may prevent the throttle from returning to idle position is non-compliant with the Federal Motor Vehicle Safety Standards (FMVSS) and would create a hazardous driving condition to the occupants and surrounding pedestrians.
- 26. ALLDATA provides detailed diagnostic and repair procedures for the dealership technician. Review of the technical instructions for the recall campaign 04V574000 indicates that there are two positioning brackets required to locate and secure the throttle cable. One is a pre-crimped steel bracket which secures, but allows sliding movement of the original throttle cable. In order to remove the original defective cable, the technician is instructed to "open bracket with screwdriver". After installing the replacement cable, the technician is instructed to "Secure the accelerator cable to bracket #1 by inserting it and rotating the cable housing 45 degrees to lock it in place. Position the accelerator cable in bracket #2 and, using a suitable too, bend down the tab to retain the cable while ensuring the cable moves freely in the bracket."
- 27. The recall procedures fail to properly locate the throttle cable with specific measurements and fail to provide specific tools for the technician to accomplish the rebending of the steel brackets around the throttle cable. These procedures are inadequate at best and create a potential for crushing or damaging the throttle cable housing.
- 28. Crush or damage to the throttle cable housing by the steel bracket would restrict sliding movement of the cable housing and would compromise the structure of the inner liner of the throttle cable assembly.
- 29. The Ford throttle cable recall procedures fail to provide a safety verification test to check engine throttle response on an operational running engine. The instructions only state "Check for free movement of the accelerator pedal and that there is no binding."
- 30. Ford Motor Company only allows the dealership to charge 0.4 hours to perform this critical throttle cable safety related repair.
- 31. Mark Taylor opines that the Ford Recall 01S21 does not apply to the subject 2004 Ford Escape and that no occupant restraint system service was performed.
- 32. Per Power Ford invoice FOCS238610, dated 3/25/05, Ford Recall 01S21 was performed on the subject 2004 Ford Escape.
- 33. Search of Ford Recall 01S21 does not correlate to any recall campaign in the NHTSA database. However, this recall was retrievable from Alldata technician's reference database.
- 34. Ford Recall 01S21 pertains to outboard seat belt buckles which do not fully latch.

Affected vehicle are limited to certain 2001 Crown Victoria sedans, Excursion SUV's, Expedition SUV's, F-150 pickups, F-250 through F-550 heavy duty pickups, Grand Marquis sedans, Navigator SUV's, Ranger pickups, Lincoln Town Car sedans and Windstar minivans.

- 35. Ford Recall 01S21 states the following safety concern: In some of the affected vehicles, it is possible that the driver's and/or front passenger's outboard seat belt buckle may not fully latch. In the event of an accident, the restraint system may not provide the designed level of occupant protection.
- 36. Ford Motor Company has issued a detailed service procedure to test and identify the defect seat belt buckles on affected vehicles using a special Ford test tool. Should the tool release without depressing the release trigger, the buckle is deemed defective and should be replaced.
- 37. Review of the procedure and of the wide range of Ford vehicle models and seat belts would indicate that the special buckle test tool would fit a 2004 Ford Escape and could be used to check for proper retention and release of the seat belt latch.
- 38. It is unknown why Power Ford performed Ford Recall 01S21 on the subject 2004 Ford Escape. Per Power Ford dealership's records, Mark Taylor was in error regarding his opinion that Ford Recall 01S21 was never performed on the subject 2004 Ford Escape.
- 39. Referring to plaintiff claiming that the accelerator cable, brakes, airbags and seatbelts were defective, causing her to lose control of her vehicle, Ford stated that "Interestingly, plaintiff has absolutely no factual support for these claims."
- 40. In response to the above statement, the accident scene photographs show an offset frontal impact into a pole which contacted the left front bumper and hood area, on the outboard side of the engine compartment. The hood was buckled, however there was minor damage to the left fender. The engine compartment did not exhibit impact intrusion or crush. With no indication of body or chassis intrusion into the engine compartment, it is highly unlikely that the throttle cable would be displaced or contacted.
- 41. To account for the observations and statements by Officer Shields, without any significant collision damage to the engine compartment, it is more likely that a mechanical condition of the throttle cable assembly, routing or securement would cause the gas pedal to be stuck to the floor. Since the gas pedal is designed to pull the throttle cable, not push, a detached cable would remain in its at-rest position about its pivot point. A problem with the retention of the cable's routing or position could cause unexpected displacement of the cable from critical mounting points.

CONCLUSIONS:

The basis for Ford's Motion is based upon the grounds that no triable issue of material fact exists supporting the existence of a design or manufacturing defect in the subject vehicle. The preceding points and responses prove otherwise and in fact, prove that the most likely cause of the vehicle sudden acceleration was the existence of a defective engine throttle cable or defective

installation of the throttle cable at the time of the accident.

Based upon review and analysis of the referenced material and based on my OEM automotive industry experience, this expert opines that the on 3/25/05, Power Ford dealership performed NHTSA safety recall campaign 04V574000 Vehicle Speed Control/Cables on the subject 2004 Ford Escape. The unintended acceleration event and the gas pedal observation by Officer Shields (being stuck to the floor board) combined with the critical deficiencies in providing proper location and bracket over throttle cable retention indicates a deficient recall campaign that allowed a defective repair which resulted in unintended acceleration of the subject 2004 Ford Escape.

This engineering declaration is based upon evidence and information available at the time of preparation. Any new information or evidence, which becomes available, may necessitate a revision or amendment to the declaration.

Respectfully submitted,
MEA Forensic Engineers & Scientists Inc

Steven M. Yamashita

Product Engineer



TRANSPORTATION
INITIEY
PRODUCT
PROPERTY & PREMISES
AVIATION



STEVEN M YAMASHITA

PRODUCT ENGINEER
TRANSPORTATION & PRODUCT GROUPS

BS, Mechanical Engineering, 1979

Steven Yamashita joined MEA Forensic Engineers and Scientists in April 2007. He leads the technical investigation and failure analysis of product defects, system maifunctions, accidents and fires. Steve has over 20 years of engineering design and manufacturing experience in the automotive, commercial trucking and aerospace industries.

He has served as project design engineer with NASA, The Boeing Company, Hughes Alrcraft, Daimler-Benz Freightliner Truck, NI ssan Motor Corporation and Fleetwood American Coach.

Areas of Specialization:

- Product Defect
- Failure Analysis
- Fire Origin & Cause
- Vehicle Loss of Control
- Occupant Egress and Crash Protection

Professional Affiliations:

MEA staff are mambers of various professional organizations. A current listing can be found on our website www.meaforensic.com.

Contact: steve.yamashita@meaforensic,com

Major Projects

- Vehicle safety structure and door crash retention
- Supplemental Restraint System (SRS) seatbelt and airbag deployment
- Vehicle steering, handling and braking performance
- NASA Space Shuttle life support, environmental and attitude control systems
- Boeing and McDonnell Douglas commercial aircraft wheels, tires, brakes, aerodynamic flight surfaces and jet engine control systems
- Daimler/Freightliner truck computer based repair and maintenance diagnostics for engine, transmission, drive axie, suspension and traction control systems
- Calsonic/Specific Cruise Systems CMOS microprocessor based speed control
- Zexel/Calsonic Heating Ventilation and Air Conditioning for Nissan, Subaru and Freightliner
- Garrett AiResearch automotive and aviation turbochargers and missile flight control hydraulic valve actuators

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TRANSPORTATION
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PRODUCT
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AVIATION



STEVEN M YAMASHITA PRODUCT ENGINEER TRANSPORTATION & PRODUCT GROUPS

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Professional Affiliations:

MEA staff are members of various professional organizations. A current listing can be found on our website www.meaforensic.com.

Contact: steve.vamashita@meaforensic.com

Major Projects

- Vehicle safety structure and door crash retention
- Supplemental Restraint System (\$R5) seatbelt and airbag deployment
- Vehicle steering, handling and braking performance
- NASA Space Shuttle life support, environmental and attitude control systems
- Boeing and McDonnell Douglas commercial aircraft wheels, tires, brakes, aerodynamic flight surfaces and jet engine control systems
- Daimler/Freightliner truck computer based repair and maintenance diagnostics for engine, transmission, drive axle, suspension and traction control systems
- Calsonic/Specific Cruise Systems CMOS microprocessor based speed control
- Zexel/Calsonic Heating Ventilation and Air Conditioning for Nissan, Subaru and Freightliner
- Garratt AiResearch automotive and aviation turbochargers and missile flight control hydraulic valve actuators

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STEVEN M YAMASHITA

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TRANSPORTATION & PRODUCT GROUPS

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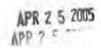
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MEA Forentic Engineers & Scientific Inc. 23381 Vista Grande Drive, Suite A. Laguna Hills, CA 92653 Tr. 949 855 4552: -- Byz 855 5322 Fr949 855 3340 WWW.meafurenski.com





Facsimile: (321) 638-2231

Brett A. Hyde

VANCE, LOTANE & BOOKHARDT, P.A. ATTORNEYS AT LAW 1980 Michigan Avenue Cocoa, Florida 32922

Telephone: (321) 636-4861

L. Alexander Vance

Troy R. Lotane Samuel Bookhardt, III	Michael R. Cook Eric L. Hestetler				
Sander Bookhaldt, III	April 5, 2005	idsteller			
Ford Motor Company P.O. Box 1904 Dearborn, MI 48121	APR 2 5 2005				
	GENERAL COUNSEL	LII	=		
Date of Loss: Our File Number: State Farm Loss: Insured Loss: Total Amount of Loss: Sir or Madam. State Farm Mutual Automob mentioned insured whose automobile handling this claim on behalf of State Our investigation reveals that from you the above amount. If you are protected by applied company is obligated to pay on you	April 14, 2004 200041763 \$3,922.94 \$624.03 \$4,546.97 The Farm Automobile Insurance Company a/s/o you are at fault for this accident. Therefore, we stable liability coverage on the date of the accident behalf. If you were insured, please indicate and the please indicate the stable liability coverage on the date of the accident behalf. If you were insured, please indicate the stable liability coverage on the date of the accident behalf. If you were insured, please indicate the stable liability coverage on the date of the accident behalf. If you were insured, please indicate the stable liability coverage on the date of the accident behalf. If you were insured, please indicate the stable liability coverage on the date of the accident behalf.	will seek dent, your e the nam	our firm is to recover insurance se of your		
	er on a copy of this letter and return it to us at the loss to your insurance company if you have not				
If, however, you were not insur	red, please contact us at 1-800-807-3334 Ext. 12	27.			
	Yours very truly, Bert Wilson				
BW/IIIj	BERT WILSON Collections Department				
Your Insurance Carrier Your Claim Number	Your Policy Number: Your Insurance Co. Telepho	one No:			

DIVISION CIVIL OTHER	SUMMONS/NOTICE TO APPEAR FOR PRE-TRIAL CONFERENCE (File in Quadruplicate)	0.5	- 163 33 SP 05
State Farm Mutual Automobile Insurance Company a/s/o Individually c/o Vance, Lotane & Bookhardt, PA 1980 Michigan Avenue Cocoa, FL 32922	VS. DEFENDANT(S) Ford Motor Company		11/6/05 1 3ch?
DEFENDANT(S) TO BE SERVED AT: Ford Motor Company CT Corporation System, Registered Agent 1200 South Pine Island Road Plantation, FL 33314	PRE-TRIAL INFORMATION DATE: DEC 1 4 2005 TIME: 9 30 A 61 JUDGE: 0 8 73 WEST FLAGLER ST.		CLOCK IN

YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney at the time and location indicated above for a PRE-TRIAL CONFERENCE before a Judge of this Court.

MIAMI, FL RM. 6-4

CLERK OF COURTS

BY

NOTICE TO PLAINTIFFS AND DEFENDANTS:

DC ISSUED ON:

TOT 7 0 2005

IMPORTANT READ CAREFULLY THIS CASE WILL NOT BE TRIED AT THAT TIME DO NOT BRING WITNESSES - APPEAR IN PERSON OR BY ATTORNEY

The Defendant(s) must appear in court on the date specified in order to avoid a Default Judgment. The Plaintiff(s) must appear to avoid having the case dismissed for lack of prosecution. A written MOTION or ANSWER to the court by the Plaintiff(s) or the Defendant(s) shall not excuse the personal appearance of a party or its attorney at the PRE-TRIAL CONFERENCE. The date and/or time of the Pre-Trial Conference CANNOT be rescheduled without good cause and prior court approval. In compliance with Federal Law you are advised this is an attempt to collect a debt and any information obtained will be used for that purpose.

A corporation may be represented at any stage of the trial court proceedings by an officer of the corporation or any employee authorized in writing by an officer of the corporation. Written authorization must be brought to the Pre-trial Conference.

The purpose of the Pre-Trial Conference is to record your appearance, to determine if you admit all or part of this claim to enable the court to determine the nature of the case, and to set the case for Trial if the case cannot be resolved at the Pre-Trial Conference. You or your attorney should be prepared to confer with the court and to explain briefly the nature of the dispute; state what efforts have been made to settle the dispute; exhibit any documents necessary to prove the case; state the names and addresses of your witnesses; stipulate to the facts that will require proof and will expedite the trial; and estimate how long it will take to try the case.

If you admit the claim, but desire additional time to pay, you must come and state the circumstances to the Court. The Court may or may not approve a payment plan and withhold Judgment of Execution or Levy.

Page 1 of 2

IMPORTANT INFORMATION ON PAGE 2

PLAINTIFF

DEFENDANT Ford Motor Company CASE NUMBER

State Farm Mutual Automobile Insurance Company a/s/o

a/s/o
IndividuallyState Farm Mutual Automobile

Insurance Company

as Subrogee of

RIGHT TO VENUE: The law gives the person who has sued you the right to file suit in any of several places listed below. However, if you have been sued in any place other than one of these places, you, as the Defendant(s) have the right to request that the case be moved to a proper location or venue. A proper location or venue may be one of the following:

- 1. Where the contract was entered into;
- 2. If suit is on unsecured promissory note, where note is signed and maker resides;
- 3 If the suit is to recover property or to foreclose a lieu, where the property is located;
- 4. Where the event giving rise to the suit occurred;
- 5. Where any one or more of the following defendant(s) resides;
- 6. Any location agreed to in a contract.

In an Action for money due, if there is not agreement as to where suit may be filed, proper venue lies in the county where payment is to be made.

If you as Defendant(s) believe that the Plaintiff(s) has/have not sued in one of these correct places, you must appear on your court date and orally request a transfer, in affidavit form (sworn to under oath) with the court seven days prior to your first court date and send a copy to the Plaintiff(s) or Plaintiff(s) attorney.

A copy of the Statement of Claim shall be served with this summons.

Persons with a disability who need special accommodations to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. You should contact the Disability Coordinator at the Office of Clerk of Courts, 73 W. Flagter St., Miami, Fl 33130. Telephone:305-375-2006, within (2) two working days of your receipt of this notice. If you are hearing or voice impaired, call 1-800-955-8770 (TDD).

MAILING ADDRESS
Harvey Ruvin
Miami-Dade County Courthouse
73 W. Flagler St, Suite 135,
Miami, FL 33130

200041761

You can avoid having to attend court hearings by entering into a payment agreement with our office.

If you admit liability for the foregoing debt, but are unable to pay the amount in a lump sum, our firm is willing to enter into negotiations so that you may pay the amount due our client on a monthly basis. If you telephone our office at 1-800-807-3334 or (321) 636-4861 we can try to negotiate a monthly settlement amount which you can afford and is acceptable to our client.

Once we have come to an agreement on the amounts which will be paid, we will mail you a Payment Stipulation outlining the Agreement. Once our firm receives the signed Payment Stipulation, we will file it with the Court, thus eliminating the need for either you or us to attend the scheduled hearing Please call us if you have any questions.

VANCE, LOTANE & BOOKHARDT, P.A.

L. ALEXANDER VANCE, ESQUIRE

Florida Bar No. 212601

☐ TROY R. LOTANE, ESQUIRE

Florida Bar No. 0163015 1980 Michigan Avenue Cocoa, Florida 32922 (321) 636-4861 Attorney for Plaintiff IN THE COUNTY COURT, IN THE ELEVENTH JUDICIAL CIRCUIT, IN AND FOR DADE COUNTY, FLORIDA

CASE NO.: DIVISION: 0 5 -163 33 SP 0 5

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY as Subrogee of and I individually,

Plaintiffs,

VS.

FORD MOTOR COMPANY,
a Foreign Corporation,

Defendant.

COMPLAINT COUNT I

Plaintiff sues Defendant and alleges:

- This action is for damages, which is less than or equal to \$5,000.00, exclusive 61
 interest, attorney fees and costs by virtue of which this Court has jurisdiction.
- Plaintiff is, and at all times mentioned in this complaint was, a resident of the City
 of Miami, County of Dade, State of Florida.
- Defendant Ford Motor Company, a Foreign corporation, is duly organized and existing and licensed to conduct and transact business within the State of Florida.
- 4. At all times mentioned in this Complaint, Defendant Ford Motor Company was in the business of designing, manufacturing, assembling, and placing into the stream of commerce automobiles and other vehicles. Defendant Ford Motor Company sells its motor vehicles throughout the United States, including the State of Florida, through its various franchised dealers.
- 5. Sometime prior to April 14, 2004, Defendant, Ford Motor Company, designed manufactured, and assembled a 2002 Ford Escape, vehicle identification number 1FMYU011:

 After designing, manufacturing, and assembling the 2002 Ford Escape, Defendant, Ford Motor Company sold and delivered the automobile to an authorized dealer of the Defendant for resale to the public,
 - Plaintiff purchased the 2002 Ford Escape from an authorized dealer of the

defendant.

- 7. On or about April 14, 2004, Plaintiff was parking the 2002 Ford Escape when the motor vehicle accelerated without warning, causing the motor vehicle to hit a light pole and drive over a cement stopper. The loss occurred at 4702 Southwest 67th Avenue in Miami, Dade County, Florida.
- Plaintiff received after the incident, a recall notice regarding the accelerator cable
 preventing the throttle from returning to the idle position, resulting in elevated engine speeds while driving.
- 9. As a result of the incident described above, Plaintiffs have been damaged. Said. Vehicle of the Plaintiff was damaged and depreciated and the Plaintiff has incurred damages therefore in the amount of \$3,922.94.
- In addition, the Plaintiff paid a deductible amount of \$500.00 of Plaintiff's own funds to repair said damages.
- In addition, the Plaintiff paid an amount of \$124.03 of Plaintiff's own funds for the
 use of the rental car.

WHEREFORE, Plaintiff prays for Judgment against the Defendant, Ford Motor Company, in the amount of \$4,546.95, interest from and after April 14, 2004 and for their costs herein incurred.

COUNT II

- Plaintiffs adopt and realleges paragraphs 1 through 8 of this Complaint as if set forth fully herein.
 - 13. Plaintiff purchased the automobile described above.
- 14. Plaintiff took delivery of the automobile described above and proceeded to use it for his personal transportation.
- 15. On or about April 14, 2004, Plaintiff was parking the 2002 Ford Escape when the motor vehicle accelerated without warning, causing the motor vehicle to hit a light pole and drive over a cement stopper. The loss occurred at 4702 Southwest 67th Avenue in Miami, Dade County, Florida.
- 16. The 2002 Ford Escape was subject to an express warranty, including but not limited to it being free from defects in material and workmanship, a copy of which is in the possession of Defendant, Ford Motor Company.

- 17. Defendant, Ford Motor Company breached said warranty by selling to Plaintiff said vehicle in condition that was defective in material or workmanship.
- 18. As a result of Defendant's breach, Plaintiffs have been damaged. Said Vehicle of the Plaintiffs were damaged and depreciated and the Plaintiffs have incurred damages therefore in the amount of \$3,922.94.
- 19. In addition, the Plaintiff paid a deductible amount of \$500.00 of Plaintiff's own funds to repair said damages.
- 20. In addition, the Plaintiff paid an amount of \$124.03 of Plaintiff's own funds for the use of the rental car.

WHEREFORE, Plaintiff prays for Judgment against the Defendant, Ford Motor Company, in the amount of \$4,546.95, interest from and after April 14, 2004 and for their costs herem incurred.

COUNT III

- 21. Plaintiffs incorporate herein Count I and Count II in their entirety.
- 22. Defendant, Ford Motor Company is a "seller" as same as contemplated in Article 2 of the Florida Uniform Commercial Code, 672.103 et.seq.
- 23. Said vehicle sold by Defendant, Ford Motor Company to Plaintiff was subject to an implied warranty of merchantability that the vehicle was fit for the ordinary purpose for which such goods are used.
- 24. Defendant, Ford Motor Company knew, or in the exercise of reasonable care should have known, that except for the implied warranty described above, Plaintiff would not have purchased the 2002 Ford Escape.
- 25. The 2002 Ford Escape was not as warranted by Defendant, Ford Motor Company.
 in that it contained the defects described above, which defects caused the automobile to be unmerchantable and unfit for use as personal transportation.
- 26. As a result of Defendant's breach, Plaintiffs have been damaged. Said Vehicle of the Plaintiffs were damaged and depreciated and the Plaintiffs have incurred damages therefore in the amount of \$3,922.94.

- 27. In addition, the Plaintiff paid a deductible amount of \$500.00 of Plaintiff's own funds to repair said damages.
- 28. In addition, the Plaintiff paid an amount of \$124.03 of Plaintiff's own funds for the use of the rental car.

WHEREFORE, Plaintiff prays for Judgment against the Defendant, Ford Motor Company, in the amount of \$4,546.95, interest from and after April 14, 2004 and for their costs herein incurred.

Dated at Cocoa, Brevard County, Florida, October 3, 2005.

VANCE, LOTANE & BOOKHARDT, P.A. Attorneys At Law

L. Alexander Vance, Esquire

Florida Bar No. 212601

Troy R. Lotane, Esquire Florida Bar No. 0163015 1980 Michigan Avenue Cocoa, FL 32922 321-636-4861 Attorney for Plaintiff

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Office of the General Counsel

PRIVILEGED & CONFIDENTIAL

Ford Motor Company Parklane Towers West Suite 300 Three Parklane Boulevard Dearborn, Michigan 48126-2568

January 21, 2005 ,06210

Peerless Insurnace PO BOX 2053 Keene, NH 03431

ATTENTION: CRAIG DESMARAIS

Re:

Claimant:

D/O/E:

05-05-04

Your Claim #:

Dear Mr. Desmarais:

We acknowledge your recently submitted subrogation claim. In order to assist us in evaluating your claim, we request that you provide us with the following information: (Please note that the information requested is in regard to the Ford manufactured vehicle.)

\boxtimes	1.	Attach statement with a complete description of the incident, including events that occurred prior to and subsequent to the loss.	
M	2.	A copy of the police and/or fire report.	
	3.	Original color photographs of the vehicle's collision/fire damage & the alleged defective parts, from several different angles.	
	4.	Original color photographs of the inside of the vehicle showing the steering wheel, dash and roof areas.	
	5.	Original color photographs of the accident / fire scene from several different angles.	14
	6.	Attach a copy of your expert's report and the expert's original photographs.	100
	7.	Attach the repair estimate, repair order, or your total loss worksheet for the vehicle's damage and any losses associated with this incident, and	GI 2
N	Ď.	copies of draft payments.	-
\boxtimes	8.	Attach the complete service history for the subject vehicle, including any tune-ups or oil changes.	>
form;	Pleas	se answer the following in the space provided. If you need additional space, please use the back of the	50
	9.	What was the city and state of occurrence: BRATTLE BURD YT.	
	10.	The 17 digit vehicle identification number:NAIFMY_U0Y/9Zk	
	11.	What was the mileage at time of occurrence:NA	
	12.	What is the alleged defect: NA ACCULERATION PROBLET	CARIL
	13.	Has the alleged defective part been repaired or replaced? (circle one) Yes or No	CODe

	DOUND TREE FORD, 1147 PUTNEY RD BRATTILES
L	ist all after market additions or modifications that were made to the vehicle:
_	A GAS DEVAL MODIFICATION FOR LEFT FOR
	USE, SEE DAGIOS
	Vas the engine running?NA(circle one) Yes or No
٧	Vere the keys in the ignition?NA (circle one) Yes or No
	Vas this vehicle purchased new or used:
11	purchased used, provide the date of purchase, mileage at the time of purchase, and from w
+)	ne vehicle was purchased: POOD OTREE FORD, BRATTLE BORD V.
	ON DEC 2003,

Once we are in receipt of the requested information, it will be reviewed and you will be notified of our decision concerning your claim. Should you not send all of the requested information and materials, we will assume that you are not interested in pursuing a claim and we will close our file. Please note that your vehicle will not be inspected until all the above information has been submitted and a determination has been made as to whether an inspection is warranted.

Please be advised that all necessary steps should be taken to ensure that the subject vehicle and all of its component parts are maintained and preserved for trial. Ford Motor Company has the right to inspect the vehicle and remove and test any component part that you claim to be defective, and to be presented with the vehicle and the subject component part(s) at the time of trial, should litigation ensue from this informal claim.

Please Note: If you propose to repair the vehicle for continued usage, such repairs may not be performed until after Ford Motor Company has inspected the vehicle and removed and tested any component part you claim to be defective or advised you in writing that it does not intend to perform such inspection and/or testing at this time. But even in that event, Ford Motor Company will insist that all components claimed to be defective are maintained and preserved for trial.

Sincerely,

Shawn L, Norton Claims Analyst / Litigation Assistant

A) LRAM3270Session.zws -	PASSPORT	January 27, 2005, 10:55:58
DT51 *SYSTEM-GEN FILE*	FILE TEXT EDITOR	* MORE PAGES * PAGE 001
	TO CASE NUMBER 202335600	
	SUBRO: DID FORD MOTOR RES	
		OR L FO CHG BY NECLCLD CHG DATE 01/04/2005
	FILE TEXT FILE # 100 RECD FNL TODAY; CONF COVE	09370411 OWNER NECLLGL
		MENT, SHE WAS BACKING DOWN THE RIGHT B/F GOING UP SLIGHT
4	INCLINE, AS SHE WAS NEGOT	LATING THE BEND TO THE RIGHT
		HER BACKWARDS. IV PICKED UP OVER AN EMBANKMENT INTO THE
7	WOODS UNTIL IT HIT A TREE	
8	NO INJURIES NO PASSENGERS	
10	S/B - Y	
11	DAMAGE TO IV:	AGE
COMMAND===>	The state of the s	100
P1 IIAG=C1 9UGN=I1 NGING	E=RETORN F6=DD F7=BWD F8=	FWD F10=NOTF F12=CAN F15=PRN1

A) LRAM3270Session.	zws - PASSPORT	January 27, 2005, 10:56:28
DT51 *SYSTEM-GEN H	FILE* FILE TEXT EDITOR	* MORE PAGES * PAGE 002
	TACHED TO CASE NUMBER 20233	
=======================================		
		RESPOND? ELINOR L FO CHG BY NECLCLD CHG DATE 01/04/2005
	26 AGAIN BACKWARDS.	A TO ROUNDTREE FORD IN BRATT
	28 REQUESTED APPRAISE	R THROUGH FACTS
	20 NO DEODERMY DAMAGE	D FD WERE CALL TO SCENE; NO INJ
	31 WILL TRY TO GET IS	OCLAIMSEARCH FOR VIN HISTORY
	32 33 TDL:	
	34 WATCH FOR APPRAISAL R	ESULTS
	35 SHOP:	DINITO)
	37 802-258-2400 X126 (D	ENNIS)
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-	V100 V 7 (0)	ng Agency BRATTL			1547						
C	ITYTOWN BRATTLEBURD Street A	1 00000000	AILL NO	"H#VT# US#							
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Dist	stance (From Nearest Int. St)		Coordinates								
_	Feet Miles Direction (From Nea		atitude								
Pos	osted Speed 25 N S	E W	ongitude								
	VEHICLE #1 Last	First - M.I.	License	State	Class						
OP	Name:	L		VT	A						
ERA	Address	City/Town BRATTL	(BORO Sta	ate VT Zip							
T	Telephone Sex F	DOB	Restrictions	Seat Belt	CDL _						
0	Same as Operator 🛛 Name: Last		First	M.I.							
W	Address City/Town		State Zip	Tel.							
R	Insurance Co. PEERLESS	Policy	No.								
V	Registration No. Z8375 Plate Type F	State VT VIN	IFMYU	04192E							
H	Type: t. Pass Veh Vehicle Yr 02 Make_	FORD Model E	3.4.00	st. Speed 15	Comm Veh						
C	2. Truck 3. Motoroyale	2 3 4	9 Hood 10 Roof	Direction of Travel	If yes,						
L	Damage Estimate None <)+ 1	5 11 Trunk	NSEW	see Overlay 2 and Page 3						
	TOWERD BY BRATILEBORD TOWN	19 8 7 6	12 Undercarriage 13 Total		Printer and						
	VEHICLE #2 Last First M.I. License State Class										
OP	Name:										
R	Address	Other Transaction of the Contraction of the Contrac	Sja	ate Zip							
ATO		City/Town									
R	Telephone Sex DO	В	Restrictions	Seat Belt	CDL						
o w	Same as Operator Name: Last		First	M.J.							
NE	Address City/Town		State Zip	Tel.							
R	Insurance Co.	Policy	No.								
v	Registration No. Plate Type	State VIN									
H	Type: 1. Pass Veh Vehicle Yr. Make_	Model	E	st. Speed	Comm Veh						
C	2. Truck 3. Motorcycle	2 3 4	9 Hood	Direction of Travel	If yes,						
LE	Damage Estimate None <\$1000 S1000)+ 1	10 Roof 5 11 Trunk	NSEW	see Overlay 2 and Page 3						
	Tewed By	8 7 6	12 Undercarriag	e							
No	on-vehicle Property Damage										
	Address			Phone							
Da	amage Description										
		d crashes see Page 3.)		4.0							
Na	ame Address			Phone							

Narrative: Vehicle 1 was a 2002 Ford Escape (VT ZB375) driven by

Vehicle 1 was parked in the driveway of 1 Winding Hill Rd. As the operator backed out of the driveway, the vehicle accelerated out of the driveway, across the road, and down an embankment across the street. The operator was not injured and the vehicle was pulled out by a tow truck.

told me that the vehicle she was driving is equipped with an additional accelerator pedal on the left side of the brake pedal. She said this is there for her disabled husband so he can operate the vehicle. Forrester said at first that this device may have malfunctioned. Later, while we waited for the tow truck, she told me that she thinks the brakes may be defective in her car. I recommended to her that she have both systems inspected before she operates the vehicle again.

Mark Carignan.

Vehicle Number Con Carrier's Identification Numbers	mmercial \	/ehicle								
US DOT ICC MC	lat	amtata C	omor	7 9	tota Na	me	State Nu	mher		
Carrier's Name	inc	erstate C	allioi.		nave I vai		Julio 140			_
Carrier's Address		City				State		Zip		
Source: Vehicle Side Shipping Paper				Ca						
		511101								
Vehicle Information Axles on Vehicle (Including Trailers) Gross V	ehicle Wt Rat	ing	lbs	or	kg					
Length of Vehicle (Incl. Trailer)ft ormeters						or	_meters			
Trailer License Number State	Т	railer Ide	ntificatio	n Numb	er					
Hazardous Material	Γ	Non-c	omme	rcial T	railer					
Name or 4 Digit Diamond or Box	Number from	Vehicle								
Placard: Spill:		Year _	M	ake	_	Model	Ple			-
		Vehicle	2					State		
Small Number	r from Bettom		_ M	ake		Model	Pk	ate No.		
								State		
Additional Operator Information										
Alcohol Test Vehicle 1	Drug Test		eh 1			st Resul	Veh	1		
1. None Given 2. Refused Test Result 0. BAC	1. None Gi 2. Refused	70000			 Mariju Cocai 					
3. Blood/Serum	3. Blood/S	erum		_	3. Opiate	8				
4. Urine 5. Other Vehicle 2	4. Urine 5. Other	V	eh 2	_	5. PCP		Veh :	2		
6. Breath Preliminary 7. Breath Evidentiary Test Result 0. BAC				1	6. Other					
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Ticket # Violation Code		Ticket	#				Violatio	n Code		-
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										-
EMS Run number 04-010095 EMS Ag	jency Re	sive	INC	Dest	inatio	n Hosp	ital /	6 T	masp	ort.
Operator and Other People Involved										
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4										
								-		
		-	-		-	-				
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5. Pedesinan 4. Possible injury		Applicab	le 3. l	ap Belt Shoulder	Only and La	p Belt 1). Belt an		ess	
5. Unknown 10 12 5. No injury 6. Unknown	J. 011h		5. (Child Sal	fety Sea	t Used 12	2. Belt an	d Air B		
Pede	strian/Cyclis	Codes	on Over	lay 1		13	B. Harnes	s and /		age 3

PE12-019 000384LC SUBJECT

@ Mercury

1147 Putney Road . Brattleboro, Vermont 05304 (802) 258-2400 * Toll Free 800-639-1674 * Fax 802-257-1613 Service Hours M-Fri 7am-6pm, Sat. 7:30am-12 30pm

Thank You!

FOCS	77606
CUSTOWER MUNEER	20344
BRATTLEBORO, VT	
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MY119UR	teg No
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DAVE TROMBLY	
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express or cipied archibing any implied warrantly of morchanith ily of These for a conscilar purpose, and suffice assumes not dulino ses any other person in assume for it any liability in connection with the sale of said products, the elarer with respect to the sector, the product is sold. As is and

the entire usis as to quality and performance of the product is with the bayer and/or manufacturer, and if the product proves defective after suichese, the

buyer and/or manufacturer not the seller, shall assume the entire cost of all

necessary sarvicing or repail

JOB# 1 CHARGES 3# 1 90F0Z05 MISC. RECALLS TECH(S):21700 PLEASE PERFORM RECALL 04525 ALLELORATOR CABLE RECALL PERFORMED RECALL 04525 PARTS --- -- QTY --- FP NUMBER -----DESCRIPTION ------LIST PRICE-UNIT PRICE-5LBZ - 9A758 - AA CA ASY-ACE 2 WARRANTY TOTAL - PARTS 0.00 1 TOTALS-----JOB# 1 JOURNAL PREFIX FOCS JOB# 1 TOTAL 0.00 LABOR ----MISC LIGHT REPAIR WARRANTY J# 2 24FDZ11 C/S AIR BAG LIGHT IS FLASHING AND THEN STAYING ON STEADY PULLED CODE 1881 NEEDS TSB PERFORMED FOR REPLACING TENSIONERS DIÆ TO CONTINUITY DIFFERENCE REPLACE TENSIONERS PARTS --- OTY -- FP-NUMBER --- DESCRIPTION --- LIST PRICE-UNIT PRICE-1L87-78610E22-AAA KIT ST BEL O WARRANTY WARRANTY 1L8Z - 78610E23 - AAA KIT ST BEL 0 WT-5630 CONN-WIRE 17 WARRANTY TOTAL - PARTS 0.00 308# 2 TOTALS------JOB# 2 JOURNAL PREFIX FOCS JOB# 2 TOTAL 0.00 EST[MATE----CUSTOMER HEREBY ACKNOWLEDGES RECEIVING DRIGINAL ESTIMATE OF 10.00 (+TAX)

The manufacturer has introduced a CUSTOMER SERVICE SURVEY, asking our customers about their most recent Service experience You will be asked to rate your experience as one of the following

COMPLETELY SATISFIED VERY SATISFIED EXCELLENT

VERY GOOD

SATISFIED GOOD

SOMEWHAT SATISFIED FAIR

CHISHIAR TOX POOR



1011.020





As you can see anything below excellent is a failing score. If you cannot give us an EXCELLENT rating would you please let us know what we can do to earn a passing grade from you. We want you to be COMPLETELY SATISFIED. More apportunity, we want you to be HAPPY

WZZM13 News Coverage

Monday, January 03, 2005 -

7 Day Forecast

Ford recalls 474,000 Escape SUVs for accelerator problem

AF

Created: 12/10/2004 4:01:09 PM Updated: 12/10/2004 4:01:09 PM Increase Type Size
 Decrease Type Size
 Make WZZM 13 you

DEARBORN, Mich. (AP) _ Ford is recalling about 474-thousand E_cape sport utility vehicles worldwide.

The recall is because of the possibility of an accelerator problem. I could result in elevated engine speeds.

Ford says the vehicles involved are from the 2002-to-2004 model wars - and most are in the United States.

The company is NOT aware of any accidents or injuries related to the problem.

Owners will be notified by Ford and can have the accelerator cable replaced at no cost.

34363



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1/3/2005



Where solutions are no accic

Claims Gateway Viewer

Tom McConnell - Reviewer

3 Home \$ Logof

New Search | About | Images for:

Claim Number

The following photos are not associated with an estimate but are associated with the claim.



Date: 5/11/04 2:42:15 PM

RT REAR BUMPER, TAIL LAMP & GATE DAMAGED. TREE BARK IN TRAILER HITCH.



Date: 5/11/04 2:42:15 PM

GATE WARRENTS REPLACEMENT.



Date: 5/11/04 2:42:15 PM

PAINT IS CRACKED ON THE LOWER RT CORNER OF QUARTER PANEL.



Date: 5/11/04 2:42:15 PM

RT LOWER DOOR MLDS SCRAPES



Date: 5/11/04 2:42:15 PM

RT DOOR HANDLE SCRAPED.



Date: 5/11/04 2:42:15 PM

DIRT IN RT REAR RIM.



Date: 5/11/04 2:42:15 PM

LT REAR FLARE EXTENSION IS STICKING OUT, NOT INCLUDED.



Date: 5/11/04 2:42:15 PM

LOWER LT TOW HOOK & BUMPER COVER DAMAGED.



Date: 5/11/04 2:42:15 PM

COVER IS NON REPAIRABLE- GRAY TEXTURE.



Date: 5/11/04 2:42:15 PM

LT TOW HOOK IS PULLED OUT OF RADIATOR SUPPORT.



Date: 5/11/04 2:42:15 PM

RT SIDE HAS MUD & SCRAPES



Date: 5/11/04 2:42:15 PM

GAS PEDDLE HAS BEEN ALTERED TO OPERATE ON THE LT SIDE OF BRAKE PEDDLE. THERE IS A FOOT REST

PEDDLE ON THE EXTREME LT, OWNER MAY BE GETTING THEM CONFUSED.



Date: 5/11/04 2:42:15 PM



Date: 5/11/04 2:42:15 PM

BRAKES ARE NORMAL FLUID IS FULL.

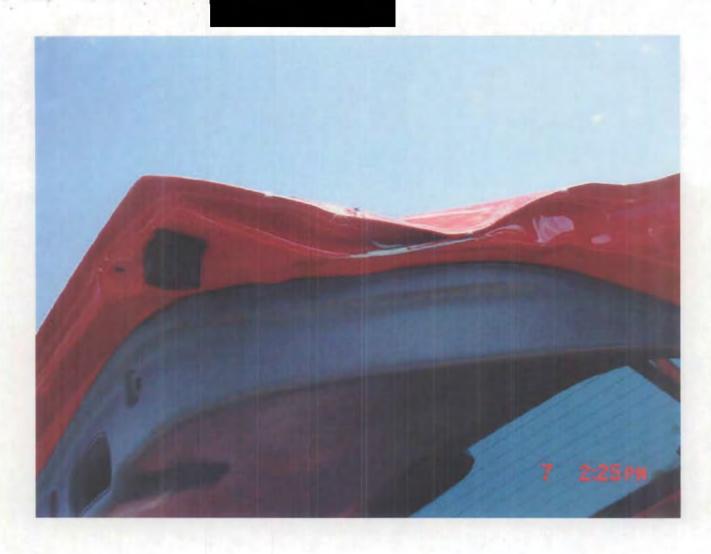


Date: 5/11/04 2:42:15 PM

RT SIDE HAS MINOR MARKS ON LOWER DOOR MLDGS.

3 TOP S CONTACT US SITE INDEX PRIVACY LEGAL COPYRI

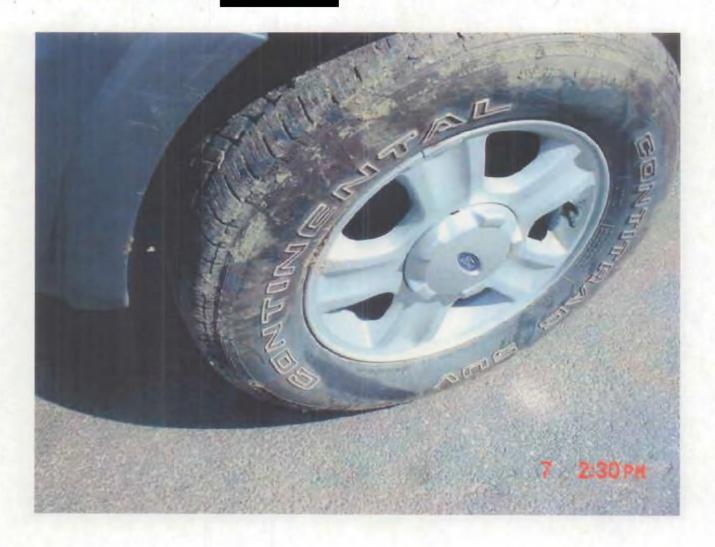


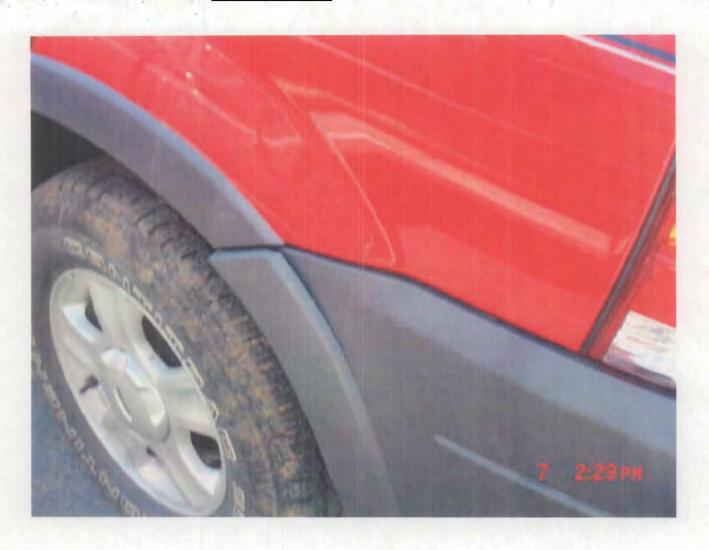














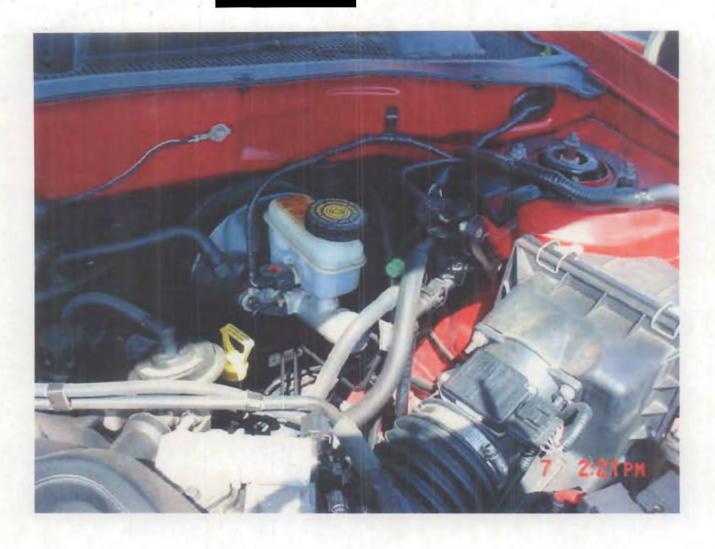
















January 4, 2005

SNOUMER AFFAIRS SECTION

O.J. Marrie, Accessed OT BOX ATTO Kreen Military B053523221 Larry, val. 5 mg.

FORD MOTOR COMPANY PO BOX 6248 DEARBORN, MI 48126

RECEIVED 10 N N 1985

IAN 1 0 7005

RE:

Our Case #:

202335600

Our Insured:

Date of Loss: 05-05-04 VIN:

1FMYU04192K

Your Case#: UNKNOWN

Dear Consumer Affairs.

As a result of the above captioned incident, Peerless Insurance Company has been called upon by their insured to pay for their damages in the amount of \$2489.59 which includes our insured's \$250.00 deductible.

Our investigation of this accident indicated their damage was a result of the negligence on the part of your insured. Due to a defect in the gas cable vehicle went out of control and over an embankment, this occurred before Ford sent out a recall notice. The purpose of this letter is to put you on notice of our subrogation demand.

Enclosed you will find our supporting papers. After you have had an opportunity to review this file, we request that you forward your settlement draft payable to the Peerless Insurance Company as subrogee of

We are anticipating your early reply. Should you wish to discuss this with us, our foll free number is 1-800-542-5385 and my extension is 84677.

Very truly yours, -

Crarg L. Desmarais

Subrogation Specialist

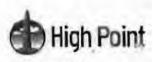
Cc: Powers Walker Ins Agy

7410427

Excelsior Insurance Company The Netherlands Insurance Company

Peerless Insurance Company (Not Licensed in New Jersey) Peerless Indemnity Insurance Company





P.O. Box 993 Horsham, PA 19044 800-759-2805 APR 1 1 X005

April 1, 2005

Ford Motor Company/ Service Engineering Operations P.O. 1904 Dearborn, MI 48121-

Claim Number: Date of Loss: Insured: Claimant: Policy Number: November 16, 2004
Ford Motor Company



Dear Sir/Miss:

I am writing in reference to the above auto loss.

Our insured received a letter from Ford Motor Company advising her of a defect in her 2003 Ford Escape. Because of this defect, our insured was involved in the above auto accident.

I have enclosed subrogation proofs for your review.

Please remit a check for \$5561.06 or contact me.

I appreciate your help in this matter.

If you have any questions, you're welcome to call me at (800) 759-2805, ext. 8363, between 7:30 a.m. and 3:30 p.m. Eastern time, Monday through Friday. I can also be contacted by Fax or my Internet email address. Both are provided below for your convenience.

Sincerely,

Kathy D'Lauro
Claims Representative
Fax: (800) 517-0538
email: kathleen.dlauro@highpointins.com

CONSUMER AFFAIRS

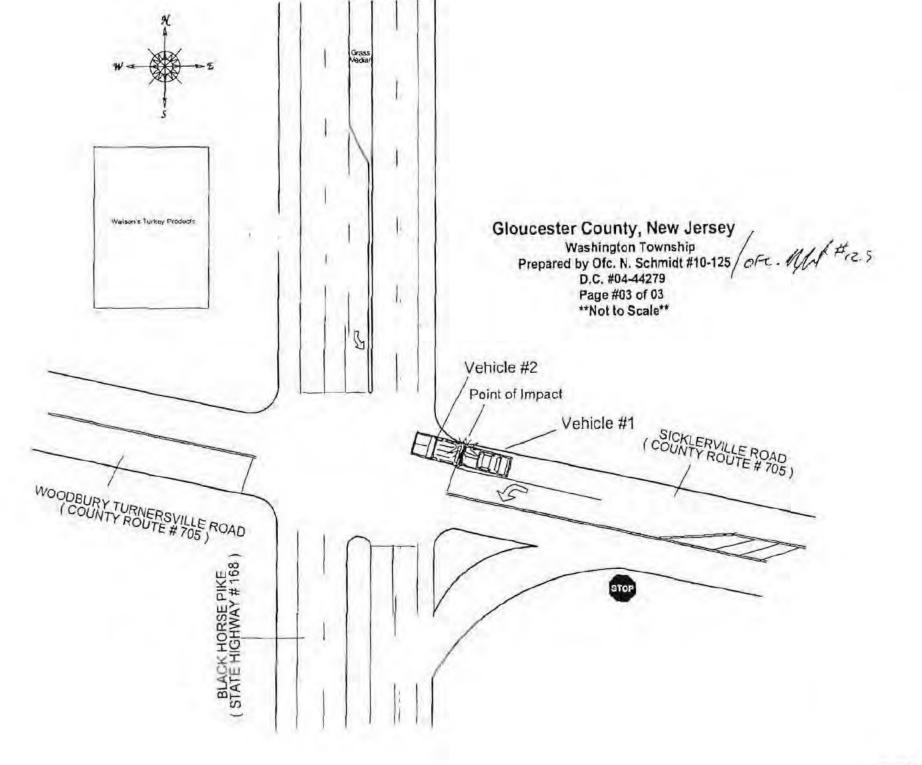
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c 2	3		1	23	M		A	09	04			WOODBURY, NJ	
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STATE OF NEW JERSEY Police agency WASHINGTON TOWNSHIP POLICE Case MOTOR VEHICLE ACCIDENT DESCRIPTION 04 - 44279 103 Accident Description (Refer to vehicle by number 20 21 24 26 NAMES AND ADDRESSES OF OCCUPANTS 18 19 17 On 11-16-04, at approximately 1130 hours, I Ofc. N. Schmidt # 10-125, was dispatched to the area of Origin: Sicklerville Road and Black Horse Pike (Route 168) for a motor vehicle crash. Arrival at Scene: Upon arrival I observed a white colored Dodge Ram Van stopped facing west within the westbound lane of Sicklerville Road at intersection with Black Horse Pike (Route 168). I observed a silver colored Ford Escape stopped facing west within the westbound lane of Sicklerville Road directly behind the white van with the front bumper resting on the rear bumper of the van. Interview of Driver # 01: The operator of vehicle # 01. , stated that she was stopped at Sicklerville Road and Rt. 168 when the car in front of her started to turn right. The vehicle then suddenly stopped. She started to turn then hit the car in front of her. (See Attached Statement) The operator of vehicle # 02, Interview of Driver # 02: , stated that he was traveling on Sicklerville Road approaching Rt. 168. He was in the right lane and was struck from behind by the other vehicle. He was going to make the right turn and stopped. There was a red light and his partner informed him that we they needed to go straight, so he stopped. (See Attached Statement) Interview of Witness: N/A Vehicle # 01 had damage to the front-end; both front airbags deployed and was towed Damage to Vehicles: from the scene via private tow. Vehicle # 02 had minor damage to the rear bumper and was driven from the scene. Both drivers and passenger reported no injuries as result of the crash. Initial call to 911 reported possible injuries in which the Ambulance was dispatched and arrived shortly after police arrival. Both drivers were interviewed by E.M.S., denied any injury, declined any medical assistance, in which both signed a refusal form. Vehicle # 01 was starting to proceed forward in a west direction from a stopped position within Investigation: the westbound straight and right-hand turn lane of Sicklerville Road at intersection with Black Horse Pike (Route 168 Northbound). Vehicle # 02 was starting to proceed forward in a west direction from a stopped position within the westbound straight and right-hand turn lane of Sicklerville Road at intersection with Black Horse Pike (Route 168 Northbound) in attempt to make a right hand turn on red onto the Black Horse Pike. As vehicle # 02 started in a west direction it stopped and vehicle # 01 contacted the rear bumper of Vehicle # 02. Due to the physical damage/evidence to the vehicles and the statements of the drivers, the most contributing circumstance of the crash is driver mattention on behalf of Driver # 01. , failing to maintain control of her vehicle and making contact with the rear bumper of vehicle # 02. Driver # 01, was issued the following motor vehicle summons: Careless Driving 39:4-97 Summons # 0818 - W - 13431 NJTR-1A (R1/96) OFC. NICHOLAS J. SCHMIDT / GA

Officer's Signature

10-125

Badge Number



DAINER #01

WASHINGTON TOWNSHIP POLICE DEL .. 1 McCLURE DRIVE

SEWELL, N.J. -- 08080 -

DC#

ACCIDENT STATEMENT
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this 16 day of NOV 200 004
Lurboen Formers
Signature of person giving voluntary statement.

DRIVER #02)

WASHINGTON TOWNSHIP POLICE DEL..

1 McCLURE DRIVE

SEWELL, N.J. —08080 —

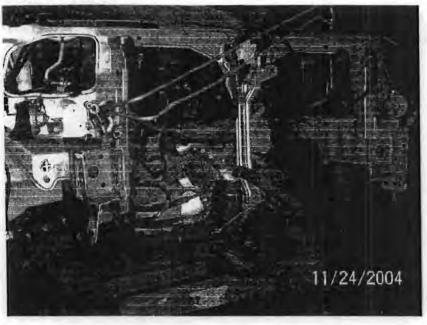
DC# 04-44279

MOTOR VEHICLE ACCIDENT STATEMENT

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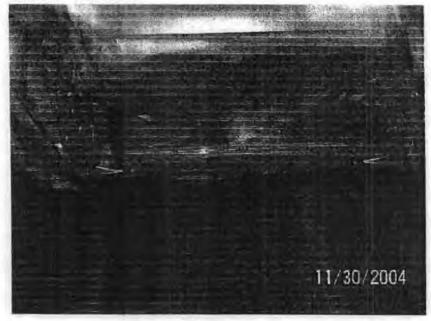


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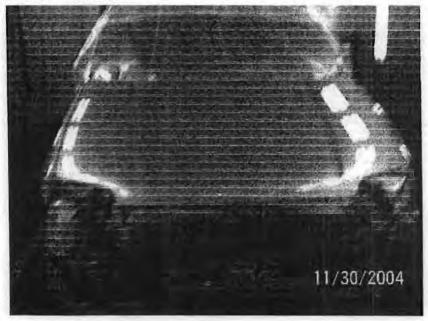


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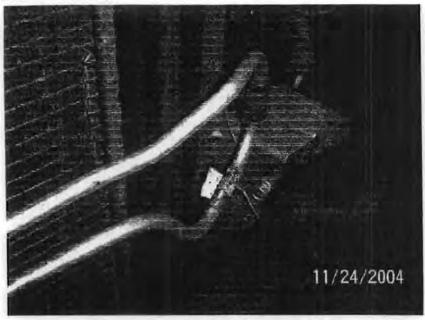


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Status : Attached



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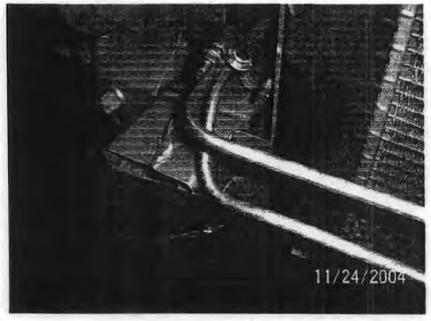


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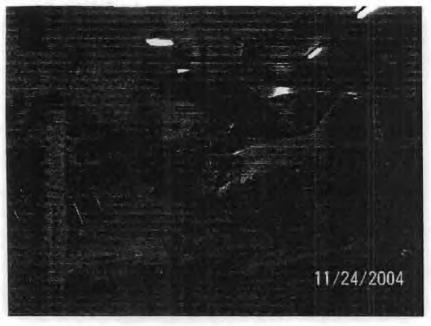


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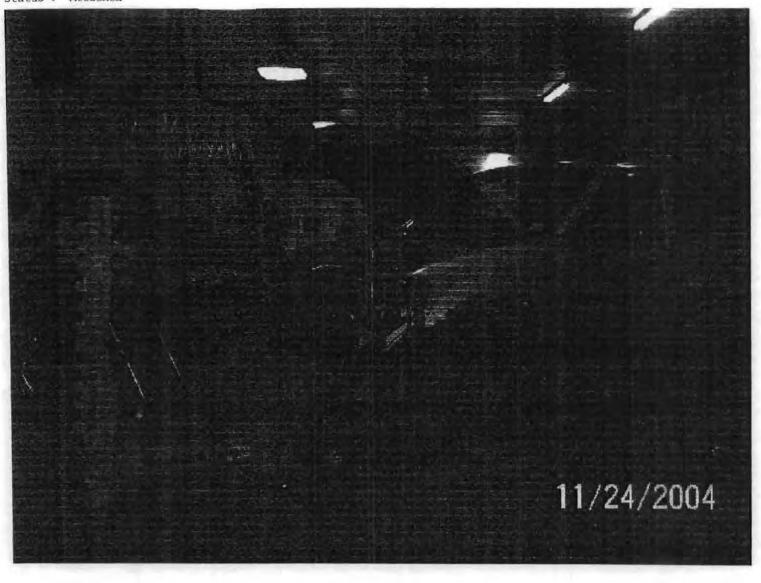


Capture Date :2004-11-30 13:25:12.484

Status : Attached



Capture Date :2004-11-30 13:25:12.484





National Subrogation Services, LLC

500 North Broadway, Suite 167 · Jericho, NY 11753 phone: 516-949-3620 - toll free 877-983-3600 - fax: 516-949-3621

Ford Motor Company Customer Affairs Dept Dearborn MI 48126

Adjuster's Phone:

PO Box 6248 / MD-3NE-B Street Adding. August 19, 2004 Regarding: Insured: NSS Matter Number: 04-00910 Date of Loss: 9/2/02 Loss Location: PA Amount of Claim: \$18828.26 Dear Sir or Madam: The Brethren Mutual Insurance Company has paid their insured for damages sustained in an accident on 9/2/02. National Subrogation Services, LLC as recovery agent for The Brethren Mutual Insurance Company has investigated the facts and determined the accident was your fault. We have completed our investigation and have determined that due to Calibration errors within the system hardware my insured was unable to stop and lost control of her vehicle causing the above damages. As you will note in the recall this happens while decelerating under 40 miles per hour. My insured was going 30 MPH. She attempted to stop and hit the brakes and was unable to and FLEW over a curb. By law The Brethren Mutual Insurance Company has the right to make a claim against you for the money paid to If you have insurance you should notify your insurance company or your agent and have them contact us. Please also advise us of your insurance company information by completing the items noted below, so that future notices will be sent directly to them. If you are not insured, you should contact us at once to arrange repayment. Patricia Randell, Recovery Analyst Direct dual 516 949-3628. E-mail PRandell@NationalSubrogation.com. Insurance Company: Policy Number. Claim Number: Agent's Name: Office Address: Agent's Address: Adjuster Agent's Phone:

July 22, 2004

Sherry Kaufman National Subrogation Services 500 N. Broadway St Suite 167 Jericho, NY 11753

JUL 2 7 2004

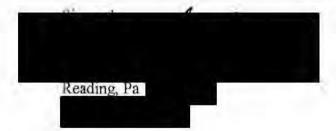
Dear Sherry,

This letter is in regards to our phone conversation today. I had an accident on September 2, 2002. At the accident scene I told the police that a car passed me on driver side and I put on my brakes and turned my wheel. My car did not stop but increased speed going up on the sidewalk and hitting a pole and fire hydrant. I was not going fast since I had just stopped at the light a few feet before the accident so I didn't have time to get up any speed.

I said to the police "I don't understand why the car did not stop when I put on the brakes". He just shrugged his shoulders. I told John Stone at Wernersville Ford the same thing and he said he would check it out.

In 2004 I got the recall letter from the Ford Company and when I read it I said "this is what happened to me in the 2002 accident." I then called Brethren Insurance and asked them to check into this recall situation because it was exactly what happened to me in my accident.

Let me know if you need any other information about this accident.



Per show conversation

F.M. Ligon Ford Motor Company P.O. Box 1904 Dearborn Michigan 48121

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2003 Escape

F0032801

1FMC1193143k Vahicle ID

04S13

September 2, 2002

からまっても

April, 2004

READING, PA

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

Ford Motor Company has decided that a defect which relates to motor vehicle safety exists in certain 200 -2003 model year Escape vehicles equipped with 3.0L V6 engines.

We apologize for this situation and want to assure you that, with your assistance, we will correct this condition. Our commitment, together with Ford dealers, is to provide you with the highest level of service and support possible.

What is the issue?

Your vehicle may exhibit an intermittent engine quit and restart condition this is what happened due to calibration errors within certain system hardware. This condition is To me on that secular, most likely to occur while decelerating under 40 miles per hour, and could result in your vehicle being involved in a crash without warning.

What will Ford and your dealer do?

Ford Motor Company and your dealer will reprogram the Powertrain Control Module (PCM) in your vehicle to the latest performance level free of charge (parts and labor). We urge you to return to your dealer for this service.

How long will it take?

The time needed for this repair is less than one-half day. However, due to service scheduling requirements, your dealer may need your vehicle for a longer period of time.

What are we asking you to do?

Please call your dealer without delay and request a service date for Safety Recall 04S13. Provide the dealer with the Vehicle Identification Number (VIN) of your vehicle. The VIN is printed near your name at the beginning of this letter. If you do not already have a servicing dealer, you can access http://www.genuineflmservice.com for dealer addresses, maps, and driving instructions.

Please note: Federal law requires that any vehicle lessor receiving this recall notice must forward a copy of this notice to the lessee within ten days.

Have you previously paid for this repair?

If you paid to remedy the issue addressed in this notice, you may be eligible for a refund either through your dealer or directly from Ford Motor Company.

To verify eligibility and expedite reimbursement, give your paid original receipt to your dealer. Refund requests, including all required documentation, may also be mailed to Ford at P.O. Box 1904, Dearborn, Michigan 48121 Refund requests mailed to Ford may take up to 60 days to process.

300, ag

Detailed information regarding eligibility for Ford's reimbursement program and documentation requirements may be obtained by contacting the Ford Customer Relationship Center at 1-866-436-7332

Have you changed your address or sold the vehicle? If you have, please fill out the enclosed prepaid postcard and mail it to us so we can update our records. If you have sold the vehicle, the information you provide on the postcard will be used to notify the new owner about this recall.

Can we assist you further?

If you have difficulty getting your vehicle repaired promptly and without charge, please contact your dealership's Service Manager for assistance.

If you still have concerns, please contact the Ford Motor Company Customer Relationship Center and one of our representatives will be happy to assist you.

Call 1-800-392-3673.

For the hearing impaired call 1-800-232-5952 (TDD).

Office Hours. (Eastern Time Zone)

Monday – Friday: 8AM – 8PM

Saturday: 9AM – 5:30PM

If you wish to contact us through the Internet, our address is: www.ownerconnection.com

If you are still having difficulty getting your vehicle repaired in a reasonable time or without charge, you may write the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street S. W., Washington, D. C. 20590 or call the toll free Auto Safety Hotline at 1-888-327-4236 or 1-800-424-9393.

Thank you for your attention to this important matter.

Sincerely,

Frank M Ligon

Director

Service Engineering Operations



COMMONWEALTH OF PENNS VANIA

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PHOTOSHEET



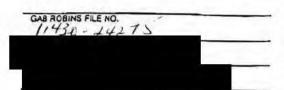
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CUSTOMER CLAIM NO.	DATE & TIME TAKEN
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PHOTOSHEET





DATE & TIME TAKEN



PICTURE NO.



PICTURE NO.

Form GN0439 (Rev. 3/97)





Thursday, March 24, 2005

FORD MOTOR COMPANY PARKLAND TOWERS WEST #300 3 PARKLANE BLVD. DEARBORN, MI 48126



DEFECTIVE ACCELERATOR CABLE CAUSED ACCIDENT AND RESULTING Re:

DAMAGES.

VIN:

1FMYU04152KC

Year:

2002

Make:

FORD

Model:

ESCAPE

Our Insured:

Address:

Phone No.:

Our Claim No: Date of Loss:

Damages:

3-3-05 \$4,427.61

NOTICE OF SUBROGATION CLAIM

EDINA, MN

Please accept this letter as formal notice of our subrogation rights in regard to the above-captioned claim. Demand is hereby made upon you for payment of Progressive's damages and those of Progressive's insured.

Our investigation indicates damages to our insured's vehicle was a direct result of a manufacturer's defect or negligence on your behalf. Enclosed please find all supporting documentation.

Please acknowledge receipt of my subrogation demand and forward your payment of \$4,427.61 to my attention, payable to "Progressive Northwestern Insurance Company, as subrogee of Richmond Hts., OH , and mail to my attention at

You can contact me at the number listed below should you need additional documentation or care to discuss this claim.

Thank you for your anticipated cooperation.

Progressive Northwestern Insurance Company

William P. Kienzl Subrogation Representative (440) 603-7967



ATTORNEY AT LAW

4749 CHICAGO AVENUE SOUTH

SUITE 4

MINNEAPOLIS, MINNESOTA 55407

PHONE (612) 285-7622 FAX (612) 285-7620 jamesyoung@mn.rr.com

October 26, 2005

Attn: Shawn Norton
Ford Motor Company
Parklane Towers West Suite #300
Three Parklane Boulevard
Dearborn, Michigan 48126

510294 andrew

Re:

& Pogressive Northwestern Ins. Co. v. Ford Motor Co.

Our File No:

428

Date of Loss:

March 3, 2005

Amount of Claim:

\$8,395.90

Dear Sir/Madam:

I represent Progressive Insurance Company in the above referenced matter. I enclose another copy of the report from CFAS, which concludes that the throttle cable in the motor vehicle manufactured by Ford "is binding and preventing the throttle from returning to the idle position when pressure is removed from the accelerator pedal." On March 3, 2005, was operating her motor vehicle and slowly entering her garage. The vehicle unexpectedly and suddenly accelerated. was unable to apply the brakes in time and the vehicle struck a concrete wall causing damages in the amount of \$8395.90. This defect recognized by Russell Hicks of CFAS is consistent with the defect recognized by Ford in Safety Recall 04S25.

We request that payment of \$8395.90 be made within the next two weeks. I have enclosed the documentation supporting this damage claim.

Please be aware that this vehicle continues to be stored. If you wish to have the vehicle examined by your own representative, please contact Russell H. Hicks, whose address and phone are on his report, which is enclosed.

Thank you for your attention to this matter.

AT

James,

Young

Enclosures

pre:

Mr. Russell H. Hicks

CFAS

Post Office Box 240414 Apple Valley, Minnesota 55124 Office (952) 891 2423 Toll free (866) 431 4350 Component Failure Analysis Fax (952) 997 2059 E-mail CFAS@JUNO.com

Progressive Insurance Attn: Eric Huisken 5720 Smetana Road, Ste 200 Minnetonka, MN 55343

REF: Your file: 05 5521861

Your insured:

Our file: 50308.051

Date of loss: March 3, 2005

Dear Mr. Huisken:

This report is prepared to present the preliminary results of the examination and analysis performed on your insured's 2002 Ford Escape, VIN: 1FMYU04152K At the time of the examination, the involved unit was located at Airlake Ford, Lakeville, MN.

Basis for examination: The named insured submitted a claim to Progressive Insurance for physical damage to her 2002 Ford Escape. According to the information provided to Progressive Insurance, the named insured was pulling into a parking space in her parking garage when the vehicle suddenly accelerated. The insured stated that she attempted to step on the brake, but it was too late, and the vehicle struck a concrete wall.

Objective: The purpose and scope of the examination was to determine if there was an electrical or mechanical defect with the vehicle which could have resulted in unanticipated or uncontrolled acceleration of the vehicle.

<u>Preliminary opinions and conclusions</u>: The opinions and conclusions expressed in this report are predicated on the findings and observations noted during the physical examination of the vehicle and an analytical analysis of the physical evidence, testimonial information, and technical data available at the time of the examination. We reserve the right to

amend the findings and opinions in this report in the event that additional evidence or information pertinent to the findings presented in this report becomes available.

Based on the findings and observations noted during the preliminary examination of the vehicle, it is our opinion that the throttle cable in this vehicle is binding and preventing the throttle from returning to the idle position when pressure is removed from the accelerator pedal.

Progressive Insurance file: 05 5521861 CFAS file: 50308.051

Due to the fact that this loss appears to be the result of a manufacturing or design defect, the examination of the vehicle has been suspended to afford the manufacturer an opportunity to conduct an inspection of the vehicle before any further, invasive examination is performed on the vehicle.

We recommend that Ford Motor Company (FMC) be placed on formal notice of the potential for a subrogation claim being filed against FMC, and advising them of their right to perform a monitored, non-destructive examination of the vehicle.

Since this vehicle is repairable, it is also our recommendation that FMC be afforded fifteen working days to either complete or schedule the examination of the vehicle. Further, we recommend that the throttle cable not be replaced on the vehicle pending the examination by FMC.

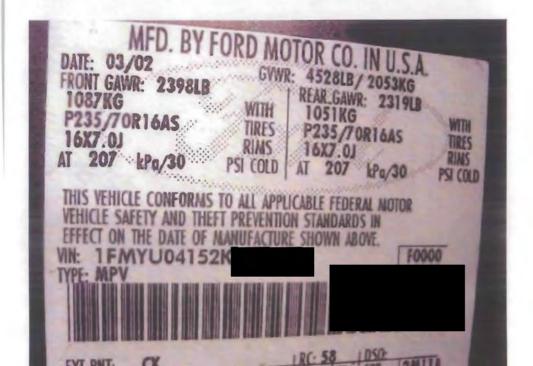
If you wish, you may have Ford Motor Company contact this office to schedule the examination of the vehicle.

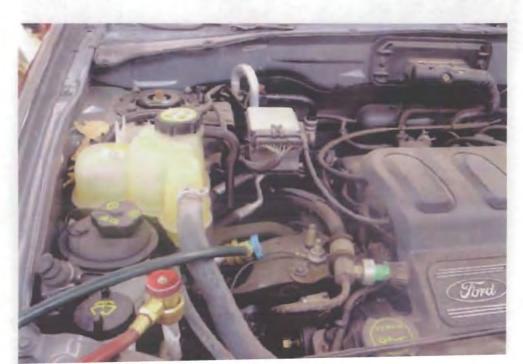
Upon completion of the examination of the vehicle by FMC, we will complete our examination and analysis of the vehicle as appropriate, recover the component in question, and prepare a final report of findings.

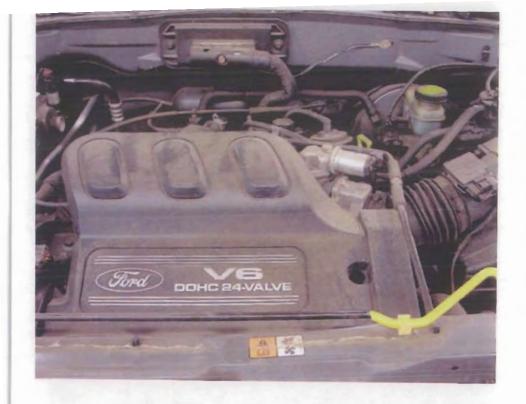
Russell H. Hicks, CFEI, CFII, FACFE Senior Forensic Technician













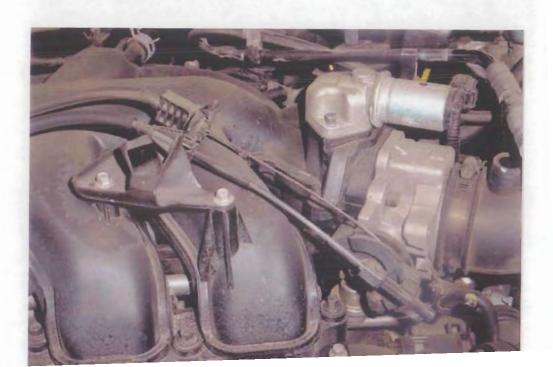












STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Property Damage

Plaintiff,

V.

SUMMONS

Ford Motor Company,

Defendant.

THE STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED AND required to serve upon Plaintiff's attorneys an answer to the complaint which is herewith served upon you within twenty (20) days after service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief prayed for in the complaint. Pursuant to Mianesota Statutes§ 572 et. seq. litigants have the right to request alternative dispute resolution.

Date: December 26, 2007

JAMES P. YOUNG Attorney at Law

By:

James P. Young (17077X) 4749/Chicago Avenue South

Swite 4

Minucapolis, Minnesota 55407

(612) 285.7622

Attorneys for Plaintiff

STATE OF MINNESOTA

DISTRICT COURT

m	INPUT	AL	LICATATE DING
COL	JINI	Or	HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Property Damage

Plaintiff,

V.

COMPLAINT

Ford Motor Company,

Defendant.

Plaintiff, for her cause of action against defendants, states and alleges as follows:

COUNT ONE

- On or about March 3, 2005, plaintiff, was the owner and occupant of a 2002 Ford Escape motor vehicle.
- At all times material herein the throttle cable in the Ford Escape motor vehicle was negligently designed and manufactured.
- 3. At all times material herein the throttle cable in the aforementioned motor vehicle was binding and preventing the throttle from returning to the idle position when pressure was removed from the accelerator pedal.
- 4. At all times material herein the defendant, Ford Motor Company, permitted the motor vehicle to be available for future use without indicating by label or otherwise the danger to which the user would expose herself from the accelerator components, if defective.
- On March 3, 2005, the plaintiff, Kimberly Funk, was operating the aforementioned motor vehicle in a garage when the plaintiff, Kimberly Funk's vehicle suddenly accelerated and struck a concrete wall.

- 6. The defendant, Ford Motor Company's negligent design and manufacturing of the aforementioned motor vehicle was the direct and proximate cause of the aforementioned collision.
- 7. As a direct and proximate cause of the defective throttle cable, plaintiff, Kimberly Funk, suffered property damage in the amount of Eight Thousand Three Hundred Ninety-Five and 90/100ths (\$8,395.90) Dollars.

SECOND COUNT TWO

Paragraphs 1 through 7 of the First Count are incorporated herein.

- The defendant, Ford Motor Company, impliedly warranted the merchantability
 and fitness of the motor vehicle for the purpose for which it was intended.
- The plaintiff, Kimberly Funk, as a consumer relied on the defendant, Ford Motor
 Company's implied warranty.
- The defendant, Ford Motor Company, breached its implied warranty because the throttle cable was defectively designed or manufactured in that the throttle cable in the aforementioned motor vehicle is binding and preventing the throttle from returning to the idle position when pressure is removed from the accelerator pedal.
- 11. As a direct and proximate cause of the defective throttle cable, plaintiff, suffered property damage in the amount of Eight Thousand Three Hundred Ninety-Five and 90/100ths (\$8,395.90) Dollars.

COUNT THREE

Paragraphs 1 through 11 of Counts One and Two are incorporated herein.

12. The defendant, Ford Motor Company, is in the business of selling such motor

vehicles.

13. The motor vehicle in this case was expected to and did reach the consumer without substantial change in the condition in which it was sold.

The aforementioned motor vehicle was in defective condition and was unreasonably dangerous to the consumer because the throttle cable was defectively designed or manufactured in that the throttle cable in the aforementioned motor vehicle is binding and preventing the throttle from returning to the idle position when pressure is removed from the accelerator pedal.

15. As a direct and proximate cause of the defective and unreasonably dangerous condition, plaintiff, unforced uffered property damage in the amount of Eight Thousand.

Three Hundred Ninety-Five and 90/100ths (\$8,395.90) Dollars.

WHEREFORE, plaintiff, demands judgment against defendant, Ford Motor Company, in the amount of Eight Thousand Three Hundred Ninety-Five and 90/100ths (\$8,395.90) Dollars, together with costs and disbursements incurred herein and for such other and further relief as the court may deem appropriate.

Date: December 26, 2007

JAMES P. YOUNG Attorney at Law

By:

James P. Young (17077)

4749 Chicago Avenue South, Suite 4

Minneapolis, Minnesora 55407

(612) 285.7622

Attorneys for Plaintiff

ACKNOWLEDGMENT

The undersigned acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties pursuant to Minn, Stat. § 549.21, Subd. 2.

James P Joung



513622 Mabe

INSUREX, INC. 11999 KATY FREEWAY SUITE 160 HOUSTON, TX 77079

APR 17 2006

PO BOX 79407 HOUSTON, TX 77279-9407 281-596-0400 1-800-467-8745

11 444433

FORD MOTOR COMPANY CONSUMER AFFAIRS DEP PO BOX 6248 MD-3NE-B DEARBORN, MI 42126



RE: LATITUDE CLAIMS SERVICES

CLAIM #:

LOSS DATE: 06/29/04

CURRENT BALANCE: \$1807.76

Your attempt to hinder and delay my client's pursuance of a legal and just debt has been noted. We have documention outlining all dates and times that our efforts have been exhausted in attempts to bring this matter to your attention. Your lack of urgency and interest in the resolution of this situation has led us to recommend to our client closure by litigation.

Should this matter undergo litigation, be advised that Insurex is confident that it has preserved the judicial integrity of our client. You have been given FIVE working days from the date of this notice to respond. In the event this matter is not resolved within the time alloted, we will proceed as scheduled.

Sincerely,

K. Hamilton

×296

cc:File

We are attempting to collect a debt/obligation, as a debt collector. Any information provided will be used for that purpose.



F M Ligari Ford Motor Company P O Box 1904 Dearborn Michigan 48121

Dearborn Michigan 48121 F0028079

hallesthickelabelathiteastheadhlachtailid

2002 Escape

Vehicle ID # 1FMYU03122K

04\$25

January 2005

EAST MEADOW, NY

This notice is sent to you in accordance with the requirements of the National Traffic an IM stor Vehicle Safety Act.

Ford Motor Company has decided that a defect, which relates to motor vehicle safety, exist in all 2002 through 2004 Escape vehicles.

We apologize for this situation and want to assure you that, with your assistance, we will correct this condition. Our commitment, together with Ford dealers, is to provide you with the highest level of service and support.

What is the issue?

On your vehicle, it is possible that the accelerator cable may prevent the throttle from returning to the idle position, possibly resulting in elevated engine speeds while driving. An unexpected increase in engine idle speed may increase stopping distance and may result in a vehicle crash without warning.

What will Ford and your dealer do?

Ford Motor Company and your dealer will replace the accelerator cable free of charge (parts and labor). We urge you to return to your dealer for this service.

How long will it take?

The time needed for this repair is less than one-half day. However, due to service scheduling requirements, your dealer may need your vehicle for a longer period of time.

What are we asking you to do?

Please call your dealer without delay and request a service date for I'ecall 04S25 Provide the dealer with the Vehicle Identification Number (VIN) of your vehicle. The VIN is printed near your name at the beginning of this letter

If you do not already have a servicing dealer, you can access http://www.genuineflmservice.com for dealer addresses, maps, and driving instructions.

Please note: Federal law requires that any vehicle lessor receiving this recall notice must forward a copy of this notice to the lessee within ten days.

@Copyright 2005 Ford Mator Company

F+1041

Have you previously paid for this repair?

If you paid to remedy the issue addressed in this notice, you may be eligible for a refund either through your dealer or directly from Ford Motor Company

To verify eligibility and expedite reimbursement, give your paid original receipt to your dealer. Refund requests, including all required documentation, may also be mailed to Ford at P.O. Box 6251. Dearborn, Michigan 48121-6251. Refund requests mailed to Ford may take up to 60 days to process.

Detailed information regarding eligibility for Ford's reimbursement program and documentation requirements may be obtained by contacting the Ford Customer Relationship Center at 1-866-436-7332. Owners who have previously paid for this repair are still eligible to have the recall described in this letter performed.

Have you changed your address or sold the vehicle? If you have, please fill out the enclosed prepaid postcard and mail it to us so we can update our records. If you have sold the vehicle, the information you provide on the postcard will be used to notify the new owner about this recall.

Can we assist you further?

If you have difficulty getting your vehicle repaired promptly and without charge, please contact your dealership's Service Manager for assistance.

If you still have concerns, please contact the Ford Motor Company Customer Relationship Center and one of our representatives will be happy to assist you.

Call 1-866-436-7332. For the hearing impaired call 1-800-232-5952 (TDD).

Office Hours: (Eastern Time Zone)
Monday – Friday: 8AM – 8PM
Saturday: 9AM – 5:30PM

If you wish to contact us through the Internet, our address is: www.ownerconnection.com

If you are still having difficulty getting your vehicle repaired in a reasonable time or without charge, you may write the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street S. W., Washington, D. C. 20590 or call the toll free Auto Safety Hotline at 1-888-327-4236 or 1-800-424-9393.

Thank you for your attention to this important matter.

Sincerely,

Frank M. Ligon

Director

Service Engineering Operations

@Copyright 2005 Ford Motor Company



Car & Truck Showroom: 3209 Hempstead Turnpike (516) 735-7400

> SERVICE (516) 725-7406



LEVITTOWN, L.I., NEW YORK 11756 SERVICE AND PARTS • 210 GARDINERS AVE NYS-MV R/S REG NO D 1300995 Quality Care

Business Office: 210 Gardiners Avenue (516) 579-4591

> PARTS (516) 735-7440

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DPAY 0336211201

END OF CLAIM

DATE SEARCH (MMDDYY) =

CLAIM PAYMENT RECORD

CLAIM NUMBER FEA NO 01 POLICY AVY LOSS DATE 062904

ISSUE DATE 081204 SIGNER 99 AMOUNT \$1,307.76 NUMBER 02114654 FOR COLL REIMBURSEMENT

CLAIM PAYMENT

EAST MEADOW, NY

PAYEE CODE 9

MALL TO EAST MEADOW, NY

PF8 SCROLL FORWARD PF7 SCROLL BACKWARD

Date: 3/7/2005 Time: 06:58:40 AM



POUR MAYOR COMPANY

THE NAME OF THE OWNER.

CENTURY COUNTEL

REGION: N1 NI VIN: 1FMYU04	EW YORK ZO	C ISSUE NE: A04 GINE: 1	VEH TYPE	T	CASE NBR: OPENED: CLOSED:	1583522510. 2010/09/08 2010/09/08
LAST NAME: TITLE: ADDRESS:	MR	FIRST	NAME:		STATUS: MI:	CLOSED
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DEALER NAME; REASON CODE; SYMPTOMS;	PARAMUS FORD, INC 0796 LEGAL - ALLEGE 801000 GENERAL INC	ED INJURY	S CODE: EST/NON-VE	F13143 HICLE RELAT	P&A:	08190

ORIGIN: ACTION: CACI38 705

US CONCERN CASE BASE COMMUNICATION PHONE

CONTACT ADVANCED TO OGC

DOCUMENT: ANALYST: ADEFILI6 DE FILIPPO, ANDREA

DATE: 2010/09/08 TIME: 16.12.30: ACTION DATA/COMMENTS:

> CUSTOMER SAID: C/W CUST TURNED LEFT INTO PARKING LOT-VEH FLEW FORWARD HIT A CAR AT A HOSPITAL-NOBODY WAS IN CAR BUT HIT THE CAR NEXT TO IT-VEH FLEW BACK AND THEN FORWARD AGAIN MAKING A VERY LOUD REVVING NOISE-FLEW BACK AGAIN AND HIT A TREE THAT STOPPED THE VEH I. DATE OF THE ACCIDENT9/8/102, WHAT THE CUSTOMER IS ALLEGING THE PRODUCT DEFECT IS THAT CAUSED ACCIDENTMALFUNCTION OF VEH3. IF THERE WERE ANY INJURIES SUSTAINEDMARK ON CUST ARM FROM AIR BAGHAD IT CHECKED IN HOSPITAL4, LOCATION OF THE VEHICLE WHEN THE ACCIDENT OCCURREDWAYNE, NJ HOSPITAL PARKING LOTS, WHETHER OR NOT THERE WAS A POLICE REPORT FILED, YESG. IF A POLICE REPORT WAS FILED, WHAT THE FINDINGS WERE, MALFUNCTION7, THE POLICE REPORT NUMBER AND THE CITY OR COUNTY IN WHICH THE REPORT WAS FILED. WAYNE, NJ. 10-229018. WHETHER OR NOT THE CUSTOMER HAS FILED A CLAIM WITH THEIR INSURANCE COMPANY YES ENCOMPASS INS180026014549, IF A CLAIM HAS BEEN FILED WITH THE INSURANCE COMPANY, WHAT IS THE STATUS OF THE . WHETHER OR NOT THE VEHICLE IS CLAIM, OPEN REPAIRABLE DOES NOT KNOW YET, VEH IS AT CHESTNUT AUTO BODY. 2 RAILROAD AVE WAYNE NJ.973694373711. NAME AND ADDRESS OF GUSTOMER'S ATTORNEY (ONLY IF THE CUSTOMER MENTIONS THEY HAVE SOUGHT ONE). 12. WHAT THE CUSTOMER IS SEEKING IS THERE A RECALL ON THE VEHIDEALER SAID: - CHESTNUT AUTO BODY 2 RAILROAD AVE WAYNE NJ.9736943737GRC ADVISED: I WILL FORWARD YOUR INFORMATION TO FORD'S OFFICE OF THE GENERAL COUNSEL. YOU SHOULD RECEIVE A WRITTEN RESPONSE WITHIN 15 BUSINESS DAYS TO YOUR CONCERN NOTE TO CCR: REMEMBER TO VERIFY ALL CUSTOMER CONTACT INFORMATION BEFORE SENDING ISSUE, ADVISED OF ABOVE

CONSUMER AFFAIRS

09/09/2010 FAXOGC1 CONFIDENTIAL



DCT 0.4 7089

State Farm Insurance Companies®



September 29, 2005

Concordville Operations Center One State Farm Drive PO Box 41 Concordville, PA 19331-0041

FORD MOTOR COMPANY PARK LANE TOWERS W STE 400 3 PARK LN BLVD **DEERBORN MI 48126-2568**

RE: Our Claim Number:

Date of Loss: City/State of Loss:

insured: Vehicle: VIN: Mileage: January 4, 2005 Greenwich, CT

2001 Ford Escape 1FMCU04191K 56,873

Dear Sir or Madam:

This letter is to advise you of a loss that occurred to our insured's 2001 Ford Escape. Our preliminary investigation indicates that Ford may be responsible for this loss. Please consider this as our notice of possible subrogation and our notice to you of the opportunity to schedule an inspection of our insured's 2001 Ford Escape. If you wish to inspect our insured's vehicle, please contact us so we may make the proper arrangements with our policyholder.

In order to assist you in evaluating and processing the subrogation claim we are asserting, we may provide non-public personal information about our customers. We are sharing this information to effect, administer or enforce a transaction authorized by the consumer. However, you are neither authorized nor permitted to: (1) use the customer information we provide for any purpose other than to evaluate and process the subrogation claim; or (2) disclose or share the customer's information we may provide for any purpose other than to evaluate and process the subrogation claim. Your cooperation is appreciated.

If you have any questions or would like to set up an appointment to inspect evidence, please feel free to contact State Farm at 888 713 4694, ext. 4010.

Sincerely,

Brian Danish

Claim Representative 888 713 4694 ext 4010

State Farm Mutual Automobile Insurance Company

17/661/0914012

HOME OFFICES: BLOOMINGTON, ILLINOIS 61710-0001

State Farm Insurance Companies



Subroustion Unit P.O. Box 41 Concordville, PA 19331-0041

July 7, 2005

Ford Motor CO

Parklane Towers West Ste 400 Dearborn, MI 48126-2568

JUL 19 2005

RE: Claim Number:

Date of Loss:

Our Insured: Our Payment:

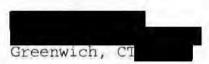
Insured's Payment: Total Payment:

Your File Number: Your Insured: Address:

Your Policy Number:

January 4, 2005

\$1002.38 \$500.00 \$1502.38



JUL 2 0 2005

SUBROGATION CLAIM

We have been informed that you are the insurance carrier for the party designated as your insured in the caption of this letter.

Our investigation establishes that your insured was responsible for the damage to our policyholder's property as a result of the accident on the date indicated.

In order to assist you in evaluating and processing the subrogation claim we are asserting, we may provide nonpublic personal information about our customer. We are sharing this information to effect, administer, or enforce a transaction authorized by the consumer. However, you are neither authorized nor permitted to: (1) use the customer information we provide for any purpose other than to evaluate and process the subrogation claim, or (2) disclose or share the customer information we provide for any purpose other than to evaluate or process the subrogation claim.

HOME OFFICES: BLOOMINGTON, ILLINOIS 61710-0001

Honed Ghogawala Page 2 July 7, 2005

Please accept this letter as notice of our subrogation rights and communicate with us in regard to your position in the matter.

Sincerely,

Diane Frazier Ext 5727

Claim Processor (888) 713-4694

State Farm Mutual Automobile Insurance Company

ATTN: IF NO CLAIM IS SET UP, PLEASE USE ATTACHED INFORMATION

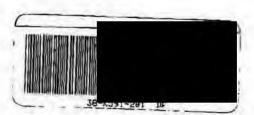
FOR FILE SET UP.

Enclosures

HARD FACTS

Submitted To:

Amy Simone State Farm Insurance Company Post Office Box 8013 Ballston Spa, New York 12020



AUTOMOTIVE FORENSIC EXAMINATION OF

Claim #

D/L: January 4, 2005

January 21, 2005

Hard Facts File #250112

HARD FACTS RESERVES THE RIGHT TO AMEND AND/OR ALTER THIS REPORT SHOULD NEW RELEVANT INFORMATION BECOME AVAILABLE.

THIS REPORT FURNISHED AS PRIVILEGED AND CONFIDENTIAL TO ADDRESSEE. RELEASE TO ANY OTHER COMPANY, CONCERN OR INDIVIDUAL IS SOLELY THE RESPONSIBILITY OF ADDRESSEE.

UNLESS OTHERWISE INSTRUCTED, PHYSICAL EVIDENCE WILL ONLY BE RETAINED FOR ONE YEAR

46 Georgia Road, Freehold, N.J. 07728 at (732) 462-2674 FAX (732) 409-6595 at e-mail: histos@AOL.com January 21, 2005

Amy Simone State Farm Insurance Company Post Office Box 8013 Ballston Spa, New York 12020

732-4096595

Re:

. Claim #

D/L: January 4, 2005

Dear Ms. Simone:

Pursuant to your request, this organization initiated a forensic automotive examination of the Ghogawala vehicle on January 11, 2005. Our examination was executed where the vehicle is staged at Grover Cunningham Body Shop, 74 North Water Street in Greenwich, Connecticut.

We have been informed by your office that the vehicle operator claims that the accelerator pedal 'stuck' when backing up and precipitated the loss in question. It is our understanding that the purpose of the assignment is to determine, within reasonable engineering and scientific certainty, the operable integrity of the vehicle power plant throttle control system.

To that end, the results of our thorough field examination and subsequent laboratory analysis follow.

DESCRIPTION OF VEHICLE

The subject vehicle is a 2001 Ford Escape XLT manufactured in April 2001 at the Ford Motor Company Kansas City assembly plant in Claycomo, Missouri. At the time of its fabrication, the vehicle was assigned the unique alphanumeric public

> 46 Georgia Road, Freehold, N.J. 07728 m (732) 462-2674 FAX (732) 409-6595 - e-mail: hfacts@AOL.com

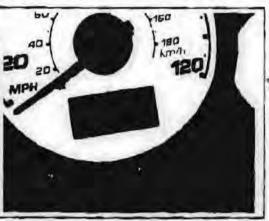
vehicle identification number 1FMCU04191K Computerized scrutiny of this number relative to check digit '9' and sequence number 'B28615' has confirmed the vehicle's identity.





Currently the vehicle displays Pennsylvania state license plates enumerated Evidence of Pennsylvania registration and emissions and safety inspection is witnessed by two state windshield placards, numbered IM4 and witnessed, with respective expiration dates of July 2005.



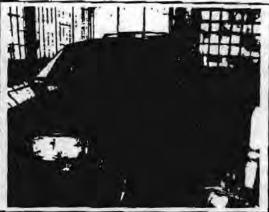


At the time of our evaluation, the odometer registered 56,873 miles of road utility. The best overall description of the subject vehicle is a domestically designed and manufactured multipurpose vehicle displacing an approximate curb weight of 3,238 pounds.

EXTERIOR EXAMINATION

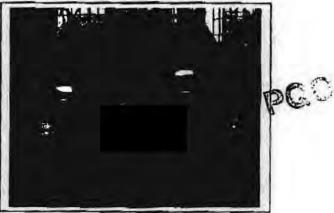
This vehicle is red metalfic in color and appointed with four doors and a rear liftback completing the 173 inches long by 70 inches wide by 68 inches high platform.





An examination of the exterior sheet metal and body components disclosed no unrepaired historic impact deformation. Current impact deformation related to this loss includes superficial damage to the rear bumper panel and supporting energy absorbing foam backing. No damage to the supportive steel structure is evident.





An undercarriage examination disclosed no evidence of damage. All glazing is intact.

A wheelhouse examination revealed 16-inch OEM (original equipment of the manufacturer) alloy road wheels coupled to Firestone Wildemess HT tires sized P235/70R16 that exhibit consistent bilateral tread depths of approximately 8/32 inch.



File 250112 - Page 3

INTERIOR EXAMINATION

The passenger compartment is equipped with front bucket seats a rear articulated bench seat and a rearmost cargo area. All interior seating surfaces are upholstered in beige leather material that does not exhibit soiling or advanced biomechanical wear.





The subject vehicle is equipped with an OEM (original equipment of the manufacturer) AM/FM/CD cassette audio receiver cruise control, anti-lock brakes, sunroof, and undeployed driver, passenger and side impact air bags.

We observed the following personal items within the vehicle interior.

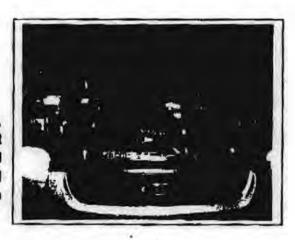
- 1. Aricept box.
- 2. Snow brush.
- 3. Seat back lumbar cushion.
- 4. Maps.

POWER PLANT EXAMINATION

The vehicle is equipped with a 3.0 liter, V6-cylinder dual overhead camshaft power plant coupled to a four-speed overdrive automatic transmission and transfer case providing the vehicle with rear wheel drive and four-wheel drive.







File 250112 - Page 4

THROTTLE CONTROL SYSTEM EXAMINATION

Our examination of the power plant throttle control system commenced with a thorough visual inspection of the mechanical control of the throttle.





An evaluation of the accelerator pedal belicrank, mounting, and throttle shaft disclosed appropriate freedom of movement and endplay. Dynamic manipulation of the accelerator pedal from inside the vehicle initially revealed no stiffness of movement, however, the response of the accelerator pedal was 'sensitive' when operating the vehicle. Further repeated trials revealed occasional 'sticking' during initial throttle opening.





An underhood examination revealed there are two cables connected to the throttle belicrank in the power plant compartment. One cable connects to the accelerator pedal. The linkage, when disconnected, moved freely with no binding detected. The second cable connects to the cruise control actuator. Disconnection of this cable did not have any effective change in the throttle operation.

1





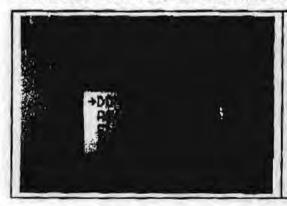
An examination of the throttle plate revealed no evidence of burns or binding inside the throttle body assembly bore. The throttle plate exhibits dirt and crankcase vapor accumulation beneath and around its edge. Examination of the idle air control device revealed no evidence of coking or dirt accumulation that would impair its operation.

Manipulation of the accelerator pedal was unobstructed. All return spring hardware operated correctly.





Computerized interrogation of the vehicle on-board computers, utilizing a Snap-On MT2500 Scan Tool, disclosed no trouble fault codes were stored in memory.





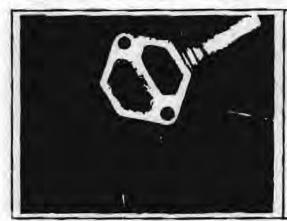
File 250112 - Page 6

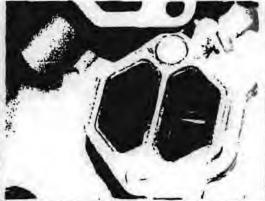
During our various field examination procedures we were able to duplicate the 'sticking' condition as claimed. By monitoring the computer data stream, we conclude no abnormalities exist within the computer controlled idle speed system.





The computer controlled idle air control device is operating as designed at the time of our examination. The power plant response to the accelerator pedal is proof amount and returns normally to base idle speed position. A static "Snap Acceleration" test revealed a normal return to an idle position.





Scrutiny of the throttle body for the 'sticking' condition revealed the symptom occurred only if the accelerator pedal cable, lightly slack when in the idle position, pulled on the bellcrank with a slight angle to the left as viewed from the right side of the vehicle. The throttle plate would bind and required an additional force to move if from the closed position.

This action would cause the vehicle to 'lurch' creating an unsafe condition. The binding appears to be related to excess lateral movement of the throttle shaft.

This organization concludes the loss in question is substantiated as claimed and that Ford Motor Company should be placed on notice.

Furthermore, this organization recommends replacement of the throttle body assembly as a precaution to avert additional 'turching' events.

RECALL INVESTIGATION

This organization initiated a computerized search within our databanks of safety related recalls identified by the National Highway Traffic and Safety Administration as well as the vehicle manufacturer regarding this vehicle's loss.

Currently there is one recall applicable to this type of loss. The recall, numbered 00V210001, and describes a condition where the speed control system may develop anomalies resulting in a stuck throttle. This recall is not related to the loss in question as cruise control systems do not engage in reverse.

ENGINEERING CONCLUSIONS

Incorporated within the confines of this forensic automotive engineering report, it is the opinion of this organization that the following facts have been identified for your consideration.

- The subject vehicle sustained minor damage while in reverse.
- The cruise control system is intact and does not relate to the loss in question.
- The described circumstances provided by the insured were duplicated by this organization.
- Computerized Interrogation, utilizing a Snap-On MT2500 Scan Tool, of the vehicle's onboard computers failed to disclose any current or historic trouble fault codes or any abnormalities within the data stream.
- The throttle plate occasionally binds causing a 'lurch' of the vehicle. This condition is pronounced in reverse due to the transmission gear ratio.

- Based upon all physical evidence observed and examined, we conclude the throttle control systems incorporated within the subject vehicle are not functioning normally.
- Furthermore, this organization requests replacement of the throttle body assembly as a precaution against repeated 'lurching' events.
- This organization concludes Ford Motor Company should be placed on notice and the vehicle defective throttle body assembly secured.

Should you have any further questions, please do not hesitate to contact us. Thank you for the opportunity to provide engineering insight as an aid to your investigative process.

Very truly yours,

Tom McNamara, MSME Director and Principal of the Firm

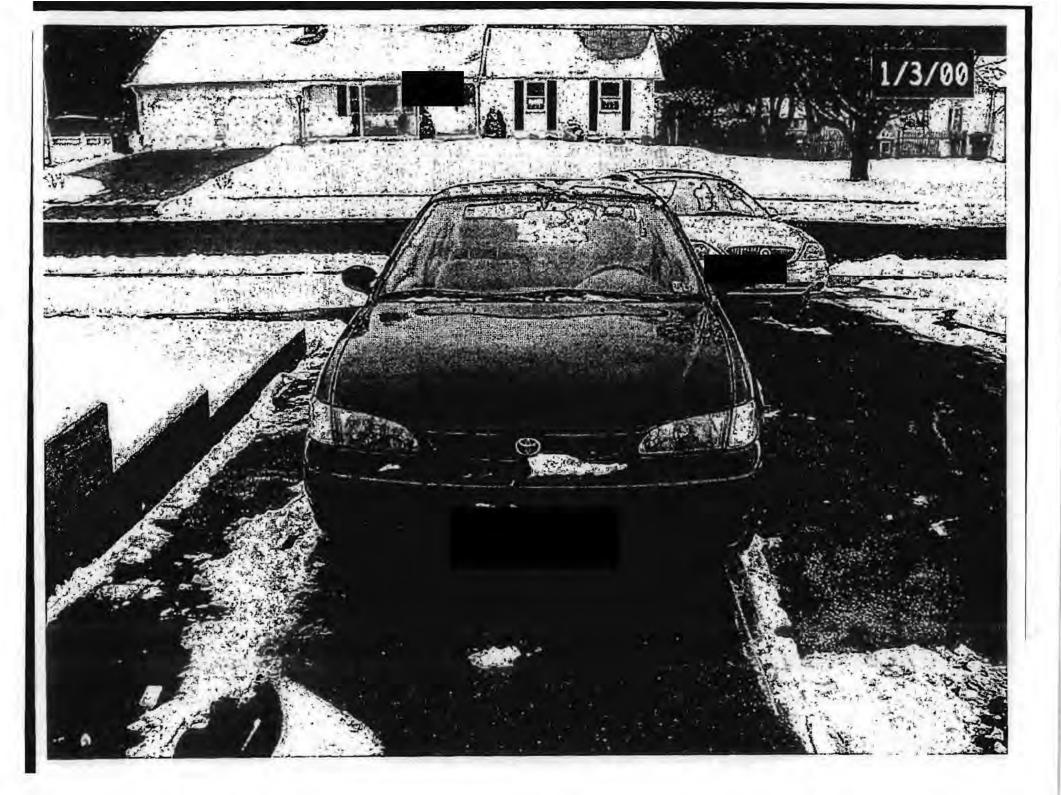
Prof. Frederick D. Allen, M.Ed. Forensic Technologist

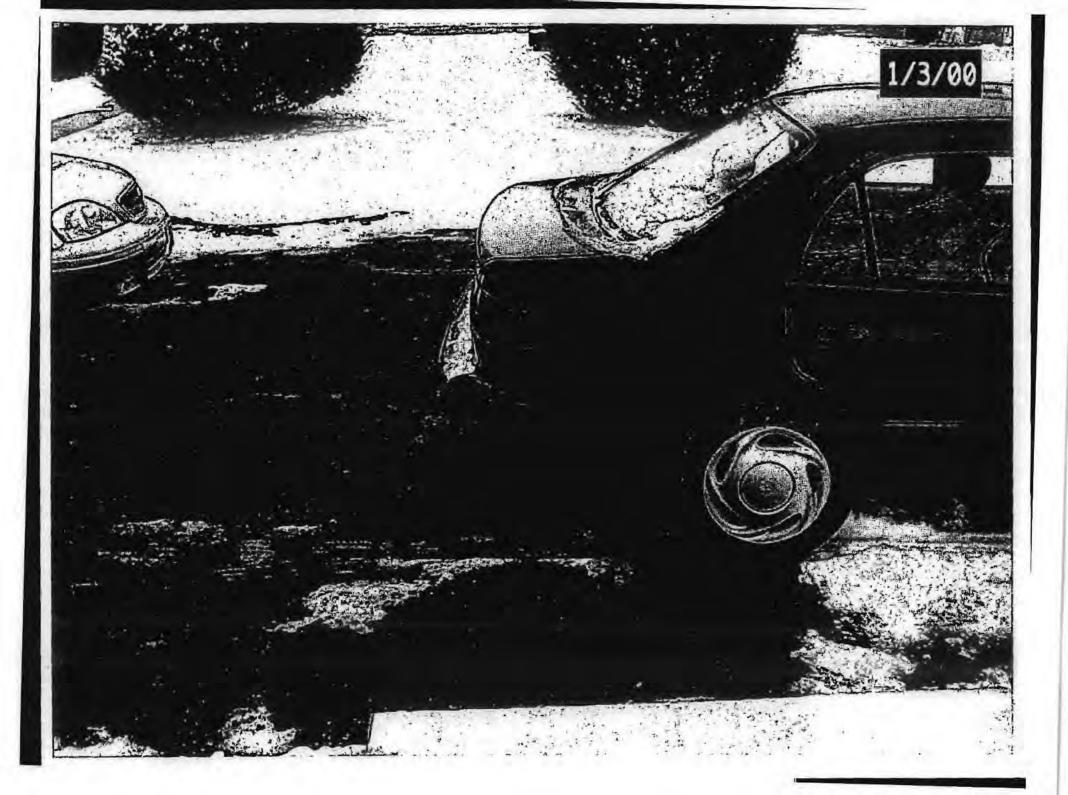
Job : 1382

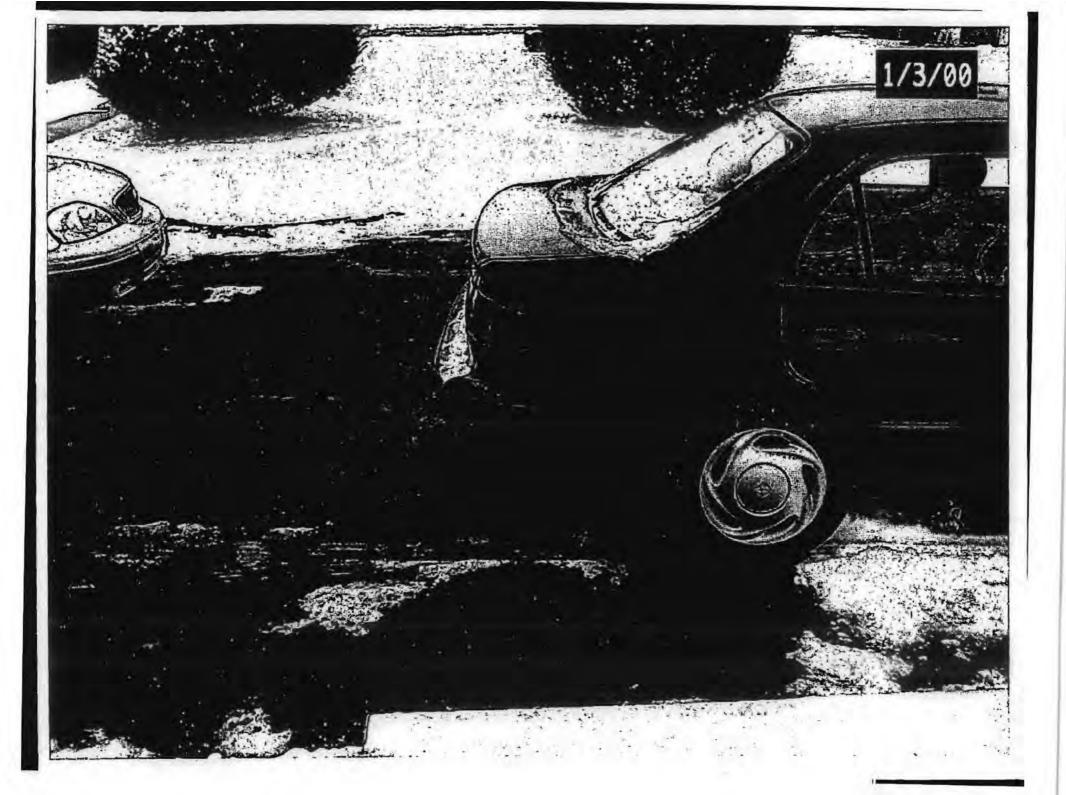
Date: 1/21/2005 Time: 2:34:40 PM Plo of 2020

Please Auf Gill -1 38-9/591-201









ISSUE LIST

Last Handling Date/ Issue Status	Name/ Reason Desc	Vin/ Case No.	Model Year and Vehicle Lines	ssue Typ
1/6/2005	NEMA H GHOGAWALA	1FMCU04191K	2001 ESCAPE	07
CLOSED	LEGAL - ACCIDENT / FIRE	1423511651	200000000000000000000000000000000000000	
10/29/2002	NEMA H GHOGAWALA	1FMCU04191K	2001 ESCAPE	02
CLOSED	WARRANTY - TIRE COVERAGE	1423511651		
10/29/2002	NEMA H GHOGAWALA	1FMCU04191K	2001 ESCAPE	02
CLOSED	PRODUCT - NEGATIVE FEEDBACK	1423511651	The second secon	
10/28/2002	NEMA H GHOGAWALA	1FMCU04191K	2001 ESCAPE	02
CLOSED	PROD/COMP DUR/PERF - VEHICLE QUALITY	1423511651		
10/28/2002	NEMA H GHOGAWALA	1FMCU04191K	2001 ESCAPE	02
CLOSED	WARRANTY - WEAR ITEM COVERAGE	1423511651		
6/28/2001	NEMA H GHOGAWALA	1FMCU04191K	2001 ESCAPE	03
CLOSED	WARRANTY - BUMPER-TO-BUMPER	1423511651		
6/19/2001	NEMA H GHOGAWALA	1FMCU04191K	2001 ESCAPE	02
CLOSED	MISC INQUIRY - MEDIA REPORTS	1423511651	A COLUMN TO A COLU	

Case: 1423511651

VIN: 1FMCU04191K

Year: 2001

Model: ESCAPE

Name

Owner Status: Original Symptom Desc: SURGE ACCELERATION ALL ENGINE TEMP

WSD: 2001-05-16 **Primary Phone:**

Reason Desc: LEGAL - ACCIDENT / FIRE

Secondary Phone:

Issue Type: 07 LEGAL

Issue Status: CLOSED

Action: ADVISE CUST INFORMATION WILL BE SENT TO CONSUMER AFFAIRS

Dealer: 03718 GRIFFIN FORD INC

Origin Desc: US CONCERN CASE BASE

Odometer: 50000 MI Analyst Name: MANJOO DEREK Comm Type: PHONE Analyst: DMANJOO1

Action Date: 01/04/2005

Action Time: 18.39.02.702

Action Data: Yes

COMMENTS CUSTOMER SAID: -CUST IS CALLING IN REGARDS TO THE ACCIDENT DOCUMENTED APX 1 HOUR AGO - CUST STATED THAT THE VEH IS UNSAFE. WHEN THEY PUT THE VEH IN REVERSE AND PUT THEIR FOOT ON THE ACCELERATOR THE VEH JERKS AND THEN THE KEEPS ACCELERATING.- CUST STATED THAT THE VEH CONCERNS COULD NOT BE DUPLICATED.- CUST STATED THAT THEY GOT INTO AN ACCIDENT BECAUSE OF THIS PROBLEM DATE OF ACCIDENT: 01/04/2005LOCATION OF ACCIDENT: DOWNTOWN GRENWICH.- CUST FILED A POLICE REPORT: -POLICE REPORT #05900010 -INSURANCE STATE FARM/ CLAIM NUMBER ?- CUST STATED THAT THEY HIT SOMEONE WHEN THEY WERE REVERSING.- IT WAS A WHILE AGO SINCE THE VEH WAS INSPECTED FOR THIS PROBLEM AND DLR DID NOT DUPLICATE ISSUE. - CUST STATED THAT THEY ARE SEEKING FORD TO INVESTIGATE IF THIS IS THE FAULT OF THE VEH. -CUST IS LEAVING THE COUNTRY TOMMORROW AND COMING BACK TO AMERICA ON MAY 1ST 2005 -THE VEH WILL BE DEALER SAID: GRIFFIN FORD315 MILBANK AVE GREENWICH, LEFT AT CUST SON'S HOUSE PHONE NUMBER CT 06830 TEL: (203) 869-5000CRC ADVISED: - I WILL FORWARD THIS INFORMATION TO OUR CONSUMER AFFAIRS GROUP. SOMEBODY FROM CONSUMER AFFAIRS WILL CONTACT YOU IN 2 BUSINESS DAYS, PLEASE NOTIFY YOUR INSURANCE CARRIER AND REPORT THIS INCIDENT.

Data Element Name	Data Value
FIRE/ACCIDENT	A

Action: MAKE OUTBOUND CALL TO DEALER

Dealer: 03718 GRIFFIN FORD INC

Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION

Odometer: 50000 MI Comm Type: PHONE Analyst Name: KIRKSEY, VINCE (V.) Analyst: VKIRKSE1

Action Date: 01/05/2005

Action Time: 14.20.17.298 Action Data: Yes

Comments ***LPA COMMENTS***LPA LEFT A MESSAGE WITH THE DEALERSHIP REGARDING THE CUSTOMER'S

CONCERN.

Data Element Name

Data Value

CONTACT PERSON

ROCCO ZAPPIA JR

Action: REFER TO INSURANCE CARRIER - INSURANCE COMPANY ALREADY INVOLVED

Dealer: 03718 GRIFFIN FORD INC

Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION

Odometer: 50000 MI Comm Type: MAIL Analyst Name: KIRKSEY, VINCE (V.) Analyst: VKIRKSE1

Action Date: 01/06/2005

Action Time: 10.16.03.901 Action Data: No

Comments ***LPA COMMENTS *** LPA HAS REVIEWED THE ABOVE CASE, INFORMATION PROVIDED BY THE CUSTOMER INDICATED THE DEALERSHIP WAS UNABLE TO DUPLICATE THEIR VEHICLE CONCERN. FURTHERMORE, THE CUSTOMER STATED HER INSURANCE CARRIER IS CURRENTLY INVESTIGATING THE MATTER. ONCE THE INSURANCE COMPANY BECOMES INVOLVED WE GENERALLY REQUIRE THEM TO FILE A SUBROGATION CLAIM AGAINST FMC IF THEY FEEL WE ARE LIABLE. BASED ON THIS INFORMATION, WE WILL BE UNABLE TO PROVIDE ASSISTANCE IN THE MATTER, AND

PROPOSE NO FURTHER ACTION.

Print

VIN: 1FMCU04191K

Name:

Symptom Desc: TIRES/WHEELS TIRE WEAR

Reason Desc: WARRANTY - TIRE COVERAGE

Issue Type: 02 INFORMATION

Year: 2001

Owner Status: Original

Issue Status; CLOSED

Model: ESCAPE

Case: 1423511651

WSD: 2001-05-16 Primary Phone:

Secondary Phone:

Action: ADVISE CUST OF TIRE COVERAGE

Dealer: 08295 MATTHEWS PAOLI FORD

Odometer: 18000 MI

Analyst Name: BARTELLA, SANDRA

Action Date: 10/29/2002

Comm Type: PHONE

Analyst: SBARTELL

Action Time: 18,30.45,176

Origin Desc: US CONCERN CASE BASE

Action Data: No

Comments CUSTOMER SAYS: MAY I SPEAK WITH VIOLET CUST WOULD LIKE TO KNOW WHY HE NEEDS TO PAY FOR THE TIRES I SPOKE WITH S/M JIM AND HE TEST DROVE THE VEH WITH ME ITS PART WEAR AND TEAR AND I WILL BE REQUIRED TO PAY THEY WERE GOING TO REPLACE THE TIRES BUT WHY DO I HAVE TO PAY FOR THEM THEY HAVE WORN OUT AND I DO NOT UNDERSTAND WHY PER CUSTOMER, DEALER SAYS; CAC ADVISED: - TIRES ARE NOT WARRANTED BY FORD, BUT BY THEIR RESPECTIVE MANUFACTURER - WE SUPPORT THE DEALERSHIP'S DIAGNOSIS " NOTE TO CSR: IF THE CLIENT IS LOOKING FOR TIRE MANUFACTURER GO TO REDIRECT TO PROVIDE THIS.

MANUFACTURER, A SEPARATE TIRE WARRANTY IS INCLUDED WITH THE OWNER LITERATURE SUPPLIED TO THE CUSTOMER UPON DELIVERY, IF A TIRE IS DAMAGED DURING THE WARRANTY COVERAGE PERIOD BECAUSE OF A VEHICLE DEFECT IN FACTORY-SUPPLIED MATERIALS OR WORKMANSHIP, THE TIRE WILL BE REPLACED BY FORD MOTOR COMPANY UNDER WARRANTY INFERENCE CASE ID: 4475

Print

VIN: 1FMCU04191K

Name:

Year: 2001

Owner Status: Original

Model: ESCAPE WSD: 2001-05-16 Case: 1423511651

Symptom Desc:

Reason Dosc: PRODUCT - NEGATIVE FEEDBACK

Issue Type: 02 INFORMATION

Issue Status: CLOSED

Primary Phone: Secondary Phone:

Action: ADVISE CUSTOMER THE FEEDBACK HAS BEEN DOCUMENTED

Dealer: 08295 MATTHEWS PAOLI FORD

Odometer: 18000 MI Analyst Name: BARTELLA, SANDRA

Action Date: 10/29/2002

Comm Type: PHONE Analyst: SBARTELL

Action Time: 18.30,44.570

Origin Desc: US INQUIRY CASE BASE

Action Data: No

Comments: CUSTOMER SAYS: MAY I SPEAK WITH VIOLET CUST WOULD LIKE TO KNOW WHY HE NEEDS TO FAY FOR THE TIRES I SPOKE WITH S/M JIM AND HE TEST DROVE THE VEH WITH ME ITS PART WEAR AND TEAR AND I WILL BE REQUIRED TO PAY THEY WERE GOING TO REPLACE THE TIRES BUT WHY DO I HAVE TO PAY FOR THEM THEY HAVE WORN OUT AND I DO NOT UNDERSTAND WHY I'M VERY DISPLEASED WITH THIS VEH AND TIRES I HAVE ALREADY DISCUSSED MY OPTIONS WITH SALES MANGER I WOULD NEVER PURCHASE ANOTHER ESCAPE AGAIN VERY DISPLEASED AND I HAVE OWNED SEVERAL FORD VEH PER CUSTOMER, DEALER SAYS; CAC ADVISED; THANK YOU FOR PROVIDING FORD MOTOR COMPANY WITH YOUR THOUGHTS; YOUR OPINIONS ARE VALUABLE TO US. I HAVE DOCUMENTED YOUR FEEDBACK AND THE INFORMATION YOU PROVIDED REGARDING YOUR EXPERIENCE WITH OUR PRODUCT. THIS INFORMATION IS FORWARDED TO VARIOUS DEPARTMENTS WITHIN FORD TO CONTINUOUSLY IMPROVE OUR PRODUCTS AND SERVICES. YOU WILL ONLY BE CONTACTED IF A SPECIFIC DEPARTMENT REQUIRES ADDITIONAL ADVISED CUST THAT WE CAN DIRECT HIM TO FIRESTONE TO SPEAK WITH A REP HOWEVER THE TIRES ARE NOT WARRANTIED BY FORD INFERENCE CASE ID: 867

Print

VIN: 1FMCU04191K

Year: 2001

Model: ESCAPE

Case: 1423511651

Name:

Owner Status: Original Symptom Desc: AUTO TRANS UPSHIFT ENGINE RACES

WSD: 2001-05-16 Primary Phone:

Reason Desc: PROD/COMP DUR/PERF - VEHICLE QUALITY

Issue Type: 02 INFORMATION

Issue Status: CLOSED

Secondary Phone;

Action: ADVISE INFO WILL BE SENT TO DLR; CONTACT CRM

Dealer: 01345 BILL MARSHFORD INC

Comm Type: PHONE

Origin Desc: US CONCERN CASE BASE

Odometer: 18000 MI

Analyst Name: VIOLET RICHARDSON

Analyst: VRICHARD

Action Data: No

Action Date: 10/28/2002

Action Time: 09.42.37.884

Comments CUSTOMER SAYS: - HAD NEW BEARINGS PUT IN AND TRANSFER CASE WAS REPLACED - VEH HAS A HUMMING SOUND ALL THE TIME IRRESPECTIVE OF SPEED - IS ROTATING THE TIRES AS PER INSTRUCTIONS - WOULD LIKE TO KNOW WHY SHOULD THEY PAY FOR THE TIRES - ENGINE RACES AND ACCELERATES WHEN THE VEH COMES TO A STOP ALSO - HAPPENED ALSO WHEN IT HE GOES INTO PARK - PROBLEM IS INTERMITTENT - WOULD LIKE TO TAKE THE VEH TO ANOTHER DURSHIP PER CUSTOMER, DEALER SAYS: NONE CAC ADVISED: - WE RECOMMEND THE REPAIR BE PERFORMED BY A FORD/LM DEALERSHIP - INFORMATION WILL BE SENT TO DLR, CUSTOMER SHOULD CONTACT CRM/SERV MGR INFERENCE CASE ID: 4591

Action: ADVISE INFO WILL BE SENT TO DLR; CONTACT CRM

Dealer: 10447 MURPHY LINCOLN MERCURY

Origin Desc: US CONCERN CASE BASE

Odometer: 80000 MI

Comm Type: PHONE Analyst: RWILLIAM

Analyst Name: ROXANNA WILLIAMS Action Date: 10/28/2002

Action Time: 10,21,52,456

Action Data: No

Comments CUSTOMER SAYS: =I WOULD LIKE TO HAVE THE PREVIOUS INFO ASSIGNED TO MURPHY L/M INSTREAD AS IT IS CLOSER TO ME """"AS PER HISTORICALS""""PREV. REP" - HAD NEW BEARINGS PUT IN AND TRANSFER CASE WAS REPLACED - VEH HAS A HUMMING SOUND ALL THE TIME IRRESPECTIVE OF SPEED - IS ROTATING THE TIRES. AS PER INSTRUCTIONS - WOULD LIKE TO KNOW WHY SHOULD THEY PAY FOR THE TIRES - ENGINE RACES AND ACCELERATES WHEN THE VEH COMES TO A STOP ALSO - HAPPENED ALSO WHEN IT HE GOES INTO PARK - PROBLEM IS INTERMITTENT - WOULD LIKE TO TAKE THE VEH TO ANOTHER DLRSHIP PER CUSTOMER, DEALER SAYS: NONE CAC ADVISED: - WE RECOMMEND THE REPAIR BE PERFORMED BY A FORD/LM DEALERSHIP - INFORMATION WILL BE SENT TO DLR, CUSTOMER SHOULD CONTACT CRM/SERV MGR INFERENCE CASE ID: 4591

Action: ADVISE INFO WILL BE SENT TO DLR: CONTACT CRM

Dealer: 08295 MATTHEWS PAOLI FORD

Odometer: 18000 Mi Comm Type: PHONE

Analyst Name: LEONARD SSONKO

Analyst: LSSONKO

Action Date: 10/28/2002

Action Time: 12.04.07.077

Origin Desc: US CONCERN CASE BASE

Action Data: No

Comments CUSTOMER SAYS; AD NEW BEARINGS PUT IN AND TRANSFER CASE WAS REPLACED - VEH HAS A HUMMING SOUND ALL THE TIME IRRESPECTIVE OF SPEED - IS ROTATING THE TIRES AS PER INSTRUCTIONS - WOULD LIKE TO KNOW WHY SHOULD THEY PAY FOR THE TIRES - ENGINE RACES AND ACCELERATES WHEN THE VEH COMES TO A STOP ALSO HAPPENED ALSO WHEN IT HE GOES INTO PARK PROBLEM IS INTERMITTENT - WOULD LIKE TO TAKE THE VEH TO ANOTHER DLRSHIP PER CUSTOMER, DEALER SAYS; =NONE CONTACTED CAC ADVISED; - WE RECOMMEND THE REPAIR BE PERFORMED BY A FORD/LM DEALERSHIP - INFORMATION WILL BE SENT TO DLR, CUSTOMER SHOULD CONTACT CRM/SERV MGR INFERENCE CASE ID: 4591

Print

VIN: 1FMGU04191K

Year: 2001

Owner Status: Original

Case: 1423511651

Name:

Symptom Desc: TIRES/WHEELS TIRE WEAR

WSD: 2001-05-16

Model: ESCAPE

Reason Desc: WARRANTY - WEAR ITEM COVERAGE

Primary Phone:

Issue Type: 02 INFORMATION

Issue Status: CLOSED

Secondary Phone:

Action: SUPPORT DEALER'S POSITION, REFER TO W&P MANUAL

Dealer: 01345 BILL MARSHFORD INC

Comm Type: PHONE

Origin Desc: US CONCERN CASE BASE

Odometer: 18000 MI Analyst Name: VIOLET RICHARDSON

Analyst: VRICHARD

Action Date: 10/28/2002

Action Time: 09,42,36,793

Action Data: No

Caller Information If Different From Vehicle Owner:

First Name

Middle Initial

Last Name

Day Phone

Relationship OTHER

Comments CUSTOMER SAYS: - HAD NEW BEARINGS PUT IN AND TRANSFER CASE WAS REPLACED - VEH HAS A HUMMING SOUND ALL THE TIME IRRESPECTIVE OF SPEED - IS ROTATING THE TIRES AS PER INSTRUCTIONS - WOULD LIKE TO KNOW WHY SHOULD THEY PAY FOR THE TIRES - ENGINE RACES AND ACCELERATES WHEN THE VEH COMES TO A STOP ALSO - HAPPENED ALSO WHEN IT HE GOES INTO PARK - PROBLEM IS INTERMITTENT - WOULD LIKE TO TAKE THE VEH TO ANOTHER DURSHIP PER CUSTOMER, DEALER SAYS: TIRES NEEDS TO BE REPLACED AND SHOULD BRING. THE VEH IN AGAIN FOR SOME ONE TO DRIVE WITH HIM - GARY AND TONY CAC ADVISED: - WEAR ITEMS ARE NOT COVERED UNDER THE MANUFACTURER'S WARRANTY - ADVISE CUSTOMER THEY ARE RESPONSIBLE FOR ANY WEAR ITEM REPAIR COSTS ======= OBC TO DLR ======== SPOKE WITH GARY (SM) WHO ADVISED THAT THE TIRES ARE CHOPPY INFERENCE CASE ID: 4470

Print

VIN: 1FMCU04191K

Year: 2001

Model: ESCAPE

Case: 1423511651

Name:

Owner Status: Original Symptom Desc: WINDOW/GLASS SIDE POWER FUNCTION

WSD: 2001-05-16

Reason Desc: WARRANTY - BUMPER-TO-BUMPER

Primary Phone:

Issue Type: 03 CONCERN

Issue Status: CLOSED

Secondary Phone:

Initial Customer Contact:

Action: ADVISE CUST INFO WILL BE SENT TO DLR; CONTACT CRM

Dealer: 10447 MURPHY LINCOLN MERCURY

Origin Desc: US CONCERN CASE BASE

Odometer: 3000 MI

Comm Type: PHONE

Analyst Name: MARISSA KISMATALI

Analyst: MKISMATA

Action Data: No

Action Date: 06/19/2001

Action Time: 08.26.14.173

Comments CUSTOMER SAYS: - THAT THE WINDOW IS SUPPOSED TO DROP DOWN WITH THE WINDOW "AUTO" FEATURE ON THE DRIVER'S FRONT SIDE WINDOW, SO YOU DON'T HAVE TO HOLD DOWN THE BUTTON ALL THE TIME TO GET THE WINDOW DOWN - THIS IS NOT WORKING PER CUSTOMER, DEALER SAYS: MURPHY LINCOLN - MERCURY 1501 WEST CHESTER PIKE WEST CHESTER, PA 19382 TEL: (610) 692-8110 CAC ADVISED: - WE RECOMMEND THE REPAIR BE PERFORMED BY A FORD/LM DEALERSHIP - INFORMATION WILL BE SENT TO DLR, CUSTOMER SHOULD CONTACT CRM/SERV MGR - ONE TOUCH DOWN 2 PRESS AUTO COMPLETELY DOWN TO THE SECOND DETENT. THE DRIVER S WINDOW WILL OPEN FULLY, DEPRESS UP TO STOP WINDOW OPERATION. - STILL NOT WORKING AFTER READING INSTRUCTIONS TO CUST INFERENCE CASE ID: 4905

Action: TRANSFER ISSUE

Dealer: 01765 MENDHAM FORD, INC.

Origin Desc: FIELD ORGANIZATION

Origin Desc: FIELD ORGANIZATION

Odometer: 3000 MI

Comm Type: PHONE

Analyst Name: RITA MURPHY Action Date: 06/20/2001

Analyst: 8485RM Action Time: 18.54.19.401

Action Data: No

Comments MURPHY LM HAS NEVER SEEN THIS VEHICLE AND THEY ARE A LM DLR. PLEASE TRANSFER TO ORIGINATING

DEALER RITA MURPHY, CSM

Action: TRANSFER ISSUE

Dealer: 01341 FRED BEANSFORD OF WEST CHESTER, INC. Odometer: 3000 MI

Comm Type: PHONE

Analyst Name: RITA MURPHY

Analyst: 8485RM

Action Date: 06/20/2001

Action Time: 22.29.39.595

Action Data: No

Comments PETE--PLEASE CONTACT THIS CUSTOMER FOR ASSISTANCE, IT APPEARS RELATIVELY SIMPLE ISSUE. CUSTOMER HAS MOVED TO THIS LOCATION AND CAC OPENED AT A LM STORE. THANKS FOR THE HELP, RITA

Action: VEHICLE OPERATING CHARACTERISTIC - REPAIR NOT ATTEMPTED

Dealer: 01341 FRED BEANSFORD OF WEST CHESTER, INC.

Odometer: 3000 MI

Comm Type: PHONE

Analyst Name: FRED BEANS FORD-D CO

Analyst: F16406

Action Date: 06/28/2001

Action Time: 14.28.07.267

Action Data: No

Origin Desc: DEALER

Comments NO COMMENTS AVAILABLE

Print

VIN: 1FMCU04191K

Year: 2001

Model; ESCAPE

Case: 1423511651

Name:

Owner Status: Original

WSD: 2001-05-16 Primary Phone:

Symptom Desc:

Reason Desc: MISC INQUIRY - MEDIA REPORTS

Issue Type: 02 INFORMATION

Issue Status: CLOSED

Secondary Phone:

Action: FIRESTONE TIRE -- US INQUIRY

Dealer: 10447 MURPHY LINCOLN MERCURY Odometer: 3000 MI

Analyst Name: MARISSA KISMATALI

Action Date: 06/19/2001

Comm Type: PHONE Analyst: MKISMATA

Action Time: 08.26.14.766

Origin Desc: MANUAL - PHONE CSR

Action Data: No

Comments CUSTOMER SAYS: HAS FIRESTONE XT TIRES ON THE VEH - RECALLED? PER CUSTOMER, DEALER SAYS: NONE CAC ADVISED: OUR DATA SHOWS THAT THE HT (HIGHWAY TREAD) AND XT TIRES PERFORM WELL THE HT AND

XT HAS A DIFFERENT CONSTRUCTION AND TREAD THAN THE AT TIRES. - NO RETURN OF TIRES





SUMMONS - CIVIL

(Except Family Actions)

for other exceptions

JUDICIAL DISTRICT

HOUSING SESSION

JD-CV-1 Rev 1-2000 C.G.S. § 51-346, 61-347, 91-149, 51-150, 52-45a, 52-48, 52-259, P.B. Secs 1-1 hrtl 3-21, 8-1 INSTRUCTIONS

Prepare or photocopy come med summons for each defendant.

Type or pant legibly; sign original summons and conform all copies of the summons

L GA NO

3. Attach the original summons to the original complaint, and attach a copy of the summons to each copy of the complaint. Also, if

6. Do not use this form for a hors in which an attachment, garnishment or replevy is being sought. See Practice Book Section 8-1

TO: Any proper officer, BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby

After service has been moon by a proper officer, file original papers and officer's return with the clerk of court 5. The party recognized to pay costs must appear personally before the authority taking the recognizance

commanded to make due and legal service of this Summons and attached Complaint.

there are more than 2 planniffs or 4 defendants prepare form JD-CV-2 and attach it to the original and all copies of the complaint.

Stamford

STATE OF CONNECTICUT SUPERIOR COURT

www.jud.ct.gov

	A GIVE OF THE LOCK WING
	Amount, legal interest or property
17	demand, exclusive of interest and
V	costs is:

	less	thai	1.52	500
_				10.70

\$2,500 through \$14,999.99

ONE OF THE FOLLOWING

\$15,000 or more

("X" if applicab	(e)
Olelesian	

Claiming other relief in addition to or in lieu of money or damages.

RETURN DATE Mo., day, yr.) (Must be a Tuesday) 8/14/07

CASE TYPE (See JD-CV-1c)

Minor O6 Major TE EPHONE NO (with area code)

52

53

AT (Town in which writ is returnable) (C.G.S. 61-346, 51-349)

ADDRESS OF COURT CLERK, WHERE WRIT AND OTHER PAPERS SHALL BE FILED (No., street, fown and zip code) (C.G.S. 61-346, 51-350) 123 Hoyt Street, Stamford, CT 06905 203-965-5308

PARTIES	NAME AND ADDRESS OF EACH PARTY (No., street, lown and zip code)	NOTE Individuals' Names: Last, First, Middle Initial	Form JD-CV-2 attached	PT
FIRST NAMED PLAINTIFF	State Farm Mutual Automobile Insurance 1 State Farm Plaza, Bldg. C - Basement, B			01
Additional Plaintiff				02
FIRST NAMED DEFENDANT	Ford Motor Company c/o Agent For Servi One Corporate Center, Floor 11, Hartford,			50
Additional Defendant				51

NOTICE TO EACH DEFENDANT

1. YOU ARE BEING SUED.

Additional

Defendant Additional

Defendant

- 2. This paper is a Summons in a lawsuit.
- 3. The Complaint attached to these papers states the claims that each Plaintiff is making against you in this lawsuit.
- 4. To respond to this Summons, or to be informed of further proceedings, you or your attorney must file a form called an "Appearance" with the Clerk of the above-named Court at the above Court address on or before the second day after the above Return Date.
- 5. If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default.
- 6. The "Appearance" form may be obtained at the above Court address.
- 7. If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately take the Summons and Complaint to your insurance representative
- 8. If you have questions about the Summons and Complaint, you should consult an attorney promptly. The Clerk of Court is not permitted to give advice on legal questions,

7/14/	07	110000	NED (Slepand "X" proper box)	X Comm of Superior C Assistant Clerk	A STATE OF THE PARTY.	PEIN NAME OF I	PERSON SIGNING AT LEFT
FOR T	HE PLA	INTUFF (S) PLEASE ENTER THE APPEARANCE OF:				
			TORNEY, LAW FIRM OR PLAINTIFF IF PRO SE (Na., size C. 190 Washington Street, Middletown, CT 04		10000000	04-0044	JUDIS NO (melty or law firm) 420151
			RSON RECOGNIZED TO PROSECUTE IN THE AMOUNT ashington Street, Middletown, CT 06457	OF \$250 (No., street, fown and zi	code)	SIGNATURE	F PLAINTIEF IF PRO SE
PLFS	#DEFS.	W CNTS	SIGNED (Official taking recognizance: "X" proper box)	Comm. of Super	ior Court		For Court Use Only
	1	2	John Locus	Assistant Clerk		FILE DATE	
			V NED BY A CLERK ne so that the Plaintiff(s) will not be denied access to	the courts.		A	TEST:

- 1. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law
- . The Clerk is not permitted to give any legal advice in connection with any lawsuit
- I. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service thereof

SIGNED (Pro Se Plaintiff) hereby certify I have read ind understand the above:

DATE SIGNED

DOCKET NO.

ORIGINAL

RETURN DATE: AUGUST 21, 2007

* SUPERIOR COURT

STATE FARM MUTUAL

AUTOMOBILE INSURANCE
COMPANY a/s/o

Plaintiff,

V.

* JULY 19, 2007

* Defendant.

* Defendant.

COMPLAINT

COUNT ONE: NEGLIGENCE

- At all times relevant hereto, the plaintiff, State Farm Mutual Automobile Insurance Company (hereinafter "State Farm"), is a corporation duly organized by law with a principal place of business at One State Farm Plaza, Bloomington, Illinois.
- At all times relevant hereto, the Plaintiff, State Farm, conducted business in Pennsylvania.
- The Plaintiff, State Farm, is exercising its rights of subrogation pursuant to an automobile insurance contract with I
- 4. At all times relevant hereto, the plaintiff's insured, was an individual residing in Malvern, Pennsylvania, and maintained an automobile insurance policy with State Farm, bearing policy number which was in effect on January 4, 2005.
- 5. At all times relevant hereto, was an individual residing in Greenwich, Connecticut.

- 6. At all times relevant hereto, the Defendant, Ford Motor Company (hereinafter "Ford") Inc. is a Delaware Corporation with a place of business at 3 Parkland Boulevard, Dearborn, Michigan.
- At all times relevant hereto, the defendant, Ford, conducted business in Petusylvania.
- 8. On or prior to January 4, 2005, the Defendant, Ford, designed, manufactured, inspected, tested, assembled, sold, distributed, leased and/or supplied Plaintiff's subrogee, Honed Ghogawala, with a 2001 Ford Escape XLT, VIN No.: 1FMCU0419
- On or about January 4, 2005, Maura Brickman was operating a vehicle within the right lane of Greenwich Avenue while traveling southbound in Greenwich, Connecticut,
- 10. At the same time and place, the plaintiff's insured, while operating his 2001 Ford Escape XLT, was legally parked facing southwest along the western curbline of Greenwich Avenue.
- The plaintiff's insured attempted to back his vehicle from his parking space in a northeastern direction into the right lane of travel of Greenwich Avenue when the throttle plate mallunctioned and caused the vehicle to suddenly and unexpectedly accelerate backwards into vehicle.
- 12. As a direct and proximate result of the negligence of the Defendant. Ford, in the design, manufacture, inspection, testing, assembly, sale, distribution, lease and/or supply to Honed Ghogawala of the 2001 Ford Escape XLT; and as a result of the negligence of the Defendant, Ford, in failing to follow and comply with generally accepted industry standards, codes and practices, the 2001 Ford Escape XLT sustained significant damage.

13. As a further result of the negligence of the defendant, Ford, the plaintiff was caused to incur substantial expense to have its insured's vehicle replaced, repaired, and/or restored to its previous condition.

COUNT TWO: BREACH OF WARRANTY

- 1-13. The plaintiff repeats and realleges Paragraphs 1 through 13 of the First Count as Paragraphs 1 through 13 of the Second Count, as if fully set forth herein.
- On or prior to January 5, 2005, the Defendant, Ford, in whole or in part, designed, manufactured, inspected, tested, assembled, sold, distributed, leased and/or supplied the 2001 Ford Escape XLT and made implied warranties of merchantability, safety and fitness for the ordinary purposes for which the vehicle is used, and made implied warranties that the subject vehicle would be fit and safe for the particular purpose for which it was being used at the time of the above described incident, and made express warranties by affirmation of fitness, safety and merchantability and all of these warranties were relied upon by the Plaintiff's, subrogee,
- 15. Said warranties were breached by the Defendant, Ford, and the vehicle was not sale; not merchantable; not fit for the ordinary purposes for which the vehicle is used; not fit for the particular purpose for which it was being used at the time of the subject incident; was not lit, safe or merchantable as expressly warranted by the Defendant, Ford; and the Defendant, Ford, for failing to timely notify of said breaches to Plaintiff's subrogee.
- 16. As a direct and proximate result of the Defendant, Ford's, breaches, the 2001 Ford Escape XLT sustained significant damage.

17. As a further result of the Defendant, Ford's, breaches, plaintiff was caused to incur substantial expense to have its insured's vehicle replaced, repaired, and/or restored to its previous condition.

PLAINTIFF, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY a/s/o

John A Locus

Stephanie S. Berry

Gibson & Behman, P.C.

190 Washington Street

Middletown, Connecticut 06457

Juris No. 420151 (860)-704-0044

namy J. mann

GPS READINGS: Latitude: Time: Longitude FORM PR-1 REV. 01/01	COMPLIER FILE
DATE OF ACCIDENT MILITARY TIME ACCIDENT SEVERITY # VEHICLES INVOLVED PAGE # O	POLICE CASE NUMBER
IF NOT AT INTERLECTION I MEASURE DISTANCE 105 Tenins of Mile North South (Check Appropriate Boxes) Meters Kilometers East West Accident Occurred On Private F	7
TRAFFIC UNIT #1 Pedestrian ☐ Non-Contact Vehicle UNIT #2 ☑ Vehicle ☐ Pedes	Irian Non-Contact Vehicle
OPERATOR #1 or PEDESTRIAN NAME (Last, First, Middle Initial) OPERATOR #2 or PEDESTRIAN NA	ME (Last, First, Middle Initial)
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Page # 2 of 3

Police Case Number

05 - 90000

INDICATE NORTH

CCC.MERIDAL THERESOA

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POLICE DEPARTMENT GREENWICH, CONNECTICUT

MV Accident

239 GREENWICH AV

REEVES, BRENT

NAPRATIVE HEADING
ORIGINAL MVA REPORT

01/04/2005

Veh.1 was traveling south on Greenwich Ave. between Lewis St. and West Elm St. within the right lane of travel.

Veh.2 was legally parked facing southwest along the western curbline of Greenwich Ave. at parking meter #31-47, between Lewis St. and West Elm St. Veh.2 attempted to back northeast from said parking space into the right lane of travel of Greenwich Ave.

While attempting said backing maneuver, the left rear bumper of veh.2 collided with the rear right side passenger door and quarter panel of veh.1 at an area in the roadway approximately 105 ft. north of West Elm St.

No injuries reported and both vehicles were moved prior to police arrival.

Op.1 related that she was traveling south on Greenwich Ave. as described. That she was traveling past veh.2 when she observed it (veh.2) begin to back up. That she blew the horn and veh.2 shot out of the parking space and collided with her vehicle.

Op.2 related that he was attempting to back out of his parking space into the right lane of Greenwich Ave. That he was looking over his right shoulder while backing and his car just accelerated backwards striking veh.1.

Investigation revealed that the roadway was dry and free of defects. That the area of impact was determined by debris on the road surface. An examination of veh.1 revealed substantial non-disabling damage to the right rear passenger door and quarter panel. An examination of veh.2 revealed non-disabling damage to the left rear bumper and light assembly. That matching paint transfer was observed on both vehicles. That the reverse lamps of veh.2 were found to be working properly at the time of this investigation. That veh.2 was observed to operate properly when placed in reverse.

Op 2 was issued an Infraction Summons for Unsafe Backing 14-243b. Both vehicles left the scene under their own power. The Town of Greenwich Highway Dept. was contacted to remove the debris from the roadway.

		B. (-)	
REPORTING OFFICER 101	REVIEWED BY SUPERMISOR	COMMANDA CHICA CHICA'S OFFICE	PAGE
GLOSED ADMIN CIR UNFOUNDED AFREST EXCEP. CIR	OHOOSE ONE:	A-DEATH OF OFFENDER H-POSECUTION DENIES C-EXTRADITION DENIED D-WCTM REF, COOPERATE L-JUVENUS NO CUSTODY	DATE EXCEPTIONALLY CLEARED

UNIFORM POLICE ACCIDENT REPORT FORM, FIRST OVERLAY

UNIFORM POLICE ACC	DENT REPORT FORM PR-1 Rev. 5/94 No Adverse Condition: 2. Rain: 3. Sleet, Hail;	Please Print or Type 4. Snow: 5. Foo:
6,	Blowing Sand, Soil, Din or Snow; 7. Severe Co	osswinds; 8. Other, 9. Unknown,
	N: 1. Dry; 2. Wet; 3. Snow/Slush; 4. Ice; 5. Sa	
THE COURSE OF STREET STREET, STREET STREET, ST	ght, 2. Dark-Not Lighted; 3. Dark-Lighted; 4. D	
100	The state of the s	ce or Rest Area; 7. Weigh Station; 8. Connector.
		X Over, 8, At On Ramp; 9, At Off Ramp 0, None
	ATION: 1. Full; 2. Partial; 3. None; 4. Not Appli	cable;
G. CONSTRUCTION OF MAINT	ENANCE RELATED: 1. Yes; 2. No:	
VEHICLE #1	H. VEHICLE TYPE rain 13 Passenger Van	VEHICLE #2
03 Matorcycle 09 S 04 Moped-Motor Scooter 10 C 05 Pedalcycle 11 M	mergency Vehicle 14 Single Unit Truck (2 Axie chool Bus 15 Single Unit Truck (2 Axie	e, 4 Tire) 20 Tractor Semi-Trailer 26 Unknow e, 5 Tire) 21 Tractor Double Trailers nore Axles) 22 Tractor Triple Trailers 23 Heavy Vehicle (Unclassifiable)
OBJECT #1	TRAFFIC UNIT #1 J. OBJECT(S) STRUCT	X TRAFFIC UNIT #2 OBJECT =1
OBJ. #2 LOC OB Bridge S O4 Building. O5 Catch 8a O6 Const., E O7 Culvert. O8 Curbing O9 Deer 10 Ditch TRAFFIC	House asin, Manhole Barricade, Barrel Endwall Endwall 14 Highway Sign, Post I 15 Illumination Pole 16 Impact Attenuator 17 Jersey Barrier 18 Metal Beam Guide R 19 Overhead Sign Support 20 Railroad Appertunant 2 UNIT #1 & Shoulder Ahead 4 On Shoulder, Left ay 5 Off Road & Shoulder, F	Delineator 24 Underpass Ceiling 25 Utility Pole 26 Vehicle Off Road 27 Wall 28 Wire Rope Guideral 29 Other 29 Other 29 Other 29 Other 20 Off TRAFFIC UNIT #2 7 On Median Divider Right 8 Gore Area, Ramp Nose
	TER: 1, Occ. Vehicle #1; 2, Occ. Vehicle #2;	
I INJURY CLASSIFICATION K. Fatal Injury A. Incapacitating Injury (Prevents Return to Normal Activity) B. Non-Incapacitating Evident Injury C. Possible Injury (Claim of Non- evident Injury) N: Not Injured	01 Front Seat Left/Motorcycle Driver 02 Front Seat Middle 03 Front Seat Right 04 Second Seat Left/Motorcycle Passenger 05 Second Seat Middle 06 Second Seat Right 07 Third Row Behind Driver/Motorcycle Passe 08 Third Row Behind Front Seat Middle 09 Third Row Right 10 Sleeper Section of Cab (Truck) 11 Endosed Passenger or Cargo Area 12 Unendosed Passenger or Cargo Area 13 Trailing Unit 14 Riding on Vehicle Exterior	O. OCCUPANT PROTECTION SYSTEM USE— 1 None Used — Vehicle Occupant 2 Shoulder Bell Only
4 4 4	15 Unknown	2 Shoulder Bart Chily 3 Lap Beit Only 4 Shoulder and Lap Beit 5 Child Safety Seat 6 HelmevHigh Visibility Clothing 7 HelmevNo High Visibility Clothing 8 No HelmevHigh Visibility Clothing 9 Restraint Use Unknown





Tennessee Farmers Insurance Companies Jefferson County Farm Bureau P.O. Box 157 - Dandridge, TN. 37725-0157 Phone 865-397-3117 Fax 865-397-9224

April 14, 2005

Ford Motor Company Office of the General Counsel Parklane Towers West 3 Parklane Blvd Ste 400 Dearborn MI 48126



RE: Insured:

Claim #:

1-17-05

D/L:

010 F18 1

Amount Due:

\$10,512.56

Dear Sirs:

Investigation of the above captioned loss indicates your insured is legally responsible for resulting damages.

Tennessee Farmer's Mutual Insurance Company has paid its insured and is subrogated to the above stated amount, which includes the insured's deductible. Valid documentation of damages is attached.

We request your company check payable to Tennessee Farmers Mutual Insurance Company as subrogee of the above insured.

Very truly yours,

TENNESSÈE FARMERS MUTUAL INSURANCE COMPANY

Christopher A. Rucker, Senior Claims Representative

CR:sr

Enclosure

Jan. 24,2005

Frank M. Ligon Ford Mater Company P.O. Box 1904 Dear born, Michigan 48121

Dear Mr. Frankligon.

accident involving my 2004 Ford Escape.
The accident involving my vehicle happened on Jan. 17, 2005. On the following day,
I recieved the letter of the safety
recall.

The vehicle speed was uncontrollable,
there fore almost causing an accident.
On Friday, Nov. 18, 2004. I was traveling
on Interstate 40 West, when I noticed
an excessive speed almost colliding into a
vehicle in Front of me. In order to avoid
an accident, I had to swerve into the
next lane on the right. Luckily there
was no one in that lane. So I was
able to avoid an accident on that day.

on Jan. 17, 2005, I was involved in an accident on Talbott-Kansas Relito Hwy 341. I was unable to stop the vehicle at the intersection. The other vehicle slammed into the left drivers side of the vehicle.

Resulting in me having to be transported to st Mary's Jefferson Memorial Hospital. Where I was treated for a concussion, and later released to be deserved by family members. I also had bruises on my ris face, left shoulder with two black eyes. I am still very sore on my left side. Photos are inclosed, The Vehicle is still on the rollback truck at Gary's Trim shop in Newport, IN.

Dandridge

Page 2 of 6

(b)

Harmful Event Most Harmful Event per Vehicle (select I per (eblick) Collision with Object Not Placed VI 17 '08 Pedekrian par on Pedalogia 10: 10 KHIMY Trun 160 50 Deer (Anumal) 111/ 11 Other Animal Motor Mchicle in Transport 13. 13 Motor Vehicle in Transport in Other Roadway 14. 14. Furked Monor Vehicle 15' 16' Other Type Non-Mountst 18. 18 Other Cloves (Nor Rued) collision with Fixed Object VI VZ V1 42 17. 17 Boulder 30 JG Lilky Pole 31 31 Other POH, Pole, Supp 19 10 Bullding 29 -29 Impact American 32 32 Cuhen 21 21/ Bridge Aus Abument 13. 11 Curb 22 22 Bridge Pumper End 34. 34 Dhch 23 23 Bridge Bull 35 35 Embeniment 24: 24: Guardrall Fice 39 35 Fence 25 25 Guirdrall Sad 19 10 WALL 26 -26 Median Number 40 40 Mall Box 27 27 H-way Traffic Ships Post 41 41 Shrubbery 20 20 Overhead Sign Support 42 42 Time 24 29 Imministratight Supp. 47 47. Fire Hydrant 48: 48 Truffe Signal Support 43, 43 Other Flood Object Non-Collision VI VZ 65 05. Fell/Jumped from Wehide Of Of Themum 07 07- Other Mun-Collision 02 -02 Fire taples an 03 (03: Immerica 16 10 Thomas or Falling Object 04 04 Jackknife 89 99 Linknown Wast Harmful Erent First Harmful Event for the Crash

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Odo Rail Grade Crossing	16' Other Location in Interchange
07 Corsover-Related	19. Unknown, Interchange Area
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3 : Reanto-Rear

Relation to Roadway at First Harmful Event

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OS Roadilde-Right	99 Unknown
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	Driver Factors	
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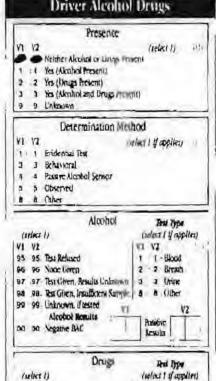
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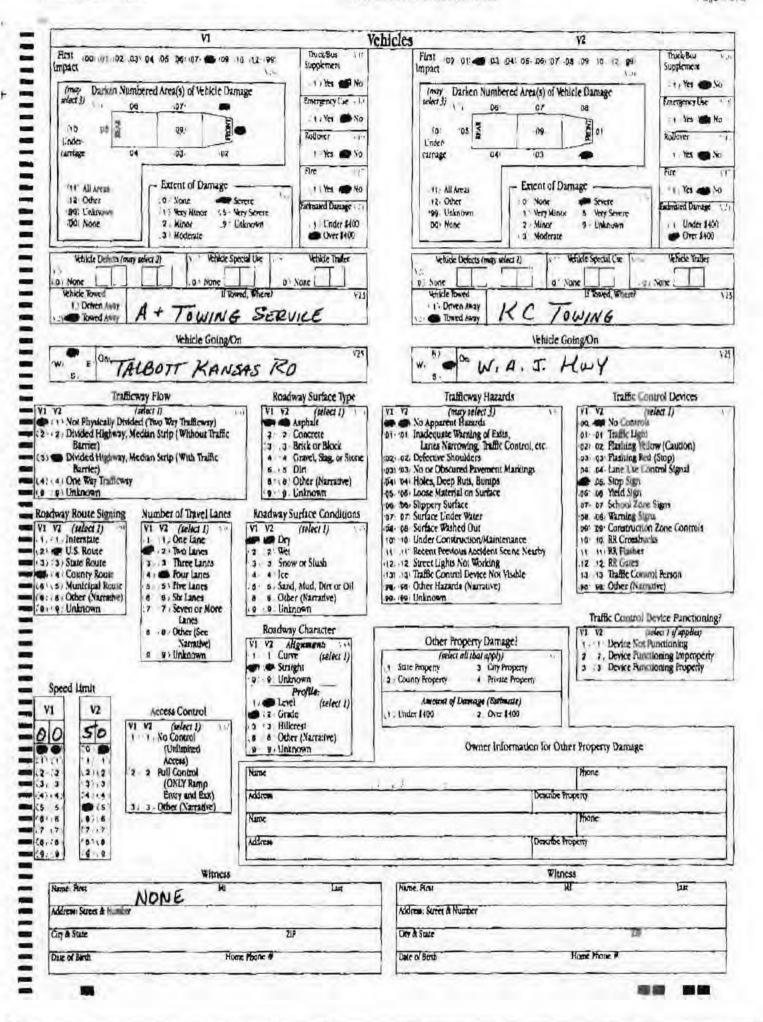
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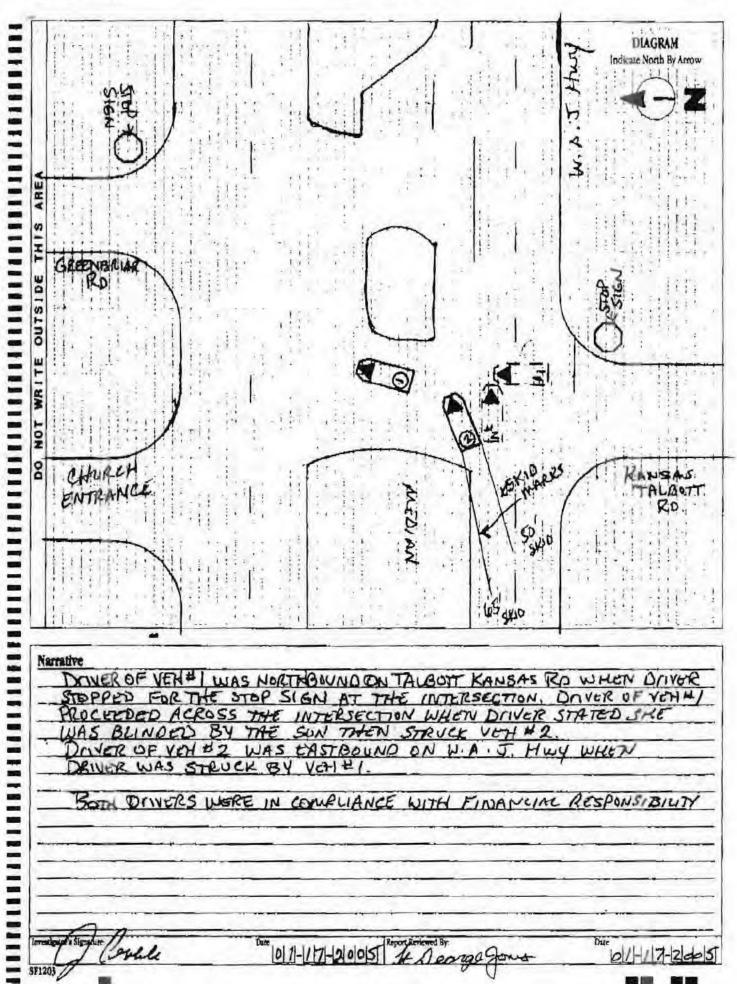
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ative
DONER OF VEH# I WAS NORTHOWND ON TALBOTT KANSAS RO WHEN DRIVER
STOPPED FOR THE STOP SIGN AT THE INTERSECTION, DOVER OF YEHM!
PROCEEDED ACROSS THE INTERSECTION WHEN DriveR STATED SHE
WAS BLINDED BY THE SUN THEN STRUCK VEH # 2.
DRIVER OF YEH #2 WAS CASTBOUND ON W.A. J. HWY WHEN DRIVER WAS STRUCK BY YOH #1.
BOTH Drivers WERE IN COMPLIANCE WITH FINANCIAL RESPONSIBILITY
Date 011-117-12005 Reportationed By Date 011-117-12005



Property Damage Appraisers

Condition Report for Assignment Number - 5010108

Owner:

Policy #: Claim #:



RF

Photo #1



RR

Photo #2



F104B-09/12/01

All PDA Offices Independently Owned and Operated



Property Damage Appraisers Condition Report for Assignment Number - 5010108

Owner:

Policy #: Claim #:



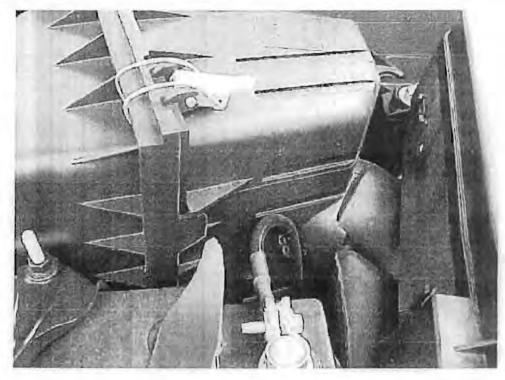
LR

Photo #3



BUSTED BREATHER BOX

Photo #4



F104B-09/12/01

All PDA Offices Independently Owned and Operated



Property Damage Appraisers Condition Report for Assignment Number - 5010108

Owner:

Policy #: | Claim #:



R FENDER & FRT DOOR DAMAGE

Photo #5



LEFT FRT

Photo #6



F104B-09/12/01

All PDA Offices Independently Owned and Operated



Property Damage Appraisers

Condition Report for Assignment Number - 5010108

Owner:

Policy #: Claim #:



RTFRT

Photo #7



Last Handling Date/ Issue Status

3/2/2005 CLOSED Name/ Reason Desc

LEGAL - ACCIDENT

Vin/ Case No.

1FMYU03124K 534820345 Model Year and Vehicle Line

2004 ESCAPE

Issue Type

07

All Action Details for Issue

Print

VIN: 1FMYU03124K

Year: 2004

Owner Status: Subsequent

Model: ESCAPE WSD: 2003-08-10 Case: 534820345

Name:

Symptom Desc: SURGE AT CRUISE ALL ENGINE TEMP

Primary Phone:

Reason Desc: LEGAL - ACCIDENT

Issue Type: 07 LEGAL

Issue Status: CLOSED

Secondary Phone:

Action: OPEN LEGAL CONTACT - PRODUCT LIABILITY - ACCIDENT

Dealer: 10265 RUSTY WALLACE LM MAZDA

Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION-FD

Odometer: 14800 MI

Comm Type: MAIL Analyst Name: LEICH, CHERIE Analyst: CLEICH

Action Date: 02/03/2005

Action Time: 14,54.31.703 Action Data: No

Comments "PRODUCT LIABILITY" DATE STAMPED 2-1-05, CUSTOMER ALLEGES SHE WAS

INVOLVED IN AN ACCIDENT DUE TO VEHICLE SURGING.CUSTOMER REQUESTS CONTACT FROM FORD

REPRESENTATIVE.

Action: MAKE OUTBOUND CALL TO CUSTOMER

Dealer: 10265 RUSTY WALLACE LM MAZDA

Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION

Odometer: 14800 MI

Comm Type: PHONE Analyst Name: DUNLAP, KENISHA Analyst: KDUNLAP

Action Date: 02/04/2005

Action Time: 14,53,25,176 Action Data: No

Comments LPA CONTACTED CUSTOMER, CUSTOMER WAS UNAVAILABLE. LPA LEFT A MESSAGE ON CUSTOMER'S

ANSWERING MACHINE. LPA WILL AWAIT A RETURN CALL.

Action: INFORMATIONAL CALL/FAX

Dealer: 10265 RUSTY WALLACE LM MAZDA

Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION

Odometer: 14800 MI

Comm Type: PHONE Analyst Name: DUNLAP, KENISHA Analyst: KDUNLAP

Action Data: 02/07/2005

Action Time: 09.17.20.296 Action Data: No

Comments LPA RECEIVED A RETURN CALL FROM CUSTOMER, CUSTOMER STATED THAT HER VEHICLE IS CURRENTLY AT AN INDEPENDENT FACILITY. THE INSURANCE COMPANY TOWED THE VEHICLE THERE AND WILL BEGIN MAKING REPAIRS IN THE COMING DAYS, CUSTOMER STATED SHE WAS IN AN ACCIDENT ON 1/17/05 AND RECEIVED A RECALL NOTICE FOR 04S25 AFTER THE ACCIDENT. LPA ADVISED CUSTOMER TO CONTINUE TO WORK WITH INSURANCE AND ADVISED OF SUBROGATION, CUSTOMER WANTS TO PURSUE A PERSONAL INJURY CLAIM. LPA MAILED PERSONAL

INJURY LETTER. LPA WILL AWAIT REQUESTED DOCUMENTS TO PROCEED.

Action: CLOSING COMMENTS - DENIAL - BASED ON LITIGATION PREVENTION REVIEW

Dealer: 10265 RUSTY WALLACE LM MAZDA Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION

Odometer: 14800 MI Comm Type: PHONE Analyst Name: DUNLAP, KENISHA Analyst: KDUNLAP

Action Date: 02/15/2005 Action Time: 09.49.14.869 Action Data: No

Comments LPA HAS NOT RECEIVED REQUESTED DOCUMENTS. CASE FILED.

Action: UPDATE CONTACT STATUS

Dealer: 10265 RUSTY WALLACE LM MAZDA Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION

Odometer: 14800 MI Comm Type: PHONE Analyst Name: DUNLAP, KENISHA Analyst: KDUNLAP

Action Date: 03/02/2005 Action Time: 14.41.25.833 Action Data: No

4/27/2005

Comments LPA RECIEVED PERSONAL INJURY LETTER FROM CUSTOMER. CUSTOMER STATED THAT HER VEHICLE IS BEING REPAIRED BY HER INSURANCE COMPANY. HOWEVER, CUSTOMER IS SEEKING A NEW VEHICLE FROM FORD. LPA MAILED CUSTOMER CLOSING CORRESPONDENCE ADVISING HER TO CONTINUE TO WORK WITH HER INSURANCE COMPANY AND OF SUBROGATION. NOTHING FURTHER. CASE FILED.

4/27/2005



MAR TH LAS

MANSMANN & MOORE CONSUMER AFFAIRS

ATTORNEYS AT LAW 220 GRANT STREET

PITTSBURGH, PENNSYLVANIA 15219 412-232-0661; FAX: 412-232-0233

WRITER'S E-MAIL FRANK@MANSMANN-MOORE.COM

FEB 25 A11:28

FIGARCIE M. MOORE!

"Admitted or Olio and Pennsylvania

REPLY TO THE PENNSYLVANIA OFFICE

February 18, 2005

Ford Motor Company P.O. Box 1904 Dearborn, Michigan 48121 RECEIVED

MAR D 2 7005

RE:

2003 Ford Escape

Vehicle ID No. 1FMYU92143K

Vehicle Owner:

Jeannette, Pa

Dear Ford Motor Company:

Please be advised that on January 20, 2005 I forwarded you a letter with regard to the above captioned matter (a copy of the letter is enclosed).

Please contact me to discuss this matter.

Sincerely yours,

MAR 0 2 2005

FMM/ced Enclosure

OHIO OFFICE: 153 N. FOURTH STREET, STEUBENVILLE, OH: 43952

MANSMANN & MOORE

ATTORNEYS AT LAW 220 GRANT STREET

PITTSBURGH, PENNSYLVANIA 15219 412-232-0661; FAX: 412-232-0233

WRITER'S E-MAIL: FRANK@MANSMANN-MOORE.COM

FRANCIS M MOORL*

*Admitted in Pluo and Pennsylvania

*REPLY TO THE PENNSYLVALIA OFFICE

January 20, 2005

Ford Motor Company P.O. Box 1904 Dearborn, Michigan 48121

RE:

2003 Ford Escape

Vehicle ID No. 1FMYU92143K

Vehicle Owner:

Jeannette, Pa

Dear Ford Motor Company:

Please be advised that our firm represents the Estate of regarding an accident that occurred while driving a 2003 Ford Escape on or about January 18, 2005. Preliminary investigation reveals that the accident was caused due to a sudden acceleration that caused the vehicle to crash.

Please contact me to discuss matters further.

Sincercly Jourse

CC:

DELO OFFICE: 153 N. FOURTH STREET, STEUBENVILLE, OH 43952



F. M. Ligon Ford Motor Company P.O. Box 1904 Dearborn, Michigen 48121

F0038824 0142 Turkhilalalarahalahalahallarahallarah

2003 Escape

Vehicle ID #: 1FMYU92143K

04S25

January 2005

JEANNETTE, PA

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act,

Ford Motor Company has decided that a defect, which relates to motor vehicle safety, exists in all 2002 through 2004 Escape vehicles.

We apologize for this situation and want to assure you that, with your assistance, we will correct this condition. Our commitment, together with Ford dealers, is to provide you with the highest level of service and support.

What is the issue?

On your vehicle, it is possible that the accelerator cable may prevent the throttle from returning to the idle position, possibly resulting in elevated engine speeds while driving. An unexpected increase in engine idle speed may increase stopping distance and may result in a vehicle crash without warning.

What will Ford and your dealer do? Ford Motor Company and your dealer will replace the accelerator cable free of charge (parts and labor). We urge you to return to your dealer for this service.

How long will it take?

The time needed for this repair is less than one-half day. However, due to service scheduling requirements, your dealer may need your vehicle for a longer period of time.

What are we asking you to do?

Please call your dealer without delay and request a service date for Recall 04S25. Provide the dealer with the Vehicle Identification Number (VIN) of your vehicle. The VIN is printed near your name at the beginning of this letter

If you do not already have a servicing dealer, you can access http://www.genuineflmservice.com for dealer addresses, maps, and driving instructions.

Please note: Federal law requires that any vehicle lessor receiving this recall notice must forward a copy of this notice to the lessee within ten days.

@ Copyright 2005 Ford Motor Company

F60314

Have you previously paid for this repair?

If you paid to remedy the issue addressed in this notice, you may be eligible for a refund either through your dealer or directly from Ford Motor Company.

To verify eligibility and expedite reimbursement, give your paid original receipt to your dealer. Refund requests, including all required documentation, may also be mailed to Ford at P.O. Box 6251, Dearborn, Michigan 48121-6251. Refund requests mailed to Ford may take up to 60 days to process.

Detailed information regarding eligibility for Ford's reimbursement program and documentation requirements may be obtained by contacting the Ford Customer Relationship Center at 1-866-436-7332. Owners who have previously paid for this repair are still eligible to have the recall described in this letter performed.

Have you changed your address or sold the vehicle?

If you have, please fill out the enclosed prepaid postcard and mail it to us so we can update our records. If you have sold the vehicle, the information you provide on the postcard will be used to notify the new owner about this recall.

Can we assist you further?

If you have difficulty getting your vehicle repaired promptly and without charge, please contact your dealership's Service Manager for assistance.

If you still have concerns, please contact the Ford Motor Company Customer Relationship Center and one of our representatives will be happy to assist you.

Call 1-866-436-7332. For the hearing impaired call 1-800-232-5952 (TDD).

Office Hours: (Eastern Time Zone)
Monday – Friday: 8AM – 8PM
Saturday: 9AM – 5:30PM

If you wish to contact us through the Internet, our address is: www.ownerconnection.com

If you are still having difficulty getting your vehicle repaired in a reasonable time or without charge, you may write the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street S. W., Washington, D. C. 20590 or call the toll free Auto Safety Hotline at 1-888-327-4236 or 1-800-424-9393.

Thank you for your attention to this important matter.

Sincerely,

Frank M, Ligon

Director

Service Engineering Operations

ranch M. Ligar

RECEIV J

MANSMANN & MOORE

ATTORNEYS AT LAW 220 GRANT STREET

PTTTSBURGH, PENNSYLVANIA 15219 412-232-0661; FAX: 412-232-0233

WRITER'S F-MAIL: FRANK@MANSMANN-MOORE.COM

FRANCIS W MOORE*

*Admitted in Ohio and Pennsylvania

*REPLY TO THE PENNSYLVARIA OFFICE

14M 3 1 2005

HAL COUNSEL

January 20, 2005

Via FedEx

Rob Hafer Hafer's Towing 229 Hafer Road Blairsville, PA 15717

RE:

2003 Ford Escape

Vehicle ID No. 1FMYU92143K

Vehicle Owner:

Jeannette, Pa

Souther

Dear Mr. Hafer:

Following our conversation this afternoon regarding the above vehicle, I write to place you on notice that said vehicle should not be altered in any manner or form while stored at your auto yard. As discussed during our phone conversation it is believed that this accident may have been caused by a manufacturers defect. More specifically, this vehicle was subject to a recall in January, 2005 by Ford Motor Company regarding sudden acceleration.

Please contact me if you have any questions. You can reach me at 1-800-727-4878 or the numbers listed above.

Sincerely yours

Frank M. Moore

FMM/ced

CC:

F.N. Ligon

5 JM 27 P3 59

SECTION SECTION

OHIO OFFICE: 153 N. FOURTH STREET, STEUBENVILLE, OH 43952.

ISSUE LIST

Last Handling Date/ Name/ Vin/ Model Year and Vehicle Line Issue Type Reason Desc Issue Status Case No. 1FMYU92143K 1/28/2005 2003 ESCAPE OGC - INJURY 1546030275 CLOSED 1FMYU92143K 1/28/2005 2003 ESCAPE 07 LEGAL - OTHER ATTORNEY DEMAND CANCEL 1546030275

All Action Details for Issue

Print

VIN: 1FMYU92143K

Year: 2003

Model: ESCAPE

Case: 1546030275

Name:

Owner Status: Original Symptom Desc: SURGE ACCELERATION ALL ENGINE TEMP

WSD: 2003-06-20

Reason Desc: OGC - INJURY

Primary Phone Secondary Phone:

Issue Type: 10 OGC

Issue Status: CLOSED

Action: CLOSE OGC CONTACT - INJURY

Dealer: 68038 FORD MOTORCOMPANY-FORD DIV

Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION-FD

Odometer: 1 MI

Comm Type: MAIL Analyst Name: LEICH, CHERIE Analyst: CLEICH

Action Date: 01/28/2005

Action Time: 09.38.51.190 Action Data: No

Comments FILE FORWARDED TO OGC FOR HANDLING.

All Action Details for Issue

Print

VIN: 1FMYU92143K

Year: 2003

Model: ESCAPE

Case: 1546030275

Name:

Owner Status: Original

WSD: 2003-06-20 Primary Phone:

Symptom Desc: GENERAL INQUIRIES REQUEST/NON-VEHICLE RELATED

Reason Desc: LEGAL - OTHER ATTORNEY DEMAND Issue Type: 07 LEGAL

Issue Status: CANCEL

Secondary Phone:

Action: OPEN LEGAL CONTACT - ATTORNEY DEMAND

Dealer: 58038 FORD MOTORCOMPANY-FORD DIV

Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION-FD

Odometer: 1 MI

Comm Type: MAIL Analyst Name: LEICH, CHERIE Analyst: CLEICH

Action Date: 01/27/2005

Action Time: 15.10.03.525 Action Data: Yes

CLIENT'S ACCIDENT MAY HAVE BEEN A RESULT OF A MANUFACTURER'S DEFECT.ATTORNEY DEMANDS CONTACT FROM

FORD REPRESENTATIVE.

Data Element Name

Data Value

NAME OF LAW FIRM

ATTORNEY NAME ATTORNEY PHONE NUMBER FRANK M. MOORE

MANSMANN & MOORE

ANALYST ID

4122320661

Action: CANCEL ISSUE

Dealer: 68038 FORD MOTORCOMPANY-FORD DIV

Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION-FD

Odometer: 1 MI

Comm Type: MAIL Analyst Name: LEICH, CHERIE Analyst: CLEICH

Action Date: 01/28/2005

Action Time: 09 37.48.578 Action Data: No

Comments CANCEL ISSUE. WILL FORWARD TO OGC FOR FATALITY.

1	AÀ 500	Case Closed Reportable Crash Yes C No O Yes No	FAT Page	P 1039347 21105				
Police Arenov Cata	Incident A O Agency I Dispatch O 8 Reviewer CPL	4-1412654	Badge Number	Police Agency Patrol Zone 6 8 9 0 4 0 5 8 Investigation Date (IMI) DD-YYYY) C 1 - 1 9 - 2 0 0 5 Badge Number G 3 8 0 Approval Date (IMM-DD-YYYY) 8 0 1 - 2 4 - 2 0 0 5				
Crash Data	01	6 V WESTMONE: AND 2 0 4 DERRY TUP OSUN OTHU Crash Date (MM-DD-YYYY) Crash Time (Inil) No of Units People Injured Killed* *IF > 10 OMON OFFI Complete Other Osat						
Loc Avps	Intersecti Midda	Control of the second of the s	on Multi-Leg Off Intersection Off On Ramp O Cro	Location OO				
Principal Road	00	Street Flaine Street Ending G Fast For Mid-block crashes only. Use postal House Number and make sure Principal Roadway Street Name is filled in during this option Route Interstate County Income Principal Road Private Other/						
Intersecting Road	() ()	Street Name Street Flame Street Flame						
Distance From Landmark	Please Please Finter Information Policy Policy It Using This Open Policy	Intersecting Rt Num Or Mile Past	Or Segment Marker Or Segment Marker	North St Ending South So				
55	Latitude:	140 24:56-84 Lon	Degrees M	nutes Seconds 2 2 2 7 . 4 4				
407	Traffic Control Device							
lane Closure		d (If "Not Applicable", skip rest of the Lane Closure see plicable ○ Partially ○ Fully ○ Unkn	own Direction O	outh East North and South All (N.S.E.W)				
_	Detoured	Unknown C Cosed C < 30 Min. C	⊃ 30-60 Min. ○ 1-3 hrs (3-6 hrs 0 6-9 hrs 0 > 9 hours 0 Unknown				

PENNDOT COPY

DI05-073-0050

COMMONWEALTH OF PENNSYLVANIA FAT Crash Number POLICE CRASH REPORTING FORM Page: P 1039347 Paice Use Only A4-1412654 AA 500 2 0 Motor Vehicle in Transport O Illegally Parked O Legally Parked O Non - Motorized July Info Hit & Run Vehicle Commercial Vehicle Yes. No No Pedestrian on Skates, O Disabled From in Wheelchair, etc Previous Crash Unit O Pedestrian O Train Phantom Vehicle (If Yes, Complete Form C) (If *Pedestrian or *Pedestrian on Skates, in Wheelchair, etc*, Complete Form M. Section 28) Unit No ate of Rinth (MM-D) MI First Nam 0 Last Nam Telephone No Delete Address / Gity / State NEW ALEKANDEIA PA nforma Driver License Number State Class A Driver or Pedestrian Physical Condition Alcoholorugs Suspected O Use Drug Apparently Normal Medication O Illegal Drugs SO No O Paligue Medication O Alconol Alcohol and Drugs O Unknown O Had Been Drinking O Sick O Asleep O Unknown Driver Alcohol Test Type Primary Vehicle Code Violation Charged? O Other Test Not Given () Breath O Yes 3 No O Test Given Vehicle (3) Blood O Urine PAVC 3361 Unknown Results Driver Presence 1=Driver Operated Alcohol Test Results 3=Driver Fled Scene Test Refused (2) Vehicle 4=Hit and Run Test Given. 0 1 Contaminated Results 9=Unknown 2=No Driver 02=Frivare Vehicle Not 07=Municipal Police Veh. Owner Driver 00=Not Applicable 04=State Police Vehicle 09=Federal Gov Veh Owned/Leased by Driver 05=PENNDOT Vehicle 08=Other Municipal 98=Other 01=Private Vehicle Dwned/ Government Vehicle Leased by Driver 03=Rented Vehicle 06=Other State Gov Veh 99=Unknown 0 er Firs Name or Business Name (If Pedestrian, skip this Section) Same at Driver C Address / City / State / Zip Vehicle Make *Make Code PA 1 2 FORD TEANNETH (see overlay) Model Year Vehicle Model VIN FIM 00 ESCAPE License Plate Vehicle Towed Towed By 0 TO Yes O No BoB HAFER Insurance Company Insurance Un-Information ② Yes ☐ No ☐ known CINCINNATI comp INS. 1=Towing Pass. Veh 4=Mobile/Modular Home 7=Semi-Trailer Trailing Tag Year Tag St No. of Trailing Unit 2=Towing Truck 5=Camper 8=Other 3=Towing Utility Trailer 5=Full Trailer 9=Unknown Direction of Travel ·See *Vehicle Position *Movement Special Usage 0 Overlay 00 12=Commercial Vehicle Color Vehicle Type 05-Large Truck 20=Unicycle, Bicycle, Passenger 06=Yellow 01=Automobile 02=Motorcycle 06=5UV Tricycle 00=Not Applicable Carrier 07=Silver 07=Van 21=Other Pedalcycle 012 01=Fire Veh 13=Tax 10=Snowmobile 22=Harse & Buggy 23=Horse & Rider 08=Gold 03=Bus 02=Ambulance 21=Tractor Trailer 01=Blue 02=Red (if "02", Complete Form 09=Brown 1)=Farm Fouin 03-Police 22=Twin Trailer 12=Construction Equip 24=Train 10=Orange 08=Other Emergency 23=Triple Trailer 31≈Modified Veh 03=White 11=Purple M, Section 26) VTA-FI 25=Trolley Vehicle 18=Other Type Spec Veh 19=Unk. Type Spec Veh 98=Other 04=Green 12=Other Of "20" or "21" Complete 11=Pupil Transport 99=Unknown 99=Unknown Q5=Black 99=Unknown Form M, Section 27) Initial Impact Point Damage Indicator Gradient Road Alignment 3=Downhill 0=None 2=Functional 1=Minor 3=Disabling

FORM # AA-500 (12/02)

0

00=Non-Collision

-12=Clock Points

13=Top

14=Undercarnage

15=Towed Unit

99=Unknown

PENNDOT COPY DI05-073-0051

9=Unknown

1=Straight

2=Curved

9=Unknown

4=Bottom of Hill

5=Top of Hill

9=Unknown

1=Level

2=Uphill

COMMONWEALTH OF PENNSYLVANIA FAT POLICE CRASH REPORTING FORM Page

Crash Number

P 1039347

-	AA 500 2 Police Use Only A4-1412654	0 3			
Unit Info	Type Motor Vehicle in	1111 res. Complete Form C			
	Unit No First Name O Z Delete? Address / City / Stave	MI Date of Sint (MH CO YYYY) Nomber			
Pedestrian Information	CASE AND DESCRIPTION OF THE PROPERTY OF THE PR	State Class WV A			
/ Pedestrian	Alcohol/Drugs Suspected No ○ Illegal Drugs ○ Medication ○ Alcohol ○ Alcohol and Drugs ○ Unknown	Driver or Pedestrian Physical Condition			
Vehicle Driver!	Alcohol Test Type Ten Not Given Breath Other Bland Sunne Unknown if Test Given	Primary Vehicle Code Violation Charged? Now€ Primary Vehicle Code Violation Charged?			
Vet	Alcohol Test Results	Driver Presence 1=Driver Operated 3=Driver Pind Scene Vehicle 4=Hit and Irun 2=No Driver 9=Unknown			
	Owner/Driver O = Not Applicable O1=Private Vehicle Owned/ Leased by Driver O3=Rented Vehicle Owner First Name Oriver Owner First Name	04=State Police Vehicle 07=Municipal Police Veh 09=Federal Gov Veh 05=PENNDOT Vehicle 08=Other Municipal 98=Other 06=Other State Gov Veh Government Vehicle 19=Unknown			
	Address / City / State / Zip	NODEL YEAR VENICLE MAKE INTERNATIONAL S 4 Model Year Vehicle Model (see overlay)			
lon	Insurance Company Insurance Company	Vehicle Towed By O 3 5 © Yes O No WATT'S MACK Policy No			
Vehicle Information		Modular Home 7=Semi-Trailer Tag No Tag Year Tag St			
Vehi	Direction of F *Vehicle Position O 1 *Movement	O8 Special Usage			
	Vehicle Color Vehicle Type 05=Large True O 3 07=Silver 08=Gold 01=Automobile 02=Motorcycle 05=SUV 07=Van 03=Bus 03=Bus 04=Small Truck 01=Snowmob 11=Farm Equi 02=Complete Form 11=Farm Equi 04=Green 11=Farm Equi 12=Construct 13=ATV 13=ATV 14=Other 12=Other 12=Other 12=Other 12=Other 12=Other 12=Other 12=Other 12=Other 12=Other 12=Other 12=Other 12=Other 12=Other 12=Other 12=Other 12=Other 13=ATV 13=Other 14=Other 15=	Tricycle 21=Other Pedalcycle ile 22=Horse & Buggy p 23=Horse & Rider on Equip 24=Train 25=Trolley e Spec Veh 98=Other Tricycle 00=Not Applicable 01=Fre Veh 01=Fre Veh 02=Ambulance 03=Police 03=Police 03=Police 03=Police 03=Triple Trailer 08=Other Emergency 13=Triple Trailer Vehicle 31=Modified Veh			
	Damage Indicato Damage Ind	=Functional 1=Straight 1=Straight 1=Straight 2=Curved			

FORM # AA-501 (12:02

PENNDOT COPY DI05-073-0052

AA 500 C	LICE CRASH REP	OF PENNSYLVANI PORTING FORM	Page:	New Changel	PIJO	Talla Crash	Number
Unit No		Number of Axles Cold Z (Code Number or 199' for to	ber of Axles	Continuatio			
Address						Z S Oversize to Yes Output	─ ⊗ No
City Cargo Body Cargo Body Cargo Body Cargo Body Cargo Body Cargo Body	TSBU	8 6 H		Stat	PUC 6		
	Cargo Body Type Mark Applicable Flat Bed Garbage/Refuse			Not Applicable Passenger Car - Only Record if HazMat Placard Displayed Light Truck (Van, Mini-Van, Panel,			
O Yes O	Pr. Pr. 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	it hazardous material das	Sin O Sin O Nu	gle Unit Truck (2 A	More Axles)	Bus (Seats More People, Including Other Unknown	Than 15
Release India	Release Indicator 1 = No Release 2 = Release Occurred 9 = Unknown Unit No Number of Axles Carrier Phone (Code Number of Axles						
Carrier Name	,	or '99' for un			()		11
Address						GVWR	
						Oversize Loa	d
				State	Zin	Yes Unknow	O No
City				State	Zip	☐ Yes	O No
City USDOT#		ICC #			Zip PUC N	☐ Yes	O No
	plicable	Auto Tra Bed Garbage P Bus	/Refuse Not	onfiguration Applicable enger Car - Only Re	PUC N	Truck Tractor (Bot Tractor/Semi-Trai Medium/Heavy Tr	O No
Cargo Body I Not Ap Van/End Cargo T Hazardous M Yes	plicable Flat I closed Box Dum ank Conc aterial	Auto Tra Bed Garbage P Bus	/Refuse Not Pass Hazi	onfiguration Applicable enger Car - Only Re nat Placard Display I Truck (Van, Mini-I) p or SUV with Haz e Unit Truck (2 Axl	PUC N cord if an, Panel, Mat Placard) 25, 6 Nore Axles)	Truck Tractor (Bot	otail) ler(s) uck - Canno
Hazardous M	plicable	Auto Tra Bed Garbage P Bus rete Mixer Other/Ur	/Refuse Not Pass Pass Pass Pass Pass Pass Pass Pas	onfiguration Applicable enger Car - Only Re nat Placard Display : Truck (Van, Mini- ip or SUV with Haz e Unit Truck (2 Axl) e Unit Truck (3 or i e Unit Truck (Unkn ber of Axles)	PUC N cord if an, Panel, Mat Placard) 25, 6 Nore Axles)	Truck Tractor (Bot Tractor/Semi-Trai Medium/Heavy Tr Classify Small Bus (Seats 9 Including Driver) Bus (Seats More T People, Including Other	otail) ler(s) uck - Canno

PENNDOT COPY DI05-073-0053

			MMONWEALTH OF PENNSYL LICE CRASH REPORTING FOR	A Comment of the Comm	FAT Page	79,142,200,000,000,000,000,000	Crash Number
	AA	5003	Police Use Only A4-1412654		05	P1039347	
People Information	В	Person Type 1=Driver 2=Passenge 7=Pedestination 5 Other 9 Unknown Ser F =Female M=Male U =Unknow Injury Severit 0=Not Injure 1=Killed 2=Major Inju 3=Moderate Injury M=Minor Inju Severity 9 Unknown Injury Unknown Injury	Seat Position: D0=Not A Passenger/Occupant 01=Driver - All Vehicles 02=Front Seat Right Side 04=Second Row - Left Side Or Motorcycle Passenger 05=Second Row - Middle Position 06=Second Row - Middle Position 06=Second Row - Right Side 07=Third Row Or Greater - Left Side 08=Third Row Or Greater - Middle Position 09=Third Row Or Greater - Right Side 10=Sleeper Section of Truckcab 11=In Other Enclosed Passenger Or Cargo Area 12=In Open Area (Back Of Pickup, Etc.) 13=Trailing Unit 14=Riding On Vehicle Exterior 15=Bus Passenger 98=Other	E 00=M 01=S 02=U 03=U 05=M 05=M 10=S 11=C 12=H 90=R 99=U 52=S 01=F 02=S 03=O 04=N 05=M 05=M 10=A 11=A 11=A 11=A	to Equipment One: None Used / Not Applicable Shoulder Belt Used ap Belt Used ap And Shoulder Belt Used child Safety Seat Used Motorcycle Hellmet Used Sicycle Sicycle Sicycle Hellmet Used Motorcycle Eye Protection Sicyclist Wearing ElbowKnee/Pads Sic Bag Not Deployed, Switch Off Sicyclist Wearing ElbowKnee/Pads Sic Bag Not Deployed, Switch Off Sicyclist Wearing ElbowKnee/Pads Sic Bag Not Deployed, Switch Off Sic Bag Not Deployed, Switch Off Sic Bag Not Deployed, Switch Off Sic Bag Removed (Prior To C(ash) Shown If Air Bag Deployed	Fiection: 0=Not Applicable 1=Not Ejected 2=Iotally Ejected 3=Partially Fjected 9=Unknown H Ejection Path: 0=Not Ejected / Not A 1=Through Side Door 2=Through Side Door 3=Through Side Door 3=Through Rack Doo 5=Through Rack Doo 6=Through Roof Oper Convertible Top Do 7=Through Roof Oper Top Up) 9=Unknown Extricated Top Up) 1=Not Applicable 1=Not Extricated 2=Extricated By Not Side Door 3=Through Roof Oper 1=Not Extricated 2=Extricated By Not Side Other 9=Unknown	Opening Opening of Tailgate Opening ning (Sunroof/ own) ning (Convertible
-	EMS /		UTURE AID AMB. BLCK.	Medica	al Facility: LATROSE A.	O E F	wac Pa
E	Same	Name	/ Address / Phone			0 1 0 3 10	EMS Transport O yes SON
E	Same Oper	O I	Delete? Date of Birth (MM-DD-Y	(77)	A B C	O I O B O O	G H I O O O EMS Transport O Yes SO No
Ĺ	Same Oper	Name	Delete? Date of Birth (MM-DD-Y) Delete? - - - Address / Phone	m	A B C	Ď Ē Ē	EMS Transport
	Same Oper	Name .	Delete? Date of Birth (MM-DD-Y) Delete? Date of Birth (MM-DD-Y) Address / Phone	m	A B C	D E F	G H 1 EMS Transport O Yes O No
	Same Open	Name /	Delete? Date of Birth (MM-DD-Y) Delete?	m	A B C	D E F	G H I EMS Transport O Yes O No
	Same Opera	Name /	Delete? Date of Birth (MM-DD-Y) Address / Phone	YY)		D E F	G H I EMS Transport Yes \ No

PENNDOT COPY DI05-073-0054

FORM # AA-500 (12/12)

COMMONWEALTH OF PENNSYLVANIA FAT POLICE CRASH REPORTING FORM

Crash Number

Page 1039347 Paice Use Crit 44-14/265 4 AA 500 4 0 0=Non-Collision 2=Head On 4=Angle 5=Sideswipe B=Hit Pedestrian Crash Description 2 (Opposta Direction) 5=Sideswipe (Same Direction) I=Rear End 3=Rear to Rear (Backing) 7=Hit Fixed Object 9=Other/Unknown mation 1=On Travel Lanes 3-Median 5=Outside Trafficway 7=Gore (Ramp Intersection) Relation to Roadway 2=Shoulder 4=Roadside 6=In Parking Lane 9=Unknown Infor 5≈Dawn 1=Daylight 3=Dark - Street 8=Other Illumina von Crash 6=Dark - Unknown Roadway Ughting 2=Dark - No Street Lights 4-Dusk I=No Adverse Conditions JA. 5=Fog 7=Sleet & Fog 9=Unknown General Weather Conditions 3=Sleet (Hail) 4 6=Rain & Fog More 8=Other 2-Rain 4-Snow 2=Sand, Mud, Din, 6=lce Patches 0-Dry 4=Shish 3=Other Road Surface Conditions 7=Water - Standing I=Wet Felon 3=Snow Covered Most? Utility Pole Number Harm Event L/R 30=Hit Fance (* Wall 31=Hit Building Harmful Events (Harm Event) OI=HIT Unit 1 37=Hit Culvert 33=Hit Endge har Or Abutment 34=Hit Parapet Lod 35=Hit Bridge Nait 36=Hit Bruder Or Obstacle 02=Hit Unit 2 03≃Hit Unit 3 04=Hit Unit 4 C 05=Hit Unit 5 06=Hit Other Traffic Unit 07=Hit Deer On Roadway Please Pot 37=Hit Impact Attenuator 38=Hit Fire Hydrant 08=Hit Other Animal Events in 09=Callision With Other Non Fixed Object Sequential Order 39=Hit Roadway Equipment 40=Hit May Box 41=Hit Traffic Island Fixed Object

11=Struck By Unit 1

12=Struck By Unit 2

13=Struck By Unit 3

14=Struck By Unit 3

14=Struck By Unit 4

15=Struck By Unit 5

16=Struck By Other Traffic Unit 21=Hil Tree Or Shrubbery

22=Hil Embarkment

23=Hil Utility Po'e

24=Hit Traffic Sign

25=Hit Guard Rail

27=Hit Curb Information 42=Hit Snow Blink 43=Hit Temporary Construction 43=Hit Temporary Solution
Barrier
48=Hit Other High Object
49=Hit Unknown Fixed Object
50=OverturyRoll Over
51=\$1rck By Thrown Or Falling
Object Utility Pole Number Most? 1 1 Unit No Unit(s) 0 Object 52=Pot Holes O: Other Pavement irregularities 53=lacknife Please Put 3 27=Hit Curb 28=Hit Concrete Or Events in Sequential Order 54=Fire In Vehicle Long tudinal Barrier 58=Other Non-Tallision inful Event

	232/MLDIIGI	33-07 KHOWIT PAIN
First Unit No Harm Event Most Unit No Harm Event Harmful Event in The Crash Do not repeat the information on multiple pages	Driver Action (D) 00=No Contributing Action 01=Driver Was Distracted 02=Driving Using Hand Held Phone 03=Driving Using Hands Free Phone	17=Careless Of Ille Backing On Ille 18=Driving On The Side Of Road 19=Making Impro- Entrance To His
Environmental / Roadway Potential Factors (EIR) 1 1 1 2 0 3 3	04=Making Illegal U-Turn 05=Improper/Careless Turning 06=Turning From Wrong Larie	20=Making Improp
00=None IT=Slippery Road Conditions (Ice/Snow) 01=Windy Conditions 12=Substance On Roadway 02=Sudden Weather Conditions 13=Potholes 03=Other Weather Conditions 14=Broken Or Cracked Pavement 05=Obstacle On Roadway 15=TCD Obstructed 05=Obstacle On Roadway 16=Soft Shoulder Or Shoulder Drop Off 05=Other Animal In Roadway 28=Other Roadway Factor	07=Proceeding W/O Clearance After Stop 08=Running Stop Sign 09=Running Red Light 10=Failure To Respond To Other Traffic Control Device 11=Tailgating 12=Sudden Stopping	21=Careless Park no 22=Over/Under Compensation 23=Speeding 24=Driving Too Fas 25=Fallure To Main 26=Oriver Fleeing P

17=1 aigazing 12=Sudden Slowing/Stopping 13=illegally Stopped On Road 14=Careless Passing Or Lane Change 15=Passing In No Passing Zone 16=Orning The Wrong Way On 1-Way Street 28=Other Roadway Factor 29=Other Environmental Factor 99-Unknown 12=Wipers 06=Exhaust

Possible Vehicle Fallures (V) 00=None 06 13=Driver Seating/Control 14=Body, Doors, Hood, Etc 15=Trailer Hitch 07=Headlights 08=Signal Lights 09≈Other Lights 16=Wheels 7=Airbags 10-Hom 18=Trailer Overloaded 19=Unsecure/Shifted 11=Mirrors Frailer Load

20=Improper Towing 21=Obstructed Windshield 99=Unknown

Factor Code Unit No Do not repeal this information on multiple pages 2 1 0 If EIR is the Prime Factor Type, leave Unit No blank 0

Wrong ghway ser Exil g/Unparking Al Curve st For Conditions Itain Proper Speed Police (Pol Chase) 27=Driver Inexperienced 28=Failure To Use Specialized Equip 92=Affected By Thysical Condition 98=Other Improper Driving Actions 99=Unknown

adway

0 2 0

03=Working 04=Pushing Velvice Pedestrian Action (P) 00=None O1=Entering Or Crossing At Specified Location 07=Standing

DZ=Walking, Running, logging, Or Playing Unit No CO 0 0

05=Approaching for Leaving Vehicle 06=Working On Vehicle 98=Other 99=Unknown Unit No 0 0 10

FORM FAA-SOO (13/02)

EIR

(R=Work Tone Related

02=Brake System 03=Steering System

Indicated Prime Factor

0

0

(3

0

0/2

04=Suspension 05=Pawer Train

Unit

Unit

No

AA 500 F	Day A4-141765	4	7 Change/ Continuet	P 1 0 3 9 3 4 7					
Road Surface Type Concrete Blacktop	Brick or Block Slag. Gravel or Stone	O Dirt O Other O Unknown	Special Jurisdiction No Special Jurisdiction National Park	Military					
Please complete Unit Infor	nation for each unit inve	sived in a fatal crash. Do n	ot repeat the information	in the fields above on multiple pages.					
Driver Restrictions Compliance Driver Endorsement Compliance None Required Driver License Compliance Not Licensed Drug Test Type Drug Test Results - (Up 0 = No Test Given 1 = No Drug Report	Compliance Unknown Required - Complied With Required - Non Compliance Required - Compliance Unkno Not Required for Vehicle Class No Valid License for Class Valid License for Class Urine to Four Results) 5 = Amphetamines	Unk if CDL or CDL Required Not a Pennsylvania Driver Unknown Other Unknown if Test Given	Principle Impact Point Non-Collision Top Undercarriage Towed Unit Unknown Avoidance Maneuver No Avoidance Maneuver Braking - Skid Marks Evident Braking - No Skid Marks, Oriver Stated Under Ride Indicator No Underride or Override Underride, Compartment Intrusion Emergency Use	Braking - Other Other Avoidance Other Avoidance Other Steering - Evidence Inconclusive Other Stated Inconclusive Other Stated Inconclusive Other Stated	Unit No Driver Restrictions Compliance No Restrictions Compliance No Restrictions Mot Applicable Driver Endorsement Compliance Mone Required Driver License Compliance Not Licensed Drug Test Type None Drug Test Results - (Up to the content of the conte	9 = Unknown Test Results Restrictions Complied With Restrictions Not Compliance Unknown Required - Compliance Unknown Required - Non Compliance Compliance Unknow Not Required for Vehicle Class No Valid License for Class Valid License for Class Blood Unine To Four Results) 5 = Amphetamines	Not a Pennsylvania Driver Unknown Compliance Not a Pennsylvania Driver Unknown Compliance Unk if CDL or COL Required Not a Pennsylvania Driver Unknown Other Unknown If Test Given	Principle Impact Point Non-Collision Top Undercarriage Towed Unit Unknown Avoidance Maneuver No Avoidance Maneuver Braking - Skid Marks Evident Braking - No Skid Marks, Driver Stated Under Ride Indicator No Underride or Override Underride, Compartment Intrusion	Siren Sounding Siren Siren Sounding Dinknown Siren Sounding Dinknown Siren Sounding Dinknown Siren Sounding Dinknown One of Dinknown Steering - Other Dinknown Steering - Evidence Dinknown Steering - Evidence Dinknown Steering - Evidence Dinknown Steering - Evidence Dinknown Steering and Braking Dinknown Evidence or Stated Onderride, No Compartment Dinknown if Underride or Diverride Underride Dinknown Diverride

COMMONWEALTH OF PENNSYLVANIA TAT POLICE CRASH REPORTING FORM Page P 1039347 Police Use Only AA 500 5 A4-14/ 2654 0 ALLTEL WHITLY POLG # 72 IMPACT " Z GUIDE FINAL ROST UNIT 1 NORTH FOG LING moort 53 FT Fob Line That REST UNIT Z Bode OF NON BUCKALDE A GAS WEIL DRIVERE NUT TO SEALE) Zmiles west Witness Name Address Phone DUNCANSUING PA HOLLIDAYSBURG PA Narrative and additional witnesses: Accident Investigation Notification Issued? Property Damage ® WITNESS #3 MONESSEN PA NO CELL PHONE PRESENT OR IN USE UNIT \$2 - CEIL PHONE PRESENT NOT- IN USE. THIS CRASH OCCURDED WHEN UNIT! WAS TRAVEILLE WEST ON SREET SR22 WAS SNOW ORERI VIOLENTLY BUT TO THE OF SRZZ WAS TRAVEILING EAST SWERVING OUT OFF THE South AUAIL. THE LEFT BITER IMPACT UNIT / HEAD -ON . Stavek RAIL, UNIT 2 FLIPPED ONTO ITS RIGHT SIDE. WHY THE SHOE (MORE) FORM # AA-500 (12/02) PENNDOT COPY

DI05-073-0057

COMMONWEALTH OF PENNSYLVANIA FAT

Page 🖾 New

Crash Number

AA 500 N

Proise Use Only AH-1412654

09

Change/ Continuation P103934

Narrative and additional witnesses: AND CAME TO FINAL REST FACING WOSTY IN THE EAST BOUND LANT OF SEED. PHISICAL EVIDENCE: THIS OFFICER OBECAUGO SNOW COURCES ROBURYS AND WOWER WEAR MY AROUAL. THE TRACKS IN THE SNOW WERT OBSCAVED FROM UNIT 2 LEADING OFF THE SOUTH PERM OF SRRZ IT'S TIRE TRACKS SHOWED THE TRAVEL PATH AREA IMPACT OFF THE BERM TO THE POINT WHERE IT STRUCK THE GUIDE PAIL AND CAME TO REST. A DEBRIS FIELD WAS DRIGHTED AND DEBRIS IN SNOW SHOWED THE DIRECTION OF IMPACT. TIRE TRACKS IN SNOW FROM UNIT! TO THE POINT WHERE IT STAVER THE WEATH GUISE RAIL. OPOLI WAS OBSERVED IN UNIT! THE SCENE WAS PHOTOGENAMED BY THE DEMPSEY PSP GREENSAGE RELIENT MERSUREMENTS WERE TAKEN BY MA ASSISTED BY TAR. PATRICIE DOWLING AND PL. TODS CAUEHRY PSP KISIG VALLEY. ALL MEASUREMENTS WELL REFERENCES TROM UTITLY POLE 12 and AS A ZERO POINT POLE # 72 LOCATION 16 FT NORTH OF BASE LINE LOCATED AT FOR LIVE OF (222 FINAL REST 91 FT EAST 3 FT 6 INCHES UNIT 1. LEFT FRONT TIRE LEFT REAR TIME 95 FT EAST 4 FT 2 INCHES SOUTH FINAL REST ON IT'S RIGHT SIDE RIGHT FRONT TIME 220 FT EAST 11 FT O INCHES SOUTH RIGHT REAR TILL 212 FT EAST 29 FT 6 INCHES INITIAL POINT OF IMPACT WAS ESTIMATED BASED ON EVIDENCE DISSERVED IN SNOW IMPACT#1 APPROX 31 FT EAST 26 FT SOUTH IN THE 1 Ans. GUIDE RAIL DAMPIGED 151.2 FT ON SOUTH BERM GUIDE RAIL DAMAGED 12.6 FT DAM ON NORTH BERM (724) 433-1725 WAS ON SOCAL PENN DOT DIST 12-5 SUPCEMBOR VANCE BLAIR OPER 2 WAS REQUESTED TO SUBMIT TO A BLOOD TEST AS REQUIRED FOR COL PROMEDS. HE WAS TRANSPORTED TO LATROBE HOSPITAL AND DID SUBDIT TO TESTS (more)

PORES P AA-GEST (12/02)

FAT COMMONWEALTH OF PENNSYLVANIA POLICE CRASH REPORTING FORM ☑ New Page AA 500 N Change/ P11039 94-141 2654 Narrative and additional witnesses: WITNESS #1 -22 WAS INTERVIENCED BY THIS OFFICER OF THE SCONE ON OHIGIOS AT 0903 HES. EAKEN ADVISED ME THAT HE WAS DEWING AND THAT THEY WERE TRAVEILING WEST ON SRZZ BY ABOUT 40-45 MPH. HE SAW UNIT! BEGIN TO FISHTAK OUT OF CONTROL AND CROSS SAZZ INTO THE PATH OF UNIT 2. EAKEN ADVISED THE TRUCK, UNIT 2, VEARED TO HIS RIGHT. SOUTH, IN AN EFFORT TO PROVIDE MORE ROOM FOR UNIT 1. WITNESS #2 -WAS INTERVIEWED @ SENE ON AND RELAYED THAT HE WAS A PASSENGER WITH EAKEN AND SAW UNIT I SUDE OUT OF CONTROL IN FRONT OF THE TRUCK WANESS #7 WAS INTERVIENCED @ SENE OF 1/9/05 @ 0910 HRS AND ADVISED PLO THAT BY WAS DREATING A LARGE TRUCK TRADOR THAT HE WAS TRAVELLING WEST ON SR 23 BEHIND WINNESS #1 AND ADVISED THAT HE COULD SEE UNIT I SLIDING OUT OF CONTROLL INTO THE PATH OF UNIT 2. pue OPER "I WAS PRONOUNCY DEAD BY MUTUAL AID AMBULANCE WITH AUTHORITY OF LATROSE MEDITAL PARAMEDIC STAFF, PROTOCAL.

UNIT I AND AU CONTENTS WERE SECURED BY WRECKER, HAFER'S TOWING AND MAY BE RELEASED.

WESTMOREIAND COUNTY CORONAR IDE MUSERINE PREVED AT THE SCORE

POSITIVE IDENTI WAS MADE ON OL/19/05 @ 1317 HAS.

OFER I'S MUTTE EMILY GILMAN WAS NOTIFIED BY CORDINE MUSCROVE

CORDER MUSEROVE ADVISED CAUSE OF DEATH, MULTIPLE BLUNT FORCE

REMOVED OPER 1. OPER I WAS TRANSMENTED TO LATROBE PRES HOSPITH

UNIT WAS M.C.A.P. INSPECTED BY THE PATRICK DOWLING

PENDING TOXICOLOGY REPORT FROM COLONGAS OFFICE.

CLEAN MSG APOSSI-04688 SENT FILE ? OI/ZZ/OT

FORM & MA SUCH (1200)

AT THAT TIME

TRAUMA TO HEAD AND CHEST.

	COMMONWEALTH OF PENNSYLVANIA FAT	-
-	POLICE CRASH REPORTING FORM Page New Crash Numb	ar
	AA 500 1 Case Closed Reportable Crash O Yes No Pyes No Yes No Pyes No Pio 39347]
1	Incident Number Police Agency Patrol Zone	7
1. 62	A O 4 - 1 4 2 6 5 4	2
10	PASTATE POLICE KISKIVALIEY 01-119-200	TH
Arior	PASTATE POLLCE KISKI VALLEY 01-19-200 Badge Number Badge Number	
	E TPR-HATRICK M DOWLING 67777	
Pe	2 Reviewer Approval Date (MM-DD-YYYY)	7
R.	County County Name Municipality Municipality Name Day of	Neek
13) Thu
2 00	Crash Oute (MM-DD-YYYY) Crash Time (mil) No of Units People Injured Killed* (If > 00, Omon Complete) Complete	⊃ Fri ⊃ Sat
, O	Form F) O Wed C	5 unk
1	Related Related Related	O No
C Type	Intersection Type 4 Way Intersection 7' Intersection Multi-Leg Off Ramp Railroad Crossing Special Location Profit Circle/ On Ramp Crossover Other	
1,3	See Overlay Found About	(cable)
peo	I NOUN	
Sal R	Street Name Street Ending Street Ending Street Ending Street Ending Street Name West Principal Roadway Street Name Outstand Roadway Street Name	
Principal Road	O Unknown Principal Roadway Street Nam	se is
•	Sloning County County County County County	er/ known
P	Route Number Segment (Optional) Travel Lanes Speed Limit North	
9 Road		
ectin	West Onknown	
mersecting	Route Signan O Interstate (Kast/West) O Turnpike O State Highway O Road O or Street O Ur	her/
F		MINOWIT
표	FO Fret	
ngm	Please St Ending Street Name St Ending Street Name St Ending Street Name	
EJ E	The second of th	
Distance From Landmark	Please Enter Information for 80TH Landmarks if Using This Option This Option Or Intersecting Street Name Or Intersecting Rt Num Or Mile Post Or Segment Marker St Ending Or North Seene to Landmark For Crash between the post of	
tano	This Option Scene to Landmar For Crash between the Continue Standmark 1 and Continue Standmark 1 and Continue Standmark 2	
Ş	or Intersecting Street Name St Ending C East Landmark 1 and Landmark 2) West Landmark 2)	
	Degrees Minutes Seconds Degrees Minutes Seconds	-
GPS	Latitude: Longitude: — Longitude: —	
	Traffic Control Device O Yield Sign Police Officer or Police Officer or Plagman Device Functioning Emerg	nency
0	Not Applicable O frattic signal O Active RK Crossing Other Type TCD No Controls O improperly Signal	npuve 1
	Signal Stop sign Crossing Controls Ounknown Sunctioning Property Ounknown	OWII
Lane Closure	Lane Closed (If "Not Applicable", skip rest of the Lane Closure section) Lane Closure North East North and South All	i.E,w)
Lanec	Iraffic Yes No Festi, Time < 30 Min. 30-60 Min. 1-3 hrs 3-6 hrs 6-9 hrs > 1 hours Unknown	nawn

FORM # AA-5004 (12/02)

A 500 N	Paire 14084-1412654	12	Change/ Continuation	P1039347
Narrative	and additional witnesses:			
TI	HIS OFFICER ASSIST	ED TAR. K	IZZO BY	CONDUCTING A
	AP INSPECTION ON			
OPER	ATOR, GREGORY COOL	WERE	FOUND TO	BE IN COMPLIANCE
WITH	FEDERAL AND STATE	REGULATI	ONS.	
BE	PER TO MCSAP INSP	ECTION RE	FORT # 17A	DIWF000252
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PENNDOT COPY DI05-073-0061

FORES & AA-STORE (1280)

A	COMMONWEALTH OF PENNSYLVANIA PT POLICE CRASH REPORTING FORM Case Closed Reportable Crash AA 500 1 Yes No Yes No Yes No Yes No Yes No Yes No No Yes No Yes No Yes No Yes No Yes No No Yes No No Yes No No Yes No Ye
Police Agency Data	PA. STATE POUCE Dispatch Time (mil) Arrival Time (mil) Investigator GREEUSTURC O1 - 19 - 20 0 5 Badge Number A 03
Crash Data	County County Name Municipality Municipality Name Sun O Thu Crash Date (MM-DD-YYYY) Crash Time (mill) No of Units People Injured Killed* Of > DU Mon O Fri Complete Ved O Units Workzone (If Yes, Complete) Workzone Form M. Section 29) Yes No Related Yes No Related Maintenance Yes No Maintenance No Maintenance No Maintenance
Loc Type	Intersection Type 4 Way Intersection 7' Intersection Multi-Leg Off Ramp Railroad Crossing Intersection Intersection On Ramp Orossover Other
Principal Road	Route Number Segment (Optional) Travel Lanes Speed Limit North Street Name Street Ending Street En
Intersecting Road	Route Number Segment Optional Travel Lanes Speed Vinit Street Number Segment Optional Travel Lanes Speed Vinit Street Number Segment Optional Travel Lanes Speed Vinit Street Number Segment Optional Travel Lanes Speed Vinit Street Ending Segment Optional Travel Lanes Speed Vinit Segment Optional Travel Lanes Speed Vinit Segment Optional Travel Lanes Speed Vinit Segment Optional Travel Lanes Speed Vinit Segment Optional Travel Lanes Speed Vinit Segment Optional Travel Lanes Speed Vinit Segment Optional Travel Lanes Speed Vinit Segment Optional Travel Lanes Speed Vinit Segment Optional Travel Lanes Speed Vinit Segment Optional Travel Lanes Speed Vinit Segment Optional Travel Lanes Speed Vinit Segment Optional Travel Lanes Speed Vinit Segment Optional Travel Lanes Speed Vinit Segment Optional Travel Lanes Speed Vinit Segment Optional Tra
Distance From Landmark	Intersecting Rt Num Or Mile Post Or Segment Marker Or Segment Marker Or South Or Intersecting Street Name St Ending Or Miles Or
GPS	Degrees Minutes Seconds Latitude: Degrees Minutes Seconds Longitude: Degrees Minutes Seconds
TCD	Traffic Control Device
ane Closure	Lane Close (if "Not Applicable", skip rest of the Lane Closure section) Not Applicable Partially Fully Unknown Direction South West East and West (N,S,E,W) Traffic Yes No Esti Time < 30 Min. 30-60 Min 1-3 hrs 3-6 hrs 6-9 hrs > 9 hruns Unknown Unknown Oscal

FORM # AA-5004 (12/02)

PENNDOT COPY

DI05-073-0062

AA 500 N	Police Use Only A4 - 1412654 Page Page New New New New Crash Number Crash Number Crash Number Crash Number Crash Number Continuation P 1 0 3 9 3 4 7
Narrative	and additional witnesses:
to	n 01/19/05 the Forensic Services Unit was requested to respond the scene of a two vehicle collision involving a fatality. The scene was located on SR22 in Derry Twp., Westmoreland County. Two arrival this officer photographed the scene as it was found.
of	oth units were in their final resting at the scene. This ficer photographed both vehicles, roadway, operator #1, and arrounding area.
- de	ollowing photographs this officer departed the scene. The sputy coroner on scene, Jospeh MUSGROVE, related that there buld be no autopsy.
Pho	otographs will be retained by the Forensic Services Unit,
Th	is report prepared by Tpr. Steven A. DEMPSEY, Forensic Services
- Uni	it, Troop A Greensburg.

PENNDOT COPY DI05-073-0063

FORM & AA-50011 [1202]



BEGINNING OF CONTACT 02/23/2012

VOICE OF THE CUSTOMER TRACKING SYSTEM

07,55.06

REGION N4 W VIN: 1FMCU04	ASHINGTON 181K	OGC ISSUE ZONE: AC ENGINE:	7 000	VEH TYPE:	Т	CASE NBR: OPENED: CLOSED:	1382920532 2012/02/22 2012/02/22
LAST NAME:			FIRST	NAME:	N-9836220	STATUS: MI:	CLOSED
ADDRESS: CITY:	FALLS CHURCH		STATE		VA	ZIP:	
HOME PHONE: MODEL YEAR: MILEAGE:	2001 74000		MODE	Lt	ESCAPE	*	
DEALER NAME: REASON CODE: SYMPTOMS:	TED BRITT FORD 0796 LEGAL - ALI 612500 SURGE A	EGED INJU	RY	CODE	F27042	P & A:	84000

ORIGIN: ACTION: CACI38

US CONCERN CASE BASE COMMUNICATION: INBOUND CUSTOMER EMAIL

CONTACT ADVANCED TO OGC

705 DOCUMENT: ANALYST: CPABITO PABITO, CARL JOAN

DATE: 2012/02/22 TIME: 10.46.58; ACTION DATA/COMMENTS:

> CUSTOMER SAID: 1-66LSOI-C/W-DARRICK VAN ATTA703-915-0298F >SUDDEN UNINTENDED ACCLERATION ON HIS 2001 FORD ESCAPE>BRAKING AND PUTTING THE CAR IN NEUTRAL DID NOT PREVENT THE CAR FROM ACCELERATING>CAR CRASHED INTO A CURB, SEVERAL TREES, AND A PARKED CAR BEFORE ENDING UP FLIPPING OVER>CAR MAY HAVE BEEN PART OF A RECALL FOR A STUCK THROTTLE PROBLEM NHTSA CAMPAIGN ID NUMBER: 00V210001*ADDTL INFO*-DATE OF THE ACCIDENT: 1/15/2012-CAUSE OF THE ACCIDENT: SUDDEN UNINTENDED ACCELERATION/STUCK THROTTLE-LOCATION WHERE ACCIDENT DCCURRED COURTHOUSE RD, ARLINGTON VAWERE ANY INJURIES SUSTAINED? YES IF SO, TO WHAT EXTENT? BOTH PARTIES HAD CUTS AND BRUISES JENNIFER GLACEL WENT TO HOSPITAL TO BE CHECKED OVER FOR INTERNAL BLEEDING AND FOR ULTRASOUND TESTS TO DETERMINE STATUS OF PREGNANCY DARRICK VAN ATTA HAS HAD WHIFLASH SYMPTOMS FOR WEEKS AFTER ACCIDENT. WAS THERE WAS A POLICE REPORT FILED? YES -IF A POLICE REPORT WAS FILED, WHAT WERE THE FINDINGS?: HAVE NOT SEEN REPORT BUT BELIEVES IT'S MECHANICAL PROBLEM-THE POLICE REPORT NUMBER AND THE CITY OF COUNTY IN WHICH THE REPORT WAS FILED: 1201 15-035 ARLINGTON COUNTRY-HAVE YOU FILED A CLAIM WITH YOUR INSURANCE COMPANY? YES USAA#9343665-IF A CLAIM HAS BEEN FILED, WHAT IS THE STATUS OF THE CLAIM?: IN PROCESS-IS THE VEHICLE REPAIRABLE?: TOTAL LOSS-NAME AND ADDRESS OF ATTORNEY IF ONE HAS BEEN CONTACTED: HAVE NOT RETAINED AN ATTORNEY YET, BUT CONTACTED SEVERALDEALER SAID *****DLRSHIP INFO*****TED BRITT FORD 11165 FAIRFAX BOULEVARDFAIRFAX VA 22030(800) 734-4148CRC ADVISED: I WILL FORWARD YOUR INFORMATION TO FORD'S OFFICE OF THE GENERAL COUNSEL. YOU SHOULD RECEIVE A WRITTEN RESPONSE WITHIN 15 BUSINESS DAYS TO YOUR CONCERN NOTE TO CCR. REMEMBER TO VERIFY ALL CUSTOMER CONTACT INFORMATION BEFORE SENDING ISSUE.***>MODIFIED THE ABOVE PHRASEOLOGY>ATTACHED EMAIL THREAD 1-66LSOI>WRITER INFO RECORDED>CONCERN DOCUMENTED>INFORMED ABOUT RECALL 11524 ON THE VEH

CONSUMER AFFAIRS

02/23/2012 FAXOGC1 CONFIDENTIAL



Company The Company

OFFICE OF THE

GENERAL COMMEN

REGION: C2 H VIN: 1FMYU03	OUSTON 171K	OGC ISSUI ZONE: A ENGINE:	E 03 1	VEH TYPE:	Т	CASE NBR: OPENED: CLOSED:	1622891602 2012/06/08 2012/06/08
LAST NAME: TITLE: ADDRESS:	MR		FIRST	NAME:		STATUS: MI:	CLOSED
CITY:	BAYTOWN		STATE	Ē:	TX	ZIP:	
HOME PHONE: MODEL YEAR: MILEAGE:	2001 120000		MODE	iL;	ESCAPE		
DEALER NAME: REASON CODE SYMPTOMS:	BAYTOWN FORD 0799 ACCIDENT/I 624105 ACCELER	PRODUCT L	ABILITY		F52042 LERATION	P & A.	00054
ORIGIN: G	RCFLT - CRC TH	R ONE - FL	EET CC	DMMUNICATI	ON: PHONE		

ANALYST: TWINDERW WINDERWEEDLE, TOM

DATE: 2012/06/08 TIME: 17.18.09: ACTION DATA/COMMENTS:

T1200

ACTION:

DOCUMENT:

1. DATE OF THE ACCIDENT. 6/82, WHAT THE CUSTOMER IS ALLEGING THE PRODUCT DEFECT IS THAT CAUSED ACCIDENT, ACELLERATOR PEDAL STUCK TO THE FLOORS. IF THERE WERE ANY INJURIES SUSTAINED, WIFE'S LEG AND HEAD ARE BOTHERING HER, SON HAS A RASH ACROSS HIS CHEST4, LOCATION OF THE VEHICLE WHEN THE ACCIDENT OCCURRED. ONRAMP TO I-10 IN BAYTOWN TX5. WHETHER OR NOT THERE WAS A POLICE REPORT FILED. YES THERE WAS6. IF A POLICE REPORT WAS FILED, WHAT THE FINDINGS WERE. CUSTOMER DOESN'T HAVE A COPY YET?. THE POLICE REPORT NUMBER AND THE CITY OR COUNTY IN WHICH THE REPORT WAS FILED. POLICE REPORT NUMBER IS 12-21970, FILED IN BAYTOWN TX8, WHETHER OR NOT THE CUSTOMER HAS FILED A CLAIM WITH THEIR INSURANCE COMPANY, HAS INFORMED INSURANCE COMPANY, NO CLAIM AS THERE WAS NO COLLISION ON THE VEHICLE9. IF A CLAIM HAS BEEN FILED WITH THE INSURANCE COMPANY, WHAT IS THE STATUS OF THE CLAIM. N/A10. WHETHER OR NOT THE VEHICLE IS REPAIRABLE, CUSTOMER DOES NOT KNOW, A PROFESSIONAL HAS NOT FULLY INSPECTED THE VEHICLE YELL NAME AND ADDRESS OF CUSTOMER'S ATTORNEY (ONLY IF THE CUSTOMER MENTIONS THEY HAVE SOUGHT ONE).12. WHAT THE CUSTOMER IS SEEKING. COMPENSATION FOR ANY LOSSES DUE TO THIS ACCIDENT, ANY MEDICAL FEES, CUSTOMER IS TAKING HIS FAMILY TO THE ER NOW TO FIND OUT WHAT NEEDS TO BE DONE MEDICALLY CUSTOMER HAS LOOKED ONLINE AND SAW THAT THIS IS A COMMON PROBLEM WITH THESE VEHICLES =====BAYTOWN FORD4110 I-10 EASTBAYTOWN, TX 77521TEL:(281) 839-3300======"I WILL FORWARD YOUR INFORMATION TO FORD'S OFFICE OF THE GENERAL COUNSEL. YOU SHOULD RECEIVE A WRITTEN RESPONSE WITHIN 15 BUSINESS DAYS TO YOUR CONCERN, ***NOTE TO CCR: USE CORRECT SYMPTOM FOR ALLEGED DEFECTIVE SYSTEM (FIRE/SMOKE AS SYMPTOM FOR ALL INCIDENCES INVOLVING VEHICLE FIRE). VERIFY CUSTOMER CONTACT INFORMATION AND DOCUMENT ALL REQUIRED INFORMATON OF INCIDENT/ACCIDENT PER AAF."

- TIER ONE CLOSE ISSUE

CONSUMER AFFAIRS

06/09/2012 FAXOGC1 CONFIDENTIAL



RHODES & LALLY, L.L.C.

James E. Rhodes John A. Lally Attorneys at Law Magna Place 1401 S. Brentwood Blvd., Ste. 825 Saint Louis, Missouri 63144

PH: 314.968.5577 FAX: 314.968.4434 jim@rhodeslally.com john@rhodeslally.com

JAN 2 8 7008

January 22, 2008

Mr. Rod Loomer Attorney at Law P. O. Box 4043 Springfield, MO 65808

RE: v. Ford Motor Company

Dear Mr. Loomer:

As you know, I am representing for injuries he sustained in an Auguat 8, 2005, automobile collision in St. Charles, Missouri. I am enclosing a police report regarding this collision which documents that the accelerator on Ms. Baier's 2003 Ford Escape stock which caused her to jump out of her vehicle before her vehicle collided with

Also enclosed are copies of medical records from St. Charles County Ambulance District, St. Joseph's Health Center, Dr. Zinnat Meghjee, NYDIC Open MRI of America-St. Peters, Dr. Rich W. Wright and St. Charles Sports & Physical Therapy which outline the care and treatment received for his neck and right shoulder/clavicle injuries suffered in this collision.

I enclose the following medical bills for your review:

08/08/05	St. Charles County Ambulance District	\$439.00
08/08/05	St. Joseph Health Center	\$2,143.90
08/12/05+	Washington University Physicians	\$97.00
08/12/05	Barnes-Jewish St. Peters Hospital	\$354,00
08/12/05+	Dr. Zinnat Meghjee	\$255.00
08/16/05	Nydic - St. Peters	\$2,300.00
09/26/05+	Dr. Rick Wright	\$262.00
10/10/05+	St. Charles Sports & PT	\$262.00
	Total	\$6,112,90

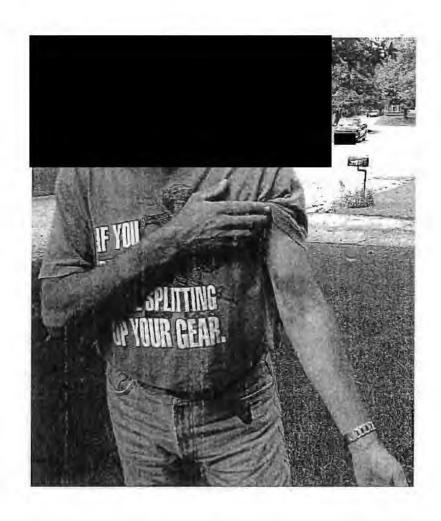
Finally, I enclose photographs of the damage sustained to the driver's side of his vehicle.

Please advise if this claim can be settled for \$17,500.00.

Yours truly,

James E. Rhodes

JER/scm Enclosures







IISTRIBUTION: COPY - AGENCY FILE: ORIGINAL - MISSOURI STATE HIGHWAY PATROL - TRAFFIC DIVISION - P.O. BOX 568 - JEFFERSON CITY, MO 65102

SHP-2P 01/02

9 - CODES													y.
SEAT LOCATION FR SR TR	YAULM	TRANSPORTED	EJECTIC	N		RBAG		AIR BI				15.	AFETY DEVICES
XX - Not Known P - Pedestrian B - Bicycle M - Molorcycle OE - Occupant - Enclosed Load Area 4. Prob.	ni - Noi Disading able - Noi Apparent Apparent	(Medical Tealment) 1 No 2 EMS 3 Office 4 Unknown	1 NA 2 No 3 Partial 4 Totally 5 Unkno	Y	1. No 2. De	RONT one / tIA splayed or Deploy		SIDE None / Deploy	NA. ed	2 1 2 2 4 5 5	ap Bi	tio Euli sil Crity	Lap Sell
10 - DRIVERS													
NAME	44		FBIRTH	SEX	VEH		LNI	TRANS-			54G	ante	TELEPHONE NO.
ADDRESS		MM-DC	2-YYYY	32.	NO.	LOC.		PORT	TION	F	5	DEV	TELEPHONE NO.
☐ NA DRIVER 1 - SAME ADDRESS AS A	BOVE			F	1	FL	1	2	2	3	1	1	
☐ NA DRIVER 2 - SAME ADDRESS AS A	BOVE			m	2	FL	4	2	2	3	1	5	
11 - OTHER DCCUPANTS & PEDESTRIANS	SAD = SAME AS DE	RIVER)					-					-	
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12. VEHICLE BODY TYPES AUTOMOBILES / SPECIAL VEHICLES		US MATERIALS	Ø NA	17. V	EHIC	LE ACTI	01/5	EQUENC	E OF E	VENTS	3		
V1 V2	V1 V2	d Displayed		1. 1	Going	Straight			20.	Rand	Off Ro	ed - F	ght
☐ ☐ 1. Passenger Car		ses in Bulk			Ovena		P. 140		21	Ran (OH FIC	oad - La	in .
2. Station Wagon 3. Sport Utility Vahicle		lids in Bulk ulds in Bulk				g Aight Turn on				Overt Fire /		Rolloni esion	rt
4 Limousine (6-15 for hire)	1 Total 1 Total 2 Tota	plosives	1			g Lett To				Imme		-	
5 Van (8 or less with driver)	☐ ☐ S. No	ne			Mora:	g U Tum				Jackk		400	
6. Small Bus (9-15 with driver)		zardous Malenais' Ca	tga			ng / Slid ng / Slop						S / Shift Fallers	
7 Bus (16 or more with driver) B. School Bus (less than 16 with driver)		eased / Spilled				n Traffic	100					of Line	
9. School Bus (1% or more with driver)	15. ACCIDENT	AND THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO IS NAMED IN COLUMN TWO I				rom Par				71.54		a Roos	
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□ □ 11 ATV — — — □ □ 3 Wh.	COLLISION IN		1		Stoppe Parket	ed in Tra	iffic					v Feb	
☐ ☐ 12. Motorized Bicycle ☐ ☐ 4 Wh. ☐ ☐ 13 Pedalcycle ☐ ☐ 5 Wh. or Mor		VOLVIIEG	1			ing Lane	95						al (enter code - explain)
☐ ☐ 14: Motor Home / Camper ☐ ☐ Unknown	2 Pedalo	cle	1		Avoid								Transport
☐ 15. Farm Implements	☐ 3. Fixed C					over Ger							ed Mojor Vehicle
15, Construction Equipment 17, Other Transport Device	5 Pedestr					ng Road							i Object (enter code - explain) ii Object (explain)
☐ ☐ 18. Unknown	☐ 6 Train	iari	1	19. /	Airbon	ne			38	Other	- No	n Celus	ion
☐ 20 Single-unil Truck 2 axiss, 6 tires	☐ 7. MV in T	Tansport — — — — — — — — — — — — — — — — — — —	T		-		-			-	-		
21 Single-unit Truck: 3 or more axles	9. Parked	The second secon		V	1		□ Uni		70	5	-7	0	1 24
A. Vahicle Pulling Another Unit(s) 1-21 only	NON-COLLISIO			-	1	120	21_	30	d'	1/	3	01	1 34
22. Truck Tractor With No Units	10 Overlun			33	Anima	Code							
24. Truck Tractor Willin Two Units		WO VEHICLE COLLI	SION	36	Fired	Object C	nne	- 0		1			
25. Truck Tractor With Three Units 26. Other Heavy Truck	1 10]60. Head On		au	- wen	Splect C	-			-/-			
GCVW Raling (not learned weight) 19-26 only	1 1 -] 61 Rear End] 62 Sideswips - Me	eline	- Va	_		□ Unk	nown		-	_	_	
Less than or equal to 10,000 lbs.	1 1	63. Sideswipe - Pa		1	7	3							
☐ ☐ 10,001 - 26,000 lb. ☐ ☐ Greater than 26,000 lbs.	1 2	364. Angle			_	1 4	1/-	/	_	-1-	-	_/_	1
13. EMERGENCY VEHICLE INVOLVEMENT	_]65, Backed Into]67, Other		33	Anma	Code	_	-					
V1 V2 ☑ NA NA	16. TRAFFIC C	CONDITIONS		36	Fhed	Object C	ode						
2 Fire	VI V2	CHUITOIIO			10/3								
3. Ambulance Other (musi check A*)	⊠ ⊠ I Nor			Anl	mal	Flyad	Ohla	nt and	Incila	nties	0-	dos d	walsinad is seemble.
A. Emergency Vehicle on Emergency Run	_	ident Ahaad ngastion Ahaad		O IIII	I I I	1 IVEC	obje	er, and	mane	mon	000	ico s	rolained in narrative.
The state of t	L L 3 00	Beauer wiedn											

				AEP		05-7030	P	AGE 4 UF 7		
18. PROBABLE CONTRIBUTING CIRCUMSTANCES V1 V2	P1 P2		⊠ NA	20. VISION OBSCURED V1 V2 1. Windshield 2 Load on Vehicle 3 Trees / Brush 4 9lding 5, Embankment 6 Signboards 7 Hillcrest 8 Parked Cars 9 Moving Cars 10. Gla/8 11 Other (eapton) X 12 Not Obscured	2000,00000000	TRAFFIC CONTROL V2 1 Genstructon Zern 2 Other Work Zern 3 School Zerne 4 Stop Sign 5 Electric Signal 6 RR Signal / Gate 7 Yield Sign 8 Officer / Flagman 9 No Passing Zene 10 Turn riestracted 11 Signal on School (12) 12 None	-	22. HOAU CHARACTER ALIGNMENT 1 Straight 2 Curve PROFILE 1 Level 2 Grade 3 Hillorest		
13. Improper Lane ulsage / Change 14. Wrong Way (Chie-Way) 15. Improper Start From Park P1 P2 16. Improperly Parked 17. Faulu is Yield 18. Alcohol 19. Drups 19. Drups 20. Physical Impairment (explain) 21. Inathenium (explain) 21. Inathenium (explain) P1 F2 V1 V2 22. None		against Traffic Sating On / Off V Mandaing / Lying // Vushing / Working Other Working Playing on Road Off Roadway URFACE refer	Silling on Road	23. LIGHT CONDITION 1 Daylight 2 Dark with Street Li 3 Dark with Street Li 4 Dark No Street Li 5 Indeterminate (exp	ghts On ghts Off ghts	24. WEATHER CONOR 1 Clear 2 Cloudy 3. Hain 4 Snow 5 Sloel 5 Freezing (temp) 7 Fog / Mist 8 Indeterminate (explain)		S. ROAD CONDITION 1 Dry 2 Wel 3 Shaw 4 lice 5 Suah 6 Mud 7 Standing Water 8 Moving Water 9 Other (explain)		
CMR (1950, 5.5 APC) (1	COMMERCIAL VE				-			2/22/22/22/22/22		
As CMV CRITERIA Answer the following to determine if this section should	be completed.	B, CARRIER I	20,000,000,000	USDOT NO			1000	CARGO BODY TYPE V2		
1. Does this accident involve any of the following.		V1 100 11	- 100	2000/ 110			2	T Ericlosed Box		
a person fatally injured; or a person fransioned for medical attention, or		V2 ICC N	0 MC	USDOT NO	-			2 Cargo Tank		
3. a vehicle lowed from the scene of the accident				PLACARD NUMBER		□ NA		3 Flatbed 4 Dump		
NO - DO HOT COMPLETE			Placard Number amond / Box	Number I of Diamo		lom	-	5 Concrete Mixer		
2. Examine each vehicle to determine if it is a		V2 4-Digit Placard Number Number From Bottom						☐ 6 Auto Transporter ☐ 7 Garbage / Refuse		
commercial vehicle based on the following:		from Dia	amond / Box	of Diamo	nd			☐ B. Gram, Chip, Gravel		
a truck with GCVWR of more than 10,000 lbs, and engaged in pommence; or 2 a bus or school bus (9 or more including drive 3, a vehicle with ■ hazardous malerials placard NO - DO NOT COMPLETE YES - COMPLETE SECTIONS 8 - E	3	☐ 1 Two-Wi	2 Two-Way, Divided, Unprotected Median					10 Other		
28 - NARRATIVE / STATEMENTS (Hadditional room is ne	cessary, attach	i s separaté she	et.)							
ON MONDAY, 08 TO ELM STREET AT YEHICLE ACCIDENT UPON ARRIVAL STOPPED ON ELM S POINT IND. ALONG I THE ROADLAY IN DOLLN TO ELM POIN NEHICLE #2. I THE GRASS NEXT TO CHEST AND SIDES. AT THE TIME OF MI STOPPED IN TRAFFIC	ELM INVO I DO IGEE DITH FRONT CONTE THE THE FRUS FRUS FRUS	EMS BERVE EMS OF OF BOAD OBSERVE LIVAL. ON EI	I IND C IND C IND BOXIM DENCE	STRIAL INTITUTE OF THE CARES AGE'S LANGUAGE TO A COMPLAINING TO A COMPLAINING # 1 COMPLAINING # 2 SOUTH # 2 SOUT	GE S V #1 O TAI	BEFERENDE S (*250) VE EET BEFO VOJECT (EHICLE. COLLIE LIAS SIT ABOUT P ABOUT P	EMI BE AT THE AND HE AND S	TO A CLE ELM YING IN PROCEEDED D. INTO IG IN I IN HIS ICUPIED LUAS TATED		
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ASC DEPORTING OFFICER SIGNATURE			LISIN / BIADGE	BEA	1/20N		HUD	r (ulsi / PCI		
REVIEWING OFFICER 1 SIGNATURE	10-	DSN/BADO	SE NO. REVI	EWING OFFICER 2 SIGNATI	JRE			DSN / BADGE NO.		

I, PAGE	2. COMPLAINT NUMBER
5 OF 7	05-7030

ST. CHAF'			MENT - CONTINUATION FORM		3 OF 7	05-70	30
VEHICLE ACC	15000	4 COPIE	ES 1D	5. SUPPLEMENT	□ STATEM	MENT E CONT	NOITAUNI
DEATH INVESTIGATION				6 DATE OF THIS REPORT	7 STATUS ACTIVE INACTIVE	CLEARED BY ARRES	T UNF
8. DAY / DATE / TIME OF OCCURREN	ICE	9 LDCA	ATION OF GOGURDENCE SPECIFY STR		NT COMPLEX, SUDCE	ISIDH HOTEL	
10. I VICTIM OR CHIMPLAUNANT	PERSONS MAKING STATEMENT		11. RESIDENCE ADDRESS	***************************************	12	, RESIDENCS PRONE	AREA CODE
			13. BUSINESS AUDHESS		14	BUSINESS FHONE	AREA CODE

TIME VEHICLE " | CONTINUED DOWN ELM STREET AND COLLIDED DRIVER # 2 STATED THAT YEHICLE TRAVELING TOO FAST FOR HIM TO BEACT BEFORE THE COLLISION ATTENDED TO DRIVER # 2 AND TRANSPORTED JOSEPH E.R. BY AMBULANCE. OBSERVED EMS ON DRIVER # AT WHICH SGT ._ CONTACT DISPATCH TO RECONSTBUCTION OFFICER DRIVER # BESPOND TO THE SCENE. St. JOSEPH TRANSPORTED BY AMBULANCE TO WAS CONTACTED BY OFFICER GAGE WHO ADVISED HAD A PASSENGER IN THE EBONT BUGHT FROM THE VEHICLE (UNHARMED) JUMPED PASSENGER RECEIVED A GAGE STATED THAT ST. JOSEPH E.R. FROM A FRIEND WHO STOPPED HT THE SCENE.

BESPONDED TO ST. JOSEPH E.B. WHERE CONTACTED BY DR. PERRY WHO BELATED PRONOUNCED DEAD ISAS ADVISED BY DR. PERRY THAT DRIVER # 2 SUSTAINED MINOR INJURIES BUT THAT FURTHER TESTS WERE BEING PERFORMED. DR. PERRY STATED THAT PASSENGER # 1 ALONG WITH OTHER FAMILY MEMBERS WHO RESPONDED TO ST. JOSEPH E.R. AFTER HEARING ABOUT THE

1 PAGE	Z, COMPLAIRT NUMBER
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REKT - CONTINUATION FORM		of 7 05-703	50
4. COPIES TO	SUPPLEMENT [STATEMENT @ CONTIN	UATION
		S ACTIVE CLEANED BY ARREST	J URF
9 LOCATION OF OCCU		MPLEX, SUBDIVISION, HOTEL	
EMENT 11. RESIDEN	EAUDRESS	12. AESIGENCE PHINE	AREA CODE
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	A COPIES TO 9 LOCATION OF OCCUR EMENT 11. RESIDENCE	4. COPIES TO 4. COPIES TO 5. SUPPLEMENT 6. DATE OF THIS REPORT 7. S.	AREACT — CONTINUATION FORM 4. COPIES TO 5. SUPPLEMENT STATEMENT CONTIN 6. DATE OF THIS REPORT 7. STATUS ACTIVE STACTIVE STATEMENT ON ACTIVE STATEMENT ON ACTIVE STATEMENT STATEMENT ON ACTIVE STATEMENT COMPLEX, SUBDIVISION, HOTEL 9. LOCATION OF OCCURRENCE, SPECIFY STREET ADDRESS AND/OR APARTMENT COMPLEX, SUBDIVISION, HOTEL EMENT 11. RESIDENCE ADDRESS

WERE SEATED IN THE E.R. SPECIAL WAITING CONTACTED PASSENGER # | WHO BELATED THAT 16 YEAR OLD SON OF DRIVER # 1. mom LIBS DRIVING AND STREET AT OLD PASSENGER EXCLAIMED "OH CRAP" AND BELATED THAT STUCK. PASSENGER # WAS TRAVELING UP THE VIADUCT OVERPASS BEPT ACCELEBATING AND BELEASING, PASSENGER D HIM THAT SHE WAS GOING THE VEHICLE TO JUMP FROM THE VEHICLE AND GOING TO DO THE SAME, PASSENGER #1 VEHICLE #1 WAS GOING DOWN THE VIADURT OVERPASS FIM POINT IND. HIS MOM STARTED TO THE PARKING BRAKE AND STEER THE VEHICL THE SHOULDER. PASSENGER VEHICLE STARTED TO SLOW DOWN WHEN HIS PASSENGER # STATED THAT HE OPENED THE PASSENGER DOOR AND JUMPED OUT OF THE VEHICLE LANDING ON HIS FEET AND UNHARMED. PASSENGER * 1 STATED HE OBSERVED VEHICLE # 1 VEER ALAY FROM THE ROADWAY ROAD TOWARDS

ST. CHAR!	S CITY PO		7 05-7030
3. SEPE DE INCIDENT	4. COPIES TO	5.	☐ STATEMENT 🖾 CONTINUATION
VEHICLE ACCIDENT			STATUS ACTIVE CLEARED BY ARREST UNF
DEATH INVESTIGATION 8. DAY/DATE/TIME OF DECURRENCE	9. LOCATION OF DCCURRENCE. SPI	C8.C8-C5	☐ INACTIVE ☐ EXCEPTIONALLY CLEARED
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TIME HIS mom OP	ENED THE	Driver Door	2 AND JUMPED
FROM THE VEHICLE	PASSEN	GER # 1 STATED	THAT HE
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ELM STREET AND			
	11		HEN VEHICLE#)
	A STATE OF THE PARTY OF THE PAR		
COLLIDED INTO YE	A CONTRACTOR OF THE PARTY OF TH		
CONTINUED TO BE	.v. Yasse	NGER" STA	TED THAT HE
TURNED HIS ATTER	STION TO	HIS mom	LAYING W THE
ROADWAY AS THE	POLICE ANS	D FIRE SHOW	ED UP.
THE ASSISTANT	- MEDICAL	EXAMINER	DOUG TIAKHAM,
WAS CONTACTED AND	D ADVISED	THAT CONN	ING WOULD
BE ENBOUTE TO	-		~ 4
			D. PROCESSING,
AND WITNESS INFOR			
Supplemental Rea			. (19.50)
DUPPLEMENTAL INC.	OKTS.	44,	
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		BESPECTFULLY	
		P.O. SA &	HIBK # 206

2 COMPLAINT NUMBER



08/10/2004

Ford Motor Co Po Box 1904 Dearborn, MI 48121



Our Account No: Claim Number: Our Insured: Location of Loss: Date of Loss: Amount of Loss:

Bend, OR 02/01/2002 \$3,406.57



Dear Ford Motor Co,

The Hartford insures with whom you were involved in an auto accident on 02/01/2002 in Bend, OR. As a result of the accident, we have paid our insured \$3,406.57 for damages to their auto. Our evaluation of the circumstances of this accident indicates that your auto was operated negligently and under the terms of our policy we are making claim against you for reimbursement for the amount paid.

You have a right to dispute any or all of this debt. If you do not dispute this debt within 30 days of receiving this letter, The Hartford will assume that this debt is valid. You have a right to receive a verification of the debt, a copy of the repair estimate, a copy of the check that The Hartford paid to its insured, or to the repairer of the auto and any or all other documents which verifies the existence of the debt.

Please contact the undersigned as to how you plan to pay this debt without the necessity of legal action. Any information received by The Hartford from you will be used by The Hartford in the collection of this debt. If you are covered by insurance for this accident, please notify your insurance carrier at once. Please fill in the blanks below concerning your insurance information. If you do not have insurance for this accident, please contact the undersigned as soon as possible so that arrangements can be made to amicably settle this matter in a manner agreeable to all parties.

Enclosed is a self-addressed envelope for your convenience in reply.

Insurance Company Policy Number Company's address Agent Address/Phone #

Very truly yours,

Chuluny

Chris Mulroy
Hartford Insurance Co. Of Midwest
973 607 5000 Ext. 5153
Christopher.Mulroy@TheHartford.com

30 × 100

Garden State Central Revovery Office Rockaway 80 Corporate Center 100 Enterprise Drive / P.O. Box 3000 Rockaway, N.1 07866 Telephone 973 607 5000 Facsimile 973 607 5112

