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

62. James R. Patterson, Ford, AutoNation, Inc., and Dobbs advertised, represented, and showed the 2003 Ford Escape to [redacted] as of a particular quality or grade when it was defective, unusable, or impractical for the purpose represented or implied in the advertisements and other documents.

63. James R. Patterson, Ford, AutoNation, Inc., and Dobbs did not fairly disclose the Escape's defective, unusable, or impractical nature.

64. James R. Patterson, Ford, AutoNation, Inc., and Dobbs deliberately concealed from [redacted] the defective seat belt buckle, driver's side air bag, and accelerator cable when they knew of the defects.

65. James R. Patterson, Ford, AutoNation, Inc., and Dobbs violated TCA 47-18-104(7) and (27) and by representing that their 2003 Ford Escape was of a particular standard, quality, or grade when, in fact, they knew it was defective and recalled 600,000 of the vehicles in December 2004.

66. As a direct, proximate, factual, and legal result of James R. Patterson's, Ford's, AutoNation's, and Dobbs's violation of TCA 47-18-104(7) and (27), Frank A. McClure purchased and drove the vehicle, and the defects in it caused a crash, resulting in [redacted] injuries and death.

67. [redacted] and [redacted], as a result of the unfair or deceptive acts or practice of James R. Patterson, Ford, AutoNation, Inc., and Dobbs have suffered the loss of the value of the vehicle, the pecuniary value of the life of [redacted], and the pecuniary value of [redacted] funeral, trebled.

68. James R. Patterson, Ford, AutoNation, Inc., and Dobbs, in the advertising, promotion, and sale of their 2003 Ford Escape to [redacted] made representations of present or past material facts as to the vehicle.

a. The representations were false.

b. James R. Patterson, Ford, AutoNation, Inc., and Dobbs knew the representations were false or Ford, AutoNation, Inc., and Dobbs made the representations recklessly without knowing whether they were true or false.

c. James R. Patterson, Ford, AutoNation, Inc., and Dobbs intended that [redacted] rely upon the representations and purchase and use the Escape consistent with the representations.

d. [redacted] did not know that the representations were false and was justified in relying upon the truth of the representations.

e. As a result of [redacted] relying on the truth of the representations, Mr. McClure was injured and died.

69. James R. Patterson, Ford, AutoNation, Inc., and Dobbs concealed from [redacted] or suppressed material facts concerning the 2003 Ford Escape, namely the defective seat belt buckle, driver's side air bag, and accelerator cable.

a. James R. Patterson, Ford, AutoNation, Inc., and Dobbs were under a duty to disclose these material facts to [redacted].

b. James R. Patterson, Ford, AutoNation, Inc., and Dobbs intentionally concealed or suppressed these material facts with the intent to deceive [redacted]r. [redacted]

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c. [redacted] was not aware of these facts and would have acted differently if he knew of the concealed or suppressed facts.

d. As a result of the concealment or suppression of the facts by James R. Patterson, Ford, AutoNation, Inc., and Dobbs, [redacted] was injured and died.

IV.

PUNITIVE DAMAGES

70. Ford Motor Company is a multimillion dollar company whose financial status will be more fully detailed after discovery.

71. Dobbs Ford at Wolfchase, Inc., and AutoNation, Inc. is a multimillion dollar company whose financial status will be more fully detailed after discovery.

72. The conduct of James R. Patterson, Ford, AutoNation, Inc., and Dobbs is proscribed by the Tennessee Consumer Protection Act as a class B misdemeanor, evidencing the objectionable nature of their conduct in misrepresenting the condition of their 2003 Escape vehicles. Even without misrepresentation, James R. Patterson, Ford, AutoNation, Inc., and Dobbs's conduct in knowingly placing a defective vehicle in the stream of commerce in Tennessee is objectionable conduct. The result of such objectionable conduct was the injury and death of [redacted].

73. James R. Patterson, Ford, AutoNation, Inc., and Dobbs were aware of the potential for serious harm or death to purchasers of their Ford Escape vehicle based on the service record of the vehicle and the National Highway Safety Administration investigations regarding the vehicle.

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74. James R. Patterson's, Ford's, AutoNation's, and Dobbs's misconduct extended from January 2000 and extended to December 4, 2004 when the National Highway Safety Administration recalled 600,000 Ford Escapes for defective accelerator cables.

75. [redacted] has spent $9,000.00 in funeral expenses to bury [redacted] and additional expenses of the litigation.

76. James R. Patterson, Ford, AutoNation, Inc., and Dobbs profited from the representations involved in selling their 2003 Ford Escape to [redacted] and to other purchasers of the Escape vehicles from 2000 to date. An award of punitive damages should be in excess of the profit Ford, AutoNation, Inc., and Dobbs made or make on the Escape vehicle in order to deter future behavior.

77. Ford, AutoNation, Inc., and Dobbs learned of the seat belt buckle defect in 2001 but failed to remedy the defect and installed defective seat belt buckles in their 2003 model Ford Escapes. James R. Patterson, Ford, AutoNation, Inc., and Dobbs learned of the defective accelerator cables but undertook no remedial action until forced to recall 600,000 vehicles by the National Highway Safety Administration, notwithstanding having to service the accelerator cables in 2001, 2002, 2003, and 2004. Ford, AutoNation, Inc., and Dobbs have not offered a prompt and fair settlement for the harm caused.

V.

DAMAGES

78. As a direct, proximate, factual, and legal result of the negligent, grossly negligent, and intentional acts of the Defendants as alleged herein, [redacted] was injured; he experienced conscious fright and shock as his vehicle went out of control and crossed into the

PE12-019 001072LC SUBJECT

path of an oncoming vehicle; he experienced conscious pain, fright, and shock as his vehicle crashed, he was propelled into the steering wheel, and smashed against the dash and windshield until he lapsed into unconsciousness, and he died, all of which would have been avoided but for the acts of the Defendants.

79. As a direct, proximate, factual, and legal result of the negligent, grossly negligent, and intentional acts of the Defendants as alleged herein, [redacted] died.

80. As a direct, proximate, factual, and legal result of the negligent, grossly negligent, and intentional acts of the Defendants as alleged herein, [redacted] incurred funeral bills and suffered the loss of consortium of her husband, Frank A. McClure.

81. [redacted] was 50 years old on the date of his death, was in excellent health except for a diabetic condition which was controlled. [redacted]s life expectancy was 28 more years of life. [redacted] was skilled in the securities business and earned in excess of $100,000.00 per year and had the capacity to earn much more. [redacted] was sober and industrious.

WHEREFORE PLAINTIFF PRAYS:

1. For a judgment against Defendants in the sum of $10,000,000.00 for all of [redacted] damages.

2. For a judgment against Defendants in the sum of $3,000,000.00 for all injuries and damages suffered by [redacted].

3. For a judgment against Defendants for violation of the Tennessee Consumer Protection Act to the extent allowed by law.

4. For a judgment against Defendants in the sum of $100,000,000.00 in punitive damages for the intentional acts and the willful, wanton, gross, and reckless acts of the

PE12-019 001073LC SUBJECT

Defendants or an amount sufficient to prevent Defendants from engaging in future objectionable conduct.

5. For a bifurcated trial, the second portion of which includes evidence on punitive damages.

6. For extraordinary costs or the costs Plaintiff has and will incur in bringing this action.

7. For court costs, for a jury trial, and for general relief.

DUNCAN E. RAGSDALE, #4934
Attorney for Plaintiff
1415 Madison Avenue
Memphis, Tennessee 38104
(901) 523-2927

PE12-019 001074LC SUBJECT

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Tennessee Uniform Traffic Crash Report

Document Type: (1) Original Document (select 1) A4; (2) Supplement Document; (3) Amended Document

Reference Number Override A6

Local Agency Number

Page 1 of 3

REPORT NUMBER A5 [redacted]

Type of Crash (select 1) A12: (1) Fatal; (2) Injury; (3) Property Damage (Over); (4) Property Damage (Under)

Reporting Agency Name: MEMPHIS POLICE DEPARTMENT — FATAL

Reporting Agency Type: (1) Tennessee Highway Patrol (THP) A9; (2) City/Metropolitan Police Dept. (CPD); (3) Sheriff's Office; (4) Capitol Police; (5) Commercial Vehicle Enforcement (CVE); (6) College/University Campus; (7) National Park Service; (8) Other

Totals		
Vehicles	Killed	Injured
02	01	01

Date of Crash: MONTH 03 (Mar); DAY 04; YEAR 04

Day of Crash A21: (1) SUN; (2) MON; (3) TUES; (4) WED; (5) THURS; (6) FRI; (7) SAT; (9) UNK

Time of Crash A22: 1644

County A15: 79

City A16: 6200

Area A27: (1) Urban; (2) Rural

Additional Designation (select 1): (0) Not Applicable; (3) Business; (4) Residential; (5) School

Trafficway/Land Way/Private Way (select 1) A13: (1) Trafficway – OPEN; (2) Trafficway – CLOSED; (3) Parking Lot; (4) Private Property or Private Road

Investigation Complete? A10: (1) Yes (2) No

Photos Taken? A11: (1) Yes (2) No

If Yes, by Whom? (1) Police (2) Other

Hit and Run? A14: (1) Yes–Hit Motor Vehicle in Transport; (2) Yes–Hit Pedestrian or Non-Motorist; (3) Yes–Hit Parked Vehicle or Object; (4) No Hit and Run

Hit and Run Solved? (1) Yes (2) No

Police Pursuit Involved? A15: (1) Yes (2) No

School Bus Related? A16: (1) Yes (2) No

DOT Use Only

ROUTE NUMBER	SPC CASE	CO. SEQ.	LOG MILE	LOC

Rail/Crossing ID A28

Time Notified A23: 1718

Time Arrived A24: 1723

GPS Coordinate A30: LATITUDE; LONGITUDE

ON Hwy No. and / Street Name A31: MT MORIAH Road

Estimated A51: 140.0 FT. MI. (N) (W) (E)

FROM/AT Hwy No. and / Street Name A32: QUINCE ROAD

Mile Post

Vehicle 1

Vehicle Number V1: 01

Total Number of Occupants V2: 02

Driver Presence D1: (1) Driver Operated Vehicle; (2) Driver Operated Non-Contact Vehicle; (3) Driver Operated Government Vehicle; (4) Driverless Vehicle

DRIVER NAME D2: [redacted]

ADDRESS: Street Number and Name D2: [redacted] Cove

City & State D2: Cordova TN ZIP 3018 Phone Number [redacted]

Driver's License Number D3: [redacted] State TN Exp. Year 2008

DOB D4: [redacted] Sex D6: (M) (F) Race D7: (2) Black

License Class D8: D Complied With? (Y) (N) D9 Restrictions D10: C Complied With? (Y) (N)

Injury Code P7: (0) (3) (1) (4) (2)

Safety Equipment P8: 03

AIRBAG P10: (00) Non-Motorist; (99) Not Available; (01) Avail. Deployed; (81) Not Replaced; (20) Avail. Not Dplyd.; (82) Disabled/Rmvd.; (28) Avail. Swtch. Off; (99) Unknown

EJECTED P11: (0) Not Applicable; (1) Not Ejected; (2) Totally Ejected; (3) Partially Ejected; (9) Unknown

Ejection Path P12

TRAPPED/EXTRICATED P13: (0) Not Applicable; (1) Not Trapped; (2) Trapped/Extricated; (3) Trapped/Not Extricated; (9) Unknown

Medical Transport P14: (Y)

Driver Residence D11: (1) Less 25 mi.; (2) Over 25 mi.; (3) Out of State

Hospital: MED T THE MED

Year of Vehicle V5: 2001 Make V6: FORD Model V7: ESCAPE Color V8: GLD Body Type V9: 4dr

Vehicle Number V11: 1FMYU02193K [redacted] Body Code V10

License Plate Number V12: [redacted] State TN Exp. Year V13: 2005 Insurance Company V14: 1-4

Vehicle Owner V15: Same (N)

Street Address V16

City & State V16 ZIP Phone Number

Violations D12 (may select 3): (1) None; (2) Alcohol/Drugs; (3) Reckless/Careless; (4) Other Moving; (5) Other Non-Moving; (6) Pending

Charges D13

Vehicle 2

Vehicle Number V1: 02

Total Number of Occupants V2: 01

Driver Presence D1: (1) Driver Operated Vehicle; (2) Driver Operated Non-Contact Vehicle; (3) Driver Operated Government Vehicle; (4) Driverless Vehicle

DRIVER NAME D2: [redacted]

ADDRESS: Street Number and Name D2: [redacted]

City & State D2: MEMPHIS TN ZIP [redacted] Phone Number [redacted]

Driver's License Number D3: [redacted] State TN Exp. Year 2005

DOB D4: [redacted] Sex D6: (F) Race D7: (1) White; (3) Hispanic; (4) Other

License Class D8: D Endorsements D9 Complied With? (Y) (N) Restrictions D10 Complied With? (Y) (N)

Injury Code P7: (0) (3) (1) (4)

Safety Equipment P8: 03

AIRBAG P10: (00) Non-Motorist; (99) Not Available; (01) Avail. Deployed; (81) Not Replaced; (20) Avail. Not Dplyd.; (82) Disabled/Rmvd.; (28) Avail. Swtch. Off; (99) Unknown

EJECTED P11: (0) Not Applicable; (1) Not Ejected; (2) Totally Ejected; (3) Partially Ejected; (9) Unknown

Ejection Path P12

TRAPPED/EXTRICATED P13: (0) Not Applicable; (1) Not Trapped; (2) Trapped/Extricated; (3) Trapped/Not Extricated; (9) Unknown

Medical Transport P14: (N)

Driver Residence D11: (1) Less 25 mi.; (2) Over 25 mi.; (3) Out of State

Hospital: MEDIA IN ST FRANCIS

Year of Vehicle V5: 1981 Make V6: CHEVROLET Model V7: 1500 Color V8: RED Body Type V9: 2dr

Vehicle Number V11: 2GCEC11H8B [redacted] Body Code V10

License Plate Number V12: [redacted] State TN Exp. Year V13: 2004 Insurance Company V14: 31

Vehicle Owner V15: Same (N)

Street Address V16

City & State V16 ZIP Phone Number

Violations D12 (may select 3): (1) None; (2) Alcohol/Drugs; (3) Reckless/Careless; (4) Other Moving; (5) Other Non-Moving; (6) Pending

Charges D13

Investigating Officer Rank and Name A40: SGT B. Head; Badge/ID Number A40: 2175; District/Zone A40: 326; Car No. A40: 913, C; Report Date A41: 05-13-2004

F1205 (rev 1-14-2000) PLEASE DO NOT WRITE IN THIS AREA

RDA 1348

PE12-019 001075LC SUBJECT

Harmful Event

Most Harmful Event per Vehicle A32

(select 1 per vehicle)

Collision with Object Not Fixed

V1	V2	
08	08	Pedestrian
09	09	Pedalcycle
10	10	Railway Train
50	50	Deer (Animal)
11	11	Other Animal
■	■	Motor Vehicle in Transport
13	13	Motor Vehicle in Transport in Other Roadway
14	14	Parked Motor Vehicle
15	15	Other Type Non-Motorist
16	16	Other Object (Not Fixed)

Collision with Fixed Object

V1	V2		V1	V2	
17	17	Boulder	30	30	Utility Pole
19	19	Building	31	31	Other Post, Pole, Supp.
20	20	Impact Attenuator	32	32	Culvert
21	21	Bridge Pier/Abutment	33	33	Curb
22	22	Bridge Parapet End	34	34	Ditch
23	23	Bridge Rail	35	35	Embankment
24	24	Guardrail Face	36	36	Fence
25	25	Guardrail End	39	39	Wall
26	26	Median Barrier	40	40	Mail Box
27	27	H-way Traffic Sign Post	41	41	Shrubbery
28	28	Overhead Sign Support	42	42	Tree
29	29	Luminaire/Light Supp.	47	47	Fire Hydrant
46	46	Traffic Signal Support	48	48	Other Fixed Object

Non-Collision

V1	V2		V1	V2	
01	01	Overturn	05	05	Fell/Jumped from Vehicle
02	02	Fire/Explosion	07	07	Other Non-Collision
03	03	Immersion	16	16	Thrown or Falling Object
04	04	Jackknife			

V1	V2	
98	98	Unknown Most Harmful Event

First Harmful Event for the Crash



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

		A33
0	Not Collision with Motor Vehicle in Transport	
1	Rear-End	
■	Head-On	
3	Rear-to-Rear	
4	Angle	
5	Sideswipe, Same Direction	
6	Sideswipe, Opposite Direction	
9	Unknown	

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

Non-Interchange		*Interchange Area*	A34
■	Non-Junction	10	Intersection
02	Intersection	11	Intersection-Related
03	Intersection-Related	12	Driveway
04	Driveway, Alley Access, etc.	13	Entrance/Exit Ramp Related
05	Entrance/Exit Ramp Related	14	Crossover-Related
06	Rail Grade Crossing	15	Other Location in Interchange
07	Crossover-Related	19	Unknown, Interchange Area
09	Unknown–Non-Interchange		

99 Unknown Relation to Junction

Relation to Roadway at First Harmful Event

(select 1) A35

■	On Roadway	08	Off Roadway–Location Unknown
02	Shoulder	07	In Parking Lane
03	Median	08	Gore
04	Roadside–Left	11	Parking Lot or Private Property
05	Roadside–Right	99	Unknown
10	Outside Trafficway		

Driver Factors

Driver Condition *(may select 3)* D14

V1	V2	
00	■	Appeared Normal
01	01	Had Been Drinking
02	02	Illegal Drug Use
03	03	Ill (Sick)
04	04	Apparently Fatigued
05	05	Apparently Asleep
06	06	Reaction to Drugs/Medication
07	07	Failure to Take Drugs/Medication
08	08	Physical Impairment (Narrative)
09	09	Emotional (Depressed, Angry, Disturbed)
■	99	Unknown Condition

Driver Actions *(may select 5)*

V1	V2	
10	■	No Contributing Actions
11	11	Inattentive (Eating, Reading, Talking, etc.)
12	12	Interfered With by Passenger
■	13	Driving Left of Center
14	14	Driving Wrong Way on One-Way Roadway
15	15	Failure to Comply with License Restrictions
16	16	Failure to Keep in Proper Lane or Running Off Road
17	17	Failure to Yield Right of Way
18	18	Failure to Obey Traffic Controls
19	19	Failure to Observe Warnings or Instructions
20	20	Failure to Signal Intentions
21	21	Failure to Use Lights
22	22	Following Improperly
23	23	Improper Backing
24	24	Improper Lane Changing
25	25	Improper Passing
26	26	Improper Turn
27	27	Improperly Towing or Pushing Vehicle
28	28	Improperly Carrying Hazardous Cargo
29	29	Improper Loading of Vehicle Cargo or Passengers
30	30	Operator Inexperience
31	31	Operating without Required Equipment
32	32	Over Correcting
33	33	Careless or Erratic Driving
34	34	Reckless or Negligent Driving
35	35	Speed Too Fast
36	36	Speed Too Slow
37	37	Vision Obstructed, By What? (Narrative)
38	38	Using Telephone, Two-Way Radio
98	98	Other (Narrative)
99	99	Unknown Action

Highway Construction/Maintenance Zone

(select 1) A38

■	None
2	Construction Zone
3	Maintenance Zone (Short Duration)
4	Utility Zone (Short Duration)
5	Work Zone, Type Unknown
9	Unknown

Light Conditions *(select 1)*

■	Daylight	4	Dawn
2	Dark–Not Lighted	5	Dusk
3	Dark–Lighted	9	Unknown

A36

Weather Conditions *(select 1)*

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

A37

Driver Alcohol/Drugs

Presence *(select 1)* D16

V1	V2	
0	■	Neither Alcohol or Drugs Present
1	1	Yes (Alcohol Present)
2	2	Yes (Drugs Present)
3	3	Yes (Alcohol and Drugs Present)
■	9	Unknown

Determination Method

(select 1 if applies) D17

V1	V2	
1	1	Evidential Test
3	3	Behavioral
4	4	Passive Alcohol Sensor
5	■	Observed
8	8	Other

Alcohol

(select 1) — *Test Type (select 1 if applies)* P16

V1	V2		V1	V2	
95	95	Test Refused	1	1	Blood
96	■	None Given	2	2	Breath
■	97	Test Given, Results Unknown	3	3	Urine
98	98	Test Given, Insufficient Sample	8	8	Other
99	99	Unknown, if tested			

Alcohol Results

			V1	V2
00	00	Negative BAC		Positive Results

Drugs

(select 1) — *Test Type (select 1 if applies)* P17

V1	V2		V1	V2	
95	95	Test Refused	1	1	Blood
96	■	None Given	2	2	Breath
■	97	Test Given, Results Unknown	3	3	Urine
98	98	Test Given, Insufficient Sample	8	8	Other
99	99	Unknown, if tested			

Drug Results *(may select 3)*

00	00	No Drugs Detected
02	02	Marijuana
03	03	Cocaine
04	04	Opiates
05	05	Amphetamines
06	06	PCP
08	08	Other Drug Medication
09	09	Drug Type Unknown

Driver/Vehicle Maneuver *(select 1)* D15

V1	V2	
■	■	Going Straight
01	01	Negotiating Curve
02	02	Passing or Overtaking Another Vehicle
03	03	Right Turn to Private Drive
04	04	Right Turn to Street
05	05	Right Turn on Red Permitted
06	06	Right Turn on Red Not Permitted
07	07	Left Turn to Private Drive
08	08	Left Turn to Street
09	09	Turning from Wrong Lane
10	10	Making a U-Turn
11	11	Slowing or Stopped for Signal or Sign
12	12	Slowing or Stopped for Turning Traffic
13	13	Slowing or Stopped for Entering Traffic
14	14	Slowing or Stopped, Other
15	15	Stopped in Traffic Lane
16	16	Starting in Traffic
17	17	Backing from Drive
18	18	Backing from On Street Parking Space
19	19	Backing Up
20	20	Entering from Private Drive
21	21	Leaving a Parked Position
22	22	Parked Legally–Yes
23	23	Parked Legally–No
24	24	Changing Lanes or Merging
25	25	Maneuvering to Avoid Another Vehicle, Animal, Pedestrian, Object, etc.
96	96	Other (Narrative)
99	99	Unknown

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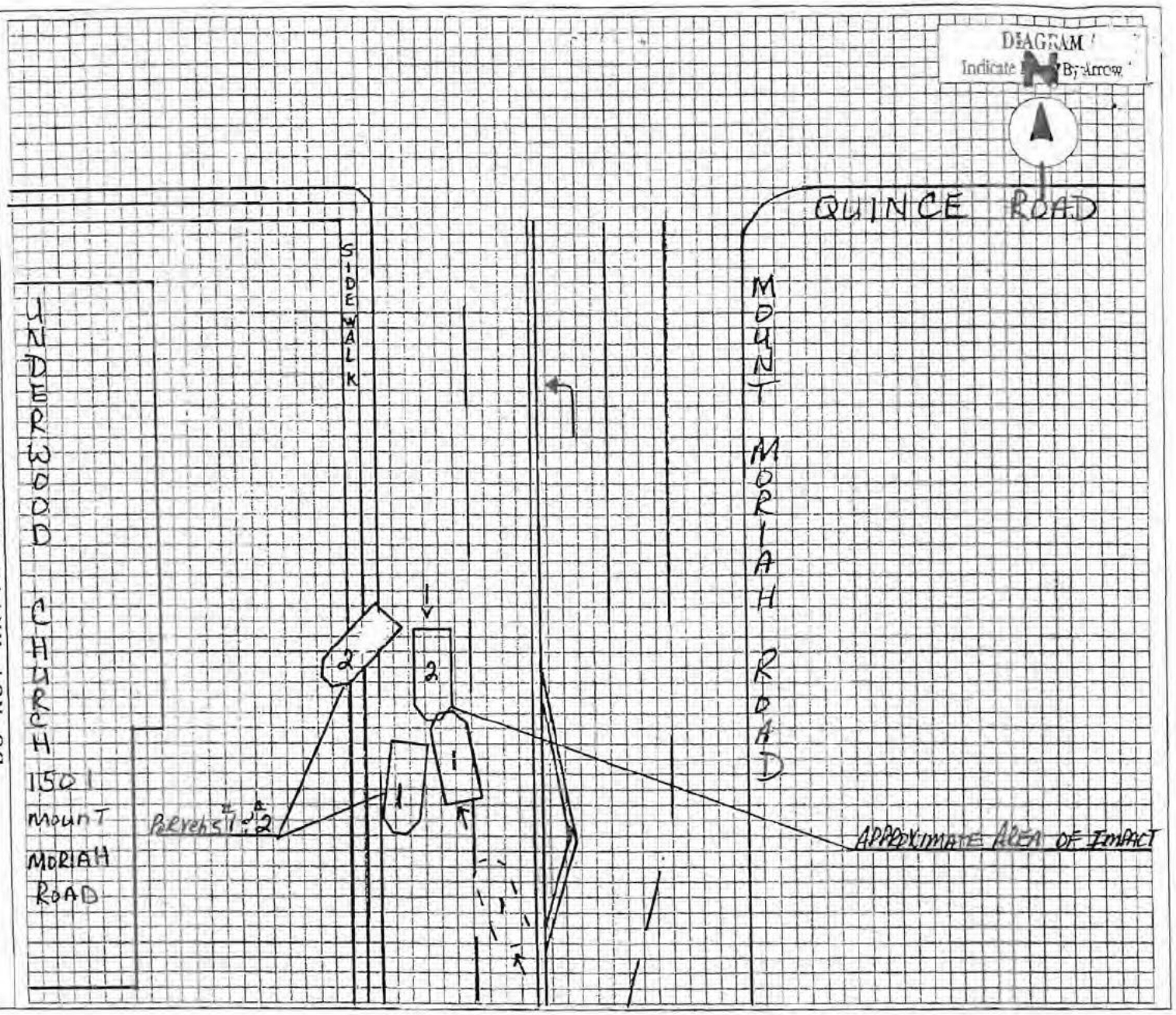
DIAGRAM
Indicate N By Arrow



Narrative

Veh #1 N/B MT Moriah Road in the S/B Lanes, STRUCK With its Front the Front of Veh #2 S/B MT. Moriah Road. Driver #1 WAS unable to Provide A Statement Driver #2 Stated that Vehicle #1 Crossed the Yellow Line and Struck his Vehicle. Deiver #1 WAS Transported to the Med where he later EXPIRED.

THE OTHER Property damage WAS to the grass belonging to Underwood Church 1501 MT. Moriah road. Damage Consisted of Grass being torn up due to tires At time of Crash.

Investigator's Signature: Sgt. B. Dell 2175 Date: 05-13-2004 Report Reviewed By: [signature] Date: 05/14/2004

SF1205

PE12-019 001077LC SUBJECT

Document Type
(2) Supplement Document
(3) Amended Document
Local Agency Number

REFERENCE NUMBER [redacted]

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Motorists (Passengers) and/or Non-Motorists

Vehicle Number P1 — A

NAME First M.I. Last P3 | Date of Birth P4 | Age P5 | Injury Code | SEAT Position | SAFETY Equipment | AIRBAG P10

ADDRESS Same as ☐ Driver ☐ Owner Street & Number City & State ZIP

(1) Male (2) Female P6

Motorists (2)
Non-Motorists P2: (7) Other Cyclist (8) Other Pedestrian (9) Other Non-Motorist
(5) Pedestrian (6) Bicyclist

EJECTED P11: (0) Not Applicable (1) Not Ejected (2) Totally Ejected (3) Partially Ejected (9) Unknown
Ejection Path P12
TRAPPED/EXTRICATED: (0) Not Applicable (1) Not Trapped (2) Trapped/Extricated (3) Trapped/Not Extricated (9) Unknown P13
Medical Transport P14 (Y) (N) | Ambulance/Hospital P15 | Alcohol P16 | Drugs P17

Vehicle Number P1 — B

NAME First M.I. Last P3 | Date of Birth P4 | Age P5 | Injury Code | SEAT Position | SAFETY Equipment | AIRBAG P10

ADDRESS Same as ☐ Driver ☐ Owner Street & Number City & State ZIP

(1) Male (2) Female P6

Motorists (2)
Non-Motorists P2: (7) Other Cyclist (8) Other Pedestrian (9) Other Non-Motorist
(5) Pedestrian (6) Bicyclist

EJECTED P11: (0) Not Applicable (1) Not Ejected (2) Totally Ejected (3) Partially Ejected (9) Unknown
Ejection Path P12
TRAPPED/EXTRICATED: (0) Not Applicable (1) Not Trapped (2) Trapped/Extricated (3) Trapped/Not Extricated (9) Unknown P13
Medical Transport P14 (Y) (N) | Ambulance/Hospital P15 | Alcohol P16 | Drugs P17

Vehicle Number P1 — C

NAME First M.I. Last P3 | Date of Birth P4 | Age P5 | Injury Code | SEAT Position | SAFETY Equipment | AIRBAG P10

ADDRESS Same as ☐ Driver ☐ Owner Street & Number City & State ZIP

(1) Male (2) Female P6

Motorists (2)
Non-Motorists P2: (7) Other Cyclist (8) Other Pedestrian (9) Other Non-Motorist
(5) Pedestrian (6) Bicyclist

EJECTED P11: (0) Not Applicable (1) Not Ejected (2) Totally Ejected (3) Partially Ejected (9) Unknown
Ejection Path P12
TRAPPED/EXTRICATED: (0) Not Applicable (1) Not Trapped (2) Trapped/Extricated (3) Trapped/Not Extricated (9) Unknown P13
Medical Transport P14 (Y) (N) | Ambulance/Hospital P15 | Alcohol P16 | Drugs P17

Vehicle Number P1 — D

NAME First M.I. Last P3 | Date of Birth P4 | Age P5 | Injury Code | SEAT Position | SAFETY Equipment | AIRBAG P10

ADDRESS Same as ☐ Driver ☐ Owner Street & Number City & State ZIP

(1) Male (2) Female P6

Motorists (2)
Non-Motorists P2: (7) Other Cyclist (8) Other Pedestrian (9) Other Non-Motorist
(5) Pedestrian (6) Bicyclist

EJECTED P11: (0) Not Applicable (1) Not Ejected (2) Totally Ejected (3) Partially Ejected (9) Unknown
Ejection Path P12
TRAPPED/EXTRICATED: (0) Not Applicable (1) Not Trapped (2) Trapped/Extricated (3) Trapped/Not Extricated (9) Unknown P13
Medical Transport P14 (Y) (N) | Ambulance/Hospital P15 | Alcohol P16 | Drugs P17

Vehicle Number P1 — E

NAME First M.I. Last P3 | Date of Birth P4 | Age P5 | Injury Code | SEAT Position | SAFETY Equipment | AIRBAG P10

ADDRESS Same as ☐ Driver ☐ Owner Street & Number City & State ZIP

(1) Male (2) Female P6

Motorists (2)
Non-Motorists P2: (7) Other Cyclist (8) Other Pedestrian (9) Other Non-Motorist
(5) Pedestrian (6) Bicyclist

EJECTED P11: (0) Not Applicable (1) Not Ejected (2) Totally Ejected (3) Partially Ejected (9) Unknown
Ejection Path P12
TRAPPED/EXTRICATED: (0) Not Applicable (1) Not Trapped (2) Trapped/Extricated (3) Trapped/Not Extricated (9) Unknown P13
Medical Transport P14 (Y) (N) | Ambulance/Hospital P15 | Alcohol P16 | Drugs P17

Vehicle Number P1 — F

NAME First M.I. Last P3 | Date of Birth P4 | Age P5 | Injury Code | SEAT Position | SAFETY Equipment | AIRBAG P10

ADDRESS Same as ☐ Driver ☐ Owner Street & Number City & State ZIP

(1) Male (2) Female P6

Motorists (2)
Non-Motorists P2: (7) Other Cyclist (8) Other Pedestrian (9) Other Non-Motorist
(5) Pedestrian (6) Bicyclist

EJECTED P11: (0) Not Applicable (1) Not Ejected (2) Totally Ejected (3) Partially Ejected (9) Unknown
Ejection Path P12
TRAPPED/EXTRICATED: (0) Not Applicable (1) Not Trapped (2) Trapped/Extricated (3) Trapped/Not Extricated (9) Unknown P13
Medical Transport P14 (Y) (N) | Ambulance/Hospital P15 | Alcohol P16 | Drugs P17

Non-Motorist Number (A) (B) (C) (D) (E) (F)

Non-Motorist

Non-Motorist Number (A) (B) (C) (D) (E) (F)

Location At Intersection

N1 N2
(01) (01) In Crosswalk
(02) (02) On Roadway, Not in Crosswalk
(03) (03) On Roadway, Crosswalk Not Available
(04) (04) On Roadway, Crosswalk Availability Unknown
(05) (05) Not on Roadway
(09) (09) Unknown

Location Not At Intersection P18

N1 N2
(10) (10) In Crosswalk
(11) (11) On Roadway, Not in Crosswalk
(12) (12) On Roadway, Crosswalk Not Available
(13) (13) On Roadway, Crosswalk Availability Unknown
(14) (14) In Parking Lane
(15) (15) On Road Shoulder
(16) (16) Bike Path
(17) (17) Outside Trafficway
(18) (18) Other, Not on Roadway
(19) (19) Unknown

Vehicle Striking Non-Motorist

N1 Vehicle # (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (20) (30)

N2 Vehicle # (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (20) (30)

Condition (may select 3)

N1 N2
(00) (00) Appeared Normal
(01) (01) Had Been Drinking
(02) (02) Illegal Drug Use
(03) (03) Ill (Sick)
(04) (04) Reaction to Drugs/Medication
(05) (05) Failure to Take Drugs/Medication
(06) (06) Blind
(07) (07) Restricted to Wheelchair
(08) (08) Other Physical Impairment (Narrative)
(09) (09) Emotional (Depressed, Angry, Disturbed)
(99) (99) Unknown Condition

Actions (may select 4)

N1 N2
(10) (10) No Contributing Actions
(20) (20) Not Visible
(21) (21) Darting, Running or Stumbling into Road
(22) (22) Crossing with Signal
(23) (23) Crossing against Signal
(24) (24) Crossing, No Signal
(25) (25) Coming from Behind Parked Car
(26) (26) Standing in Safety Zone
(27) (27) Getting on or off Other Vehicle
(28) (28) Pushing or Working on Vehicle
(29) (29) Other Working in Roadway
(30) (30) Construction/Maintenance/Utility Worker
(31) (31) Playing in Roadway
(32) (32) Lying in Roadway
(33) (33) Walking in Roadway
(34) (34) Walking beside Roadway
(41) (41) Failure to Keep in Proper Lane or Running off Road
(42) (42) Failure to Yield Right of Way
(43) (43) Failure to Obey Traffic Controls
(44) (44) Failure to Observe Warnings or Instructions
(45) (45) Failure to Signal Intentions
(46) (46) Failure to Use Lights P19
(47) (47) Improper Loading of Vehicle Cargo or Passengers
(48) (48) Operator Inexperience
(49) (49) Operating without Required Equipment
(50) (50) Riding in Roadway Against Traffic
(61) (61) Vision Obstructed, by What? (Narrative)
(99) (99) Unknown Action

PLEASE DO NOT WRITE IN THIS AREA

Vehicles

V1

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

Truck/Bus Supplement: 1 Yes 0 No

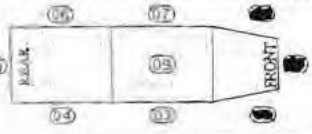
Emergency Use: 1 Yes 0 No

Rollover: 1 Yes 0 No

Fire: 1 Yes 0 No

Estimated Damage: 1 Under $400, 2 Over $400

(may select 3) Darken Numbered Area(s) of Vehicle Damage — V21



11 All Areas
12 Other
99 Unknown
00 None

Extent of Damage — V22

0 None, 1 Very Minor, 2 Minor, 3 Moderate, 5 Very Severe, 9 Unknown

Vehicle Defects (may select 2) — V26: 0 None — 99

Vehicle Special Use — V27: None

Vehicle Trailer — V28: None

Vehicle Towed — V23: 1 Driven Away, 2 Towed Away — If Towed, Where? SHELLY'S City Lot

Vehicle Going/On — V25



On: Mount Moriah Road

Trafficway Flow — V31 (select 1)

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

Roadway Surface Type — V34 (select 1)

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

Trafficway Hazards — V37 (may select 3)

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

Traffic Control Devices — V36 (select 1)

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

Roadway Route Signing — V29 (select 1)

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

Number of Travel Lanes — V30 (select 1)

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

Roadway Surface Conditions — V35 (select 1)

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

Roadway Character — V33

Alignment: (select 1) 1 Curve, 2 Straight, 9 Unknown

Profile: (select 1) 1 Level, 2 Grade, 3 Hillcrest, 8 Other (Narrative), 9 Unknown

Other Property Damage? — A39 (select all that apply)

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

Amount of Damage (Estimate): 1 Under $400, 2 Over $400

Traffic Control Device Functioning? (select 1 if applies)

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

Speed Limit

V1: 40

V2: 40

Access Control — V32 (select 1)

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

Owner Information for Other Property Damage

Name: Underwood Church — Phone: 683-4141

Address: 1501 Mount Moriah — Describe Property: Grass

Name: — Phone:

Address: — Describe Property:

Witness

Name: [redacted] Last

Address: Street & Number [redacted]

City & State: Memphis Tn — Zip [redacted]

Date of Birth [redacted] — Home Phone # [redacted]

Witness

Name: [redacted] Last

Address: [redacted]

City & State: Memphis Tn

Date of Birth — Home Phone # [redacted]

Document Type
(2) Supplement Document
(3) Amended Document A4
Local Agency Number A7
REFERENCE NUMBER [redacted]
Reference Number Override A6

Please Do Not Write In This Microfilm Space

Truck & Bus Crash Information

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

When To Use This Section: *Did the crash involve...*

Part A
A truck with at least two axles and six tires? (Y) (N)
A truck with a hazardous materials placard? (Y) (N)
A bus designed to carry 16 or more persons, including the driver? (Y) (N)

STOP! If all the responses to Part A are "NO" do not complete this Truck & Bus Crash Information Section. If there are any "YES" answers, continue to Part B.

Part B
Any person who was fatally injured? (Y) (N)
Any injured person requiring transport for immediate medical treatment? (Y) (N)
One or more vehicles that had to be towed from the scene as a result of the crash? (Y) (N)
One or more vehicles that required repair or were provided assistance before proceeding from scene under own power? (Y) (N)

STOP! If all the responses to Part B are "NO" do not continue. If there are any "YES" answers, please complete this Truck & Bus Crash Information Section...

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

Carrier Information

Carrier Identification Numbers
US DOT | TN DOS
ICC MC

Source:
- Vehicle Side
- Shipping Papers
- Trip Manifest
- Driver
- Log Book

• Interstate Carrier? (Y) (N)

Carrier Name | Carrier Address

Hazardous Material Information

• Hazardous Material Placard Displayed? (Y) (N) • Hazardous Cargo was Released? (Y) (N)

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

Vehicle Information

Combined Gross Vehicle Weight Rating LBS | Total # of Axles

Vehicle Configuration
(1) Bus
(2) Single unit truck, 2 axles, 6 tires
(3) Single unit truck 3+ axles
(4) Truck/Trailer
(5) Truck/Tractor
(6) Tractor/Semi-Trailer
(7) Tractor/Doubles
(8) Tractor/Triples
(9) Unknown Heavy Truck

Cargo Body Type
(1) Bus
(2) Van/Enclosed box
(3) Cargo Tank
(4) Flatbed
(5) Dump
(6) Concrete Mixer
(7) Auto Transporter
(8) Garbage/Refuse
(9) Other

SEQUENCE OF EVENTS FOR THIS VEHICLE

(1) (2) (3) (4) Ran off Road
(1) (2) (3) (4) Jackknife
(1) (2) (3) (4) Overturn (Rollover)
(1) (2) (3) (4) Downhill Runaway
(1) (2) (3) (4) Cargo Loss or Shift
(1) (2) (3) (4) Explosion or Fire
(1) (2) (3) (4) Separation of Units
(1) (2) (3) (4) Collision involving pedestrian

(Mark a total of one to four events in the order that they occurred.)

(1) (2) (3) (4) Collision involving motor vehicle in transp.
(1) (2) (3) (4) Collision involving parked motor vehicle
(1) (2) (3) (4) Collision involving train
(1) (2) (3) (4) Collision involving pedalcycle
(1) (2) (3) (4) Collision involving animal
(1) (2) (3) (4) Collision involving fixed object
(1) (2) (3) (4) Collision involving other object
(1) (2) (3) (4) Other

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

Carrier Information

Carrier Identification Numbers
US DOT | TN DOS
ICC MC

Source:
- Vehicle Side
- Shipping Papers
- Trip Manifest
- Driver
- Log Book

• Interstate Carrier? (Y) (N)

Carrier Name | Carrier Address

Hazardous Material Information

• Hazardous Material Placard Displayed? (Y) (N) • Hazardous Cargo was Released? (Y) (N)

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

Vehicle Information

Combined Gross Vehicle Weight Rating LBS | Total # of Axles

Vehicle Configuration
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(1) (2) (3) (4) Collision involving fixed object
(1) (2) (3) (4) Collision involving other object
(1) (2) (3) (4) Other

PLEASE DO NOT WRITE IN THIS AREA

Central Records

RE: [redacted]

5-13-04

PE12-019 0010811LC SUBJECT


5 13 '04


























CHEVROLET

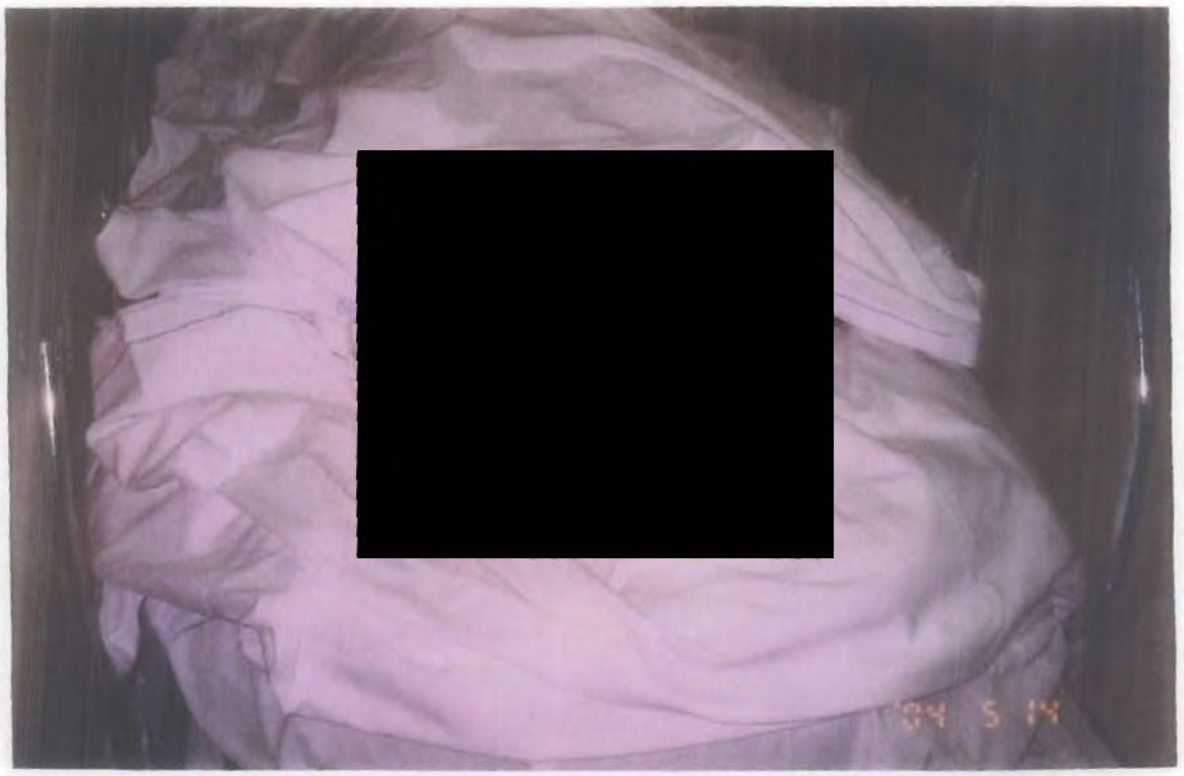













'04 5 14


'04 5 14












END
OF
SCENE
Nikon


MT MORIA
QUINCE




TO CROSS
STREET
PUSH BUTTON
WAIT FOR


MT MORIAH RD
DON'T
WALK
SPEED
LIMIT
40


QUINCE RD
DONT
WALK














CHEVROLET














IF YOU LOVE JESUS
ANYONE CAN HONK
CHEV


CHEVROLET


ESCAPE
















5 13 '04


5 13 '04



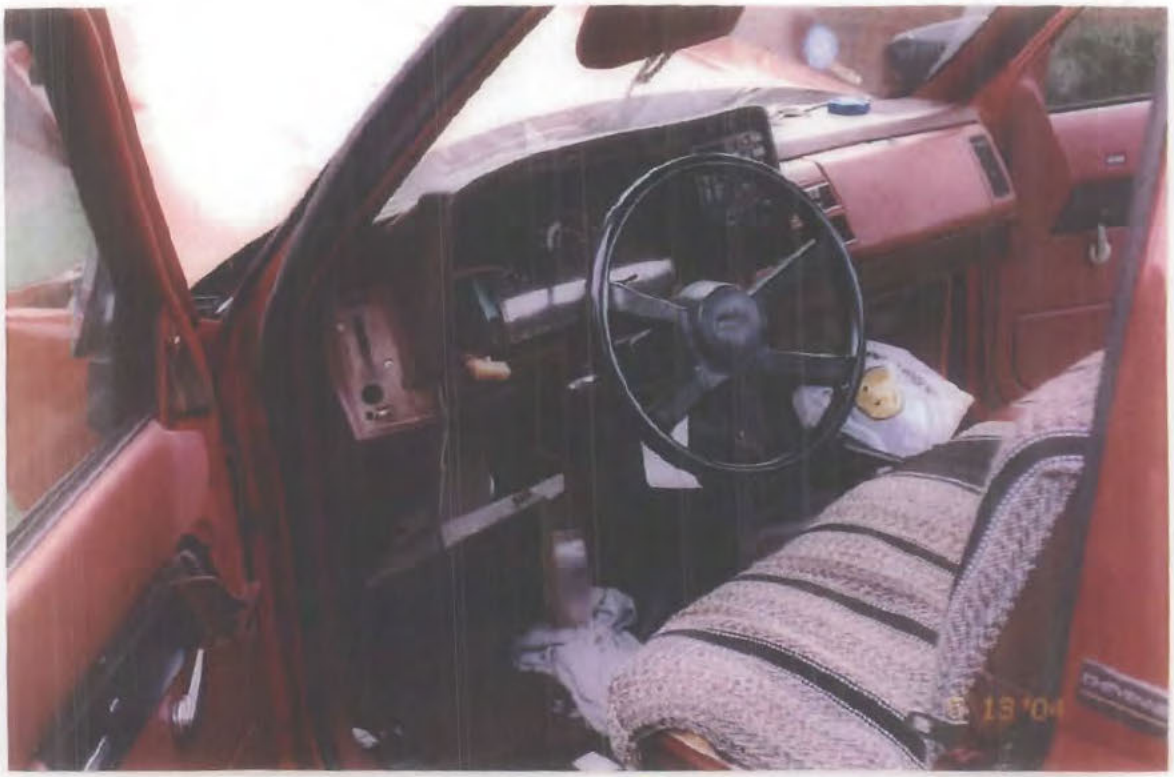

















CHEYENNE

PHOTOS TAKEN IN DAYS IMMEDIATELY FOLLOWING THE ACCIDENT MAY 2004


















5 15 04




5 15 '04


5 15 '04





MEMPHIS POLICE DEPARTMENT
CRIME SCENE SQUAD

NAME [redacted] re
CV CORDOVA TN [redacted]

D.O.B. [redacted] 3 SEX [redacted] RACE W

LIST ANY KNOWN I.D. # [redacted]

DATE OF DEATH 5-13-04 CAUSE OF DEATH MVA

Sgt P Shaver 8052
SIGNATURE OF OFFICER TAKING PRINTS
Car 924C

C-2100.567 New 11/88

Take 2 Right Thumb prints on a person with a record. Take a full set of fingerprints on an unknown person.

Memphis Police Department
Traffic Division's
Crash File Checklist

Crash Location: MT Moriah / Quince **Date:** 5-13-2004

✓	**Crash Report**		**(copy)**
✓	**Field Sketch**		**(original)**
X	**Field Notes**		**(original)**
✓	**Measurements**		**(original)**
✓	**Supplemental Drawing**		**(original)**
___	**Computer Generated Crash Diagram**		**(original)**
✓	**Driver(s) Statement**		**(original)**
✓	**Witnesses Statement**		**(original)**
✓	**Hospital Investigation Form**		**(original)**
___	**Copy of:**	**Arrest Ticket(s)**	___
		Affidavit(s) of Complainant	___
		Traffic Citation(s)	___
		Warrant(s)	___
		Other: ___	___
___	**Printout(s):**	**Vehicle Registration**	✓
		Criminal History	N/A None
		Drivers History	✓
		Warrant Check	X
		Dispatcher's Event	✓
___	**Property Receipt(s)**		
___	**Property Release(s)**		
✓	**Log Sheet**		**(copy)**
✓	**Roll Call**		**(copy)**
___	**Photographs:**	**Scene**	✓
		Morgue	✓
		Other	___
___	**Request for:**	**Medical Examiner Report(s)**	✓ **Date** ___-___-___
		Cause & Classification of Death	✓ **Date** ___-___-___
		Toxicology Report	✓ **Date** ___-___-___
		Toxicology Results	✓ **Date** ___-___-___
___	**Memo's**		
✓	**Miscellaneous documents**		

(08-20-03)

Memphis Police Department
Special Operations
Traffic Bureau
Special Traffic Investigation

Inspector B.E. Todd
Commander of Traffic
1925 Union
Memphis, Tn. 38104

Summary Report

File #_____

Dear Sir,

On Thursday, May 13, 2004 at 4:44P.M., a traffic crash occurred on Mt. Moriah Road approximately one-hundred and forty (140) feet south of Quince Road, City of Memphis, Shelby County, Tennessee. The writer, Sgt. B. D. DeHaan #2175 Car 913c, received a call to meet car 328c at 5:18P.M. at Quince and Mt. Moriah. Upon arrival at 5:23P.M., Thursday, May 13, 2004, the scene investigation revealed the following information:

Crash Location:	Mt. Moriah Road south of Quince Road Memphis, Shelby County Tennessee
Date and Time:	Thursday, May 13, 2004 at 4:44P.M.
Type of Crash:	2000 Ford Escape and 1981 Chevrolet 1500 pick up truck

There was one (1) person killed and one (1) person injured.

[redacted], **white/male 50,** of [redacted] Cove Cordova, Tennessee [redacted] home phone of [redacted] was fatally injured. [redacted] was transported to The Regional Medical Center by Memphis Fire Department Ambulance unit #7 at 5:30P.M. in critical condition and later expired at 5:35P.M.

[redacted] **23,** of [redacted], Tennessee [redacted] home phone of ([redacted] was injured. [redacted] was transported to St. Francis by Memphis Fire Department Ambulance unit #14 Hospital in non-critical condition.

Scene Description:

At the crash, Mt. Moriah Road runs in a north and south direction. Mt. Moriah Road has 2 northbound and 2 southbound lanes with a turn lane for northbound traffic to turn westbound onto Quince Road. The nearest intersection to the crash scene is Quince Road. Quince Road intersects Mt. Moriah Road approximately one-hundred and forty (140) feet north of the approximate area of impact between the 2000 Ford and the 1981 Chevrolet. There are no traffic control devices that control the north and south traffic on Mt. Moriah Road at the approximate area of impact between the 2000 Ford and the 1981 Chevrolet. At the crash location, the roadway surface is relatively straight and level with an asphalt surface.

At the time of the crash, the lighting condition was daylight and the weather condition was cloudy. The roadway surface was wet and there were no apparent roadway hazards involved in this traffic crash.

Scene investigation revealed that the 2000 Ford Escape was travelling northbound on Mt. Moriah Road south of Quince Road and struck with its front the left front of the 1981 Chevrolet 1500 which was travelling southbound on Mt. Moriah Road in the curb lane. The approximate area of impact between the Ford and Chevrolet was determined by the writer to be: one hundred forty(140) feet zero (0) inches south of the south curb line of Quince Road and eleven (11) feet one (1) inch east of the west curb line of Mt. Moriah Road. After impact, the Ford's approximate area of rest was determined to be one hundred fifty (150) feet five (5) inches south of the south curb line of Quince Road and three (3) inches east of the west curb line of Mt. Moriah Road. The Chevrolet's approximate point of rest was determined to be one hundred Twenty nine (129) feet eleven (11) inches south of the south curb line of Quince Road and Twelve (12) feet two (2) inches west of the west curb line of Mt. Moriah Road.

Prior to writer's arrival on the scene, the driver of the Ford was transported by Memphis Fire Department Ambulance unit #7 to the Regional Medical Center in critical condition where He later expired. The driver of the Chevrolet was also transported by Memphis Fire Department Ambulance unit #14 to St. Francis Hospital in non-critical condition.

On Thursday, May 13, 2004 at 5:40 p.m. Lt. R. Fittes #2720 Car 905c and the writer took photographs of the scene. The photographs are a part of this file.

On Thursday, May 13, 2004 at 6:05 p.m the writer and Sergeant W. Singleton #7885 Car 914c took measurements of the scene.

On Friday, May 14, 2004 at 2:21p.m. Sergeant B. DeHaan #2175 Car 913c took a handwritten statement from [redacted] female [redacted], of [redacted], Tn. [redacted], phone # [redacted], employed at Midtown Mental Health business phone (901)577-0252. The statement was taken at 1925 Union and is a part of this file.

Hospital Investigation:

On Thursday, May 13, 2004 at 5:25 p.m. , Sergeant P. Shaver # 8052, Car 924c arrived at the Regional Medical Center to conduct the hospital follow-up investigation. At 5:30 p.m. [redacted] arrived at the Regional Medical Center via by Memphis Fire Department Ambulance unit #7. Sergeant P. Shaver # 8052 notified [redacted] of [redacted] Cove Cordova Tn, [redacted] that [redacted] was involved in a Traffic crash and that she needed to come to the hospital as soon as possible. She is [redacted] wife.

[redacted] later expired and was pronounced dead by Doctor Elizabeth Pritchard on Monday, May 13, 2004 at 5:35 p.m. Sergeant P. Shaver # 8052 took photos of [redacted] at the Regional Medical Center (emergency room). The photographs are a part of the file.

At 7:15 p.m. Sergeant P. Shaver # 8052 was present when [redacted] of [redacted] Cove Cordova Tn, [redacted] (victim's wife) positively identified the body of [redacted]

Additional Information :

On Thursday, May 13, 2004, Sergeant P. Shaver # 8052 conducted a Shelby County Sheriff's Department records check and determined that [redacted] did not have a record. He also determined that [redacted] did not have any outstanding criminal warrants.

On Friday, May 14, 2004, Yolanda Hauer, the Special Traffic Investigation secretary contacted the Shelby County Medical Examiner's Office and was informed that the cause of death of [redacted] was caused by multiple blunt force injuries and was classified as "Accidental". Dr. Deering will sign death certificate.

The Special Traffic Investigation secretary was also informed that [redacted] Blood Alcohol Content was .000.

On Saturday, May 15, 2004 at 3:00 p.m., Sergeant B. DeHaan #2175 released the 2000 Ford Escape to [redacted] due to no further investigative need for the vehicle.

Independent Witness:

[redacted], female/white, [redacted], D.O.B. [redacted], of [redacted], Tn. [redacted] phone #([redacted], employed at Midtown Mental Health business phone (901)577-0252. Location at time of crash: Driving northbound Mt. Moriah Road in the curb lane behind the victim. She was driving a 2001 Toyota Sienna.

Investigating Officers :

Sgt. B. DeHaan #2175 Car 913c Case Coordinator
Sgt. W. Singleton #7885 Car 914c

Supervisors :

Lt. R. Fittes #2720 Car 905c

Other M.P.D. Officers :

PII A. Owens #9897 Car 328c
PII C. Smith #10628 Car 328c

Other Units :

Randle M.F.D.A #7
Matthews M.F.D.A. #7

Alford M.F.D.A. #14
Boyce M.F.D.A. #14

Respectfully Submitted,

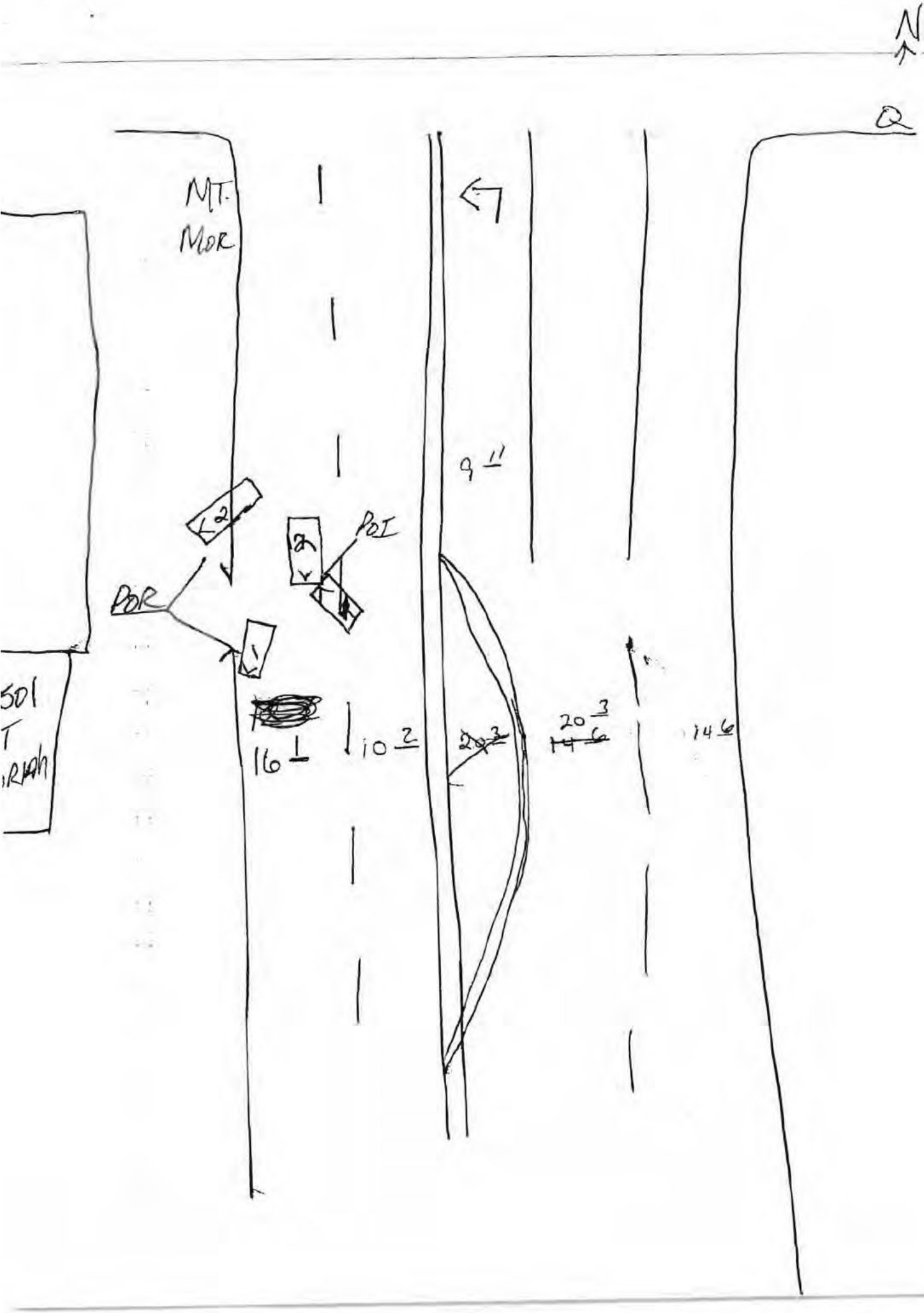
Sgt. B. DeHaan #2175

Approved By:

Shift Supervisor

Approved By:

Watch Commander


N
Q
MT.
MOR
POI
POR
9 11
16 1
10 2
20 3
14 6
501
T
RIAH

AOI
1400

~~137~~ 137 S/of S/ CL Quince Road
11 1 E/of W/ CL. Mt. Moriah Road

Veh #1 POR

RF 3 E/of W/ CL MT. Moriah.
RR 21 E/of W/CL MT. Moriah
RF 150 5 S/of S CL Quince
RR 142 1 S/of S CL Quince

Veh #2 Por

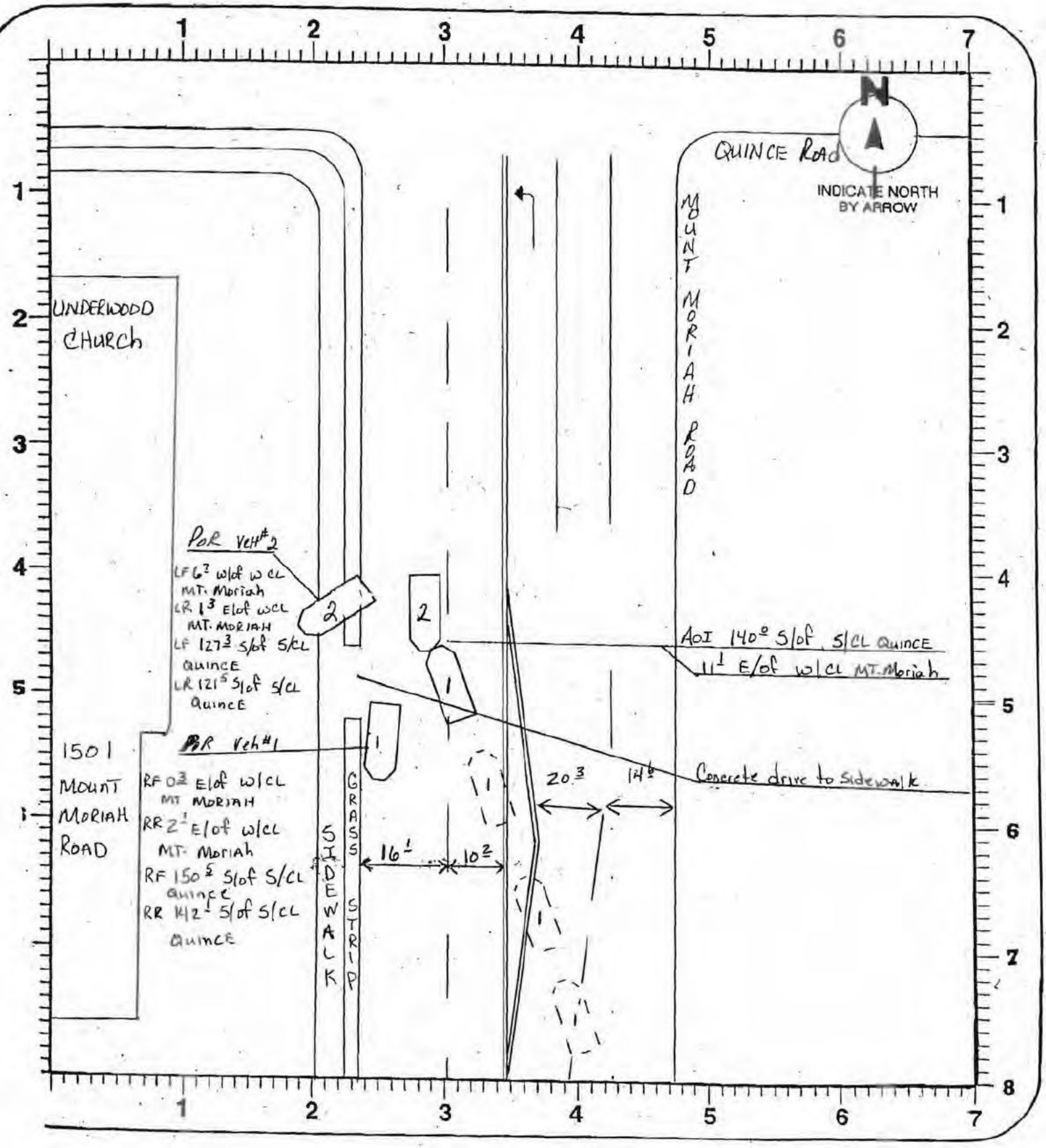
LF 6 7 W/of W/ CL MT. Moriah
LR 1 3 E/of W/ CL MT Moriah.
LF 127 3 S/of S/ CL Quince
LR 121 5 S/of S/ CL Quince

Veh #1
LF 59 E/of W/ CL MT. Moriah
LR ~~[illegible]~~ 8 E/of W/CL MT Moriah
LF 155 2 S/of S/ C Quince
LR 146 3 S/of S/ C Quince
Veh 2
RF 122 W/of W/ CL MT Moriah
RR 39 W/of W/ CL MT Moriah
RF 129 11 S/of S CL Quince
DR [illegible]

PE12-019 001131LC SUBJECT

SCENE DIAGRAM

PREPARED BY: Sgt. Dellaan 2175 **REPORT #:** [redacted]



TENNESSEE UNIFORM TRAFFIC CRASH REPORT - STATEMENT

PAGE of

Do Not Use	Document Control Number (Do Not Use)	Local Agency Use	Reference Number

Reporting Agency (1 ☐THP 3 ☐SO 2 ☐CPD 4 ☐OTHER)	Name of Investigating Agency	County	Code	Date of Crash (Month Day Year)

STATEMENT OF - Last Name [redacted] First Name [redacted] Middle Name Date of Birth [redacted] Age [redacted] Sex [redacted] Race BLK

Address - House #, Apt. #, Street [redacted] City Memphis ST TN ZIP [redacted] Home phone [redacted]

STATEMENT TAKEN AT - Location St Francis Taken by 914 Sgt W. Singleton 7885 Date 05-13-04 Time 1840

OTHER PERSONS PRESENT - Names

DL # [redacted] Exp 2005

Q What is your occupation? A Coder

Where do you work? ~~[redacted]~~ Hershey

How long have you [redacted] there? 975 Kansas Apt TN

Work phone? [redacted]

Q What is your connection with this crash? (Driver? Vehicle Occupant? Involved Pedestrian? Uninvolved Witness? etc)
A Driver

Q What road were you on? A Mt Moriah

Heading or facing what direction? ☐ North ☒ South ☐ East ☐ West

How fast were you traveling? miles per hour

Were you wearing a seatbelt / helmet? ☒ Yes ☐ No ☐ I was a pedestrian

Q What had you planned to do? Go straight? Turn? If turn, which way? Or other Movement?
A Go Straight

Q Where were you coming from and going to at the time of the crash?
A going to the Mall of Memphis

Q After the crash, where did you finally come to a stop?
A

Q Who else was with you at the time of the crash?
A

Q Within the 24 hours before the crash, had you taken any medicine or drank any alcohol? If so, what, when and how much?
A

Q What vehicle were you driving? A Chevy 1500 Red

Who owns the vehicle? yes

How often do you drive this vehicle?

Q How long since you learned to drive? Do you have a valid license? How long had you been driving on this trip before the crash?
A

Q As far as you know, is there anything mechanically wrong with the vehicle you were driving? Were the vehicle's light on?
A

Q What vehicles or people were on the road at the time of the crash?
A

Q Was it daylight or dark? What was the weather like? What was the road surface like? What was the road's condition?
A

Q Describe what you saw happen.
A All I know is I was going Southbound on Mt Moriah and when I crossed Quince a vehicle came cross the yellow lines and hit me head on. That's all I remember.

☐ Continued on back

I HAVE READ THIS STATEMENT AND IT IS MY TRUE AND ACCURATE ACCOUNT OF THE CRASH

[redacted] Signature

05-13-04 Date

SF1267 RDA1348

TENNESSEE UNIFORM TRAFFIC CRASH REPORT - STATEMENT

PAGE of

Do Not Use	Document Control Number (Do Not Use)	Local Agency Use	Reference Number

Reporting Agency (1 THP 3 SO 2 CPD 4 OTHER)	Name of Investigating Agency	County	Code	Date of Crash
2 CPD	Memphis Police Department	Shelby	79	05 13 2004

STATEMENT OF - Last Name	First Name	Middle Name	Date of Birth	Age	Sex	Race
[redacted]		L.	[redacted]		F	W

Address - House #, Apt. #, Street	City	ST	ZIP	Home phone
[redacted]	Memphis	Tn	[redacted]	

STATEMENT TAKEN AT - Location	Taken by	Date	Time
1925 Union	Sgt. B. DeHaro #2175	05/14/04	2:21 p.

OTHER PERSONS PRESENT - Names

Q What is your occupation? Where do you work? How long have you worked there? Work phone?
A Child Therapist Midtown Mental Health 6yrs [redacted]

Q What is your connection with this crash? (Driver? Vehicle Occupant? Involved Pedestrian? Uninvolved Witness? etc)
A Uninvolved Witness

Q What road were you on? Heading or facing what direction? How fast were you traveling? Were you wearing a seatbelt / helmet?
A Mt. Moriah. ☒ North ☐ South ☐ East ☐ West 30 miles per hour ☒ Yes ☐ No ☐ I was a pedestrian

Q What had you planned to do? Go straight? Turn? If turn, which way? Or other Movement?
A Going Straight

Q Where were you coming from and going to at the time of the crash?
A From work to home

Q After the crash, where did you finally come to a stop?
A In A driveway

Q Who else was with you at the time of the crash?
A My 4 year old Son [redacted]

Q Within the 24 hours before the crash, had you taken any medicine or drank any alcohol? If so, what, when and how much?
A No

Q What vehicle were you driving? Who owns the vehicle? How often do you drive this vehicle?
A 2001 Toyota Sienna I own it Every day

Q How long since you learned to drive? Do you have a valid license? How long had you been driving on this trip before the crash?
A 17 yrs Yes 30 minutes.

Q As far as you know, is there anything mechanically wrong with the vehicle you were driving? Were the vehicle's light on?
A —

Q What vehicles or people were on the road at the time of the crash?
A Heavy Traffic

Q Was it daylight or dark? What was the weather like? What was the road surface like? What was the road's condition?
A daylight Cloudy Dry Asphalt Level

Q Describe what you saw happen.
A I was following A 2000 Ford Escape N/B Mt. Moriah from Willow And was directly behind him. He was driving erratic and the vehicle was lurching and weaving from lane to Lane. We were travelling in the N/B curb lane. This occurred for Approx 30 seconds or so. He was not speeding. He began to cross All lanes of traffic and struck the red Chevrolet

☒ Continued on back

I HAVE READ THIS STATEMENT AND IT IS MY TRUE AND ACCURATE ACCOUNT OF THE CRASH

[redacted]
Signature

5-14-04 2:42 pm
Date

SF1267 RDA1348

HOSPITAL FOLLOW-UP INVESTIGATION

ACCIDENT SCENE: Quince & Mt. Moriah

DATE: 5-13-2004 TIME: 1653

OFFICER: Sgt. P Shaver IBM# 8052 CAR# 924C

OFFICER'S HOSPITAL CALL TIME: 1725 DATE: 5-13-2004

SCENE TIME: 1730 DATE: 5-13-2004

HOSPITAL: Regional Medical Center ER

VICTIM'S ARRIVAL TIME: 1730 DATE: 5-13-2004

TRANSPORTED BY UNIT: 7 MEDICS: B Matthew
T Randell

VICTIM INFORMATION

NAME: [redacted]

SEX: [redacted] RACE: W DOB: [redacted] AGE: [redacted]

ADDRESS: [redacted] PHONE:

CORDOVA TN ZIP: [redacted]

DRIVER'S LICENSE #: [redacted] STATE: TN

SOC. SEC #: [redacted] D.L. STATUS:

VICTIM'S CHEMICAL TEST REQUESTED: YES / NO REFUSED: YES / NO

TEST TYPE: BREATH ____ BLOOD ALCOHOL ____ BLOOD NARCO ____
URINE ALCOHOL ____ URINE NARCO ____

DATE: ____ TIME: ____

COLLECTED BY: ____ TITLE: ____

METRO DUI OFFICER: ____ S/IBM# ____ UNIT: ____

NEXT OF KIN INFORMATION

NAME: [redacted] RELATIONSHIP: wife

ADDRESS: [redacted] CV PHONE # [redacted]

CORDOVA, TN ZIP [redacted]

NEXT OF KIN NOTIFIED BY: Sgt P Shaver IBM# 8052 CAR 924C
DATE: 5-13-2004 TIME: 1833

OUTSTANDING WARRANTS: YES / (NO)
CHECKED BY: ____ TITLE: ____
DATE: ____ TIME: ____

BUREAU OF IDENTIFICATION CHECK: RECORD: YES / (NO) R&I# ____
CHECKED BY: ____ TITLE: ____
DATE: ____ TIME: ____

2004-05-13 20:35:55 Driver License Response From Tennessee

DR.TN0000000
20:01 05/13/04 11269
20:01 05/13/04 02886 TNMPD00A9
*DMXCBL1236
TXT
NAME: [redacted] K A
ADDRESS: [redacted]

CORDOVA TN [redacted]-0000
DR LIC NO: [redacted] BIRTH DATE: [redacted] LIC CLASS: D*** ENDRSE: ****
STICKER NO: 3461967 PREVIOUS CLASS: D***
ISSUE DATE: 20030128 EXPIRATION DATE: 20081107 ORGAN DONOR: NO
EYES: BR HAIR: BR SEX: M RACE: W HEIGHT: 6FT 01IN WEIGHT: 230
NON-CDL STATUS: VALID LICENSE
NON-CDL ELIGIBILITY DATE: 00000000 GUN PERMIT STATUS: VALID
CDL STATUS: NONE
CDL ELIGIBILITY DATE: 00000000
CURRENTLY REVOKED IN TN FOR DUI? NO DUI ON/AFTER 19970101: NO
SOC: [redacted] TOTAL NON-CDL RECS: 000 TOTAL CDL RECS: 000
RESTRICTIONS: CORRECTIVE LENS
DR .TN0000000.TNMPD00A9.*DMXCBL1236.
TXT

LIC NO	CASE	ACT	EVT DATE	ACT DATE	CNTY	SEC-AMT
039514907	2638521	701	19951129		79	00000000
	ACCIDENT - PROPERTY DAMAGE					
039514907	4171816	070	19960701		79	00000000
	ACCIDENT - PROPERTY DAMAGE					
039514907	6607791	003	20021211		79	00000000
	FAILURE TO OBEY TRAFFIC INSTRUCTIONS					

2004-05-13 20:44:39 Vehicle Registration Response From Tennessee



```
RR.TN0000000
20:10 05/13/04 13940
20:10 05/13/04 02927 TNMPD00A9
*DMXCBL1236
TXT
LIC[redacted]      VIN/1FMYU02183K[redacted]    MAKE/FORD YR/2003 EXP/20050228
TITLE/66611222       MODEL/ESC   BODY/4D VCO/ GLD
OWNER[redacted]      [redacted]     A  CO-OF-REG/SHELBY

ADDR/ [redacted]  [redacted]                                    WT/  000009000
     CORDOVA        TN [redacted]      CLSCD/1000 ISSYR/2000
```

FAX COVER SHEET FOR MPD
201 POPLAR AVE MEMPHIS, TN
901 545-2635

SENT TO Sgt Brian DeHaan
Traffic "C" Watch

FROM : Communications - SPRD C. Harper

Fax Number: 726-6719

Number of pages; 5

Notes/comments
Requested Info

Event Chronology

Event Number: P041341565

Date	Time	Term	Operator	Action
05/13/04	17:16:58	dp03	1120	EVENT CREATED: MPHS , Cross Streets= MT MORIAH RD / QUINCE RD , Name= 328 , Address= CING SITE 28 SECTOR C :901299698 , Call Source= ANI/ALI , Phone Number= (901) 262-8898 Agency= MPD , Group= TRF , Beat= 326 , Status= A , Priority= 2 , ETA= 0 , Hold Type= 0 , Primary Member= 0 , Current= F , Open Current= F , Type Code= ACCD - Accident , SubType Code= STIS - Special Traffic Investigation Needed CROSS REFERENCED TO EVENT= P041341506 EVENT COMMENT= MALE APPEARS TO HAVE PASSED OUT IN HIS VEHICLE... FDA ENRT. ** LOI search completed at 05/13/04 16:46:33 OCCUP A VOLVO STATION WAGON... DRIVER WAS A MW POSS IN HIS 50'S ** Cross Referenced to Event # P041341506 at: 05/13/04 17:16:58 HE WAS SWIRVING THEN STOPPED AT LIGHT AND HAS NOT MOVED ** >>>> by: METRICA M. SPEARS on terminal: dp03 SUBJ IS POSS SICK. 328 UNABLE TO LOC ** LOI search completed at 05/13/04 17:11:30 PER 328, WILL BE AN ACCD ****EXTREMELY CRIT VICT...UNIT 7 , XPRTED TO MED****
05/13/04	17:16:59	mead4	1120	EVENT COMMENT= ** LOI search completed at 05/13/04 17:16:59

PE12-019 001139LC SUBJECT

Date	Time	Term	Operator	Action
05/13/04	17:16:39	traffic	1124	Unit= 924 , Status= DP , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 8052
05/13/04	17:23:13	traffic	1124	Unit= 905 , Status= DP , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 2720
05/13/04	17:23:14	traffic	1124	Unit= 905 , Status= AR , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 2720
05/13/04	17:24:18	dp03	1120	EVENT COMMENT= PER MED...VICT STILL VERY CRIT 17:24
05/13/04	17:27:08	traffic	1124	Unit= 914 , Status= DP , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 7885
05/13/04	17:27:10	traffic	1124	Unit= 917 , Status= DP , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 8884
05/13/04	17:27:15	traffic	1124	Unit= 924 , Status= CL , Location= 877 JEFFERSON AVE MPHS: @MED , Employee= 8052 Unit= 924 , Status= ER , Location= 877 JEFFERSON AVE MPHS: @MED , Employee= 8052
05/13/04	17:27:22	traffic	1124	Unit= 913 , Status= DP , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 2175
05/13/04	17:29:45	traffic	1124	Unit= 924 , Status= AR , Location= 877 JEFFERSON AVE MPHS: @MED , Employee= 8052
05/13/04	17:33:57	traffic	1124	Unit= 913 , Status= AR , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 2175
05/13/04	17:37:08	traffic	1124	Unit= 914 , Status= ~ , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 7885
05/13/04	17:37:18	traffic	1124	Unit= 917 , Status= ~ , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 8884
05/13/04	17:38:18	traffic	1124	Unit= 905 , Status= ~ , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 2720
05/13/04	17:42:17	traffic	1124	Unit= 914 , Status= CU , Comment= Alarm Timer Extended: 0 , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 7885 Unit= 905 , Status= CU , Comment= Alarm Timer Extended: 0 , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 2720
05/13/04	17:42:18	traffic	1124	Unit= 917 , Status= CU , Comment= Alarm Timer Extended: 0 , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 8884
05/13/04	17:44:36	traffic	1124	Unit= 914 , Status= AR , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 7885

PAGE 04/05
MPD COMM
08/11/2004 19:35 5452635

Date	Time	Term	Operator	Action
05/13/04	17:44:48	traffic	1124	Unit= 924 , Status= ~ , Location= 877 JEFFERSON AVE MPHS: @MED , Employee= 8052
05/13/04	17:48:58	traffic	1124	Unit= 913 , Status= ~ , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 2175
05/13/04	17:59:26	traffic	1124	Unit= 913 , Status= CU , Comment= Alarm Timer Extended: 0 , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 2175 Unit= 924 , Status= CU , Comment= Alarm Timer Extended: 0 , Location= 877 JEFFERSON AVE MPHS: @MED , Employee= 8052
05/13/04	17:59:38	traffic	1124	Unit= 914 , Status= ~ , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 7885
05/13/04	18:00:32	traffic	1124	Unit= 917 , Status= AV , Comment= Preempt , Employee= 8884
05/13/04	18:02:10	dp03	1120	CROSS REFERENCED TO EVENT= W041340081
05/13/04	18:08:03	traffic	1124	Unit= 914 , Status= CU , Comment= Alarm Timer Extended: 0 , Location= MT MORIAH RD/QUINCE RD MPHS , Employee= 7885
05/13/04	18:26:43	traffic	1124	Unit= 914 , Status= CL , Location= 5959 PARK AVE MPHS: @ST FRANCIS , Employee= 7885 Unit= 914 , Status= ER , Location= 5959 PARK AVE MPHS: @ST FRANCIS , Employee= 7885
05/13/04	18:44:06	traffic	1124	Unit= 913 , Status= CL , Location= 1925 UNION AVE MPHS: @TRF OFFICE , Employee= 2175 Unit= 913 , Status= ER , Location= 1925 UNION AVE MPHS: @TRF OFFICE , Employee= 2175
05/13/04	19:05:45	traffic	1124	Unit= 905 , Status= AV , Employee= 2720
05/13/04	19:05:49	traffic	1124	Unit= 914 , Status= AR , Location= 5959 PARK AVE MPHS: @ST FRANCIS , Employee= 7885
05/13/04	19:05:51	traffic	1124	Unit= 913 , Status= AR , Location= 1925 UNION AVE MPHS: @TRF OFFICE , Employee= 2175
05/13/04	19:20:50	stab	9581	Unit= 914 , Status= ~ , Location= 5959 PARK AVE MPHS: @ST FRANCIS , Employee= 7885
05/13/04	19:20:57	svcdesk	2902	Unit= 913 , Status= ~ , Location= 1925 UNION AVE MPHS: @TRF OFFICE , Employee= 2175
05/13/04	19:23:24	traffic	1124	Unit= 913 , Status= CU , Comment= Alarm Timer Extended: 0 , Location= 1925 UNION AVE MPHS: @TRF OFFICE , Employee= 2175

PE12-019 001141LC SUBJECT

Date	Time	Term	Operator	Action
05/13/04	19:23:25	traffic	1124	Unit= 914 , Status= CU , Comment= Alarm Timer Extended: 0 , Location= 5959 PARK AVE MPHS: @ST FRANCIS , Employee= 7885
05/13/04	19:57:34	traffic	1124	Unit= 924 , Status= CL , Location= 1925 UNION AVE MPHS: @W PCT , Employee= 8052 Unit= 924 , Status= ER , Location= 1925 UNION AVE MPHS: @W PCT , Employee= 8052
05/13/04	20:31:43	traffic	913	Unit= 924 , Status= AR , Location= 1925 UNION AVE MPHS: @W PCT , Employee= 8052
05/13/04	20:46:47	svcdesk	2907	Unit= 924 , Status= ~ , Location= 1925 UNION AVE MPHS: @W PCT , Employee= 8052
05/13/04	21:58:43	traffic	913	Unit= 913 , Status= AV , Employee= 2175
05/13/04	21:58:46	traffic	913	Unit= 914 , Status= AV , Employee= 7885
05/13/04	21:58:49	traffic	913	Agency= MPD , Group= TRF , Beat= 326 , Status= A , Priority= 2 , ETA= 0 , Hold Type= 0 , Primary Member= 0 , Current= T , Open Current= F , Type Code= ACCD - Accident , SubType Code= STIS - Special Traffic Investigation Needed EVENT CLOSED: Unit= 924 , Status= AV , Employee= 8052

PE12-019 001142LC SUBJECT

Day: Thursday Date: 05/13/04 **MEMPHIS POLICE DEPARTMENT** Reviewed By: _____

Call #: 913 P#: 9200 **TRAFFIC DIVISION**

Officer: B. Dehaan IBM#: 2175 **S.T.I.S.**

WORKSOURCE			ACCIDENT INVESTIGATION ACTIVITY							INVESTIGATIVE ACTIVITY								PATROL ACTIVITY					TOWING ACTIVITY			ENFORCEMENT ACTIVITY							
CALLS	DETAILS	SPECIALS	FATALITY	CRITICAL	FIRE EQUIP	POLICE EQUIP	ELDERLY	PERSONAL INJURY	PROPERTY DAMAGE	ASSIST INV	FOLLOW UP INV	HABITUAL	OTHER FELONY	HIT & RUN INV	INTENTIONAL ACT	POLICE PURSUIT	H & R SOLVED	ABANDONED VEH	ASSIST MOTOR	CRIMINAL CALLS	MAYORS ACTION	TRAFFIC CONTROL	STOLEN VEH TOW	TOW BY NOTICE	OTHER TOWS	LONG TICKETS	SHORT TICKETS	COURTESY TICKETS	TOW NOTICES	JUVENILE SUMMONS	MISD CITATION	MISD ARREST	FELONY ARREST
1		2	1											3											2							

OUT	SCENE	IN	TIME	LOCATION	NATURE	DISPOSITION
1400	/	1600	2:00	1925 Union	SPEC.	EQ/R.C./ 3 H&R F.U
1718	1723	1845	1:28	MT. Moriah Quince	Accident W/INJ	1 FATAL
1845	/	2145	3:00	1925 Union	SPEC	Complete Report

6016909

MEMPHIS POLICE DEPARTMENT
TRAFFIC BUREAU
ROLL CALL

HRS. DATE May 13, 2004

DAYS OFF DAY OF WEEK: S S M T W T F

May 1, 2004 Thru May 28, 2004
Effective Date

	905	FITTES, R. G. #2720	LIEUTENANT	A	(A) DAYS OFF	S/S	3
R	906	VIDULICH, E. A. #9045	LIEUTENANT	C	(B) DAYS OFF	M/T	2
					(C) DAYS OFF	W/T	2

	NAME IBM#	RADIO#	P #	SECTION CAR #	IN OUT	OVT	OFF SIG FOR OVT
R	COPELAND, R. # 1513	B	8137	916	___		
P	DEHAAN, B. D. #2175	B	9200	913	___		
R	MILLER, I. L. #5540	C	9232	911	___		
P	SHAVER, P. F. #8052	S/S	9233	924	___		[signature]
P	SINGLETON, W. #7885	A	8133	914	___		[signature]
P	TULLOS, M.R. #8884	A	9196	917	___	0112 hrs 3 hrs 12 min	[signature]
R	YOUNG, P. #9836	C	8138	915	___		
					___		

COMMENTS:

[signature]

To protect the privacy of individuals, NHTSA does not make medical records available to the public without authorization. For this reason, documents falling into this category have not been included in this complaint record.

HAAN

State of Tennessee
TENNESSEE BUREAU OF INVESTIGATION
MEMPHIS CRIME LABORATORY
6325 Haley Road
Memphis, Tennessee 38134
(901) 379-3400
Facsimile (901) 372-5963

PHIL BREDESEN
Governor

DAVID GRISWOLD
Interim Director

OFFICIAL ALCOHOL REPORT

TO: Feng Li
Shelby Co. M.E.
1060 Madison
Memphis, TN 38104

DATE ISSUED: 6/21/04
LAB CASE NO: 043002555
COUNTY: Shelby
AGENCY CASE NO: 20041920

SUBJECT(S):
[redacted]

VICTIM(S):

Received From: Braswell, Cervinia
Received By: Ray, Kimberly
Date Received: 6/4/04
Time Received: 1:30 pm

Date / Time Collected
05/14/04 08:15 AM

EXHIBIT(S):

01	Blood Sample
02	Vitreous sample

Results:	Substance Type	Amount	Date / Time Analyzed:
01	Ethyl Alcohol (Gram %)	Negative	6/12/04 12:43
02	Ethyl Alcohol (Gram %)	Negative	6/12/04 12:47

DISPOSITION:
Reports on additional toxicology analyses will follow.

Respectfully Submitted,

Robert Marshall

H. Robert Marshall
Special Agent / Forensic Scientist

6/24/04

I certify and attest that this document is the proper record it purports to be.

Designated Representative of Director TBI (T.C.A. 38-6-107 and/or 55-10-410)

INTERNATIONALLY ACCREDITED SINCE 1994

HAAN

State of Tennessee
TENNESSEE BUREAU OF INVESTIGATION
MEMPHIS CRIME LABORATORY
6325 Haley Road
Memphis, Tennessee 38134
(901) 379-3400
Facsimile (901) 372-5963

PHIL BREDESEN
Governor

MARK GWYN
Director

OFFICIAL TOXICOLOGY REPORT

TO: Feng Li
Shelby Co. M.E.
1060 Madison
Memphis, TN 38104

DATE ISSUED: 7/6/04
LAB CASE NO: 043002555
COUNTY: Shelby
AGENCY CASE NO: 20041920

SUBJECT(S): [redacted]

VICTIM(S):

Received From: Braswell, Cervinia
Received By: Ray, Kimberly
Date Received: 6/4/04
Time Received: 1:30 pm

EXHIBIT(S):
01 Blood Sample

RESULTS	Substance	Amount
01	Atropine	Positive
	Negative barbiturate EMIT screen	
	Negative benzodiazepine EMIT screen	
	Negative cannabinoid EMIT screen	
	Negative cocaine EMIT screen	
	Negative opiate EMIT screen	

DISPOSITION:
Evidence will be destroyed after 60 days.

Respectfully Submitted,

Tonya L. Horton

Tonya L. Horton, Ph.D.
Special Agent / Forensic Scientist

I certify and attest that this document is the proper record it purports to be.

Designated Representative of Director TBI (T.C.A. 38-6-107 and/or 55-10-410)

FN 7-8-04

INTERNATIONALLY ACCREDITED SINCE 1994

ACCIDENT SCENE PERSONNEL LOG

LOCATION: Mt. Moriah S/of Quince

DATE: 05/13/04

INVESTIGATOR IN CHARGE: Sgt. DeHaan

STIS INVESTIGATORS:

RANK	NAME	IBM	CAR
CAPT.			
CAPT.			
LT.	R. Fittes	2720	905
LT.			
SGT.	W. Singleton	7885	914
SGT.	B. DeHaan	2175	913
SGT.			
SGT.			
SGT.			
SGT.			

OTHER TRAFFIC OFFICERS/PSTS:

RANK	NAME	IBM	CAR

OTHER POLICE OFFICERS:

RANK	NAME	IBM	CAR
PII	A Owens	9897	328c
PII	C. Smith	10628	328c.

FIRE DEPARTMENT PARAMEDICS:

UNIT	NAME
7	Randle / Matthews
14	Alford / Boyce

FIRE DEPARTMENT ENGINE CO:

Truck #15.

BODY REMOVAL:

UNIT	NAME

UNIT	NAME

(FORM 19991008jhw)

Global Search Results

MLGW DATA:

Meter	Strnum	Strdr	Strname	Strdsg	Apt	City	Customer	Socsec	Onoff	Phone	7
157	1371		WOODSTON			M	[redacted]	[redacted]		[redacted]	38

Back to Global Search

Developed By:

Sgt. S. J. Catanzaro 577-1209

Lt. J.Harvey 577-1296

PE12-019 001150LC SUBJECT

Stall No.

VEHICLE TO VEHICLE STORAGE

Ticket No.

Make of Car FORD Model ESCAPE Color

VIN/Serial No. 1FMYU02183K[redacted]

Lic. #[redacted] Year 05 State TN

Where Found 1501 M.T. Morgan

Date 5-13-09 Time

Keys in Car Yes Trunk Locked Yes Radio Yes

Was Car Driven In? NO By Shelley's

Personal Property in Car 1 Needle 1 Pair Glasses 1 Black Shoe 2 Cell Phone Cords

Property Tagged at Property Room NO

Parts of Car Damaged or Missing FRONT END / AIR BAGS

Was Car sent to Vehicle Storage Yes Was Car sent to Private Lot

Name and address of Private Lot

Was the VIN checked through NCIC by the officer(s) authorizing the tow? Yes

Reason for not checking

Why was the car towed in Accident

Driver or Owner 's name

Address

City and State

R&I

Officer C Smith Badge No. 10628

Officer Badge No.

Car No. 3287 Division or Precinct East C

Signature of Wrecker Driver

Signature of VSLA

PE12-019 001151LC SUBJECT

Stall No.

Ticket No.

VEHICLE TO VEHICLE STORAGE

Make of Car Chevrolet Model Cheyenne Color RED

VIN/Serial No. 2GCEC14 [redacted]

Lic.# [redacted] Year 04 State TN

Where Found 1501 Mt Moriah

Date 05-13-04 Time 4:55

Keys in Car Yes Trunk Locked _____ Radio Yes

Was Car Driven In? NO By _____

Personal Property in Car Set of Keys 2 Boots

Property Tagged at Property Room NO

Parts of Car Damaged or Missing FRONT END

Was Car sent to Vehicle Storage Yes Was Car sent to Private Lot _____

Name and address of Private Lot Shelly's

Was the VIN checked through NCIC by the officer(s) authorizing the tow? Yes

Reason for not checking _____

Why was the car towed in Accident

Driver or Owner 's name _____

Address _____

City and State _____

R&I

Officer C Smith Badge No. 13629

Officer _____ Badge No. _____

Car No. 328 Division or Precinct East C

Signature of Wrecker Driver _____

Signature of VSLA _____

PE12-019 001152LC SUBJECT

Dep. Rec. Schmidt
Ruth Murray
Mike Hughes
Melanie Dorsey
Insp. Bobby Todd

UNUMPROVIDENT

FAX COVER SHEET

DATE: ~~June 28, 2004~~ 7/19/04

TO: DEPUTY JEFFERSON
PHONE:
FAX: 901-576-6524

FROM: TRACEY MOWATT
SENIOR AD&D SPECIALIST
PHONE: 1-800-445-0402, ext. # 58758
FAX: 1-207-575-4091

RE: [redacted]
Number of Pages: 2
(including cover)

MESSAGE

Thank you for your assistance with this matter.

Tracey

Tracey Mowatt

UNUMPROVIDENT

UNUMPROVIDENT CORPORATION
Group Life/Special Risk Benefits Center
PO Box 9061
Portland, ME 04104-5046
FAX: 1-207-575-4098

June 28, 2004

DEPUTY ALBERT JEFFERSON
CITY ATTORNEY'S OFFICE
MEMPHIS POLICE DEPARTMENT

RE: [redacted]
Claim No:
Policy No:
Report No : [redacted]

Dear Deputy Jefferson:

I am currently reviewing a claim for Accidental Death/Dismemberment Benefits for the above insured and need additional information. As per our telephone conversation, please provide me with a copy of the Witness Statements pertaining to the motor vehicle accident which took the life of, and which occured on May 13, 2004 in Memphis, Tennessee, Mt. Moriah Road.

This request for information is being made pursuant to the Freedom of Information Act (5 U.S.C. § 551 et. seq.) and any state law that has adopted the provision of this act in whole or in part.

You are welcome to fax this information to my attention at 207-575-4091. Please include with your report a copy of necessary police codes. Thank you for your assistance in this matter. If you have any questions, please do not hesitate to call me at the toll-free number below.

Sincerely,

Tracey Mowatt

Tracey Mowatt, Senior Life Benefits Specialist-AD/D
Unum Life Insurance Company of America
1-800-445-0402, ext. # 58758

cc: file

576-6501

To protect the privacy of individuals, NHTSA does not make medical records available to the public without authorization. For this reason, documents falling into this category have not been included in this complaint record.

FIRST RESPONDER CODE SHEET

A. EMERGENCY UNIT

1 through 28 MFD Unit Number
50. False Alarm
75. Stopped by Radio
99. Not Transported – See Remarks

B. TYPE OF CALL

1. All Terrain Vehicle
2. Motor Vehicle
3. Motorcycle
4. Recreation Vehicle
5. Pedestrian
6. Other Trauma
7. Assault
8. Burn
9. Fall
10. Fire Alarm
11. Gun Shot Wound
12. Stabbing
13. Illness
14. Behavioral
15. Choking
16. Maternity/Childbirth
17. Seizure
18. Unconscious/Man Down
19. Evacuation
98. Other - See Remarks

C. ILLNESS/EMERGENCY

1. Airway Obstruction
2. Respiratory Arrest
3. Respiratory Distress / Asthma / COPD
4. Cardiac Arrest
5. Chest Pain (cardiac related)
6. CHF/Pulmonary Edema
7. Hypertensive Crisis
8. Syncope
9. Unconsciousness
10. CVA
11. Seizure
12. Diabetes
13. G. I. Problems
14. Abdominal Pain
15. OB/GYN
16. Childbirth
17. Infectious Disease
18. Allergic Reaction
19. Poison/Overdose
20. Sting/Bite
21. Hypothermia
22. Hyperthermia
23. Drowning/Near Drowning
24. Smoke Inhalation
25. Behavioral Emergency
26. Sexual Assault
27. Trauma-Any Type
28. DOA
98. Other - See Remarks

D. PROCEDURES & EQUIPMENT

1. Intubation - E.T.
2. Intubation – PtL® /Combitube
3. Ventilation
4. Airway – Nasal/Oral
5. Suction
   CPR
   EKG Monitoring
   Defibrillator/Cardioversion
   Needle Thoracotomy
10. IV
11. INT
12. IO
13. Glucose Test
14. Dressing/Bandage
15. Spinal Immobilization/C Collar
16. Splint
17. Traction Splint
18. MAST
19. OB Kit
20. Rescue/Extrication
21. Police Requested
22. Patient Arrested
98. Other-See Remarks

DRUGS

1. Adenosine
2. Albuterol
3. Atropine
4. Benadryl
5. Bretylium
6. Calcium Choloride
7. Cardene
8. Dextrose 50%
9. Dextrose 25%
10. Dopamine
11. Epinepherine 1:1,000 1ml
12. Epinepherine 1:1,000 30ml
13. Epinepherine 1:10,000
14. Instant Glucose
15. Isuprel 1mg
16. Lasix
17. Lidocaine 5cc 100mg
18. Lidocaine 50cc 2gm
29. Morphine 10mg
20. Narcan
21. Nitroglycerine
22. Oxygen
23. Phenergan
24. Pronestyl
25. Sodium Bicarbonate
26. Stadol
27. Valium 10 mg
28. Verapamil
50. D5W 500cc
51. Normal Saline 1000cc
52. Ringers Lactate 1000cc
53. NS Flush 30cc
54. Condom
98. Other - See Remarks
99. No Drugs Admin-See Remarks

Revised AUG1999



IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

[redacted], for herself
and as next of kin to
[redacted]

PLAINTIFF,

VS.

NO. CT-00[redacted]2583-05
DIV. I

FILED
MAY 10 2005
CIRCUIT COURT CLERK
BY D.C.

[redacted]
DOBBS FORD AT WOLFCHASE, INC.,
AUTONATION, INC., and
FORD MOTOR COMPANY,

DEFENDANTS.

COMPLAINT

COMES now the Plaintiff and alleges the following for cause of action:

I.

JURISDICTION, VENUE, AND PARTIES.

1. The acts complained of occurred in Shelby County, Tennessee.

2. [redacted] is a resident of Shelby County, Tennessee, residing at [redacted], Cordova, Tennessee [redacted]

3. [redacted] and [redacted] were married in Shelby County, Tennessee on May 4, 1990.

4. [redacted] died in Shelby County, Tennessee on May 13, 2004 from multiple blunt force trauma causing the rupture of his aorta, which he experienced in an

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automobile accident caused by the negligence of the defendants, more particularly described below.

5. [redacted] had no children and [redacted] was his sole surviving heir and next of kin.

6. [redacted] is a resident of Shelby County, Tennessee and, at all times relevant herein, was employed by Dobbs Ford at Wolfchase, Inc.

7. Ford Motor Company, with its principal offices located at One American Road, Room 612, Dearborn, Michigan 48126-1899, is a Delaware corporation and is qualified to do business in Tennessee and is doing business in Shelby County, Tennessee and was doing business in Shelby County, Tennessee at all times relevant herein.

8. Dobbs Ford at Wolfchase, Inc., with principal offices at 110 Southeast 6th Street, Fort Lauderdale, Florida 33301, is a Delaware corporation doing business in Shelby County, Tennessee at 7925 Highway 64, Memphis, Tennessee 38133-4007 and was doing business in Shelby County, Tennessee at all times relevant herein.

9. AutoNation, Inc., with its principal offices at 110 S.E. 6th Street, Fort Lauderdale, Florida 33301, is a Delaware corporation doing business in Shelby County, Tennessee as Dobbs Ford at Wolfchase, Inc. located at 7925 Highway 64, Memphis, Tennessee 38133-4007 and was doing business in Shelby County, Tennessee at all times relevant herein.

10. At all times relevant herein, Dobbs Ford at Wolfchase, Inc. was a franchise and subsidiary of AutoNation, Inc. doing business in Shelby County, Tennessee.

11. At all times relevant herein, AutoNation, Inc., and Dobbs Ford at Wolfchase, Inc. were agents and apparent agents of Ford Motor Company in Shelby County, Tennessee.

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a. AutoNation, Inc. and Dobbs advertise automobiles for sale in Shelby County, Tennessee under the logo of the Ford Motor Company.

b. Dobbs's vehicle invoice and bill of sale contain the Ford Motor Company logo. Dobbs's windshield sticker carries the Ford Motor Company logo. Dobbs's letterhead carries the Ford Motor Company logo.

c. Dobbs agreed on behalf of Ford to provide [redacted] Ford Motor Company 36/36 Bumper to Bumper covered warranty repairs at no charge during the warranty period, the warranty cost having been included in the purchase price [redacted] paid to Dobbs.

d. Dobbs held itself out as a Ford Motor Company Dealer, agreeing to repair, replace, or adjust all parts on [redacted] vehicle that were defective in factory-supplied materials and with factory-supplied workmanship.

e. Dobbs and Ford represented that Dobbs would use Ford or Motorcraft parts for repairs under the warranty.

f. Dobbs's salesman, [redacted] and other Dobbs employees, made oral representations to [redacted] concerning Ford's warranties and service under the warranty.

g. Ford Motor Company was aware of AutoNation, Inc. and Dobbs's representations.

h. Ford Motor Company encouraged AutoNation, Inc. and Dobbs in these representations and agreed that AutoNation, Inc. and Dobbs had authority to make such representations on its behalf.

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i. [redacted] had knowledge of Dobbs's representations as to Ford Motor Company and had a good faith belief that Dobbs possessed such authority to make such representations.

j. [redacted] relied on Dobbs's apparent authority and bound himself in contract to Dobbs on the basis of that authority and those representations.

k. Neither Ford, AutoNation, Inc., nor Dobbs disclaimed agency.

12. At all times relevant herein, Ford Motor Company, directly and through its subsidiaries, AutoNation, Inc., and Dobbs were engaged in a joint enterprise or a joint venture.

a. The common purpose of the joint venture is and was to earn money through the sale of Ford automobiles and services in Shelby County, Tennessee, with Ford manufacturing the automobiles and AutoNation, Inc. and Dobbs providing the customer contact and performing the warranty work.

b. Ford, AutoNation, Inc., and Dobbs have various written and oral agreements, which are expressed or implied and equal rights to control the venture.

II.

FACTS.

13. On January 12, 2000, Ford introduced its new 2001 Ford Escape for the first time at the 2000 North American Auto Show in Detroit.

14. On January 12, 2000, Ford Motor Company provided a press release describing the 2001 Ford Escape as a small sport utility vehicle, which offers:

a. Nimble maneuverability,

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b. Sport styling with rugged capability of off road driving,

c. Most spacious interior package in its class at 132.9 cubic feet with versatility for carrying cargo as well as passengers,

d. Driving safety and confidence, and

e. A capable vehicle designed, tested, and built to Ford truck standards.

15. Ford began selling the Ford Escape through Dobbs during the summer of 2000.

16. Ford manufactured [redacted] Ford Escape, VIN# 1FMYU02183[redacted] on December 3, 2002 at its Kansas City Assembly Plant and transported it to Dobbs in Memphis, Tennessee for resale.

17. Ford or a Ford subsidiary provided "floor plan" financing to Dobbs for the purchase of the vehicle. The "floor plan" financing is part of the joint venture arrangement alleged in paragraph 12.

18. On February 21, 2003, through [redacted] Dobbs sold the Ford Escape to [redacted]

19. As a sales and marketing incentive, Ford offered a $1,000.00 rebate for the purchase of the vehicle. The rebate program was or is part of the joint venture arrangement alleged in paragraph 12.

20. Unknown to [redacted], but known by [redacted] Dobbs, AutoNation, Inc., and Ford. [redacted] Escape was manufactured and sent from the Kansas City Assembly Plant with defective seat belt buckles, defective 3.0L LHD accelerator cable, and a defective driver's side air bag.

21. Ford announced a prior 2001 seat belt buckle recall on July 13, 2002 due to the buckles not latching properly. This recall involved 1.4 million model year 2001 vehicles.

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22. Ford or Ford's seat belt supplier manufactured the seat belt buckle in such a manner that the tongue does not latch when inserted or partially latches and only appears engaged, resulting in the belt coming free in an accident and injuring an occupant.

23. Ford manufactured and installed [redacted] Escape in such a manner that the accelerator cable liner was caused to migrate out of the accelerator cable conduit, preventing the throttle from returning to the idle position when the driver removes his foot from the accelerator pedal. The result of the defect is that the vehicle has a tendency to not return to idle speed while driving and resulting in increased stopping distances when the brakes are applied, or resulting in loss of control. The unexpected increase in engine idle speed increases stopping distances and can result in a vehicle crash without warning.

24. On May 13, 2004 at about 1644, [redacted] was driving his 2003 Ford Escape North on Mount Moriah Road in Memphis, Tennessee approaching the intersection with Quince Road when the defective accelerator cable lining prevented the vehicle from returning to idle when [redacted] removed his foot to slow down at the intersection. The vehicle had an automatic transmission, and, therefore, [redacted] was unable to depress a clutch to prevent the engine over-speed causing loss of control. Due to the engine over-speed and rainy conditions, the vehicle lost traction on the wet road surface, accelerated, veered across the centerline and into the southbound lane of Mount Moriah Road where [redacted] vehicle struck a 1981 Chevrolet truck.

25. [redacted] seat belt tongue failed to latch into the buckle and came free at the point of impact.

26. The air bag was undersized and incapable of preventing injury and failed to properly deploy to protect [redacted].

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27. [redacted] was propelled forward, impacting the steering wheel, dash, and windshield, sustaining severe trauma, which caused rupture of his aorta or great vessels and internal bleeding, and, ultimately, his death.

28. [redacted] remained in the vehicle until 1655, experiencing conscious pain and finally suffering a cardiac arrest.

29. At 1655 Emergency Medical Technicians initiated resuscitation procedures and transported [redacted] to the Emergency Department of The Regional Medical Center, arriving at approximately 1725. Doctors at the Emergency Room continued resuscitation efforts until 1733, when doctors inserted a chest tube that produced two (2) liters of blood. They were unsuccessful in the resuscitation, and pronounced [redacted] dead.

30. [redacted] died as a result of the multiple blunt force injuries he experienced in the crash of his 2003 Ford Escape.

31. Ford, while not necessarily having made or fabricated the seat belt buckles, driver's side air bag, and accelerator cable in [redacted] 2003 Escape, nevertheless, placed its name or brand upon the vehicle in which it installed this equipment.

32. AutoNation, Inc., while not having manufactured the seatbelt buckle, accelerator cable, or driver's side air bag or the vehicle itself, nevertheless, allowed its franchise, Dobbs Ford at Wolfchase, Inc., to stock, make representations regarding, sell, and place its name or brand upon the vehicle sold to [redacted]

33. Dobbs, while not having manufactured the seat belt buckle, accelerator cable, driver's side air bag, or the vehicle itself, nevertheless, placed its name or brand upon the vehicle it sold to [redacted]

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34. [redacted] Ford, and Dobbs by affirmative actions and representations, caused [redacted] to believe that Ford was the manufacturer of the 2003 Ford Escape sold to [redacted] including its component parts.

III.

CAUSE OF ACTION

35. Ford, the manufacturer of [redacted] 2003 Escape, is liable for the finished vehicle as it assembled it in its Kansas City plant and had a duty to use reasonable care to design, manufacture, test, inspect the vehicle, and to warn of defects in its assembled vehicle although a defect in its seat belt buckle, driver's side air bag, and accelerator cable may have been created by the negligence of a supplier or prior assembler.

36. Ford failed to use reasonable care to design, manufacture, test, and inspect the vehicle and to detect the defect in the seat belt buckle, the driver's side air bag, and the accelerator cable, and [redacted] was injured and died as a result.

37. Ford had a duty to design the seat belt buckle, driver's side air bag, and accelerator cable in [redacted] 2003 Escape in such a manner that it did not create a latent or hidden danger in the use of the vehicle which [redacted] could not know and avoid.

38. Ford, in the exercise of reasonable and ordinary care, should have foreseen the consequences of the danger of the use of the seat belt buckle, driver's side air bag, and the accelerator cable.

39. Ford failed to use reasonable and ordinary care in the design, manufacturing, testing, and inspecting and the selecting, testing, and inspection of the component parts, the seat belt buckle, the driver's side air bag, and accelerator cable, installed defective buckle, air bag,

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and accelerator cable in [redacted] Ford Escape and as a direct, proximate, legal, and factual result [redacted] was injured and died.

40. It was foreseeable by Ford that [redacted] 2003 Escape would be used and operated by him in such a manner that the vehicle would crash. Ford, therefore, had a duty to design and fabricate a seat belt buckle and driver's side air bag, which would properly latch and would withstand the impact of a collision and prevent the driver from impacting the steering wheel, dash, and windshield.

41. Ford negligently designed or fabricated the seat belt buckle and driver's side air bag in a dangerous manner for the use intended.

42. [redacted] seat belt buckle and driver's side air bag failed in the crash, he hit the steering wheel, the dash, and windshield, was injured and died, when a properly designed seat belt buckle and air bag would have prevented these impacts, his injuries, and his death.

43. Ford knew its Escape vehicles would be resold by AutoNation, Inc. and Dobbs to end users.

44. Ford had a duty to inspect and to test its seat belt buckles, driver's side air bag, and accelerator cables included in its Escape vehicles. Ford failed to use reasonable and ordinary care under the circumstances to inspect and test its seat belt buckles, driver's side air bag, and accelerator cables and placed [redacted] Escape vehicle in the stream of commerce with defective or unreasonably dangerous seat belt buckles, driver's side air bag, and accelerator cables. As a direct, proximate, legal, and factual result [redacted] was injured and died.

45. With regard to its Escape vehicles, [redacted] Dobbs, and Ford had a duty to exercise reasonable care to adequately warn or inform the users of its Escape vehicles of

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any known or foreseeable danger from the use of the vehicle which it knew or had reason to know the user would not realize.

a. In 2001, the Defendants had notice of defective seat belt buckles for all 2001 model year Escapes built at the Kansas City Assembly plant from October 22, 1999 through May 31, 2001.

b. The Defendants knew that a plastic part inside the front seat belt buckle may break, allowing the buckle latch mechanism to wedge against the broken post.

c. The Defendants knew that the defective plastic post might lead to a no latch or partial latch condition in which the tongue may be inserted into the buckle and appear to be engaged but is not.

d. The Defendants knew that, in the event of an accident, either condition might result in injury to the occupant of the vehicle, but failed to correct the defect in subsequent seat belt buckles and failed to warn purchasers of subsequent vehicles. As a direct, proximate, factual, and legal result, [redacted] was injured and died.

46. [redacted] AutoNation, Inc. and Dobbs had a duty to exercise reasonable care in the sale of [redacted] Ford Escape, considering the known dangers involved in the use of the vehicle.

a. Dobbs and [redacted] sold the Escape vehicle to [redacted] knowing or having reason to know of the defects in the seat belt buckle, the driver's air bag, and the accelerator cable because Dobbs serviced Ford Escapes between the summer of 2000 and its sale of the vehicle to [redacted]

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[redacted] on February 21, 2003 and from the sale of the vehicle to the date of the crash, May 13, 2004.

b. [redacted] AutoNation, Inc., and Dobbs also knew or had reason to know of the defects in the vehicle based on the recall notices and communications with Ford during these periods.

c. The Ford Escape [redacted] and Dobbs sold to [redacted] was unreasonably and dangerously defective.

d. [redacted] AutoNation, Inc., and Dobbs knew it was unreasonably and dangerously defective, and as a direct, proximate, legal, and factual result, the vehicle crashed, causing [redacted] injury and death.

47. [redacted], Ford, AutoNation, Inc., and Dobbs were and are in the business of selling Escape automobiles.

48. [redacted], Ford, AutoNation, Inc., and Dobbs expected the Ford Escape to reach users or consumers without substantial change in the condition in which it was manufactured and sold.

49. [redacted] Ford Escape was defective or unsafe for normal or reasonably anticipated handling and use; the Ford Escape is more dangerous than an ordinary consumer would expect and would not be offered for sale by a reasonably careful manufacturer or seller who knew or should have known of its dangerous condition.

50. [redacted] Ford Escape was in a defective condition and was unreasonably dangerous at the time it left Ford and Dobbs's control, and [redacted] was injured and died as

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a direct, proximate, legal, and factual result of the defective and unreasonably dangerous Ford Escape.

51. [redacted] Ford, AutoNation, Inc., and Dobbs failed to give proper instructions for the use and failed to give adequate warning of the hazards involved in the Ford Escape's seat belt buckle, driver's side air bag, and accelerator cable or failed to instruct or warn sufficiently to provide[redacted] with any means of avoiding the dangers inherent in this use of the Ford Escape. As a direct, proximate, factual, and legal result[redacted] was injured and died.

52. [redacted] Ford Escape did not become defective or unreasonably dangerous by subsequent unforeseeable alteration, improper maintenance, or abnormal use, but was unreasonably dangerous or defective as manufactured and sold to[redacted].

53. [redacted] Ford, AutoNation, Inc., and Dobbs were in the business of selling Ford Escape vehicles beginning in 2000.

54. Starting on January 12, 2000, Ford, AutoNation, Inc., and Dobbs represented that the Ford Escape Sport Utility Vehicle offered " driving safety and convenience".

55. Subsequent to January 12, 2000 and continuing to the present,[redacted] Ford, AutoNation, Inc., and Dobbs repeated the representation that the Ford Escape Sport Utility Vehicle provided "driving safety". This representation was not merely opinion and was made to the general public or to those expected to buy or use the product.

56. The representation that the Ford Escape Sport Utility Vehicle provided "driving safety" was not true and [redacted] Ford, AutoNation, Inc., and Dobbs knew it was not true. [redacted] did not know the representation was untrue. [redacted] justifiably relied on the representation by purchasing the 2003 Ford Escape and using the vehicle consistent

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with the representation. [redacted] reliance on the representation was a substantial factor in causing his injury and death.

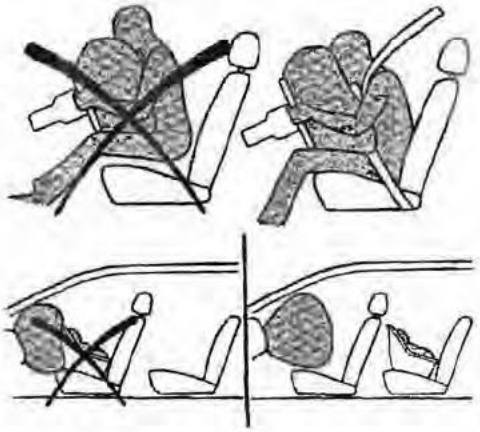
57. [redacted] Ford, AutoNation, Inc., and Dobbs further represented design features of its driver's side Air Bag Supplement Restraint System (SRS) at page 95 of the 2003 model Escape Owner's Guide. The representation in words was as follows:

> **"The SRS is designed to work with the safety belt to help protect the driver and right front passenger from certain upper body injuries..."**

The representation in graphic or pictorial form was as follows:

Important SRS precautions

The SRS is designed to work with the safety belt to help protect the driver and right front passenger from certain upper body injuries. Air bags DO NOT inflate slowly; there is a risk of injury from a deploying air bag.



The graphic or pictorial representation shows an air bag of ample size extending from above the top of the steering wheel to below the steering wheel and of ample girth and size to prevent the driver from impacting the steering wheel, dash, or windshield. The representation was not true and [redacted] Ford, AutoNation, Inc., and Dobbs knew it was not true; the driver's side air bag was undersized; it did not extend from above the steering wheel to below the steering wheel as shown; it did not have the size and girth represented; and it did not function to prevent [redacted] from impacting the steering wheel, dash, and windshield.

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58. [redacted] knew of the air bag representation, but did not know it was untrue. [redacted] justifiably relied on the representation by purchasing and using the vehicle consistent with the representation. [redacted] reliance on the representation was a substantial factor in causing his injury and death.

59. Ford, AutoNation, Inc., and Dobbs further represented design features of its seat belt system at page 85 of the 2003 model Escape Owner's Guide. Beginning at page 86, Ford, AutoNation, Inc., and Dobbs represent as follows:

> **Energy Management Feature**
>
> - This vehicle has a safety belt system with an energy management feature at the front seating positions to help further reduce the risk of injury in the event of a head-on collision.
>
> **Safety belt pretensioner**
>
> Your vehicle is equipped with safety belt pretensioners at the driver and front passenger seating positions.
>
> The safety belt pretensioners are designed to activate during certain frontal or near-frontal collisions with sufficient longitudinal deceleration. A safety belt pretensioner is a device which tightens the webbing of the lap and shoulder belts in such a way that they fit more snugly against the body.

These representations were not merely opinion but were made as fact to [redacted], who [redacted] Ford, AutoNation, Inc., and Dobbs expected to buy and use the product. This representation was not true.

a. [redacted] Ford, AutoNation, Inc., and Dobbs knew or should have known the safety belt system was defective and unreasonably dangerous because the National Highway Safety Administration instituted a recall which affected 1.4 million vehicles Ford manufactured in 2001

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and specifically affected all 2001 model year Escapes built at the Kansas City Assembly plant from October 22, 1999 through May 31, 2001.

b. The recall was instituted because of a defect in a plastic part inside the seat belt buckle which allowed the buckle latch mechanism to wedge against the part leading to a no latch condition or a partial latch condition in which the tongue may be inserted into the buckle and appear engaged.

c. In an accident, the tongue would exit the buckle and the belt would not restrain the driver.

d. This same condition existed in [redacted] vehicle.

e. [redacted] knew of these representations in the Owner's Guide but did not know they were false.

f. [redacted] justifiably relied on the representation by purchasing and using the vehicle expecting the Escape to function consistently with the representations.

g. [redacted] reliance on the representations was a substantial factor in causing his injury and death.

60. Ford, AutoNation, Inc., and Dobbs further represented in the booklet "Driving your SUV or Truck" that:

> **" Now you'll be able to travel places where roads don't. Most importantly, you'll be able to travel with the safety, comfort, and dependability of a Ford-built vehicle".**

[redacted] Ford, AutoNation, Inc., and Dobbs gave the booklet to [redacted] Clure to induce him to buy the vehicle.

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a. [redacted] Ford, AutoNation, Inc., and Dobbs knew that the representation was not true due to the defective seat belt buckle, driver's side air bag, and accelerator cable.

b. [redacted] knew of the representation but did not know it was untrue.

c. [redacted] justifiably relied on the representation by purchasing and using the product consistent with the representation.

d. [redacted] reliance on the representations was a substantial factor in causing his injury and death.

61. The Tennessee Consumer Protection Act, 1977 Pub. Acts, c.438, §4, as amended created a duty in [redacted] Ford, AutoNation, Inc., and Dobbs to refrain from and avoid deceptive acts or practices in their conduct of trade or commerce. In selling their 2003 Ford Escape to [redacted], [redacted] Ford, AutoNation, Inc., and Dobbs were engaging in trade or commerce. The Act provides as follows:

§ 47-18-104. Unfair or deceptive acts or practices

(a) Unfair or deceptive acts or practices affecting the conduct of any trade or commerce constitute unlawful acts or practices and are Class B misdemeanors.

(b) Without limiting the scope of subsection (a), the following unfair or deceptive acts or practices affecting the conduct of any trade or commerce are declared to be unlawful and in violation of this part:

(7) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

(27) Engaging in any other act or practice which is deceptive to the consumer or to any other person;

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62. [redacted] Ford, AutoNation, Inc., and Dobbs advertised, represented, and showed the 2003 Ford Escape to [redacted] as of a particular quality or grade when it was defective, unusable, or impractical for the purpose represented or implied in the advertisements and other documents.

63. [redacted] Ford, AutoNation, Inc., and Dobbs did not fairly disclose the Escape's defective, unusable, or impractical nature.

64. [redacted] Ford, AutoNation, Inc., and Dobbs deliberately concealed from [redacted] the defective seat belt buckle, driver's side air bag, and accelerator cable when they knew of the defects.

65. [redacted] Ford, AutoNation, Inc., and Dobbs violated TCA 47-18-104(7) and (27) and by representing that their 2003 Ford Escape was of a particular standard, quality, or grade when, in fact, they knew it was defective and recalled 600,000 of the vehicles in December 2004.

66. As a direct, proximate, factual, and legal result of [redacted] Ford's, AutoNation's, and Dobbs's violation of TCA 47-18-104(7) and (27), [redacted] purchased and drove the vehicle, and the defects in it caused a crash, resulting in [redacted] injuries and death.

67. [redacted] and [redacted], as a result of the unfair or deceptive acts or practice of [redacted] Ford, AutoNation, Inc., and Dobbs have suffered the loss of the value of the vehicle, the pecuniary value of the life of [redacted], and the pecuniary value of [redacted] funeral, trebled.

PE12-019 001177LC SUBJECT

68. [redacted] Ford, AutoNation, Inc., and Dobbs, in the advertising, promotion, and sale of their 2003 Ford Escape to [redacted] made representations of present or past material facts as to the vehicle.

a. The representations were false.

b. [redacted] Ford, AutoNation, Inc., and Dobbs knew the representations were false or Ford, AutoNation, Inc., and Dobbs made the representations recklessly without knowing whether they were true or false.

c. [redacted] Ford, AutoNation, Inc., and Dobbs intended that [redacted] rely upon the representations and purchase and use the Escape consistent with the representations.

d. [redacted] did not know that the representations were false and was justified in relying upon the truth of the representations.

e. As a result of [redacted] relying on the truth of the representations, [redacted] was injured and died.

69. [redacted] Ford, AutoNation, Inc., and Dobbs concealed from [redacted] or suppressed material facts concerning the 2003 Ford Escape, namely the defective seat belt buckle, driver's side air bag, and accelerator cable.

a. [redacted] Ford, AutoNation, Inc., and Dobbs were under a duty to disclose these material facts to [redacted].

b. [redacted] Ford, AutoNation, Inc., and Dobbs intentionally concealed or suppressed these material facts with the intent to deceive Mr. [redacted]

PE12-019 001178LC SUBJECT

c. [redacted] was not aware of these facts and would have acted differently if he knew of the concealed or suppressed facts.

d. As a result of the concealment or suppression of the facts by [redacted] Ford, AutoNation, Inc., and Dobbs, [redacted] was injured and died.

IV.

PUNITIVE DAMAGES

70. Ford Motor Company is a multimillion dollar company whose financial status will be more fully detailed after discovery.

71. Dobbs Ford at Wolfchase, Inc., and AutoNation, Inc. is a multimillion dollar company whose financial status will be more fully detailed after discovery.

72. The conduct of [redacted] Ford, AutoNation, Inc., and Dobbs is proscribed by the Tennessee Consumer Protection Act as a class B misdemeanor, evidencing the objectionable nature of their conduct in misrepresenting the condition of their 2003 Escape vehicles. Even without misrepresentation, [redacted] Ford, AutoNation, Inc., and Dobbs's conduct in knowingly placing a defective vehicle in the stream of commerce in Tennessee is objectionable conduct. The result of such objectionable conduct was the injury and death of [redacted].

73. [redacted] Ford, AutoNation, Inc., and Dobbs were aware of the potential for serious harm or death to purchasers of their Ford Escape vehicle based on the service record of the vehicle and the National Highway Safety Administration investigations regarding the vehicle.

PE12-019 001179LC SUBJECT

74. [redacted] Ford's, AutoNation's, and Dobbs's misconduct extended from January 2000 and extended to December 4, 2004 when the National Highway Safety Administration recalled 600,000 Ford Escapes for defective accelerator cables.

75. [redacted] has spent $9,000.00 in funeral expenses to bury [redacted] and additional expenses of the litigation.

76. [redacted] Ford, AutoNation, Inc., and Dobbs profited from the representations involved in selling their 2003 Ford Escape to [redacted] and to other purchasers of the Escape vehicles from 2000 to date. An award of punitive damages should be in excess of the profit Ford, AutoNation, Inc., and Dobbs made or make on the Escape vehicle in order to deter future behavior.

77. Ford, AutoNation, Inc., and Dobbs learned of the seat belt buckle defect in 2001 but failed to remedy the defect and installed defective seat belt buckles in their 2003 model Ford Escapes. [redacted] Ford, AutoNation, Inc., and Dobbs learned of the defective accelerator cables but undertook no remedial action until forced to recall 600,000 vehicles by the National Highway Safety Administration, notwithstanding having to service the accelerator cables in 2001, 2002, 2003, and 2004. Ford, AutoNation, Inc., and Dobbs have not offered a prompt and fair settlement for the harm caused.

V.

DAMAGES

78. As a direct, proximate, factual, and legal result of the negligent, grossly negligent, and intentional acts of the Defendants as alleged herein, [redacted] was injured; he experienced conscious fright and shock as his vehicle went out of control and crossed into the

PE12-019 001180LC SUBJECT

path of an oncoming vehicle; he experienced conscious pain, fright, and shock as his vehicle crashed, he was propelled into the steering wheel, and smashed against the dash and windshield until he lapsed into unconsciousness, and he died, all of which would have been avoided but for the acts of the Defendants.

79. As a direct, proximate, factual, and legal result of the negligent, grossly negligent, and intentional acts of the Defendants as alleged herein, [redacted] died.

80. As a direct, proximate, factual, and legal result of the negligent, grossly negligent, and intentional acts of the Defendants as alleged herein, [redacted] incurred funeral bills and suffered the loss of consortium of her husband, [redacted]

81. [redacted] was 50 years old on the date of his death, was in excellent health except for a diabetic condition which was controlled. [redacted] life expectancy was 28 more years of life. [redacted] was skilled in the securities business and earned in excess of $100,000.00 per year and had the capacity to earn much more. [redacted] was sober and industrious.

WHEREFORE PLAINTIFF PRAYS:

1. For a judgment against Defendants in the sum of $10,000,000.00 for all of [redacted] damages.

2. For a judgment against Defendants in the sum of $3,000,000.00 for all injuries and damages suffered by [redacted].

3. For a judgment against Defendants for violation of the Tennessee Consumer Protection Act to the extent allowed by law.

4. For a judgment against Defendants in the sum of $100,000,000.00 in punitive damages for the intentional acts and the willful, wanton, gross, and reckless acts of the

PE12-019 001181LC SUBJECT

Defendants or an amount sufficient to prevent Defendants from engaging in future objectionable conduct.

5. For a bifurcated trial, the second portion of which includes evidence on punitive damages.

6. For extraordinary costs or the costs Plaintiff has and will incur in bringing this action.

7. For court costs, for a jury trial, and for general relief.

DUNCAN E. RAGSDALE, #4934
Attorney for Plaintiff
1415 Madison Avenue
Memphis, Tennessee 38104
(901) 523-2927

PE12-019 001182LC SUBJECT

IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

[redacted], for herself
and as next of kin to
[redacted], DECEASED,

PLAINTIFF,

VS.

NO. CT-00[redacted]2583 -05
DIV. I

[redacted],
DOBBS FORD AT WOLFCHASE, INC.,
AUTONATION, INC., and
FORD MOTOR COMPANY,

DEFENDANTS.

FILED
MAY 10 2005
CIRCUIT COURT CLERK
BY D.C.

NOTICE TO DEPOSE

TAKE NOTICE that the following depositions will be taken on the dates and at the times listed below. Said Depositions will be taken at the Law Office of Duncan E. Ragsdale, located at 1415 Madison Avenue, Memphis, Tennessee 38104 by a court reporter and videotape, and will continue from day to day until completed.

1.	[redacted]	Tuesday, July 26, 2005	9:00a.m.
2.	[redacted]	Tuesday, July 26, 2005	11:00a.m.
3.	[redacted]	Tuesday, July 26, 2005	1:00p.m.
4.	[redacted]	Tuesday, July 26, 2005	3:00p.m.
5.	[redacted]t	Wednesday, July 27, 2005	9:00a.m.
6.	[redacted]	Wednesday, July 27, 2005	11:00a.m.
7.	[redacted]	Wednesday, July 27, 2005	1:00p.m.
8.	[redacted]	Wednesday, July 27, 2005	3:00p.m.
9.	[redacted]	Thursday, July 28, 2005	9:00a.m.

PE12-019 001183LC SUBJECT

10.	[redacted]	Thursday, July 28, 2005	11:00a.m.
11.	[redacted]	Thursday, July 28, 2005	1:00p.m.
12.	[redacted]	Thursday, July 28, 2005	3:00p.m.
13.	[redacted]	Friday, July 29, 2005	9:00a.m.
14.	[redacted]	Friday, July 29, 2005	11:00a.m.
15.	[redacted]	Friday, July 29, 2005	1:00p.m.
16.	[redacted]	Friday, July 29, 2005	3:00p.m.

DUNCAN E. RAGSDALE, **#4934**
Attorney for Plaintiff
1415 Madison Avenue
Memphis, Tennessee 38104
(901) 523-2927

CERTIFICATE OF SERVICE

I, Duncan E. Ragsdale, do hereby certify that a true and correct copy of the foregoing was forwarded to [redacted] Esquire at 1661 International Place Drive, Suite 300, Memphis, Tn. 38120 and Eugene J. Podesta, Esquire at 165 Madison Avenue, Suite 2000, Memphis, Tn. 38103 on this the 10 day of May 2005.

DUNCAN E. RAGSDALE, **#4934**
Attorney for Plaintiff
1415 Madison Avenue
Memphis, Tennessee 38104
(901) 523-2927



Mercury Insurance Group
1901 Ulmerton Road
Sixth Floor
Clearwater, Florida 33762-2307
(800) 987-6000

CONSUMER AFFAIRS SECTION
5 FEB -7 P3:50

RECEIVED
FEB 08 2005

February 1, 2005

FORD MOTOR COMPANY
RECEIVED
FEB 09 2005
OFFICE OF THE
GENERAL COUNSEL

FORD MOTOR COMPANY
CONSUMER AFFAIRS
PO BOX 6248
MD – 3NE –B
DEARBORN, MI 48126

RE: Our Insured: [redacted]
Claim Number: [redacted]
Date of Loss: 11-30-04

Dear Mam or Sir,

Our investigation reveals that your company is responsible for the damages sustained in the above captioned loss. This letter is to put you on notice of our subrogation demand

Salvage is still pending and we will remit to your attention once salvage is concluded.

Should you have any questions regarding this matter, do not hesitate to contact the following office:

Mercury Insurance Group
1901 Ulmerton Road 6th Floor
Clearwater, FL 33762

(727) 537-7000 Ext. 3187

Thank you for your cooperation and assistance in this matter.

Sincerely,

Pamela Welper
Subrogation Specialist

Enclosure

PE12-019 001186LC SUBJECT

XE431304-81



F M Ligon
Ford Motor Company
P.O. Box 1904
Dearborn, Michigan 48121

F0283895 0926

2004 Escape
Vehicle ID #: 1FMYU02164K[redacted] 04S25 January 2005

[redacted]

BRANDON, FL [redacted]

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.genuinefilmservice.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. Ligon

Frank M. Ligon
Director
Service Engineering Operations

© Copyright 2005 Ford Motor Company

Mercury Insurance Group
1901 Ulmerton Road
Sixth Floor
Clearwater, Florida 33762-2307
(800) 987-6000

507948
AC

CONSUMER AFFAIRS SECTION

5 FEB -8 P1:30

February 4, 2005

RECEIVED
FEB 10 2005

FORD MOTOR COMPANY
CONSUMER AFFAIRS
PO BOX 6248
MD – 3NE –B
DEARBORN, MI 48126
Attn: LEGAL DEPARTMENT

RE: Our Insured: [redacted]
Claim Number:
Date of Loss: 11-30-04

Dear Mam or Sir:

Our investigation reveals that your company is responsible for the damages sustained in the above captioned loss. Enclosed are our supporting documents for our subrogation claim for the amount of $16,834.15.

Should you have any questions regarding this matter, do not hesitate to contact the following office:

Mercury Insurance Group
1901 Ulmerton Road
Clearwater, FL 33762

(727) 537-7000 Ext. 3187

Thank you for your cooperation and assistance in this matter.

Sincerely,

Pamela Welper
Subrogation Specialist
pkwelper@mercuryinsurance.com
Fax No. (727) 329-3529

PE12-019 001189LC SUBJECT

XZ931304-81

F. M. Ligon
Ford Motor Company
P.O. Box 1904
Dearborn, Michigan 48121

F0283995 0926

2004 Escape
Vehicle ID #: 1FMYU02164K[redacted] 04S25

January 2005

[redacted]
BRANDON, FL [redacted]

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.

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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

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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
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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

Frank M. Ligon
Director
Service Engineering Operations

© Copyright 2005 Ford Motor Company





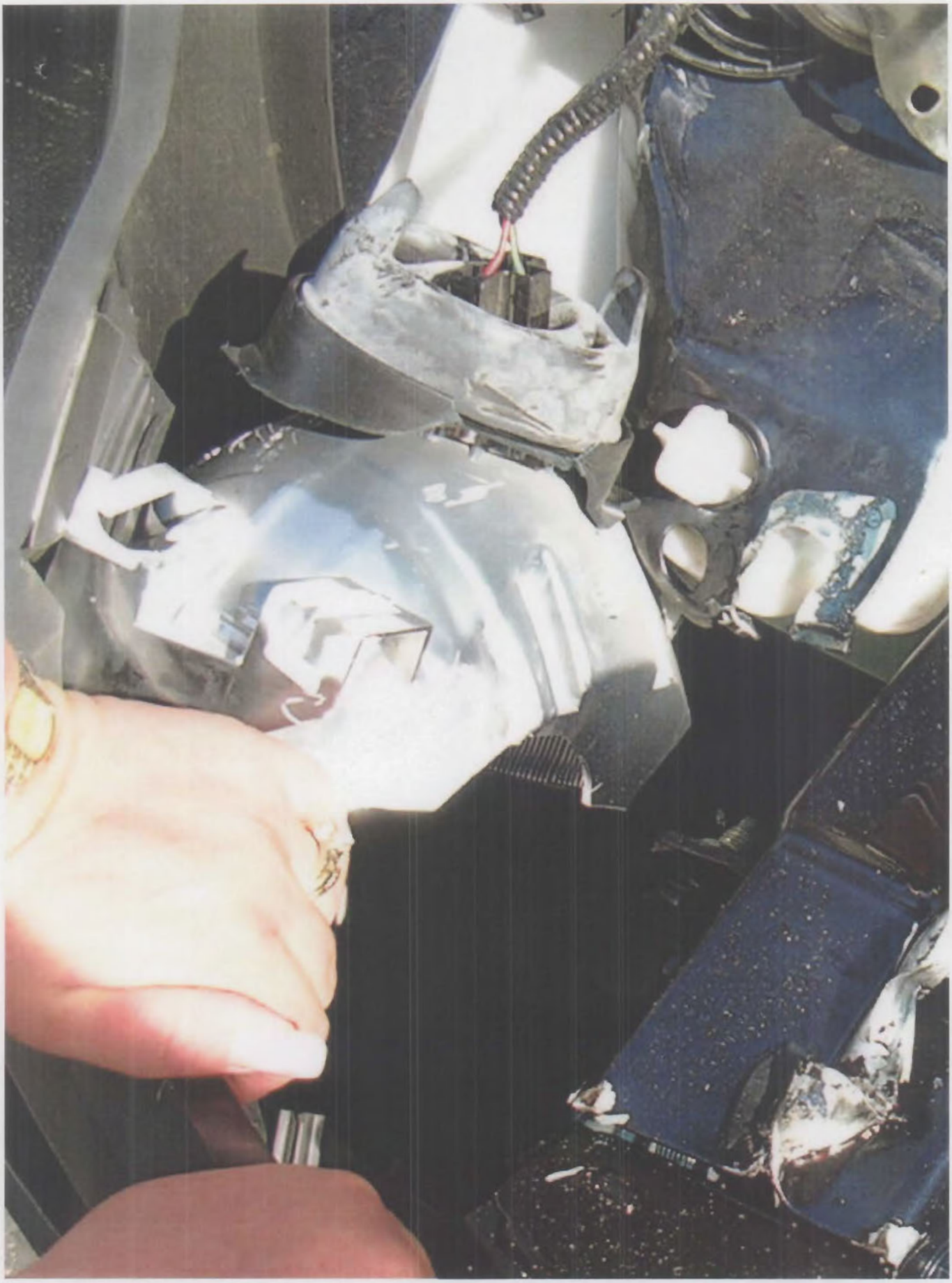
PE12-019 001193LC SUBJECT





PE12-019 001195LC SUBJECT

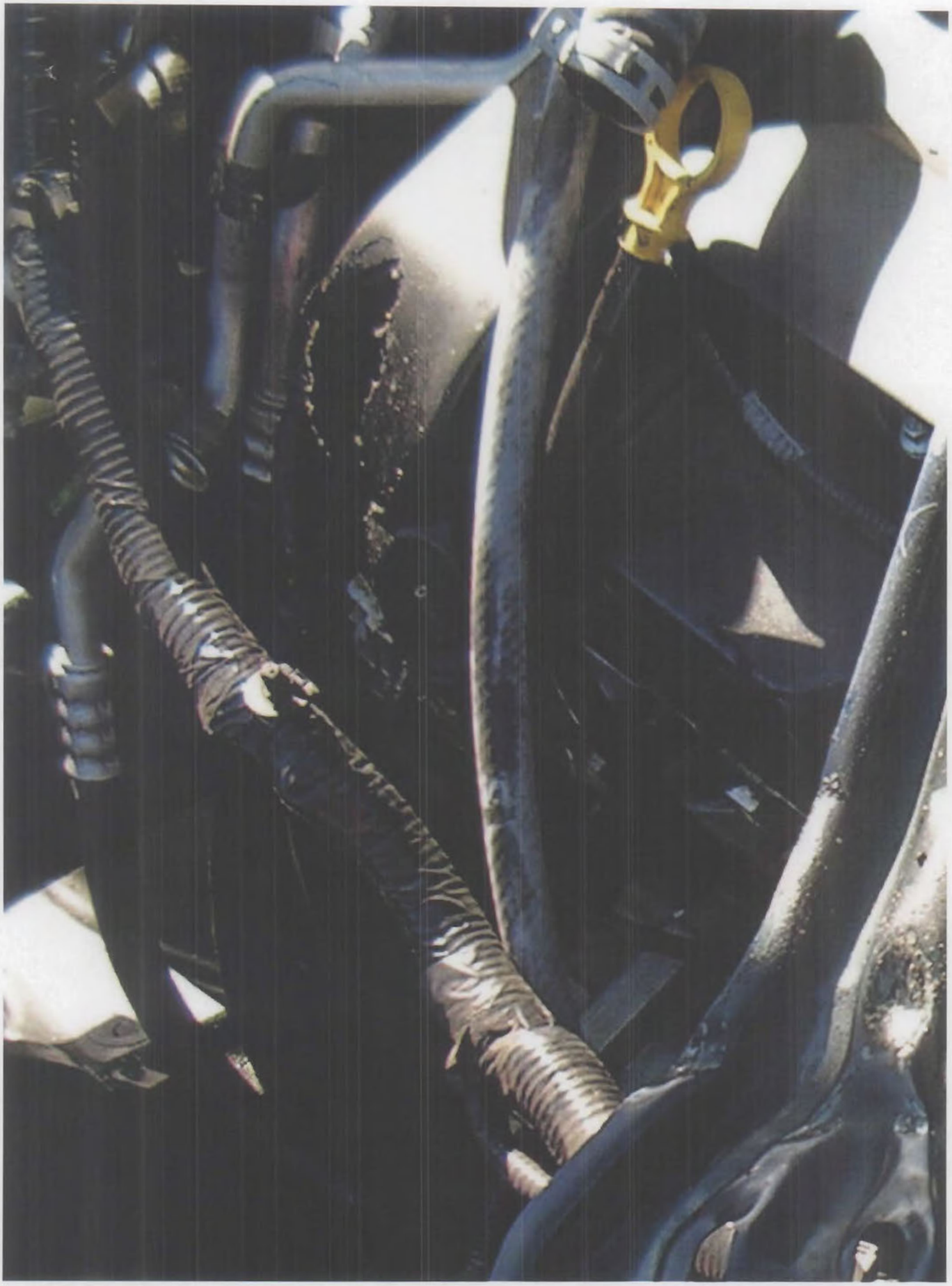






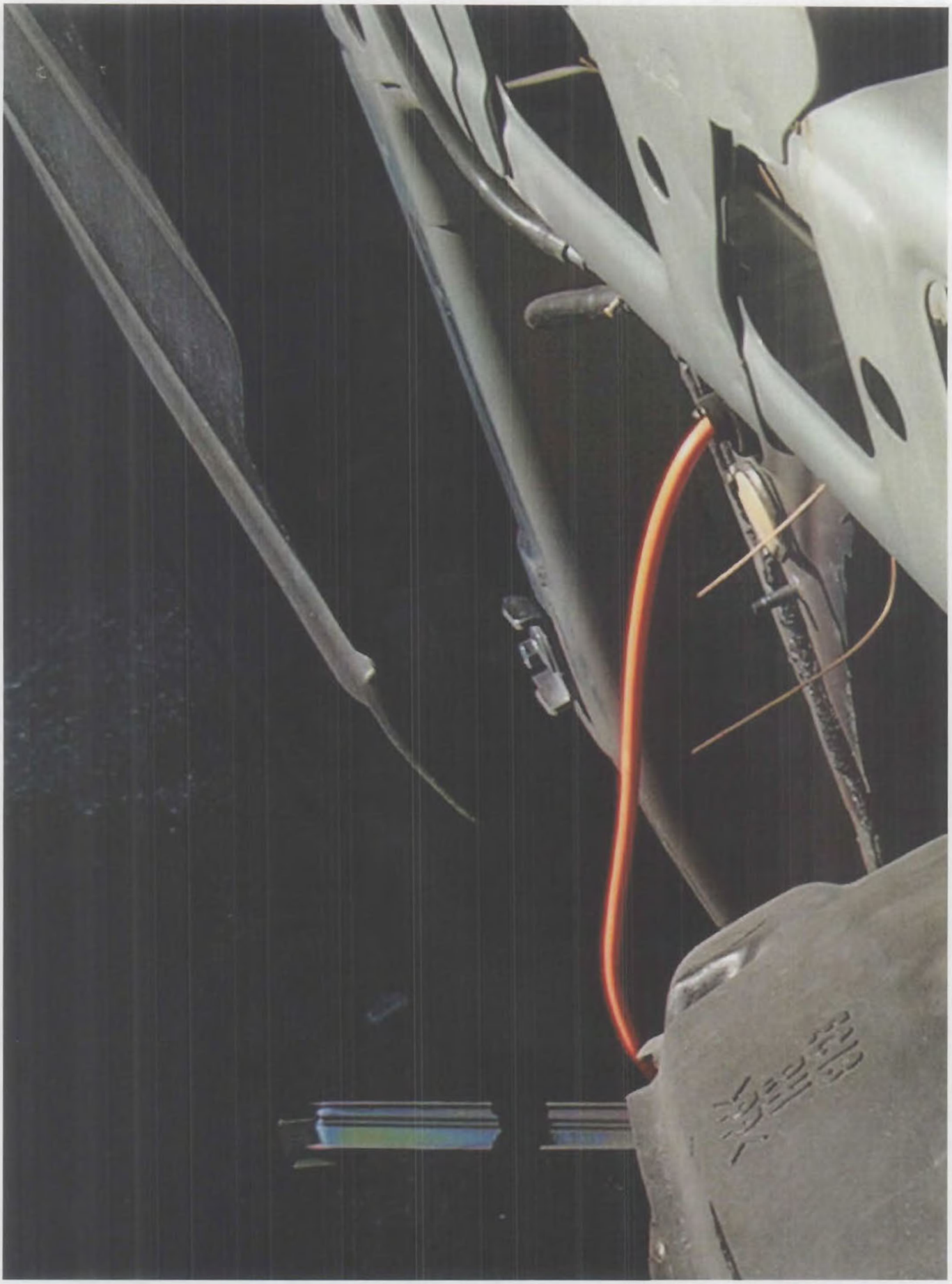
PE12-019 001198LC SUBJECT







PE12-019 001201LC SUBJECT



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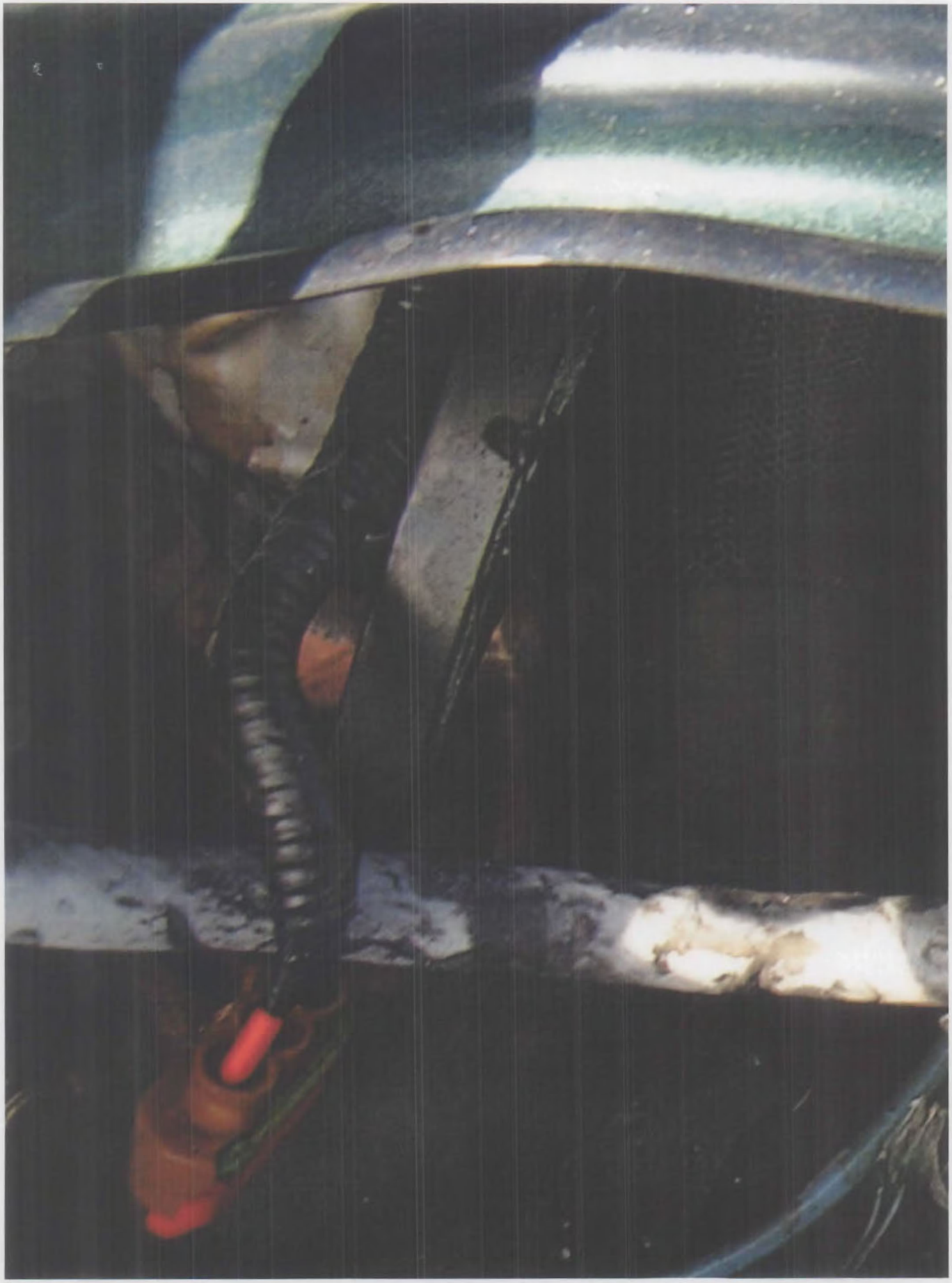



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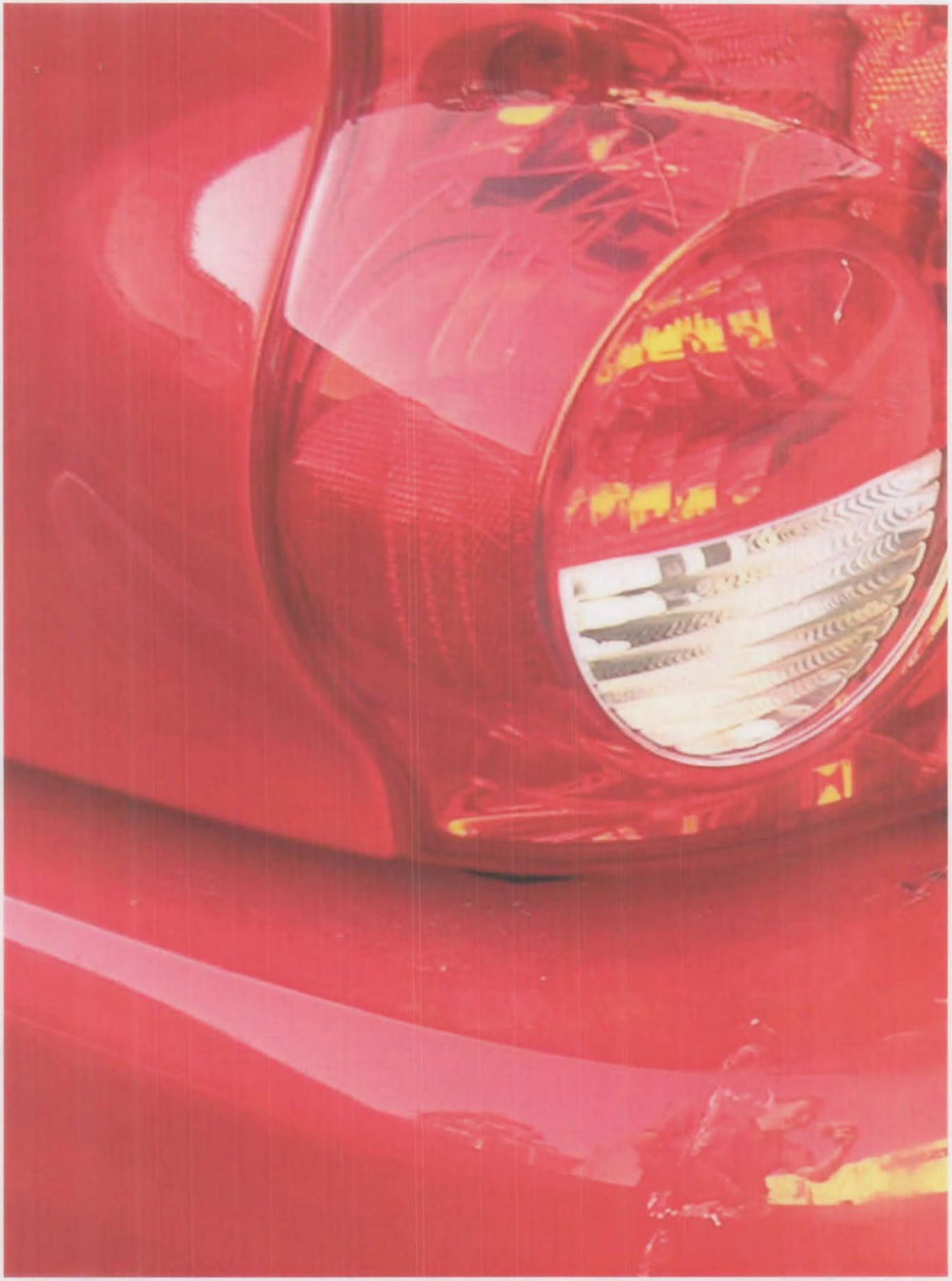
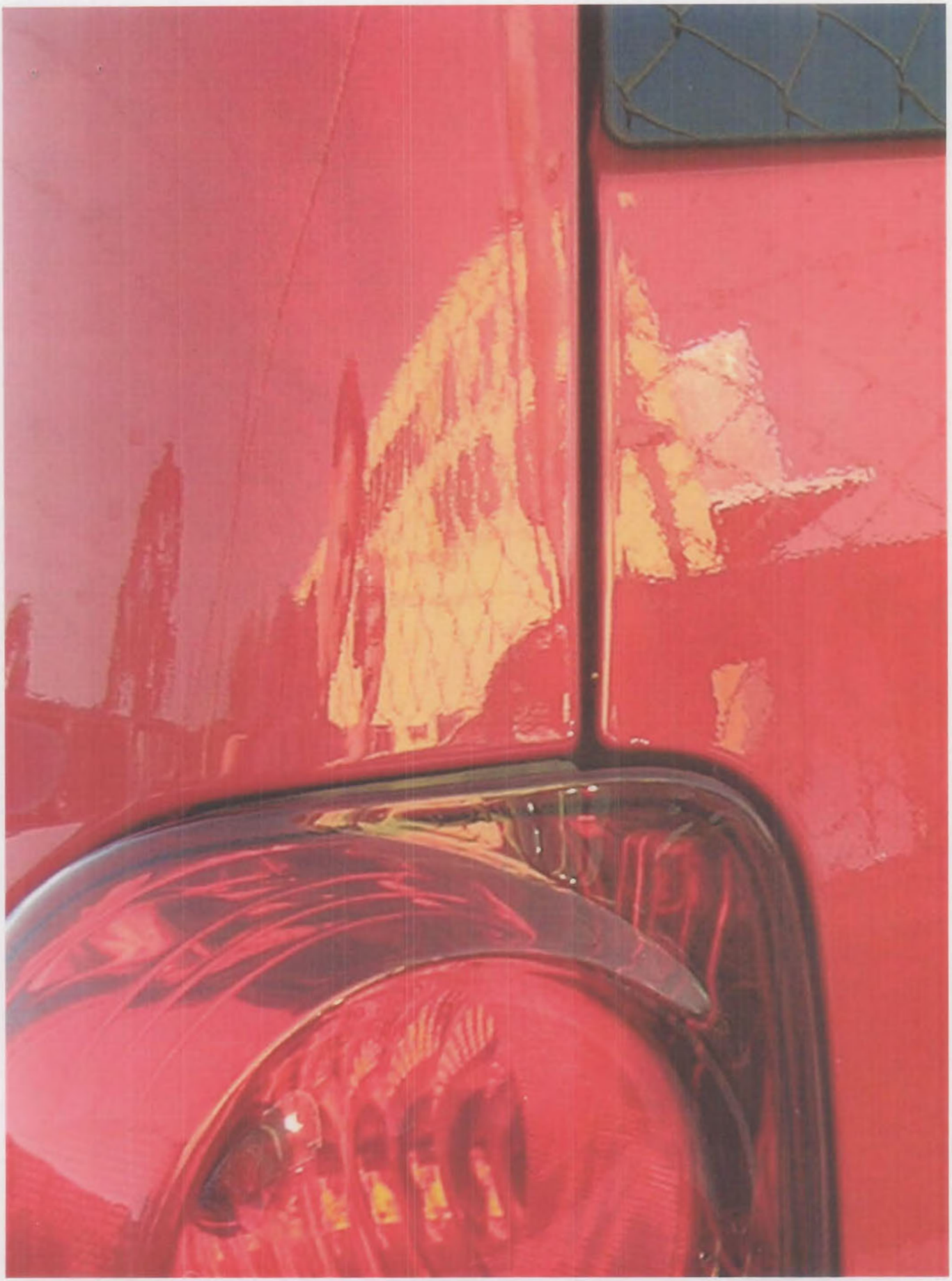


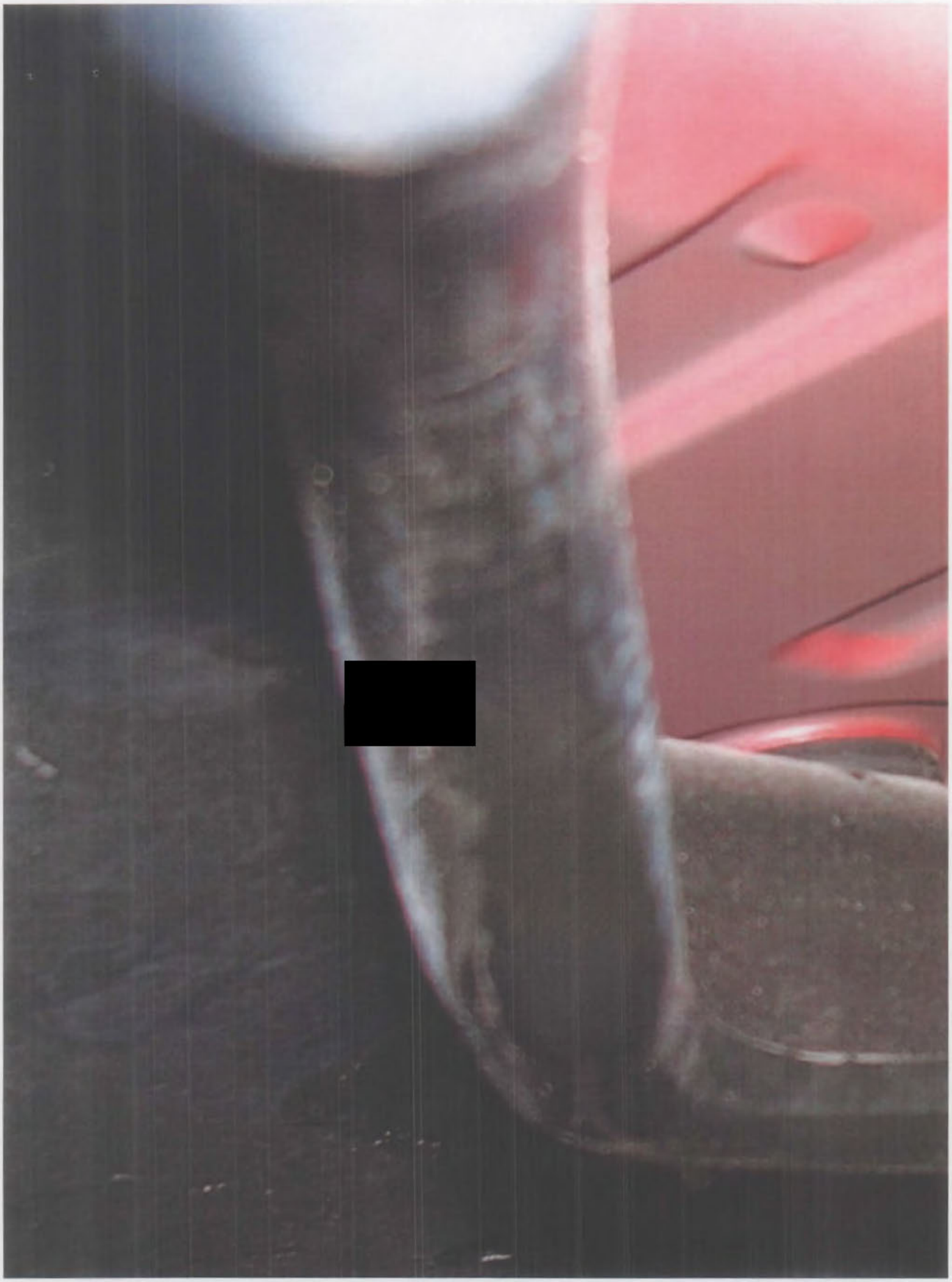


PE12-019 001206LC SUBJECT

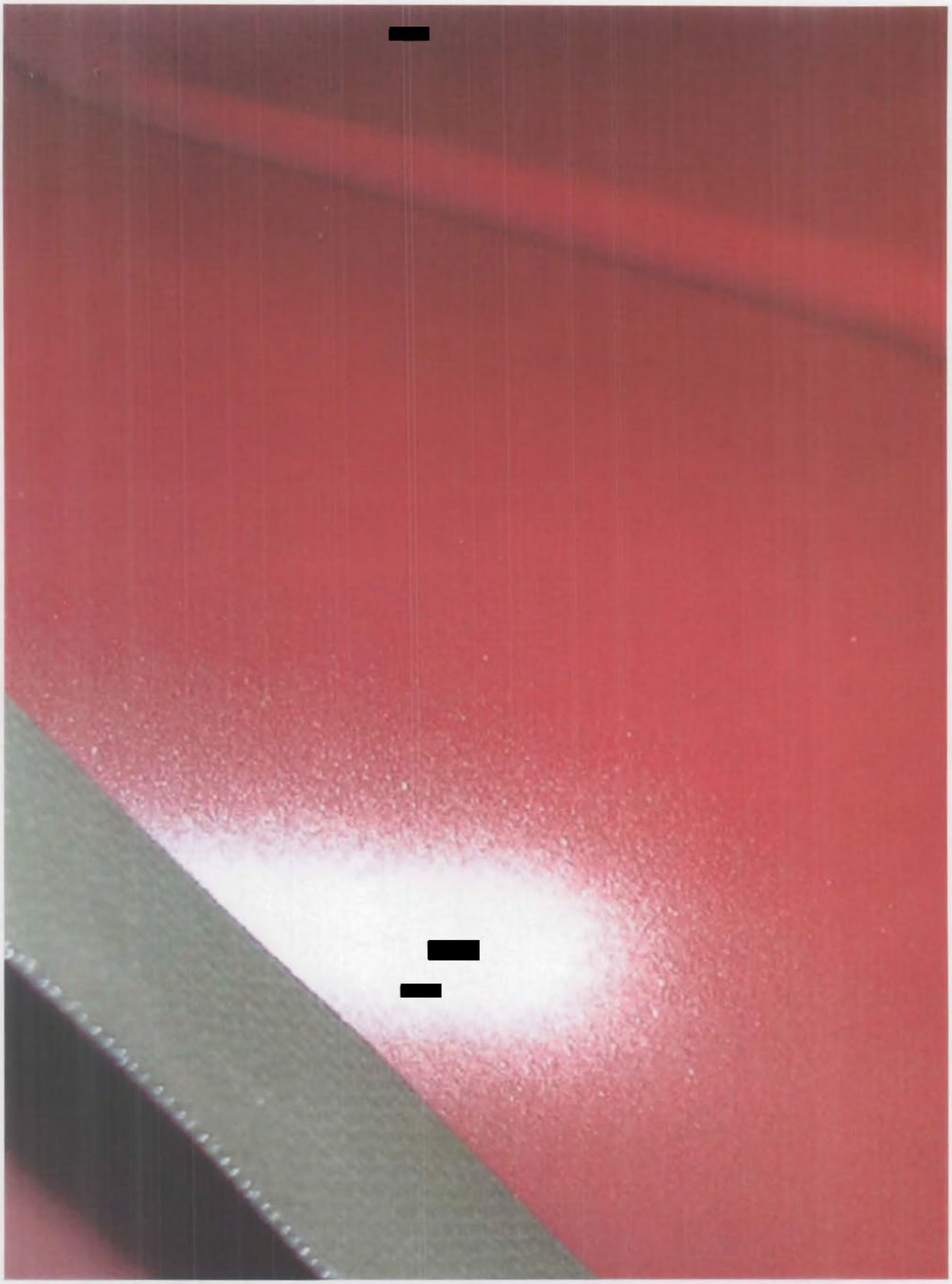


PE12-019 001207LC SUBJECT


SLT



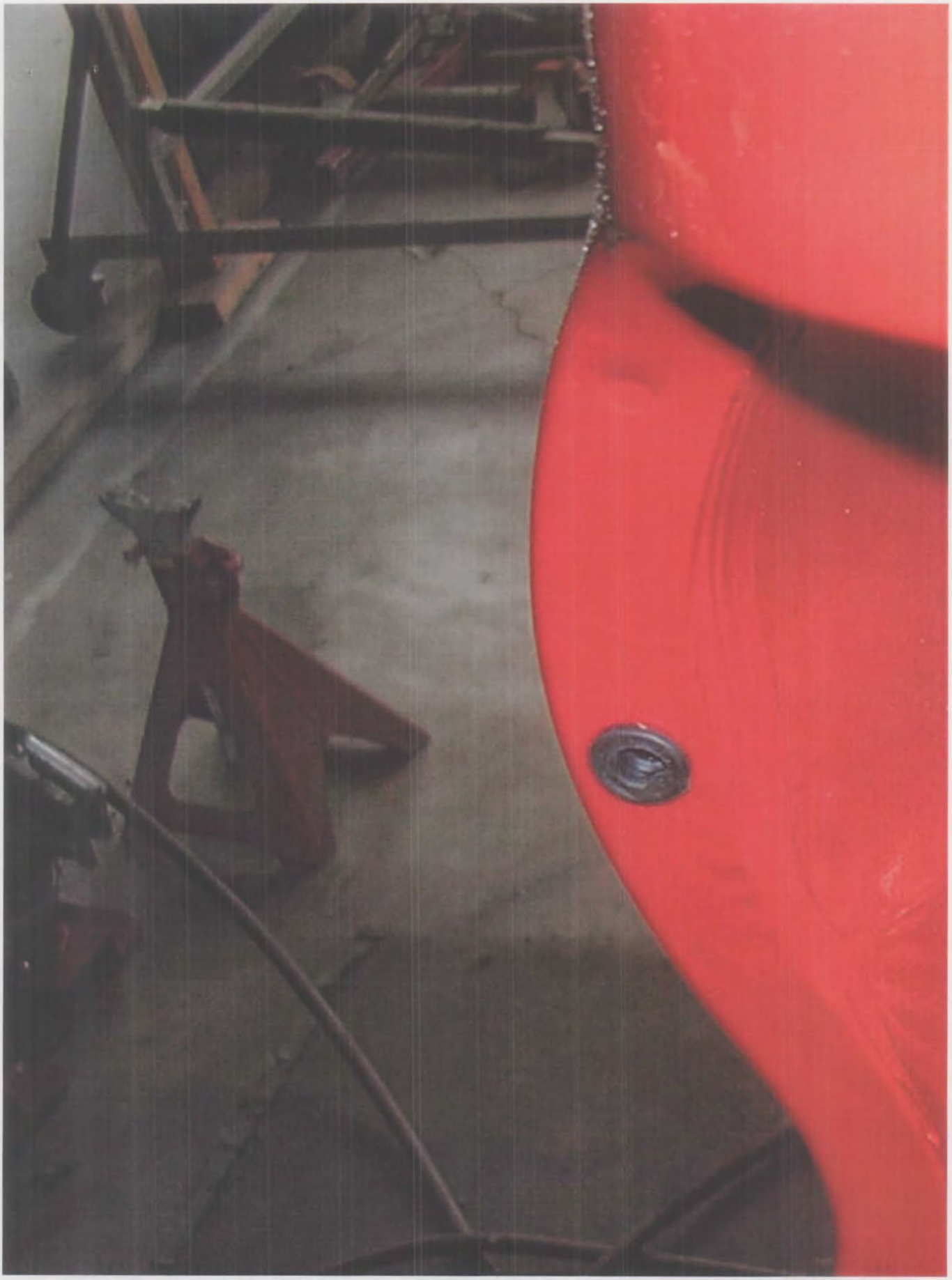
PE12-019 001209LC SUBJECT



PE12-019 001210LC SUBJECT



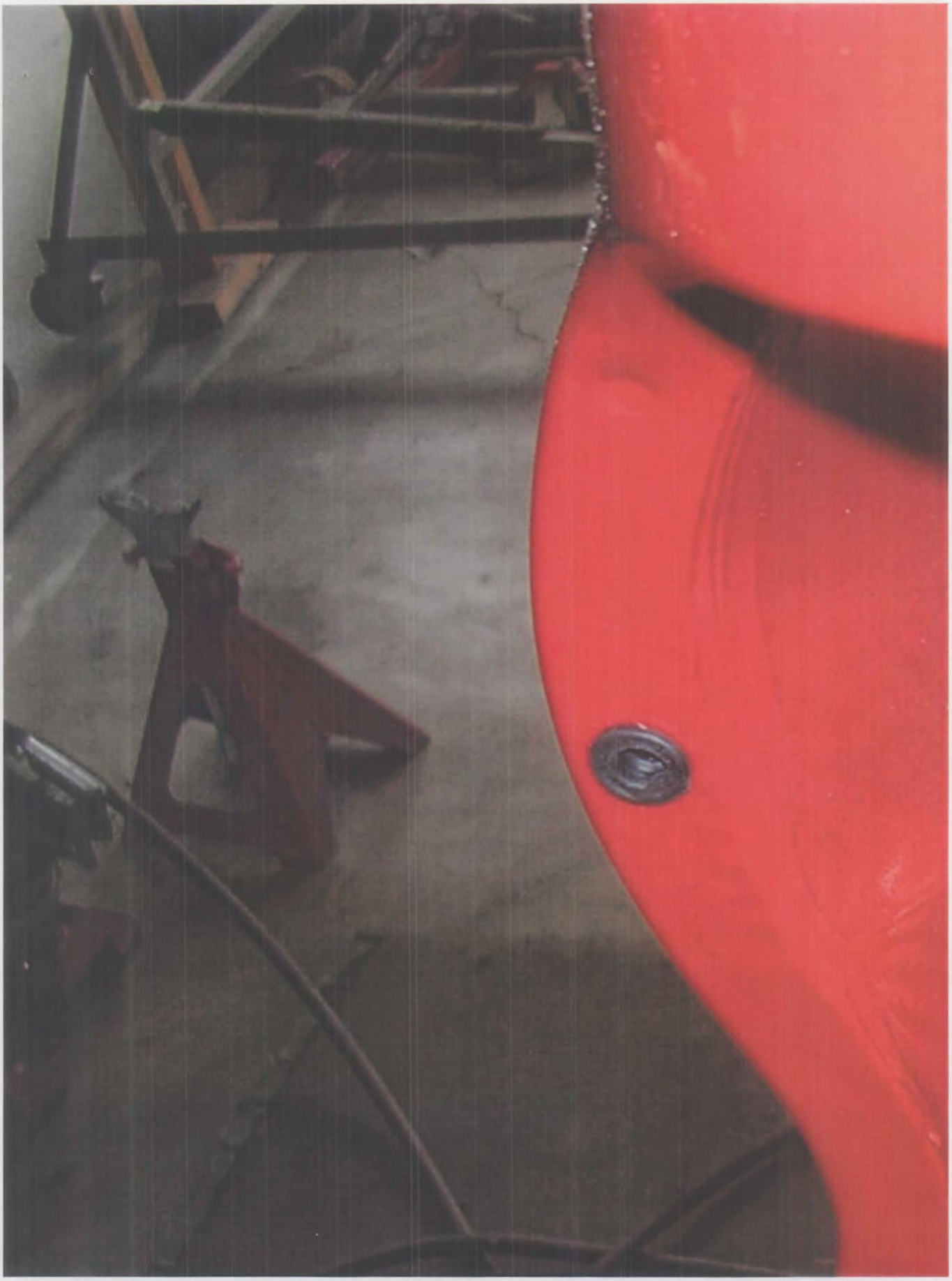
PE12-019 001211LC SUBJECT




SLT











BEGINNING OF CONTACT
05/05/2012 VOICE OF THE CUSTOMER TRACKING SYSTEM 07.55.01

REGION: OGC ISSUE CASE NBR: 329971252.
VIN: 1FMYU04172K[redacted] ZONE: ENGINE: 1 VEH TYPE: T OPENED: 2012/05/04 CLOSED: 2012/05/04

LAST NAME: [redacted] FIRST NAME: [redacted] STATUS: CLOSED
TITLE: MI:
ADDRESS:
CITY: GOSNELL STATE: AR ZIP: [redacted]
HOME PHONE: [redacted]
MODEL YEAR: 2002 MODEL: ESCAPE
MILEAGE: 140000
DEALER NAME: SALES CODE: P & A:
REASON CODE: 0799 ACCIDENT/PRODUCT LIABILITY
SYMPTOMS: 612591 SURGE ACCELERATION COLD ENGINE

ORIGIN: CRCBCP - TIER ONE - MELBOURNE COMMUNICATION: PHONE
ACTION: T1120 - TIER ONE CLOSE ISSUE
DOCUMENT: ANALYST: ABRIX BRIX (ABRIX),ANITA

FORD MOTOR COMPANY
RECEIVED
MAY 07 2012
OFFICE OF THE
GENERAL COUNSEL

DATE: 2012/05/04 TIME: 09.29.47 :
ACTION DATA/COMMENTS:

** "WE RECOMMEND YOUR SERVICE/REPAIR BE PERFORMED BY A FORD/LINCOLN MERCURY DEALERSHIP.MANY DEALERS WORK ON AN APPOINTMENT SYSTEM. WE RECOMMEND YOU CONTACT THE SERVICE DEPARTMENT TO SCHEDULE AN APPOINTMENT. IF ADDITIONAL ASSISTANCE IS REQUIRED, WE SUGGEST YOU CONTACT THE SM. THEY WILL ARE IN THE BEST POSITION TO FACILITATE YOUR SERVICE AND OR REPAIR NEEDS.I JUST WANT TO CONFIRM, YOUR NEXT STEPS ARE TO DISCUSS THIS REPAIR WITH YOUR S/M AT YOUR SERVICING DEALERSHIP." 1. WHAT WAS THE DATE OF THE ACCIDENT?: 5/4/12 2. WHAT THE CUSTOMER IS ALLEGING THE PRODUCT DEFECT IS THAT CAUSED ACCIDENT: **YESTERDAY THE CONTROL CABLE MESSED UP**CUST'S SON STARTED THE VEH AND WHEN HE PUT IT INTO GEAR THE VEH SURGED AND HIT OTHER VEHICLES**THE BRAKES LOCKED UP ON IT - THEY WERE SOLID - CUST'S COULD NOT STOP THE VEH BECAUSE THE BRAKE PEDAL WOULD NOT DEPRESS AT ALL 3. IF THERE WERE ANY INJURIES SUSTAINED? NO 4. WHAT WAS THE LOCATION OF THE VEHICLE WHEN THE ACCIDENT OCCURRED?: AT THE HIGH SCHOOL PARKING LOT IN GOSNELL, ARKANSAS 5. WAS A POLICE REPORT FILED?: YES 6. IF A POLICE REPORT WAS FILED, WHAT WERE THE FINDINGS?: CUST HAS NO IDEA 7. WHAT IS THE POLICE REPORT NUMBER AND THE CITY OR COUNTY IN WHICH THE REPORT WAS FILED?: CUST DOES'T HAVE IT 8. DID THE CUSTOMER FILE A CLAIM WITH THEIR INSURANCE COMPANY? CUST HAS NOT DONE THAT YET - WILL DO THAT TODAY 9. IF A CLAIM HAS BEEN FILED WITH THEIR INSURANCE COMPANY, WHAT IS THE STATUS OF THE CLAIM?: 10. IS THE VEHICLE REPAIRABLE? CUST DOESN'T THINK SO11. NAME AND ADDRESS OF CUSTOMER'S ATTORNEY (ONLY IF THE CUSTOMER MENTIONS THEY HAVE SOUGHT ONE).12. WHAT THE CUSTOMER IS SEEKING? CUST WAS CALLING TO ADVISE FORD ABOUT THE ACCELERATOR-=-=-=



State Farm Insurance Companies

NJ Bodily Injury ECF Units
P.O. Box 8003
Ballston Spa, NY 12020-8003

Phone: (800) 587 7954
Fax: (800) 795 7892

November 20, 2006

Frank M Ligon @
Ford Motor CoOmpany
POB 1904
Dearborn, MINJ 48121

DEC 0 8 2006

RE: Claim Number: [redacted]5
Date of Loss: November 22, 2005
Our Insured: [redacted]

Dear Mr. Ligon:

Please be advised that as a result of a manufacturing defect, (Recall #: 04S25), our insured was involved in an accident that resulted in bodily injuries and property damage to multiple individuals.

The accident occurred prior to our insured receiving the recall notice. As a result, we are putting your company on notice of this claim.

I have enclosed the recall notice and the police report. Please have your claims department contact me at their earliest opportunity to discuss this matter.

Sincerely,
State Farm Indemnity Company

John Ruszel

John Ruszel G4
Claim Representative
(800) 587-7954 ext. 5844

cc: Attorney Benjamin M. Del Vento
405 Northfield Ave Suite LL-1, West Orange, NJ 07052

Attorney Andrew Graulcih
17 Academy St, Newark, NJ 07102

DEC 1 1 2006

PE12-019 001221LC SUBJECT

Received 12/17/05

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

0068089 0177

2003 Escape
Vehicle ID#: 1FMCU03173K[redacted]

November 2005

[redacted]
MAPLE SHADE, NJ [redacted]

Ford Motor Company would like to remind you that your 2003 Escape has not had the following no charge recall completed.

Vehicle Identification Number:	1FMCU03173K[redacted]
Recall Number and Description:	04S25 - Accelerator Cable Replacement
What Are We Asking You To Do?	Please contact your dealer to schedule an appointment to have this important service procedure completed. If you do not already have a servicing dealer, you can access http://www.genuineflmservice.com for dealer addresses, maps and driving instructions.
Service Assistance:	If you have additional questions, 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: (Your Local Time) Monday – Friday: 8AM – 5PM If you wish to contact us through the internet, our address is: **www.ownerconnection.com**.

If your authorized dealer has recently completed this recall repair, please disregard this reminder.

We apologize for any inconvenience this may cause 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.

Thank you for your attention to this important matter.

Sincerely,

Frank M. Ligon

Frank M. Ligon
Director
Service Engineering Operations

OSU

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NEW JERSEY MOTOR VEHICLE ACCIDENT REPORT — ☐ REPORTABLE ☐ NON-REPORTABLE

43 CASE NUMBER [redacted]

44 POLICE DEPARTMENT OF: State Police — CODE 102

45 STATION/PRECINCT: Somerville

ACCIDENT OCCURRED: I-78 Eastbound — ☒ 52 ROAD NAME ☐ STREET ADDRESS

☐ 47 INTERSECTION WITH ☐ FEET ☐ METERS ☐ MILES ☐ Km ☐ NORTH ☐ SOUTH ☐ EAST ☐ WEST OF:

53 ROUTE NO. 078 — SUFFIX — 54 MILEPOST 527

58 ROAD NAME — RAMP? ☒ NO ☐ YES FROM: — 59 (ROUTE NO.) — ☐ NB ☐ EB ☐ SB ☐ WB TO: — 60 — ☐ NB ☐ EB ☐ SB ☐ WB 61 (ROUTE NO.) — 62

63 LATITUDE — 64 LONGITUDE

46 DATE OF COLLISION: MONTH 11 DAY 22 YEAR 05 — 47 DAY OF WEEK: S M T W Th F S — 48 TIME (USE 2400 HRS.): 1729 — 49 MUNICIPALITY CODE: 2019 — 50 TOTAL KILLED: 00 — 51 TOTAL INJURED: 02

VEH. NO.	65 POLICY NO.	66 INS. CODE	VEH. NO.	65 POLICY NO.	66 INS. CODE
1	[redacted]	954	2	[redacted]	*

☐ PARKED ☐ PED ☐ BICYCLIST ☐ RESPONDING TO AN EMERGENCY ☐ HIT & RUN

VEHICLE 1

67 DRIVER'S NAME [redacted]

68 NUMBER AND STREET [redacted]

69 CITY: Elizabeth — STATE: NJ — EXPIRES: 0706

70 DRIVER'S LICENSE NUMBER [redacted] — 71 STATE: NJ — 72 DOB [redacted] — 73 EYES: 2 — 74 SEX: M

☐ SAME AS DRIVER

75 NUMBER AND STREET [redacted]

77 CITY: Elizabeth — STATE: NJ — EXPIRES: 05/06

78 MAKE AND MODEL: Mercury Sable — COLOR: Red — 79 YEAR: 2003 — [redacted] — 81 STATE: NJ

82 VIN NUMBER: 1MEHM55S63G [redacted]

83 VEHICLE REMOVED TO — ☐ TOWED ☒ DRIVEN — 84 AUTHORITY: 1 OWNER 2 DRIVER 3 POLICE

VEHICLE 2

90 DRIVER'S NAME [redacted]

91 NUMBER AND STREET [redacted]

92 CITY: Harrisburg — STATE: PA — [redacted] — EXPIRES: 0308

93 DRIVER'S LICENSE NUMBER [redacted] — 94 STATE: PA — 95 DOB [redacted] — 96 EYES: 1 — 97 SEX: M

☒ SAME AS DRIVER — 98 OWNER'S FIRST NAME — INITIAL — LAST NAME

99 NUMBER AND STREET

100 CITY — STATE — ZIP — EXPIRES: 08/06

101 MAKE AND MODEL: Honda Accord — COLOR: Blue — 102 YEAR: 1990 — 103 PLATE NO. [redacted] — 104 STATE: PA

105 VIN NUMBER: 1HGCB765XL [redacted]

106 VEHICLE REMOVED TO: Nicoletti, Belleville NJ — ☒ TOWED ☐ DRIVEN — 107 AUTHORITY: 1 OWNER 2 DRIVER 3 POLICE

CLOCKPOINT DIAGRAM — 14 ROOF 15 UNDERCARRIAGE 16 OVERTURNED 17 TOTALLED 18 OTHER

87 ACCIDENT DIAGRAM: I-78 Eastbound MP 52.7 Union — INDICATE NORTH

V3 → V3 V2 V1

88 AREAS DAMAGED

	INITIAL IMPACT	PRINCIPAL IMPACT
VEH. 1	6	6
VEH. 2	6	12

89 POSTED SPEED: 65

108 ALCOHOL DATA

	TEST GIVEN	RESULTS
DRIV. 1	☐ NO ☐ YES ☐ REFUSED	☐ BREATH ☐ BLOOD ☐ URINE — 0.__%
DRIV. 2	☐ NO ☐ YES ☐ REFUSED	☐ BREATH ☐ BLOOD ☐ URINE — 0.__%
PED	☐ NO ☐ YES ☐ REFUSED	☐ BREATH ☐ BLOOD ☐ URINE — 0.__%

109 HAZARDOUS MATERIAL — ON BOARD / SPILL — PLACARD NUMBER

V1 ☐ ☐ — V2 ☐ ☐

110 USDOT CARRIER NO. — V1 — V2

111 ICC CARRIER NO. — V1 — V2

112 VEHICLE WEIGHT (GVW) V1 ____ lbs. V2 ____ lbs.

113 CARRIER NAME V1 — V2

114 ACCIDENT DESCRIPTION: Driver #1 stated in effect: Traffic stopped started moving again and we got hit. Driver #2 stated in effect: I didn't see him coming and I just got hit. Driver #3 stated in effect: I was driving stopped off the gas and pushed the brake but the car kept going. Investigation revealed: All vehicles were traveling I-78 Eastbound in the right lane. Vehicle #3 struck Vehicle #2 in the rear causing Vehicle #2 to strike Vehicle #1 in the rear. Ref: Box #89: Nationwide Mutual Insurance Company Harrisburg PA (800) 421-3535. All injured parties were transported to Irvington General Hospital Irvington NJ.

NUMBER OF VEHICLES: 03

118 DAMAGE TO OTHER PROPERTY

OPER. — 116 CHARGE — SUMMONS NUMBER

OPER. — 117 CHARGE: 39:4-97 — SUMMONS NUMBER: SP2912435

118 OFFICER'S SIGNATURE: Tpr. J. Jorgensen / Tpr. [signature] — 119 BADGE NUMBER: 6359 — 120 REVIEWED BY: AR — BADGE NUMBER: 5005 — 121 STATUS ☐ PENDING ☒ COMPLETE

17	18	19	20	21	22	23	24	25	26	27	NAMES & ADDRESSES OF OCCUPANTS — IF DECEASED DATE & TIME OF DEATH
1	1	—	1	26	M	-.-	—	0.9	0.4	—	[redacted] Elizabeth NJ
1	3	4	1	19	F	0.6	8	0.9	0.4	5706	[redacted] Elizabeth NJ
2	1	4	1	33	M	0.6	8	0.4	0.4	5706	[redacted] Harrisburg PA
3	1	—	1	50	M	-.-	—	0.9	0.9	—	[redacted] Maple Shade NJ

NJTR-1 (R7/01) — RECORD BUREAU COPY — 122 DEP CASE NUMBER (SAFETYNET ONLY)

DEC.15'2005 10:15 974 564 5623 COMMERCE SPRINGFIELD N J #5788 P.006/012

PAGE 1 OF 1 — NEW JERSEY ACCIDENT REPORT — ☒ REPORTABLE ☐ NOT REPORTABLE

43 CASE NUMBER [redacted]

ACCIDENT OCCURRED ON: I-78 East bound — ☒ 52 ROAD NAME ☐ STREET ADDRESS

52 ROUTE NO. 78 — 53 SUFFIX — 54 MILEPOST 527

44 POLICE DEPARTMENT OF: State Police — CODE 102

45 STATION/PRECINCT: Somerville

☐ AT INTERSECTION WITH — ☐ FEET ☐ METERS ☐ MILES ☐ Km — ☐ NORTH ☐ SOUTH ☐ EAST ☐ WEST OF:

55 56 57

58 ROAD NAME

RAMP? ☒ NO ☐ YES FROM: 59 (ROUTE NO.) 60 ☐ NB ☐ SB ☐ EB ☐ WB TO: 61 (ROUTE NO.) 62 ☐ NB ☐ SB ☐ EB ☐ WB

63 LATITUDE 64 LONGITUDE

46 DATE OF COLLISION MONTH DAY YEAR	47 DAY OF WEEK	48 TIME (USE 2400 HRS.)	49 MUNICIPALITY CODE	50 TOTAL KILLED	51 TOTAL INJURED
1 1 2 2 0 5	S M (Tu) W Th F S	1729	2019	- -	

VEH. 1

3

65 POLICY NO. [redacted]

66 INS. CODE 962

☐ PARKED ☐ PED ☐ BICYCLIST ☐ RESPONDING TO AN EMERGENCY ☐ HIT & RUN

67 DRIVER'S FIRST NAME [redacted] INITIAL LAST NAME

68 NUMBER AND STREET [redacted]

69 CITY: Maple Shade — STATE: NJ — ZIP [redacted] — EXPIRES 09/09

70 DRIVER'S LICENSE NUMBER [redacted] — 71 STATE: NJ — 72 DOB MO. DAY YR. [redacted] — 73 EYES: 5 — 74 SEX: M

75 OWNER'S FIRST NAME INITIAL LAST NAME

☒ SAME AS DRIVER

76 NUMBER AND STREET

77 CITY STATE ZIP EXPIRES 05/06

78 MAKE AND MODEL: Ford Escape — COLOR: Red — 79 YEAR: 2003 — 80 PLATE NO. [redacted] — 81 STATE: NJ

82 VIN NUMBER: 1FMCU03173K[redacted]

83 VEHICLE REMOVED TO — ☒ TOWED ☐ DRIVEN — 84 AUTHORITY 1 OWNER 2 DRIVER (3 POLICE)

VEH. 2

88 POLICY NO. 89 INS. CODE

☐ PARKED ☐ PED ☐ BICYCLIST ☐ RESPONDING TO AN EMERGENCY ☐ HIT & RUN

90 DRIVER'S FIRST NAME INITIAL LAST NAME

91 NUMBER AND STREET

92 CITY STATE ZIP EXPIRES

93 DRIVER'S LICENSE NUMBER — 94 STATE — 95 DOB MO. DAY YR. — 96 EYES — 97 SEX

98 OWNER'S FIRST NAME INITIAL LAST NAME

☐ SAME AS DRIVER

99 NUMBER AND STREET

100 CITY STATE ZIP EXPIRES

101 MAKE AND MODEL — COLOR — 102 YEAR — 103 PLATE NO. — 104 STATE

105 VIN NUMBER

106 VEHICLE REMOVED TO — ☐ TOWED ☐ DRIVEN — 107 AUTHORITY 1 OWNER 2 DRIVER 3 POLICE

CLOCKPOINT DIAGRAM — 12 FRONT 1 2 3 4 5 6 7 8 9 10 11 REAR

12 ROOF 13 UNDERCARRIAGE 14 OVERTURNED 15 TOTALLED 16 NONE 17 OTHER

97 ACCIDENT DIAGRAM — ○ INDICATES NORTH

SEE DIAGRAM ON PAGE 1.

108 ALCOHOL DATA

	TEST GIVEN	
DRIV. 1	☒ NO ☐ YES ☐ REFUSED	☐ BREATH ☐ BLOOD ☐ URINE
RESULTS	0.__ %	
DRIV. 2	☐ NO ☐ YES ☐ REFUSED	☐ BREATH ☐ BLOOD ☐ URINE
RESULTS	0.__ %	
PED.	☐ NO ☐ YES ☐ REFUSED	☐ BREATH ☐ BLOOD ☐ URINE
RESULTS	0.__ %	

109 HAZARDOUS MATERIAL — ON BOARD — SPILL — PLACARD NUMBER

V1 ☐ ☐ V2 ☐ ☐

110 USDOT CARRIER NO. V1 V2

111 ICC CARRIER NO. V1 V2

112 VEHICLE WEIGHT (GVW) V1 lbs. V2 lbs.

88 AREAS DAMAGED — INITIAL IMPACT / PRINCIPAL IMPACT

VEH. 1: 12 / 12

VEH. 2: - / -

89 POSTED SPEED: 65

113 CARRIER NAME V1 V2

114 ACCIDENT DESCRIPTION

[redacted]

NUMBER OF VEHICLES: 03

115 DAMAGE TO OTHER PROPERTY

OPER.	116 CHARGE	SUMMONS NUMBER	OPER.	117 CHARGE	SUMMONS NUMBER

118 OFFICER'S SIGNATURE: Thor J. Jorgensen / Thor [illegible]

119 BADGE NUMBER: 6359

120 REVIEWED BY: AR — BADGE NUMBER: 5005

121 STATUS ☐ PENDING ☒ COMPLETE

12	13	20	21	22	23	24	25	26	27	NAMES & ADDRESSES OF OCCUPANTS—IF DECEASED DATE & TIME OF DEATH

NJTR-1 (R7/01) RECORD BUREAU COPY 123 DEP CASE NUMBER (SAFETYNET ONLY)

DEC.15.2005 10:16 974 564 5623 COMMERCE SPRINGFIELD N.J. #5738 P.007/012

PE12-019 001224LC SUBJECT



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: JOHN A ROSS	Case Number: [redacted]
Plaintiff/Petitioner: [redacted] vs.	Plaintiff's/Petitioner's Attorney/Address JOHN G. SIMON STE 1450 701 MARKET ST LOUIS, MO 63101
Defendant/Respondent: FORD MOTOR COMPANY	Court Address: ST LOUIS COUNTY COURT BUILDING
Nature of Suit: CC Wrongful Death	7900 CARONDOLET CLAYTON, MO 63105 (Date File Stamp)

Summons in Civil Case

The State of Missouri to: **FORD MOTOR COMPANY**
Alias:

120 SOUTH CENTRAL
CLAYTON, MO 63105

SERVE
REGISTERED AGENT
THE CORPORATION COMPANY

COURT SEAL OF

ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

October 17, 2007
Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

_____ (name) _____ (title).

☐ other _____

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

_____ Printed Name of Sheriff or Server

_____ Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date

_____ Notary Public

Sheriff's Fees, if applicable

Summons $ _____
Non Est $ _____
Mileage $ _____ (_____ miles @ $ _____ per mile)
Total $ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

PE12-019 001226LC SUBJECT

MISSOURI CIRCUIT COURT
TWENTY-FIRST JUDICIAL CIRCUIT
ST. LOUIS COUNTY

2021 OCT 12 PM 2:01

[redacted],

Plaintiffs,

v.

FORD MOTOR COMPANY
Serve: The Corporation Company
120 South Central
Clayton, MO 63105

MAZDA MOTOR OF AMERICA, INC.
d/b/a MAZDA NORTH AMERICAN
OPERATIONS,
Serve: The Corporation Company
120 South Central
Clayton, MO 63105

BOMMARITO PONTIAC SOUTH, INC.
d/b/a BOMMARITO PONTIAC MAZDA
SOUTH,
Serve: Frank Bommarito
6127 South Lindbergh
St. Louis, MO 63123

Defendants.

Cause No.

Division No.

PETITION

COME NOW Plaintiffs, [redacted], by and through their undersigned attorneys, and for their Petition against Defendants, Ford Motor Company, Mazda Motor of America, Inc. d/b/a Mazda North American Operations and Bommarito Pontiac South, Inc. d/b/a Bommarito Pontiac Mazda South, state as follows:

PE12-019 001227LC SUBJECT

Parties

1. Plaintiffs [redacted], are the surviving parents of Courtney [redacted], deceased. As such, they bring this action pursuant to R.S.Mo. § 537.080, *et seq.*, on behalf of themselves and all others entitled to recover under said statute.

2. Plaintiffs bring this action pursuant to R.S.Mo. § 537.080, commonly referred to as the "Missouri Wrongful Death Statute," on behalf of themselves and all persons entitled to recover under said statute. Plaintiffs, [redacted], are the proper parties to this action under said statute and bring this action for the wrongful death of their daughter, [redacted], deceased.

3. Plaintiffs, [redacted] and [redacted], are citizens and residents of the State of Missouri.

4. Defendant, Mazda Motor of America, Inc. d/b/a Mazda North American Operations (hereinafter "Mazda"), is a corporation in good standing with the capacity to sue and be sued, incorporated in the state of California and is engaged in the business of designing, manufacturing and selling automobiles, and did design, manufacture and/or sell the 2004 Mazda Tribute, VIN No. 4F2YZ0410[redacted], at issue herein.

5. Defendant Mazda has distributors of its products located in Missouri, distributes products in the state of Missouri, sells and advertises products on the Internet and through other media in Missouri, has

PE12-019 001228LC SUBJECT

knowledge that their products will be distributed in Missouri, has substantial and continuing contacts with Missouri, expects that its products will be purchased in Missouri and has committed tortious acts in Missouri.

6. Defendant Mazda is registered to do business in the state of Missouri.

7. Defendant, Ford Motor Company (hereinafter "Ford"), is a corporation in good standing with the capacity to sue and be sued, incorporated in the state of Delaware, and is engaged in the business of designing, manufacturing and selling automobiles, and did design, manufacture and/or sell the 2004 Mazda Tribute, VIN No. 4F2YZ04104[redacted], at issue herein.

8. Defendant Ford has distributors of its products located in Missouri, distributes products in the state of Missouri, sells and advertises products on the Internet and through other media in Missouri, has knowledge that their products will be distributed in Missouri, has substantial and continuing contacts with Missouri, expects that its products will be purchased in Missouri and has committed tortious acts in Missouri.

9. Defendant Ford is registered to do business in the state of Missouri.

10. Defendant, Bommarito Pontiac South, Inc. d/b/a Bommarito Pontiac Mazda South (hereinafter "Bommarito"), is a Missouri corporation with its principal place of business in the state of Missouri and is engaged in

PE12-019 001229LC SUBJECT

the business of buying, selling, and distributing automobiles, and did buy, sell and/or distribute the 2004 Mazda Tribute, VIN No. 4F2YZ04104[redacted], at issue herein.

Venue

11. Venue is proper in the Circuit Court of St. Louis County pursuant to R.S.Mo. § 508.040 in that the defendants are all residents of St. Louis County.

Factual Allegations

12. On or about May 28, 2004, in Marian County, Tennessee, Decedent, [redacted], died from injuries sustained when the 2004 Mazda Tribute that she was driving rolled over.

13. At the time of the rollover of the 2004 Mazda Tribute, the roof on the driver's side crushed and [redacted] sustained fatal head trauma, including but not limited to an empty right eye socket, a split skull in several places and displaced facial fractures. [redacted] also suffered other severe injuries, including but not limited to fractured extremities in several areas and bruising to her abdominal area.

14. [redacted] died on May 28, 2004 from the injuries she sustained as a result of the rollover of the 2004 Mazda Tribute.

15. At the time Decedent [redacted], sustained the injuries which led to her death, she was driving the 2004 Mazda Tribute which was designed, manufactured, distributed and/or sold by Defendants;

PE12-019 001230LC SUBJECT

16. The 2004 Mazda Tribute at issue herein was in fact designed and manufactured by Ford as a 2004 Ford Escape. Mazda then purchased the 2004 Ford Escape, replaced the badging and identification on the Ford Escape and resold it under the Mazda Tribute name.

COUNT I
Wrongful Death of [redacted]
(Strict Products Liability- Roof Crush)

COME NOW Plaintiffs, [redacted], and for their first cause of action against Defendants, Ford Motor Company, Mazda Motor of America d/b/a Mazda North American Operations, and Bommarito Pontiac South, Inc. d/b/a Bommarito Pontiac Mazda South, state as follows:

17. Plaintiffs repeat and incorporate by reference paragraphs 1 through 16 herein as though fully set forth herein.

18. At the time of the design, manufacture, distribution and/or sale of the 2004 Mazda Tribute by Defendants, the 2004 Mazda Tribute was in a defective condition and was both defectively designed and unreasonably dangerous to users thereof, including Decedent, [redacted], in that the roof is inadequate in strength to prevent it from crushing and encroaching on the passengers in the vehicle during a rollover like the one at issue herein. *See* photograph of the driver's seat roof crush, attached hereto as "Exhibit 1."

PE12-019 001231LC SUBJECT

19. Defendants defectively designed the roof of the 2004 Mazda Tribute.

20. The roof of the 2004 Mazda Tribute was defectively and improperly designed in that it was unreasonably and inherently dangerous for its intended and ordinary use.

21. The roof of the 2004 Mazda Tribute was defectively designed in that the roof of said vehicle crushes excessively during a rollover accident, like the one at issue herein.

22. Defendants were aware of measures that could have been taken to prevent excessive roof crush and failed to take those measures in designing and manufacturing the 2004 Mazda Tribute.

23. Defendants defectively manufactured the roof of the 2004 Mazda Tribute.

24. The 2004 Mazda Tribute was improperly manufactured in a way that made it unreasonably and inherently dangerous for its intended and ordinary use.

25. Defendants failed to adequately test the roof strength of the 2004 Mazda Tribute.

26. Even with notice and knowledge of inadequate roof strength, Defendants still failed to take proper measures to make the 2004 Mazda Tribute safe.

PE12-019 001232LC SUBJECT

27. The 2004 Mazda Tribute was designed, manufactured, distributed and/or sold without an adequate warning of the above defects and dangerous conditions.

28. Even with notice and knowledge of numerous prior injuries and deaths that were a result of inadequate roof strength, Defendants still failed to adequately warn Plaintiffs of said dangerous and defective conditions.

29. Said dangerous and defective conditions in the 2004 Mazda Tribute existed at the time the automobile was manufactured, sold and/or distributed by Defendants in the ordinary course of their business.

30. The 2004 Mazda Tribute was being used in a manner reasonably anticipated by Defendants at the time Decedent, [redacted], was killed on May 28, 2004.

31. The 2004 Mazda Tribute was thus in a defective and unreasonably dangerous condition when put to a reasonably anticipated use.

32. The aforementioned defects, which existed at the time of the design, manufacture, distribution and sale of the 2004 Mazda Tribute, were the direct and proximate cause of the fatal injuries sustained by Decedent, [redacted] on May 28, 2004.

33. As a direct and proximate result of the injuries to and death of their daughter [redacted], 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,

PE12-019 001233LC SUBJECT

companionship, comfort, instruction, guidance, counsel, training and support of Decedent, [redacted]. Plaintiffs are in addition entitled to all damages that Decedent sustained before her death and for which she would have been entitled to recover had she lived.

34. Defendants knew or reasonably should have known at the time of the design, manufacture and/or sale of the subject 2004 Mazda Tribute that death or severe bodily injury was substantially likely to occur as a result of the defective and unreasonably dangerous condition of the automobile as described above.

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

WHEREFORE, Plaintiffs, [redacted] and [redacted] respectfully request judgment in their favor against Defendants, Ford Motor Company, Mazda Motor of America d/b/a Mazda North American Operations and Bommarito Pontiac South, Inc. d/b/a Bommarito Pontiac Mazda South, for a fair and reasonable amount in excess of $25,000 (Twenty-Five Thousand Dollars), for additional damages for aggravating circumstances, for pre-judgment interest, for their costs incurred herein and for such other and further relief as the Court deems just under the circumstances.

PE12-019 001234LC SUBJECT

COUNT II
Wrongful Death of [redacted]
(Negligence- Roof Crush)

COME NOW Plaintiffs, [redacted] and [redacted], and for their second cause of action against Defendants, Ford Motor Company, Mazda Motor of America d/b/a Mazda North American Operations and Bommarito Pontiac South, Inc. d/b/a Bommarito Pontiac Mazda South, state as follows:

36. Plaintiffs repeat and incorporate by reference paragraphs 1 through 35 herein as though fully set forth herein.

37. At the time of Decedent [redacted] injuries on May 28, 2004, the 2004 Mazda Tribute was being used in a manner reasonably anticipated by Defendants.

38. The injuries and resulting death of [redacted] were directly and proximately caused by Defendants' negligence in that the roof of the 2004 Mazda Tribute was negligently and carelessly designed to allow it crush and encroach on the passengers in the vehicle during a rollover collision like the one at issue herein. *See* photograph of the driver's seat roof crush, attached hereto as "Exhibit 1."

39. Defendants negligently and carelessly designed the roof of the 2004 Mazda Tribute in that it was unreasonably and inherently dangerous for its intended and ordinary use.

PE12-019 001235LC SUBJECT

40. Defendants negligently and carelessly designed the roof of the 2004 Mazda Tribute so that the roof is inadequate in strength and crushes excessively during a rollover accident, like the one at issue herein.

41. Defendants were negligent and careless in that they were aware of measures that could have been taken to prevent excessive roof crush and failed to take those measures in designing and/or manufacturing the 2004 Mazda Tribute.

42. Defendants negligently and carelessly manufactured the roof of the 2004 Mazda Tribute in that it was manufactured in a way that made it unreasonably and inherently dangerous for its intended and ordinary use.

43. Defendants negligently and carelessly failed to adequately test the roof strength of the 2004 Mazda Tribute.

44. Defendants were negligent and careless in that even with notice and knowledge of inadequate roof strength, Defendants still failed to take proper measures to make the 2004 Mazda Tribute safe.

45. Defendants were negligent and careless in that the 2004 Mazda Tribute was designed, manufactured, distributed, sold and/or resold without an adequate warning of the above defects and dangerous conditions.

46. Even with notice and knowledge of numerous prior injuries and deaths that were a result of inadequate roof strength, Defendants were still negligent and careless in failing to adequately warn Plaintiffs of said defects and dangerous conditions.

PE12-019 001236LC SUBJECT

47. The aforementioned negligent acts and omissions by Defendants were the direct and proximate cause of the fatal injuries sustained by Decedent, [redacted], on May 28, 2004.

48. As a direct and proximate result of the injuries to and death of their daughter, [redacted], 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 Decedent, [redacted]. Plaintiffs are in addition entitled to all damages that Decedent sustained before her death and for which she would have been entitled to recover had she lived.

49. Defendants knew or reasonably should have known at the time of the design, manufacture and/or sale of the subject 2004 Mazda Tribute that death or severe bodily injury was substantially likely to occur as a result of the defective and unreasonably dangerous condition of the automobile as described above.

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

PE12-019 001237LC SUBJECT

WHEREFORE, Plaintiffs, [redacted] and [redacted], respectfully request judgment in their favor against Defendants,Ford Motor Company, Mazda Motor of America d/b/a Mazda North American Operations and Bommarito Pontiac South, Inc. d/b/a Bommarito Pontiac Mazda South, for a fair and reasonable amount in excess of $25,000 (Twenty-Five Thousand Dollars), for additional damages for aggravating circumstances, for pre-judgment interest, for their costs incurred herein and for such other and further relief as the Court deems just under the circumstances.

COUNT III
Wrongful Death of [redacted]
(Strict Products Liability)

COME NOW Plaintiffs, [redacted], and for their third cause of action against Defendants, Ford Motor Company, Mazda Motor of America d/b/a Mazda North American Operations and Bommarito Pontiac South, Inc. d/b/a Bommarito Pontiac Mazda South, state as follows:

51. Plaintiffs repeat and incorporate by reference paragraphs 1 through 50 herein as though fully set forth herein.

52. At the time of the design, manufacture, distribution and/or sale of the 2004 Mazda Tribute by Defendants, the 2004 Mazda Tribute was in a defective condition and was both defectively designed and unreasonably dangerous to users thereof, including Decedent, [redacted], in the following respects:

PE12-019 001238LC SUBJECT

a. The 2004 Mazda Tribute was designed, manufactured, distributed and/or sold with a suspension system that was defectively designed and was wholly inadequate for a vehicle of its type;

b. The 2004 Mazda Tribute was designed, manufactured, distributed and/or sold without a device or guard to prevent it from overturning when it encountered the foreseeable conditions involved herein;

c. The 2004 Mazda Tribute was designed, manufactured, distributed and/or sold with too narrow of a track width for its height;

d. The 2004 Mazda Tribute was designed, manufactured, distributed and/or sold with a dangerous propensity to oversteer in emergency situations;

e. The 2004 Mazda Tribute was designed, manufactured, distributed and/or sold without vehicle stability control;

f. The 2004 Mazda Tribute was improperly designed in that it was unreasonably and inherently dangerous and incapable of being made safe for its intended and ordinary use;

PE12-019 001239LC SUBJECT

g. The 2004 Mazda Tribute was designed, manufactured, distributed and/or sold without an adequate warning of the above defects and dangerous conditions;

h. The 2004 Mazda Tribute was designed, manufactured, distributed and/or sold without Electronic Stability Control which would prevent it from overturning when it encountered the foreseeable conditions involved herein; and

i. Such further design and/or manufacturing defects as discovery and the evidence will reveal.

53. Said dangerous and defective conditions in the 2004 Mazda Tribute existed at the time the automobile was manufactured, sold and/or distributed by Defendants in the ordinary course of their business.

54. The 2004 Mazda Tribute was being used in a manner reasonably anticipated by Defendants at the time Decedent, [redacted], was killed on May 28, 2004.

55. The 2004 Mazda Tribute was thus in a defective and unreasonably dangerous condition when put to a reasonably anticipated use.

56. The aforementioned defects, which existed at the time of the design, manufacture, distribution and sale of the 2004 Mazda Tribute, were the direct and proximate cause of the fatal injuries sustained by Decedent, [redacted], on May 28, 2004.

PE12-019 001240LC SUBJECT

57. As a direct and proximate result of the injuries to and death of their daughter, [redacted], 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 Decedent, [redacted]. Plaintiffs are in addition entitled to all damages that Decedent sustained before her death and for which she would have been entitled to recover had she lived.

58. Defendants knew or reasonably should have known at the time of the design, manufacture, and/or sale of the subject 2004 Mazda Tribute that death or severe bodily injury was substantially likely to occur as a result of the defective and unreasonably dangerous condition of the automobile as described above.

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

WHEREFORE, Plaintiffs [redacted] respectfully request judgment in their favor against Defendants, Ford Motor Company, Mazda Motor of America d/b/a Mazda North American Operations and Bommarito Pontiac South, Inc. d/b/a Bommarito Pontiac Mazda South,

PE12-019 001241LC SUBJECT

for a fair and reasonable amount in excess of $25,000 (Twenty-Five Thousand Dollars), for additional damages for aggravating circumstances, for pre-judgment interest, for their costs incurred herein and for such other and further relief as the Court deems just under the circumstances.

COUNT IV
Wrongful Death of [redacted]
(Negligence)

COME NOW Plaintiffs, [redacted] and for their fourth cause of action against Defendants, Ford Motor Company, Mazda Motor of America d/b/a Mazda North American Operations and Bommarito Pontiac South, Inc. d/b/a Bommarito Pontiac Mazda South, state as follows:

60. Plaintiffs repeat and incorporate by reference paragraphs 1 through 59 herein as though fully set forth herein.

61. At the time of Decedent [redacted] injuries on May 28, 2004, the 2004 Mazda Tribute was being used in a manner reasonably anticipated by Defendants.

62. The injuries and resulting death of [redacted] were directly and proximately caused by Defendants' negligence in the following respects:

a. Defendants negligently and carelessly designed, manufactured, distributed and/or sold the 2004 Mazda

PE12-019 001242LC SUBJECT

Tribute with a wholly inadequate suspension for its type of vehicle;

b. Defendants negligently and carelessly failed to test, study and research the 2004 Mazda Tribute's ability to resist rollover;

c. Defendants negligently and carelessly failed to recall or retrofit the 2004 Mazda Tribute so as to make it reasonably safe;

d. Defendants negligently and carelessly designed, manufactured, distributed and/or sold the 2004 Mazda Tribute with too narrow of a track width;

e. Defendants negligently and carelessly designed, manufactured, distributed and/or sold the 2004 Mazda Tribute with a propensity to oversteer in emergency situations;

f. Defendants negligently and carelessly failed to test, study and research the design of the 2004 Mazda Tribute;

g. Defendants negligently and carelessly designed, manufactured, distributed and/or sold the 2004 Mazda Tribute without a vehicle stability control system;

h. Defendants negligently and carelessly designed, manufactured, distributed and/or sold the 2004 Mazda

PE12-019 001243LC SUBJECT

Tribute without adequate instructions or warnings about the above defects and dangers;

i. Defendants negligently designed, manufactured, distributed and/or sold the 2004 Mazda Tribute without Electronic Stability Control which would prevent it from overturning when it encountered the foreseeable conditions involved herein; and

j. Such further and additional acts and omissions as discovery and the evidence will reveal.

63. The aforementioned negligent acts and omissions by Defendants were the direct and proximate cause of the fatal injuries sustained by Decedent [redacted], on May 28, 2004.

64. As a direct and proximate result of the injuries to and death of their daughter, [redacted], 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 Decedent, [redacted]. Plaintiffs are in addition entitled to all damages that Decedent sustained before her death and for which she would have been entitled to recover had she lived.

65. Defendants knew or reasonably should have known at the time of the design, manufacture, and/or sale of the subject 2004 Mazda Tribute

PE12-019 001244LC SUBJECT

that death or severe bodily injury was substantially likely to occur as a result of the defective and unreasonably dangerous condition of the automobile as described above.

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

WHEREFORE, Plaintiffs, [redacted] and [redacted], respectfully request judgment in their favor and against Defendants, Ford Motor Company, Mazda Motor of America d/b/a Mazda North American Operations and Bommarito Pontiac South, Inc. d/b/a Bommarito Pontiac Mazda South, for a fair and reasonable amount in excess of $25,000 (Twenty-Five Thousand Dollars), for additional damages for aggravating circumstances, for pre-judgment interest, for their costs incurred herein and for such other and further relief as the Court deems just under the circumstances.

PE12-019 001245LC SUBJECT

SIMON PASSANANTE, P.C.

By: _____

John G. Simon, #35231
Jeff P. Roseman, #56741
Attorneys for Plaintiffs
701 Market St., Suite 1150
St. Louis, MO 63101
Telephone: (314) 241-2929
Fax: (314) 241-2029

[redacted]

Exhibit 1

PE12-019 001247LC SUBJECT





D

THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

Purpose of Notice

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

Your Rights and Obligations in Court Are Not Affected By This Notice

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

Alternative Dispute Resolution Procedures

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) **Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the partes. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

PE12-019 001249LC SUBJECT

(2) Mediation: A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

(3) Early Neutral Evaluation ("ENE"): A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

(4) Mini-Trial: A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

(5) Summary Jury Trial: A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the "trial", the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

Selecting an Alternative Dispute Resolution Procedure and a Neutral

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

PE12-019 001250LC SUBJECT



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

----------X

[redacted],

Plaintiff,

-against-

FORD MOTOR COMPANY AND URBAN CLASSICS, LTD,

Defendants.

----------X

SUMMONS

MAR 19 2008

The basis of venue is Defendant's residence

Plaintiff resides at [redacted] York, County of Queens

TO THE ABOVE NAMED DEFENDANT(s):

YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on plaintiff's attorneys within 20 days after service of this summons, exclusive of the day of service, or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, Judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: New York, New York
March 17, 2008

Yours, etc.,

STEPHEN J. MURPHY
Block & O'Toole
Attorney for Plaintiff
One Penn Plaza
New York, New York 10119
212-736-5300
File # 3256

DEFENDANT'S ADDRESSES:

FORD MOTOR COMPANY
C/C CT CORPORATION SYSTEM
111 Eight Avenue
New York, New York 10011

URBAN CLASSICS LTD
14 Old Fulton Street
Brooklyn, New York 11201-1323

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

----------X

[redacted],

Plaintiff,

-against-

FORD MOTOR COMPANY AND URBAN CLASSICS, LTD,

----------X

VERIFIED COMPLAINT

Index No.: 9157/08

MAR 19 2008

Plaintiff, [redacted], alleges upon information and belief as follows:

AS AND FOR A FIRST CAUSE OF ACTION

1. That at the time of the commencement of this action plaintiff resided in the County of Queens, City and State of New York.

2. That this action falls under one or more of the exceptions of CPLR § 1602.

3. That at all times herein mentioned, defendant FORD MOTOR COMPANY was and still is a domestic corporation duly authorized and existing under and by virtue of the laws of the State of New York.

4. That at all times herein mentioned, defendant URBAN CLASSICS LTD was and still is a domestic corporation duly authorized and existing under and by virtue of the laws of the State of New York.

5. That at all times herein mentioned, defendant FORD MOTOR COMPANY maintained its principal place of business within the County of New York, State of New York.

6. That at all times herein mentioned, defendant URBAN CLASSICS LTD maintained its principal place of business within the County of Kings, State of New York.

7. That at all times herein mentioned the defendant FORD MOTOR COMPANY was and still is a foreign corporation, duly authorized to do business in the State of New York.

8. That at all times herein mentioned the defendant URBAN CLASSICS LTD was and still is a foreign corporation, duly authorized to do business in the State of New York.

9. That at all times herein mentioned the defendant FORD MOTOR COMPANY had its principal place of business in the State of New York.

10. That at all times herein mentioned the defendant URBAN CLASSICS LTD had its principal place of business in the State of New York.

11. The defendant FORD MOTOR COMPANY committed a tortious act within the State of New York.

12. The defendant URBAN CLASSICS LTD committed a tortious act within the State of New York.

13. That defendant FORD MOTOR COMPANY regularly does, or solicits, business in the State of New York.

14. That defendant URBAN CLASSICS LTD regularly does, or solicits, business in the State of New York.

15. That defendant FORD MOTOR COMPANY received substantial revenue from goods used or consumed or service rendered in the State of New York.

16. That defendant URBAN CLASSICS LTD received substantial revenue from goods used or consumed or service rendered in the State of New York.

17. That at all times herein mentioned the defendant FORD MOTOR COMPANY was in the business of selling, manufacturing and distributing 2004 Ford Escapes for the purpose of sale and use to the general public.

18. That at all times herein mentioned the defendant URBAN CLASSICS LTD was in the business of repairing and maintaining motor vehicles including 2004 Ford Escapes for the purpose and use to the general public.

19. That at all times herein mentioned the defendant FORD MOTOR COMPANY was in the business of selling, manufacturing and distributing 2004 Ford Escapes for the purpose of sale and use to businesses.

20. That the defendant FORD MOTOR COMPANY had manufactured, produced and distributed a certain product called the "2004 Ford Escape".

21. That at all times herein mentioned and prior to January 2, 2008, the defendant FORD

MOTOR COMPANY, sold, distributed and delivered to various retailers the said product.

22. That on January 2, 2008 Plaintiff [redacted] was engaged in the course of his employment with THE BROOKLYN NAVY YARD and used the said product of defendants FORD MOTOR COMPANY and URBAN CLASSICS LTD.

23. That on or about January 2, 2008 the defendant URBAN CLASSICS LTD repaired the aforesaid product a 2004 Ford Escape bearing VIN number 1FMCU93114[redacted] for THE BROOKLYN NAVY YARD.

24. That on or about January 2, 2008 the defendant URBAN CLASSICS LTD repaired the aforesaid product a 2004 Ford Escape bearing New York State license plate number [redacted] for THE BROOKLYN NAVY YARD.

25. That on or about January 2, 2008 the defendant URBAN CLASSICS LTD warranted the repair of said product a 2004 Ford Escape bearing VIN number 1FMCU93114[redacted] for THE BROOKLYN NAVY YARD.

26. That on or about January 2, 2008 the defendant URBAN CLASSICS LTD warranted the repair of said product a 2004 Ford Escape bearing New York State license plate number [redacted] for THE BROOKLYN NAVY YARD.

27. That the defendant FORD MOTOR COMPANY warranted said product was fit for the purpose for which it was intended.

28. That the defendant URBAN CLASSICS LTD warranted said product was fit for the purpose for which it was intended.

29. That the defendant FORD MOTOR COMPANY warranted that said product was safe to use in every respect, and had been manufactured safely and warranted that it was good, safe and proper to use.

30. That the defendant URBAN CLASSICS LTD warranted that said product was safe to use in every respect, and had been manufactured safely and warranted that it was good, safe and proper to use.

31. That the defendant FORD MOTOR COMPANY impliedly warranted that the said product was of merchantilable quality and was safe for use.

32. That the defendant URBAN CLASSICS LTD impliedly warranted that the said product was of merchantilable quality and was safe for use.

33. That relying upon said warranties, plaintiff proceeded to use the said product for work in accordance with its intended use.

34. That defendant FORD MOTOR COMPANY warranted its product and provided certain written instructions in connection with the use of the product.

35. That defendant URBAN CLASSICS LTD warranted its repair of said product and provided certain written instructions on the use of the product.

36. That on January 2, 2008 the plaintiff, while using the product in accordance with its intended use and pursuant to the written instructions set forth, was caused to suffer and sustain severe bodily injuries.

37. That the aforesaid accident was caused solely and wholly by reason that defendants FORD MOTOR COMPANY and URBAN CLASSICS LTD breached its warranty or product merchantability and fitness for the intended use of the said product which warranties were both express and implied.

38. That solely by reason of the aforesaid accident the plaintiff [redacted] became sick, sore, lame and disabled, and suffered great physical and mental pain; suffered nervous shock and severe and permanent injuries to various parts of his body; suffered nervous shock and injury to his nerves and nervous system, and suffered great conscious pain and suffering, all to plaintiff's damage a sum that exceeds the jurisdictional limits of all lower Courts that would otherwise have jurisdiction, together with the costs and disbursements of this action.

AS AND FOR PLAINTIFF'S SECOND CAUSE OF ACTION

39. Plaintiff repeats and realleges each and every allegation contained in Paragraphs from "1" through "38", with the same force and effect as those set forth herein and at length.

40. That the said product was defective and that said defect was a substantial factor in causing the injury to the plaintiff.

41. That on January 2, 2008, plaintiff [redacted] was performing work using the product for the purpose and use normally intended.

42. That on January 2, 2008, while plaintiff [redacted] was working using the said product, malfunctioned causing plaintiff [redacted] to suffer severe bodily injuries.

43. That by reason of the foregoing, the defendants FORD MOTOR COMPANY and URBAN CLASSICS LTD, their servants, agents, licensees and/or employees are liable to plaintiff for strict liability and tort, and/or strict products liability.

44. That by reason of the foregoing, plaintiff [redacted] has been damaged in the sum that exceeds the jurisdictional limits of all lower Courts that would otherwise have jurisdiction, together with the costs and disbursements of this action.

AS AND FOR PLAINTIFF'S THIRD CAUSE OF ACTION

45. Plaintiff repeats and realleges each and every allegation contained in Paragraphs "1" through "44", with the same force and effect as those set forth herein fully and at length.

46. That plaintiff [redacted] was caused to sustain those bodily injuries through no fault or carelessness of his own, but solely due to the acts and/or omissions which constituted the negligence of the defendants FORD MOTOR COMPANY and URBAN CLASSICS LTD, their agents, servants, licensees and/or employees, in failing to use proper skill in the manufacturing, designing and repair of said product; in failing to provide for basic, common, safety principles; in manufacturing the product in a defective and improper manner; in failing to repair said product and rendering it unsafe for its intended use by the general public; in negligently failing to provide proper repair to said product which thereby created an unsafe and hazardous condition; in failing to advise plaintiff that the equipment in accordance with the instructions became defective and was unsafe and hazardous; in failing to properly inspect, design and test the aforesaid product before allowing same to be used by the general public; in failing to give proper and timely notice to plaintiff of the defective and unsafe product, and improperly not providing for warnings, in accordance with the instructions of its use; in failing to provide a safe product, and causing, creating and allowing a defective, improper and poorly manufactured product by improperly giving instructions thereby creating a dangerous condition with respect to the product and its use, and permitting it to remain and exist; in failing to provide proper safeguards and warnings to prevent injury to the users and others of the said product; in failing to warn the plaintiff and others of the dangerous, improper and

poorly manufactured and defective instructions and condition of the product, and in manufacturing and negligently repairing, and provide warnings, and releasing same for its use to the general public; and in otherwise being careless and negligent.

47. That by reason of the foregoing, plaintiff, [redacted] has been damaged in the sum that exceeds the jurisdictional limits of all lower Courts that would otherwise have jurisdiction, together with the costs and disbursements of this action.

WHEREFORE, plaintiff [redacted] demands judgment against the defendants in the first cause of action; second cause of action and the third cause of action in the sum that exceeds the jurisdictional limits of all lower Courts that would otherwise have jurisdiction, together with the interest, costs and disbursements of this action.

Dated: New York, New York
March 17, 2008

Yours, etc.

STEPHEN J. MURPHY
Block & O'Toole
Attorneys for Plaintiff
DANIEL MOLINA
One Penn Plaza
New York, New York 10119
212-736-5300
File # 3256

[redacted]

State Farm Insurance Companies

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

March 8, 2006

Certified Mail-Return Receipt Requested

Ford Motor Company
Office of General Counsel
3 Parklane Blvd, Suites 400; Parklane Towers West
Dearborn, MI 48126

RE: Claim Number: [redacted]
Date of Loss: November 23, 2004
Our Insured: [redacted]
Loss Location: Columbus, OH
Vehicle: Ford, Escape
VIN: 1FMYU93163K[redacted]
Mileage: 38,839
Your File Number:
Amount State Farm Paid: $9,306.29
Insured's Deductible: $250.00
Total payable to State Farm: $9,556.29

Dear Claim Department:

This notice is to advise of a loss that occurred to our insured's vehicle. The damage was caused by recall on accelerator cable.

Our investigation indicates that the 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 the Ford Motor Company for reimbursement of reimbursement of $9,556.29.

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.

As a courtesy to our insured, we are forwarding out-of-pocket expenses they incurred as a result of this loss. These are expenses that are not covered under our insured's policy. Please remit payment for the out-of-pocket expenses directly to our insured and confirm when you have done so.

PE12-019 001260LC SUBJECT

14-1837-972

Application for Highway Patrol Investigated Crash

Please allow 3-4 weeks to process your request. Be sure to read all instructions. Call 614-466-3536 with any questions.

HIGHWAY PATROL REPORT

Complete the following information to obtain a report investigated by the **Ohio State Highway Patrol.**

Enclose a check or money order in the amount of **$4.00** payable to the **Ohio State Highway Patrol**

Crash Report #: [redacted]

Obtained from the post that handled your crash. Refer to Highway Patrol phone numbers provided.

Date of crash 11-23-04

Drivers/Pedestrians Involved:

Name: [redacted]

Name: [redacted]

Location:

County

City/Town Columbus

Highway 271 - 1 mile from 71

FAX NUMBER: 888-816-6939

RETURN CRASH REPORT TO:

NAME	
STREET	STATE FARM INSURANCE COMPANIES AUTO CLAIMS CENTRAL P.O. BOX 3020
CITY	NEWARK, OH 43058-9922 STATE ZIP

PHOTOGRAPHS MUST BE ORDERED SEPARATELY:

Do not enclose a fee for photos with this application. If photos were taken, you may purchase copies by completing the "Application for Photographs" which will be sent to you with your copy of the crash report. Call 614-466-3775 with questions regarding photographs.

Send your request, with your payment to:
Ohio State Highway Patrol
Central Records, 1st Floor
P.O. Box 182074
Columbus, Ohio 43218-2074

DO NOT WRITE IN THIS AREA

015199

14-1837-972 PR

DO NOT WRITE IN THIS AREA

Application for Local Police or Sheriff Investigated Crash

Contact the local law enforcement agency for a complete report of any local law enforcement-investigated crash occurring *after June 30, 2001. Effective July 1, 2001*, copies of these reports are no longer maintained by the Ohio Department of Public Safety. Call 614-752-1583 with any questions.

LOCAL POLICE REPORT

Complete the information requested below **ONLY** if you are requesting a copy of a crash report completed by local police or sheriffs, **AND** the crash occurred *before July 1, 2001* (Limited Availability). Allow 3-4 weeks for your request to be processed. The copy you will receive will only be a copy of the originating agency's basic report and will not contain photos, witness statements, supplements, scale drawings, etc. Contact the investigating agency for a complete report.

BMV Case Number

(May be obtained from your drivers abstract, maintained by the Ohio Bureau of Motor Vehicles)

Date of Crash

Drivers/Pedestrians Involved:

Name

SSN

DOB

FAX NUMBER: Not available for local police reports.

RETURN CRASH REPORT TO:

NAME	
STREET	STATE FARM INSURANCE COMPANIES AUTO CLAIMS CENTRAL P.O. BOX 3020
CITY	NEWARK, OH 43058-9922 ZIP

Enclose a check or money order in the amount of **$4.00** payable to the **Ohio Department of Public Safety.**

Send your request, with your payment to:
Ohio Department of Public Safety,
Central Records, 1st Floor
P.O. Box 182074
Columbus, Ohio 43218-2074

OH-1 (Rev. 10/99)

TRAFFIC CRASH REPORT

OHIO PUBLIC SAFETY

[redacted]

CRASH SEVERITY: 1 FATAL 3 PDO 2 INJURY 4 UNKNOWN

PRIVATE PROPERTY

HIT/SKIP: 1 NOT HIT/SKIP 2 SOLVED 3 UNSOLVED — 1

PHOTOS TAKEN: Y — OH-2 X | OH-3 X | OH-1P | OTHER

REPORTING AGENCY #: OHP21 STATE PATROL

02 - 01

88 = ANNUAL 99 = UNKNOWN

1-1-2004

1640

DAY OF WEEK: TUE

NAME (OF CITY, VILLAGE OR TOWNSHIP) #: SHARON

25

LATITUDE / LONGITUDE

CRASH OCCURRED ON: PREFIX | CRASH LOCATION: IR 270 | TYPE LOC: 3

TYPE LOCATION POINT USED: 1 NAMED STREET 3 NUMBERED ROUTE 2 NUMBERED STREET

LOCAL INFORMATION

DISTANCE FROM REFERENCE: .9 M E | DIR | REFERENCE: 34 | REF POINT: 06

REFERENCE POINT USED: 01 STATE LINE 02 INTERSECTION 2 STREETS 03 COUNTY LINE 04 HOUSE NUMBER 05 TOWNSHIP BOUNDARY 06 MILE POST 07 CORPORATION LIMIT 08 PLACE NAME W/O REFERENCE 09 DRIVEWAY 10 STREET OR ROUTE W/O REFERENCE

Motorist/Non-Motorist

NAME (LAST, FIRST, MIDDLE): 0 1 0 1 [redacted]

ADDRESS (STREET, CITY, STATE, ZIP CODE): [redacted] INDIANAPOLIS, IN [redacted]

HOME PHONE # [redacted] WORK PHONE #

52 F

DL STATE: IN | DL #: [redacted] | LP STATE: IN | LP #: [redacted] | INJURED TAKEN BY: 1 | TRANSPORTED BY | INJURED TAKEN TO

1 NONE 4 OTHER 2 EMS 5 UNKNOWN 3 POLICE

OWNER NAME (IF SAME, WRITE "SAME"): SAME | ADDRESS (STREET, CITY, STATE, ZIP CODE)

YEAR	MAKE	MODEL	COLOR	INSURANCE COMPANY	TOWING SERVICE	OWNER PHONE #
2003	FORD	ESCAPE	WHITE	STATE FARM	WORTHINGTON	

OFFENSE CHARGED: 4511.21A | OFFENSE DESCRIPTION: ACDA | [redacted]

[redacted] AVON, OH [redacted]

HOME PHONE # [redacted] WORK PHONE #

19 F

DL STATE: OH | DL #: [redacted] | LP STATE: OH | LP #: [redacted] | INJURED TAKEN BY: 1 | TRANSPORTED BY | INJURED TAKEN TO

1 NONE 4 OTHER 2 EMS 5 UNKNOWN 3 POLICE

OWNER NAME (IF SAME, WRITE "SAME"): [redacted] | ADDRESS (STREET, CITY, STATE, ZIP CODE): SAME

YEAR	MAKE	MODEL	COLOR	INSURANCE COMPANY	TOWING SERVICE	OWNER PHONE #
2002	JEEP	LIBERTY	GRAY	STATE FARM		

OFFENSE CHARGED: | OFFENSE DESCRIPTION:

Occupant

NAME (LAST, FIRST, MIDDLE): [redacted]

HOME PHONE #: [redacted]

ADDRESS (STREET, CITY, STATE, ZIP CODE): [redacted] AVON, OH [redacted]

INJURED TAKEN BY: 1 NONE 4 OTHER 2 EMS 5 UNKNOWN 3 POLICE | TRANSPORTED BY | INJURED TAKEN TO

SEATING POSITION	SAFETY EQUIPMENT	AIR BAG	AIR BAG SWITCH	EJECTION	TRAPPED	INJURIES
01	09	1	1	1	1	1
01	04	1	1	1	1	1
03	04	1	1	1	1	1

SEATING POSITION: 01 FRONT - LEFT (MC DRIVER) 02 FRONT - MIDDLE 03 FRONT - RIGHT 04 SECOND - LEFT (MC PASS) 05 SECOND - MIDDLE 06 SECOND - RIGHT 07 THIRD - LEFT (MC PASSENGER/SIDE CAR) 08 THIRD - MIDDLE 09 THIRD - RIGHT 10 SLEEPER SECTION OF CAB 11 ENCLOSED CARGO AREA 12 UNENCLOSED CARGO AREA 13 TRAILING UNIT 14 EXTERIOR 15 OTHER 16 NON-MOTORIST 17 UNKNOWN

SAFETY EQUIPMENT — MOTORIST: 01 NONE USED 02 SHOULDER BELT ONLY 03 LAP BELT ONLY 04 SHOULDER & LAP BELT 05 CHILD SAFETY SEAT 06 MC HELMET USED 07 USE UNKNOWN — NON-MOTORIST: 08 NONE USED 09 HELMET USED 10 PROTECTIVE PADS 11 REFLECTIVE CLOTHING 12 LIGHTING 13 OTHER 14 UNKNOWN

AIR BAG: 1 NOT DEPLOYED 2 DEPLOYED-FRONT 3 DEPLOYED-SIDE 4 DEPLOYED BOTH FRONT/SIDE 5 NOT APPLICABLE 6 UNKNOWN

AIR BAG SWITCH: 1 NOT PRESENT 2 IN ON POSITION 3 IN OFF POSITION 4 UNKNOWN

EJECTION: 1 NOT EJECTED 2 TOTALLY EJECTED 3 PARTIALLY EJECTED 4 NOT APPLICABLE 9 UNKNOWN

TRAPPED: 1 NOT TRAPPED 2 EXTRICATED BY MECHANICAL MEANS 3 FREED BY NON-MECHANICAL MEANS 9 UNKNOWN

INJURIES: 1 NO INJURY 2 POSSIBLE 3 NON-INCAPACITATING 4 INCAPACITATING 5 FATAL INJURY 9 UNKNOWN

BLANK FOR WITNESS

HSY7031 TOP COPY - ODPS BOTTOM COPY - AGENCY

PE12-019 001262LC SUBJECT

Unit Numbers

0 1 0 2

Non-Motorist Location

01 Marked Crosswalk At Intersection
02 Intersection/No Crosswalk
03 Non-Intersection Crosswalk
04 Driveway Access Crosswalk
05 In Roadway
06 Not In Roadway
07 Median (But Not Shoulder)
08 Island
09 Shoulder
10 Sidewalk
11 Within 10 Feet Of Roadway (Not Shoulder, Median, Sidewalk, Island)
12 Beyond 10 Feet Of Roadway (Within Trafficway)
13 Outside Trafficway
14 Shared Use Paths Or Trails
15 Unknown

Type Of Unit

0 6 0 6

Motorist
01 Sub-Compact
02 Compact
03 Mid Size
04 Full Size
05 Minivan
06 Sport Utility Vehicle
07 Pickup
08 Panel/Van
09 Single Unit Truck; 2 Axles, 6 Tires
10 Single Unit Truck; 3+ Axles
11 Truck/Trailer
12 Truck Tractor (Bobtail)
13 Tractor/Semi-Trailer
14 Tractor/Double
15 Tractor/Double
16 Fifth Wheel On Conversion Dolly
17 Tractor/Triples
18 Motorcycle
19 Motorized Bicycle
20 School Bus
21 Church Bus
22 Public Bus
23 Other Bus
24 Police Vehicle
25 Fire Truck
26 Ambulance/Rescue
27 Taxi
28 Motor Home
29 Trailer
30 Farm Vehicle
31 Farm Equipment
32 Snowmobile
33 Construction Equipment
34 All Others

Non-Motorist
35 Animal W/Rider
36 Animal W/Buggy
37 Bicycle
38 Pedestrian
39 Pedal Cyclist
40 Skater
41 Other Non-Motorist
42 Unknown

In Emergency Response

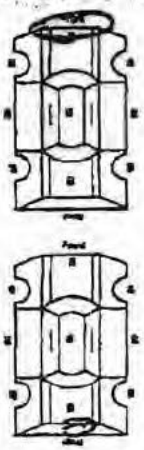
7 No
2 Yes
9 Unknown

Damage Scale

1 4

1 None
2 Non-Functional Damage
3 Functional Damage
4 Disabling Damage
5 Severe
8 Unknown

Damage Area



Most Damaged Area

0 2 0 6

01 None
02 Center Front
03 Right Front
04 Right Side
05 Right Rear
06 Rear Center
07 Left Rear
08 Left Side
09 Left Front
10 Top And Windows
11 Undercarriage
12 Load/Trailer
13 Total (All Areas)
14 Other
15 Unknown

Point of Impact

0 2 0 6

01 None
02 Center Front
03 Right Front
04 Right Side
05 Right Rear
06 Rear Center
07 Left Rear
08 Left Side
09 Left Front
10 Top And Windows
11 Undercarriage
12 Load/Trailer
13 Total (All Areas)
14 Other
15 Unknown

Action

3 4

1 Non-Contact
2 Non-Collision
3 Striking
4 Struck
5 Both Striking And Struck
9 Unknown

Striking Vehicle: Override/Underride

1

1 No Underride Or Override
2 Underride, Compartment Intrusion
3 Underride, No Compartment Intrusion
4 Underride, Compartment Intrusion Unknown
5 Override, Motor Vehicle In Transport
6 Override, Other Vehicle
7 Unknown

Pre-Crash Actions

1 1 1 1

Motorist
01 Movements Essentially Straight Ahead
02 Backing
03 Changing Lanes
04 Overtaking/Passing
05 Turning Right
06 Turning Left
07 Making U-Turn
08 Entering Traffic Lane
09 Leaving Traffic Lane
10 Parked
11 Slowing/Stopped In Traffic
12 Driverless
13 Other
14 Unknown

Non-Motorist
15 Entering/Crossing In Specified Location
16 Walking, Running, Jogging, Playing, Cycling
17 Working
18 Pushing Vehicle
19 Approaching/Leaving Vehicle
20 Playing/Working On Vehicle
21 Standing
22 Other
23 Unknown

Contributing Circumstances

0 8 0 1

Motorist
01 None
02 Failure To Yield
03 Ran Red Light, Or Stop Sign
04 Exceeded Speed Limit
05 Unsafe Speed
06 Improper Turn
07 Left Of Center
08 Followed Too Closely/ACDA
09 Improper Lane Change/ Drove Off Road/ Improper Passing
10 Improper Backing
11 Improper Start From Parked Position
12 Stopped Or Parked Illegally
13 Operating Vehicle In Erratic, Reckless, Careless, Negligent Or Aggressive Manner
14 Swerving To Avoid (Due To Wind, Slippery Surface, Vehicle, Object, Non-Motorist In Roadway, Etc)
15 Failure To Control
16 Vision Obstruction
17 Driver Inattention
18 Fatigue/Asleep
19 Operating Defective Equipment
20 Load Shifting/Falling/Spilling
21 Other Improper Action
22 Unknown

Non-Motorist
23 None
24 Improper Crossing
25 Darting
26 Lying And/Or Illegally In Roadway
27 Failure To Yield Right Of Way
28 Not Visible (Dark Clothing)
29 Inattentive
30 Failure To Obey Traffic Signs, Signals, Or Officer
31 Wrong Side Of The Road
32 Other
33 Unknown

Vehicle Defect Code Only If '19' Selected Above

01 Turn Signals
02 Head Lamps
03 Tail Lamps
04 Brakes
05 Steering
06 Tire Blowout
07 Worn Or Slick Tires
08 Trailer Equipment Defective
09 Motor Trouble
10 Disabled From Prior Crash
11 Other Defects

Sequence Of Events

2 0 2 0

Non-Collision
01 Overturn/Rollover
02 Fire/Explosion
03 Immersion
04 Jackknife
05 Cargo/Equipment Loss/Shift
06 Equipment Failure
07 Separation Of Units
08 Ran Off Road Right
09 Ran Off Road Left
10 Cross Median/Centerline
11 Downhill Runaway
12 Other Non-Collision
13 Unknown Non-Collision

Collision W/Person, Vehicle, Or Object Not Fixed
14 Pedestrian
15 Pedalcycle
16 Railway Vehicle
17 Animal - Farm
18 Animal - Deer
19 Animal - Other
20 Motor Vehicle In Transport
21 Parked Motor Vehicle
22 Work Zone Maintenance Equipment
23 Other Movable Object
24 Unknown Movable Object

Collision With Fixed Object
25 Impact Attenuator/Crash Cushion
26 Bridge Overhead Structure
27 Bridge Pier Or Abutment
28 Bridge Parapet
29 Bridge Rail
30 Guardrail Face
31 Guardrail End
32 Median Barrier
33 Highway Traffic Sign Post
34 Overhead Sign Post
35 Light/Luminaries Support
36 Utility Pole
37 Other Post, Pole Or Support
38 Culvert
39 Curb
40 Ditch
41 Embankment
42 Fence
43 Mailbox
44 Tree
45 Other Fixed Object
46 Work Zone Maintenance Equipment
47 Unknown Fixed Object
48 Other
49 Unknown

First Harmful Event

1

Of The Sequence Of Events – Which One Is The First Harmful Event (1-4)

Most Harmful Event

1

Of The Sequence Of Events – Which One Is The Most Harmful Event (1-4)

Speed Detected

1

1 Stated
2 Estimated Speed

Speed

1 0

1 0

Posted Speed

6 5 6 5

Traffic Control

1 2 1 2

01 No Controls
02 Stop Sign
03 Yield Sign
04 Traffic Signal
05 Traffic Flashers
06 School Zone
07 Railroad Crossbucks
08 Railroad Flashers
09 Railroad Gates
10 Construction Barricade
11 Police Officer
12 Pavement Markings
13 Crosswalk Lines
14 Walk/Don't Walk Signal
15 Traffic Control Device Inoperative, Missing, Obscured
16 Other

Direction

4 3 4 3

1 North
2 South
3 East
4 West
5 Northeast
6 Northwest
7 Southeast
8 Southwest
9 Unknown

Condition

1 1

1 Apparently Normal
2 Physical Impairment
3 Emotional
4 Illness
5 Fell Asleep, Fainted, Fatigued, Etc
6 Under The Influence Of Medications/Drugs/Alcohol
7 Other
8 Unknown

Alcohol/Drug Suspected

1 1

1 None
2 Yes – Alcohol Suspected
3 Yes – HBD Not Involved
4 Yes – Drugs Suspected
5 Yes – Alcohol/Drugs Suspected
8 Unknown

Alcohol Test Status

1 1

1 None
2 Test Refused
3 Test Given, Contaminated Sample/Unusable
4 Test Given, Results Known
5 Test Given, Results Unknown
8 Unknown

Alcohol Test Type

1 1

1 None
2 Blood
3 Urine
4 Breath
5 Other

Alcohol Test Result

Drug Test Status

1 1

1 None
2 Test Refused
3 Test Given, Contaminated Sample/Unusable
4 Test Given, Results Known
5 Test Given, Results Unknown
8 Unknown

Drug Test Type

1 1

1 None
2 Blood
3 Urine
4 Other

Drug Test(s) Result

1 None
2 Marijuana
3 Cocaine
4 Opiates
5 Amphetamines
6 PCP
7 Other
8 Unknown at Time Of Reporting

Type Of Intersection

0 1

01 Not An Intersection
02 Four-Way Intersection
03 T-Intersection
04 Y-Intersection
05 Traffic Circle/Roundabout
06 Five-Point, Or More
07 On Ramp
08 Off Ramp
09 Crossover
10 Driveway/Alley
11 Railway Grade Crossing
12 Shared-Use Paths Or Trails
13 Unknown

Occupancy

1

1 On Roadway
2 On Shoulder
3 In Median
4 On Roadside
5 On Gore
6 Outside Trafficway
7 Unknown

Road Contour

2

1 Straight Level
2 Straight Grade
3 Curve Level
4 Curve Grade

Road Conditions

0 1

01 Dry
02 Wet
03 Snow
04 Ice
05 Sand, Mud, Dirt, Oil, Gravel
06 Water (Standing, Moving)
07 Slush
08 Debris*
09 Rut, Holes, Bumps, Uneven Pavement*
10 Other
11 Unknown

* Secondary Road Conditions Only

2 1 - 1 7 8 2 - 2 5

Top Copy - OOPS Bottom Copy - Agency

PE12-019 001263LC SUBJECT

Narrative

UNIT #1 & #2 WERE E/B ON IR 270.. BOTH UNIT'S WERE SLOWING FOR TRAFFIC AHEAD WHEN UNIT #1 FAILED TO MAINTAIN ASSURED CLEAR DISTANCED AHEAD AND STRUCK UNIT #2 IN THE REAR.

Manner of Collision or Impact

2

1 Not Collision Between Two Vehicles in Transport
2 Rear-End
3 Head-On
4 Rear-to-Rear
5 Backing
6 Angle
7 Sideswipe, Same Direction
8 Sideswipe, Opposite Direction
9 Unknown

Weather

0 2

01 Clear
02 Cloudy
03 Fog, Smog, Smoke
04 Rain
05 Sleet, Hail (Freezing Rain Drizzle)
06 Snow
07 Severe Crosswinds
08 Blowing Sand, Soil, Dirt, Snow
09 Other
10 Unknown

Light Conditions

3

1 Daylight
2 Dawn
3 Dusk
4 Dark – Lighted Roadway
5 Dark – Not Lighted
6 Dark – Unknown Lighting
7 Glare
8 Other
9 Unknown

School Bus Related

1

1 No
2 Yes, Directly Involved
3 Yes, Indirectly Involved
4 Unknown

Work Zone Related

1

1 No
2 Yes
3 Unknown

Type Of Work Zone

1 Lane Closure
2 Lane Shift/Crossover
3 Work On Shoulder Or Median
4 Intermittent/Moving Work
5 Other

Location Of Crash or Work Zone

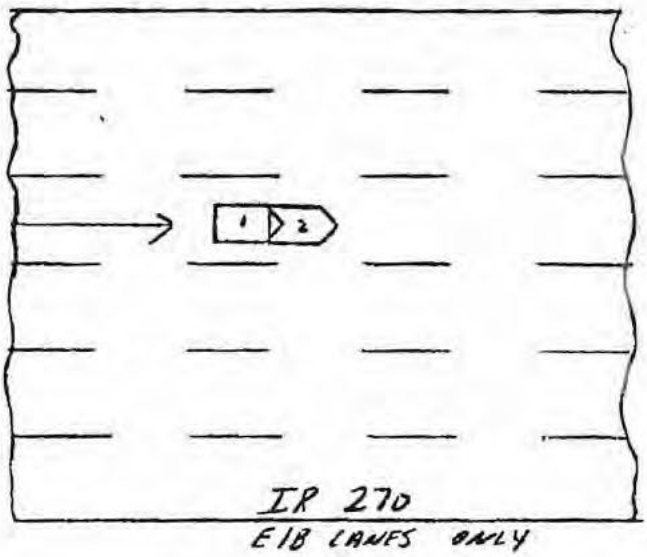
1 Before First Work Zone Warning Sign
2 Advance Warning Area
3 Transition Area
4 Activity Area

Workers Present

1 No
2 Yes
3 Unknown

Diagram

Write an "N" on the compass diagram to indicate the direction of north.



Truck/Bus

The Crash Involved one or more of the following:
A truck (motor vehicle) with a GVWR more than 10,000 pounds; or
A truck (motor vehicle) with a hazardous materials placard; or
A bus designed for at least 8 persons, including driver.

AND

The Crash Resulted in one or more of the following:
A fatality; or
An injury requiring transportation for immediate medical treatment; or
At least one vehicle was towed due to disabling damage or required intervening assistance before proceeding under its own power.

Company (From Shipping Papers) | Company Phone

Address (Street, City, St, Zip Code)

US DOT | ICC MC | PUCO | Trailer LP St. | Trailer LP Year | Trailer LP #

Cargo Body Type
01 Not Applicable
02 Bus (9-15 Including Driver)
03 Van/Enclosed Box
04 Grain/Chips/Gravel
05 Pole
06 Cargo Tank
07 Flatbed
08 Dump
09 Concrete Mixer
10 Auto Transporter
11 Garbage/Refuse
12 Other
13 Unknown

Weight (GVWR)
1 Less/Equal 10,000
2 10,001 - 26,000
3 More Than 26,000

CDL Class
1 Class A
2 Class B
3 Class C
4 Class M
5 Class D

Hazardous Materials Placard
1 No
2 Yes
3 Unknown

Hazardous Materials Released
1 No
2 Yes
3 Not Applicable
4 Unknown

Police Action

Unit Call by Reporter: [redacted]

Dispatch: 1640 | Arrived: 1653 | Cleared: 1750 | Other: 90 | 160

Officer's Name #: TPR N.S. DAVIS | Badge #: 1518 | Checked By: [signature] | Date Report Filed #: 11232004

Report Taken By: 1 (1 Police Agency, 2 Motorist) | Report Taken At: 1 (1 Scene, 2 Station, 3 Other) | Supplement Number: 21-1782-25

Top Copy - OOPS Bottom Copy - Agency

OHIO TRAFFIC ACCIDENT - DIAGRAM/NARRITIVE CONTINUATION OH - 2

LOCAL REPORT NUMBER [redacted]	REPORTING AGENCY STATE PATROL	DATE OF ACCIDENT M 11 D 23 Y 04
IN COUNTY OF FRANKLIN	ACCIDENT LOCATION IR 270 @ MP 24	

UNIT #1

2003 WHITE FORD ESCAPE IN 41Y 4062

- HEAVY FRONT END DAMAGE
- HOOD, GRILL, BUMPER DENTED
- RADIATOR BROKE
- D/S FENDER DENTED

UNIT #2

2002 GRAY JEEP LIBERTY OH CIY 3292

- SPARE TIRE RIPPED COVER
- REAR BUMPER SCRATCHED

NO FIELD SKETCH MADE, VEHICLES MOVED PRIOR TO MY ARRIVAL.

OFFICER'S SIGNATURE X TFC W.S. Dan

BADGE NUMBER 1578

HSY 7002 1/82

#1

OHIO TRAFFIC CRASH WITNESS STATEMENT OH-3 REV 1/82

LOCAL REPORT NUMBER [redacted]	REPORTING AGENCY STATE PATROL	DATE OF CRASH M 11 D 23 Y 04

FOR LOCAL USE ONLY – DO NOT SUBMIT TO THE STATE EXCEPT FOR FATAL CRASHES

I, [redacted] (PRINTED) HEREBY MAKE THIS VOLUNTARY STATEMENT TO

TPR W.S. DAVIS (OFFICERS NAME) AT SCENE (LOCATION)

Traffic was starting & stopping. All at once a car in front of me was stopped & I hit my brakes but couldn't stop in time & hit car in front of me.

Q. How fast were you going? A. Maybe 10 M.P.H.

Q. Were you wearing your seatbelt? A. Yes.

Q. Did you see the brake lights of the vehicle in front of you? A. No. I just realized it was stopped.

Q. Are you injured? A. No.

ADDRESS OF WITNESS [redacted] Apt 3, GREENWOOD TWP PHONE [redacted]

SIGNATURE OF WITNESS [redacted] OFFICERS SIGNATURE TPR W.S. Davis

HSY 7003 1/82

#2

OHIO TRAFFIC CRASH WITNESS STATEMENT OH-3 REV 1/82

LOCAL REPORT NUMBER	REPORTING AGENCY	DATE OF CRASH
[redacted]	STATE PATROL	11/23/04

FOR LOCAL USE ONLY – DO NOT SUBMIT TO THE STATE EXCEPT FOR FATAL CRASHES

I, [redacted] HEREBY MAKE THIS VOLUNTARY STATEMENT TO

TPR W.S. DAVIS (OFFICERS NAME) AT SCENE (LOCATION)

I was in the 3rd Lane following bumper-to-bumper traffic & cars infront of me were breaking so I braked & a car slammed into me from behind. I was driving & the passenger in my car & I were both wearing our seat belts.

Q. HOW FAST WERE YOU GOING? A. 5 TO 10 MPH.

Q. WERE YOU WEARING YOUR SEATBELTS? A. YES.

Q. ARE YOU INJURED? A. NO.

ADDRESS OF WITNESS [redacted] AVON OHIO PHON [redacted]

SIGNATURE OF WITNESS [redacted] OFFICERS SIGNATURE TPR W.S. Davis

HSY 7003 1/82

State of Ohio
HP 90A
10-0411-00
Rev. 07/13/01
OHP 0411

Department of Public Safety

Your Ref. No.: _____

OHIO STATE HIGHWAY PATROL

Application For Photographs

1. Use only this application form to order a standard 4 X 6 set of all printable photographs taken of this crash.
2. The crash report number and date of occurrence will have been completed by an Ohio State Highway Patrol employee. Please do not change the information on this form to request photographs of a different crash.
3. Write the name, address, and zip code of the person applying for the photographs in the block below.
4. Enclose a check in the amount of $12 per set. Make check payable to: Ohio State Highway Patrol.
5. A Photo Enlargement Application, HP-90B, will be returned with the photographs and will list the fee per enlarged print. If enlargements are desired, the the completed HP-90B form must accompany the original print(s) selected for enlargement, along with the required fee.

Mail photographs to (Use BLACK INK only):

NAME

STREET

CITY STATE ZIP CODE

Mail Application to: **Ohio State Highway Patrol**
Attention: Photo Lab
Box 182074
Columbus, Ohio 43218-2074

Please allow 4-6 weeks for delivery of photographs.

FOR DEPARTMENTAL USE ONLY -- DO NOT WRITE BELOW THIS LINE

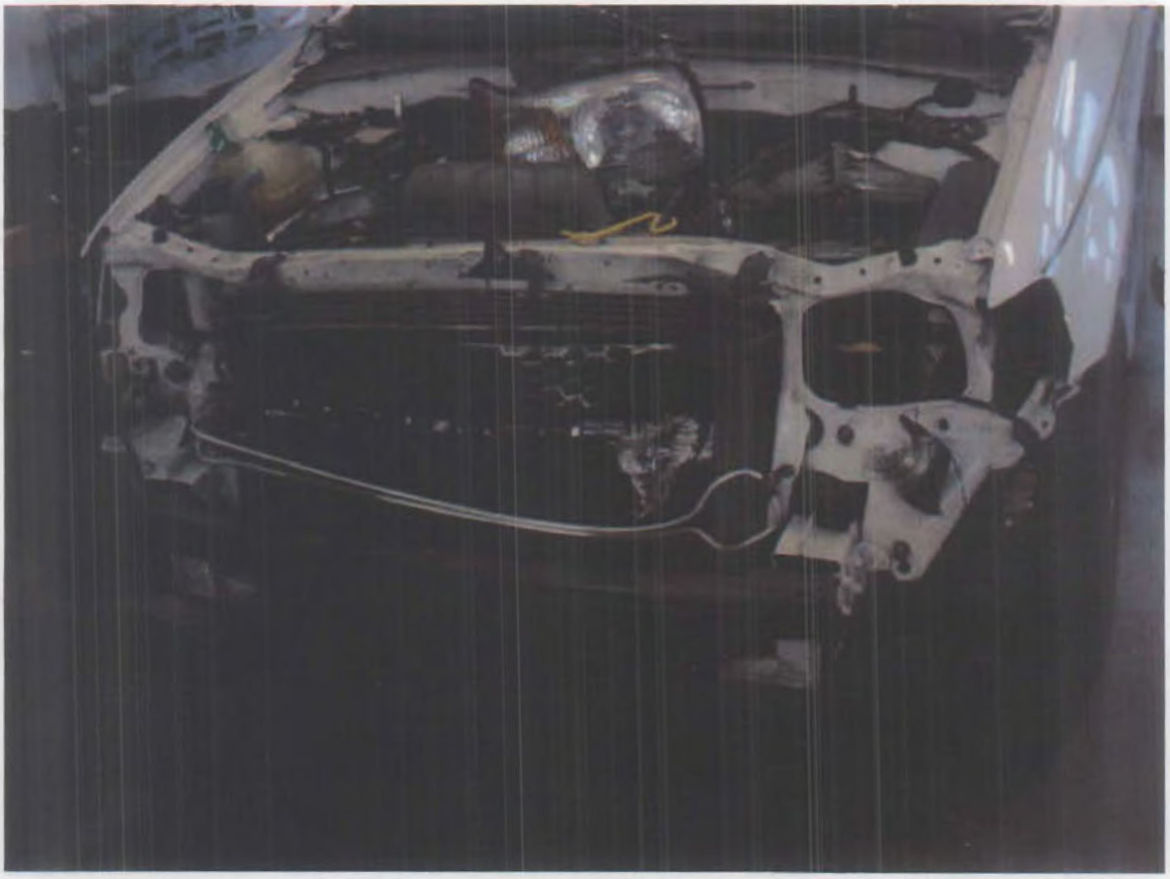
Crash Report Number 21-1782-25 **Date of Crash** 20041123

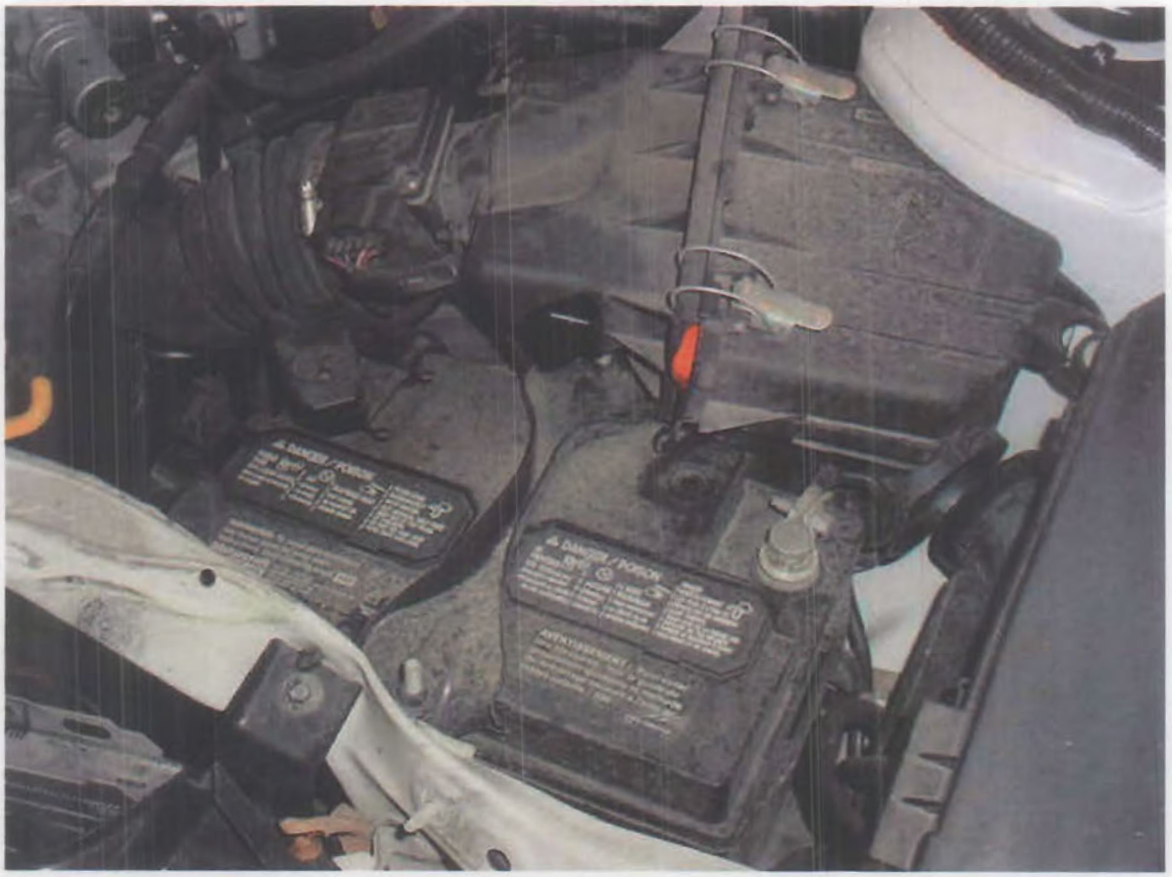

Jeep


4X4


4X4









[redacted]

Fax Cover

10 pgs.

NATIONAL PROPERTY SUBRO
P.O. BOX 21169
ROANOKE VA 24018-0537

Allstate.
You're in good hands.

Attn: FORD MOTOR CO ATTN SHAWN NORTON
~~P.O. BOX 1904~~
~~DEARBORN MI 48121-1904~~
Fax #: 313-845-4089

NEW

RECEIVED JUN 21 2004

FORD MOTOR COMPANY
RECEIVED
JUN 21 2004
OFFICE OF THE
GENERAL COUNSEL

June 16, 2004

OUR INSURED: [redacted]
ADDRESS: [redacted]
MOLINE, IL [redacted]

CLAIM NUMBER: [redacted]
LOSS DATE: May 15, 2004
AMOUNT OF LOSS: $1985.82

Please accept this letter as notice of our intent to pursue our subrogation rights. Subrogation is an insurance carrier's right to recover payment from a party, other than the named insured, that is responsible for causing the loss.

Our investigation has determined that on the above date our insured's property sustained damage as result of your actions which are detailed below.

CAUSE OF LOSS: 2002 Ford Escape lunged forward while shifting from drive to park. Caused damage to my insured's garage. VIN #: 1FMYU02142K[redacted]

To assist you in processing your claim, we have included the information as indicated.

- Photos
- Damage Estimate Checks
- Other : Ford Recall

Upon review of the attached information, please forward payment for the above loss amount to: Allstate Payment Processing Center, P.O. Box 227257, Dallas, TX 75222. Please include our claim number on your payment.

Thank you for your cooperation and immediate attention to this request.

Sincerely,

Bethany Martin

Bethany Martin
800-776-2615 Ext.823
Allstate Indemnity Company

Bethany

SUBP005 1237956997 F4Y

PE12-019 001282LC SUBJECT

Allstate.
You're in good hands.

ALLSTATE INDEMNITY COMPANY
P.O. BOX 21169
ROANOKE VA 24018

06/01/04

FORD MOTOR COMPANY
RECEIVED
CLAIMS I
JUN 17 2004
OFFICE OF THE
GENERAL COUNSEL

CONSUMER AFFAIRS
SECTION

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

4 JUN 17 P1:35

IN REPLY REFER TO:

CLAIM NUMBER: [redacted] J51
OUR INSURED: [redacted]
ACCIDENT DATE: 05/15/04
LOCATION: [redacted], MOLINE, IL MOLINE IL
AMOUNT OF LOSS: $ 1,985.82

OUR INVESTIGATION OF THE LOSS IN WHICH YOU WERE INVOLVED INDICATES THAT YOU ARE RESPONSIBLE FOR THE DAMAGES SUSTAINED BY OUR POLICYHOLDER.

WE HAVE MADE A SETTLEMENT WITH OUR INSURED AND OUR INSURED'S CLAIM AGAINST YOU HAS BEEN ASSIGNED TO US.

IF YOU ARE NOT INSURED FOR THIS LOSS, PLEASE CONTACT THIS OFFICE TO NEGOTIATE PAYMENT.

IF YOUR INSURANCE DOES COVER THIS LOSS, JUST FILL IN THE INFORMATION ABOUT YOUR INSURANCE COMPANY BELOW AND RETURN THIS LETTER IN THE ENCLOSED ENVELOPE. WE WILL THEN GET IN TOUCH WITH YOUR INSURANCE COMPANY.

SINCERELY,
RECOVERY DEPARTMENT
ALLSTATE INDEMNITY COMPANY

I CARRY INSURANCE POLICY NO. _____
WITH
NAME OF COMPANY _____
AGENT
MY ADJUSTER (CHOOSE ONE) IS _____
MY CLAIM NO IS _____
ADDRESS _____

I HAVE REPORTED (OR WILL REPORT) THIS LOSS TO MY INSURANCE COMPANY _____ YES _____ NO

SIGNED: _____ DATE _____

PE12-019 001283LC SUBJECT

498390

Ford



PRIVILEGED & CONFIDENTIAL

Office of the General Counsel

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

RECEIVED SEP 1 8 2004

August 26, 2004

Allstate Insurance
PO BOX 168288
Irving, TX 75016
ATTENTION: CUSTOMER SERVICE
2nd REQUEST

-WAW

Jason Moon

RE: Claimant: [redacted] M[redacted]n [redacted]
Your Claim #: [redacted]
DOL: 05-15-2004

RECEIVED
SEP 0 3 2004

Dear CSR:

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.)

- ☒ 1. Attach 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.
- ☒ 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.
- ☒ 6. Attach a copy of your expert's report and the expert's original photographs.
- ☐ 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 copies of draft payments.
- ☐ 8. Attach the complete service history for the subject vehicle, including any tune-ups or oil changes.

NO EXP
- NO photos
- NO JRH
- ?? NO police Rpt

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

9. What was the **city** and **state** of occurrence: N/A Moline, IL
10. The 17 digit vehicle identification number: N/A 1FMYU02142K[redacted]
11. What was the mileage at time of occurrence: 29712
12. What is the alleged defect: acceleration / deceleration

13. 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)?
Owners possession

15. List all after market additions or modifications that were made to the vehicle:
Aftermarket push / brush guard

16. Was the engine running? (circle one) **Yes** or **No**

17. Were the keys in the ignition? (circle one) **Yes** or **No**

18. Was this vehicle purchased new or used: new.
If purchased used, provide the date of purchase, mileage at the time of purchase, and from whom the vehicle was purchased:

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.

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

Shawn L. Norton
Claims Analyst /
Litigation Assistant

Allstate.
You're in good hands.

ALLSTATE PROPERTY AND CASUALTY INSURANCE COMPANY 08/04/04
P. O. BOX 168288
IRVING TX 75016

(800) 374-4246

Prencus
498390 O
Shawn

FORD MOTOR COMPANY
RECEIVED
CLAIMS UNIT
AUG 17 2004
OFFICE OF THE
GENERAL COUNSEL

FORD MOTOR COMPANY
P O BOX 6248 MD-3NE-
DEARBORN MI 48126

OUR INVESTIGATION INDICATES THAT YOUR INSURED WAS RESPONSIBLE FOR THIS LOSS.

SINCE WE HAVE ALREADY MADE A SETTLEMENT WITH OUR POLICYHOLDER, THE CLAIM HAS BEEN ASSIGNED TO US. COPIES OF THE FINAL PAPERS RELATING TO THE LOSS ARE ENCLOSED.

PLEASE ACCEPT THIS LETTER AS NOTICE OF OUR SUBROGATION CLAIM. PLEASE FORWARD YOUR PAYMENT WITH OUR CLAIM NUMBER TO:

ALLSTATE PAYMENT PROCESSING CENTER
P.O. BOX 227257
DALLAS, TX, 75222-7257

DIRECT ANY OTHER CORRESPONDENCE TO THE ADDRESS AT THE TOP OF THIS LETTER.

SINCERELY,

CUSTOMER SERVICE

ALLSTATE PROPERTY AND CASUALTY INSURANCE COMPANY CBP:G

Moline IL
29,712 (N)
No Exp
No Photos
Part?

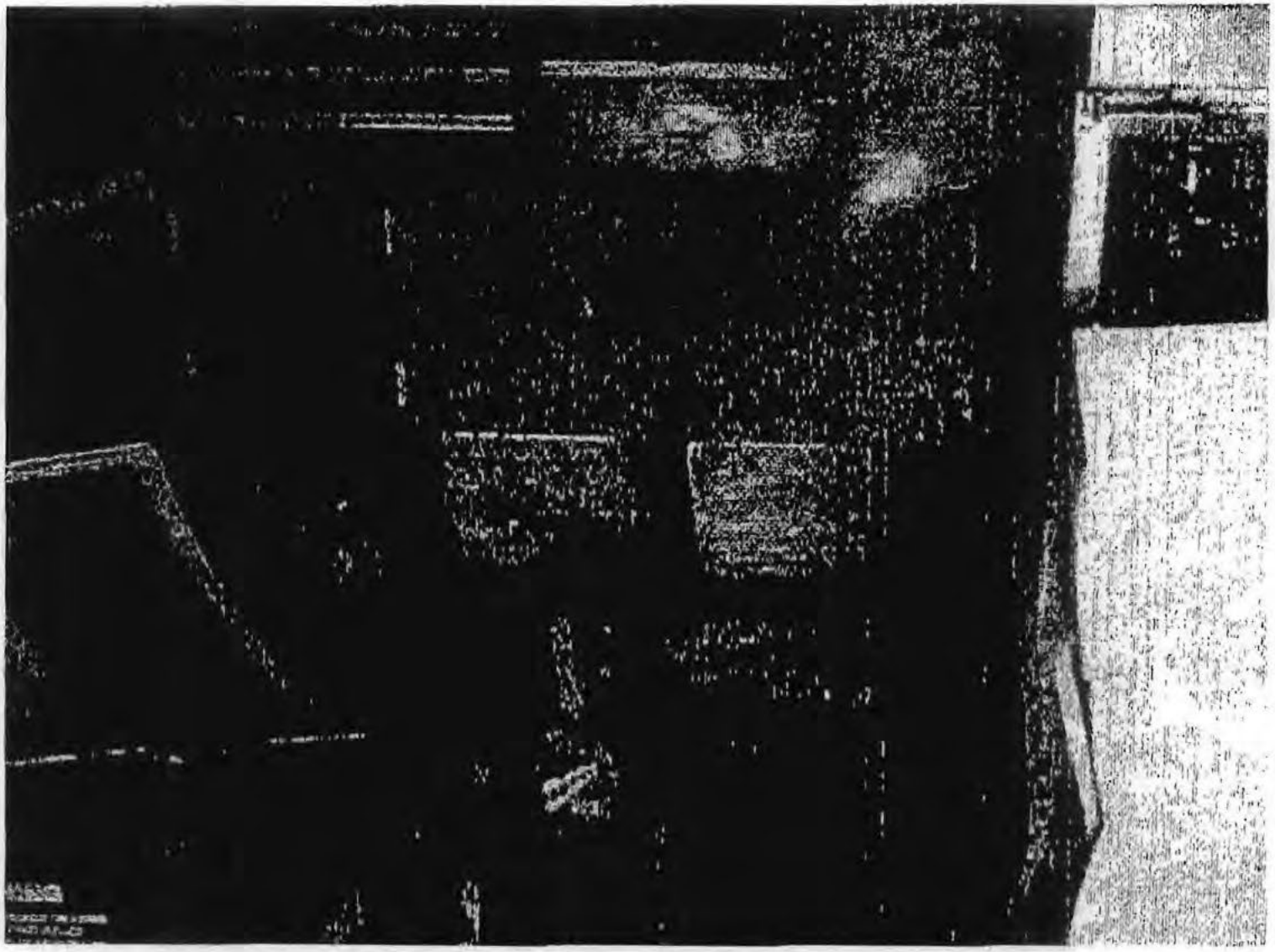
YOUR FILE NO. : D/L: 5/15/04
YOUR INSURED : UNKNOWN CLAIMANT
ADDRESS :

OUR CLAIM NO. : 2[redacted] W[redacted] [redacted] Jason & [redacted]
[redacted] : [redacted]N
LOSS DATE : 05/15/04

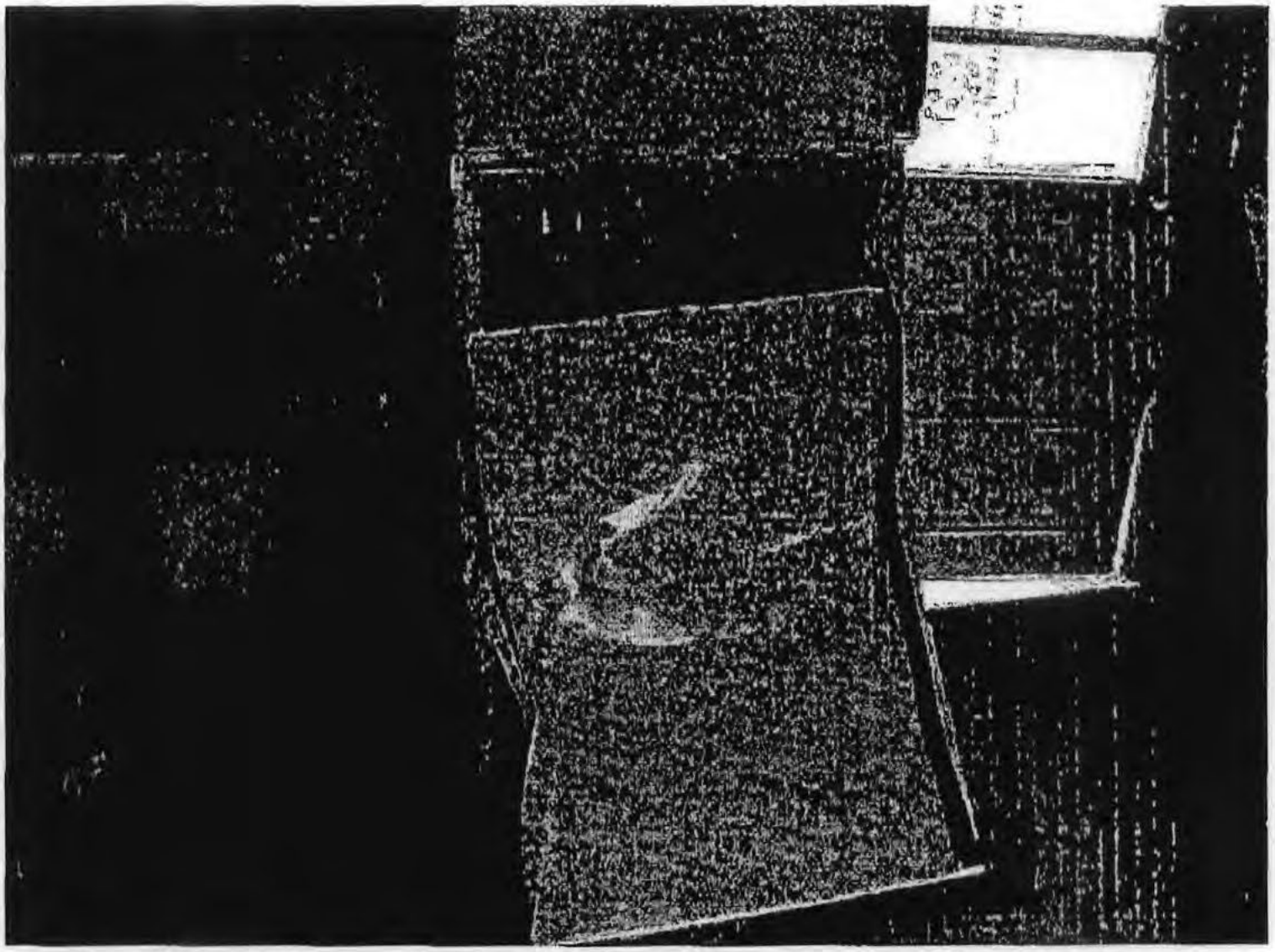
LOCATION :
511 19TH AVE MOLINE IL

$1709.32

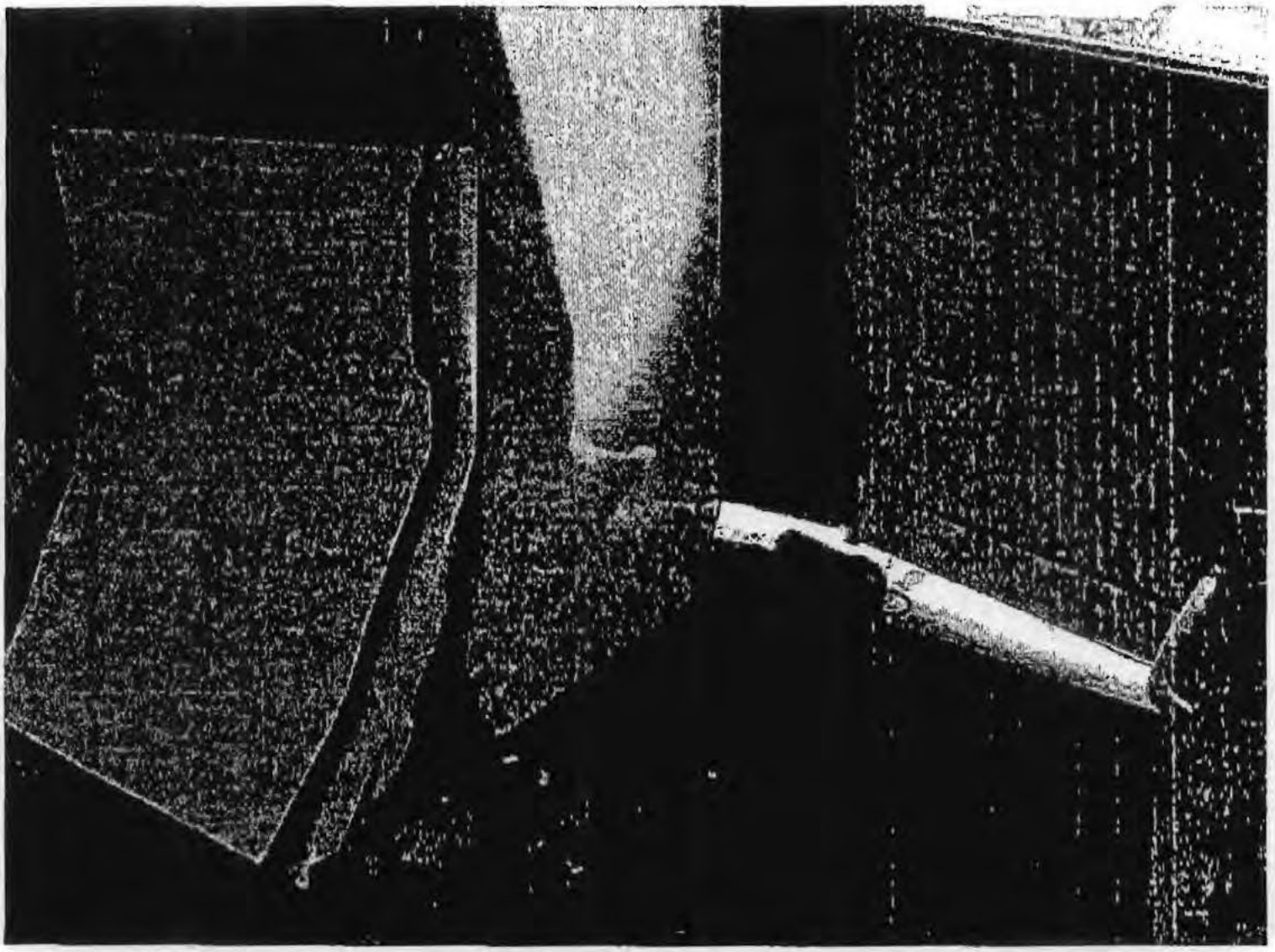
AMOUNT OF LOSS:



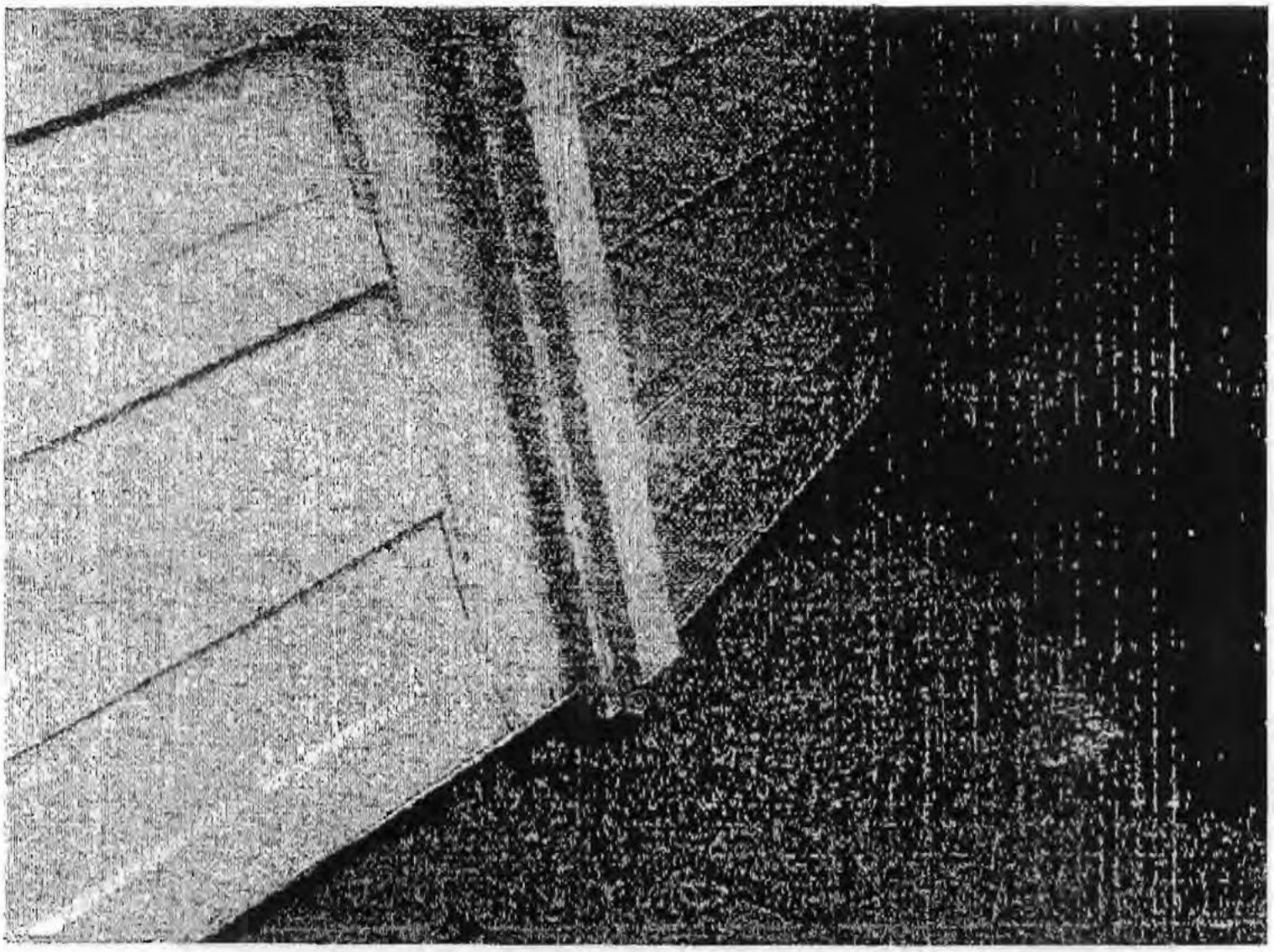
PE12-019 001287LC SUBJECT



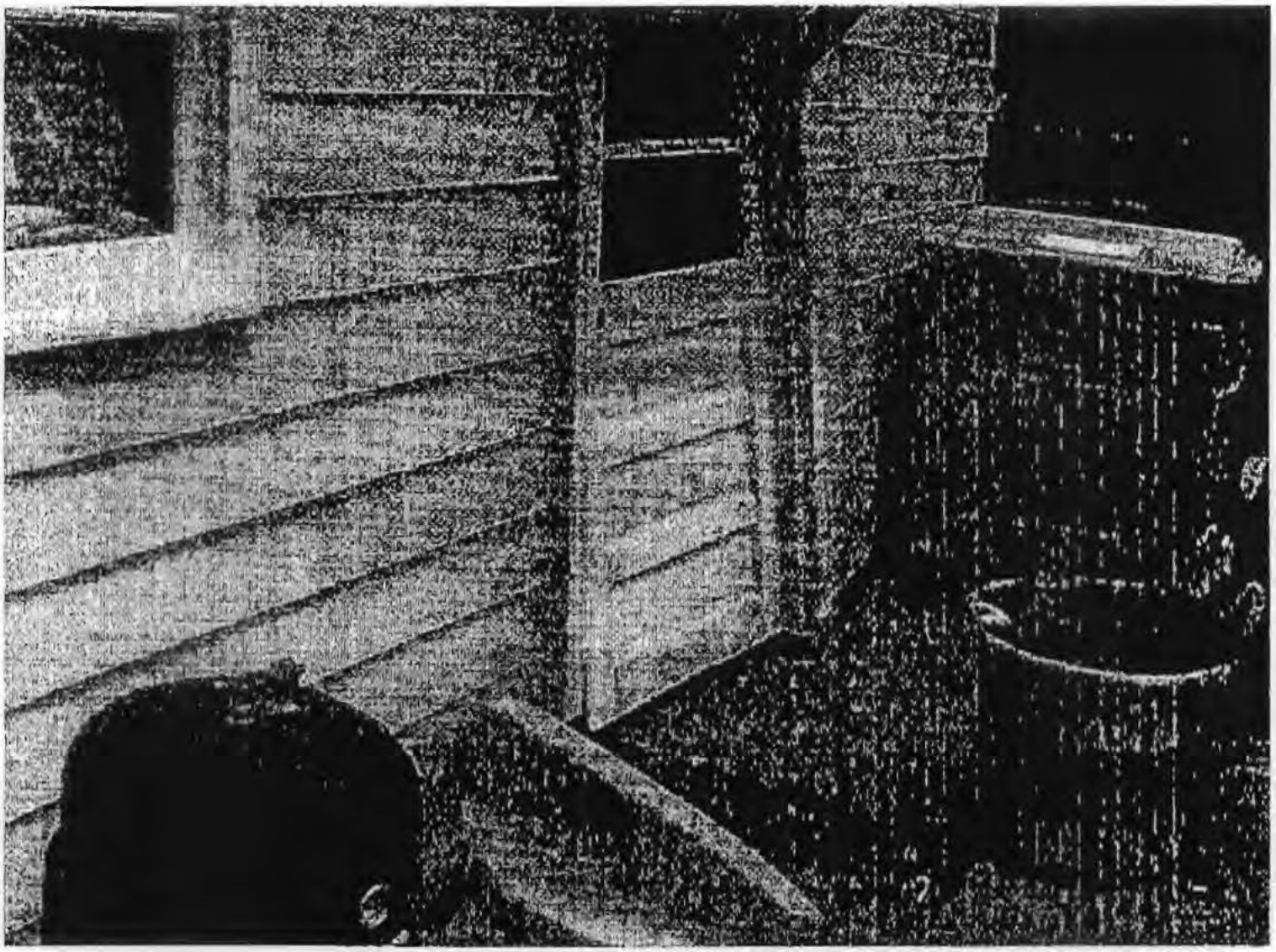
PE12-019 001288LC SUBJECT



PE12-019 001289LC SUBJECT



PE12-019 001290LC SUBJECT



PE12-019 001291LC SUBJECT



3/2/05

FAX # (313) 8455668

TO - MS. LOURDES NEAROM, FORD MOTOR CO. MARSHALL, TX

FROM - [redacted]

RE-TREATMENT COST + VEHICLE DAMAGE COST REIMBURSEMENT

I AM SEEKING THE FOLLOWING COST FOR DAMAGES TO PERSON AND VEHICLE, AS RESULT OF DAMAGES CAUSED BY 2002 ESCAPE FORD VEHICLE ID# 1FMYU03112K[redacted]

1. BACK STRAIN TREATMENT
$150 PER TREATMENT, THREE (3) TIMES A WEEK FOR 6 WK = 2,700.00
2. VEHICLE REPAIR COST = 908.00

TOTAL = 3,608 00
MEDICATIONS = 392
GRAND TOTAL 4,000.00

ATTACHED DOCUMENTS
1 MARSHALL FORD - DEFECTIVE ACCELERATOR CABLE REPORT
2 CERTIFIED COLLISION CTR REPAIR ESTIMATE
3. TREATMENT PLAN

6 FAX PGS.

FORD MOTOR COMPANY
RECEIVED
MAR 07 2005
OFFICE OF THE GENERAL COUNSEL

ISSUE LIST

Last Handling Date/ Issue Status	Name/ Reason Desc	Vin/ Case No.	Model Year and Vehicle Line	Issue Type
3/3/2005	[redacted]	1FMYU03112K[redacted]	2002 ESCAPE	10
CLOSED	OGC - INJURY	[redacted]		
3/2/2005	[redacted]	1FMYU03112K[redacted]	2002 ESCAPE	07
CLOSED	LEGAL - ALLEGED - NON-SERIOUS INJURY	[redacted]		
1/24/2005	[redacted]	1FMYU03112K[redacted]	2002 ESCAPE	03
CLOSED	RECALL/ONP - VEHICLE INVOLVEMENT	[redacted]		

All Action Details for Issue

Print

VIN: 1FMYU03112K[redacted] Year: 2002 Model: ESCAPE Case: [redacted]
Name: [redacted] Owner Status: Original WSD: 2002-01-21
Symptom Desc: GENERAL INQUIRIES REQUEST/NON-VEHICLE RELATED Primary Phone: [redacted]
Reason Desc: OGC - INJURY Secondary Phone: [redacted]
Issue Type: 10 OGC Issue Status: CLOSED

Action: CLOSE OGC CONTACT - INJURY
Dealer: 68061 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: 03/03/2005 Action Time: 10.04.23.054 Action Data: No

Comments FILE FORWARDED TO OGC FOR HANDLING.

[redacted] 3/16/2005

All Action Details for Issue

Print

VIN: 1FMYU03112K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-01-21
Symptom Desc: GENERAL INQUIRIES REQUEST/NON-VEHICLE RELATED **Primary Phone** [redacted]
Reason Desc: LEGAL - ALLEGED - NON-SERIOUS INJURY **Secondary Phone:** [redacted]
Issue Type: 07 LEGAL **Issue Status:** CLOSED

Action: ADVISE CUST INFORMATION IS FOWARDED TO OUR PRODUCT CLAIMS GROUP
Dealer: 00427 MARSHALL FORD LINCOLN MERCURY **Origin Desc:** US CONCERN CASE BASE
Odometer: 30000 MI **Comm Type:** PHONE
Analyst Name: BERHANU SELAM **Analyst:** BSELAM
Action Date: 01/20/2005 **Action Time:** 19.20.53.293 **Action Data:** No

Comments CUSTOMER SAID: THE CUSTOMER SAID THAT HE WAS INVOLVED IN AN ACCIDENT.THE ACCIDENT OCCURRED ABOUT TWO WEEKS AGO AND THE CUSTOMER RCVD THE PROGRAM LETTER 04S25 TODAY 01/20/05.THE ACCIDENT OCCURRED WHILE HE WAS TRYING TO BACK UP FROM HIS DRIVE WAY AND THERE WAS ANOTHER CAR BEHIND THE VEHICLE. THE CUSTOMER ENDED UP HITTING THE OTHER VEHICLE.HE CAUSED ABOUT 1000.00 DAMAGE TO HIS VEHICLE AND ANOTHER 2000.00 TO THE OTHER VEHICLE. THE CUSTOMER HURT HIS BACK DURING THE ACCIDENT. INSURANCE COMPANY IS INVOLVED AND THE CUSTOMER DID NOT FILE A POLICE REPORT. THE CUSTOMER SAID THAT HIS VEHICLE HAS NOT BEEN REPAIRED. THE CUSTOMER SAID THAT THE VEHICLE EXHIBITED THE SAME SYMPTOMS TWO DAYS AGO. THE CUSTOMER SAID THAT WHEN HE STEPPED ON THE GAS THE VEHICLE ACCEL.DEALER SAID: NONECRC ADVISED: - THIS INFORMATION WILL BE FORWARDED TO OUR CONSUMER AFFAIRS GROUP. SOMEBODY WILL CONTACT IN TWO BUSINESS DAYS.

Action: MAKE OUTBOUND CALL TO CUSTOMER
Dealer: 00427 MARSHALL FORD LINCOLN MERCURY **Origin Desc:** CONSUMER AFFAIRS - LITIGATION PREVENTION
Odometer: 30000 MI **Comm Type:** PHONE
Analyst Name: FONSECA, LOURDES NEARON (L.C.) **Analyst:** LFONSECA
Action Date: 01/21/2005 **Action Time:** 09.59.14.276 **Action Data:** No

Comments LPA CALLED CUSTOMER AND LEFT CALL BACK NUMBER ON VM-313-845-4583.

Action: REFER TO INSURANCE CARRIER - INSURANCE COMPANY ALREADY INVOLVED
Dealer: 00427 MARSHALL FORD LINCOLN MERCURY **Origin Desc:** CONSUMER AFFAIRS - LITIGATION PREVENTION
Odometer: 30000 MI **Comm Type:** MAIL
Analyst Name: FONSECA, LOURDES NEARON (L.C.) **Analyst:** LFONSECA
Action Date: 02/18/2005 **Action Time:** 13.39.53.480 **Action Data:** No

Comments LPA WILL SEND PREVIOUS INSURANCE INVOLVEMENT LETTER.

Action: UPDATE CONTACT STATUS
Dealer: 00427 MARSHALL FORD LINCOLN MERCURY **Origin Desc:** CONSUMER AFFAIRS - LITIGATION PREVENTION
Odometer: 30000 MI **Comm Type:** FAX
Analyst Name: FONSECA, LOURDES NEARON (L.C.) **Analyst:** LFONSECA
Action Time:

[redacted] 3/16/2005

Action Date: 03/02/2005 11.09.53.167 **Action Data:** No

Comments CUSTOMER FAXED MEDICAL INFORMATION SEEKING APPROX $4000. LPA FORWARDED TO DGC

[redacted] 3/16/2005

All Action Details for Issue

Print

VIN: 1FMYU03112K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-01-21
Symptom Desc: GENERAL INQUIRIES REQUEST/NON-VEHICLE RELATED **Primary Phone:** [redacted]
Reason Desc: RECALL/ONP - VEHICLE INVOLVEMENT **Secondary Phone:** [redacted]
Issue Type: 03 CONCERN **Issue Status:** CLOSED
Initial Customer Contact: 01/21/2005

Action: ADVISE CUST OF FSA/CSP; DOCUMENT CAMPAIGN NUMBER
Dealer: 00427 MARSHALL FORD LINCOLN MERCURY **Origin Desc:** US INQUIRY CASE BASE
Odometer: 30000 MI **Comm Type:** PHONE
Analyst Name: BERHANU SELAM **Analyst:** BSELAM
Action Date: 01/20/2005 **Action Time:** 19.23.33.786 **Action Data:** Yes

Comments CUSTOMER SAID: NONEDEALER SAID: NONECRC ADVISED: PLEASE ADVISE THE CUSTOMER OF THE INFORMATION FOUND IN THE CUSTOMER LETTER OR THE SEARCH ENGINE Q&A. PLEASE DOCUMENT ANY INFORMATION YOU PROVIDE TO THE CUSTOMER.ADVISED THE CUSTOMER TO CONTACT THE DEALERSHIP TO BOOK AN APPOINTMENT TO COMPLETE PROGRAM 04S25.

Data Element Name	Data Value
FSA/CSP CAMPAIGN NUMBER	04S25

Action: FORD COVERED REPAIR MADE - WARRANTY
Dealer: 00427 MARSHALL FORD LINCOLN MERCURY **Origin Desc:** DEALER
Odometer: 30000 MI **Comm Type:** VISIT
Analyst Name: SUPERIOR FORD **Analyst:** G-BUNT1
Action Date: 01/24/2005 **Action Time:** 09.47.32.275 **Action Data:** No

Comments CUSTOMER BROUGHT IN VEHICLE AND RECALL WAS DONE



The Premier
A TRAVELERS Company

THE PREMIER INSURANCE COMPANY OF MASSACHUSETTS
KAREN STEELE
10 CHESTNUT ST STE 300
WORCESTER MA 01608-2804
(800) 245-0063 X 4439
(508) 751-4439

MAY 09 2005

May 3, 2005



FORD MOTOR COMPANY CONSUMER AFFAIRS
PO BOX 6248

DEARBORN MI 48126

Our Insured & Address: [redacted] AGAWAM MA
Your Insured & Address: E[redacted] Springfield MA
Date of Loss: 02/26/2005

Our File #: [redacted]
Your File # or Policy #: [redacted]
Location: WEST SPRINGFI MA

Our investigation of this accident indicates liability rests with your insured. We request reimbursement under the provisions of the Massachusetts Personal Injury Protection Law for benefits paid, and/or for amounts paid under physical damage coverages.

☐ Preliminary ☐ Final

(*Rounded off to nearest dollar)

I. PERSONAL INJURY PROTECTION

	Benefits			Expense		
Injured Name	**Medical**	**Wage**	**Other**	**Unallocated***	**Allocated**	**Total**
				$0.00		$0.00
				$0.00		$0.00
				$0.00		$0.00
				$0.00		$0.00
				$0.00		$0.00
				$0.00		$0.00
				$0.00		$0.00
					PIP Total:	$0.00

II. COLLISION / LIMITED COLLISION

Total Amount of Damage: $3,061.44		Total Loss? ☐ YES ☒ NO	Salvage:
Bailment Claimed? ☐ YES ☒ NO	Supporting Papers? ☒ YES ☐ NO	Loss of Use Paid $510.00	Collision Total $3,571.44

Additional Comments:

Sincerely,
KAREN STEELE
CL REP
(508) 751-4439
Fax:
Email:

P0322 11/02

FORD
1-800-241-3673

Frank M. Ligon
Director
Service Engineering Operations
Ford Customer Service Division

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

December 2004

TO: All U.S. Ford and Lincoln Mercury Dealers

SUBJECT: Safety Recall 04S25:
All 2002 through 2004 Model Year Left Hand Drive (LHD) Escape Vehicles Equipped with 3.0L Engines
Accelerator Cable Replacement

AFFECTED VEHICLES

All 2002 through 2004 model year LHD Escape vehicles equipped with 3.0L engines and built at the Kansas City and Ohio Assembly Plants from Job #1 2002 through Job Last 2004. Affected vehicles are identified in OASIS. In addition, for a list of vehicles assigned to your dealership, visit https://web.fsavinlists.dealerconnection.com. This information will be available on December 09, 2004.

REASON FOR THIS SAFETY RECALL

In some of the affected vehicles, it may be possible for the accelerator cable liner to migrate out of the accelerator cable conduit. If the liner migrates out of the conduit, the liner may prevent the throttle from returning to the idle position and may result 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.

SERVICE ACTION

At no charge to the vehicle owner, dealers are to replace the accelerator cable with a newly designed cable, which will be available to the dealers the week of 12/06/2004. This must be performed on all of the affected vehicles in your new vehicle inventory as well as vehicles that have been delivered to customers.

PLEASE NOTE:

Federal law requires dealers to complete any outstanding safety recall service before a new vehicle is delivered to the buyer or lessee. Violation of this requirement by a dealer could result in a civil penalty of up to $5,000 per vehicle. Correct all vehicles in your new vehicle inventory before delivery.

ATTACHMENTS

Attachment I: Administrative Information
Attachment II: Labor Allowances and Parts Ordering Information
Attachment III: Technical Information
Customer Notification Letter

QUESTIONS?

Claims Information: 1-800-423-8651
Special Service Support Center (Dealer Only) Questions: 1-800-325-5621

Sincerely,

Frank M. Ligon

Frank M. Ligon

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FORD (800) 392 3673 C.S.U.
FUNCTIONING NOT PROPERLY
SUPPORTS TO:
CONSUMER AFFAIRS
PO 6248
MD - 3NE-B
DEARBORN, MI
48126
FIELD ENGINEER RECALLS
- REPLACED CABLE

Safety Recall 04S25
All 2002 - 2004 Model Year LHD Escape Vehicles Equipped with 3.0L Engines
Accelerator Cable Replacement

OASIS ACTIVATED? Yes, OASIS will be activated by December 07, 2004.

FSA VIN LIST ACTIVATED? Yes

Available through FMCDealer.com or at https://web.fsavinlists.dealerconnection.com by December 09, 2004. Owner names and addresses will be available by January 17, 2005.

NOTE: Your FSA VIN list may contain owner names and addresses obtained from motor vehicle registration records. The use of such motor vehicle registration data for any purpose other than in connection with this recall is a violation of law in several states, provinces, and countries. Accordingly, you must limit the use of this listing to the follow-up necessary to complete this recall action.

STOCK VEHICLES

Correct all affected units in your new vehicle inventory before delivery.

SOLD VEHICLES

- Owners of affected vehicles will be directed to dealers for repairs.
- Immediately contact any of your affected owners whose vehicles are not on your VIN lists but are identified in OASIS. Give the owner a copy of the Customer Notification Letter (when available) and schedule a service date.
- Correct other affected vehicles identified in OASIS which are brought to your dealership.

TITLE BRANDED / SALVAGED VEHICLES

Affected title branded and salvaged vehicles are eligible for this Field Service Action.

RELATED DAMAGE

If a related damage condition exists that you believe to be caused by the covered condition, call the Special Service Support Center to request approval prior to the repair of any related damage. Requests for approval after completion of the repair will not be granted.

ADDITIONAL LABOR TIME

- If a condition exists that requires additional labor to complete the repair, call the Special Service Support Center to request approval prior to performing any additional labor. Requests for approval after completion of the repair will not be granted.
- If you encounter aftermarket equipment or modifications to the vehicle, which might prevent the repair of the covered condition, call the Special Service Support Center.

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Safety Recall 04S25
All 2002 - 2004 Model Year LHD Escape Vehicles Equipped with 3.0L Engines
Accelerator Cable Replacement

LABOR ALLOWANCES

Description	Labor Operation	Labor Time
Replace Accelerator Cable - 3.0L Engine	04S25B	0.4 Hour

PARTS REQUIREMENTS / ORDERING INFORMATION

Parts for this program will be shipped as seed stock to dealers beginning the week of 12/06/04 based on each dealer's involved vehicle population. The intent of the seed stock is to provide each dealer with a fair share of their facing depot's inventory. Orders will be issued as stock orders. We will continue to seed stock parts until order restrictions can be removed. We anticipate the removal of restrictions by mid-January 2005; announcement will be via a DOES II message. For part requirements exceeding the dealer's seed stock allocation, contact the Special Service Support Center to order; please note that a VIN must be supplied.

Part Number	Description	Quantity
5L8Z-9A758-AA	Accelerator Cable – 3.0L DOHC Engine	1

The DOR/COR for this program is 50336. This number identifies parts ordered for this recall through the Special Service Support Center (1-800-325-5821).

DEALER PRICE

For latest prices, refer to DOES II.

PARTS RETENTION AND RETURN

Follow the provisions of the Warranty and Policy Manual for "Parts Retention and Return Procedures."

CLAIM HANDLING PROCEDURE FOR RETURNING PRIOR LEVEL ACCELERATOR CABLES

Immediate Purge Required——YL8Z-9A758-AD Accelerator Cable – 3.0L
Prepare and submit a PCS claim as described below:

- DO NOT ship the parts until Return Authorization is granted.
- The return authorizations will include shipping addresses.

PCS CLAIM INSTRUCTIONS
When you create your PCS claim, use the following information for the REASON CODE, SHIPPER NBR, and LINE EXPLANATION fields:

- REASON CODE: GB
- SHIPPER NBR: 04S25
- LINE EXPLANATION: Purge Required

When preparing your PCS claim, list the part number being returned on the claim, and indicate the quantity of that part number being returned. Your PCS claim must be submitted by January 31, 2005. Claims filed after this date will be denied.

EXCESS STOCK RETURN

Excess stock returned for credit must have been purchased from Ford Customer Service Division in accordance with Policy Procedure Bulletin 4000.

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Safety Recall 04S25
All 2002 - 2004 Model Year LHD Escape Vehicles Equipped with 3.0L Engines
Accelerator Cable Replacement

OWNER REFUNDS

- Ford Motor Company is offering a refund for owner-paid repairs covered by this recall if the repair was performed prior to the date indicated in the reimbursement plan, which is posted with this bulletin. This plan is also available to owners through the Customer Relationship Center (CRC). The CRC will direct owners to seek reimbursement through authorized dealers or, at their option, directly through Ford Motor Company at P.O. Box 6251, Dearborn, MI 48121-6251.
- Dealers are also authorized to refund owner-paid emergency repairs that were performed away from an authorized servicing dealer after the end date specified in the reimbursement plan. Refund claims that include other non-covered repairs, or those judged by Ford to be excessive, will not be accepted for reimbursement.
- **This safety recall must still be performed, even if the customer has paid for a previous repair. Claiming a refund will not close out the VIN for this recall.**
- Refund Claiming Information (Submit on separate repair line.)
  - Program Code: 04S25
  - Misc. Expense: REFUND
  - Misc. Expense: ADMIN
  - Misc. Expense: 0.2 Hrs.

RENTAL VEHICLES

The use of rental vehicles is not authorized for this program.

CLAIMS PREPARATION AND SUBMISSION

- Enter claims using Direct Warranty Entry (DWE).
- Refund or related damage must be claimed on a repair line that is separate from the repair line on which the FSA is claimed.
- "MT" labor should be submitted on a separate repair line with the related damage flag checked.
- Refer to ACESII manual for claims preparation and submission information.

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State Farm Insurance Companies®

Chicago North Operations Center
1500 W. Shure Drive, Ste. 400
Arlington Heights, IL 60004

March 4, 2005

RECEIVED
MAR 04 2005

ANDREW A CHABOT
FORD MOTOR COMPANY
THREE PARKLANE BLVD STE 300
DEARBORN MI 48126-2568

RE: Our Claim Number: [redacted]
Our Insured:
Date of Loss: January 16, 2005

Dear Mr. Chabot:

We have received your correspondence dated February 24, 2005.

Following, please find the responses and/or enclosures to your questions:

1. January 16, 2005, Hanover Park, Illinois.
2. [redacted] was pulling into a parking space at Blockbuster Video and was in the process of braking when her car accelerated instead and she hit the Blockbuster building. [redacted] could not understand what happened to her vehicle so she assumed that her boot caught on the accelerator pedal. When she received the Recall Notice from your company, she immediately informed State Farm® that the definition in your notice is exactly what happened in her situation.
3. Enclosed.
4. N/A - No injuries reported.
5. 2003 Ford Escape, VIN 1FMCU93103K[redacted]
6. 27,373 miles.
7. Enclosed. However, upon receipt of your Recall Notice, [redacted] followed your instructions and took her vehicle to Friendly Ford dealership in Roselle, IL and had the accelerator cable replaced. Shannon at Friendly Ford has advised that they have shipped the original accelerator cable back to your company as per your labeling and shipping instructions. Therefore, the original accelerator cable should already be in your possession for inspection.

PE12-019 001306LC SUBJECT

8. Unavailable.

9. Enclosed.

10. Accelerator cable.

11. A copy of your Recall Notice.

12. Yes. See #7 above.

13. The defective accelerator cable should be in your company's possession. The vehicle is in [redacted] possession.

14. Damage to vehicle - Paperwork is enclosed.

    Damage to Blockbuster building – Claim is pending.

15. Unavailable.

16. Unknown.

17. N/A.

18. N/A.

19. No.

20. "Drive."

21. Yes.

22. Yes.

23. State Farm Insurance®
    1500 W. Shure Dr., Ste. 400
    Arlington Heights, IL 60004
    (847) 704-4114
    Claim Representative: Joni Bimbi
    Claim Number: [redacted]

24. N/A.

25. Unknown.

Once you have had an opportunity to review this information, please contact me to discuss this matter.

Please call with any questions.

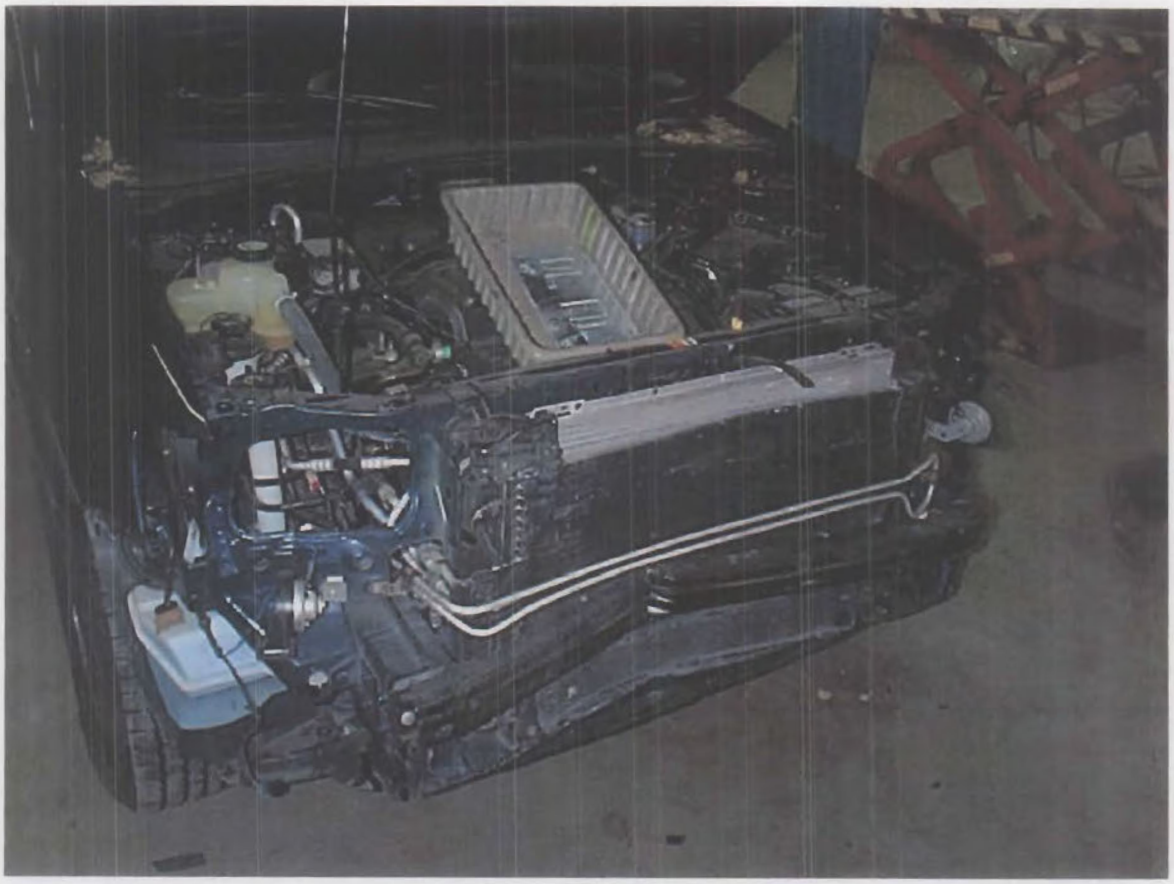
Sincerely,

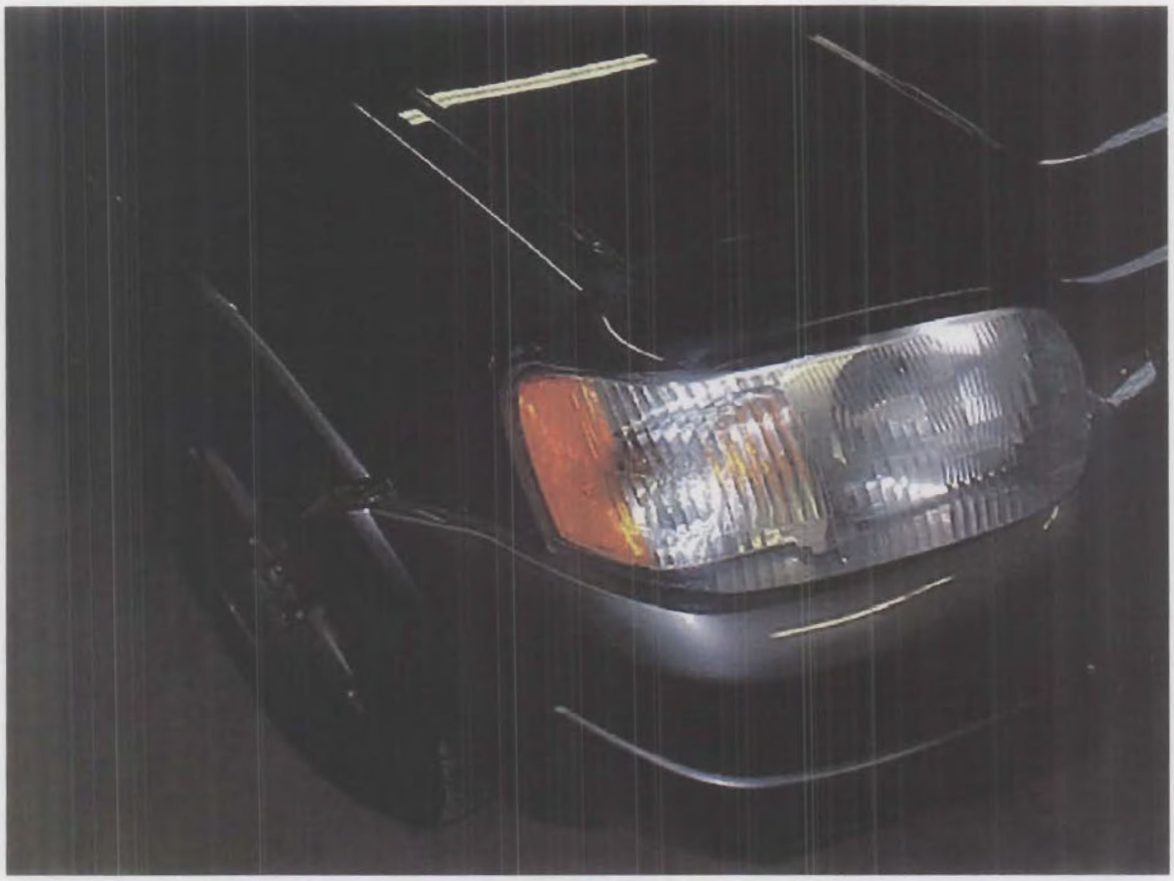
Joni L. Bimbi
Claim Representative
State Farm Mutual Automobile Insurance Company
(847) 704-4114

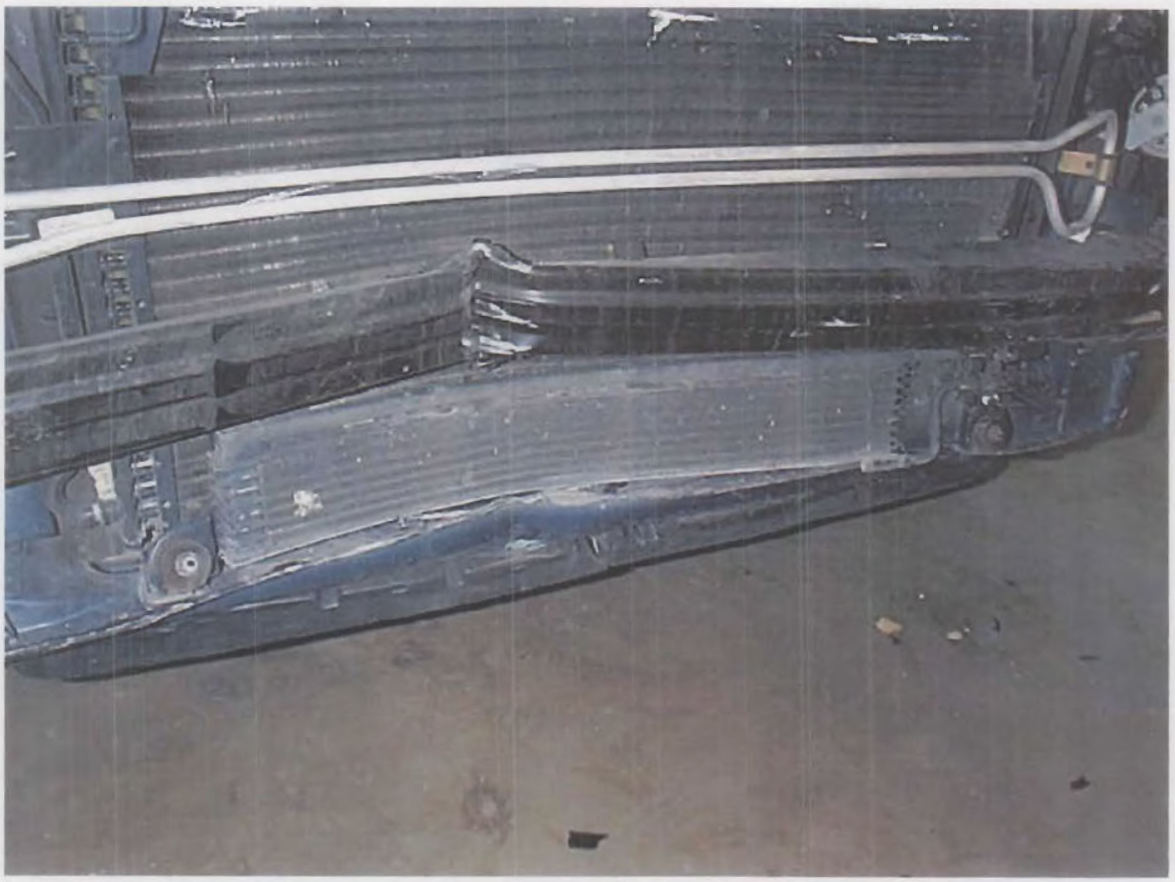
318/0303041IL

Enclosures



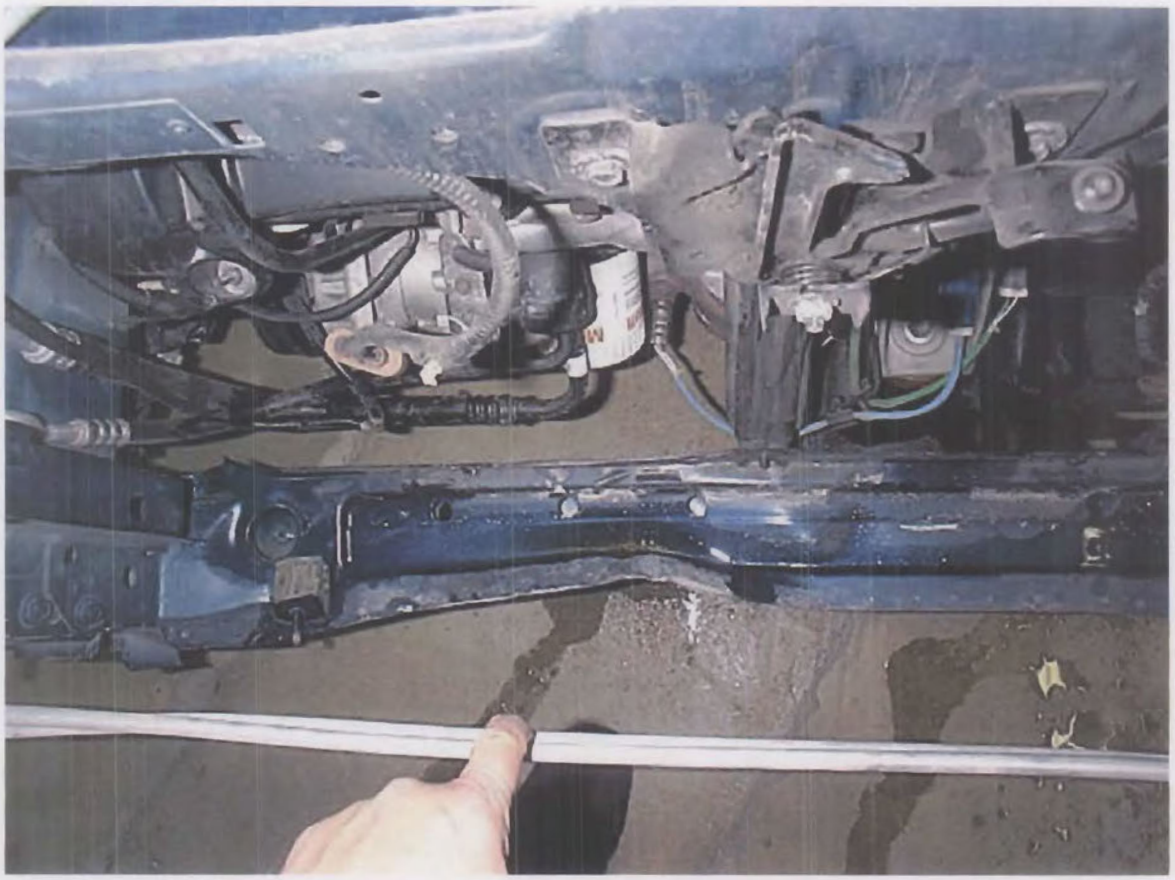


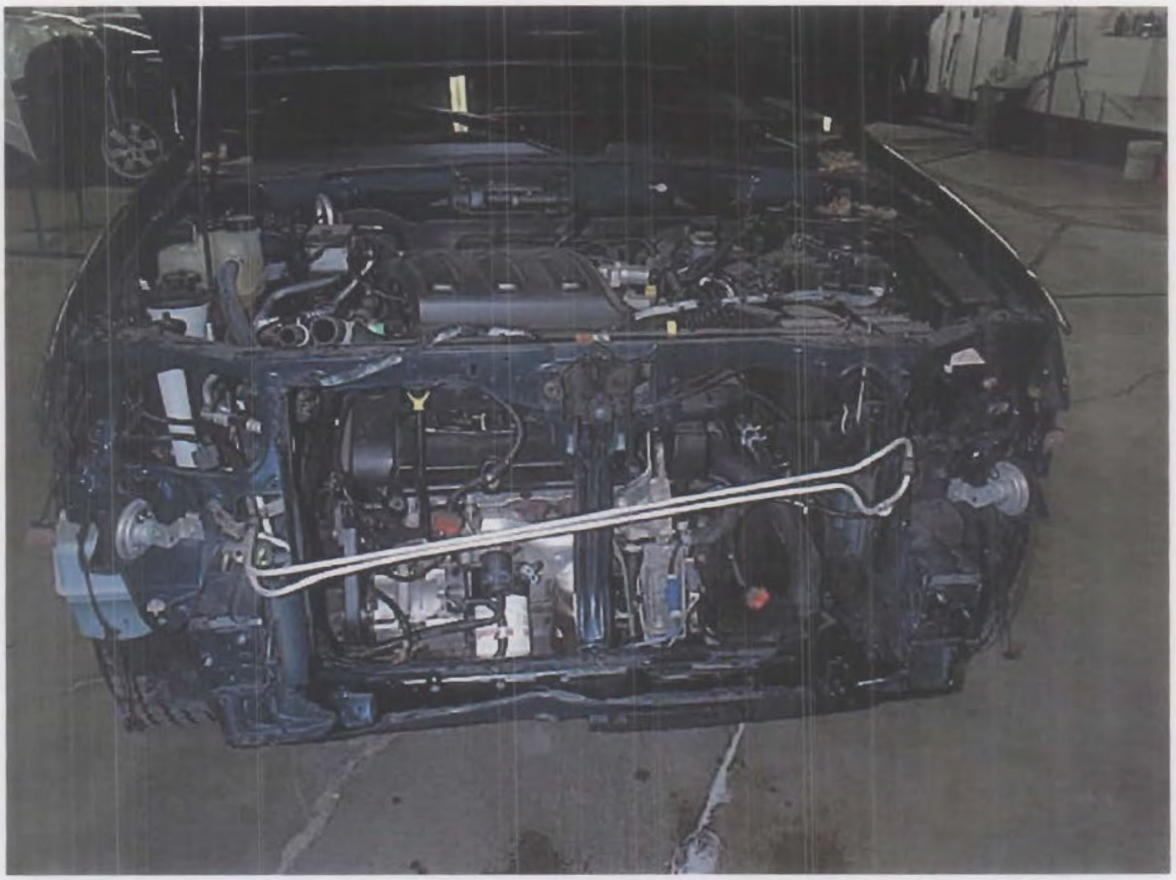















STER VIDEO






IDEO
Now
Hiring


Now
Hiring
ask manager-on-duty for details








R VIDEO

ILLINOIS TRAFFIC CRASH REPORT

Sheet 1 of 1 Sheets

6564109

SENT TO D.O.T.

6429998

DRAC	PEDS	TRFD	TRFC	WEAT	DRVA	VIS	VEHD	LGHT	COLL	MANV	PDA	PEL
U1: 1	U2: X	X	1	1	1	16	U2: X	U1: 1	U2: X	U1: 7	U2: X	4	6	U1: 25	U2: X	X	X

INVESTIGATING AGENCY: HANOVER PARK

TYPE OF REPORT: ☐ ON SCENE ☐ NOT ON SCENE ☐ AMENDED

☒ A No Injury / Drive Away

☐ B Injury and / or Tow Due To Crash

AGENCY CRASH REPORT NO.: 05 0116001882

TRFW: 7

ADDRESS NO.: 1500 E

HIGHWAY or STREET NAME: IRVING PARK RD 3

CITY/TOWNSHIP (Circle One): HANOVER PARK

INTERSECTION RELATED ☐ Yes ☒ No

PRIVATE PROPERTY ☒ Yes ☐ No

HIT & RUN ☐ Yes ☒ No

DATE OF CRASH: 01/14/05 (mo/day/yr)

TIME: 19:23 ☐ AM ☒ PM

LARS CODE

VEHT: 15

☐ (CIRCLE) ..... FT / MI (CIRCLE) N E S W

☐ AT INTERSECTION WITH (NAME OF INTERSECTION OR ROAD FEATURE)

COUNTY: COOK

ANY SINGLE VEHICLE/PROPERTY DAMAGED OVER $500 ☒ Yes ☐ No

NUMBER MOTOR VEHICLES INVLD: 1

LARS CODE

UE: X

NO. LANES: 0

UNIT 1

NAME (LAST, FIRST, M.I.) ☒ DRIVER ☐ PED ☐ PEDAL ☐ EQUES ☐ MW ☐ NCV [redacted] DATE OF BIRTH [redacted]

MAKE: FORD MODEL: ESCAPE YEAR: 03

STREET ADDRESS [redacted] SEX [redacted] SAFT: 2 AIR: 9 PLATE NO. [redacted] STATE: IL YEAR: 04/05

CITY: SCHAUMBURG STATE: IL ZIP [redacted] INJURY: 0 EJECT: 1 VIN: 1FMCU93103K [redacted]

DRIVER LICENSE NO. [redacted] STATE: IL CLASS: D [redacted]

CIRCLE NUMBER(S) FOR DAMAGED AREA(S): 00 - NONE; 10 - UNDER CARRIAGE; 11 - TOTAL (ALL AREAS); 12 - OTHER; 99 - UNKNOWN; POINT OF FIRST CONTACT: 1

TOWED ☐ Y ☒ N; FIRE ☐ Y ☒ N; HAZMAT SPILL ☐ Y ☐ N; COM VEH ☐ Y ☐ N

*IF YES SEE BELOW

INSURANCE CO.: STATE FARM INS

TAKEN TO: DNA EMS AGENCY: DNA

OWNER ADDRESS (STREET, CITY, STATE, ZIP) [redacted] TELEPHONE POLICY NO. [redacted]

ALGN: 1

RSU: 1

VEHU: 2 U1: X

UNIT 2

NAME (LAST, FIRST, M.I.) ☐ DRIVER ☐ PED ☐ PEDAL ☐ EQUES ☐ MW DATE OF BIRTH / / (mo/day/yr)

STREET ADDRESS SEX SAFT AIR PLATE NO. STATE YEAR

CITY STATE ZIP INJURY EJECT VIN

TELEPHONE DRIVER LICENSE NO. STATE CLASS

CIRCLE NUMBER(S) FOR DAMAGED AREA(S): 00 - NONE; 10 - UNDER CARRIAGE; 11 - TOTAL (ALL AREAS); 12 - OTHER; 99 - UNKNOWN; POINT OF FIRST CONTACT:

TOWED ☐ Y ☐ N; FIRE ☐ Y ☐ N; HAZMAT SPILL ☐ Y ☐ N; COM VEH ☐ Y ☐ N

*IF YES SEE BELOW

VEHICLE OWNER (LAST, FIRST M.I.) INSURANCE CO.

TAKEN TO EMS AGENCY OWNER ADDRESS (STREET, CITY, STATE, ZIP) TELEPHONE POLICY NO.

U2: X

RDEF: 1

BAC: 96 U1: X

U2: X

NO. OCCS: 1 U1: 1

U2: 1

DRP: 3 U1: 3

U2: X

(UNIT)	(SEAT)	(DOB)	(SEX)	(SAFT)	(AIR)	(INJ)	(EJCT)	PASSENGERS & WITNESSES ONLY (NAME) / (ADDR) / (TEL)	(HOSP)	(EMS)
		/ /						[redacted] HP (070785) [redacted]	—	—
		/ /								
		/ /								
		/ /								
		/ /								

UNIT 1

(EVNO)	(MOST)	(EVNT)	(LOC)
1	12	42	5
2	☐		
3	☐		

DAMAGED PROPERTY OWNER NAME: BLOCKBUSTER VIDEO

DAMAGED PROPERTY: BUILDING

PROPERTY OWNER ADDRESS: 1500 E. IRVING PARK RD CITY: HANOVER PK STATE: IL ZIP: 60103

ARREST NAME [redacted] SECTION: 11-1412.1 CITATION NO.: Y6215418

UNIT 2

1	☐		
2	☐		
3	☐		

ARREST NAME SECTION CITATION NO.

OFFICER ID: 74 SIGNATURE BEAT / DIST.: Y1 SUPERVISOR

CONTRIBUTORY CAUSE(S): PRIMARY: 18 SECONDARY:

P1201

DATE POLICE NOTIFIED: 01/14/05 TIME NOTIFIED: 19:23 ☐ AM ☒ PM

COURT DATE: 02/08/05 COURT TIME: 10:30 ☒ AM ☐ PM

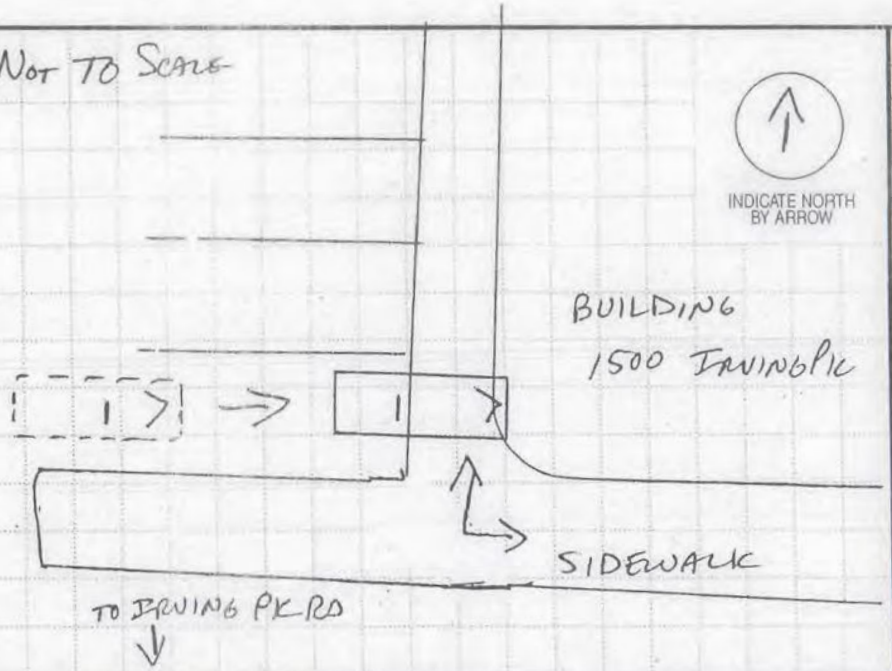
*IF YES TO HAZMAT SPILL OR COM VEH ABOVE, COMPLETE COMMERCIAL VEHICLE AREA ON BACK OF FORM

Printed by authority of the State of Illinois

SR 1050 500M (REPRINT 10/03)

PE12-019 001327LC SUBJECT

6429998 DIAGRAM Not To Scale



NARRATIVE (Refer to vehicle by Unit No.)

Unit #1 was pulling into a parking place at 1500 Irving Park Rd. Driver of Unit #1's shoe stuck on the gas pedal. Unit #1 struck the building.

LOCAL USE ONLY

U1 Color BLK | U2 Color
U1 Towed by / to | U2 Towed by / to

COMMERCIAL VEHICLE UNIT NO.
CARRIER NAME
ADDRESS
CITY STATE ZIP
SOURCE: ☐ Side of truck ☐ Papers ☐ Driver ☐ Log Book
ID NUMBER GVWR
US DOT ICCMC
or State No. State Name ☐ None
HAZARDOUS MATERIALS: PLACARDED? ☐ Yes ☐ No
if Yes: 4-Digits 1-Digit or Name

	Y	N	Unk
Hazardous cargo released from truck? (do not count fuel from vehicle fuel tank)	☐	☐	
Violation of HAZMAT regs. contribute to crash?	☐	☐	☐
Violation of MCS regs. contribute to crash?	☐	☐	☐

Inspection form completed?

	Y	N	Unk		Y	N
- HAZMAT	☐	☐	☐	Out of Service?	☐	☐
- MCS	☐	☐	☐	Out of Service?	☐	☐

Form No.
IDOT PERMIT # WIDE LOAD Y ☐ N ☐

TRAILER WIDTH(S)	0-96"	97-102"	Over 102"	TRAILER LENGTH(S) - ft	VEHICLE LENGTH (TOTAL) - ft
Trailer 1	☐	☐	☐	Trailer 1	NO. OF AXLES
Trailer 2	☐	☐	☐	Trailer 2	

(Circle) ☐ IN CITY OF / ☐ NEAREST CITY: Miles N E S W of:
INSERT APPLICABLE NUMBERS FROM CHOICES ON BACK OF TEMPLATE TWO
VEHICLE CONFIGURATION CARGO BODY TYPE LOAD TYPE

COMMERCIAL VEHICLE UNIT NO.
CARRIER NAME
ADDRESS
CITY STATE ZIP
SOURCE: ☐ Side of truck ☐ Papers ☐ Driver ☐ Log Book
ID NUMBER GVWR
US DOT ICCMC
or State No. State Name ☐ None
HAZARDOUS MATERIALS: PLACARDED? ☐ Yes ☐ No
if Yes: 4-Digits 1-Digit or Name

	Y	N	Unk
Hazardous cargo released from truck? (do not count fuel from vehicle fuel tank)	☐	☐	
Violation of HAZMAT regs. contribute to crash?	☐	☐	☐
Violation of MCS regs. contribute to crash?	☐	☐	☐

Inspection form completed?

	Y	N	Unk		Y	N
- HAZMAT	☐	☐	☐	Out of Service?	☐	☐
- MCS	☐	☐	☐	Out of Service?	☐	☐

Form No.
IDOT PERMIT # WIDE LOAD Y ☐ N ☐

TRAILER WIDTH(S)	0-96"	97-102"	Over 102"	TRAILER LENGTH(S) - ft	VEHICLE LENGTH (TOTAL) - ft
Trailer 1	☐	☐	☐	Trailer 1	NO. OF AXLES
Trailer 2	☐	☐	☐	Trailer 2	

(Circle) ☐ IN CITY OF / ☐ NEAREST CITY: Miles N E S W of:
INSERT APPLICABLE NUMBERS FROM CHOICES ON BACK OF TEMPLATE TWO

PE12-019 001328LC SUBJECT

State Farm Insurance Companies®

CONSUMER AFFAIRS SECTION

05 FEB -4 P12:07

January 26, 2005

Chicago North Operations Center
1500 W. Shure Drive, Ste. 400
Arlington Heights, IL 60004

RECEIVED
FEB 07 2005

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

FORD MOTOR COMPANY
RECEIVED
CLAIMS UNIT
FEB 08 2005
OFFICE OF THE
GENERAL COUNSEL

RE: Claim Number: [redacted]
Insured: [redacted]
Date of Loss: January 16, 2005
Involved Vehicle: 2003 Ford Escape
VIN Number: 1FMCU93103K[redacted]

Dear Sir or Madam:

The above identified vehicle is insured by State Farm Mutual Automobile Insurance Company. This vehicle experienced an accelerator problem which resulted in the above-referenced automobile accident.

State Farm® would like to give you an opportunity to inspect the vehicle and give you advanced notice of our potential subrogation claim.

Please contact me at (847) 704-4114 to set up a time for your inspection.

Sincerely,

Joni Bimbi

Joni L. Bimbi
Claim Representative
State Farm Mutual Automobile Insurance Company
(847) 704-4114

337/0126020IL

PE12-019 001329LC SUBJECT

ISSUE LIST

Last Handling Date/ Issue Status	Name/ Reason Desc	Vin/ Case No.	Model Year and Vehicle Line	Issue Type
2/2/2005	[redacted]	1FMCU93103KC[redacted]	2003 ESCAPE	07
CLOSED	LEGAL - ACCIDENT / FIRE	[redacted]		
2/1/2005	[redacted]	1FMCU93103KC[redacted]	2003 ESCAPE	02
CLOSED	LEGAL - CUSTOMER WAITING FOR ACKNOWLEDGEMENT	[redacted]		
1/19/2005	[redacted]	1FMCU93103KC[redacted]	2003 ESCAPE	10
CLOSED	LEGAL - ACCIDENT / FIRE	[redacted]		

[redacted] ... 2/16/2005

All Action Details for Issue

Print

VIN: 1FMCU93103KC[redacted] **Year:** 2003 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2003-02-17
Symptom Desc: FAST IDLE TEMP ALL ENGINE TEMP **Primary Phone:** [redacted]
Reason Desc: LEGAL - CUSTOMER WAITING FOR ACKNOWLEDGEMENT **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: CB-ADVISE CUST WE WILL NOTIFY THE DEPT SOMEBODY WILL BE IN TOUCH
Dealer: 01587 WICKSTROM FORD, INC. **Origin Desc:** US CONCERN CASE BASE
Odometer: 1 MI **Comm Type:** PHONE
Analyst Name: SINGH SABRIAN **Analyst:** SSING144
Action Date: 02/01/2005 **Action Time:** 16.08.04.264 **Action Data:** No

Caller Information If Different From Vehicle Owner:

First Name	Middle Initial	Last Name	Day Phone	Relationship
[redacted]		[redacted]		SPOUSE

Comments CUSTOMER SAID: - CUST STATES THAT THE VEH WOULD NOT STOP AND RAN INTO A WALL DUE TO THE ACCELERATOR STICKING - RELATED TO RECALL 04S25 / AIRBAGS DID NOT DEPLOYDATE OF THE ACCIDENT. 01/15/05WHAT THE CUSTOMER IS ALLEGING THE PRODUCT DEFECT IS THAT CAUSED ACCIDENT.RECALL 04S25 ACCELERATOR STUCK WHICH CUST RAN INTO A WALL AT THE SIDE OF BLOCKBUSTER AND CUST RESPONSIBLE FOR REPAIRS TO BLOCKBUSTERLOCATION OF THE VEHICLE WHEN THE ACCIDENT OCCURRED.CORNER OF ERVING PARK ROAD AND BARRINGTON IN HANOVER PARKWHETHER OR NOT THERE WAS A POLICE REPORT FILED. YESTHE POLICE REPORT NUMBER AND THE CITY OR COUNTY IN WHICH THE REPORT WAS FILED. COOK COUNTY POLICE REPORT NUMBER (ACCORDING TO HISTORICS) [redacted] WHETHER OR NOT THE CUSTOMER HAS FILED A CLAIM WITH THEIR INSURANCE COMPANY. YES CLAIMED WITH INSURANCE COMPANYIF A CLAIM HAS BEEN FILED WITHTHE INSURANCE COMPANY, WHAT IS THE STATUS OF THE CLAIM. OPENWHETHER OR NOT THE VEHICLE IS REPAIRABLE. YESDEALER SAID: WICKSTROM FORD 600 W. NORTHWEST HIGHWAYBARRINGTON, IL 60010TEL: (847) 381-8850CRC ADVISED: THANK YOU FOR PROVIDING US WITH THIS INFORMATION IN RELATION TO YOUR CASE. I WILL FORWARD THIS TO OUR CONSUMER AFFAIRS DEPARTMENT, AND I HAVE REQUESTED THAT THEY CONTACT YOU WITHIN TWO BUSINESS DAYS.

All Action Details for Issue

Print

VIN: 1F[redacted] **Year:** 2003 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2003-02-17
Symptom Desc: FAST IDLE TEMP ALL ENGINE TEMP **Primary Phone:** [redacted]
Reason Desc: LEGAL - CUSTOMER WAITING FOR ACKNOWLEDGEMENT **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: CB-ADVISE CUST WE WILL NOTIFY THE DEPT SOMEBODY WILL BE IN TOUCH
Dealer: 01587 WICKSTROM FORD, INC. **Origin Desc:** US CONCERN CASE BASE
Odometer: 1 MI **Comm Type:** PHONE
Analyst Name: SINGH SABRIAN **Analyst:** SSING144
Action Date: 02/01/2005 **Action Time:** 16.08.04.264 **Action Data:** No

Caller Information If Different From Vehicle Owner:

First Name	Middle Initial	Last Name	Day Phone	Relationship
[redacted]		[redacted]		SPOUSE

Comments CUSTOMER SAID: - CUST STATES THAT THE VEH WOULD NOT STOP AND RAN INTO A WALL DUE TO THE ACCELERATOR STICKING - RELATED TO RECALL 04S25 / AIRBAGS DID NOT DEPLOYDATE OF THE ACCIDENT. 01/15/05WHAT THE CUSTOMER IS ALLEGING THE PRODUCT DEFECT IS THAT CAUSED ACCIDENT.RECALL 04S25 ACCELERATOR STUCK WHICH CUST RAN INTO A WALL AT THE SIDE OF BLOCKBUSTER AND CUST RESPONSIBLE FOR REPAIRS TO BLOCKBUSTERLOCATION OF THE VEHICLE WHEN THE ACCIDENT OCCURRED.CORNER OF ERVING PARK ROAD AND BARRINGTON IN HANOVER PARKWHETHER OR NOT THERE WAS A POLICE REPORT FILED. YESTHE POLICE REPORT NUMBER AND THE CITY OR COUNTY IN WHICH THE REPORT WAS FILED. COOK COUNTY POLICE REPORT NUMBER (ACCORDING TO HISTORICS) [redacted] WHETHER OR NOT THE CUSTOMER HAS FILED A CLAIM WITH THEIR INSURANCE COMPANY. YES CLAIMED WITH INSURANCE COMPANYIF A CLAIM HAS BEEN FILED WITHTHE INSURANCE COMPANY, WHAT IS THE STATUS OF THE CLAIM. OPENWHETHER OR NOT THE VEHICLE IS REPAIRABLE. YESDEALER SAID: WICKSTROM FORD 600 W. NORTHWEST HIGHWAYBARRINGTON, IL 60010TEL: (847) 381-8850CRC ADVISED: THANK YOU FOR PROVIDING US WITH THIS INFORMATION IN RELATION TO YOUR CASE. I WILL FORWARD THIS TO OUR CONSUMER AFFAIRS DEPARTMENT, AND I HAVE REQUESTED THAT THEY CONTACT YOU WITHIN TWO BUSINESS DAYS.

[redacted] 2/16/2005

All Action Details for Issue

Print

VIN: 1FMCU93103KC[redacted] **Year:** 2003 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2003-02-17
Symptom Desc: SLW RET-IDLE TEMP ALL ENGINE TEMP **Primary Phone:** [redacted]
Reason Desc: LEGAL - ACCIDENT / FIRE **Secondary Phone:** [redacted]
Issue Type: 10 OGC **Issue Status:** CLOSED

Action: CONTACT ADVANCED TO OGC
Dealer: 01587 WICKSTROM FORD, INC. **Origin Desc:** US CONCERN CASE BASE
Odometer: 1 MI **Comm Type:** PHONE
Analyst Name: ARIAS JASON **Analyst:** JARIAS12
Action Date: 01/19/2005 **Action Time:** 19.53.55.202 **Action Data:** No

Comments CUSTOMER SAID: - ACCIDENT OCCURED 01/15/05.- CUST IS ALLEGING THAT DUE TO THE RECALL 04S25 ACCELERATOR REPLACEMENT, FOR WHICH A LETTER SHE DID NOT RECEIVE UNTIL TODAY 01/19/05, THE VEH DID NOT STOP AND CRASHED INTO THE SIDE OF A BLOCKBUSTER VIDEO STORE.- VEH WAS AT BLOCKBUSTER ON THE CORNER OF ERVING PARK RD AND BARRINGTON, IN HANOVER PARK.- THERE WAS A POLICE REPORT FILED.- REPORT NUMBER [redacted] FILED THROUGH COOK COUNTY.- CUST FILED A CLAIM WITH INSURANCE COMPANY.- CURRENT STATUS OF CLAIM, CUST HAS $250 DEDUCTIBLE, EVERYTHING ELSE IS BEING COVERED EXCEPT FOR THE RENTAL VEH.- VEH HAS NOT BEEN PROPERLY INSPECTED YET TO KNOW IF IT CAN BE REPAIRED.DEALER SAID: -NONE.CRC ADVISED: I WILL FORWARD THIS INFORMATION TO THE FORD OGC DEPARTMENT. YOU WILL BE CONTACTED WITHIN 3-5 BUSINESS DAYS.

[redacted] 2/16/2005



507953
Chabot

MERCURY
INSURANCE GROUP

P.O. Box 1150
Brea, CA 92822
(714) 671-6700

CONSUMER AFFAIRS
SECTION

5 MAR -1 PM 2:33

RECEIVED
MAR 02 2005

February 18, 2005

Ford Motor Corporation
ATTN: Valma Sanders
P.O. Box 6248
M D 3 N E-B
Dearborn, Mi 48126

RE: OUR INSURED: [redacted]
OUR FILE NUMBER:
DATE OF LOSS: December 10, 2004

Dear Ms. Sanders:

This letter will serve as a follow up to our January 31, 2005 letter regarding the above captioned date of loss.

As stated in our previous letter, our insured is claiming that the accident was caused by a mechanical defect with her 2003 Ford Escape. It is important that we discuss Ford's procedures in this matter. Our insured's vehicle has not been repaired and is available for your inspection at South Bay Collision Center, Inc. in Hawthorne California. Please advise us at your earliest convenience whether or not Ford Motor Corp. has inspected the vehicle.

I look forward to discussing this with you. I can be reached at (714) 671-6700, ext. 7886.

Very truly yours,
MERCURY INSURANCE COMPANY

GLENN SORENSEN
Field Adjuster
Metropolitan Claims

GS/gs

Cc: Denise Nakayama

C-5 Rev. 11/96

PE12-019 001335LC SUBJECT

MERCURY
INSURANCE GROUP

P.O. Box 1150
Brea, CA 92822
(714) 671-6700

CONSUMER AFFAIRS
SECTION

5 FEB -7 P3:50

January 31, 2005

Ford Motor Corporation
ATTN: Valma Sanders
P.O. Box 6248
M D 3 N E-B
Dearborn, Mi 48126

RECEIVED
FEB 0 8 2005

RE: OUR INSURED: [redacted]
OUR FILE NUMBER: [redacted]
DATE OF LOSS: December 10, 2004

Dear Ms. Sanders:

This letter is in response to the January 5, 2005 letter sent to our insured with regards to the above captioned loss.

We have enclosed the requested information with this letter. Please note that some information cannot be provided at this time such as medical bills or records. We have enclosed a copy of the estimate, photographs and service records as requested. Police responded to the scene but no report was taken.

In addition to the damages and injuries in our insured's vehicle there are two other vehicles involved. We do not know the extent of the injuries and the damages to the other two vehicles and therefore cannot provide the requested information at this time.

This accident happened as our insured was stopped waiting for a red light behind a food truck. [redacted] attempted to go around the vehicle in front of her by making a legal lane change to the left. When she took her foot off the brake the accelerator went to the floor on its own accord causing her to hit the vehicle in front of her and then veer off to the left and strike a Toyota Echo that was driving in the opposite direction. After she hit the Toyota Echo the accelerator was still floored but [redacted] was able to turn off the engine of her car.

Please call me at your earliest convenience to discuss the above accident. I can be reached by dialing (714) 671-6700, ext. 7886.

Very truly yours,
MERCURY INSURANCE COMPANY

FORD MOTOR COMPANY
RECEIVED
FEB 0 9 2005
OFFICE OF THE
GENERAL COUNSEL

GLENN SORENSEN
Field Adjuster
Metropolitan Claims

GS/gs

Cc: Denise Nakayama

XH 007123-31
GS

Consumer Affairs
January 5, 2005

PO Box 6248, MD 3NE-B
Dearborn, MI 48126 USA

[redacted]
Los Angeles, CA [redacted]

RE: 2003 Ford Escape
VIN: 1FMCU94163K[redacted]

Dear [redacted]

We have been advised of your pursuit of damages due to an accident in which your vehicle was involved. In order to evaluate this matter, we request that you provide us with all the following information by completing and returning this form:

1. Please provide a copy of each of the following documents and check the box indicating that each item is attached.
   - ☐ A copy of the police/fire report. If a police/fire report was not made, attach a separate sheet of paper providing a complete description of the incident.
   - ☐ Medical records for each person alleged injured from all treating physicians/facilities
   - ☐ Medical bills for each person alleged injured from all treating physicians/facilities.
   - ☐ Original photographs or laser copies of the vehicle's collision/fire damage from several different angles.
   - ☐ Original photographs or laser copies of the inside of vehicle showing the steering wheel, dash and roof areas.
   - ☐ Repair estimate or repair order
     OR
   - ☐ Total loss worksheet with copies of draft payments
   - ☐ Complete service history for vehicle including tune ups and oil changes.

2. For each person alleged injured provide the following: (If there are additional names continue on back.)

Name: [redacted]	Name: See letter
Address: [redacted]	Address:
Spouse's Name: [redacted]	Spouse's Name:
DOB: [redacted]	DOB:
Soc Security#: [redacted]	Soc Security#:
Occupation: Independent Contractor	Occupation:
Injury: Neck + (L) Knee	Injury:

3. Please specify what you believe is defective, if anything, with your vehicle.

GLENN SORENSEN
JAN 24 2005
CLAIMS

REIME PARENT
JAN 17 2005
CLAIMS

Car accelerated unexpectantly and did not return to normal position until after the accident

4. Has the alleged defective vehicle/part been repaired or replaced? Yes (No)

5. Please provide the current location of the vehicle (you may need to contact your insurance company to provide this information).

South Bay Collision Center 13900 Hawthorne Blvd, Hawthorne, CA

6. Has an insurance company been advised of this incident? (Yes) No
If yes, please provide name, address and phone number of insurance company and adjuster's name and claim number.

Mercury Insurance adj: Glenn Sorensen claim # [redacted]
[redacted] Brea, CA [redacted]

7. What are you seeking from Ford Motor Company?

Car was @ fault for the accident of 12-10-04

Please note that we need all the information requested above to evaluate this matter. Your concern will not be evaluated until all the above information is submitted. Please feel free to provide any other additional information that may be helpful to us in evaluating this matter.

Once we are in receipt of all 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 45 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.

Should you decide to pursue a claim against Ford Motor Company, 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.

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.

Respectfully yours,

Valma Sanders
Consumer Affairs

REIME PARENT
JAN 17 2005
CLAIMS










Mercury Insurance Group
555 W. Imperial Hwy
Brea CA 92821
Phone 714-671-6700 Fax 714-255-5229

Claim No [redacted] Adjuster Sorensen Glenvin 1FMCU94163K[redacted] 2003 Ford Escape
Owner [redacted] Appraiser J Buchman Policy [redacted]
D/Loss 12/10/2004 DRP No 2137 Insured [redacted]
repair

Printed with EazyImage from GO Media, Inc. 1-888-546-7593 - www.eazyimage.com













Mercury Insurance Group
555 W. Imperial Hwy
Brea CA 92821
Phone 714-671-6700 Fax 714-255-5229

Claim No [redacted] Adjuster Sorensen Glenvin 1FMCU94163K[redacted] 2003 Ford Escape
Owner [redacted] Appraiser J Buchman Policy [redacted]
D/Loss 12/10/2004 DRP No 2137 Insured [redacted]
repair

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Mercury Insurance Group
555 W. Imperial Hwy
Brea CA 92821
Phone 714-671-6700 Fax 714-255-5229

Claim No [redacted] Adjuster Sorensen Glenvin 1FMCU94163K[redacted] 2003 Ford Escape
Owner [redacted] Appraiser J Buchman Policy [redacted]
D/Loss 12/10/2004 DRP No 2137 Insured [redacted]
repair

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Mercury Insurance Group
555 W. Imperial Hwy
Brea CA 92821
Phone 714-671-6700 Fax 714-255-5229

Claim No [redacted] Adjuster Sorensen Glenvin 1FMCU94163K[redacted] 2003 Ford Escape
Owner [redacted] Appraiser J Buchman Policy [redacted]
D/Loss 12/10/2004 DRP No 2137 Insured [redacted]
repair

Printed with EazyImage from GO Media, Inc. 1-888-546-7593 - www.eazyimage.com

ISSUE LIST

Last Handling Date/ Issue Status	Name/ Reason Desc	Vin/ Case No.	Model Year and Vehicle Line	Issue Type
1/5/2005	[redacted]	1FMCU94163K[redacted]	2003 ESCAPE	07
CLOSED	LEGAL - ALLEGED - NON-SERIOUS INJURY	[redacted]		
4/21/2003	[redacted]	1FMCU94163K[redacted]	2003 ESCAPE	02
CLOSED	PROD/COMP DUR/PERF - VEHICLE QUALITY	[redacted]		

All Action Details for Issue

Print

VIN: 1FMCU94163K[redacted] Year: 2003 Model: ESCAPE Case: [redacted]
Name: [redacted] Owner Status: Original WSD: 2003-01-19
Symptom Desc: SURGE AT CRUISE ALL ENGINE TEMP Primary Phone: [redacted]
Reason Desc: LEGAL - ALLEGED - NON-SERIOUS INJURY Secondary Phone: [redacted]
Issue Type: 07 LEGAL Issue Status: CLOSED

Action: ADVISE CUST INFORMATION IS FOWARDED TO OUR PRODUCT CLAIMS GROUP
Dealer: 00359 SOUTH BAY FORD, INC. **Origin Desc:** US CONCERN CASE BASE
Odometer: 25000 MI **Comm Type:** PHONE
Analyst Name: TSIOKOS JIM **Analyst:** JTSIOKOS
Action Date: 12/24/2004 **Action Time:** 16.06.24.271 **Action Data:** No

Caller Information If Different From Vehicle Owner:

First Name	Middle Initial	Last Name	Day Phone	Relationship
[redacted]		[redacted]		SPOUSE

Comments CUSTOMER SAID: A BAY- HAD AN ACCIDENT ON DEC 10/04- VEH DROVE ITSELF...CUST FEELS THE VEH WAS CAUSE OF THE ACCIDENT- VEH COLLIDED WITH CATERING VAN & THEN WENT ACROSS LANES IN TRAFFIC, THEN HIT VEH COMING IN OPPOSITE DIRECTION...HIT SIDE OF ONCOMING CAR- ACCIDENT WAS IN PACIFIC PALISADES, CA- NO POLICE REPORT WAS FILED- WORKING WITH INSURANCE COMPANY...WAITING ON APPRAISER- DOESN'T KNOW IF VEH IS REPAIRABLE- CUST WANTS TO KNOW WHY AIRBAGS DIDN'T DEPLOY- WANTS TO COMPLAIN ABOUT EXPERIENCEDEALER SAID: - NONESOUTH BAY FORD INC5100 ROSECRANS AVENUEHAWTHORNE, CA 90250 TEL: (310) 706-6000CRC ADVISED: - THIS INFORMATION WILL BE FORWARDED TO OUR CONSUMER AFFAIRS GROUP. SOMEBODY WILL CONTACT IN TWO BUSINESS DAYS.

Action: MAKE OUTBOUND CALL TO CUSTOMER
Dealer: 00359 SOUTH BAY FORD, INC. **Origin Desc:** CONSUMER AFFAIRS - LITIGATION PREVENTION
Odometer: 25000 MI **Comm Type:** PHONE
Analyst Name: VALMA SANDERS (VSANDERS) **Analyst:** VSANDERS
Action Date: 12/30/2004 **Action Time:** 15.35.31.091 **Action Data:** Yes

Comments LPA CALLED THE CUSTOMER..SAYS THE UNIT WAS IN AN ACCIDENT ACCELERATED ON ITS OWN AND HIT OTHER VEHICLES..UNIT IS DOWN AT SOUTHBAY FORD BODY SHOP..WANTS A LOANER DURING REPAIRS..LPA ADVISED CAN INSPECT THE UNIT IF CUSTOMER WILL ALLOW IT..CUSTOMER SAYS WILL CALL LP BACK TO ADVISE

Data Element Name	Data Value
CONTACT PERSON	*

Action: INFORMATIONAL CALL/FAX WITH CUSTOMER
Dealer: 00359 SOUTH BAY FORD, INC. **Origin Desc:** CONSUMER AFFAIRS - LITIGATION PREVENTION
Odometer: 25000 MI **Comm Type:** PHONE
Analyst Name: VALMA SANDERS (VSANDERS) **Analyst:** VSANDERS
Action Date: 01/05/2005 **Action Time:** 12.52.31.331 **Action Data:** No

[redacted] 2/16/2005

Comments LPA SPOKE WITH [redacted] SHE ADVISED THE INS COMPANY IS INSPECTING THE UNIT NOW..SHE DOES NOT KNOW IF THEY ARE GOING TO TOTAL THE UNIT OUR OR NOT..SHE IS AFRAID TO DRIVE THE UNIT HAD SOME PROBLEMS WHEN SHE FIRST PURCHASED THE VEHICLE..THE ENGINE WAS REPLACED..CUSTOMER SAYS CAN'T TALK NOW..HAS ANZIETY ATTACKS DUE TO THE ACCIDENT IT WAS REALLY BAD..THERE WERE NO SERIOUS PHYSICAL INJURIES..SHE HAD ARTHRITIS ALREADY AND THE ACCIDENT HAS MADE IT WORSE..LPA ADVISED CUSTOMER INS COMPANY IS ALREADY INVOLVED THEY CAN SUBROGATE IF THEY CHOOSE.BUT LPA WILL SEND THE CUSTOMER AN INJURY LETTER FOR HER REVIEW

Action: REDIRECT TO OTHER

Dealer: 00359 SOUTH BAY FORD, INC.

Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION

Odometer: 25000 MI

Comm Type: PHONE

Analyst Name: VALMA SANDERS (VSANDERS)

Analyst: VSANDERS

Action Date: 01/05/2005

Action Time: 12.53.03.715

Action Data: No

Comments LPA SENT THE CUSTOMER AN INJURY LETTER

[redacted] 2/16/2005

All Action Details for Issue

Print

VIN: 1FMCU94163K[redacted] **Year:** 2003 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2003-01-19
Symptom Desc: OIL SYSTEM LEAKS **Primary Phone:** [redacted]
Reason Desc: PROD/COMP DUR/PERF - VEHICLE QUALITY **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: ADVISE INFO WILL BE SENT TO DLR; CONTACT CRM
Dealer: 00359 SOUTH BAY FORD, INC. **Origin Desc:** US CONCERN CASE BASE
Odometer: 3000 MI **Comm Type:** PHONE
Analyst Name: DEBOLINA GUPTA **Analyst:** DGUPTA
Action Date: 04/21/2003 **Action Time:** 12.58.17.286 **Action Data:** No

Caller Information If Different From Vehicle Owner:

First Name	Middle Initial	Last Name	Day Phone	Relationship
[redacted]		[redacted]		SPOUSE

Comments CUSTOMER SAYS: -THERE IS AN OIL LEAK -CUST. CONTACTED DLRSHP. FOR THE ABOVE PROBLEM .THE VEH. IS AT THE DLRSHP. NOW -CUST. WANTS THE VEH. TO BE REPLACED SINCE SHE DOES NOT FEEL SAFE PER CUSTOMER, DEALER SAYS: -THE ENGINE NEEDS TO BE REPLACED 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 ---------- -ADVISED CUST. THAT FORD'S GOAL IS TO REPAIR THE VEH. & NOT TO REPLACE THE VEH. INFERENCE CASE ID: 4591

[redacted]/16/2005



State Farm Insurance Companies

RECEIVED MAR - 9 2006

Auto Claim Central
PO Box 8014
Ballston Spa, NY 12020
Hours of Operation:
Monday - Friday: 7am - 7pm
Saturday : 9am - 5pm

March 3, 2006

New

Ford Motor Company
Attn: Shawn Norton
Parklane Towers West Suite 400 3 Parklane Blvd
Dearborn, MI 48126-2568

RE: Claim Number: [redacted]
Date of Loss: December 19, 2005
Our Insured: Robert Natal VIN 1FMYU02102K[redacted]

Dear Shawn Norton:

Our insured was involved in a collision with his 2002 Ford Escape on the above date of loss. We settled with our insured in the amount of $5,091.22 which includes his $1,000 deductible.

Our investigation revealed that his vehicle accelerated while he was attempting to park causing him to hit another vehicle. This appears consistent with manufacturer recall number 04S25.

Please consier this letter our demand to Ford Motor Company for reimbursement in the amount of $5,091.22

Sincerely,

T. Dacey /mk

Timothy Dacey
Claim Representative
(800) 884-4415

State Farm Mutual Automobile Insurance Company

PE12-019 001348LC SUBJECT

[redacted]

BEGINNING OF CONTACT
11/04/2011 VOICE OF THE CUSTOMER TRACKING SYSTEM 07.55.03

REGION: C3 MEMPHIS OGC ISSUE CASE NBR: 1430413071
VIN: 1FMYU03141K[redacted] ZONE: A01 OPENED: 2011/11/03
ENGINE: 1 VEH TYPE: T CLOSED: 2011/11/03

LAST NAME: [redacted] FIRST NAME: [redacted] STATUS: CLOSED
TITLE: MI:
ADDRESS:
CITY: HORN LAKE STATE: MS ZIP: [redacted]
HOME PHONE: [redacted]
MODEL YEAR: 2001 MODEL: ESCAPE
MILEAGE: 143000
DEALER NAME: HOMER SKELTON FORD, SALES CODE: F23408 P & A: 05848
REASON CODE: 0795 LEGAL - ALLEGED INJURY
SYMPTOMS: 104458 RESTRAINTS AIR BAG SYSTEM NON-DEPLOYMENT

ORIGIN: CACI38 - US CONCERN CASE BASE COMMUNICATION: PHONE
ACTION: 9999 - CLOSE - DOCUMENT MULTIPLE SYMPTOMS
DOCUMENT: ANALYST: JALEX133 ALEXANDER, JOSHUA

DATE: 2011/11/03 TIME: 11.58.04 :
ACTION DATA/COMMENTS:

CUSTOMER SAID: -01 ESCAPE-ACCELERATOR STUCK ON VEH AND HIT A POLE AT 60 MPH-WHEN HITTING BRAKES, VEH ACCELERATED -CUST PULLED EMERGENCY BRAKE AND TIRES BLEW OUT-AIR BAG FAILED TO DEPLOY1. DATE OF THE ACCIDENT 11/2/112. WHAT THE CUSTOMER IS ALLEGING THE PRODUCT DEFECT IS THAT CAUSED ACCIDENT ACCELERATOR PEDAL STICKING CAUSING FAILURE TO STOP, AIR BAGS FAILED TO DEPLOY3. IF THERE WERE ANY INJURIES SUSTAINED SEAT BELT CAUSED BRUISING ACROSS CHEST AND STOMACH AND SORENESS FROM HITTING STEERING WHEEL, NECK IS SORE4. LOCATION OF THE VEHICLE WHEN THE ACCIDENT OCCURRED INTERSECTION OF HWY 51 AND WHITWORTH ST IN HORN LAKE, MS5. WHETHER OR NOT THERE WAS A POLICE REPORT FILED. POLICE REPORT WAS FILED6. IF A POLICE REPORT WAS FILED, WHAT THE FINDINGS WERE. POLICE REPORT INDICATES ACCIDENT CAUSED BY ACCELERATOR STICKING, NO FAULT PLACED ON DRIVER7. THE POLICE REPORT NUMBER AND THE CITY OR COUNTY IN WHICH THE REPORT WAS FILED. POLICE REPORT #[redacted] FILED BY CITY OF SOUTHAVEN8. WHETHER OR NOT THE CUSTOMER HAS FILED A CLAIM WITH THEIR INSURANCE COMPANY. NO CLAIM FILED9. 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. VEHICLE IS NOT REPAIRABLE11. NAME AND ADDRESS OF CUSTOMER'S ATTORNEY (ONLY IF THE CUSTOMER MENTIONS THEY HAVE SOUGHT ONE).12. WHAT THE CUSTOMER IS SEEKING CUSTOMER LOOKING FOR FORD TO REPLACE VEH WITH SAME TYPE VEHDEALER SAID: HOMER SKELTON FORD6950 HANNA COVEOLIVE BRANCH, MS 38654TEL:(662) 890-8875FAX:(662) 895-8866CRC 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 11/04/2011 FAXOGC1 CONFIDENTIAL



DENNIS L. MANGRUM
Attorney at Law

CONSUMER AFFAIRS
SECTION

5 MAR -4 P3:54

February 14, 2005

F.M. Ligon
Ford Motor Co.
P.O. Box 1904
Dearborn, MI 48121

RECEIVED
MAR
MAR 1 5 2005

RE: [redacted]
Ford Escape ID FMYU04162K[redacted]

Dear Mr. Ligon:

Please be advised that I represent [redacted] who were passengers in the above identified vehicle on December 28, 2004. The vehicle was traveling westbound on I-80 east of Tooele Utah when for no reason the vehicle went out of control and rolled over several times. My clients were injured and have incurred medical expenses in excess of $110,000.

There were no other vehicles involved in the accident. There was no snow or ice on the road. The driver indicates that she just lost control of the vehicle. It was shortly after the accident that the owner of the vehicle, [redacted] received your factory recall notice of a defect in the accelerator cable. It may have been that cable that caused the engine to speed up and the vehicle to go out of control. Enclosed is a copy of the police report describing the accident.

I would like to know your thoughts on the matter.

Sincerely,

Dennis L. Mangrum

[illegible] / SALT LAKE CITY, UTAH [illegible]
[illegible]

PE12-019 001352LC SUBJECT

DI-9 Rev. 10/93

STATE OF UTAH INVESTIGATING OFFICER'S REPORT OF TRAFFIC ACCIDENT

Page 1 of 2

TIME

MONTH	DAY	YEAR
12-28-		2004

DAY OF WEEK: 1 2 3 4 5 6 7 — M (T) W T F S S

MILITARY TIME: 0913

CASE NUMBER: [redacted]

FOR AGENCY USE

LOCATION

PLACE WHERE ACCIDENT OCCURRED: COUNTY Tooele 45 CITY OR TOWN

Accident was outside city limits — indicate distance from city limits or nearest town: 7 MILES NORTH ☐ S ☐ E ☒ W ☐ of Delle (CITY OR TOWN)

ROAD ON WHICH ACCIDENT OCCURRED: SR 80 (I-80) (GIVE NAME OF STREET OR HIGHWAY NUMBER)

INTERSECTION TYPE: COMPLETE

D.I.D. USE ONLY

SECTION FILE

STATE/LOCAL

2

1. AT ITS INTERSECTION WITH

2. IF NOT AT INTERSECTION: 1056 FEET NORTH ☐ S ☐ E ☐ W ☒ of MM 77

2 TENTH OF A MILE NORTH ☐ S ☐ E ☐ W ☒ OF MILE POST 77

NEAREST INTERSECTION, STREET, HOUSE NO., LANDMARK — BE SURE TO COMPLETE IF ROAD HAS MILE POST

VEHICLE 1

VEHICLE #	YEAR	MAKE	MODEL	BODY STYLE/TYPE CODE	VEHICLE COLOR	G.V.W.R.	DESC. OF CARGO CODE	COMMERCIAL VEHICLE (Reg 12,000 lbs. or more)
1	2002	Ford	Escape	SUV	7 Silver			INTERSTATE ☐ INTRASTATE ☐

VEHICLE IDENTIFICATION NUMBER: 1FMYU04162K[redacted]

DISPOSITION OF VEHICLE CODE: 1 Towed (held for owner). by Mr. Tow

NO. OF AXLES (INCLUDING ALL TRAILERS):

DIR OF TRAVEL: West

US DOT / ICC MC	LICENSE PLATE INFO	YEAR	MONTH	STATE	NUMBER	PARTS DAMAGED	COST OF REPAIR
		2005	Oct	UT	152NAZ	T	$ 15,000

OWNER / OPERATOR / CARRIER

FIRST	INITIAL	LAST	STREET, CITY, STATE, ZIP, PHONE NO.	PHONE
[redacted]			[redacted] Salt Lake City, UT	[redacted]

DRIVER

FIRST	INITIAL	LAST	STREET, CITY, STATE, ZIP, PHONE NO.	PHONE
[redacted]			[redacted] Salt Lake City, UT	[redacted]

DRIVER'S LICENSE STATE	DRIVER'S LICENSE NUMBER	DATE OF BIRTH (MONTH DAY YEAR)	AGE	SEX	SAFE EQUIP	INJURY TYPE	INJURY CAUSE	INJURY AREA	EXTRICATION	EJECTION	THROUGH WHAT AREA EJECTED?
UT	[redacted]	02/20/1976	28	F	2	4	4	1	0	1	

DRIVER'S EDUCATION: 1. PUBLIC 3. NONE 2. COMM. 4. UNION — 1 — YEARS DRIVE EXP. 0

LICENSE CLASS	ENDORSEMENT	RESTRICTIONS
D	-	A

INSURANCE COMPANY	EFFECTIVE DATE	EXPIRATION DATE	POLICY NUMBER
State Farm	10/26/2004	12/30/2004	[redacted]

INSURANCE APPEARS VALID: YES ☒ NO ☐

AGENCY THAT SOLD POLICY: Bill Shaffer Ins.

ADDRESS: UT PHONE 801-943-2111

VEHICLE 2

VEHICLE #	YEAR	MAKE	MODEL	BODY STYLE/TYPE CODE	VEHICLE COLOR	G.V.W.R.	DESC. OF CARGO CODE	COMMERCIAL VEHICLE (Reg 12,000 lbs. or more)
N/A								INTERSTATE ☐ INTRASTATE ☐

VEHICLE IDENTIFICATION NUMBER:

DISPOSITION OF VEHICLE CODE:

NO. OF AXLES (INCLUDING ALL TRAILERS):

DIR OF TRAVEL: 2

US DOT / ICC MC	LICENSE PLATE INFO	YEAR	MONTH	STATE	NUMBER	PARTS DAMAGED	COST OF REPAIR
							$

OWNER / OPERATOR / CARRIER

FIRST	INITIAL	LAST	STREET, CITY, STATE, ZIP, PHONE NO.	PHONE

DRIVER

FIRST	INITIAL	LAST	STREET, CITY, STATE, ZIP, PHONE NO.	PHONE

DRIVER'S LICENSE STATE	DRIVER'S LICENSE NUMBER	DATE OF BIRTH (MONTH DAY YEAR)	AGE	SEX	SAFE EQUIP	INJURY TYPE	INJURY CAUSE	INJURY AREA	EXTRICATION	EJECTION	THROUGH WHAT AREA EJECTED?

DRIVER'S EDUCATION: 1. PUBLIC 3. NONE 2. COMM. 4. UNION — YEARS DRIVE EXP.

LICENSE CLASS	ENDORSEMENT	RESTRICTIONS

INSURANCE COMPANY	EFFECTIVE DATE	EXPIRATION DATE	POLICY NUMBER

INSURANCE APPEARS VALID: YES ☐ NO ☐

AGENCY THAT SOLD POLICY:

ADDRESS: PHONE 801-943-2111

1 PEDESTRIAN 2 BICYCLIST — DATE OF BIRTH — AGE — SEX — INJURY

NAME — ADDRESS — INJURY TYPE — INJURY CAUSE — INJURY AREA

OCCUPANTS

1	13	[redacted]	[redacted] Salt Lake City, UT [redacted]	63	M	2	3	4	3	0	1
1	23	[redacted]	[redacted] Salt Lake City, UT [redacted]	67	F	2	4	4	7	0	1

☒ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ AMENDED REPORT

DIAGRAM WHAT HAPPENED BELOW

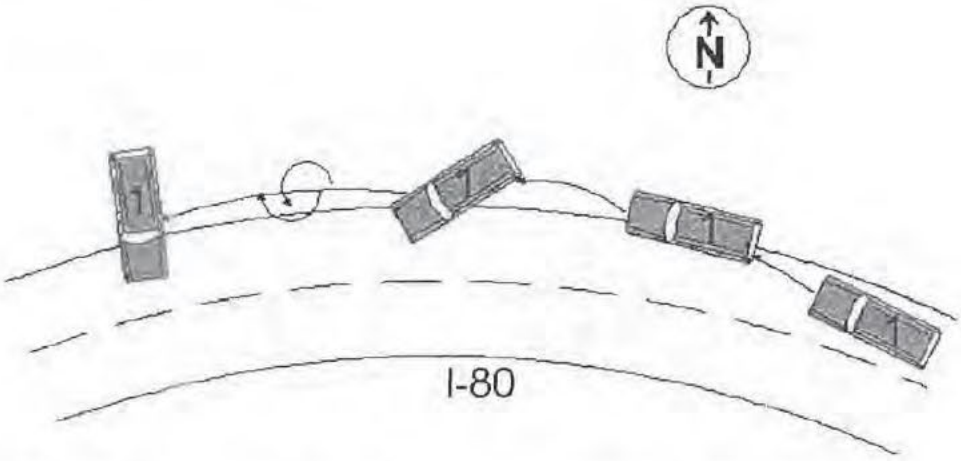
CASE NUMBER [redacted]

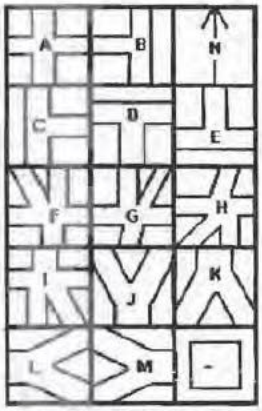
Reason For No Diagram _____

1. Officer not at scene
2. Vehicles moved
3. Other _____

VEHICLE NO. 1 NO. -

ESTIMATED TRAVEL SPEED	75	-
ESTIMATED IMPACT SPEED	70	-
POSTED SPEED	75	-
ADVISORY SPEED	-	-





INDICATE INTERSECTION TYPE

DESCRIBE WHAT HAPPENED (Refer to Vehicle by Number) Vehicle #1 was traveling west on I-80 near MM 77. Vehicle #1 went off the right shoulder of the road. The driver over-corrected to the left in an attempt to get back on the road. Vehicle #1 then began to roll down the right edge of the road. Vehicle #1 came to a rest on its wheels on the right shoulder.

If Hazardous Materials were involved list the placard number from off the commercial vehicle:

DAMAGE TO PROPERTY OTHER THAN VEHICLES _____ $ _____
Name object and state nature and amount of damage ESTIMATE

Name and address of owner of object struck _____

WITNESSES
Name [redacted] Address [redacted] Danville, CA [redacted] Phone [redacted]
Name [redacted] Address [redacted] Tooele, UT [redacted] Phone

FIRST AID ADMINISTERED BY: 7
1 - Policeman, 2 - Fireman, 3 - Ambulance Personnel, 4 - Paramedics, 5 - Doctor, 6 - Private Individual, 7 - Hospital, 8 - Helicopter Personnel, 9 - Other Ambulance, 0 - Unknown

EMS REPORT NO: G4 2808

EMS REPORT NO: G4 2808

INJURED TAKEN BY: 2
1 - Ambulance, Private; 2 - Ambulance, Fire; 3 - Paramedics; 4 - Private Vehicle; 5 - Helicopter; 6 - Other

TIME: Amb. Called: 1914 Arrived: 1015

INJURED TAKEN TO: Mountain West Medical Center

POLICE ACTIVITY

12-28-2004 Date Notified of Accident (Month Day Year)

0914 Time Notified of Accident (USE MILITARY TIME)

0932 Arrived at Scene

Investigation of Accident Completed at 1112 of X the same day ☐ the _____ day following

Source of Information
Officer at Scene D Troy Marx
Driver No. _____ Collected station
Other _____

PHOTO(S) TAKEN YES ☐ NO ☒
VIDEO TAKEN YES ☐ NO ☒
FIELD DIAGRAM YES ☐ NO ☒

Name	Ornopia, Reggie Taneo	Charge: Improper Lane Travel	14
Name		Charge:	

CVSA Inspection: Yes _____ No X If Yes, Report Number _____

Other action taken _____

PRINT					
D Troy Marx	267	UHP Section 8	Utah Highway Patrol	1-3-5	12-28-2004
OFFICER'S RANK AND NAME	I.D. NO.	PATROL DIVISION	DEPARTMENT	SUPERVISOR'S APPROVAL	DATE OF REPORT

State Law requires that report be forwarded to Dept. of Public Safety within 10 days following completion of the investigation. Mail ORIGINAL OF REPORT TO: Driver License Division Financial Responsibility Section 4501 South 2700 West * P.O. Box 30560 * Salt Lake City, Utah 84130-0560

F M Logan
Ford Motor Company
P O Box 1904
Dearborn Michigan 48121

FO301940 1050

2002 Escape
Vehicle ID #: 1FMYU04162K[redacted] 04S25 January 2005

[redacted]

SALT LAKE CITY, UT [redacted]

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

FT152

ISSUE LIST

Last Handling Date/ Issue Status	Name/ Reason Desc	Vin/ Case No.	Model Year and Vehicle Line	Issue Type
3/8/2005 CLOSED	[redacted] OGC - INJURY	1FMYU04162K[redacted]	2002 ESCAPE	10

[redacted] 3/22/2005

All Action Details for Issue

Print

VIN: 1FMYU04162K[redacted] Year: 2002 Model: ESCAPE Case: [redacted]
Name: [redacted] Owner Status: Subsequent WSD: 2001-12-01
Symptom Desc: STRG/HANDLING FUNCTION Primary Phone:
Reason Desc: OGC - INJURY Secondary Phone:
Issue Type: 10 OGC Issue Status: CLOSED

Action: CLOSE OGC CONTACT - INJURY
Dealer: 68051 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: 03/08/2005 Action Time: 15.25.46.892 Action Data: No

Comments FILE FORWARDED TO OGC FOR HANDLING.



BEGINNING OF CONTACT
05/30/2012 VOICE OF THE CUSTOMER TRACKING SYSTEM 07.55.01

OGC ISSUE
REGION: C2 HOUSTON ZONE: A01 CASE NBR: 1572731502.
VIN: 1FMYU03194K[redacted] ENGINE: 1 VEH TYPE: T OPENED: 2012/05/29
CLOSED: 2012/05/29

LAST NAME: [redacted]S STATUS: CLOSED
TITLE: MRS FIRST NAME: [redacted] MI:
ADDRESS: [redacted]
CITY: CYPRESS STATE: TX ZIP: [redacted]
HOME PHONE: [redacted]
MODEL YEAR: 2004 MODEL: ESCAPE
MILEAGE: 118000
DEALER NAME: JOE MYERS FORD LINCO SALES CODE: F52023 P & A: 04402
REASON CODE: 0796 LEGAL - ALLEGED INJURY
SYMPTOMS: 624105 ACCELERATOR PEDAL STICK/BIND ACCELERATION

ORIGIN: CRCBCP - TIER ONE - MELBOURNE COMMUNICATION: PHONE
ACTION: T1120 - TIER ONE CLOSE ISSUE
DOCUMENT: ANALYST: JMOUGEY MOUGEY, JEN

DATE: 2012/05/29 TIME: 15.54.33 :
ACTION DATA/COMMENTS:

CUST SAYS= IS THERE A LOCAL FORD REP= HAD A RECENT ISSUE WITH FMC = WOULD LIKE TO TAKE IT UP WITH SOMEONE = THE ACCELERATOR PEDAL STUCK = HAD TO CRASH THE VEH TO GET IT TO STOP = WANTS SOMEONE TO KNOW ABOUT IT= WANTS IT TO GO SOMEWHERE = DOESNT KNOW WHAT TO DO ACCIDENTS 1. DATE OF THE ACCIDENT= MAY 6TH 20122. WHAT THE CUSTOMER IS ALLEGING THE PRODUCT DEFECT IS THAT CAUSED ACCIDENT= ACCELERATOR PEDAL GOT STUCK 3. IF THERE WERE ANY INJURIES SUSTAINED= YES4. LOCATION OF THE VEHICLE WHEN THE ACCIDENT OCCURRED= OFF I-105. WHETHER OR NOT THERE WAS A POLICE REPORT FILED.= YES 6. IF A POLICE REPORT WAS FILED, WHAT THE FINDINGS WERE.= N/A 7. THE POLICE REPORT NUMBER AND THE CITY OR COUNTY IN WHICH THE REPORT WAS FILED.=[redacted]8. WHETHER OR NOT THE CUSTOMER HAS FILED A CLAIM WITH THEIR INSURANCE COMPANY.= YES9. IF A CLAIM HAS BEEN FILED WITH THE INSURANCE COMPANY, WHAT IS THE STATUS OF THE CLAIM.= VEH IS TOTALED AND IS BEING PAID OFF10. 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).= N/A12. WHAT THE CUSTOMER IS SEEKING = WANT SOMEONE TO CONTACT = WANTS SOMEONE TO SAY THAT THERE IS SOMETHING WRONG WITH THE VEH = NOW THERE IS GOING TO HAVE TO BE A CAR PAYMENT AND INCREASED INSURANCE PREMIUMS= NOW THERE ARE MEDICAL BILLS***DLR***** JOE MYERS FORD LINCOLN16634 NORTHWEST FREEWAYHOUSTON TX 77040(866) 817-1113 *****CRC ADV****"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."

CONSUMER AFFAIRS 05/30/2012 FAXOGC1 CONFIDENTIAL

[redacted]
Cypress, TX [redacted]

May 25, 2012

Alan Mulally
President and Chief Executive Officer
Ford Motor Company
P.O. Box 685
Dearborn, MI 48126-0685

024673

RECEIVED 6-6-12

Dear Mr. Mulally;

Since June 2003 I have been the owner of a 2004 Ford Escape. On May 6 at approximately 3:30pm while driving home from a family outing at the Houston Zoo with my 4 year old son and my 18 month old son in the back seat, with my mother in the passenger front seat I experienced a major and horrific problem with my gas pedal. As I was accelerating to get on the freeway I felt the gas pedal move to the floor under my foot without added pressure being applied. I immediately removed my foot from the pedal but the pedal remained all the way on the floor board. I tried braking but the brake pedal applied no stopping force. I exited the freeway not knowing what was ahead in terms of innocent bystanders and traffic. Not knowing how to proceed I began standing on the brake with both feet and lifting the emergency brake. My car continued to gain speed and showed no signs of braking resistance with either the brake pedal or emergency brake. The feeder road on the freeway was under construction and had concrete barriers separating the road from the area under construction. I drove the right side of my vehicle down these concrete barriers in hopes that it would slow the vehicle but our speed was so great at this point we were bouncing off the barriers and I was afraid we would cause a more horrific accident by being thrown back on to the freeway. Now my worst fears were coming to light as I knew in my heart I would have to crash this vehicle into something with my two children and mother inside as we continued to accelerate to an unknown speed. We amazingly made it through an intersection narrowly missing a truck driving through. I got on to the other side of the concrete barrier at the intersection and began driving on the dirt road under construction. Looking for anything to hit without endangering other innocent lives I located a telephone pole and headed toward it with my two children, my mother and myself not knowing if we would survive the outcome but knowing with each passing second we were going even faster than the one before, I needed to stop the vehicle. I crashed my Escape into the telephone pole. Airbags deployed and we were able to get out of the vehicle. Fortunately we had assistance from bystanders who used a fire extinguisher on the engine and called 911 to help us further. We were all transported by ambulance to the nearest emergency room and released later than night.

While grateful we all survived this accident we have all incurred medical expenses and I the loss of a vehicle that was paid in full. I am also looking at increased auto insurance premiums. I am a stay at home mother and the expense of replacing this vehicle will be a hardship on my family. I took very good care of my vehicle having it regularly serviced as my vehicle was a source of pride and maintained a brand new appearance. Doing everything possible to ensure that my family was safe while traveling, there was no warning or preventive measure I could have taken to avoid this horrific ordeal. Upon researching my vehicle's records I have located a 2005 recall which was due to accelerator cable malfunctions. I took in my vehicle to a Ford dealership at that time and had the necessary repairs made. Five years later in 2010, the accelerator cable broke causing the vehicle to stop while my husband drove to work. We had the accelerator cable repaired only to have exactly what the 2005 recall warned happen to me with my family present. I am concerned, frightened and angry that while taking every measure possible to ensure the safety of my family your company has obviously failed to do so. My husband owns a 2000 Ford F-150 and I fear for his safety each time I watch him drive away in it. I will never forget the horror of being out of control with my loved ones crying and screaming in terror while I knowingly looked for something to crash into not knowing if they would survive the outcome.

I am looking to you to do the right thing for me and my family. My family, parents included, has been Ford owners for decades. I fully expect you to review this and contact me with fair and reasonable compensation for the expenses I have and will continue to incur due to the malfunction of your company's vehicle.

You may contact me at [redacted] or via e-mail at [redacted]

Sincerely,

[redacted]



RFB/lac/mjr 05-0120
STATE OF ILLINOIS)
)SS.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

[redacted]	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 05 L 11026
	)	
FORD MOTOR COMPANY, a corporation,	)	
BERT WEINMAN FORD, INC., and	)	
MAZDA MOTOR OF AMERICA, INC.,	)	
	)	
Defendants.	)	

FIRST AMENDED COMPLAINT AT LAW

COUNT I

STRICT LIABILITY

FORD MOTOR COMPANY and MAZDA MOTOR OF AMERICA, INC.

Plaintiff, [redacted] through his attorneys, CLIFFORD LAW OFFICES, P.C., complaining of Defendants, FORD MOTOR COMPANY, a corporation (hereinafter "FORD"), and MAZDA MOTOR OF AMERICA, INC., a corporation (hereinafter referred to as "MAZDA"), states as follows:

1. On and before January 21, 2005, Defendants, FORD and MAZDA, and each of them, were engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing, and selling motor vehicles, including a 2002 Ford Escape, and its component parts, operated by Plaintiff, [redacted]., and bearing vehicle identification number 1FMCU04182K[redacted]

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2. On and before January 21, 2005, Defendants, FORD and MAZDA, and each of them, engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing and selling motor vehicles in and throughout Cook County, Illinois, and maintained the office of their registered agent at CT Corporation System, 208 S. LaSalle Street, Chicago, Illinois 60604.

3. The aforesaid 2002 Ford Escape, and its component parts, were designed, manufactured, engineered, tested, marketed, distributed and sold by Defendants, FORD and MAZDA.

4. On and before January 21, 2005, Defendants, FORD and MAZDA, and each of them, had a duty to ensure that the aforesaid 2002 Ford Escape and its component parts, were not designed, manufactured, engineered, tested, marketed, distributed and sold so as to be in an unreasonably dangerous condition.

5. On and before January 21, 2005, Logan Boulevard was a public roadway which ran in a general northeast-southwest direction, near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

6. On or about January 21, 2005, [redacted] drove the aforesaid Ford Escape, in a northeast direction on Logan Boulevard near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

7. At the aforesaid time and place, the acceleration system, brakes and related component parts of the aforementioned 2002 Ford Escape failed to function properly, causing the vehicle to suddenly accelerate and preventing the vehicle from stopping when the brakes were applied.

8. On January 21, 2005, at the aforesaid location, the malfunction of the acceleration

PE12-019 001363LC SUBJECT

system, brakes and other component parts of the aforementioned 2002 Ford Escape motor vehicle operated by Plaintiff, [redacted] caused the vehicle to go out of control and come into contact with another vehicle, resulting in injuries of a personal and pecuniary nature.

9. On January 21, 2005, and at the time the aforementioned 2002 Ford Escape left the control of the Defendants, FORD and MAZDA, and each of them, the vehicle and its related component parts were in an unreasonably dangerous condition in one or more of the following respects:

a. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with brakes and an acceleration system that were unsafe, unsuitable and dangerous for use on said Escape;

b. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with an accelerator cable that prevented the throttle from returning to the idle position, resulting in elevated engine speeds;

c. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with an accelerator system that unexpectedly and suddenly increased engine speeds so as to prevent the vehicle from being stopped by application of the brakes;

d. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with inadequate and unsafe acceleration system, brakes and component parts;

e. failed to properly test, monitor, and inspect the condition of the 2002 Ford Escape acceleration system, brakes and component parts, to ensure they were safe, suitable, and appropriate for use on the roadway;

f. failed to modify the design of the acceleration system in the 2002 Ford Escape vehicle after Defendants knew or should have known of the dangerous conditions inherent in the design;

g. failed to timely and properly notify, warn, and instruct owners of the 2002 Ford Escape vehicle about the inadequate brakes, acceleration system and component parts;

h. designed, manufactured, assembled and sold the 2002 Ford Escape without

PE12-019 001364LC SUBJECT

complying with Defendant, FORD'S own internal guidelines and standards for design and testing of vehicles; and

i. was otherwise unreasonably dangerous.

11. As a proximate result of one or more of the aforementioned unreasonably dangerous conditions, Plaintiff, [redacted] sustained injuries of a personal and pecuniary nature.

12. WHEREFORE, Plaintiff, [redacted], demands judgment against Defendants, FORD MOTOR COMPANY, a corporation, and MAZDA MOTOR OF AMERICA, INC., a corporation, in an amount in excess of FIFTY THOUSAND DOLLARS ($50,000.00).

COUNT II

NEGLIGENCE

FORD MOTOR COMPANY and MAZDA MOTOR OF AMERICA, INC.

Plaintiff, [redacted] through his attorneys, CLIFFORD LAW OFFICES, P.C., complaining of Defendants, FORD MOTOR COMPANY (hereinafter "FORD"), and MAZDA MOTOR OF AMERICA (hereinafter referred to as "MAZDA"), states as follows:

1. On and before January 21, 2005, Defendants, FORD and MAZDA, were engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing, and selling motor vehicles, including a 2002 Ford Escape, and its component parts, operated by Plaintiff, [redacted] and bearing vehicle identification number 1FMCU04182K[redacted]

2. On and before January 21, 2005, Defendants, FORD and MAZDA, engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing and selling motor vehicles in and throughout Cook County, Illinois, and maintained the office of their registered agent

PE12-019 001365LC SUBJECT

at CT Corporation System, 208 S. La Salle Street, Chicago, Illinois 60604.

3. The aforesaid 2002 Ford Escape, and its component parts, were designed, manufactured, engineered, tested, marketed, distributed and sold by Defendants, FORD and MAZDA, and each of them.

4. On and before January 21, 2005, Defendants, FORD and MAZDA, and each of them, had a duty to exercise ordinary care to ensure that the aforesaid 2002 Ford Escape and its component parts, were not designed, manufactured, engineered, tested, marketed, distributed and sold so as to be unsafe for expected use.

5. On and before January 21, 2005, Logan Boulevard was a public roadway which ran in a general northeast-southwest direction, near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

6. On or about January 21, 2005, [redacted]., drove the aforesaid Ford Escape, in a northeast direction on Logan Boulevard near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

7. At the aforesaid time and place, the acceleration system, brakes and related component parts of the aforementioned 2002 Ford Escape failed to function properly, causing the vehicle to suddenly accelerate and preventing the vehicle from stopping when the brakes were applied.

8. On January 21, 2005, at the aforesaid location, the malfunction of the acceleration system, brakes and other component parts of the aforementioned 2002 Ford Escape motor vehicle operated by Plaintiff, [redacted] caused the vehicle to go out of control and come into contact with another vehicle, resulting in injuries of a personal and pecuniary nature.

PE12-019 001366LC SUBJECT

9. On January 21, 2005, and prior thereto, and at the time the aforementioned 2002 Ford Escape left the control of the Defendants, FORD and MAZDA, and each of them, were negligent in one or more of the following respects:

a. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with brakes and an acceleration system that were unsafe, unsuitable and dangerous for use on said Escape;

b. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with an accelerator cable that prevented the throttle from returning to the idle position, resulting in elevated engine speeds;

c. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with an accelerator system that unexpectedly and suddenly increased engine speeds so as to prevent the vehicle from being stopped by application of the brakes;

d. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with inadequate and unsafe acceleration system, brakes and component parts;

e. failed to properly test, monitor, and inspect the condition of the 2002 Ford Escape acceleration system, brakes and component parts, to ensure they were safe, suitable, and appropriate for use on the roadway;

f. failed to modify the design of the acceleration system in the 2002 Ford Escape vehicle after Defendants knew or should have known of the dangerous conditions inherent in the design;

g. failed to timely and properly notify, warn, and instruct owners of the 2002 Ford Escape vehicle about the inadequate brakes, acceleration system and component parts;

h. designed, manufactured, assembled and sold the 2002 Ford Escape without complying with Defendant, FORD'S own internal guidelines and standards for design and testing of vehicles; and

i. was otherwise negligent.

11. As a proximate result of one or more of the aforementioned negligent acts and/or omissions, Plaintiff, [redacted] sustained injuries of a personal and pecuniary

PE12-019 001367LC SUBJECT

nature.

WHEREFORE, Plaintiff, [redacted] demands judgment against Defendants, FORD MOTOR COMPANY, a corporation, and MAZDA MOTOR OF AMERICA, INC., a corporation, in an amount in excess of FIFTY THOUSAND DOLLARS ($50,000.00).

COUNT III

STRICT LIABILITY

BERT WEINMAN FORD, INC.

Plaintiff, [redacted] through his attorneys, CLIFFORD LAW OFFICES, P.C., complaining of Defendant, BERT WEINMAN FORD, INC. (hereinafter "WEINMAN"), states as follows:

1. On and before January 21, 2005, Defendant, WEINMAN, was engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing, inspecting, prepping and selling motor vehicles, including a 2002 Ford Escape, and its component parts, operated by Plaintiff, [redacted], and bearing vehicle identification number 1FMCU04182K[redacted]

2. On and before January 21, 2005, Defendant, WEINMAN, engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing, inspecting, prepping and selling motor vehicles in and throughout Cook County, Illinois, and maintained the office of its registered agent at 3535 North Ashland Avenue, Chicago, Illinois 60657.

3. The aforesaid 2002 Ford Escape, and its component parts, were designed, manufactured, engineered, tested, marketed, distributed, inspected, prepped and sold by Defendant, WEINMAN.

PE12-019 001368LC SUBJECT

4. On and before January 21, 2005, Defendant, WEINMAN, had a duty to ensure that the aforesaid 2002 Ford Escape and its component parts, were not designed, manufactured, engineered, tested, inspected, prepped, marketed, distributed and sold so as to be in an unreasonably dangerous condition.

5. On and before January 21, 2005, Logan Boulevard was a public roadway which ran in a general northeast-southwest direction, near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

6. On or about January 21, 2005, [redacted] drove the aforesaid Ford Escape, in a northeast direction on Logan Boulevard near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

7. At the aforesaid time and place, the acceleration system, brakes and related component parts of the aforementioned 2002 Ford Escape failed to function properly, causing the vehicle to suddenly accelerate and preventing the vehicle from stopping when the brakes were applied.

8. On January 21, 2005, at the aforesaid location, the malfunction of the acceleration system, brakes and other component parts of the aforementioned 2002 Ford Escape motor vehicle operated by Plaintiff, [redacted] caused the vehicle to go out of control and come into contact with another vehicle, resulting in injuries of a personal and pecuniary nature.

9. On January 21, 2005, and at the time the aforementioned 2002 Ford Escape left the control of the Defendant, WEINMAN, the vehicle and its related component parts were in an unreasonably dangerous condition in one or more of the following respects:

a. designed, manufactured, distributed, sold, inspected, prepped and provided

PE12-019 001369LC SUBJECT

the 2002 Ford Escape with brakes and an acceleration system that were unsafe, unsuitable and dangerous for use on said Escape;

b. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with an accelerator cable that prevented the throttle from returning to the idle position, resulting in elevated engine speeds;

c. designed, manufactured, distributed, sold, inspected, prepped and provided the 2002 Ford Escape with an accelerator system that unexpectedly and suddenly increased engine speeds so as to prevent the vehicle from being stopped by application of the brakes;

d. designed, manufactured, distributed, sold, inspected, prepped and provided the 2002 Ford Escape with inadequate and unsafe acceleration system, brakes and component parts

e. failed to properly test, monitor, and inspect the condition of the 2002 Ford Escape acceleration system, brakes and component parts, to ensure they were safe, suitable, and appropriate for use on the roadway;

f. failed to inspect and modify the design of the acceleration system in the 2002 Ford Escape vehicle after Defendants knew or should have known of the dangerous conditions inherent in the design;

g. failed to timely and properly notify, warn, and instruct owners of the 2002 Ford Escape vehicle about the inadequate acceleration system, brakes and component parts;

h. sold the 2002 Ford Escape without complying with Defendant, WEINMAN'S own internal guidelines and standards for inspecting and prepping of vehicles; and

i. was otherwise unreasonably dangerous.

11. As a proximate result of one or more of the aforementioned unreasonably dangerous conditions, Plaintiff, [redacted].D., sustained injuries of a personal and pecuniary nature.

12. WHEREFORE, Plaintiff, [redacted]., demands judgment against Defendant, BERT WEINMAN FORD, INC., in an amount in excess of FIFTY THOUSAND

PE12-019 001370LC SUBJECT

DOLLARS ($50,000.00).

COUNT IV

NEGLIGENCE

BERT WEINMAN FORD

Plaintiff, [redacted] through his attorneys, CLIFFORD LAW OFFICES, P.C., complaining of Defendant, BERT WEINMAN FORD, INC. (hereinafter "WEINMAN"), states as follows:

1. On and before January 21, 2005, Defendant, WEINMAN, was engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing, inspecting, prepping and selling motor vehicles, including a 2002 Ford Escape, and its component parts, operated by Plaintiff, [redacted] and bearing vehicle identification number 1FMCU04182[redacted].

2. On and before January 21, 2005, Defendant, WEINMAN, engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing, inspecting, prepping and selling motor vehicles in and throughout Cook County, Illinois, and maintained the office of its registered agent at CT Corporation System, 208 S. La Salle Street, Chicago, Illinois 60604.

3. The aforesaid 2002 Ford Escape, and its component parts, were designed, manufactured, engineered, tested, marketed, distributed, inspected, prepped and sold by Defendant, WEINMAN.

4. On and before January 21, 2005, Defendant, WEINMAN, had a duty to exercise ordinary care to ensure that the aforesaid 2002 Ford Escape and its component parts, were not designed, manufactured, engineered, tested, marketed, distributed, inspected, prepped and sold so

PE12-019 001371LC SUBJECT

as to be unsafe for expected use.

5. On and before January 21, 2005, Logan Boulevard was a public roadway which ran in a general northeast-southwest direction, near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

6. On or about January 21, 2005, [redacted] D., drove the aforesaid Ford Escape, in a northeast direction on Logan Boulevard near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

7. At the aforesaid time and place, the acceleration system, brakes and related component parts of the aforementioned 2002 Ford Escape failed to function properly, causing the vehicle to suddenly accelerate and preventing the vehicle from stopping when the brakes were applied.

8. On January 21, 2005, at the aforesaid location, the malfunction of the acceleration system, brakes and other component parts of the aforementioned 2002 Ford Escape motor vehicle operated by Plaintiff, [redacted] caused the vehicle to go out of control and come into contact with another vehicle, resulting in injuries of a personal and pecuniary nature.

9. On January 21, 2005, and prior thereto, and at the time the aforementioned 2002 Ford Escape left the control of the Defendant, WEINMAN, Defendant, WEINMAN, was negligent in one or more of the following respects:

a. designed, manufactured, distributed, sold, inspected, prepped and provided the 2002 Ford Escape with brakes and an acceleration system that were unsafe, unsuitable and dangerous for use on said Escape;

b. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with an accelerator cable that prevented the throttle from returning to the idle position, resulting in elevated engine speeds;

PE12-019 001372LC SUBJECT

c. designed, manufactured, distributed, sold, inspected, prepped and provided the 2002 Ford Escape with an accelerator system that unexpectedly and suddenly increased engine speeds so as to prevent the vehicle from being stopped by application of the brakes;

d. designed, manufactured, distributed, sold, inspected, prepped and provided the 2002 Ford Escape with inadequate and unsafe acceleration system, brakes and component parts;

e. failed to properly test, monitor, and inspect the condition of the 2002 Ford Escape acceleration system, brakes and component parts, to ensure they were safe, suitable, and appropriate for use on the roadway;

f. failed to inspect and modify the design of the acceleration system in the 2002 Ford Escape vehicle after Defendants knew or should have known of the dangerous conditions inherent in the design;

g. failed to timely and properly notify, warn, and instruct owners of the 2002 Ford Escape vehicle about the inadequate acceleration system, brakes and component parts;

h. sold the 2002 Ford Escape without complying with Defendant, WEINMAN'S own internal guidelines and standards for inspecting and prepping of vehicles; and

i. was otherwise negligent.

11. As a proximate result of one or more of the aforementioned negligent conditions, Plaintiff, [redacted] sustained injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, [redacted]., demands judgment against Defendant, BERT WEINMAN FORD, INC., in an amount in excess of FIFTY THOUSAND DOLLARS ($50,000.00).

PE12-019 001373LC SUBJECT



Attorney for Plaintiff

Richard F. Burke, Jr.
Shannon M. McNulty
CLIFFORD LAW OFFICES, P.C.
120 N. LaSalle Street
31st Floor
Chicago, Illinois 60602
(312) 899-9090
Atty. No.: 32640

PE12-019 001374LC SUBJECT

2220 - Not Served
2320 - Served By Mail
2420 - Served By Publication

2221 - Not Served
2321 - Served By Mail
2421 - Served By Publication

SUMMONS ALIAS - SUMMONS (7-90) CCG-I

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

[redacted] Plaintiff,

vs.

FORD MOTOR COMPANY, a corporastion, and BERT WEINMAN FORD., INC.,L.L.C.,

Defendants.

No.

PLEASE SERVE:

See Reverse Side

SUMMONS

To each defendant:

YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance in the office of the clerk of this court (located in the Richard J. Daley Center, Room * 801 Chicago, Illinois 60602) within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT, A COPY OF WHICH IS HERETO ATTACHED.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date. OCT 11 2005

WITNESS, _____, **20**____

DOROTHY BROWN

DOROTHY BROWN, Clerk of Court

Name: Clifford Law Offices, P.C.
Attorney for: Plaintiff
Address: 120 N. LaSalle Street, 31st Floor
City: Chicago
Telephone: (312) 899-9090
Atty. No.: 32640

Date of service: _____, **20**____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

***Law Division Room 801**
County Division Room 801

Chancery-Divorce Division Room 802
Probate Division Room 1202

RFB/lac/mjr 5N-0014
STATE OF ILLINOIS)
)SS.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

[redacted])
)
Plaintiff,)
)
vs.) No.
)
FORD MOTOR COMPANY, a corporation, and) Plaintiff demands trial
BERT WEINMAN FORD, INC.,) by jury
)
Defendant.)

COMPLAINT AT LAW

COUNT I

STRICT LIABILITY

FORD MOTOR COMPANY

Plaintiff, [redacted], through his attorneys, CLIFFORD LAW OFFICES, P.C., complaining of Defendant, FORD MOTOR COMPANY, a corporation (hereinafter "FORD"), states as follows:

1. On and before January 21, 2005, Defendant, FORD, was engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing, and selling motor vehicles, including a 2002 Ford Escape, and its component parts, operated by Plaintiff, [redacted] and bearing vehicle identification number 1FMCU0418[redacted]

2. On and before January 21, 2005, Defendant FORD, engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing and selling motor vehicles

in and throughout Cook County, Illinois, and maintained the office of its registered agent at CT Corporation System, 208 S. LaSalle Street, Chicago, Illinois 60604.

3. The aforesaid 2002 Ford Escape, and its component parts, were designed, manufactured, engineered, tested, marketed, distributed and sold by Defendant, FORD.

4. On and before January 21, 2005, Defendant, FORD, had a duty to ensure that the aforesaid 2002 Ford Escape and its component parts, were not designed, manufactured, engineered, tested, marketed, distributed and sold so as to be in an unreasonably dangerous condition.

5. On and before January 21, 2005, Logan Boulevard was a public roadway which ran in a general northeast-southwest direction, near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

6. On or about January 21, 2005, [redacted] drove the aforesaid Ford Escape, in a northeast direction on Logan Boulevard near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

7. At the aforesaid time and place, the acceleration system, brakes and related component parts of the aforementioned 2002 Ford Escape failed to function properly, causing the vehicle to suddenly accelerate and preventing the vehicle from stopping when the brakes were applied.

8. On January 21, 2005, at the aforesaid location, the malfunction of the acceleration system, brakes and other component parts of the aforementioned 2002 Ford Escape motor vehicle operated by Plaintiff, [redacted] caused the vehicle to go out of control and come into contact with another vehicle, resulting in injuries of a personal and pecuniary nature.

9. On January 21, 2005, and at the time the aforementioned 2002 Ford Escape left the

PE12-019 001377LC SUBJECT

control of the Defendant, FORD, the vehicle and its related component parts were in an unreasonably dangerous condition in one or more of the following respects:

a. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with brakes and an acceleration system that were unsafe, unsuitable and dangerous for use on said Escape;

b. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with an accelerator cable that prevented the throttle from returning to the idle position, resulting in elevated engine speeds;

c. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with an accelerator system that unexpectedly and suddenly increased engine speeds so as to prevent the vehicle from being stopped by application of the brakes;

d. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with inadequate and unsafe acceleration system, brakes and component parts;

e. failed to properly test, monitor, and inspect the condition of the 2002 Ford Escape acceleration system, brakes and component parts, to ensure they were safe, suitable, and appropriate for use on the roadway;

f. failed to modify the design of the acceleration system in the 2002 Ford Escape vehicle after Defendants knew or should have known of the dangerous conditions inherent in the design;

g. failed to timely and properly notify, warn, and instruct owners of the 2002 Ford Escape vehicle about the inadequate brakes, acceleration system and component parts;

h. designed, manufactured, assembled and sold the 2002 Ford Escape without complying with Defendant, FORD'S own internal guidelines and standards for design and testing of vehicles; and

i. was otherwise unreasonably dangerous.

11. As a proximate result of one or more of the aforementioned unreasonably dangerous conditions, Plaintiff, [redacted] sustained injuries of a personal and pecuniary nature.

PE12-019 001378LC SUBJECT

12. WHEREFORE, Plaintiff, [redacted] demands judgment against Defendant, FORD MOTOR COMPANY, a corporation, in an amount in excess of FIFTY THOUSAND DOLLARS ($50,000.00).

COUNT II

NEGLIGENCE

FORD MOTOR COMPANY

Plaintiff, [redacted], through his attorneys, CLIFFORD LAW OFFICES, P.C., complaining of Defendant, FORD MOTOR COMPANY (hereinafter "FORD"), states as follows:

1. On and before January 21, 2005, Defendant, FORD, was engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing, and selling motor vehicles, including a 2002 Ford Escape, and its component parts, operated by Plaintiff, [redacted] and bearing vehicle identification number 1FMCU04182K[redacted]

2. On and before January 21, 2005, Defendant FORD, engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing and selling motor vehicles in and throughout Cook County, Illinois, and maintained the office of its registered agent at CT Corporation System, 208 S. La Salle Street, Chicago, Illinois 60604.

3. The aforesaid 2002 Ford Escape, and its component parts, were designed, manufactured, engineered, tested, marketed, distributed and sold by Defendant, FORD.

4. On and before January 21, 2005, Defendant, FORD, had a duty to exercise ordinary care to ensure that the aforesaid 2002 Ford Escape and its component parts, were not designed, manufactured, engineered, tested, marketed, distributed and sold so as to be unsafe for expected use.

PE12-019 001379LC SUBJECT

5. On and before January 21, 2005, Logan Boulevard was a public roadway which ran in a general northeast-southwest direction, near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

6. On or about January 21, 2005, [redacted] drove the aforesaid Ford Escape, in a northeast direction on Logan Boulevard near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

7. At the aforesaid time and place, the acceleration system, brakes and related component parts of the aforementioned 2002 Ford Escape failed to function properly, causing the vehicle to suddenly accelerate and preventing the vehicle from stopping when the brakes were applied.

8. On January 21, 2005, at the aforesaid location, the malfunction of the acceleration system, brakes and other component parts of the aforementioned 2002 Ford Escape motor vehicle operated by Plaintiff, [redacted]., caused the vehicle to go out of control and come into contact with another vehicle, resulting in injuries of a personal and pecuniary nature.

9. On January 21, 2005, and prior thereto, and at the time the aforementioned 2002 Ford Escape left the control of the Defendant, FORD, Defendant, FORD, was negligent in one or more of the following respects:

a. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with brakes and an acceleration system that were unsafe, unsuitable and dangerous for use on said Escape;

b. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with an accelerator cable that prevented the throttle from returning to the idle position, resulting in elevated engine speeds;

c. designed, manufactured, distributed, sold and provided the 2002 Ford Escape

PE12-019 001380LC SUBJECT

with an accelerator system that unexpectedly and suddenly increased engine speeds so as to prevent the vehicle from being stopped by application of the brakes;

d. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with inadequate and unsafe acceleration system, brakes and component parts;

e. failed to properly test, monitor, and inspect the condition of the 2002 Ford Escape acceleration system, brakes and component parts, to ensure they were safe, suitable, and appropriate for use on the roadway;

f. failed to modify the design of the acceleration system in the 2002 Ford Escape vehicle after Defendants knew or should have known of the dangerous conditions inherent in the design;

g. failed to timely and properly notify, warn, and instruct owners of the 2002 Ford Escape vehicle about the inadequate brakes, acceleration system and component parts;

h. designed, manufactured, assembled and sold the 2002 Ford Escape without complying with Defendant, FORD'S own internal guidelines and standards for design and testing of vehicles; and

i. was otherwise negligent.

11. As a proximate result of one or more of the aforementioned negligent acts and/or omissions, Plaintiff, [redacted] sustained injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, [redacted] demands judgment against Defendant, FORD MOTOR COMPANY, a corporation, in an amount in excess of FIFTY THOUSAND DOLLARS ($50,000.00).

COUNT III

STRICT LIABILITY

BERT WEINMAN FORD, INC.

PE12-019 001381LC SUBJECT

Plaintiff, [redacted] through his attorneys, CLIFFORD LAW OFFICES, P.C., complaining of Defendant, BERT WEINMAN FORD, INC. (hereinafter "WEINMAN"), states as follows:

1. On and before January 21, 2005, Defendant, WEINMAN, was engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing, inspecting, prepping and selling motor vehicles, including a 2002 Ford Escape, and its component parts, operated by Plaintiff, [redacted] and bearing vehicle identification number 1FMCU04182K[redacted]

2. On and before January 21, 2005, Defendant, WEINMAN, engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing, inspecting, prepping and selling motor vehicles in and throughout Cook County, Illinois, and maintained the office of its registered agent at 3535 North Ashland Avenue, Chicago, Illinois 60657.

3. The aforesaid 2002 Ford Escape, and its component parts, were designed, manufactured, engineered, tested, marketed, distributed, inspected, prepped and sold by Defendant, WEINMAN.

4. On and before January 21, 2005, Defendant, WEINMAN, had a duty to ensure that the aforesaid 2002 Ford Escape and its component parts, were not designed, manufactured, engineered, tested, inspected, prepped, marketed, distributed and sold so as to be in an unreasonably dangerous condition.

5. On and before January 21, 2005, Logan Boulevard was a public roadway which ran in a general northeast-southwest direction, near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

PE12-019 001382LC SUBJECT

6. On or about January 21, 2005, [redacted] drove the aforesaid Ford Escape, in a northeast direction on Logan Boulevard near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

7. At the aforesaid time and place, the acceleration system, brakes and related component parts of the aforementioned 2002 Ford Escape failed to function properly, causing the vehicle to suddenly accelerate and preventing the vehicle from stopping when the brakes were applied.

8. On January 21, 2005, at the aforesaid location, the malfunction of the acceleration system, brakes and other component parts of the aforementioned 2002 Ford Escape motor vehicle operated by Plaintiff, [redacted] caused the vehicle to go out of control and come into contact with another vehicle, resulting in injuries of a personal and pecuniary nature.

9. On January 21, 2005, and at the time the aforementioned 2002 Ford Escape left the control of the Defendant, WEINMAN, the vehicle and its related component parts were in an unreasonably dangerous condition in one or more of the following respects:

a. designed, manufactured, distributed, sold, inspected, prepped and provided the 2002 Ford Escape with brakes and an acceleration system that were unsafe, unsuitable and dangerous for use on said Escape;

b. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with an accelerator cable that prevented the throttle from returning to the idle position, resulting in elevated engine speeds;

c. designed, manufactured, distributed, sold, inspected, prepped and provided the 2002 Ford Escape with an accelerator system that unexpectedly and suddenly increased engine speeds so as to prevent the vehicle from being stopped by application of the brakes;

d. designed, manufactured, distributed, sold, inspected, prepped and provided the 2002 Ford Escape with inadequate and unsafe acceleration system,

PE12-019 001383LC SUBJECT

brakes and component parts

e. failed to properly test, monitor, and inspect the condition of the 2002 Ford Escape acceleration system, brakes and component parts, to ensure they were safe, suitable, and appropriate for use on the roadway;

f. failed to inspect and modify the design of the acceleration system in the 2002 Ford Escape vehicle after Defendants knew or should have known of the dangerous conditions inherent in the design;

g. failed to timely and properly notify, warn, and instruct owners of the 2002 Ford Escape vehicle about the inadequate acceleration system, brakes and component parts;

h. sold the 2002 Ford Escape without complying with Defendant, WEINMAN'S own internal guidelines and standards for inspecting and prepping of vehicles; and

i. was otherwise unreasonably dangerous.

11. As a proximate result of one or more of the aforementioned unreasonably dangerous conditions, Plaintiff, [redacted] sustained injuries of a personal and pecuniary nature.

12. WHEREFORE, Plaintiff, [redacted] demands judgment against Defendant, BERT WEINMAN FORD, INC., in an amount in excess of FIFTY THOUSAND DOLLARS ($50,000.00).

COUNT IV

NEGLIGENCE

BERT WEINMAN FORD

Plaintiff, [redacted], through his attorneys, CLIFFORD LAW OFFICES, P.C., complaining of Defendant, BERT WEINMAN FORD, INC. (hereinafter "WEINMAN"), states as follows:

PE12-019 001384LC SUBJECT

1. On and before January 21, 2005, Defendant, WEINMAN, was engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing, inspecting, prepping and selling motor vehicles, including a 2002 Ford Escape, and its component parts, operated by Plaintiff, [redacted] and bearing vehicle identification number 1FMCU04182K[redacted]

2. On and before January 21, 2005, Defendant, WEINMAN, engaged in the business of designing, manufacturing, engineering, testing, marketing, distributing, inspecting, prepping and selling motor vehicles in and throughout Cook County, Illinois, and maintained the office of its registered agent at CT Corporation System, 208 S. La Salle Street, Chicago, Illinois 60604.

3. The aforesaid 2002 Ford Escape, and its component parts, were designed, manufactured, engineered, tested, marketed, distributed, inspected, prepped and sold by Defendant, WEINMAN.

4. On and before January 21, 2005, Defendant, WEINMAN, had a duty to exercise ordinary care to ensure that the aforesaid 2002 Ford Escape and its component parts, were not designed, manufactured, engineered, tested, marketed, distributed, inspected, prepped and sold so as to be unsafe for expected use.

5. On and before January 21, 2005, Logan Boulevard was a public roadway which ran in a general northeast-southwest direction, near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

6. On or about January 21, 2005, [redacted] drove the aforesaid Ford Escape, in a northeast direction on Logan Boulevard near the intersection of West Diversey Parkway, in the City of Chicago, Cook County, State of Illinois.

PE12-019 001385LC SUBJECT

7. At the aforesaid time and place, the acceleration system, brakes and related component parts of the aforementioned 2002 Ford Escape failed to function properly, causing the vehicle to suddenly accelerate and preventing the vehicle from stopping when the brakes were applied.

8. On January 21, 2005, at the aforesaid location, the malfunction of the acceleration system, brakes and other component parts of the aforementioned 2002 Ford Escape motor vehicle operated by Plaintiff, [redacted] caused the vehicle to go out of control and come into contact with another vehicle, resulting in injuries of a personal and pecuniary nature.

9. On January 21, 2005, and prior thereto, and at the time the aforementioned 2002 Ford Escape left the control of the Defendant, WEINMAN, Defendant, WEINMAN, was negligent in one or more of the following respects:

a. designed, manufactured, distributed, sold, inspected, prepped and provided the 2002 Ford Escape with brakes and an acceleration system that were unsafe, unsuitable and dangerous for use on said Escape;

b. designed, manufactured, distributed, sold and provided the 2002 Ford Escape with an accelerator cable that prevented the throttle from returning to the idle position, resulting in elevated engine speeds;

c. designed, manufactured, distributed, sold, inspected, prepped and provided the 2002 Ford Escape with an accelerator system that unexpectedly and suddenly increased engine speeds so as to prevent the vehicle from being stopped by application of the brakes;

d. designed, manufactured, distributed, sold, inspected, prepped and provided the 2002 Ford Escape with inadequate and unsafe acceleration system, brakes and component parts;

e. failed to properly test, monitor, and inspect the condition of the 2002 Ford Escape acceleration system, brakes and component parts, to ensure they were safe, suitable, and appropriate for use on the roadway;

PE12-019 001386LC SUBJECT

f. failed to inspect and modify the design of the acceleration system in the 2002 Ford Escape vehicle after Defendants knew or should have known of the dangerous conditions inherent in the design;

g. failed to timely and properly notify, warn, and instruct owners of the 2002 Ford Escape vehicle about the inadequate acceleration system, brakes and component parts;

h. sold the 2002 Ford Escape without complying with Defendant, WEINMAN'S own internal guidelines and standards for inspecting and prepping of vehicles; and

i. was otherwise negligent.

11. As a proximate result of one or more of the aforementioned negligent conditions, Plaintiff, [redacted], sustained injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, [redacted], demands judgment against Defendant, BERT WEINMAN FORD, INC., in an amount in excess of FIFTY THOUSAND DOLLARS ($50,000.00).

Attorney for Plaintiff

Richard F. Burke, Jr.
Shannon M. McNulty
CLIFFORD LAW OFFICES, P.C.
120 N. LaSalle Street
31st Floor
Chicago, Illinois 60602
(312) 899-9090
Atty. No.: 32640

PE12-019 001387LC SUBJECT

RFB/lac/mjr 5N-0014
STATE OF ILLINOIS)
)SS.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

[redacted])
)
Plaintiff,)
)
vs.) No.
)
FORD MOTOR COMPANY, and)
BERT WEINMAN FORD, INC.,)
)
Defendant.)

AFFIDAVIT REGARDING DAMAGES SOUGHT

Plaintiff, [redacted]., by one of his attorneys, RICHARD F. BURKE, JR., being first duly sworn under oath, states as follows:

1. That the affiant is one of the attorneys of record for the Plaintiff in this matter.

2. That the total money damages sought in this civil action exceed the amount of $50,000.00.

Further Affiant Sayeth Not.

By: _____
Richard F. Burke, Jr.

SUBSCRIBED AND SWORN to before me
this 16 day of October, 2009.

"OFFICIAL SEAL"
Michaline J. Robitz
Notary Public, State of Illinois
My Commission Expires Sept. 4, 2009

NOTARY PUBLIC

PE12-019 001388LC SUBJECT

CLIFFORD LAW OFFICES

Richard F. Burke, Jr.

120 North LaSalle Street
31st Floor
Chicago, Illinois 60602

Telephone 312-899-9090
Fax 312-251-1160
E-Mail: RFB@CliffordLaw.com
Website: www.CliffordLaw.com

February 9, 2005

Ford Motor Company
Registered Agent: CT Corporation Systems
208 South LaSalle Street, Suite 814
Chicago, IL 60604

RE: Claimant: [redacted]
D/A: **1/21/05**
Our Tax ID#: [redacted]
Our File No. [redacted]

Sir/Madam:

We represent the above-named individual in a cause of action about to be brought against you for injuries and damages sustained on the above date due to your negligence.

Enclosed please find our Notice of Attorney's Lien which is being sent to you in accordance with Illinois Statutes.

We would suggest that you forward this lien to your insurance company immediately.

Very truly yours,

Richard F. Burke

RICHARD F. BURKE

RFB/tls
Enclosure

VIA REGULAR AND CERTIFIED MAIL

PE12-019 001389LC SUBJECT

NOTICE OF ATTORNEY'S LIEN

February 9, 2005

TO: Ford Motor Company
Registered Agent: CT Corporation Systems
208 South LaSalle Street, Suite 814
Chicago, IL 60604

Please take notice that [redacted]., (hereinafter referred to as the Claimant) has placed in my hands for collection a certain suit, claim, demand or cause of action against you for injuries received by the Claimant on, to wit: the **21st day of January, 2005.**

You are hereby notified that the Claimant(s) entered into a contract with me to pay me as compensation for services rendered and to be rendered in and about the prosecution of the said suit, claim, demand or cause of action, a sum up to one-third of any amount recovered by way of settlement or otherwise, prior to the actual trial of said cause in Court, and up to one-third of any amount recovered after suit is started and the trial of said cause is begun.

You are further notified that by virtue of the Attorney's Lien Law of 1909, as amended, I claim a lien to the extent of my interest, as above set forth in said claim, demand, cause of action and suit at law, which said lien, by virtue of said law, attaches to any verdict or judgment entered or to be entered in such suit or to any money or property which may be recovered by the claimant(s) on account of such claim, suit, demand or cause of action from and after the service of this notice.

Clifford Law Offices

The undersigned, being first duly sworn on oath, deposes and says that on the 9th day of February, 2005, she served the foregoing claim of lien upon the above-named party by regular and certified U.S. Mail, return receipt requested, and that she deposited the original thereof enclosed in an envelope addressed to the said above-named party at the above address in the U.S. Mail Chute at 120 North LaSalle Street, Chicago, Illinois 60602, with the proper postage thereon fully prepaid.

Tammy L. Strobel

[X] Under penalties as provided by law pursuant to 735 ILCS 5/1-109 (1993), I certify that the statements set forth herein are true and correct.



RECEIVED
2006 DEC 14 AM 11:29
CIRCUIT CLERK
LINCOLN CO., W.V.

IN THE CIRCUIT COURT OF LINCOLN COUNTY, WEST VIRGINIA

[redacted] and [redacted] by her next Friend, [redacted]

Plaintiffs,

v.

CA No. [redacted]

FORD MOTOR COMPANY,
A Delaware corporation, and

BERT WOLFE FORD, INC.,
A West Virginia corporation,

Defendants.

COMPLAINT

For her cause of action in this matter, Plaintiff, by Counsel, states as follows:

I. Jurisdiction and Venue

1. Pursuant to Rule 11 (b)(3), Plaintiff states that the allegations and other factual contentions in the following paragraphs 2 through 10 of this Complaint, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

2. This Court has jurisdiction of this claim under W. V. Code § 51-2-2. Venue for this action properly lies in Lincoln County under W. V. Code § 56-1-1 because the cause of action arose there, and because Defendant Bert Wolfe Ford, Inc. actually conducts business in Lincoln County, West Virginia.

II. Parties

3. [redacted] and [redacted] are residents of Lincoln County, West Virginia.

4. Ford Motor Company (hereafter "Ford") is a Delaware Corporation with its principal place of business in the state of Michigan and is engaged in the manufacture and sale of motor vehicles.

5. Bert Wolfe Ford, Inc. (hereafter "Bert Wolfe"), is a West Virginia corporation with its principal place of business in Kanawha County, and is engaged in the sale of motor vehicles.

III. Statement of Facts

6. On or about January 2, 2005, Plaintiffs were injured while operating a motor vehicle manufactured by Ford and sold to Plaintiff by Bert Wolfe. The motor vehicle accident occurred because of defects in a cable controlling the gas pedal, which defect caused the vehicle to accelerate uncontrollably, and for which defect Ford recalled the vehicle on January 17, 2005. Plaintiffs' injuries were exacerbated by the failure of the vehicle's air bags to deploy, contrary to their design.

7. The vehicle manufactured and distributed by Ford, and sold to Plaintiff [redacted] by Bert Wolfe, was defective in that it was not reasonably safe for its intended use, as measured by what a reasonably prudent manufacturer's standards should have been at the time the product was made. A malfunction occurred in the vehicle that would not ordinarily happen in the absence of a defect, and there was neither abnormal use nor a reasonable secondary cause of the malfunction.

PE12-019 001393LC SUBJECT

8. The crash in which Plaintiff was injured would not have happened but for the defect in the vehicle manufactured, distributed and sold by Defendants Ford and Bert Wolfe. Plaintiffs' injuries would not have been severe but for the failure of the airbags to deploy, as designed.

9. Under settled principles of West Virginia law, the product defect need not be the only cause of the incident, and the fact that there are or may have been other concurrent causes of the harm as a result of the negligence of others does not preclude liability. *Bennett v. ASCO Services, Inc.*, 621 S.E.2d 710 (2005).

10. Plaintiffs have been injured in a manner and amount to be proved at trial as a proximate result of the Defendants' manufacture, distribution and sale of the negligently manufactured and defective motor vehicle, as recited herein. Plaintiffs are entitled to damages in an amount to be proved at trial. If, under the standards authorizing imposition of punitive damages, the evidence adduced at trial warrants, Plaintiffs will request punitive damages.

IV. Prayer for Relief

WHEREFORE, Plaintiffs respectfully request that this Court:

1. enter a judgment for Plaintiffs for compensatory damages against Defendants, jointly and severally;

2. award punitive damages against any Defendant, as warranted by the evidence, in an amount to be determined by jury at trial, and

3. award the costs of this action and such other relief as the facts and law require, and the interests of justice demand.

PE12-019 001394LC SUBJECT

PLAINTIFFS DEMAND A TRIAL BY JURY.

[redacted]

By Counsel

William V. DePaulo, Esq. #995
179 Summers Street, Suite 232
Charleston, WV 25301-2163
Tel: 304-342-5588
Fax: 304-342-5505
william.depaulo@gmail.com

PE12-019 001395LC SUBJECT

SQUAD NAME: EMS | MONTH: 01 | DAY: 02 | YEAR: 05 | VEHICLE #: | UNIT #: 45

WV OEMS PATIENT CARE RECORD R170111

92 | 14 | 40 | TRIP # | INCIDENT #

Patient Name: [redacted] | Birthdate: [redacted] | Patient Soc. Sec. #: [redacted] | Auto License #: [redacted] | State | 1ST RESPONDER | 1ST RESP CARE

Race: O / 1

City: Alum Creek | State: WV | [redacted]

Point of Pick Up: [redacted] | LOCATION OF PATIENT: 84 | Child

Next of Kin (Parent or Guardian): [redacted] | Relationship (Circle One) | Other

[redacted] | Subscriber Name: [redacted]

Insurance #2: IBEW | Subscriber Name: [redacted]

Auto Ins: | Agent: | Policy #: [redacted]

Medicare Service Code: | Medicare Condition Codes: | Medicaid #:

CARE LEVEL PROVIDED: ☐ AMT ☒ BLS ☐ ALS Assessment ☐ ALS ☐ ALS 2 ☐ Specialty Care Transport

TIME RECORD	USE 2400 HR. HR	MIN
CALL RECEIVED		
CALL DISPATCHED		
ENROUTE	15	13
ARRIVAL SCENE	15	48
ARRIVAL PATIENT		
LEFT SCENE	15	54
ARRIVAL DEST	16	22
BACK IN SERVICE		
WAITING TIME		

MILEAGE	
AT ONSET	712
AT SCENE	536
AT DESTINATION	553
AT RETURN	
TOTAL MILEAGE	
TOTAL BILLING	

FACTORS AFFECTING EMS DELIVERY OF CARE

CARE LEVEL PROVIDED ALS 01 BLS 02: 02

INCIDENT CAUSE: MEDICAL [ ] | TRAUMA 36 | MOI 15

NATURE OF CALL: 01

INJURY DESCRIPT: 807 | INJURY INTENT: 02 | SAFETY DEVICE: 02

TIME OF SYMPTOM ONSET OR INJURY: HR 15 MIN 10

MVC: 01 | # OF MV: 01 | MVC IMPACT: 03 | MVC SEATING: 01

PATIENT TRANSPORTED: 02 — TO: CAMC General

DESTINATION DETERMINATION: 02

GALL DISPOSITION: 01

MEDICAL COMMAND:

TIME	RESP/ MIN	PULSE/ MIN	BP	GLASGOW COMA SCALE EYE	VERBAL	MOTOR	CAPILL REFILL	RESP. EFFORT	TRAUMA SCORE	SKIN	PUPILS	CARDIAC RHYTHM	SaO²	GLUCOSE	CO₂	TEMP.
	20	76	138/80	4	5	6				W/D	=R	—	98%	—	—	—
	20	74	136/80	4	5	6				W/D	=R		98%			
	20	74	134/80	4	5	6				W/D	=R		98%			

TIME	GA#	IV SITE	SOLUTION	CODE #	TIME	GA#	IV SITE 2	SOLUTION	CODE #
1.		SL	☐ Lock		2.		SL	☐ Lock	

PREHOSPITAL CARE (CHECK)

- ☐ AED
- ☐ BLS ASSISTED MEDS:
- ☒ BLEEDING CONTROL
- ☐ CPR
- ☐ COLD/HOTPACKS
- ☐ DRESSING/WOUND CARE
- ☐ EXTRICATION _____ MINUTES
- ☐ OB DELIVERY
- ☐ ORAL/NASAL AIRWAY
- ☐ O² _____ lpm
  - ☐ NRB ☐ CANNULA ☐ OTHER
- ☐ PASG APPLIED ☐ INFLATED
- ☐ VENTILATION
  - ☐ BAG VALVE MASK ☐ MOUTH TO MASK
  - ☐ DEMAND VALVE ☐ AUTO VENT
- ☐ SPLINT EXTREMITY
- ☒ SPINAL IMMOBILIZATION
- ☐ SUCTION
- ☐ GLUCOMETER
- ☒ PULSE OXIMETER
- ☐ CARDIAC MONITOR
  - ☐ 3 LEAD ☐ 4 LEAD ☐ 12 LEAD
- ☐ CARDIOVERSION
- ☐ DEFIBRILLATION
- ☐ TC PACING
- ☐ CPAP
- ☐ CHEST DECOMPRESSION
- ☐ DC RESUSCITATION
- ☐ END TIDAL CO²
- ☐ FLUID BOLUS _____ ml
- ☐ BLOOD DRAWN
- ☐ NG/OG TUBE

	#ATT.	✓ SUCC.	CREW #
☐ CRICOTHYROTOMY	☐	☐	☐
☐ COMBITUBE	☐	☐	☐
☐ E T TUBE	☐	☐	☐
☐ INTRAOSSEOUS	☐	☐	☐
☐ IV START	☐	☐	☐

PROTOCOL #:

SQUAD

TIME	MEDICATION	DOSE / RT	CODE #	TIME	MEDICATION	DOSE / RT	CODE #
1				4			
2				5			
3				6			

AGE [redacted] SEX [redacted] CHIEF COMPLAINT: Disp by 911 for Single mva. Arrived scene found 47yo F still in vehicle CAOx3 PMSx4 C/o laceration to (R) side of head. Laceration appers to be about 1" to 1½" Long. Bleeding was controled by a bystander till Ems arrived. Pt. states was a restrained driver traveling at a unknown Rate of speed striking a tree head on. Pt. has no other Complaints or Pain at this time. Txpt. in full spinal immobilization to CAMC general. SpO² 98% room air Lungs CTA Vits/S (A) End P.C. 1-2-05

Patient Condition on Arrival @ ED: ☐ Improved ☒ Unchanged ☐ Worse | Patient's Physician: Hilbaro

Past Hx: Seizures, Diabetes, Heart Disease, ~~Hypertension~~, Stroke, COPD, Other:

Pt. Meds: inderal, synthroid Paxel, digzide miropex | Allergies: NKA

NAME	CERTIFICATE	SIGNATURE	DATE
1. J. Clay	P 0352343		
2. P. Cornell	B 0555553		
3.			
4.			

SCENE GPS COORDS. N ☐☐ ☐☐ . ☐☐ W ☐☐ ☐☐ . ☐☐

WV OEMS PATIENT CARE RECORD R170112

SQUAD NAME: EMS | MONTH: 01 | DAY: 02 | YEAR: 05 | VEHICLE #: | UNIT #: 45

STATION #: 40 | TRIP #: | INCIDENT #:

Patient Name: [redacted] | Birthdate: [redacted] | Patient Soc. Sec. #: [redacted] | Auto License #: [redacted] | State: | 1ST RESPONDER: | 1ST RESP. CARE:

Page: 0 (

City: Alum Cr | State: WV | [redacted]

Point of Pick Up: [redacted] | Address: Molly's Br Rd | LOCATION OF PATIENT: Home

Next of Kin: Dwayer Sm | Relationship (Circle One): Spouse / Other / Child: Father

Insurance #1: | Subscriber Name: | Policy/Group #:

Insurance #2: | Subscriber Name: | Policy/Group #:

Auto Ins: | Agent: | Policy #:

Medicare Service Code: | Medicare Condition Codes: | Medicare #: | Medicaid #:

CARE LEVEL PROVIDED: ☐ AMT ☐ BLS ☐ ALS Assessment ☐ ALS ☐ ALS 2 ☐ Specialty Care Transport

TIME RECORD	USE 2400 HR. HR	MIN
CALL RECEIVED		
CALL DISPATCHED		
ENROUTE	15	13
ARRIVAL SCENE	15	48
ARRIVAL PATIENT		
LEFT SCENE	15	58
ARRIVAL DEST.		
BACK IN SERVICE		
WAITING TIME		

MILEAGE	
AT ONSET	512
AT SCENE	536
AT DESTINATION	
AT RETURN	
TOTAL MILEAGE	
TOTAL BILLING	

FACTORS AFFECTING EMS DELIVERY OF CARE:

CARE LEVEL PROVIDED: ALS 01 BLS 02: 88

INCIDENT CAUSE

MEDICAL: 90 | TRAUMA: 86 | MOI: 15

INJURY DESCRIPT: 0 | INJURY INTENT: 0 | SAFETY DEVICE: 2 | 0 | 0 | 2

NATURE OF CALL: 86

TIME OF SYMPTOM ONSET OR INJURY	HR	MIN
	15	10

PATIENT TRANSPORTED: 930

DESTINATION DETERMINATION: 88

TO: Released

CALL DISPOSITION: 03

MEDICAL COMMAND: 87

MVC: 01
OF MV: 02
MVC IMPACT: 03
MVC SEATING: 02

TIME	RESP/ MIN	PULSE/ MIN	BP	GLASGOW COMA SCALE EYE	VERBAL	MOTOR	CAPILL REFILL	RESP. EFFORT	TRAUMA SCORE	SKIN	PUPILS	CARDIAC RHYTHM	SaO^2	GLUCOSE	CO_2	TEMP.

TIME	GA#	IV SITE	SOLUTION	S Lock	CODE #	TIME	GA#	IV SITE 2	SOLUTION	S Lock	CODE #
1.		86		☐		2.		86		☐	

PREHOSPITAL CARE (CHECK)

- ☐ AED
- ☐ BLS ASSISTED MEDS
- ☐ BLEEDING CONTROL
- ☐ CPR
- ☐ COLD/HOTPACKS
- ☐ DRESSING/WOUND CARE
- ☐ EXTRICATION _____ MINUTES
- ☐ OB DELIVERY
- ☐ ORAL/NASAL AIRWAY
- ☐ O₂ _____ lpm
  - ☐ NRB ☐ CANNULA ☐ OTHER
- ☐ PASG APPLIED ☐ INFLATED
- ☐ VENTILATION
  - ☐ BAG VALVE MASK ☐ MOUTH TO MASK
  - ☐ DEMAND VALVE ☐ AUTO VENT
- ☐ SPLINT EXTREMITY
- ☐ SPINAL IMMOBILIZATION
- ☐ SUCTION
- ☐ GLUCOMETER
- ☐ PULSE OXIMETER
- ☐ CARDIAC MONITOR
  - ☐ 3 LEAD ☐ 4 LEAD ☐ 12 LEAD
- ☐ CARDIOVERSION
- ☐ DEFIBRILLATION
- ☐ TC PACING
- ☐ CPAP
- ☐ CHEST DECOMPRESSION
- ☐ DC RESUSCITATION
- ☐ END TIDAL CO²
- ☐ FLUID BOLUS _____ ml
- ☐ BLOOD DRAWN
- ☐ NG/OG TUBE

	#ATT	✓ SUCC.	CREW #
☐ CRICOTHYROTOMY	☐	☐	☐
☐ COMBITUBE	☐	☐	☐
☐ ET TUBE	☐	☐	☐
☐ INTRAOSSEOUS	☐	☐	☐
☐ IV START	☐	☐	☐

PROTOCOL #

SQUAD

TIME	MEDICATION	DOSE / RT	CODE #	TIME	MEDICATION	DOSE / RT	CODE #
1				4			
2	86			5	86		
3				6			

AGE [redacted] SEX [redacted] CHIEF COMPLAINT: Disp by 911 for (1) vehicle MVC - Upon arrival find pt amb ambulatory CAOx3 PMS&Ax4 stating she was restrained passenger traveling @ low rate of speed coming down drive way from residence striking tree head on type of collision c moderate vehicle damage - (-) interior damage - pt states no pain @ this time and does not want or need assessment. pt father signed refusal - End Epcr 01/02/05

Patient Condition on Arrival @ ED: ☐ Improved ☐ Unchanged ☐ Worse | Patient's Physician

Past Hx: Seizures, Diabetes, Heart Disease, Hypertension, Stroke, COPD, Other:

Pt. Meds:

Allergies: ☐ NKA

Body Fluid Exp.

NAME	CERTIFICATE	SIGNATURE	DATE
1. Cornell	B0555553		
2. Clay	P0352234		
3.			
4.			

SCENE GPS COORDS. N ☐☐ ☐☐ . ☐☐ W ☐☐ ☐☐ . ☐☐

STATEMENTS OF INVOLVED DRIVERS AND WITNESSES (IF AVAILABLE)

STATEMENT OF [redacted] [redacted] #1 TAKEN BY TROOPER D. C. BRINEGAR AT THE SCENE.

425139

MY DAUGHTER AND I WAS GOING DOWN OUR DRIVE WAY WHEN THE GAS STUCK ON OUR FORD ESCAPE. I TRIED TO STOP, BUT WAS UNABLE. I THEN WENT UP ON THE BANK AND CRASHED INTO A TREE.

UNABLE TO SIGN
01-02-05

ATTACH ADDITIONAL STATEMENT SHEETS AS NEEDED

PE12-019 001398LC SUBJECT

JULIET WALKER RUNDLE

Attorney at Law
P O Box 1259
Pineville, WV 24874

Fax: (304) 732-8703

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 1-313-248-7727

To: Andrew A. Chabot, Claims Analyst
Company: Ford Motor Company
From: Juliet W. Rundle
Client/Matter: [redacted]
Date: December 20, 2005

DOCUMENTS	NUMBER OF PAGES*
Accident Report	4

* NOT COUNTING COVER SHEET. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT 304-732-9264

PE12-019 001399LC SUBJECT

DMV-17-F REVISED 5/97

WEST VIRGINIA UNIFORM TRAFFIC CRASH REPORT

PAGE ___ OF ___

Date of Crash: 01/02/05 (M T W Th F S Sun) | Time of Crash: 1530 HRS | CRASH REPORTED BY: 1 State Police 2 City Police 3 Sheriff 4 Other | Time of Notification: 1515 HRS | Time of Arrival: 1610 HRS | 1 Fatality 2 Leaving Scene 3 Hit & Run 4 Striking Unattended Vehicle 5 Other

FOR OFFICE USE ONLY: 05-002 | 425739

LOCATION

COUNTY: LINCOLN | CITY OR TOWN: IN / NEAR ALUM CREEK | HIGHWAY CLASSIFICATION: 1 Interstate 2 U.S. 3 WV 4 County 5 City 6 Other

CRASH OCCURRED ON: ROUTE 1: 13/4 | STREET 1: [redacted] Dr | MAXIMUM SPEED LIMIT: Posted / Not Posted | ADVISORY SPEED | IF ON CONTROLLED ACCESS HIGHWAY, FILL IN ONE: 1 Main Road 2 Main Road at Intersection 3 Entrance Ramp On 4 Exit Ramp On

AT INTERSECTION WITH: ROUTE 2 | STREET 2: PRIVATE DRIVE Dr | MAXIMUM SPEED LIMIT: Posted / Not Posted | ADVISORY SPEED

STREET, HIGHWAY, TOWN ETC.

IF NOT AT INTERSECTION: ___ FEET / MILES N S E W OF

RELATION TO ROADWAY (Location of First Impact): 1 On Road 2 Median 3 Shoulder 4 Outside of Shoulder/Curb 5 Gore 6 Other/Unknown

IF LOCATION CAN BE DESCRIBED MORE PRECISELY, ENTER HERE

SPECIAL REFERENCE OR GPS/GPS COORDINATES

DRIVER 1

DRIVER'S FULL NAME: [redacted] | M / F | ADDRESS: [redacted] | CITY: ALUM CREEK | STATE: WV | ZIP: [redacted]

DRIVER'S PHONE #: ( ) 756-5130

DATE OF BIRTH: [redacted] | SOCIAL SECURITY NUMBER: [redacted] | DRIVER LICENSE NUMBER: [redacted] | CDL / Jr. Operator's / Learner's Permit | STATE: WV | LICENSE RESTRICTION(S) VIOLATED: N/A

CITATION NUMBER: N/A | CITATION CHARGE: N/A | DRIVER CONDITION: 1 Normal 2 Fatigued 3 Asleep 4 Ill 5 Drinking 6 Medication 7 Other 8 Unknown

SOBRIETY TEST GIVEN: Yes / No / Refused Test / Not Offered | TYPE OF TEST GIVEN: FIELD / BLOOD / BREATH / PBT / URINE / OTHER / N/A | TEST RESULTS: N/A

DRIVER ACTION: 1 Going Straight Ahead 2 Turning Right 3 Turning Left 4 U-Turning 5 Changing Lanes 6 Passing 7 Parking 8 Parked 9 Backing 10 Merging 11 Slowing or Stopping 12 Stopped in Traffic Lane 13 Entering or Leaving Driveway 14 Pulling Out from Parking Space 15 Other (SEE NARRATIVE)

VEHICLE 1

OWNER'S FULL NAME: SAME AS DRIVER | ADDRESS: SAME AS DRIVER | CITY | STATE | ZIP

YEAR: 03 | MAKE: FORD | MODEL: SW | STYLE: 4D | COLOR (List Primary/Secondary): GREY

LICENSE PLATE NUMBER: [redacted] | STATE: WV | YEAR: 05 | VEHICLE IDENTIFICATION NUMBER: 1FMYU021X3K[redacted]

DIRECTION TRAVEL (If turning, enter direction BEFORE turn.): N S E W ON ROUTE 1 2 (Or Street) ABOVE | TOTAL OCCUPANTS OF THIS VEHICLE: 2 | EXTENT OF DAMAGE: 0 1 2 3 4 5 6 - Unknown | DRIVEABLE: Yes / No | DAMAGED AREAS | PT. OF INITIAL IMPACT

TOWED DUE TO DAMAGE: Yes / No | TOWED BY: N/A | TOWED TO: N/A

AUTO LIABILITY INSURANCE: Yes / No | INSURANCE COMPANY: NATIONWIDE | POLICY NO: [redacted] | AGENT

CONTRIBUTING CIRCUMSTANCES (Check One or More): 1 No Improper Driving 2 Exceeding Speed Limit 3 Exceeding Safe Speed 4 Changing Lanes Improperly 5 Following Too Closely 6 Disregarded Traffic Control 7 Did Not Have Right of Way 8 Failure to Maintain Control 9 Driving Under Minimum Speed 10 No Signal or Improper Signal 11 Turning Improperly 12 Passing Improperly 13 Parking Improperly 14 Backing Improperly 15 Avoiding Animal or Vehicle 16 Distraction Inside Vehicle 17 Walking Violation 18 Driver Under Influence 19 Pedestrian Under Influence 20 Slippery Pavement 21 Other Roadway Defects 22 Previous Accident 23 Left of Center 24 Other (SEE NARRATIVE)

UNDERCARRIAGE, NONE/NON-APPARENT, OTHER/UNKNOWN, ALL AREAS

DRIVER

DRIVER'S FULL NAME: M / F | ADDRESS | CITY | STATE | ZIP

DRIVER'S PHONE #: ( )

DATE OF BIRTH | SOCIAL SECURITY NUMBER | DRIVER LICENSE NUMBER | CDL / Jr. Operator's / Learner's Permit | STATE | LICENSE RESTRICTION(S) VIOLATED

CITATION NUMBER | CITATION CHARGE | DRIVER CONDITION: 1 Normal 2 Fatigued 3 Asleep 4 Ill 5 Drinking 6 Medication 7 Other 8 Unknown

SOBRIETY TEST GIVEN: Yes / No / Refused Test / Not Offered | TYPE OF TEST GIVEN: FIELD / BLOOD / BREATH / PBT / URINE / OTHER / N/A | TEST RESULTS:

DRIVER ACTION: 1 Going Straight Ahead 2 Turning Right 3 Turning Left 4 U-Turning 5 Changing Lanes 6 Passing 7 Parking 8 Parked 9 Backing 10 Merging 11 Slowing or Stopping 12 Stopped in Traffic Lane 13 Entering or Leaving Driveway 14 Pulling Out from Parking Space 15 Other (SEE NARRATIVE)

VEHICLE

OWNER'S FULL NAME: SAME AS DRIVER | ADDRESS: SAME AS DRIVER | CITY | STATE | ZIP

YEAR | MAKE | MODEL | STYLE | COLOR (List Primary/Secondary)

LICENSE PLATE NUMBER | STATE | YEAR | VEHICLE IDENTIFICATION NUMBER

DIRECTION TRAVEL (If turning, enter direction BEFORE turn.): N S E W ON ROUTE 1 2 (Or Street) ABOVE | TOTAL OCCUPANTS OF THIS VEHICLE | EXTENT OF DAMAGE: 0 1 2 3 4 5 6 - Unknown | DRIVEABLE: Yes / No | DAMAGED AREAS | PT. OF INITIAL IMPACT

TOWED DUE TO DAMAGE: Yes / No | TOWED BY: | TOWED TO:

AUTO LIABILITY INSURANCE: Yes / No | INSURANCE COMPANY | POLICY NO. | AGENT

CONTRIBUTING CIRCUMSTANCES (Check One or More): 1 No Improper Driving 2 Exceeding Speed Limit 3 Exceeding Safe Speed 4 Changing Lanes Improperly 5 Following Too Closely 6 Disregarded Traffic Control 7 Did Not Have Right of Way 8 Failure to Maintain Control 9 Driving Under Minimum Speed 10 No Signal or Improper Signal 11 Turning Improperly 12 Passing Improperly 13 Parking Improperly 14 Backing Improperly 15 Avoiding Animal or Vehicle 16 Distraction Inside Vehicle 17 Walking Violation 18 Driver Under Influence 19 Pedestrian Under Influence 20 Slippery Pavement 21 Other Roadway Defects 22 Previous Accident 23 Left of Center 24 Other (SEE NARRATIVE)

UNDERCARRIAGE, NONE/NON-APPARENT, OTHER/UNKNOWN, ALL AREAS

PE12-019 001400LC SUBJECT

4257779

PAGE ___ OF ___

OTHER DAMAGE — DAMAGED PROPERTY OTHER THAN VEHICLES (DESCRIBE AS COMPLETELY AS POSSIBLE): N/A — ON PAVEMENT OR ____ FEET N S E W OF PAVEMENT EDGE

OWNER'S NAME: ○ Other (Please List) ○ DOH ○ City — ADDRESS — CITY — STATE — ZIP

CODES

SEATING (1 2 3 / 4 5 6 / 7 8 9): 1 - Driver; 4 - Passenger One; 7 - Passenger Two; 10 - Sleeper Section; 11 - Other Enclosed Passenger Area/Cargo Area; 12 - Other Unenclosed Passenger Area/Cargo Area; 13 - Riding In/On Trailing Unit; 14 - Riding On Vehicle Exterior; 15 - Unknown; 16 - Other (SEE NARRATIVE); B - Bicyclist; P - Pedestrian; E - Engineer (Rail/Train); M - Motorcycle, Snowmobile, etc.

OCCUPANT PROTECTION: 1 - None Installed; 2 - None Used; 3 - Lap Belt Only Used; 4 - Shoulder Belt Only; 5 - Lap and Shoulder Belt Used; 6 - Child Safety Seat; 7 - Helmet, Glasses/Shield; 8 - Unknown

INJURY CLASSIFICATION: K - Killed; A - Bleeding Wound, Distorted Member, or Had to Be Carried from Scene; B - Bruises, Abrasions, Swelling, Limping, Etc.; C - No Visible Injury But Complaint of Pain or Momentary Unconsciousness; D - Not Injured

FIRST AID BY: 1 - None; 2 - Police; 3 - Emergency Medical Technician; 4 - Doctor / Nurse; 5 - Rescue Squad; 6 - Helicopter Crew; 7 - Paramedic; 8 - Unknown

AIRBAG DEPLOYED: 1 - Yes 2 - No 3 - Not equipped

EJECTED: 1 - No 3 - Partially 2 - Yes 4 - Unknown

TRAPPED/EXTRICATED: 1 - Not Trapped 3 - Trapped/Not Extricated 2 - Trapped/Extricated 4 - Unknown

MEDICALLY TRANSPORTED: 1 - No 2 - Yes 3 - Refused 4 - Unknown

PERSONS INVOLVED	VEH. NO.	SEATING	OCC. PROT	AIR-BAG	EJECTED	TRAPPED/EXTRICATED	INJURY	FIRST AID	MED TRANS
DRIVER	1	1	5	2	1	1	A	3	2
[redacted] — SAME AS DRIVER	1	3	5	2	1	1	0	1	1

CRASH

VEHICLE FIRE OCCURRENCE — Veh. #: 1 — 0 ⊗ No Fire Occurrence; 1 ○ Fire Occurred

HAZARDOUS CARGO — Veh. #: 1 — 0 ⊗ No; 1 ○ Yes; 2 ○ Unknown

INJURED TAKEN TO: CAMC GENERAL — INJURED TAKEN BY: LINCOLN EMS — EMS/AMBS UNIT NUMBER: 45 — EMS RUN FORM NUMBER: R17011

PEDESTRIAN ACTION: 1 ○ Crossing at Intersection; 2 ○ Crossing Not at Intersection; 3 ○ Walking on Pavement With Traffic; 4 ○ Walking on Pavement Facing Traffic; 5 ○ Standing on Pavement; 6 ○ Playing on Pavement; 7 ○ Working on Pavement; 8 ○ Other on Pavement; 9 ○ Not on Pavement. Crossing: ○ Light ○ Dark

WITNESS — NAME OF WITNESS: N/A — ADDRESS — CITY — STATE — ZIP — PHONE NUMBER

ENVIRONMENT

LIGHT: 1 ⊗ Daylight; 2 ○ Dawn; 3 ○ Dark, Artificial Lights; 4 ○ Dusk; 5 ○ Dawn

WEATHER: 1 ⊗ Clear; 2 ○ Cloudy; 3 ○ Raining; 4 ○ Fog/Smog; 5 ○ Snowing; 6 ○ Sleeting; 7 ○ Hailing; 8 ○ Crosswinds

ROADWAY SURFACE: 1 ○ Dry; 2 ○ Wet; 3 ○ Snow; 4 ○ Ice; 5 ⊗ Muddy; 6 ○ Haz. Mat.; 7 ○ Other

ROADWAY CHARS.: 1 ⊗ Straight and Level; 2 ○ Straight and Grade; 3 ○ Straight at Hillcrest; 4 ○ Curve and Level; 5 ○ Curve and Grade; 6 ○ Curve at Hillcrest; 7 ○ Straight and Rolling; 8 ○ Beg Curve

ROAD TYPE: 1 ○ Blacktop; 2 ○ Concrete; 3 ○ Brick; 4 ○ Gravel; 5 ○ Dirt; 6 ○ Other

TRAFFIC CONTROL: 1 ○ Stop Sign; 2 ○ Traffic Signal; 3 ○ Yield Signal; 4 ○ Officer, Flagman; 5 ○ Veh Defec. Signal; 6 ○ Construction Zone; 7 ○ School Zone; 8 ⊗ None; 9 ○ Other. FUNCTIONING? ○ Yes ○ No

VISION OBSCURED BY — Veh. #: 1: 1 ⊗ Not Obscured; 2 ○ Rain, Snow, Ice on Windshield; 3 ○ Trees, Bushes; 4 ○ Building(s); 5 ○ Embankment; 6 ○ Signboard; 7 ○ Hillcrest; 8 ○ Parked Vehicle(s); 9 ○ Moving Vehicle(s); 10 ○ Blinding Headlights; 11 ○ Blinding Sunlight; 12 ○ Other; 13 ○ Unknown

NUMBER OF LANES: 1 — WERE LANES CLEARLY MARKED? ○ YES ⊗ NO

CRASH TYPE

MANNER OF COLLISION: 1 ○ Rear End; 2 ○ Head On; 3 ○ Same Direction Sideswipe; 4 ○ Opp. Direction Sideswipe; 5 ○ Rear-to-Rear; 6 ⊗ Single Vehicle Crash; 7 ○ Other. LEFT & RIGHT TURN; LEFT TURNS; RIGHT TURNS

SEQUENCE OF EVENTS (Use Codes at Right)

VEH. #	First Event	Second Event	Third Event	Fourth Event
1	1	1	4	1

MOST HARMFUL EVENT — VEH. #: 1: 4 1

NON-COLLISION: 01-Loss of Control; 02-Cross centerline/median; 03-Ran off roadway-left; 04-Ran off roadway-right; 05-Ran off roadway-rear; 06-Overturn; 07-Separation of units; 08-Ran into animal; 09-Immersion; 10-Jackknife; 11-Downhill runaway; 12-Cargo shift/fell; 13-Individual fell from veh.; 14-Stopped in traffic lane; 15-Other noncollision

HAD A COLLISION WITH: 16-Moving motor vehicle; 17-Pedestrian; 18-Bicyclist; 19-Rider, etc. in Passenger; 20-Parked motor vehicle; 21-Railroad/Train; 22-Animal; 23-Other moved object; 24-Impact Attenuator; 25-Bridge pier/abut.; 26-Bridge rail; 27-Guardrail face; 28-Guardrail end; 29-Median barrier; 30-Highway sign, etc.; 31-Culvert; 32-Embankment/Ditch; 33-Ditch; 34-Other post; 35-Culvert; 36-Curb; 37-Ditch; 38-Embankment; 39-Fence; 40-Mailbox; 41-Tree; 42-Fire hydrant; 43-Impact Attenuator; 44-Tree in street; 45-Fire hydrant; 46-Impact Attenuator; 47-Other fixed object

COMMERCIAL CARRIER

SCREENING INFORMATION: NUMBER OF QUALIFYING VEHICLES INVOLVED: Trucks with 9 or more tires or a Haz Mat Placard ___; Buses designed to carry 16 or more persons ___. NUMBER OF: Persons Sustaining fatal injuries ___; Persons transported for IMMEDIATE medical treatment ___; Vehicles towed from the scene due to damage or prohibited access ___

VEHICLE NUMBER: 1 2 3 4 5 6

CARRIER INFORMATION SOURCE: 1 ○ Shipping Papers; 2 ○ Vehicle Side; 3 ○ Log Book; 4 ○ Driver; 5 ○ Other

CARRIER NAME — ADDRESS — CITY — STATE — ZIP — USDOT — ICC/MC — STATE # — GVWR

NUMBER OF AXLES PER UNIT: Tractor; Trailer 1; Trailer 2; Trailer 3

VEHICLE CONFIGURATION: 1 ○ Any 4-tire vehicle; 2 ○ Bus; 3 ○ Single unit truck (2 axles/6 or more tires); 4 ○ Single unit truck (3 or more axles); 5 ○ Truck with trailer; 6 ○ Truck tractor only (Doubles); 7 ○ Tractor with semi-trailer; 8 ○ Tractor with double trailers; 9 ○ Tractor with triple trailers; 10 ○ Other - Unable to classify

CDL TYPE: A ○ B ○ C ○ None ○ — ENDORS.: H ○ N ○ P ○ T ○ X ○

CDL RESTRICTIONS: K ○ L ○ M ○ — H ○ None ○

CARGO BODY TYPE: 1 ○ Bus; 2 ○ Van/enclosed box; 3 ○ Cargo tank; 4 ○ Flatbed; 5 ○ Dump; 6 ○ Concrete Mixer; 7 ○ Auto Transport; 8 ○ Garbage or Refuse; 9 ○ Other (List Below)

HAZARDOUS MATERIAL: PLACARD: ○ Yes ○ No — SPILL: ○ Yes ○ No. Name or 4 Digit Number from Diamond or Box: ___. 1 Digit Number from Bottom: ___

NAME OF INVESTIGATING OFFICER (Please Print): TPR. D. BRINEGAR — NUMBER: 123 — NAME OF POLICE AGENCY: WVSP HAMLIN — C.R.I. NUMBER: WVWSP1600

The data in this report reflects my best judgement and knowledge.

INVESTIGATING OFFICER'S SIGNATURE: Tpr. D. Brinegar — DATE OF COMPLETION: 01 02 05

PHONE #: ( ) — DRIVER TAKEN ○ BY WHOM? VEHICLE TAKEN ○ BY WHOM? — ASSISTING OFFICER:

PE12-019 001401LC SUBJECT

PAGE 2

COLLISION DIAGRAM

DRAW SCENE AS OBSERVED, INCLUDING ROADWAY LAYOUT, VEHICLE, PEDESTRIAN OR OBJECT STRUCK, TRAFFIC CONTROLS, SKIDMARKS, ETC.

IMPORTANT: NUMBER THE VEHICLES ACCORDING TO THE VEHICLE NUMBERS ON THE FRONT PAGE.

DRAW ARROW POINTING NORTH IN CIRCLE

Scale: Not to Scale





Private Drive

Box 90

NARRATIVE

DESCRIBE WHAT HAPPENED (Refer to Vehicles by Number)

AV #1 WAS TRAVELING NORTH ON DRIVER #1 PRIVATE DRIVE. DRIVER #1 STATED THAT THE GAS ON AV #1 STUCK AND DRIVER #1 WAS UNABLE TO STOP. AV #1 THEN CRASHED INTO A TREE.

THIS OFFICER DID SEE EVIDENCE AT THE SCENE, WHICH SUPPORTED DRIVER #1 STATEMENT.

PE12-019 001402LC SUBJECT

01/27/2005 10:45 NO. 183 P0

DMV-17F REVISED 5/97

WEST VIRGINIA UNIFORM TRAFFIC CRASH REPORT

PAGE - OF

FORM CHANGE # 05-002

425739

LOCATION

Date of Crash: 01 02 05 (M T W Th F S Sun: 6)
Time of Crash: 1530 HRS.
CRASH REPORTED BY: 1 State Police 2 City Police 3 Sheriff 4 Other
Time of Notification: 1535 HRS.
Time of Arrival: 1610 HRS.
1 Fatality 2 Leaving Scene 3 Hit & Run 4 Driving Unattended Vehicle 5 Other

COUNTY: LINCOLN
CITY OR TOWN: IN NEAR ALUM CREEK
HIGHWAY CLASSIFICATION: 1 Interstate 2 U.S. 3 WV 4 County 5 City 6 Other

CRASH OCCURRED ON: ROUTE 1: 13/4 STREET 1: [redacted]
AT INTERSECTION WITH: ROUTE 2: STREET 2: PRIVATE DRIVE
MAXIMUM SPEED LIMIT: Posted / Not Posted
ADVISORY SPEED:
IF ON CONTROLLED ACCESS HIGHWAY, FILL IN ONE: 1 Main Road 2 Main Road at Interchange 3 Entrance Ramp On 4 Exit Ramp On (N S E W) Side

IF NOT AT INTERSECTION: FEET / MILES N E S W OF STREET, HIGHWAY, TOWN ETC.
RELATION TO ROADWAY (Location of First Impact): 1 On Road 2 Median 3 Shoulder 4 Outside of Shoulder/Curb 5 Gore 6 Other/Unknown
IF LOCATION CAN BE DESCRIBED MORE PRECISELY, ENTER HERE
SPECIAL REFERENCE OR GIS/GPS COORDINATES

DRIVER 1

DRIVER'S FULL NAME: [redacted] M F
ADDRESS: [redacted] CITY: ALUM CREEK STATE: WV ZIP: [redacted]
DRIVER'S PHONE #: (304) 756-5130
DATE OF BIRTH: [redacted] SOCIAL SECURITY NUMBER: [redacted] DRIVER LICENSE NUMBER: [redacted]
CDL / Jr. Operator's / Learner's Permit
STATE: WV
LICENSE RESTRICTION(S) VIOLATED: N/A
CITATION NUMBER: N/A CITATION CHARGE: N/A
DRIVER CONDITION: 1 Normal 2 Fatigued 3 Asleep 4 Ill 5 Drinking 6 Medication 7 Other 8 Unknown
SOBRIETY TEST GIVEN: Yes / No / Refused Test / Not Offered
TYPE OF TEST GIVEN: FIELD / BLOOD / BREATH / PBT / URINE / OTHER / N/A
TEST RESULTS: N/A
DRIVER ACTION: 1 Going Straight Ahead 2 Turning Right 3 Turning Left 4 U-Turning 5 Changing Lanes 6 Passing 7 Parking 8 Parked 9 Backing 10 Merging 11 Slowing or Stopping 12 Stopped in Traffic Lane 13 Entering or Leaving Driveway 14 Pulling Out from Parking Space 15 Other (SEE NARRATIVE)

VEHICLE 1

OWNER'S FULL NAME: SAME AS DRIVER ADDRESS: SAME AS DRIVER CITY STATE ZIP
YEAR: 03 MAKE: FORD MODEL: SW STYLE: 4D COLOR (List Primary/Secondary): GREY
LICENSE PLATE NUMBER: [redacted] STATE: WV YEAR: 05 VEHICLE IDENTIFICATION NUMBER: 1FMYU021X3K[redacted]
DIRECTION TRAVEL (If turning, enter direction BEFORE turn.): N S E W ON ROUTE 1 2 ABOVE (Or Street)
TOTAL OCCUPANTS OF THIS VEHICLE: 2
EXTENT OF DAMAGE: 0 1 2 3 4 5 6 - Unknown
DRIVEABLE: Yes / No
DAMAGED AREA(S)
PT. OF INITIAL IMPACT: 1 2 3 4 5 6 7 8 9 10 11 12 13 14
TOWED DUE TO DAMAGE: Yes / No TOWED BY: N/A TOWED TO: N/A
AUTO LIABILITY INSURANCE: Yes / No INSURANCE COMPANY: NATIONWIDE POLICY NO.: [redacted] AGENT

CONTRIBUTING CIRCUMSTANCES (Check One or More):
1 No Improper Driving 2 Exceeding Speed Limit 3 Exceeding Safe Speed 4 Changing Lanes Improperly 5 Following Too Closely 6 Disregarded Traffic Control 7 Did Not Have Right of Way 8 Failure to Maintain Control 9 Driving Under Minimum Speed 10 No Signal or Improper Signal 11 Turning Improperly 12 Passing Improperly 13 Parking Improperly 14 Backing Improperly 15 Avoiding Animal or Vehicle 16 Distraction Inside Vehicle 17 Walking Violation 18 Driver Under Influence 19 Pedestrian Under Influence 20 Slippery Pavement 21 Other Roadway Defects 22 Previous Accident 23 Left of Center 24 Other (SEE NARRATIVE)
DAMAGED AREA(S): 11 UNDERCARRIAGE 12 NONE/NON-APPARENT 13 OTHER/UNKNOWN 14 ALL AREAS

DRIVER

DRIVER'S FULL NAME: M F ADDRESS CITY STATE ZIP
DRIVER'S PHONE #: ( )
DATE OF BIRTH SOCIAL SECURITY NUMBER DRIVER LICENSE NUMBER
CDL / Jr. Operator's / Learner's Permit
STATE LICENSE RESTRICTION(S) VIOLATED
CITATION NUMBER CITATION CHARGE
DRIVER CONDITION: 1 Normal 2 Fatigued 3 Asleep 4 Ill 5 Drinking 6 Medication 7 Other 8 Unknown
SOBRIETY TEST GIVEN: Yes / No / Refused Test / Not Offered
TYPE OF TEST GIVEN: FIELD / BLOOD / BREATH / PBT / URINE / OTHER / N/A
TEST RESULTS:
DRIVER ACTION: 1 Going Straight Ahead 2 Turning Right 3 Turning Left 4 U-Turning 5 Changing Lanes 6 Passing 7 Parking 8 Parked 9 Backing 10 Merging 11 Slowing or Stopping 12 Stopped in Traffic Lane 13 Entering or Leaving Driveway 14 Pulling Out from Parking Space 15 Other (SEE NARRATIVE)

VEHICLE

OWNER'S FULL NAME: SAME AS DRIVER ADDRESS: SAME AS DRIVER CITY STATE ZIP
YEAR MAKE MODEL STYLE COLOR (List Primary/Secondary)
LICENSE PLATE NUMBER STATE YEAR VEHICLE IDENTIFICATION NUMBER
DIRECTION TRAVEL (If turning, enter direction BEFORE turn.): N S E W ON ROUTE 1 2 ABOVE (Or Street)
TOTAL OCCUPANTS OF THIS VEHICLE:
EXTENT OF DAMAGE: 0 1 2 3 4 5 6 - Unknown
DRIVEABLE: Yes / No
DAMAGED AREA(S)
PT. OF INITIAL IMPACT: 1 2 3 4 5 6 7 8 9 10 11 12 13 14
TOWED DUE TO DAMAGE: Yes / No TOWED BY: TOWED TO:
AUTO LIABILITY INSURANCE: Yes / No INSURANCE COMPANY POLICY NO. AGENT

CONTRIBUTING CIRCUMSTANCES (Check One or More):
1 No Improper Driving 2 Exceeding Speed Limit 3 Exceeding Safe Speed 4 Changing Lanes Improperly 5 Following Too Closely 6 Disregarded Traffic Control 7 Did Not Have Right of Way 8 Failure to Maintain Control 9 Driving Under Minimum Speed 10 No Signal or Improper Signal 11 Turning Improperly 12 Passing Improperly 13 Parking Improperly 14 Backing Improperly 15 Avoiding Animal or Vehicle 16 Distraction Inside Vehicle 17 Walking Violation 18 Driver Under Influence 19 Pedestrian Under Influence 20 Slippery Pavement 21 Other Roadway Defects 22 Previous Accident 23 Left of Center 24 Other (SEE NARRATIVE)
DAMAGED AREA(S): 11 UNDERCARRIAGE 12 NONE/NON-APPARENT 13 OTHER/UNKNOWN 14 ALL AREAS

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OTHER DAMAGE — DAMAGE TO PROPERTY OTHER THAN VEHICLES (DESCRIBE AS COMPLETELY AS POSSIBLE): N/A

○ ON PAVEMENT OR _____ FEET ○N ○S ○E ○W OF PAVEMENT EDGE

OWNER'S NAME: ○ Other (Please List) ○ DOH ○ City | ADDRESS | CITY | STATE | ZIP

CODES

SEATING: 1 2 3 / 4 5 6 / 7 8 9
B - Bicyclist; P - Pedestrian; E - Engineer (RR/Train); M - Motorcycle, Snowmobile, etc.
1 - Driver; 4 - Passenger One; 7 - Passenger Two
10 - Sleeper Section; 11 - Other Enclosed Passenger Area/Cargo Area; 12 - Other Unenclosed Passenger Area/Cargo Area; 13 - Riding In/On Trailing Unit; 14 - Riding On Vehicle Exterior; 15 - Unknown; 16 - Other (SEE NARRATIVE)

OCCUPANT PROTECTION: 1 - None Installed; 2 - None Used; 3 - Lap Belt Only Used; 4 - Shoulder Belt Only; 5 - Lap and Shoulder Belt Used; 6 - Child Safety Seat; 7 - Helmet, Glasses/Shield; 8 - Unknown

INJURY CLASSIFICATION: K - Killed; A - Bleeding Wound, Distorted Member, or Had to Be Carried from Scene; B - Bruises, Abrasions, Swelling, Limping, Etc.; C - No Visible Injury But Complaint of Pain or Momentary Unconsciousness; O - Not Injured

FIRST AID BY: 1 - None; 2 - Police; 3 - Emergency Medical Technician; 4 - Doctor / Nurse; 5 - Rescue Squad; 6 - Helicopter Crew; 7 - Paramedic; 8 - Unknown

AIRBAG DEPLOYED: 1 - Yes 2 - No 3 - Not equipped
EJECTED: 1 - No 2 - Yes 3 - Partially 4 - Unknown
TRAPPED/EXTRICATED: 1 - Not Trapped 2 - Trapped/Extricated 3 - Trapped/Not Extricated 4 - Unknown
MEDICALLY TRANSPORTED: 1 - No 2 - Yes 3 - Refused 4 - Unknown

	VEH. NO.	SEATING	OCC. PROT.	AIR-BAG	EJECTED	TRAP/EXTRI	INJURY	FIRST AID	MED TRAN
DRIVER →	1	1	5	2	1	1	A	3	2
DRIVER →									

CRASH

VEHICLE FIRE OCCURRENCE — Veh. #: 1 — 0 ⊗ No Fire Occurrence; 1 ○ Fire Occurred
HAZARDOUS CARGO — Veh. #: 1 — 0 ⊗ No; 1 ○ Yes; 2 ○ Unknown

PERSONS INVOLVED

	M/F	AGE	ADDRESS
[redacted]	[redacted]		SAME AS DRIVER

INJURED TAKEN TO: CAMC GENERAL | INJURED TAKEN BY: LINCOLN EMS | EMS/AMBS UNIT NUMBER: 45 | EMS RUN FORM NUMBER: R17011

PEDESTRIAN ACTION: 1 ○ Crossing at Intersection; 2 ○ Crossing Not at Intersection; 3 ○ Walking on Pavement With Traffic; 4 ○ Walking on Pavement Facing Traffic; 5 ○ Standing on Pavement; 6 ○ Playing on Pavement; 7 ○ Working on Pavement; 8 ○ Other on Pavement; 9 ○ Not on Pavement
Clothing: ○ Light ○ Dark

WITNESSES — NAME OF WITNESS: N/A | ADDRESS | CITY | STATE | ZIP | PHONE NUMBER (H / W)

ENVIRONMENT

LIGHT: 1 ⊗ Daylight; 2 ○ Dark; 3 ○ Dark, Artificial Lights; 4 ○ Dusk; 5 ○ Dawn
WEATHER: 1 ⊗ Clear; 2 ○ Cloudy; 3 ○ Raining; 4 ○ Fog/Smog; 5 ○ Snowing; 6 ○ Sleeting; 7 ○ Hailing; 8 ○ Crosswinds
ROADWAY SURFACE: 1 ○ Dry; 2 ○ Wet; 3 ○ Snow; 4 ○ Ice; 5 ⊗ Muddy; 6 ○ Haz. Mat.; 7 ○ Other
ROADWAY CHARS.: 1 ○ Straight and Level; 2 ⊗ Straight and Grade; 3 ○ Straight at Hillcrest; 4 ○ Curve and Level; 5 ○ Curve and Grade; 6 ○ Curve at Hillcrest; 7 ○ Straight and Rolling; 8 ○ Sag Curve
ROAD TYPE: 1 ○ Blacktop; 2 ○ Concrete; 3 ○ Brick; 4 ⊗ Gravel; 5 ○ Dirt; 6 ○ Other:
TRAFFIC CONTROL: 1 ○ Stop Sign; 2 ○ Traffic Signal; 3 ○ Yield Signal; 4 ○ Officer, Flagman; 5 ○ RR Gates, Signals; 6 ○ Construction Zone; 7 ○ School Zone; 8 ⊗ None; 9 ○ Other
FUNCTIONING? ○ Yes ○ No
NUMBER OF LANES: 1
WERE LANES CLEARLY MARKED? ○ YES ⊗ NO
VISION OBSCURED BY — Veh. #: 1: 1 ⊗ Not Obscured; 2 ○ Rain, Snow, Ice on Windshield; 3 ○ Trees, Bushes; 4 ○ Building(s); 5 ○ Embankment; 6 ○ Signboard; 7 ○ Hillcrest; 8 ○ Parked Vehicle(s); 9 ○ Moving Vehicle(s); 10 ○ Blinding Headlights; 11 ○ Blinding Sunlight; 12 ○ Other; 13 ○ Unknown

CRASH TYPE

MANNER OF COLLISION: 1 ○ Rear End; 2 ○ Head On; 3 ○ Same Direction Sideswipe; 4 ○ Opp. Direction Sideswipe; 5 ○ Rear-to-Rear; 6 ⊗ Single Vehicle Crash; 7 ○ Other
LEFT & RIGHT TURN; LEFT TURNS; RIGHT TURNS
VEH. SEQUENCE OF EVENTS (Use Codes at Right): Veh. #: 1 — 1 | 1 | 4 | 1 — First Event | Second Event | Third Event | Fourth Event
MOST HARMFUL EVENT: VEH. #: 1 — 4 | 1 — VEH. #:
NON-COLLISION: 01-Loss of Control; 02-Other controlling/medium; 03-Ran off roadway-left; 04-Ran off roadway-right; 05-Re-entry roadway; 06-Overturn; 07-Separation of units; 08-Fire/explosion; 09-Immersion; 10-Jackknife; 11-Downhill runaway; 12-Cargo loss/shift; 13-Ind/Mutual fall from veh.; 14-Stopped in traffic lane; 15-Other noncollision
WAS A COLLISION WITH: 16-Moving motor vehicle; 17-Pedestrian; 18-Bicyclist; 19-Motor veh. in transport; 20-Parked motor vehicle; 21-Railroad/Train; 22-Animal; 23-Other non-fixed object; 24-Bridge/pier/abutment; 25-Bridge parapet end; 26-Bridge rail; 27-Guardrail face; 28-Guardrail end; 29-Median barrier; 30-Highway traffic sign post; 31-Highway signal post; 32-Lamppost/light support; 33-Utility pole; 34-Other pole; 35-Culvert; 36-Curb; 37-Ditch; 38-Embankment; 39-Fence; 40-Mailbox; 41-Tree; 42-RR crossing signal; 43-Parking; 44-Traffic sign; 45-Fire hydrant; 46-Impact attenuator; 47-Other fixed object

COMMERCIAL CARRIER

SCREENING INFORMATION:
NUMBER OF QUALIFYING VEHICLES INVOLVED:
Trucks with 6 or more tires or a Haz Mat Placard: _____
Buses designed to carry 16 or more persons: _____
NUMBER OF:
Persons Sustaining fatal injuries: _____
Persons transported for IMMEDIATE medical treatment: _____
Vehicles towed from the scene due to damage or provided assistance: _____

VEHICLE NUMBER: ○1 ○2 ○3 ○4 ○5 ○6
CARRIER INFORMATION SOURCE: 1 ○ Shipping Papers; 2 ○ Vehicle Side; 3 ○ Log Book; 4 ○ Driver; 5 ○ Other
CARRIER NAME | ADDRESS | CITY | STATE | ZIP | USDOT | ICC/MC | STATE # | GVWR
NUMBER OF AXLES PER UNIT: Tractor | Trailer 1 | Trailer 2 | Trailer 3
VEHICLE CONFIGURATION: 1 ○ Any 4-Tire vehicle; 2 ○ Bus; 3 ○ Single unit truck (2 axles/6 or more tires); 4 ○ Single unit truck (3 or more axles); 5 ○ Truck with trailer; 6 ○ Tractor only (Bobtail); 7 ○ Tractor with semi-trailer; 8 ○ Tractor with double trailers; 9 ○ Tractor with triple trailers; 10 ○ Other – Unable to classify
CDL TYPE: ○ A ○ B ○ C ○ None
ENDORS.: ○ H ○ N ○ P ○ T ○ X
CDL RESTRICTIONS: ○ K ○ L ○ M ○ N ○ None
CARGO BODY TYPE: 1 ○ Bus; 2 ○ Van/enclosed box; 3 ○ Cargo tank; 4 ○ Flatbed; 5 ○ Dump; 6 ○ Concrete Mixer; 7 ○ Auto Transport; 8 ○ Garbage or Refuse; 9 ○ Other (List Below)
HAZARDOUS MATERIAL: PLACARD: ○ Yes ○ No; SPILL: ○ Yes ○ No
Name or 4 Digit Number from Diamond or Box:
1 Digit Number from Bottom:

ASSISTING OFFICER

NAME OF INVESTIGATING OFFICER (Please Print): TPR. D. BRINEGAR | NUMBER: 123 | NAME OF POLICE AGENCY: WVSP HAMLIN | O.R.I. NUMBER: WVWSP1600
The data in this report reflects my best judgement and knowledge.
INVESTIGATING OFFICER'S SIGNATURE: Tpr. D. Brinegar
DATE OF COMPLETION: 01 | 02 | 05

PHONE #: ( )
PHOTOS TAKEN ○ BY WHOM:
VIDEO TAPED ○

PAGE ___ OF ___

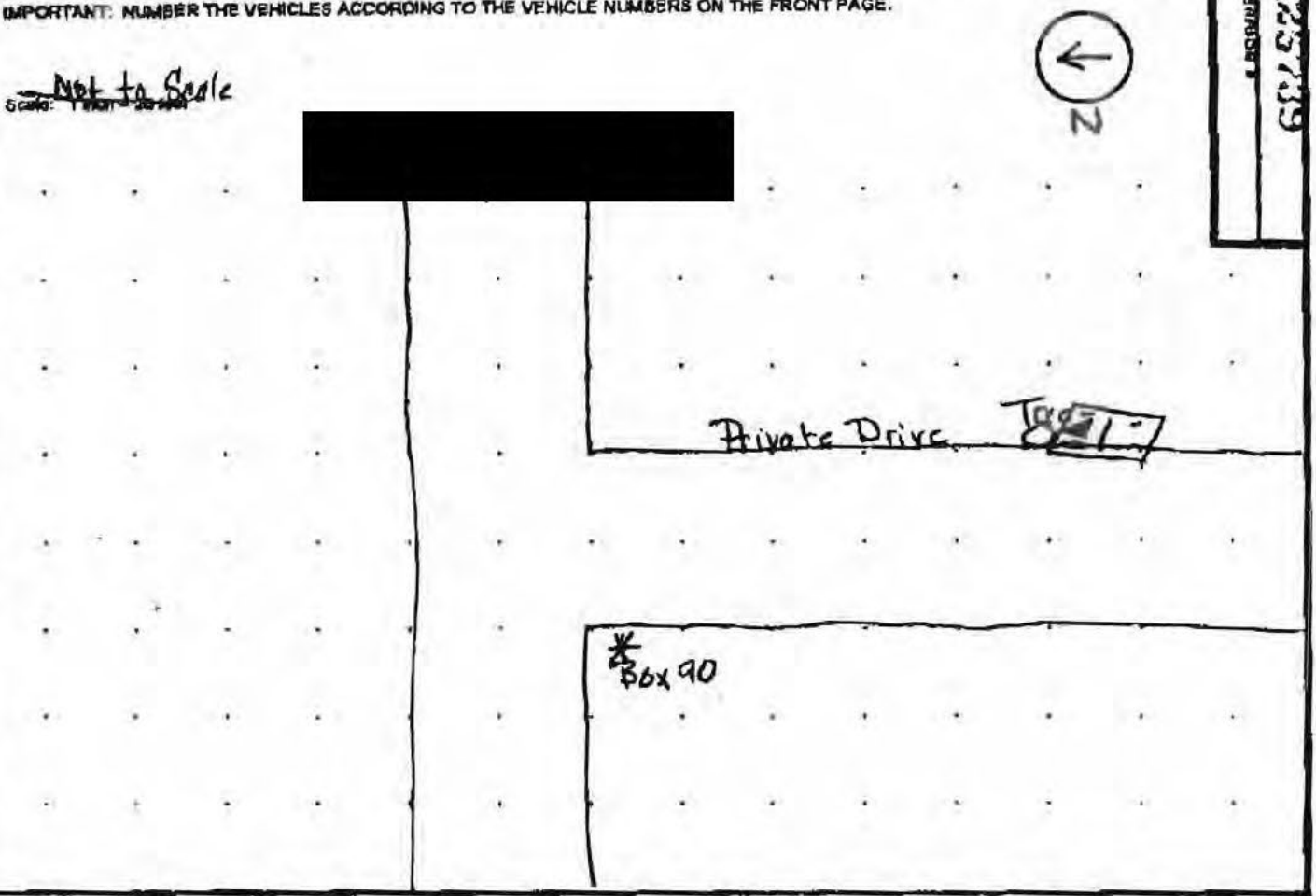
COLLISION DIAGRAM

DRAW SCENE AS OBSERVED, INCLUDING ROADWAY LAYOUT, VEHICLE, PEDESTRIAN OR OBJECT STRUCK, TRAFFIC CONTROLS, SKIDMARKS, ETC.

IMPORTANT: NUMBER THE VEHICLES ACCORDING TO THE VEHICLE NUMBERS ON THE FRONT PAGE.

DRAW ARROW POINTING NORTH IN CIRCLE

FORM OVERRIDE #



NARRATIVE

DESCRIBE WHAT HAPPENED (Refer to Vehicles by Number)

AV #1 WAS TRAVELING NORTH ON DRIVER #1 PRIVATE DRIVE. DRIVER #1 STATED THAT THE GAS ON AV #1 STUCK AND DRIVER #1 WAS UNABLE TO STOP. AV #1 THEN CRASHED INTO A TREE.

THIS OFFICER DID SEE EVIDENCE AT THE SCENE, WHICH SUPPORTED DRIVER #1 STATEMENT.

STATEMENTS OF INVOLVED DRIVERS AND WITNESSES (IF AVAILABLE)

STATEMENT OF [redacted] DRIVER #1 TAKEN BY TROOPER D. C. BRINEGAR AT THE SCENE.

MY DAUGHTER AND I WAS GOING DOWN OUR DRIVE WAY WHEN THE GAS STUCK ON OUR FORD ESCAPE. I TRIED TO STOP, BUT WAS UNABLE. I THEN WENT UP ON THE BANK AND CRASHED INTO A TREE.

UNABLE TO SIGN
01-02-05

A25239

OCT 10 2005

JULIET WALKER RUNDLE
Attorney at Law

P. O. Box 1259
Pineville, WV 24874

Social Security (304) 732-6364
All Other Cases (304) 732-9264
Fax (304) 732-8703

October 7, 2005

Mr. Andrew A. Chabot, Claims Analyst
Ford Motor Company
Parklane Towers West, Suite 300
Three Parklane Boulevard
Dearborn, MI 48126-2568

Re: Claimant: [redacted]
DOL and DOI: 1/2/05

Dear Mr. Chabot:

As per your letter dated June 14, 2005, please be advised that the following is information requested in the first paragraph of your letter:

Full name of claimant: [redacted]
Date of Birth: [redacted]
Home Address: [redacted]
Alum Creek, WV [redacted]
Martial Status: Married
Name of Spouse: [redacted]
Social Security Number: [redacted]
Occupation: Medical Transcriptionist
Treating physicians: Charleston Area Medical Center
1418 MacCorkle Avenue, SW
South Charleston, WV 25303
(Records enclosed)

Saint Francis Hospital
P. O. Box 471
Charleston, WV 25322
(Records enclosed)

You have the incorrect date of loss on your letter. The correct date of loss is January 2, 2005.

You will find enclosed the following information:

1) Original photographs of the damages to my client's vehicle;
2) Copy of the West Virginia Uniform Traffic Crash Report as filed by West Virginia State Police, Trooper D. Brinegar of the Hamlin, West Virginia Detachment;
3) Various service records of vehicle;
4) Estimate worksheets for vehicle repair;
5) Estimate of lost earnings;
6) Copy of Customer's complaint to dealer regarding gas pedal dated November 3, 2004;
7) Copy of letter from Nationwide Insurance dated August 10, 2005;
8) Copies of medical bills to date;
9) Statement of the State Credit Union showing balance owed on vehicle;
10) Notice of Recall dated January, 2005 (Envelope dated January 17, 2005, approximately 2 weeks after the accident);
11) Recall reminder dated May, 2005 subject: accelerator cable replacement.

A claim was filed with Nationwide Mutual Insurance Company, Eric W. Pauley, Claims Department, 2501 Mountaineer Blvd., South Charleston, West Virginia 25504.

Occupants of the subject vehicle were [redacted] and her minor daughter, [redacted] is single, student, DOB [redacted] who lives with her mother and father. No repairs have been made to the subject vehicle.

The vehicle is located at the home of a relative where it has remained secure at all times.

The vehicle's gas throttle opened or some mechanical/electrical components(s) failed causing the vehicle to accelerate to an uncontrollable speed, resulting in the crash over a mound of dirt and into a tree.

No airbag(s) ever deployed to prevent serious injury.

Due to the failures of your product and your dealer's failure to fix problems, after my client's complaint, my client has suffered pain and anguish, memory loss especially short term, poor concentration, headaches, dizziness/nausea, muscle spasms on right side of neck, sleep fitful since accident, loss of consortium with her husband, loss of emotional well being, loss of use of her vehicle, loss of wages and inability to make vehicle payments, inability to transport her family to and from school and family functions, costs incurred in auto rental for family vacation, severe scarring and deformities to her head, and medical bills including but not limited to the ones now being submitted. My client will continue to have medical problems as a result of this crash and incur

medical bills. She may never be able to return to her former work as a transcriptionist, resulting in the life time loss of income. In addition to the physical and economic injuries, my client has also suffered a severe limitation in her ability to enjoy life.

Therefore, I am making a demand in the amount of $850,000.00 plus reimbursement for all expenses of client for medications, vehicle storage, car rental, hospitals, physicians and other incidentals. In addition, I am requesting that the 33 1/3% attorney fee be paid. Considering the seriousness of my client's injuries, this is a very reasonable demand

We have not had an expert view this vehicle as yet because we did not want to open the door to an accusation of tampering with the evidence. If you are going to demand that there be an expert, perhaps we could agree on one and all be present when the inspection takes place. If we could do that then no one would be suspicious that a tampering might have taken place.

Sincerely yours,

JULIET WALKER RUNDLE

JWR/km

cc: [redacted]



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PE12-019 001411LC SUBJECT



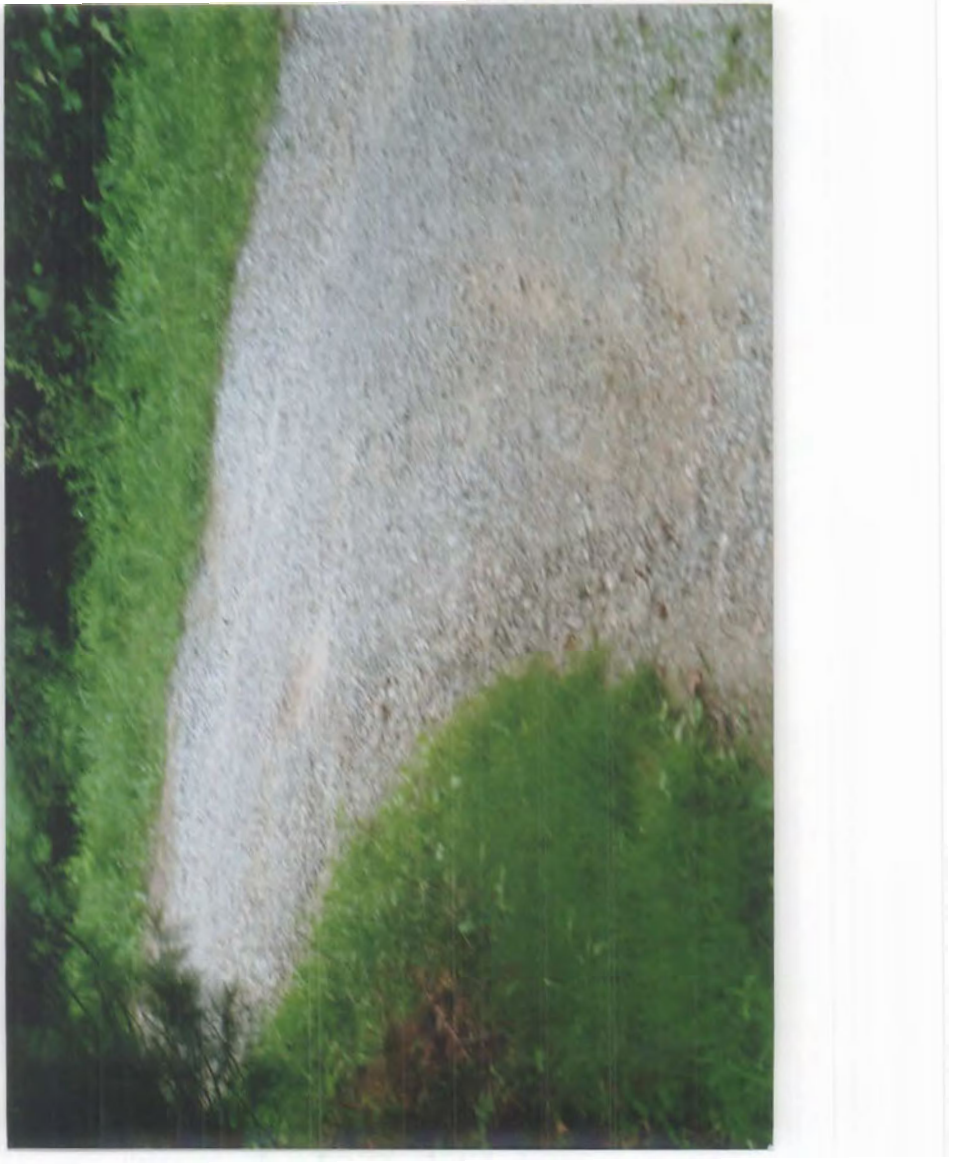
PE12-019 001412LC SUBJECT



PE12-019 001413LC SUBJECT



PE12-019 001414LC SUBJECT





PE12-019 001417LC SUBJECT











PE12-019 001423LC SUBJECT













PE12-019 001430LC SUBJECT









PE12-019 001434LC SUBJECT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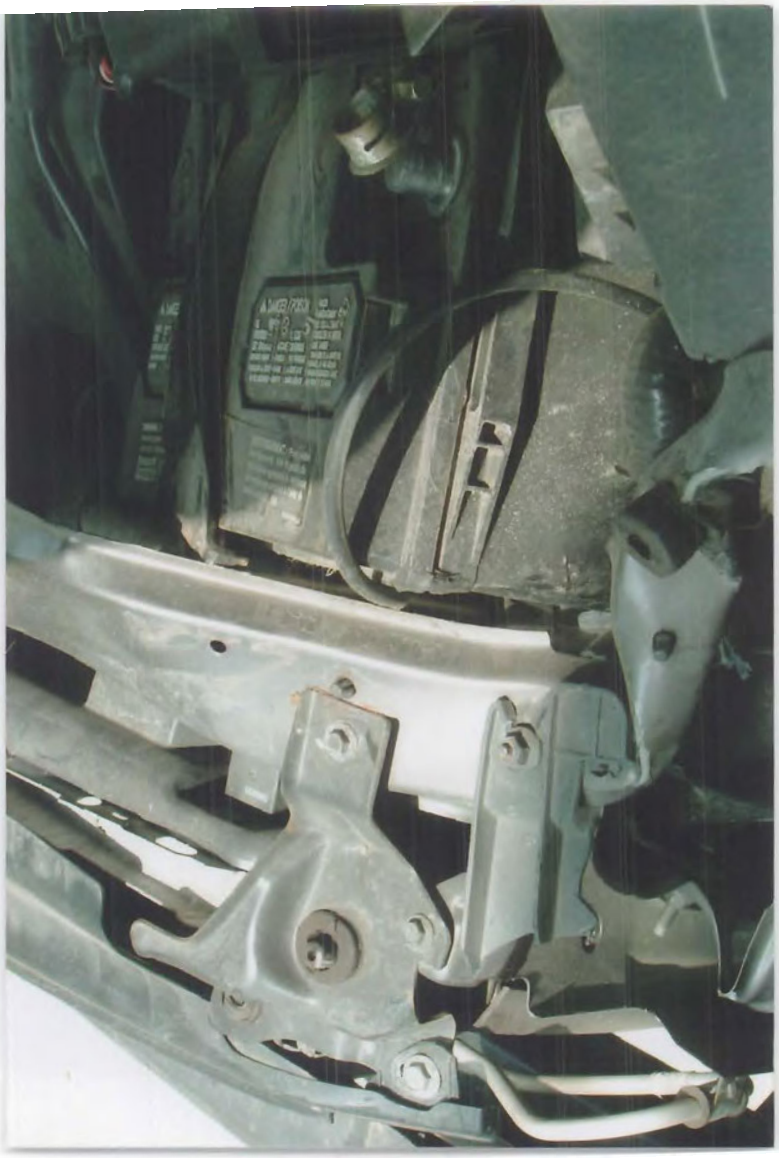









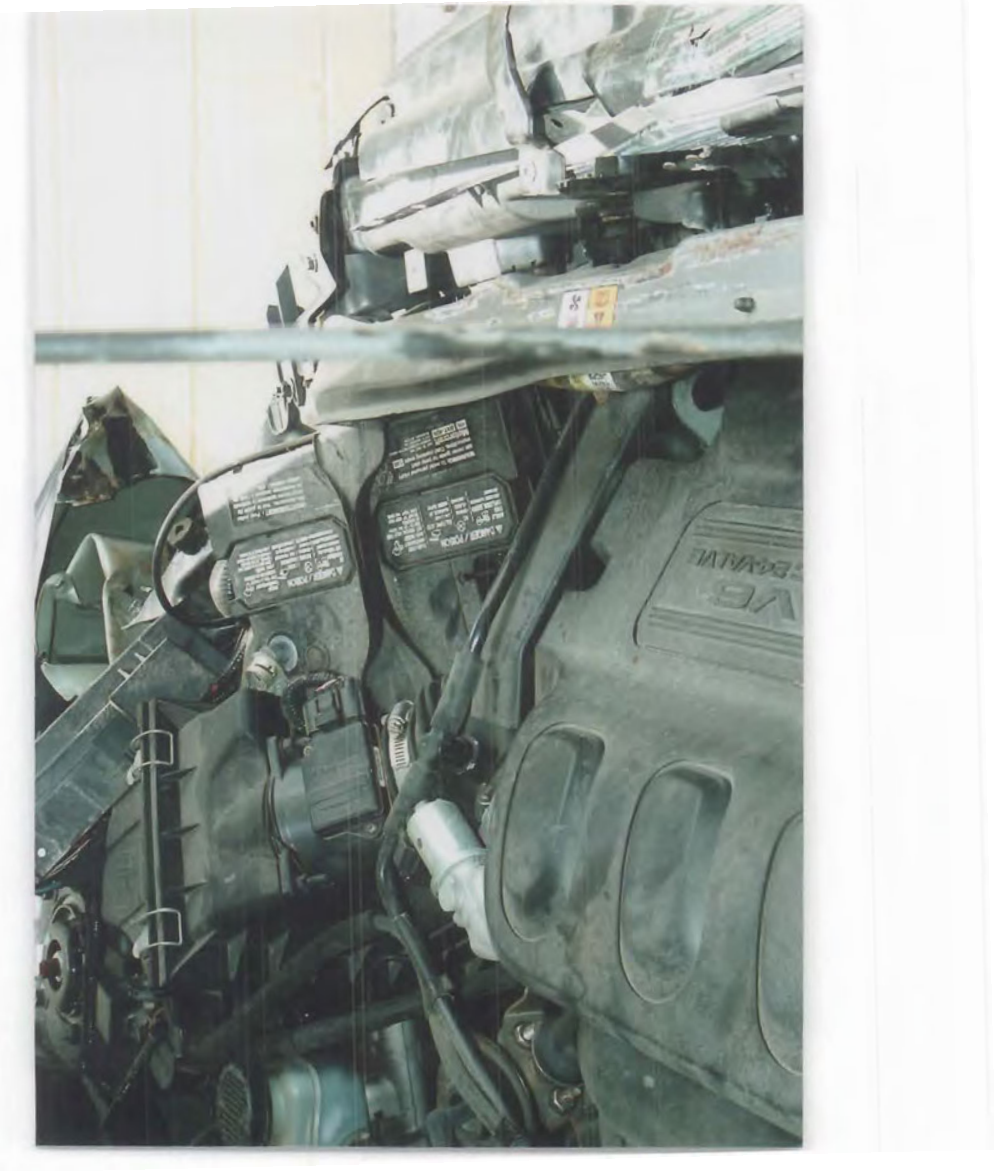

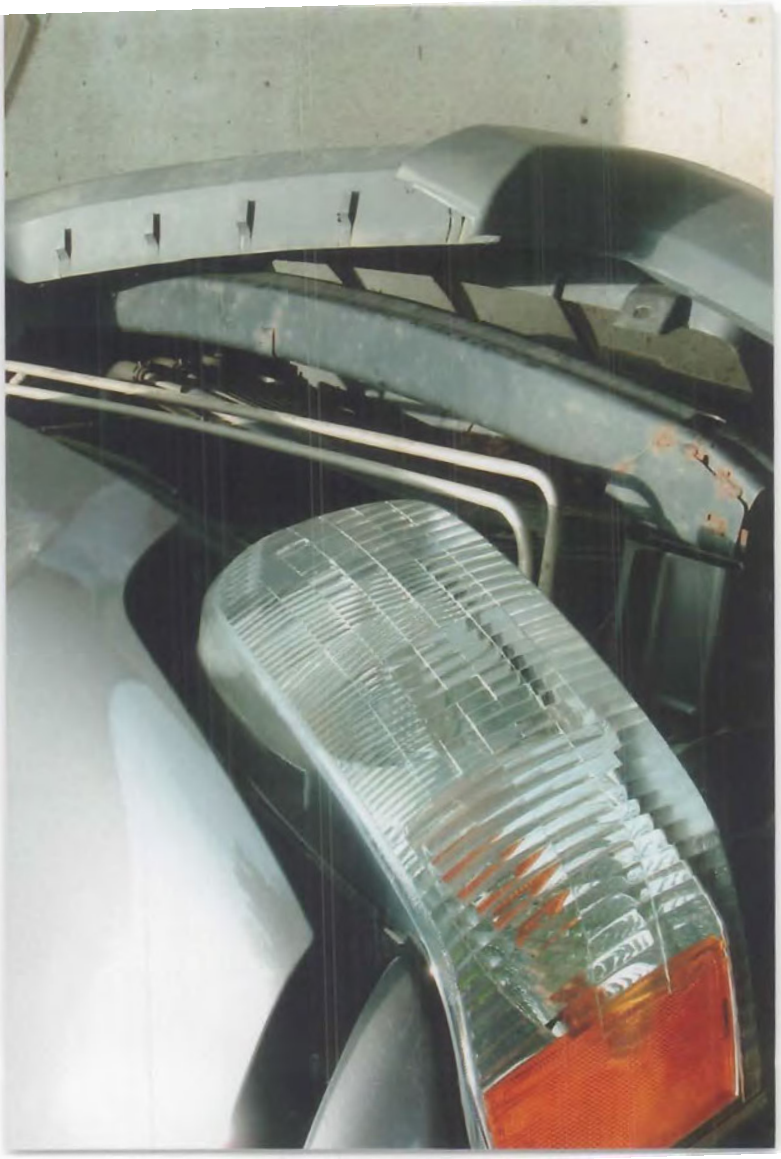









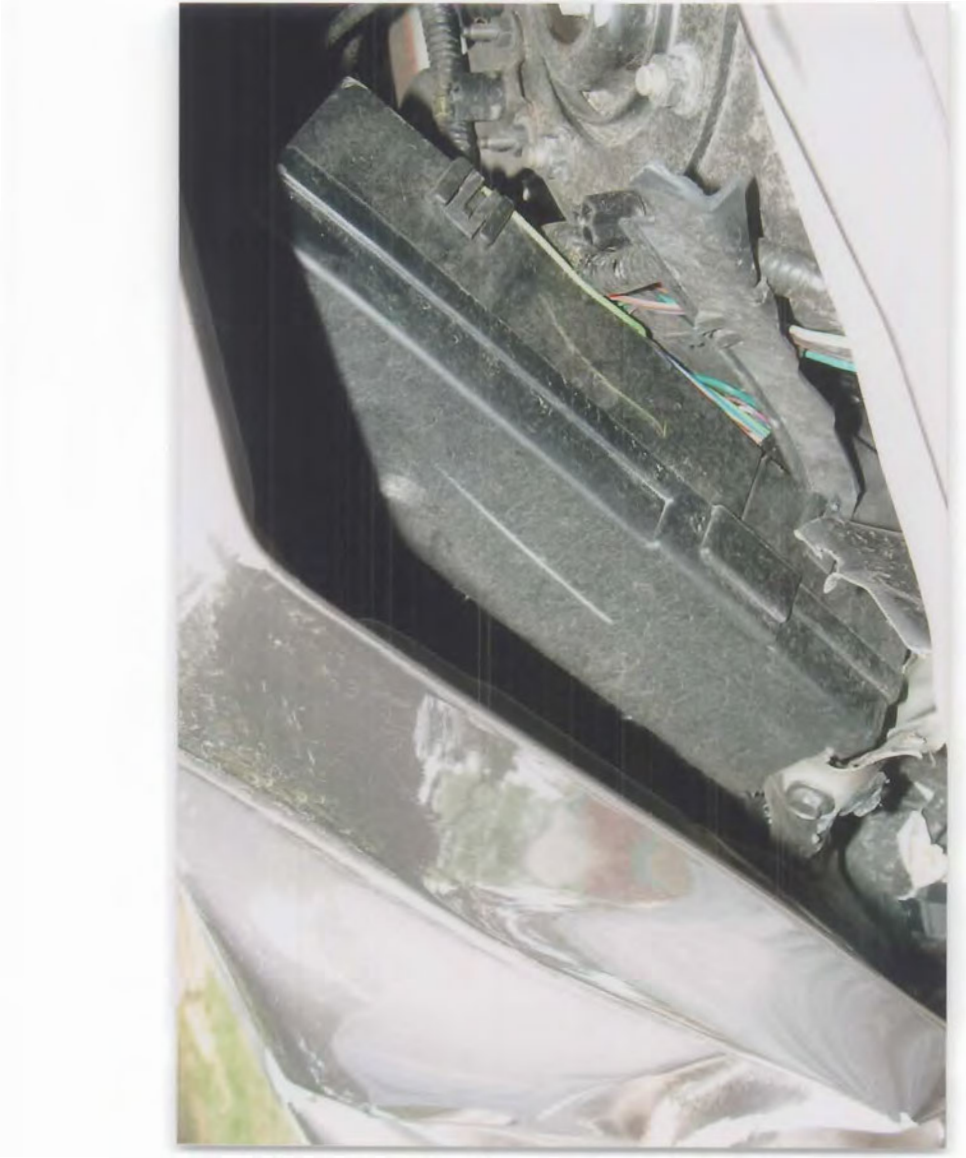



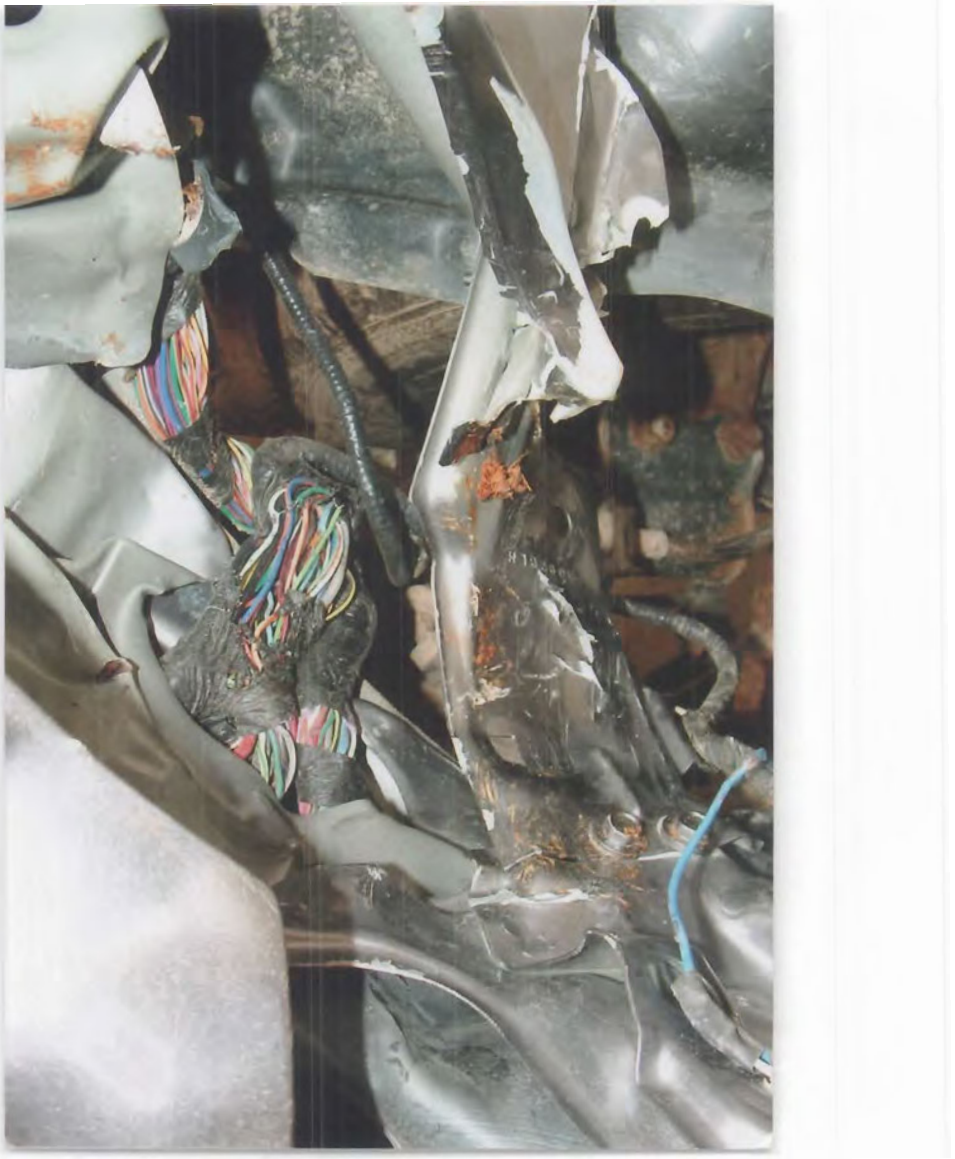

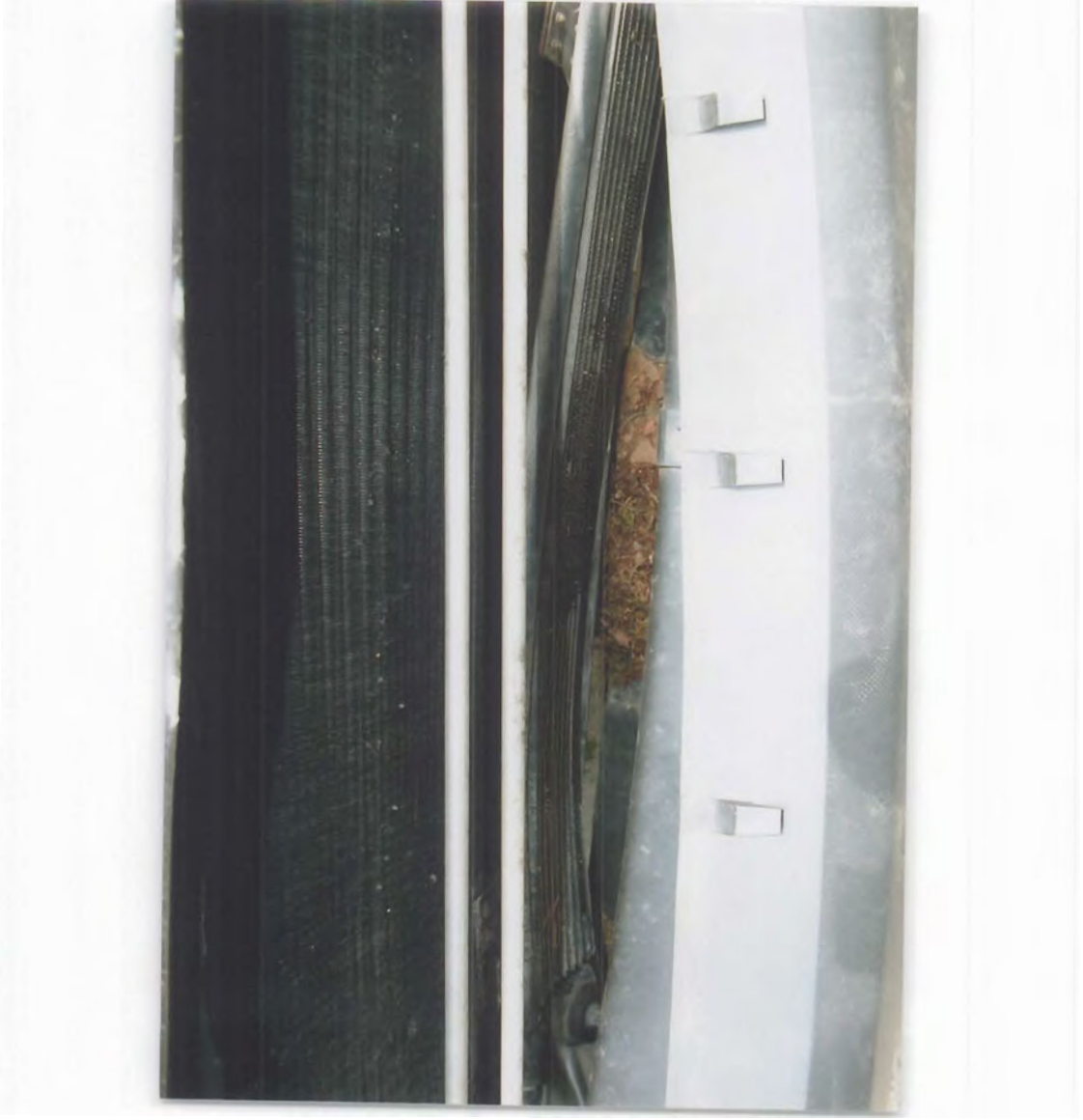



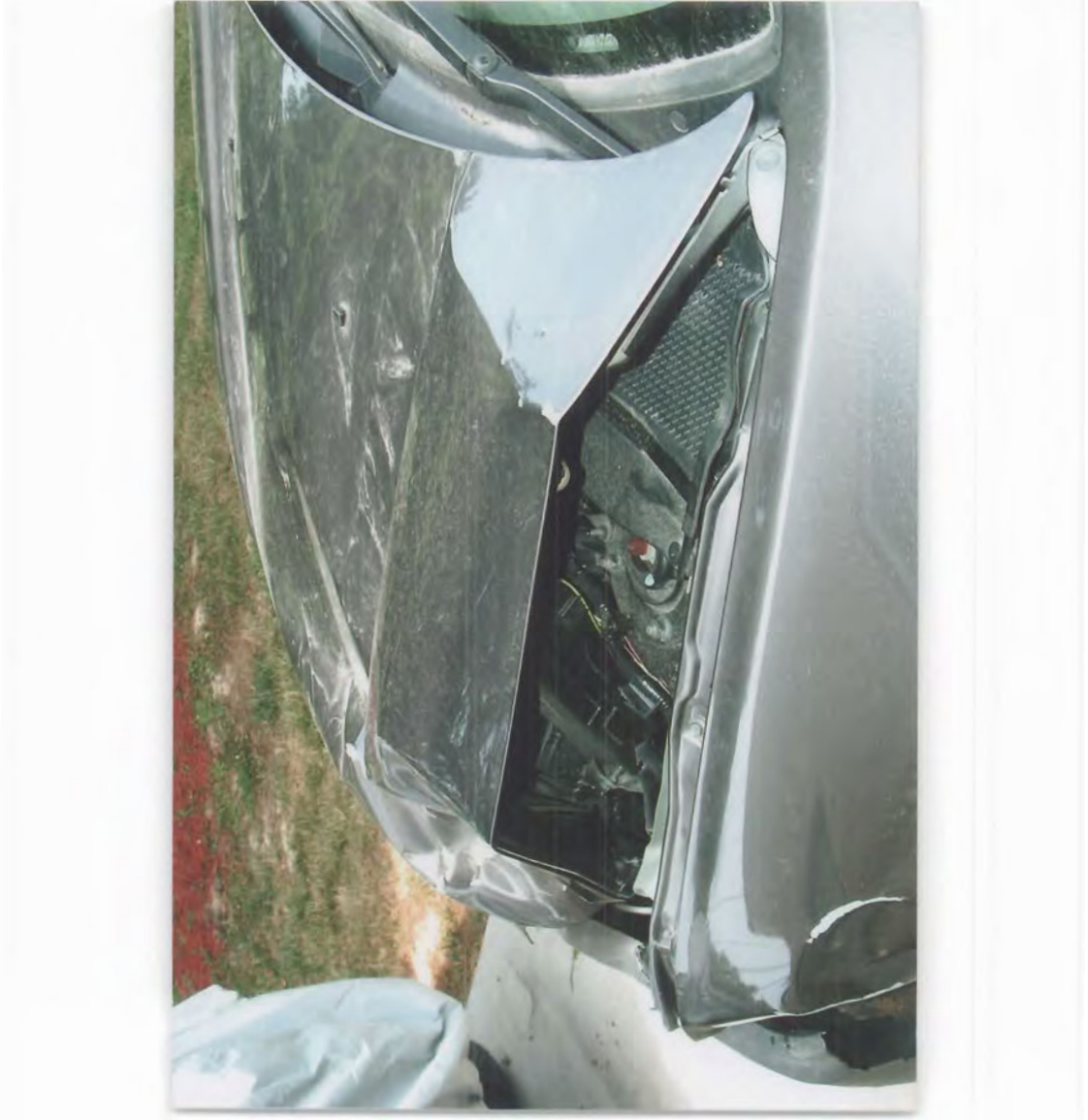













PE12-019 001459LC SUBJECT



PE12-019 001461LC SUBJECT





PE12-019 001464LC SUBJECT



IN THE CIRCUIT COURT OF LINCOLN COUNTY, WEST VIRGINIA

[redacted]and
[redacted], by her next
Friend, [redacted]

Plaintiffs,

v.

CIVIL ACTION NO[redacted]
The Honorable Jay M. Hoke

FORD MOTOR COMPANY,
A Delaware corporation, and
BERT WOLFE FORD, INC.,
A West Virginia corporation,

Defendants.

DEFENDANTS FORD MOTOR COMPANY'S AND BERT WOLFE FORD, INC.'S DISCLOSURE OF EXPERT WITNESSES

Comes now Defendants Ford Motor Company ("Ford") and Bert Wolfe Ford, Inc. ("Bert Wolfe Ford") and makes the following disclosure of expert witnesses.

PREFATORY STATEMENT

Plaintiffs have the burden of proof regarding liability in this case, including proof of defect and causation, and have failed to make a good faith effort at disclosing Dr. Benedict's opinions in this case. As such, defendants object to plaintiff conducting additional discovery for the purpose of allowing Dr. Benedict to form additional opinions in this case. In the event that plaintiffs make such improper additional disclosures, defendants' disclosures herein are subject to change.

EXPERT DISCLOSURES

1. **Karl Stopschinski**
   Carr Engineering, Inc.
   12500 Castlebridge Drive
   Houston, TX 77065
   Phone: (281) 894-8955
   Fax: (281) 894-5455

See report, curriculum vitae, attached to counsel's mailed copy as Exhibit A.

2. **Gerry Corwin**
Carr Engineering, Inc.
12500 Castlebridge Drive
Houston, TX 77065
Phone: (281) 894-8955
Fax: (281) 894-5455

See report, curriculum vitae, attached to counsel's mailed copy as Exhibit B.

3. **Jarrod Carter, Ph.D.**
Origin Engineering LLC
12314 E Broadway
Spokane, WA 99216
Phone: (509) 926-2566
Fax: (509) 926-2606

See report, curriculum vitae, attached to counsel's mailed copy as Exhibit C.

4. **Robert P. Granacher, Jr., MD, PSC**
Lexington Forensic Institute
1401 Harrodsburg Road
Suite A400
Lexington, KY 40504
Phone: (859) 277-7423
Fax: (859) 278-9256

See report, curriculum vitae, attached to counsel's mailed copy as Exhibit D.

5. **Ford Motor Company Employees**

These Ford Motor Company employees or former employees may be called live or by deposition as fact witnesses who have knowledge relevant to the claims and defenses in this case. To the extent they are experts and/or have formed expert opinions based on their experience at Ford, they are designated as experts.

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

Mr. Burnett is an engineer at Ford Motor Company. He is designated to testify as Ford's representative and may offer factual and/or expert testimony relating to the design, testing,

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development and certification of the subject restraint system in the subject vehicle. Mr. Burnett may also testify regarding Ford's choice of the subject restraint. In addition, Mr. Burnett may respond to issues raised by plaintiffs' experts.

A copy of his report and curriculum vitae are attached to counsel's mailed copy as Exhibit E.

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

Mr. Taylor is a Design Analysis Engineer at Ford Motor Company who may be called to offer factual and/or expert testimony with respect to plaintiffs' sudden accelerator allegations. In this regard, Mr. Taylor may be called to testify about his knowledge of the 2003 Ford Escape's acceleration system, Ford Volunteer Safety Recall 04S25, and his analysis of the Cummings Engine Analysis inspection report. In addition, Mr. Taylor may respond to issues raised by plaintiffs' experts.

6. **Robert M. Cummings, Sr.**
Cummings Engine Analysis
P.O. Box 13250
Sissonville, WV 25360
(304) 988-9736

Mr. Cummings is an independent investigator at Cummings Engine Analysis who may be called to testify at trial as he performed an investigation of the subject vehicle and accident for the insurance carrier. Mr. Cummings is not specifically retained or employed by Ford Motor Company. The information he may testify about may be technical and expert in nature, thus, to the extent Mr. Cummings is an expert and/or has formed an expert opinion based on his investigation of the subject vehicle and accident, he is designated as an expert.

7. The plaintiffs' expert, Dr. Charles Benedict, claimed in his deposition that he

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needed more information to fully analyze the present matter, and that he may change or modify his opinions after he review this additional information. However, this request for additional information and documents was not presented to defendants prior to the deposition of Dr. Benedict.

8. The defendants also reserve the right to supplement this list to include additional opinions and testimony from the witnesses identified herein, as well as additional experts as may be necessary, depending upon discovery and investigation which are presently incomplete and ongoing.

9. The defendants reserve the right to elicit expert opinions from any other expert witnesses disclosed by plaintiffs.

10. The defendants reserve the right to elicit expert opinions from fact witnesses to the extent they are qualified and competent to render such opinions in this civil action.

11. The defendants reserve the right to call any witnesses listed as potential witnesses by any party in the above-styled civil action.

12. The defendant reserve the right to call any additional witnesses whose identity may be disclosed through discovery (including the deposition testimony of plaintiffs or other expert witnesses) or additional investigation, between the date of this designation and the time of trial.

13. The defendants reserve the right to call any witness identified or deposed with respect to the relevant issues involved in this litigation.

14. The defendants reserve the right to supplement this expert witness designation.

15. The defendants reserve the right to call rebuttal experts.

16. The defendants the right to withdraw one or more of the above named expert witnesses or identify additional expert witnesses pending completion of further discovery, for the

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purpose of rebuttal or otherwise, as counsel deems necessary.

FORD MOTOR COMPANY AND BERT WOLFE FORD, INC.

By Counsel

Michael Bonasso (W.Va. State Bar #894)
Alonzo D. Washington (W.Va. State Bar # 8019)
Elizabeth L. Taylor (W.Va. State Bar # 10270)
FLAHERTY, SENSABAUGH & BONASSO, PLLC
Post Office Box 3843
Charleston, West Virginia 25338-3843
(304) 345-0200

PE12-019 001470LC SUBJECT

IN THE CIRCUIT COURT OF LINCOLN COUNTY, WEST VIRGINIA

[redacted] and
[redacted] by her next
Friend, [redacted]

Plaintiffs,

v. CIVIL ACTION NO. [redacted]

FORD MOTOR COMPANY,
A Delaware corporation, and
BERT WOLFE FORD, INC.,
A West Virginia corporation,

Defendants.

CERTIFICATE OF SERVICE

I, Elizabeth L. Taylor, counsel for the defendants, Ford Motor Company and Bert Wolfe Ford, Inc., do hereby certify that on the 18th day of February, 2008, **DEFENDANTS FORD MOTOR COMPANY'S AND BERT WOLFE FORD, INC.'S DISCLOSURE OF EXPERT WITNESSES** was served upon the following counsel of record by facsimile, and by depositing a true copy thereof in the United States Mail, postage prepaid, in an envelope addressed as follows:

William V. DePaulo, Esquire
179 Summers Street, Suite 232
Charleston, WV 25301
(304) 342-5505
Counsel for Plaintiffs

Elizabeth L. Taylor (WV State Bar # 10270)

CARR ENGINEERING, INC.
12500 Castlebridge Drive
Houston, Texas 77065-4532
Telephone: 281/894-8955
Fax: 281/894-5455

February 18, 2008

Mr. Michael Bonasso
FLAHERTY, SENSABAUGH, & BONASSO, PLLC.
200 Capitol Street
P.O. Box 3843
Charleston, West Virginia 25301

Re: [redacted] v. Ford

Dear Mr. Bonasso:

Per your request I have investigated the crash that led to the referenced lawsuit. As a part of that investigation, I have analyzed the materials listed in the attachment to this report. Further, I have examined the crash-involved vehicle, examined an exemplar vehicle, conducted demonstrations at the crash site with an exemplar vehicle, and conducted a survey of the crash scene. I have also examined an exemplar accelerator cable and pedal similar to that of the incident vehicle. Based on that work, the following opinions and conclusions have been reached:

1. Before the crash related events on January 2, 2005, the incident 2003 Ford Escape 4x2 was parked in a parking area at the [redacted] residence at [redacted], Alum Creek, WV. The driveway from the parking area is downhill with a gravel and dirt surface. According to the police report, the driver of the Ford, [redacted] stated that while driving down the driveway, "…the gas on the vehicle stuck," and she was, "…unable to stop [the vehicle.]" The vehicle then crashed into a tree alongside the driveway. [redacted] was seated in the right front seating position at the time of the crash. The police reports states that both occupants were restrained with lap and shoulder seat belts and that the air bags in the vehicle did not deploy. [redacted] stated in her deposition that she was not wearing the available restraint at the time of the crash. Photographs were taken of the scene and of the vehicle on the day of the crash. There were no measurements made at the scene.

2. I inspected and surveyed the crash scene on November 27, 2007 and February 13, 2008. The incident driveway is gravel and dirt surfaced, downhill, and features a turn around area near the [redacted] esidence followed by a greater than 90 degree right curve in the downhill direction of travel. The nominal width of the driveway is 12 feet, and it is 17 feet wide in the curve. The distance from the parking area at the [redacted] residence to the turn around area is about 100 feet, with an elevation drop of approximately 11.1 feet. The distance from the turn around area to the approximate center of the curve is about 80 feet, with an elevation

EXHIBIT
A

drop of approximately 13.4 feet. It is about 150 feet from the center of the curve to the impacted tree, with a elevation drop of approximately 17.7 feet. The driveway downstream from the curve is relatively straight and down sloping with a nominal down slope of 12.2 percent or about 7 degrees. Along the right edge of this straight section is a grassy bank with an upslope of about 30-40 degrees when moving perpendicular to the driveway. The impacted tree is approximately 10 inches in diameter and is positioned 8 feet to the right of the right driveway edge.

3. At the time of the crash, [redacted] was standing in the secondary driveway for his residence at [redacted] Alum Creek, WV. He witnessed the crash. His residence is downhill from the [redacted] residence, and shares the main driveway. He stated that he first heard the [redacted] vehicle's tires spinning and engine making a loud sound while it was uphill from his residence. He then saw the vehicle coming around the curve and down the hill. He states that the vehicle was out of control due to its high speed as it proceeded generally through the curve toward the bank. He states that, while traveling through the curve, the vehicle traveled to the left partially off the main driveway at about the secondary driveway for his residence. The vehicle then traveled to the right across the main driveway to impact the grassy bank. He states that after impacting the bank, the vehicle went airborne slightly and then impacted the tree.

4. At the time of the crash, [redacted] was standing in the yard at his residence which is adjacent to and downhill from the [redacted] residence. He witnessed the crash. He stated that, "[the vehicle]…was coming off the hill…I could hear the car running really hard…she was coming down the hill, and she was bouncing out of control." He states that the vehicle appeared to be traveling at a high speed. He states that the vehicle impacted the grassy bank, and then hit the tree. Prior to hitting the tree he states that the vehicle's engine was running "like it was wide open."

5. The driver of the vehicle, [redacted] states that prior to the crash she had purchased the incident Ford Escape new, had driven it for more than 26 months and for more than 39,000 miles. She states that at times prior to the crash she had had difficulty with the throttle in the vehicle which she described as "touchy." She states that she never had an instance of the throttle not returning to idle once the accelerator pedal was released. She states that she never had a problem with the braking system on the vehicle. Prior to the crash, she had taken the vehicle in for service and the persons who performed service on the vehicle could not find any problem with the vehicle's throttle system.

She states that just prior to the incident, she drove the vehicle in reverse from her residence to the turn around area of the driveway. She brought the vehicle to a stop, shifted to drive gear and "tapped" the accelerator pedal to began forward motion down the driveway. She states that the vehicle then accelerated and she lost control due to its high speed. She states that she steered the vehicle, but doesn't remember releasing the accelerator pedal or pressing the brake pedal. She states that the vehicle came down the driveway at a high rate of speed and that "…the gas pedal stuck."

6. I inspected the incident vehicle on November 28, 2007. Based on that inspection, the

accelerator pedal assembly, accelerator cable, throttle system, brake system, and related components all appeared to function normally. At the time of my inspection, the accelerator cable was properly in place, properly attached at both ends, and functioning properly. The throttle body mounted return springs were evaluated and found to be operating normally and functioned to forcefully and fully close the throttle when the accelerator pedal was released. There was no evidence of binding or sticking of the throttle in an open position.

7. The incident vehicle is included in the population of a Ford Voluntary Safety Recall (04S25) that involves the accelerator cable. Ford Motor Company's description of the recall states that, "The accelerator cable inner liner may migrate out of the conduit at the dash panel end fitting and may come in contact with the accelerator pedal assembly. Under certain circumstances the pedal may not return to the fully released position." The recommended service procedure is to take the vehicle to a Ford or Lincoln Mercury dealer to have the accelerator cable replaced. Based on available information, the aecelerator cable was not replaced on the incident vehicle. At my inspection of the vehicle, the accelerator cable was positioned properly, and was operating properly. The accelerator cable did not exhibit any cable inner liner migration as described in the recall notice. The accelerator cable inner liner was in place in the cable conduit, and was in no way interfering with the accelerator pedal assembly and specifically was not interfering with the accelerator pedals returning to the fully released position or with the closing of the throttle. The accelerator cable's dash panel fitting was in place, secure, and allowing the cable to function normally.

8. The incident vehicle is not equipped with a speed control system, therefore the only attachment to the engine throttle is the accelerator pedal cable. There are no other means to open the throttle except the accelerator pedal. More specifically, there were no conditions existing in the incident Ford Escape that could have opened the throttle except [redacted] depression of the accelerator pedal. The Ford's equipment by design has safeguards that were in place and would have been functional in this vehicle at the time of this event to prevent actuation of the throttle by any other means. Interference with the accelerator pedal as described above, although not observed, could only serve to prevent the accelerator pedal from returning to its idle position from a driver commanded position once released. It could not depress the accelerator pedal, or open the throttle. In any event, the Ford contained design features that are effective in stopping a moving vehicle including release of the accelerator pedal, moving the gear shift selector lever to Neutral or Park, or simply turning the ignition key to off. Of course, use of the brake will prevent the Ford from accelerating as occurred in this incident.

9. The vehicle's braking system had no apparent problems that would have caused the brakes to fail to stop the vehicle had they been applied in a timely way. This includes the actuating pedal and its linkages, the power braking assist device, the hydraulic system, and the mechanical parts of the brakes at the wheels. The design of the brake is such that only very low forces are required to bring the vehicle to a stop and those forces are within the capabilities of drivers. For example, in the exemplar vehicle braking and acceleration performance demonstrations that I conducted at the crash site, in Drive gear at idle engine speed, approximately 10-20 pounds of force on the brake pedal was required to bring the moving vehicle to a stop on the down sloping driveway.

10. The very loud engine noise, as reported by witness' accounts, is consistent with the engine operating at or near full power. These events are not consistent with reasonable application of the vehicle's throttle or brake. The vehicle's acceleration was most likely caused as the driver, [redacted] depressed the throttle pedal and failed to apply the brake in a way to maintain control of the vehicle. As a result, the vehicle likely accelerated forward and continued along the driveway before failing to completely negotiate the right curve and running off the left edge of the driveway. The vehicle then traveled to the right across the driveway for approximately 65 feet to the impact with the grassy bank. There is no known tire mark physical evidence defining the precise path of the vehicle prior impact with the bank. There are photographs of the scene taken by Robert Cummings eighteen days after the crash that possibly show marks on the grassy bank indicating where the bank was impacted. Other photographs taken the day of the crash show furrow and gouge marks on the grassy bank prior to the tree impact, and show the vehicle at its point of rest. It is likely that the vehicle traveled across the driveway to the right and the right front of the vehicle initially impacted the grassy bank. The impact with the bank elevated the vehicle's right front, caused it to continue to rotate clockwise, and to slide partially sideways while its tires furrowed in the grassy bank. The vehicle likely traveled about 50 feet once it departed the driveway to impact with the tree. The vehicle came to rest after impacting the tree and remained engaged with the tree. The total travel distance from the turn around area to the vehicle's point of rest is approximately 230 feet.

11. Using accepted reconstruction techniques, based on the vehicle damage, the delta-V in this crash for the Ford impact into the tree is approximately 8.0 to 10.2 miles per hour at a principle direction of force of approximately 30 degrees to the left of the front centerline of the vehicle. This means that the vehicle had rotated clockwise as viewed from above and was sliding partially sideways at the point of impact with the tree. The initial contact with the tree was with the left side of the front bumper fascia. The contact with the tree was to the left and outboard of the front bumper reinforcement bar as well as the left frame rail. The direct contact with the tree was with the front bumper fascia, the left front fender, and the left front tire and wheel. The likely speed of the vehicle at the point of impact with the grassy bank is approximately 20 to 26 miles per hour.

The incident Ford Escape is equipped with a Ford Restraint Control Module (RCM) that stored data from this crash. The stored event was a non-deployment event. The air bags in this vehicle were not commanded to deploy as a result of this crash. The RCM recorded file showed a longitudinal acceleration and calculated longitudinal delta-V for a duration of 110 milliseconds. The peak longitudinal delta-V recorded was 7.37 miles per hour.

12. I conducted demonstrations at the crash scene with a 2003 Ford Escape exemplar vehicle to evaluate its acceleration and braking performance characteristics. These demonstrations were documented with data and video. These demonstrations show that only a small amount of accelerator pedal application, for only a short time duration, is required to start forward motion of the vehicle from rest in the turn around area of the driveway. Very soon after accelerator application, braking is required to control the vehicle and negotiate the downhill right curve. In other demonstrations at the site, the throttle on the vehicle was mechanically

locked in place in the partially open position and the vehicle was driven from the turn around area along the driveway. These demonstrations confirm that even with the throttle held open artificially, the vehicle is controllable with minor application of the brake and can be safely brought to a stop.

13. Based upon my analysis of the available information, the likely that [redacted] mistakenly pressed the accelerator pedal to at or near full throttle near the turn around area of the driveway. Her vehicle accelerated forward, traveled around the right curve departing the left side of the driveway, continued to travel to the right across the driveway as the driveway straightened, and impacted the grassy bank at a speed of approximately 20-26 miles per hour. The vehicle continued along the bank impacting the tree and coming to rest. [redacted] failed to apply the brakes in a timely way to bring the vehicle to a stop.

14. Extensive examination into potential causes of unintended acceleration have been conducted by various engineering and safety investigators including the National Highway Traffic Safety Administration and Transport Canada. Those investigators concluded that the majority of events occurred as a result of drivers mistakenly pushing on the throttle pedal thinking it was the brake.

15. All of the opinions in this report are expressed with a reasonable degree of engineering certainty and are based on available information including that provided by experts hired by plaintiffs. Should there be a change in the work or opinions of opposing experts, I will supplement or modify my opinions based on that new information. Attached is a copy of my curriculum vitae and testimony listing.

Sincerely,

Karl Stopschinski

Attachment A

[redacted] v. Ford
Material Received

- Complaint
- Accident Report
- 911 Call log and CD
- EMS Records
- Records from Abbott's Wrecker Towing
- Vehicle Records
- Records from Bert Wolfe Ford
- Service Records
- CD containing: Vehicle Inspection by Chuck Adams 02/01/06 + Vidco
- ESP Recall Information
- NHTSA Recall package
- Records from Nationwide Insurance
- Plaintiffs' expert's protocol for Vehicle Inspection
- CDR File Information
- Reports: Charles Benedict, Ph.D., P.E., Daniel Selby, Kris Murthy, M.D. + CV, Erol Sadlon
- CD containing: Vehicle Inspection and notes by M.K. Taylor 11/01/07
- CD containing: Accident Scene photographs
- DEPOS: [redacted] (12/18/07 + Exhibits), [redacted] 12/18/07 + Exhibits), [redacted] 01/09/08), [redacted] (12/19/07), [redacted] 12/19/07), [redacted] (12/19/07), [redacted] (12/19/07)
- Photographs of Plaintiffs' Injuries
- Plaintiffs' disclosure of expert witnesses
- Plaintiffs' amended disclosure of expert witnesses
- CD containing: Photographs of Plaintiffs' injuries
- Evaluation Program Plan: Integrated Safety Belts
- Medical Records
- CD containing: Vehicle Inspection by Jarrod Carter 01/22/08
- Weather Report
- Charles Benedict's file
- Miscellaneous Interrogatories and Pleadings
- Pollard, J. and Sussman, E.D., 1989, An Examination of Sudden Acceleration, National Highway Traffic Safety Administration, DOT-HS-807-36; DOT-TSCNHTSA-89-1.
- Marriner, P. and Granery, J., 1988, Investigation of "Sudden Acceleration" Incidents, Transport Canada, ASF3282-8-18.

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KARL E. STOPSCHINSKI

Specialized Professional Competence

- Crash Investigation, Analysis, and Reconstruction – Forensic investigation of crashes including three-dimensional mapping of vehicle and scene data. Analysis of crash related data using a variety of methods including three-dimensional photogrammetry. Analysis using computer aided crash reconstruction and crash simulation software, vehicle crush damage, vehicle rollover damage and related evidence at the crash scene. Determination of crash forces and their effect on vehicle and occupant dynamics. Demonstrative exhibits via computer animation, CAD drawings, physical models, etc.

- Vehicle Dynamic Analysis – Analysis of driver, vehicle and environment on vehicle performance. Computer simulation of vehicle dynamics using a variety of software. Evaluation of computer simulation results. Evaluation of testing methods and test results relating to vehicle dynamics.

- Electrical and Electronic Systems Analysis – Analysis of electrical and electronic components and systems. Testing of components and systems. Automotive electronic system analysis including engine control, vehicle speed control, ABS, and Crash Data Retrieval systems.

- Testing and Instrumentation – Design and implementation of testing programs for components and systems including motor vehicles and aircraft. Data acquisition, video acquisition and sensor system design, development, customization, and utilization. Implementation of high speed digital imaging and data systems. Data analysis and interpretation of results.

Professional Qualifications

- Bachelor of Science (Electrical Engineering), Baylor University, 1988
- Graduate Engineer, Carr Engineering, Inc. – 1988 to Present
- Member, National Society of Professional Engineers
- Member, Society of Automotive Engineers

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February 18, 2008

Mr. Michael Bonasso
FLAHERTY, SENSABAUGH & BONASSO
200 Capital Street
P.O. Box 3843
Charleston, WV 25338-3843

Re: [redacted] v. Ford Motor Company

Dear Mr. Bonasso:

Per your request, I have investigated the crash involving a 2003 Ford Escape that led to this lawsuit. As part of my investigation into the performance of the 3-point seat belt system in that vehicle, I analyzed the materials listed on Attachment 1. I inspected the crash-involved Ford Escape on November 28, 2007. In addition, I inspected an exemplar 2003 Ford Escape, examined a small number of passenger cars and SUV's equipped with an integrated seat belt system (or All-Belts-To-Seats), conducted a survey of seat belt systems in vehicles that are in the same classification as the Ford Escape, and conducted a surrogate study. I have also analyzed Mr. Karl Stopschinski's reconstruction of this crash.

Based on my investigation to date, I have reached the following opinions and conclusions:

1. This crash occurred on January 2, 2005, in Lincoln County, West Virginia, on a private driveway leading to the home o[redacted] According to the West Virginia State Police Report, [redacted] was traveling north on her private driveway when the gas stuck and she was unable to stop before she crashed into a tree. [redacted] daughter, was the right-front passenger in the vehicle. [redacted] gave the following statement to the investigating officer, "My daughter and I was going down our driveway when the gas stuck on our Ford Escape. I tried to stop, but was unable. I then went up on the bank and crashed into a tree."

2. I inspected the crash-involved 2003 Ford Escape on November 28, 2007. The vehicle had sustained minor damage to the left front fender and hood area consistent with a low speed impact into a tree. None of the stiff energy absorbing components, such as the bumper bar, frame, or upper load path beam were contacted. The driver's three-point seat belt system

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consists of a continuous loop shoulder belt webbing that is anchored to the retractor spool, travels up the B-pillar through an adjustable D-ring , through the latch plate, and is anchored to the floor near the B-pillar. The retractor is equipped with an emergency locking mechanism and a webbing sensitive mechanism. The emergency lock mechanism activates when a specific magnitude of vehicle acceleration is detected. The webbing sensitive system locks when webbing is rapidly pulled off the spool. Both locking systems functioned properly during my inspection. I found no crash force load marks on the latch plate. The absence of crash force load marks on the latch plate usually indicates an unrestrained occupant, however, in this crash the change of velocity, or Delta-V, was relatively low which would reduce the likelihood of crash force load marks on the latch plate. I inserted the latch plate into the buckle and found the insertion forces to be reasonable and the buckle functioned properly. The steering wheel was not bent. There were no knee contact marks on the knee bolster. There were no occupant contact marks to the instrument panel. I did find abrasions to the driver's door interior panel consistent with occupant contact and movement during the crash. It is my opinion, based on my inspection of the Ford Escape, that the three-point seat belt locked properly during the crash and provided restraint to the driver assuming she was belted. It is also my opinion, to a reasonable degree of engineering certainty, that the driver's three-point seat belt system is not defective.

3. During the collision with the tree [redacted] made contact with the left-side roof rail area resulting in a tearing of the skin along the top left-side of her head. Plaintiff's expert, Charles Benedict, alleges that her injury was caused by Ford's failure to install an integrated seat belt system in the Ford Escape. An integrated seat belt is one where the entire seat belt system is mounted to the seat rather than to the B-pillar and floor. The integrated seat belt system is also referred to as an "All Belts to Seats" restraint system. The crash-involved 2003 Ford Escape is equipped with a three-point seat belt system.

4. I have analyzed Mr. Karl Stopschinski's reconstruction of this crash and agree with the movement of the vehicle, the angle of impact, the principle direction of force, and the impact velocity with the tree. According to Mr. Stopschinski, the Ford Escape was traveling approximately 8 to 10 miles per hour when it struck the tree. A download of the air bag system's restraint control module indicates a change in velocity of approximately 7.4 miles per hour. At impact its principle direction of force was approximately 30 degrees to the left or 11 o'clock. The impact caused [redacted] to move forward and to her left into the roof rail area.

5. At the time of the crash, [redacted] was approximately 5 foot 6 inches tall and weighed approximately 225 pounds. According to her deposition testimony, she was wearing the three-point seat belt at the time of the crash. During the approach to the tree the Ford Escape was traveling across a side-hill in a clockwise yaw which would cause [redacted] to move forward and toward the driver's door. The driver's seat belt retractor, which has a dual locking mechanism locked during the crash sequence. It is my opinion that a combination of her physical size and body type combined with her pre-impact movement and typical seat belt operation allowed her head to contact the roof rail. It is also my opinion, to a reasonable

degree of engineering certainty, that the same result would be likely even if the vehicle was equipped with an integrated seat belt system.

6. I have analyzed reports from the National Highway Traffic Safety Administration (NHTSA) related to integrated safety belts and found none that conclude that the integrated safety belt system is superior in reducing injuries versus the three-point seat belt system. There are no statistical data available comparing injury rates between the two belt systems. In the NHTSA's report entitled, " 2004 Evaluation Program Plan: Integrated Safety Belts", they state that the effectiveness of integrated seat belts in reducing fatalities and injuries during calendar years 2004 - 2007 will be evaluated, but to date the NHTSA has not published any reports with comparative data.

7. I have conducted, participated in, and analyzed results from Vertical Inversion Demonstrations conducted at Carr Engineering, Inc. on a fixture called a "vehicle spit". This fixture is capable of lifting a vehicle vertically and rolling it over 360 degrees in either direction. The fixture's design includes a set of longitudinal beams which are bolted to the front and rear wheel hubs. These beams are bolted to a large plate that is attached to a spindle and chain driven sprocket. The chain drive attaches to a large motor which provides the rotational force to roll the vehicle upside down. The rotation of the vehicle can be stopped at any time and the angle of rotation measured using an inclinometer. Surrogates are placed in the vehicle and restrained using the available seat belt system. Measurements are taken form the surrogate's head to surrounding structures, such as the roof rail, before the vehicle is lifted and rotated. These same measurements are taken after the vehicle is lifted and rotated to determine the amount of excursion experienced by the occupant under the load of one G. This one G is the single effect of gravity on the occupant when the vehicle is rolled to a 180 degrees position. In a recent demonstration, a 2001 Cadillac STS equipped with integrated seat belts was turned up side down with a female surrogate (5 foot 6 inches tall and 160 pounds). Her head made contact with the roof rail in a similar location to where [redacted] head made contact. Based on the demonstrations comparing an integrated seat belt system to a three-point belt systems, the it is my opinion, to a reasonable degree of engineering certainty, that [redacted] injury would not have been prevented if this vehicle was equipped with an integrated seat belt system.

8. I conducted a survey of 2003 vehicles that would be considered in the same vehicle classification as the 2003 Ford Escape. The Honda CR-V, Jeep Liberty, Kia Sorento, Lexus RX 300, Nissan Murano, Saturn Vue, and Toyota Rav 4 were examined. None of these vehicles were equipped with an integrated seat belt system. Rather, all the vehicles were equipped with a three -point seat belt system, the same system in the 2003 Ford Escape.

9. During the collision with the tree, the supplemental restraint system, or air bag system, in the 2003 Ford Escape did not deploy. Plaintiff's expert, Charles Benedict, was not critical of the performance of the supplemental restraint system in his report and made no mention of any type of defect related to that. I did not inspect or conduct any type of test on the air bag system in this vehicle. However, based on my experience in the design, development and

testing of air bag systems, it is my opinion, to a reasonable degree of engineering certainty, that the change of velocity, or Delta-V, of approximately 8 miles per hour was not sufficient to warrant deployment of the air bags. I reserve the right to inspect the Ford Escape again and supplement this report should plaintiff's expert claim that a defect exists in the air bag system of the 2003 Ford Escape.

In summary, it is my opinion, to a reasonable degree of engineering certainty, that the 2003 Ford Escape is not defective because it is equipped with a 3-point seat belt system and not an integrated seat belt system. It is also my opinion that the head injury sustained by [redacted] could occur with either seat belt system given her body type and the dynamics of this crash. Seat belts are designed to reduce injuries and fatalities to occupants who use the seat belt, however, no restraint system can prevent all injuries in all types of crashes. It is my opinion that the 2003 Ford Escape is reasonably safety and provides excellent crash protection to occupants in any designated seating location.

This report is based upon the work I completed to date, materials I analyzed including the depositions of plaintiffs' and witnesses, the report provided by Dr. Benedict, and my education and experience in the field of automotive engineering. I will supplement this report after analyzing Dr. Benedict's deposition and his final opinions regarding defect theories and how they relate to this crash. Should Dr. Benedict's opinions change before or during trial, I will conduct whatever evaluation, demonstration, or test is necessary and submit these results to the court in support of my rebuttal testimony.

Sincerely,

Gerald E. Corwin

Attachment 1

- Complaint
- Accident Report
- 911 Call log and CD
- EMS Records
- Records from Abbott's Wrecker Towing
- Vehicle Records
- Records from Bert Wolfe Ford
- Service Records
- CD containing: Vehicle Inspection by Chuck Adams 02/01/06 + Video
- ESP Recall Information
- NHTSA Recall package
- Records from Nationwide Insurance
- Plaintiffs' expert's protocol for Vehicle Inspection
- CDR File Information
- Reports: Charles Benedict, Ph.D., P.E., Daniel Selby, Kris Murthy, M.D. + CV, Erol Sadloo
- CD containing: Vehicle Inspection and notes by M.K. Taylor 11/01/07
- CD containing: Accident Scene photographs
- DEPOS: [redacted] (12/18/07 + Exhibits), [redacted] (12/18/07 + Exhibits), [redacted] (01/09/08), [redacted] (12/19/07), [redacted] 12/19/07), [redacted] (12/19/07), [redacted] (12/19/07)
- Photographs of Plaintiffs' Injuries
- Plaintiffs' disclosure of expert witnesses
- Plaintiffs' amended disclosure of expert witnesses
- CD containing: Photographs of Plaintiffs' injuries
- Evaluation Program Plan: Integrated Safety Belts
- Medical Records
- CD containing: Vehicle Inspection by Jarrod Carter 01/22/08
- Weather Report
- Charles Benedict's file
- Miscellaneous Interrogatories and Pleadings

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GERALD E. CORWIN

Specialized Professional Competence

- Design and evaluation of automotive crash protection systems, including driver and passenger air bag systems.
- Analysis of vehicle crashworthiness, including vehicle structure, fuel system integrity, occupant kinematics and passive restraint performance.
- Accident reconstruction and mechanical design analysis.
- Application of Federal Motor Vehicle Safety Standards to automobiles and MPVs.

Professional Qualifications

- Bachelor of Science (Automotive Engineering), Western Michigan University, 1980
- Graduate Engineer, Carr Engineering, Inc.- 1990 to Present
- Specialist - Vehicle Safety Programs, Chrysler Corporation - 1988-1990
  (Vehicle engineering to meet safety standards.)
- Senior Engineer - Business Group, Chrysler Corporation - 1985-1988
  (Product quality engineering.)
- Design Engineer - Impact Test and Development, Chrysler Corporation - 1984-1985
  (Crash testing to assure compliance to safety standards.)
- Design Engineer, Ford Motor Company - 1973-1984
  (Design, testing and manufacture of motor vehicles.)
- Member, Society of Automotive Engineers

04/04/00

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February 18, 2008

Elizabeth Taylor
Flaherty, Sensabaugh, & Bonasso, PLLC
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Charleston, WV 25338-3843

BIOMECHANICS REPORT

INTRODUCTION

At the request of attorney Elizabeth Taylor I have prepared this report regarding my analysis of the injuries sustained by [redacted] and [redacted] during a single-vehicle crash that occurred on January 2, 2005 at roughly 3:35 PM. The crash took place on a private driveway off of Mollys Branch Road in Lincoln County, West Virginia near the town of Alum Creek.

According to the West Virgina Uniform Traffic Crash Report (Report # – [redacted]) [redacted] was operating a 2003 Ford Escape (VIN – 1FMYU021X3K[redacted] and [redacted] was the right-front passenger. They were traveling on a private driveway when [redacted] lost control of the vehicle and subsequently struck a tree. The narrative section indicates that the loss of control was precipitated by a "stuck" gas pedal.

MATERIALS REVIEWED

In preparing this report the following materials were reviewed:

- West Virginia Uniform Traffic Crash Report # [redacted]
- WV OEMS Patient Care Record # R17011I generated by Lincoln County EMS
- Photos taken at the scene of the crash with the vehicle still at point-of-rest engaged with the tree
- The complaint and various other legal documents including Plaintiff's original and amended disclosures of expert witnesses
- Medical records for [redacted] from Lincoln County EMS, Associated Radiologists, Fruth Pharmachy, Maria Tan Navarro MD, New Century Emergency Physicians of WV, Kris Murthy MD, Charleston Area Medical Center (CAMC), Nicholas Cassis Jr. MD, St. Francis Hospital, Richard Hawkins MD, Jan Cunningham MD, Narender Rao Jopengally MD, Rody Stephens MD, and Cyrus, Mali MD
- Medical records for [redacted] from Lincoln County EMS, and Kid Care Pediatrics

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- Photos of injuries sustained by [redacted] and [redacted]
- Vetronix CDR download from the subject 2003 Ford Escape
- Notes and photos from C. Adams, M.K. Taylor, and Carr Engineering
- Vocational Rehab Evaluation from Aylir Rehab, Inc.
- Depositions of [redacted]
- File materials from Charles Benedict, Ph.D. (not confirmed to be a complete copy)

WORK COMPLETED

In preparing this report the following work was completed:

- Inspected photographed and measured the subject 2003 Ford Escape XLS (1FMYU021X3K[redacted]) on January 22, 2008

EVIDENCE

The following sections provide an overview of the evidence gleaned from reviewing the medical records, examining the injury photos, and inspecting the subject 2003 Ford Escape. The intention is to describe the pieces of evidence that provide a basis for my opinions.

Medical Record Review

Immediately following the subject crash the Lincoln County EMS generated a WV OEMS Patient Care Record (#R170111) that was attached to the crash report. According to the Patient Care Record [redacted] was found in the vehicle. She was CAOX3 (Conscious, Alert, & Oriented to Place, Person, & Time), PMSX4 (Pulse, Motor, & Sensory normal at each extremity), and complaining of a laceration to the right side of her head (later medical records and photos show the laceration to be on the left side). The bleeding from the laceration was controlled by a bystander before EMS arrived on site. The EMS team placed [redacted] in full spinal precautions and transported her to the Charleston Area Medical Center (CAMC).

Upon arrival at CAMC [redacted] was evaluated in the Emergency Department (ED). The history taken in the ED states that she struck her head on something, but that there was no loss of consciousness and no mental status changes. She did, however, sustain a laceration over the left temperoparietal region of her head that was described as being 6 cm (2.3 inches) long with no underlying skull fracture and a small pocket tracking subcutaneously downward.

During her time in the ED [redacted] underwent a head CT scan. The records state that soft-tissue hematoma was observed superiorly on left side of [redacted] head. No intracranial injury was found.

The ED Nursing Assessment of [redacted] states that she was received from Lincoln EMS. She was noted to have head pain that was further localized to the left parietal region. There was no loss of consciousness reported and she was found alert and oriented to person, place, and time.

The ED records indicate that [redacted] weighed 220 lbs. Records from Maria Navarro MD are consistent and indicate that she weighed around between 222 and 226 lbs in October and November of 2004. The records from Doctor Navarro also indicate that [redacted] was 5 feet 6 inches tall.

A brief assessment of [redacted] was performed by Lincoln County EMS (WV OEMS Patient Care Record R170112). They found [redacted] ambulatory on their arrival and noted that she was CAOX3 and PMSX4. Apparently, she told the EMS personnel that she was restrained, however, she stated in her deposition that she was unrestrained. After this brief examination by EMS it is indicated that [redacted] refused further assessment and her father signed the refusal.

On January 31, 2005 [redacted] was seen at Mountaineer Imaging. She had a three view radiographic series performed on her thoracic spine and a five view series on her lumbar spine. Neither series revealed any fractures or abnormality.

In May of 2005 [redacted] received an MRI of her lumbar spine. Based on the MRI report there were no abnormalities associated with her lumbar spine. However, there was a notation of fluid in the pelvis that prompted an abdominal ultrasound. The ultrasound revealed a simple cyst on the left ovary.

Injury Photos

Several photos were provided depicting [redacted] scalp laceration and the injuries claimed by [redacted] The photos of the scalp laceration sustained by [redacted] show an irregular appearance consistent blunt object contact. Further, the laceration appears to run essentially front-to-back directly behind her left eye. The nature of the laceration suggests that the object [redacted] contacted runs parallel to the centerline of the vehicle.

The photos of [redacted] appear to show minor scrapes and contusions. However, it is important to note that these claimed injuries were not verified by any medical personnel.

Vehicle Inspection

During my inspection of the subject 2003 Ford Escape I found abrasions on the inner panel of the driver's door consistent with occupant contact (Figure 1 and Figure 2). These abrasions are evidence of an object moving downward and forward with respect to the door.

Examining the upper portion of the driver's door window frame and the roof-rail above the driver's compartment I found several areas that appeared to show evidence of scuffing along with fluid-like deposits (Figure 3 and Figure 4). I also found a hair-like fiber at the upper-end of the grab handle attached to the top of the A-pillar (Figure 5 and Figure 6).

I performed a thorough examination of the right-front passenger compartment during my inspection. This examination did not reveal any witness marks from occupant contact.

I conducted a cursory examination of the driver and right-front passenger restraints and found no clear evidence of usage during the crash. It is my understanding that a more detailed analysis of the front outboard restraints was conducted by Gerry Corwin of Carr Engineering. His examination did not reveal any clear evidence of usage during the crash either. The lack of clear evidence of usage may indicate that [redacted] wasn't wearing her restraint, or that the impact was not severe enough to produce witness marks on the webbing or hardware of her restraint.

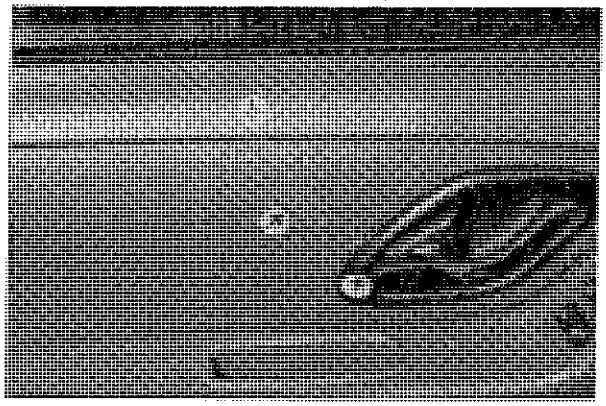

Figure 1: Photo 028-DR2 showing the interior panel of the driver's door. The orange arrows show the location of abrasions on the surface of the panel.

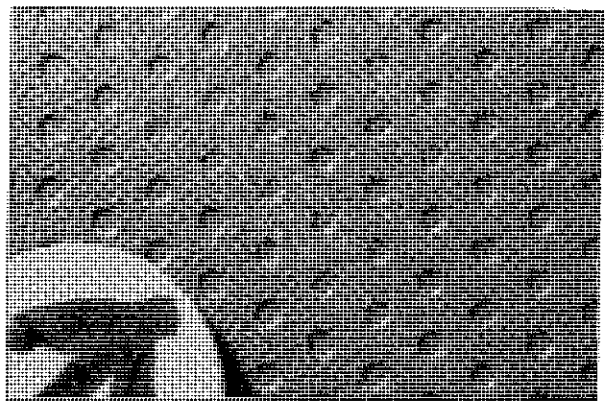

Figure 2: Photo 035-DR2 showing a section of the abrasion to the inner panel in detail. The photo shows how materials was moved from the top to bottom and forward.

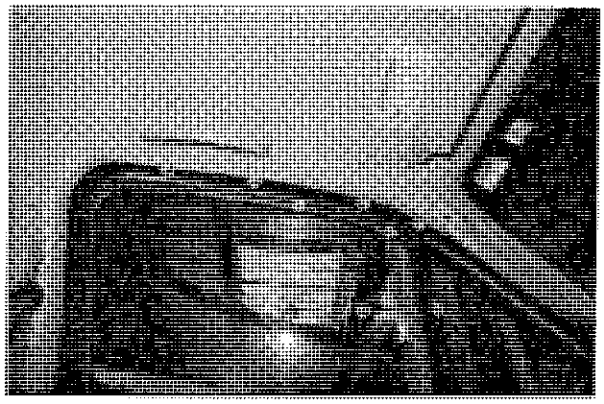

Figure 3: Photo 040-DR2 showing the upper portion of the driver's door and the left-front corner of the roof. Orange arrows point to evidence of scuffing, fluid-like deposits, or hair-like fibers.

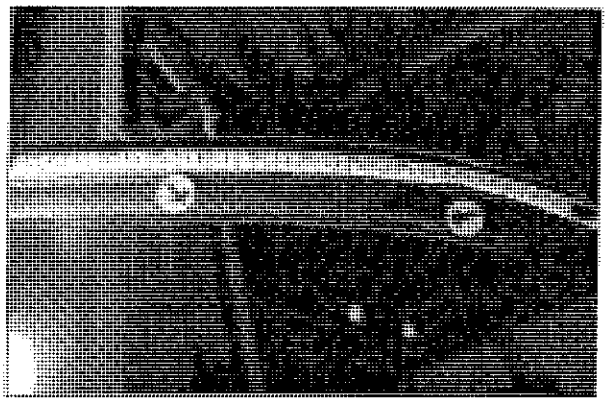

Figure 4: Photo 020-DR2 showing what appears to be scuffing and fluid-like deposits on the felt of the weatherstripping on the driver's door window frame.

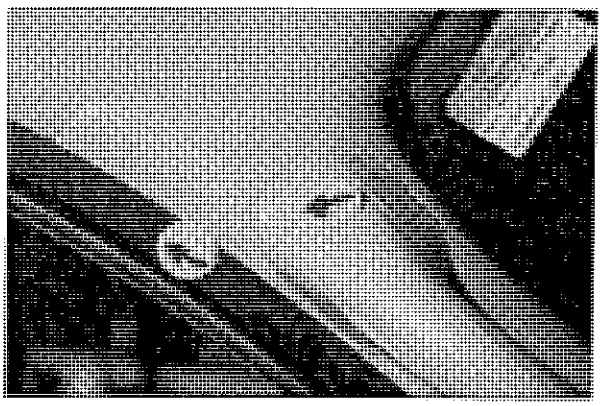

Figure 5: Photo 062-DR2 showing the top grab handle mounted to the top of the left A-pillar.

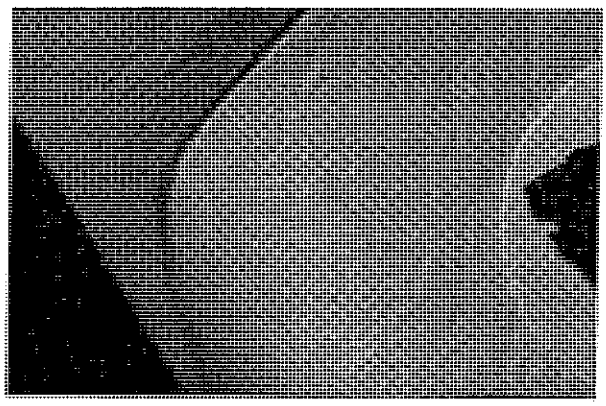

Figure 6: Photo 070-DR2 showing a hairlike fiber found at the top of the grab handle on the left A-pillar.

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DISCUSSION

Injury Mechanics

An accident reconstruction was performed by Karl Stopchiski from Carr Engineering. According to Mr. Stopchinski's reconstruction the Ford Escape struck the tree traveling between 8 and 10 mph. The Principal Direction of Force (PDoF) was approximately 30 degrees counterclockwise or 11 o'clock. Such an impact would cause the occupants of the Escape to move forward and to the left.

Considering the occupant motion that would result from the impact and the evidence I documented when I inspected the vehicle it is possible to understand how [redacted] sustained the injury depicted in the photos and described in the medical records. During the impact [redacted] moved forward and to her left. It is likely that this motion caused some portion of her left arm to make contact with the inner panel of the driver's door resulting in the abrasions shown above (Figure 1 and Figure 2). At some point the left side of her head made contact with the underside of the left roof rail and/or the upper portion of the driver's door window frame. This contact resulted in the front-to-back laceration to the upper left side of her head.

As far as the abrasions/contusions claimed by [redacted] I was unable to locate witness marks associated with her striking any portion of the vehicle interior. However, the locations of her claimed injuries could be associated with minor contacts to the instrument panel, center console, and/or seat-belt buckle on her side of the vehicle.

Injury Classification

According to the Abbreviated Injury Scale (AIS) 2005 published by Association for the Advancement of Automotive Medicine a laceration of less than 10 cm to the scalp is considered minor or superficial (AIS code 110602.1). Thus, the scalp laceration sustained by [redacted] would be considered a minor injury.

In terms of head injury, beyond the scalp laceration, the evidence is that [redacted] did not sustain any traumatic brain injury. There is a possibility that she suffered a mild concussion, which is consistent with the fact that she struck her head but did not lose consciousness. Referring to AIS 2005 a mild concussion is a minor injury (AIS code 161001.1). However, it is important to note that while a mild concussion is a possibility the medical records do not state that [redacted] was diagnosed with a concussion.

The abrasions/contusions sustained by [redacted] are minor in nature. And, although [redacted] has complained of low-back pain since the crash there have been no objective findings of related spinal injury.

Injury Risk

The types of minor injuries sustained by [redacted] and claimed by [redacted] are common in automotive crashes with severities similar to that of the subject crash. In fact, Mills and Hobbs [1] examined injury risks for vehicle occupants in frontal and side impacts. For frontal impacts with velocity changes of 8 to 10 mph they showed that unbelted occupants had better than a 50% chance of sustaining at least a minor injury and belted occupants had better than a 25% chance of sustaining at least a minor injury.

Opinions of Charles Benedict, Ph.D.

In his report dated November 5, 2009(8) Doctor Benedict provides four preliminary opinions based on his investigation and reconstruction of the subject crash. Of these four opinions I will now discuss the

two which are directly related to my analysis in this matter. Specifically, I will be discussing opinion number 2 and opinion number 4.

As it relates to the safety benefits of All-Belts-To-Seats (ABTS) systems I am unaware of any study in the literature that suggests or demonstrates that an ABTS system can prevent the kind of minor head injuries sustained by [redacted]. To state that an ABTS system could have prevented the injuries sustained by [redacted] would require some form of specific testing that is unavailable in the literature and not evident in Doctor Benedict's report or his file materials.

In his fourth opinion Doctor Benedict states that "but for the accident vehicle not having an ABTS system for the front occupant seats, [redacted] would not have received her injuries." Again, there is no support for such a statement in the literature, Doctor Benedict's Report, or his file materials.

It is my understanding that during his recent deposition Doctor Benedict opined tha[redacted] restraint experienced a retractor failure where the retractor initially locked and then unlocked or failed to lock altogether. Apparently, the retractor failure allowed webbing to spool out, which precipitated [redacted] injury. I did not find any indication in my examination of the driver's restraint that the retractor experienced the type of failure described by Doctor Benedict. Furthermore, I do not believe that the location of [redacted] head contact would require a retractor failure to occur. I would be very interested to see the testing/analysis that Doctor Benedict relies on to support his claim of a retractor failure in the subject crash.

Conventional Restraint versus ABTS Restraint

As I mentioned above I am unaware of a study that suggests or demonstrates that an ABTS restraint system can prevent the kind of minor head injuries that [redacted] received. However, I am aware of at least one study that I believe convincingly demonstrates that ABTS would not prevent her injuries.

In 2005 Moffatt and James [2] published a paper that was focused on occupant motion (excursion) in rollovers. As part of their study they examined the amount of excursion that was possible for various occupants, in various production vehicles, with various restraint systems, when the vehicle was inverted. They provided images from their demonstrations depicting the relationship of the occupant's head to the roof and/or roof rail. These images can be found in Figure 7 in their paper.

Three of their demonstrations involved female occupants that were 5 foot 3 inches and 5 foot 4.5 inches tall in vehicles with ABTS restraints (2000 Cadillac DTS Sedan and 2001 Chevrolet Suburban). Other images in Figure 7 show the same test subjects in vehicles with conventional restraints. It is clear from the images that the vehicles equipped with ABTS restraints were not able to prevent the occupants shorter than [redacted] from contacting the roof and/or roof rail adjacent to their seating position. Since, [redacted] sustained her injury upon striking the roof rail over her seating position, it is highly unlikely that an ABTS restraint system would have prevented here from sustaining her injury.

CONCLUSIONS

1. [redacted] sustained a minor laceration to the upper left portion of her head as a result of contacting the roof rail above her seating position during the subject crash

2. The evidence is that [redacted] was not rendered unconscious from the head impact and that she did not sustain a traumatic brain injury

3. The injury sustained by [redacted] is best classified as a minor injury and is not uncommon for crashes of similar severity to the subject crash

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4. [redacted] claimed injuries are not uncommon for an unrestrained occupant in crashes of similar severity

5. Equipping the 2003 Ford Escape with front seats incorporating ABTS restraints would not prevent [redacted] head injury

6. I find no evidence to support Doctor Benedicts opinion that there was a retractor failure in the driver's restraint during the subject crash

The opinions expressed in this report are given to a reasonable degree of scientific certainty and are based on the information currently available and the work completed thus far. Should additional information become available during discovery, or should Doctor Benedict attempt to change/modify his opinions, I will supplement this report accordingly.

Digitally signed by Jarrod Carter
Location: 12314 E Broadway, Spokane, Valley, WA 99216
Date: 2008.02.18 14:11:49 -08'00'

Jarrod Carter

REFERENCES

1. Mills, P.J. and C.A. Hobbs, *The probability of injury to car occupants in frontal and side impacts*. SAE Paper - 841652

2. Moffatt, E.A. and M.B. James, *Headroom, roof crush, and belted excursion in rollovers*. SAE Paper - 2005-01-0942

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Jarrod W. Carter Ph.D.

(Updated January 30, 2008)

EDUCATION:

(1988 - 2002)

Doctor of Philosophy in Bioengineering
University of Washington, Seattle, Washington
Specialization: Biomechanics
Degree conferred: February 28th, 2002
Dissertation title: Compressive Cervical Spine Injury: The Effect of Injury Mechanism on Structural Injury Pattern and Neurologic Injury Potential.
Research conducted at the University of Washington Applied Biomechanics Laboratory at Harborview Hospital, Seattle, Washington.

Bachelor of Sciences in Mechanical Engineering
Washington State University, Pullman, Washington
Graduated: May 8th, 1993
Cumulative G.P.A.: 3.77 (on 4.00 scale)
Graduation Honors: Cum Laude
Class Standing: 4th out of 120

EXPERIENCE:

(1988 - Present)

I am currently a principal in Origin Engineering LLC (formerly John L. Habberstad, Ph.D., P.S.).

My experience in the field of accident reconstruction includes:

A.) Trial and deposition testimony

B.) Use of various computer models applicable to the field of accident analysis and reconstruction.

C.) Crash test experience where I was the engineer responsible for setting up and conducting the crash test. I have worked on crash tests that have included the use of anthropomorphic test devices (dummies) and associated instrumentation to establish loading and interior kinematics.

D.) Conducted fieldwork associated with accident reconstruction including inspecting, photographing, and measuring vehicles and accident scenes.

E.) Conducted analyses of accidents utilizing; inspection notes, photographs, information collected by investigating law enforcement officials, vehicle specifications, crash test data, long hand calculations, computer analysis, etc., to develop opinions about the

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accident, such as closure speed, speed change, occupant motion, and vehicle motion pre and post impact.

F.) Extensive knowledge of published materials in the field of accident reconstruction and biomechanics.

Additionally, I have nine years of hands on experimental experience investigating the behavior of the human cervical spine subjected to compressive loads. This experience was gained during the pursuit of my PhD at the University of Washington Applied Biomechanics Laboratory in Seattle, Washington. Beyond my laboratory experience I have a thorough understanding of the current state of knowledge regarding spinal injury mechanics, as well as a solid general background in trauma biomechanics.

(Up to 1988)

Extensive hands on experience as a commercial fisherman (Kenai, Alaska), truss plant worker (Deer Park, Washington), and farm hand (family farm in Elk, Washington).

MEMBERSHIPS:

American Society of Mechanical Engineers (ASME)
Society of Automotive Engineers (SAE)
Association for the Advancement of Automotive Medicine (AAAM)

ACTIVITIES:

American Society of Mechanical Engineers
- Washington State University Student Section Chair (1992 thru 1993)

Society of Automotive Engineers
- Helped restart society at Washington State University (1992 thru 1993)
- Reviewer for articles submitted to Accident Reconstruction section of World Congress (2007 thru 2008)

AWARDS:

Awarded membership to Tau Beta Pi (ΤΒΠ), Phi Kappa Phi (ΦΚΦ), and Golden Key Honor Societies.

Presidents Honor Roll Washington State University for 5 semesters.

TEACHING EXPERIENCE:

Washington State Physical Therapists Association, Spring Conference 1996. Taught session on cervical spine injuries in automotive accidents.

University of Washington Rehabilitation Medicine anatomy class entitled "Function of the Locomotor System" (Rehab 445) winter quarters 1996 – 2000. Taught session reviewing cervical spine trauma.

University of Washington Bioengineering class entitled "Orthopaedic Biomechanics" (BIOEN 520) winter quarter 2000. Team taught with four others.

INVITED LECTURES

Cervical Spine Trauma in Rollover Collisions. Presented to BE 425 Biomechanics class at Washington State University, Pullman, Washington on March 21, 2003.

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Vehicle Rollover Testing Methods and Simulations in Action. Presentation at 2002 SAE Passenger Vehicle Rollover TOPTEC. Co-presented with Jeffrey Croteau from Exponent on April 22-23, 2002.

Accident Reconstruction, Simulation Technology, and Cutting Edge Rollover Research. Presented to Spokane Chapter of The Washington Defense Trial Lawyers Association. Co-presented with Joseph Golliher and John L. Habberstad PhD, PE. Presentation given at Winston and Cachett in Spokane, WA on December 19th, 2002.

Neck Injuries in Rollover Collisions: Does Roof Strength Matter? Presented to Musculoskeletal Biomechanics class (BIOEN 520/ME 499) at University of Washington, Seattle, Washington on March 3, 2003.

Cervical Spine Trauma in Rollover Collisions. Presented at the Winter Technical Conference for the Detroit Section of SAE on February 10, 2004.

Rear crashes: Statistics, standards, collision analysis, and seat performance. Presentation at course titled "Car crashes and occupant injuries: A team approach to crash investigation." Sponsored by AAAM. April 19-20, 2004. Tempe, Arizona.

PUBLICATIONS:

Carter JW, Ching RP, Tencer AF: Transient changes in canal geometry during axial burst fracture of the cervical spine. *Fifth Annual Symposium on Injury Prevention Through Biomechanics*, 1995

Carter JW, Ching RP, Tencer AF, Mirza S: Transient changes in cervical spinal canal geometry during wedge compression fracture. *Sixth Annual Symposium on Injury Prevention Through Biomechanics*, 1996

Watson NA, Ching RP, Carter JW, Tencer AF: The effect of post-injury position on canal occlusion in a cervical spine burst fracture model Spine: vol 22, no. 15, pp. 1710-1715, 1997

Ching RP, Carter JW, Raynak GC, Nuckley DJ, Mirza SK, Chapman JR, Tencer AF: Transient and post-traumatic measurement of cervical spinal canal and neuroforaminal deformation: Potential mechanisms for neurologic injury. In: *Frontiers in Head and Neck Trauma: Clinical and Biomechanical*, Eds. Yoganandan, N, Pintar, FA, Larson, SJ, Sances, A Jr., IOS Press, Washington D.C., 1998

Carter JW, Ching RP, Mirza, S, Tencer AF: Canal geometry changes associated with axial-compressive cervical spine fracture. Spine vol. 25, no. 1, pp 46 – 54, 2000

Nuckley DJ, Carter JW, Eck MP, Mirza SK, Ching RP: Compressive Mechanics of the Developing Spine. *Proceedings of the 46th Annual Orthopaedic Research Society Meeting*, 2000

Nuckley DJ, Carter JW, Eck MP, Mirza SK, Ching RP: Compressive Mechanics of the Developing Spine. *Injury Biomechanics Research - Proceedings of the 27th International Workshop*, pp 101 – 104, 1999

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Nuckley DJ, Hertsted S, Carter JW, Mirza SK, and Ching RP: Compressive Biomechanics of Developing Spinal Tissues. *Proceedings of the 25th Annual Meeting of the American Society of Biomechanics,* pp 55-56, 2001

Carter JW, Habberstad JL, and Croteau J: A Comparison of the Controlled Rollover Impact System (CRIS) with the J2114 Rollover Dolly. SAE Paper 2002-01-0694. *Society of Automotive Engineers, Warrendale, PA.*

Carter JW, Ku GS, Nuckley DJ, and Ching RP: Tolerance of the Cervical Spine to Eccentric Axial Compression. *Proceedings of the 46th Stapp Car Crash Conference,* 2002.

Moffatt EA, Cooper ER, Orlowski KF, Marth DR, Croteau JJ, and Carter JW: Matched-pair rollover impacts of rollcaged and production roof cars using the Controlled Rollover Impact System (CRIS). SAE Paper 2003-01-0172. *Society of Automotive Engineers, Warrendale, PA.*

Burnett R, Carter J, Roberts V, Myers B: The Influence of Seatback Characteristics on Cervical Injury Risk in Severe Rear-Impacts. Accident Analysis and Prevention vol. 36, pp 591 – 601, 2004

Nuckley DJ, Carter J, Eck M, et al.: Spinal Maturation Affects Vertebral Compressive Mechanics and vBMD with Sex Dependence. Bone vol. 35, pp 720-28, 2004

Carter JW, Luepke P, Henry KH, et al.: Rollover Dynamics: An Exploration of the Fundamentals. SAE Paper 2008-01-0172. *Society of Automotive Engineers, Warrendale, PA.*

Luepke P, Carter JW, Henry KH, et al.: Rollover Crash Tests on Dirt: An Examination of Rollover Dynamics. SAE Paper 2008-01-0156. *Society of Automotive Engineers, Warrendale, PA.*

CONTINUING EDUCATION:

AAAM Injury Biomechanics Course. *46th Annual AAAM Conference,* Tempe Mission Palms, Tempe, AZ. September 29, 2002.

PE12-019 001496LC SUBJECT

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American Board of Forensic Psychiatry
American Board of Sleep Medicine
American Society of Clinical Psychopharmacology

Master of Business Administration

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February 18, 2008

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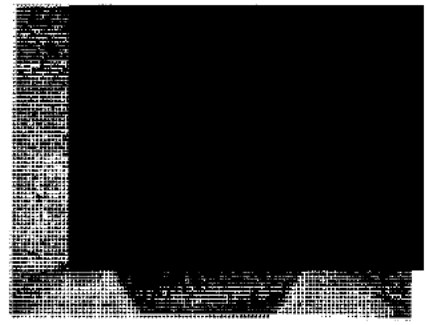


[redacted]. *Ford Motor Company, et al.*
Circuit Court of Lincoln County
Case No.: [redacted]

RE: [redacted]
D.O.B.: [redacted]
FILE NO.: [redacted]

Dear Ms. Taylor:

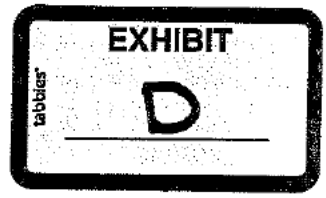
I examined [redacted] at my offices on February 7, 2008. My complete examination and testing required four hours. One hour was devoted further to reviewing medical records, reviewing brain scans, reviewing my test data, and preparing this report.

This was a neuropsychiatric examination of four components. The first component consisted of taking her history of the accident and how it has affected her mentally. Further history was obtained regarding [redacted] past medical history, family history, and social history.

The second component consisted of a mental examination. The second component was a neurological examination while the third component consisted of MR brain imaging. The fourth component consisted of reviewing available medical and other records, analyzing my data, performing a neurobehavioral analysis, and reducing my findings to a 13 page report.

EXECUTIVE SUMMARY

[redacted] has preexisting depression and sleep apnea. These findings account for any neuropsychiatric complaint she has. There is no evidence of a traumatic brain injury as the result of an accident January 2, 2005.



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IDENTIFICATION DATA

[redacted] is a [redacted] from Alum Creek, West Virginia. She is being examined at the request of the defendant to determine if she retains neuropsychiatric impairment as a result of a motor vehicle accident.

HISTORY

[redacted] completed a 22-page medical questionnaire. I verified this with her face-to-face. She was given written warning that her information might not be confidential. Warning was also given that we would not have a doctor-patient relationship and I would provide no treatment or counseling.

[redacted] was operating her Ford vehicle when it allegedly accelerated while she and her 15-year-old daughter were coming down their sloping driveway. She impacted a tree on January 2, 2005, and she is claiming a traumatic brain injury as a result.

The medical records indicate that when the EMS arrived on the scene, they found her still sitting in the vehicle. She was alert and oriented to person, place, and time. She had a laceration to the head that appeared to be about 1 inch to 1-1/2 inches long and was actively bleeding. She was able to speak to the EMS squad and told them that she was a restrained driver and her automobile was traveling at an unknown rate of speed and struck a tree. She complained of pain and her neck was immobilized. Glasgow Coma Scale was obtained on three occasions and on each occasion she scored 15. She was transported to the Charleston Area Medical Center.

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At the emergency department triage, it was noted that she was on the following medications at the time of this accident:

1. Synthroid
2. Paxil
3. Mirapex
4. Dyazide

The emergency department triage assessment indicates no loss of consciousness and that she was a restrained driver. She was noted to have a history of hypertension.

The emergency department nursing assessment revealed Glasgow Coma Scale = 15. Blood pressure was recorded at 127/63. She was noted to have a laceration to the head, which was stitched. After examination by the physician and negative findings on testing, she was diagnosed with the following:

1. Scalp laceration.
2. Acute cervical strain.
3. Acute lumbosacral strain.

There is no mention of traumatic brain injury and no mention of concussion.

Her physical examination revealed cranial nerves II-XII to be intact. Her motor tone was good and she had strength throughout all extremities without deficits. Sensation was intact without deficits. Deep tendon reflexes were 2+ throughout.

A CT scan of the head was obtained coincident with her emergency department evaluation. There was a large hematoma seen superiorly on the left. This would be consistent with her laceration. There was no evidence of acute intracranial hemorrhage, no mass effect, and no midline shift. There was no evidence of a skull fracture. There was no evidence of acute intracranial injury. She did not have a neck fracture, which of course is a possibility with a blow to the vertex. Therefore, there was no evidence of acute neck injury associated with her head injury.

Since her accident, she has had conservative treatment. She is presently treated with the following medications:

1. Synthroid 350 mcg daily.
2. Cymbalta 60 mg daily (this was substituted for the Paxil she was taking prior to injury).
3. Tamoxifen twice daily (she was diagnosed with left ductal breast cancer September 2007, and she had radiation and a lumpectomy).
4. Exforge for hypertension.

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5. Unnamed cholesterol medication.
6. Valium 5 mg as needed.
7. Zanaflex as needed.
8. Darvocet as needed.
9. Fioricet as needed.

She takes generic pain medicines over the counter. She has no known allergies to drugs or medicines.

At today's examination, she is complaining of chronic headaches but admits that she had migraine headaches prior to injury and, in fact, the emergency department records at CAMC indicate she was on Mirapex at the time of this injury. She further reports she hears "unknown sounds sometimes." She complains of depression, sadness, nervousness, and panic, but many of these symptoms were present prior to the injury. Since the accident, she hears knocks under the table and sees things out of the corner of her eye. She is upset and nervous because her children do not respect her because she will not work. In her neurological examination, she is complaining that the muscles in her facial expression will hold for a second before releasing. In her pain review, she says even though she had headaches prior to the accident, now they are "different," especially when it rains. She is complaining of low back pain associated with the accident. In her sleep review, she has many sleep complaints. However, she had been diagnosed with obstructive sleep apnea last June. She never followed through with the recommendations that she come back to the sleep clinic and have continuous positive airway pressure applied (it is well known that sleep apnea can produce multiple neuropsychiatric symptoms). In her general review, she has doubled her weight in the last six years and currently weighs 252 pounds.

ACTIVITIES OF DAILY LIVING

She is living with her husband and daughter, and she is not employed. She stopped working after this accident. Her time of arising and going to bed is variable. Her husband pays the bills. Family members clean her home. Thus, she has almost no function in the home anymore and it appears that her children and husband are doing this for her. She has no hobbies. She does not use a computer. She reads magazines. She can write. She does very little work around the home but occasionally may clean the dishes or perform laundry. She does not rent movies. She denies attending ballgames, hunting, or fishing. She is able to eat outside the home and does so ten times a month. She uses the telephone about twenty times a week. She can dress and bathe herself independently. She stopped sexual activity with her husband two years ago.

PAST MEDICAL HISTORY

She does not know her birth weight, but she was not born prematurely. She had pertussis as a youngster. She was a happy child. She could sit still in school, and she learned effectively.

She was injured in a car/train accident in 1976 and was treated at CAMC. The top of her head was struck but she denies loss of consciousness or concussion. She has never been in a coma.

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She has never broken any bones. Her surgeries include the following:

1. Several surgeries for endometriosis, 1980-1988.
2. Cesarean sections, 1988 and 1989.
3. Multiple kidney stone and extractions between 1976 and 2000.

She denies using tobacco and denies using alcohol. She denies using drugs of abuse. She drinks one tea weekly and drinks a caffeinated cola daily. She has had four pregnancies and produced two living children by caesarean section and two miscarriages. She had some depression after her miscarriages but she was not medically treated.

PAST PSYCHIATRIC HISTORY

She developed a spontaneous nervous disorder about five years ago and she came under the treatment of Dr. Navarro, who prescribed for her Paxil. As I noted above, that has been changed since this accident to Cymbalta.

She has never intentionally overdosed herself on drugs or medicines. She has never made an attempt to take her life. She has never intentionally cut, burned, or disfigured herself.

FAMILY HISTORY

Her father is 73 years old and mother is 70 years old. Her father is hypertensive and has heart disease. Her mother is diabetic and has had breast cancer. A sister has had ovarian cancer. She denies any family history of mental illness, depression, or substance abuse. There is no history of suicides, homicides, violence towards others, child abuse, or spouse abuse in her family. No one in the family has had epilepsy, neurological disease, Alzheimer's disease, or stroke.

SOCIAL HISTORY

She was born in Charleston, West Virginia, and she is one of ten children. She has five sisters and four brothers. She grew up in a home where her father was employed as a fireman and mother was a homemaker. Both parents were present in the home, and her father did not abuse her mother.

She denies she has ever been sexually abused. She denies she has ever been physically abused, but I believe this may be in question as she has taken out a number of restraining orders on both her current husband and an ex-boyfriend.

She denies any history of violence towards others. There are guns in her home, but she denies plans to harm herself or harm others. She graduated from high school in 1975. She took a clerical course at Lincoln Vocational School. She married her husband [redacted] in 1978 and this marriage has produced two children, ages 18 and 19. Her son is a student at West Virginia State University and her daughter is a senior in high school.

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Her marital history has been stormy. Her husband had had multiple affairs, which led to a restraining order. There also was an issue with a gun as noted below. She has ceased sexual activity with him currently and they do not share the same bedroom. She is very embarrassed about doubling her weight and she believes that negatively impacts her perception of herself sexually.

LEGAL HISTORY

In the 1980s she was charged with possession of a firearm. She caught her husband with a another woman and took his gun and put it in her car. This scared her mother who called the police and they stopped her, got the gun, and charged her, but she was not incarcerated.

She has been in a lawsuit previously over the automobile accident in 1975 with the train. She got a restraining order against her husband in the 1980s and she got a restraining order against an ex-boyfriend prior to her husband for stalking her. She has never been charged with spouse abuse, child abuse, or terroristic threatening. She has never filed a Workers' Compensation claim. She has never declared bankruptcy.

EMPLOYMENT/VOCATIONAL HISTORY

She worked as a cashier until she graduated from high school. In 1975, she began working as a typist for the Workers' Compensation Department and Vocational Rehabilitation. In the 1990s, she was a clerk at a Lowes store. She began working for vital statistics for the State of West Virginia. Sometime in the early 1990s, she became a legal transcriptionist for the Department of Motor Vehicles for the State of West Virginia. She left that position in October 2003 to work for Contemporary Staffing as a medical transcriptionist. She had worked for them one month at the time of this accident.

MILITARY HISTORY

She has never tried to enter military service or a service academy.

REVIEW OF SYSTEMS

In her GENERAL review, she has gained massive weight in the last six years as noted. Her HEENT review is positive for chronic migraine headaches and allegation that she hears poorly. She hears a helicopter sound in her ears and complains of tinnitus. Her CHEST review is positive for ductal carcinoma in situ. She had thirty-four radiation treatments and a lumpectomy. Her CARDIOVASCULAR review is positive for shortness of breath upon walking. In her GASTROINTESTINAL review, she has nausea with headaches. Her GENITOURINARY review is positive for chronic loss of urine. Her last kidney stone was December 2007. In her GYNECOLOGICAL review, she is probably perimenopausal and is currently having menopausal symptoms. Her PSYCHIATRIC, NEUROLOGICAL, PAIN, and SLEEP reviews are noted above. In her SEXUAL review, she has no sexual desire and she has discontinued

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sexual relations with her husband.

MENTAL STATUS EXAMINATION BY DR. GRANACHER

The mental status examination is a face-to-face examination between the psychiatric physician and the patient. The purpose of the examination is to determine the function of the elements of mental and brain activity. For instance, thought is examined to determine if the person can logically go from point "A" to point "B" in his thinking. Thought is also examined to determine the presence or absence of circumstantial thinking, loose associations, or other determinants of abnormal mental function. Content of the thinking is examined for delusional thoughts, morbid ideas, perceptual distortions, suicidal/homicidal ideas, or other signs of mental pathology. Language is examined for expressive and receptive function, repetition errors, and to determine if the person can properly take mental ideas and convert them to motor acts.

Orientation to person, place, and time is determined. Gross memory ability is determined. Evaluation of the mental stream of activity, mood, range of affect, and thought and motor speed is completed. The mental status examination is a qualitative examination and quantified elements of the mental examination are determined by standardized mental assessment.

She is a very pleasant, cooperative, moderately obese woman. She completed independently a complex, 22-page medical questionnaire, and she took 1 hour and 45 minutes to do so. Her handwriting is nicely formed and without evidence of tremor or micrographia.

She is not depressed. There are no loose associations or circumstantial thinking present. Affective range is good. She has a nice facial expression, good thought and motor speed, and smiles easily. There is no evidence of delusions or hallucinations even though she alleges either hallucinations or illusions. She denies a fixed suicidal plan.

There is no dysphonia, dysarthria, dysprosody, or dysphasia present. The melodic line is well preserved. Phrase length is normal. There are no paraphasias or word finding difficulty evident. Comprehension and fluency are normal.

Neurobehavioral Rating Scale by Dr. Granacher

	Not Present	Very Mild	Mild-Moderate	Moderate-Severe	Severe	Extremely Severe
Inattention/Reduced Alertness — fails to sustain attention, easily distracted, fails to notice aspects of environment, difficulty directing attention, decreased alertness.	X					
Somatic Concern — Volunteers complaints or elaborates about somatic symptoms (e.g., headache, dizziness, blurred vision) and about physical health, in general.			X			
Disorientation — Confusion or lack of proper association for person, place, or time.	X					
Anxiety — Worry, fear, overconcern for present or future.	X					
Expressive Deficit — Word-finding disturbance, anomia, pauses in speech, effortful and agrammatic speech, circumlocution.	X					
Emotional Withdrawal — Lack of spontaneous interaction; isolation, deficiency in relating to others.	X					
Conceptual Disorganization — Thought processes confused, disconnected, disorganized, disrupted; tangential social communication; perseverative.	X					
Disinhibition — Socially inappropriate comments or actions, including aggressive and sexual content, or inappropriate to the situation; outbursts of temper.	X					
Guilt Feelings — Self-blame, shame, remorse for past behavior.	X					
Memory Deficit — Difficulty learning new information; rapidly forgets recent events; although, immediate recall (forward digit span) may be intact.	X					
Agitation — Motor manifestations of over-activation (e.g., kicking, arm flailing, picking, roaming, restlessness, talkativeness).	X					
Inaccurate Insight and Self-Appraisal — Poor insight, exaggerated self-opinion, overrates level of ability and underrates personality change in comparison with evaluation by clinicians and family.	X					
Depressive Mood — Sorrow, sadness, despondency, pessimism.		X				
Hostility/Uncooperativeness — Animosity, irritability, belligerence, disdain for others, defiance of authority.	X					
Decreased Initiative/Motivation — Lacks normal initiative in work or leisure, fails to persist in tasks, is reluctant to accept new challenges.	X					
Suspiciousness — Mistrust, belief that others harbor malicious or discriminatory intent.	X					
Fatigability — Rapidly fatigues on challenging cognitive tasks or complex activities, lethargic.	X					
Hallucinatory Behavior — Perceptions without normal external stimulus correspondence.	X					
Motor Retardation — Slowed movements or speech (excluding primary weakness).	X					
Unusual Thought Content — Unusual, odd, strange, bizarre thought content.	X					

Blunted Affect — Reduced emotional tone, reduction in normal intensity of feelings, flatness.	X					
Excitement — Heightened emotional tone, increased reactivity.	X					
Poor Planning — Unrealistic goals, poorly-formulated plans for the future, disregards prerequisites (e.g., training), fails to take disability into account.	X					
Lability of Mood — Sudden change in mood, disproportionate to the situation.	X					
Tension — Postural and facial expression of heightened tension, without the necessity of excessive activity involving the limbs or trunk.	X					
Comprehension Deficit — Difficulty in understanding oral instructions on single- or multistage commands.	X					
Speech Articulation Defect — Misarticulation, slurring, or substitution of sounds that affect intelligibility (rating is independent of linguistic content).	X					

Reprinted from Levin, H.S., High, W.M., Goethe, K.E., et al, *J. Neurol. Neurosurg. Psychiatry*, 50, 183, 1987.

Neurological Examination by Dr. Granacher

The neurological examination is a physical examination, performed by the physician. The purpose of the examination is to measure gross neurological functioning of the input and output nerves of the brain as well as cerebral hemisphere functioning.

Weight is 252 pounds. She is morbidly obese. Blood pressure is 142/96 in the left arm. There are no bruits in the neck or head. The face is symmetric. Hand-dominance is right. The soft palate encroaches upon the posterior tongue.

Cranial Nerves:

- In the optic group, there are no visual-field cuts. Ocular motility (Up N. III, Lateral N. III, VI; Down N. IV, III) is full. The pupils are equal and reactive to light and accommodation. The funduscopic examination is benign.

- In the branchiomotor group, masseter and temporalis muscles (N. V) are intact. The forehead rises equally; the eyelids close; the lips purse (N. VII). The gag reflex (N. IX, X) is present. "E" is well phonated (N. X). There is no nasal speech present. The sternocleidomastoid and trapezius muscles (N. XI) are strong. The tongue (N. XII) protrudes midline and is without atrophy or fasciculations.

- In the cranial sensory group, peppermint oil is well-appreciated (N. I). Taste (N. VII, IX) was not tested. Tuning-fork sound is heard well in the left ear and right ear (N. VIII). The Weber sign (N. VIII) is midline.

- In the somatic cranial sensory group, the corneal reflexes (N. V) are brisk. V_1 is intact; V_2 is intact; and V_3 is intact (N. V).

Somatic Motor:

- Bulk and tone are good. Strength is symmetrical. Outstretched arms reveal no pronator drift.

- Deep tendon reflexes are symmetric in the biceps (C5-6), brachioradialis (C5-6), triceps (C7), and the patellar tendons (L3-4). Ankle jerks (S1) are hypoactive.

Somatic Sensory:

- Light-touch and pinprick are intact. The Romberg position reveals no sway.

Cerebellar:

- Nystagmus is not present. Finger-nose function is performed well. Dysdiadochokinesia is not present.

Gait and Station:

- Gait analysis reveals a widened stride due to obesity. Heel-rising is intact. Toe-rising is intact. Squatting and rising are intact. Arm-swing is normal. Motor speed is normal. Tandem walking is without dystaxia.

MAGNETIC RESONANCE IMAGING

MRI was obtained at the St. Joseph Hospital February 7, 2008. Images were interpreted by Christine Riley, M.D. I obtained a CD of the images and over-read them. I agree with the findings of Dr. Riley.

The brain parenchyma displays normal signal without evidence of mass effect or hemorrhage. Both T1 and T2 weighted sequences are within normal limits. There is no evidence of posttraumatic changes.

RECORDS REVIEWED

1. West Virginia Uniform Traffic Crash Report
2. Civil Action with Exhibits
3. Medical Records Charleston Area Medical Center 2/25/00--Tomograms of the Kidney
4. Routine Mammogram 12/6/01 face sheet and Mammogram
5. Autocyte 12/07/07 face sheet and Cytology/thin Prep Pap
6. Renal Stone 4/12/02 face sheet and IVP with Nephrotomography
7. Routine Mammogram 9/4/03 face sheet and mammogram
8. Cytology/Pap Smear face sheet and Cytology/pap order

PE12-019 001506LC SUBJECT

9. Renal colic-5/5/04 face sheet
10. Hyperlipidemia 10/6/04 face sheet and Order/Lab Results
11. EMS sheet 1/02/05
12. ED Triage Assessment 1/2/04
13. Emergency Department Nursing Assessment and Nurses Progress Note
14. Charleston Area Medical Center Emergency Department Records
15. Medical Imaging 1/2/05 CT Brain W/O Contrast
16. Discharge Report 1/02/05
17. Emergency Dept. 1/2/05
18. Medication Flowsheet Nicholas Cassis, Jr., MD.
19. Nicholas Cassis, Jr., M.D. F.A.C.E. followup thyroid evaluation . 1/22/98
20. Hematology/Oncology 6/21/99
21. Arvind B. Shah, MD, Inc. Initial Consultation (Anemia)
22. Nicholas Cassis, Jr., M.D. F.A.C. E. Thyroid Evaluation 2/03/00
23. Nuclear Medicine Dept and flowsheet 12/12/96
24. American Medical Lab 5/10/01
25. Charleston Endocrinology Associates 1/24/03 and Quest Diagnostics
26. Nicholas Cassis Jr. M.D. appointments
27. Jan H. Cunningham, MD. (submucous fibroid uterus) 9/13/06
28. Richard A. Hawkins, MD 11/23/99-7/19/00
29. Narender Jogenpally, MD. 5/20/99
30. Cyrus Mali, MD. 7/15/98-6/03/05
31. Kris G. Murthy, MD. Neurology Associates 1/29/01-8/8/06
32. Maria L. T. Navarro, MD.
33. New Century Emergency Physicians
34. Saint Francis Hospital
35. Charleston Area Medical Center EMR 8/09/07
36. Discharge-8/16/07
37. Charleston Area Medical Center Admission 8/21/07 (Breast mass)
38. Charleston Area Medical Center 8/21/07&8/30/07
39. Kidney stones 11/18/07
40. David Lee Outpatient Cancer Center Hematology/Oncology Consultation Note 10/23/2007

NEUROBEHAVIORAL ANALYSIS

Neurobehavioral analysis is a term for the analytical evaluation of the neuropsychiatric examination data producing a comprehensive statement about the person's brain-behavior capacity. It is based upon historical, neurological, psychiatric, brain imaging, prior records, and neuropsychological data.

At worse, this lady had a laceration to the scalp without concussion or brain injury. There is no evidence that she was unable to speak to the EMS. She gave her own history, which is inconsistent with any form of brain injury, as a person sustaining traumatic brain injury is always

worse immediately after the accident than at a time thereafter. Glasgow Coma Scale obtained on three occasions was 15. At the emergency department where she was treated, she was diagnosed with a scalp laceration and cervical and lumbosacral strain. No mention is made of traumatic brain injury. Glasgow Coma Scale at the emergency department again was scored at 15. A CT [illegible] bruise and no evidence of brain injury.

DIAGNOSES (DSM-IV-TR)

Axis I:	A.	No evidence of a neuropsychiatric disorder due to an alleged traumatic brain injury January 2, 2005.
	B.	Major depression, recurrent, chronic and present prior to the alleged brain injury.
Axis II:	None.	
Axis III:	Grave's disease treated with radioactive iodine, ductal breast carcinoma, kidney stones, and hypertension. Left ovary and fallopian tube removed in 1983.	
Axis IV:	None.	
Axis V:	Current GAF = 70-75.	

CONCLUSIONS

1. In my opinion, within reasonable medical probability, [redacted] has a 0% neuropsychiatric impairment due to alleged traumatic brain injury. This is based on Guides to the Evaluation of Permanent Impairment, American Medical Association, 2000, Page 320, Table 13-6.

2. In my opinion, within reasonable medical probability, [redacted] has the mental capacity to engage in any work she is trained, educated, or experienced to perform.

ANSWERS TO QUESTIONS

1. *In your opinion, has [redacted] suffered a traumatic brain injury as the result of a motor vehicle accident January 2, 2005?*

   No.

2. *In your opinion, does [redacted] suffer from postconcussive syndrome as a result of a motor vehicle accident January 2, 2005?*

   No.

3. *Would you please assess* [redacted] *current level of cognitive functioning to determine whether she exhibits any cognitive deficits, and if so, whether they were caused by the motor vehicle accident of January 2, 2005?*

On face-to-face examination, she shows no cognitive deficits. She showed no cognitive deficits when speaking to the EMS squad at the time of injury, and she displayed no cognitive deficits in the emergency department immediately after her scalp laceration.

Respectfully submitted,

Robert P. Granacher, Jr., M.D., M.B.A
Distinguished Life Fellow of the American Psychiatric Association

RPG/lfp
myfiles\forensic\o\oldaker-sharon-rpt

PE12-019 001509LC SUBJECT

Ford Motor Company
Design Analysis

Parklane Towers West
Suite 500
Three Parklane Boulevard
Dearborn, Michigan 48126
(313) 845 1838

February 18, 2008

Elizabeth Taylor
Flaherty, Sensabaugh & Bonasso
200 Capitol Street
Charleston, WV 25338

Re: [redacted] v. Ford

Dear Ms. Taylor:

Pursuant to your request in the [redacted] v. Ford matter, I am submitting the following report.

Findings:

1. The seatbelt system for the driver's seating position in the 2003 Ford Escape consists of a continuous loop 3 point belt with a single slot latch plate and an end release cable mounted buckle. Features of this seatbelt system include a buckle mounted pretensioner, a load limiting retractor, and a height adjustable d-ring. This seatbelt system was manufactured by Autoliv. The retractor locks the seatbelt webbing during emergency situations, sensed either by vehicle acceleration or by rapid webbing motion.

2. The design of the seating and restraint system for the front outboard seating positions in the 2003 Ford Escape is a reasonably safe design for its intended use. The design of the seating and restraint systems met or exceeded all Federal Motor Vehicle Safety Standards (FMVSS) including FMVSS 207, 208, 209, and 210 as well as all Ford specifications and standards. The design of the seating and restraint system in the 2003 Ford Escape is consistent with the systems offered in competitive vehicles in 2003 and represented the state of the art.



CT

3. Ford conducted appropriate testing to ensure the front seating and restraint system in the 2003 Ford Escape met or exceeded all Federal Motor Vehicle Safety Standards as well as all Ford specifications and standards.

4. From the 2001 to 2008 model years, Ford offered Seat Integrated Restraint (SIR) systems in the front outboard seating positions of some F-series full sized pickup trucks. The SIR is a restraint system where the shoulder belt is attached to the seat structure instead the vehicle body structure as it is in the 2003 Escape. Ford offered the SIR system as a comfort and convenience item only in trucks where the cab structure does not include a traditional B pillar.

5. The SIR as a type of restraint system has no safety advantage in a frontal or front angled collision as compared to a well designed conventionally mounted restraint system.

Basis for Findings:

1. Photographs of the accident vehicle.

2. Inspection of the case vehicle.

3. Police accident report of the case incident.

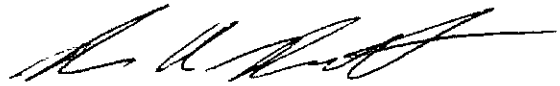
4. Report of Charles Benedict.

5. A review of Ford engineering documents including:
   - Certification files for FMVSS 207, 208, 209 & 210 for the 2003 Ford Escape.
   - The Owners Guide that Ford provided with the 2003 Ford Escape.
   - Engineering drawings and specifications to the front seat and restraint system in the 2003 Ford Escape.
   - Engineering Design Standards applicable to the seats and restraints in the 2003 Ford Escape.
   - Safety Design Guidelines applicable to the 2003 Ford Escape.

These opinions are based upon the materials described above, my education and background of over 15 years experience in the areas of vehicle design, including seat and restraint design. My experience includes such areas of vehicle safety as crash worthiness, crash testing, vehicle seat and interior

design, performance and testing, active and passive restraint system design and development, structural design, occupant kinematics, vehicle kinematics, federal rulemaking and standards, industry practices and recommended procedures, analysis of test data, accident reconstruction and historical information with respect to restraint systems and vehicle seats. See attached *curriculum vitae.* These opinions are stated to a reasonable degree of engineering certainty. As additional information becomes available I may modify or add to these opinions.

Sincerely,



Roger A. Burnett
Design Analysis Engineer

PERSONAL HISTORY

Name: Roger A. Burnett

Birth Date: 10/31/67

Service Date: June 15, 1992

EDUCATION

1990 B.S., Mechanical Engineering
Virginia Tech, Blacksburg, VA

1992 M.S., Mechanical and Aerospace Engineering
University of Virginia, Charlottesville, VA

PUBLICATIONS/OTHER

"The Influence of Seatback Characteristics on Cervical Injury Risk in Severe Rear Impacts", Accident Analysis and Prevention 36 (2004) 591-601.

"Stiff versus Yielding Seats: Analysis of Matched Rear Impact Tests", Society of Automotive Engineers, SAE 2007-01-0708.

Member - Society of Automotive Engineers

FORD EXPERIENCE

06/1992	06/1994	Product Design Engineer FCG Body Engineering, Seats and Hardware Engineering FCG Program with assignments in the following areas: CT20 Program, Escort Airbag Engineering Vehicle Development, CAE NVH Development Vehicle Development, Mustang Powertrain Development Powertrain Engineering, Advanced Powertrain Development Vehicle Center 2, Taurus Seats and Restraints Design
06/1994	01/1997	Product Design Engineer Advanced Vehicle Technology, Seats and Interior Trim Engineering Advanced projects and specification development
01/1997	12/1997	Product Design Engineer Advanced Vehicle Technology, Seating and Restraints Engineering Transit restraint systems
12/1997	01/2007	Design Analysis Engineer (Technical Leader from 01/2006) Design Analysis Office, Vehicle Interiors
01/2007	Present	Technical Leader Automotive Safety Office, Design Analysis

FLAHERTY, SENSABAUGH & BONASSO, P.L.L.C.

Attorneys at Law

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Elizabeth L. Taylor, Esq.
etaylor@fsblaw.com
(304) 347-4217

November 14, 2008

Charles Brumfield
Lincoln County Circuit Clerk
P. O. Box 338
Hamlin, WV 25523

Re: [redacted] **v. Ford Motor Company, *et al.***
Civil Action [redacted]

Dear Mr. Brumfield:

Enclosed for filing in the above-referenced matter, please find **DEFENDANTS FORD MOTOR COMPANY'S AND BERT WOLFE FORD, INC.'S SUPPLEMENTAL DISCLOSURE OF EXPERT WITNESSES**. Counsel of record has this day been served with a copy of the same.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

Elizabeth L. Taylor

ELT/jad
Enclosure
cc: William V. DePaulo, Esquire (w/encl.)

05100/15099

IN THE CIRCUIT COURT OF LINCOLN COUNTY, WEST VIRGINIA

[redacted] and
[redacted] by her next
Friend, [redacted]

Plaintiffs,

v.

CIVIL ACTION NO. [redacted]
The Honorable Jay M. Hoke

FORD MOTOR COMPANY,
A Delaware corporation, and
BERT WOLFE FORD, INC.,
A West Virginia corporation,

Defendants.

DEFENDANTS FORD MOTOR COMPANY'S AND BERT WOLFE FORD, INC.'S SUPPLEMENTAL DISCLOSURE OF EXPERT WITNESSES

Comes now Defendants Ford Motor Company ("Ford") and Bert Wolfe Ford, Inc. ("Bert Wolfe Ford") and makes the following supplemental disclosure of expert witnesses. The disclosed material is being produced as a supplement to the following experts' previously disclosed reports:

EXPERT DISCLOSURES

1. **Karl Stopschinski**
   Carr Engineering, Inc.
   12500 Castlebridge Drive
   Houston, TX 77065
   Phone: (281) 894-8955
   Fax: (281) 894-5455

   See November 13, 2008 Supplemental Report, attached as Exhibit A.

2. **Gerry Corwin**
   Carr Engineering, Inc.
   12500 Castlebridge Drive
   Houston, TX 77065
   Phone: (281) 894-8955
   Fax: (281) 894-5455

   See November 13, 2008 Supplemental Report, attached as Exhibit B.

3. **Jarrod Carter, Ph.D.**
Origin Engineering LLC
12314 E Broadway
Spokane, WA 99216
Phone: (509) 926-2566
Fax: (509) 926-2606

See November 14, 2008 Supplemental Report, attached as Exhibit C.

4. **Robert P. Granacher, Jr., MD, PSC**
Lexington Forensic Institute
1401 Harrodsburg Road
Suite A400
Lexington, KY 40504
Phone: (859) 277-7423
Fax: (859) 278-9256

See November 12, 2008 Supplemental Report, attached as Exhibit D; November 13, 2008 Second Supplemental Report, attached as Exhibit E.

Further, Defendants may supplement this disclosure as additional facts are obtained through the course of discovery.

FORD MOTOR COMPANY AND
BERT WOLFE FORD, INC.

By Counsel

Michael Bonasso (W.Va. State Bar #394)
Alonzo D. Washington (W.Va. State Bar # 8019)
Elizabeth L. Taylor (W.Va. State Bar # 10270)
FLAHERTY, SENSABAUGH & BONASSO, PLLC
Post Office Box 3843
Charleston, West Virginia 25338-3843
(304) 345-0200

PE12-019 001516LC SUBJECT

CARR ENGINEERING, INC.
12500 Castlebridge Drive
Houston, Texas 77065-4532
Telephone: 281/894-8955
Fax: 281/894-5455

November 13, 2008

Ms. Elizabeth L. Taylor
FLAHERTY, SENSABAUGH, & BONASSO, PLLC.
200 Capitol Street
P.O. Box 3843
Charleston, WV 25301

Re: [redacted] v. Ford

Dear Ms. Taylor:

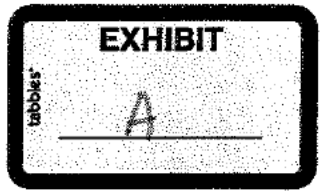
As you are aware, my initial report in this matter was submitted on February 18, 2008. In that report I stated my opinions and conclusions to date related to this matter. Since the time of that report, additional material has been made available.

Per your request I am providing this supplemental report stating that I have received and reviewed additional material since my initial report. The additional material is listed in Attachment A to this report. My analysis, conclusions, and opinions in this matter have not changed after analyzing the additional material

As stated in my initial report, all of my opinions in this matter are expressed with a reasonable degree of engineering certainty, and are based on available information including that provided by experts hired by plaintiffs. Should there be additional work, or a change in the opinions of opposing experts, I reserve the right to supplement or modify my opinions based on that new information.

Sincerely,

Karl Stopschinski



Attachment A
Material Received Since Initial Report

- Defendant Ford Motor Company's and Bert Wolfe Ford, Inc.'s disclosure of expert witnesses
- Depositions: Charles E. Benedict, Ph.D., P.E. (02/15/08), Marie Luna Navarro (01/31/08), Kris G. Murthy, M.D. (03/05/08), [redacted] (03/14/08), Eric Hughes (03/14/08), Chris Brunetti (03/04/08), Nicholas Cassis, Jr., M.D. (03/14/08)
- Vehicle photographs by Cummings Engine Analysis
- Records produced by Nationwide
- Color laser vehicle photographs
- Towing Records
- Nationwide Claims File

CARR ENGINEERING, INC.
12500 Castlebridge Drive
Houston, Texas 77065-4532
Telephone: 281/894-8955
Fax: 281/894-5455

November 13, 2008

Ms. Elizabeth L. Taylor
FLAHERTY, SENSABAUGH & BONASSO
200 Capital Street
P.O. Box 3843
Charleston, WV 25338-3843

Re: [redacted] v. Ford Motor Company

Dear Ms. Taylor:

Based upon work completed by Carr Engineering, Inc. and deposition testimony analyzed to date, I submit this report to supplement conclusions and opinions stated in my initial report dated February 18, 2008. Since that time, I have received and analyzed the materials listed in Attachment A.

Based on my investigation to date, I have reached the following opinions and conclusions:

1. This crash occurred on January 2, 2005, in Lincoln County, West Virginia, on a private driveway leading to the home of [redacted] According to the West Virginia State Police Report, [redacted] was traveling north on her private driveway when the gas stuck and she was unable to stop before she crashed into a tree. [redacted] daughter, was the right-front passenger in the vehicle. [redacted] gave the following statement to the investigating officer, "My daughter and I was going down our driveway when the gas stuck on our Ford Escape. I tried to stop, but was unable. I then went up on the bank and crashed into a tree."

2. I have analyzed the deposition testimony and deposition exhibits of plaintiff's expert Charles Benedict. It is my opinion that his reconstruction of this crash is incomplete and lacking sufficient detail to conclude that any component of the Ford Escape was defective. I also found his criticism of the Ford Escape's 3-point seat belt system lacking sufficient real-world crash data to support his opinion that an integrated seat belt system would have made any difference in mitigating the injuries to Sharon Oldaker.

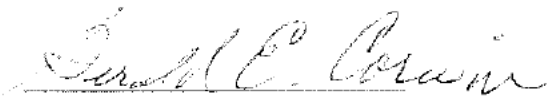
In summary, the opinions and conclusions stated in my report dated February 18, 2008 have not changed after reviewing and analyzing these materials. It is my opinion to a reasonable degree of engineering certainty, that the 2003 Ford Escape is not defective because it is equipped with a 3-



point seat belt system and not an integrated seat belt system. It is also my opinion that the head injury sustained by [redacted] could occur with either seat belt system given her body type and the dynamics of this crash. Seat belts are designed to reduce injuries and fatalities to occupants who use the seat belt, however, no restraint system can prevent all injuries in all types of crashes. It is my opinion that the 2003 Ford Escape is reasonably safe and provides excellent crash protection to occupants in any designated seating location.

I reserve the right to supplement this report should new information became available or in response to any testimony offered by plaintiff's expert.

Sincerely,



Gerald E. Corwin

Attachment A

- Defendant Ford Motor Company's and Bert Wolfe Ford, Inc.'s disclosure of expert witnesses
- Depositions: Charles E. Benedict, Ph.D., P.E. (02/15/08), Marie Luna Navarro (01/31/08), Kris G. Murthy, M.D. (03/05/08), [redacted] (03/14/08), Eric Hughes (03/14/08), Chris Brunetti (03/04/08), Nicholas Cassis, Jr., M.D. (03/14/08)
- Vehicle photographs by Cummings Engine Analysis
- Records produced by Nationwide
- Color laser vehicle photographs
- Towing Records
- Nationwide Claims File

Origin
Engineering LLC

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Spokane, WA 99216
Phone: 509.926.2566
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www.originengineering.com

November 14, 2008

Elizabeth Taylor
Flaherty, Sensabaugh, & Bonasso, PLLC
200 Capitol Street
PO Box 3843
Charleston, WV 25338-3843

SUPPLEMENTAL BIOMECHANICS REPORT

INTRODUCTION

At the request of attorney Elizabeth Taylor I have prepared this supplemental report regarding my analysis of the injuries sustained by [redacted] and [redacted] during a single-vehicle crash that occurred on January 2, 2005 at roughly 3:55 PM. The crash took place on a private driveway off of Mollys Branch Road in Lincoln County, West Virginia near the town of Alum Creek.

According to the West Virgina Uniform Traffic Crash Report (Report # – [redacted]) [redacted] was operating a 2003 Ford Escape (VIN – 1FMYU021X3K[redacted] and [redacted] was the right-front passenger. They were traveling on a private driveway when [redacted] lost control of the vehicle and subsequently struck a tree. The narrative section indicates that the loss of control was precipitated by a "stuck" gas pedal.

MATERIALS REVIEWED

Since my original report of February 18, 2008 I have received and reviewed the following materials:

- Kroger Pharmacy records for [redacted]
- Medical records from Thomas Memorial Hospital
- Defendant Ford's Disclosure of Expert Witnesses
- Medical records from Mari Sullivan Walker, Inc.
- Medical records from HPT Physical Therapy Specialists
- Records from Nationwide Insurance

WORK COMPLETED

No additional work was performed.

EXHIBIT
Tabbies
C
PE12-019 001522LC SUBJECT

DISCUSSION

I have reviewed all the materials received since my February 18, 2008 report. I have not found anything in them that affects my opinions. In the event that more materials are received, I will be happy to review them to determine what affect, if any, they may have on my opinions.



Digitally signed by
Jarrod Carter
Date: 2008.11.14
11:14:23 -08'00'

Jarrod Carter

R. P. Granacher, Jr., M.D., PSC
Lexington Forensic Neuropsychiatry

Robert P. Granacher, Jr., M.D., M.B.A
St. Joseph Office Park
1401 Harrodsburg Road, Suite A-400
Lexington, KY 40504-3795

Board Certified:
American Board of Psychiatry and Neurology
General Psychiatry, Geriatric Psychiatry, Forensic Psychiatry
United Council for Neurologic Subspecialties
Behavioral Neurology and Neuropsychiatry
American Board of Forensic Psychiatry
American Board of Sleep Medicine
American Society of Clinical Psychopharmacology

Master of Business Administration

Distinguished Life Fellow of The American Psychiatric Association

November 12, 2008

Elizabeth Taylor, Esq.
Flaherty, Sensabaugh & Bonasso, P.L.L.C.
P.O. Box 3843
Charleston, WV 25338

Facsimile: 304-345-0260

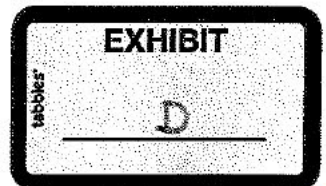
RE: [redacted] v. Ford Motor Company, et al.
Case No. [redacted]
Circuit Court of Lincoln County, West Virginia

Dear Ms. Taylor:

Thank you for your letter of October 16, 2008. Please consider this report supplemental to the report I sent to you February 18, 2008. I reviewed the following records:

1. Deposition transcript of psychiatrist Richard D. Kitching, M.D., November 15, 1978.
2. Deposition transcript of Marie Luna Navarro, M.D., January 31, 2008.
3. Medical records of Dr. Navarro for treatment of [redacted].

There are considerable omissions which should be added to my report to you dated February 18, 2008. I have carefully reviewed my file. I gave [redacted] a 22-page medical questionnaire to complete in her own hand at the time she saw me. She did advise me about a 1976 train-automobile accident. That accident is the subject of Dr. Kitching's deposition. He noted that he began treating this lady for depression following the train-automobile accident, which occurred sometime in 1976. He found her to have a significant change in her mental status and mood following the train-automobile accident.



RE12-019001524LC SUBJECT

With regard to Dr. Navarro, on page 8 of my questionnaire [redacted] advised me that the first time in her life she ever took nerve medicines, tranquilizers, or antidepressants was five years prior to my examination. That is inconsistent with the records of Dr. Navarro or Dr. Kitching. Those records indicate that she began treating [redacted] with antidepressants in the year 2000. I can document in the records of Dr. Navarro that she treated [redacted] for depression using Effexor, Prozac, Paxil, and Zoloft. These are all standard antidepressants used in the United States. Dr. Navarro's records are very clear that she diagnosed [redacted] with depression multiple times beginning sometime in early 2000. In fact, Dr. Navarro testified at page 33 of her deposition that she advised [redacted] o see a psychiatrist, Dr. Elkhatib.

These records and depositions demonstrate clearly that [redacted] had a substantial history of depression beginning as early as 1976 following a train-automobile accident. The records also demonstrate that she was under active treatment for depression by Dr. Navarro for at least five years prior to the subject motor vehicle accident January 2, 2005.

Respectfully submitted,

Robert P. Granacher, Jr., M.D., M.B.A.
Distinguished Life Fellow of the American Psychiatric Association

RPG/lfp

R. P. Granacher, Jr., M.D., PSC
Lexington Forensic Neuropsychiatry

Robert P. Granacher, Jr., M.D., M.B.A
St. Joseph Office Park
1401 Harrodsburg Road, Suite A-400
Lexington, KY 40504-3795

Board Certified:
American Board of Psychiatry and Neurology
General Psychiatry, Geriatric Psychiatry, Forensic Psychiatry
United Council for Neurologic Subspecialties
Behavioral Neurology and Neuropsychiatry
American Board of Forensic Psychiatry
American Board of Sleep Medicine
American Society of Clinical Psychopharmacology

Master of Business Administration

Distinguished Life Fellow of The American Psychiatric Association

November 13, 2008

Elizabeth Taylor, Esq.
Flaherty, Sensabaugh & Bonasso, P.L.L.C.
P.O. Box 3843
Charleston, WV 25338

Facsimile: 304-345-0260

RE: [redacted] v. Ford Motor Company, et al.
Case No. [redacted]
Circuit Court of Lincoln County, West Virginia

Dear Ms. Taylor:

Please be advised that I have reviewed additional records in the above styled case that were sent to my office after I examined [redacted] and after my report was tendered February 18, 2008. Those records include:

41. Inpatient Admission 9/16/2007 Thomas Memorial Hospital Dr. Joseph Devono, III (she had chest pains)
42. Disclosure of Expert Witnesses 2/18/2008 Carr Engineering, Inc.
43. Office Report from Dr. Teodoro 11/9/76
44. Radio-isotope Scan Report 2/22/77
45. Electroencephalogram /within limit of normal 11/4/76
46. J.D. Teodoro, M.D. 3/15/77 CT Brain Scan –normal
47. Sharon Hughes 2/21/77
48. Medical Records regarding the Plaintiff Dr. Arvind B. Shah
49. Deposition Transcripts of Sharon Oldaker
50. Deposition transcripts of Dr. Marie Navarro
51. Deposition transcript of Dr. Kris Murthy

Clinical Practice (859) 277-5213 Fax (859) 277-5413 **Forensic Practice** (859) 277-7423 Fax (859) 278-0218

RE12-019-001526LC SUBJECT

52. Therapeutic Records and Health Questionnaire/Physical Exam
53. Labs
54. Columbia Saint Francis hospital-Holter Monitor/Stress Test
55. Charleston Area Medical Center Emergency Department Eval 11/18/07
56. Thomas Memorial Hospital 9/16/07
57. Sleep Center
58. Ear, Nose & Throat Associates of Charleston, Inc 11/7/01
59. Nicholas Cassis, Jr., M.D., F.A.C.E. 2/03/00
60. Kris G. Murthy, MD. 1/8/01 Neurology Associates
61. Arvind B. Shah, MD. Inc -Office Notes
62. Charleston Area Medical Center Dr. Playon E. Kobbah 11/19/07
63. Saint Francis Hospital 9/7/07 Maria Navarro, M.D.
64. Charleston Area Hospital Patient Diagnostic Report 7/6/05
65. Saint Francis Hospital- Low Back Pain- 7/22/04
66. Patient Diagnostic Report 9/4/03 –Mammography
67. St. Francis MRI Brain W/O 6/25/03
68. Charleston Area Medical Center 12/06/01-Mammography
69. Additional Medical Records regarding the [redacted]
70. Medical Records –Kathy Riley, PT 11/25/03 (low back Pain)
71. Ashton Medical Associates
    (11/04/03-pain in legs)
    (7/21/03 -swelling L side of neck)
    (2/25/03 -sore throat sinus)
    (12/28/01-big toe pain)
    (3/15/01 –sinusitis)
72. Deposition of Richard D. Kitching, M.D. 11/15/1978
73. Medical Records – Dr. Whelan 10/07/04

With regard to the record of Dr. Whelan, it appears that he did a one-time intake evaluation of [redacted] October 7, 2004. His evaluation begins with the train wreck in 1976. This evaluation is of course prior to her current claim of injury January 2, 2005. If this is all of the records that exist, it appears that she did not return to Dr. Whelan for further evaluation. His summary of this initial evaluation was as follows:

1. Her symptoms did not seem to be consistent with posttraumatic stress disorder.
2. Dr Whelan felt she possibly had posttraumatic bipolar illness after the train wreck and possibly frontal lobe problems.
3. He noted that only depression was being treated.
4. He noted that her other problems were complicated by medical issues, which could be associated with a mood disorder. He does indicate at the end of this five page report that he was planning on doing a full psychiatric workup.

PE12-019 001527LC SUBJECT

There is another record of interest from Dr. J. D. Teodoro. Dr. Teodoro is a neurologist practicing in Charleston, West Virginia, and he examined [redacted] November 4, 1976. He describes a 19-year-old right-handed single woman who had headaches "since she can remember starting in June 1976." He then went through the history of the automobile accident/train wreck. His evaluation concluded that he was impressed that the neurological examination was unremarkable and he stated that from a historical profile he would say that her headaches were probably vascular in origin with a recent temporal relationship to the car-train accident, which may have been triggered by such a situation. He thought she had a muscle contraction headache and that the birth control pills she was taking were probably aggravating her headaches. He noted that she had had an EEG and he had not seen the results of that. He advised her to take aspirin and Valium with Phenergan and to stop her birth control pills for three months. If she had a followup visit with this neurologist, those records were not provided.

The records of Doctors Whelan and Teodoro are clear that [redacted] had substantial medical issues following the 1976 train-car accident. They demonstrate chronic depression and Dr. Whelan was concerned that she had precipitated a mood disorder from the accident. Dr. Teodoro noted a significant headache history, which may or may not have been related to the 1976 motor vehicle accident.

Respectfully submitted,

Robert P. Granacher, Jr., M.D., M.B.A.
Distinguished Life Fellow of the American Psychiatric Association

RPG/lfp

PE12-019 001528LC SUBJECT

IN THE CIRCUIT COURT OF LINCOLN COUNTY, WEST VIRGINIA

[redacted] and
[redacted] by her next
Friend, [redacted]

Plaintiffs,

v.

CIVIL ACTION NO. [redacted]
The Honorable Jay M. Hoke

FORD MOTOR COMPANY,
A Delaware corporation, and

BERT WOLFE FORD, INC.,
A West Virginia corporation,

Defendants.

CERTIFICATE OF SERVICE

I, Elizabeth L. Taylor, counsel for the defendant, Ford Motor Company, do hereby certify that on the 14th day of November, 2008, the foregoing **DEFENDANTS FORD MOTOR COMPANY'S AND BERT WOLFE FORD, INC.'S SUPPLEMENTAL DISCLOSURE OF EXPERT WITNESSES** was served upon the following counsel of record by depositing a true copy thereof in the United States Mail, postage prepaid, in an envelope addressed as follows:

William V. DePaulo, Esquire
179 Summers Street, Suite 232
Charleston, WV 25301

Elizabeth L. Taylor (WV State Bar #10270)

BEC CONSULTING, LLC

Engineering
Accident Reconstruction

Same Company, New Name

3660 Hartsfield Road, Ste. 123
Tallahassee, FL 32303

Post Office Box 4229
Tallahassee, FL 32315

Phone (850) 558-3127
Fax (850) 575-8454

www.becconsult.com

November 5, 2009

VIA E-MAIL (william.depaulo@gmail.com)

Mr. William V. DePaulo
Law Offices of William V. DePaulo
179 Summers Street
Charleston, WV 25301

RE: [redacted] v. Ford Motor Co. & Bert Wolfe Ford, Inc. – Report of Findings

FILE: BEC Project No. 12229

Dear Mr. DePaulo:

I have completed the preliminary analysis of the above-referenced incident. During my analysis, I reviewed, analyzed, and considered the following materials and items:

1. Photographs:
   a. Accident Vehicle at the Scene (6) lasers by client taken on 1/2/05
   b. Exemplar Ford Escape (22) digital images without description by BEC employee taken on 10/29/07
   c. 2002 Ford F-150 Bucket Seat with Seat Integrated Restraints

2. Research and Technical Data:
   a. (8) Design/Roll Drawings by Ford
   b. (9) Design/Roll Drawings by Ford
   c. AllData - 2003 Ford Truck Escape 2WD V6-181 3.0L DOHC VIN 1 Duratec - Air Bag/Safety Belt Pre-tensioner Supplemental Restraint System (SRS)
   d. AllData - 2003 Ford Truck Escape 2WD V6-181 3.0L DOHC VIN 1 Duratec - Description and Operation
   e. AllData - 2003 Ford Truck Escape 2WD V6-181 3.0L DOHC VIN 1 Duratec - Description and Operation Air Bag Module - Driver
   f. AllData - 2003 Ford Truck Escape 2WD V6-181 3.0L DOHC VIN 1 Duratec - Description and Operation - The Restraint Control Module (RCM)
   g. AllData - 2003 Ford Truck Escape 2WD V6-181 3.0L DOHC VIN 1 Duratec - Attachment III - Technical Information - Service Procedure for Accelerator Cable
   h. AllData - Airbag Wiring Diagrams
   i. FAO Safety Design Guidelines for New Vehicles (excerpt) - Offset Frontal Impact by Ford - 2/6/98

PE12-019 001530LC SUBJECT

j. Ford's Safety Recall 04S25: Updated 10/6/05 - AllData Research on Accelerator Cable
k. Ford's ABTS Product Cost Analysis
l. Ford's Copy of BMW Paper Showing the Advantages of a Seat Integrated Restraint System
m. Resistance to Rollover Guidelines - 8/26/94
n. Safety Design Guidelines by Ford - 11/2/01
o. Safety Design Guidelines by Ford - 7/25/00
p. Safety Design Guidelines for New Vehicles (Attachment 1) by Ford - 9/19/97
q. Safety Design Guidelines for New Vehicles by Ford - 4/16/98
r. Safety Design Guidelines for New Vehicles by Ford - 2/26/99

3. Pleadings:
   a. Complaint
   b. Ford Production Documents - Mazda Engineering Standard - Air Bag Inflator - MES PA 57K80
   c. Ford Production Documents - Air Bag Modules - Mazda Engineering Standard - MES PA 57K008
   d. Ford Production Documents - Discovery 2001-2004 Escape FMVSS208
   e. Ford Production Documents - Discovery Responses 1997-2001 - Resistance to Rollover
   f. Ford Production Documents - Mazda Engineering Standard - Air Bag Igniter - MES PA 57K86
   g. Ford Production Documents - System Design Specification - Passenger Module - Air Bag - Version 1
   h. Ford Production Documents - System Design Specification - Passenger Module - Air Bag - Version 2
   i. Ford Production Documents - System Design Specification - Supplemental Restraint System - Version 3
   j. Ford Production Documents - System Design Specification - Driver Module - Air Bag - Version 4
   k. Ford Production Documents - System Design Specification - Driver Module - Air Bag - Version 5
   l. Plaintiff's Exhibit Volume

4. Discs:
   a. DVD "Video from client of Ford Exam of 2003 Escape prior to his representation of Oldaker" - ZIP files
   b. DVD "Video from client of Ford Examination of 2003 Escape (Accident Vehicle) Prior to His Representation of Oldaker"

The review and analysis of the above materials reveals the following facts:

The review and analysis of the above materials reveals the following facts:

1. There was a single vehicle accident on 1/2/05 when a 2003 Ford Escape ran off of a private drive and struck a tree.
2. The vehicle was being driven by [redacted] was in the front passenger seat.
3. [redacted] stated that the accelerator got stuck and she was unable to stop, ultimately causing her to run into the tree.
4. [redacted] struck the top of her head during the accident.

Based on the above facts and my education, training and experience, it is my preliminary opinion, to a high degree of engineering and scientific certainty, that:

1. But for the 2003 Ford Escape acceleration sticking this accident would not have happened and [redacted] would not have struck the top of her head.
2. Ford knew that All-Belts-To-Seats (ABTS) systems prevent injuries, such as those received by [redacted] in this accident, better than traditional seatbelt systems.
3. Ford was producing vehicles with ABTS systems at the time the accident vehicle was built.
4. But for the accident vehicle not having an ABTS system for the front occupant seats, [redacted] would not have received her injuries.

I reserve the right to modify or add to my opinions subject to review and analysis of additional discovery information, test data, technical information, or other materials obtained during the discovery process.

Yours very truly,

BEC CONSULTING, LLC

Charles E. Benedict, Ph.D., P.E.
Consulting Engineer

CEB/cay



Generated: 11/23/2005

AOC-S-105 Sum Code: CI
Rev. 7-99

Commonwealth of Kentucky
Court of Justice
CR 4.02; Cr Official Form 1

Civil Summons

Case Number [redacted]
Court CI
County FLOYD

Plaintiff, [redacted] VS. FORD MOTOR COMPANY, , ET AL, *Defendant*

FORD MOTOR COMPANY,
C.T. CORPORATION SYSTEM
KENTUCKY HOME LIFE BUILDING
LOUISVILLE KY 40202

The Commonwealth of Kentucky to the above-named Defendant(s):

You are hereby notified that a legal action has been filed against you in this court demanding relief as shown on the document delivered to you with summons. Unless a written defense is made by you or by an attorney on your behalf and filed in the clerks office within twenty (20) days following the day this paper is delivered to you, judgement by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding such relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this summons.

Circuit/District Clerk, DOUGLAS HALL
By D. Fannin, DC
Date: 11/23/2005

Proof of Service

[ ] This Summons was served by delivering a true copy and the Complaint (or other initiating document)
To: _____

[ ] Not Served because: _____

Date: _____, 2____ _____
Served by

CI 05-CI-01201
[redacted] VS. FORD MOTOR COMPANY, , ET AL

COMMONWEALTH OF KENTUCKY
FLOYD CIRCUIT COURT
DIVISION NO.:
CASE NO.:

NO. [redacted] I
FILED 23 DAY NOV 20 05
SUMMONS AND COPIES ISSUE
FLOYD CIRCUIT COURT
BY D. Tammie D.C

[redacted]
PLAINTIFF

VS.

COMPLAINT

FORD MOTOR COMPANY AND
LAYNE BROS. FORD, LINCOLN, MERCURY, INC. DEFENDANTS

Serve by certified mail:

Ford Motor Company:

C.T. Corporation System
Kentucky Home Life Building
Louisville, Kentucky 40202

Layne Bros. Ford, Lincoln, Mercury, Inc.:

Malcolm Darwin Layne
105 Layne Bros. Road
Ivel, Kentucky 41642

Comes the Plaintiff, by counsel, and for her cause of action states as follows:

1. That the Plaintiff is a resident of Floyd County, Kentucky, and on or about the calendar year of 2002, purchased a new 2003 model of a motor vehicle known as a Ford Escape, from Defendant, Layne Bros.

Ford, Lincoln, Mercury, Inc., from its place of business in Ivel, Floyd County, Kentucky. Said motor vehicle was designed, manufactured and assembled by Defendant, Ford Motor Company, and delivered to its authorized dealer, Defendant Layne Bros. Ford, Lincoln, Mercury, Inc., for sale.

2. That this Court, has jurisdiction for this claim of negligence and product liability, being that the dollar amount in controversy exceeds $10,000. Further, venue is in Floyd County, Kentucky, in that both Plaintiff and Defendant, Layne Bros. Ford, Lincoln, Mercury, Inc., are residents of Floyd County; and Ford Motor Company is a non-resident, doing business in Floyd County, and a significant part of the cause of action, i.e. the purchase of a defective product, the 2003 Ford Escape, occurred in Floyd County.

3. That on or about November 27, 2004, Plaintiff was operating the Ford Escape in Fayette County, Kentucky, exercising ordinary care. Unknown to Plaintiff, said vehicle had a defective design, manufacture or assembly of portions of the vehicle that caused the acceleration of the vehicle to suddenly be beyond complete control of

Plaintiff. At that time and place, the same caused Plaintiff to lose control of the vehicle and crash, resulting in permanent physical injuries to Plaintiff, and damages as set forth hereafter.

4. That the defective design, manufacture or assembly was the result of negligence on the part of Ford Motor Company, in that they failed to exercise reasonable care in the design, manufacture or assembly thereof and/or failed to discover defects in the same which has now resulted in the foreseeable events and injuries suffered by Plaintiff. Whereby Ford Motor Company is liable to pay the damages set forth hereafter. Further, Layne Bros. Ford, Lincoln, Mercury, Inc., is jointly and severally liable as the seller of the motor vehicle, in that said defects in design, manufacture or assembly were discoverable and Plaintiff's damages were foreseeable.

5. In addition, or in the alternative, Ford Motor Company is strictly liable for all damages set forth hereafter, in that said damages resulted from the accident of November 27, 2004, and that said accident was caused by the 2003 Ford Escape being a product that was in a

defective condition, unreasonably dangerous to the Plaintiff as she operated it, all in keeping with the Product Liability Act of Kentucky.

6. That the Plaintiff has suffered great personal physical injuries, resulting in medical expenses past and future; permanent physical impairment and occupational disabilities; great physical pain and suffering, past and future; emotional pain, distress, and suffering past and future; past and future loss of earnings; loss of employment opportunities, past and future; rehabilitation expenses, past and future and a need for special devices and accommodation, past and future; all of which were caused by the negligence of Ford Motor Company and Layne Bros. Ford, Lincoln, Mercury, Inc., and/or the marketing of a product in an unreasonably dangerous condition by Ford Motor Company.

7. That Layne Bros. Ford, Lincoln, Mercury, Inc., is a Kentucky Corporation, whose registered agent is Malcolm Darwin Layne, 105 Layne Bros. Road, Ivel, Kentucky 41642, and process should be served thereto. That Ford Motor Company is a foreign corporation, doing business in Kentucky and the registered process agent is C.T. Corporation System,

Kentucky Home Life Building, Louisville, Kentucky 40202 and process should be issued thereto.

8. That the defective design, manufacture, or assembly and its causative link to the accident of November 27, 2004, was discovered on or about November 18, 2005.

9. That Ford Motor Company acted in a wanton and reckless disregard for the safety of the Plaintiff, and is subject to an award of punitive damages.

10. Any third parties entitled to subrogation have been notified of the pendancy of this action.

WHEREFORE, Plaintiff prays as follows:

1. For an award of monetary damages equal to the losses set forth under paragraph number 6 above, jointly and severally from Ford Motor Company and Layne Bros. Ford, Lincoln, Mercury, Inc., based on their negligence as set forth heretofore.

2. For an award of monetary damages equal to the losses

set forth heretofore under paragraph number 6 above against Ford Motor Company for marketing a product in a defective, unreasonably dangerous condition.

3. Trial by jury.

4. Punitive damages against Ford Motor Company as determined by Jury.

5. Court costs and expenses incurred in prosecuting this action, and any and all other relief to which she may be entitled.

Respectfully submitted,

TURNER LAW OFFICE, PSC
P.O. Box 388
Prestonsburg, Kentucky 41653
606-886-0415

HON. ARNOLD TURNER, JR.

DOUGLAS RAY HALL
CIRCUIT COURT CLERK
FLOYD CIRCUIT & DISTRICT COURTS
127 SOUTH LAKE DRIVE
PRESTONSBURG, KENTUCKY 41653-198

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CI 05-CI-01201
631122

FORD MOTOR COMPANY,
C.T. CORPORATION SYSTEM
KENTUCKY HOME LIFE BUILDING
LOUISVILLE KY 40202

PE12-019 001541LC SUBJECT



507832
Chabot

MAR 3 0 2005

GEICO DIRECT

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

One GEICO Blvd. ♦ Fredericksburg, VA 22406-9900

03/22/2005

Ford Motor Company
Attn: Andrew A. Chabot
PO Box 6248
MD-3NE-B
Dearborn, MI 48126

WHEN RESPONDING- PLEASE REFER TO OUR CLAIM NUMBER.

OUR CLAIM NUMBER: [redacted]
OUR INSURED:
DATE OF LOSS: 07/15/2004
YOUR CLAIM NUMBER: Vin 1FMCU04152K[redacted]
YOUR INSURED: Ford Motor Company

Dear Andrew Chabot:

Thank you for responding to our above referenced claim. You will find listed below and attached the information and materials you requested in your letter dated February 24, 2005.

* The incident occurred on 07/15/2004 at Otto Road and 65th Street, Ridgewood, NY. Insureds vehicle was traveling west bound on 65th Street in left lane of 3 c/w, stop sign. Driver accelerated from stop sign and could not stop because the vehicle was going much faster than registered on the speedometer. Insured states wasn't even able to use emergency break due to acceleration.

* There was not a police or fire report for the incident. Attached you will find a written statement from our insured [redacted] and an accident description.

* Vehicle Information:
2002 Ford Escape XLT
Vin# 1FMCU04152K[redacted]
Serial# 2B142NRB2X240002167021402
Mileage: 22916
Color: Black

* The above referenced vehicle was purchased new in August of 2002 at: Lafares Ford
6206 Fresh Pond Road
Middle Village, NY 11379

[redacted] had the vehicle serviced at the above named dealership until its closing and then transferred service to: DiBlasi Ford (718) 898-6100
11221 Northern Blvd.
Corona, NY 11368

[redacted] contacted the DiBlasi Ford dealership requesting copies of his service records at which time he was informed that they will not provide service records, stating that you have access to those records. If this is not the case, please contact the dealership directly.

* Enclosed are the color photos you requested.

Please contact me if you have any questions or require additional information.

Sincerely,

Val Batcheler

Val Batcheler
Payment Recovery Examiner
540-286-7376

GOVERNMENT EMPLOYEES INSURANCE COMPANIES

A Shareholder Owned Company – Not Affiliated With The U.S. Government
750 Woodbury Rd • Woodbury, NY 11797

FSAL NY NP

REPORT ALL ACCIDENTS OR LOSSES IMMEDIATELY.
ACCIDENTS INVOLVING BODILY INJURY SHOULD BE IMMEDIATELY REPORTED BY TELEPHONE.

FOR REPORTING ACCIDENTS

Please complete this form as thoroughly as possible. All details of the accident are important to accurately process this claim.

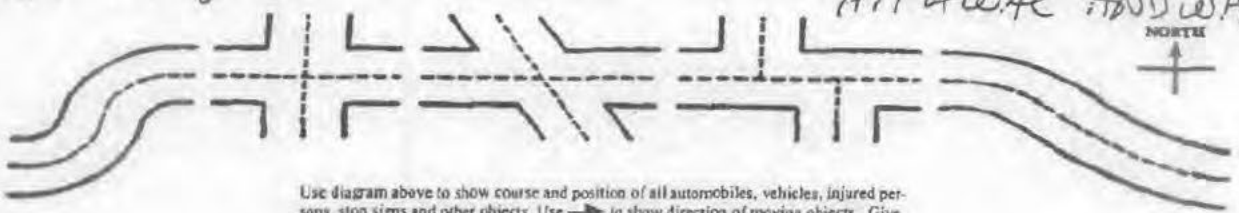
[redacted]

1. POLICY [redacted] Name of Policyholder [redacted]
Policy Numbe[redacted] Occupation SELF EMPLOYED Social Security No. [redacted]
Complete Home Address [redacted] GLENDALE NY [redacted] Phone [redacted]
Business Address [redacted] GLENDALE NY [redacted] Phone [redacted]
Driver's Name [redacted] Address [redacted] Pho[redacted]
Driver's License No. [redacted] State License I[redacted] Social Security No. [redacted] Driver's Age [redacted]
Date of Birth [redacted] Years of driving experience 0 Relation to Policyholder SON Who authorized him to drive? FATHER
Name Occupants of Policyholder's Car

2. POLICYHOLDER'S AUTOMOBILE Make FORD Year 2002 Body Type SUV Model ESCAPE
License Plate No. and State Identification #
Name of Holder of Title, if not Policyholder
Name of Owner, if other than Policyholder Address
Car Permanently Garaged at DRIVEWAY

3. DATE AND PLACE Date of Accident 7/15/04 20 04 Time 5:15 A.M. (P.M.) (Circle One)
Where did accident occur? OTTO ROAD City GLENDALE State NY
Was car towed from scene of accident? YES If so, by whom?
Purpose for which car being used PLEASURE Was driver on errand for owner?
Car now at TOTALED Has this claim been previously reported? YES
Is one of our claim representatives handling your claim? NO If so, indicate firm

4. THE ACCIDENT, GIVE COMPLETE DETAILS
Direction my automobile was going WEST
What side of street? RIGHT How fast? 20MPH Speed Limit? 30 Were your headlights on? NO Signals? NO
Condition of street VERY GOOD If object collided with was moving, in what direction was it going?
How fast? What side of Street? Any signals given? If an automobile, were lights on?
Was either driver violating traffic regulation? NO Were traffic controls present? YES If so, indicate where and type on diagram below.
Was accident investigated by police? YES What Department and Precinct? TO REPORT
Was anyone charged? NO Who? What was the charge?
State **Full Details** of how **Accident happened:** MY SON [redacted] WHO HAS A PERMIT WAS GOING WEST ON OTTO ROAD STOPED AT A STOP SIGN THEN HE HIT THE GAS GOT UP TO 20 MPH AND COULD NOT STOP BECAUSE THE CAR I THOUGHT WAS GOING MUCH FASTER IF IT WAS ICE HE WOULD HAVE HIT THE EMERGENCY BRAKE I TOLD THE COP THE SAME THING THE SAID THAT WOULD BE TOUGH TO PROVE THE CAR HIT A TREE AND WAS TOTALED



Use diagram above to show course and position of all automobiles, vehicles, injured persons, stop signs and other objects. Use → to show direction of moving objects. Give Names of Streets. Mark X where collision occurred. COMPLETE OTHER SIDE

MEMBER NATIONAL INSURANCE CRIME BUREAU

C-4YY (09-01)

Telephone the Company **Immediately** if anyone is **Seriously Hurt.**

5. PERSONAL INJURIES Name of injured person _____

Address _____

Age _____ Occupation _____ Social Security No. _____

Injuries _____

Name and address of Doctor called _____

Where was injured person taken? _____

Where was injured person at time of accident? _____ *Seat Belts Installed?* ☐ yes ☐ no *In Use?* ☐ yes ☐ no

What statement was made by injured person? _____

Do you anticipate claim being made against you? _____

6. OTHER CAR OR PROPERTY INVOLVED (NOT YOUR CAR) Name and address of owner of damaged auto or other property damaged.

Home Phone _____ Business Phone _____ Social Security No. _____

Name of other party's insurance carrier _____ Policy No. _____

Make of automobile _____ Year _____ Body Type _____ Model _____

Describe damage to auto or other property _____

_____ License Plate No. and State _____ Estimated Repair Cost $ _____

Name of Driver of other car _____ Address _____

Drivers License No. _____ Social Security No. _____ Age of Driver _____

Occupants of other car _____ Address _____

_____ Address _____

Where can investigator see other car? _____

What was said between you and other driver _____

IMPORTANT: *Is claim being made against you?* _____ Are you making claim against other party? _____

7. DAMAGE TO POLICYHOLDER'S AUTOMOBILE:

State cause of damage or loss if other than accident _____

_____ Date of loss _____

Describe parts, nature and extent of loss _____

_____ Estimated cost of repairs $ _____

If theft, were police notified? _____ When _____ Officer's name and number _____

Give make, size and mileage of tires stolen or damaged _____

Age of convertible top _____ Purchase date and warranty of battery _____

8. WITNESSES / THIS IS IMPORTANT The names and addresses of all witnesses, bystanders or people in the immediate vicinity who may have seen the accident or heard any statement made, should be secured. **Give below Street No., City and State**

Name _____ Telephone No. _____ Social Security No. _____

Address _____

Name _____ Telephone No. _____ Social Security No. _____

Address _____

9. CERTIFICATE I certify that the foregoing is correct to the best of my knowledge and belief.

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, any any person who knowingly makes or knowingly assists, abets, solicits or conspires with another to make a false report of the theft, destruction, damage or conversion of any motor vehicle to a law enforcement agency, the department of motor vehicles or an insurance company commits a fraudulent insurance act, which is a crime and shall also be subject to a civil penalty not to exceed five thousand dollars and the value of the subject motor vehicle or stated claim for each violation.

[redacted]

Date of this report 8/7/05

Policyholder's Signa

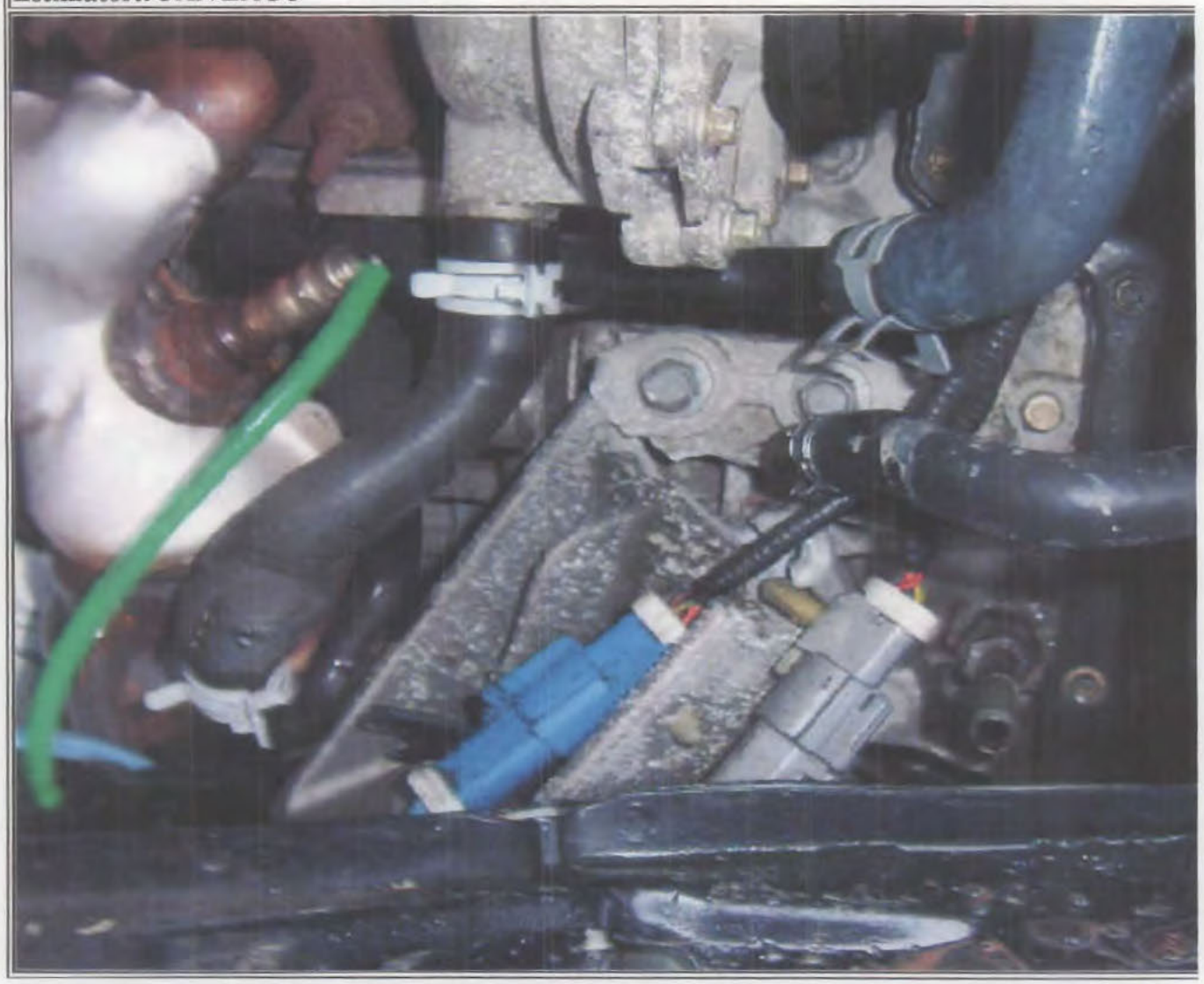
Driver's Signature
(If other than Policyholder

[redacted]

AD Query

Estimate Photo 01 for Claim Number [redacted]

Photo date:29/07/2004 18:52:38:00 **Size:**54068
Description:
Insured: [redacted]
Policy Number: [redacted]
Vehicle:2, FORD, ESCAPE 4X4 XLT
VIN:1FMCU04152K[redacted]
Loss date:07/15/04
Estimator:JUAN LAGO



Estimate Photo 02 for Claim Number [redacted]

PE12-019 001547LC SUBJECT

Photo date:29/07/2004 18:52:38:00 **Size:**61336
Description:
Insured: [redacted]
Policy Number: [redacted]
Vehicle:2, FORD, ESCAPE 4X4 XLT
VIN:1FMCU04152K[redacted]
Loss date:07/15/04
Estimator:JUAN LAGO



Estimate Photo 03 for Claim Number [redacted]

Photo date:29/07/2004 18:52:38:00 **Size:**64720
Description:
Insured [redacted]
Policy Number: [redacted]

PE12-019 001548LC SUBJECT

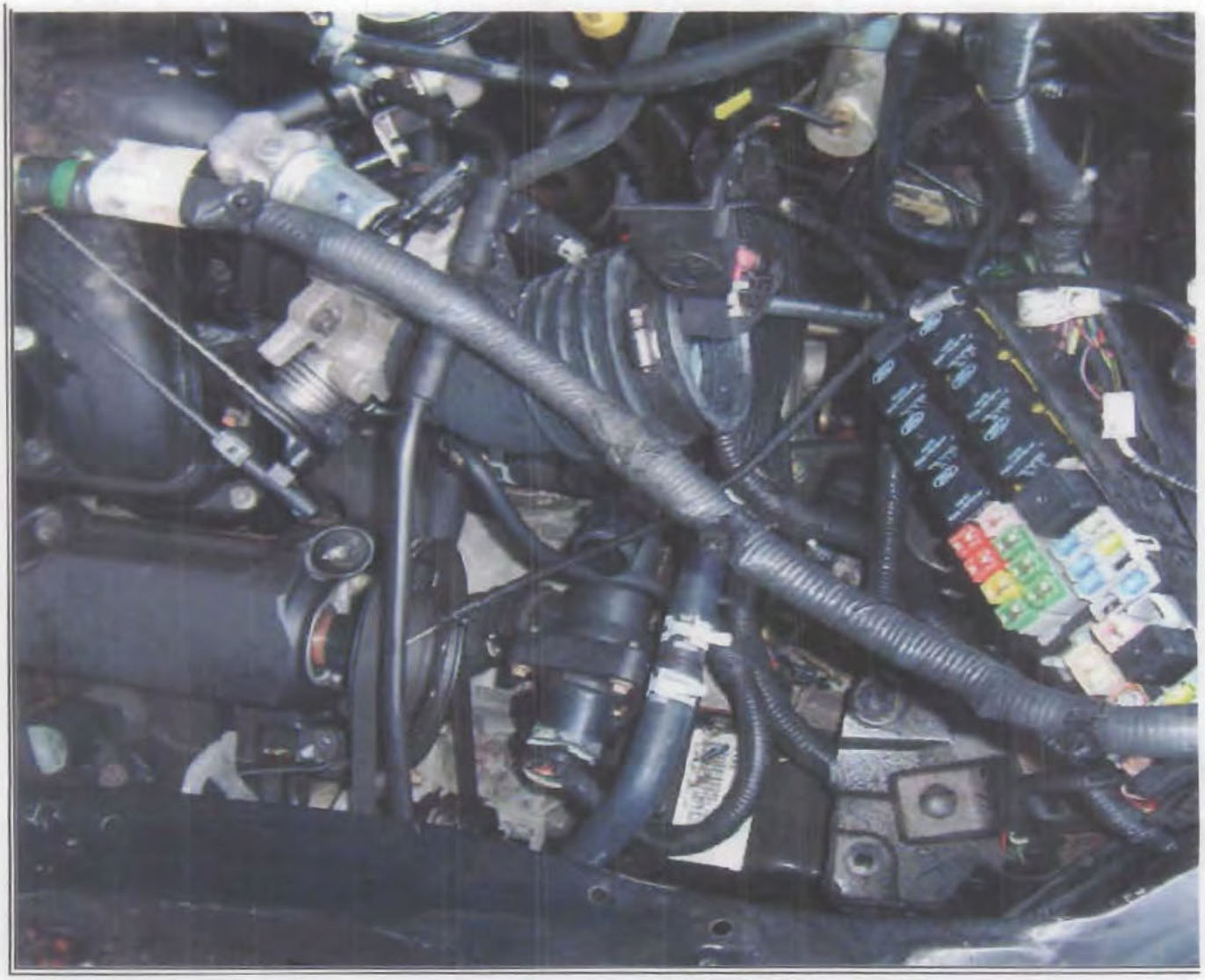
Vehicle:2, FORD, ESCAPE 4X4 XLT
VIN:1FMCU04152K[redacted]
Loss date:07/15/04
Estimator:JUAN LAGO



Estimate Photo 04 for Claim Number [redacted]

Photo date:29/07/2004 18:52:38:00 **Size:**68491
Description:
Insured:[redacted]
Policy Number:[redacted]
Vehicle:2, FORD, ESCAPE 4X4 XLT
VIN:1FMCU04152K[redacted]
Loss date:07/15/04
Estimator:JUAN LAGO

PE12-019 001549LC SUBJECT

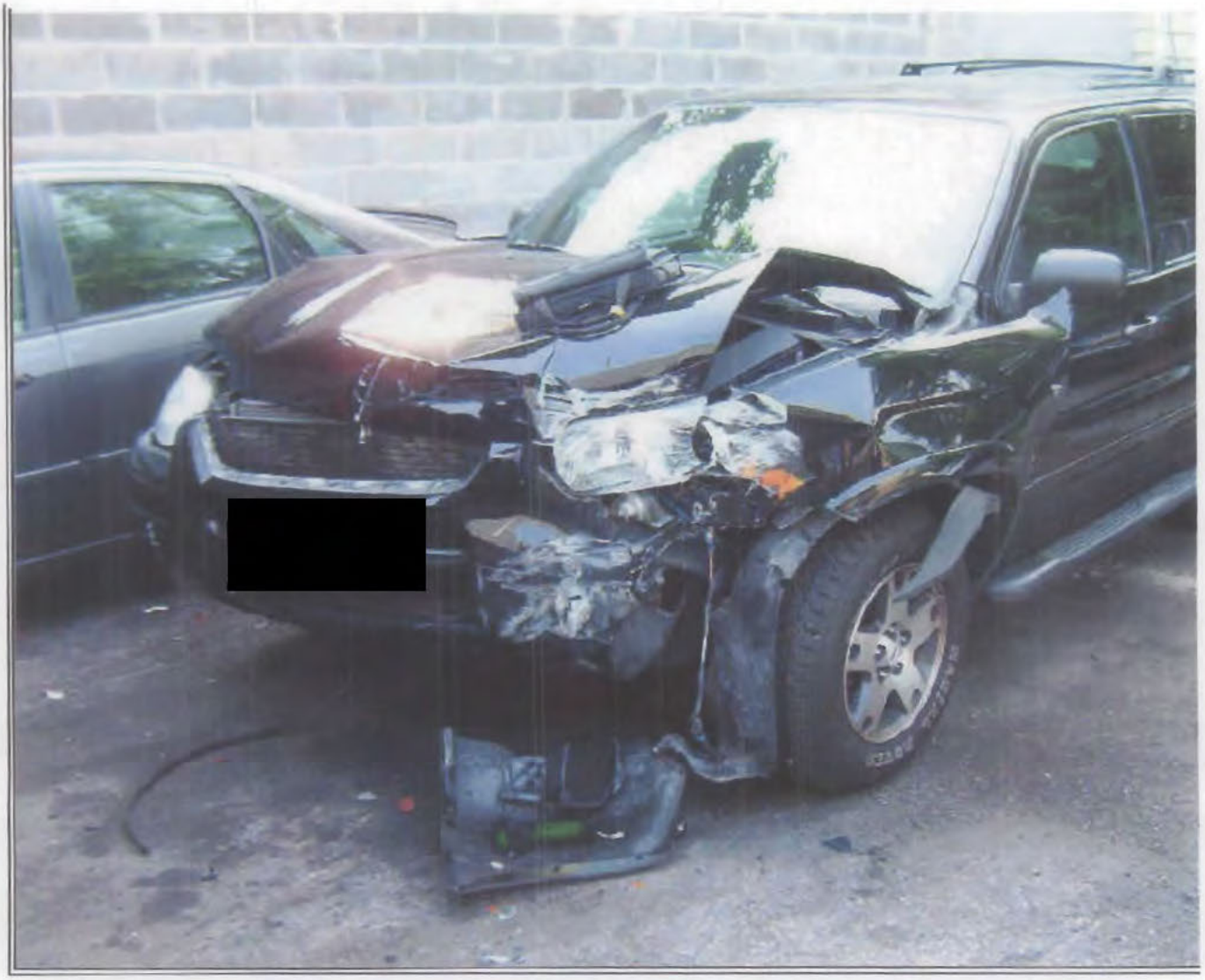


Estimate Photo 05 for Claim Number [redacted]

Photo date:29/07/2004 18:53:00:00 **Size:**63499
Description:
Insured: [redacted]
Policy Number: [redacted]
Vehicle:2, FORD, ESCAPE 4X4 XLT
VIN:1FMCU04152K[redacted]
Loss date:07/15/04
Estimator:JUAN LAGO

[redacted]

03/08/2005



Estimate Photo 06 for Claim Number [redacted]

Photo date:29/07/2004 18:53:00:00 **Size:**60695
Description:
Insured: [redacted]
Policy Number: [redacted]
Vehicle:2, FORD, ESCAPE 4X4 XLT
VIN:1FMCU04152K[redacted]
Loss date:07/15/04
Estimator:JUAN LAGO

[redacted]



Estimate Photo 07 for Claim Number [redacted]

Photo date:29/07/2004 18:53:00:00 **Size:**55621
Description:
Insured: [redacted]
Policy Number: [redacted]
Vehicle:2, FORD, ESCAPE 4X4 XLT
VIN:1FMCU04152K[redacted]
Loss date:07/15/04
Estimator:JUAN LAGO

[redacted]



Estimate Photo 08 for Claim Number [redacted]

Photo date:29/07/2004 18:53:00:00 **Size:**40245
Description:
Insured: [redacted]
Policy Number: [redacted]
Vehicle:2, FORD, ESCAPE 4X4 XLT
VIN:1FMCU04152K[redacted]
Loss date:07/15/04
Estimator:JUAN LAGO

[redacted]

03/08/2005



Estimate Photo 09 for Claim Number [redacted]

Photo date:29/07/2004 18:53:00:00 **Size:**54467
Description:
Insured: [redacted]
Policy Number: [redacted]
Vehicle:2, FORD, ESCAPE 4X4 XLT
VIN:1FMCU04152K[redacted]
Loss date:07/15/04
Estimator:JUAN LAGO

[redacted]

03/08/2005



Estimate Photo 10 for Claim Number [redacted]

Photo date:29/07/2004 18:53:00:00 **Size:**42451
Description:
Insured: [redacted]
Policy Number: [redacted]
Vehicle:2, FORD, ESCAPE 4X4 XLT
VIN:1FMCU04152K[redacted]
Loss date:07/15/04
Estimator:JUAN LAGO

[redacted]



Estimate Photo 11 for Claim Number [redacted]

Photo date:29/07/2004 18:54:09:00 **Size:**40004
Description:
Insured: [redacted]
Policy Number: [redacted]
Vehicle:2, FORD, ESCAPE 4X4 XLT
VIN:1FMCU04152K[redacted]
Loss date:07/15/04
Estimator:JUAN LAGO

[redacted]

PE12-019 001556LC SUBJECT

RECEIVED
FEB 07 2005
CONSUMER AFFAIRS SECTION
5 FEB -4 A8:23

GEICO DIRECT

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

One GEICO Blvd. ♦ Fredericksburg, VA 22406-9900

FORD MOTOR COMPANY
CLAIMS UNIT
FEB 08 2005
OFFICE OF THE GENERAL COUNSEL

PAYMENT RECOVERY NOTICE

Ford Motor Company
PO Box 6248
MD-3NE-B
Dearborn, MI 48126

Date: 01/27/2005
Our File #: [redacted]
Our Insured: [redacted]

Your Insured/Driver: Veh Defect
Your File #: VIN: 1FMCU04152K[redacted]
Your Vehicle: 2002 Ford Escape XLT Tag #: NY[redacted]
Date of Loss/Location of Loss: 07/15/2004 NY

WHEN RESPONDING- PLEASE REFER TO OUR CLAIM NUMBER.

Our investigation shows your insured to be at fault for this accident.

☐ 1. Repair or replacement of our vehicle has been concluded. Our subrogation claim will be forwarded. Please support our interest.

☐ 2. Payment for repairs has been made. Documentation is attached. Please honor our claim.
CO's Interest: $ Insured's Deductible: $ Towing: $
Rental: $ Total: $

☒ 3. Our Vehicle was declared a total loss. Documentation is attached. Please honor our claim.
Amount paid to Insured: $18,164.70 Insured's Deductible: $250.00
Net Salvage Recovery: $620.06 Rental: $375.00
Towing/Storage: $ Total: $18,169.64

☐ 4. We have subrogation rights for no fault benefits paid. Our documentation is attached. Please honor our claim.
Medical:$ Wages: $ Others: $ Total: $

☐ 5. Since notifying you on of our subrogation claim, we have paid additional damages of . Please include this in your payment to us. Documentation is attached. Our Total Claim is $

☐ 6. Documentation of our claim was sent to you on . When may we expect payment?

☐ 7. Arbitration was filed and a decision was rendered in our favor on . Total award is $ When may we expect payment?

☒ 8. Please make your check payable to:
☒ GEICO
☐ GEICO General Insurance Company
☐ GEICO Casualty
☐ GEICO Indemnity Company

☒ ATTN: CASHIERS
P.O. BOX 96008
WASHINGTON, DC 20090-6008

**Please pay our insured directly for out of pocket rental of $.

THANKS FOR YOUR PROMPT ATTENTION.

PAYMENT RECOVERY EXAMINER: Val Batcheler
PHONE: (540) 286-7376
FAX: (786) 221-3542

ISSUE LIST

Last Handling Date/ Issue Status	Name/ Reason Desc	Vin/ Case No.	Model Year and Vehicle Line	Issue Type
2/16/2005	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	LEGAL - CUSTOMER UNHAPPY WITH DECISION	[redacted]		
2/15/2005	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	LEGAL - CUSTOMER WAITING FOR ACKNOWLEDGEMENT	[redacted]		
1/27/2005	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	LEGAL - CUSTOMER UNHAPPY WITH DECISION	[redacted]		
1/22/2005	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	CAC RELATED - F/M CSR FOLLOWING CONTACT	[redacted]		
1/21/2005	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	07
CLOSED	LEGAL - ACCIDENT / FIRE	[redacted]		
4/26/2004	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	03
CLOSED	AWA - W/N CRITERIA, REQUEST AWA AFTER REPAIR	[redacted]		
4/26/2004	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	DEALERSHIP - POSITIVE FEEDBACK	[redacted]		
4/23/2004	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	RENTAL/LOANER - RENTAL/LOANER REQUEST	[redacted]		
4/23/2004	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	PROD/COMP DUR/PERF - VEHICLE QUALITY	[redacted]		
12/5/2003	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	03
CLOSED	AWA - W/N CRITERIA, REQUEST AWA AFTER REPAIR	[redacted]		
11/14/2003	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	MISC INQUIRY - CSR OBC	[redacted]		
11/14/2003	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	03
CLOSED	AWA - CAC SUPPORTS FIELD'S DECISION	[redacted]		
11/10/2003	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	PROD/COMP DUR/PERF - VEHICLE QUALITY	[redacted]		
10/15/2003	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	MISC INQUIRY - GENERAL/OTHER	[redacted]		
10/14/2003	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	03
CLOSED	AWA - CAC SUPPORTS FIELD'S DECISION	[redacted]		
1/28/2003	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	04
CANCEL	PROD/COMP DUR/PERF - REGIONAL ASSISTANCE	[redacted]		
1/16/2003	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	PROD/COMP DUR/PERF - REGIONAL ASSISTANCE	[redacted]		
1/16/2003	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	PROD/COMP DUR/PERF - REGIONAL ASSISTANCE	[redacted]		
12/19/2002	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	WARRANTY - COVERAGE INQUIRY	[redacted]		
12/9/2002	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	PROD/COMP DUR/PERF - VEHICLE QUALITY	[redacted]		
11/2/2002	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	SALES - INCENTIVE AND REBATES	[redacted]		
10/9/2002	[redacted]	1FMC[redacted]	2002 ESCAPE	02
CLOSED	MISC INQUIRY - CHANGE OF ADDRESS	[redacted]		
10/9/2002	[redacted]	1FMCU04152K[redacted]	2002 ESCAPE	02
CLOSED	REDIRECTED CALL - ESP HEADQUARTERS	[redacted]		

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: ENG SPEED-UP SUDDEN ACCEL ALL ENGINE TEMP **Primary Phone:** [redacted]
Reason Desc: LEGAL - CUSTOMER UNHAPPY WITH DECISION **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: CB-ADVISE CUSTOMER CA HAS MADE A DECISION; SUPPORT DECISION
Dealer: 03648 DI BLASI MOTORS INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 25000 MI **Comm Type:** PHONE
Analyst Name: JACINTA DECHAUSAY **Analyst:** JDECHAUS
Action Date: 02/16/2005 **Action Time:** 10.32.07.482 **Action Data:** No

Comments CUSTOMER SAID: -RECEIVED A LETTER FROM FORD TWO WEEKS AGO #04S25-THE VEH WAS TOTALLED JULY 2004-HIS SON WAS GOING 20 MPH BUT THE VEH WAS GOING FASTER-THE INSURANCE COMPANY PAID OFF THE VEH BUT IS NOW REOPENING THE CASE -RECEIVED A LETTER FROM FORD JAN 25/05 THAT HE SHOULD GET IN CONTACT WITH HIS INSURANCE COMPANY BECAUSE THEY CLOSED THE CLAIM-CONTACTED HIS INSURANCE COMPANY AND THEY SAID THEY REOPENED THE CLAIM AND TO CALL THE CRC-THE INSURANCE COMPANY SAID TO CALL BACK THE CRC BECAUSE HE IS ENTITLED TO THE DIFFERECEDEALER SAID: -(DI BLASI MOTORS)CRC ADVISED: THANK YOU FOR CONTACTING FORD MOTOR COMPANY IN RELATION TO THIS ISSUE. TO ENSURE OUR RECORDS ARE COMPLETE, YOUR COMMENTS HAVE BEEN DOCUMENTED. HOWEVER, THE DECISION OF THE CONSUMER AFFAIRS OFFICE IS FINAL. (NOTE TO CSR: SUPPORT CONSUMER AFFAIRS DECISION.)

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: SURGE AT CRUISE ALL ENGINE TEMP **Primary Phone:** [redacted]
Reason Desc: LEGAL - CUSTOMER WAITING FOR ACKNOWLEDGEMENT **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: CB-IT MAY TAKE 7 DAYS FOR CONSUMER AFFAIRS TO BEGIN INVESTIGATE
Dealer: 03648 DI BLASI MOTORS INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 22000 MI **Comm Type:** PHONE
Analyst Name: CHETAN VASHIST **Analyst:** CVASHIST
Action Date: 01/24/2005 **Action Time:** 14.42.43.125 **Action Data:** No

Caller Information If Different From Vehicle Owner:

First Name	Middle Initial	Last Name	Day Phone	Relationship
[redacted]		[redacted]	[redacted]	DEALER

Comments CUSTOMER SAYS: - REF: ACCIDENT ISSUE - HAD CALLED EARLIER & WAS TOLD THAT ISSUE WILL ESCALATED & SOME ONE WILL CALL ME - NO ONE HAS CALLED ME SO FAR - SEEKING UPDATES. - VEH WAS IN AN ACCIDENT DUE TO THE FORD'S FAULT - HAS SENT A COPY OF THE LETTER TO INSURANCE COMPANY ALSO - WANTS THE DIFFERENCE BACK FROM FMC AS INSURANCE PAID $18K & SEEKING THE DIFFERENCE OF $7K +++CUST PREFERRED A CALL BACK AT THE HOME #+++ ===OBC TO CUST=== - CUST IS VERY UPSET THAT CONSUMER AFFAIRS DIDNT RESPOND WITHIN 2 BUSINESS DAYS. ++++CUST HUNG UP++++ PER CUSTOMER, DEALER SAYS: - NONE CAC ADVISED: THANK YOU FOR CONTACTING US IN RELATION TO YOUR ONGOING CASE. CONSUMER AFFAIRS INVESTIGATIONS MAY TAKE UP TO 7 DAYS TO INITIATE. LET ME ASSURE YOU THAT THIS TYPE OF SITUATION IS A HIGH PRIORITY FOR FORD MOTOR COMPANY. I HAVE VERIFIED YOUR CONTACT INFORMATION TO ENSURE WE CAN CONTACT YOU WHEN FURTHER INFORMATION IS AVAILABLE OR REQUIRED. INFERENCE CASE ID: 1572

Action: CB-ADVISE CUST WE WILL NOTIFY THE DEPT SOMEBODY WILL BE IN TOUCH
Dealer: 03648 DI BLASI MOTORS INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 25000 MI **Comm Type:** PHONE
Analyst Name: PEPPI DIMITROPOULOS **Analyst:** PDIMITRO
Action Date: 02/15/2005 **Action Time:** 12.10.37.605 **Action Data:** No

Comments CUSTOMER SAID: =CUST STATES THAT HIS VEH WAS TOTALLED DUE TO A DEFECT IN THE VEH=INSURANCE COMPANY HAS BEEN CONTACTED AND IS SUBROGATING CONSUMER AFFAIRS FOR THE DAMAGES AND THE CLAIM THEY PAID OUT =INSURANCE COMPANY ADV CUST THAT HE SHOULD CONTACT CONSUMER AFFAIRS TO ASK FOR THE DIFFERENCE OF $7000 - $8000=CUST SEEKING TO FIND OUT WHAT THE STATUS ON THE CLAIM IS BETWEEN THE INSURANCE COMPANY AND CONSUMERS AFFAIRS =CUST STATES THAT HE PAID $25000 FOR THE VEH AND CUST STATES THAT INSURANCE COMPANY IS ONLY GOING TO BE GETTING $18000 AND HE FEELS ATHT HE SHOULD GET BACK THE DIFFERENCE =CUST WOULD LIKE SOMEONE FROM CONSUMERS AFFAIRS TO CONTACT HIM AND IF THEY ARE UNABLE TO REACH HIM THEY CAN TRY HIS CELL# [redacted] DEALER SAID: DI BLASI MOTORS INC112-21 NORTHERN BLVDCORONA, NY 11368TEL: (718) 898-6100CRC ADVISED: THANK YOU FOR PROVIDING US WITH THIS INFORMATION IN RELATION TO YOUR CASE. I WILL FORWARD THIS TO OUR CONSUMER AFFAIRS DEPARTMENT, AND I HAVE REQUESTED THAT THEY CONTACT YOU WITHIN TWO BUSINESS DAYS.===SMARTSCRIPT AS PER T/L PETER ===RE-OPEN CONSUMERS AFFAIRS FILE =======ATTENTION CONSUMERS AFFAIRS - PLEASE CONTACT CUST ON HIS CELL# 646-206-0539

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: GENERAL INQUIRIES REQUEST/NON-VEHICLE RELATED **Primary Phone:** [redacted]
Reason Desc: LEGAL - CUSTOMER UNHAPPY WITH DECISION **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: CB-ADVISE CUSTOMER CA HAS MADE A DECISION; SUPPORT DECISION
Dealer: 03648 DI BLASI MOTORS INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 1 MI **Comm Type:** PHONE
Analyst Name: SPENCER AULEEN **Analyst:** ASPENC23
Action Date: 01/27/2005 **Action Time:** 12.02.26.239 **Action Data:** No

Comments CUSTOMER SAID: =CUST SAID THAT VINCENT D KIRKSEYFROM FORD LEGAL TOLD HIM THAT THEY WILL NOT REFUND FOR VEH ISSUE UNLESS HIS INSURANCE COMPANY IS INVOLVE =THE INSURANCE COMPANY AS REVERSE THE CLAIM AND WILL SUBROGATE FORD =THE PERSON AT THE INSURANCE COMPANY THAT IS SENDING A SUBROGATING CLAIM TO FORD IS 800-841-1003 EXT 7376 = CLAIM#[redacted]=HE WOULD LIKE VINCENT KIRKSEY FORD CONSUMER AFFAIRS TO CONTACT HIS INSURANCE COMPANY.DEALER SAID: NONECRC ADVISED: THANK YOU FOR CONTACTING FORD MOTOR COMPANY IN RELATION TO THIS ISSUE. TO ENSURE OUR RECORDS ARE COMPLETE, YOUR COMMENTS HAVE BEEN DOCUMENTED. HOWEVER, THE DECISION OF THE CONSUMER AFFAIRS OFFICE IS FINAL. (NOTE TO CSR: SUPPORT CONSUMER AFFAIRS DECISION.)=ADVISE CUSTOMER THAT ONCE HIS INSURANCE COMPANY SEND A SUBROGATION CLAIM TO CONSUMER AFFAIRS THEY WILL RESPONSE BACK TO THEM =STAY IN CONTACT WITH YOUR INSURANCE COMPANY

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: GENERAL INQUIRIES REQUEST/NON-VEHICLE RELATED **Primary Phone:** [redacted]
Reason Desc: CAC RELATED - F/M CSR FOLLOWING CONTACT **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: CALLBACK ADD ADDITIONAL COMMENTS
Dealer: 03648 DI BLASI MOTORS INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 25000 MI **Comm Type:** PHONE
Analyst Name: LEUNG KEVIN **Analyst:** KLEUNG1
Action Date: 01/22/2005 **Action Time:** 10.07.29.735 **Action Data:** No

Comments CUSTOMER SAID: -ALREADY CONTACTED THE CRC REGARDING THE ISSUE-STILL HAVE NOT RECEIVED A CALLBACK FROM THE CONSUMER AFFAIRS DEPT-WANT TO KNOW WHEN THE CALLBACK WILL BE MADEDEALER SAID: DI BLASI MOTORS INCCRC ADVISED: PLEASE ALLOW THE REQUESTED TIME FOR THE FOLLOW UP TO OCCUR SO THAT YOUR ISSUE MAY BE PROPERLY ADDRESSED.-ADVISED CUST TO AWAIT UNTIL MONDAY FOR THE CALLBACK

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] Year: 2002 Model: ESCAPE Case: [redacted]
Name: [redacted] Owner Status: Original WSD: 2002-08-31
Symptom Desc: SURGE AT CRUISE ALL ENGINE TEMP Primary Phone: [redacted]
Reason Desc: LEGAL - ACCIDENT / FIRE Secondary Phone: [redacted]
Issue Type: 07 LEGAL Issue Status: CLOSED

Action: ADVISE CUST INFORMATION WILL BE SENT TO CONSUMER AFFAIRS
Dealer: 03648 DI BLASI MOTORS INC Origin Desc: US CONCERN CASE BASE
Odometer: 25000 MI Comm Type: PHONE
Analyst Name: GOMES AMANDA Analyst: AGOMES35
Action Date: 01/20/2005 Action Time: 13.05.35.537 Action Data: Yes

Comments CUSTOMER SAID: CUST STATED:-THE VEH WAS INVOLVED IN A ACCIDENT JULY 15TH, 2004 AROUND 5PM -MY SON WAS DRIVING 25 MPH AND THE VEH JUST ACCELERATED AND WE HIT A WALL AND CAME TO A COMPLETE STOP - BOTH DRIVER AND PASSENGER AIR BAG DEPLOYED -THE FRONT OF THE VEH WAS DESTROYED -NO ONE SUFFERED INJURIES FROM THE ACCIDENT -A POLICE REPORT WAS NOT FILED CAUSE NO ONE ELSE WAS INVOLVED IN THE ACCIDENT -I CONTACTED MY INSURANCE COMPANY AND THE VEH WAS WRITTEN OFF -I PAID $25 000 FOR THE VEH AND I GOT $18 000 FROM MY INSURANCE-I RECEIVED A RECALL LETTER 04S25 3.0L LHD ACCELERATOR CABLE REPLACEMENT AND IT OUTLINES THE SAME THING WHAT WE WENT THROUGH -I FEEL THE ACCIDENT WAS DUE TO A MANUFACTURE DEFECT -THE VEH WAS AT THE DLR THE DAY BEFORE THE ACCIDENT AND EVERYTHING WAS FINE -I'M SEEKING THE DIFFERENCE FOR IN WHAT I PAID FOR THE VEH AND WHAT I RECEIVED FROM MY INSURANCE COMPANYDEALER SAID: -NONECRC 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: SEND ACKNOWLEDGEMENT LETTER TO CUSTOMER
Dealer: 03648 DI BLASI MOTORS INC Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION
Odometer: 25000 MI Comm Type: PHONE
Analyst Name: KIRKSEY, VINCE (V.) Analyst: VKIRKSE1
Action Date: 01/21/2005 Action Time: 10.13.40.661 Action Data: No

Comments ***LPA COMMENTS***LPA ACKNOWLEDGES RECEIPT OF THE CUSTOMER'S CONTACT MADE TO THE CRC. THE CUSTOMER IS ALLEGING HIS SON WAS INVOLVED IN AN ACCIDENT BACK IN JULY OF 2004, WHICH THE VEHICLE SUDDENLY ACCELERATED FORWARD CAUSING HIS SON TO LOSE CONTROL HITTING A WALL. THE ENTIRE FRONT-END WAS SMASHED, BUT NO INJURIES WERE SUSTAINED. THE INSURANCE WAS CONTACTED, AND TOTALED THE VEHICLE, AND OFFERED A SETTLEMENT ON THE CLAIM, BUT IT DID NOT AMOUNT TO THE COST HE PAID FOR THE VEHICLE. *THE CUSTOMER BELIEVES HIS CONCERN WAS CAUSED BY RECALL-04S25, WHICH RELATES TO A DEFECTIVE ACCELERATOR CABLE AND IS SEEKING FMC PROVIDE HIM WITH THE DIFFERENCE ON HIS INSURANCE COMPANY SETTLEMENT.

Action: REFER TO INSURANCE CARRIER - INSURANCE COMPANY ALREADY INVOLVED
Dealer: 03648 DI BLASI MOTORS INC Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION
Odometer: 25000 MI Comm Type: MAIL
Analyst Name: KIRKSEY, VINCE (V.) Analyst: VKIRKSE1
Action Date: 01/21/2005 Action Time: 10.16.25.734 Action Data: No

Comments ***LPA COMMENTS***LPA HAS REVIEWED THE ABOVE CASE. INFORMATION PROVIDED BY THE CUSTOMER INDICATED THEIR INSURANCE COMPANY HAS ALREADY RESOLVED THE MATTER BY PAYING OFF THE VEHICLE. ONCE THE INSURANCE COMPANY BECOMES INVOLVED, WE GENERALLY REQUIRE THEM TO FILE A SUBROGATION CLAIM AGAINST US IF THEY FEEL WE ARE LIABLE FOR THE ACCIDENT. BASED ON THIS INFORMATION, WE WILL NOT PROVIDE ASSISTANCE IN THE MATTER, AND ASK THE CUSTOMER CONTINUES WORKING WITH HER INSURANCE CARRIER. NO

[redacted] 2/16/2005

FURTHER ACTION WILL BE TAKEN AT THIS TIME.

[redacted] 2/16/2005

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: COOLING SYSTEM INDICATOR **Primary Phone:** [redacted]
Reason Desc: AWA - W/N CRITERIA, REQUEST AWA AFTER REPAIR **Secondary Phone:** [redacted]
Issue Type: 03 CONCERN **Issue Status:** CLOSED
Initial Customer Contact:

Action: PROVIDE CUST WITH APPROPRIATE RESPONSE
Dealer: 03648 DI BLASI MOTORS INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 18000 MI **Comm Type:** PHONE
Analyst Name: GRAHAM SCOTT ANTHONY **Analyst:** GANTHON1
Action Date: 04/23/2004 **Action Time:** 11.18.10.300 **Action Data:** No

Comments CUSTOMER SAYS: - CUST CLAIMS THAT HIS CHECK ENGINE LIGHT IS COMING ON, IS LOOKING FOR REPAIR/LOANER ASSISTANCE. - CUST CLAIMS THAT AT TIME OF SALE, WAS NEVER OFFERED AN ESP; WOULD HAVE PURCHASED ONE FOR SURE. PER CUSTOMER, DEALER SAYS: - NO DEALERSHIP THAT HE HAS CONTACTED WILL BE ABLE TO SEE HIM UNTIL MONDAY; UNIVERSAL IS UNABLE TO EVEN TAKE THE VEHICLE IN UNTIL THEN. CAC ADVISED: - I WILL REQUIRE TIME TO RESEARCH THIS MATTER FURTHER TO ENSURE YOUR REQUEST RECEIVES PROPER CONSIDERATION, ONCE HAVE RECEIVED A RESPONSE I WILL CALL YOU BACK WITH A RESULT. - IS THERE A TIME THAT IS MOST CONVENIENT FOR ME TO CONTACT YOU? - OBC TO JERRY; CAN DROP OFF VEHICLE, WILL NOT BE ABLE TO LOOK AT IT UNTIL MONDAY - SPOKE TO ADVISOR; ENTERPRISE WILL BE ABLE TO PICK CUSTOMER UP IF HE WISHES TO RENT A VEHICLE - WILL LOOK INTO RENTAL ASSISTANCE ONCE I HAVE A DIAGNOSIS. - INDICATED TO CUSTOMER THAT ANY DEALERSHIP CAN PROVIDE HIM INFORMATION ON PURCHASING AN ESP. INFERENCE CASE ID: 5388

Action: FORD COVERED REPAIR MADE - WARRANTY
Dealer: 03648 DI BLASI MOTORS INC **Origin Desc:** DEALER
Odometer: 18000 MI **Comm Type:** VISIT
Analyst Name: GERALD BABCOCK **Analyst:** G-BABCOC
Action Date: 04/26/2004 **Action Time:** 09.07.52.102 **Action Data:** No

Comments JERRY A DIBLASI TALKED TO CUSTOMER ON FRIDAY 4/23/04. HAD CUST BRING VEHICLE IN AFTERNOON. CUST CONCERN TAKEN CARE OF WHILE HE WAITED AND WAS VERY SATISFIED THAT WE COULD TAKE CARE OF VEHICLE. PERFORMED ENGINE LIGHT REPAIR WHICK WAS DPFE OWNER PROGRAM 02M01 AND ALSO TOOK CARE OF RECALL 04S13. CUST VERY HAPPY.

Action: SUPERVISOR REFERRAL FOLLOW-UP
Dealer: 03648 DI BLASI MOTORS INC **Origin Desc:** MANUAL - PHONE CSR
Odometer: 18000 MI **Comm Type:** PHONE
Analyst Name: GRAHAM SCOTT ANTHONY **Analyst:** GANTHON1
Action Date: 04/26/2004 **Action Time:** 14.07.18.310 **Action Data:** No

Comments CUSTOMER SAYS: - NONE PER CUSTOMER, DEALER SAYS: - NONE CAC ADVISED: (NOTE TO CSR - THIS MAC IS TO BE USED BY SUPERVISORS ONLY.) - OBC TO CUST TO FOLLOW UP; AS CUSTOMER WORKS NIGHTS, DID NOT TRY HOME NUMBER. ACCORDING TO DOCUMENTATION, SITUATION HAS BEEN HANDLED AT DEALERSHIP LEVEL; NO FURTHER ACTION REQUIRED FROM CRC.

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] Year: 2002 Model: ESCAPE Case: [redacted]
Name: [redacted] Owner Status: Original WSD: 2002-08-31
Symptom Desc: INDICATOR CHECK ENGINE Primary Phone: [redacted]
Reason Desc: DEALERSHIP - POSITIVE FEEDBACK Secondary Phone: [redacted]
Issue Type: 02 INFORMATION Issue Status: CLOSED

Action: THANK CUST FOR THEIR FEEDBACK, COMMENTS WILL BE FORWARDED TO THE
Dealer: 03648 DI BLASI MOTORS INC Origin Desc: US INQUIRY CASE BASE
Odometer: 18000 MI Comm Type: PHONE
Analyst Name: BRAD ELHOUJJAJI Analyst: BELHOUJJ
Action Date: 04/26/2004 Action Time: 08.33.04.362 Action Data: No

Comments CUSTOMER SAYS: -CUST IS CALLING TO REPORT THE BEST SERVICE EXPERIENCE HE'S EVER RECEIVED AT DI BLASI FORD -VEH TAKEN TO DLR ON FRIDAY 4/23 FOR THE CHECK ENGINE LIGHT. THE VEH WAS PROMPTLY SERVICED AND REPAIRED. -CUST WOULD LIKE CRC TO CONTACT DEALER TO INFORM THEM THEY DID AN EXCELLENT JOB. PER CUSTOMER, DEALER SAYS: -CUST DEALT WITH S/M JERRY WHO WAS VERY HELPFUL. CAC ADVISED: THANK YOU FOR PROVIDING FORD MOTOR COMPANY WITH FEEDBACK; YOUR OPINIONS ARE VALUABLE TO US. I HAVE DOCUMENTED YOUR COMMENTS AND THE INFORMATION YOU PROVIDED REGARDING YOUR POSITIVE EXPERIENCE, WHICH WILL BE FORWARDED TO THE CUSTOMER RELATIONS MANAGER AT THE DEALERSHIP. I WILL ALSO FORWARD A COPY TO FORD MANAGEMENT, SO THAT THEY ARE AWARE OF HOW PLEASED YOU WERE WITH THE DEALERSHIP EXPERIENCE. INFERENCE CASE ID: 1034

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: INDICATOR CHECK ENGINE **Primary Phone:** [redacted]
Reason Desc: RENTAL/LOANER - RENTAL/LOANER REQUEST **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: ADVISE CUSTOMER THE DEALERSHIP MUST DIAGNOSE THE VEHICLE
Dealer: 03711 UNIVERSAL FORD **Origin Desc:** US CONCERN CASE BASE
Odometer: 18000 MI **Comm Type:** PHONE
Analyst Name: AMAN HASEBENEBI **Analyst:** AHASEBEN
Action Date: 04/23/2004 **Action Time:** 10.46.48.384 **Action Data:** No

Comments CUSTOMER SAID: - COMING HOME FROM WORK, THE ORANGE LIGHT W/ THE ENGINE PICTURE COME ON - CUST CALLED A FORD DRLSHP BUT THEY WERE TEMPORARY CLOSED - STOPPED AT A GAS STATION AND ASKED THE GUY AT THE STATION TO TELL HIM WHAT THE LIGHT MEANT AND THE MAN SAID THAT SYSTEM HAS TO BE CHECKED - WOULD LIKE TO KNOW WHERE HE CAN TAKE THE VEH TO GET LOOKED AT AND WHILE THE VEH IS AT THE SERVICE CENTER, CAN HE BE PROVIDED W/ A LOANER VEHDEALER SAID: NONECRC ADVISED: PLEASE TAKE YOUR VEHICLE TO YOUR LOCAL F/L/M DEALERSHIP TO HAVE THIS ISSUE DIAGNOSED. PLEASE DISCUSS WITH YOUR DEALERSHIP IF ALTERNATIVE TRANSPORTATION IS AVAILABLE

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: INDICATOR CHECK ENGINE **Primary Phone:** [redacted]
Reason Desc: PROD/COMP DUR/PERF - VEHICLE QUALITY **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: ADVISE INFO WILL BE SENT TO DLR; CONTACT CRM
Dealer: 03711 UNIVERSAL FORD **Origin Desc:** US CONCERN CASE BASE
Odometer: 18000 MI **Comm Type:** PHONE
Analyst Name: AMAN HASEBENEBI **Analyst:** AHASEBEN
Action Date: 04/23/2004 **Action Time:** 10.27.51.963 **Action Data:** No

Comments CUSTOMER SAID: - COMING HOME FROM WORK, THE ORANGE ENGINE LIGHT COME ON - CUST CALLED A FORD DRLSHP BUT THEY WERE TEMPORARY CLOSED - STOPPED AT A GAS STATION AND ASKED THE GUY AT THE STATION TO TELL HIM WHAT THE LIGHT MEANT AND THE MAN SAID THAT SYSTEM HAS TO BE CHECKED - WOULD LIKE TO KNOW WHERE HE CAN TAKE THE VEH TO GET LOOKED AT AND WHILE THE VEH IS AT THE SERVICE CENTER, CAN HE BE PROVIDED W/ A LOANER VEHDEALER SAID: NONECRC ADVISED: WE RECOMMEND THE REPAIR BE PERFORMED BY A FORD/LM DEALERSHIP - INFORMATION WILL BE SENT TO DLR, CUSTOMER SHOULD CONTACT CRM/SERV MGR - CAC ADVISED CUST AS PER CONVERSATION W/ SRV MGR = CAC ADVISED CUST TO CONTACT SRV MGR AT UNIVERSAL FORD FOR FURTHER DETAILS ON CUST'S CONCERN - CAC ADVISED CUST THAT HIS SELLING DRLSHP LA FRES FORD WENT OUT OF BUSINESS THAT'S WHY THEY WERE CLOSE WHEN HE WENT THERE OBC UNIVERSAL FORD 40-40 NORTHERN BOULEVARD LONG ISLAND CITY, NY 11101 TEL: (718) 786-1660 EX 239 - SPOKE TO JOHN- SRV MGR - IF THE LIGHT IS ORANGE W/ A PICTURE OF AN ENGINE THEN IT'S A SENSOR THAT WENT OUT, - HE CAN BRING THE VEH IN TODAY BUT I CAN'T PROMISE HIM THAT IT WILL BE READY TODAY BUT IT'S BETTER FOR CUST TO BRING VEH IN ON MONDAY. THERE IS NO LOANER VEHICLES AVAILABLE - IF THE ENGINE IS RUNNING OK, THE VEH IS SAFE TO DRIVE

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: TIRES/WHEELS TIRE WEAR **Primary Phone:** [redacted]
Reason Desc: AWA - W/N CRITERIA, REQUEST AWA AFTER REPAIR **Secondary Phone:** [redacted]
Issue Type: 03 CONCERN **Issue Status:** CLOSED
Initial Customer Contact:

Action: ADVISE CUST CRC WILL FOLLOW UP
Dealer: 03610 LA FRES FORD INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 12751 MI **Comm Type:** PHONE
Analyst Name: JACQUINE REID **Analyst:** JREID23
Action Date: 10/14/2003 **Action Time:** 09.42.12.244 **Action Data:** No

Comments CUSTOMER SAID: CUST STATES THERE HAS BEEN AN ONGING CONCERN WITH THE TIRES ON THE VEH.. EACH TIME HE TAKE THE VEH TO THE DLR HE HAS BEEN TOLD THAT THERE WAS NO CONCERN.. HE STATES THAT WHEN IT RAINS AND HE TRIES TO BRING THE VEH TO A STOP HE HAS PROBLEMS DOING SO<< UNABLE TO STOP THE VEH...HE TOOK THE VEH TO A SEARS SERVICE CENTER AND HAD THE TIRES REPLACED...THE COST TO REPLACE IS $571.00 HE SUBMITTED THE RECEIPTS TO THE DLR FOR REFUND.. HE WAS ADVISED THAT IT WILL TAKE 3 WEEKS FOR THE REFUND TO BE PROCESS..STATES HE CANNOT WAIT..AND IF FORD DENIES THE REFUND HE HAS A LAWYER AND HAS CONNECTION TO CHANNELS 2 NEWS..DEALER SAID: LA FRES FORD...OBC DLR AND SPOKE WITH HEATHER IN THE SERVICE DEPARTMENT..WAS ADVISED THAT A WORK ORDER WAS MADE AND THE RECEIPT WAS SUBMITTED TO FORD AND THEY ARE AWAITNING RESPONSE ON THE DECISIONCRC ADVISED: "- IN ORDER TO PROVIDE PROPER CONSIDERATION TO YOUR REQUEST. I WILL INVESTIGATE THIS ON YOUR BEHALF AND I WILL RECONTACT YOU WHEN I AM FINISHED RESEARCHING THIS INFORMATION. - IS THERE A TIME THAT WOULD BE BEST TO CONTACT YOU?'

Action: REIMBURSEMENT DENIED FOR ESP COVERED REPAIR
Dealer: 03610 LA FRES FORD INC **Origin Desc:** DEALER
Odometer: 12751 MI **Comm Type:** OTHER
Analyst Name: HEATHER GRECH **Analyst:** H-GRECH
Action Date: 10/24/2003 **Action Time:** 16.12.23.767 **Action Data:** No

Comments 10/24 NO ASSISTANCE AVAILABLE AT THIS TIME HG

Action: ADVISE CUST CRC WILL FOLLOW UP
Dealer: 03610 LA FRES FORD INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 13000 MI **Comm Type:** PHONE
Analyst Name: CHRISTIE CURLINE **Analyst:** CCHRIS25
Action Date: 11/10/2003 **Action Time:** 11.50.01.406 **Action Data:** No

Comments CUSTOMER SAID: NO CURRENT CONCERNS. REPLACED ALL HIS TIRES ON A SUNDAY. TIRES WERE WORN IS WHAT HE WAS TOLD. VEH WAS SLIPPING AND SLIDING AT THEI TIME WHEN HE PULLED INTO A SERVICE CENTER SEAR AUTO REPAIR. SUBMITTED RECEIPTS TO THE DLR (LA FREZ FORD) ABOUT A MONTH AGO SEEKING THE REFUND STATUS.DEALER SAID: NONECRC ADVISED: "- IN ORDER TO PROVIDE PROPER CONSIDERATION TO YOUR REQUEST. I WILL INVESTIGATE THIS ON YOUR BEHALF AND I WILL RECONTACT YOU WHEN I AM FINISHED RESEARCHING THIS INFORMATION. - IS THERE A TIME THAT WOULD BE BEST TO CONTACT YOU?" SERVICE NUMBER IS 718-417-6093 LA FRES FORD. 62-06 FRESH POND ROAD MIDDLE VILLAGE, NY 11379 -OBC TO DLR SPOKE TO JOHN SAOULIDIS THE S/M WHO STATES HE WILL LOOK INTO THE ISSUE AND PROVIDE CSR WILL A FOLLOW-UP CALL. CSR WILL CONTACT CUST IN 24 HOURS VIA CELL [redacted]

Action: CUSTOMER PAID REPAIR MADE
Dealer: 03610 LA FRES FORD INC **Origin Desc:** DEALER
Odometer: 13000 MI **Comm Type:** MAIL

Analyst Name: RONALD LOFRESE G
Analyst: R-LOFRES
Action Date: 12/05/2003
Action Time: 13.42.29.321
Action Data: No

Caller Information If Different From Vehicle Owner:

First Name	Middle Initial	Last Name	Day Phone	Relationship
R		LOFRESE	7184175298	DEALER

Comments CUSTOMER REIMBURED FOR TIRES 11/03

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: **Primary Phone:** [redacted]
Reason Desc: MISC INQUIRY - CSR OBC **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: OUTBOUND CALL TO DEALER
Dealer: 03610 LA FRES FORD INC **Origin Desc:** MANUAL - PHONE CSR
Odometer: 13000 MI **Comm Type:** PHONE
Analyst Name: CHRISTIE CURLINE **Analyst:** CCHRIS25
Action Date: 11/11/2003 **Action Time:** 11.13.35.278 **Action Data:** No

Comments CUSTOMER SAID: NONEDEALER SAID: NONECRC ADVISED: HE UNDERSTANDS THE CUST HAD A BLOW OUT WITH ONE TIRE AND WENT TO SEARS WHO REPLACED BOTH TIRES. STILL REVIEWING THE REFUND REQUEST AND WILL CONTACT CSR WITH THE RESPONSE LATER TODAY.

Action: OUTBOUND CALL TO DEALER
Dealer: 03610 LA FRES FORD INC **Origin Desc:** MANUAL - PHONE CSR
Odometer: 13000 MI **Comm Type:** PHONE
Analyst Name: CHRISTIE CURLINE **Analyst:** CCHRIS25
Action Date: 11/11/2003 **Action Time:** 15.09.22.805 **Action Data:** No

Comments CUSTOMER SAID: NONEDEALER SAID: NONECRC ADVISED: CSR LEFT A VOICE MESSAGE FOR JOHN INDICATING I',M WILLING TO UPDATE THE CUST AT THE END OF THE WEEK WITH THE RESPONSE.

Action: OUTBOUND CALL TO DEALER
Dealer: 03610 LA FRES FORD INC **Origin Desc:** MANUAL - PHONE CSR
Odometer: 1 MI **Comm Type:** PHONE
Analyst Name: CHRISTIE CURLINE **Analyst:** CCHRIS25
Action Date: 11/14/2003 **Action Time:** 15.51.44.618 **Action Data:** No

Comments CUSTOMER SAID: NONEDEALER SAID: NONECRC ADVISED: OBC TO DLR SPOKE TO JOHN IN SERVICE WHO STATES THE CUST CAN SUBMITT THE ORIGINAL RECEIPT OR CALL HIM. IF THERE WAS SOME ONE HE SPOKE TO OR WORKED WITH PRIOR PLEASE PROVIDE THEIR NAME. LA FRES FORD 62-06 FRESH POND ROAD MIDDLE VILLAGE, NY 11379

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: GENERAL INQUIRIES REQUEST/NON-VEHICLE RELATED **Primary Phone:** [redacted]
Reason Desc: AWA - CAC SUPPORTS FIELD'S DECISION **Secondary Phone:** [redacted]
Issue Type: 03 CONCERN **Issue Status:** CLOSED
Initial Customer Contact:

Action: CB-SUPPORT DEALERSHIP'S/REGION'S POSITION
Dealer: 03610 LA FRES FORD INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 1 MI **Comm Type:** PHONE
Analyst Name: CHRISTIE CURLINE **Analyst:** CCHRIS25
Action Date: 11/14/2003 **Action Time:** 15.48.18.025 **Action Data:** No

Comments CUSTOMER SAID: NOT SURE IF HE HAS THE ORIGINAL RECEIPT WILL CONTACT JOHN IN SERVICEDEALER SAID: NONECRC ADVISED: THANK YOU FOR CONTACTING FORD MOTOR COMPANY IN REGARDS TO THIS ISSUE. OUR RECORDS INDICATE THAT A DECISION HAS BEEN MADE AND THE CRC CAN NOT OVERTURN THIS DECISION. HOWEVER, TO ENSURE OUR RECORDS ARE COMPLETE WE HAVE DOCUMENTED YOUR FEEDBACK. (NOTE TO CSR: SUPPORT DLR/REGION DECISION.) -OBC TO CUST ADVISED HIM JOHN IN SERVICE INDICATES HE CAN SUMBITT HIS ORIGINAL RECEIPT FOR REVIEW. IF HE HAS GIVEN IT TO SOME ONE PRIOR PLEASE CALL AND PROVIDE THE NAME IN REGARDS TO WHO HE WAS WORKING WITH PRIOR FOR THIS TIRE REFUND. NO FURTHER FOLLOW-UP IS REQUIRED BY CSR CURLINE AT THIS TIME.

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: WINDOW/GLASS SIDE NOISE **Primary Phone:** [redacted]
Reason Desc: PROD/COMP DUR/PERF - VEHICLE QUALITY **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: ADVISE INFO WILL BE SENT TO DLR; CONTACT CRM
Dealer: 09999 PLATINUM FORD, LLC **Origin Desc:** US CONCERN CASE BASE
Odometer: 43000 MI **Comm Type:** PHONE
Analyst Name: INGRID MCLAREN **Analyst:** IMCLAREN
Action Date: 01/03/2003 **Action Time:** 09.45.41.837 **Action Data:** No

Comments CUSTOMER SAYS: - CUSTOMER IS HAVING CONCERN WITH THE DRIVERS SIDE WINDOW MOTOR IT WAS GREASE BY THE DLRSHP - THIS CONCERN ONLY HAPPEN WHEN IT RAINS AND IT IS RAINING RIGHT NOW - CUSTOMER WANTED TO NO IF FORD HAD THERE OWN SERVICE CENTER PER CUSTOMER, DEALER SAYS: - CUSTOMER HAS BEEN TOLD THAT IT MAYBE HIS REGULATOR. - WAS IN THE DLRSHP ONCE BEFORE FOR THIS CONCERN. 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 - ADVISE CUSTOMER DLRSHP'S ARE INDEPENDENTLY OWNED HOWEVER THEY ARE TRAINED TO WORK ON FORD VEHICLE AND WE RELY ON THEM AS THE EXPERTS. INFERENCE CASE ID: 4591

Action: CB-ADVISE CUST INFO WILL BE SENT TO DLR; CONTACT CRM
Dealer: 03610 LA FRES FORD INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 4300 MI **Comm Type:** PHONE
Analyst Name: DONNA GERO **Analyst:** DGERO
Action Date: 01/15/2003 **Action Time:** 09.30.47.035 **Action Data:** No

Comments CUSTOMER SAYS: =CUST WANTS TO SPEAK WITH A SUPERVISOR
========== THE SERVICE DEPT IS NOT WORKING WITH HIM AND NO ONE IS CALLING HIM TO UPDATE HIM. =THE WINDOW WAS REPAIRED 3 DIFFERENT TIMES AND IT IS STILL RATTLES. =THE THE VEHICLE BOUNCES ALL OVER THE ROAD ALSO. PER CUSTOMER, DEALER SAYS: CAC ADVISED: THANK YOU FOR CONTACTING US IN RELATION TO THIS SITUATION. FURTHER ACTION IS REQUIRED FROM THE DEALERSHIP, BUT I AM UNABLE TO GET IN TOUCH WITH THE NECESSARY PEOPLE AT THIS TIME. I HAVE REQUESTED THAT YOUR DEALERSHIP CONTACT YOU WITHIN TWO BUSINESS DAYS WITH FURTHER INFORMATION. ==OBC TO THE SERVICE DEPT AND LEFT MESSAGE FOR THE SM TO CONTACT ME, NOT SURE IF THE VEHICLE WAS TAKEN INTO THE SERVICE DEPT AS THE SM HAS PREVIOUSLY REQUESTED, CUST COULD NOT STAY ON THE PHONE AND HE HANG UP. INFERENCE CASE ID: 1546

Action: OUTBOUND CALL TO FORD/MERCURY CUSTOMER
Dealer: 03610 LA FRES FORD INC **Origin Desc:** MANUAL - PHONE CSR
Odometer: 4300 MI **Comm Type:** PHONE
Analyst Name: DONNA GERO **Analyst:** DGERO
Action Date: 01/15/2003 **Action Time:** 09.30.47.035 **Action Data:** No

Comments CUSTOMER SAYS: PER CUSTOMER, DEALER SAYS: CAC ADVISED: (NOTE TO CSR - THIS MAC IS USED WHEN FOLLOWING UP WITH CUSTOMER. THIS MAC SHOULD BE USED TO DOCUMENT A CONTACT WITH THE CUSTOMER TO GIVE OR GET INFORMATION BUT NOT TO DOCUMENT A FINAL OUTCOME. IF THIS IS THE FINAL CALL TO THE CUSTOMER, PLEASE ENSURE THAT THE CASEBASE HAS GENERATED A RESOLUTION WHICH DOES NOT REQUEST FURTHER FOLLOW UP WITH ANYONE.) ==OBC TO THE CUST AND ADVISED HIM THAT I WILL FOLLOW UP WITH HIM 01/16/2002

Action: SUPPORT DEALER'S/REGION'S DECISION
Dealer: 03610 LA FRES FORD INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 4800 MI **Comm Type:** PHONE

Analyst Name: DARRYL CONNORS **Analyst:** DCONNORS
Action Date: 01/21/2003 **Action Time:** 11.07.28.578 **Action Data:** No

Comments CUSTOMER SAYS: CUST STATES THAT THERE IS A PROBLEM WITH THE VEHICLE; CUST STATES THERE IS A NOISE IN THE WINDOW; CUST STATES WHEN VEHICLE GOES UP AND DOWN , THERE IS A SQUEAK AND ALSO STATES THERE IS A RATTLE IN THE WINDOW WHEN IT IS HALF WAY DOWN. CUST STATES HE HAS BEEN BACK MULTIPLE TIMES AND IT IS STILL NOT RESOLVED; CUST STATES THAT IF HE DOES NOT HAVE A REPAIR BY FRIDAY, HE WANTS A NEW VEHICLE AND IF NOT HE WILL TURN THIS OVER TO AN ATTORNEY. PER CUSTOMER, DEALER SAYS: LA FRES FORD INC CUST CLAIMS THAT HE SPOKE WITH SERVICE MANAGER ON FRIDAY WHO INFORMED THAT HE IS WAITING FOR INFORMATION FROM FORD ENGINEERING. CAC ADVISED: "THANK YOU FOR CONTACTING FORD MOTOR COMPANY IN RELATION TO THIS ISSUE. TO ENSURE OUR RECORDS ARE COMPLETE, YOUR COMMENTS HAVE BEEN DOCUMENTED. HOWEVER, THE DECISION OF THE DEALER/REGIONAL OFFICE IS FINAL. (NOTE TO CSR: SUPPORT DLR/REGION DECISION.)"

Action: SUPPORT DEALER'S/REGION'S DECISION
Dealer: 03610 LA FRES FORD INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 4800 MI **Comm Type:** PHONE
Analyst Name: SUSAN CABACUNGAN **Analyst:** SCABA
Action Date: 01/21/2003 **Action Time:** 16.51.44.866 **Action Data:** No

Comments CUSTOMER SAYS: = THERE IS A PROBLEM WITH THE DRIVER WINDOWS = THE WINDOWS SQUEAK WHEN GOES UP AND DOWN =THE SERVICE DEPT CALLED THE ENGINEERS AND WAS WAITING FOR THEIR ANSWER = THE WINDOW RATTLES AS IT GOES HALF WAY UP OR DOWN = THE WINDOW IS SCRATCHED = I NEED A NEW WINDOW AND A NEW REGULATOR = I AM CONCERNED THAT IF THE WINDOW GETS STUCK AT 10 PM IN THE RAIN OR SNOW WHAT SHOULD I DO = I WOULD LIKE THE MATTER RESOLVED ASAP PER CUSTOMER, DEALER SAYS: = S/M WAITING TO GET BACK TO THE ENGINEERING = S/M SAID TO PULL OUT TO THE NEAREST SERVICE CENTRE CAC ADVISED: "THANK YOU FOR CONTACTING FORD MOTOR COMPANY IN RELATION TO THIS ISSUE. TO ENSURE OUR RECORDS ARE COMPLETE, YOUR COMMENTS HAVE BEEN DOCUMENTED. HOWEVER, THE DECISION OF THE DEALER/REGIONAL OFFICE IS FINAL. (NOTE TO CSR: SUPPORT DLR/REGION DECISION.)" = ADV CUST, I WILL LOOK INTO THE MATTER FURTHER AND WILL F/UP JAN 22 @ 5 PM ++++++++++++++++++++ = OBC TO S/M, RAUL BRUNET , LEFT MESAGE TO UPDATE ME RE: REPAIR PROCEDURE AVIAL FOR THIS CUST AND THE TIME FRAME INFERENCE CASE ID: 1615

Action: OUTBOUND CALL TO DEALER
Dealer: 03610 LA FRES FORD INC **Origin Desc:** MANUAL - PHONE CSR
Odometer: 4800 MI **Comm Type:** PHONE
Analyst Name: SUSAN CABACUNGAN **Analyst:** SCABA
Action Date: 01/22/2003 **Action Time:** 16.35.12.272 **Action Data:** No

Comments CUSTOMER SAYS: = NONE PER CUSTOMER, DEALER SAYS: = NONE CAC ADVISED: = OBC TO S/M, RAUL BRUNET @ (718) 417-8093 (2ND ATTEMPT) , TO FIND OUT RE: REPAIR PROCEDURE AVIAL FOR THIS CUST AND THE TIME FRAME ....UNABLE TO SPEAK TO S/M = S/M ADV CRC THAT HE HAS ALREADY SPOKEN TO THE CUST AND CUST HAS AN APPOINTMENT FOR JAN 27 AND THEY WILL ADDRESS THE CUST'S CONCERN, = DLRSP WILL SEND THE CUST HOME AS WELL WHILE THE VEH IS AT BE AT THE DLRSHP +++++++++++++++ = OBC TO CUST, UNBALE TO REACH CUST, LEFT MESSAGE THAT IF HE NEEDS FURTHER ASSISTANCE TO CONTACT CRC AS I GATHER FRO THE S/M THAT HE ALREADY HAVE AN APPOINTMENT WITH THE DLRSHP FOR JAN 27 AS DLRSHP WILL ADDRESS HIS CONCERN

Action: ADVISE INFO WILL BE SENT TO DLR; CONTACT CRM
Dealer: 03610 LA FRES FORD INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 13000 MI **Comm Type:** PHONE
Analyst Name: CHRISTIE CURLINE **Analyst:** CCHRIS25
Action Date: 11/10/2003 **Action Time:** 12.24.18.627 **Action Data:** No

Comments CUSTOMER SAID: WINDOW SQUEAK DRIVER SIDEDEALER SAID: NONECRC ADVISED: WE RECOMMEND THE REPAIR BE PERFORMED BY A FORD/LM DEALERSHIP - INFORMATION WILL BE SENT TO DLR, CUSTOMER SHOULD CONTACT CRM/SERV MGR LA FRES FORD

[redacted] 2/16/2005

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: **Primary Phone:** [redacted]
Reason Desc: MISC INQUIRY - GENERAL/OTHER **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: AS PER TEAM LEADER
Dealer: **Origin Desc:** MANUAL - PHONE CSR
Odometer: 1 MI **Comm Type:** PHONE
Analyst Name: JACQUINE REID **Analyst:** JREID23
Action Date: 10/15/2003 **Action Time:** 08.51.31.688 **Action Data:** No

Comments NO COMMENTS AVAILABLE

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: TIRES/WHEELS VIBRATION **Primary Phone:** [redacted]
Reason Desc: AWA - CAC SUPPORTS FIELD'S DECISION **Secondary Phone** [redacted]
Issue Type: 03 CONCERN **Issue Status:** CLOSED
Initial Customer Contact:

Action: CB-SUPPORT DEALERSHIP'S/REGION'S POSITION
Dealer: 03610 LA FRES FORD INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 12800 MI **Comm Type:** PHONE
Analyst Name: MARGARET ARSENAULT **Analyst:** MARSENAU
Action Date: 10/14/2003 **Action Time:** 10.33.08.820 **Action Data:** No

Comments CUSTOMER SAID: CUST ASKED DLRSHP TO CHECK TIRE, SQUEACHED AND WHEN RAINING BUMPY AND ALL OVER ROAD. CUST TOOK VEH INTO INDEPENDANT TO CHECK TIRES. ADVISED TIRES ARE DEFECTIVE. CUST PAID FOR 4 NEW TIRES AND ALIGNMENT. DLRSHP ADVISED TO BRING BILL INTO DLRSHP AND THEY WOULD SUBMIT RECEIPT TO FORD FOR REIMBURSEMENT. CUST TOOK RECEIPT INTO DLRSHP YESTERDAY, WOULD TAKE 3-4 WEEKS FOR REIMBURSEMENT. CUST WANTS TO MAKE SURE CORRECT INFORMATION IS FORWARED TO WARRANTY DEPARTMENT. CUST STILL HAS OLD TIRESCRC ADVISED: OBC TO DLRSHP - SPOKE WITH HEATHER. CRM. DLRSHP HAS SUBMITTED REQUEST FOR REIMBURSEMENT YESTERDAY THANK YOU FOR CONTACTING FORD MOTOR COMPANY IN REGARDS TO THIS ISSUE. OUR RECORDS INDICATE THAT A DECISION HAS BEEN MADE AND THE CRC CAN NOT OVERTURN THIS DECISION. HOWEVER, TO ENSURE OUR RECORDS ARE COMPLETE WE HAVE DOCUMENTED YOUR FEEDBACK. (NOTE TO CSR: SUPPORT DLR/REGION DECISION.)

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: WINDOW/GLASS SIDE NOISE **Primary Phone:** [redacted]
Reason Desc: PROD/COMP DUR/PERF - REGIONAL ASSISTANCE **Secondary Phone:** [redacted]
Issue Type: 04 REGION **Issue Status:** CANCEL
Initial Customer Contact:

Action: ADVISE CUSTOMER OF DEALER'S RESPONSE
Dealer: 03610 LA FRES FORD INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 4300 MI **Comm Type:** PHONE
Analyst Name: ANSON DIXON **Analyst:** ADIXON1
Action Date: 01/13/2003 **Action Time:** 12.32.56.573 **Action Data:** No

Comments CUSTOMER SAYS: THE DRIVER'S SIDE AND PASSENGER SIDE FRONT WINDOWS SQUEAK WHEN GOING UP AND DOWN; CUST STATES THAT THIS AN ONGOING CONCERN FOR THE VEH; THE TREAD ON THE DRIVER'S SIDE OF THE VEH LOOKS LIKE THEY ARE WEARING UNEVENLY AND LOOKS LIKE THERE IS PIECES MISSING FROM THE TIRE CUST STATES HE WILL BE WORKING WITH LA FRES FORD FOR THIS ISSUE; CUST PREVIOUSLY WORKED WITH LA FRES FORD, MONOHAN FORD AND CUNNINGHAM FORD FOR THESE ISSUES PER CUSTOMER, DEALER SAYS: PREVIOUSLY RESOLVED THE CONCERN CAC ADVISED: - WE SPOKE TO THE SERVICE DEPARTMENT AND HAVE CONFIRMED THAT YOUR VEHICLE HAS NOW BEEN TO THE DEALERSHIP MULTIPLE TIMES - WE HAVE DOCUMENTED YOUR CONCERN AND WILL SEND A COPY TO YOUR DEALERSHIP REQUESTING FURTHER TECHNICAL ASSISTANCE - YOUR CRM/SERV MGR WILL CONTACT YOU AS SOON AS THEY HAVE MORE INFORMATION ADVISED CUST AS PER OBC TO DLR - DLR REQUEST CUST CALL TO SET AN APPOINTMENT INFERENCE CASE ID: 5406

Action: SERVICE APPOINTMENT SCHEDULED
Dealer: 03610 LA FRES FORD INC **Origin Desc:** DEALER
Odometer: 4300 MI **Comm Type:** PHONE
Analyst Name: RAUL BRUNET **Analyst:** R-BRUNTT
Action Date: 01/23/2003 **Action Time:** 07.53.42.358 **Action Data:** No

Comments CUSTOMER WAS CONTACTED AND A SERVICE APPT WAS MADE FOR MONDAY 1/27/03. CUSTOMER WILL BE DROPPED OFF AT HIS HOME WHILE THE VEHICLE IS CHECKED TO VERIFY HIS CONCERN. SPECIAL SERVICE MESSAGE 16282 SEEMS APPLICABLE TO THIS VEHICLE. IF CONCERN IS NOT RESOLVED TECH HOTLINE WILL BE CALLED FOR ASSITANCE

Action: CANCEL ISSUE
Dealer: 03610 LA FRES FORD INC **Origin Desc:** FIELD ORGANIZATION
Odometer: 4300 MI **Comm Type:** INTERNET
Analyst Name: JAMES WELCH III (JWELCH16) **Analyst:** JWELCH16
Action Date: 01/28/2003 **Action Time:** 10.35.41.092 **Action Data:** No

Comments CLOSE ISSUE. DEALERSHIP WILL REPAIR VEHICLE UNDER WARRANTY.

Action: CANCEL ISSUE
Dealer: 03610 LA FRES FORD INC **Origin Desc:** FIELD ORGANIZATION
Odometer: 4300 MI **Comm Type:** INTERNET
Analyst Name: JAMES WELCH III (JWELCH16) **Analyst:** JWELCH16
Action Date: 01/28/2003 **Action Time:** 10.49.52.895 **Action Data:** No

Comments CLOSE ISSUE. DEALERSHIP WILL REPAIR VEHICLE UNDER WARRANTY.

Action: CANCEL ISSUE
Dealer: 03610 LA FRES FORD INC
Odometer: 4300 MI
Analyst Name: JAMES WELCH III (JWELCH16)
Action Date: 01/28/2003
Comm Type: INTERNET
Analyst: JWELCH16
Action Time: 11.00.14.885
Origin Desc: FIELD ORGANIZATION
Action Data: No

Comments CLOSE ISSUE. DEALERSHIP WILL REPAIR VEHICLE UNDER WARRANTY.

Action: DOCUMENT ADDITIONAL INFORMATION
Dealer: 03610 LA FRES FORD INC
Odometer: 4300 MI
Analyst Name: PATRICIA CINQUEPEPE E
Action Date: 01/28/2003
Comm Type: PHONE
Analyst: P-CINQUE
Action Time: 11.52.07.107
Origin Desc: DEALER
Action Data: No

Comments VEHICLE WAS REPAIRED ON 1/27/03 CONCERN CORRECTED. FOLLOW UP CALL MADE, CUSTOMER HAPPY WITH REPAIR. PLEASE CLOSE RB

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: WINDOW/GLASS SIDE POWER FUNCTION **Primary Phone:** [redacted]
Reason Desc: PROD/COMP DUR/PERF - REGIONAL ASSISTANCE **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: ADVISE CUST CRC WILL FOLLOW UP
Dealer: 03610 LA FRES FORD INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 4500 MI **Comm Type:** PHONE
Analyst Name: YENNA SPILLANE **Analyst:** YSPILLAN
Action Date: 01/15/2003 **Action Time:** 09.53.31.107 **Action Data:** No

Comments CUSTOMER SAYS: - CUST. SEEKING/LOOKING FOR REPAIR - CUST. EXPERIENCED DRIVERS SIDE WINDOW REPAIRED 3 TIMES - 2 TIMES AT LE FRES FORD AND ONCE TO A DIFFERENT DLRSHP AND ONCE TO NON FORD DLRSHP - SYMPTOMS OF VEH. WERE THE WINDOW DOES NOT GO UP ONCE DOWN - VEH WAS LAST AT MONAHANN FORD DEC 30 AND LAST AT TIME TO LA FRES FORD WAS BEFORE CHRISTMAS - WHEN THE WINDOW IS HALF DOWN THE WINDOW RATTLES - VEH "BOUNCES ALL OVER THE ROAD" ~ CUST FEELS BECAUSE OF THE TIRES - A FRIEND SAID THAT HE HAD THE SAME CONCERN AND WAS TOLD THAT THIS WAS THE REGULATOR PER CUSTOMER, DEALER SAYS: - CUST SPOKE TO S/M ROAUL THIS MORNING - CUST WAS ADVISED "I WILL LOOK INTO THIS FURTHER" -" NOT SURE WHEN I CAN GET BACK TO YOU - CUST'S VEH CURRENTLY AT HOME CAC ADVISED: - I WOULD LIKE TO BE YOUR ADVOCATE IN THIS SITUATION. TO ENSURE YOUR REQUEST RECEIVES PROPER CONSIDERATION, PLEASE ALLOW ME TO RESEARCH THIS FURTHER. - IS THERE A TIME THAT IS MOST CONVENIENT FOR ME TO CONTACT YOU? *-*-*-*-*-* OBC TO DLRSHP *-*-*-*-*-*-* (718) 417-8093 - ROAUL (S/M) WILL BE BACK IN AN HOUR OR SO *-*-*-* FOLLOW UP *-*-*-*-* - CUST REQUESTED THAT CSR CALL HIM BACK AND HUNG UP - NO FOLLOW UP TIME WAS SET - WILL FOLLOW UP BY JAN 16/2003 @ 2 PM AT THE LASTEST INFERENCE CASE ID: 5408

Action: OUTBOUND CALL TO DEALER
Dealer: 03610 LA FRES FORD INC **Origin Desc:** MANUAL - PHONE CSR
Odometer:
Comm Type: PHONE
Analyst Name: YENNA SPILLANE **Analyst:** YSPILLAN
Action Date: 01/15/2003 **Action Time:** 12.56.31.387 **Action Data:** No

Comments CUSTOMER SAYS: PER CUSTOMER, DEALER SAYS: CAC ADVISED: *-*-*-*-*-* OBC TO DLRSHP *-*-*-*-*-*-* (718) 417-8093

Action: OUTBOUND CALL TO DEALER
Dealer: 03610 LA FRES FORD INC **Origin Desc:** MANUAL - PHONE CSR
Odometer: 4500 MI **Comm Type:** PHONE
Analyst Name: YENNA SPILLANE **Analyst:** YSPILLAN
Action Date: 01/16/2003 **Action Time:** 10.23.34.751 **Action Data:** No

Comments CUSTOMER SAYS: ~ THE WINDOW DOES NOT GO UP ONCE DOWN ~ ~ WHEN THE WINDOW IS HALF DOWN THE WINDOW RATTLES ~ VEH "BOUNCES ALL OVER THE ROAD" ~ CUST THINKS IT IS A TIRE CONCERN PER CUSTOMER. DEALER SAYS: CAC ADVISED: *-*-*-*-*-* OBC TO DLRSHP *-*-*-*-*-*-* (718) 417-8093 - SPOKE TO ROAUL (S/M) - I JUST SPOKE TO THIS CUST ABOUT AN HOUR AGO - WE ARE TRYING TO CONTACT HOT LINE - WE HAVE COMPLETED THE SPECIAL SERVICE MESSAGES FOR THIS CONCERN - I WILL BE IN CONTACT WITH THE CUST WHEN I HAVE MORE INFORMATION - I AM NOT AWARE OF THE TIRE CONCERN - I WILL ADDRESS THAT WITH THE CUST NEXT TIME I TALK TO HIM *-*-*- NO FURTHER FOLLOW UP REQUIRED FRM CSR *-*-*-

Action: UNABLE TO CONTACT CUSTOMER 3 TIMES
Dealer: 03610 LA FRES FORD INC **Origin Desc:** DEALER
Odometer: 4500 MI **Comm Type:** PHONE

Analyst Name: PATRICIA CINQUEPEPE E
Analyst: P-CINQUE
Action Date: 01/16/2003
Action Time: 10.49.22.515
Action Data: No

Comments SERVICE MANAGER RAUL WILL CONTACT CUSTOMER PC

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: WINDOW/GLASS SIDE NOISE **Primary Phone:** [redacted]
Reason Desc: PROD/COMP DUR/PERF - REGIONAL ASSISTANCE **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: ADVISE CUST CRC WILL FOLLOW UP
Dealer: 03610 LA FRES FORD INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 4300 MI **Comm Type:** PHONE
Analyst Name: ANSON DIXON **Analyst:** ADIXON1
Action Date: 01/13/2003 **Action Time:** 09.05.08.442 **Action Data:** No

Comments CUSTOMER SAYS: THE DRIVER'S SIDE AND PASSENGER SIDE FRONT WINDOWS SQUEAK WHEN GOING UP AND DOWN; CUST STATES THAT THIS AN ONGOING CONCERN FOR THE VEH; THE TREAD ON THE DRIVER'S SIDE OF THE VEH LOOKS LIKE THEY ARE WEARING UNEVENLY AND LOOKS LIKE THERE IS PIECES MISSING FROM THE TIRE CUST STATES HE WILL BE WORKING WITH LA FRES FORD PER CUSTOMER, DEALER SAYS: FIXED THE CONCERN; SENT THE CUST TO GLENDALE LOCK(OUTSOURCED) - CUNNINGHAM FORD CAC ADVISED: - I WOULD LIKE TO BE YOUR ADVOCATE IN THIS SITUATION. TO ENSURE YOUR REQUEST RECEIVES PROPER CONSIDERATION, PLEASE ALLOW ME TO RESEARCH THIS FURTHER. - IS THERE A TIME THAT IS MOST CONVENIENT FOR ME TO CONTACT YOU? ***OBC TO DLR *** LEFT MSG FOR S/MGR (RAOUL); REQUEST HE CALL CSR BACK AT EXT 2406 INFERENCE CASE ID: 5408

Action: OUTBOUND CALL TO DEALER
Dealer: 03610 LA FRES FORD INC **Origin Desc:** MANUAL - PHONE CSR
Odometer: 4300 MI **Comm Type:** PHONE
Analyst Name: ANSON DIXON **Analyst:** ADIXON1
Action Date: 01/13/2003 **Action Time:** 11.29.13.069 **Action Data:** No

Comments CUSTOMER SAYS: FOLLOW UP WITH DLR PER CUSTOMER, DEALER SAYS: NONE CAC ADVISED: ***OBC TO DLR *** SPOKE WITH RAOUL (S/MGR) HE REVIEWED SVC HISTORY FOR THE VEH; DLR WILL HAVE TO LOOK AT THE VEH; LAST ADDRESSED CONCERNS FOR THE CUST IN 11/02 AND 12/02; CUST WILL HAVE TO MAKE AN APPOINTMENT FOR SERVICE

Action: UNABLE TO CONTACT CUSTOMER 3 TIMES
Dealer: 03610 LA FRES FORD INC **Origin Desc:** DEALER
Odometer: 4300 MI **Comm Type:** PHONE
Analyst Name: PATRICIA CINQUEPEPE E **Analyst:** P-CINQUE
Action Date: 01/16/2003 **Action Time:** 10.31.52.476 **Action Data:** No

Comments LAFRES FORD-SERVICE MANAGER-RAUL IS LOOKING INTO THIS & WILL CONTACT CUSTOMER PC

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: WINDOW/GLASS SIDE NOISE **Primary Phone:** [redacted]
Reason Desc: WARRANTY - COVERAGE INQUIRY **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: PROVIDE INFORMATION ACCORDING TO PHRASEOLOGY
Dealer: 09999 PLATINUM FORD, LLC **Origin Desc:** US CONCERN CASE BASE
Odometer: 4000 MI **Comm Type:** PHONE
Analyst Name: LLOYS DILLON **Analyst:** LDILLON
Action Date: 12/19/2002 **Action Time:** 11.40.30.724 **Action Data:** No

Comments CUSTOMER SAYS: =BRAKE WAS REPAIRED BACK IN AUGUST =TIRE ON PASSENGER SIDE IS WEARING AND WINDOW RATTLE WHEN HALF WAY DOWN =CUST IS NOT HAPPY BEEN IN DLR ALWAYS =CUST IS ONLY HAPPY WITH OIL CHANGE; EVERYTIME VEH GOES IN DLR IT CAME BACK OUT WITHOUT A THING GOING WRONG =WILL CALL DLR TO SCHEDULE APPOINTMENT FOR REPAIR =CONCERN THAT CUST WILL BE OUT OF THE USE OF VEH PROABLY FOR 3 DAYS =SEEKING REPAIR ASSISTANT/POSSIBLE LOANER ASSISTANT PER CUSTOMER, DEALER SAYS: CAC ADVISED: - POSSIBLE WARRANTY/ESP COVERAGE FOR YOUR CONCERN.- PLEASE TAKE YOUR VEHICLE TO THE F/L/M DEALERSHIP OF YOUR CHOICE TO HAVE THE VEHICLE INSPECTED TO DETERMINE IF ANY WARRANTY/ESP WILL BE APPLICABLE ****LOANER IS NOT A PROVISION ON BTB; FORD WILL REVIE ON A CASE BY CASE BASIS INFERENCE CASE ID: 5409

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: TIRES/WHEELS TIRE WEAR **Primary Phone:** [redacted]
Reason Desc: PROD/COMP DUR/PERF - VEHICLE QUALITY **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: ADVISE INFO WILL BE SENT TO DLR; CONTACT CRM
Dealer: 03610 LA FRES FORD INC **Origin Desc:** US CONCERN CASE BASE
Odometer: 3600 MI **Comm Type:** PHONE
Analyst Name: AULEEN SPENCER **Analyst:** ASPENCER
Action Date: 12/09/2002 **Action Time:** 11.12.57.094 **Action Data:** No

Comments CUSTOMER SAYS: -HE NOTICE THIS MORNING THAT THE TIRES ON THE PASSENGER SIDE ARE THREW UP. - HE WOULD LIKE TO KNOW IF THIS IS COVERED 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 -ADVISE CUSTOMER THAT THE DEALERSHIP WILL NEED TO INSPECT THE TIRES TO DETERMINE IF THERE IS A DEFECT WITH THE MATERIAL OR WORKMANSHIP OF THE TIRE. -ADVISE CUSTOMER TO SPK TO THE S/M CHARLES SPEARS. INFERENCE CASE ID: 4591

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: **Primary Phone:** [redacted]
Reason Desc: SALES - INCENTIVE AND REBATES **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: PROVIDE INFORMATION USING AVAILABLE RESOURCES
Dealer: 03610 LA FRES FORD INC **Origin Desc:** US INQUIRY CASE BASE
Odometer: 2400 MI **Comm Type:** PHONE
Analyst Name: ANTOINETTA AMATO **Analyst:** AAMATO
Action Date: 11/02/2002 **Action Time:** 13.07.34.845 **Action Data:** No

Comments CUSTOMER SAYS: - CUST FRIEND ALSO BOUGHT A FORD ESCAPE BUT HE REC'D A GIFT PACK, SEEKING IF HE SHOULD HAVE REC'D ONE PER CUSTOMER, DEALER SAYS: CAC ADVISED: I HAVE RESEARCHED YOUR INQUIRY AND I HAVE LOCATED THE INFORMATION YOU REQUESTED. (NOTE TO CSR PLEASE PROVIDE CUSTOMER WITH THE INFORMATION LOCATED AND DOCUMENT INFORMATION PROVIDED IN CAC ADVISED.) INFERENCE CASE ID: 838

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: **Primary Phone:** [redacted]
Reason Desc: MISC INQUIRY - CHANGE OF ADDRESS **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: UPDATE CUSTOMER ADDRESS OR PHONE NUMBER
Dealer: 03610 LA FRES FORD INC **Origin Desc:** MANUAL - PHONE CSR
Odometer: 1600 MI **Comm Type:** PHONE
Analyst Name: KAREN MIGHTY **Analyst:** KMIGHTY
Action Date: 10/09/2002 **Action Time:** 13.29.46.721 **Action Data:** No

Comments CUSTOMER SAYS: CUST SAYS HAD VEH REPLACED BACK IN MARCH WANTS TO KNOW WHICH VIN # WE HAVE ON FILE CUST ALLEGES NO ONE FROM DLR WILL RETURN HIS CALL CUST SAYS RECEIVED ESP OFFER FROM FORD WITH THE OLD VIN # ON THE LETTER WAS ADVISED TO CALL CRC OR DLR TO RESOLVE AS VIN # HAS NOT BEEN UPDATED AS YET PER CUSTOMER, DEALER SAYS: NONE CAC ADVISED: > ADVISED CSUT WE HAVE THE CORRECT VIN # IN OUR SYS (NOTE TO CSR - THIS MAC IS TO BE USED FOR UPDATING CUSTOMER INFOMATION ONLY. DO NOT USE FOR DOCUMENTING ANY OTHER ISSUES.)

All Action Details for Issue

Print

VIN: 1FMCU04152K[redacted] **Year:** 2002 **Model:** ESCAPE **Case:** [redacted]
Name: [redacted] **Owner Status:** Original **WSD:** 2002-08-31
Symptom Desc: **Primary Phone:** [redacted]
Reason Desc: REDIRECTED CALL - ESP HEADQUARTERS **Secondary Phone:** [redacted]
Issue Type: 02 INFORMATION **Issue Status:** CLOSED

Action: REDIRECT TO ESP PURCHASE 1-800-367-3377
Dealer: 03610 LA FRES FORD INC **Origin Desc:** US REDIRECT CASE BASE
Odometer: 1600 MI **Comm Type:** PHONE
Analyst Name: KAREN MIGHTY **Analyst:** KMIGHTY
Action Date: 10/09/2002 **Action Time:** 13.29.46.135 **Action Data:** No

Comments CUSTOMER SAYS: CUST SAYS HAD VEH REPLACED BACK IN MARCH WANTS TO KNOW WHICH VIN # WE HAVE ON FILE CUST ALLEGES NO ONE FROM DLR WILL RETURN HIS CALL CUST SAYS RECEIVED ESP OFFER FROM FORD WITH THE OLD VIN # ON THE LETTER WAS ADVISED TO CALL CRC OR DLR TO RESOLVE AS VIN # HAS NOT BEEN UPDATED AS YET WANTS TO KNOW IF THERE IS AN ESP THAT PROVIDES BTB COVERAGE HOW MUCH IS ESP PER CUSTOMER, DEALER SAYS: NONE CAC ADVISED: PLEASE WARM TRANSFER THE CUSTOMER TO THE ESP SALES GROUP AT 1-800-367-3377 > INFERENCE CASE ID: 102



MAY 19 2005

PROGRESSIVE

Friday, March 25, 2005

FORD MOTOR COMPANY
RECEIVED
MAY 20 2005
OFFICE OF THE GENERAL COUNSEL

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

Re: DEFECTIVE THROTTLE CABLE CAUSED ACCIDENT AND RESULTING DAMAGES.

VIN:	1FMYU93153K[redacted]
Year:	2003
Make:	FORD
Model:	ESCAPE
Our Insured:	[redacted]
Address:	[redacted] SPENCER, IN[redacted]
Phone No.:	[redacted]
Our Claim No:	[redacted]
Date of Loss:	12-22-04
Damages:	$ 3,738.14

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 $3,738.14 to my attention, payable to "Progressive Northern Insurance Company, as subrogee of [redacted]", and mail to my attention at PO Box 43258, Richmond Hts., OH 44143.

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 Company

William P. Kienzl
Subrogation Representative
(440) 603-7967

www.nhtsa.dot.gov
nhtsa
people saving people

Office of Defects Investigation

Recalls - Search Results

Report Date :	**March 25, 2005 at *01:51 PM***
SEARCH TYPE :	**VEHICLE**
Make :	**FORD**
Model :	**ESCAPE**
Type :	**ANY**

Make : FORD **Model :** ESCAPE **Year :** 2003

Manufacturer : FORD MOTOR COMPANY

NHTSA CAMPAIGN ID Number : 04V574000 **Recall Date :** DEC 06, 2004

Component: VEHICLE SPEED CONTROL:CABLES

Potential Number Of Units Affected : 470245

Summary:

ON CERTAIN SPORT UTILITY VEHICLES BUILT WITH 3.0L V6 ENGINES, THE ACCELERATOR CABLE MAY PREVENT THE THROTTLE FROM RETURNING TO THE IDLE POSITION.

Consequence:

AN UNEXPECTED INCREASE IN ENGINE IDLE SPEED MAY INCREASE STOPPING DISTANCE AND MAY RESULT IN A VEHICLE CRASH.

Remedy:

DEALERS WILL REPLACE THE ACCELERATOR CABLE. THE RECALL BEGAN ON JANUARY 10, 2005. OWNERS SHOULD CONTACT FORD AT 1-866-436-7332.

Notes:

FORD RECALL NO. 04S25. CUSTOMERS CAN ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION□S AUTO SAFETY HOTLINE AT 1-888-DASH-2-DOT (1-888-327-4236).



RECEIVED - 1 2005

505501

State Farm Insurance Companies®

Southland Claim Service Center
7088 W. 130th Street
Middleburg Hts., OH 44130
440 886 7400
TOLL FREE: 866 449 2499
FAX: 440 886 7401

January 21, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

RECEIVED
JAN 31 2005

FORD MOTOR CO
PARK LANE TOWERS WEST
3 PARK LANE BLVD STE 400
DEARBORN MI 48126-2568

RE: Claim Number: [redacted]
Our Insured:
Date of Loss: November 17, 2004
Vehicle: 2003 Ford Escape Wagon
VIN: 1FMYU031X3K[redacted]

Dear Sir or Madam:

The above 2003 Ford Escape is insured by State Farm Mutual Automobile Insurance Company and was involved in two accidents in which the vehicle accelerated while exiting a ramp causing the our insured to hit a guardrail. We are currently investigating the above claim but have become aware of the NHTSA recall number 04V574000/Ford recall number 04F25 involving accelerating cables.

Our insured brought her vehicle to Liberty Ford in Maple Heights, Ohio, for a repair estimate. The service department at Liberty Ford replaced the accelerator cable. It is my understanding that Liberty Ford in Maple Heights still has the accelerator cable in their possession. We have asked them not to destroy or return the accelerator cable as it is evidence for this claim.

Please consider this letter as our demand to Ford Motor Company for reimbursement of any payments made on the above two claims.

Sincerely,

Bonnie McLeod
Claim Representative
State Farm Mutual Automobile Insurance Company

BM/027/0110002.OH

Enclosure

PE12-019 001592LC SUBJECT

State Farm Insurance Companies

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

June 7, 2005

CERTIFIED MAIL RETRUN RECPT REQUESTED
Ford Motor Co
3 Parklane Blvd Ste 400,
Dearborn, Mi,48126-2568

RE: Claim Number: [redacted]
Our Insured:
Date of Loss: November 20, 2004
Vehicle: 2003, Ford, Escape
VIN: 1FMYU031X3K[redacted]
Your File Number: unk
Amount State Farm Paid: $5090.64
Insured's Deductible: $250.00

Dear Ms Norton:

The above vehicle was involved in a loss due to Unintended accelleration. We settled a claim with our insured in the amount listed above. Our investigation indicates the cause of the loss was due to the failure of the throttle to return to idle. This vehicle was subject to recall 04S13 This letter is notice of our claim for reimbursement.

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 and process the subrogation claim.

Please remit payment of this claim, or contact us to discuss settlement. We are enclosing a return envelope for your payment. Thank you for your cooperation.

Sincerely,

B. Edens

PE12-019 001593LC SUBJECT

Barbara Edens
Claim Representative
(877) 457-8276, Team 60
State Farm Mutual Automobile Insurance Company

Enclosure: Sub docs/expert report / photos/ correspondence

PS:

Enclosures

RECEIVED
MAY 10 2005
CORP. CIOS SUB

35-Y412-908
4 photos



PQO



PQO



PQC



PQO

5255 Commerce Parkway West • Parma • OH • 44130
Phone 1440)887-0643 • Fax (216)398-7202

January 20, 2005

State Farm Insurance Company
7088 West 130th Street
Middleburg Heights, Ohio 44130

ATT: Ms Bonnie McLeod

RE: INSURED: [redacted]
TYPE OF VEHICLE: 2003 Ford Escape
DATES OF LOSS: November 17, 2004
November 20, 2004
CLAIM NUMBERS: [redacted]
OUR FILE NO: PR007

Dear Ms McLeod:

This report is in regard to the evaluation of a 2003 Ford Escape bearing short VIN [redacted] Two separate evaluations were performed on the subject vehicle. The initial evaluation took place at Liberty Ford situated at 5500 Warrensville Center Road. This evaluation took place on January 6, 2005.

Prior to the evaluation, we made contact with Mark, the Service Director at Liberty Ford, and informed him that the inspection was going to take place on January 6, 2005. We indicated that the insured had made complaints of a stuck throttle, which resulted in two separate collision events. We were also informed that a recall had been performed on the subject vehicle for this type of situation. The recall included replacement of the accelerator cable. During the telephone conversations with Mark, we asked if the cable was still available for inspection and we were informed that the cable was not available and that it was sent back to Ford Motor Company.

Upon arrival at Liberty Ford, the parts department was contacted to determine if the cable that had been replaced on the subject vehicle was still available. The parts department indicated that the cable was available, that it had not been shipped back to Ford, and the cable was given to us for an initial examination. The cable was not relinquished to us for proper and full examination to determine if a failure existed. Once again, this is a recall cable for a failure that would cause the throttle to not return to its idle position, which may increase stopping distances, which would greatly increase the risk of crash.

The throttle cable was photographed, although no evaluation or inspection could be performed. It is advised that the dealership as well as Ford Motor Company be put on notice that this cable should not be destroyed.

After photo documentation of the cable was performed, the vehicle was to be examined. A short time after the examination of the vehicle began, Mark, the Body Shop Manager, informed us that the Service Director had called and stated that we must leave the premises. Mark asked if we were the forensic mechanics and stated that we were to be removed from the premises. An inspection of the vehicle could not be performed at that time.

The second evaluation of the vehicle took place at Mayfield-Brainerd Collision situated at 5608 Mayfield Road. The examination took place on January 17, 2005. Full photo documentation of the vehicle as well as evaluations took place at this time. Any photographs not used in this report will be maintained in the file for a period of up to ten (10) years. Should further photo documentation become necessary, please contact my office and arrangements will be made.

Examination of the subject vehicle began with verification that the VIN number found on the Federal Identification Sticker matched the VIN supplied by your office. The VIN did match and positively identified the subject vehicle. At this point we proceeded with our inspection.

FIGURE #1



Figure No. 2 shows a view of the vehicle's odometer. The current odometer reading is 72,443 miles.

FIGURE #2



Figure No. 3 shows a view of the right front bumper area. Collision damage was noted in the right front bumper area. The collision damage was not extensive, although it was significant. The insured claimed that the throttle did not return to idle position and she could not control the vehicle upon attempting to stop. The stopping distances will be increased if the throttle does not return to its normal idle position. The brakes will eventually overcome the torque of the engine, although stopping distances will be significantly increased.

FIGURE #3



Figure No. 4 shows a view of the left side bumper assembly, exhibiting collision damage.

FIGURE #4



Figure No. 5 shows a left side view of the subject vehicle. Distortion of the bumper and fender area was noted.

FIGURE #5



Figure No. 6 shows a view of the right side as seen from the rear. No other collision damage was found on the right side of the vehicle.



FIGURE #6

Figure No. 7 shows a view of the left side of the subject vehicle as seen from the rear. Collision damage was noted to the left front bumper and fender assembly, the left front door and the left rear door.



FIGURE #7

Figure No. 8 shows a rear view of the vehicle. No evidence of collisoa damage was found.

FIGURE #8



Figures No. 9, 10 and 11 show closer views of the collision-affected areas on the left side of the subject vehicle.

FIGURE #9



FIGURE #10



FIGURE #11



At this time an evaluation of the interior of the vehicle was performed. During the evaluation, it was noted that there were two floor mats in the forward driver's compartment. The floor mats were well below accelerator level. The accelerator did not make contact with the floor mats. No witness markings were noted on the accelerator pedal or floor mats from inadvertent contact during vehicle operation. The floor mats, both singularly and together, were placed on the accelerator pedal to determine if accelerator application could take place through the weight of the floor mats. It was determined that the accelerator return springs were more than sufficient to overcome the weight of one and/or both floor mat assemblies. The floor mats were eliminated as a possible cause of partial throttle application.

FIGURE #12



Figure No. 13 shows a view of the upper throttle linkage and cable as it enters through the bulkhead from the occupant compartment. The throttle cable has been replaced in the subject vehicle per the recall issued by Ford Motor Company. The recall involves the 2003 Ford Escape and the National Highway Traffic Safety Administration campaign number is 04V574000. It states "On certain sport utility vehicles built with a 3.0-liter V-6 engine, the accelerator cable may prevent the throttle from returning to its full idle position. An unexpected increase in engine idle speed may increase stopping distances and may result in a vehicle crash. Dealers will replace the accelerator cable. The recall is expected to begin on January 17, 2005." The Ford recall number for this campaign is 04S25.

As it was examined at this time, the cable showed no evidence of failure. Once again, this cable was a replacement cable and the recall was performed on this vehicle prior to our inspection, even though allegations were made by the insured to Liberty Ford that the accelerator would not return to its idle position, which resulted in a crash. By Liberty Ford removing the cable and replacing it prior to the performance of any evaluations, certain evidentiary issues have been spoiled.

FIGURE #13



Figures No. 14 and 15 show the routing of the new accelerator cable through the bulkhead and into the engine compartment of the vehicle. We found no evidence of failures in the routing of the new cable. The throttle worked correctly.

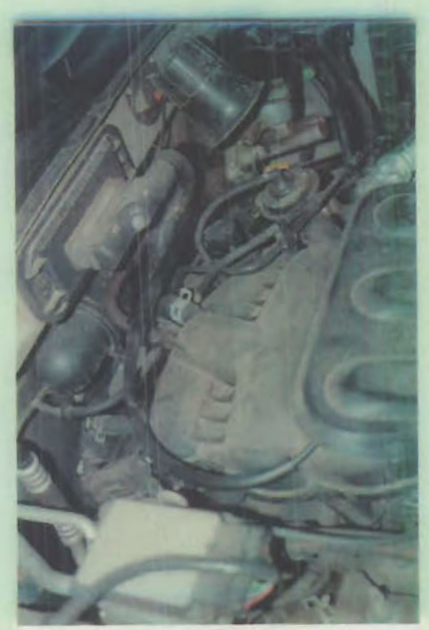


FIGURE #14



FIGURE #15

Figure No. 16 shows the part number present on the replacement cable.

FIGURE #16



Figure No. 17 shows the original cable that was still stored in Liberty Ford's parts department. Warranty components as well as recall components must be turned back in to parts and to Ford Motor Company upon request. The cable seen in this photograph was the cable that was removed from the subject vehicle prior to our inspection.



FIGURE #17

Figure No. 18 shows a view of the parts tag on the cable. This parts identification tag indicates that this is the new accelerator cable package. The old accelerator cable was placed into the package for storage purposes at the Ford dealership.

FIGURE #18



Figure No. 19 shows a view of the accelerator cable as it was initially examined. No testing or evaluation could be performed on the cable at this time due to the fact that the cable was not relinquished to us and it had already been removed from the vehicle.

FIGURE #19

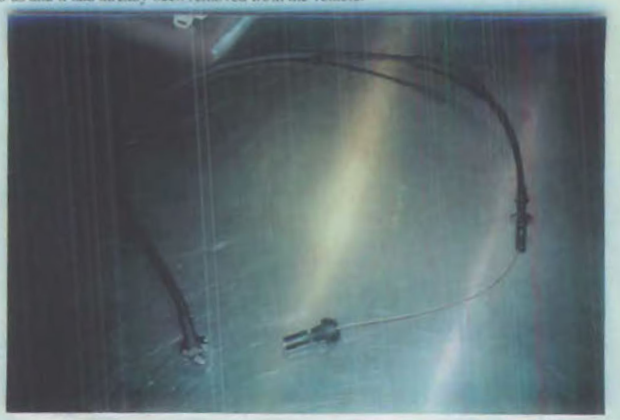


Figure No. 20 shows the repair order number written on the parts bag. The repair order number for the cable replacement for the subject vehicle was 149452.

FIGURE #20



Figure No. 21 shows a view of the instrument cluster during testing and evaluation performed at Mayfield-Brainerd Collision. Please note that the tachometer reads approximately 900 rpms. Functional testing of the idle speed control motor was performed and it was found that it would function correctly. No "CHECK ENGINE" lights were on in the subject vehicle at the time of the evaluation and no stored computer codes were present. Functional testing of the throttle cable revealed that it was capable of operation. Once again, this was the replacement recall throttle cable present on the vehicle.

FIGURE #21



Figure No. 22 shows a view of the tachometer once the rpms were raised to approximately 2200 rpms. This was done on several occasions to determine if the throttle would stick or bind in any position. The throttle did not stick or bind and returned fully to the idle position on each occasion at this time.

FIGURE #22



Following a thorough and complete evaluation of all remaining evidence in this case, and based on our knowledge, training and years of experience as Forensic Mechanics, it is our professional opinion that the events described by the insured would give indication that the throttle was not able to return to idle upon exiting or entering the highway on each of the two separate occasions. This is the description given in the recall by Ford Motor Company. It should be noted that the recall had not been issued prior to the event, therefore the driver of the vehicle would have had no knowledge that a recall even existed on the subject vehicle at that point in time. The recall was not slated to be issued until January 17, 2005.

It is further our opinion that due to the fact that Liberty Ford knowingly understood that an issue including two separate collision events due to the fact that the vehicle accelerator may not have returned to idle, which resulted in extended stopping distances and collision, and replaced the accelerator cable prior to any physical evaluation and/or testing performed on the vehicle. This should be considered a spoliation issue, especially in the event of a collision. The examination and testing of the vehicle was also inhibited significantly at Liberty Ford when we were asked to leave even though an authorization signed by the insured was in hand for testing and inspection.

It is my opinion that the events described by the insured mimic those described by the recall notice and that testing of the accelerator cable was significantly hindered by the actions of Liberty Ford. Due to the fact that the cable was not relinquished to us for testing or examination, an opinion on its defect cannot be reached at this point in time, although this cable is the subject of a defect investigation and a recall by Ford Motor Division and National Highway Traffic Safety Administration mimicking the events that occurred.

If we can be of any further assistance in this matter, please feel free to contact us at any time.

Respectfully Submitted,

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people saving people

Office of Defects Investigation

Recalls - Search Results

Report Date : **January 5, 2005 at *11:45 AM***
SEARCH TYPE : **VEHICLE**
Make : **FORD**
Model : **ESCAPE**
Type : **ANY**

Make : FORD **Model :** ESCAPE **Year :** 2003

Manufacturer : FORD MOTOR COMPANY

NHTSA CAMPAIGN ID Number : 04V602000 **Recall Date :** DEC 17, 2004

Component: LATCHES/LOCKS/LINKAGES:DOORS:LATCH

Potential Number Of Units Affected : 262113

Summary:
CERTAIN 2004-2005 SPORT UTILITY VEHICLES AND CERTAIN 2001-2003 SPORT UTIITY VEHICLE HAVING REAR LIFTGATE COMPONENTS SERVICED WITH 2004 EQUIVALENT COMPONENTS FAIL TO COMPLY WITH THE REQUIREMENTS OF FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 206, 'DOOR LOCKS AND DOOR RETENTION COMPONENTS.' THE REAR LIFTGATE LATCHING SYSTEM DOES NOT MEET THE INERTIA LOAD REQUIREMENT IN ONE DIRECTION.

Consequence:
IF THE LIFTGATE IS LEFT UNLOCKED, THERE IS THE POTENTIAL THAT IT MAY OPEN DURING A CRASH.

Remedy:
DEALERS WILL REPLACE THE REAR LIFTGATE LATCH RELEASE ROD, THE RELEASE ROD ATTACHMENT CLIP AND THE DOOR HANDLE RETURN SPRING. THE RECALL IS EXPECTED TO BEGIN ON JANUARY 24, 2005. OWNERS SHOULD CONTACT FORD AT 1-800-392-3673.

Notes:
FORD RECALL NO. 04C09. CUSTOMERS CAN ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S AUTO SAFETY HOTLINE AT 1-888-327-4236.

Make : FORD **Model :** ESCAPE **Year :** 2003

Manufacturer : FORD MOTOR COMPANY

NHTSA CAMPAIGN ID Number : 04V574000 **Recall Date :** DEC 06, 2004

Component: VEHICLE SPEED CONTROL:CABLES

Potential Number Of Units Affected : 470245

Summary:
ON CERTAIN SPORT UTILITY VEHICLES BUILT WITH 3.0L V6 ENGINES, THE ACCELERATOR CABLE MAY PREVENT THE THROTTLE FROM RETURNING TO THE IDLE POSITION.