

Dr. Stephen Ridella
Reference: NEF0102bes; EA19-001
May 11, 2022

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Preliminary Statement

On April 30, 2009, Chrysler LLC, the entity that manufactured and sold the certain vehicles that may be discussed in this Information Request, filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Bankruptcy Code.

On June 10, 2009, Chrysler LLC sold substantially all of its assets to a newly formed company later known as Chrysler Group LLC. Pursuant to the sales transaction, Chrysler Group LLC assumed responsibility for safety recalls pursuant to the 49 U.S.C. Chapter 301 for vehicles that were manufactured and sold by Chrysler LLC prior to the June 10, 2009, asset sale.

On June 11, 2009, Chrysler LLC changed its name to Old Carco LLC. The assets of Old Carco LLC that were not purchased by Chrysler Group LLC, as well as the liabilities of Old Carco that were not assumed, remain under the jurisdiction of the United States Bankruptcy Court – Southern District of New York (In re Old Carco LLC, et al., Case No. [REDACTED]).

Effective December 15, 2014, Chrysler Group LLC changed its name to FCA US LLC (“FCA US”).

Note: Unless indicated otherwise in the response to a question, this document contains new records/allegations that have occurred since the date of the original letter (July 16, 2019) through March 31, 2022, this Information Request (“IR”) was received by FCA US.

This document and the associated enclosures and tables referenced herein contain FCA US’ response to the IR issued in Investigation EA19-001, as clarified via email with Brian Smith of the National Highway Traffic Safety Administration’s (“NHTSA”) Office of Defects Investigation (“ODI”) on April 12, 2022. These clarifications are consistent with the clarifications outlined in FCA US’ response dated September 13, 2019, and provide in substance:

- In determining responsiveness to Request No. 1 (original Request No. 2), FCA US preliminarily will review each allegation of nondeployment in a frontal crash for which vehicle photos are available to determine if additional assessment of the incident is necessary, based on evidence of engine compartment intrusion and/or possible damage to sensor wires. FCA US will not provide any assessment regarding whether airbag deployment was warranted. FCA US will deem any incidents without any indication of frontal crash as non-responsive, and thus will not include those incidents in this Response.
- For reports of crash with nondeployment as to which there are neither inspection reports nor photos in FCA US’ records, FCA US’ Response will include information on the following two categories of incidents:
 - For 2009 Dodge Ram 1500 vehicles, FCA US will provide records involving any allegation of nondeployment in frontal crash situations or where the impact location was either unknown or unspecified.
 - For all remaining Subject Vehicles, FCA US will provide records involving any allegation of nondeployment in frontal crash situations or where the impact location

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was unknown or unspecified only to the extent that those records indicate the presence of an associated injury or fatality.

Information as to these incidents without inspection reports or photos will be provided in response to Request Nos. 1 and 3 only.

- In response to Request No. 2, subpart k, FCA US will only provide a description and location of the alleged injury to the extent that such information has been provided to FCA US.
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1. **State, by model and model year the number of each of the following, received by FCA, or of which FCA is otherwise aware, which relate to, or may relate to, the Alleged Defect in the Subject Vehicles:**
 - a. **Consumer complaints, including those from fleet operators;**
 - b. **Field reports, including dealer field reports;**
 - c. **Reports for ACUs returned from the field or from test vehicles;**
 - d. **Reports involving a crash, injury or fatality;**
 - e. **Property damage claims;**
 - f. **Third-party arbitration proceedings where FCA is or was a party to the arbitration; and**
 - g. **Lawsuits, both pending and closed, in which FCA is or was a defendant or codefendant.**

For subparts "a" through "g," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "d" through "g," provide a summary description of the alleged problem and causal and contributing factors and FCA assessment of the problem, with a summary of the significant underlying facts and evidence. For items "f" and "g," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

- A1. FCA US has conducted a reasonable and diligent search of the normal repositories of information potentially responsive to this request. In compiling its response to this Request, FCA US reviewed records relating to the Subject Vehicles of each allegation of nondeployment in a frontal crash for which vehicle photos were available and, as a result of that review, determined if additional assessment of the incident was necessary based on evidence of engine compartment intrusion and/or possible damage to sensor wires. FCA US also reviewed additional reports alleging nondeployment in a frontal collision or a collision with unknown or unspecified impact location.

Following that review FCA US has not identified any confirmed incidents of the Alleged Defect in any of the Subject Vehicles. In response to this request, the incidents identified are those which FCA US does not have an inspection report or additional information enabling any assessment of the allegations. These allegations are defined as all alleged airbag nondeployment incidents involving any Subject Vehicle that arise from a frontal collision or a collision with unknown or unspecified impact location and which allege injuries or fatalities.

Information related to this category of reports comprises FCA US' responses to subparts (a) through (g) of this Request. That information is located **ENCLOSURE 01** and titled EA19-001_OTHER NO INSPECTION INJURY FATALITY.pdf.

2. **Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 1, state the following information:**
 - a. **FCA's file number or other identifier used;**
 - b. **The category of the item, as identified in Request No. 1 (i.e., consumer complaint, field report, etc.);**
 - c. **Vehicle owner or fleet name (and fleet contact person), street address, email address and telephone number;**
 - d. **Vehicle's VIN;**
 - e. **Vehicle's make, model and model year;**
 - f. **Vehicle's mileage at time of incident;**
 - g. **Incident date;**
 - h. **Report or claim date;**
 - i. **Whether a crash is alleged;**
 - j. **Whether property damage is alleged;**
 - k. **Number of alleged injuries, if any;**
 - i) **The AIS score of the injuries; and**
 - ii) **Description of injury and location**
 - l. **Number of alleged fatalities, if any; and**
 - m. **All applicable indicators for the Alleged Defect (items A through H, as identified above).**

Provide this information in Microsoft Access 2010, or a compatible format, entitled "REQUEST NUMBER ONE DATA." (Request TWO in previous IR Letter)

A2. FCA US did not identify any records responsive to this request, per the agreement with the Agency defined at the beginning of this response.

3. **Produce copies of all documents related to each item within the scope of Request No. 1. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method FCA used for organizing the documents. Describe in detail the search methods and search criteria used by FCA to identify the items in response to Request No.1.**

A3. FCA US has conducted a reasonable and diligent search of the normal repositories of information potentially responsive to this request. Documents related to each item within the scope of Request No. 1 were gathered by using information such as vehicle model, model year, and a word search using words reasonably related to the reports sought by this IR. The keyword search criteria used in this search are included in Table 2, which is located in **ENCLOSURE 03** and titled EA19-001_TABLE 2 – KEYWORD SEARCH CRITERIA.pdf.

Copies of the available documents related to the scope of Request No. 1 can be found in **ENCLOSURE 03**, which contains a folder with copies of the available consumer complaints, legal claims and legal summaries. The related customer complaint documents are arranged in folders by complaint number. Legal summaries are contained in a pdf file and arranged by matter number.

- 4. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the Alleged Defect in the Subject Vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, FCA. For each such action, provide the following information:**
- a. Action title or identifier;**
 - b. The actual or planned start date;**
 - c. The actual or expected end date;**
 - d. Brief summary of the subject and objective of the action;**
 - e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and**
 - f. Final Report of the findings and/or conclusions resulting from the action.**

A4. FCA US did not identify any additional or Final Reports beyond those which were provided with the response dated September 13, 2019.

5. Furnish FCA's assessment of the Alleged Defect in the Subject Vehicle, including:

- a. The causal or contributory factor(s);**
- b. The failure mechanism(s);**
- c. The failure mode(s);**
- d. Any prior safety recalls FCA has conducted to address EOS related failures of the subject ACU, the remedy that was utilized in that recall action, and how, in FCA's assessment, that action addresses any residual risk of an EOS failure of the DS84 ASIC; and**
- e. The risk to motor vehicle safety that it poses.**

A5. FCA US has reviewed the data provided in response to the Requests above. That review has not revealed a single confirmed incident of the Alleged Defect in any of the approximately 3 million Subject Vehicles. FCA US believes it has fulfilled its obligations under the Motor Vehicle Safety Act and NHTSA regulations to investigate and effectively remedy defects that affect motor vehicle safety. As such, FCA US respectfully requests that this investigation be closed with respect to FCA US vehicles.