

## Question 2 RQ25001

2. State the number of each of the following, received by Phoenix, or of which Phoenix 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 involving a crash, injury or fatality;
- d. Reports involving a fire;
- e. Property damage claims;
- f. Third-party arbitration proceedings, both pending and closed, where Phoenix is or was a party to the arbitration; and
- g. Lawsuits, both pending and closed, in which Phoenix 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 “c” through “g,” provide a summary description of the alleged problem and causal and contributing factors and Phoenix’s 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.

## Phoenix Response

While Phoenix does possess some of the requested information, it is a data set that was acquired as part of the purchase of certain assets of Proterra by Phoenix in 2024. It is worth noting that after this sale occurred, Phoenix continued to maintain the service platform. Also worth noting (that after the sale was completed), Proterra did not send any Recall/battery related complaints to Phoenix. The available information has been compiled and produced as “**REQUEST NUMBER TWO DATA RQ25001**” in the data room. Such data will be subject to supplemental production/disclosure if any additional records are later discovered. As Phoenix is not an engineering firm nor does it employ failure professionals, it cannot determine the root cause or evaluation of any alleged defect(s) within the battery packs. The battery designer, manufacturer and supplier (which Phoenix believes to be Proterra or its successor entity) may be able to assess this issue.