

ATTACHMENT 1

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Subject: Jeep Liberty Crash Test Results - Report and Background Review
Reference: White / Campbell versus FCA, et al.

Content : 91 pages

Applus IDIADA KARCO Engineering, LLC – Test Report Number : TR-P38306-01-NC
December 3, 2018

TEST REPORT FOR:

Law Office of Courtney Morgan, PLC
2003 Jeep Liberty



TESTED TO:

Protected Fuel Tank Accident Simulation
2003 Jeep Liberty

PREPARED FOR:

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TEST REPORT NUMBER:

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REVISION CONTROL LOG

TR-P38306-01

Revision	Date	Description
-NC	02/08/19	Complete Report
-A	02/25/19	Added photos per Paul V. Sheridan visit, Corrected phone number and updated client name on cover page, "Rear bumper" updated to "transverse rail"

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SECTION 1
INTRODUCTION

This report presents the results of a vehicle to vehicle rear impact test conducted with a 2002 Cadillac Seville SLS V-8 FWD automatic (Bullet Vehicle) and a 2003 Jeep Liberty 4WD V-6 automatic (Target Vehicle) which was equipped with a Fuel Tank Encapsulation Prototype (FTEP). The objective of this test was to evaluate the fuel tank crashworthiness integrity of a 2003 Jeep Liberty equipped with a Fuel Tank Encapsulation Prototype when subjected to the impact conditions described in this report. This test was conducted at Applus IDIADA KARCO Engineering's test facility in Adelanto, California on December 3, 2018.

SECTION 2

TEST PROCEDURE

This test was conducted according to instructions supplied by Paul V. Sheridan of DDM Consulting. A 2003 Jeep Liberty equipped with a Fuel Tank Encapsulation Prototype was impacted on its rear end by a 2002 Cadillac Seville SLS at a velocity of 73.84 mph. The vehicles were aligned so that the bullet vehicle's longitudinal centerline intersected the target vehicle's longitudinal centerline. The test was conducted by Applus IDIADA KARCO Engineering, LLC. in Adelanto, CA on December 3, 2018 in accordance with instructions provided by DDM Consulting. The rear end impact was recorded by Three (3) high speed and two (2) real-time cameras.

The 2003 Jeep Liberty was equipped with a Fuel Tank Encapsulation Prototype. The FTEP was constructed by modifying a skid plate manufactured by SFK Manufacturing, Model JP-4002. The design process, fabrication, and installation of the modifications made to the skid plate were done under the direction of Paul V. Sheridan. A series of steel plates with a thickness of 3/16" were welded to the skid plate to encapsulate the target vehicle's fuel tank, a single 1/2" thick plate was used on part of the mounting surface of the FTEP. A photo of the short 1/2" thick plate used can be found in Figure 53 of Appendix A. The FTEP was mounted to the vehicle's rear frame rails using the six bolts originally used to mount the trailer hitch to the vehicle and to the rear transverse rail by four additional bolts and nuts. The vehicle's fuel tank was painted yellow and the FTEP was painted orange for photographic purposes.

The 2002 Cadillac Seville SLS was drained of all its fluids. The fuel tank was left empty for the test. The vehicle's front end was lowered 2.25 inches measured at the forward most point of the vehicle's front bumper by compressing the front suspension with ratchet straps and attached to the vehicle body and lower control arms. Additional details related to the test vehicles is presented on Data Sheet 1.

SECTION 3

TEST SUMMARY

A 2002 Cadillac Seville SLS impacted the rear end of a 2003 Jeep Liberty equipped with an FTEP at a velocity of 73.84 mph. Upon impact, the bullet vehicle's front end impacted and drove underneath the target vehicle's rear end and FTEP, effectively pushing the target vehicle's rear end upward. Immediately after the impact, the odor of Stoddard solvent was present and drops of solvent were observed on the ground near the rear end of the target vehicle. The amount of solvent observed was immeasurable.

A post-test inspection of the FTEP and the 2003 Jeep Liberty's fuel tank was conducted on December 21, 2018. The FTEP remained attached to the vehicle by all but the three right side frame rail bolts. The fuel tank remained attached to the vehicle by the OEM strap attachments. Upon removal of the FTEP and fuel tank from the vehicle, a plastic output nipple on the top of the fuel tank was found cracked. The Stoddard solvent was drained from the vehicle to confirm that no measurable amount of solvent leaked as a result of the impact test. The driver side doors on the target vehicle were operable after the impact, the outside door handle on the right front passenger door was broken but the door was operable using the interior door handle, the right rear passenger door was jammed shut.

**SECTION 3
DATA SHEETS**

Test Article: 2003 Jeep Liberty Project No.: P38306-01
 Test Program: Protected Fuel Tank Accident Simulation Test Date: 12/03/18

CONVERSION FACTORS

Quantity	Typical Application	Std Units	Metric Unit	Multiply By
Mass	Vehicle Weight	lb	kg	0.4536
Linear Velocity	Impact Velocity	miles/hr	km/hr	1.609344
Length or Distance	Measurements	in	mm	25.4
Volume	Fuel Systems	gal	liter	3.785
Volume	Small Fluids	oz	mL	29.574
Pressure	Tire Pressures	lbf/in ²	kPa	6.895
Temperature	General Use	°F	°C	$= (T_f - 32) / 1.8$
Force	Dynamic Forces	lbf	N	4.448
Moment	Torque	lbf-ft	N•m	1.355

DATA SHEET 1

GENERAL TEST INFORMATION

Test Article: 2003 Jeep Liberty Project No.: P38306-01
Test Program: Protected Fuel Tank Accident Simulation Test Date: 12/03/18

TARGET VEHICLE INFORMATION

Year	2003
Make	Jeep
Model	Liberty
Body Style	5-Door MPV
VIN	1J4GL48K03W694185
Color	Silver
Manufacture Date	Apr-03

TARGET VEHICLE WEIGHT

	As Tested Weight		
	Front	Rear	Total
Left	1099	981	2080
Right	1068	947	2015
Ratio (%)	52.9	47.1	100.0
Total	2167	1928	4095

BULLET VEHICLE INFORMATION

Year	2002
Make	Cadillac
Model	Seville SLS
Body Style	4-Door Sedan
VIN	1G6KS544624177876
Color	Tan
Manufacture Date	Oct-01

BULLET VEHICLE WEIGHT

	As Tested Weight		
	Front	Rear	Total
Left	1232	687	1919
Right	1195	709	1904
Ratio (%)	63.5	36.5	100.0
Total	2427	1396	3823

DATA SHEET 2

TEST DATA

Test Article: 2003 Jeep Liberty Project No.: P38306-01
Test Program: Protected Fuel Tank Accident Simulation Test Date: 12/03/18

TEST DATA

Test Date	12/3/2018
Test Time	4:30 P.M.
Temperature (°F)	67
Wind Speed (mph)	5
Wind Direction	N
Impact Velocity (mph)	73.84

IMMEDIATE POST-TEST SOLVENT DATA

- A. From impact until vehicle motion ceases: 0 oz.
(Maximum allowable = 1 oz.)
- B. For the 5 minute period after motion ceases: 0 oz.
(Maximum allowable = 5 oz.)
- C. For the following 25 minutes: 0 oz.
(Maximum allowable = 1 oz./minute)

D. Spillage Details: The odor of solvent was present.
Droplets of solvent appeared on the ground.

**APPENDIX A
PHOTOGRAPHS**

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FIGURE 1. 2003 Jeep Liberty as Received View



FIGURE 2. 2003 Jeep Liberty as Received View

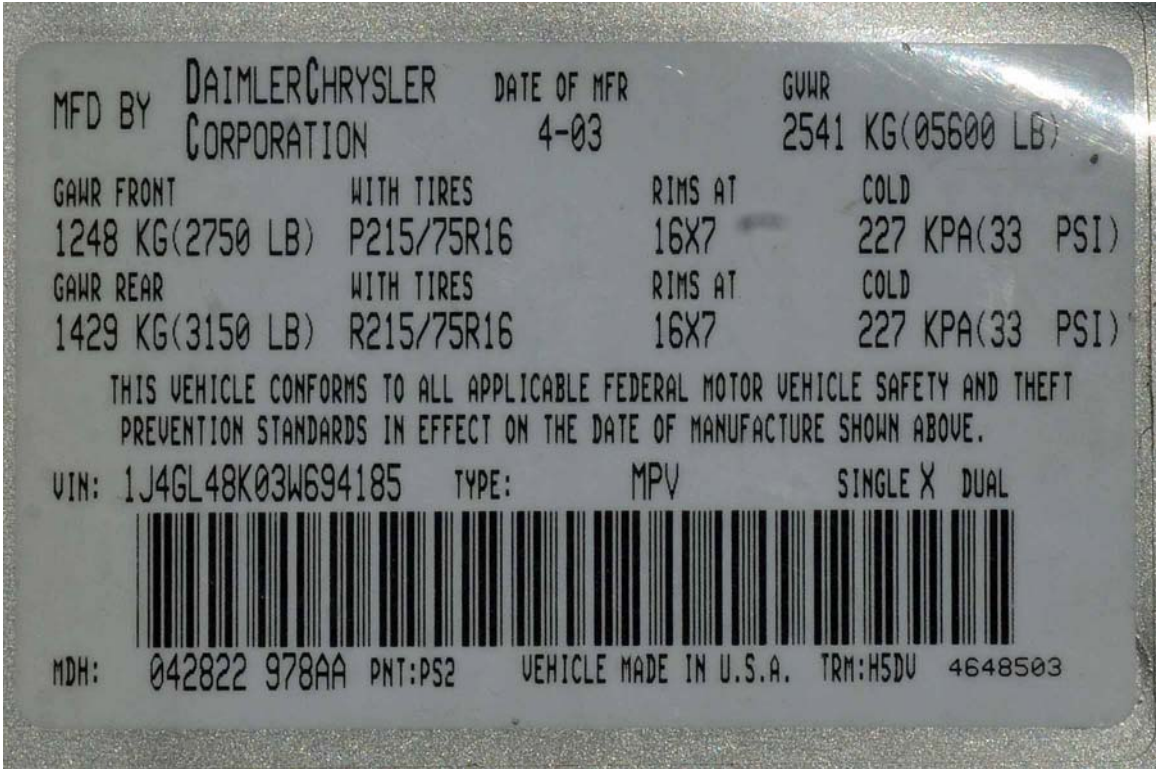


FIGURE 3. 2003 Jeep Liberty Vehicle Manufacturer's Label



FIGURE 4. 2002 Cadillac Seville SLS as Received View



FIGURE 5. 2002 Cadillac Seville SLS as Received View

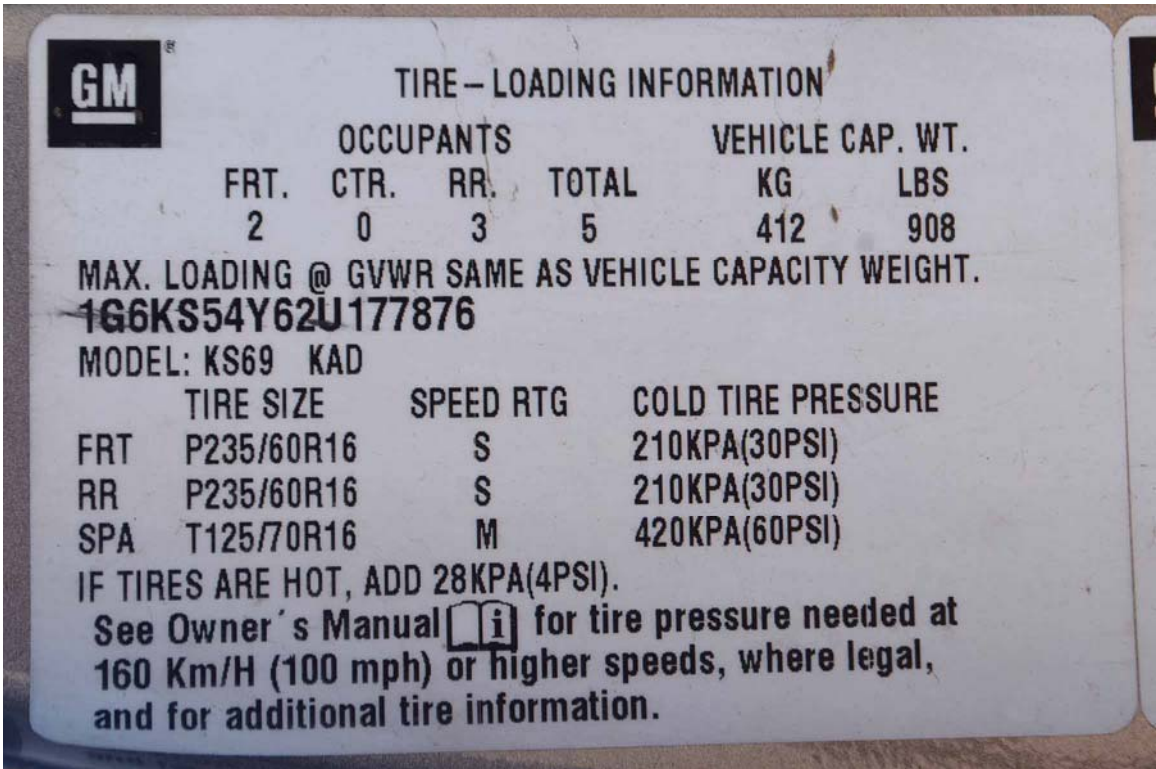


FIGURE 6. 2002 Cadillac Seville SLS Vehicle Manufacturer's Label



FIGURE 7. Pre-Test 2003 Jeep Liberty Fuel Tank



FIGURE 8. Pre-Test 2003 Jeep Liberty Fuel Tank



FIGURE 9. Pre-Test 2003 Jeep Liberty Fuel Tank

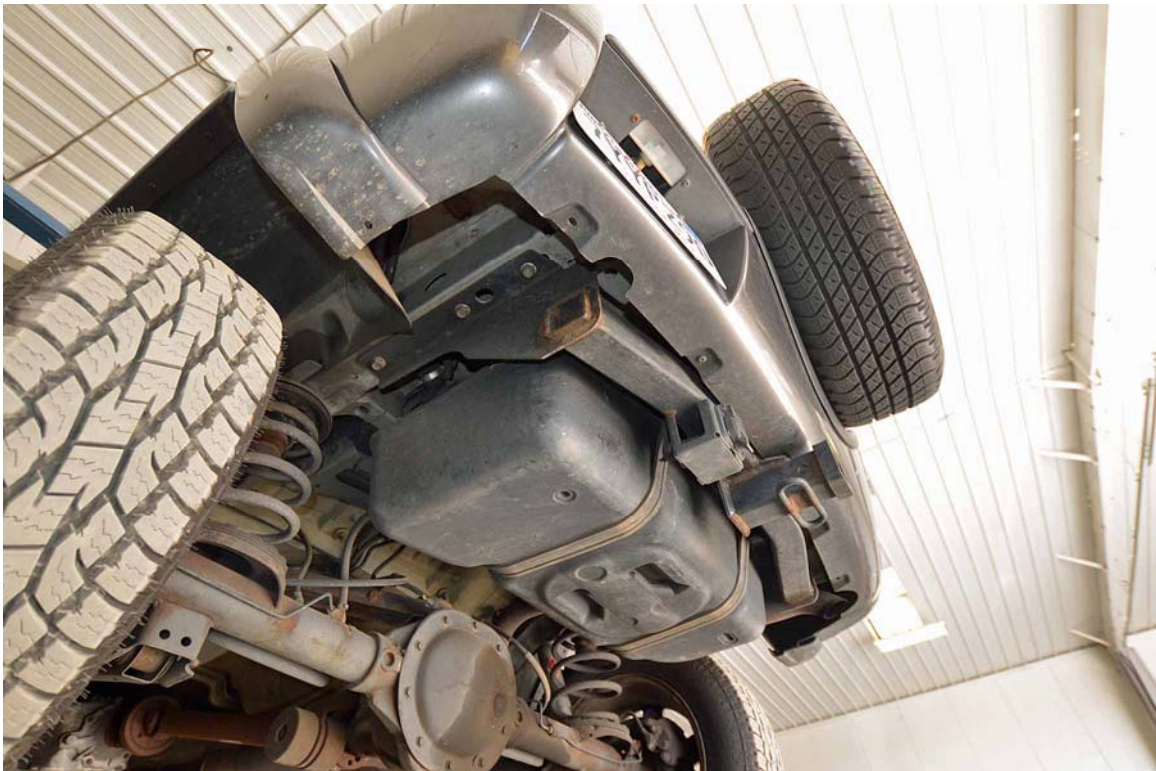


FIGURE 10. Pre-Test 2003 Jeep Liberty Fuel Tank



FIGURE 11. Pre-Test 2003 Jeep Liberty Fuel Tank



FIGURE 12. Pre-Test 2003 Jeep Liberty Fuel Tank



FIGURE 13. Pre-Test 2003 Jeep Liberty Fuel Tank



FIGURE 14. Pre-Test 2003 Jeep Liberty Fuel Tank



FIGURE 15. Pre-Test 2003 Jeep Liberty Fuel Tank



FIGURE 16. Pre-Test 2003 Jeep Liberty Fuel Tank



FIGURE 17. Pre-Test 2003 Jeep Liberty Fuel Tank



FIGURE 18. Pre-Test 2003 Jeep Liberty Fuel Tank



FIGURE 19. 2003 Jeep Liberty Fuel Tank



FIGURE 20. 2003 Jeep Liberty Fuel Tank



FIGURE 21. 2003 Jeep Liberty Fuel Tank



FIGURE 22. 2003 Jeep Liberty Fuel Tank



FIGURE 23. 2003 Jeep Liberty Fuel Tank



FIGURE 24. 2003 Jeep Liberty Fuel Tank Removed



FIGURE 25. 2003 Jeep Liberty Fuel Tank Removed



FIGURE 26. 2003 Jeep Liberty Fuel Tank Removed



FIGURE 27. 2003 Jeep Liberty with Fuel Tank Reinstalled



FIGURE 28. 2003 Jeep Liberty with Fuel Tank Reinstalled



FIGURE 29. 2003 Jeep Liberty with Fuel Tank Reinstalled



FIGURE 30. 2003 Jeep Liberty with Fuel Tank Reinstalled



FIGURE 31. 2003 Jeep Liberty with Fuel Tank Reinstalled



FIGURE 32. 2003 Jeep Liberty with Fuel Tank Reinstalled



FIGURE 33. 2003 Jeep Liberty with SFK Manufacturing Model JP-4002 Skid Plate Installed



FIGURE 34. 2003 Jeep Liberty with SFK Manufacturing Model JP-4002 Skid Plate Installed

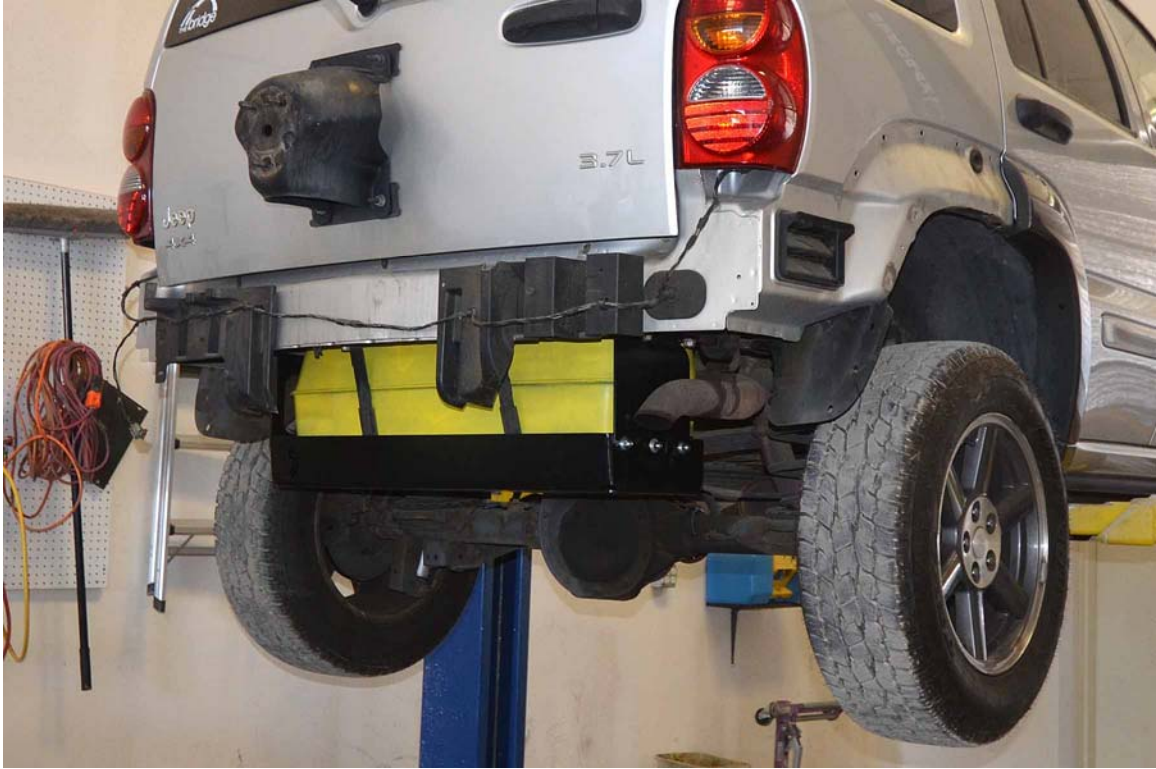


FIGURE 35. 2003 Jeep Liberty with SFK Manufacturing Model JP-4002 Skid Plate Installed



FIGURE 36. 2003 Jeep Liberty with SFK Manufacturing Model JP-4002 Skid Plate Installed



FIGURE 37. 2003 Jeep Liberty with SFK Manufacturing Model JP-4002 Skid Plate Installed



FIGURE 38. 2003 Jeep Liberty with SFK Manufacturing Model JP-4002 Skid Plate Installed



FIGURE 39. 2003 Jeep Liberty with Fuel Tank Removed

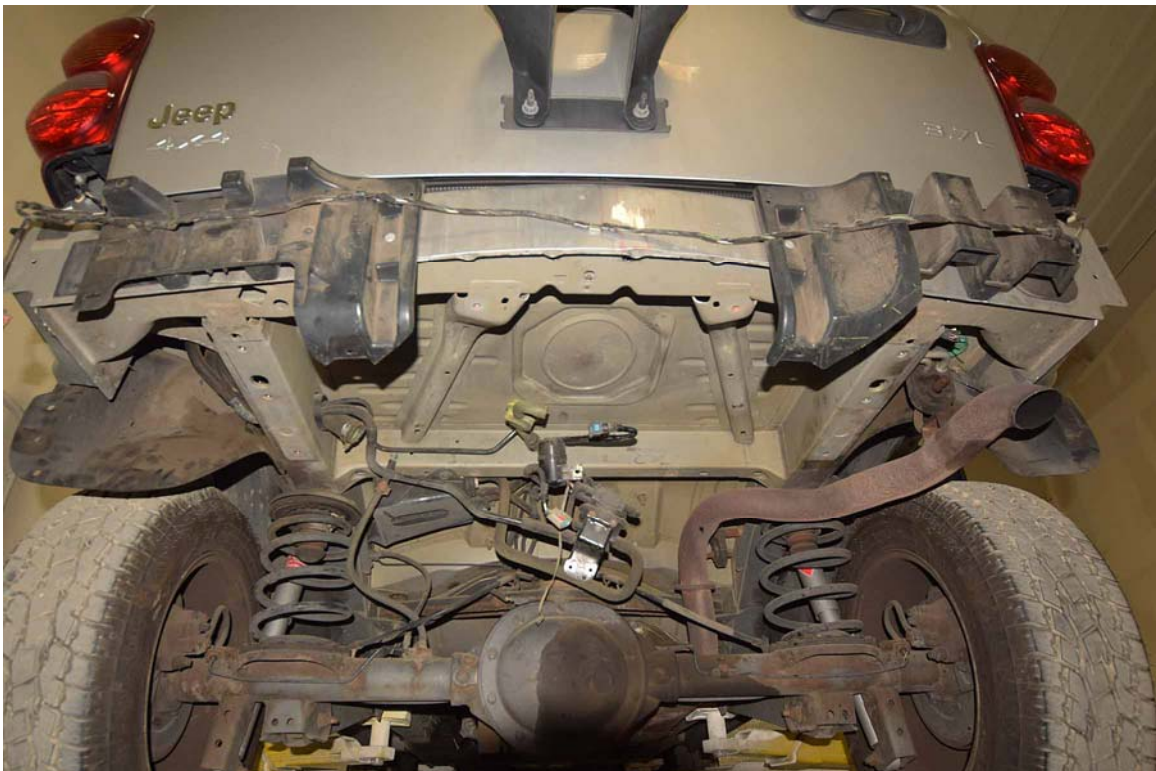


FIGURE 40. 2003 Jeep Liberty with Fuel Tank Removed



FIGURE 41. 2003 Jeep Liberty with Fuel Tank Removed

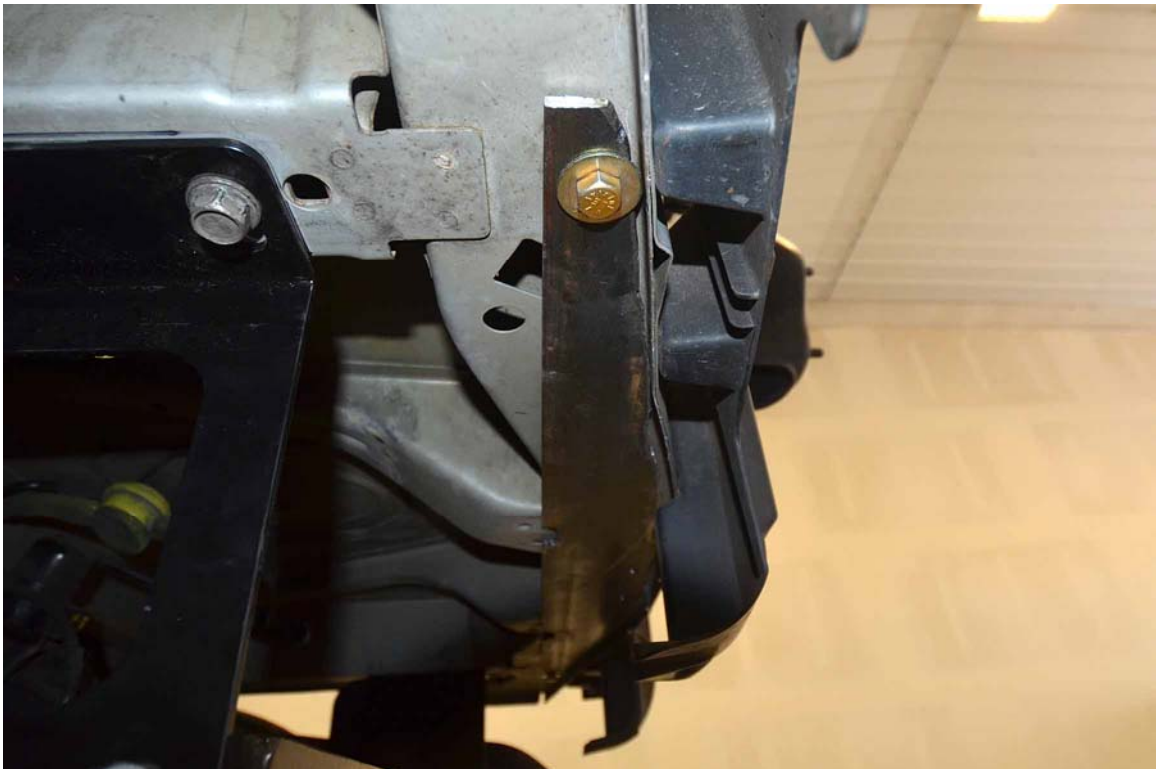


FIGURE 42. 2003 Jeep Liberty Fuel Tank Encapsulation Prototype Design Process



FIGURE 43. 2003 Jeep Liberty Fuel Tank Encapsulation Prototype Design Process

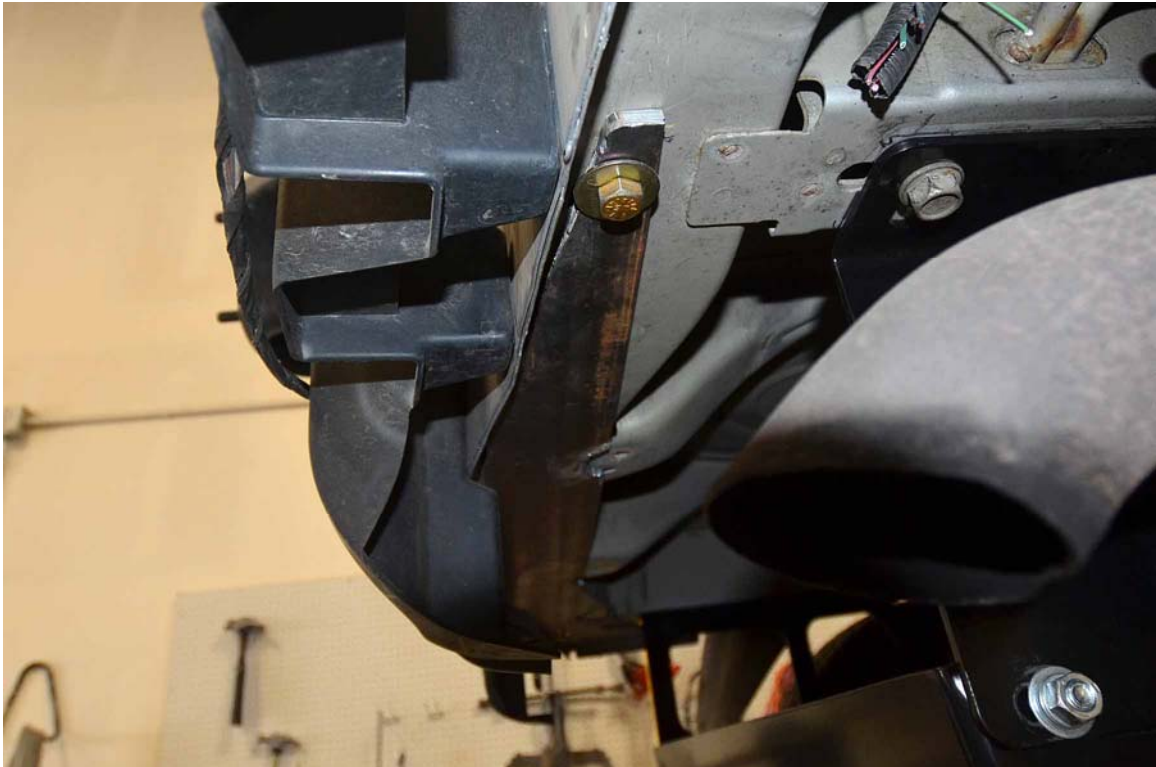


FIGURE 44. 2003 Jeep Liberty Fuel Tank Encapsulation Prototype Design Process



FIGURE 45. 2003 Jeep Liberty Fuel Tank Encapsulation Prototype Design Process



FIGURE 46. 2003 Jeep Liberty Fuel Tank Encapsulation Prototype Design Process



FIGURE 47. 2003 Jeep Liberty Fuel Tank Encapsulation Prototype Design Process



FIGURE 48. 2003 Jeep Liberty Fuel Tank Encapsulation Prototype Design Process



FIGURE 49. 2003 Jeep Liberty Fuel Tank Encapsulation Prototype Design Process



FIGURE 50. 2003 Jeep Liberty Fuel Tank Encapsulation Prototype Design Process



FIGURE 51. 2003 Jeep Liberty Fuel Tank Encapsulation Prototype Design Process



FIGURE 52. 2003 Jeep Liberty Fuel Tank Encapsulation Prototype Design Process



FIGURE 53. 2003 Jeep Liberty Fuel Tank Encapsulation Prototype Design Process Showing $\frac{1}{2}$ " Plate



FIGURE 54. 2003 Jeep Liberty with Fuel Tank Re-Installed



FIGURE 55. 2003 Jeep Liberty with Fuel Tank Re-Installed

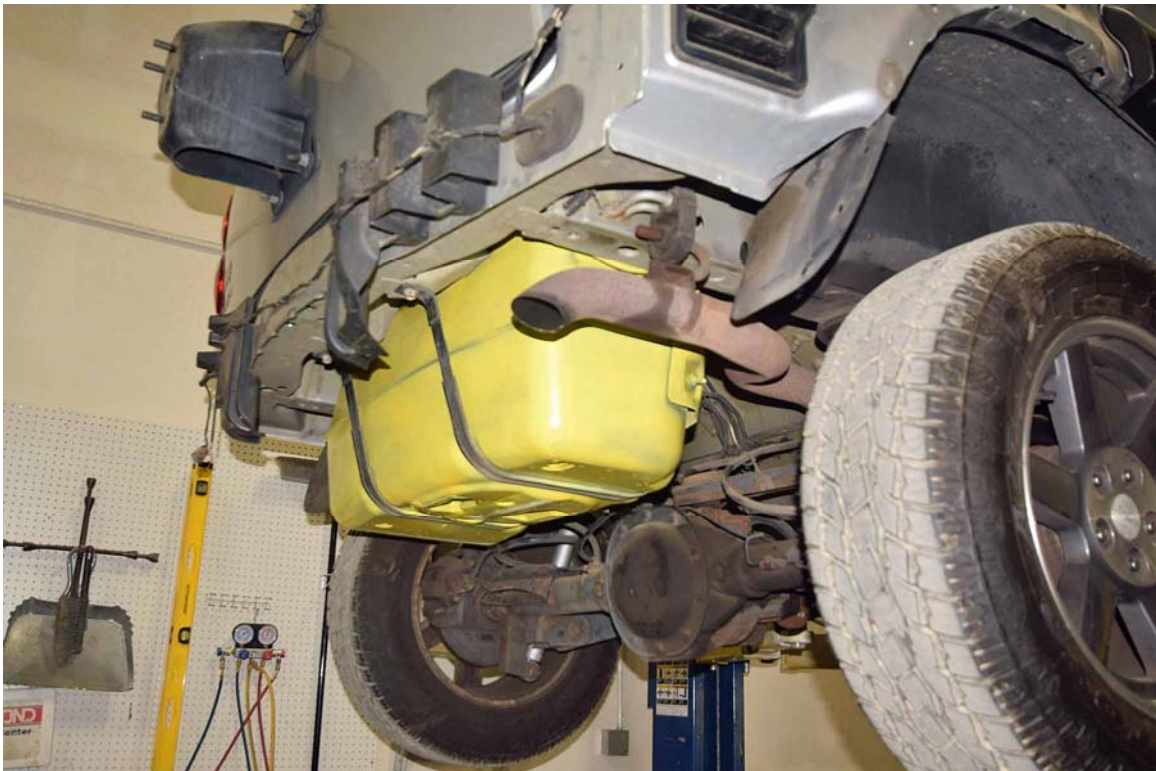


FIGURE 56. 2003 Jeep Liberty with Fuel Tank Re-Installed



FIGURE 57. 2003 Jeep Liberty with Fuel Tank Re-Installed



FIGURE 58. 2003 Jeep Liberty with Fuel Tank Re-Installed



FIGURE 59. 2003 Jeep Liberty with Fuel Tank and FTEP Re-Installed



FIGURE 60. 2003 Jeep Liberty with Fuel Tank and FTEP Re-Installed



FIGURE 61. 2003 Jeep Liberty with Fuel Tank and FTEP Re-Installed



FIGURE 62. 2003 Jeep Liberty with Fuel Tank and FTEP Re-Installed



FIGURE 63. 2003 Jeep Liberty with Fuel Tank and FTEP Re-Installed



FIGURE 64. 2003 Jeep Liberty with Fuel Tank and FTEP Re-Installed



FIGURE 65. 2003 Jeep Liberty with Fuel Tank and FTEP Re-Installed



FIGURE 66. 2003 Jeep Liberty with Fuel Tank and FTEP Re-Installed



FIGURE 67. Pre-Test 2003 Jeep Liberty and 2002 Cadillac Seville SLS



FIGURE 68. Pre-Test 2003 Jeep Liberty and 2002 Cadillac Seville SLS



FIGURE 69. Pre-Test 2003 Jeep Liberty and 2002 Cadillac Seville SLS



FIGURE 70. Pre-Test 2003 Jeep Liberty and 2002 Cadillac Seville SLS



FIGURE 71. Pre-Test 2003 Jeep Liberty and 2002 Cadillac Seville SLS



FIGURE 72. Pre-Test 2003 Jeep Liberty and 2002 Cadillac Seville SLS

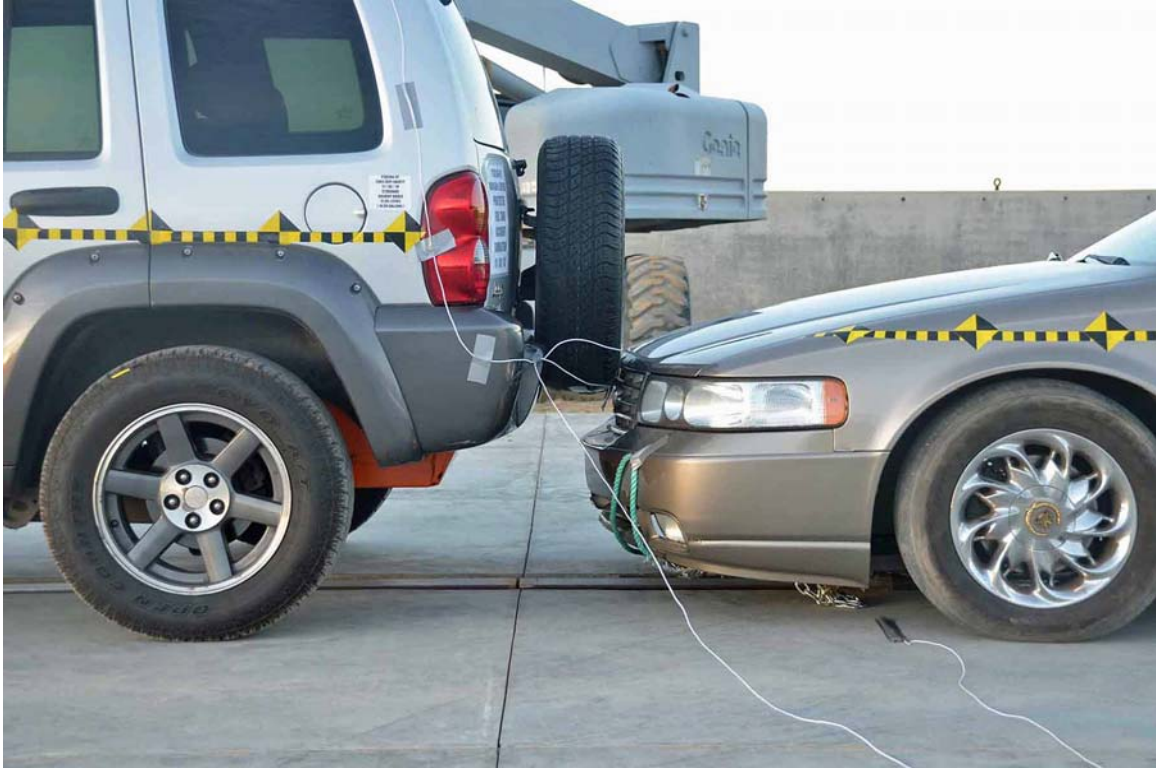


FIGURE 73. Pre-Test 2003 Jeep Liberty and 2002 Cadillac Seville SLS



FIGURE 74. Pre-Test 2003 Jeep Liberty and 2002 Cadillac Seville SLS



FIGURE 75. Pre-Test 2003 Jeep Liberty



FIGURE 76. Post-Test 2003 Jeep Liberty



FIGURE 77. Pre-Test 2003 Jeep Liberty



FIGURE 78. Post-Test 2003 Jeep Liberty



FIGURE 79. Pre-Test 2003 Jeep Liberty



FIGURE 80. Post-Test 2003 Jeep Liberty



FIGURE 81. Pre-Test 2003 Jeep Liberty



FIGURE 82. Post-Test 2003 Jeep Liberty



FIGURE 83. Pre-Test 2003 Jeep Liberty



FIGURE 84. Post-Test 2003 Jeep Liberty



FIGURE 85. Pre-Test 2003 Jeep Liberty



FIGURE 86. Post-Test 2003 Jeep Liberty



FIGURE 87. Pre-Test 2003 Jeep Liberty



FIGURE 88. Post-Test 2003 Jeep Liberty



FIGURE 89. Pre-Test 2003 Jeep Liberty



FIGURE 90. Post-Test 2003 Jeep Liberty



FIGURE 91. Pre-Test 2003 Jeep Liberty



FIGURE 92. Post-Test 2003 Jeep Liberty



FIGURE 93. Pre-Test 2003 Jeep Liberty



FIGURE 94. Post-Test 2003 Jeep Liberty



FIGURE 95. Pre-Test 2003 Jeep Liberty



FIGURE 96. Post-Test 2003 Jeep Liberty



FIGURE 97. Pre-Test 2003 Jeep Liberty



FIGURE 98. Post-Test 2003 Jeep Liberty



FIGURE 99. Pre-Test 2003 Jeep Liberty

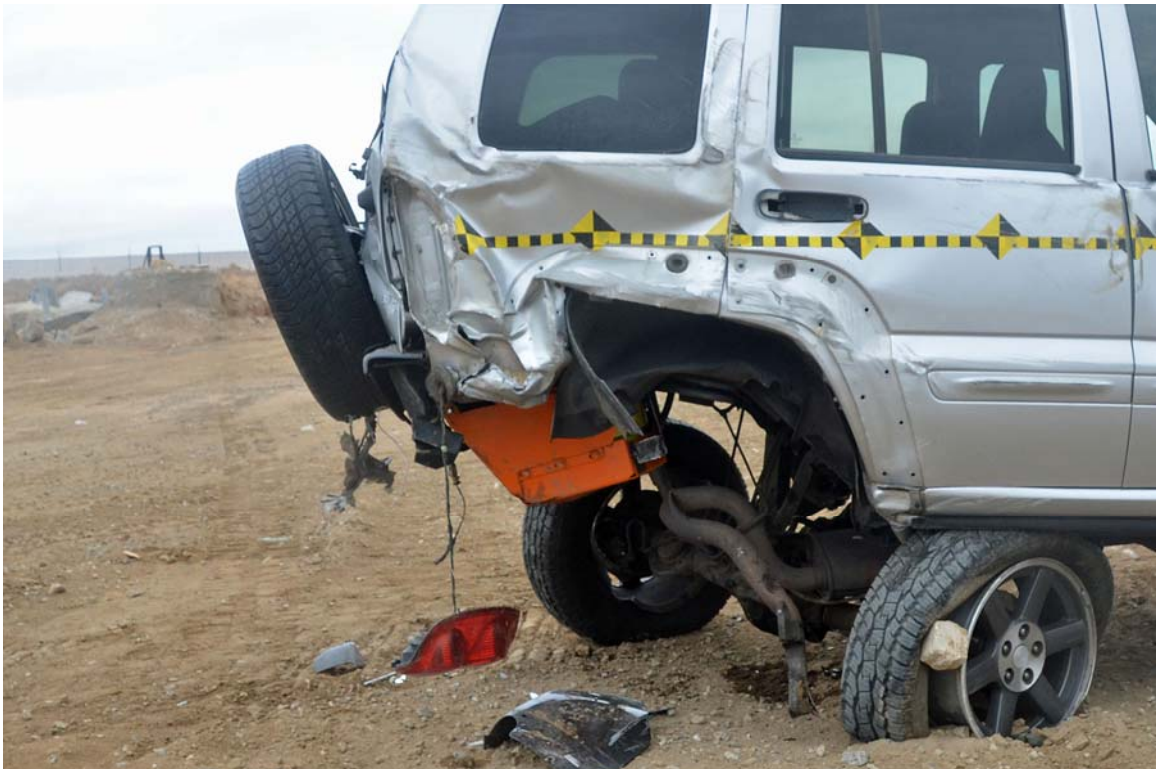


FIGURE 100. Post-Test 2003 Jeep Liberty

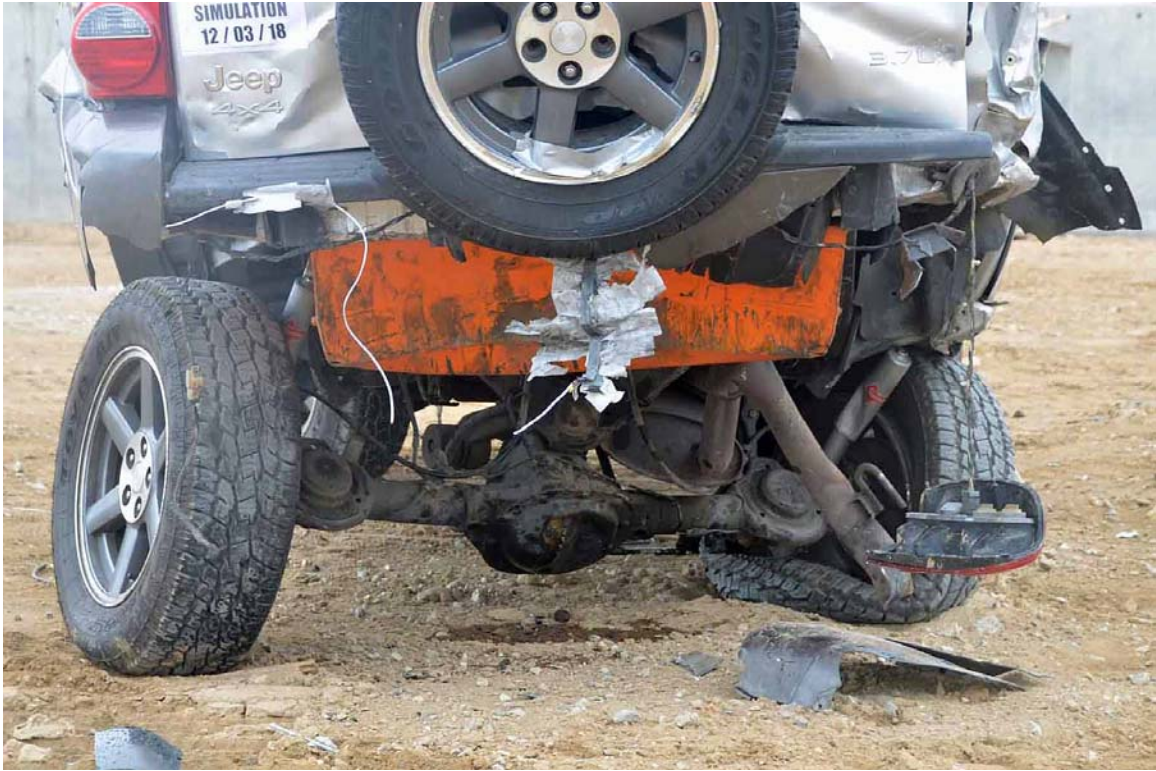


FIGURE 101. Post-Test 2003 Jeep Liberty



FIGURE 102. Post-Test 2003 Jeep Liberty



FIGURE 103. Post-Test 2003 Jeep Liberty



FIGURE 104. Post-Test 2003 Jeep Liberty



FIGURE 105. Post-Test 2003 Jeep Liberty



FIGURE 106. Post-Test 2003 Jeep Liberty



FIGURE 107. Post-Test Fuel Tank Inspection



FIGURE 108. Post-Test Fuel Tank Inspection



FIGURE 109. Post-Test Fuel Tank Inspection



FIGURE 110. Post-Test Fuel Tank Inspection



FIGURE 111. Post-Test Fuel Tank Inspection

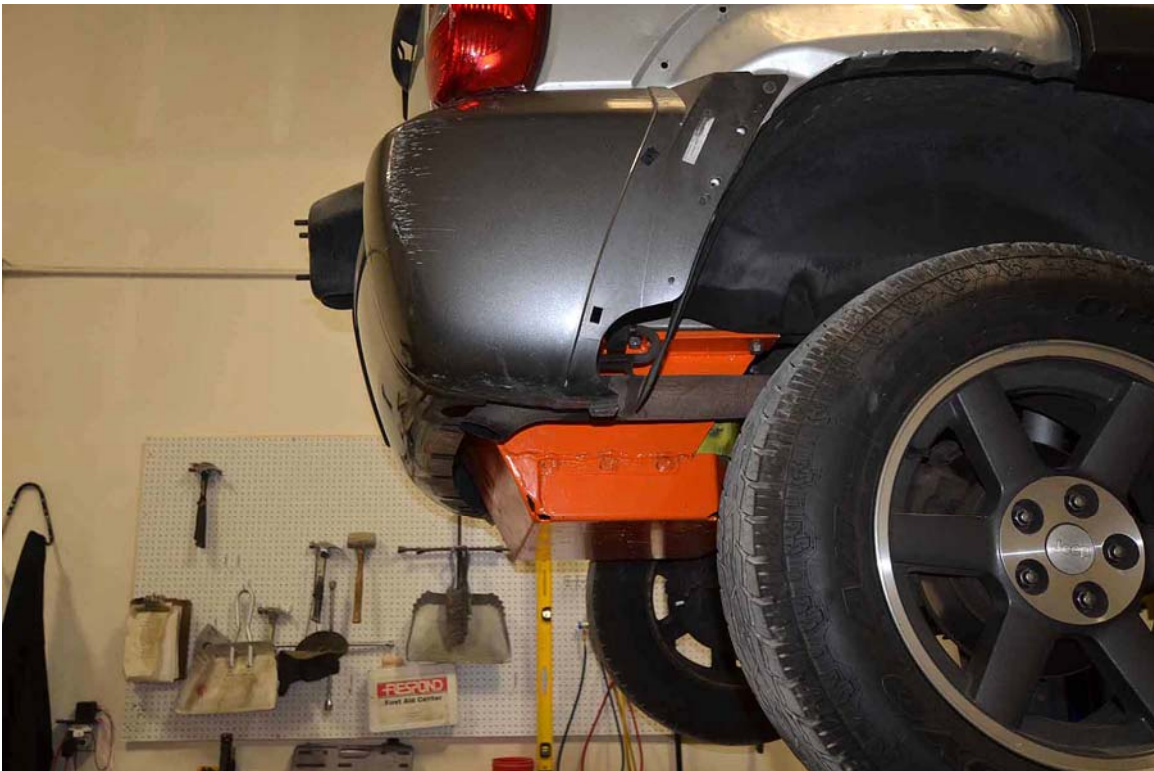


FIGURE 112. Pre-Test Fuel Tank Inspection



FIGURE 113. Post-Test Fuel Tank Inspection



FIGURE 114. Post-Test Fuel Tank Inspection



FIGURE 115. Post-Test Fuel Tank Inspection



FIGURE 116. Post-Test Fuel Tank Inspection



FIGURE 117. Post-Test Fuel Tank Inspection



FIGURE 118. Post-Test Fuel Tank Inspection



FIGURE 119. Post-Test Fuel Tank Inspection



FIGURE 120. Post-Test Fuel Tank Inspection



FIGURE 121. Post-Test Fuel Tank Inspection



FIGURE 122. Post-Test Fuel Tank Inspection



FIGURE 123. Post-Test Fuel Tank Inspection



FIGURE 124. Post-Test Fuel Tank Inspection



FIGURE 125. Post-Test Fuel Tank Inspection



FIGURE 126. Post-Test Fuel Tank Inspection



FIGURE 127. Post-Test Fuel Tank Inspection



FIGURE 128. Post-Test Fuel Tank Inspection



FIGURE 129. Post-Test Fuel Tank Inspection



FIGURE 130. Post-Test Fuel Tank Inspection



FIGURE 131. Post-Test Fuel Tank Inspection



FIGURE 132. Post-Test Fuel Tank Inspection



FIGURE 133. Post-Test Fuel Tank Inspection



FIGURE 134. Post-Test Fuel Tank Inspection



FIGURE 135. Post-Test Fuel Tank Inspection



FIGURE 136. Post-Test Fuel Tank Inspection



FIGURE 137. Post-Test Fuel Tank Inspection



FIGURE 138. Post-Test Fuel Tank Inspection



FIGURE 139. Post-Test Fuel Tank Inspection



FIGURE 140. Post-Test Fuel Tank Inspection



FIGURE 141. Post-Test Fuel Tank Inspection



FIGURE 142. Post-Test Fuel Tank Inspection



FIGURE 143. Post-Test Fuel Tank Inspection



FIGURE 144. Post-Test Fuel Tank Inspection



FIGURE 145. Post-Test Fuel Tank Inspection



FIGURE 146. Post-Test Door Opening



FIGURE 147. Post-Test Door Opening



FIGURE 148. Post-Test Door Opening



FIGURE 149. Post-Test Door Opening

ADDENDUM TO ATTACHMENT 1

30 April 2019

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Subject: Jeep Liberty Crash Test Results - Report and Background Review
Reference: White / Campbell versus FCA, et al.

Content : 5 pages

Expert's General Comments and Issues Summary to:

Applus IDIADA KARCO Engineering, LLC – Test Report Number : TR-P38306-01-NC
December 3, 2018

Expert’s General Comments and Issues Summary

Applus IDIADA KARCO Engineering, LLC – Test Report Number : TR-P38306-01-NC

Cover Page	Photograph selected as pre-test representation of rear underride collision geometry between rear bumper / structure of 2003 Jeep Liberty (KJ-Body model) versus front bumper / structure of 2002 Cadillac Seville (G-Body model)
Page i	no comment
Page ii	Additional photographs added in support of Page 3 Comment 1, and Page 6 below. “Rear bumper” revised to reflect extended componentry / design of rear structure, fascia, etc. of KJ. Transverse rail is the structural portion of rear bumper system .
Page iii	no comment
Page 1	no comment
Page 2	<p><i>Paragraph 1:</i> Plaintiff requested impact speed of 75 miles per hour; equipment parameters resulted in actual impact speed of 73.84 MPH, a 1.26 MPH variance.</p> <p><i>Paragraph 2:</i> Short piece of ½” plate was the result of steel plate stock availability/convenience; original SFK-JP-4002 skid plate does not include bolt attachment at that location of KJ chassis. Report verbiage regarding prototype build exception (½ “ versus 3/16” plate) and Photo #53 were added per expert’s ‘full disclosure’ practice; please see report Attachment A-27, photograph #53. Had no discernable effect on FTEP crash performance.</p> <p><i>Paragraph 3:</i> 2.25” lowering of 2002 Cadillac Seville specified by other plaintiff’s experts as typical of chassis response to emergency braking during real world accident sequence; the so-called “nose-dive” effect.</p>
Page 3 Comment 1	<p>Undersigned takes issue with report verbiage, “. . . <i>Stoddard solvent was present and drops of solvent were observed on the ground near the rear end of the target vehicle.</i>”</p> <p>Undersigned was the first-to-arrive at the Jeep KJ target vehicle rest location (post crash test), and did not observe any Stoddard solvent on the ground. The undersigned also did not observe any Stoddard trail from the crash platform all the way to rest location. A similar request was made to, and confirmed by Karco staff at test. What was observed and noted by all present were droplets of <u>black</u> differential oil, not <u>purple</u> Stoddard droplets. Addition of photographs (per Page ii comment above) was requested/specified by undersigned to confirm that Karco photos do NOT show droplets of Stoddard solvent, but DO show droplets of differential oil. Please see report Attachment photographs #101, #102, and #104. A complete and immediate tactile inspection post-test of FTEP area also confirmed zero moisture / zero Stoddard present; dry condition.</p> <p>Photos taken by the undersigned, immediately at the conclusion of crash test, also do NOT show droplets of purple colored Stoddard; samples of the latter time-stamped photos are attached below.</p>

Expert’s General Comments and Issues Summary

Applus IDIADA KARCO Engineering, LLC – Test Report Number : TR-P38306-01-NC

con’t

<p>Page 3 Comment 2</p>	<p>Undersigned agrees with, “. . . <i>the odor of Stoddard solvent was present.</i>”</p>
<p>Page 3 Comment 3</p>	<p>Undersigned agrees with, “<i>The amount of solvent observed was immeasurable..</i>”</p>
<p>Page 3 Comment 4</p>	<p>Regarding report Page 3 paragraph 2, the undersigned was present for the post-test inspection, conducted on December 21, 2018, and agrees with the report verbiage contained.</p> <p>However, the undersigned qualifies further report verbiage, “<i>Upon removal of the FTEP and the fuel tank from the vehicle, a plastic output nipple on the top of the fuel tank was found cracked.</i>” as follows:</p> <p>Undersigned offers partial responsibility for procedural misstep; having not alerted the Karco staff to the availability of a fuel pump assembly service/access panel that is located in the rear hatch compartment of all KJ models. This access panel greatly eases removal/re-installation of the fuel pump assembly; that assembly contains the ‘<i>plastic output nipple</i>’ that was found cracked post-test. During a two-fold removal/re-install of the fuel tank, that access panel was not utilized. Karco technicians later admitted strain/difficulty accessing fuel pump liquid/electrical lines. The undersigned opines, and has shared with Karco, that this difficulty might have contributed to a stress-crack to the plastic nipple that is shown as cracked in report photos #131, #132, #133, #134, #135, #136, #137, and #138 which were taken on December 21, 2018 at the post crash inspection. It is possible that the crack did not initiate or occur during the crash test itself. Photograph of Fuel Pump Assembly Access Panel attached below.</p>
<p>Pages 4/5</p>	<p>no comment</p>
<p>Page 6</p>	<p>Undersigned takes issue with report verbiage, “<i>Droplets of solvent appeared on the ground.</i>” Please ‘Page 3 – Comment 1’ above.</p>
<p>Appendix A</p>	<p>Addition of Photographs #146, #147, #148, and #149 affirm report page 3 words relating to Jeep KJ door operations post-crash test.</p>

Expert's General Comments and Issues Summary

Applus IDIADA KARCO Engineering, LLC – Test Report Number : TR-P38306-01-NC

con't

Please see Page 3 – Comment 1, and Page 6 comment above, relating to following photographs:



Expert's General Comments and Issues Summary

Applus IDIADA KARCO Engineering, LLC – Test Report Number : TR-P38306-01-NC

con't

Please see Page 3 – Comment 4 above, relating to following photograph:



Expert's General Comments and Issues Summary

Applus IDIADA KARCO Engineering, LLC – Test Report Number : TR-P38306-01-NC

The following photograph was taken on November 11, 2014. The **conflagration** is the result of a defective fuel tank crashworthiness system originally on the Jeep Liberty KJ vehicle; a system that resulted from a conscious failure to address the foreseeable real-world collision event known as underride:



Had the 2003 Jeep Liberty driven by Ms. Kayla White been equipped with the FTEP crashworthiness system as tested under Attachment 1, **the probability of the above conflagration approaches zero.**



Although an item for further development, the undersigned estimates that the cost of an FTEP derived crashworthiness system to be no more than \$40 - \$50.

ATTACHMENT 2

30 April 2019

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Reference: White / Campbell versus FCA, et al.

Content : 6 Pages

The Center for Auto Safety Jeep Fire Death/Injury Defect Petition:

- (1) Summary of Petition Genesis & Closure
- (2) Relevance and Parallels to Instant Matter (White/Campbell versus FCA, et al.)

Discusses routine industry practice of alerting driving public NOT to drive their vehicles when a risk-of-fire exists, and a remedy has not yet been installed.

https://www-odi.nhtsa.dot.gov/owners/SearchResults.action?searchType=ID&targetCategory=R&searchCriteria.nhtsa_ids=13V103&refurl=email

The Center for Auto Safety Jeep Fire Death/Injury Defect Petition
 (1) Summary of Petition Genesis & Closure
 (2) Relevance and Parallels to Instant Matter (White/Campbell versus FCA, et al.)

On Saturday, February 24, 2007, the 1996 Jeep Grand Cherokee driven by Mrs. Susan Morris-Kline was involved in a rear-end collision; a foreseeable accident at a moderate vehicle-to-vehicle speed. Eyewitnesses to this accident testified as follows:

“The back of the Jeep immediately burst into flames upon impact. I drove through the fireball caused by the Jeep exploding.”

Mrs. Kline was pronounced dead at-the-scene in New Jersey. The autopsy concluded as follows; that she:

“ . . . electively tried to escape her burning automobile.”

The autopsy also details the death sequence that is too horrific to quote here. However, contrary to the machinations proclaimed by FCA defense lawyers to the media and the courts (in the Jeep matters), nothing in the coroner’s report indicated that vehicle collision speed/forces were in any way related to the death of Mrs. Kline, a 49-year-old wife and mother of two: fire and smoke were the cause of her death.

Subsequently, in 2008 I personally contacted Mr. Clarence Ditlow and Mr. Michael Brooks of the Center for Auto Safety (CAS) to discuss the above information. Mr. Ditlow was Director of CAS (deceased), and Mr. Brooks continues as Legal Counsel (202-328-7700). On October 2, 2009, CAS then submitted to the National Highway Traffic Safety Administration (NHTSA) a defect petition. The original CAS petition narrowly focused on the Jeep Grand Cherokee. I was a co-author of the CAS **petition**, providing consultations and the entirety of Attachment F.

Historical data for relevant Jeep products:

Code	Nameplate	Model Year Sales	Fuel Tank Location/Proximity
XJ *	Jeep Cherokee	1983 – 2001	Rearmost / behind axle / below bumper
ZJ	Jeep Grand Cherokee	1993 – 1998	Rearmost / behind axle / below bumper
WJ	Jeep Grand Cherokee	1999 – 2004	Rearmost / behind axle / below bumper
KJ *	Jeep Liberty	2002 – 2007	Rearmost / behind axle / below bumper
WK **	Jeep Grand Cherokee	2005 – present	Mid-mount / in front of axle / protected by heavy longitudinal frame rail

* Not included in original CAS Defect Petition.

** No known fire death/injuries due to collision to date.

The following tables highlight historical data for the Genesis & Closure of the CAS Jeep Defect Petition:

Event	Date	Source	Comment
Submission of Defect Petition to NHTSA	October 2, 2009	Center for Auto Safety	ZJ and WJ only
Defect Petition Preliminary File, coded DP09-005	November 6, 2009	NHTSA DOT	ZJ and WJ only
Preliminary Evaluation, coded PE10-031	August 23, 2010	NHTSA DOT	ZJ and WJ only
Engineering Analysis, coded EA12-005	June 12, 2012	NHTSA DOT	ODI extends Investigation to 1993-2001 XJ, and 2002-2007 KJ.
Secret Closed-Door Meeting at Chicago Airport Hotel	June 9, 2013	FCA NHTSA DOT	Voluntary Recall of ZJ and KJ only. XJ and WJ excluded without info. CAS not advised of meeting.
Jeep Fuel System Defect Investigation settled by secret "recall" agreement	June 18, 2013	FCA NHTSA DOT	Recall details provided to media claims MOPAR 'trailer hitch' is a crashworthiness device.
Tests of 'Trailer Hitch' as crashworthiness device not provided/conducted by FCA prior to Recall	-	FCA	Trailer Hitch as cause for Jeep fire-death of 4-year-old Cassidy Jarmon sealed in settlement by FCA in 2008.
ODI alerts NHTSA Administrator of lack of crash test validation of trailer hitch	Post June 18, 2013	ODI NHTSA/DOT FCA	FCA refuses to conduct crash tests to validate trailer hitch as general crashworthiness remedy.
Chief Counsel for NHTSA issues letter to FCA called " Special Order "	June 2, 2014	NHTSA	Discussion of Special Order from O. Kevin Vincent included on Attachment 3 below.
Letters calling for criminal investigation of EA12-005	August 20, 2014 September 11, 2014	Undersigned	"Proposal for Criminal Investigation of Chrysler, and Senatorial review of NHTSA EA12-005" *
Memo: Two months later, collision to KJ causes fire-death of Ms. Kayla White and unborn son Braedon.	November 11, 2014	NHTSA DOT FCA	Autopsy of Kayla White confirms that collision forces did not and would not have caused death, lists 'fire and smoke' as death cause.
Three days after death of Kayla and Braedon, NHTSA issues "Closing Resume." FCA refuses to conduct crash tests to prove remedy.	November 14, 2014	NHTSA DOT FCA	Plaintiff conducts their own crash test, approximates collision of Nov 11, 2014, proves effectiveness of FTEP (See Attachment 1).

**Parallels Between Basis for CAS Petition (Fire-Death of Mrs. Susan Kline)
and Instant Matter (Fire-Death of Ms. Kayla White and unborn son Braedon)**

Parallel Events / Facts Based on Above Discussion	Kline	White
Driver of Jeep vehicle not cited for any traffic infraction / had valid Driver's License at time of accident.	✓	✓
Fire-Death Victim was in a version/vintage of Jeep that post-dates internal issuance of the Baker Memo.	✓	✓
Fire-Death Victim was in a version/vintage of Jeep that pre-dates introduction of the Jeep WK version.	✓	✓
Fire-Death Victim not warned prior to death by FCA, FCA dealerships, NHTSA, or DOT about known dangers of an unprotected <i>'Rearmost / behind axle / below bumper'</i> fuel system design, such as included in the Jeep they were driving at time of fire-death.	✓	✓
Accident facts indicate that victim survived collision forces and in-fact was attempting to effect emergency egress from conflagration, but was unable to do so.	✓	✓
Autopsy of fire-death victim confirms that cause of death had no connection to 'high-energy high speed' FCA rhetoric, but in truth the autopsy confirms that 'fire and smoke' were the cause of death.	✓	✓
Media pronouncements by FCA alleging that 'high-energy high speed' were the cause of death but occurred prior to finalization of autopsy.	✓	✓
Eyewitness accounts of accident confirm that Jeep immediately burst into flames upon impact.	✓	✓

**Parallels Between Basis for CAS Petition (Fire-Death of Mrs. Susan Kline)
and Instant Matter (Fire-Death of Ms. Kayla White and unborn son Braedon)**
con't

Additional Parallel Events / Facts	Kline	White
Fire-Death Victim was informed of internal meetings at FCA, which pre-date design and/or production of their Jeep by over a decade , where recommendations to move the fuel tank to the mid-mount design, ala the N-Body (and later the WK), were rejected by upper management.	no	no
Fire-Death Victim was informed of internal meetings at FCA wherein inadequacy of FMVSS-301 as a fuel system crashworthiness standard was discussed, including but not limited to the lack of test protocol/portion to address the well-known underride collision mode.	no	no
Fire-Death Victim was informed prior to death by FCA, FCA dealerships, NHTSA, or DOT about two crash tests conducted by CAS (at Karco) that confirm the inadequacy of FMVSS-301, that FMVSS-301 does not address underride, and that CAS/Karco tests were conducted at speeds that were below their alleged accident speeds.	n/a	no
Victim was informed prior to fire-death by FCA, FCA dealerships, NHTSA, or DOT regarding routine practice to advise public “not drive their cars because of a potential fire” until a competent remedy is confirmed (through testing) and installed in their vehicle. **	<u>no</u>	<u>no</u>

* Letters calling for criminal investigation of EA12-005 **sent PRIOR to November 11, 2014:**

<http://pvsheridan.com/Jeep-Ltrs/19-Sheridan2Ditlow-3-20Aug2014.pdf>

<http://pvsheridan.com/Jeep-Ltrs/20-Sheridan2Scovell-1-11Sep2014.pdf>

Letter received from Chief Lawyer for DOT rejecting requests for internal investigation of closure of EA12-005, **sent to undersigned less than two months PRIOR to November 11, 2014**

<http://pvsheridan.com/Jeep-Ltrs/21-Scovell2Sheridan-1-26Sep2014.pdf>

** A detailed discussion of this routine FCA practice was sent to NHTSA Administrator David Strickland on March 18, 2013, and forwarded to then Fiat-Chrysler Automobiles (FCA) Chairman Sergio Marchionne, and Chairman of Fiat SpA Mr. John Elkann in Turin, Italy:

<http://pvsheridan.com/Jeep-Ltrs/15-Sheridan2Strickland-12-18Mar2013.pdf>

https://www-odi.nhtsa.dot.gov/owners/SearchResults.action?searchType=ID&targetCategory=R&searchCriteria.nhtsa_ids=13V103&refurl=email

[Please see overleaf..](#)



**SAFETY RECALL N18
ENGINE STARTER BATTERY POSITIVE TERMINAL**

Dear: (Name)

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act. Chrysler has decided that a defect, which relates to motor vehicle safety, exists in your **2013 model year Dodge Challenger vehicle**.

The problem is... **The engine starter battery positive terminal on your vehicle (VIN: xxxxxxxxxxxxxxxxx) could short to ground and cause an electrical fire. An electrical fire could occur at any time, regardless whether the vehicle is running or is in the key off position.**

What your dealer will do... **Chrysler will repair your vehicle free of charge (parts and labor).** To do this, your dealer will immediately come to your location and disconnect the negative battery cable and have the vehicle towed to the dealership.

Chrysler has authorized your dealer to provide you with a loaner vehicle to drive while the service procedure and parts are being developed. Chrysler requests you contact your dealer immediately to schedule a loaner vehicle.

What you must do to ensure your safety... **Contact your nearest Chrysler, Jeep, or Dodge dealer immediately to have your vehicle battery disconnected. Discontinue driving your vehicle. Do not park your vehicle in your garage, near other vehicles, or near any building/structure.**

If you need help... If you have questions or concerns which your dealer is unable to resolve, please contact the Chrysler Group Recall Assistance Center at 1-800-853-1403.

Please help us update our records by filling out the attached prepaid postcard, if any of the conditions listed on the card apply to you or your vehicle. You may also update this information on the web at www.dodge.com/ownersreg.

If you have already experienced this condition and have paid to have it repaired, please send your original receipts and/or other adequate proof of payment to the following address for reimbursement: Chrysler Customer Assistance, P.O. Box 21-8007, Auburn Hills, MI 48321-8007, Attention: Reimbursement. Once we receive and verify the required documents, reimbursement will be sent to you within 60 days.

If your dealer fails or is unable to remedy this defect without charge and within a reasonable time, you may submit a written complaint to the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590, or call the toll-free Vehicle Safety Hotline at 1-888-327-4236 (TTY 1-800-424-9153), or go to <http://www.safercar.gov>.

We're sorry for any inconvenience, but we are sincerely concerned about your safety. Thank you for your attention to this important matter.

Customer Services / Field Operations
Chrysler Group LLC
Notification Code N18

Note to lessors receiving this recall: Federal regulation requires that you forward this recall notice to the lessee within 10 days.



Automotive News

Chrysler tells 2,500 owners of V-6 Challengers to stop driving because of fire risk

Larry P. Vellequette

Automotive News | March 17, 2013 - 3:05 pm EST

DETROIT -- Chrysler Group is warning about 2,500 owners of 2013 Dodge Challengers with V-6 engines built in December and January not to drive their cars because of a potential short-circuit that could lead to a fire.

At least seven such fires have occurred, none causing injury, on Challengers built from Dec. 3, 2012, through Jan. 24, 2013, Chrysler spokesman Eric Mayne said today. Another 1,900 cars manufactured during that period remain unsold on dealer lots and will be held for repairs.

The automaker is contacting owners by telephone and by mail to tell them to refrain from driving the cars and to immediately contact their dealers.

Because of the potential fire risk, the company is also advising owners not to park their vehicles in or near any structures until they are repaired.

Mayne said the cars covered by the recall are powered by 3.6-liter Pentastar V-6 engines.

Chrysler said a single shipment of electrical components that are used with that specific engine arrived at the Ontario factory, where the car is built, with an improper configuration.

Workers at the Brampton factory in Ontario, Canada, attempted to fix the faulty components, but the repair used led to the potential fire hazard, causing the recall.

Chrysler said it will provide a free loaner vehicle until repairs are complete.

Challengers with V-8 engines are unaffected, as are all Dodge Chargers and Chrysler 300s, which are also built on the same assembly line in Brampton, Ontario.

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ATTACHMENT 3

30 April 2019

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Subject: Jeep Liberty Crash Test Results - Report and Background Review
Reference: White / Campbell versus FCA, et al.

Content : 4 Pages

The Closure of NHTSA/DOT EA12-005 Jeep Fuel System Crashworthiness Defect

The Closure of NHTSA/DOT EA12-005 Jeep Fuel System Crashworthiness Defect

1. No Basis in Technical Facts
2. No Basis in Historical Facts
3. No Prior Related Consultation with Center for Auto Safety (CAS)
4. No **Prior** Basis in Crash Testing by NHTSA/DOT to Confirm Validation of Alleged “Remedy”
5. No Generality of Testing; But Narrow, Specific, Face-Saving Accommodation

As discussed on Page 2 of Attachment 2 above, **after** closure of EA12-005, a **Special Order** was issued to FCA by NHTSA/DOT Chief Counsel O. Kevin Vincent. This order was prompted by the internal concerns of rank-and-file staff at NHTSA, namely the Office of Defects Investigation or ODI.

ODI had also **not** been informed of the secret meeting to be held on June 9, 2013, in an undisclosed location at a Chicago airport, which included the following attendees/organizers:

Secretary of the Department of Transportation (DOT),
Mr. Raymond LaHood – Reported directly to the President of the United States.



Administrator of the National Highway Traffic Safety Administration (NHTSA), **Mr. David Strickland** – Reported directly to the Secretary of the Department of Transportation.



Fiat-Chrysler Automobiles (FCA) **Chairman Sergio Marchionne** – Reported directly to the Chairman of Fiat SpA Mr. John Elkann in Turin, Italy.



The Special Order issued by NHTSA/DOT Chief Counsel O. Kevin Vincent states:

“ Shortly after receipt of Chrysler’s June 18, 2013 Part 573 Report, Chrysler officials and members of NHTSA’s Office of Defects Investigation (ODI) began discussions centering on the effectiveness of Chrysler’s proposed remedy. ”

Here we have official confirmation that DOT, NHTSA and FCA had not proven, **through crash testing**, that their recall remedy (trailer hitch) was effective **prior** to making that claim to the general public.

Further, this is an official confirmation that the attendees/organizers pictured above, had never informed their working level staffs of their ‘marching orders’ regarding the alleged crashworthiness remedy for the defective Jeep fuel system . In a face-saving move, Chief Counsel O. Kevin Vincent continues:

“ In response to ODI’s concerns, Chrysler provided drawings of the hitches and a limited set of test data. In ODI’s view the test data provided by Chrysler was insufficient. However, when asked, Chrysler indicated that it would not conduct any testing or supply more data. ”

Here we have official confirmation of Items 1 through 4 above. Chief Counsel O. Kevin Vincent then makes not only an absurd statement, but a statement he knows to be false:

“ ODI does not approve proposed defect remedies. While offering to install hitch receiver assemblies on the . . . 2002-2007 Liberty, Chrysler did not, in ODI’s view, provide enough evidence demonstrating the effectiveness of the proposed remedy in rear impacts. Recognizing the nature of the concern in EA12-005 and its potential for injury and death, ODI took the unusual step of requesting that NHTSA’s Vehicle Research Test Center (VRTC) conduct crash reconstruction tests of actual crash incidents that were identified during the investigation to evaluate the remedy. ”

That first sentence is absurd; that is exactly what ODI has done, and has done for decades.

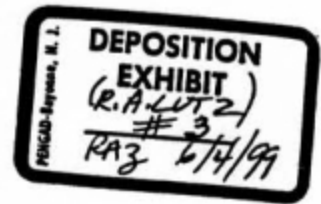
Conclusions

The most incompetent portion of the closure of EA12-005 is demonstrated by what Chief Counsel Vincent refers to as *“reconstruction tests of actual crash incidents.”* I go into detail as to why such is dangerous, using the White matter as an example, on May 1, 2015 with Michigan Attorney General Bill Schuette. A link to my letter(s) to Schuette can be found in Attachment 4 below.

Regarding Item 5 above . . . conducting crash tests of a narrow, incident-specific nature subverts the process by which a general remedy is identified. **The crash test conducted by plaintiff reported in Attachment 1 above accomplished this common practice among competent safety experts.**

But the most insidious of the Special Order involves the diversion that NHTSA crash testing is “unusual.” Taxpayer-funded crash testing **not** unusual, it is routine . . . and the final two pages of this attachment confirm that, not only has such occurred on many prior occasions . . . with equal conspiracy, equal criminality, and equal accommodation . . . **but also with equal resulting tragedy.**

It is deeply disconcerting, given my prior experiences with the closing of EA94-005 (in 1995), that the manner in which EA12-005 was conducted . . . and then closed . . . came to me as ‘no surprise.’



MINIVAN LATCH ISSUE

Proposed Agreement with NHTSA

1. Crash Test Video and the Public Record:

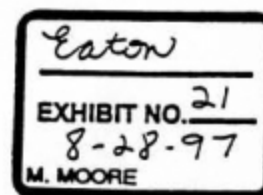
- NHTSA has agreed that they will deny all FOIA requests to place their investigative files, including the crash test video, on the public record and that the Department of Justice will defend any lawsuits seeking to compel production under FOIA.

We would agree with NHTSA that their engineering analysis will remain open while we conduct the service campaign to provide them additional bases to argue that release of the materials would interfere with their investigation.

- The Department of Justice says there is less than a 50/50 chance of keeping the video off the record for the full duration of the investigation, i.e. the campaign, if there is a court ruling. Given the possibility that a lawsuit could be filed at any time, they anticipate that the legal process would take at least four months, regardless of the outcome.

2. Service Action Only - No Recall: NHTSA has agreed that a Chrysler service campaign would fully satisfy all of their concerns and they would give full public support to such an effort. The critical elements that differentiate the service campaign from a recall (mostly reflected in the two attached letters) are as follows:

- no admission of defect or safety problem;
- stated purpose of the campaign - to ensure peace of mind in light of media coverage;
- campaign does not count as a NHTSA action - not included in NHTSA recall numbers, no Part 573 or Part 577 letters;
- statements to owners, the public and NHTSA assert that no defect has been found; and
- NHTSA acknowledges that replacement latch is not a 100% solution.



3. Chrysler Announcement: Chrysler controls publication of its action with the following provisions:

- Chrysler goes first with its own statement and reads approved NHTSA statement supporting Chrysler's action;
- Chrysler characterizes campaign as done solely to ensure the peace of mind of its owners, i.e. "your concern is our concern";
- Letter from Martinez to Chrysler and NHTSA press statement praise Chrysler action as fully satisfying all of NHTSA's concerns and state that Chrysler is a safety leader;
- NHTSA officials acknowledge publicly that there has been no finding of defect and that there will be none; and
- NHTSA officials acknowledge that owners should not be concerned over the delayed implementation of the action and that they can best protect themselves by keeping seat belts buckled at all times.

4. Additional Provisions: The following points have been requested by NHTSA and appear to be reasonable:

- The letter to owners makes reference to the NHTSA hot line phone number;
- Latch replacement will be offered as part of any routine minivan servicing (once replacement latches are available);
- Chrysler will submit six quarterly reports on the progress of the campaign (helps to support defense of FOIA requests); and
- NHTSA can make reference to the service campaign in response to owner inquiries.

ATTACHMENT 4

30 April 2019

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Subject: Jeep Liberty Crash Test Results - Report and Background Review
Reference: White / Campbell versus FCA, et al.

Content : 1 Page

Links to Paul V. Sheridan Letters Sent to Parties/Authorities Relevant to
Jeep Fuel Fed Fire Defect **Petition**
from Center for Auto Safety (CAS) of October 2, 2009

Links to Letters Sent by Paul V. Sheridan to Parties/
Authorities Relevant to Jeep Fuel Fed Fire Defect **Petition**
from Center for Auto Safety (CAS) of October 2, 2009

<http://pvsheridan.com/Jeep-Ltrs/1-Sheridan2Ditlow-1-1June2010.pdf>

<http://pvsheridan.com/Jeep-Ltrs/2-Sheridan2Strickland-1-9Feb2011.pdf>

<http://pvsheridan.com/Jeep-Ltrs/3-Sheridan2Strickland-2-27Sep2011.pdf>

<http://pvsheridan.com/Jeep-Ltrs/4-Sheridan2Strickland-3-5Dec2011.pdf>

<http://pvsheridan.com/Jeep-Ltrs/5-Sheridan2Kelleher-1-11Apr2012.pdf>

<http://pvsheridan.com/Jeep-Ltrs/6-Sheridan2Strickland-4-15Jun2012.pdf>

<http://pvsheridan.com/Jeep-Ltrs/7-Sheridan2Strickland-5-27Jul2012.pdf>

<http://pvsheridan.com/Jeep-Ltrs/8-Sheridan2Strickland-6-27Aug2012.pdf>

<http://pvsheridan.com/Jeep-Ltrs/9-Sheridan2Strickland-7-3Sep2012.pdf>

<http://pvsheridan.com/Jeep-Ltrs/10-Sheridan2Strickland-8-24Sep2012.pdf>

<http://pvsheridan.com/Jeep-Ltrs/11-Sheridan2Strickland-9-1Jan2013.pdf>

<http://pvsheridan.com/Jeep-Ltrs/12-Sheridan2Strickland-10-30Jan2013.pdf>

<http://pvsheridan.com/Jeep-Ltrs/13-Sheridan2Strickland-11-12Feb2013.pdf>

<http://pvsheridan.com/Jeep-Ltrs/14-Sheridan2Elkann-1-15Mar2013.pdf>

<http://pvsheridan.com/Jeep-Ltrs/15-Sheridan2Strickland-12-18Mar2013.pdf>

<http://pvsheridan.com/Jeep-Ltrs/16-Sheridan2Foxy-1-3May2013.pdf>

<http://pvsheridan.com/Jeep-Ltrs/17-Sheridan2Strickland-13-12June2013.pdf>

<http://pvsheridan.com/Jeep-Ltrs/18-Sheridan2Ditlow-2-31May2014.pdf>

<http://pvsheridan.com/Jeep-Ltrs/19-Sheridan2Ditlow-3-20Aug2014.pdf>

<http://pvsheridan.com/Jeep-Ltrs/20-Sheridan2Scovell-1-11Sep2014.pdf>

<http://pvsheridan.com/Jeep-Ltrs/21-Scovell2Sheridan-1-26Sep2014.pdf>

<http://pvsheridan.com/Jeep-Ltrs/22-Sheridan2Ditlow-4-12Feb2015.pdf>

<http://pvsheridan.com/Jeep-Ltrs/23-Sheridan2Schuette-1-23April2015.pdf>

<http://pvsheridan.com/Jeep-Ltrs/24-Sheridan2Schuette-2-11May2015.pdf>

<http://pvsheridan.com/Jeep-Ltrs/25-Sheridan2Schuette-3-13July2015.pdf>

ATTACHMENT 5

30 April 2019

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Subject: Jeep Liberty Crash Test Results - Report and Background Review
Reference: White / Campbell versus FCA, et al.

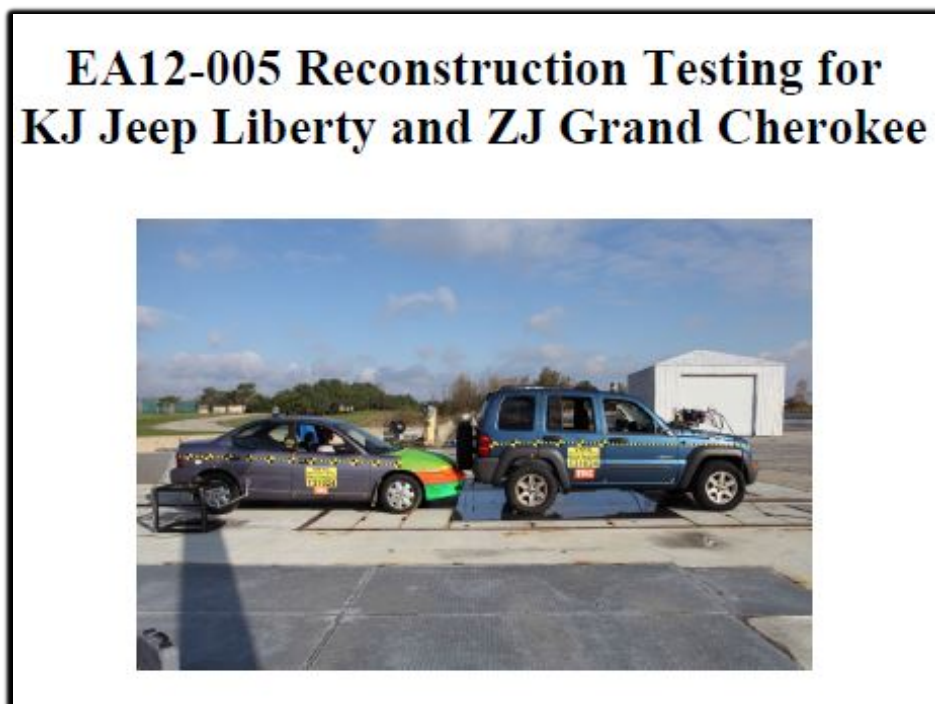
Content : 10 Pages

Fuel Tank Encapsulation Prototype (FTEP)
Mock-up Development and Construction - A Contextual Pictorial Review

Fuel Tank Encapsulation Prototype (FTEP) Mock-up Development and Construction - A Contextual Pictorial Review

On September 19, 2018 I negotiated, in behalf of plaintiff's counsel, a crash test regimen that was designed to provide real-world assessment of a Fuel Tank Encapsulation Prototype. The FTEP is designed to execute well-known crashworthiness principles that are robust due to generality. **Specifically, FTEP development was designed to avoid the restrictions imposed by the following three items:**

1. Mere compliance with the Federal safety standards . . . which are frequently the result of monetary and political banter, and are therefore demonstrably/notoriously inadequate in the real world. As just one example, it is well-known that the Federal standard for fuel system crashworthiness, FMVSS-301, does not and cannot address the real world accident mode called underride.
2. The NHTSA/DOT "reconstruction testing" as reported in July 2014 (cover of report shows Jeep Liberty):



The blatant inadequacy of these "reconstruction tests" is at least two-fold (A and B next):

- (A) These were oriented, not at the generalities required by the principles of crashworthiness, but were focused on face-saving of the premature closure of EA12-005; an investigation that was closed **PRIOR** to **ANY** tests. That such was the result of much 'monetary and political banter' is confirmed in the recorded meeting with NHTSA Administrator David Strickland on July 1, 2013:

<http://pvsheridan.com/NHTSA-Jeep-Victims-Meeting-Audio-1Jul2013.WMA>

http://pvsheridan.com/NHTSA_Jeep-Defect_Meeting-Transcript-1July2013.pdf

- (B) This will come as repulsive . . . Nothing in these tests approximate ANY of the fire-death or fire-injury cases that were on file, covering decades of destroyed lives. The "reconstruction tests" by NHTSA/DOT actively avoided real-world accidents wherein injury or death actually occurred! **Indeed, there was a conscious deliberate avoidance of those horrific events . . . the only tests that NHTSA/DOT conducted were those wherein injury or death did NOT occur!**

3. Relating to Item 2-B above . . . Nothing in the “reconstruction tests” addressed **ANY** aspect of the accident of November 11, 2014, which took the lives of Kayla White and her unborn son Braedon. However, in development of the FTPEP, I avoided restriction of its design to the refined details of November 11, 2014, and instead sought a general approach that adheres to well-known engineering practices and concepts. Although that accident was a guide to the FTPEP, my testing was not intended/offered, as a replica of that event.

The FTPEP was designed to demonstrate (1) construction feasibility with use of common hand and power tools (2) installation ease (3) impact deflection especially versus an underride crash mode (4) crash force management through structural enhancement, and (5) protection from both on-board and off-board unfriendly impact surfaces through the deployment of **fuel tank encapsulation**.

As presented in Attachment 1 above, the development, construction, and testing of the FTPEP took place at Applus IDIADA KARCO Engineering, LLC in Adelanto, California. The final contract and funding was provided by plaintiff’s counsel (Law Office of Courtney Morgan PLC). The crash test took place on Monday, December 3, 2018.

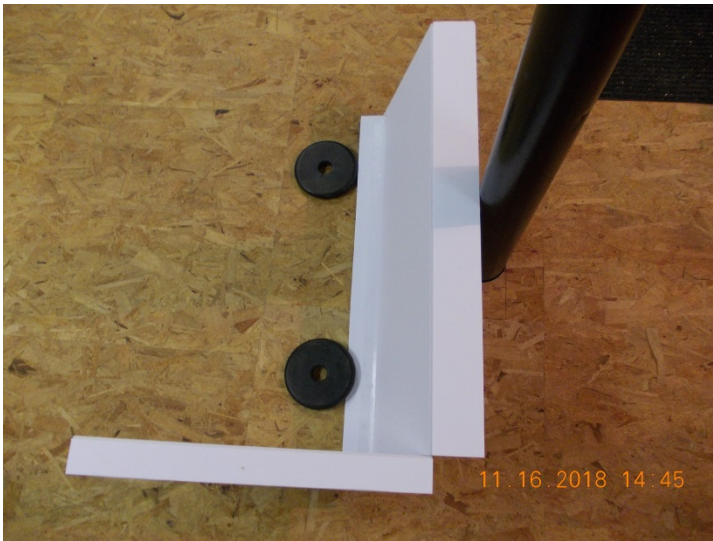
The mechanical basis of the FTPEP was an aftermarket skid plate offered by SFK Manufacturing for the 2002 through 2007 KJ Jeep Liberty fuel tank, part JP-4002:

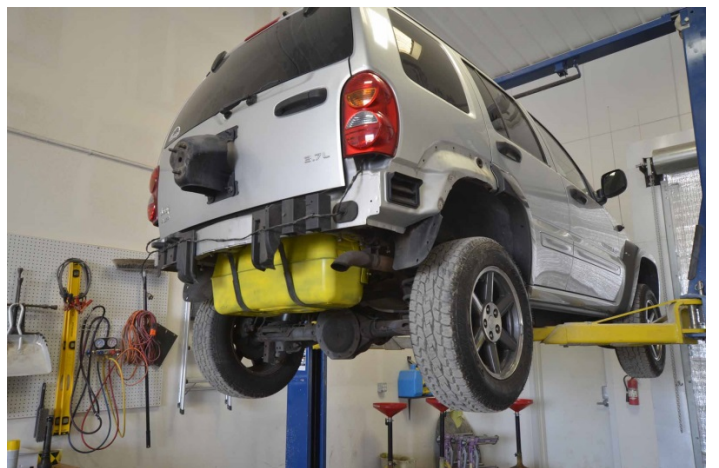


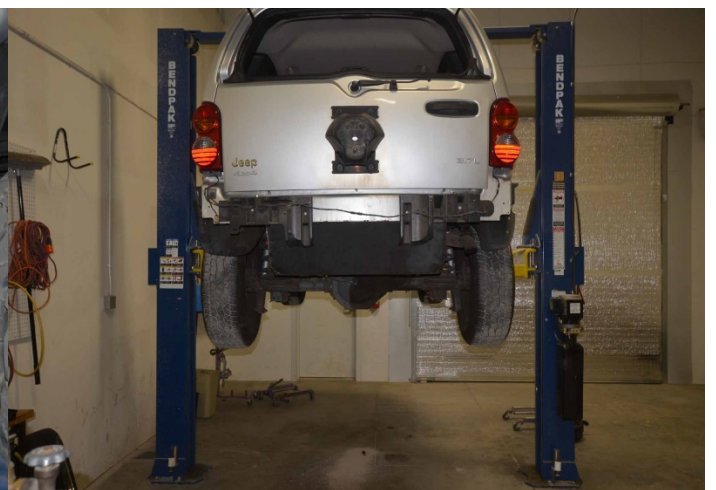
To this JP-4002 base was added 3/16” plate steel. The cost-of-materials related to this work:

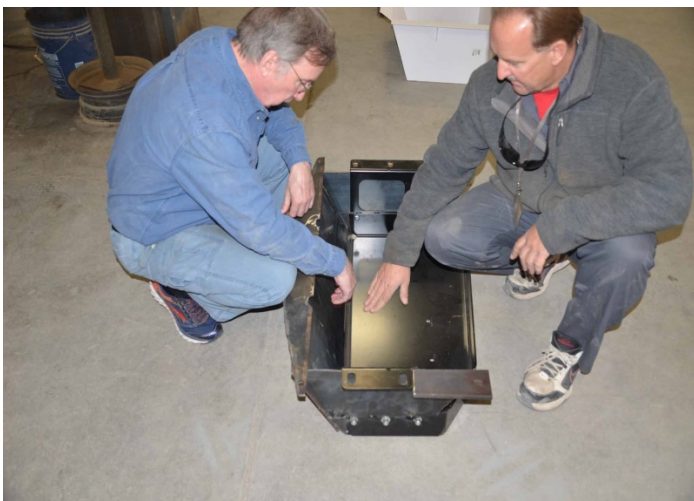
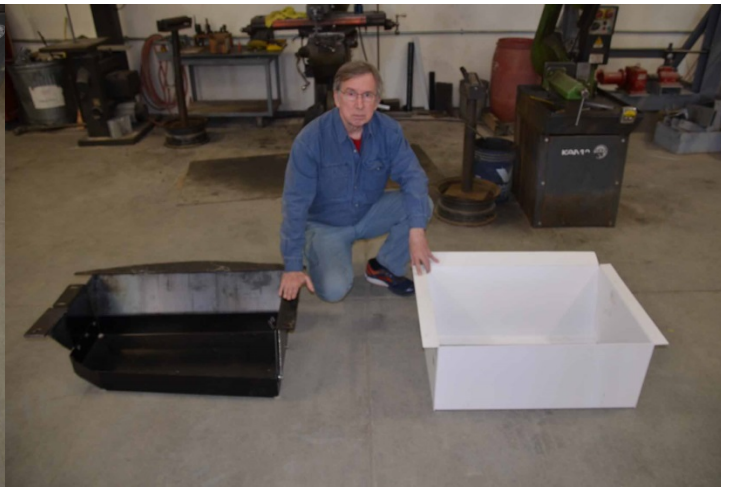
JP-4002 retail price (cost TBD)	\$ 329 . 99
Additional 3/16” low-carbon plate steel (approximate)	55 . 00
Foam Board (used for mock-up)	15 . 45

Summary: What follows is a brief pictorial presentation/review of the mock-up, fabrication/construction, and installation process of the FTPEP onto a 2003 Jeep Liberty KJ, in preparation for a rear-end crash test with a 2002 Cadillac Seville, which impacted the test KJ at 73.4 miles per hour.















ATTACHMENT 6

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Reference: White / Campbell versus FCA, et al.

Content : 6 Pages

The FCA Public Relations Rhetoric – A Contextual Rebuttal and Exposé

The FCA Public Relations Rhetoric – A Contextual Rebuttal and Exposé

More than two years prior to the fire-death of Kaya White and her unborn son Braedon, I was interviewed by WUSA-9, a CBS News affiliate in Washington, D.C. That interview and the FCA response was televised on June 21, 2012.

Regarding the Jeep fuel system design (Table on Page 1 of Attachment 2 above), I stated:

“This is one of the most dangerous vehicles on the highway today, in terms of rear end collision and fire injury or fire death probability. Folks do not understand that their fuel tank is hanging behind the axle, below the bumper. They do not know that they are at risk when they drive down the road with their family members in this vehicle.

I would like NHTSA to conduct their own crash tests . . . I would not put a family member in this vehicle, without some additional protection to the rear fuel tank system.”

WUSA-9 then quoted the August 24, 1978 ‘Baker Memo,’ by Chrysler engineer Leonard Baker; a document I had discussed-with and later submitted-to NHTSA Administrator David Strickland. *

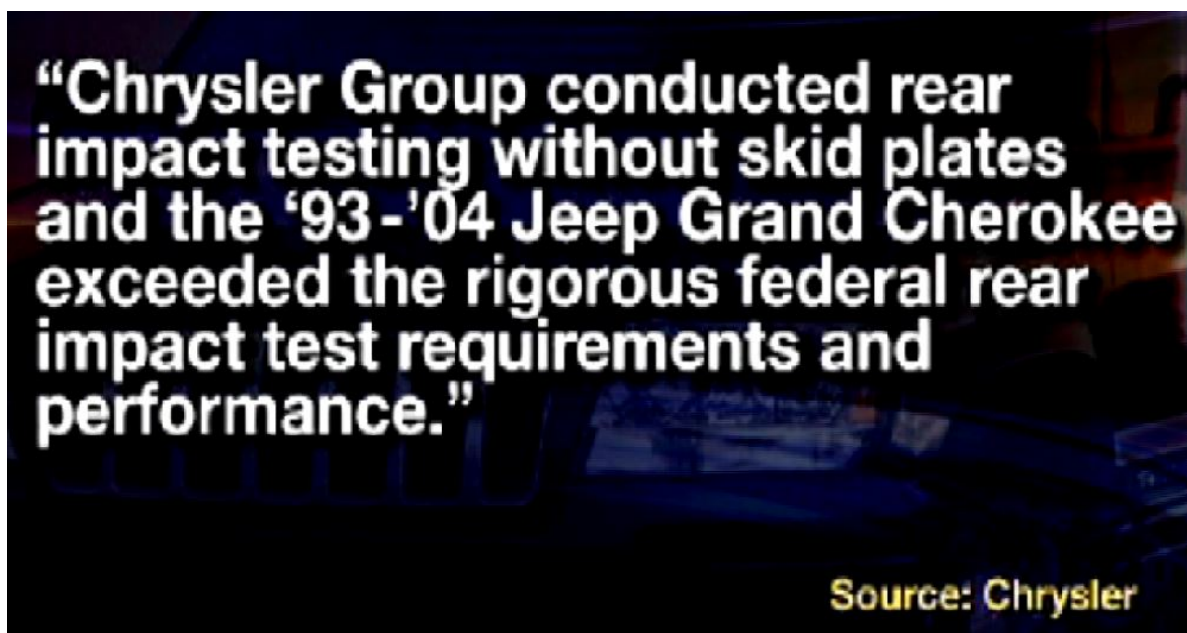
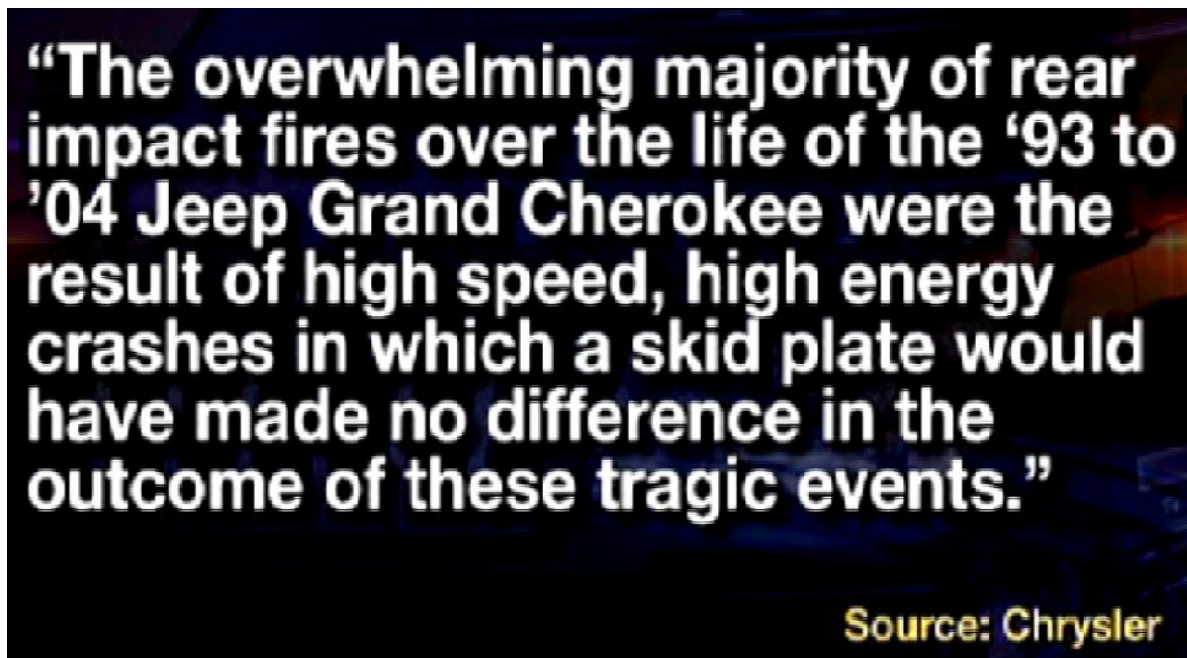
I had shipped to WUSA-9 an aftermarket skid plate. As televised, I demonstrated for anchor Lesli Foster that a competent skid plate implicitly offers an **“impact deflecting structure.”** The latter is a basic crashworthiness concept, and the exact verbiage that Foster quoted from the Baker memo: †



The FCA Public Relations Rhetoric – A Contextual Rebuttal and Exposé – con't

Contrary to the PR rhetoric from FCA, which is directed at the media, the courts and unsuspecting public; a **competent** fuel tank skid plate can have a substantial positive effect on crashworthiness. † In fact, **FCA had secretly relied-upon skid plate technology during safety defect recalls and safety compliance testing!** I provide details of that truth in Attachment 7 below.

In stark contrast to that FCA history, their response directed at my interview with WUSA-9 follows:



The most insidious aspect of FCA rhetoric goes far beyond mere public relations feel-goodery or legalistic misdirection . . . The underlying FCA context ranges from heavily funded legislative lobbying efforts, to outright conspiratorial and criminal conduct. This is discussed next.

The FCA Public Relations Rhetoric – A Contextual Rebuttal and Exposé - con't

I do not assert the above cavalierly. Nor do I assert such without direct knowledge of the following facts:

1. Knowing that their Jeeps contained a dangerous fuel system defect, which had already been established by scores of plaintiffs whose cases were sealed from public scrutiny, FCA rhetoric sought to divert the public **and NHTSA** from this fundamental historical legal fact.
2. Knowing that configurations of the Jeep **did not and could not comply** with *“the rigorous federal rear impact test requirements,”* and that prior plaintiffs had already asked for but had been denied Federal Motor Vehicle Safety Standard (FMVSS) compliance documentation for those specific configurations, the prospect of being charged with an ongoing violation of the U.S. Transportation Safety Act loomed-very-large for FCA executives and their defense lawyers.
3. Public exposure of Item 2 would subvert any expected future NHTSA accommodation in the EA12-005 investigation; an accommodation ritual that had become so routine that if necessary it would even include conspiratorial assistance from the U.S. Department of Justice ! (Please see final pages of Attachment 3 above).
4. Aware of items 1, 2 and 3 above, FCA was highly motivated to divert public and legislative attention TOWARD claims of regulatory compliance. The defense bar seeks to revise state law so that *“compliance with an applicable federal regulation”* preempts and obviates the legal standing of a plaintiff that has been victimized by a safety defect. That is, if the vehicle complies with the narrow **and purposely narrowed requirements** required by a federal regulation (**such as FMVSS-301 !**) then a ‘safety defect’ does not exist by legislative edict, and cannot be declared as-such by a victim.

It comes as no-surprise therefore that **Item 4 is the primary thrust of the FCA defense in the Jeep fire-death litigation of White versus FCA.** Throughout their court submissions the FCA defense lawyers laud their legislative agenda, quote :

*“ . . . the **statutory presumption** of nonliability for products that comply with applicable federal safety standards.”*

But this legislative agenda is Step Two . . . Step One involves the previous ‘watering down’ of the regulatory requirements; a ‘watering down’ that results in standards, such as FMVSS-301 which purposely **excludes** the well-known rear-end collision mode called underride; **the exact accident mode that caused the fire-deaths of November 11, 2014.** §

But what if . . . what if even their *‘comply with applicable federal safety standards’* defense ruse is also KNOWN to be false?! For example, relating to Item 2, in the fire-death litigation of Susan Kline, our repeated **requests for proof of compliance** for the specific configuration of her Jeep **were repeatedly denied; and never produced by FCA.** **

The FCA Public Relations Rhetoric – A Contextual Rebuttal and Exposé - Conclusion

Connecting to Attachment 7 below, proof of compliance in prior Jeep litigation is highlighted by testing wherein a skid plate is installed. Those compliance configurations *were* produced by FCA in Kline:

- Irony comes from the fact that when the Jeeps had a skid plate installed, these *a/ways* complied with the testing minimums of FMVSS-301, base configurations did not ! ††
- Again, the deception/falsehood/diversion is borne by the FCA quotes shown on Page 2 above.
- I discussed these Kline case facts in great detail in my letter to NHTSA Administrator David Strickland (August 27, 2012, please see link in Attachment 4 above).

It is unlikely that the defense bar has any intention approving public relations rhetoric that warns future plaintiffs of their non-standing as a result of the former's legislative agenda.

However, regardless of their 'statutory presumption' ploy, defense lawyers will not be able to prove that their client's PR rhetoric fulfilled their **duty-to-warn**. In fact, plaintiffs in White will **also** prove that November 11, 2014 **confirms that the 'statutory presumption' agenda enforces/encourages the exact opposite!** ††

* The face-to-face meeting with Mr. Strickland regarding the Jeep fuel system defect took place at the U.S. Senate Russell Office Building on Wednesday May 19, 2010 . . . **more than FOUR years prior to November 11, 2014.**

† It should be noted that Mr. Baker never suggests that a trailer hitch is a crashworthiness device; in truth, his memo does not mention 'trailer hitch' whatsoever.

‡ By contrast the "skid plate" sold by MOPAR is so incompetent that I rejected its use for Attachment 1 above.

§ <https://youtu.be/hvDlIm7WfFc?t=114>

** Paralleled in the tables of Attachment 2 above, the Kline matter was settled and sealed. Further details of the Kline litigation are available from plaintiff attorney Angel DeFilippo, <https://www.whitecollarcriminaldefenselaw.com/attorney-profiles/angel-m-defilippo-esquire/>

†† One need only review the 1997 Jeep model year absurdity of, what I had named, **the "Estes bracket."** At first, the FCA lawyers claimed that-that **compliance quick-fix** was *unknown*, and therefore did not exist. That adolescent nonsense was withdrawn when I proved (in Kline) that not only did the "Estes bracket" exist, but **it was known by FCA defense lawyers to be available for sale in Russia!**



‡‡ Please see Attachment 9 below.

Inter Company Correspondence

File Code

Date

August 24, 1978

Name & Department	Division	Plant/Office	CIMS Number
R. M. Sinclair, Director International Product Development	Product Plan. & Design Office	Chrysler Center	416-20-15
Name & Department	Division	Plant/Office	CIMS Number
L. L. Baker, Manager Automotive Safety	Engineering Office	Chrysler Center	418-12-34

Subject: Fuel System Design - Chrysler Passenger Cars And Trucks.

Pursuant to the discussions between Messrs. Vining, Jeffe, Sperlich and yourself with Mr. Mochida on August 22, the fuel system design for domestic passenger cars and trucks is summarized for Mr. Mochida's information.

Not only are the impact performance requirements of MVSS-301 pertinent to the design approach but the significant increase in the last few years in the numbers of product liability cases involving fuel system fires and the increase in the size of the awards by sympathetic juries has to be recognized. In the Ford Pinto case the NHTSA Office of Defects Investigation selected arbitrary performance criteria of minimal or no fuel leakage when the test car is impacted in the rear by a full size car at 35 mph as a basis for questioning the safety of a recall modification of the Pinto.

. Passenger Car

Fuel Tank Location

The front wheel drive configuration in Chrysler's Omni and Horizon allowed the fuel tank to be located beneath the rear seat. This location provides the protection of all of the structure behind the rear wheels—as well as the rear wheels themselves—to protect the tank from being damaged in a collision. This same location will be used in the new 1981 K-Body cars which will also have a front wheel drive.

The rear wheel drive H-Body scheduled for introduction in 1983 will have the fuel tank located over the rear axle and beneath the floor pan.

The question of whether M, R or J-Body cars should be converted to tank over axle prior to their phase-out is a matter under intensive study at this time.

Filler Neck And Cap

As the fuel tank is moved to a more forward location, the fuel fill is moved to the side of the car. The fuel cap will be recessed below the body surface and a fuel fill door provided. The fuel filler neck is designed to break away from the car body with the fuel filler cap still in place.

In this design the filler cap and fill neck or fill tube remain with the tank to avoid separation and possible fuel leakage. This side fill is scheduled for J and M-Bodies in 1980 and the Y-car in 1981.

The fuel fill is less likely to be damaged in a sideswipe when located on the right side of the car. As new models are introduced, the fuel fill will be moved to the right side of the vehicle. This may also offer greater protection to drivers who run out of gasoline on the highway, since they will fill the tank on the side away from the traffic.

Structure

In 1979 through 1983, the M, R, and J model cars which have the fuel tank under the floor pan behind the rear wheels, structural reinforcement of the longitudinals on each side of the tank, shielding of any unfriendly surfaces adjacent to the tank, and the design of straps and hangers to limit undesired tank movement will be employed.

Truck

Fuel Tank Location


The same principles regarding fuel tank location apply to truck design. It is important that these larger fuel tanks are not only shielded from damage in a collision but do not break away from the truck and thereby spread fuel onto the roadway. The approach used by Mitsubishi on the SP-27 of locating the fuel tank ahead of the rear wheels appears to provide good protection for the tank.

The front wheel drive 'T-115 to be introduced in 1982 will have the fuel tank ahead of the rear wheels and under the rear seat. However, in rear wheel drive trucks there is no clearance over the axle for fuel tank installation and in many cases there is insufficient space ahead of the axle for fuel tanks of the desired capacity.

Chrysler is investigating fuel tank relocation ahead of the rear wheels for vans and multi-purpose vehicles, but present plans for pickups through 1983 and for MPV's and vans through 1985 have the fuel tank located behind the rear wheels. In vehicles both with and without bumpers there is a concern with vertical height differences that create a mismatch with passenger car bumpers. Where fuel tank location behind the rear axle is all that is feasible, a protective impact deflection structure may have to be provided whether or not a bumper is provided. An investigation whether to relocate the fuel tank or to provide impact deflecting structures is presently underway.

Fill Neck And Cap

All trucks and vans have side fill. The sweptline pickup truck (DW 1-3) and multi-purpose vehicles (AD-1 & AW-1) will have a recessed fill cap and fuel filler door beginning in 1981.


L. L. Baker

ATTACHMENT 7

30 April 2019

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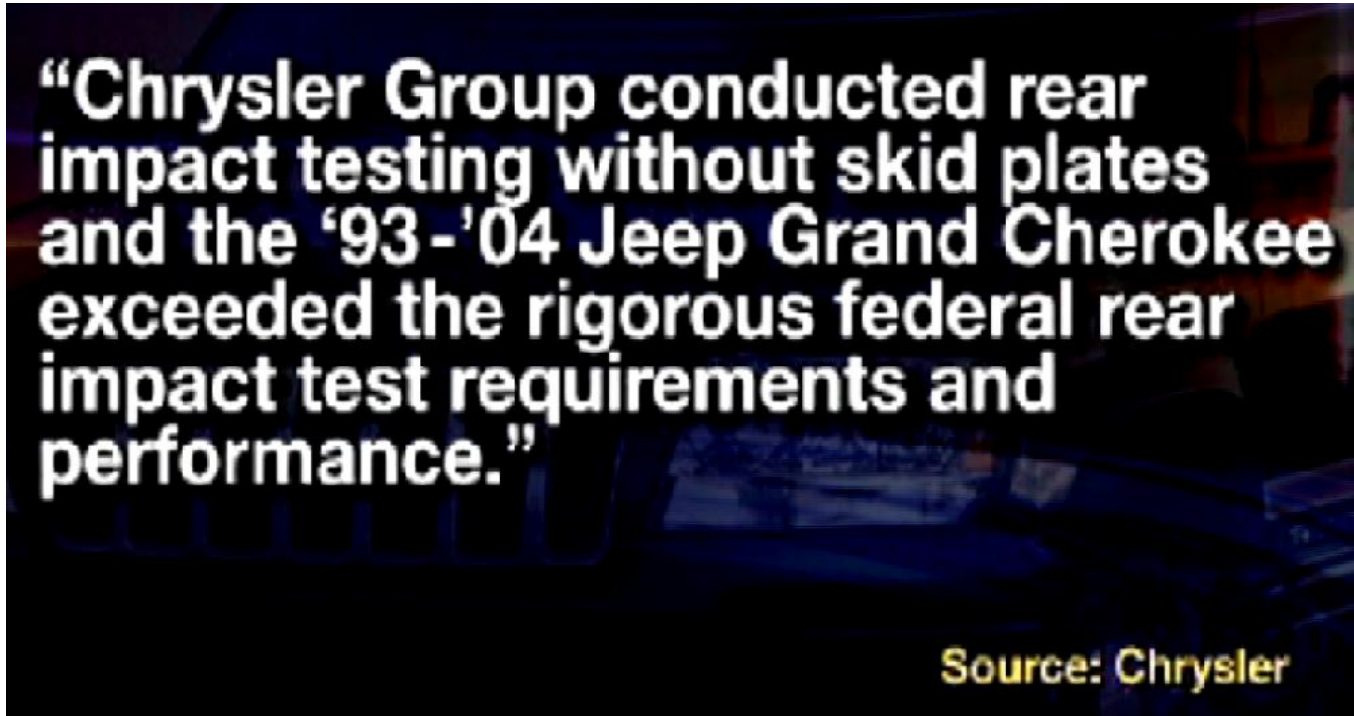
Subject: Jeep Liberty Crash Test Results - Report and Background Review
Reference: White / Campbell versus FCA, et al.

Content : 4 Pages

The FCA Public Relations Rhetoric – A Contextual Rebuttal and Exposé – PART 2

The FCA Public Relations Rhetoric – A Contextual Rebuttal and Exposé – Part Two

On Page 2 of Attachment 6 above, the following FCA claim is presented: ^A



That FCA claim was made in an attempt to rebut my WUSA-9 statements, specifically regarding the viability of skid plates as a crashworthiness device. ^B

However, was that FCA statement KNOWN to be false? Was it also KNOWN by DOT/NHTSA to be false?

In my first letter relating to the Jeep fire-death defect petition (submitted by Clarence Ditlow at the Center for Auto Safety), which I openly copied to NHTSA Administrator David Strickland, I discussed the FCA Jeep Recall A-10. This letter of June 1, 2010 was distributed TWO YEARS prior to the FCA statement above. As FCA is aware, I attached the A-10 Recall Notice, and quoted from it. A screenshot of my first page: ^C

Dear Mr. Ditlow:

Review

Previously I had submitted DaimlerChrysler Safety Recall No. A10–Fuel Tank Blocker Bracket ¹ as a [file update to the subject](#) (Attachment 1). What remains significant about this document is that it represents the first time that three key words were used connectedly and simultaneously with respect to the Jeep Grand Cherokee:

“safety”
“skid plate”
“repaired”

The FCA Public Relations Rhetoric – A Contextual Rebuttal and Exposé – Part Two – con't

A screenshot from Attachment 1 of my June 1, 2010 letter to Mr. Ditlow, Mr. Strickland, et al.:

February 2002

Dealer Service Instructions for:

Safety Recall No. A10 – Fuel Tank Blocker Bracket

Effective immediately, all repairs on involved vehicles are to be performed according to this recall notification. The labor operations for the interim service procedure that was published in the A10 electronic mail (DMAIL) message of January 4, 2002 will be cancelled on March 15, 2002. Those vehicles that have already been repaired by having a skid plate installed, do NOT require any additional service.

Again, referencing the FCA rebuttal attempt above, here is a screenshot from the original FCA letter submitted to DOT/NHTSA (regarding Jeep fuel tank defect recall A-10) which is dated January 4, 2002 . . . a full TEN YEARS prior to their “without skid plates” claims to WUSA-9 of June 2012: ^D

- It was established that development and validation testing of the ORVR system had been conducted in a vehicle configuration containing a fuel tank skid plate.
- The skid plate, which encompasses the tank assembly, is an upgrade from the standard equipment brush guard. While identical in coverage area, the skid plate is 3mm thick and the brush guard is 1mm thick.
- To confirm that design and process variation in the vehicle was not a contributor to the control valve separation, a production vehicle equipped with a skid plate and identical to the original compliance test property was tested for compliance to FMVSS 301. No fuel leakage resulted.
- Based on the results of the structurally modified 2003 MY development test and the lack of specific test data for a brush guard equipped vehicle, a production level brush guard equipped vehicle was tested for compliance to FMVSS 301.
- Upon post-test roll over per the standard, the production level brush guard equipped vehicle leaked fuel through the vapor canister, exceeding the requirements of FMVSS 301 section S5.6.
- The assembly plant immediately stopped shipment of all brush guard equipped vehicles.

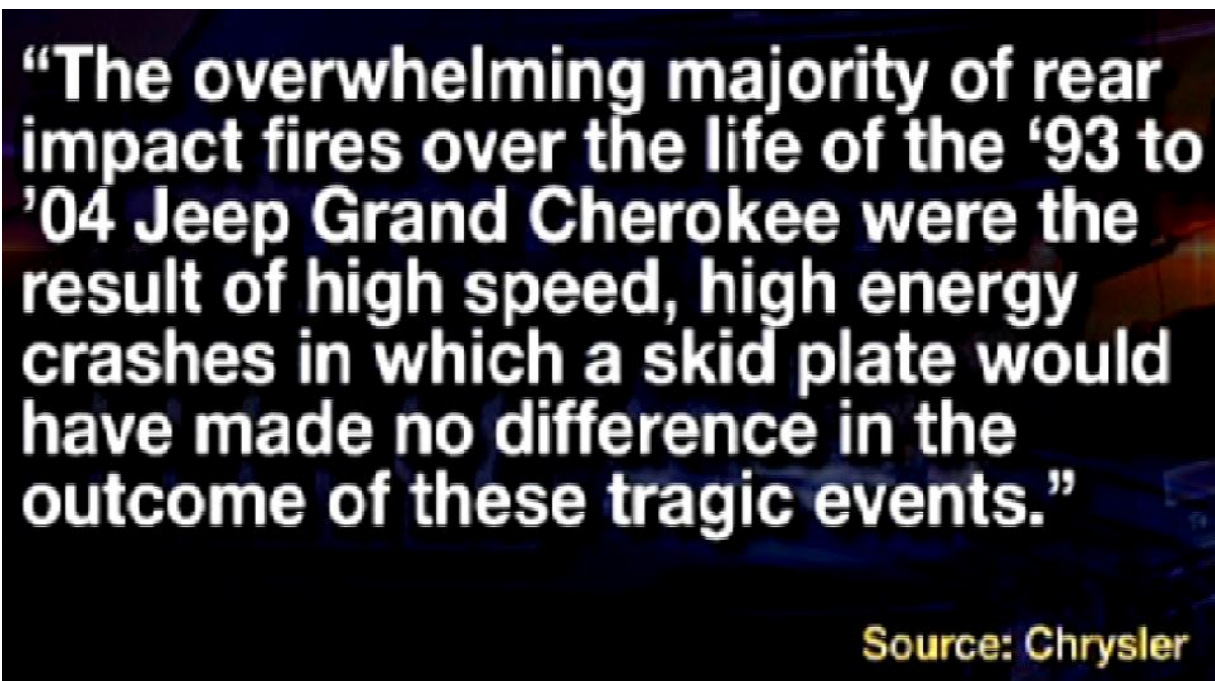
The FCA Public Relations Rhetoric – A Contextual Rebuttal and Exposé – Part Two – con't

Here we have FCA talking out of both sides of their mouths. Ten years prior, directly relating to Jeep fuel tank crashworthiness defects, they are openly admitting, albeit behind closed-doors with their dealers and DOT/NHTSA, that not only were skid plates tested, **skid plates were in-truth central to their original Jeep compliance testing**. In their own words, of ten years earlier, without skid plates, the Jeep failed.

That is, without skid plates, the original compliance documentation could not have been submitted against even the flimsy FMVSS-301 standard, which they falsely characterized with WUSA-9 as:

“ . . . the rigorous federal rear impact test requirements.”

So . . . one minute, when it is used for public consumption . . . and to rebut the undersigned . . . skid plates ***“make no difference.”***



. . . but from behind closed-doors, skid plates are a known (by FCA) to have, and are utilized for ‘a substantial positive effect on crashworthiness.’

Attachment 8 below will address an additional FCA **lie**, as stated to WUSA-9 in June 2012 :

The overwhelming majority of rear impact fires . . . were the result of high speed, high energy crashes in which a skid plate would have made no difference in the outcome of these tragic events.”

Not only is this proven mechanically false by Attachments 1 and 2 above, but FCA admits in the same breath that they had no testing basis to make such a ludicrous claim.

In Attachment 8 below we discuss how the “high speed, high energy” aspect is also KNOWN by FCA to be a historic lie . . . that discussion involves the horrific fire death of 4-year-old Cassidy Jarmon.

The FCA Public Relations Rhetoric – A Contextual Rebuttal and Exposé – Part Two – conclusion

Conclusion

A conclusion involves at-least the following two questions:

1. What could possibly motivate FCA **defense** lawyers to promote, through their PR staff, the utterly absurd statements like those above and in Attachment 6?
2. What could possibly motivate FCA and their colleagues at DOT/NHTSA to agree to a recall that promotes the preposterous notion that a ‘trailer hitch’ is a safety device”

In my letter of August 20, 2014 to Mr. Ditlow, which was openly copied to Secretary Anthony Foxx of DOT, the following screenshot appears atop page 12: ^E

EA12-005 : The Closed-Door Trailer Hitch Fraud – NHTSA and Chrysler On-Notice Regarding Encapsulation

Of the 19 letters I have sent to you, all were copied to Mr. Strickland, and eleven were copied to FCA Chairman Sergio Marchionne. In 8 letters I discussed the **BASIC** underlying technical philosophy that a viable remedy for EA12-005 must fulfill (encapsulation), and the currently available hardware that approximates that philosophy (skid plate). The table below highlights the frequency I discuss these two remedy items, as well as the frequency for the trailer hitch:

Letters to NHTSA/CAS	Encapsulation	Skid Plate	Trailer Hitch
1 June 2010	0	7	0
9 February 2011	0	15	0
5 December 2011	1	2	0
27 August 2012	17	45	0
3 September 2012	0	1	0
24 September 2012	1	6	0
1 January 2013	1	3	0
12 February 2013	23	41	0

Of the 19 letters that I sent to you, none proposed that a trailer hitch can fulfill the requirements of EA12-005. xxxiii

My August 20, 2014 letter occurs after closure of EA12-005, but three months prior to November 11, 2014.

Again, in Attachment 8 below we discuss how the “high speed, high energy” aspect is also KNOWN by FCA to be a lie . . . but we also present that the crashworthiness effect of a ‘trailer hitch’ is KNOWN by FCA to be zero, minimal, and in some cases . . . tragically counterproductive.

^A <https://www.youtube.com/watch?v=hvDlIm7WfFc&feature=youtu.be>

^B As detailed in Attachment 8 below, and in stark contrast to the DOT/NHTSA/FCA shenanigans discussed in Attachment 3 above, at no time did I claim that a ‘trailer hitch’ was a safety device.

^C Please see first link, Attachment 4 above, <http://pvsheridan.com/Jeep-Ltrs/1-Sheridan2Ditlow-1-1June2010.pdf> and updated CAS link <https://www.autosafety.org/1993-2004-jeep-grand-chokeee-recall-petition/>

^D http://pvsheridan.com/FCA_A10-Recall-to_NHTSA.pdf

^E <http://pvsheridan.com/Jeep-Ltrs/19-Sheridan2Ditlow-3-20Aug2014.pdf>

ATTACHMENT 8

30 April 2019

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Content : 6 Pages

FCA and NHTSA/DOT Criminal Ruse that a Trailer Hitch is a Crashworthiness Device
Historical and Contextual Exposé

FCA and NHTSA/DOT Criminal Ruse that a Trailer Hitch is a Crashworthiness Device Historical and Contextual Exposé

Introduction

Imagine the following . . . a plaintiff's expert goes testifies at trial regarding the safety and crashworthiness of a proposed component. When cross-examined about the merits that component the expert demands that the judge & jury mindlessly submit to the following three dictates:

- a. The expert has **never tested** the component for general effectiveness, is adamantly refusing to conduct any crash testing . . . and therefore the expert demands that you place the safety and well-being of your family in the hands of the expert . . . just because . . . he/she said so.
- b. The expert had secretly hid from the judge & jury that he/she was in-fact **fully aware** of the following historic reality: (1) In prior real-world accidents, not only was the proposed component utterly ineffective, but indeed had contributed to the death the victims!!
- c. The expert had hid from judge & jury that he/she was **fully aware** of the following historic reality: (2) In prior real-world accidents, where a victim sustained horrible burn injuries or burned to death; the expert aware that those collisions were NOT of a "high speed high energy" condition, but in truth were so low that **all others in the accident walked-away with little or no injury!**

Ludicrous to the point of criminality . . . and yet that is exactly what FCA and DOT/NHTSA orchestrated in order to close EA12-005, the Jeep fire-death defect investigation.

Discussion

The post-accident Jeep that 4-year-old Cassidy Jarmon was in, with parents and younger sister Callie:



FCA and NHTSA/DOT Criminal Ruse that a Trailer Hitch is a Crashworthiness Device Historical and Contextual Exposé



The Texas accident took place on February 12, 2006. That is, this fire-death accident which took the life of 4-year-old Cassidy Jarmon occurred eight years before November 11, 2014.

Cassidy Jarmon accident facts:

1. The collision speed was so low that none of the other occupants of either vehicle sustained any broken or fractured bones; indeed, non-fire related injuries were not even mentioned in the lawsuit against FCA.

2. Relating to Kayla White, and FCA's 'Duty to Warn,' **the Jarmon settlement was sealed**, but the Jarmon lawsuit repeatedly affirmed:

“Failure to warn of dangers associated with the design of the fuel system supply, and its position on the vehicle.”

In other words, as tabled in Attachment 2 above, the dangers of a “Rearmost / behind axle / below bumper” fuel system design has been in the FCA files for decades . . . but no warning was issued.

3. The most criminal aspect of the Cassidy Jarmon tragedy . . . and how it relates to the instant matter and Attachment 2 above . . . involves a screenshot from the 2006 Jarmon lawsuit:

- s. In failing to provide adequate warnings concerning the rear structural crash performance of the vehicle when fitted with a trailer two hitch;
- t. In failing to design the vehicle in such a manner that the rear structure was crashworthy when fitted with a trailer hitch;
- u. In failing to design the rear structure of the vehicle in such a manner that the vehicle would be crashworthy in rear impacts;
- v. In failing to design the vehicle with adequate rear under-ride protection in the event of a rear crash; and
- w. In designing the fuel tank for the vehicle in such a manner that it was dangerously exposed to impacts and was not adequately protected within structure of the vehicle.

FCA and NHTSA/DOT Criminal Ruse that a Trailer Hitch is a Crashworthiness Device Historical and Contextual Exposé

As detailed on Page 2 of Attachment 2 . . . seven years prior to the secret Chicago meeting of June 9, 2103 by FCA and DOT/NHTSA . . . both parties were fully aware that a trailer hitch had in-fact contributed to, not assisted against, the fire-death in a generic Jeep product. **That compels repeating:**

- Both parties to the secret June 9, 2013 meeting were fully aware that a trailer hitch had in-fact contributed to, not assisted against, the fire-death in a generic Jeep product.

Was the Cassidy Jarmon horror the only case on-file at FCA/DOT/NHTSA where a trailer hitch had contributed to the fire-death/fire-injury sequence in a generic Jeep product? **Of course not . . .**



It was well-known to FCA and DOT/NHTSA that the generic Jeep that Ana Maria Piña was victimized in **had a trailer hitch** . . . the accident occurred in Indiana on January 14, 2012 . . . almost two years prior to the FCA/DOT/NHTSA announcement that a trailer hitch is a crashworthiness device.

As FCA and DOT/NHTSA are also fully aware, I was interviewed by WNDU-16, by reporter Megan Hickey of Indiana regarding the FCA/DOT/NHTSA ruse that a trailer hitch is a crashworthiness device.

The three-part WHDU report connects the FCA trailer hitch ruse to the horrific fire-injury, inflicted by a generic Jeep product, upon a beautiful young lady named Ana Maria Piña . . . **What is pictured next is the post-accident results of trailer hitch equipped Jeep :**

FCA and NHTSA/DOT Criminal Ruse that a Trailer Hitch is a Crashworthiness Device Historical and Contextual Exposé



Ms. Piña's attorney Ines Murphy was also interviewed about the FCA/DOT/NHTSA ruse, explaining to them:

“Yes . . . Ana's truck had a trailer hitch. It's designed to tow. That's its function and purpose; no more, nothing else.

To suggest that a trailer hitch is now going to protect the gas tank . . . that's absurd! ”

Links to the three-part WHDU-16 report: **||**

<https://www.youtube.com/watch?v=3xCQFEwgxYE>

<https://www.youtube.com/watch?v=FvHOq5sa-P0>

<https://www.youtube.com/watch?v=Mw07BU3g4ZY>

- - -

- We conclude this attachment with what is truly and astounding admission regarding the portent discussed here; the ruse that a trailer hitch is a crashworthiness device. The admission comes in the form of an FCA “Objection,” in the Jeep fire-death litigation of 4-year-old Remington Walden . . . a case resolved by a jury-verdict of \$150,000,000.00.

FCA and NHTSA/DOT Criminal Ruse that a Trailer Hitch is a Crashworthiness Device Historical and Contextual Exposé - Conclusion Page 1

The Jeep ZJ that killed 4-year-old Cassidy Jarmon was not equipped with a skid plate, or an FTEP type device . . . that generic Jeep ZJ was equipped with a generic trailer hitch.

The Jeep XJ that horribly burned Ana Maria Piña was not equipped with a skid plate, or an FTEP type device . . . that generic Jeep XJ was equipped with a generic trailer hitch.



The generic Jeep WJ that burned 4-year-old Remington Walden to death, was **also** not equipped with a skid plate or an FTEP device.

So . . . in the alternative . . . did FCA argue at-trial in Bainbridge, Georgia that if the Jeep WJ, that Remington was riding in, had been equipped with a trailer hitch that all would have been well; that the fire-death would have been prevented by WJ trailer hitch?

Of course not.

Did the autopsy and testimony of the coroner declare that Remington died from the collision trauma from “high speed high energy”?

Of course not. It states, **“Cause of Death: Thermal injury with predominant charring, 100% body surface area.”** ^{III}

But in the context of this attachment, the following screenshot from the ‘Other Similar Incidents’ (ODI) court review/ruling summary is nothing short of astounding:

14. Jarmon

- a. vehicle: 1993 Jeep Grand Cherokee
- b. date of incident: February 12, 2006
- c. notice: notice shown on March 20, 2007 (Plaintiffs’ Ex. 507)
- d. notes: Chrysler argues that this OSI should be excluded because this Jeep had a trailer hitch, whereas the Jeep in which Remington Walden was riding did not. Plaintiffs respond that the presence of a trailer hitch is not determinative with regard to substantial similarity, particularly because Chrysler has contended that a trailer hitch is the ‘remedy’ for certain rear-tank Jeeps—and therefore cannot validly contend that trailer hitches were the cause of failure. If Chrysler elects to argue to the jury that this OSI should be disregarded because of the presence of a trailer hitch, Chrysler is free to do so.
- e. ruling: Chrysler’s objection to this evidence is:

OVERRULED
✓

SUSTAINED

FCA and NHTSA/DOT Criminal Ruse that a Trailer Hitch is a Crashworthiness Device Historical and Contextual Exposé - Conclusion Page 1

That is, while telling the public that a trailer hitch is a remedy, that has been approved by their colleagues at DOT/NHTSA . . . out of the other side of their mouths . . . **they are demanding that the judge in Georgia exclude the Jarmon OSI strictly because it was equipped with a trailer hitch !?** ^{IV}

Further details emphasized . . . Note that the “Objection” from FCA does **NOT** state that their basis for demanding exclusion **IN ANY WAY** result from the following:

- The Jeep that burned, and took the life of 4-year-old Cassidy Jarmon was known to be a **ZJ**.
- The Jeep that burned, and took the life of 4-year-old Remington Walden was known to be a **WJ**.
- The Jeep that took the life of Remington Walden was known by FCA to be a WJ, a version that they and their colleagues at DOT/NHTSA specifically **DID NOT INCLUDE** in their secret “recall remedy” ruse; their ruse that a trailer hitch provides protection in a rear crash did not include the WJ !
- The “substantial similarity” that the plaintiffs argued was in-fact **the generic issue**, as tabled in Attachment 2 above. The defect is not restricted to an XJ version, or a ZJ version, or a WJ version, or the version of the instant matter, a KJ version.
- In Walden FCA did **not** argue against that version aspect of the OSI, they argued against inclusion a trailer hitch generic Jeep that had taken the life of a 4-year-old girl **a year before their recall !** ^V
- It is clear, FCA argued against inclusion of the Jarmon OSI on the basis that it would focus attention on the fraud of the “recall remedy” (trailer hitch), and the fraudulent NHTSA closure of EA12-005.
- FCA did not want the jury and the media in the Georgia courtroom to hear that if the Remington WJ had been equipped with a trailer hitch, the accident sequence would have paralleled that of Jarmon and Piña; Remington would have still died from fire. Similar to Jarmon and Piña, the “recall remedy” was known to make matters worse in the real world (versus the narrow accident scenarios used by NHTSA in the farce called “Reconstruction Testing.”). ^{VI}
- The jury verdict in Walden occurred on April 2, 2015, six months after the fire-death of Kayla White and her unborn son Braedon on November 11, 2014. The closure of EA12-005 was three days later; an event that the undersigned discussed/connected to the Walden verdict in a press release. ^{VII}

Obviously, the FCA appeal failed, and the plaintiff’s case in Walden was affirmed. ^{VIII}

^I Please see ‘Generic’ discussion of Attachment 9 below.

^{II} The undersigned is interviewed in Parts 2 and 3.

^{III} Press release post verdict from plaintiff http://pvsheridan.com/PressRelease-150_million_dollar_verdict_against_Chrysler.pdf

^{IV} Should my descriptor ‘colleagues’ seem an over-reach, please see last two pages of Attachment 3 above.

^V The generic Jeeps all contain the exact same configuration, a fuel tank that “Rearmost / behind axle / below bumper

^{VI} I provide great detail of the farce, called “Reconstruction Testing” by DOT/NHTSA, in my letter of May 11, 2015 to then Michigan Attorney General Bill Schuette: <http://pvsheridan.com/Sheridan2Schuette-2-11May2015.pdf>

^{VII} http://pvsheridan.com/PressRelease-150_million_dollar_verdict_against_Chrysler.pdf

^{VIII} <https://www.autosafety.org/remington-walden-lawsuit-award-of-40-million-upheld/>

ATTACHMENT 9

30 April 2019

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Reference: White / Campbell versus FCA, et al.

Content : 8 Pages

The Defense Bar Tactic of Evidentiary Exclusion versus True Safety Leadership
The Consequences the FCA Failure Under the 'Duty to Warn' Statute

**The Defense Bar Tactic of Evidentiary Exclusion versus True Safety Leadership
The Consequences the FCA Failure Under the ‘Duty to Warn’ Statute**

Introduction

On Page 1 of Attachment 2 above, the following data is tabulated:

Code	Nameplate	Model Year Sales	Fuel Tank Location/Proximity
XJ	Jeep Cherokee	1983 – 2001	Rearmost / behind axle / below bumper
ZJ	Jeep Grand Cherokee	1993 – 1998	Rearmost / behind axle / below bumper
WJ	Jeep Grand Cherokee	1999 – 2004	Rearmost / behind axle / below bumper
KJ	Jeep Liberty	2002 – 2007	Rearmost / behind axle / below bumper
WK	Jeep Grand Cherokee	2005 – present	Mid-mount / in front of axle / protected by heavy longitudinal frame rail

Looking to the right-most column, note the vast differences in the configuration data for the XJ, versus the ZJ, versus the WJ, versus the vehicle in the instant matter, the KJ version of the Jeep Liberty.

In the instant matter (White / Campbell versus FCA, et al.), it is anticipated that defendant FCA will attempt to restrict the litigation to the ‘2003 Jeep Liberty KJ model’ only. They will attempt to obscure from judge & jury that the plaintiff’s defect alleged in the KJ vehicle is specific to *that* Jeep version, but in-truth the defect is generic:

Rearmost / behind axle / below bumper

To which I have repeatedly added the descriptor, **unprotected**.

Indeed, the following is **a direct quote** from my August 20, 2014 letter to the Center for Auto Safety:

“Incredibly, as I have said publically, the four Jeep types that were under the EA12-005 investigation (XJ, ZJ, WJ, and KJ-Body) are actually worse than the Ford Pinto.” ⁱ

But I have also stated unabashedly that the KJ was the worst of the generic worst!

One need only observe the essence of the instant matter . . . the following photograph was taken during my development of the FTEP discussed in Attachments One and Two above. It is not what FCA wants the judge & jury to see . . . and it is not what is emphasized by FCA dealerships when selling the Jeep Liberty KJ; any more than they would share the data in the right-most column above:

**The Defense Bar Tactic of Evidentiary Exclusion versus True Safety Leadership
The Consequences the FCA Failure Under the 'Duty to Warn' Statute**



Likewise, I was the consultant responsible for the generic crash testing of a ZJ in May 16, 2011 (pictured next), by the same well-known engineering firm discussed in Attachment 1:

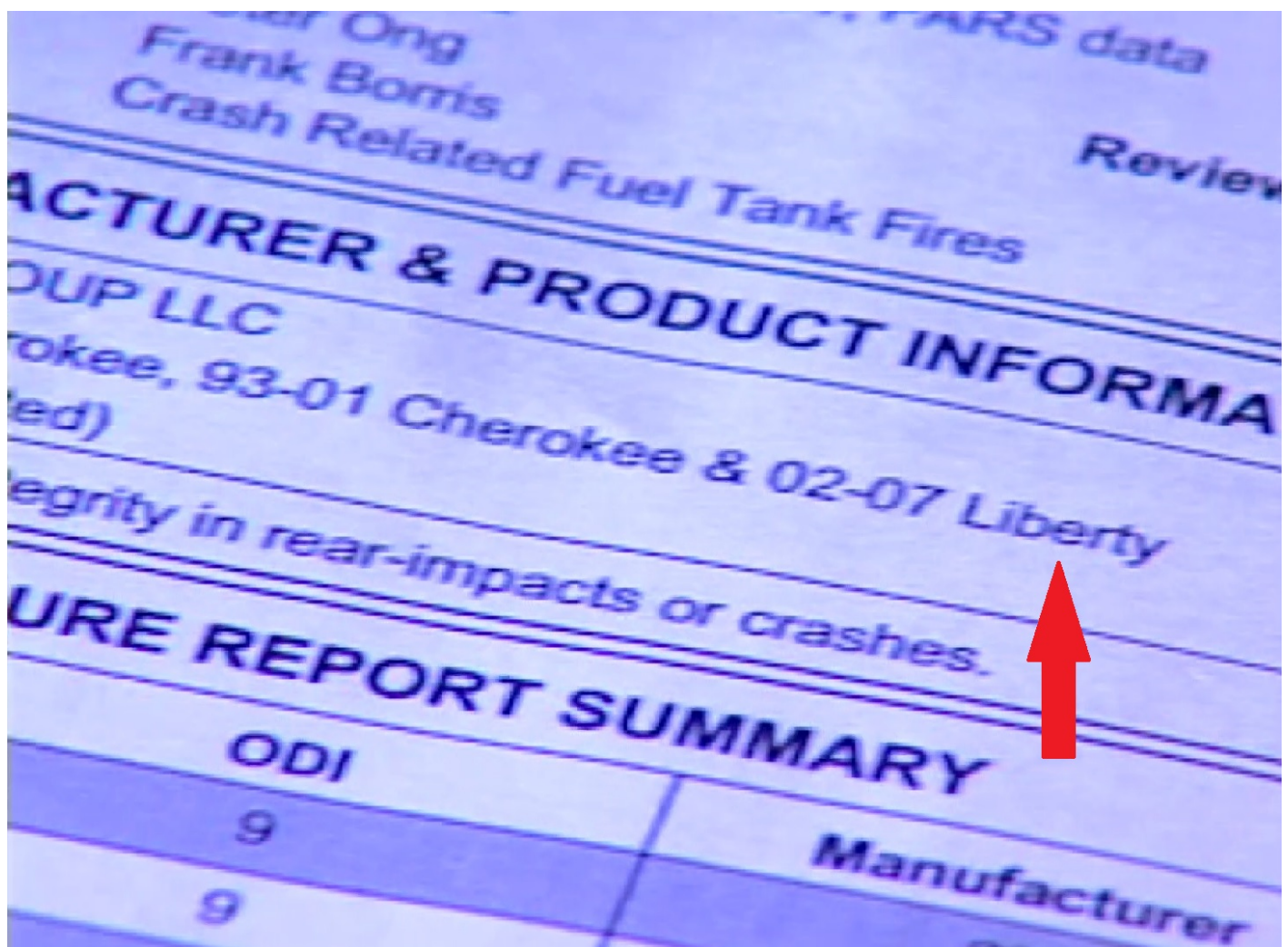


The Defense Bar Tactic of Evidentiary Exclusion versus True Safety Leadership The Consequences the FCA Failure Under the 'Duty to Warn' Statute

In many of the media interviews I conducted on the generic character of the Jeep fuel tank defect, the focus was on the ZJ and WJ versions, since that was the original focus of the CAS Petition. I was determined to correct that limitation.

Throughout DP09-005 and PE10-031, I was extensively communicating with responsible parties that the EA12-005 investigation must be extended to the Jeep Liberty KJ version **ON THE BASIS THAT IT CONTAINED THE SAME GENERIC DEFECT tabulated in Attachment 2 above.** ⁱⁱ

In fact, it was just prior to the airing of the WUSA-9 interview detailed in Attachment 5 above that NHTSA escalated the investigation from the statistical study (PE10-031), to the full Engineering Analysis level (EA12-005). It was that escalation the then included the Jeep Liberty KJ version. A screenshot of that escalation from the June 21, 2012 WUSA-9 program: ⁱⁱⁱ



The Defense Bar Tactic of Evidentiary Exclusion versus True Safety Leadership The Consequences the FCA Failure Under the 'Duty to Warn' Statute

In a letter from ODI Director Frank Borris, to FCA Director of Vehicle Compliance Matthew Liddane, NHTSA openly declares, NOT ONLY that the generic defect also involves the KJ, but the letter essentially declares my '**worst of the generic worst!**' verbiage (from Page One of this attachment); screenshot:

A similar fuel tank design was employed in the Jeep Liberty (KJ platform) when it was introduced in 2001. The MY 2002 through 2007 Liberty has a fuel tank located aft of the rear axle and less than a foot forward of the aft face of the rear bumper. This tank is also more exposed to impacts from passenger cars because of the Liberty's comparatively high ground clearance and ride height. In fact, the driver of a car following a Jeep Liberty can readily see the gas tank sticking down. Beginning with MY 2008, Chrysler modified its design and manufactured the Liberty with the fuel tank forward of the rear axle.

On April 27, 2016 I was interviewed by a BBC affiliated news program NineLives Media Limited. The proposal was that a Grand Cherokee ZJ or WJ be used as a prop. Given the facts discussed above, I **strongly** requested that a Jeep Liberty KJ be used. My position prevailed as program screenshot shows:



Unlike the motivations of the defense bar, my duties as former Chairman of the Chrysler Safety Leadership Team (SLT) did **not** include “ . . . the statutory presumption of nonliability for products that comply with applicable federal safety standards.”^{iv} The scope of the SLT included recommendations to management that our customers be warned PRIOR to provocation of a safety defect.

In the next page we examine the real-world consequences of 'Evidentiary Exclusion versus True Safety Leadership.' When the defense bar prevails, and restricts inquiry into , say, only the Jeep Grand Cherokee WJ version (ala the Walden v FCA litigation) then those later victims who were driving Jeep Liberty KJ versions were not informed **through on an FCA 'Duty to Warn' that is based upon a known generic defect . . . rather than narrow vehicle-specific legal tactics . . .**

The Defense Bar Tactic of Evidentiary Exclusion versus True Safety Leadership The Consequences the FCA Failure Under the 'Duty to Warn' Statute

On the point of 'Duty to Warn,' I alerted then Michigan Attorney General Bill Schuette to the proceedings in the Jeep fire-death case of Remington Walden. On page 7 of my May 11, 2105 letter to the AG, I posed the following video-taped testimony from FCA Chairman Sergio Marchionne: ^v

“Has Chrysler Group ever warned people that this gas tank on the (Jeep) Grand Cherokee is vulnerable to rear impact?”



“No.”

In stark contrast, but in only one regard, the exact same failure to warn is more egregious relating to the fire-death of Kayla White and her unborn son Braedon . . . by the time of his deposition, the WJ version of the Jeep, the subject of the Walden matter, was excluded by Mr. Marchionne from the recall. The KJ that 23-year-old expecting mother Kayla White was driving, on November 11, 2014, **was** included.

So . . . in regard to the photograph displayed on Page 5 on the 'Addendum to Attachment 1' above, did FCA convey urgency regarding the recalled versions, or did they assert the exact opposite? In their undated KJ N46 "recall notice" to customers they found the following deployment:

***The problem is...* The fuel tank on your vehicle has a small chance of experiencing a fuel leak during certain types of rear end collisions. Fuel leakage in the presence of an ignition source can result in an underbody fire.**

A small chance? A fuel leak? Certain types of rear end collisions? An underbody fire? Does the following photograph, taken on-scene on November 11, 2014, confirm that type of mealy-mouth verbiage?

(I apologize to the reader for my strident wording here, but before you judge "mealy-mouth" as-such, please review photograph of overleaf).

The Defense Bar Tactic of Evidentiary Exclusion versus True Safety Leadership The Consequences the FCA Failure Under the 'Duty to Warn' Statute



Relating to my Conclusions in Attachment 3 above, and for NHTSA/DOT Chief Counsel O. Kevin Vincent's information, the above photograph is representative of an **"actual crash incident."** In this regard, it is clear that the DOT/NHTSA "Reconstruction Testing" sought to serve FCA, not Kayla White. ^{vi}

Conclusion

The title of this attachment asserts that safety leadership implicitly supersedes the 'Duty to Warn' statute. By the time of his deposition in Walden on January 9, 2015, the Center for Auto Safety was reporting that 395 Jeep fire-incident, fire-death and/or fire-injury events had already occurred. ^{vii viii}

Those 395 incidents are direct confirmation of the historical "success" of Evidentiary Exclusion through the ruse of narrow vehicle-specific, rather than generic definitions of an unmitigated safety defect:

Rearmost / behind axle / below bumper

In this instant matter (White / Campbell versus FCA, et al.), it is anticipated that the defendant will attempt to restrict the litigation to the '2003 Jeep Liberty KJ model' only.

But . . . given the facts discussed above, and under the intended meanings of the 'Duty to Warn' statute, Mr. Marchionne, should have conveyed the exact opposite to that deployed in his KL N46 "recall notice." The consequences of FCA not obeying that law are shown in the accident photograph above

The Defense Bar Tactic of Evidentiary Exclusion versus True Safety Leadership The Consequences the FCA Failure Under the 'Duty to Warn' Statute

Endnotes to Attachment 9

- i <http://pvsheridan.com/Jeep-Ltrs/19-Sheridan2Ditlow-3-20Aug2014.pdf>
- ii My telephone records and email will confirm **innumerable** contact with NHTSA officials during the CAS petition process on this KJ inclusion issue. These NHTSA/ODI contacts included Larry Hershman, Scott Yon, Frank Borris, and NHTSA/DOT Chief Counsel O. Kevin Vincent. This KJ inclusion discussion also included Clarence Ditlow and Michael Brooks at the Center for Auto Safety.
- iii <https://www.youtube.com/watch?v=hvDIIIm7WfFc>
- iv Please see Pages3/4 of Attachment 6 above.
- v <http://pvsheridan.com/Jeep-Ltrs/24-Sheridan2Schuette-2-11May2015.pdf>
- vi Please see Attachment 3.
- vii <https://www.autosafety.org/cas-statement-150-million-walden-jeep-fire-judgment/>
- viii http://pvsheridan.com/Dep-Sergio_Marchionne_01-09-2015.pdf



IMPORTANT SAFETY RECALL

N46 / NHTSA 13V-252

This notice applies to your vehicle (VIN: xxxxxxxxxxxxxxxxxxxx).

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

Dear: (Name)

The National Highway Traffic Safety Administration has made a tentative assessment that certain **2002 through 2007 model year Jeep® Liberty vehicles** contain defects related to motor vehicle safety. Although the NHTSA assessment is non-final, Chrysler Group has decided to conduct a voluntary safety recall to respond to customer concerns about that assessment.

The problem is... **The fuel tank on your vehicle has a small chance of experiencing a fuel leak during certain types of rear end collisions. Fuel leakage in the presence of an ignition source can result in an underbody fire.**



What your dealer will do... **Chrysler intends to inspect your vehicle and install an Original Equipment Manufacturer (OEM) trailer hitch where appropriate, free of charge (parts and labor) to better manage crash forces in low-speed impacts.** The parts required for this program are currently not available. Chrysler is making all reasonable efforts to obtain the parts as quickly as possible. Chrysler will contact you again by mail, with a follow-up notice, when the remedy parts are available.

What you must do to ensure your safety... Once you receive your follow-up notice in the mail, simply **contact your Chrysler, Jeep or Dodge dealer** right away to schedule a service appointment.

If you need help... If you have questions or concerns which your dealer is unable to resolve, please contact the Chrysler Group Recall Assistance Center at 1-800-853-1403.

Please help us update our records by filling out the attached prepaid postcard if any of the conditions listed on the card apply to you or your vehicle. You may also update this information on the web at www.jeep.com/ownersreg.

If you have purchased and installed the OEM trailer hitch after your initial vehicle purchase, please send your original receipt and/or other adequate proof of payment to the following address for reimbursement: Chrysler Customer Assistance, P.O. Box 21-8007, Auburn Hills, MI 48321-8007, Attention: Reimbursement. Once we receive and verify the required documents, reimbursement will be sent to you within 60 days.

If your dealer fails or is unable to remedy this defect without charge and within a reasonable time, you may submit a written complaint to the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590, or call the toll-free Vehicle Safety Hotline at 1-888-327-4236 (TTY 1-800-424-9153), or go to <http://www.safercar.gov>.

We're sorry for any inconvenience, but we are sincerely concerned about your safety. Thank you for your attention to this important matter.

Customer Services / Field Operations
Chrysler Group LLC

Note to lessors receiving this recall: Federal regulation requires that you forward this recall notice to the lessee within 10 days.

ATTACHMENT 10

30 April 2019

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Reference: White / Campbell versus FCA, et al.

Content : 4 Pages

The Prior Defense Ruse of Mid-mount Fuel Tank Intrusion

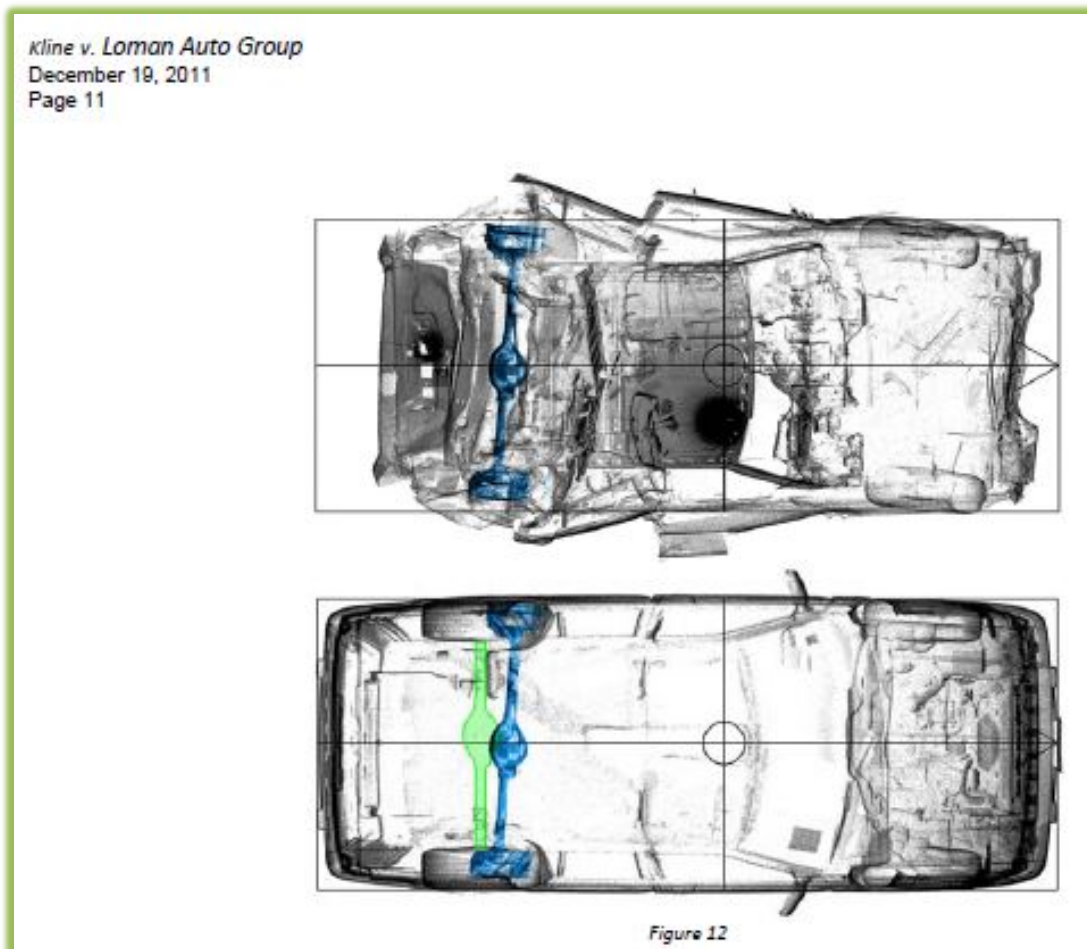
The Prior Defense Ruse of Mid-mount Fuel Tank Intrusion

In the fire-death case of Susan Kline, the issue of the generic defect,

Rearmost / behind axle / below bumper

was of great issue for the litigants. As a defense, in an attempt to minimize the anticipated response of judge & jury when they learned of the nature and history of the generic defect, the defense lawyers unilaterally proposed the following absurdity:

“Even if the Jeep fuel tank was in the middle, the high speed impact would have caused a collision with the fuel tank.”



This unilateral assertion from the defense lawyers was bolstered, they say, by Figure 12 of the expert report from Kineticorp. Examination of that ENTIRE report confirms that **Kineticorp made no such assertion**. Examination of the actual Jeep in the Kline fire-death also refuted that assertion. The defense in Kline also attacked the validity/portent of a crash test failure conducted on May 16, 2011. **A B**

In fact, the plaintiff was so enamored with this overreach that we decided NOT to take the deposition of the Kineticorp reporters prior to trial.

The Prior Defense Ruse of Mid-mount Fuel Tank Intrusion

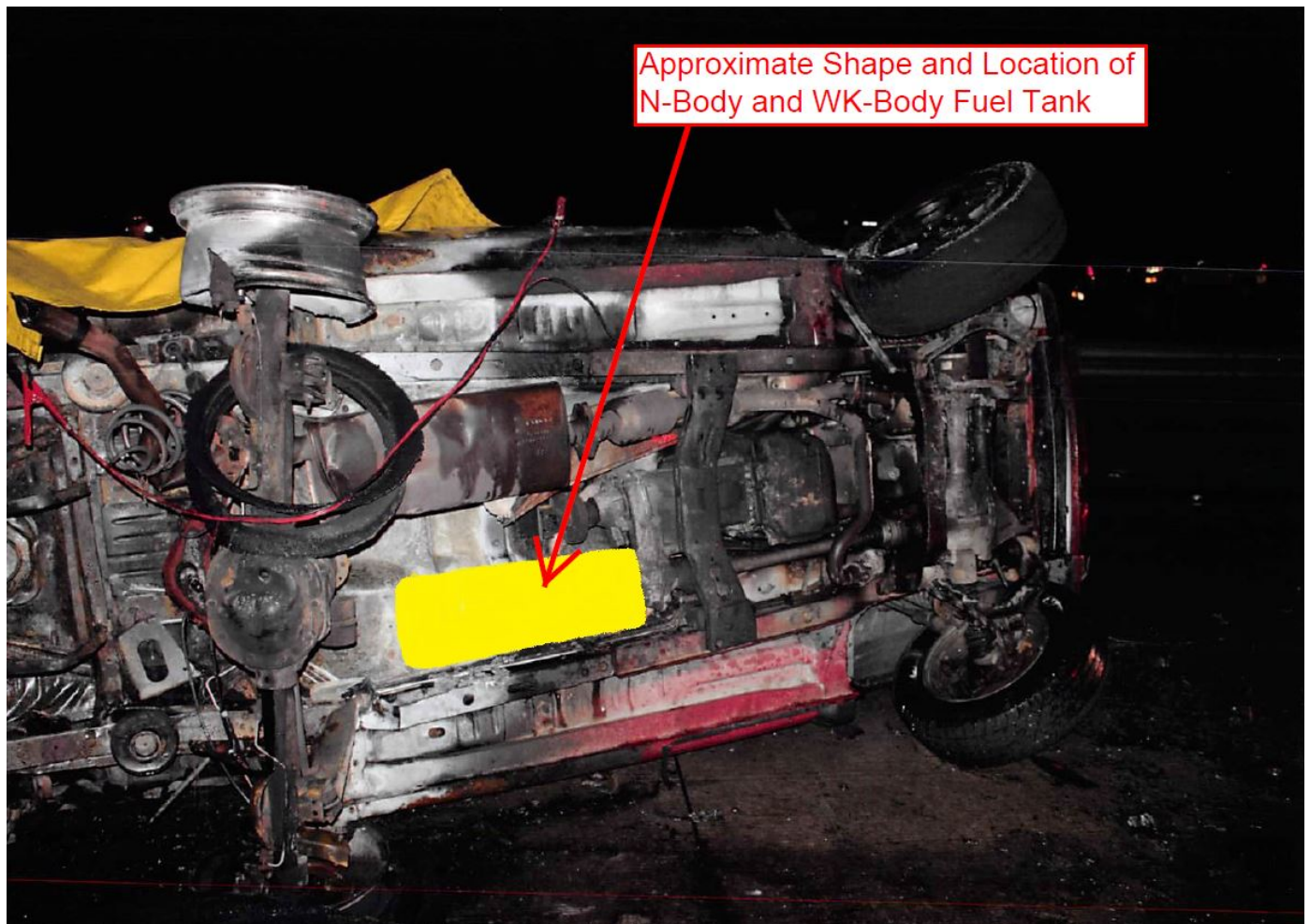
In anticipation of a defense ruse of similar ilk will be deployed in the instant matter (White / Campbell versus FCA, et al.), and will involve the following two plaintiff evidence sets:

1. The actual post-accident condition of the Jeep Liberty KJ
2. The crash test conducted by plaintiff on December 3, 2018, as discussed in Attachment 1 above.

The undersigned asserts and will testify as follows:

- A. Regarding item 1, there is no evidence that the accident sequence of November 11, 2014 intruded on a mid-mount location had the fuel tank been located there.
- B. Similar in portent and detail to testimony A, pre and post Attachment 1 test photographs are offered below, as preliminary, to refute the defense attempts to discredit that crash test.

As FCA is fully aware, I already addressed this potential ruse in my May 11, 2015 letter to then Michigan Attorney General Bill Schuette. **In fact, the following depiction is included in Attachment 5:** ^c



The Prior Defense Ruse of Mid-mount Fuel Tank Intrusion

Note, as a proxy to the plaintiff's assertion, and for viewing ease, the following pre and post Attachment 1 crash test photographs depict the condition of the similarly located Jeep Liberty KJ **muffler**:



The Prior Defense Ruse of Mid-mount Fuel Tank Intrusion



^A I was present for both the Kline Jeep inspection in Morristown, New Jersey, and I was the expert representative for the Center for Auto Safety; present for their crash test at Karco Engineering in Adelanto, California in May 2011. FCA and their defense lawyers and experts were all invited to attend the May 16, 2011 crash test, but all declined. http://pvsheridan.com/TR-P31070-01-NC_Complete_Report.pdf

^B I discussed the December 19, 2011 Kineticcorp expert report in great detail in my letter of September 3, 2012 to NHTSA Administrator David Strickland. <http://pvsheridan.com/Jeep-Ltrs/9-Sheridan2Strickland-7-3Sep2012.pdf>

^C <http://pvsheridan.com/Sheridan2Schuette-2-11May2015.pdf>

ATTACHMENT 11

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ATTACHMENT 12

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END OF DOCUMENT

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