

In The Matter Of:

*THOMAS TENAGLIA, SR. v.
CHRYSLER CORPORATION*

*Francois Castaing
Vol. 1, March 14, 1996*

COPY

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*Original File mrcasta.001, 81 Pages
Min-U-Script® File ID: 3659238951*

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[1] SUPERIOR COURT OF NEW JERSEY
 [2] LAW DIVISION
 [3] BURLINGTON
 [4]
 [5] THOMAS J. TENAGLIA, SR., guardian
 [6] of THOMAS J. TENAGLIA, JR., incompetent,
 [7] Plaintiff,
 [8] CIVIL ACTION NO.
 [9] vs. BUR L 3874-92
 [10]
 [11] CHRYSLER CORPORATION, c/o THE
 [12] CORPORATION TRUST COMPANY, JEEP
 [13] EAGLE CORPORATION, MUNICIPALITY OF
 [14] EVESHAM IN THE COUNTY OF BURLINGTON
 [15] COUNTY, FARMS DEVELOPMENT, et al.,
 [16] Defendants.
 [17]
 [18]
 [19] DEPONENT: FRANCOIS CASTAING
 [20] DATE: Thursday, March 14, 1996
 [21] TIME: 8:39 a.m.
 [22] LOCATION: 1400 North Woodward Avenue
 [23] Bloomfield Hills, Michigan
 [24] REPORTER: Mary C. Repetto, CSR-0975
 [25] VIDEO OPERATOR: Nancy Scott

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[1] APPEARANCES:
 [2]
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 [6] Suite 200
 [7] Scottsdale, Arizona 85258
 [8] (602) 443-9388
 [9] Appearing on behalf of Plaintiff.
 [10]
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 [14] Detroit, Michigan 48226-4415
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 [16] and
 [17] CHRYSLER CORPORATION
 [18] By: Ms. Louann Van Der Wiele
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 [21] (313) 956-1449
 [22] Appearing on behalf of Defendants
 [23] Chrysler Corporation, Jeep Eagle
 [24] Corporation.
 [25]

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[1] Bloomfield Hills, Michigan
 [2] Thursday, March 14, 1996
 [3]
 [4] **MS. SCOTT:** We are on the record.
 [5] The time now is 8:39 a.m.
 [6] This is the videotaped deposition
 [7] of Francois J. Castaing, being taken at the offices of
 [8] Miller, Canfield, Paddock and Stone, 1400 North
 [9] Woodward, Bloomfield Hills, Michigan. Today is
 [10] Thursday, March 14, 1996.
 [11] My name is Nancy Scott, video
 [12] operator and Notary Public in Macomb County, Michigan,
 [13] acting today in Oakland County, Michigan.
 [14] The attorneys will now introduce
 [15] themselves, and the reporter will then swear in the
 [16] witness.
 [17] **MR. COBEN:** My name is Larry
 [18] Coben. I represent the Tenaglia family.
 [19] **MR. OTT:** My name is Steve Ott. I
 [20] represent Chrysler Corporation.
 [21] And with me here today is Louann
 [22] Van Der Wiele, Senior Staff Counsel of Chrysler
 [23] Corporation.
 [24] **FRANCOIS CASTAING**
 [25] was thereupon called as a witness herein, and after

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[1] having first duly sworn to tell the truth, the whole
[2] truth and nothing but the truth, was examined and
[3] testified as follows:
[4] **EXAMINATION**
[5] **BY MR. COBEN:**
[6] **Q:** Good morning.
[7] **A:** Good morning.
[8] **Q:** Could you please try to keep your voice up
[9] so that both the court reporter and the video can pick
[10] it up? Thank you.
[11] Could you state for the record your full
[12] name, please?
[13] **A:** Francois J. Castaing.
[14] **Q:** Mr. Castaing, my name is Larry Coben. We
[15] met just a moment ago.
[16] I am here today pursuant to an order of the
[17] New Jersey Supreme Court, allowing me to take your
[18] deposition. Are you aware of that, sir?
[19] **A:** Yes.
[20] **Q:** Mr. Castaing, I'm going to ask you some
[21] questions this morning. Have you ever given a
[22] deposition before?
[23] **A:** Yes.
[24] **Q:** Let me just review with you, very briefly,
[25] the rules that we're going to follow, to make sure

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[1] have been in charge of Vehicle Engineering for
[2] Chrysler since 1988.
[3] **Q:** Could you explain to the members of the jury
[4] what your responsibilities are as Executive Vice
[5] President of Vehicle Engineering and, of course, those
[6] same responsibilities starting in 1988 through today?
[7] **A:** My job is to manage a group of about seven
[8] thousand engineers, Chrysler engineers, and a number
[9] of outside suppliers' engineers, working alongside
[10] Chrysler, to engineer, test, and bring to production
[11] cars and trucks.
[12] **Q:** Do you recall what your title was in 1988?
[13] **A:** I was Vice President of Vehicle Engineering.
[14] **Q:** Now, in terms of those responsibilities that
[15] you have described, does that - who is it that -
[16] within the corporate hierarchy, that makes the
[17] decisions concerning the design of new products? Are
[18] there individuals within the hierarchy that have
[19] responsibility for that?
[20] **A:** Frankly, customers make most of the
[21] decisions. We pride ourselves, in our corporation, to
[22] listen to customers or prospect customers. And when
[23] we go about designing a new car, a new Jeep, or a new
[24] truck, there are many ways we can go about doing that.
[25] But we - finally the customer is the one who decides

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[1] that you understand them.
[2] I'm going to ask you a series of questions.
[3] If you do not understand any of my questions, please
[4] do not guess what I am asking you. Rather I would
[5] appreciate it if you would tell me you do not
[6] understand. And I will do my best to rephrase the
[7] question. Is that acceptable?
[8] **A:** Yes.
[9] **Q:** Thank you.
[10] Mr. Castaing, how old are you, sir?
[11] **A:** I'm fifty.
[12] **Q:** And where do you reside?
[13] **A:** Here in Bloomfield Hills.
[14] **Q:** And where were you born, sir?
[15] **A:** I was born in Europe, in France.
[16] **Q:** And who is your current employer?
[17] **A:** Chrysler Corporation.
[18] **Q:** And what is your current position with
[19] Chrysler Corporation?
[20] **A:** I am Executive Vice President for Vehicle
[21] Engineering.
[22] **Q:** How long have you held the position of
[23] Executive Vice President for Vehicle Engineering for
[24] Chrysler Corporation?
[25] **A:** The exact title only a few weeks. But I

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[1] which way we go, if we - whether, you know - if we
[2] look at the design, the styling of the car, the type
[3] of powertrain or the type of feature that is contained
[4] in these new products.
[5] **Q:** As the Executive Vice President for Vehicle
[6] Engineering, would that, in effect, indicate that you
[7] are, so to speak, the top engineer within the company?
[8] **A:** Yes, I am.
[9] **Q:** Can you give us a sense: Are you
[10] responsible - do you have overall supervisory
[11] responsibility for the design and manufacturing
[12] processes within the company?
[13] **A:** In a sense I am. Like I said, I am managing
[14] a great number of people, who are organized,
[15] themselves, in subteams. Each of these teams is in
[16] charge of one product program a new car, a new truck
[17] program.
[18] And I am making sure that these people know
[19] what it is that they are supposed to do. I am making
[20] sure they have the means of doing a good job at
[21] executing what they are supposed to do.
[22] I also make sure that they have - they keep
[23] their minds open to the voice of the customer.
[24] Because at the end, like I said, customers decide what
[25] we do for them.

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[1] Q: Who is it that, in effect, you answer to
[2] within the corporate hierarchy?
[3] A: I work for the President of the company.
[4] Q: His name?
[5] A: Is Robert Lutz.
[6] Q: Now, I would like to get a sense of how many
[7] vice presidents there are currently associated with
[8] the engineering aspects of the company.
[9] A: I am the main one.
[10] We have - I have another officer working
[11] for me, in charge of new technology. His name is
[12] Bernard Robertson.
[13] I work alongside a designer, a styling
[14] leader, another officer, called Tom Gale.
[15] And I work alongside a manufacturing
[16] processing executive, another officer called Frank
[17] Ewasyshyn.
[18] Q: How do you spell his last name?
[19] A: Ewasyshyn. It is a complex name.
[20] Q: That is okay. If you don't recall, that is
[21] fine.
[22] A: We will get you that.
[23] Q: That is fine.
[24] A: E-w -
[25] Q: In terms of - Let's - let me address, for

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[1] And each engineer in the company, designing
[2] a part that relate to a given standard, is responsible
[3] for making sure that his part is complying with the
[4] standard and tested by the procedure of the standard.
[5] And forms, that we keep in file for NHTSA to
[6] audit, are also filled out with the engineers in
[7] charge of the parts.
[8] Q: What does the term crash worthiness mean in
[9] terms of the design of a product?
[10] A: I don't know. Tell me.
[11] Q: You don't know the phrase?
[12] A: No.
[13] MR. OTT: I'll object. It is a
[14] legal term, I believe, not necessarily an engineering
[15] term.
[16] Q: Well, let me make sure I'm clear on this.
[17] As the chief engineer of the company, are you at all
[18] familiar with the use of the phrase crash worthiness
[19] by the engineers of the company?
[20] A: Crash worthiness is so vague that you have
[21] to tell me what you intend by that.
[22] Again, if you - As an engineer we have,
[23] let's say, a series of regulations called 208s. This
[24] is the number of the regulation produced by NHTSA.
[25] And they cover front crash.

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[1] a moment, issues of vehicle safety.
[2] Is there a particular group within
[3] engineering that has overall responsibility for
[4] looking at the issue of vehicle safety in a crash?
[5] A: I don't understand the question. So maybe -
[6] Q: What I'm trying to understand is - I
[7] realize that the issue of vehicle safety and looking
[8] at the issue of crash worthiness may be a
[9] multidisciplinary study. Would you agree with that?
[10] A: Yes, it is.
[11] Q: What I'm trying to understand, though, is:
[12] Within the corporation is there any one group that has
[13] supervisory responsibility for giving final approval
[14] on the crash worthiness of Chrysler products?
[15] A: Again, I'm not sure I understand the
[16] question.
[17] When we design new cars, a great deal of
[18] respect of federal regulations as far as their crash
[19] worthiness.
[20] NHTSA, the National Highway Administration,
[21] over the years has produced a great number of
[22] regulation that we follow very diligently. They cover
[23] a wide variety of parts in a car and aspects of the
[24] car. Some are crash. Some are fuel system, and other
[25] things like that.

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[1] And we test our cars against the wall, with
[2] dummies in the car with instrument and camera, to make
[3] sure that people, if they were subject to a crash that
[4] is represented by this testing procedure, would be
[5] safe.
[6] And we have all kind of criteria that the
[7] industry and NHTSA have agreed are necessary to meet,
[8] to design a safe car. And we comply with that very
[9] carefully.
[10] Q: So, as the example that you gave just a
[11] moment ago, would you say that the vehicles are being
[12] designed to provide crash safety under that crash
[13] circumstance?
[14] A: Crash safety, again, is a vague term.
[15] I would submit to you that we cannot design
[16] a car - no one in the world can design a car that
[17] meets all, I will say, abuse that a car can be
[18] submitted to during a high speed crash, or something
[19] we cannot simulate.
[20] So we design cars against a series of
[21] standards which are viewed as - by the way, by the
[22] world community, as being the most advanced, in this
[23] country. The United States Federal Government has
[24] worked since the 1970s to produce a set of regulations
[25] on safety which are the most demanding of any other

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[1] countries in the world. And we comply with these
[2] regulations.

[3] Q: Mr. Castaing, is it your testimony today
[4] that as the chief engineer of Chrysler, that, for
[5] instance, Federal Motor Vehicle Safety Standard 208,
[6] which involves a full frontal crash impact, is the
[7] most advanced crash safety test in the world, to
[8] measure the crash safety of a vehicle?

[9] MR. OTT: Objection -

[10] A: I don't understand the question.

[11] MR. OTT: - to the form of the
[12] question.

[13] Q: Well, I simply rephrased, I thought, your
[14] testimony.

[15] A: Right.

[16] Q: I want to make sure I understand that you're
[17] representing to us today that Federal Motor Vehicle
[18] Safety Standard 208, in your opinion, represents the
[19] most advanced standard in the world for measuring the
[20] safety of a product in that - in a 30 mile an hour
[21] crash.

[22] A: Well, I would not say 208 per se.
[23] But I said earlier that NHTSA has published,
[24] and enforcing, a series of regulations. 208 is one of
[25] them. And when we take in account all the regulations

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[1] Q: Let me finish - any crash testing beyond
[2] those that are published by the United States
[3] government, in order to sell cars in Europe?

[4] A: No. I didn't say that.

[5] Q: Okay. Do you agree with me that Chrysler
[6] has an obligation to design its vehicles to provide a
[7] level of crash safety?

[8] A: I don't understand the question. Again,
[9] define what level of crash safety. And then I will
[10] maybe be able to respond to you.

[11] We try to exercise what I call due care, use
[12] our engineering judgment, for simple reasoning that I
[13] drive Chrysler cars. My wife drive a Chrysler car.
[14] My daughters, who are young and teenager, drive
[15] Chrysler cars. So I exercise due care like all the
[16] people of Chrysler Corporation, which I am sure you
[17] will appreciate.

[18] Q: Sure. Is it foreseeable that Chrysler cars
[19] and Jeeps will be involved in accidents?

[20] A: They are.

[21] Q: Could you tell me: Over the last eight
[22] years, how many members of your family or you have
[23] owned a Jeep Wrangler?

[24] A: As a matter we did. I don't remember the
[25] year, but for six months, sometime in '89, '90, I

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[1] we have to comply with for safety - 208 being one,
[2] but side impact is another one, some other exercise of
[3] NHTSA, nonregulation but they are active test at
[4] higher speed, like the N-CAP program where we test
[5] cars at higher speed than 208 - when you put all of
[6] that together, I would say that in this country
[7] customers, our clients, are enjoying a set of safety
[8] regulations that we respect, which are the most
[9] demanding and, therefore, the best for them compared
[10] to any other countries in the world. That's what I
[11] want to say.

[12] Q: Are you aware of the EEC regulations for
[13] crash safety?

[14] A: Yes. We sell cars in Europe. So I believe
[15] I know them.

[16] Q: And do your cars in Europe comply with the
[17] EEC regulations?

[18] A: They do. In many cases the US regulations
[19] are superior, more demanding, than the regulations in
[20] Europe. So if we pass this crash demands in the US,
[21] it is quite easy to certify cars in Europe.

[22] Q: So it's your testimony today that the cars
[23] in Chrysler - that Chrysler sells in Europe are not
[24] required to be tested to any crash -

[25] A: No. We -

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[1] owned a Jeep Wrangler. I didn't own it. I lease a
[2] car from the company. And I drive it every day, or my
[3] family drive it every day.

[4] Q: So you owned it - or you leased it for six
[5] months?

[6] A: Yes. We change them every six months, and
[7] report what goes wrong, what goes fine with them.

[8] Q: Did you drive that Jeep Wrangler?

[9] A: Yes.

[10] Q: Did you drive it off road?

[11] A: I do.

[12] Q: Did you?

[13] A: Yes.

[14] Q: On how many occasions?

[15] A: Many occasions. Because part of my job is
[16] to try to understand what people do with their cars or
[17] their Jeep. And we drive Jeeps on the road, and we
[18] drive them for extended period of time. Or we drive
[19] them off road to - in the most extreme condition,
[20] like some Jeep people do. And we try to understand if
[21] our cars will perform like customer expect them to
[22] perform.

[23] Q: When you say we, Mr. Castaing, I was asking
[24] about you personally.

[25] A: Myself and the engineers working for me.

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[1] Q: Right. But I'm just asking about you. Did
[2] you drive this Jeep Wrangler off road?
[3] A: I did.
[4] Q: Did you take - Did you have a soft top or a
[5] plastic hard top Wrangler?
[6] A: I don't have one right now. But as a matter
[7] of fact I was three weeks ago in Arizona, where we
[8] have a proving ground. And I drove soft top Wrangler
[9] and hard top Wrangler at the proving ground three
[10] weeks ago, personally.
[11] Q: Now, my question to you, sir, is: Since the
[12] Jeep Wrangler has been in production, have you ever
[13] had occasion to remove a hard top, a plastic hard top?
[14] A: Yes.
[15] Q: Personally?
[16] A: Yes.
[17] Q: By yourself?
[18] A: Well, you have to be two to be able to do
[19] that, because it is pretty heavy.
[20] Q: Why don't you tell me about that? How did
[21] you remove it?
[22] A: You open the owner manual and understand the
[23] procedure. And you have to use certain tools to
[24] remove the bolts and nuts attaching the top to the
[25] open body. And then once you have done that, you

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[1] (indicating) remove the top from the car.
[2] Q: And you personally did that with the
[3] assistance of one other person?
[4] A: Right.
[5] Q: And could you tell me when - approximately
[6] what year you might have done that?
[7] A: Probably done that as early as the 1980s.
[8] Because the Wrangler came - replaced another Jeep
[9] before the Wrangler was designed, I guess, in 1984 -
[10] '83, '84, '85, and replace a car called the CJ7 in the
[11] Jeep line. And the CJ7 had a similar top, and
[12] exercised that as early as, probably, the year 1981,
[13] 1982.
[14] Q: Could you give me - I know it is, maybe, a
[15] while back when you last removed a Jeep Wrangler
[16] plastic roof. But could you give me your best
[17] estimate of its weight?
[18] A: I don't remember that.
[19] Q: Well, do you think it weighed more than a
[20] hundred pounds?
[21] A: Probably.
[22] Q: Do you think it was somewhere between a
[23] hundred and two hundred pounds?
[24] A: I don't know.
[25] Q: Now, when did you first become an employee

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[1] of an American car company?
[2] A: I did that in two steps.
[3] I came to this country in 1980, and worked
[4] for two years on Renault cars that American Motors, at
[5] the time my employers, was - I was not yet - Sorry.
[6] I was not yet an employee of American Motors. I was
[7] still a Renault employee, working within American
[8] Motors to bring to the market more fuel efficient cars
[9] made in Europe.
[10] And then in - starting in 1982 I took a
[11] more active role in managing some part of the
[12] engineering organization of AMC.
[13] And finally in 1984 I became the chief
[14] engineer of American Motors, and continued to take
[15] active responsibility in managing design of Jeeps and
[16] other products for AMC, and later on for Chrysler.
[17] Q: So that initially your work in the States
[18] involved a partnership, if you will, between American
[19] Motors and Renault, concerning the American Motors
[20] marketing of those vehicles here in the States?
[21] MR. OTT: Object to the question,
[22] just to the term partnership, to the extent it might
[23] imply a legal conclusion which this witness might not
[24] be qualified to answer.
[25] MR. COBEN: That is fine.

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[1] Q: Let's just get off the semantics. Is it
[2] true that the reason that you came over here was to
[3] coordinate efforts between Renault and American Motors
[4] to sell Renault vehicles in this country?
[5] A: No.
[6] Q: Okay. Were you ever involved with the
[7] design of the Renault Alliance?
[8] A: I was.
[9] Q: And was the Renault Alliance a safe vehicle?
[10] A: Define the level of safety, and I will tell
[11] you what. I believe -
[12] Q: Was the Renault Alliance designed so that it
[13] would provide a reasonable due care for fuel system
[14] integrity in rear end crashes?
[15] MR. OTT: Well -
[16] Q: As you have used that phrase.
[17] MR. OTT: - let me also just
[18] object to this line of questions on the basis of
[19] relevance. This case doesn't involve fuel systems or
[20] the Renault Alliance.
[21] Q: Can you answer the question?
[22] A: Like I said earlier, every car program or
[23] truck program I have been involved in, since I joined
[24] an American company early in the 1980s, have been
[25] designed to comply with all the federal regulations,

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[1] which are viewed as adequate to protect our customers
[2] in most instances, including rear end crashes.

[3] By the way, the rear end crash and fuel
[4] integrity of cars and trucks are also defined by a
[5] federal standard that we follow very diligently.

[6] Q: But Renault had their own standards, did
[7] they not?

[8] A: No.

[9] Q: No?

[10] A: Manufacturers don't have any standards.
[11] Federal regulation provide that for everyone.

[12] Q: Is it your testimony now that in the current
[13] year, let's say, that the only crash safety standards
[14] that Chrysler follows in the development of its
[15] vehicles are those standards established by the United
[16] States government?

[17] A: No. They represent the core of - They are
[18] so complex and so extensive that they represent the
[19] bulk of what we design our cars against.

[20] And they are recognized, like I said, as
[21] being very good, done in the interest of customers,
[22] very thoroughly crafted over the last twenty years.
[23] So they represent that.

[24] Now, on top of that, like I said, we
[25] exercise due care when we feel we have to. We provide

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[1] Q: Does Chrysler conduct, as part of its due
[2] care today, for instance, simulated rollover tests of
[3] any of its vehicles?

[4] A: Again, if I may say, regarding car to car
[5] testing or rollover testing, it is pretty easy for you
[6] to find, within the archives of the National Highway
[7] Administration, that the standard for 208, for
[8] example, or in the case of rollover issue, the
[9] standard regarding roof crush, for example, were
[10] developed after extensive car to car testing or
[11] rollover testing conducted by laboratories in this
[12] country, under the fundings of NHTSA.

[13] And these tests were run by NHTSA to assure
[14] itself that the criteria for roof crush or the
[15] procedure of 208 was sufficiently representative of
[16] real world car to car crash or car into wall crashes
[17] or rollover.

[18] So the reason why we don't expose ourselves
[19] to more testing is not because of the lack of care on
[20] our part. It is because extensive tests have already
[21] been conducted by an independent group of people
[22] called NHTSA. And to stop arguing whether these tests
[23] are appropriate or self-serving by the manufacturers,
[24] we trust NHTSA for the range of - for the customer in
[25] this country.

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[1] good handling cars, even though this is not
[2] specifically described in any standard. But it makes
[3] a lot of sense to me to provide good steering, good
[4] handling characteristic to everything we do.

[5] Q: You had focused, though, a few minutes ago,
[6] as an example, on this 208 standard of the front
[7] barrier crash test -

[8] A: (Nods head.)

[9] Q: - as one of the ones that your company
[10] complies with.

[11] Does Chrysler conduct, as part of its due
[12] care, any car to car crash testing?

[13] A: I'm not sure I see the relevance to why we
[14] are here today.

[15] Q: That is okay. Can you answer the question?

[16] A: Well, define what you call car to car. And
[17] then I will tell you whether we do or not.

[18] Q: Sure. Whether or not on a safety track, on
[19] a test track, you would place two vehicles and cause
[20] them to be propelled into each other at different
[21] angles.

[22] A: No, we don't.

[23] Q: Is it foreseeable on the roads in the United
[24] States that two vehicles will come together and crash?

[25] A: Yes.

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[1] And they have done a great deal of study.

[2] So I am satisfied that in the case of
[3] rollover we are complying with a very specific roof
[4] crush test that has been very well defined by NHTSA
[5] and represent real world rollover cases.

[6] Q: Can you answer my question? Does Chrysler
[7] conduct rollover testing of its vehicles?

[8] A: No. Like I said, we comply with the
[9] regulation of NHTSA, which cover these aspects.

[10] Q: When you say that you trust NHTSA, does
[11] Chrysler Corporation trust NHTSA with regard to making
[12] determinations that in certain aspects vehicles are
[13] defective and should be recalled?

[14] A: When and if something is found to be
[15] deficient or defective because of a manufacturing
[16] defect of some type, which happen in our business, we
[17] agree with NHTSA that we made a mistake. And we
[18] recall them.

[19] Which is another role of NHTSA. NHTSA has a
[20] role to define standard for us to design against. And
[21] NHTSA also a role to make sure that we comply, in an
[22] ongoing basis, with its standards.

[23] Q: Are you, in your position, privy to the
[24] published literature in the engineering community
[25] regarding what other manufacturers do in car testing?

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[1] A: Our industry cover millions of engineers in
[2] the world.
[3] Q: Right.
[4] A: You know, we and our supplier community.
[5] And certainly we have access to a great deal of
[6] publication, like through SAE or through traditional
[7] engineering conferences. And I'm sure we have all
[8] kind of community - testing comparison between the
[9] world.

[10] That is why I was saying early that it is
[11] pretty obvious to the world engineering community that
[12] the safety standard that we enjoy in this country are
[13] the most demanding in the world.

[14] Q: Well, then, could you explain to me, if you
[15] know - Well, let's start with this: Do you know that
[16] other car companies around the world conduct rollover
[17] testing?

[18] A: No.

[19] Q: Do you know that other car companies around
[20] the world conduct car to car testing, as part of their
[21] routine practice?

[22] A: I know that. They do that in Japan and in
[23] Europe.

[24] Q: And -

[25] A: You want me to tell you why they can do that

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[1] And the stupidity of the system, you and I
[2] are into, is because of that there's a number of tests
[3] and a number of research which is not done in the US,
[4] that is done in Japan and done in Europe.

[5] And that's a fact. And there is a number of
[6] testimony on this regard, including a recent report by
[7] the National Academy of Science, that had been done
[8] for the Congress, which describe, almost damage, some
[9] abuse of product liability had done to the scientific
[10] research field in this country.

[11] Q: So what you're - if I understand what
[12] you're saying correctly, Chrysler Corporation has not
[13] conducted the type of vehicle crash testing that has
[14] been conducted by manufacturers in Europe and Japan
[15] because of its concern that the documentation of that
[16] testing would come back to somehow be used against
[17] them in products liability litigation?

[18] A: I just said what I said. I think I was
[19] pretty clear what I said.

[20] Q: Did I misstate that in restating it to you?

[21] A: I just said I said what I said. I'm not
[22] going to repeat what I said.

[23] Q: Really?

[24] A: Right.

[25] Q: Do you know if the European car companies

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[1] in Europe and we cannot do that in this country?

[2] Q: Well, let me ask -

[3] A: Can I have chance to say that?

[4] Q: Well, sure. Go ahead. Tell me why you
[5] cannot do it.

[6] A: We cannot do that because of product
[7] liability system in this country, of which you are a
[8] part, I guess.

[9] Q: And so are you, sir.

[10] A: I'm just suggesting that the reason why this
[11] country and this country customers sometimes are
[12] deprived of more advanced research is because advanced
[13] research, in any corporation, whether you do that on
[14] the paper or through a test, imply accumulation of
[15] documents. You run a test, and you document it.

[16] And one day, even though you were working in
[17] the best interest of the good of customers at large,
[18] in this case the American customers, a lawsuit is
[19] brought about against your company.

[20] And during the process of this lawsuit
[21] proceeding, documents are requested by the judge, at
[22] the request of the plaintiff lawyers. And suddenly
[23] all this good faith efforts to promote improvements
[24] and test for improvements in our products are used in
[25] court against us, to prove that we are careless.

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[1] are subject to lawsuits in this country?

[2] A: (No response)

[3] Q: Just answer the question. Are they?

[4] A: No, they are not. There is a different
[5] product liability system in Europe and Japan.

[6] But at the end, all that is not really a big
[7] deal of importance for the customer in the case of
[8] cars produced today or yesterday in this country,
[9] since regardless of differences of testing or not
[10] testing, product liability practices or lack of
[11] product liability practices, customers in this country
[12] are protected by standards which are much more
[13] demanding than in Europe and in Japan. So all of that
[14] is kind of academic, in a way.

[15] Q: So you're not saying that the reason that
[16] Chrysler doesn't do this advanced testing is because
[17] of products liability?

[18] A: I said what I said.

[19] Q: Yes, you did.

[20] A: You can see the tape again.

[21] Q: Okay. We will do that.

[22] A: Right.

[23] Q: Now, when did Chrysler - Did Chrysler ever
[24] do any dolly rollover testing in accordance with 208?

[25] A: I don't -

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