

KLING, ET AL v. MORGAN-ALCALA, ET AL
FRANCOIS CASTAING

June 14, 2011

Prepared for you by



Bingham Farms/Southfield • Grand Rapids
Ann Arbor • Detroit • Flint • Jackson • Lansing • Mt. Clemens

1 SUPERIOR COURT OF NEW JERSEY
2 LAW DIVISION, MORRIS COUNTY
3
4 THOMAS KLINE, AS ADMINISTRATOR AD
5 PROSEQUENDUM OF THE HEIRS AT LAW
6 OF SUSAN MORRIS KLINE, (DECEASED),
7 AS ADMINISTRATOR OF THE ESTATE
8 OF SUSAN MORRIS KLINE, and THOMAS
9 KLINE, INDIVIDUALLY,
10 Plaintiffs,
11 vs. Docket No. MRS-L-3575-08
12
13 VICTORIA MORGAN-ALCALA, CARLOS
14 ALCALA, NATALIE RAWLS,
15 DAIMLERCHRYSLER CORPORATION, A/K/A
16 CHRYSLER CORPORATION, LOMAN AUTO
17 GROUP, CHRYSLER GROUP LLC (For
18 Discovery Purposes), JOHN DOES A
19 THROUGH Z, (Names Being Fictitious),
20 ABC CORPORATIONS, 1 THROUGH 100,
21 (Names Being Fictitious),
22 Defendants.
23 _____
24
25

1 The Videotaped Deposition of FRANCOIS CASTAING,
2 Taken at 30800 Telegraph Road, Suite 2925,
3 Bingham Farms, Michigan,
4 Commencing at 8:34 a.m.,
5 Tuesday, June 14, 2011,
6 Before Lezlie A. Setchell, CSR-2404, RPR, CRR.

7

8 APPEARANCES:

9

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16 Appearing on behalf of the Plaintiffs.

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6 Appearing on behalf of the witness.

7

8 ALSO PRESENT:

9 Paul V. Sheridan

10 Antonio C. Irizarry

11 Rachel Bierle - Video Technician

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1 Bingham Farms, Michigan

2 Tuesday, June 14, 2011

3 8:34 a.m.

4 VIDEO TECHNICIAN: We are now on the
5 record. This is the videotaped deposition of Francois
6 Castaing being taken on Tuesday, June 14th, 2011. The
7 time is now 8:34 and 7 seconds a.m. We are located at
8 30800 Telegraph Road, Suite 2925, Bingham Farms,
9 Michigan. We are here in the matter of Thomas Kline,
10 et al, versus Victoria Morgan-Alcala, et al. This
11 matter is being held in the Superior Court of New
12 Jersey Law Division. My name is Rachel Bierle, video
13 technician. Will the court reporter swear in the
14 witness and the attorneys briefly identify themselves
15 for the record, please.

16 FRANCOIS CASTAING,
17 was thereupon called as a witness herein, and after
18 having first been duly sworn to testify to the truth,
19 the whole truth and nothing but the truth, was
20 examined and testified as follows:

21

22 MS. JEFFREY: I'm Sheila Jeffrey and I
23 represent Francois Castaing.

24 MR. MORGAN: My name is Courtney Morgan and
25 I'm appearing this morning on behalf of the

1 Plaintiffs.

2 MS. DeFILIPPO: Angel DeFilippo from
3 Grieco, Oates & DeFilippo for the Plaintiffs.

4 MR. SACCO: Russell Sacco, S-A-C-C-O,
5 personal counsel to the Plaintiffs.

6 MR. FUSCO: Christopher Fusco, Callahan &
7 Fusco, for the Defendant Loman Auto Group.

8 MS. DeFILIPPO: And what about Mr. Gill on
9 the phone?

10 MR. SACCO: Jim, you want to identify
11 yourself for the record, please?

12 MR. MORGAN: Counsel on the phone?

13 MR. GILL: I was going in and out here.
14 James Gill, Leary, Bride, Tinker & Moran, on behalf of
15 Defendants Alcalá.

16 MR. MORGAN: It's my understanding that
17 this deposition is being taken pursuant to the rules
18 governing civil practice in the State of New Jersey
19 which includes Rule 414-3 Sub 3 regarding objections
20 which states: No objection shall be made during the
21 taking of a deposition except those addressed to the
22 form of a question or to assert a privilege, a right
23 to confidentiality or a limitation pursuant to a
24 previously-entered court order. The right to object
25 on other grounds is preserved and may be asserted at

1 the time the deposition testimony is proffered at
2 trial. An objection to the form of a question shall
3 include a statement by the objector as to why the form
4 is objectionable so as to allow the interrogator to
5 amend the question. No objection shall be expressed
6 in language that suggests an answer to the deponent.
7 Subject to Rule 414-4, an attorney shall not instruct
8 a witness not to answer a question unless the basis of
9 the objection is privilege, a right to confidentiality
10 or a limitation pursuant to a previously-entered court
11 order.

12 MR. FUSCO: Before we start, I have a
13 question for Mr. -- procedural question for
14 Mr. Morgan, and I might be missing something because
15 I've come late to the game on this case. Have you
16 been admitted pro hac vice to practice in the State of
17 New Jersey?

18 MR. MORGAN: No, I have not, but we're in
19 the State of Michigan now.

20 MR. FUSCO: I understand that but this is a
21 New Jersey case. Have you been admitted pro hac vice
22 to practice law in the State of New Jersey?

23 MR. MORGAN: I indicated to you I was not
24 but I am admitted to practice in Michigan where the
25 deposition is being taken.

1 MR. FUSCO: My question is as simple as
2 that. Are you admitted pro hac vice to practice law
3 in the State of New Jersey?

4 MR. MORGAN: I've answered the question
5 twice. How many times do you want me to answer you?

6 MR. FUSCO: Is it no?

7 MR. MORGAN: I told you I have not been
8 admitted pro hac vice in New Jersey.

9 MR. FUSCO: Okay. I'm not going to stop
10 you, but I object to you taking this deposition
11 because you're not admitted to practice law in the
12 State of New Jersey and this is a New Jersey case.

13 MS. DeFILIPPO: Okay. I'd like to make a
14 statement --

15 MR. MORGAN: Are you admitted to practice
16 pro hac vice in the State of Michigan, counsel?

17 MR. FUSCO: Well, I'm admitted to practice
18 law in the State of New Jersey.

19 MR. MORGAN: Are you admitted to practice
20 law pro hac vice in the State of Michigan?

21 MR. FUSCO: No, but this is a New Jersey
22 case.

23 MR. MORGAN: Well, then I guess parties can
24 object either way on this point. I thought the matter
25 had been brought up by Ms. DeFilippo some time ago.

1 MS. DeFILIPPO: I did and I sent a letter
2 to everyone involved in this case advising them that
3 there would be local counsel who would be asking
4 questions, and if anyone had a problem, to please let
5 me know before the taking of this dep. No one advised
6 me that there was any problem. Nobody called me about
7 that issue. Nobody responded to that letter, and the
8 letter was very clear, and we can talk about the
9 letter with the judge. I don't have it with me today.
10 However, everyone is aware of it, and we had
11 pre-advised everyone at this deposition and received
12 no objections.

13 MS. JEFFREY: And just for the record, I
14 did not receive that letter.

15 MR. MORGAN: I'd like to ask you if you're
16 admitted, counsel, to the --

17 MS. JEFFREY: Yes, I am.

18 MR. MORGAN: -- pro hac vice in New Jersey?

19 MS. JEFFREY: Yes, I am.

20 MR. MORGAN: Okay. We can agree the
21 deposition is taking place in the State of Michigan?

22 MR. FUSCO: Oh, yes, absolutely, and you
23 can begin.

24 MR. MORGAN: Thank you.

25

EXAMINATION

1 BY MR. MORGAN:

2 Q. All right. Sir, would you state your full name for
3 the record, please?

4 A. My name is Francois Castaing.

5 Q. Mr. Castaing, I assume you've given depositions
6 before, have you not?

7 A. Yes.

8 Q. Okay. I want to -- in addition to the New Jersey
9 Court Rule which I read a few moments ago, I'd like to
10 also go over a few ground rules or dos and don'ts that
11 will help us to conduct your examination here today.

12 Firstly, I'm going to ask you to listen to
13 the question that you're asked and answer the question
14 that you're asked. Will you be able to do that?

15 A. I will do my best.

16 Q. Can you think of any reason why you couldn't answer
17 the question posed to you?

18 A. It would depend on the questions.

19 Q. If you don't know something or don't recall, please
20 tell me that. Don't speculate or guess, okay?

21 A. I will not speculate.

22 Q. All right. I would also like you to remember to
23 verbalize your responses yes or no as is appropriate.
24 Sometimes people go uh-huh, hu-huh, uh-uh, things like
25 that which may work fine in normal conversation but

1 will not translate well to a written record, and so on
2 occasion you may do that, and I may say, Is that a
3 yes, Is that a no? I'm not being disrespectful to you
4 or impertinent. I'm just trying to protect the
5 record, okay?

6 A. Was that a question?

7 Q. Do you understand?

8 A. Yes, very well.

9 Q. Thank you. Also, try and remember to allow the
10 questioner to complete the question before you start
11 answering. Again, this is for purposes of clarity of
12 the record. We may step on each other on occasion.
13 I'll try not to do it as well, and again, that's to
14 protect the clarity of the record. Let the questioner
15 complete the question. The question may be different
16 than what you anticipate it to be, and so that's
17 important as well. If you don't understand a
18 question, Mr. Castaing, please advise the questioner
19 that you don't understand.

20 A. I will.

21 Q. Okay. If, however, you answer a question, I'm going
22 to assume you understood it; is that fair?

23 A. That's fair.

24 Q. Can you tell me what your current address is, please?

25 A. It's -- I'm living in Michigan at 6394 Muirfield Court

1 in Bloomfield Hills, Michigan.

2 Q. And can you tell me what your educational background
3 is, please?

4 A. My occupation background?

5 Q. Your educational background.

6 A. Oh, education.

7 Q. I'm sorry.

8 A. I'm an engineer by training. I graduated from one of
9 the top five engineering college in France. The name
10 of the college is called Ecole Nationale Superieure
11 Des Arts Et Metiers, I can give you the spelling
12 later, or the initial is ENSAM, easy to find on the
13 internet. This is a prestigious engineering college
14 in France, was created by, in the early 1800s by
15 Napoleon I who wanted to equip France with top-notch
16 engineers to design and build bridges and railroads
17 and steam engine and so on.

18 In the early part of the 1900s, the school
19 stopped being a military school, which it was at the
20 beginning, and went on to produce an array of great
21 engineers who built French railroads and bridges,
22 automobiles, airplanes.

23 In 1964, I was admitted through a
24 competition to enter the school. It's a five-year
25 degree that taught me a broad range of engineering

1 sciences from drafting, manufacturing technique, math,
2 science, manufacturing all the way from electricity to
3 the beginning of computing and so on.

4 That's my background.

5 Q. All right. And -- excuse me -- are you employed
6 today?

7 A. I'm retired.

8 Q. Okay. How long have you been retired, sir?

9 A. I left Chrysler Corporation in, formally in 2000. In
10 fact, I retired from active duty at Chrysler
11 January 1st, 1998.

12 Q. Okay. And what does that mean then if you retired
13 from active duty in January of 1998 but you were
14 formally with Chrysler until 2000; what did you do
15 between '98 and 2000?

16 A. I left all operating responsibility that I used to
17 have at Chrysler at the end of '97. I left the
18 premises of Chrysler and was on call to advise our
19 Chairman and CEO, Bob Eaton, whenever he wanted me to
20 comment and help him talk about subjects. So I became
21 like a part-time consultant to the Chairman at
22 Chrysler.

23 Q. And were you continued on the payroll at Chrysler paid
24 as though you were coming into work every day for that
25 period until 2000 or not?

1 A. No. I was on a retainer with Chrysler. Well, I was
2 still on the payroll but a different role, let me put
3 it this way.

4 Q. So your pay rate changed then in January of '98?

5 A. Greatly.

6 Q. Okay. And did you during that two-year or so period
7 consult at all with Mr. Eaton?

8 A. No, and there is a simple explanation to that that by
9 --

10 Q. Mr. Castaing, remember at the beginning of the
11 deposition, I asked you to listen to the question and
12 answer the question you were asked; do you remember
13 that?

14 Do you remember that, sir?

15 A. I do.

16 Q. Okay. Please follow the instruction you agreed to
17 follow, if you would.

18 All right. Now prior to January 1 of 1998,
19 what was your job?

20 A. My last job before '98 was head of international
21 operation of Chrysler. I was President of Chrysler
22 International, which I was appointed to in November of
23 1996.

24 Q. What were your duties as President of Chrysler
25 International?

1 A. I was in charge of overseeing and directing business
2 of Chrysler outside of NAFTA, overseeing 47 countries
3 with operation of manufacturing sometimes and sales of
4 Chryslers around the world.

5 Q. And what was your job prior to November of 1996?

6 A. From November of 1988 to November of 1996, I was head
7 of Engineering, of Vehicle Engineering for Chrysler.
8 I was initially Vice President of Vehicle Engineering
9 and then later became Executive Vice President of
10 Vehicle Engineering.

11 Q. And in context at Chrysler, what did that mean to be
12 the Vice President or Executive Vice President of
13 Vehicle Engineering?

14 A. It meant that I was in charge of the 7/8,000 engineers
15 creating, developing, engineering cars for production,
16 all of them, trucks, automobiles, power trains,
17 everything.

18 Q. Would this include the Jeep line of vehicles?

19 A. Yes.

20 Q. Would this job have included being the Vice President
21 in charge of people working on fuel systems to make
22 sure that they didn't leak in the event of a crash,
23 things such as that nature?

24 A. I was in charge of everything.

25 Q. So the answer is yes?

- 1 A. Just what I just said.
- 2 Q. Prior to November of 1988, what was your job?
- 3 A. From July, 1987, through November of 1988 further to
4 the acquisition of AMC by Chrysler, I was the head of
5 Jeep and Truck Engineering for Chrysler.
- 6 Q. So the same job that you did as the Executive Vice
7 President for Vehicle Engineering only it was limited
8 to the Jeep and Truck family of vehicles --
- 9 A. Yes.
- 10 Q. -- at Chrysler; is that a true statement?
- 11 A. Yes.
- 12 Q. Thank you. And so you became a Chrysler employee in
13 July of 1987; is that right?
- 14 A. Yes.
- 15 Q. That's when AMC, really Jeep, right, was purchased by
16 Chrysler?
- 17 A. Yeah.
- 18 Q. Okay. Prior to July of '87, what did you do?
- 19 A. From 1984 through 1987, July, I was the Executive Vice
20 President for Engineering and Quality for AMC.
- 21 Q. When you were the head of Jeep/Truck Engineering --
22 excuse me -- at Chrysler, where was your office
23 located?
- 24 A. At Chrysler in what year?
- 25 Q. Well, I put it this way, when you were the head of

1 Jeep/Truck Engineering, so I guess that's from July of
2 '87 to November of '88, where was your office?

3 A. We were located at what the time was called Amtech
4 which is the former technical office building where
5 AMC was operating on Plymouth Road in Detroit.

6 Q. Did the location of your office actually change with
7 the advent of AMC being acquired by Chrysler?

8 A. Initially not but by the time I moved to become the
9 head of Engineering for all of Chrysler vehicle, I
10 moved to Highland Park.

11 Q. We'll get to that in a minute. So am I correct that
12 -- I think you said between '84 and '87, you were the
13 head of Engineering and Quality for AMC. That would
14 have been at Amtech on Plymouth Road?

15 A. Yes.

16 Q. Okay. And then is it November of '88 that you moved
17 somewhere else?

18 A. In November of 1988 when I was promoted to become the
19 head of Engineering for all Chrysler vehicle, my
20 office was moved to Highland Park where Chrysler was
21 based, Highland Park in Detroit.

22 MARKED FOR IDENTIFICATION:

23 DEPOSITION EXHIBIT 1

24 8:51 a.m.

25 BY MR. MORGAN:

1 Q. Mr. Castaing, I'm going to show you a document which
2 I've marked as Castaing Exhibit Number 1, and it
3 appears to be an inter-company correspondence attached
4 to a number of organizational charts. I'm going to
5 ask you if you can identify that.

6 Can you identify it, sir?

7 A. Yes.

8 Q. What is it?

9 A. This is notes describing the organization charts of
10 Jeep and Truck Engineering.

11 Q. At what time?

12 A. In December of 1987.

13 Q. And is the first page, does that contain your
14 signature?

15 A. Yes.

16 Q. And did you, in fact, then distribute those --

17 A. Most probably.

18 Q. -- organizational charts?

19 A. Most probably.

20 Q. Okay. What is an organizational chart?

21 A. Sorry?

22 Q. What is an organizational chart?

23 A. It's a chart that describe what the role and
24 responsibility of the people are and organization
25 substructure underneath them.

1 Q. If you need to look at the organizational chart,
2 please do so. Can you identify for me where the
3 responsibility for development of the fuel systems
4 would have lie within the Jeep/Truck Engineering group
5 that you were the head of?

6 A. It may have changed over the years, but I remember
7 that Paul V. was under drive chain. Chassis
8 engineering was Owen Viergutz.

9 Q. Now as I understand it, you looked at the second page
10 of the document that shows that Mr. Viergutz, if I
11 pronounced that correctly, hopefully I did, reported
12 directly to you on this organizational chart. Is that
13 a true statement?

14 A. Yes.

15 Q. And, in fact, Mr. Viergutz did report directly to you
16 then; is that right?

17 A. Yes.

18 Q. Now do you know who within Mr. Viergutz's group would
19 have been chiefly responsible for the fuel system
20 engineering of Jeep/Truck vehicles?

21 A. I don't remember and it's not clear from this chart
22 where it was.

23 Q. Do you remember a gentleman by the name of Buser, Don
24 Buser listed on here as DF Buser, B-U-S-E-R?

25 A. I remember the name but I don't remember what he was

1 doing.

2 Q. Okay.

3 A. This goes back to 1987.

4 Q. Sure. How often would you have met in this '87 era
5 and going forward with your various direct reports
6 regarding the issues that were confronting them at the
7 time?

8 A. Can you explain to me what you mean by issue?

9 Q. Well, obviously Mr. Viergutz was in charge, as you
10 said, of drive train and chassis engineering, a
11 subpart of that was fuel systems as an example. How
12 often were you meeting with Mr. Viergutz regarding the
13 items that were dedicated to his area to take care of?

14 A. Well, an organization like that is set up to create,
15 develop vehicle. We will have regular review on the
16 various project that were done by the group. Some
17 review were done at some particular part of the
18 program when it was felt that it was important for me
19 to understand what exactly was going on, and I can
20 come back to that if you want me to elaborate, and but
21 each of these leader, more one than the other people
22 reporting to me were running their responsibility
23 within the context of the program that was being
24 handled by my organization at the time, and we were
25 designing more than one car at a time, so there was

1 several project being done side by side.

2 From an operation standpoint on the other
3 hand and not related to specific issues with programs,
4 we had a staff meeting every Monday morning first
5 thing from 8 to 9 where people could vent or question
6 and share with the rest of the group what they were
7 doing that week, whether it was important or not.

8 Q. Okay. Were there actual meetings where engineering
9 programs were reviewed with you by Mr. Viergutz or
10 others at his level?

11 A. We had -- I don't remember the exact name because it
12 goes back a long time, but the principle was to have
13 what we call vehicle program review and to make sure
14 that maybe every two months or every three months all
15 the people involved in the program, mostly people
16 reporting to me and some of their key people were
17 gathered in a room, and we were sharing the progress
18 of the work and issues they were facing or the lack of
19 issues, whether they were related to technical
20 challenges, change in, you know, maybe product
21 planning to say, Well, have you thought about maybe
22 adding that feature to the car, and we will discuss
23 that, and then we were making sure that people were
24 staying on time, make sure that people were knowing
25 how much the car was going to cost and whether the

1 investment envelope was sufficient to invest and made
2 the program happen.

3 It was also a time where our colleagues
4 from manufacturing and procurement were in the room to
5 collaborate on making sure that the car would be not
6 only well engineered but engineered for production.

7 Q. Would there be occasions when suppliers would be
8 making presentations to these vehicle program reviews
9 that you just described?

10 A. Typically, no.

11 Q. Did it ever occur or never occur?

12 A. I don't remember an occurrence when that happened. We
13 had separate meeting with suppliers when there were
14 significant issues that needed to be discussed, and
15 they were separate meeting for their -- for the
16 subject matter that and the commodity or the part they
17 were making or the technology of their part and so on.

18 Q. Okay. So they may not have gone to the vehicle
19 program reviews, but there were separate meetings
20 where very technical issues would be discussed with
21 suppliers regarding the parts that they were
22 supplying; is that what you're saying?

23 A. Typically, yes, typically at the working level, at the
24 level of the chief engineer or the lead person
25 designing a system. They will be, of course, asked to

1 collaborate with the supplier to make sure that we
2 were in sync about what the part was supposed to do,
3 if the supplier was to supply it and make sure that
4 the part was, development was going on time and in
5 sync with the car program, itself, to make sure at the
6 end they will be together on the supply line.

7 Q. Were you, Mr. Castaing, also meeting with suppliers or
8 not?

9 A. Exceptionally I would.

10 Q. So on occasions you also met with suppliers about
11 issues related to the parts they were supplying to
12 Chrysler?

13 A. I was more involved in strategic meeting with the
14 suppliers when we were deciding -- we would decide
15 just at the beginning of a new car program that we
16 were going to team up with, let's say, Goodyear to buy
17 the tires for a new Jeep. I would probably sit down
18 with the top engineer and top sales guy to make sure
19 they were committed to work with us a proper way.

20 Q. Okay. Now you mentioned earlier, and I just want to
21 make sure that I understand the terms, you said chief
22 engineer or lead person designing a particular system.
23 Are those terms synonymous in your view or is there --

24 A. Well, if you go back to the chart you presented to me,
25 a chief engineer or director would be, what I call a

1 chief engineer in the case would be Owen Viergutz
2 formerly chassis engineering director, and the lead
3 people underneath with MacAfee, Buser, Schramm,
4 Haikio. That's what I refer to.

5 Q. So looking at the second page of Exhibit 1 is what
6 you're referring to just so the record is clear, and I
7 thank you for that clarification.

8 Now in this job as the head of Jeep/Truck
9 Engineering, Mr. Castaing, did you also meet with
10 dealers?

11 A. Yes.

12 Q. And why would you meet with dealers?

13 A. First of all, I was at a time not only the head of
14 Engineering, I was also an officer of AMC Corporation,
15 and it was part of our role as a team, as the
16 management team of the corporation, itself, as an
17 officer to find time to understand what customers
18 were, which in the car industry they are the dealers,
19 before they are to the real customer. So on several
20 occasion we will be invited to, by our colleagues in
21 sales to get to know dealers personally and to have a
22 chance to interact with them.

23 In the case of car programs, we had very
24 strong Jeep dealers, for example, around the country,
25 and some were -- had very strong opinion about what

1 Jeep was supposed to be, and especially when you were
2 creating a new one, and we would consult with them or
3 we'll meet face-to-face and ask what their views were,
4 not that we always follow everything they were hoping
5 for but we were listening to them. So yes, I had
6 quite a few interaction with dealers.

7 Q. And there were occasions then when dealers did
8 influence the designs that Chrysler was producing with
9 an idea to selling them to the dealers who could then
10 sell them to the public; is that a fair statement?

11 MR. FUSCO: Object to the form.

12 MS. JEFFREY: I join.

13 THE WITNESS: Should I answer?

14 MS. JEFFREY: Oh, yes, yeah.

15 A. Yes, I think that I don't remember specifically if and
16 when a specific idea of a dealer was adopted for any
17 of the car we did, but we were open-minded to listen
18 to them. In some case it was we were reassuring them
19 that the question they were raising, in fact, was
20 already very clear in our mind and was already
21 incorporated in the program.

22 MARKED FOR IDENTIFICATION:

23 DEPOSITION EXHIBIT 2

24 9:04 a.m.

25 BY MR. MORGAN:

1 Q. Okay. Mr. Castaing, I want to show you now Exhibit
2 Number 2, which is an article, I believe, that was
3 published on Thursday, January 17, 1991, in something
4 called the Chrysler Times identifying itself as a
5 weekly newspaper for Chrysler employees and their
6 families, and I'm going to ask you if you can identify
7 that for me?

8 MS. DeFILIPPO: What's the marking on that
9 document?

10 MR. MORGAN: Exhibit 2.

11 BY MR. MORGAN:

12 Q. Can you identify this?

13 A. Yes.

14 Q. All right. What is it?

15 A. It's edition of the Chrysler Times. Like you said, it
16 was the weekly internal newspaper of Chrysler, and
17 this piece talk about, at least on the first page,
18 Chrysler reorganized to promote teamwork, and it was a
19 major reorganization under President Bob Lutz that was
20 announced that day.

21 Q. Did your duties change at all at that time?

22 A. No. Well, it changed -- sorry -- it changed in the
23 sense that prior to this organization, I was the head
24 engineer for Jeep and Truck. Well, in 1989, as I
25 mentioned earlier, I became the chief engineer or Vice

1 President of Vehicle Engineering for all cars and
2 trucks for Chrysler. In parallel with that, the
3 company was trained to promote a more matrix
4 organization, and while I was a chief engineer of Jeep
5 and Truck vehicles, I became the, what we call at the
6 time the platform manager for Jeep and Truck, which
7 was encompassing how they were sold, all aspect of the
8 Jeep and Truck business.

9 Q. Does this represent then, this reorganization, a
10 promotion for you?

11 A. In a, yeah, in a way you can say it is a promotion,
12 although in a matrix organization that where you have,
13 you know, you know, organization silos like that and
14 then you have responsibility going across, and I think
15 I saw that more work rather than a promotion.

16 Q. Can you tell me, when you talked about the business of
17 Jeep and Truck, would that have included the product
18 plan for those vehicles?

19 A. Yes. I was having the responsibility of coordinating
20 product planning, design, manufacturing, even to some
21 extent how the car was presented to the public and
22 sold, even though I was not directly in charge of
23 sales, I was not in charge of product planning, but I
24 was like a godfather for business. I was involved in
25 some or all of that trying to make sure that we were

1 improving all aspect of our operation, specifically
2 for the benefit of the customers.

3 MARKED FOR IDENTIFICATION:
4 DEPOSITION EXHIBIT 3
5 9:08 a.m.

6 BY MR. MORGAN:

7 Q. Okay -- excuse me -- let me show you what I have also
8 marked as Exhibit 3. It's two pages. The first page
9 is -- excuse me -- dated September 5 of 1991, so a few
10 months later, I believe to be signed by Mr. Iacocca
11 and containing some information about some additional,
12 I guess, reorganization and ask if you can identify
13 that?

14 A. I know the subject but I have never seen this letter,
15 so -- I don't remember seeing it.

16 Q. It's a letter addressed to all Chrysler employees and
17 the dealers?

18 A. Right.

19 Q. Was that something that you were familiar with
20 Mr. Iacocca doing is communicating with employees and
21 dealers in that fashion?

22 A. This letter talk about the specific letter which was
23 rare on the part of Iacocca to everyone saying that he
24 was going to step down at the end of December, 1992.

25 Q. And who was Mr. Iacocca then at that time, just so

1 that we orient ourselves and the jurors in this
2 matter?

3 A. Lee Iacocca was the Chairman of the Board and the
4 Chief Executive Officer of Chrysler Corporation.

5 Q. So if we look back at that little schematic
6 organizational chart on Exhibit 2, he would be above
7 Mr. Lutz?

8 A. Yeah. Mr. Lutz was the President, and Lee Iacocca was
9 the CEO.

10 Q. Okay. And Mr. Iacocca made some announcements in
11 September of '91 about the conduct of the business of
12 the corporation which mentions you; is that correct?

13 A. I've not read this.

14 MS. JEFFREY: Go ahead and --

15 BY MR. MORGAN:

16 Q. Go ahead, absolutely. I'm not trying to --

17 A. What was your question?

18 Q. Okay. Well, first of all, you've now had a chance to
19 read the document, the second page of Exhibit 3 --

20 A. Yes.

21 Q. -- correct? And does that refresh your recollection
22 about some reorganization that took place at that
23 time?

24 A. I know reading this document that there was any change
25 in organization yet. It was a page to reassure, I

1 guess, Wall Street and the dealers and all the
2 constituents outside of Chrysler that he was going to
3 -- Iacocca was going to retire but there was like a
4 good bench of people behind that were ready to take
5 over the company and run it well.

6 Q. Okay.

7 A. And he specifically named Bidwell and Bob Lutz and
8 Steve Miller and Dick Dauch, Tom Gale and myself as
9 part of that.

10 Q. All right. So actually by this point in time in 1991,
11 you had roughly been the Vice President in charge of
12 Vehicle Engineering for about three years according to
13 your prior testimony; am I right in that?

14 A. Yeah, I became head of Engineering for Chrysler in
15 November of '88, so by, yeah, about three years.

16 MARKED FOR IDENTIFICATION:

17 DEPOSITION EXHIBIT 4

18 9:13 a.m.

19 BY MR. MORGAN:

20 Q. Okay. All right. And, Mr. Castaing, I'm going to
21 show you what I have marked as Exhibit Number 4, again
22 two pages, a document dated December 14th of 1990, and
23 again, I believe to be authored by you but you can
24 identify it for me.

25 MS. JEFFREY: Take your time to read it.

1 A. I saw it, read it, yeah.

2 BY MR. MORGAN:

3 Q. Okay. And is this something that's familiar to you?

4 A. Yes, now that I read it again, it's familiar. I am
5 familiar with it.

6 Q. It does bear your signature?

7 A. Yes.

8 Q. Okay. And this letter was sent to Chrysler employees
9 in December of 1990; is that correct?

10 A. It was a letter sent to all of the engineering
11 employees.

12 Q. Engineering employees, okay.

13 A. The people reporting to me, all of them.

14 Q. Okay. And in this document, the third bullet point
15 down states that: Our major new product -- I'm sorry
16 -- our major product programs, the ZJ, LH, T300, and
17 PL are all on time and moving smoothly through the
18 development cycle.

19 Do you see that there?

20 A. Yes.

21 Q. And that was a true statement at that time?

22 A. Yes.

23 Q. Now, so the ZJ was a major product program that you
24 were in charge of; is that a fair statement?

25 A. The ZJ was the new Grand Cherokee that I was very much

1 involved at AMC since the car was basically engineered
2 before the merger with Chrysler, and I was obviously
3 in charge of it. The other cars are the large car
4 platform, and the new pickup truck, the new Ram, and
5 PL was the Neon, and all these program were moving
6 along, and the reason why I was suggesting we were
7 moving along is because the merger of the two company
8 during the period of, AMC and Chrysler, during the
9 period of time starting in July, summer of 1987
10 through, let's say, '89/'90 was stressful for everyone
11 as when two companies merge, especially at a time
12 where the company, Chrysler and AMC, were facing
13 business challenges, the recession was there, and so
14 we had to have lay-off and restructuring of
15 organization and so on, and by the time I wrote this
16 letter, despite all of that, we were making major
17 progress in the integration of the two organization,
18 the people coming from AMC and the one coming from
19 Chrysler.

20 I was now in charge of all that, and as the
21 letter said, we were doing good things, and I wanted
22 to make sure that people would go on vacation for
23 Christmas feeling good about what they have done.

24 Q. So did I understand you to say that the ZJ, which the
25 public might understand or would understand is the

1 Grand Cherokee, was something that was developed and
2 engineered at AMC before it was integrated into
3 Chrysler?

4 A. Yes.

5 Q. I'm a little confused because this document is dated
6 December of 1990, about three years after AMC had been
7 acquired by Chrysler, and it says that the product
8 program, including the ZJ, is moving through the
9 development cycle. So I guess let me put this
10 question to you: What did you mean by development
11 cycle in this document?

12 A. In the case of ZJ, the initial plan for creating what
13 at the time was a replacement for the Cherokee and
14 became another Jeep as we were going along was started
15 in early, early 19 -- the late part of '85 all the way
16 through, and by the time in July of 1987 when we were
17 told that we were going to merge with Chrysler, this
18 program was 90% engineered. We were already building
19 the skin prototype.

20 What happened in that, by the time Chrysler
21 discovered that we were designing a new Jeep, they
22 also were designing a similar product for Dodge, and
23 for a year while we were continuing the development of
24 the Grand Cherokee, testing the prototype, the program
25 became like delayed for manufacturing reason and for

1 Chrysler to decide whether this car was going to be
2 cancelled for making room for the new Dodge sport
3 utility or if they were going to cancel the sport
4 utility Dodge to make room for the ZJ.

5 And it took a year to sort it out, and that
6 slowed down the program, and finally the program was
7 set for production in July of 1991 in a new assembly
8 plant in Detroit at Jefferson Avenue, which was yet to
9 be built, explaining also some of the delay. So while
10 the program was delayed, by the time I talked to our
11 people in December 14, from engineering prospective,
12 we were really doing our job, despite the fact that
13 there had been a disruption due to the merger.

14 Q. Can you tell me who would have -- or strike the
15 question.

16 We talked earlier about the 1987
17 organizational chart, December of '87 organizational
18 chart identifying Mr. Viergutz's area as in charge of
19 fuel systems. Can you tell me who would have
20 developed the, been in charge of the development of
21 the fuel system for the ZJ since you indicate that it
22 was 90% done by July of '87?

23 A. Most probably by the same people. I don't remember
24 exactly how we were organized before the merger, but
25 what happened is that when Chrysler took us over,

1 discovered our organization and decided that we were
2 good at what we were doing, they said: Keep doing the
3 Jeep program what you are doing. Stop making the car
4 you are doing, and instead start making pickup trucks.

5 So they removed the responsibility of the
6 cars, that went back to Highland Park, and gave us the
7 new, the future Ram pickup, in fact, to engineer and
8 some other work done on the previous generation pickup
9 truck. That's why we became Jeep and Truck.

10 I suspect, but I don't remember, that the
11 lead Chrysler people -- the lead AMC people like Owen
12 and the other people on the chart didn't change too
13 much during the transition.

14 Q. Okay. So that Mr. Viergutz came over from AMC with
15 you?

16 A. Yeah.

17 Q. Okay. And you suspect most of the people in his
18 organization were also former AMC employees who became
19 then part of Chrysler at the time of the merger?

20 A. Yeah. Some people goes back several years now.

21 MacAfee came from Jeep. Buser came from Jeep -- from
22 AMC, sorry, I said Jeep, from AMC, yeah. We had only
23 so few people join us in Highland Park, although some
24 came as we took over the Truck program, like Mr. Von
25 Rusten to the right, lower right, Herb Von Rusten was

1 a senior guy in Engineering in Highland Park, and he
2 was transferred to us.

3 Q. Okay. Can you tell me whether or not AMC had any
4 design criteria for the fuel system integrity of the
5 ZJ?

6 A. Engineering a car is driven in part but more
7 importantly for things related to safety and so on by
8 FMVSS, Federal motor regulation that dictate for every
9 part of the car, the fuel system is one of them, but
10 there is hundreds of regulation, books of regulation
11 that each Engineering group know about when they start
12 designing a new system like a fuel system, whether
13 they relate to, for example, the type of fuel that it
14 can be that the fuel system supposed to endure over
15 the life of the car without corroding the pipes to the
16 crush of the car to other things.

17 So we have many, many guardrail or criteria
18 established for any car manufacturers when he studies
19 any system of a car, every part of it, and this is
20 supplemented by obviously some desire by the company
21 to do better than that. So we typically on any system
22 try to go up one notch or more, even regardless of the
23 regulation.

24 Some are not regulated, some part of the
25 car are not regulated, but the company has a standard

1 for itself. So at the time AMC, like later Chrysler
2 has books of specification and standard that the
3 engineer were using for designing their part of the
4 car. So there's no improvisation, if you wish, not
5 when you design a new car. It's not just the thing
6 that the chief engineer think it should be done this
7 way or this way. There is a set of rules that you
8 have to design within which is good for everyone.

9 Q. When you say there is a set of rules, you're saying
10 that AMC had a set of rules that needed to be complied
11 with in achieving fuel system integrity for the fuel
12 system for the ZJ; is that correct?

13 A. Well, I say in the case of fuel integrity, it's driven
14 by a Federal mandate about what it should be doing, it
15 should be able to do.

16 Q. Are these, this set of rules, would these be
17 considered the internal standards?

18 A. They are the fact original standard, yeah.

19 Q. Now is it your testimony that insofar as fuel system
20 integrity was concerned, that AMC endeavored to comply
21 with MVSS and no farther, or were they endeavoring to
22 do better than FMVSS, Motor Vehicle Safety Standards?

23 A. Most of the time we will try to do a little better as
24 a technology would permit to do that. We were more
25 stringent two aspect of it. The aspect is, you know,

1 in the case of a system that is tested once to show to
2 the -- during the state of production or development
3 of a new car for production, we'll take, you know,
4 concept prototype and then we'll take pilot cars
5 before they come to the assembly line and test them
6 for given FMVSS, and then typically our requirement
7 will be tighter than the FMVSS standard, but also, we
8 will test cars every year on the assembly line to make
9 sure that as they were made in production, we will do
10 some more testing randomly to make sure that we're
11 complying along the way.

12 Q. Okay. You said, I think, that our requirements would
13 be tighter than FMVSS. What did you mean by tighter?

14 A. Well, in the case of a fuel system, in the case of a
15 rear crush, for example, the FMVSS, I remember the
16 name 301 if I remember well, required that to crush
17 the car where the car is impacted by FMVSS requirement
18 by a vehicle coming in the back and crushing the back
19 of the car, and one aspect of the test are described
20 by the Federal standard is that it is you wait a while
21 after the crash and you look underneath the car and
22 you measure the leak, and there is a maximum amount of
23 gas that is permitted by the FMVSS, at the time, it
24 may have been changed now, but at the time, the
25 standard in my days in the industry and, for example,

1 at Chrysler, we said we need to have the crash and it
2 will be zero leaks, there will be no leaks. So
3 there's an example of why we were going beyond the
4 standard.

5 Q. Did you understand the Motor Vehicle Safety Standards,
6 including 301 which deals with fuel system integrity,
7 to be minimum standards?

8 A. They represent what the Federal Government after
9 having discussed that with manufacturers and probably
10 the insurance industry and compile accident reports
11 and so on, at the time that's what they thought was
12 the standard to design against.

13 Q. My question to you is: Did you understand those
14 standards to be by definition of the Federal
15 Government minimum standards?

16 A. Well, you have to pass them, yes.

17 Q. So yes, you understood them to be minimum standards?

18 A. No, I didn't say minimum. I said they are standards
19 you pass.

20 Q. Yeah. My question to you is then: Did you understand
21 that the Federal Government, itself, described those
22 standards as minimum standards?

23 A. I don't remember the language of the FMVSS standards,
24 so maybe that can be easily found if someone look at
25 it.

1 Q. All right. Now I want to backtrack to an answer you
2 gave a moment ago. You said that -- you were
3 describing, I thought, the rear crash standard of 301,
4 and you said you would crash, take a vehicle and hit
5 another vehicle in the back; do you recall that?

6 A. At 30 miles an hour, yeah.

7 Q. You understood that was a vehicle-to-vehicle crash
8 test?

9 A. Yeah, it was simulated by having some kind of a ram,
10 like a -- the way to test, if I remember well, as it
11 was run, you would have the car to be tested to be
12 standing, and then you will ram behind a piece of
13 steel going at a certain speed representing the impact
14 energy of a car coming to impact you at 30 miles an
15 hour.

16 Q. You said a piece of steel would be rammed into the
17 rear of the vehicle being tested?

18 A. I'm trying to describe that to you like a chariot, if
19 you wish, with a piece of steel pulled by a cable
20 underneath, and they would ram the car at 30 miles an
21 hour.

22 Q. Okay, so --

23 A. Then you will wait and see if the car leaked.

24 Q. So your earlier testimony that the 301 standard was or
25 envisioned a vehicle striking another vehicle is

1 incorrect then --

2 MR. FUSCO: Object to the form.

3 BY MR. MORGAN:

4 Q. -- it was actually some sort of a steel barrier in
5 your understanding?

6 MR. FUSCO: Object to the form.

7 A. I'm not sure I understand the question now.

8 BY MR. MORGAN:

9 Q. Yeah. Well, what was hitting the rear of the vehicle
10 being tested, another vehicle or a rear-moving
11 barrier; what is your understanding, sir?

12 A. Well, the FMV -- we were testing by the Federal
13 regulations, so it was not for us to decide whether it
14 was a car or truck or something.

15 Q. I didn't ask you that. I want to know what you
16 understood the test to be. Was it a
17 vehicle-to-vehicle test or a barrier-to-vehicle test?

18 A. It was a vehicle-to-vehicle test simulated by a
19 barrier impact.

20 Q. As best as you can describe it, Mr. Castaing, describe
21 the barrier that you understood was being used to
22 simulate a vehicle.

23 A. For your benefit, maybe you find on the internet,
24 YouTube, of showing impact of 301 test. They are all
25 over the internet. They are public. So that the best

1 thing I suggest is best for the benefit of everyone,
2 rather for me to try to define the detail of the
3 vehicle that impact the back of the car, that would be
4 the best thing I suggest we do.

5 Q. I just -- that's fine. I'm at this point in time
6 testing your knowledge, and I can't do that on the
7 internet. I can only ask you the question. I want
8 you to describe for me, as best you recall, the
9 barrier.

10 MR. FUSCO: Object to the form.

11 MS. JEFFREY: He already has described it,
12 but if you have anything to add to what you already
13 said, Go ahead.

14 A. Like I said --

15 MR. MORGAN: I think that, even though you
16 have been admitted pro hac vice, violates the rule,
17 counsel.

18 MS. JEFFREY: Go ahead.

19 MR. MORGAN: Just a little levity, you
20 know. Lighten up.

21 A. Like I said earlier, the car is standing, the car to
22 be tested is standing. There is a groove in the
23 ground where you can pull a cable underneath the car,
24 and you station the back of the car a certain
25 distance, like a big cart, if you wish, on big wheels

1 with a big rectangle of steel bolted to the front, and
2 the chariot has a certain mass, you know. Weight is
3 added to it to attain this mass. And then at some
4 point, let's say the cable pull this ram, if you wish,
5 into the back of the car to -- at the speed of 30
6 miles an hour, and then it is -- cameras look at what
7 happened, and there is a set of criterias that the
8 body cannot be deformed to a certain degree, I don't
9 remember all the detail, and then -- and coming back
10 to your question about the fuel tank design then,
11 there is a specific standard about leak of gas in the
12 case of a rear impact.

13 BY MR. MORGAN:

14 Q. This rectangle of steel, can you, that you've just
15 described, can you -- excuse me -- estimate for me its
16 dimensions; how tall is it, how wide is it, how close
17 to the ground does it come, that sort of thing?

18 A. Close to the ground like a real automobile, and it's
19 as wide as a car and as tall as a car, let me put it
20 this way.

21 Q. When you say "close to the ground like a real
22 automobile," can you give me an estimate of the number
23 of inches above the ground the bottom edge of that
24 barrier would be?

25 MS. JEFFREY: Just let me object to form

1 because I think he said "as close to the ground as a
2 real automobile," not "close to the ground like a real
3 automobile." Go ahead and answer.

4 A. I don't remember, maybe 10 inches or something.

5 BY MR. MORGAN:

6 Q. Is this barrier a flat barrier?

7 A. Yes, defined by NHTSA.

8 Q. Sure. NHTSA in consultation, as you said, with the
9 automobile companies agreed to make the minimum
10 standard a flat barrier test, right?

11 A. No, that's not the way they think. NHTSA mission is
12 to make sure that their standard improve the real, the
13 real-life outcome of accident to such an extent, and
14 they consult with the industry and at the end create a
15 test that is replicable, that is not subject to
16 interpretation and that does exactly the job that it's
17 supposed to do. So it's not in half, you know, it's
18 not an improvised thing. If the study said it was the
19 way to go, it's because probably they did enough test
20 and compare their test with the ram to other real-life
21 accident to make sure in their mind it was
22 appropriate.

23 Q. Tell the jury, Mr. Castaing, how much consulting you
24 did with the Federal Government regarding the
25 development of the rear crash standard and the tests

1 embodied in it.

2 MS. JEFFREY: Object to form.

3 BY MR. MORGAN:

4 Q. If any?

5 A. Yeah, I was not involved in that personally, and it
6 preceded me when I started working in this country,
7 so...

8 Q. Thank you?

9 MS. JEFFREY: Counsel, we've been going
10 over an hour, so --

11 MR. MORGAN: If you'd like a break, I'm
12 happy. I don't want to make anybody uncomfortable.
13 If you need a comfort break, that's fine.

14 VIDEO TECHNICIAN: The time is now 9:39 and
15 5 seconds a.m. This marks the end of tape number one.
16 We are off the record.

17 (Recess taken at 9:38 a.m.)

18 (Back on the record at 9:55 a.m.)

19 VIDEO TECHNICIAN: We are back on the
20 record. The time is 9:55 and 55 seconds a.m. This
21 marks the beginning of tape number two.

22 MR. FUSCO: This is Christopher Fusco.
23 Before Mr. Morgan continues his questioning, I've
24 become aware that Mr. Sheridan, one of the Plaintiffs'
25 experts, is present in this deposition. I don't know

1 Mr. Sheridan. I never met him before today. I want
2 to place on the record an objection to his presence as
3 violating the New Jersey Court Rules. I don't believe
4 he's here pursuant to leave of court. I believe that
5 his presence here taints his testimony going forward
6 for all this day, and that's the objection I want to
7 place on the record. I don't want my silence to be
8 deemed a waiver of that objection, and again, I'm not
9 stopping any testimony, it's not my witness, but it's
10 my view Plaintiff proceeds at their own peril.

11 MS. DeFILIPPO: I'd like to respond to
12 that. Number one, we've been doing this deposition
13 since 8:00 or a little after 8:00. It's almost 11:00
14 now. Mr. Sheridan has been sitting in front of you
15 the entire time. When you walked into this room, you
16 asked who all the parties were. You were advised of
17 everybody who was here. If you had any problem, we
18 would have discussed it and perhaps asked him to
19 leave.

20 At this juncture, I deem any objection
21 waived, and certainly Mr. Sheridan has been sitting
22 here and not participating, and he is permitted to
23 assist counsel, unless there is an objection, and you
24 have not objected up to this point. So, therefore,
25 I'm just going to continue and state this on the

1 record.

2 MR. FUSCO: I am objecting. I don't know
3 who he is. I've never met him before. I actually
4 thought he might be Mr. Kline.

5 MS. DeFILIPPO: You knew he was an expert.

6 MR. FUSCO: Angel, I've never met this man
7 before in my life.

8 MS. DeFILIPPO: You just said he's our
9 expert. You said you never knew -- you don't know who
10 he is.

11 MR. FUSCO: I don't know who he is. Now I
12 do.

13 MS. DeFILIPPO: You just said it's the
14 Plaintiffs' expert.

15 MR. FUSCO: Right, because I just found out
16 who he was.

17 MS. DeFILIPPO: But now you're trying to
18 tell me you don't know who he is.

19 MR. FUSCO: There's a right way and a wrong
20 way.

21 MS. DeFILIPPO: No. We were open and up
22 front with everyone in this room. We would have
23 identified anyone. We did identify everyone. There
24 is nothing about what's going on in this room that is
25 in any way deceitful, and now after a couple of hours

1 of deposition, you want to start an objection now. I
2 think that's clearly improper. What's on the record
3 is there for future.

4 MR. FUSCO: We're not going to decide this
5 at this moment. I'm just placing my objection on the
6 record. There will be motion practice to follow.

7 BY MR. MORGAN:

8 Q. All right. Mr. Castaing, we were discussing the rear
9 crash barrier and other items related to Motor Vehicle
10 Safety Standard 301, and you mentioned earlier that,
11 and we discussed this briefly, our requirement is
12 tighter, and I asked you, What do you mean by that,
13 and you said, Well, as an example, zero leak as
14 opposed to the Government permitting some leak.

15 Are there any other aspects in which
16 Chrysler made its requirements tighter than the zero
17 leak that you described earlier with respect to the
18 rear crash fuel system integrity standard?

19 A. We might but I don't remember specifically. I cannot
20 respond to your question with specific X.

21 Q. All right. Now just so that everyone understands,
22 again, what this test is like, it's a barrier that you
23 said is made of steel, and it is striking the rear of
24 a vehicle. Now is it striking the entire rear of the
25 vehicle, is there an offset component to it; can you

1 elucidate that for me?

2 A. As far as I remember, it impact the entire rear-end of
3 the car.

4 Q. Okay. So the barrier impact does not analyze what
5 would happen in an offset impact; is that true?

6 A. Sounds true.

7 Q. Okay. And an offset impact, just so again the jury
8 understands what we're talking about, is what, sir?

9 A. In crash test offsets are where the impacting vehicle
10 or barrier is not aligned with the car in front of it
11 or coming from -- and with or without coming with an
12 angle. So it's a more complicated test.

13 Q. Okay. So an offset impact would be not fully engaged
14 but maybe an overlap of, say, 50% as an example;
15 that's an offset impact, fair?

16 A. Yeah.

17 Q. Okay. Now can you tell me whether or not the flat
18 barrier test for the rear impact in 301 evaluates what
19 happens in an underride impact?

20 A. I don't -- I'm not sure I understand the term
21 "underride".

22 Q. Okay. Well, let's see if we can define it between
23 each other. If we had, instead of a barrier, we had
24 actually two vehicles, each of them would have a
25 bumper, one a rear bumper and one a front bumper.

1 With me so far?

2 A. Yeah.

3 Q. Those bumpers may or may not align. One may be higher
4 than the other. Still with me?

5 A. Yeah.

6 Q. As an example, we know that an SUV generally rides a
7 little higher off the ground than a smaller compact
8 car or something like that. Do you understand that?

9 A. Uh-huh.

10 Q. Is that a yes?

11 A. Yes.

12 Q. Okay. That's what I mean by underride. If, in fact,
13 one of them is mismatched and lower than the other,
14 then in a rear impact, the impacting vehicle may
15 underride the higher vehicle. Do you understand that
16 concept?

17 A. Yeah.

18 Q. Okay. Can you tell me whether or not, as you
19 understand the 301 rear impact test, it evaluates at
20 all what happens in an underride impact that we've
21 just now described?

22 A. I don't think it does.

23 Q. Okay.

24 MR. FUSCO: I'm sorry, Mr. Morgan. I have
25 to complete my objection because I just realized one

1 more thing. I understand that this testimony is going
2 to be used at the time of trial. Because of that and
3 for the purposes of the record, I place a motion on
4 the record to have Mr. Sheridan sequestered from this
5 deposition, if used again for trial testimony, as it
6 is a violation of New Jersey Rules on its face. Other
7 than that, I remain with my prior objection.

8 MS. DeFILIPPO: What rule are you referring
9 to, Mr. Fusco, what New Jersey Rule?

10 MR. FUSCO: I'm referring to our Court Rule
11 about the sequestration of witnesses during trial
12 testimony.

13 MS. DeFILIPPO: No. What Court Rule are
14 you referring to which indicates that an expert is not
15 permitted to be at a deposition or in court in any
16 proceeding?

17 MR. FUSCO: Our rules, I think under --

18 MS. DeFILIPPO: What rule?

19 MR. FUSCO: I think under rule in the 4s
20 tell us that parties that can be present are parties
21 and their attorneys and --

22 MS. DeFILIPPO: I'm sorry. Go ahead.

23 MR. FUSCO: -- and I believe in certain
24 circumstances in the State of New Jersey, a consultant
25 can be, and I'm saying this frankly without having

1 done the research on it, present in cases with leave
2 of court. I don't believe that's occurred here. I
3 also -- I also must have just heard it, again the
4 reference to the jury, he's obviously -- he's a
5 witness at trial, and I think we all know that you
6 can't have witnesses for trial sitting around
7 listening to other witnesses' trial testimony because
8 it taints them. That's my objection. We're going to
9 have motion practice to follow this, and that's as far
10 as I'm going on this point.

11 MS. DeFILIPPO: We in New Jersey, just to
12 make this clear, always are permitted to have experts
13 such as our doctors in any medical cases sitting in
14 listening to other doctors, unless there is an
15 objection, and again, there was never an objection
16 until hours into this deposition, and there was never
17 any discussion of any objection about people other
18 than parties and their witnesses being here. So we're
19 back to your original objection, and I don't think
20 that there is any provision made in the rules which
21 says that Mr. Sheridan could not be in a deposition.

22 Now if you are going to persist in your
23 objection with respect to Mr. Sheridan going forward
24 after having no objection up to this point, then I'd
25 like to know because we may have to discuss that.

1 MR. FUSCO: I think I was clear with my
2 objection. First of all, my objection is not waived
3 pursuant to New Jersey Rules, and second, you go
4 forward at your own peril at this point. This is not
5 my witness today. I placed my objection on the record
6 and that's it.

7 MS. DeFILIPPO: Okay. I want to take a
8 break at this point.

9 VIDEO TECHNICIAN: The time is now 10:05
10 and 32 seconds a.m. We are off the record.

11 (Recess taken at 10:05 a.m.)

12 (Back on the record at 10:09 a.m.)

13 VIDEO TECHNICIAN: We are back on the
14 record. The time is 10:09 and 47 seconds a.m.

15 MS. DeFILIPPO: I'd just like to make a
16 statement for the record that we're going to proceed
17 as we have begun. It's now after 11 --

18 MS. JEFFREY: No, it's not. It's 10:00.

19 MS. DeFILIPPO: Sorry, after 10:00, I'm
20 sorry, after 10:00 --

21 MR. FUSCO: It's 10:09 just so we're exact.

22 MS. DeFILIPPO: Yes. This deposition was
23 scheduled to begin at 8. It did start a little after
24 8. In the meantime, the record should also reflect
25 that Mr. Fusco has had every opportunity to speak with

1 all attorneys in this room, including the attorney for
2 Mr. Castaing, and had that opportunity at every
3 juncture, including prior to the deposition, and I
4 think we should just continue at this point.

5 MR. FUSCO: Listen, we're going to have --
6 we're not going to agree about this today. This is
7 Chris Fusco. We're not going to agree about this
8 today. Whoever I had a chance to talk to doesn't make
9 a violation of our rules proper. No one ever told me
10 Mr. Sheridan was going to be present today. Again, I
11 don't know him. I've never met him before. It took
12 me a little while to figure out who he was. I've
13 placed an appropriate objection on the record. You
14 don't agree with it. You've elected to proceed.
15 Let's proceed.

16 MARKED FOR IDENTIFICATION:
17 DEPOSITION EXHIBIT 5
18 10:10 a.m.

19 BY MR. MORGAN:

20 Q. Mr. Castaing, I'm going to show you what I have marked
21 as Castaing Deposition Exhibit Number 5 and ask if you
22 can identify that for us.

23 A. I see it.

24 Q. Okay. And do you -- do you recognize the document?

25 A. No.

1 Q. Okay. Do you know a DE Dawkins?

2 A. Yes.

3 Q. And that would be Dale Dawkins?

4 A. Yes.

5 Q. Okay. And who is Dale Dawkins?

6 A. Dale Dawkins, when I joined AMC in the early part of
7 the 1980s, Dale Dawkins was like the chief product
8 planner of AMC.

9 Q. Did he remain in that role, or did he take up other
10 roles?

11 A. I don't remember. This document give him another name
12 at a later date, and I don't remember.

13 Q. Okay. This document, Exhibit 5, describes him as the
14 general product manager of Jeep/Truck Operations, but
15 you don't recall him in that role as I understand it;
16 is that correct?

17 A. No.

18 Q. Okay. Do you understand the role of the general
19 product manager of Jeep/Truck Operations based upon
20 your prior experience?

21 A. In 1987, I can say for a fact that this was different
22 from what -- no, I don't remember. I don't remember.

23 Q. So you don't remember what the general product manager
24 of Jeep/Truck Operations did in 1987, which is the
25 date of this document?

- 1 A. Yeah.
- 2 Q. Are you familiar with that position at all?
- 3 A. No. I recognize product planner name underneath him.
- 4 So deBoer, Mr. House, Mr. Hill, Mr. Dilworth, and
- 5 Mr. Nelson were product managers.
- 6 Q. So Mr. Dawkins also came over from AMC, I got that
- 7 implication from your earlier testimony, is that
- 8 correct?
- 9 A. When, you talk about when we merged with Chrysler?
- 10 Q. Right.
- 11 A. I don't remember if he did.
- 12 Q. Well, okay. Here's what I heard you say: When I came
- 13 to AMC in the early 1980s, Dale Dawkins was the chief
- 14 product planner.
- 15 A. Right.
- 16 Q. So he was with AMC --
- 17 A. Right.
- 18 Q. -- right? Did he not also go over to Chrysler?
- 19 A. That's what I don't remember.
- 20 Q. Okay.
- 21 A. He left -- he didn't stay very long if he was at
- 22 Chrysler. I don't remember.
- 23 Q. Okay. Well, wasn't he the Chrysler safety director at
- 24 a point in time?
- 25 A. He might. I don't remember.

1 Q. Did Chrysler to your knowledge in the 1990s have a
2 safety director?

3 A. Yeah, we had an office run by Ron Boltz, now I
4 remember, and Dale Dawkins was working for him.

5 Q. So the Safety Office was run by Ron Boltz, and you now
6 recall that Dale Dawkins worked for Mr. Boltz; is that
7 correct?

8 A. No, I didn't say that Ron Boltz was in charge of the
9 Safety Office. I don't remember his title but it's
10 somewhere here. I don't remember exactly how they
11 were organized.

12 Q. Okay. Do you recall Mr. Dawkins as being part of
13 Mr. Boltz's organization or not?

14 A. Yeah, I just said yes, I remember now.

15 Q. Okay, great. What was the task, as you understood it,
16 of the Safety Office run by Mr. Boltz?

17 A. Ron Boltz's job was broader than -- he was the person
18 that was the interface with Government agencies, like
19 EPA, CARB in California. He was discussing with
20 NHTSA. He would be the one that would advise us, make
21 sure we knew that new regulations were coming. He
22 would also -- in case of a recall campaign of any
23 type, safety or not related to safety, he would be the
24 one that makes sure that we understood that when the
25 need for proceeding, and he would take the legal step

1 to announce that the proper way following legal
2 guidelines in this country.

3 MARKED FOR IDENTIFICATION:
4 DEPOSITION EXHIBIT 6
5 10:16 a.m.

6 BY MR. MORGAN:

7 Q. Mr. Castaing, I'm going to show you what has been
8 marked as Deposition Exhibit Number 6 and ask you to
9 take a look at that for me.

10 A. I read it.

11 Q. Okay. Does this -- are you familiar with this
12 document, Exhibit 6?

13 A. No.

14 Q. Does the document refresh your recollection regarding
15 a lawsuit between the government and Chrysler back in
16 1997 over safety standards?

17 A. No, I don't remember this one.

18 Q. Okay. I want to draw your attention to the series of
19 paragraphs that begins under the heading A
20 Philosophical Battle. It's in the middle of the first
21 page. Are you there?

22 A. Yeah.

23 Q. Okay. The second paragraph says: The agency says
24 that if --

25 Agency meaning the National Highway Traffic

1 and Safety Administration, which as I understand it,
2 and correct me if I'm wrong, is the arm of the
3 Government that would administer the Motor Vehicle
4 Safety Standards; am I correct?

5 A. Yes.

6 Q. Okay. The agency says that if automakers did not
7 treat their standards as minimums, cars and trucks
8 would not fail the tests.

9 Then the next paragraph says: Chrysler
10 disagrees. Quote, The law says all you have to do is
11 pass, close quote, Chrysler's safety director Dale
12 Dawkins said in an interview before he retired in
13 December. Quote, You build a margin in single vehicle
14 tests to accommodate variations in testing. We do it
15 so we pass, not because of some desire to exceed
16 standards, close quote.

17 Do you agree with the sentiments expressed
18 there by Mr. Dawkins?

19 MR. FUSCO: Object to the form.

20 A. I don't know the context, so I cannot -- I can
21 speculate at what he meant but I'm not going to do
22 that.

23 BY MR. MORGAN:

24 Q. And were you aware in 1997 that the Federal agency
25 charged with administering the Motor Vehicle Safety

1 Standards was upset, in fact, that the automakers were
2 not -- were treating the Motor Vehicle Safety
3 Standards as minimums?

4 MR. FUSCO: Object to the form.

5 MS. JEFFREY: I join, agency being upset.

6 A. No, I'm not aware of that. No, I'm not aware of that.

7 BY MR. MORGAN:

8 Q. Upset enough to go to court over it?

9 MR. FUSCO: Object to the form.

10 MS. JEFFREY: Join.

11 BY MR. MORGAN:

12 Q. Mr. Castaing, as the article points out. Is it your
13 testimony that you were unaware of a lawsuit between
14 the Federal agency charged with administering the
15 Motor Vehicle Safety Standards and Chrysler in the
16 1997 era, you knew nothing about it; is that your
17 testimony?

18 MR. FUSCO: Object to form.

19 MS. JEFFREY: Join.

20 A. That's not what I said. I said I didn't remember it.
21 We have many interaction in the car companies, it's a
22 complex business, and I may have at the time been
23 aware of it. I don't remember it.

24 BY MR. MORGAN:

25 Q. Well, how many times did Chrysler and the National

1 Highway Traffic and Safety Administration go to court
2 over safety standards?

3 MR. FUSCO: Object to the form.

4 MS. JEFFREY: And foundation.

5 A. I don't know.

6 BY MR. MORGAN:

7 Q. Was it more than once?

8 MR. FUSCO: Object to the form.

9 A. I don't know. Best to ask Mr. Dawkins.

10 MS. JEFFREY: Don't say that.

11 MS. DeFILIPPO: Where is Mr. Dawkins? Ask
12 where he is.

13 BY MR. MORGAN:

14 Q. Now earlier, Mr. Castaing, you testified that the ZJ
15 was mostly complete when the merger between AMC and
16 Chrysler took place, and at that time, you learned
17 that Chrysler was working on an SUV of their own, and
18 Chrysler learned you were working on the ZJ, the Grand
19 Cherokee. Have I got it right?

20 A. Yes.

21 Q. And you said there was a delay and so forth. One
22 thing I was a little unclear on. The Chrysler or the
23 Dodge SUV, did it go forward, did it not go forward?

24 A. It didn't.

25 Q. Okay. And do you know that that -- can you tell me

1 about that -- or strike the question.

2 Are you familiar with something called the
3 N-body?

4 A. Yeah, the N-body, I think, was the pickup truck, the
5 small pickup truck for Chrysler.

6 Q. And was the N-body the basis of the SUV that Chrysler
7 and Dodge were in the process of putting together when
8 the two companies merged and then that got shelved?

9 A. I think so. I'm not sure but I think so.

10 Q. Okay, okay. And can you tell me, sir, with respect to
11 that Dodge SUV based on the N-body, where was the fuel
12 tank anticipated to be mounted, if you know?

13 A. No, I don't.

14 Q. Okay. Did you participate in meetings that led to the
15 cancellation of the Dodge-based SUV and the elevation
16 or the decision to do the Grand Cherokee?

17 A. Yes.

18 Q. Would there have been comparisons between the two
19 vehicles discussed in these meetings?

20 MR. FUSCO: Object to the form.

21 A. Main discussion was what was going to be the future of
22 Jeep, and the company had bought Jeep, within AMC, the
23 gem or the part that Mr. Iacocca thought had great
24 value were Jeep, and he sounded awkward for several of
25 us. Not all of us. Some of us were of the view that

1 we would not do a new Grand Cherokee. Instead we
2 would do another Dodge in this, in this segment.

3 So after some brief discussion, in fact,
4 the decision was taken by Ben Bidwell who at the time
5 was a Vice Chairman who decided that Jeep needed a new
6 Grand Cherokee, and it was going to be the one we
7 started doing.

8 BY MR. MORGAN:

9 Q. Was your view solicited with respect to the decision
10 that Mr. Bidwell ultimately made?

11 A. In the sense that Bidwell asked me whether I was
12 comfortable whether there was going to be a great
13 Jeep, and I said yes.

14 Q. Okay. Did you believe that that was the correct
15 decision, that the Grand Cherokee should take
16 precedence over the Dodge SUV?

17 A. 3 million Grand Cherokee later, I think it was the
18 right decision to do.

19 Q. Okay. So that's a yes?

20 A. Yes.

21 Q. Okay. Did you know that the fuel tank on that N-body
22 based SUV was going to be mid-mounted, that is, in
23 front of the rear axle?

24 A. No.

25 MR. FUSCO: Object to form.

1 BY MR. MORGAN:

2 Q. You did not know that?

3 A. No.

4 Q. Was fuel system integrity a parameter that was
5 analyzed or considered in connection with the decision
6 to go forward with the Grand Cherokee as opposed to
7 the Dodge N-body based SUV?

8 A. These are not questions that arise because it's not
9 the way programs are done. The Jeep Grand Cherokee
10 was designed, like I said before the acquisition by
11 Chrysler, to be a fully-compliant, very effective Jeep
12 in all aspect that will delight the customer, provide
13 them everything they wanted and obviously meet all the
14 regulatory standards that apply, and so it was never a
15 question on mind whether there was any part of the
16 Grand Cherokee that was questionable. So I don't
17 think the question was ever raised.

18 Q. Tell me what was done to assure fuel system integrity
19 for the Grand Cherokee, Mr. Castaing, in an offset
20 rear impact?

21 MR. FUSCO: Object to the form.

22 A. I don't know.

23 BY MR. MORGAN:

24 Q. Tell me what was done to assure fuel system integrity
25 for the Jeep Grand Cherokee in an underride rear

1 impact?

2 MR. FUSCO: Object to the form.

3 A. It would be pure speculation on my part to discuss
4 that. I don't know.

5 BY MR. MORGAN:

6 Q. Well, Mr. Castaing, you indicated that you were the
7 head of Jeep/Truck Engineering and were deeply
8 involved in the ZJ, were you not?

9 MR. FUSCO: Object to the form.

10 A. Yeah.

11 BY MR. MORGAN:

12 Q. And so I'm here to ask you questions about that. You
13 understand that --

14 MR. FUSCO: Object to the form.

15 BY MR. MORGAN:

16 Q. -- right?

17 MS. JEFFREY: And if he doesn't know, he
18 has to say he doesn't know.

19 MR. FUSCO: This is improper questioning.

20 MR. MORGAN: Please don't testify for the
21 witness which the New Jersey Rules specifically
22 prohibit, counsel.

23 MS. JEFFREY: Please don't ask him the same
24 question 12 times when he said he doesn't know. It's
25 ridiculous.

1 A. So repeat the question one more time.

2 BY MR. MORGAN:

3 Q. Yeah. What I'm getting at is that you were fully
4 conversant with the design decisions made with respect
5 to the Jeep Grand Cherokee, were you not?

6 MS. JEFFREY: Object to form.

7 A. I said earlier that as the head of Engineering and
8 feeling liable for what we were doing, like always, we
9 in all aspects of this business, I made sure that the
10 people that were involved in engineering the car were
11 competent, that they knew the target for the car and
12 all aspects of it. They knew all the technical
13 requirement, what the car was supposed to meet,
14 including all the Federal standard and all aspect of
15 it. And so that's the way we look at it.

16 So at the time we had, like I said earlier,
17 books of standards, ours and the Federal standard, and
18 they were used by our people to design the Grand
19 Cherokee, and as long as I was comfortable that all
20 the standards were met, I felt good about the project,
21 like I said in my memo to the people. The ZJ was a
22 good program going on.

23 BY MR. MORGAN:

24 Q. Well, Mr. Castaing, is it true that you would have
25 attended engineering program reviews at Jeep/Truck

1 Engineering?

2 A. Yes, I did.

3 Q. What is an engineering program review?

4 A. It's what maybe I said in another way. Regularly I
5 would attend program progress review or program
6 reviews of the vehicle, you know, every three months
7 or something like that and make sure that we were all
8 sitting in a room with all the engineers involved or
9 at least the management group and making sure that the
10 progress were made and if there were issues, we were
11 working together to resolve them.

12 Q. Do you recall any discussions about fuel system
13 integrity for the ZJ after AMC was absorbed by
14 Chrysler?

15 A. No.

16 Q. You have referred to regulatory compliance, I think.
17 You're referring to 301?

18 A. Yeah, all of them. All the standards.

19 Q. All the standards. And we've already agreed that the
20 301 rear crash standard does not provide any
21 information about offset impacts or underrides; do you
22 recall that?

23 MS. JEFFREY: Object to form.

24 MR. FUSCO: Objection.

25 A. You said that.

1 BY MR. MORGAN:

2 Q. No. You said that.

3 A. No, I didn't.

4 MR. FUSCO: Please don't argue with the
5 witness.

6 BY MR. MORGAN:

7 Q. Your testimony is on the record, Mr. Castaing. Let me
8 make sure that I understand. You cannot on this
9 record and under oath provide me with any information
10 about what AMC and/or Chrysler did to protect its
11 customers in Grand Cherokees in the event of an offset
12 rear impact with respect to fuel system integrity; am
13 I correct?

14 MR. FUSCO: Object to the form.

15 MS. JEFFREY: Join.

16 A. Like I said earlier, we made sure that all the known
17 standard as laid out by NHTSA were complied with.
18 That's what we complied with.

19 BY MR. MORGAN:

20 Q. What information does the 301 test provide with
21 respect to an offset impact?

22 A. At the time there was the -- and NHTSA, you know -- I
23 will say that at the time there was the state of the
24 arts, if I may say it that way, that what the industry
25 knew, that's what NHTSA required from us to do, and

1 that's what we did. Over time, it is well-known that
2 the standard have been revised, other added and so on
3 that didn't exist at the time. But at the time, it
4 was 20, many years ago, we designed to the best
5 practice at the time, and all the standard that were
6 required by NHTSA to do, to use.

7 Q. Mr. Castaing, I'm going to move to strike your last
8 answer as nonresponsive, and remember, I asked you at
9 the outset to listen to the question and answer the
10 question you're asked. I'd like you to do that for
11 me. I'm going to have the court read my question back
12 to you.

13 (The requested portion of the record was
14 read by the reporter at 3:43 p.m. as
15 follows:

16 "Question: What information does the 301
17 test provide with respect to an offset
18 impact?")

19 A. I responded earlier that it is not an offset impact.

20 BY MR. MORGAN:

21 Q. What information does the 301 rear impact test provide
22 with respect to override impacts in the rear
23 configuration?

24 MR. FUSCO: Object to the form.

25 A. This test was not designed to test that, I guess.

1 BY MR. MORGAN:

2 Q. The ZJ was introduced -- you said a little bit
3 earlier, you gave us some clue. I want to make sure I
4 get the right date, Mr. Castaing. You said that there
5 was a decision made to build that ZJ in Detroit in
6 1991. What model year was it actually introduced for?

7 A. I think it was a '92 model year.

8 Q. And you gave some testimony earlier about state of the
9 art. Is it your testimony that the Grand Cherokee
10 when introduced in '92 with respect to fuel system
11 integrity was, in fact, state of the art?

12 MR. FUSCO: Object to the form.

13 A. I mentioned state of the art in the sense that the
14 legal expert at NHTSA evolved a standard, their
15 studies, their observation of the marketplace,
16 technology tell them that maybe the standard can be
17 revised to be more broad, cover more areas. That's
18 what I call the state of the art. But by 1991, the
19 ZJ, the Grand Cherokee, was complying to everything
20 that was known and with NHTSA standard.

21 As a matter of fact, I said earlier that
22 the car was engineered by Chrysler -- by AMC people.
23 It was tested by the Chrysler organization at our
24 proving ground in Chelsea. So in a sense it was,
25 again, a check and balance. If whatever our group

1 have missed, it would have been picked up by a new
2 crew of engineers coming from the other side of the
3 company to tell us that we could have done something
4 better.

5 BY MR. MORGAN:

6 Q. Had the state of the art with respect to fuel system
7 integrity and rear impact progressed in 1992 beyond
8 what it was, say, in the '70s?

9 MS. JEFFREY: Object to foundation.

10 A. I'm not sure. I don't know -- I don't know when 301
11 was created. I knew it was there in the early part of
12 the '90s -- the '80s, sorry.

13 MARKED FOR IDENTIFICATION:

14 DEPOSITION EXHIBIT 7

15 3:46 p.m.

16 BY MR. MORGAN:

17 Q. Let me ask you to take a look at Exhibit Number 7,
18 Mr. Castaing, and ask you if you've ever seen that
19 before?

20 A. I read it.

21 Q. Okay -- excuse me -- do you recognize any of the names
22 on this document?

23 A. Yeah, I recognize Bob Sinclair who in some ways was my
24 predecessor at Chrysler. This memo goes back to 1978.

25 Q. Have you ever seen this memo before today?

1 A. No.

2 Q. When you say Mr. Sinclair was your predecessor, what
3 do you mean by that?

4 A. He was the -- you know, in my time, this was before
5 my time, but in my time when I joined Chrysler, he was
6 the VP of Engineering for Chrysler.

7 Q. I see, and then you ultimately became the VP of
8 Engineering for Chrysler, and in that sense then you
9 took over duties that had previously been done by
10 Mr. Sinclair; do I have that right?

11 A. Yeah.

12 Q. If you would look at the document for a moment, the
13 second paragraph says the following: Not only are the
14 impact performance requirements of MVSS 301 pertinent
15 to the design approach but the significant increase in
16 the last few years in the numbers of product liability
17 cases involving fuel system fires and increase in the
18 size of the awards by sympathetic juries has to be
19 recognized.

20 Now did you know that, sir, when you were
21 helping to design the Grand Cherokee, the ZJ?

22 A. This, from what I read in his memo is dated 1978 and,
23 therefore, these reflect on family of cars and trucks
24 that were designed in the late '60s, early '70s. By
25 that time I was not in this country, and so it

1 reflects the fact that that's were the observation of
2 Mr. Sinclair on what they were dealing with at the
3 time.

4 Q. I'm asking you this. I'm asking you at the time the
5 ZJ was being designed, were you aware of that, of the
6 statement contained in here?

7 A. No.

8 Q. Can you tell me whether or not you agreed with the
9 statement contained in here that I just read, that not
10 only is the impact performance requirements of FMVSS
11 301 pertinent but also the subject matter of product
12 liability and increasing jury awards?

13 A. I don't know this background that caused Mr. Sinclair
14 to say that, so no, I don't agree or disagree. I can
15 speculate.

16 Q. All right. Are you familiar with something called the
17 Ford Pinto?

18 A. Yeah.

19 Q. Are you familiar with the fact that the Ford Pinto
20 passed the 301 test that you described earlier?

21 MR. FUSCO: Object to the form.

22 A. No, I don't know the case exactly, the detail of the
23 Pinto case.

24 BY MR. MORGAN:

25 Q. Okay. So you're unaware that that Pinto met the same

1 minimum standards as the Grand Cherokee ZJ?

2 MR. FUSCO: Objection, asked and answered.

3 MS. JEFFREY: Join.

4 A. I just said I don't know the case of the Pinto.

5 BY MR. MORGAN:

6 Q. Okay. If you would take -- you indicated you know
7 Mr. Sinclair. What about Baker, LL Baker; did you
8 know that person at all?

9 A. I don't remember Mr. Baker.

10 Q. In the first paragraph, it also refers to some
11 discussions between Messrs. Vining, I think it says
12 Jeffe, Sperlich and Sinclair. Do you know any of
13 those other people?

14 A. Sperlich was still at Chrysler when I joined, at the
15 time of the merger between Chrysler and AMC, and he
16 stay there for another year and then left the company.
17 He was the -- he was President or something. That's
18 the only one I knew of these people.

19 Q. I see, a highly-placed official at Chrysler?

20 A. Huh?

21 Q. A highly-placed official at Chrysler, President of
22 something you said?

23 A. Yeah, I don't know in '78 where he was. I said when I
24 got to know him.

25 Q. Right, when you got to know him --

1 A. He was the Senior President of product planning or
2 something like that.

3 Q. Okay. And that would have been in '87, that's when
4 you came across Mr. Sperlich?

5 A. The first time, yeah.

6 Q. Okay. If you would take a look at the second page of
7 the document, and there is a discussion there of truck
8 fuel tank location?

9 A. Uh-huh, yeah.

10 Q. And in here, it says: The same principles regarding
11 fuel tank location apply to truck design. It is
12 important that these larger fuel tanks are not only
13 shielded from damage in a collision but do not break
14 away from the truck and thereby spread fuel onto the
15 roadway.

16 Do you agree with that statement,
17 Mr. Castaing?

18 A. Agree to what, that we should not spill fuel on the
19 roadway?

20 Q. That the principles regarding fuel tank location apply
21 to truck design as well. It is important that these
22 larger fuel tanks are not only shielded from damage in
23 a collision but do not break away from the truck and
24 thereby spread fuel on the highway.

25 Do you agree with that statement, sir?

1 MR. FUSCO: Object to the form.

2 A. I don't agree because it's kind of making a statement
3 without the context. It's like saying car
4 manufacturers should not build small cars because
5 don't you know they are less safe than big cars. So
6 it's not the way we think. We create cars for the
7 need that we see in the marketplace, and we make them
8 safe regardless of the architecture, so on. We design
9 them to pass minimum standards agreed by the industry
10 and NHTSA to make them safe. So I can say an argument
11 that you should not spill gas on the road, yeah, no
12 car should be rear-ending another one at 50 miles an
13 hour. That would be dangerous. So what does that
14 mean?

15 BY MR. MORGAN:

16 Q. Do I understand you to state on the record and under
17 oath that you do not agree that larger fuel tanks
18 should be shielded from damage in a collision with
19 respect to trucks; do I have that right?

20 MR. FUSCO: Object to the form.

21 MS. JEFFREY: I join.

22 MR. FUSCO: It's improper.

23 A. I say I don't disagree nor agree because it's out of
24 context.

25 BY MR. MORGAN:

1 Q. The next sentence says: The approach used by
2 Mitsubishi on the SP-27 of locating the fuel tank
3 ahead of the rear wheels appears to provide good
4 protection for the tank.

5 My question to you is: Do you agree that
6 locating the fuel tank ahead of the rear wheels
7 appears to provide good protection for the tank?

8 MR. FUSCO: Object to form.

9 MS. JEFFREY: And object to form because
10 he's talking about a specific Mitsubishi vehicle.

11 A. When you look at the marketplace today, fuel tanks are
12 sometime in the front of the car, like on sports car
13 from Germany. So there's no magic position for a fuel
14 tank in a car. There's depending on the configuration
15 of the car, the size of the car, the purpose of the
16 vehicle. It would be in one location or the other.
17 And they are -- and then -- but the engineers are
18 there to make sure that regardless of where in the end
19 the tank is located for packaging reason, for other
20 reason, it would provide adequate safety to the
21 occupant of the car.

22 BY MR. MORGAN:

23 Q. Mr. Castaing, we're not talking about some fancy
24 German sports car right now; we're talking about
25 trucks, okay?

1 MS. JEFFREY: And that question was about a
2 Mitsubishi.

3 A. We're talking about a Mitsubishi right now.

4 BY MR. MORGAN:

5 Q. Mitsubishi truck.

6 MR. FUSCO: Counsel, you cannot mislead the
7 witness under the rules. If you're talking about a
8 specific car, then tell him. This is not like --

9 BY MR. MORGAN:

10 Q. Please look at the third paragraph. It says:
11 Chrysler is investigating fuel tank relocation ahead
12 of the rear wheels for vans and multipurpose vehicles,
13 but present plans for pickups through 1983 and for
14 MPVs and vans through 1985 have the fuel tank located
15 behind the rear wheels.

16 Now, when you joined Chrysler in 1987, did
17 you become aware that Chrysler was investigating fuel
18 tank relocation ahead of the rear wheels for vans and
19 multipurpose vehicles?

20 A. No. As a matter of fact, the work we did on trucks
21 and vans since it was under my jurisdiction didn't
22 include that.

23 MR. SACCO: I'm sorry, it did or did not?

24 THE WITNESS: Did not. Like I said, it was
25 from 1987 --

1 MR. FUSCO: There's no question.

2 THE WITNESS: Okay.

3 BY MR. MORGAN:

4 Q. So during the time period that you were the head of
5 first Jeep/Truck Engineering and then Vehicle
6 Engineering at Chrysler, a period of time as I
7 understood it from July of '87 until '96 I think you
8 said, you were not investigating at any time during
9 that era relocation of fuel tanks ahead of the rear
10 wheels for vans and multipurpose vehicles; do I have
11 that right?

12 A. We're not investigating. We were designing good cars
13 and trucks that worked well and pass all the standards
14 at the time.

15 Q. Were you considering at all placement of fuel tanks
16 ahead of the rear axle during that era?

17 MR. FUSCO: Object to the form.

18 A. On what vehicle?

19 BY MR. MORGAN:

20 Q. Vans and multipurpose vehicles.

21 A. I don't think so.

22 Q. The next sentence reads: In vehicles both with and
23 without bumpers, there is a concern with vertical
24 height differences that create a mismatch with
25 passenger car bumpers.

1 We discussed that earlier. That's another
2 expression of the concept of override, isn't it?

3 MR. FUSCO: Object to the form.

4 A. Ask the question. What is the question?

5 BY MR. MORGAN:

6 Q. Sure. The sentence reads: In vehicles both with and
7 without bumpers, there is a concern with vertical
8 height differences that create a mismatch with
9 passenger car bumpers.

10 Do you see that sentence?

11 A. Yes.

12 Q. That's another expression of the concept of override,
13 isn't it?

14 MR. FUSCO: Object to the form.

15 MS. JEFFREY: Foundation.

16 A. Override as you describe it, yeah.

17 BY MR. MORGAN:

18 Q. Then Mr. Baker says the following: Where fuel tank
19 location behind the rear axle is all that is feasible,
20 a protective impact deflection structure may have to
21 be provided whether or not a bumper is provided.

22 Now you see that there, Mr. Castaing?

23 A. Yeah.

24 Q. Can you tell me with respect to the Jeep Grand
25 Cherokee whether there was any consideration given to

1 including a protective impact deflection structure to
2 protect its tank in the event of rear impacts,
3 particularly underrides?

4 MR. FUSCO: Object to the form.

5 A. Like I said, the Jeep Cherokee was designed to be a
6 great Jeep. It is -- it is not a truck, per se, since
7 this unibody construction, so some of the solution
8 that are refer here to trucks do not apply to Jeeps.
9 A Grand Cherokee is like a car, a tall car, you know,
10 raised above the ground to go over rocks and do things
11 that other cars can't do, and the car was designed the
12 way it was designed with great deal of care about
13 making everything work as a whole and meeting every
14 safety standard we knew at the time, and we tested the
15 Jeep several times, and we passed all the tests, and
16 when the car was about to go into production, they
17 were retested to make sure that we were meeting all
18 the tests, and we passed them.

19 BY MR. MORGAN:

20 Q. Mr. Castaing, again I have to remind you, I have to
21 move to strike your last answer as not responsive.
22 You agreed at the outset to listen to the question and
23 answer the question that's asked. I'm going to ask
24 the court reporter to read my question back to you.
25 Please answer my question, sir.

1 MR. FUSCO: I'd like to have the answer
2 read back, also, because I think it is responsive.

3 MS. DeFILIPPO: If you're going to read
4 back the answer, then he's going to have to read the
5 question again so that he has the question so that we
6 have a clean answer.

7 MR. MORGAN: There's no point in reading
8 back the answer as well, counsel, to the examination
9 of the witness. If you want to ask him that question
10 again on your examination, you're free to do so.

11 MR. FUSCO: That's fine. I withdraw my
12 objection.

13 MR. MORGAN: Or a question to which his
14 answer would be responsive.

15 (The requested portion of the record was
16 read by the reporter at 4:03 p.m. as
17 follows:

18 "Question: Can you tell me with respect to
19 the Jeep Grand Cherokee whether there was
20 any consideration given to including a
21 protective impact deflection structure to
22 protect its tank in the event of rear
23 impacts, particularly underrides?")

24 MR. FUSCO: I object to the form.

25 MS. JEFFREY: Join.

1 A. Like I said, the car was designed to do everything the
2 car was supposed to do in the eyes of the customer,
3 the target market for this vehicle. The tank was the
4 way it was, and when we talk about rear structure --
5 there is a rear structure in the back of the vehicle
6 to protect the tank. It is not an add-on. It's built
7 into the structure of the car. That's why the Jeep
8 Grand Cherokee passed all the FMVSS standards at the
9 time. I don't know about underride standard. If you
10 describe to me what it is, like it was later discussed
11 and later in the history of the '90s bumper height
12 where it become part of new standard by NHTSA, but
13 until then, there was no standards. So if you know of
14 one or someone that can tell you, there was no
15 standard by SAE or any other organization of
16 manufacturers that we can refer to. So we cannot
17 design or think about designing anything underride if
18 it is not a defined question.

19 BY MR. MORGAN:

20 Q. Please describe on the ZJ, sir, the protective impact
21 deflection structure provided to protect the rear
22 mounted tank?

23 MR. FUSCO: Object to the form.

24 MS. JEFFREY: Join.

25 A. I said it was built in.

1 BY MR. MORGAN:

2 Q. Yes.

3 A. That's why it passed all the tests.

4 Q. Describe it for me. What was the structure that was
5 built in? You claim it was built in. You're the
6 father of the ZJ. Describe for the jury what it was
7 you built in that was the deflection structure to
8 protect its tank in the event of rear impacts,
9 particularly underrides?

10 MS. JEFFREY: Object.

11 MR. FUSCO: You said that, counsel.

12 THE WITNESS: I agree.

13 MR. FUSCO: I move --

14 MR. MORGAN: He said we built it in. I'd
15 like to know what it is.

16 MR. FUSCO: I'd move to strike the part of
17 counsel where he's testifying.

18 A. I cannot describe the back of a unibody easily in
19 words, but clearly the body that is above the tank and
20 the reinforcement, longitudinal rail that support the
21 car underneath were there to protect the car, and
22 that's why it was passing the test very well, the
23 FMVSS 301. We didn't design the car for tests that
24 didn't exist and, like I said earlier, if there was
25 one, even not a public one, one that was done by an

1 association of manufacturers like Society of
2 Automobile Engineers or so on, we may have looked at
3 it, but I don't think there is one on the record.

4 BY MR. MORGAN:

5 Q. The last sentence of this paragraph says: An
6 investigation whether to relocate the fuel tank or to
7 provide impact deflecting structures is presently
8 underway.

9 Did you ever learn of such an
10 investigation, Mr. Castaing?

11 A. No. It may be in the end, investigation didn't
12 discover anything.

13 Q. Mr. Castaing, are you familiar with the term
14 crashworthiness?

15 A. Yeah, crashworthiness in general is characteristic of
16 -- no, I'm not sure. It's a layman -- it's not a
17 technical term in the sense that crashworthiness.
18 Unless you define the context of that, it's hard to
19 describe.

20 Q. Do you agree with this definition of crashworthiness?
21 It is defined as the ability of a motor vehicle to
22 protect its passengers from enhanced injuries after a
23 collision.

24 MR. FUSCO: Object to the form.

25 A. That's the definition, yeah, not necessarily everybody

1 --

2 BY MR. MORGAN:

3 Q. I'm asking you if you agree with the definition?

4 A. I don't understand --

5 Q. You can agree or disagree. It's up to you.

6 A. I just say there's the word enhanced injury. I don't
7 know. Can you read it again?

8 Q. Sure. Crashworthiness is defined as the ability of a
9 motor vehicle to protect its passengers from enhanced
10 injuries after a collision.

11 A. Well, this is kind of a short definition which does
12 not really -- unless you define crashworthiness
13 protection is always within the context of whether
14 it's a front crash or rear crash of what speed you are
15 getting into the wall or what speed someone is getting
16 into your back, whether it is a pickup truck against a
17 small car or vice versa, and describing injury is even
18 more complicated. That's why I'm not sure on what
19 some of this definition means.

20 Q. Mr. Castaing, do you agree that the manufacturer of a
21 motor vehicle has a legal duty to design and
22 manufacture a reasonably crashworthy product?

23 MS. JEFFREY: Object to form and
24 foundation. It calls for a legal conclusion.

25 MR. FUSCO: Objection.

1 A. I agree that, like I said earlier, we as a group of
2 engineers were committed to make sure that the ZJ and
3 other cars, all the trucks we did were all compliant
4 with crash-related standard established by the
5 industry in the U.S. or in Europe or other countries
6 where they are different, and doing so, we thought
7 that we were doing the right thing, and for customers,
8 which in the case of most of our vehicles have been
9 proven -- I mean, I think the ZJ has a good record in
10 that we made millions of them, and they were
11 performing to the expectation in most of the case for
12 customer in case of accidents.

13 BY MR. MORGAN:

14 Q. Do you agree that -- excuse me -- do you agree that
15 the manufacturer has to include accidents among the
16 intended uses of its product?

17 MS. JEFFREY: Object to form.

18 A. That's not what I -- I don't agree with that. I agree
19 that obviously we design cars to sustain accidents.
20 That's why over time and still today science has
21 improved. Airbags have been multiplied in cars, and
22 better understanding of offset crash have been taking
23 place, and so we learn as an industry, and over time
24 the state of the knowledge permit cars to continue to
25 be safer. That doesn't mean that when we were

1 designing back then when it was less were unsafe.

2 Q. Would you agree with me, Mr. Castaing, that in a rear
3 impact involving a Jeep Grand Cherokee, a ZJ, that if
4 the fuel tank fails and a fire ensues and the occupant
5 or occupants of that Grand Cherokee are burned and die
6 as a result of their burns, that that person has
7 suffered an enhanced injury?

8 MR. FUSCO: Object to form.

9 MS. JEFFREY: Form and foundation.

10 MR. FUSCO: Can you at least describe what
11 you mean by fuel tank fails?

12 MR. MORGAN: It leaks its contents and the
13 contents ignite.

14 MR. FUSCO: This is completely improper
15 question, but --

16 A. What's the question? I don't understand the question.

17 BY MR. MORGAN:

18 Q. Here, I'm trying to find out from you if you would
19 agree, let's take a hypothetical situation. There's a
20 Jeep Grand Cherokee that was struck in the rear. Are
21 you with me so far?

22 A. Uh-huh.

23 Q. Yes?

24 A. Yes.

25 Q. Okay. And that the occupants of that Jeep Grand

1 Cherokee may suffer some injury as a result of that
2 impact; they are moved around quickly and they may hit
3 things inside the vehicle and develop bruises or
4 broken bones or other injuries. With me so far?

5 A. Yeah.

6 Q. Those are the injuries they would suffer in the crash.
7 Are you with me so far?

8 A. Yeah.

9 Q. Okay. Now suppose the tank fails in such a way that
10 the contents of the fuel tank are spilled out and they
11 ignite in this crash. Are you with me?

12 A. It would be a tragedy.

13 Q. It certainly would be a tragedy, and the occupants of
14 the vehicle are burned and they die as a result of the
15 burns. Do you recognize those burn injuries as an
16 enhanced injury resulting to the occupant that
17 wouldn't have happened if the tank hadn't failed?

18 A. I don't understand the --

19 MR. FUSCO: Wait a minute. Object to the
20 form. Does your hypothetical include any speed?

21 A. I don't understand what you are talking about.

22 MS. DeFILIPPO: Wait, whoa, whoa, whoa,
23 hold on! You can't -- you can object to the form and
24 you can indicate why you object to the form --

25 MR. FUSCO: I just did.

1 MS. DeFILIPPO: I understand that. You can
2 indicate that you objected to the form because it was
3 not all-inclusive in your mind, but you can't suggest
4 things to the witness such that he then will be
5 discussing what you want.

6 MR. MORGAN: I think your objection was
7 clearly stated, counsel.

8 MR. FUSCO: I want to know what the
9 hypothetical means.

10 MR. MORGAN: To create an answer for the
11 witness.

12 MS. DeFILIPPO: Exactly.

13 MR. MORGAN: You're clearly in violation of
14 the New Jersey Rules.

15 MR. FUSCO: I am not.

16 MR. MORGAN: And you're admitted to the Bar
17 in New Jersey.

18 MR. FUSCO: And you're not.

19 MS. DeFILIPPO: I am because I'm the one
20 sitting here who said that your objection was in every
21 way intended to key in this witness as to what your
22 thoughts were with respect to the question. If your
23 objection is you object to the form because it's not
24 all-inclusive, that's your general objection. You
25 cannot then discuss specifics so that this witness

1 then discusses specifics, and we can -- we don't have
2 to argue about that. That is just plain and clear
3 from the rule. We can read the rule again.

4 MS. JEFFREY: And I'm going to object for
5 form and foundation on that.

6 MR. FUSCO: Proceed.

7 MS. JEFFREY: The term enhance.

8 MR. FUSCO: Proceed at your peril, counsel.

9 A. So I cannot respond to your question unless you
10 describe to me what you call enhanced injuries.

11 BY MR. MORGAN:

12 Q. Sure.

13 A. I don't understand that. How about you use another
14 word for me to understand better?

15 Q. I'm trying to explain to you what I mean by the
16 concept. We talked about this person in the Grand
17 Cherokee. They're rear-ended and they are jostled
18 around inside of the vehicle as a result of the
19 rear-ending. Are you with me so far?

20 A. Yeah.

21 Q. And they might receive some injuries like orthopedic
22 injuries, broken bones, strains and sprains, things
23 such as this nature. Still with me?

24 A. That might happen.

25 Q. Those are the injuries they received in the impact,

1 the initial impact, correct?

2 A. It's not correct. I understand what you're talking
3 about.

4 MR. FUSCO: Object to form.

5 BY MR. MORGAN:

6 Q. They may be knocked unconscious, in fact, in this
7 accident?

8 MR. FUSCO: Object to form.

9 BY MR. MORGAN:

10 Q. That would be an injury that they received in the
11 impact. Are you with me?

12 MR. FUSCO: Let me just put a continuing
13 objection to this entire line of questioning so I can
14 save a little paper.

15 MR. MORGAN: That's fine.

16 A. So what is the question?

17 BY MR. MORGAN:

18 Q. As an example, an injury might be that they're knocked
19 unconscious in this impact, right?

20 A. So what's the question?

21 Q. You agree with that?

22 A. I don't agree. I'm understanding what you are talking
23 about.

24 Q. As a predicate, that's the injuries received in the
25 accident or in the impact. Are you with me so far?

1 MR. FUSCO: Object to the form.

2 A. Yeah, I can speculate that that's what happened.

3 BY MR. MORGAN:

4 Q. Okay. Now once the crash is over with, if the fuel
5 tank doesn't leak and the gasoline doesn't ignite,
6 that person can sit there unconscious and wait for
7 help to arrive, right?

8 MR. FUSCO: Object to the form.

9 MS. JEFFREY: Object to the form.

10 A. So what's the question then?

11 BY MR. MORGAN:

12 Q. If the fuel tank --

13 A. Why don't you tell me your question? You keep
14 describing a story. Give me a question.

15 Q. I'm trying to get you there. You said you didn't
16 understand, Mr. Castaing.

17 A. I still don't understand.

18 MS. JEFFREY: Let's not argue.

19 BY MR. MORGAN:

20 Q. I took you at your word. I'm simply trying to help
21 you understand.

22 MS. JEFFREY: Ask a question.

23 BY MR. MORGAN:

24 Q. So if the fuel tank doesn't leak and the gasoline
25 doesn't ignite and start burning up the vehicle, that

1 person can sit there and wait for help to arrive and
2 get help for their injuries, whether they be
3 orthopedic, neurologic, knocked unconscious and so
4 forth; do you understand that, Mr. Castaing?

5 MR. FUSCO: Object to the form.

6 A. I understand your story. I still don't understand the
7 question.

8 BY MR. MORGAN:

9 Q. In that context, therefore, if the fuel tank does
10 leak, the fuel does ignite, the vehicle is burned up
11 and the person dies as a result of their burns and
12 other injuries related to the fire, that's an enhanced
13 injury; do you understand that?

14 MR. FUSCO: Object to the form.

15 MS. JEFFREY: Join.

16 A. It was a tragedy.

17 BY MR. MORGAN:

18 Q. Do you agree that's an enhanced injury --

19 MR. FUSCO: Object to the form.

20 BY MR. MORGAN:

21 Q. -- over and above what would have been suffered in the
22 crash in the first place?

23 A. I don't understand the terminology. It is a tragedy.

24 Q. Okay. Your testimony is you don't understand; do I
25 have that right?

1 MR. FUSCO: Object to the form.

2 A. Your question when you say -- you want me to say that
3 I understand what is an enhanced injury, and I said I
4 don't understand this concept. It is tragic for
5 people to be hurt --

6 BY MR. MORGAN:

7 Q. You've answered my question, Mr. Castaing. I'm going
8 to move on to another subject matter.

9 A. Okay.

10 Q. You mentioned a couple things about the ZJ that I
11 wanted to follow up on. You mentioned the term target
12 market, and you also said the purpose of the ZJ.
13 Let's start with the target market. What did you
14 understand the Grand Cherokee, the ZJ's target market
15 to be?

16 A. The ZJ, having learned from the success of the
17 Cherokee Limited which at the time was selling very
18 well and creating a new niche for people who were
19 intrigued and enjoying the benefit of a, like a
20 station wagon like space inside a vehicle, the implied
21 safety of four-wheel drive in the winter and car that
22 were well appointed, it was a nice engine, good
23 transmission, leather interior. That created the
24 beginning of a, of a trend versus passenger cars, and
25 therefore, the ZJ was created to, you know, give the

1 customer more of the same in the same vein. So it was
2 likely bigger. It was more refined. It had more
3 space inside for the customer, for the passenger, it
4 was a slightly bigger vehicle, but it still had -- we
5 were, for example, women wanted to make sure that
6 climbing in the four-wheel drive vehicle would be not
7 too high for them despite willing and wanting to have
8 all the off-road that most of the time they were not
9 using but all the, you know, off-the-road or
10 capabilities for the vehicle.

11 Therefore, come out was like ZJ was
12 supposed to be comfortable and quiet and aiming at
13 this new, new I would say group of customers that were
14 affluent and interested in this type of vehicle.

15 Q. Okay. Well, I'm not sure I got an answer in there, so
16 let me see if I can follow up and get some greater
17 explanation from you.

18 You said something about women and you said
19 something about affluence. Is it your testimony that
20 the target market for the Grand Cherokee was affluent
21 women?

22 A. No. It was for everybody.

23 Q. Okay.

24 A. But pay attention this --

25 Q. Let me make sure that you understand my question --

1 MS. JEFFREY: Let him finish his answer,
2 please.

3 MR. MORGAN: He has answered my question.
4 I want to pose another.

5 A. No, I have not. I've not responded to your question.
6 Give me a chance to respond.

7 BY MR. MORGAN:

8 Q. Actually, you did respond. Everything that comes
9 after "this" is not responsive, and I'm trying to keep
10 you on track with all due respect.

11 MR. FUSCO: Counsel, you can not stop a
12 witness from answering a question.

13 MR. MORGAN: The witness is not authorized
14 to blather on on some other subject matter that is not
15 part of the question.

16 MR. FUSCO: You're not authorized to
17 blather on on anything in this proceeding, counsel.

18 MS. JEFFREY: Go ahead and finish your
19 answer.

20 MR. FUSCO: Let him finish his answer.

21 A. You asked me the question whether it was designed to
22 target women and affluent women for the Grand
23 Cherokee, and I want to make clear that while they
24 were an important target for us because we thought
25 that trucks in the past have not been friendly to

1 them, of course the Grand Cherokee was aiming at a
2 traditional market which were men and people having
3 the means -- when I say affluence is because the Grand
4 Cherokee was not inexpensive. Therefore, you have to
5 have a little revenue to be able to afford one was my
6 full response.

7 MS. DeFILIPPO: I'm sorry, did we get an
8 answer to the question of what the target market was
9 for the ZJ?

10 MR. MORGAN: I don't think we have.

11 MS. DeFILIPPO: I might have missed it.

12 BY MR. MORGAN:

13 Q. What you gave me earlier, Mr. Castaing, was a list of
14 what I think you believe are the attributes of the
15 Grand Cherokee. I did not ask you for the attributes
16 of the Grand Cherokee. I asked you what the target
17 market is. Is it families, is it working people, is
18 it use the truck for -- use the vehicle for
19 deliveries, is it for hauling children around, is it
20 for camping out in the woods; what's the target market
21 for the vehicle? That was the question posed.

22 A. Well, some in the industry view the Cherokee and the
23 Grand Cherokee as the predecessor of the sport utility
24 boom and, in fact, when you say you have to know the
25 market you're into, it's hard to define how big it

1 would be and what it would be, but clearly we sensed
2 with the Cherokee that we have cracked a new segment,
3 and the segment were people that were using their
4 vehicle with -- for many things, whether they were
5 taking their kids to school like my wife did with the
6 Grand Cherokee or they were taking -- or they were
7 going camping in the woods or they were going to work
8 every day or going to an evening with a tuxedo at
9 night, and we were looking at this market which was
10 there without necessarily being well defined of people
11 that were moving away from maybe luxury cars, sports
12 cars, family cars and so on and wanted to have -- and
13 everybody will see an angle why a new sport utility
14 were designed to be attractive to them.

15 BY MR. MORGAN:

16 Q. Can you tell me, Mr. Castaing, if the product plan for
17 the Grand Cherokee included information about customer
18 demographics?

19 A. I don't remember that. I'm pretty sure someone did
20 that.

21 Q. Do you have -- can you define the term customer
22 demographics?

23 A. So you're asking the question but you don't know what
24 it means, or what is the question?

25 Q. I'm asking you if you know what it means,

1 Mr. Castaing?

2 A. Typically in the industry or any industry when you
3 sell something to a group of people, you try to
4 predict what group you will be selling it, and it can
5 be age group, where they live, their revenues, their
6 jobs, their hobbies, their favorite TV programs and so
7 on.

8 MR. MORGAN: I've just been informed that
9 we have about 10 minutes or so left on the tape. This
10 is a good spot to take a little break.

11 MS. JEFFREY: Take a break, okay.

12 VIDEO TECHNICIAN: The time is now 11:15
13 and 6 seconds a.m. This marks the end of tape number
14 two. We are off the record.

15 (Recess taken at 11:15 a.m.)

16 (Back on the record at 11:44 a.m.)

17 VIDEO TECHNICIAN: We are back on the
18 record. The time is 11:44 and 44 seconds a.m. This
19 marks the beginning of tape number three.

20 BY MR. MORGAN:

21 Q. Mr. Castaing, with respect to the Grand Cherokee, the
22 ZJ, can you identify for us the offerings that you
23 understood to be its competitors, in other words,
24 other vehicles in the market with whom you were
25 competing for customers?

1 A. At the time and even after we launched it, we were
2 different from everybody else because of our offering
3 that we were offering a Jeep for people who had the
4 perception that Jeep were versatile and can go
5 anyplace, would not left you stranded. And so there
6 were really no one that really in that niche that
7 competed with us.

8 Q. So the Grand Cherokee had no competitors; is that your
9 testimony?

10 A. Well, the numbers show that we, with all the type of
11 vehicle that came along, like the Explorer, but they
12 -- we sold many, many Cherokees, Grand Cherokees and
13 they sold many, many Explorers, meaning that they were
14 attracting a different group of people.

15 Q. Did you consider the Grand Cherokee Jeep to be a
16 competitor of the Explorer?

17 A. Not really.

18 Q. So you weren't hoping to attract people that bought
19 Explorers to buy Grand Cherokees and take market
20 share --

21 A. No.

22 Q. -- you didn't want that; do I have that right?

23 A. Well, it's not that we didn't want that. We target
24 people with a slightly different product, and people
25 recognized that and people who wanted a Jeep came and

1 bought them, and we made a lot of them. And I know
2 Explorer also had a grade success with probably people
3 who had slightly different views of what they needed,
4 and Explorers were not Jeep and, yeah, we knew that we
5 were both successful, Ford and Chrysler did, but I
6 don't think -- I don't remember that we were doing
7 anything special to compete with Explorer.

8 Q. Well, I wasn't asking you if you were doing something
9 just special to compete with Explorer. Perhaps we can
10 -- well, let me follow up on a couple of things you
11 just said.

12 You said we had a vehicle that was slightly
13 different. Slightly different than what, the
14 Explorer; is that what you meant to say?

15 A. I said slightly unique.

16 Q. Slightly unique meaning different than the Explorer,
17 slightly different?

18 A. No, I'm not talking about the Explorer. Jeeps are
19 Jeeps and we were building or rebuilding the brand,
20 which was essential to our business plan, having
21 Chrysler bought Jeep after we, you know, get Jeep
22 sales solid again with the Cherokee Limited, like I
23 said earlier, and we wanted to build on that and make
24 Jeep again a significant brand on itself with this
25 dealership that would do well with them and so on.

1 Q. You said the Cherokee Limited. Is that also known as
2 the XJ?

3 A. Yeah, yes.

4 Q. Okay. Did the introduction of the ZJ reduce sales of
5 the XJ?

6 A. Initially the great fear of salespeople, that they
7 predicted that the new Grand Cherokee would kill the
8 Cherokee and that the -- by the time -- by the time we
9 launched the Grand Cherokee, dealers realized that
10 people were still coming to the dealership to buy the
11 old one, the Cherokee, and therefore, we restarted
12 full production of Cherokees as we were cranking up
13 production of the Grand Cherokees, and in fact,
14 instead of being one substituting for the other, they
15 both became together very successful for a long time.

16 Q. Are you familiar with the term market segment?

17 A. Yeah.

18 Q. What does that term mean to you?

19 A. Well, different segment. One way to look at that is
20 by size of cars or can be also by demographics. It
21 can be by -- product planners can cut or people doing
22 data research can segment the market in many different
23 ways, so...

24 Q. And what market segment would you place the Grand
25 Cherokee in then?

1 A. Like I said earlier, it was designed to be feeding and
2 supplying a good product for this growing interested
3 group of people and something different from a station
4 wagon, different from luxury cars and in between,
5 offering the off-the-road potential, you know, I can
6 go up north and it may snow -- I will not be stuck in
7 a Jeep. If I go with another car, I may be stuck in
8 the snow type of thing.

9 Q. Is the -- would that market segment be described as
10 the SUV?

11 A. Well, SUV was born after -- the name was born after
12 the fact when the planners discovered that others were
13 having, as a matter of fact, bigger and bigger like
14 four-wheel drive or not vehicle along, like the
15 Explorer and others were came along and so on along
16 the way.

17 Q. So would -- am I correct then that although maybe the
18 name came a little bit later, that the Grand Cherokee
19 was part of the SUV market segment like the Explorer
20 was?

21 A. Yeah, the SUV market became millions of vehicles in
22 this country. So it's hard to say -- you can bin
23 them -- you can bin them together if you wish. It
24 doesn't mean that they are the same.

25 Q. In that sense then, Chrysler was competing in the SUV

1 market segment with its Grand Cherokee offerings and
2 Cherokee offerings against, as an example, the
3 Explorer; is that a fair statement?

4 A. No, I don't think that we were really competing
5 because, like I said earlier, the Jeep had found a
6 niche where we were good with ourself, and buyers of
7 Explorer would not buy Jeep, and Jeep buyers would not
8 buy Explorers.

9 Q. Just so that I'm clear, you would describe, although
10 you say the name came later, a Grand Cherokee as an
11 SUV; do I have that right?

12 A. You asked me if some people were binning them as SUV,
13 yes.

14 Q. What does binning mean?

15 A. You create a segment and a product planner would say
16 this car is in a segment and this car is in a segment
17 and it's binned.

18 Q. Okay. What cars were in the same bin with or other
19 vehicles, I should say, were in the same bin as the
20 Grand Cherokee; was Explorer one of those vehicles?

21 A. Yeah, product planner may have put them together, but
22 the demographics and people were selling them were
23 different. Like I said, both of them were very, very
24 successful in having different type of vehicle.

25 Q. Mr. Castaing, I asked you a different question. Were

1 the Grand Cherokee and the Explorer binned together?

2 A. Not in our mind.

3 Q. Is it your testimony on the record and under oath that
4 no one at Chrysler considered the Explorer a
5 competitor of the Grand Cherokee?

6 MS. JEFFREY: Object to form and
7 foundation.

8 BY MR. MORGAN:

9 Q. You said "not in our mind." I assumed you meant
10 Chrysler?

11 A. No. I said we, people that were really closely
12 involved with that will look at -- at some point I
13 explained I was in charge of the Jeep business when we
14 organized this platform system, and we were clearly
15 aware that we were building the Jeep brand, and we had
16 something that we were selling, car proposition that
17 was not directly -- we were not looking at an Explorer
18 like our competition. They were there, they were
19 doing well, and they were selling to different people.

20 Now if you ask me whether people at
21 Chrysler may have binned them together, probably.

22 Q. What other vehicles would have been binned together
23 with the Grand Cherokee and the Explorer?

24 A. Well, maybe Land Rovers, for example. I didn't say
25 Explorer but Jeep can be -- there was another brand

1 that looks like Jeep, it's called Land Rover or Range
2 Rover, and they were -- I'm saying we were more like
3 them.

4 Q. Any others that you would say would have been binned
5 together by at least some at Chrysler with the Grand
6 Cherokee and the Explorer besides the Land Rover or
7 the Range Rover?

8 A. I don't know. I don't know.

9 Q. What about the four-door GM or Chevy Blazer?

10 A. Say there are sport utilities by that time were
11 popping up everywhere. Most of them bigger and bigger
12 as time went made by Ford, by the Japanese. Everybody
13 knew about the, you know, the growth of this segment
14 of the market. The fact that they were binned
15 together by analysts or by size or by whatever doesn't
16 mean that as we were looking at our product, we look
17 at it, and we always stick to our philosophy, at least
18 until I was there, that the replacement for the ZJ was
19 a YJ, I think --

20 MS. JEFFREY: WJ.

21 THE WITNESS: -- WJ came out in 1998, I
22 think.

23 MS. JEFFREY: '99.

24 THE WITNESS: Right?

25 MS. JEFFREY: '99.

1 THE WITNESS: '99, which I was involved in,
2 still I was at Chrysler when it was created, was
3 following the same path to be offering something
4 unique.

5 BY MR. MORGAN:

6 Q. What replaced the WJ since you've decided to go down
7 that path?

8 A. What?

9 MS. JEFFREY: Object to form.

10 BY MR. MORGAN:

11 Q. What replaced the WJ since you decided to go down that
12 path?

13 A. Well, it was done by a different group, different
14 company.

15 Q. What company was that?

16 A. Daimler.

17 Q. Daimler. You mean Mercedes?

18 MS. JEFFREY: No, object to form.

19 A. Daimler.

20 BY MR. MORGAN:

21 Q. Daimler.

22 A. So whatever they did, I was not there, and I'm not
23 sure, but it is well-known that what they did didn't
24 work too well.

25 Q. Are you familiar with something called a product

1 planning committee --

2 A. Yeah.

3 Q. -- at Chrysler when you were there?

4 A. Yeah.

5 Q. Did you regularly attend product planning committee
6 meetings?

7 A. Yeah.

8 Q. Did Mr. Lutz also so attend?

9 A. Yeah.

10 Q. What about Mr. Iacocca?

11 A. No, he would not typically attend.

12 Q. Okay. And what was discussed at these product
13 planning meetings that you attended, Mr. Castaing,
14 with respect to market segment or binning together
15 vehicles, if anything?

16 MS. JEFFREY: Object.

17 A. We were not discussing binning. We were discussing
18 product plans.

19 BY MR. MORGAN:

20 Q. In discussing those product plans, would you also have
21 consideration of competitive offerings; in other
22 words, Explorer is going to have this size engine, we
23 got to have an engine that's comparable, Explorer is
24 going to have this kind of transmission, we've got to
25 have a transmission that's comparable, things like

1 that as an example?

2 A. We were discussing the content of cars to make them
3 competitive and attractive for the segment we wanted
4 or the group of people we thought we knew what they
5 wanted, and in some case, we had offering, like the
6 Ram truck, where we wanted to -- we started from not
7 being a real competitor in the marketplace against
8 Ford and GM, therefore, we in the case of planning the
9 Ram, we were very much aware of what we needed to be
10 at compared to them because they were holding the, the
11 market leadership.

12 In the case of Jeep, we thought we were on
13 a different path. We had different vehicle with -- it
14 was, like I said earlier, a unibody. It was the only
15 sport utility that was a unibody for the reason I
16 explained earlier. There's advantage to it which are
17 weight, access for small people into the car, sitting
18 in the car, make the car more solid, and it makes not
19 only better four-wheel drive if you view it this way,
20 especially for the user of the ZJ.

21 Q. Was there a Jeep product planning committee?

22 A. No. Jeeps were brought before the big planning
23 committee.

24 Q. Okay. So Jeeps were brought before the corporation's
25 product planning committee?

1 A. There was only one product planning committee for
2 Chrysler.

3 Q. When the Jeep was brought before the product planning
4 committee for Chrysler, was there a discussion of
5 competitive offerings, what's the Explorer going to be
6 like, what's the Blazer going to be like, what's the
7 Toyota Highlander going to be like and so forth?

8 A. Like I said earlier, we were so much aware of the
9 uniqueness of the Jeep name and what it resonated,
10 that we were more concerned about keeping the
11 Jeep-ness, the uniqueness of what we were doing rather
12 than saying the other people are this and the other
13 people are that, what shall we have it.

14 So we always try, for example, to have
15 excellent four-wheel drive system better than anybody
16 in the industry, and that we were doing. We wanted to
17 have responsive engine like cars and so on. The ZJ
18 was by far the most effective -- you know, it was a
19 very effective vehicle from the weight standpoint --

20 Q. Is it your --

21 A. So --

22 Q. I'm sorry, were you done?

23 A. That's it.

24 Q. Is it your testimony that the product planning
25 committee when the Jeeps were brought before it

1 ignored Chrysler's competitive offerings?

2 A. No, I didn't say that.

3 Q. So there was discussion then of the features and
4 attributes of its competitors such as the Explorer?

5 A. No. We wanted to be different.

6 Q. I didn't ask you if you wanted to be different. I
7 asked you whether or not --

8 A. Just clarify what you asked me.

9 Q. Wouldn't you -- if you want to be different, don't you
10 have to understand what the competition is doing,
11 Mr. Castaing; isn't that inherent in wanting to be
12 different? Different from what, true?

13 A. Yeah.

14 Q. So you did have to understand what the competitive
15 offerings were doing, right?

16 A. Maybe selectively probably. Like I said --

17 Q. Are you familiar with something -- I'm sorry -- are
18 you familiar with something called competitive
19 teardown?

20 A. Yes.

21 Q. What is competitive teardown?

22 A. Competitive teardown is to learn from others what they
23 do better than you so that you can, you know, learn
24 from them and/or confirm that you are doing better
25 than the other ones.

1 Q. And how does that work; what actually occurs when a
2 vehicle is, when it goes through competitive teardown?

3 A. It is just what it said. It's being torn down. All
4 the parts are laid up on the wall, and people come and
5 we, from me to -- and Bob Lutz would join us, and we
6 would go and look at a teardown every other week of
7 somebody else car to see how they were doing, what
8 they were doing, and so on. It's just a matter of
9 staying competitive and learning, continuing to learn.

10 Q. So I think you just said on a weekly basis you would
11 --

12 A. Every other week I said.

13 Q. Every other week you said you would go and look at
14 competitive teardown --

15 A. Typically.

16 Q. -- what Ford was doing, GM was doing, Toyota was doing
17 in the market segments that you were offering vehicles
18 in as well?

19 A. Not necessarily the same seg --

20 Q. Is that right?

21 A. No, not necessarily in the same segment.

22 Q. But there were same segment offerings competitively
23 torn down, true?

24 A. Yeah. Like I said, the pickup truck was a good
25 example of that.

- 1 Q. Are you familiar with the term reverse engineering?
- 2 A. Yes.
- 3 Q. What is reverse engineering?
- 4 A. Well, it depends the application of it, but it could
5 be that if you find a part that seems to be doing the
6 same job as yours and in the meantime seems to be
7 lighter or cheaper to produce or has some other
8 characteristic that you like, you can say, Maybe I
9 can, if they're not protected by a patent, you can
10 say, Maybe I should learn from this part, look at it
11 and see how they've done it and then inspire it next
12 time you make a similar part.
- 13 Q. When you made your competitive teardown reviews,
14 Mr. Castaing, would that include consideration of the
15 fuel system components that Chrysler's competitors
16 were using?
- 17 A. Well, it was all there, so we were looking at
18 everything.
- 19 Q. Okay. And you were also looking at the placement of
20 these components in the vehicles, I assume?
- 21 A. Yeah.
- 22 Q. Yes?
- 23 A. Yeah. It doesn't mean that because you look at
24 something, you say I can do that on another car. It
25 just mean --

1 Q. Were you at Chrysler concerned about what your
2 competition was doing with respect to the ZJ; did you
3 think that the competition was attempting to attract
4 the owners of or potential owners of ZJs to buy their
5 vehicle instead?

6 A. Yeah, every car company was always concerned about
7 other people and getting market share to detriment, so
8 yes. This is the game we're going to. You have to
9 continue to improve and satisfy your customer so they
10 don't desert you, or when you come up with a new car,
11 to make it attractive enough that people move from
12 their old other car into your business.

13 Q. And what did Chrysler do about that subject matter?
14 You said they were always concerned. What did they do
15 about that concern to make sure, as best they could,
16 that their ZJ customers or potential ZJ customers
17 didn't go elsewhere?

18 A. I didn't say concern myself. This I said is the
19 business you're into when you are competitive. You
20 have to watch what the other people do to stay
21 competitive, and it's something you do every day.
22 Every time there is a new car come up at the auto
23 show, we go see it and see what they have done, the
24 same way they do to yours.

25 Q. Do you know where the Explorer fuel tank was placed?

1 A. It came from a pickup truck, so it may have been
2 underneath the car because they have the room for such
3 in there.

4 Q. I'm trying to make sure I understand. Do you know
5 where it was placed?

6 A. Yeah.

7 MR. FUSCO: Object to form.

8 BY MR. MORGAN:

9 Q. Where was it placed?

10 A. I believe that the Explorer came from, the chassis of
11 the Explorer -- the Explorer is not a unibody. The
12 Explorer was a pickup base sport utilities, and most
13 likely the tank was underneath like they are on pickup
14 trucks.

15 Q. Where like they are on pickup trucks? I'm not sure
16 what you're saying. Where was the tank located, can
17 you tell me?

18 MS. JEFFREY: If you know.

19 A. No, I will not say. I don't remember.

20 BY MR. MORGAN:

21 Q. Okay. What about on the four-door GM or Chevy Blazer,
22 particularly the S-10; do you know where the fuel tank
23 was located on that vehicle?

24 A. Like I said, they were trucks that were totally
25 different from us. They are truck base like the

1 Toyota and so on. They were different from us.

2 Q. That's not the question I asked you, Mr. Castaing.

3 Please answer my question.

4 A. I just said what I said.

5 Q. You said they were a truck. I didn't ask you that. I

6 asked you where were the fuel tanks located,

7 Mr. Castaing?

8 MS. JEFFREY: He wants to know if you know

9 where they were located.

10 A. Exactly, no, I don't know.

11 BY MR. MORGAN:

12 Q. What about the Toyota Highlander; do you know where

13 the fuel tank was located on that vehicle?

14 A. Same response.

15 Q. What about the Dodge Durango?

16 A. Dodge Durango I know because we were in charge of

17 that. It was underneath the car, underneath the

18 chassis in front of the rear axle like the Ram.

19 Q. When you say underneath the chassis, what do you mean?

20 A. Underneath the bed I think is what I mean.

21 Q. You mean between the frame rails and in front of the

22 rear axle?

23 A. Yeah.

24 MARKED FOR IDENTIFICATION:

25 DEPOSITION EXHIBIT 8

1 12:08 p.m.

2 BY MR. MORGAN:

3 Q. Let me show you what I have marked as Exhibit
4 Number 8, Mr. Castaing, and ask you if you've ever
5 seen that before?

6 A. Well, I don't remember this document, but it's typical
7 of what I was talking earlier having specification for
8 the engineers to follow. If it is -- I don't know
9 what date this was.

10 MS. JEFFREY: Sometimes they're not dated.

11 A. I don't know if it was up-to-date or whatever.

12 BY MR. MORGAN:

13 Q. I believe this comes from 1988, Mr. Castaing.

14 A. Well, it's not written on it, but this look like,
15 looks like a typical Chrysler or portion of a book
16 talking about how to design a fuel system for a car
17 for engineers to follow and learn from each other, and
18 these guidelines were updated over the years as a new
19 idea would come up.

20 MS. JEFFREY: I'd just like to put
21 something on the record here. This is a document that
22 we did produce in this case subject to protective
23 order, and I'm not seeing any protective order
24 markings on it. So I'd prefer that the record reflect
25 the document as protected in this case.

1 MS. DeFILIPPO: That's fine. I don't know
2 why that is but that's fine.

3 MS. JEFFREY: I don't know why a lot of
4 these documents don't have a protective order but
5 maybe it was redacted off or something.

6 MR. MORGAN: Maybe they were obtained from
7 a different source besides you. I don't know.

8 MS. JEFFREY: Well, usually, I mean, we
9 don't produce this document without a protective
10 order.

11 MS. DeFILIPPO: Is that document a 1988
12 document that you produced?

13 MS. JEFFREY: I believe it's from the
14 mid-'80s. It doesn't say on here. We produced two of
15 them and this is one of the ones we produced.

16 MR. FUSCO: Do you want this portion of the
17 testimony to be under seal just so that issue --

18 MS. JEFFREY: No.

19 MR. MORGAN: Whatever you want.

20 BY MR. MORGAN:

21 Q. Mr. Castaing, do you think there's any competitive
22 advantage in 2011 to a document from the mid-1980s?

23 MS. JEFFREY: It doesn't matter what he
24 thinks, and I'm going to direct him not to answer
25 that. We have a protective order we placed in this

1 case.

2 MR. MORGAN: Whoa, wait a minute! Is there
3 a privilege called for with my question?

4 MR. FUSCO: You can mark it and move on.

5 MR. MORGAN: Whatever you want to do.

6 BY MR. MORGAN:

7 Q. Mr. Castaing, when you and your colleagues were
8 designing the fuel system for the Grand Cherokee, were
9 you aware that rear impacts were known to occur and
10 would likely occur to Grand Cherokees once placed in
11 the market?

12 A. Yeah. I have to say that, simplify, a car team of 600
13 engineers and technicians designing that, and they are
14 -- they know what their job is, and they use document
15 like that to remind themselves what they are supposed
16 to do, this and, like I said earlier, FMVSS,
17 collection of standard, they follow that. These
18 people, themselves and their family are going to drive
19 these cars. So why we consider this as a business of
20 earlier we were saying you pass the test. We passed
21 the test because the people who create these car drive
22 them. Their kids drive in them. My kids were driven
23 for ten years in a Grand Cherokee by my wife. So
24 let's be clear on that.

25 Q. Somewhere in there I hope there's an answer.

1 MS. JEFFREY: Yes, he responded yes. His
2 first word was yes.

3 BY MR. MORGAN:

4 Q. Okay. Everything after that is clearly not
5 responsive, Mr. Castaing, and again, I'd ask you to
6 listen to the question and answer the question you're
7 asked.

8 A. I listened carefully to your question and tried to
9 respond the best I can.

10 Q. I'm not here for your speeches; I'm here for your
11 testimony.

12 Now, within that set of rear impacts, was
13 it, that you indicated were known to occur, would
14 offset rear impacts also be known to occur at the time
15 you and your colleagues were designing the fuel system
16 for the Grand Cherokee?

17 A. I think that the state of the art, like I said earlier
18 in the previous question, of what we knew about
19 impact, ourselves, the industry and NHTSA were such
20 that they were still working in progress. The fact
21 that -- so went by an organization like the one I
22 described, this group of engineers working together,
23 designed the car for what they know at the time, and
24 there was no offset discussion at the time that we
25 could design and say, We know what it takes to create

1 a countermeasure on an offset impact because it's not
2 defined.

3 So the car was designed with what we knew
4 at the time, best practice in the industry, and I
5 think the ZJ for the cross of its life served the
6 customer very well and didn't have a record of being
7 prone to any kind of accident or anything, so...

8 Q. Again, Mr. Castaing, I would really appreciate it if
9 you'd answer the question that is put to you.

10 Were offset rear impacts known to occur at
11 the time the design decisions were being made for the
12 fuel system for the Grand Cherokee, including but not
13 limited to its location?

14 MR. FUSCO: Object to the form.

15 A. I thought I responded to that already, so...

16 BY MR. MORGAN:

17 Q. Did you say yes?

18 A. I said yes, but --

19 Q. Thank you. Now was it also known that underride
20 impacts, rear underride impacts would occur once the
21 Grand Cherokee was placed into the hands of the
22 driving public?

23 A. We knew that. We knew also frankly that the tests we
24 were passing were at 30 miles an hour, and there are a
25 lot of accidents that happen at 40, 50, where the

1 energy and the shock is three times, four times. So
2 you know that when you design a car, but you design
3 for what you know and the standard is at the time.

4 Q. Was it known at the time that these decisions were
5 being made or did you have some knowledge as to the
6 threshold of impact energy in a rear impact that would
7 be likely to cause death to the occupants of the
8 vehicle as a result of the impact as opposed to any
9 other event?

10 MS. JEFFREY: Object to form and
11 foundation.

12 A. I'm not sure I understand the question. Why don't you
13 clarify it and --

14 BY MR. MORGAN:

15 Q. I'm trying to find out, you said, Well, you know,
16 while we designed to 30 miles an hour, we knew that 40
17 and 50-mile-per-hour impacts were occurring. I was
18 following up on that subject matter.

19 MS. JEFFREY: It was a confusing question,
20 I think.

21 MR. MORGAN: That's why I'm repeating --

22 MS. JEFFREY: Okay.

23 MR. MORGAN: -- for the witness the
24 question. I don't think it was confusing, and your
25 comment is not an objection --

1 MS. JEFFREY: It was convoluted as well but
2 go ahead.

3 MR. MORGAN: -- and of course is,
4 therefore, not permitted under the Court Rules but
5 you're admitted and I'm not.

6 (Discussion off the record at 12:16 p.m.)

7 (Back on the record at 12:16 p.m.)

8 BY MR. MORGAN:

9 Q. My point to you or my inquiry of you, Mr. Castaing,
10 is: Was there any knowledge amongst you and your
11 colleagues when you were designing the fuel system for
12 the Grand Cherokee as to what the threshold was of
13 impact energy at which occupants of the Grand Cherokee
14 could be expected to die as a result of the injuries
15 received solely due to the impact?

16 A. Technically when you pass a test like the NHTSA tests,
17 you know that all accident below the speed of this
18 impact typically will be keeping the occupant of the
19 vehicle reasonably safe. We knew, also, that most
20 accident or little bit above the limit will be also
21 favorable. But then if you speculate about what is
22 thought to become a deadly accident, when it start a
23 fire, we don't know. We don't know.

24 Q. I'm not asking you to speculate. I'm asking whether
25 or not --

1 A. That's what I just tell you.

2 Q. -- whether or not you considered the issue, and if you
3 tell me, We didn't know, that's fine, that's the
4 answer. Is that your answer, we didn't know?

5 MR. FUSCO: Object to form.

6 A. You asked me for a threshold.

7 BY MR. MORGAN:

8 Q. Yes, sir.

9 A. I say I didn't know the threshold.

10 Q. Okay.

11 A. I was trying to explain that.

12 Q. Now this -- I'm sorry -- Exhibit 8, you said that this
13 is described as fuel supply systems design guidelines,
14 and you -- while I think you said you weren't familiar
15 with this document in particular, you're familiar with
16 documents of this type; am I right?

17 A. Yes.

18 Q. And you said it would be continually updated over
19 time, right?

20 A. Yes.

21 Q. Okay. Now what does the term design guidelines mean
22 to you; does this mean that you and your colleagues in
23 the Engineering department had to comply with these
24 guidelines or not?

25 A. Guidelines are tools for guiding engineers to optimize

1 the design of the new car but still keeping into a
2 framework where that the knowledge of what we have
3 learned or the learning that's been on previous cars
4 on the road, in accident or in service or whatever is,
5 is taken in account. So this is kind of a guide for
6 engineers to look at, and it shows that there was
7 inside one for different type of configuration of fuel
8 tank, including the one like the one the ZJ was
9 equipped with.

10 Q. Okay. Would you look at the third page of the
11 document, please?

12 A. Yeah.

13 Q. It says Number 1, fuel tank at the top there; do you
14 see that?

15 A. Yes.

16 Q. I'd like you to take a look at Paragraph 2 under basic
17 configurations.

18 A. Yeah.

19 Q. Okay. It says: The tank should be located in a
20 manner that avoids known impact areas and provides
21 isolation from the passenger compartment.

22 Do you see that there?

23 A. Yeah.

24 Q. You have testified in this case that you were aware at
25 the time that the Grand Cherokee was being designed

1 that the rear was an area that impacts would occur,
2 that offset impacts could occur and that underride
3 impacts would occur, correct; you remember giving that
4 testimony?

5 A. Uh-huh.

6 MS. JEFFREY: Yes?

7 BY MR. MORGAN:

8 Q. True?

9 A. Uh-huh.

10 Q. That's a yes?

11 A. Yeah.

12 Q. Okay. So if -- would you agree with me that the tank
13 on the ZJ was located in an area of known impact?

14 A. Well, in this particular context, impact is like you
15 come down from a curb and the back of the vehicle come
16 down and it touch the curb. Is not impact in the
17 sense of the FMVSS standard. Impact is, you may know
18 that, for example, there is under the Grand Cherokee,
19 there is a shield underneath that is protecting Jeep
20 from when they go off road to bottom and tank will be
21 perforated by a piece of rock. So this is what he
22 means in the context. It's not -- it's not saying
23 that, that the tank cannot be put into the back of a
24 car.

25 As a matter of fact, the next page show

1 that if you do it and put it in the back of the car,
2 on Page 4, here's the way it should be done.

3 Q. So it's your testimony that Item Number 2 for the
4 basic configuration of the fuel tank where it says,
5 The tank should be located in a manner that avoids
6 known impact areas, has nothing to do with impacts
7 that occur in motor vehicle accidents; do I have that
8 right?

9 A. Impact, impact, yeah, like an FMVSS test.

10 Q. Okay. .

11 A. This is not -- this is impact for, like I said, where
12 the tank would be open like underneath, that's why I
13 just mentioned the shield, to be impacting because you
14 go over a rock and you, off road, and you come down on
15 it and it can punch the tank, but it's not impact in
16 the sense of, of -- if this was -- if I was not
17 talking -- if I were not telling you what it is, why
18 would we have shown a recommended position for
19 rear-mounted tank on the next page? So the same
20 people who wrote that knew that the tank could be put
21 in different position.

22 Q. Mr. Castaing, I just want to know if I have it right.
23 I'm going to have the court reporter read back to you
24 my question, and if you would, please, sir, answer my
25 question.

1 (The requested portion of the record was
2 read by the reporter at 12:23 p.m. as
3 follows:

4 "Question: So it's your testimony that
5 Item Number 2 for the basic configuration
6 of the fuel tank where it says, The tank
7 should be located in a manner that avoids
8 known impact areas, has nothing to do with
9 impacts that occur in motor vehicle
10 accidents; do I have that right?")

11 THE WITNESS: Can you read my response?

12 MS. JEFFREY: No. Just answer.

13 BY MR. MORGAN:

14 Q. Answer the question, please.

15 A. Like I said earlier, the impact that is talked about
16 here is not the one you are referring to in a motor,
17 in a motor accident where a car will crash into the
18 back of another one. This is impact on other things.

19 Q. Now, Mr. Castaing, you've testified earlier on this
20 record you've never seen this document before today.
21 So tell me, what is the source of your knowledge that
22 the term "impact" here doesn't mean impacts in
23 accidents?

24 A. Because on the next page, the document say if, like in
25 a ZJ, the proper packaging of the tank is behind the

1 rear wheel in the back of the car, here is the
2 recommended way of doing that, so --

3 MR. FUSCO: Can you tell us the page number
4 because you said next page?

5 THE WITNESS: Page 4.

6 MS. JEFFREY: It's the fourth page, I
7 think.

8 THE WITNESS: The fourth page of the
9 package. Sorry. The chapter is called -- maybe I
10 don't read it right but --

11 Yeah, I did read it right.

12 MS. JEFFREY: Okay. There's no question.
13 Let's just wait.

14 THE WITNESS: Just comforting myself.

15 BY MR. MORGAN:

16 Q. Looking at Paragraph 2, again, basic configuration, it
17 goes on to say that the fuel supply department is to
18 be consulted during advance fuel tank packaging
19 studies; do you see that there?

20 A. Yes.

21 Q. Are you familiar with something called a fuel supply
22 department?

23 A. Yeah, they are people among the engineers involved in
24 the creation of the car. They are people that
25 typically they are the fuel tank people and they

1 manage all the piping, the pumping and all of that
2 from the tank, and this group are the people that have
3 been talked to when the architect of the car that say
4 the passenger are going to be sitting here, the rear
5 passenger there, here's going to be where the spare
6 wheel is and so on, and that's where the fuel tank
7 would be. They are consulted because they are part of
8 the process to design the car.

9 Q. Did the fuel supply department have any responsibility
10 for meeting the fuel integrity standards of the
11 Government?

12 A. By themselves, no, because the crash test that are
13 qualifying the car good for production, the result of
14 were engineer working together, the engine people
15 designing the body around and, you know, the shell
16 underneath the tank, where it is. The people will
17 understand a dynamic of crash. So it's a group of --
18 it's a collective responsibility to make sure that the
19 test is passed properly.

20 Q. And so your testimony is that Paragraph 2 that talks
21 about the tank being located in a manner that avoids
22 known impact areas and that the fuel supply department
23 should be consulted regarding that is just as to so it
24 doesn't get hit by a curb or if you're off road,
25 things like that; do I have that right?

1 A. Yes, that's what this document said.

2 Q. Okay. Just take a look at the last page of the
3 document, if you would, Item Number 9, Subparagraph 2
4 of Item Number 9.

5 A. Yeah.

6 Q. Would you read that into the record, please, sir, out
7 loud?

8 A. Let me read to first understand what it is.

9 It says: Government Safety Standards
10 1 FMVSS 581, Bumper Impact Standard.

11 Is that the one I should read?

12 MS. JEFFREY: I think he wants 2. He means
13 this one here.

14 BY MR. MORGAN:

15 Q. Number 2, yes.

16 A. Oh, okay.

17 Q. The record is clear I said Number 2.

18 A. Number 2 is: FMVSS 301, Fuel Integrity Standard. The
19 fuel supply department has the overall responsibility
20 for meeting the subject standard. A 301 steering
21 committee chaired by the fuel supply department meets
22 biweekly to review compliance status. This forum is
23 used to evaluate changes to the vehicle for their
24 possible effect on the standard and to arrange for any
25 necessary testing and/or changes.

1 Q. Is that the same fuel supply department that's
2 referred to in Paragraph 2 under Fuel Tank Basic
3 Configuration on Page 2 of the document?

4 A. Yeah.

5 Q. Thank you. Now you said something earlier about a
6 shield being provided to prevent perforation to the
7 tank. What was that shield called?

8 A. If I remember the name but it's a metal that is bolted
9 to the frame of the car or the rails underneath the
10 car to protect the tank.

11 Q. Is it sometimes referred to as a skid plate?

12 A. Skid plates typically are on the front of the car more
13 likely. I don't remember the name they call it.

14 Q. All right. In any event, you said there was a shield
15 that was available, as I understand it, for the Grand
16 Cherokee to prevent perforation of the tank in certain
17 circumstances; do I have that right?

18 A. I don't know if it was an option for people doing,
19 with special off-road configuration, or if it was
20 there in some form or another, another configuration.
21 I don't know that.

22 Q. Would you agree with me that this shield is a
23 protective impact deflection structure?

24 MS. JEFFREY: Object to form.

25 A. Like I said earlier, the impact they are talking about

1 is the one that you get when the car go on the road
2 and there is a piece of rock in the middle of it and
3 you can perforate the tank by letting the car drop on
4 the tank.

5 BY MR. MORGAN:

6 Q. Mr. Castaing --

7 A. It's not an impact in the sense of FMVSS 301.

8 Q. -- I'm asking you the question: Is that shield a
9 protective impact deflection structure?

10 MR. FUSCO: Object to the form.

11 MS. JEFFREY: That's a phrase used by
12 someone ten years before he came into the company.

13 MR. MORGAN: Please don't suggest an answer
14 to the witness, counsel.

15 MS. DeFILIPPO: I'm going to object. That
16 is unnecessary. He can answer the question. He
17 doesn't need to be coached.

18 MS. JEFFREY: Do you want her to repeat it?

19 THE WITNESS: Repeat the question.

20 (The requested portion of the record was
21 read by the reporter at 12:31 p.m. as
22 follows:

23 "Question: I'm asking you the question:
24 Is that shield a protective impact
25 deflection structure?")

1 A. I can only respond to this question by clarifying what
2 impact we're talking about. So if you talk about
3 FMVSS 301, it is not. If other impact, yes.

4 BY MR. MORGAN:

5 Q. Do you have any idea how that shield or -- strike the
6 question.

7 Were there vehicles that were tested by
8 Chrysler with that shield in place for fuel system
9 integrity?

10 A. I assume there were.

11 Q. Do you know what effect that shield had on fuel system
12 integrity when it was tested on the vehicle?

13 MS. JEFFREY: Object to form.

14 A. No, I don't know, but I know that the ZJ, the Grand
15 Cherokee passed all of our tests, all of them, when
16 the car was created.

17 BY MR. MORGAN:

18 Q. Yes. What test was it subjected to to evaluate fuel
19 system integrity in an offset rear impact,
20 Mr. Castaing?

21 A. I said earlier that we didn't have a standard for
22 that.

23 Q. And what test was it subjected to to determine its
24 fuel system integrity in the event of an underride
25 impact, Mr. Castaing?

1 A. I said earlier that we didn't have a test for that
2 because it was not defined.

3 Q. Thank you.

4 MR. FUSCO: What was the end of his answer,
5 I'm sorry?

6 MS. JEFFREY: "Because it was not defined."

7 MR. FUSCO: It was not defined, okay.

8 THE WITNESS: As a matter of fact --

9 MR. FUSCO: There's no question.

10 MARKED FOR IDENTIFICATION:

11 DEPOSITION EXHIBIT 9

12 12:32 p.m.

13 BY MR. MORGAN:

14 Q. Mr. Castaing, let me show you what I've marked as
15 Exhibit Number 9 and ask you if you've seen that
16 before?

17 A. Okay. I read it.

18 MS. JEFFREY: Is there a question?

19 BY MR. MORGAN:

20 Q. Yeah. Have you had a chance to look at it?

21 A. Yes.

22 Q. Because I thought counsel wanted to look at it, and I
23 wanted to make sure everybody got their chance.

24 A. Yeah.

25 Q. Okay. Do you recognize the document?

1 A. No.

2 Q. You've never seen it before?

3 A. No. I don't know where it was created.

4 Q. For the record, the document is entitled Fuel Systems
5 and Impact by, apparently presented by a Ginny
6 Fischbach, F-I-S-C-H-B-A-C-H, manager of truck impact.
7 Do you know Ginny Fischbach?

8 A. No.

9 Q. Are you familiar with the term absolute versus
10 potential failure?

11 A. No.

12 Q. I want to show you a page that is entitled Fuel System
13 Design for Safety, and it discusses absolute versus
14 potential test failure, and it gives four bullet
15 points underneath there. I want to know if you're
16 familiar with any of those concepts expressed on that
17 page?

18 A. I'd like to know whether this document was there in
19 the time when the car was created or it was produced
20 three years ago by an engineer at Chrysler. It looks
21 like it's a very thorough document, but it's for me to
22 speculate what it means without knowing whether it was
23 in effect, like the other one you presented to me, or
24 it is a more recent one, so...

25 Q. I'm asking you if you're familiar with any of the

1 concepts described on that particular page about
2 absolute versus potential failure and so forth?

3 MR. FUSCO: Object to the form.

4 BY MR. MORGAN:

5 Q. In fact, there's one in there that talks about zero
6 leakage. You, yourself, brought it up earlier today?

7 A. Yes.

8 MR. FUSCO: Object to the form.

9 MS. JEFFREY: Join.

10 A. I'm just saying I recognize good practice engineering
11 at Chrysler by documenting the right way of designing
12 a fuel system. I don't know if it relate to the case
13 we're talking today because I don't know if these were
14 done a year ago, five years ago or twenty-five years
15 ago when we worked together, but I recognize zero
16 leakage, contact with unfriendly surface is
17 unacceptable, etcetera. I recognize the same concept
18 in this document.

19 BY MR. MORGAN:

20 Q. Okay. Let me ask you these questions then. Was the
21 ZJ designed for zero leakage?

22 A. Yes.

23 Q. Was it designed --

24 A. In the FMVSS test.

25 Q. Was it designed with the concept in mind that contact

1 with unfriendly surface is unacceptable?

2 A. Yes.

3 Q. Was it designed to comply with or to prevent any --
4 strike the question.

5 Was it also designed with the concept in
6 mind that any contact with tank accessories is
7 unacceptable?

8 A. Yes. It's a common longstanding practice that fuel
9 pipings and so on should not be rubbing on other
10 things, so over the life of the car they don't cut.
11 This is what it was saying.

12 Q. All right. So tank accessories includes what then?

13 A. A typical tank will have a sending unit which is like,
14 like a piece of tubing in which there is a pump that
15 pump the gas out of the tank, and it would be also --
16 the sending unit now has other accessories on top of
17 it or next to it which are, you know, a trap for
18 vapor, gas vapor to respect EPA and car regulations.
19 So there are tubing going in and out of the tank.

20 Q. And the last one says: Pinching of fuel lines,
21 especially with sharp edges, should be avoided.

22 Was the Jeep ZJ designed with that in mind
23 as well?

24 A. Yes, because we don't want that. As the car age and
25 the car goes bump, we don't want any of these lines to

1 be cut, just cut by the vibration or touch the edge of
2 the thing.

3 Q. Well, this is an entire page that is devoted to fuel
4 systems designed for safety, absolute versus potential
5 test failure, designed for zero leakage. That was the
6 test that you did for impacts, right --

7 A. Yeah.

8 Q. -- crashes. Aren't all of these items a subset of
9 what you want to avoid -- excuse me -- in a crash?

10 A. Certainly you want to get zero leakage. You want to
11 -- sorry.

12 Q. It's all right. Go ahead.

13 A. Certainly for passing a 301 test, you want to make
14 sure that the lines are -- and fuel lines, you want to
15 make sure the lines are not close to any sharp edge
16 that would cut the pipe. That's why we pass the test
17 with the ZJ and all the other cars we did.

18 Q. So that in the test, zero leakage, contact with
19 unfriendly surface is unacceptable, contact with tank
20 accessories is unacceptable, and pinching of fuel
21 lines, especially with sharp edges, should be avoided
22 in the test, right?

23 A. Yeah. What it does not say is that the, in the case
24 of a crash at, let's say, 30 miles an hour which is at
25 the time of the test which we were testing the car for

1 rear impact, the deformation of the back of the car
2 was such that you would make sure that none of the
3 line would be touched by that. That's why there was
4 no leak.

5 Now if the impact was at much higher speed,
6 maybe then the good design at 30 miles an hour would
7 not have worked.

8 MS. JEFFREY: I don't mean to cut you off
9 or anything, but can we think about lunch in the near
10 future?

11 MR. MORGAN: Yeah, is it here?

12 MS. JEFFREY: I asked them to have it here
13 in an hour, and it's been an hour.

14 MR. MORGAN: If it's here, I'm happy to
15 accommodate you, I guess.

16 MS. JEFFREY: It's a good time.

17 MR. MORGAN: Yeah, we can just eat real
18 quick.

19 MS. JEFFREY: Yeah. Should we try to get
20 --

21 VIDEO TECHNICIAN: The time is now 12:41
22 and 59 seconds p.m. This marks the end of tape number
23 three. We are off the record.

24 (Lunch recess taken at 12:41 p.m.)

25 (Back on the record at 1:37 p.m.)

1 VIDEO TECHNICIAN: We are back on the
2 record. The time is 1:37 and 45 seconds p.m. This
3 marks the beginning of tape number four.

4 BY MR. MORGAN:

5 Q. Mr. Castaing, you -- excuse me -- gave some testimony
6 before lunch in which you were referring to framed
7 vehicles and unitized body vehicles, and as I
8 understood it -- excuse me -- you indicated that the
9 Grand Cherokee was a unitized body, whereas other
10 vehicles, I guess like the, perhaps the Durango or
11 some other truck vehicles you said had frame rails.
12 Do you recall that testimony?

13 A. Yeah.

14 Q. Okay. I got the implication, but I wanted to make
15 sure that I asked the question directly. Is it your
16 testimony that the fuel tank on the Grand Cherokee was
17 placed behind the rear axle because it was a unitized
18 body and not a frame vehicle?

19 A. Yes.

20 Q. Mr. Castaing, you also made a reference to a shield
21 being provided for the fuel tank for the Grand
22 Cherokee in your testimony earlier today; do you
23 recall that testimony?

24 A. Yes.

25 Q. Was that shield offered as a standard item on the

1 vehicle?

2 A. I don't remember that.

3 Q. So you don't know one way or another, and you have no
4 facts to give on that?

5 A. No.

6 Q. When -- excuse me -- when the Motor Vehicle Safety
7 Standard does not evaluate a particular crash
8 configuration, Mr. Castaing, such as offset rear
9 impacts or rear underride impacts, what did Chrysler
10 do to protect its customer from the risk of fuel
11 system failure?

12 A. Within the guidelines like we looked at earlier of how
13 a car is engineered for a given application, the fuel
14 tank, as demonstrated by the test of the FMVSS 301, is
15 secure. It's been designed to last the life of the
16 car, to endure most crash done within the limit
17 specified by the crash we run, call it the 301. Like
18 I said, back then that was the test. We had no
19 understanding of what else could be done at higher
20 speed or anything like that. So we designed it for a
21 given level of requirements and make sure it was
22 working well, and it did, as a matter of fact.

23 Q. Well, what protection was Chrysler providing to its
24 customers in Grand Cherokees against the event of an
25 offset rear impact in terms of fuel system integrity?

1 A. As we couldn't define or the end user couldn't define
2 the criteria to create a set of specification to
3 define what it is we were trying to find a
4 countermeasure against, the fuel tank -- like the spec
5 you showed me this morning clearly defines how we
6 design the fuel system for what we knew. We knew that
7 it has to be protected for certain things we have
8 observed in testing our cars within the confine of the
9 NHTSA requirements. Beyond that, we have -- we can
10 have anecdotal evidence of crash happening at much
11 higher speed, different angle, different size, heavier
12 truck versus a small sport utility, but they are not
13 defined things you can create a rule so that the
14 engineer can find a measure to deal with it.

15 Although, having said that, over time
16 things evolve, and NHTSA and us have worked and
17 whenever there's a consensus that we know better about
18 a form of crash that is happening in the marketplace,
19 then we will do something. We'll test for them.

20 Q. My question to you, Mr. Castaing, was limited to the
21 subject matter of offset impacts and underrides, and
22 I'm going to restate it, and hopefully you'll answer
23 my question this time.

24 What did Chrysler do to protect its
25 customers from the risk of a fuel system failure with

1 respect to the Grand Cherokee in offset and underride
2 rear impacts?

3 A. Could you define for me so I can respond at what speed
4 and what the height and define for me underride.
5 Underride doesn't mean anything for an engineer as a
6 place to design something against. We were doing like
7 any other manufacturer. We were not unique in our
8 way. We were following guidelines everybody did.
9 It's not like we know some facts where they're in the
10 industry.

11 Q. You were like all other manufacturers you just said?

12 A. In the process of designing a proper car that will be
13 safe in most cases.

14 Q. Do you believe that the fuel system integrity provided
15 by the Grand Cherokee was comparable to that provided
16 by, say, the Ford Explorer?

17 A. You know, if -- I don't know the statistic of high
18 speed, when it's high speed, like 50-miles-an-hour
19 crash coming, a car bumping into you at
20 50-miles-an-hour crash. In the case of any other
21 sport utility, I don't know the statistics of all
22 that.

23 Q. But we've discussed several times today that 301,
24 which you keep referring to, Well, we complied with
25 301, We complied with 301, We've complied with 301,

1 I've heard that at least a dozen times here today, but
2 you've also said that you recognize that 301 does not
3 provide information about offset impacts or
4 underrides?

5 A. Yes.

6 Q. And my question to you is then: What does -- what did
7 Chrysler do to provide protection to its customers who
8 bought Grand Cherokees from fuel tank failure in the
9 event of an offset or underride rear impact --

10 A. Well, at what --

11 Q. -- if anything?

12 A. At what speed? When you say crash, tell me the speed
13 of the crash, and then maybe I can narrowly respond to
14 it.

15 Q. I don't think that the speed is relevant to my
16 question --

17 A. It is --

18 Q. -- and I need you to answer my question?

19 A. In all due respect, it is. If you talk like, for
20 example, bumper design --

21 Q. Let's start at 10 miles an hour.

22 A. We do --

23 Q. Let's start at 10 miles an hour. What protection for
24 fuel system integrity at 10 miles an hour for offset
25 and underride did you provide, and how did you

1 evaluate its effectiveness since you said 301 is the
2 only test you did and it doesn't provide any
3 information --

4 MR. FUSCO: Object to the form.

5 MS. JEFFREY: Object --

6 BY MR. MORGAN:

7 Q. -- relevant to --

8 MS. JEFFREY: Don't -- until he has a
9 question, don't answer it.

10 BY MR. MORGAN:

11 Q. -- offset or override?

12 MS. JEFFREY: What's your question?

13 MR. MORGAN: The question is --

14 MS. JEFFREY: He's answered it twice, but
15 --

16 MR. MORGAN: No, he hasn't, counsel. He
17 hasn't. He's avoiding it.

18 MS. JEFFREY: Speechify some more.

19 BY MR. MORGAN:

20 Q. What did Chrysler do to protect its customers from the
21 risk of a fuel system failure in a Grand Cherokee in
22 offset and override impacts, we're starting at 10
23 miles an hour?

24 A. Okay. Now we know the speed. How do you declare --
25 what angle, what vehicle, what does that mean? We

1 know, for example, an angle test we do on bumpers
2 because we have a specification with the industry. We
3 know that bumpers should not be damaged for a given
4 impact coming either from the back or for the side for
5 the industry. So for this one we do know that thing.

6 In another document that you gave me early
7 today from -- I don't remember where it is -- there's
8 a number of other standard besides 301 that are
9 involved in the design of a fuel system. So I don't
10 want that or your question to imply that we have only
11 one test we pass, but I agree with you, they are at
12 the time, the science of designing automobile and the
13 database we got from the Government on what we needed
14 to test against was not enough for us to understand
15 exactly what we needed to do.

16 Q. So is it your testimony then that it was the
17 Government's job to design the safe vehicle and not
18 Chrysler?

19 MR. FUSCO: Object to form.

20 BY MR. MORGAN:

21 Q. We at Chrysler get to sit around and wait for the
22 Government to come to us; is that your testimony?

23 MR. FUSCO: Object to the form.

24 MS. JEFFREY: Object to form.

25 A. No. I think I said earlier that we work with the

1 Government, we share data. We have people like
2 Mr. Boltz I tell you before that keep in touch with
3 the Government. We have a database of accident that
4 we look at, and we go see the car when we have an
5 accident to understand them. We don't let things go.
6 Over time things change, new technology, like airbags
7 changed things and other ones, and so then I come back
8 to the thing --

9 BY MR. MORGAN:

10 Q. What innovations have been made in fuel system design
11 since the introduction of the Jeep ZJ?

12 MS. JEFFREY: I'll object to foundation.

13 BY MR. MORGAN:

14 Q. If any, if you know of?

15 A. You keep referring to the fuel design question.

16 Q. That's right. That's because a woman burned up in a
17 vehicle in this case. This isn't a case about
18 airbags. It's not a case about bumpers. It's a case
19 about a woman --

20 MS. JEFFREY: Stop badgering the witness,
21 please.

22 BY MR. MORGAN:

23 Q. -- who got burned up in a car crash, and I'd like you
24 to define -- to please answer the questions that are
25 being posed to you.

1 So the question pending right now is: What
2 innovations in fuel system design are you aware of
3 that have occurred since the introduction of the Jeep
4 ZJ?

5 MS. JEFFREY: I'm going to object to the
6 preparatory language that you used there. You're
7 badgering the witness, and I'd ask you to stop.

8 You can read the question back.

9 THE WITNESS: I understand the question.

10 MS. JEFFREY: Okay.

11 A. A fuel system is a system where you have how the tank
12 is located, how it's attached, how it's protected, how
13 the material you use, for example, talk about an
14 innovation that came along was the replacement of
15 steel tank by molded composite tank, better
16 understanding of material that permit to control the
17 crush of the back of the car when things -- the
18 industry made significant progress in the '90s about
19 through computer modeling understanding the crash, how
20 the car crush under an impact, all of that to protect
21 what is in there, which is a fuel tank and piping and
22 all of that going in it, too. Yes, continuous
23 improvement everywhere.

24 BY MR. MORGAN:

25 Q. Well, I've heard about composite tanks. Do you mean a

1 plastic tank?

2 A. Yeah.

3 Q. And you said something about use of computer --

4 A. Modeling.

5 Q. -- modeling to predict or to control crush?

6 A. No, to understand it better. So if we understand it
7 better, we can do it better.

8 Q. Anything else?

9 A. Yeah, I think that the standard I think have been
10 raised that we're working with NHTSA. I think that
11 cars are tested now at 35 miles an hour more than --

12 No?

13 MS. JEFFREY: No, don't -- I'm not
14 testifying.

15 A. I think there was an ongoing discussion. Offset crash
16 testing came from Europe and was adopted progressively
17 by the U.S. and a better understanding of offset crash
18 happen in the industry. So when we learn something,
19 we've done something about it.

20 BY MR. MORGAN:

21 Q. Is it your testimony that offset rear crash testing
22 was not feasible when the Grand Cherokee was being
23 developed?

24 A. That's not what I said. Crush tests -- offset crash
25 happen, we know that.

1 Q. And offset crash testing was feasible when the ZJ was
2 being developed; is that true?

3 A. Well, again, feasible in the sense you can -- you can,
4 you know, crash something into something else but like
5 you were arguing with me earlier, do we know that, for
6 example, 401 is representative. So you can crash
7 something. If it's not related to a given accident or
8 real-life accident, it doesn't mean anything.

9 Q. Is that a yes, such testing was feasible?

10 A. I just said what I said.

11 Q. What about underride testing; was rear underride
12 testing feasible?

13 A. At what speed?

14 Q. Any speed you wish to choose, Mr. Castaing.

15 A. So can you describe a characteristic, against a pickup
16 truck, against a sports car, against what?

17 Q. I'm asking you --

18 A. I don't know.

19 Q. -- was underride testing feasible?

20 A. You keep asking me question to implying in the
21 question that it's something we should have done and
22 we have not done, and I keep saying to you that the
23 people who engineered the ZJ at the time did the best
24 they had with all their energy and what was known in
25 the industry.

1 Q. Mr. Castaing, I'll ask it again: Was underride rear
2 impact testing feasible when the ZJ was being
3 developed?

4 MR. FUSCO: Objection, asked and answered.
5 Object to the form.

6 MS. DeFILIPPO: He never answered it.

7 MR. MORGAN: With all due respect, it
8 hasn't been answered.

9 MR. FUSCO: He answered it twice.

10 A. Can you define me what you call underride again since
11 you don't seem -- if you give me a technical
12 definition or you ask your expert witness to give me
13 that.

14 BY MR. MORGAN:

15 Q. Well, if you want to look at the earlier Exhibit 8, I
16 think, the exhibit authored in 1978, some 10 years or
17 so before the ZJ was -- Exhibit 7, I'm sorry.

18 A. Yeah, I understand. I understand what underride means
19 in the sense that there is a car that's lower than
20 another one bump into the first one. I understand
21 that.

22 Q. So the question is: Was underride testing feasible
23 during the time period that the ZJ was being
24 developed?

25 A. In principal, probably.

1 MS. JEFFREY: For the record, that was
2 Exhibit 7.

3 MR. MORGAN: Yes, thank you.

4 MARKED FOR IDENTIFICATION:

5 DEPOSITION EXHIBIT 10

6 1:53 p.m.

7 BY MR. MORGAN:

8 Q. Mr. Castaing, let me show you a document that I've
9 marked as Exhibit 10, and I believe it is relative to
10 the year 19 -- excuse me -- 1985 as it indicates, but
11 let me ask you if you've seen that before?

12 MS. JEFFREY: He says it's '85.

13 A. Okay, I see it.

14 BY MR. MORGAN:

15 Q. Okay. Do you recognize the document?

16 A. No.

17 Q. You've never seen anything like this before?

18 A. No, specifically this one, no.

19 Q. This one, no. Have you seen documents like this
20 before?

21 A. I've seen piles of blue book at Chrysler called specs,
22 and if that was one part of it, I know where they
23 were.

24 Q. Okay. Did you ever read those blue books called
25 specs?

1 A. No.

2 Q. No?

3 A. No.

4 Q. Now would -- excuse me -- we talked about the issue of
5 a truck in your view is something that has a frame,
6 and the Grand Cherokee had a unitized body. What
7 about cars, you know, like the Dodge Lancer or the
8 Colt, Dodge Aries, were those unitized bodies or were
9 those framed?

10 A. Yep.

11 Q. Those were unitized bodies?

12 A. Yes.

13 Q. Okay. If you would look at Page 22 of this Exhibit
14 Number 10, it says: On all models except the
15 rear-wheel drive Diplomat, the fuel tank is located
16 under the car beneath the rear seat where it's forward
17 of the rear suspension and between the body rails --
18 body side rails, I should say, giving it protection in
19 the event the car is subjected to rear or side
20 impacts.

21 Do you see that there?

22 A. Yes.

23 Q. Were you familiar with that concept with respect to
24 unitized bodies apparently at Dodge in '85?

25 A. I don't know specifically about them because it was

1 before my time but front-wheel drive cars have much
2 room underneath the rear seats because the engine and
3 the transmission are in the front. In a four-by-four
4 vehicle like the Jeep, we have a prop shaft and an
5 axle in the back and the room where typically you put
6 this fuel tank in a passenger car is taken by the
7 axle. That's why the ZJ were designed with location
8 of the tank where it is.

9 Q. What was the drive configuration?

10 MS. DeFILIPPO: Can interrupt you for a
11 minute. The ZJ -- could you read back the last
12 answer.

13 (The requested portion of the record was
14 read by the reporter at 1:56 p.m. as
15 follows:

16 "Answer: I don't know specifically about
17 them because it was before my time but
18 front-wheel drive cars have much room
19 underneath the rear seats because the
20 engine and the transmission are in the
21 front. In a four-by-four vehicle like the
22 Jeep, we have a prop shaft and an axle in
23 the back and the room where typically you
24 put this fuel tank in a passenger car is
25 taken by the axle. That's why the ZJ were

1 designed with location of the tank where it
2 is.")

3 BY MR. MORGAN:

4 Q. What was the -- are you familiar with the
5 configuration of the Ford Explorer; was that a framed
6 vehicle or was it a unitized body or don't you know?

7 A. A frame.

8 Q. Well, was it front-wheel drive or rear-wheel drive?

9 A. Rear-wheel drive, but it was not a unitized body.

10 MARKED FOR IDENTIFICATION:

11 DEPOSITION EXHIBIT 11

12 1:57 p.m.

13 BY MR. MORGAN:

14 Q. Let me ask you to take a look at Exhibit Number 11,
15 which is another Engineering, Dodge Engineering I
16 guess document from 1990.

17 A. So I've seen it.

18 Q. Are you familiar with this document?

19 A. Same response that previously, this is part of one of
20 these blue book with spec inside, but I've never seen
21 it, per se.

22 Q. Okay. Well, it's a document describing Dodge
23 Engineering. You would have been in 1990 the chief
24 engineer, right, you were the head of Engineering,
25 correct?

1 A. Yes, yes.

2 Q. So the folks in your organization would have put this
3 together; is that right?

4 A. Well, in a corporation like Chrysler who have been in
5 business for at the time 50 years or more, 60 years,
6 this book was -- you know, the beginning of this
7 process was started in the early days and every year
8 when something or every so many years when things will
9 get better, it will be documented and placed in this
10 collection of spec, standard they call them, Chrysler
11 standard, and I remember it, it was a library of books
12 like this wall. So I knew where they were, and
13 whenever there was an issue, I would ask to understand
14 what the issue was during the process of program we
15 were doing and so on, and we refer to maybe a
16 standard. So I knew what it is, but I have to admit
17 I've not read them all.

18 Q. If you would take a look, I think it's -- you're going
19 to find it as Page 33, although it's not paginated.
20 Go to Page 32 and then turn one more page. You've got
21 it open there. Great.

22 The document says: 1990 Dodge Engineering
23 safety features.

24 Do you see that there?

25 A. Yes.

1 Q. What does it say with respect to the safety features
2 provided with respect to fuel tank location?

3 A. It says: Fuel Tank Location. The fuel tank is
4 located under the car beneath the rear seat - where
5 it's forward of the rear suspension and between the
6 body side rails - giving it protection in event the
7 car is subjected to rear or side impacts. The
8 lightweight aluminum filler tool is sealed by --

9 COURT REPORTER: Is sealed --

10 BY MR. MORGAN:

11 Q. Everybody that reads something always gets revved up
12 and goes a little faster, and it gets to be
13 troublesome for the court reporter.

14 A. The lightweight aluminum filler tube is sealed by
15 screw-type filler cap. A five-inch nylon tether on
16 all models attaches the filler cap to the car - so you
17 don't leave the cap behind at fuel stops.

18 Q. Were you aware that those were -- excuse me --
19 important safety features provided by Dodge to its
20 customers in 1990?

21 MR. FUSCO: Object to the form.

22 MS. JEFFREY: Join.

23 A. This is not an advertising document. It's a state of
24 the art at Chrysler amongst engineers of what they
25 think is the right design for passenger car coming

1 from an era where all the passenger cars were
2 rear-wheel drive and frame and moving into place where
3 they were front-wheel drive lightweight unibody, and
4 when they found out that one of the advantage of
5 unibody cars, they could put the fuel tank, you know,
6 underneath the rear seat, and it's true, it bring an
7 advantage compared to previous design on other cars,
8 but that doesn't mean that that same, that like, for
9 example, the ZJ fuel tank is less safe than this car
10 were.

11 BY MR. MORGAN:

12 Q. Did you do any testing to determine whether or not the
13 fuel system integrity of the ZJ was comparable to that
14 provided to the customers buying cars from Dodge?

15 MR. FUSCO: Object to the form.

16 A. No. We pass the same -- it's the same test.

17 BY MR. MORGAN:

18 Q. Was your answer no, you didn't?

19 A. Let me finish. We passed the same test with our ZJ
20 that we passed on all the passenger cars, so the
21 results were the same.

22 Q. Is that 301 test?

23 A. 301 and all the other ones listed in the other
24 document you showed me.

25 Q. That's the same test that the Pinto passed, too, isn't

1 it?

2 MS. JEFFREY: Object to form.

3 A. The what?

4 BY MR. MORGAN:

5 Q. It's the same test that the Pinto passed, isn't it?

6 A. I don't know about the Pinto.

7 Q. Let me ask you this question, Mr. Castaing. During
8 the period of time that you were the head engineer for
9 Chrysler Corporation, did Chrysler ever have to recall
10 any vehicles?

11 A. Did we do what?

12 Q. Recall vehicles. Were there ever any safety recalls?

13 A. Yeah, like most of us in the industry on occasion, we
14 have a mishap and we recall the vehicles.

15 Q. And I assume that every one of those vehicles that was
16 recalled passed every Motor Vehicle Safety Standard
17 test it was subjected to and yet it was recalled,
18 wasn't it?

19 A. Most recalls are not due to design defects. They are
20 due to manufacturing defect which is engineers release
21 for production a car with a certain requirement for
22 the suppliers to bring bolts and nuts and all of that
23 to a certain spec, and we make, let's say, 800 cars a
24 day in an assembly plant. We have 4,000 packs of
25 things coming into the assembly plant on two shifts,

1 and sometimes there is a mishap, and this is 95% of
2 the recalls are due to manufacturing defect. So
3 whether we passed the test, even we tested the car
4 that year for a given standard, it may well be that we
5 will have a recall because of a manufacturing defect.

6 Q. So we can agree that each and every time Chrysler
7 recalled vehicles as defective, those vehicles had, in
8 fact, passed the tests required by Motor Vehicle
9 Safety Standards; is that a true statement?

10 MS. JEFFREY: Object to form. He testified
11 about --

12 A. I will say we have never released for production in my
13 time vehicles that were not passing well in all the
14 requirement of the Government, never. If we were not
15 to pass one, we will hold production until we pass the
16 test, all of the tests, and there's no exception to
17 that rule. Never.

18 BY MR. MORGAN:

19 Q. And that's, I assume, for the protection of your
20 customers; is that right?

21 A. The standard of the company to satisfy, first of all,
22 our obligation to the Government and make sure that
23 our cars were safe.

24 Q. It wasn't for the safety of your customers?

25 A. Yeah.

1 MS. JEFFREY: He just said to make sure our
2 cars are safe.

3 A. What I just said.

4 MARKED FOR IDENTIFICATION:

5 DEPOSITION EXHIBIT 12

6 2:06 p.m.

7 BY MR. MORGAN:

8 Q. Mr. Castaing, I'm going to show you what I've marked
9 as Exhibit 12 -- excuse me -- and do you recognize the
10 first page of this document?

11 A. No.

12 Q. You don't recognize this as related to the 1996 Jeep
13 Grand Cherokee?

14 A. Yes, I read that.

15 Q. Okay. And you were still the Vice President, I think
16 probably Executive Vice President in charge of
17 Engineering at the time the 1996 Jeep Grand Cherokee
18 was introduced, were you not?

19 A. Yes.

20 Q. What does this document depict, Mr. Castaing?

21 A. I'm not sure. There is no title. It's not an
22 engineering design, so I don't know. Do you know
23 where it came from?

24 Q. Are there any frame rails or body side rails or
25 anything you can discern from this document?

1 A. Yeah, could be a manufacturing design but it's not a
2 -- because in the unibody -- I don't know, I don't
3 know what it is, so...

4 Q. Now in connection with the fuel system design for the
5 1996 Jeep Grand Cherokee, did Chrysler poke a hole in
6 the frame rail so that it could run the fuel filler
7 through that hole?

8 A. I don't know.

9 Q. You don't know?

10 A. No.

11 Q. Well, take a look at the next page. Do you recognize
12 this photograph as a photograph of a tank for a Jeep
13 Grand Cherokee with a hole punched through the frame
14 rail through which the fuel filler passes?

15 A. I see that.

16 Q. Was that a feature of the design that you approved for
17 sale to the public?

18 A. I, I -- when you say approved, I didn't review this
19 design and didn't approve myself. There are people
20 like maybe someone you know of that were in charge of
21 this project and whenever an issue raised to me that
22 needed my attention to that. So no, I don't recognize
23 this was the feature of this car or another car.

24 Q. Well, Mr. Castaing, you testified earlier you went
25 through engineering program reviews with your

1 engineers at Jeep/Truck. Would you not have sat in on
2 the meetings when the fuel system was discussed and
3 where they're going to put it and how they're going to
4 attach it and how we're going to accomplish the fuel
5 filler and we're going to punch a hole through the
6 frame rail and run the filler through there?

7 A. If you read my response this morning when you asked
8 the question of this program review, I explained that
9 we were there to make sure that things were going
10 along, and we were only reviewing issues that were not
11 going along by exception. So if this was going right,
12 the design was going well, the testing was going well,
13 the manufacturing of it went well, I would not know
14 about it.

15 Q. Mr. Castaing, can you identify any other offering by
16 Chrysler Corporation that ran the fuel filler lines
17 through the frame rail?

18 A. No, I don't know.

19 Q. If you would, please, Mr. Castaing, I'd like you to
20 hold that photograph up so that the -- it can be
21 placed on the video, if you would, and would you point
22 out the tank, the frame rail and the fuel filler so
23 that the jury can see?

24 MR. FUSCO: Objection.

25 MS. JEFFREY: Yeah, I don't want him doing

1 that. If you want to point it out, that's fine.

2 BY MR. MORGAN:

3 Q. Mr. Castaing, can't you point it out? You're the
4 engineer. You went to Napoleon school.

5 MS. JEFFREY: He's not required to do that.

6 A. It is to respond to your question. Not to be your
7 clown, okay?

8 MR. FUSCO: It is not in evidence.

9 A. So please do it.

10 MS. JEFFREY: I'm going to direct him not
11 to do it.

12 MR. MORGAN: Fine. I'll do it. If
13 Mr. Castaing doesn't want to do it, I'll do it.

14 MS. JEFFREY: I'm telling him not to.

15 MR. FUSCO: You can do whatever you want.
16 We object to it, though.

17 BY MR. MORGAN:

18 Q. Let me ask you this, Mr. Castaing: Is this the fuel
19 tank, what I'm pointing to right now?

20 A. Looks like it, yep.

21 Q. Is this the frame rail, what I'm pointing to right
22 now?

23 A. Yes.

24 Q. Is this the fuel filler, what I'm pointing to right
25 now?

1 A. I can't say.

2 Q. You don't know that that's the fuel filler?

3 A. No. I don't understand the drawings. I've never seen
4 that earlier, and like I said -- I don't know. You
5 asked me if I recognize. I don't.

6 Q. Is it your testimony that, just so that we're clear,
7 the first page of Exhibit 12, which is a drawing, you
8 don't understand as the former Executive Vice
9 President in charge of Engineering at Chrysler
10 Corporation; do I have that right?

11 A. No, you don't have it right. It's what I said I don't
12 recognize it because typically a frame rail are not
13 designed outside the rest of the body. So this I said
14 is maybe a design coming from manufacturing or maybe
15 from service to fix them when the car is after an
16 accident. That's why I said I didn't recognize that.

17 Q. I am going to ask the court reporter to read back your
18 answer to the preceding question, not the question you
19 just answered but the one before that.

20 (The requested portion of the record was
21 read by the reporter at 2:12 p.m. as
22 follows:

23 "Question: You don't know that that's the
24 fuel filler?

25 "Answer: No. I don't understand the

1 drawings. I've never seen that earlier,
2 and like I said -- I don't know. You asked
3 me if I recognize. I don't.")

4 BY MR. MORGAN:

5 Q. You did testify you don't understand the drawings,
6 didn't you, Mr. Castaing?

7 A. I said understand these drawings because it's not an
8 engineering drawing that I will be seeing. I
9 understand what frame rail because I've been in the
10 industry for a long time.

11 Q. Well, let me -- okay. Let me ask you this,
12 Mr. Castaing. You testified very proudly earlier this
13 morning that your wife drove your children around in a
14 Jeep Grand Cherokee. Did you not know that the fuel
15 filler pipe passed through the frame rail and went
16 into the tank while your wife was driving it around
17 with your children in it?

18 MS. JEFFREY: I'm objecting to the form and
19 you're badgering him again. It's ridiculous.

20 You can answer if you can.

21 A. Myself and all the Chrysler employees whose family are
22 driving the car they designed don't know necessarily
23 of every detail of every car, but we know as a group
24 we did a great job at Chrysler to build safe cars that
25 have been successful in the marketplace, and I was so

1 absolutely concerned about any other cars that my
2 family rode in every day. So what can I say? Whether
3 I remember where the fuel filler was or not, has no
4 relevance, makes no difference.

5 BY MR. MORGAN:

6 Q. Mr. Castaing, looking back at Exhibit 12, if you'd
7 look at the first page of it, the bottom depiction
8 there entitled Side View at the rear there, doesn't
9 that depict the hole that was punched through the
10 frame rail that we see in the next page in the
11 photograph?

12 A. I don't know from this. Maybe it is. Maybe it is
13 not.

14 Q. Well, again, if we take a look at this photograph
15 here, if I can get that up on the screen, take a look
16 at it?

17 MR. FUSCO: Objection to show and tell.

18 BY MR. MORGAN:

19 Q. Mr. Castaing, would you agree with me that in the
20 event of a crash, that if, in fact, this is the fuel
21 filler here, fuel filler line -- oh, did I drop my
22 microphone? Sorry.

23 MR. FUSCO: Can I just see that? Okay.

24 Thank you.

25 BY MR. MORGAN:

1 Q. I'm sorry, Mr. Castaing, if we can -- if I can ask you
2 to assume that this is the fuel filler line here as
3 depicted in the photograph passing through the frame
4 rail, that in the event of a rear impact, particularly
5 an offset underride impact, that that fuel filler line
6 will have contact with unfriendly surfaces?

7 MS. JEFFREY: Object to form and
8 foundation. He's not here as an accident
9 reconstructionist.

10 A. Understand I'm not going to speculate on that. I'm
11 not sure. I don't recognize exactly what I'm being
12 shown, so I don't know.

13 BY MR. MORGAN:

14 Q. Okay. Take a look at the last page of the document.
15 See if this jogs your memory at all.

16 Do you recognize this?

17 MR. FUSCO: Is there a page number we're
18 referring to or just the last page?

19 MR. MORGAN: The last page.

20 MS. JEFFREY: I think it's the fourth page.

21 MR. MORGAN: The fourth page.

22 MR. FUSCO: I just want the record to be
23 clear about this.

24 MR. MORGAN: Sure.

25 A. I don't recognize the place. I can see that it is

1 showing again the Grand Cherokee frame rail system not
2 welded to the body, which is not the current, the way
3 typically they're shown. It's slitting in certain
4 ways to give the impression that the Cherokee also has
5 a frame, an independent frame, which it does not have
6 one. So people may be misled by that drawing.

7 MARKED FOR IDENTIFICATION:

8 DEPOSITION EXHIBIT 13

9 2:17 p.m.

10 BY MR. MORGAN:

11 Q. Let me show you Exhibit 13, Mr. Castaing.

12 A. Yes.

13 Q. Do you recognize the white vehicle in the photograph
14 as a Jeep Grand Cherokee, the rear portion of a Jeep
15 Grand Cherokee?

16 A. Yes.

17 Q. Does this photograph depict a bumper mismatch?

18 A. I don't know what mismatch means.

19 Q. The bumpers don't match, the bumper on the front of
20 the vehicle --

21 A. Recognize they are not the same height.

22 Q. Yes, and this is a configuration that would be
23 conducive in the event of a rear impact to an
24 underride, wouldn't it?

25 MS. JEFFREY: Object to form and

1 foundation.

2 A. I don't know because -- not necessarily because the
3 bumper is slightly lower than the other one that the
4 rest of the structure of the car, which is above the
5 bumper and behind, will let that happen.

6 BY MR. MORGAN:

7 Q. So you can't tell from looking at this that this type
8 of configuration between a passenger car that has a
9 bumper that's lower than the bumper on the Grand
10 Cherokee is or can be conducive to an underride in the
11 event of a rear impact?

12 MS. JEFFREY: Objection to form and
13 foundation.

14 A. I can explain why what I just said is because the
15 bumper, itself, is not very strong and is there to
16 collapse because it's the law in this country to
17 absorb energy. The structure at the front of the car
18 is above the bumper. So if you look at this, this
19 shot you are showing me, this structure is here. So
20 the structure is in line with the bumper, with the
21 Jeep bumper. So I don't think that this mean anything
22 to me. We don't know.

23 BY MR. MORGAN:

24 Q. How does the frame rail as you described it in
25 Exhibit 12 match up with the level of bumper depicted

1 on the Grand Cherokee in Exhibit 13?

2 MS. JEFFREY: Object to form.

3 A. I don't know. I don't understand the question.

4 BY MR. MORGAN:

5 Q. Well, take a look at Exhibit 12.

6 A. I can see the bumper there.

7 Q. Yeah. And you can take a look at the photograph below
8 it if it will help you and the one below that, too, if
9 it will help you even more.

10 It looks to me like that frame rail with
11 the hole punched through it has a crossmember that's
12 exactly the height of the bumper. Am I wrong on that?

13 A. On the Jeep, yes. I was talking -- I was showing you
14 the car. The car, itself, structure is here, not
15 there. I've designed front-wheel drive. I know where
16 they are. So the structure in the car is the same
17 height as the structure in this vehicle.

18 Q. Let me make sure that I understand.

19 A. You are making the case that this looks like this car
20 could snuck underneath the Grand Cherokee in the
21 crash.

22 Q. My question I thought to you was: Doesn't the bumper
23 on the Grand Cherokee appear to have behind it a
24 crossmember directly connected to the frame rail of
25 the Grand Cherokee?

1 A. Yeah, yeah. Frame rail of the Grand Cherokee is here.
2 The frame rail of this car is not here. It's here.
3 So they're the same height.

4 Q. Let me make sure that I understand. You're telling me
5 that on Exhibit 13, the photograph --

6 A. Yeah.

7 Q. -- what is that photograph of the front of; what is
8 that vehicle?

9 A. Any front-wheel drive.

10 Q. Okay. You're telling me that the frame rail of that
11 vehicle is in line with the headlights; do I have that
12 right?

13 A. Yeah, more or less. It's not underneath the bumper.
14 I'm not suggesting --

15 MS. JEFFREY: No, just --

16 MR. MORGAN: All right. I think we need to
17 take a break for a couple minutes, Mr. Castaing. We
18 have to get a couple things together here, and then
19 we'll be right with you.

20 VIDEO TECHNICIAN: The time now is 2:22 and
21 25 seconds p.m. This marks the end of tape four. We
22 are off the record.

23 (Recess taken at 2:22 p.m.)

24 (Back on the written record only
25 at 2:39 p.m.)

1 MR. FUSCO: Chris Fusco. I understand that
2 Mr. --

3 MS. DeFILIPPO: Let him put on the record
4 that he's leaving.

5 MR. MORGAN: Yeah. It's about 2:30 or so
6 and I have discussed this with Ms. DeFilippo. It's
7 actually 2:40 by my watch. I have a prior engagement
8 that I have to attend to, and she is going to complete
9 the questioning of Mr. Castaing. And I guess
10 Mr. Sacco has a few questions as well.

11 MR. FUSCO: Before Ms. DeFilippo begins her
12 questioning and before Mr. Morgan leaves, I've raised
13 objections prior to today about what I perceive to be
14 irregularities in the proceedings, including the
15 taking of the deposition by an attorney not allowed to
16 practice in the State of New Jersey. I also have
17 objected to Mr. Sheridan's presence here. Based on
18 those objections, I'm asking that all documents be
19 preserved, including the note pads that Mr. Sheridan
20 was writing on, the note pads Mr. Morgan was writing
21 on and all the documents that Mr. Sheridan brought
22 here be preserved because I will be making appropriate
23 discovery demands or subpoenas as to those documents.

24 MS. DeFILIPPO: I'd just like to state for
25 the record that it should be that all those documents

1 have been already supplied to you by me, and if
2 there's any -- I am not aware of any document that I
3 didn't supply in discovery already or that would not
4 be supplied by the discovery end date. So you don't
5 have to worry about that.

6 MR. FUSCO: Well, if there's documents in
7 this room that have not been produced in discovery,
8 Mr. Sheridan has them right now, I'd like them
9 produced.

10 MS. DeFILIPPO: I don't know of any. I
11 don't think there were any, and I will go through them
12 and make sure. As you know, there's volumes of
13 discovery at this juncture, and the discovery end date
14 has not passed, and you are certainly entitled to have
15 copies of every one of those documents that have been
16 marked. However --

17 MR. FUSCO: I'm also referring to his box
18 with the red top, the files in front of him, the note
19 pad he's been writing on today.

20 MS. DeFILIPPO: I am not agreeing to that,
21 nor do I think you have any right to that. If the
22 documents are going to be produced in discovery, we
23 will do that. And if they are not going to be
24 produced, we will not do that.

25 MR. FUSCO: I don't expect you to agree.

1 What I'm saying today is I want them all preserved.

2 MS. DeFILIPPO: Certainly they'll be
3 preserved.

4 MR. MORGAN: Are you suggesting that you
5 can get access to notes that I made in preparation for
6 the deposition?

7 MS. DeFILIPPO: No, no.

8 MR. FUSCO: I am suggesting that I believe
9 that this whole process has been irregular, and
10 because of that, I have to do some research about what
11 we can get and how this all interplays, and once I've
12 done that research, I might have to make appropriate
13 motions and discovery demands. Until that time,
14 because I've just learned about this today, I'm asking
15 that all the documents that I referred to be
16 preserved.

17 MR. MORGAN: Well, as I understand it, you
18 were advised several weeks ago that Michigan counsel
19 may --

20 MS. DeFILIPPO: True.

21 MR. MORGAN: -- conduct a portion of the
22 examination. If you didn't read your correspondence,
23 that's not my problem, but if you're suggesting that I
24 have to maintain copies of my notes that I made for my
25 personal preparation, that you have some access to

1 those, preserve yours, too, then.

2 MR. FUSCO: Okay.

3 MS. DeFILIPPO: Yeah, exactly.

4 MR. FUSCO: That's fine but I am an
5 attorney of record in this case and you're not.

6 MS. DeFILIPPO: But he was an attorney --

7 MR. MORGAN: There is something called
8 attorney work product, my thoughts and impressions,
9 counsel.

10 MS. DeFILIPPO: He was an attorney whose
11 information was supplied to you prior to this dep for
12 many reasons and went out in a letter by my office,
13 and I will have my paralegal have that letter faxed
14 here tomorrow so that you can reread it because
15 obviously you didn't read it because you didn't
16 respond to it and you didn't object to Mr. Morgan
17 being here, and I didn't even know whether it would be
18 Mr. Morgan or another counsel who was local at the
19 time when I wrote that letter. So he was not
20 identified by name but he was identified as local
21 counsel.

22 MR. FUSCO: Even if I did see it and it
23 exists, and I'm not taking issue about that, nothing
24 in that letter cures the irregularities that have
25 occurred here today.

1 MS. DeFILIPPO: Not with respect to
2 Mr. Morgan. Mr. Morgan has no reason to save his
3 notes. More importantly, if I wrote notes to him and
4 he wrote notes to me and they're the attorney's
5 concept or work product or what we discussed with each
6 other attorney to attorney for Plaintiffs, you never
7 get any right to them. There will be never be a case
8 that will allow that or a judge in the whole world,
9 and I am not going to ask him to preserve them.
10 That's up to him what he wants to do because that is
11 just improper but if you're going to --

12 MR. FUSCO: Angel, if something has been --

13 MS. DeFILIPPO: I'm sorry, but no note of
14 any attorney is evidence, no note.

15 MR. FUSCO: If he was an attorney of record
16 in this case.

17 MS. DeFILIPPO: He was an attorney that you
18 were advised about would be here to ask questions, and
19 as a matter of fact, I am here with him to make sure
20 that there is no issue going on, and I was lucky to be
21 able to get here, and you never objected to his
22 presence or his participation, and you were advised
23 fully in advance.

24 MR. FUSCO: I don't agree with that but
25 okay.

1 MS. DeFILIPPO: I'll produce that letter
2 tomorrow.

3 MR. FUSCO: But it doesn't cure any of my
4 objections. Obviously the Court will have to get
5 involved. That's it.

6 MS. DeFILIPPO: Well then, save your own
7 notes because if notes of attorneys are going to be
8 exposed in this case, then I want everybody's notes
9 who's sitting at this table, including attorney for
10 the witness, everybody's notes, including your
11 co-counsel who is helping you.

12 MR. FUSCO: I think that's impossible.

13 MS. DeFILIPPO: Well, if you think you get
14 attorneys' notes, I want everybody's notes.

15 MR. FUSCO: I think I need to research the
16 issue about an attorney who is not counsel of record
17 in this case.

18 MS. DeFILIPPO: You had every right to
19 object. That's why I wrote the letter.

20 MR. FUSCO: I've objected.

21 MS. DeFILIPPO: But you never objected.
22 We're here in Michigan. Everybody's here. We could
23 barely get everybody together to get this done, and we
24 did everything we could to comply with the Court's
25 scheduling orders, the discovery end dates, the fact

1 that we've been trying to get witnesses and trying to
2 get on some kind of a schedule, and my letter to you
3 was a courtesy letter. If you had any objection, this
4 dep would have been adjourned. I wouldn't be flying
5 here. Mr. Sacco wouldn't be flying here.
6 Mr. Sheridan wouldn't be here. Mr. Morgan wouldn't
7 have taken his time. You wouldn't be here. You had
8 every right to object before we flew out here. That's
9 ridiculous, counsel. You're making an issue of
10 nothing. Let's continue.

11 MR. FUSCO: You go at your own peril.

12 MS. DeFILIPPO: Your peril.

13 MR. FUSCO: I don't think so.

14 MS. DeFILIPPO: Your peril because if you
15 do anything in this case, we're going to ask for
16 costs.

17 MR. FUSCO: Okay.

18 (Mr. Morgan left the deposition room.)

19 (Back on the video record at 2:47 p.m.)

20 VIDEO TECHNICIAN: We are back on the
21 record. The time is now 2:47 p.m. This marks the
22 beginning of tape number five.

23 MS. JEFFREY: It's my understanding that
24 there are going to be three attorneys for the
25 Plaintiff who will be deposing this witness. I'll let

1 do. I don't remember any issue and so particularly on
2 the side of the crash test. So I was not involved,
3 no.

4 Q. Did you ever attend any of the crash tests?

5 A. No.

6 Q. Did you ever read any of the crash test results for
7 the ZJ, either in its development stages or in
8 production?

9 A. No. Like I said earlier, I think that if there was no
10 issues, which mean that the work done by the
11 engineers, their calculation, their good engineering
12 practice was driving the program forward then, and
13 when we were testing the prototype, they were passing
14 or if they were not passing, it was for something we
15 understood by the time we got to the skin prototype
16 and production, we were passing, there was no reason
17 for me to go see what we call routine tests. They are
18 tests that are important that we pass, and they remain
19 routine unless we have an issue, so...

20 Q. Okay. But, Mr. Castaing, please listen to my
21 question. All I want to know is as you sit here
22 today, do you recall ever reading any crash testing at
23 any time for the Jeep ZJ?

24 A. No.

25 Q. How about the WJ?

1 A. No.

2 Q. Now prior to coming here for this deposition today,
3 did you review any documentation at all with your
4 counsel or without your counsel?

5 A. No.

6 Q. Did you review any notes, any correspondence, anything
7 written?

8 A. No.

9 Q. Did you review any films, any DVDs, any CDs, anything
10 that was video, audio, or any other thing?

11 A. Zero, no.

12 Q. So you came here today without having reviewed any
13 matter, whatsoever?

14 A. No.

15 Q. And when was the last time that you appeared for a
16 deposition or trial testimony or in any litigation
17 involving Jeeps at all?

18 A. I was deposed several times in my life because it's
19 part of the privilege of the job I had. I'm pretty
20 sure I was deposed on various -- on some of our
21 vehicles, maybe Jeeps. Maybe I was deposed on -- I
22 don't remember but I'm sure I was deposed on Jeep
23 cases.

24 Q. Do you remember when the last time was? And you can
25 approximate, you don't have to be exact. I just don't

1 want you to guess.

2 A. Three, four years ago maybe.

3 Q. Do you remember any of the matters, the names of any
4 of the matters that you were deposed about or gave
5 testimony about?

6 A. I think the last one was -- no, I don't remember.
7 They are not a pleasant souvenir to be frank with you.

8 Q. Mr. Castaing, did you ever author any test requests
9 for rear test crashing for the Jeep ZJ?

10 A. Did I what?

11 Q. Did you ever author any of the testing requests for
12 crash testing of the ZJ?

13 A. What?

14 MS. JEFFREY: Author, write.

15 BY MS. DeFILIPPO:

16 Q. Author, write, design the test --

17 A. No.

18 Q. -- specifications or anything of that nature with
19 respect to the Jeep ZJ crash tests?

20 A. No.

21 Q. What is the title of the person at Chrysler who would
22 have authored the Jeep testing?

23 A. I said earlier in the previous interrogation, I was --
24 these tests are documented by the Government or like
25 we look at previous test, and we don't deviate from

1 this test. So there's no authorship. We make sure
2 that the test is there for us to comply there, the
3 people involved in it. In this case I said earlier
4 that the final testing of this car were all done by
5 new people at Chrysler, new colleagues at Chrysler
6 coming, testing the AMC products, if you wish.

7 Q. Okay. But that's not my question.

8 A. Maybe I don't understand it.

9 Q. My question is: What is the title or was the title of
10 the person at Chrysler who would author or write the
11 test requests for the Jeep prior to the testing being
12 done?

13 A. There are no such requests. When we put together a
14 plan for a program, you have this master timing table
15 that defined everything that when we have to freeze
16 the design, when we have to freeze the design of the
17 interior, when we'll have to add the first skin design
18 of the shell and so on, and then along the way at some
19 point we build mule maybe because it was a new car,
20 and mule may be pre-prototype, and then in the
21 schedule it will say for such a day, we will go send
22 the prototype to the proving ground or to the lab for
23 testing, and then later on there will be -- we say we
24 will earmark, let's say, three or four Jeep ZJ skin
25 prototype to be tested for various FMVSS standards.

1 So there was no such thing as people have
2 to ask for it. The people were building them. They
3 were on schedule to go to the proving ground. The
4 proving ground knew they were coming, and then there
5 they were tested, and the proving ground would issue a
6 report on the test.

7 Q. Was there such a thing in Chrysler, a position known
8 as the vehicle development crash test engineer?

9 A. No.

10 Q. Would you agree with the statement that if in a crash
11 test a vehicle fails once, it cannot be considered an
12 anomaly but the flaw must be designed out of that
13 vehicle?

14 MR. FUSCO: Object to the form.

15 MS. JEFFREY: Join.

16 A. I don't agree with that statement exactly.

17 BY MS. DeFILIPPO:

18 Q. Okay. Tell me why.

19 A. Like I said, first of all, when you talk about crash
20 tests, there are dozen and dozen of them. Some are
21 done on a sled. Some are done with real cars. Some
22 are done with half cars. And so it's not that the
23 crash test is one thing. It's a multitude of tests.
24 Some are done in the lab and some are done at the
25 proving ground. Some are done with mules which are

1 imperfect cars and then some are done with skin
2 prototype which are more close to the, becoming closer
3 to the real thing and then finally the pre-production
4 unit we call pilot which looks like the unit.

5 So in the case of a mule crash, we could
6 accept a crash because we wanted to find out where we
7 were. So there was not necessarily a flaw. It was
8 just a bench, you know, a mark along the way. Then on
9 the skin prototype, we will look at the crash test and
10 make sure that it was either something we needed to do
11 something about or something we knew that it was,
12 maybe the welding of some part of the car was not, was
13 not perfect, and we said maybe that's where it came
14 from and so on. So we were not always redesigning the
15 car. It was maybe making sure that we understood why
16 we were not passing or passing.

17 Q. Okay. And let's be more specific then. With respect
18 to the pilot test, cars that are just about ready to
19 go to production and you're doing crash testing, would
20 you agree with the statement that if the test fails
21 once, you don't consider it an anomaly but the flaw
22 must be designed out?

23 MR. FUSCO: Object to the form.

24 A. I don't agree with the thing design out. I agree that
25 we should do something but it may be a manufacturing

1 issue.

2 BY MS. DeFILIPPO:

3 Q. Okay.

4 A. So it's not design out. We have to understand what it
5 is and fix it.

6 Q. Okay.

7 A. And I said earlier, if it is not fixed, we will not
8 start production.

9 Q. You will not start production?

10 A. No.

11 Q. And what about if it's a production vehicle -- I know
12 you said earlier that there are times when you do
13 random testing, correct --

14 A. Correct.

15 Q. -- of vehicles already in production, so if a crash
16 test fails, would you agree that in that situation,
17 you would also have to find the flaw and correct it?

18 A. If it -- if it will happen, and it never happened in
19 my lifetime that we failed, maybe -- I don't remember.
20 I don't remember that we had that. Maybe -- I don't
21 know. I don't think that we failed a crash test, per
22 se, but if we were to do that and find out that there
23 have been a number of cars that year that were not
24 welded right, for example, we would -- we would try to
25 quarantine the cars at our lab, catch the ones that

1 are already on their way to the dealership and then,
2 you know, fix, fix what's wrong with the car on the
3 assembly line and restart production with a fix,
4 retest the car to make sure that it was okay and then
5 decide what to do for the cars that were already built
6 and maybe recall them.

7 Q. Now Robert Sinclair, was he the head of minivan and
8 passenger cars when you were the head of Jeep and
9 Truck?

10 A. Yeah.

11 Q. And then did you -- did he leave while you were still
12 with Chrysler, Robert Sinclair?

13 A. He leaves at the time I took over the entire
14 Engineering organization for Chrysler.

15 Q. Did you take his place?

16 A. Yeah, whatever he has underneath him became part of
17 what I was doing.

18 Q. Was there such a thing at Chrysler when you were there
19 as the vehicle safety committee?

20 A. There was not such a thing as a formal safety
21 committee.

22 Q. Was there an informal safety committee?

23 A. At some point we had one.

24 Q. And what was that; did it have a title?

25 A. No. It's kind of a story that had been debated that

1 was at the time at the beginning of the new minivan,
2 your witness here decided to start calling me things
3 to discuss the merits of --

4 Q. You're talking about Mr. Sheridan?

5 A. Yeah.

6 Q. He --

7 A. But this was never an official committee, and we
8 listened to what he have to say and took action on
9 things we thought were useful and dismissed the other
10 ones.

11 Q. Okay. So are you saying that there was never a
12 vehicle safety committee that dealt with engineering
13 regulations and all matters related to safety and
14 recalls?

15 A. No. I said earlier that we had -- I don't remember.
16 It was not called a safety committee but we have --
17 when we talk about Mr. Dale Dawkins working for
18 Mr. Ron Boltz, they were in charge of making sure that
19 -- they were the keeper. They were looking at us
20 engineers saying, We are counting on you to meet all
21 this regulation, and by the way, this one has changed,
22 and so on. They were also facing the EPA and other
23 Government agencies. And maybe we had a committee
24 that was meeting -- I remember we had a committee to
25 talk about recalls when we had one, whether they were

1 related to safety or not safety. I don't remember
2 about a safety committee.

3 Q. Safety was really important at one point in time,
4 though, to Chrysler, correct?

5 A. The what?

6 Q. Safety issues?

7 A. Always.

8 Q. There was a lot of campaigning about how safety became
9 primary to Chrysler around the time when you were
10 there in the '80s and the early '90s and up through
11 the '90s, correct?

12 A. No --

13 MS. JEFFREY: I'm just going to object to
14 the form of the word "campaigning".

15 BY MS. DeFILIPPO:

16 Q. When I say campaigning, I mean there was advertising
17 about Chrysler having safe cars, correct?

18 A. Well, I would say I don't know of any corporation that
19 does not, you know, try to make the point that their
20 car are better engineered than others, and Volvo, for
21 example, was one that was famous for that. We all
22 delve to the same issue that at some point a new, a
23 new technology would come along like airbags, and it's
24 true that in the days of Mr. Iacocca, just in the time
25 when the ZJ was coming out, there was a drive to be

1 the first one to have more airbags in our cars than
2 the competition, and that created like a buzz about
3 safety is important. But for engineers, safety is
4 always important, whether it's advertised or not.

5 Q. And didn't Mr. Iacocca also indicate that, and I'm
6 going to quote, the real issue for the '90s is not
7 quality but safety, yours, to the public?

8 A. I don't know if he said that. I would not suggest
9 that he would say something like that because it's not
10 either/or.

11 MS. DeFILIPPO: Let me just show you what
12 I'm referring to and see if this refreshes your
13 recollection. I'm going to mark this the next marking
14 which would be Castaing 14.

15 MARKED FOR IDENTIFICATION:

16 DEPOSITION EXHIBIT 14

17 3:02 p.m.

18 BY MS. DeFILIPPO:

19 Q. It's a two-page document. Just take a look at it.

20 A. Yeah, this is --

21 MS. JEFFREY: Wait for a question.

22 BY MS. DeFILIPPO:

23 Q. So having looked at this document now, Mr. Castaing,
24 and I did read a portion of it that was highlighted on
25 Page 2, it's a document which was -- has a signature

1 of Mr. Iacocca, correct?

2 A. Yeah.

3 Q. And it was a document that went into the media for the
4 public to read, correct?

5 A. It looks like it, yeah.

6 Q. And he does say in this document: The real issue for
7 the '90s is not quality but safety. Yours.

8 Correct, he did say that?

9 A. He said that but early on he said we were the first
10 one to have airbags and he was -- this was at the time
11 where the company was trying to recover from another
12 near death threat, and our Chairman, Lee Iacocca, was
13 trying to find ways to get people interested in what
14 we were doing and being the first one to have many
15 cars equipped with many airbags was a way of doing
16 that.

17 Q. Right.

18 A. And this is about the airbag strategy.

19 Q. I understand that but he made a statement that I read
20 to you. I'm just asking you if he made the statement
21 that I read to you: The real issue for the '90s is
22 not quality but safety. Yours.

23 Isn't that a statement in this document?

24 A. Yeah, but --

25 Q. But that's my question.

1 MS. JEFFREY: It's okay. Do you want that
2 to be part of this?

3 MS. DeFILIPPO: Are you the keeper of all
4 the --

5 MS. JEFFREY: Yeah, I'll take that one,
6 too.

7 MS. DeFILIPPO: And I'll mark the next
8 document, Castaing 15.

9 MARKED FOR IDENTIFICATION:

10 DEPOSITION EXHIBIT 15

11 3:04 p.m.

12 BY MS. DeFILIPPO:

13 Q. This is another document also signed by Mr. Iacocca,
14 I'll just show it to you briefly, correct?

15 A. Yeah.

16 Q. And will you just read the heading on the article for
17 the record?

18 A. The what?

19 Q. The heading, the title.

20 MS. JEFFREY: This part here.

21 A. Safety should be our first priority. The auto
22 industry has dragged its feet long enough.

23 BY MS. DeFILIPPO:

24 Q. Okay. And that's also signed by Mr. Iacocca as an
25 advertisement to go to the media for the public to

1 read, correct?

2 A. I assume so but I don't have any -- I don't know where
3 it went.

4 Q. Now did the 1996 ZJ have a designed protection system
5 for the fuel tank?

6 MR. FUSCO: Objection.

7 A. A what?

8 BY MS. DeFILIPPO:

9 Q. A designed protection system for the fuel tank?

10 MR. FUSCO: Objection, duplicative.

11 A. Well, the same question that was asked me several
12 times today already is that every car manufacturer,
13 regardless of where the fuel tank of their cars is
14 located, makes sure the tank is protected in case of a
15 specific condition which are dictated in our case by
16 testing. So we would pass that test.

17 BY MS. DeFILIPPO:

18 Q. Okay. All I want to know is was there a -- do you
19 understand that terminology designed protection --

20 A. No, I don't.

21 Q. You don't understand it?

22 A. No.

23 Q. Okay.

24 A. Because it could mean anything to me.

25 Q. Okay. That's fine. I just needed to know that. So

1 would you agree with the following statement, the fuel
2 tank system in the Jeep ZJ relies on sound engineering
3 execution rather than simply choosing a location?

4 MR. FUSCO: Objection.

5 BY MS. DeFILIPPO:

6 Q. Would you agree with that?

7 A. No.

8 Q. Why not?

9 A. Because that's not the world we come -- engineers work
10 in. You are designing an automobile with a given
11 architecture, and your job is to make sure that in
12 this particular architecture, you pass a series of
13 hurdle to make the car sellable and satisfactory for
14 the customer and safe for all of us to drive.

15 Q. And do you understand the terminology sound
16 engineering execution?

17 MR. FUSCO: Objection, form.

18 BY MS. DeFILIPPO:

19 Q. Does that mean anything to you as an engineer who was
20 at Chrysler and who took a big part in the ZJ?

21 MS. JEFFREY: Object to form.

22 MR. FUSCO: Objection, duplicative.

23 A. I'm not sure I understand myself. We execute cars for
24 them to succeed to have high quality, to meet all the
25 standards and expectation of standards. This is good

1 engineering at its best. There's no sound or not
2 sound. This is engineering, what it's supposed to do.
3 There's nobody in town that will tell you that some
4 days we do sound engineering and some other days we
5 don't do sound engineering.

6 BY MS. DeFILIPPO:

7 Q. So you have never used the term sound engineering
8 execution when you related to the people that worked
9 for you while you were at Chrysler, correct?

10 A. I'm sure we used the term, the term sound in the
11 rationale for something, we'll use it. If someone
12 were to say does that sound right to you or this
13 solution sound the right one for the job, yes, we use
14 sound.

15 Q. Well, I don't mean "sound" in that context.

16 A. Okay.

17 Q. I understand that it's not a phrase that you would say
18 to your people, I want you to use sound engineering
19 execution in doing, in locating our fuel tank?

20 A. No, that's not -- that's not comprehensible for
21 engineers.

22 Q. Okay. It's not an engineering terminology, correct?

23 MS. JEFFREY: Answer out loud. Say yes.

24 BY MS. DeFILIPPO:

25 Q. You have to say yes.

1 A. Yes.

2 MS. JEFFREY: Or no, it is not.

3 BY MS. DeFILIPPO:

4 Q. Can you just define for me when you say someone is an
5 engineer what you mean by that term "engineer"?

6 A. Yeah, well, an Engineering group, since that's what I
7 was leading --

8 Q. No, the engineer, itself. If you're looking for
9 someone who is an engineer, what are you looking for
10 in terms of qualification?

11 A. To have a degree.

12 Q. An engineering degree, correct?

13 A. Yes.

14 Q. Okay. And is a lab technician an engineer?

15 A. Some are. Some have -- you know, in the lab you have
16 some, some tasks which are more complex than others.
17 Some are engineers. Some have other technical
18 diploma.

19 Q. So at Chrysler, there could be a lab technician who
20 does not have an engineering degree; is that fair?

21 A. Could be, yeah.

22 Q. And is a quality engineer at Chrysler or during the
23 time -- and you understand that I'm asking you about
24 questions during the time when you were there,
25 correct?

- 1 A. Uh-huh, yeah.
- 2 Q. Was a quality engineer a title that existed at
3 Chrysler when you were there?
- 4 A. Yeah, it existed at AMC and at Chrysler.
- 5 Q. And does a quality engineer have an engineering
6 degree?
- 7 A. They do.
- 8 Q. Okay. And does a contact engineer, is that an
9 engineering person?
- 10 A. A what?
- 11 Q. A contact engineer, was there such a thing at
12 Chrysler?
- 13 A. A con --
- 14 Q. A contact engineer.
- 15 A. I don't know what a contact engineer is.
- 16 Q. You never worked with any contact engineers?
- 17 A. No.
- 18 Q. Okay. Was there a title at Chrysler when you were
19 there known as an investigative engineer and
20 specialist?
- 21 A. No.
- 22 Q. So you don't even know what that means?
- 23 A. I understand the words.
- 24 Q. No, but I mean, you didn't work with any --
- 25 A. We were expecting all of our engineers to be

1 investigative in their mind.

2 Q. In their mind. Is there some title or was there some
3 title between 1987 and the time that you were there
4 called a senior product analysis engineer?

5 A. Probably, yeah, maybe.

6 Q. Did you ever work with a senior product analysis
7 engineer that you can recall?

8 A. I'm not sure what that means. We have people doing
9 analysis all the time. Whether they were doing FMEAs,
10 you know, failure mode analysis, we had many of them
11 modeling of, you know, as technology evolved. Yeah,
12 I'm sure we had -- I had contact with some of them.

13 Q. Did they have any part in designing the car?

14 A. Do what?

15 Q. Do they design the cars or the Jeeps?

16 A. FMEAs --

17 Q. No, the senior product analysis engineers, do they
18 design Jeeps?

19 A. I'm not too sure. I don't recognize who they are.
20 Typically if they're doing analysis, they are not
21 designing. They are the counterweight.

22 Q. Do they do testing of the Jeeps?

23 A. If they do analysis, they don't do testing.

24 Q. They don't do testing, so they don't do testing at
25 all?

1 A. No.

2 Q. All right.

3 A. As far as I remember.

4 Q. As of June of 1998, is it fair to say that you did
5 nothing for Chrysler; is that what your testimony was?

6 I wasn't sure I understood. You said that you were
7 there until 2000, but then you also said something
8 about 1998.

9 A. Yeah. The original deal, I wanted to retire for
10 personal reason, and they wanted me to stay a little
11 bit. So I retired from my job at running
12 International, and the Chairman say, I want you to
13 stick around, so we'll give you a package so you can
14 stick around and I'll call you.

15 Within a month-and-a-half of the first
16 year, the merger with the Germans is announced, and
17 clearly our Chairman is not in need anymore. So it
18 was not that I was not there to help him. It's that
19 the company has taken a different course. It was
20 merging with Daimler, and I was not -- I was not
21 useful to him.

22 Q. So let me ask you it this way. So from 1998 in June
23 to the present you have not worked or done anything at
24 Chrysler; is that a fair statement?

25 A. Yeah, from January, 1998.

1 Q. January, okay.

2 A. Yeah.

3 No. Actually, I should say I represented
4 them at a Congress someplace in Austria.

5 Q. But you didn't have hands-on work in the company as an
6 engineer?

7 A. No, no, no.

8 Q. Okay. Now how often during the time you were at
9 Chrysler did you or anyone in Engineering have any
10 contact with persons at NHTSA?

11 A. How often?

12 Q. How often?

13 A. With NHTSA?

14 Q. Yes.

15 A. The team working for Ron Boltz and Mr. Boltz, himself,
16 may have been talking to them several times a month.

17 Q. Would you say it was every week?

18 A. I don't know.

19 Q. Would that be fair to say?

20 A. I don't know.

21 Q. So but it's at least once a month or twice a month?

22 A. I don't know. They were, maybe depending of the
23 calendar of issues, whether NHTSA was looking for
24 reaction to a proposed rulemaking, whether we were
25 having a recall or something. So it's hard to say how

1 many times it was.

2 Q. I think you said earlier that you wanted your Chrysler
3 cars to be safe because company employees, including
4 your own wife, drove them, correct?

5 A. With our daughters inside, yeah.

6 Q. With your daughters inside?

7 MR. FUSCO: Objection, duplicative.

8 BY MS. DeFILIPPO:

9 Q. I notice not your sons, right? Okay.

10 Do you know whether or not you, your wife
11 drove a ZJ without a trailer hitch, a skid plate, a
12 reinforcing bracket or a blocker bracket?

13 A. Well, she was getting a new -- because of my position,
14 we were leasing or we were having access to a car that
15 was new every year, and I'm sure some years we had a
16 hitch package, some year we didn't. We had -- I'm
17 sure we had that. She probably used like ten of them
18 or nine of them.

19 Q. But as you sit here today, do you have a recollection
20 that one of those Jeeps at any time that your family
21 drove was a Jeep without a skid plate, a trailer
22 hitch, a reinforcing bracket or a blocker bracket?

23 MR. FUSCO: Objection to form.

24 A. I don't know.

25 BY MS. DeFILIPPO:

1 Q. You don't know?

2 A. No.

3 Q. Do you know what I mean when I say reinforcing
4 bracket?

5 A. No, I don't understand that today.

6 MS. DeFILIPPO: We supplied photographs to
7 Chrysler's attorney to identify a bracket that came to
8 our attention I'm going to show you.

9 MARKED FOR IDENTIFICATION:

10 DEPOSITION EXHIBIT 16

11 3:17 p.m.

12 A. Realize that the car was designed in 1986/'7, and I
13 probably will not remember the bracket.

14 BY MS. DeFILIPPO:

15 Q. Okay. Well --

16 A. Any brackets.

17 Q. Okay. Were you -- you were in the company in 1996 and
18 '7, though, correct; you were the head of Engineering
19 then?

20 A. Yeah, but I was not looking underneath the cars every
21 day.

22 Q. Okay. Well, let me show you what we've marked
23 Exhibit 16. They are three photographs.

24 A. No, I don't recognize this bracket.

25 Q. Okay. I'm going to represent to you that we sent

1 these photographs to your counsel for Chrysler in a
2 discovery request, and we asked about testing of this
3 particular bracket, and we were advised of a part
4 Number 520591288AA, and it was a bracket mentioned in
5 a deposition of a Mr. Judson Estes. Do you know who
6 he is?

7 A. Who?

8 Q. Mr. Estes, E-S-T-E-S?

9 A. No.

10 Q. And he indicated that this bracket was used to
11 reinforce the ZJ in 1997 and was the subject of
12 testing back at that time. Are you saying you don't
13 know anything about this bracket at all?

14 A. I said earlier that Chrysler had 7000 engineers, all
15 of them doing brackets in some ways. So I couldn't
16 see every one of them. If it was an important issue
17 at the time, I would have been advised of it and maybe
18 I will remember today, but I'm pretty sure I don't
19 remember that.

20 Q. So do you remember any instance where the Jeep ZJ that
21 was going into production for '97 was having trouble
22 with passing the 301 crash test and the bracket was
23 used to pass and comply with the test, testing?

24 A. In '97, I was traveling the world selling cars for
25 International. I was not anymore an engineer at the

1 time.

2 Q. You were not head of Engineering in '97?

3 A. No. I said -- no. '97 was the last year I was with
4 Chrysler active, and I was in charge of Chrysler
5 International.

6 Q. How about in '96?

7 A. I was -- I was promoted to that in November of '96.
8 That's why I left Engineering.

9 Q. Well, I think the testing was done in 1995. Do you
10 recall anything about testing which --

11 A. No.

12 Q. -- involved a special bracket which went on the left
13 side --

14 A. No.

15 Q. -- of the rear to reinforce the rear --

16 A. No.

17 Q. -- in connection with passage of the 301 test; you
18 don't know anything about that?

19 A. No.

20 Q. Who would know?

21 A. I don't know.

22 Q. Well, what would be the title of the person at
23 Chrysler who would, who should know about this
24 bracket?

25 MR. FUSCO: Object to form.

1 A. Like I said, There are 7,000 engineers. In every car
2 there is 40,000 parts going into them. One is a
3 bracket. We have a car line with two dozen product
4 lines. It's hard for me to tell who was in charge of
5 knowing this bracket among this 12 times 40,000 parts.

6 MS. JEFFREY: I will represent to you that
7 one of the engineers that we're going to be producing
8 was involved in the testing of the decision to use
9 that bracket.

10 BY MS. DeFILIPPO:

11 Q. I don't want to just know who was involved in the
12 testing. I want to know who was responsible for --
13 where did the buck stop, in other words; who was
14 responsible for ensuring that the bracket did what it
15 was supposed to do and that this bracket would come
16 into play in the first place. I don't mean by name.
17 By title.

18 A. It would be someone that was in charge of that and did
19 a good job at doing that.

20 Q. Well, would it be the crash test engineer? Would it
21 be a product planning person? I just want to know by
22 title if you're having a problem passing 301 and
23 you're going to install something new, a new part like
24 this bracket, who would be in charge of determining
25 that, designing it, and certifying that this is okay

1 for our cars and this is how we're going to sell them?

2 A. Well, the Jeep were designed by the team of engineers,
3 probably 6, 7, 800 of them.

4 Q. I'm not talking about the design of the Jeep, itself.
5 I'm being very specific now.

6 A. Yeah, and I'm saying one of them or two of them or
7 three of them, some manager, some senior engineer was
8 involved in doing the right thing and did make that
9 happen.

10 Q. Well, who --

11 MS. JEFFREY: If you know.

12 BY MS. DeFILIPPO:

13 Q. Who by title would be the person --

14 A. I don't know.

15 Q. -- that would have to sign off that everybody below
16 them did the right thing on a new part like this.

17 A. Engineers sign off on their job when it's done. So
18 what I can say I don't know if there's specifically a
19 specific engineer that was involved on this particular
20 one. I don't know.

21 Q. So it could be any random engineer who worked for
22 Chrysler --

23 MS. JEFFREY: Objection --

24 BY MS. DeFILIPPO:

25 Q. -- is that what you're saying?

1 MS. JEFFREY: No. Object to form. What
2 he's saying is he doesn't know.

3 MS. DeFILIPPO: Well, he didn't say he
4 didn't know. He didn't say I don't know. But that's
5 different. He did not say he doesn't know.

6 A. But you should not speculate that a random person did
7 something on safety at Chrysler because this implies
8 that we were doing things randomly on safety and we
9 were not. We have a very thorough organization. We
10 are good engineers. When we were -- like I said
11 earlier in the deposition, if there was an issue with
12 passing 301 or any other test before it went in
13 production, people will deal with it responsibly, make
14 sure it was done, and there would be check and balance
15 between the proving ground testing, the engineer
16 designing and some management leadership about that.
17 So that's what I can say.

18 BY MS. DeFILIPPO:

19 Q. Okay. And I'm saying that if I can identify a
20 specific new part that was placed in the vehicle to
21 comply with 301 testing because without the part, the
22 vehicle was not going to comply, all I want to know is
23 can you tell me if I can give you the part, tell you
24 what the part is and tell you that we're dealing with
25 something very specific, can you tell me the title of

1 the person who would have the responsibility to make
2 sure that this was, in fact, the right part and it did
3 the right job?

4 A. Today as I'm sitting, I don't know.

5 Q. Yes, that's all I want to know. And you wouldn't be
6 able to say the title of the person? That's all I
7 want to know.

8 A. I don't even know.

9 Q. Okay. That's fine.

10 Did you ever see -- I know you've been
11 presented with a document. May I look at the
12 documents?

13 MS. JEFFREY: And you might want to put
14 your Number 15 back here, the bracket photo.

15 MS. DeFILIPPO: Okay. Sorry.

16 BY MS. DeFILIPPO:

17 Q. In 7, Exhibit 7, which was the Sinclair/Baker memo, I
18 know you were asked a lot of questions about it, but
19 the one question you weren't asked is, there is a
20 reference in Page 2 of that about Chrysler
21 investigating fuel tank relocation and an
22 investigation whether to relocate the fuel tank is
23 underway. You read that part, right?

24 A. And I responded already that I didn't find any --

25 Q. I didn't ask the question yet. Hold on.

1 A. Okay.

2 Q. All I want to know is did you read that part about the
3 investigation, right, as contained in this document?

4 A. I read it today.

5 Q. Yes, okay, and my question to you --

6 A. I don't remember ever --

7 Q. Wait a minute. My question to you is simply: Was
8 there ever an investigation with a written document
9 stemming from the investigation that you're aware of?

10 A. No.

11 Q. If there was an investigation, would you expect that
12 there would be some type of document evidencing that
13 investigation?

14 A. Typically, yes.

15 Q. Okay. And if I wanted that --

16 A. What year is that?

17 MS. JEFFREY: '78.

18 BY MS. DeFILIPPO:

19 Q. This year is '78. And if I wanted to find the
20 document which corresponds to the investigation which
21 was indicated as being underway in 1978, where would I
22 be able to find that document, if you know?

23 MR. FUSCO: Wait a minute. Object to the
24 form.

25 MS. JEFFREY: Hold on. And your question

1 implies that there was an investigation.

2 MS. DeFILIPPO: It says it's underway.

3 MS. JEFFREY: Your question implies that
4 there was a report.

5 MS. DeFILIPPO: No, no. He said typically
6 yes. And I said, if I wanted to find one, where would
7 I go if there was one?

8 MS. JEFFREY: If you can answer about this
9 25-year-old document.

10 BY MS. DeFILIPPO:

11 Q. Yes, if you can answer.

12 A. It was '80 before I joined the group, so I don't know.

13 MS. DeFILIPPO: Okay. So I'm going to make
14 a request now of counsel for Chrysler because I know
15 that we have some ongoing things that we are doing
16 discovery wise of the document or any, anything which
17 evidences the investigation that was underway in '78
18 regarding relocation of the fuel tank.

19 MS. JEFFREY: You have served a discovery
20 request, and we've responded to it. We did look and
21 we found nothing. It was sent to you by Rob Cook
22 about two weeks ago.

23 MS. DeFILIPPO: Rob Cook?

24 MS. JEFFREY: Yeah. You served a Request
25 For Production. I'll bring it tomorrow.

1 MS. DeFILIPPO: Yeah, would you please.

2 MS. JEFFREY: Actually, I think I might
3 have it.

4 MS. DeFILIPPO: I don't remember Rob Cook
5 but you can give it to me tomorrow. Just note my
6 request and we can deal with it tomorrow.

7 MS. JEFFREY: I've got it right here. You
8 can have this copy.

9 Ms. DeFILIPPO: Well, if you're going to
10 represent --

11 MS. JEFFREY: It's the -- I ripped off the
12 cover sheet. It's signed by Rob Cook.

13 MS. DeFILIPPO: You know what, if you're
14 going to represent you've done an investigation and
15 you can't find anything on that --

16 MS. JEFFREY: I did produce a more complete
17 copy of the memo which had the three drawings attached
18 to it. We did find --

19 MS. DeFILIPPO: I never received that, but
20 if you want to make me a copy of it, that's fine.

21 MS. JEFFREY: Okay.

22 MS. DeFILIPPO: We don't need it now. You
23 can make it --

24 MS. JEFFREY: I'll get it to you tomorrow.
25 I served it on May 27th, two weeks ago.

1 BY MS. DeFILIPPO:

2 Q. Mr. Castaing, would you agree with the fact, with the
3 statement that the manufacturer of a motor vehicle is
4 in a better position to know about safety engineering
5 and design than the Government?

6 MR. FUSCO: Object to the form.

7 MS. JEFFREY: Join.

8 A. Not necessarily.

9 BY MS. DeFILIPPO:

10 Q. And has there been, to your knowledge while you were
11 with the company, any vehicle-to-vehicle testing done
12 by Chrysler --

13 MR. FUSCO: Object to the form.

14 BY MS. DeFILIPPO:

15 Q. -- regarding the Jeep, whether it be the ZJ, the WJ or
16 the WK?

17 MR. FUSCO: Object to the form.

18 A. I don't think -- I don't know. I don't remember. If
19 we did, I don't remember.

20 BY MS. DeFILIPPO:

21 Q. Would you agree with the statement that at the time
22 that you were with Chrysler and active as head of
23 Engineering, that safety had no budget?

24 A. No, I don't agree with that.

25 Q. Would you agree that the Engineering safety committee

1 did not have a concern about a budget, that it was --
2 that they could do whatever was right for the customer
3 and that they were the company conscience?

4 MR. FUSCO: Object to the form.

5 A. I don't know about this committee you're talking
6 about. I said earlier that there was never a formal
7 committee like that. I have to say that when you say
8 safety and no budget, it means that in a wonder world,
9 we can say, we can stuff cars with all kind of things
10 that we know protect people, small and big and so on,
11 and at the end, the car has no budget, which means
12 it's too expensive and that nobody can buy them. So
13 at the end of the day, a car manufacturer cannot think
14 this way because he has to produce cars that, let's
15 say, under-privileged people can afford to buy, not
16 only millionaire, and that that's the way you run the
17 business. So at the given point of time of the car
18 company, you maximize what you can do within the
19 legislation and the car and the technology that is at
20 your disposal to offer the best you can for 99 percent
21 of the people buying your cars.

22 BY MS. DeFILIPPO:

23 Q. Mr. Castaing, do you recall giving testimony back in
24 January of '06 in a case involving a lawsuit in which
25 you indicated that safety, the safety committee or

1 people who were working on safety aspects of
2 engineering had no budget, that it was not important;
3 what was really important was what was right for the
4 customer?

5 MS. JEFFREY: I'd ask that he be allowed to
6 review that testimony in context. I mean, he can
7 answer if he remembers it or not.

8 A. I don't even understand what you said.

9 MR. FUSCO: Object to the use of that
10 testimony.

11 MS. DeFILIPPO: Well, you can object.

12 A. I don't understand what you said, so can you repeat
13 it?

14 BY MS. DeFILIPPO:

15 Q. Do you remember indicating in a prior deposition
16 something -- a statement to the effect that
17 safety-related decisions were without financial
18 restraints of any type?

19 MR. FUSCO: Object to the form. I also
20 want to put on the record, counsel is reviewing notes
21 that are not testimony. So I think it's patently
22 unfair what's going on here, but all I can do is
23 object to the form.

24 MS. JEFFREY: And I agree.

25 MR. SACCO: It's not your witness, counsel.

1 MS. DeFILIPPO: You're objecting to the
2 form and that's fine.

3 MR. FUSCO: That's all I did.

4 BY MS. DeFILIPPO:

5 Q. Do you want me to read it again?

6 A. Yeah. I don't understand.

7 Q. A statement to the effect that safety-related
8 decisions are without financial restraints of any
9 type?

10 A. Well, this may be taken out of context. It was as
11 often in previous deposition, there was always some
12 lawyer telling me that you work for this big greedy
13 company and you were obviously the boss of
14 Engineering, so you must set a limit on the ability of
15 the engineers to do the right thing because we're
16 costing money, and I responded to that every time that
17 if we were to find there was an issue requiring
18 redesign for more money to fix a nonissue, obviously
19 we would not spare any money, and this is different
20 from the question you've raised earlier, which is so
21 broad that safety had no budget, which is not --
22 there's nothing -- so I guess to that --

23 Q. Mr. Castaing, let me go a little further. Was there
24 such a thing as a vehicle safety and emissions
25 regulation committee?

- 1 A. Yeah.
- 2 Q. So that's a committee that had a title, correct, it
3 was formal, it was not informal, correct, vehicle
4 safety and emissions regulation committee?
- 5 A. Yes.
- 6 Q. And it had an acronym, right?
- 7 A. Maybe.
- 8 Q. You had a nickname; you called it something else,
9 right?
- 10 A. I don't remember.
- 11 Q. Okay. And when you were -- you were a member of that
12 committee, correct?
- 13 A. Yes.
- 14 Q. And you, in that committee, you reviewed all matters
15 regarding safety, emissions, recalls, and you made
16 judgments about what's right for consumers; is that
17 accurate?
- 18 A. Yeah, this committee was primarily --
- 19 Q. Did you answer yes?
- 20 A. No, no. I cannot say --
- 21 Q. I just asked you if I was accurate.
- 22 A. No, no, no, no.
- 23 Q. I'm not accurate?
- 24 A. No.
- 25 Q. Okay. We'll go on. So --

1 MR. FUSCO: Are you not allowing him to
2 finish his answer?

3 BY MS. DeFILIPPO:

4 Q. Did that committee --

5 No. My question required a yes or no
6 answer.

7 MS. JEFFREY: You don't have to answer yes
8 or no but go on. No. Go ahead.

9 BY MS. DeFILIPPO:

10 Q. I want to give you one instruction for the rest of, I
11 don't have much more, but for the rest of what I'm
12 going to ask you, if I ask you a question that can be
13 answered yes or no, please do that, and if you don't
14 think you can answer it yes or no, then just tell me
15 you can't answer it yes or no --

16 A. Okay.

17 Q. -- and then I'll let you explain, okay?

18 A. The last question I could not respond by yes or no.

19 Q. Okay, that's fine. As a member of the vehicle safety
20 and emissions regulation committee, were there
21 considerations as to cost that you discussed in that
22 committee?

23 A. I cannot respond yes or no unless I explain why.

24 Q. Okay.

25 A. Can I?

1 MS. JEFFREY: Let her -- let her ask the
2 questions.

3 BY MS. DeFILIPPO:

4 Q. And within that committee, were there safety-related
5 decisions that were made without financial restraints
6 of any type?

7 MS. JEFFREY: Object to form.

8 BY MS. DeFILIPPO:

9 Q. Can you answer that yes or no?

10 A. No, there wasn't -- we cannot do decision without
11 understanding the cost to anybody. At the end the
12 customers pay for what we put in their cars, so...

13 Q. Now was there such a thing called DealerCONNECT?

14 A. What?

15 Q. Was there such a thing called DealerCONNECT that you
16 were aware of?

17 A. I remember the name. I don't know what it is anymore.

18 Q. Was DealerCONNECT a system, a computer system that you
19 had with all of your dealers?

20 A. Yeah. I was not connected to that myself.

21 Q. Okay. You testified this morning about some, in your
22 capacity as head engineer in whatever position you
23 were holding because you were moving up the ranks,
24 correct --

25 A. Yes.

1 Q. -- that you did have some interaction with the
2 dealers?

3 A. Yes.

4 Q. Okay. Can you just tell me whether or not you or how
5 often you interacted with the dealers, with your
6 dealers?

7 A. It was not regular. It could be the dealers would be
8 invited or selected dealers would be invited to
9 headquarters to see the car the following year and,
10 you know, the preview, and I would be there to also
11 talk to them. I attended other gathering of dealers,
12 like convention in Las Vegas where on occasion we, not
13 regularly, but the dealers would get together to talk
14 about the future of their business with us. I didn't
15 have a day-to-day relationship with dealers.

16 Q. Did Chrysler have an ongoing relationship with dealers
17 through the computer system?

18 MR. FUSCO: Object to the form.

19 A. I don't know.

20 BY MS. DeFILIPPO:

21 Q. Did you ever have any discussions with dealers about
22 any problems with the vehicles?

23 A. Yeah, when we had -- there was people that we were
24 talking to, not to me personally, but there were
25 people in the company and especially in the service

1 side of the company, we're talking to them every day
2 about what, if they were having issues and what they
3 were and was it something that needed to be corrected
4 by the company in some way or the other.

5 Q. Did you ever discuss lawsuits with your dealers?

6 MR. FUSCO: Object to the form.

7 A. No.

8 MS. JEFFREY: By "you" you mean him, right?

9 BY MS. DeFILIPPO:

10 Q. You or anyone in your office in your capacity as
11 engineer?

12 A. No, I cannot say.

13 MR. FUSCO: I'll object to the form.

14 A. I don't know.

15 BY MS. DeFILIPPO:

16 Q. I know you answered that you don't know whether every
17 ZJ had a skid plate covering the tank. Was that your
18 testimony earlier?

19 A. Yes.

20 Q. You just don't know?

21 A. I don't know.

22 Q. You don't know if it was in the design when it went
23 into production; is that fair to say?

24 A. Which skid plate?

25 Q. Skid plate for the gas tank, fuel tank?

1 A. What year?

2 Q. Any year, when it was first -- when it was first
3 designed and went out as a -- it went out as a 1993 ZJ
4 Jeep, that was the first year it went to the public,
5 correct?

6 A. '92.

7 Q. Well, it went out in '92 but it was a '93 vehicle; is
8 that fair to say?

9 MS. JEFFREY: Yeah.

10 A. Maybe.

11 BY MS. DeFILIPPO:

12 Q. Okay. So when that '93 vehicle left Chrysler, can you
13 say whether or not it was designed with a skid plate
14 covering the gas tank?

15 MR. FUSCO: Object to the form.

16 A. I said I didn't know whether it was an option or it
17 was in every car.

18 BY MS. DeFILIPPO:

19 Q. I understand that. So you don't know whether it was
20 designed as standard?

21 A. No, I don't know.

22 Q. Okay. And can you tell me whether or not all the ZJs
23 that went out in '93 and into the future had skid
24 plates standard for their transfer cases?

25 A. I don't know.

1 Q. By the way, what was the powertrain warranty back in
2 1993?

3 A. I don't remember.

4 Q. Now Mr. -- I only have a few -- I only have a few
5 questions. I'll be finished shortly.

6 Do you know about a firm called Exponent?

7 A. What?

8 Q. Exponent, a failure analysis associates called
9 Exponent?

10 A. No.

11 Q. You never heard of them?

12 A. No.

13 Q. Do you agree with the statement that the fuel tank
14 location from the ZJ to the WJ was changed to allow
15 relocation of the spare tire from the rear interior of
16 the ZJ to below the rear floor pan in the WJ?

17 MR. FUSCO: Object to the form.

18 A. You're asking me if I knew?

19 BY MS. DeFILIPPO:

20 Q. Yeah, did you know.

21 A. I don't know the detail. I know we changed location
22 of the spare wheel.

23 Q. And do you agree that the reason was to allow
24 relocation of the spare tire from the rear interior of
25 the ZJ to below the rear floor pan in the WJ?

1 MR. FUSCO: Object to the form.

2 A. It's what I just said. It was done at that time.

3 BY MS. DeFILIPPO:

4 Q. And that was the reason you understand it was done?

5 A. The relocation of the spare tire?

6 Q. The relocation -- the fuel tank location was changed?

7 A. I don't know about that.

8 MR. FUSCO: I don't understand the
9 question.

10 MS. JEFFREY: And I object to form.

11 BY MS. DeFILIPPO:

12 Q. Okay.

13 A. I know that customers complained that they wanted a
14 different location for the spare wheel in the original
15 ZJ, so when the YJ was created --

16 Q. The WJ?

17 A. -- the WJ was created, the spare wheel was relocated.

18 Q. And was the location of the fuel tank changed, also,
19 in that vehicle?

20 A. I don't know the detail.

21 Q. Do you know Daniel Crimmins?

22 A. No.

23 Q. Do you know a title senior specialist in product
24 analysis department; do you know that title?

25 A. Who?

1 Q. Senior specialist in product analysis department?

2 A. You asked me the question earlier. I said I knew the
3 title but I don't remember anything about them.

4 Q. And -- okay. Do you know a man named Lawrence Brooks?

5 A. No, I don't remember.

6 Q. Mr. Castaing, Susan Kline had a ZJ Jeep Grand
7 Cherokee. She did not have a tow package. She did
8 not have --

9 A. She didn't have what?

10 Q. She did not have a tow package on the car. She did
11 not have a reinforcing bracket described by Mr. Estes,
12 the pictures of which we showed you which have been
13 marked --

14 MS. JEFFREY: Exhibit 15.

15 BY MS. DeFILIPPO:

16 Q. I believe it was 15 -- 16. 16. She did not have a
17 skid plate covering her tank. She did not have a
18 blocker bracket. Can you tell me what, if anything,
19 protected her fuel tank in a rear-end collision with
20 underride from a passenger vehicle?

21 MR. FUSCO: Object to the form.

22 MS. JEFFREY: I object to form and
23 foundation. He's not a reconstructionist. He hasn't
24 looked at this accident.

25 BY MS. DeFILIPPO:

1 Q. From a design standpoint. I'm not asking you from a
2 reconstruction standpoint at all.

3 A. What you're avoiding telling me is at what speed the
4 accident happened to this lady.

5 Q. And with speed, with speed.

6 A. The speed of this, whatever, I don't know the
7 activity --

8 Q. Let me stop you so we understand the question.

9 Whatever speed. What I'm saying to you is
10 this --

11 MR. FUSCO: This is exactly the same
12 question.

13 BY MS. DeFILIPPO:

14 Q. Susan Kline had a ZJ Jeep Grand Cherokee without a tow
15 package, without a reinforcing bracket described by
16 Mr. Estes as Exhibit 16 here, without a skid plate,
17 and without a blocker bracket. Can you tell me what,
18 if anything, protected her tank, her fuel tank, in a
19 rear-end collision with underride with a passenger
20 vehicle?

21 MS. JEFFREY: Object to form and
22 foundation.

23 MR. FUSCO: Object to the form.

24 A. I have to assume, and I don't know enough, but I have
25 to assume that the configuration of this car is one

1 that was tested by Chrysler and passed tests that are
2 supposed to pass like I talked earlier at length. So
3 the car passed the test with or without such-and-such
4 accessories, and so that's the way it was released for
5 production.

6 Now, if a car crashed into this lady, poor
7 lady, at an excessive speed that was beyond what we
8 tested for, nobody can explain what happened --

9 BY MS. DeFILIPPO:

10 Q. Okay.

11 A. -- with or without a tow package, with or without a
12 skid plate, with or without everything.

13 Q. Mr. Castaing, what protected her tank if it came in
14 contact with another -- if the tank, itself, was
15 contacted by another vehicle --

16 MR. FUSCO: Object to the form.

17 BY MS. DeFILIPPO:

18 Q. -- was there any structure of the Jeep ZJ, in Susan's
19 Jeep ZJ which protected her fuel tank?

20 A. Okay. I said earlier, I'm going to repeat one more
21 time, that the Jeep ZJ fuel tank was protected by the
22 body around it. It was not -- let me finish, let me
23 finish -- it was not protected by the tow package. It
24 was not protected by the skid plate underneath. It
25 was protected from stones underneath but not for the

1 301 crash that we talked about or a rear crash. So
2 the question that you ask doesn't make sense to me.
3 Q. Okay. Let me make more sense to you. Susan's car had
4 nothing around her tank. She did not have any skid
5 plate, and she didn't have any plate-plate, any,
6 anything. She had a plastic tank. Are we agreed on
7 that? Assume that, assume those facts.

8 MS. JEFFREY: No. I'm going to object to
9 the form because he just stated that there was an
10 entire structure surrounding the tank.

11 MS. DeFILIPPO: I'm going to get to that.
12 I'm getting to that. I haven't -- you didn't let me
13 finish the question because I was going to incorporate
14 that into my question.

15 MR. FUSCO: The problem is you used the
16 word "nothing". You said "nothing".

17 BY MS. DeFILIPPO:

18 Q. All right. Mr. Castaing, Susan's tank, itself, was
19 visible from the rear. Someone standing behind the
20 car looking at it, you could see the gas tank, itself.

21 A. Uh-huh.

22 Q. A part of that tank was visible below the bumper, and
23 I want to know specifically as you sit here today what
24 structure of the vehicle specifically, you say body, I
25 want to know specifically a part, a structure that

1 protected that portion of the tank that hung below the
2 bumper and was visible to the eye from another car
3 hitting it?

4 A. I'm going to repeat what I've already said one more
5 time that --

6 Q. No, I don't want you to repeat what you said. I want
7 the specific part. I'm asking you specifically. You
8 gave me a general answer, and you said the body. I
9 want to know specifically what part of the body
10 protected the part I described to you that is visible
11 and hangs below the bumper and can be impacted
12 directly by another vehicle?

13 A. The accessories that you talked about have nothing to
14 do with protecting the tank, whether there's --

15 Q. Fine, fine.

16 A. Let me finish. The tow package does not protect the
17 tank. The skid plate underneath only protect the tank
18 from stones from the ground.

19 Q. Fine.

20 A. So the car as you describe it was not the car with
21 nothing. You have the car with all the structure, the
22 back structure around it to protect the tank, and this
23 configuration was tested at the proving ground by --

24 Q. What back structure?

25 A. There were --

1 Q. What structure protected the portion of the tank that
2 hung below the bumper that I could see when I look at
3 the back of that car and that another car can impact
4 directly; what protected that?

5 A. How do you know that the car impacted that directly?

6 Q. I'm not saying --

7 A. See, if you say something, if you want to be
8 technical, tell me how do you know that the car
9 impacted underneath the car what you said?

10 Q. I'm asking you to tell me what part of the car
11 protected that portion of the tank that I could see?
12 There are still Jeep ZJs on the road, correct?

13 A. All right.

14 Q. All right. I've seen the Jeep ZJs, Mr. Castaing, and
15 so have you and so has everyone here, and I think my
16 question was really clear, and I'm asking for an
17 answer to be specific as to what portion of the car
18 you refer to when you said the tank was protected?

19 A. On both side of the tank there are the rails. In the
20 back there is a crossmember and then that fits to the
21 structure that could avoid a collapse of the back of
22 the car in the crash.

23 Q. It's a crossmember, is that what you're saying?

24 A. Yeah, there is a crossmember behind the bumper system
25 that, a cross bar there in the back of it, of the car,

1 and it's all part of the real structure with the
2 opening of the liftgate and a part of a strong
3 structure, and the tank is hang underneath that and
4 protected in case of rear impact from that.

5 Now I have to understand and I'm sorry to
6 hear that there was an accident where a car may have
7 find a way to hit that in certain way that was beyond
8 what we tested for, which has happened in the
9 industry. If a car is designed to pass a test at 30
10 miles an hour and the car is hitting, hitting this
11 particular car at 40 or 50, it may not work. We
12 understand that.

13 MS. DeFILIPPO: If you just give me a
14 minute, I think we can take a break now.

15 MS. JEFFREY: Okay.

16 VIDEO TECHNICIAN: The time is now 3:52 and
17 26 seconds p.m. We are off the record.

18 (Recess taken at 3:52 p.m.)

19 (Back on the record at 4:06 p.m.)

20 VIDEO TECHNICIAN: We are back on the
21 record. The time is 4:07 p.m. This marks the
22 beginning of tape number six.

23 MR. SACCO: I believe counsel has something
24 he wishes to place on the record?

25 MR. FUSCO: No.

1 MR. SACCO: Okay.

2 EXAMINATION

3 BY MR. SACCO:

4 Q. Mr. Castaing, I'm going to try to be short and sweet,
5 and most of my questions are going to be directed to
6 you in your capacity as either Vice President or
7 Executive Vice President, understood?

8 A. Yes.

9 Q. During what period of time were you the Vice President
10 of Engineering?

11 A. At AMC I was in charge of Engineering from 1984
12 through 1987. Then I was Executive Vice President of
13 -- no, sorry -- I became the Vice President for Jeep
14 and Truck Engineering at Chrysler for two years until,
15 a year-and-a-half, until from 1987 to the end of 1988.
16 Then I was Vice President of Vehicle Engineering at
17 Chrysler from 1988 until 1986 -- 1996, and then in
18 1996 I became for one year Executive Vice President of
19 Engineering, and then I left Engineering to become
20 head of, President of Chrysler International.

21 Q. Okay. That was effective January 1st, 1998; is that
22 correct?

23 A. No. That's when I left.

24 Q. Yeah, that's when you left?

25 A. Yeah.

- 1 Q. That's when you became --
- 2 A. Advisor to the Chairman.
- 3 Q. Okay. So you were an Executive Vice President through
- 4 the end of 1996; is that accurate?
- 5 A. Of Vehicle Engineering, yes.
- 6 Q. Okay. In your capacity as Executive Vice President,
- 7 how many people answered directly to you?
- 8 A. Between -- I don't remember the exact number but let's
- 9 say 10.
- 10 Q. And what were their titles; what was their rank?
- 11 A. There were we'll say probably two types of them. One
- 12 there were, at the time we were organized by project
- 13 group called platform group. So there was general
- 14 manager of large car or general manager of Jeep or
- 15 general manager of pickup trucks or small cars or
- 16 minivan. There were some of them.
- 17 Q. Okay. Let's focus on the Jeep division, okay. The
- 18 people that answered directly to you would have been
- 19 general managers of the Jeep division?
- 20 A. Of Jeep, the Jeep platform group. Division was maybe
- 21 the entity selling Jeep outside, but inside the
- 22 company was called platform group.
- 23 Q. Okay. What's the difference between the entity and a
- 24 platform group?
- 25 A. Well, the one I understand is the one I was -- people

1 reporting to me.

2 Q. That would have been the platform group?

3 A. Right, right.

4 Q. Okay. And were those people responsible for the
5 development, design, and manufacturing of the vehicle?

6 A. They were responsible primarily to make sure that the
7 design and development of the vehicle would happen in
8 conjunction with procurement, manufacturing and so on.
9 So they were -- the car business has kind of two
10 cycles, the first one is -- or three cycles. One is
11 when you create cars. Then another one is to make
12 them. And the third one is sell them. We were doing
13 the first part which involved manufacturing before the
14 assembly line just started moving.

15 Q. Okay. But once a vehicle was ready for an assembly
16 line, you had nothing to do with it from that phase
17 forward through the sales process, correct?

18 A. Although as I alluded to, there are always -- cars are
19 always improved, and every other year we would do a
20 refreshing on cars. So we continued to stay involved
21 with the cars even after they are in production.

22 Q. Okay. In total in your capacity as either a Vice
23 President or Executive Vice President, how many
24 engineers were there under your direction?

25 A. Broadly speaking because engineers involve people may

1 not be degreed engineers but they are technician, they
2 are analysts, they are --

3 Q. I asked for engineers, not technicians, not analysts,
4 people who are degreed engineers.

5 A. I would say we were something like over 7,000. I
6 would say probably half of them.

7 Q. And during your experience as a Vice President and an
8 Executive Vice President, can you tell me the range of
9 the budget under which you operated?

10 A. In the, this is probably in, in the early '90s, it
11 must have been like 1.4 billion, and later on it may
12 have gone to 1.7 billion.

13 Q. And when you left active duty as Executive Vice
14 President, what was your budget?

15 A. When I was running International, we were selling
16 5 billion cars worth in the world.

17 Q. Not while you were running International, okay.
18 Through 1996, what was your budget?

19 A. In '96 is probably 1.7 or 1.8.

20 Q. Were you the chief engineer over the Grand Cherokee
21 platform?

22 MS. JEFFREY: Are you talking ZJ?

23 MR. SACCO: Yes.

24 A. Well, I was head of Engineering when the, the Grand
25 Cherokee, the ZJ was created at AMC starting in 1986.

1 BY MR. SACCO:

2 Q. Okay. And focusing on the fuel system of that vehicle
3 throughout its entire engineering process from when
4 you began working on it through your position as
5 Executive Vice President, did you testify earlier this
6 morning that your goal was to obtain zero fuel leakage
7 in a crash test?

8 MR. FUSCO: Object to the form and
9 duplicative.

10 A. Our standard inside the company was to pass a standard
11 established by the Government called 301 crash test,
12 and that tolerated some fuel leaks in the process, and
13 our standard was not to have any fuel leaks.

14 BY MR. SACCO:

15 Q. Your standard -- I'm sorry -- would you repeat the
16 last portion of what you just said?

17 A. As we were passing this test, which is a
18 30-miles-an-hour test, our internal goal was to have
19 zero leaks, and that's the way we were designing
20 against.

21 Q. Who did you report to as Executive Vice President?

22 A. Until 1990 -- as a matter of fact, in 1996 when I was
23 promoted Executive Vice President, I reported directly
24 to the CEO of the company, Bob Eaton.

25 Q. Okay. Would that be RJ Eaton?

1 A. Yeah.

2 Q. And who is RA Lutz?

3 A. RA Lutz was the president of the company and COO until
4 1990, the end of '95, and that were the middle of '96.

5 And so I was reporting to him from the day I joined
6 Chrysler in summer of '87 through the end of '95.

7 Then Bob became Vice Chairman on his way to
8 retirement, and I was promoted to report directly to
9 the Chairman and CEO, Bob Eaton.

10 Q. Who was Mr. Boltz, B-O-L-T-Z?

11 A. Mr. Boltz was a colleague of mine who in the early
12 '90s, I don't know before that, but in the early '90s,
13 he was the chief strategic planner, product planner,
14 Regulatory Affairs VP of the company.

15 Q. Okay. Who's TR Cunningham?

16 A. In the first part of the '90s, he was -- he became the
17 head of sales and marketing for North America, and
18 then he was, end up running Mexico at the end of that
19 period.

20 Q. Who is DE Dawkins?

21 A. D. Dawkins?

22 Q. Yes.

23 A. D. Dawkins was a former chief product planner at AMC
24 who ended up working for Ron Boltz in Regulatory
25 Affairs.

- 1 Q. And who is L. Goldfarb?
- 2 A. I think Goldfarb was a counsel at Chrysler.
- 3 Q. An attorney?
- 4 A. Yeah.
- 5 Q. With the law department?
- 6 A. Yes.
- 7 Q. Who's S. Harris?
- 8 A. Steve Harris was head of Public Relation.
- 9 Q. And who is T. Kowaleski, K-O-W-A-L-E-S-K-I?
- 10 A. He was working for Steve as another PR guy.
- 11 Q. Okay. And who was first initial A. Liebler,
12 L-I-E-B-L-E-R?
- 13 A. Liebler was, he was head of Marketing and maybe PR. I
14 don't remember that.
- 15 Q. And how about CP Theodore?
- 16 A. Chris Theodore was one of the -- CP Theodore was --
17 Chris Theodore was a member of our team. He was the
18 general platform manager for minivan.
- 19 Q. Okay. And how about GC Valade, V-A-L-A-D-E?
- 20 A. Gary Valade was the CFO of the company.
- 21 Q. The CFO?
- 22 A. Yes.
- 23 Q. And who is TG Denomme, D-E-N-O-M-M-E?
- 24 A. Tom Denomme was the Vice Chairman of the company in
25 charge of labors, Labor Affair, Human Resources, IT,

1 and Government Relation.

2 Q. Going back to your days as an engineer, a
3 developmental and design engineer -- let me, let m
4 strike that question. Let me back up even further.

5 You graduated from an engineering school in
6 France, correct?

7 A. Yes.

8 Q. What degree did they confer upon you?

9 A. The degree, the term in French is diploma which is
10 like a degree that you get in this country in
11 engineering college, when you have five years in an
12 engineering college in this country.

13 Q. Okay.

14 A. So maybe it's not exactly -- it's more than a bachelor
15 degree, and it's half of a master degree after that.

16 Q. Did you have any formal education in the engineering
17 field beyond that?

18 A. I think that I was lucky to get a very broad education
19 in engineering that helped me the first part of my
20 career, was able to very young become involved in
21 designing single-handedly racing engines which have
22 great success in Motorsport at the time in the early
23 '70s. The engine we designed with a friend of mine,
24 another college mate of mine when we were 27 years old
25 went on to win big race like the 24-hour Le Mans and

1 things like that.

2 Q. What engine was that? I'm a gear head, so I'm
3 curious, okay?

4 A. The name was Renault Gordini 2-liter, was a 2-liter
5 V6. I also became the head engineer for Motorsports.
6 So I was involved beyond engines and designing race
7 cars. So when I left Motorsport and was invited to
8 join AMC by Renault in the early '80s, I converted
9 myself to making small cars first and other cars and
10 ended up being the chief engineer of AMC at some
11 point.

12 Q. Okay. What professional certifications do you hold,
13 if any?

14 A. I don't have any. I have been -- I have been
15 recognized by large society like plastic engineers or
16 body of engineers, I received honorary degree from
17 them. I have to say that in 1993, I was nominated by
18 colleagues to become a member of National Academy of
19 Engineering in this country, which is this
20 organization in Washington that has about 2,500 senior
21 engineers and scientists, and I was elected after a
22 peer review, not only of the committee but you are
23 vetted by all of your colleagues. So I am an
24 academician in engineering since 1993.

25 Q. Okay. And that's a merit-based selection process,

1 correct?

2 A. It recognized my competency as an engineer for what
3 I've done in my career.

4 Q. Okay. Before you became a Vice President and
5 Executive Vice President back in your days of straight
6 engineering, I'm sure there were many occasions when
7 you and other engineers would meet and discuss certain
8 issues, correct?

9 MR. FUSCO: Object to the form.

10 A. Yeah, we were very active, no boundaries, no
11 bureaucracy group, especially after we established a
12 new, a new, a new Chrysler starting in the '89/'90
13 timeframe.

14 BY MR. SACCO:

15 Q. Okay. And during those meetings, you would talk about
16 and you would reveal issues that were pertinent to the
17 continuing design of a product, correct?

18 MR. FUSCO: Object to the form.

19 A. No, I don't think that's the way it worked. I said
20 that like -- let me repeat what I've said in earlier
21 questions, that the way we were tracking product
22 creation and new car creation, whether it was a ZJ, a
23 minivan, the Ram, the Neon, all these cars one after
24 the other in the pipeline, there was such a task to
25 manage 7/8,000 people, plus we say 3,000 engineers

1 working at a supplier place, some of them on site with
2 them, and so the only way it could be managed
3 effectively to execute a car, let's say, in 36 months,
4 that we will have rendezvous. We will get together at
5 certain point in the process, and I will be there, and
6 we call them program review or maybe change the name
7 over the time, but it was a principle that the
8 leadership of engineering, we all go together, and we
9 spent an afternoon understanding what the program was
10 doing, how it was doing, what were the issues, what
11 were the things.

12 BY MR. SACCO:

13 Q. I understand that but those were formal meetings,
14 correct?

15 A. They were formal in their dates but the way they were
16 conducted were if you were a young engineer, you
17 wanted to come and see something, you were free to do
18 that. If we were going to the proving ground, which
19 was one aspect of designing cars is driving them for a
20 day or two at the proving ground here or in Arizona,
21 the engineers, the young kids that were there
22 developing had the same voice and could express
23 themselves.

24 Q. Going back to your days when you were doing
25 developmental engineering, not when you were an

1 executive level, but when you were doing engineering,
2 okay, were there occasions when you would meet with
3 other engineers who were in a similar capacity or role
4 as yours and sit and discuss and reveal issues and
5 perhaps even reveal fixes for those issues that were
6 not documented?

7 MR. FUSCO: Object to the form.

8 MR. SACCO: What's the objection to the
9 form, counsel?

10 MR. FUSCO: You're leading him. None of
11 those facts are in evidence.

12 MR. SACCO: I asked him if there were any
13 of those occasions. The objection is noted. The
14 witness can answer.

15 MS. JEFFREY: If you want her to repeat it,
16 she can.

17 MR. FUSCO: I'm sorry, there's no
18 foundation for any of these questions but go ahead.

19 A. No, that was not the culture. If we were to -- we
20 could fix things together but we will document them.

21 BY MR. SACCO:

22 Q. Were there ever discussions that you had with other
23 engineers that were not documented?

24 A. No.

25 Q. Now, there were occasions beyond the era when you were

1 an engineer working in development with other
2 engineers when you became an executive, Vice President
3 and Executive Vice President, correct?

4 A. Yes.

5 Q. And during that period of time, were there times when
6 you had meetings with other levels of executive at
7 Chrysler?

8 A. Yeah, frequently. We would have a Monday morning big
9 get-together, all the top people in the company to
10 talk what we were going to do the week. We will have
11 -- we would use driving cars as a way for us to
12 commingle informally for an entire day at a proving
13 ground talking about this program and others and so
14 on. The culture that prevailed at Chrysler was
15 openness and sharing issues and we -- books have been
16 written about us. We broke down the chimney, if you
17 wish, in the company for us to work better together.

18 Q. Okay. Was one of those such occasions when you met
19 with other levels of executive, including Mr. Eaton,
20 an occasion that concerned NHTSA's position on the
21 minivan hatchback latches?

22 A. We certainly met together several times at the time of
23 this challenge for everyone. It was always open and
24 document ed, and it was not done behind closed doors
25 or anything like that.

1 Q. Do you know whether or not at those meetings there was
2 an attorney present?

3 A. I don't think so. It may have been in some occasion
4 but they were not the regular group of people.

5 Q. Those meetings -- and by "those meetings", again, I'm
6 specifically referring to the minivan hatchback issue
7 meetings, okay?

8 A. Yeah, yeah.

9 Q. Was one of the purposes of those meetings to determine
10 how to deal with the press?

11 MR. FUSCO: Object to the form.

12 A. No. First of all, our first concern was the customers
13 and -- you know, without going back in history in
14 detail, but we are concerned that because a limited
15 number of accident happen regardless of what caused
16 that, were causing anxiety with our customers, mostly
17 mothers with kids in their cars going to school, we
18 were really concerned about communicating with them,
19 and the media was in a way helping and sometime not
20 helping us. So we talked about the media.

21 BY MR. SACCO:

22 Q. How did NHTSA fit into that?

23 A. Well, they were involved with that because they
24 received letters and then pressure groups were pushing
25 and so on, and so we were in communication with them,

1 not me, but we were in communication with them.

2 Q. Did they want you to recall those minivans?

3 A. The Chairman -- eventually, yes.

4 Q. And was there a meeting at least, was there a meeting
5 or more than one meeting held in an effort to thwart
6 or hold back NHTSA's attempt to have you recall those
7 vehicles?

8 MS. JEFFREY: Object to the form, and why
9 are we talking about minivans here? This witness has
10 to leave at 5.

11 MR. SACCO: I understand that.

12 A. If we had one, I was not part of it and --

13 BY MR. SACCO:

14 Q. Following those meetings, was General Motors brought
15 into the loop with Chrysler about recalls?

16 MR. FUSCO: Object to the form.

17 A. I don't remember. I don't understand the question.
18 Our role, you know, being the engineer, once we made a
19 decision to make a recall of some type was to create,
20 you know, a kit of parts to replace the part that was
21 deemed defective, so...

22 BY MR. SACCO:

23 Q. Do you know John Dingell, D-I-N-G-E-L-L?

24 A. The Congressman?

25 Q. Yes.

1 A. I know of him. I cannot say I know him well.

2 Q. Did Chrysler enlist his assistance in an attempt to
3 hold NHTSA off on the recall issue?

4 MR. FUSCO: Object to the form.

5 MS. JEFFREY: Object to form.

6 A. I don't know.

7 BY MR. SACCO:

8 Q. At or about the time that the Chrysler minivan
9 hatchback latch was an issue with NHTSA, do you know
10 whether or not GM had any safety issues with NHTSA?

11 MR. FUSCO: Object to the form -- actually,
12 withdrawn.

13 MR. SACCO: Thank you.

14 A. No, I don't know any of that.

15 BY MR. SACCO:

16 Q. Now the 301 standard for rear-end crash tests
17 permitted some fuel leakage, correct?

18 A. Per NHTSA specification, yes.

19 Q. Per NHTSA, yes. How much do you know?

20 A. I don't remember. I know we were collecting it with a
21 little bottle, but I don't remember how much it was.

22 Q. Okay.

23 A. And it was a time -- it was so much per minute or so
24 much within half an hour. I don't remember the test.

25 Q. Okay. Do you know who Dale Dawkins is?

1 MS. JEFFREY: He's been asked this question
2 like four times, including five minutes ago. So go
3 ahead and ask it.

4 MR. SACCO: I didn't ask it five minutes
5 ago.

6 MS. JEFFREY: Go ahead and answer it again.
7 You asked D. Dawkins.

8 MR. SACCO: I don't know that that's Dale
9 Dawkins, sorry.

10 MS. JEFFREY: It is Dale Dawkins.

11 A. It was the same guy that was there in the '90s. He
12 was part of Mr. Boltz's organization and dealing with
13 recall and contact with NHTSA and other administration
14 in the Government.

15 BY MR. SACCO:

16 Q. Are you familiar with the term dynamic crush?

17 A. Yeah.

18 Q. In the conduction of crash tests under 301 standards,
19 is a change in dynamic crush necessarily a reason to
20 be concerned?

21 MS. JEFFREY: Object to form.

22 MR. FUSCO: Object to the form.

23 A. I'm not sure I understand the question. I know what
24 dynamic crush is. Dynamic crush means that if you
25 take, let's say, a piece of tubing and you put

1 pressure and you go slowly, it will collapse a certain
2 way. If you take like an explosive and you push it,
3 you know, much like a blow, dynamically it will
4 collapse in a different way. So that's why crush are
5 so quick, that structure that protect anything in the
6 car, whether the legs of the passenger or the fuel
7 tank or collapse in a dynamic way.

8 BY MR. SACCO:

9 Q. Does the measure of dynamic crush as measured by
10 automotive engineers have anything to do with the
11 performance of the fuel system in the ZJ model?

12 A. I don't think so.

13 Q. I'm sorry?

14 A. I don't think so.

15 Q. You referred earlier in your testimony, did you not,
16 that the FMVSS regulations, along with a Chrysler set
17 of regulations, determines how a vehicle is designed
18 and built, correct?

19 A. Yes.

20 Q. What were the Chrysler regulations referred to? Did
21 they have a title or were they in a volume; how were
22 they established and kept?

23 MS. JEFFREY: And just let me object to the
24 form because I thought he used the word standards, not
25 regulations.

1 A. Standards. Yes, they are standards.

2 BY MR. SACCO:

3 Q. We'll change the word regulations to standards then.

4 A. Standards. Design is to design to standard and it
5 goes to everything in the car, what I was saying
6 earlier, that we have this bookshelf, an entire wall
7 full of this blue book called Chrysler standard, and
8 it goes from determining what type of oil you have to
9 test at minus 40 degrees to make sure that does not
10 freeze when you start the fan to cool the engine and
11 go all the way to safety and how you test, how you
12 heat-treat parts, how you specify, put rust protection
13 on bolts to everything. So the entire car is covered
14 by this standard.

15 Q. What's the Engineering Book of Knowledge?

16 A. The Book of Knowledge which we -- as we were getting
17 better at doing what we were doing in the early '90s,
18 it was clear that, over time, that the good science
19 and good practices we were committing at the company
20 had to be passed to younger people or new people
21 joining us, and therefore, I instructed a group within
22 our organization to find a way to capture, document in
23 a digital form, you know, the good practice of a
24 company, whether they were for designing a part. So
25 if you are young engineer and you are told you're

1 going to design the next water pump for the next
2 engine, you can have access to the five water pumps
3 that were designed five years before that.

4 Q. Did you have anything to do with actually authoring
5 that set of digital standards?

6 A. Personally, no, but I insisted that we document
7 everything all the way down through the organization,
8 so it was open to everyone.

9 Q. In your capacity as a Vice President and Executive
10 Vice President, was it your goal to try to do things
11 better than the basic standards?

12 MR. FUSCO: Object to the form.

13 MS. JEFFREY: And join.

14 A. Well, the industry is very competitive in all aspects
15 of it. So you have to create a car that looks better
16 than your competition, is more fuel efficient, costs
17 no more than your competition, make money for the
18 shareholder because you need that to be able to invest
19 in the next car. And so this is where you are
20 juggling it. In the meaning time, there's no question
21 that you want to win because if you, you don't make a
22 car that attract people, that -- so being good enough
23 and never bend the rule, it has to be -- it has to fit
24 people. We had even a motto. We wanted to have cars
25 that people wanted to buy from us and, in fact, we

1 succeeded in creating these cars in the '90s. We
2 wanted the people to come back and buy again from us
3 because we wanted them to have a good experience and
4 come back and be loyal to the company, and we
5 succeeded to a great extent in started doing that,
6 so...

7 BY MR. SACCO:

8 Q. That had to do with consumers' expectations?

9 A. Yes, customer expectation and, yeah, about making --
10 making cars is balancing a lot of, a lot of things
11 that sometime are counterproductive to each other, but
12 that's the way cars are made.

13 Q. As a Vice President and an Executive Vice President,
14 what is the world that you expected your engineers to
15 work in?

16 MR. FUSCO: Did you say the world?

17 MS. JEFFREY: Object to the form.

18 MR. SACCO: The design world.

19 MS. JEFFREY: If you can answer that.

20 MR. FUSCO: Object to the form.

21 A. Maybe -- well, first of all, I have to say one thing.
22 I had the policy that from the day I sat down in my
23 new seat at Chrysler as the head of Engineering, I
24 said my door would be open to anybody in the company,
25 any of my employees, whether they are in the back of a

1 lab or anyplace. They could always make an
2 appointment and come and see me for a minute or two or
3 five minutes or ten minutes, and I was staying in my
4 office until sometime until 7 p.m. at night just to
5 make sure that whoever wanted to speak could see me.
6 So we wanted people to feel that they were free to
7 share their concern with me.

8 Some were ludicrous but some were useful,
9 and at some point if something was not going right in
10 one-quarter of the building among the 7,000 engineers,
11 I was anxious to hear about it, and this access I
12 think was, was not common. I know other organization
13 and other car company that don't let that happen but
14 it was practiced in my time.

15 BY MR. SACCO:

16 Q. In your capacity as Vice President and Executive Vice
17 President, did you expect your engineers to design a
18 vehicle for tests that did not exist at the time?

19 MR. FUSCO: Object to the form.

20 MS. JEFFREY: Join.

21 A. I was not expecting engineer to design cars against
22 criteria that were not defined.

23 BY MR. SACCO:

24 Q. Would you expect your engineers to design cars for
25 real world situations?

1 MR. FUSCO: Object to the form.

2 MS. JEFFREY: Join.

3 A. That's an interesting question in the sense that the
4 real world -- there is no car company in the world
5 that design cars that are satisfactory for 100% of its
6 potential buyers. We all design what we call for 99%.
7 So if you are a very small person or a giant, you may
8 not fit in the car in some way and fashion, and it is
9 expected that you cannot create a mass-produced object
10 that is satisfactory for the side of the bell curve of
11 the population. It is true for, you know, size,
12 weight. It is true for how much we are able to
13 protect, let's say in the case of safety, how much we
14 can provide protection for. We provide protection for
15 a great number of case and accident, but we cannot
16 guarantee that we produce -- and I explained that
17 earlier in previous question -- we cannot guarantee
18 that if there's a crash happened at much higher speed
19 than average accident or in rare condition.

20 For example, rear crash are very rare.
21 Side impact are much more common by statistic of the
22 Government. So you cannot, as much as you try, you
23 cannot be creating a perfect car for every condition,
24 for every driving condition, for every driver or
25 passenger of the vehicle.

1 BY MR. SACCO:

2 Q. Okay. I'm going to read something to you, and this is
3 a direct quote. I'm going to represent to you that
4 these are exact words out of your mouth this morning:
5 No car should be rear-ending another vehicle at 50
6 miles an hour because that would be very dangerous.

7 Given that representation, what about at 40
8 miles an hour, sir?

9 MR. FUSCO: Object to the form.

10 MS. JEFFREY: Object to form and
11 foundation.

12 A. No. I was saying that in a way that -- I'm not saying
13 that because of bragging or anything but this is part
14 of the engineers who release a car for production for
15 customer or for my family that I know their condition.
16 They are not -- as much time and energy and I will say
17 conscience we put into creating a new car, there may
18 be a condition that could happen to me, to someone I
19 know, a friend, that will be outside of that boundary
20 and it would be a tragic outcome, and in the context
21 of saying, it was well-known that high-speed crash are
22 much, much more dangerous and deadly because the
23 energy released in crash go within square of it, of
24 the speed and, therefore, a small increase in speed is
25 a lot of damage to be done to the car.

1 BY MR. SACCO:

2 Q. Sir, you've used the term high-speed crash. What does
3 that mean?

4 A. Well, a car at a stop and another car from the side or
5 from the back forget to stop and bump into at 50 miles
6 an hour. This is a high-speed crash.

7 Q. What about 40 miles an hour?

8 A. It would be better but it would still be very
9 dangerous.

10 Q. Is that a high-speed crash to you?

11 A. Well, if you walk into a store and you don't see there
12 is a glass door, you will hurt yourself a lot when you
13 walk at 4 miles an hour or 3 miles an hour. So the
14 fact that it's out to -- impact in an accident are so
15 terrible, and even at low speed, they are
16 extraordinarily damaging. So a 30-miles-an-hour crash
17 is a big crash. A 40 miles is almost double the
18 energy and maybe 50 triple. And when you realize that
19 you can open your, you know, bleed because you bump
20 into a glass at 2 or 3 miles an hour, you realize what
21 this is about.

22 Q. Okay. Mr. Castaing, when you were talking about the
23 performance of the 301 safety test earlier today, you
24 indicated that it was a steel barrier, correct?

25 A. Yeah, it was a flat barrier.

1 Q. Okay. Would there be a difference in how that test
2 was performed if the barrier were plywood instead of
3 steel?

4 A. I don't know.

5 Q. You're an engineer, right?

6 MS. JEFFREY: You don't have to answer
7 that.

8 BY MR. SACCO:

9 Q. Is your answer still "I don't know", sir?

10 A. I think if the weight, I will say if the plywood was
11 rigid enough and the weight of the chariot is the
12 same, the impact would be the same. On other hand, I
13 would say that maybe there was some confusion this
14 morning when we are discussing the merit of crashing
15 cars against cars. A car crashing into another car is
16 less dangerous than a flat barrier crashing into
17 things because there is no collapse. When a car
18 crashed into another one, it starts collapsing itself
19 absorbing energy. When it is a flat barrier, you have
20 100% of the energy going into the car that is sitting
21 there. So as defined by NHTSA, the 301 test done with
22 the flat thing is a very violent crash, more violent
23 than if you were to send a car at the same speed in
24 the back of the car.

25 Q. And in those tests, the vehicle that is being hit by

1 the barrier is stationary, correct?

2 A. Yeah, yeah.

3 Q. Did you tell us earlier that you were not aware of any
4 301 tests that the ZJ failed?

5 A. Well, I can't remember the detail but I remember -- I
6 said earlier that maybe, because we have more time
7 with delay caused by the de-fall of this program, the
8 ZJ was a program that was going very well from day
9 one. We were clicking. The car was getting ready for
10 production and passing all the tests and doing
11 durability and so on. So it was a trouble-free
12 program I would say, which is not always the case.

13 Q. Did the ZJ ever fail a 301 crush test in your -- to
14 your knowledge?

15 A. No. I think if it failed one, someone would have been
16 done to fix it. I know that for a fact.

17 Q. In your capacity as Vice President and Executive Vice
18 President, if there were a failed 301 test, would you
19 want to know about it?

20 A. Yeah, I would know about it, but that doesn't mean
21 that I remember now if we had an issue or not.

22 MARKED FOR IDENTIFICATION:

23 DEPOSITION EXHIBIT 17

24 4:45 p.m.

25 BY MR. SACCO:

1 Q. I'm going to mark a 301 test as Exhibit 17 and that
2 test is Number 5208. Mr. Castaing, would you look at
3 that, please, and tell me whether or not there's
4 failure on that test? And by "failure", I'm being
5 very specific. I'm talking about fuel system failure.

6 A. I cannot understand whether what happened and what
7 this is about, report does say. So it looks like it
8 is a routine test of 1995 validation test which is the
9 one I referred to where we were testing cars randomly
10 to make sure we're just still compliant.

11 Q. Okay. But let me help you out, okay? The document
12 will speak for itself. But does that document not
13 indicate that there was fuel leakage in static
14 rollover in excess of federal standards?

15 MS. JEFFREY: Can you point him?

16 MR. SACCO: Well, part of the problems with
17 the Chrysler 301 tests is they're not uniform. So you
18 will find the results all over the place in haphazard
19 fashion but it's in there.

20 MS. JEFFREY: I thought you were looking at
21 the same document.

22 MR. SACCO: No, I'm not.

23 A. In the end, there is a post test remark: There was no
24 fuel leakage during impact, nor during the subsequent
25 30 minutes.

1 BY MR. SACCO:

2 Q. You want me to find it?

3 A. I understand. And there was fuel leakage during the
4 static roll in excess of the Federal standard.

5 Q. So there was fuel leakage in that test, correct?

6 A. Yeah.

7 MARKED FOR IDENTIFICATION:

8 DEPOSITION EXHIBIT 18

9 4:47 p.m.

10 BY MR. SACCO:

11 Q. Let me show you Exhibit 18 which is Test Number 5380.
12 What's the date of that test, sir?

13 A. 1996 validation.

14 Q. Okay. And let me help you with that one, too, okay?
15 Does that test indicate that there were vent and fuel
16 line separations from the plastic tank welds?

17 A. There were partial separation of the vent line from
18 the tank.

19 Q. Okay.

20 MARKED FOR IDENTIFICATION:

21 DEPOSITION EXHIBIT 19

22 4:49 p.m.

23 BY MR. SACCO:

24 Q. Let me show you Exhibit Number 19, which is Test
25 Number 5441.

1 You're collecting all the exhibits?

2 MS. JEFFREY: Yeah.

3 MR. SACCO: Okay.

4 BY MR. SACCO:

5 Q. Now, Test Number 5441 was conducted in April of 1995,
6 correct; is that what it says on the front?

7 A. Yeah.

8 Q. And that was a 1994 production vehicle which was
9 modified as an intent vehicle for 1996 compliance,
10 correct?

11 A. Yeah.

12 Q. What's a Schrader valve, sir?

13 A. The what?

14 Q. What is a Schrader valve, S-C-H-R-A-D-E-R?

15 A. I don't remember.

16 Q. You don't know what a Schrader valve is?

17 A. No.

18 MS. JEFFREY: Object to form. He said he
19 didn't remember.

20 A. I don't remember.

21 MARKED FOR IDENTIFICATION:

22 DEPOSITION EXHIBIT 20

23 4:50 p.m.

24 BY MR. SACCO:

25 Q. Okay. Let me show you Exhibit 20, sir, and that is

1 Test Number 5681. And let me help you out with that.
2 The results of that test indicate that there was fuel
3 leakage at impact at 30.2 miles per hour, was there
4 not?

5 A. Yes. It does not say that it succeeded the standard,
6 though.

7 MARKED FOR IDENTIFICATION:
8 DEPOSITION EXHIBIT 21
9 4:51 p.m.

10 BY MR. SACCO:

11 Q. Okay. Let me show you Exhibit Number 21 which is Test
12 Number 5789, and the result of that test indicated a
13 leak in the engine compartment, correct?

14 A. Yes.

15 MARKED FOR IDENTIFICATION:
16 DEPOSITION EXHIBIT 22
17 4:51 p.m.

18 BY MR. SACCO:

19 Q. Okay. And finally, let me show you Exhibit Number 22
20 which is Test Number 5854. That test also indicates
21 that there was a failure at impact, correct?

22 A. Yeah.

23 Q. Had those test failures been reported to you, what
24 action would you have taken?

25 MS. JEFFREY: Object to form.

1 A. Yeah, I don't know the context of these tests, whether
2 they were to validate the solution or something, so I,
3 I -- I don't know. There were -- there were procedure
4 in the company to deal with things like that and they
5 were followed. If it was an extraordinary thing that
6 was not followed, it would have been brought to maybe
7 Ron Boltz and my attention for us, you know, so...

8 BY MR. SACCO:

9 Q. Okay. Had they been brought to your attention, what
10 would you have done?

11 MS. JEFFREY: Object to form.

12 A. I would have looked at them.

13 BY MR. SACCO:

14 Q. As a Vice President and an Executive Vice President,
15 do you have knowledge as to whether or not Chrysler
16 and more particularly the Jeep division had a formal
17 compliance policy?

18 A. Yes.

19 Q. Who was in charge of that?

20 A. Well, it was everybody. Compliance policy, I'm not
21 too sure I recognize the exact term, but we had
22 procedure, like I said. We would not let something or
23 say, Oh, that's okay by an employee or an engineer.
24 If it was something like that, that was public kept in
25 the records. So there was no hiding or anything. We

1 would do something about it.

2 Q. Okay. During your tenure as Vice President and
3 Executive Vice President, did Chrysler have a formal
4 records retention policy?

5 A. Yes.

6 Q. Who would have been the custodian of that policy?

7 A. Like, like most companies, the legal department would
8 be the one that help every organization organize its,
9 you know, create and maintain a retention policy and
10 also in some case audited the compliance of, of the
11 organization with that. So we -- there are some
12 document, like the one related to NHTSA, which are
13 very clear. There are other ones that are just a
14 company policy to say we're going to keep that for ten
15 years, we're going to keep that for five years, we're
16 going to keep that for two years. And so it was in
17 place. Also, same thing at AMC. It was not -- in my
18 days at AMC, we had a compliance policy -- a document
19 with retention policy as well.

20 Q. Do you know what the various record retention periods
21 were while you were Vice President and the Executive
22 Vice President?

23 A. The policy, itself?

24 Q. The periods of time.

25 A. I don't remember but we had -- like I said, it was

1 document that we would keep and encourage people to
2 keep no more than two years because they were not --
3 they were draft or things like that. Then we have
4 document that were, you know, our meetings where we
5 are going of where we would save five years or more,
6 some ten years and some forever. There are document
7 that we never shred, never throw away.

8 Q. As Vice President or Executive Vice President, did you
9 ever tell anyone in your employ to destroy records
10 prior to the formal records retention period expiring?

11 A. No.

12 Q. While you were Vice President or Executive Vice
13 President, did you ever become aware of anyone in your
14 employ telling anyone else to destroy documents before
15 the records retention period expired?

16 A. No. It was the opposite. We were really -- the last
17 thing company wants is to have the reputation of not
18 running properly the business, and like I said, we are
19 highly-regulated industry. It is our interest to keep
20 the records of what we do. When we cannot do that --
21 sometime we keep tons paper, like I'm sure during
22 discovery people see how much we kept. No, there was
23 no, no dispute amongst ourself that it was a good
24 policy to enforce.

25 Q. Okay. Speaking of your term highly regulated and

1 drawing your attention to the 301 standards, that was
2 self regulation, wasn't it?

3 A. Yeah. In this country when you tell the Government
4 you are complying, if you don't, you're liable. So
5 yes, in a way it is, but the penalty for cheating, not
6 acceptable, so...

7 MR. SACCO: Thank you. That's all I have.

8 MR. FUSCO: Do you want to go?

9 MS. JEFFREY: No. Go ahead.

10 MR. FUSCO: Can you hear from here or do
11 you want me to move?

12 COURT REPORTER: You're fine.

13 EXAMINATION

14 BY MR. FUSCO:

15 Q. Sir, my name is Chris Fusco. I'm an attorney. I
16 represent the Loman Auto Group in this matter. I'm
17 going to be asking you a series of questions. If
18 there's a question I ask you that you don't understand
19 or that you want me to rephrase, please tell me to do
20 so and I'll be happy to do that. Do you understand
21 that?

22 A. Yes.

23 Q. If there's a technical word or a Chrysler term that I
24 use wrong, please feel free to correct me because I
25 probably will, okay?

1 My client is the Loman Auto Group located
2 in Parsippany, New Jersey. Do you know any of the
3 principals of the Loman Auto Group, sir?

4 A. No.

5 Q. From the time the ZJ went into production to the time
6 the ZJ was cancelled, did you have any communications
7 with any principals of the Loman Group concerning
8 anything regarding the ZJ?

9 A. I don't even remember the name of Loman, I don't.

10 Q. Okay. Did you ever have a discussion from the time
11 the ZJ started production to the time the ZJ ended
12 production with John Loman, principal of Loman Auto
13 Group?

14 A. No.

15 Q. Do you recall from any time the ZJ began production to
16 the time it ended production John Loman from Loman
17 Auto Group being present at one of Chrysler's product
18 planning meetings with regard to the ZJ?

19 A. Say that again.

20 Q. Do you recall from the time the ZJ went into
21 production until the time it stopped John Loman from
22 Loman Auto Group being present at Chrysler's product
23 planning meetings with regard to the ZJ?

24 A. No.

25 Q. Do you recall John Loman being present, again from the

1 timeframe of the ZJ, at Chrysler's fuel -- is it
2 safety department meetings?

3 A. No.

4 Q. Okay. How about the same question with regard to John
5 Loman being present at a vehicle safety emissions --
6 I got it wrong. How does that go?

7 MS. JEFFREY: Emissions regulatory
8 committee.

9 BY MR. FUSCO:

10 Q. -- regulatory committee?

11 A. No.

12 Q. Can you tell us any conversations that you've ever had
13 with John Loman from Loman Auto Group today?

14 A. Never.

15 Q. Okay. Have you seen a document today that's been
16 authored by John Loman from the Loman Auto Group?

17 A. No.

18 Q. Okay. We've used or I heard a word today called
19 underriding used.

20 MS. JEFFREY: Underride.

21 BY MR. FUSCO:

22 Q. Underride. Do you have in your mind a definition of
23 what underride is?

24 A. Frankly, it's the first day that someone described the
25 contact between cars that have different heights, if I

1 understand what you mean. We use -- I never heard,
2 not used in the industry as a technical term to
3 discuss that, but I understand what was meant by it.

4 Q. What do you understand it to mean?

5 A. Sorry?

6 Q. What do you understand that term to mean, underride,
7 if anything?

8 A. Underride in the context of the previous deposition
9 was describing the contact, an accident or contact
10 between a car that, let's say, has a bumper height,
11 heights above the ground that is higher than the
12 bumper height of the car getting in contact with, with
13 the first car, implying that if you have different
14 heights of bumper, one car can slide or violently in
15 the case of an accident underneath another one.

16 I mentioned, also, that the height of
17 bumper does not necessarily reflect the height of
18 where the structures are in cars, so what you see not
19 necessarily what happened, so...

20 Q. Did there come a time I believe in 2009 when Chrysler
21 went into bankruptcy?

22 Did there come a time in 2009 when Chrysler
23 went into bankruptcy?

24 A. I'm not sure I understand the question.

25 Q. Did there come a time --

1 A. Yeah.

2 Q. -- it may be 2009 when Chrysler --

3 MS. JEFFREY: Chrysler, LLC.

4 BY MR. FUSCO:

5 Q. -- went into bankruptcy?

6 MR. SACCO: Why don't you ask him if he
7 knows. He wasn't with Chrysler then.

8 BY MR. FUSCO:

9 Q. Do you know that?

10 A. Of course I know because I had a vested interest in my
11 pension.

12 Q. Do you know what happened to the dealership at Loman
13 regarding Jeeps after Chrysler went into bankruptcy?

14 A. No, I don't.

15 Q. Okay. You've been asked a couple of times today about
16 assuming accidents at speeds, and you've been told
17 about Ms. Kline and her accident, and you've also used
18 the phrase high-speed impact. Would you consider an
19 impact at 70 miles an hour by an inattentive driver to
20 be a high-speed impact?

21 A. Very high speed.

22 MR. FUSCO: Thank you, sir. I have nothing
23 further.

24 MS. DeFILIPPO: May I ask you just one
25 follow-up?

1 MS. JEFFREY: You've got Gill and we've got
2 me.

3 MS. DeFILIPPO: Oh, I'm sorry.

4 MS. JEFFREY: Jim, do you have any
5 questions?

6 MR. GILL: No questions for Mr. Castaing.
7 Do you have any?

8 MS. JEFFREY: I don't have any.

9 MS. DeFILIPPO: Just a quick question.

10 RE-EXAMINATION

11 BY MS. DeFILIPPO:

12 Q. Mr. Castaing, you just said you knew about the
13 bankruptcy because you had a vested interest in the
14 pension. Are you still receiving your pension?

15 A. No, I lost it.

16 Q. Do you receive anything from Chrysler?

17 A. Not anymore.

18 MS. DeFILIPPO: Thank you. That's all I
19 have.

20 VIDEO TECHNICIAN: This concludes today's
21 deposition. The time is 5:03 p.m. We are off the
22 record.

23 (The deposition was concluded at 5:03 p.m.
24 Signature of the witness was not requested by
25 counsel for the respective parties hereto.)

1 CERTIFICATE OF NOTARY

2 STATE OF MICHIGAN)

3) SS

4 COUNTY OF MACOMB)

5

6 I, LEZLIE A. SETCHELL, certify that this
7 deposition was taken before me on the date
8 hereinbefore set forth; that the foregoing questions
9 and answers were recorded by me stenographically and
10 reduced to computer transcription; that this is a
11 true, full and correct transcript of my stenographic
12 notes so taken; and that I am not related to, nor of
13 counsel to, either party nor interested in the event
14 of this cause.

15

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22 LEZLIE A. SETCHELL, CSR-2404

23 Notary Public,

24 Macomb County, Michigan.

25 My Commission expires: April 17, 2012