

In The Matter Of:
Kline v.
Morgan-Alcala, et al

Paul V. Sheridan
August 3, 2012
Video Deposition

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1 settled and sealed by Chrysler lawyers."
2 When you say, "settled and sealed by
3 Chrysler lawyers," you don't mean only Chrysler
4 lawyers, do you?
5 A. That's true. That sentence could read
6 that there was an agreement between the Chrysler
7 lawyers and the plaintiffs, if that's the portent of
8 your question.
9 Q. Yes. Moving down, Paragraph 7d, "To
10 the best of my knowledge, no DaimlerBenz engineering
11 inputs were incorporated into the WJ-Body version of
12 the Jeep Grand Cherokee due to time constraints,
13 etc."
14 What's the source of your knowledge?
15 A. That would be from both product
16 planning and engineering management experience,
17 looking at the dates of when the merger took place
18 between Daimler and Chrysler, and when the WJ
19 version was actually introduced because the WJ
20 version came out in 1999 and the actual merger took
21 place in 1998.
22 So, at that point in time we're well
23 into the production prototyping phases of the WJ and
24 there's very little input available in terms of the
25 product plan, in terms of the engineering plan. You

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1 don't have time. We're done. All the tools have
2 been bought.
3 These are usually 60 -- usually
4 60-month projects and, you know, with eight months
5 to go, you're essentially done or you better be.
6 Q. Okay. Do you know if DaimlerBenz had
7 any input into the design of the WK?
8 A. Yes.
9 Q. What is the source of your knowledge on
10 that?
11 A. Well, there's numerous external
12 literature. The magazines talk about it. It's
13 touted as such in the literature. So, it's fairly
14 common knowledge that Daimler was involved with the
15 WK.
16 Q. Does any of the literature that you
17 just referenced discuss any influence that
18 DaimlerBenz may have had on the fuel system in the
19 WK?
20 A. No. The literature does not
21 specifically go after the fuel system. The
22 literature that I reviewed that makes the statements
23 that Daimler was involved in the WK, all that
24 literature that I read does not say anything about
25 the fuel system. However, it does say that many

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1 components were commonized from existing Mercedes
2 Benz and designs.
3 So, the implication is that the
4 mid-mounted tank is part of the influence of
5 Daimler.
6 Q. Okay. Do you know that Daimler still
7 makes a vehicle with the fuel tank located behind
8 the axle?
9 Is that accurate?
10 A. I'm sure some vehicle that they're
11 making might have one behind the axle. I haven't
12 studied that vehicle, if it exists.
13 Q. And that's what I wanted to know, if
14 you had looked -- I think you answered my question,
15 but have you done anything to look into what
16 vehicles DaimlerBenz may produce that still has the
17 fuel tank located behind the rear axle?
18 A. I have not.
19 MS. DeFILIPPO: Can I have the time
20 frame you're talking about?
21 MR. STOCKWELL: Currently.
22 THE WITNESS: I assume counsel meant,
23 you know, the present day.
24 Q. Do you agree with the statement that in
25 the '70s and into the '80s almost all trucks or

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1 almost all trucks and multi-purpose vehicles had a
2 fuel tank located behind the rear axle?
3 A. A good majority did, yes.
4 Q. Would you say that those vehicles that
5 did during that time frame were defective?
6 A. Yes.
7 Q. Why were they defective?
8 A. Well, in the general sense they were
9 defective because the world did not have enough real
10 world experience with exposing people to the defect.
11 So, it wasn't a matter of being evil or insidious.
12 It was just the industry and the public in general
13 learning about this issue.
14 But once we gained enough evidence
15 about the location issue and the intrusion and
16 breaching of the fuel tank issue as a result of it
17 being behind the axle, the fuel tank being behind
18 the axle, most of the industry began moving very
19 rapidly to protect and make the fuel system safety a
20 very, very high priority in the product plan.
21 Q. Is it just the fact -- in the Jeep
22 Grand Cherokee, for example, is it just the fact
23 that the fuel tank is located behind the rear axle
24 that makes the vehicle defective?
25 A. No. In my mind, you can locate the

<p>Sheridan - direct Page 81</p> <p>1 tank behind the axle, but you must protect it. You 2 can put the tank just about anywhere you want as 3 long as it's protected. In other words, the design 4 approach and philosophy must be comprehensive and -- 5 I think I've responded to your question. 6 Q. What would then -- what would the 7 protection have to be on the ZJ? 8 A. Well, I'm recommending that the fuel 9 tank on the ZJ be completely encapsulated with very 10 strong -- and we'll call it a skid plate, but I 11 would use the word encapsulation. The inside 12 surfaces of the encapsulation or skid plate will be 13 very friendly, will protect the entire -- any 14 portion of the tank from unfriendly surfaces. 15 The additional structure should help 16 with crush. We're still working on fixing the fuel 17 filler hose issue, but with the addition of this 18 encapsulation structure, I'll call it, we should 19 mitigate in large part some of the rail crush that 20 impinges on the fuel filler hoses and tends to rip 21 them out of the tank or rip them off the body side. 22 We also need to implement something 23 that takes care of the -- once the fuel filler hose 24 is breached, any fuel leakage from that area, a 25 rollover valve or some kind of a one-way valve on</p>	<p>Sheridan - direct Page 83</p> <p>1 precise answer to your question is no. 2 Q. All right. Well, you just talked about 3 the frame rail. What was the word you used? I 4 don't want to put words in your mouth. 5 A. I think I said impinged. 6 Q. Okay, impinged. 7 Where did you get that information 8 from? 9 A. From the vehicle inspection. 10 Q. Okay. Did you take photographs of the 11 hole in the frame rail? 12 A. I believe I did, yes. 13 Q. And is that -- are those photographs or 14 photograph or photographs on the disk that you 15 provided to Miss DeFilippo? 16 A. Yes. 17 Q. Did you have to elevate the Kline Jeep 18 to obtain those photographs? 19 A. No. I specifically requested at that 20 inspection that we not lift the vehicle. 21 Q. Okay. How many inspections of the 22 Kline vehicle have you done? 23 A. One. 24 Q. Have you attended other experts' 25 inspections of the Kline Jeep?</p>
<p>Sheridan - direct Page 82</p> <p>1 that hose to keep that hose from leaking. 2 So, that's what I'm recommending. 3 Q. The encapsulation device that you 4 talked about, is that something that's available on 5 the market? 6 A. Very close. S&K Manufacturing makes a 7 skid plate, as they call it, that almost completely 8 encapsulates the ZJ tank and I submitted that as a 9 starting point to NHTSA. I submitted that to them 10 and they're aware of my discussion about that. 11 Q. When did S&K first begin manufacturing 12 that skid plate? 13 A. The part number is JT3001 and I believe 14 they began manufacturing this current design about 15 four or five years ago, but I don't know that for 16 sure, but it's been around for a while. 17 Q. And you talked about the fuel filler 18 hose. Are you aware of any physical evidence that 19 the fuel filler hose separated in the Kline 20 accident? 21 A. No. All of it burned up, but there is 22 some indication in the area where the fuel filler 23 hose went through that the frame rail crushed and 24 may have impinged on the hose. 25 But the quick answer to your -- the</p>	<p>Sheridan - direct Page 84</p> <p>1 A. No. Well, you know, when you said 2 other experts, Mr. Phillips and Mr. Hannemann were 3 at the inspection that I was also at. 4 Q. What I meant, though, is was there 5 maybe an inspection by another expert at a later 6 date that you may have also attended? 7 A. No. 8 Q. Have you ever inspected the Subaru that 9 was involved in this accident? 10 A. No. 11 Q. Have you ever inspected the Alcala 12 Sienna? 13 A. I have not inspected the Sienna, but I 14 have looked at a big pile of photographs that Mr. 15 Phillips gave to me at the inspection date. So, he 16 gave me a big pile and I was looking through those 17 photographs. He had a whole bunch of photographs 18 and he gave them to me. 19 Q. So, Mr. Phillips inspected the Alcala 20 Sienna, to your knowledge? 21 A. Yes. 22 Q. Did you know he was going to inspect 23 the Alcala Sienna? 24 A. Well, he already had, apparently, when 25 he gave me the photographs. So, I didn't know, but</p>

<p>Sheridan - direct Page 217</p> <p>1 underride crashes." 2 A. With respect to the fuel tank breach 3 issue? 4 Q. Yes. 5 A. Well, it's what I concentrated on, but 6 I'll say that in some respects the answer is no. 7 The structure in the back is not adequate to resist 8 intrusion onto the tank right through the bumper 9 beam, right through the rear frame rail, the rear 10 cross member. 11 So, there are some structural issues as 12 well that may not involve underrides that could also 13 breach the tank. In other words, the 30 mile per 14 hour 301 certification test, if you increase that 15 to -- let us speculate for a second -- and I am 16 speculating -- to 40 miles an hour or 50 miles an 17 hour, the same exact orientation but at 50 miles per 18 hour may, in fact, breach the tank. 19 And so you would be provoking a breach 20 without underride and that's because of the 21 structural issues. 22 Q. Have the FMVSS tests -- sorry. 23 Would you agree that the FMVSS tests 24 are formulated to eliminate unreasonable risk? 25 A. No. They're formulated to provide</p>	<p>Sheridan - direct Page 219</p> <p>1 Q. Is that the police interceptor? 2 A. Well, that's all of them now because 3 all of them have the fix. In a word, the Crown 4 Victoria is a tank. 5 Q. What rear crash testing situation and 6 speeds should manufacturers have designed 1996 SUVs 7 with? 8 A. Well, the test configuration should 9 have included an FMVA for underride. They should 10 have specifically addressed the issue of what 11 possible failure modes are there in the back of this 12 Jeep during a crash. One of them would be underride 13 and direct impact. 14 So, that failure mode would have been 15 indicated in the original design FMEA and then the 16 effects of that failure would have prompted a high 17 priority in the engineering plan because when you 18 analyze the effects of the failure, which is either 19 horrible burn or burn death, that would escalate the 20 FMEA to high priority in the engineering plan. 21 So, that's one aspect or one portion of 22 the test protocol that should have been pursued and 23 the capabilities of the engineers at JTE well within 24 their capabilities to do it. They're good 25 engineers.</p>
<p>Sheridan - direct Page 218</p> <p>1 minimum standards by which the automotive industry 2 can be guided in their quest for building a safe 3 vehicle. 4 Q. Are there any rear wheel drive aft of 5 axle fuel tank vehicles that you would -- that you 6 believe are not defective? 7 MS. DeFILIPPO: Say it again. Are 8 there are -- 9 Q. Rear wheel drive aft of axle fuel tank 10 vehicles that are not defective? 11 A. Yes. In my opinion, the Crown Victoria 12 of late, the later ones, the 1998 through 2010, 13 which had all the fixes on it from the '92 to 1997, 14 not only were the fixes incorporated, but the tank 15 was redone. 16 So, that's a particular vehicle that I 17 feel is very safe. You can sustain a very, very 18 high speed impact in the back of a Crown Victoria 19 these days. 20 Q. Why is that? 21 A. Because Ford has implemented the fixes 22 taking -- as a matter of fact, the information I 23 have on the Crown Victoria is that it can sustain a 24 rear collision up to 70 miles an hour with virtually 25 no breach of the fuel tank.</p>	<p>Sheridan - direct Page 220</p> <p>1 Q. Did any manufacturers do that? 2 A. I don't know. I believe you could have 3 information from Mercedes doing that. Mercedes 4 tends to engineer to the real world and the formal 5 -- when I say engineer to the real world, that's 6 equivalent to saying the formal side of things, 7 which is the FMEA. 8 Now, the Germans do things a little bit 9 differently than we do here, but it's along the same 10 philosophical line. 11 Q. Are there any advantages to a fuel tank 12 located aft of axle? 13 A. There's some with respect to 14 off-roading. Some of the hill climbing, when you 15 peak over a hill and go down the other side, you can 16 sometimes have a situation where the peak hits the 17 middle of the vehicle as you go over the peak. And 18 so when you have a tank on the back, it never goes 19 near that peak. So, there's some off-roading 20 advantages. 21 It's not a good place to put the tank. 22 You can put it there, but the issue is if you're 23 going to put it there, you must do the complete 24 engineering job. 25 Q. At what point in time did the aft of</p>

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1 axle location become defective?
2 A. In my opinion, 1973.
3 Q. Are there any disadvantages to a fuel
4 tank located over the rear axle or in the middle of
5 the vehicle?
6 A. There's advantages and disadvantages to
7 every design. The configuration you just mentioned
8 is very close to the Crown Victoria. Although it's
9 slightly behind the axle, it's also above the axle.
10 That, of course, puts it in proximity, very close
11 proximity to the passenger compartment.
12 So, that's a design issue. You're
13 taking the tank and moving from back in the rear and
14 you're moving it closer to the passenger
15 compartment, but as long as you protect it, as long
16 as you make sure there's no breach and foreseeable
17 accident, then you've done the complete engineering
18 job.
19 Did I answer your question?
20 Q. Yes.
21 Are you aware of a lawsuit involving
22 Ford, a Ford Explorer actually, where a bullet
23 vehicle rear-ended the Explorer and the mid-ship
24 fuel tank fractured?
25 A. I did hear somewhere where there's a

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1 case out there about that, but I'm not familiar with
2 the case.
3 Q. If, hypothetically, in this accident
4 the fuel tank was located forward of the rear axle,
5 are you able to state to any degree of certainty
6 whether the fuel tank would not have punctured in
7 this accident?
8 A. Well, relating to the Explorer case --
9 and after you mentioned that, my tape drive was
10 going -- and what I recall saying to somebody,
11 probably Clarence Ditlow, was the Explorer itself is
12 not the exemplar vehicle for mid-mounted fuel tanks
13 in the SUV. The WK is.
14 And the reason I say that is because
15 unlike the Ford Explorer, the WK has encapsulation.
16 So, if you move the tank and do the encapsulation,
17 which is what the Germans did on the WK, then my
18 answer would be yes, you would protect the tank.
19 You would not have a breach.
20 In other words, back to my earlier
21 testimony, you must do the complete engineering job.
22 Q. You've never spoken to John Loman, have
23 you?
24 A. I have not.
25 Q. Have you taken any video of any

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1 inspections in this case?
2 A. No.
3 Q. Have you seen videotapes of any
4 inspections in this case?
5 A. No.
6 Q. Do you agree with the statement that
7 all vehicles are vulnerable no matter how well they
8 are designed?
9 MS. DeFILIPPO: Objection to form.
10 A. At the level of logic, yes, that's a
11 true statement.
12 Q. Have you done any other vehicle
13 inspections in connection with this case other than
14 what we've talked about and what's contained in your
15 report?
16 A. Yes. I've looked at the WK
17 extensively, the 2005 through current Jeep Grand
18 Cherokee.
19 Q. Have you taken any photographs?
20 A. No. I have photographs, but I haven't
21 taken any.
22 Q. Have you taken any -- are you in
23 possession of any photographs of the underbody of
24 the WK?
25 A. No, but I have inspected the underside

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1 of the WK extensively.
2 Q. Are you aware of any testing, other
3 than the two Karco tests, the FHA test, any other
4 testing in connection with this case?
5 A. No.
6 Q. And, of course, the Chrysler crash
7 test. Any other crash test?
8 A. When you say crash test, you mean the
9 internal 301 certification test?
10 Q. Right.
11 A. No.
12 MR. STOCKWELL: Those are my questions.
13 Thank you.
14 THE WITNESS: Thank you, counsel.
15 MS. DeFILIPPO: I have just a couple
16 things.
17 CROSS EXAMINATION BY MS. DeFILIPPO:
18 Q. Mr. Sheridan, you talked about requests
19 you made of a dealer in Michigan?
20 A. Yes.
21 Q. Is there -- when you make these
22 requests, is there times when you were denied?
23 A. Yes.
24 Q. With respect to --
25 MS. DeFILIPPO: I'm going to mark this