

22357 Columbia Street
Dearborn, MI 48124
313-277-5095
pvsheridan@wowway.com

16 September 2011

BY EMAIL AND FEDEX

Mr. Frank L. Branson
The Law Offices of Frank L. Branson
Highland Park Place – 18th Floor
4514 Cole Avenue
Dallas, TX 75205-4185
214-522-0200

Reference: Jones v Chrysler Group, L.L.C., et al.
Subject: General Automotive Safety Management - Expert Testimony Report

Dear Mr. Branson:

Pursuant to the procedures of the Honorable Court, I am reporting those items and/or topics that I *anticipate* will comprise testimony I will give if called to do so in the subject litigation. This report is preliminary but includes the salient topics already testified to, by me, in prior similar litigations involving Chrysler. Please inform me if the Honorable Court needs or requests any further information.

GENERAL BACKGROUND TOPICS

1. Educational background (A.S., B. Sci., M.B.A.)
2. Vocational automotive experience.
3. Professional automotive experience, including but not limited to:
 - A. Employment at Ford Motor Company (1980 to 1984)
 - i. Experience at Ford as ‘Corporate Average Fuel Economy’ (CAFÉ) powertrain planning analyst.
 - B. Employment at Chrysler Corporation (1984 to 1994)
 - i. Acquisition Management Experience (Chrysler/American Motors)
 - ii. Experience with Chrysler AS-Body minivan programs
 - iii. Experience with Chrysler NS-Body minivan programs
 - a. Inputs to NS-Body program approval of \$2.6 billion
4. Ongoing professional and vocational activity in automotive industry:
 - A. Winner of Civil Justice Foundation “*National Champion Award*” in 2005 for work in General Automotive Safety Management.
 - B. Second Associate of Arts (AA) degree in Computer Science and Mathematics.

MINIVAN SAFETY LEADERSHIP TEAM (SLT) – GENERAL ACTIVITY REVIEW

5. Market and legal conditions which led to formation of the “first of its kind” Chrysler Corporation minivan Safety Leadership Team (SLT).
6. Purpose of, and events/market conditions during SLT activity.
7. Events which led to the disbanding of the Chrysler Safety Leadership Team (SLT).

SAFETY LEADERSHIP TEAM (SLT) - SPECIFIC ACTIVITY

8. SLT Activity leading to recommendations regarding minivan liftgate latch safety defect.
9. SLT Activity leading to seatback strength revisions recommendations:
 - A. SLT knowledge of then-existing in-field seatback failures in Chrysler vehicles
 - B. SLT knowledge of then-existing litigation regarding in-field seatback failures in Chrysler vehicles, including review of both severe injury and death cases.
 - A. SLT viewing of *60 Minutes* television program video tape on March 16, 1993, and SLT comments regarding inadequacy of FMVSS-207.
 - B. Authorship and distribution of meeting minutes of SLT meeting of March 16, 1993.
 - C. Executive management “retrieve and destroy” demand regarding meeting minutes of SLT meeting of March 16, 1993.
10. SLT activity leading to and contents of minivan ‘Focus Group’ research of November 1993.
11. SLT activity leading to and contents of minivan ‘Clinic’ research of May/June 1994.
12. SLT recommendations regarding crashworthiness of the Chrysler minivan:
 - A. National Highway Traffic Safety Administration (NHTSA) New Car Assessment Program,
 - B. Contact/communication/visitation with the Insurance Institute for Highway Safety (IIHS),
13. Minivan Safety Leadership Team (SLT) documents, and other office file materials.
14. Paul V. Sheridan/Chrysler office floppy disk and other computer memory device content.
 - A. Review of events leading to the review of such in *Mohr v. Chrysler* litigation.
15. Federal Motor Vehicle Safety Standard (FMVSS) crashworthiness compliance minimums.
16. Chrysler minivan FMVSS-208 crash test failures and related activity.
17. FMVSS-207.

OTHER INTERNAL CHRYSLER/DAIMLERCHRYSLER CORPORATION MINIVAN PROGRAMS RELATED ACTIVITY

18. Activity of the Minivan Operations group including but not limited to Minivan “Product Plan,” development and documentation.
19. Chrysler platform organization including the Minivan Platform Team (MPT).
20. Product Strategy Team (PST), undersigned was prior PST secretary.
21. Minivan Complexity Team (MCT), undersigned was prior MCT chairman.
22. Minivan Product Direction Team (PDT), undersigned was prior PDT member.
23. Product Planning Sub-committee.
24. Product Planning Committee (PPC).
25. SLT assistance to the Chrysler Legal Staff regarding 1995 Ford Windstar safety leadership claims.
26. Minivan Program Objectives summary (a.k.a. “12-Panel Chart”) and related rejected SLT proposals.
27. Component/system acquisitions under Chrysler supplier relations (aka “extended enterprise”):
 - A. PS-7000
28. Chrysler competitive truck and car product analysis process:
 - A. Leading to DaimlerBenz AG and Chrysler Corporation “merger of equals.”
 - B. Post Merger Integration Program (PMI) details
29. Purpose/activity of the DaimlerChrysler Office of Regulatory Affairs (aka “Safety Office”)

OTHER SUBJECT RELEVANT ISSUES

30. Minivan program FMVSS-214 crash tests, and subsequent NHTSA investigations.
31. Minivan program FMVSS-208 crash tests, and subsequent NHTSA investigations:
 - A. Chrysler failure to attain internal minivan crashworthiness objectives
32. Chrysler activity with U. S. Department of Justice (DOJ) during NHTSA investigations.
33. Chrysler and NHTSA government personnel employment practices.
34. Chrysler lawsuit and the issuance of an *ex parte* “muzzle order” against my person during NHTSA minivan safety defect investigation:
 - A. Review of NHTSA interview of my person in April 1995
35. The Chrysler Corporation “damages claim” lawsuit against me for \$82 million:
 - A. Voluntary withdrawal of claim by Chrysler Corporation.
36. Dissolution of the original 1994 *ex parte* Chrysler “muzzle order” and all related subsequent activity and documents relevant to Chrysler attempts to “re-muzzle” my testimony during 2000.
37. Expert knowledge of RS-Body minivan.
38. Expert knowledge of competitive minivan and automotive seat products.

PRIOR TRIAL/DEPOSITION TESTIMONY REGARDING CHRYSLER MINIVANS

39. My prior trial/deposition/affidavit testimony in-behalf of plaintiffs, including but not limited to:
- A. Jimenez v. Chrysler, et al.
 - B. Baird v. Chrysler, et al.
 - C. LeCompte v Chrysler, et al.
 - D. Manes v Chrysler, et al.
 - E. Golden v Chrysler, et al.
 - F. Heider v Chrysler, et al.
 - G. Flax v. Chrysler, et al.
 - H. Mohr v Chrysler, et al.
 - I. Aldridge v. Chrysler, et al.
 - J. Schnaibel v Chrysler, et al.
 - K. Howell v. Johnson Controls, et al.

GENERAL AUTOMOTIVE SAFETY MANAGEMENT - EXPERT TESTIMONY - JONES V. CHRYSLER GROUP, LLC

40. For 11 years, I was employed by the Chrysler Corporation, which later became DaimlerChrysler Corporation, and is now the Chrysler Group, LLC.; an Auburn Hills, Michigan company that has Fiat S.p.A. of Turin, Italy as a majority shareholder. I served the Chrysler customer as both Product Planning Manager and Engineering Programs Manager for several important vehicle lines and systems during this professional employment.

41. During my employment with Chrysler, I was required to manage vehicle systems as well as the engineering design of such systems, and to be familiar with customary, recognized and accepted prudent automotive industry engineering design principles. A major portion of these professional employment duties included judgments regarding automotive design competence and user/customer safety. I have significant scientific, technical, engineering and business background and experience as described above (Please see 'GENERAL BACKGROUND TOPICS' above).

42. Prior to Chrysler, I worked for Ford Motor Company for 4 years as a Product Planning Analyst and Powertrain Planning Manager. These assignments included extensive interaction and familiarity with both state and federal government regulations and compliance procedures.

43. While employed by Ford and Chrysler I attended a substantial number of in-house training sessions relating to automotive product engineering and development. I have also attended, both during and after my Ford/Chrysler tenure, numerous Society of Automotive Engineer (SAE), Specialty Equipment Market Association (SEMA), etc., seminars on automotive engineering subjects.

44. I have been self-employed during the past 16 years as a safety consultant and have been officially recognized by the courts as a General Automotive Safety Management Expert. I have had, and have been recognized by the media, the government and the courts as having extensive experience with a key automotive safety system: automotive seats.

45. In 1992 executive management at Chrysler appointed me Chairman of the Chrysler Safety Leadership Team (SLT). At a very early time the SLT became concerned with the Chrysler management practice of maximizing profits at the expense of safety, despite the latter requiring relatively minor expenditure. This history was recognized internally and a major portion of my efforts as SLT chairman was to correct those practices. These efforts were unanimously endorsed by SLT members. The first meeting of the SLT occurred on February 23, 1993. During its two-year tenure the SLT met for 60 to 90 minutes every other week, at a minimum. Its recommendations were officially reported by me to the Chrysler Product Direction Team (comprised of senior company officials) as well as upper executive management. During these events and thereafter, recommendations to correct the safety design of seat systems were dropped, delayed or ignored by senior and executive management.

46. The purposes and goals for the Safety Leadership Team (SLT) were established by Chrysler executive management in late 1992. That same executive management stated in the formation letter of January 27, 1993, which officially announced the SLT, the following edict:

“The general format (of the Safety Leadership Team) will focus effort in the areas of Accident Avoidance, Accident Survival and other security issues, and the Team will avail itself to all sources of expertise/assistance.”

Just a few examples of “all sources of expertise/assistance” included the SLT membership of Mr. Mark Crossman; an engineer with responsibility for Chrysler vehicle crash testing, specifically dynamic crash testing. Mr. Fred Schmidt, an engineer with responsibility for Chrysler Engineering Programs with contact and wherewithal to access all internal Chrysler engineering assets as well as outside supplier programs. Mr. Frank Klegon was assigned to membership of the Safety Leadership Team; an engineer with responsibility for Chrysler Electronic systems engineering. Mr. Ronald Zarowitz, a lawyer employed by the internal Regulatory Affairs and Safety Compliance Office. Mr. Kenneth Mack of the advanced internal engineering research group, which enjoyed far-reaching industry recognition and respect, called Liberty Engineering. The principles of safe seat design were a major portion of SLT activity.

47. I am intimately familiar with Chrysler practices relating to automotive seat systems, supply of such to Chrysler by outside suppliers, and the safety performance of such seats in real world crashes. Chrysler and its suppliers are aware that during the my employment and thereafter, I stated that a reasonably safe automotive seat could not be designed or produced in the absence of dynamic (as opposed to static) crash tests that employed proper mechanical and biometric performance criteria. As an example, it was and remains well-known that Mercedes-Benz conducts such dynamic tests specifically meant to protect occupants in the real world.

48. The CBS News 60 Minutes television program produced a report on automotive seat safety which originally aired nationally on February 16, 1992. This report plainly demonstrated that seat systems which merely complied with government standards, which are stated by the government to be minimums, are not safe. To emphasize to Chrysler management the critical safety feature improvements necessary in order to design reasonably safe automotive seats, I purchased a personal VHS copy of the 60 Minutes CBS television news program. I played it at the SLT meeting of March 16, 1993. The CBS News 60 Minutes video demonstrated better designs to restrict/eliminate rearward deflection during foreseeable rear end crashes. The focus of these better designs was Mercedes-Benz. Upon viewing this report, all members of the SLT strongly agreed that additional measures were necessary for safety in the design of Chrysler automotive seat systems.

49. In April 1995, under the Whistleblower Protection Act, I officially reported to the National Highway Traffic Safety Administration (NHTSA) what occurred internally at Chrysler after I played the 60 Minutes video at the Safety Leadership Meeting. Below is an excerpt verbatim of this government agency report:

“At one of the first meetings of the SLT (Safety Leadership Team), Mr. Sheridan played a videotape of a “60 Minutes” segment on seatback failure to introduce the concept of automotive safety (video attached as Exhibit 6). This video was of interest to Mr. Sheridan because he had experienced seatback failure while participating in a stock car race. The video featured a number of vehicles, including the Chrysler minivan. Mr. Sheridan expressed the belief that there should be a dynamic test standard for seatback strength. He said that he agrees with the substance of the 60 Minutes segment, and that probably everybody else in the industry, including Chrysler, does also. As described by Mr. Sheridan, the segment highlights the fact that seat belts do not restrain occupants during rear impacts, and that the only restraint in that crash mode is the seat back. If the seat back is not designed to withstand certain moderate accelerations, Mr. Sheridan stated that the risk of injury, or even death, increases, since occupants may be ejected from under the belt, or they may fall backwards, breaking their necks and backs. After showing the video, Mr. Sheridan was told not to mention the seatback issue again. He understood that this direction came from Francois Castaing, Chrysler’s head of Engineering, who was upset that Mr. Sheridan was showing the video.”

50. Despite the efforts of internal censorship dictated by Chrysler executive management, I continued to express at SLT meetings on a number of occasions that none of Chrysler automotive seats were designed with adequate seat strength to resist excessive rearward movement because Chrysler did not adhere to the industry leading practice, ala Mercedes-Benz, et al., of requiring dynamic rear crash tests with appropriate “real world” safety.

51. Chrysler’s seat suppliers also do not perform dynamic rear crash tests attendant to appropriate “real world” seat system safety. Not only does Chrysler supplier relations policy dictate that outside seat suppliers be “self certified” regarding regulatory compliance, but Chrysler also contractually dictates that these suppliers merely comply with minimum federal standards or at-most an internal standard that was based on manufacturing variance, not formulated on the basis of safety. Outside suppliers to Chrysler are not required by Chrysler to perform dynamic rear crash tests of seat systems to ensure proper performance as it relates to rearward deflection or the rudimentary safety needs of the “real world.”

52. The RS-Body minivan program was initiated just after 1994, and resulted in the engineering design of the 2004 Chrysler Town & Country seat systems, which is the focus of this litigation. The engineering basis of the RS-Body seat system design was at least three-fold: historical internal Chrysler seat system manufacturing variance standards, the 1996 NS-Body minivan program which preceded the RS-Body, and the Chrysler ongoing practice of merely complying with minimal federal regulations

53. It is well established, over a time period of several decades, that United States government officials both publicly and in private closed-door meetings with automotive management, and in their official capacity as public servants have discouraged auto makers from merely complying with the minimums of the safety regulatory requirements. It is well known that these government officials, NHTSA in particular, have encouraged the auto makers to prudently exceed these minimum standards in the interest of public safety and well-being. It is also well-known that whenever an improvement or enhancement to public safety is proposed in the area of automobiles, seat safety in particular, it is selected members of the automobile industry, their lawyers and their lobbyists that have covertly rejected or resisted those improvements or enhancements.

54. It is my opinion to a reasonable scientific and engineering certainty that Chrysler's refusal to require a minimum seat strength from its seat suppliers, and in refusing to determine such necessary minimum design strength levels for safety by failing to require dynamic real world crash testing, and by disregarding the official government encouragements to prudently exceed minimum safety regulations constitutes a reckless disregard for and conscious indifference of public safety and well-being. This behavior and a management attitude defined by a 'culture of profits over safety' explains, in part, the reasons for the real world failure of the seat systems in the subject 2004 Chrysler Town & Country vehicle which resulted in the terrible but avoidable injuries to the Jones family.

Please do not hesitate to contact me at any time at the address listed above regarding the subject.

Respectfully,

Paul V. Sheridan

cc: Mr. Quentin D. Brogdon, Esq.
Mr. Courtney E. Morgan, Esq.