

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

David Dillon
December 21, 2011
Video Deposition

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ORIGINAL

Page 1

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 THE DEPOSITION OF DAVID DILLON, DECEMBER 21, 2011

Page 3

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24
25

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1 The Videoconference Deposition of DAVID DILLON,
2 Taken at 840 West Long Lake Road, Suite 200,
3 Troy, Michigan,
4 Commencing at 10:40 a.m.,
5 Wednesday, December 21, 2011,
6 Before Lezlie A. Setchell, CSR-2404, RPR, CRR.
7
8 APPEARANCES:
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Page 4

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1 Troy, Michigan
2 Wednesday, December 21, 2011
3 10:40 a.m.
4 DAVID DILLON,
5 was thereupon called as a witness herein, and after
6 having first been duly sworn to testify to the truth,
7 the whole truth and nothing but the truth, was
8 examined and testified as follows:
9
10 MS. JEFFREY: Before we get started, I just
11 want to confirm that this is a discovery deposition,
12 correct?
13 MS. DeFILIPPO: This is a discovery
14 deposition, yes.
15 MS. JEFFREY: Okay. Thank you.
16 EXAMINATION
17 BY MS. DeFILIPPO:
18 Q. Mr. Dillon, my name is Angel DeFilippo. I'm an
19 attorney. I represent the Kline family in an action
20 which has been brought stemming from an automobile
21 collision and fire which occurred back in February of
22 2007. We're here to take your deposition because
23 you've been offered as a person with knowledge of
24 certain facts and circumstances involved in the
25 Chrysler Jeep Grand Cherokee.

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1 Have you ever had your deposition taken
2 before?
3 A. I have not.
4 Q. Now for the record, you are in Michigan, we are in New
5 Jersey, and we're doing this by videoconference,
6 correct?
7 A. That's correct.
8 Q. And with you in Michigan is your attorney, Sheila
9 Jeffrey from --
10 MS. JEFFREY: Miller Canfield.
11 BY MS. DeFILIPPO:
12 Q. Miller Canfield, right, and also the attorney for
13 Loman Auto Group is with you, there are a couple of
14 attorneys and an office individual from Loman Auto
15 Group firm which is Callahan & Fusco, correct?
16 A. I'm not familiar with their names or their functions,
17 but there are individuals that Sheila could probably
18 name.
19 Q. Okay. Have you had an opportunity to meet with your
20 attorney before beginning this proceeding today?
21 A. Yes, ma'am.
22 Q. And have you met with the Fusco firm, any individual
23 from that firm before coming here today?
24 A. I have not.
25 Q. And are they seated to your right?

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1 A. They are seated to my left.
2 Q. All of the individuals that I mentioned are to your
3 left?
4 A. Not all of the individuals.
5 Q. Can you just tell me where everyone is seated?
6 THE WITNESS: Can you help with that,
7 Sheila?
8 MS. JEFFREY: He's not familiar with their
9 names but I'm Sheila Jeffrey. I'm directly to Dave's
10 left. Matt Stockwell is sitting next to me, Chris
11 Fusco is sitting next to Matt, and Tony Irizarry is
12 sitting next to Chris Fusco. On Dave's right is the
13 court reporter and Brian Westenberg from my firm.
14 MS. DeFILIPPO: Thank you, Sheila.
15 BY MS. DeFILIPPO:
16 Q. I'm sorry, I think I asked you if you ever had your
17 deposition taken before and you said you had?
18 A. I said that I had not.
19 Q. Or you said that you had not. I'm having trouble
20 hearing you. You're not -- I don't know if it's the
21 microphone on your end but your answers are very hard
22 to hear. Can you just let me ask you just one more
23 time so I can be sure that we can hear it.
24 Have you ever had your deposition taken
25 before?

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1 A. No.

2 Q. Okay. That was better. Mr. Dillon, since you have

3 not had your deposition taken before, I assume that

4 your attorney explained to you the process of a

5 deposition and how -- and what we do in the

6 proceeding, correct?

7 A. I hope so, yes.

8 Q. Okay. I'm going to give you a few instructions that

9 are in effect throughout the proceeding and apply to

10 anyone who asks you questions, not just myself. First

11 of all, the court reporter who you have indicated or

12 your attorney has indicated is seated to your right

13 and even the audio and the video that's being

14 conducted, we -- in order to take down what's said in

15 this room, all of your answers need to be verbal. So

16 a shrug or a grunt or a syllable that's not actually a

17 word and has to be interpreted is not, even though we

18 might have a video, isn't what we want to hear. We

19 want to hear actual words when we ask a question. You

20 understand that, correct?

21 A. I understand that.

22 Q. And any question that I or anyone asks you throughout

23 this proceeding, we want you to tell us if there's

24 anything that needs clarification because if you

25 answer the question, we'll assume you understood it.

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1 Is that clear?

2 A. I understand that, yes.

3 Q. Okay. And your attorney said something in the

4 beginning of this deposition, referred to it as a

5 discovery deposition, and it is a discovery

6 deposition, but this deposition according to the rules

7 of the State of New Jersey can be used for many

8 reasons. Everything that's said today will be typed

9 up in a booklet form and can be used throughout the

10 pendency of this litigation and at trial in accordance

11 with the rules of the State of New Jersey. You

12 understand that, correct?

13 A. I'm not familiar with the rules of the

14 State of New Jersey, but I'll answer the questions

15 that you ask me today.

16 Q. And one final thing, and I think everybody needs this

17 instruction because we all have a propensity to speak

18 when we anticipate a question before the question is

19 actually completed, and likewise, we all have a

20 propensity to ask the next question if we think we've

21 already gotten the answer. We have to respect each

22 other's questions and answers so that you don't begin

23 answering until I or anyone else is finished

24 questioning, and we will give you the same respect and

25 not begin another question until your answer is

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1 completely finished. You understand that?

2 A. I understand that.

3 Q. Do you have any questions before we begin of anyone?

4 A. None that I can think of.

5 Q. Okay. We have marked a document, Mr. Dillon -- I have

6 marked it Dillon-1, 12-21-11, which is today's date

7 and we have faxed it to you. Can you look at that

8 document and tell me what it is?

9 MS. JEFFREY: Angel, we don't have a copy

10 of the marked CV on our end, what you faxed over, and

11 should we be having the court reporter here mark it is

12 what I'm thinking?

13 MS. DeFILIPPO: You know, I think -- I

14 think she should mark it over on your end.

15 MS. JEFFREY: Okay.

16 MS. DeFILIPPO: And then my marking --

17 it'll just make it easier.

18 MS. JEFFREY: That's fine. So I'll have

19 her take this document that you faxed over and mark

20 that Dillon-1, 12-21-11?

21 MS. DeFILIPPO: Yes, that's what we marked.

22 MS. JEFFREY: Okay.

23 MARKED FOR IDENTIFICATION:

24 DEPOSITION EXHIBIT 1

25 10:47 a.m.

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1 MS. JEFFREY: Okay. We're all set.

2 BY MS. DeFILIPPO:

3 Q. So the question was: Can you identify the document?

4 A. Yes, ma'am.

5 Q. Dillon 1, what is this document, Dillon 1?

6 A. It's my CV.

7 Q. Okay. Again, the sound quality is seeming to go down,

8 so if you could just keep your voice up.

9 And is this CV which is marked Dillon 1

10 accurate and up-to-date to the present time?

11 A. I believe it is, yes.

12 Q. Would you like to make any corrections, additions,

13 deletions, or any changes, whatsoever, to this

14 Dillon 1 document which I'll note for the record is a

15 two-page document?

16 A. None at this time.

17 Q. Now, Mr. Dillon, can you tell me, going back to your

18 engineering experience, can you tell me when you first

19 began working as an engineer?

20 A. I began working as a degreed engineer subsequent to my

21 graduation from undergraduate school beginning in

22 1996.

23 Q. I missed a word there. You said I began working as a

24 something engineer. What did you say?

25 A. I just said engineer.

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1 Q. I'm sorry, I just can't hear you.
2 A. Degreed.
3 MS. JEFFREY: I believe you said degreed
4 engineer.
5 THE WITNESS: Yeah.
6 MS. DeFILIPPO: Okay. I'm really having
7 trouble hearing. Is anybody else in this room having
8 trouble?
9 Is there a way to turn up the volume on
10 your end? We're on the maximum volume here. Can you
11 hear me?
12 MS. JEFFREY: Yes.
13 THE WITNESS: I can hear you just fine.
14 Thank you.
15 MS. DeFILIPPO: Okay. We're on maximum
16 volume here, so if you could turn up your volume, it
17 would really help a lot.
18 MS. JEFFREY: Okay. Just hold on a second.
19 (Off the record at 10:49 a.m.)
20 (Back on the record at 10:49 a.m.)
21 THE WITNESS: Does this help?
22 MS. DeFILIPPO: No. That made it worse.
23 Wow. Now there's feedback.
24 MR. WESTENBERG: Try it now.
25 MS. JEFFREY: Try it now.

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1 THE WITNESS: Is that better?
2 MS. DeFILIPPO: No. You are -- now we have
3 a lot of feedback. I'm hearing myself but when you
4 were speaking, Sheila, we could hear you fine, just
5 not the witness. Is there something by you, maybe a
6 microphone that you can move?
7 MS. JEFFREY: No. I think I just talk
8 louder than he does, so I'll just ask Dave --
9 MS. DeFILIPPO: No. The quality of your
10 sound is a normal voice and his is not.
11 MR. WESTENBERG: Just raise your voice a
12 little bit if you can.
13 THE WITNESS: I'll try to speak up a bit
14 higher. Does that help?
15 MS. DeFILIPPO: Yeah, that's better.
16 THE WITNESS: Okay.
17 BY MS. DeFILIPPO:
18 Q. Now I believe that you said that you began as a
19 degreed engineer in 1996 after you graduated from
20 college, you had an engineering degree?
21 A. That's correct.
22 Q. Okay. And from what school was that, Mr. Dillon?
23 A. At the time the name of the university was GMI
24 Engineering and Management Institute.
25 Q. And what is it now?

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1 A. Today it's called Kettering University.
2 Q. And that degree was the same degree that you would get
3 in any four-year university or college in terms of an
4 engineering degree?
5 A. That's correct.
6 Q. And did you place any concentration in any area of
7 engineering when you studied at Kettering?
8 A. Mechanical engineering.
9 Q. And was your degree in mechanical engineering?
10 A. That's correct.
11 Q. Or were you licensed -- were you subsequently licensed
12 as a mechanical engineer anywhere?
13 A. My degree is in mechanical engineering.
14 Q. Did you subsequently obtain a license anywhere as a
15 mechanical engineer?
16 A. No, ma'am.
17 Q. And with your mechanical engineering degree, you began
18 working immediately at Chrysler?
19 A. I originally started working at the Chrysler facility,
20 but I was a contract engineer originally working
21 through a third-party contract house.
22 Q. And through that third-party contract house you were
23 assigned to Chrysler jobs as a mechanical engineer?
24 A. As a release engineer is what we call it, but yes, I
25 worked on site at Chrysler through a third party, yes.

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1 Q. Were you ever certified as a professional engineer or
2 PE?
3 A. No, ma'am.
4 Q. And when you called yourself a release engineer, what
5 does that mean?
6 A. A release engineer is responsible for the design and
7 development of components in a vehicle, and we call it
8 releasing because you're essentially releasing those
9 parts into the Chrysler system so that they can be
10 used for the manufacture of those components to be
11 used in their intended vehicles.
12 Q. Were any of those components involved in the fuel
13 system --
14 A. No, ma'am.
15 Q. -- that you worked on?
16 Did you ever work on any, in any capacity
17 on the fuel system of a vehicle?
18 A. No, ma'am.
19 Q. What parts, what component parts did you design or
20 develop as a release engineer when you began?
21 A. When I began in 1996, I worked on interior components,
22 specifically door, door trim assemblies and hard trim
23 assemblies.
24 Q. So are we talking about the interior doors of, of cars
25 or trucks, Jeeps; what are we talking about?

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1 A. At the time, the vehicle was specifically the 1998
2 Dodge Durango, and yes, we're talking about the
3 interior door panels.
4 Q. Were you a design engineer?
5 A. That's not really a term that we necessarily use. The
6 term that we use is release engineer, but I was
7 responsible for the design and release of those
8 components.
9 Q. When you say you're responsible for the design and
10 release, do you actually draw the design of interior
11 components of the Dodge Durango vehicle?
12 A. No, ma'am.
13 Q. Okay. So can you tell me hands-on what you actually
14 did as the release engineer?
15 A. Responsible for working with the actual designers to
16 develop the designs of those components. So
17 essentially you're responsible for overseeing and
18 guiding the design process and releasing those
19 components at different phases of the vehicle build.
20 Q. And I can appreciate that you said that you worked
21 with the actual design engineers, and I'm trying to
22 find out --
23 A. No, I didn't -- I didn't --
24 MS. JEFFREY: No, wait. Let her finish.
25 Go ahead. She froze up.

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1 BY MS. DeFILIPPO:
2 Q. I think your answer a minute ago was that you worked
3 with the actual design engineers, and I'm trying to
4 find out to be a little more specific, when you say
5 you worked with the actual design engineers, what did
6 you do with respect to them?
7 A. First of all, I didn't say I worked with the design
8 engineers. I said I worked with the designers. Those
9 are the individuals that work on the CATIA tube that
10 developed the drawings, themselves.
11 Q. You worked with the individuals who developed the
12 drawings?
13 A. That's correct.
14 Q. Okay. So what hands-on did you do in working with
15 those individuals that were developing the drawings;
16 what was your role?
17 A. I'm not sure I understand your question.
18 Q. Well, "worked with" is a very broad term. You said
19 you worked with them. What exactly more specifically
20 did you do in working with the people who developed
21 the designs?
22 A. As the release engineer, I was responsible for the
23 design and the release of those components. There was
24 a team of designers that I worked with to oversee and
25 guide the development of those components, the design

Page 19

1 of those components.
2 Q. Well, let me ask you then more specific questions. As
3 part of that job, did you change any of the designs
4 that the designers came up with or alter their
5 drawings in any way, or are we talking about a
6 management job?
7 A. I wouldn't consider it a management job. I was just a
8 release engineer at the time. So I'm not sure that I
9 understand your question specifically.
10 Q. Did you ever have an occasion as a release engineer to
11 alter a drawing that the designers presented to you?
12 A. At my direction as the release engineer responsible
13 for the design of those components, I guided the
14 designers to make changes to the designs so that we
15 could release them for production.
16 Q. Would you describe yourself as an engineering manager?
17 A. At that time?
18 Q. Yes.
19 A. Absolutely not.
20 Q. Were you working with suppliers of component parts to
21 Chrysler, or were you working directly with Chrysler
22 employees?
23 A. I would say both, primarily we worked with the supply
24 base, and we had internal designers as well as
25 designers that were located at the supplier's

Page 20

1 facility.
2 Q. Did you work on any other vehicles other than the
3 Durango?
4 A. During what period?
5 Q. During the period when you were a contract employee
6 working with Chrysler?
7 A. No, ma'am. My job was exclusively the 1998 Dodge
8 Durango.
9 Q. And did you ever work with anything other than the
10 interior doors as the contract employee?
11 A. As I indicated earlier and as the CV indicates, I
12 worked on what we refer to as the door trim and what
13 we also refer to as the hard trim.
14 Q. And all of that is interior trim?
15 A. That's correct.
16 Q. Now when did you -- when did your job as a contract
17 employee with Chrysler end?
18 A. I was converted to a direct employee in July of 1997.
19 Q. And what was your job in July of 1997?
20 A. As the CV indicates, I moved to Newark, Delaware where
21 I was responsible for interior componentry on the
22 Dodge Durango.
23 Q. Was that different than the door, interior door trim
24 component, components that you worked with prior to
25 1997 in July?

Page 21

1 A. The scope of the components that I worked on was
2 greater than what I worked on when I was a release
3 engineer but also was inclusive of the door trim and
4 the hard trim.
5 Q. So what other components did you work with once you
6 became or converted to a Chrysler employee?
7 A. Initially, as I recall, I had the hard trim, the door
8 trim and what we call overhead systems.
9 Q. What are overhead systems?
10 A. That would include components that are located on or
11 in what we refer to as the headliner, the material
12 that lines the roof of the vehicle.
13 Q. And how long were you in that particular position with
14 Chrysler?
15 A. I was located at Newark, Delaware for a period of two
16 years.
17 Q. Two?
18 A. Two years, yes.
19 Q. Two years, and what was your title during that time?
20 A. I had sort of two responsibilities while I was there.
21 I initially started as what we called a PVE engineer,
22 PVE stands for plant vehicle engineering, and then
23 approximately eight months into it, I was promoted to
24 what we called the plant vehicle engineering leader
25 for the interior system. So at that point, the

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1 responsibility was for all of the interior componentry
2 for the Dodge Durango.
3 Q. Did it include any other vehicle other than the Dodge
4 Durango, and by "it", I mean your responsibilities?
5 A. No, ma'am.
6 Q. Who did you report to at Newark, Delaware; who was
7 your supervisor?
8 A. When I was in the capacity of the plant vehicle
9 engineering leader for the interior systems, my
10 manager at the time, his name was Marion Boon.
11 Q. And how long during those two years was -- is it
12 Mr. Boon?
13 A. That's correct.
14 Q. Ms. Boon?
15 A. Mr. Boon.
16 Q. Mr. Boon, and how long was Mr. Boon your immediate
17 supervisor?
18 A. As I recall, it would have been from approximately
19 April of 2008 until the time that I left the assembly
20 plant which I recall being July of 1999.
21 Q. And what was your reason for leaving the assembly
22 plant in Newark, Delaware?
23 A. I had been asked to take another assignment back in
24 the Detroit area.
25 Q. Was it a promotion?

Page 23

1 A. It was not.
2 Q. And what was the reason for your being asked to move
3 to Detroit, if there was one?
4 A. Well, the what we called PVE assignment was a
5 development assignment for engineers, and typically
6 that assignment was targeted to last two years. So at
7 the end of that assignment, the engineers typically
8 rotate back into the engineering organization.
9 Q. So when you went back to Detroit, did your title
10 change?
11 A. Yes, ma'am.
12 Q. And what was your title at that time in 1999?
13 A. At that time I was a product engineer responsible for
14 sort of the upfront development work for the next
15 generation Dodge Durango, specifically interior
16 componentry.
17 Q. Did anything that you did as a product engineer for
18 the next generation Dodge Durango encompass safety
19 issues?
20 MS. JEFFREY: Object to form.
21 A. I'm not sure what you mean by "issues".
22 BY MS. DeFILIPPO:
23 Q. Did you have any responsibility to in any way ensure
24 safety with respect to the interior components of the
25 vehicle, the Dodge Durango that you worked on as a

Page 24

1 product engineer?
2 MS. JEFFREY: Object to form.
3 A. If I understand your question correctly, what you're
4 asking me is if I was involved in the development of
5 any interior components that had to comply with any
6 sort of safety standards. The answer is yes.
7 BY MS. DeFILIPPO:
8 Q. And what were they?
9 A. I certainly couldn't name them all today but, you
10 know, several of them would be FMVSS 302 which is, you
11 know, flammability standard, FMVSS 201 which is a head
12 impact criteria standard.
13 Q. The FMVSS 201 is a standard involving head impacts you
14 said?
15 A. Yes, ma'am.
16 Q. So it has to do with the, whether or not the vehicle
17 was crashworthy?
18 MS. JEFFREY: Object to form.
19 A. Are you looking for me to define crashworthy? I'm not
20 sure exactly what your question is.
21 BY MS. DeFILIPPO:
22 Q. Well, in your capacity as product engineer when you
23 were working with compliance issues and in particular
24 with FMVSS 201, would you agree that you were
25 determining whether or not the vehicle was crashworthy

Page 25

1 as per the FMVSS 201 standard?
2 MS. JEFFREY: I object to form.
3 A. My job was to make sure that the interior components
4 met the standards that applied to those components.
5 BY MS. DeFILIPPO:
6 Q. And the standards are government standards only?
7 A. Not always necessarily only government standards but
8 typically they're government standards globally, as
9 well as here in the U.S. that those components are
10 required to, to meet.
11 Q. Okay. And my question is -- let's just take, for
12 instance, head impact standard of FMVSS 201. Was
13 there any other standard that you as product engineer
14 had to meet other than the FMVSS 201 and standards of
15 other governments globally?
16 A. As I said before, the 201 and the 302 standard is a
17 subset of the entire set of standards that would have
18 to be complied to. If you're asking me to list all of
19 the standards that the components I was responsible
20 for had to meet, I couldn't do that today.
21 Q. Okay. What I'm really asking is apart from
22 governmental standards of any government, whether it
23 be our government, the U.S., or some other country,
24 did you meet any other standards from any other
25 organization, entity, or anyone at all other than

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1 governments?
2 MS. JEFFREY: You're including Chrysler
3 standards I assume?
4 MS. DeFILIPPO: No, I did not include and I
5 specifically did not include them, but if you want to
6 answer for him, you can go ahead.
7 A. Could you repeat the question for me? I'm not sure I
8 understand.
9 BY MS. DeFILIPPO:
10 Q. My question to you is -- I understand that you can't
11 recite all of the standards by title, but my question
12 is not that. My question is: Apart from government
13 standards, whatever they were, that you were as
14 product engineer responsible to comply with, were
15 there standards from any other place, organization,
16 entity, which you also had to comply with as product
17 engineer at Chrysler?
18 A. "Comply" is a fairly technical term, and my
19 interpretation of comply would be specific to
20 regulations that come from either a government agency,
21 either here or internationally.
22 Q. Okay. Were you responsible as product engineer for
23 Chrysler in meeting any other standards other than
24 governmental standards?
25 A. Yes, ma'am.

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1 Q. And what were they?
2 A. Again, I don't recall specifically by name or by
3 number, but there are material standards that apply
4 that typically come from the Society of Automotive
5 Engineering or a material standards organization, but
6 I simply couldn't list those today for you. This was,
7 you know, 10/12 years ago.
8 Q. And without listing these actual standards, you've
9 already indicated that they were promulgated at least
10 by one organization and that is the Society of
11 Automotive Engineering, correct?
12 A. As I recall, yes.
13 Q. Were there any other organizations or entities which
14 promulgated standards which you were required to meet
15 as product engineer for Chrysler?
16 A. Not that I recall. There may have been but not that I
17 recall.
18 Q. When you were product engineer or at any time that you
19 worked for Chrysler, did you ever do FMEA testing?
20 MS. JEFFREY: Object to form.
21 A. I'm not -- my understanding of an FMEA is that you
22 don't test an FMEA.
23 BY MS. DeFILIPPO:
24 Q. So for the record, FMEA stands for what, Mr. Dillon?
25 A. Failure Mode and Effects Analysis.

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1 Q. Did you ever do a Failure Mode Effects Analysis in
2 your capacity as a product engineer for Chrysler or at
3 any time you worked at Chrysler?
4 A. Yes.
5 Q. And what did you do a Failure Mode Effects Analysis
6 for?
7 A. Well, typically we would do as a release engineer an
8 FMEA for the component. So I believe that most of the
9 components that I worked on at that time had an FMEA.
10 Q. What's the purpose of doing an FMEA, a Failure Mode
11 Effects Analysis; why do you do that?
12 A. Well, an FMEA is identified -- is intended to identify
13 risks, the severity of that risk, the likelihood of
14 that risk ever occurring, and then you have the
15 opportunity to potentially identify design
16 enhancements that could be leveraged to mitigate those
17 risks.
18 Q. And when we talk about risks, we're talking about
19 risks to the ultimate consumer?
20 A. Risk of failure. It's not necessarily and
21 specifically risks to a consumer.
22 Q. Well, who would the risks be to if not who's
23 purchasing the product?
24 A. I'm not sure what you mean by risk specifically.
25 Q. Well, you used the term risks, so you said when you do

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1 a Failure Mode Effects Analysis for anything, you want
2 to do it to identify risks, the severity of them, the
3 likelihood of them occurring, and then you have an
4 opportunity to design to mitigate those risks. Are we
5 talking about risks to the ultimate buyer of the
6 product, the consumer?
7 A. In that context, what I mean by risk are risks to the
8 function of the component.
9 Q. Okay. So when you say risks to the function of the
10 component, are you talking about purely warranty
11 exposure to Chrysler?
12 MS. JEFFREY: Object to form.
13 A. No.
14 BY MS. DeFILIPPO:
15 Q. Is warranty exposure something you also take into
16 account when you're doing Failure Mode Effects
17 Analysis?
18 A. The function of the component, if in fact it didn't
19 function as intended, could have an impact on
20 warranty. So because of that relationship, the answer
21 is yes, but not directly.
22 Q. Okay. And would you also agree with me that if the
23 component or any part fails, it could also have an
24 impact on the safety of a consumer in a general sense?
25 MS. JEFFREY: Object to form.

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1 A. As the term FMEA suggests, it depends on the failure
2 mode.
3 BY MS. DeFILIPPO:
4 Q. Okay. And I'm not -- I'm not confining you to any
5 failure mode. My question is: Could, could the
6 results of an FMEA also have an effect on the safety
7 to consumers of the particular part that is analyzed?
8 A. Yes, ma'am.
9 Q. Now you also said that you were only as product
10 engineer in that capacity for I think, according to
11 your CV, for five years, correct?
12 A. Yes, ma'am.
13 Q. And after that you assumed a different position, but
14 that was also at Chrysler, correct?
15 A. It was at an entity that had the name Chrysler in it,
16 yes, that's correct.
17 Q. Are you referring to DaimlerChrysler?
18 A. Yes, ma'am.
19 Q. When was the merger with DaimlerChrysler?
20 MS. JEFFREY: Object to form.
21 A. I don't recall the date specifically that the merger
22 took place.
23 BY MS. DeFILIPPO:
24 Q. Okay. So that I'm clear and I don't have to ask you
25 again, is it fair to say that from the time that you

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1 converted to a Chrysler employee to the present, which
2 was in 1997 to the present time, you have continually
3 worked only at Chrysler or a Chrysler entity?
4 A. I've held positions over the last --
5 MR. STOCKWELL: Is there a horse in there.
6 BY MS. DeFILIPPO:
7 Q. I'm sorry. Go ahead.
8 A. Can you repeat the question, please?
9 Q. Is it fair to say that from 1997 when you converted
10 from a contract employee to a Chrysler employee, you
11 have worked continually as a Chrysler employee to the
12 present time?
13 A. I wouldn't necessarily characterize it like that.
14 I've held positions at several different companies
15 over the last 13/14 years. All of them have had the
16 name Chrysler contained within the entity name, but
17 the entities have changed over time.
18 Q. Can you tell me roughly when the merger occurred with
19 Daimler?
20 MS. JEFFREY: Object to form. There was no
21 merger.
22 BY MS. DeFILIPPO:
23 Q. What do you call it, Mr. Dillon, when there was
24 involvement with Daimler and Chrysler together; if you
25 don't call it a merger, what do you call it,

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1 Mr. Dillon?
2 A. I'm not a -- my background is not in business law or
3 anything like that, so I don't know what to call it.
4 Q. Well, when there was an affiliation between Chrysler
5 and Daimler, roughly when did that occur?
6 A. My understanding is that when the company's name
7 changed from Chrysler Corporation to DaimlerChrysler,
8 I believe that happened in November of 1997. I
9 believe so.
10 Q. All right. So now when you assumed a new position
11 after 2004, what was that position; you were called a
12 senior specialist?
13 A. That's correct.
14 Q. Is that an engineering position?
15 A. It's part of the engineering organization, yes, ma'am.
16 Q. Well, is it hands-on engineering work that you do as a
17 senior specialist?
18 MS. JEFFREY: Object to form.
19 A. I'm not sure what you mean by "hands-on".
20 BY MS. DeFILIPPO:
21 Q. Do you use the skills as an engineer that you learned
22 when you got your engineering degree as a senior
23 specialist?
24 A. Yes, ma'am.
25 Q. In what capacity do you use those skills as a senior

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1 specialist from 2004 to 2007?
2 A. Primarily understanding the, the chemistry and the
3 process of emissions, emissions reduction, etcetera,
4 in a vehicle.
5 Q. So do you actually work on the emissions of the
6 vehicle in any way hands-on --
7 MS. JEFFREY: Object to form.
8 BY MS. DeFILIPPO:
9 Q. -- as a senior specialist?
10 MS. JEFFREY: Sorry. Object to form.
11 A. Again, I'm not sure what you mean by "hands-on".
12 BY MS. DeFILIPPO:
13 Q. Well, do you design any of the emissions components --
14 A. No, ma'am.
15 Q. -- by drawing them or designing them in words?
16 A. No, ma'am.
17 Q. Okay. Did you actually work in the plant on the
18 emissions components --
19 A. No.
20 Q. -- as a senior specialist from 2004 to 2007?
21 A. No, ma'am, I did not.
22 Q. Did you have any direct design responsibility for any
23 of the emissions components as a senior specialist
24 from 2004 to 2007?
25 A. No, ma'am, I don't recall having that responsibility.

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1 no.
2 Q. So if you look at your CV under senior specialist 2004
3 to 2007, you indicate that you were responsible for
4 communicating DaimlerChrysler and industry positions
5 regarding state, federal, and international mobile
6 emissions policy and regulatory development. Who were
7 you responsible for communicating DaimlerChrysler and
8 industry positions to?
9 A. Well, I communicated internally within the company and
10 communicated externally as well with a number of
11 different entities, one of which would be the Alliance
12 of Automobile Manufacturers, as well as different
13 government agencies as appropriate.
14 Q. So did you interface with governmental -- United
15 States governmental agencies in the years 2004 to
16 2007?
17 A. From time to time, yes, I did.
18 Q. And it says as I continue reading that you were a
19 technical -- technical representation when
20 communicating with state and federal lawmakers,
21 including testimony at legislative hearings?
22 A. That's correct.
23 Q. Did you actually give testimony at legislative
24 hearings, you personally?
25 A. Yes, ma'am.

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1 Q. And did you prepare your testimony for legislative
2 hearings that you gave?
3 A. Generally I believe I did, yes.
4 Q. And did you prepare the testimony in writing?
5 A. I believe that the testimony was submitted in writing
6 subsequent to the actual testimony.
7 Q. And did you keep a file with copies of the written
8 testimony which was submitted prior to the actual
9 testimony being given?
10 A. We submitted the testimony subsequent to the actual
11 testimony.
12 Q. Okay. And did you keep a file of that actual
13 testimony?
14 A. I personally did not, no.
15 Q. Who did?
16 A. The testimony would have been stored on either my
17 computer or a group drive within that department at
18 the time.
19 Q. What department would that be?
20 A. What was the name of the department, is that the
21 question?
22 Q. Yes.
23 A. I'll probably botch it a little bit but generally the
24 name of the department was mobile emissions regulatory
25 development and policy.

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1 Q. Did any of the testimony or the written documents that
2 we've just referred to in the years of 2004 to 2007
3 encompass fuel systems or fuel system design or any
4 fuel system component?
5 A. The testimony specifically?
6 Q. Yes.
7 A. I don't recall if the testimony specifically referred
8 to standards as they applied to the fuel system.
9 Q. Well, I don't mean to confine you to standards. Was
10 any of the testimony about fuel systems, fuel system
11 design, fuel system components that you gave in the
12 years 2004 to 2007?
13 A. If I had testified regarding evaporative emissions
14 standards, the answer would be yes. However, I don't
15 recall if my testimony was specific to evaporative
16 standards or not.
17 Q. Is there such a thing within Chrysler as a PHR?
18 A. Yes, there is.
19 Q. And does that stand for personal history record?
20 A. That's a good question. I've not really memorized
21 that but I think it is personnel or personal history
22 record, yes.
23 Q. And is that different than the Dillon 1 that we've
24 marked for identification?
25 A. The general content shouldn't be any different.

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1 Q. Well, it's a different document; is that what you're
2 saying?
3 MS. JEFFREY: Object to form.
4 A. I guess I'm not sure what your question is. Is it a
5 different document? It's not really a document. It's
6 something that's maintained electronically.
7 BY MS. DeFILIPPO:
8 Q. Okay. So there's an electronic document called a PHR
9 with your name on it?
10 MS. JEFFREY: Object to form.
11 A. There is -- there is a PHR in Chrysler's personnel
12 system that has my employment history on it.
13 BY MS. DeFILIPPO:
14 Q. And you can print that out from your electronic
15 device, correct?
16 A. Yes, ma'am.
17 MS. DeFILIPPO: Okay. I'm just going to
18 make a request for that at this time, and we can
19 discuss it later.
20 BY MS. DeFILIPPO:
21 Q. You don't happen to have it with you, do you,
22 Mr. Dillon?
23 A. No, ma'am.
24 Q. Or access to it?
25 A. I don't.

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1 Q. After your position as senior specialist regulatory
2 environmental affairs ended in 2007, you assumed
3 another position within the Chrysler organization; is
4 that fair to say?
5 A. Yes, ma'am.
6 Q. And that position was manager core component strategy.
7 Can you just define what core component strategy is?
8 A. Essentially it's developing an approach to identifying
9 the most cost effective means by which we can procure
10 components for our vehicles.
11 Q. And does that mean in dealing with your suppliers, you
12 needed to know what resources were outside of Chrysler
13 to, to be cost effective in component parts?
14 A. I'm sorry, I don't understand the question.
15 Q. Well, are you dealing with component parts within the
16 company or as produced by suppliers outside of
17 Chrysler when you talk about being cost effective?
18 A. Generally speaking if I understand your question --
19 let me just take a step back.
20 Is your question was this strategy focused
21 on components that were manufactured by suppliers or
22 components that manufactured, that were manufactured
23 by Chrysler or both; is that your question?
24 Q. That's right, that's my question.
25 A. Okay. The strategy was focused on components that

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1 were primarily manufactured by a supplier external to
2 Chrysler.
3 Q. Did Chrysler or did you in your capacity as manager of
4 the core component strategy do any engineering designs
5 for suppliers to meet relative to these component
6 parts?
7 A. In that capacity I was not responsible for the design
8 of components.
9 Q. Did anyone who worked for you in that capacity at
10 Chrysler design or engineer the component parts to be
11 sent to the suppliers?
12 MS. JEFFREY: Object to form.
13 A. Did anyone that worked for me, were they responsible
14 for --
15 BY MS. DeFILIPPO:
16 Q. Let me rephrase it.
17 A. Okay.
18 Q. Let me rephrase it, okay, because maybe it wasn't
19 clear.
20 Did you have people working for you in your
21 capacity as manager of the core component strategy?
22 A. The responsibility was sort of across the entire
23 engineering organization. So we had a number of,
24 well, you know, a number of individuals that reported
25 through that function, but it was more of a dotted

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1 line relationship and not a direct report as I believe
2 you're indicating.
3 Q. Well, were any of the people that were part of the
4 core component strategy which were spread, I
5 understand, spread across engineering, were any of
6 those people actually doing designs or engineering
7 plans to be sent to outside suppliers to be followed
8 by them in supplying components to Chrysler?
9 A. Yes, ma'am.
10 Q. Okay. And were you involved in supervising those
11 individuals?
12 A. I didn't directly supervise the individuals that were
13 responsible for designing the components that we were
14 -- that were part of this activity.
15 Q. Do you know who was at that time back in 2007 to 2008?
16 A. As I stated earlier, it was an entire engineering
17 organization that participated in this activity, so
18 there would have been dozens of individuals who
19 supervised the engineers that were responsible for the
20 design activity of which I couldn't name at this point
21 today.
22 Q. And in your capacity as manager of the core component
23 strategy, you indicate that you reported to the
24 executive vice president tasked with identifying,
25 organizing and implementing the appropriate

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1 infrastructure. Who was that?
2 A. Well, the executive vice president wasn't my immediate
3 supervisor. There was a director that I reported to
4 who then officially reported to the executive vice
5 president.
6 Q. Okay. Who was the director that you reported to?
7 A. His name was Dennis Krozek.
8 Q. And what was his title, director of what?
9 A. At the time I believe his title was director of, I
10 believe, core component strategy.
11 Q. And the executive vice president that he reported to,
12 who was that in 2007 to 2008 when you were manager of
13 the core component strategy?
14 A. I apologize, I'm struggling for the last name. The
15 first name was Peter. I don't recall the last name.
16 Q. If you do recall at any time, just let us know, okay?
17 A. Yes, yes, ma'am.
18 Q. And did you work as manager of core component strategy
19 for a full year because I notice it's 2007 to 2008 but
20 there's no actual dates there?
21 A. I believe I took the assignment in March or April of
22 2007, and I moved to a different capacity in February
23 of 2008.
24 Q. Okay. Well, you have here January of 2008, right?
25 A. Yeah, that may be what's reflected in my PHR. I moved

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1 to China in February, so I probably changed
2 organizations in January, yes, ma'am.
3 Q. Okay. So your new job I guess you knew about in
4 January, and that took you to China for a year or so,
5 year-and-a-half?
6 A. That's correct.
7 Q. And was that a promotion?
8 A. I don't believe that it was.
9 Q. And is there a particular reason why you were chosen
10 to go to China?
11 A. I'm not aware of the reasons why I was chosen to go to
12 China.
13 Q. So your job there as vehicle development and program
14 management -- I don't know what you wrote there. It
15 says vehicle development and program management
16 responsible?
17 A. Yeah.
18 Q. What does that mean?
19 A. That means that --
20 Q. Is that a title? I'm looking for a title actually.
21 What was your title when you went to China?
22 A. I was the senior manager -- initially I was the senior
23 manager for vehicle development, and then during the
24 course of the 20 months, I eventually took over the
25 additional responsibility of local program management

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1 activities.
2 Q. Did you do any engineering as senior management of
3 vehicle development?
4 A. By the definition, it's a vehicle level holistic
5 development responsibility. I'm not sure specifically
6 how to answer your question.
7 Q. Well then, why don't you tell me what exactly you did
8 in vehicle development; what was your day-to-day life
9 like in China as senior manager of vehicle
10 development?
11 A. My specific responsibilities essentially were broken
12 into two categories for vehicle development. Number
13 one would be what we referred to at the time as
14 vehicle synthesis, and that's -- that group would act
15 as the voice of the customer and set vehicle
16 functional objectives in terms of customer
17 performance. There was another -- the other half of
18 that, if you will, is more of the, the science-based
19 activities where we look to ensure that the vehicle
20 meets -- we set functional objectives for and work
21 with our engineering colleagues to develop a vehicle
22 that achieves functional objectives relative to
23 dynamics, vehicle dynamics, NVH which stands for
24 noise, vibration, and harshness, vehicle impact
25 performance, as well as a number of other disciplines,

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1 including vehicle durability.
2 Q. So you talked about noise, vibration, and what was the
3 third thing?
4 A. Harshness.
5 Q. Harshness, what does that mean, harshness?
6 A. In customer terms, it's how the vehicle feels, how the
7 vehicle is perceived by the customer when they're
8 operating the vehicle.
9 Q. Where did you obtain information to make decisions as
10 to whether or not the vehicle met these -- the
11 criteria which you've just identified? In other
12 words, you said that you were the voice of the
13 customer on vehicle synthesis and you wanted to
14 determine how the vehicle handled or how the person
15 felt in the vehicle, etcetera. Where did you obtain
16 the information to help you make the decision that the
17 vehicle met your criteria?
18 A. Well, those would be either tests or vehicle
19 evaluations.
20 Q. Tests, what tests are you referring to?
21 A. There are a number of tests that would or could be
22 done in order to evaluate a specific functional
23 objective.
24 Q. So I think you also indicated that there was vehicle
25 impact performance that you addressed as part of your

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1 job as senior manager of vehicle development, correct?
2 A. I was responsible for the holistic development of the
3 vehicle which included impact tests. One thing --
4 Q. And did you --
5 A. I apologize.
6 Q. I'm sorry, go ahead.
7 A. I want to point out as well just to be clear,
8 unfortunately with, you know, Daimler or the Chrysler
9 group going bankrupt, the vehicle or vehicles that we
10 were working on never actually ended up in the market
11 in China with a Chrysler badge on it.
12 Q. With a -- I'm sorry, see just at the end of what
13 you're saying, I don't catch the tail end. Did you
14 say with a Chrysler badge on it; is that what you
15 said?
16 A. That's correct. Those vehicles never actually
17 launched as Chrysler vehicles because of the
18 bankruptcy.
19 Q. Did they have any names at the time when they were in
20 vehicle development in China?
21 A. No, they did not have names.
22 Q. So when you discussed what you were working on, did
23 you discuss them by number, or how did you identify
24 the vehicles you were -- that were in development in
25 China?

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1 A. They had a code that we referred to, but I don't
2 recall the specific code for those vehicles.
3 Q. Okay. I want to get back to the vehicle impact
4 portion of what you were doing, and you talked about
5 tests. Did you do any vehicle impact testing on these
6 vehicles in China?
7 A. Again, those vehicles didn't make it to the market, so
8 the answer is no, that we did not.
9 Q. Well, was there any testing done during the
10 development phase of the vehicles even though they
11 didn't make it to the market?
12 A. Chrysler --
13 Q. And I'm referring to impact testing.
14 A. As I recall, Chrysler group never performed any impact
15 testing specifically for those vehicles.
16 Q. What is the purpose or what was the purpose in doing
17 impact testing?
18 A. Again, Chrysler group didn't perform any impact tests
19 on those vehicles, so --
20 Q. Well --
21 A. The purpose of tests that didn't happen doesn't exist.
22 Q. Okay. But you did refer to some type of vehicle
23 impact responsibility that you had as senior manager
24 of vehicle development, correct?
25 A. Yes, ma'am.

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1 Q. So what exactly did you do to fulfill the vehicle
2 impact criteria --
3 MS. JEFFREY: Object to form.
4 BY MS. DeFILIPPO:
5 Q. -- that you described?
6 A. Well, I don't think I described any impact criteria
7 specifically, but in general, right, it's identifying
8 the functional objectives of the vehicle from an
9 impact perspective and working with the engineering
10 community specifically to design and develop the
11 vehicle and the systems that will achieve those
12 functional objectives.
13 Q. Well, is it fair to say that since there was no impact
14 testing ever done in China, that the functional
15 objectives of the vehicle from an impact perspective
16 was never identified in the vehicles in China?
17 A. No, it wouldn't be fair to say that. The functional
18 objectives were identified. The vehicle was being
19 tooled for production, and the bankruptcy of Chrysler
20 group interrupted that development process, and it
21 never proceeded beyond that point.
22 Q. So what were the functional objectives that were
23 identified in the vehicles from an impact perspective?
24 A. I don't recall all the specific functional objectives.
25 I don't have those with me, and frankly, they're

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1 likely not available.
2 Q. Can you name any?
3 A. Sure. One example would be, you know, in China they
4 use the European New Car Assessment Program for
5 evaluating the overall performance of a vehicle. So
6 that would be one example.
7 Q. Is there a term called NCAP?
8 A. NCAP?
9 Q. Right.
10 A. That would be the New Car Assessment Program.
11 Q. And that New Car -- that is a European standard?
12 MS. JEFFREY: Object to form.
13 A. Well, there -- there is a standard that applies and is
14 developed here in the U.S., and there is a separate --
15 standard probably isn't the right word by the way.
16 There is a separate test or series of tests that are
17 identified in Europe where they use essentially the
18 same name, NCAP, but they call it the Euro or European
19 New Car Assessment Program.
20 BY MS. DeFILIPPO:
21 Q. Is there impact testing in the NCAP?
22 A. Yes, ma'am.
23 Q. And is there car-to-car impact testing in the Euro
24 NCAP or was there?
25 A. Not that I recall.

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1 Q. Is there car-to-car testing in the NCAP in this
2 country?
3 A. I don't believe so.
4 Q. Is NCAP solely a term used by Chrysler?
5 A. It's not a Chrysler term.
6 Q. Does it generate from an organization outside of
7 Chrysler?
8 A. That is correct.
9 Q. And what organization is that?
10 A. I don't recall specifically.
11 Q. Is the testing in Europe -- does the testing in Europe
12 with respect to impact testing encompass offset impact
13 testing?
14 A. Again, I, I can't recite all of the tests nor the
15 impact modes for you today. That's not something that
16 I thought was going to be necessary today.
17 Q. I don't -- I'm not holding you to all of them. I'm
18 just asking specifically with respect to offset
19 impact, if you know or you recall?
20 A. I don't recall specifically whether or not there was
21 an impact test done with an offset, and I'm not sure
22 when you say an impact, I'm not sure from -- you know,
23 what kind of impact you're referring to.
24 Q. Does -- does NHTSA, the National Highway Traffic and
25 Safety Administration, use the New Car Assessment

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1 Program, NCAP?
2 A. Yeah, I believe they do, yes.
3 Q. And can you tell me and in what capacity?
4 A. I'm not sure I understand your question.
5 Q. In what way does NHTSA use NCAP?
6 A. The way I would characterize it is that -- and I don't
7 recall specifically. I believe -- the reason why I
8 said I am not sure, I believe it's a NHTSA program,
9 but I don't recall specifically, but setting that to
10 the side, assuming that they do, it essentially
11 characterizes the overall impact performance of the
12 vehicle.
13 Q. Mr. Dillon, is it true that you have been interfacing
14 with NHTSA relative to a petition which is presently
15 pending involving the Jeep Grand Cherokee?
16 A. I have not been interfacing with the agency regarding
17 a petition, no.
18 Q. Well, have you been writing to the agency with respect
19 to the petition?
20 A. I don't respond to petitions.
21 Q. Have you written any documents or letters in response
22 to the petition which is before NHTSA involving the
23 Jeep Grand Cherokee?
24 A. Again, my role is not to respond to petitions from an
25 outside entity that may be petitioning the agency. My

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1 role is to respond to investigations that are
2 initiated by the agency.
3 Q. What is a PE relative to NHTSA?
4 A. PE stands for preliminary evaluation.
5 MS. JEFFREY: Angel --
6 MS. DeFILIPPO: So is there -- go ahead,
7 I'm sorry. I didn't hear you.
8 MS. JEFFREY: Okay. No. I'm sorry. We've
9 been going for about an hour and 15 minutes, and our
10 lunch is here. I'd like to break when you get to a
11 good point. I'm not saying by any means this minute.
12 Go ahead and finish your line of questioning.
13 MS. DeFILIPPO: How about we give it until
14 12 and then we stop, okay?
15 MS. JEFFREY: That's fine.
16 MS. DeFILIPPO: It's about five or six
17 minutes.
18 BY MS. DeFILIPPO:
19 Q. I'm sorry, you said the PE was a preliminary
20 evaluation?
21 A. Yes, ma'am.
22 Q. Are you interfacing with NHTSA with respect to a PE in
23 connection with the Jeep Grand Cherokee?
24 A. Yes, ma'am.
25 Q. And you're doing that on behalf of Chrysler, correct?

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1 A. Yes, ma'am.
2 Q. And in interfacing with NHTSA relative to the PE, you
3 submitted documents to NHTSA in response, correct?
4 A. We submitted documents to NHTSA in response to an
5 information request that resulted from the preliminary
6 evaluation.
7 Q. Now when you say -- I noticed you changed my question
8 to "we". When you say "we", who do you mean by "we"?
9 A. Well, my role as senior manager of the product
10 investigations and recall team is to identify a team
11 of individuals that are knowledgeable of the subject
12 matter and the processes and the law and oversee that
13 team in developing that response and collecting, you
14 know, the information that's necessary to support that
15 response and making sure that it's both as sufficient
16 as possible and accurate as possible.
17 Q. So it's fair to say then that when you said "we", it's
18 the team of individuals that you identified, and they
19 are all individuals that are employed by Chrysler,
20 correct?
21 MS. JEFFREY: Object to form.
22 A. The team is not always individuals that are directly
23 employed by Chrysler.
24 BY MS. DeFILIPPO:
25 Q. Okay. Well then, can you tell me with respect to the

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1 Jeep PE which is currently before NHTSA who by either
2 name or identification encompass your team?
3 A. I had a gentleman from my staff that was assigned to
4 that team. His name is Mike Royek. There was another
5 gentleman that was assigned to the team from our
6 product analysis group. His name is Dan Crimmins.
7 Also part of that team was a representative from our
8 Office of General Counsel. We had a gentleman that we
9 employed who was a statistical expert from a company
10 called Exponent. His name is Paul Davis, correct --
11 no -- why am I having a problem with that. Paul -- I
12 cannot recall his last name. I apologize.
13 Q. Is his name Taylor?
14 A. Thank you, yes, Paul Taylor. And there was a
15 gentleman that works with us closely on investigations
16 like this from Miller Canfield. His name is Brian
17 Westenberg.
18 Q. Is he a lawyer?
19 A. He is, yes, ma'am.
20 Q. And he's there with you today?
21 A. He is, yes. In addition to those folks, I'd probably
22 be remiss if I didn't identify the subject matter
23 specialist, if you will, specifically Mike Teets.
24 Mike Teets was involved in the development and release
25 and design of the fuel systems at that time, and the

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1 other gentleman that I specifically recall is Ed
2 Zyluk. Ed Zyluk at the time was involved in the
3 impact development. He was a test engineer for the
4 vehicle.
5 Q. Did you say that you had someone from product
6 analysis?
7 A. Yes, ma'am.
8 Q. And who did you say that was?
9 A. I apologize if I didn't mention that. His name is Dan
10 Crimmins.
11 Q. And is he an attorney?
12 A. No, ma'am.
13 Q. Is product analysis part of the General Counsel's
14 office at Chrysler?
15 A. No, it is not.
16 Q. And Mike Royek?
17 A. That's correct.
18 Q. Where is he from?
19 A. He's on my staff.
20 Q. So he is from product investigations?
21 A. Yes, ma'am.
22 Q. That part of the company. What -- what part or
23 division of the company is product analysis from?
24 A. That's part of the engineering organization.
25 Q. It's part of engineering?

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1 A. Yes, ma'am.
2 Q. So is Dan Crimmins an engineer?
3 A. That's my understanding.
4 Q. And who is Mr. Crimmins' supervisor?
5 A. Who is his supervisor? I'm not sure if he has a
6 supervisor between -- if there's a supervisor between
7 Dan and his manager. I'm not sure who his direct
8 supervisor is.
9 Q. Well, who does he report to --
10 A. Again, I'm not --
11 Q. -- if you know?
12 A. I'm not certain who his direct supervisor is.
13 Q. With respect to your team, what exactly does Dan
14 Crimmins do for this team?
15 A. Dan provided technical support and support in terms of
16 gathering information related to the design history,
17 the test history and helped us get some of the
18 pictures that we had to take of the underbody of the
19 different iterations of the Jeep Grand Cherokee.
20 Q. While we're on that, did Dan give you the engineering
21 drawings for the Grand Cherokee in the different
22 iterations?
23 A. That was one of the specific tasks that was assigned
24 to Dan simply because the history had gone so far
25 back, the product analysis team has folks available to

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1 them that can reach into the old records, if you will,
2 and extract those design records.
3 Q. And I believe we made a request, and by "we" I mean
4 the plaintiffs in this case, for the engineering
5 drawings, and I'm just going to reiterate the request
6 since you have access to them in relation to this
7 petition, correct?
8 A. Well, there were a lot of them that simply weren't
9 available at the time. There were a few, however,
10 that were still available.
11 MS. JEFFREY: And just let me represent --
12 MS. DeFILIPPO: Okay, and I --
13 MS. JEFFREY: Let me represent for the
14 record that we did produce the available engineering
15 drawings.
16 MS. DeFILIPPO: Well, if you did and
17 they're on the unopened -- the portion of the disk
18 that couldn't be opened, I'd just ask that you send
19 them in hard copy.
20 MS. JEFFREY: First of all --
21 MS. De FILIPPO: How hard can that be?
22 MS. JEFFREY: Angel, what disk are you
23 talking about?
24 MS. DeFILIPPO: Sheila, I don't want to --
25 I don't want to get into it. I'll get into it with

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1 you later, but --
2 MS. JEFFREY: Okay. No. If you're talking
3 about the disk with the docket materials, the
4 engineering drawings were not submitted to the docket.
5 We produced the engineering drawings two years ago.
6 MS. DeFILIPPO: No. I asked for the
7 engineering drawings, and I haven't received them yet,
8 so I'm just making a re-request for them.
9 MS. JEFFREY: Okay, and I'm representing
10 that you have received them in the summer of 2010.
11 MS. DeFILIPPO: Okay. Well, you don't have
12 that many of them. How hard could it be to send them
13 in hard copy?
14 MS. JEFFREY: We don't have them in hard
15 copy. They are maintained electronically. We
16 produced them in the form in which they were
17 maintained which was appropriate under New Jersey
18 Rules I'm told.
19 MS. DeFILIPPO: I don't think that's
20 correct. I think it's appropriate to send everything
21 under New Jersey Rules in hard copy.
22 MS. JEFFREY: Not if we don't maintain it
23 in that way. Chrysler Group does not maintain the
24 engineering drawings in hard copy and will not produce
25 them in --

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1 MS. DeFILIPPO: Can you print them? My
2 question is, can you print them?
3 MS. JEFFREY: We produced them in the form
4 in which we maintain them. You can print them as
5 easily as we can.
6 MS. DeFILIPPO: Well then, I'm asking you
7 to print them and send them because I can't print them
8 is what I'm saying.
9 MS. JEFFREY: Then you should go to
10 Kinko's.
11 MS. DeFILIPPO: No.
12 BY MS. DeFILIPPO:
13 Q. Mr. Dillon, did you print out the engineering drawings
14 at any time, or do you just use them on the internet
15 or electronically?
16 A. We simply review them electronically. We didn't print
17 them.
18 Q. And did you submit these drawings to NHTSA in
19 connection with the PE for the Jeep?
20 A. The PE requested that we submit historical drawings of
21 those components as I recall, and as a result, we
22 submitted them to the agency.
23 Q. And did you submit them electronically?
24 A. Yes, ma'am.
25 MS. DE FILIPPO: Okay. Well, I'm going to

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1 reiterate my request to have them printed out and
2 sent, and we can argue later. I don't want to take
3 any more time with it. If you want to do lunch now,
4 you certainly are willing -- I mean, I'm certainly
5 willing to stop for a half hour.
6 MS. JEFFREY: Okay. So we'll reconvene at
7 12:30?
8 MS. DeFILIPPO: 12:30, yes.
9 MS. JEFFREY: Sounds good.
10 MS. DeFILIPPO: Okay.
11 (Lunch recess taken at 12:02 p.m.)
12 (Back on the record at 12:38 p.m.)
13 BY MS. DeFILIPPO:
14 Q. Mr. Dillon, we stopped at your stint that you did in
15 China, and I believe you were there until October of
16 2009 as per Dillon 1, your CV, correct?
17 A. That's correct.
18 Q. And then after that, you came back from China and went
19 to Auburn Hills, Michigan in October of 2009 where you
20 have been until the present time, correct?
21 A. That's correct.
22 Q. And your position -- again, you're going to have to
23 keep your voice up because, again, we're having some
24 technical issue here.
25 A. Sorry about that.

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1 Q. That's okay. And your position when you came back was
2 different than it was in the past. You have here
3 product investigations and campaigns responsible.
4 What was your title in October of 2009 and to the
5 present time?
6 A. Senior manager of product investigations and recall
7 administration.
8 Q. Okay. And you've been in that capacity since October
9 to date, correct?
10 A. Yes, ma'am.
11 Q. And was that a promotion from your, from your job in
12 China --
13 A. Yes, ma'am.
14 Q. -- where you were senior manager of vehicle
15 development, correct?
16 A. That's correct.
17 Q. And who is your immediate supervisor as senior manager
18 of product investigations and recall?
19 A. His name is Reginald Modlin.
20 Q. Can you spell the last name for me?
21 A. M-O-D-L-I-N.
22 Q. And was he always your immediate supervisor from '09
23 to the present time?
24 A. Yes, ma'am.
25 (Off the record at 12:40 p.m.)

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1 (Back on the record at 12:40 p.m.)
2 BY MS. DeFILIPPO:
3 Q. Prior to coming here today, Mr. Dillon, did you review
4 any documents?
5 A. Yes.
6 Q. And can you just enumerate what they were?
7 A. The documents that I reviewed were the documents
8 associated with the PE 10-031 from NHTSA.
9 MS. DeFILIPPO: Okay. I didn't catch
10 anything after the word PE. Can the court reporter
11 read that back for me?
12 (The requested portion of the record was
13 read by the reporter at 12:41 p.m. as
14 follows:
15 "Answer: The documents that I reviewed
16 were the documents associated with the PE
17 10-031 from NHTSA.")
18 MS. DeFILIPPO: Thank you.
19 BY MS. DeFILIPPO:
20 Q. And those documents, can you just recite for me a date
21 for each of the documents and who authored them that
22 you reviewed?
23 A. As I recall, I'd have to -- can I look?
24 MS. JEFFREY: Do you want --
25 BY MS. DeFILIPPO:

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1 Q. Yes, I don't care if you refer to the documents. You
2 may.
3 A. Specifically there were two responses. The response
4 to the information request from NHTSA was broken up
5 into two pieces. The initial submission was provided
6 on October 15th of 2010. The second submission, as I
7 recall, was provided on November 12th of 2010.
8 Q. And were these documents authored by you?
9 A. I didn't author every single word within the document.
10 It was a team where we authored the document together,
11 but I'm responsible for the document myself.
12 Q. Was there a cover letter sent to NHTSA with these
13 documents?
14 A. Yes, ma'am.
15 Q. And was the cover letter signed by you?
16 A. Yes, ma'am.
17 Q. And you're indicating that you're responsible for all
18 of the material within the documents?
19 A. I'm responsible for making sure that they're factual
20 and -- well, factual.
21 Q. The last part of what you said, again, I didn't catch,
22 factual and --
23 A. I just repeated myself. My responsibility is to make
24 sure that our response is as thorough as possible and,
25 in fact, factual.

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1 Q. So let me just make sure I understand you. Prior to
2 coming to this deposition today, the only documents
3 you reviewed were the two responses that you provided
4 to NHTSA in association with PE 10-031?
5 A. Those are the two primary documents that I reviewed.
6 There may have been one or two others, but by name I
7 couldn't point them out.
8 Q. Did you review any other documents that were submitted
9 to NHTSA by the Center for Auto Safety or any other
10 individual in connection with PE 10-031?
11 A. I'm aware of a number of letters and some information
12 that's been provided to NHTSA from CAS, and I recall
13 reviewing some of that information but certainly not
14 all of it.
15 Q. Okay. When you say you're aware, does that mean you
16 received and read documents submitted by CAS at some
17 point in time but may not have reviewed them prior to
18 coming to this deposition?
19 A. I apologize if I seem ambiguous. I know that there
20 were a number of documents submitted to the docket
21 from the Center for Auto Safety. I reviewed some of
22 those but not all of them.
23 Q. Did Chrysler review all of them, someone at Chrysler?
24 A. At some point I'm sure that someone, in fact, has
25 reviewed most, perhaps not all of the documents

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1 submitted, but I couldn't tell you who exactly
2 reviewed them, but I reviewed at some point in time
3 most of the information that's been submitted by the
4 CAS.
5 Q. Have you responded to any of the documents that were
6 submitted by anyone else to NHTSA, you or your team?
7 A. Have I -- can you repeat the question, please?
8 Q. Have you responded to any of the documents that were
9 submitted by others to NHTSA relative to PE 10-031,
10 you or your team responded?
11 A. I have not responded to -- if I understand what you're
12 asking me, this is my understanding of what you're
13 asking me, if there was information submitted to NHTSA
14 from an outside entity and whether or not we responded
15 to NHTSA regarding that submission.
16 Q. Correct.
17 A. I don't believe that we made an effort to respond
18 directly to any information that was submitted to the
19 NHTSA.
20 Q. Are you including the Center for Auto Safety as an
21 outside entity in your answer?
22 A. They're not part of the NHTSA. Yes, they're an
23 outside entity.
24 Q. So have you received any letters from NHTSA or a NHTSA
25 attorney requesting that you respond to information

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1 supplied by any of the outside people other than
2 Chrysler in connection with PE 10-031?
3 A. No, not that I recall.
4 Q. Mr. Dillon, have you ever spoken directly with anyone
5 from the Center for Auto Safety?
6 A. In person I have not had a conversation with anyone
7 from the Center for Auto Safety.
8 Q. Have you spoken to anyone from the Center for Auto
9 Safety by any other means other than in person,
10 whether it be electronically, telephonically, or any
11 other way?
12 A. There was a letter that was written and submitted by
13 the CAS to Chrysler specifically to our CEO,
14 Mr. Marchionne, which I was made aware of and we, in
15 fact, developed a letter back to the CAS in response.
16 Q. Do you have a copy of that letter with you that the
17 CAS wrote to Marchionne?
18 A. I don't have that letter with me, no.
19 Q. And can you tell me whether or not a copy exists
20 through your attorney right now of that letter?
21 THE WITNESS: Is there a copy available
22 through my attorney?
23 MS. JEFFREY: No.
24 A. No.
25 BY MS. DeFILIPPO:

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1 Q. Do you know the date of that letter?
2 A. I don't recall the date of that letter, no, ma'am.
3 Q. Was the gist of that letter that the Center for Auto
4 Safety was requesting that the chairman of Chrysler
5 take responsibility for a Jeep defect as indicated by
6 the petition 10-031?
7 MR. STOCKWELL: Object to the form.
8 MS. JEFFREY: Join.
9 A. I would have to review and refamiliarize myself with
10 that letter to make any statements.
11 MS. JEFFREY: Angel, do you have it there?
12 Can you fax it over?
13 MS. DeFILIPPO: Can you tell -- I'm
14 sorry -- I didn't hear you, Sheila.
15 MS. JEFFREY: If you have it, could you fax
16 it over so he can look at it?
17 MS. DeFILIPPO: I don't know if I have that
18 document right now. I'd have to look for it but to
19 save time --
20 MS. JEFFREY: Well, without being able to
21 see it, I don't know how he can respond, but go ahead.
22 MS. DeFILIPPO: Well, that's fine.
23 BY MS. DeFILIPPO:
24 Q. Relative to your reference to that letter that CAS
25 wrote to Marchionne that you already testified that

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1 you read, can you recall the general gist, not
2 specifics or exactly, but generally what the letter
3 was about?
4 A. Again, I wouldn't want to misrepresent what was said
5 in that letter without having the opportunity to take
6 a quick look at that, no.
7 Q. Do you have any understanding as you sit here today as
8 to what the Center for Auto Safety was writing about?
9 MS. JEFFREY: He just answered that but go
10 ahead.
11 A. Well, the topic --
12 BY MS. DeFILIPPO:
13 Q. You can answer.
14 A. The topic is 1993 through 2004 model year Jeep Grand
15 Cherokees.
16 MS. DeFILIPPO: Okay. I just found the
17 letter. I found a letter. I'm going to show you what
18 we'll fax or we'll send over to you. I guess we have
19 to fax it.
20 MS. JEFFREY: Yeah, I mean, or email it,
21 scan and email it.
22 MS. DeFILIPPO: Or we can do it with this
23 gizmo that we have here. What's your email there?
24 MS. JEFFREY: Who should I send it to?
25 MR. WESTENBERG: Fax it.

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1 MS. JEFFREY: Fax it.
2 MS. DeFILIPPO: He took my fax page, you
3 know, the guy who was here.
4 (Off the record at 12:51 p.m.)
5 (Back on the record at 12:51 p.m.)
6 MS. DeFILIPPO: Give us your fax again
7 because the technician took the fax that I had written
8 of yours. Can you give us that again?
9 MS. JEFFREY: It's 248.879.2001.
10 MS. DeFILIPPO: Okay. Rather than take any
11 time, I'm going to move forward and we'll come back to
12 that.
13 BY MS. DeFILIPPO:
14 Q. With respect to that document, however, that you know
15 came from the Center for Auto Safety, I think you
16 testified that there was a response to that document,
17 correct?
18 A. Yes, ma'am.
19 Q. And was that response directly to the Center for Auto
20 Safety?
21 A. As I recall, yes, that's correct.
22 Q. Do you have a copy of that response?
23 MS. JEFFREY: I have a copy of it.
24 A. My understanding is that our attorney has a copy of
25 that response.

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1 MS. DeFILIPPO: And do you have it with you
2 now?
3 MS. JEFFREY: Yes. We should --
4 MS. DeFILIPPO: Can you fax that to us,
5 Sheila?
6 MS. JEFFREY: What's your fax number?
7 MS. DeFILIPPO: We need our fax number
8 here. We'll get it. Okay. I'll move on with it.
9 BY MS. DeFILIPPO:
10 Q. Mr. Dillon, did you in any of the responses that you
11 submitted on behalf of Chrysler to NHTSA, did you ever
12 ask NHTSA to close the preliminary evaluation?
13 A. I don't believe that we asked the NHTSA to close the
14 investigation.
15 Q. Did you ever ask NHTSA to cease working on the
16 investigation?
17 A. I don't believe that we asked NHTSA to stop working on
18 the investigation.
19 Q. Did you ever ask NHTSA to terminate the investigation?
20 A. I don't believe we asked NHTSA to terminate the
21 investigation.
22 Q. Did you request NHTSA to do anything with respect to
23 the investigation, did you make a request in any of
24 the documents?
25 A. I don't believe that we requested the agency to take

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1 any particular action.
2 Q. The two documents that you made reference to was one
3 was an October 15th, 2010 document, and I believe it
4 was written to a Mr. Scott Yon, Chief of Vehicle
5 Integrity Division of the National Department of
6 Highway Transportation Safety Administration; is that
7 correct?
8 A. What's the date on the document that you're referring
9 to?
10 Q. October 15th. October 15th, 2010.
11 A. Okay. I have that.
12 Q. Do you have a copy of that letter in front of you?
13 A. Dated October of 2010?
14 Q. October 15th -- I'm sorry -- October 15th, 2010.
15 A. Yes, ma'am.
16 Q. Okay. And did you ever sign a letter stating that the
17 Jeep Grand Cherokee was not defective and that on that
18 basis, NHTSA should close preliminary evaluation
19 10-031?
20 A. I, yes, I signed a letter that expressed Chrysler's
21 opinion that there was not a defect in that and that
22 NHTSA should close the investigation.
23 Q. And what letter -- what was the date of that letter?
24 A. Well, I believe that letter is dated November 12th,
25 2010.

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1 Q. So is that the letter that you referred to earlier as
2 the only other submission apart from the October 15th,
3 2010 letter that you sent to NHTSA?
4 A. Yeah. You actually remind me of something. There
5 were more than two pieces of information that was
6 submitted. There was the two portions of the
7 response, and then I believe later we submitted a
8 presentation that was made. So I didn't mean to
9 mislead you and allow you to think that there are only
10 two pieces of information. There were two responses,
11 two portions of the response to the information
12 request.
13 Q. One portion of the response was sent under cover of
14 October 15th, 2010, correct?
15 A. Yes, ma'am.
16 Q. And the other portion of the response was sent under
17 cover of November 12th, 2010, correct?
18 A. That's correct, yes, ma'am.
19 Q. And as part of the November 12th, 2010 letter -- and
20 I'm looking at Page 22 of 22, if you have it in front
21 of you. I think we'll mark the letter Page 22 of 22
22 Dillon 2.
23 MS. JEFFREY: The entire 22 pages or you
24 just want that page?
25 MS. DeFILIPPO: The entire 22 pages

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1 Dillon 2, the entire letter.
2 MS. JEFFREY: All right. Hold on and let
3 me find it, please.
4 (Off the record at 12:59 p.m.)
5 (Back on the record at 12:59 p.m.)
6 MARKED FOR IDENTIFICATION:
7 DEPOSITION EXHIBIT 2
8 12:59 p.m.
9 BY MS. DeFILIPPO:
10 Q. Do you have it?
11 A. I do.
12 Q. Okay. By the way, this preliminary -- this letter
13 which encloses the preliminary statement of 22 pages,
14 the preliminary statement, itself, was not signed by
15 you; is that correct?
16 A. So there is a package of which is a 22-page document,
17 and in addition to that 22-page document is the cover
18 letter that goes along with that.
19 Q. Okay. And in addition to the 22-page document and the
20 cover letter dated November 12th, 2010 which is
21 signed, is there a signature page to the 22-page
22 document apart from the cover letter?
23 MS. JEFFREY: Is the cover letter part of
24 Dillon 2? I have that as the first page.
25 MS. DeFILIPPO: Yes, I have that as the

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1 first page also.
2 MS. JEFFREY: Okay, that's fine.
3 MS. DeFILIPPO: But that does not start
4 with Page 1. That's what I'm trying to clarify.
5 MS. JEFFREY: Yeah.
6 MR. FUSCO: I just wanted to make sure.
7 BY MS. DeFILIPPO:
8 Q. So is there a signature page for the 22-page document
9 which is a part of the packet that you enclosed with
10 the November 12, 2010 letter? Am I missing a
11 signature page is my question because I don't have
12 one?
13 A. There's only one document. The document is a cover
14 sheet followed by 22 pages of a response.
15 Q. Okay. Is it fair to say that the signature page then
16 is the November 12th cover document; that is the
17 signature page to the 22-page document, do you agree
18 with me?
19 MS. JEFFREY: Just object to form on what
20 you mean by signature page.
21 A. This is the cover letter for the, let's call it
22 23-page-in-total response, the second portion of the
23 response to the information request received from
24 NHTSA.
25 BY MS. DeFILIPPO:

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1 Q. And you signed off on the 23 pages, correct, you
2 personally?
3 A. Yes, ma'am.
4 Q. And on Page 22, you indicate, and correct me if I'm
5 wrong: Accordingly, Chrysler Group has concluded that
6 the 1993-2004 Jeep Grand Cherokee vehicles are neither
7 defective nor do their fuel systems pose an
8 unreasonable risk to motor vehicle safety in rear
9 impact collisions. Chrysler Group believes this
10 investigation should be closed.
11 That's your statement, correct, on behalf
12 of Chrysler?
13 A. Yes, ma'am.
14 Q. So when I asked you originally if you ever asked that
15 NHTSA close the investigation, I believe now your
16 testimony is you did ask?
17 A. I did not make a request of the agency to close the
18 investigation.
19 MR. STOCKWELL: Object to form.
20 MS. JEFFREY: And I join.
21 (Discussion off the record at 1:02 p.m.)
22 (Back on the record at 1:03 p.m.)
23 BY MS. DeFILIPPO:
24 Q. Are you saying, Mr. Dillon, that the statement where
25 you indicate, quote, Chrysler Group believes this

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1 investigation should be closed, is not a request which
2 you made to NHTSA to close the investigation
3 preliminary evaluation 10-031; is that what you're
4 saying?
5 A. That's correct, that is not a request.
6 Q. Okay. How would you characterize that sentence if not
7 a request? Are you asking NHTSA to do something or
8 are you just advising NHTSA?
9 MR. STOCKWELL: Or something else.
10 A. As the sentence reads, it is Chrysler's belief.
11 BY MS. DeFILIPPO:
12 Q. But then the sentence goes on and says: This
13 investigation should be closed.
14 Who can close the investigation if not
15 NHTSA?
16 MS. JEFFREY: Okay. I'm objecting to form
17 because you can't read the last four words of that as
18 the entire sentence. It starts: Chrysler Group
19 believes.
20 MS. DeFILIPPO: Okay. I'll read the entire
21 sentence.
22 BY MS. DeFILIPPO:
23 Q. I'll read the entire sentence. It states: Chrysler
24 Group believes this investigation should be closed.
25 Who would close this investigation if not

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1 NHTSA?
2 MR. FUSCO: That's a different question.
3 A. Well, that's a slightly different question as I
4 understand it. What you asked me before is whether or
5 not we requested the agency to close the
6 investigation. What that sentence states is
7 Chrysler's belief that the investigation should be
8 closed. It's not a request.
9 BY MS. DeFILIPPO:
10 Q. So you don't want NHTSA to close the investigation;
11 Chrysler does not want NHTSA to close the
12 investigation?
13 MS. JEFFREY: Object to form.
14 MR. STOCKWELL: We'll join in that
15 objection.
16 BY MS. DeFILIPPO:
17 Q. Is that fair?
18 A. Chrysler's belief is that neither the test history nor
19 the field data demonstrates that there is a defect
20 with the vehicle and, therefore, the investigation
21 should be closed.
22 Q. Does Chrysler want NHTSA to close the investigation?
23 MR. STOCKWELL: Object to the form.
24 A. I don't have a desire either way at this point.
25 NHTSA's responsibility is to review the data and make

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1 their own determination.
2 BY MS. DeFILIPPO:
3 Q. So are you saying "I" on behalf of Chrysler?
4 A. At that point I'm stating my own personal opinion.
5 Q. Okay. Do you know if Chrysler wants NHTSA to close
6 the investigation?
7 A. I'm not aware of any conversations pertaining to a
8 desire for Chrysler to make a determination either
9 way --
10 MS. JEFFREY: NHTSA.
11 A. -- excuse me, NHTSA to make a determination either
12 way. Our responsibility is to provide the information
13 that NHTSA has requested and in our assessment state
14 our belief.
15 MS. DeFILIPPO: Can we read that back,
16 please because we're having some technical issues
17 here.
18 (The requested portion of the record was
19 read by the reporter at 1:07 p.m. as
20 follows:
21 "Answer: I'm not aware of any
22 conversations pertaining to a desire for
23 Chrysler to make a determination either
24 way -- excuse me -- NHTSA to make a
25 determination either way. Our

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1 responsibility is to provide the
2 information that NHTSA has requested and in
3 our assessment state our belief.")
4 BY MS. DeFILIPPO:
5 Q. Since authoring your letter of November 12th, 2010,
6 can you tell me, have you been following or has
7 Chrysler been following the information regarding
8 rear-end fire deaths?
9 MS. JEFFREY: Object to form.
10 MR. STOCKWELL: Object to the form.
11 MS. JEFFREY: What do you mean by "the
12 information"?
13 Do you know what she means?
14 THE WITNESS: I don't.
15 MS. DeFILIPPO: Mr. Dillon, let's go back
16 to what you submitted to NHTSA. When you submitted
17 your packet on October 15th, let's just make sure I
18 know what was in that packet, and we'll mark it Dillon
19 3, the cover letter of October 15th, 2010 of today's
20 date which is 12-21.
21 MARKED FOR IDENTIFICATION:
22 DEPOSITION EXHIBIT 3
23 1:08 p.m.
24 BY MS. DeFILIPPO:
25 Q. On 12-21-11 you sent a cover letter which is signed by

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1 you, and underneath your signature there's the words
2 attachment and enclosures; is that a fair statement?
3 MS. JEFFREY: You just said 12-21-11.
4 MS. DeFILIPPO: No. That's what we marked
5 it.
6 MS. JEFFREY: All right. Sorry. Confused.
7 BY MS. DeFILIPPO:
8 Q. In your October 15th, 2010 letter to Scott Yon, you
9 signed the letter David Dillon, and underneath your
10 signature are the words attachment and enclosures,
11 correct?
12 A. Yes, ma'am.
13 Q. Tell me what else is in the packet besides the cover
14 letter of October 15th --
15 A. I'm sorry. There's another discussion going on. I
16 apologize.
17 MS. JEFFREY: We just wanted to make sure
18 that on your end Dillon 3 includes the cover letter
19 and Page 1 of 19 attachment -- I'm sorry -- Page 1 of
20 9.
21 MS. DeFILIPPO: I'm trying to ask you what
22 it includes. I'm asking him so you don't have to
23 worry. I'm going to make a clear record.
24 BY MS. DeFILIPPO:
25 Q. So Dillon 3, I've marked the cover letter of

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1 October 15th, 2010, and underneath your signature says
2 attachment and enclosures which indicates to me that
3 there's a packet that you sent with the cover letter,
4 correct?
5 A. There are attachments and enclosures that are in
6 addition to the in total 10-page response, the cover
7 letter and Page 1 through 9.
8 Q. Okay. And that's all you submitted on October 15th of
9 2010, correct?
10 MS. JEFFREY: Object to form. By "all" do
11 you mean the enclosures as well, or are you just
12 referring to this 10-page document?
13 MS. DeFILIPPO: Well, where are the
14 enclosures?
15 MS. JEFFREY: Some of them were given to
16 you by the dealer.
17 MS. DeFILIPPO: I'm sorry, I didn't hear
18 what you said. I want to enumerate what was sent with
19 this Dillon 3.
20 BY MS. DeFILIPPO:
21 Q. So now you've told me with Dillon 3 there's a cover
22 letter and nine pages, correct?
23 A. I apologize if I misled you. You asked me about the
24 cover letter that referenced attachments and
25 enclosures and the nine-page document that follows. I

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1 refer to that as the response, that 10-page document.
2 Perhaps you could send me --
3 Q. What went with the 10 pages? What did you send to
4 NHTSA with the 10-page document, if anything?
5 A. In addition to the 10-page document, there were, in
6 fact, additional enclosures and attachments that are,
7 in fact, referenced within the numbered responses
8 contained in Pages 1 through 9.
9 Q. Okay. I want to make sure that I have all the
10 documents that you submitted on October 15th, 2010.
11 So could you run through for me what the attachments
12 and enclosures were?
13 MS. JEFFREY: And just let me interject for
14 the record, we did produce everything except the
15 confidential portions of the docket. So you don't
16 have the confidential portions of the docket; you have
17 the nonconfidential portions. The letter refers in
18 some places to confidential documents. So anyway, go
19 ahead. He can read through it and tell you what the
20 enclosures are. Take your time.
21 MS. DeFILIPPO: Well, wait. I don't quite
22 understand why we're talking about confidential
23 documents when we signed a protective order. I mean,
24 I thought we were entitled to get confidential
25 documents because we signed a protective order. If

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1 I'm wrong, then we'll argue it later. I don't want to
2 take the time now. Is it your position that, that in
3 this matter, Kline versus Chrysler, et al, we are not
4 entitled to confidential documents after having signed
5 a protective order?
6 MS. JEFFREY: No.
7 MS. DeFILIPPO: That's not your position?
8 MS. JEFFREY: No.
9 MS. DeFILIPPO: Okay. So we should have
10 the confidential documents in addition to whatever was
11 submitted, correct?
12 MS. JEFFREY: I provided you at your
13 request the nonconfidential portions of the docket.
14 MS. DeFILIPPO: I didn't request this
15 docket by the way.
16 MS. JEFFREY: Okay. Then I don't know how
17 you got it.
18 MS. DeFILIPPO: No. Let me clarify the
19 record. Apparently these documents were requested by
20 the attorney for Loman's, and when he made reference
21 to documents, I said that before the deposition, I
22 wanted to see the documents that Mr. Dillon was going
23 to be asked to go over or authenticate, and now you're
24 telling me that with respect to the documents, I don't
25 have full documents because some of them are

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1 confidential, but I don't understand why
2 confidentiality means anything to me when I signed a
3 protective order, and I don't want to belabor it. I
4 just want to make sure I have all the documents, and
5 if you submitted them under separate cover somewhere
6 else, you can tell me that.
7 MR. STOCKWELL: This is Matt Stockwell for
8 Loman Auto Group. From our perspective what we wanted
9 to do, as everyone is well aware, is have these
10 documents introduced into evidence through
11 Mr. Dillon's authentication of the documents. So what
12 we did was make a request to Chrysler for specifically
13 what Mr. Dillon submitted and which was available on
14 the NHTSA website, which would be the nonconfidential
15 portion. So all we've requested from Chrysler is what
16 is nonconfidential.
17 MS. JEFFREY: And that said, Angel --
18 Angel, let me, please. Chrysler is willing to produce
19 the confidential portion of the document subject to
20 protective order.
21 MS. DeFILIPPO: Okay. That's fine. So
22 when we run through what should be in each packet on
23 those given dates, I just want to know what they are,
24 and you can supply them later --
25 MS. JEFFREY: That's fine.

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1 MS. DeFILIPPO: -- if we don't have them
2 now. That's fine with me. I just want a running
3 tally of what the documents were that were submitted,
4 okay?
5 MS. JEFFREY: That's fine.
6 BY MS. DeFILIPPO:
7 Q. Is that clear, Mr. Dillon?
8 A. Yes, ma'am.
9 Q. Do you understand?
10 A. Yes, ma'am.
11 Q. Okay. So don't leave out any documents. Tell me what
12 you submitted with the October 15th, 2010 letter.
13 A. Okay. I'll need a few minutes to review the document
14 so that I can identify them.
15 MS. DE FILIPPO: That's fine. Do you want
16 to take a minute -- do you want to take a minute off
17 the record?
18 MS. JEFFREY: Yeah, could we do that and
19 then we can also figure --
20 MS. DeFILIPPO: Yes.
21 MS. JEFFREY: We'll do that.
22 MS. DeFILIPPO: Let's do that.
23 (Recess taken at 1:15 p.m.)
24 (Back on the record at 1:31 p.m.)
25 BY MS. DeFILIPPO:

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1 Q. Mr. Dillon, are we back?
2 A. Yes, ma'am.
3 Q. Okay. Don't forget to speak up because we really have
4 trouble hearing you here.
5 A. Yes, ma'am.
6 Q. All right. So now having gone off the record, you've
7 had an opportunity to look at the document so that we
8 can now list by document the submissions that were
9 sent to NHTSA by Chrysler. Let's start with the first
10 one we've marked Dillon 3, the October 15th, 2010
11 letter signed by you and accompanying nine pages,
12 correct?
13 A. Yes, ma'am.
14 Q. Did attachments and enclosures go with this Dillon 3?
15 A. There are attachments and enclosures associated with
16 this portion of the response, yes.
17 Q. Okay. Can you tell me what they are?
18 A. On Page Number 2 of 9, there is Enclosure Number 1
19 which is an Access, Microsoft Access 2000 table --
20 2007 table titled Production Data. That's the first
21 enclosure.
22 Q. And what is that; is that a DVD?
23 MS. JEFFREY: Well, go ahead.
24 A. It's an electronic file that we submitted to the
25 agency as a Microsoft Access 2007 file.

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1 BY MS. DeFILIPPO:
2 Q. Okay, and how -- what was the mode of submission; how
3 did you submit that?
4 A. I believe we did, in fact, submit it on a DVD.
5 MS. DeFILIPPO: Okay. And I would ask for
6 a copy of that.
7 MS. JEFFREY: You got a copy of that.
8 MS. DeFILIPPO: Okay. If I do, I just want
9 you to tell me I do.
10 MS. JEFFREY: Okay.
11 MS. DeFILIPPO: Do I have that document in
12 full, Sheila?
13 MS. JEFFREY: Yes.
14 MS. DeFILIPPO: And is that on DVD?
15 MS. JEFFREY: Yes.
16 MS. DeFILIPPO: Was that one of the
17 original DVDs that you supplied with your answers to
18 interrogatories?
19 MS. JEFFREY: No. This was provided sort
20 of on behalf of Loman at their request, and it would
21 have been in late November, I believe.
22 MS. DeFILIPPO: What's -- is there anything
23 to identify it any better?
24 MS. JEFFREY: I don't know what we labeled
25 the DVD. I do know it was sent to you in November by

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1 me, and it would have been the only disk that I sent
2 you other than the ones that accompanied that one.
3 MS. DeFILIPPO: Oh, is that the one in
4 response to this discovery of Mr. Dillon? Yes?
5 MS. JEFFREY: My understanding is The Court
6 directed Loman to give you the documents that it
7 intended to show Dillon.
8 MS. DeFILIPPO: Right.
9 MS. JEFFREY: Just let me finish. Because
10 I had all those documents. I took it upon myself to do
11 that for Loman, and yes, this is part of what was
12 submitted.
13 MS. DeFILIPPO: Okay, that's fine. That's
14 fine but just so you know, both Mr. Stockwell and I
15 agreed we could not open it.
16 MS. JEFFREY: Then you're --
17 MS. DeFILIPPO: And because we agreed we
18 could not open it, she provided me with this hard copy
19 for today. So whatever is on that DVD that can't be
20 opened, I had to make a request for hard copy because
21 I'm not the only one who couldn't open it.
22 MS. JEFFREY: Okay. This is a database
23 that has seven pieces of information for 2.9 million
24 vehicles. We're not going to produce a hard copy of
25 that. You're going to need to --

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1 MS. DeFILIPPO: Well then, you'll have to
2 do it -- you'll have to do it in a form that I can
3 open because neither of us could open it, and
4 Mr. Stockwell will verify that for sure.
5 MR. STOCKWELL: I think now we've figured
6 out how to open it, but regardless, we're not seeking
7 to introduce -- the data, it is what it is, but we
8 figured out a way now to open it.
9 MS. DeFILIPPO: Well, now that you've
10 figured out a way to open it, maybe you can send it to
11 me in a way that I can open it.
12 MS. JEFFREY: Well, you can go to the
13 docket. It's right on the public website, too.
14 MR. STOCKWELL: You have to buy Access,
15 Microsoft Access.
16 MR. WESTENBERG: She doesn't have Access.
17 MR. STOCKWELL: You have to buy Microsoft
18 Access. You can't open it without it.
19 MS. DeFILIPPO: Okay. Let's keep going.
20 BY MS. DeFILIPPO:
21 Q. What other documents? Fine. What other documents,
22 Mr. Dillon, attachments and enclosures?
23 A. On Page 6 of 9 in our answer response to Question
24 Number 3, there is Enclosure Number 2 which is a
25 Microsoft Access 2007 file. The file is titled

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1 Request Number 2 Data.
2 Q. And that's a DVD, also?
3 A. It's an electronic Microsoft Access file that we
4 submitted to the agency. The mode which we submitted
5 it to the agency was likely on a DVD.
6 MS. DeFILIPPO: Do I have that, Sheila?
7 MS. JEFFREY: Yes.
8 MS. DeFILIPPO: Okay.
9 A. On Page 6 of 9 in the answer to Question Number 4,
10 there is Enclosure Number 3. That enclosure has
11 copies of our customer complaints, field reports,
12 legal claims, and police reports.
13 BY MS. DeFILIPPO:
14 Q. Where is that -- where is that information?
15 A. I'm not sure I understand your question.
16 Q. Where is Enclosure 3?
17 A. Enclosure 3 was submitted electronically to NHTSA on a
18 DVD. We have that information available ourselves as
19 well.
20 MS. DeFILIPPO: Sheila, do I have that?
21 MS. JEFFREY: Yes.
22 BY MS. DeFILIPPO:
23 Q. Is it termed something else?
24 A. It should be a folder called -- so it's a folder
25 called Enclosure 3. Included in that folder likely

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1 are a number of pdf files each one, you know,
2 pertaining to an input that we received from a
3 customer or from the field.
4 Q. Was that a confidential document?
5 A. I don't believe so.
6 Q. So that was not one where you requested
7 confidentiality from NHTSA?
8 A. No, ma'am.
9 Q. Okay. You can continue, Mr. Dillon.
10 A. On Page 7 of 9 in our answer to Question Number 7, we
11 provided copies of information pertaining to safety
12 recall A-10 that was distributed to our dealers.
13 Again, those should be -- those are all likely to be
14 pdf files included in a folder titled Enclosure 4.
15 Q. Okay. You can continue.
16 A. On Page 7 of 9 in our answer to Question Number 9,
17 there is an Enclosure Number 5 which is essentially a
18 list of all of the part numbers associated with the
19 multiple versions of brush guards and skid plates
20 specifically pertaining to the 1993 through 2000 model
21 year Grand Cherokee.
22 Next?
23 Q. Is that the sum of the documentation that was
24 forwarded by Chrysler to NHTSA on October 15th of
25 2010 --

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1 A. No, ma'am.
2 Q. -- in response to the -- it's not?
3 A. No. That was the information through Page 7. I was
4 waiting for your ready response.
5 Q. Oh, I'm sorry. Go ahead. Continue.
6 A. Okay. In response to Question Number 9 on Page 8 of
7 9, Subpart C, there is a title -- there is an
8 enclosure called Enclosure 4 conf info -- C-O-N-F,
9 yes, ma'am -- that contains a copy of skid plate and
10 brush guard assembly drawings which we submitted to
11 the NHTSA -- NHTSA's Chief Counsel Office.
12 MS. DeFILIPPO: Well, I definitely don't
13 have that.
14 MS. JEFFREY: Counsel, I'll send that to
15 you this week.
16 MS. DeFILIPPO: Okay, thank you.
17 A. Also on -- also -- go ahead.
18 MS. JEFFREY: Go ahead.
19 BY MS. DeFILIPPO:
20 Q. Go ahead. I'm sorry.
21 A. Okay. Also on Page 9 in our response to Question
22 Number 9, Subpart F, there is an Enclosure Number 5.
23 That's a file that contains the sales information,
24 aftermarket sales information for -- it doesn't say
25 specifically. I believe that's pertaining to the --

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1 let me make sure.
2 Q. And just to correct the record, it's on Page 8,
3 correct? I think you said 9.
4 A. Yes, ma'am. I apologize.
5 Q. Okay. That's all right. And it's Mopar accessory
6 part sales?
7 A. Yeah, it's part sales information pertaining to the
8 subject matter of Question Number 9 which is skid
9 plates, brush guards, and other protective guards, if
10 you will, manufactured, marketed, or sold by Chrysler
11 intended for use, of course, on these vehicles, 1993
12 through 2004 Grand Cherokees.
13 Q. So do we have a list of all the documentation and
14 information sent to NHTSA on October 15th, 2010 in
15 connection with the preliminary evaluation, PE?
16 A. That's not a question I can answer.
17 Q. Do we? The question is do we?
18 MS. JEFFREY: I'm sorry?
19 BY MS. DeFILIPPO:
20 Q. I mean, have we gone through everything?
21 MS. JEFFREY: She wants to know if you've
22 identified all the enclosures, and I believe you can
23 testify to that.
24 A. For the document dated October 15th, 2010, I have
25 identified all of the enclosures and attachments

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1 associated with that portion of the information
2 request response.
3 BY MS. DeFILIPPO:
4 Q. Okay. And with respect to November 12th, 2010 which
5 we're going to mark that letter of November 12th
6 Dillon 4 dated 12-21-11, that's the marking, this is
7 the second submission of information to NHTSA,
8 correct?
9 MS. JEFFREY: Just to be clear, Angel, this
10 has already been marked as Exhibit 2. You said 4.
11 MS. DeFILIPPO: I'm sorry. I'm sorry.
12 Somebody must have taken my marked copy, Dillon 2.
13 I'm sorry. Let me go back.
14 BY MS. DeFILIPPO:
15 Q. The November 12th, 2010 letter to NHTSA signed by
16 David Dillon is marked Dillon 2 on 12-21-11, and it
17 has 22 pages, correct?
18 A. It has a total of 23 pages including the cover letter.
19 Q. Okay. But the pages are numbered up to 22, and if you
20 include the cover letter, you're saying there's 23
21 pages, correct?
22 A. Yes, ma'am.
23 Q. Okay. And with your submission of November 12th,
24 2010, there were also attachments and enclosures,
25 correct?

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1 A. That's correct.
2 Q. And can you tell me what attachments and enclosures;
3 can we do a list of those attachments and enclosures?
4 A. Located on Page 2 of 22 in response to Question Number
5 5, Part A, there's an Enclosure 6-A. Included in that
6 Enclosure 6-A are copies of 301 -- FMVSS 301
7 compliance crash tests.
8 Q. Okay. Continue.
9 A. On Page 3 of 22 in response to Question Number 5, Part
10 A, there is an Enclosure 6-B. Included in that
11 enclosure are copies of FMVSS 301 developmental crash
12 test results.
13 MS. DeFILIPPO: And, Sheila, I believe we
14 have both 6-A and 6-B, correct?
15 MS. JEFFREY: You have 6-A. You have 6-B
16 to the extent that it is not confidential, and we did
17 not produce the portion of 6-B that is confidential,
18 and I will do so this week.
19 MS. DeFILIPPO: Okay, thank you.
20 MS. JEFFREY: Go ahead.
21 A. Also, in response to Question Number 5, Part A on
22 Page 3 of 22 in the second paragraph, there is
23 Enclosure 6-C. That enclosure is a summary of
24 FMVSS 301 crash test -- crash tests. That one was
25 also submitted to the Chief Counsel Office in part,

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1 and I believe part of that was also potentially
2 public.
3 BY MS. DeFILIPPO:
4 Q. Part of it was confidential and part of it was public?
5 A. If I read that correctly, it says conf info and
6 public. So, yeah, the intent of that is a portion of
7 that would be confidential and a portion of that would
8 be public.
9 MS. DeFILIPPO: So I would request the
10 portion that I don't have.
11 MS. JEFFREY: That's fine.
12 BY MS. DeFILIPPO:
13 Q. Okay.
14 A. Also on Page 3 of 22 in response to Question Number 5,
15 Part A, there is Enclosure 6-D, and contained in that
16 enclosure is FMVSS 301 compliance documents.
17 MS. DeFILIPPO: I think I have them. Do I
18 have them all, Sheila?
19 MS. JEFFREY: Yes.
20 A. Also on Page 3 in response to Question Number 5, there
21 is an enclosure, two of them marked 7-A and 7-B which
22 is a, a list of design changes that may relate to the
23 condition that was being investigated.
24 MS. DeFILIPPO: I don't think I have that.
25 MS. JEFFREY: Yeah, that's -- it's sort of

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1 referring forward in the document where
2 confidentiality was requested for those, and we'll
3 provide those as well.
4 A. Okay. Also on -- am I okay to proceed?
5 BY MS. DeFILIPPO:
6 Q. I'm sorry, I didn't hear the question.
7 A. Am I okay to proceed?
8 Q. Oh, yeah, yeah, absolutely, go ahead.
9 A. Also on Page 3 of 22 in response to Question Number 5,
10 in the bottom paragraph there is an Enclosure 6-E
11 which is referred to as the Jarmon report.
12 Q. Is that the Paul Taylor report?
13 A. Yes, ma'am.
14 Q. Okay. I have that. Go ahead.
15 A. Also on Page 3 of 22 in response to Question Number 5
16 in the last paragraph, there is Enclosure Number 6-F
17 which included the analysis of FARS and state crash
18 data.
19 MS. DeFILIPPO: And I believe hard copy has
20 been supplied to me on that.
21 MS. JEFFREY: I supplied it to you on a
22 disk. I'm not sure.
23 MS. DeFILIPPO: Yeah, I think --
24 MS. JEFFREY: The dealer, Loman's counsel
25 made that part of his package.

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1 MS. DeFILIPPO: Okay.
2 MS. JEFFREY: 6-F.
3 MR. STOCKWELL: Yes.
4 A. Also in response to Question Number 5, Part C, there
5 is an Enclosure 6-G that has a document related to a
6 TAE study that was done with respect to a potential
7 solution that was proposed and eventually implemented
8 on recall A-10. That one was --
9 BY MS. DeFILIPPO:
10 Q. Are you talking about G; is that G as in goat?
11 A. Yes, ma'am. That one was marked confidential business
12 information.
13 MS. DeFILIPPO: Okay. So you'll supply
14 that, Sheila?
15 MS. JEFFREY: Yes, yes, I will, yeah.
16 A. Also on Page 4 of 22 in response to Question Number 5,
17 Part C, there's an Enclosure 6-H. It contains the 573
18 defect information report pertaining to recall number
19 A-10.
20 MS. DeFILIPPO: I don't think I have that.
21 MS. JEFFREY: That is among the documents
22 we submitted to you.
23 MS. DeFILIPPO: The defect information
24 report?
25 MS. JEFFREY: Right.

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1 MS. DeFILIPPO: The recent submission? Are
2 you talking about the recent disk?
3 MS. JEFFREY: Yes.
4 MS. DeFILIPPO: Yeah, that's the one I
5 can't open. Okay. I'm sure Mr. Stockwell will be so
6 happy to show me how to open it.
7 MR. STOCKWELL: Yeah, you can purchase a
8 program called Microsoft Access.
9 MR. WESTENBERG: It's actually a pdf.
10 MR. STOCKWELL: This is a pdf. So actually
11 you can just open it with Adobe.
12 MS. DeFILIPPO: Yeah. Well, great. Okay.
13 BY MS. DeFILIPPO:
14 Q. You can continue, Mr. Dillon.
15 A. Thank you. On Page Number 5 of 22 in the response to
16 Question Number 6, there is an Enclosure 7-A, and
17 contained in that enclosure is information pertaining
18 to the body style differences between the 1993 through
19 '98 model year ZJ and the '99 through 2004 model year
20 WJ.
21 Also on Page 5 of 22 in response to
22 Question Number 6 is Enclosure 7-B. Contained in 7-B
23 is information pertaining to the subject component
24 design history. That information was submitted to
25 NHTSA requesting confidentiality treatment.

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1 MS. DeFILIPPO: Okay. And that's part of
2 the request.
3 MS. JEFFREY: To me I assume?
4 BY MS. DeFILIPPO:
5 Q. That would be 7-B as in boy, correct?
6 A. Yes, ma'am.
7 Q. Okay, thank you.
8 A. Just to be clear, you're requesting that information
9 from Sheila, correct.
10 Q. Sheila, that's correct.
11 MS. JEFFREY: That's right, yeah.
12 A. Okay. On Page 6 of 22 in response to Question
13 Number 8, there is an Enclosure 8-A, and there's a
14 document in there that outlines, you know, the
15 different variations of the subject vehicle, build
16 variations.
17 Also on Page 6 of 22 in response to
18 Question Number 8 is Enclosure 8-B which is -- it
19 contains information pertaining to graphical
20 information about the vehicle. That one was submitted
21 --
22 Q. I'm sorry, go ahead. Is that the vehicle drawings?
23 A. No --
24 Q. Are those the drawings?
25 A. -- not specifically drawings. These are graphical

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1 illustrations of the vehicle. I think if I recall
2 correctly, it may be graphics related to the
3 underbody.
4 MS. DeFILIPPO: Okay. And I would request
5 those documents. I know I don't have them.
6 MS. JEFFREY: Yeah.
7 MS. DeFILIPPO: Do I have 8-A, the vehicle
8 design variations? I don't think so.
9 MS. JEFFREY: Yeah, you do, and that's also
10 among the documents that Matt Stockwell provided to
11 you. It's just a table, one page or two pages.
12 MS. DeFILIPPO: That's on the recent DVD?
13 MS. JEFFREY: Right. Well, I don't know.
14 You sent it to me on a pdf file.
15 MR. STOCKWELL: Oh, it's in this packet?
16 MS. JEFFREY: I think so. Table describing
17 design variations.
18 MR. STOCKWELL: Okay, yeah, yeah, yeah.
19 MS. JEFFREY: It's a three-page document
20 and it's a table.
21 MR. STOCKWELL: It's in that packet that I
22 gave to you at the inspection, probably all the way in
23 the back.
24 MS. DeFILIPPO: Well then, I guess you can
25 tell me when we get to it.

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1 BY MS. DeFILIPPO:
2 Q. 8-C is also an enclosure?
3 A. Yes, ma'am. On Page 6 of 22 in response to Question
4 Number 8, Part C, there is an enclosure. The
5 enclosure is titled 8-C. The information contained in
6 that enclosure are photographs of the undercarriage of
7 the subject vehicles.
8 MS. DeFILIPPO: And that we don't have.
9 MS. JEFFREY: You would have that. That
10 would be what I provided you in November.
11 MS. DeFILIPPO: This November?
12 MS. JEFFREY: Correct.
13 MS. DeFILIPPO: Okay. All right. That's
14 the same DVD that didn't open.
15 MS. JEFFREY: Well, there were several DVDs
16 I provided you. I'm not sure if you were having
17 trouble with just the one.
18 MR. STOCKWELL: Let's just be clear. It's
19 my understanding that the only problem with the DVD
20 were the Microsoft Access data tables. I was not
21 aware that you had any problem opening any pdfs or
22 other documents. Is that the case, you couldn't open
23 anything on this?
24 MS. DeFILIPPO: Well, let's talk about that
25 later. We'll go over it later.

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1 MR. STOCKWELL: Whatever you want to do.
2 BY MS. DeFILIPPO:
3 Q. Is that it, Mr. Dillon?
4 A. Let me take a quick look at the remainder of the
5 submission.
6 I --
7 MR. WESTENBERG: Go through it.
8 A. I believe on Page 16 of 22 in response to Question
9 Number -- well, the response to the question was --
10 oh, we already have that.
11 I apologize. We've already mentioned that
12 attachment.
13 BY MS. DeFILIPPO:
14 Q. What are you talking about, 6-F?
15 A. Yes, ma'am.
16 Q. Yes, we already mentioned 6-F. That was the FARS
17 information.
18 A. I believe that that's all of the enclosures and
19 attachments that are referenced in the two portions of
20 the IR response.
21 Q. Okay. Mr. Dillon, now, you submitted all of these
22 documents with the two, on the two dates that we've
23 mentioned, October 15th, 2010 under your cover, and I
24 believe you stated earlier that you were responsible
25 for the information in these submissions, correct?

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1 A. I'm responsible for overseeing the activities that the
2 team takes on in response to the information request,
3 but in the end I'm responsible for making sure that
4 that information is, in fact, accurate.
5 Q. Well, did you direct that any specific information be
6 provided?
7 MR. STOCKWELL: Object to the form.
8 BY MS. DeFILIPPO:
9 Q. Was any of the information provided to NHTSA at your
10 direction?
11 A. Yes, ma'am.
12 Q. Okay. So can you tell me, isn't it fair to say that
13 not all of the documentation that you submitted to
14 NHTSA on those two dates was documentation that you
15 authored or you directed?
16 MR. STOCKWELL: Object to the form.
17 A. My understanding of your question is did I author all
18 of the information that was submitted in the
19 response --
20 BY MS. DeFILIPPO:
21 Q. Correct.
22 A. -- and while I was available and involved in the
23 development, in the collection of that information, I
24 did not author every word in the document.
25 Q. Did you direct the collection of those documents?

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1 A. Yes, ma'am.
2 Q. And how did you go about that with respect to the
3 team? I believe you mentioned that you had a team of
4 at least six individuals. How -- or seven maybe. How
5 did you go about directing them as to what to supply
6 to you so that you can compile the information for
7 NHTSA?
8 A. Well, we first reviewed the information request,
9 itself, and identified specifically what questions
10 were being asked by NHTSA, and based on those
11 questions, we identified the information that would be
12 responsive to those questions. So that is sort of the
13 beginning portion of, you know, what is it that we
14 need to collect in order to respond to the agency.
15 Q. But how did you identify what you needed to collect?
16 A. I read the information request.
17 Q. And then how did you determine who would be
18 responsible for a specific portion of the documents?
19 A. That would primarily be based on their experience and
20 what portion of the knowledge base, if you will, that
21 they're most appropriately -- have the appropriate
22 knowledge base to reply to.
23 Q. So can you tell me what portion of the documents you
24 submitted to NHTSA was collected by Michael Teets?
25 MS. JEFFREY: Object to form.

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1 A. I can't tell you document by document or even, you
2 know, within the documents piece by piece which
3 portion came from which particular individual. Mike
4 Teets was involved in the development of the fuel
5 system, and we worked with Mr. Teets to understand
6 what the history of the fuel system was during the
7 life of the '93 through 2004 Grand Cherokee.
8 BY MS. DeFILIPPO:
9 Q. Did he supply you, though, with any documents?
10 A. I don't recall specifically which documents Mr. Teets
11 may have supplied or which ones he may not have
12 supplied.
13 Q. Are you certain he supplied any?
14 A. I wouldn't state that he necessarily supplied any
15 particular piece of documentation. He was responsible
16 for the development of the fuel system at the time.
17 So we leveraged his experience to make sure that the
18 information that we gathered and provided to the
19 agency was, in fact, thorough and accurate.
20 Q. So are you saying that Michael Teets was responsible
21 for the fuel system in the 1993 through 2004 Jeep
22 Grand Cherokee?
23 A. I probably am not in a position to testify as to what
24 specific model years he was responsible for. I know
25 generally that he was involved in the Grand Cherokee's

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1 fuel system's development.
2 Q. Was he involved in the inception with the '93 Grand
3 Cherokee to your knowledge?
4 A. I don't recall at what point he became involved in the
5 development of the Grand Cherokee vehicle.
6 Q. Do you recall what, if any, information was provided
7 to you by Ed Zyluk?
8 A. Again, Mr. Zyluk was an individual that was involved,
9 was a test engineer at the time and worked on the
10 development of the Grand Cherokee I'll say that in
11 general because I couldn't tell you which model years
12 in particular. We worked with Mr. Zyluk to procure
13 the test history, and he helped us understand the
14 history of the test programs so that we could, again,
15 make sure that the information that we provided to the
16 agency was both thorough and accurate.
17 Q. Did Mr. Zyluk provide you with any of the test
18 materials or compliance materials that you provided to
19 NHTSA?
20 A. I think Mr. Zyluk was involved in identifying either,
21 A, the location or, B, making sure that we identified
22 all of the tests that were involved in the Grand
23 Cherokee involvement.
24 Q. Now you said that Chrysler employed a statistical
25 expert, Paul Taylor, to be part of the team that was

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1 put together to respond to the preliminary evaluation?
2 MR. STOCKWELL: Object to the form.
3 A. We reached out to Paul Taylor. I may have said he was
4 a statistical expert. Actually, I don't want to
5 necessarily state what he's an expert in. I know he's
6 an expert in data analysis specifically related to the
7 FARS database, and he helped us with the analysis that
8 we did regarding state crash databases.
9 BY MS. DeFILIPPO:
10 Q. So he supplied you with a copy of the Jarmon report,
11 correct?
12 MS. JEFFREY: Object to form.
13 A. I don't believe that I received a copy of the Jarmon
14 report directly from Mr. Taylor.
15 BY MS. DeFILIPPO:
16 Q. Well, what did he supply to you, what information did
17 he supply to you in connection with the PE?
18 A. We identified the need to perform an assessment of the
19 FARS database, and in addition to that, we wished to
20 perform an assessment of a number of different --
21 Q. I can't hear you. Can you say that again because
22 you're really fading. Go ahead.
23 A. Yep. We identified the need to perform an analysis of
24 the FARS database, as well as the need or the wish to
25 analyze several different state crash databases, and

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1 Mr. Taylor has the experience of doing that task. So
2 through the team, we assigned that task to Mr. Taylor.
3 Q. What information did he supply to you that you
4 supplied to NHTSA?
5 A. As I recall, he provided and we submitted to the NHTSA
6 an analysis of the FARS database regarding the Jeep
7 Grand Cherokee 1993 through 2004 model year vehicles
8 and their peer vehicles at the time, as well as an
9 analysis of several different state crash databases.
10 Q. Well, this particular need that you identified with
11 respect to an analysis that you called on Paul Taylor
12 to do, did you in any way give him any parameters or
13 instructions regarding what you wanted from him?
14 A. The -- excuse me -- the parameters were based on the
15 information request and specific to NHTSA's, what
16 NHTSA was investigating which was rear impact events
17 at the 5, 6, or 7:00 position involving fires where
18 fire was identified as the most harmful event.
19 Q. So is that the parameters that you gave to Paul
20 Taylor --
21 A. Those are the parameters --
22 Q. -- prior to calling him as part of your team?
23 A. Based on the information request and the condition
24 that the agency was investigating, that is at least
25 one of the parameters that we provided with Paul --

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1 Paul Taylor with.
2 MS. DE FILIPPO: Well, I'm going to ask you
3 to look into a packet that you should have there
4 before you, and I'm going to mark it Dillon 4, and it
5 is entitled Exponent Failure Analysis Associates, and
6 it starts with PE 10-031 Chrysler 004792, a Bates
7 Stamp, and continues through I believe Chrysler 004 --
8 MS. JEFFREY: 004818, is that it?
9 MS. DeFILIPPO: I think it's 005503. Would
10 you look at those documents?
11 MS. JEFFREY: Our Exponent report ends at
12 004818. Is there another document attached or --
13 MS. DeFILIPPO: There's an appendix list of
14 materials with the same date on it of December 3rd,
15 2007, and then after that I see PE -- I'm sorry --
16 005501, analysis of FARS cases.
17 MS. JEFFREY: That's a different document.
18 MS. DeFILIPPO: Okay.
19 MS. JEFFREY: It's not part of the Exponent
20 report.
21 MS. DeFILIPPO: Let's then confine the
22 document Dillon 4 to 004792 through 004818. Take a
23 look at that document.
24 MS. JEFFREY: I'll have the court reporter
25 mark that, and then you will look at it.

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1 MS. DeFILIPPO: Dillon 4.
2 MARKED FOR IDENTIFICATION:
3 DEPOSITION EXHIBIT 4
4 2:13 p.m.
5 MS. JEFFREY: Angel, can we take a
6 few-minute comfort break?
7 MS. DeFILIPPO: Yeah, you can.
8 MS. JEFFREY: We'll be back in five
9 minutes.
10 MS. DeFILIPPO: Okay.
11 (Recess taken at 2:13 p.m.)
12 (Back on the record at 2:23 p.m.)
13 MS. DeFILIPPO: Before we continue with
14 Mr. Dillon or maybe even with Mr. Dillon here, my
15 question is, now having gone over all the information
16 that was supplied with the submissions by Chrysler to
17 NHTSA, can I be confident in that we have copies of
18 everything that was sent to NHTSA, whether it be
19 public or confidential?
20 MS. JEFFREY: No, because you don't have
21 the confidential stuff which I will get to you.
22 MS. DeFILIPPO: No. I mean once you get
23 that to me; in other words, once you send me the
24 documents that we requested today, have we been
25 supplied with, through this litigation, all the

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1 documents that have been supplied to NHTSA?
2 MS. JEFFREY: Well, one thing we haven't
3 discussed is the slides that were placed in the docket
4 related to an April --
5 MS. DeFILIPPO: I'm sorry? I'm sorry, I
6 didn't hear you, the what that was placed in the
7 docket?
8 MS. JEFFREY: A PowerPoint presentation was
9 placed in the docket, and we produced the
10 nonconfidential portion of that as well, and this was
11 a presentation that was made in April, I believe, of
12 2011, and we have not -- we'll produce the non -- I'm
13 sorry -- the confidential portion of that pursuant to
14 protective order.
15 MS. DeFILIPPO: Okay, and so with respect
16 to now this particular litigation, once you supply me
17 with the confidential and the information that we
18 requested today, will we have a complete file and
19 everything that was submitted to NHTSA?
20 MS. JEFFREY: One thing I don't know if you
21 have or not would be the requests for confidential
22 treatment that was made to NHTSA. That would be a
23 letter request that was made regarding the
24 confidential portions of the docket.
25 MS. DeFILIPPO: Okay. So I think, I mean,

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1 if you could just add that. What is it, a one-page
2 document?
3 MS. JEFFREY: A page or two I believe,
4 probably two or three maybe.
5 MS. DeFILIPPO: So then will that complete
6 our file as to having all of the submissions that went
7 to NHTSA?
8 MS. JEFFREY: By Chrysler, yes.
9 MS. DeFILIPPO: Okay, thank you. And I
10 know we haven't rescheduled the de bene esse dep, but
11 we can talk about that later.
12 MS. JEFFREY: I thought it was scheduled
13 for January 5th.
14 MR. STOCKWELL: That's what I have.
15 MS. DeFILIPPO: Well, maybe it is. I may
16 not have received that in my office yet, but if it is,
17 that's fine.
18 BY MS. DeFILIPPO:
19 Q. So Mr. Dillon, these documents that are in a packet
20 that were given to me in hard copy, I believe the
21 attorneys who are with you today have a copy of that
22 hard copy at the table where you are, correct; could
23 you --
24 MR. STOCKWELL: I do.
25 BY MS. DeFILIPPO:

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1 Q. Could you verify that they have a copy of everything
2 that they supplied to me and in terms of documents
3 which they are going to be talking --
4 MS. JEFFREY: I don't know how he would
5 know that, but Matt Stockwell said yes, he has a copy
6 of that.
7 MS. DeFILIPPO: Okay, thank you, thank you.
8 BY MS. DeFILIPPO:
9 Q. Now when you submitted these documents, I think you
10 indicated that they, as far as what your role in the
11 submission was was you were the collector of the
12 documents, correct?
13 A. I'm responsible for overseeing the team that was put
14 together with the intention of collecting the
15 information and developing the response to NHTSA's
16 information request.
17 Q. And did you say to each individual, I want you to get
18 X, I want you to get Y, for example, or did you say,
19 Let's read the document together or what that NHTSA is
20 requesting and tell me, members of my team, can you
21 supply me with any information in response to this;
22 was it more like that, the latter or the former?
23 MR. STOCKWELL: Object to the form.
24 BY MS. DeFILIPPO:
25 Q. Or something else?

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1 A. Well, I think it's, if I recall correctly, more like
2 the latter. We reviewed the information as a team --
3 MS. JEFFREY: Keep your voice up.
4 A. -- identified the information that was necessary and
5 requested by the agency and then identified who the
6 individual or individuals would be responsible for
7 collecting and making sure that information is as
8 accurate and factual, thorough and factual as
9 possible.
10 BY MS. DeFILIPPO:
11 Q. Okay. So let me just -- let me just make sure I'm
12 clear. It was you personally who identified the
13 information that was needed based on the request of
14 NHTSA?
15 A. That wasn't a unilateral activity. That was done
16 within the team.
17 Q. I'm sorry?
18 A. That was done within a team.
19 Q. Well, who identified what information was needed; the
20 whole team identified what information would be
21 needed?
22 A. The team reviewed the document. We identified the
23 information that was required per the information
24 request, and then we collectively identified based on
25 who had the best knowledge base to go back and collect

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1 that information. When you say we, yes, I in the end
2 have the ultimate responsibility of identifying those
3 people, but it was done as a team.
4 Q. Okay. So I think you answered that. It wasn't you
5 personally saying, Mr. So-and-so, you get me this,
6 Mr. So-and-so, you get me that. It was the entire
7 team sitting down looking at the request and deciding
8 as a group who could best get documents if there were
9 any in response, correct; is that a fair statement?
10 A. I believe that to be correct, yes.
11 Q. Okay. And at least some of these documents, for
12 instance, the one that we've just marked which is the
13 Paul Taylor, we marked it Dillon --
14 MS. JEFFREY: 4.
15 BY MS. DeFILIPPO:
16 Q. 11 -- 4, I'm sorry. That document was not prepared by
17 anyone at Chrysler but rather an outside entity or
18 person, correct?
19 A. This document was not actually prepared at my request,
20 nor was it prepared in response to the information
21 request. It was prepared, as I understand it, with
22 relation to a different activity. However, because it
23 was responsive to the information request, we felt
24 compelled to provide that information to NHTSA.
25 Q. So it was prepared in response to a lawsuit, the

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1 Jarmon lawsuit, in which Chrysler was a defendant,
2 correct?
3 A. I believe that's the case.
4 Q. And was it you who believed that this document
5 prepared by Paul Taylor for the Jarmon case was
6 germane to the responses that Chrysler would give to
7 NHTSA?
8 A. Yeah. As I stated, we believe that it was responsive
9 to the information request; therefore, provided the
10 information to NHTSA.
11 Q. Did you or anyone at Chrysler supply Paul Taylor or
12 Exponent with any of the data that he used in
13 compiling this report which we marked Dillon 4?
14 A. I'm not familiar with the criteria or who was involved
15 in requesting this information, so I wouldn't be able
16 to answer that question.
17 Q. Have you adopted this report as a Chrysler document?
18 MS. JEFFREY: Object to form.
19 A. I submitted this document in response to the
20 information request because it was responsive to a
21 question that was asked.
22 BY MS. DeFILIPPO:
23 Q. However, it's not a Chrysler document, correct?
24 A. The document was not prepared by Chrysler, that's
25 correct.

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1 Q. And nobody at Chrysler supplied to your knowledge any
2 information contained in this document, correct?
3 MS. JEFFREY: Object to form.
4 A. Again, I wasn't involved in the development of this
5 paper, so I simply couldn't answer that question.
6 BY MS. DeFILIPPO:
7 Q. Are there any other documents in the hard copy
8 documents that you have there with Mr. Stockwell that
9 are documents that were not prepared by Chrysler
10 individuals?
11 MS. JEFFREY: He's going to need to go
12 through these documents, Angel.
13 MS. DeFILIPPO: Yeah. It's not a very
14 voluminous packet. Just look through it and if you
15 take out your letter, your letters that we've marked
16 Dillon 2 and Dillon 3, I think if you just look at the
17 rest of the document.
18 MS. JEFFREY: I'm having him look at this
19 in the order in which Matt Stockwell gave it to us.
20 It's a little bit of a jumble, but go ahead.
21 MS. DeFILIPPO: That's fine, that's fine.
22 (Off the record at 2:33 p.m.)
23 (Back on the record at 2:33 p.m.)
24 A. The first document, as I understand it, that you may
25 be looking at is Bates paged Chrysler 01 through

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1 Chrysler 81. This presentation was developed by
2 Chrysler. It does contain information, however, that
3 we had -- an analysis, information pertaining to an
4 analysis that we contracted Paul Taylor to complete.
5 BY MS. DeFILIPPO:
6 Q. I'm sorry, Mr. Dillon, I got 01 through -- I didn't
7 get your last number.
8 A. 81 as I understand it.
9 MS. DE FILIPPO: Okay. Let's mark 01
10 through 81 Dillon 5 on this date, 12-21-11.
11 MARKED FOR IDENTIFICATION:
12 DEPOSITION EXHIBIT 5
13 2:34 p.m.
14 A. Can I continue?
15 BY MS. DeFILIPPO:
16 Q. Wait a minute. Do you have it as a marking, Dillon 5,
17 12-21, and it's the Chrysler 01 to 81?
18 A. Yes, ma'am.
19 Q. Do you have it?
20 A. Yes, ma'am.
21 Q. Does it have a cover page that is white with the
22 exception of bold print that says 4-16-2011 Chrysler
23 Group presentation to the office of defect
24 investigations?
25 A. That's not a page that I developed.

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1 MS. JEFFREY: That was something that --
2 that was something that my law firm made so that it
3 was evident to you what that was.
4 BY MS. DE FILIPPO:
5 Q. But is that, in fact, a description of what Pages 01
6 through 81 are?
7 A. Yes, ma'am.
8 Q. Okay. So when you look at this document, 01 through
9 81, if you would, and if you would go to Page 03, can
10 you tell me, is this document, Chrysler 03 of
11 Dillon 5, is that page a page that was prepared by
12 Chrysler?
13 A. Yes, ma'am.
14 Q. Okay. And did you prepare this yourself?
15 A. I did.
16 Q. Okay. Can you tell me what rock filter is?
17 A. Yes, ma'am. It's basically a term to reflect, you
18 know, broadly, right, is the vehicle over-represented
19 or not. What we mean by rock filter is it would catch
20 something -- it would be a filter that would identify
21 a condition that stood out and/or was large, right, so
22 the term rock filter.
23 Q. Well, is that a term -- is that a NHTSA term?
24 A. No, ma'am.
25 Q. Is that you -- is that your term?

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1 A. Yeah, in hindsight that's a personal term that I use,
2 and I guess I wish I hadn't used it at this point.
3 Q. Okay. So when you put it next to EWR, which is the
4 early warning reports, right?
5 A. Early warning reporting data, yes, ma'am.
6 Q. Early warning reporting data, that is data from NHTSA;
7 am I correct in that?
8 A. That's data that we pull from NHTSA's database that's
9 based on information that Chrysler and other
10 manufacturers have submitted.
11 Q. Now I understand what you just said, but the early
12 warning reporting system is a database from NHTSA,
13 correct?
14 A. Yes, ma'am.
15 Q. Okay. And the early warning reporting system is
16 information sent to NHTSA by not just Chrysler but all
17 auto manufacturers, correct?
18 A. It's information that's submitted by Chrysler and
19 other manufacturers, yes, ma'am.
20 Q. And that information is basically if a claim is filed
21 against an auto manufacturer, you would indicate what
22 state it came from, what model of car you're talking
23 about, what year, if there's a component claim, what
24 component is involved, correct?
25 A. It generally categorizes the input that we've received

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1 into a number of different categories. It's between
2 20 and 30 different categories in total.
3 Q. And as an auto manufacturer, you, Chrysler or anybody,
4 they are not required to send in to the early warning
5 reporting system database any of the underlying
6 documents that support whatever you say is in that
7 document, correct?
8 A. I believe that to be a correct statement.
9 Q. So the auto manufacturer can indicate on the forms
10 that they're submitting to the early warning reporting
11 system basically an instance of a damage to a vehicle
12 or a claim about a damage to a vehicle but -- and they
13 could say that the claim is a fire claim, but it
14 doesn't necessarily indicate whether it's a cigarette
15 lighter problem or a fuel system problem, correct?
16 A. That's correct, and hence the term rock filter. We
17 were simply looking at the EWR data to assess whether
18 or not the Grand Cherokees were over-represented in
19 terms of the number of fires or the rate of fires it
20 had experienced.
21 Q. But some of that information in the EWR, you wouldn't
22 know whether or not it was a fuel system fire, a
23 rear-end hit fire, a cigar lighter fire or anything;
24 it wouldn't necessarily give you all of the
25 information, correct?

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1 A. That's correct and, hence, the term rock filter --
2 Q. Rock filter.
3 A. -- meaning it looked at a very high level, right, to
4 assess whether or not the Grand Cherokee was
5 over-represented just with the term or the category
6 fire. It's not specific to a particular type of fire,
7 just simply starting at a very high level.
8 Q. And so if you're looking at data from other
9 manufacturers, regardless of your rock filter, you
10 wouldn't be able to know whether or not to include the
11 problems of a, for instance, a fuel system problem in
12 another vehicle or a cigarette lighter problem in
13 another vehicle because there's no way for you to
14 filter it, correct?
15 A. That's correct.
16 Q. And the rock filter is purely your filtering, you, and
17 I say you and Chrysler, filtering in the method and
18 the, and with respect to the items that you designate
19 to filter, correct?
20 A. No. As I stated, we were simply looking at the number
21 of inputs that the vehicles that we were looking at
22 had, and when I say inputs, the number of fires. As
23 you pointed out, it's not a particular type of fire or
24 we're not pointing to a particular origin. We're just
25 starting from a very high level and digging deeper and

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1 deeper as we go through the investigation.
2 Q. Can you tell me today as you sit here what your rock
3 filter was other than just looking for fire?
4 A. As I stated before, we were simply looking for the
5 number of fires in the subject vehicle population
6 relative to the peer vehicles during that same build
7 period as a very high-level comparison. It was not
8 used in our final determination, if you will.
9 Q. What do you mean by it was not used in your final
10 determination?
11 A. It was simply a starting point, right, for us to
12 understand whether or not the Jeep Grand Cherokee had
13 any more fires than the peer vehicle. We recognized
14 that it doesn't allow us to precisely identify either
15 the area or the cause of those fires, but again,
16 simply allowing us to look at whether or not the Grand
17 Cherokee had more fires in general than the peer
18 vehicles.
19 Q. So if you knew that a vehicle, for instance, if you
20 knew that a Ford vehicle had been recalled in that
21 period because it had brake fluid fires or brake fluid
22 fire problems, would you then filter out all the Ford
23 vehicles that were comparable in that timeframe --
24 A. No. Again --
25 Q. -- with your rock filter?

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1 A. No. The term rock filter I think is perhaps being
2 overly-represented here. It's a very broad term.
3 It's not literally a filter, all right? Again, we
4 looked at specifically the number of vehicles during
5 that '93 through 2004 model year period for each of
6 the peer vehicles that we looked at, and then we also
7 looked at the number of fires that we had during that
8 -- during those model years. It's simply that. I
9 don't want to over-complicate it --
10 Uh-oh, did we lose --
11 MS. JEFFREY: Are you there, Angel? Hello?
12 (Recess taken at 2:44 p.m.)
13 (Back on the record at 2:47 p.m.)
14 BY MS. DeFILIPPO:
15 Q. So, Mr. Dillon, I understand what you're saying that
16 I'm a little hung up with the word rock filter, so
17 without reference to the word rock filter, was there a
18 filter applied by Chrysler when you looked at the EWR
19 information whereby if you knew that data was
20 incorrect, like a cigarette lighter had a fire, that's
21 obviously not a fire anybody cares about or there was
22 a problem with the cigarette lighter, if you
23 absolutely knew that, you could filter that out of
24 your data that you submitted to NHTSA; did you do
25 that?

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1 A. We don't have the opportunity to filter the data as
2 you're suggesting. As I stated before --
3 Q. And so --
4 A. -- we don't use -- we didn't in the end found any
5 conclusions based on this information. It just
6 indicates --
7 Q. So the EWR information then it's fair to say was not,
8 was not part of the underlying information you used to
9 arrive at your final conclusion to NHTSA, correct?
10 A. Yeah, that's fair, yes.
11 Q. Okay. Now on 03, on that same page, you indicate that
12 there were state databases, and you chose states that
13 could sort by tow-away crashes, significant events but
14 not exclusive to events only involving fatality. Is
15 that your language?
16 A. Yes, ma'am.
17 Q. Okay. So I know that you chose three states,
18 Illinois, North Carolina, and Florida. Why did you
19 choose those three states?
20 A. As the three points below there indicate, we wanted to
21 be able to sort at a level of severity that was still
22 significant but not as severe as the most severe event
23 which are those that typically result in a fatality.
24 So, number one, we wanted to use state databases that
25 allowed us to sort by tow-away, meaning a level of

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1 severity that was significant -- significant enough to
2 result in a tow-away but didn't necessarily result in
3 a fatality.
4 The second reason for choosing these three
5 states is simply the fact that they had a large
6 population, a large vehicle population, so that we
7 could make sure that we had as significant a sample
8 size as possible.
9 And then finally, states were chosen that
10 had the capability of identifying the fire, origin of
11 the fire at the vehicle level, rather than just
12 identifying that there was a fire. They could --
13 their reporting system identified which vehicle did
14 the fire originate from.
15 Q. And when you say reporting system, you're referring to
16 police reports at the scene, correct?
17 A. Well, based on police reports, yes.
18 Q. Let's go back to what you said about significant
19 events. Would you agree with me that a car who's hit
20 on any wheel well would require towing but be not a
21 very significant crash?
22 MR. STOCKWELL: Object to the form.
23 MS. JEFFREY: Join.
24 A. That's a good question and I'm glad you brought that
25 up. We also, you know, focused our assessment -- I

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1 should have said it. It goes without saying. But up
2 above we were consistent in that we assessed only
3 those incidents that were a result of a rear impact.
4 BY MS. DeFILIPPO:
5 Q. So if a vehicle was hit in the rear at 5, 6, or 7 as
6 you describe, and part of the vehicle body was pushed
7 into the tire, wouldn't you agree that you'd have to
8 tow that car away; you couldn't drive it away?
9 MS. JEFFREY: Object to form.
10 A. I'm not sure exactly what you're asking.
11 BY MS. DeFILIPPO:
12 Q. I'm asking, did you see in the police reports any
13 events where the crash involved part of the car being
14 pushed into a tire where the car had to be towed away?
15 A. Well, it's conceivable --
16 Q. A severe tire rub, for instance?
17 A. I didn't review all of the police reports
18 individually.
19 Q. So I'm glad you brought that up. Where is the data
20 that upon which you based the information that you
21 concluded regarding these three states?
22 A. I'm not an expert in the field of state database
23 analyses. We hired Paul Taylor to do that, and he's
24 probably the most well suited to answer that question.
25 Q. So Paul Taylor then was the one who looked at the data

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1 from the police reports or the state databases that he
2 used?
3 A. As I stated earlier, we requested that Paul Taylor
4 perform both the FARS analysis and the state analysis
5 based on the criteria that NHTSA provided us and based
6 on the criteria that we've pointed out in this
7 presentation.
8 Q. So with respect to the FARS information and the state
9 database information and conclusions, that was based
10 on information selected, compiled, and put together by
11 Paul Taylor, correct?
12 MS. JEFFREY: Object to form.
13 BY MS. DeFILIPPO:
14 Q. And Exponent; is that fair?
15 A. At our request.
16 Q. I understand it's at your request, but nobody at
17 Chrysler was, was with Paul Taylor doing the
18 selecting, the analysis, or any of the collection or
19 reviewing the databases, correct?
20 A. Again, Chrysler hired Paul Taylor as an expert in this
21 field to take on that activity.
22 Q. I got that. That's clear. Did anybody at Chrysler,
23 any Chrysler employee, you, anybody assist or were
24 part of Paul Taylor's work that he was hired to do by
25 Chrysler?

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1 A. We were involved in reviewing the information as it
2 was presented to us in its draft form. So yes, we
3 were involved in reviewing that information.
4 Q. Well, what did you review; did you review the
5 underlying data?
6 A. We relied on Paul Taylor to do that because that's his
7 area of expertise.
8 Q. Okay. What did you review?
9 A. We reviewed the information that he provided us which
10 was the analysis of those state databases.
11 Q. So what part of this document was Paul Taylor's
12 information that he supplied to Chrysler?
13 A. Would you like me to go slide by slide again?
14 Q. Yeah, sure, yes, because we've already --
15 A. Okay. The information on Number 6 basically outlines
16 the criteria or what vehicles were used. This was
17 reviewed with Paul Taylor before creating the summary,
18 but this is information that we received from Paul
19 Taylor based on our direction.
20 Q. So you're saying Chrysler 06, that page is information
21 that you received from Paul Taylor?
22 A. It's information that we received from Paul Taylor
23 based on the criteria that we established and directed
24 him to use.
25 Q. Where is the criteria that you established and

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1 directed him to use?
2 A. It's listed on Slide 6.
3 Q. Slide 6.
4 A. And it's also listed in the slide that we were
5 reviewing earlier -- there we go -- Slide 3, yes,
6 ma'am.
7 Q. Well, who determined what states were going to be
8 examined; was it you or Paul Taylor?
9 A. So here's the process. We gave Paul Taylor the
10 criteria that we wished to assess. We wished to be
11 able to sort by tow-away events because it indicates
12 particular level of severity. We wished to have a
13 population, a state that had a large population, i.e.,
14 a large sample size. We wished to have a state that
15 allows the fire, the origin of the fire to be
16 identified specifically by vehicle. And we wanted, of
17 course, a state that would allow us to identify those
18 events that occurred in a rear impact.
19 Based on that criteria, Mr. Taylor came
20 back and explained to us which states would be most
21 appropriate to use and most reliable based on those
22 criteria.
23 Q. So Mr. Taylor's opinion and decision as to what states
24 to use is what you went with, correct?
25 MR. STOCKWELL: Object to the form.

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1 A. Yes. It wasn't Mr. Taylor's decision.
2 BY MS. DeFILIPPO:
3 Q. Well, whose decision was it as to the states that were
4 picked based on the criteria?
5 MR. STOCKWELL: Object to the form.
6 BY MS. DeFILIPPO:
7 Q. Once you told him the criteria as you've just
8 described that you'd like to be able to look at, who
9 made the decision that it would be Illinois, Florida,
10 and North Carolina?
11 A. It was a study that was done on behalf of Chrysler.
12 Chrysler had the final say as to which states were
13 involved. That --
14 Q. Well --
15 A. -- decision was based on --
16 MR. STOCKWELL: Let him finish his answer.
17 BY MS. DeFILIPPO:
18 Q. I'm sorry. Go ahead. I'm sorry.
19 A. That decision was based on the criteria that we gave
20 to Mr. Taylor and the response that he gave to us
21 indicating which states had the most reliable
22 databases that would allow us to sort using these
23 criteria.
24 Q. Did he give you any other states besides Illinois,
25 Florida, and North Carolina?

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1 A. Those are the three states, as I understand it, that
2 could be analyzed using the criteria that we had given
3 Mr. Taylor.
4 Q. Did Paul Taylor give you any other states to choose
5 from to analyze based on your criteria?
6 A. I don't believe so.
7 Q. So after you gave Paul Taylor your criteria, he came
8 back with his opinion that it would be Illinois, North
9 Carolina, and Florida to satisfy your criteria,
10 correct?
11 A. He gave us a list of the states that met all of our
12 criteria. Those three states were the three states
13 you just mentioned. If there had been a fourth or
14 fifth state, we would have included that in our
15 assessment as well.
16 Q. So his list was only three, correct?
17 A. His list was three states, yes, ma'am.
18 Q. Did you discuss with Paul Taylor whether or not
19 New Jersey had a tow-away sorting capacity?
20 A. If I recall correctly, I think New Jersey met some of
21 the criteria but not all of the criteria.
22 Q. So are you saying that Illinois, Florida, and
23 North Carolina meet all of the criteria, that they
24 have a sorting capacity by tow-away, that they have a
25 large vehicle population, and they also have an

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1 indication of whether a fire or where the fire existed
2 in the vehicle; is that what you're saying?
3 A. The third criteria is the origin of the fire, being
4 able to separate it by vehicle, but --
5 Q. By vehicle?
6 A. By vehicle, yes.
7 Q. By vehicle. So the only thing that you were trying to
8 separate with respect to the fire was whether it was
9 the hitting car or the car that got hit --
10 A. Again --
11 Q. -- correct?
12 A. As I stated earlier, these were rear impact fires, so
13 impacts at the 5, 6, or 7:00 position.
14 Q. Right.
15 A. And we were looking for states that allowed us to sort
16 by the criteria that we've identified, but we wanted
17 to make sure that we included in those, in the data
18 the incidents where the fire originated in the Grand
19 Cherokee vehicle or in this case the vehicle that was
20 struck.
21 Q. The vehicle that was struck versus the vehicle that
22 struck, correct?
23 A. Yes, ma'am.
24 Q. Now can you tell me, if you recall, which one of those
25 three criterias did New Jersey fail?

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1 MS. JEFFREY: Object to form.
2 A. I don't recall to be honest with you. I faintly
3 remember New Jersey being part of the original list of
4 potentials, but as I understand it, the State of
5 New Jersey database would not support an analysis
6 based on the criteria that were identified.
7 BY MS. DeFILIPPO:
8 Q. And again, just so I'm clear, New Jersey either didn't
9 have a large vehicle population, didn't indicate where
10 the fire originated, in the hitting car or the car
11 that was hit, and didn't sort by tow-away crashes?
12 MR. STOCKWELL: Object to the form. You
13 mean and/or but okay.
14 BY MS. DeFILIPPO:
15 Q. Correct, is that what you're saying, it missed one of
16 those three criteria?
17 A. That's my recollection, yes, ma'am.
18 Q. And is it fair to say that you just testified that if
19 it didn't miss any of those criteria, it would have
20 been included in your analysis?
21 A. If it was presented as an alternative state that we
22 could have included in the assessment and it met all
23 three criteria, then I believe we would have used
24 that.
25 Q. And when you say if it was presented, you mean

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1 presented by Paul Taylor, correct?
2 A. Yes, ma'am.
3 Q. Okay. So no one at Chrysler looked at the states that
4 weren't presented to you by Paul Taylor, correct?
5 A. We requested Paul Taylor to assess the states and
6 determine which of the three met those criteria.
7 These are the three that he came back with.
8 Q. Okay. So my question is: No one at Chrysler looked
9 at the states, any states that Paul Taylor did not
10 come back to you with, correct?
11 A. The individuals at Chrysler that were involved in this
12 investigation didn't have that expertise or knowledge.
13 So we relied on Paul Taylor and his expertise to
14 provide us with that guidance.
15 Q. Okay. Now when did Paul Taylor do his analysis of the
16 state databases in connection with this submission?
17 A. I couldn't tell you what date was associated with the
18 analysis. I can tell you that he provided it at the
19 request of Chrysler and the investigative team in
20 support of the November 12th submission.
21 Q. Do you know if Paul Taylor conducted this analysis
22 prior to your request?
23 A. My understanding is that it had not been completed
24 prior to my request, although it may have been
25 completed in part in the Jarmon case but, number one,

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1 I think the Jarmon case didn't have all three of the
2 states, and number two, it wouldn't have been
3 appropriate for us to submit that as evidence because
4 it wasn't reflective of the calendar years which we
5 had to include. So, in other words, it wasn't
6 up-to-date.
7 Q. Is it your understanding that Mr. Taylor took what
8 information he had previously used or started with in
9 the Jarmon case and updated it for purposes of your
10 request?
11 MR. STOCKWELL: Object to the form.
12 MS. JEFFREY: Object to form.
13 A. I don't know if he took -- as I -- as I recall, in the
14 Jarmon case, there was one state. In our submission,
15 there were three states. So specific to that one
16 state that you're referencing, I personally don't know
17 if he took that initial study and updated it or if he
18 started from scratch regarding based on the criteria
19 that we provided him. Frankly, I'm not even -- I
20 don't even know that the criteria we provided him -- I
21 guess it would be consistent with what was submitted
22 in the Jarmon case, so I apologize.
23 BY MS. DeFILIPPO:
24 Q. It would be consistent, correct?
25 A. I think so, yeah. There were rear impacts where fire

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1 was involved in the Grand Cherokee or the vehicle that
2 was struck, sort by tow-away, large vehicle
3 population, identification of fire at the vehicle
4 level. So yeah, the one state that was provided in
5 the Jarmon case met those criteria obviously.
6 Q. What state was that?
7 MS. JEFFREY: Do you want to look at the
8 report?
9 THE WITNESS: Yeah, I'm going to have to
10 look at the report.
11 MS. JEFFREY: Can we take a break when it
12 comes to a good point?
13 MS. DeFILIPPO: Yeah, sure.
14 MS. JEFFREY: There's a pending question
15 now. Sorry.
16 A. In the Jarmon report, it included the analysis of the
17 Illinois state database. Illinois was also included
18 in the assessment of the --
19 BY MS. DeFILIPPO:
20 Q. It was only Illinois in the Jarmon case?
21 A. Yes, ma'am, that's my understanding.
22 Q. And if you go to Chrysler 04 which is part of your,
23 what we've marked as Dillon 5, on Chrysler 04, there
24 is a dot, and the dot corresponds to another dot under
25 the note, and it's the second dot under the word

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1 "Note" and I'll read it. It says: Data is time
2 limited in that data includes inputs since the second
3 quarter of 2003 and does not include vehicles more
4 than ten years old.
5 Are you referring to the data that's listed
6 in that chart on 04?
7 A. Yes, ma'am.
8 Q. And the second quarter of '03 -- since the second
9 quarter of '03 would be data that is time limited from
10 June of '03, correct, so no data was looked at before
11 June of '03; there was no data supplied on this chart
12 before June of '03, correct?
13 A. So this data is extracted from NHTSA's database, and
14 they only maintain the database back so many years.
15 So that's why it's limited.
16 Q. All I'm asking is that it starts -- it starts in June
17 of '03; nothing before that is included in this chart,
18 correct?
19 A. Yes, ma'am.
20 Q. And then it says it does not include vehicles more
21 than ten years old. Are we talking about ten years
22 from when you submitted the petition, which would be
23 from 2000?
24 A. I'm not familiar with the petition that was submitted.
25 Q. I'm sorry, I'm sorry, when you submitted your response

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1 to the PE, are we talking about ten years from that
2 point?
3 A. This --
4 Q. So 2000 -- I'm sorry?
5 A. Well, this note applies to, I hope you understand
6 this, only the EWR data, right, only the EWR data, and
7 I've already stated that the EWR data isn't
8 significant in terms of what we used to reach our
9 conclusions. So I'm not sure --
10 Q. Okay. I just want to --
11 MS. JEFFREY: Can he finish?
12 BY MS. DeFILIPPO:
13 Q. Okay. I just want to make sure I understand the
14 language, however.
15 A. Uh-huh.
16 Q. So am I correct in reading this that the data you
17 looked at was from June of '03 and did not include any
18 vehicles that were more than ten years old, so that
19 means no vehicles that were before the model year
20 2000; is that a fair reading of that note?
21 A. Yes, ma'am.
22 MS. DeFILIPPO: Okay. We can take a break
23 now.
24 MS. JEFFREY: Okay. Five minutes.
25 (Recess taken at 3:10 p.m.)

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1 (Back on the record at 3:20 p.m.)
2 BY MS. DeFILIPPO:
3 Q. Mr. Dillon, when you devised the criteria that you
4 gave to --
5 MS. JEFFREY: Angel, we're not seeing you
6 again. We're just seeing a gray screen.
7 MS. DeFILIPPO: All right. There's
8 something going on with the controls here. You'll
9 have to play with them. That's not good.
10 MS. JEFFREY: Angel, before you start, can
11 I ask, do you have any idea how much longer you might
12 be here?
13 MS. DeFILIPPO: Well, I would have said I'd
14 be done in two hours, but it seems like it's just
15 taking forever to get from Point A to Point B. So I'm
16 going to do the best I can to go as quickly as I can.
17 MS. JEFFREY: Is there any way you can
18 estimate?
19 MS. DeFILIPPO: Can you see me now? Can
20 you see me?
21 MS. JEFFREY: Yes.
22 BY MS. DeFILIPPO:
23 Q. Okay. Mr. Dillon, when you gave the criteria to Paul
24 Taylor to come up with your states that were going to
25 be included in your state database analysis, did you

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1 -- were you aware of the Kline versus Chrysler case?
2 A. I'm not certain that I was aware of this case
3 specifically when -- no, I don't believe I was
4 specifically.
5 Q. Was anyone in your team aware of the case in
6 New Jersey?
7 A. On our team we had people from the Office of the
8 General Counsel, so part of the task was to provide us
9 with the information pertaining to what claims or
10 lawsuits that we might have had. So I'm sure that
11 they were aware of that case at the time.
12 Q. Did anything about the Kline case or your knowledge of
13 the Kline case figure into the criteria which you gave
14 to Mr. Taylor?
15 A. No. I was not aware of the details or the specifics
16 of the Kline case, and at no time did it come into
17 play in terms of the decision regarding what states
18 were chosen. We chose every state that met the
19 criteria that I outlined.
20 Q. Mr. Dillon, did you say earlier in the day that, and I
21 think we were talking about the kind of documents that
22 went back and forth between you and NHTSA as a result
23 of the PE, and I believe I asked you if you received
24 anything from NHTSA, and you said you did, correct, a
25 letter from NHTSA with the request?

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1 A. I'm --
2 Q. Am I correct on that?
3 A. I'm drawing a blank. Can you repeat the question?
4 Q. When we were initially talking about how you became
5 aware of the PE, you said you received a letter from
6 NHTSA; is that correct?
7 A. Well, I first became aware of the PE when NHTSA --
8 they publish an opening resume. The opening resume
9 typically comes several weeks before we receive what's
10 called the information request. The opening resume
11 just states what the vehicles are that they're
12 investigating, what the alleged condition is that
13 they're investigating, and what their initial
14 assessment indicates in terms of the field data.
15 Q. And I believe you told me that you never respond to a
16 petition, that you would only respond when the
17 petition -- when NHTSA deemed the petition was worthy
18 of a preliminary investigation; is that correct?
19 MR. STOCKWELL: Object to the form.
20 A. No, I wouldn't agree with that. What I said was my
21 team responds to inquiries or investigations from the
22 agency.
23 BY MS. DeFILIPPO:
24 Q. From NHTSA, correct?
25 A. Yes, ma'am.

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1 Q. And you told me that you only made two responses,
2 October 15th and November 12th of 2011 (sic) with
3 attachments and enclosures, correct?
4 A. What I said was there were two submissions associated
5 with the information request specifically, mid October
6 and mid November and --
7 Q. And --
8 A. Go ahead.
9 Q. Go ahead. I'm sorry. I didn't want to interrupt you.
10 A. I'm finished.
11 Q. There were no other written communications between you
12 and NHTSA other than those two October -- those two
13 dates, October 15th and November 12th?
14 MS. JEFFREY: Object to form. That's
15 inaccurate. I've talked about the requests for
16 confidentiality that was made, and I said I would get
17 you those.
18 MS. DeFILIPPO: Okay.
19 MS. JEFFREY: Those are additional
20 communications.
21 BY MS. DeFILIPPO:
22 Q. All right. So there was a request for confidentiality
23 that was made by Chrysler to NHTSA, correct?
24 A. Uh-huh, that's correct.
25 Q. Was there any other written document which you

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1 authored and submitted to NHTSA in connection with
2 PE 10-031?
3 A. There was a submission that I made requesting an
4 extension of the timing that we were provided to
5 respond to the information request. I submitted that
6 approximately a week or a week-and-a-half prior to the
7 October 15th, the original October 15th due date.
8 Q. And were there any other requests that were made of
9 Chrysler by NHTSA in connection with PE 10-031 that
10 you're aware of?
11 A. Subsequent to submitting the second response, there
12 were two things as I recall. Number one, there was a
13 request from the Office of, I'll call them the Office
14 of General Counsel but it's the Chief Counsel's Office
15 at NHTSA asking us to reply and provide some specific
16 information pertaining to our confidentiality request.
17 So that's one.
18 The other was NHTSA had requested that we
19 provide them with a copy of the presentation that we
20 gave them in either late April or early May, which is
21 what you're looking at hopefully on your desk there.
22 Q. So the first request that you referred to, was that a
23 request that was made of you by the senior attorney at
24 NHTSA Otto Matheke who -- in connection with a letter
25 which NHTSA received from Paul Sheridan?

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1 A. I believe that's the letter that I'm referring to,
2 yes, ma'am.
3 Q. Did you reply to NHTSA?
4 A. Yes, ma'am, we did.
5 Q. And where is that reply?
6 A. NHTSA is in possession of that reply.
7 MS. DE FILIPPO: Okay. I would just ask
8 that you give us a copy of that reply.
9 MS. JEFFREY: Okay.
10 BY MS. DeFILIPPO:
11 Q. Now getting back to the document that we were
12 referring to, the Chrysler 06, you had indicated that
13 the data or the information on the page called
14 Chrysler 06 of Dillon 5 indicates vehicles used in the
15 analysis for the FARS data, correct?
16 A. I'm sorry, could you repeat the question?
17 Q. Do you have in front of you Chrysler 06 which was part
18 of the document Dillon 5?
19 A. Yes, ma'am.
20 Q. Okay. And that document sets forth vehicles which
21 Chrysler wanted to analyze in connection with the FARS
22 data, Fatal Analysis Reporting System data, correct?
23 A. Yes, ma'am.
24 Q. Okay. Can you tell me who chose the vehicles that
25 would be compared to the Jeep Grand Cherokee in the

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1 FARS data portion of your document?
2 A. I'm not sure that I could say that one particular
3 individual identified each and every one of these, but
4 what I can tell you is that essentially what this is
5 is a list of midsize SUVs that would be considered
6 peer vehicles to the Jeep Grand Cherokee during the
7 1993 through 2004 model years.
8 Q. Was it a person within your team, the team itself, or
9 was it Mr. Taylor who chose the vehicles?
10 A. It wasn't -- in the end I'm responsible for, you know,
11 deciding or authorizing what vehicles are included.
12 What I can tell you is there was no vehicle that was
13 particularly excluded that may have been offered up as
14 an option pertaining to midsize SUVs built during that
15 period.
16 Q. Who offered the vehicles up as an option; was that
17 Paul Taylor?
18 A. No. I think that was, again, more of a brainstorming
19 activity where we said, all right, what were the
20 midsize SUVs that were built during that time period,
21 put them on a sheet of paper, and we gave that to Paul
22 and that's what he analyzed.
23 Q. Okay. So Paul Taylor had no involvement in selecting
24 the vehicles that would be compared to the Jeep Grand
25 Cherokee?

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1 A. I didn't say that. Paul was a part of the team, and
2 Paul --
3 Q. Well, was he part -- did he participate in any way in
4 selecting the vehicles that would be part of the
5 analysis.
6 A. As, as part of the team that we selected to develop
7 the response and perform the analyses, he would have
8 had an input on vehicles that were in the midsize SUV
9 category during that time period.
10 Q. So what was his input as a statistical person; what
11 input did he have in selecting the vehicles that are
12 listed on Chrysler 6?
13 A. As I indicated earlier, I don't recall a particular
14 vehicle that was suggested by a particular individual.
15 Again, it was a list where we sat down as a group,
16 said, okay, what are the midsize SUVs built during
17 that timeframe, let's get the list down and then let's
18 perform the analysis of these vehicles, and again, I
19 just want to --
20 Q. Did Chrysler --
21 MS. JEFFREY: Hold on. Let him finish. Go
22 ahead, Dave.
23 A. I just want to --
24 BY MS. DeFILIPPO:
25 Q. I thought you were. I mean, you really have to keep

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1 your voice up at the end because when you speak down,
2 for some reason I can't hear you.
3 A. Okay, apologize.
4 Q. It's okay.
5 A. I just wanted to reiterate, I don't recall any
6 particular midsize SUV that was built during that
7 timeframe that was offered up as an alternative that
8 we said no, don't include that.
9 Q. Okay.
10 A. All of the vehicles that I was aware of were included.
11 Q. And that's fair, and I'm just wondering, did you need
12 Paul Taylor's input to devise a list of all the SUVs
13 that you thought were peer vehicles, or was that
14 something the Chrysler team did and handed to Paul
15 Taylor, or something else?
16 A. It's something that we could have done on our own, but
17 Paul was a part of the team that we assembled, so he
18 may have had input into the brainstorming session when
19 we sat down and generated that list.
20 Q. Now would you agree with me that in the normal and
21 ordinary course of business, Chrysler does not compare
22 vehicles and how they perform in crash tests, correct?
23 MR. STOCKWELL: Object to the form.
24 A. I'm not sure I understand your question.
25 BY MS. DeFILIPPO:

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1 Q. In the ordinary course of Chrysler's business,
2 Chrysler doesn't compare vehicles, outside vehicles,
3 non-Chrysler vehicles to Chrysler vehicles to
4 determine how they perform in crash tests or in
5 crashes; you would agree with me, correct?
6 MR. STOCKWELL: Same objection.
7 A. I'm not a crash test engineer, nor am I involved in
8 that sort of activity, so I couldn't answer that
9 question. I don't know.
10 BY MS. DeFILIPPO:
11 Q. Do you know if Chrysler ever crash tested vehicles of
12 other manufacturers?
13 A. Again, I haven't been involved in crash test
14 engineering at least here in the U.S. or since I've
15 began working, and so I couldn't answer that question.
16 I'm not a crash engineer.
17 Q. So you don't know, right?
18 A. I don't know.
19 Q. You personally don't know, correct?
20 A. I personally don't know, that's correct.
21 Q. And Mr. Zyluk, it's Edward Zyluk, correct, as part of
22 your team?
23 A. I believe it's pronounced Zyluk.
24 Q. All right. Mr. Zyluk, that's Edward Zyluk, he's part
25 of your team, correct?

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1 A. He was engaged as part of the team to help us collect
2 and analyze the test results specific to the Jeep
3 Grand Cherokee and its 301 impact performance.
4 Q. So I'm going to read to you from Page 69 of
5 Mr. Zyluk's deposition that he gave in the case of
6 Kline versus Chrysler, and the question was: As part
7 of your function in the impact development group, did
8 you compare vehicles and how they perform in crash
9 tests?
10 And his answer was: Not really, no.
11 Question: Did you ever -- were you ever
12 asked to perform crash testing on vehicles of other
13 manufacturers?
14 And his answer was: No.
15 You have -- you made him part of your team
16 because of his knowledge that he could help you with
17 in connection with the PE, correct?
18 A. As I indicated earlier, we identified Ed Zyluk as a
19 member of the team so that he could help us understand
20 the test history of the '93 through 2004 Jeep Grand
21 Cherokee. That's why he was part of the team.
22 Q. And Mr. Zyluk testified under oath, as I've read to
23 you, that Chrysler does not as part of their normal
24 function compare crash testing of Chrysler vehicles
25 with other manufacturers' vehicles in the ordinary

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1 course of business, correct?
2 MS. JEFFREY: I'm going to object to the
3 form of that, and I'd like to see the transcript. We
4 don't have it here. I don't know what --
5 MS. DeFILIPPO: Well --
6 MS. JEFFREY: Just let me finish my
7 objection. I'm not sure if the question related to
8 ZJs or other vehicles.
9 MS. DeFILIPPO: Wait a minute. Hold on.
10 If you're going to object and you're going to start
11 telling this witness what to say, you're going to have
12 to get him to leave. I don't know why you're
13 objecting. I read from a transcript that is sworn to,
14 and if you have any doubt that I read it correctly or
15 what it was about, then, you know, you can certainly
16 do what you have to do at that point.
17 MS. JEFFREY: It's just that --
18 MS. DeFILIPPO: It's a transcript --
19 MS. JEFFREY: -- I don't think your summary
20 said what he testified to. So if you want to read --
21 MS. DeFILIPPO: Well, I don't think that's
22 for you to say. That's really -- this is not the kind
23 of objection that's permissible in New Jersey. I'm
24 questioning this witness about something that Chrysler
25 did and he didn't know and a member of his team did.

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1 MS. JEFFREY: Can you read what the
2 transcript says again and then ask your question?
3 BY MS. DeFILIPPO:
4 Q. As part of your function in the impact development
5 group, did you compare vehicles and how they perform
6 in crash tests.
7 Not really, no.
8 MS. JEFFREY: His function.
9 MR. STOCKWELL: You used the words
10 "ordinary course of business" in your question.
11 MS. DeFILIPPO: Were you ever asked to
12 perform crash testing on vehicles of other
13 manufacturers?
14 No.
15 I don't think that requires anything more,
16 and we can argue about it later, but it's not for you
17 to argue in front of this witness.
18 MR. STOCKWELL: What's your question then?
19 BY MS. DeFILIPPO:
20 Q. My question is: You have no reason to dispute what
21 Mr. Zyluk said in a deposition sworn to testimony in
22 the Kline case, correct?
23 MR. STOCKWELL: Object to the form.
24 MS. JEFFREY: Join.
25 A. Again, I wish I had a copy of this to read so I can

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1 sort of put it in context.
2 BY MS. DeFILIPPO:
3 Q. What context --
4 MR. STOCKWELL: Let him finish.
5 A. My understanding of what Mr. Zylak is telling you is
6 it's based on his own personal experience. I don't
7 know that he's speaking on behalf of Chrysler and what
8 all of Chrysler does. But again, I don't have a copy
9 of that, and I can't put it into perspective.
10 BY MS. DeFILIPPO:
11 Q. So are you willing to state today that you believe
12 that in the ordinary course of business, Chrysler
13 compares the performance in crash tests or crashes of
14 their vehicles with vehicles of other manufacturers;
15 is that what are's saying?
16 MR. STOCKWELL: Objection to the form.
17 MS. JEFFREY: Join.
18 A. I've already stated that I'm not a test engineer. I
19 wasn't involved in the development of the Jeep Grand
20 Cherokee, specifically the fuel system or the 301 rear
21 impact. So it would be pure speculation on my part.
22 I can't answer that question.
23 BY MS. DeFILIPPO:
24 Q. Okay. Mr. Dillon, in this analysis that you provided
25 to NHTSA, it's fair to say that Chrysler was comparing

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1 the performance of the Jeep ZJ with other vehicles
2 from other manufacturers in rear-end crash tests; is
3 that fair to say?
4 A. No, that's not fair to say.
5 Q. Oh, so there was no comparison made in this analysis
6 that you offered up to NHTSA --
7 A. That's right.
8 Q. -- between the Jeep Grand Cherokee and other vehicles
9 in real-world tests?
10 MS. JEFFREY: Object to form.
11 A. You said -- no, I'm saying that Chrysler has not
12 compared vehicles in its assessment regarding vehicle
13 tests, no.
14 BY MS. DeFILIPPO:
15 Q. What was the comparison that was -- why did you choose
16 other manufacturers' vehicles; what kind of comparison
17 was Chrysler making in this presentation to NHTSA?
18 A. Our intention of performing this analysis was to
19 evaluate the performance of the vehicle in the field
20 with respect to rear impacts that resulted in a fire
21 where fire was identified as the most harmful event.
22 Q. So you were comparing your vehicle, the Jeep Grand
23 Cherokee, to other vehicles in the field as to how
24 they performed in rear-end crashes, correct?
25 A. That's correct.

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1 Q. And is it your understanding that at any time you ever
2 heard that Chrysler ever made comparisons between the
3 Chrysler vehicles and any other manufacturers' vehicle
4 as to how they would perform in rear-end crashes apart
5 from responding to the NHTSA PE?
6 MS. JEFFREY: I object to form. That's not
7 intelligible.
8 A. Yeah, I honestly -- not to sound offensive, but I
9 didn't understand that question.
10 BY MS. DeFILIPPO:
11 Q. Is it your understanding that Chrysler has ever
12 compared the performance of their vehicles with other
13 vehicles vis-a-vis rear-end crash collisions in any
14 other context other than in responding to NHTSA?
15 MS. JEFFREY: Object to form.
16 A. So let me try to clarify something. With respect to
17 what we may have done historically, that was not the
18 question that was asked by the agency.
19 MR. FUSCO: Say you don't understand the
20 question.
21 A. So that's not what we -- that's not the question that
22 we asked or information that we sought out. What we
23 looked for very specifically was the performance of
24 the vehicle in the field, and we analyzed our vehicle
25 compared to the peer vehicles as identified by NHTSA,

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1 as well as some other peer vehicles in that midsize
2 SUV category. That's what we based our analysis on.
3 MS. DeFILIPPO: I didn't get that.
4 Somebody coughed. Could you read that back?
5 (The requested portion of the record was
6 read by the reporter at 3:43 p.m. as
7 follows:
8 "Answer: That's not the question that we
9 asked or information that we sought out.
10 What we looked for very specifically was
11 the performance of the vehicle in the
12 field, and we analyzed our vehicle compared
13 to the peer vehicles as identified by
14 NHTSA, as well as some other peer vehicles
15 in that midsize SUV category. That's what
16 we based our analysis on.")
17 BY MS. DeFILIPPO:
18 Q. And are you aware of any other time when Chrysler
19 performed an analysis such as you just described?
20 A. Well, in the Jarmon case, there was an analysis
21 completed on Jeep ZJ up to a particular time in, point
22 in time. That's the extent of my knowledge of any
23 analyses or studies that were done regarding the
24 performance of the Jeep Grand Cherokee in the field.
25 Q. Did you request of your team, and especially the

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1 individual who you said provided you with history on
2 the Jeep, did you request from Mr. Zylik information
3 as to whether or not apart from a lawsuit a comparison
4 between your vehicle and peer vehicles of other
5 manufacturers was ever done by Chrysler?
6 MS. JEFFREY: Object to form.
7 A. I'm not sure what kind of comparison you're referring
8 to.
9 BY MS. DeFILIPPO:
10 Q. Any kind in the field as you've described, the same
11 comparison that you've described you've done with
12 respect to this PE for NHTSA. Did you inquire as to
13 Mr. Zylik when you talked to him about the history of
14 the Jeep whether or not any other time a comparison
15 such as this was done with the exception of a lawsuit?
16 MR. STOCKWELL: Object to the form.
17 A. Mr. Zylik is a test engineer.
18 BY MS. DeFILIPPO:
19 Q. Is what, he's what?
20 A. He was a test engineer at the time. His role as a
21 test engineer was not to evaluate historical
22 performance of any particular vehicle in the field.
23 Certainly 10, 15, 20 years later his role today is not
24 related to investigating the performance of the Jeep
25 Grand Cherokee in the field. That's what my

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1 organization does. Again, specifically what we
2 leveraged Mr. Zylik's experience for was to understand
3 the 301 impact test history of the '93 through 2004
4 Jeep Grand Cherokee.
5 Q. Did you do any type of investigation through anyone,
6 your division in the company or your predecessor who
7 would do what you do within Chrysler to determine
8 whether, whether a comparison such as you've described
9 that you've done for NHTSA between the Jeep Cherokee
10 and other manufacturers' vehicles had ever been done
11 before apart from a lawsuit?
12 MR. STOCKWELL: Object to the form.
13 A. So just to be clear again, you're referring to an
14 analysis of the vehicle's performance in the field?
15 BY MS. DeFILIPPO:
16 Q. Yes.
17 A. Any of those analyses would have been responsive to
18 the NHTSA information request. We provided all of the
19 analyses that were completed regarding field
20 performance that were -- and the only one that was
21 available is the Jarmon, the analysis that was done
22 for the Jarmon case.
23 Q. So the answer is there was no other analysis performed
24 other than with respect to the Jarmon lawsuit --
25 A. That's not correct.

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1 Q. -- of your Jeep? Well, Mr. Dillon, I'm going to read
2 back my prior question.
3 Could you read back the question before
4 this just very last one.
5 (The requested portion of the record was
6 read by the reporter at 3:47 p.m. as
7 follows:
8 "Question: Did you do any type of
9 investigation through anyone, your division
10 in the company or your predecessor who
11 would do what you do within Chrysler to
12 determine whether, whether a comparison
13 such as you've described that you've done
14 for NHTSA between the Jeep Cherokee and
15 other manufacturers' vehicles had ever been
16 done before apart from a lawsuit?")
17 MS. DeFILIPPO: That was a good question.
18 BY MS. DeFILIPPO:
19 Q. So do you understand the question?
20 MR. WESTENBERG: He answered it.
21 A. Yes, ma'am.
22 BY MS. DeFILIPPO:
23 Q. Okay. Is the answer no?
24 MR. STOCKWELL: Object to the form.
25 A. I've already answered that question. We reviewed the

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1 information that was available to us and looked for
2 studies or analyses that were conducted prior to the
3 receipt of the information report, and the only
4 analysis of the field performance of the vehicle was
5 that which I referred to which was done in support of
6 the Jarmon case. That one and the analysis that was
7 done on behalf of Chrysler in support of this
8 investigation are the only two analyses that I'm aware
9 of that were conducted regarding the field data
10 performance of the Jeep Grand Cherokee relative to its
11 peer vehicles.
12 BY MS. DeFILIPPO:
13 Q. So the analyses that you described were done for NHTSA
14 and for a lawsuit only; that's fair to say, correct?
15 MS. JEFFREY: Object to form.
16 A. I've -- I've answered that question, yes, ma'am.
17 BY MS. DeFILIPPO:
18 Q. Now if you look at Chrysler 07, part of Dillon 5, that
19 says on the bottom: Rollover if any of the following
20 conditions are true. Crash year 1992 to 2009,
21 rollover equals one or two, first or subsequent event
22 rollover. Crash year 1992 to 2009, first harmful
23 event equals rollover one -- equals one rollover and
24 vehicle form submitted equals one. Crash year 1992 to
25 2009, most harmful event equals one rollover. Crash

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1 year 2004 to 2009, any sequence of event code equals
2 one rollover.
3 Can you explain what that means?
4 A. What this does is we, in the course of providing this
5 analysis of the FARS data, we also did an analysis of
6 the Jeep Grand Cherokee relative to its peer vehicles
7 in the event of rollovers. So what this does is
8 identify what criteria were used when identifying a
9 vehicle that met the criteria of a rollover.
10 Q. Okay. But I don't understand it. Do you understand
11 what each of these categories is and how you separate
12 them out?
13 A. The details of the crash database is not something
14 that I'm an expert in. What this information does is
15 reflect very specifically the criteria that Mr. Taylor
16 used so that NHTSA could understand what the criteria
17 was and so that they could repeat the study, and if
18 they had any differences of opinion, they could
19 communicate those.
20 Q. I'm sorry, if who had a difference of opinion?
21 A. The NHTSA. That's who would respond.
22 Q. Taylor and NHTSA? I'm sorry, who are we talking
23 about?
24 A. What's the question?
25 Q. You said if they had a difference of opinion. Who are

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1 we talking about having a difference of opinion?
2 A. Well, this presentation was generated and presented to
3 NHTSA. NHTSA in this case is "they".
4 Q. Well, who would have a difference of opinion, NHTSA,
5 within NHTSA you mean?
6 A. Let me take a step back. What this is is very
7 specifically identifying what the criteria are for
8 identifying what a rollover event is. We do this and
9 communicate it to NHTSA so that they can understand
10 very clearly what those criteria are, number one, and
11 number two, so that they can replicate our results if
12 they wish to, and number three, allow them to identify
13 any differences of opinion they might have so that we
14 could resolve those differences.
15 Q. Okay. Now I'm specific. I'm looking at Chrysler 07,
16 and it says here: Crash year 2004 to 2009, any
17 sequence of event code equals one, parens, rollover.
18 I thought one was only the first event as
19 indicated in crash year 1992 to 2009. I'm just trying
20 to understand so that I can review the data myself.
21 Can you explain that to me because I don't understand?
22 A. This is detailed information that's sort of in the
23 weeds, and it's not something that I'm an expert in.
24 That's something that we relied on Paul Taylor to do
25 at our request so that we could provide that

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1 information to NHTSA in support of our investigation.
2 In doing so, we provided these criteria to the NHTSA
3 so that we could be very transparent with the agency
4 so that they could understand the criteria that we
5 used, they could repeat the study if they wished to,
6 and if there were any differences of opinion, they
7 could voice those differences.
8 Q. But in repeating the study, you have to understand the
9 terminology, wouldn't you agree?
10 A. If you're an expert in that particular field, you'll
11 understand this.
12 Q. So are you saying that Paul Taylor will understand,
13 that he will be able to answer my question?
14 A. Absolutely.
15 Q. You're confident, okay. So when you look at
16 Chrysler 08, you see that Chrysler 08 has a sample
17 incident rate calculation. Is this a document that
18 Paul Taylor gave to Chrysler?
19 A. The document I created but the information that's
20 essentially contained within this document I requested
21 from Mr. Taylor, yes.
22 Q. Okay. So what do you mean -- what did you create
23 about this document?
24 A. I took the information that Mr. Taylor gave me and put
25 it in this slide so that, again, we could be

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1 transparent in the methods that we used in making our
2 calculation so that the agency can understand it and
3 repeat it as required, and if there are any
4 differences of opinion, they could voice those
5 differences.
6 Q. Okay. So the information that you put into this chart
7 came from Paul Taylor, correct?
8 A. This came from Paul Taylor, and as I understand it, it
9 came from Polk database.
10 Q. I'm sorry, say that again, Polk?
11 A. Polk database, P-O-L-K.
12 Q. Okay. But essentially you took information that Paul
13 Taylor gave you as correct; you didn't question it,
14 correct?
15 A. The information that Paul Taylor gave us is, in fact,
16 information that he could testify is correct based on
17 his expertise.
18 Q. He could testify, Paul Taylor could testify, correct?
19 A. He could validate the data.
20 Q. Right. So now looking at this data, you have an
21 understanding of the data on this page?
22 A. Yeah, I have a general understanding of the data, yes.
23 Q. Okay. So am I correct in stating that there may be
24 vehicles that exist over in these totals that are the
25 same vehicles that have been re-registered?

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1 A. No, I don't believe so. If you're asking me if
2 vehicles were double counted, my understanding is no.
3 Q. No, I'm not.
4 A. Well then, maybe you can help clarify the question.
5 Q. I'm asking you if there are any repeat registrations
6 of a given vehicle in this chart?
7 A. I don't understand your question.
8 Q. Well, the chart says that it's Jeep Grand Cherokee
9 U.S. registration data by model and year of
10 registration, correct?
11 A. That's correct.
12 Q. So in the year 1992, the 1993 Jeep, 15,000 of them
13 were registered. So over in the total there's 15,000,
14 correct?
15 A. That's correct.
16 Q. And in the year '93, the '93 was registered, and there
17 were 152,590 registered, correct?
18 A. There were 152,590 vehicles registered and on the road
19 that calendar year.
20 Q. And those are new cars, new registrations, never
21 having been preowned in any way?
22 A. That's not my understanding.
23 Q. In 1993, 152,590 Jeep Grand Cherokees of the model
24 1993 were registered in the United States, correct?
25 A. That's correct.

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1 Q. Okay. However, in 1994, there were 201,380 1993 model
2 years registered in '94 and 185,063 model year '94s
3 registered. We can assume that they were all new in
4 '94, correct?
5 A. In the calendar year 1994, the model year 1994
6 vehicles were all likely new.
7 Q. Excuse me, I'm sorry, what? In calendar year 1994 --
8 A. The 1994.
9 Q. -- the model year 1993, there were 201,380 that were
10 registered, '93 vehicles?
11 A. Vehicles on the road, registered vehicles on the road.
12 Q. On the road that were model year 1993, correct?
13 A. That's correct.
14 Q. How many times during the useful life is a Jeep Grand
15 Cherokee registered?
16 A. I wouldn't be able to answer that question.
17 Q. So how can you be certain that when you get these
18 registration numbers, that there are no duplicate Jeep
19 Grand Cherokees in here?
20 A. I think maybe you're missing the point here. We're
21 not counting how many times a Jeep Grand Cherokee was
22 registered in a calendar year. We're counting how
23 many Jeep Grand Cherokees were registered to be on the
24 road in that calendar year.
25 Q. So there's 27,093,848 Jeep Grand Cherokees registered

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1 to be on the road in 2010?
2 MS. JEFFREY: Object to form.
3 A. No, ma'am, that's not correct.
4 BY MS. DeFILIPPO:
5 Q. Is that what you're saying?
6 A. That's not correct.
7 Q. Excuse me. Okay. What does that number represent?
8 A. That represents the number of vehicle years that the
9 Grand Cherokee has, in my terms, under its belt, how
10 many vehicle years it's been on the road.
11 Q. So how many Jeep Grand Cherokees were made between
12 1992 and 2010 in total?
13 A. I wouldn't be able to answer that question. Again, I
14 think you're misunderstanding this chart.
15 Q. Maybe you can explain to me, what is the point of this
16 chart?
17 A. The point of this chart is to explain how the
18 denominator -- numerator or denominator -- denominator
19 was calculated in determining the rates of these
20 events.
21 Q. I didn't hear you at all. Could you say that again?
22 A. The point of this slide is to, again, be transparent
23 with the agency and explain to them how we arrived at
24 the denominator, the value in the denominator which we
25 used to generate the rate at which vehicles

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1 experienced these events.
2 Q. Okay. I understand that you're trying to arrive at a
3 denominator, but what about the registration and
4 vehicles on the road is significant to you from this
5 chart?
6 A. This chart depicts the number of registered vehicles
7 on the road in that calendar year. It doesn't depict
8 how many --
9 Q. At any given --
10 MS. JEFFREY: Wait, let him finish, please.
11 BY MS. DeFILIPPO:
12 Q. Sorry. Go ahead.
13 A. I lost my train of thought. Go ahead.
14 Q. So in the calendar year, let's take 2000, there were
15 163,764 Jeeps on the road registered?
16 A. That's correct.
17 Q. That were model year '93?
18 A. That's my understanding, yes, ma'am.
19 Q. So when you get down to the year 2009, you're saying
20 that there were 2,032,546 total Jeeps of every model
21 year on the road, correct?
22 A. Not every model year. Model year specifically 1993
23 through 2004.
24 Q. That's what I mean. 1993, every model year
25 represented on the chart, in 2009, there were

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1 2,032,546 Jeeps from 1993 to 2004 on the road, in
2 other words, ZJs and WJs?
3 A. That's correct.
4 Q. Correct?
5 A. Yes, ma'am.
6 Q. And that's the way it was in 2009, but in 2010 you
7 didn't run it. Is that -- is that fair?
8 A. When we submitted this response, we were not through
9 the 2010 calendar year, so we did not include 2010.
10 Q. I understand. I'm just making sure that the total on
11 the bottom has nothing to do with 2010, correct?
12 A. That's correct. If we --
13 Q. And so --
14 A. If we ran the numbers now, basically the denominator
15 would grow. It would be larger.
16 Q. Didn't hear one word you said.
17 MR. STOCKWELL: Let the court reporter read
18 it back.
19 MS. DeFILIPPO: Can you read that back.
20 (The requested portion of the record was
21 read by the reporter at 4:04 p.m. as
22 follows:
23 "Answer: If we ran the numbers now,
24 basically the denominator would grow. It
25 would be larger.")

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1 BY MS. DeFILIPPO:
2 Q. What is your understanding of a confidence interval?
3 COURT REPORTER: Did you say confidence or
4 competence?
5 MS. JEFFREY: Confidence.
6 MS. DeFILIPPO: Confidence.
7 A. My understanding of a confidence interval, essentially
8 it's a tolerance band that represents the reliability
9 of the calculated rate.
10 BY MS. DeFILIPPO:
11 Q. And you generally see confidence intervals in polling
12 situations, correct?
13 A. I am not familiar with polling to be honest with you,
14 so I couldn't answer that question.
15 Q. Well, when you -- when you poll and you take a
16 representative, maybe 1,000 people to determine maybe
17 what a million would do, you basically know that
18 you're only taking a sample of a thousand out of the
19 entire, let's say, million population, correct?
20 MR. STOCKWELL: Objection.
21 A. Again, I'm not familiar with polling. What I can tell
22 you is NHTSA uses confidence intervals as a matter of
23 their normal course of business. In the past when
24 NHTSA has, in my mind at least, accidentally not used
25 confidence intervals, they've been criticized

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1 significantly by other government agencies.
2 Specifically one that I recall is the National Academy
3 of Science. So we took it upon ourselves to apply the
4 confidence intervals knowing that the agency would
5 have to do it anyhow.
6 BY MS. DeFILIPPO:
7 Q. And who calculated the confidence intervals; was that
8 also on Paul Taylor?
9 A. Yes, ma'am, we relied on Paul Taylor and his expertise
10 to assist us with calculating those confidence
11 intervals.
12 Q. Now when you're doing confidence intervals and other
13 agencies criticize NHTSA for confidence intervals or
14 not using confidence intervals, is that in relation to
15 analysis of FARS data in particular?
16 A. I don't know that specifically. I just know that
17 historically NHTSA chooses to use confidence intervals
18 when it performs evaluations of data sets. It's a
19 standard that's used --
20 Q. Well, when --
21 MS. JEFFREY: Let him finish. Are you
22 done?
23 BY MS. DeFILIPPO:
24 Q. I'm sorry, are you done?
25 A. Confidence intervals is a standard that's used by the

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1 industry, by the agency, and as you indicated perhaps
2 even by polling organizations, but it's a standard
3 method --
4 Q. Do you --
5 MS. JEFFREY: Wait.
6 MS. DeFILIPPO: See, because I can't hear
7 the end of what you're saying, I think you're done.
8 MS. JEFFREY: Can you see that he's
9 talking, though?
10 MS. DeFILIPPO: No, because I'm looking
11 down. I'm not always looking up. So can you just
12 keep your voice up because I know he can hear me?
13 MS. JEFFREY: Can we take a few-minute
14 break? It's been another hour and I think fatigue may
15 be setting in a little bit.
16 MS. DeFILIPPO: I just have a couple more
17 questions in this vein.
18 MS. JEFFREY: That's fine.
19 BY MS. DeFILIPPO:
20 Q. Mr. Dillon, can you tell me as you sit here today that
21 you know for sure that NHTSA uses confidence intervals
22 in relation to their analysis from FARS data in
23 particular?
24 A. I'm not certain what NHTSA does in particular as it
25 applies to FARS data. I know very specifically that

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1 NHTSA has been criticized in the past for not using
 2 them. It's a standard tool that both the NHTSA and
 3 the agency use. We did it so that we can apply some
 4 level of confidence to our findings, and NHTSA has the
 5 ability to do the same analysis, and we're sure it
 6 will come to the same result because the standard,
 7 itself, or the method by which you develop these
 8 confidence intervals is not magic. It's just
 9 straightforward mathematics.
 10 Q. That's not my question. My question is: Do you know
 11 whether NHTSA uses confidence intervals in analysis of
 12 FARS data?
 13 A. We appear to have a technical problem.
 14 MS. JEFFREY: Yeah. You're frozen again.
 15 Oh, now you're not. Okay.
 16 A. If I understand your question, and I'll try to repeat
 17 it --
 18 BY MS. DeFILIPPO:
 19 Q. Please don't. Please don't.
 20 MR. STOCKWELL: Then ask it again if he
 21 doesn't understand it.
 22 MS. DeFILIPPO: I'm going to ask it very
 23 straightforward.
 24 BY MS. DeFILIPPO:
 25 Q. Do you, David Dillon, know whether or not NHTSA uses

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1 confidence intervals in analysis of FARS data?
 2 A. I can't say that with 100% certainty, but again, my
 3 understanding is that they do.
 4 Q. Nonresponsive to the question.
 5 MR. STOCKWELL: He just did.
 6 MS. DeFILIPPO: I just want to know if you
 7 know for sure.
 8 MR. STOCKWELL: He just did.
 9 MS. DeFILIPPO: I'm not asking for anything
 10 apart from what you know.
 11 MS. JEFFREY: He just answered as far as he
 12 knows, they do.
 13 MR. FUSCO: Let's go.
 14 MR. STOCKWELL: Next question.
 15 MS. DeFILIPPO: Apparently he doesn't know.
 16 BY MS. DeFILIPPO:
 17 Q. My question is: Do you know for sure whether NHTSA
 18 uses confidence intervals in analyzing FARS data?
 19 THE WITNESS: Perhaps we could read my
 20 answer to the question previously?
 21 MS. DeFILIPPO: No. I just want an answer
 22 to my question. You don't get to reread prior
 23 questions.
 24 MR. FUSCO: Yes, you do when --
 25 MS. DeFILIPPO: My question is very

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1 straightforward.
 2 MR. STOCKWELL: Yes, you do when you ask it
 3 twice.
 4 MS. JEFFREY: I would like for the court
 5 reporter to read the answer to that question.
 6 MS. DeFILIPPO: I wouldn't.
 7 MS. JEFFREY: I don't care.
 8 MS. DeFILIPPO: I asked a new question.
 9 The question is a new question, and I'm asking for a
 10 yes or no answer. If you can't answer it -- if you
 11 can't answer it yes or no, then say I can't answer it
 12 yes or no. It calls for a yes or no answer.
 13 MS. JEFFREY: You cannot tell him to answer
 14 yes or no.
 15 BY MS. DeFILIPPO:
 16 Q. Are you able to answer my question, yes or no?
 17 MR. FUSCO: There's no need to harass the
 18 witness.
 19 A. It seems you have an issue with, a legal issue.
 20 BY MS. DeFILIPPO:
 21 Q. Are you able to answer the question, yes or no?
 22 MR. STOCKWELL: Are you able to answer it
 23 with a yes or no answer?
 24 A. The question is again, can we repeat the question?
 25 MS. JEFFREY: Read it back.

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1 (The requested portion of the record was
 2 read by the reporter at 4:10 p.m. as
 3 follows:
 4 "Question: My question is: Do you know
 5 for sure whether NHTSA uses confidence
 6 intervals in analyzing FARS data?")
 7 A. I believe I answered previously. My understanding is
 8 that they do, but I can't say for certain. I cannot
 9 confirm with certainty that they do, but again, my
 10 understanding is that yes, they do.
 11 MS. DeFILIPPO: I didn't hear the answer.
 12 Could you read that back, please?
 13 (The requested portion of the record was
 14 read-by-the reporter at 4:11 p.m. as
 15 follows:
 16 "Answer: I believe I answered previously.
 17 My understanding is that they do, but I
 18 can't say for certain. I cannot confirm
 19 with certainty that they do, but again, my
 20 understanding is that yes, they do.")
 21 BY MS. DeFILIPPO:
 22 Q. What do you base your understanding --
 23 A. I'm sorry, you broke up.
 24 MS. JEFFREY: You're just freezing up. Can
 25 we try to reboot?

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1 BY MS. DeFILIPPO:
2 Q. What do you base your understanding on?
3 COURT REPORTER: I didn't get that. You're
4 frozen half the time. I apologize.
5 BY MS. DeFILIPPO:
6 Q. What do you base your understanding on?
7 A. My understanding is based on conversations that I've
8 had with experts in the field, in particular Paul
9 Taylor.
10 Q. Paul Taylor?
11 A. That's one.
12 Q. Did you say Paul Taylor?
13 A. That's correct.
14 Q. I just didn't hear it. I'm just trying to see if
15 that's what you said. Did you say Paul Taylor?
16 A. Paul Taylor for one.
17 Q. Okay.
18 A. And in my conversations with NHTSA when I presented
19 this information, there was no objections to using
20 this method of analyses from the agency.
21 Q. Does the FARS data that you presented to NHTSA include
22 the Jarmon case?
23 A. I don't recall by case name or number what was and
24 wasn't included. I believe it -- I just don't know.
25 I wish I could answer you that right now but I'm not

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1 certain.
2 Q. Does the FARS data include fires where the Jeep deaths
3 were to persons in the striking vehicle?
4 A. The original assessment did not include an evaluation
5 of fatalities that may have occurred in the striking
6 vehicle. However --
7 Q. When did --
8 MR. WESTENBERG: Finish.
9 A. However, in our presentation that we made to NHTSA in
10 late April or early May of 2011, this year, we did
11 provide an analysis of the Jeep Grand Cherokee
12 relative to its peer vehicles using that criteria, and
13 the Jeep Grand Cherokee compared very favorably to the
14 peer vehicles.
15 BY MS. DeFILIPPO:
16 Q. Mr. Dillon, I'm talking about this document that we
17 have made now -- we have indicated now has been part
18 of the hard document that you submitted with the two
19 -- on the two dates of October 15th and November 12th,
20 and I'm talking about the FARS data in this document.
21 Did the FARS data in this document include fires where
22 deaths were to persons in the striking vehicle?
23 MS. JEFFREY: Okay. Angel, when you say
24 "this document", are you referring to -- what are you
25 referring to, the slides that he's talking about or

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1 the October 12th and --
2 MS. DeFILIPPO: I'm referring to, let's
3 take, it starts out with FARS data --
4 MS. JEFFREY: Exhibit 5?
5 MS. DeFILIPPO: It starts out with
6 Chrysler 05, it's got a page that says 11-12-2010 FARS
7 data assessment.
8 BY MS. DeFILIPPO:
9 Q. In the 11-12-2010 FARS data assessment, did the FARS
10 data include fires where Jeep deaths were to persons
11 in the striking vehicle?
12 MS. JEFFREY: Can we mark that document?
13 I'm not clear which one you're --
14 MS. DeFILIPPO: I'm starting with your FARS
15 data which has -- which starts out on Chrysler 05.
16 That is the cover page to the FARS data.
17 MS. JEFFREY: I don't know what she's
18 talking about.
19 MS. DeFILIPPO: Chrysler 05, it's the same
20 document that we've been talking about, and it
21 continues on, I believe.
22 MR. WESTENBERG: Dillon 5.
23 MS. DeFILIPPO: I don't know how far the
24 FARS data goes until you get to the state crash data.
25 So it's 05 through 18.

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1 MS. JEFFREY: This document, of this
2 document.
3 A. Could you repeat your question?
4 BY MS. DeFILIPPO:
5 Q. Did the FARS data which was submitted on
6 November 12th, 2010 which is on Pages Chrysler 05 to
7 Chrysler 18, did that data include fires where the
8 Jeep deaths were to persons in the striking vehicle?
9 A. The data that was submitted on November 12th did not
10 include fatalities that occurred in the striking
11 vehicle. However, I wish to point out that in the
12 presentation material that you're looking at marked
13 Dillon 5, we did, in fact, perform that analysis, and
14 the analysis -- in the analysis the Grand Cherokee
15 compared very favorably in that rollover mode to the
16 peer vehicles.
17 Q. Mr. Dillon, that wasn't my question. I'm going to ask
18 it again so we have a question and an answer.
19 MS. JEFFREY: Just answer the question.
20 BY MS. DeFILIPPO:
21 Q. In the November 12th, 2010 FARS data which is from
22 Chrysler 5 to Chrysler 18, is it your testimony that
23 the FARS data does not include fires where the Jeep
24 deaths were to persons in the striking vehicle?
25 A. And I'll say, number one, we have provided an analysis

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1 to NHTSA --
2 Q. Mr. Dillon --
3 MR. STOCKWELL: Let him finish. Before you
4 cut him off, Angel, let him finish. Before you cut
5 him off, let him finish.
6 BY MS. DeFILIPPO:
7 Q. It's a yes or no question, and I'm looking for a yes
8 or no answer, and if you can't answer yes or no to
9 that question, just tell me you can't because your
10 attorney should really direct you that it is a yes or
11 no question.
12 MS. JEFFREY: I'm not going to direct him
13 on how to answer and neither are you.
14 MS. DeFILIPPO: Well, I can because I'm
15 going to ask the question so constructed that it is a
16 yes or no question.
17 BY MS. DeFILIPPO:
18 Q. If you can't answer it yes or no, just tell me. My
19 question is: Does the FARS data which is on Pages
20 Chrysler 5 through 18 of the document before you, does
21 the FARS data include fires where Jeep deaths were to
22 persons in the striking vehicle, yes or no?
23 A. In the pages of the presentation that you have
24 identified, that data does not include fatalities that
25 occurred in the striking vehicle.

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1 Q. Thank you. Now do you know a man named Owen Viergutz?
2 A. I don't.
3 MS. JEFFREY: Angel, can we take a break at
4 some point?
5 MR. WESTENBERG: Yeah, now.
6 MS. DeFILIPPO: Sure.
7 MS. JEFFREY: Okay.
8 MS. DeFILIPPO: But I think we should only
9 take five minutes.
10 MS. JEFFREY: All right.
11 MS. DeFILIPPO: I'd like to just finish
12 this up. Because, otherwise, we're not going to
13 finish today.
14 MS. JEFFREY: We'll see you at 4:24.
15 (Recess taken at 4:18 p.m.)
16 (Back on the record at 4:25 p.m.)
17 BY MS. DeFILIPPO:
18 Q. Mr. Dillon, you said you never heard of the name Owen
19 Viergutz?
20 A. No, ma'am.
21 Q. Okay. And can you tell me what you believe to be the
22 ZJ's competition upon its introduction to the public?
23 MR. STOCKWELL: Objection.
24 MS. JEFFREY: Foundation.
25 BY MS. DeFILIPPO:

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1 Q. What other vehicles?
2 MR. STOCKWELL: Objection.
3 A. I couldn't tell you. I wasn't involved in the
4 development of that program. That's typically defined
5 by marketing or, you know, the head of the engineering
6 organization at the time, so I don't know.
7 BY MS. DeFILIPPO:
8 Q. So if I tell you that Mr. Viergutz who was head of the
9 program of developing the or engineering the Jeep ZJ
10 swore that the number one was the Ford Explorer, would
11 you have any reason to doubt him?
12 A. I would defer to him.
13 Q. So now in looking at the FARS data which is on Page
14 Chrysler 12, I'm looking at data which says it is
15 assessment of all rear impacts with fatalities where
16 fire is not necessarily the most harmful event and
17 there are bar graphs, correct?
18 A. Chrysler 12, is that correct?
19 Q. That's correct. Do you have that in front of you?
20 A. Yes, ma'am.
21 Q. And I want you to look at the Grand Cherokee crashes
22 per million years of use. So you have -- the Grand
23 Cherokee has a pretty low level of crashes in general
24 in comparison with all the other vehicles you have
25 there, correct? If you take the total number of

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1 crashes per million years of use, the bar is low in
2 comparison; am I correct? It's the second to the
3 lowest bar?
4 A. I wouldn't say that with any confidence level but just
5 numerically looking at it, it's the second lowest,
6 second shortest bar on the graph.
7 Q. So even though the Grand Cherokee had the second
8 lowest amount of crashes per million years of use, it
9 had the absolute highest crashes, rear impacts with
10 fatalities with fire?
11 A. That's correct.
12 Q. And if you look at the other bar graph which is next
13 to it and it's crashes per million years of use for
14 the '99 to 2004 WJ, the Grand Cherokee is still the
15 second lowest bar in crashes per million years of use,
16 correct?
17 A. That's correct.
18 Q. And it has the highest number of fires in rear impacts
19 with fatalities where fire was not necessarily the
20 most harmful event, correct?
21 A. That's correct.
22 Q. And if you go to the next page, which is Chrysler 13,
23 you see that if you look at the Grand Cherokee, it's
24 still the second lowest amount of crashes per million
25 years of use in all rear impacts with fatalities where

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1 fire is not necessarily the most harmful event from
2 '93 to 2004, correct?
3 A. That's correct. It's a summation of the numbers that
4 were represented in the prior two graphs.
5 Q. This graph is a summation of what we just went over,
6 but it's combining the years of the ZJ and the WJ,
7 correct?
8 A. That's correct.
9 Q. And you see the Grand Cherokee had 25 rear fires with
10 fatalities, even though it had the second lowest
11 number of crashes per million years of use, and when
12 you compare it to the Ford Explorer who only had 10
13 rear fires in however many million years of use and it
14 was the third highest number of crashes, you see that
15 the Grand Cherokee is at least two times, more than
16 two times, has more than two times rear-end crashes
17 with rear fires --
18 MR. STOCKWELL: Objection to form.
19 BY MS. DeFILIPPO:
20 Q. -- than the Explorer; is that fair?
21 A. Can you repeat the question for me? It was a long
22 question, just the actual question.
23 Q. Well, compare if you would the Ford Explorer to the
24 Grand Cherokee. The Grand Cherokee having less
25 crashes than the Ford Explorer with less crashes has

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1 two times more rear fires than, in rear-end collisions
2 with fatalities than the Explorer, correct?
3 A. Well, I don't know that it had less crashes. It had a
4 lower crash rate, but it may not have necessarily had
5 less crashes.
6 Q. What's the difference?
7 A. Number of crashes versus crashes per million vehicle
8 years.
9 Q. Okay, per million years of use. So it had the lowest
10 -- it had the second lowest crashes per million years
11 of vehicle use, correct?
12 A. Yes, ma'am.
13 Q. Okay. And the Explorer had the highest, third highest
14 crashes per million years of use, correct?
15 A. That's correct.
16 Q. And yet the Grand Cherokee had 25 counts of rear fires
17 to the Explorer's 10?
18 A. That's what the chart reflects, yes.
19 Q. All right. And do you have the data for what the
20 black bar represents?
21 A. We have the data available, yes.
22 Q. Okay, and I'd like you to supply that data if you
23 would.
24 MS. JEFFREY: I'll take that under
25 advisement.

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1 BY MS. DeFILIPPO:
2 Q. Does Chrysler have the data or is that also Paul
3 Taylor's data?
4 A. It was data that was generated on behalf of Chrysler
5 by Paul Taylor.
6 Q. And did Paul Taylor give you the data along with the
7 analysis?
8 A. Yes, ma'am.
9 MS. DeFILIPPO: And I would like that data,
10 and obviously we can talk about it later.
11 BY MS. DeFILIPPO:
12 Q. Can you tell me, when you look at this chart, does the
13 Trooper have a gas tank, the model year Trooper '93 to
14 2004, does that have a gas tank behind the axle?
15 A. I don't know.
16 Q. The Pathfinder, does that have a gas tank behind the
17 axle?
18 A. I don't know.
19 Q. '93 to 2004, I'm sorry?
20 A. With the exception of -- with the exception of the
21 Grand Cherokee, I don't have at my disposal an
22 analysis of where the gas tank was located relative to
23 the axle on any of these vehicles.
24 Q. So do you offhand know if the Explorer from the years
25 '93 to 2004 had a gas tank located behind the axle,

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1 rear axle?
2 A. I don't recall. I know that some of these vehicles
3 during a portion of that '93 through 2004 model year
4 had fuel tanks located aft of the axle. I do know
5 that. They came out during the course of the
6 investigation. I asked that question, and the answer,
7 you know, just to make sure that Chrysler wasn't
8 necessarily an outlier with respect to the design, and
9 the answer was no, other vehicles during that period
10 had a rear-mounted fuel tank, but as to --
11 Q. But you don't know which of these vehicles, and if you
12 did, you don't know which years they had their gas
13 tanks behind the axle as you sit here today, correct?
14 A. The data is available, but I don't -- the data is
15 available. When I say that, it's -- you know, we
16 could go and inspect all of the vehicles, but offhand
17 right now I couldn't tell you.
18 Q. Does Paul Taylor have the data for that?
19 A. I don't believe he would. That's not something that
20 we would have asked him to do.
21 Q. Do you know where the gas tank is located on the Jeep
22 Grand Cherokee WK that was a 2005 vehicle going
23 forward?
24 A. That wasn't the subject of the investigation, so I
25 didn't look into that. I'm not certain.

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1 Q. So now if you look at Chrysler 14 and you look at the
2 model years 1993 to 1998, all fatal rear impacts
3 identifying crashes with fire as the most harmful
4 event, and if you look at the Grand Cherokee, it's
5 still the second to lowest bar on the crashes per
6 million years of use, and the Explorer is still third
7 to the highest, and the Grand Cherokee had nine counts
8 of rear fire to the Explorer's one with more crashes
9 per million years of use; is that fair?
10 A. I think I understand your question, but would you mind
11 repeating it?
12 Q. If you look at the Grand Cherokee, you got less
13 crashes for the Grand Cherokee per million years of
14 use and more counts of rear fires than any other
15 vehicle on that graph, correct?
16 A. That's what's reflected in this graph, yes.
17 Q. And nine to one without adjustment for the common
18 denominator which would be crashes per million years
19 of use, correct?
20 MS. JEFFREY: Object to form.
21 BY MS. DeFILIPPO:
22 Q. Nine to one on the Explorer without even adjusting for
23 the fact that there were less overall crashes per
24 million years of use in the Grand Cherokee?
25 MS. JEFFREY: Object to form. What's the

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1 question?
2 A. Yeah, I don't quite -- I think you maybe are asking it
3 -- I don't understand the question.
4 BY MS. DeFILIPPO:
5 Q. Okay. Let me ask it a different way. If the Explorer
6 and the Grand Cherokee had the same amount of crashes
7 per million years of use, it wouldn't be nine to one
8 anymore; the number would be significantly different,
9 wouldn't you say?
10 MS. JEFFREY: Object to form.
11 A. I think perhaps you don't understand the chart. I can
12 help explain it if you have particular questions, but
13 I don't agree with what you just said, no.
14 BY MS. DeFILIPPO:
15 Q. Okay. Did you compile this chart, Chrysler 14, the
16 first one for model years '93 to '98?
17 A. Again, the FARS analysis was done at the request of
18 Chrysler, the investigative team specifically, by Paul
19 Taylor.
20 Q. So it was done by Paul Taylor on Paul Taylor's data,
21 correct?
22 A. No. It was done based upon NHTSA's data. NHTSA --
23 Q. Okay.
24 A. NHTSA is responsible for and owns the FARS database.
25 What Paul did on our --

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1 Q. But Paul --
2 MS. JEFFREY: Wait. Go ahead.
3 A. What Paul did on Chrysler's behalf was an analysis of
4 NHTSA's FARS data.
5 BY MS. DeFILIPPO:
6 Q. But Paul actually went to the NHTSA database and
7 gleaned and procured and obtained that data, correct?
8 A. Yes, ma'am.
9 Q. Chrysler didn't give Paul Taylor the data from the
10 NHTSA data bank; Paul did it himself, correct?
11 A. We hired Paul to do that, that's correct.
12 Q. I understand that but nobody at Chrysler actually
13 collected the data from NHTSA and handed it to Paul
14 and said, Now do this bar graph; it was Paul who went
15 and got the data and then did the bar graph at the
16 request of Chrysler, correct?
17 A. As I stated before, that's correct.
18 Q. Okay. Maybe you can explain to me how, how you would
19 compare the model years 1993 to '98 Grand Cherokee and
20 versus the Explorer based on the bar graph as you see
21 it on Chrysler 14?
22 A. So the way to compare the performance of the Jeep
23 Grand Cherokee relative to its peer vehicles, not just
24 the Ford Explorer, but relative to the peer vehicles
25 is reflected on Slide 15. I believe it's Bates or

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1 Bates page marked Chrysler 15.
2 Q. No, Mr. Dillon, I didn't ask that question. I asked
3 you to look at the bar graph on Chrysler 14 and tell
4 me, if you can, if you can't, tell me that, too, if
5 you can compare the performance of the Grand Cherokee
6 versus just the Explorer for purposes of my question
7 in the model years 1993 to '98?
8 MS. JEFFREY: Object to form.
9 A. You have to be specific about the criteria that you
10 want me to use to compare the vehicles.
11 BY MS. DeFILIPPO:
12 Q. Well, what criteria can you use based on this bar
13 graph on Chrysler 14?
14 A. Well, there is a value represented by the dark-colored
15 bar. Those are conditions per million vehicle years,
16 fatalities where -- let me make sure I get this
17 correct.
18 Okay. So that's all other fatal rear
19 impact events regardless of whether or not there was a
20 fatality, that's the dark bar.
21 Q. No, regardless of whether there's a fire?
22 A. A fire or not, that's correct, that's what's stated on
23 the chart.
24 Q. Right.
25 A. Okay?

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1 Q. Okay.
2 A. The other comparison that you could make would be to
3 compare the light-colored portions of the bar. Those
4 represent the conditions per million vehicle years of
5 specifically rear impacts where there was a fatality
6 where fire was identified as the most harmful event.
7 Finally, you could simply compare the absolute
8 numbers. Those are the three means by which I'm aware
9 of you could compare the Grand Cherokee with the peer
10 vehicles using this data.
11 Q. Okay. Now has Chrysler ever conducted any consumer
12 research wherein the consumers were unanimous in their
13 desire to see the auto manufacturers exceed government
14 safety regulations?
15 MS. JEFFREY: Object to foundation.
16 MR. STOCKWELL: Join.
17 A. I'm not -- to me that sounds like marketing work, and
18 I don't nor have I ever worked in that department, so
19 I couldn't speak to that. I don't know.
20 BY MS. DeFILIPPO:
21 Q. Did you submit any document or are you aware of any
22 document that indicates that the Kline, the Susan
23 Kline ZJ, Grand Cherokee ZJ represented a
24 configuration that complied with 301?
25 MS. JEFFREY: Object to form.

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1 A. Can you repeat the question again?
2 MS. DeFILIPPO: Yes, she can read it back.
3 (The requested portion of the record was
4 read by the reporter at 4:43 p.m. as
5 follows:
6 "Question: Did you submit any document or
7 are you aware of any document that
8 indicates that the Kline, the Susan Kline
9 ZJ, Grand Cherokee ZJ represented a
10 configuration that complied with 301?")
11 A. Our test data demonstrates that the, the ZJ complied
12 at all times, so my answer to that would be yes.
13 However, I believe you're asking a very, very specific
14 question, and so I don't want to misrepresent myself.
15 The answer is I'm not certain that that exact
16 combination of build was ever reflected in our
17 certification testing. I could look and we could
18 determine that, but I don't want to say with certainty
19 that that's the case.
20 BY MS. DeFILIPPO:
21 Q. Did you ever submit to NHTSA in connection with the PE
22 involving the Jeep Grand Cherokee the Baker memo which
23 is dated 1978 --
24 MR. STOCKWELL: Objection, foundation.
25 BY MS. DeFILIPPO:

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1 Q. -- from the Baker/Sinclair memo regarding fuel system
2 design, Chrysler passenger cars and trucks?
3 A. I don't believe that we submitted a document
4 pertaining to Baker you said?
5 Q. Yeah, L.L. Baker. Manager Automotive Safety, and
6 R.M. Sinclair, Director of International Product
7 Development?
8 A. No, we didn't submit any documents with those names on
9 them that I recall.
10 Q. And can I ask you if you are aware of any documents
11 related to an investigation of fuel tank relocation
12 ahead of the rear wheels for vans and multi-purpose
13 vehicles?
14 MS. JEFFREY: And you're reading from a
15 1978 document; is that correct?
16 MS. DeFILIPPO: Yes.
17 MS. JEFFREY: So you're asking if he was
18 aware of an investigation in 1978?
19 MS. DeFILIPPO: No.
20 BY MS. DeFILIPPO:
21 Q. If there was any investigation from 1978 going forward
22 of fuel tank relocation at Chrysler ahead of the rear
23 wheels for vans and multi-purpose vehicles at any time
24 from 1978 to the present?
25 A. That doesn't really fall within the scope of my

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1 responsibility, nor would it have been responsive to
2 NHTSA's investigation, so no, I didn't seek out any
3 information like that, nor am I aware of any in
4 particular.
5 Q. Did you put in your documents that you submitted to
6 NHTSA under your cover letter a statement about the ZJ
7 being based on 70, 7-0 years of design?
8 MS. JEFFREY: Can he look at the document?
9 Which one are you referring to?
10 MS. DeFILIPPO: He can look at it.
11 MS. JEFFREY: Which one?
12 A. It's not 70. It's 77.
13 BY MS. DeFILIPPO:
14 Q. Are you looking through the documents?
15 A. No, I'm not looking through the documents. If you can
16 refer to me --
17 Q. Do you recall making the statement -- do you recall
18 making the statement that the Jeep Grand Cherokee, to
19 NHTSA, was based on 70, 7-0 years of design?
20 MS. JEFFREY: 77-0, what does that mean?
21 MS. DeFILIPPO: 7-0, 70 years of design.
22 BY MS. DeFILIPPO:
23 Q. Do you recall that statement in any of the documents
24 that you submitted to NHTSA?
25 A. Yeah, I may have. The Jeep or the Jeep Grand Cherokee

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1 has many decades of history associated with it, but
2 I'd have to take a look at the document. If you can
3 point out where we said that, then I can answer a
4 question.
5 Q. All right, I'll get back to that.
6 Are you aware of any rear-end hit fire
7 deaths involving the Jeep Grand Cherokee after 2005?
8 A. I'm not aware of any, but that's not something that we
9 evaluated during the course of this investigation.
10 Q. Do you know whether or not the FMEA was. an FMEA was
11 ever done for the fuel system on the ZJ?
12 A. I wasn't involved in the development of that program
13 nor the components of the system but -- so I'm not
14 certain. I couldn't answer that.
15 Q. Did Mr. Zylik or Teets ever discuss with you whether
16 or not an FMEA was ever done for the fuel system on
17 the ZJ?
18 A. I believe it's likely that there was an FMEA done at
19 the component level on the fuel system components, but
20 that's not something I have at my disposal.
21 Q. Do you believe that the FARS data included the fire
22 death of Jose Sierra?
23 MR. STOCKWELL: Objection.
24 A. I'm not familiar with the name specifically, so I
25 could, given the appropriate amount of time, look and

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1 determine that, but I can't put a -- I can't -- I
2 don't recognize that name.
3 BY MS. DeFILIPPO:
4 Q. Are you familiar with the Rodney Wood case that
5 happened in Texas, there was a death by fire in a
6 rear-end hit?
7 MR. STOCKWELL: Objection.
8 A. I believe that we have a summary of that event that we
9 include in our submission to NHTSA.
10 BY MS. DeFILIPPO:
11 Q. Was the Rodney Wood case included in the FARS data?
12 A. Again, I don't know which precise cases were included
13 in the FARS data and which ones were not. I can tell
14 you that we submitted 25 individual cases where there
15 was a rear impact that resulted in a fire, and our
16 FARS assessment actually identified 25 rear impact
17 cases where there was a fire. So my belief is that
18 it's likely that if all of these cases you're
19 referring to are included in our submission, that I
20 would have to verify, but if that's the case, then the
21 answer would be yes.
22 Q. And who would have the data for you to verify that;
23 would that be Paul Taylor, also?
24 A. I would have the data. I would probably work with
25 Paul to make sure that I identified the absolute

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1 correct case and correlate it with the lawsuit that
2 you're referring to.
3 Q. Okay. And I would then ask that you tell me if the
4 FARS data that you used in your analysis contained the
5 Jose Sierra Jeep death by fire, the Bennett Hartsel
6 Jeep death by fire --
7 MS. JEFFREY: Which was a rollover by the
8 way.
9 MS. DeFILIPPO: That's right.
10 BY MS. DeFILIPPO:
11 Q. -- and the Rodney Wood death by fire because I think
12 we've already established that Jarmon was not
13 included?
14 A. I don't recall establishing that.
15 MS. JEFFREY: And I object to form. Do you
16 have a question, Angel?
17 MR. WESTENBERG: What's the question of the
18 witness?
19 MS. JEFFREY: What's your question?
20 BY MS. DeFILIPPO:
21 Q. My question is: Were those four cases included in the
22 FARS data which was used and submitted to NHTSA?
23 MS. JEFFREY: Do you know?
24 A. Again, I would have to look at each individual case --
25 MR. WESTENBERG: As you sit here today.

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1 A. -- and cross-reference it and make sure that it is, in
2 fact, included but again, there were 25 FARS cases
3 identified, and we submitted 25 known incidents to
4 NHTSA. So if I were put in a position to answer the
5 question right now, I simply couldn't because I don't
6 know the cases by name, okay?
7 BY MS. DeFILIPPO:
8 Q. Okay.
9 A. But given a sufficient amount of time, I could
10 certainly do that for you.
11 Q. Okay, thank you. Would you agree with me that the
12 Jeep Grand Cherokee 1993 to 2004 is ten times more
13 likely to have a rear fire in rear impact than the
14 Ford Explorer?
15 MR. STOCKWELL: Objection to form.
16 A. No, I would not agree with that.
17 BY MS. DeFILIPPO:
18 Q. When you -- when you did your comparison with these
19 vehicles and you included the Chevy Blazer, does the
20 Chevy Blazer have a two-door model?
21 A. I would have to check. I'm not certain that it had a
22 two-door model or not.
23 Q. Well, the data Page 06 or the criteria Page 06 that we
24 looked at says that the Chevy S-10 Blazer included the
25 Chevy S -10 and the T-10 Blazer. Do you know whether

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1 any of the Blazers that were used for comparison in
2 your FARS data was a two-door Blazer?
3 A. As I stated earlier, I'm not certain of that but I
4 could certainly look into it and let you know.
5 Q. Did you discuss with either Mr. Teets or Zyluk what,
6 if anything, Chrysler does after submitting the
7 compliance reports to NHTSA, and by that I mean are
8 there any routine post-compliance report audits done
9 by Chrysler?
10 MS. JEFFREY: Object to form.
11 A. I am not certain whether or not we performed
12 post-compliance crash tests verification activity.
13 I'm not certain. But what I can say is that, in fact,
14 NHTSA does do that. They have a COP program, a
15 Conformance Production Program, whereby every year
16 they identify, you know, a fairly large number of
17 target vehicles, and as part of their program of
18 ensuring that the manufacturers are, in fact,
19 compliant, they test those vehicles relative to the,
20 to the Federal Vehicle Safety Standards, and if at any
21 point the vehicles are identified as noncompliant,
22 then obviously manufacturers would have to remedy
23 that, and the fact is that --
24 BY MS. DeFILIPPO:
25 Q. So are you saying that --

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1 MS. JEFFREY: Angel, he did not finish. Go
2 ahead.
3 MS. DeFILIPPO: Oh, I'm sorry. I thought
4 he did.
5 BY MS. DeFILIPPO:
6 Q. Go ahead. I'm sorry.
7 A. I lost my train of thought.
8 MS. DeFILIPPO: Want to read back the
9 answer and you can continue. Go ahead. I'm sorry. I
10 don't hear the end.
11 MS. JEFFREY: He can't remember. Just go
12 on.
13 THE WITNESS: No apology necessary. I lost
14 my train of thought. We can move forward.
15 MS. DeFILIPPO: Well, read back the last
16 answer because now I lost you.
17 (The requested portion of the record was
18 read by the reporter at 4:57 p.m. as
19 follows:
20 "Answer: I am not certain whether or not
21 we performed post-compliance crash tests
22 verification activity. I'm not certain.
23 But what I can say is that, in fact, NHTSA
24 does do that. They have a COP program, a
25 Conformance Production Program, whereby

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1 every year they identify, you know, a
2 fairly large number of target vehicles, and
3 as part of their program of ensuring that
4 the manufacturers are, in fact, compliant,
5 they test those vehicles relative to the,
6 to the Federal Vehicle Safety Standards,
7 and if at any point the vehicles are
8 identified as noncompliant, then obviously
9 manufacturers would have to remedy that,
10 and the fact is that --")
11 THE WITNESS: Uh-oh, she's frozen.
12 MS. DeFILIPPO: You're frozen, Angel.
13 (Recess taken at 4:57 p.m.)
14 (Back on the record at 5:01 p.m.)
15 MS. DeFILIPPO: I think we were going to
16 read back your last answer, correct?
17 MS. JEFFREY: You weren't getting it when
18 she read it I assume.
19 (The requested portion of the record was
20 read by the reporter at 5:02 p.m. as
21 follows:
22 "Answer: I am not certain whether or not
23 we performed post-compliance crash tests
24 verification activity. I'm not certain.
25 But what I can say is that, in fact, NHTSA

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1 does do that. They have a COP program, a
2 Conformance Production Program, whereby
3 every year they identify, you know, a
4 fairly large number of target vehicles, and
5 as part of their program of ensuring that
6 the manufacturers are, in fact, compliant,
7 they test those vehicles relative to the,
8 to the Federal Vehicle Safety Standards,
9 and if at any point the vehicles are
10 identified as noncompliant, then obviously
11 manufacturers would have to remedy that,
12 and the fact is that --")
13 A. I think where I was going with that is, you know, the
14 ZJ that you're referring to was, in fact, at all times
15 compliant with the 301 standard. Our testing records
16 show that and the field data demonstrates that, you
17 know. With nearly 20 years in the field and over
18 300 billion miles accumulated, the vehicle is
19 performing well in the field, and the occupants or the
20 operator is at no greater risk of experiencing these
21 events than the peer vehicles.
22 BY MS. DeFILIPPO:
23 Q. So can you tell me specifically what NHTSA audits took
24 place on the 1993 to 1997 ZJ or '6 let's say?
25 A. I didn't look into that, no.

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1 Q. And would Chrysler have a record of that?
2 A. I don't believe Chrysler would have a record of that.
3 Q. But NHTSA would?
4 A. NHTSA would if they did that, yeah.
5 Q. Does Chrysler test their cars every year on assembly?
6 MR. STOCKWELL: Object to the form.
7 A. Test vehicles for what?
8 BY MS. DeFILIPPO:
9 Q. For compliance with federal regulations?
10 MR. STOCKWELL: Object to the form.
11 A. Is there a particular regulation that you're referring
12 to?
13 BY MS. DeFILIPPO:
14 Q. Let's take 301.
15 A. Once the vehicle is complied, right, we test the
16 vehicle to ensure that it meets the 301 standards,
17 unless there is a change that takes place from one
18 model year to the next that would have resulted in
19 potentially a change in performance in the 301 test,
20 then no, we wouldn't do that from one year to the
21 next.
22 Q. Okay. And so am I correct in stating that there is no
23 random testing that's done for compliance --
24 MS. JEFFREY: Object to form.
25 MR. STOCKWELL: Object to the form.

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1 BY MS. DeFILIPPO:
2 Q. -- inside Chrysler, inside Chrysler that is?
3 A. Random testing, I'm not sure what you mean by that.
4 Q. Just randomly pull out a vehicle and test it --
5 MS. JEFFREY: Object to form.
6 MR. STOCKWELL: Object to the form.
7 BY MS. DeFILIPPO:
8 Q. -- without a regular set testing schedule or reason,
9 just a random test?
10 A. Well, I can represent to you that often prior model
11 year vehicles are used for development testing for the
12 subsequent model year.
13 Q. Now when you said 300 billion miles, what did you mean
14 by that?
15 A. I mean the 3 million vehicles that were built in the
16 1993 through 2004 model year, the Jeep Grand Cherokees
17 have accumulated over 300 billion miles subsequent to
18 their being introduced into the market.
19 Q. And how did you arrive at that number 300 billion
20 miles; again, was that a Paul Taylor number?
21 A. No, I don't believe Paul Taylor necessarily developed
22 that. It would be based on the number of vehicles
23 that were on the road each calendar year and the
24 average number of miles that that particular category
25 of vehicle travels per year.

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1 Q. And the data that you got for the number of vehicles
2 on the road on any given year, was that supplied to
3 you by Paul Taylor?
4 A. No. That type of information would be available
5 through Ward's Automotive.
6 Q. I'm sorry, say it again, who?
7 A. That type of information, average vehicle miles
8 traveled per year is publicly available through many
9 sources, one of which is Ward's Automotive.
10 Q. And is that where you obtained that information that
11 you testified to today?
12 A. That would be one source of the information. I don't
13 recall exactly where we procured the average vehicle
14 miles traveled per year for a midsize SUV, but Ward's
15 is a source that you could rely on.
16 Q. Now I asked you earlier if you knew Clarence Ditlow
17 and you said that you met him in person I believe?
18 MS. JEFFREY: Object to form.
19 A. I don't believe you asked me if I met him, so I'll say
20 that I have not met him, and I've not spoken with him,
21 either.
22 BY MS. DeFILIPPO:
23 Q. You have not met him in person but have you spoken to
24 him on the phone?
25 A. I have not.

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1 Q. Did you interface with him in any other way,
2 electronically, emails or mail or any other way?
3 A. As we discussed earlier in response to a letter that
4 was submitted to Chrysler from Mr. Ditlow to
5 Mr. Marchionne, we have a process by which that
6 information is filtered through our call center, and
7 based on the subject matter, I was made aware of that
8 letter, and I subsequently wrote a response to
9 Mr. Ditlow.
10 Q. So the response that came from Chrysler was your
11 letter to Mr. Ditlow.
12 A. It's my signature on that letter, yes, ma'am.
13 MS. DeFILIPPO: That's the letter that we
14 don't have that we're supposed to be supplied with,
15 correct?
16 MS. JEFFREY: You never gave me the fax
17 number. Do you want me to fax it to you?
18 MS. DeFILIPPO: Yeah. We never got the fax
19 number. Can you give her the fax number?
20 BY MS. DeFILIPPO:
21 Q. Did Chrysler conduct any rear structural crash --
22 crush measurements resulting from a crash?
23 MR. STOCKWELL: Object to the form.
24 MS. JEFFREY: Join.
25 BY MS. DeFILIPPO:

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1 Q. To your knowledge?
 2 A. That's not something that I would have looked for
 3 during the course of our investigation, so -- but
 4 during the course of the investigation, I did not
 5 become aware of that, but it doesn't necessarily mean
 6 that Chrysler did not. So the answer is I don't know.
 7 Q. As a result of any 301 testing that Chrysler did, was
 8 any crush data compiled by Chrysler for the ZJ?
 9 A. I'm not a crash test engineer, but during the course
 10 of the investigation, it seems I would have been aware
 11 of that as it is basically an analysis of a test, and
 12 based on that information, I would suggest that we
 13 likely did not, but I'm not aware of any.
 14 Q. Now I know I requested earlier the drawings, and I
 15 believe that those drawings are also the subject of
 16 the document that you said that you read that was
 17 submitted to NHTSA by Paul Sheridan, correct?
 18 MS. JEFFREY: Just object to form. You're
 19 using the word "drawings", and graphics are what he
 20 testified about.
 21 MS. DeFILIPPO: I'm sorry, say that again?
 22 I didn't hear you.
 23 MS. JEFFREY: You're using the word
 24 "drawings" and it's graphics that the -- that we
 25 sought protection for.

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1 MS. DeFILIPPO: I know. Let me just find
 2 the letter. There was 12 drawings that were indicated
 3 to be confidential, and I believe that's what I
 4 requested.
 5 MS. JEFFREY: You're right, skid plate
 6 drawings, you're right about that.
 7 MS. DeFILIPPO: Okay. So that's the --
 8 it's the documents that were referred to by Paul
 9 Sheridan. That's the ones I'm thinking of or asking
 10 for.
 11 MS. JEFFREY: What's the question, Angel?
 12 MS. DeFILIPPO: Just making sure that, is
 13 that going to be something you're going to fax to me
 14 or are you going to get them at a later time?
 15 MS. JEFFREY: Well, no, what I was going to
 16 fax you was this letter I have available right now. I
 17 don't have the graphics that are part of the docket
 18 submission. But they were submitted under
 19 confidentiality, and like I said, I will provide those
 20 to you this week.
 21 MS. DeFILIPPO: I just want to make sure
 22 we're on the same page as to what I asked for. I want
 23 the 12 drawings that were referred to by the Paul
 24 Sheridan letter which we marked.
 25 Did you fax it to her?

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1 Because I don't see the document here right
 2 now, but I know we faxed it to you. Did you get a
 3 fax?
 4 MS. JEFFREY: Angel, would you put your
 5 request in writing so that the record can be clear?
 6 MS. DeFILIPPO: Okay. Your letter.
 7 (Off the record at 5:13 p.m.)
 8 (Back on the record at 5:13 p.m.)
 9 MS. JEFFREY: Angel, you did not -- the
 10 letter you faxed over was the one to -- the one to
 11 Sergio Marchionne by Ditlow. I have not seen anything
 12 from Sheridan.
 13 (Off the record at 5:13 p.m.)
 14 (Back on the record at 5:14 p.m.)
 15 MS. DeFILIPPO: Let's take a quick break
 16 because obviously it disappeared, and it can't have
 17 gone anywhere.
 18 MS. JEFFREY: Okay. We don't have that
 19 letter on this end. Just keep that in mind.
 20 MS. DeFILIPPO: Well, I definitely had it
 21 on this end, and I don't know where it could have
 22 gone, so let me take a quick break and look through
 23 all these documents. Let's just take a five-minute
 24 break. It should be here.
 25 (Recess taken at 5:14 p.m.)

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1 (Back on the record at 5:25 p.m.)
 2 BY MS. DeFILIPPO:
 3 Q. We faxed to you the October -- it's stamped
 4 October 14th, 2011 document to Mr. Dillon from Otto G.
 5 Matheke, III, Senior Attorney at NHTSA, and the
 6 reference -- and I think we talked about it before,
 7 and I said did you mean that you were -- that you were
 8 aware of a document that references some request of
 9 Paul Sheridan. Do you recall that, Mr. Dillon?
 10 A. I recall the question, yes.
 11 Q. Okay. Do you have that document in front of you now
 12 that we faxed over?
 13 A. I do not.
 14 MS. JEFFREY: The document you faxed over
 15 -- the only document we have that you faxed over is
 16 the September 1st, 2011 letter to Sergio Marchionne
 17 from Ditlow.
 18 MS. DeFILIPPO: We just faxed this one just
 19 now.
 20 MR. WESTENBERG: How many pages?
 21 MS. JEFFREY: How many pages?
 22 MS. DeFILIPPO: Two.
 23 MS. JEFFREY: Okay. It's coming, yeah,
 24 okay. Next question? Can we jump around maybe?
 25 MS. DeFILIPPO: The question -- I just want

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1 to make sure that the drawings that we're referring to
2 that we're requesting are the drawings that were the
3 subject matter of that letter. They're 12 drawings.
4 MS. JEFFREY: Yes, yeah, we understand that
5 and they are among what we will be producing.
6 MS. DeFILIPPO: Okay, thank you.
7 BY MS. DeFILIPPO:
8 Q. Now, I know, Mr. Dillon, I had referenced before the
9 70-year history that you made reference to in your
10 attachments to NHTSA, and I'm referencing your
11 November 12th, 2010 submission on Page 8 of 22. I
12 know you had asked me to reference it.
13 My question to you previous in this
14 deposition was whether or not you made reference to a
15 70-year history of designing automobiles with a fuel
16 tank aft of the rear axle, and you indicated you may
17 have but you wanted me to direct you to where. Do you
18 see where you indicated that?
19 A. Yes, ma'am.
20 Q. Okay. Just for the record, the statement actually
21 starts with: The fuel system design strategies that
22 were used in the 1993 to 2004 Jeep Grand Cherokee
23 vehicles were not developed in a vacuum. Rather, they
24 were the result of more than a 70-year history of
25 designing automobiles with fuel tank aft of the rear

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1 axle.
2 Is that your statement on Page 8 of the
3 document of 22 pages?
4 A. Yes, ma'am.
5 Q. And you do not have any personal information about
6 this; you had to obtain that information from somebody
7 else either within your team or within Chrysler,
8 correct?
9 A. Yeah, that would be correct.
10 Q. And so in answering the questions as posed by NHTSA in
11 response to the PE, you went back to a history of more
12 than 70 years where the fuel tanks were designed aft,
13 behind the rear axle, correct?
14 A. What I was referring to is the organization that has
15 had multiple names, but the organization that now was
16 referred to as the Chrysler Group, LLC, has had a long
17 history of developing vehicles in general. Among
18 those vehicles developed over the last 70 years, there
19 have been a number of them that have been packaged
20 with a fuel tank behind the rear axle.
21 Q. Okay. And was this a design that the engineers
22 developed, or did this come from packaging within the
23 corporation?
24 MS. JEFFREY: Object to form.
25 A. I wasn't involved at the time with the development of

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1 these, certainly the '93 through 2004 programs, and
2 clearly programs before that I certainly wasn't
3 involved in. So I'm not the person to ask that
4 question. I don't know.
5 BY MS. DeFILIPPO:
6 Q. Okay. And so any of this information that you have
7 with respect to the Jeep Grand Cherokee 1993 through
8 1996 is not based on firsthand information; you had to
9 get it from somewhere else, correct, your personal
10 firsthand information?
11 A. Well, I'm not sure what you mean by that. My role as
12 the head of this department is to oversee a team
13 that's responsible for collecting the information
14 that's responsive to the investigation. So the
15 information that I have available to me is information
16 that, in fact, is gathered from individuals within the
17 organization and in some cases outside the
18 organization as required, but I would still consider
19 that firsthand information. I'm overseeing the team
20 that's responsible for collecting that information.
21 Q. What did you do to verify that Chrysler had a 70-year
22 history of designing automobiles with the fuel tank
23 aft of the rear axle?
24 A. We spoke with our engineering community to make sure
25 that the Grand Cherokee wasn't, in fact, the only

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1 vehicle that had ever had a rear-mounted fuel tank.
2 Q. So who did you speak to, I'm sorry, I didn't get who
3 you spoke to?
4 A. I don't recall by name but certainly Mike Teets and Ed
5 Zyluk were the primary folks on the team relative to
6 that subject matter.
7 Q. And they told you about the history of the fuel tank
8 location on the Jeeps in particular?
9 A. We primarily in the course of the investigation
10 focused on the '93 through 2004 Jeep Grand Cherokees,
11 that's correct.
12 Q. And when you investigated the 70-year history of
13 Chrysler designing automobiles with the fuel tank aft
14 of the rear axle, did you come up with the
15 Baker/Sinclair memo?
16 A. First of all --
17 MR. STOCKWELL: Object to the form.
18 MS. JEFFREY: Object to form.
19 A. I didn't say I investigated the 70-year history. What
20 I stated was in over 70 years, we have had a history
21 or experience with mounting fuel tanks aft of the
22 axle. So we didn't develop these designs -- we,
23 Chrysler, didn't develop these designs in a vacuum.
24 We did it based on years of experience.
25 BY MS. DeFILIPPO:

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1 Q. Okay. And when you did your investigation to be able
2 to make that statement, did you discover the
3 Baker/Sinclair memo in 1978?
4 MR. STOCKWELL: Object to the form.
5 A. No, ma'am.
6 BY MS. DeFILIPPO:
7 Q. Okay. And did your investigation also include when
8 you went back to the 70-year history the Dodge
9 Durango?
10 MR. STOCKWELL: Objection to the form and
11 your continued use of the word "investigation".
12 MS. JEFFREY: And foundation as well.
13 MS. DeFILIPPO: I believe that the witness
14 used the word "investigation".
15 A. Can you repeat the question?
16 BY MS. DeFILIPPO:
17 Q. When you -- when you were obtaining information to
18 support your statement that the design of the Jeep was
19 based on a 70-year history of designing automobiles
20 with the fuel tank aft of the rear axle, did you look
21 at the design of the Dodge Durango as one of those
22 automobiles designed by Chrysler?
23 MS. JEFFREY: Object to form.
24 A. The Dodge Durango is sort of outside the scope of the
25 investigation that we were asked, you know, to

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1 perform. What I was indicating is that Chrysler over
2 the last 70 years has had experience in mounting fuel
3 tanks aft of the axle. In fact, NHTSA, itself, has
4 gone on public record as identifying fuel tanks
5 designed aft of the rear axle as being a reasonable
6 placement. In fact, they've indicated that it's the
7 design of the components and the system and the
8 structure that's much more important as compared to
9 the actual location of the tank.
10 BY MS. DeFILIPPO:
11 Q. And so they were referring to protection, and if
12 you're going to design a vehicle with a fuel tank aft
13 of the rear axle, then there are many other things to
14 take into consideration by way of protection and
15 safety and crashworthiness, correct?
16 MR. STOCKWELL: Object to the form.
17 BY MS. DeFILIPPO:
18 Q. Is that what NHTSA was referring to?
19 MR. STOCKWELL: How would he know that?
20 Object to the form.
21 A. I wouldn't know specifically what NHTSA is referring
22 to. What they're --
23 BY MS. DeFILIPPO:
24 Q. Well, didn't you -- I'm sorry, are you still
25 answering?

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1 MS. JEFFREY: Yes.
2 A. Well, their statement was general to the location of
3 fuel tanks aft of the axle. NHTSA has went on the
4 record as stating that it's a reasonable position, a
5 reasonable design alternative and that what's most
6 important rather than the actual location of the tank
7 is the design of the components and the structure that
8 supports and protects the fuel tank.
9 BY MS. DeFILIPPO:
10 Q. Right. So NHTSA did not confine manufacturers to a
11 location when it came to where the fuel tank would be,
12 correct; you would agree with that?
13 A. Yes, ma'am.
14 Q. However, they did speak to protection and the
15 importance of being aware that wherever the tank is
16 mounted and designed, that it be safe and that the
17 vehicle be crashworthy, correct?
18 MS. JEFFREY: Object to form.
19 A. That's not what they said.
20 BY MS. DeFILIPPO:
21 Q. Do you think that NHTSA requires that the vehicle be
22 crashworthy?
23 MR. STOCKWELL: Object to the form.
24 A. NHTSA has a definition of crashworthy, and my
25 understanding of that definition is the protection

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1 that the vehicle provides to prevent an unreasonable
2 risk of injury or fatality in the event of a crash.
3 BY MS. DeFILIPPO:
4 Q. Okay. Now getting back to Mr. Ditlow, you -- I think
5 you said that you did not meet him but you are aware
6 who he is, correct?
7 A. That's correct.
8 Q. And with respect to the PE 10-031, you disagree with
9 Mr. Ditlow, correct --
10 MS. JEFFREY: Object to form.
11 BY MS. DeFILIPPO:
12 Q. -- you and Chrysler?
13 MR. STOCKWELL: In what respect?
14 A. I'm not sure what you're asking me to disagree with.
15 BY MS. DeFILIPPO:
16 Q. You disagree with Mr. -- do you disagree with
17 Mr. Ditlow that the Jeep Grand Cherokee has a defect
18 that requires NHTSA to address?
19 MR. STOCKWELL: Object to the form.
20 A. Based on the test data, it demonstrates that the
21 vehicles complied with the 301 standard, and based on
22 the field data that indicates that the Jeep Grand
23 Cherokees are not overly-represented and that
24 occupants of the Jeep Grand Cherokees are no more
25 likely to end up in one of these incidents, the answer

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1 is yes, I disagree with Mr. Ditlow.
 2 BY MS. DeFILIPPO:
 3 Q. So you disagree that the design of the Jeep Grand
 4 Cherokee poses an unreasonable risk to the consumer,
 5 correct?
 6 MR. STOCKWELL: Object to the form.
 7 A. I disagree that it poses an unreasonable risk to motor
 8 vehicle safety.
 9 BY MS. DeFILIPPO:
 10 Q. Do you -- do you respect Mr. Ditlow --
 11 MR. STOCKWELL: Objection --
 12 BY MS. DeFILIPPO:
 13 Q. -- as an individual who has a position to present?
 14 MS. JEFFREY: I object to form and
 15 foundation. He doesn't know Mr. Ditlow, so he cannot
 16 respect or disrespect him.
 17 BY MS. DeFILIPPO:
 18 Q. Do you know if Chrysler has any relationship with or
 19 ever had any relationship with Mr. Ditlow?
 20 A. I believe in the past there have been conversations
 21 that took place between Chrysler representatives and
 22 Mr. Ditlow.
 23 Q. Do you or did you become aware of the fact that in the
 24 past, Chrysler was interested in Mr. Ditlow's approval
 25 of their particular automobiles?

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1 MS. JEFFREY: Object to form.
 2 MR. STOCKWELL: I'll join.
 3 A. Are you suggesting to me that Chrysler asked for
 4 approval from the CAS for their vehicles? I'm not
 5 aware of that.
 6 BY MS. DeFILIPPO:
 7 Q. Did you -- are you aware of Chrysler seeking
 8 Mr. Ditlow or the Center for Auto Safety's endorsement
 9 of the safety of any of the Chrysler vehicles?
 10 MR. STOCKWELL: Object to the form.
 11 A. I wasn't involved in any of those conversations, so I
 12 couldn't speak to that. So I don't know.
 13 BY MS. DeFILIPPO:
 14 Q. Did anybody tell you that Chrysler had direct
 15 discussions with Mr. Ditlow and the Center for Auto
 16 Safety regarding their internal crash test results?
 17 A. I'm not aware of those discussions.
 18 Q. Do you know a man named Lewis Goldfarb?
 19 A. No.
 20 Q. Did you say no?
 21 A. I don't know who that person is.
 22 Q. Did you ever hear his name, Lewis H. Goldfarb?
 23 A. No, ma'am.
 24 Q. And if I tell you he was the Assistant General Counsel
 25 at Chrysler Corporation back in the '90s, it would

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1 mean nothing to you?
 2 MR. STOCKWELL: Object to the form.
 3 A. I mean no disrespect to that, but I'm not familiar
 4 with that name nor his association with Chrysler.
 5 BY MS. DeFILIPPO:
 6 Q. And in researching the history of the Jeep Grand
 7 Cherokee, the ZJ, did you ever run across the name
 8 Mr. Goldfarb at any time?
 9 A. No, ma'am. I just want to be clear. What we
 10 investigated with respect to the Jeep Grand Cherokee
 11 was specific to what we were asked to investigate by
 12 the agency. In addition to that information, we,
 13 again, did several analyses related to the performance
 14 of the vehicle in the field. So there may have been
 15 documents or something that, you know, may have this
 16 person's name on it with respect to the Jeep Grand
 17 Cherokee, but I'm not aware of it.
 18 Q. Chrysler came to some conclusions, however, with
 19 respect to the defect alleged regarding the Jeep Grand
 20 Cherokee, correct?
 21 MS. JEFFREY: Object to form.
 22 MR. WESTENBERG: Asked and answered.
 23 MS. JEFFREY: NHTSA did not allege a
 24 defect.
 25 MS. DeFILIPPO: I said a defect alleged,

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1 and I'm not even talking about NHTSA.
 2 BY MS. DeFILIPPO:
 3 Q. In this case, in the Kline case, did Chrysler come to
 4 any decisions with respect to whether there was a
 5 defect in the Jeep Grand Cherokee?
 6 A. I'm not privy to the discussions pertaining to the
 7 Kline case. What I can tell you is that the Jeep ZJ
 8 that Ms. Kline was driving was at all times compliant
 9 with the 301 standard. These events are extremely
 10 rare, and in nearly 20 years, the field data supports
 11 the fact that occupants of the Jeep ZJs or the Grand
 12 Cherokees built during that time were not
 13 overly-represented, and the occupants are no more
 14 likely to experience this event than those in the peer
 15 vehicles.
 16 Q. Are you saying that a Jeep in the configuration and
 17 outfitted the way the Kline Jeep was outfitted was
 18 tested on 301 testing and passed 301 tests?
 19 MR. STOCKWELL: Object to the form.
 20 A. You've already asked that question, and I answered to
 21 the best of my ability.
 22 BY MS. DeFILIPPO:
 23 Q. But I think now you're changing your answer, or maybe
 24 I'm incorrect --
 25 A. No, ma'am.

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1 Q. -- but I think your answer was you didn't know.
2 Wasn't that your answer?
3 A. Well, what I -- what I stated was that the ZJ of that
4 vintage was tested for and complied with the standard.
5 You were very specific to the exact configuration of
6 the Kline vehicle --
7 Q. That's right.
8 A. -- and I'm not aware of what that exact configuration
9 was, but I can tell you with certainty that from
10 Chrysler's perspective, that vehicle complied with the
11 standard.
12 Q. But can you tell me with certainty that that vehicle
13 in that configuration was tested by Chrysler on the
14 301 testing?
15 A. When -- as I understand it, as I've learned during the
16 course of this investigation, our test engineers and
17 our fuel system engineers particular to this 301 test
18 standard, they evaluate the multiple different
19 iterations of the vehicle configurations, and what
20 they do is test what they believe to be worst case
21 scenarios, and when the opportunity presents itself,
22 they also test configurations that may be in between,
23 what might be considered to be, you know, one end of
24 the spectrum on the build configuration and the
25 opposite end of the spectrum.

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1 So in the judgment of our engineers at the
2 time, all of the configurations in the Jeep Grand
3 Cherokee configured -- or excuse me -- complied with
4 the 301 standard.
5 Q. How does judgment enter into a test? If you're
6 testing -- my question is clearly confined, as you
7 said, as you correctly said, to the specific
8 configuration that was being driven by Susan Kline at
9 the time that she burned to death, and I'm not
10 interested in all the iterations. I'm talking about
11 that configuration on the 1996 Jeep Grand Cherokee,
12 and you stated previously and I think you said you
13 didn't know if that particular configuration was
14 tested and met the 301 standards. I'm just making
15 sure you're not changing your answer at this time
16 because I wasn't sure from your last answer or last
17 couple of answers?
18 MS. JEFFREY: Objection. I want to know
19 what the question is, Angel.
20 BY MS. DeFILIPPO:
21 Q. So the question is: Are you stating that you, without
22 qualification, that a vehicle with the configuration
23 of the Jeep Grand Cherokee 1996 that Susan Kline was
24 driving at the time that she died was tested and
25 passed the 301 testing that Chrysler did?

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1 MR. STOCKWELL: Object to the form.
2 A. I believe I indicated initially in my response that I
3 believed that it was. However, there are thousands of
4 configurations of the Jeep Grand Cherokee vehicle, I'm
5 certain of that. So did we run thousands of tests for
6 each particular configuration? The answer is no. So
7 standing here today not knowing the configuration of
8 Ms. Kline's vehicle relative to the configurations
9 that were ran during the 301 compliance testing, I
10 can't say for certain that that exact configuration
11 was tested.
12 What I can tell you is each configuration
13 is considered based on what I've learned from the
14 testing community as we develop our test program. So
15 what our test engineers do is identify what's
16 considered to be the worst case scenario. They test
17 that vehicle, and the configurations that are not
18 exactly equivalent to that vehicle that was tested are
19 deemed to be compliant.
20 BY MS. DeFILIPPO:
21 Q. So are you saying that you can tell me that a base
22 model 1996 Jeep Grand Cherokee without any added
23 configurations, the very base model with no trailer
24 hitch on it, no skid plate on it, no brackets on it
25 and a compact spare was tested and passed 301 testing

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1 at Chrysler?
2 MR. STOCKWELL: Objection to the form.
3 A. As I've stated, I'm not familiar with the specific
4 configuration of Ms. Kline's vehicle. I would have to
5 have that information and compare it to what was
6 tested. Even if that exact configuration was not
7 tested during the development and compliance testing
8 for that vehicle, I can assure you based on the
9 conversations that I've had with our testing community
10 that that configuration was considered in developing
11 that test plan.
12 BY MS. DeFILIPPO:
13 Q. And the conversations with your testing community
14 would be Mr. Teets?
15 A. Well, Mr. Teets is not a test engineer. At the time
16 he was a fuel systems engineer. Our conversation --
17 Q. Mr. Zylik?
18 A. -- primarily --
19 Q. Mr. Zylik?
20 A. Yes, ma'am.
21 Q. So he would be the one and people associated with his
22 department then, correct?
23 A. He would be our primary contact for that information
24 regarding the Jeep Grand Cherokee.
25 Q. And that's where you would get the information that

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1 makes you confident to state that you believe that
2 Miss Susan Kline's vehicle in her configuration was
3 tested and passed?
4 MR. STOCKWELL: Object to the form.
5 MS. JEFFREY: Object to form.
6 A. Again, I did not state that that configuration
7 specifically was tested. What I stated --
8 MR. STOCKWELL: That's good.
9 MS. DeFILIPPO: That's okay.
10 MS. JEFFREY: Angel, that fax came in, the
11 letter to Mr. Dillon from NHTSA regarding the
12 confidentiality.
13 MS. DeFILIPPO: Yes. So you know what
14 we're referring to then?
15 MS. JEFFREY: He has not looked at it yet.
16 So I'll give it to him now if you want to question
17 him. Do you want this marked, Angel?
18 MS. DeFILIPPO: Yeah, why don't we mark it
19 Dillon, is it 6 now?
20 MS. JEFFREY: 6, yeah.
21 MS. DeFILIPPO: On 12-21-11.
22 MARKED FOR IDENTIFICATION:
23 DEPOSITION EXHIBIT 6
24 5:48 p.m.
25 (Off the record at 5:48 p.m.)

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1 (Back on the record at 5:48 p.m.)
2 MS. JEFFREY: Angel, are we close to being
3 done? The witness is getting pretty fatigued and
4 we've been going for eight hours.
5 MS. DeFILIPPO: I'm sorry, say that again.
6 I didn't hear you.
7 MS. JEFFREY: Are we going to wrap this up
8 soon? The witness is fatigued and we've been going
9 eight hours. It's after 6:00.
10 MS. DeFILIPPO: Yeah, I don't think we have
11 much more. I think we're almost done.
12 While he's looking at that, Mr. Stockwell,
13 are you there?
14 MR. STOCKWELL: I am here.
15 MS. DeFILIPPO: Can you tell me if -- can
16 you tell me that we've gone through the documents that
17 you've supplied in your packet? I think we've gone
18 through them all.
19 MR. STOCKWELL: You've gone through the
20 majority of them I'm sure. I'm not sure if each
21 individual -- there are some stand-alone documents.
22 MS. DeFILIPPO: I'll just make sure I've
23 gone through all of them with him.
24 MS. JEFFREY: He's reviewed the document.
25 BY MS. DeFILIPPO:

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1 Q. Okay. You've had an opportunity to look at Dillon 6
2 which we've marked today. Have you responded to that
3 document?
4 A. Yes, we have.
5 Q. And that was the response I requested earlier,
6 correct? Now having looked at the document just so
7 that we're clear on the record, it's the response to
8 Dillon 6 that we requested?
9 MS. JEFFREY: Okay. I'll submit that yes,
10 that is the response that you requested, and we'll get
11 back to you on that.
12 MS. DeFILIPPO: I just wanted to confirm
13 the record.
14 BY MS. DeFILIPPO:
15 Q. And in going back to the documents that were the hard
16 copy that you have before you, we've gone through
17 Dillon 2 and 3 which are the letters to NHTSA signed
18 by you, and we've gone through Chrysler documents I
19 through, I believe, 81 which were some of the
20 attachments, correct?
21 MS. JEFFREY: It's that document.
22 A. We reviewed -- we reviewed our submission that's
23 numbered 1 through 81. We didn't review it in its
24 entirety.
25 BY MS. DeFILIPPO:

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1 Q. That went with the November 12th letter?
2 A. This did not. This was a subsequent discussion that
3 we had with the agency on approximately the end of
4 March or early April as I recall.
5 Q. Okay. So it was a subsequent presentation, is that
6 what it was, in March or April?
7 A. I think there may be a date on the title that is
8 provided to you. 4-16-2011, Chrysler Group
9 presentation.
10 Q. I don't have that piece.
11 A. I remember you showing that to me.
12 MS. JEFFREY: Angel, that was the one that
13 I told you my office prepared just so that you would
14 know what that document is. You held it up a while
15 ago.
16 MS. DeFILIPPO: Okay. Yeah, I remember
17 that document. I just knew that -- okay. I knew that
18 it wasn't his document and I put it aside.
19 Okay. I want to refer you to Chrysler 81,
20 just look at Chrysler 81 because I think we did not,
21 and the page before Chrysler 81 is Chrysler 76 in my
22 packet. So am I missing five pages?
23 MS. JEFFREY: Angel, you're missing more
24 than five pages because this is the nonconfidential
25 portion of the submission. You'll see it ends at 35

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1 and then picks up again at 70 or something. That is
2 among the documents that we will provide to you.
3 MS. DeFILIPPO: Okay, fine. Because I was
4 going to have a question about 81. I can't in any way
5 decipher what that means without the portions that
6 precede it. This is obviously some type of a police
7 report.
8 BY MS. DeFILIPPO:
9 Q. Can you identify Chrysler 81, Mr. Dillon, for me?
10 A. I believe it was a portion of a police report
11 regarding one of the FARS cases.
12 Q. And it was a Michigan Police report, correct?
13 A. Yes, ma'am.
14 Q. So can you tell me the significance of a Michigan
15 Police report in this presentation when I believe that
16 the states were Illinois, Florida, and North Carolina?
17 A. As I recall, this was information regarding a
18 particular FARS case that, as I understand it, was
19 misappropriately coded. So this was the support, the
20 back-up information to provide NHTSA so that they
21 understood why, in fact, a particular FARS case that
22 may have been coded as a rear impact with fire as the
23 most harmful event was, in fact, not in our
24 submission.
25 Q. And just so that we're clear on this, FARS data is

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1 data that's compiled for NHTSA, but it is based on
2 coding that is done in each individual state by
3 persons from looking at police reports, correct?
4 A. My understanding is that the coding tends to be done
5 by the police department, themselves, and they have a
6 means of feeding that data or that information into
7 the, into the FARS database.
8 Q. But it is not the actual police report, itself. It is
9 another middle person looking at the police reports
10 and then coding the information from the police
11 report, correct?
12 A. I don't recall. This may very well be directly from a
13 police report, but I don't recall specifically.
14 Q. So who would know that, Mr. Taylor?
15 A. Mr. Taylor would know that, yes.
16 Q. Okay. Thank you. Just give me one minute and I think
17 I can wrap this up.
18 Oh, I do have a question. I don't know if
19 -- I know you said that you read the letter of
20 Mr. Ditlow to Mr. Marchionne of December 1st, 2011,
21 correct, and you responded to that letter, correct.
22 A. That's correct.
23 Q. In that letter, I believe Mr. Ditlow makes reference
24 to from the period 19 -- and I think that's on Page 2,
25 1990 --

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1 MS. JEFFREY: You have faxed this letter to
2 us. May we mark it?
3 MS. DeFILIPPO: Oh, you don't have a copy
4 of it there? I thought you did.
5 MS. JEFFREY: You faxed it to us, yes.
6 It's right here.
7 MS. DeFILIPPO: Okay.
8 MS. JEFFREY: So that will be --
9 MS. DeFILIPPO: So let's mark it Dillon 7.
10 MS. JEFFREY: And let him look at it?
11 MS. DeFILIPPO: Yes.
12 MARKED FOR IDENTIFICATION:
13 DEPOSITION EXHIBIT 7
14 5:57 p.m.
15 THE WITNESS: Oh, I can review it now?
16 MR. WESTENBERG: Yeah, go ahead.
17 THE WITNESS: Why don't we --
18 MS. JEFFREY: He's had a chance to take a
19 look at it, Angel.
20 BY MS. DeFILIPPO:
21 Q. Okay. On Page 2, Mr. Ditlow makes reference to in the
22 first paragraph from the period of '93 to 2009, there
23 have been 184 fatal fire crashes in Jeep Grand
24 Cherokees that have resulted in 269 deaths and
25 numerous burn injuries.

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1 And then he says: At least 78 of the
2 deaths are due to fire according to the available
3 medical and government records with the real number of
4 fire deaths higher.
5 Do you dispute his numbers?
6 A. With respect to the defect that Mr. Ditlow is
7 alleging, yes, I disagree with those numbers.
8 Q. And the defect that your understanding that he is
9 alleging is the location and protection of the fuel
10 tank --
11 A. No.
12 Q. -- along with the fuel filler hoses routed through the
13 side rails of the Jeep Grand Cherokee?
14 MS. JEFFREY: Object to form.
15 BY MS. DeFILIPPO:
16 Q. Is that your understanding of what defect he's
17 alleging?
18 A. My understanding of the alleged defect is fuel-fed
19 fires in the event of a rear impact where fire is
20 identified as the most harmful event.
21 Q. But what is the defect of the vehicle? There has to
22 be a defect in the vehicle, itself, that causes the
23 fuel-fed fires. So what is your understanding of what
24 defect Mr. Ditlow is alleging in the preliminary
25 evaluation?

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1 MS. JEFFREY: Okay. Ditlow is not alleging
2 anything in the preliminary evaluation. He has filed
3 a defect petition where he alleges a defect, and he
4 can respond to the extent he knows. He's not alleging
5 anything in the PE.
6 MS. DeFILIPPO: Fine. Thank you for that
7 clarification.
8 BY MS. DeFILIPPO:
9 Q. Now can you tell me what defect we're dealing with?
10 A. There is no defect.
11 MS. JEFFREY: Object to form.
12 BY MS. DeFILIPPO:
13 Q. There's no defect. And what is the alleged defect
14 that Mr. Ditlow is complaining of?
15 A. I can't speak on behalf of Mr. Ditlow. I know what
16 the alleged defect is in the investigation that I was
17 tasked with responding to.
18 Q. Okay. What was the alleged defect in the
19 investigation that you were asked to respond to?
20 A. Rear impact events that resulted in a fire where fire
21 was identified as the most harmful event. Rear
22 impacts --
23 Q. So are you saying -- I'm sorry.
24 A. Rear impacts are defined as impacts in the 5, 6, or
25 7:00 position.

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1 Q. So you're calling rear impact fires a defect?
2 A. No.
3 MS. JEFFREY: Object to form. He's saying
4 there is no defect.
5 A. I have not said that there is a defect. The alleged
6 --
7 BY MS. DeFILIPPO:
8 Q. I'm not asking --
9 A. You can refer to the opening --
10 Q. I'm not asking you to say -- wait a minute. Let me
11 clarify. I'm not asking you to say whether or not
12 that there is a defect. I am saying that you are
13 responding to a defect petition --
14 A. I'm not responding to a defect petition.
15 MS. JEFFREY: All right. Just object to
16 form. Just to put it on the record, Chrysler does not
17 respond to the defect petition filed by the Center for
18 Auto Safety.
19 MS. DeFILIPPO: You're right.
20 MS. JEFFREY: Chrysler responds to the
21 preliminary evaluation information requests submitted
22 by NHTSA.
23 MS. DeFILIPPO: Fine.
24 BY MS. DeFILIPPO:
25 Q. The defect petition alleges a defect in the vehicle,

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1 or there would not even be a preliminary evaluation.
2 MS. JEFFREY: Object to form.
3 MR. STOCKWELL: Objection. There's no
4 question.
5 MS. JEFFREY: What's the question?
6 BY MS. DeFILIPPO:
7 Q. Well, isn't the preliminary evaluation based on the
8 defect petition of Mr. Ditlow and the Center for Auto
9 Safety?
10 A. I believe --
11 Q. Isn't that how it comes about?
12 MS. JEFFREY: Well, let him answer.
13 A. I believe that the investigation was influenced by the
14 defect, by the petition, excuse me.
15 BY MS. DeFILIPPO:
16 Q. By the defect petition of Mr. Ditlow, correct?
17 A. I don't know if I would characterize it as a defect
18 petition or not. I'm not familiar with the technical
19 term. The petition.
20 Q. Well, what defect is being alleged in the petition?
21 A. I have not made a matter -- have not made it my
22 business to try to identify what specifically
23 Mr. Ditlow is claiming to be the defect. My job is to
24 respond to the agency, and the agency has defined the
25 alleged defect as I previously explained.

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1 Q. So are you saying that NHTSA defined the alleged
2 defect of the vehicle as a post-collision fuel-fed
3 fire; that's the defect alleged?
4 A. Yes, ma'am, that's correct.
5 Q. Okay. In 2005 on Page 2, Mr. Ditlow indicates that in
6 2005, the fuel tank in the Grand Cherokee was moved
7 forward of the rear axle under pressure from
8 Daimler-Benz. Do you dispute that?
9 A. I wasn't -- I wasn't involved in that, the development
10 of that vehicle, so I couldn't answer that question.
11 I don't know.
12 Q. Did your team tell you or did you obtain any
13 information as to whether or not the fuel tank was
14 moved forward of the rear axle in 2005 under pressure
15 from Daimler-Benz?
16 MS. JEFFREY: Object to form.
17 A. No, I did not.
18 MS. JEFFREY: We're going to need to take a
19 break if this continues much longer. I'd like to wrap
20 it up.
21 MS. DeFILIPPO: All right. Let's take a
22 quick break, and then we'll wrap it up.
23 (Recess taken at 6:05 p.m.)
24 (Back on the record at 6:10 p.m.)
25 MS. JEFFREY: Angel, before we go -- Angel,

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1 just let me put something on the record.
2 MS. DeFILIPPO: Yes.
3 MS. JEFFREY: We were here at 10:00 ready
4 to start the deposition. We've been going all day
5 with some short breaks, including a half hour for
6 lunch. He's getting really tired. We need to wrap
7 this up.
8 MS. DeFILIPPO: Well, we may have to -- I
9 mean, I'd love to wrap it up. Part of the reason why
10 we're here so long is because I think we had some
11 issue about, you know, the way the questions were -- I
12 don't want to go into that.
13 MS. JEFFREY: Let's not go there.
14 MS. DeFILIPPO: There was an issue with how
15 questions were asked but, however, I don't want to
16 come back again. I just want to be able --
17 MR. STOCKWELL: Well then, finish.
18 MS. JEFFREY: Let's just get this done
19 within the next 10 or 15 minutes.
20 MS. DeFILIPPO: Well, I'll do the best I
21 can.
22 MR. WESTENBERG: No. We're done at 6:30.
23 MS. JEFFREY: We're going to pull the plug
24 at 6:30.
25 MR. FUSCO: She's not getting this.

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1 MS. DeFILIPPO: Well, you can pull the plug
2 and we'll be back again.
3 MS. JEFFREY: Well, let's just move on.
4 Let's see if we can get this done.
5 BY MS. DeFILIPPO:
6 Q. I'm looking at the October 15th, 2010 letter of David
7 Dillon to Mr. Scott Yon, Chief, reference NVS-21211h;
8 PE10-031. Do you have that in front of you? It has
9 attachment Page 1 of 9 which starts with the
10 preliminary statement.
11 MS. JEFFREY: Where is Exhibit 1 or 2?
12 MR. STOCKWELL: 2 is right here. Sorry.
13 MS. JEFFREY: He's got that.
14 BY MS. DeFILIPPO:
15 Q. Okay. If you look at Page 8 of 9, Page 8 of 9 reads
16 in Section G --
17 A. 8 of 9?
18 MR. WESTENBERG: Yes.
19 MS. JEFFREY: No. That's the November one.
20 MR. WESTENBERG: The October one.
21 BY MS. DeFILIPPO:
22 Q. Page 8 of 9, Section G. This was your response to
23 Question 9 from NHTSA?
24 A. If you can just hold on one second, I apologize. I'm
25 getting there. Okay. Page 8 of 9?

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1 Q. Yeah.
2 MS. JEFFREY: Okay. We're there.
3 MS. DeFILIPPO: Okay. And for some reason
4 I don't think this was marked. So I think we should
5 make it Dillon 8.
6 MS. JEFFREY: This was marked as Dillon 3.
7 MS. DeFILIPPO: No. Dillon 3 was only the
8 -- hold on -- let me just make sure I'm correct.
9 MS. JEFFREY: No. You questioned him at
10 length about this. He went through and identified all
11 the enclosures --
12 MS. DeFILIPPO: No. Okay. It was marked
13 as Dillon 3. I'm sorry.
14 BY MS. DeFILIPPO:
15 Q. But I'd like you to look at Page 8 of 9 and Section G.
16 It says in the Paragraph G in the last couple
17 sentences: Although the primary purpose of a skid
18 plate is not to protect the fuel tank in rear-end
19 collisions, as an interim measure the skid plate was
20 made standard for production vehicles during the time
21 period December 14th, 2001 to September 4th, 2002 when
22 a reinforced ORVR control valve was being developed.
23 First of all, what's the ORVR control
24 valve, what does that stand for?
25 A. It's an onboard refueling vapor recovery valve.

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1 Q. Okay. So getting back to the sentence where you say,
2 The primary purpose of a skid plate is not to protect
3 the fuel tank in a rear-end collision but it was used
4 as an interim measure to protect the fuel tank in
5 rear-end collisions on vehicles that did not have the
6 reinforced ORVR control valve, is that accurate?
7 MS. JEFFREY: Object to form. That's not
8 what it states.
9 MS. DeFILIPPO: Well, you can object. I'm
10 asking the witness if that's an accurate statement.
11 A. All right. Can you guide me to the sentence once
12 again? I apologize.
13 BY MS. DeFILIPPO:
14 Q. Although the primary purpose of a skid plate is not to
15 protect the fuel tank in rear-end collisions, as an
16 interim measure the skid plate was used to protect the
17 fuel tank in rear-end collisions during the period
18 when the reinforcing ORVR control valve was being
19 developed.
20 Is that a fair statement?
21 MS. JEFFREY: I'm objecting to form on
22 this. It relates to a specific recall that is not
23 applicable to the ZJ but he can answer --
24 MS. DeFILIPPO: I think it's very
25 applicable. We can argue about that in court. I'm

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1 asking the question --
2 MS. JEFFREY: But I want the record to
3 reflect that this relates to recall A-10 which relates
4 to 71,000 2002 WJs.
5 MS. DeFILIPPO: I get that.
6 MS. JEFFREY: Okay.
7 MS. DeFILIPPO: My question is as to the
8 skid plate.
9 MS. JEFFREY: What's your question?
10 THE WITNESS: Well, can I -- I'd just like
11 to point out that what you're reading is not exactly
12 what I'm reading in front of me.
13 BY MS. DeFILIPPO:
14 Q. I understand that. I'm asking you, after having read
15 exactly what was there, I'm asking the question that
16 although the primary purpose of the skid plate was not
17 to protect the fuel tank in rear-end collisions, as an
18 interim measure the skid plate was used to protect the
19 fuel tank in the situation where --
20 MR. FUSCO: It doesn't say that word for
21 word. Read what it says.
22 BY MS. DeFILIPPO:
23 Q. The reinforced ORVR control valve was being developed.
24 for example. Is that a fair interpretation of what
25 you say there?

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1 A. I'll read what is written here because I'm not sure --
2 Q. I read what was written. I'm not asking you to read
3 it. I read it already.
4 I'm saying to you: In that sentence you're
5 indicating that the skid plate is not normally used to
6 protect the fuel tank from rear-end collision, but it
7 was used in the context of the ORVR control valve
8 situation, and wasn't it being used to protect the
9 fuel tank while this was being developed?
10 MR. STOCKWELL: Object to the form.
11 MS. JEFFREY: Object to form.
12 A. Well, I'm not sure I would characterize it that way.
13 Let's take a step back.
14 The ORVR valve design was new for the 2002
15 model year WJ. During development testing for the
16 2003 model year WJ, it was discovered that there was a
17 noncompliant scenario, a situation with the 2002 model
18 year fuel system. What we did was immediately stop
19 the sale of those vehicles and worked to identify an
20 interim solution that would enable that particular
21 model year of that particular body style to comply
22 with the 301 standard.
23 As it states, the purpose of the skid plate
24 is not to protect -- it's not put there, right, to
25 protect the fuel tank in the event of a rear impact.

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1 However, it was determined that in this case on this
2 body style and this model year it, in fact, did change
3 the impact dynamics such that this particular body
4 style and model year could, in fact, comply with the
5 301 standard.
6 BY MS. DeFILIPPO:
7 Q. And wouldn't you also agree that the interim solution
8 to comply with 301 was the use of the skid plate in
9 the context that you've just described?
10 MS. JEFFREY: Object to form.
11 A. That's correct.
12 BY MS. DeFILIPPO:
13 Q. Okay. When the fuel tank location was -- was the fuel
14 tank location changed in the WJ?
15 A. Not that I'm aware of.
16 Q. I'd like to direct you to 005533.
17 MS. JEFFREY: What is that document,
18 please?
19 MS. DeFILIPPO: I don't know. I have to
20 find it myself because I have it in my notes.
21 MR. FUSCO: Sheila, we want our five
22 minutes.
23 MS. JEFFREY: Angel, Defendants' counsel
24 would like five minutes with this witness, so we're
25 heading up on towards 6:30, and you need to wrap this

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1 up.
2 MS. DeFILIPPO: Well, that's nice but we
3 have people here that haven't asked questions also.
4 So I don't think that's going to happen.
5 MS. JEFFREY: All right. Well, we're
6 ending at 6:30.
7 MR. WESTENBERG: At 6:30 we're done.
8 MS. DeFILIPPO: Okay. Well, that's fine.
9 MR. FUSCO: Who else is going to ask
10 questions?
11 MR. STOCKWELL: Who else is asking
12 questions?
13 (Off the record at 6:19 p.m.)
14 (Back on the record at 6:19 p.m.)
15 MR. STOCKWELL: Angel, who's asking
16 questions aside from you?
17 MS. DeFILIPPO: Mr. Gill.
18 MR. GILL: I don't have any.
19 MR. FUSCO: That was easy.
20 MR. STOCKWELL: Who else?
21 MS. DeFILIPPO: That's all I know.
22 MR. FUSCO: Okay. Well, at 6:20 we're
23 going to start asking questions. This is ridiculous.
24 MR. WESTENBERG: She's forcing us to walk
25 out, okay? So let's just do it.

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1 MS. DeFILIPPO: Do you have that document?
2 MS. JEFFREY: No. I don't know what that
3 is. I can't find it.
4 MR. FUSCO: Why don't you look for that
5 document while we start asking questions.
6 (Off the record at 6:20 p.m.)
7 (Back on the record at 6:21 p.m.)
8 MS. JEFFREY: Angel, I've got a copy of
9 that. It looks like it's a one-and-a-half page
10 narrative concerning the differences in design between
11 the ZJ and WJ?
12 MS. DeFILIPPO: Right, I have it, also.
13 MS. JEFFREY: Okay.
14 MS. DeFILIPPO: And it doesn't look like
15 there's anything before it or after it. Am I missing
16 some documents before it or after it also?
17 MS. JEFFREY: No, this is Enclosure 7-A to
18 the document, and it's a two-page document.
19 MS. DeFILIPPO: Okay. Well, if you look at
20 Page 5533, we'll mark it Dillon 8 or 7. What are we
21 up to?
22 MR. STOCKWELL: 8.
23 MS. DeFILIPPO: Okay. And that's 1-21-11
24 and you say in that document --
25 MS. JEFFREY: Wait. She's got to mark it.

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1 Can you hold on?
2 MARKED FOR IDENTIFICATION:
3 DEPOSITION EXHIBIT 8
4 6:21 p.m.
5 A. Okay.
6 BY MS. DeFILIPPO:
7 Q. Mr. Dillon, have you had an opportunity to look at
8 5533 and 5534, a two-page document?
9 A. Yes, ma'am, briefly.
10 Q. And is that a document submitted by you to NHTSA?
11 A. Yes, ma'am.
12 Q. Does that go with the November 12th packet of 2010?
13 A. I don't recall --
14 MS. JEFFREY: Yes.
15 A. It was in one of the two submissions. I don't recall
16 specifically which one.
17 BY MS. DeFILIPPO:
18 Q. Okay. Do you see the last paragraph there where it
19 says: Specific differences in the rear components of
20 fuel systems of the ZJ and the WJ include the size,
21 shape, and capacity of the fuel tank --
22 A. Yes, ma'am.
23 Q. -- the design and location of the fuel tank in the WJ
24 was changed to allow relocation of the spare tire from
25 the interior of the ZJ to below the rear floor pan in

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1 the WJ.
2 Does that refresh your recollection as to
3 whether or not the location of the fuel tank in the WJ
4 was changed?
5 A. The WJ is the 1999 through 2004 model year Jeep Grand
6 Cherokee. If you're referring to the general location
7 of the tank relative to the axle, the answer is no.
8 Q. Well, I'm referring to what you referred to because I
9 don't know what you're referring to. So that's why I
10 wanted to direct your attention to that statement
11 where it says: The design and location of the fuel
12 tank in the WJ was changed to allow relocation of the
13 spare tire from the interior of the ZJ to below the
14 rear floor pan in the WJ.
15 I assume you mean the spare tire went below
16 the rear floor pan, correct?
17 A. As I recall, yes, ma'am.
18 Q. Okay. So the changed location of the spare tire tub
19 required lowering of the fuel tank, and I'm asking you
20 what about the fuel tank in the WJ -- what about the
21 location and the design was changed from the ZJ?
22 A. Well, I don't recall the specific criteria that would
23 outline the difference in location. Generally it was
24 still located behind the rear axle. However, you
25 know, if you used the center of mass of the fuel tank

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1 relative to the center line of the axle, the position
2 of the fuel tank did, in fact, change.
3 Q. Well, who would know how the design and location of
4 the fuel tank in the WJ was changed; would that be
5 Mr. Teets or Zyluk?
6 A. I believe Mr. Teets would be the best person to speak
7 to about the specifics of what exactly changed.
8 Q. And where you say the changed location of the spare
9 tire tub required lowering of the fuel tank, do you
10 mean lowering from the bottom of the car down toward
11 the road?
12 A. That would be lower, yes, ma'am.
13 Q. Is that what the lowering in that context means in
14 that sentence?
15 A. Yes, ma'am.
16 Q. And so can you tell me how the shape of the fuel tank
17 was changed; was it basically the same shape with
18 minor changes, or are you talking about an entirely
19 different shape change?
20 MR. STOCKWELL: Object to the form.
21 A. Well, number one, I wasn't the design engineer for the
22 fuel tank, all right? But the vehicle was completely
23 different which is what we're pointing out here. The
24 ZJ and the WJ are completely different vehicles by
25 design, although they're both referred to as Jeep

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1 Grand Cherokees.
 2 BY MS. DeFILIPPO:
 3 Q. Did the WJ lose any fuel tank capacity from the ZJ?
 4 A. I don't recall. That wasn't part of my investigation.
 5 MS. JEFFREY: Okay, just --
 6 BY MS. DeFILIPPO:
 7 Q. I mean, you wrote this document that we've marked
 8 Dillon 8, and you made all these assertions. Where
 9 did the information come to back up these assertions?
 10 MS. JEFFREY: And I object to form. He may
 11 not have written this document.
 12 A. The information came as a result of the team
 13 collecting the information with respect to the ZJ and
 14 the WJ. What we were attempting to identify were
 15 major differences in the overall design. We didn't
 16 get into the specifics of the details of changes in
 17 capacity or changes in geometry. But, in fact, we
 18 know that the fuel system did, in fact, change as a
 19 result of the body style change from ZJ to WJ.
 20 MS. JEFFREY: Okay. Just for the record,
 21 it's now 6:28. The dealer has indicated that they
 22 would like to spend five minutes questioning the
 23 witness, and as I said, we want to get out of here by
 24 6:30. We've been in here for over eight hours. So
 25 I'd like to let the dealer have their chance to

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1 question the witness and we can talk about --
 2 MS. DeFILIPPO: You can't do that. This is
 3 a discovery dep, and you can't dictate who goes and
 4 when. It's my deposition as discovery dep, and he can
 5 go when I'm done, and as I said --
 6 MR. WESTENBERG: You're done.
 7 MS. JEFFREY: You're done, Angel, you're
 8 done now. We're not going to continue further.
 9 MS. DeFILIPPO: Well then, you can stop but
 10 he's not questioning until I'm done. So I'm sorry but
 11 we can stop now and come back another day.
 12 MS. JEFFREY: Okay.
 13 MR. FUSCO: That's fine.
 14 MS. DeFILIPPO: Okay. Thank you very much.
 15 MR. WESTENBERG: Off the record.
 16 (Deposition concluded at 6:28 p.m.
 17 Signature of the witness was requested.)
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1 THOMAS KLINE, et al,
 2 Plaintiffs,
 3 vs. Docket No. MRS-L-3575-08
 4
 5 VICTORIA MORGAN-ALCALA, et al,
 6 Defendants.
 7
 8
 9 VERIFICATION OF DEPONENT
 10
 11 I, having read the foregoing deposition
 12 consisting of my testimony at the aforementioned time
 13 and place, do hereby attest to the correctness and
 14 truthfulness of the transcript.
 15
 16
 17
 18 DAVID DILLON
 19 Dated:
 20
 21
 22
 23
 24
 25

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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
 16
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 21
 22 LEZLIE A. SETCHELL, CSR-2404
 23 Notary Public,
 24 Macomb County, Michigan.
 25 My Commission expires: April 17, 2012

Video Deposition

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THOMAS KLINE, et al,

Plaintiffs,

vs.

Docket No. MRS-L-3575-08

VICTORIA MORGAN-ALCALA, et al,

Defendants.

VERIFICATION OF DEPONENT

I, having read the foregoing deposition
consisting of my testimony at the aforementioned time
and place, do hereby attest to the correctness and
truthfulness of the transcript.

DAVID DILLON

Dated:

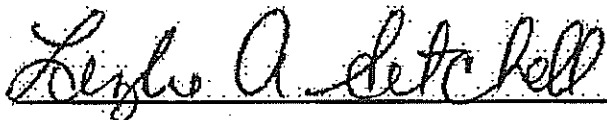
CERTIFICATE OF NOTARY

STATE OF MICHIGAN)

) SS

COUNTY OF MACOMB)

I, LEZLIE A. SETCHELL, certify that this deposition was taken before me on the date hereinbefore set forth; that the foregoing questions and answers were recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to, either party nor interested in the event of this cause.



LEZLIE A. SETCHELL, CSR-2404

Notary Public,

Macomb County, Michigan

My Commission expires: April 17, 2012

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