

To this end, plaintiffs mischaracterize and ignore the record in order to support their blanket statement that a trailer hitch, tow package, and skid plate added structural support to the fuel tank and would have improved the Jeep Grand Cherokee's overall performance in a crash of this horrific accident at 70 miles per hour. To the contrary, the record makes clear that there are potential, untested, dangers for all users with the addition of such items, and that the addition of any item to the rear of the subject car would the behavior of the car in any crash, whether rear, side, or front. Specifically, Edward Zylick testified as follows:

Q: But if we are just focusing on the strength and rigidity of the frame rails and not looking at how it reacts with the other components, would you agree that the tow package or the bracket for that matter would still have a positive influence on the strength of the rails and the rigidity?

A: I guess I couldn't argue the point with you if I add additional structure, there will be a potential for changing the structural rigidity in the area, but you can't – you have to be careful about making blanket statements like that because we are dealing with the laws of physics and energy. If I do that there, it goes somewhere.

(See Exhibit "C", p. 202) (emphasis added).

Further apparent in the record is that plaintiffs' proposed designs are mere speculation. Plaintiffs' own papers only state that it was "likely" these proposals would help; indicative yet again of the fact that plaintiffs failed to test and therefore failed to prove that their own "expert" Paul Sheridan's "proposals" result in a safer product.

When specifically questioned, plaintiffs' "expert" Mr. Sheridan¹⁰ admitted that he had undertaken no testing or analysis to support his claim:

¹⁰ Plaintiff's expert, Paul V. Sheridan, is not a licensed engineer, and is not a degreed engineer. (See deposition of Paul V. Sheridan, dated August 3, 2012, p. 5-6).

Q: Have you done anything to determine whether a skid plate would have protected the fuel tank in this accident? The Kline accident?

A: I've not done any testing or analysis.

Q: Okay. Can you state to a reasonable degree of certainty that the skid plate would have protected the fuel tank in this accident?

A: I can state that the skid plate would provide protection.

Q: Okay.

A: Whether it would have prevented this accident, in and of itself, without other fixes on the vehicle, I can't say that or not.

(See Exhibit "E", p. 124-125) (emphasis added).

These admissions by Mr. Sheridan alone constitute ample proof to dismiss plaintiffs' complaint as a matter of law.

Plaintiffs claim that a skid plate would have prevented the puncture of the fuel tank and the resultant fire in the case at bar. In doing so, however, plaintiffs once again fail to recognize that the law requires proof of an alternative design that makes a product safer for all intended users, not just those involved in an accident like plaintiffs', and, therefore, plaintiffs cannot support their burden. To this end, the record establishes that the skid plate was designed neither to protect the fuel tank during rear, side, or front impact nor was it ever tested in such fashion. What the record does establish is that the *skid plate* was designed and sold for the *limited purpose of protection from rocks and other debris for consumers who enjoyed off-roading*. As set forth by Owen Viergutz¹¹, of Chrysler:

¹¹ Relevant portions of Owen Viergutz's deposition transcript, dated June 15, 2011, are annexed hereto as Exhibit "H". Should the Court request to review Owen Viergutz's testimony in its entirety, it shall be promptly provided.

EXHIBIT "E"

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

Paul V. Sheridan
August 3, 2012
Video Deposition

Rizman Rappaport Dillon & Rose
66 W. Mt. Pleasant Ave.
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COPY

Min-U-Script® with Word Index

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2 LAW DIVISION - MORRIS COUNTY
3 DOCKET NO. MRS-L-3575-08
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4 THOMAS KLINE, as Administrator :
5 Ad Prosequendum of the heirs at :
6 law of SUSAN MORRIS KLINE :
7 (deceased), as Administrator of :
8 the Estate of SUSAN MORRIS KLINE, :
9 and THOMAS KLINE, individually, :
10
11 Plaintiffs, :
12
13 v. :
14 VICTORIA MORGAN-ALCALA, CARLOS :
15 ALCALA, NATALIE RAWLS, DAIMLER :
16 CHRYSLER CORPORATION, a/k/a :
17 CHRYSLER CORPORATION, LOMAR AUTO :
18 GROUP, BUTLER CHRYSLER JEEP, :
19 INC., JOHN DOES A through Z :
20 (names being fictitious), ABC :
21 CORPORATIONS 1 through 100 :
22 (names being fictitious), :
23 Defendants. :
24 -----x
25

VIDEOTAPED
DEPOSITION UPON
ORAL EXAMINATION
OF
PAUL V. SHERIDAN

TRANSCRIPT of the stenographic notes of JEROME
L. ROSE, a Notary Public and Certified Shorthand
Reporter of the State of New Jersey, Certificate No.
X100332, taken at the offices of Grieco, Oates &
DeFilippo, 414 Eagle Rock Avenue, West Orange, New
Jersey, taken on Friday, August 3, 2012, commencing at
10:14 a.m.

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1
2
3 A P P E A R A N C E S :
4 GRIECO, OATES & DeFILIPPO
5 414 Eagle Rock Avenue
6 West Orange, New Jersey 07052
7 BY: ANGEL M. DeFILIPPO, ESQ.
8 Attorneys for Plaintiffs
9
10 CALLAHAN & FUSCO
11 72 Eagle Rock Avenue
12 East Hanover, New Jersey 07936
13 BY: MATTHEW S. STOCKWELL, ESQ.
14 MARK P. BRADLEY, ESQ.
15 Attorneys for Defendant Loman Auto Group
16
17 LEARY, BRIDE, TINKER & MORAN
18 7 Ridgedale Avenue
19 Cedar Knolls, New Jersey 07927
20 BY: JAMES T. GILL, ESQ.
21 Attorneys for Defendant Alcala
22
23 Also present:
24 Russell J. Sacco, Jr., Esq.
25 Personal Attorney of Kline

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1 THE VIDEOGRAPHER: My name is Robert
2 McDonald, member of the National Legal Video
3 Association, for Rizman, Rappaport, Dillon & Rose.
4 Today is August 3rd, 2012. On the record at
5 approximately 10:14 and here in the matter of Kline
6 v. Morgan-Alcala, et al.
7 The witness is Paul V. Sheridan and we
8 are at the offices of Grieco, Oates & DeFilippo, 414
9 Eagle Rock Avenue, West Orange, New Jersey.
10 Would counsel introduce yourselves for
11 the record, please.
12 MR. STOCKWELL: Matthew Stockwell,
13 Callahan & Fusco, for Loman Auto Group.
14 MS. DeFILIPPO: Angel DeFilippo,
15 Grieco, Oates & DeFilippo for the plaintiff.
16 MR. GILL: James Gill, Leary, Bride,
17 Tinker & Moran on behalf of defendant Alcala.
18 MR. BRADLEY: Mark Bradley, Callahan &
19 Fusco, for Loman Auto Group.
20 THE VIDEOGRAPHER: Thank you.
21 Will the court reporter please
22 administer the oath.
23
24
25

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1 PAUL V. SHERIDAN, 22357 Columbia
2 Street, Dearborn, Michigan 48124, first being
3 duly sworn according to law by the Officer,
4 testifies as follows:
5 DIRECT EXAMINATION BY MR. STOCKWELL:
6 Q. Good morning, Mr. Sheridan. We met a
7 few times before. Just one instruction. If you
8 don't understand a question I ask you, please let me
9 know that you don't understand the question so that
10 I can ask it or rephrase it again. The reason for
11 that is if you answer a question here today,
12 everyone sitting at the table is going to assume
13 that you heard the question, understood it, and
14 answered to the best of your ability.
15 Okay?
16 A. Yes.
17 Q. Okay. You've given several depositions
18 in the past in other Chrysler cases, so I think we
19 can cut out a lot of the Chrysler history and move
20 this along today.
21 I'm just going to start by asking you
22 are you currently a member of any professional
23 societies or organizations?
24 A. No.
25 Q. Since you left Chrysler have you become

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Sheridan - direct

1 a licensed engineer?
2 A. No.
3 Q. Have you become a degreed engineer?
4 A. No.
5 Q. Are you associated with any
6 organization that promulgates safety standards
7 presently?
8 A. The Specialty Equipment Market
9 Association, it's called SEMA, and the PRI, a
10 Performance & Racing Industry organizations, and
11 they both promulgate and sell and market and promote
12 safety.
13 So, those two organizations.
14 Q. Okay. Can you tell me what those
15 safety standards apply to?
16 A. Primarily aftermarket revisions to
17 automobiles and racing scenarios primarily.
18 Q. During your time at Chrysler did you
19 ever work on a fuel system design?
20 A. No.
21 Q. Did you ever work on a Jeep vehicle
22 during your time at Chrysler?
23 A. Yes.
24 Q. Tell me how you worked on a Jeep
25 vehicle, please.

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Sheridan - direct

1 A. I was part of the group that was
2 organizing and analyzing the purchase of American
3 Motors in the early part of 1987. I was the liaison
4 between Dodge truck operations and at that time what
5 was called Amtech or American Motors Technical.
6 They were located on Plymouth Road in Detroit,
7 Michigan, and during the time just prior to the
8 purchase of American Motors by Chrysler, I became
9 intimate with the American Motors employees and
10 their organization and eventually I was promoted
11 into what was then a newly formed organization
12 called Jeep Truck Engineering. We sometimes refer
13 to that as JTE.
14 At the initial point of my appointment
15 into JTE as an engineering programs manager, I was
16 assigned three vehicles. I was assigned the N-Body,
17 which was marketed as the Dodge Dakota. I was
18 assigned the B-Body -- B as in Baker -- which was
19 the full-sized Ram Dodge Van, the big full-size van,
20 and I was assigned to the SJ-Body, which was
21 previously marketed as the Grand Wagoneer. It was
22 the original -- you could call it the original SUV.
23 So, I was assigned to that vehicle up
24 until approximately November of 1987.
25 Q. What did you do in November of 1987?

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Sheridan - direct

1 A. In November of 1987 my workload on the
2 N- and B-Body vehicle lines was so high that the
3 SJ-Body was moved to the more correct person, in my
4 opinion, which was a Mr. Richard Scott. Mr. Richard
5 Scott in the JTE organization was the Engineering
6 Programs Manager for the XJ, the ZJ and the SJ at
7 that point in November of 1987.
8 So, my SJ responsibilities were
9 transferred to Mr. Scott in November of 1987.
10 Q. What work did you do on the SJ until
11 November of 1987?
12 A. My primary role as an engineering
13 programs manager was to coordinate the needs of the
14 product plan with engineering programs. Product
15 plans dictate what the market should see as a result
16 of detailed engineering work in terms of design,
17 development and componentry.
18 So, my job was to take the product plan
19 of the SJ, which was being eliminated but still had
20 work going on, and make sure that the engineering
21 programs were funded, were on time, were being
22 executed to the product plan requirements.
23 My job as an engineering programs
24 manager was to coordinate the engineering activities
25 done by design engineers and development engineers

<p>Sheridan - direct Page 121</p> <p>1 person needs to be thoroughly qualified. 2 Q. Skipping down to Paragraph 35, 35a in 3 particular, what I want to know, are you saying that 4 there are crash tests that haven't been produced by 5 Chrysler in this case? 6 A. No. 7 Q. Okay. What do you mean then by 8 destruction of internal crash test documents that 9 relate to Jeep lawsuits? 10 A. The focus of these crash tests that 11 were shredded in the 1987 time period were the roof 12 crush lawsuit oriented documents. Jeep had a 13 problem with roof crush issues both on and off road. 14 I was involved with one case involving the 15 installation of a MOPAR roll cage and it was 16 completely defective and the person is a paraplegic 17 as we speak. 18 But this was fairly well known that 19 these shredding parties were taking place. I was 20 one of the first to move to Plymouth Road and so it 21 was fairly common knowledge. In fact, one person 22 who refused to participate in the shredding parties 23 was nearly fired for not participating. It got 24 pretty nasty. 25 Q. Moving ahead to Page 17, Paragraph 38,</p>	<p>Sheridan - direct Page 123</p> <p>1 Q. Have you read Mr. Phillips' deposition 2 transcript yet? 3 A. No, I have not. 4 Q. Did the Kline Grand Cherokee, was it 5 required to comply with any test other than the 6 FMVSS-301? 7 A. Yes. Numerous federal regulations are 8 required for a vehicle to pass. 9 Q. And with regard to rear-end collision 10 fuel system integrity tests, that would be 301? 11 A. That's the only one I'm aware of, yes. 12 Q. Looking at 39b, you can just read it 13 and let me know when you're done. 14 A. Yes, sir. 15 Q. What due care do other manufacturers 16 exercise? 17 A. Well, in most cases they've moved the 18 tank to the mid ship location. Many sport utility 19 manufacturers make skid plates standard. One 20 example I mentioned earlier was the S10 Blazer, the 21 two-door version, and for example, the Suzuki XL7. 22 So, there are examples where a failure 23 mode effects analysis takes place and they exercise 24 revisions to the rear mounted fuel system to 25 accommodate that location.</p>
<p>Sheridan - direct Page 122</p> <p>1 you talk about the exaggeration of lower end of the 2 front bumper structure during hard braking of the 3 colliding vehicle. 4 My question to you is is there any 5 physical evidence in this case that Miss Alcala 6 applied her brakes before impact? 7 A. Quick answer is yes, but I did not 8 acquire that evidence. 9 Q. Who did? 10 A. I believe Mr. Don Phillips did. 11 Apparently at the accident scene the initial braking 12 is not viewable because of the onslaught of the 13 antilocking system on the Toyota, and there are skid 14 marks somewhere in the accident scene. That was 15 conveyed to me by Mr. Phillips at the vehicle 16 inspection a number of years ago and apparently he 17 has taken photographs, but I haven't seen -- I don't 18 believe I've seen those photographs of the Toyota 19 skid marks. 20 So, the point being that presuming that 21 Mr. Phillips is correct in his assessment of the 22 accident scene and the accident event, the hard 23 enough brake apply to cause skid marks on the 24 highway would cause the front of the Sienna to 25 nosedive or lower.</p>	<p>Sheridan - direct Page 124</p> <p>1 Q. Okay. These changes that you're 2 talking about, how do you know they are the result 3 of failure mode effects analyses? 4 A. This is the result of being in Detroit 5 for 30 years. At Ford Motor Company their learning 6 curve as a result of the Pinto issue, the fire, rear 7 tank fire issue, it escalated the use of appropriate 8 FMVAs all over the company. We were pushing for 9 FMVAs on the Safety Leadership Team. That was our 10 primary focus and we were somewhat disappointed not 11 to get some of the FMVAs in place for certain 12 things. 13 Q. When did Ford first do an FMVA for the 14 Crown Victoria? 15 A. I don't know. When you say the FMVA, 16 were you limiting it to the fuel system? 17 Q. Yes. 18 A. I don't know and that was my response. 19 I was assuming you were limiting it to the fuel 20 system. 21 Q. On Page 18, Paragraph 40a, what 22 testing, again, did you or the Safety Leadership 23 Team propose? 24 A. Excuse me, counselor. You're talking 25 about testing with respect to 40a?</p>

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1 Q. Yeah. You say that the NHTSA did not
2 formulate requirements that could reasonably be
3 expected to protect customers in foreseeable
4 accidents.
5 What I'm asking, was there any
6 alternative form of testing that either you or the
7 Safety Leadership Team proposed?
8 A. Oh, yes. There were times when we
9 would make recommendations with respect to, let us
10 say, the lift gate latch, the fact that it -- for
11 example, the lift gate latch in 1983 was not
12 required to comply with FMVSS-206. That in itself
13 tells you that the regulatory process is flawed
14 because the lift gate latch and the lift gate hatch
15 was the biggest opening in the vehicle allowing
16 ingress and egress of passengers and luggage and
17 everything else.
18 But when we found out -- and that was a
19 mistake. In 1983 when the vehicle came out with a
20 noncompliant rear liftgate latch, it was a mistake
21 made by the engineers, but it became flawed and
22 egregious when we realized the mistake and we didn't
23 do anything about it.
24 For example, there is a document that
25 was written regarding the NHTSA approach and the

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1 Chrysler approach to regulatory formulation. It was
2 written by Mr. Dale Dawkins. As a matter of fact,
3 he's interviewed about this in the U.S.A. Today
4 Newspaper.
5 But in essence, to answer your question
6 about what testing we had proposed, we had proposed
7 that a 206 compliant latch be installed as a base
8 starting point and that a whole series of dynamic
9 crash tests take place. 206 was formulated with no
10 crash tests required.
11 So, we in the industry and Chrysler in
12 particular, we were not compelled to do any crash
13 testing whatsoever on something that involves a
14 dynamic situation in the real world like a lift gate
15 latch failure.
16 So, we had proposed a dynamic real
17 world crash test protocol to prove out whatever lift
18 gate latch design you wanted to implement was, in
19 fact, effective.
20 The other one that was very big on our
21 minds was formulating dynamic real world crash
22 testing for the seatback issue. And that came as a
23 result of the Mercedes discussion, because it was
24 Dr. Thomas Beloga, who was interviewed by 60
25 Minutes, and he specifically said we do all of our

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1 crash testing and all of our testing and all of our
2 design based on the real world and we in Detroit and
3 at NHTSA, we only have a static pull test on the
4 seat. We don't have a dynamic test.
5 So, we on the Safety Leadership Team
6 were suggesting that we have to go to a dynamic test
7 for seatback safety.
8 That's the kind of things we were
9 doing.
10 Q. Okay. And did the Safety Leadership
11 Team make any recommendations with regard to the
12 FMVSS-301 test?
13 A. I don't recall us doing that.
14 Q. Did you or the Safety Leadership Team
15 recommend that Chrysler test offset conditions?
16 A. Yes.
17 Q. When?
18 A. That would have been in both '93 and in
19 1994. That was with respect to frontal crashes.
20 So, the theme of offset crash testing, which was
21 statistically prevalent in the real world -- when I
22 say testing, I'm sorry, real world crashes that were
23 specifically prevalent in the world -- we wanted to
24 ensure that our structural designs accommodated that
25 high probability in the field.

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1 So, not only did we propose offset
2 crash testing. We also researched it with the
3 consumer and the response to the concept of offset
4 crash testing was overwhelmingly positive from the
5 consumer.
6 Q. Did you or the Safety Leadership Team
7 propose testing for underride?
8 A. I don't recall doing that.
9 Q. The meeting minutes for March 16th,
10 1993, it says you kept two copies in your office
11 files.
12 Have we been provided with those
13 meeting minutes?
14 A. I don't have them, and so the answer is
15 no.
16 Q. Oh, okay. Why don't you have them?
17 A. Because they were confiscated in
18 December of 1994.
19 Q. Okay. Turning to your opinions and
20 conclusions on Page 20 -- and I'm referring to the
21 first paragraph -- what underride collisions
22 occurred in off-road events?
23 A. What underride collisions occur in
24 off-road events?
25 Q. Yeah.

<p>Sheridan - direct Page 141</p> <p>1 Q. I believe that's what you said, but I 2 don't want to put words in your mouth. 3 A. It was in February of 19 -- excuse me 4 -- February of 2002 that the Ford recall occurred. 5 Q. So, you point out that approximately 6 five years prior to the Kline accident, Loman Auto 7 Group was notified of these retrofits. 8 Are you saying then that Loman should 9 have done something to the Kline Jeep as a result of 10 receiving these Ford retrofits? 11 A. What I'm saying is that Kline -- excuse 12 me. The Loman Auto Group was aware of the procedure 13 of recalling and retrofitting to enhance fuel tank 14 crash worthiness. 15 So, it's not an esoteric issue for the 16 Loman Auto Group. It's standard practice in the 17 industry. He was aware of the fact that this kind 18 of thing goes on. So, that's the point I'm making. 19 Q. Okay. But are you saying he should 20 have done something to the Kline Jeep? 21 A. Not as a result of this. All I'm 22 saying is that this is the general knowledge in the 23 industry and I am staying that he should have done 24 something with the Kline vehicle, but not directly 25 as a result of the Ford recall.</p>	<p>Sheridan - direct Page 143</p> <p>1 was fully aware of the fact that plastic unprotected 2 is vulnerable to impact. 3 So, in my opinion it's not an esoteric 4 issue when you're a car dealer. You see it every 5 day. And he had sold in '93. He had sold in '94. 6 He had sold in '95. So, he had plenty of experience 7 with respect to viewing what is a very vulnerable 8 fuel tank. 9 Q. Did Loman fail to perform any 10 manufacturer issued recalls to the Kline Jeep? 11 A. Not that I know of. 12 Q. Opinion and Conclusion No. 5. Can you 13 state to any degree of certainty whether a fuel tank 14 skid plate shield would have prevented a fire in 15 this accident? 16 A. Yes. I believe that the appropriate 17 fuel tank skid plate design and mounting system 18 would have deflected the impacting vehicle either 19 under or away from the tank and would have gone a 20 long way to protecting the tank from breach. 21 Q. What device are you talking about, just 22 the skid plate or something else? 23 A. Well, in this particular -- in Q&C No. 24 5 we're talking about the skid plate only. So, I 25 was only addressing that part of the Kline vehicle</p>
<p>Sheridan - direct Page 142</p> <p>1 Q. What are you saying that Loman should 2 have done with the Kline vehicle? 3 A. I think Mr. Loman should have put Mr. 4 Tom Kline and Mrs. Susan Kline on notice regarding 5 the vulnerability of that fuel tank, the fact that a 6 impact deflection or deflecting structure -- 7 sorry -- an impact deflecting structure was 8 available to enhance the fuel tank crashworthiness 9 of their vehicle. 10 Q. When should he have done this? 11 A. As soon as possible, whenever he had 12 notice that Kline was his customer, I think; as soon 13 as it went out the door. Loman is the dealer that 14 sold the vehicle. It shouldn't have gone out the 15 door without some kind of protection or at the very 16 least some notice to Mr. and Mrs. Kline so that they 17 can make an informed decision. 18 Q. What knowledge did Loman have in 1996 19 when this vehicle was sold that the fuel tank was 20 vulnerable? 21 A. He had been selling Jeeps and both XJs 22 ZJs without skid plates from his dealership. When 23 he would walk through the service bays he would see 24 a plastic container hanging behind the axle below 25 the bumper, a view that most folks don't see. He</p>	<p>Sheridan - direct Page 144</p> <p>1 accident. 2 Q. Okay. Have you done any testing to 3 determine whether a skid plate could withstand a 70 4 mile an hour impact? 5 A. A 70 mile an hour impact? 6 Q. Yeah. 7 A. I haven't, no. 8 Q. Anybody else that you know of that has? 9 A. No. 10 Q. And what about the encapsulation device 11 that you talked about before? It was manufactured 12 by who? 13 A. The encapsulation concept, which a skid 14 plate, can fulfill am. In other words, if a skid 15 plate is designed properly, it will completely 16 encapsulate the tank and I'm emphasizing that with 17 you because the original skid plate that came with 18 the ZJ doesn't do a good job of complete 19 encapsulation. It's not bad, but it's not 20 everything. 21 As a matter of fact, when you look at 22 the MOPAR skid plate, it appears as though they 23 assume that a full option package was coming with 24 the Jeep; in other words, trailer hitch and skid 25 plate. And that's why when you take -- when a</p>

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1 MS. DeFILIPPO: Can we go off the
2 record for a moment?
3 MR. STOCKWELL: Sure.
4 THE VIDEOGRAPHER: Off the record at
5 3:12 p.m.
6 (Discussion off the record.)
7 THE VIDEOGRAPHER: Back on the record
8 at 3:14 p.m.
9 BY MR. STOCKWELL:
10 Q. Mr. Sheridan, did you ever get a copy
11 of the police report for this Fort Worth, Texas
12 accident?
13 A. No, I don't believe I did.
14 Q. You don't know how fast the bullet
15 vehicle was traveling at the time of impact?
16 A. No.
17 Q. You were present at Bob Banta's, the
18 first part of his deposition, correct?
19 A. Yes.
20 Q. Do you recall him testifying that
21 during his field investigation he would attempt to
22 determine if there was a problem in the vehicle?
23 Do you recall that testimony?
24 MS. DeFILIPPO: Wait a minute.
25 Objection. If during the field investigations Mr.

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1 Banta would attempt to find a problem?
2 MR. STOCKWELL: Yes.
3 MS. DeFILIPPO: Well, I object to the
4 form because I don't know what you mean by the
5 terminology "problem."
6 Q. Do you recall that testimony in
7 general?
8 A. There was something about that, but I'm
9 very unclear as I sit here what the portent of that
10 testimony was.
11 Q. Do you remember his testimony that he
12 would have to determine whether there was a motor
13 failure that required a recall or corrective action?
14 A. I believe I heard him saying that, yes,
15 but I'm not sure of the context of --
16 MS. DeFILIPPO: Well, he confined his
17 testimony -- I recall his testimony was that he
18 confined it to fires.
19 MR. STOCKWELL: Or the potential for
20 fires.
21 MS. DeFILIPPO: Right. He was only
22 talking about vehicles he was inspecting relative to
23 fires.
24 MR. STOCKWELL: Right.
25 Q. Do you dispute, though, that's what he

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1 did at Chrysler? Do you have any information to
2 refute that?
3 MS. DeFILIPPO: That he investigated
4 vehicles involving fires?
5 MR. STOCKWELL: Involving fires or the
6 potential for fire and that it was his
7 responsibility to determine whether there was a
8 motor failure that required a recall or corrective
9 action.
10 MS. DeFILIPPO: Relative to the fire.
11 MR. STOCKWELL: Or potential for fire.
12 MS. DeFILIPPO: I'll have to object to
13 that because I think that's really broad based on
14 what --
15 MR. STOCKWELL: It may be, but do you
16 --
17 MS. DeFILIPPO: I think it's
18 overboard, so I'm just objecting to the form as
19 overbroad?
20 A. Well, I'll respond to your question,
21 counsel.
22 I believe I recall him saying and
23 testifying to that effect, but it was somewhat, in
24 my opinion, overreaching because he's one of many
25 people that would do those kinds of things.

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1 Mr. Banta -- and this is not a slam on
2 Mr. Banta, but he was not the person responsible for
3 doing that. I mean, there's a big corporation
4 involved in doing the general effort that you're
5 referring to and that he's referring to.
6 So, he wasn't the guy, but he might
7 have been part of the groups that did that.
8 Q. Okay. Do you dispute that he was
9 called in to observe crash test vehicles?
10 A. No. I'm assuming he had done that. I
11 had been called in to observe crash tests as well.
12 So, that's fine.
13 Q. Did you ever observe any crash test of
14 ZJs or WJs?
15 A. No. Well, not at Chrysler. I assume
16 that was your question.
17 Q. Yes, at Chrysler.
18 Page 3. There's a whole discussion
19 here as to whether the two-door versus four-door XM
20 Blazer fuel tank, and my question to you is does it
21 really matter whether a vehicle with a fuel tank
22 behind the rear axle is a mid-size versus a full-
23 size SUV?
24 A. It can, yes.
25 Q. How so?

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1 A. Well, because the construction
2 methodology of a full-size is typically a frame --
3 body-on-frame which has a lot more strength than the
4 unitized approach that usually occurs for the
5 mid-size through small.
6 Q. Is there a reason for only discussing
7 competitive vehicles when analyzing the appropriate
8 design of a fuel system?
9 MS. DeFILIPPO: Is there a reason for
10 only?
11 MR. STOCKWELL: Only discussing
12 competitive vehicles.
13 MS. DeFILIPPO: I don't understand the
14 form of the question.
15 Q. Do you understand it?
16 MS. DeFILIPPO: How can anyone -- I'll
17 object to the form. It's not about understanding
18 the form of the question.
19 A. Is it appropriate to only analyze
20 competitive vehicles --
21 Q. Right.
22 A. -- when attempting to design an SUV?
23 Is that your question?
24 Q. When you're discussing the appropriate
25 design of a fuel system, would you limit yourself to

Sheridan - direct Page 170

1 comparing the vehicle you're discussing to
2 competitive vehicles or would you look --
3 A. No. I would look to every and all
4 sources of information since the competitive
5 analysis is just one piece of the overall
6 discussion.
7 Q. How do you know the Jeep Grand Cherokee
8 did not compete with the S10 Blazer?
9 A. Well, that was part of the reason the
10 Jeep Grand Cherokee came out, in part to replace the
11 SJ. And, for example, at one of the PPC meetings it
12 was openly discussed that one of the things the ZJ
13 entry into the SUV market would provide was
14 Chrysler's ability to downmarket the XJ into the
15 small SUV marketplace and therefore, the XJ would be
16 able to compete with the two-door -- excuse me --
17 the four-door S10 Blazer and some of the smaller
18 SUVs. And to do that, the PPC approved and we did
19 this. We took about \$1500 of window sticker pricing
20 off of the SJ to move it down because the XJ was
21 sort of where the ZJ would be if the ZJ didn't
22 exist.
23 So, we moved the XJ down. This is part
24 of the PPC process, and when the ZJ came in, we
25 priced the heck out of the ZJ. We made a lot of

Sheridan - direct Page 171

1 money on the ZJ because it became sort of the
2 mid-size SUV entry into the SUV market.
3 So, I went over this, and I wasn't
4 trying to be strident here, but I wanted to be
5 precise. There were very, very -- lot of details
6 that went on at the PPC with respect to the SUV
7 market that Mr. Banta was not privy to and as a
8 result of not being privy to that, he may have made
9 some mistakes in his testimony.
10 Q. Page 7. You talk about or what you
11 write is your fellow plaintiff expert, Neil
12 Hannemann, he writes in his report -- well, strike
13 that.
14 Actually, Banta is responding to
15 something that Hannemann writes in his report and
16 you write, "As just one example, unlike
17 Mr. Hannemann, Mr. Banta needs to review the
18 fundamental underpinnings of NHTSA Safety Regulation
19 FMVSS-214."
20 Can you tell me where in the NHTSA
21 regulations is that goal adopted?
22 A. It's not spelled out in 214, but I have
23 to go to the category of this being well known and
24 well discussed within the industry and within the
25 regulatory agency, that because there is next to no

Sheridan - direct Page 172

1 crash or crush zone in a side impact, that you
2 induce unconsciousness with a 37.5 mile per hour
3 hit.
4 And so we all discuss the fact that
5 when we do compliance at 37.5 miles per hour, we're
6 going to induce unconsciousness in the accident
7 vehicle victims and the last thing we want to do is
8 have them burn to death unconsciously.
9 So, 214 -- although 214 does not spell
10 this out, what I've just testified to, it was well
11 known in the industry that the Gs applied to the
12 side of the head in a 37 mile an hour impact with no
13 crush zone induces unconsciousness.
14 So, the whole idea that you would
15 remain conscious was eliminated. You were going to
16 be unconscious and the last thing you wanted to do
17 is have our customer or our customer's passengers
18 die as a result of a fire.
19 So, the whole issue was elevated in 214
20 inasmuch as you survive the impact, but you don't
21 survive the fire. That was all elevated -- and I'll
22 use the term now -- very stridently under 214. It's
23 one of those well-known industry understandings.
24 But 214 didn't say yes, you definitely get -- 214
25 wouldn't say you're going to knock them out. They

Sheridan - cross Page 229

1 MS. DeFILIPPO: Are they part of the
 2 Karco materials that have been supplied?
 3 THE WITNESS: Yes.
 4 MS. DeFILIPPO: Okay.
 5 Q. And by the way, the last picture, we're
 6 talking about the May 16th, 2011 Karco test, right?
 7 A. Yes, sir.
 8 Q. And that was with the Ford Taurus that
 9 may have had 480,000 miles on it?
 10 MS. DeFILIPPO: Objection to form.
 11 A. Yes.
 12 Q. And that was also at a 30 percent
 13 offset, right?
 14 A. Yes.
 15 Q. Was the Kline accident a 30 percent
 16 offset?
 17 A. I don't believe so.
 18 Q. Is the FMVSS-301 at the time that the
 19 Kline vehicle was manufactured have to comply with a
 20 30 percent offset?
 21 A. No.
 22 Q. And what was the speed that the Taurus
 23 was running to this May 16th, 2011 test?
 24 A. Forty miles per hour.
 25 Q. What was the FMVSS standard when the

Page 231

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 4 CERTIFICATE OF OFFICER
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 6
 7 I CERTIFY that the foregoing is a true and
 8 accurate transcript of the testimony and proceedings as
 9 reported stenographically by me at the time, place and
 10 on the date as hereinbefore set forth.
 11
 12 I DO FURTHER CERTIFY that I am neither a
 13 relative nor employee nor attorney or counsel of any of
 14 the parties to this action, and that I am neither a
 15 relative nor employee of such attorney or counsel, and
 16 that I am not financially interested in the action.
 17
 18
 19 _____
 20 JEROME L. ROSE, C.C.R.
 21 Certificate No. X100332
 22 Notary Public of the State of New Jersey
 23 My Commission expires August 20, 2015
 24
 25

Sheridan - cross Page 230

1 1996 Kline Jeep was manufactured?
 2 A. What aspect? What do you mean?
 3 Q. The speed.
 4 A. Oh. The speed of the 301 test was 30
 5 miles an hour.
 6 Q. And the Karco test on May 16th, 2011
 7 was a Taurus into a Jeep Grand Cherokee and there
 8 were no other vehicles involved?
 9 A. Correct.
 10 MR. STOCKWELL: Thank you. We're done.
 11 THE VIDEOGRAPHER: This concludes Tape
 12 4. Off the record at 4:53 p.m.
 13 (Concludes at 4:53 p.m.)
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CERTIFICATE OF OFFICER

I CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as reported stenographically by me at the time, place and on the date as hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney or counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



JEROME L. ROSE, C.C.R.
Certificate No. X100332
Notary Public of the State of New Jersey
My Commission expires August 20, 2015

EXHIBIT “G”

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY
DOCKET NUMBER MRS-L-3575-08

----- :
THOMAS KLINE, as :
Administrator Ad :
Prosequendum of the : DEPOSITION UPON
heirs at law of : ORAL EXAMINATION
SUSAN MORRIS KLINE, : OF
(deceased), as :
Administrator of the : NEIL HANNEMANN
Estate of SUSAN :
MORRIS KLINE, and :
THOMAS KLINE, :
individually, :

Plaintiffs,

v.

VICTORIA :
MORGAN-ALCALA, :
CARLOS ALCALA, :
NATALIE RAWLS, :
DAIMLER CHRYSLER :
CORPORATION a/k/a :
CHRYSLER :
CORPORATION, LOMAN :
AUTO GROUP, BUTLER :
CHRYSLER JEEP, INC., :
JOHN DOES A through :
Z, (names being :
fictitious), ABC :
CORPORATIONS, 1 :
through 100, (names :
being fictitious),

Defendants.

ORIGINAL

2

1 TRANSCRIPT of the deposition of
 2 NEIL HANNEMANN, taken by and before REGINA A.
 3 CRITCHLEY, a Certified Court Reporter and
 4 Notary Public of the State of New Jersey, at
 5 the offices of GRIECO, OATES & DeFILIPPO, LLC,
 6 414 Eagle Rock Avenue, West Orange, New Jersey,
 7 on Friday, June 29, 2012, commencing at 10:15
 8 a.m.
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3

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 16 For the Defendants, Alcala
 17
 18 Also Present:
 19
 20 Russell J. Sacco, Jr., Esq.
 Personal Attorney of Kline
 21 Robert Banta
 22
 23
 24
 25

5

1 NEIL HANNEMANN,
 2 With offices at 1496 Brandon Road, Santa
 3 Ynez, California, 93460, having been
 4 first duly sworn, testified as follows:
 5 DIRECT-EXAMINATION
 6 BY MR. STOCKWELL:
 7 Q Good morning, Mr. Hannemann. My
 8 name is Matthew Stockwell. I'm an attorney and
 9 I represent Loman Auto Group. I'm here for
 10 your deposition today. Just a couple of
 11 instructions.
 12 If you don't understand a question
 13 that I ask you, just tell me you don't so that
 14 I can rephrase it or ask it again. The reason
 15 for that is if you answer a question here
 16 today, everybody here is going to assume that
 17 you understood it, you heard it, and you
 18 answered it to the best of your ability.
 19 Try not to talk over me and I'll
 20 try not to talk over you, so we make it easy
 21 for the court reporter. And that's it.
 22 Even though we're in an informal
 23 setting, it's counsel's office, the testimony
 24 you give here today will have the same force
 25 and effect as if we were in court before a

6

1 judge and jury.
 2 Do you understand those
 3 instructions?
 4 A Yes, I do.
 5 Q When was the last time you gave a
 6 deposition?
 7 A A deposition? A few months ago.
 8 Let's say -- I'll just get out my list here.
 9 Q Oh, you do have a list with you?
 10 A Yeah, I do have a list.
 11 Q Okay. Great.
 12 A I'll just -- last deposition was
 13 January 25th --
 14 Q Okay.
 15 A -- of this year.
 16 Q Is that a list of --
 17 MS. DeFILIPPO: Before you give it
 18 to him, can I see what...
 19 MR. STOCKWELL: All right. We'll
 20 mark this as -- just mark this as D-1. If I
 21 type out your last name, it's going to make it
 22 harder for her the whole day.
 23 (Exhibit D-1, List of
 24 Trial/Deposition Testimony, is marked for
 25 identification.)

7

1 Q And Mr. Hannemann, what we've
 2 marked as Exhibit D-1 is what you've just
 3 provided to me, which appears to be a list of
 4 deposition or trial testimony that you've given
 5 in the last four years.
 6 A That's correct.
 7 Q Okay. Do you keep copies of the
 8 transcripts for these testimonies?
 9 A Not --
 10 MS. DeFILIPPO: Transcript -- wait
 11 a minute. Are you talking about transcripts of
 12 the trials? Because on that list are trials.
 13 MR. STOCKWELL: Yeah.
 14 Q No. I mean transcripts of your
 15 trial testimony or your deposition testimony.
 16 A I don't think I've ever gotten a
 17 trial transcript.
 18 Q Okay.
 19 A Even when I've asked about it,
 20 it's -- sometimes it's not even requested by
 21 the attorneys. So I don't think I have any
 22 trial transcripts.
 23 And the depositions, I have some
 24 electronically. I may have all of them, but I
 25 don't keep them as a matter of course.

8

1 Q Okay. As a general statement, is
 2 it improper to locate a fuel tank behind the
 3 rear axle in a passenger vehicle?
 4 A As a general statement, no.
 5 Q Okay. I don't see any Chrysler
 6 cases on this list. Have you been involved in
 7 any Chrysler litigation cases at all in your
 8 career?
 9 A Yes, there are Chrysler cases on
 10 that list.
 11 Q Oh, there are? Oh, DCC?
 12 A Yes.
 13 Q All right. Dick vs. DCC. Do you
 14 know what vehicle was involved in that case?
 15 A That was a minivan. And there's a
 16 Winn vs. -- well, Chrysler or maybe DCCA.
 17 Q It says "Magna."
 18 A Oh. That's correct. That case
 19 became Magna as a supplier. Originally,
 20 Chrysler was involved early on in that case.
 21 Q Okay. Is that a vehicle case?
 22 A Yes, it was.
 23 Q What was the vehicle involved?
 24 A That was a Chrysler Sebring.
 25 Q Okay. And what was the allegation

9

1 in that case?
 2 A It was a post-collision fuel-fed
 3 fire, rear-end collision.
 4 Q And you testified for the plaintiff
 5 in that case?
 6 A Yes, I did.
 7 Q And what was the sum and substance
 8 of your opinion as to the Chrysler Sebring?
 9 A My opinion in that case was the --
 10 that particular Sebring had been supplied with
 11 a steel fuel tank, and that was a kind of a
 12 change in direction for Chrysler. Chrysler,
 13 for years, had been the leader in plastic tanks
 14 and had many, many plastic tanks in their
 15 vehicles.
 16 But in this particular situation,
 17 they used a steel tank. And it was -- my basic
 18 allegation was that the steel tank was
 19 basically a copy of the plastic tank, and that
 20 was a defective design because it just -- you
 21 can't necessarily go plastic to steel and copy
 22 a design; although, you could go steel to
 23 plastic. So that was the basic allegation.
 24 Q Okay. Was it the design of the
 25 tank that you asserted an opinion or the

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1 looking at the last part, "or if all options
 2 were tested."
 3 Q Does FMVSS require all options to
 4 be tested?
 5 A I don't know what he's asking.
 6 But this -- the context of this
 7 sentence was I hadn't looked at any Chrysler
 8 crash tests, so they were -- they were dis --
 9 they were produced after this report. But
 10 the -- so that's the discovery part of the
 11 comment.
 12 But yeah, FMVSS does not address
 13 how a vehicle should be equipped for these
 14 tests.
 15 Q Okay. Well, they do -- in some
 16 aspect, doesn't FMVSS require that the tires on
 17 a test vehicle be pressurized to that
 18 recommended by the manufacturer?
 19 A Yeah, but I would call that more of
 20 a test protocol --
 21 Q Okay.
 22 A -- just a test procedure protocol.
 23 Not a definition of the configuration. I do
 24 believe that FMVSS 301 would -- they intend
 25 that all vehicle configurations should pass.

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1 They don't -- they have a thing that says,
 2 well, if your non-air-conditioned car doesn't
 3 pass, that's okay because you don't build many.
 4 Their implication is everything should pass.
 5 Now, it's not practical to test every
 6 configuration.
 7 But, for example, if the government
 8 tested a vehicle and it happened to be one
 9 that, say, a manufacturer hadn't tested and
 10 there was a failure, there would be some
 11 expectation to go back and correct that
 12 situation.
 13 Q And NHTSA does -- do they do random
 14 testing of vehicles to -- as their way of
 15 checking on FMVSS 301 compliance?
 16 A They do testing. I won't call it
 17 random. I think it's -- it's targeted or
 18 specific. They have certain things they look
 19 at. And I think they look at the higher volume
 20 vehicles, cars, that are a lot -- sold a lot of
 21 that are -- you know, they have a lot of
 22 exposure.
 23 And then they have other things
 24 they're interested in. So it's -- I'd say it's
 25 a specific targeted selection and not just

120

1 random.
 2 Q Okay. And if you know, if NHTSA
 3 selects a vehicle that they want to test after
 4 certification, do they tell the manufacturer
 5 what build and options are in that vehicle or
 6 does the manufacturer just ship what vehicle it
 7 wants or something else?
 8 MS. DeFILIPPO: Yeah.
 9 A Don't --
 10 MS. DeFILIPPO: Object.
 11 A I don't really know.
 12 Q Okay. That's fair.
 13 What have you done at -- you say
 14 below that, "Alternative Design. A much better
 15 alternative design for a fuel tank location
 16 would have been to use the same as a 1992
 17 Explorer."
 18 What have you done to reach your
 19 conclusion that the fuel tank location in the
 20 '92 Explorer is a safer design than that of the
 21 Jeep Grand Cherokee?
 22 A I've just inspected Explorers, and
 23 the tank they use is -- it's more of my
 24 engineering judgment that it's in a safer
 25 location. It's forward of the axle. It's --

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1 it's as in-board as you can reasonably make it
 2 and not hanging too low in the vehicle. So
 3 it's a -- it's just based on my engineering
 4 judgment.
 5 MS. DeFILIPPO: And can I just make
 6 a suggestion about form? You're talking about
 7 your engineering opinion?
 8 THE WITNESS: Yeah. And based on
 9 my -- the experience.
 10 MS. DeFILIPPO: We're talking about
 11 opinion here --
 12 THE WITNESS: Yes, it's my opinion
 13 as a --
 14 MS. DeFILIPPO: -- as you're
 15 sitting here. You're not making judgments. I
 16 just want to be semantically correct.
 17 MR. STOCKWELL: That's fine.
 18 MS. DeFILIPPO: You're not making
 19 judgments as you're sitting here. You're
 20 testifying regarding opinions --
 21 THE WITNESS: Yes.
 22 MS. DeFILIPPO: -- just so you know
 23 about.
 24 A And the Explorer is an example of a
 25 tank that's in a better location. There's

222

1 located?
2
3 MR. STOCKWELL: Objection to the
4 form.

5 Q Ahead of the axle instead of behind
6 the axle?

7 A Well, the -- you know, the axle
8 did intrude into that area. So your earlier
9 question about the structure, it may have been
10 necessary to improve the structure enough so
11 the rear axle would not intrude into that area.

12 So I -- certainly, it's a lot
13 easier, structurally, if the tank's mid-ship,
14 but the Cherokee might still have taken some
15 kind of structural modification.

16 MS. DeFILIPPO: Thank you.

17 MR. STOCKWELL: Thanks for your
18 time, Mr. Hannemann. Appreciate it.

19 THE WITNESS: You're welcome.

20 MR. STOCKWELL: It was a pleasure.
21 Very informative.

22 (Exhibits D-1 through D-5 are attached
23 hereto.)

24
25 (The proceedings are concluded at 3:57 p.m.)

223

1 CERTIFICATE
2

3 I CERTIFY that the foregoing is a
4 true and accurate transcript of the testimony
5 and proceedings as reported stenographically by
6 and before me at the time and place
7 aforementioned.

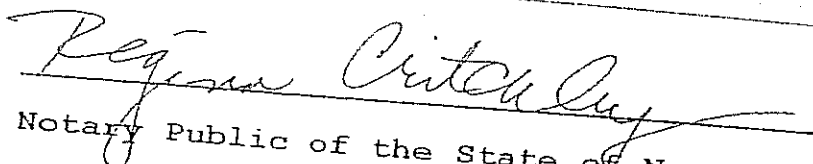
8 I FURTHER CERTIFY that I am neither
9 attorney for nor counsel of any of the parties;
10 parties of any of the attorneys in this action;
11 and that I am not financially interested in the
12 action.

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14
15 REGINA A. CRITCHLEY, C.C.R.
16 Notary Public of the State of New Jersey
17 Certificate No. XI1046
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C E R T I F I C A T E

I, REGINA A. CRITCHLEY, hereby certify that the foregoing is a true and accurate transcript of the testimony and proceedings as reported stenographically by and before me at the time, place and on the date hereinbefore set forth.

I do ~~further~~ certify that I ~~am~~ neither a relative nor employee nor attorney or counsel of any of the parties in this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not interested in the action.


Notary Public of the State of New Jersey
Certificate No. XI1046

This transcript was prepared in accordance with
N.J.A.C. 13:43-5.9

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