June 2,2014

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31 May 2014 VIA FEDEX AIRBILL 8007 – 9341 - 6042

Mr. Clarence Ditlow, Director
Center for Auto Safety - Suite 330
1825 Connecticut Ave, NW
Washington, DC 20009-5708
(202) 328-7700

Subject: Sunshine Litigation Act : Protective Orders and the Ruse of "Trade Secrets"

Dear Mr. Ditlow:

News media reports have summarized the Sunshine Litigation Act as follows:

> "The measure would create a legal presumption against protective orders shielding liability settlements from public view until a judge finds that secrecy outweighs health and safety concerns of the general public."

U.S. Senators Richard Blumenthal (D-CT) and Lindsey Graham, (R-SC) have offered the subject legislation. Congressman Jerrold Nadler (D-NY) offered a House version, commenting as follows (paraphrased):

> "For years (automakers) hide defects in cars which lead to (death). A company should not be allowed to use courtroom settlements to keep lifesaving information from the public . . . Current federal court rules make it too easy for defendants subject to lawsuits to protect their profits over saving lives."

As you are aware I am thoroughly experienced with the consequences of the defense bar tactic, promoted to the courts as *"an ordinary, customary and routine protective order."* I have not and will never submit to a product liability protective order on the basis that, as currently practiced, it is a ruse. The latter is further compelled by experiences with the injury or death of a public that has been routinely but unknowingly victimized by "protective orders." My experience includes but is not limited to the following automotive safety defects:

A. Rear liftgate latch failure (on minivans)
B. Inadequate seat back strength
C. Inadequate Park engagement
D. Lack of Brake-Transmission Shift Interlock
E. Lack of Anti-Lock Braking Systems (as standard)
F. Lack of competent air bag deployment systems/componentry
G. Lack of adequate roof crush strength and roof support crashworthiness
H. Lack of adequate side impact crashworthiness
I. Lack of adequate front impact crashworthiness
J. Lack of adequate offset front impact crashworthiness
K. General lack of adequacy of existing FMVSS requirements (206, 207, 208, 216, 301, etc.)
L. Lack of crashworthiness of fuel tank and fuel systems componentry

In my 27 September 2011 letter to NHTSA Administrator David Strickland, I summarized the ongoing effects of these safety defects in the context of a root cause: Product liability protective orders. The promoted diversion and justification of the protective order is **the charlatanism of "trade secrets."** I rebutted the defense bar ruse wherein what they merely allege to be "trade secrets" takes priority over safety. I offered the following categories:

1. Reverse Engineering and Anti-Reverse Engineering
2. Automotive Companies Practice of 'Competitive Teardown'
3. Competitive Information Office
4. Inter-Automotive Company Defections
5. Chrysler Group relationships with OEM Outside Suppliers (PS-7000)
6. Chrysler Group (MOPAR) relationships with Replacement/Aftermarket Suppliers

The following page contains a direct lift from my 27 September 2011 letter (Attachment 1):

Conclusions and Opinion

In my experience, the concept and legal enforcement of "trade secrets" in Detroit is entirely dependent on the context, and who/what are involved. You should react with suspicion when repeatedly confronted with the reality that so-called confidential information is alleged as such but only when either or both of the following categories are involved:

i. Product liability litigation
ii. NHTSA Safety Defect Investigations

But since he is an active defense witness in existing Jeep Grand Cherokee product litigation, the request made by Mr. David D. Dillon on 15 October 2010 involves both categories. Given the six main topics presented above, Mr. Dillon's claim that 25 year-old data is somehow being sought by competitors is beyond absurd; it is insulting on many levels. In my opinion you should deny the Chrysler Group LLC request that such information receive confidential treatment on at least one crucial basis:

> The alleged competitors would not view information that they already have in their possession as "trade secrets." In this instance, they would view the "20 engineering drawings" as confirmation of how not to design a fuel system.

Consequently, release of this information could save lives.

Ignoring this portent, Mr. Strickland and DOT Secretary LaHood held a secret meeting with Chrysler Corporation CEO Sergio Marchionne. This closed-door meeting resulted in an unsubstantiated "fix." As of this writing, Item L above has subsequently killed one and horribly injured two additional victims. These victims were precluded from the details of previous litigation wherein confidentiality agreements were deployed by Chrysler to induce secret settlement. None of the recent victims were privy to the *"ordinary, customary and routine protective order"* that, for many years, obscured dissemination of the defect information to both the public and NHTSA.

Conclusion

As one prominent example (relating to defect Items A and B), Attachment 2 was forcefully portrayed as containing "trade secrets," and was obscured by an *"ordinary, customary and routine protective order."*

So, on the front-end they deploy "protective orders," in the middle they deploy conspiracy, and on the back-end they deploy "confidentiality agreements." Relating to Item L, these repugnant legal and illegal practices have led to the ongoing content of Attachments 3, 4, and 5.

Please do not hesitate to contact me at any time.

Respectfully yours,

Paul V. Sheridan

Attachments

ATTACHMENT 1

Mr. Clarence Ditlow, Director
Center for Auto Safety
Suite 330
1825 Connecticut Ave, NW
Washington, DC 20009-5708
(202) 328-7700

31 May 2014

Subject: Sunshine Litigation Act : Protective Orders and the Ruse of "Trade Secrets"

Ten Pages *

27 September 2011 letter from Paul V. Sheridan to NHTSA Administrator David Strickland:

Subject : Chrysler Group, LLC Request for Confidential Treatment of Public Information

* Cover letter only; complete letter received by NHTSA Administrator Strickland, with all attachments, available here: http://pvsheridan.com/Sheridan2Strickland-2-27Sep2011.pdf

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October 2,2011

Dear Customer:

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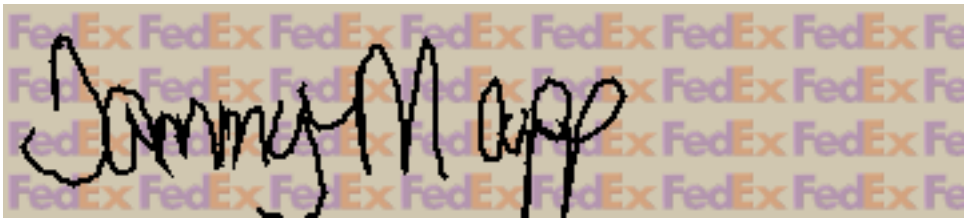

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27 September 2011 VIA FEDEX AIRBILL #8696-6728-3746

Mr. David L. Strickland, Administrator
NHTSA Headquarters
1200 New Jersey Avenue, SE
Washington, DC 20590
888-327-4236

Reference : NHTSA Action Number PE10031
(Jeep Grand Cherokee Fuel System Crashworthiness Defect Investigation)

Subject : Chrysler Group, LLC Request for Confidential Treatment of Public Information

Dear Mr. Strickland:

The Chrysler Group has requested the sealing of materials submitted to NHTSA in response to PE10031. This request was made by Mr. David D. Dillon on 15 October 2010 (Attachment 1). Mr. Dillon, who is deployed by the Chrysler Group as a defense witness in product litigation involving fire deaths and/or injuries in the1993 thru 2004 Jeep Grand Cherokee, stated in-part:

> *"The business information for which confidential treatment is sought is 20 engineering drawings . . . This submission is subject to the substantial competitive harm standard set forth in 49 C.F.R. § 512.15(b) . . . The engineering drawings contain the detailed design specifics for various components of two vehicles. Competitors could use this design information to improve their own designs without incurring the time and expense associated with independent design efforts. As a result, Chrysler Group's competitors could bring to market their products much quicker and at less cost."*

The purpose of this instant submission is to present why Dillon's demand, in this instance involving information that has been in the public domain for 25 years, is disingenuous. Although there are additional topics that support this status, I will restrict this presentation to six main topics:

1. Reverse Engineering and Anti-Reverse Engineering
2. Automotive Companies Practice of 'Competitive Teardown'
3. Competitive Information Office
4. Inter-Automotive Company Defections
5. Chrysler Group relationships with OEM Outside Suppliers (PS-7000)
6. Chrysler Group (MOPAR) relationships with Replacement/Aftermarket Suppliers

Reverse Engineering and Anti-Reverse Engineering

In far too many forums Chrysler Group defense lawyers (in particular) and internal government relations staff have declared that *"reverse engineering is impossible."* You should presume that such declarations are meant to insult our integrity and intelligence; other than outright inveracity, there is no other explanation for such preposterous outbursts.

Accredited four/five-year engineering degree programs (which fulfill Chrysler Group Personnel Office minimums for existing or potential Engineering Department staff) require core coursework in reverse engineering. An entry level engineer is expected to be familiar with and capable of this standardized, routinely taught skill. This is well-known.

Reverse engineering is not a matter of cheating or stealing. It is common that an organization will be forced to reverse engineer a component or system because, through the passage of time, documentation has been lost or mistakenly destroyed.

But the more strident examples of reverse engineering involve military hardware, and its implications for national defense. Reverse engineering is deployed to acquire detailed and exact information about devices and equipment that were created by a strategic opponent. In this context, Chrysler Group LLC is in a special position as an automotive company given its history of transferring Chrysler Defense Group and Chrysler Electronics Group engineers into their automotive engineering departments. I interacted with engineering and product development staff who exemplified this personnel history. In the opposite scenario, Chrysler defense lawyers would do well to educate themselves on the basic history of the Tupolev TU-4; a creation of the Soviet Union that was the result of the infamous reverse engineering of America's Boeing B-29 Superfortress. [1]

But we must stress an esoteric issue. In the area of strategic defense, high-end military suppliers are contractually obligated to include protection by use of anti-reverse engineering designs. If an opponent acquired U.S. military equipment, that opponent would be thwarted, at least for a time, from determining *"design information to improve their own designs without incurring the time and expense associated with independent design efforts."* [2]

By way of comparison and example, at no time did Mr. Francois Castaing, then Executive Vice President of Chrysler Engineering and Jeep Product Executive, direct that any aspect of any Chrysler product include anti-reverse engineering protections. Also, at no time was a requirement for anti-reverse engineering demanded of our suppliers, which provided up to 55% of Chrysler product content.

As will be detailed below, the moment a competitor acquires a Chrysler product, that product undergoes reverse engineering; a practice that is anything but impossible. The ability to reverse engineer a design that has been protected is difficult, but even that is far from impossible. But the 1993 ZJ-Body Jeep Grand Cherokee, that was designed over twenty years ago, can easily be reverse engineered. I can assure you our competitors did so immediately upon acquiring the ZJ-Body at market introduction in 1992

It is well-known to Chrysler government relations staff such as Mr. Dillon that reverse engineering in the automotive industry is routine, but that anti-reverse engineering protection is non-existent.

Automotive Industry Practice of 'Competitive Teardown'

As is well-known to Chrysler Group defense lawyers, I have testified about 'Competitive Teardown.' Excerpted below is a portion of my many prior expert reports in behalf of plaintiffs:

> *"Throughout my career at Chrysler, my duties pertaining to competitive automobiles included detailed review of competitive engineering of components and systems. Routinely competitive vehicles were fully dismantled by Chrysler technicians from the Competitive Teardown Office. This "teardown" function was/is an integral part of the engineering and product development process. Its purpose was/is to accumulate detailed engineering information of competitive component and system design. The teardown process resulted in the following report and review formats:*
>
> *a. The Competitive Teardown Review: These formal reviews were presented by the engineering staffs, and frequently attended by the highest levels of Chrysler executive management.*
>
> *b. Competitive Teardown Report: Documentation which was distributed throughout the Chrysler organization, including the highest levels of Chrysler executive management. These reports included detailed information about competitive components and subsystem content, cost, weight, supplier sources, etc.*
>
> *c. Reviews by individual engineering or product planning personnel as part of their day-to-day responsibilities. Typically the teardown components were displayed on vertically hung 4 x 8 sheets of plywood, for analysis and inspection by the individual engineering or product planning groups. This display area was affectionately referred to as "The Boards."*
>
> *d. Competitive Teardown Office visits: Involve open, non-formal inspection on an as-needed basis.*
>
> *As part of my duties at Chrysler I routinely provided managerial input on the selection of which competitive vehicles would be budgeted for teardown. To the best of my knowledge, the practice of Competitive Teardown Review continues at Chrysler to this day."*

During the last two decades no rebuttal to my above trial testimony has been offered into evidence by Chrysler defense lawyers. At no time during my 31-year involvement with the automotive industry has anyone decided that competitive teardown be suspended because *"reverse engineering is impossible."* It was never suggested that the internal funds allocated for Competitive Teardown be axed because it was not valuable, and that the budgetary savings be redirected to other engineering activities. As a former Engineering Programs Manager for Chrysler, I certainly never made any such suggestion.

From 1992 until my *ex parte* dismissal in 1994 I was Chairman of the Chrysler Minivan Safety Leadership Team (SLT). A member of the SLT was Mr. Fred Schmidt of Engineering Programs Management. Part of Mr. Schmidt's role included reports on the selection and scheduling of competitive teardowns. In this context, SLT review of "The Boards" was focused on acquisition of detailed information on competitive safety components and systems. One prominent example in this era was SLT review of competitive minivan liftgate latches that were compliant with FMVSS-206 (Attachment 2). [3]

Competitive Information Office

A standard practice within and among automotive companies is the open solicitation of competitive information directly from competitors. A part of Sales & Marketing, the Chrysler group responsible for this activity was the 'Competitive Information Office' (Attachment 3).

A two-year member of the Chrysler Minivan Safety Leadership Team (SLT) was Mr. Michael Delahanty. He would update the SLT regarding details of existing and anticipated competitive activity. Mr. Delahanty focused on competitive safety components and systems, and also upcoming competitive sales, marketing and advertising claims regarding safety.

Institutionalized inside the industry, Competitive Information Office activity is also known-to and endorsed by defense lawyers, as well as the highest levels of automotive executive management.

Inter-Automotive Company Defections

On June 14, 2011 I attended the deposition of Mr. Francois Castaing, former Executive Vice President of Chrysler Engineering and Jeep Product Executive. He was deposed in the Jeep Grand Cherokee fire-related death case of Kline vs. Lomans Auto Group, et al. [4] In preparation I provided a work file entitled 'Defections.' This file documents a plethora of employment defections between direct competitors at all levels of automotive engineers and executive management.

My file includes pronouncements regarding my former boss, Mr. Robert Lutz. [5] The 3 August 2001 front page Detroit News article, *"LUTZ RIDES IN TO REV UP GM: DCX LOSES VALUED ADVISOR"* explained with gala that Lutz would deploy the detailed information that he acquired during his twelve years at a direct competitor: Chrysler Corporation. But Mr. Lutz is just one example. To emphasize the relevant point made below, a small sampling of my Defections file follows:

1. "VW HIRES FORMER GM EXEC BROWNING AS PART OF SALES DIVISION OVERHAUL" Automotive News, 4 June 2010.
2. "EX-CADILLAC MAN HELPS INFINITI GO GLOBAL" Automotive News, 27 March 2009.
3. "CHRYSLER RECRUITS ANOTHER TOYOTA EXECUTIVE" Automotive News, 2 May 2008.
4. "GM HIRES EX-NISSAN EXEC MCNABB IN SALES REORGANIZATION" Automotive News, 26 Apr 2008.
5. "Chrysler hires Toyota's Meyer to lead global marketing" Automotive News, 15 August 2007.
6. "BIG 3 TALENT JUMPS SHIP TO RIVALS" The Detroit News, 25 April 2005.
7. "DAIMLERCHRYSLER HIGH RANKING OFFICERS LEAVE FOR FORD" Reuters, 1 March 1999.

8. "FORD RECRUITS PLANNER FROM DAIMLERCHRYSLER" Bloomberg News, 1 April 2000.

9. "GM HIRES AWAY PT CRUISER'S DESIGNER FROM DAIMLERCHRYSLER" WSJ, 23 April 2001.

10. "VW NAMES COST-CUTTING FORMER CHRYSLER EXEC TO TAKE OVER MAINSTAY BRAND" Detroit Free Press, 6 October 2004.

11. "DCX EXECUTIVES PINCH-HIT FOR FORD" Automotive News, 16 February 2004.

12. "BRAIN DRAIN: WHY ARE SO MANY TALENTED EXECUTIVES LEAVING FORD" Automotive News, 7 November 2005.

13. "AUDI HIRES MERCEDES MANAGER FOR MARKETING POSITION" Automotive News, 24 May 2006.

14. "FORD COMBATS RAIDS ON TOP DESIGNERS" Automotive News, 7 November 2005.

15. "CHRYSLER DESIGN STAR BOLTS TO FORD" The Detroit News, 2 May 2005.

16. "MITSUBISHI RECRUITS FORD JAPAN CHAIRMAN" Automotive News, 28 May 2002.

17. "GM hires Ford's Devine as CFO" Automotive News, 13 December 2000.

18. "LOVELESS LEAVES CHRYSLER TO JOIN KIA AS SALES CHIEF" Automotive News, 15 June 2007.

19. "MITSUBISHI REPLACES U.S. CEO WITH HYUNDAI'S O'NEILL" The Detroit News, 31 August 2003.

20. "FORMER FORD PR BOSS TO LEAD CHRYSLER PR" Automotive News, 18 December 2003.

21. "DAIMLERCHRYSLER NABS FORD MARKETING PRO" The Detroit News, 21 February 2001.

22. "VOLKSWAGEN CHOOSES FORMER BMW BOSS AS NEW CHIDE EXECUTIVE" The Detroit News, 8 September 2001.

23. "BMW POWERTRAIN LEADER TO HEAD FORD'S GLOBAL R&D" Automotive News,12 Dec 2000.

24. "ANOTHER FORD MAN WILL TRY TO SAVE MITSUBISHI" Automotive News, 1 April 2005.

25. "DAIMLERCHRYSLER HIRES LEADING GM EXECUTIVE" The Detroit News, 11 May 2000.

26. "VW MIGHT PICK OFF (DAIMLER'S) BERNHARD" Automotive News, 30 August 2004.

27. "NISSAN HIRES VP FROM FORD" Automotive News, 22 May 2003.

28. "OUSTED DAIMLERCHRYSLER EXEC FINDS HOME AT FORD" Automotive News, 26 March 2001.

29. "GM RECRUITS TOYOTA VET AS QUALITY EXPERT" Automotive News, 17 February 2003.

30. "GM VETERAN NAMED PRESIDENT OF TOYOTA" Automotive News, 28 June 2006.

This list of 30 samples is not diatribe; it is meant to serve a relevant point that can be exposed with a few obvious questions:

1. Are we to believe that the inter-automotive company defections, at the highest levels of executive management, are not facilitated by complicity among the corporate defense bar?

2. Are we to believe that the inter-automotive company defections, at all levels of engineering and executive management, were accompanied by "appropriate protective orders" regarding "confidential, proprietary and trade secret information" that was known to be in the possession of these defectors?

3. Are we to believe that recruitment of inter-automotive company defectors, including the highest levels of executive management, targeted only those individuals that were utterly ignorant of "confidential, proprietary and trade secret information"? Or is it well-known that the exact opposite was routinely targeted?

Regarding question #2, I have repeatedly advised plaintiff's, for over sixteen years, to discover such "appropriate protective orders." None can be legally discovered because none exist (Attachment 4). [6]

Chrysler Group relationship with OEM Outside Suppliers (PS-7000)

Defections of executive management are not restricted to OEM competitors, but extend to the automotive supplier base. A small sampling of that category from my Defections file includes:

A. "DANA NAMES GM MIKE BURNS CEO" Automotive News, 4 February 2004.

B. "AUTO SUPPLIER TAPS DAIMLERCHRYSLER EXEC AS CEO" The Detroit News,18 September 2002.

C. "HAYES-LEMMERZ HIRES FORMER FORD VP" Automotive News, 23 July 2002.

D. "GM'S HOGAN DEFECTS TO MAGNA" The Detroit News, 19 August 2004.

E. "EX FORD EXEC NOW HEAD OF COVIANT" Automotive News, 28 June 2002.

F. "FORD'S LIGOCKI LEAVES TO LEAD TOWER" Automotive News, 29 July 2003.

G. "DELPHI'S ALAPONT LEAVING FOR FIAT TRUCK UNIT" Automotive News, 4 September 2003.

H. "DURA HIRES FORMER FORD EXEC SZCZUPAK AS COO" Automotive News, 10 December 2006.

In view of defections to & from suppliers, we can also pose the same three questions about "appropriate protective orders." Again, no such protective orders have ever been sought by the defense bar, and none can be legally discovered.

But an important supplier issue involves Chrysler Group Engineering Standard PS-7000. This public document was first issued in 1979 (after the "Baker memo"). [7] Only minor revisions to PS-7000 have occurred. The Page 12 section "NON-CONFIDENTIALITY" remains in-force:

> *" It is Chrysler's policy not to enter into formal confidentiality agreements with its suppliers or potential suppliers.*
>
> *To foster the exchange of proprietary information or confidential information, Chrysler and the supplier shall rely on each other's ethics to handle each other's proprietary or confidential information in the same manner as each handles its own proprietary or confidential information. "*

In strict legal terms, the instant that Chrysler documents (such as the "*20 engineering drawings"* that Mr. Dillon claims are "*subject to the substantial competitive harm standard")* become the possession of suppliers, said documents become public. [8] Chrysler defense lawyers are fully aware of PS-7000. [9]

The following section provides specificity with respect to Mr. Dillon's "*20 engineering drawings."*

Chrysler Group (MOPAR) relationships with Replacement/Aftermarket Suppliers

The importance, participation and exposure of OEM's to the replacement/aftermarket industry extends to the Chairman of the Board. For example, both former Chrysler Chairman Robert Eaton and former DaimlerBenz Chairman Jűrgen Schrempp were featured on the front cover of SEMA News magazine. [10]

In this context please re-review the 8 January 2010 submission to DP09-005 by Mr. Clarence Ditlow, Director of the Center for Auto Safety (CAS). At their request I had forwarded to CAS pages of the Mitchell International Unibody and Chassis Frame Specifications and Dimensions Manual for the Jeep product line. Please note that I added highlights to emphasize the location and configuration of the defective fuel filler routing issue on ZJ-Body and WJ-Body Jeep Grand Cherokee vehicles.

But importantly, please note the copyright date on the lower portion of the Mitchell International drawings. Note that the 1996 ZJ-Body drawing has a copyright of 1996. Likewise, the 1999 WJ-Body drawing has a copyright of 1999. The 1993 ZJ-Body pages (the first year that the Jeep Grand Cherokee was available) similarly lists a copyright of 1993. Mitchell International, as just one of many aftermarket examples, relied on immediate access to detailed Chrysler drawing information for the purpose of servicing the replacement and aftermarket arena. Their well-known role is the dissemination of detailed specifications and design details which facilitate the work product of replacement and aftermarket suppliers for Chrysler vehicles. A prominent example, that is well-known to Chrysler defense lawyers, is the aftermarket manufacture and sale of Jeep Grand Cherokee **skid plates**.

In other words, the information contained on the *"20 engineering drawings"* that Mr. Dillon now claims *"is subject to the substantial competitive harm standard"* because *"competitors could use this design information to improve their own designs"* has continuously been in the public domain concurrent with each model-year introduction of the ZJ-Body and WJ-Body. This is consistent with the fact that PS-7000 also applies to the replacement/aftermarket part suppliers to Chrysler/MOPAR (Attachment 5).

Conclusions and Opinion

In my experience, the concept and legal enforcement of "trade secrets" in Detroit is entirely dependent on the context, and who/what are involved. You should react with suspicion when repeatedly confronted with the reality that so-called confidential information is alleged as such but only when either or both of the following categories are involved:

i. Product liability litigation
ii. NHTSA Safety Defect Investigations

But since he is an active defense witness in existing Jeep Grand Cherokee product litigation, the request made by Mr. David D. Dillon on 15 October 2010 involves both categories. Given the six main topics presented above, Mr. Dillon's claim that 25 year-old data is somehow being sought by competitors is beyond absurd; it is insulting on many levels. In my opinion you should deny the Chrysler Group LLC request that such information receive confidential treatment on at least one crucial basis:

> The alleged competitors would not view information that they already have in their possession as "trade secrets." In this instance, they would view the *"20 engineering drawings"* as confirmation of how **not** to design a fuel system.

Consequently, release of this information could save lives.

Respectfully and sincerely yours,

Paul V. Sheridan

Enclosures/Attachments

ENDNOTES

[1] Regarding PE10031, it is ostensibly suggested Chrysler defense lawyers and internal government relations staff that a massive intercontinental strategic nuclear weapons certified bomber could be reverse engineered, but regarding the 1993 thru 2004 Jeep Grand Cherokee *"reverse engineering is impossible."*

[2] In the 1970's I was a personal friend of Dr. Frederick Arlotta, then Chief Systems Engineer at Grumman Aerospace in Bethpage, L.I., New York; assigned to the F-14 Tomcat program. I have been versed in the process of anti-reverse engineering for four decades.

[3] Please review NHTSA file EA94-005.

[4] Unless I am mistaken, the Kline death accident was an example of a highway accident statistic that was not originally included in the FARS data base.

[5] While working for the Dodge Truck Operation Group I reported to and frequently communicated one-on-one with Mr. Lutz.

[6] A typical further example is my former JTE supervisor, Mr. Chris Theodore. He originally worked for Ford Motor Company. Then he worked for General Motors. Then he worked for American Motors Corporation. Then he worked for Chrysler Corporation. After turning down employment solicitation from Nissan, he again worked for Ford Motor Company in 1999. In 1999 Theodore was interviewed by the Automotive News, and stated: *"There are no trade secrets in Detroit."* Then he worked for at least two different outside suppliers to the Detroit automotive companies. (Mr. Theodore was also the Minivan Platform Engineer during EA94-005, who had insisted, contrary to my SLT, that the Chrysler AS-Body minivan single-stage liftgate latch, which could not comply with FMVSS-206, was not defective. However, Mr. Theodore never volunteered nor appeared to testify in open court regarding his technical rationale/justification for his opinion.)

[7] Please see Enclosure 4/Attachment 3 of the Paul V. Sheridan letter of 9 February 2011 to Mr. David L. Strickland.

[8] Ignore the watermark, placed by Chrysler defense lawyers, which claims that PS-7000 is subject to a protective order; it is not. Like the documents and information described therein, PS-7000 itself is routinely and firstly shared with outside suppliers and merely potential suppliers. The watermark ostensibly but falsely proclaims that a working document that declares non-confidentiality, is confidential (?). It is also common for Chrysler defense lawyers to routinely make documents as if subject to a protective order while being fully aware that such has/have already been in the public domain for years/decades. I have worked with <u>many</u> plaintiffs that were initially tricked by this ruse.

[9] As you are aware, the relationship between the OEM manufacturer and the outside supplier is so close that the latter is self-certified with respect to regulatory compliance with the Transportation Safety Act.

[10] As Chrysler Group LLC defense lawyers are fully aware, I am very active in the replacement and aftermarket (e.g. motorsports) arena. I am a 25-year member of the Specialty Equipment Market Association (SEMA), an annual attendee at the Performance and Racing Industry (PRI) show; I work on and maintain my own vehicles, and have built and driven national record holding race vehicles that have been featured in many automotive enthusiast magazines, etc.

ATTACHMENT 2

Mr. Clarence Ditlow, Director
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(202) 328-7700

31 May 2014

Subject: Sunshine Litigation Act : Protective Orders and the Ruse of "Trade Secrets"

Two Pages

NHTSA-Chrysler-Department of Justice Safety Defect Cover-up Conspiracy

MINIVAN LATCH ISSUE

Proposed Agreement with NHTSA

1. **Crash Test Video and the Public Record:**

   - NHTSA has agreed that they will deny all FOIA requests to place their investigative files, including the crash test video, on the public record and that the Department of Justice will defend any lawsuits seeking to compel production under FOIA.

   - We would agree with NHTSA that their engineering analysis will remain open while we conduct the service campaign to provide them additional bases to argue that release of the materials would interfere with their investigation.

   - The Department of Justice says there is less than a 50/50 chance of keeping the video off the record for the full duration of the investigation, i.e. the campaign, if there is a court ruling. Given the possibility that a lawsuit could be filed at any time, they anticipate that the legal process would take at least four months, regardless of the outcome.

2. **Service Action Only - No Recall:** NHTSA has agreed that a Chrysler service campaign would fully satisfy all of their concerns and they would give full public support to such an effort. The critical elements that differentiate the service campaign from a recall (mostly reflected in the two attached letters) are as follows:

   - no admission of defect or safety problem;

   - stated purpose of the campaign - to ensure peace of mind in light of media coverage;

   - campaign does not count as a NHTSA action - not included in NHTSA recall numbers, no Part 573 or Part 577 letters;

   - statements to owners, the public and NHTSA assert that no defect has been found; and

   - NHTSA acknowledges that replacement latch is not a 100% solution.

3. Chrysler Announcement: Chrysler controls publication of its action with the following provisions:

- Chrysler goes first with its own statement and reads approved NHTSA statement supporting Chrysler's action;
- Chrysler characterizes campaign as done solely to ensure the peace of mind of its owners, i.e. "your concern is our concern";
- Letter from Martinez to Chrysler and NHTSA press statement praise Chrysler action as fully satisfying all of NHTSA's concerns and state that Chrysler is a safety leader;
- NHTSA officials acknowledge publicly that there has been no finding of defect and that there will be none; and
- NHTSA officials acknowledge that owners should not be concerned over the delayed implementation of the action and that they can best protect themselves by keeping seat belts buckled at all times.

4. Additional Provisions: The following points have been requested by NHTSA and appear to be reasonable:

- The letter to owners makes reference to the NHTSA hot line phone number;
- Latch replacement will be offered as part of any routine minivan servicing (once replacement latches are available);
- Chrysler will submit six quarterly reports on the progress of the campaign (helps to support defense of FOIA requests); and
- NHTSA can make reference to the service campaign in response to owner inquiries.

ATTACHMENT 3

Mr. Clarence Ditlow, Director
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(202) 328-7700

31 May 2014

Subject: Sunshine Litigation Act : Protective Orders and the Ruse of "Trade Secrets"

One Page

Prior example of the results of "confidentiality agreements" and "protective orders."

RICCI-LEOPOLD

DaimlerChrysler Settles Suit Of Exploding Jeep Grand Cherokee Yet Makes No Design Changes To Remedy Problem

July 30th, 2002 (WEST PALM BEACH, Fla.) - Kenneth Smith's life changed in a mere blink of an eye on the morning of October 6, 2001. As his 1995 Jeep Grand Cherokee began traveling through an intersection with a green light his vehicle was rear-ended by a Lincoln Town Car. Immediately upon impact the Jeep burst into flames. Smith, a resident of Jacksonville, Florida, suffered burns to his abdomen, right hand and arm. He has undergone two skin graphs, and must wear special garments to protect his arm and hand.

Ken Smith was unaware, as are probably countless other individuals, that the 1995 Jeep Grand Cherokee (as well as the current models of the Grand Cherokee and Jeep Liberty) was unsafe because the fuel tank and filler neck was designed and installed in a location that is susceptible to rupture or puncture in a rear-end collision. In an accident the Jeep's fuel tank will often times rupture and allow gasoline to escape. This almost always presents a high risk of fire and explosion, which will lead to severe injury or death to the vehicle's occupants.

"This vehicle was a virtual time bomb poised to explode," said attorney, Ted Leopold, of Ricci~Leopold, P.A. , West Palm Beach. "The fuel tank of the 1995 model was located behind the rear axle. This puts the tank in a position that leaves it vulnerable to explosion if impacted by another vehicle. DaimlerChrysler could have located the fuel tank forward of the rear axle, as almost all of its competitors do. This would have provided greater protection to the fuel tank, and the occupants of the vehicle in the event of a rear impact collision. If nothing else the company should have at least provided a shield that would protect the fuel tank from rupture."

Today, Ken Smith is making great progress in his recovery from this horrendous accident. Ironically, one would think that the car that hit the back of Smith's Jeep, was

traveling at a high rate of speed. It was not! The vehicle was traveling 20-25 miles per hour at the time of impact.

DaimlerChrysler, settled with Smith for an undisclosed sum of money. However, this was no victory for consumers. Today, anyone can walk on to a DaimlerChrylser lot and purchase a new Grand Cherokee or Jeep Liberty and be at risk for this same type explosion. The fuel tank remains in a location that is susceptible to rupture, puncture or other damage that could cause a failure and allow fuel to escape. In addition, the fuel tank was designed with material that is susceptible to rupture and the fuel filler neck of the Jeeps are routed in such a way that they are susceptible to being torn away, pulled off, punctured or damaged in the event of an accident.

"Justice for Ken Smith was our first order of business in this case," said Leopold. "However, I am disappointed and horrified to see that DaimlerChrysler continues to manufacture these vehicles in this manner. Sadly, we are bound to see many more children and adults riding in these vehicles who will undoubtedly suffer severe burn injuries and even death from horrific car fires."

Founded in 1982, Ricci~Leopold, P.A., has built a reputation as one of the most successful personal injury law firms in the Southeast. The firm represents individuals who have been wrongfully injured in matters involving automotive crashworthiness, managed care litigation, insurance bad faith and coverage disputes, and personal injury. Ricci~Leopold, P.A. headquartered in West Palm Beach, Florida, has seven attorneys representing clients as well as an experienced and skilled research and investigative staff. For additional information, please visit the firm's website at http://www.riccilaw.com

ATTACHMENT 4

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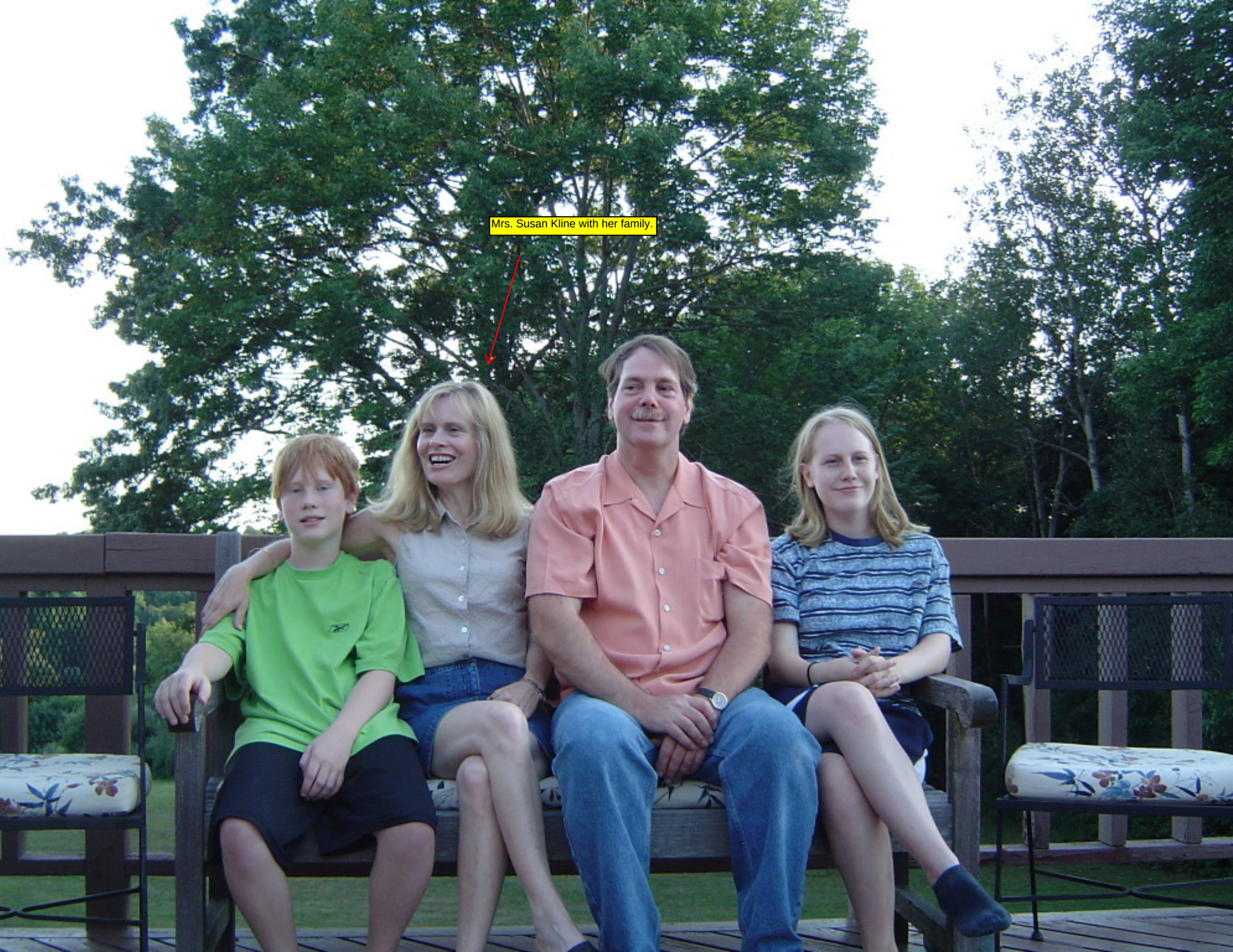
31 May 2014

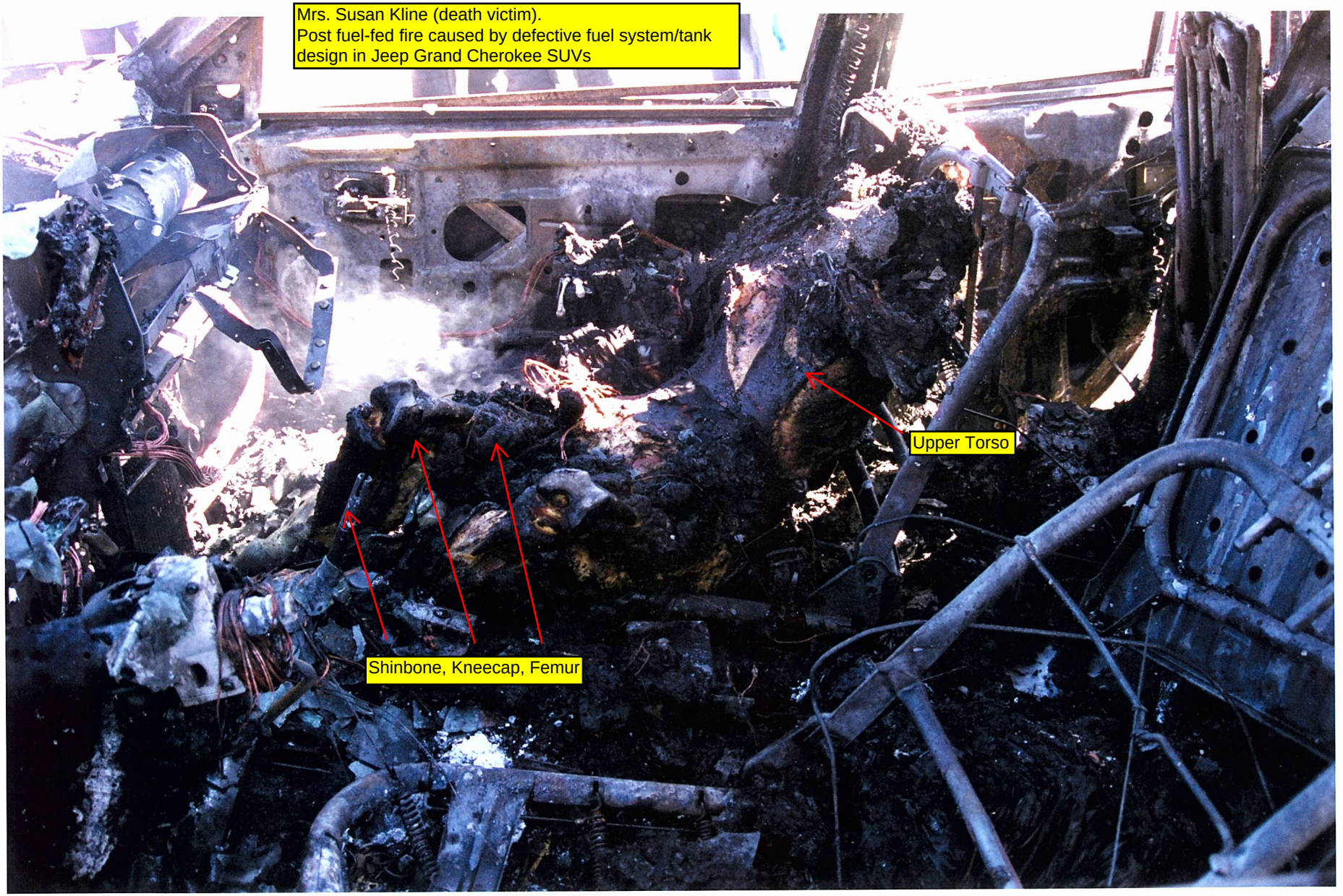
Subject: Sunshine Litigation Act : Protective Orders and the Ruse of "Trade Secrets"

Three Pages

Mrs. Susan Kline, victim of "confidentiality agreements" and "protective orders."


Mrs. Susan Kline with her family.


Skull


Mrs. Susan Kline (death victim).
Post fuel-fed fire caused by defective fuel system/tank design in Jeep Grand Cherokee SUVs
Upper Torso
Shinbone, Kneecap, Femur

ATTACHMENT 5

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31 May 2014

Subject: Sunshine Litigation Act : Protective Orders and the Ruse of "Trade Secrets"

Six Pages

Mrs. Ana Pina, victim of "confidentiality agreements" and "protective orders."

END OF DOCUMENT

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31 May 2014

Subject: **Sunshine Litigation Act : Protective Orders and the Ruse of "Trade Secrets"**