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**MS KELLYANNE CONWAY**  
**COUNSELOR TO THE PRESIDENT**  
1600 PENNSYLVANIA AVE NW DC  
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20 January 2017

VIA FEDEX AIRBILL [8007 - 9341 - 6156](tel:8007-9341-6156)

Ms. Kellyanne E. Conway  
Counselor to the President  
1600 Pennsylvania Ave NW  
Washington, DC 20500  
202-456-1111

**Subject: The Draining of the Swamp: DOT, NHTSA and the DOJ**  
**Reference: Federal Motor Vehicle Safety Standard 207 (FMVSS-207)**

Dear Ms. Conway:

We need your help with something very important . . . When I explain the details of the Reference to lay people, typified by jurors, they assume I exaggerate . . . until I present the evidence. And then they are infuriated. For perspective, I am not aware of any FMVSS-207 litigation where auto industry defendant(s) prevailed. None.

I have dealt with the nightmares **caused by The Swamp**, relating to FMVSS-207, for over 30 years. One result of my efforts was to be sued for \$82,000,000.00. No individual has been sued for more in history. A motivation of that defense bar ruse was to intimidate me into silence regarding the Subject, especially the DOJ (Please see Attachment 1, and page 3 below).

With this in mind, please take a long look at this little angel . . .



Her name is Crystal Butler. She is no longer with us. She was eight when victimized by FMVSS-207 . . .

At the time of her death, automotive executives were issuing themselves promotions, pay raises and bonus checks . . . later these Detroit executives would descend upon The Swamp groveling to be bailed out by the Obama Administration . . . and taxpayers . . . such as Crystal's mom.

I interviewed with **Fox News** on FMVSS-207. The segment included **Crystal's mother**, pictured here, explaining the nightmare that befell her. With tears falling from eyes she explained:

**“And they told me not to expect her to make it through the night . . .”**



Everyone survived the low-speed accident . . . except Crystal. She was positioned in the rear seat, directly behind her mother, where the front seat had collapsed; crushing Crystal's aorta. The cost for correcting the front car seat structure that would have kept Crystal alive? \$15.00. The auto company defendant declared the usual defense bar goo: That they “meet or exceed all federal safety standards.”

For a glimpse at the criminality of mere compliance with FMVSS-207, I stated later on CBS News:

**“You can buy a lawn chair at a retailer, and apply the 207 seat standard, and it will pass!”**

I was being factual. But The Swamp is not merely complicit, they have actively conspired for decades to keep people ignorant regarding the criminality of FMVSS-207. What follows may shock you . . . but it is all factual . . . and that should make you **angry**.

**FMVSS-207 and The Swamp - The Collusion of DOT/NHTSA and the DOJ – Attachment 2**

An informed person assumes that the Department of Transportation (DOT) is the federal focus of auto safety, especially investigations involving safety defects, the regulatory process and the resulting standards that prevent those defects. Not so.

An informed person would also assume that the group *within* DOT, the National Highway Traffic Safety Administration (NHTSA), is the DOT focus of same. Not so.

No person of integrity anticipated that the Department of Justice (DOJ) would be involved, and “run cover” at these routine levels . . . **until they heard my court room testimony in the seat back failure death case of Flax versus DaimlerChrysler.**

No honest person is unmoved by Attachment 2 . . . or the death its portent caused; such as the **horror** that befell the 8-month boy pictured at left, Joshua Flax.

Hundreds have suffered similar nightmares, while car companies, DOT, NHTSA and the DOJ protest their innocence on the basis of FMVSS-207 compliance.

The cost to protect Joshua: \$15.00. Everyone else in the Flax accident survived with zero injuries.

**FMVSS-207: The Relevant Portion of The Swamp – The Issue of Embedding and Inbreeding**

My seat back failure death case testimony includes how The Swamp secretly collaborates on FMVSS-207 litigation. A legal report sample follows (Please note yellow highlights below, and in Attachment 3) :

**MANAGER LATER FIRED**

Sheridan said he was fired a month later. By then, he said, he had informed his superiors that he intended to go to federal regulators with his safety concerns. Sheridan said Chrysler then sued him to prevent him from speaking about the company. Chrysler later withdrew the suit.

Sheridan said the committee also reviewed other safety complaints against minivans, which prompted an agreement involving Chrysler, the National Highway Traffic Safety Administration and the Justice Department. As part of that deal, Sheridan testified, NHTSA agreed that it would reject requests for information about minivan safety defects made under the federal Freedom of Information Act and Justice Department attorneys would defend NHTSA's refusal to release the requested material.

NHTSA's current general counsel, Jacqueline Glassman, formerly worked in the general counsel's office at Chrysler, Sheridan testified. According to Butler, NHTSA's former rulemaking chief, Barry Felrice, is now working at DaimlerChrysler.

The “requested material”? It included NHTSA crash test videos showing FMVSS-207 **seat back failures**.

### Perspective on “Proactive Safety” Diversions/Machinations of the Obama Administration

At the 2016 International Automobile Show in Detroit, Michigan, the heads of DOT, NHTSA and eighteen auto companies signed the document, Proactive Safety Principles 2016.

The fact that this condominium was compelled to parade this “proactive” concept as something unique or timely, speaks to an industry/regulatory interface that is wrought with long-standing corruption . . . They have admitted that, historically, auto safety has been anything *but* “proactive.” FMVSS-207 is exemplar.



For those that accuse me of being “disgruntled” I offer **FIVE DECADES** of horror that is directly attributable to FMVSS-207 . . . I offer the screenshots on pages 1, 2 and 3 above . . . I offer the portent of Attachment 2 . . . and on . . . and on . . . and on . . .

On the first page of their Proactive Safety Principles 2016 the co-signers pictured above alleged a ‘Statement of Principles.’ In paragraph 1 they declare:

#### 1. Enhance and Facilitate Proactive Safety

##### Objective

Continue to emphasize and actively encourage processes that promote steady improvement in vehicle safety and quality within our respective organizations, across the industry, and with other stakeholders.

Centered is DOT Secretary Anthony Foxx, and to his right NHTSA Administrator Mark Rosekind. During their tenure I had written to them three times regarding FMVSS-207. Their “proactive safety” expertise was also repeatedly solicited by the media. How many on-camera interviews did Obama Administration officials offer on FMVSS-207? Zero. They are indisposed regarding FMVSS-207 and seat back failures that notoriously involve the death of our children . . . but are readily available for photo-ops with future revolving-door employers at auto shows?

**How many children died in year 2015 alone due to seat back failures? FIFTY!** That is more than the deaths, over several years, attributed to the Takata air bag and GM ignition switch defects combined!

***So . . . after five decades of FMVSS-207 related nightmares, these stakeholders have the audacity to proclaim that they “facilitate proactive safety” ?!***

### **Contextual Background for Formal Request**

There is extensive context in support of my Formal Request on page 10 below. For now I focus on four:

1. The refusal of DOT/NHTSA to defend and advocate *their own safety standard* (FMVSS-207)!
2. The well-promoted media and political myth that it is the Democratic/Liberal Party establishment (as opposed to the Republican/Conservative) that cares about our safety & well-being (little people such as Crystal Butler and Joshua Flax . . . or Mr. Balde Gonzalez pictured below).
3. The historical and ongoing basis for a criminal investigation regarding FMVSS-207.
4. The mere luck currently enjoyed by the Trump and Conway households, in relation to FMVSS-207.

### **Formal Request Context #1 : Obama Administration Confirms ZERO Confidence in their FMVSS-207**

I have written to DOT Secretary Foxx and NHTSA Administrator Rosekind, not once, not twice, but three times regarding FMVSS-207. Those letters (with receipt SPODs) are available here:

<http://pvsheridan.com/Sheridan2Rosekind-2-30March2016.pdf>

<http://pvsheridan.com/Sheridan2Rosekind-3-7July2016.pdf>

<http://pvsheridan.com/Sheridan2Rosekind-4-10August2016.pdf>

My letter of March 30, 2016 was ignored. My later letters provoked a response; a pusillanimous diversion that confirmed the vulnerability of DOT/NHTSA, as derived from their complicity with the criminality of FMVSS-207 (Attachment 4).

Referencing Attachment 4, contrary to their pusillanimity, I never proposed that Foxx/Rosekind advocate for or against litigants. What I **did** propose, in the subject line, is that they defend their own standard! They refused. Context #1 confirms the routine fraud of the “proactive” agenda that Foxx/Rosekind promoted in behalf of their suitors at the 2016 Detroit Auto Show (See page 4 above).

Please peruse my letter of March 30, 2016; it begins with the seat back horror that killed a father of three:



Some have called my March 30, 2016 letter a “*treatise on 207.*” Please note quote atop its page 17.

## Formal Request Context #2 : Democratic/Liberal Establishment is NOT the Bastion of Auto Safety

NHTSA Administrator Mark Rosekind (Democratic Party establishment official) rudely shuns CBS News when merely asked to discuss FMVSS-207:



In my hard-won professional opinion, it is a myth that the Democratic/Liberal Party establishment is the primary political bastion of auto safety. Attachment 2 is a portion of my evidence, with the torrid history of FMVSS-207 offered as a symptom. It is well-known that that the portent of **Attachment 2 went all the way to the top of the Clinton DOJ; all the way to Attorney General Janet Reno for approval . . .** this document confirms a Clinton Administration DOT/DOJ criminal conspiracy, secretly in-play during a time when its execution was known to be causing horror on our highways.

But the Left versus Right polemic promotes the notion that the Republican Party, and therefore the Trump Administration, has no inclination toward the consumer . . . or public safety . . . or “*small town America*” . . . the very large constituency that voted for our new president (Attachment 5).

To their credit, two Democratic Party senators are allegedly planning hearings in 2017 regarding the Reference. Their staffs have already contacted me.

In addition to the obvious, correcting FMVSS-207 represents an opportunity for President Trump, as well as the incoming secretary of the DOT, the new head of NHTSA, and the new DOJ Attorney General.

Since lives are at stake, I am unrepentant in my adamancy . . . **we need to correct FMVSS-207.**

**Formal Request Context #3 : Historical / Ongoing Criminality of FMVSS-207**

Throughout the news cycle leading to the election of Mr. Trump and Mr. Pence, reports described two major automotive industry criminal scandals:

- A. The Takata air bag defect.
- B. The Volkswagen (VW) diesel emissions non-compliance/cheating issue.

In a January 11, 2017 letter to Attorney General Loretta Lynch, Mr. Ralph Nader writes:

*“Takata’s defective airbags have been linked to at least 11 deaths and more than 180 injuries in the United States.”*

But as I mentioned on Page 4 above, this Takata statistic involved many years of use. In that same letter, Nader discussed Item B:

*“These diesels emit up to 40 times the amount of emissions that they are allowed to. And, it’s very fine particulates that are coming out of the diesel. It’s nitrogen oxides. And, it’s going into the lungs of individuals, and if you’re particularly sensitive you are quite likely to suffer disease and illness and ultimately death.”*

No deaths have been linked to the VW emissions scandal. Regardless, Nader demanded:

*“To bring justice to the victims of the Takata and VW criminal actions, I ask that you not just fine the companies and agree to deferred prosecution agreements, or a guilty plea against some subsidiary of the company – but bring the full weight of the criminal law – against both the parent company and responsible executives.*

*The recent trend of settling major corporate crime cases with deferred or non-prosecution agreements has undermined the criminal justice system and sent a message that we live in a society with a two tier system of justice – deferred and non-prosecutions for the powerful, guilty pleas and jail for the powerless.”*

That is, it is as though Mr. Nader extracted a page from your campaign strategy book. In the final days of the campaign, in the **“Donald Trump’s Argument for America”** ad, Mr. Trump declared:

*“Our movement is about replacing a failed and corrupt political establishment with a new government controlled by you, the American people. The Establishment has trillions of dollars at stake in this election. For those that control the levers of power in Washington, and for the global special interests, they partner with these people that do not have your good in mind . . . and put that money into the pockets of a handful of large corporations and political entities.”*

With this in mind, let us review the ‘Gross Criminal Negligence’ statute:

“Gross negligence” is culpable or criminal when accompanied by acts of commission or omission of a wanton or willful nature, showing a reckless or indifferent disregard of the rights of others, under circumstances reasonably calculated to produce injury, or which make it not improbable that injury will be occasioned, and the offender knows or is charged with knowledge of the probable result of his acts; “culpable” meaning deserving of blame or censure.

**No auto safety scandal is more ripe with “acts of commission or omission of a wanton and willful nature” than FMVSS-207.**

But it is the institutionalized complicity of the Swamp that led to Takata and VW in the first place! For historical comparison, FMVSS-207 has gone unrevised since 1967 . . . **it is FIVE DECADES OLD!**



**Formal Request Context #4 : Luck Protecting Us versus FMVSS-207 ?**

The lay person has no idea that FMVSS-207 has absolutely no engineering or technical connection to their well-being. Victims are repulsed when confronted with its history, especially its prior victims. Frequently the next victim admits that they had lived under the presumption: ***"It will never happen to me . . . it only happens to the other guy/gal."***

With that naïve presumption in mind, please review the following photographs:

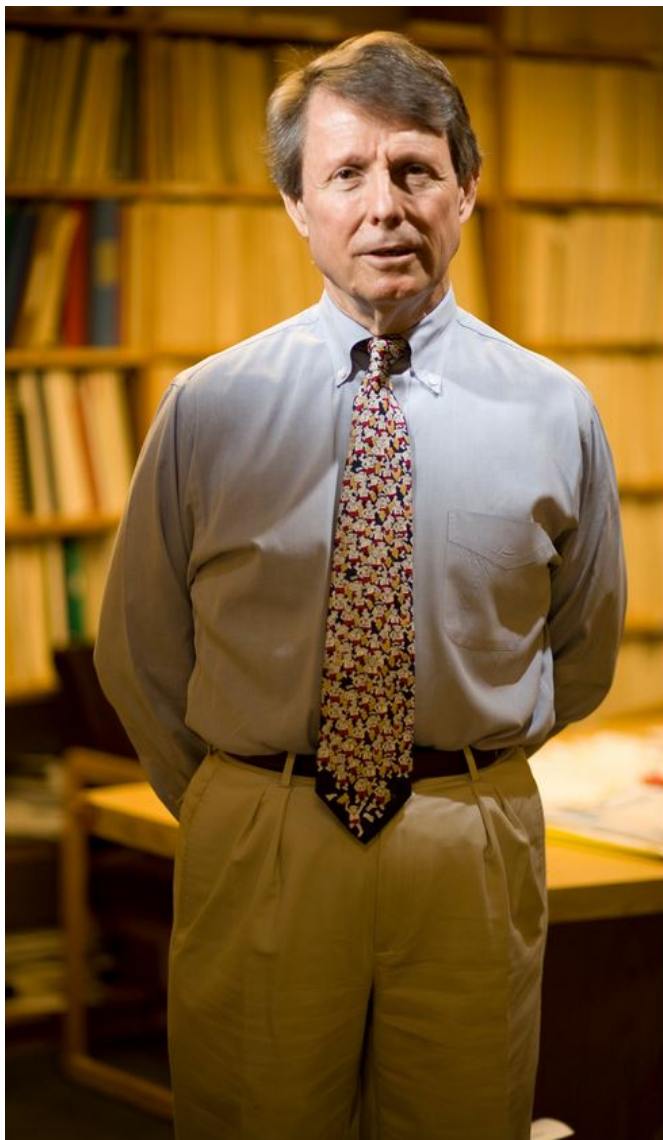


In my work I emphasize, to the point of being militant, that luck has no place in transportation safety, and that we should forcefully delete that operative from the regulatory process, and the safety standards that protect us from accidental catastrophe. **Astonishingly**, The Swamp has formally disagreed with me on the luck issue for over thirty years, especially as luck relates to FMVSS-207 (Attachment 6).

## Dedications

Before I present my Formal Request, I offer dedications:

1. The first is to the historical and upcoming victims of FMVSS-207, many of whom did not, or will not, survive their first birthday.
2. The second dedication is to my close professional colleague of over twenty-two years, Mr. Clarence Ditlow:



Clarence was Director at the Washington, DC based Center for Auto Safety for over forty years. He passed on November 10, 2016. Clarence was there for the rest of us, in any way he could. I will be in-attendance at The Carnegie Institute on the evening of January 26, 2017 for the formal tribute ceremony. We all miss him dearly . . . he would have wanted us to continue pursuing the FMVSS-207 issue . . .

In fact, he and I shared his very last television news interview (with CBS News LA) . . . wherein I offer the page 2 quote (above), and Clarence confirms the “**Fifty!**” discussed on page 4 (above):

<https://www.youtube.com/watch?v=olZ84r-AgDM>

<http://www.autosafety.org/nhtsa-urged-to-warn-parents-of-seat-back-failure-dangers-to-children-in-rear-seats/>

## **Formal Request**

In a Fox News interview you hear Crystal's mom sadly declare:

***“My eight-year-old daughter should not be dead in a fender-bender!”***

<https://www.youtube.com/watch?v=8uaPvqT1qQQ>

I would like to speak to you, or President Trump, or anyone you deem appropriate to addressing the simple updates to FMVSS-207 that will render basic safety. Let us be clear:

**Under current compliance requirements no such safety exists or can be claimed to exist.**

One alternative to a meeting with you, would be to forward this material to incoming Secretary Elaine Chao of the DOT, and the incoming Attorney General Jefferson Sessions of the DOJ.

The Swamp is infested with those responsible for the horrific history of FMVSS-207. Attachment 7 contains my direct report to DOT/NHTSA (in 1995), which reveals that I had led a discussion at my former employer on how to correct FMVSS-207: A **dynamic test protocol**, but a protocol that is enhanced versus one that German auto makers have deployed for decades.

## **Conclusion**

This issue presents the Trump Administration with a significant opportunity, at many levels; ranging from compassion to pragmatics to the Left-versus-Right polemic.

You cannot make “America Great Again” without correcting FMVSS-207 . . .

Please do not hesitate to contact me at any time.

Respectfully,

Paul V. Sheridan

Attachments

**ENDNOTES SECTION****Personal Note**

Some might declare that my inclusion of Attachment 1 is motivated by personal reasons. In truth, and well-documented in history, it is the detractors that divert from objective facts and instead are compelled to resort to personal matters/attacks. The lawsuit for “**\$82,000,000 in damages**” against me, secretly filed by ex-President of the Michigan Bar Association Thomas Kienbaum, was timed to precede two major product liability death cases, each of which were to involve Attachment 2 !! Both cases went before juries. In both, the jury members were infuriated by Attachment 2 . . . with record verdicts (against defendant Chrysler) of \$262,000,000 and \$105,000,000 respectively.

Prior to these trials, just how *low* did detractors descend in their effort to intimidate my testimony? Out of nowhere, during 1998 and 1999, the professorial and clerical staffs at my alma mater, [Cornell University](#), began enduring abusive/intrusive telephone investigations of my person and standing at the Cornell. I have already testified under-oath regarding this history. I also discussed these intimidation events atop page 3 in my letter of October 3, 2016 to Ms. Sally Q. Yates, the Obama Administration Deputy Attorney General (See ‘Other Notes’ below, second link):

- At the time that Attachments 1 and 2 were in-play, the Democratic/Liberal Party establishment, its former Clinton Administration, was in power. Their Attorney General was Ms. Janet Reno. And where did Ms. Reno attend university? **Cornell University**.

**List of Attachments****Cover Letter Page Ref**

Safety Expert Sued for \$82,000,000.00	1	1
DOT/NHTSA, Chrysler and DOJ Criminal Conspiracy	2	3, 4, 6, 11
\$105,000,000 Verdict in Flax versus DaimlerChrysler	3	3
DOT/NHTSA Response Letters Refusing to Defend FMVSS-207	4	5
Insulting Letter from Senator Orin Hatch	5	6
NHTSA “defects trend” (i.e. luck) letter	6	8
Sheridan News Report on Seatback History and NHTSA report	7	10
Insulting Response Letter from Department of Justice	8	FYI
Letter from Geneva Massie Plaintiff Attorney James Lowe	9	FYI
Letter from Arizona Sheriff Joe Arpaio	10	FYI
Cornell University Ethics Letters	11	FYI
Civil Justice Foundation, National Champions Award	12	FYI

**FVMSS-207 Update Petitions (Small Historical Sampling . . . Ignored by DOT/NHTSA)**

<http://www.autosafety.org/nhtsa-urged-to-warn-parents-of-seat-back-failure-dangers-to-children-in-rear-seats/>

[http://arcca.com/wp-content/uploads/2015/09/Petition-to-NHTSA-on-FMVSS-207-ARCCA\\_2015.pdf%20](http://arcca.com/wp-content/uploads/2015/09/Petition-to-NHTSA-on-FMVSS-207-ARCCA_2015.pdf%20)

[http://pvsheridan.com/KJS\\_NHTSA\\_Petition\\_10-29-14.pdf](http://pvsheridan.com/KJS_NHTSA_Petition_10-29-14.pdf)

<http://pvsheridan.com/Hogan-2-NHTSA-207-petition.pdf>

**News Report Videos on FMVSS-207 - Paul V. Sheridan Interviews**

<https://www.youtube.com/watch?v=8uaPvqT1qOQ>

<https://www.youtube.com/watch?v=VDwLoGsCdRA>

<https://youtu.be/u7OAKEaTuPM?t=4m38s>

<https://www.youtube.com/watch?v=34ajMfqwtdg>

<https://www.youtube.com/watch?v=olZ84r-AgDM>

**News Report Videos on FMVSS-207 - General and Historical**

<https://www.youtube.com/watch?v=YeTHbDKPyc8>

<https://www.youtube.com/watch?v=FXIVHwX-rvQ>

<https://www.youtube.com/watch?v=b9WAaAKT8W8>

<https://www.youtube.com/watch?v=fF11SuWu-2A>

<https://www.youtube.com/watch?v=6gCSgPG3Cc0>

<https://www.youtube.com/watch?v=iQkHX7Ep91I>

<https://www.youtube.com/watch?v=QzObGkir4ZQ>

<https://www.youtube.com/watch?v=P4Kkx5v-NJk>

<http://www.cbsnews.com/videos/deadly-car-defect-threatens-backseat-passengers>

**Senatorial Inquiry - Letters to Automakers on FMVSS-207:**

<http://www.markey.senate.gov/letters-to-automakers-on-seatback-safety>

<http://www.cbsnews.com/news/cbs-news-investigation-of-seat-back-failures-sparks-action-by-congress/>

**Other Notes**

Original Letter to Attorney General Janet Reno (Includes DOJ response):

<http://pvsheridan.com/Chrysler-DOJ-NHTSA-plus-response.pdf>

<http://pvsheridan.com/Sheridan2Yates-1-3October2016.pdf>

<http://www.butlerwooten.com/Results/Top-Ten-Verdicts/Flax-Verdict.shtml>

<https://blog.nader.org/2017/01/10/open-letter-to-attorney-general-lynch-prosecution-or-guilty-pleas-for-corporate-crime/>

<https://www.transportation.gov/sites/dot.gov/files/docs/ProactiveSafetyPrinciples2016.pdf>

<http://pvsheridan.com/DizeOrder.pdf> (The "Dize Order")

[http://pvsheridan.com/GM\\_TohtMemo\\_SeatBacks.pdf](http://pvsheridan.com/GM_TohtMemo_SeatBacks.pdf) (The internal GM "Toht Memo")

# **ATTACHMENT 1**

Ms. Kellyanne E. Conway  
Counselor to the President  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500  
202-456-1111

20 January 2017

**Subject: The Draining of the Swamp: DOT, NHTSA and the DOJ**  
**Reference: Federal Motor Vehicle Safety Standard 207 (FMVSS-207)**

Four Pages

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Thursday, March 19, 1998

The Detroit News

◀ INDEX ▶

## Autos

# Chrysler sues former employee for \$82 million in minivan affair

By Kenneth Cole / Detroit News  
Washington Bureau

WASHINGTON -- Chrysler Corp. is seeking \$82 million from a former safety staffer-turned-whistleblower who's testifying in high-stakes lawsuits involving latch designs on the automaker's older minivans.

The demand, long kept secret, was disclosed in a just-settled rear liftgate latch lawsuit in Los Angeles.

The \$82-million figure represents Chrysler's estimate of its losses following an October 1995 interview of Dearborn resident and former Chrysler employee Paul Sheridan on ABC-TV's 20/20 news program.

Legal experts say it may be the largest sum ever sought from a whistleblower by a corporation.

It is only one highlight of Ornelas vs. Chrysler, which was settled for an undisclosed amount this week in Los Angeles Superior Court. The case involved four passengers allegedly ejected from a Chrysler minivan in a low-speed crash in 1995.

"I don't track it, but I'd be surprised if an individual has ever been sued for more by a corporation," said Clarence Ditlow, executive director of the Center for Auto Safety in Washington, D.C. "It is reflective of how much a whistleblower can cost a company -- especially when it's tried to cover up a defect."

Tom Kienbaum, the Birmingham attorney representing Chrysler in its lawsuit against Sheridan, was not available for comment.

David Tyrrell, the company's lead counsel in the minivan-latch lawsuits, described Sheridan as "a disgruntled former employee."

Chrysler fired Sheridan in December 1994 for allegedly disseminating secret crash-test data on the 1996 minivan. It sued him in Oakland County Circuit Court later that month for "in excess of \$10,000."

The company amended the lawsuit in the fall of '95 after Sheridan appeared on 20/20 and said the company knew its minivan latches weren't strong enough to secure the rear liftgate in even low-speed



Sheridan

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Weather  
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Comic Books  
Cyberia  
Food  
Homestyle  
Letters  
Metro  
Money  
Movie Finder  
Nation/World  
Next!  
Obituaries  
Outlook  
On Detroit  
Pets  
Rearview  
Mirror  
Screens  
Showtime  
TV Listings  
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accidents.

According to federal regulators, malfunctions with Chrysler minivan latches have resulted in at least 37 deaths and 100 serious injuries.

Sheridan, 45, declined to comment. His attorney, Courtney Morgan of Detroit, said Chrysler contends in the lawsuit that Sheridan's interview hurt sales of its 1996-model minivans. They had just gone on the market when the TV show aired.

"Never mind the fact that Paul never said a word about the 1996 minivans on the show," Morgan said.

The \$82 million Chrysler is seeking from Sheridan is based on lost sales and how much it figures it would have had to spend on television ads rebutting Sheridan's interview.

"But even if that logic holds, how the hell can you get the money if you never spent it?" argued Morgan, who is representing Sheridan in a countersuit against the automaker.

Elletta Callahan, a professor of law and public policy in Syracuse University's School of Management, concurred Chrysler will have a difficult time collecting, saying: "It's always difficult to prove lost profits."

Chrysler attorneys apparently believe it will be equally difficult to convince juries that there never was a problem with its pre-1995-model minivan latches. The Ornelas case is the third the company has settled this year since a South Carolina jury rendered a record \$262.5-million verdict in a similar case.

"They recognize that if a juror sees all the evidence they'll lose over and over again, so they're paying very large and very secret amounts of money to keep that from happening," said Mikal Watts, a Corpus Christi, Texas, attorney representing many plaintiffs in latch lawsuits against the company.

Ken Gluckman, assistant general counsel for product liability litigation at Chrysler, said the settlements simply reflect a flawed judicial system.

"The sad truth is that in today's judicial system, jurors can do anything," he said. "They're guided by emotion and aren't controlled by factual circumstances."

Four passengers -- including 1-year-old Lorena Casteneda and 4-year-old Diana Perez -- were allegedly ejected from the back of a Chrysler minivan in a low-speed crash in Los Angeles on Jan. 21, 1995, in the Ornelas case.

Gluckman noted 13 people were riding in the minivan designed for seven. Many were unbelted, he said, and there's evidence the minivan driver may have run a light.

"The plaintiffs in this case broke three laws," Gluckman said. "Yet we're supposed to be the evil ones."

Larry Grassini, the plaintiff's attorney in Ornelas, said his client "made a mistake by allowing so many people to ride" in the minivan.

"But that was a short-term mistake," he said. "Chrysler knew about their's for a long time."

Grassini said six of the 12 Ornelas jurors and one of the four alternates accepted questions from attorneys after the case was settled. He said they told a Chrysler jury consultant they would have wanted to hear from Sheridan, had the case gone trial.

"The jurors saw him as a key witness in what many of them said seemed to be some sort of corporate cover-up involving these latches," Grassini said.



Chrysler's Tyrrell said there was no cover-up and if the case had been tried, jurors would have learned Sheridan was not an engineer.

"Rather, he held a marketing position," Tyrrell said. "He never designed a liftgate latch and he never tested a latch."

Chrysler demoted Sheridan for poor job performance before firing him, Tyrrell said, and that further impugns his testimony.

That, however, contradicts Chrysler's performance evaluations of Sheridan obtained by The Detroit News. As recently as October 1994 -- two months before the automaker canned him -- various company brass wrote:

\* "Paul does a thorough, detailed, organized and tireless job. He became an active promoter of advancing safety in the minivan program, only slowing when the reality of the interest from management became apparent to him."

\* "Paul (Sheridan) did a good job as Chairman of the Minivan Safety Leadership team."

\* "He is extremely knowledgeable and may very well be one of the best all around technical persons on staff."

\* "Overall, I think Paul has done an excellent job."

### **What Sheridan said**

Former Chrysler employee Paul Sheridan was fired in December 1994 for allegedly disseminating secret crash-test data on the 1996 minivan. He later appeared on 20/20 and said the automaker knew its minivan latches weren't strong enough to secure the rear liftgate in even low-speed accidents.

### **The law**

Three years ago tomorrow, Sheridan sued Chrysler and three of its employees alleging they violated his rights under whistleblowers' protection laws. Those laws offer protection from companies that lash out against staffers who uncover wrongdoings. Chrysler, however, has argued Sheridan was fired for defensible reasons.

### **Who is Paul V. Sheridan?**

The former employee at the center of high-stakes litigation involving Chrysler's minivan rear liftgate latches worked for two of the Big Three automakers since the early '80s.

Employment: Worked from 1981-84 for Ford Motor Co., including product and powertrain planning. From 1984-94, his duties at Chrysler Corp included engineering planning, helping arrange a

deal to equip Chrysler trucks with Cummins diesel engines and working on the minivan platform team.

Status: Seeking full-time employment. Chrysler fired him after finding phone records traced to a reporter for the trade weekly Automotive News. The automaker later sued him for disclosing company secrets involving minivan crash tests and comments about minivan latches on TV.

### **What's next**

This week Chrysler settled a minivan latch case in Los Angeles before Sheridan was set to testify. It faces at least six more latch cases in next four months. Lawsuits between Sheridan and Chrysler are scheduled to go to trial in June.

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[Comments?](#)

**The Detroit News**

◀ INDEX ▶

## **ATTACHMENT 2**

Ms. Kellyanne E. Conway  
Counselor to the President  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500  
202-456-1111

20 January 2017

**Subject: The Draining of the Swamp: DOT, NHTSA and the DOJ**  
**Reference: Federal Motor Vehicle Safety Standard 207 (FMVSS-207)**

Two Pages

DEPOSITION  
EXHIBIT  
(R.A. LUTZ)  
# 3  
RAZ 6/4/99

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.

Eaton  
EXHIBIT NO. 21  
8-28-97  
M. MOORE

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**

Ms. Kellyanne E. Conway  
The White House  
Counselor to the President  
1600 Pennsylvania Ave NW  
Washington, DC 20500  
202-456-1111

20 January 2017

**Subject: The Draining of the Swamp: DOT, NHTSA and the DOJ**  
**Reference: Federal Motor Vehicle Safety Standard 207 (FMVSS-207)**

Three Pages

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[Back to Article](#)

## Tenn. Jury Returns \$105M Verdict Against DaimlerChrysler Over Minivan Seats

R. Robin McDonald  
12-01-2004

A Tennessee jury has socked DaimlerChrysler Corp. for \$105.5 million after finding that a baby's 2001 death was caused by a faulty minivan seat.

The Nov. 23 verdict in the Tennessee case, *Flax v. DaimlerChrysler*, No. 02C1288, (Tenn. 1st Cir., Nov. 23, 2004), is one of four product liability cases that Columbus, Ga., attorney James E. Butler Jr. has brought against DaimlerChrysler targeting minivan seat backs that collapsed during collisions, injuring or killing passengers.

Butler said DaimlerChrysler previously settled two of those cases confidentially with his clients. Another one is awaiting trial in Orlando, Fla.

The three-week trial in Nashville, Tenn., featured the testimony of a former DaimlerChrysler manager, who testified that the automaker knew the seats in its minivans were unsafe and colluded with a federal regulatory agency to cover up the information, according to Butler and co-counsel George W. Fryhofer III, both partners at Butler, Wooten, Fryhofer, Daughtery & Crawford in Columbus and Atlanta.

Last week's verdict is one of at least a half-dozen big jury verdicts that Butler and his firm have secured in the past decade, many of them in vehicle product-liability cases. In two actions against General Motors Corp., Butler's firm won \$150 million in a 1996 SUV rollover case, and \$105 million in a 1993 case where a pickup's side fuel tanks caused it to burst into flame after a collision.

In 1998, the firm won a \$454 million verdict against Time Warner -- the largest civil verdict affirmed by the state appellate courts in Georgia's history -- on behalf of investors in Six Flags Over Georgia. In the suit, Six Flags investors accused Time Warner of skimping on capital investments, thereby lowering the park's market value and total worth.

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**The 2008 Florida Billing Survey**

DaimlerChrysler has vowed to appeal the Tennessee verdict, which includes \$98 million in punitive damages, claiming that the crash that led to 8-month-old Joshua Flax's death was caused by a reckless driver, not a flaw in the design of the automaker's Dodge Grand Caravan. In a news release distributed in response to calls for comment about the case, DaimlerChrysler labeled the verdict "grossly excessive, unconstitutional, and a miscarriage of justice."

Cleveland, Ohio, attorney Lawrence A. Sutter of Sutter, O'Connell, Mannion & Farchione defended DaimlerChrysler. Sutter's office referred questions about the verdict to DaimlerChrysler's American headquarters in Auburn Hills, Mich.

### **CHRYSLER: DRIVER ALSO RESPONSIBLE**

DaimlerChrysler spokesman Michael Aberlich said that during the compensatory damages portion of the trial, jurors found that the speeding driver of the car that rear-ended the minivan, Louis A. Stockell Jr., shared equal responsibility for the baby's death. "But when it came to punitives, the company bore the brunt of it," Aberlich said.

The Tennessee case went to trial because the baby's parents, Jeremy Flax and Rachel Sparkman, "were people of very strong convictions," explained Fryhofer.

"Even though they had an opportunity to settle the case, they wanted to get the word out about this defect and realized the only way to do that was through a jury verdict," Fryhofer said. "They wanted to be sure no more parents had to watch their own kids killed or brain-damaged by these defects." Fryhofer said he could not disclose the settlement offers Daimler-Chrysler made.

At the end of the trial's first phase, the jury awarded \$5 million in compensatory damages for the baby's wrongful death and \$2.5 million to the child's mother for negligent infliction of emotion distress caused by witnessing the infant's fatal injury and death.

During the punitive damages portion of the trial, the jury deliberated just two hours before awarding \$98 million to the infant's parents. Butler said he had asked for \$100 million in punitives.

### **CARMAKER ACCUSED OF COVER-UP**

Throughout the trial, the plaintiffs' attorneys accused DaimlerChrysler of a cover-up of "hundreds of other similar incidents" of seat back collapses resulting in passenger injury or death while it continued to market its Chrysler Town and Country minivan, Plymouth Voyager, and Dodge Caravan as safe, family friendly vehicles. The automaker has sold more than seven million minivans.

The backward collapse of front seat backs in the minivans during rear-end collisions would propel the drivers and front-seat passengers backward in a rear-end collision, often causing their heads to collide with children riding in the middle seats, Butler said. That is what happened to 8-month-old Joshua Flax when a driver slammed into the back of the baby's grandparents' minivan at 70 mph in 2001 in Nashville, he said.

Five other passengers walked away from the accident with only minor injuries. But the front-seat passenger's seat back collapsed, throwing a family friend backward. He was not injured, but his head collided with the baby's skull, fracturing it, said Fryhofer. Joshua Flax died the following day. The baby was injured "only because the seat back collapsed on him," Fryhofer said. "This has been a defect that has been brain-damaging and killing children in the family minivans for years."

"The horrible thing about these cases," said Butler, "is that in almost every case, it's a parent whose head kills or maims his or her own child."

### **RECORDS SEALED**

Testimony during the Tennessee trial revealed that the automaker has sealed court records of an undisclosed number of suits involving failed minivan seat backs. A former Chrysler employee who testified at trial said he is aware of eight other cases, in addition to Butler's, that DaimlerChrysler has settled confidentially.

Butler said the automaker was compelled in the *Flax* case to inform Tennessee Circuit Judge Hamilton Gaden of the total number of seat back failure cases the company has settled and the sums paid to plaintiffs in each case. But Fryhofer said, over his and Butler's objections, the judge allowed DaimlerChrysler to file that information under seal. The attorneys also said they were barred by the court from informing the jury or releasing that information to the public.

"I guess they don't want the public to know," Butler said.



But Chrysler spokesman Aberlich argued that the manner in which the Flax baby's skull was fractured was "a freak occurrence."

"This was a high-speed accident," he said. "Many things can happen in a high-speed accident. My understanding is that five people walked away. The irony, the real sad irony, is that one did not."

Butler argued during the trial that DaimlerChrysler "has known for over 20 years" that its minivan seats were "deadly dangerous" because of their tendency to collapse backward during a collision.

Testimony from experts at the trial, among them former Chrysler manager Paul V. Sheridan, showed that minivan seats collapsed in every rear impact test the automaker conducted.

"Notwithstanding the knowledge that the seat was collapsing in all of its internal rear crash tests, Chrysler was encouraging parents to put children behind the seats they knew would collapse," Fryhofer said.

In 1992, Sheridan was appointed to chair Chrysler's "Minivan Safety Leadership Team" to investigate minivan safety concerns. The leadership team concluded that the collapsing seatbacks needed to be redesigned, but Chrysler disbanded the team and destroyed the minutes of its meetings, according to Sheridan's testimony.

### **MANAGER LATER FIRED**

Sheridan said he was fired a month later. By then, he said, he had informed his superiors that he intended to go to federal regulators with his safety concerns. Sheridan said Chrysler then sued him to prevent him from speaking about the company. Chrysler later withdrew the suit.

Sheridan said the committee also reviewed other safety complaints against minivans, which prompted an agreement involving Chrysler, the National Highway Traffic Safety Administration and the Justice Department. As part of that deal, Sheridan testified, NHTSA agreed that it would reject requests for information about minivan safety defects made under the federal Freedom of Information Act and Justice Department attorneys would defend NHTSA's refusal to release the requested material.

NHTSA's current general counsel, Jacqueline Glassman, formerly worked in the general counsel's office at Chrysler, Sheridan testified. According to Butler, NHTSA's former rulemaking chief, Barry Felrice, is now working at DaimlerChrysler.

Company spokesman Aberlich said he could not verify information about the employment of Glassman or Felrice.

But the Chrysler spokesman argued that the company's minivan seat standards "far exceed" NHTSA standards. The seats, he said, are designed to absorb the impact of a crash. In minivan seats, the impact of a crash is reduced by the seat back collapse, he argued. While the plaintiffs' lawyers argued that a stronger seat was safer, Aberlich continued, "There is not a universal agreement as to which is better" among auto industry engineers."

## **ATTACHMENT 4**

Ms. Kellyanne E. Conway  
Counselor to the President  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500  
202-456-1111

20 January 2017

**Subject:           The Draining of the Swamp: DOT, NHTSA and the DOJ**  
**Reference:        Federal Motor Vehicle Safety Standard 207 (FMVSS-207)**

Two Pages



U.S. Department of Transportation  
**National Highway Traffic Safety  
Administration**



1200 New Jersey Avenue SE.  
Washington, DC 20590

July 26, 2016

Paul V. Sheridan  
DDM Consulting  
22357 Columbia Street  
Dearborn, MI 48124

Dear Mr. Sheridan:

I write in reference to your letter dated July 7, 2016, directed to Administrator Rosekind. You indicate that you are an expert in private litigation related to FMVSS 207 and that you have recommended that Administrator Rosekind be subpoenaed to testify regarding that standard.

Please be aware that it would be inappropriate for Administrator Rosekind to participate in private litigation concerning the Agency's work. The Department of Transportation has regulations governing the testimony of its employees in legal proceedings between private litigants. These regulations are found at 49 C.F.R. Part 9 ("Part 9"). Part 9 regulations apply to "requests or demands for testimony or records concerning information acquired in the course of an employee performing official duties or because of the employee's official status." 49 C.F.R. § 9.2. These regulations apply to both "current or former officer[s] or employee[s] of the Department." 49 C.F.R. § 9.3 (defining "employee" for purposes of Part 9 regulations).

There is a general prohibition against employee testimony disclosing any information acquired as part of the performance of that employee's official duties or because of that employee's official status. 49 C.F.R. § 9.5. Additionally, an employee is prohibited from testifying either as "an expert or opinion witness with regard to any matter arising out of the employee's official duties or the functions of the Department." 49 C.F.R. § 9.9(c).

Sincerely,

Paul Hemmersbaugh  
Chief Counsel



U.S. Department of Transportation  
**National Highway Traffic Safety  
Administration**



1200 New Jersey Avenue SE.  
Washington, DC 20590

September 21, 2016

Paul V. Sheridan  
DDM Consulting  
22357 Columbia Street  
Dearborn, MI 48124

Dear Mr. Sheridan:

I write in reference to your letter dated August 10, 2016, directed to Secretary Foxx and Administrator Rosekind. In that letter, you reiterate that you are an expert in private litigation related to FMVSS 207. Unlike your July 7, 2016 request, to which I have previously responded, you now formally request “a complete representative copy of the Dr. Rosekind emails, letters, or textings (whichever format was utilized) that was forwarded to the various news media and others” concerning FMVSS 207. Letter, p. 4. You now also request “a complete listing of all recipients.” *Id.*

The National Highway Traffic Safety Administration (NHTSA) is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, a Federal law that gives you the right to access NHTSA records that you are entitled to receive under the law. Because 49 C.F.R. Part 7 (“Part 7”) regulations apply to the type of information you now seek, you must submit a FOIA request in accordance with DOT’s regulations, which can be found at 49 C.F.R. § 7.24. You can find additional information on submitting a FOIA request to NHTSA on our website at <http://www.nhtsa.gov/FOIA>.

Thank you for your interest in safety.

Sincerely,

Paul Hemmersbaugh  
Chief Counsel

## **ATTACHMENT 5**

Ms. Kellyanne E. Conway  
Counselor to the President  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500  
202-456-1111

20 January 2017

**Subject: The Draining of the Swamp: DOT, NHTSA and the DOJ**  
**Reference: Federal Motor Vehicle Safety Standard 207 (FMVSS-207)**

Three Pages

**ORRIN G. HATCH**

UTAH

PATRICIA KNIGHT  
CHIEF OF STAFF

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# United States Senate

WASHINGTON, DC 20510-4402

May 4, 2000

**COMMITTEES:**

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CHAIRMAN, SUBCOMMITTEE ON  
TAXATION AND IRS OVERSIGHT

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INDIAN AFFAIRS

Mr. Paul Sheridan  
22357 Columbia  
Dearborn, Michigan 48124

Dear Mr. Sheridan:

Thank you very much for taking the time to let me know about your personal experiences in dealing with public authorities.

Although I am extremely sympathetic to your difficulties, please appreciate that I am not in a position to offer you the kind of assistance of which you are in need. My office is primarily directed to legislative activities and simply does not have the resources necessary to assist with the kind of legal problems which you describe. I would respectfully suggest that you contact a lawyer or your local legal aid society. I am confident that they will be able to offer you superior assistance in this regard.

Again, I appreciate you sharing your experience with me. This knowledge is helpful in examining the consequences of current law and in demonstrating the necessity of possible changes. Since you went to some trouble and expense to send these materials to me, I am returning them to you. I wish you well and invite you to contact me whenever you are concerned about a matter pending before Congress.

Sincerely,



Orrin G. Hatch  
United States Senator

OGH:mtt  
Enclosure



MINIVAN LATCH ISSUE

Proposed Agreement with NHTSA

1. Crash Test Video and the Public Record:

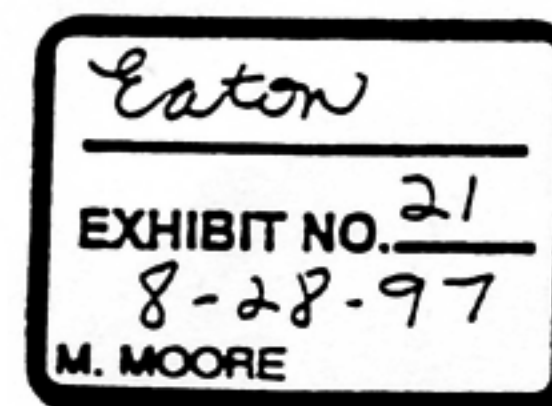
- NHTSA has agreed that they will deny all FOIA requests to place their investigative files, including the crash test video, on the public record and that the Department of Justice will defend any lawsuits seeking to compel production under FOIA.

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 6**

Ms. Kellyanne E. Conway  
Counselor to the President  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500  
202-456-1111

20 January 2017

**Subject: The Draining of the Swamp: DOT, NHTSA and the DOJ**  
**Reference: Federal Motor Vehicle Safety Standard 207 (FMVSS-207)**

One Page



U.S. Department  
of Transportation

**National Highway  
Traffic Safety  
Administration**

April 26, 2012

-  
The phrase "defect trend" is **Swamp Talk** for the following: We, DOT/NHTSA, recognize that a safety defect exists, but unless and until the 'pile of bodies' is high enough we will not take action . . . we, DOT/NHTSA define the term defect to mean, one that has actually caused injury or death. Until then, despite knowing of its existence, if we are lucky and no injury or death has occurred, we just wait-n-see. We roll the dice . . . we see if it **trends** . . . at DOT/NHTSA, **luck** is part of our work.

1200 New Jersey Avenue, SE  
Washington, DC 20590

Mr. Paul V. Sheridan  
DDM Consultants  
22357 Columbia Street  
Dearborn, MI 48124

NVS-216 rrr  
Ref. No. 10335943

Dear Mr. Sheridan:

Thank you for your correspondence concerning the National Highway Traffic Safety Administration's (NHTSA) investigation, preliminary analysis (PE10-031). I am responding to your April 11 letter on behalf of Administrator Strickland.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or motor vehicle equipment when our investigations indicate that they contain safety defects in their design, construction, or performance. We also monitor the adequacy of manufacturers' recall campaigns. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect trend may exist. We do not have authority to act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

We appreciate the report you provided. Our investigation of fuel tanks in model year (MY) 1993 through MY 2004 Jeep Grand Cherokee vehicles presenting a fire hazard in crashes is continuing and no determinations have been reached at this time. We cannot comment on a dealership's responsibility with regards to punitive damages, this does not fall under our jurisdiction. The information you provided has been entered into our database. It will be considered with future reports to identify any safety defect trends that may require our attention.

Sincerely,

Randy Reid, Chief  
Correspondence Research Division  
Office of Defects Investigation  
Enforcement

# **ATTACHMENT 7**

Ms. Kellyanne E. Conway  
Counselor to the President  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500  
202-456-1111

20 January 2017

**Subject: The Draining of the Swamp: DOT, NHTSA and the DOJ**  
**Reference: Federal Motor Vehicle Safety Standard 207 (FMVSS-207)**

Five Pages

# Chrysler shot down suggestion for better seats, ex-worker says

By **CHRISTOPHER JENSEN**

PLAIN DEALER AUTO EDITOR

As the newly appointed leader of Chrysler's Minivan Safety Leadership Team, Paul V. Sheridan thought he had a good idea: Chrysler should make its seats much, much stronger.

So Sheridan met with his team in March 1993. They decided that if Chrysler wanted to take the lead in safety when it introduced its redesigned 1996 minivan, it should match automakers like Mercedes-Benz.

The idea was that the seats used on the next minivans should significantly exceed Federal Vehicle Motor Safety Standard 207, which specified minimum requirements for seat-back strength.

The team felt that 207 was "virtually irrelevant" when it came to protecting consumers in real-world crashes, he said.

Minutes of the meeting were sent to Chrysler executives, who quickly ordered that every copy be retrieved, Sheridan said.

Sheridan figured that meant not to pursue the seat-back issue.

**"By demanding we round up meeting minutes and destroy them, that is a very strong message."**

**PAUL V. SHERIDAN, former leader of Chrysler's Minivan Safety Leadership Team**

"But by demanding we round up meeting minutes and destroy them, that is a very strong message," he said. "It had to be the rudest awakening of my career at Chrysler."

Sheridan contends that the team's suggestion posed a legal problem for the automaker because the core of Chrysler's defense in some cases was claiming that its seat backs were safe because they met or exceeded Standard 207.

"I got my brains kicked in for saying that regulatory compliance is not the name of the game," Sheridan said.

He said Chrysler also was arguing that there was a safety advantage in having a seat back give way because that would help absorb energy and protect the occupant. To satisfy the safety team's curiosity, Sheridan said, he once went to the engineers responsible for seating and asked to see those specifications.

"The engineers just laughed at me. Chrysler has no such spec. There was no testing for any such specification," said Sheridan, who now lives in Dearborn and often testifies against DaimlerChrysler.

DaimlerChrysler officials declined to respond to Sheridan's charges in detail, instead providing a written statement noting that he was fired from Chrysler and that the team he headed was doing work related to marketing and advertising, not engineering.

But Sheridan provided a series of letters from Chrysler officials in which his job performance was praised — until he began raising safety issues.

E-mail: [cjensen@plained.com](mailto:cjensen@plained.com)  
Phone: (216) 999-4830



KATHLEEN WAYT / ASSOCIAT

As a Chrysler employee, Paul V. Sheridan argued that DaimlerChrysler should start using much stronger seats in its new minivans.



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U.S. Department  
of Transportation

**National Highway  
Traffic Safety  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

DEC 10 1996

Mr. Paul V. Sheridan  
22357 Columbia  
Dearborn, MI 48124-3431

Dear Mr. Sheridan:

In response to your letter of December 9, 1996, I have enclosed a copy of the trip report that NHTSA investigator Julie Abraham and I prepared after we interviewed you on April 11, 1995 in Detroit. We prepared no other documents reflecting the contents of that interview.

Please note that the enclosed copy is taken from the public file that NHTSA maintains on the Chrysler Minivan Liftgate Investigation, EA94-005. Some information has been deleted from this version of the report pursuant to a request for confidentiality that Chrysler Corporation filed under NHTSA's regulations at 49 CFR Part 512 governing the protection of confidential business information obtained by the agency. The deleted portions appear as blank spaces in the copy being furnishing.

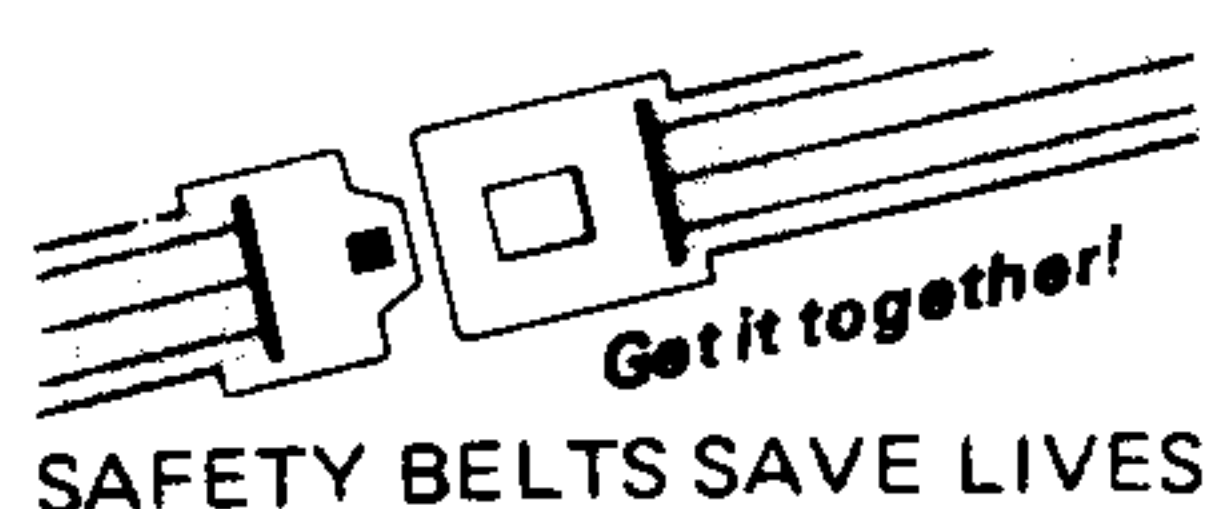
If you have any questions concerning this matter, feel free to contact me at 202-366-5238.

Sincerely,

Coleman R. Sachs  
Staff Attorney

Enclosure **Note: There was no "confidential business information" in any of my face-to-face report to NHTSA (April 11, 1995).**

**However, at the time of this interview, Attachment 2 above was secretly known to the two NHTSA interviewers, and to DOT/NHTSA and DOJ, but **not** the general public.**



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(800) 424-9393  
Wash. D.C. Area (202) 366-0123

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

**NS-BODY  
SAFETY LEADERSHIP TEAM (SLT)**



<u>Members</u>	<u>CIMS</u>	<u>Telephone</u>	<u>Telefax</u>
Gregory A. Blindu	415-03-05	876-5983	876-4752
James L. Boeberitz	414-05-29	876-3942	822-7431
▶ Mark W. Clemons	414-04-35	876-3763	822-8984
Mark W. Crossman	482-02-13	776-4757	776-2250
▶ Michael T. Delahanty	483-10-08	776-6742	776-2822
▶ William H. Hines	414-04-40	876-5523	822-6957
Neal E. Hoxsie	482-12-02	876-4898	776-2261
▶ Harlan E. Kifer	483-46-10	776-1258	776-2048
▶ Frank O. Klegon	482-12-01	776-2843	776-4516
▶ Kenneth S. Mack	463-00-00	880-5222	880-5234
Richard Medel	233-02-22	833-2800	833-2792
▶ Fred W. Schmidt	482-10-02	776-4827	776-2261
▶ Paul V. Sheridan	482-08-02	776-4824	776-2261
▶ Ronald S. Zarowitz	415-03-21	876-1126	822-5069

CC

D. Bostwick	414-02-10	T. Moore	463-00-00
T. Creed	483-56-02	J. Rickert	482-02-08
D. Dawkins	415-03-17	F. Sanders	482-12-02
R. Franson	415-05-30	R. Sarotte	450-03-16
J. Herlitz	483-56-02	C. Theodore	482-08-02
K. Horbatink	414-05-29	S. Torok	414-04-41
M. Levine	414-04-40	R. Winter	482-08-02
D. Malecki	482-08-02		

**AGENDA  
MARCH 16, 1993, 8:15 - 9:00 a.m.  
CTC PROCESS COURT - CONFERENCE ROOM 2A**

- "60 Minutes" Seatback Strength Video ..... P. Sheridan
- NS-Body Safety Features List ..... P. Sheridan

▶ Attended March 9 meeting.



# ATTACHMENT 8

Ms. Kellyanne E. Conway  
Counselor to the President  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500  
202-456-1111

20 January 2017

**Subject:** The Draining of the Swamp: DOT, NHTSA and the DOJ  
**Reference:** Federal Motor Vehicle Safety Standard 207 (FMVSS-207)

Three Pages



U. S. Department of Justice

Civil Division

Office of the Assistant Attorney General

Washington, D.C. 20530

November 22, 2000

Mr. Paul V. Sheridan  
22357 Columbia Street  
Dearborn, Michigan 48124-3431

Dear Mr. Sheridan:

Thank you for your letter to the Attorney General, in which you request information about the role of the Department of Justice in an action brought under the Freedom of Information Act (FOIA), and pose a series of questions seeking the Attorney General's opinion on various far-ranging legal and political issues. Your letter was forwarded to me for response. I apologize for the delay in responding to your letter.

Based on the information provided in your letter, it appears that you are a defendant in a pending lawsuit and, we presume, represented by counsel. As a consequence, we are concerned that the canons of ethics prohibit us from communicating directly with you on the matters raised in your letter, all of which may relate to the subject matter in which you are represented by counsel.

Additionally, I can advise you that except in unusual circumstances, none of which appears to be present in your lawsuit, the Attorney General cannot provide legal opinions on matters in private litigation. Consequently, it would not be appropriate for the Attorney General to respond to the questions you have asked.

Thank you for your inquiry.

Sincerely,

David W. Ogden  
Assistant Attorney General

cc: Hon. Bob Barr  
Hon. James A. Traficant, Jr.



MINIVAN LATCH ISSUE

Proposed Agreement with NHTSA

1. Crash Test Video and the Public Record:

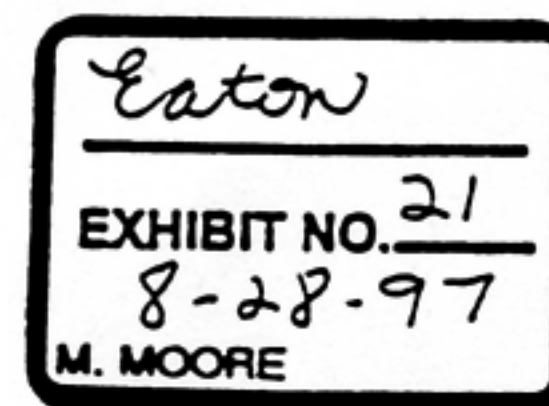
- NHTSA has agreed that they will deny all FOIA requests to place their investigative files, including the crash test video, on the public record and that the Department of Justice will defend any lawsuits seeking to compel production under FOIA.

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 9

Ms. Kellyanne E. Conway  
Counselor to the President  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500  
202-456-1111

20 January 2017

**Subject: The Draining of the Swamp: DOT, NHTSA and the DOJ**  
**Reference: Federal Motor Vehicle Safety Standard 207 (FMVSS-207)**

Two Pages

At the time of a minor fender-bender in Ohio, Ms. Geneva Massey was in an FMVSS-207 compliant front passenger seat in a Chrysler minivan:



Now she is in an ANSI/RESNA WC-4 Section 19 compliant [wheelchair](#) . . . please see overleaf.

LOWE | EKLUND  
WAKEFIELD CO., LPA  
TRIAL LAWYERS

July 16, 2014

Paul V. Sheridan  
22357 Columbia Street  
Dearborn, MI 48124

Via email to  
[pvs6@Cornell.edu](mailto:pvs6@Cornell.edu)  
and ordinary U.S. Mail

JAMES A. LOWE\*  
MARK L. WAKEFIELD  
GREGORY S. SCOTT  
RYAN H. FISHER  
MEGHAN P. CONNOLLY  
MICHAEL H. JAGUNIC  
OF COUNSEL:  
CLAUDIA R. EKLUND

RE: Geneva Massie, et al., v. Chrysler Group, LLC, et al.

Dear Paul:

I just wanted to take a minute to express my appreciation to you for helping us in the above-captioned matter. There is no question in my mind that our disclosing you as an expert witness had an impact. Chrysler knows full well what you bring to the table regarding its resistance to providing occupant safety in foreseeable collisions, even in the face of your making your concerns in that regard well known to management.

I hope to have the opportunity to work with you again on a future case. In the meantime, while we did not get very far into the case because it was in everyone's best interest to reach an early resolution, I sincerely appreciate your assistance and cooperation. Best regards.

Yours very truly,



James A. Lowe  
[jlowe@lewm.com](mailto:jlowe@lewm.com)

JAL:pd

# ATTACHMENT 10

Ms. Kellyanne E. Conway  
Counselor to the President  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500  
202-456-1111

20 January 2017

**Subject:           The Draining of the Swamp: DOT, NHTSA and the DOJ**  
**Reference:        Federal Motor Vehicle Safety Standard 207 (FMVSS-207)**

One Page

Letter from Arizona Sheriff Joe Arpaio.

Original letter from Paul V. Sheridan to Sheriff Arpaio of August 31, 2016 is here:

<http://pvsheridan.com/Sheridan2Arpaio-1-31August2016.pdf>





Maricopa County Sheriff's Office

*Joe Arpaio*  
*Sheriff*

550 West Jackson Street  
Phoenix, AZ 85003

Ph: 602-876-1801  
Fax: 602-876-0058  
Switchboard: 602-876-1000  
[www.mcso.org](http://www.mcso.org)

September 15, 2016

Mr. Paul V. Sheridan  
DDM Consulting  
22357 Columbia Street  
Dearborn, Michigan 48124-3431

Dear Paul,

Thank you for your recent letter; I appreciate your insight on the DOJ – I will share this information with my staff, as well.

Also, I appreciate your support of how my staff and I operate the Maricopa County Sheriff's Office.

Your encouragement is truly appreciated!

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Arpaio', written in a cursive style.

Joseph M. Arpaio  
Sheriff

# ATTACHMENT 11

Ms. Kellyanne E. Conway  
Counselor to the President  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500  
202-456-1111

20 January 2017

**Subject:** The Draining of the Swamp: DOT, NHTSA and the DOJ  
**Reference:** Federal Motor Vehicle Safety Standard 207 (FMVSS-207)

Four Pages

Cornell University Ethics Letters.



**Cornell University  
Johnson Graduate School  
of Management**

**Curtis W. Tarr, Dean**  
Malott Hall Ithaca NY 14853-4201 (607) 255-6418

July 28, 1989

Dear Paul,

On my last day as dean, I am thinking about those who have helped to make this such a splendid experience for me and a promising one for this fine School. You certainly are one of those people. I owe you my gratitude.

I look forward to my new life, and I have too many things set aside to accomplish too soon. I will be here in my new office on the fifth floor most of the time. Please call me if ever I can help you; my number will be 607-255-1122.

You have my thanks and warm wishes.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. W. Tarr', written in a cursive style.

Curtis W. Tarr

CWT:lw

Mr. Paul V. Sheridan '80  
22357 Columbia  
Dearborn, MI 48124-3431

Cornell University  
Malott Hall  
Ithaca NY 14853-4201

607.255.6418



# Johnson Graduate School of Management

Curtis W. Tarr  
Dean

December 22, 1987

Dear Paul,

Thank you very much for your good letter about business ethics. You can be sure I will be reading all the details in this again with great care as I prepare for the course. You certainly are kind to share it with me.

I am grateful for your continuing loyalty to the School. I hope the new year treats you very well indeed.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis W. Tarr".

Curtis W. Tarr

CWT:tal

Mr. Paul V. Sheridan  
Program Manager  
Jeep and Truck Engineering  
Chrysler Motors Corporation  
14250 Plymouth Road  
CIMS 514-00-00  
Detroit, MI 48232

22357 Columbia  
Dearborn, MI 48124  
(O) 313/493-2404  
(H) 313/277-5095

December 15, 1987

Curtis W. Tarr, Dean  
Johnson Graduate School of Management  
Cornell University  
Malott Hall  
Ithaca, NY 14853-4201

SUBJECT: Your input request for the spring semester course on Business Ethics

Dear Curtis:

It has been said that in the "modern" business world the employee with a motivational mix that is 75% political and 25% substance will always outclimb the reverse: the employee who is 25% political and 75% substance. When I first heard that remark I thought it was incredulous. However, many of my experiences have given it more credence.

As you know, I began contributing to the greying of my parents' hair at a very early age via my infatuation with the automobile. From greasy fingerprints to ruined clothes to noisy driveways ... Twenty-five years later my situation has advanced itself and may be characterized by saying, "The only difference between men and boys is the price of their toys." The point being that "Motor City" and its workings represent a long-standing object of my attention both vocationally and, in recent years, professionally. I know something about Detroit ... especially its problems. It is in this context that I am able to offer the enclosed as a response to the subject.

In the mid to late seventies, when the proverbial apple cart was upset in Motor City, there were many superficialities cited as being the cause. The Arab oil embargos and rapid rise in fuel prices did, in fact, devastate Detroit's "rich", fuel inefficient product mix. The incredible public sector incompetence with respect to the administration of regulations that affected vehicle fuel economy, emissions and safety continues to be a focus of attention. The foreign competition, especially from Japan, was also cited as being the reason for woe in Detroit. Many, in this finger-pointing frenzy, even cited the UAW as the prime culprit for Detroit's ongoing economic demise. In fact, these "causes" are convenient scapegoats. They're obvious in nature and easily presented by the media. They represent items that "you can get your arms around" and then feel comfortable in the conviction that you have arrived at satisfactory conclusions. In reality, the impact of these overt events merely serve to verify that the cause is more fundamental.

Mismanagement is not new but it has changed in form, if not concealment. On the other hand, to claim that mismanagement is the fundamental cause of Detroit's commercial demise without providing a practical insight into the source and character of the mismanagement would be only slightly more valuable than erroneously qualifying the aforementioned effects as causes.

Published in the September 1983 edition of the Harvard Business Review, "Moral Mazes: Bureaucracy and Managerial Work" approximates the source and character of the mismanagement that runs all too rampant in Detroit, if not the nation. By using the Protestant Ethic as a historical point of departure, Jackall then provides a very accurate "interpretive sociological analysis of the moral dimensions of managers' work" in the context of the "new" business ethic: the Bureaucratic Ethic.

He poses the central question early:

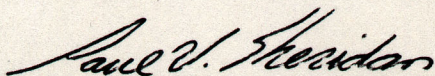
"What if ... men and women in the big corporation no longer see success as necessarily connected to hard work? What becomes of the social morality of the corporation - I mean the everyday rules in use that people play by - when there is thought to be no standard of excellence to explain how and why winners are separated from also-rans, how and why some people succeed and others fail?"

Subtitles include, "Who Gets Credit?", "Fealty to the King," "Capriciousness of Success," "Blame Time," "Playing the Game," etc.

The current irony for me is our (Chrysler) investigations into the inner workings of competitive automotive organizations, specifically the Japanese firms. When I read these reports, I come to the perplexing conclusion that the ethical behavior of, say, Honda is more "American" than the American firms! It is as though the Japanese firms have become the "Americans" of the international business world and the Americans have become ... something else.

I commend your efforts to introduce the ethical issues of the professional business world to the future MBA's of JGSM. Although not as glamorous as high-powered finance or computer-aided operations management, and therefore not as immediate in terms of gratification, business ethics represent the axiomatic basis of all other business disciplines. The subtlety here is that the ethical status of a firm (or a nation) is never fully tested during easy times (such as the post WW II era in Detroit). Only when adversity arises can one fully ascertain the character and competence of management ... without a strong ethical foundation there can be neither. There can only be or become what the ancient Hopi called "Koyaanisqatsi" or "crazy life." 'People scurrying to find the rules of the game, when in fact, "there's nothing new under the sun." As Merlin once said, "... it is the doom of men that they should forget."

Sincerely and respectfully,



Paul V. Sheridan

Enclosures

## **ATTACHMENT 12**

Ms. Kellyanne E. Conway  
Counselor to the President  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500  
202-456-1111

20 January 2017

**Subject:           The Draining of the Swamp: DOT, NHTSA and the DOJ**  
**Reference:        Federal Motor Vehicle Safety Standard 207 (FMVSS-207)**

Six Pages

Civil Justice Foundation, National Champions Award gala.



## Cornell Law School

Stewart J. Schwab  
The Allan R. Tessler Dean  
and Professor of Law

June 22, 2005

Dear Paul,

I was delighted to see that you are to be honored as a Community Champion by the Civil Justice Foundation in Toronto next month. Congratulations!

We are always pleased when an alumnus of Cornell University gets the recognition they richly deserve.

I hope you enjoy the occasion, & I wish you success in your future endeavors.

Sincerely,  
Stef Schwab



OFFICE OF THE DEAN  
SAMUEL CURTIS JOHNSON GRADUATE SCHOOL OF MANAGEMENT  
CORNELL UNIVERSITY  
207 SAGE HALL  
ITHACA, NEW YORK 14853-6201

Dear Paul,

Thanks for stopping by during  
your recent visit to Ithaca and  
Cornell. Congratulations on being  
honored as a 2005 Community Champion  
by the Civil Justice Foundation. This  
is a wonderful personal and professional  
achievement.

Bob Swinga

**Summary of Performance Appraisal Comments  
Filed by Chrysler Executives  
Covering a Two Year Evaluation Period**

**Subject: Paul V. Sheridan  
Reference: Minivan Safety Leadership Team**

*"Paul (Sheridan) does a thorough, detailed, organized, and tireless job. He became an active promoter of advancing safety in the (minivan) program only slowing when the reality of the interest from management became apparent to him..."*

Ronald S. Zarowitz  
Manager, Safety Office, (810) 576 - 7305  
October 10, 1994

*"(Paul Sheridan) has directed various team efforts well, with a strong goal orientation, especially the (minivan) Safety Leadership Team..."*

Mark W. Clemons  
Manager, Chrysler-Plymouth Marketing, (313) 956 - 3763  
October 14, 1994

*"Overall I think Paul (Sheridan) has done an excellent job...He has been eager to get involved...Always very open and candid...good planning skills...Good team leader..."*

Bernard E. Swanson  
Executive Engineer-Minivan Platform  
October 16, 1994, (810) 576 - 2908

*"Paul (Sheridan) did a good job as Chairman of the Minivan Safety Leadership Team...He brings a valuable engineering perspective to his product planning role...He is willing to speak up when he disagrees, which is good..."*

Scott A. Sullivan  
Manager, Market Research  
October 12, 1994

*"I find (Paul Sheridan) to be very innovative and certainly not afraid to push the envelope. His professional yet open demeanor easily wins the respect of his colleagues. He is extremely knowledgeable, and may well be one of the best all around technical persons on staff...Paul is a valuable asset to the (minivan) platform and I rely on him to accomplish our mutual goals"*

Paul T. Doolan  
Engineering Programs Manager-Minivan  
October 10, 1994, (810) 576 - 4837



  
Sheraton Centre





# **END OF DOCUMENT**

Ms. Kellyanne E. Conway  
Counselor to the President  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500  
202-456-1111

20 January 2017

**Subject: The Draining of the Swamp: DOT, NHTSA and the DOJ**  
**Reference: Federal Motor Vehicle Safety Standard 207 (FMVSS-207)**