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23 June 2016

VIA FEDEX AIRBILL 8007-9341-6156 AND EMAIL

Mr. Douglas E. Dilley, Esq.  
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210 - 225 - 0111

**Subject: Preliminary Expert Report - Gonzalez v Chrysler Group LLC, et al.**

Dear Mr. Dilley:

This cover letter and supporting attachments, which comprise the subject, are contained on the enclosed DVD.

**Preamble**

My expertise was requested by your office to conduct on-site inspections of various vehicles and scenes. This participation took place during January 20-22, 2015, and involved the tragic death of Mr. Balde Solis Gonzalez (July 30, 2014). This report and my testimony will focus on the failure of the seat back in the 2014 Dodge Ram Crew Cab truck, wherein Mr. Gonzalez was a right front seat passenger. This seat back failure is depicted in many of my inspection scene photographs, such as that shown next:



I had anticipated this seat back failure 'cause of death' *prior* to my arrival in Texas by virtue of photograph number DSC01021, taken at the July 30, 2014 accident scene by the Donna Police Department (DPD); later forwarded to me by your office (received on October 3, 2014).

**Preamble** - con't

My anticipation was further prompted by the fact that, although seat back failure events are not routinely documented as part of Police Accident Report (PAR) forms, the competent officers of the DPD had noticed and photographed the failed seat backs of *another* Chrysler vehicle involved in the accident, but wherein its occupants were extremely fortunate, having endured only minor injuries.

The following photograph is PAR photo DSC01026 of Unit #2; a 1999 Chrysler Jeep Grand Cherokee:



Therefore, and in-acordance with a long-standing public and legal position I have taken on these matters, what follows will demonstrate and prove that the death of your client was not merely a civil matter.

Although I will work with diligence and integrity to assure that civil justice is fulfilled in behalf of Mr. Balde Solis Gonzalez and his bereaved family, much of what follows will also document and prove that his death was the result of historical and ongoing criminal activity on the part of Chrysler and potentially its seat suppliers.

Increasingly I am no longer alone in this 'criminal activity' perspective. This is borne by a quote from former NHTSA Administrator, Ms. Joan Claybrook. During the May 16, 2016 CBS News report, '*Safety Advocates Say Fatal Car Seat Failures Are Public Health Crisis*,' Claybrook emphasized that death and injury due to seat back failure are directly connectable to the collusion between NHTSA and automotive company defendants:

**“I think that it’s really criminal, actually.”<sup>1</sup>**

In the context of my anticipated testimony in Gonzalez, the next sections present the facts and documents that assert criminality, but will remain focused on how such led to the homicide of 49-year old Mr. Balde Solis Gonzalez.

**Introduction : FCA US LLC Failure to Report Safety Defect Allegations under EWR in Gonzalez**

On August 9, 2013, National Highway Traffic Safety Administrator (NHTSA) Mr. David Strickland signed, for entry into the Federal Registry, a ruling that was widely distributed to the automotive industry:

**“Early Warning Reporting, Foreign Defect Reporting, and Motor Vehicle and Equipment Recall Regulations”**

The generic title of this amendment is EWR, an abbreviation for its true *priority*: the legal requirement that auto makers submit quarterly reports of defect allegations, even those which are not substantiated by a traffic accident involving injury and/or death.

As defendant Chrysler Group LLC (now FCA US LLC) is fully aware, at the time of this 2013 signing Mr. Strickland was immersed in Defect Investigation EA12-005; a fuel system crashworthiness defect issue involving the 1999 Jeep pictured above. Therefore FCA US LLC was sensitive to all accident reports and lawsuits involving a fire death, wherein a safety defect was alleged. This is especially true for accidents wherein emergency egress from a Chrysler vehicle was subverted and, as a result, its occupants were consumed by fire. However, as the following table shows, this sensitivity did not translate into FCA ascension to its legal responsibilities under EWR:

| Event  | Date                              | EWR Submission by FCA      | Comments   |
|--|-----------------------------------|----------------------------|--|
| Final EWR Ruling :<br>Docket No. NHTSA – 2012-0068; Notice 2   | August 9, 2013                    | n/a                        | FCA in receipt of Ruling   |
| Foreseeable and Survivable Accident, injuries and death occurred involving <b>multiple</b> safety defects in <b>multiple</b> FCA vehicles in Donna, Texas  | July 30, 2014                     | n/a                        |  |
| Plaintiffs’ Original Petition alleging that a fuel system crashworthiness defect in 2014 FCA Dodge Ram truck caused death  | September 10, 2014                | None                       | FCA submission due not later than 4 <sup>th</sup> Quarter of 2014  |
| FCA defense lawyers and experts in possession of Donna Police Department report/photos   | Fourth Quarter 2014               | None                       | FCA should report seat failures in Dodge Ram <b>and</b> Jeep (see Page 2)  |
| Inspection of 2014 FCA Dodge Ram; included detailed logistical communications with FCA defense lawyers, and attendance by FCA experts  | January 20-22, 2015               | Still no submission        | FCA already in violation of EWR/TREAD circa 4 <sup>th</sup> Quarter of 2014  |
| Plaintiffs’ 2 <sup>nd</sup> Amended Original Petition ADDING seat back failure crashworthiness defect in 2014 FCA Dodge Ram truck as Gonzalez death cause  | July 16, 2015                     | Still no submission        | FCA violation of EWR/TREAD two-fold, add seat failure defect   |
| Plaintiffs’ 3 <sup>rd</sup> Amended Original Petition ADDING Johnson Controls (JCI), seat system supplier to the 2014 FCA Dodge Ram truck  | September 9, 2015                 | No submission from FCA/JCI | FCA and JCI in violation of EWR/TREAD  |
| EWR/TREAD submission to NHTSA regarding the September 10, 2014 Plaintiffs’ Original Petition, July 16, 2015 Plaintiffs’ 2 <sup>nd</sup> Amended Original Petition, and September 9, 2015 Plaintiffs’ 3 <sup>rd</sup> Amended Original Petition | Late 3 <sup>rd</sup> Quarter 2015 | EWR finally Submitted      | FCA in violation of EWR/TREAD two-fold, fuel system and seat crashworthiness defect reports, <b>a full year late</b> |

I have reviewed this data with Center for Auto Safety attorney Mr. Michael Brooks, and received preliminary concurrence regarding the ‘in violation’ status of Chrysler with respect to Gonzalez/EWR.

**Criminal Conspiracy of the NHTSA : Complicity with the Fraud of FMVSS- 207**

In June 2005 I received the Civil Justice Foundation ‘National Champion Award’ for my work in transportation safety; regarding the latter, I am the only recipient for such in history. A key determinant in that Foundation’s deliberations was my philosophical and pragmatic approach to automotive products safety:

**“Safety is not an engineering issue *per se*. First and foremost, safety is a management issue.”<sup>ii</sup>**

At the upcoming trial of Gonzalez v Chrysler Group LLC, I will testify to the technical details and management decisions that led to the death of Mr. Gonzalez. I will also testify at both the civil and criminal levels. I will prove that none of the criminal activity was the result of standard engineering practices *per se*.

My proofs are manifold, but there are two topics that are directly related to the death of Mr. Gonzalez. In stark contrast to my approach, what follows is representative of *the defendant FCA’s approach* to auto safety:

**Topic 1** The Chrysler management ‘*retrieve & destroy*’ directive leveled against meeting minutes that I had authored as Chairman of the Chrysler Safety Leadership Team (SLT) regarding the internal playing of the February 1992 *CBS News 60 Minutes* television report on the death and injury that are the directly attributable to seatback failure. The minutes covered the viewing and unanimous opinions of the SLT regarding the *60 Minutes* report.<sup>iii</sup>

The criminal ‘*retrieve & destroy*’ Chrysler management directive was also reviewed with, and included as an official report of NHTSA in April 1995.<sup>iv</sup>

**Topic 2** Chrysler executive management and their defense lawyers secretly conspired with NHTSA and the U.S. Department of Justice to censor from public scrutiny, taxpayer-funded crash tests which confirmed that mere compliance with FMVSS-207, the so-called “seat standard,” could not and did not protect motorists from catastrophic seat back failures, which were well-known industry-wide, from voluminous prior accident data, to be the direct cause of death and injury.<sup>v</sup>

Topics 1 and 2 have been the subject of numerous litigations that preceded the July 30, 2014 death of Mr. Gonzalez. However, the legal stature and integrity of my testimony in those matters, especially relating to these two topics, needs to be emphasized. The following quote resulted from the \$105,000,000.00 jury verdict in the seat back failure death case of Flax v DaimlerChrysler of November 2004.

Plaintiff attorney, now Judge Leigh Martin-May explains:

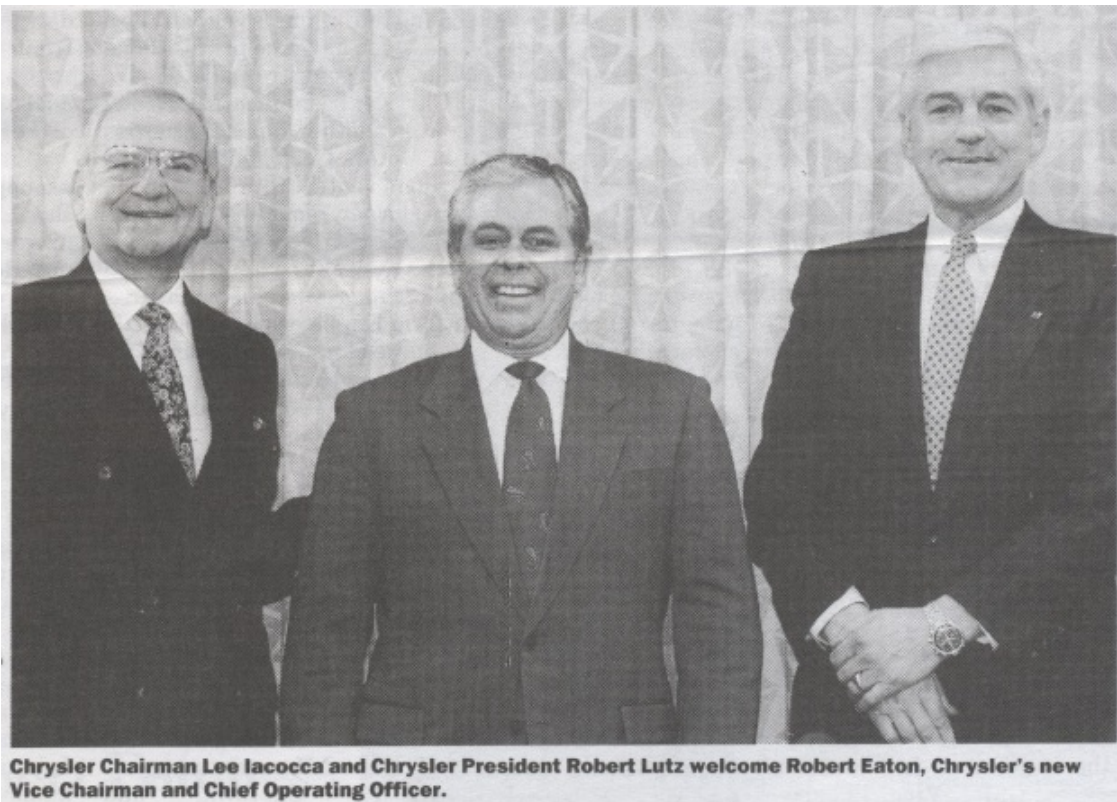
**“And I think the whole amazing thing about it is that-that testimony was un rebutted at trial. Chrysler did not bring a single witness to say anything different than what Paul Sheridan had said. And on cross examination, basically, they had nothing to discredit what Paul Sheridan had said about the merits of his testimony.”<sup>vi</sup>**

**ATTACHMENT 1** is my letter of March 30, 2016 to current NHTSA Administrator Dr. Mark R. Rosekind. It covers Topics 1 and 2 in great detail, and similar to this section it is entitled:

**Criminal Conspiracy of the NHTSA : Complicity with the Fraud of FMVSS- 207**

Regarding that conspiracy, the evidence stickers of **ATTACHMENT 2** display two of the Chrysler executives who affirmed in deposition its criminal portent. Those executives are pictured below.

Pictured on the cover of the March 17, 1992 edition of *The Chrysler Times* are former Vice Chairman Robert J. Eaton (center) and former President and COO Robert A. Lutz (right):



- A. This article appeared one month after the national airing of the February 1992 *CBS News 60 Minutes* report on the death and injury that are the directly attributable to automotive seatback failure.
- B. It appeared the same month that I acquired my personal VHS video tape copy the *60 Minutes* report.
- C. Three months after this article I played the *60 Minutes* report, for the first internal Chrysler viewing.
- D. One year after the Robert Eaton gala I played the *60 Minutes* report for the SLT, which was the second internal viewing (March 16, 1993), These meeting minutes of the SLT were distributed to high levels of Chrysler executive management, including Mr. Robert Lutz.
- E. In late 1994 I informed my Chrysler supervisor of my intention to report to government officials our internal knowledge of the implicit inadequacy of the FMVSS-207 seat standard, the inveracity of the claim that our compliance with that standard constituted safety, and that the tactic of asserting compliance, as a shield in seat back failure injury and death litigation, was a fraud.
- F. After Item E, while out-of-town during the Christmas holidays of 1994, under the direction of executive management, my office was raided and its contents were seized by the Chrysler Legal Department (prior to being officially dismissed). I was later sued and “muzzled” *ex parte* by a court in the same city location as Chrysler headquarters (on December 27, 1994).

Specifically, during NHTSA safety defect investigation EA94-005, which included extensive crash testing not directly related to seat back failure, what the Safety Leadership Team (SLT) had reported to Chrysler management in June 1992 and March 1993, and what I had indicted in Item E above, was secretly confirmed.

As ATTACHMENT 2 indicates, my expert opinion regarding seat back failure was subjected to a criminal conspiracy; a cover-up that was orchestrated by Chrysler executives and lawyers; involving the complicity of NHTSA and the cooperation of U.S. Department of Justice. My testimony will connect this cover-up to the death of Mr. Gonzalez.

A screenshot of the seat back failure video, censored from public view by deployment of a criminal conspiracy, orchestrated by Chrysler executive management, and complied with by NHTSA and the DOJ:



**None** of the above has any connection to the highly promoted defense bar ruse that issues regarding Chrysler customer safety reside solely with the practices of engineering *per se* (and the resulting technology that should have been made available to Mr. Gonzalez). All of these seat back failure cover-up decisions, which carried forward to his death, are the result Chrysler management decisions that were sanctioned by defense lawyers.

**None** of the above fortifies the ongoing defense bar ruse, one that will most assuredly be deployed in the instant litigation, that compliance with NHTSA standard FMVSS-207 is the maximum extent required under the doctrines of *due care*. The criminal activity documented in **ATTACHMENTS 1 AND 2** confirms the exact opposite; that mere compliance is a long-standing ruse of enormous equity to auto executives and their defense lawyers. As-such it is a ruse that will be protected at all costs, up to and including criminal conspiracy.

The events of late 1994 are characteristic. Additional evidence would be provided by the sworn testimony of the following executives, formerly employed by the primary defendant of the instant matter:

Mr. Robert J. Eaton, Chrysler Chairman and CEO

Mr. Robert A. Lutz, Chrysler President and COO

Mr. Francois J. Castaing, Chrysler Executive Vice President for Engineering

Mr. Richard A. Winter, Chrysler Director of Vehicle Product Planning

Mr. Dennis C. Malecki, Chrysler Director of Vehicle Product Planning

Mr. Lewis H. Goldfarb, Chrysler internal lead attorney for product liability/litigation

Mr. Christopher P. Theodore, Chrysler Executive Director for Engineering

Mr. Gregory A. Blindu, Chrysler International product planning manager

Mr. Mark W. Clemons, Chrysler marketing manager

Ms. Jacqueline Glassman, former DaimlerChrysler internal lead attorney for product litigation, and former NHTSA Administrator during the 2004 seat back failure death case of Flax v DaimlerChrysler. **VII**

### **The Defense Bar Ruse of the “Big Government” – The Strawman Called NHTSA**

The two topics discussed above were reviewed by me in great detail with former United States Attorney General Janet Reno. <sup>VIII</sup> But for further confirmation of the servility of NHTSA, we highlight **ATTACHMENT 3**.

**ATTACHMENT 3** is a letter drafted on March 26, 1995. It was written jointly by Chrysler executives and their defense lawyers during the time that the seat back failure video (screenshot above) was censored from public view. It is a letter for signature by then NHTSA Administrator Ricardo Martinez, to be sent to Chrysler Chairman Robert Eaton (pictured above.) NHTSA was fully aware of this scheme.

As you might expect, this draft letter was proclaimed to contain “*trade secrets*.” To be “*confidential and proprietary*.” It was claimed by Chrysler lawyers to contain information that, if released, would lead to “*competitive harm*.” It is a document that should be shown to judge & jury in the Gonzalez death case as an indication of how automotive safety “really works” between Chrysler and NHTSA, and how the latter and its FMVSS-207 serve as merely a Strawman for the defense bar.

Although its inveracity and criminality speaks for itself, the first sentence of the second paragraph immediately opens with a bold-faced lie, and on two levels. The level and contextualization for the instant matter is that the seat back failure defect video had been jointly reviewed by NHTSA and Chrysler on November 17, 1994; a full four months earlier (Please see ‘*Attachment 2*’ to ATTACHMENT 1 of *this* report letter).

It is important that the Honorable Court and its jury members in Gonzalez be given the background evidence which will allow them to judge the merits of the anticipated central theme of the Chrysler defense (paraphrased):

***“The Chrysler (seat) meets or exceeds all federal safety standards and has an outstanding safety record.”***

The promoted notion that NHTSA is another example of an all-powerful “Big Government” overreach is a ruse.

### **The Defense Bar Ruse of the “Big Government” – Global Homologation is NOT Applied to Safety**

As Chrysler is aware, I served as their expert on a product development process called ‘Complexity Management.’ At the global level, the concepts of complexity are intimate with homologation: The procedure by which automotive systems are made compatible in non-US national jurisdictions. A member of the Safety Leadership Team (SLT), Mr. Gregory Blindu, was part of the International Product Planning Group. His SLT role included keeping us apprised of homologation issues in non-US markets, especially safety regulations.

Combining my theme of ‘*safety is a management issue*,’ with the Chrysler-NHTSA Strawman ruse, it should be noted that the decision to homologate to the higher US safety standards in behalf of its customers in non-US markets is rarely positive. Mexico is just one example (**ATTACHMENT 4**).

### **The United States Senate Inquiry Ignores NHTSA on Seat Back Failure, Injury and Death History**

Consistent with NHTSA’s Strawman reputation, we have the recent activity of the United States Senate. <sup>IX</sup>

Responding to various media reports, which include interviews with former NHTSA administrators and the current director at the Washington-based Center for Auto Safety (CAS), Mr. Clarence Ditlow, U.S. Senators Edward J. Markey and Richard Blumenthal recently bypassed NHTSA and wrote directly to the top executives of seventeen major auto manufacturers. Dated May 25, 2016, their letter is:

**“ . . . request (ing) information regarding your company’s efforts to protect passengers against the threat of front seatback failures.”**

The staff of Senator Markey has made direct contact with the undersigned, and requested information very similar to that provided in this report letter. The deadline for the automotive manufacturer response to the senators’ letter is June 23, 2016 (**ATTACHMENT 5**). <sup>X</sup>

**The Ruse of “Trade Secrets” in Automotive Safety – Part One**

To address the wide-spread ignorance regarding the legal treatment of what is merely *alleged* to be a “trade secret”, and the resulting complicity that permeates automotive products safety defects litigation, in particular, I forwarded to NHTSA a letter of September 27, 2011 entitled:

**“Chrysler Group, LLC Request for Confidential Treatment of Public Information”**

This letter was so well-received that the Center for Auto Safety published it to their website, in its entirety. <sup>XI</sup>

**The Ruse of “Trade Secrets” in Automotive Safety – Part Two**

Subsequent to the CAS publication of my September 27, 2011 letter, I was contacted by staff to Representative Jerrold Nadler (D-NY-10) regarding H.R.2336 - Sunshine in Litigation Act of 2015. My follow-up letter on these subjects was forwarded to CAS on May 31, 2014. Please note Items B and K. <sup>XII</sup>

**The Formal Non-Confidentiality Agreement Between FCA US LLC and Johnson Controls Inc. (JCI)**

A co-defendant in this matter is the seat supplier to the 2014 Dodge Ram Crew Cab truck, wherein Mr. Gonzalez was a front seat passenger. Although potentially revised since its original publication of October 25, 1979, the FCA document entitled PS-7000 states on page 12 : <sup>XIII</sup>

**NON-CONFIDENTIALITY**

It is Chrysler's policy not to enter into formal confidentiality agreements with its suppliers or potential suppliers.

Information, such as material, literature, specifications, blue-prints, CATIA models, samples, or data relating to a particular ODD Box item provided by a supplier shall not bear written "Restricted," "Confidential," or "Proprietary" notations or markings pertaining to confidential requirements or other restrictions limiting usage of the data itself or parts or processes to which it relates. Suppliers shall be asked to delete and initial any such notations, markings, or restrictions. In any event, any such notations, markings, or restrictions shall not prevent Chrysler personnel from using such information or from disclosing such information to others who have a need to know such information.

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. Further, the exchange of such information is with the understanding that disclosure of such information from one party to the other neither constitutes a public divulgence nor creates a bar to filing patent applications anywhere in the world.

Specifically, all matters regarding the safety of the seat of the 2014 Dodge Ram Crew Cab truck were openly shared between Chrysler and Johnson Controls Incorporated. The JCI website states:

*“Integrity is at the center of everything we do at Johnson Controls. Our Company’s ongoing success stems from our deeply engrained culture of ethics and integrity. Acting with integrity allows us to meet the high expectations of our customers, partners and communities, and gives us a competitive advantage. Doing business with integrity is the only way to do business.”* <sup>XIV</sup>



**Chrysler/NHTSA Statistical versus the SLT Approach to Safety : Failure Mode Effects Analysis (FMEA)**

In a recent CBS News television interview I made an on-camera statement very similar to the following:

**“Their safety world (Chrysler and NHTSA) is very complicated. It involves legalities, regulatory machinations, and convoluted statistics as the essence of their approach to safety. My world is simple, it involves the real world. It involves protecting passengers from what happens during the dynamic events contained in an automobile accident. My approach and that of my Safety Leadership Team involves the use of an engineering design tool called FMEA, Failure Mode Effects Analysis.”<sup>xv</sup>**

I am 100% confident that had the SLT approach to safety been implemented, had an FMEA been deployed by JCI (dictated by an ethical Chrysler contract and the JCI edict of “*doing business with integrity*”) during the design of the 2014 Dodge Ram Crew Cab seat, the specific safety defect that led to its failure on July 30, 2014 would have been detected and corrected prior to release into the stream of commerce.

The SLT was disbanded in late 1994 prior to its implementation of FMEA for seat backs. Instead, Chrysler deployed the NHTSA Strawman; a legalistic, regulatory and statistical approach to safety that was carried forward to the defective design of the 2014 Dodge Ram seat that caused the death of Mr. Gonzalez (**ATTACHMENT 6**).

**Testimonial Support Documents - Hyperlink Availability in Endnotes Section <sup>xvi</sup>**

Paul V. Sheridan letter to US Attorney General Janet Reno (plus response)

Chrysler Engineering Standard PS-7000

Paul V. Sheridan letter to NHTSA of September 27, 2011

Paul V. Sheridan letter to Center for Auto Safety (CAS) of May 31, 2014

Failure Mode Effects Analysis Manual (Partial)

Mercedes-Benz Seat Advertisement from 1992

DaimlerBenz Witness Compel Order \*

Mercedes vs. Chrysler dynamic seat testing (Not Available, due to “protective order”) \*\*

Plaintiff’s Attorney Letter of March 24, 2000

Chrysler Truck Dealership Report (managed/written by Paul V. Sheridan)

FMVSS-207 Petition of October 28, 2014 by Dr. Kenneth J. Saczalski

FMVSS-207 Petition of September 28, 2015 by ARRC

Deposition of Clarence Ditlow of March 25, 1998

\$82,000,000.00 Lawsuit against Paul V. Sheridan (filed by Chrysler in 1997)

Trial Testimony Portion of former Chrysler manager John Sparhawk

Affidavit of Seymour “John Doe” Kliger of February 10, 1995

Deposition Portion of Chrysler President Robert A. Lutz of June 4, 1998

Affidavit of Paul V. Sheridan of February 10, 1995

Affidavit of Attorney Courtney E. Morgan of February 15, 1995

Affidavit of Attorney Stuart N. Dowty of February 10, 1995

Deposition of Chrysler Attorney Gregory Ridella of Nov 11, 1996 regarding office raid

Performance Appraisals of Paul V. Sheridan, covering 1993 and 1994

Typical Prior Paul V. Sheridan Seat Back Failure Testimony Report Letter

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\* The product planning cycle for the 2014 Dodge Ram Crew Cab pickup truck was approximately five years. The production start date, formally known as V-1, is generally in August in the year prior to the model year designation; the 2014 model year V-1 was August 2013. Five years prior to that V-1 date, the company was DaimlerChrysler. DaimlerBenz relinquished control of Chrysler in May 2007. Therefore substantial documentation relating to engineering design philosophies of Daimler was available to Chrysler at the beginning of the product plan cycle.

\*\* The internal management program that was implemented by the highest levels of DaimlerChrysler executive management was called Post Meager Integration or PMI. The technical comparisons of all car and truck product engineering design & development was a primary focus of PMI. Documents that demonstrate the dramatic difference between Chrysler versus Mercedes-Benz seat design philosophies are available, and have been produced in prior litigations, but only under so-called “ordinary and routine protective orders.”

### **Preliminary Conclusion – Part 1**

The Chrysler target of ATTACHMENT 4 was former NHTSA Administrator Dr. Ricardo Martinez. He had stated publically that “NHTSA standards should be viewed as minimums.” However, in litigation, standards such as FMVSS-207 are presented and exulted as maximums by the defense bar. <sup>XVII</sup>

With this in mind it should be emphasized that, exemplified by ATTACHMENT 6, the U.S. Senate recently ignored and bypassed the hapless Strawman, and sought input on seat back safety from the regulated: the multi-trillion dollar automobile industry. The primary culprit in the death of Mr. Gonzalez is the primary defendant: **Chrysler**.

### **Preliminary Conclusion – Part 2**

Some may opine that my allegation of criminality is strident. It is not. It is factual. Automotive legal issues of far less gravity (than the fraud and horrific consequences of FMVSS-207) are deemed criminal on a daily basis. <sup>XVIII</sup>

### **Preliminary Conclusion – Part 3**

In the 2005 federal death case litigation of *Mohr v DaimlerChrysler*, I was designated and certified as a ‘General Automotive Safety Management Expert.’ The defendant’s appeal was rejected, the Appeals Court upheld the following district rule:

**“[i]f scientific, technical, or other specialized knowledge will substantially assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise.”**

Based, in part, on my testimony as a ‘General Automotive Safety Management Expert,’ the *Mohr* jury found in favor of the plaintiff, with a compensatory and punitive award of \$58,000,000. The facts in *Mohr* were far more complex than the issues that will face His Honor and the jury members in *Gonzalez*. To the best of my knowledge, I am the only expert witness designed on the basis of my understanding of “*other specialized knowledge*” relating to management systems. Of how management systems provide the organizational context, and as such prevail over safety engineering decisions. In essence, my philosophical and pragmatic approach to automotive products safety:

**“Safety is not an engineering issue per se. First and foremost, safety is a management issue.”**

was affirmed at the federal circuit and appeals court levels. My curriculum vita is **ATTACHMENT 7**.

In my role as a General Automotive Safety Management Expert, I offer the following conclusions. <sup>XIX</sup>

**Conclusions Regarding Foreseeability****What is *not* foreseeable:**

Chrysler and NHTSA have a long history of covering up the general fact, that it is known to both, that compliance with the minimums of seat back standard FMVSS-207 do not and can not protect passengers. That such cover-up would include the criminal participation of the U.S. Department of Justice is not known to judge, jury or the general public. These behavioral facts are not foreseeable.

**What is foreseeable:**

1. The primary defendant, Chrysler Group LLC, will proclaim that since the 2014 Dodge Ram Crew Cab pick-up truck "*meets or exceeds all federal safety standards,*" the liability for the death of Mr. Balde Solis Gonzalez lies solely with an "*accident of ultra high speed and ultra high energy,*" that no manufacturer can be reasonably expected to protect against.
2. Chrysler and JCI will proclaim that their seats are "*designed to collapse in an energy absorbing way.*"

**What was foreseeable:**

The accident details of July 30, 2014 were and continue to represent a foreseeable traffic event.

Given that the fuel tank of the 2014 Dodge Ram Crew Cab pick-up truck apparently lacks adequate crashworthiness development, it is foreseeable that a collision event would rupture this tank, which would lead to combustible fuel leakage. It is foreseeable that given the numerous ignition sources that develop during a typical accident, that ignition of the leaked fuel would occur, as it did on July 30, 2014 in Donna, Texas.

Emergency egress from post-accident non-jammed doors on the 2014 Dodge Ram Crew Cab pick-up truck was available to any able-bodied person, such as 47-year-old Mr. Artemio Serma (driver).

Emergency egress from post-accident non-jammed doors on the 2014 Dodge Ram Crew Cab pick-up truck was available to any able-bodied person, such as 49-year-old Mr. Balde Solis Gonzalez (front seat passenger).

The ruse anticipated in 'What is foreseeable' Item 1 above is obviated by the fact that both Serma and Gonzalez survived the accident forces and the induced biomechanical dynamics; these were/are foreseeable.

Mr. Serma, by virtue of the fact that his front seat did not catastrophically collapse, remained able-bodied, and effected emergency egress from the burning fuel and materials in the truck cab. This foreseeable response saved the life of Mr. Serma.

**Conclusion**

Accidents that induce Chrysler seat back failure, and cause temporary or permanent paralysis of occupant victims is well-known to Chrysler executive management. Prior product liability litigation of these matters that involve jury verdicts or secret & sealed mediated settlements is also well known to Chrysler.

Had the right front seat, where Mr. Balde Solis Gonzalez was positioned, not catastrophically collapsed, which led to his bodily paralysis, he would have been able to respond in a similar manner to that of Mr. Serma. Had Mr. Gonzalez been able to effect emergency egress, and not been entrapped by paralysis, he would be alive today. Had this technically feasible outcome been protected-for by Chrysler and JCI management edict, the accident of July 30, 2014 would have culminated with minor bruises, traffic citations, and bent fender insurance claims . . . the accident of July 30, 2014 would have been merely dramatic, not tragic.

Respectfully,



Paul V. Sheridan

## ENDNOTES

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<sup>i</sup> <http://losangeles.cbslocal.com/2016/05/16/safety-advocates-say-fatal-car-seat-failures-are-public-health-crisis/>

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

<sup>ii</sup> <http://pvsheridan.com/Sheridan-SafetyLeadershipAward.pdf>

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

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

<sup>iv</sup> [http://pvsheridan.com/NHTSA-Sachs-April1995\\_TripReport.pdf](http://pvsheridan.com/NHTSA-Sachs-April1995_TripReport.pdf)

<sup>v</sup> Please see highlighted sections on last page of following:

[http://pvsheridan.com/Jury\\_Returns\\_105M\\_VerdictAgstDaimlerChrysler.pdf](http://pvsheridan.com/Jury_Returns_105M_VerdictAgstDaimlerChrysler.pdf)

<https://www.youtube.com/watch?v=bvb882oeSKQ> (Ogden)

<https://www.youtube.com/watch?v=Kh58TIJdTWA> (DOJ)

<sup>vi</sup> <https://www.youtube.com/watch?v=u7OAKEaTuPM&feature=youtu.be&t=4m43s>

<http://www.insiderexclusive.com/justice-in-america/chrysler-death-flax-v-daimlerchrysler>

<http://pvsheridan.com/Flax-DCCAppealRuling-full.pdf>

<http://caselaw.findlaw.com/tn-supreme-court/1017496.html>

[https://en.wikipedia.org/wiki/Leigh\\_Martin\\_May](https://en.wikipedia.org/wiki/Leigh_Martin_May)

<sup>vii</sup> Glassman's "contribution" to automotive seat back safety is detailed, beginning on Page 18 of ATTACHMENT 1.

<sup>viii</sup> Please see: <http://pvsheridan.com/Chrysler-DOJ-NHTSA-plus-response.pdf>

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

For my letter to NHTSA entitled, "**Correct Statistical Approach to NHTSA Defect Investigation(s)**," please see:

<http://pvsheridan.com/Sheridan2Strickland-4-15Jun2012.pdf>

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

<sup>xi</sup> <http://pvsheridan.com/Sheridan2Strickland-2-27Sep2011.pdf>

<http://www.autosafety.org/paul-sheridan-nhtsa-re-confidential-treatment-chrysler-submissions/>

<sup>xii</sup> <https://www.congress.gov/bill/114th-congress/house-bill/2336/actions>

<http://pvsheridan.com/Sheridan2Ditlow-2-31May2014.pdf>

<sup>xiii</sup> <http://pvsheridan.com/PS-7000-31Oct94.pdf>

<sup>xiv</sup> <http://www.johnsoncontrols.com/about-us/ethics-and-compliance>

To the best of my knowledge, Johnson Controls did not supply the seat depicted on Page 6 above, but later supplied optional seats in the Chrysler minivan. Certainly, in the context of the modus operandi described by their website, JCI will provide integrated testimony and detailed documentation relevant to Gonzalez.

<sup>xv</sup> <http://losangeles.cbslocal.com/2016/05/16/safety-advocates-say-fatal-car-seat-failures-are-public-health-crisis/>  
<https://www.youtube.com/watch?v=am-7OsnMJco&feature=youtu.be>

Note, that FMEA portion of the video recording quoted in the main text above was cut from broadcast.

<sup>xvi</sup> Except where noted, each of the **Testimonial Support Documents** listed here are available as hyperlinks:

[Paul V. Sheridan letter to US Attorney General Janet Reno \(plus response\)](#)

[Chrysler Engineering Standard PS-7000](#)

[Paul V. Sheridan letter to NHTSA of September 27, 2011](#)

[Paul V. Sheridan letter to Center for Auto Safety \(CAS\) of May 31, 2014](#)

[Failure Mode Effects Analysis Manual \(Design portion only\)](#)

[Mercedes-Benz Seat Advertisement from 1992](#)

[DaimlerBenz Witness Compel Order](#)

Mercedes vs. Chrysler dynamic seat testing (Not Available, due to "protective order")

[Plaintiff's Attorney Letter of March 24, 2000](#)

[Chrysler Truck Dealership Report \(managed/written by Paul V. Sheridan\)](#)

[FMVSS-207 Petition of October 28, 2014 by Dr. Kenneth J. Saczalski](#)

[FMVSS-207 Petition of September 28, 2015 by ARRCA](#)

[Deposition of Clarence Ditlow of March 25, 1998](#)

[\\$82,000,000.00 Lawsuit against Paul V. Sheridan \(filed by Chrysler in 1997\)](#)

[Trial Testimony Portion of former Chrysler manager John Sparhawk](#)

[Affidavit of Seymour "John Doe" Kliger of February 10, 1995](#)

[Deposition Portion of Chrysler President Robert A. Lutz of June 4, 1998](#)

[Affidavit of Paul V. Sheridan of February 10, 1995](#)

[Affidavit of Attorney Courtney E. Morgan of February 15, 1995](#)

[Affidavit of Attorney Stuart N. Dowty of February 10, 1995](#)

[Deposition of Chrysler Attorney Gregory Ridella of Nov 11, 1996 regarding office raid](#)

[Performance Appraisals of Paul V. Sheridan safety work, covering 1993 and 1994](#)

[Typical Prior Paul V. Sheridan Seat Back Failure Testimony Report Letter](#)

<sup>xvii</sup> Please see 'Chrysler disagrees quote; on Page 4 of 29 of **ATTACHMENT 1**.

<sup>xviii</sup> <http://www.autonews.com/article/20160620/OEM11/160629989/vw-board-member-and-ex-ceo-winterkorn-in-criminal-probe-over-market> *VW board chief Diess in probe over market manipulation, reports say*

<http://autoweek.com/article/vw-diesel-scandal/former-vw-chief-winterkorn-criminal-investigation-over-diesel-crisis>

*Criminal investigation envelops former VW chief Winterkorn*

<sup>xix</sup> <http://mhhlaw.net/mohr-v-daimler-chrysler-corporation/>

[http://pvsheridan.com/MOHR-Appeals\\_Ruling-14Oct08.pdf](http://pvsheridan.com/MOHR-Appeals_Ruling-14Oct08.pdf)

# Attachment 1

DDM Consulting  
22357 Columbia Street  
Dearborn, MI 48124-3431  
313-277-5095  
pvsheridan@wowway.com

23 June 2016

Mr. Douglas E. Dilley, Esq.  
The Dilley Law Firm, P.C.  
635 South Presa  
San Antonio, TX 78210  
210 - 225 - 0111

**Subject: Preliminary Expert Report - Gonzalez v Chrysler Group LLC, et al.**



April 1, 2016

Dear Customer:

The following is the proof-of-delivery for tracking number **782720624254**.

---

**Delivery Information:**

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|                          |                           |                           |  |
|--------------------------|---------------------------|---------------------------|--|
| <b>Status:</b>           | Delivered                 | <b>Delivery location:</b> | 1200 N.J. AVE SE W41 306<br>WASHINGTON, DC 20590 |
| <b>Signed for by:</b>    | Signature release on file | <b>Delivery date:</b>     | Apr 1, 2016 13:19                                |
| <b>Service type:</b>     | FedEx Priority Overnight  |                           |  |
| <b>Special Handling:</b> | Deliver Weekday           |                           |  |

**NO SIGNATURE REQUIRED**

Proof-of-delivery details appear below; however, no signature is available for this FedEx Express shipment because a signature was not required.

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**Shipping Information:**

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|                         |              |                   |                |
|-------------------------|--------------|-------------------|----------------|
| <b>Tracking number:</b> | 782720624254 | <b>Ship date:</b> | Mar 31, 2016   |
|                         |              | <b>Weight:</b>    | 3.0 lbs/1.4 kg |

**Recipient:**

Dr. Mark Rosekino  
NHTSAHQRS  
1200 NEW JERSEY AVE SE  
WASHINGTON, DC 20590 US

**Shipper:**

Paul V. Sheridan  
Sheridan, Paul V  
22357 COLUMBIA ST  
DDM  
DEARBORN, MI 48124 US

Thank you for choosing FedEx.



DDM Consulting  
22357 Columbia Street  
Dearborn, MI 48124-3431  
313-277-5095  
[pvs6@Cornell.edu](mailto:pvs6@Cornell.edu)

30 March 2016

VIA FEDEX AIRBILL 8007 – 9341 - 6086

Dr. Mark R. Rosekind, Administrator  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
202-366-4000

**Subject: Criminal Conspiracy of the NHTSA : Complicity with the Fraud of FMVSS- 207 \***  
**Reference: ARCCA Petition of 28 September 2015 to Amend 49 CFR 571.207, FMVSS 207**

**Courtesy Copy List \*\***

Mr. Alan Cantor  
ARCCA Incorporated  
2288 Second Street Pike  
Penns Park, PA 18943  
813-230-6334

Dr. Kenneth Saczalski, President  
Environmental Research & Safety Technologists  
1440 West Bay Avenue  
Newport Beach, CA 92661  
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Mr. Clarence Ditlow, Director  
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Washington, DC 20009-5708  
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\* *Up-to-date version with hyperlinks : <http://pvsheridan.com/Sheridan2Rosekind-2-30March2016.pdf>*

\*\* *By email and/or USPS*

DDM Consulting  
22357 Columbia Street  
Dearborn, MI 48124-3431  
313-277-5095  
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30 March 2016

VIA FEDEX AIRBILL 8007 – 9341 - 6086

Dr. Mark R. Rosekind, Administrator  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
202-366-4000

**Subject: Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207**  
**Reference: ARCCA Petition of 28 September 2015 to Amend 49 CFR 571.207, FMVSS 207<sup>i</sup>**

Dear Dr. Rosekind:

This is the 'final resting place' of a loyal husband and dedicated father:



To the untrained eye this appears to be death that resulted strictly from a lack of fuel tank crashworthiness of a Dodge Ram Crew-Cab pickup truck. Until my arrival at the inspection of January 21, 2015, that was the plaintiff's focus. I disagreed. But without the benefit of the autopsy, I was unable to substantiate my proposed additional root-cause-of-death. That changed when the autopsy was later reviewed in the context of my thesis . . . that this July 30, 2014 nightmare was (also) the result of seat back failure.

You are looking at the front seat passenger burning to death . . . paralyzed and unable to effect emergency egress as a result of NHTSA complicity with the fraud of FMVSS-207. **The purpose of this letter** is not merely to build on the technical facts of the reference, and similar earlier submissions, but more importantly to demonstrate that NHTSA is directly responsible for decades of injury and death of this kind. <sup>ii</sup>

The police file on this crash of 2014 that resulted in manslaughter includes an accident scene photograph of the Jeep Grand Cherokee involved in that multiple rear-end collision chain-of-events:



Luckily, in view of the fraudulent closing of EA12-005, the collision with this defective Jeep was so minor that its fuel tank was not breached, and the three occupants did not burn to death. However, despite these low collision force levels, the Jeep front seats did fail completely.

Do you see the condition of both front Jeep seats? Did you notice the lucky middle positioning of the child seat?

Three-year-old Pedro Vega was seated in that blue child seat. What would have been the outcome had he been positioned behind these FMVSS-207 compliant Jeep front seats; Seats specified by Chrysler and manufactured by Johnson Controls?

**Dr. Rosekind, young Pedro would have been victimized by NHTSA at least as badly as was Jesse Rivera (at right):** <sup>iii</sup>



CBS NEWS INVESTIGATION  
CBS THIS MORNING SITTING DANGEROUSLY?  
FRONT CAR SEATS COULD POSE SERIOUS SAFETY THREAT

The Jeep Grand Cherokee is Vehicle #2 in the police report. It had been struck from behind by the Dodge Ram Crew Cab pick-up. The pick-up had been struck by a metropolitan bus, the pick-up struck the Jeep, and then the FMVSS-207 compliant seats in both Chrysler vehicles failed. The driver of the pick-up is lighter, and he immediately effected emergency egress from the Dodge truck inferno. He was expecting the same from his work partner, the passenger. But accident witnesses observed no such behavior from the latter . . . the heavier man positioned in a seat that NHTSA claims is “safe.”

When I arrived at the Dodge Ram pickup inspection, all other experts were inspecting the rear fuel tank portion of the vehicle. However, I focused attention on the front passenger door, and asked:

**“Why didn’t he get out ?!”**

The answer was obvious: In the following photograph (that I took), the front passenger door is not jammed and still swings open normally:



As you can see, the front passenger seat failed (red arrow). According to the autopsy, the heavier man, the front seat passenger, suffered multiple vertebrae failures, which resulted in the severing of the spinal cord. This severing caused near total paralysis. In that state, emergency egress was not possible. In full view of many onlookers, he burned to death while fully conscious. One of those onlookers was the lighter-weight driver, whose door was also not jammed

The reason that front seat passenger did not make it home to his wife and daughters that evening, is a direct result of the criminal activity of NHTSA, specifically its complicity and outright collaboration with many manufacturers and their defense lawyers.

As we will see in the ‘*Assisting the Defense Bar At-Trial*’ section below, NHTSA routinely hires auto defense lawyers. In one instance that Chrysler lawyer became NHTSA Administrator who then assisted her former employer with their “*strawman*” defense: Mere compliance with FMVSS-207 (See page 18).

**Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207 – An Introduction**

I use the term 'introduction' because the following pages are the result of a thrifting of 30-plus years of my file materials on the subject of front seat back failure, and its horrific effect on the safety and well-being of thousands of unsuspecting motorists. Indeed, I must also plead ignorance at the following level: I began accumulating this data long-before I knew anything about NHTSA and its FMVSS-207 data charade.

In its letter to Secretary of Transportation Anthony Foxx, of March 11, 2016, the Center for Auto Safety offers the following discussion: <sup>iv</sup>

The fundamental problem is that NHTSA has no data source to show how many deaths and injuries occur every year due to seat back collapse. Based on an analysis of 64 seatback collapse lawsuits and police reports involving death and serious injury in rear impact crashes, the Center found police accident reporting rarely includes any comment on seatback failure even when it is obvious. There is no place on a PAR for reporting such a failure other than the narrative description of the crash. This means that FARS also does not include any information on the role of seat performance in fatal crashes. The NASS coding for seat performance is minimal as well. As a consequence, an analysis of NASS and FARS cases that does not go beyond the recorded data will miss most crashes where poor seat performance contributed to injuries or fatalities.

Upon review of the PAR for the accident that led to the fire-death of the passenger (on Page 1 above) we find no information regarding the seat back failures in not one, but both Chrysler vehicles, both of which comply with FMVSS-207. Commenting on the internal attitude regarding that compliance routine, the former head of the Chrysler "safety office" unabashedly offered the following:

**Chrysler** disagrees. "The law says all you have to do is pass," **Chrysler** safety director Dale Dawkins said in an interview before he retired in December. "You build a margin in single vehicle tests to accommodate variations in testing. We do it so we pass, not because of some desire to exceed the standards."

However, both of these screenshots divert from underlying criminality. NHTSA and its auto industry suitors (and their seat suppliers) are fully aware of the need for improved front seat back failure data collection protocols. But the legal consequences of such would expose decades of criminal conspiracy and gross criminal negligence. Similar to the Chrysler safety director "disagreement" quote above, when it comes to FMVSS-207 NHTSA also has no "*desire to exceed the standards.*"

But does this alleged lack of data exonerate?

ATTACHMENT 1 Page 1 shows a typical letter sent to thousands of customers who have experienced seat back failure, the latter choosing to write/inquire about such. Thousands never inquire, especially those that are told that seat failure is "*normal.*" PAGE 2 OF ATTACHMENT 1 is a broadcast to dealerships on, not how to fix the seat failure problem, but on how to make more money replacing the thousands of seats that routinely fail ! ATTACHMENT 1 Page 3 confirms that NHTSA is fully aware of this money-making scheme

Data? Seat failure data is in the service records of the manufacturers, and seat suppliers; data that is protected as "trade secrets." But the third paragraph of ATTACHMENT 1 PAGE 1 is not a mistake, it's a lie. (I discuss confirmation of that lie in ATTACHMENT 10, red arrow.) Introduced in the '*Toth Memo*' section below, this lie is not only well-known to NHTSA . . . you continue to promote it !

**Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207 – An Introduction** – con't

I review these customer letters, warranty data and service procedures issues not merely as some quaint escapade into history, but to emphasize the truth of the subject. These issues are symptomatic of a federal agency and members of an industry that are guilty of **both** aspects of the following legal definition:

“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.

Any reasonable person will assess that NHTSA has committed ‘*acts of commission and omission*’ that have led to countless but avoidable injury and death. What follows will demonstrate at least the following:

1. The historical buffoonery of FMVSS-207 is characteristic of an agency that is rife with incompetence, and at-worst ‘*a reckless disregard of the rights of others, under circumstances reasonably calculated to produce injury . . . and that the (agency) is charged with knowledge of the probable result of (their) acts.*’ That is, an agency comprised of individuals that are guilty of crime.
2. That the ongoing buffoonery of FMVSS-207 has no connection to the political issue, sometimes stated with credibility, that a lack of Congressional support is to blame. It is not.
3. That ongoing NHTSA public relations rhetoric regarding a “*lack of data*” as the basis of inaction on FMVSS-207 is not merely a misstatement, but a **lie**.
4. That NHTSA brazenly conspired with the auto industry and the Department of Justice (DOJ), while concealing their direct knowledge that mere compliance with FMVSS-207 posed a foreseeable and repeatable threat to the taxpayers that NHTSA is mandated to serve.
5. NHTSA is aware that the auto industry claim that seats are designed per the third paragraph of ATTACHMENT 1 PAGE 1 is not a misstatement; it’s a **lie**:

**Mr. Hetherington, we would like to inform you that the seatbacks in all Chrysler vehicles are designed to yield progressively under increasing load. This design concept is to reduce the likelihood of neck injuries from rear impacts and to minimize the potential for “slingshooting” unrestrained occupants into the steering wheel, instrument panel or windshield in a chain reaction collision.**

6. That NHTSA is fully aware that Item 5 is a defense bar ruse. NHTSA has known for decades that the industry has hidden behind FMVSS-207 as a “*strawman*” defense.
7. NHTSA has known following a 1995 interview with me, that the crimes involving FMVSS-207 extends to the auto industry seat suppliers (See ‘PS-7000’ section on Page 21 below).
8. NHTSA has known for decades, following a 1995 interview with me, that challenging the legal veracity and safety relevance of FMVSS-207 will lead to loss of employment. That such loss is endemic to the agency’s conspiratorial collaboration with an industry that is routinely court sanctioned for hiding the truth about FMVSS-207 (See ‘Whistleblower’ section, Page 10).
9. That NHTSA is directly responsible for the injury and death of thousands, including but not limited to the fiery nightmare presented on Page 1 above.

**Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207 – The DOJ Conspiracy**

Relating to the subject, but specifically to 'Item 4' above, a secret meeting was held on November 17, 1994. Called by NHTSA in behalf of Chrysler, NHTSA had no legal, let-alone moral right to call such a meeting. ATTACHMENT 2 documents the attendees. (Lead internal Chrysler product litigation attorney Lewis Goldfarb was in-attendance.)

ATTACHMENT 3 PAGE 5 is the relevant portion of the secret NHTSA presentation to Chrysler:

**EA94-005 CHRYSLER MINIVAN LIFTGATE LATCH FAILURE TESTING (DYNAMIC, LEFT REAR QUARTER PANEL, MOVING DEFORMABLE BARRIER, MDB)**



| TEST NO. | MODEL         | IMPACT SPEED | IMPACT DIRECTION  | IMPACTING OBJECT | HATCH OPENED | EJECTION     | REAR SEAT |
|----------|---------------|--------------|-------------------|------------------|--------------|--------------|-----------|
| 1        | '87 CARAVAN   | 33.6 MPH     | 26.4 DEG. FORWARD | 3600 lb MDB      | YES          | 2 DUMMIES    | BENT      |
| 2        | '91 CARAVAN   | 30.2 MPH     | 26.4 DEG. FORWARD | 3600 lb MDB      | NO           | NO EJECTIONS | BENT      |
| 3        | '91 CARAVAN   | 31.1 MPH     | 15 DEG. REARWARD  | 3600 lb MDB      | YES          | 1 DUMMY      | BENT      |
| 4        | '91 AEROSTAR  | 31.1 MPH     | 15 DEG. REARWARD  | 3600 lb MDB      | NO           | NO EJECTIONS | OK        |
| 5        | '91 MAZDA MPV | 31.2 MPH     | 15 DEG. REARWARD  | 3600 lb MDB      | NO           | NO EJECTIONS | OK        |
| 6        | '95 LATCH     | 31.1 MPH     | 15 DEG. REARWARD  | 3600 lb MDB      | NO           | NO EJECTIONS | BENT      |

Please note the right-most column. Do you see the word ***“bent”***? The rear seat, which was FMVSS-207 compliant, failed during tests that had no intended relationship to the test protocol.

Sound familiar? It should. This is the exact same inadvertent information sequence that was gleaned by NHTSA during testing conducted in the 1970s for the fuel tank crashworthiness defect in the Ford Pinto.

So . . . whether NHTSA is confirming defective liftgate latches in minivans, or lack of crashworthiness in fuel systems, the agency is continually and simultaneously confirming that their seat back strength standard is worthless . . . and keeping that information shielded from public scrutiny.

**Criminal Conspiracy of NHTSA : Complicity with Fraud of FMVSS- 207 – The DOJ Conspiracy** – con't

Let us now review just one example that confirms the utter absurdity of FMVSS-207. This standard, which was codified in the 1960's, proposes that a static "pull test" simulates the dynamics of a crash. It does not.

The following is not very subtle. NHTSA has promoted that their static test force level is not restricted to single position/occupant seats. NHTSA mindlessly extends FMVSS-207 to seats that are marketed to the public for multiple occupants. **Here, NHTSA is essentially saying "1 = 3"** .

Next are screenshots of the NHTSA test videos from 1994, that led to the "*bent*" data shown on Page 6:



Note that these are not rear crash tests, where the vectors accentuate the rearward load on the seat back; these are merely side impact tests. **In other words, NHTSA is directly aware that its FMVSS-207 is so flimsy that it cannot even protect in side impact collisions.**

In the next two screenshots the seat, the first defense preventing ejection, has failed miserably. This video tape, which was vigorously hidden from the public, is the basis for the "Rear Seat" entry: "*bent*."

**Again, NHTSA is essentially saying that FMVSS-207 dictates that "1 = 3"** .



**Criminal Conspiracy of NHTSA : Complicity with Fraud of FMVSS- 207 – The DOJ Conspiracy – con't**



**Criminal Conspiracy of NHTSA : Complicity with Fraud of FMVSS- 207 – The DOJ Conspiracy** – con't

This EA94-005 test video was secretly shared with Chrysler. Less than one-month after this presentation, Mr. Lewis Goldfarb, who was in-attendance, mentioned on Page 6 above, ordered that my Chrysler safety files be confiscated (ATTACHMENT 4). Those files included documentation on our efforts to advance Chrysler thinking beyond the “*strawman*,” especially with respect to FMVSS-207; to develop a dynamic test standard that would, by definition, apply to all real world seat configurations.

Those files included the meeting minutes of two internal presentations wherein I showed the February 1992 *CBS News 60 Minutes* report on seat back failures. Consistent with recent overtures to you Dr. Rosekind, by that same news organization, NHTSA in 1992 refused to be interviewed on the subject of FMVSS-207. (We detail events related to the internal showing of the *60 Minutes* video below.)

Subsequent to the secret sharing of this test video (which demonstrated the fraud of FMVSS-207), Chrysler, DOJ and NHTSA conspired to censor this video from public scrutiny. That conspiracy is summarized by an internal Chrysler document entitled, “**Proposed Agreement with NHTSA.**” Paragraph #1 states:

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.

Note that first dot point states in past-tense: “**NHTSA has agreed.**” This criminal conspiracy was confirmed at trial, then by the national news media, and later by my testimony in the seat back failure infant death case of Flax vs DaimlerChrysler. ATTACHMENT 5 shows evidence stickers of Chrysler Chairman Robert Eaton and Vice Chairman Robert Lutz. Both openly confirmed Paragraph #1 above.

As cautioned in the third dot point, a lawsuit was successful in forcing the release of the NHTSA crash test video; the August 29, 1995 edition of the Los Angeles Times stated:

**WASHINGTON - Under pressure from an activist's lawsuit and facing a skeptical federal judge, government lawyers announced Monday that they intend to make public a videotape of crash tests focusing on the controversial rear-hatch latches of Chrysler minivans.**

**Criminal Conspiracy of NHTSA : Complicity with Fraud of FMVSS- 207 – The DOJ Conspiracy** – con't

**That is, the “government lawyers” were NHTSA lawyers!** They attended the Los Angeles federal court hearing of August 28, 1995, and defended their conspiracy which that lasted nine months, 1994 into 1995. But those NHTSA lawyers and their suitors at Chrysler never mentioned ATTACHMENT 5, and the fact that their plot included a third conspirator: the Department of Justice.

Chrysler lawyer Lewis Goldfarb was at the hearing (ATTACHMENT 6). His superiors at Chrysler had no intention of releasing the *“investigative files, including the crash test video.”* If not for the Ralph Hoar lawsuit (and Judge Gladys Kessler’s ruling), NHTSA also had no intention of releasing the taxpayer-funded data which proved that a Chrysler whistleblower’s concerns were not only correct, but ongoing! During the Chrysler-DOJ-NHTSA conspiracy numerous concurrent deaths occurred.

NHTSA was forced to release the investigation test video. But the final NHTSA report of October 25, 1995 entitled, *Engineering Analysis Technical Report*, avoids mentioning the **“bent”** seat backs. In truth, ATTACHMENTS 2, 3 AND 5 were not released until a federal judge in South Carolina issued a broad discovery subpoena in the death case of an 8-year-old boy (Jimenez v Chrysler).

**The Chrysler-NHTSA Conspiracy Against a “Whistleblower”**

During the time that Chrysler, DOJ and NHTSA were conspiring to hide safety defect information, a “whistleblower” was attempting to convey the very same facts to the United States government. Given the ‘Criminal Conspiracy of NHTSA’ section above, we offer the following questions:

- A) How could anyone, let-alone that “whistleblower,” have realized that the very government agency that he was trying to assist was, in fact, headed by a bunch of criminals?
- B) What possible chance of success, at many levels, did that “whistleblower” have versus a conspiracy that not only reached deep into the Executive Branch, but by-definition and proxy had extended its tentacles into the courts and judges and defense lawyers of Oakland County Michigan?
- C) Did NHTSA openly conspire against the “whistleblower,” orchestrating a ruse interview for the true purpose of “covering their tracks,” rather than protecting the well-being of its taxpayer constituency from safety defects?
- D) Did NHTSA blatantly accommodate the cover-up of safety defect information that the “whistleblower” had conveyed about co-conspirator Chrysler under the ruse of “confidentiality”?
- E) During this “confidentiality” ruse were more victims sent to early graves due to the same defects that were conveyed by the “whistleblower”?
- F) Was the cover-up in Items D & E related to the instant subject of FMVSS-207?

The following is the hurriedly completed *“trip report”* that Chrysler and NHTSA hid from the public . . . it identifies the whistleblower . . . and that the answers to questions C thru E above are **“Yes.”**

Enclosed is a trip report filed by Coleman Sachs and Julie Abraham concerning their interview of former Chrysler employee, Paul V. Sheridan, on April 11, 1995, in which Mr. Sheridan discussed issues pertaining to the subject investigation. Portions of this document have been redacted as a result of a confidentiality request filed by Chrysler that NHTSA has granted.

**The Chrysler-NHTSA Conspiracy Against a “Whistleblower”** – con’t

The authors of the “*trip report*,” Coleman Sachs and Julie Abraham, were present at the November 17, 1994 meeting with Chrysler and their product liability lawyers.

At the time of “*their interview of former Chrysler employee Paul V. Sheridan on April 11, 1995*,” Sachs and Abraham were both fully aware of the Chrysler-DOJ-NHTSA conspiracy, and that **its purpose was to censor** the same defect information that I sought to convey to NHTSA.

With this in mind, the answer to Items A & B above is a resounding, “**NOT A CHANCE IN HECK!**”

But an answer to Item F is contained in this screenshot from Page 3 of the Sachs/Abraham report:

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.

Dr. Rosekind, do you see where the report states that I discussed the need for “*a dynamic test standard for seatback strength*”? But consistent with the Chrysler-DOJ-NHTSA conspiracy, my detailed description of the ‘*retrieve & destroy*’ directive connected to the *60 Minutes* video tape was omitted by Sachs/Abraham. <sup>v</sup>

Perhaps the best way to correct this omission from their report is to watch a video of my in-trial testimony at **the seat back failure death case** of Flax v DaimlerChrysler. The time-scrolled video of the screenshot on the next page is here: <https://youtu.be/u7OAKEaTuPM?t=4m43s>

**The Chrysler-NHTSA Conspiracy Against a “Whistleblower”** – con’t

That is, the following fact was intentionally omitted from the Sachs/Abraham “trip report” :

**I was directed by executive management to commit crimes similar to that committed by Chrysler, DOJ and NHTSA; I was directed to conceal or destroy evidence regarding the safety and well-being of the Chrysler customer. I refused.** <sup>vi</sup>

This refusal placed me at-odds with my so-called superiors at Chrysler. On that point, plaintiff attorney Leigh Martin-May explains the following reality, which remains unchanged as of this letter:

**“And I think the whole amazing thing about it is that-that testimony was unrebutted at trial. Chrysler did not bring a single witness to say anything different than what Paul Sheridan had said. And on cross examination, basically, they had nothing to discredit what Paul Sheridan had said about the merits of his testimony.”**

The Safety Leadership Team (SLT) discussed in the trial video above, and its review of the *60 Minutes* report, was not some fluke:

1. The issue of seatback failure, and the irrelevancy of FMVSS-207, was so endemic to the industry that this issue was used as justification to form the SLT in the first place!
2. The seat back failure issue was especially sensitive in March 1993. In the previous September 1992 Mr. George Baird died as a direct result of seat back failure in a Chrysler minivan.
3. The death of Mr. Baird is presented here: <https://www.youtube.com/watch?v=b9WAaAKT8W8>

Given the veracity of the petitions to NHTSA requesting fundamental corrections to FMVSS-207, which were received before September 1992, the death of Mr. Baird is directly attributable and connectable to the criminal negligence of NHTSA.

**The Chrysler-NHTSA Conspiracy Against a “Whistleblower”** – con’t

With the Baird tragedy in mind, Lewis Goldfarb authorized the raiding of my office (during the Christmas holidays of 1994) with the explicit purpose of censoring all SLT meeting minutes which I had refused to destroy, especially those related to the playing of the *60 Minutes* report (ATTACHMENT 7).

The truth is, I would no more destroy the SLT meeting minutes of March 16, 1993, than I would dispose of the VHS video tape that I had personally purchased in 1992. Indeed, the following composite was scanned in preparation for this letter: <sup>vii</sup>

**60 MINUTES**

CBS NEWS  
60 MINUTES  
"CAR SEATS"  
AIRDATE: 02-16-92

DEPOSITION  
EXHIBIT  
#7  
SHE ALON  
SHE ALON

AMBROSE VIDEO

"No other show on CBS or any other network has ever approached it for impact and longevity."  
—Tom Skares, *Washington Post*

"At its best, whether typified by tough Mike or elegant Morley, the show adds up to terrific television."  
—John O'Connor, *The New York Times*

**60** Minutes is the most-watched weekly news magazine in television history. Begun in 1968, the program's phenomenally successful blend of investigative reports, interviews, features and profiles have made it a national institution and continue to set the standard for magazine-format news programs.

Good stories—not just subjects—are the criteria for 60 MINUTES segments and the key to the program's success. Reports cover each subject from a variety of angles.

Last year, 60 MINUTES continued its high ranking among the television public, finishing in the top ten prime-time programs for the thirteenth consecutive season.

Honored with virtually every major award in broadcasting, 60 MINUTES has received 38 Emmy Awards, 5 George Foster Peabody Awards, among many others.

The illustrious roster of 60 MINUTES correspondents includes Mike Wallace, Morley Safer, Harry Reasoner, Ed Bradley, Meredith Vieira and Steve Kroft.

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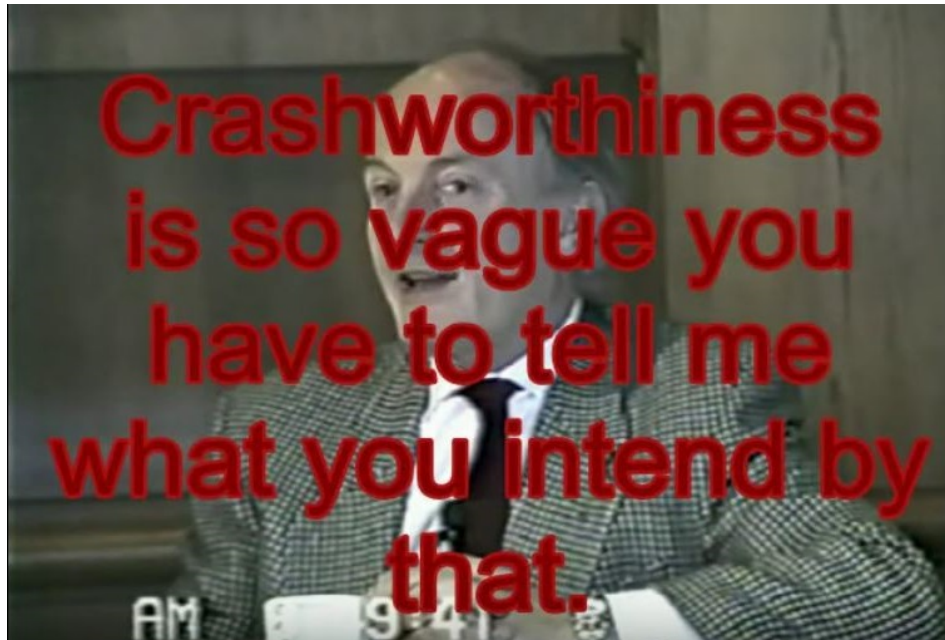
Please note the 'Deposition Exhibit #7' sticker.

I was deposed in the George Baird death case. I presented my personal copy of the tape that I had played internally, not once but twice while at Chrysler. The Baird matter settled out-of-court, very quickly, **with the usual defense lawyer demand for a “customary confidentiality order”** (ATTACHMENT 7 PAGE 3).

**The Chrysler-NHTSA Conspiracy Against a “Whistleblower”** – con’t

Before we introduce the next section, the general readership will find it instructional (and indicative) to observe a sample of whom NHTSA cooperated with in the Chrysler-DOJ-NHTSA conspiracy.

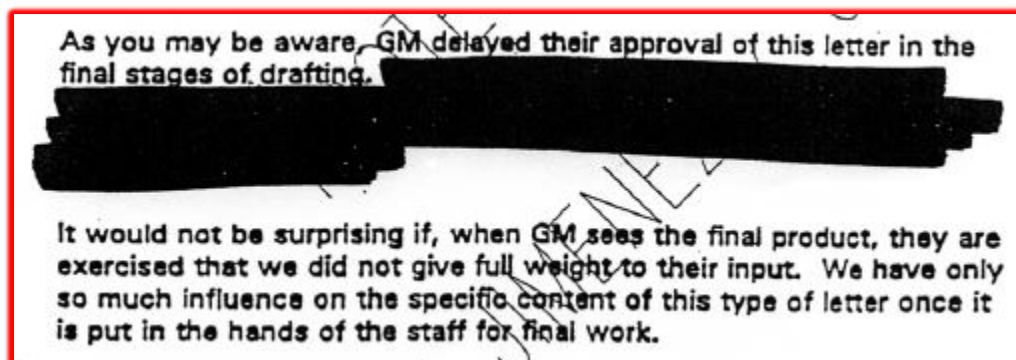
Throughout ATTACHMENT 8 you find the Executive Vice President of Chrysler Engineering who issued the ‘retrieve & destroy’ directive for the SLT meeting minutes related to the playing of *60 Minutes*. A sampling of the sincerity and competence of this Executive VP is demonstrated here:



The complete video is available here: <https://youtu.be/25rol1nhOwl?t=7m47s>

Is this letter a vendetta that is restricted to Chrysler? This type of defense bar rant has never swayed any judge or any jury during the last 22 years. The NHTSA complicity and fraud of FMVSS-207 is not restricted to one auto maker. These conspiratorial behaviors are easily connectable to other car makers.

Defense bar intercompany collaborations are routine and well-known to NHTSA. Under ATTACHMENT 8 you find confirmation with an internal Chrysler memo:



With this industry-NHTSA collaboration in mind, let us review how this historical routine connects to the fraud of FMVSS-207. A secret document, but known to NHTSA for decades, is called **The Toth Memo**.<sup>viii</sup>

**Criminal Complicity of NHTSA with the Fraud of FMVSS- 207 : The Toth Memo**

Despite their refusal to be interviewed by *60 Minutes*, NHTSA observed that the industry promotes the following notion:

***“Our seats are designed to yield in a controlled energy absorbing way.”***

As I have testified many times, after playing the *60 Minutes* report for the second time, I made personal visits to the seat engineers at Chrysler to inquire about the specifications and testing that supported that notion. None of the engineers at Chrysler knew of any such protocols.

I was interviewed by *CBS News Miami* regarding the seatback failure death of the Flax infant.\* That segment includes an interview with Dr. Jeffery Augenstein:



***“Because you may make it (the front seat) too tough, and therefore get more neck injuries.”***

But this defense bar ruse, that seats “proudly” fail and “yield in an energy absorbing way,” leads to obvious but absurd conclusions:

- i. Because the seats in standard cab pick-up trucks are against the cab, these seats cannot “yield in an energy absorbing way,” and therefore all standard cab pickups are defective.
- ii. Because rear seats in two and four-door sedans are against the trunk structure, these seats cannot “yield in an energy absorbing way,” therefore two and four-door sedans are defective.
- iii. Because the seats in two-seater sports cars are against the trunk structure, these seats cannot “yield in an energy absorbing way,” therefore two-seater sports cars are defective.
- iv. Unlike the front seats, because the rear seats in crew cab pick-up trucks are against the cab, these seats cannot “yield in an energy absorbing way,” and therefore all crew cab pickups are defective (**Please see vehicle on Page 1 above**).

Manufacturers and their defense lawyers/experts have spewed this nonsense for decades. NHTSA has declared its agreement through complicity . . . for decades. But beyond this criminal activity is the vicious fraud perpetrated against the innocent unsuspecting customers (Please re-review ATTACHMENT 1 PAGE 1).

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



**Criminal Complicity of NHTSA with the Fraud of FMVSS- 207 : The Toth Memo** - con't

Do industry engineers, its defense lawyers and experts actually believe in the notion of seats that “*yield in a controlled energy absorbing way*”? Is this the truth behind their closed doors? Again, is this a vendetta against Chrysler, or is this an industry ruse ?

In the public domain, and therefore in the possession of NHTSA for decades, is a General Motors (GM) document called the ‘Toth Memo.’ To answer the questions above, let us review three screenshots of the document that GM defense lawyers declared contained “*trade secrets*” (ATTACHMENT 9).

Relating to my failed attempts to locate an actual specification “*for seats designed to yield in a controlled energy absorbing way,*” Mr Toth declares:

**- NO GM TESTS OR DATA TO SUPPORT ASSERTIONS OF REDUCED NECK LOADING AND HEAD IMPACT POTENTIAL WITH “YIELDING” SEATS.**

With respect to the Dr. Augenstein parroting about seats being “too tough,” Mr. Toth explains:

**- NO GM TESTS OR DATA TO SUPPORT ASSERTIONS THAT MORE RIGID SEATS CAN ENHANCE INJURIES.**

With respect to ‘*Criminal Complicity of NHTSA with Fraud of FMVSS- 207,*’ and letters sent to unsuspecting customers (ATTACHMENT 1), Mr. Toth summarizes as follows:

**THE PROBLEM**

**LACK OF “DUE CARE” ANALYSIS AND DOCUMENTATION TO SUPPORT THE DESIGN OF “YIELDING” SEATS WHICH CAN RESULT IN OCCUPANT EJECTIONS AND THE RISK OF SEVERE HEAD AND/OR NECK INJURY IN REAR COLLISIONS.**

**Criminal Complicity of NHTSA with the Fraud of FMVSS- 207 : The Toth Memo** - con't

An important conversation of the February 16, 1992 *CBS News 60 Minutes* report was with Dr. Thomas Bologna of Mercedes-Benz. He represented the only auto maker willing to be interviewed. This interview helped the Chrysler Safety Leadership Team (SLT) with a portion of its *modus operandi*:



Dr. Bologna: *Mercedes-Benz tests with the weight of a person in the seat.*

60 Minutes: *Why?*

Dr. Bologna: *To simulate what is going on in the **real world**.*

Two months after the Mercedes-Benz interview, alarms sounded throughout the “compliance only” auto companies, especially their defense lawyers. Confirming that their “*NHTSA strawman defense*” was now in tatters, GM lawyer Mr. Gary Toth mentioned the operative phrase “*real world*” not once, but twice in his incriminating memo of April 14, 1992:

- **SHOWING THAT WE COMPLIED WITH FMVSS 207 (OR EVEN TWICE THE REAR MOMENT REQUIREMENT OF FMVSS 207) IS UNPERSUASIVE -- FMVSS 207 IS A "STATIC" TEST WITHOUT ANY DEMONSTRATED RELATIONSHIP TO DYNAMIC "REAL-WORLD" PERFORMANCE.**

- **MANY SEAT DESIGNERS ARE UNAWARE OF HOW THEIR SEATS PERFORM IN THE FIELD, OR EVEN IN REAR BARRIER TESTS, AND, THOSE WHO ARE AWARE ARE UNABLE TO RELATE THAT PERFORMANCE TO "REAL-WORLD" INJURY PERFORMANCE.**

Note that I had told NHTSA officials Sachs and Abraham that there was industry recognition of need for a dynamic seat back test protocol (See Page 11 above).

Both the Toth Memo and my Safety Leadership Team (SLT) meeting minutes of March 16, 1993 were based on the *60 Minutes* seat back report, and therefore had similar content.

So . . . let us recap . . . as NHTSA is fully aware . . . documents such as the ‘Toth Memo’ are shielded from public scrutiny by fraudulent “*protective orders*,” and documents such as my SLT meeting minutes are “*protected*” with ‘*retrieve & destroy*’ directives (ATTACHMENT 10).

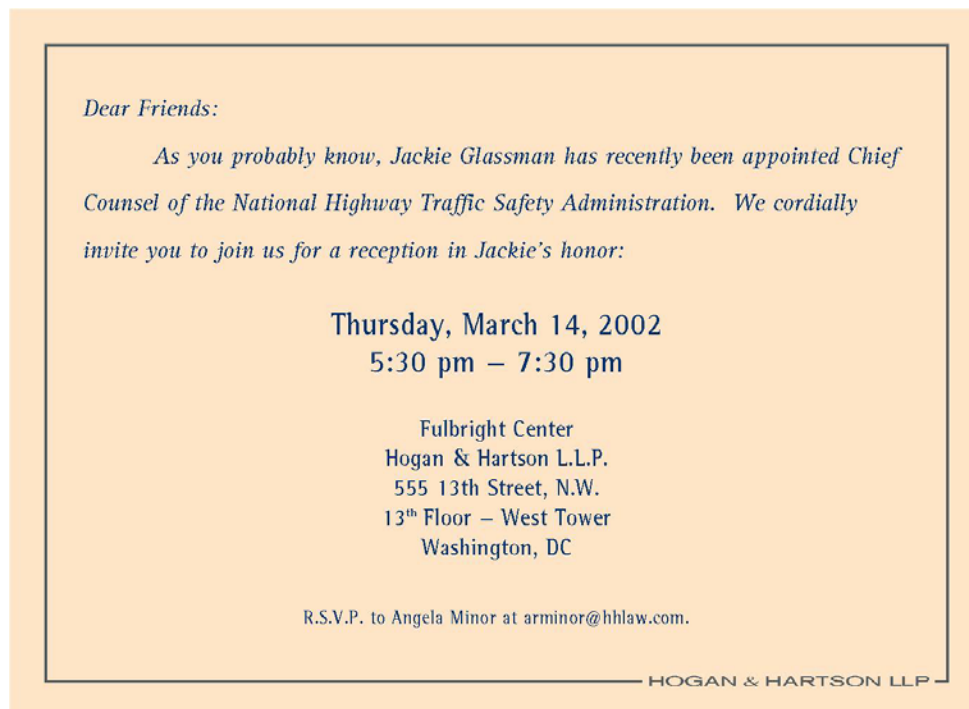
**Criminal Complicity of NHTSA with Fraud of FMVSS- 207 : Assisting the Defense Bar At-Trial**

This section needs perspective . . . not for the long line of NHTSA administrators who are fully aware of its veracity, but for the many lay people who have been victimized by it.

We start with the following two persons, both of whom previously worked for, not merely “the auto industry,” but for a company that remains notorious for killing and injuring lay people through seat back failure :



Lewis Goldfarb is the prior internal product liability defense lawyer who was involved in the ‘*retrieve & destroy*’ directive, the raiding of my safety files during the Christmas holidays of 1994, **and was a central figure in the Chrysler-DOJ-NHTSA conspiracy.** <sup>ix</sup> Pictured at right is Jacqueline Glassman, former internal product litigation lawyer for DaimlerChrysler. As the following invitation indicates, Goldfarb moved to the defense firm Hogan & Hartson . . . and Glassman moved to NHTSA:



Glassman, to the best of our knowledge attended, and eventually became NHTSA Administrator. During the litigation of *Flax v DaimlerChrysler*, from her bully pulpit at NHTSA, **Glassman had no moral trepidations against assisting her former employer . . . the defendant DaimlerChrysler.** <sup>x</sup>

**Criminal Complicity of NHTSA with Fraud of FMVSS- 207 : Assisting the Defense Bar At-Trial** – con't

Another important conversation of the February 16, 1992 *CBS News 60 Minutes* report was with Dr. Kenneth Saczalski.

Three years prior to this interview Dr. Saczalski had submitted a petition very similar to the instant reference (ARCCA Petition of 28 September 2015).

Dr. Saczalski was a key plaintiff expert in the seat back failure litigation of *Flax v DaimlerChrysler*. Anticipating that his petition would be testimonial, DaimlerChrysler lawyers solicited and received assistance from their former associate, former internal Chrysler defense lawyer Jacqueline Glassman.

During the plaintiff's case, in 2004, Glassman and NHTSA "terminated" the Saczalski petition. But the criminality does not end there. NHTSA buried announcement of the termination in the Federal Register, and then hurriedly contacted **only** the DaimlerChrysler defense lawyers of their decision.

That is, the Dr. Saczalski petition to correct FMVSS-207 **sat at NHTSA unaddressed for FIFTEEN YEARS**, until its termination suited the needs of the defense bar . . . a screenshot from the plaintiff firm webpage on this blatant NHTSA criminal activity against the public: <sup>xi</sup>

There was considerable other testimony at trial about NHTSA's involvement, or lack of involvement, in improving auto safety standards. Every witness who testified agreed that the federal seat standard, #207, was inadequate and irrelevant. Indeed, Daimler's own Mercedes engineers had been arguing that the seat standard was obsolete for years. NHTSA's own staff had written that the standard was inadequate. In 1989, plaintiffs' expert witness, Dr. Ken Saczalski, had filed a petition with NHTSA asking it to increase the safety standard. Most automakers, including Chrysler, had opposed that request. When the trial commenced, Dr. Saczalski's petition had been pending for 15 years, while NHTSA "studied" the issue.

At 9:00 a.m. on the morning of November 16, 2004, during the presentation of Daimler's evidence at trial, Daimler's lawyer introduced a posting by NHTSA that very morning in the Federal Register, announcing that it was suspending its study. Defense counsel argued that announcement "gutted" plaintiffs' case. Plaintiff responded that it simply confirmed what the evidence had already demonstrated - that NHTSA was never going to do anything about seat safety. Plaintiff also pointed out that the sudden NHTSA announcement was not coincidental - that it was timed for use by Daimler at this trial. NHTSA notified no one of its decision except Daimler. NHTSA did not even notify the scientist who had started the issue by filing a petition 15 years before, Dr. Ken Saczalski. The decision was no coincidence: NHTSA's current Chief Counsel is Jacqueline Glassman, who came to NHTSA from the legal staff of Daimler, and the past Associate Administrator of NHTSA for Rulemaking, Barry Felrice, now works for Daimler.

**Criminal Complicity of NHTSA with Fraud of FMVSS- 207 : Assisting the Defense Bar At-Trial – con't**

The Law.com report on Flax v DaimlerChrysler mimics pages 6 thru 10 above. It explains whose testimony the plaintiff and the jury relied upon for the details of this section: <sup>xii</sup>

**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.

Note that although the spokesperson from DaimlerChrysler had no idea who worked there, or who used to work there, he was a big expert on seats *"designed to collapse in an energy absorbing way."*

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."

We address the *"far exceeds"* rhetoric immediately; it is *that* repulsive, it is *that* duplicitous. At the time of the Aberlich claim, NHTSA and the industry were already in possession of the **twelve-year-old** Toth Memo (Pages 15 thru 17 above).

But the NHTSA world was also in possession of the following fact, one I had testified to many times in seat back litigation: The minor exceeding of FMVSS-207 requirements has **nothing** to do with a dedication to safety; nothing whatsoever . . . on at least two levels:

- (1) What is the motivation of that *"far exceeds"* outburst? NHTSA periodically audits front seats, where the FMVSS-207 pull-test is claimed to be relevant. To avoid an audit failure, and a safety recall, the industry adds a minimal strength increase to address manufacturing "drift." *That* is the extent of their concern; a regulatory concern, nothing more. **If you doubt that, please re-review the "Chrysler disagrees" screenshot on Page 4 above.**
- (2) As discussed on Page 15, NHTSA is fully aware that there is no engineering specification which supports the Aberlich statement that front seats are *"designed to absorb the impact of a crash."* In litigation after litigation, I have advised the plaintiffs to discover that narrow specification. Guess how many times it has been produced? Guess how many of those cases settle with a *"customary confidentiality agreement"*? (See 'Dize Order' in next section).

For the record, NHTSA has never audited the seats discussed in Items i, ii, iii and iv on Page 15 above (Please see 'Conclusions & Requests' section below).

**Criminal Complicity of NHTSA with Fraud of FMVSS- 207 : Assisting Defense Against Petitioners**

Given the long torrid history of the subject, only partially presented above, one could ask: Is the prior 'Assisting the Defense Bar' section merely "*anecdotal*"? I pose that word very specifically:

- (1) Certainly NHTSA would never participate in a ruse that exploits the ignorance of the general public.
- (2) NHTSA would never authorize a PR release that diverts from the truth about NHTSA's criminal historical accommodation of a defense case tactic to terminate a FMVSS-207 petition in the middle of the infant death case Flax v DaimlerChrysler.
- (3) Certainly you would never preside over a safety agency that recently misled the media regarding what was truly behind a secret entry into the Federal Registry during that November 2004 trial.
- (4) Certainly, in preparation for a pre-planned NHTSA termination of the Reference, you would never degrade the portent, veracity and detail of prior FMVSS-207 petitions as "*anecdotal evidence.*"
- (5) In regard to Item (4), you would never make spurious claims about NHTSA "*research and analysis.*"

The detailed discussion under ATTACHMENT 12 indicates otherwise.

**Criminal Complicity of NHTSA with Fraud of FMVSS- 207 : "Anecdotal Evidence"**

In the interest of assisting NHTSA with its alleged lack of data, and its concern that data submitted in the current and previous petitions are merely anecdotal, there are three more points of historical relevance:

- **The Dize Order** : The historical behavior of auto companies when using the NHTSA "*strawman*" defense is not merely incompetent. In the infant injury case of Dize vs. DaimlerChrysler, one that had accident facts very similar to that of Jesse Rivera (Please see bottom of Page 2 above), the defense bar was so abusive in response to court ordered discovery, **their entire FMVSS-207 based defense case was vacated.** And who was the product litigation lawyer for DaimlerChrysler at the time of Dize? The defense bar throws parties for these types of NHTSA Administrators (See right-photo Page 18).<sup>xiii</sup>
- **PS-7000** : In the case discussed on Page 1 we added the seat supplier as a defendant. The relationship between OEMs and their suppliers is typified by Page 12 of the Chrysler PS-7000 document:

**NON-CONFIDENTIALITY**

It is Chrysler's policy not to enter into formal confidentiality agreements with its suppliers or potential suppliers.

Information, such as material, literature, specifications, blue-prints, CATIA models, samples, or data relating to a particular ODD Box item provided by a supplier shall not bear written "Restricted," "Confidential," or "Proprietary" notations or markings pertaining to confidential requirements or other restrictions limiting usage of the data itself or parts or processes to which it relates. Suppliers shall be asked to delete and initial any such notations, markings, or restrictions. In any event, any such notations, markings, or restrictions shall not prevent Chrysler personnel from using such information or from disclosing such information to others who have a need to know such information.

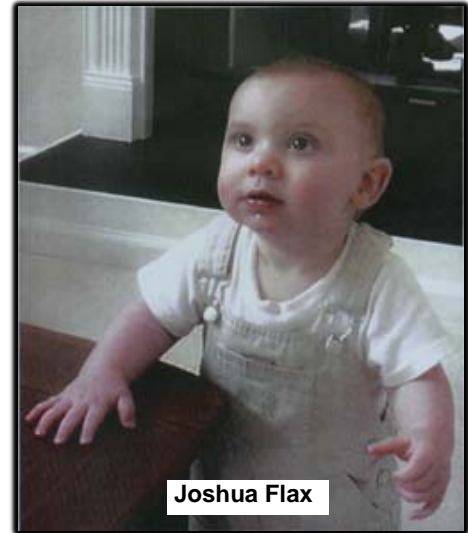
To foster the exchange of proprietary information or confidential information, Chrysler and the supplier shall rely on each other's ethics to handle each other's proprietary or confidential information in the same manner as each handles its own proprietary or confidential information. Further, the exchange of such information is with the understanding that disclosure of such information from one party to the other neither constitutes a public divulgence nor creates a bar to filing patent applications anywhere in the world.

Large quantities of "*anecdotal evidence*" can be discovered at the seat suppliers of the OEMs.<sup>xiv</sup>

**Criminal Complicity of NHTSA with Fraud of FMVSS- 207 : “Anecdotal Evidence”** – con’t

• **CBS News 60 Minutes – The NHTSA “strawman” Defense Bar Tactic** : Prior to my *ex parte* termination in 1994, the George Baird death case of 1992, was already proceeding. Unbeknownst to me, the Chrysler lawyers had been repeatedly been filing and stating the following garbled nonsense:

- a) No one at Chrysler has seen the *60 Minutes* video tape.
- b) No one at Chrysler has a copy of the *60 Minutes* video tape.
- c) No one at Chrysler has shown the *60 Minutes* video tape to anyone else at Chrysler.
- d) Paul Sheridan has never seen the *60 Minutes* video tape.
- e) Paul Sheridan does not have a copy of the *60 Minutes* video tape
- f) Paul Sheridan never showed the *60 Minutes* video tape to anyone at Chrysler.



These lies were attempted at the beginning of the Flax seat back failure death case (discussed on Page 12 above).

Were these subjects not so serious, this defense behavior regarding *60 Minutes* would be laughable. But the “*anecdotal evidence*” that should be gleaned is that such behavior indicates the central importance of the NHTSA “strawman” defense bar ruse:

- The *60 Minutes* video tape had, quite inadvertently, terminated the viability of the “strawman” ruse that if it complies with some esoteric government safety standard, then it must be . . . safe.
- And therefore, by-definition and in many legally rigged jurisdictions, the defense case will prevail and the plaintiff’s cases are . . . frivolous.

The Safety Leadership Team (SLT) unanimously disagreed; just another reason that team was disbanded.

But regarding ‘Item f’ above, not only had I shown the *60 Minutes* tape to the SLT on March 16, 1993, I had also shown it to a product group the prior June 1992. A screenshot of those meeting minutes :

Intermission: Paul Sheridan showed recent “60 Minutes” television segment on automotive seat back strength and its importance to occupant safety/fatality during rear collisions. Emphasis was placed on documented inadequacy and irrelevance of existing NHTSA standard (seat back strength must resist force 20 times greater than seat back weight). The only manufacturer that appears to have a seat back strength specification that is adequate and relevant is Mercedes-Benz (seat back strength must reliably resist collapse during a 35 mph rear collision with standard dummy). Chrysler (and Mitsubishi) was mentioned as one of several manufacturers that are involved in litigation involving rear collisions/seat back failures, etc.

**So what was the difference between these two meetings and their respective meeting minutes?** The SLT minutes were distributed to upper Chrysler management and their lawyers; hence a fundamental theme of the ‘*retrieve & destroy*’ directive was maintenance of the “strawman” ruse . . . a ruse that includes NHTSA participation and promotion.

**Criminal Complicity of NHTSA with Fraud of FMVSS- 207 : Gross Criminal Negligence**

We repeat the legal definition of a crime called 'Gross Criminal Negligence' from Page 5 above:

“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.

Unlike yourself and the staff at NHTSA, I have been called upon to state my position on these matters innumerable times while under oath, and frequently in front of a jury. I am intimate with the reaction jurors have had to my testimony, especially the about-face that strident anti-lawsuit, anti-trial-lawyer members undergo once they ponder the truth of the seat back failure death and severe-injury issue. After I expose the PR rhetoric that permeates industry and NHTSA posturing, there is a consistent singular result:

- **In all instances if these jurors had been so-charged they would have rendered criminal charges against, not just the automotive executives, but their suitors at NHTSA as well.**

With that charge in mind Dr. Rosekind, take a look at the following picture . . . take a good *long* look: <sup>xv</sup>





**Criminal Complicity of NHTSA with Fraud of FMVSS- 207 : Gross Criminal Negligence** – con't

In a fire-death case involving the lack of fuel system crashworthiness in an EA12-005 Jeep, Clarence Ditlow of the Center for Auto Safety testified as follows:

|                            |   |
|----------------------------|---|
| Defense Attorney           | If this alleged defect is so well-established, then why hasn't the government done anything about it? Why hasn't NHTSA demanded a recall? |
| Witness<br>Clarence Ditlow | Because that's how the Agency works, unless the <b>pile of bodies</b> is high enough they won't do anything.                              |

The NHTSA approach to safety is suited to the demands and philosophy of their future employers in the auto industry. The NHTSA approach is statistical. The NHTSA approach to the issue of a mechanical safety defect is, basically, a roll-of-the-dice. A matter of luck . . . or a lack thereof.

In my February 9, 2011 and June 15, 2012 letters to your predecessor Mr. David Strickland, I stated my approach to the safety defect issue:

*"As chairman of the Chrysler Safety Leadership Team (SLT), my priority involved Failure Mode Effects Analysis (FMEA) as the basis of preliminary and ongoing examination of a safety concern. In my role it did not matter that only one person may be affected during vehicle service life. What mattered was that a failure mode existed, and when provoked would cause serious harm. Hypothetically, the fact that a vehicle service life was statistically 'lucky,' and a failure mode was provoked 'only once,' was not gala. Such an approach would merely confirm incompetence as a safety manager.*

*For perspective, I have testified in litigation wherein defense counsel has deployed two themes:*

- 1) "compliance" with all government safety standards
- 2) Various NHTSA statistics

*However, when the jury in Jimenez v Chrysler learned of the latter's foreknowledge that FMVSS-206 failed to address the failure mode that was responsible for the death of an 8-year-old boy, that standard and related NHTSA statistics were rendered legally and morally worthless. Similarly, when the jury in Flax v Chrysler learned that FMVSS-207 did not address the failure mode that was responsible for the death of an infant, that standard and related statistics were deemed irrelevant."*

Please note that I had emphasized the seat-back failure death case of Flax v Chrysler, and the related fact that FMVSS-207 does not and cannot address FMEA. <sup>xvi</sup>

And what was the response I received from Mr. Strickland and the staff at NHTSA?

**We appreciate the report you provided. REDACTED It will be considered with future reports to identify any safety defect trends that may require our attention.**

Dr. Rosekind, there no difference between "defect trends" and a "pile of bodies" (Attachment 11).

**Criminal Complicity of NHTSA with the Fraud of FMVSS- 207 : Ongoing Collusion**

Does the picture of that lovely 8-year-old lady (Page 23 above) look like a “defect trend”? <sup>xvii</sup>

Even if the accident involving Crystal Butler was the only incident in history to test a safety standard that is known to have absolutely no connection to the real world, that accident by-definition confirms that a ‘failure mode’ exists . . . and that an ‘effect analysis’ will identify death as a probably outcome.

I can assure you that the jurors, that I have explained this FMEA methodology to, do not have Doctorates. Those jurors have consistently and vehemently disagreed with the collaborative NHTSA/defense-bar ruse that safety should be based on some unstated statistical roll-of-the-dice.

But as you know Dr. Rosekind, this is not about a singular provocation of a singular ‘failure mode.’ We are not talking about one death or one severe-injury:’ **We are talking about a standard, FMVSS-207, that is known to be incapable of protecting against a multiplicity of failure modes, resulting in not one but thousands of deaths and severe injuries.**

In your response to the March 1, 2016 *CBS News Los Angeles* report, ‘*Can Seats In Your Car Be Deadly In A Crash?*,’ you confirmed ongoing collusion with the defense bar when stating:

*“And as you know, the agency is required to perform cost-benefit analysis to demonstrate net benefits for any regulatory change we would propose. Bottom line: The absence of data demonstrating real-world benefits meant the agency could not pursue a rulemaking . . .”*

I would be ashamed to be associated with such gibberish. A rulemaking that addressed just one additional failure mode (implicitly not covered in your **five-decades-old static pull-test**) could have “*demonstrated real world benefits*” . . . and would have cost the agency nothing. In that your response, you also state:

*“The agency did (not issue a rulemaking) for several reasons, but fundamentally the decision rested on the difficulty of providing data, as opposed to anecdotal evidence . . .”*

This provokes at least the following questions:

- A. In the 1970s during testing for Ford Pinto fuel system crashworthiness that led to FMVSS-301, nearly all seat backs failed, in this unrelated test protocol. Is it your position that this NHTSA data was merely anecdotal?
- B. In 1994 during testing for minivan liftgate latch integrity that led to fixing FMVSS-206, all seat backs of the rearmost position in Chrysler minivans failed, in an unrelated test protocol. Is it your position that this NHTSA data was merely anecdotal?
- C. Since not later than the 1980s, numerous seat back failure severe injury lawsuits against a multitude of FMVSS-207 compliant auto makers have been settled with “*customary confidentiality orders.*” Is it your position that these case files are merely anecdotal?
- D. Since not later than the 1980s, numerous seat back failure death lawsuits against a multitude of FMVSS-207 compliant auto makers have been settled with “*customary confidentiality orders.*” Is it your position these death case files are merely anecdotal?
- E. Numerous petitions from attorneys, scientists, and research engineers have requested FMVSS-207 be corrected to deal with its notorious deficiencies. Is it your position that the data included in these petitions, most notably the referenced petition from ARCA, was/is merely anecdotal? <sup>xviii</sup>

**Criminal Complicity of NHTSA with the Fraud of FMVSS- 207 : Ongoing Collusion** – con't

On Page 22 above you find a screenshot for non-SLT meeting minutes that relate to the June 1992 playing of the *CBS News 60 Minutes* video. Listed next are the salient points documents in the minutes for the March 16, 1993 playing of that video; points that enjoyed unanimous support from the SLT:

- I. Chrysler was discussed as a defendant in seat back failure related litigation, and despite the fact that our seats complied with FMVSS-207, we were vulnerable in these matters. Chrysler like all Detroit and Japanese auto makers refused an on-camera interview.
- II. Merely complying with FMVSS did not and could not justify claims of “safety leadership,” since these minimum were required of all competition. FMVSS was viewed as merely a “starting point,” but adding “gimmicks & gizmos” to a features list would also not suffice; additions of substantive safety measures were required for true safety leadership.
- III. The SLT unanimously agreed that the “real world” would be our focus when making safety recommendations to upper management, and therefore the words of the sole interviewee on the *60 Minutes* program, Mercedes-Benz, were emphasized.

It is no surprise, given that last SLT point, that your response of March 1, 2016 discusses the 1989 petition, but studiously neglects to mention the input NHTSA received from . . . Mercedes-Benz. On page 2 of the Mercedes-Benz response to the Dr. Kenneth Saczalski petition we find the following rudimentary suggestion regarding FMVSS-207: <sup>xix</sup>

**Mercedes-Benz Recommendation**

Based on the previous comments, Mercedes-Benz recommends that the static seat test in Standard 207 be replaced by a dynamic test using belted Hybrid II dummies and performance requirements, either as a separate sled test or combined with a full-vehicle crash test like Standard 301. This dynamic test would more closely replicate the loads experienced in real world conditions.

The comments I shared on April 11, 1995 with NHTSA, regarding a dynamic test protocol for seats, were offered without the benefit of the December 7, 1989 input letter from Mercedes-Benz (see Page 11 above).

It should be noted that, to the best of my knowledge, Mercedes-Benz has never been sued for severe injury or death caused by:

- Front seat collapse
- Or the opposite: a seat design that is “too tough” and therefore neglects to adhere to the fraud that front seats should *“collapse in an energy absorbing way.”*

ATTACHMENT 12, which has the same title as this section, goes into greater detail regarding your March 1, 2016 response.

### **Summary**

Again, from Page 1, the purpose of this letter is not to build on the technical facts of the reference, but to demonstrate that NHTSA is directly responsible for decades of injury and death related to its repeated refusal to address the inveracity of FMVSS-207. Items 1 thru 9 on Page 5 above are merely starting points.

Although currently restricted to civil litigation, the subject of this letter is affirmed by the long-standing reality presented above:

**In all instances if these jurors had been so-charged they would have rendered criminal charges against, not just the automotive executives, but their suitors at NHTSA as well.**

Again, take long look at the picture of the lovely 8-year-old lady on Page 23.

### **Request**

Similar to the credit you deserve for calling a public meeting to address the issues of EA12-005, please call a similar public meeting to address the Reference.

### **Conclusion**

On the next page you will find an unsolicited hand-written letter from the Law School dean of my alma mater. In 2005 I received the Civil Justice Foundation Award; I am the only person to receive this award for work in transportation safety. The underlying reason was my *modus operandi* which I formulated and enacted while serving the Chrysler customer as Chairman of the Safety Leadership Team (SLT):

**Safety is a not an engineering issue per se. First and foremost, safety is a management issue. <sup>xx</sup>**

In this context, in the context of public sector management, I have recommended to the plaintiffs litigating the seat back failure, fire-death nightmare depicted on Page 1 to request that you and former NHTSA Administrator Susan Bailey testify regarding FMVSS-207.

Please so not hesitate to contact me at any time.

Respectfully,

Paul V. Sheridan

Attachments



## 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

## Endnotes

- 
- <sup>i</sup> [http://arcca.com/blog\\_post/why-nhtsas-current-automobile-seat-strength-standards-need-to-be-raised/](http://arcca.com/blog_post/why-nhtsas-current-automobile-seat-strength-standards-need-to-be-raised/)  
[http://arcca.com/wp-content/uploads/2015/09/Petition-to-NHTSA-on-FMVSS-207-ARCCA\\_2015.pdf](http://arcca.com/wp-content/uploads/2015/09/Petition-to-NHTSA-on-FMVSS-207-ARCCA_2015.pdf)
- <sup>ii</sup> <https://www.youtube.com/watch?v=P4Kkx5v-NJk>
- <sup>iii</sup> <http://www.cbsnews.com/news/seat-back-failures-injuries-deaths-auto-safety-experts-demand-nhtsa-action/>
- Please also see ATTACHMENT 12
- <sup>iv</sup> <http://www.autosafety.org/nhtsa-urged-to-warn-parents-of-seat-back-failure-dangers-to-children-in-rear-seats/>
- <sup>v</sup> [http://pvsheridan.com/NHTSA-Sachs-April1995\\_TripReport.pdf](http://pvsheridan.com/NHTSA-Sachs-April1995_TripReport.pdf)
- <sup>vi</sup> <https://www.youtube.com/watch?v=34ajMfqwtg>  
<https://www.youtube.com/watch?v=u7OAKEaTuPM>
- <sup>vii</sup> <https://www.youtube.com/watch?v=YeTHbDKPyc8>  
<https://www.youtube.com/watch?v=PRkNiOwL2so>
- <sup>viii</sup> [http://pvsheridan.com/GM\\_TohtMemo\\_SeatBacks.pdf](http://pvsheridan.com/GM_TohtMemo_SeatBacks.pdf)
- <sup>ix</sup> [http://www.mdmc-law.com/attorneys/Lewis\\_Goldfarb/](http://www.mdmc-law.com/attorneys/Lewis_Goldfarb/)
- <sup>x</sup> [http://pvsheridan.com/Goldfarb-Glassman-NHTSA\\_reception.pdf](http://pvsheridan.com/Goldfarb-Glassman-NHTSA_reception.pdf)
- <sup>xi</sup> <http://www.butlerwooten.com/Results/Top-Ten-Verdicts/Flax-Verdict.shtml>
- <sup>xii</sup> [http://pvsheridan.com/Law.com\\_Tenn-Jury>Returns\\_105M\\_Verdict\\_Against\\_DaimlerChryslerOverMinivSeats.pdf](http://pvsheridan.com/Law.com_Tenn-Jury>Returns_105M_Verdict_Against_DaimlerChryslerOverMinivSeats.pdf)
- <sup>xiii</sup> <http://pvsheridan.com/DizeOrder.pdf>
- <sup>xiv</sup> <http://pvsheridan.com/PS-7000-31Oct94.pdf>
- <sup>xv</sup> <http://losangeles.cbslocal.com/2016/03/01/can-seats-in-your-car-be-deadly-in-a-crash/>
- <sup>xvi</sup> <http://pvsheridan.com/Sheridan2Strickland-1-9Feb2011.pdf>  
<http://pvsheridan.com/Sheridan2Strickland-4-15Jun2012.pdf>
- <sup>xvii</sup> <http://losangeles.cbslocal.com/2016/03/01/can-seats-in-your-car-be-deadly-in-a-crash/>
- <sup>xviii</sup> [http://arcca.com/blog\\_post/why-nhtsas-current-automobile-seat-strength-standards-need-to-be-raised/](http://arcca.com/blog_post/why-nhtsas-current-automobile-seat-strength-standards-need-to-be-raised/)  
<http://pvsheridan.com/Hogan-2-NHTSA-207-petition.pdf>
- <sup>xix</sup> [http://pvsheridan.com/SeatBackPetition-MB\\_response2NHTSA-1989.pdf](http://pvsheridan.com/SeatBackPetition-MB_response2NHTSA-1989.pdf)
- <sup>xx</sup> <http://pvsheridan.com/Sheridan-SafetyLeadershipAward.pdf>

# ATTACHMENT 1

Dr. Mark R. Rosekind, Administrator  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
202-366-4000

30 March 2016

**Subject:** Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207  
**Reference:** ARCCA Petition of 28 September 2015 to Amend 49 CFR 571.207, FMVSS 207

Three Pages:

- (1) Typical fraudulent letter sent by automotive companies to customers who experienced front seat back failures in their automobiles and trucks.
- (2) Typical historical service broadcast to the dealerships that instruct them, not how to remedy the seat back failure defect, but how to make more money while exploiting it.
- (3) NHTSA fully aware of #2 above (Memo: "S-body" in Item 2 is engineering code for minivan.)



Chrysler Corporation  
Customer Satisfaction & Vehicle Quality  
Orlando Zone Office

SECY: \_\_\_\_\_  
ATTY: \_\_\_\_\_  
DATE: 11/10

October 26, 1994

Mr. R. W. Hetherington  
110 Rushton Lane  
Tavernier, FL 33070



Dear Mr. Hetherington:

This will acknowledge your correspondence of 9/27/94, which was referred to this office for response.

Naturally, we were sorry to learn of the situation as outlined in your letter. Please be assured that whenever we are contacted and in the position to be helpful, we do not hesitate to take positive action.

→ Mr. Hetherington, we would like to inform you that the seatbacks in all Chrysler vehicles are designed to yield progressively under increasing load. This design concept is to reduce the likelihood of neck injuries from rear impacts and to minimize the potential for "slingshooting" unrestrained occupants into the steering wheel, instrument panel or windshield in a chain reaction collision.

I can assure you that the seats in our vehicles meet the design and the structural integrity as set forth by federal regulations. They are designed to offer the passenger the utmost in comfort and protection.

Thank you for writing and allowing us to explain the situation to you.

Sincerely,

D. A. Roberts  
Customer Relations

DAR:mw







#HL-22-88

June 6, 1988

ITEM: FRONT CUSHION FRAME AVAILABILITY

MODELS: 1985-1988 E-K-G-H-J-P- AND S-BODY VEHICLES WITH MANUAL OR POWER SEATS

GROUP: 23 - BODY

ACTION: Front cushion frame assemblies are now available to replace 1985-88 bucket and 50/50 seat systems as applicable. These cushion frames assemblies eliminate the need to replace damaged frame assemblies with complete, trimmed, pad and cover assemblies.

Refer to Catalog and Parts Bulletin #CPB 88-3, dated May, 1988 for a complete listing.

ITEM: TECHNICAL SERVICE BULLETIN 21-04-88 REVISION

MODELS: ALL 1987 & 1988 DOMESTIC FWD WITH AUTOMATIC TRANSAXLE

GROUP: 21 - TRANSMISSION

ACTION: The automatic transmission fluid part number referred to in step 6 of the repair procedure is incorrect. Step 6 should read as follows:

6. Refill transaxle to the correct level with Mopar Type 7176 Automatic Transmission Fluid, PN 4318077. Please make this correction in your copy of this Technical Service Bulletin.



## NSA: Office of Defects Investigation (ODI)

### Technical Service Bulletin Reports

---

Call the **Auto Safety Hotline** at (1-800-424-9393) to report safety defects or to obtain information on cars, trucks, child seats, highway or traffic safety.

Please call the **Technical Reference Division's Toll-free Request Line** at (1-800-445-0197) to obtain further information on ordering a specific Technical Service Bulletin.

---

Report Date: Thu Apr 17 12:47:53 1997

---

**SERVICE BULLETIN NUMBER:** HL-22-88/1

**Bulletin Sequence Number:** 061

**Date of Bulletin:** June 1988

**NHTSA Item Number:** SB001577

**Make:** DODGE TRUCK

**Model:** CARAVAN

**Year:** 1985

**Component:** INTERIOR SYSTEMS:SEATS

**Summary:**

FRONT CUSHION FRAME AVAILABILITY ASSEMBLIES ELIMINATE NEED TO REPLACE **DAMAGED FRAME ASSEMBLIES** WITH COMPLETE, TRIMMED, PAD AND COVER ASSEMBLIES-ALL 1985-1988 RAM AND CARAVAN MODELS TLH

---

This search returned 1 record.

---

---

**Make:** DODGE TRUCK

**Model:** CARAVAN

**Component:** INTERIOR SYSTEMS:SEATS

If you would like to do another search on this same make, model and component, but for another model year, please enter that new year in the box below and click on the Resubmit Year button.

*Please note that for items where the year is unknown, a date of 1900 is used.*

Please enter the new model year:

# ATTACHMENT 2

Dr. Mark R. Rosekind, Administrator  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
202-366-4000

30 March 2016

**Subject:** Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207  
**Reference:** ARCCA Petition of 28 September 2015 to Amend 49 CFR 571.207, FMVSS 207

One Page:

Attendee list for secret meeting between Chrysler and NHTSA, which included presentation on seat back failures during unrelated test protocols.



U.S. Department  
of Transportation

**National Highway  
Traffic Safety  
Administration**

# Memorandum

Subject Engineering Analysis: EA94-005

Date 12 8 1994

*Julie Abraham*  
From Julie Abraham  
Safety Defect Engineer

Report to  
Attorney

To File

A meeting between NHTSA and Chrysler Corporation officials was held on November 17, 1994. The purpose of the meeting was for the Office of Defects Investigation to brief Chrysler about the results of its analysis and testing in relation to the minivan liftgate latch investigation. The following people were present at the meeting:

Coleman Sachs, NHTSA Chief Counsel Staff  
Bill Boehly, NHTSA Enforcement  
Lou Brown, NHTSA Office of Defects Investigation (ODI)  
John Hinch, NHTSA (ODI)  
Tom Cooper, NHTSA (ODI)  
Julie Abraham, NHTSA (ODI)  
Dale Dawkins, Chrysler  
Lou Goldfarb, Chrysler  
Ron Boltz, Chrysler  
Jim Tracy, Chrysler

#



6003629

# ATTACHMENT 3

Dr. Mark R. Rosekind, Administrator  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
202-366-4000

30 March 2016

**Subject:** Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207  
**Reference:** ARCCA Petition of 28 September 2015 to Amend 49 CFR 571.207, FMVSS 207

Seven Pages:

Relevant portion of secret presentation by NHTSA to Chrysler on 17 November 1994, note that Page 5 below lists the fact that, once again, in an unrelated test protocol, NHTSA confirmed that FMVSS-207 was so flimsy that it could not protect in low-speed side impacts.

## EA94-005 CHRYSLER MINIVAN LIFTGATE LATCH FAILURE TESTING (DYNAMIC, LEFT REAR QUARTER PANEL, MOVING DEFORMABLE BARRIER, MDB)

| TEST NO. | MODEL         | IMPACT SPEED | IMPACT DIRECTION  | IMPACTING OBJECT | HATCH OPENED | EJECTION     | REAR SEAT |
|----------|---------------|--------------|-------------------|------------------|--------------|--------------|-----------|
| 1        | '87 CARAVAN   | 33.6 MPH     | 26.4 DEG. FORWARD | 3600 lb MDB      | YES          | 2 DUMMIES    | BENT      |
| 2        | '91 CARAVAN   | 30.2 MPH     | 26.4 DEG. FORWARD | 3600 lb MDB      | NO           | NO EJECTIONS | BENT      |
| 3        | '91 CARAVAN   | 31.1 MPH     | 15 DEG. REARWARD  | 3600 lb MDB      | YES          | 1 DUMMY      | BENT      |
| 4        | '91 AEROSTAR  | 31.1 MPH     | 15 DEG. REARWARD  | 3600 lb MDB      | NO           | NO EJECTIONS | OK        |
| 5        | '91 MAZDA MPV | 31.2 MPH     | 15 DEG. REARWARD  | 3600 lb MDB      | NO           | NO EJECTIONS | OK        |
| 6        | '95 LATCH     | 31.1 MPH     | 15 DEG. REARWARD  | 3600 lb MDB      | NO           | NO EJECTIONS | BENT      |

**EA94-005 CHRYSLER MINIVAN  
LIFTGATE LATCH FAILURE**

**INVESTIGATION REVIEW**



COPY OF MATERIALS  
SHOWN TO CHRYSLER OFFICIALS;  
NOVEMBER 17, 1994

# **EA94-005 CHRYSLER MINIVAN LIFTGATE LATCH FAILURE**

## **DOOR LATCH SPECIFICATIONS**

- **FMVSS No. 206 (SIDE DOORS) REQUIRES: (1) PRIMARY AND SECONDARY LATCH POSITIONS (2) NON-SEPARATION UNDER TRANSVERSE LOAD OF 2000 LBS. ON PRIMARY AND 1000 LBS. ON SECONDARY (3) NON-SEPARATION UNDER LONGITUDINAL LOAD OF 2500 LBS. ON PRIMARY AND 1000 LBS. ON SECONDARY. NO REQUIREMENT FOR LIFTGATE LATCH.**
- **CHRYSLER SPECIFICATION FOR REAR HATCH: (1) ONLY ONE LATCH POSITION (2) TRANSVERSE DIRECTION- 750 LBS. (3) NO REQUIREMENTS FOR THE LONGITUDINAL DIRECTION.**
- **FORD AEROSTAR AND GM APV SPECIFICATIONS: (1) PRIMARY AND SECONDARY LATCH POSITIONS (2) NON-SEPARATION UNDER LOADS THAT EQUAL OR EXCEED STANDARD 206 REQUIREMENTS FOR BOTH THE LATERAL AND LONGITUDINAL DIRECTIONS. THE FORD LATCH IS ENCLOSED IN A METAL CASE, AND THE APV INCORPORATES TWO LATCHES ONE ON EACH SIDE OF THE LIFTGATE.**
- **MOST OTHER PEER MINIVANS AS WELL AS STATION WAGONS INCORPORATE PRIMARY AND SECONDARY LATCH POSITIONS.**

# **EA94-005 CHRYSLER MINIVAN LIFTGATE LATCH FAILURE**

## **TESTING (STATIC)**

- **ODI STATIC TESTING OF CHRYSLER AND PEER MINIVANS (FMVSS 206)**

- **CHRYSLER MINIVANS, FORD AEROSTAR, CHEVROLET LUMINA APV, TOYOTA PREVIA MITSUBISHI EXPO, VOLKSWAGEN EURO VAN, MAZDA MPV, NISSAN QUEST, AND MERCURY VILLAGER WERE ALL TESTED AGAINST FMVSS No. 206.**
- **PRE 1989 CHRYSLER MINIVANS HAVE NO LONGITUDINAL RETENTION CAPABILITY (NO UPSET HEAD ON STRIKER).**
- **ONLY CHRYSLER MINIVAN LATCHES HAD FAILURE LOADS BELOW THE FMVSS 206 REQUIREMENT FOR THE TRANSVERSE DIRECTION ( A MEAN OF 1300 LBS., 700 LBS BELOW THE 206 REQUIREMENT). THE MODIFIED LATCH FOR 1995 MODELS PASSED THE REQUIREMENT IN THE TRANSVERSE DIRECTION (2202 LBS).**
- **MAZDA MPV LATCHES HAD FAILURE LOADS BELOW THE FMVSS 206 REQUIREMENT FOR THE LONGITUDINAL DIRECTION ( A MEAN OF 1885 LBS., 615 LBS. BELOW THE 206 REQUIREMENT). TOYOTA PREVIA marginally FAILED AT 2437 LBS.**



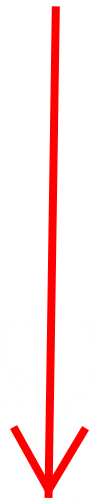
# **EA94-005 CHRYSLER MINIVAN LIFTGATE LATCH FAILURE**

## **TESTING (STATIC)**

- **STATIC TESTING (MODIFIED LATERAL FMVSS 206)**
  - **GOAL WAS TO DUPLICATE THE FORK BOLT-DETENT LEVER BYPASS FAILURE SEEN IN THE FIELD**
  - **LATCH WAS TESTED AT ANGLES BETWEEN +90 AND -90 DEGREES.**
  - **THE 1991-1993 CHRYSLER MINIVAN WAS THE WORST PERFORMER IN ALL BUT THE -90 DEGREES DIRECTION AMONG ALL THE LATCHES TESTED. THIS DIRECTION IS SIMILAR TO A RIGHT-SIDE IMPACT TO THE VEHICLE.**
  - **THE DAMAGE PATTERN SEEN IN THE REAL WORLD WAS DUPLICATED IN +90 DEGREES DIRECTION. THE FORK BOLT AND DETENT LEVER BYPASSED EACH OTHER AND THE RESTRICTOR SLIPPED BEFORE ANY SIGNIFICANT BENDING HAD OCCURRED.**
  - **CHRYSLER'S TEST RESULTS COINCIDE WITH ODI'S TEST RESULTS.**

# EA94-005 CHRYSLER MINIVAN LIFTGATE LATCH FAILURE

## TESTING (DYNAMIC, LEFT REAR QUARTER PANEL, MOVING DEFORMABLE BARRIER, MDB)



| TEST NO. | MODEL         | IMPACT SPEED | IMPACT DIRECTION  | IMPACTING OBJECT | HATCH OPENED | EJECTION     | REAR SEAT |
|----------|---------------|--------------|-------------------|------------------|--------------|--------------|-----------|
| 1        | '87 CARAVAN   | 33.6 MPH     | 26.4 DEG. FORWARD | 3600 lb MDB      | YES          | 2 DUMMIES    | BENT      |
| 2        | '91 CARAVAN   | 30.2 MPH     | 26.4 DEG. FORWARD | 3600 lb MDB      | NO           | NO EJECTIONS | BENT      |
| 3        | '91 CARAVAN   | 31.1 MPH     | 15 DEG. REARWARD  | 3600 lb MDB      | YES          | 1 DUMMY      | BENT      |
| 4        | '91 AEROSTAR  | 31.1 MPH     | 15 DEG. REARWARD  | 3600 lb MDB      | NO           | NO EJECTIONS | OK        |
| 5        | '91 MAZDA MPV | 31.2 MPH     | 15 DEG. REARWARD  | 3600 lb MDB      | NO           | NO EJECTIONS | OK        |
| 6        | '95 LATCH     | 31.1 MPH     | 15 DEG. REARWARD  | 3600 lb MDB      | NO           | NO EJECTIONS | BENT      |

# **EA94-005 CHRYSLER MINIVAN LIFTGATE LATCH FAILURE**

## **CONCLUSIONS**

- **ANNECTODAL CASES**
  - **AT LOW AND MODERATE IMPACT SPEEDS, LIFTGATE OPENS AND OCCUPANTS ARE EJECTED.**
  - **LIFTGATE LATCHES EXHIBIT A COMMON FAILURE MODE ( FORK BOLT-DETENT LEVER BYPASS).**
  
- **FARS DATA**
  - **CHRYSLER EJECTION RATE FOR KNOWN EJECTION PATHS IS TWICE THAT OF ALL OTHER MINIVANS.**
  - **75% OF EJECTIONS ARE CODED UNDER UNKNOWN EJECTION PATHS. ANALYSIS OF THESE UNKNOWN CASES INDICATES THAT MANY MAY BE LIFTGATE FATAL EJECTIONS.**
  
- **NASS DATA**
  - **LIFTGATES OPEN DURING LOW AND MODERATE IMPACT SEVERITY.**
  - **LIFTGATE LATCH FAILURE ACCOUNTS FOR THE MAJORITY OF THE FAILURE MODES IN CHRYSLER MINIVANS.**
  - **CRASH SEVERITY IS LESS ON CHRYSLER VEHICLES.**

# **EA94-005 CHRYSLER MINIVAN LIFTGATE LATCH FAILURE**

## **CONCLUSIONS (CONT.)**

- **STATIC COMPONENT TESTS**
  - **CHRYSLER'S DESIGN CRITERIA FOR THE LIFTGATE LATCH ARE LOWER THAN PEER AND FMVSS 206 STANDARDS**
  - **ONLY CHRYSLER MINIVAN LATCHES FAILED THE FMVSS 206 REQUIREMENT IN THE TRANSVERSE DIRECTION.**
  
- **DYNAMIC TESTS**
  - **AT A MODERATE SPEED IMPACT (30 MPH), CHRYSLER MINIVANS RESULT IN LIFTGATE LATCH FAILURE AND OCCUPANT EJECTIONS.**
  - **UNDER THE SAME TEST CONDITIONS, PEER VEHICLES' LIFTGATES REMAINED CLOSED.**
  
- **LATCH DESIGN**
  - **CHRYSLER HAS BEEN MODIFYING THE LATCH/STIKER MECHANISM SINCE JANUARY OF 1988.**
  - **THE LATEST MODIFICATION IMPROVES THE STRENGTH OF THE LATCH BY 50% AND IS CURRENTLY BEING USED IS 1995 MODEL YEAR VEHICLES. IT COULD ALSO BE USED IN 1991 THROUGH 1994 MODEL YEAR VEHICLES.**
  - **THE INCREASED STRENGTH IN THE 1995 LATCH WAS DEMONSTRATED IN BOTH COMPONENT AND CRASH TESTS.**
  
- **THE LATCH FAILURE IS A SAFETY DEFECT THAT INVOLVES CHILDREN.**

# ATTACHMENT 4

Dr. Mark R. Rosekind, Administrator  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
202-366-4000

30 March 2016

**Subject:** Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207  
**Reference:** ARCCA Petition of 28 September 2015 to Amend 49 CFR 571.207, FMVSS 207

Four Pages:

Internal and external Chrysler defense lawyers ordered that the office files of Paul V. Sheridan be confiscated, with a focus on his Safety Leadership Team meeting minutes. These included minutes to the March 16, 1993 SLT review of the *CBS News 60 Minutes* Seat Back Failure television report.

It should be emphasized that this office raid took place PRIOR to Sheridan's dismissal, and during the Christmas holidays of 1994, when internal and external defense lawyers were aware that he (Sheridan) was out-of-town.

Note listings of missing files beginning on page 2 of this attachment.

LAW OFFICES  
**CHAMBERS STEINER**

A Professional Corporation

1490 FIRST NATIONAL BUILDING  
DETROIT, MICHIGAN 48226-3592

Telephone (313) 961-0130  
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JOHN F. CHAMBERS  
SANFORD L. STEINER  
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COURTNEY E. MORGAN  
JEFFREY T. MEYERS  
ANGELA J. NICITA  
LOUIS G. COREY  
JOHN I. KITTEL  
RICHARD J. CAROLAN  
MICHELLE J. HARRISON  
PATRICIA A. MURRAY  
CHRISTOPHER S. HARTMAN  
FRANKLIN J. CHAMBERS  
MARTIN R. STURM  
KEVIN P. BURCH  
DOUGLAS A. MERROW  
LISA A. KLAEREN  
FRANK B. MELCHIORE  
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**KALAMAZOO OFFICE**  
7040 STADIUM DRIVE  
KALAMAZOO, MICHIGAN 49009  
Telephone (616) 375-4300  
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**ROSEVILLE OFFICE**  
25235 GRATIOT AVE.  
ROSEVILLE, MICHIGAN 48066  
(810) 773-3455

July 14, 1995

Thomas G. Kienbaum, Esq.  
500 Woodward Ave., Suite 4000  
Detroit, Michigan 48226-3406

Re: Chrysler vs. Sheridan

Dear Mr. Kienbaum:

I am in receipt of your most recent correspondence regarding the magistrate's recommendation and our providing of information to you regarding office materials. I do not know how you could have reasonably concluded from the correspondence that was forwarded to you that we are of the opinion that there is no basis to conclude that evidence may have been tampered with in this case. Indeed, the anxiety exhibited by the fact that you immediately faxed your reply to me suggests that in reality you hold the opposite opinion. Due to the necessity of my attendance at federal court in Wichita, Kansas this week, I did not believe that I was going to be able to comply with the July 14, 1995 deadline. Now, it appears that we are in a position to comply.

The information provided hereunder is based upon our limited and restricted ability to review materials which were allegedly seized from Mr. Sheridan's work space. That review is neither complete, nor did it have as its purpose the ferreting out of all details of evidence tampering which may exist. Lack of inclusion of any specific item in this list shall not be taken as an admission of the authenticity of such a document or other tangible item.

The document submitted by the plaintiff entitled, "Confidential Inventory of Material from Paul V. Sheridan's Cubicle at the Chrysler Technology Center", dated March 16, 1995, has numerous general inconsistencies and inaccuracies based on defendant's knowledge and cursory examination of the actual inventory:

July 14, 1995

1. This "inventory" fails to list and does not contain the following files:

- Liftgate Latch - General
- Liftgate Latch - Competitive
- Safety Leadership Team - Meeting Minutes
- Safety Leadership Team - Preliminary
- Liftgate Latch - Safety Office
- H. G. Cook Study
- FMVSS 206 - General
- Seat Back Strength - General
- Seat Back Strength - FMVSS 207 Specifications
- Offset Impact - General
- Rear Crash Survivability - General
- FMVSS - 301
- Side Crashworthiness Issues
- FMVSS - 214
- Bumper Issues - General
- NS-Body Bumper
- Taillamp Studies - Zarowitz
- Amber Taillamp - NS-Body
- Rear Seat Headrest - General and Zarowitz
- Back-up Light - General

2. The "inventory" lists files but inaccurately portrays their original/current contents:

- Box #1 - File "NS Liftgate System". This file contained subfiles such as "Customer Injury", "Saginaw", et al. Also contains photographs that were originally in the "Liftgate Latch - General" file which is missing per #1 above. (see page 4 of inventory).

CHAMBERS STEINER

Page 3

July 14, 1995

- Box #1 - File "NHTSA News" contains only half its original contents (see page 4 of inventory).
- Box #1 - File on "Muth Technologies" not listed; subfile "RSZ" not listed (see page 4).
- Entry on page 8 of inventory indicates that a file contained "correspondence for Dr. Detroit Motorsports". No correspondence was ever sent to Mr. Sheridan's Chrysler office for Dr. Detroit Motorsports, nor was any on file at that location.

3. The "inventory" identifies files and file locations by box number but the location identified was found to be inaccurate.

4. The "inventory" fails to explain/list file materials that were found in the actual inventory by defendant:

- Documents relating to FMVSS-208 dated December 21 were found in Box #1 in file "NS-Restraints". This file is not listed on inventory. (see page 4)

5. This "inventory" fails to accurately explain/list documents allegedly found in the cubicle, as described during the deposition of plaintiff's investigators.

6. The "inventory" fails to list files that were found in the actual inventory.

7. The "inventory" fails to list/identify location of specific video tapes:

- Environmentally Safe Oil Changes
- Formula SAE
- IIHS Bumper Tests
- Etc.



CHAMBERS STEINER

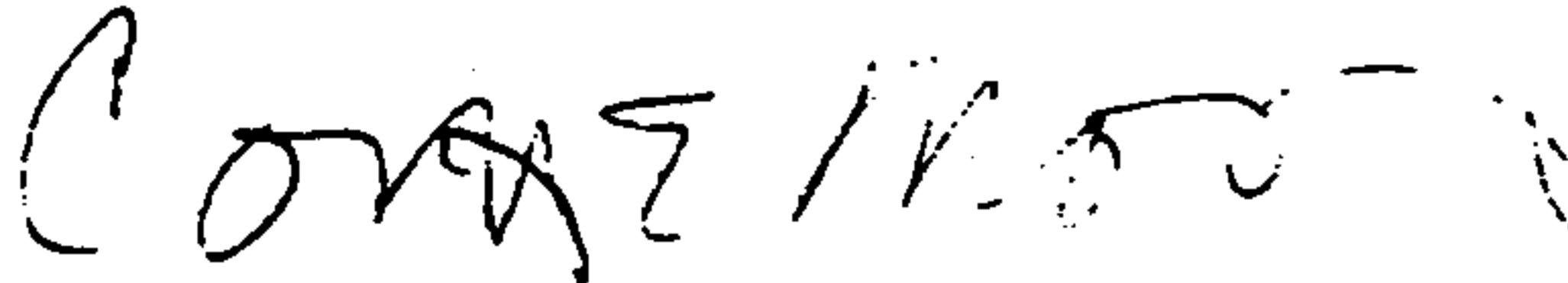
Page 4

July 14, 1995

8. The "inventory" fails to accurately list contents of computer disks and computer hard drive.

This response is not complete. Further examinations of inventory is still pending. Preliminary examinations cover documents listed through page 18, but not Box #7. Document listings from page 18 through 39 have not yet been examined.

Sincerely,



Courtney E. Morgan, Jr.

CEM/mn

cc: George Googasian, Esq.  
(Via Facsimile)

# ATTACHMENT 5

Dr. Mark R. Rosekind, Administrator  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
202-366-4000

30 March 2016

**Subject:** Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207  
**Reference:** ARCCA Petition of 28 September 2015 to Amend 49 CFR 571.207, FMVSS 207

Two Pages:

The secret agreement between NHTSA, the Department of Justice and Chrysler is summarized by an internal Chrysler document entitled, **“Proposed Agreement with NHTSA.”** Paragraph #1 confirms the conspiratorial triad which shielded from public scrutiny the joint NHTSA/Chrysler knowledge that FMVSS-207 compliant seat backs had failed, and had been videotaped, during unrelated crash tests:

- 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.



MINIVAN LATCH ISSUE

Proposed Agreement with NHTSA

1. Crash Test Video and the Public Record:

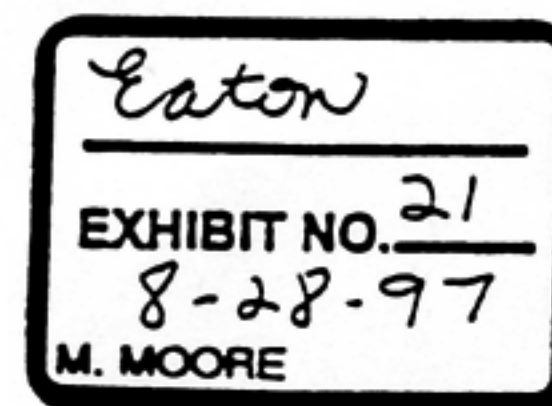
- NHTSA has agreed that they will deny all FOIA requests to place their investigative files, including the crash test video, on the public record and that the Department of Justice will defend any lawsuits seeking to compel production under FOIA.

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

Dr. Mark R. Rosekind, Administrator  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
202-366-4000

30 March 2016

**Subject:** Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207  
**Reference:** ARCCA Petition of 28 September 2015 to Amend 49 CFR 571.207, FMVSS 207

Three Pages:

Los Angeles Times report of 29 August 1995 which discusses Chrysler-NHTSA attempts to maintain conspiracy to keep NHTSA crash test reports and videos from being released to the public. Lead internal Chrysler product litigation attorney Lewis Goldfarb, who attempted to divert from that primary conspiratorial purpose, was in-attendance at federal court hearing:

Lewis H. Goldfarb, assistant general counsel for Chrysler, said that the company's efforts to replace the latches have been slowed by the difficulty of designing a related, remote-release component that is standard in the 1990s models. Kessler, he said, "really didn't understand" the design issue.

Rank(R)  
R 2 OF 6

Database      Mode  
PAPERSMJ      Page

U.S. Agrees to Disclose Chrysler Minivan Crash Test Data  
Courts: Lawyers for the government say they will release a videotape and other materials involving the safety of rear-hatch latches on the vehicles.

Los Angeles Times (LT) - TUESDAY August 29, 1995  
By: DAVID WILLMAN; TIMES STAFF WRITER  
Edition: Home Edition      Page: 12      Pt. A  
Word Count: 893

TEXT:

WASHINGTON - Under pressure from an activist's lawsuit and facing a skeptical federal judge, government lawyers announced Monday that they intend to make public a videotape of crash tests focusing on the controversial rear-hatch latches of Chrysler minivans.

The agreement to release the videotape and other materials by the end of October was revealed in court here by lawyers representing the government and a safety consultant who has sued an agency of the Department of Transportation to obtain the data.

The judge overseeing the dispute over release of the materials also questioned why none of the latches have yet been replaced. Chrysler and federal transportation officials had announced March 27 that the company, while maintaining that the original latches are safe, would replace the components at no cost to concerned vehicle owners. But the new latches are not yet available to minivan owners.

"Why in the world has it taken four to five months to get a prototype of these latches when you know full well that it takes months (longer) for consumers to actually get their vans in, to get the repairs made, for Chrysler to do what it's supposed to do?" U.S. District Judge Gladys Kessler asked a lawyer for the government.

"What in the world has taken so long, while these vehicles are on the road, being driven by families with children in those vans?" she added.

Failure of the latches may have contributed to the deaths of 37 people and injuries to 76 others, according to investigative reports compiled as of mid-July by the federal Department of Transportation.

Patricia Russotto, a lawyer for the department's National Highway Traffic Safety Administration, told Kessler that the replacement latches still must undergo physical testing to ensure their adequacy.

A Chrysler spokesman said last week that in September, the company hopes to begin contacting the first of more than 4 million van owners who would be eligible to have rear latches replaced. A Chrysler lawyer earlier had argued against release of the government's videotape, saying that the result would be a flood of demands for new latches.

Lewis H. Goldfarb, assistant general counsel for Chrysler, said that the company's efforts to replace the latches have been slowed by the difficulty of designing a related, remote-release component that is standard in the 1990s models. Kessler, he said, "really didn't understand" the design issue.

As evidenced by Kessler's comments, the dispute over the status of the videotape and other government investigative data has refocused attention on the Transportation Department's compromise agreement with Chrysler in March.

Safety activists have criticized the Clinton Administration for deciding not to declare the latches defective or to seek a formal recall.

In the event of a recall, an auto maker is subject to increased penalties and vehicle owners are informed, unambiguously, that a safety problem exists.

Under the compromise agreement announced in March, Chrysler has stated in television and print-media ads that the original latches are safe and that the government has not found otherwise but that replacements would nonetheless be offered.

In an interview, Philip R. Recht, a presidential appointee who is deputy director of the highway safety administration, said that the agreement with Chrysler was intended to avoid the delays of protracted litigation.

"We have got to keep our eye on the long-term goal here, which is safety," Recht said.

Yet in court Monday, Kessler took issue with the agency's handling of the latch-replacement matter. Kessler said that when the highway safety agency announced the agreement with Chrysler in March, no indication was given that it would take so long to accommodate minivan owners seeking to replace their original latches.

By the time Chrysler begins replacing the first of the latches, Kessler said, "we are talking about an eight- or nine-month delay between the time of an announcement that got a whole lot of publicity--I think it's fair to say favorable publicity, for the government and the manufacturer--and the time in which any consumer can actually take advantage of that offer in order to make their vehicle safer for themselves and their family. . . . I find that a bit disturbing.

"I think the (highway safety administration's March 27) press release certainly suggested something different to the public and that is of great concern to me," the judge added.

As for the videotape and the other investigative materials, lawyers for the highway safety administration had contended that the data was exempt from disclosure under the Freedom of Information Act because the agency has not formally closed its investigation of the minivan latches. The exemption

they cited allows an agency to withhold data if disclosure "could reasonably be expected to interfere with enforcement proceedings."

Russotto said that the government expects to close its investigation by mid-October.

Katherine A. Meyer, a lawyer for Ralph Hoar, the consultant who sued to force disclosure of the investigative materials, reiterated Monday that she believes the government's earlier compromise agreement with Chrysler marked the end of that investigation.

The materials Hoar is seeking, in addition to the videotape, include the "analysis, conclusions and recommendations" of the highway safety administration's staff. The agency showed all of the data to Chrysler's lawyers on Nov. 17, 1994.

Kessler said that if the government does not make public the videotape and the other materials by Oct. 30, "then I am certainly anxious for this case to proceed quickly."

DESCRIPTORS: CHRYSLER CORP; AUTOMOBILE SAFETY; UNITED STATES--GOVERNMENT;  
VIDEO RECORDINGS

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# ATTACHMENT 7

Dr. Mark R. Rosekind, Administrator  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
202-366-4000

30 March 2016

**Subject:** Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207  
**Reference:** ARCCA Petition of 28 September 2015 to Amend 49 CFR 571.207, FMVSS 207

Three Pages:

- (1) Original Safety Leadership Team (SLT) agenda from March 16, 1993, listing the showing of the *CBS News 60 Minutes* television report.
- (2) Original receipt for Paul V. Sheridan purchase of February 16, 1992 airing of CBS News 60 Minutes television report video tape.
- (3) Page 1 of Baird versus Chrysler, deposition of Paul V. Sheridan, testimony refutes prior Chrysler defense lawyer case filings and statements that Sheridan never saw 60 Minutes, never showed it to anyone at Chrysler, and did not possess the actual video tape.

**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.

CBS VIDEO  
 19 GREGORY DRIVE  
 SO. BURLINGTON, VT 05403  
 800-848-3256

CBS VIDEO = UPS SHIPPER NO.  
 19 GREGORY DRIVE = VT 047-471  
 SO. BURLINGTON, VT 05403 = PKG.ID 2245517  
 800-848-3256 = \*\*\*\*\*



**SOLD TO**  
 PAUL V SHERIDAN  
 22357 COLUMBIA STREET  
 DEARBORN MI 48124

| INVOICE DATE  | DATE SHIPPED     | OUR ORDER NO. | YOUR ORDER NO. | CUSTOMER NO. | TERMS   | SHIPPED VIA     |       |        |
|---|------------------|---------------|----------------|--------------|---------|-----------------|-------|--------|
| 3-24-92   |                  | 2245517       | 48124SVO1      |              | 30 DAYS | UPS GROUND-RES. |       |        |
| QUANTITY ORDERED  | QUANTITY SHIPPED | ITEM NO.      | DESCRIPTION    |              |         |                 | PRICE | AMOUNT |
| 1   | 1                | TO216C A      | CAR SEATS      |              |         |                 | 29.95 | 29.95  |
| *** THIS ORDER FILLS A BACKORDER ***<br>*** ORIGINAL INVOICE NUMBER - 2102183 *** |                  |               |                |              |         |                 |       |        |
| TOTAL PIECES SHIPPED: 1   |                  |               |                |              |         |                 |       |        |
| HANDLING CHARGE   |                  |               |                |              |         |                 | 29.95 |        |
| INVOICE AMOUNT  |                  |               |                |              |         |                 | 3.50  |        |
| Payment: Visa has been accepted.  |                  |               |                |              |         |                 | 33.45 |        |
| AMOUNT DUE:   |                  |               |                |              |         |                 | 0.00  |        |
| RETURNS ONLY IF DEFECTIVE; EXCHANGE ONLY  |                  |               |                |              |         |                 |       |        |

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STATE OF VIRGINIA

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

ALLYNNE L. BAIRD, Executrix  
of the Estate of GEORGE N. BAIRD,  
Plaintiff,

vs.

Law No. 34389

CHRYSLER CORPORATION, et al.,  
Defendants.

\_\_\_\_\_ /

APPEARANCES:

STEWART TILGHMAN FOX & BIANCHI, P.A.,

44 West Flagler Street, Suite 1900,  
Miami, Florida 33130.

For the Plaintiff.

BY: DAVID W. BIANCHI.

CHAMBERS, STEINER, MAZUR, ORNSTEIN & AMLIN, P.C.,

1490 First National Building,  
Detroit, Michigan 48226.

For the Deponent.

BY: COURTNEY E. MORGAN, JR.

VIDEOTAPED AND CONFIDENTIAL

DEPOSITION OF PAUL V. SHERIDAN

(Taken July 24, 1995)

CONFIDENTIAL

# ATTACHMENT 8

Dr. Mark R. Rosekind, Administrator  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
202-366-4000

30 March 2016

**Subject:** Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207  
**Reference:** ARCCA Petition of 28 September 2015 to Amend 49 CFR 571.207, FMVSS 207

Nine Pages:

NHTSA complicity and fraud of FMVSS-207 is not restricted to Chrysler; these conspiratorial behaviors are connectable to other car makers. Closed-door defense lawyer intercompany collaboration is routine and well-known to NHTSA.

On Page of this Attachment you find:

As you may be aware, GM delayed their approval of this letter in the final stages of drafting. [REDACTED]

It would not be surprising if, when GM sees the final product, they are exercised that we did not give full weight to their input. We have only so much influence on the specific content of this type of letter once it is put in the hands of the staff for final work.

Memo: Please note that in the left margin of Page 1 you also find the handwritten concern:

**“Hopefully this won’t leak.”**



REPRODUCED DOCUMENT

Date January 18, 1995

To - Name & Department

Cong. Number

Rob Eaton, Tom Denomme, Ron Boltz, François Castaing, Rob Liberatore, Bud Liebler

Name & Department

Cong. Number

Al Slechter

938-00-00

Subject MINIVAN LATCH CASE

Attached is the letter to Rick Martinez which we have been working on with Hill staff. The final is signed by Mike Oxley and John Dingell. Several things should be noted:

Tom Bliley was briefed on this subject by staff and, for whatever reasons, he decided to defer the signature to Mike Oxley. This can be read as the first example of the "Bliley process" and signals less attention by Bliley to our industry problems. A second reading, however, is that the relationship between Bliley and Oxley has been somewhat strained and that Bliley is deferring to Oxley's subcommittee jurisdiction.

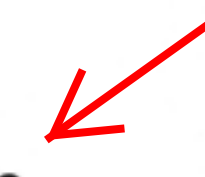
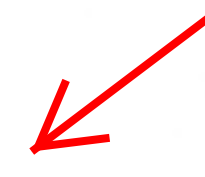
As you will see, the letter was substantially toughened by staff and we are aware that Dingell's staff was instrumental in further fleshing out the questions raised in the letter.

As you may be aware, GM delayed their approval of this letter in the final stages of drafting.

It would not be surprising if, when GM sees the final product, they are exercised that we did not give full weight to their input. We have only so much influence on the specific content of this type of letter once it is put in the hands of the staff for final work.

From my vantage point, it is a much improved and tougher product and will hopefully have a positive effect on our situation.

Handwritten notes: 1-20-95 STEVE BASSIS TOM KUWALSKI F. - He's saying this... want least, but you should be aware of what it says about the... EVENS THAT IT... DOES. Bund



AJS/st

Eaton  
EXHIBIT NO. 18  
8-28-97  
M. MOORE

RECEIVED  
JAN 1 1995  
A.

AL000273

T. G. DENOMME

December 13, 1994

- R. J. Eaton
- R. A. Lutz
- R. R. Boltz
- F. J. Castaing
- T. R. Cunningham
- D. E. Dawkins
- L. H. Goldfarb
- S. J. Harris
- T. J. Kowaleski
- A. C. Liebler
- C. P. Theodore
- G. C. Valade

Attached is the agenda for the Minivan Latch meeting scheduled for 3 p.m. today in the Keller Building Conference Room A.

/bw

*Eaton*  
 EXHIBIT NO. 15  
 8-28-97  
 M. MOORE

|  |                   |            |                |
|--|-------------------|------------|----------------|
| Post-It™ brand fax transmittal memo 7671 |                   | # of pages | 2              |
| To                                       | <i>KOWALESKI</i>  | From       | <i>DENOMME</i> |
| Co.                                      |                   | Co.        |                |
| Dept.                                    |                   | Phone #    |                |
| Fax #                                    | <i>8-776-7947</i> | Fax #      |                |

REDACTED DOCUMENT

MINIVAN LATCH ISSUES  
AGENDA

DECEMBER 13, 1994

| <u>Topic</u>  | <u>Discussion Leader</u> | <u>Time</u> |
|---|--------------------------|-------------|
| • Opening Comments  | Denomme                  | 5 minutes   |
| • Update Since Last Meeting                                       | Dawkins/Goldfarb         | 10 minutes  |
| • Report on Latch Status for Field Campaign                       | Theodore                 | 10 minutes  |
| [REDACTED]  | [REDACTED]               | [REDACTED]  |
| • Review of Communications Plans for a NHTSA Confrontation        | Liebler                  | 30 minutes  |
| • Review of Focus Group Research                                  | Liebler                  | 10 minutes  |
| • Discussion of Combined Offer to Replace/ Confrontation Strategy | Denomme                  | 10 minutes  |
| • Political Strategy  | Liberatore               | 10 minutes  |
| • Business Decision   | Group                    | 20 minutes  |

1 hour, 50 minutes

12/13/94

TH002785

DOCUMENT PURSUANT TO A PROTECTIVE ORDER IN SERGIO V. JIMENEZ, et al. v. CHRYSLER



Vice C

T. G. DENOMME

December 9, 1994

R. J. Eaton  
R. A. Lutz

Re Point #1 ... we've been talking to The Detroit News today re holding their latch story. Bud has worked out an arrangement whereby they will not run the story this weekend and we will agree to give them a one-day lead if we decide to do a customer-friendly action only (a voluntary recall).

If we decide to take on NHTSA, they understand that we will need to involve all media in that decision.

It should be noted, however, that if there are more leaks, or someone else breaks this story, then the News will go with theirs.

*[Handwritten signature]*

TGD:bw

Eaton  
EXHIBIT NO. 14  
8-28-97  
M. MOORE

TD000099

DOCUMENT PRODUCED  
PROFITABLE TO A  
CHRYSLER  
IN JIMENEZ V.

Confidential and Privileged

T. G. DENOMME

REDACTED  
DOCUMENT

December 9, 1994

R. J. Eaton  
R. A. Lutz

MINIVAN LATCH MEETING

A preview of next Tuesday's meeting:

1. Bad News ... Yesterday we received a call from Bryan Gruley (Detroit News Washington Bureau) who told us he and Bill Vlasic are working on a story for this weekend on the "raging debate within Chrysler on whether to recall the vans or take on NHTSA". This story, which may go on the Gannett wire (USA Today) will generate customer and dealer concerns, and could force NHTSA to dig in. Don't know the source, but the fact that their Washington Bureau got on it suggests either a NHTSA or a Consumer Advocacy source.
2. NHTSA Situation ... There was little discussion on our technical presentation last Monday. The consensus is that the new data we presented has bought us a little time ... there will probably be another technical session to discuss NHTSA's reaction to our data ... but it's unlikely we have changed their minds. Accordingly, we will continue to operate under the assumption that we will eventually be requested to do a recall.
3. Latch Fix ... Chris Theodore will update us. Because we have chosen not to contact external suppliers, our cost/timing estimates are very rough. But Chris will likely report that we could have some quantity of latches available for '91 to '94 models by early spring, and the new latch for the pre-'91 models in about nine months. I do not know where we stand on costs.
4. Take On NHTSA Strategy ... Tom Kowaleski will take us through a "script" for a media conference laying out our case. Bud Liebler will review the ads developed in conjunction with a decision to fight a recall. We will also review dealer/customer communication materials.
5. Research ... We are doing some focus group testing of the take-on-NHTSA approach. No one has seen the results yet, but early indicators are that customers "tune out" statistical arguments about accidents, fatalities, latch pull tests, etc., and focus on "what's Chrysler going to do to address customer concerns". There is no doubt that Chrysler has a special image and relationship with minivan customers when it comes to safety.
6. A Third Approach ... In addition to the voluntary recall path and the take-on-NHTSA path, a third path melding elements of a voluntary recall and a take-on-NHTSA approach will be discussed. Essentially, we would seize the high ground by going out with an offer to replace the latch for any of our owners who request a replacement (note this wording ... it is much softer and less urgent than the language NHTSA insists on under their recall procedure) and, at the same time, tell NHTSA to "pound sand". The obvious benefit of this approach is that we address our customer concerns without admitting to a defect (because there is no defect) and simultaneously engage NHTSA in the fight over principle.

TD000100

REDACTED DOCUMENT

[REDACTED]

I should also point out that we have several other important cases under investigation by NHTSA, including minivan brakes, that we need to keep in mind before we engage them in a fight.

7. [REDACTED]

8. Recommendations ... There continues to be a divided house on what we should do once we know that NHTSA will send us a letter.

- Sales/Marketing ... Wants us to address customer/dealer concerns and prefers a voluntary field campaign to a public fight on principle.
- Public Relations ... Agrees with Sales.
- Engineering ... Prefers we take on NHTSA.
- Regulatory Affairs ... Prefers we take on NHTSA (but is supportive of the third alternative described in point #5).
- [REDACTED]
- Washington Office ... [REDACTED] but also sees some advantages to the third alternative.

9. Final Point ... Rob Liberatore makes the point that, regardless of what course of action we take, we should mount an aggressive effort in Washington to prevent the adverse use of bureaucratic power within NHTSA, specifically their funding from Congress, the process which allows NHTSA to design tests for the public record that play to the media and trial lawyers before ruling on a defect, the lack of objective criteria in determining whether a recall request is to be made, and the very fact that they can request a recall before establishing that a defect exists. I could not agree more.

If we want to use political pressure to try to squash a recall letter, we need to go now. We cannot expect to be successful if we don't activate until we are officially notified that a letter is coming. Of course, the risk of early action is that it may preclude NHTSA from exercising a close-the-case option.

  
T. G. Denomme

TGD:bw

# Oakland Tech News

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VOL. 13, NO. 9

OAKLAND COUNTY'S AUTO INDUSTRY AND BUSINESS NEWSPAPER

MARCH 6, 1995

## CUSTOM FIT

The Detroit Transportation Club hosted a U.S. Customs Service Special Agent at their February luncheon — he spoke on customs fraud, its application to shippers and the responsibilities of all parties involved.

See CUSTOMS, page 2 >

## DEALERSHIP LOYALTY

Along with improved customer satisfaction, that's what Chevrolet is trying to promote with its new Career Builders program that honors salespeople who stay at dealerships for more than three years.

See CHEVROLET, page 6 >

## MOTOWN HOEDOWN

The Motown Museum hosted its annual fund-raising dinner and dance last week to help with renovation of the old Hitsville USA studio on West Grand Boulevard in Detroit's New Center Area.

See PARTY, page 6 >

## CLEAN AND CLEAR

Orbital Engine Co. has long said it would provide automakers with an alternative to the four-stroke engine with its two-stroke, however, U.S. emissions standards have stood in the way of the in-

# EATON ATTACKS FEDERAL REGULATIONS

By Scott Roush  
Staff Writer

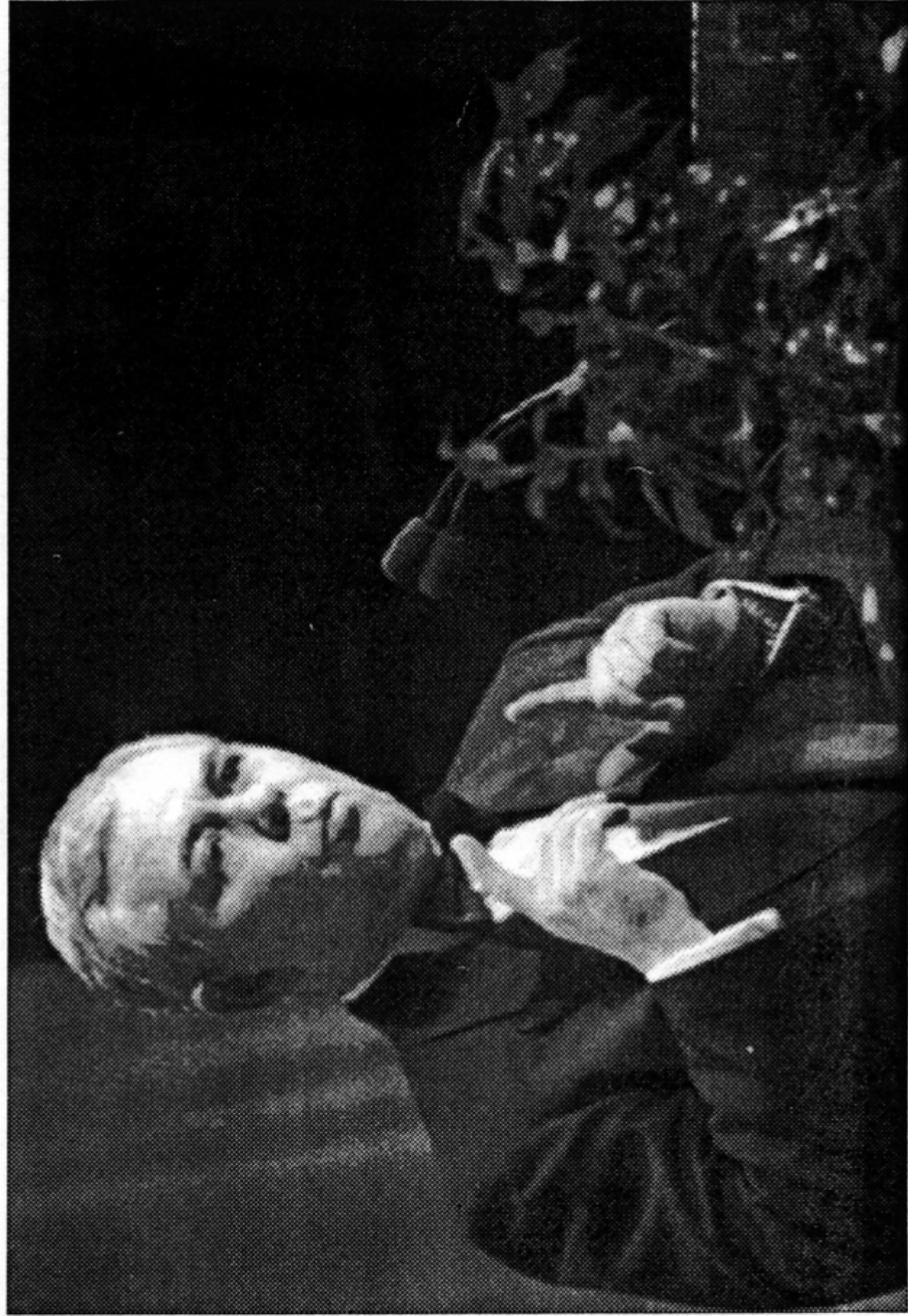
Chrysler Corp.'s Chairman Robert Eaton wrapped up the 1995 SAE International Congress and Expo with a speech that criticized the federal government for regulations stifling the growth of the auto industry.

From voluntary recalls and workplace streamlining to the average cost of today's vehicle, Eaton questioned the government's role in regulating business during his "Engineering for Value" presentation.

But Eaton did approve of what some of the government is doing. The Chrysler boss praised House Speaker Newt Gingrich and other Republicans' attempts to reduce some of the bureaucracy in Washington through the "Contract with America."

Eaton discussed how the automotive industry has reduced its workforce since 1950 and how the federal government has failed to reduce its workforce over the same time period. This, according

See EATON, page 4 >



**CHRYSLER CHAIRMAN** Robert Eaton's speech at the SAE Congress and Expo banquet at Cobo Center was critical of the number of industry regulations coming from Washington.

science and technology on March 6 from noon -1 p.m. Call (810) 370-3574.

**QUALITY WORKSHOPS** A nine-week workshop, Improving Productivity Through Statistical Quality Control, starts March 20, from 6 -9 p.m. at Oakland University. Another workshop at OU, Improving Customer Satisfaction Through Process Control and Quality Planning, starts March 21 from 6 -9 p.m. Call (810) 370-3120.

**"LOVE LETTERS"** St. Dunstan's Guild of Cranbrook presents "Love Letters" by A. R. Gurney March 10, 11, 17 and 18. This performance piece delivers letters exchanged over a lifetime between two people who grew up together, went their separate ways but continued to share confidences. The show starts at 8 p.m. in St. Dunstan's Playhouse in Bloomfield Hills. Call (810) 644-0527.

**VOLUNTEERS NEEDED** The Oakland County Retired and Senior Volunteer Program (RSVP) seeks volunteers 55 years and older to become involved with community agencies who need assistance. Varied opportunities are available at schools, hospitals, libraries, human service agencies, and cultural institutions throughout Oakland County. Contact Linda Kaniewski at (810) 333-3716 ext. 115.

**CHILD SAFETY** "Northwest Troy Partnership Talks Safety" will be presented March 8, 7 -9 p.m. at Hamilton Elementary School on Northfield Parkway in Troy. Presentations by members of the Troy Police Department will include: home security, bike safety, how to use your police department, K-9 officers, child safety and personal safety. Admission is free. Call (810) 740-0431.

**MUSICAL CELEBRATION** Inspired by stories from and about the AIDS Memorial Quilt, "Quilt, A Musical Celebration" fills the theater with images of laughing, living, leave-taking and love. The show takes the stage March 10 and runs for three consecutive weeks. Call (810) 370-3013.

**CANCER PROGRAM** Crittenton Hospital in Rochester and the American Cancer Society are sponsoring a four-week "I Can Cope" program that began Feb. 22 and continues for four consecutive weeks. "I Can Cope" will be

tax strategies. featured speakers include Peter Bewrchy, Richard Falck and Davis Senatore, financial consultants. The seminars will take place at the Columbia Center in Troy across from the Troy Marriott. Call (810) 227-1931.

**"ROYAL TOMBS OF SIPAN"** This heralded exhibit will be on display at the Detroit Institute of Arts from now through April 30. Tomb robbers unearthed treasures from a pyramid near Sipan, Peru, and flooded the international art market with gold and silver artifacts. The exhibit features exquisite gold and silver jewelry, semi-precious stones and other artifacts excavated from the richest tombs ever explored in the Americas. Call (313) 833-2323.

**BIRDS OF PREY** Join an expert ornithologist for a talk featuring live Michigan wildlife March 14, 7 -8 p.m., at Edsel and Eleanor Ford House. Special guests could include a Barn Owl, Red-tailed Hawk and American Eagle, among others. Suitable for adults and children 6 and older. Admission is \$3. Call (313) 884-4222.

**AUTOMOTIVE MAGNESIUM** The International Magnesium Association is sponsoring an educational seminar on magnesium in automotive applications, Apr. 4, 8 a.m. -4 p.m., at Laurel Manor, 39000 Schoolcraft in Livonia. There is no charge for attending the seminar. Form reservations call (703) 442-8888.

**RAPID PROTOTYPING** Register now for the Rapid Prototyping & Manufacturing '95 Conference and Exhibition, May 2 -4, at the Hyatt Regency in Dearborn. The event, sponsored by the Society of Manufacturing Engineers, will feature 60 exhibitors and 40 conference presentations. Keynote speaker is Mary L. Good, undersecretary of technology at the U.S. Department of Commerce. For more information call 1-800-733-4763.

**MANAGING DIVERSITY** The University of Michigan-Dearden's Center for Corporate and Professional Development helps you update your managing skills. The CCPD will be offering a course on "Diversity: Awareness & Understanding" March 20 and 21, 8 a.m. -5 p.m. The cost for this interesting program is \$536 per person. Call

# Eaton Says Governmental Regulations Negatively Impact Industry's Progress

From page 1

to Eaton, just one way the auto industry has streamlined and the government hasn't.

In 1978, the auto industry was at its peak employment at 1 million workers. That same year the federal government employed 2.8 million civilians. "Today the automotive industry has reduced its workforce to 575,000," he said. "What happened to those 2.8 million federal employees in the meantime? They grew by 100,000 (almost the size of Chrysler Corp.)."

Eaton also talked about process. "We figured out a few years ago that managing the process makes a lot more sense than just trying to manage the outcome," he said. "That's how we cut our workforce so much and got so productive."

Eaton continued by saying that no industry is more heavily regulated than the auto industry. He added that because the industry is so visible, there is no better target when the government pursues a crusade like voluntary recall.

Voluntary recall is negative for the industry, Eaton said, because of the bad public relations that go with a product recall.

"If you do what the government asks you to do, in the eyes of the public you must have a faulty product," he said. He referred to the dispute General Motors had concerning its pickup trucks as a prime example of where the au-

tomaker faces a no-win situation in public opinion.

Chrysler might be in a similar situation with one of its vehicles. Reports have criticized the car company for flawed rear door latches on its best-selling minivans from 1985 -94.

"The cost and the risk of defecting them are too great for many companies to even contemplate," Eaton said of the agencies who regulate the industry.

Regardless, today's auto workers are more productive than in the past because of better management according to Eaton. In 1978, the industry produced 13 vehicles per employee. This year that figure is 21 vehicles per employee.

"We can continue this process," Eaton said of the improved production.

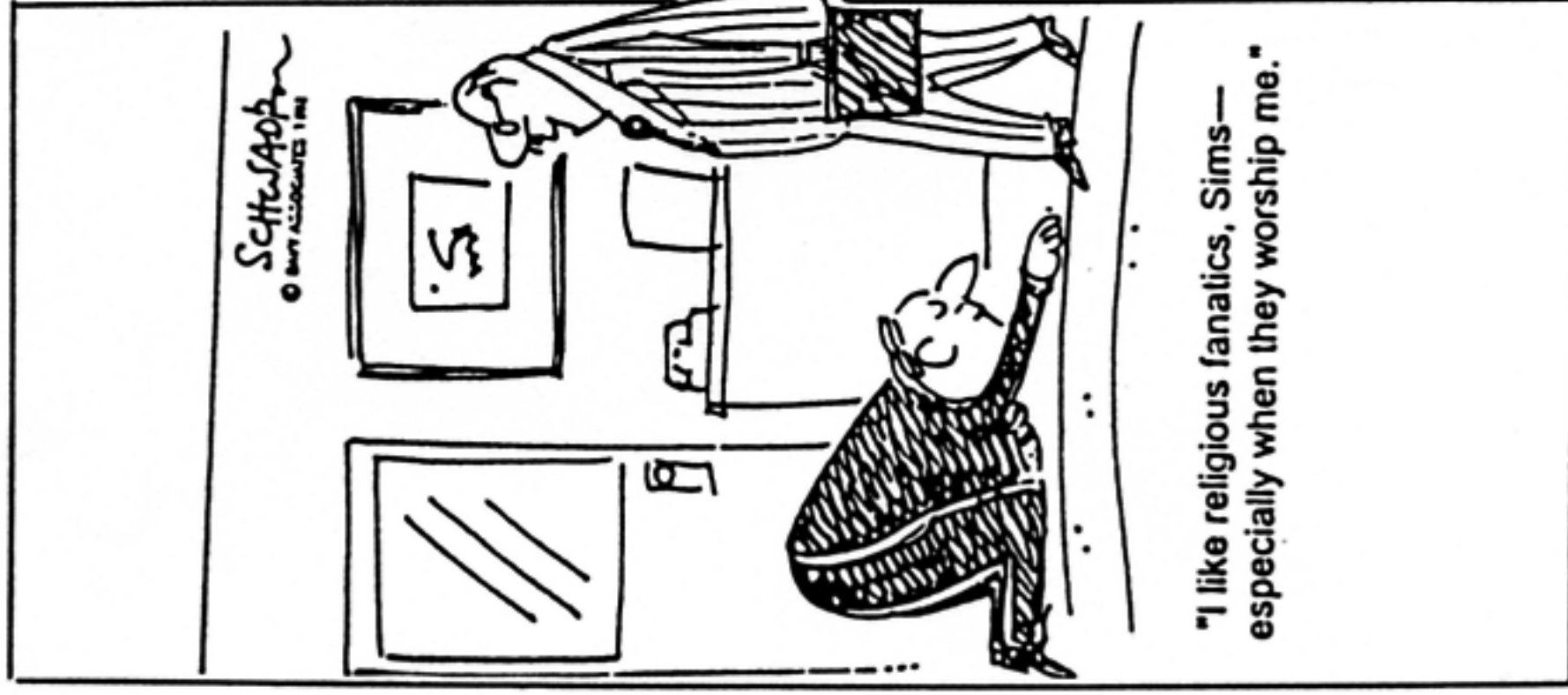
The federal government announced that the average price of a 1995 vehicle rose to approximately \$20,000. Eaton said the government failed to include incentives when it calculated those figures, but that number could soon be reached due to government regulations.

"The public mood is decidedly anti-Washington, and that means the appetite for more rules and regulations is just about gone," Eaton said.

The auto industry itself needs to improve the affordability of cars, but with governmental interference it will be difficult to

promote "Engineering for Value" according to Eaton.

"The future profits have to come from the product instead of the customer," he said. "Costs have to be engineered out, and they have to come out without compromising product integrity."



Robert J. Eaton  
Chairman of the Board  
and Executive Officer

March 30, 1995

The Honorable John D. Dingell  
House Commerce Committee  
2125 Rayburn House Office Building  
U. S. House of Representatives  
Washington, DC 20515

Dear Congressman Dingell:

I want to thank you for your personal involvement on behalf of Chrysler and other auto manufacturers regarding the NHTSA defect investigation process. I believe your oversight of NHTSA has played a significant role in causing NHTSA to alter its mindset as well as its processes in its handling of complex safety investigations. We at Chrysler intend to continue to speak out on this issue and hope you will continue your probing for an improved investigatory process.

I also want to provide you some insight on our recent decision on the minivan latch issue. As you are no doubt aware, with great reluctance we decided on March 27 to initiate a service campaign for our minivan owners, offering them a replacement rear door latch for model years 1984 through 1994. This decision was based solely on our determination that Chrysler minivan owners had become so misled by outrageous media sensationalism of this issue that further delay in adjudicating this investigation with NHTSA would be harmful to the company. It became necessary to put customer concerns first over our absolute insistence that no safety issue actually exists.

I have never doubted that NHTSA's evaluation of the facts in this matter would eventually conclude in their closing the case without an adverse finding. But to reach that conclusion would take many more months during which our exposure to continuing media barrages would not be abated.

It is regrettable that the NHTSA investigative process is wholly deficient in protecting the rights and reputations of manufacturers where there are: (1) large numbers of vehicles involved; (2) complicated technical issues; and (3) post facto and subjective determinations by NHTSA of on-road crashworthiness safety performance. I want to assure you that Chrysler will work diligently for changes to bring fairness to this system. I hope you will continue your invaluable oversight efforts to that end.

Thank you again for your support.

Sincerely,



# ATTACHMENT 9

Dr. Mark R. Rosekind, Administrator  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
202-366-4000

30 March 2016

Subject: Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207  
Reference: ARCCA Petition of 28 September 2015 to Amend 49 CFR 571.207, FMVSS 207

Six Pages:

The infamous “Toth Memo.” Confirming what FMVSS-207 petitioners have known all-along, the following screenshots are representative of this attachment:

- NO GM TESTS OR DATA TO SUPPORT ASSERTIONS OF REDUCED NECK LOADING AND HEAD IMPACT POTENTIAL WITH “YIELDING” SEATS.

- NO GM TESTS OR DATA TO SUPPORT ASSERTIONS THAT MORE RIGID SEATS CAN ENHANCE INJURIES.

- SHOWING THAT WE COMPLIED WITH FMVSS 207 (OR EVEN TWICE THE REAR MOMENT REQUIREMENT OF FMVSS 207) IS UNPERSUASIVE — FMVSS 207 IS A “STATIC” TEST WITHOUT ANY DEMONSTRATED RELATIONSHIP TO DYNAMIC “REAL-WORLD” PERFORMANCE.

PRODUCED BY GENERAL MOTORS CORPORATION

FACSIMILE COVER SHEET

NUMBER OF PAGES: 6 (INCLUDES COVER SHEET)

DATE: April 16, 1992

TO: Don Maertens

AT: Toch Center

PHONE NO.: 947-9373

FAX NO.: 947-6467

FROM: CARY P. YOH

TELEPHONE: (313) 974-1720 (GM NETWORK 2-564-1720)

ADDRESS: GM LEGAL STAFF - PRODUCT & SYSTEMS ANALYSIS  
3051 WEST GRAND BOULEVARD  
PO BOX 13122  
NEW CENTER ONE BUILDING  
DETROIT, MICHIGAN 48223

FAX NO.: (313) 974-0622 (GM NETWORK 2-564-0622)

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Don,  
Please give me a call if you have any questions regarding the attached.

Cary

PURSUANT TO PROTECTIVE ORDER

OLESZ23577  
575



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THE PROBLEM

LACK OF "DUE CARE" ANALYSIS AND DOCUMENTATION TO SUPPORT THE  
DESIGN OF "YIELDING" SEATS WHICH CAN RESULT IN OCCUPANT EJECTIONS  
AND THE RISK OF SEVERE HEAD AND/OR NECK INJURY IN REAR COLLISIONS.

HILL, LINDA  
1845-267241

PURSUANT TO PROTECTIVE ORDER

OLESZ23578

5751n

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ATTORNEY-CLIENT COMMUNICATION

THE CONSEQUENCES

- o DIFFICULTY IN DEFENDING "YIELDING" SEATS IN LITIGATION --  
ESPECIALLY IN CASES INVOLVING THE EJECTION OF BELTED  
OCCUPANTS.
  - SHOWING THAT WE COMPLIED WITH FMVSS 207 (OR EVEN TWICE  
THE REAR MOMENT REQUIREMENT OF FMVSS 207) IS  
UNPERSUASIVE -- FMVSS 207 IS A "STATIC" TEST WITHOUT ANY  
DEMONSTRATED RELATIONSHIP TO DYNAMIC "REAL-WORLD"  
PERFORMANCE.
  - REAR BARRIER TEST FILMS SHOWING SEAT PERFORMANCE HAVE  
BEEN USED EFFECTIVELY BY PLAINTIFFS' ATTORNEYS.
  - NO GH TESTS OR DATA TO SUPPORT ASSERTIONS OF REDUCED  
NECK LOADING AND HEAD IMPACT POTENTIAL WITH "YIELDING"  
SEATS.
  - NO GH TESTS OR DATA TO SUPPORT ASSERTIONS THAT MORE  
RIGID SEATS CAN ENHANCE INJURIES.

HILL, LINDA  
1845-267242

57511

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CONSEQUENCES CONTINUED...

- SOCIETAL HARM ANALYSES SHOWING THE RELATIVE INFREQUENCY OF SEVERE INJURIES IN REAR COLLISIONS ARE INSUFFICIENT FOR PURPOSES OF SHOWING THAT OUR CURRENT SEAT DESIGNS MEET THE LEGAL DUTY OF A MANUFACTURER UNDER LARSEN TO DESIGN A CRASHWORTHY VEHICLE.
- MANY SEAT DESIGNERS ARE UNAWARE OF HOW THEIR SEATS PERFORM IN THE FIELD, OR EVEN IN REAR BARRIER TESTS, AND, THOSE WHO ARE AWARE ARE UNABLE TO RELATE THAT PERFORMANCE TO "REAL-WORLD" INJURY PERFORMANCE.
- THE "YIELDING" SEAT DESIGN PHILOSOPHY IMPLIES THAT SEATS YIELD IN A "CONTROLLED" MANNER; HOWEVER, THERE IS AN INSUFFICIENT UNDERSTANDING OF OCCUPANT KINEMATICS AND INJURY MECHANISMS IN REAR COLLISIONS, AND THE TRADE-OFFS BETWEEN "YIELD" AND "RIGIDITY," TO ESTABLISH THAT YIELD IS BEING CONTROLLED TO MINIMIZE INJURY POTENTIAL IN ALL ACCIDENTS.
- o MOST IMPORTANTLY, WE ARE UNABLE TO EFFECTIVELY DEMONSTRATE THAT WE EXERCISED "REASONABLE CARE" AS A CARING CORPORATION TO DESIGN SEATS WHICH WILL REDUCE THE RISK OF INJURY OR INJURY ENHANCEMENT TO OUR CUSTOMERS IN REAR COLLISIONS.

HILL, LINDA  
1845-267243

OLESZ23580

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ATTORNEY WORK PRODUCT

SEAT PERFORMANCE

NEEDS

1. NEED MORE INFORMATION ON EFFECT OF SEAT STIFFNESS AND STRENGTH ON OCCUPANT KINEMATICS AND POTENTIAL INJURY MECHANISMS IN REAR COLLISIONS.
2. NEED TO DEFINE AN APPROPRIATE LEVEL OF DYNAMIC SEAT PERFORMANCE WITHIN GM.
3. NEED TO UTILIZE THIS INFORMATION AND PERFORMANCE OBJECTIVE IN THE DESIGN OF ALL GM SEATS.
4. NEED TO DOCUMENT THE USE OF THIS INFORMATION AND THE RATIONALE FOR THE PERFORMANCE LEVEL OF GM SEAT DESIGNS.

HILL, LINDA  
1845-267244

OLESZ23581

PURSUANT TO PROTECTIVE ORDER

PRIVILEGED & CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION

RECOMMENDATION

- o DEVELOP A CORPORATE PRODUCT PERFORMANCE OBJECTIVE (CPPO) FOR SEAT PERFORMANCE BASED ON AN ANALYSIS OF OCCUPANT KINEMATICS AND POTENTIAL INJURY MECHANISMS IN REAR COLLISIONS.
  - MINIMIZE THE POTENTIAL FOR OCCUPANT EJECTIONS AND HEAD CONTACT DUE TO SEAT BACK DEFORMATION IN REAR COLLISIONS.
  - OBTAIN APPROPRIATE TEST DATA TO SUPPORT ANY PROPOSED DYNAMIC OR STATIC TEST CONDITIONS AND ANY SEAT BACK DEFORMATION LIMITS.
  - CONSIDER THE EVALUATION OF OVERALL SEAT PERFORMANCE DURING SCHEDULED REAR MOVING BARRIER AND VEHICLE-TO-VEHICLE TESTS.
  - CONSIDER RESEARCH TO DEFINE APPROPRIATE INJURY CRITERIA BASED ON INJURY TOLERANCE LEVELS FOR A VARIETY OF REAR END IMPACT SITUATIONS AND SEAT RESPONSES.

HILL, LINDA  
1845-267245

OLESZ23582

# ATTACHMENT 10

Dr. Mark R. Rosekind, Administrator  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
202-366-4000

25 March 2016

**Subject:** Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207  
**Reference:** ARCCA Petition of 28 September 2015 to Amend 49 CFR 571.207, FMVSS 207

Ten Pages:

4-H THE PLAIN DEALER • SUNDAY, MAY 13, 2001

## 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.



KATHLEEN WATT / ASSOCIATED PRESS

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

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

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

By **CHRISTOPHER JENSEN**

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



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

KATHLEEN WATT / ASSOCIATED PRESS

# SEAT BACKS

FROM 1-H

## Auto seat-back safety remains an issue

"There is no reason on God's green earth that we cannot design against that sort of thing. I personally feel the North American [auto] industry has been somewhat negligent," said Frank Navin, a professor of engineering at the University of British Columbia who has studied and written about seat-back strength.

"It is not that they can't do it; it will simply cut into the profits of a vehicle if they do it," Navin said.

The U.S. and Japanese automakers are "more than capable" of designing seats that could provide substantial improvements in protection, according to Douglas P. Romilly, an associate professor of mechanical engineering and seat-back researcher at the University of British Columbia.

### A decade of delay

In 1989, two safety researchers who worried that too many seats were breaking, causing injuries, asked the National Highway Traffic Safety Administration (NHTSA) to do something about it.

In particular, they asked for improvements in Federal Motor Vehicle Safety Standard 207, which governs the strength of seat backs and had received no update since 1972.

One of the researchers was Alan Cantor, chairman of ARCCA, a Penns Park, Pa., consulting and engineering firm specializing in aviation and automotive crash safety that sometimes provides testimony in civil suits against automakers.

"I was astounded by the number of seat-failure cases I was seeing . . . with massive injuries. I looked at the standard [207], and . . . it was a joke," Cantor said.

Early in 1990 the agency agreed to consider a change, but more than a decade later the 1972 rule remains intact.

NHTSA says it is still considering what, if anything, to do. That doesn't mean it has not worked on the issue. The agency undertook studies and requested advice and information from the automakers.

For the most part, the auto companies told the NHTSA that the existing seats were pretty good. They said that rear-impact collisions were not a major problem and that there wasn't enough information on how to make seats stronger without possibly posing other dangers to consumers, such as neck injuries.

In a written statement to the Plain Dealer, DaimlerChrysler expressed belief that its seats are designed like "virtually all of today's automobile seats" and "yield in a controlled fashion to absorb and dissipate the energy of an accident."

Company officials declined to explain whether such yielding could include a seat back that collapses so far as to almost touch the seat behind it. That is apparently what happened in the cases of Comella and Thomas.

In suits filed on behalf of Thomas and Comella, Cleveland lawyer James A. Lowe argued that those seats failed catastrophically and that the automaker knew or should have known that they were not strong enough. DaimlerChrysler officials declined to comment on the cases because they were settled out of court.

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"Just because a small number are injured doesn't mean you shouldn't do something. For those people who are injured, it is very important," he said.

The collapse of a front seat can do more than injure its occupant. There have been cases of children seated in the back seat being killed or injured when a front seat broke, launching an adult missile into the back seat.

### A farcical standard?

Standard 207 was adopted in 1968, based on a 1963 report issued by the Society of Automotive Engineers. It was modified slightly in 1972.

The standard is simply not based on "any meaningful assessment" of what happens to a seat in a rear impact, according to Romilly.

Part of the standard states that the seat should be able to support 20 times its own weight. That is not a very strong seat, according to some safety researchers.

In addition, automakers are trying to make their vehicles lighter to achieve better fuel economy. But if they make the seats lighter, that means a weaker seat back, according to a 1993 study by safety researchers from the University of British Columbia.

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The standard also calls for the seat back to withstand a force of 3,300 inch-pounds. Many other countries, including Japan and Canada, have adopted that part of Standard 207. But the European Community has insisted that the seat be about 40 percent stronger.

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That means Standard 207 is simply not very valuable, said researcher Digges.

Lowe, the Cleveland lawyer who represented Comella and Thomas, is more blunt: "This whole thing is such an absolute farce. It is one of the last, great hidden [automotive] dangers."

### Going beyond

Generally, automakers have told NHTSA that the seating standard shouldn't be changed because making stronger seats is uncharted territory.

But while they talk about the extraordinary difficulty of designing seats to meet a tougher standard, some have gone ahead and built far stronger seats.

Safety leaders, including Volvo, which has encouraged NHTSA to explore a stronger seat-back regulation, routinely produce seats of the kind researchers like Cantor, Digges, Romilly and Navin like to see.

These are seats that not only resist collapsing in a rear impact but also absorb energy to minimize the chance of other injuries, including whiplash.

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"I can't allow myself to worry for myself. I have a responsibility to my family. I am still a husband, a father. I want to do the best I can."



"I was astounded by the number of seat-failure cases I was seeing... with massive injuries. I looked at the standard [207], and... it was a joke," Cantor said.

Early in 1990 the agency agreed to consider a change, but more than a decade later the 1972 rule remains intact.

NHTSA says it is still considering what, if anything, to do. That doesn't mean it has not worked on the issue. The agency undertook studies and requested advice and information from the automakers.

For the most part, the auto companies told the NHTSA that the existing seats were pretty good. They said that rear-impact collisions were not a major problem and that there wasn't enough information on how to make seats stronger without possibly posing other dangers to consumers, such as neck injuries.

In a written statement to The Plain Dealer, DaimlerChrysler expressed belief that its seats are designed like "virtually all of today's automobile seats" and "yield in a controlled fashion to absorb and dissipate the energy of an accident."

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The U.S. and Japanese automakers are "more than capable" of designing seats that could provide substantial improvements in protection, according to Douglas P. Romilly, an associate professor of mechanical engineering and seat-back researcher at the University of British Columbia.

### A decade of delay

In 1989, two safety researchers who worried that too many seats were breaking, causing injuries, asked the National Highway Traffic Safety Administration (NHTSA) to do something about it.

In particular, they asked for improvements in Federal Motor Vehicle Safety Standard 207, which governs the strength of seat backs and had received no update since 1972.

One of the researchers was Alan Cantor, chairman of ARCCA, a Penns Park, Pa., consulting and engineering firm specializing in aviation and automotive crash safety that sometimes provides testimony in civil suits against automakers.

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Serious cases usually involve lawsuits, which insurance companies and automakers often settle out of court. Normally a condition of these settlements is confidentiality, including court orders that incriminating documents be kept secret.

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## DEBATE

FROM 1-H

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SUNDAY, MAY 13, 2001 | SECTION H

SW

# A QUESTION OF STANDARDS



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The seats in the 1992 Plymouth Voyager owned by Thomas Comella collapsed in a crash which left the former mayor of Highland Heights paralyzed and blind. Some experts contend auto seat backs, built to a standard devised in 1968, are not strong enough and collapse too easily.

## Critics, automakers debate the correct remedy for devastating collapses of auto seat backs

By CHRISTOPHER JENSEN | PLAIN DEALER AUTO EDITOR

**N**either Victoria Thomas nor Thomas Comella ever imagined that the backs of their car seats would collapse in crashes, but then they never imagined they would spend the rest of their lives paralyzed, either.

On the afternoon of Aug. 17, 1997, 19-year-old Thomas was driving her 1996 Dodge Neon near Marion when she hit a puddle and skidded out of control. It struck a pole with an impact that caused it to slow by about 11 miles per hour, according to consultants working for Thomas' lawyer.

Almost two years later, on June 25, 1999, Comella decided to take advantage of owning his own business and treat himself to a day off to enjoy some nice weather.

He was driving his 1992 Plymouth Voyager on Interstate 90 in Wickliffe when a motor home changed lanes to avoid a vehicle that was merging. The motor home came up too quickly on Comella's minivan and hit it from the rear. Comella was without fault, a witness told police.

"It felt like the old days at Euclid Beach when I was in the Dodgem. It did not feel like I got hit that hard," Comella, now 52, said.

In each crash, the seat back collapsed, allowing each driver to be thrown backward, even though both were wearing seat belts. Their heads hit the rear seats, and they suffered spinal injuries.

Thomas' legs were paralyzed.

Comella, the father of two teenage girls and the former president of the Highland Heights City Council, suffered nerve damage that left him blind and paralyzed except for the extremely limited use of his arms.

Comella and Thomas won the nightmare lottery.

Accidents like theirs apparently are not common. But when they happen, they are unrelentingly cruel, and some safety researchers say Comella and Thomas were the victims of an almost 30-year-old federal safety standard that is too weak to protect consumers properly.

SEE SEAT BACKS / 4-H

## Researchers debate how to design a safe seat back

By CHRISTOPHER JENSEN

PLAIN DEALER AUTO EDITOR

Safety researchers have reached no consensus on exactly how to improve auto seats.

Some researchers say that one cannot simply make a seat incredibly stiff. If a seat is too rigid, it could cause serious neck or back injuries in a rear impact, particularly if it has a poorly designed head restraint, they contend.

Safety researcher Alan Cantor says that concerns about making seats too stiff are overstated and that there is no excuse for not making seats stronger and safer.

"They are trying to make an excuse for the seats that are out there," said Cantor, the chairman of ARCCA, a Penns Park, Pa., consulting and engineering firm.

Generally the automakers have told the National Highway Traffic Safety Administration that the standard should not be changed without more careful deliberation because there doesn't seem to be a big problem with such crashes.

SEE DEBATE / 4-H

### FIGHTING AN UPHILL BATTLE:

*A former Chrysler worker contends company officials dismissed his suggestion to build safer seats for its vehicles. 4-H,*

In The Matter Of:

THOMAS v.  
DAMLERCHRYSLER

E.D. Dammar  
Vol. 1, August 29, 2000

ORIGINAL

Services



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.

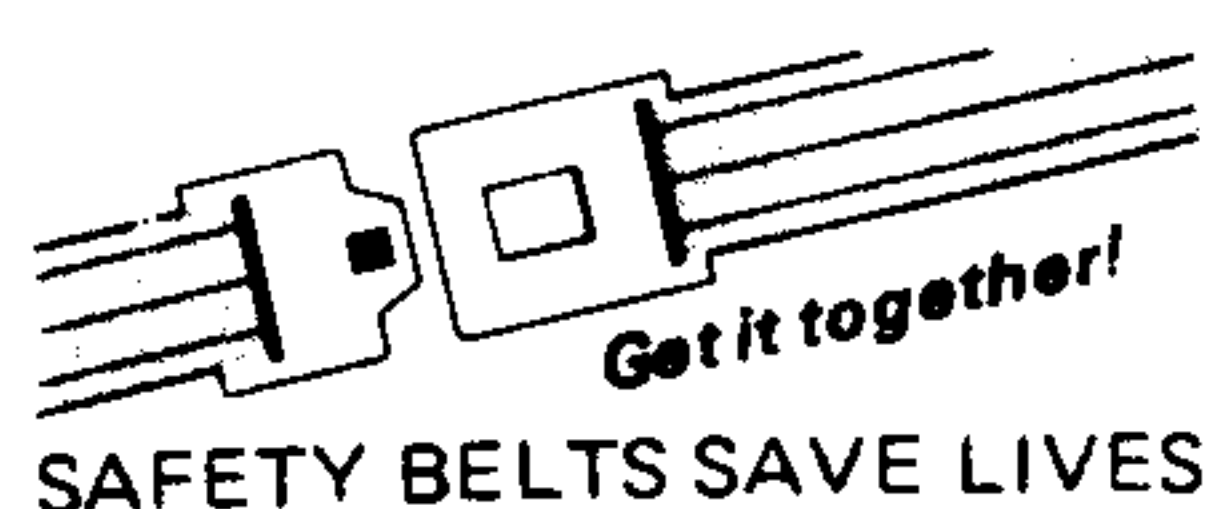
Please note that the enclosed copy is taken from the public file that NHTSA maintains on the Chrysler Minivan Liftgate Investigation, EA94-005. Some information has been deleted from this version of the report pursuant to a request for confidentiality that Chrysler Corporation filed under NHTSA's regulations 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



AUTO SAFETY HOTLINE  
(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.



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*Sign & Custom*

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313-242-7411

**MILAN**  
*DRAGWAY*

MILAN  
NATIONALS  
MILAN DRAGWAY

MILAN



# ATTACHMENT 11

Dr. Mark R. Rosekind, Administrator  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
202-366-4000

30 March 2016

**Subject:** Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207  
**Reference:** ARCCA Petition of 28 September 2015 to Amend 49 CFR 571.207, FMVSS 207

One Page:

We appreciate the report you provided. *REDACTED* It will be considered with future reports to identify any safety defect trends that may require our attention.



U.S. Department  
of Transportation

**National Highway  
Traffic Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

April 26, 2012

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,

**REDACTED**

Correspondence Research Division  
Office of Defects Investigation  
Enforcement

# ATTACHMENT 12

Dr. Mark R. Rosekind, Administrator  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
202-366-4000

30 March 2016

**Subject:** Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207  
**Reference:** ARCCA Petition of 28 September 2015 to Amend 49 CFR 571.207, FMVSS 207

9 Pages:



## **Criminal Complicity of NHTSA with Fraud of FMVSS- 207 : Ongoing Collusion**

Background : *Can Seats in Your Car be Deadly in a Crash?* (March 1, 2016 CBS News Los Angeles)

<http://losangeles.cbslocal.com/2016/03/01/can-seats-in-your-car-be-deadly-in-a-crash/>

As context, we connect the following behavior to the ongoing practices at NHTSA:

At right, Mr. Ted Frank, an attorney with affiliation to the American Enterprise Institute, the Center for Class Action Fairness, and the blog **Overlawyered**.

Beginning with a November 24, 2004 article he makes his attacks very personal by naming the plaintiff attorney that adjudicated with great success the Flax vs DaimlerChrysler seat-back failure infant death case:

### **Jim Butler wins \$105M verdict in Chrysler seat litigation**

After libeling Butler, he slanders Clarence Ditlow:

*“ . . . the Center for Auto Safety actually care(s) very little about auto safety.”*



But just when you thought Frank's dementia was treatable, as if on-cue, he then libels guess-who? Attempting to undercut my status, and my contribution to the \$105,000,000 verdict in Flax, Frank declares:

*“The star witness in the Flax case is a former Chrysler middle manager, Paul Sheridan, who, though an MBA rather than an engineer, has made a career testifying that Chrysler's air bags, seat belts, liftgate latches, doors, brake-shift interlocks, fuel systems, and now seatbacks are not safe.”*

That cue is not restricted to the playbook of Chrysler defense lawyers, as we will show below NHTSA all too frequently plays along.

Over the last twelve years, through every email and telephone number associated with this charlatan, I have tried to make contact but he is *“not available for comment.”*

Frank's introduces his diversion and inveracity in the opening of his November 24, 2004 article:

*“Another example of how personal injury attorneys and the Center for Auto Safety actually care very little about auto safety: In 2001, Louis Stockell, driving his pickup at 70 mph, twice the speed limit, rear-ended a Chrysler minivan.”*

While some have argued that America is overlawyered, there is no refuting that Frank is under-brained.

With that opening he transitioned beyond buffoonery into outright lying. Frank selectively references the Appeals court ruling, but diverts from its recounting of the Flax accident facts:

As Mr. Sparkman turned left from a private drive onto a public road, the Caravan was rear-ended by a pickup truck driven by Louis Stockell. According to the testimony of the accident reconstruction experts, the pickup truck was traveling between fifty and fifty-six miles per hour at the time of impact. The Caravan was traveling in the same direction at a speed between ten and fifteen miles per hour. At the moment of the impact, the Caravan experienced a change in velocity of approximately seventeen to twenty-three miles per hour. Accident reconstruction experts for both parties testified that Mr. Sparkman was not responsible for the accident and that the accident would not have occurred if Mr. Stockell had not been driving at an excessive speed.<sup>2</sup>

He cannot have it both ways. Frank ostensibly asserts that infants should die when “*the world’s safest minivan*” experiences a mere 17mph delta-vee. Does anyone believe that if the infant’s last name were Frank, that his dad pictured above would continue to rant that “*personal injury attorneys and the Center for Auto Safety actually care very little about auto safety*”?

<http://overlawyered.com/2004/11/jim-butler-wins-105m-verdict-in-chrysler-seat-litigation/>

<http://overlawyered.com/2004/12/update-joshua-flaxchrysler-verdict/>

This ignorant, dishonest, typical behavior relates to the subject of ‘*Criminal Complicity of NHTSA with Fraud of FMVSS- 207 : Ongoing Collusion.*’

Recent NHTSA behavior and communications, regarding seat back failure and the ongoing petitions submitted to NHTSA requesting overhaul of FMVSS-207, is similar to the overreaching shown above.

But how does this relate to the current NHTSA Administrator, Dr. Mark Rosekind?



Airing on October 28, 2015, you are shown refusing to speak with the CBS News reporter Kris Van Cleave who was asking for “*a few minutes.*” Despite repeated requests to speak about FMVSS-207, and a petition you had received less than a month earlier, you offered only rude rebuff.

The report ‘*Are carmakers, government ignoring deadly seat back danger,*’ reviews the research data of ARCCA, Inc. which had petitioned you regarding FMVSS-207 on September 28, 2015. Their PETITION to Amend 49 CFR 571.207, FMVSS 207-Seating Systems was forwarded to you by:

Alan Cantor  
Louis D’Aulerio  
Mike Markushewski  
Gary Whitman  
Larry Sicher

Mr. Cantor is featured on the October 28, 2015 report demonstrating the irrelevance of FMVSS-207.

During the time you were refusing to speak about FMVSS-207 and the September 2015 ARCCA petition, a trial was scheduled for February 2016. The severe-injury litigation of Rivera versus Audi ended with a Texas jury verdict of \$124.5 million:

- Given the documented historical criminality, one ponders why the ARCCA petition was not likewise terminated during this Audi trial to accommodate their defense case. One explanation is that, unlike the Chrysler situation in Flax (discussed on cover Pages 18 thru 21), there was no former internal Audi lawyer working for NHTSA at the time of the Rivera trial.
- Apparently the Texas jury decided they had sufficient data to adjudicate the matter regarding the well-known inadequacy of FMVSS-207.
- As discussed on cover Pages 2, 23 and 24, the Texas jury did not agree with NHTSA's operative position that Jesse Rivera, Jr was merely a "defect trend" (ATTACHMENT 11).

Let us now connect you to all of the above, and to the 'Ongoing Collusion' theme.

The jury verdict in Rivera versus Audi compelled you to respond to CBS News regarding FMVSS-207 and the ARCCA petition. That CBS report entitled, 'Can Your Seats be Deadly in a Crash,' aired on March 1, 2016. Still refusing to appear, you instead sent the following:

*"NHTSA has considered changes to its seating standards for years. The agency recognizes that the current standard is decades old, and it has received requests and formal petitions over the years to amend or strengthen the standard. In 2004, after several years of research and analysis, the agency formally terminated a rulemaking proceeding aimed at changing the standard. The agency did so for several reasons, but fundamentally the decision rested on the difficulty of providing data, as opposed to anecdotal evidence, for safety benefits of a change to the standard. This is an enormous challenge because the kind of high-impact rear-end crashes that are generally cited as justifying a change are relatively uncommon. For example, rear-impact crashes account for roughly 3 percent of all traffic fatalities; fatal crashes in which seat failure occurs and results in injury or death are even less common. And as you know, the agency is required to perform cost-benefit analysis to demonstrate net benefits for any regulatory change we would propose. Bottom line: The absence of data demonstrating real-world benefits meant the agency could not pursue a rulemaking.*

*Since that decision, the agency has engaged in a number of activities related to the seating standard. The agency issued an upgrade to its standard for head restraints that took full effect in model year 2011. We are also have engaged in research to develop injury criteria for a new rear-impact test dummy, known as BioRID. This dummy, significantly more capable than previous models used in rear-impact tests, could help the agency develop comprehensive proposals to improve rear-impact protection for the traveling public. More recently, in late 2015, we were petitioned by ARCCA, Inc. and Mr. Kenneth Saczalski to revisit rulemaking on improving the seat back strength standard. The agency has not made a determination on the disposition of those petitions. In a separate but related effort, they agency also announced plans to include automatic emergency braking (AEB) in our New Car Assessment Program 5-star safety ratings. AEB has the added potential of reducing the incidence and severity of rear impact crashes from occurring in the first place."*

**MEMO:** We start with the NHTSA promotions about AEB. The reader would be interested to know that the Chrysler Safety Leadership Team (SLT) that I had chaired analyzed numerous outside supplier proposals for the automatic braking system in 1993 and 1994. Those systems were recommended for further research & development during formal presentations to upper Chrysler management in February 1994. Connected to 'The Chrysler-NHTSA Conspiracy Against a "Whistleblower"' (Pages 10 thru 14), NHTSA was handed the February 1994 SLT presentation on April 11, 1995 . . . and then they promptly hid it as part of their conspiracy with Chrysler and the DOJ. It was not until Michael Brooks of the Center for Auto Safety filed a FOIA request that my SLT materials were released to the public file (in 1999).

Like requests to update FMVSS-207, the idea for AEB is decades old.

We review the major points of your email to CBS News Los Angeles:

*“The agency recognizes that the current standard is decades old . . .”*

How many? Two? Three? Four decades? FMVSS-207 germinated from an irrelevant Society of Automotive Engineers (SAE) working paper from the 1960's. The paper was not based on any real world testing of crash dynamics, let alone human physiology. It was merely *“penciled in”* into the Transportation Safety Act. Let us be specific Dr. Rosekind, FMVSS-207 is over five decades old. You continue:

*“In 2004, after several years of research and analysis, the agency formally terminated a rulemaking proceeding aimed at changing the standard.”*

**Really?!** Is that what happened prior to November 2004? Is that the true criteria upon which a covert entry was buried in the Federal Registry during the trial of Flax versus DaimlerChrysler? Was that the true reason that NHTSA contacted ONLY the DaimlerChrysler lawyers in Flax? And was it former internal Chrysler lawyer Jacqueline Glassman that conducted the *“research and analysis”*?

Does Mr. Ted “Overlawyered” Frank, and his *“70 mph, twice the speed limit”* lie regarding the Flax infant death connect to your March 1, 2016 email? To the theme of ongoing collusion? You state:

*“This is an enormous challenge because the kind of high-impact rear-end crashes that are generally cited as justifying a change are relatively uncommon.”*

High impact = high speed . . . correct? Like Frank's 70 mph? Generally cited? By NHTSA, DOJ and Chrysler during EA94-005?

Relatively uncommon? You mean like the low-speed low delta-vee rear collision to Mrs. Geneva Massey that did not kill her, but permanently maimed her only due to the seatback failure in her Chrysler minivan; a woman that will see out her life in a wheelchair? (Please see last page, this attachment.)



You have now admitted that the seat back failure defect actually exists, affirming my cover Page 24 discussion on Failure Mode Effects Analysis (FMEA). As Administrator you will continue to enforce a NHTSA “relatively uncommon” roll-of-the-dice approach as justification for doing nothing? The FMEA operative, and the protection of just one “defect trend” is beyond your understanding (ATTACHMENT 11)?

Your claims about cost as an excuse to not address an irrelevant standard borders on the inane:

*“And as you know, the agency is required to perform cost-benefit analysis to demonstrate net benefits for any regulatory change we would propose.”*

Tell us Dr. Rosekind, what cost-benefit analysis have you done during the previous five decades regarding FMVSS-207? Is such taxpayer funded? And the actual per-vehicle cost is what, exactly?

You proclaim that a tautology is your justification for five decades of NHTSA complicity on FMVSS-207:

*“Bottom line: The absence of data demonstrating real-world benefits meant the agency could not pursue a rulemaking.”*

As discussed on cover Page 4, the “absence of data” is a NHTSA problem. This reality was again emphasized by the Clarence Ditlow letter of March 16, 2016 to Transportation Secretary Foxx.

First you acknowledge that your data management system is broken. But then you claim that you are unable to “demonstrate real world benefits” because of that broken system. That is insidious.

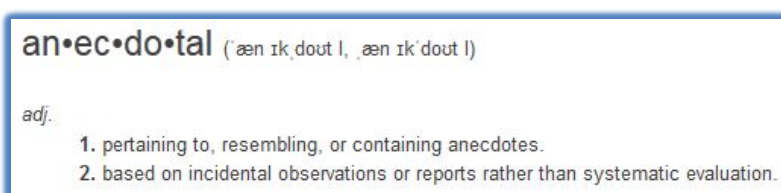
Most of your second paragraph is off-point PR. Most of that verbiage does not connect to the issues at trial in Rivera versus Audi, or the cases reported by CBS News. But the following is on-point:

*“More recently, in late 2015, we were petitioned by ARCCA, Inc. and Mr. Kenneth Saczalski to revisit rulemaking on improving the seat back strength standard. The agency has not made a determination on the disposition of those petitions.”*

Referring to **Dr. Kenneth Saczalski** . . . other than hundreds of additional severe injury and death that have occurred since his 1989 petition, and the crimes by NHTSA such as during the 2004 Flax trial wherein his petition was “terminated” . . . there is no incremental technical data . . . other than that intrinsic to front seats with integrated belt systems. That latter has never been deemed “*too tough*” (ala Dr. Augenstein, cover Page 15). Essentially all the “data” you could possibly need is already in your possession.

For presentation format reasons, I saved this ruse for last:

*“The agency did so for several reasons, but fundamentally the decision rested on the difficulty of providing data, as opposed to **anecdotal evidence**, for safety benefits of a change to the standard.”*



Anecdotal evidence? Is that what trial after trial, and secretly settled litigation after litigation, and petition after petition have been based upon?

We indulge your rhetoric focusing on what you might also deride as merely anecdotal, but demonstrating NHTSA complicity with the fraud that “*seats are designed to collapse in an energy absorbing way.*”

I have shared the following montage with lay people . . . I have connected it to the ruse that FMVSS-207 (as promoted by all NHTSA administrators with the notable exception of Dr. Sue Bailey) is derived from detailed understudy, elaborate crash tests, cost-benefit analysis, and the notion that this standard implicitly dictates that “*seats are designed to collapse in an energy absorbing way.*” **A bold-faced lie.** ♦

♦ I have a thirty year readership of FMVSS-207 . . . and I cannot find any such seat design or human physiology design criteria in the verbiage; direct or implied. FMVSS-207 is just a static pull-test number.

**Shown on the following pages is . . . what you might deride as . . . anecdotal evidence:**



Zero to over 180 mph in approximately 3 seconds . . . the seats must not collapse:



Zero to 18,000 mph in under two minutes . . . the seats must not collapse:



**A wheel-driven**, and typical Pro Street drag race vehicle, a Chrysler Hemi Barracuda, that accelerates from zero to 182 mph in just over four seconds . . . the high seat strength is a requirement:



Dr. Rosekind, given this anecdotal evidence, is your intention to contact the following organizations:

United States Navy  
National Aeronautics and Space Administration  
National Hot Rod Association

and inform their leaders that they must '*cease and desist*' from further routines because, in lockstep with the following groups:

Selected members of the Original Equipment automotive industry  
Selected members of the 'Tier One' seat suppliers to Original Equipment industry  
Members of the automotive defense bar  
FMVSS-207 defense experts like Dr. Jeffrey Augenstein,

you and NHTSA have done "*several years of research and analysis*" and determined that the seats used by those three organizations cannot collapse, have never collapsed, and will never collapse "*in an energy absorbing way*"??

**Personal Anecdotal Memo:** Please re-review ATTACHMENT 10. Do you see the vehicle pictured behind me, along with the SFI Foundation approved drag race seat? Please note the excerpt from the April 11, 1995 Sachs/Abraham trip report which mentions "*a stock car race.*" Do you see the last page of ATTACHMENT 10? That is my 1982 Mercury Capri. I still have it. It is not a Pro Street level car; it is classified under Super Stock.

During a final round race, at Milan Dragway in Milan, Michigan, in 1989 the same year that Dr. Kenneth Saczalski submitted his FMVSS-207 petition, I left the starting line as usual. However, about half-way through acceleration in first gear (wide-ratio C5 transmission), my front seat collapsed and I was thrown head-long into the rear seat cushion. Scores of spectators, including Hot Rod Magazine writer Todd Whitman, witnessed my plight. With my feet and hands off the controls, I nearly lost my car and my life. Fortunately I recovered control of the Capri, and was able to return to the pits intact.

Was my Capri seat FMVSS-207 compliant? Yes. Was it designed to "*collapse in an energy absorbing way*"? No, implicitly not. Did it endure the delta-vee associated with Mr. Ted Frank's "70 mph" ? Not even close. In fact, its delta-vee was approximate to that endured by the Chrysler minivan seat that collapsed and permanently injured Mrs. Geneva Massey (fourth page this attachment).

I can assure you Dr. Rosekind, upon exit from my Capri on that sunny summer 1989 day, I did not declare my Capri or my life to be merely "*anecdotal.*" I considered both to be precious.

Connecting to the personal attacks from Mr. Ted Frank above, and so interpreted in your March 1, 2016 derision about "anecdotal evidence," is it your opinion that my testimony in FMVSS-207 related litigation is merely anecdotal? (Please see next page.)

---

Links:

[http://arcca.com/blog\\_post/why-nhtsas-current-automobile-seat-strength-standards-need-to-be-raised/](http://arcca.com/blog_post/why-nhtsas-current-automobile-seat-strength-standards-need-to-be-raised/)

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

<http://www.cbsnews.com/videos/are-carmakers-government-ignoring-deadly-seat-back-danger/>

<http://losangeles.cbslocal.com/2016/03/01/can-seats-in-your-car-be-deadly-in-a-crash/>

<http://sfifoundation.com/>

[https://www.youtube.com/watch?v=DyC3ZLpbA\\_o](https://www.youtube.com/watch?v=DyC3ZLpbA_o)

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

# END OF DOCUMENT

Dr. Mark R. Rosekind, Administrator  
NHTSA Headquarters  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
202-366-4000

30 March 2016

**Subject:** Criminal Conspiracy of NHTSA : Complicity with the Fraud of FMVSS- 207  
**Reference:** ARCCA Petition of 28 September 2015 to Amend 49 CFR 571.207, FMVSS 207

## **Attachment 2**

DDM Consulting  
22357 Columbia Street  
Dearborn, MI 48124-3431  
313-277-5095  
pvsheridan@wowway.com

23 June 2016

Mr. Douglas E. Dilley, Esq.  
The Dilley Law Firm, P.C.  
635 South Presa  
San Antonio, TX 78210  
210 - 225 - 0111

**Subject: Preliminary Expert Report - Gonzalez v Chrysler Group LLC, et al.**



MINIVAN LATCH ISSUE

Proposed Agreement with NHTSA

1. Crash Test Video and the Public Record:

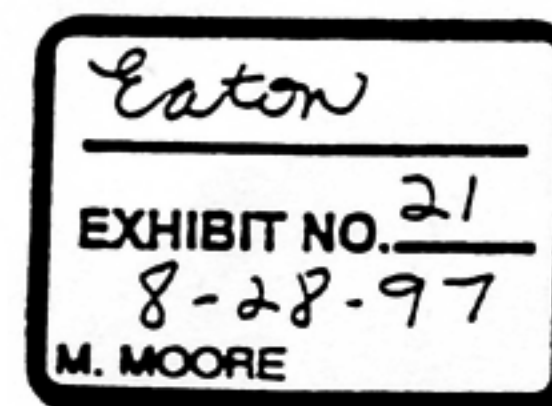
- NHTSA has agreed that they will deny all FOIA requests to place their investigative files, including the crash test video, on the public record and that the Department of Justice will defend any lawsuits seeking to compel production under FOIA.

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**

DDM Consulting  
22357 Columbia Street  
Dearborn, MI 48124-3431  
313-277-5095  
pvsheridan@wowway.com

23 June 2016

Mr. Douglas E. Dilley, Esq.  
The Dilley Law Firm, P.C.  
635 South Presa  
San Antonio, TX 78210  
210 - 225 - 0111

**Subject: Preliminary Expert Report - Gonzalez v Chrysler Group LLC, et al.**

Revised Martinez-Eaton Letter

PRODUCED

Dear Mr. Eaton:

I am pleased with Chrysler Corporation's decision to replace the rear liftgate latches on its 1984-1994 Dodge Caravan, Plymouth Voyager and Chrysler Town & Country minivans with new, stronger latches. This action will improve the safety of these vehicles at no cost to owners, and alleviate the concerns that have been raised regarding the performance of the latches in crashes.

As you know, our Engineering Analysis is not yet completed and NHTSA has made no decision as to whether or not there is a safety defect. I realize, therefore, that your decision to take this action was a difficult one. Your willingness to do so is consistent with Chrysler's reputation as a leader in automotive safety and a recognition of the importance of safety to your customers. As you know, safety is a leading consumer concern and NHTSA's primary mission:

NHTSA looks forward to working with Chrysler to make sure that owners of these vehicles are informed about this campaign so they can have the new latches installed promptly.

Sincerely,

Ricardo Martinez, M.D.

DAIMLERCHRYSLER  
CORPORATION

DEPOSITION  
EXHIBIT  
#10  
KA 6/15/01

TD000121

## **Attachment 4**

DDM Consulting  
22357 Columbia Street  
Dearborn, MI 48124-3431  
313-277-5095  
pvsheridan@wowway.com

23 June 2016

Mr. Douglas E. Dilley, Esq.  
The Dilley Law Firm, P.C.  
635 South Presa  
San Antonio, TX 78210  
210 - 225 - 0111

**Subject: Preliminary Expert Report - Gonzalez v Chrysler Group LLC, et al.**

# Automotive News

ASAFETY CHASM

## Across the border, a safety chasm Mexico's cheap cars often lack basic protections

Laurence Iliff 

Automotive News | June 19, 2016 - 12:01 am EST

**In the past few years, auto sales in Mexico have surged to record levels, thanks to plentiful financing and aggressive competition to get small, cheap cars into the hands of the working class. But that focus on a low sticker price has held back safety, consumer advocates say.**

MEXICO CITY -- In the past few years, auto sales in Mexico have surged to record levels, thanks to plentiful financing and aggressive competition to get small, cheap cars into the hands of the working class. But that focus on a low sticker price has held back safety, consumer advocates say.

Latin NCAP, a Uruguay-based testing agency similar to Europe's New Car Assessment Programme, says there are still far too many "zero star cars" in Mexico, mostly because older models that are still being built for sale in the country were never designed to accommodate airbags or because base trims don't include them. Mexican regulations don't require antilock brakes either.

By contrast, federal law in the U.S. has required driver and passenger airbags in all light vehicles built since 1998 and electronic stability control systems, including antilock brakes, since 2011.

"Mexico is still way, way behind, and the problem here is that we're talking about these very basic regulations that have been mandatory since 20 years ago in Europe," said Alejandro Furas, secretary general of Latin NCAP, a nonprofit group. Colombia is in a similar situation, he added.

The biggest auto markets in Latin America are Brazil, Mexico, Argentina and Colombia.

The competition at the low end of the market in Mexico is so intense for manufacturers, "it means a cheap car with a low cost of production," Furas said in an interview.

Automakers targeted by Latin NCAP argue that they are meeting Mexican safety regulations. Furas conceded the point, since Mexico doesn't plan to institute crashworthiness standards until the end of the decade.

### Cheap stickers

Not surprisingly, the poorest performers -- or zero-star cars in NCAP crash tests -- can be found where the rock-bottom sticker prices are.

One of the best-selling small cars in Mexico today, the Nissan Tsuru, began life as an early 1990s Sentra and is still being churned out and sold for a starting sticker price of about \$7,500 at current exchange rates, including taxes. Power steering and air conditioning are available as options, but airbags are not, according to Nissan's website.

Nissan sold 20,647 Tsurus in the first five months of the year, good for third-place in the subcompact segment, according to the Mexican Automotive Industry Association.

In Latin NCAP's crash testing, the Tsuru received zero stars for passenger protection and was cited for its lack of antilock brakes. "The Tsuru must be absolutely gone from the market," said Furas, whose group has been pushing automakers to equip cars more uniformly around the globe with basic safety equipment.

Nissan said in a statement: "The Nissan Tsuru meets the safety regulations in the markets where it is sold. It is one of the most popular subcompact vehicles in Mexico due to its proved affordability, durability and reliability.

Beating the Tsuru at 23,490 units in the January-May period is the Chevrolet Aveo, which is the No. 2 subcompact in Mexico. It has a starting price of about \$8,000 without airbags or antilock brakes, according to the automaker's website. The top trim, starting at just over \$10,000, does include two front airbags and the upgraded brakes.

In a statement, General Motors said: "Our clients are the most important thing to us, so we offer vehicles that satisfy the different needs of the market, while at the same time meeting or exceeding the regulations of each country in which the company sells vehicles."

GM said a new family of vehicles was on its way that will have airbags and three-point seat belts as standard equipment and that the Aveo will have available airbags in all trims by the first quarter of 2017.

### Great strides

Despite his frustration with some of the mass-market models, Furas said that Latin America markets have been making great strides, with Brazil and Argentina mandating airbags and antilock brakes since 2014. Even Mexico passed similar safety regulations this year, but has given automakers four years of lead time to fully comply.

Apart from the most inexpensive models, Mexico has many cars and light trucks that meet the most stringent safety requirements in the world, including multiple airbags throughout the interior, crush zones and more.

"You can't find a Honda without airbags in our region," Furas said, or a Ford. "Try to find a Toyota without airbags. It's impossible. VW is basically going in the same direction."

In fact, the best-selling subcompact in Mexico -- the imported Volkswagen Vento at 24,231 units through May -- proudly advertises the small sedan with the Latin NCAP logo on its website and a link to its five-star crash rating. The cheapest version, with two airbags and antilock brakes, starts at about \$10,500.



In Latin NCAP's crash testing, the popular Nissan Tsuru, based on an early-1990s Sentra, got zero stars. Airbags aren't available.  
PRINTED FROM: <http://www.autonews.com/apps/pbcs.dll/article?AID=/20160619/OEM11/306209954&template=print>

# Attachment 5

DDM Consulting  
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313-277-5095  
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23 June 2016

Mr. Douglas E. Dilley, Esq.  
The Dilley Law Firm, P.C.  
635 South Presa  
San Antonio, TX 78210  
210 - 225 - 0111

**Subject: Preliminary Expert Report - Gonzalez v Chrysler Group LLC, et al.**

# United States Senate

WASHINGTON, DC 20510

May 25, 2016

Sergio Marchionne  
Chairman and CEO  
Fiat Chrysler Automobiles US LLC  
1000 Chrysler Drive  
Auburn Hills, MI 48321

Dear Sergio Marchionne,

We write to request information regarding your company's efforts to protect passengers against the threat of front seatback failures. Front seatback failures, which occur primarily during rear-end crashes, put back seat passengers—especially infants and children—at serious risk of injury or even death. According to a child rear impact study commissioned by the Center for Auto Safety, approximately 50 children placed behind occupied seats have died annually in rear impact incidents over the last 15 years.<sup>1</sup>

A number of recent incidents illustrate this horrifying danger. For example, a 2012 rear-end crash in Texas caused the collapse of a father's front seat onto his 11-year old son, leaving the child with severe brain damage.<sup>2</sup> Another North Carolina case in 2014 resulted in the death of a 13-month old after a rear-end crash caused the front seat to collapse backward and crush him.<sup>3</sup>

As you know, the public has been instructed to place children in the back seat of vehicles equipped with airbags dating back to the 1996 Airbag and Seat Safety Campaign.<sup>4</sup> This advice was most recently reiterated in 2015 guidance from the National Highway Traffic Safety Administration (NHTSA).<sup>5</sup> Unfortunately, weak seat strength standards may undermine this advice. There has been a longstanding concern that the Federal Motor Vehicle Safety Standard (FMVSS) 207, which specifies the minimum requirements for seat strength, is not sufficient to mitigate injury or death of a rear seat occupant due to seatback collapse in a rear-end collision.

Despite several petitions to the U.S. Department of Transportation urging modernization of the seat system standard, FMVSS 207 has not been substantially updated since it was first adopted in 1967. In March 1974, NHTSA published a Notice of Proposed Rulemaking for FMVSS 207 to make significant changes, but such regulatory efforts were eventually terminated in 2004 for the purpose of conducting further study on the matter.<sup>6</sup>

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<sup>1</sup> <http://www.autosafety.org/wp-content/uploads/2016/03/Seat-Back-Petition-FINAL.pdf>

<sup>2</sup> <http://www.bloomberg.com/news/articles/2016-03-03/audi-loses-124-million-texas-verdict-over-seat-back-failure>

<sup>3</sup> <http://www.gosanangelo.com/news/deaths-raise-questions-on-auto-seat-safety-2f5d4bb4-6a0b-33d7-e053-0100007f8b4c-374390421.html>

<sup>4</sup> <http://www.nhtsa.gov/staticfiles/nti/enforcement/pdf/ProtectingChildren.pdf>

<sup>5</sup> <http://www.nhtsa.gov/About+NHTSA/Press+Releases/2015/back-to-school-advisory-aug2015>

<sup>6</sup> <https://www.gpo.gov/fdsys/pkg/FR-2004-11-16/pdf/04-25425.pdf>

While some automobile manufacturers may have established higher internal standards than the requirements in the antiquated FMVSS 207,<sup>7</sup> other automakers claim that their seatbacks are designed to collapse rearward in order to protect the front seat occupants from injury. We worry that this design decision is being made without any apparent consideration of the potential for injury to the rear seat occupants.<sup>8</sup> In order to better understand the ability of automobile companies to protect the safety of vehicle occupants in rear-end collisions, we request that you respond to the following questions.

- 1) How many consumer complaints and incident reports from dealerships or field personnel involving the collapse of the front seat has your company received in each of the last 10 years?
- 2) Have any static or dynamic tests conducted by your company resulted in a front seatback dynamically reclining more than 15 degrees from its initial starting position? If so, was the test specific to seatback strength, or was it part of another safety assessment such as FMVSS 301? Did your company change the seat design after the results of such a test were reviewed? If so, in what manner, and were the tests repeated in order to ensure that the design changes remedied the problem? If not, why not?
- 3) What is the make, model, and year of your company's vehicle(s) that have been available for sale in the United States in each of the last 10 years and exceed FMVSS 207 requirements (if applicable)?
  - a. For each vehicle model that exceeds the threshold amount, by how much can the front seats withstand a force beyond the current FMVSS 207 requirement of 3,300 inches-pounds?
  - b. Integrated seatbelt systems, when properly installed, can help mitigate harm to vehicle occupants in the event of a crash. When seatback strength is tested in vehicles that have stronger seats and/or integrated seatbelt systems, some seats may twist to a particular side, thereby indicating the seat strength is uneven. Inconsistent strength levels can limit the efficacy of an integrated seatbelt system in protecting occupants during a rear-end collision. Please indicate if the vehicles mentioned in question 3(a) include an integrated seatbelt system and whether the seat (integrated system or not) has the same level of strength for both sides of the seat
- 4) Has your company ever been involved in a lawsuit for an incident that alleged front seatback failure? If so, please provide the following information for each of the past 10 years:
  - a. The number of cases and the year in which the case was filed.
    - i. Please also indicate if the case was dismissed or settled, either as part of the suit or pre-suit. If a case is not filed but settled pre-suit, then please include the date it was first brought to your attention.
  - b. The year in which the case was closed (if applicable).
  - c. The state in which the incident occurred;

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<sup>7</sup> <http://www.nrd.nhtsa.dot.gov/pdf/esv/esv18/CD/Files/18ESV-000248.pdf>

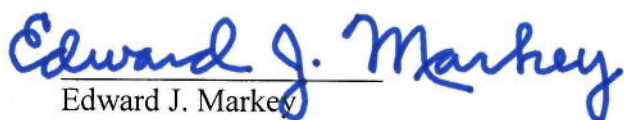
<sup>8</sup> <http://www.cbsnews.com/videos/consumer-group-demands-new-car-seat-safety-standards/>



- d. Include whether the case included a death or injury and whether it was reported to the early warning reporting (EWR) system. If reported, please provide the EWR reporting quarter number and case sequence for each report.
  - e. The location of the seat where an injured or deceased occupant(s) was sitting at the time of the incident.
  - f. Age of all the injured and/or deceased occupant(s).
  - g. The make/model/and year of the vehicle(s) involved *and* whether the vehicle exceeded the threshold for FMVSS 207 requirements.
  - h. Copies of corresponding police reports for these cases.
- 5) Please provide the EWR reporting quarter number and case sequence for any incident that did not result in a lawsuit, but was reported as a death or injury claim under EWR.
- 6) Please provide copies of all field reports on front seatback failure submitted to the National Highway Traffic Safety Administration under the EWR system.
- 7) If you had to upgrade all seating systems to prevent rearward dynamic reclination in excess of 15 degrees from the seat's initial starting position in a FMVSS 301 test procedure<sup>9</sup> (which contains parameters for a rear moving barrier crash), please list all the necessary structural changes that would need to be made to the seat systems in the vehicle(s) your company manufactures.

Thank you for your attention to this important matter to ensure vehicle design features effectively protect passengers from collision injuries and fatalities. Please provide responses to these questions no later than June 23, 2016. If you have any questions, please have a member of your staff contact Michal Freedhoff or Elyssa Malin at 202-224-2742.

Sincerely,



Edward J. Markey  
United States Senator



Richard Blumenthal  
United States Senator

---

<sup>9</sup> <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol6/pdf/CFR-2015-title49-vol6-sec571-301.pdf>

## **Attachment 6**

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pvsheridan@wowway.com

23 June 2016

Mr. Douglas E. Dilley, Esq.  
The Dilley Law Firm, P.C.  
635 South Presa  
San Antonio, TX 78210  
210 - 225 - 0111

**Subject: Preliminary Expert Report - Gonzalez v Chrysler Group LLC, et al.**



# Intra Company Correspondence

|                         | Telephone   | Date             |             |
|-------------------------|---|------------------|-------------|
| To--Name & Department   | 8-776-2470  | November 7, 1994 | CIMS Number |
| P. V. Sheridan          | NS Product Planning   |                  | 482-08-02   |
| From--Name & Department |   |                  | CIMS Number |
| T. R. Cunningham        | General Product Manager - Minivan<br>Executive Vice-President - Sales and Marketing |                  | 482-08-02   |

Subject: **MINIVAN SAFETY LEADERSHIP TEAM**

Thank you for your recent personal assessment of the status of the Minivan Safety Leadership Team. I regret that the events since March 1993 have caused you to feel that the team which you chair has been less than successful. However, your comments must be taken in the larger context of all corporate efforts on developing safety features.

The basic issue of which you complain is the procedure by which proposed product features were researched (or in some cases, not researched) in marketing clinics, and how such consumer interest data should be used to make product feature decisions. As well, you express concern about the available opportunities to present your findings to management, including this office.

Part of the frustration you feel may be due to a misperception on the role of the team. The purpose of the team was to identify features of potential interest and make the platform team aware of such items. I believe this has been accomplished. Your team was not intended to make a final decision on a feature, because the expertise and responsibility necessary to make such a decision are not present within the team, despite the admitted best of intentions of all team members. Committing to a safety feature entails a significantly larger process, including a much wider range of company functions, which is necessary to ensure the reliably best outcome for our customers.

Your team has made the community aware of several potential features. Now, it is the responsibility of the technical experts within the engineering community to scientifically evaluate the true merits of each considered feature. In an area such as safety, knowledge of what the consumer wants is important, so that we can ensure that our products are sellable. However, and even more important, our technical experts must make decisions on safety features based on the best interest of our customers, whether or not the customers are aware of the benefit or have the technical expertise to make their own evaluation. Your team's efforts are a part of this process in evaluating consumer interest, but it would be improper for us, as a company, to grant your team decision-making power on product features which could have a direct effect on the safety of our customers.

You cite the example of side air bags as an area which you believe we have not gathered full consumer information. Even if you are correct that our customer database on this subject is less than complete, your concern must be relegated to a lesser priority in the overall decision to pursue a feature which might claim to offer a safety benefit. I cannot agree that your "ultimate objective" should be "customer preferences" when dealing with technical issues which effect people's personal safety. Instead, our ultimate objective should be to study potential features to determine a true, scientific measure of the

P. V. Sheridan  
November 3, 1994

real-world safety benefit. Then, and only then, can a reasoned decision on offering a feature be made. Even if customers are not demanding a particular feature (such as the case with our first driver air bags), *we* must make the responsible decision about how to develop the best vehicle to provide our customers optimum safety. In the example you raise, the corporation has been researching side air bags, and will make a reasoned decision when the data is complete.

The principle described above must be applied to any other features which the team advocates based on customer interest alone. Our mere ability to sell a feature, or have a feature interest a customer in buying a vehicle, cannot be the determining factor in new feature development. We must adhere to a policy of developing features which deliver real safety benefits and which are reasonable to provide in consumer motor vehicles.



T. R. Cunningham

cc: D. Bostwick  
T. Edson  
M. Levine  
D. Malecki  
C. Theodore  
S. Torok  
R. Winter  
Safety Leadership Team

RECEIVED

Intra Company Correspondence

Produced in *Adrian Lynn Johnson v. DaimlerChrysler Corporation*

OCT 27 1994



R. A. WINTER

Telephone

Date

776-4824

October 26, 1994

| Name & Department     |   | CIMS Number |
|-----------------------|---|-------------|
| Theodor R. Cunningham | Executive Vice President - Sales & Marketing<br>General Product Manager - Minivan | 484-14-08   |
| Paul V. Sheridan      | Chairman - Safety Leadership Team<br>Product Planner - Minivan Operations         | 482-08-02   |

Subject: Minivan Safety Leadership Team (SLT) - - Status Update (per your request)

STATUS

The SLT has not been meeting during the last 10 - 12 weeks. Member morale is low; they have relegated the subject to a lower priority. Please see 'Discussion' below.

BACKGROUND

The SLT was formed in March 1993, and continues to be chaired by Minivan Operations. The charter of the group was to provide the MPT with direction and priority regarding the implementation of safety features, in the context of maintaining safety leadership in the minivan segment. To accredit the SLT, membership included every relevant group, from Engineering to Competitive Analysis to Legal/Safety Office. The merits of this effort were verified via trends in the "Purchase Reasons" data for minivan owners/intenders. (This format was approved by you during a special Minivan Operations meeting in February 1993.)

The SLT workload was immediate and substantial. Early accomplishments included:

- Inputs to the Legal staff to refute the leadership claims made by Ford in their original Winstar copy.
- Coordination of standard ABS recommendation on NS-Body platform.
- Reinstatement of 5 mph rear bumper on NS-Body.

When a feature/concept was of debatable merit, or disagreement existed within or outside the SLT, both qualitative and quantitative research was employed to assist with resolution:

- Qualitative research was formulated to ascertain the overall opinions/biases of minivan customers in the category of safety. These focus groups were conducted in Chicago and San Diego to establish geographic inputs. This phase of SLT efforts was completed in November 1993.
- Quantitative research was formulated on the basis of the information provided in the November focus groups. The SLT feature questionnaire was formatted for inclusion with the advertising positioning research clinics conducted in May/June 1994. Again, geographic considerations were to be an important part of SLT recommendations, and therefore the clinics were scheduled for both the Boston and Santa Clara locations.

Produced in *Adrian Lynn Johnson v. DaimlerChrysler Corporation*

## BACKGROUND con't

Three dominant themes emerged from the research:

- Safety is very important to the minivan segment, especially Chrysler corporate buyers.
- Safety features must be demonstrably substantial...not "gimmicks and gizmos".
- Our customers are increasingly satisfied with the safety features that protect them from frontal incidents. The execution of front seat belts, enhanced front seat position structural enhancements, and, most prominently, dual front air bags, have all contributed to this status.

Two strategies were developed in response to these themes/activities:

- There is an opportunity to enhance our position in the minivan segment by executing safety features for side related incidents, and to a slightly lesser extent rear incidents.
- Chrysler should not make overt safety leadership claims (ala Ford Windstar). Rather, we should execute substantial safety features, and allow our customers to conclude for themselves that Chrysler is the segment leader. An optimal mix of reality and image would be developed. The SLT led this discussion; now a corporate position.

Preparation for the May/June advertising positioning research involved time constraints that restricted the number/type of safety features to be researched. The SLT had documented a list of 50 - 60 items. We consolidated the list to 13 items for the Boston/Santa Clara clinics. Side-related features were prioritized. It was requested that the SLT questionnaire be limited to a 15 minute maximum. We accommodated that request.

## DISCUSSION

There are three salient events that contribute to the STATUS.

The day just prior to the Boston clinic, it was requested that we remove 'side air bags' from the list. This late notice did not allow any further discussion within the SLT. 'Side air bags' had been discussed for over a year, and were thoroughly qualified/verified as a priority by the November 1993 focus groups. All represented groups to the SLT had strongly supported inclusion of 'side air bags' in the clinics. A substantial amount of last-minute work was expended to remove 'side air bags' since the question was already programmed. We are not able to make objective recommendations regarding minivan segment acceptability, cost/price sensitivity, technical approach/execution, etc. This latter deficiency continues to be problematic given intensive competitive activity/advertising on side air bags. The marketplace is generally aware of side air bags, but all related work that was proceeding on the MPT has been halted.

## DISCUSSION con't

SLT membership attended both the Boston and Santa Clara research locations. To save costs, arrangements were made 3 - 4 weeks prior to the June 4 - 6 schedule in Santa Clara. On June 3 the safety research items were unilaterally removed from the Santa Clara clinic. Many SLT participants had already departed for the West coast, and therefore were not aware of this decision. If informed in a timely manner, it is highly likely that they would have chosen to save company time/expense, since their participation was now marginal or no longer required. Obviously they were "disappointed" upon arrival at the clinic. As a result we are not able to ascertain the geographic influences on the 13 safety features.

The SLT preferred to present your office with formal follow-up on the safety feature research results. This discussion would have allowed you to provide concurrence, empowerment, and specific feedback to SLT recommendations. Several of the 13 safety features submitted to the clinics were deemed to be "unprecedented" with respect to customer acceptance. Others were strongly rejected. In several cases, properties were used to demonstrate/substantiate a safety feature/concept. Only those features receiving very high scores were proposed for execution by the MPT. All appropriate areas within the MPT were involved, as were all appropriate meeting forums. These formalities involved substantial analysis/coordination/consensus prior to product plan inclusion. Engineering bulletins were subsequently written in response to the product plan updates. As of this writing, most MPT work on the SLT recommendations has been halted.

## CONCLUSION

Other areas/platforms frequently look to the Minivan Platform as a precedent when embarking on a new topic. The Minivan Safety Leadership Team is a recent example. The Minivan Complexity Team is an ongoing example. There are others. However, it is not the magnitude (quantity) of our efforts that attracts attention, it is the formality (quality). Characteristically, the SLT has adhered to consensus, objectivity, and due process; financial, technical, etc. We avoid subjectivities, personal opinions, and organizational partialities. This *modus operandi* emphasizes customer preferences/requirements...our ultimate objective.

SLT membership is concerned that its approach/subject is not fully endorsed, or a priority of upper management. Without this endorsement it is difficult for the SLT to deliver on the safety leadership agenda that you approved for the Chrysler minivan (i.e. NS-Body).

## RECOMMENDATION

We do not believe that your office has had an adequate chance to participate in the decisions that will maintain Chrysler's momentum in safety leadership via the launch of the NS-Body. We recommend that you schedule a formal review of the work conducted to-date by the Minivan Safety Leadership Team.

cc: D. Bostwick      T. Edson      M. Levine      D. Malecki  
C. Theodore      S. Torok      R. Winter      Minivan Safety Leadership Team

**MEETING REVISION NOTICE**

**SUBJECT:** Safety Leadership Team Update

**DATE:** Monday, November 7, 1994

**TIME:** ~~11:00 - 12:00 noon~~  
3:00 - 4:00 p.m.

**LOCATION:** T.R. Cunningham's CTC Conference Room  
Executive Suite Conference Room F

**CALLED BY:** R.A. Winter

**INVITEES:** M.W. Clemons  
M.W. Crossman  
T.R. Cunningham  
M.T. Delahanty  
W.H. Hines  
N.E. Hoxsie  
H.E. Kifer  
K.S. Mack  
D.C. Malecki  
F.W. Schmidt  
P.V. Sheridan  
R.S. Zarowitz

**Arranged by:** Sue McKesson  
776-2911





# Inter Company Correspondence

Telephone

Date

776-2909

January 27, 1993

To-Name & Department

CIMS Number

Please See Below

From-Name & Department

CIMS Number

R. A. Winter

General Product Manager - Minivan Operations C.T.C.

482-08-02

Subject: Minivan Safety Leadership Team (SLT)

TO: D.P. Bostwick  
T.M. Creed  
D.E. Dawkins  
R.L. Franson

M.R. Levine  
T.S. Moore  
J.W. Rickert  
P.M. Rosefeld

S.T. Rushwin  
F.I. Sanders  
R.A. Sarotte  
C.P. Theodore  
S.A. Torok

Safety has been an important consideration among Minivan buyers, and Chrysler has enjoyed a leadership position with the implementation of driver's air bag and child seats. The competition has passed us in 1993 by meeting passenger car safety standards, but we will retake the lead in 1994 with passenger side air bags.

In order to maintain our leadership position in this segment we need to provide a vehicle that has the most important safety attributes, and to that end the Minivan Safety Leadership Team is being formed. The purpose of the team is to re-establish Chrysler's advertisable safety leadership position, with particular emphasis on the NS-Body. The general format will focus effort in the areas of "Accident Avoidance", "Accident Survival" and other security issues, and the team will avail itself to all sources of expertise/assistance.

Attached is the current membership listing. Your support/awareness of this activity will enhance the ability of the team in this extremely important task. Your comments are welcome.

R.A. Winter

/sem  
RAW#8\sltmemo

Attachment

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

- **Background**

- Through its aggressive implementation of the air bag, and other safety related features, Chrysler enjoyed an advertisable safety leadership position through the 1990/1991 timeframe.
- Current and projected competitive activity in the area of safety will erode our leadership position to that of parity, especially in the minivan segment.

- **Purpose/Mission Statement**

- Accurately assess our current and projected status in the area of safety, using the following as a basis for discussion:
  - ▶ 1995 AS-Body exit levels
  - ▶ Documentation/specification of regulatory compliance plans
- Define specific additional requirements/actions to re-establish an advertisable leadership position.
- Focus will be on the NS-Body and the minivan segment, but SLT activity will be formatted to be transferrable/accessible to other platforms.
- Monitor safety innovations.
- Monitor competitive activity.
- Establish/monitor consumer acceptance.

- **Format**

- It is proposed that the SLT examine the safety leadership issue in the context of the following categories:
  - ▶ Accident Avoidance
    - ABS
    - Traction Control/Enhancement
    - Speed Dependent Steering
    - Active Suspension
    - Driver Information Enhancement

- **Format (continued)**

- ▶ **Accident Avoidance (continued)**
  - Exterior Lighting/Signaling
  - Mirrors/Visibility
  - Back-up Alert
  
- ▶ **Accident Survivability**
  - Air Bags (Active)
  - Occupant Restraints (Passive and Active)
  - Crash Management
  - Crash Intrusion
  - Bumper Integrity
  - Side Impact
  - Roof Crush
  - Rollover
  - Seat Back Strength
  - Headrests
  - Glass Retention
  
- ▶ **Other**
  - Anti-theft
  - Security Systems
  - Mechanical Reliability
  - Communications
  - Comfort (anti-fatigue)
  - IVHS

- **Organization/Membership**

- Minivan Operations (Chair)
- Safety Office
- Engineering
- International Operations
- Liberty
- Marketing
- Sales
- Design Office
- Competitive Information Activity

- ▶ Additional organization involvement will occur as appropriate.

- **Other**

- To be effective, the SLT will require empowerment via executive level recognition of the SLT mission, and resultant dedication of staff support.
- Meeting time tentatively set to alternate with existing Minivan Complexity Team on Tuesdays, 8:15 - 9:00 a.m.
- Initial agenda priority will be review of the NS-Body ABS strategy.

|   |
|---|
| <b>NS-BODY<br/>SAFETY LEADERSHIP TEAM (SLT)</b> |
|---|

**MEMBERSHIP**

| <b><u>Organization</u></b>       | <b><u>Representatives</u></b>                     | <b><u>CIMS</u></b>     | <b><u>Telephone</u></b> | <b><u>Telefax</u></b> |
|----------------------------------|---|------------------------|-------------------------|-----------------------|
| Minivan Operations *             | Paul V. Sheridan                                  | 482-08-02              | 776-4824                | 776-2261              |
| Safety Office                    | Ronald S. Zarowitz                                | 415-03-21              | 876-1126                | 822-5069              |
| Engineering                      | TBD   |                        |                         |                       |
| International Operations         | Gregory A. Blindu                                 | 415-03-05              | 876-5983                | 876-4752              |
| Liberty                          | TBD   |                        |                         |                       |
| Marketing                        | William H. Hines (Dodge)<br>Mark W. Clemons (C/P) | 414-04-40<br>414-04-35 | 876-5523<br>876-3763    | 822-6957<br>822-6957  |
| Sales                            | James L. Boeberitz                                | 414-05-29              | 876-3942                | 822-7431              |
| Design                           | TBD   |                        |                         |                       |
| Competitive Information Activity | Michael T. Delahanty                              | 414-02-16              | 876-1464                | 876-4241              |

\*Chair

# Attachment 7

DDM Consulting  
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23 June 2016

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San Antonio, TX 78210  
210 - 225 - 0111

**Subject: Preliminary Expert Report - Gonzalez v Chrysler Group LLC, et al.**

**PAUL VICTOR SHERIDAN**  
22357 Columbia Street  
Dearborn, Michigan 48124-3431

Home Office (313) 277-5095  
pvsheridan@wowway.com  
pvs6@Cornell.edu

### **Project Management / Administrative Experience**

*CHRYSLER CORPORATION, Detroit, Michigan (eleven years)*

Vehicle Operations - Project Manager : Product management for Dodge Caravan, Plymouth Voyager and Chrysler Town & Country minivan vehicles.

Jeep and Dodge Truck Engineering - Program Manager : Corporate documentation/communication of engineering issues for Dodge pickup and full-size van vehicles, and Dodge truck engine programs.

*FORD MOTOR COMPANY, Dearborn, Michigan. (four years)*

Product Planning Analyst - General automotive business planning. Documentation of regulatory compliance status, for Environmental Protection Agency and Department of Transportation.

### **Technical and Engineering Experience**

*STATE UNIVERSITY OF NEW YORK, Albany, New York (three years, concurrent with B.S. education)*

Nuclear Accelerator Laboratory - Assistant to the Director : Nuclear research facility operations and maintenance. Acted as laboratory 'contact person' for University and private research scientist clients.

SUNYA Computer Center - Assistant to the Director : Computer center operations and client relations.

*UNION CARBIDE CORPORATION, Sterling Forrest, New York (one year, post A.S. education)*

Nuclear Reactor Operations Trainee: Nuclear reactor operator, nuclear fuel and waste processing, radiation and health physics, radio-pharmaceutical and radio-chemical processing for medical clients.

*FAIRWAY TESTING COMPANY, STONY POINT, NEW YORK (three years)*

Heavy construction representative for Architect/Engineer. Responsible for reporting of structural steel and concrete specifications compliance. Included jobsite and fabrication plant quality control.

### **Professional Communications and Legal Experience**

*AUTOMOTIVE PRODUCT SAFETY SYSTEMS - Self Employed, Dearborn, Michigan. (Current; 20 Years)*

General Automotive Management Safety Expert: Provide testimony for injury/death plaintiffs in product liability cases. Preparation of trial evidence and documents. Accident reconstruction and expert reporting services. Expertise featured on *ABC News 20/20*, *Wall Street Journal*, *ABC News Primetime*, *Detroit News*, et al.

*AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION - Albany, New York / Ithaca, New York*

Sales Manager: Cable television sales management for up to 30,000 accounts. Extensive sales staff management and customer satisfaction issues experience. Included extensive interaction with cable system engineer and installation crews (one year, 1978/9, concurrent with Cornell MBA education).

### **Formal Education**

*CORNELL UNIVERSITY-JOHNSON GRADUATE SCHOOL OF MANAGEMENT, Ithaca, New York. May 1980.*

Master of Business Administration : General Management and Business Logistics.

*STATE UNIVERSITY OF NEW YORK AT ALBANY, Albany, New York. June 1978.*

Bachelor of Science : Mathematics and Physics, minor in Computer Science.

*ORANGE COUNTY COMMUNITY COLLEGE, Middletown, New York. June 1974.*

Associate of Science : Physical Sciences, minor in Building Construction Technology.

*HENRY FORD COMMUNITY COLLEGE, Dearborn, Michigan. May 2010.*

Associate of Arts : Concentration in mathematics, computer hardware & software. Includes Microsoft 'Computer Software Applications' Certification (May 2009).

## Previous / Significant Experience

### Civil Justice Foundation

Winner of the prestigious National Champion Award; only winner in history for legal and engineering efforts in transportation safety.

### National Media

Featured in major national television/print media. Transportation safety expertise has been presented by *ABC News 20/20*, *Wall Street Journal*, *ABC News Primetime*, et al. Involved extensive preparation, public presentation skills, and professional competence/credibility.

### Board Membership

Several Board of Director positions with automotive aftermarket companies. Member, National Association of Corporate Directors.

### United States Supreme Court

Provided detailed input to briefing documents for famous Baker v General Motors case. Assisted Harvard Constitutional Attorney Professor Lawrence Tribe and associates during 1997/1998. Justices voted *unanimously* in favor of plaintiff (January 13, 1998).

### Chrysler Corporation

Winner of the famous Lee A. Iacocca "*To Be the Best*" award. Selected on the basis of contribution to department/corporate goals via intensive work on advanced car and truck muffler design, and related exhaust system components planning/engineering.

### Cornell University

1. President of the Johnson Graduate School of Management Alumni Club of Detroit. Involved club communications, organization and activity coordination. Included Board of Directors membership on the Cornell Club of Michigan.
2. Served as Team Stewart for the Cornell *Formula SAE* race car team during 1994 and 1995. Yearly program sponsored by Society of Automotive Engineers (SAE) involves 90+ engineering schools. Custom engineered/designed/fabricated vehicles judged on aesthetics, function and cost; competing for scholarship awards.
3. Member of the Graduate School of Management's Alumni Executive Council. Participate on the Admissions Committee providing formal recommendations to the Dean on MBA degree candidate identification and selection process.
4. Selected as one of four students to represent the Graduate School of Management at the nationally recognized Washington Campus Program. Conducted in Washington, D.C. and included in-session visits to the White House, the Supreme Court, Senate, House of Representatives, etc. Four week business/government seminar included participation of the top grad. business schools.
5. Alumni interviewer for the Johnson Graduate School of Management in the Michigan and Ohio areas. Interview Master of Business Administration (MBA) degree candidates; providing recommendation inputs to the JGSM Admissions Office.

### University of Michigan

Nominated to participate as a powertrain/chassis panelist on the internationally renowned "Delphi Automotive Forecast" of automotive trends in technology, electronics, advanced materials and marketing.

### Polimotor Research, Inc./Amoco Oil Race Team

Crew member of unique International Motor Sports Association (IMSA) CAN-AM road race vehicle; a Lola T-616 ground-effects vehicle, powered by a graphite-reinforced composite ("plastic") engine; four cylinders/2.0 liters/300+ horsepower/180+ mph.

### Ford Motor Company

1. Authored "The Market Effect of Bottom-Up versus Top-Down Motorsports Support: A View from the Past." Extensively researched paper was submitted/presented to top management. Highly influential in the restructuring of the Ford Motorsports/Racing Programs. Paper received public notoriety through magazine publication/quotation.
2. Author of the Electronic Engine Controls version four (EEC-4) documentation for publication as the Service & Parts Division (Motorcraft) Service Manual for national distribution to car and truck retail dealerships.
3. Representative to Office Productivity Center, and author of the Office Automation Proposal for the Car Product Development Group. Included extensive office automation equipment operation/demonstration and detailed review of vendor proposals.

### National Aeronautics and Space Administration

Conducted on-site investigation of NASA's \$100 million Aircraft Energy Efficiency Program (ACEE) in support of Cornell University graduate course work. Included visitations to the NASA Central, Langley and Ames facilities covering composite structures, advanced turboprops, supercritical wing designs, avionics and advanced energy efficient engines. Required one year (1979) and national security clearance (which was established via previous acceptance into the United States Naval Flight Officer program).

### State University of New York at Albany

1. Appointed by the Dean for Student Affairs as one of only two to represent the undergraduate student body on the Student Conduct Committee. Two year membership on University's most powerful judicial board included assistance with Committee recommendation on "Student Body Guidelines" revisions, hearings involving guideline violations, and related disciplinary actions.
2. Selected as Scuba Diver Assistant for University accredited course leading to Sport Scuba Diving Certification. Responsible for safety, equipment preparation and instruction/demonstration for 30-40 students.

### Orange County Community College

Vice President and President of the Architecture Club during the first and second year of the Associate of Science degree program. Involved preparation/arrangements for guest lectures and architecture class field study tours.

# Cornell University

Be it known that

**Paul Victor Sheridan**

having satisfied in full the requirements for the degree of

**Master of Business Administration**

has been admitted to that degree with all  
the rights, privileges and honors pertaining thereto  
in witness of this action the seal of the University and the signatures  
authorized by the Board of Trustees are affixed below

Given at Ithaca, New York, on the twenty-sixth day of May,  
in the year one thousand nine hundred and eighty

*David A. House*  
Acting Dean



*Frank W. Quinn*  
President



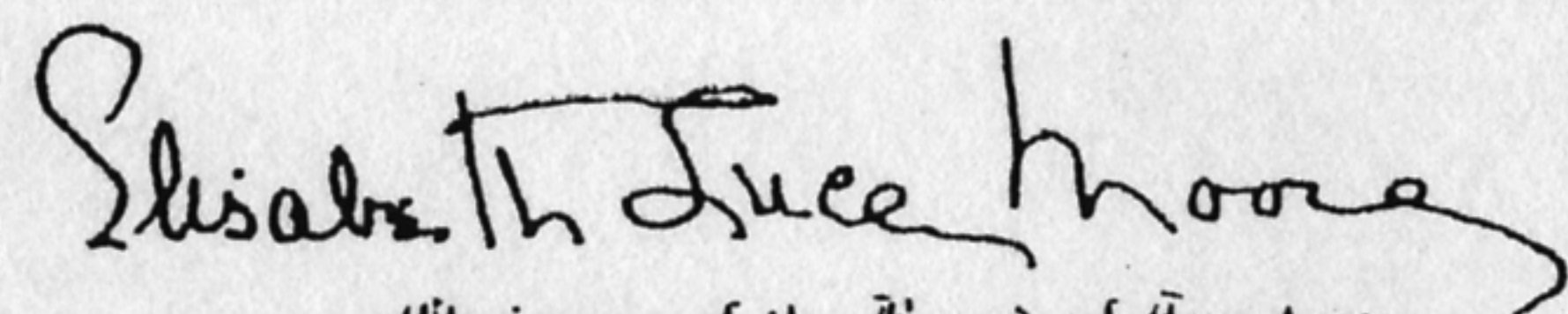
State University of New York  
University at Albany

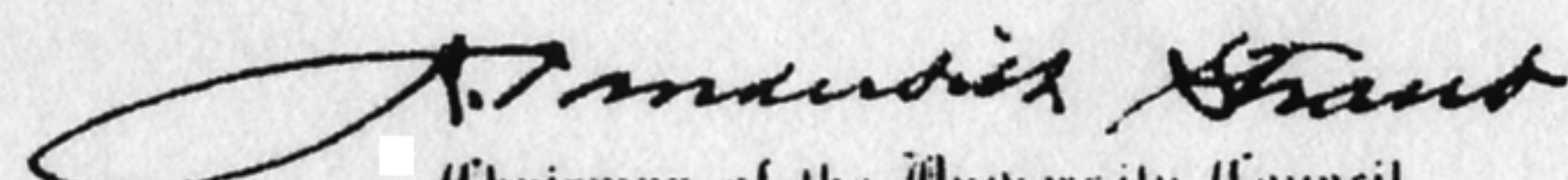
On the recommendation of the Faculty  
and by virtue of the authority vested in them  
the Trustees of the State University have conferred on  
Paul Victor Sheridan  
the degree of

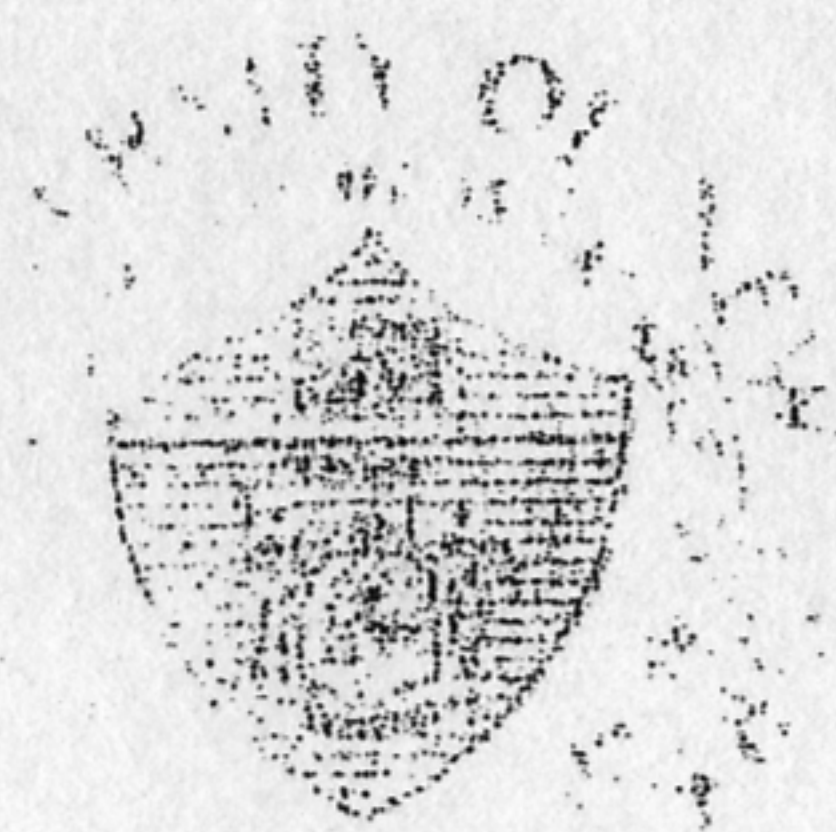
Bachelor of Science

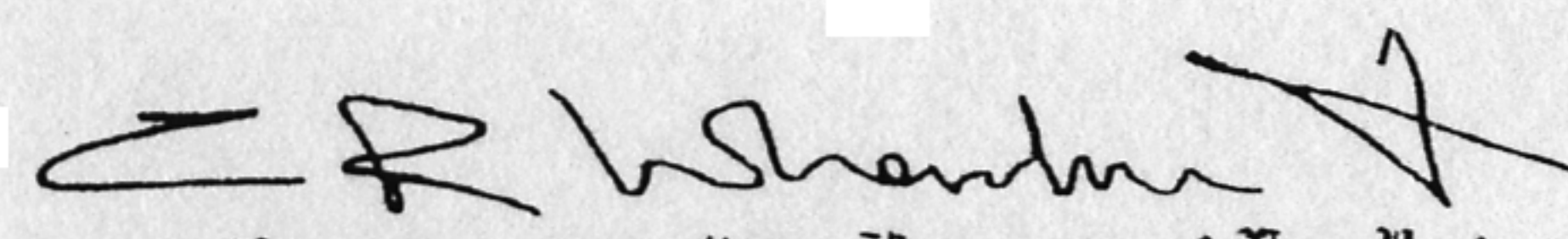
and have granted this Diploma as evidence thereof.

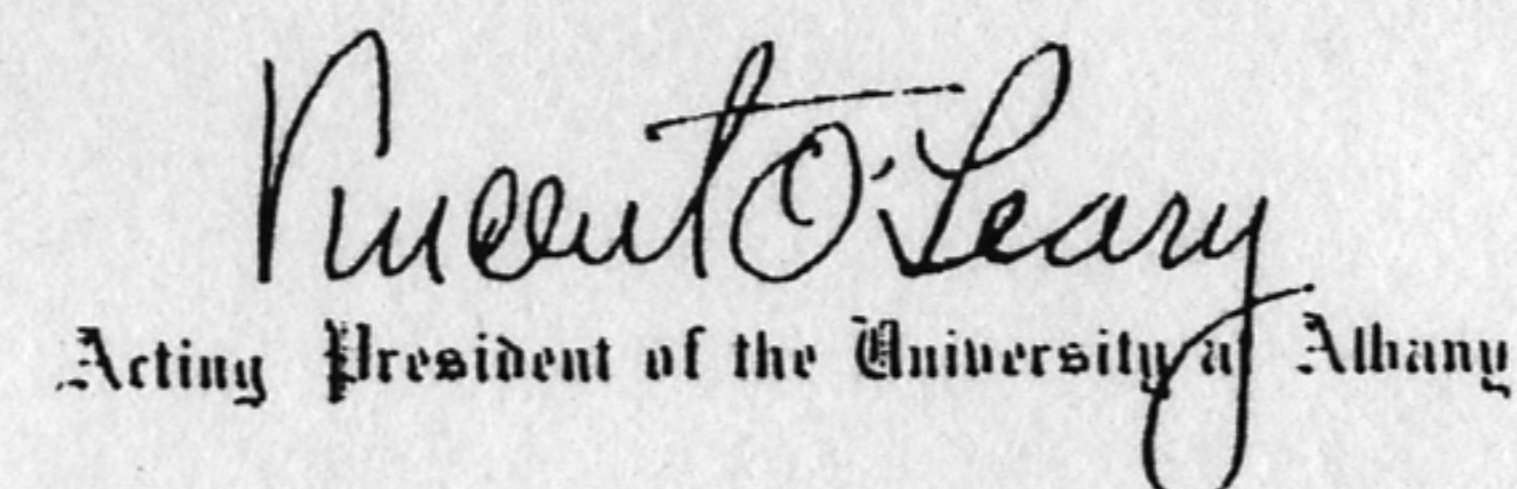
Given in the City of Albany in the State of New York in the United States of America  
on the twenty-eighth day of May, one thousand nine hundred and seventy-eight.

  
Chairman of the Board of Trustees

  
Chairman of the University Council



  
Chancellor of the State University of New York

  
Acting President of the University of Albany

Orange County Community College

Middletown



New York

*the degree of*

Associate in Science

*is conferred upon*

Paul Victor Sheridan

*by the Board of Trustees in pursuance of the authority  
vested in it by the laws of the State of New York and  
upon recommendation of the faculty.*

*June 8, 1974*

*Edward P. Dougherty*

*Chairman of the Board of Trustees*

*Robert T. Morak*

*President of the College*

# Henry Ford Community College

Upon the recommendation of the Faculty and by authority of the Board of Trustees, Henry Ford Community College confers upon

**Paul D. Sheridan**

in recognition of the satisfactory fulfillment of the prescribed requirements the degree of

**Associate in General Studies**

with all the rights, privileges and honors thereto pertaining here and elsewhere.

Signed and sealed at Dearborn, Michigan, this eighth day of May,  
in the year two thousand and ten.

  
College President



  
Chair, Board of Trustees

# Henry Ford Community College

Upon the recommendation of the Faculty and by authority of the Board of Trustees, Henry Ford Community College confers upon

**Paul Victor Sheridan**

in recognition of the satisfactory fulfillment of the prescribed requirements a

**Certificate of Achievement**

in

**Computer Software Applications**

with all the rights, privileges and honors thereto pertaining here and elsewhere.

Signed and sealed at Dearborn, Michigan, this ninth day of May,  
in the year two thousand and nine.

*Lail Mee*

College President



*Joseph A. Guida*

Chair, Board of Trustees

# Washingtonville Central School



This Certifies That

**Paul Victor Sheridan**

has satisfactorily completed the requirements for Graduation as prescribed by the Board of  
Education for the High School and is therefore awarded this

**Diploma**

Given at Washingtonville, New York, in the month of June, nineteen hundred seventy-one.

*Harold A. Wood*  
President of Board of Education

*Edward M. Lockerty*  
District Principal

*Oliver L. Kuehne*  
Secretary of Board of Education

*Ralph A. Coon*  
High School Principal

# END OF DOCUMENT

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23 June 2016

Mr. Douglas E. Dilley, Esq.  
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San Antonio, TX 78210  
210 - 225 - 0111

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