

EXPERT WITNESS REPORT
AHLBERG VS. DAIMLERCHRYSLER CORPORATION

PAUL VICTOR SHERIDAN, BS, MBA

May 20, 2005

INTRODUCTION

1. My name is Paul V. Sheridan. I reside at Dearborn, Michigan. All facts and opinions recited in this report are either known to me personally as matters of fact, or represent opinions I have formed based upon my specialized education, specialized training, specialized experience, observations, knowledge, work with DaimlerChrysler, review of substantial literature, review of parts, including DaimlerChrysler parts and vehicles, as well as parts, vehicles and literature of competitive automotive manufacturing companies such as General Motors, Ford, Toyota, et al.
2. I am currently engaged in the automotive safety consultation profession as a 'General Automotive Safety Management Expert.' For the last ten-plus years I have restricted/devoted my consultations to the products of DaimlerChrysler Corporation. I have testified in this expert capacity in jury trial, deposition and report.
3. I am aware from my involvement in existing and previous litigation, DaimlerChrysler has settled and sealed many lawsuits, and paid substantial damages to plaintiffs who have been severely injured and/or killed as a direct result of DaimlerChrysler's failure to install the brake-shift interlock (sometimes called "Park-Shift Interlock") :
 - a. DaimlerChrysler was also sued in class actions to force safety retrofits. The courts (except Tennessee and South Dakota) were forced to dismiss these class actions based on legal arguments posed by DaimlerChrysler that were not related to the merits of the Brake-Shift Interlock safety issues.
4. I am aware that a lawsuit has been filed against DaimlerChrysler, in United States District Court, Southern District of Iowa, alleging that the auto maker placed RALPH A. AHLBERG at grave risk by failing to install a rudimentary safety device called "Brake-Shift Interlock" in its vehicles equipped with automatic transmissions, specifically the 1999 Dodge Ram pick-up truck.

EDUCATION AND EARLY WORK EXPERIENCE

5. I hold a Bachelor's of Science Degree (BS) in Mathematics and Physics conferred in 1978, by the State University of New York (SUNY). I hold a Master's in Business Administration (MBA) in General Management and Logistics conferred by Cornell University in 1980:
 - a. During the first year of my studies at SUNY I simultaneously worked as 'Assistant to the Director' at the University Computer Center,
 - b. During the last two years of my studies at SUNY I was promoted to 'Chief Technical Assistant to the Engineer' at the SUNY Nuclear Accelerator Laboratory,
 - c. During my studies at Cornell University I was employed as University Liaison by Graduate School of Management, Department of Economics. I was assigned to investigate and author the aerospace portion of a national energy position paper, commissioned by the U.S Department of Energy (DOE). My report was based on extensive visitations and interviews with the engineers of the National Aeronautics and Space Administration (NASA). My paper was presented to the U. S. Congress in 1979 by world-renown energy economist Professor Robert Lind.

PROFESSIONAL AUTOMOTIVE EXPERIENCE – GENERAL BACKGROUND

6. After graduation from Cornell University, I was hired by Ford Motor Company at their headquarters location in Dearborn, Michigan. I worked at Ford from 1981 to 1984. My responsibilities included program management, vehicle production planning, automotive product planning, and power train planning. The latter involved interaction with the transmission engineering groups. I was promoted once, and earned several substantial salary increases during this 1981-1984 period.
7. In July 1984, I accepted an unsolicited promotional offer from DaimlerChrysler Corporation. The new position represented a significant increase in responsibility :
 - a. My work at DaimlerChrysler was focused in two main areas: engineering programs management and product programs management. As a matter of DaimlerChrysler Personnel and Management policy, these areas do not require an engineering degree *per se*, but did require and utilized my extensive understanding and education in science and technology (see ¶46),
 - b. I am one of only three people in-history to receive the “Chairman’s Award” from Lee Iacocca during his tenure as Chairman of the Board and Chief Executive Officer. I received this award as a result of being nominated by the Chassis Engineering department for my work on Dodge Truck exhaust systems engineering (Exhibit 1).
8. My career at DaimlerChrysler spanned July 1984 until December 1994. During this period I served the DaimlerChrysler customers by working as a professional manager in product planning, program planning, and engineering programs management. As an Engineering Programs Manager, I was responsible for the work of hundreds of both DaimlerChrysler internal engineers and external engineers at DaimlerChrysler suppliers :
 - a. My work as an Engineering Programs Manager received recognition in the internal periodical called *The Chrysler Times* (Exhibit 2),
 - b. The assignments described in ¶8a were directly involved with the powertrain systems of the Dodge Ram Pick-up truck, internally referred to by various engineering codes such as T-300 or the BR-Body. Mr. Ahlberg’s 1999 Dodge Ram pick-up truck is a BR-Body (see ¶22),

I was regularly promoted in my responsibilities and compensation, and I received positive properly executed performance reviews during my DaimlerChrysler career (Exhibit 3).

DAIMLERCHRYSLER HISTORY AND BACKGROUND

9. In 1998, DaimlerChrysler was acquired by Daimler Benz of Germany to form DaimlerChrysler Corporation. Daimler Benz is the original manufacturer of the Mercedes Benz automobiles. The new DaimlerChrysler AG is a German company. In this affidavit I will use “DaimlerChrysler” when referring to the marketing brands of Plymouth, Dodge, and Chrysler.

10. Since 1990 DaimlerChrysler automotive vehicle product development has occurred within an internal organization called "Platforms." These vehicle Platforms include:

- a. Minivan Platform
- b. Small Car Platform
- c. Large Car Platform
- d. Jeep Platform
- e. Truck Platform

Each of these five Platforms employs dedicated staff from product operations, engineering, procurement, design, manufacturing, *et al.*

11. For example, the Minivan Platform develops minivan product which is/was marketed under the brands of Dodge, Plymouth and Chrysler. The Truck Platform develops the Dodge Ram pick-up truck such as Ahlberg vehicle. These North American based brands of DaimlerChrysler are sold and/or serviced by approximately 5,000 independent dealerships. These brands are also sold in foreign markets by several hundred foreign independent dealerships.

12. Replacement parts, warranty parts, and repair & retrofit procedures for the DaimlerChrysler brands are provided by the Service & Parts Division. The trade name of Service & Parts is MOPAR. DaimlerChrysler dealerships also rely on MOPAR for components and procedures relating to safety defect recalls. A vast majority of these parts are purchased from outside suppliers for resale to the DaimlerChrysler dealerships or the customer.

13. Throughout my career at DaimlerChrysler, I performed duties pertaining to competitive automotive product (Ford, Toyota, etc.) These duties included drive-evaluations of competitive vehicles. These vehicles were managed by Mr. Richard Posk, Competitive Cars Coordinator. These competitive vehicles were routinely evaluated by the highest level of DaimlerChrysler management. The primary purpose of these drive-evaluations was identification and documentation of superior design and feature content. To the best of my knowledge, the practice of competitive drive-evaluations continues at DaimlerChrysler to this day.

14. Throughout my career at DaimlerChrysler, my duties pertaining to competitive automobiles included detailed review of competitive engineering of components and systems. Competitive vehicles were fully dismantled by technicians from the Competitive Teardown Office. This "teardown" function was/is an integral part of the engineering and product development process. Its purpose was/is to accumulate detailed engineering information of competitive component and system design. The teardown process resulted in the following report and review formats:

- a. The Competitive Teardown Review: These formal reviews were presented by the engineering staffs, and frequently attended by the highest levels of DaimlerChrysler executive management.
- b. Competitive Teardown Report: Documentation which was distributed throughout the DaimlerChrysler organization, including the highest levels of DaimlerChrysler executive management. These reports included detailed information about competitive components and subsystem content, cost, weight, supplier sources, etc.

- c. Reviews by individual engineering or product planning personnel as part of their day-to-day responsibilities. The teardown components were displayed on vertically hung 4 x 8 sheets of plywood, for analysis and inspection by the individual engineering or product planning groups. This display area was referred to as "The Boards,"
- d. Competitive Teardown Office visits: Involve open, non-formal inspection, by both DaimlerChrysler employees and suppliers, on an as-needed basis,

As part of my duties at DaimlerChrysler I routinely provided managerial input on the selection of which competitive vehicles would be budgeted for teardown. To the best of my knowledge, the practice of Competitive Teardown Review continues at DaimlerChrysler to this day.

BRAKE - SHIFT INTERLOCK (BSI) HISTORY

15. In 1987, I was promoted into Jeep and Truck Engineering (JTE) as an Engineering Programs Manager. I remained at JTE from September 1987 until February 1991. My responsibilities included the Dodge pick-up trucks. I assisted with the coordination of a Dodge Dakota electronic features prototype. A major purpose of this prototype was development of driveline controls. The latter included a brake-shift interlock (BSI) designed by an outside supplier to DaimlerChrysler:

- a. Just prior to my double-promotion into JTE I worked in Dodge Truck Product Development. My primary assignment was co-authorship of the 1992 Dodge Ram pick-up truck Renewal Program. Acquisition of American Motors in July 1987 forced delay of the renewal until 1994. The 1994 Dodge Ram renewal was originally called the "T-300 Program." As Engineering Programs Manager at JTE, during September 1987 until February 1991, it was my responsibility to provide both gasoline and diesel engines to the T-300 program, later coded BR-Body.

16. The brake-shift interlock (BSI) is an incremental safety system, and is separate from any other automotive safety system. BSI will prevent inadvertent movement of the automatic transmission shift lever from the "Park" position, until the brake pedal is securely engaged. BSI ensures that the transmission shifter is not accidentally or unintentionally moved into "Reverse" or "Drive" or "Neutral" while the key is in the ignition, in the unlocked or 'on' position:

- a. BSI ensures that a conscious application of the brake pedal occurs prior to movement of the automatic transmission shift lever from the "Park" position.

17. In 1988, the Japanese Auto Manufacturers Association (JAMA) recommended that all automatic transmission vehicles be equipped with BSI as basic safety equipment. DaimlerChrysler executive management was/is aware of this JAMA safety mandate:

- a. As a result of the 1988 JAMA recommendation, Nissan Motor Corporation recalled and retrofitted *all* of its products with BSI. These Nissan products included cars, trucks and sport utility vehicles. This 1988/1989 Nissan BSI retrofit activity was well-publicized and was well-known to DaimlerChrysler management,

- b. In 1988, DaimlerChrysler sold vehicles manufactured by Mitsubishi Corporation of Japan, for sale under DaimlerChrysler nameplates. These nameplates included the Dodge Colt, Eagle Summit, et al. By 1990 these Mitsubishi manufactured products, sold at DaimlerChrysler dealerships, were all equipped with BSI. The sale of vehicles manufactured by Mitsubishi Corporation, which are equipped with BSI, continues at DaimlerChrysler to this day.
18. In 1988, DaimlerChrysler engineers had proposed that BSI be installed in all vehicles, beginning with the 1990 model year. This engineering proposal resulted from their assessment that BSI could easily be designed for and retrofitted into all existing and future vehicles. This proposal was rejected by the executive manager of DaimlerChrysler Engineering :
- a. BSI systems, proposed for installation in all DaimlerChrysler vehicles no later than the 1990 model year, were not engineered by DaimlerChrysler engineers. Detailed design engineering for these BSI systems was provided by suppliers. This process is referred to as "ODD Box," meaning *outside design and development*. Contractual relations with outside suppliers are controlled under DaimlerChrysler 'Process Standard 7000.'
19. In 1989, DaimlerChrysler personnel acknowledged, in correspondence with outside parties, including the National Highway Transportation Safety Administration (NHTSA), that BSI was under consideration because this safety system prevents automatic transmission vehicles from being inadvertently shifted out of 'Park.' This acknowledgement was made by DaimlerChrysler in documents submitted to NHTSA and others, including ODD Box suppliers.

SHERIDAN TRANSFER TO MINIVAN OPERATIONS – EARLY BSI DISCUSSIONS

20. In February 1991, I accepted a new DaimlerChrysler position as a Product Manager in the Minivan Operations group. I remained in Operations until December 1994. My general duties included but were not limited to:
- a. General business and product management of existing and future minivan models. Included co-authorship of the minivan Product Plan, and presentation of the Plan to the highest levels of DaimlerChrysler management,
- b. Interaction with the other platforms to solicit and share inputs of design, development, and manufacture of DaimlerChrysler products (see ¶10).
- c. Interaction with internal organizations such as engineering, legal, manufacturing, design, marketing, sales, customer relations, procurement, international planning, finance, consumer research, regulatory affairs, etc.
- d. Interaction with external organizations such as suppliers, market research companies, consumer research companies, consulting companies, advertising agencies, etc.
21. While in Minivan Operations my *specific* responsibilities included body components, chassis systems, exterior ornamentation, product complexity and logistics, competitive products analysis, regulatory compliance planning, engine and transmission systems planning.

22. Historically, DaimlerChrysler minivans have involved three primary body design editions. During its original conception in the early 1980's, our minivan was internally coded T-115, where "T" stood for truck. DaimlerChrysler had purposely designated the minivan in government submissions as a 'Truck' to accommodate/ease regulatory compliance requirements such a fuel economy minimums (CAFÉ). In-turn, this 'Truck' designation also allowed DaimlerChrysler to avoid the more stringent 'passenger car' safety standards. These facts are not generally known to the customer. Now, each minivan body design edition is referred to by a two letter code :

- a. AS-body - manufactured between 1983 and 1995,
- b. NS-body - manufactured between 1995 and 2000,
- c. RS-body - manufactured since 2001 (post DaimlerBenz acquisition, see ¶9),

While in Minivan Operations I was responsible for both the AS-body and NS-body. In addition to my general duties on the AS-Body, I was periodically asked by Vice Chairman Robert Lutz to conduct special studies of the AS-Body minivan. (Lutz is now chairman at General Motors of North America, where BSI has been standard on GM vehicles since approximately 1992.)

23. My duties in Minivan Operations involved transmission controls. In early 1991 I attended meetings with Automatic Transmission Controls Engineering, and Electronics Engineering. These meetings reviewed the fact that as a result of prior management decisions, no DaimlerChrysler engineered product offered BSI. Again, the only DaimlerChrysler brands that offered BSI were those being manufactured by our Japanese affiliate (see ¶17). Detailed information regarding the cost, technical feasibility, and production dates of BSI were discussed. I strongly proposed at these meetings that all DaimlerChrysler minivan designs include a "protect-for" provision for BSI:

- a. The term "protect-for" describes the technical process which presumes that a future management decision to install a system, such as BSI, can be accommodated at a future date with minimal re-engineering. In other words, "protect for" makes a subsequent retrofitting of a system or component very easy.

The "protect-for" provision that I had originally proposed in early 1991 was accepted. As a result, all DaimlerChrysler NS-Body minivans that are currently in-use can easily be retrofitted with BSI.

SHERIDAN APPOINTMENT TO CHAIR FIRST-OF-ITS-KIND GROUP : MINIVAN SAFETY LEADERSHIP TEAM (SLT)

24. While in Minivan Operations I developed extensive files relating to the minivan product, market segment, safety, and regulatory compliance. In my 1991 employee job performance appraisal document, my supervisor Mr. Richard Winter made the following remark :

"(Mr. Sheridan) is very good at monitoring safety and regulatory needs."

25. While in Minivan Operations, I developed extensive files relating to competitive products. By 1992 these files indicated that *all* competitors were installing BSI in all their cars, trucks, and minivans. This fact was also well-known to DaimlerChrysler management (see ¶38).

26. In 1992, DaimlerChrysler executive management appointed me to chair a first-of-its-kind management group called the Minivan Safety Leadership Team (SLT). The SLT was comprised of 15-plus representatives from engineering, manufacturing, marketing, finance, legal, international products office, regulatory affairs, procurement, design, competitive information, *et al.*

- a. By 1993, BSI had been unanimously endorsed by the SLT,
- b. During 1993 the SLT unanimously agreed to the following purpose of BSI:
"This system prevents inadvertent movement of the automatic transmission shift lever from the 'park' position unless the brakes/brake pedal are first engaged."
- c. The official letter which announced the formation and mandate of the SLT was signed on January 27, 1993 (Exhibit 4). The Honorable Court should note that the subject of Exhibit 4 is "Minivan Safety Leadership Team." The Honorable Court should also note that this exhibit states that the "*SLT activity will be formatted to be transferable/accessible to other platforms,*" such as the Truck Platform (see ¶10).
- d. Just prior to formation of the SLT, Mr. Iacocca resigned as Chairman of Chrysler, and was replaced by Mr. Robert Eaton (formerly of General Motors Corporation).

27. As chairman of the SLT, I routinely made presentations to an executive management group called the Product Direction Team (PDT):

- a. During a February 1994 presentation to the PDT, I recommended installation of BSI in the DaimlerChrysler minivan. I read-aloud the purpose verbiage described above (see ¶26b), and presented BSI as an *incremental* system. I explained that BSI was an industry standard, used in all major competing cars, trucks, and minivans. I presented the production piece cost for BSI: approximately nine dollars (\$9.00).
- b. This SLT presentation is attached (Exhibit 5; see pages 1, 11, 12, and 18). The Honorable Court should note that on Page 12 and 18 of Exhibit 5, BSI is referred to as 'Park-Shift Interlock.'
- c. In response to this SLT recommendation, executive manager Mr. Chris Theodore, formerly of the Jeep and Truck Engineering Platform, rejected the proposal and made the following summary comment:

"If we put it on the minivan, we'll have to put it on all (DaimlerChrysler) vehicles, and we can't afford the investment."

Mr. Theodore left DaimlerChrysler in 1999 to join Ford Motor Company, where BSI has been standard on Ford vehicles since approximately 1992.

28. Subsequent to the February 1994 presentation to the PDT, DaimlerChrysler management and Legal staffs escalated their rejection of the proposal to install BSI in minivans. In March 1994 the legal staff had threatened Ford with legal actions. Ford had been claiming minivan "safety leadership" in its advertising. The DaimlerChrysler lawyers had demanded that Ford withdraw

these ads. Earlier however, I had informed Mr. Lewis Goldfarb of our legal staff that Ford justified its claim of "safety leadership" on the specific fact that they had installed BSI in *all* of their cars and trucks; whereas DaimlerChrysler had failed to do so. A small portion of the exchange between our legal staff and Ford is attached as **Exhibit 6**.

BRAKE-SHIFT INTERLOCK (BSI) : FUNCTION, BENEFITS AND DAIMLERCHRYSLER RETROFIT AND LITIGATION HISTORY

29. I am aware that DaimlerChrysler argues, in many existing and settled lawsuits, that BSI is a device that is designed *solely* to prevent the driver error of pedal misapplication. This is known to be false. At the SLT meetings the many purposes of BSI were documented. It is well-known in the industry that pedal misapplication is only one scenario that justifies installation of BSI:

- a. It is well-known in the automotive industry that in those vehicle roll-away accidents where children have caused "*inadvertent movement of the automatic transmission shift lever from the 'park' position,*" the issue of pedal misapplication is irrelevant because children typically cannot reach the pedals,
- b. I have read the deposition of Mr. Robert Banta in the Ahlberg case. To the best of my knowledge, Mr. Banta's testimony represents the 1st time in DaimlerChrysler BSI case history that a spokesman has told the truth regarding the pedal misapplication issue. In all BSI severe injury and death cases in which I have been involved (prior to Ahlberg), DaimlerChrysler has claimed that lack of pedal misapplication data, in its vehicles *specifically*, was used to justify management's decision to omit BSI.

30. A grave concern that consumed the Safety Leadership Team discussions on BSI, was the real world safety issues associated with children. By failing to inform the consumer that their minivan did not have BSI, DaimlerChrysler exacerbated the likelihood of tragedy. This exacerbation also occurred through aggressive advertising targeted at families-with-children who are known to be sensitive to claims of safety leadership. It was/is *foreseeable* that during the daily lives of families, the children could inadvertently shift the transmission out of 'Park' if DaimlerChrysler failed to exercise due care by installing BSI:

- a. I am aware from my involvement in existing/previous lawsuits, that DaimlerChrysler has settled and sealed other litigations, and paid substantial damages to plaintiffs who have been severely injured or killed as a direct result of DaimlerChrysler's failure to install BSI. The majority of these tragedies involve children.

31. In 1993 I requested funding for customer safety research. My request was granted in August 1993 by Minivan Platform Executive Mr. Ted Cunningham. During this research every customer group presented their all-consuming fear of accidentally backing over children:

- a. Prior to but also in response to this customer input, the SLT continued to analyze accident scenarios where "*inadvertent movement of the automatic transmission shift*

lever from the 'park' position unless the brakes/brake pedal are first engaged" was a cause. The SLT decided unanimously to recommend BSI (see ¶26, ¶27 and ¶28),

- b. The SLT also analyzed safety systems that increased overall safety whenever a vehicle was "in reverse." The SLT unanimously recommended that a system called SROD, (side and rear object detection) be installed in Chrysler vehicles. SROD and associated safety systems were researched in 1994, and were graded as "the best liked featured" by the Chrysler Consumer Research department. The SROD system was also qualified by a consumer quote :

"This should be mandatory!"

- b. After executing all necessary internal documents, external documents with suppliers, and detailed entry into the minivan product and engineering plans, the SROD system was unilaterally removed by the same executive manager of DaimlerChrysler Engineering that had rejected installation of the BSI for 1990 (see ¶18),
- c. It should be noted by the Honorable Court that all Chrysler respondents polled in my November 1993 research were owners of the AS-Body minivan. A copy of the 'Customer Focus Group' research of November 1993 is attached as Exhibit 7.

32. I am aware that DaimlerChrysler has argued that BSI is not necessary due to an existing system: the locking of the steering column upon removal of the ignition key as required under Federal Motor Vehicle Safety Standard 114 (FMVSS-114). This is known to be false. It was fully understood that FMVSS-114 was enacted for, and is entitled "Theft Protection." It was understood that FMVSS-114 was specifically and narrowly intended to address the issue of vehicle theft subsequent to *removal* of the key from the vehicle. It was understood that BSI was *incremental*, and served the distinct additional purpose of preventing rollaway accidents for the opposite scenario (when the key was *not removed* from the vehicle):

- a. I am aware that DaimlerChrysler has argued that "the real issue . . . is why anyone would risk leaving a child unattended or unsupervised in a running vehicle?" However, DaimlerChrysler makes this argument while being fully aware that the defective DaimlerChrysler vehicles do not need to be "running" for the risk of inadvertent movement of the transmission shift lever to occur: The key need only be turned out of the column lock position (e.g. for the playing of the radio, etc.).
- b. At no time was the SLT told that FMVSS-114 was a basis for rejecting its recommendation to install BSI.

33. I am aware that DaimlerChrysler has produced affidavits of Ray Rowell, in which he has testified that retrofitting existing products with BSI would be complicated. This is known to be false. Mr. Rowell is employed in Product Analysis, a subgroup of the Legal department. To the best of my knowledge, Mr. Rowell has been in Product Analysis since at least 1990. Mr. Rowell was not present at, nor was he party to any of the engineering design meetings and decisions during development of the minivan. Neither Mr. Rowell nor any other members of the Legal staff were

present during any of the meetings of 1991 with Automatic Transmission Control Engineering where I proposed that all minivan designs include a "protect-for" provision for BSI (see ¶23):

- a. I have personally performed the retrofitting of BSI to the NS-Body minivan steering column, doing so on my home work bench in approximately 35 minutes, *using simple hand tools*. I have taught others this simple BSI retrofit procedure.

34. Unlike the United States government, the government of Taiwan requires that all vehicles be equipped with BSI. DaimlerChrysler exports several vehicle types to Taiwan. As a result of this lucrative export business, DaimlerChrysler has/had developed BSI retrofit procedures in order to comply with the Taiwanese mandate.

35. I am aware that DaimlerChrysler, through its suppliers, developed a retrofit for the Jeep products. Due to notorious media coverage of injury and death, and the attendant lawsuits which alleged that the Jeep vehicles were defective due to omission of BSI, DaimlerChrysler recalled eight different configurations of the Jeep products under recall notice #733 (Exhibit 8).

36. I am aware from my involvement in now-sealed lawsuits that DaimlerChrysler has produced an affidavit from employee Thomas Dziegielewski. The Dziegielewski affidavit makes extensive reference to a vehicle computer system called "Intelligent Power Module (IPM)." The Dziegielewski affidavit proclaims that since selected DaimlerChrysler vehicles do not use this specific IPM system, the retrofitting of these vehicles with BSI is impossible. This is known to be false. An example of DaimlerChrysler vehicle retrofit to BSI is the many versions of the Jeep SUV vehicles. Although the Dziegielewski affidavit does not plainly state this fact, none of the recalled and retrofitted Jeep vehicles, or the Taiwan retrofitted minivans utilize this IPM (see ¶34 and ¶35).

PAUL V. SHERIDAN DISMISSAL FROM DAIMLERCHRYSLER: HISTORICAL FACTS AND ONGOING ACTIVITY

37. Circumstances similar to those described above, wherein DaimlerChrysler executive management refused to act responsibly regarding rudimentary safety issues, including but not limited to BSI, forced me into the role of "corporate whistleblower."

38. In late 1994 I announced to my supervisor my intention to report safety defect information to government agencies. As a result, during the Christmas holidays of 1994, during a time that it was known to DaimlerChrysler lawyers and executive management that I was out-of-town, the following related and coordinated events took place :

- a. I was fired without notice,
- b. I was sued, and "muzzled" as a result of an *ex parte* hearing at a Michigan court,
- c. The letter that officially announced my dismissal from eleven years of professional service to the DaimlerChrysler customer was not written by my supervisor or a member of the DaimlerChrysler Personnel department; the letter was written and distributed by a lawyer of the DaimlerChrysler Legal department,

- d. My DaimlerChrysler office and eleven years of file materials were confiscated by DaimlerChrysler Security at the direction of the DaimlerChrysler Legal department on December 19, 1994 (see ¶24),
- e. At a meeting of December 21, 1994 which took place on DaimlerChrysler premises, wherein my dismissal was discussed/finalized, an outside product liability defense attorney Joseph Marshall was present. Prior to, during, and after this meeting, Mr. Marshall and his law firm were actively involved in defending DaimlerChrysler on one of the issues of my intended reports to governmental agencies,
- f. To the best of my knowledge, the facts presented in ¶38d and ¶38e represent the first time in DaimlerChrysler history that an employee's office was confiscated without notice, and *prior* to being officially dismissed.

39. During a then-secret meeting of November 17, 1994, NHTSA concluded its investigation of an issue I had intended to report. NHTSA announced to the DaimlerChrysler lawyers and executives in-attendance that my report issue was indeed a "safety defect":

- a. I was not informed of this secret NHTSA meeting by DaimlerChrysler management prior to, during, or after I announced my intention to report (**Exhibit 9**),
- b. I was interviewed by NHTSA regarding my Chrysler vehicle safety defect report items on April 11, 1995.

40. During 1994 and 1995 DaimlerChrysler executive management was actively discussing the merging of Chrysler with DaimlerBenz (see ¶9). The accounting firm of Goldman-Sachs International (GSI) was hired to do the financial study code-named "Project Blitz." The findings of "Project Blitz" were presented to DaimlerChrysler management on October 4, 1995:

- a. The proxy statement of August 6, 1997, page 68, includes a section entitled, "*Interests of Certain Persons in the Chrysler Merger*," which details the proposal that top Chrysler executives be compensated collectively with cash and stock totaling "\$395 million." It was later reported that ex-Chrysler CEO, Robert Eaton, received in excess of \$200 million after the "merger" was completed in early 1998.
- b. Later in 1998, Mr. Ahlberg's 1999 Dodge Ram pick-up truck was manufactured without BSI, a rudimentary safety system which cost approximately \$10.
- c. At the time Mr. Ahlberg's 1999 Dodge Ram pick-up truck was manufactured, and at the time "Project Blitz" was consummated, BSI had already been in-use on MercedesBenz automotive and truck products for approximately ten years.

41. In June 1997 DaimlerChrysler announced its intention to pursue a "damages" claim against me. Two years after its airing, *but just before my testimony at a federal trial involving the death of an eight-year-old boy*, DaimlerChrysler filed an \$ 82,000,000.00 damages claim for my appearance on *ABC News 20/20*. I was interviewed by *ABC News 20/20* regarding the safety defect I had already reviewed with federal authorities (see ¶39a). Similar to BSI, this defect involved children and had caused severe injury and death. The total airtime of my interview was 88 seconds (**Exhibit 10**):

- a. It was later revealed that the "corrective advertising" that was sought as part of the damages claim, had never been spent, and further, that there was never any intention of such monies being so spent.
- b. At no time during the testimony given by Chrysler "damages experts" was it alleged that my *ABC News 20/20* interview contained fraudulent or misleading information, or that my statements were false by omission,
- c. In a hearing, DaimlerChrysler attorney Mr. Thomas Kienbaum (then-president of the Michigan Bar Association), admitted to the following:

"I never intended to collect."

- d. DaimlerChrysler filed a retraction of the \$ 82,000,000.00 damages claim, which was granted by the Court that had issued the original "muzzle order" (see ¶38b).

42. In September 25, 2000 I wrote to Mr. Rodney Slater, then Secretary of the U.S. Department of Transportation (DOT). Section C of this letter is entitled, "*Chrysler Minivans Do Not Protect from Injury and Death in Roll-Away Accidents.*" The Section C discussion is on page 4 of 8. On page 8 of 8 I conclude with the following hypothetical question (Exhibit 11) :

"If ex-Chrysler Chairman Robert Eaton had lost a loved one to a Chrysler minivan roll-away accident because none of these vehicles offer Park-Shift Interlock, such as all competitive models, how fast do you suppose Mr. Eaton would have ordered a safety defect recall?"

- a. Three years after I (again) noticed the U.S. Government regarding my concerns over lack of BSI in DaimlerChrysler vehicles, Mr. Ahlberg was killed in a roll-away accident involving a vehicle that was not equipped with BSI (see ¶40 above),
- b. A mere five months after I wrote my letter to the DOT, Mrs. Nancy Whitt was crushed to death in a roll-away accident involving a DaimlerChrysler vehicle that was not equipped with BSI (see next section.).

**SHERIDAN ABC NEWS PRIMETIME TELEVISION INTERVIEW :
LACK OF BRAKE-SHIFT INTERLOCK (BSI) ON CHRYSLER VEHICLES**

43. I granted an interview with *ABC News Primetime* which aired on May 3, 2001 (a video copy is attached as Exhibit 12). On the day that my interview was aired, Chrysler sent a three-page email to its 5000-plus dealerships. The following statement is made on page-one of the email (Exhibit 13):

"Our new minivans, RS models, do have BSI. This (Primetime) story focuses on older models and their lack of brake-shift interlock, but we do not want consumers to think that THIS CONDITION exists on our RS minivans."

It was fully understood by the Safety Leadership Team that "THIS CONDITION" (i.e. lack of brake-shift interlock) would lead to tragedy in the real world:

- a. On the very same day that my *Primetime* interview was aired, Mrs. Nancy Whitt, a 41-year-old mother and wife, was killed in her own driveway. Her 5-year-old son "accidentally knocked the van into reverse," backing over Mrs. Whitt and crushing her to death. The Whitt minivan was not equipped with BSI.
- b. On December 9, 2002 I was disposed in the death case of Whitt v DaimlerChrysler. My letter of September 25, 2000 to the DOT was requested by DaimlerChrysler prior to this deposition. The Whitt case was settled and sealed from the public shortly thereafter (see ¶42 above).
- c. Less than one year after the Whitt case documents were sealed, Mr. Ahlberg was killed in a roll-away accident involving a vehicle that was not equipped with BSI.
- d. On the day that my *Primetime* interview was aired, Chrysler sent an email to its 5000-plus dealerships. On page 2 DaimlerChrysler states that my WPA lawsuit was "dismissed as having no merit." This is known to be false (Exhibit 13).

**SHERIDAN ENGINEERING EXPERTISE :
OPINION OF DAIMLERCHRYSLER CO-WORKERS AND SUPERIORS**

44. Just prior to the events discussed in ¶37, ¶38 and ¶39, the Executive Engineer in charge of all minivan chassis systems design submitted his assessment of my work based upon his two years of direct, day-to-day interaction. His handwritten comments appear on my official employee job performance appraisal document covering 1993 and 1994:

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

This chassis systems Executive Engineer was a party to the "protect-for" provision for minivan brake-shift interlock (see ¶ 23).

45. Just prior to the events discussed in ¶37, ¶38 and ¶39, the Minivan Engineering Programs Manager submitted his assessment of my work based upon his two years of direct, day-to-day interaction. His handwritten comments appear on my official employee job performance appraisal document covering 1993 and 1994:

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

46. While I am not a registered engineer, or a degreed engineer, I performed engineering work by virtue of my reputation, education and specialized training/experience. It is well-known to the DaimlerChrysler engineering groups, since at least 1985, that I possess detailed technical understanding of electromechanical and mechanical interlock safety systems (Exhibits 1, 2, 3 and 4).

CONCLUSIONS AND OPINIONS

47. Just prior to the events discussed in ¶36, ¶38 and ¶39, an internal lawyer from the DaimlerChrysler Office of Regulatory Affairs submitted his assessment of my work based upon his two years of direct, day-to-day interaction. His handwritten comments appear on my official employee job performance appraisal document covering 1993 and 1994:

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

48. I have formed certain expert opinions based upon my factual knowledge of DaimlerChrysler, my 15-year professional work experience with DaimlerChrysler and Ford, my continuous close monitoring and ongoing awareness of DaimlerChrysler managerial practices, components and subsystems, vehicle products, and engineering philosophy. I have formed certain expert opinions based upon review of documents produced during the last ten-plus years in DaimlerChrysler product liability litigation. I have formed certain expert opinions based upon my specialized education and training. I am reasonably professionally certain about these matters:

- a. My extensive experience of over 25 years with the automotive industry has taught me that safety is always a management issue and not an engineering issue *per se*. In February 2005, in the death case of Mohr v. DaimlerChrysler, I testified at-trial as a ‘General Automotive Safety Management Expert’ to this crucial point.
- b. In 1990 I presented a report to DaimlerChrysler management which expressed my deep concern with the broad negative effects of excessive executive compensation. I have personally observed these negative effects on everything from employee loyalty/morale to automotive product development such as inclusion of lost cost safety systems such as BSI,
- c. Unintentional shifting has caused, and will continue to cause dangerous vehicle roll-away accidents resulting in severe injury and/or death.
- d. DaimlerChrysler omitted BSI from vehicles it manufactured from 1988 to 2000 or later. DaimlerChrysler consciously chose to do what no other major auto manufacturer had done: It chose not to install BSI for 10 years or more *after* every other major manufacturer had 1) installed BSI as standard production equipment and/or 2) retrofitted existing vehicles in the field. This decision was not made by the engineering or technical staffs, this decision was made by executive management.
- e. The technology existed since not later than 1988, within the automobile industry and at DaimlerChrysler, to include BSI in Mr. Ahlberg’s 1999 Dodge Ram Pick-up truck, as a standard production safety system; installed at the assembly plant at low cost.

- f. The technology existed since not later than 1988, within the automobile industry and at DaimlerChrysler, to include BSI in Mr. Ahlberg's 1999 Dodge Ram pick-up truck, as a retrofit; installed at the DaimlerChrysler dealerships at reasonable cost,
- g. The historically singular DaimlerChrysler decision to omit BSI from the 1999 Dodge Ram pick-up truck was not based on any type of technical or engineering considerations whatsoever. At no time did the engineers at DaimlerChrysler or their counterparts at outside BSI system suppliers declare that technical non-feasibility was a justification for omission (see ¶18, ¶18a, ¶23 and ¶23a). DaimlerChrysler executive management was aware that its business decision, not to invest in BSI, resulted in millions of vehicles being placed into the stream of commerce that contained a safety defect by omission: the absence of BSI (see ¶27),
- h. I am aware from my years of experience with DaimlerChrysler product liability litigation that in at least one major instance, DaimlerChrysler actively solicited and received assistance from the U.S. Department of Justice (DOJ) to assist with defense of the Freedom of Information Act (FOIA) lawsuits and requests filed by plaintiffs with NHTSA. In this major instance the plaintiffs were seeking NHTSA safety defect investigation file materials which, by definition, had been paid for by the taxpayer. In my expert opinion, this level of influence over the safety regulatory *process* leads to scenarios wherein fundamental safety systems, such as BSI, are not made mandatory by governmental bodies such as NHTSA. Were it not for this level of influence, Mr. Ahlberg's 1999 Dodge Ram pick-up truck might have had BSI. I have testified at-trial on the issue of improper influence in the two recent cases of Mohr and Flax; plaintiff verdicts of \$58,000,000 and \$105,500,000 respectively (**Exhibit 14**),
- i. In my expert opinion, from my years of experience with NHTSA, the lack of a specific federal regulation does not mitigate or reduce the responsibility of automotive executive management regarding safety defects. This fact is well-known to DaimlerChrysler executives. For example, although NHTSA did not have a then-existing regulation concerning the issue discussed above, the agency officially declared that a "safety defect" existed (see ¶2 and ¶3, and **Exhibit 15**). In my expert opinion, this same logic applies to BSI: Although NHTSA does not have a specific regulation requiring BSI, but because BSI is so fundamental to the safety of the automotive public, the omission of BSI constitutes a safety defect status,
- j. The death of RALPH A. AHLBERG was reasonably foreseeable. The DaimlerChrysler personnel communicating with NHTSA essentially acknowledged that "*inadvertent movement of the automatic transmission shift lever from the 'park' position unless the brakes/brake pedal are first engaged.*" posed a known and foreseeable risk. This risk was also known to be remediable, best and most acceptably throughout the industry, with BSI,

- k. The primary facts of this expert report are also well-known to DaimlerChrysler lawyers. On May 16, 2003, during my participation in the severe injury BSI case of Johnson v. DCC, DaimlerChrysler national defense counsel Mr. David Tyrrell proclaimed his agreement with the function of BSI to the Florida court:

“A brake shift interlock prevents people from being inside the vehicle and inadvertently shifting the gear shift lever.”

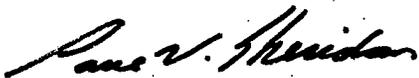
This is the exact issue and general accident scenario that the SLT attempted to address by its recommendation to install BSI in DaimlerChrysler vehicles. This is the accident scenario of the instant case, Ahlberg v. DaimlerChrysler Corporation.

49. On February 22, 1998 Mrs. Kim Golden was killed in a roll-away accident involving a DaimlerChrysler vehicle that was not equipped with BSI. Many of the highest ranking executive managers at DaimlerChrysler were either deposed or filed affidavits seeking to avoid being deposed in the case of Golden v DaimlerChrysler. The Golden death case documents were sealed after the case was settled. However, a relevant result of the Golden case is that DaimlerChrysler executive management had direct knowledge and was “on notice” regarding the dangers of vehicles that were not equipped with BSI:

- a. Mr. Ahlberg was killed on October 5, 2003, over five years after management was informed of or involved in the Golden BSI death case. The decision not to offer BSI retrofits or the decision not provide notification regarding the specific danger of the 1999 Dodge Ram pick-up, were management decisions.

50. I am prepared to testify as a ‘General Automotive Safety Management Expert’ on behalf of the Plaintiffs in Iowa, in the event trial is conducted, and I am asked by Plaintiffs’ counsel to do so.

Paul V. Sheridan, BS, MBA



Date of Report : May 20, 2005

Paul V. Sheridan Expert Report Exhibits
Ahlberg v. DaimlerChrysler Corporation

- Exhibit 1** - Lee A. Iacocca "To Be The Best" Chairman's Award for 1985
- Exhibit 2** - The Chrysler Times article of January 17, 1991:
Critics Rave About Cummins Powered Ram Pickups
- Exhibit 3** - Paul V. Sheridan (Chrysler) Personal History Record (PHR)
- Exhibit 4** - Richard A. Winter letter of January 27, 1993 announcing formation/mandates of the
"Minivan Safety Leadership Team (SLT)"
- Exhibit 5** - SLT presentation of February 23, 1994 to the Product Direction Team
- Exhibit 6** - DaimlerChrysler product liability lawyer Lewis H. Goldfarb memo, and letter of
March 29, 1994 to Ford Motor Company
- Exhibit 7** - Safety Leadership Team (SLT) "Customer Focus Group" Research Report
of November 1993
- Exhibit 8** - Jeep Brake-Shift Interlock Retrofit Recall # 733 of December 1997
- Exhibit 9** - DaimlerChrysler letter of February 17, 1995 from Corporate Counsel Mr. William J.
O'Brien to NHTSA
- Exhibit 10** - *Detroit News* article, "Chrysler Sues Former Employee for \$82 Million in Minivan
Affair," March 19, 1998
- Exhibit 11** - Paul V. Sheridan letter of September 25, 2000 to Mr. Rodney Slater, then Secretary
of the U.S. Department of Transportation (DOT). (Section C entitled, "Chrysler
Minivans Do Not Protect from Injury and Death in Roll-Away Accidents.")
- Exhibit 12** - Video tape of *ABC News Primetime*, May 3, 2001
- Exhibit 13** - DaimlerChrysler email to dealerships, "*Primetime Thursday - Brake Shift Interlock
Story*," May 3, 2001
- Exhibit 14** - Deposition exhibit #21 of Chrysler Chairman Robert J. Eaton (Jimenez v Chrysler),
deposition exhibit #3 of Chrysler Vice-Chairman Robert A. Lutz (please note
Paragraph 1, dots 1 and 3).
- Exhibit 15** - NHTSA Investigation Review EA94-005 : Chrysler Minivan Liftgate Latch Failure
(Cover page and Conclusion pages only).

IN RECOGNITION OF
EXCELLENCE IN ACHIEVING



"Your Personal Best"

1985

Advance Product Planning Office
to be the Best Goals

PAUL V. SHERIDAN

L. A. Iacocca

L. A. Iacocca

E. A. Reickert

E. A. Reickert

Peter C. Badore

P. C. Badore

J. M. Hossack

J. M. Hossack

H. E. Cook

H. E. Cook

K. S. Mack

K. S. Mack

critics rave about Cummins-powered Ram pickups

A Dodge Ram outfitted with the Cummins 5.9-liter turbo diesel engine were to race a Ford Chevy truck up a Colorado mountain road, there would be no question who would win. The large Ram would sail up the mountain, while its Chevy and Ford counterparts chugged in its dust.

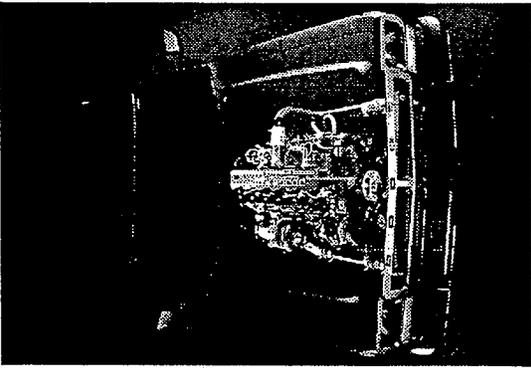
In fact, in just about any engine competition imaginable, the Dodge Ram truck would terrify its competition. This is not frivolous hype or propaganda generated by zealous marketing types. The example is based on testimonials and industry trade journals.

For instance, *Road Test Magazine* writes, "The Dodge Ram pickup outdistances its Ford and Chevy counterparts in a meaningful category."

"Dodgezilla" is a term coined by *Four Wheeler* magazine to describe the Dodge Ram pickup. Why the acclaim? The engine powering the Dodge Ram—the Cummins diesel 5.9-liter six-cylinder turbo engine—has no equal, according to Paul Sheridan, Jeep/Truck Engineering Program Manager. It's only factory-installed turbo available in a pickup.

Referred to by Sheridan as "Ferrari of the diesel engines," the Cummins is largely responsible for the recent success of Dodge Ram trucks in the marketplace.

The Cummins engine is in the top half of all Dodge full-size pickup trucks sold. Dodge sold 10 turbo diesel pickups in the 1989 model year and pro-



The Cummins engine is in nearly half of all Dodge full-size pickup trucks sold. Dodge sold 30,000 turbo diesel pickups in the 1990 model year and projects sales of 44,000 units in 1991.

"We are approaching 50 percent of Ford's volume after only three years in the diesel business," Sheridan added. "Our problem is not demand, but supply of available engines from Cummins. We can't fill customer orders fast enough."

The 1989 model year production and 1990 production sold out by February 1990.

"We can't determine how great the demand is, because we haven't hit the ceiling yet," Sheridan said.

A diesel engine survey found that if given the option, one out of four Ford and General Motors diesel pickup buyers would pay an extra \$1,000 for a truck powered by a Cummins engine.

The engine was first used in



Among the Cummins diesel team members who worked to ensure a smooth launch were, from left, Eugene Shensky, Product Change Analyst; Ken Scobel, Cummins On-Time Assembly; Walter Ralph, Vehicle Development Specialist; Troy Simonsen, Product Planning Manager; Greg Henderson, Design Aids Supervisor; and Paul Sheridan, Engine Programs Manager.

trucks in 1989, but preparations to modify a Cummins diesel for the truck date back to 1985.

Eight Chrysler employees, part of the core Truck Operations group, approached the Cummins people because at the time the company was "the only game in town," Sheridan said. Ford was getting its diesel engines through Navistar, and General Motors manufactured its own and purchased some from Detroit Diesel.

Chrysler provided Cummins with a Dodge Ram truck and the assignment of making a Cummins diesel engine that could fit into the chassis.

Cummins completed its assignment and the engine is now available in the Ram D-250 and D-350, both two- and four-wheel drive.

"We achieved this success over the years using a skeleton crew, minimal budget and a complicated but necessary release program," Sheridan said.

In addition to offering an engine intercooler to meet strict emissions standards, the 1991 1/2 model offers a four-speed automatic overdrive transmission that will boost the truck's current top speed of 80 mph and further improve its fuel economy and performance.

Digest

In the News

STANDARD & POOR'S placed the Big Three automakers on its Credit Watch list Jan. 9 because of a worsening economic picture.

Chrysler said, "We are, of course, disappointed... but given the difficult environment the industry is in, we can understand their concern. We know our minivans and sport utilities face increasing competition, but are confident that they remain the class of the field and able to withstand the assault."

Chrysler will have an opportunity to present its case to Standard & Poor's.

Innovation

AL BARRETT, Mark Huber, Mike Larson, Don McCutcheon and Jim Pitt represented Chrysler in accepting an award from the Society of Automotive Plastics for the company's use of plastic in body interiors. In conjunction with Entech, Rockwell and General Electric, the group developed a plastic bolster that saves \$18 per vehicle and 8.3 pounds in body weight. The bolster is used in the Eagle Premier and Dodge Monaco.

People

IN THE DODGE/WJR RADIO Quest for Excellence music competition, Beth Barley took first place and won a \$5,000 scholarship. She is the daughter of Lou Barley, a tool engineer from Chrysler's Mound Road Engine Plant in Detroit.



CHRYSLER CORPORATION
An Equal Opportunity Employer

PERSONAL HISTORY RECORD

Not to be used as an Application for Employment

PERSONAL INFORMATION

FIRST NAME: Paul MIDDLE INITIAL: V. SOCIAL SECURITY NO.: **REDACTED**
 DATE PREPARED: 2/9/94 CORP. SVC. DATE: 7/16/84 INDICATE STATUS: SALARIED-CET (CLER. ENG. TECH.) HOURLY

EDUCATION AND TRAINING

SCHOOL NAME	CITY	STATE	DATES ATTENDED: MO/YR	COURSE MAJOR/MINOR	CERTIFICATE/DIPLOMA/DEGREE	YEAR GRAD.	GRADE AVERAGE
Washingtonville High School	Washingtonville	NY	9/66	Math/Technical	Local Diploma	1970	B
Orange County Community College State University of NY at Albany	Middletown Albany	NY	6/72 9/75	General Science Math/Physics	A.S. B.S.	1974 1978	B B
Cornell University	Ithaca	NY	9/78	General Management	M.B.A.	1980	B
Brooklyn Institute Design/Construction	Brooklyn	NY	1/71	Civil Engineering Quality Control	Certificate	1971	A
Henry Ford Community College	Dearborn	MI	2/86	Pres/CAD/Pers Computers	Credit	Ongoing	A

If you have worked or are working in a skilled trades classification, please complete the following:

Permanent Employee Temporary Employee Other Trade(s) _____
 Apprentice Upgrader Other

SPECIAL INTERESTS, QUALIFICATIONS

your career objectives (Other work for which you are qualified and/or interested)
 automotive enthusiast; frequent magazine articles on personal race vehicles.
 would like to attain senior management position in an organization with international focus. Positions in advanced automotive research for vehicle technology or engineering/manufacturing processes also of great interest. Thoroughly enjoy and knowledgeable of high tech topics and developments.

ACTIVITIES AND ACCOMPLISHMENTS

responsible positions held in professional, educational, civic or other pertinent activities which indicate your skills or abilities

member of the Lee A. Iacocca "To Be The Best" Award for 1985.
 one of four MBA candidates to represent Cornell University in Washington, D.C. (Washington Campus Program, 1979).

languages other than English with which you are familiar

Speak Write Read 1.
 Speak Write Read 2.

Physical Limitations (Describe briefly)

For Personnel department use only:

As Applicable Shorthand Speed
 Typing Speed Date of Test
 Date of Test

Comments

PERSONAL INFORMATION

LAST NAME: Richard FIRST NAME: Paul MIDDLE INITIAL: V.

PERSONAL HISTORY RECORD

Start with your first significant job and list your work experience to the present time, include military service. This information is a basic tool in Chrysler's efforts to promote from within. BE BRIEF BUT CLEAR. Give the full title of each position held (Assembly Supervisor instead of just supervisor). Use department names rather than numbers; indicate what you did or do by describing such things as products, processes, areas of responsibilities, supervisory experience, programs administered, machines operated, etc.

EXPERIENCE RECORD

FROM YEAR	TO MO/YR	NAME OF CHRYSLER FACILITY OR FIRM NAME AND CITY	NAME AND TITLE OF IMMEDIATE SUPERVISOR	YOUR DEPARTMENT	YOUR JOB TITLE	FOR PERSONNEL DEPARTMENT USE ONLY
70	8/73	FAIRWAY TESTING CO. Stony Point, New York	Pat Aquinno Owner/President	Quality Control and Research	Quality Control Inspector	

CRIBE YOUR DUTIES:

site inspector/representative for project Architect/Engineer, responsible for reporting of structural steel and concrete specifications compliance by prime contractors. Required new York State Heavy Constructor Inspector Certification - paid for by Fairway Testing Company. Please see "Education and Training" page 1, Brooklyn Institute of Design and Construction. (Post-high school) Work was simultaneous with first year of full-time college coursework (A.S. degree).

4	8/75	UNION CARBIDE Sterling Forrest, New York	Dr. Ken George Senior Scientist	Nuclear Reactor Operations	Nuclear Reactor Operator	
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CRIBE YOUR DUTIES:

rated 5.0 megawatt nuclear research reactor; included processing of radioisotopes, radiopharmaceuticals, nuclear waste processing, radiation/health physics training. Served basic research and nuclear medical science clients. Nuclear reactor operator's license received from the Atomic Energy Commission (AEC).

5	1/77	UNIVERSITY AT ALBANY Albany, New York	Grapham Burrell Director	Computer Center	Assistant to the Director	
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CRIBE YOUR DUTIES:

vac 1110 computer operations, magnetic tape/disk library maintenance, data processing, computer center inventory control. Work was simultaneous with full-time college coursework (B.S. degree).

7	6/78	UNIVERSITY AT ALBANY Albany, New York	Art Haberl Chief Engineer	Nuclear Accelerator Laboratory	Nuclear Accelerator Operator	
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CRIBE YOUR DUTIES:

million electron volt accelerator operator, design/fabrication of experimental apparatus, nuclear physics experiment set-up, low energy nuclear physics research using both corporate and academic clients. Work was simultaneous with full-time college coursework (B.S. degree).

	1/79	AMERICAN TELEVISION & COMMUNICATIONS Ithaca, New York	Dave Spertling General Manager	Sales	Sales Manager	
--	------	--	-----------------------------------	-------	---------------	--

CRIBE YOUR DUTIES:

onsible for "start-up" sales operations, developed sales personnel training program, supervised up to eleven salespersons for cable and pay television (000 accounts). Work was simultaneous with first year of full-time college coursework (M.B.A. degree).

PERSONAL INFORMATION

NAME: Paul V. Middle Initial: V.

PERSONAL HISTORY RECORD

Start with your first significant job and list your work experience to the present time, include military service. This information is a basic tool in Chrysler's efforts to promote from within. BE BRIEF BUT CLEAR. Give the full title of each position held (Assembly Supervisor instead of just Supervisor). Use department names rather than numbers; indicate what you did or do by describing such things as products, processes, areas of responsibilities, supervisory experience, programs administered, machines operated, etc.

EXPERIENCE RECORD

MO/YR	TO NAME OF CHRYSLER FACILITY OR FIRM NAME AND CITY	NAME AND TITLE OF IMMEDIATE SUPERVISOR	YOUR DEPARTMENT	YOUR JOB TITLE	FOR PERSONNEL DEPARTMENT USE ONLY
4	7/85 ADVANCE PRODUCT DEVELOPMENT Highland Park, MI	Frank Whelan/ Jim Hossack	Components Planning	Components Planner (MR-9)	

CRIBE YOUR DUTIES: Coordinated long range power train and chassis components business plans, represented Components Planning at Engine Components, Driveability Business Group Meetings; listed with Corporate Business Group Charter, coordinated Corporate Business Group Charter Meeting at MSU.

5	6/86 ADVANCE PRODUCT DEVELOPMENT Highland Park, MI	Bob Eccles/ Larry Turner	Advance Planning	Product Planner (MR-9)	
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CRIBE YOUR DUTIES: Coordinated Power Train planning aspects of long range full-size truck product plans; assembly plant loading studies, dimensional/exterior theme and technical features planning. Coordinated truck dealer visit program across all 25 sales zones. Assisted with composite materials implementation/investigation for full-size trucks. (Double promoted to Grade 11 upon completion of this assignment.)

5	3/87 VEHICLE ENGINEERING Highland Park, MI	Robert Horvath/ Jim Hossack	Component Development Strategy	Components Planner (MR-11)	
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CRIBE YOUR DUTIES:

it & Anti-Corrosion and Body Structures planning for both current and advance vehicle products. Coordinated 10 year/100,000 mile anti-corrosion warranty issue solution; paint/color program, modular door, body components commodity planning, etc. Also assisted with office automation and manufacturing simulation software applications.

9/87	DODGE TRUCK PRODUCT DEVELOPMENT Highland Park, MI	H.C. Von Rusten	Truck Operations	Program Planner (MR-11)	
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CRIBE YOUR DUTIES:

author of original full size pick-up truck renewal Product Plan. Responsible for the Powertrain, Chassis and Electrical/Electronic systems for the 1992 Dodge size pick-up truck. Truck Operations liaison to the Liberty Center for advance technical development. Extensive organizational and technical consolidation experience during American Motors acquisition. (Promoted to Executive Grade 12 role upon completion of the assignment.)

4/88	JEEP/TRUCK ENGINEERING (JTE) Detroit, MI	H.C. Von Rusten	Program Control	Program Manager (E-12)	
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CRIBE YOUR DUTIES:

ral Jeep/Truck Engineering Office issues for Dodge Dakota (N-Body), Dodge Ram Van/Wagon (B-Body) and Jeep Grand Wagoneer (SJ). Interfaced with Manufacturing, Chassis, Product Planning to coordinate Engine, Body, Powertrain/Chassis and Electrical Engineering control and coordination issues in support of newly formed Jeep/Truck Engineering organization.

PERSONAL INFORMATION

NAME: Paul V. idan
 FIRST NAME: Paul
 MIDDLE INITIAL: V.

PERSONAL HISTORY RECORD

Start with your first significant job and list your work experience to the present time, include military service. This information is a basic tool in Chrysler's efforts to promote from within. BE BRIEF BUT CLEAR. Give the full title of each position held (Assembly Supervisor instead of just supervisor). Use department names rather than numbers; indicate what you did or do by describing such things as products, processes, areas of responsibilities, supervisory experience, programs administered, machines operated, etc.

PERIENCE RECORD

MO/YR	TO	NAME OF CHRYSLER FACILITY OR FIRM NAME AND CITY	NAME AND TITLE OF IMMEDIATE SUPERVISOR	YOUR DEPARTMENT	YOUR JOB TITLE	FOR PERSONNEL DEPARTMENT USE ONLY
3/91		JEEP/TRUCK ENGINEERING (JTE) Detroit, MI	R.G. Kurowski	Engine Engineering	Program Manager (E-12)	

RIBE YOUR DUTIES:

1990 and 1991 Dodge Truck Gas Engine Program Manager; 1989-199X Cummins Diesel Engine Program Manager. Responsible for engine program quality, driveability, durability; engine program prototype build coordination. Interface with Vehicle Development, Product Planning, Purchasing and Cummins as Jeep/Truck liaison engine design/development groups. Included emissions development and certification programs coordination. Participated on initial alternative fuels (natural gas) investigations. Extensive product launch and outside engineering design and development management experience.

RIBE YOUR DUTIES:

Present
 ADVANCE PRODUCT DEVELOPMENT
 Auburn Hills, MI
 R.A. Winter
 Minivan Operations
 Program Manager (E-12)

General coordination on Chrysler Town & Country, Dodge Caravan and Plymouth Voyager minivan products. Includes CAFE, emissions and other government regulations compliance strategy formulation responsibility. Proposed and coordinated natural gas fueled minivan vehicle prototype development; included extensive interfacing with Argonne National Laboratories, American Gas Association, Natural Gas Vehicle Coalition, Chrysler Fleet Operations, etc. Chairman of body-in-white theme selection, exterior ornamentation and ongoing body systems issues. Member of the Minivan Product Strategy Team. Chairman of the Minivan Complexity Team. Chairman of the Minivan Safety Leadership Team. General 1996/1997 product plan development participation.

RIBE YOUR DUTIES:

RIBE YOUR DUTIES:

RIBE YOUR DUTIES:



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.

NS-BODY SAFETY LEADERSHIP TEAM (SLT)

MEMBERSHIP

<u>Organization</u>	<u>Representatives</u>	<u>CIMS</u>	<u>Telephone</u>	<u>Telefax</u>
• 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) Mark W. Clemons (C/P)	414-04-40 414-04-35	876-5523 876-3763	822-6957 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

Discovery Ex. No. 44
Cause No. 7824*JG99
LeCompte

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

**PLAINTIFF'S
EXHIBIT**

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GENERAL INTRODUCTION

AND

ACTIVITIES/ISSUES REVIEW

**Product Direction Team
February 23, 1994**

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

AGENDA

- **General Review Schedule**
- **SLT Membership**
- **Purpose/Mission Statements**
 - **Short Term**
 - **Ongoing**
- **Approach**
- **Minivan Segment Purchase Reasons History/Review**
- **SLT Research Results (November 1993)**
 - **Original List Summary/Prioritization**
- **Ford Windstar Safety Feature Comparison**
 - **1995 Leadership Claim Statements**
 - **Safety Leadership Status (vs. AS-Body)**
- **SLT Safety Feature Investigation Items**
 - **Minivan Platform Evaluation/Response Format***
 - **"A" Priority**
 - **"B" Priority**
 - **Description List**
- **Appendix**
 - **General Safety Statistics Overview**

*Voice over item

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

General Review Schedule

- T.R. Cunningham Minivan Staff Meeting November 23, 1993
- NS-Body Market Launch Team December 16, 1993
- Minivan Operations Review with T.R. Cunningham February 15, 1994
- **Product Direction Team February 23, 1994**
- Owner Interview Clinic February 26/27, 1994
- Market Positioning Research May 1994
- NS-Body Market Launch Team Ongoing
- Product Strategy Team Ongoing
- Safety Leadership Team Ongoing

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

Membership List

<u>Members</u>	<u>Organization</u>	<u>CIMS</u>	<u>Telephone</u>
James L. Boeberitz	Sales	414-05-29	876-3942
Mark W. Clemons	Chrysler-Plymouth Marketing	414-04-35	876-3763
Michael T. Delahanty	Competitive Information	483-10-08	776-6742
Virginia J. Fischbach	Safety Development	482-02-13	776-4758
William H. Hines	Dodge Marketing	414-04-40	876-5523
Deal E. Hoxsie	Finance	482-12-02	876-4898
Harlan E. Kifer	Product Design	483-46-10	776-1258
Frank O. Klegon	Electrical/Electronics	482-12-01	776-2843
Kenneth S. Mack	Liberty	463-00-00	880-5222
Fred W. Schmidt	Program Management	482-10-02	776-4827
Paul V. Sheridan	Minivan Operations*	482-08-02	776-4824
Scott A. Sullivan	Market Research	414-02-10	876-6280
Ronald S. Zarowitz	Safety Office	429-10-03	889-8211

*Chair

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

Purpose/Mission Statement

- **Short Term** The immediate and crucial mission of the SLT is to ensure that the launch of the 1995-1/2 NS-Body includes cost effective features that legally support and therefore reclaim an advertisable safety leadership position versus competition within the minivan segment.

This short-term task will include establishment and communication of the safety leadership issue as a high priority among top management.

- **Ongoing** Continue to support the Minivan Platform with the task of maintaining safety leadership.

This ongoing effort will be rendered in the context of the ever-increasingly competitive challenges in the 1995 through 1998 model years.

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SAFETY LEADERSHIP TEAM (SLT)**

Approach

Establishment of an advertisable safety leadership claim is contingent upon a comparative advantage (versus competition) that is *legally defensible*. This contingency forces examination of each safety feature or function in the context of consistency with strict legal definitions/rulings. The "legally defensible" portion of proposed/existing safety features represent the focus of SLT activities.

Examples of (standard) safety features that support the leadership claim include:

- ABS
- Side Impact Protection
- Air Bags

Precedence has established a distinction between standard safety items versus those that are optional (or have price class dependent availability). In general, safety items need to be standard in order to be considered supportive of a safety leadership claim. Safety items that are optional can be utilized to support the overall safety image.

Examples of optional safety features that support the overall safety image include

- AWD/Traction Control
- Side and Rear Object Detection (SROD)
- Fog Lamps

It is also recognized that non-safety features, which have been associated with safety by previous practice, the competition or the media, merit SLT attention. Due to the resultant customer perceptions, and similar to optional safety features, non-safety items can be supportive of the overall safety image.

Examples of non-safety items that are perceived as safety-related include:

- 5 MPH Bumpers (financial)
- Theft/Security System (security)
- Extended Vehicle Range (convenience)

SLT activity will prioritize and recommend those standard safety features that establish superiority versus competition, and therefore support the advertisable leadership claim. Prioritization will involve managing the compromises between cost/investment and marketplace effectiveness. Optional safety features and non-safety items will be recommended on the basis of their support of the overall safety image. Proper execution of all three categories will support the optimal mix of reality and image.

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SAFETY LEADERSHIP TEAM (SLT)**

Minivan Segment Purchase Reasons History/Review

Listed below by segment are those respondents that list safety as either "Important" or "Very Important":

	1990	1992	1993
• Minivan Segment	72%	84%	86%
• Chrysler	71%	86%	88%
• Car Segment	73%	81%	82%
• Truck Segment	66%	71%	74%

Source: *Second Quarter C.A.R.*

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SAFETY LEADERSHIP TEAM (SLT)**

Minivan Segment Purchase Reasons History/Review

Two of the most important parameters of a marketing plan involves: 1) identifying the long-standing top purchase reasons among buyers
2) identifying the most rapidly rising reason(s) for purchase.

Shown below are the "Top Ten" purchase reasons for minivans through time. Note that in 1984, safety was not yet in the top-ten among Chrysler minivan buyers. The first year safety entered the top-ten was 1986, and has recently attained the #3 purchase reason position. This establishes safety as the most rapidly rising purchase reason among minivan buyers.

Note that the top two purchase reasons (Durability & Reliability and Well-Made Vehicle) are common across all vehicle segments through time. This implies that "Safety" is the number one purchase reason among Chrysler minivan buyers for normalized statistics, with "Riding Comfort" placing number two.

		1993			Memo
	1984 Caravan/Voyager	1986 Caravan/Voyager	Caravan/Voyager/T&C	Minivan Segment	Passenger Cars
Durability & Reliability	Well-Made Vehicle	Durability & Reliability	Durability & Reliability	Durability & Reliability	Durability & Reliability
Ease of Handling	Riding Comfort	Riding Comfort	Well-Made Vehicle	Well-Made Vehicle	Well-Made Vehicle
Warranty Coverage	Ease of Handling	Ease of Handling	SAFETY	Riding Comfort	Ease of Handling
Trunk/Cargo Space	Seating Capacity	Seating Capacity	Riding Comfort	SAFETY	Value
Riding Comfort	Warranty Coverage	Warranty Coverage	Ease of Handling	Price/Deal Offered	Price/Deal Offered
Seating Capacity	Value	Value	Price/Deal Offered	Seating Capacity	Riding Comfort
Fuel Mileage	Trunk/Cargo Space	Trunk/Cargo Space	Seating Capacity	Value	SAFETY
Value	Dealer Service	Dealer Service	Value	Warranty Coverage	Manufacturer's Rep.
Dealer Service	SAFETY	SAFETY	Warranty Coverage	Manufacturer's Rep.	Warranty Coverage
			Manufacturer's Rep.		Fuel Economy

NS-BODY SAFETY LEADERSHIP TEAM (SLT)

Safety Feature Prioritization Research

- Purpose:**
- Gather qualitative data to determine minivan segment requirements to sustain an advertisable safety leadership position for NS-Body launch.
 - Establish safety feature prioritization for launch and ongoing executions.
 - Verify value (and awareness) of existing AS-Body safety content, and NS-Body direction/plan.

Approach: It is recognized/emphasized that this research was only intended to provide an overall qualitative "snap shot" of the safety issue within the minivan segment. As such, strict quantitative assertions were not established.

Format: A focus group format was executed to expedite the input, and maintain low expenditure. Eight separate sessions occurred, split evenly between two geographic locations:

Ownership	Chicago		San Diego		Totals	
	Males	Females	Males	Females	Males	Females
• Chrysler (F)	---	10	---	8	---	18
• Chrysler (M)	10	---	11	---	21	---
• Domestic Competition	4	6	3	7	7	13
• Import Competition	2	8	3	9	5	17
Totals	16	24	17	24	33 41%	48 59%

Vehicle "ownership" was limited to 1992 and 1993 models; no (known) 1994 vehicle owners were present.

This research occurred November 3, 4, 5, 6, 1993. Analyzed as follows:

- Accident Avoidance
- Accident Survivability
- Other

Safety feature prices were presented to the groups to establish overall commercial viability.

The primary participants were from the SLT. Other organizational participation included Market Research, Volume Planning, Pricing, etc. Both advertising agencies (BBDO and Bozell) were present at both locations.

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

Safety Feature Prioritization Research

General: For the Minivan segment, safety is of utmost importance, second only to "Durability & Reliability". In fact, several respondents felt that D&R was actually a safety item since roadside failure could cause endangerment.

In general, women are more conscious of the safety issue, prioritizing the "Accident Survivability" category. Men are concerned with safety but prioritize a vehicle's attributes with respect to "Accident Avoidance". Typically the women led the discussion during mixed groups, and were very responsive/active during "female-only" groups.

The group response to what they perceive to be "gimmicks or gadgets" was very negative. In the area of safety, only substantive features with recognizable function were favored.

Dual front air bags have become a primary purchase consideration for the segment. Those buyers that recently purchased minivans with driver's-only air bags were very sensitive to this deficiency. All groups assumed that dual air bags will eventually be standard for all brands.

A large majority voiced concern over blind spots or poor visibility. Both side and rear areas were mentioned, as well as both day and nighttime scenarios.

Vulnerability to side impacts, especially for rear seat passengers, was mentioned in all groups. For example, sliding side doors are interpreted as weak spots (as is the rear tailgate area). In general, the respondents felt that the minivan cannot have too much "structural strength".

A timely input involved ABS. Although more prominent in Chicago, the "average" conclusion is that ABS must be standard if a manufacturer expects to project a leadership position.

An important and valuable input from the groups was the low mental recall of Chrysler's minivan safety feature and compliance status as presented in our merchandising/advertising. Although the respondents were not currently "in the market," their lack of knowledge on the 1994 AS-Body safety status was apparent.

Specific: Recommended responses to the above generalities will occur on a priority basis. Prioritization of the safety features is shown on the "Original List" below.

Where possible the prioritization has included focus group opinion on safety feature merit and pricing, platform limitations such as timing, investment and piece price impacts, and the consensus of the SLT.

This overall process will continue to include/solicit MPT inputs.

Priority Key:

- A-Recommended
- B-Discussion/Development
- C-Drop
- Not Researched

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

Original List

SAFETY FEATURE PRIORITIZATION RESEARCH ITEMS

	Priority	Price Class Availability		
		Base/SE	LE	Luxury
Accident Avoidance				
• Signal O/S Rear View Mirrors	B	NA	NA	NA
• Proximity Detection/Enhancement		NA	NA	NA
- Side Object	A			
- Rear Object	A			
- Back-up Alert	C			
• Intelligent Cruise Control	C	NA	NA	NA
• Front O/S Lighting Enhancement		NA	NA	NA
- HID Headlamps	NR/B			
- Illuminated Entry/Keyhole	A			
- Ambient Sensitive On/Off Headlamps	NR/B			
- Remote and Delay Light-Your-Way	A			
- Daylight Running Lights	NR/B	NA	NA	NA
• Rear O/S Lighting Enhancement:				
- Fog Lamps	C			
- Amber Turn Signals	B			
- Bright B/U Lights	A			
- Fast Response CHMSL/Brake Lights	NR/A			
• Automatic Tire Pressure Adjustment	C	NA	NA	NA
• Low Tire Pressure Warning	B	NA	NA	NA
• Automatic Tint Rear View Mirrors	B	NA	S	S
• Tinted O/S Rear View Mirrors	B	NA	NA	NA
Accident Survivability				
• Center Rear Headrests	A	NA	NA	NA
• Off-set Impact Protection	A	NA	NA	NA
• Child Safety Seat				
- Split Recline	A	NA	NA	NA
• Side Air Bags	A			
• Shatter-proof side glass	B	NA	NA	NA
Other				
• Enhanced Cellular Communications				
- Telephone*	A	O	O	O
- Service Locator/Alert	B	NA	NA	NA
- Air Bag Deploy/Theft/Locator alert	B	NA	NA	NA
• Remote Keyless Entry	A			
- Locator/Panic Alert	A	NA	O	S
• Remote Start	C	NA	NA	NA
- With remote Heater - On				
- With remote A/C - On				
• Enhanced Fuel Economy Range	B	NA	NA	NA
• Remote Fuel Filler Door	NR	NA	NA	NA
• Sleep Alert	C	NA	NA	NA

*Dealer installed at present.

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SAFETY LEADERSHIP TEAM (SLT)**

1995 Ford Windstar Leadership Claim Statements

"More standard safety features than any other minivan"

**"The only minivan which meets Federal passenger car safety standards
and has standard ABS brakes and 5 mph bumpers"**

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

Ford Windstar Safety Feature Comparison - Status

	1995		1995-1/2 NS-Body		
	Windstar	AS-Body	Base/SE	LE	Luxury
Accident Avoidance					
• ABS	S	O	S	S	S
• Park-Shift Interlock	S	NA	NA	NA	NA
• Amber Rear Turn Signals	S	NA	NA	NA	NA
Accident Survivability					
• Dual Front Air Bags	S	S	S	S	S
• Rear Seat Headrests					
- Second (2)	O*	O	O	O	S
- Third Outboard (2)	NA	NA	O	O	S
- Third Center (1)	NA	NA	NA	NA	NA
• FMVSS-208 (Frontal Impact)	S	S	S	S	S
• FMVSS-214 (Dynamic Side)	S	S	S	S	S
• Fuel Shut-Off Switch (360°, inertial)	S	NA	NA	NA	NA
Other					
• 5 MPH Bumper					
- Front	S?	NA	S?	S?	S?
- Rear	S?	NA	NA	NA	NA
• Dual Liftgate Latches	S	NA	NA	NA	NA
• Factory Anti-theft	O	NA	NA	O	O
• Extended Vehicle Range	O	NA	NA	NA	NA

Included as part of 1995 Ford safety leadership claim.

*Not available on third position; only available on LX with Quad Captain seating option.

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SAFETY LEADERSHIP TEAM (SLT)**

"A" PRIORITY

SAFETY FEATURE INVESTIGATION ITEMS

Accident Avoidance

- Proximity Detection/Enhancement :
 - Side Object
 - Rear Object
- Traction Control
 - Low Speed
 - Full Speed
- Front O/S Lighting Enhancement:
 - Wipers On/Headlights On
 - Illuminated Entry/Keyhole
 - Remote and Delay Light-your-way
- Rear O/S Lighting Enhancement:
 - Bright B/U Lights
 - Fast Response CHMSL/Brake Lights

Accident Survivability

- Rear Seat Headrests
- Center Rear Headrests
- Child Safety Seat:
 - Split Recline
- Off-set Impact Protection
- Side Air Bags
- Seat Belt Pre-tensioners
- Automatic Power Door Lock Release
- Fuel Shut-Off Switch

Other

- Enhanced Celular Communications
 - Telephone*
- Remote Keyless Entry
 - Locator/Panic Alert
- 5 MPH Bumper
 - Front
 - Rear

<u>Timing</u>	<u>Financials</u>	<u>Piece Cost</u>	<u>Investment</u>	<u>Volume</u>	<u>Weight</u>
Information					
to be					
submitted/consented					
by					
Minivan					
Platform					
Team					
Submittal timing					
to be					
discussed					
at					
PDT					

Dealer installed at present.

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

SAFETY FEATURE INVESTIGATION ITEMS

Accident Avoidance

- Signal O/S Rear View Mirrors
- Front O/S Lighting Enhancement
 - HID Headlamps
 - Automatic On/Off Headlamps
 - Daylight Running Lights (DRL)
- Rear O/S Lighting Enhancement:
 - Amber Turning Signals
- Park Shift Interlock
- Low Tire Pressure Warning
- Automatic Tint Rear View Mirrors
- Tinted O/S Rear View Mirrors

Accident Survivability

- Shatter-proof Side Glass

Other

- Enhanced Celular Communications
 - Service Locator/Alert
 - Air Bag Deploy/Theft/Locator Alert
- Enhanced Fuel Economy Range

<u>Timing</u>	<u>Financials</u>	<u>Piece Cost</u>	<u>Investment</u>	<u>Volume</u>	<u>Weight</u>
	Information to be submitted/consensed by Minivan Platform Team				
	Submittal timing to be discussed at PDT				

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SAFETY LEADERSHIP TEAM (SLT)**

Accident Avoidance, Page 1 of 4

- **Signal Outside Rear View Mirrors:** These outside rear view mirrors also function as taillamps. When the turn signals, brake, back-up, or emergency flashers are activated, the mirror illuminates with an appropriate signal, thus making the driver's intentions more obvious. The driver only sees the reflective mirror at all times: other drivers, which are adjacent to the signal mirror equipped vehicle, see the signal lights only. These mirrors can also be used in conjunction with the side or back-up object detection system as an electronic warning display for driver information. (See "Proximity Detection").
- **Proximity Detection/Enhancement**
 - **Back-up Detection System:** This feature will inform the driver who is in "reverse" that his/her path is not clear of traffic or obstructions. This information could be displayed on an overhead console or in the mirrors. This feature is especially useful when the obstruction is blocked from the driver's line-of-sight, or is not viewable in the mirrors.
 - **Back-up Alert:** Like the Back-up Detection System, the Back-up Alert increases the safety of rearward motion of the vehicle. In this case, pedestrian traffic is the recipient of an audible beeper or chime that informs them of the driver's intention to back up. Like the Back-up Detection System, the Back-up Alert is engaged when the vehicle gearshift is placed in "reverse". The beeper would be mounted on the rear of the vehicle.
 - **Side Object Detection System:** This feature would serve as a lane change aid, informing the driver when objects are next to or approaching the vehicle in adjacent lanes. Similar to the Back-up Detection System, this information could be displayed in the mirrors, and is especially useful when the adjacent vehicle is in the "blind spot".
- **Intelligent Cruise Control:** In today's cars, cruise control maintains the vehicle speed at a speed that is pre-set by the driver. A new kind of cruise control, "Intelligent Cruise Control", maintains the speed and keeps a safe distance to the car in front as when it was set. It won't let the car go any faster than the set speed, but it allows the car to decelerate to keep the safe distance when a car in front slows down. Then, it will automatically return to the set speed when the road is clear, the driver changes to an open lane, or the car in front speeds up again. The driver still has to pay attention for sudden changes which might require braking or turning, but on long drives this system will reduce fatigue and therefore enhance driver alertness.
- **Front Outside Lighting Enhancement**
 - **High Intensity Discharge (HID) Headlamps:** Today's headlamp operation is similar to the familiar incandescent household lamp. The halogen lamp and changes in filament construction and material have vastly improved automotive headlamp life and light output. However, there remains some drawbacks to the incandescent technology. They still burn out during the life of the vehicle, and light tone and quality is usually not optimal for all highway conditions. For example, today's halogen does not illuminate all objects with the same clarity due to a tendency to have a brown tint to the light tone. The HID incorporates a technology similar to the florescent lamp. Because there is no filament to burn out, the HID is expected to last about ten years and would probably be warranted for the life of the vehicle. Like the florescent lamp, different shades or tones can be designed which improve the light quality. Research has shown that light that has a blue-white tone is superior to the brown commonly found in today's incandescent halogen headlamp. With the improved light-quality of the HID, there is less need to increase light brightness, which can be a hazard to oncoming drivers.

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SAFETY LEADERSHIP TEAM (SLT)**

Accident Avoidance, Page 2 of 4

- Front Outside Lighting Enhancement, continued
 - Illuminated Entry/Keyhole: Either by remote key fob control or by momentary front door handle movement, the interior lights and keyhole are illuminated. In night-time or dark surroundings, interior lighting provides added security via detection of hidden intruders, etc. Keyhole illumination allows quicker unlock and entry, etc.
 - Ambient Sensitive On/Off: This system will sense when ambient light levels have changed, and respond by automatically controlling headlamp on/off operation. For example, when a vehicle is driving down a sunny highway, the headlamps would be "off". When this vehicle enters a tunnel and the light level drops to darkness, the headlamps will automatically turn "on". Once through the tunnel, the headlamps would again turn "off". A similar operation would occur when entering a darkly lit parking area or garage. This system will also operate during the normal daily transitions from day to night and from night to day.
 - Remote and Delay Light-Your-Way: In low light circumstances it would be convenient to remotely operate the headlamps. Conditions such as dark or unlighted parking lots, driveways, unfamiliar terrain, etc. could be more safely traveled en route to the vehicle with lighting provided by the headlamps. Typically the key fob would be used to transmit the headlight "on-off" command to the vehicle. After a specified period of time the headlamps would automatically turn "off" or would return to normal operation controlled by the dashboard switch. When traveling away from the vehicle, this system would delay turning "off" the headlamps for a specified period of time.
 - Daylight Running Lights: This system will automatically turn on the headlights when the engine is started. The headlights remain on regardless of operating conditions, and will improve vehicle conspicuousness. (Currently required in Canada.)
 - Wipers On/Headlamps On: Many states now require that the headlamps be on when conditions warrant use of the windshield wipers. (Current system requires manual turn-on of the headlamps, and therefore manual turnoff, concurrent with wiper status.) This system would automatically turn on and off the headlamps with the wipers, but not during windshield washer function.
- Rear Outside Lighting Enhancement
 - Fog Lamps: In moderate to dense fog conditions, the visibility of the standard red taillamp and brake light is severely reduced. This is because the color red is absorbed by the water vapor that causes fog. Rear end collisions can occur when the range of the standard red taillamps does not alert the driver, who is approaching from the rear, in sufficient time. In Europe, a high intensity, rear-facing fog lamp is used to ensure that the light penetrates the fog and therefore provides adequate warning to approaching drivers.
 - Amber Turn Signals: In older taillamp designs, the brake light and the turn signal light were in the same location, using the same bulb, with the same red lens color (same location, same color). In other designs, the brake light and the turn signal light have separated locations, using two separate bulbs, but continue to use a red lens (different location, same color). This second design has been shown to enhance the response time of the driver who is following the signaling vehicle in front. By having two separate bulbs, the reliability of the driver's intentions is increased because it is rare that

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

Accident Avoidance, Page 3 of 4

- Rear Outside Lighting Enhancement, Continued

both bulbs will burn out. Amber turn signals are similar to this second design but the lens color for the turn signals is amber. This design adds an extra dimension to the communication process between drivers. The amber color is distinct from the red taillamp and red brake light, and more strongly communicates an intention to turn by virtue of its separated location and color.

- Bright Back-up Lights: Many vehicles, especially minivans, utilize tinted or sunscreen glass to reduce glare, minimize interior materials fading from sunlight, and reduce the load on the air conditioner. However, this type of glass can reduce driver visibility when looking through the side or rear windows. This is especially true at night. In the minivan there can be additional limitations on visibility due to the size and layout of these vehicles, rear seat headrests, and rear seat passengers. Therefore the night time backing of these vehicles could be enhanced with the use of brighter back-up lights. The typical back-up light is 10 watts. This proposal would increase the bulb to 50 watts, and would greatly increase illumination and therefore visibility.

- Rear Outside Lighting Enhancement, continued

- Fast Response CHMSL/Brake Lights: Similar to today's headlamp design, brake lights use incandescent bulb technology (see "High Intensity Discharge Headlamps" above). Incandescent bulbs take a relatively long time to rise from zero light to full luminosity. Neon lighting technology is much faster. The "rise time" of a light bulb is very important when talking about brake lights, and stopping distances. A typical neon light will reach full luminosity 200 milliseconds faster than an incandescent bulb. At 65 mph, a typical highway speed limit, this 200 milliseconds is equivalent to nearly 20 feet, or two full car lengths. This extra distance will reduce the likelihood of rear end collisions.
- Automatic Tire Pressure Adjustment: The inflation level of the tires is crucial to safe vehicle handling at high speed, maneuvering at low speed, and stopping at all speeds. Inflation level affects ride quality, and therefore the fatigue experienced by the driver from vibration and noise. Inflation will also affect tire wear rate and overall reliability. During normal vehicle operation, the pressures can vary as much as 50%. Changes in tire temperature can drastically change pressure. During early morning when the outside temperature is low and the vehicle has remained stationary overnight, the tire pressure might be too low. That same vehicle driving at highway speeds in the afternoon might have high tire pressures. Sometimes the vehicle will have different pressures in all four tires. An Automatic Tire Pressure Adjustment system is proposed for the minivan. This system would operate the instant the engine was started. Sensors at all four tires would be able to measure their pressures and signal the system computer that a tire is low or high or properly inflated. If a tire is low, an air compressor which is routed by valves and tubing to the tires would increase the pressure to the proper level. If a tire was too high, those same valves would be directed by the system to bleed off pressure. This system would maintain constant, proper tire inflation pressure in most conditions. If a bad leak develops and the air compressor cannot establish the proper inflation, the system would alert the driver with a warning light that repairs are required. During high temperature highway speeds, if the system detects high pressure, it would automatically reduce the inflation level to prevent possible tire failure (blowout).

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

Accident Avoidance, Page 4 of 4

- **Low Tire Pressure Warning:** Similar to the Automatic Tire Pressure Adjustment, this device would be capable of individually monitoring the tire pressures at all four locations. This system would alert the vehicle operator of a low pressure condition via a warning indicator at the instrument panel. The driver would then have to manually inflate the low tire(s) to the proper level.
- **Automatic Tint Mirrors:** These mirrors are common on today's higher priced vehicles. The primary function is to automatically increase the tint level in the mirrors which will minimize the glare from headlights or sunlight. This mirror feature operates similar to photosensitive sunglasses, and will automatically decrease the tint when the light levels are reduced. These mirrors are available for both inside and outside locations.
- **Tinted O/S Rear View Mirrors:** The tint level would remain constant, typically in blue or gray, to reduce headlight/sunlight glare.
- **Park-Shift Interlock:** This system prevents inadvertent movement of the automatic transmission shift lever from the 'park' position unless the brakes/brake pedal are first engaged.

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SAFETY LEADERSHIP TEAM (SLT)**

Accident Survivability, Page 1 of 2

- **Headrests:** Many of today's minivans have seats for seven people. All minivans have headrests on the front seats and some have headrests at four of the five rear seat positions, leaving the headrest off the center seat of the back row to improve rear visibility for the driver. However, this visibility is eliminated when a passenger is seated in this position. It is therefore proposed that all passenger locations have the availability of headrests, which would ensure protection for all passengers in the rear end collision scenario.
- **Off-set Impact Protection:** When cars, trucks, or vans are crash tested, they are crashed head-on into a solid wall. This crash test hits the front of the car evenly. A new idea for testing would hit only part of the front, forcing the energy of the accident into a smaller part of the car. The off-set accident scenario is very common on today's highway, and therefore added protection on a side-to-side basis is realistic. This off-set impact protection requires specific engineering changes to the design of the minivan structure.
- **Integrated Child Safety Seat:** Some minivans have two built-in child safety seats, next to each other in the first rear bench. Starting in 1994, some of these child seats can recline to let the children sleep more comfortably. It is proposed that each of the two child seats be able to recline separately, instead of both being forced to recline to the same angle. This will improve the ability of the driver to provide appropriate comfort levels for two different size and age children. By doing so, distractions from complaining child passengers should be minimized, which will enhance driver attentiveness.
- **Side Air Bags:** Most minivans have a driver's side air bag. Some newer models have both a driver and a front passenger air bag. These air bags have been the most effective safety device for protecting frontal crash victims. The mounting of air bags to protect against side impact is being considered for minivans. These devices would be mounted in the door panels or the vehicle side panel and would be activated in a similar manner to the front crash, except would protect during the so-called "broadside" collision. This side air bag is meant to complement the existing side and door intrusion beams, which are additional pieces of steel meant to protect against crash intrusion.
- **Seat Belt Pre-Tensioners:** Seat belt systems are designed to minimize discomfort during use. Typically this requires a looser fit than optimal for certain crash or hard stop scenarios. The pre-tensioners would react with similar speed to that of the air bags, and would quickly tighten the belts to optimize occupant retention.
- **Automatic Power Door Lock Release:** In the event of a serious crash or rollover, rapid exit from or access to the passenger compartment is crucial. This system would automatically unlock all doors equipped with a power mechanism.

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Accident Survivability, Page 2 of 2

- **Fuel Shut-Off Switch:** Similar to the automatic power door lock release, the fuel shut-off switch is activated during a serious incident. The sensor inputs needed to activate the system are multi-directional (frontal, rear, side, rollover, etc.) This system will automatically shut down the electric fuel pump, thereby minimizing the changes or severity of after-crash fires.
- **Shatter-proof side glass:** TBD

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Other Safety Features, Page 1 of 2

- **Enhanced Cellular Telephone:** Many people have cellular telephones today. It would be possible for the cellular telephone to provide the following additional safety-related features:
 - **Service Location:** For emergency roadside help (towing, repair), touch one button to be connected to a national telephone number. You will then be automatically connected to a local dealer or other repair facility.
 - **Accident Alert:** When the air bag or bags are triggered, the telephone automatically dials 911. All you need to do is speak, or if you are unable to speak, the phone will send its own accident alert message to authorities, who can locate the cellular phone call, and respond accordingly.
 - **Theft Alert:** If your security system is triggered and not correctly turned off within a certain time, the telephone automatically dials 911 and sends a special theft message to police who can locate the position of a cellular phone call, and therefore the location of the stolen vehicle.
- **Remote Keyless Entry with Panic:** This can be thought of as a customer's personal alarm using the vehicle's remote keyless entry system. As a customer approaches their vehicle, they can activate the horn and lights by pressing the red "panic" button on the hand-held transmitter during any unsafe situation. The system is automatically turned off after 3 minutes or by pressing the "panic" button or turning on the ignition. The customer must be within the operating range of the transmitter (approximately 22 feet from the vehicle). Upon pressing the panic button the horn will pulse, headlamps and marker lamps will flash, and the interior lights are turned on for up to three minutes. The system is automatically turned off after 3 minutes or by pressing the "panic" button or turning on the ignition.
- **Remote Start:** From the same key fob used with Remote Keyless Entry, a vehicle can be equipped to start the engine, and turn on certain accessories from a remote location. This can be useful in winter climates when the vehicle has been stored outside, especially overnight. While preparing for the daily commute, the driver could start the vehicle from the household, turn on the heater and defroster, and therefore save the time and effort associated with de-icing, or the attainment of vehicle interior comfort levels. A similar scenario can be envisioned for warm climates, especially when the vehicle has been stored in direct sunlight. In this case the air conditioner could be part of the remote engine start feature.

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Other Safety Features, Page 2 of 2

- **Enhanced Vehicle Fuel Range:** During urban travel, when numerous gas stations are available, how far a vehicle will travel between fuel fills is not usually a concern. As fuel efficiency continues to improve, vehicle range will also improve. On level roads the vehicle's travel range is maximized. A typical range in these conditions can be as high as 500 miles. However when a vehicle, like a minivan, is loaded with passengers and luggage, or is towing a trailer, the fuel economy will decrease substantially. When minivans are driven in hilly terrain, the fuel economy will be decreased as well. These conditions, which are frequently experienced, can reduce a minivan range to 300 miles. This reduced range can be an issue when traveling in non-urban settings, where fuel stations are more sparsely located. For a given fuel efficiency, the easiest way to improve a minivan's fuel range is by increasing the fuel tank capacity. A typical fuel tank will hold 20 gallons. To enhance a minivan's range, a 26 gallon tank can be made optional. In good highway conditions with light loads, this optional capacity can increase the range to 650 miles. When fuel efficiency has been reduced due to load or terrain, the 26 gallon tank can provide nearly 400 miles of range. When traveling long distances, the enhanced range can be a substantial convenience.
- **Remote Fuel Filler Door:** This feature provides a locking mechanism at the fuel filler door to prevent theft or tampering. Unlocking the fuel filler door is remotely controlled (typically) from the driver's seat via a cabled lever or a button when solenoid controlled.
- **Sleep Alert:** Drowsiness or falling asleep while driving contributes to accidents. Eyes and eyelids move in a different way when someone is beginning to become sleepy. A harmless, invisible beam of light aimed from the dashboard at the driver's eye can tell when the eye and eyelid begin to move in a way which means the driver is becoming sleepy. Then, an alarm can be sounded to wake the driver up.

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Appendix

- **General Safety Statistics Overview**
 - **Vehicle/Roadway Death Statistics**
 - **Death Cause Statistics - 1990**
 - **Injury-Related Death Statistics - 1990**
 - **Accident Causation Statistics**
 - **Fatality Risk - Psychographic Profile**

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Vehicle/Roadway Death Statistics

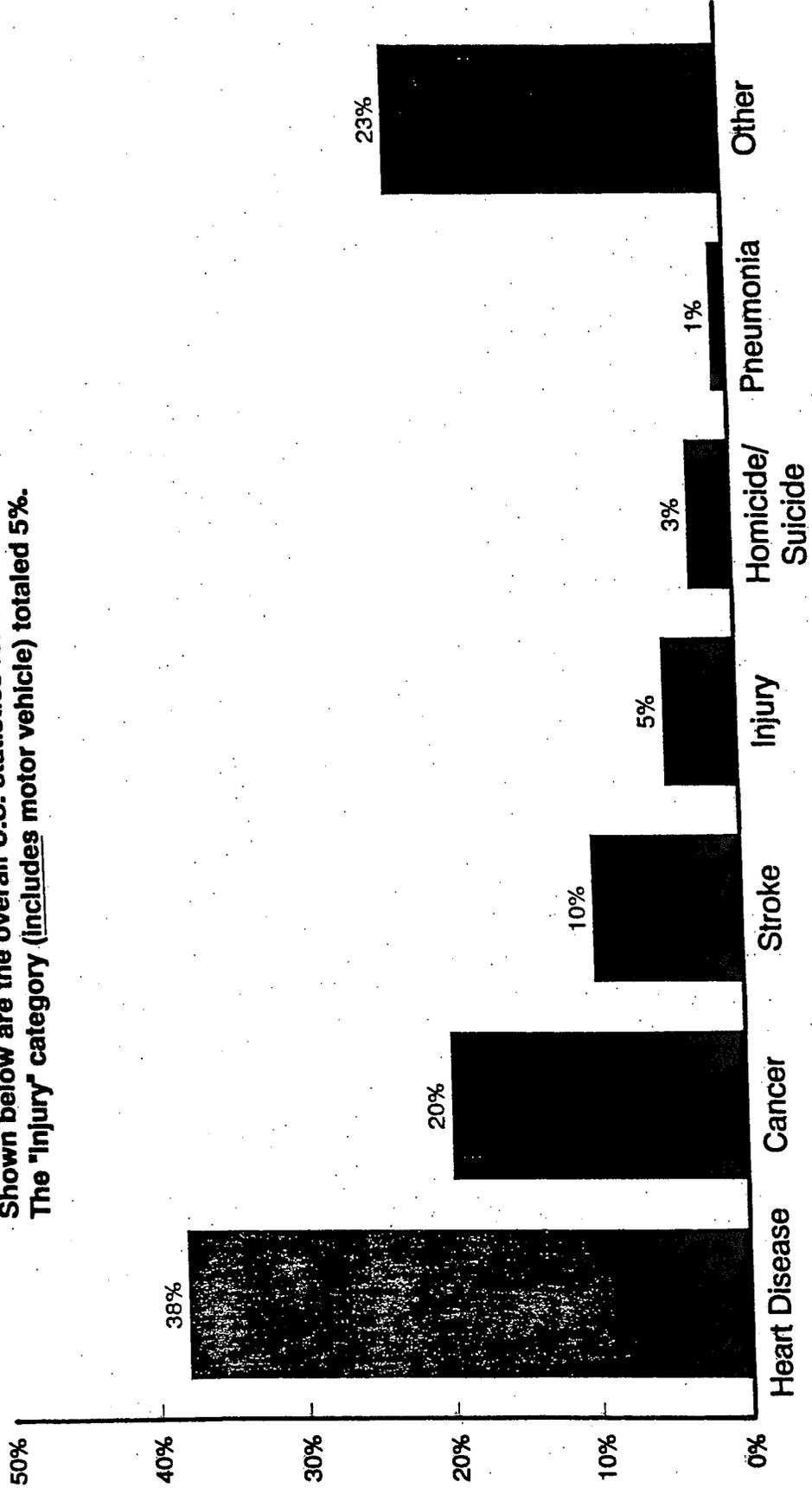
The statistics listed below are meant to demonstrate the trend in highway/vehicle safety in the context of "fatalities per." For example, the fatalities in the year 1930 per 100 million miles traveled was 15.60. By 1990, this statistic dropped 86% to 2.10. Similar trends are indicated in the other normalized data.

Calendar Year	Deaths Per				
	All Deaths	Occupant Deaths	100M Miles	10K Vehicles	100K Pop.
1930	31,050	5,700	15.60	12.10	25.30
1940	33,549	9,500	11.49	10.41	25.40
1950	34,763	11,650	7.59	7.07	23.00
1960	38,137	14,800	5.31	5.12	21.20
1970	54,633	23,200	4.98	4.92	26.80
1980	53,172	23,000	3.50	3.28	23.40
1990	48,000	21,500	2.10	2.60	19.90
Improvement/(Degradation) 1990 vs. 1930	(55%)	(277%)	86%	79%	21%

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**Death Cause Statistics - 1990
(Percent)**

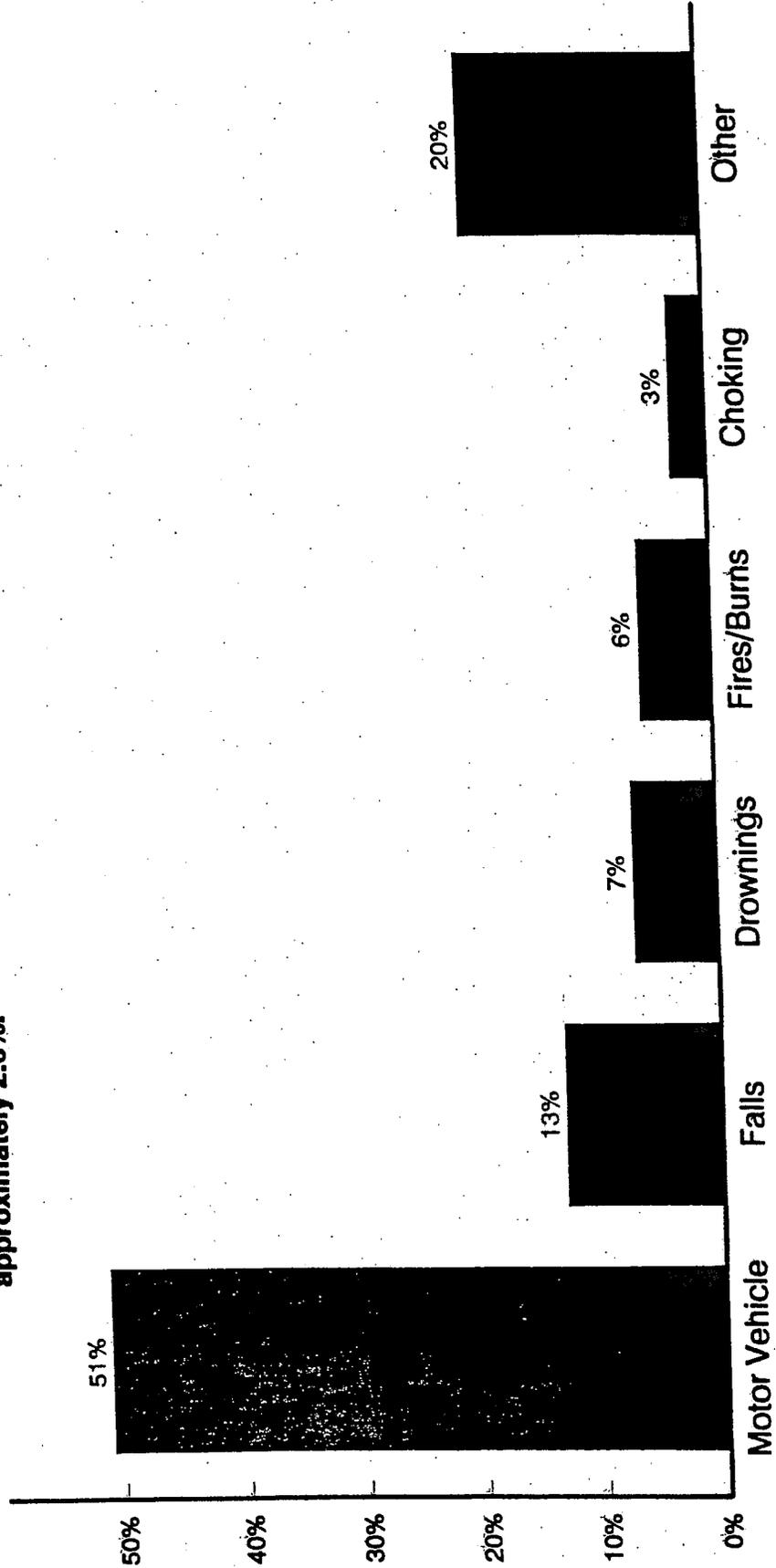
Shown below are the overall U.S. statistics for causes of death during 1990. The "Injury" category (includes motor vehicle) totaled 5%.



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**Injury-Related Death Statistics - 1990
(Percent)**

Of the 5% overall death rate attributed to "Injury", 51% within this category were caused by use of motor vehicles. The conglomerate statistic is approximately 2.6%.



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Accident Causation Statistics

Reported Conditions	Accident Outcome		
	Fatality	Injury Only	All
▶ Improper Driving	61.9%	73.7%	72.7%
- Speeding	26.7	23.1	18.9
- Right-of-Way	12.2	25.4	23.4
• Failure to Yield	8.4	18.2	17.8
• Passed Stop Sign	2.1	2.0	1.6
• Disregard Signal	1.7	5.2	4.0
- Drive Across Centerline	4.5	1.5	1.7
- Improper Passing	6.2	2.0	2.4
- Improper Turn	0.4	1.5	2.6
- "Tailgating"	0.7	6.1	6.4
- Other	11.2	14.1	17.3
▶ Other	38.1%	26.3%	27.3%

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Fatality Risk - Psychographic Profile

Risk Factor	Maximum	Mean	Minimum
• Gender	Male	---	Female
• Age	18	TBD	40
• Vehicle Weight	700 pounds lighter than mean	Mean	700 pounds heavier than mean
• Lap/shoulder Belt Use	No	---	Yes
• Road Type	Two-Lane	---	Separated Highway
• Conditions	Night	---	Day
• Sobriety	Intoxicated	---	Sober
▶ Fatality Risk	93.1 per 100M miles	1.2 per 100M miles	0.08 per 100M miles
▶ Relative Risk Range	←	1200:1	→

LEWIS H. GOLDFARB

March 30, 1994

To: T. R. Cunningham

Ted,

Attached is Part II of the Windstar dispute.

Lew

Attachment

cc: A. C. Liebler
W. J. O'Brien

P.S. Just got word that Ford pulled the USA Today insert
L

cc
del for
WJL
Lee



Lewis H Goldfarb
Assistant General Counsel

March 29, 1994

Gerald D. Ducharme, Esq.
Assistant General Counsel
Ford Motor Company
The American Road
Dearborn, Michigan 48121

MINIVAN OPERATIONS

J.J. Almasey	D.C. Marecki
D.A. Cornis	S.L. Oddo Long
T.J. Emmitt	P.V. Sheridan
L.S. Hincis	Destroy _____
Return to RAW	

Dear Jerry:

Thank you for your letter of March 17th regarding the Ford Windstar claim, "more standard safety features than any other minivan" ("the standard features claim"). You indicated Ford's willingness to cease making this claim in all future advertising. You also listed 15 periodicals due to be published from March 29th through May 24th that have already been "printed and shipped," supposedly too late to be withdrawn from publication.

We appreciate your willingness to resolve this matter in a cooperative manner. We have reviewed the list of periodicals containing the claim and their upcoming publication dates. We disagree with Ford's determination that those publications appearing in April and May cannot be withdrawn. In the spirit of cooperation, however, we will accept Ford's decision on all publications except USA Today scheduled for publication on April 8.

With regard to USA Today, you acknowledged that Ford does not wish to withdraw the centerfold insert primarily because of the costs involved as well as your belief that the claim as it will appear in that publication is not as offensive as the claim cited above. We take serious issue with Ford's position on the USA Today ad, both as to the standard features claim as well as an additional claim contained in the ad.

The USA Today insert is a two-page centerfold that pictures the Windstar along with nine two-inch square boxes each of which contains a claim. The claim at issue is as follows:

"Windstar, with the most standard safety features, is the only minivan that meets all passenger car safety standards and has dual air bags, four wheel anti-lock brakes and 5 MPH bumpers."

We believe that Ford must withdraw this publication for the following reasons:

RECEIVED

APR 6 1994

1. It contains the standard features claim which has enormous commercial significance and cannot be substantiated. It is therefore an illegal claim and there is time to withdraw it.
2. The fact that deletion of the claim will impose a cost on Ford cannot justify running a false claim, particularly one of such competitive significance. There is ample precedent in our industry for the withdrawal of inaccurate advertising claims even where such action necessitates some economic loss.
3. The claim "Windstar, . . . , is the only minivan that meets all passenger car safety standards and has dual air bags, four wheel anti-lock brakes and 5 MPH bumpers" is also a deceptive and therefore unlawful claim. It is established law that an advertiser cannot make a far reaching competitive claim and seek to qualify it with a conjunctive that lists a series of qualifiers that would not be understood as a true limitation on the claim. See FTC Enforcement Guides on Deceptive Acts and Practices, 6 CCH Trade Regulation Reporter 50,455. It is not sufficient that a claim may be literally true. Rather, the test is whether the representation is likely to mislead reasonable consumers under the circumstances. (See Sandoz v. Richardson-Vicks, 7 CCH Trade Regulation Reporter 70,463, applying the same standard for violation of Sec. 43(a) of the Lanham Act.) As the FTC Guides provide:

To be considered reasonable, the interpretation or reaction does not have to be the only one. When a seller's representation conveys more than one meaning to reasonable consumers, one of which is false, the seller is liable for the misleading misinterpretation.

Few, if any, consumers would understand this claim to mean that it is only the 5 MPH bumper that differentiates the Windstar from the Chrysler Town & Country. Yet that is the only interpretation that would make this claim truthful. The more reasonable interpretation, and the one Ford obviously intends to convey, is that the Windstar is the only minivan that meets passenger car safety standards. Unfortunately, this claim is untrue, and must be withdrawn.

Gerald D. Ducharme, Esq.
March 29, 1994
Page 3

4. In addition to the legal deficiency cited above, we have learned that the Ford Windstar does not satisfy the 5 MPH bumper standard. The Federal Bumper Standard is found in Part 581 of 48 Federal Register 43331. It requires a two part impact test, first with a pendulum type test device followed by an impact into a fixed collision barrier perpendicular to the line of travel. The federal test only requires compliance at 2.5 MPH, however, the same test procedure would apply to any MPH bumper claim.

It is our information that the Ford Windstar does not satisfy the two part test at 5 MPH, but only the barrier test. This is further confirmed by the fact that Ford is currently negotiating with the Institute for Highway Safety for a generic 5 MPH bumper test in order to avoid the spread of state bumper laws like that in New York. The test that Ford has proposed is not the Section 581 Federal test but rather a one part test requiring a barrier impact only. It would be false and misleading for Ford to claim compliance with 5 MPH bumpers without meeting the two part test set forth in the Federal Regulations.

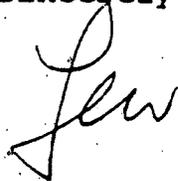
Jerry, in the spirit of "self-regulatory cooperation" that you referred to in your letter, we are agreeing not to challenge 14 of the 15 publications of the standard features claim - a critically important competitive claim that misstates the facts about our minivans and will be distributed to tens of millions of consumers throughout the United States between now and May 24th. In the same spirit, we ask that Ford correct a wrongful claim in one publication appearing on April 8th. This is a major concession on Chrysler's part. The fact that Ford may have to incur some additional costs to revise the USA Today insert cannot possibly justify Ford's refusal to delete an unlawful claim in this nationally circulated daily newspaper.

As mentioned above, we are also requesting that Ford delete, in the USA Today issue and into the future, part two of the claim describing Windstar as the only minivan that meets all passenger car safety standards. Finally, I would ask that you check with Ford's engineers to determine whether the Windstar complies with Section 581 at 5 MPH and, if it doesn't, to cease making that claim as well.

Gerald D. Ducharme, Esq.
March 29, 1994
Page 4

As you know, we have discussed all of these issues via telephone this morning and you have agreed to respond as soon as possible, hopefully by this Thursday. I am confident that we can resolve this issue as we have the previous ones and bring an end to our discussion of the Ford Windstar comparative advertising claims.

Sincerely,

A handwritten signature in cursive script, appearing to read "G.D.", is written below the typed name "Sincerely,".

Discovery Ex. No. 538
Cause No. 7824*JG99

LeCompte

93446

Sheridan
EXHIBIT NO. *19*
5-2-96
M. MOORE

NS-BODY

SAFETY LEADERSHIP TEAM (SLT)

Customer Focus Groups

Prepared By:

Market Opinion Research, Inc.
November 1993

Gonza10 Vs Chrysler 045228



EXHIBIT

49

BACKGROUND

Purpose

The primary purpose of this research was to explore customer perceptions of current minivan safety, and to gather customer feedback regarding a number of specific safety features.

Method

A total of eight customer focus groups were conducted. Each group lasted approximately two hours. After a brief warm-up and the introductions, respondents were challenged to construct a "wish list" of safety-related features that they would like to see incorporated into their next minivan. . . (safety "concerns" were also encouraged even if the solution to the concern was not readily obvious). After the wish list had run the gambit, a series of proposed safety features were explained to the respondents and reactions to each were gathered. Finally, a brief and general discussion of minivan safety was used to close the meetings.

Locations

The groups were split evenly between Chicago and San Diego. The field work took place between November 3rd and 6th, 1993.

Sample

	<u>CHICAGO</u>		<u>SAN DIEGO</u>		<u>TOTALS</u>	
	<u>Males</u>	<u>Females</u>	<u>Males</u>	<u>Females</u>	<u>Males</u>	<u>Females</u>
<u>Minivan Ownership</u>						
Chrysler	-	10	-	8	-	18
Domestic Comp.	4	6	3	7	7	13
Import Comp.	2	8	3	9	5	17
Chrysler	<u>10</u>	<u>-</u>	<u>11</u>	<u>-</u>	<u>21</u>	<u>-</u>
TOTALS	16	24	17	24	33	48
					(41%)	(59%)

Moderator

Pete Swetish of Market Opinion Research, Inc. moderated all eight focus groups and is responsible for this summary.



SUMMARY OF FINDINGS

THE "WISH LIST"... in (more-or-less) descending order of importance

Dual front air bags are considered "*di rigueur*" for any future minivan purchase. Current owners - even those who bought their minivan "in spite of no passenger air bag" - are universal in their belief in front seat bag protection. We spoke with no one who felt that they would honestly consider another van if it were not equipped with dual front air bags. It is assumed by the (great) majority that dual bags will simply become standard equipment across all car and truck lines within a very few years.

- "Dual air bags will become standard."

Anti-lock brakes is another safety feature that is becoming associated with the "standard equipment" of better vehicles; i.e., the kind of vehicle that everyone buys. ABS was specifically mentioned more often in Chicago than in San Diego, but its inherent worth is generally understood by everyone. In both markets, it is typically thought of as a foul weather (slippery surface) feature.

- "I want the guy behind me to have anti-lock brakes.
(That's why I think they ought to be standard)."

Side guard beams were volunteered in nearly every group as extremely important safety features. Minivan owners see their vehicle as a family conveyance and are therefore very concerned with impact intrusion... especially along the sides and in the rear... where children typically sit. Owners are preoccupied with thoughts of their children's safety and speak about "structural strength" and "steel frameworks" to protect second and third seat occupants. Rear tailgates and sliding side doors seem to be thought of as especially weak and vulnerable points where extra protection is warranted. The general feeling is that there cannot be too much impact protection; one San Diego mother summed it up by suggesting a "cage... like the stock car guys have."

- "Metal construction around the van would convince me (of its inherent safety)."

- "There's extra steel reinforcement on the sides and around the frame. . . I really like that." (Villager owner)
- "The bars in the doors are the big thing for me."
- "I'm more concerned with side impacts."
- "My Aerostar has a truck frame. . . that's partly why we bought it."

Areas of poor visibility. . . so-called "blind spots" are a huge problem to most minivan owners. It seems to be a generic problem common to all minivans, not just specific models; owners of all brands represented in this sample were heard to complain. There are several distinct problems:

- 1) The view directly in back of all minivans is obstructed. This is a major concern to most owners, most of whom have children in and around the home. Backing over unseen bicycles and toys left in the driveway was an occurrence reported by over half the participants in these discussions! Naturally, the fear of doing the same to an unseen child is the real terror. The concern was mentioned in every group; a workable solution would surely give a manufacturer an important marketing advantage among these family-oriented buyers. In fact, the idea of some sort of "scanning device" was suggested several times even before the proposed "back-up detection system" was revealed. And one woman suggested a low-tech solution: "a fish-eye thingy in the back window." Clearly, this is a safety problem that needs a quick solution.

- "You can't see small sports cars passing you."

- 2) Many minivan drivers complained of the more traditional blind spot along the rear quarter panels where cars traveling along either side could not be seen. Pulling out and "cutting people off" were often-heard results. The suggested remedy usually involved an idea for "bigger mirrors" - both rear and side. Wide-angle (convex) mirrors were not universally embraced as a workable solution; several drivers complained that these mirrors distorted distance perception and were therefore unsafe.

- "Side mirrors. . . make them bigger!"

- 3) The third area of poor visibility is down along the very sides of the van. This is generally not considered a critical concern. Rather, the complaint seemed to arise only when backing up while turning; gauging the distance from an obstruction to the side of the van is the problem. Thus, this tended to be more of a convenience issue than a safety concern.

Improvements in current seat belt design were called for by nearly every group. The most common complaint was the "fit" of the shoulder belt across the body of shorter people. . . people such as young children. (Current designs "cut across the neck" of shorter occupants.) Adjustment at the upper anchor pivot for all belts in the van seemed to be the solution. As it is, many parents report that their children often put the shoulder belt in back of the them in order to gain comfort and mobility.

A second suggestion for belt design was voiced in several of the discussion groups: some type of belt system interlock that 1) would flash a warning to the driver that not all belts had been latched. or 2) would not allow the vehicle to start until all occupants had latched their belt. (Evidently, it is impossible for a car-pool driver to know if all the children are securely buckled. . . a vital concern that needs to be addressed.)

Finally, several complaints surfaced concerning twisted belts and the lack of middle rear seat shoulder belt availability.

With concerns for personal safety increasing every day, items having to do with "personal security" surfaced rather early in most discussions. The situation that seemed to cause the most concern was the "walk-up" at night . . . time spent outside the vehicle while unlocking doors, loading packages, etc. Women especially wanted ways to expedite this period of vulnerability. Suggestions included a remote lock system that would also turn on all interior lights (and head lights), lighted key holes, and an easy flip-forward driver's seat to facilitate rear seat package stowage. Many owners already had the remote lock system and considered it an important safety/convenience feature. Certainly, any device or feature that would speed and facilitate vehicle entry should be explored.

Rear headrests were mentioned in half of the groups as important safety features that should be incorporated in any wish list of safety-related items. Chrysler owners were mostly in favor of the rests even though the obvious visibility problem was pointed out and discussed. A number of respondents suggested removable or "fold-down" rear headrests so that rear sight lines could be restored when the seats were not occupied.

Owners complained of poor night-time vision through the dark tint window glass currently offered in many of the minivans. Vision - especially through the rear window while backing up - is very difficult. Yet, owners appreciated the daytime benefits offered by the dark glass and so did not want to give up the tinting in favor of clear glass. Several participants suggested brighter back-up lights as a solution. (High intensity back-up lamps were on the prepared list of safety items to be discussed and the idea received fairly enthusiastic response. . . especially from owners with dark glass.) Of course, the best solution would be to somehow keep the sun-load benefits of the tinted glass without sacrificing night visibility.

The ability to "lock" the passenger power window with a switch accessible only from the driver's seat was a suggestion volunteered in several of the groups. Chrysler-owning parents report that some children can reach the passenger window lift switch with their feet while belted into certain child seats. Once this is discovered, the child (of course) turns the opening/closing of the window into a game with the driver. This is a distraction that the driver wants to do without and that a simple lock-out switch would remedy. (NOTE: *Whether this is a safety-related issue or a sanity-maintenance issue was never fully explored.*)

In about half of the groups, someone mentioned the need to make their minivan "more stable" . . . especially in cross winds. A few Chrysler owners also noted that body roll "around curves" was somewhat excessive. In truth, these opinions were in the minority and more by the way of observations than complaints. The majority of handling-related comments were, indeed, favorable. . . most Chrysler minivan owners liked the "car-like" handling of their vehicle and none cited any unnerving handling-related experiences.

Several owners suggested improvements to the sliding side door to protect against smashed fingers, hands, and/or feet. Chrysler owners report that the side door detent is not sufficient to hold the door open when the van is on an incline. This can cause an unexpected and sudden closure with injurious results. Of course, fingers can also be caught in a door that is purposely shut and parents are constantly concerned with this possibility. . . especially when many children are involved at the same time (as in a car-pool-delivery). What is really needed is some type of device that could detect a closure obstruction and prevent the sliding door from completing its close. (Such a device could also be used on the passenger door where many young passengers grab while getting into the sliding door.) Judging from these group discussions, such a safety feature would be considered a major enhancement to any minivan.

Another area where minivan owners suggested that safety could be improved is interior ergonomic layout. The problem seems to be: there is very often so much going on inside the minivan that even simple tasks like reaching for a control or for a toy that has fallen on the floor can create an unsafe condition for the driver. Participants in these groups suggested that items such as spill-proof cup holders, easy-to-find controls (well lit for night identification), and easy-to-reach storage compartments (for errant toys, etc.) would help to keep the driver focused on the job of driving.

The idea of eliminating or (at least) controlling shattering glass in the midst of an accident came up in two different ways. First, so-called "shatter-proof" glass for the side and rear windows was suggested in several of the groups as an important inclusion to the safety "wish-list." Second, several others wondered whether the side air bags would have the residual effect of protecting occupants "from flying glass." It is a fact that, perhaps because of the large amount of surrounding glass inherent in minivan design, owners - especially parents of small children - share a very real concern about the possibility of being cut by shattered glass. So, while the idea of shatter-proof side and rear glass received relatively few original mentions, the concept of reducing this scary risk was an important one. Addressing the problem of flying glass would also enhance the entire side/rear impact integrity of a vehicle; it would seem to be a logical extension of the "steel beam" impact protection already in place. . . an extremely important notion to these owners.

- (The side air bags seem OK) "But what about the windows?"
- "Does it help with flying glass?"

Other Miscellaneous Suggestions

(The following is a list of safety-related suggestions that were volunteered in at least two of the groups, but did not represent wide-spread opinion.)

- Easy-to-locate horn button
- Break-away motors that would submerge the vehicle in the event of a frontal impact. . . this feature was reported as the result of a current TV ad touting this design feature
- 4 wheel disc brakes
- Some kind of "escape" path for rear seat occupants should the sliding side door jam in an accident; suggestions included a rear driver's side sliding door, a "kick-out" rear side window, and a roof hatch like that found on some buses
- Rear air bags
- Child seat head support device for sleeping child. . . Chrysler's '94 reclining child seat was unfamiliar to all but a few participants

CONCEPT EVALUATIONS. . . a report card for several suggested features

Outside Signal Rear View Mirrors: Respondents were shown a brief video tape of the signal rear view mirrors in action. (*NOTE: this was the only feature discussed that had any type of visual aid for demonstration purposes.*) There was typically some initial concern that the signal lights could be seen by the driver and so create some amount of distraction. However, once that notion had been dispelled, the basic concept of the mirrors became quite acceptable. Most respondents could see that, in certain circumstances such as passing maneuvers, the signal mirrors might be more visible to drivers in an adjoining lane and thus enhance safety. The majority, however, felt that - all things considered - this signaling advantage was of marginal real-world value. So, while most would "take it" as a no-cost feature, few would voluntarily pay extra (\$100) to have it on their next vehicle.

- "I wouldn't like to pay extra for it."
- "OK, but I wouldn't pay for it."
- "It can't hurt (to have them)."



- "It's kind of gimmicky."
- "That would be nice on the freeway."

Back-up Detection System: This feature helped to solve a rear visibility concern that was often brought up early in the conversations; several individuals, in fact, suggested the detection system prior to it being revealed. The idea that the driver could be warned of any obstruction immediately behind his/her minivan was a huge hit with nearly every respondent involved in this research. The problem of "backing over" unseen objects is a very real problem for minivan owners (especially those with young children who tend to leave toys, etc. in driveways). Anything that can be done to minimize this possibility would be greeted with serious interest.

- "This should be mandatory!"
- "Sure! We've probably all run over something" . . . while backing out of the driveway.

Back-up Alert: The idea of an audible back-up alert (much like the ones found on construction equipment) received little positive reaction. The concept of warning someone in back of the vehicle that it is backing up seemed well received. However, the noise that would accompany every index of 'reverse' was thought to be too much of a compromise to peace and quiet. The words "obnoxious" and/or "annoying" were used in most groups. (Respondents wondered what the neighbors would think with such vehicles leaving very early in the morning. . . or what the local shopping-center parking lot would sound like.) At the very least, customers said that such a device would have to be equipped with an "on/off" switch which, they admitted, would probably be left in the "off" position most of the time.

- "Obnoxious!"
- "If you could turn it off. . . like when I was backing out at two o'clock in the morning."
- "I'm sure the neighborhood would enjoy that one!"

Side Object Detection System: Here again, the concept seemed like a good idea. Most minivan drivers complained of "blind spots" over their shoulders and so welcomed ideas that might address this problem. The problem (again) was the fear that the remedy (in this case, warning signals every time a vehicle was occupying the blind spot) seemed worse than the disease. For most, a better solution was improved visibility through the use of bigger mirrors, thinner B-pillars, etc.

- "I think a good mirror would solve this problem."
- "Just make it so I can see everything."
- "... not as important as the one (detection system) going backward."

Intelligent Cruise Control: A system that would automatically decelerate the vehicle to keep a safe distance to the car in front was described. And, while the big majority of this sample owned minivans equipped with cruise control, the reaction to this feature was lukewarm. It was seen not so much as a safety feature as it was a convenience item. The reluctance to embrace the idea stemmed from an inherent reluctance to rely on unknown technology rather than good old fashion driver awareness. Over and over again, respondents worried about that such a device would lead to "a false sense of security" and thereby lead to carelessness on the part of most drivers. In that sense, it was perceived as a potential hazard rather than a safety enhancement. On the plus side, however, many people noted that it probably would help solve the major aggravation of cruise control usage: the "hassle" of on-gain/off-again operation on crowded highways.

- "The problem is that it would give a false security while you're driving."
- "It's more convenience (than safety related)."
- "People will get too relaxed. . . you'll be spoiled."



Remote and Delay Light-Your-Way: This item was essentially on most wish lists prior to being revealed as a proposal; it was universally recognized as a major personal safety feature. . . one that most everyone would want to have. Note that respondents added the need for all interior lights to operate with the headlights in order to enhance the overall effectiveness of the feature.

- "A gadget. But a good one."
- "Can we get a light around the keyhole too?"

Rear Facing High Intensity Fog Lamp: Failed to generate much interest. Respondents simply did not see much of a need for such a device and worried that 1) it might confuse drivers coming up from behind, and 2) that people would forget and leave it on even in clear conditions.

- "Would it blind people?"
- "But where would it be positioned?"
- "Wrong city." (San Diego respondent)
- "In front, maybe."

Amber Turn Signals: This was a subject that resulted in lot of "no opinion" votes. And, those with opinions were pretty much split down the middle between favoring red or amber lenses. Bottom line: based on this research, consumers simply do not care.

- "I don't think it makes any difference, does it?"

Bright Back-up Lights: This was a reasonably popular idea, especially among those with dark tint glass. The two features seem to package well together. . . the dark glass tending to create a visibility problem. . . the high intensity back-up lamps helping to solve the problem.

- "Yes! To cut through that tint."
- "Make 'em retro-fitable."

Automatic Tire Pressure Adjustment: This system received more than a fair amount of discussion in nearly every group. Respondents were nearly all agreed that proper tire inflation was an important part of vehicle maintenance and would enhance ride and handling, tire wear, and fuel mileage. There was not, however, universal agreement on the need for this on-board monitoring and adjustment system. Arguments in favor of the system included 1) the importance of proper tire inflation, 2) the convenience of having it looked after automatically, 3) slow leaks would never strand the vehicle, and 4) the on-board compressor could be adapted for other uses. Arguments against included 1) added vehicle complexity (i.e., "something else to go wrong"), 2) tires already checked at every "quick-change" oil visit, 3) cost, and 4) the (perceived) difficulty of purposely over-riding normal inflation specification in the event of carrying heavy loads, using non-OEM tires, etc.

The customer's bottom line on this feature is this: a very worthwhile result (having properly inflated tires), but the perceived complexity and cost (\$200) may outweigh the benefit. Several groups suggested a middle ground... that the system offer (only) a low pressure warning to alert the driver who would then have to stop and have the tire filled manually. This seemed to provide the really important warning element and, it was presumed, eliminate much of the complexity and cost. At \$100, this seemed to be the better offer to those who heard it.

- "They check my tires at Jiffy Lube."
- "The more stuff (on a vehicle), the more potential for trouble."
- "That gets you away from checking your tires (and so may ultimately lead to tire neglect)."
- "You could make the \$200 back easily (with increased tire life)."
- "A monitor (only) would be good enough."

Automatic Tint Mirrors: Described as mirrors that would automatically darken when sunlight and/or bright lights hit them (much like photo-gray eye glasses), the response was generally positive. Glare is a problem for minivan owners and anything that can be done to minimize it is generally welcomed. (Several people admitted that they sometimes turn their driver's side outside mirror down to eliminate glare from headlights. . . even though rendering that mirror totally useless!) And a number of respondents volunteered that the idea made so much sense that they figured it would become a "standard thing" in a few years.

- "That shouldn't be an option. . . that's part of the advancement of technology; it should be part of the car."
- "Who cares?"
- "That's OK, if it has a fast response time."
- "That sounds like it would be standard in a few years."
- "Makes sense."

Rear Headrests: As reported earlier, rear headrests are considered by most minivan owners to be important safety features that they would like incorporated. This became apparent when, in response to the moderator's caution that headrests would interfere with rearward visibility, respondents quickly came up with solutions to that particular objection. Suggestions included detachable headrests or (preferably) headrests with some kind of fold-down feature that would solve the rear visibility problem when they were not needed. (Leaving the center seats without headrests to create a sort-of viewing tunnel seemed to be a weak compromise that could not really be judged without trying an actual vehicle so equipped.) The point is: the absence of rear headrests is noticed by many Chrysler owners and is the source of some concern.

- "It would be a good idea to have them on all the seats."
- "Yes! But could they be smaller?" (Quest owner)
- "Could they be adjustable. . . up, down, and tilt?"



Side Air Bags: While not embraced unanimously, the concept of side air bag protection provoked a lot of discussion and much interest. The idea was especially interesting because it provided bag protection for the rear seating area and "that's where the kids sit." Even at a given price of \$750, most of the interest remained strong. It must be noted, however, that nobody felt that side air bags would or should take the place of side guard beams; air bags would only supplement the beam protection. The bottom line: a majority felt that the bags would be a wise investment, even at \$750.

- "I'd pay \$750. . . if they proved they were safe."
- "Yes! That's where the kids sit!"
- "I'd rather have reinforced sides. . . if I was choosing priorities on that."
- "I'd like that rubber room."
- "I like that idea, because that's where most of us put our kids. I'd rather her hit an air bag than the side of the car."
- "I still want the reinforcements in the side."
- "An armored car we're developing here."
- "Would they save on insurance?"



Cellular Phone Accident / Theft Alert: This enhancement to cellular technology was received with cool reactions. Only a minority of this sample currently had a cellular phone installed in their minivan, but even those who did were less than enthusiastic with this concept. The general feeling was that, in the event of an accident, there would always be "somebody around" to call for help. . . that the opposite situation was so remote as to be nearly impossible. And, in terms of the theft location feature, most respondents knew that similar systems (i.e., Lojack) were available today and thought the value of something like this to be marginal. Finally, respondents were quick to point out that both systems relied on the 911 system to be effective. . . a reliance that seemed problematic to most.

- "Somebody else will call."
- "That would be nice, I suppose."
- "I don't think 911 would support that."

Remote Keyless Entry with Panic: As previously discussed, the concept of expediting vehicle entry was important to nearly all owners. Because this feature seemed to address this need, it was well received by both women and men.

Sleep Alert: While many participants could recall a situation in their life where such a device would have been nice to have, few felt that they had any strong need for it today. Many felt that safety resources would be better spent on more important items like structural reinforcements, rear air bags, etc. The sleep alert was often called a "gimmick."

- "That should be an option. . . I know people who could use it."



A FEW FINAL OBSERVATIONS. . .

It may "go without saying," but it's going to be repeated here: safety is an issue that seems uppermost on everyone's mind today. Safety is selling. Nearly every respondent admitted to at least some "research" into the safety of the minivans on their proposed shopping list. Sources for their research include Consumer Reports, government crash test results, ad claims, and conversations with sales personnel. The lesson here should be obvious: a strategy of safety leadership in minivans is most definitely well conceived, but will require more than simply a program of upgraded hardware. To be successful will require that the "safety news" get out to prospective buyers and be supported by bona fide and independent sources. . . such as Consumer Reports and official government crash tests. Customers admit that advertising can be a source for this type of information and so advertising must become an integral part of the overall strategy. Note here, however, that one of the not-so-positive readings from this research was the fact that relatively few of these minivan owners knew that Chrysler's '94 minivan line-up had side beam protection and conformed to 1998 passenger car safety standards. So, although clearly not an advertising recall study, there is at least some suspicion that lack of advertising exposure may be hindering the overall potential of the '94 safety strategy. Food for thought.

It became fairly obvious during the course of this research that, for many, the primary concern with vehicle safety was focused on the passenger compartment. . . due in part to the (nearly) standardization of dual front air bags. Most of this sample were parents of children in pre-teen years. And most of this sample talked about things like overall structural integrity and side guard beams. . . things that protect everyone in the vehicle. Clearly, the next safety "frontier" is in back of the front seats.

Throughout this study, respondents kept returning to basic structural concerns. Is the engine mounted in such a way that it won't crush me in the event of a head-on? Will the roof cave in if the van rolls over? Will we survive a serious side impact? Does the rear tailgate have a guard beam? These were the recurring threads that kept running through group after group. Several times the moderator described how a manufacturer could exceed government frontal crash regulations by designing and testing front ends that would survive diagonal frontal crashes. . . as opposed to simple straight-on frontal impacts against flat surfaces. Each of the several times that the technique was described, the entire group seemed to communicate a message of "Yeah, that's the kind of stuff we want to hear." (Again, this study was never meant to be an advertising concept investigation and so this kind of interpretation is, admittedly, a stretch. However, the basic message of structural strength was a recurrent theme in these groups and as such deserves consideration. It is included here for that reason.)

It cannot be over emphasized: vehicle safety is a perceptual thing. . . consumers cannot crash-test vehicles themselves; consumers can only form opinions from inputted data. Volvo, it is conceded by nearly everyone, has become the gold standard of vehicle safety. Yet, when consumers think about Volvos, they do not think about air bags, automatic tint mirrors, or back-up alerts. They think about the **basic structural integrity** of the Volvo design. . . because that's what Volvo has steadily communicated. (Did you know, for instance, that "Volvo has a complete roll cage?") "Gimmicks" are just not part of the image or the perception of what a Volvo is.

Another small insight into the general tone of the discussions involves a subtle difference between the average man's view of vehicle safety and the average women's. Men, it turns out, tend to think and talk in terms of accident avoidance items; women speak mostly of accident survival features. This may have been the accidental result of a rather small overall sample (eighty-one total respondents). But it may be indicative of underlying thought patterns that may be leveraged in advertising and merchandising efforts. More work is needed here to be sure.

A final comment regarding the possible contradiction of trying to establish an image of minivan safety leadership and yet not offering ABS as standard equipment across the complete minivan line: respondents were asked to discuss this potential incongruity and opinions were generally split with a slight majority feeling that it would be impossible for a manufacturer to claim safety leadership without offering ABS as standard equipment. However, a sort of "middle ground" emerged in several groups that was agreeable to people on both sides of the issue. . . it would be reasonable for a company that was claiming safety leadership to offer a non-ABS minivan to the commercial market . . . as long as it does not reach the personal-use or "family" market. (One respondent in San Diego suggested an even more simplistic solution: "Hire the Volvo publicists.") Again, it must be pointed out that this research was never aimed at this particular issue and may not fully represent the prevailing sentiment; it is offered here as directional information only.

IMPORTANT

DEALER SERVICE INSTRUCTIONS Customer Satisfaction Notification #733 Brake Pedal Shift Interlock Revised December 1997

Please remove and discard the original notification letter (dated September, 1997) from your files and replace it with this revised procedure.

- This service requirement applies only to the following vehicles equipped with an automatic transmission and floor shift:
 - 1984 Through 1995 Model Year Jeep Cherokee and Wagoneer (XJ)
 - 1993 Through 1995 Model Year Jeep Grand Cherokee and Grand Wagoneer (ZJ)
- This notification describes how to install a brake pedal/transmission park shift interlock retrofit package on the above vehicles. The shift interlock prevents the operator from shifting the vehicle out of PARK unless the brake pedal is depressed.
- This notification will be launched in four (4) phases as parts become available. The vehicle application for each phase is as follows:

<u>Phase</u>	<u>Vehicle Application</u>
1	1993-1995 Grand Cherokee and Grand Wagoneer (ZJ) 1995 Cherokee (XJ)
2	1991-94 Cherokee (XJ)
3	1987-90 Cherokee and Wagoneer (XJ)
4	1984-86 Cherokee and Wagoneer (XJ)

- Notification to owners of vehicles involved in Phase 2 of this notification will begin in a few days. Each dealer to whom involved Phase 2 vehicles were invoiced (or the current dealer at the same street address) will receive a list of those vehicles with this letter. Involved dealers will also receive, and be billed for, enough Phase 2 Shift Interlock Packages to service 10% of those vehicles.

Parts Packages:

- Five (5) unique part packages are required for this notification depending upon the vehicle and model year. **PARTS WILL NOT BE AVAILABLE BEFORE THE APPLICABLE PHASE BEGINS.**

Dealers should determine which parts package is required for each vehicle at the time appointments are scheduled to assure that the correct parts package is available when the customer arrives. Refer to the Parts section for details.

**CUSTOMER SATISFACTION NOTIFICATION TO INSTALL A
BRAKE PEDAL SHIFT INTERLOCK**

Dear Jeep® Vehicle Owner:

The satisfaction of our customers is very important to Chrysler. Because of this, we are offering a brake pedal shift interlock to owners of some 1984 through 1995 Jeep Cherokee and Wagoneer; and 1993 through 1995 Grand Cherokee and Grand Wagoneer vehicles equipped with an automatic transmission and a floor shift.

***What a brake
pedal shift
interlock does...***

A brake pedal shift interlock prevents the operator from shifting the transmission out of the PARK position unless the brake pedal is depressed. The interlock prevents the operator from shifting out of PARK while unintentionally depressing the accelerator pedal, which can cause an accident.

***What Chrysler
and your dealer
will do...***

Chrysler has instructed its dealers to install the brake pedal shift interlock on your Jeep (identified on the enclosed form) free of charge (parts and labor). The work will take about two hours to complete. However, additional time may be necessary depending on how dealer appointments are scheduled and processed.

***What you must
do...***

- Simply contact your dealer to schedule a service appointment. Ask the dealer to hold the parts for your vehicle or to order them before your appointment.
- Bring the enclosed Owner Notification Form with you to your dealer. It explains the required service to your dealer.

***If you need
help...***

If you have trouble getting your vehicle repaired, please call the Chrysler Customer Center, toll free, at 1-800-992-1997. A representative will assist you in getting your vehicle repaired.

We're sorry for any inconvenience, but we believe that this special service will help to ensure your continuing satisfaction with your vehicle. Thanks for your attention to this important matter.

Buckle up



William J. O'Brien
Vice President
General Counsel and Secretary

February 17, 1995

Kenneth N. Weinstein, Esq.
National Highway Traffic
Safety Administration
400 Seventh Street, S.W.
Washington, DC 20590

Chrysler Corporation v. Paul Sheridan

Dear Ken:

As we discussed this afternoon, I confirm that Chrysler has no objection to NHTSA receiving information relevant to your Engineering Analysis 94-005 concerning rear latches on the liftgates of Model Year 1984-1994 Chrysler minivans from Mr. Paul Sheridan or anyone else.

The litigation against Mr. Sheridan was commenced because of our concerns about his unauthorized disclosure of confidential and proprietary Chrysler business information to unrelated third parties, some of which information eventually appeared in the public press.

As you know, we have been cooperating with NHTSA on all aspects of this Engineering Analysis, and we will continue to do so. Mr. Sheridan's responsibilities at Chrysler did not involve the minivans which are the subject of this Engineering Analysis, and in seeking the Restraining Order entered against Mr. Sheridan it was not our intent to preclude NHTSA from receiving any information concerning those minivans.

We will inform the Court at the hearing on Wednesday that we have no objection to NHTSA receiving any documents or information that Mr. Sheridan may have that are relevant to this Engineering Analysis. We would, of course, like to have copies of any such documents and information that Mr. Sheridan may eventually provide to you.

If there is anything we can do to facilitate this matter for you, please give Lew Goldfarb or me a call.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Bill O'Brien". The signature is written in a cursive, flowing style.

cc: L. H. Goldfarb, Esq.
G. J. Ridella, Esq.

Former DaimlerChrysler attorney appointed chief counsel at highway safety agency

By ED GARSTEN
AP Auto Writer

03/01/2002

Associated Press Newswires

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DETROIT (AP) - A former **DaimlerChrysler** AG lawyer has been named chief counsel at the National Highway Traffic Safety Administration, the Department of Transportation said Friday.

Jacqueline Glassman spent seven years in the office of general counsel at the automaker and was named senior counsel in 1997.

She defended the former Chrysler Corp. against a 1996 lawsuit over California's "lemon law." The automaker was charged with reselling defective cars that had been returned, without informing the new owners of the vehicle's history.

The state's Department of Motor Vehicles suspended Chrysler's license to do business there for 45 days, but the decision was overturned.

Safety groups criticized Glassman's appointment.

"It's very upsetting (President) Bush would appoint someone who is basically in lemon denial," said Rosemary Shahan, of the Consumers for Auto Reliability and Safety.

The DOT, which oversees the safety agency, said the criticism is premature and unwarranted.

"Regardless of where she's from, Ms. Glassman is well suited and well qualified for that position," said Lenny Alcivar, deputy public affairs director.

Glassman is expected to start in a few weeks, Alcivar said.

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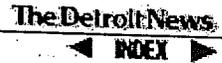
On the Net:

National Highway Traffic Safety Administration, <http://www.nhtsa.org/>



Thursday, March 19, 1998

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

By Kenneth Cole / Detroit News
Washington Bureau

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

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

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

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

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

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

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

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

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

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



Sheridan

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accidents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

What Sheridan said

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

The law

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

Who is Paul V. Sheridan?

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

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

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

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

What's next

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

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[Comments?](#)

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22357 Columbia Street
Dearborn, MI 48124-3431
313-277-5095

25 September 2000

Mr. Rodney Slater, Secretary
Department of Transportation
400 Seventh Street, SW
Washington, D.C. 20590

Reference : S-3070 : Defective Products Penalty Act

Dear Secretary Slater:

Ten years ago Senator Herbert Kohl (D-WI) introduced S-957, the Sunshine in Litigation Act, only to be vilified by special interest lobbyists and possibly governmental agencies such as NHTSA. That pattern of cooperative, conscious deceit continues to this day, and has resulted in not only needless injury and death, but now the necessity of S-3070, the Defective Products Penalty Act.

Your testimony at the House Commerce Committee meetings indicates that you may not be fully informed, specifically in terms of automotive safety regulatory details, and how recent historical details characterize the "root cause" of the Ford/Firestone tire defect issue(s). Recognizing her new appointment as NHTSA administrator, the testimony of Dr. Sue Bailey is also uninformed. I say this respectfully.

I am not an expert on the Ford/Firestone tire defect issue(s), but my work in automotive safety has rendered an expertise that provides insight into how such issues evolve, and will continue unabated unless mitigated by Congressional action. My expertise is derived in-part from my role as chairman of the Chrysler minivan Safety Leadership Team (SLT). I was chairman of the 15-member SLT from late 1992 until its disbanding by upper Chrysler management and legal staffs in November 1994.

The following discussion involves Chrysler, NHTSA and the Department of Justice (DOJ). I will show that the "root cause" of the current situation is *not* the plaintiff's defects barr. The latter is merely a notorious symptom. My fundamental concern is borne, not just in the context of the Chrysler minivan safety defects described, but in the demonstrated lack of private/public leadership and dedication to automotive safety. I will discuss the following topics to accredit my concerns/expertise :

- A. The Defective Chrysler Minivan Liftgate Latch Remains Unfixed (1984 to 1995 AS - Body)
- B. Chrysler Minivans Do Not Offer Adequate Protection from Impacts at Side Sliding Doors
- C. Chrysler Minivans Do Not Protect from Injury and Death in Roll-Away Accidents
- D. Chrysler Minivans Do Not Offer Adequate Post-Collision Fire Protection
- E. NHTSA Refuses to Enforce Its Own Safety Standards : Minivan FMVSS-214 Failures
- F. **Department of Justice Assistance to Special Interests - Chrysler Corporation : FOIA Lawsuits and NHTSA Defect Investigation Conspiracy**

Section F has alarmed members of Congress. It should of great concern to *any* public official, especially when analyzed in the context of the children that died as a direct result. Section F will provide substantial historical justification for Congressional passage of the Defective Products Penalty Act.

A : THE DEFECTIVE CHRYSLER MINIVAN LIFTGATE LATCH REMAINS UNFIXED (1984 TO 1995 AS - BODY)

Chrysler lawyers and executives had become aware of my intentions and inquiries regarding the reporting of minivan liftgate latch safety defect information to NHTSA. As a result, during the Christmas holidays of 1994, my office files were raided by Chrysler Security, I was fired from eleven years of professional service without notice, and was "muzzled" *ex parte* by Judge Hilda Gage of the Michigan Oakland Circuit Court.

After my March 1995 interview with *ABC News 20/20*, Chrysler hurriedly announced a "Service Action" to replace minivan liftgate latches with "new stronger latches". However, without demanding a safety defect warning to the public regarding the old latch, and without conducting thorough real-world testing of the replacement latch, and with full-knowledge that the proposed replacement latches were not yet available (!) NHTSA agreed to, what Chrysler called, a "non-recall". Documents later released into the death case of Jimenez vs. Chrysler indicated that Kathleen DeMeter, head of the NHTSA Office of Defects Investigation (ODI) assisted with the authorship of the "no defect - no recall" letters later sent to minivan owners.

On 28 March 1995 I gave a follow-up interview with *ABC News 20/20*. I declared Chrysler's so-called "Service Action" a fraud. My basis was that the replacement latches could not correct the safety defect.

On 11 April 1995 I was interviewed by two NHTSA lawyers. I provided statements and documents regarding minivan safety defect concerns. A NHTSA report was written, but I was repeatedly denied access to the report. *However Chrysler was granted by NHTSA unilateral access to the report, and was given the unilateral right to edit, modify and redact the trip report as they saw appropriate.* The documents that I provided detailed additional concerns/recommendations to Chrysler management. *But NHTSA granted to Chrysler a protection for those documents under the standard 'confidential and trade secrets' ruse.* As presented below, NHTSA's granting of these unilateral rights and protections later contributed to injury and death in Chrysler minivans (Attachment 1).

During the 11 April 1995 interview, I stated that the "Service Action" latch promoted by Chrysler and agreed to by NHTSA, could not correct the minivan liftgate latch safety defect. I discussed many aspects of my position, from lack of compliance with FMVSS-206, to that of corrosion. Was my opinion correct?

There are many ways to approach that question; I will limit myself to three at this time :

1. Please read the 27 March 1995 "Service Action" news-conference transcript for the Chrysler Minivan Executive Engineer. Please note that at no time does this engineer (now at Ford) state emphatically that the defect has been corrected. Why not? (Attachment 2)
2. I have been listed to testify in no less than four death and severe injury cases involving ejections from minivans that NHTSA and Chrysler claim contain the fixed latch. Because of the enormous public relations, commercial, and legal implications of these types of cases, as soon as Chrysler was notified of my involvement the litigation was/is frantically settled, with strict confidentiality orders requested by Chrysler and granted by the courts.

3. The so-called "Service Action" latch never underwent any corrosion testing by NHTSA or Chrysler. Indeed, the only place where corrosion "testing" has taken place is in the real-world. The testing is crucial, especially with the service latch due to a phenomenon called 'dissimilar metals corrosion'. The "Service Action" reinforcing plate is different than the original latch base plate.

I am in possession of the "bungie latch". The minivan customer was forced to return to the dealership to get the replacement latch replaced (?!) because the first replacement failed due to dissimilar metals corrosion, and was inoperative; stuck in the 'open' position. "Bungie latch" was a nickname given by mechanics who were flabbergasted by the customer's use of several bungie cords strapped across their minivan liftgate to keep it closed during the return trip to the dealer. I have spoken to this minivan customer, who was/is very unhappy. In time, all of the "Service Action" latches will fail in this dissimilar metals corrosion mode.

I was recently involved in a minivan latch failure/ejection death case in Philadelphia. After being notified of my involvement, Chrysler settled *Bey vs. Chrysler* just prior to the August 2000 trial, and was granted a confidentiality order by the (federal) judge.

I am currently involved in a minivan latch failure/ejection severe injury case in Los Angeles. The little boy is now reportedly suffering from permanent brain damage after being ejected during an April 2000 accident. Similar to every other minivan latch failure/ejection case, the parents in *Herrera vs. Chrysler* were told by NHTSA and Chrysler that the existing latch was not a safety defect, and that the so-called 'Service Action' latch was offered merely to give "peace of mind."

No jury has *ever* believed the NHTSA/Chrysler "peace of mind" ruse. Both the original and "Service Action" AS-Body liftgate latches are defective.

My NHTSA interview words and documents of 11 April 1995 presented this issue, but these discussions remained hidden from the public due to NHTSA's granting of unilateral rights and protection to Chrysler.

B : CHRYSLER MINIVANS DO NOT OFFER ADEQUATE PROTECTION FROM IMPACTS AT SIDE SLIDING DOORS

The current door standard, FMVSS-206, does not adequately address the real world collision dangers to minivan side sliding doors. The FMVSS-206 standard requires a strength test that has a vector which is perpendicular to the minivan bodyside. That mode is illogical for side sliding doors since the opening mode is not perpendicular, like the familiar hinged doors, but is parallel to the minivan bodyside.

Despite our internal knowledge at Chrysler that side sliding doors must protect minivan occupants from what is commonly called the "side swipe" accident, and despite the fact that all competitive minivans address this accident mode by using *two* latches on their side sliding doors (one on the B-pillar and one on the C-pillar); Chrysler continues to offer only one latch at the *rear* C-pillar.

Earlier this year I was deposed in a severe injury/death case in Texas involving a side-swipe to a Chrysler NS-Body minivan. If Chrysler management had followed my/SLT recommendation to upgrade to a dual latch system, similar to the Ford Windstar, the Texas accident would not have involved a "peeling away" of the sliding door, and subsequent passenger space intrusion. It was a horrific scene.

No Chrysler minivan offers dual latch protection to the occupants located next to the side sliding doors, and as such represent a real world safety defect. Chrysler settled the Texas case in June 2000, just prior to trial, and was granted a confidentiality order by the judge in LeCompte vs. Chrysler (Attachment 3).

My NHTSA interview words and documents of 11 April 1995 presented this issue, but these discussions remained hidden from the public due to NHTSA's granting of unilateral rights and protection to Chrysler.

C: CHRYSLER MINIVANS DO NOT PROTECT FROM INJURY AND DEATH IN ROLL-AWAY ACCIDENTS

The 1984 through 2000 Chrysler minivan is the only minivan that does not provide a rudimentary safety device called 'Park-Shift Interlock'. This safety feature requires application of the brake pedal before the interlock will mechanically allow movement of the transmission shift lever from Park. All competitive minivans and vehicles have Park-Shift Interlock.

All of my/SLT requests to upgrade the Chrysler minivan with Park-Shift Interlock were rejected by Chrysler management on the basis of cost (i.e. profit margin), and/or the lack of a NHTSA regulatory requirement for such protection, etc.

I have been/am involved in two lawsuits where injury or death was caused by the lack of Park-Shift Interlock in the Chrysler minivans. The Hoglund vs. Chrysler case involved a Chrysler AS-Body minivan. In July 2000 Chrysler settled this severe injury case just prior to trial, and was granted confidentiality protection (Attachment 4).

I am currently involved in the case of Golden vs. Chrysler. This case involves a Chrysler NS-Body minivan. The death of this pregnant mother is too gruesome to describe, and as a matter of courtesy and consideration to the family I will refrain from doing so here.

All 1996, 1997, 1998, 1999, and 2000 Chrysler NS-Body minivans are defective because these models do not include Park-Shift Interlock. Since industry usage of Park-Shift Interlock began as early as 1988, an argument could be made that earlier Chrysler minivans models are also defective. You will note that Chrysler has already recalled and corrected this safety defect on the 1984 through 2000 Jeep products.

My NHTSA interview words and documents of 11 April 1995 presented this issue, but these discussions remained hidden from the public due to NHTSA's granting of unilateral rights and protection to Chrysler.

D : CHRYSLER MINIVANS DO NOT OFFER ADEQUATE POST-COLLISION FIRE PROTECTION

I have been/am a fact witness in two Chrysler minivan cases wherein the victim's dental records were compared with the accident scene corpses to confirm the latter's identity.

Unlike competitive minivans, the Chrysler minivan does not offer adequate post-collision fire protection. The safety defect involves the lack of a fuel system shut-off switch, which provides protection in all accident modes, with full 360 degree inertial deactivation capability. Every vehicle on the American highway should have this level of occupant protection, never mind children/passenger-intensive vehicles like the minivan.

During 1993 and 1994 I had identified this defect in the existing Chrysler AS-Body minivan, as well as the planned next-generation NS-Body minivan. My recommendation to upgrade both minivan versions with a fuel system shut-off switch was rejected by Chrysler management on the basis of cost (i.e. profit margin), and/or the lack of a NHTSA regulatory requirement for such protection, etc.

I was involved in an Atlanta case wherein a 14-year-old girl burned to death in a post-collision fire in an AS-Body minivan. Witnesses to the accident scene were prepared to testify regarding the girl's screaming as the fire swept through the Chrysler minivan. Once notified of my involvement, Chrysler settled the Davis vs. Chrysler case just before trial, and was granted confidentiality protection by the court.

I am involved in a Dallas case where a man burned to death in a post-collision fire in an NS-Body minivan. Despite plaintiff's discovery requests for 'other similar incidents' (ODI), Chrysler never informed the plaintiff in Hendrix vs. Chrysler of the earlier Davis case. I had to do it. As a result of their inaccuracy, a motion was filed for sanctions against Chrysler.

Every Chrysler minivan on the highway today, both in North America and overseas, is defective because it does not adequately protect passengers from post-collision fires. The NHTSA FMVSS-301 regulation regarding fuel system integrity is also inadequate because it was never updated with the failure modes of the typical fuel injection system in-mind. (Similar arguments can be made for FMVSS-208 and FMVSS-214.)

My NHTSA interview words and documents of 11 April 1995 presented this issue, but these discussions remained hidden from the public due to NHTSA's granting of unilateral rights and protection to Chrysler.

E : NHTSA REFUSES TO ENFORCE ITS OWN SAFETY STANDARDS : FMVSS-214 FAILURES

Given what was just discussed regarding the inadequacy of post-collision fire protection in Chrysler minivans, the following will be judged as a complete outrage.

In late 1993 and early 1994, a Chrysler development engineer informed me of her concerns regarding the lack of adequate and proper crash testing on the 1996 NS-Body minivan. I was later informed that the crash test used to report compliance status, under FMVSS-214, was conducted with a non-representative

prototype, and further, that the test was conducted without fuel (stoddard) in the fuel tank. My information is that the practice, of not completing the entire FMVSS-214 protocol (e.g. static roll-over testing for fuel system integrity) continued into the production phase. As a result, the compliance paperwork submitted to NHTSA is probably not competent.

In December 1998 NHTSA finally tested the Chrysler NS-Body minivan under FMVSS-214, but it failed due to massive leakage of fuel. In January 1999 NHTSA re-tested, but again the Chrysler minivan failed due to an even worse fuel leakage. This second failure caused NHTSA to open an investigation.

I contacted the NHTSA investigator and informed him of the information discussed above. He said that my input was consistent with NHTSA test data. I offered my assistance with the investigation. However, in a subsequent telephone conversation he begrudgingly announced that my inputs were "not needed", as characterized by his superior, Kathleen DeMeter. (Please see Section A discussion above.)

In March 2000, NHTSA again tested the Chrysler NS-Body minivan. *It failed for the third time.*

Given that Chrysler minivans do not offer adequate post-collision fire protection due to lack of a fuel system shut-off switch, and given that NHTSA has confirmed three times that my/our concerns of 1993 regarding fuel system integrity are vindicated; **Mr. Secretary, why has NHTSA refused to enforce its own regulations, and recall the 1996, 1997, 1998, 1999, and 2000 Chrysler NS-Body minivans ?** If one person burns to death in a post-collision fire, due to an FMVSS-214 failure, who do you suggest be held civilly, professionally and/or criminally responsible? Chrysler? NHTSA? Both?

My NHTSA interview words and documents of 11 April 1995 presented this issue, but these discussions remained hidden from the public due to NHTSA's granting of unilateral rights and protection to Chrysler.

F : DEPARTMENT OF JUSTICE ASSISTANCE TO SPECIAL INTERESTS - CHRYSLER CORPORATION :
FOIA LAWSUITS AND NHTSA DEFECT INVESTIGATION CONSPIRACY

Attached for your information are two letters that I sent to, and have been received by the United States Attorney General Janet Reno:

- ▶ My letter of 25 August 2000 to Attorney General Janet Reno (*section one*).
- ▶ My original letter of 27 October 1999 to Attorney General Janet Reno (*section two*).

I am also attaching the recent letters from Congressman James Traficant (D-OH) and Congressman Bob Barr (R-GA). (Attachment 5 and Attachment 6)

The Attorney General has refused to respond, which, as you will see, is deeply ironic given her recent proclamations that she is considering a criminal investigation of the Ford/Firestone issue(s). To the best of my knowledge the Attorney General has also not responded to the congressmen.

The key evidence which documents that a Chrysler/NHTSA/DOJ conspiracy *was* executed against the consumer, during the NHTSA investigation of the Chrysler minivan liftgate latch, is attached as Tab 7 to the 25 August 2000 letter, the Colored Tab of the 27 October 1999 letter, and Attachment 7 to this letter. This internal Chrysler document has been affirmed as authentic in the sworn deposition testimonies of ex-Chrysler Chairman Robert Eaton and ex-Vice Chairman Robert Lutz. The first paragraph proclaims :

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

In my two letters to the Attorney General I pose the following, as yet unanswered crucial question :

" Do you believe that it is a responsibility of the Department of Justice to provide legal assistance in civil lawsuits in behalf of special interests such as Chrysler Corporation, whether directly or indirectly . . . for the explicit purpose of obscuring vital safety information from the taxpayer; information that is explicitly available under the Freedom of Information Act; during a period of time that injury and death were known to be continually and predictably inflicted on innocent children ? Do you believe that legal assistance of this type is consistent with the call to "use government to further the common good " ?

Mr. Secretary, please answer at least the following preliminary questions :

- i. Can you tell us why NHTSA and the Department of Justice conspired against the American taxpayer in the manner documented above?
- ii. What mandated public service was rendered to the taxpayer by NHTSA when the latter capitulated to the special interests of Chrysler Corporation?
- iii. Are you aware that children were maimed and killed, as a direct result of the Chrysler minivan latch defect, during the time that Chrysler, NHTSA and DOJ were denying the public's right to know, under the Freedom of Information Act? Why did NHTSA agree with Chrysler's request to deny taxpayer access to the NHTSA minivan liftgate latch defect investigation materials, given the fact that those materials stated in the 'Conclusion' section :

"The latch failure is a safety defect that involves children."?

- iv. Why are we in possession of a document that confirms that DOJ was ostensibly assisting the special interest Chrysler, as opposed to a document that reprimands both NHTSA and especially Chrysler for insinuating (by their actions) that DOJ would be even remotely associated with, never mind assisting with, such criminal activity?
- v. If Attorney General Janet Reno lost a loved one to a Chrysler minivan liftgate latch failure/ejection, how quickly do you suppose she would answer my question(s) ?

- vi. If Congressman John Dingell (D-MI) or Michael Oxley (R-OH) had lost a loved one to a Chrysler minivan liftgate latch failure/ejection, what is the likelihood of their letter of 17 January 1995 to NHTSA (see Tab 14 of my 27 October 1999 letter to Attorney General Janet Reno)?
- vii. If ex-Chrysler Chairman Robert Eaton had lost a loved one to a Chrysler minivan roll-away accident because none of these vehicles offer Park-Shift Interlock, such as all competitive models, how fast do you suppose Mr. Eaton would have ordered a safety defect recall?
- viii. If ex-Chrysler Vice Chairman Robert Lutz had lost a loved one to a post-collision fire in a Chrysler minivan because none of these vehicles offer a fuel system shut-off switch, such as the Ford Windstar, how fast do you suppose Mr. Lutz would have ordered a safety defect recall?
- ix. If Kathleen DeMeter of NHTSA's Office of Defects Investigation loses a loved one in a post-collision fire in an NS-Body Chrysler minivan because this vehicle is out of compliance with FMVSS-214, how fast do you suppose Ms. DeMeter will announce a safety defect/safety recall?
- x. If you, Mr. Secretary, lose a loved one in a Chrysler minivan because it only has a C-Pillar mounted single latch side sliding door system, unlike competitive models which offers a dual latch system; how fast will you order an FMVSS-206 revision addressing the real world of side-swipe accidents?

Again, I emphasize that my *fundamental* concern is not in the context of the safety defects described, but in the lack of private/public leadership and dedication to automotive safety, and how that historical lack of leadership characterizes the "root cause" of the Ford/Firestone situation. On Page 3 of my 25 August 2000 letter to the Attorney General I have already named individuals that I believe should be investigated for criminal charges. I have been asking related criminality questions since as early as 1995, and therefore have anticipated recent Congressional and Attorney General rhetoric by over five years.

Alternatively, S-3070, the Defective Products Penalty Act, is anything but rhetorical, and I intend to assist Senator Herbert Kohl and Senator Diane Feinstein in any way I can. I also intend to continue assisting the plaintiff's defects barr, since it seems this is the only existing viable recourse for the American taxpayer. In the meantime, please feel free to contact me at any time.

Sincerely and respectfully,



Paul V. Sheridan
Former Chairman,
Chrysler minivan Safety Leadership Team

P.S. If Firestone President John Lampe had lost a loved one in an accident involving a tire tread separation, how fast do you suppose he would have ordered a safety defect recall? Envisioning for the moment that when he lost the loved one, Mr. Lampe was not affiliated with Firestone, how much support would he have for the standard practice of sealing court documents under the ruse of "trade secrets" ?

Attachments/enclosures



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

ATTACHMENT 1



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

Chrysler Minivan Liftgate Latch
Press Conference
Monday, March 27, 1995

Chris Theodore Q & A Responses

ATTACHMENT 2
PAGE 1 OF 4

Question :

"What are you replacing them with, and how are you fixing them?"

Answer :

"Excuse me. The latches we'll be replacing them with are the 1995 model year latches, as part of our continuous improvement program on the whole product; we're continuously trying to improve the vehicle. So we've been strengthening our latches over the years, just as we improve our air bag systems and everything else. So the 95 latch we will be putting on are 1991, excuse me, 1990 through 1994 model minivans, and something similar to it on prior model years."

Chrysler Minivan Liftgate Latch
Press Conference
Monday, March 27, 1995

Chris Theodore Q & A Responses

Question :

"Could you tell me if the new latch is going to be a double stage latch, or simply a stronger latch?"

Answer :

"It's a single latch; it does not have a secondary. Nor is there a need for a secondary in our mind because a secondary is replicated in our minivan by having a liftgate ajar light and a warning chime."

Chrysler Minivan Liftgate Latch
Press Conference
Monday, March 27, 1995

Chris Theodore Q & A Responses

Question :

“What are the mechanical changes in this latch that make it better; qualitatively better than the old one?”

Answer :

“Well, maybe I should show them to you later. It’s just under extreme deformation, we limit the amount of deformation that can go on in the latch, and it does make it a little stronger. I can show you the details afterwards.”

Chrysler Minivan Liftgate Latch
Press Conference
Monday, March 27, 1995

Chris Theodore Q & A Responses

Question :

"Can you talk about much greater crash force this new latch can withstand compared to the previous latches? I mean, is it 50% greater or something like that?"

Answer :

"No. You're really into an esoteric issue. I think Dale (Dawkins) and I would love to regale you all with all the intricacies of latch. First of all, everyone ties into latch, but it's the entire hatch and the body structure and everything else. We can spend a couple of hours going through it. The strength of the latch is increased but you have to consider the entire system and that becomes a very, very complicated discussion."

"Let me continue . . . Again, if you look at the data that Bud (Liebler) presented, clearly it's not happening there in the real world. So the amount of incremental improvement that you get as far as hatch openings is concerned; it's probably unmeasurable, but it's directionally correct and that's why we're taking that action."

HARRIS & WATTS P C

Attorneys at Law

Mikal C. Watts
Attorney at Law

Telephone: (361) 887-0500
Facsimile: (361) 887-0055

March 24, 2000

Mr. Thomas Kienbaum
KIENBAUM, OPPERWALL, HARDY & PELTON, P.L.C.
325 South Old Woodward Avenue
Birmingham, Michigan 48009
Phone: (248) 645-0000

Via Fax: (248) 645-1385

Re: *LeCompte v. DCC*

Dear Mr. Kienbaum:

I am in receipt of your letter of yesterday¹ wherein you seek to "confirm" my conversation with Florida counsel. First, judging by your recitation of the same, you confirm incorrectly. Second, the fact is that the David Tyrell E-mail² has already been widely disseminated by me and others to other persons in the plaintiffs' automotive defect bar. Discovery efforts already are specifically being planned and coordinated among the several hundred truth-seeking members of AIEG to depose each of the members of the Door Hardware Workteam and the NS Safety Leadership Team in order to document DCC's concerted and now-documented efforts to cause its employees "to become incensed or outraged" at Paul Sheridan's willingness to tell the truth. Third, I can assure you that an E-mail planning a concerted smear campaign at a material witness in Texas litigation is not protected by the attorney-client privilege under either Texas or Florida law. If you disagree, I encourage your client to seek the opinion of a Nueces County, Texas judge with jurisdiction over my mouth and my mailbox, or one with jurisdiction over the Attorneys' Information Exchange Group in Birmingham, Alabama. Finally, I am shocked at the temerity of your firm and your client to once again seek a court-imposed "muzzle" on one of the truly honorable whistleblowers this country has ever seen, who according to your client's own national counsel, Mr. Tyrrell, "was at Chrysler for an extended period of time, had a good work history according to his late reviews and awards," and who is "organized, obsessive, detailed," and who "will present a ... superior appearance as a witness."

Imagine the safety that could have been incorporated into Chrysler vehicles over the past five years had your firm not been successful in keeping Chrysler's conduct completely sealed from public view through a now-lapsed "gag order." The Honorable court handling your case against Sheridan, who no doubt initially decided the issue

¹ Attached hereto as Exhibit "A" for your reference.

² Attached hereto as Exhibit "B" for your reference.

Corpus Christi • Brownsville

Mr. Thomas Kienbaum
March 24, 2000
Page Two

based upon your firm's and your client's representations, was entirely correct in his recent decision to let the injunction lapse.

Although I am not certain whether Damler's Germany recognizes a first amendment right to free speech,³ I am certain your client's American subsidiary, Chrysler, is well aware of the fact that this country does recognize free speech rights.

Certainly providing truthful testimony in a brain-damaged baby case involving a vehicle defectively designed between seven and ten years ago should be applauded, instead of responded to by your former employer seeking to extend a five-year muzzle on entirely specious grounds.

I trust you advised the Honorable court that Sheridan was designated as a material fact witness early-on in that litigation by the Plaintiffs.⁴ I trust that in your "motion to re-muzzle", you advised the Honorable court that Sheridan's affidavit references only documents produced to me in litigation, which according to the terms

³ Attached hereto as Exhibit "C" for your reference.

⁴ As Justice Ginsberg recently noted in *Baker v. General Motors*: "Most essentially, Michigan lacks authority to control courts elsewhere by precluding them, in actions brought by strangers to the Michigan litigation, from determining for themselves what witnesses are competent to testify and what evidence is relevant and admissible in their search for the truth. See Restatement (Second) of Conflict of Laws, 137-139 (1969 and rev.1988) (forum's own law governs witness competence and grounds for excluding evidence); cf. *Societe Nationale Industrielle Aerospatiale v. United States Dist. Court for Southern Dist. of Iowa*, 482 U.S. 522, 544, n. 29, 107 S.Ct. 2542, 2556, n. 29, 96 L.Ed.2d 461 (1987), (foreign "blocking statute" barring disclosure of certain information "do[es] not deprive an American court of the power to order a party subject to its jurisdiction to produce [the information]"); *United States v. First Nat'l City Bank*, 396 F.2d 897 (C.A.2 1968) (New York bank may not refuse to produce records of its German branch, even though doing so might subject the bank to civil liability under German law).... In sum, Michigan has no authority to shield a witness from another jurisdiction's subpoena power in a case involving persons and causes outside Michigan's governance. Recognition, under full faith and credit, is owed to dispositions Michigan has authority to order. But a Michigan decree cannot command obedience elsewhere on a matter the Michigan court lacks authority to resolve. See *Thomas v. Washington Gas Light Co.*, 448 U.S. 261, 282-283, 100 S.Ct. 2647, 2661, 65 L.Ed.2d 757 (1980) (plurality opinion) ("Full faith and credit must be given to [a] determination that [a State's tribunal] had the authority to make; but by a parity of reasoning, full faith and credit need not be given to determinations that it had no power to make.")"

In *LeCompte*, Judge J. Ray Gayle accepted Mr. Sheridan's affidavit as evidence, and made no pronouncement from the bench that Mr. Sheridan was not welcome to testify in his courtroom.

Mr. Thomas Kienbaum
March 24, 2000
Page Three

of those cases' protective orders, are no longer confidential.⁵ I trust that in your motion to re-muzzle, you have advised the Honorable court that Sheridan's testimony involves a vehicle line which has been on the road for years, subject to vehicle tear-downs and competitive engineering, and a vehicle line which already is entirely being replaced by Chrysler with its "RS" line of minivans whose designs have been completed by the date of this writing.⁶ I trust you advised the Court that of the previously-produced documents referenced in Sheridan's affidavit, the vast majority of them were produced in a deposition that Chrysler's employment law firm, Dickinson, Wright, defended⁷, and that therefore, any attempt by Chrysler to insinuate that Sheridan disclosed "new" information would be a gross fraud on the Court. I trust that in your motion to re-muzzle, you advised the Honorable court that Sheridan's affidavit testimony was confirmed in almost every respect by the deposition testimony of Chrysler's own corporate representative in *LeCompte*.⁸

In Texas, one of our great Supreme Court justices, Hon. Franklin Spears, wrote that "the ultimate purpose of discovery is to seek the truth, so that disputes may be decided by what the facts reveal, not by what facts are concealed."⁹ In an effort to have disputes decided across the nation by "what facts are concealed," your client has, in my humble opinion wrongfully terminated an honorable man, disgracefully trumped-up charges against him that subsequently have been proven meritless, and shamefully shackled him with a gag order lasting five years, even though your own client's fellow employees showered him with glowing praise in performance reviews just weeks before Chrysler wrongfully terminated him. I would suggest that if Chrysler believes Paul Sheridan is such a threat, it immediately should permit me to depose all persons whom it believes will prove him a liar. We can then compare their sworn testimony with the representations made by your firm in Court in the *Chrysler v. Sheridan* litigation, and see whether it is Paul Sheridan or his former employer that is spreading falsehoods.

⁵ See Rule 76a Order of 1996 of Anderson County, Texas District Court Judge Calhoun in *Matthews v. Chrysler*.

⁶ See testimony of Dennis Malecki in *LeCompte v. Chrysler*.

⁷ See Deposition of Paul Sheridan, in *Gonzalez/Matthews v. Chrysler*, dated May 2, 1996.

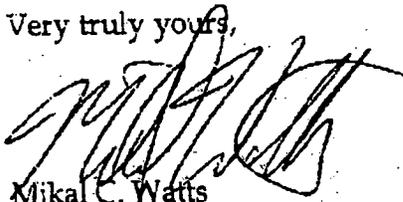
⁸ See Deposition of David Monette in *LeCompte v. Chrysler*, dated February 29, 2000.

⁹ *Jampole v. Touchy*, 673 S.W.2d 569 Tex. 1984).

Mr. Thomas Kienbaum
March 24, 2000
Page Four

I hope this letter will assist you in clarifying our respective positions on this matter.

Very truly yours,



Mikal C. Watts

Attachment 3
Page 4 of 6

P.S.:

I have just received a copy of your Brief in support of Chrysler's Motion to re-Muzzle. Among the myriad misrepresentations made therein, the one containing particularly-strong stench to me is your blatant lie to the Court with respect to how the *Matthews* documents became public. To insinuate that those documents were made public by me filing them behind Chrysler's back is shameful; in fact, Judge Calhoun conducted a five-hour hearing before ruling that the documents should be released according to Rule 76a. You may want to pull up the *Dallas Morning News* coverage of the hearing to refresh your recollection, so that you can file a retraction of this falsehood with the Court immediately.

cc:

Richard Greenberg - *60 Minutes*
Bill Vlassic - *Detroit News*
Milo Geyelin - *Wall Street Journal*
Jeffrey Ball - *Wall Street Journal* - Detroit Bureau
AIEG Executive Committee

Via Fax: (212) 975-0322
Via Fax: (313) 222-1461
Via Fax: (212) 416-2653
Via Fax: (313) 963-6527



David Tyrrell <dtyrrell@hwhlaw.com> on 02/29/2000 11:16:37 AM

To: "Burns Rita - Chrysler (E-mail)" <rab26@daimlerchrysler.com>
 cc: "Gluckman Ken - Chrysler (E-mail)" <kig@daimlerchrysler.com>, "Louann Van Der Wiele (E-mail)" <lv14@daimlerchrysler.com>, "Kidney Michael - Hogan & Hartson (E-mail)" <mkidney@hhlaw.com>, "Micki S. Singer (E-mail)" <mss1@sdma.com>, "Ridella Gregory (E-mail)" <gjr10@daimlerchrysler.com>, Bob Fulton <bfulton@hwhlaw.com>
 Subject: Sheridan's Affidavit - LeCompte v. DCC

Re: Sheridan's Affidavit - LeCompte v. DCC - CASE ID: 1030000

Rita,

I reviewed Watts' response to the Motion for Summary Judgment in LeCompte which includes a detailed affidavit from Paul Sheridan. Interestingly, the affidavit is executed in Texas and, therefore, apparently Sheridan has been spending time with Watts.

Sheridan's affidavit goes far beyond any subject matter we have seen in the past. I predict you are going to see a lot more of this guy in many different types of cases. He is going to become the new, improved, Tom Flanagan. He was at Chrysler for an extended period of time, had a good work history according to his late reviews and awards, and is willing to testify about Chrysler's "knowledge" on any number of different issues. I also expect he will be a librarian of information and documents. This is the role Tom Flanagan has filled in the past - Sheridan will be much better organized, obsessive, detailed, and will present a far superior appearance as a witness.

From John Stilson's report in LeCompte I anticipated that Sheridan would be used to describe Chrysler's knowledge of ejection-related issues from his NS SLT work period. I anticipated Watts would use Sheridan with Flanagan and the documents and past testimonies he developed during the liftgate latch litigation to enhance his allegation that "[Chrysler] was aware of the relationship between occupant ejection from the vehicle and the increased likelihood of death and serious bodily injury. The evidence was also clear that effective door latches were critical to prevent this, since the seat belt usage rate was very low." He wants to make latches generic and dovetail all the liftgate latch and side door latch failure issues with the side sliding door latch. Watts certainly uses Sheridan for this purpose. However, Sheridan is also used to go far beyond the "generic" latch and ejection risk issues.

Sheridan's affidavit makes extensive reference to the Door Hardware Work Team and meeting minutes from that team. The minutes were taken from Bob Vend's deposition who, of course, testified that Sheridan never attended any of those meetings and whose name does not appear as an attendee at these meetings. Therefore, Sheridan will apparently base a significant amount of his more specific testimony on meeting minutes from meetings he did not attend.

Sheridan also spends considerable time talking about the reduction of the NS budget; the "major upper management concern was product cost versus approved program target levels." He makes frequent references to cost reductions

necessitated by budget decreases. Indeed, he makes references to "upper management" decisions by Messrs. Eaton, Lutz, Gale and Castang. For example, Sheridan states "upper management at Chrysler was already aware that its new NS body minivan would not have a latch in the front of the sliding door, while most other offerings did have such a second latch. However, cost and pricing pressures were stated as the reason that the body hardware budget must be reduced, as opposed to allowing it to increase to accommodate 'real world' safety requirements." Thus, Sheridan expands his area of involvement and expertise to include budgeting and cost considerations.

Next, he makes specific references to the side sliding door latch and Chrysler's alleged knowledge that this latch was inadequate; "the safety importance of multiple latching mechanisms on doors such as the sliding door and the rear liftgate was discussed and communicated to upper management. However, because of the pricing and cost pressures already on the minivan, upper management insisted that no other latching features be added; rather, management insisted that the body hardware investment and piece costs be lowered still further."

His expanded knowledge also goes to testing. He is apparently ready to testify that the NS SLT "strongly recommended" that the NS be testing with offset impacts to evaluate structure. These recommendations were, according to Sheridan, rejected by the Production Direction Team.

Finally, Sheridan is now a statistician, apparently from his survey work, and a glass expert. He notes that he and other members of the door hardware work team "extensively" discussed the type of glass to be used in the side sliding door. The NS SLT believed the use of "shatter proof" glass should be further discussed and this recommendation was rejected by the Product Direction Team due to "cost." He also noted that Mr. Lutz made the decision that the glass would be fixed rather than a window that could be opened.

Sheridan further places knowledge within Chrysler in stating that he recalls "specific conversations and discussions with management at Chrysler during meetings when the fact was discussed that ejected occupants are statistically more likely to be killed or seriously injured in a collision if they were ejected from a vehicle, than if they remained in the vehicle."

I intend to spend considerable time with Sheridan going through his 20-page affidavit and its 58 exhibits to pin him down precisely to documents, persons, etc. This affidavit should be shown to other members of the Door Hardware Work Team and the NS SLT. In the past those employees never seemed to become incensed or outraged by Sheridan's statements. Perhaps this affidavit will help them in that regard.

This guy is not going away any time soon.

David

cc: Kenneth Gluckman
Louann Van Der Wiele
Michael Kidney
Micki Singer
Greg Ridella
Bob Fulton

Attachment 3
Page 6 of 6

PRETI, FLAHERTY, BELIVEAU, PACHIOS & HALEY, LLC

ATTORNEYS AT LAW

ONE CITY CENTER, P.O. BOX 9546, PORTLAND, MAINE 04112-9546

TELEPHONE: (207) 791-3000 -- TELEFAX (207) 791-3111

INTERNET: WWW.PRETI.COM -- E-MAIL: ADMIN@PRETI.COM

ATTACHMENT 4

July 26, 2000

Paul Sheridan
22357 Columbia Street
Dearborn, MI 48124-3431

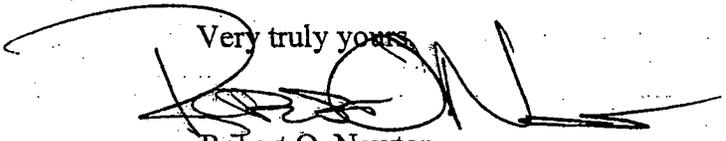
RE: Mark Hoglund, Jr. v. DaimlerChrysler Corporation

Dear Paul:

I am writing to inform you that the above captioned case has been settled. By the terms of the settlement agreement with DaimlerChrysler Corporation we are not permitted to disclose the terms or amounts of settlement. We can only state that the settlement was very satisfactory for Mark Hoglund, Jr.

Thank you very much for your assistance throughout this process.

Very truly yours


Robert O. Newton

RON:gnt

GNT\H:HOGLUNDLETTERS\LTR-07-26-00SHERIDAN.DOC

MEMBERS:

SEVERIN M. BELIVEAU
HAROLD C. PACHIOS
MARK L. HALEY*
MICHAEL J. GENTILE
CHRISTOPHER D. NYHAN
ERIC P. STAUFFER
JONATHAN S. PIPER
DANIEL RAPAPORT
JOHN P. DOYLE, JR.
BRUCE C. GERRITY
ANTHONY W. BUXTON
ALFRED C. FRAWLEY
JEFFREY T. EDWARDS
MICHAEL G. MESSERSCHMIDT
RANDALL B. WEILL
JAMES C. PITNEY, JR.
EVAN M. HANSEN
VIRGINIA E. DAVIS
LEONARD M. GULINO
DENNIS C. SBREGA
GEOFFREY K. CUMMINGS
JUDITH SAPP**
ESTELLE A. LAVOIE
SUSAN E. LOGIUDICE
MICHAEL KAPLAN
MICHAEL L. SHEEHAN
JOSEPH G. DONAHUE
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ANN R. ROBINSON
STEPHEN E. F. LANGSDORF
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ELIZABETH A. OLIVIER
CHARLES F. DINGMAN
NELSON J. LARKINS
JEANNE T. COHN-CONNOR
ROBERT O. NEWTON
S. RUDD
JIMMY J. BRYANT
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JAMES E. PHIPPS
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SENIOR COUNSEL TO THE FIRM:
HON. GEORGE J. MITCHELL

COUNSEL:

ROBERT F. PRETI
ALBERT J. BELIVEAU, JR.
ROBERT W. SMITH
MARK B. LEDUC
GREGORY P. HANSEL
NAOMI SAKAMOTO
PETER S. CARLISLE

ASSOCIATE COUNSEL:

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ROY T. PIERCE
ELIZABETH A. CAMPBELL
JON A. FITZGERALD
JEFFREY W. PETERS
MATTHEW J. LAMOURIE
SIGMUND D. SCHRUTZ
SUSAN A. PEREIRA
JOEL H. THOMPSON
SHARON G. NEWMAN
BRIAN M. CONNELLY
MICHAEL A. CUNNIFF
MICHAEL K. MAHONEY

*Temporary leave of absence.

**Admitted to practice law only in the District of Columbia.

JOHN J. FLAHERTY
(1929 - 1995)



TERRALEX

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AUGUSTA, MAINE 04332-1058
TELEPHONE: (207) 623-5300 -- TELEFAX: (207) 623-2914

THIRTY FRONT STREET, P.O. BOX 665
BATH, MAINE 04530-0665
TELEPHONE: (207) 443-5576 -- TELEFAX: (207) 443-6665

JAMES A. TRAFICANT, JR.
17TH DISTRICT, OHIO

COMMITTEE:
TRANSPORTATION AND
INFRASTRUCTURE
SUBCOMMITTEES:
CONGRESSMAN TRAFICANT: INVESTIGATIONS
AND OVERSIGHT
AVIATION

Congress of the United States
House of Representatives
Washington, DC 20515-3517

2446 RAYBURN HOUSE OFFICE BUILDING
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(202) 225-5261

125 MARKET STREET
ROOM 311
YOUNGSTOWN, OH 44503
(330) 743-1914

5555 YOUNGSTOWN-WARREN ROAD
SUITE 503
NILES, OH 44446
(330) 652-5649

109 WEST 3RD STREET
EAST LIVERPOOL, OH 43920
(330) 385-5921

August 28, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Main Justice Building
Pennsylvania and Constitution Avenues, N.W.
Washington, D.C. 20530-0001

RE: Request for Response to Letter Sent to Department of Justice by Mr. Paul Sheridan regarding the Chrysler Minivan Defective Locks Cases.

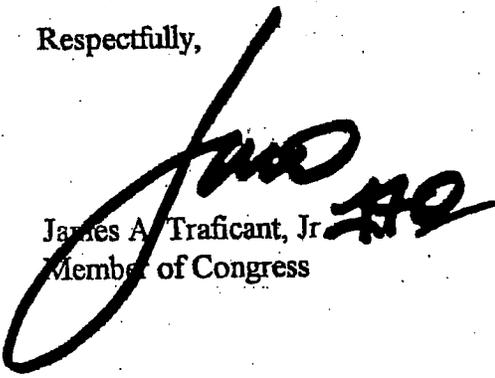
Dear Attorney General Janet Reno:

As Congressman of the 17th district of Ohio, I am requesting that you respond to the letter sent to your office from Mr. Paul Sheridan dated October 27, 1999.

Congressman Bob Barr has also sent a letter dated August 17, 2000 on Mr. Sheridan's behalf. As did Congressman Barr, I am also requesting that you respond to Mr. Sheridan's letter as soon as possible answering his specific questions.

Please see attached copy of letter sent by Congressman Bob Barr on Mr. Sheridan's behalf.

Respectfully,


James A. Traficant, Jr.
Member of Congress

JATJ/hv

ATTACHMENT 5



BOB BARR

7TH DISTRICT
GEORGIA

ASSISTANT MAJORITY WHIP

PHONE: (202) 225-2931

FAX: (202) 225-2944

Internet: <http://www.house.gov/barr/>

CONGRESS OF THE UNITED STATES

1207 LONGWORTH HOUSE BUILDING
WASHINGTON, D.C. 20515-1007

COMMITTEES:

JUDICIARY

BANKING AND FINANCIAL SERVICES

GOVERNMENT REFORM

Subcommittee on Criminal Justice,
Drug Policy, and Human Resources
VICE CHAIRMAN

August 17, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Main Justice Building
Pennsylvania and Constitution Avenues, N.W.
Washington, D.C. 20530-0001

IN RE: Request for Response to Letter Sent to the Department of Justice by Mr. Paul Sheridan Regarding the Chrysler Minivan Defective Locks Cases

Dear Attorney General Reno:

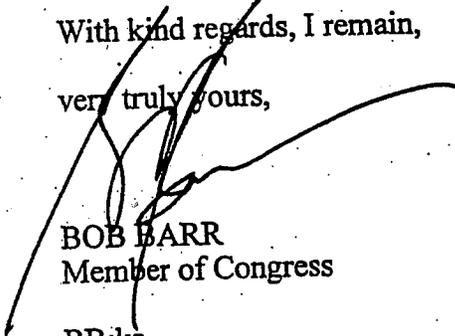
On October 27, 1999, Mr. Paul Sheridan, formally of the Chrysler Corporation, sent a letter to you requesting responses to several questions regarding the Department of Justice's role and actions in the controversy. At this time he has not yet received a response to his correspondence.

In addition, I request a response to the questions Mr. Sheridan has posed to the Department of Justice. I have enclosed a copy of the information Mr. Sheridan has provided my congressional office regarding this issue along with another copy of the questions (located in front of the red tab).

Please respond to these questions and forward a copy of the responses to me. I look forward to hearing from you in the near future. If you have any questions, please contact my Legislative Counsel, Keri Allin, at 202/225-2931.

With kind regards, I remain,

very truly yours,


BOB BARR
Member of Congress

BB:ka
Enclosure

cc: Mr. Paul Sheridan

ATTACHMENT 6

DISTRICT OFFICES

CARROLLTON

207 NEWMAN STREET
SUITE A
CARROLLTON, GA 30117
(770) 836-1776
FAX: (770) 838-0436

LAGRANGE

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LAGRANGE, GA 30240
(706) 812-1776
FAX: (706) 885-9019

MARIETTA

999 WHITLOCK AVE.
SUITE 13
MARIETTA, GA 30064
(770) 429-1776
FAX: (770) 795-9551

ROME

600 EAST 1ST STREET
ROME, GA 30161
(706) 290-1776
FAX: (706) 232-7864

DEPOSITION
EXHIBIT
(R.A. LOTZ)
3
RAZ 6/14/99

ATTACHMENT 7
PAGE 1 OF 2

MINIVAN LATCH ISSUE

Proposed Agreement with NHTSA

1. Crash Test Video and the Public Record:

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

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

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

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

- no admission of defect or safety problem;
- stated purpose of the campaign - to ensure peace of mind in light of media coverage;
- campaign does not count as a NHTSA action - not included in NHTSA recall numbers, no Part 573 or Part 577 letters;
- statements to owners, the public and NHTSA assert that no defect has been found; and
- NHTSA acknowledges that replacement latch is not a 100% solution.

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

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

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

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

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

From: DINGER, B.
Subject: Prime Time Thursday - Brake Shift Interlock Story
To: DLRALLS ALL DEALERS

05/03/01 15:01:06

This note is from * DINGER, BARBARA L

To All Dealer Principals:

In a continuing effort to provide our dealers with breaking news, I want to inform you about a story airing tonight on Prime Time Thursday at 10:00pm EDT. The story focuses on our older minivans and their lack of brake shift interlock (BSI). Our new minivans, RS models, do have BSI. This story focuses on older models but we do not want consumers to think this condition exists on our RS minivans.

We have provided ABC with the statement below in response to the story.

Our main messages are:

- RS minivan has brake shift interlock and our entire fleet of cars and trucks will have this feature by the 2002 model year, except Ram Van and Ram Wagon.
- Prime Time's piece is unfair because it doesn't point to areas where DaimlerChrysler has been the leader in safety features on minivan:
 - first with standard air bags
 - first with integrated child safety seats
 - first to meet car safety standards

Please read our position statement below. It gives more detail regarding brake shift interlock (BSI).

Gary Dilts
Senior Vice President - Sales

Contact: Dominick Infante 248-512-2317
Mike Aberlich 248-512-2704

DaimlerChrysler Statement in Response to ABC Prime Time
Thursday on Brake Shift Interlock

The National Highway Traffic Safety Administration (NHTSA) does not now, nor has it previously, required brake shift interlock systems on any vehicles. Brake shift interlock mechanisms were adopted by certain manufacturers to address

unintended acceleration/pedal misapplication allegations.

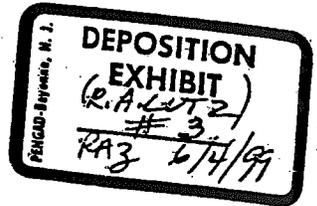
We strongly disagree, however, with Prime Time Thursday's premise that brake shift interlock systems are the appropriate deterrent for unattended child related accidents and--more importantly--so does NHTSA. Statistical data proves that the risk of accidents involving unattended children is no greater for minivans not equipped with brake shift interlock than those that are so equipped. Complaints to NHTSA on the subject, many driven by the urgings of trial lawyers through newspaper advertising and "headhunting" phone calls, are not representative of the safety of these vehicles.

Moreover, the allegation that cost was the determining factor in DaimlerChrysler's consideration of incorporating this device is baseless and false. That allegation has been leveled by Mr. Paul Sheridan, a former employee who has no engineering background and was fired by the company for mishandling company information. Following his termination, Mr. Sheridan filed a "whistle-blower" lawsuit against DaimlerChrysler that a judge later dismissed as having no merit.

As one federal judge put it in disqualifying Sheridan from testifying as an expert, "At no time was [Mr. Sheridan] ever employed in any technical design or analysis function for any features of any model of the Chrysler minivan."

The real issue here is not dollars and cents, it is why anyone would risk leaving a child unattended or unsupervised in a running vehicle. More than 40 states have laws making it unlawful to leave a running vehicle unattended. Only eight states have laws that make it illegal to leave a child under the age of six unattended in a vehicle. The facts dictate that the most effective deterrent in these types of tragedies is the vigilance of the parent or operator. To suggest otherwise is simply sending the wrong message.

- ### -



MINIVAN LATCH ISSUE

Proposed Agreement with NHTSA

1. Crash Test Video and the Public Record:

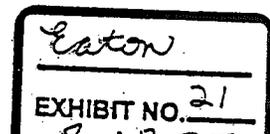
- NHTSA has agreed that they will deny all FOIA requests to place their investigative files, including the crash test video, on the public record and that the Department of Justice will defend any lawsuits seeking to compel production under FOIA.

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.

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- 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:

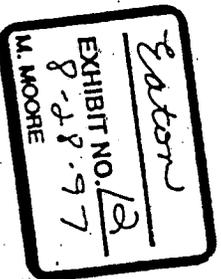
- Chrysler goes first with its own statement and reads approved NHTSA statement supporting Chrysler's action;
- Chrysler characterizes campaign as done solely to ensure the peace of mind of its owners, i.e. "your concern is our concern";
- Letter from Martinez to Chrysler and NHTSA press statement praise 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
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- 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.

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 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

- ANECDOTAL 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 IN 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.